

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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Kenwood Beach Replatting  
(Tax Map 28E, Lots 17-21)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon the lot lines between three existing lots of record in order to create one new lot, Lot 10R. The property lies within the Limited Development Area (LDA).

It appears that the proposed lot line abandonment combines several small, grandfathered parcels of record in order to create one larger lot. It does not appear that any new development is proposed in conjunction with the proposed request. Therefore, this office is not opposed to the replatting and has no additional comments to offer.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA350-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Kenwood Beach Replatting  
(Tax Map 28E, Lots 10-12)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon the lot lines between three existing lots of record in order to create one new lot, Lot 10R. The property lies within the Limited Development Area (LDA).

It appears that the proposed lot line abandonment combines several small, grandfathered parcels of record in order to create one larger lot. It does not appear that any new development is proposed in conjunction with the proposed request. Therefore, this office is not opposed to the replatting and has no additional comments to offer.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA351-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Mayhew Replatting  
(Tax Map 32A, Lots 21-24)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon the lot lines between four existing lots of record in order to create one new lot, Lot 24R. The property lies within the Limited Development Area (LDA).

It appears that the proposed lot line abandonment combines several small, grandfathered parcels of record in order to create one larger lot. It does not appear that any new development is proposed in conjunction with the proposed request. Therefore, this office is not opposed to the replatting and has no additional comments to offer.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA366-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 28, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: SD 06-18, Bermuda Breeze-Revised  
(Tax Map 34, Parcel 200)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is proposing to create a four lot subdivision on a 41.15-acre property. Of this acreage, 27.61 acres lie within the Critical Area and are designated as a Resource Conservation Area (RCA). There is one lot proposed within the RCA.

Based on the revised information provided, we have the following comments:

1. Given that the applicant has chosen to create a lot in the RCA (Lot 6) which is less than 20 acres in size, and given that no further development rights remain, the subdivision plat must contain a note restricting in perpetuity the remainder of the RCA acreage from all development activity, excluding currently approved and ongoing agricultural activities. This restriction applies to both the proposed Farm Reserve Open Space A parcel and the proposed Conservation Open Space A parcel. Please ensure that this note is included on future plat submittals.
2. An evaluation of the property by the Department of Natural Resources (DNR) indicates that the Critical Area portion of the property contains habitat suitable for Forest Interior Dwelling Birds (FIDs). Given that 0.16 acres of clearing are proposed on Lot 6, the applicant must submit a Habitat Protection Plan which addresses the protection guidelines detailed in the DNR letter as well as includes the mitigation calculation worksheet which accompanies clearing in FIDs habitat. This plan should be provided with the revised plat submittal. Please note that direct clearing in FIDs habitat requires 1:1 replacement of FIDs habitat at an alternative location. It appears that there are areas within the remaining RCA lands on Farm Reserve parcel A which may accommodate this mitigation.

Olivia Vidotto  
SD 06-18 Bermuda Breeze  
June 28, 2007  
Page 2

3. The Critical Area Tabulation chart includes an inaccurate statement regarding the permitted impervious surface area within the remaining RCA lands outside of Lot 6. The applicant has chosen to create one lot, less than 20-acres in size (Lot 6) thereby preserving the remaining RCA lands in perpetuity. This remaining land is restricted from development activities, including the construction of impervious surface areas. Therefore, no impervious surface area allotment is afforded to the remaining lands. All impervious surface areas placed within the RCA must be located within the confines of Lot 6 and the allowable impervious surface area limits based on the proposed acreage of Lot 6. Please have the applicant remove the statement from the chart describing the "allowable overall impervious 15%".
4. The limits of the 100-foot Buffer should be shown consistently across the RCA lands. Please have this feature added to the plat.

Thank you for the opportunity to provide comments for this revised subdivision request. Please have the applicant address the above stated concerns and provide a revised plat. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA77-07

Enclosure

Cc: John Swartz, Calvert 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/](http://www.dnr.state.md.us/criticalarea/)

June 27, 2007

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

Re: Calvert County Zoning Ordinance Changes/Comprehensive Review

Dear Mr. Brownlee:

This letter is intended to provide comments and feedback regarding the draft Critical Area map amendments and the latest revisions to the County's zoning ordinance, dated March 2007, which were submitted by you to Commission staff for informal review. We have had a chance to look over the most recent changes and provide the following for consideration by the County.

**Proposed Map Amendments**

CAMA 07-1 State Lands Critical Area Overlay District

Commission staff has no comment or concerns regarding this amendment.

CAMA 07-2 AnnMarie Gardens, Solomons Town Center Park, and Cove Point Lighthouse

The proposed amendment is problematic in that the County proposes to entirely remove the Critical Area designation for the three properties. While COMAR does contain separate procedural provisions for development on County-owned lands and for County development on private or County-owned lands, the particular Critical Area designation, in this case LDA, must remain on the land as it was originally mapped. The development criteria for each of the overlay zones (RCA, LDA and IDA) must still be met when a County is conducting a development activity on private or County-owned lands or when a private individual is conducting a development activity on County-owned lands. Further, State-owned lands are categorized in COMAR as either intensely developed or not and should not therefore have a Critical Area designation assigned to them. The inclusion of "State" in the proposed designation should be removed. This category would be sufficiently covered within CAMA 07-1.

CAMA 07-3 Hollowing Point Trailer Park

Generally, Commission staff does not have concerns with this proposed amendment. However, findings will need to be provided by the County which demonstrate how the site meets the criteria for designation as a Special Buffer Management Area.



CAMA 07-4 Matoaka Cabins

Commission staff has some concerns regarding this proposed amendment. Generally, growth allocation requests are approved only in conjunction with a specific development or redevelopment plan. It is not likely that the Commission could find a carte blanche request for growth allocation to be consistent with the purposes, policies, and goals for development outlined within the Critical Area Law and Criteria. The applicants could keep the existing cabins legally under the grandfathering provisions in the law. Second, the County has not addressed the growth allocation standards in the law and Commission staff questions whether compliance with the location and design standards for growth allocation would be possible given the location of the existing cabins. For example, how would the applicant address the 300-foot setback?

CAMA 07-5 Critical Area Maps

Commission staff has no specific comments regarding the maps at this time. However, please note that the County's comprehensive review request will not be formally accepted for processing until confirmation is received from the Department of Natural Resources (DNR) that the digital information provided by the County is sufficient to produce usable Critical Area maps that are compatible with the State's MERLIN system.

CAMA 07-6 Flag Harbor Yacht Haven Marina

Commission staff needs further clarification regarding the nature of this growth allocation request. Specifically, it is our understanding that Outlot A and Residue A were proposed for creation as a part of the recent subdivision proposal. Given that these lots would be nonconforming in relation to meeting the impervious surface area limits, Commission staff stated opposition to preliminary plat approval for the Flag Harbor subdivision. It is my understanding that as of today, preliminary subdivision approval has not been granted to the Flag Harbor subdivision. Therefore, we question whether Outlot A and Residue A currently exist and remain uncertain regarding how the County would propose to grant growth allocation for these parcels. Please note also that Plat 1 referred to in the County's description of this request was not received by Commission staff.

CAMA 07-7A-07-07J Natural Heritage Areas and State-listed Species

Commission staff does not generally have concerns regarding this series of proposed changes. However, we note that County staff has been coordinating closely with DNR's Wildlife and Heritage staff to review the proposed changes. Therefore, Commission staff would defer to the concerns and comments of Kathy McCarthy in relation to the proposed changes to NHAs and SLSS.

CAMA 07-8 Critical Area Habitat Protection Map

Commission staff has no specific concerns or comments regarding this amendment.

Editorial Changes and Updates A-D

Commission staff has no specific concerns or comments regarding these changes.

**Text Amendments (Based on March 2007 Draft)**

1. 8-1.03.F.2.d-Page 25: We recommend that (d) of this section be moved to immediately follow (a). Since (a) states the requirement for technologies which reduce the pollutant loadings on site, it





would be most clear to immediately follow with the manner in which this requirement is to be determined, as in (d). The discussion of offsets in (b) and (c) prior to the discussion of how to determine your pollutant removal requirement in (d) seems out of order.

2. 8-1.04.G.1.f-Page 29: In regard to the use of pavers, we recommend that the County consider the following before incorporating the proposed language into ordinance. Through documentation of numerous sites around the State, Commission staff has found that in a best-case scenario, pavers generally provide a maximum of 40% perviousness. Further, this maximum perviousness is achieved only when the underlying soils are amenable to infiltration, when a professional engineer certifies them for use on a particular site, when they are installed in accordance with the manufacturer's specifications, and when a long-term maintenance agreement is in place to keep the paving system debris-free. In addition, the perviousness of each product on the market varies greatly depending on the specific void ratios of the product. Therefore, we recommend that the County be more specific in stating restrictions for their use. Commission staff has observed much abuse of pervious paving systems around the State by applicants trying to circumvent impervious surface area requirements through the use of pavers. Finally, we question how this section relates to the impervious surface area policy stated by the County DPW in their January 22, 2007 memo (enclosed as Exhibit A).
3. 8-1.04.G.1.f and Table 8-1.1-Pages 29-31: The impervious surface area language has been altered in a manner that is inconsistent with the State law. Specifically, the proposed Table 8-1.1 applies only to grandfathered lots of record and not to lots created after December 1, 1985. This problem could be rectified by reinstating the portion of 8-1.04.G.1.f.ii that is proposed for deletion and inserting it in an appropriate location under (f). Commission staff would be happy to work with the County to fix this inconsistency. Alternatively, I have included the applicable section of the Commission's model ordinance for reference, labeled as Exhibit B. This language could be adopted verbatim.
4. 8-1.04.G.3.f-Page 33: Commission staff is not able to verify that the proposed mitigation requirements are consistent with the State criteria without the referenced document, "Calvert County Critical Area Native Trees." Please provide this document for review.
5. 8-1.08.D.2.c-Page 55: Commission staff continues to assert that the wording of the language in Option 1 is not adequate to ensure protection for sensitive highly erodible areas. Further, the wording in Option 2 appears to have left out several components of the Commission's suggested language. We recommend that Option 2 be utilized with the following changes:
  - (c.i) should read, "Where it is demonstrated that no tidal wetlands...exist within **300 feet**."
  - (c.ii) should read, "Where it is demonstrated...exist within **300 feet** of the Buffer, and where the existing slope...beyond the edge of the 100-foot Buffer. The required Buffer expansion may be reduced to **50 feet** if the project...to contain the stormwater onsite for a 1 year storm."
  - Commission staff would be amenable to revising (d) in Option 2 to provide greater flexibility as follows: "For major subdivisions...the Buffer shall be expanded to the extent of the erodible soils or to a maximum of **300 feet**, whichever is greater. At the Planning Commission's discretion, the expansion may be reduced to **150 feet** if...does not exceed 50 percent of the project area."



6. 8-1.08.D.3.c-Page 57: Commission staff continues to assert that Option 2 is the most appropriate language in regard to Buffer disturbance and mitigation.
7. 8-1.08.D.e-Pages 64-65: Commission staff continues to assert that Option 1 is necessary to ensure that the criteria for development and redevelopment within the SBMA are sufficiently met. It is our view that Option 2 remains inadequate.
8. 8-1.08.D.3.g.i-vii-Pages 66-68: The criteria for subdivision within the IDA SBMA must match the criteria provided in the recommended criteria document given to the County early in the comprehensive review process by Commission staff. It appears that several of the recommended criteria have been left out. Please refer to the enclosed document which describes the necessary criteria (enclosed as Exhibit C).
9. 8-1.09.1-Page 73: Commission staff recommends that the County add the following language at the end of (1): "**The County may determine that each day constitutes a new violation.**" This interpretation of the 2004 legislative changes passed by the General Assembly can provide stronger tools for a jurisdiction to assess substantive fines and serves as an incentive for obtaining faster compliance. The County would not have to utilize this option in every case, but it is recommended that the tool be put into the ordinance as an available option where the County deems it necessary.

As in the past, thank you for the opportunity to provide comments on this draft component of the ordinance revisions. These comments represent Commission staff review of the most recent changes to the County's ordinance. There may be additional comments by Commission staff, the Commission's legal counsel and by the Commission during the formal review process. If you have any questions about these comments, please feel free to contact me at (410) 260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Marianne Dise, OAG  
Saundra Canedo, OAG



Exhibit A

**Department of Public Works --  
Engineering Bureau**

January 22, 2007

**MEMO TO: All Engineers / Surveyors / Developers**  
**FROM: Ronald R. Clark, Engineering Bureau Chief**  
**Via: Terry P. Carlson, P.E., Director of Public Works**  
**CC: Mary Beth Cook, Stephanie Taylor, Miguel Jackson, Serena Chapla**  
**RE: Impervious Surfaces**

For clarification:

DPW Policy on Impervious Surfaces

The Calvert County Department of Public Works has been and will continue to follow the Critical Area Commission's guidance for impervious surfaces both inside and outside of the Critical Area. The decision to use the same definition outside the Critical Area is based on the fact that this Department has no control over approved gravel driveways that later get paved. All stone, asphalt and concrete driveways will be considered impervious surfaces. Driveways constructed using pavers will have a site-specific evaluation to determine perviousness based on the manufacturer specification for the paver type being installed. It is the Applicant's responsibility to provide documentation of perviousness at the time of application if they wish to receive partial credit.

The Critical Area Commission's Impervious Surface Policy can be found at the following website:

<http://www.dnr.state.md.us/criticalarea/guidancepubs/impervioussurfaces.html>



Exhibit B- Excerpt from Model Ordinance

- (7) Except as otherwise provided in this sub-section, for stormwater runoff, man-caused impervious areas shall be limited to 15 percent of the site.
- A. If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to twenty-five (25%) of the parcel or lot.
  - B. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then man-made impervious surfaces are limited to fifteen percent (15%) of the parcel or lot.
  - C. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then man-made impervious surfaces of the lot may not exceed twenty-five percent (25%) of the lot, and the total impervious surfaces of the entire subdivision may not exceed fifteen percent (15%).
  - D. Impervious surface limits provided in sub-sections A and B above may be exceeded, upon findings by the Planning Director or his designee that the following conditions exist:
    - 1. New impervious surfaces on the property have been minimized;
    - 2. For a lot or parcel one-half acre or less in size, total impervious surface area does not exceed impervious surface limits in sub-section A by more than twenty-five percent (25%) or five hundred square feet (500 square feet), whichever is greater;
    - 3. For a lot or parcel greater than one-half acre and less than one acre in size, total impervious surface area does not exceed impervious surface limits in subsection B or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater;
    - 4. The following table summarizes the limits set forth in paragraphs 1 through 3 above:

<b>LOT/PARCEL SIZE (SQUARE FEET)</b>	<b>IMPERVIOUS SURFACE LIMIT</b>
0 - 8,000	25% of Parcel + 500 SF
8,001 - 21, 780	31.25% of Parcel
21,780 - 36,300	5,445 SF
36,301 - 43,560	15% of Parcel

- 5. Water quality impacts associated with runoff from new impervious surfaces can be and have been minimized through site design considerations or the use of best management practices to improve water quality; and

6. The property owner performs on-site mitigation to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the County in lieu of performing the on-site mitigation. The amount of the fee shall be \$1.00 per square foot of new impervious surface area on the property. The County shall use all fees collected under this provision to fund projects that improve water quality within the Critical Area, consistent with the County's Critical Area Program and Zoning Ordinance.



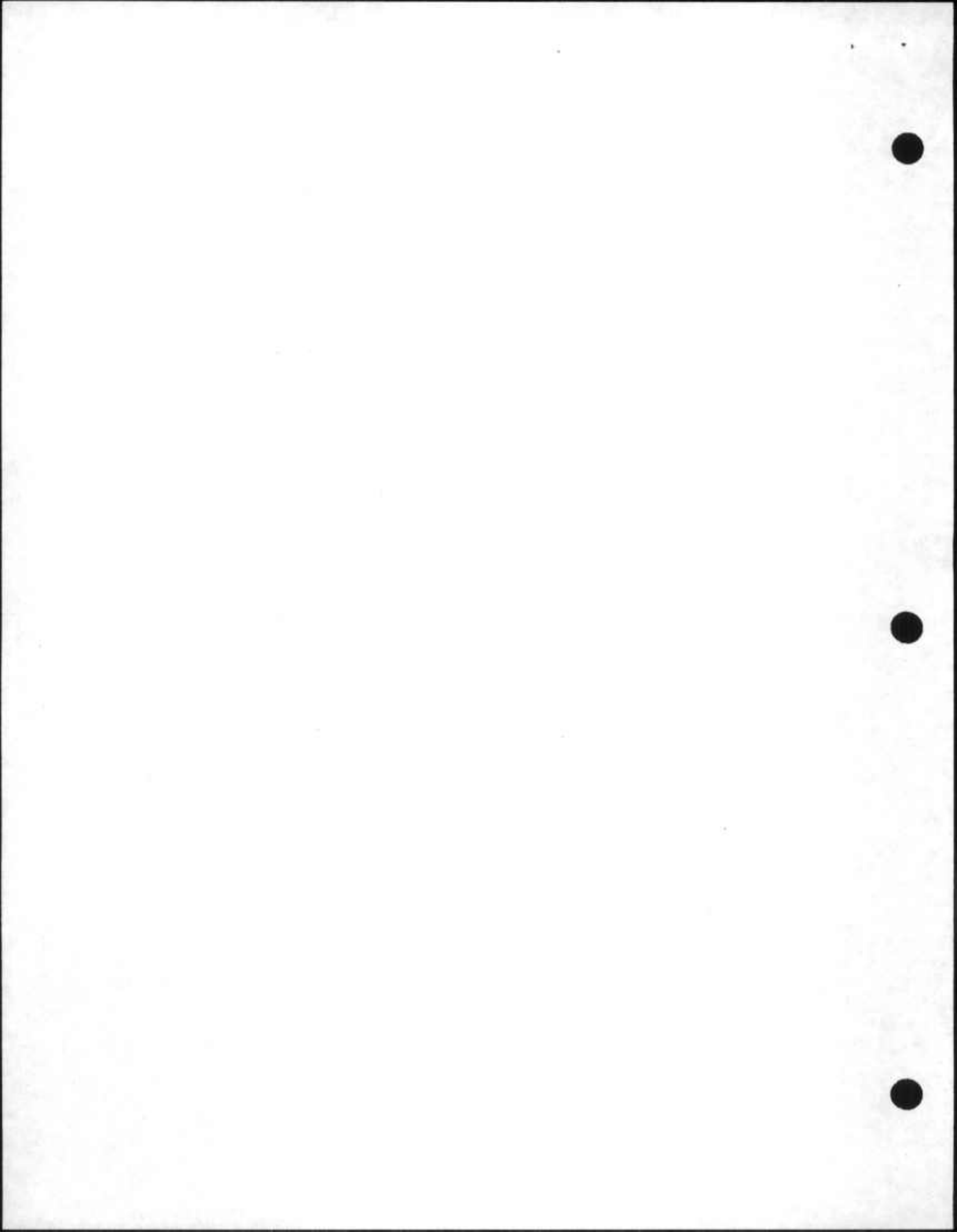
Criteria for Section 8-1.08.D.3.g.i-vii

- v. Subdivision within IDA Special Buffer Management Areas-Land in a Special Buffer Management Area may be subdivided and retain its status if it meets all of the following criteria:
  1. Any development activity, including structures, roads and parking areas must be set back a minimum of 50 feet from tidal waters, tidal wetlands, or tributary streams. Accessory structures may be permitted within the Buffer, but not within the minimum 50-foot setback.
  2. Community sewer must serve the property.

\* v (1&2) already exist within the County's ordinance

Note: Numbers 3-10 below provide examples of criteria, taken from various jurisdictions within the Critical Area, that may be included within Section 8-108.D.4.e.v of the County's ordinance in order to assure that future development within the Special Buffer Management Areas is consistent with all of the goals outlined within COMAR for redevelopment in a BEA. While there may be alternatives or acceptable variations of these standards, those selected must be sufficiently comprehensive to ensure that redevelopment and/or subdivision of an existing BEA will result in an overall improvement to the Buffer and achieve the goals outlined in COMAR.

3. The development activity within the Special Buffer Modification Area shall minimize impact to the Buffer.
4. A vegetated bufferyard shall cover no less than 25% of the total area within the Special Buffer Management Area, but vegetated areas less than 10 feet wide may not be counted toward the 25% Buffer. The vegetated bufferyard may vary in width.
5. Total impervious surface area coverage within the Special Buffer Management Area shall be limited to 30% of the area within the Buffer.
6. In addition to the mitigation and offset requirements for development within the Special Buffer Management Area, the redevelopment provides vegetative cover on the entire lot or parcel which equals and/or exceeds 15% of the total acreage of the lot or parcel.
7. Existing native vegetation may not be removed from the Special Buffer Management Area except in accordance with an approved Buffer Management Plan designed to enhance the Buffer.
8. All stormwater management treatment shall be provided by facilities that provide habitat as well as stormwater benefits such as stormwater management ponds (P1-P5), stormwater wetlands (W1-W4) or bioretention.
9. Stormwater runoff shall be managed to provide an overall reduction in pollutant loadings such that a 20% improvement to water quality is achieved.
10. The redevelopment shall be designed so that all stormwater quality and quantity management is accomplished on the project site.



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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

Mr. Robert Cole  
Department of the Navy  
Naval Support Activity Annapolis  
181 Wainwright Road  
Annapolis, MD 21402

Re: Pervious Paver Storage Pad

Dear Mr. Cole:

Thank you for providing information on the above referenced project proposal. It appears that the Department of the Navy is proposing to install a 4,975 square foot pervious paver storage pad at a property located on Hospital Point at the United States Naval Academy. As a development activity on Federally-owned land, the project must comply with the State of Maryland's Coastal Zone Consistency Act which requires consistency with the Critical Area Criteria for development. The property is considered to be Intensely Developed.

Based on the information provided, it is not possible to assess whether the project demonstrates consistency at this time. In order to fully evaluate the project, Commission staff will require the Navy to submit site plans and supplemental materials as detailed on the enclosed checklist. In addition, please note that the 10% Rule calculations provided to demonstrate compliance with the 10% pollutant reduction requirement are not accurate and will need to be revised. Specifically, the site area acreage requested on Worksheet A, Step A, must include the entire acreage of the drainage area that the proposed project lies within and not simply the area of the proposed paver pad. Further, in order to obtain any credit towards the 10% pollutant reduction requirement for the use of pervious pavers, soil boring information must be provided along with the manufacturer's specifications for the particular product being used. This information is necessary to determine whether the underlying soils provide adequate infiltration opportunities and to determine the specific void ratios and percent perviousness of the proposed paver product. Please note that generally, the Commission grants a maximum of 40% credit for the use of pavers with the 10% rule requirement.

Thank you for the opportunity to provide comments for this preliminary project submittal. Commission staff would be happy to answer any questions regarding the application and site plan submission requirements for development activities within the Critical Area or to discuss calculation of the 10% Rule requirement. Once a revised and complete submittal is received by this office, Commission staff will provide the Navy with revised comments and/or a letter of consistency. If you have any questions

TTY for the Deaf

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

Robert Cole  
Pervious Paver Storage Pad  
June 26, 2007  
Page 2

regarding this letter, please feel free to call myself or Lisa Hoerger, Project Chief, at 410-260-3482 and 410-260-3478 respectively.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
18-07

Enclosure

Cc: LeeAnne Chandler, CAC  
Elder Ghigiarelli, MDE

artin O'Malley

Governor

thony G. Brown

Lieutenant 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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3439 Strandquist/Breezy Point

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the expanded 100-foot Buffer and steep slope requirements in order to construct a primary dwelling, garage and septic system. The property is designated a Resource Conservation Area (RCA) and is currently undeveloped. Please note that this application contains elements related to an associated replatting/subdivision request. While we recognize that the Board does not generally consider issues associated with a subdivision request, I have included pertinent comments that may affect the Board's action on the variance down the line.

Based on the information provided, we have the following comments:

1. The applicant bears the burden to demonstrate that disturbance to steep slopes and the expanded Buffer has been minimized to the extent possible and that the variance request is the minimum necessary. Generally, it appears that overall reduction of impact is possible and has not been fully explored. Specifically, the dwelling is three stories with a 2,535 square foot footprint. It appears that a reduced dwelling footprint would reduce the disturbance to the expanded Buffer, possibly allowing for the primary septic drain field to be moved off of steep slopes. In addition, a significant amount of clearing is proposed along with the current footprint (26%). The applicant should be required to reduce the dwelling footprint, thereby allowing a decrease in the overall limit of disturbance and resulting in a decrease in impact to the Buffer, steep slopes, and proposed clearing. This minimization should be required prior to the Board granting a variance.
2. The property falls within a known Habitat Protection Area (HPA), and appears included within a protection zone for a Bald Eagle nest, verified by the Department of Natural Resources (DNR) in 2007. As such, further coordination with DNR will be required at the time of building permit approval to determine any necessary restrictions for the HPA. Should the Board grant a variance to construct with a HPA without knowing the potential restrictions, it would seem to indicate that applicant willingly agrees to abide by any restrictions that may apply to the site which have not been identified at this time.
3. The site plan provided with the variance request shows several proposed lot line changes which appear to represent an act of subdivision, not yet approved by the County. While this act may or may not create further concerns down the line, the Board and the applicant should be aware that an act of subdivision which

TTY for the Deaf

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



further reduces the existing nonconforming RCA acreage on the existing parcel of record results in a new, non-grandfathered lot. This office would not support a variance on a non-grandfathered lot. Therefore, we recommend that the subdivision request be finalized prior to the granting of a variance in order to determine whether the lot will be properly grandfathered. Alternatively, the applicant should submit a site plan in association with the requested variance which does not indicate a change to the parcel of record, but which requests a variance for the existing legally grandfathered parcel of record.

4. We note that the proposed lot line changes would result in proposed Lot 1 being a non-riparian lot with no rights to a pier or water access. In addition, the proposed residue parcel would not have any building rights and therefore would not be permitted a pier or water access by right. While not germane to the variance request, the applicant should be aware of these potential issues from a comprehensive standpoint.

In summary, we recognize that currently, the applicant has a right to construct a primary dwelling on an existing grandfathered parcel of record. Provided that the Board requires the necessary minimization of impact, that the applicant adequately meets each and every one of the County's variance standards, and that any variance granted is based on the Board's verification that the variance relates only to the existing grandfathered parcel of record, this office is not opposed to some degree of relief. However, this office questions whether the variance is appropriate at this time given the concerns detailed above. We further question whether a variance can be properly granted given the change in lot lines shown on the site plan submitted. It does not seem possible to make a determination of grandfathering status based on a site plan which proposes change to the existing lot lines and existing parcel of record. We recommend that the Board consider requiring a revised site plan showing reduction in overall disturbance as well as a site plan showing only the existing grandfathered parcel of record prior to making a determination on the variance.

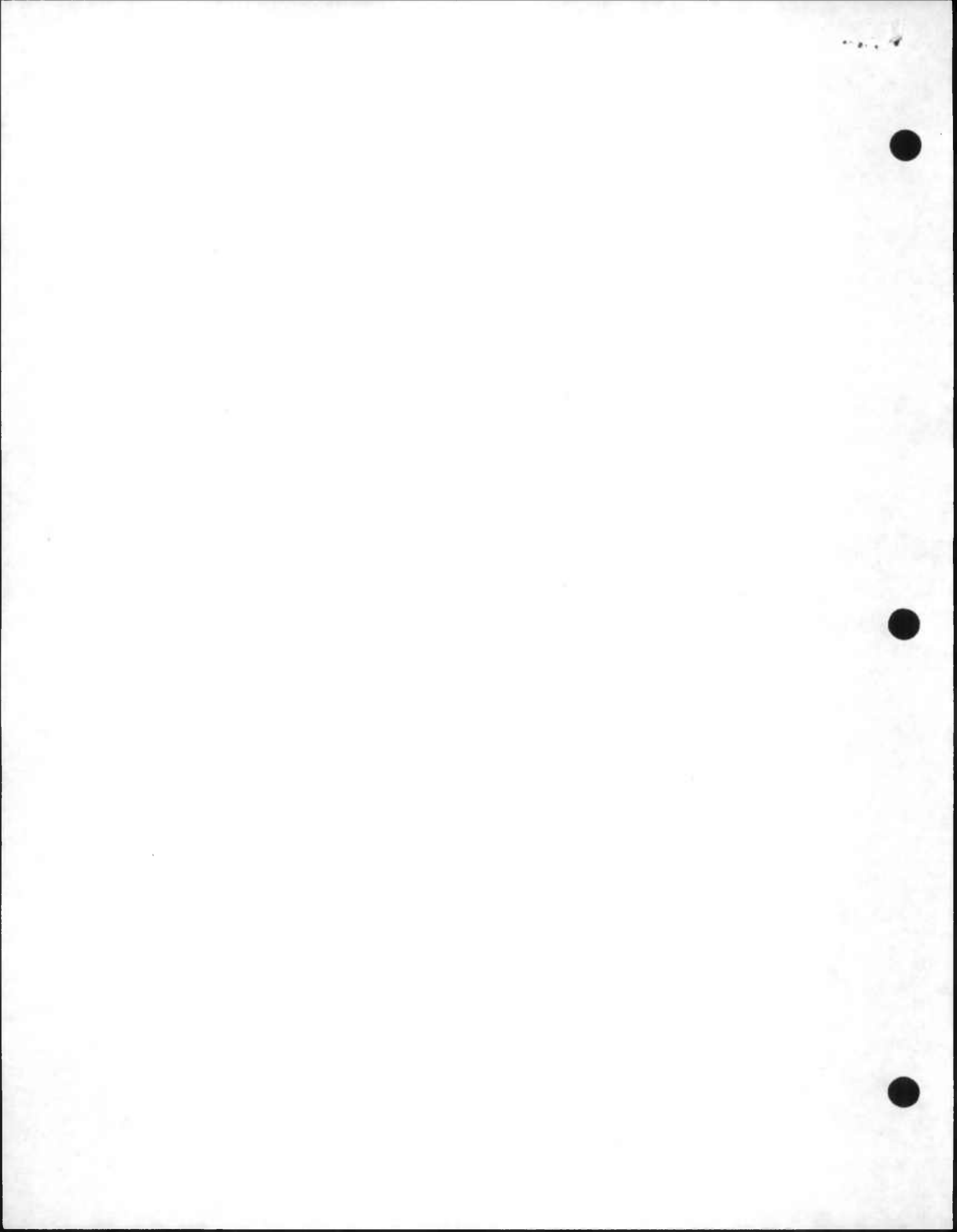
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA320-07

Cc: John Swartz, Calvert 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/criticalarca/](http://www.dnr.state.md.us/criticalarca/)

June 25, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

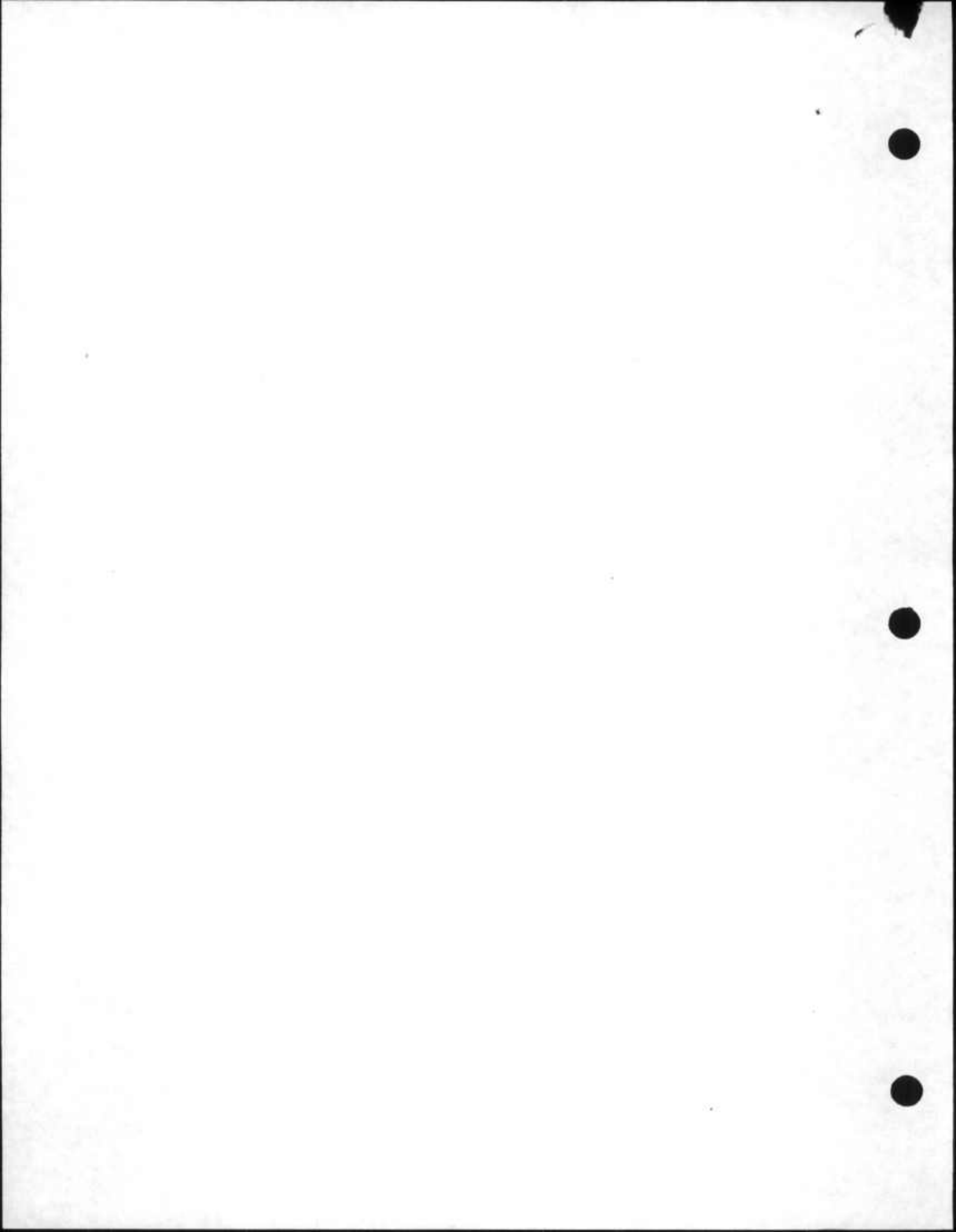
Re: Variance 07-3438 Oestringer

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the 100-foot Buffer and steep slope requirements in order to permit the continuation of steps, extensive retaining walls and multiple pervious decks. The property is designated a Limited Development Area (LDA) and is currently developed.

This office is strongly opposed to the granting of an after-the-fact variance to permit the continued existence of the deck structures and retaining walls as currently constructed. In reviewing the specific property and variance requests before the Board, we have considered each of the after-the-fact structures individually. First, we recognize that access down the slope would generally be permitted to the applicant in the form of pervious, wooden steps. However, the meandering nature of the existing walkways, combined with the multiple landing and deck structures significantly exceeds that which would be considered reasonable and the minimum necessary for access through the Buffer and on steep slopes. Therefore, we oppose a variance to retain the decks and landings and recommend that the Board require replacement of the structures with a walkway design which provides direct and adequate access while meeting the spirit and intent of the minimum necessary variance standard.

Second, while some degree of retaining wall may have been permitted by the Board by virtue of a variance, the degree of disturbance and impervious structure associated with the existing wall significantly exceeds that which would be considered the minimum necessary to ensure cliff stability. A retaining wall as currently exists would not have been supported by this office. We are particularly concerned given the existence of shoreline revetment which appears entirely stable and sufficient for the purpose of preventing future erosion from storm events. There is no evidence provided that instability of the slope necessitated the installation of a retaining wall in this location, particularly if revetment existed prior to its construction. Photographs showing the neighboring properties appear to indicate that the existence of the revetment is providing adequate protection from wave action without the need for retaining walls, as the neighboring cliffs do not appear to be exhibiting any recent cliff erosion. Therefore, we oppose the granting of a variance for the retaining wall.



Roxana Whitt  
Variance 07-3438  
June 25, 2007  
Page 2 of 2

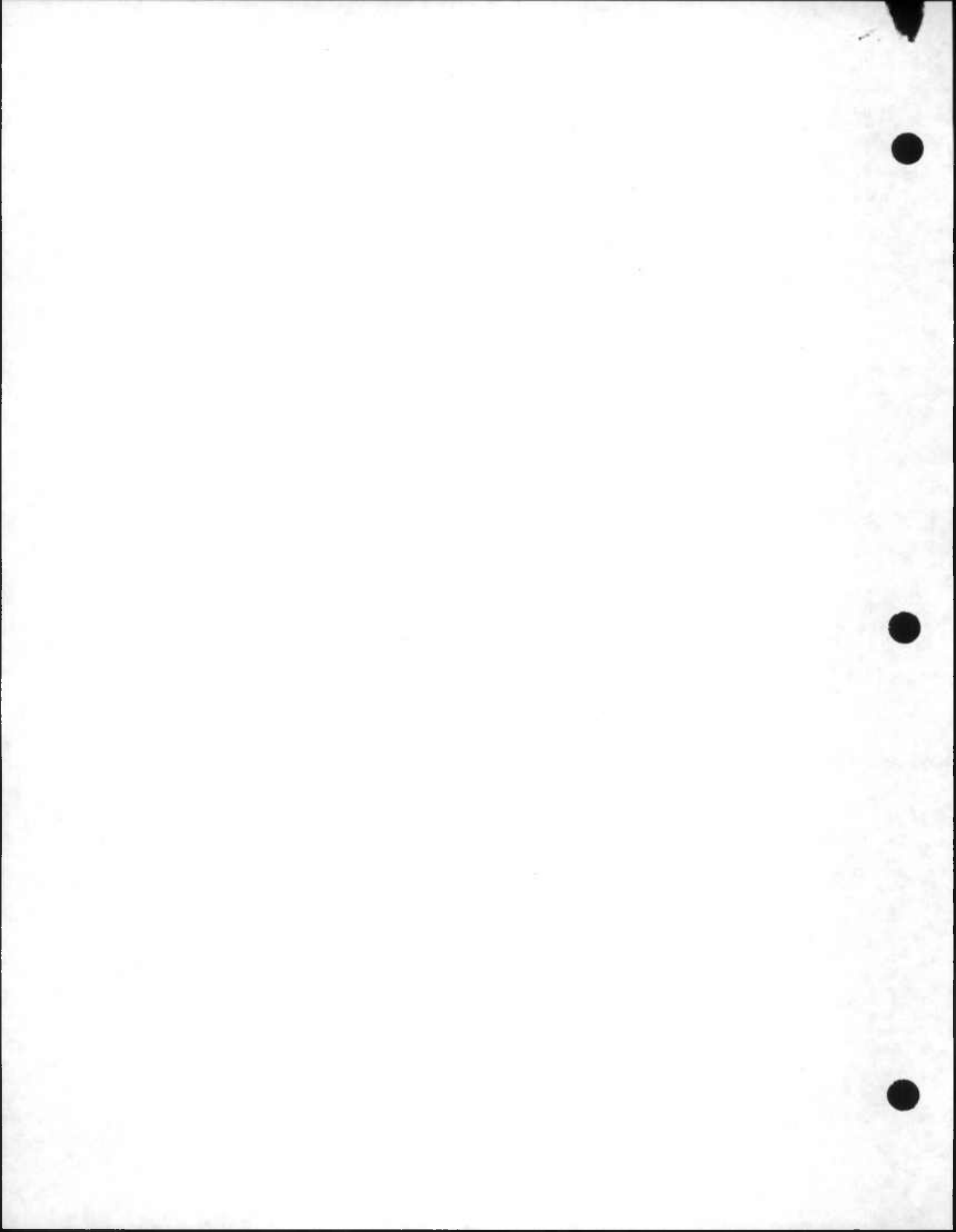
As with every variance, the applicant bears the burden to demonstrate that each and every one of the County's variance standards has been met, and that the statutory presumption against the non-permitted construction has been overcome. In this case, it is our position that the actions taken without proper permits significantly impacted the ability of the Buffer to provide adequate water quality and plant and wildlife benefits, thereby creating adverse environmental impacts. We maintain that unwarranted hardship cannot be demonstrated in association with the decks, landings, or retaining walls. It is clear that the applicant will retain reasonable and significant use of the property without these features. It also appears that the existing revetment provides adequate protection of the property from future storm events. Therefore, the Board should deny a variance and require removal of the illegal structures. In regard to removal of the retaining wall, it is our position that restoration of the slope is possible. Therefore, the Board should require restoration as a component of its action on the variance request.

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

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA319-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

Mr. Bob Cuthbertson  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Peter Creticos, 200761251/07-WL-1239  
1300 St. Pauls Way, Anne Arundel County

Dear Mr. Cuthbertson:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated June 15, 2007. Specifically, this letter is in reference to an application by Peter Creticos to emplace 330 feet of stone revetment, construct a timber pier extension, install mooring piles, dredge a channel, and to utilize the spoil material as backfill for the proposed revetment at the above referenced property in Anne Arundel County.

In general, our concerns are in regard to the use of the dredge spoil material as backfill within the 100-foot Buffer. While the use of the spoil material will not be problematic if conducted in strict accordance with the typical section drawings shown as a part of the permit application, please ensure that the placement of fill does not exceed that which is indicated. Specifically, the placement of spoil within the 100-foot is permitted without additional permits or variances provided that it is utilized only as backfill and does not encroach beyond the limit of the proposed revetment. Further encroachment into the 100-foot Buffer would require a variance from the County. In addition, the applicant will need to provide 1:1 mitigation in the form of native plantings for any disturbance landward of mean high water associated with the proposed revetment. The applicant should work with the Anne Arundel County Planning and Zoning office early in the permit process to ensure that all Critical Area requirements are met and that the proper local permit approvals have been obtained.

Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Jim Johnson, Anne Arundel County



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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

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

Re: Phelps Property/Gerard Park  
S06-051, TM 16, P 701

Dear Ms. Krinetz:

Thank you for providing information on the above referenced revised subdivision proposal. The applicant is proposing to subdivide a 5.78 acre property to create eight new lots. The Critical Area portion of the property consists of approximately .72 acres and is designated as a Limited Development Area (LDA). There is one lot proposed within the Critical Area.

Based on our review of the latest plat submittal, it appears that the applicant has addressed all major concerns of this office. However, we provide the following recommendations intended to ensure that future lot owners are clear regarding the Critical Area restrictions and constraints on their property.

1. There should be some formal demarcation in the field on proposed Lot 8 to delineate the area set aside for conservation purposes. We recommend that the applicant consider a fence. At the very least, the applicant should include a plat note and deed restriction stating that no development on the conservation portion of Lot 8 is permitted in perpetuity.
2. The Critical Area plan and subdivision plat and deed should both contain a note stating that mitigation at a 1.5:1 ratio will be required for Lot 8 given the amount of clearing proposed. This will ensure that the future lot owner is aware of this requirement at this time of purchase.

Thank you for the opportunity to provide comments for this subdivision plan. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resources Planner  
AA695-03





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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

Mr. Christopher Jakubiak  
Jakubiak & Associates  
1410 Forest Drive, Suite 23  
Annapolis, MD 21403

Re: Chesapeake Beach Railway Trail

Dear Mr. Jakubiak:

This letter is in response to your recent inquiry regarding the Town's desire to construct a temporary trail connection between the Richfield Station subdivision and the Town railway trail. It is my understanding that the proposed connection would be located within the alignment of the approved subdivision roadway, Sansbury Drive, and would eventually be replaced by the roadway once it is constructed.

Based on the information provided, this office has no concerns regarding the Town's proposal. Please note that this position is based on an understanding of the statements included within your letter dated June 8, 2007 to Commission staff. These statements include that the proposed trail connection will be located entirely within the limits of the previously approved Sansbury Drive, that the trail will be temporary in nature and will be replaced by Sansbury Drive once it is constructed, and that the area of the proposed trail connection has been satisfactorily mitigated for as a component of the Richfield Station growth allocation approval. Further, it is my understanding that the trail connection will be composed of crushed stone and satisfies a requirement of the State Highway Administration (SHA). Finally, please note that any should any change in alignment of the trail be proposed or should any disturbance occur outside of the approved limits of disturbance for the future Sansbury Drive, the Commission would require notification and further review of the Town's proposal.

Thank you for coordinating with Commission staff regarding this temporary change to the approved subdivision and trail plans. If you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CB614-02  
CB475-02

Bill Watson, Town of Chesapeake Beach



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/](http://www.dnr.state.md.us/criticalarea/)

June 20, 2007

Mr. Dirk Geratz  
City of Annapolis  
Department of Planning and Zoning  
Municipal Building  
160 Duke of Gloucester Street  
Annapolis, MD 21401

Re: Windmill Hill Estates-5-Lot Minor Subdivision  
TM51C, P1029/1031

Dear Mr. Geratz:

Thank you for providing revised information regarding the above referenced subdivision. This letter is in regard to our continuing review of the subdivision as proposed on revised site plans received on June 15, 2007.

Based on the revised information provided, we have the following comments:

1. We note that the applicant has requested the required evaluation of the property from the Department of Natural Resources (DNR) in order to determine whether any rare, threatened, or endangered species exist onsite. At this time, this office has not received a copy of the review letter. As such, this comment will remain outstanding until a copy of the requested evaluation is received. Please have the applicant provide the letter with a revised subdivision plat.
2. The City of Annapolis Code, Section 17.09.070.H.3, in addition to the State Critical Area Criteria require that a minimum of 15% forested or developed woodland cover be planted onsite where no forest currently exists. The applicant has not provided any information regarding existing tree cover or addresses this requirement as a part of the subdivision process. Please have the applicant indicate where and how the afforestation requirement will be met.

Thank you for the opportunity to provide comments for this revised subdivision request. Please have the applicant address the comments above and provide a revised subdivision plat. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
AN181-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 19, 2007

Ms. Kelly Krinetz  
Anne Arundel County  
Office of Planning and Zoning, MS6301  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Subdivision # S78-333  
Project # P07-017-1  
Bayhead Farms Subdivision

Dear Ms. Krinetz:

Thank you for providing information on the above referenced revised subdivision request. This letter is in response to our continuing review of the sketch development plans for this subdivision. The most recent plans were received by this office on May 15, 2007.

Based on the revised information provided, we have the following comments:

1. Please verify that the proposed coastal plain outfalls located within the Resource Conservation Area (RCA) serve only as an alternative to a piped outfall system and not for the purpose of providing water quality treatment. As you are aware, stormwater management facilities which provide quality treatment cannot be located within the RCA.
2. It does not appear that the applicant has yet provided a note stating that future development within the RCA is prohibited with the exception of the one permitted dwelling proposed for Lot 17. A note stating this restriction throughout all portions of the RCA must be included on future subdivision plats and should be included on all site plan details sheets.
3. The layout of lot lines and other boundary lines within the RCA is confusing and needs to be clarified by the applicant. Specifically, why are there no metes and bounds description provided for the limits of Lot 17? It is not possible to decipher the exact boundaries of this lot as currently shown. Also, there appear to be several other boundary or lot lines shown within the RCA, one of which does contain a metes and bounds description. It is not clear what these additional lines delineate. Please have the applicant describe the multiple lot or boundary lines shown throughout the RCA and provide a clear lot line for proposed Lot 17. These clarifications are necessary in order to ensure that the proposed activities within the RCA are consistent with the permitted use of the RCA lands.

Kelly Krinetz  
Bayhead Farms Subdivision  
June 19, 2007  
Page 2

4. This office previously requested documentation of the field delineation used to identify the wetlands areas in the field. To date, it does not appear that this information has been received. Please have the applicant provide this information with the revised sketch plan.

Thank you for the opportunity to provide comments for this revised subdivision request. Please have the applicant provide revised materials which address the concerns stated above. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resources Planner  
AA49-07

Cc: Bill Love, AA 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](http://www.dnr.state.md.us/criticalarea)

June 19, 2007

Mr. William Watson  
Town of Chesapeake Beach  
8200 Bayside Road  
PO Box 400  
Chesapeake Beach, MD 20732

Re: The Home Place Growth Allocation

Dear Mr. Watson:

The intent of this letter is to notify you that on June 14, 2007, the Commission Chair determined that the above referenced growth allocation request can be handled as refinement to the Town's Critical Area Program and maps.

As requested on behalf of the Town in your letter dated June 13, 2007, the growth allocation request has been scheduled for consideration by the Program Subcommittee and full Commission on July 11, 2007. Therefore, we request that the Town notify Commission staff as soon as possible regarding who will attend the July meeting to represent the Town and the project. Given the previously communicated concerns regarding stormwater management, Commission staff recommends that the project engineer attend the meeting in addition to any Town representatives. The Town will be asked to answer any questions that the Program Subcommittee may have regarding the function and use of the proposed best management practices in relation to compliance with the 10% pollutant reduction requirement.

Thank you in advance for your coordination in bringing this project before the Commission. If you have any questions, please contact Marshall Johnson at 410-260-3479.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Marshall Johnson, CAC





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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

Mr. E. Thomas Smith  
City of Annapolis  
Department of Planning and Zoning  
Municipal Building  
160 Duke of Gloucester Street  
Annapolis, MD 21401

Re: Site Design and Subdivision Review  
Port Annapolis/7074 Bembe Bach Road

Dear Mr. Smith:

Thank you for providing information regarding the above referenced subdivision and site plan. It appears that the applicant is proposing to subdivide the property via the abandonment of lots lines in order to combine seven adjacent parcels of record into a single lot. In addition, site plan review is requested in order to construct a two-story retail and office building in an area currently utilized as a gravel parking lot. The property is currently developed with a marina, multiple retail and office building structures, and multiple parking areas. The Critical Area designation on the property is Intensely Developed Area (IDA) and it appears to also be designated as a Buffer Exemption Area (BEA).

In regard to the applicant's request to subdivide the property, we have no comments to offer. However, in regard to the site plan review, we provide the following comments and concerns:

1. The City of Annapolis' BEA maps indicate that this property is designated as Buffer Exempt. Please verify whether this designation is accurate and place a note on all site plan elements indicating this designation if applicable.
2. Currently, the location of the 100-foot Buffer and the 30-foot BEA setback are shown on only a few of the site plans and not at all on the subdivision plat. Please ensure that the necessary Buffers are drawn on each of the site plan sheets and also indicated on the subdivision plat.
3. In order to meet the 10% pollutant reduction requirement for development within the IDA, it appears that the applicant is using a drainage area of 1.32 acres. Please provide a drainage area map that corresponds with and shows the limits of this proposed drainage area and which includes all existing structures, driveways, parking areas, and other impervious surface areas within the proposed limits.

4. Via the summary of existing and proposed impervious surface areas shown on Worksheet A, the applicant has indicated that no existing rooftop areas or roadways exist within the proposed 1.32 acre drainage area. While it is not possible to assess the accuracy of this information due to a lack of a drainage area map detailing the 1.32-acre area, this office has concerns that there may be an existing structure and gravel parking areas which may not have been included in the calculations. Please ensure that all existing structures have been shown on the drainage area map requested in #3 above and that all existing impervious surface areas area included in the 10% rule calculations.
5. On Worksheet A, Step 2, A, the applicant has utilized an incorrect value for the constant (C). As of the fall of 2003, the correct value for C is 0.30 mg/l in both a new or redevelopment scenario. Please have the applicant recalculate Worksheet A using the correct value for (C) and resubmit the calculations.
6. The applicant has indicated the intent to utilize an existing bioretention pond to meet the pollutant removal requirement. Please provide some information that indicates how the storage capacity of the existing pond was determined and how it was determined that enough capacity exists to treat the new pollutant removal requirement. While the stormwater management computations provided indicate an Appendix C which may include this information, this appendix was not provided to this office as part of the submittal.
7. In addition to the comments in #6 above, it is not possible to determine how the rooftop runoff and general drainage from within the 1.32-acre drainage area will reach the bioretention pond given the lack of a detailed stormwater management plan. The site plans provided do not appear to include roof leaders or any grading that may be necessary to direct runoff from within the drainage area to the pond as proposed. Please provide a stormwater management plan sheet which details this information

Thank you for the opportunity to provide comments for this subdivision and site plan request. Given the nature of the outstanding concerns, please have the applicant address the comments above and provide a revised submittal. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AN347-07

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](http://www.dnr.state.md.us/criticalarea)

June 12, 2007

Mr. Larry Tom  
Planning and Zoning Officer  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

Dear Mr. Tom:

This letter is in response to the County's recent request for a 60-day extension in addressing the mapping and septic replacements issues identified by the Commission as a part of their December 6, 2006 Critical Area Program sanction action.

At this time, we wish to notify you that the County's request for an extension has been granted. The request, which was approved by the Commission Chair at the June 6, 2007 Commission meeting, extends the County's timeframe to submit amendments or refinements to correct the identified program issues until August 1, 2007.

Commission staff will provide the County with comments on the draft bill submitted along with the extension request under separate cover in the near future. Thank you for your continued cooperation in working towards a resolution of the outstanding issues. Please contact me if you have any questions at 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner

Cc: Margaret McHale, CAC  
Ren Serey, CAC  
Marianne Dise, OAG  
Chris Soldano, AA County Planning and Zoning  
Jim Chance, AA County Law Office  
Kelly Krinetz, AA County Planning and Zoning  
Suzy Schappert, AA County planning and Zoning



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. MeHale  
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/](http://www.dnr.state.md.us/criticalarea/)

June 11, 2007

Frank Biba  
City of Annapolis  
Department of Neighborhood and Environmental Programs  
City Hall- Room 202  
160 Duke of Gloucester Street  
Annapolis, MD 21401-2517

Re: City Dock/Susan B. Campbell Redevelopment

Dear Mr. Biba:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On June 8, 2007, the Critical Area Commission unanimously approved the City's proposal to construct multiple improvements to the existing City Dock and Susan B. Campbell park area. The project was approved with the following condition:

1. The City of Annapolis shall submit a Buffer Management and/or planting plan within 30 days for approval by Commission staff. The plan shall demonstrate compliance with the mitigation requirements for disturbance within the 100-foot Buffer. The plan shall include details regarding the location of proposed mitigation plantings or offsets, species size and stock information as well as any additional information deemed necessary to determine that the City has met the mitigation requirements.

In fulfillment of the above condition, please provide Commission staff with a copy of the proposed mitigation planting plan as soon as it is available. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner

Cc: Bob Gaudette, DNR





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 2007

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

Re: Site Plan #C06-0075-1-Revised  
Westhaven Community Pool

Dear Ms. Krinetz:

Thank you for providing information on the above referenced revised site plan. This letter is in response to our continuing review of the proposal to construct a pool, pool house, driveway, parking area, and stormwater management facilities on a community recreation parcel currently designated as a Limited Development Area (LDA).

Based on the revised plan provided, we have the following comments:

1. The applicant has previously stated that the necessary variances to disturb steep slopes and to impact the expanded 100-foot Buffer have been applied for. However, the applicant has still not shown the limits of the expanded Buffer correctly. These limits must be expanded to include contiguous steep slopes. Please have the limits of the expanded Buffer corrected on the site plan and please ensure that the requested variances include the appropriate amount of disturbance to the expanded Buffer as well as include a request for a variance to disturb to a Habitat Protection Area (the expanded Buffer).
2. The Critical Area report included within the revised site plan submission is dated September 2006 and appears to contain information that is different than that stated on the site plan. For example, the report states that 1.36 acres of clearing are proposed while the site plan indicates 0.83 acres are proposed. The report indicates that 3,740 square feet of impact to nontidal wetlands is proposed while the site plan indicates that no impacts to nontidal wetlands are proposed. Please have the applicant provide a revised report which matches the information stated on the site plan.

Kelly Krinetz  
Westhaven Community Pool  
June 4, 2007  
Page 2

3. Similar to comment #2 above, Sheet 1 of 2 of the revised site plan contains different information regarding the Critical Area impacts than Sheet 2 of 2. Specifically, the acreage of forest cleared and proposed impervious surface areas differ significantly. Please have the applicant make any corrections necessary to ensure that the impacts stated on Sheet 1 match those stated on Sheet 2. It is not clear which sheet is accurate.
4. The Critical Area Report submitted (dated September 2006) indicates that the applicant is awaiting verification regarding the limits of wetlands and streams onsite. Please have the applicant indicate whether this verification has been received to date.
5. The site plan indicates that a proposed 6-foot wide macadam walkway is proposed within the property. While it appears that a natural pathway currently exists in some portions of the property, it is not clear whether the entirety of the new trail will be constructed of macadam or whether the existing portions will remain natural. Within the Buffer and expanded Buffer areas, or on areas of steep slopes, the trail should be constructed so as to create the minimum disturbance necessary. Throughout the property, but in these areas in particular, the applicant should address why the trail cannot be composed entirely of natural materials.

Thank you for the opportunity to provide comments on this revised site plan submittal. Due to the outstanding concerns, please have the applicant submit a revised site plan and Critical Area report which addresses our concerns. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AA 642-06





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/](http://www.dnr.state.md.us/criticalarea/)

June 4, 2007

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

Re: Variance 2007-0132/ Rabbitt

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the side yard setback requirements in order to construct an addition to the primary dwelling and accessory garage. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the overall impervious surface area on the site will decrease and that the overall impacts within the Critical Area will be limited to the existing footprints of the dwelling and garage. As such, this office has no concerns regarding the applicant's development proposal and request for a variance.

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

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
AA 327-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 1, 2007

Jon Arason  
Director of Planning and Zoning  
City of Annapolis  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: Administrative Variances and Adjustments

Dear Mr. Arason:

This purpose of this letter is to request written clarification and explanation regarding the City's procedures for the use of the administrative adjustment process within the Critical Area.

As a component of the City's third quarter Critical Area report and invoice for payment of grant funds, the City listed the granting of several administrative adjustments within the Critical Area under Task #1. Chapter 21.54.170 of the City's Code identifies provisions for granting an administrative variance in certain situations within the Critical Area. However, there do not appear to be any provisions listed for the use of an administrative adjustment within the Critical Area. Please provide written clarification as to whether a separate administrative adjustment process exists within the City Code for use within the Critical Area or whether the administrative adjustment and administrative variance processes are one in the same. In reviewing the list of adjustments granted administratively during the third quarter, at least one property is of particular concern to Commission staff. In this case, an administrative adjustment was granted to permit a parallel expansion of a primary dwelling within the 100-foot Buffer at a property identified as 349 Dewey Street. As you are aware, all development activities within the Buffer and not within a Buffer Exemption Area require a variance, administrative or other, and therefore require prior notification of the Commission. Upon review of the Commission's database and files, it does not appear that the Commission received notification of a variance prior to the City's action on the administrative adjustment listed as 349 Dewey Street.


While the City staff has been very helpful in providing site plans for the Dewey property after-the-fact, we are requesting further written clarification regarding how the Dewey Street property was evaluated in regard to the stringent variance standards within State Law as well as clarification regarding which administrative process was used by the City. Finally, it appears that the City failed to notify the Commission before an administrative action was taken on the Dewey Street property. In this regard, we refer you to the City Code, Chapter 21.54.170.B.9 stating, "The State Critical Area Commission shall be notified of the requested variance prior to any administrative action by the staff and shall be

Jon Arason  
June 1, 2007  
Page 2

notified of the action taken with regard to the requested variance within ten days of the action." As you may or may not be aware, failure to properly notify the Commission results in the nullification of the granted variance. At this time, Commission staff requires the requested written clarifications before we can issue payment of grant funds to the City for the third quarter invoice. Assurance is needed that the City's process for handling administrative actions is consistent with the notification requirements within COMAR for development activities within the 100-foot Buffer and with the approved administrative variance process outlined within the City's Code.

Thank you in advance for your cooperation in this matter. If you have any questions about the content of this letter or would like to discuss the concerns of Commission staff in greater detail, please feel free to call 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Ren Serey, CAC  
Shirley Massenburg, CAC  
Sally Nash, City of Annapolis



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

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

May 29, 2007

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

Re: Subdivision # 07-022/Project #07-0071  
Jerry South Property

Dear Ms. Krinetz:

Thank you for providing information on the above referenced subdivision and lot line abandonment. The applicant proposes to abandon the existing lot line between two existing, non-conforming parcels of record to create one 1.288 acre lot. In addition, the applicant proposed to demolish the existing dwelling and driveway and to reconstruct a new dwelling and driveway on the new lot. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the information provided, we have the following comments:

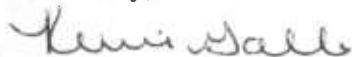
1. While the environmental report states that the mapped Mispillion and Transquaking soils (MZA) shown within the limits of the property do not exist in the field in the area north of the nontidal wetlands, this office has concerns regarding the presence of wetlands and MZA soils on the adjoining property. Specifically, the State wetlands maps indicate that a large area of tidal wetlands extends along the border of the applicant's property and the property to the south. When the Buffer is drawn from these neighboring wetlands areas, it appears to fall within an area of soils designated as MZA, and as hydric, and would therefore require expansion of the Buffer. Based on the mapped soils and the State wetlands maps, it appears that the expanded Buffer may fall onto the applicant's lot, impacting the area of the proposed bioretention facility, as well as a portion of the proposed driveway. Please have the applicant address the presence of contiguous hydric soils in this portion of the property as well as whether an expanded Buffer is applicable to this site.
2. Please have the applicant include a breakdown of proposed impervious surfaces on Sheet 4 of 7 just as a breakdown of existing impervious surface areas has been provided on Sheet 2 of 7.

Kelly Krinetz  
South Subdivision  
May 29, 2007  
Page 2

3. It appears that establishment of the 100-foot Buffer may be required on the new lot as outlined in Section 17-8-803 of the County Code. Please have the applicant indicate how compliance with this requirement will be met. A plat note may be useful for this purpose.

Thank you for the opportunity to provide comments for this subdivision request. Please have the applicant provide revised materials which address the concerns stated above. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resources Planner  
AA226-07



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/](http://www.dnr.state.md.us/criticalarea/)

May 24, 2007

Sally Nash  
City of Annapolis  
Department of Planning and Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: 1 Southgate Avenue Variance

Dear Ms. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a 7-foot variance to the 25-foot Buffer Exemption Area (BEA) requirements in order to permit the construction of a portion of a deck over an existing impervious footprint and to permit construction of a first and second story addition to the primary dwelling in an area currently existing as lawn. The property is designated an Intensely Developed Area (IDA) and is currently developed with a primary dwelling, two porches, and a pool.

Based on the information provided, it is my understanding that the applicant is proposing to construct an addition to the existing dwelling requiring 1,400 square feet of disturbance to the Buffer. We note that the property is a small grandfathered lot and that the location of any proposed improvements are constrained by the location of the existing dwelling, originally constructed in 1910. Provided that the applicant provides, and the City verifies that compliance with the 10% rule for residential development within the IDA can be achieved, and that proper mitigation is provided at a 2:1 ratio for all disturbance within the BEA setback, this office is not opposed to the granting of a variance as requested.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
AN284-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 24, 2007

Kevin Scott  
City of Annapolis  
Department of Planning and Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: 404 Ridgely Avenue Variance

Dear Mr. Scott:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to permit the construction of a second story renovation on the existing dwelling, as well as replacement and expansion of the existing deck, and replacement and relocation of the existing stairs. The property is designated a Limited Development Area (LDA) and is currently developed with a primary dwelling, deck, and stairs.

Based on the information provided, as well as a site visit to the property, we note that the entirety of improvements on the property are currently located within the 100-foot Buffer, and that no opportunity exists to locate structures outside of the Buffer. The applicant has proposed to remove and replace an existing deck with a slightly larger footprint, using a cantilevered design to avoid disturbance to steep slopes. The applicant also proposes to relocate an existing set of steps, utilizing a floating step design. It is my understanding that all new construction will be completed by hand and that no heavy machinery will be permitted on the slopes at any time. In addition to the proposed improvements, the applicant's have proposed to remove a significant area of invasive species along the shoreline and to restore the property with native plantings. Finally, I understand that all several areas of existing compacted gravel will be removed and planted with native vegetation. There will be no increase in overall impervious surfaces areas on the property. As a result of the above noted elements, and in consideration of the Buffer Restoration Plan received by this office on May 22, 2007, this office is not opposed to the variance as requested.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3431 Donnelly Steffan, LLC

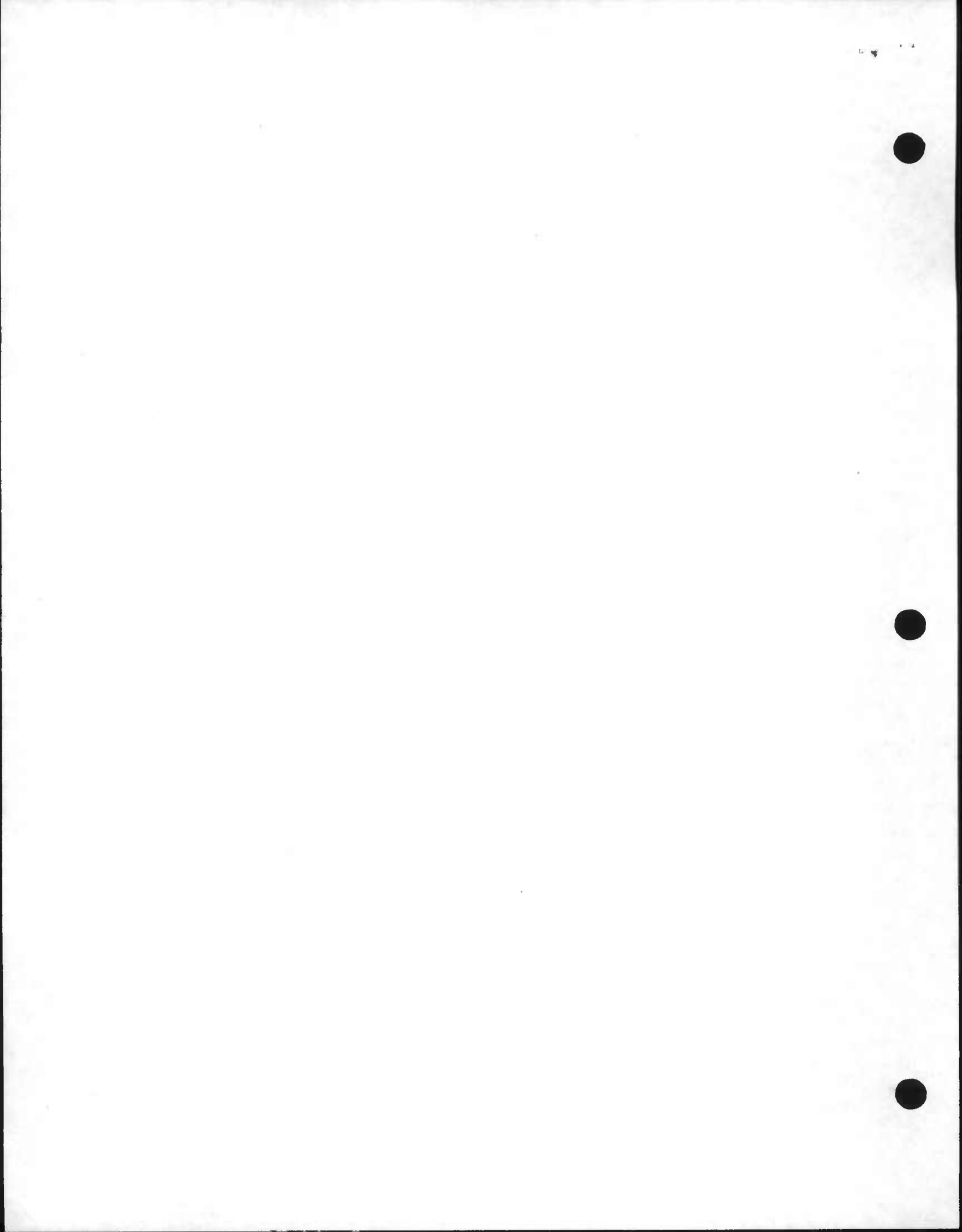
Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 30-foot Special Buffer Management Area (SBMA) setback in order to grade, place fill, and to construct multiple wooden walkways and multiple decks. The property is designated an Intensely Developed Area (IDA) and is currently developed with an existing dwelling, shed, and concrete pad.

Based on the information provided and a recent site visit to the property, this office is opposed to the applicant's request for a variance as proposed. As you are aware, particular properties within the Critical Area are designated as SBMAs where it has been demonstrated that the existing Buffer does not fulfill or provide all of the water quality and habitat functions outlined within the Critical Area Law due to existing grandfathered patterns of development or previous disturbance. This designation affords flexibility to landowners to locate development partially within the 100-foot Buffer. In this case, the applicant is requesting to further exceed the flexibility provided in the law in order to grade, place fill, and locate structures within the 30-foot SBMA setback. It is our view that the proposed grading and fill are entirely unnecessary within this portion of the property, and that the proposed walkways and decks significantly exceed that which would provide reasonable access through the Buffer as well as reasonable and significant use of the entire lot or parcel. Since we believe that the applicant has failed to meet each and every one of the County's variance standards, we recommend that the Board deny the variance request.

In reviewing the variance request, the Board should consider the following information:

1. The Calvert County Zoning Ordinance (Section 8-1.08.D.3.b) permits one four-foot wide access per waterfront lot through the Buffer. We recognize that the existing property consists of two parcels of record, with two existing piers. As the property is being developed as one project with four townhome units, one access point would appear to represent the minimum necessary disturbance through the Buffer. However, should the Board wish to provide greater flexibility to the property owners given the existence of two existing parcels of record, the provision of a maximum of two access points would appear consistent with the intent and spirit of the County Code. We assert that the four proposed walkways significantly exceed the minimum necessary to provide reasonable access to four townhome units.



2. The existing 30-foot SBMA area is grassed and level. There does not appear to be any justification or any need for the applicant to grade and fill within the SBMA setback, thereby raising the elevation within the existing setback. While the townhome units may require elevation in order to comply with floodplain regulations, there appears ample room to move the units further back towards Solomon's Island Road and to keep all grading outside of the 30-foot setback. The current proposal creates significant potential for adverse impacts to water quality. In addition, there does not appear to be a hardship associated with the lack of grading within the SBMA setback.
3. The proposed decks located parallel to the shoreline are entirely inconsistent with the intent and goals for management of the 30-foot SBMA setback. As previously mentioned the existing SBMA area is level and grassed. The Board's denial of these features would not appear to represent an unwarranted hardship to the applicant as reasonable and significant use of the property would still exist. Further, the award of a variance for these structures would represent a special privilege to the applicant that the Board has previously denied to other applicants and would create the potential for additional adverse impacts to water quality and habitat in the SBMA.
4. While outside the scope of the Board's review, we note that development proposal will require site plan review by both the County Planning staff and Critical Area Commission staff. As a component of this process, the applicant will be required to address all standards for redevelopment within the SBMA. These standards include establishing the 30-foot setback in native vegetation, providing a 10% reduction in overall pollutant loadings, and providing offsets for all new impervious surfaces within the entire SBMA. This information is pertinent to the Board because the area currently existing and shown as grass within the 30-foot SBMA setback will be established as a functioning Buffer area. As such, any proposed improvements and disturbance within the SBMA setback permitted by the Board will decrease the available land area for water quality and habitat restoration opportunities.

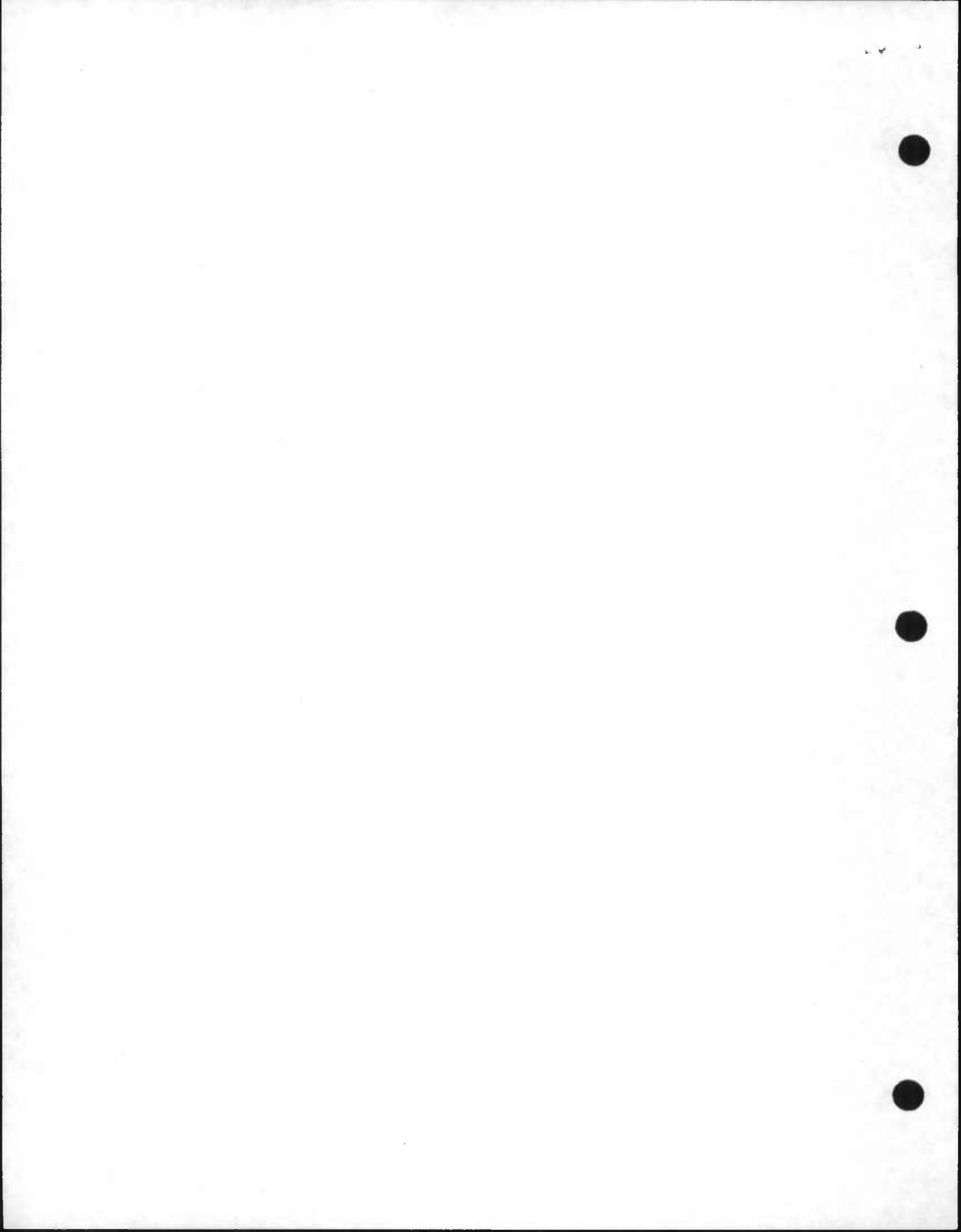
In summary, it is our view that the Board should permit only the minimum necessary walkway(s) through the SBMA setback in order to provide reasonable access to the existing piers. We believe that the applicant has failed to meet the standard of unwarranted hardship in conjunction with the request for four walkways. In regard to the proposed grading, fill, and decks within the SBMA setback, we believe that the applicant has failed to meet each and every one of the County's variance standards. Therefore, we recommend that the Board deny the applicant's request for these improvements.

As always, 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,



Kerrie L. Gallo  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3427 Perkins

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the 100-foot Buffer and steep slope requirements in order to permit the continuation of a wooden retaining wall and railing constructed post-Hurricane Isabel and without permits, as well as to permit the continuation of a wooden deck constructed without permits. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

It is my understanding the existing retaining wall was constructed post Hurricane Isabel and was intended to replace a previous retaining wall and to provide stabilization to the eroding cliff area. It appears that the existing retaining wall essentially constitutes in-kind replacement, but that the railing and associated fence were newly constructed. In addition, it is my understanding that the existing retaining wall was not engineered to County standards and not certified by an engineer. Based on a recent site visit, it was observed that the flat area at the top of the retaining wall is not particularly stable and is likely to erode during the next storm event. In addition, there are no plantings in the area which would serve to provide stability to the area. In general, this office is not opposed to the granting of a variance to permit the continuance of the retaining wall. However, we recommend that the Board require the applicant to retrofit the wall to County design standards and to require certification by an engineer. The fencing should be removed as it does not appear to contribute to the stability function of the retaining wall. In addition, the Board should take into consideration the actions the applicants took without proper authority from the County and incorporate this into a mitigation requirement which reflects the after-the-fact nature of the request. We recommend that any approval contain a 4:1 mitigation requirement, included as a condition, for the entire area of Buffer disturbed. This ratio is consistent with the County's mitigation requirements for violations as outlined in the zoning ordinance. Mitigation plantings should be implemented along the top of the flat area to provide habitat enhancements and greater stability to the erodible soils.





Roxana Whitt  
Perkins Variance  
May 23, 2007  
Page 2 of 2

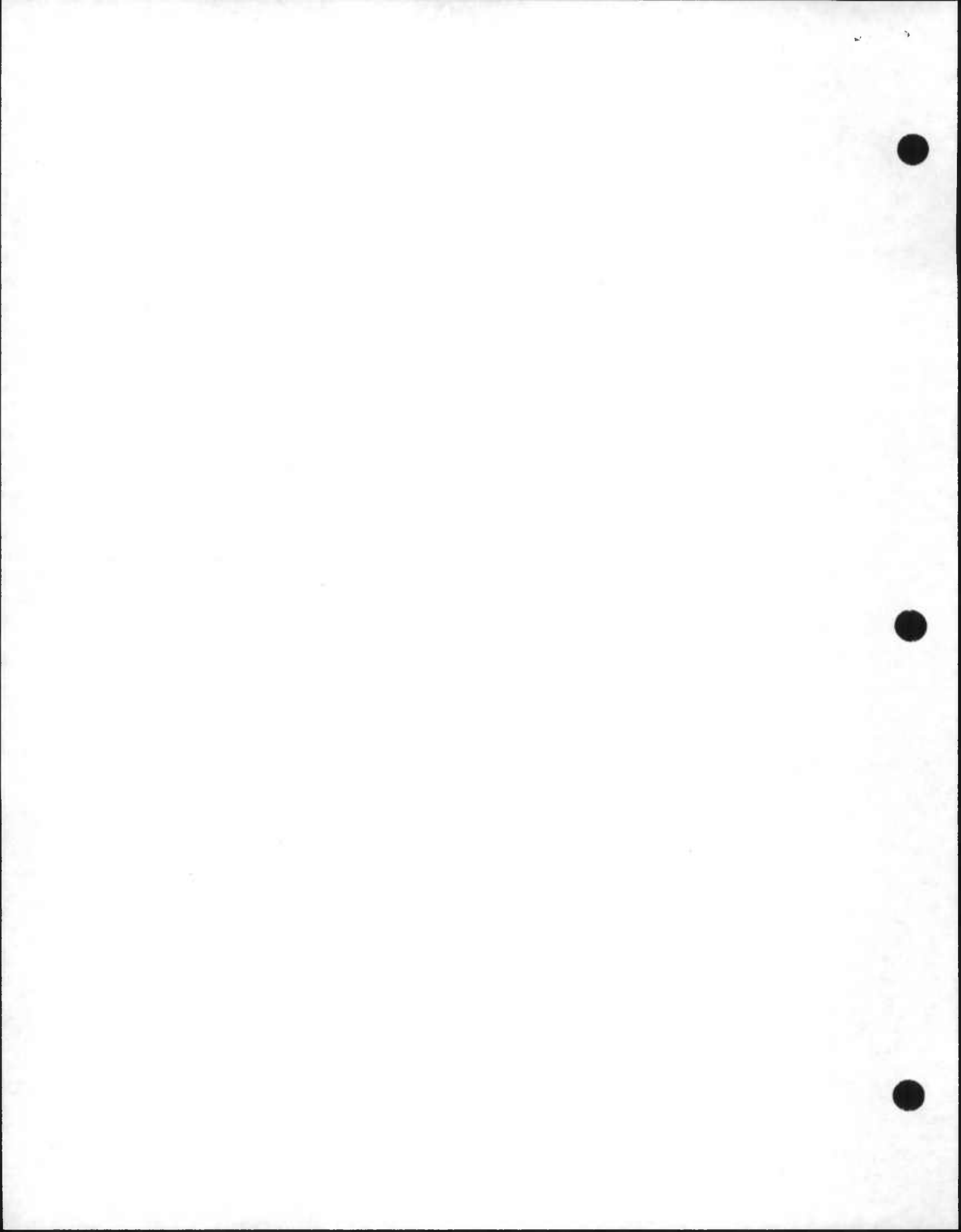
In regard to the request to retain the deck structure, this office is unable to offer support. While the applicant states that the deck provides access to the waterfront area, the County zoning ordinance permits access in the form of four-foot wide steps down a slope. The proposed deck exceeds that which can be considered reasonable for access, is considered a structure in the Buffer, and is inconsistent with the goals for and intent of the Buffer as stated in the State and County Critical Area criteria. It is our view that the applicant could enjoy reasonable and significant use of the property without the deck and that the granting of a variance to retain the deck in its current location would be granting a special privilege to the applicant that the Board has denied to others in the County. Given that the applicant has therefore failed to meet each and every one of the County's variance standards, we believe that the Board should deny the variance for the deck and require its removal.

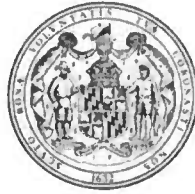
Thank you for the opportunity to provide comments. Please include this letter as a part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA264-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3426 Jacobson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the expanded Buffer, steep slope, and cliff setback requirements in order to permit the construction of a single-family dwelling, garage, septic system, stoop and porch. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, the applicants have proposed to construct a two-story dwelling with a 2,000 square foot footprint along with a garage and porch. However, based on a conversation with the applicant's engineer, I understand that the applicants are actually requesting a one-story dwelling within the same footprint, with the option to expand vertically if necessary. I understand also that the location of the septic tank and drain fields is entirely constrained by the poor soil conditions onsite and cannot therefore be moved. While this office is generally not opposed to the granting of a variance to construct a reasonably sized dwelling, we have serious concerns regarding the current dwelling size, location, garage and porch as they relate to the constraints unique to this site.

The proposed improvements are located entirely within the expanded Buffer and within six feet of the top of the cliff. It is our view that cliffs setbacks are intended to ensure the long-term safety and stability of a property and that disturbance to steep slopes, particularly those contiguous with a cliff face, will result in potentially catastrophic cliff erosion. It would seem that the applicants bear the burden to develop the property in harmony with the lay of the land, avoiding impact to steep slopes and keeping the dwelling as far from the cliff face as possible. While some proposed improvements such as the garage and porch may be desirable features, it is our view that these features are not essential to ensure reasonable and significant use of the entire lot or parcel and may simply not be feasible given the constraints of this particular lot. In addition, the applicants bear the burden to demonstrate that the variance proposal is the minimum necessary to provide relief and that each and every one of the County's variance standards has been met.

In evaluating the details of the applicant's request, we recommend the following:



1. The dwelling footprint should be reduced to eliminate the portions of the development located over steep slopes and in close proximity to the cliff face. Vertical construction should be utilized to provide adequate living space on a reduced footprint.
2. The Board should consider whether in this case, the applicant's desire for a garage can be accommodated onsite given the site constraints and more specifically, whether reasonable and significant use of the entire lot or parcel can be obtained without a garage. It would appear that if the garage were eliminated, the proposed porch could be moved to the southern side of the dwelling, thereby removing the impact to steep slopes.
3. It is my understanding that the proposed holding tank contains a drip release valve which disperses collected rooftop runoff at a slower pace over time. While this method of rooftop runoff management may be the most feasible alternative for the site, we have concerns regarding the location of the tank in close proximity to the cliff edge. We recommend that the Board require aggressive plantings surrounding the area of the tank if approved. This will help to absorb the released water. Onsite plantings should be required as a condition of a variance approval with the specific planting amount determined by the amount of mitigation which will be required for clearing. This could be defined at the time of building permit application.

In summary, this office is not able to support the applicant's request for a variance as proposed. Specifically, it appears that significant minimization may be possible to remove impact to steep slopes and that a redesign may be appropriate given the site constraints. Because it appears possible to enjoy reasonable and significant use of the property with a smaller dwelling footprint and/or reduction or elimination of the proposed garage and porch, this office does not believe that the applicant has met the standard of unwarranted hardship. Therefore, we recommend that the Board deny the applicant's request for a variance.

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

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 21, 2007

Mr. William Watson  
Town of Chesapeake Beach  
8200 Bayside Road  
P.O. Box 400  
Chesapeake Beach, Maryland 20732

Re: North Beach Volunteer Fire Department

Dear Mr. Watson:

This letter is in regard to our continuing review of the above referenced project and specifically, in regard to the wetlands delineation report received on May 7, 2007. I have reviewed the wetlands report in conjunction with the previous site plans and consistency report submitted by the Town.

Based on the revised information received, I concur with your determination that the project is consistent with the requirements for local agency actions on lands owned by local jurisdictions as outlined under COMAR 27.02.02. Please ensure that the native plantings detailed within the July 2006 planting plan are implemented once the project is completed. Also, please note that any change to the location and/or amount of disturbance associated with the project would require additional review and approval by Commission staff.

Thank you for your coordination in submitting this consistency report and all supporting materials to Commission staff for review. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA 309-06







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/](http://www.dnr.state.md.us/criticalarea/)

May 16, 2007

Mr. William Watson  
Town of Chesapeake Beach  
8200 Bayside Road  
PO Box 400  
Chesapeake Beach, MD 20732

Re: The Home Place Growth Allocation

Dear Mr. Watson:

We have received your revised request to process the above referenced growth allocation request, thereby amending the Town's Critical Area maps. At this time, we wish to notify you that the County's request has been accepted for processing.

Please note that while your request has been accepted for processing, Commission staff has determined that the stormwater management information submitted to this office in conjunction with the growth allocation request is unclear and appears to have several inconsistencies with the *2000 Maryland Stormwater Design Manual*. These inconsistencies include, but are not limited to, miscalculation of drainage areas, insufficient detail about pretreatment, lack of information about soil conditions, and lack of supporting information regarding the selection of the proposed Best Management Practices.

As you are aware, the amendments to the Critical Area law made in 2006 clarify the Commission's role in reviewing growth allocation requests. The legislation stated that it is the Commission's responsibility to ensure that the growth allocation guidelines are applied in a manner consistent with the purposes, policies, goals, and provisions of the Critical Area law and Criteria. In order to ensure that the growth allocation request fully complies with the Critical Area Criteria, supplemental information and analysis of the proposed stormwater management design would be helpful. Without the necessary documentation to support the use of the proposed infiltration trenches, it may be difficult for the Commission to determine whether the 10% pollutant reduction requirement can be met. We recommend that the Town work with Commission staff to provide additional information and resolve the outstanding concerns prior to the Commission's formal consideration of the growth allocation request.

William Watson  
The Home Place Growth Allocation  
May 16, 2007  
Page 2 of 2

As you may be aware, the Chair has 30 days from the date of this letter to make a determination as to whether the Town's request will be handled as a refinement or an amendment. I will notify you of the decision once it is made. In the meantime, please contact me at 410-260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 16, 2007

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

Re: Site Plan No. C07-0021 Bitumar

Dear Ms. Krinetz:

Thank you for providing information on the above referenced site plan. The applicant is requesting a permit to construct a 770 square foot oxidizing unit as well as to add a 130 square foot structure over an existing concrete pad. The property is partially within the Critical Area, and is designated partially as an Intensely Developed Area (IDA) and partially as a Resource Conservation Area (RCA). The proposed development will occur within the IDA portion of the site.

Based on the site plan provided, it appears that the total limit of disturbance for the proposed improvements is 4,810 square feet. Given this amount of disturbance, it appears that the applicant has adequately addressed the requirements for stormwater management within the IDA as detailed within the County Code, Section 16-3-204.b.1.iv.3. Therefore, this office has no further comments.

Thank you for the opportunity to provide comments on this site plan submittal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
AA 258-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

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

Re: Site Plan No. C07-0033  
Grading Permit No. G02012797  
Chalk Point Marina

Dear Ms. Krinetz:

Thank you for providing information on the above referenced site plan and grading permit plans. The applicant is requesting a permit to construct a second story addition to an existing storage facility, and to construct a walkway between the storage facility and an existing bath house. The property is designated a Limited Development Area (LDA) and a Buffer Management Area (BMA), and is currently developed with a storage facility, bath house, primary residence, and working marina.

Based on the site plan provided, it appears that the proposed additions result in a total of 139 square feet of newly enclosed area. It is my understanding that all of the proposed improvements will be constructed over areas of existing impervious surface area. As such, no new impervious areas will be created. In addition, it appears that the majority of the proposed improvements occur within the 100-foot Buffer, but not within the existing 25-foot BMA setback. It appears that the applicant has addressed the requirements within the County Code for new and redevelopment within the BMA, establishing significant areas of native plantings within the 25-foot BMA setback. Therefore, this office has no concerns regarding the site plan and development activities as proposed.

Thank you for the opportunity to provide comments on this site plan and grading permit submittal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
AA 237-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

Mr. Bob Cuthbertson  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Permit #200761952/07-W1-1476, Pamela Lapidés  
2077 Maidstone Farm Road, Anne Arundel County

Dear Mr. Cuthbertson:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated May 1, 2007. Specifically, this letter is in reference to an application by Pamela Lapidés to rebuild an existing stone revetment, to dredge a 2,000 square foot area, and to place the dredge spoil landward of the rebuilt revetment at the above referenced property in Anne Arundel County.

In general, this office does not have concerns regarding the proposed reconstruction of the existing revetment or the proposed dredging activities. However, the attached narrative statement indicates that the applicant proposes to dispose of the dredge-spoil material within the 100-foot Critical Area Buffer. While this activity may be permitted as backfill for the revetment or as beach nourishment, the plans provided do not indicate the landward extent of the spoil placement. Therefore, it is not possible to determine whether the proposed activity is consistent with the County's Critical Area Buffer regulations. Please ensure the applicant is aware that the placement of spoil material within the 100-foot Buffer may require a permit from Anne Arundel County. In addition, any vegetation disturbed or removed from the Buffer in conjunction with the proposed activities will require mitigation in the form of native plantings and may require submission of a Buffer Management or Planting Plan. We recommend that the applicant contact the Anne Arundel County Planning and Zoning office as soon as possible in order to determine whether the proposed activities require further local permits, as well as require any mitigation measures.

Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

cc: Jim Johnson, Anne Arundel County







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 8, 2007

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

Re: Mike's Crab House/Grading and Site Development Plan  
TM 50, Parcels 187, 182, 283, 233, 275, and 363

Dear Ms. Krinetz:

Thank you for providing information on the above referenced site plan and grading plan. The purpose of the plan appears to be to relocate a portion of an existing roadway, and to repave portions of and abandon portions of the existing roadways. In addition, it appears that grading of the site is proposed in order to accommodate the installation of stormwater management measures. The property is designated partially as an Intensely Developed Area (IDA) and partially as a Limited Development Area (LDA). Currently, two existing commercial restaurants exist on the property.

As you are aware, the applicant has submitted the current development plan under the assumption that a Critical Area reclassification of the LDA areas to IDA can be approved at a future date, thereby treating the entire site as IDA. As the reclassification request has not been accepted by the Commission for processing and consequently has not been approved by the Commission, our comments are limited to, and based on a theoretical situation as presented on the site plan. We continue to assert that final approval of the site and development plan should not be granted until the requested reclassification is approved by the Commission.

1. The 10% pollutant reduction information provided on Sheet 1 does not provide enough detail to fully evaluate whether compliance with a 10% pollutant reduction requirement is achieved. Please have the applicant complete the exercise of calculating and submitting the 10% rule worksheets.
2. The criteria for development within the IDA require that the applicant establish all pervious areas in native plantings to the extent possible. It does not appear that this requirement has been addressed. Please have the applicant submit a planting or landscaping plan which addresses this requirement.

TTY for the Deaf

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

Kelly Krinetz  
Mike's Crab House  
May 8, 2007  
Page 2

Thank you for the opportunity to provide comments on this site and development plan submittal. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AA 13-07

CC: Tom Burke, AA County



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 8, 2007

Mr. Bruce Grey  
Deputy Director  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Re: Repairs to Structure No. 20005XO/Papermill Pond  
Easton, Maryland

Dear Mr. Grey:

Thank you for providing information on the above referenced repair project, located along MD 322 in the Town of Easton.

Based on the information provided, it appears that the project fits the category of routine maintenance projects and specifically, the repair of existing culverts where clearing in the Buffer is not anticipated and minor drainage improvements related to erosion that would have no adverse effect on downstream habitat or hydrology. This conclusion is based on the understanding that the proposed riprap and repairs to open joints constitute in-kind repair efforts and that no expansion of the impervious footprint within the stream or Buffer is proposed. As such, we concur that the project is consistent with the standards of environmental protection outlined under COMAR 27.02.05.09. Given this determination, the project meets the conditions for a general approval as detailed in the current Memorandum of Understanding between the State Highway Administration (SHA) and the Critical Area Commission, and will not require formal Commission approval.

Thank you for coordinating with the Commission on this project. Please call me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
DOT 30-07

cc: Dan Reagle, 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/](http://www.dnr.state.md.us/criticalarea/)

April 30, 2007

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

Re: Five Buoys at Rock Creek  
04-096/07-0043

Dear Ms. Krinetz:

This letter is in response to our continuing review of the above referenced subdivision. The applicant is proposing to subdivide a 7.743-acre property to create 17 new lots. Approximately 4.21 acres are located within Critical Area and are designated as a Limited Development Area (LDA).

On March 12, 2007, Commission staff sent a letter to the County regarding our review of the latest site plan submittal, received by the Commission on March 2, 2007. It has been brought to my attention that our March review letter was not received by the County. As such, the County has forwarded an additional set of plans and I have conducted an additional review of the plans to summarize any outstanding Commission concerns.

Based on the most recent site plan and plat submittal, received on April 25, 2007, we have the following outstanding concerns:

1. In March of 2006, we requested that a chart and note be included on the record plat indicating the allotted clearing per lot. The intent of this request was to ensure that individual lot owners are aware of any additional acreage available to clear per lot or aware of the restriction on future clearing per lot. Currently, it appears that 28% clearing is proposed for the subdivision, leaving only 2% left to be legally cleared within the Critical Area portion of the property. It is not clear exactly where the 28% of forest cover to be cleared is located. In response to our request, the applicants stated that a table showing the clearing for each lot was included on the Critical Area Plan and record plat, and that a note stating that no further clearing is permitted within the Critical Area lots was placed on the record plat. These features do not appear on the current Critical Area Plan and Record Plat received. Please have them added.
2. It appears that the evaluation of the property conducted by the Department of Natural Resources' Wildlife and Heritage Division is over three years old. While we recognize that this subdivision has encountered several hiatus in the midst of the review process, applicants are generally required to have an evaluation of the property every three years. This mechanism ensures that no new species have been documented onsite.

TTY for the Deaf

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

Kelly Krinetz  
Five Buoys at Rock Creek  
April 30, 2007  
Page 2

We recommend that the County require the applicants to obtain a revised and current review of the property for the presence of any rare, threatened, or endangered species.

Thank you for the opportunity to provide comments for this revised subdivision plat. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resources Planner  
AA635-04

Cc: Jeff Torney, AA County



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE 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/](http://www.dnr.state.md.us/criticalarca/)

April 30, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Oyster Bay Condominium Site Plan/ Phase J  
(Tax Map 44, Parcel 598)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct a residential condominium building known as Phase J. The proposed building is a component of a formerly approved site plan and development proposal. The property is located within the Intensely Developed Area (IDA) and within a Buffer Exemption Area (BEA).

Based on the information provided, it is my understanding that condominium site plan approval was granted during the interim period between passage of the State Critical Area Law and the County's adoption of the law into a local ordinance. As a component of the original approval, the applicant provided a planting plan in order to address the requirements for development within the IDA and within the 30-foot BEA setback. Provided that the Buffer is fully established in native vegetation at the time of building permit issuance, as described within the County's current zoning ordinance, this office has no further comments to offer regarding the site plan for Phase J.

Thank you for the opportunity to provide comments for this site plan. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA175-07







**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/](http://www.dnr.state.md.us/criticalarea/)

April 27, 2007

Sally Nash  
City of Annapolis  
Department of Planning and Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: Loudon Property Variance

Dear Ms. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to permit the razing of an existing dwelling and the construction of a replacement dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a primary dwelling, driveway and frame shed.

Based on the information provided, it appears that the existing dwelling is located 41 feet from Mean High water (MHW). The applicant is proposing to construct a replacement dwelling to be located 67 feet from MHW. In addition, the total amount of impervious surface area will be decreased by 700 square feet, primarily by removal of a portion of the existing driveway and removal of the frame shed. Generally, this office is not opposed to the granting of a variance as proposed. However, we note that the limits of disturbance shown on the site plan extend to within 41 feet of MHW, 26 feet further waterward than the closest point of the replacement dwelling. While it appears that the extensive limit of disturbance is necessary to provide proper sediment and erosion control fencing during razing of the existing dwelling, the 26-foot area should be restored and planted with native species once the dwelling is removed. We note that approximately 5,100 square feet of Buffer area will be disturbed for the proposed project. This disturbance will require mitigation to be provided in accordance with the standards identified in the City ordinance. This mitigation should be provided within the Buffer, between the new dwelling and the water in an effort to establish the Buffer and provide enhanced water quality and habitat benefits onsite.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
1220-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 27, 2007

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

Re: Deep Creek Village Subdivision  
S96-039/P06-6010

Dear Ms. Krinetz:

This letter is in response to our continuing review of the above referenced subdivision. The applicant is proposing to subdivide a 46.51-acre property to create a 128 dwelling unit residential subdivision. Approximately 31.64 acres are located within the Critical Area. Within the Limited Development Area (LDA), there are 10.90 acres and within the Resource Conservation Area (RCA), there are 20.74 acres. The property is currently developed with two single-family dwellings.

Based on the most recent subdivision plat provided, as well as a site visit conducted on April 26, 2007, we have the following comments:

1. Sheet 1 of 11 of the final development plan shows an existing dwelling located within the RCA on the northeastern portion of the property. On sheet 1, this dwelling is labeled as, to remain. Sheet 3 of 11 shows the same dwelling, but labels it as, to be removed. The record plat provided also shows the existing dwelling within the RCA (Plat 5 of 7), and labels the dwelling as, to remain. A note at the bottom of Sheet 1 of 11 of the development plan indicates that the existing dwelling on the north end of Parcel 20 will remain. As the RCA acreage consists of 20.74 acres, there exists enough density to support only one primary dwelling. If the existing dwelling is to remain, the creation of Lot 36 is not permitted. Please clarify this discrepancy and make corrections to the development plan and plat as necessary.
2. Proposed Lot 35 includes several encroachments into the RCA which must be removed. Specifically, Sheet 3 of 11 indicates that a portion of the driveway turnaround area and an unspecified amount of grading are proposed within the RCA. All development and disturbance associated with the construction of a new dwelling on Lot 35 as shown must be located within the LDA.
3. Portions of Lots 28-30 and 25-26 are located within the RCA. While we acknowledge that the current subdivision has been in the review process for several years, the extension of lot lines within the RCA has been a topic of recent conversations between County and Commission staff. Specifically, it has been

TTY for the Deaf

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

repeatedly demonstrated that the extension of lot lines within the RCA creates the potential for future conflicts and illegal development activities within the RCA portion of the lots. While the RCA portion of the lots may be restricted by plat note, there is no demarcation of this line in the field and individual lot owners are often unaware of the restrictions agreed to by a developer. In addition, it remains our position that the drawing of lot lines within the RCA further degrades the quality and size of the RCA left undisturbed and is therefore not consistent with the density provisions in the law. In this case, and in recognition of the review history preceding this letter, Commission staff recommends that the County require the applicant to include the entire portion of the lot areas located within the RCA on Lots 28-30 and 25-26 within a permanent conservation easement, forest or other, and that a restriction in perpetuity on development within the RCA portion of the lots be recorded within the individual deeds and noted on the recorded plat. Alternatively, the applicant may choose to remove all lot lines on the referenced lots from the RCA.

4. Currently, there are three stormwater management easements provided within the subdivision, and located partially within the RCA, expanded Buffer, and on steep slopes. Within these easement areas, there are a series of coastal plain step pools proposed in order to both treat and convey stormwater runoff. If the applicant wishes to retain the proposed stormwater management features, all aspects of stormwater quality treatment must be addressed outside of the RCA. Stormwater management facilities which treat development outside of the RCA cannot be located within the RCA. The outfall, or in this case, the series of step pools and cascades which comprise an environmentally sensitive outfall alternative, may be located as proposed within the RCA. Therefore, please have the applicant submit a revised site plan which demonstrates that all quality treatment is provided outside of the RCA. In addition, please provide details regarding the total amount of disturbance and clearing proposed within and outside of the Buffer in order to construct the stormwater outfall system. Mitigation will need to be provided in conjunction with this disturbance.
5. Sheet 5 of 11 of the development plan indicates that a portion of the main stormwater pool and forebay for stormwater pond # 3 encroaches into the RCA. This encroachment must be removed from the RCA.

Thank you for the opportunity to provide comments for this revised subdivision plat. Given the amount of outstanding concerns, please have the applicant provide a revised site plan addressing each of the items above. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AA422-02

CC: Allyson Dematteo, Drum, Loyka & Associates, LLC



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 26, 2007

Mr. Joe Hamilton  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Glen Cruise/Permit Application #200760960  
Bay Street, Pasadena, Anne Arundel County

Dear Mr. Hamilton:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice referenced above. Specifically, this letter is in reference to an application by Glen Cruise to permit the construction of a 180-foot private pier with a 45-foot landing landward of Mean High Water (MHA), a boat lift, two mooring piles, and 50 linear feet of stone revetment approximately 25-feet landward of MHW.


Based on the information provided, the 45-foot landing and proposed revetment appear to lie within the 100-foot Buffer, and are therefore regulated by the requirements of Anne Arundel County's Critical Area Program. While the information provided is not specific enough to determine whether this office can support the applicant's proposal, it appears that both proposed improvements constitute structures within the Buffer. As such, a variance may be necessary in order to construct the revetment and landing. In order to ensure that the proposed activities are properly reviewed and permitted, we recommend that the applicant contact the County as soon as possible to determine the appropriate permitting requirements. This office will provide additional comments to the County as appropriate.

In addition, please note that access through the Buffer is generally limited to a single point of access for either a pier, or boat ramp. It appears that the applicant currently has a boat ramp or similar concrete drive area through the Buffer. In conjunction with the County's review of the proposed revetment and landing, the applicant will need to address how to proposal minimizes disturbance to the Buffer and demonstrate that the proposal is consistent with the provisions for access through the Buffer.

Joe Hamilton  
Glen Cruise Permit  
April 26, 2007  
Page 2

Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Kelly Krinetz, Anne Arundel County



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 23, 2007

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

Re: 2007-0068-V Carlow

Dear Ms. Schappert:

Thank you for providing information regarding the above referenced variance. The applicant is seeking a variance to exceed the impervious surface area limits on one lot within a proposed four-lot subdivision. The lot for which the variance is being sought lies within the Limited Development Area (LDA), would be designated as a commercial lot, and is currently developed with a restaurant, parking area, and cell phone tower.

Based on the information provided, we note that existing property to be subdivided consists of two grandfathered parcels of record, currently developed with three primary dwellings, a restaurant and parking area, and a cell phone tower and pad. As a component of the subdivision request, the applicant proposes to draw lot lines around the existing dwellings and commercial structures, and to create one additional building lot. The existing parcel (Parcel 412) on which the restaurant and parking areas currently lie consists of 2.416 acres, most of which lies within the Critical Area. A small portion of Parcel 412 lies outside of the Critical Area. Currently, Parcel 412 is developed with approximately 29,080 square feet of impervious surface area, or 28% impervious coverage. The permitted impervious surface area for Parcel 412 is 15,786 square feet (15% impervious coverage). By subdividing the property, the applicant proposes to create a 1.53-acre Lot 3, resulting in a new, non-grandfathered lot which will have 25,944 square feet of impervious surface area coverage, or 38.9%. We acknowledge that the existing grandfathered Parcel 412 is non-conforming and that the applicant has the right to retain the existing structures and nonconformity. However, as this office has previously commented and expressed, we remain opposed to the County's practice of accepting a subdivision application which is not legal under the County Code. In our view, the variance process is inapplicable in the circumstances presented by this case: a new, non-grandfathered subdivision which proposes to create non-conforming lots.

Should the Hearing Officer nonetheless evaluate this matter as a variance application, we provide the following comments. As you are aware, 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. Specifically, the General Assembly reaffirmed the stringent standards of the law, 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 a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case, we believe that the statutory presumption has not been overcome. The applicant is proposing to create a new subdivision with non-grandfathered lots, with one new lot requiring a variance to exceed the impervious surface area limits in the law. The Critical Area Law establishes strict limits on impervious surface areas in order to protect shorelines, streams, wetlands, riparian biological communities, and adjacent lands from adverse effects of land use. Further, the law recognizes that a limit on impervious surface areas are a crucial component to fostering sensitive development activity in a consistent and uniform manner so as to minimize cumulative damage to water quality and natural habitats. In order to establish land use policies which accommodate growth and recognize that a certain amount of human activity is unavoidable within sensitive areas, the Critical Area Law provides great flexibility to grandfathered lots of record. As previously mentioned, the applicant is afforded the right in this case to retain the existing structures and existing non-conforming status of the property. However, there is no inherent right to create a new subdivision, including new buildable lots, which clearly do not meet the legal standard. The County should require the said application to conform to the State and County laws before the application is accepted.

The Commission staff strongly believes that a variance is inappropriate where a new subdivision proposes to create non-grandfathered and non-conforming lots and further, that the applicant has failed to meet each and every one of the variance standards as required in the County's ordinance. Therefore, we strongly oppose the applicant's request. I have outlined each of the County's Critical Area variance standards, should the County proceed with the variance process:

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

Currently, Parcel 412 is developed with a single-family residential home, four accessory residential structures, a cell phone tower and pad, and a commercial restaurant and parking



area within the 2.416-acre grandfathered area. The General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. It is our view that the existing structures are clearly indicative of reasonable and significant use of the parcel and that the inability to further subdivide the property under the standards of the State and County law would not result in an unwarranted hardship to the applicant. Rather, the applicant should be required to redesign the proposed subdivision to conform to all current County and State laws. Based on this information, we do not believe that the County has evidence on which to base a finding that, without the requested variance the entire parcel would be denied all reasonable and significant use.

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

The applicant has a reasonable use of this property for residential and commercial purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. No property owner has the right to create a new subdivision with non-conforming lots, and which requires a variance to State legal standards for impervious surface area beyond which is permitted in State and County law. Therefore, the rejection of a variance in this case would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege. In this case, the applicant would be permitted to subdivide the property, ultimately creating an additional buildable lot as well as a new, non-grandfathered nonconforming lot. This privilege which would be denied to others in this area, as well as in similar areas found in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

While it appears that the existing Parcel 412 currently exceeds the impervious surface area limits permitted in the law and that this is not the result of actions taken by the applicant, the current variance request is based on the applicant's desire to further subdivide the property and to create an additional buildable lot. Therefore, it appears that the applicant has not met this standard.

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

Granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. While we recognize that the amount of impervious surface area on Lot 3 is not proposed to increase, the ultimate goal of the subdivision action appears to be the creation of an additional buildable lot and additional impervious surface areas on another portion of the property, partially located within the Critical Area. It does not appear that the additional lot could be created under the State and County law. Considering the extensive impervious surface area already developed on the property as whole, additional impervious surfaces would further limit the amount of infiltration opportunities and increase the potential for adverse impacts associated with stormwater runoff. Given that the applicant can retain reasonable and significant use of the parcel without a variance, and without creating additional impervious surface area, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

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,



Kerrie L. Gallo  
Natural Resource Planner

AA217-07  
AA753-06



**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/](http://www.dnr.state.md.us/criticalarea/)

April 23, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: MSD-06-11-44 Dowell-Revised  
Final Plat Review

Dear Ms. Vidotto:

This letter is in regard to our continuing review of the above referenced subdivision. A revised plat was received by this office on April 20, 2007.

Based on the revised plat, it appears that the applicant has addressed all of our previous concerns. Therefore, we have no further comment to offer regarding this subdivision.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CA459-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

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

Re: Variance 2007-0072-V Tadle

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to construct a deck. The property lies within a Limited Development Area (LDA) and is currently developed with a primary dwelling.

Based on the information provided, it appears that the property was the subject of a variance in 2002 for construction of the primary dwelling within the Buffer. At that time, no deck was proposed in conjunction with the requested variance. Currently, the new owners are requesting a variance to construct a 300 square foot deck waterward of the exiting dwelling, resulting in an eighty-foot setback to Mean High Water (MHW). Provided that the applicants are required to construct the deck in a pervious manner and that mitigation is provided at a 3:1 ratio for the area of Buffer being disturbed and developed, this office does not oppose the variance as requested.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 19, 2007

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

Re: Variance 2007-0070-V Rickett

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to permit the continuance of a 1,200 square foot paver patio, located partially within the Buffer. The property lies partially within a Limited Development Area (LDA) and is currently developed with a primary dwelling.

Based on the information provided, it appears that the applicant attempted to obtain the proper permits from the County prior to beginning construction on the proposed patio. While it is not clear whether the site plan originally submitted to the County was accurate in depicting the location of the proposed patio within the Buffer, it does appear that the applicant may have been given conflicting information regarding the need for a Buffer variance. We note that the property remains within the permitted impervious surface area limits and that no trees were removed from the Buffer during construction of the patio. In consideration of the circumstances surrounding this request, this office is not opposed to the granting of a variance to retain the patio in the existing footprint. However, regardless of the circumstances, construction of the patio did result in new disturbance to the Buffer and further removed an area of pervious cover formerly available to serve for water quality and habitat benefits. In addition, it appears that construction of the patio outside of the Buffer would have been feasible had the proper permits been obtained initially. Therefore, we recommend that the applicant be required to provide mitigation at a 3:1 ratio for the entire area of Buffer disturbance. This mitigation should be required as a condition of variance approval and should be provided in the form of native plantings, located within the Buffer. Given the after-the-fact nature of the request, we recommend that the mitigation plantings be required above and beyond any plantings already implemented as landscaping.

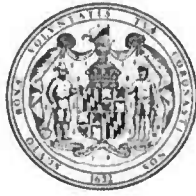
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 17, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3420 Posey

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the 100-foot Buffer requirements in order to permit the continuation of interior and exterior siding improvements made to a barn structure, a portion of which is currently used as a guest house. The property lies within a designated Limited Development Area (LDA), and is currently developed with a primary dwelling, pool and barn.

Based on the information provided, it appears that the barn structure has existed in the current footprint since at least 1993. It is my understanding that a portion of the barn is used as a guest house and that interior and siding improvements were recently conducted without the proper County permits. It is also my understanding that no new disturbance to the Buffer was created as a result of the recent improvements. It is not possible to determine from the application whether the barn structure is considered a legal non-conforming structure. Provided that the Board determines that the existing barn and footprint is legally nonconforming in regard to its location within the Buffer, this office is not opposed to the granting of a variance as requested.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA188-07





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/](http://www.dnr.state.md.us/criticalarca/)

April 17, 2007

Ms. Bobbie Hutchinson  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: SPR 06-31 Solomons Town Park-Revised  
(Tax Map 44, Parcel 679)

Dear Ms. Hutchison:

Thank you for providing information on the above referenced revised site plan. The Calvert County Department of Public Works is proposing to construct multiple athletic fields and paved parking areas to accommodate 340 cars. Approximately 16.8 acres of the property are located within the Critical Area and are designated as a Limited Development Area (LDA). The Critical Area portion of the property appears undeveloped.

Based on the information provided, we have the following comments:

1. As previously stated, the proposed project qualifies as a County government action on property owned by the County, and therefore falls under the requirements of COMAR 27.02.01. The project will at a minimum, require submission of a consistency report from the County Planning and Zoning office. While we recognize that the project is in the preliminary stages of review, please note that this information will be needed prior to final site plan approval.
2. Sheet 2 of 10 indicates that a portion of a proposed athletic field is located within the 100-foot stream Buffer. The limits of this field must be removed from the Buffer.
3. While general information regarding proposed impervious surface areas within the Critical Area has been noted on Sheet 2 of 10, please have the applicants add a table detailing the breakdown of proposed impervious surfaces. For example, details should be separated into those surfaces proposed for parking areas versus structures, versus athletic courts, etc. We continue to stress that the use of semi-pervious paving materials should be explored for parking areas provided that the underlying soil conditions are favorable and that County resources are available to provide regular maintenance.

Bobbie Hutchinson  
SPR 06-31 Solomons Town Park  
April 17, 2007  
Page 2

4. The forest cover information stated on Sheet 8 of 10 is confusing. Specifically, please have the applicant state and demonstrate that a minimum of 15% forest cover exists within the Critical Area as required within the County's zoning ordinance. Based on the stated acreage of 16.8 acres, the applicant will be required to provide a minimum of 2.52 acres of forested cover onsite within the Critical Area. In addition please note that the existing forested areas are considered habitat for Forest Interior Dwelling Bird species (FIDs). As such, any proposed clearing within FIDs habitat would require submission of a Habitat Protection Plan (HPP) and appropriate mitigation.
5. Please advise the applicant that where not already established in forested cover, the 100-foot Buffer will require afforestation. It appears that this measure may be necessary within portions of the stream Buffer. Please have the applicant provide details and a site plan note regarding fulfillment of this requirement.

Thank you for the opportunity to provide comments for this revised site plan submittal. Please submit a revised site plan which addresses the issues outlined above. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA489-06



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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Averill/King Property Variance

Dear Ms. Nash:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the rear setback requirements in order to construct a 220 square foot addition to the primary dwelling. The property is designated an Intensely Developed Area (IDA) and is currently developed with a primary dwelling.

Based on the information provided, it is my understanding that the proposed addition will be located over the footprint of an existing patio. In addition, it appears that the proposed construction is exempted from having to demonstrate a 10% reduction in pollutant loadings per Section 17.10.070.C of the City Code. As such, this office has no concerns regarding the proposed development activity and requested variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
AN201-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

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

Re: Arby's Site Plan-Edgewater  
TM 55, P45 & P166

Dear Ms. Krinetz:

Thank you for providing information on the above referenced site plan. The applicant is proposing to construct an Arby's restaurant within the Critical Area. The property is designated as an Intensely Developed Area (IDA) and was formerly developed as a component of commercial retail plaza.

Based on the site plan provided, it appears that the applicant is proposing a limit of disturbance within the IDA encompassing 0.84 acres. Due to the location of the proposed development within the IDA, the applicant has demonstrated compliance with the 10% pollutant reduction, addressing the 0.15 lb/year requirement through the use of a Maryland Department of the Environment (MDE) approved stormfilter. In addition, it appears that the applicants have provided native plantings in all pervious areas within the limits of disturbance. As such, this office has no further comments to offer.

Thank you for the opportunity to provide comments on this site plan submittal. If you have any questions, please contact me at 410-260-3482.

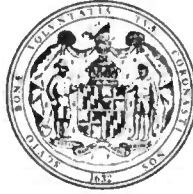
Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
AA 187-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 10, 2007

Mr. William Watson  
Zoning Administrator  
8200 Bayside Road  
PO Box 400  
Chesapeake Beach, MD 20732

Re: Seagate Shore Erosion Control Plan

Dear Mr. Watson:

Thank you for providing information on the above referenced site plan. The applicants are requesting site plan approval in order to construct a marsh creation project along with approval to emplace 1,500 square feet of stone revetment. The property is designated an Intensely Developed Area (IDA) and is currently developed with townhouses and a parking lot. The purpose of the proposed project is shoreline erosion control.

Based on the information provided, it appears that the applicants are proposing to implement a marsh creation project requiring 279 cubic yards of fill both below and above Mean High Water (MHW) along with the placement of 1,500 square feet of stone revetment. The proposed disturbance to the Buffer is 2,115 square feet and it appears limited to that which is necessary to stabilize the existing bank. Generally, this office is not opposed to the project as proposed. However, please ensure that the applicants provide a Buffer Management Plan detailing how mitigation will be provided at a 1:1 ratio for all disturbance to the Buffer. Wherever possible, the Town should require onsite plantings prior to accepting payment of a fee-in-lieu. In addition, please note that the location of the 100-foot Buffer may be affected by the proposed project. Specifically, it appears that the 100-foot Buffer on the Seagate property has previously been drawn from MHW. Should wetlands be established landward of the existing MHW mark, the Buffer would be drawn from the landward edge of wetlands, potentially expanding the area of Buffer on the Seagate property. This change would need to be reflected at the time of future development or redevelopment on the property.

Thank you for the opportunity to provide comments for this site plan submittal. Please provide additional information which addresses the concerns raised above. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Carrie L. Gallo  
Natural Resource Planner  
CB131-07





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/](http://www.dnr.state.md.us/criticalarca/)

April 9, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Mayo Replatting  
(Tax Map 22A, Lots 1 & 2)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon an existing lot line between Lots 1 and 2, thereby creating one large lot, Lot 1R. It appears that the lot actually lies within the Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, it does not appear that any new development activities are proposed at this time. Therefore, this office has no comments regarding the applicant's request.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA195-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 9, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Bresnahan Replatting  
(Tax Map 31A, Lots 1 & 2)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon the lot line between two existing lots of record in order to exchange two areas of land between the two lots. It appears that the lot actually lies within the Limited Development Area (LDA).

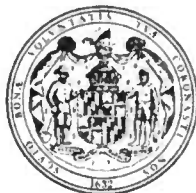
In regard to the replatting request, it appears that the proposed lot line abandonment results in a land swap of 169 square feet between Lots 1 and 2, resulting in new lots, 1-R and 2-R. Based on the information provided, this office is not opposed to the request.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CA196-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 9, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Hailer Replatting  
(Tax Map 45A, Lot 1R)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon an existing lot line between an existing lot of record and an area labeled as Area A. It appears that the lot actually lies within the Limited Development Area (LDA) and is currently undeveloped.

In regard to the replatting request, it appears that the proposed lot line abandonment results in an addition of 1,964 square feet to Lot 1R and an abandonment of the former Area A. It does not appear that any new development activities are proposed at this time. Based on the information provided, this office is not opposed to the request.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CA194-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 9, 2007

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

Re: Willowswood Building Permit-Lot 39  
(Tax Map 16, Lot 36)

Dear Mr. Swartz:

Thank you for providing information on the above referenced building permit request. The applicant is proposing to construct a primary dwelling, driveway, and septic area within a property designated as a Limited Development Area (LDA).

Based on the information provided, we provide the following comments:

1. The site plan indicates that the limits of the Buffer were drawn from the property line, which appears to be taken from a subdivision plat recorded in 1996. As you are aware, the 100-foot Buffer is measured in the field at the time of development and must be drawn from the current location of Mean High Water (MHW) or the landward edge of tidal wetlands, whichever is greater. Please have the applicant verify that the current Buffer as shown on the site plan has been field delineated and that the property line as shown also coincides with the location of MHW or the edge of tidal wetlands.
2. Given that the Buffer is delineated at the time of development, please have the applicant show the topography along the entire extent of the Parcel. This will ensure that proper expansion of the Buffer has been conducted in accordance with the County's Zoning Ordinance.
3. It appears as though the proposed driveway disturbs steep slopes, yet the subdivision plat does not indicate that a variance was obtained for Lot 36. Since it does not appear that the County Zoning Ordinance permits disturbance to steep slopes in the Critical Area without a variance, it does not appear that a building permit can be issued without first obtaining a variance. Please clarify.

John Swartz  
Willowswood Building Permit  
April 9, 2007  
Page 2

4. The subdivision plan does not contain any notes regarding the presence of rare, threatened or endangered species on the site, yet it appears that the property contains both Forest Interior Dwelling Bird (FID) habitat and Tiger Beetle habitat. Further, it appears that impacts to FIDs habitat are proposed. Please have the applicant note the presence of both species on the building permit plat and provide a Habitat Protection Plan (HPP) for both species. Regarding FIDs, the applicant should address the mitigation worksheet for impacts to FIDs habitat as part of the HPP. Also, coordination with the Department of Natural Resources (DNR) regarding protections for Tiger Beetle habitat may be necessary. Previous DNR recommendations for protection of Tiger Beetles have included a permanent prohibition on disturbance or clearing of the cliff face in regard to access to the water.

Thank you for the opportunity to provide comments for this building permit request. Given the extent of outstanding concerns, we request that a revised site plan be provided along with the required habitat protection plan elements. A revised submission should address all concerns stated above. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA115-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Replatting of Rousby Hall  
(Tax Map 44A, Lots 173 & 174)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon the lot line between two existing lots of record in order to create one lot. While the applicant has indicated that the lot lies within the Intensely Developed Area (IDA), it appears that the lot actually lies within the Limited Development Area (LDA).

In regard to the replatting request, this office is not generally opposed to the request as proposed. However, we recommend that a note be added to the plat detailing the Critical Area designation of the property. This will ensure that the current or future lot owner is aware of the restrictions which pertain to the lot prior to making an application for a building or grading permit.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA179-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Lynn Thomas  
14 South Harrison Street  
P.O. Box 520  
Easton, Maryland 21601

Re: Waterside Village at Easton

Dear Mr. Thomas:

In December of 2006, the Commission received a set of plans labeled Critical Area Exhibit Plan directly from McCrone, relating to the Waterside Village development proposal. At the time, the purpose of this submission was not clear as it had not been accompanied by an application or letter from the Town. Last week, you contacted me to determine whether a review of the submitted plans has been completed. This letter serves to provide comments on the December Critical Area Exhibit Plan.

Based on the plans provided, we have the following comments:

1. The impacts associated with the proposed pedestrian pathway within the Resource Conservation Area (RCA) need to be further minimized and further details regarding the proposed construction materials need to be provided. Currently, it appears that a 16-foot wide path is proposed in several locations throughout the Critical Area. Within the RCA, pathways should not exceed 6-8-feet in width, and should be proposed of a wood chip or wooden construction material.
2. Where sensitive areas (steep slopes, hydric soils, nontidal wetlands) lie contiguous with the 100-foot Buffer, the Buffer gets expanded to include the sensitive area. In this case, the nontidal wetlands shown lying contiguous with the Buffer need to be included within the limits of the Buffer and shown as such on the site plan. The 25-foot buffer from the edge of nontidal wetlands would still remain, but does not become part of the expanded Buffer. Please have the applicant correct the site plan.
3. The purpose and intent of the area of created nontidal wetlands shown the plan is not clear. Is this wetland creation proposed in association with a mitigation requirement for the Maryland Department of the Environment (MDE)? If so, has the proposed creation been permitted or formally approved by the MDE? In keeping with comment #2 above, please advise the applicant that any wetlands created in the area shown would require further expansion of the

100-foot Buffer to include the new wetlands. As such, the proposed walkway and gazebo are problematic. Please have the applicant forward greater details regarding these impacts to this office.

4. Please provide details regarding the amenity pond shown on the site plan. Based on the October 30, 2006 letter from the Town, it is my understanding that the previously constructed sediment pond/trap would be removed from within the Critical Area. If the Critical Area Exhibit Plan is accurate, this action was not conducted in accordance with the understood agreement and the pond remains. What is the purpose of the proposed pond and does it currently exist?
5. At this time, this office has not received a notification of an evaluation of the property having been conducted by the Department of Natural Resources (DNR) for the presence of any rare, threatened or endangered species. As with all development plans within the Critical Area, this review must be provided to ensure that impacts to Habitat Protection Areas are adequately addressed. Please provide this office with a copy of the DNR evaluation.

Thank you for the opportunity to comments on the latest set of Critical Area plans. In response to the comments above, please provide a revised site plan and any additional information which addresses the outstanding Critical Area concerns I have identified. If you have any questions about the comments above, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

cc: Al Kampmeyer, MDE



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 2, 2007

Ms. Bobbi Hutchinson  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: SPR 07-09 Lighthouse Inn Restaurant  
(Tax Map 46A, Parcel 42)

Dear Ms. Hutchinson:

Thank you for providing information on the above referenced site plan and development proposal. The applicant is proposing to reconstruct a recently burned restaurant structure within the same general footprint as the original structure. The property is located within the Intensely Developed Area (IDA) and within a Buffer Exemption Area (BEA).

Based on the information provided, it is my understanding that while the proposed structure will be within the same general footprint as the previous structure, the setback from Mean High Water (MHW) will be greater than the original structure. Given that the structure recently burned to the ground and that the current development proposal represents in-kind replacement, it does appear necessary for the applicant to demonstrate compliance with the 10% pollutant reduction requirement or to provide offsets for impacts to the Buffer as described within the County's ordinance. As such, this office has no further comments to offer.

Thank you for the opportunity to provide comments for this site plan and redevelopment proposal. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA124-07







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/](http://www.dnr.state.md.us/criticalarea/)

March 28, 2007

Mr. Dirk Geratz  
City of Annapolis  
Department of Planning and Zoning  
Municipal Building  
160 Duke of Gloucester Street  
Annapolis, MD 21401

Re: Windmill Hill Estates-5-Lot Minor Subdivision  
TM51C, P1029/1031

Dear Mr. Geratz:

Thank you for providing information regarding the above referenced subdivision. It appears that the applicant is proposing to subdivide two existing parcels of record to create a 5-lot subdivision. Parcel 1029 is currently designated as a Limited Development Area (LDA) and is developed with a single-family dwelling, garage and pool. Parcel 1031 is designated as an Intensely Developed Area (IDA) and is currently undeveloped.

Based on the information provided, we have the following comments:

1. Please have the applicant add the Critical Area designations to the plat on each parcel and indicate where the LDA/IDA split occurs.
2. Within the LDA, non-grandfathered lots or parcels are limited in the amount of impervious surface area they may be developed with. Given the small size of the lots proposed within the LDA, this office has serious concerns about the ability to comply with the impervious surface area limits stated in the law. Specifically, the applicant may either limit each lot to 15% impervious surface area coverage, or may permit each of the newly proposed lots to be built with up to 25% impervious surface area coverage provided that the impervious surface area total for the entire subdivision does not exceed 15% overall. Please have the applicant specify how the lots will be restricted and add information to the plat detailing the permitted impervious surface area per lot. We recommend that a chart format be utilized to accomplish this. Please advise the applicant that any existing or proposed driveway areas need to be included within impervious surface area totals.
3. The plat indicates that five new lots will be created, yet the application states that only three of the proposed lots will be considered buildable. If this information is accurate, please have the applicant

Dirk Geratz  
Windmill Hill Subdivision  
March 28, 2007  
Page 2

specify on the plat which of the lots will be buildable and what the purpose of the remaining two lots will be.

4. Please advise the applicant that if development is proposed within the IDA portion of Parcel 1031, the builder or lot owners will be required to comply with the 10% pollutant reduction requirement for new development. A plat note should be added which indicates that compliance with this requirement will be necessary at the time of development.
5. As with all new subdivisions within the Critical Area, the applicant is required to obtain an evaluation of the property from the Department of Natural Resources (DNR) in order to determine whether any rare, threatened, or endangered species exist onsite. If present, the applicant will be required to address any recommendations made by DNR for the protection of the species. This office has not received notification of an evaluation for the Windmill Hill property at this time.

Thank you for the opportunity to provide comments for this subdivision request. Given the nature of the outstanding concerns, please have the applicant address the comments above and provide a revised subdivision plat. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AN181-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 28, 2007

Mr. William Watson  
Zoning Administrator  
8200 Bayside Road  
PO Box 400  
Chesapeake Beach, MD 20732

Re: Trader's Restaurant-Revised Site Plan  
(Tax Map 101, Parcel 32)

Dear Mr. Watson:

Thank you for providing information on the above referenced revised site plan. In response to our previous review and comments, the applicant provided this office with a set of revised 10% rule calculations as well as sizing calculations for the proposed best management practice, a rain garden.

Based on the information provided, it appears that the applicants have met the requirements for achieving a 10% reduction in pollutant load post-development. Further, it appears that the proposed rain garden is adequately sized to treat the specified drainage area. Therefore, we have no further comments on this site plan or development proposal.

Thank you for the opportunity to provide comments for this revised site plan submittal. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CA478-06





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](http://www.dnr.state.md.us/criticalarea)

March 27, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3413 Springfield

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the 100-foot Buffer and steep slope requirements in order to construct a 48x4-foot wooden retaining wall. The property is designated a Limited Development Area (LDA) and is currently developed.

It is my understanding the existing retaining was constructed post Hurricane Isabel and was intended to prevent future erosion of the cliff face in the event of storm surge. Based on this knowledge alone, it is difficult, if not impossible, to assess whether the applicant has met each and every one of the County's variance standards. Specifically, the applicant has provided no explanation of or arguments in defense of the County's variance standards. While the application materials included a photograph demonstrating an eroding cliff face, it is not possible to discern whether the erosion was caused by Hurricane Isabel or by disturbance of the slope associated with installation of the retaining wall and associated grading. It is also not possible to determine how much Buffer disturbance was associated with the installation of the wall and whether any mitigating measures were taken by the applicants to restore slope stability. Prior to taking action on the requested variance, the Board should first require the applicant to address the variance standards and to provide proof that active erosion existed on the site and was caused by Isabel.

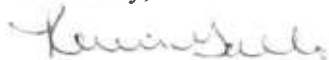
In evaluating this variance request, the Board must then decide that the requested variance is the minimum necessary to provide relief, and that the proposed project will not create adverse impacts to water quality or plant and wildlife habitat. Based solely on the information provided, this office questions whether it is possible to make such a determination. The Board should take into consideration the actions the applicants took without proper authority from the County and incorporate this into a mitigation requirement which reflects the after-the-fact nature of the request. We recommend that any future approval contain a 4:1 mitigation requirement for the entire area of Buffer disturbed.

Roxana Whitt  
Variance 07-3413  
March 27, 2007  
Page 2

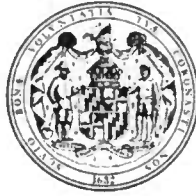
Finally, we urge the Board to consider that this property is one in a series of approximately eighteen properties in the Dares Beach community which have been identified by the County, the Maryland Department of the Environment, and the Army Corps of Engineers as having verified or potential ongoing violations stemming from post-Isabel construction. While the timeframe for processing these violations and the process for compliance with each agency's requirements has not yet been identified, the granting of an after-the-fact variance in this case has the potential to create a precedent to permit all other illegal structures within this community.

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

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA128-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 27, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3412 Hager

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer requirements in order to construct a 428 square foot paver patio and to construct a 6-foot high fence, thereby enclosing an area housing electrical equipment. The applicant has also applied for a variance to impervious surface area limits. However, it does not appear that the permitted 25% impervious surface area limits for the property are being exceeded. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and garage.

In regard to the proposal to construct a fence, we do not oppose the granting of a variance. It is my understanding that the proposed fence will enclose and essentially square-off an area directly adjacent to the existing dwelling and that a 6-inch gap will be left above the soil to ensure adequate infiltration opportunities.

In regard to the request to construct a paver patio, this office is unable to offer support. Specifically, the existing dwelling appears to have been constructed in 2000 upon award of a variance to disturb steep slopes and to impact the Buffer. Within that proposal, the applicants appear to have proposed and constructed an impervious patio area to provide use of the outdoor space on the property. In considering the variance, the Board must evaluate whether the denial of a variance would result in an unwarranted hardship to the applicant. In this case, it appears that the applicant currently enjoys reasonable and significant use of the outdoor areas on the property and that denial of a variance for an additional patio area would not constitute an unwarranted hardship.

Second, we note that the applicant has been previously granted the right to disturb and alter the Buffer in an effort to provide reasonable use of a grandfathered parcel. To further convert the remaining Buffer area to impervious cover, particularly where an adequate patio area currently exists, would not be in keeping with the general spirit and intent of the law. Conversely, the proposed impervious area would result in less opportunity for infiltration, less transitional area between the dwelling and the water, and generally create the potential for adverse impacts to water quality and plant and wildlife habitat. As such,

Roxana Whitt  
Variance 07-3412  
March 27, 2007  
Page 2

it is our position that the applicant has failed to meet all of the variance standards in regard to this request. The Board should therefore deny the requested variance.

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

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA127-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 26, 2007

Ms. Elisa Deflaux  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Oppenheim Property Marsh Creation Project  
TM 31, P155

Dear Ms. Deflaux:

This letter is provided in response to your recent inquiry regarding the physical location of the 100-foot Buffer where marsh creation projects are implemented as a means of shore erosion control. Specifically, your inquiry and this response apply to the above referenced property.

Based on our previous conversation, it is my understanding that Talbot County is seeking clarification regarding the location of the 100-foot Buffer on the Oppenheim property. This inquiry appears in response to the applicant's assertion that the current Buffer should be measured from the former Mean High Water (MHW) line and not the current edge of tidal wetlands. I understand that the question has come up because the applicants are applying for a permit to construct a pool, which they wish to construct in the same area as the existing dwelling, recently constructed. Further, it is my understanding the location of the 100-foot Buffer may have recently changed as a result of the shore erosion control measures the applicants have implemented.

As you are aware, the Critical Area Criteria require that the Buffer shall be established from the mean high water line of tidal waters, or the landward edge of tidal wetlands or tributary streams, whichever is applicable to the site. Further, the Buffer is always drawn in the field at the time of development. This method ensures that the Buffer is properly delineated and that any changes in the shoreline over time are accurately reflected at the time a new permit is issued. These changes include, but are not limited to, shoreline erosion and cut or fill of the shoreline. In this case, it appears that the applicants have implemented a marsh creation project, thereby altering the edge of tidal wetlands and moving the location of the 100-foot Buffer inland. The measurement of the Buffer from the MHW line would not be appropriate where the edge of tidal wetlands currently lies further inland. While the previously permitted structure could remain within the Buffer as a legal, non-conforming structure, any new structures must be constructed outside the limits of the current Buffer. Alternatively, the applicants could seek a variance to build within the Buffer.

Elisa Deflaux  
March 26, 2007  
Page 2

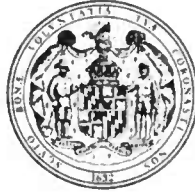
While it is unfortunate that the applicants were either unaware or improperly informed of the Buffer measurement standards prior to implementing the shoreline erosion control measures, there are no grandfathering provisions within the Critical Area law which permit new construction to be built using a previous Buffer location. For a permit to be properly issued, the Buffer will need to be measured in accordance with the current site conditions as they exist in the field.

Please note that this letter is intended to clarify your questions regarding general measurement of the Buffer, and specifically in relation to an altered shoreline. My comments regarding the specific situation on the Oppenheim property are based on an understanding of events ascertained in speaking with you. I have not visited the site or performed an on-site evaluation of the existing conditions. Please feel free to contact me with any additional questions or concerns that you may have at 410-260-3482. Also, I would be happy to speak directly with the applicant to clarify any position or statement contained within this letter.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 21, 2007

Mr. Roger Lee Fink  
County Attorney  
Office of the County Attorney  
PO Box 2150  
La Plata, Maryland 20646

Re: Swan Point Horse Farm Parcel Growth Allocation Request

Dear Mr. Fink:

The purpose of this letter is to provide an update of the Commission's processing of the 26.11-acre growth allocation requested in conjunction with the Villages at Swan Point project. On March 20, 2007, Acting Chairman Blazer determined that the County's request could be processed as a refinement to the Charles County Critical Area Program.

The proposed refinement has been scheduled for consideration by the Commission at the April 4, 2007 meeting in Crownsville. As soon as it becomes available, I will forward a copy of the meeting agenda, as well as a copy of my staff report. I will contact you shortly to determine whether a representative from the County will be present at the meeting. In the meantime, please contact me at (410) 260-3482 if you have questions.

Sincerely,

Kerrie Gallo  
Natural Resource Planner

Cc: Aimee Dailey, Charles County





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 21, 2007

Ms. Suzanne Schappert  
Planning Administrator  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, P.O. Box 6675  
Annapolis, Maryland 21401

Re: Parkin Mapping Mistake

Dear Ms. Schappert:

The purpose of this letter is to provide an update of the Commission's processing of the Parkin mapping mistake request. On March 20, 2007, Acting Chairman Blazer determined that the County's request could be processed as a refinement to the Anne Arundel County Critical Area Program.

The proposed refinement has been scheduled for consideration by the Commission at the April 4, 2007 meeting in Crownsville. As soon as it becomes available, I will forward a copy of the meeting agenda, as well as a copy of my staff report. I will contact you shortly to determine whether a representative from the County will be present at the meeting. In the meantime, please contact me at (410) 260-3482 if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie Gallo  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 20, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: SD-06-17 St. Jerome's Creek Subdivision  
(Tax Map 44, Parcel 222)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced major subdivision. The applicant is proposing to create a five-lot subdivision on a 1.846-acre property. In addition, the subdivision creates two out parcels (labeled as "A" and "B"), a dedicated private lane parcel and a separate RD-14A entrance parcel. The property lies within a designated Limited Development Area (LDA).

Based on the information provided, we have the following comments:

1. The applicant has proposed to construct the proposed RD14A entrance and the proposed private lane using Eco-Stone pavers, thereby claiming a 100% pervious cover in these areas and not including them within the impervious surface area calculations for the subdivision. This concept is problematic for several reasons. First, paver systems generally range from 40-60% pervious in nature, and only achieve this perviousness where the underlying soils adequately infiltrate, where long-term maintenance plans and agreements are arranged and can be monitored by the County, and where the proposed use is occasional in nature. While the 100% proposed perviousness of the pavers seems entirely unreasonable regardless, it does not appear that soil borings have been done or that any type of maintenance agreement is proposed to demonstrate that any percent perviousness can be achieved and maintained through the proposed use. Second, the use of semi-pervious paving systems is not appropriate for a roadway constructed in conjunction with a new subdivision, particularly where it appears that their use is necessary to avoid exceeding impervious surface area limits. Based on these concerns, Commission staff is strongly opposed to the granting of preliminary subdivision including the use of pervious pavers as proposed. Rather, the applicant should be required to include the areas needed for private roadways into the design of the subdivision, assuring that compliance with impervious surface area limits can be achieved in perpetuity. It may be necessary to redesign and/or decrease the number of proposed lots.

The intent of out parcels A and B is not clear. If any impervious surface areas are proposed within these parcels, the applicant needs to plan for and include those areas within the subdivision at this time.

Otherwise, a note should be added to the plat restricting parcels A and B from any new impervious surface area in perpetuity.

3. Aerial photographs from several years indicate various types of existing structures or transient structures exist or have existed on the property. If the property contains any existing structures at this time, please have the applicant add them to the plat.
4. As always, the applicant is required to obtain an evaluation of the property by the Department of Natural Resources (DNR) for the presence of any rare, threatened or endangered species. If present the applicant will need to address any recommendations for protection made by DNR. This office has not received any notice of an evaluation for the St. Jerome's Creek property. Please ensure that this information has been received and that no species concerns exist prior to preliminary plat approval.

Thank you for the opportunity to provide comments for this minor subdivision request. Given the nature of our outstanding concerns, please provide a revised plat which addresses the concerns above. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA135-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 20, 2007

Stephen B. Billings  
301 West Preston Street  
Baltimore, Maryland 21201

Re: Maryland Statehouse Sidewalk Project

Dear Mr. Billings:

Thank you for providing information regarding the proposed repair of the Statehouse sidewalks, located within the City of Annapolis. Based on our review of the information provided, it appears that the Department of General Services (DGS) is proposing to conduct repair of the existing brick sidewalks within a small portion of Critical Area located on State Circle.

From the site plan provided, it appears that the Critical Area portion of the project encompasses less than 1,000 square feet in area and is considered to be Intensely Developed. The Critical Area impacts appear to be proposed in conjunction with a larger repair project outside of the Critical Area. As such, I understand that proper silt fencing and stormwater management measures are being provided consistent with the requirements for the project as a whole. Based on this understanding, Commission staff finds that this project constitutes a repair of existing site conditions and does not propose expansion or disturbance outside the limits of the existing sidewalk and State Circle curbs within the Critical Area portion of the site. As such, no further Critical Area review or approval is necessary. Please note that this letter applies only to the current sidewalk repair project as submitted and as shown on the site plans provided. Future DGS projects may require additional review and/or approval measures and should continue to be sent to this office for evaluation on a case-by-case basis.

Thank you for working with the Commission to ensure that all Critical Area criteria and review procedures have been properly addressed. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner

Cc: Gordon Mead, DBF





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

Dirk Hinrik Geratz  
City of Annapolis  
Department of Planning and Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: Jackson Property Variance

Dear Mr. Geratz:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to permit the construction of a replacement dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a shed and driveway.

Based on the information provided, it is my understanding that the previous dwelling was destroyed by Hurricane Isabel and has been razed at this time. Further, I understand that the previous dwelling was located approximately 68-feet from Mean High Water (MHW). In general, this office does not oppose the granting of a Buffer variance in order to replace the dwelling. However, in constructing a new dwelling, the applicant bears the burden to demonstrate the proposed disturbance is the minimum necessary to provide relief from an unwarranted hardship and that adverse impacts to the Buffer have been minimized to the extent possible. In reviewing this variance request, it appears that further minimization of Buffer impact is possible. Specifically, the applicant proposes to encroach further towards MHW than the previous structure and to further impact and decrease the Buffer by constructing a large deck. Should the applicant wish to accommodate a deck, the Board should require that the applicant reduce the size of the proposed dwelling, thereby allowing a reasonably sized deck to be constructed within the existing 68-foot setback. It appears that this change would still provide reasonable and significant use of the parcel to the applicant.

Once the deck is moved to remain within the existing 68-foot setback, we recommend that the Board require the applicant to utilize pervious construction. This includes constructing the deck with 1-inch spacing between boards, 6 inches of gravel substrate below the deck and native plantings surrounding the base of the deck. These measures will help to ensure that adequate infiltration can be achieved onsite and that adverse impacts to the Buffer are minimized. Finally, it appears that several trees are being removed in conjunction with the proposed improvements and that payment of a fee-in-lieu has been proposed by the applicant. Based on recent aerial photographs, it appears that areas may exist between the dwelling and MHW where plantings could be implemented. We recommend that the

TTY for the Deaf

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

Dirk Geratz  
Jackson Variance  
March 19, 2007  
Page 2

Board require the applicant to plant on site wherever possible prior to accepting payment of a fee-in-lieu.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AN138-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

Mr. Roger Lee Fink  
County Attorney  
Office of the County Attorney  
PO Box 2150  
La Plata, Maryland 20646

Re: Swan Point Growth Allocation-Horse Farm Parcel

Dear Mr. Fink:

We have received your request to process the 5.25-acre growth allocation request referenced above, thereby amending the County's Critical Area maps. At this time, we wish to notify you that the County's request has been accepted for processing.

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

Thank you for your coordination in bringing this growth allocation request before the Commission. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Aimee Dailey, Charles County





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 13, 2007

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

Re: Tiki Bar Site Plan

Dear Mr. Humphries:

Thank you for providing a copy of the most recent site plan for the Tiki bar property. As you are aware, I recently inquired as to the status of this project when it appeared on the County's quarterly report summary submitted to the Commission. In response to my inquiry, you forwarded me a copy of the plan which is currently under review and scheduled to be presented to the Planning Commission on March 21, 2007. This site plan submittal was informal in nature and intended to address the question of whether the project falls under the notification requirements outlined within COMAR 27.03.01.03.

Upon receiving the plan, I have had a chance to look at the existing site conditions and proposed improvements. Unfortunately, I am not able to determine whether the proposed impacts and overall disturbance fall under the 15,000 square foot threshold for Commission notification and review. However, the project appears to represent a substantial "redevelopment" of the existing site, including the installation of wooden walkways, paving of an access road with CR-6, placement of several tiki statues and bar structures, rearrangement of the existing gravel parking areas, possible expansion of buildings to accommodate new retail space and the placement of an unidentified quantity of sand fill. Based solely on the scope of these improvements and the information shown on the site plan, I have outstanding concerns that the proposed improvements collectively exceed the 15,000 square foot threshold for Commission notification and therefore require formal review by the Commission.

Given the nature of these concerns which I preliminarily expressed to you over the phone, you had agreed to submit a formal site plan review request to Commission staff. As a component of this review, I will be looking to see that the applicants have quantified and clearly identify all existing, legally grandfathered structures, conforming or otherwise, and have provided a summary of the square area or limit of disturbance for all portions of the property affected by new or redevelopment. The site plan should also identify whether the proposed improvements are located over existing impervious surface areas or not. This information will help determine whether compliance with the 10% rule for redevelopment is necessary.

David Humphries  
March 13, 2007  
Page 2

Thank you in advance for your cooperation in ensuring that this project meets the spirit and intent of the County and State Critical Area Program and Law. If you have any questions regarding the content of this letter, please feel free to contact me at (410) 260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

CC: Bobbi Hutchinson, Calvert County





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

March 12, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1024 Seaside Holdings, LLC-Revised  
Tax Map 16, Parcel 3

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor lot line revision. The applicant is requesting a line revision to change the existing lot lines on Deed Tracts 2, 3, and 4. The Critical Area portion of the property is designated as a Resource Conservation Area (RCA). Deed Tract 2 is currently developed with multiple dwellings and farm structures, while the remainder of the property exists as undeveloped agricultural fields.

Based on the information provided, we have the following comments:


1. In regard to the existing and proposed acreages occurring as a result of the lot line revision, please have the applicant clarify the following:
  - If 3.1 acres of former deed tract 2 are to be conveyed to Seaside Holdings, will this conveyed area become a separate parcel or will the conveyance occur only by easement, with the acreage remaining a recorded part of deed tract 2?
  - Where does the 13.13 acre increase within the Critical Area come from on revised deed tract 2?
  - Where there appear to be lot lines shown for deed tract 2A, why has this acreage been included within the larger deed tract 2 and not separated out as with the other deed tract?
2. Please verify that the impervious surface area totals listed for revised deed tract 2 include all of the existing structures. Based on aerial photographs, there appear to be as many as ten existing structures. The stated amount of existing impervious surface area seems inadequate to compensate for ten structures.

Mary Kay Verdery  
L1024 Seaside Holdings, LLC  
March 12, 2007

3. While additional subdivision and/or physical development does not appear proposed at this time, it appears that certain portions of the property will require afforestation and Buffer establishment at the time of future subdivision or development. These requirements should be noted by the applicant and owner and noted on the plat.
4. The plat contains a note regarding future access to Todds Corner Road from revised deed tract 3. It appears that the proposed conveyed area adjacent to deed tract 4 and deed tract 2 is intended to provide future access to deed tract 3. In addition to permits from the Maryland Department of the Environment and the Army Corps of Engineers, it appears that a Critical Area variance would also be required to cross the stream and Buffer on deed tract 3. Therefore, we recommend that the County require the applicant to add language regarding the need for a variance to the existing plat note. In addition, please advise the applicant that where a feasible alternative exists, such as the existing right-of-way at the northern portion of deed tract 3, this office would not generally support a future variance to construct a road through a stream and the Buffer.

Thank you for the opportunity to provide comments for this revised lot line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC388-06



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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

Mr. Frank McKenzie  
City of Salisbury-Wicomico County  
Department of Planning, Zoning and  
Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: A Village Down River Growth Allocation

Dear Mr. McKenzie:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced amendment. On March 7, 2007, the Critical Area Commission voted unanimously to approve with conditions the County's growth allocation request as an amendment to the County's Critical Area Program. The conditions of approval are as follows:

1. Wicomico County shall ensure that the habitat enhancements proposed in lieu of the 300-foot setback and identified on Exhibit A are shown on and included within the final approved site plan. At the time of final site plan review and approval, the County shall present a scheduling and phasing plan detailing the timeframe for implementation of the proposed enhancements. This plan shall be approved by Commission staff.
2. Wicomico County shall monitor the habitat enhancements and wetland restoration project for a period of five years from the time that each is considered complete. The County shall allow for annual inspections by Commission staff for the same five-year period.
3. Upon final approval of the growth allocation request, Wicomico County shall submit a site plan to Commission staff, and if necessary, to the full Commission, for review and approval. The site plan shall include the areas of proposed development within the LDA and IDA.
4. Any change to the final approved site plan or deviation of the proposed wetland restoration project shall be submitted to Commission staff, and if necessary, to the full Commission for review and approval.

Frank McKenzie  
March 12, 2007  
Page 2

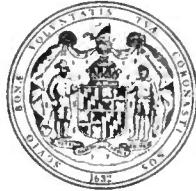
5. A Buffer Management Plan shall be submitted to Commission staff, and if necessary, to the full Commission detailing any proposed impacts to the 100-foot and expanded Buffer. The plan shall include, but is not limited to, details regarding proposed trails or pathways, shore erosion control measures, and any clearing activities.
6. Wicomico County shall collect a bond or other surety to ensure that the proposed habitat enhancements are properly implemented and to ensure 85% survivability. The bond or surety shall be held by the County for the entirety of the five-year monitoring period.

Please incorporate this amendment into the County's Critical Area maps within 120 days from the date of this letter. Also, please provide this office with an updated copy of the affected Critical Area map. If you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 12, 2007

Ms. Debbie Renshaw  
St. Michaels Planning Office  
P.O. Box 206  
St. Michaels, Maryland 21663-0206

Re: Town Trail Project

Dear Ms. Renshaw:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 7, 2007, the Critical Area Commission unanimously approved the Town's proposal and site plan to construct a public hiker/biker trail within the IDA and LDA. The Commission approved the trail construction using an impervious asphalt paving material. However, as you requested, Commission staff asked the Commission to consider and vote on whether the Town's use of a semi-pervious paving surface would be acceptable as an alternative to the asphalt surface. The Commission was agreeable to this proposal, provided that the proposed change, if desired by the Town, is reviewed by Commission staff to ensure that the proposed material does not present additional adverse impacts to aquatic or upland habitats.

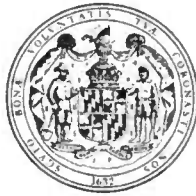
In addition, please notify Commission staff once the approved mitigation plantings have been implemented so that a site visit can be conducted to view the plantings. Please note that should any changes to the site plan be proposed for the completion of the project, additional review and approval by the full Commission would be required. Should you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Roby Hurley, MDP





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 2, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: SD 06-18, Bermuda Breeze  
(Tax Map 34, Parcel 200)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is proposing to create a five lot subdivision on a 41.15-acre property. Of this acreage, 27.61 acres lie within the Critical Area and are designated as a Resource Conservation Area (RCA). There are two lots proposed entirely within the RCA, with a third lot lying partially within the RCA.

Based on the information provided, we have the following comments:

1. It appears that the applicant is proposing to locate two lots within the RCA portion of the property where only 27.061 acres of RCA exist on the site. It is my understanding that an intra-family transfer request is proposed, yet the application materials submitted contain conflicting information in regard to an intra-family transfer request. If intrafamily transfer is truly proposed, the plat must state this intent and include the proper identifying information about the lot recipients.
2. It appears that a subdivision of the RCA lands along the western property boundary is proposed via the creation of Lot 5. As the existing acreage of the RCA lands in this area is nonconforming in regard to being less than twenty acres in size, any subdivision of this land further increases the nonconformity within the RCA and is not permitted. Please have the applicant remove the lot lines of Lot 5 from the Critical Area.
3. As you are aware, the applicant is required to have the property evaluated by the Department of Natural Resources' (DNR) Wildlife and Heritage Division for the presence of any rare, threatened, or endangered species. If present, the applicant will be required to address any recommendations made by DNR for the protection of the species, prior to preliminary plat approval. At this time, this office has not received notification of an evaluation of the property. Please ensure that the applicant has provided this information prior to preliminary plat approval.

Olivia Vidotto  
SD 06-18 Bermuda Breeze  
March 2, 2007  
Page 2

4. The impervious surface area information stated on the plat for proposed lots 6 and 7 is incorrect. Each of the newly proposed lots is greater than one acre in size. As such, the lots are each limited to a 15% impervious surface area limit. Please have the applicant correct this information on the plat.
5. Please clarify whether Lots 6 and 7 will be accessed by the existing Fish Hook Road or whether an additional access is proposed across the property. If an additional roadway is proposed, this should be shown on the plat.

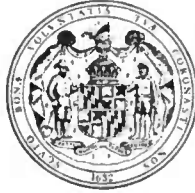
Thank you for the opportunity to provide comments for this minor subdivision request. Please have the applicant address the above stated concerns and provide a revised plat. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA77-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 2, 2007

Mr. Roger Fink  
County Attorney  
Charles County Government  
P O Box 2150  
La Plata, Maryland 20646

Re: Swan Point Growth Allocation

Dear Mr. Fink:

This letter explains two issues that arose during the Critical Area Commission's March 2, 2007 panel meeting on the above referenced growth allocation request. Specifically, several procedural questions arose relating to the presentation of Forest Interior Dwelling Bird (FID) protection and mitigation information by third party individuals.

As you know, the public record for the Swan Point growth allocation was closed on January 31, 2007. Once the record closes, I am sure you understand that the Commission and its panel must be careful to prevent the addition of new information to the record. The panel may, however, accept clarification from the County, or Commission staff, in the form of written or oral comment provided in response to specific questions or requests from the panel. Should the County wish to designate a person who is not a County employee to present information to the panel on the County's behalf, the Commission requires the County to submit, in writing, a letter to the Commission stating the County's designation of that person as an agent of the County, temporary or otherwise, and stating the scope of the agent's authority to speak for the County. As a letter of this nature was not received by the Commission prior to the panel's March 2, 2007 meeting, the panel was unable to accept written or oral comment from persons not affiliated with the County government.

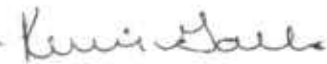
A second issue requiring further County action relates to the supplemental FIDs mitigation information received in the Commission offices via facsimile on March 1, 2007. This information was sent directly to Commission staff from the Attorney representing the developers, with no indication as to whether the County had received, reviewed, or endorsed the letter. Again, because the Commission's record for decision closed over a month ago, the developer's March 1, 2007, fax could not be accepted for the record. For the reasons set forth in the preceding paragraph of this letter, our Counsel advised against distributing this third-party information to the Panel. I have included a copy of this correspondence for your reference. Should the County wish for the Commission to release the developer's FIDs letter to

Roger Fink  
March 2, 2007  
Page 2 of 2

the panel members for their review prior to the March 7, 2007 panel meeting, the Commission requires written direction from the County acknowledging your receipt of, and endorsement of the contents of the letter. In addition, if the County adopts the FIDS letter as part of the County's package, please specify in writing whether the County requests Commission staff to submit the FIDs information letter to the panel members for review.

Thank you for your cooperation in helping to ensure the integrity of the public record for this project. If you have any questions about this letter, you may call Marianne Dise, Counsel to the Critical Area Commission at 410-260-3466.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: David Uhmling, Charles County  
Marianne Dise, OAG



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 26, 2007

Mr. Bob Cuthbertson  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Camp Wabanna, Permit #200760625/07-WL-1043  
101 Likes Road in Edgewater, Anne Arundel County

Dear Mr. Cuthbertson:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated February 15, 2007. Specifically, this letter is in reference to an application by Camp Wabanna to emplace stone revetment channelward of a deteriorating bulkhead at the above referenced property in Anne Arundel County.

In general, it appears that the majority of disturbance will be located waterward of the Mean High Water (MHW) line. However, the attached site plans indicate that the applicant proposes to stockpile materials within the 100-foot Critical Area Buffer. This activity is not permitted within the Buffer. Alternatively, the applicant should stockpile any necessary materials outside of the Buffer, ensuring that the stockpile area is entirely surrounding by silt fencing or other sediment and erosion control measures. In addition, please advise the applicant that any grading of the existing bank and/or removal of vegetation necessary for the installation of the new revetment will need to be mitigated at a 1:1 ratio. This mitigation can be fulfilled by working with the Anne Arundel County Planning and Zoning office during the process of obtaining local government approval for the proposed project.

Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Jim Johnson, Anne Arundel County





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 21, 2007

Ms. Suzanne Schappert  
Planning Administrator  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, P.O. Box 6675  
Annapolis, Maryland 21401

Re: Parkin Mapping Mistake

Dear Ms. Schappert:

We have received your request to process the above referenced mapping mistake, which proposes to amend the County's Critical Area maps. At this time, we wish to notify you that the County's request has been accepted for processing.

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

Thank you for your coordination in bringing this mapping mistake request before the Commission. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Lois Villemaire, Anne Arundel County  
Tom Burke, Anne Arundel County  
Sally Iliff, Anne Arundel County Law Office  
Marianne Dise





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 21, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: A085 Bank

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to construct an addition to the existing dwelling. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and pool.

Based on the information provided, it appears that the applicant proposes to construct a 1,059 square foot addition to the existing dwelling. The addition will be located entirely within the Buffer. Given that the location of the proposed addition appears constrained by the location of the existing dwelling and septic recovery area, this office is generally not opposed to the granting of a variance as requested. However, we note that the applicant has indicated the intent to construct an infiltration trench in order to intercept rooftop runoff. While this stormwater management feature is a desirable enhancement to the site, it should be constructed outside of the Buffer, along the Langs Landing Road side of the dwelling. It does appear that opportunity exists to locate the swale outside the Buffer. In addition, please ensure that mitigation is provided at a 2:1 ratio for the entire area of new disturbance to the Buffer.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
TC89-07







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/](http://www.dnr.state.md.us/criticalarea/)

February 20, 2007

Ms. Tressa Ellis  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Bulli Farm Investments Inc., Permit #200667151/07-WL-0660  
Miles River, Spencer Creek and Little Neck Creek, Talbot County

Dear Ms. Ellis:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated February 1, 2007. Specifically, this letter is in reference to an application by Bulli Farm Investments to permit filling, grading, and planting of marsh vegetation, construction of revetment and stone sills, construction of a boat ramp, and disposal of dredged spoil at the above referenced property in Talbot County.

Based on the information provided, it is not possible to determine the extent of impact proposed to the Critical Area 100-foot Buffer. However, the accompanying site plans indicate that some grading of the bank may be proposed in conjunction with this application. While some degree of grading may be permitted to ensure proper shore erosion control per the specifications of the Maryland Department of the Environment (MDE) permit, please advise the applicant that the grading must be limited to that which is necessary to effectively install the shore erosion control measures. In addition, removal of tree and understory coverage within the Buffer for the purposes of shore erosion control or as necessary to grade portions of the bank will require mitigation plantings at a 1:1 ratio. In addition, the boat ramp will require local permits and is also subject to mitigation for impacts to the Buffer. Finally, please ensure that the proposed dredged material disposal site is located outside of the 100-foot Buffer. We recommend that the applicant contact the Talbot County Planning and Zoning office to obtain all necessary local permits associated with these activities and to ensure compliance with the Critical Area Buffer and mitigation regulations.

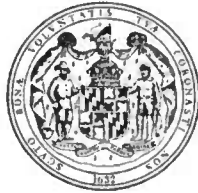
Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner

Cc: Elisa Deflaux, Talbot County





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 20, 2007

Mr. Reggie Graves  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Choptank Partners, Permit # 200760126/07-WL-0870  
Southside Island Road, Talbot County

Dear Mr. Graves:

I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated February 1, 2007. Specifically, this letter is in reference to an application by Choptank Partners to permit the dredging of 133 cubic yards of materials along with disposal of the material within an onsite streambed. The stated purpose of the project is beach nourishment and shore erosion control.


Based on the information provided, this office has some concerns about the proposed activities. Specifically, it is not clear why the tidal gut leading to an enclosed tidal wetland system requires a navigable entrance channel to be maintained. Is this a historically dredged channel and/or a Federally maintained and documented waterway? Is there a resource management aspect of the project which would benefit from the proposed dredging? In addition, while the Critical Area Criteria permit the disposal of dredged material within the Buffer for the purpose of beach nourishment, we question whether the deposition of the dredged material within the stream bed as proposed creates the potential for adverse impacts to the stream bed and tidal system. Rather, could the spoil be placed along an alternative section of beach on the property? To be consistent with the provisions for dredging within the Critical Area, the applicant must demonstrate that the proposed dredging, along with the associated spoil disposal activity, is conducted in a manner which causes the least disturbance to water quality and aquatic and terrestrial habitats. We question whether this criteria has been met. In addition, recent aerial photos (2005) do not appear to indicate an actively eroding shoreline situation on the property as stated in the area of proposed nourishment. Where shore erosion controls measures are not necessary to ensure the stability of a shoreline, an alternative method of spoil disposal should be utilized.

In addition to any permits issue by MDE, we recommend that the applicant contact the Talbot County Planning and Zoning office to obtain all necessary local permits associated with these activities and to ensure compliance with the Critical Area Criteria. Commission staff would be happy to further discuss the proposed activities in regard to their consistency with the Critical Area Criteria. Thank you for the

Reggie Graves  
Joint Public Notice-Choptank Partners  
February 20, 2007  
Page 2

opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Elisa Deflaux, Talbot County



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

February 20, 2007

Mr. Bob Cuthbertson  
Maryland Department of the Environment  
Water Management Administration  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Dreamcraft Homes, Permit # 200664898/07-WL-0010  
52 Johnson Road (Lot 81), Anne Arundel County

Dear Mr. Cuthbertson:

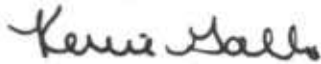
I am writing in response to the Maryland Department of the Environment (MDE) and Army Corps of Engineers (ACOE) joint public notice dated February 1, 2007. Specifically, this letter is in reference to an application by Dreamcraft Homes to permit filling, grading, and planting of marsh vegetation, emplacement of sand containment structures, and construction of a two timber piers at the referenced property in Anne Arundel County.

Based on the information provided, it is not possible to determine the extent of impact proposed to the Critical Area 100-foot Buffer. However, the accompanying site plans indicate that some grading of the bank is proposed in conjunction with the proposed revetment and sand containment groins. While some degree of grading may be permitted to ensure proper shore erosion control per the specifications of the Maryland Department of the Environment (MDE) permit, please advise the applicant that the grading must be limited to that which is necessary to effectively install the shore erosion control measures. In addition, removal of tree and understory coverage within the Buffer for the purposes of shore erosion control or as necessary to grade portions of the bank will require mitigation plantings at a 1:1 ratio. Further, the site plan provided indicates that the proposed timber piers extend well beyond Mean High Water (MHW) into the Critical Area Buffer. In some cases, the piers connect to wooden walkways and wood chip pathways. Construction of walkways and piers within the Buffer may require a variance and mitigation in addition to any permits and requirements issued by MDE. Please ensure that the applicant contacts the Anne Arundel Planning and Zoning office early in the planning stages to obtain all necessary local permits associated with this activity and to ensure compliance with the Critical Area Buffer and mitigation regulations.

Bob Cuthbertson  
Joint Public Notice-Dreamcraft Homes  
February 20, 2007  
Page 2

Thank you for the opportunity to provide comments regarding this wetlands permit request. If you have any questions, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Suzy Shappert, Anne Arundel County  
Doug Musser, Anne Arundel County



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

February 20, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Breezy Point Replatting Request  
(Tax Map 19A, Lots 4R and 6RR)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced replatting request. The applicant is proposing to abandon two existing property lines on Lot 5, thereby allotting additional acreage to lots 4R and 6RR, located on either side of Lot 5. It is my understanding that Lot 5 will no longer exist once the plat is recorded. The property is located within a Limited Development Area (LDA) and is currently developed with a primary dwelling on each of Lots 4R and 6RR.

Based on the information provided, it is my understanding that the proposed replatting request does not create any new buildable lots. Rather, it appears that the entirety of Lot 5 will be abandoned with 10,050 square feet being allocated to each lot on either side of former Lot 5. Provided that Lot 5 is not currently developed with a dwelling, this office does not oppose the replatting request and lot line revision.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA79-07







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/](http://www.dnr.state.md.us/criticalarea/)

February 15, 2007

Mr. William Watson  
P.O. Box 400  
Chesapeake Beach, MD 20732

Re: Chesapeake Beach Wastewater Treatment Plant Outfall Replacement

Dear Mr. Watson:

Thank you for providing information on the above referenced outfall replacement at the Town's existing wastewater treatment plant. It appears that the Town is proposing to install a new outfall pipe, diffuser assembly, and manhole. The outfall will be directionally drilled under tidal wetlands and will ultimately outfall approximately 200 feet into the Chesapeake Bay. The project lies entirely within the Resource Conservation Area (RCA) and within the 100-foot Buffer.

It is my understanding that the proposed improvements propose approximately 2,613 square feet of new disturbance to the Buffer, with approximately 7.1 square feet of new impervious surface area associated with the new manhole cover. It does not appear that any tree clearing is necessary for the project. I understand also that all necessary tidal wetlands permits as well as sediment erosion control permits have been obtained at this time. Based on the site plan submitted, and provided that 3:1 mitigation is provided for the 2,613 square feet of disturbance to the Buffer (0.18 acres) as stated within the Town's consistency report, I concur that that the project appears to be consistent with the provisions of COMAR 27.02.02 and requires no further Commission review or action.

We appreciate the opportunity to provide comments on this development proposal. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CB218-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 15, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Trappe Public Landing

Dear Ms. Verdery:

Thank you for providing information on the above referenced public landing project. It appears that the County Department of Public Works is proposing after-the-fact to construct an area of revetment landward of Mean High Water (MHW) for the purpose of shore erosion control. In addition, the project proposes to make minor repairs to an existing timber pier, to construct eleven mooring piles, to repave the roadway and parking area, and to install a marine pumpout facility. The project lies entirely within the Resource Conservation Area (RCA) and the 100-foot Buffer.

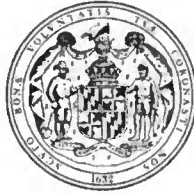
In evaluating the information provided, it is my understanding that the proposed project creates no new impervious surface area within the Buffer, and consists essentially of repairs to existing structures and parking areas. In addition, no tree clearing is proposed in conjunction with the project. When new or redevelopment is undertaken on a County-owned property, compliance with the current Critical Area regulations must be demonstrated to the extent possible. In this case, it is not clear that all opportunities for compliance with the afforestation and Buffer mitigation have been explored. It appears that a gravel area exists near the proposed marine pumpout which could be planted, as well as an area to the west of the existing paved roadway. Planting these areas would demonstrate compliance with the 15% afforestation requirement as well as with the requirement for mitigation associated with the new revetment in so far as possible. Please provide information which clarifies whether plantings can be accommodated in the specified locations or elsewhere on the property. Commission staff will need this information prior to making a determination that the project is consistent with the regulations for local government projects as outlined within COMAR 27.02.02.

Thank you for your cooperation and efforts in bringing this project to Commission staff for review. If you have any questions, please contact me at 410-260-3482.

Sincerely,

Terrie L. Gallo  
Natural Resource Planner  
TC41-07





**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/](http://www.dnr.state.md.us/criticalarea/)

February 15, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Sinclair Avenue Waterfront Park

Dear Ms. Verdery:

Thank you for providing information on the above referenced waterfront park project. It appears that the County Department of Public Works is proposing after-the-fact to repave and reduce the width of a County-owned and maintained roadway within a waterfront park area. The proposed project also includes the installation of revetment waterward of the existing failing bulkhead. In addition, it appears that a small portion of the new revetment lies landward of the existing bulkhead, within the 100-foot Buffer. The project lies entirely within the Limited Development Area (LDA).

In evaluating the information provided, it is my understanding that the proposed project creates no new impervious surface area within the Buffer, and in fact, reduces the overall impervious surface area onsite by 600 square feet. In addition, no tree clearing is proposed in conjunction with the project. When new or redevelopment is undertaken on a County-owned property, compliance with the current Critical Area regulations must be demonstrated to the extent possible. In this case, the County has not provided information regarding the existing and proposed developed woodland cover on the site within the consistency report. While it appears that the 35 shrub plantings provided adequately meets the mitigation requirement for disturbance to the Buffer associated with the grading and new revetment, and provides for approximately 1,250 square feet of credit towards meeting the afforestation requirement within the LDA, the County must demonstrate that compliance with the 15% afforestation requirement has been achieved to the extent possible.

On this site, it appears that ample areas of grassed cover exist which could be planted in developed woodland cover. Therefore, in order to demonstrate consistency with the requirements for local government project as detailed within COMAR 27.02.02, we recommend that the County provide a revised planting plan which includes an additional 500 square feet of native plantings. It appears that ten additional shrub plantings would accomplish this goal.

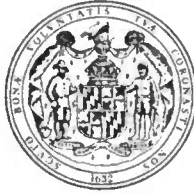
Mary Kay Verdery  
Sinclair Avenue Consistency Report  
February 15, 2007  
Page 2

Thank you for your cooperation and efforts in bringing this project to Commission staff for review. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC40-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 15, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Caldwell Subdivision-Revised  
Tax Map 22, Parcel 36

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised subdivision. The applicant is proposing to subdivide a 6.56-acre parcel to create 2 lots. Both proposed lots are currently developed with primary dwellings. The property lies within a designated Resource Conservation Area (RCA).

Based on the information provided, it appears that the applicant has adequately addressed our previous concerns. As a result, this office has no further comments to offer.

Thank you for the opportunity to provide comments for this revised subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC316-06







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/](http://www.dnr.state.md.us/criticalarea/)

February 13, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

Re: Swan Point Growth Allocation  
Outstanding Panel Concerns

Dear Ms. Dailey:

This letter is intended to provide the County with a summary of the additional items and/or clarifications requested from the Critical Area Commission panel members for the Swan Point growth allocation as communicated during their February 7, 2007 panel meeting.

This list includes only those items which the panel required additional information about or changes to prior to making a recommendation to the full Commission. During the panel meeting, the Commission members also discussed certain concerns whose resolution could be accomplished by future conditions of approval. Those items are not included within this list. Please address the following:

1. The growth allocation envelope located on the horse farm (20.86 acres) creates a fragmented 5-acre remnant parcel to the west of the proposed envelope. With the use of growth allocation envelopes, any acreage remaining in a Resource Conservation Area (RCA) designation much consist of a minimum of 20 contiguous acres. Amend the horse farm envelope to include the 5-acre area to the east of the existing envelope. This change cannot be handled as a condition and will need to be incorporated into a revised County growth allocation request prior to the Commission taking any favorable action on the growth allocation request. A revised growth allocation map must reflect this change.
2. Clarify and provide preliminary calculations demonstrating that compliance with the 15% impervious surface area limit outside of the proposed Intensely Developed Envelopes (IDA), within the Limited Development Area (LDA) is possible. Since the County has chosen to consider each of the proposed growth allocation envelopes as a separate parcel, the impervious surface area calculations must be completed per parcel. Please ensure that all existing impervious areas are figured into the calculations. Commission staff has received preliminary impervious surface area calculations from the developer, dated February 8, 2007. Please indicate whether the County

concurs with the information presented in this document or provide alternative calculations and analyses. It is my understanding that this document was concurrently provided to the County.

3. Clarify whether the proposed beach and recreational trails throughout the Buffer are proposed as public or private amenities. The Critical Area Criteria (27.01.03.08) permit disturbance to the Buffer for these purposes only as necessary for public use.
4. Provide information, in as much detail as possible, regarding the potential properties intended to meet the mitigation requirements for impacts to Forest Interior Dwelling Bird (FIDS) habitat. This information should include parcel acreage, general location, existing forest characteristics and composition, and additional benefits offered by the preservation of certain parcels based on the presence of other rare, threatened, or endangered species, proximity to other protected properties, and proximity to the Critical Area. Provide information regarding both planting and preservation opportunities. General information regarding potential partnership opportunities that the County and developers are exploring with third party agencies should be discussed. If this information is intended to be presented verbally, the County should be prepared to do so at the next panel meeting.
5. Revise the General Development Plan (GDP) to show the approximate locations for all parking, bathrooms, showers, and boat storage needed to accommodate the proposed marina. Demonstrate that these amenities can be accommodated within the proposed IDA growth allocation envelope.

Thank you for your cooperation in providing this additional information for the panel to review. As discussed during the February 7, 2007 panel meeting, Commission staff is attempting to schedule an additional panel meeting prior to the Commission and panel's required meeting on March 7, 2007. Ideally, the requested items should be provided to Commission staff for review no later than Friday, February 23. This will ensure adequate review time by Commission staff and a subsequently more complete presentation of the materials to the panel. If you have any questions about the content of this letter, please call me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: David Uhmling, Charles County  
Marianne Dise, OAG



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

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

February 12, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1034 Strong/Passyn  
Tax Map 53, Parcels 146 & 187

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting a line revision to change the existing lot lines on Parcels 146 and 187. Both parcels are located within a Resource Conservation Area (RCA). Parcel 146 is developed with a single-family dwelling, garage and barn, while Parcel 187 is undeveloped.

Based on the information provided, it appears that the proposed lot line revision results in an exchange of acreage between Parcels 146 and 187 and that no new development is proposed at this time. In general, this office is not opposed to the lot line revision and abandonment as proposed. However, please note that the State of Maryland's geographic information systems indicates that an area of tidal wetlands may exist inland of the shoreline shown on the plat. Should future development be proposed on revised Parcel 146, further field delineation of wetland areas should first be required.

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
TC25-07





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/eritealarea/](http://www.dnr.state.md.us/eritealarea/)

February 12, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1041 Peck  
Tax Map 40, Parcel 59

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting a line revision to change the existing lot lines on Parcel 59, Lots 1 and 2. Both lots are located within a Resource Conservation Area (RCA). Lot 2 is developed with a single-family dwelling, while Lot 1 is undeveloped.

Based on the information provided, it appears that the proposed lot line revision results in a minor exchange of acreage between Lots 1 and 2 and that no new development is proposed at this time. In general, this office is not opposed to the lot line revision and abandonment as proposed. However, the note on the plat regarding the area of remaining impervious surface area allowed in the Buffer on Lot 2 is misleading and should be removed. There is no new disturbance permitted by right within the Buffer. At the time that any new development is proposed, the applicant may apply for a variance to locate new impervious surface area in the Buffer, but there is no inherent right to 3,634 square feet of new impervious surface area within the Buffer on Lot 2 as inferred by the plat note.

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC26-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Seymour Avenue Waterfront Park

Dear Ms. Verdery:

Thank you for providing information on the above referenced waterfront park project. It appears that the County Department of Public Works is proposing after-the-fact to replace an existing County-owned and maintained roadway with a waterfront park, including replacement of a failing bulkhead and installation of revetment. The project lies entirely within the Limited Development Area (LDA).

In evaluating the information provided, it is my understanding that the conversion project creates no new impervious surface area within the Buffer, and in fact, reduces the overall impervious surface area onsite by 33%. In addition, no tree clearing is proposed in conjunction with the project. When new or redevelopment is undertaken on a County-owned property, compliance with the current Critical Area regulations must be demonstrated to the extent possible. In this case, the County has not provided information regarding the existing and proposed developed woodland cover on the site within the consistency report. However, it appears that the landscaping plan provided adequately meets the 15% afforestation requirement for the property. Therefore, I concur that that the project appears to be consistent with the provisions of COMAR 27.02.02 and the criteria outlined within COMAR 27.01.02.04.

As indicated within previous conversations between County staff and Critical Area Commission staff, I understand that the miscommunication resulting in the need for an after-the-fact consistency determination has been cleared up and that future local government projects will be submitted to the Commission prior to the initiation of construction activities. Thank you for your cooperation and efforts in bringing this project to Commission staff for review. If you have any questions, please contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC807-06







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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: SBA Network Services  
Cell Tower Site Plan

Dear Ms. Verdery:

Thank you for providing information on the above referenced site plan. The applicant is requesting approval of a site plan in order to construct and place a new cell tower and associated structures. The applicant's proposal is being reviewed concurrent with a special exception to permit the cell tower as a use within the Resource Conservation Area (RCA).

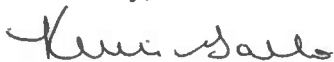
Based on the information provided, it appears that the proposed development will disturb approximately 13,700 square feet of forested cover within the RCA, and proposes to construct approximately 3,600 square feet of new impervious surface area. At this time, the site plan provided contains multiple deficiencies. I have outlined our concerns below.

1. The State wetland maps indicate that the site contains areas of tidal and nontidal wetlands which have not been identified on the site plan. While these areas may or may not be directly impacted by the proposed development, they must be shown on the site plan. This office has concerns that portions of the proposed development potentially impact a tidal or nontidal wetland Buffer or expanded Buffer area. I have included a copy of the mapped wetlands for reference.
2. The small scale soils map provided on Sheet # Z-8 indicates that areas of hydric Othello, Fallsington, and Elkton soils exist on the property. Where these soils lie contiguous the 100-foot Buffer, expansion of the Buffer may be required. Please have the applicant provide a full-sized overlay of the hydric soils in relation to the existing wetlands and wetland buffers, as well as in relation to the proposed development.
3. Please advise the applicant that mitigation will be required for all proposed clearing at a 1:1 ratio.

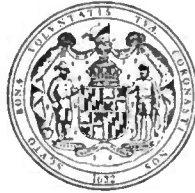
Mary Kay Verdery  
SBA Tower Site Plan  
February 12, 2007  
Page 2

Thank you for the opportunity to provide comments. Please have the applicant provide a revised site plan which addresses the concerns stated above. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resources Planner  
TC695-06



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/](http://www.dnr.state.md.us/criticalarea/)

February 9, 2007

Mr. Lynn Thomas  
Town of Easton  
14 South Harrison Street  
P.O. Box 520  
Easton, Maryland 21601

Re: Londonderry Retirement Community

Dear Mr. Thomas:

We have received your request for processing of the above referenced growth allocation proposal. Based on our review of the materials submitted, Commission staff is unable to accept the Town's growth allocation request for processing. Specifically, it appears that information necessary to evaluate the request is missing from the application.

The Town's request for growth allocation has been determined to be incomplete based on the following application deficiencies.

1. With all growth allocation requests, the applicant must provide evidence of an evaluation of the property by the Department of Natural Resources' (DNR) Wildlife and Heritage Division in order to determine the presence of any rare, threatened or endangered species. If present, the applicant must address all recommendations made by DNR for protection of the species. At this time, this office has not received notice of an evaluation of the Londonderry property by DNR. Please provide a copy of this letter once obtained.
2. All new development within the IDA requires submission of the 10% rule worksheet and calculations in order to demonstrate that a 10% overall reduction in pollutant load is being achieved post development. While the plat provided indicates the intent to comply with the 10% rule requirement via sand filters and rain gardens, it is not clear that these measures are adequate. Please provide the required worksheet and calculations.
3. The plat provided indicates the intent to utilize a grass paver system for a proposed parking area. Please be advised that in order to obtain any pervious credit for using systems of this nature, the applicant must provide soil boring data demonstrating that the site has soils appropriate for accommodating pervious pavers. In addition, it is likely that the Commission will only approve a 20-40% perviousness ratio when factoring this area


Lynn Thomas  
Londonderry Growth Allocation  
February 9, 2007

into the calculations. Commission staff would be happy to work with the applicants to determine how to properly include this area within the required 10% calculations.

4. Please clarify whether all of the existing structures will remain and whether these structures have been included within the proposed impervious surface area totals stated on the plat.
5. Please provide a full, site-plan sized version of the vicinity map which shows the Londonderry property as well as the Critical Area designations on the surrounding parcels.
6. Please provide documentation detailing the dates and process by which the Town's approval for the growth allocation was granted locally. A copy of the Town Council's resolution would be acceptable.
7. When submitting new growth allocation requests, the Town must address the locational criteria contained within the Critical Area Criteria (27.01.02.06). Please provide a written document which addresses these criteria.

In summary, the items listed above must be provided to the Commission before the Town's growth allocation can be accepted for processing. If you have any questions regarding the content of this letter, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

**MEMORANDUM**

To: Marti Sullivan, Program Open Space  
From: Kerrie Gallo  
Date: February 5, 2007  
RE: POS Project #5077-20-95, Fleetwood Acquisition, Talbot County

This office has received the Clearinghouse review notice for the above referenced acquisition. The notice states that the purpose of the project is to acquire 66.96 acres of waterfront property located on Lewistown Road and Norwich Creek Drive in Talbot County. The purpose of the acquisition is to utilize the property as a passive recreational waterfront park. While specific plans may not yet be available, the following factors should be considered.

The parcel is located almost entirely within the Critical Area, with an overlay designation as a Resource Conservation Area (RCA). Within the RCA, there are limits on the amount of impervious surface area permitted, protections for rare, threatened and endangered species, and potential conflicts with certain active recreational uses. In addition, the property appears to be border an area of wetlands. Tidal wetlands would be afforded a 100-foot Buffer and nontidal wetlands would be afforded a 25-foot buffer. Development activities would be prohibited within the Buffer.

As soon as detailed plans become available, we recommend that coordination be initiated with the Talbot County planning staff and Commission staff to ensure that the proposed plans for a waterfront park can be completed in manner that is consistent with the requirements for development within the RCA as well as with the State and local Critical Area requirements. Thank you for the opportunity to review this proposal. If you have any questions, please call me at 410-260-3482.

cc: Elisa Deflaux, Talbot County





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 5, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Appeal #1446 Shortall-Revised

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised variance. The applicant is requesting a Buffer variance in order to construct a deck attached to the existing dwelling and a wooden walkway leading to the existing pier. The property is designated a Limited Development Area (LDA) and is currently designated as a Buffer Management Area (BMA).

Based on the information provided, it appears that the applicant has revised the proposed deck to minimize encroachment towards Mean High Water (MHW). The proposed deck has been reduced from 578 square feet to 488 square feet. The proposed walkway remains the same. In general, this office does not oppose a variance for the deck provided that previous construction standards are required, including 1-inch spacing between floor boards, six inches of gravel substrate below the deck and native plantings surrounding the perimeter of the deck footprint.

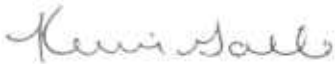
However, in regard to the proposed walkway, we continue to oppose the request for a variance. As previously stated, the Buffer, a Habitat Protection Area (HPA), is intended to provide a transitional area between the water and development to serve for water quality and plant and wildlife habitat benefits. In addition, the County's variance standards require the applicant to demonstrate that an unwarranted hardship exists without the requested variance and that no adverse impacts to plant, wildlife and water quality will be incurred as a result of the proposed variance. It remains our view that the proposed walkway creates the potential for adverse impacts to plant, wildlife and water quality by severely limiting the amount of Buffer available to serve as a transitional area, free of structures. Further, we do not believe that the lack of a walkway to the pier constitutes an unwarranted hardship on the applicant. In contrast, it appears that the applicant could enjoy reasonable and significant use of the outdoor spaces by constructing the proposed deck.

Mary Kay Verdery  
Appeal #1446  
February 5, 2007  
Page 2

In summary, this office does not support a variance for the proposed walkway, as it is our view that the applicant cannot meet each and every one of the County's variance standards for this structure. Therefore, we recommend that the Board deny a variance for the walkway.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC760-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

Ms. Olivia Vidotto  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Replatting of Jean King Property-Revised  
(Tax Map 10, Parcel 26)

Dear Ms. Vidotto:

This letter is in regard to our continuing review of the above referenced subdivision and replatting request. Based on the revised plat provided, we have the following comment.

Generally, it appears that the applicant has addressed our previous concerns regarding the location of the 100-foot Buffer. However, our previous review letter requested that the County clarify information regarding Lots 3 and 4, created as a part of the original subdivision. Specifically, the original subdivision plat contained an incorrect note #15, permitting Lots 3 and 4 to obtain a 25% impervious surface area limit. As previously stated, lots 3 and 4 are both larger than 1 acre in size and therefore do not qualify to exceed the 15% limit per lot. While we recognize that there is no change proposed to platted lots 3 and 4 via this replatting request, these lots are a part of the original subdivision and appear to remain under the ownership of Ms. King, undeveloped. Therefore, we again request that the County clarify how the previously recorded error regarding impervious surface area limits for Lots 3 and 4 will be corrected via this new platting request. It is our view that it would be inappropriate to record a new plat where errors on Lots 3 and 4 result in noncompliance with State Law.

Thank you for the opportunity to provide comments for this replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
CA72-04





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/](http://www.dnr.state.md.us/criticalarea/)

January 31, 2007

Mr. William Watson  
Zoning Administrator  
Town of Chesapeake Beach  
8200 Bayside Road  
PO Box 400  
Chesapeake Beach, MD 20732

Re: The Home Place Growth Allocation

Dear Mr. Watson:

Thank you for providing the supplemental information intended to address the outstanding items identified within our December 14, 2006 letter to the Town. While the provided materials address the items listed within our previous letter, two additional items of concern have been identified as a result of the newly submitted materials. Therefore, the Commission is not yet able to accept the Town's request for processing.

The Town's request for growth allocation has been determined to be incomplete based on the following application deficiencies.

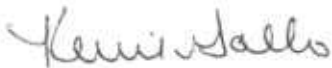
1. The growth allocation development plan appears to exclude proposed Lot 1-R from the requested amount of growth allocation. However, it appears as though grading and stormwater management facilities are proposed within the remaining Limited Development Area (LDA), within an area of steep slopes. As you are aware, disturbance of slopes 15% or greater within the LDA requires a variance. Therefore, the area of disturbance to the steep slopes must either be included within the proposed growth allocation acreage or the disturbed area removed from the LDA. Given the small size of proposed Lot 1-R, we recommend that the Town revise the growth allocation request to include the entirety of Lot 1-R, thereby eliminating any future concerns for grading, disturbance to steep slopes, and impervious surface area limits on Lot 1-R.
2. The 10% Rule calculations as submitted do not appear accurate. The Critical Area acreage of the property appears to be 4.64 acres, with a proposed growth allocation area of 3.44 acres. The calculations submitted state a 3.68 acre site. These calculations must be revised to match the amount of acreage within the proposed IDA area. Should the amount of growth allocation requested change due to revisions requested in #1 above, the

Bill Watson  
The Home Place  
January 31, 2007

calculations must be revised to reflect the change. In addition, the 10% Rule calculations have been calculated based on a redevelopment scenario, yet the existing impervious surface area appears to be less than 15%, requiring calculation of a new development scenario (See Step B of the 10% Rule Calculation Sheet). Please ensure this change is factored into a revised set of calculations.

In summary, the items listed above must be provided to the Commission before the Town's growth allocation can be accepted for processing. If you have any questions regarding the content of this letter, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

cc: Michelle Jenkins, Chesapeake Beach



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

January 29, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Appeal #1450 Helgason

Dear Ms. Verdery:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to the 100-foot Buffer in order to reconstruct a dwelling on the footprint of the existing dwelling. The property lies within a designated a Limited Development Area (LDA) and is currently developed with a dwelling, garage, and shed.

Based on the information provided, it is difficult to assess whether the existing dwelling and foundation qualify as non-conforming structures or whether the use has been abandoned for more than one year. As such, please ensure that the Board verifies that the existing dwelling qualifies for consideration as a grandfathered, non-conforming structure prior to granting a variance. Where grandfathered status exists, this office would generally not oppose a variance to construct a replacement dwelling in the same location as the previous dwelling, provided that the new dwelling is not constructed closer to Mean High Water (MHW) than the original footprint and that all disturbance to the Buffer is mitigated at a 2:1 ratio.

However, if grandfathering status no longer applies to the existing dwelling, the applicant should be required to construct the new dwelling as far from MHW as possible. In addition, regardless of grandfathering status, we recommend that the Board require some form of stormwater management in connection with the new construction so that the quality of the Buffer is not further degraded, but rather enhanced through the use of structural or nonstructural stormwater management measures which provide infiltration opportunities and habitat benefits. Examples of these measures include downspouts which discharge to drywells or rain gardens, and the aggressive planting of native vegetation within the undeveloped Buffer areas. In either case, please ensure that mitigation is provided at a 2:1 ratio for the entire area of disturbance to the Buffer.

Mary Kay Verdery  
Appeal #1450  
January 29, 2007  
Page 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC840-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3395 Celantano-Scherman

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to the 100-foot Buffer and steep slope requirements in order to construct steps, a brick landing and a brick retaining wall. In addition, the applicants are requesting a variance to the Buffer requirements in order to construct multiple pervious decks. The property is designated a Limited Development Area (LDA) and is currently developed.

This office is strongly opposed to the granting of an after-the-fact variance to permit the continued existence of the steps, landing, and retaining wall. In reviewing the specific property and variance requests before the Board, we have considered each of the after-the-fact structures individually. First, we recognize that access down the slope would generally be permitted to the applicant in the form of pervious, wooden steps. However, the width and impervious nature of the existing stone steps exceeds that which this office would have supported. Therefore, we oppose a variance for the steps and recommend that the Board require replacement with wooden, previous steps if access is desired. Second, while some degree of retaining wall may have been permitted by the Board by virtue of a variance, the degree of disturbance and impervious structure associated with the existing wall significantly exceeds that which would be considered the minimum necessary. A retaining wall as currently exists would not have been supported by this office. In addition, there is no evidence provided that instability of the slope necessitated the installation of a retaining wall in this location, particularly if revetment existed prior to its construction. Aerial photographs from 2003 appear to indicate that revetment was in place. Therefore, we oppose the granting of a variance for the retaining wall.

Third, a variance to permit the impervious landing would be a special privilege granted to the applicant which this office has strongly opposed in similar cases and which the Board has previously denied and required removal of. It is our position that there is no unwarranted hardship caused by the lack of a landing on steep slopes. Therefore, we also oppose the request for this variance. Finally, we note that the amount of grading that was conducted in order to install the existing amenities on the slope appears

TTY for the Deaf

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

extensive based on photographs provided by the County. It appears that the entire slope was disturbed and graded without County authorization. This disturbance should be taken into account in the Board's consideration of this variance.

As with every variance, the applicant bears the burden to demonstrate that each and every one of the County's variance standards has been met, and that the statutory presumption against the non-permitted construction has been overcome. In this case, it is our position that the actions taken by the applicant significantly impacted the ability of the Buffer to provide adequate water quality and plant and wildlife benefits, thereby creating adverse environmental impacts. We maintain that unwarranted hardship cannot be demonstrated in association with the landing or steps. It is clear that the applicant will retain reasonable and significant use of the property without these features. Therefore, the Board should deny a variance and require removal of these structures. In regard to the retaining wall, it is our position that any hardship exists only as a direct result of the applicant's own actions, and that restoration of the slope is possible. Therefore, this variance should also be denied.

In addition to consideration of the variance standards, we urge the Board to consider that this property is the first in a series of approximately eighteen properties in the Dares Beach community which have been identified by the County, the Maryland Department of the Environment, and the Army Corps of Engineers as having verified or potential ongoing violations stemming from post-Isabel construction. While the timeframe for processing these violations and the process for compliance with each agency's requirements has not yet been identified, the granting of an after-the-fact variance in this case has the potential to create a precedent to permit all other illegal structures within this community.

In regard to the variance request to construct multiple decks within the Buffer, this office does not generally oppose the granting of a variance. However, this position is based on the understanding that the proposed decks will be constructed in a pervious manner and will be maintained as such in perpetuity.

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

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA10-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Appeal #1447 Hall/Davies

Dear Ms. Verdery:

Thank you for providing information regarding the above referenced special exception. The applicant is requesting a special exception in order to retain the existing pier on undeveloped Lot 2 once the existing property is subdivided. The property lies within a designated Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Based on the information provided, it is my understanding that the County's ordinance does not permit the construction of an accessory structure on a parcel without an accompanying primary dwelling. The existing parcel of record is developed with a primary dwelling and an accessory pier. However, the applicant is proposing to subdivide the property in the near future to create a second lot. The existing pier would then lie on the newly created and undeveloped lot, thereby requiring a special exception. In regard to the special exception request, this office has no concerns. However, please advise the applicant that this office does have concerns regarding the limits of wetlands shown on the site plan and the resulting limit of the 100-foot Buffer. While these concerns may impact the amount of area available for development on proposed Lot 2, it is my understanding that the proposed subdivision and/or lot line revision request will be reviewed under a separate review process. As such, this office will provide additional comments on the specific development proposal at the subdivision review stage.

Thank you for the opportunity to provide comments for this special exception request. If you have any questions, please call me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner\  
TC818-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3394 Patuxent Habitat for Humanity

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the steep slope requirements in order to construct a primary dwelling, deck, and septic. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, it appears the applicant has proposed a modestly sized dwelling and that the property would be undevelopable without some degree of variance. Therefore, this office does not generally oppose the granting of a variance for this property.

However, in December and January of 1997 and 1998 respectively, the Board reviewed and denied a similar request for a variance, based largely upon concerns for stormwater runoff and the adverse effects on this runoff on neighboring properties. While a permanent earth dike has been proposed in addition to a small bioretention area, we question whether adequate input and/or engineering studies have been conducted to determine that these measures will prevent stormwater runoff from adversely affecting the downslope properties, and whether the current site plan is significantly different or adequately enhanced to provide the Board with the assurances seemingly lacking in the previous request. While the lot is small in nature, we recommend that the applicant further minimize the amount of clearing proposed if at all possible. Additional forested cover between the house and the berm would provide additional opportunities for stormwater infiltration.

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

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA9-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3396 Roscoe

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to construct a one-story addition, patio, steps, concrete walk, driveway and a pre-treatment unit. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan and application provided, it appears that the proposal to construct a dwelling addition and patio within the Buffer essentially squares-off the existing dwelling and does not result in any further encroachment waterward on the property. In addition, it appears that the proposed driveway and concrete walkway are to be constructed largely within the footprint of existing impervious surfaces. The area of pavement within the Buffer to accommodate a driveway appears to be decreasing, with plantings to be provided in the area of pavement being removed. As a result, this office is not generally opposed to the granting of a variance.

However, the proposed variance does place a large cumulative area of new impervious surfaces inside the Buffer. Where opportunities exist to further minimize impact, the applicants should be required to fully explore each and every one. For example, could the proposed driveway be constructed of a grass strip parking area or could the proposed area be further minimized? Given that the applicant is proposing to construct a garage, it would not appear to represent a hardship if the variance for an additional parking area in the Buffer were denied. Could the proposed walkway be constructed of a pervious wooden material instead of concrete? Prior to granting a variance, we recommend that the Board consider whether further minimization of impact is possible.

Thank you for the opportunity to provide comments. Based on the comments above, this office is unable to offer support for this variance as proposed. Please include this letter as a part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner





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

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

January 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3393 Snead

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to construct a 192 square foot enclosed screened porch and a 312 square foot pervious deck. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan and application provided, it is not possible to discern whether the applicant is proposing to enclose an existing deck area to create a screened porch or whether the porch is proposed to be newly constructed in a new footprint. This office would not oppose a variance to enclose an existing deck or patio in the proposed location. However, if the proposed screened porch is not intended to be constructed over an existing deck or patio, this office cannot support a variance as requested.

Specifically, it appears that the applicant currently enjoys reasonable and significant use of the property as evident by the existing dwelling, existing deck, and existing front porch. The current proposal appears to include the construction of both impervious and new pervious footprints within 20-feet of Mean High Water (MHW). It is our view that a variance to construct an additional deck and an additional porch, particularly within 20-feet from MHW, is not in keeping with the general spirit and harmony of the Critical Area Law and Criteria in this instance. Specifically, new disturbance to the Buffer should be minimized to the extent possible, including locating any new construction as far from MHW when opportunities exist. It appears that the applicant could construct any desired accessory structures along the southern side of the dwelling, increasing the setback from MHW significantly. In addition, since a large wood deck and reasonable front porch already exist on the property, it is our position that denial of this variance would constitute an unwarranted hardship to the applicant. Conversely, it is our view that the granting of this variance would further affect the ability of the Buffer to serve the functions and goals outlined in the County's ordinance and that the applicant would

Roxana Whitt  
Variance 07-3393  
January 23, 2007  
Page 2

be granted a special privilege by being allowed to conduct new disturbance to the Buffer where no hardship exists. For these reasons, we recommend that the Board deny the variance request.

Thank you for the opportunity to provide comments. Based on the comments above, this office is unable to offer support for this variance as proposed. Please include this letter as a part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA8-07





**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/](http://www.dnr.state.md.us/criticalarea/)

January 23, 2007

Ms. Roxana Whitt  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Variance 07-3392 Hammett

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the 100-foot Buffer requirements in order to construct a 192 square foot addition to the primary dwelling. The property is designated a Limited Development Area (LDA) and is currently developed.

Based on the site plan and application provided, it appears that the applicant's property is largely constrained by the location of the existing dwelling as well as the presence of an extensive Buffer resulting from the unusual shape of the parcel and surrounding wetlands. As such, construction of an addition outside of the Buffer is not certain. As a result, and in general, this office does not oppose a variance to construct a reasonably-sized addition to the existing dwelling as proposed. However, it is not clear why the addition could not be located along the opposite side of the dwelling, approximately 25 feet further from Mean High Water (MHW) and in an area which appears open. Where opportunity exists to minimize the overall impacts to the Buffer and to minimize adverse impacts to water quality, we recommend that the Board require a revision to the site plan. Also, alternative locations should be explored prior to the Board granting a variance.

Thank you for the opportunity to provide comments. Based on the comments above, this office is unable to offer support for this variance as proposed. Please include this letter as a part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA7-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Dwyer Administrative Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance request. The applicant is requesting a variance to the 100-foot Buffer in order to permit the construction of an addition to the primary dwelling. The property lies within a designated Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the applicant is requesting a variance to construct an approximately 600 square foot addition to the primary dwelling, the majority of which will be located within the Buffer. In addition, it appears that the variance is necessary as the proposed impervious surface area within the Buffer exceeds the 25% permitted within the County's ordinance by 2.3%. In order to remain within the 25% impervious surface area limit for the entire lot, the applicant proposes to remove a portion of an existing gravel driveway, some stone pavers, and existing steps. In evaluating the variance request, we note that the applicant's property is constrained by the small size of the lot, as well as by the location of the existing dwelling, entirely within the Buffer. As a result, and provided that proper sediment and erosion control devices are implemented, that the indicated impervious surfaces area are removed as proposed, and that mitigation is provided at a 2:1 ratio for the area of new disturbance to the Buffer, this office is not opposed to the granting of a variance.

Thank you for the opportunity to provide comments for this administrative variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
TC798-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Doughty Administrative Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance request. The applicant is requesting a variance to the 100-foot Buffer in order to permit the construction of an addition to the primary dwelling. The property lies within a designated Resource Conservation Area (RCA) and is currently developed.

Based on the information provided, it appears that the applicant is requesting a variance to construct a 675 square foot addition to the primary dwelling, with 260 square feet of new disturbance within the Buffer. It appears that the location for the proposed addition is dictated by the location of the existing dwelling and that the majority of the addition will be constructed outside of the Buffer. Provided that proper sediment and erosion control practices are implemented to prevent runoff within the Buffer and provided that mitigation is provided in the form of native plantings for all new disturbance to the Buffer, this office is not opposed to the variance as requested.

Thank you for the opportunity to provide comments for this administrative variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
TC767-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Gilday Administrative Variance

Dear Ms. Verdery:

Thank you for providing information on the above referenced administrative variance request. The applicant is requesting a variance to the 100-foot Buffer in order to permit the construction of a replacement front porch. The property lies within a designated Limited Development Area (LDA) and is currently developed.

Based on the information provided, it appears that the applicant is requesting a variance to construct a 164 square foot front porch which will replace the existing stoop and steps. It appears that the location for the proposed addition is dictated by the location of the existing dwelling and the location of the existing entryway. Provided that proper sediment and erosion control practices are implemented to prevent runoff within the Buffer and provided that 2:1 mitigation is provided in the form of native plantings for all new disturbance to the Buffer, this office is not opposed to the variance as requested.

Thank you for the opportunity to provide comments for this administrative variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3482.

Sincerely,

Kerrie L. Gallo  
Natural Resource Planner  
TC767-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 12, 2007

Ms. Bobbie Hutchinson  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

Re: Harbour Square-Revised  
(Tax Map 46A, Parcel 32)

Dear Ms. Hutchison:

Thank you for providing information on the above referenced revised site plan. The following comments are provided in regard to our outstanding concerns.

1. While the site is located within a Buffer Exemption Area (BEA), this designation does not mean that the regulations for the 100-foot do not apply. Instead, a reduced Buffer setback is provided in recognition of the degraded nature of the Buffer. Please refer the applicant to the definition and regulations for redevelopment within BEAs in the County's ordinance. While notes have been added to the drainage area map referencing the site as a BEA, please have the applicant show the limits of the 100-foot Buffer, as well the reduced BEA setback on a revised plan.
2. The 10% rule calculations provided appear incorrect. Inconsistencies between the revised drainage map and the stormwater report, in addition to calculation and rounding errors appear to be the problem. Please have the applicant address and revise the following:
  - $l_{pre}$  should be 0.57 lbs/year and not .60. When calculating the 10% rule, the applicant should consistently carry out the calculations to the second decimal place.
  - $l_{post}$  should be 0.75 lbs/year and not 0.70.
  - The pre and post impervious conditions shown on the drainage map should be consistent to the second place with the pre and post impervious conditions used in the 10% rule calculations. Currently, these numbers do not match.
  - When the corrected  $l_{pre}$  and  $l_{post}$  are inserted into the remainder of the calculations, the resulting pollutant removal requirement is 0.236 lbs/year (or 0.24) and not 0.20.
  - Similarly, when  $l_{post}$  is corrected to 0.75 lbs/year, the proposed filter device removes 0.17 lbs/year, leaving a remainder of 0.07 lbs/year untreated. Please have the applicant provide

TTY for the Deaf

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

Bobbie Hutchinson  
Harbour Square-Revised  
January 12, 2007  
Page 2

revised 10% rule calculations and determine how the remaining pollutant load will be met. I have included a copy of the 10% rule calculations I computed for clarity.

3. It is not clear from the schematic drawing provided in the stormwater management report whether the proposed filtering medium is composed of perlite or leaf compost, or another material. Please advise the applicant that perlite is not an approved medium per the Maryland Department of the Environment's (MDE) 2000 Design Manual. The revised site plans and/or stormwater report should specify the use of leaf compost as a filtering medium.

Thank you for the opportunity to provide comments for this site plan submittal. Please have the applicant address the issues outlined above and provide a revised site plan. If you have any questions, please contact me at (410) 260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA730-06

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/](http://www.dnr.state.md.us/criticalarea/)

January 12, 2007

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

Re: Site Plan #C06-0075-Revised  
Westhaven Community Pool

Dear Mr. Maragos:

Thank you for providing information on the above referenced revised site plan. The applicant is requesting approval of a site plan to construct a community pool facility, with a pool house, access road, and parking lot for 27 vehicles. The property is designated a Limited Development Area (LDA) and is currently utilized as a community recreation parcel.

Based on the revised plan provided, we have the following comments:

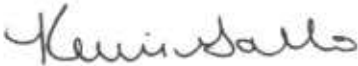
1. We acknowledge that the applicant has applied for the necessary variance(s) to disturb steep slopes and for impacts to the expanded 100-foot Buffer. However, the applicant has not shown the limits of the expanded Buffer which must include the contiguous steep slopes to the south which drain to the nontidal wetlands. Please have the limits of the expanded Buffer shown on the site plan.
2. While it appears that the applicant was previously instructed to remove the contiguous nontidal wetlands from the expanded 100-foot Buffer, this information appears to be incorrect. The 100-foot Buffer from the tributary stream must be expanded to include contiguous nontidal wetlands. Impacts to the nontidal wetlands will subsequently be considered impacts to a Habitat Protection Area and will need to be included within the variance request.
3. We note that the proposed clearing exceeds the 20% permitted within the County's ordinance. Please clarify whether the Planning and Zoning office has currently granted an

Gary Maragos  
Westhaven Community Pool  
January 12, 2007  
Page 2

exception to exceed 20% clearing. In addition, please indicate how the applicant will mitigate for the clearing.

Thank you for the opportunity to provide comments on this revised site plan submittal. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
AA 642-06

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/](http://www.dnr.state.md.us/criticalarea/)

January 8, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1025 Jackson-Revised  
Tax Map 39, Parcels 1 & 96

Dear Ms. Verdery:

This letter is in regard to our continuing review of the above referenced lot line revision and abandonment.

Based on the information provided, this office has no further concerns regarding the changes proposed. Therefore, we have no further comments to offer.

Thank you for the opportunity to provide comments for this line revision request. Please call me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC 389-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 8, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: M1082 Emerson Point LLC  
TM14, P9

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant is requesting to subdivide a 97.336-acre property to create three new lots. Of the total property acreage, approximately 61.828 acres are located within the Critical Area and are designated as a Resource Conservation Area (RCA).

Based on the information provided, we have the following comments:

1. The property acreage listed on the plat within the Critical Area is 61.828, with 2.04 acres of tidal wetlands located within the property boundaries. While the applicant has indicated that only 9,766 square feet of these wetlands are State-owned, this acreage appears to be taken off of existing maps and does not represent actual field conditions today. As the amount of State versus privately-owned tidal wetlands has the potential to impact the overall number of development rights permitted within the Critical Area, the applicant must provide a field delineation of all wetland boundaries in addition to a field determination of private versus State-owned wetland limits. Please provide this office with a copy of the environmental report which describes the field methods used in conjunction with this determination. Alternatively, the applicant may choose to subtract the total area of wetlands within the property boundaries when calculating Critical Area development rights.
2. While the Critical Area portion of proposed Lot 1 located along Maryland Highway No. 33 is not proposed for development, there appear to be significant areas of nontidal wetlands present. These wetlands should be field located and shown on future subdivision plats.
3. The plat indicates that numerous structures exist on the property, across all three proposed lots. While these structures are labeled as three primary dwellings and multiple farm structures, please ensure that the County has verified that no tenant, guest, or caretaker cottages exist on the premises.

Mary Kay Verdery  
M1082 Emerson Point  
January 8, 2007  
Page 2

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC 833-06



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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

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

January 5, 2007

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

Re: Harbor Drive Pumping Station Project

Dear Ms. <sup>Elinor</sup>~~Gawel~~:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On January 3, 2007, the Critical Area Commission unanimously approved the County's proposal to construct multiple improvements to the existing pumping station. The project was approved with the following condition:

1. Prior to commencement of construction, Anne Arundel County shall provide a planting plan to Commission staff and, if necessary, to the Project Subcommittee, which demonstrates compliance with the required 1,320 square feet of mitigation.

In fulfillment of the above condition, please provide Commission staff with a copy of the proposed mitigation planting plan as soon as it is available. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner

Enclosure



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

January 2, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1030 Jarell/Miles Haven  
TM 40A, P768D

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line abandonment. The applicant is proposing to abandon two existing lot lines in order to combine three existing lots into one lot. The property is designated as a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, this office does not generally oppose an abandonment of the lot lines on these lots. However, it appears that afforestation of the new lot will be required at the time of development as less than 15% forest cover currently exists and the lot is undeveloped. We recommend that a note be added to the plat stating the afforestation requirement.

Thank you for the opportunity to provide comments for this line revision request. Please telephone me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads 'Kerrie Gallo'.

Kerrie L. Gallo  
Natural Resource Planner  
TC 814-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 2, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1039 Harrison  
TM 38, P48, Lot 4

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision and proposed relocation of reservation of development rights area. Approximately 61.182 acres of the property are located within the Critical Area, and are designated as a Resource Conservation Area (RCA).

Based on the information provided, it appears that the proposed lot line revision and revision to the reservation of development rights area is located on the portion of the property outside of the Critical Area and that no adverse impacts to the Critical Area will occur as a result. Therefore, this office has no concerns regarding the applicant's proposal.

Thank you for the opportunity to provide comments for this line revision request. Please telephone me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC 812-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 2, 2007

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: L1031 GMH Rentals  
TM 40A, P768D

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line abandonment. The applicant is proposing to abandon five existing lot lines in order to combine six existing lots into one lot. The property is designated as a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, this office does not generally oppose an abandonment of the lot lines on these lots. However, it appears that establishment of the 100-foot Buffer, as well as afforestation to 15% of the new lot will be required at the time of development as less than 15% forest cover currently exists, the Buffer does not appear to be established in woodland cover and the lot is undeveloped. We recommend that appropriate notes be added to the plat stating the afforestation and Buffer establishment requirements.

Thank you for the opportunity to provide comments for this lot line abandonment request. Please telephone me with any questions at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC 830-06

TTY for the Deaf

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





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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

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

Re: Beseris Property Minor Subdivision

Dear Mr. Dennis:

Thank you for forwarding the above referenced project. The applicant proposes to subdivide three lots to create two additional single family dwelling units. The applicant also indicates that the remaining forest is to be protected by placing it in a Critical Area easement. The property is 9.445 acres in the Limited Development Area (LDA) and contains FIDs habitat. Based on the information provided, I have the following comments:

1. It is unclear how many lots are to be built. The application is for two dwelling units and these are shown on the site plan. The density calculations show five lots proposed, not two. The impervious area calculations on the second page of the plans show calculations for three units. Please have the applicant clarify and correct.
2. The applicant has indicated that they will put the remaining forest area on their property in an easement and has provided details on signage. A Protective Covenants note has been shown on the Preliminary Critical Area Management Plan. We recommend these details and notes be added to the final plat and individual deeds.
3. The applicant proposes to build on the edge of FIDs habitat. The forest to be cleared appears to be less than 200 feet deep into FIDs habitat, and we agree based on the current plans that FID guidelines have been met.
4. There is a corner of interior FIDs habitat equaling 1,154 square feet proposed to be impacted; however it does not appear that the 300-foot edge has been properly measured. Please have the applicant clarify correct the line to determine how much interior might be disturbed.
5. The applicant has provided forest clearing calculations indicating that 41,670 of 312,896 square feet, or 13%, of the property will be cleared. The applicant proposes to pay a fee in lieu of \$16,668 to mitigate for the cleared area at a 1:1 ratio. This information may need to be corrected in light of comment #1.
6. Please have the applicant provide the impervious surface limitations for each lot on the final plat and individual deeds.

TTY for the Deaf

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

Mr. Paul Dennis

6/29/2007

Page 2 of 2

Thank you for the opportunity to provide comments and I look forward to seeing the revisions on this project. If you have any questions, please telephone me at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts

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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing revised information for the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- The Department of Natural Resources Heritage Division has provided a letter that the endangered Delmarva Fox Squirrel is known to occur on or in the immediate vicinity of the applicant's property. Please have the applicant correct Note 12 on the plat to this effect. Also, the guidelines provided by the DNR Heritage Division should be followed as well as any Federal guidelines.
- If in the future, the applicant chooses to disturb the forest on Lot 3, FIDs guidelines and Delmarva Fox Squirrel shall be used, as indicated in my April letter.
- It is my understanding from the information sent that the location of the future dwellings is not known at this time. As my April letter indicated, we recommend clustering the houses to the extent possible.
- There is a note on the plat regarding 14.113 acres being *within* the Critical Area for Lot 3. It may be that this is the area *outside* of the Critical Area. Please have the applicant clarify or correct.

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

Sincerely,

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

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

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

Re: 2007-0150-V

Dear Ms. Schappert:

This office has received the revised variance request to allow a dwelling and associated facilities with disturbance to slopes greater than 15%. It appears the revision includes moving the primary septic dry well to the rear of the site, thus reducing the amount of disturbed area on steep slopes. This office supports this action.

In addition to those comments made in my last letter dated June 4, 2007, my remaining comments on this variance request are in regards to stormwater management. Pursuant to a conversation with the engineer, he agreed to create an additional stormwater drainage system by which the water would slope towards the circle in the center of the driveway.

Additionally, the applicant proposes to build a stormwater management area partially within the 100-foot Buffer. This office cannot support this request. We recommend moving the stormwater retention area to a location outside the Buffer. As indicated in the previous letter, the proposed clearing to be removed is 0.14 acres or 31% of existing forested area. It appears that that if the applicant removes the bioretention area from the 100-foot Buffer, then overall clearing on the site would be reduced. Mitigation for the tree cover removed should occur at a 1:1 ratio for clearing outside of the Buffer. If allowed, clearing will still occur above 30%, then 3:1 mitigation is required for all clearing. These plantings should consist of a mix of native species and be planted in the Buffer to the extent possible, given the very steep slopes.

Ms. Suzanne Schappert

6/26/2007

Page 2 of 2

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 "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

cc: AA 316-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Windsor Manor Subdivision – Revised Preliminary Plan

Dear Ms. Dailey:

Thank you for resubmitting the above referenced subdivision plans. Pursuant to our conversation earlier this week, it seems that the applicant has made the appropriate changes to the plans. As we discussed, this office's final comment is regarding the FIDs note. Please have the applicant add a note to the plat referencing the FIDs habitat, as requested in Kate Schmidt's letter of 11/14/06. As that letter indicates, the applicant will need to submit a Habitat Protection Plan (HPP) and FIDS mitigation worksheet if more clearing is to be performed in the Critical Area portion of the site.

Thank you for the opportunity to provide comments on this plan. If you have any questions, please contact me at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS 205-05





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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

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

Re: Devonport Marina Site Plan

Dear Mr. Lindley:

Thank you for forwarding information for the above-referenced project. The applicant proposes to enhance the existing parking areas and marina office, build a pervious walkway, and install wet marsh water quality facilities for this commercial marina. I have the following comments on the information submitted:

1. The applicant should have a note on the plat indicating the acreage in the Critical Area including existing and proposed impervious surface.
2. Clarification is needed on several aspects of the 10% calculations:
  - a. Please have the applicant include the BMP type for Step 5.
  - b. Please have the applicant clarify whether the drainage area being treated by the BMP is the entirety of drainage area B, or 34% of drainage area B.
  - c. The plan indicates that drainage areas B and C drain directly to tidal waters; therefore, what is treating stormwater for drainage area C?
  - d. I calculated a slightly different removal requirement than what was calculated by the applicant. Since this affects the total pollutant removal requirement, please have the applicant provide corrected calculations.
3. The stormwater management provided is proposed to be located in the Buffer Modification Area. Please have the applicant indicate the type of stormwater treatment that is proposed and how it meets the County's management area standards.
4. Please have the applicant clarify whether the parking in the Buffer is for commercial marina use or residential use.
5. Please have the applicant clarify if the walking path at the edge of the bulkhead is proposed for public use or private use.
6. How many slips are proposed, and are the slips proposed as part of a commercial marina or community marina?

Mr. Brian Lindley

6/25/2007

Page 2 of 2

I look forward to receiving more information from you for this marina. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie Roberts', written in black ink.

Julie Roberts  
Natural Resource Planner

Cc: BC 348-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case No. XPN 70010 – The Villages at Swan Point Phase A

Dear Ms. Dailey:

I have received the preliminary subdivision plan for the Villages at Swan Point Phase A. Based on these site plans, I have these comments:

General

1. The applicant has provided the CBCA (Chesapeake Bay Critical Area), CAB (Critical Area Buffer), CNB (Colonial Nesting Birds), BE (Bald Eagle) lines and zones on the plats.
2. The applicant has not provided the boundaries for area designations as determined by the awarded growth allocation. This is an important component of the conditions for the growth allocation (Conditions 2, 3, 4, and 5). Without this information, I cannot determine if the applicant has met these conditions. Please have the applicant add this information to each of the plats.
3. The applicant must provide preliminary figures in regards to proposed square footage of impervious surface for each lot. As the applicant is aware, the impervious surface limit varies by lot acreage. A chart should be provided with this information.
4. The applicant must also provide preliminary figures in regards to proposed clearing for the total site and each lot. A chart should be provided with this information.
5. It is also necessary for the applicant to provide preliminary calculations for the 10% reduction for Intensely Development Areas (IDAs). Please have the applicant submit Worksheet A.
6. According to a meeting held with the applicants on June 5, 2007, a Habitat Protection Plan (HPP) is being created. No permits or preliminary approval (Conditions 10 and 11) by the County may be permitted until submitted to the full Commission for review and approval. Within this HPP shall be included the FIDS mitigation plan (Condition 11).
7. No preliminary plans were included for the marina. Please submit these plans.

Sheet 1/6

8. On Plat Note #8, please have the applicant add to the end of the note, "...provided that the entirety of the subdivision does not exceed a 15% overall impervious surface area limit."
9. Time of year restrictions should be provided in notes section for Bald Eagle, Colonial Nesting Birds and FIDs.

Sheet 2/6

10. The 300' setback must be based on the current location of Mean High Water (MHW) or edge of tidal wetlands (TWL). Please have the applicant correct.
11. The boundary between tidal and non-tidal wetlands (NTW) is not indicated. Please have the applicant correct. The applicant should also indicate how the wetlands are delineated.
12. The IDA/RCA line has not been drawn.

Sheet 3/6

13. The road across Matthews Manor subdivision may be within the 100' Buffer due to incorrect measurement. This will require further discussions.
14. It is unclear where the Stormwater Management (SWM) for Phase A will be located. Please have the applicant provide a plan.
15. Trails have been proposed in the Habitat Protection Area (HPA)/Buffer. Please have the applicant remove these trails.
16. The road and new lots have been proposed to be built in the 300' setback. Please have the applicant move these proposed developments out of the setback.
17. New lots have been proposed in the 100' Buffer due to incorrect measurement of Buffer. No lot lines will be permitted in Buffer.
18. The IDA/LDA line has not been drawn.

Sheet 4/6

19. The expanded Buffer has not been clearly drawn.
20. Trails in the Buffer are 10' wide. What is the proposed surface of the trails? Depending on the width and material of the trail, changes may need to be made.
21. The flood plain has been incorrectly drawn (shown in water currently). Please have the applicant correct the flood plain lines.
22. TWLs have not been correctly identified or delineated (CAB line appears to be floating. Where is the property line?)
23. Proposed SWM appears as open space.
24. New lots are being platted in NTW Buffer and Critical Area Buffer. These lot lines must be moved out.

Sheet 5/6

25. New lots have been platted in TWL and TWL Buffer (lots 205, 181, 182, 147, 148, and 197). Please adjust these lots lines so as not to interfere with Buffer to tidal wetlands.
26. A SWM pond has been proposed in the Bald Eagle 330' Zone. We do not believe that this was agreed to and may need to be moved. Further discussion is required.

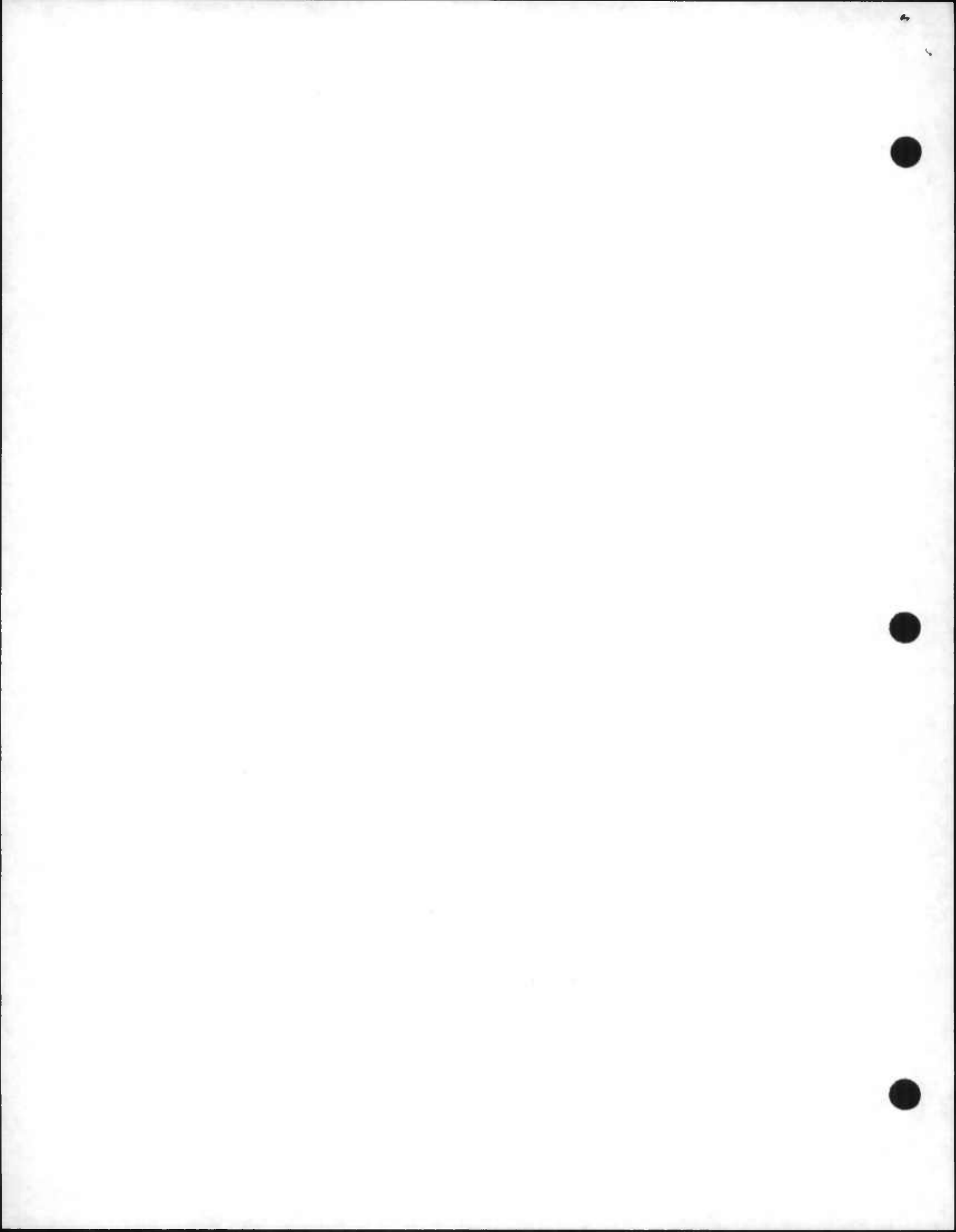
Aimee Dailey  
Page 3 of 3  
6/18/2007

Thank you for the opportunity to provide comments on this preliminary plan. I look forward to seeing these changes and to continue on with the review of this project. If you have any questions, please contact me at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS Swan Point



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/](http://www.dnr.state.md.us/criticalarea/)

June 15, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Cliffton on the Potomac Road Construction

Dear Ms. Dailey:

I have received the above-referenced grading permit for road construction in the Cliffton on the Potomac subdivision. The application indicates that total site area is 4.98 acres and that 4.60 acres of the total forest on this site is to be cleared. This area is entirely within the Critical Area. The roads to be built are private and located on private property in the Limited Development Area (LDA). According to our records, this is a grandfathered subdivision. According to the information provided, I have the following comments:

- According to aerial photography and the plat provided, this road is not proposed to be built within the 100-foot Buffer.
- A portion of this road falls within a Bald Eagle Nest Zone 3 which restricts the construction of the roads between December 15 and June 15. A note to this effect is on the plat.
- A note on the plat indicates that plantings will be done to mitigate for the forest clearing at a 1:1 ratio and that these plantings (4.6 acres) will be done offsite. Provided this subdivision and road are properly grandfathered, this mitigation ratio is correct. The plantings should be comprised of a mix of native species in the form of trees, bushes, and shrubs. No plantings plan or location for plantings offsite has been provided. Please have the applicant provide a plantings plan, including schedules and location.
- Please confer with your stormwater specialist as to whether the piping for the SWM is sufficient for such steep slopes.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: CS 322-07

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: Ms. Marti Sullivan, Program Open Space  
Department of Natural Resources  
Tawes Office Building, 580 Taylor Ave., (E-4)

From: Julie Roberts *JR*

Cc: Mr. Jimmy Sharp, Wicomico County

Date: June 14, 2007

Subject: POS# 5167-22-186  
Cherry Beach Park Playground Improvements, Wicomico County

Thank you for forwarding this Clearinghouse Review. Although this playground is in the Critical Area, the improvements to the site, including the installation of a play module and swing set, painting and other park equipment replacement, do not interfere with the plans, programs, or objectives of this agency. Should the County want to add impervious surface in the form of parking lots, paths, or additional buildings, these projects would need to be reviewed by Critical Area Commission staff.

Please call me if you have any questions at (410) 260-3476.



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/](http://www.dnr.state.md.us/criticalarea/)

June 13, 2007

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

Re: Willis, Vick – VAR 2323

Dear Mr. Dodd:

A previous letter has been sent to you via fax and mail (from Megan Sines on June 11, 2007) regarding the above referenced variance; we retract that letter and this letter replaces it. The applicant is seeking a variance of 25 feet from the 100-foot Buffer setback requirement to allow the replacement of a dwelling 75 feet from the shoreline. This property is located in the Limited Development Area (LDA). Given this information, I have the following comments:

1. As currently proposed, we cannot support a replacement house in the Buffer if there is adequate area to accommodate the dwelling outside of the Buffer.
2. If the County finds that the applicant meets all the standards for variance, we recommend that mitigation be performed for the area of disturbance in the Buffer at a ratio of 3:1. Mitigation of native species should occur in the Buffer area to the extent possible.
3. A line marking the Limits of Disturbance should be shown on the final plans.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a stylized flourish at the end.

Julie Roberts  
Natural Resources Planner  
Cc: DC 340-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

Ms. Joan Kean  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: Somerset County Subdivision – Ballard, Kenneth

Dear Ms. Kean:

Thank you for providing information on the above referenced subdivision. As mentioned in your memorandum, this property has a complicated history of subdivisions and developments. It is this office's understanding that the parcel in question contains 51.66 acres of which 36 acres are reserved as density for the two existing lots. A note was recorded on the plat to this effect. The memorandum you provided indicates that this leaves 15.66 acres available for density purposes. It is this office's understanding that the applicant would like to give a lot to his son, if possible, using a mechanism other than Growth Allocation. This mechanism would be the option of the intrafamily transfer.

From the information provided, it appears that the applicant does not qualify for intrafamily transfer rights for several reasons. First, from the information submitted, it is our understanding that the parcel was over 60 acres as of March 1, 1986. According to Section 8-1808.2.3.c(1) of the Critical Area law, permitted parcels of land [must be] "7 acres or more and less than 60 acres in size" to qualify for intrafamily transfer. If it is the case that the parcel was between 7 and 60 acres, the intrafamily rights also do not apply because the applicant conveyed 21 acres to another party in 1992, after the 1986 law, thus changing the recorded plat for the parcel.

In this case, the alternative mechanism for the applicant to give a lot to his son may be a growth allocation. Your letter asks how much growth allocation is necessary for these purposes. In order to make this determination, this office requests more specific information regarding each lot on the plat, including what year the lot was created and the acreage. Also, your memo indicates that there are tidal wetlands on the property. As these have not been field delineated, it may also be necessary to determine the amount of upland and the amount of private tidal wetlands to be considered for density purposes.

Ms. Kean  
6/12/2007  
Page 2 of 2

I look forward to receiving additional information on this case. If you have questions, please call me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resource Planner  
cc: SO 308-07

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](http://www.dnr.state.md.us/criticalarea)

June 11, 2007

Mr. Reggie Graves  
Maryland Department of the Environment  
Wetlands & Waterways Program  
1800 Washington Boulevard  
Baltimore, MD 21230

**RE: Comments on Applications for State Permits – Baltimore County**

Dear Mr. Graves,

I am writing to provide comments on the following project located in Baltimore County:

**2005565725/06-WL-0987: 505 Digiulian Blvd LP**

This project involves several components. The applicant has applied to remove a series of fixed piers and associated structures and to construct new piers, mooring piles, and platforms. The applicant also proposes to refurbish and emplace 882 linear feet of stone revetment within 11.5 feet channelward of Mean High Water (MHW); construct and backfill 368 feet of replacement bulkhead within 18 inches of MHW; and construct and backfill a 48-foot long timber bulkhead within 3.2 feet channelward of MHW. The goal of this project is shore erosion control and marina reconfiguration. The Baltimore County Critical Area Program recommends nonstructural shore protection measures whenever practical. Nevertheless, if MDE determines that structural means are necessary, then this office will defer to your determination. However, any disturbance to the 100-foot Buffer shall be mitigated at a 1:1 ratio.

In regard to the bulkhead and marina reconfiguration, this office defers to MDE staff to determine the impacts associated with these development activities that are waterward of mean high water.

Thank you for the opportunity to provide comments on the referenced projects. If you have any questions, please call me at (410) 260-3476.

Sincerely,

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

Julie Roberts  
Natural Resources Planner

Cc: Regina Esslinger, DEPRM







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 7, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Mirant Pier Construction and Boat Ramp, Buffer Management Plan

Dear Ms. Dailey:

I have received the information you sent regarding an application for the construction of a pier and the repair of a boat ramp and the subsequent Buffer Management Plan. The applicant applied for and received a license by the Maryland Department of the Environment (MDE) for the maintenance of a 110-foot long by 10-foot wide concrete boat ramp within 24 feet channelward of Mean High Water (MHW). The applicant also applied to construct a 40-foot long by 6-foot wide timber pier with a 200 square foot "L" 45 feet channelward of the MHW line. This office does not oppose this request provided disturbance to the Buffer is minimized.

A Buffer Management Plan (BMP) for the small area of disturbance has been included. According to the information provided, the area of Buffer to be cleared or disturbed is 60 square feet. The Charles County Critical Area Program indicates that the mitigation ratio for shore and water access is 2:1. The applicant has correctly calculated their mitigation amount at 120 square feet. The applicant may choose what type of native planting(s) they would like to plant. No location was for the mitigation was provided in the BMP. This office recommends the plantings be placed in the 100-foot Buffer.

Thank you for forwarding this information to me. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

Julie Roberts  
Natural Resources Planner  
cc: CS 338-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 5, 2007

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

Re: Fiber Optic Conduit through Manokin Park

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. The applicant indicates that the conduit will pass through the multiple parcels, each of which is located in either a Limited Development Area (LDA) or Resource Conservation Area (RCA). Additionally, several of the parcels have a portion that is a Buffer Exempt Area (BEA). These parcels have the following designation (Tax Map 202): 154 (LDA/BEA), 132 (LDA/BEA), 157 (LDA), 122 (LDA/BEA), 131 (RCA/LDA), 156 (LDA), and 155 (LDA/BEA). After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Princess Anne Critical Area Program for the reasons outlined below.

The project will result in the following:

- The installation of the fiber optic lines will be temporary (1-3 days) and at the daily end of construction, no soil will be exposed or unseeded.
- No additional impervious surfaces will be created.
- No trees or natural vegetation will be removed for construction.
- Any requested staging areas will not be located within the 100-foot Buffer and will not necessitate the need for clearing of natural vegetation or trees.

Mr. Keith Lackie

6/5/2007

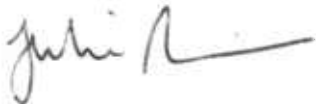
Page 2 of 2

- There will be 600 square feet or less of temporary disturbance for the entire project. The area of disturbance in the Buffer is significantly more limited.
- While portions of the conduit will be within the 100-foot Buffer, the Code of Maryland Regulations Title 27.01.02.04(1)(b) permits utilities within the Buffer where no feasible alternative exists.
- Due to the width (3") of the fiber optic being laid and because it is only temporary disturbance, no mitigation is required for this particular utility project.

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. Please call me if you have any questions at (410) 260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

Cc: PA 302-07

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 2007

Mr. Joe Kincaid  
Maryland Department of the Environment  
Water Management Administration  
Salisbury District Court/Multi-Service Building  
201 Baptist Street  
Salisbury, MD 21801

Dear Mr. Kincaid:

I have the following comments for projects within Somerset County and Dorchester County:

**200760573/07-WL-1029 Shoreline Erosion Project – Somerset County**

The Maryland Department of Natural Resources has applied to construct 1,173 linear feet of stone breakwaters and plant marsh vegetation behind various areas of the breakwaters. This is a shoreline erosion project. Aerial photos indicate that there is some scrub landward but no real tree mass. The Critical Area Criteria recommend nonstructural shore protection measures whenever practical. In addition, this project will require review and approval by the Critical Area Commission if a permit is granted.

**200761641/07-WL-1371 Wallace Creek Bridge – Dorchester County**

The Maryland State Highway Department has applied to replace an existing 52-foot long by 25-foot long bridge with a 35 foot long by 33 foot 8 inch wide bridge with associated abutments and wing walls. There is a permanent impact of 650 square feet of vegetated tidal wetlands. The Highway Department has been in contact with this office to discuss mitigation options. Mitigation will take place in the form of plantings and will be within the watershed.

Mr. Joe Kincaid

6/4/2007

Page 2 of 2

**200761587/07-WL-1352 Dredging, Rail System – Dorchester County**

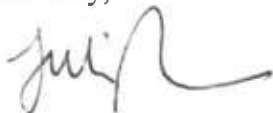
The Maryland Department of Natural Resources has applied to mechanically dredge a 32-foot wide by 110 foot long area to a maximum depth of -15.0 feet at mean low water. The 250 cubic yards of dredged material will be brought by truck to the Dorchester County Landfill. An existing pier is also to be replaced. The purpose of this project is to improve navigable access and repair the existing railway. This project may require approval by the Critical Area Commission.

**200761209/07-WL-1229 Paul & Trina Tobin Revetment – Dorchester County**

Paul and Trina Tobin have applied to repair and replace 2,610 feet of rip rap revetment. The purpose of this project is shoreline erosion control. From aerial photographs it appears that the majority of the property shoreline has stone revetment and little tree cover. The plan submitted proposes to rebuild the stone revetment at a 3:1 slope and then backfill to the upland with concrete rubble. This project may require review and approval by the Critical Area Commission.

Please feel free to follow up with a phone call if you have any questions at 410-260-3476.

Sincerely,



Julie Roberts

Natural Resources Planner

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

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

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

June 4, 2007

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

Re: 2007-0150-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling and associated facilities with disturbance to slopes greater than 15%. This lot is 45,672 square feet. The applicant proposes to raze the existing dwelling and build another dwelling unit in a similar footprint. The current dwelling is 10,339 square feet and the proposed unit will be 10,220 square feet, a net decrease of 139 square feet. The lot is encumbered by slopes 15% and greater. I have the following comments:

1. The applicant proposes to remove the existing pool and reconfigure it completely outside of the 100-foot Buffer. This office supports this action.
2. The applicant notes that the existing asphalt driveway was not constructed to code since it is at a 20% grade and that slope has caused stormwater and erosion issues. The proposed drive will be built to code at 14% slope with a stormwater management infiltration water quality system to help with the erosion issue. We recommend additional stormwater management techniques be added to the center driveway circle (labeled as "Ex. Asphalt Drive" on plan). This office does not oppose this variance request.
3. The applicant proposes to build a stormwater management area partially within the 100-foot Buffer. This office cannot support this request. We recommend moving the stormwater retention area to a location outside the Buffer.
4. The proposed clearing to be removed is 0.14 acres or 31% of existing forested area. It appears that that if the applicant removes the bioretention area from the 100-foot Buffer, then overall clearing on the site would be reduced. Mitigation for



Ms. Suzanne Schappert

6/4/2007

Page 2 of 2

the tree cover removed should occur at a 1:1 ratio for clearing outside of the Buffer. If allowed clearing will still occur above 30%, then 3:1 mitigation is required for all clearing. These plantings should consist of a mix of native species and be planted in the Buffer to the extent possible, given the very steep slopes.

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 black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 316-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 4, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case No. SFD 70240

Dear Ms. Dailey:

I have received the variance request for the above mentioned project. The applicant proposes to demolish the existing dwelling and rebuild a single family dwelling unit. The applicant's property is 10,808 square feet in an Intensely Developed Area (IDA) which is entirely in the Buffer and in a Buffer Exempt Area (BEA). Based on the information submitted, I have the following comments:

- The applicant proposes to remove 1,590 square feet of impervious surface and rebuild 1,430 square feet of impervious area, a net decrease of 160 square feet or 10%.
- The applicant proposes to mitigate at a 1:1 ratio for 1,621 square feet of disturbance in the Buffer. The applicant proposes a mix of trees and hightide bushes.
- The limit of disturbance (LOD) is 40 feet or beyond from the Mean High Water (MHW) and no structures are proposed to be built closer to MHW than are currently existing.

Provided this lot is properly grandfathered, this office does not oppose this variance request given the site constraints and the applicant's proposal for less disturbance than currently exists.

Thank you for the opportunity to provide comments. 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. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie R.", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS 323-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 30, 2007

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

Re: Snodgrass, Joseph -- Variance

Dear Mr. Brittingham:

Thank you for resubmitting the changes to the above-referenced variance request. In a letter dated, January 4, 2007, Lisa Hoerger requested a series of changes and recommendations (6) to the site plan for the subdivision at Chesapeake Terrace. Pursuant to our conversation today and after comparing the site plans, it appears that the applicant has made the appropriate changes in lieu of the recommendations provided.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resource Planner

Cc: BC 820-06





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/](http://www.dnr.state.md.us/criticalarea/)

May 29, 2007

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

Re: 2007-0149-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling addition with less setbacks and Buffer than required. The lot is 5000 square feet and approximately two thirds of the improvements to the lot are within the Buffer. The applicants propose to raise the house 32 inches and during this process construct additions to the front (water side) and back (street side) of the house. There are several components to the applicants' proposal:

1. The applicants propose to add second story additions in areas which are currently decks or over stone patio (1/3 over the deck, 2/3 over the patio). These additions appear to be reasonable and therefore, this office does not oppose them.
2. The applicants propose to build a larger deck in an increased footprint. The proposed deck juts further waterward in the Buffer than the existing deck. This office cannot support this variance request since it appears there is an extensive existing concrete patio that serves the same purpose. We recommend that the deck should not be any further waterward than the existing deck.
3. The applicants propose to offset the new additions by removing portions of the existing stone patio and pavers, for a total net removal of four feet of impervious surface. The percentage of total imperviousness remains at 43%. We would encourage the applicants to explore other opportunities to remove existing impervious areas on this lot.
4. We have no comment on the setback variance.

Ms. Schappert

5/29/2007

Page 2 of 2

We recommend that the applicants provide 3:1 mitigation for the disturbance in the Buffer in the form of native species.

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 black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

cc: AA 317-07



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/](http://www.dnr.state.md.us/criticalarea/)

May 25, 2007

Mr. Robert Tabisz  
Maryland Department of the Environment  
Wetlands & Waterways Program  
1800 Washington Boulevard  
Baltimore, MD 21230

Dear Mr. Tabisz:

I have the following comments for the below-referenced project within Charles County:

**200762051/07-PR-1514 Cobb Island Volunteer Fire Department**

The Charles County Commissioners have applied for a permit to construct a pier with a platform and boatlift for the purposes of use and storage of the Rescue Boat used by the Cobb Island Volunteer Fire Department. Any disturbance to the 100-foot Buffer shall be mitigated at a 1:1 ratio. The applicant should coordinate with the Charles County Planning Office, since this is considered development activity in the Critical Area and will need to be submitted to Commission staff for review.

Please feel to follow up with a phone call if you have any questions at 410-260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: Aimee Dailey







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 22, 2007

Mr. Jimmy Sharp  
Wicomico County  
Department of Planning, Zoning, and Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: Village Down River Buffer Management Plan

Dear Mr. Sharp:

I have reviewed the information regarding the above referenced project. The applicant has provided information requested as part of the conditions of approval of this growth allocation. I have comments regarding each of the conditions of approval and what has been provided thus far:

1. The Plan provides a scheduling and phasing plan detailing the timeframe for implementation of the proposed enhancements. This schedule is not sufficient for approval. More detail is necessary, including the year the schedule will start for each enhancement area.
2. Commission staff will make bi-annual inspections for a five-year period. We would like to make a preliminary visit to the areas where the enhancements will take place.
3. A "Growth Allocation Impervious Area" plan (Sheet 3) has been provided which conceptualizes proposed development within the IDA and LDA. This plan is not sufficient to meet Condition 3 for approval.
4. As indicated in Kerrie Gallo's Conditions of Approval letter (dated March 12, 2007), any changes to a final approved site plan or deviation of the proposed enhancements plan must be submitted to the Commission staff.

5. A Buffer Management Plan has been submitted to the staff. Please see detailed comments below.
6. The County shall collect a bond as indicated in Ms. Gallo's letter.

Comments on Buffer Management Plan

1. Overall comment: The Buffer Management Plan needs to be much more detailed. Every type of planting (non-tidal wetland Buffer, bio-retention drainage, streetscape, wildlife conservation, reforested areas, etc.) requires a schematic plan. Schedules are needed for each plantings plan that detail quantity, species type, spacing, etc.
2. Kerrie Gallo indicated that she has sent a copy of the Four Seasons BMP to your office. Please forward a copy to the developer if you have not done so already.
3. A transition plan is necessary to account for the protection of the Buffer during planting and development.
4. There are overall inconsistencies between the reforestation plans, the site plans, and Buffer management plans. Please have the applicant correct these inconsistencies as detailed below.
5. Buffer 1: It appears the 100-foot Buffer in the southeast area narrows. Please have the applicant correct and show the Buffer to the adjacent stream channel.
6. Buffers 1, 2, and 3:
  - a. Pine seedlings are not sufficient for 100-foot Buffer. We recommend three-tiered vegetation to mimic a natural forest setting (canopy, understory, and ground cover).
  - b. Also, the loblolly planting proposals indicate they are in accordance with MDE specifications. The specifications for planting should be written out and included in the BMP index.
7. Buffer 4:
  - a. The selection of shrubs for Buffer 4 is appropriate.
  - b. There is a pump building in the Buffer. It is unclear if this building is existing or proposed. If the pump building is not already existing, it must be placed outside of the 100-foot Buffer.
  - c. The eco-paver pathway to the community piers appears to be 15 feet wide. An appropriate width for this type of path is 8-10 feet wide. Please have the applicant adjust the width of the path on the plan.
  - d. In addition to the common access, there are three private pathways being shown through the Buffer to the water. These pathways will disturb the Buffer. The purpose of the community pathway and pier is to avoid this disturbance. Please have the applicant remove these private pathways.
8. Sheet 2 [Existing Forestry Plan]:
  - a. The existing Forest plan does not make sense. The deforestation cross hatching does not match the proposed improvements (ex. Road is in a location to remain forested).

Mr. Jimmy Sharp

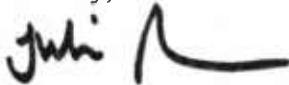
5/22/2007

Page 3 of 3

- b. Long term monitoring and maintenance schedule on Loblolly pines stated on the sheet in upper left corner is not adequate. There must be a 400 tree expected survival rate for at least 5 years, not a single growing season. Also a monoculture of loblolly seedlings is not sufficient for Critical Area reforestation.
9. Sheet 4:
- a. The graphic representation of the planting schedule is inconsistent with the number of trees provided on the sheet list; there are many more tree graphics than proposed trees to be planted. Also, there are areas that may not be dense enough or are too dense, but this cannot be determined from the plan.
  - b. Areas that are proposed to be reforested do not show graphics of trees. It is unclear what the schedule is for these areas (this is an issue throughout the Plan, not only on this sheet).
  - c. The Stream Enhancement proposal must be clarified. How is this to be carried out? A detailed plan must be provided.
  - d. There is a symbol over the stream that may indicate a (covered) bridge. Please have the applicant clarify.
  - e. There is a dotted line at the bottom of the plan that may indicate a pipe. Please have the applicant clarify.
10. Sheet 5: The Mean High Water (MHW) is shown to be more landward than the edge of tidal wetlands along the western property boundary along the creek. This should be corrected. Buffers may need to be redrawn.
11. "F" cannot be used for MDE mitigation requirements if it is in the Buffer. Please provide final plans for the non-tidal mitigation areas.
12. Loblolly plantings may be used in reforesting some areas of the site but not as a monoculture. Reforestation plantings should mimic the naturally vegetated portions of the site.
13. More details are necessary on the Phragmites Control Plan. For example, where are the phragmites? How will they be eradicated? How long will this take? What will be planted after the phragmites is eliminated?
14. Will deer protection be provided for the plantings?

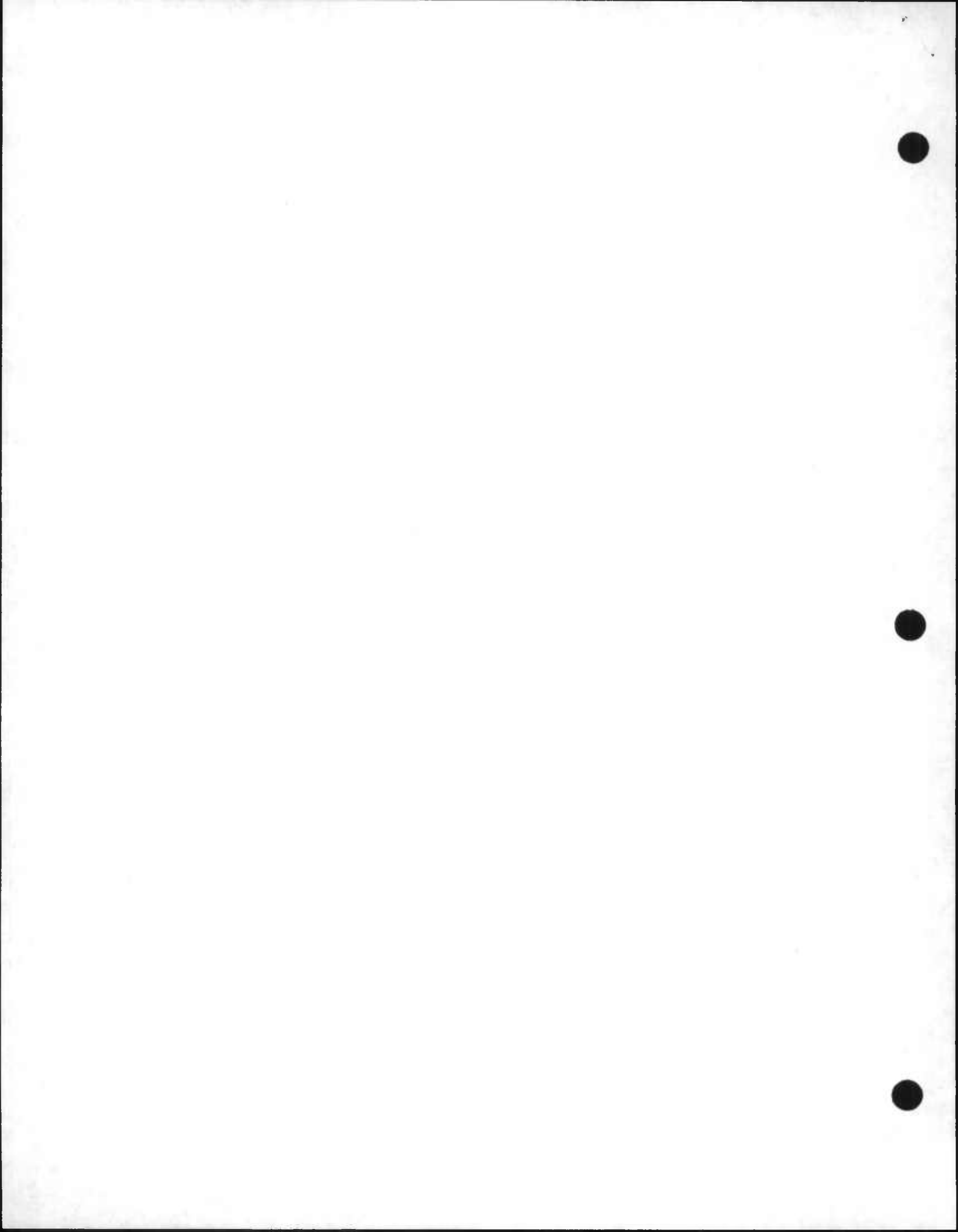
We will look forward to seeing the improvements to the plan. Thank you for the opportunity to comment. Please feel free to call with any questions concerning the above comments at (410) 260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

cc: WI 593-06





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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

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

Re: McNerney, Joseph -- Variance

Dear Mr. Dennis:

Thank you for sending the above-referenced variance request for review and comment. The applicant is currently building an addition on to his residential waterfront property. The property is currently improved with a single family dwelling unit, a garage, deck, driveway, pier and walks. It is my understanding from the County's application and a conversation with you this morning that a condition of the approval of the building permit was that the applicant must remove the garage and part of the driveway to help offset the additional impervious surface from the new addition. The lot is 19,000 square feet and the current impervious surface is 36.5% of the property. The addition will add another 460 square feet (2.4%) of impervious surface to the lot. The variance request is to permit the garage and driveway to remain rather than remove them, which was a requisite of the granting of the building permit.

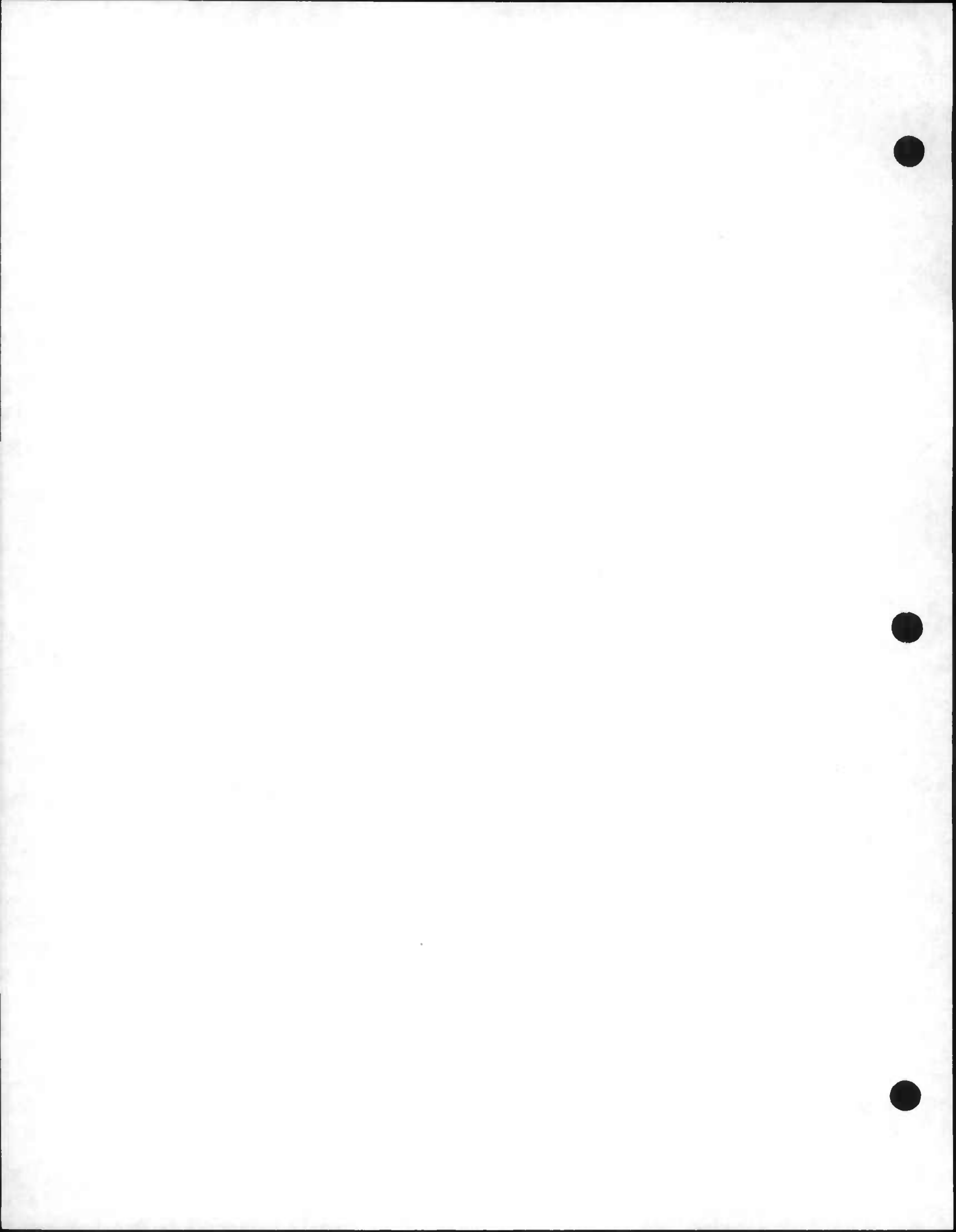
While this office generally does not oppose modest additions on grandfathered lots, we cannot support a variance to the impervious surface limits, particularly when an alternative has been identified. The applicant must meet all the variance standards of "unwarranted hardship", defined as "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resource Planner  
Cc: BC 285-07





**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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

Mr. Michael J. Waibel  
URS Corporation  
4 North Park Drive, Suite 300  
Hunt Valley, MD 21030

Re: Crisfield-Somerset Airport Draft Environmental Assessment

Dear Mr. Waibel:

Thank you for forwarding me the Draft Environmental Assessment (EA) for the Crisfield-Somerset County Airport. The draft EA indicates that approximately 60% of the airport is within the Critical Area. The airport is designated as Intensely Developed Area (IDA) and Resource Conservation Area (RCA). The draft EA has addressed both Somerset Zoning Ordinances and the Critical Area Commission's guidelines on pertinent topics such as development in the Critical Area and FIDS. I have reviewed the sections corresponding to the Critical Area and have the following comments:

Stormwater Management

EA section 3.5.4 indicates that the Airport's existing drainage conditions are "relatively poor" and that there is some flooding that occurs. A stormwater plan needs to be provided to ensure the improvements will allow adequate storm water management.

Rare, Threatened, and Endangered Species

1. A letter provided by the Fish and Wildlife Service indicates that with the exception of the transient individual, there are no rare, threatened or endangered species currently known to live on site.
2. The Department of Natural Resources sent a letter indicating that there was potentially FIDS habitat on site.

Wetlands and Soils

1. Exhibits 3-7 and 3-9 indicate that the end of the proposed expanded runway strip has both tidal and non-tidal wetlands and has hydric Othello soils. The 100-Buffer applies to tidal wetlands, tributaries and streams. Also, a 25-foot Buffer is required for non-tidal wetlands. The Buffer should be expanded for hydric soils.

Critical Area Forest Impacts and Mitigation Requirements

1. EA section 4.11.2.1 indicates that 1.2 acres of trees within the Buffer will be impacted. At the recognized 2:1 ratio, 2.4 acres must be planted in another area of the Buffer.
2. 0.9 acres of Buffer Exempt Area (BEA) trees are to be cleared, requiring 1:1 mitigation. This mitigation should also be planted in the Buffer.
3. The EA reports that the FIDS habitat impacted by the Build Alternative is approximately 0.5 acres of edge. The mitigation for this impact is 1:1; (however, the total contiguous forested area should be provided to ensure the correct amount of required mitigation).
4. According to Table 4-13 on page 4-20 a total of 14.8 acres of trees are to be removed as part of the airport expansion. This table indicates that 13.5 acres of this land require reforestation.
5. Of the required 13.5 acres to be reforested, Somerset County Ordinances require that Buffer, BEA, and FIDS habitat must be mitigated for in the form of plantings.
6. 3.3 acres are proposed to be planted for Buffer and BEA mitigation, as well as 5.7 acres of trees to be mitigated for non-HPA on County-owned Parcel 7, Tax Map 30 which is within the Critical Area.
7. Somerset County Forester, Bob Cadwallader, stated that an appropriate area for this mitigation is on County-owned Tax Map 40, Parcel 4. This parcel is adjacent to a contiguous 500-1000 acre block and is in the Critical Area; therefore, planting contiguous to this parcel would be considered acceptable FIDS mitigation.
8. The total remaining area to be mitigated for is 4 acres. The EA indicates that the town does not have sufficient property to plant the trees, so a fee in lieu is to be substituted. The amount of \$600.00 will be paid to the County for the remaining 4 acres.

Thank you for the opportunity to provide comments. Please call me at 410-260-3476 if you have any questions.

Sincerely,



Julie Roberts  
Natural Resource Planner

Cc: Joan Kean, Director, Somerset County  
Thomas Lawton, Planner/Critical Area Reviewer, Somerset County  
SO 292-03





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 18, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Subdivision XRS-70026 Gunston Pointe

Dear Ms. Dailey:

This office has received the above referenced subdivision for comments. The original site acreage in the Critical Area was 130.28 acres which provided an allowance of 6 dwelling units. The applicant proposes to resubdivide Lot 16 into three lots. I have the following comments:

1. Revisions should be made in accordance with your email of 5/7/07 indicating corrections to the Critical Area Boundary line and the inclusion of total forest acreage in the Critical Area.
2. A note must be added to the plat indicating that that this resubdivision removes 3 of the 6 permitted dwelling units from the allowance permitted for the full subdivision of the 130+ acres.
3. The Department of Natural Resources sent a letter on May 26, 2006 indicating that Lot 18 contains FIDS habitat. Lot 16, as a contiguous lot, may also contain FIDS habitat. An updated letter must be supplied by the Department of Natural Resources. If Lot 16 contains FIDS habitat, the applicant must build in accordance with the FIDS guidelines, the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat.
4. Lot 16C is within a Zone 3 Eagles Nest Protection Zone. Building activities, including timber cutting, the clearing of land, and building, road and trail construction are not permitted from December 15 to June 15, as indicated on the plat note.
5. Building is not permitted within the 100-foot Buffer or the expanded Buffer.

Aimee Dailey  
Page 2 of 2  
5/18/2007

According to the previous plat note, Critical Area Commission staff and County Planning staff must inspect the regeneration of the Buffer before this plat can be approved. Please contact me to discuss times for inspection. Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a long, sweeping horizontal stroke extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS 276-07



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/](http://www.dnr.state.md.us/criticalarea/)

May 17, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Variance Docket #1188 – Lawrence Graves

Dear Ms. Dailey:

This office has received the above referenced variance request. The applicant requests a variance for an after-the-fact gazebo, to fill (after-the-fact), and for an after-the-fact gravel driveway. In order to obtain a variance, the applicant must meet several standards, including that of unwarranted hardship. The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot. Here, the applicant enjoys reasonable and significant use of his parcel through an existing deck, two sheds, walkways and a driveway. In addition to the unwarranted hardship standard, the applicant has the burden of proving that he meets all of the other variance standards.

I have the following comments on the applicant's requests:

1. We do not oppose the fill to the lot as it is proposed to correct minor flooding and erosion problems. The applicant indicates in his narrative that brush and trees were cleared to do this fill; therefore, he should continue with the Buffer Management Plan and signed Maintenance Agreement.
2. This office cannot support the variance request for the gazebo. Should the Board approve the variances for the gazebo and lot fill, we recommend that, at a minimum, the applicant provide 3:1 mitigation for new development in the Buffer and that this mitigation include the impacts of the gazebo and the filling of the site. Mitigation should be performed on site.

Aimee Dailey

Page 2 of 2

5/18/2007

3. In terms of the after-the-fact gravel drive, this office cannot support the request for a variance as it does not meet the standards for unwarranted hardship. The applicant has a useable driveway on the lot with the principal dwelling.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner  
cc: CS 750-06



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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: City of Crisfield Pump**

Dear Mr. Lackie:

Thank you sending the information on the pump we discussed in the field last month. Please inform the Department of Public Works that the City needs to formally submit an engineered plan to the Maryland Department of the Environment and the Critical Area Commission staff for review.

I look forward to seeing the project soon. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie R.", with a long horizontal stroke extending to the right.

Julie Roberts  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 15, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Building Permit -- Donohoe

Dear Ms. Dailey:

This office has received the above referenced building permit for comments. The applicant proposes to demolish the existing structure and build a single family dwelling on this lot. The lot is comprised of 24+ acres, or 1,049,746, of Resource Conservation Area (RCA). The total proposed disturbed area is 29,055 square feet. The proposed impervious surface is below 15% at 17,488.05 square feet (1.7%).

There is no proposed activity in the Buffer. However, the Buffer appears to be delineated from a property boundary and not Mean High Water or the edge of field delineated tidal wetlands. We request field delineation of the Buffer, particularly as the pool and limit of disturbance is so close to the Buffer boundary. With the exception of the field delineation indicating that any part of the proposed structures is within the Buffer, this office does not oppose this proposed building permit as submitted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

Julie Roberts  
Natural Resources Planner  
cc: CS 278-07







**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/](http://www.dnr.state.md.us/criticalarca/)

May 15, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

I have received the additional information you sent regarding the above referenced variance. I understand that the applicant has removed a smaller shed and placed a larger shed in a similar footprint. I have reviewed several years of aerial photographs including 2004, 2005 and 2006, and was unable to discern a shed. The applicant provided aerials from 1986 and 1999; I was also unable to see the outline of the shed on these aerials. Unless the old shed has been removed within the last year and this can be proven by the applicant, this office's position remains the same.

The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from tidal wetlands, within the 100 foot Buffer. This office still cannot support this request, as there are other areas outside of the Buffer that the applicant could place this shed. My original letter dated April 19, 2007, details the Critical Area Commission's staff position on structures in the Buffer.

If the applicant is able to provide additional information regarding the previous shed and the Board finds the applicant can meet all of the variance standards as outlined in my original letter, we would recommend the Board require 3:1 mitigation for the footprint and any clearing that was required for the shed; however, it remains this office's position that all the variance standards cannot be met.

Mr. Lawton  
5/15/2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long, sweeping horizontal line that extends to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 222-07

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

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from water, within the 100 foot Buffer. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a shed can be constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

Aerial maps show that although much of this property is forested and has wetlands, that there are other options for placement of this shed. Therefore, the standard of unwarranted hardship has not been met.

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

This office would not support similar variance request to build a shed in the Buffer. There is sufficient opportunity on this property to construct a shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicant a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

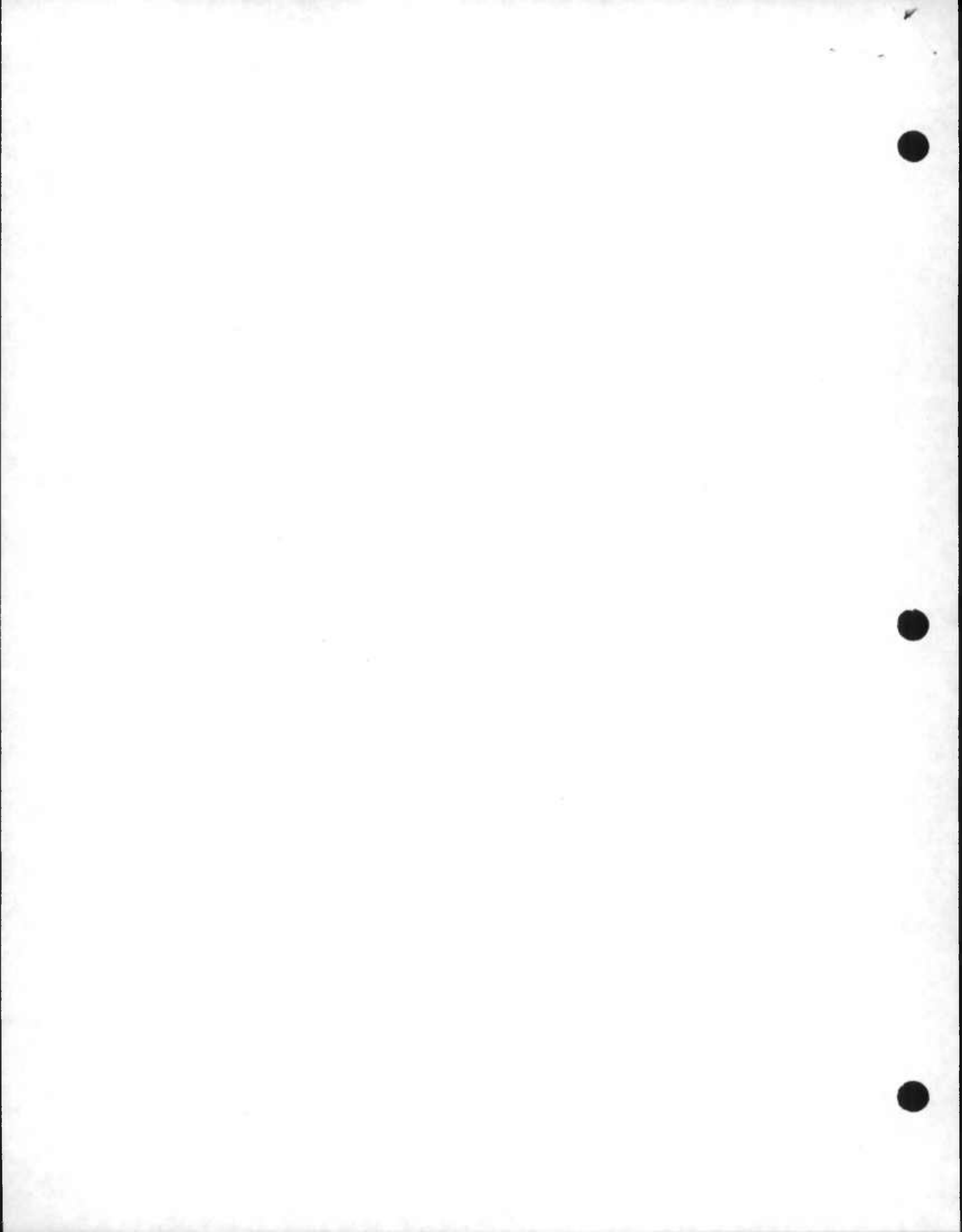
Mr. Lawton  
4/19/2007  
Page 3 of 3

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 222-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 14, 2007

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

Re: Carroll Hoshall Subdivision  
Local case number 1122A

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. The site plan indicates that the applicant plans to subdivide 7.35 acres into three separate parcels. Based on the information provided, I have the following comments concerning this site plan.

- It is unclear what portion of the acreage is within the Critical Area. The Critical Area boundary should be clearly marked on the plat. There should also be a Critical Area notes section on the plat indicating pertinent data.
- A letter must be provided to this office by the Department of Natural Resources Heritage Division indicating that there are no threatened, rare, or endangered species on this property.
- The impervious surface estimates submitted are under the 15% limit for these parcels.
- Aerial photos and information provided by the applicant indicates that these are fields that were once or are currently being farmed. These lots will need to be afforested to 15% since there is currently no forest in the Critical Area.

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

Sincerely,

A handwritten signature in cursive script that reads "Julie R".

Julie Roberts  
Natural Resources Planner

Cc: DC273-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 14, 2007

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

Re: Jeannette Deane Subdivision  
Local Case number 249A

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. The applicant proposes to create one lot (#2) for immediate family subdivision in the Resource Conservation Area (RCA). The proposed Lot 2 will be 2.04 acres and taken from the greater 17+ acres. The residue parcel is 14.19 acres. Based on the submitted plat, I have the following comments:

- It is unclear what portion of the acreage is within the Critical Area. The Critical Area boundary should be clearly marked on the plat. There should also be a Critical Area notes section on the plat indicating pertinent data.
- A letter must be provided to this office by the Department of Natural Resources Heritage Division indicating that there are no threatened, rare, or endangered species on this property.
- Dorchester County's Critical Area Program indicates that "intrafamily transfers (in the RCA) will be allowed only from parcels of land that were on record as of March 1, 1986, and which are 7 acres or more but less than 60 acres in size." The subdivision appears to meet these requirements.
- The required covenant (General Note 14) regarding any future conveyance of the lot has been properly noted.

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

Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: DC 267-07





**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/](http://www.dnr.state.md.us/criticalarea/)

May 8, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case nos. XRS 70013:70014

Dear Ms. Dailey:

This office has received the above referenced requests for lot line adjustments. It is our understanding in XRS#07-0013, the applicant proposes to consolidate Parcel A of 0.381 acres with L.3367 F.61 of 0.89 acres. In XRS#07-0014, the applicant proposes to consolidate Parcel B of 2.411 acres to L.1195 F.24 of 0.69 acres. The applicant's residue parcel remains 21+ acres. This office does not oppose these requests; however it is unclear from the plats provided where the Buffer may be located. The resulting lots should not require the need for a variance to the Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

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

Julie Roberts  
Natural Resources Planner  
cc: CS 197-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

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

Re: Borheck Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to build three single family dwellings on nine existing lots. Each of these lots is almost wholly in the 100-foot Buffer to tidal wetlands and within the 35-foot setback area. Baltimore County had previously sent a variance request for one of these proposed dwellings, #4295, and Lisa Hoerger responded in a letter dated January 22, 2007. After receipt of this letter, it is my understanding that the County decided to handle these variance requests for the properties together rather than piece-meal. As Ms. Hoerger indicated in her letter, it appears that the applicant has attempted to minimize the variance requests to the 35-foot setback area by siting the proposed dwellings as close as possible to Libs Lane, 27 feet, 25 feet, and 22 feet respectively.

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 dwellings within the setback 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 variance. Please notify the Commission of the decision made in this case.

Sincerely,

Julie Roberts  
Natural Resources Planner

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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: SE-07-2348 – Shaner Bed and Breakfast

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to convert an existing private residence into a commercial Bed and Breakfast. This property is located in a Limited Development Area (LDA), recently added as part of Growth Allocation. A condition of this growth allocation is that a 160-foot Buffer be maintained and that developed woodlands remain in their existing condition. The information submitted does not indicate any changes to the vegetation, existing structure or additions to the lot. As submitted, this office does not oppose this request. The applicant should be informed that any potential future changes including additional structures or increase in impervious surface will require compliance with the provisions in the Somerset County Code.

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,

Julie Roberts  
Natural Resource Planner  
Cc: 0031-05





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

**MEMORANDUM**

To: Mr. Ray C. Dintaman, Jr., Environmental Review Unit,  
Department of Natural Resources

From: Julie Roberts *JR*

Cc: Mr. Calvin Dize, City Manager, City of Crisfield

Date: May 4, 2007

Note: This fax should replace a fax sent previously. Please destroy earlier fax.

Subject: City of Crisfield Sanitary Sewer Replacement MD20070315-0207

The above referenced project was sent to this office for review several months ago by Mr. Calvin Dize. On January 3, 2007, the Critical Area Commission unanimously approved with conditions the City's proposal to replace the sewer line. Portions of this line are in the 100-foot Buffer and the Commission required that an acceptable mitigation plan be submitted for review by March 7, 2007. To date, this office has not received this plan.

Thank you for the opportunity to comment. Please call me if you have any questions at (410) 260-3476.





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 4, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Vegetated Woodland

Dear Ms. Dailey:

Pursuant to our conversation this morning, I wanted to give you some clarification on the meaning of the term "vegetated cover" and what the responsibility of an applicant is to mitigate for its removal. According to COMAR 27.01.01.B(20) developed woodlands "means those areas of 1 acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses". The intent of the Critical Area Law is to replace existing vegetation that is removed in the development process for the purposes of plant and animal habitat and to protect the Chesapeake Bay from water pollution. Both trees and their understory, including shrubs, vines, etc. are important components to the creation of habitat and protection from pollution. Typical existing vegetated cover tends to include both invasive and local species; for the purpose of replacement, this office supports the use of non-invasive species to mitigate for development.

From the documentation you provided, it seems that you have counseled the applicant correctly in terms of mitigating for development. If they have additional questions, they can be directed to our guidance document on mitigation which can be found at <http://www.dnr.state.md.us/criticalarea/giaca.html>.

If you have any additional questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 4, 2007

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

Re: 2007-0092-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling with less setbacks than required. The applicant proposes to remove the current 518.4 square feet of impervious surface on this 2,500 square foot lot and build a new dwelling unit. The proposed impervious surface on the lot would be 976 square feet which is within the impervious surface limits of this lot. Therefore, this office has no comment on the request for less setbacks than required.

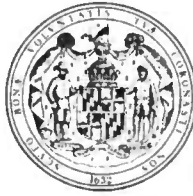
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Julie Roberts  
Natural Resources Planner

cc: AA 248-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 4, 2007

Bruce M. Gray,  
Donald H. Sparklin c/o  
Karen Arnold  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Re: Project No. B03503  
US 40 over Gunpowder Falls, Baltimore County

Dear Ms. Arnold.

Thank you for forwarding the information regarding the emergency repairs on the above referenced project. This project is consistent with the Conditions for General Approval under the current Memorandum of Understanding (MOU) between this office and the Maryland Department of Transportation, as referenced in your letter (specifically Exhibit B1, Section A, Paragraph 3, items B and C). Therefore no further review by this office is necessary, notwithstanding any other required State or Federal permits.

Please contact me with any questions at 410-260-3476.

Sincerely,

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

Julie Roberts  
Natural Resources Planner

Cc: DOT 29-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: Creamer – 2007-0101-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants seek a variance for construction of a 10 x 20 foot deck with less setbacks and Buffer than required in a Buffer Exemption Area. Provided this property is properly grandfathered, this office does not oppose this variance request. Mitigation as prescribed by County staff should be required.

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 black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 244-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: Donze - 2007-0091-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant seeks a variance for the construction of steps and landings with less setbacks and Buffer than required. The steps are to the side of the deck and, therefore, no further waterward and the landings pose minimal increase to the dwelling footprint. Provided this property is properly grandfathered, this office does not oppose this variance request.

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 "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 243-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: 2007-0059-V

Dear Ms. Schappert:

I have received the above-referenced variance request to allow a dwelling with less setbacks and Buffer than required and with disturbance to slopes of 15% or greater. According to your office, this lot was deeded by residue parcel in 1927. If the lot was recorded by deed but the subdivision was not recorded prior to December 1, 1985, it is not grandfathered and no variances should be issued. If the County determines that this lot is properly grandfathered, we recommend that the deck be eliminated, the footprint reduced, and the dwelling be pulled as close to the front lot line as permitted.

This application states that the proposed impervious surface constitutes only 5% of the total parcel, however, more than  $\frac{3}{4}$  of the parcel is tidal wetlands. Absent a more detailed delineation, it is unclear how much of the tidal wetlands are State-owned versus private wetland. Even if one were to assume the entirety of the tidal wetland is private, only a small portion of the parcel is upland, which means the percent of the impervious cover in the upland is greater than 5%. Since the proposed dwelling will impact the Buffer and steep slopes, we recommend 3:1 mitigation.

Ms. Schappert  
Page 2 of 2  
5/1/2007

Thank you for the opportunity to provide comments. 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 'Julie Roberts', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 1, 2007

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

Re: Sakowski – 2007-0074-V

Dear Mr. Ethridge:

This letter is in response to the above-referenced variance request. The applicant's engineer mistakenly drew a Critical Area line on the plat. After performing a site visit and speaking with the applicant, it was discovered that this property is not in the Critical Area. Therefore, this office has no comment on this request.

Please include this letter in your file and submit it as part of the record for variance. If you have any questions, I can be reached at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 207-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case no. XNL 70041 - Baines

Dear Ms. Dailey:

This office has received the above referenced variance. The applicant proposes to consolidate a contiguous parcel for residential use by adding parcel D-2 of 1.534 acres to parcel D-1 of 5.971 acres for a total of 7.505 acres. Providing parcel D-1 is properly grandfathered, this office does not oppose this request. In addition, the resulting lot should not require the need for a variance to the Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

Julie Roberts  
Natural Resources Planner  
cc: CS 235-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 25, 2007

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

Re: Red House Run Force Main Replacement  
Chesapeake Bay Critical Area Consistency Report

Dear Ms. Esslinger:

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

- The force main repair was due to an emergency repair.
- While the location of the force main 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 information provided addresses this requirement.
- The force main existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance was temporary and will be minimized to the extent possible. All stone will be removed from the Buffer, except as permitted by either the Inspection and Enforcement Section or Environmental Impact Review Sections of this Department.
- The site will be revegetated with native species at a minimum 1:1 ratio and a planting plan shall be submitted to the County for review by July 31, 2007.
- Per the County, a note shall be added (#17) to the sediment and erosion control plan that says, "Restore stream buffer areas by planting native trees and shrubs in accordance with an approved Critical Area Management Plan. Notify the Environmental Impact Review Section of the Department of Environmental Protection and Resource Management at 410-887-3980 upon completion of planting."

Ms. Esslinger

4/25/2007

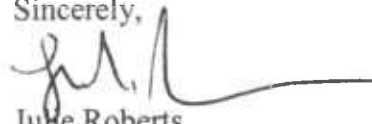
Page 2 of 2

- No additional impervious areas area proposed.

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

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

Sincerely,



Julie Roberts

Natural Resources Planner

cc: BC 232-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 23, 2007

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

Re: Walker-Thomas – 2007-0065-V

Dear Ms. Cotter:

This letter serves as an amendment to my letter dated April 13, 2007. Pursuant to our conversation, it appears that the after-the-fact deck has been built in the extended Buffer due to slopes of greater than 15%. This information was not shown on the application or the plat.

While this office generally does not oppose modest decks in the expanded Buffer, it does not appear the applicant has demonstrated minimization of impacts to the Buffer or slopes. In addition, it does not appear from the information provided that the deck was constructed to be pervious. Therefore, we cannot support the request as submitted. If the Hearing Officer determines that a request can be granted, we recommend that the deck be built no further than the house to limit any further disturbance to steep slopes.

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,

Julie Roberts

Natural Resources Planner

cc: AA 215-07

TTY for the Deaf

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





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

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

April 23, 2007

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

Re: Sheltered Harbor, Stansbury Road

Dear Ms. Esslinger,

Thank you for providing additional information regarding the Sheltered Harbor redevelopment. Per our conversation and the application for the Variation of Standards, the applicant proposes to add two retaining walls as a result of elevating structures for flood protection. The additional impact of these two retaining walls is 272 square feet. This additional square footage increases the total proposed impact to 127,911 square feet, and the applicant has amended their total proposed mitigation to include the additions of these walls. This office has no further comments.

Please include this letter in your file and feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: 146-04







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](http://www.dnr.state.md.us/criticalarea)

April 20, 2007

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

Re: 2007-0066-V

Dear Ms. Cotter:

I have received the above-referenced variance request to allow a dwelling with less setbacks than required. The applicant proposes to remodel their home and add a second story. New information provided by the applicant indicates that there will be a total decrease of impervious surface by 44 square feet. This office supports the removal of impervious surface in the Critical Area and has no comment regarding the setback issues.

Thank you for the opportunity to provide comments. 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 black ink, appearing to read "Julie Roberts", written over a horizontal line.

Julie Roberts  
Natural Resources Planner

cc: AA 216-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: Alice Byrd Tawes Nursing Home Redevelopment**

Dear Mr. Lackie:

Thank you for forwarding the engineer's response letter and additional information regarding the Tawes Nursing Home redevelopment. I have reviewed the new information and LeAnne Chandler, our Science Advisor, has also looked over the plan and calculations. We have the following comments:

- The submitted plan indicates the scale as 1" = 40' when it is actually 1" = 30'.
- The applicant is proposing to use a rooftop disconnect credit for a large portion of the roof area. We cannot give disconnect credit for the drainage to downspouts 1 through 7. This drainage amounts to approximately 3400 square feet of impervious cover draining to approximately 3600 square feet of area on "D" soils where little infiltration will occur. This will lead to flooding of this area and overflow onto the sidewalks. Downspouts 12 and 13 are questionable as well. The drainage paths shown on the plans are unrealistic. Any drainage path shown must be supported by a matching grading plan. The 10% calculations must be resubmitted.
- It is unclear why the pervious pavers are shown as (.5) impervious. Typically, this office credits at (.4) for pavers. Unless the applicant can provide specifications supporting the use of (.5), this should be corrected to show a 40% void ratio for the paver system.

Mr. Lackie  
4/19/2007  
Page 2 of 2

I look forward to seeing the corrections in subsequent plans. Thank you for the opportunity to comment. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: CF 0139-07



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.statc.md.us/criticalarca/](http://www.dnr.statc.md.us/criticalarca/)

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-875 -- Blusiewicz

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 1.879 acres of property which is zoned as a Limited Development Area (LDA). The shed the applicant has constructed is 392 square feet and replaces a smaller shed in a similar footprint. The constructed shed is 73 feet from the water.

This office does not oppose the establishment of a replacement shed in the same location as, and no further shoreward than, the previous shed. However, this variance request is for a shed that is larger than the previous shed. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, 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, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a larger shed could have been constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

As indicated, Commission staff is not opposing the applicant's right to replace an existing shed in the Buffer. However, neither the Critical Area Code nor the Somerset County Code have provisions for increasing the size of the shed. A larger sized shed needs to be located outside the Buffer. Aerial maps show that this is possible.

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

This office would not support a similar variance request to build a larger replacement shed in the Buffer. There is sufficient opportunity on this property to construct a new shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

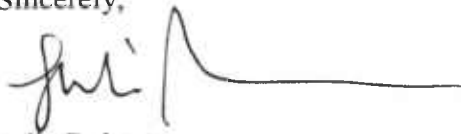
In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in

Mr. Lawton  
4/19/2007  
Page 3 of 3

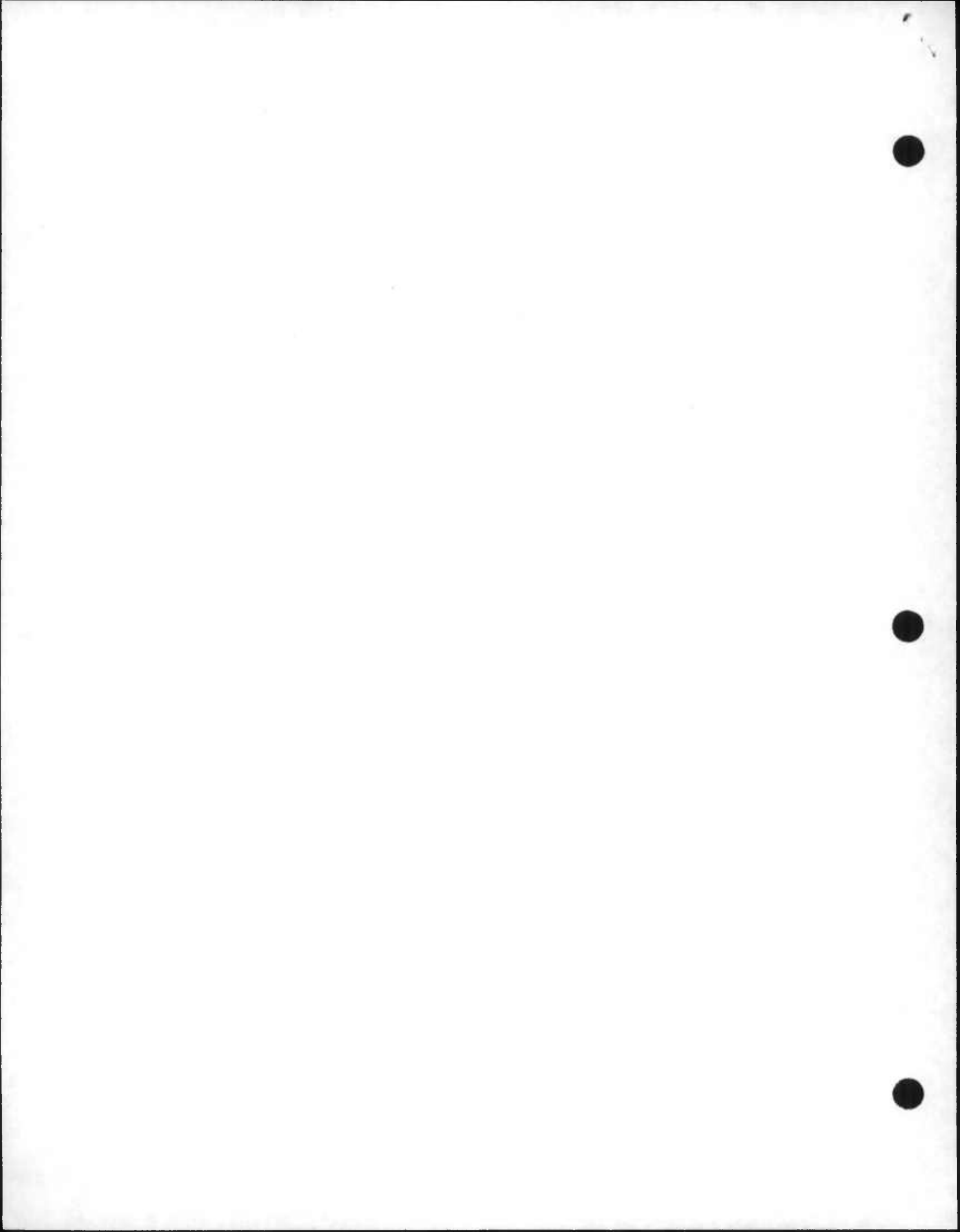
the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal line extending to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 224-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

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

**RE: Vandermast Property Subdivision and Growth Allocation**

Dear Ms. Farr:

Thank you for your request for comments on the referenced project and growth allocation request. This project proposes the redevelopment of 20 older shore cottages into 15 single dwelling units. The applicant proposes this redevelopment in an existing Limited Development Area (LDA) and on 18 acres of Resource Conservation Area (RCA) lands that are proposed to be changed to LDA through the use of growth allocation.

General Comments

1. The applicant states that the final Growth Allocation acreage will be determined by the County at the time of Record Plat review. This information must be provided to this office prior to that point. The County may request approval of the anticipated maximum acreage of growth allocation and then modify the acreage when an exact figure is available.
2. The applicant has identified FIDS habitat, the Buffer, and Critical Area easements. It is not clear if any clearing of FIDS habitat is proposed. If any clearing of FIDS habitat is proposed, the application must follow the site design guidelines and fill out a FIDS conservation worksheet. These items may be found in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Critical Area."
3. The proposed LDA has been sited adjacent to an existing area of LDA.
4. The applicant has provided the parcel history for the lots to be abandoned and reconfigured as part of this subdivision.

Tidal Wetlands

5. Two prior letters from Critical Area Commission planners, dated 9/19/05 and 4/19/04, requested additional information about the area of State and private tidal wetlands. It does not appear that

this information has been included in this submittal. This information is necessary because State wetlands cannot be included in the project boundary or used to meet development performance standards.

#### Buffer and Other Habitat Protection Areas

6. The applicant has provided a letter from the Department of Natural Resources dated October 5, 2006 which indicates that there are no records of any rare, threatened or endangered species on this property.
7. It is my understanding that the Baltimore County Program requires that for growth allocation applications, new Intensely Developed Areas and Limited Development Areas in Resource Conservation Areas shall be located at least 300 feet from tidal wetlands or tidal waters. The Program also indicates that "this buffer" can be reduced if it can be shown that greater habitat and water quality benefits could be achieved through other site specific measures. Information provided by the applicant states that, "By allowing a reduction to a portion of the 300' buffer, the over-all water quality and habitat structure will be greatly enhanced as a result of this project." It seems that the applicant believes that because this site had been previously disturbed and because of existing site limitations, the "300-foot buffer" should not be required. The application does not include specific details about the site specific measures on the site that will provide greater habitat and water quality benefits, nor has it been documented that overall water quality and habitat structure will be enhanced. Additional supporting documentation is necessary.

#### Shoreline Access and Piers

8. The applicant has grouped piers on this subdivision where possible and has removed piers from the site plan for lots with steep slopes. It is likely that the Commission will want to review additional information regarding how the construction of 12 individual piers and 12 pathways through the Buffer will minimize the impacts to Habitat Protection Areas.

#### Growth Allocation Guidelines

9. As you are aware, in 2006, the General Assembly amended Section 8-1808.1 of the Natural Resources Article of the Annotated Code of Maryland to address the location and design guidelines for growth allocation projects. The purpose of the legislation was to clarify these guidelines and the Commission's role in evaluating how local governments applied these guidelines. The 2006 amendments also stated that the Commission is charged with reviewing the consistency of proposed growth allocation projects with the overall purposes, policies, and goals of the Critical Area Act and Criteria. As part of the County's review of this growth allocation request, they may wish to provide additional information or supporting documentation that specifically addresses the changes made in 2006. It is likely that the Commission will be closely examining the design guidelines pertaining to adjacency, the 300-foot setback, enhancement of water quality, and impacts to Habitat Protection Areas (HPA) and the defined land uses of the Resource Conservation Area.

The preceding comments represent the review and evaluation of the project plans and documents by Commission staff. As you know, the Critical Area Commission must review and approve all requests

Ms. Farr  
4/19/2007  
Page 3 of 3

for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this stage in the design. Please contact me if you have any questions at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

BC 290-04





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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: Alice Byrd Tawes Nursing Home Redevelopment**

Dear Mr. Lackie:

Thank you for forwarding the engineer's response letter and additional information regarding the Tawes Nursing Home redevelopment. I have reviewed the new information and LeAnne Chandler, our Science Advisor, has also looked over the plan and calculations. We have the following comments:

- The submitted plan indicates the scale as 1" = 40' when it is actually 1" = 30'.
- The applicant is proposing to use a rooftop disconnect credit for a large portion of the roof area. We cannot give disconnect credit for the drainage to downspouts 1 through 7. This drainage amounts to approximately 3400 square feet of impervious cover draining to approximately 3600 square feet of area on "D" soils where little infiltration will occur. This will lead to flooding of this area and overflow onto the sidewalks. Downspouts 12 and 13 are questionable as well. The drainage paths shown on the plans are unrealistic. Any drainage path shown must be supported by a matching grading plan. The 10% calculations must be resubmitted.
- It is unclear why the pervious pavers are shown as (.5) impervious. Typically, this office credits at (.4) for pavers. Unless the applicant can provide specifications supporting the use of (.5), this should be corrected to show a 40% void ratio for the paver system.

Mr. Lackie  
April 19, 2007  
Page 2 of 2

I look forward to seeing the corrections in subsequent plans. Thank you for the opportunity to comment. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a stylized flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: CF 0139-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from water, within the 100 foot Buffer. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a shed can be constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

Aerial maps show that although much of this property is forested and has wetlands, that there are other options for placement of this shed. Therefore, the standard of unwarranted hardship has not been met.

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

This office would not support similar variance request to build a shed in the Buffer. There is sufficient opportunity on this property to construct a shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicant a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.



Mr. Lawton

4/19/2007

Page 3 of 3

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts

Natural Resource Planner

cc: SO 222-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 16, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: Candland Subdivision Habitat Protection Plan [XRS 04-0062]

Dear Ms. Dailey:

This letter is in response to the most recent information submitted by the engineers. The following points need to be clarified:

**FIDS**

1. The engineers' comment #2 of their 3/19/07 letter states that "required access to Riverside Road were taken out of the FIDS calculations." No portion of the FIDS habitat can be removed from these calculations.
2. The plat submitted shows the calculations for FIDS mitigation requirements. These are not accurate. Pre-development FIDS habitat acreage should be equal to the total lot size. Subsequent calculations should be executed from the initial lot size as well. Please have the engineer resubmit these calculations.
3. Permanent protection in the form of a conservation easement is an acceptable method to meet the remainder of the mitigation requirement for FIDS habitat. However, the CAC guidance for FIDS specifically states that when protection of existing FIDS habitat is selected, it is only given one-half credit due to the fact that all forests in the Critical Area are afforded some protection. Depending upon the acreage necessary to meet this requirement and the plans of the applicant to manage their forested area, some mix of stands may be considered. Equally, if there is no unforested portion of the applicant's property to provide mitigation, this may be done through fee-in-lieu.

**Other comments**

4. It would be helpful for the engineer to provide a clearer legend to differentiate between lot lines, limits of disturbance, etc.

Ms. Dailey  
4/16/2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie" followed by a stylized flourish.

Julie Roberts  
Natural Resource Planner  
CS 324-03



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

April  
~~March~~ 16, 2007

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

Re: Disimone – 2007-0069-V

Dear Ms. Schappert:

I have received the above-referenced variance request. The applicant requests to build a 160 square foot deck with less setbacks than required. It appears that the applicant is below their impervious surface limit. Therefore, this office has no comment on the setback variance.

Thank you for forwarding this variance. 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,

Julie Roberts  
Natural Resources Planner

cc: AA 218-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Bullen – 2006-0307-V

**By FAX and mail**

Dear Ms. Cotter:

Commission staff were asked to visit the Bullen property and reassess the plan to build a dwelling that will impact steep slopes. We have viewed the property, but have not had the opportunity to walk the site. We have, however, looked at the information submitted last year and as both my letter of March 16, 2007 and Jennifer Lester's letter of September 29, 2006 indicate, stormwater management techniques are necessary for this lot. No information regarding management has been provided except for the plat which shows the proposed stormwater facility to be at the south end of the property. It would seem from the topography of the lot that stormwater would be better managed on both the Kendall Road side of the property near the front of the house and the rear. Any stormwater that leaves the site to the rear of the dwelling can sheet flow through the forested area.

If the Board grants this request, we recommend a condition be added that stormwater management quality and quantity be addressed on both the Kendall Road side of the lot and the other side of the lot. Please include this letter as part of the proceedings on April 17, 2007 and notify the Commission of the decision made in this case. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: Board of Appeals  
AA 602-06







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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Plus Properties – 2007-0080-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance for an extension in time for a previously approved variance. The only apparent difference between what was submitted two years ago and now is that the lot in question was previously listed as an Intensely Developed Area (IDA) and is now listed as Limited Development Area (LDA). This office does not oppose this variance request as submitted. I would like to reiterate Critical Area planner Gary Green's comments of July 26, 2005 regarding mitigation of 3:1 for the 53% of wooded area cleared. To the extent possible, these plantings should be done on site before a fee-in-lieu is collected.

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 black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 490-05





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Walker-Thomas – 2007-0065-V

Dear Ms. Schappert:

I have received the above-referenced variance request to build a deck with less setbacks than required. It appears that the applicant already has an approved vegetative management plan in place along the steep slopes. This office does not have any comments regarding the setback variance.

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 black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 0145-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 12, 2007

Mr. Thomas Krispin  
Baltimore County DEPRM  
401 Bosley Avenue, Suite 410  
Towson, Maryland 21204

Re: Canaan & Lohr (Burkowski) House – Variance Request

Dear Mr. Krispin:

I have received the above-referenced variance request for review and comment. The applicant proposes to raze the existing house and build a new dwelling unit in a similar footprint. The current impervious surface on the lot is 2,113 square feet, or 5.49%, and the proposed imperviousness is 2,929 square feet, or 7.62%. The applicant proposes to remove Patio B, which is at the edge of the water. A variance is also requested for the addition of a patio attached to the house. Based on the information submitted, I have the following comments:

- The applicant proposes to increase the footprint of the house from 770 square feet to 1030 square feet, an increase of 260 square feet. The house is entirely within the Buffer. Therefore, the applicant must mitigate at a 3:1 ratio for new impervious surface and disturbance.
- It is unclear how much of the proposed gravel driveway is within the Buffer. The portion of new impervious surface and disturbance must also be mitigated at 3:1 ratio. Plantings should be done in the Buffer to the extent feasible.
- Although the applicant does not propose to remove any trees during this process, I want to note that mitigation for trees taken from the Buffer is 3:1, not 1:1, as the plat indicates.

This office does not oppose these variance requests as submitted since the proposed house and porch are no more waterward than the existing dwelling.

Mr. Krispin  
Page 2 of 2  
4/12/2007

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', with a long, sweeping horizontal stroke extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: BC 205-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 9170 Margaritaville Place, Nikki Subdivision, Lot 1  
SFD70075

Dear Ms. Dailey:

Thank you for providing additional information regarding the Nikki Subdivision. This correction adds a forced sewer main through the Buffer as part of the subdivision request. If there is no other alternative, this office does not oppose the placement of the main through the Buffer. This letter is in addition to Critical Area planner Kate Schmidt's letter of January 30, 2007.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner  
CS47-07







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/](http://www.dnr.state.md.us/criticalarca/)

April 11, 2007

Mr. Jimmy Sharp  
Wicomico County  
Department of Planning, Zoning, and Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: 1714 Riverside Drive

Dear Mr. Sharp:

I have received the plans for the above referenced variance. As we saw during the site visit, the applicant is having significant issues with both underground water sources and a "sloughing off" of the topsoil into the river. These issues are destabilizing the foundation of the house. Based on the site plan, I have the following preliminary comments:

- The limit of disturbance has not been shown on the plan. This office recommends mitigation for the area of disturbance within the Buffer at 3:1 ratio. As far as possible, these plantings should be done in the Buffer.
- The plan provided indicates a 4% ± slope to be created. This is a minimal slope as compared to current conditions. As discussed in the field, the yard should be sloped to the extent feasible to complete the erosion and sediment control, not to provide a flat lawn between the house and the water.
- The wall appears higher than what the engineer proposed in the field.
- The plan does not include information regarding the correction of the erosion issues in the side yard where previous revetment work damaged the slope.
- Strict sediment and erosion control measures must be provided. Super silt fence is recommended until site is fully stabilized with permanent vegetation.

Although these plans show a basic intent to help correct the erosion issues that the applicant is experiencing, they do not provide the level of detail necessary to ensure that the applicant's issue will be resolved. As provided, this office does not oppose this

Mr. Sharp  
4/11/2007  
Page 2 of 2

variance request, but would like the engineer to provide more detailed information regarding the proposed cross-section between the house and retaining wall, as well as a plantings plan.

Thank you for the opportunity to comment. Please feel free to call with any questions concerning the above comments at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner



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

April 10, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- Although the plat indicates that there are no known threatened or endangered species, the applicant must provide a letter from the Department of Natural Resources Heritage Division to this effect.
- From these preliminary site plans, it cannot be ascertained where the houses will be placed. The Commission staff recommends clustering the houses to the extent possible.
- It appears from the plat that Lot 3 (42.429 acres) has a large section of forested area. This area appears to prime forest interior dwelling birds (FIDS) habitat. Part of this lot is within the Critical Area and part of it is zoned as Agricultural Conservation and is outside of the Critical Area. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat. If the applicant has any questions about how to avoid disturbing this area, he may contact this office or consult the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- The impervious surface estimates submitted are under the 15% limit for these parcels.

Mr. Steve Dodd  
April 10, 2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 10, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- Although the plat indicates that there are no known threatened or endangered species, the applicant must provide a letter from the Department of Natural Resources Heritage Division to this effect.
- From these preliminary site plans, it cannot be ascertained where the houses will be placed. The Commission staff recommends clustering the houses to the extent possible.
- It appears from the plat that Lot 3 (42.429 acres) has a large section of forested area. This area appears to prime forest interior dwelling birds (FIDS) habitat. Part of this lot is within the Critical Area and part of it is zoned as Agricultural Conservation and is outside of the Critical Area. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat. If the applicant has any questions about how to avoid disturbing this area, he may contact this office or consult the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- The impervious surface estimates submitted are under the 15% limit for these parcels.

Mr. Steve Dodd  
April 10, 2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



**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/](http://www.dnr.state.md.us/criticalarea/)

April 6, 2007

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

Re: Salt Grass Point Farms

Dear Ms. Davis:

Thank you for submitting the site plans for the above referenced project. The proposed subdivision includes twelve residences, five of which are in the Critical Area and zoned as Resource Conservation Area (RCA). The total subdivision area is 133.515 acres: total roads = 1.408 acres; total outlots = 39.337; and total lots = 92.770. I have reviewed the information provided and have the following comments:

**Letters**

1. A letter from a Licensed Professional Forester has been provided detailing the conditions of the forest stands present on the property.
2. A letter from the Department of Natural Resources Wildlife and Heritage Division dated December 11, 2006 has been provided.
3. A letter from the Board of Public Works Wetlands Administration has been provided, as well as detailed information regarding the differentiation of state and private tidal wetlands. This information has been incorporated into the applicant's site plans.

**Critical Area Information**

4. Each plat should be checked for consistency regarding acreage. The arithmetic is incorrect on the Critical Area site plan for lot break down. Lots 8-12 in this break down are shown to equal what is the total lot acreage (lots 1-12) of 92.770.
5. The applicant has not included the acreage of uplands, non-tidal wetlands and private tidal wetlands for Outlot A in the Critical Area. It is not clear if this has been included in Critical Area density calculations.

TTY for the Deaf

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

**The calculation of 1-in-20 acre density:**

6. The total Critical Area must be at least 100 acres for 5 lots. Additionally, Critical Area Code section 8-1808.1(e)(ii) indicates that

“a local jurisdiction may permit the area of any private wetlands located on the property to be included, under the following conditions: (that) 1. The density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres; and 2. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps.” (Worcester Code section NR 3-108(c)(9))

For these purposes only, non-tidal wetlands may be used to meet density requirements. It appears that the applicant has satisfied this density requirement, but plat note should be added which clearly states this information.

7. In regards to Outlot A, a legally binding plat note should be included which prohibits any development on the outlot unless growth allocation is awarded.

**Impervious Surfaces**

8. The applicant has submitted that impervious area will be limited to 15% or below.

**Piers**

9. Worcester Code NR 3-125 (b) indicates that new private piers or docks shall not extend more than 100 feet in length over State or private wetlands. Given the extensive tidal wetlands along the shorelines of all the proposed lots, we recommend that the applicant provide a community pier with 5 slips. This office will not support variances for private piers on these new lots. Future property owners should be made aware of the pier restrictions.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

Cc: WC 171-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 6, 2007

Ms. Awilda Hernandez  
Board of Appeals  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: Mattingly Subdivision Variance – Letter of Clarification

Dear Ms. Hernandez:

I have received a note from the applicant asking for clarification regarding the necessary mitigation for his variance request. After a review of my March 28, 2007, I recognize that there is an inconsistency with the information I provided. *Please have the applicant disregard the statement recommending a 3:1 mitigation for disturbance to steep slopes.* The following point, taken from my original letter stands:

The applicant shows 1:1 mitigation for the 6,240 square feet of removed woodland. As indicated in our previous letter, Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet, or 1 shrub for 50 square feet or a credit of 400 square feet for grouped plantings of 1 tree and 3 shrubs. The plat dated December 2006 indicates that the applicant will plant 12 trees to allow for 4,800 square feet or 1 tree to 400 square feet and 36 shrubs to allow for an additional 1,440 square feet. This calculation is incorrect. I have included our *Guidelines for Mitigation Plantings in the Critical Area* as clarification. The applicant can choose how they would like to mitigate. For example, if the applicant chooses to follow the combined tree/shrub plantings, they could plant 16 trees and 48 shrubs to mitigate for clearing at 1:1 ratio.

I believe this letter should clear up the applicant's questions regarding where to plant trees, as it nullifies his need to plant more than he was expecting. I apologize for the confusion. Please let me know if you or the applicant have any further questions.

Sincerely,

Julie Roberts  
Natural Resource Planner

Cc: Wes Tomlinson, Ben Dyer Associates

IH673-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 5, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

Re: Building Permit SDF-70155 Cobb Island

Dear Ms. Dailey,


Thank you for forwarding the above referenced project. The applicant proposes to demolish an existing house and build a single dwelling unit in largely the same footprint. This lot is entirely within the Critical Area and the dwelling unit is within a Buffer Exempt Area (BEA). The following points were taken into consideration for this proposed activity:

- The proposed dwelling unit does not appear to be any more waterward than the current dwelling.
- The overall impervious area on the property has decreased from 28.2% to 26.6%, making the property more conforming to the 25% impervious surface level standard.
- The area of impervious surface in the Buffer has increased from 1,507 square feet to 1,591 square feet, or 83 square feet.
- No new development is proposed in the 25 foot Buffer Exemption Area.

Therefore, this office does not oppose the permit to build a new house in a similar footprint as the existing house. We recommend mitigation at a 2:1 ratio for the new disturbance in the Buffer (County Code 297-131.C(4)). If possible, these plantings should be done on site or a fee-in-lieu may be substituted if an appropriate spot cannot be found.

Thank you for providing this opportunity to comment. If you have any questions, I can be reached at 410-260-3476.

Sincerely,

  
Julie Roberts

Natural Resources Planner

Cc: CS 184-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

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

Re: Variance – Alistair M. Grant

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow construction of a 228 square foot deck in a Buffer Exemption Area. This applicant's property is improved with a dwelling unit, driveway, a pool and patio area in the Buffer. We oppose the variance to build an additional free-standing deck further waterward of the dwelling unit in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the Hearing Officer finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to construct a deck in a Buffer Exemption Area. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 100-foot Buffer and maintain its integrity (Cecil County Code XI.195).

The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

Currently, the lot is developed with a single family home, a pool, and patio area within the Buffer. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the deck as the applicant is able to use the property for residential purposes and current conditions of the property allow for outdoor enjoyment.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. Therefore, denial of a variance for the accessory deck would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

It appears the request is not based upon conditions or circumstances that are the result of the applicant.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. Critical Area law is meant to temper the cumulative effects of development in the Buffer. As this property is already improved with multiple additions in the Buffer, it would not be in the general spirit and intent of Critical Area law to grant this variance.

Mr. Johnson

4/3/2007

Page 3 of 3

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variance to the Buffer.

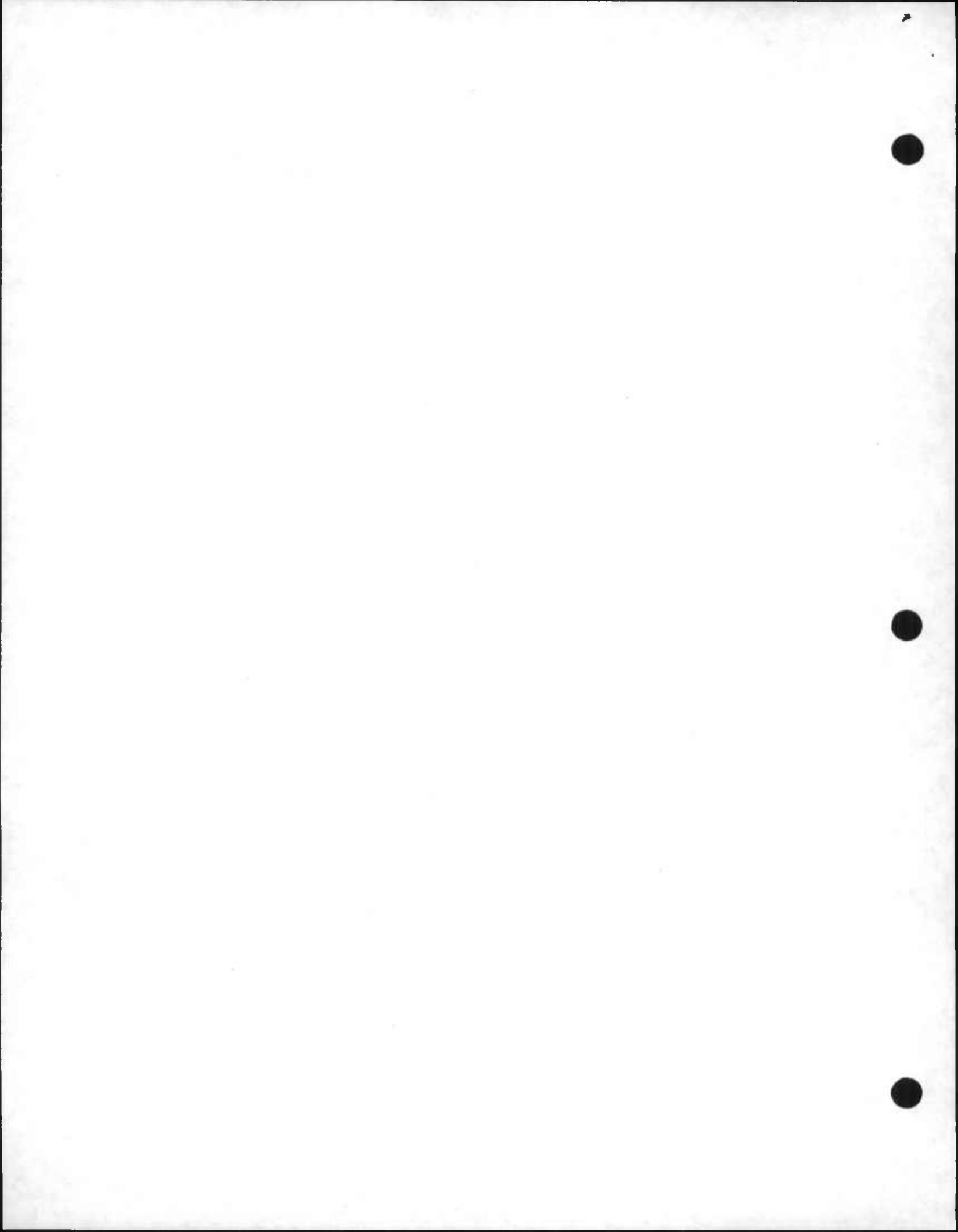
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: CE 177-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

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

Re: File #3313 – Variance Mark Kaugman

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to build a 192 square foot gazebo in a Buffer Exempt Area with an associated landscaping plan. Although the information provided by the applicant does not expressly state the distance of the proposed gazebo from Plum Creek, the drawings indicate that the gazebo would be built within feet of the water. This office does not oppose the variance to construct modest additions which are further waterward than the existing dwelling or a deck which is constructed to be and remain pervious. However, we do oppose the variance to build a gazebo in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the Hearing Officer finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to construct a gazebo in a Buffer Exemption Area. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 100-foot Buffer and maintain its integrity

by "minimizing the shoreward extent of impervious surfaces in so far as possible...in no case may such impervious surfaces be extended shoreward of any setback line as defined by existing structures..." (Cecil County Code XI.195.3c).

The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

Currently, the lot is developed with a single family home with a screened in porch. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the gazebo as the applicant is able to use the property for residential purposes.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. No one has the right to construct a new gazebo in the Buffer. Therefore, denial of a variance for the accessory gazebo would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

It appears the request is not based upon conditions or circumstances that are the result of the applicant.

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

Mr. Johnson

4/3/2007

Page 3 of 3

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. I understand that the applicant has provided a landscaping plan meant to minimize the effects of the impervious surface runoff from the proposed gazebo, but given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a gazebo in the 100-foot Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variance to the Buffer.

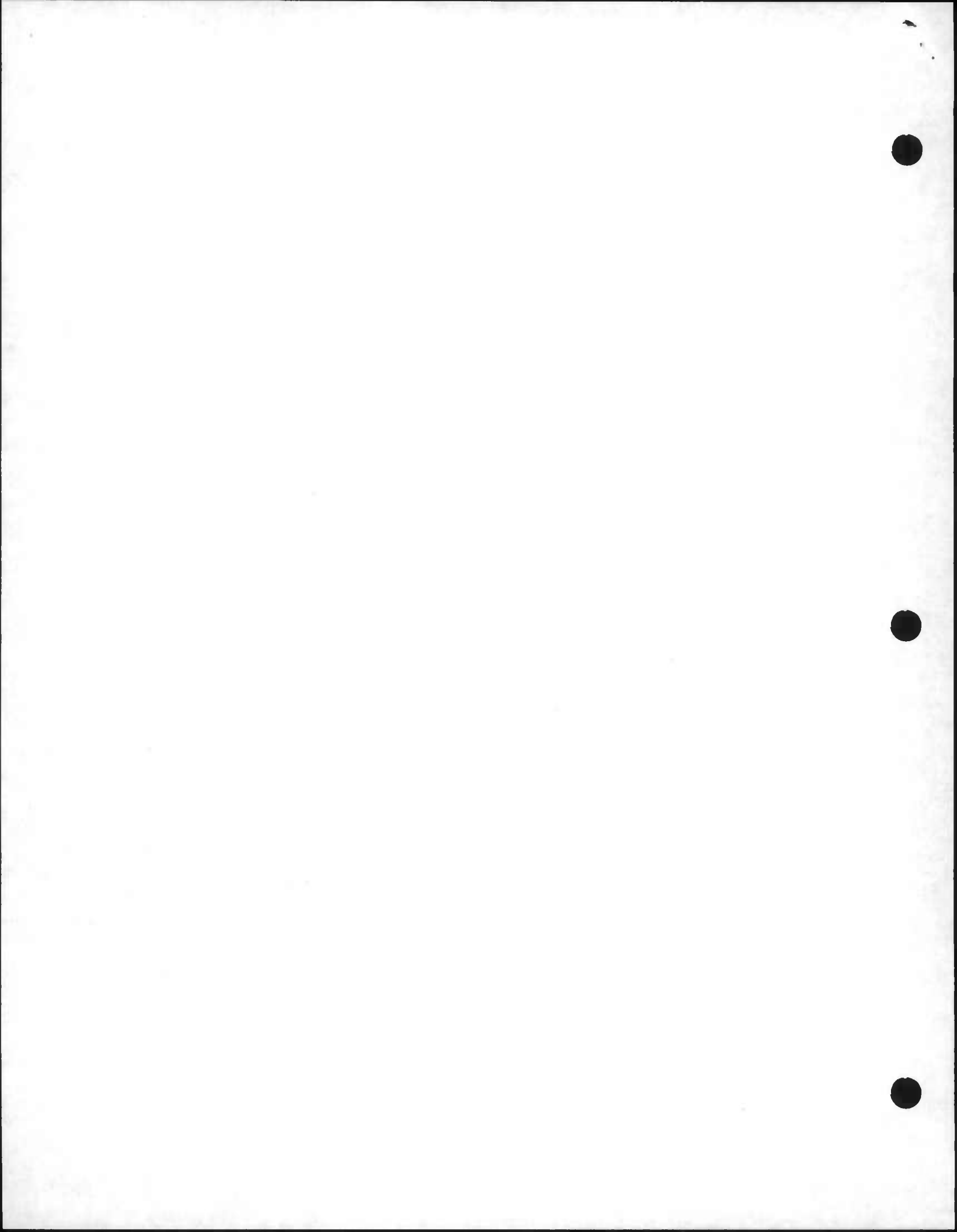
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: CE 176-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Variance Docket #1183 – Craig Earnshaw

Dear Ms. Dailey:

This office has received the above referenced variance. The applicant proposes to build a septic system for a single family dwelling unit. Given the constraints of the property, the applicant requires a variance to site a septic system within the 100-foot Buffer to a stream. According to the site plans and the engineer, the chosen area for the septic tank is the only suitable location due to percolation issues. Given these constraints and provided the lot is properly grandfathered, this office does not oppose this variance. Any removal of trees should be mitigated at a rate of 3:1. If there is no room on the property to mitigate, a fee in lieu may be substituted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long, sweeping horizontal line.

Julie Roberts  
Natural Resources Planner  
cc: CS 378-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Mr. Neal Welch  
Public Lands and Policy  
Department of Natural Resources  
580 Taylor Avenue  
Tawes State Office Building  
Annapolis, MD 21401

RE: NRT0741, Chesapeake Forest National Recreation Trails Grant

Dear Mr. Welch,

I have received your memo regarding a grant involving maintenance of the existing Tom Tyler nature trail at Chesapeake Forest. This project includes putting down either wood chips or shells on 2,000 feet of existing trails which have been damaged by ATV use and putting sign posts labeling 22 different trees. It is unclear whether this trail system falls within the Critical Area. If the trails are in the Critical Area, this particular aspect of maintenance requires notice, as you have provided, but does not require specific Commission approval. If the plans change, please alert this office.

Thank you for forwarding this project to us. If you have any questions, I can be reached at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

Mr. Jimmy Sharp  
Critical Area Coordinator  
Department of Planning, Zoning,  
And Community Development  
Government Office Building, Room 203  
North Division Street and Route 50  
Salisbury, MD 21803-0870

Re: 403 East Main Street Retail Development

Dear Mr. Sharp,

Thank you for resubmitting the above referenced project for review. It appears that the applicant has satisfied the conditions that Lisa Hoerger outlined in her letter dated January 17, 2007.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal line extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: SA 775-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Ms. Pat Farr  
Baltimore County  
Department of Environmental Protection and  
Resource Management  
411 Bosley Avenue  
Towson, MD 21204

RE: Baltimore County Council Bill 9-07  
Liquefied Natural Gas Facility

Dear Ms. Farr,

Acting Chairman of the Critical Area Commission, David Blazer, has determined that County Council Bill 9-07 shall be processed as an Amendment rather than a Refinement to your County Code. I will be in touch with you over the next several weeks regarding our procedures and the public hearing.

Please feel free to call me, Mary Owens or Ren Serey if you have any questions. I can be reached at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

Cc: Mary Owens, Chief Program Implementation  
Ren Serey, Director  
Maryanne Dise, Staff Attorney





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

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

March 30, 2007

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

Re: Tuley-2007-0054-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant seeks an after the fact variance for construction of decks with less setback and Buffer than required and with disturbance to slopes measuring 15% and greater. This property is entirely within the Buffer and both waterward decks are within 40 feet of the Magothy River. Generally, this office does not oppose variances for decks, but we cannot support this variance for the reasons I have outlined below:

- The applicant does not provide the square footage for these irregularly shaped decks in their narrative, but it can be ascertained that these are large decks, perhaps in total equaling approximately 1200 square feet.
- These decks are situated on steep slopes.
- Aerial photographs studied by the County indicate that other properties in this area do not have these types of decks and are therefore not consistent with the character of the neighborhood.

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. Since the decks do not appear to minimize disturbance to steep slopes or the Buffer on this lot, this variance is not in keeping with the spirit of the law and this office therefore opposes this variance.

Ms. Schappert  
March 30, 2007  
Page 2 of 2

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 black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

cc: AA 152-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 28, 2007

Ms. Awilda Hernandez  
Board of Appeals  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: Mattingly Subdivision Variance

Dear Ms. Hernandez:

Thank you for providing information on the above referenced variance. The applicant is requesting to build a single dwelling unit on lots with slopes of 15% or greater. The applicant has applied for a variance for grading slopes under recommendation by Critical Area planner Kate Schmidt in a letter dated October 13, 2006. Based in the information I have received I have the following comments:

- The plat indicates a 100-foot Buffer for the stream located on Lot 40. The engineer has indicated that this stream does not run onto Lots 37 or 38. Therefore, no additional Buffer is necessary.
- It appears that the applicant has sited the proposed dwelling to minimize disturbance to steep slopes.
- If the Board of Appeals finds the applicant has met the variance standards, we recommend 3:1 mitigation for the area of disturbance to the steep slopes.
- The applicant shows 1:1 mitigation for the 6,240 square feet of removed woodland. As indicated in our previous letter, Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet, or 1 shrub for 50 square feet or a credit of 400 square feet for grouped plantings of 1 tree and 3 shrubs. The plat dated December 2006 indicates that the applicant will plant 12 trees to allow for 4,800 square feet or 1 tree to 400 square feet and 36 shrubs to allow for an additional 1,440 square feet. This calculation is incorrect. I have included our *Guidelines for Mitigation Plantings in the Critical Area* as clarification. The applicant can choose how they would like to mitigate. For example, if the applicant chooses to follow the combined tree/shrub plantings, they could plant 16 trees and 48 shrubs to mitigate for clearing at 1:1 ratio.

Ms. Hernandez  
March 28, 2007  
Page 2 of 2

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

Sincerely,



Julie Roberts  
Natural Resource Planner

Enclosure

673-06  
Cc: IH634-06





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/](http://www.dnr.state.md.us/criticalarea/)

March 26, 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 revised site plans (2/27/07) for the above referenced property. Based on the changes made in the plan, it appears that the applicant has addressed each of the comments made by Lisa Hoerger in a Critical Area letter dated January 30<sup>th</sup>, 2007.

Thank you for the opportunity to comment. If you have any questions, please give me a call at 410-260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

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/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 23, 2007

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

RE: Rhode River Marina – 2007-0031-V

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting an “after-the-fact” variance to construct a 227 linear foot retaining wall to eliminate an erosion problem along the property line. Ninety-five feet of this wall is in the Buffer. Unless the hearing officer makes a specific determination that this retaining wall was needed to correct a collapsing slope, this office opposes the approval of this variance.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: AA 0142-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 23, 2007

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

Re: Paul Watson – 2007-0056-V

Dear Ms. Schappert:

I have received the above-referenced variance request to allow an extension in time for the implementation of a previously approved variance request. In a letter dated 6/17/05 Critical Area planner Julie LaBranche recommended mitigation of 3:1 for the disturbed areas and a stormwater management plan. This office does not oppose the allowance of more time for the implementation and completion of the variance.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long, sweeping horizontal line.

Julie Roberts  
Natural Resources Planner

cc: AA 378-05





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](http://www.dnr.state.md.us/criticalarea)

March 22, 2007

Mr. Glen Smith  
Maryland Transportation Authority  
2310 Broening Highway  
Suite 150  
Baltimore, MD 21224

Dear Mr. Smith,

The Critical Area Commission is pleased to act as a participating agency in the NEPA planning process for the Nice Bridge Project. You can address correspondence to me at our West Street Office. I have also enclosed my card which lists my phone number and email address.

Thank you for involving the Commission in this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts", followed by a horizontal line.

Julie Roberts  
Natural Resources Planner







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

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

March 20, 2007

Ms. Marti Sullivan  
Program Open Space, E-4  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, Maryland 21401

Re: POS# 5096-19-70  
Princess Anne Little League Complex, Somerset County

Dear Ms. Sullivan:

I have received the Clearinghouse review for the above referenced project. According to the Critical Area maps, the Princess Anne Little League Complex is within the Chesapeake Bay Critical Area and is designated a Limited Development Area (LDA). Therefore, any development activities, including the installation of new lights for the field, will be subject to the Critical Area requirements for LDA as required by Somerset County Critical Area Program.

Thank you again for the opportunity to comment on this project. If you have any questions, please call me at (410) 260-3476.

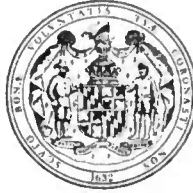
Sincerely,

A handwritten signature in cursive script, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resource Planner

Cc: Town of Princess Anne





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 20, 2007

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

RE: . Robert Dodge – 2007-0060-V

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less buffer than required. The applicant proposed to cover an existing deck with a roof and screened sides. This deck is nine feet into the Buffer and the applicant proposes to remove the portion of the deck that is more than nine feet into the Buffer.

Provided this lot is properly grandfathered, we do not oppose a variance for covering the existing deck. However, covering the deck increases the impervious surface on this lot from 3,668 square feet to 3,992 square feet, an increase of 324 square feet. Therefore, mitigation at a ratio of 3:1 for disturbance within the Buffer should be required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal line.

Julie Roberts  
Natural Resources Planner

Cc: AA 0151-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 20, 2007

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

RE: Robert Chestnut – 2007-0026-V

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks and with disturbance to slopes greater than 15%. The applicant proposes to remove an existing dwelling and build a larger dwelling in a similar footprint. This lot is waterfront to Beard's Creek and proposes to disturb 2,778 square feet within the Buffer and 1,898 square feet outside of the buffer.

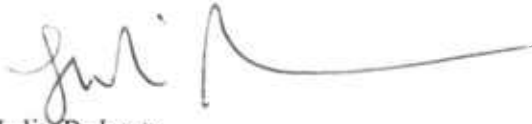
Provided this lot is properly grandfathered, we do not oppose this variance. However, I do have the following comments:

- The applicant proposes to increase the impervious coverage of the lot by approximately 6%, from 18% to close to 26%. Approximately 2.4% of this impervious area is a proposed gravel driveway, with a portion of the drive within the Buffer and a portion outside of it. If feasible, it is recommended to keep as much of the drive outside of the Buffer as possible.
- Mitigation at a ratio of 3:1 for disturbance within the Buffer is required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover. If feasible, plantings could be accommodated in the Buffer area currently planned as the gravel drive.

Ms. Schappert  
March 20, 2007  
Page 2 of 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie', followed by a long horizontal line extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: AA 0146-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

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

Re: James Bruce – 2007-0036-V

Dear Ms. Schappert:

I have received the above-referenced variance request for review and comment. The applicant proposes to construct a 60' by 6' pier on his waterfront property extending into Oyster Creek. We will defer to the Maryland Department of the Environment (MDE) permit reviewer and your office to determine whether this request can be permitted.

Notwithstanding MDE's or the County's determination, this office does not oppose this request provided the County is satisfied that the applicant can demonstrate minimization. If the Board of Appeals finds the applicant is entitled to relief we recommend mitigation as prescribed by County staff.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", followed by a long horizontal line.

Julie Roberts  
Natural Resources Planner

cc: AA 0158-07







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/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: Alice Byrd Tawes Nursing Home Redevelopment**

Dear Mr. Lackie:

We have received the plans for redevelopment of the Alice Byrd Tawes Nursing Home from the Department of Planning. The applicant proposes to demolish the existing nursing home and replace it with a new nursing home. This property is within a Buffer Exemption Area. I have outlined my comments below.

1. There is an inconsistency between the architect plats in terms of the pavers calculations. C1.2 shows the pavers at a (.5) perviousness and C1.3 shows the pavers at a (.6) perviousness. Please have the applicant clarify.
2. The submitted worksheet A Calculating Pollutant Removal Requirements shows an incorrect calculation for the Runoff Coefficient for the redevelopment. Please have the applicant correct this calculation.
3. Soils in this area are hydric. A soils test is recommended to determine the rate of filtration. Please have the applicant ensure the site's soil conditions will properly infiltrate the stormwater, and that the design is consistent with the Maryland Department of the Environment's Stormwater Manual.
4. The applicant has indicated a Roof Top Disconnect area. The length of the disconnection shall be 75' or greater, or compensated using table 5.2 of the 2000 Maryland Stormwater Design Manual. The entire vegetative disconnection shall be on an average sloped of 5% or less. Also, downspouts must be at least 10 feet

Mr. Lackie  
March 19, 2007  
Page 2 of 2

away from the nearest impervious surface to discourage "reconnections." (Full list on page 5.6)

5. The applicant has indicated a Sheetflow to Buffer credit. To claim this credit, the minimum buffer width shall be 50 feet as measured from bankfull elevation or centerline of the buffer. The maximum contributing length shall be 150 feet for pervious surfaces and 75 feet for impervious surfaces. Also, the average contributing overland slope shall be 5% or less or a device must be used to level spreading. (Full list on 5.11).
6. The applicant's submittal indicates that the water quality volume was met through the use of Roof Top Disconnect credit and Sheet Flow to Buffer credit. Each of these credits is based on calculations and subject to specific restrictions detailed in the 2000 Maryland Stormwater Design Manual in sections 5.6 and 5.11. The credits may not be considered in tandem with the 10% reduction.

I have included a copy a WaterWise issue that deals with permeable parking lots that may be of value to you as well. Thank you for the opportunity to comment. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

cc: CF 0139-07

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/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

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

Re: Valerie Kelm – 2007-0042-V

Dear Ms. Schappert:

I have received the above-referenced variance request to build to the maximum density requirements of one dwelling per twenty acres. This office has no comment as this property is not located in the Critical Area.

Thank you for forwarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal line extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: Kelly Krinetz





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://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: Jeffrey A. Bussink – 2006-0434-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to add windows and siding to a shed in the Critical Area Buffer. The office has no comment on the variance request to extend the existing pier without a principal structure.

It is unclear from the information provided when the shed was erected; however, this office cannot support an accessory structure in the Buffer, especially if it is not grandfathered.

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,

Julie Roberts  
Natural Resources Planner

cc: AA 0105-07





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/](http://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, MD 21401

Re: William and Cris Buck – 2005-0431-V

Dear Ms. Schappert:

I have received the above-referenced variance request to allow an extension in time for the implementation of a previously approved variance request. In a letter dated 1/9/06 Critical Area planner Gary Green made comments regarding this grandfathered property and requested 3:1 mitigation and stormwater management. This office does not oppose the allowance of more time for the implementation and completion of the variance.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts", followed by a long horizontal line.

Julie Roberts  
Natural Resources Planner

cc: AA 823-05







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/](http://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, MD 21401

Re: Kenneth Freeh – 2007-0030-V

Dear Ms. Schappert:

I have received the above-referenced variance request to build a porch with less corner yard setbacks than required. The applicant's calculations indicate that with the addition the total impervious surface remains below the allowable 25% plus 500 square feet. As this addition will not require clearing, no mitigation is recommended. This office has no further comments regarding the setback issue.

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 black ink, appearing to read "Julie", followed by a long horizontal line.

Julie Roberts  
Natural Resources Planner

cc: AA 0145-07





**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/](http://www.dnr.state.md.us/criticalarea/)

March 16, 2007

Mr. William Knight  
Board of Appeals  
PO Box 2700  
44 Calvert St., Rm. 160  
Annapolis, MD 21404

Re: Charles Bullen Variance – 2006-0307-07

Dear Mr. Knight,

This office received notice that an appeal is being made on the above referenced variance. This variance allows the applicant to build a dwelling with disturbance to steep slopes. In our letter dated September 29, 2006 from planner Jennifer Lester, we did not oppose this variance due the unique shape of the lot and its grandfathered status. We recommended stormwater management techniques and mitigation plantings for disturbance to steep slopes. We maintain this position for the appeals process.

We have based this recommendation on the site plan submitted, which is dated 8/21/06. Our comments do not necessarily apply to a revised plan. We request notification if such revisions are made.

If you have any questions, please feel free to call me at 410-260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

cc: AA 602-06





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/](http://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, MD 21401

Re: Mary and Richard Gay – 2007-0041-V

Dear Ms. Schappert:

I have received the above-referenced variance request to allow an extension in time for the implementation of a previously approved variance request. In a letter dated 1/9/06 Critical Area planner Gary Green made comments regarding this grandfathered property and requested 3:1 mitigation and stormwater management. This office does not oppose the allowance of more time for the implementation and completion of the variance.

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

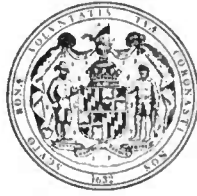
Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 826-05





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/](http://www.dnr.state.md.us/criticalarea/)

March 15, 2007

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

RE: Charles Carlow Subdivision  
Subdivision 2006-032 Project No. 2006-0135

Dear Ms. Krinetz:

We have received a revised site plan and comment letter for the above-referenced subdivision. In a letter dated March 2, 2007, Mr. James Luff from ATCS addressed the Critical Area Commission's five comments. Mr. Luff's item #2 in his letter indicates that the applicant has applied for a variance to increase the impervious coverage on commercial Lot 3. Lot 3 is currently nonconforming. It has 58,125 square feet in the Critical Area, 26,518 square feet of which is impervious surface (three times the impervious surface area limit); we cannot support the creation of a lot that will be more nonconforming. We also cannot support a variance to create a new lot that will be nonconforming.

Thank you for the opportunity to provide comments.

Sincerely,

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

Julie Roberts  
Natural Resources Planner

cc: AA753-06







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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

Mr. Brian Lindley  
Baltimore County DEPRM  
401 Bosley Avenue, Suite 410  
Towson, Maryland 21204

Re: Henry Sauers – Variance Request

Dear Mr. Lindley:

I have received the above-referenced variance request for review and comment. The applicant has cleared the existing dwelling and structures and removed 3470 square feet of impervious surface from the lot. A stream runs along the western boundary of this lot. At the time of purchase, there was no natural Buffer for this stream. The applicant proposes a Buffer of fifty feet for this stream, a variance from the required 100 foot Buffer. Because the applicant has removed a large amount of impervious surface and proposes to plant a Buffer greater than at the time of purchase, we do not oppose this request.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: BC 126-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

Mr. Jimmy Sharp  
Wicomico County  
Department of Planning, Zoning, and Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: Clayton Pilchard Subdivision

Dear Mr. Sharp:

I have received the revised plan and comments for the above-referenced subdivision request. It appears that the first three of the six comments made by Critical Area planner Jennifer Lester in her October 24, 2006 letter were addressed with the applicant's resubmittal. The last three comments reference Wicomico County code regarding subdivision plans. As the applicant does not currently have plans to build on the lots, information regarding plantings, impervious surfaces and open space are not available. This office does not oppose the subdivision of the applicant's lot as it has been submitted.

Thank you for the opportunity to comment. Please feel free to call with any questions concerning the above comments at (410) 260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

cc: WI 593-06





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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Preliminary Subdivision Plan: XPN 07-0001  
Key Pointe Woods – 1<sup>st</sup> Review

Dear Ms. Dailey:

Please accept these comments as a supplement to my letter of February 26<sup>th</sup> letter.

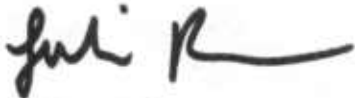
To replace comment 3 from 2/26 letter: Since the contiguous forest exceeds 50 acres, the site represents prime FIDS habitat. If forested areas are to be cleared, the applicant must provide FIDS mitigation according to the Commission's guidance paper, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area at this time. These mitigation guidelines recommend that applicants avoid clearing forested areas. For example, lots 8, 12, 16, 17, 18, and 25 are not currently clustered. This cuts into forested areas and reduces significantly the integrity of FIDS habitat. Lot 8 also shows a clearing to the waterfront, which creates an "edge" effect, disrupting the habitat.

To replace comment 7 from 2/26 letter: The RCA should not be used to accommodate zoning or subdivision requirements for development outside of the Critical Area. Extending lot lines from outside the Critical Area to the RCA increases the number, movement, and activities of people in the RCA and is therefore contrary to the stated purpose of the law. Minimizing the impacts of development in Resource Conservation Areas (RCAs) is one of the goals of the Criteria. COMAR 27.01.02.05 states that local jurisdictions shall "conserve, protect and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity" and "conserve the existing developed woodlands and forest for the water quality benefits they provide" ((1) and (3)).

Aimee Dailey  
March 12, 2007  
Page 2 of 2

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie R.", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS 98-07



**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/](http://www.dnr.state.md.us/criticalarea/)

March 6, 2007

Mr. Ace Adkins  
Maryland Department of the Environment  
Water Management Administration  
Salisbury District Court/Multi-Service Building  
201 Baptist Street  
Salisbury, MD 21801

**RE: Comments on Applications for State Permits – Wicomico County**

Dear Mr. Adkins:

Please accept these comments on the following projects located in Wicomico County:

**200666434/06-NT-2175 CITY OF SALISBURY**

This project involves the final phase of construction for the northeast collector road to connect to the north end of the collector at the Middleneck Drive intersection. Activities proposed by the applicant include excavation, filling, grading, stabilization, and stream restoration, impacting approximately 12,000 square feet of forested nontidal wetlands and 16,184 square feet of regulated nontidal wetlands buffer. Approximately 255 linear feet of stream will also be affected by this project. No plan for mitigation or compensation of losses has been provided to this office or MDE. This project is outside of the Critical Area. Therefore, this office has no formal comment but that the applicant should submit a plan for mitigation or compensation.

**200667325/06-NT-2196 G2 PROPERTIES LLC**

This project proposes to build the Woodbrooke Medical Center in Salisbury. The planned location of this medical center is on abandoned upland fields, with portions of the center to be built on forested nontidal wetlands (15,411 square feet) and regulated nontidal wetlands buffer (19,925 square feet). G2 Properties proposes to compensate this permanent loss of nontidal wetlands by investing into the MDE Nontidal Wetlands Compensation Fund. This project is outside of the Critical Area. Therefore, this office has no formal comment but that the applicant should follow through with the planned compensation to the Fund.

Mr. Adkins  
February 28, 2007  
Page 2

Mr. Adkins  
March 6, 2007  
Page 2

Thank you for the opportunity to provide comments on the referenced projects. If you have any questions, please call me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie Roberts', written in dark ink.

Julie Roberts  
Natural Resources Planner

cc: Jimmy Sharp, Wicomico County





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

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

February 28, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: Dean Guy – Addition CA VAR 07-871

Dear Mr. Lawton:

This office has received the above-referenced variance request for review and comment. The applicant proposes to construct an addition to a single-family dwelling. The proposed additions are predominantly in the Buffer. According to the site plan, the applicant proposes the following changes to this site:

- Build a 1,107 square foot addition to the existing dwelling and 1,029 square foot porch, equaling 2,136 of new disturbed area in the Buffer;
- Add a 1,200 square foot shed to an existing impervious surface outside of the Buffer;
- Remove existing old concrete pad and gravel equal to 5,027.5 square feet.

Provided the lot is properly grandfathered, this office does not oppose the requested variance, but recommends the following conditions of approval:

1. Mitigation is performed at a 3:1 ratio for new disturbance to the Buffer. Disturbance includes grading, footprint and clearing.
2. The gravel area in the Buffer should be removed as much as possible to offset the impervious area of the addition to the existing dwelling.
3. Mitigation plantings should be located in the 100 foot Buffer to the extent possible.

Mr. Tom Lawton  
February 28, 2007  
Page 2

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 black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: SO-112-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

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

Re: Harmon – 2007-0016-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to construct a home office in the footprint of the existing carport and build a two-car garage on the existing driveway pad. The proposed accessory additions to the house require a zoning setback.

The applicants' residence is situated on a wooded lot with steep slopes to the north and west. Due to the physical constraints of the property, they propose to place the garage further towards Clements Creek. The applicants submitted a proposal that minimizes the footprint of the garage, which will be located on an existing driveway pad constructed of asphalt. Once built, they propose to reclaim 100 square feet of asphalt with plantings.

This office does not oppose the requested variances. If the applicants remove one tulip poplar, mitigation of a native species is requested at a 3:1 ratio. This office supports the applicants' proposal to minimize impact on water quality and habitat.

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 black ink, appearing to read "Julie Roberts", followed by a horizontal line.

Julie Roberts

Natural Resources Planner

cc: AA 87-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Preliminary Subdivision Plan: XPN 07-0001  
Key Pointe Woods – 1<sup>st</sup> Review

Dear Ms. Dailey:

This office has received the preliminary development plan for the above referenced subdivision. The applicant is proposing to subdivide a 226.66 acre parcel into 26 lots. Approximately 136.07 acres are within the Critical Area, all of which is designated as Resource Conservation Area (RCA). Based on these preliminary plans I have the following comments:

1. The information provided in the "Critical Area Notes" and "General Notes" section of the applicant's plan is inconsistent (Critical Area information varies by section). Please reconcile this inconsistency.
2. No information was provided as to rare, threatened, or endangered species. A copy of the Department of Natural Resources Wildlife and Heritage division letter must be received before final subdivision to ensure there are no adverse impacts to any such species.
3. Information must be provided regarding existing forest cover and proposed clearing. Since the contiguous forest exceeds 50 acres, the site may support FIDs habitat. If so, a FIDs analysis, using the Commission's FIDs guidance document, will be required.
4. The applicant must supply information regarding planned impervious surfaces for each lot, as well as the roads or sidewalks.
5. The expansion of the Buffer for hydric soils may be required when there are hydric soils that are contiguous to the 100-foot Buffer. It appears some areas of hydric soils were not included in an expansion of the 100-foot Buffer. Please clarify.

6. The plat provided shows that lot lines and septic areas for proposed Lots 1, 2, 3, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 22, 25, and 26 are partially located within the RCA; (Lot 12 is entirely in the RCA). Unless these septic reserve areas are associated with a dwelling unit inside the RCA, and meet the RCA density, they are not permitted. See the Charles County Code 297-132 which lists the allowable uses in the Resource Conservation Zone (RCZ) and states, "...residential densities in the RCZ shall be limited to no more than one dwelling unit per 20 acres." In addition, the list of permitted RCA uses identified in the County Code and approved by the Critical Area Commission, does not include septic reserve areas associated with development or dwelling units outside the RCA. [Lots 4, 5, 6, 7, 14, 20, 21, 23, and 24 are outside of the critical area.]
7. A restrictive note should be placed on the plat indicating the lots which back up to the RCA and are located outside the Critical Area are restricted from locating any activities or clearing any vegetation in the RCA. Additionally, we recommend signs or permanent fencing be permanently erected to ensure future homeowners will not disturb the RCA in conjunction with development on their lots.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,



Julie Roberts  
Natural Resources Planner  
cc: CS 98-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

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

Re: Mewshaw – 2007-0009-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to replace his boatlift, allowing a pier and pilings with less setbacks than required. This office has no comment regarding this request.

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 "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 83-07







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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

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

Re: Mewshaw – 2007-0009-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to replace his boatlift, allowing a pier and pilings with less setbacks than required. This office has no comment regarding this request.

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,

Julie Roberts  
Natural Resources Planner

cc: AA 83-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

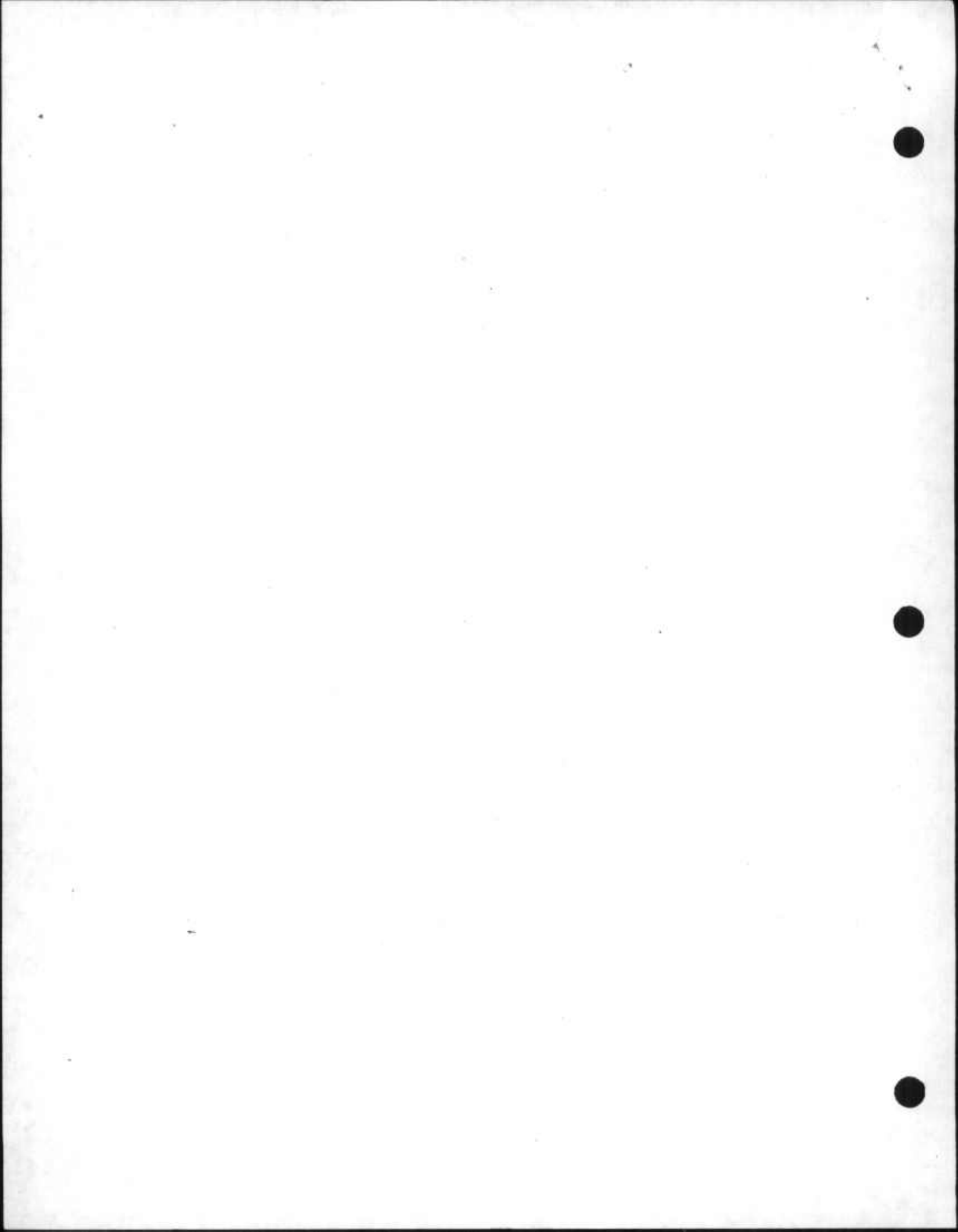
Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Preliminary Subdivision Plan: XPN 07-0001  
Key Pointe Woods – 1<sup>st</sup> Review

Dear Ms. Dailey:

This office has received the preliminary development plan for the above referenced subdivision. The applicant is proposing to subdivide a 226.66 acre parcel into 26 lots. Approximately 136.07 acres are within the Critical Area, all of which is designated as Resource Conservation Area (RCA). Based on these preliminary plans I have the following comments:

1. The information provided in the "Critical Area Notes" and "General Notes" section of the applicant's plan is inconsistent (Critical Area information varies by section). Please reconcile this inconsistency.
2. No information was provided as to rare, threatened, or endangered species. A copy of the Department of Natural Resources Wildlife and Heritage division letter must be received before final subdivision to ensure there are no adverse impacts to any such species.
3. Information must be provided regarding existing forest cover and proposed clearing. Since the contiguous forest exceeds 50 acres, the site may support FIDs habitat. If so, a FIDs analysis, using the Commission's FIDs guidance document, will be required.
4. The applicant must supply information regarding planned impervious surfaces for each lot, as well as the roads or sidewalks.
5. The expansion of the Buffer for hydric soils may be required when there are hydric soils that are contiguous to the 100-foot Buffer. It appears some areas of hydric soils were not included in an expansion of the 100-foot Buffer. Please clarify.



February 26, 2007

Ms. Amy Dailey

Page 2

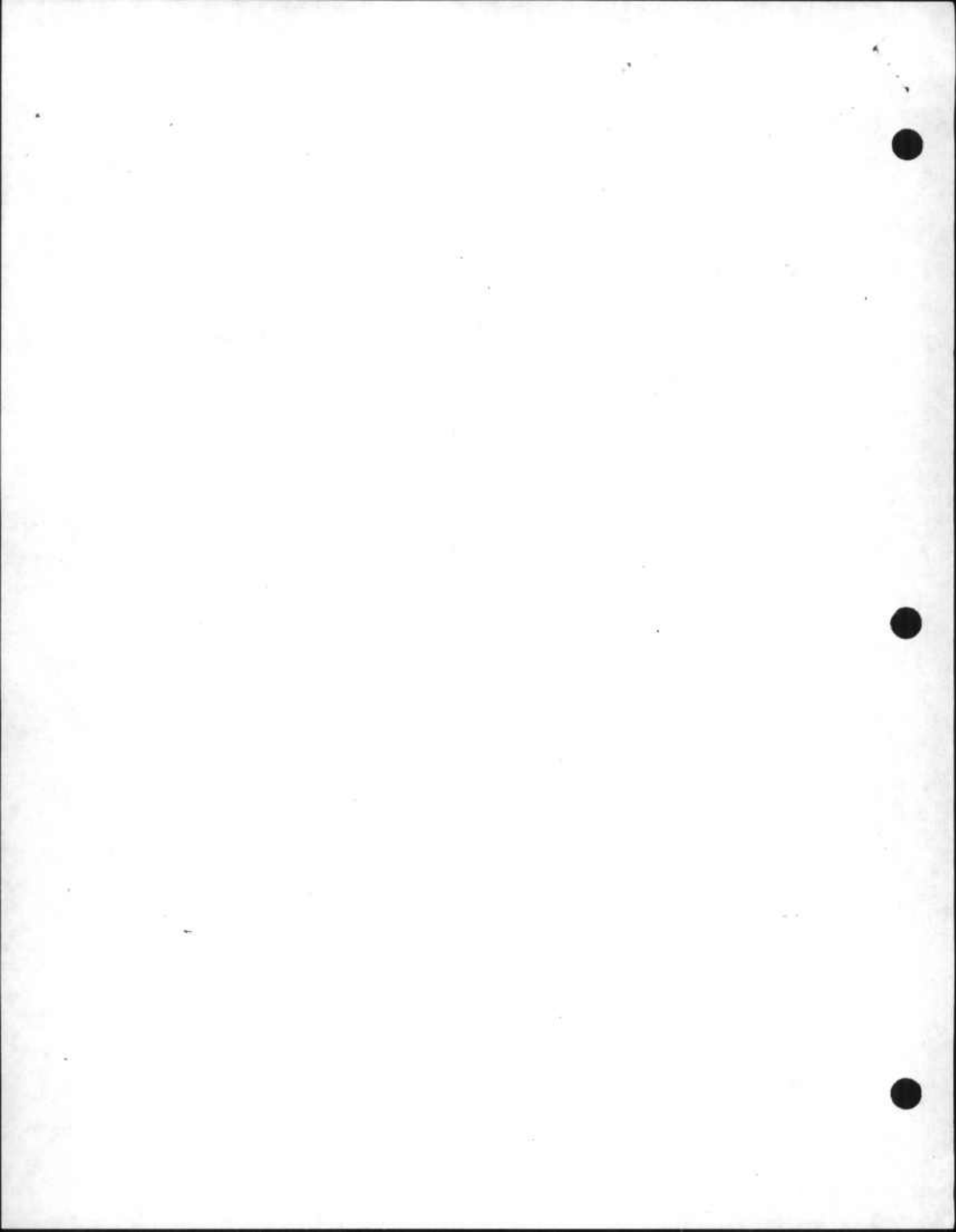
6. The plat provided shows that lot lines and septic areas for proposed Lots 1, 2, 3, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 22, 25, and 26 are partially located within the RCA; (Lot 12 is entirely in the RCA). Unless these septic reserve areas are associated with a dwelling unit inside the RCA, and meet the RCA density, they are not permitted. See the Charles County Code 297-132 which lists the allowable uses in the Resource Conservation Zone (RCZ) and states, "...residential densities in the RCZ shall be limited to no more than one dwelling unit per 20 acres." In addition, the list of permitted RCA uses identified in the County Code and approved by the Critical Area Commission, does not include septic reserve areas associated with development or dwelling units outside the RCA. [Lots 4, 5, 6, 7, 14, 20, 21, 23, and 24 are outside of the critical area.]
7. A restrictive note should be placed on the plat indicating the lots which back up to the RCA and are located outside the Critical Area are restricted from locating any activities or clearing any vegetation in the RCA. Additionally, we recommend signs or permanent fencing be permanently erected to ensure future homeowners will not disturb the RCA in conjunction with development on their lots.

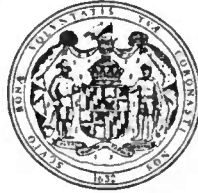
Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,



Julie Roberts  
Natural Resources Planner  
cc: CS 98-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

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

Re: Harmon – 2007-0016-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to construct a home office in the footprint of the existing carport and build a two-car garage on the existing driveway pad. The proposed accessory additions to the house require a zoning setback.

The applicants' residence is situated on a wooded lot with steep slopes to the north and west. Due to the physical constraints of the property, they propose to place the garage further towards Clements Creek. The applicants submitted a proposal that minimizes the footprint of the garage, which will be located on an existing driveway pad constructed of asphalt. Once built, they propose to reclaim 100 square feet of asphalt with plantings.

This office does not oppose the requested variances. If the applicants remove one tulip poplar, mitigation of a native species is requested at a 3:1 ratio. This office supports the applicants' proposal to minimize impact on water quality and habitat.

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,



Julie Roberts

Natural Resources Planner

cc: AA 87-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

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

Re: Beseris Property Minor Subdivision

Dear Mr. Dennis:

Thank you for forwarding the above referenced project. The applicant proposes to subdivide three lots to create two additional single family dwelling units. The applicant also indicates that the remaining forest is to be protected by placing it in a Critical Area easement. The property is 9.445 acres in the Limited Development Area (LDA) and contains FIDs habitat. Based on the information provided, I have the following comments:

1. It is unclear how many lots are to be built. The application is for two dwelling units and these are shown on the site plan. The density calculations show five lots proposed, not two. The impervious area calculations on the second page of the plans show calculations for three units. Please have the applicant clarify and correct.
2. The applicant has indicated that they will put the remaining forest area on their property in an easement and has provided details on signage. A Protective Covenants note has been shown on the Preliminary Critical Area Management Plan. We recommend these details and notes be added to the final plat and individual deeds.
3. The applicant proposes to build on the edge of FIDs habitat. The forest to be cleared appears to be less than 200 feet deep into FIDs habitat, and we agree based on the current plans that FID guidelines have been met.
4. There is a corner of interior FIDs habitat equaling 1,154 square feet proposed to be impacted; however it does not appear that the 300-foot edge has been properly measured. Please have the applicant clarify correct the line to determine how much interior might be disturbed.
5. The applicant has provided forest clearing calculations indicating that 41,670 of 312,896 square feet, or 13%, of the property will be cleared. The applicant proposes to pay a fee in lieu of \$16,668 to mitigate for the cleared area at a 1:1 ratio. This information may need to be corrected in light of comment #1.
6. Please have the applicant provide the impervious surface limitations for each lot on the final plat and individual deeds.

TTY for the Deaf

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

Mr. Paul Dennis

6/29/2007

Page 2 of 2

Thank you for the opportunity to provide comments and I look forward to seeing the revisions on this project. If you have any questions, please telephone me at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts

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/](http://www.dnr.state.md.us/criticalarea/)

June 29, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing revised information for the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- The Department of Natural Resources Heritage Division has provided a letter that the endangered Delmarva Fox Squirrel is known to occur on or in the immediate vicinity of the applicant's property. Please have the applicant correct Note 12 on the plat to this effect. Also, the guidelines provided by the DNR Heritage Division should be followed as well as any Federal guidelines.
- If in the future, the applicant chooses to disturb the forest on Lot 3, FIDs guidelines and Delmarva Fox Squirrel shall be used, as indicated in my April letter.
- It is my understanding from the information sent that the location of the future dwellings is not known at this time. As my April letter indicated, we recommend clustering the houses to the extent possible.
- There is a note on the plat regarding 14.113 acres being *within* the Critical Area for Lot 3. It may be that this is the area *outside* of the Critical Area. Please have the applicant clarify or correct.

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

Sincerely,

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

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

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

Re: 2007-0150-V

Dear Ms. Schappert:

This office has received the revised variance request to allow a dwelling and associated facilities with disturbance to slopes greater than 15%. It appears the revision includes moving the primary septic dry well to the rear of the site, thus reducing the amount of disturbed area on steep slopes. This office supports this action.

In addition to those comments made in my last letter dated June 4, 2007, my remaining comments on this variance request are in regards to stormwater management. Pursuant to a conversation with the engineer, he agreed to create an additional stormwater drainage system by which the water would slope towards the circle in the center of the driveway.

Additionally, the applicant proposes to build a stormwater management area partially within the 100-foot Buffer. This office cannot support this request. We recommend moving the stormwater retention area to a location outside the Buffer. As indicated in the previous letter, the proposed clearing to be removed is 0.14 acres or 31% of existing forested area. It appears that that if the applicant removes the bioretention area from the 100-foot Buffer, then overall clearing on the site would be reduced. Mitigation for the tree cover removed should occur at a 1:1 ratio for clearing outside of the Buffer. If allowed, clearing will still occur above 30%, then 3:1 mitigation is required for all clearing. These plantings should consist of a mix of native species and be planted in the Buffer to the extent possible, given the very steep slopes.


Ms. Suzanne Schappert

6/26/2007

Page 2 of 2

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 "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

cc: AA 316-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Windsor Manor Subdivision – Revised Preliminary Plan

Dear Ms. Dailey:

Thank you for resubmitting the above referenced subdivision plans. Pursuant to our conversation earlier this week, it seems that the applicant has made the appropriate changes to the plans. As we discussed, this office's final comment is regarding the FIDs note. Please have the applicant add a note to the plat referencing the FIDs habitat, as requested in Kate Schmidt's letter of 11/14/06. As that letter indicates, the applicant will need to submit a Habitat Protection Plan (HPP) and FIDS mitigation worksheet if more clearing is to be performed in the Critical Area portion of the site.

Thank you for the opportunity to provide comments on this plan. If you have any questions, please contact me at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner  
cc: CS 205-05

TTY for the Deaf

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





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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

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

Re: Devonport Marina Site Plan

Dear Mr. Lindley:

Thank you for forwarding information for the above-referenced project. The applicant proposes to enhance the existing parking areas and marina office, build a pervious walkway, and install wet marsh water quality facilities for this commercial marina. I have the following comments on the information submitted:

1. The applicant should have a note on the plat indicating the acreage in the Critical Area including existing and proposed impervious surface.
2. Clarification is needed on several aspects of the 10% calculations:
  - a. Please have the applicant include the BMP type for Step 5.
  - b. Please have the applicant clarify whether the drainage area being treated by the BMP is the entirety of drainage area B, or 34% of drainage area B.
  - c. The plan indicates that drainage areas B and C drain directly to tidal waters; therefore, what is treating stormwater for drainage area C?
  - d. I calculated a slightly different removal requirement than what was calculated by the applicant. Since this affects the total pollutant removal requirement, please have the applicant provide corrected calculations.
3. The stormwater management provided is proposed to be located in the Buffer Modification Area. Please have the applicant indicate the type of stormwater treatment that is proposed and how it meets the County's management area standards.
4. Please have the applicant clarify whether the parking in the Buffer is for commercial marina use or residential use.
5. Please have the applicant clarify if the walking path at the edge of the bulkhead is proposed for public use or private use.
6. How many slips are proposed, and are the slips proposed as part of a commercial marina or community marina?

Mr. Brian Lindley

6/25/2007

Page 2 of 2

I look forward to receiving more information from you for this marina. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie Roberts', written in black ink.

Julie Roberts  
Natural Resource Planner

Cc: BC 348-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case No. XPN 70010 – The Villages at Swan Point Phase A

Dear Ms. Dailey:

I have received the preliminary subdivision plan for the Villages at Swan Point Phase A. Based on these site plans, I have these comments:

General

1. The applicant has provided the CBCA (Chesapeake Bay Critical Area), CAB (Critical Area Buffer), CNB (Colonial Nesting Birds), BE (Bald Eagle) lines and zones on the plats.
2. The applicant has not provided the boundaries for area designations as determined by the awarded growth allocation. This is an important component of the conditions for the growth allocation (Conditions 2, 3, 4, and 5). Without this information, I cannot determine if the applicant has met these conditions. Please have the applicant add this information to each of the plats.
3. The applicant must provide preliminary figures in regards to proposed square footage of impervious surface for each lot. As the applicant is aware, the impervious surface limit varies by lot acreage. A chart should be provided with this information.
4. The applicant must also provide preliminary figures in regards to proposed clearing for the total site and each lot. A chart should be provided with this information.
5. It is also necessary for the applicant to provide preliminary calculations for the 10% reduction for Intensely Development Areas (IDAs). Please have the applicant submit Worksheet A.
6. According to a meeting held with the applicants on June 5, 2007, a Habitat Protection Plan (HPP) is being created. No permits or preliminary approval (Conditions 10 and 11) by the County may be permitted until submitted to the full Commission for review and approval. Within this HPP shall be included the FIDS mitigation plan (Condition 11).
7. No preliminary plans were included for the marina. Please submit these plans.

Sheet 1/6

8. On Plat Note #8, please have the applicant add to the end of the note, "...provided that the entirety of the subdivision does not exceed a 15% overall impervious surface area limit."
9. Time of year restrictions should be provided in notes section for Bald Eagle, Colonial Nesting Birds and FIDs.

Sheet 2/6

10. The 300' setback must be based on the current location of Mean High Water (MHW) or edge of tidal wetlands (TWL). Please have the applicant correct.
11. The boundary between tidal and non-tidal wetlands (NTW) is not indicated. Please have the applicant correct. The applicant should also indicate how the wetlands are delineated.
12. The IDA/RCA line has not been drawn.

Sheet 3/6

13. The road across Matthews Manor subdivision may be within the 100' Buffer due to incorrect measurement. This will require further discussions.
14. It is unclear where the Stormwater Management (SWM) for Phase A will be located. Please have the applicant provide a plan.
15. Trails have been proposed in the Habitat Protection Area (HPA)/Buffer. Please have the applicant remove these trails.
16. The road and new lots have been proposed to be built in the 300' setback. Please have the applicant move these proposed developments out of the setback.
17. New lots have been proposed in the 100' Buffer due to incorrect measurement of Buffer. No lot lines will be permitted in Buffer.
18. The IDA/LDA line has not been drawn.

Sheet 4/6

19. The expanded Buffer has not been clearly drawn.
20. Trails in the Buffer are 10' wide. What is the proposed surface of the trails? Depending on the width and material of the trail, changes may need to be made.
21. The flood plain has been incorrectly drawn (shown in water currently). Please have the applicant correct the flood plain lines.
22. TWLs have not been correctly identified or delineated (CAB line appears to be floating. Where is the property line?)
23. Proposed SWM appears as open space.
24. New lots are being platted in NTW Buffer and Critical Area Buffer. These lot lines must be moved out.

Sheet 5/6

25. New lots have been platted in TWL and TWL Buffer (lots 205, 181, 182, 147, 148, and 197). Please adjust these lots lines so as not to interfere with Buffer to tidal wetlands.
26. A SWM pond has been proposed in the Bald Eagle 330' Zone. We do not believe that this was agreed to and may need to be moved. Further discussion is required.

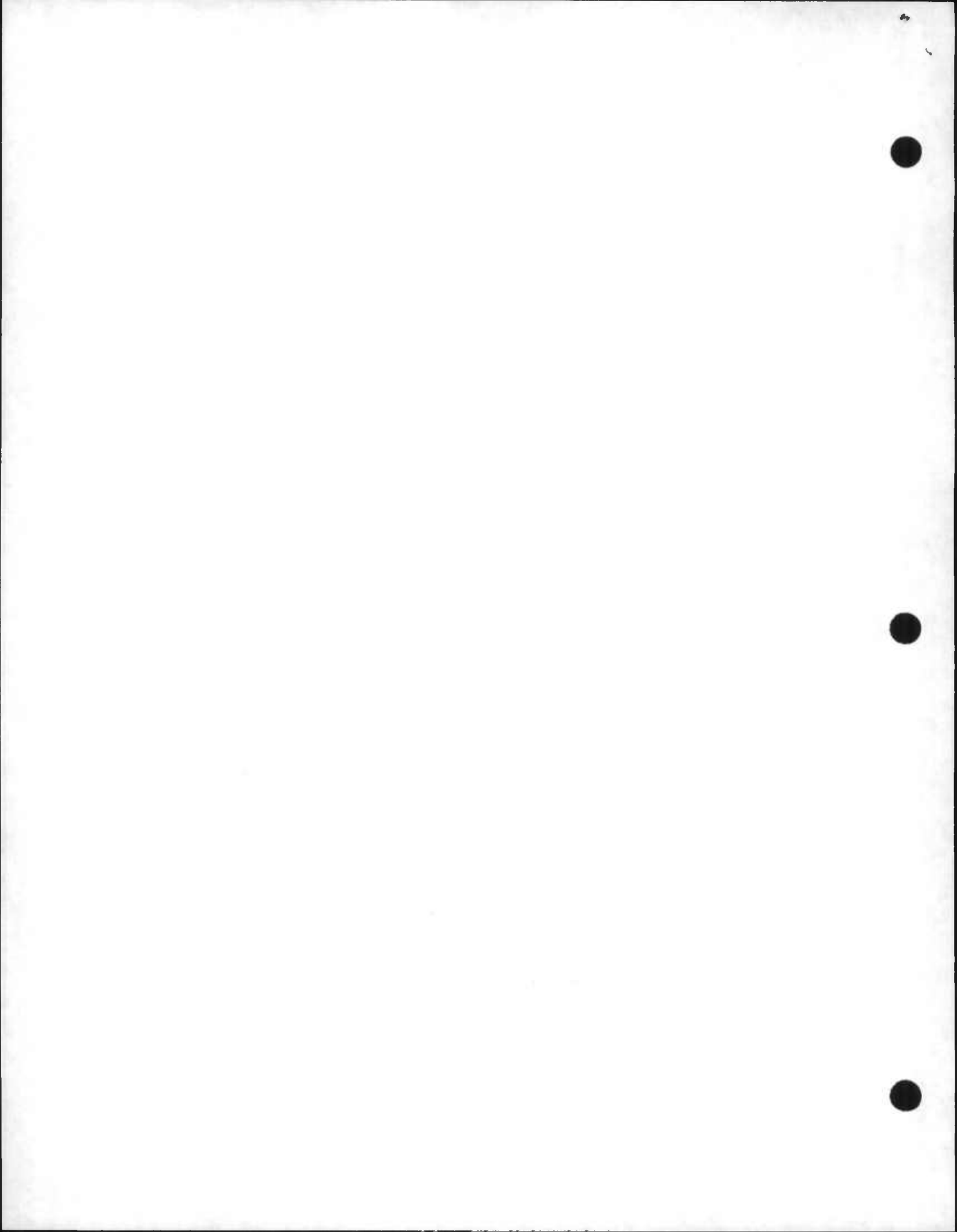
Aimee Dailey  
Page 3 of 3  
6/18/2007

Thank you for the opportunity to provide comments on this preliminary plan. I look forward to seeing these changes and to continue on with the review of this project. If you have any questions, please contact me at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS Swan Point



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/](http://www.dnr.state.md.us/criticalarea/)

June 15, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Clifton on the Potomac Road Construction

Dear Ms. Dailey:

I have received the above-referenced grading permit for road construction in the Clifton on the Potomac subdivision. The application indicates that total site area is 4.98 acres and that 4.60 acres of the total forest on this site is to be cleared. This area is entirely within the Critical Area. The roads to be built are private and located on private property in the Limited Development Area (LDA). According to our records, this is a grandfathered subdivision. According to the information provided, I have the following comments:

- According to aerial photography and the plat provided, this road is not proposed to be built within the 100-foot Buffer.
- A portion of this road falls within a Bald Eagle Nest Zone 3 which restricts the construction of the roads between December 15 and June 15. A note to this effect is on the plat.
- A note on the plat indicates that plantings will be done to mitigate for the forest clearing at a 1:1 ratio and that these plantings (4.6 acres) will be done offsite. Provided this subdivision and road are properly grandfathered, this mitigation ratio is correct. The plantings should be comprised of a mix of native species in the form of trees, bushes, and shrubs. No plantings plan or location for plantings offsite has been provided. Please have the applicant provide a plantings plan, including schedules and location.
- Please confer with your stormwater specialist as to whether the piping for the SWM is sufficient for such steep slopes.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink that reads "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: CS 322-07

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: Ms. Marti Sullivan, Program Open Space  
Department of Natural Resources  
Tawes Office Building, 580 Taylor Ave., (E-4)

From: Julie Roberts *JR*

Cc: Mr. Jimmy Sharp, Wicomico County

Date: June 14, 2007

Subject: POS# 5167-22-186  
Cherry Beach Park Playground Improvements, Wicomico County

Thank you for forwarding this Clearinghouse Review. Although this playground is in the Critical Area, the improvements to the site, including the installation of a play module and swing set, painting and other park equipment replacement, do not interfere with the plans, programs, or objectives of this agency. Should the County want to add impervious surface in the form of parking lots, paths, or additional buildings, these projects would need to be reviewed by Critical Area Commission staff.

Please call me if you have any questions at (410) 260-3476.



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/](http://www.dnr.state.md.us/criticalarea/)

June 13, 2007

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

Re: Willis, Vick – VAR 2323

Dear Mr. Dodd:

A previous letter has been sent to you via fax and mail (from Megan Sines on June 11, 2007) regarding the above referenced variance; we retract that letter and this letter replaces it. The applicant is seeking a variance of 25 feet from the 100-foot Buffer setback requirement to allow the replacement of a dwelling 75 feet from the shoreline. This property is located in the Limited Development Area (LDA). Given this information, I have the following comments:

1. As currently proposed, we cannot support a replacement house in the Buffer if there is adequate area to accommodate the dwelling outside of the Buffer.
2. If the County finds that the applicant meets all the standards for variance, we recommend that mitigation be performed for the area of disturbance in the Buffer at a ratio of 3:1. Mitigation of native species should occur in the Buffer area to the extent possible.
3. A line marking the Limits of Disturbance should be shown on the final plans.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a stylized flourish at the end.

Julie Roberts  
Natural Resources Planner  
Cc: DC 340-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

Ms. Joan Kean  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: Somerset County Subdivision – Ballard, Kenneth

Dear Ms. Kean:

Thank you for providing information on the above referenced subdivision. As mentioned in your memorandum, this property has a complicated history of subdivisions and developments. It is this office's understanding that the parcel in question contains 51.66 acres of which 36 acres are reserved as density for the two existing lots. A note was recorded on the plat to this effect. The memorandum you provided indicates that this leaves 15.66 acres available for density purposes. It is this office's understanding that the applicant would like to give a lot to his son, if possible, using a mechanism other than Growth Allocation. This mechanism would be the option of the intrafamily transfer.

From the information provided, it appears that the applicant does not qualify for intrafamily transfer rights for several reasons. First, from the information submitted, it is our understanding that the parcel was over 60 acres as of March 1, 1986. According to Section 8-1808.2.3.c(1) of the Critical Area law, permitted parcels of land [must be] "7 acres or more and less than 60 acres in size" to qualify for intrafamily transfer. If it is the case that the parcel was between 7 and 60 acres, the intrafamily rights also do not apply because the applicant conveyed 21 acres to another party in 1992, after the 1986 law, thus changing the recorded plat for the parcel.

In this case, the alternative mechanism for the applicant to give a lot to his son may be a growth allocation. Your letter asks how much growth allocation is necessary for these purposes. In order to make this determination, this office requests more specific information regarding each lot on the plat, including what year the lot was created and the acreage. Also, your memo indicates that there are tidal wetlands on the property. As these have not been field delineated, it may also be necessary to determine the amount of upland and the amount of private tidal wetlands to be considered for density purposes.

Ms. Kean  
6/12/2007  
Page 2 of 2

I look forward to receiving additional information on this case. If you have questions, please call me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resource Planner  
cc: SO 308-07

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

June 11, 2007

Mr. Reggie Graves  
Maryland Department of the Environment  
Wetlands & Waterways Program  
1800 Washington Boulevard  
Baltimore, MD 21230

**RE: Comments on Applications for State Permits – Baltimore County**

Dear Mr. Graves,

I am writing to provide comments on the following project located in Baltimore County:

**2005565725/06-WL-0987: 505 Digiulian Blvd LP**

This project involves several components. The applicant has applied to remove a series of fixed piers and associated structures and to construct new piers, mooring piles, and platforms. The applicant also proposes to refurbish and emplace 882 linear feet of stone revetment within 11.5 feet channelward of Mean High Water (MHW); construct and backfill 368 feet of replacement bulkhead within 18 inches of MHW; and construct and backfill a 48-foot long timber bulkhead within 3.2 feet channelward of MHW. The goal of this project is shore erosion control and marina reconfiguration. The Baltimore County Critical Area Program recommends nonstructural shore protection measures whenever practical. Nevertheless, if MDE determines that structural means are necessary, then this office will defer to your determination. However, any disturbance to the 100-foot Buffer shall be mitigated at a 1:1 ratio.

In regard to the bulkhead and marina reconfiguration, this office defers to MDE staff to determine the impacts associated with these development activities that are waterward of mean high water.

Thank you for the opportunity to provide comments on the referenced projects. If you have any questions, please call me at (410) 260-3476.

Sincerely,

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

Julie Roberts  
Natural Resources Planner

Cc: Regina Esslinger, DEPRM







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 7, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Mirant Pier Construction and Boat Ramp, Buffer Management Plan

Dear Ms. Dailey:

I have received the information you sent regarding an application for the construction of a pier and the repair of a boat ramp and the subsequent Buffer Management Plan. The applicant applied for and received a license by the Maryland Department of the Environment (MDE) for the maintenance of a 110-foot long by 10-foot wide concrete boat ramp within 24 feet channelward of Mean High Water (MHW). The applicant also applied to construct a 40-foot long by 6-foot wide timber pier with a 200 square foot "L" 45 feet channelward of the MHW line. This office does not oppose this request provided disturbance to the Buffer is minimized.

A Buffer Management Plan (BMP) for the small area of disturbance has been included. According to the information provided, the area of Buffer to be cleared or disturbed is 60 square feet. The Charles County Critical Area Program indicates that the mitigation ratio for shore and water access is 2:1. The applicant has correctly calculated their mitigation amount at 120 square feet. The applicant may choose what type of native planting(s) they would like to plant. No location was for the mitigation was provided in the BMP. This office recommends the plantings be placed in the 100-foot Buffer.

Thank you for forwarding this information to me. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

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

Julie Roberts  
Natural Resources Planner  
cc: CS 338-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 5, 2007

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

Re: Fiber Optic Conduit through Manokin Park

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. The applicant indicates that the conduit will pass through the multiple parcels, each of which is located in either a Limited Development Area (LDA) or Resource Conservation Area (RCA). Additionally, several of the parcels have a portion that is a Buffer Exempt Area (BEA). These parcels have the following designation (Tax Map 202): 154 (LDA/BEA), 132 (LDA/BEA), 157 (LDA), 122 (LDA/BEA), 131 (RCA/LDA), 156 (LDA), and 155 (LDA/BEA). After reviewing your consistency determination and the accompanying site plan, this office agrees that the project is consistent with the Princess Anne Critical Area Program for the reasons outlined below.

The project will result in the following:

- The installation of the fiber optic lines will be temporary (1-3 days) and at the daily end of construction, no soil will be exposed or unseeded.
- No additional impervious surfaces will be created.
- No trees or natural vegetation will be removed for construction.
- Any requested staging areas will not be located within the 100-foot Buffer and will not necessitate the need for clearing of natural vegetation or trees.

Mr. Keith Lackie

6/5/2007

Page 2 of 2

- There will be 600 square feet or less of temporary disturbance for the entire project. The area of disturbance in the Buffer is significantly more limited.
- While portions of the conduit will be within the 100-foot Buffer, the Code of Maryland Regulations Title 27.01.02.04(1)(b) permits utilities within the Buffer where no feasible alternative exists.
- Due to the width (3") of the fiber optic being laid and because it is only temporary disturbance, no mitigation is required for this particular utility project.

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. Please call me if you have any questions at (410) 260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

Cc: PA 302-07

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 2007

Mr. Joe Kincaid  
Maryland Department of the Environment  
Water Management Administration  
Salisbury District Court/Multi-Service Building  
201 Baptist Street  
Salisbury, MD 21801

Dear Mr. Kincaid:

I have the following comments for projects within Somerset County and Dorchester County:

**200760573/07-WL-1029 Shoreline Erosion Project – Somerset County**

The Maryland Department of Natural Resources has applied to construct 1,173 linear feet of stone breakwaters and plant marsh vegetation behind various areas of the breakwaters. This is a shoreline erosion project. Aerial photos indicate that there is some scrub landward but no real tree mass. The Critical Area Criteria recommend nonstructural shore protection measures whenever practical. In addition, this project will require review and approval by the Critical Area Commission if a permit is granted.

**200761641/07-WL-1371 Wallace Creek Bridge – Dorchester County**

The Maryland State Highway Department has applied to replace an existing 52-foot long by 25-foot long bridge with a 35 foot long by 33 foot 8 inch wide bridge with associated abutments and wing walls. There is a permanent impact of 650 square feet of vegetated tidal wetlands. The Highway Department has been in contact with this office to discuss mitigation options. Mitigation will take place in the form of plantings and will be within the watershed.

Mr. Joe Kincaid  
6/4/2007  
Page 2 of 2

**200761587/07-WL-1352 Dredging, Rail System – Dorchester County**

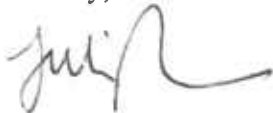
The Maryland Department of Natural Resources has applied to mechanically dredge a 32-foot wide by 110 foot long area to a maximum depth of -15.0 feet at mean low water. The 250 cubic yards of dredged material will be brought by truck to the Dorchester County Landfill. An existing pier is also to be replaced. The purpose of this project is to improve navigable access and repair the existing railway. This project may require approval by the Critical Area Commission.

**200761209/07-WL-1229 Paul & Trina Tobin Revetment – Dorchester County**

Paul and Trina Tobin have applied to repair and replace 2,610 feet of rip rap revetment. The purpose of this project is shoreline erosion control. From aerial photographs it appears that the majority of the property shoreline has stone revetment and little tree cover. The plan submitted proposes to rebuild the stone revetment at a 3:1 slope and then backfill to the upland with concrete rubble. This project may require review and approval by the Critical Area Commission.

Please feel free to follow up with a phone call if you have any questions at 410-260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 2007

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

Re: 2007-0150-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling and associated facilities with disturbance to slopes greater than 15%. This lot is 45,672 square feet. The applicant proposes to raze the existing dwelling and build another dwelling unit in a similar footprint. The current dwelling is 10,339 square feet and the proposed unit will be 10,220 square feet, a net decrease of 139 square feet. The lot is encumbered by slopes 15% and greater. I have the following comments:

1. The applicant proposes to remove the existing pool and reconfigure it completely outside of the 100-foot Buffer. This office supports this action.
2. The applicant notes that the existing asphalt driveway was not constructed to code since it is at a 20% grade and that slope has caused stormwater and erosion issues. The proposed drive will be built to code at 14% slope with a stormwater management infiltration water quality system to help with the erosion issue. We recommend additional stormwater management techniques be added to the center driveway circle (labeled as "Ex. Asphalt Drive" on plan). This office does not oppose this variance request.
3. The applicant proposes to build a stormwater management area partially within the 100-foot Buffer. This office cannot support this request. We recommend moving the stormwater retention area to a location outside the Buffer.
4. The proposed clearing to be removed is 0.14 acres or 31% of existing forested area. It appears that that if the applicant removes the bioretention area from the 100-foot Buffer, then overall clearing on the site would be reduced. Mitigation for

Ms. Suzanne Schappert

6/4/2007

Page 2 of 2

the tree cover removed should occur at a 1:1 ratio for clearing outside of the Buffer. If allowed clearing will still occur above 30%, then 3:1 mitigation is required for all clearing. These plantings should consist of a mix of native species and be planted in the Buffer to the extent possible, given the very steep slopes.

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 black ink, appearing to read "Julie", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 316-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 4, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case No. SFD 70240

Dear Ms. Dailey:

I have received the variance request for the above mentioned project. The applicant proposes to demolish the existing dwelling and rebuild a single family dwelling unit. The applicant's property is 10,808 square feet in an Intensely Developed Area (IDA) which is entirely in the Buffer and in a Buffer Exempt Area (BEA). Based on the information submitted, I have the following comments:

- The applicant proposes to remove 1,590 square feet of impervious surface and rebuild 1,430 square feet of impervious area, a net decrease of 160 square feet or 10%.
- The applicant proposes to mitigate at a 1:1 ratio for 1,621 square feet of disturbance in the Buffer. The applicant proposes a mix of trees and hightide bushes.
- The limit of disturbance (LOD) is 40 feet or beyond from the Mean High Water (MHW) and no structures are proposed to be built closer to MHW than are currently existing.

Provided this lot is properly grandfathered, this office does not oppose this variance request given the site constraints and the applicant's proposal for less disturbance than currently exists.

Thank you for the opportunity to provide comments. 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. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie R.", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: CS 323-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 30, 2007

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

Re: Snodgrass, Joseph -- Variance

Dear Mr. Brittingham:

Thank you for resubmitting the changes to the above-referenced variance request. In a letter dated, January 4, 2007, Lisa Hoerger requested a series of changes and recommendations (6) to the site plan for the subdivision at Chesapeake Terrace. Pursuant to our conversation today and after comparing the site plans, it appears that the applicant has made the appropriate changes in lieu of the recommendations provided.

Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resource Planner

Cc: BC 820-06





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/](http://www.dnr.state.md.us/criticalarea/)

May 29, 2007

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

Re: 2007-0149-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling addition with less setbacks and Buffer than required. The lot is 5000 square feet and approximately two thirds of the improvements to the lot are within the Buffer. The applicants propose to raise the house 32 inches and during this process construct additions to the front (water side) and back (street side) of the house. There are several components to the applicants' proposal:

1. The applicants propose to add second story additions in areas which are currently decks or over stone patio (1/3 over the deck, 2/3 over the patio). These additions appear to be reasonable and therefore, this office does not oppose them.
2. The applicants propose to build a larger deck in an increased footprint. The proposed deck juts further waterward in the Buffer than the existing deck. This office cannot support this variance request since it appears there is an extensive existing concrete patio that serves the same purpose. We recommend that the deck should not be any further waterward than the existing deck.
3. The applicants propose to offset the new additions by removing portions of the existing stone patio and pavers, for a total net removal of four feet of impervious surface. The percentage of total imperviousness remains at 43%. We would encourage the applicants to explore other opportunities to remove existing impervious areas on this lot.
4. We have no comment on the setback variance.

Ms. Schappert

5/29/2007

Page 2 of 2

We recommend that the applicants provide 3:1 mitigation for the disturbance in the Buffer in the form of native species.

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 black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

cc: AA 317-07



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/](http://www.dnr.state.md.us/criticalarea/)

May 25, 2007

Mr. Robert Tabisz  
Maryland Department of the Environment  
Wetlands & Waterways Program  
1800 Washington Boulevard  
Baltimore, MD 21230

Dear Mr. Tabisz:

I have the following comments for the below-referenced project within Charles County:

**200762051/07-PR-1514 Cobb Island Volunteer Fire Department**

The Charles County Commissioners have applied for a permit to construct a pier with a platform and boatlift for the purposes of use and storage of the Rescue Boat used by the Cobb Island Volunteer Fire Department. Any disturbance to the 100-foot Buffer shall be mitigated at a 1:1 ratio. The applicant should coordinate with the Charles County Planning Office, since this is considered development activity in the Critical Area and will need to be submitted to Commission staff for review.

Please feel to follow up with a phone call if you have any questions at 410-260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: Aimee Dailey







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 22, 2007

Mr. Jimmy Sharp  
Wicomico County  
Department of Planning, Zoning, and Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: Village Down River Buffer Management Plan

Dear Mr. Sharp:

I have reviewed the information regarding the above referenced project. The applicant has provided information requested as part of the conditions of approval of this growth allocation. I have comments regarding each of the conditions of approval and what has been provided thus far:

1. The Plan provides a scheduling and phasing plan detailing the timeframe for implementation of the proposed enhancements. This schedule is not sufficient for approval. More detail is necessary, including the year the schedule will start for each enhancement area.
2. Commission staff will make bi-annual inspections for a five-year period. We would like to make a preliminary visit to the areas where the enhancements will take place.
3. A "Growth Allocation Impervious Area" plan (Sheet 3) has been provided which conceptualizes proposed development within the IDA and LDA. This plan is not sufficient to meet Condition 3 for approval.
4. As indicated in Kerrie Gallo's Conditions of Approval letter (dated March 12, 2007), any changes to a final approved site plan or deviation of the proposed enhancements plan must be submitted to the Commission staff.

5. A Buffer Management Plan has been submitted to the staff. Please see detailed comments below.
6. The County shall collect a bond as indicated in Ms. Gallo's letter.

Comments on Buffer Management Plan

1. Overall comment: The Buffer Management Plan needs to be much more detailed. Every type of planting (non-tidal wetland Buffer, bio-retention drainage, streetscape, wildlife conservation, reforested areas, etc.) requires a schematic plan. Schedules are needed for each plantings plan that detail quantity, species type, spacing, etc.
2. Kerrie Gallo indicated that she has sent a copy of the Four Seasons BMP to your office. Please forward a copy to the developer if you have not done so already.
3. A transition plan is necessary to account for the protection of the Buffer during planting and development.
4. There are overall inconsistencies between the reforestation plans, the site plans, and Buffer management plans. Please have the applicant correct these inconsistencies as detailed below.
5. Buffer 1: It appears the 100-foot Buffer in the southeast area narrows. Please have the applicant correct and show the Buffer to the adjacent stream channel.
6. Buffers 1, 2, and 3:
  - a. Pine seedlings are not sufficient for 100-foot Buffer. We recommend three-tiered vegetation to mimic a natural forest setting (canopy, understory, and ground cover).
  - b. Also, the loblolly planting proposals indicate they are in accordance with MDE specifications. The specifications for planting should be written out and included in the BMP index.
7. Buffer 4:
  - a. The selection of shrubs for Buffer 4 is appropriate.
  - b. There is a pump building in the Buffer. It is unclear if this building is existing or proposed. If the pump building is not already existing, it must be placed outside of the 100-foot Buffer.
  - c. The eco-paver pathway to the community piers appears to be 15 feet wide. An appropriate width for this type of path is 8-10 feet wide. Please have the applicant adjust the width of the path on the plan.
  - d. In addition to the common access, there are three private pathways being shown through the Buffer to the water. These pathways will disturb the Buffer. The purpose of the community pathway and pier is to avoid this disturbance. Please have the applicant remove these private pathways.
8. Sheet 2 [Existing Forestry Plan]:
  - a. The existing Forest plan does not make sense. The deforestation cross hatching does not match the proposed improvements (ex. Road is in a location to remain forested).

Mr. Jimmy Sharp

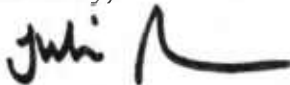
5/22/2007

Page 3 of 3

- b. Long term monitoring and maintenance schedule on Loblolly pines stated on the sheet in upper left corner is not adequate. There must be a 400 tree expected survival rate for at least 5 years, not a single growing season. Also a monoculture of loblolly seedlings is not sufficient for Critical Area reforestation.
9. Sheet 4:
- a. The graphic representation of the planting schedule is inconsistent with the number of trees provided on the sheet list; there are many more tree graphics than proposed trees to be planted. Also, there are areas that may not be dense enough or are too dense, but this cannot be determined from the plan.
  - b. Areas that are proposed to be reforested do not show graphics of trees. It is unclear what the schedule is for these areas (this is an issue throughout the Plan, not only on this sheet).
  - c. The Stream Enhancement proposal must be clarified. How is this to be carried out? A detailed plan must be provided.
  - d. There is a symbol over the stream that may indicate a (covered) bridge. Please have the applicant clarify.
  - e. There is a dotted line at the bottom of the plan that may indicate a pipe. Please have the applicant clarify.
10. Sheet 5: The Mean High Water (MHW) is shown to be more landward than the edge of tidal wetlands along the western property boundary along the creek. This should be corrected. Buffers may need to be redrawn.
11. "F" cannot be used for MDE mitigation requirements if it is in the Buffer. Please provide final plans for the non-tidal mitigation areas.
12. Loblolly plantings may be used in reforesting some areas of the site but not as a monoculture. Reforestation plantings should mimic the naturally vegetated portions of the site.
13. More details are necessary on the Phragmites Control Plan. For example, where are the phragmites? How will they be eradicated? How long will this take? What will be planted after the phragmites is eliminated?
14. Will deer protection be provided for the plantings?

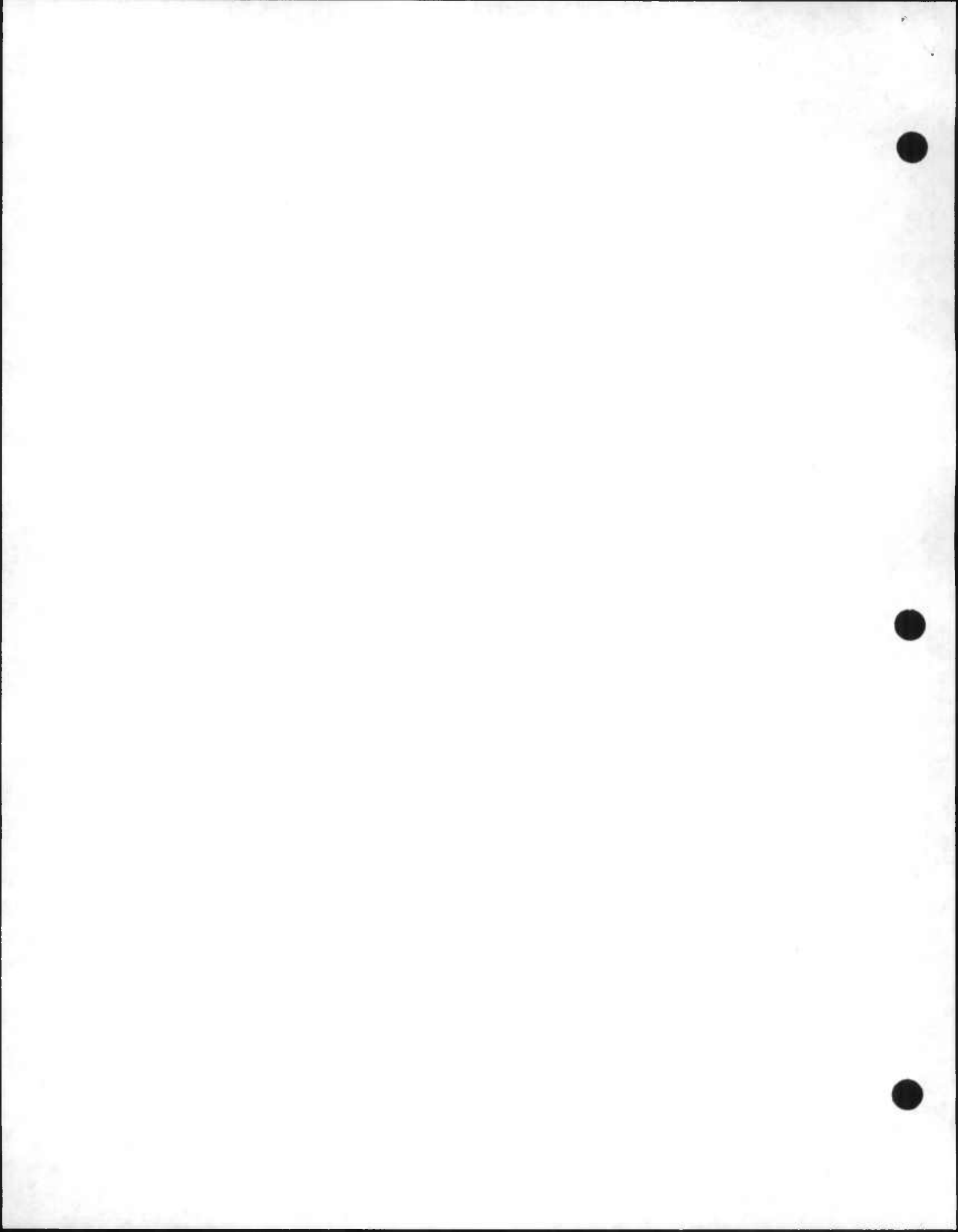
We will look forward to seeing the improvements to the plan. Thank you for the opportunity to comment. Please feel free to call with any questions concerning the above comments at (410) 260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

cc: WI 593-06





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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

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

Re: McNerney, Joseph -- Variance

Dear Mr. Dennis:

Thank you for sending the above-referenced variance request for review and comment. The applicant is currently building an addition on to his residential waterfront property. The property is currently improved with a single family dwelling unit, a garage, deck, driveway, pier and walks. It is my understanding from the County's application and a conversation with you this morning that a condition of the approval of the building permit was that the applicant must remove the garage and part of the driveway to help offset the additional impervious surface from the new addition. The lot is 19,000 square feet and the current impervious surface is 36.5% of the property. The addition will add another 460 square feet (2.4%) of impervious surface to the lot. The variance request is to permit the garage and driveway to remain rather than remove them, which was a requisite of the granting of the building permit.

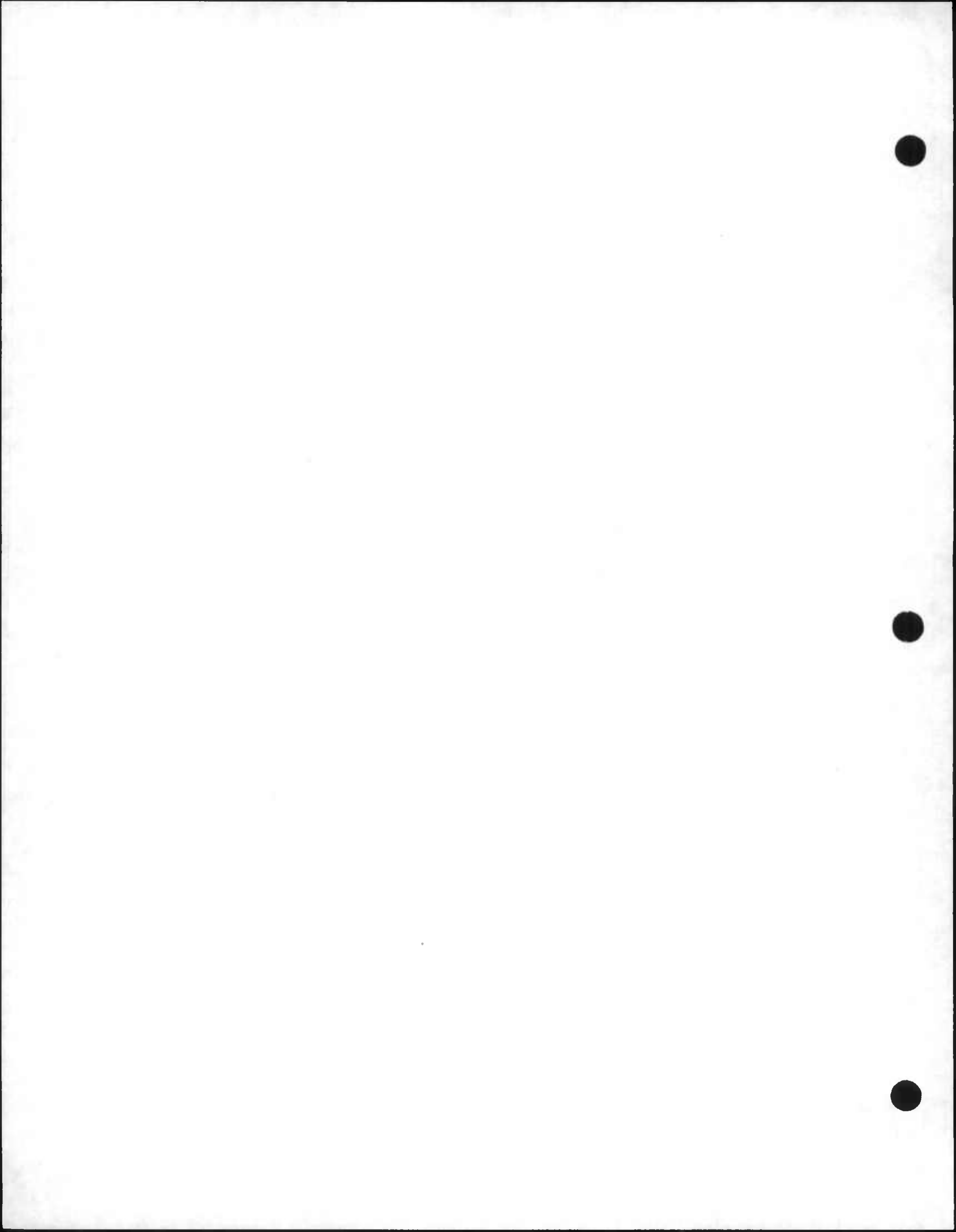
While this office generally does not oppose modest additions on grandfathered lots, we cannot support a variance to the impervious surface limits, particularly when an alternative has been identified. The applicant must meet all the variance standards of "unwarranted hardship", defined as "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied.

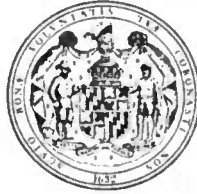
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resource Planner  
Cc: BC 285-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

Mr. Michael J. Waibel  
URS Corporation  
4 North Park Drive, Suite 300  
Hunt Valley, MD 21030

Re: Crisfield-Somerset Airport Draft Environmental Assessment

Dear Mr. Waibel:

Thank you for forwarding me the Draft Environmental Assessment (EA) for the Crisfield-Somerset County Airport. The draft EA indicates that approximately 60% of the airport is within the Critical Area. The airport is designated as Intensely Developed Area (IDA) and Resource Conservation Area (RCA). The draft EA has addressed both Somerset Zoning Ordinances and the Critical Area Commission's guidelines on pertinent topics such as development in the Critical Area and FIDS. I have reviewed the sections corresponding to the Critical Area and have the following comments:

Stormwater Management

EA section 3.5.4 indicates that the Airport's existing drainage conditions are "relatively poor" and that there is some flooding that occurs. A stormwater plan needs to be provided to ensure the improvements will allow adequate storm water management.

Rare, Threatened, and Endangered Species

1. A letter provided by the Fish and Wildlife Service indicates that with the exception of the transient individual, there are no rare, threatened or endangered species currently known to live on site.
2. The Department of Natural Resources sent a letter indicating that there was potentially FIDS habitat on site.

Wetlands and Soils

1. Exhibits 3-7 and 3-9 indicate that the end of the proposed expanded runway strip has both tidal and non-tidal wetlands and has hydric Othello soils. The 100-Buffer applies to tidal wetlands, tributaries and streams. Also, a 25-foot Buffer is required for non-tidal wetlands. The Buffer should be expanded for hydric soils.

Critical Area Forest Impacts and Mitigation Requirements

1. EA section 4.11.2.1 indicates that 1.2 acres of trees within the Buffer will be impacted. At the recognized 2:1 ratio, 2.4 acres must be planted in another area of the Buffer.
2. 0.9 acres of Buffer Exempt Area (BEA) trees are to be cleared, requiring 1:1 mitigation. This mitigation should also be planted in the Buffer.
3. The EA reports that the FIDS habitat impacted by the Build Alternative is approximately 0.5 acres of edge. The mitigation for this impact is 1:1; (however, the total contiguous forested area should be provided to ensure the correct amount of required mitigation).
4. According to Table 4-13 on page 4-20 a total of 14.8 acres of trees are to be removed as part of the airport expansion. This table indicates that 13.5 acres of this land require reforestation.
5. Of the required 13.5 acres to be reforested, Somerset County Ordinances require that Buffer, BEA, and FIDS habitat must be mitigated for in the form of plantings.
6. 3.3 acres are proposed to be planted for Buffer and BEA mitigation, as well as 5.7 acres of trees to be mitigated for non-HPA on County-owned Parcel 7, Tax Map 30 which is within the Critical Area.
7. Somerset County Forester, Bob Cadwallader, stated that an appropriate area for this mitigation is on County-owned Tax Map 40, Parcel 4. This parcel is adjacent to a contiguous 500-1000 acre block and is in the Critical Area; therefore, planting contiguous to this parcel would be considered acceptable FIDS mitigation.
8. The total remaining area to be mitigated for is 4 acres. The EA indicates that the town does not have sufficient property to plant the trees, so a fee in lieu is to be substituted. The amount of \$600.00 will be paid to the County for the remaining 4 acres.

Thank you for the opportunity to provide comments. Please call me at 410-260-3476 if you have any questions.

Sincerely,



Julie Roberts  
Natural Resource Planner

Cc: Joan Kean, Director, Somerset County  
Thomas Lawton, Planner/Critical Area Reviewer, Somerset County  
SO 292-03





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Subdivision XRS-70026 Gunston Pointe

Dear Ms. Dailey:

This office has received the above referenced subdivision for comments. The original site acreage in the Critical Area was 130.28 acres which provided an allowance of 6 dwelling units. The applicant proposes to resubdivide Lot 16 into three lots. I have the following comments:

1. Revisions should be made in accordance with your email of 5/7/07 indicating corrections to the Critical Area Boundary line and the inclusion of total forest acreage in the Critical Area.
2. A note must be added to the plat indicating that that this resubdivision removes 3 of the 6 permitted dwelling units from the allowance permitted for the full subdivision of the 130+ acres.
3. The Department of Natural Resources sent a letter on May 26, 2006 indicating that Lot 18 contains FIDS habitat. Lot 16, as a contiguous lot, may also contain FIDS habitat. An updated letter must be supplied by the Department of Natural Resources. If Lot 16 contains FIDS habitat, the applicant must build in accordance with the FIDS guidelines, the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat.
4. Lot 16C is within a Zone 3 Eagles Nest Protection Zone. Building activities, including timber cutting, the clearing of land, and building, road and trail construction are not permitted from December 15 to June 15, as indicated on the plat note.
5. Building is not permitted within the 100-foot Buffer or the expanded Buffer.

Aimee Dailey  
Page 2 of 2  
5/18/2007

According to the previous plat note, Critical Area Commission staff and County Planning staff must inspect the regeneration of the Buffer before this plat can be approved. Please contact me to discuss times for inspection. Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long, sweeping horizontal stroke.

Julie Roberts  
Natural Resources Planner  
cc: CS 276-07



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/](http://www.dnr.state.md.us/criticalarea/)

May 17, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Variance Docket #1188 – Lawrence Graves

Dear Ms. Dailey:

This office has received the above referenced variance request. The applicant requests a variance for an after-the-fact gazebo, to fill (after-the-fact), and for an after-the-fact gravel driveway. In order to obtain a variance, the applicant must meet several standards, including that of unwarranted hardship. The General Assembly has defined "unwarranted hardship" to mean that without the variance the applicant would be denied reasonable and significant use of the entire parcel or lot. Here, the applicant enjoys reasonable and significant use of his parcel through an existing deck, two sheds, walkways and a driveway. In addition to the unwarranted hardship standard, the applicant has the burden of proving that he meets all of the other variance standards.

I have the following comments on the applicant's requests:

1. We do not oppose the fill to the lot as it is proposed to correct minor flooding and erosion problems. The applicant indicates in his narrative that brush and trees were cleared to do this fill; therefore, he should continue with the Buffer Management Plan and signed Maintenance Agreement.
2. This office cannot support the variance request for the gazebo. Should the Board approve the variances for the gazebo and lot fill, we recommend that, at a minimum, the applicant provide 3:1 mitigation for new development in the Buffer and that this mitigation include the impacts of the gazebo and the filling of the site. Mitigation should be performed on site.

Aimee Dailey  
Page 2 of 2  
5/18/2007

3. In terms of the after-the-fact gravel drive, this office cannot support the request for a variance as it does not meet the standards for unwarranted hardship. The applicant has a useable driveway on the lot with the principal dwelling.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner  
cc: CS 750-06



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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: City of Crisfield Pump**

Dear Mr. Lackie:

Thank you sending the information on the pump we discussed in the field last month. Please inform the Department of Public Works that the City needs to formally submit an engineered plan to the Maryland Department of the Environment and the Critical Area Commission staff for review.

I look forward to seeing the project soon. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

Julie Roberts  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Building Permit -- Donohoe

Dear Ms. Dailey:

This office has received the above referenced building permit for comments. The applicant proposes to demolish the existing structure and build a single family dwelling on this lot. The lot is comprised of 24+ acres, or 1,049,746, of Resource Conservation Area (RCA). The total proposed disturbed area is 29,055 square feet. The proposed impervious surface is below 15% at 17,488.05 square feet (1.7%).

There is no proposed activity in the Buffer. However, the Buffer appears to be delineated from a property boundary and not Mean High Water or the edge of field delineated tidal wetlands. We request field delineation of the Buffer, particularly as the pool and limit of disturbance is so close to the Buffer boundary. With the exception of the field delineation indicating that any part of the proposed structures is within the Buffer, this office does not oppose this proposed building permit as submitted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie R".

Julie Roberts  
Natural Resources Planner  
cc: CS 278-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

I have received the additional information you sent regarding the above referenced variance. I understand that the applicant has removed a smaller shed and placed a larger shed in a similar footprint. I have reviewed several years of aerial photographs including 2004, 2005 and 2006, and was unable to discern a shed. The applicant provided aerials from 1986 and 1999; I was also unable to see the outline of the shed on these aerials. Unless the old shed has been removed within the last year and this can be proven by the applicant, this office's position remains the same.

The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from tidal wetlands, within the 100 foot Buffer. This office still cannot support this request, as there are other areas outside of the Buffer that the applicant could place this shed. My original letter dated April 19, 2007, details the Critical Area Commission's staff position on structures in the Buffer.

If the applicant is able to provide additional information regarding the previous shed and the Board finds the applicant can meet all of the variance standards as outlined in my original letter, we would recommend the Board require 3:1 mitigation for the footprint and any clearing that was required for the shed; however, it remains this office's position that all the variance standards cannot be met.

Mr. Lawton  
5/15/2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long, sweeping horizontal line that extends to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 222-07

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

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from water, within the 100 foot Buffer. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a shed can be constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

Aerial maps show that although much of this property is forested and has wetlands, that there are other options for placement of this shed. Therefore, the standard of unwarranted hardship has not been met.

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

This office would not support similar variance request to build a shed in the Buffer. There is sufficient opportunity on this property to construct a shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicant a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

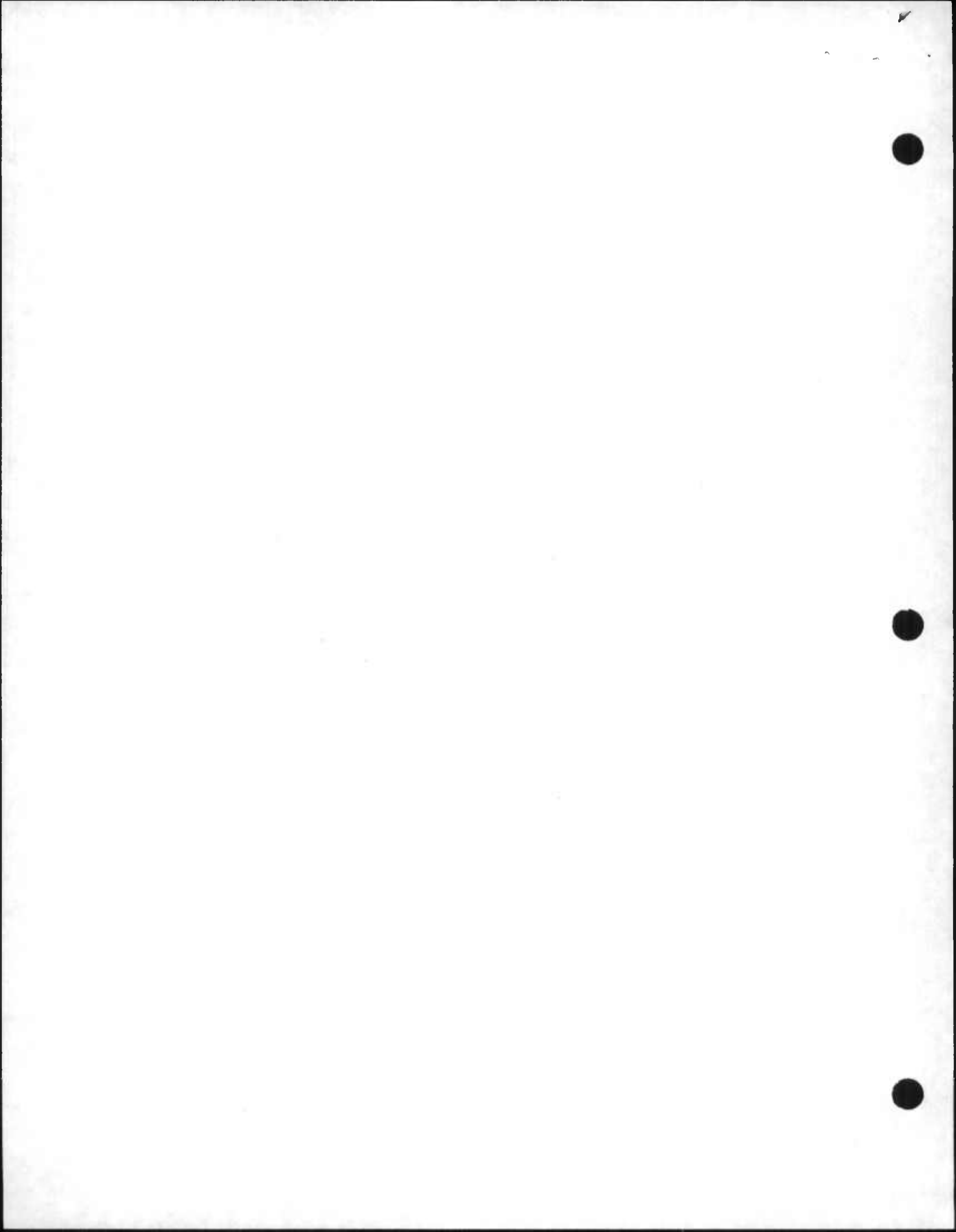
Mr. Lawton  
4/19/2007  
Page 3 of 3

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 222-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 14, 2007

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

Re: Carroll Hoshall Subdivision  
Local case number 1122A

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. The site plan indicates that the applicant plans to subdivide 7.35 acres into three separate parcels. Based on the information provided, I have the following comments concerning this site plan.

- It is unclear what portion of the acreage is within the Critical Area. The Critical Area boundary should be clearly marked on the plat. There should also be a Critical Area notes section on the plat indicating pertinent data.
- A letter must be provided to this office by the Department of Natural Resources Heritage Division indicating that there are no threatened, rare, or endangered species on this property.
- The impervious surface estimates submitted are under the 15% limit for these parcels.
- Aerial photos and information provided by the applicant indicates that these are fields that were once or are currently being farmed. These lots will need to be afforested to 15% since there is currently no forest in the Critical Area.

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

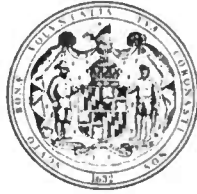
Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: DC 273-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 14, 2007

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

Re: Jeannette Deane Subdivision  
Local Case number 249A

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. The applicant proposes to create one lot (#2) for immediate family subdivision in the Resource Conservation Area (RCA). The proposed Lot 2 will be 2.04 acres and taken from the greater 17+ acres. The residue parcel is 14.19 acres. Based on the submitted plat, I have the following comments:

- It is unclear what portion of the acreage is within the Critical Area. The Critical Area boundary should be clearly marked on the plat. There should also be a Critical Area notes section on the plat indicating pertinent data.
- A letter must be provided to this office by the Department of Natural Resources Heritage Division indicating that there are no threatened, rare, or endangered species on this property.
- Dorchester County's Critical Area Program indicates that "intrafamily transfers (in the RCA) will be allowed only from parcels of land that were on record as of March 1, 1986, and which are 7 acres or more but less than 60 acres in size." The subdivision appears to meet these requirements.
- The required covenant (General Note 14) regarding any future conveyance of the lot has been properly noted.

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

Sincerely,

Julie Roberts  
Natural Resources Planner

Cc: DC 267-07





**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/](http://www.dnr.state.md.us/criticalarea/)

May 8, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case nos. XRS 70013:70014

Dear Ms. Dailey:

This office has received the above referenced requests for lot line adjustments. It is our understanding in XRS#07-0013, the applicant proposes to consolidate Parcel A of 0.381 acres with L.3367 F.61 of 0.89 acres. In XRS#07-0014, the applicant proposes to consolidate Parcel B of 2.411 acres to L.1195 F.24 of 0.69 acres. The applicant's residue parcel remains 21+ acres. This office does not oppose these requests; however it is unclear from the plats provided where the Buffer may be located. The resulting lots should not require the need for a variance to the Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

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

Julie Roberts  
Natural Resources Planner  
cc: CS 197-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

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

Re: Borheck Property

Dear Mr. Brittingham:

I have received the above-referenced variance request to build three single family dwellings on nine existing lots. Each of these lots is almost wholly in the 100-foot Buffer to tidal wetlands and within the 35-foot setback area. Baltimore County had previously sent a variance request for one of these proposed dwellings, #4295, and Lisa Hoerger responded in a letter dated January 22, 2007. After receipt of this letter, it is my understanding that the County decided to handle these variance requests for the properties together rather than piece-meal. As Ms. Hoerger indicated in her letter, it appears that the applicant has attempted to minimize the variance requests to the 35-foot setback area by siting the proposed dwellings as close as possible to Libs Lane, 27 feet, 25 feet, and 22 feet respectively.

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 dwellings within the setback 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 variance. Please notify the Commission of the decision made in this case.

Sincerely,

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

Julie Roberts  
Natural Resources Planner

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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: SE-07-2348 – Shaner Bed and Breakfast

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to convert an existing private residence into a commercial Bed and Breakfast. This property is located in a Limited Development Area (LDA), recently added as part of Growth Allocation. A condition of this growth allocation is that a 160-foot Buffer be maintained and that developed woodlands remain in their existing condition. The information submitted does not indicate any changes to the vegetation, existing structure or additions to the lot. As submitted, this office does not oppose this request. The applicant should be informed that any potential future changes including additional structures or increase in impervious surface will require compliance with the provisions in the Somerset County Code.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie R.", written in black ink.

Julie Roberts  
Natural Resource Planner  
Cc: 0031-05





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

**MEMORANDUM**

To: Mr. Ray C. Dintaman, Jr., Environmental Review Unit,  
Department of Natural Resources

From: Julie Roberts *JR*

Cc: Mr. Calvin Dize, City Manager, City of Crisfield

Date: May 4, 2007

Note: This fax should replace a fax sent previously. Please destroy earlier fax.

Subject: City of Crisfield Sanitary Sewer Replacement MD20070315-0207

The above referenced project was sent to this office for review several months ago by Mr. Calvin Dize. On January 3, 2007, the Critical Area Commission unanimously approved with conditions the City's proposal to replace the sewer line. Portions of this line are in the 100-foot Buffer and the Commission required that an acceptable mitigation plan be submitted for review by March 7, 2007. To date, this office has not received this plan.

Thank you for the opportunity to comment. Please call me if you have any questions at (410) 260-3476.





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 4, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Vegetated Woodland

Dear Ms. Dailey:

Pursuant to our conversation this morning, I wanted to give you some clarification on the meaning of the term "vegetated cover" and what the responsibility of an applicant is to mitigate for its removal. According to COMAR 27.01.01.B(20) developed woodlands "means those areas of 1 acre of more in size which predominantly contain trees and natural vegetation and which also include residential, commercial, or industrial structures and uses". The intent of the Critical Area Law is to replace existing vegetation that is removed in the development process for the purposes of plant and animal habitat and to protect the Chesapeake Bay from water pollution. Both trees and their understory, including shrubs, vines, etc. are important components to the creation of habitat and protection from pollution. Typical existing vegetated cover tends to include both invasive and local species; for the purpose of replacement, this office supports the use of non-invasive species to mitigate for development.

From the documentation you provided, it seems that you have counseled the applicant correctly in terms of mitigating for development. If they have additional questions, they can be directed to our guidance document on mitigation which can be found at <http://www.dnr.state.md.us/criticalarea/giaca.html>.

If you have any additional questions, please contact me at (410) 260-3746.

Sincerely,

Julie Roberts  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 4, 2007

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

Re: 2007-0092-V

Dear Ms. Schappert:

This office has received the above-referenced variance request to allow a dwelling with less setbacks than required. The applicant proposes to remove the current 518.4 square feet of impervious surface on this 2,500 square foot lot and build a new dwelling unit. The proposed impervious surface on the lot would be 976 square feet which is within the impervious surface limits of this lot. Therefore, this office has no comment on the request for less setbacks than required.

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.

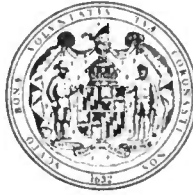
Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 248-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 4, 2007

Bruce M. Gray,  
Donald H. Sparklin c/o  
Karen Arnold  
State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Re: Project No. B03503  
US 40 over Gunpowder Falls, Baltimore County

Dear Ms. Arnold.

Thank you for forwarding the information regarding the emergency repairs on the above referenced project. This project is consistent with the Conditions for General Approval under the current Memorandum of Understanding (MOU) between this office and the Maryland Department of Transportation, as referenced in your letter (specifically Exhibit B1, Section A, Paragraph 3, items B and C). Therefore no further review by this office is necessary, notwithstanding any other required State or Federal permits.

Please contact me with any questions at 410-260-3476.

Sincerely,

A handwritten signature in cursive script that reads "Julie".

Julie Roberts  
Natural Resources Planner

Cc: DOT 29-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: Creamer – 2007-0101-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants seek a variance for construction of a 10 x 20 foot deck with less setbacks and Buffer than required in a Buffer Exemption Area. Provided this property is properly grandfathered, this office does not oppose this variance request. Mitigation as prescribed by County staff should be required.

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 black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 244-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: Donze - 2007-0091-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant seeks a variance for the construction of steps and landings with less setbacks and Buffer than required. The steps are to the side of the deck and, therefore, no further waterward and the landings pose minimal increase to the dwelling footprint. Provided this property is properly grandfathered, this office does not oppose this variance request.

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 "Julie Roberts".

Julie Roberts  
Natural Resources Planner

cc: AA 243-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: 2007-0059-V

Dear Ms. Schappert:

I have received the above-referenced variance request to allow a dwelling with less setbacks and Buffer than required and with disturbance to slopes of 15% or greater. According to your office, this lot was deeded by residue parcel in 1927. If the lot was recorded by deed but the subdivision was not recorded prior to December 1, 1985, it is not grandfathered and no variances should be issued. If the County determines that this lot is properly grandfathered, we recommend that the deck be eliminated, the footprint reduced, and the dwelling be pulled as close to the front lot line as permitted.

This application states that the proposed impervious surface constitutes only 5% of the total parcel, however, more than  $\frac{3}{4}$  of the parcel is tidal wetlands. Absent a more detailed delineation, it is unclear how much of the tidal wetlands are State-owned versus private wetland. Even if one were to assume the entirety of the tidal wetland is private, only a small portion of the parcel is upland, which means the percent of the impervious cover in the upland is greater than 5%. Since the proposed dwelling will impact the Buffer and steep slopes, we recommend 3:1 mitigation.

Ms. Schappert  
Page 2 of 2  
5/1/2007

Thank you for the opportunity to provide comments. 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 'Julie Roberts', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 1, 2007

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

Re: Sakowski – 2007-0074-V

Dear Mr. Ethridge:

This letter is in response to the above-referenced variance request. The applicant's engineer mistakenly drew a Critical Area line on the plat. After performing a site visit and speaking with the applicant, it was discovered that this property is not in the Critical Area. Therefore, this office has no comment on this request.

Please include this letter in your file and submit it as part of the record for variance. If you have any questions, I can be reached at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 207-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Local Case no. XNL 70041 - Baines

Dear Ms. Dailey:

This office has received the above referenced variance. The applicant proposes to consolidate a contiguous parcel for residential use by adding parcel D-2 of 1.534 acres to parcel D-1 of 5.971 acres for a total of 7.505 acres. Providing parcel D-1 is properly grandfathered, this office does not oppose this request. In addition, the resulting lot should not require the need for a variance to the Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

Julie Roberts  
Natural Resources Planner  
cc: CS 235-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 25, 2007

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

Re: Red House Run Force Main Replacement  
Chesapeake Bay Critical Area Consistency Report

Dear Ms. Esslinger:

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

- The force main repair was due to an emergency repair.
- While the location of the force main 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 information provided addresses this requirement.
- The force main existed within the 100-foot Buffer prior to the adoption of the Baltimore County Critical Area Program; therefore, no feasible alternative exists.
- The Buffer disturbance was temporary and will be minimized to the extent possible. All stone will be removed from the Buffer, except as permitted by either the Inspection and Enforcement Section or Environmental Impact Review Sections of this Department.
- The site will be revegetated with native species at a minimum 1:1 ratio and a planting plan shall be submitted to the County for review by July 31, 2007.
- Per the County, a note shall be added (#17) to the sediment and erosion control plan that says, "Restore stream buffer areas by planting native trees and shrubs in accordance with an approved Critical Area Management Plan. Notify the Environmental Impact Review Section of the Department of Environmental Protection and Resource Management at 410-887-3980 upon completion of planting."

Ms. Esslinger

4/25/2007

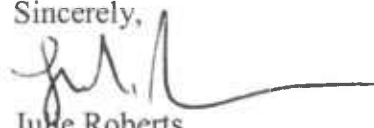
Page 2 of 2

- No additional impervious areas area proposed.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts

Natural Resources Planner

cc: BC 232-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 23, 2007

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

Re: Walker-Thomas – 2007-0065-V

Dear Ms. Cotter:

This letter serves as an amendment to my letter dated April 13, 2007. Pursuant to our conversation, it appears that the after-the-fact deck has been built in the extended Buffer due to slopes of greater than 15%. This information was not shown on the application or the plat.

While this office generally does not oppose modest decks in the expanded Buffer, it does not appear the applicant has demonstrated minimization of impacts to the Buffer or slopes. In addition, it does not appear from the information provided that the deck was constructed to be pervious. Therefore, we cannot support the request as submitted. If the Hearing Officer determines that a request can be granted, we recommend that the deck be built no further than the house to limit any further disturbance to steep slopes.

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,

Julie Roberts  
Natural Resources Planner

cc: AA 215-07





**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/](http://www.dnr.state.md.us/criticalarca/)

April 23, 2007

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

Re: Sheltered Harbor, Stansbury Road

Dear Ms. Esslinger,

Thank you for providing additional information regarding the Sheltered Harbor redevelopment. Per our conversation and the application for the Variation of Standards, the applicant proposes to add two retaining walls as a result of elevating structures for flood protection. The additional impact of these two retaining walls is 272 square feet. This additional square footage increases the total proposed impact to 127,911 square feet, and the applicant has amended their total proposed mitigation to include the additions of these walls. This office has no further comments.

Please include this letter in your file and feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: 146-04







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](http://www.dnr.state.md.us/criticalarea)

April 20, 2007

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

Re: 2007-0066-V

Dear Ms. Cotter:

I have received the above-referenced variance request to allow a dwelling with less setbacks than required. The applicant proposes to remodel their home and add a second story. New information provided by the applicant indicates that there will be a total decrease of impervious surface by 44 square feet. This office supports the removal of impervious surface in the Critical Area and has no comment regarding the setback issues.

Thank you for the opportunity to provide comments. 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,

Julie Roberts  
Natural Resources Planner

cc: AA 216-07





**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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: Alice Byrd Tawes Nursing Home Redevelopment**

Dear Mr. Lackie:

Thank you for forwarding the engineer's response letter and additional information regarding the Tawes Nursing Home redevelopment. I have reviewed the new information and LeAnne Chandler, our Science Advisor, has also looked over the plan and calculations. We have the following comments:

- The submitted plan indicates the scale as 1" = 40' when it is actually 1" = 30'.
- The applicant is proposing to use a rooftop disconnect credit for a large portion of the roof area. We cannot give disconnect credit for the drainage to downspouts 1 through 7. This drainage amounts to approximately 3400 square feet of impervious cover draining to approximately 3600 square feet of area on "D" soils where little infiltration will occur. This will lead to flooding of this area and overflow onto the sidewalks. Downspouts 12 and 13 are questionable as well. The drainage paths shown on the plans are unrealistic. Any drainage path shown must be supported by a matching grading plan. The 10% calculations must be resubmitted.
- It is unclear why the pervious pavers are shown as (.5) impervious. Typically, this office credits at (.4) for pavers. Unless the applicant can provide specifications supporting the use of (.5), this should be corrected to show a 40% void ratio for the paver system.

Mr. Lackie  
4/19/2007  
Page 2 of 2

I look forward to seeing the corrections in subsequent plans. Thank you for the opportunity to comment. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: CF 0139-07



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/](http://www.dnr.state.md.us/criticalarca/)

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-875 -- Blusiewicz

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 1.879 acres of property which is zoned as a Limited Development Area (LDA). The shed the applicant has constructed is 392 square feet and replaces a smaller shed in a similar footprint. The constructed shed is 73 feet from the water.

This office does not oppose the establishment of a replacement shed in the same location as, and no further shoreward than, the previous shed. However, this variance request is for a shed that is larger than the previous shed. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, 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, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a larger shed could have been constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

As indicated, Commission staff is not opposing the applicant's right to replace an existing shed in the Buffer. However, neither the Critical Area Code nor the Somerset County Code have provisions for increasing the size of the shed. A larger sized shed needs to be located outside the Buffer. Aerial maps show that this is possible.

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

This office would not support a similar variance request to build a larger replacement shed in the Buffer. There is sufficient opportunity on this property to construct a new shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

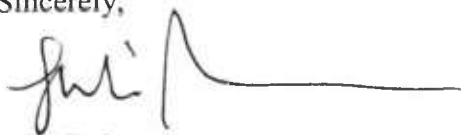
In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in

Mr. Lawton  
4/19/2007  
Page 3 of 3

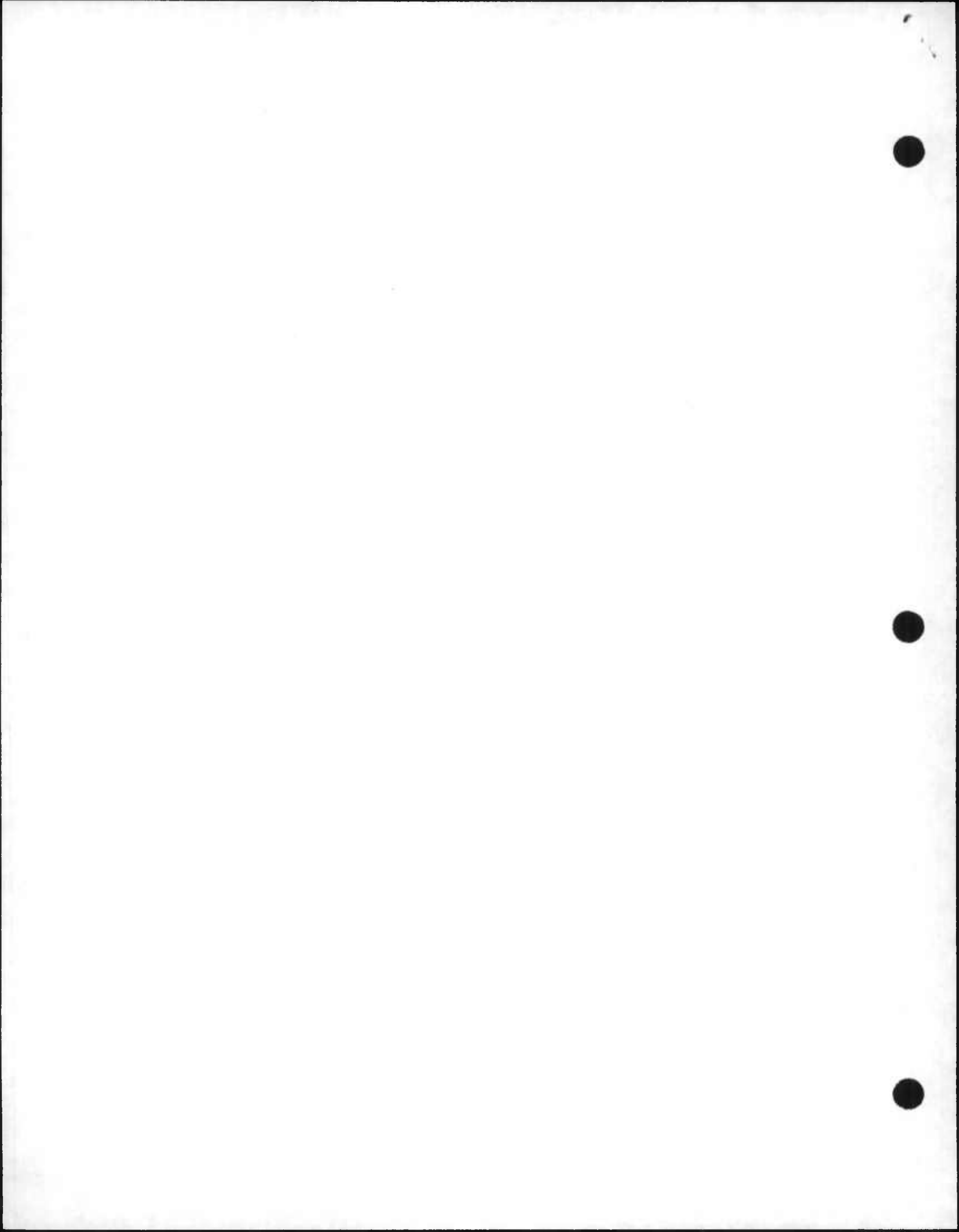
the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie', followed by a long horizontal line extending to the right.

Julie Roberts  
Natural Resource Planner  
cc: SO 224-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

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

**RE: Vandermast Property Subdivision and Growth Allocation**

Dear Ms. Farr:

Thank you for your request for comments on the referenced project and growth allocation request. This project proposes the redevelopment of 20 older shore cottages into 15 single dwelling units. The applicant proposes this redevelopment in an existing Limited Development Area (LDA) and on 18 acres of Resource Conservation Area (RCA) lands that are proposed to be changed to LDA through the use of growth allocation.

General Comments

1. The applicant states that the final Growth Allocation acreage will be determined by the County at the time of Record Plat review. This information must be provided to this office prior to that point. The County may request approval of the anticipated maximum acreage of growth allocation and then modify the acreage when an exact figure is available.
2. The applicant has identified FIDS habitat, the Buffer, and Critical Area easements. It is not clear if any clearing of FIDS habitat is proposed. If any clearing of FIDS habitat is proposed, the application must follow the site design guidelines and fill out a FIDS conservation worksheet. These items may be found in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Critical Area."
3. The proposed LDA has been sited adjacent to an existing area of LDA.
4. The applicant has provided the parcel history for the lots to be abandoned and reconfigured as part of this subdivision.

Tidal Wetlands

5. Two prior letters from Critical Area Commission planners, dated 9/19/05 and 4/19/04, requested additional information about the area of State and private tidal wetlands. It does not appear that

this information has been included in this submittal. This information is necessary because State wetlands cannot be included in the project boundary or used to meet development performance standards.

#### Buffer and Other Habitat Protection Areas

6. The applicant has provided a letter from the Department of Natural Resources dated October 5, 2006 which indicates that there are no records of any rare, threatened or endangered species on this property.
7. It is my understanding that the Baltimore County Program requires that for growth allocation applications, new Intensely Developed Areas and Limited Development Areas in Resource Conservation Areas shall be located at least 300 feet from tidal wetlands or tidal waters. The Program also indicates that "this buffer" can be reduced if it can be shown that greater habitat and water quality benefits could be achieved through other site specific measures. Information provided by the applicant states that, "By allowing a reduction to a portion of the 300' buffer, the over-all water quality and habitat structure will be greatly enhanced as a result of this project." It seems that the applicant believes that because this site had been previously disturbed and because of existing site limitations, the "300-foot buffer" should not be required. The application does not include specific details about the site specific measures on the site that will provide greater habitat and water quality benefits, nor has it been documented that overall water quality and habitat structure will be enhanced. Additional supporting documentation is necessary.

#### Shoreline Access and Piers

8. The applicant has grouped piers on this subdivision where possible and has removed piers from the site plan for lots with steep slopes. It is likely that the Commission will want to review additional information regarding how the construction of 12 individual piers and 12 pathways through the Buffer will minimize the impacts to Habitat Protection Areas.

#### Growth Allocation Guidelines

9. As you are aware, in 2006, the General Assembly amended Section 8-1808.1 of the Natural Resources Article of the Annotated Code of Maryland to address the location and design guidelines for growth allocation projects. The purpose of the legislation was to clarify these guidelines and the Commission's role in evaluating how local governments applied these guidelines. The 2006 amendments also stated that the Commission is charged with reviewing the consistency of proposed growth allocation projects with the overall purposes, policies, and goals of the Critical Area Act and Criteria. As part of the County's review of this growth allocation request, they may wish to provide additional information or supporting documentation that specifically addresses the changes made in 2006. It is likely that the Commission will be closely examining the design guidelines pertaining to adjacency, the 300-foot setback, enhancement of water quality, and impacts to Habitat Protection Areas (HPA) and the defined land uses of the Resource Conservation Area.

The preceding comments represent the review and evaluation of the project plans and documents by Commission staff. As you know, the Critical Area Commission must review and approve all requests

Ms. Farr  
4/19/2007  
Page 3 of 3

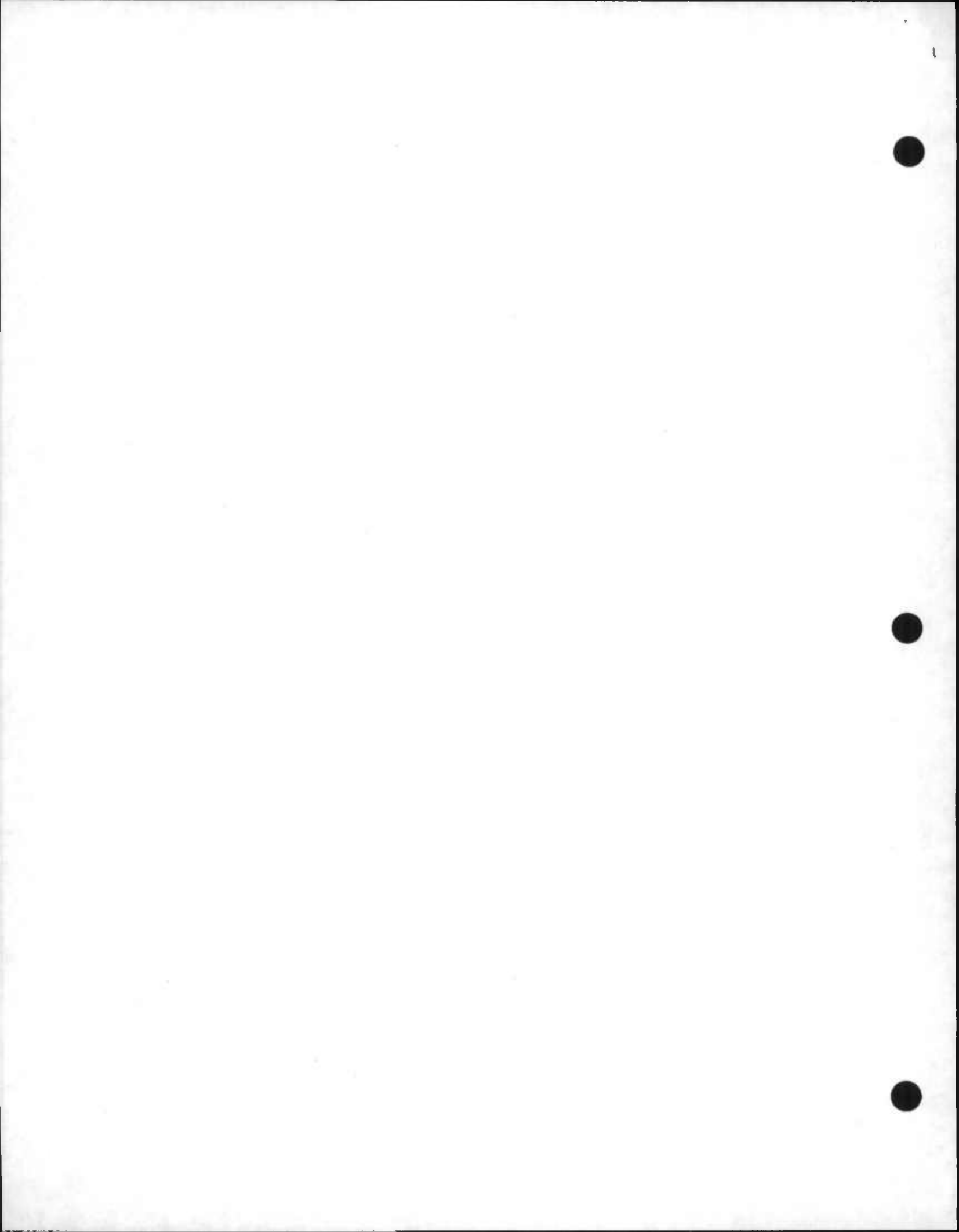
for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this stage in the design. Please contact me if you have any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner

BC 290-04





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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**RE: Alice Byrd Tawes Nursing Home Redevelopment**

Dear Mr. Lackie:

Thank you for forwarding the engineer's response letter and additional information regarding the Tawes Nursing Home redevelopment. I have reviewed the new information and LeAnne Chandler, our Science Advisor, has also looked over the plan and calculations. We have the following comments:

- The submitted plan indicates the scale as 1" = 40' when it is actually 1" = 30'.
- The applicant is proposing to use a rooftop disconnect credit for a large portion of the roof area. We cannot give disconnect credit for the drainage to downspouts 1 through 7. This drainage amounts to approximately 3400 square feet of impervious cover draining to approximately 3600 square feet of area on "D" soils where little infiltration will occur. This will lead to flooding of this area and overflow onto the sidewalks. Downspouts 12 and 13 are questionable as well. The drainage paths shown on the plans are unrealistic. Any drainage path shown must be supported by a matching grading plan. The 10% calculations must be resubmitted.
- It is unclear why the pervious pavers are shown as (.5) impervious. Typically, this office credits at (.4) for pavers. Unless the applicant can provide specifications supporting the use of (.5), this should be corrected to show a 40% void ratio for the paver system.

Mr. Lackie  
April 19, 2007  
Page 2 of 2

I look forward to seeing the corrections in subsequent plans. Thank you for the opportunity to comment. Please feel free to call me with any questions at (410) 260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", with a stylized flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: CF 0139-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 19, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: CA VAR 07-873 -- Maner

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an after the fact shed in the Buffer. The applicant has 20.13 acres of property zoned as Resource Conservation Area (RCA). Much of the property appears to be forested and have wetlands present. This variance is to allow a 360 square foot shed to be built 53 feet from water, within the 100 foot Buffer. This office cannot support this request.

**Structures in the 100-foot Buffer**

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to add additional impervious surface within the 100-foot Buffer. Based on the information provided and aerial maps, it appears that there are other locations outside of the Buffer where a shed can be constructed.

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 variance request lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. I have addressed each of the standards as it pertains to this case:

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

Aerial maps show that although much of this property is forested and has wetlands, that there are other options for placement of this shed. Therefore, the standard of unwarranted hardship has not been met.

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

This office would not support similar variance request to build a shed in the Buffer. There is sufficient opportunity on this property to construct a shed outside of the 100 foot Buffer. Therefore, denial of this variance would not deny the applicant a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

Based on the information provided, the request wholly arises from actions by the applicant. The shed was constructed without approval, and its location disrupts the ability of the 100-foot Buffer to function. This variance request is based on prior construction by the applicant.

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

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the amount of pervious surface in the Buffer. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.



Mr. Lawton

4/19/2007

Page 3 of 3

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

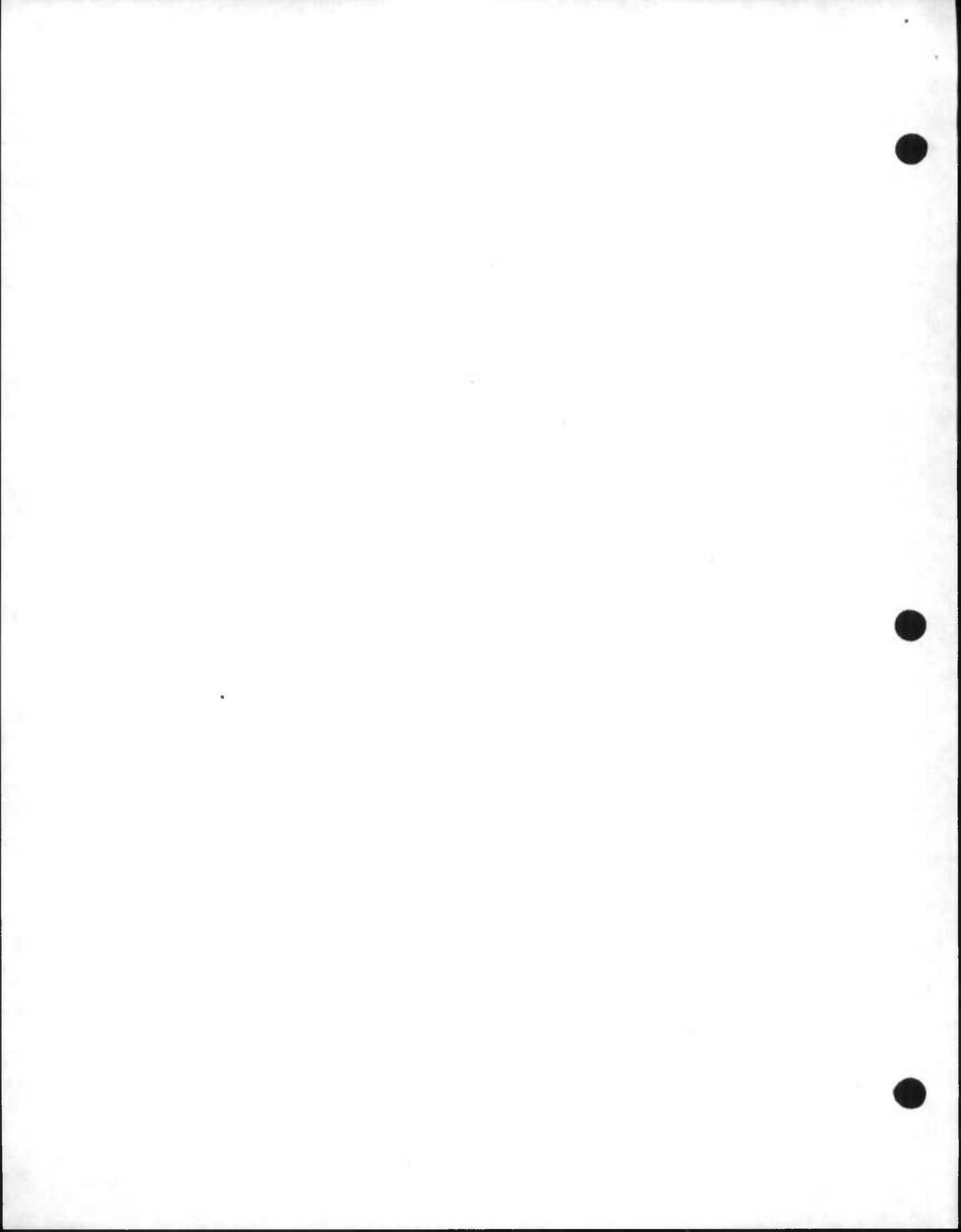
Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie Roberts', followed by a long horizontal flourish.

Julie Roberts

Natural Resource Planner

cc: SO 222-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 16, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: Candland Subdivision Habitat Protection Plan [XRS 04-0062]

Dear Ms. Dailey:

This letter is in response to the most recent information submitted by the engineers. The following points need to be clarified:

**FIDS**

1. The engineers' comment #2 of their 3/19/07 letter states that "required access to Riverside Road were taken out of the FIDS calculations." No portion of the FIDS habitat can be removed from these calculations.
2. The plat submitted shows the calculations for FIDS mitigation requirements. These are not accurate. Pre-development FIDS habitat acreage should be equal to the total lot size. Subsequent calculations should be executed from the initial lot size as well. Please have the engineer resubmit these calculations.
3. Permanent protection in the form of a conservation easement is an acceptable method to meet the remainder of the mitigation requirement for FIDS habitat. However, the CAC guidance for FIDS specifically states that when protection of existing FIDS habitat is selected, it is only given one-half credit due to the fact that all forests in the Critical Area are afforded some protection. Depending upon the acreage necessary to meet this requirement and the plans of the applicant to manage their forested area, some mix of stands may be considered. Equally, if there is no unforested portion of the applicant's property to provide mitigation, this may be done through fee-in-lieu.

**Other comments**

4. It would be helpful for the engineer to provide a clearer legend to differentiate between lot lines, limits of disturbance, etc.

Ms. Dailey  
4/16/2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie" followed by a stylized flourish.

Julie Roberts  
Natural Resource Planner  
CS 324-03



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

April  
~~March~~ 16, 2007

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

Re: Disimone – 2007-0069-V

Dear Ms. Schappert:

I have received the above-referenced variance request. The applicant requests to build a 160 square foot deck with less setbacks than required. It appears that the applicant is below their impervious surface limit. Therefore, this office has no comment on the setback variance.

Thank you for forwarding this variance. 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,

Julie Roberts  
Natural Resources Planner

cc: AA 218-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Bullen – 2006-0307-V

By FAX and mail

Dear Ms. Cotter:

Commission staff were asked to visit the Bullen property and reassess the plan to build a dwelling that will impact steep slopes. We have viewed the property, but have not had the opportunity to walk the site. We have, however, looked at the information submitted last year and as both my letter of March 16, 2007 and Jennifer Lester's letter of September 29, 2006 indicate, stormwater management techniques are necessary for this lot. No information regarding management has been provided except for the plat which shows the proposed stormwater facility to be at the south end of the property. It would seem from the topography of the lot that stormwater would be better managed on both the Kendall Road side of the property near the front of the house and the rear. Any stormwater that leaves the site to the rear of the dwelling can sheet flow through the forested area.

If the Board grants this request, we recommend a condition be added that stormwater management quality and quantity be addressed on both the Kendall Road side of the lot and the other side of the lot. Please include this letter as part of the proceedings on April 17, 2007 and notify the Commission of the decision made in this case. Thank you.

Sincerely,

Julie Roberts  
Natural Resources Planner

cc: Board of Appeals  
AA 602-06

TTY for the Deaf

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







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 13, 2007

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

Re: Plus Properties – 2007-0080-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance for an extension in time for a previously approved variance. The only apparent difference between what was submitted two years ago and now is that the lot in question was previously listed as an Intensely Developed Area (IDA) and is now listed as Limited Development Area (LDA). This office does not oppose this variance request as submitted. I would like to reiterate Critical Area planner Gary Green's comments of July 26, 2005 regarding mitigation of 3:1 for the 53% of wooded area cleared. To the extent possible, these plantings should be done on site before a fee-in-lieu is collected.

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 black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

cc: AA 490-05





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Walker-Thomas – 2007-0065-V

Dear Ms. Schappert:

I have received the above-referenced variance request to build a deck with less setbacks than required. It appears that the applicant already has an approved vegetative management plan in place along the steep slopes. This office does not have any comments regarding the setback variance.

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,

Julie Roberts  
Natural Resources Planner

cc: AA 0145-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 12, 2007

Mr. Thomas Krispin  
Baltimore County DEPRM  
401 Bosley Avenue, Suite 410  
Towson, Maryland 21204

Re: Canaan & Lohr (Burkowski) House – Variance Request

Dear Mr. Krispin:

I have received the above-referenced variance request for review and comment. The applicant proposes to raze the existing house and build a new dwelling unit in a similar footprint. The current impervious surface on the lot is 2,113 square feet, or 5.49%, and the proposed imperviousness is 2,929 square feet, or 7.62%. The applicant proposes to remove Patio B, which is at the edge of the water. A variance is also requested for the addition of a patio attached to the house. Based on the information submitted, I have the following comments:

- The applicant proposes to increase the footprint of the house from 770 square feet to 1030 square feet, an increase of 260 square feet. The house is entirely within the Buffer. Therefore, the applicant must mitigate at a 3:1 ratio for new impervious surface and disturbance.
- It is unclear how much of the proposed gravel driveway is within the Buffer. The portion of new impervious surface and disturbance must also be mitigated at 3:1 ratio. Plantings should be done in the Buffer to the extent feasible.
- Although the applicant does not propose to remove any trees during this process, I want to note that mitigation for trees taken from the Buffer is 3:1, not 1:1, as the plat indicates.

This office does not oppose these variance requests as submitted since the proposed house and porch are no more waterward than the existing dwelling.

Mr. Krispin  
Page 2 of 2  
4/12/2007

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', with a long, sweeping horizontal stroke extending to the right.

Julie Roberts  
Natural Resources Planner  
cc: BC 205-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 9170 Margaritaville Place, Nikki Subdivision, Lot 1  
SFD70075

Dear Ms. Dailey:

Thank you for providing additional information regarding the Nikki Subdivision. This correction adds a forced sewer main through the Buffer as part of the subdivision request. If there is no other alternative, this office does not oppose the placement of the main through the Buffer. This letter is in addition to Critical Area planner Kate Schmidt's letter of January 30, 2007.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts".

Julie Roberts  
Natural Resources Planner  
CS47-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

Mr. Jimmy Sharp  
Wicomico County  
Department of Planning, Zoning, and Community Development  
PO Box 870  
Salisbury, MD 21803-0870

Re: 1714 Riverside Drive

Dear Mr. Sharp:

I have received the plans for the above referenced variance. As we saw during the site visit, the applicant is having significant issues with both underground water sources and a "sloughing off" of the topsoil into the river. These issues are destabilizing the foundation of the house. Based on the site plan, I have the following preliminary comments:

- The limit of disturbance has not been shown on the plan. This office recommends mitigation for the area of disturbance within the Buffer at 3:1 ratio. As far as possible, these plantings should be done in the Buffer.
- The plan provided indicates a 4% ± slope to be created. This is a minimal slope as compared to current conditions. As discussed in the field, the yard should be sloped to the extent feasible to complete the erosion and sediment control, not to provide a flat lawn between the house and the water.
- The wall appears higher than what the engineer proposed in the field.
- The plan does not include information regarding the correction of the erosion issues in the side yard where previous revetment work damaged the slope.
- Strict sediment and erosion control measures must be provided. Super silt fence is recommended until site is fully stabilized with permanent vegetation.

Although these plans show a basic intent to help correct the erosion issues that the applicant is experiencing, they do not provide the level of detail necessary to ensure that the applicant's issue will be resolved. As provided, this office does not oppose this

Mr. Sharp  
4/11/2007  
Page 2 of 2

variance request, but would like the engineer to provide more detailed information regarding the proposed cross-section between the house and retaining wall, as well as a plantings plan.

Thank you for the opportunity to comment. Please feel free to call with any questions concerning the above comments at (410) 260-3476.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 10, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- Although the plat indicates that there are no known threatened or endangered species, the applicant must provide a letter from the Department of Natural Resources Heritage Division to this effect.
- From these preliminary site plans, it cannot be ascertained where the houses will be placed. The Commission staff recommends clustering the houses to the extent possible.
- It appears from the plat that Lot 3 (42.429 acres) has a large section of forested area. This area appears to prime forest interior dwelling birds (FIDS) habitat. Part of this lot is within the Critical Area and part of it is zoned as Agricultural Conservation and is outside of the Critical Area. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat. If the applicant has any questions about how to avoid disturbing this area, he may contact this office or consult the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- The impervious surface estimates submitted are under the 15% limit for these parcels.

Mr. Steve Dodd  
April 10, 2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', followed by a long horizontal line extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



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/](http://www.dnr.state.md.us/criticalarca/)

April 10, 2007

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

Re: Joseph Alexander et al Subdivision  
Local case number 1158

Dear Mr. Dodd:

Thank you for providing the above referenced plan for subdivision. This preliminary site plans indicates that the applicant plans to subdivide 87.721 acres into three separate parcels. Of this area, 73.608 acres are in the Critical Area and zoned as Resource Conservation Area (RCA). Based on the information provided, I have the following comments concerning this site plan.

- Although the plat indicates that there are no known threatened or endangered species, the applicant must provide a letter from the Department of Natural Resources Heritage Division to this effect.
- From these preliminary site plans, it cannot be ascertained where the houses will be placed. The Commission staff recommends clustering the houses to the extent possible.
- It appears from the plat that Lot 3 (42.429 acres) has a large section of forested area. This area appears to prime forest interior dwelling birds (FIDS) habitat. Part of this lot is within the Critical Area and part of it is zoned as Agricultural Conservation and is outside of the Critical Area. The Commission staff supports the protection of FIDS and recommends not disturbing this habitat. If the applicant has any questions about how to avoid disturbing this area, he may contact this office or consult the *2000 Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- The impervious surface estimates submitted are under the 15% limit for these parcels.

Mr. Steve Dodd  
April 10, 2007  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: DC 199-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 6, 2007

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

Re: Salt Grass Point Farms

Dear Ms. Davis:

Thank you for submitting the site plans for the above referenced project. The proposed subdivision includes twelve residences, five of which are in the Critical Area and zoned as Resource Conservation Area (RCA). The total subdivision area is 133.515 acres: total roads = 1.408 acres; total outlots = 39.337; and total lots = 92.770. I have reviewed the information provided and have the following comments:

**Letters**

1. A letter from a Licensed Professional Forester has been provided detailing the conditions of the forest stands present on the property.
2. A letter from the Department of Natural Resources Wildlife and Heritage Division dated December 11, 2006 has been provided.
3. A letter from the Board of Public Works Wetlands Administration has been provided, as well as detailed information regarding the differentiation of state and private tidal wetlands. This information has been incorporated into the applicant's site plans.

**Critical Area Information**

4. Each plat should be checked for consistency regarding acreage. The arithmetic is incorrect on the Critical Area site plan for lot break down. Lots 8-12 in this break down are shown to equal what is the total lot acreage (lots 1-12) of 92.770.
5. The applicant has not included the acreage of uplands, non-tidal wetlands and private tidal wetlands for Outlot A in the Critical Area. It is not clear if this has been included in Critical Area density calculations.

TTY for the Deaf

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

**The calculation of 1-in-20 acre density:**

6. The total Critical Area must be at least 100 acres for 5 lots. Additionally, Critical Area Code section 8-1808.1(e)(ii) indicates that

“a local jurisdiction may permit the area of any private wetlands located on the property to be included, under the following conditions: (that) 1. The density of development on the upland portion of the parcel may not exceed 1 dwelling unit per 8 acres; and 2. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps.” (Worcester Code section NR 3-108(c)(9))

For these purposes only, non-tidal wetlands may be used to meet density requirements. It appears that the applicant has satisfied this density requirement, but plat note should be added which clearly states this information.

7. In regards to Outlot A, a legally binding plat note should be included which prohibits any development on the outlot unless growth allocation is awarded.

**Impervious Surfaces**

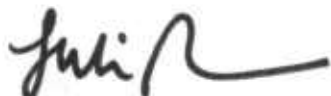
8. The applicant has submitted that impervious area will be limited to 15% or below.

**Piers**

9. Worcester Code NR 3-125 (b) indicates that new private piers or docks shall not extend more than 100 feet in length over State or private wetlands. Given the extensive tidal wetlands along the shorelines of all the proposed lots, we recommend that the applicant provide a community pier with 5 slips. This office will not support variances for private piers on these new lots. Future property owners should be made aware of the pier restrictions.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3476.

Sincerely,



Julie Roberts  
Natural Resources Planner

Cc: WC 171-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 6, 2007

Ms. Awilda Hernandez  
Board of Appeals  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: Mattingly Subdivision Variance – Letter of Clarification

Dear Ms. Hernandez:

I have received a note from the applicant asking for clarification regarding the necessary mitigation for his variance request. After a review of my March 28, 2007, I recognize that there is an inconsistency with the information I provided. *Please have the applicant disregard the statement recommending a 3:1 mitigation for disturbance to steep slopes.* The following point, taken from my original letter stands:

The applicant shows 1:1 mitigation for the 6,240 square feet of removed woodland. As indicated in our previous letter, Critical Area Commission guidance for forest mitigation plantings recommends 1 tree of 2" caliper for every 100 square feet, or 1 shrub for 50 square feet or a credit of 400 square feet for grouped plantings of 1 tree and 3 shrubs. The plat dated December 2006 indicates that the applicant will plant 12 trees to allow for 4,800 square feet or 1 tree to 400 square feet and 36 shrubs to allow for an additional 1,440 square feet. This calculation is incorrect. I have included our *Guidelines for Mitigation Plantings in the Critical Area* as clarification. The applicant can choose how they would like to mitigate. For example, if the applicant chooses to follow the combined tree/shrub plantings, they could plant 16 trees and 48 shrubs to mitigate for clearing at 1:1 ratio.

I believe this letter should clear up the applicant's questions regarding where to plant trees, as it nullifies his need to plant more than he was expecting. I apologize for the confusion. Please let me know if you or the applicant have any further questions.

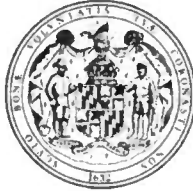
Sincerely,

Julie Roberts  
Natural Resource Planner

Cc: Wes Tomlinson, Ben Dyer Associates

IH673-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 5, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

Re: Building Permit SDF-70155 Cobb Island

Dear Ms. Dailey,


Thank you for forwarding the above referenced project. The applicant proposes to demolish an existing house and build a single dwelling unit in largely the same footprint. This lot is entirely within the Critical Area and the dwelling unit is within a Buffer Exempt Area (BEA). The following points were taken into consideration for this proposed activity:

- The proposed dwelling unit does not appear to be any more waterward than the current dwelling.
- The overall impervious area on the property has decreased from 28.2% to 26.6%, making the property more conforming to the 25% impervious surface level standard.
- The area of impervious surface in the Buffer has increased from 1,507 square feet to 1,591 square feet, or 83 square feet.
- No new development is proposed in the 25 foot Buffer Exemption Area.

Therefore, this office does not oppose the permit to build a new house in a similar footprint as the existing house. We recommend mitigation at a 2:1 ratio for the new disturbance in the Buffer (County Code 297-131.C(4)). If possible, these plantings should be done on site or a fee-in-lieu may be substituted if an appropriate spot cannot be found.

Thank you for providing this opportunity to comment. If you have any questions, I can be reached at 410-260-3476.

Sincerely,

  
Julie Roberts  
Natural Resources Planner

Cc: CS 184-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

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

Re: Variance – Alistair M. Grant

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow construction of a 228 square foot deck in a Buffer Exemption Area. This applicant's property is improved with a dwelling unit, driveway, a pool and patio area in the Buffer. We oppose the variance to build an additional free-standing deck further waterward of the dwelling unit in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the Hearing Officer finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to construct a deck in a Buffer Exemption Area. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 100-foot Buffer and maintain its integrity (Cecil County Code XI.195).

The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

Currently, the lot is developed with a single family home, a pool, and patio area within the Buffer. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the deck as the applicant is able to use the property for residential purposes and current conditions of the property allow for outdoor enjoyment.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. Therefore, denial of a variance for the accessory deck would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

It appears the request is not based upon conditions or circumstances that are the result of the applicant.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. Critical Area law is meant to temper the cumulative effects of development in the Buffer. As this property is already improved with multiple additions in the Buffer, it would not be in the general spirit and intent of Critical Area law to grant this variance.

Mr. Johnson

4/3/2007

Page 3 of 3

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variance to the Buffer.

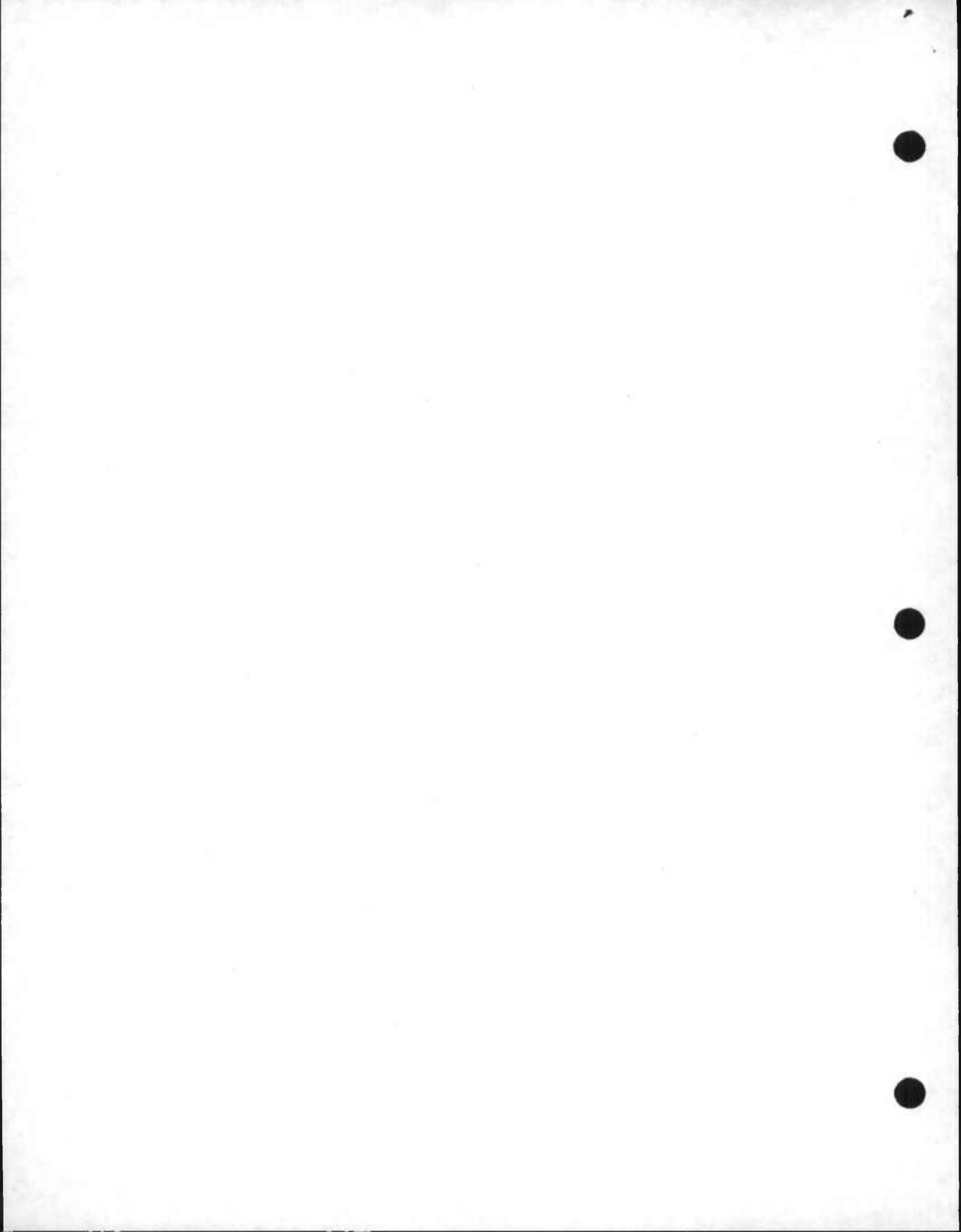
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Roberts", written in dark ink.

Julie Roberts  
Natural Resources Planner

Cc: CE 177-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

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

Re: File #3313 – Variance Mark Kaugman

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to build a 192 square foot gazebo in a Buffer Exempt Area with an associated landscaping plan. Although the information provided by the applicant does not expressly state the distance of the proposed gazebo from Plum Creek, the drawings indicate that the gazebo would be built within feet of the water. This office does not oppose the variance to construct modest additions which are further waterward than the existing dwelling or a deck which is constructed to be and remain pervious. However, we do oppose the variance to build a gazebo in the Buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the Hearing Officer finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to construct a gazebo in a Buffer Exemption Area. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 100-foot Buffer and maintain its integrity

by "minimizing the shoreward extent of impervious surfaces in so far as possible...in no case may such impervious surfaces be extended shoreward of any setback line as defined by existing structures..." (Cecil County Code XI.195.3c).

The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the hearing examiner finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

Currently, the lot is developed with a single family home with a screened in porch. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the gazebo as the applicant is able to use the property for residential purposes.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. No one has the right to construct a new gazebo in the Buffer. Therefore, denial of a variance for the accessory gazebo would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

It appears the request is not based upon conditions or circumstances that are the result of the applicant.

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

Mr. Johnson

4/3/2007

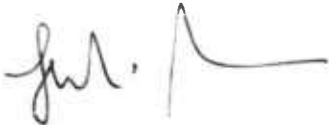
Page 3 of 3

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. I understand that the applicant has provided a landscaping plan meant to minimize the effects of the impervious surface runoff from the proposed gazebo, but given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a gazebo in the 100-foot Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variance to the Buffer.

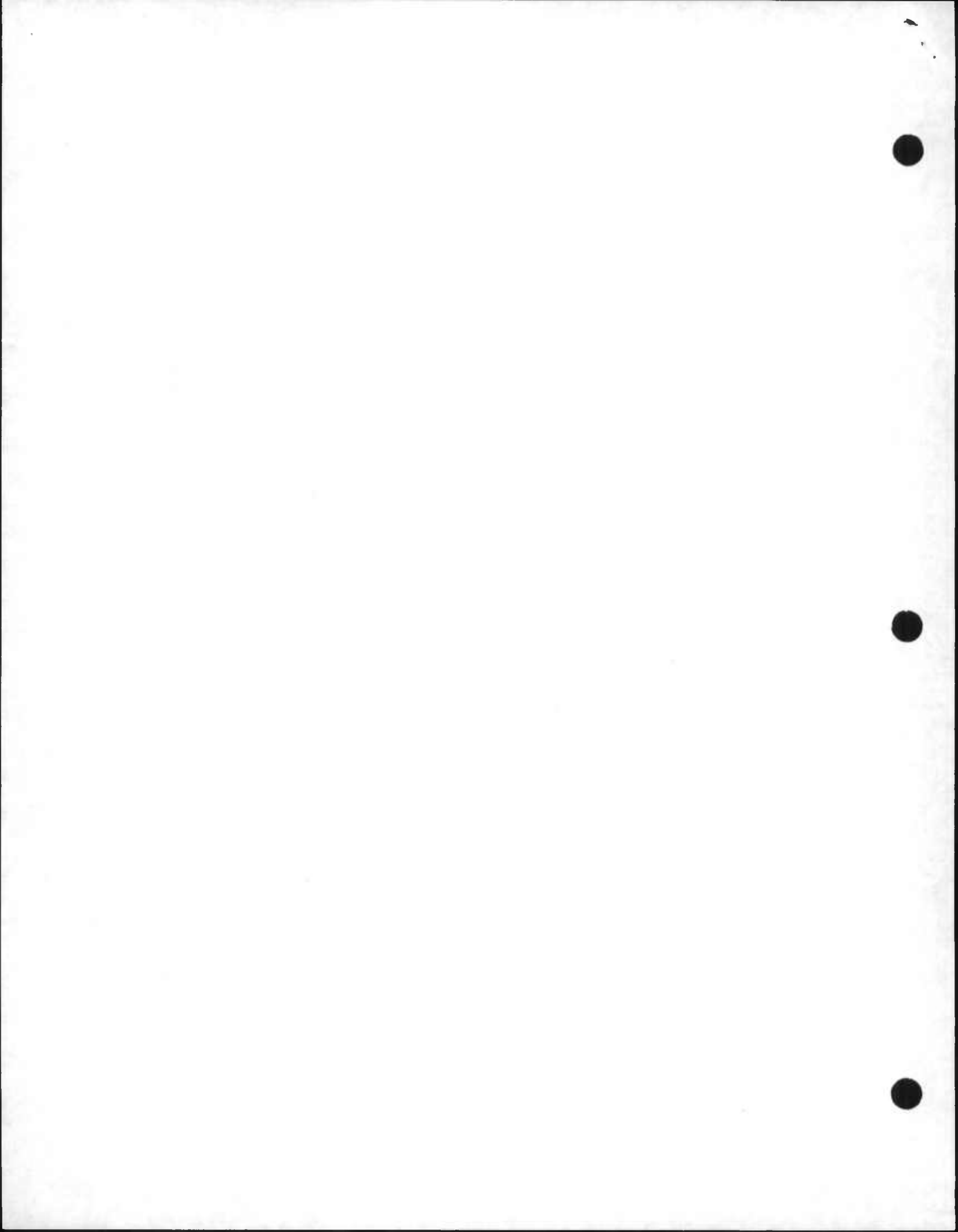
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal flourish extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: CE 176-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 3, 2007

Aimee Dailey  
Charles County Department of Planning and Growth Management  
PO Box 2150  
La Plata, MD 20646

Re: Variance Docket #1183 – Craig Earnshaw

Dear Ms. Dailey:

This office has received the above referenced variance. The applicant proposes to build a septic system for a single family dwelling unit. Given the constraints of the property, the applicant requires a variance to site a septic system within the 100-foot Buffer to a stream. According to the site plans and the engineer, the chosen area for the septic tank is the only suitable location due to percolation issues. Given these constraints and provided the lot is properly grandfathered, this office does not oppose this variance. Any removal of trees should be mitigated at a rate of 3:1. If there is no room on the property to mitigate, a fee in lieu may be substituted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3746.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal flourish.

Julie Roberts  
Natural Resources Planner  
cc: CS 378-06



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/](http://www.dnr.state.md.us/criticalarea/)

June 28, 2007

Ms. Betsy Vennell  
Zoning Assistant  
Town of North East  
P.O. Box 528  
North East, Maryland 21901

RE: North East Isles Lots 98, 99, & 100

Dear Ms. Vernell:

I received a revised set of plans on June 14, 2007 for the above referenced project. The project proposes the construction of three single family dwellings with driveways on grandfathered lots. An access road housing water and sewer lines for the three sites will be constructed and maintained as a private road. In order to provide stability to the road and existing utilities, a retaining wall will be constructed above the proposed revetment. The lots are designated as Limited Development Area (LDA) and entirely within the expanded 100' Buffer for steep slopes. It appears that based on the revisions and information provided the applicant has addressed all of my previous comments.

I have no additional comments to make at this time. I understand that the applicant will apply for a variance for impacts to the expanded 100-foot Buffer and for impacts to steep slopes. Please forward a copy of the variance application to this office for review and comment at that time per COMAR 27.03.03.D.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
NE424-06

Cc: Ms. Mary Ann Skilling, Maryland Department of Planning





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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

Ms. Adrienne Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

RE: Subdivision: Edwin B Fockler; Greenback Road  
TM 35 Block 10 Parcel 130

Dear Ms. Stiffler:

Thank you for providing revised information regarding the above referenced subdivision. The applicant is seeking to create a single lot of 2.23 acres located in the Resource Conservation Area (RCA) to convey as an intra-family transfer. The original parcel is 19.7 acres in size, of which 13.2 acres is in the RCA.

Based on the information provided I have the following comments:

1. A set of notes addressing the forest clearing requirements should be added to the plat. The entire 13.2 acres within the RCA is forested, thus the ultimate clearing restriction of 30% is 1.98 acres. The proposed clearing is 0.78 acres on the 2.23 acre lot leaving 1.2 acres available for additional clearing on the parcel.
2. Based upon my review of aerial imagery for the site, it appears the area is entirely forested and part of a large block of forest that may qualify as Forest Interior Dwelling Species (FIDS) habitat. The parcel must be reviewed by DNR Wildlife and Heritage to determine whether FIDS habitat is present. Please forward a copy of the response letter to this office.
3. If FIDS habitat is present, the applicant must follow the site design guidelines found within the Commission's guidance paper, A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area. Additionally, the applicant must submit a copy of the completed FIDS mitigation worksheet found within the Guidance Document to determine the amount of mitigation required. Mitigation requirements are reduced when the applicant follows all of the guidelines recommended by DNR Wildlife and Heritage and the Critical Area Commission.

4. Given the above, I do not believe it is appropriate at this time to proceed with the proposed Forest Retention Area shown as this may not satisfy the necessary forest mitigation.
5. Note #10 should be revised to include a statement that the lot is being created under the Intra-family Transfer Provisions of Cecil County Zoning Code Section 193.4.b.
6. Note #16 should be revised to include the impervious surface limit of 15% or 14,576 square feet.
7. Note #17 should be revised to state no disturbance shall occur within the Buffer without an approved variance and an approved buffer management plan.

This office would like to state that the intent of the Critical Area Law and Criteria in relation to forested areas is to ensure no net forest loss. Thus, this office does not believe it is appropriate to proffer forest retention areas within the RCA for clearing in excess of the 30% limit. This does not provide for replacement of forest areas as is required to meet the no-net loss goal. While Section 200.6.b(1) allows the Planning Commission or Office of Planning and Zoning to modify the forest replacement requirements, this is only for properly grandfathered lots. There are no provisions within the Cecil County Zoning Code to allow this to occur in the creation of new lots.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
CE 321-06

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/](http://www.dnr.state.md.us/criticalarea/)

June 25, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: 12213 Candle Light Circle  
CP-05-012

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct a single family dwelling in the Limited Development Area (LDA). The site is 13,744 square feet (0.316 acres) in size and located almost entirely within the 100-foot Buffer. The applicant is proposing to disturb 13,744 square feet. **Given the applicant would need to obtain a variance for impacts to the 100-foot Buffer this project meets the notification requirements per COMAR 27.03.01 and requires review and comment by Critical Area Commission staff prior to final approval.**

I have read the correspondence from The Maryland National Capital Park and Planning Commission. Based on the site plan and information contained in the submittal I have the following comments:

1. In 1996, the State legislature amended the Critical Area law to allow greater limits for impervious surface on properly grandfathered lots that are less than 36,000 square feet. For a lot of this size, the impervious surface limit is 31.25% or 4,304 square feet. It appears the applicant is proposing 3,037 square feet of impervious surface, although it is not clear if the applicant is including the proposed paver driveway. Typically, porous pavers may receive some credit. However the credit is never more than 50% and is generally established on a case-by-case basis in coordination with review by this office. Additionally, while the Critical Area Commission encourages the use of BMPs such as pavers to increase stormwater infiltration, they generally do not recommend their use to meet regulatory requirements such as impervious surface limits. It

does appear however that this applicant can meet the 31.25% limit and need not adjust the site plan.


2. Given the proposed activity would occur in the 100-foot Buffer, the applicant would be required to obtain a variance. Provided the lot is properly grandfathered, this office would not oppose a variance for a dwelling. We recommend impacts be minimized to the maximum extent possible and that mitigation at a ratio of 3:1 is provided for the area of disturbance within the 100-foot Buffer. Under COMAR 27.03.01; this office must receive notification of the variance application once it has been filed for review and comment.

3. In addition to the mitigation for impacts to the 100-foot Buffer, the applicant must provide additional mitigation for clearing of the existing developed woodland. The plan indicates the applicant is clearing nearly 100% of existing forest and planting 9 trees to meet the 15% afforestation requirement. Rather than afforestation at 15%, the applicant must provide 3:1 mitigation for clearing over 30% of existing woodland. Therefore, an additional mitigation of 30,934 square feet (33,000 sq ft owed – 2,066 sq. ft. of on-site) is required. If the applicant selects a fee-in-lieu option, the County must replant an equal area of forest loss.

4. This office would like to make an additional comment regarding calculations for forest and developed woodland mitigation. The Forest Mitigation Guidance Paper developed by the Critical Area Commission may be found on our website. The guidance recommends different mitigation credits than typical Forest Conservation credits. Essentially, a 2-inch caliper overstory tree, such as an oak, would receive 100 square feet of credit for forest mitigation. Seedlings and shrubs receive 50 square feet of credit. However, a group of one overstory tree with either 2 small trees or 3 shrubs may receive a higher credit of 400 square feet of mitigation. The intent of the higher credit for these groupings is to provide a more diverse vegetative habitat.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Kate Schmidt  
Natural Resources Planner

cc: PG 330-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 21, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: 12331 Hatton Point Road  
CP-89023/01

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct an addition to an existing single family dwelling in the Limited Development Area (LDA). The site is 81,274 square (1.865 acres) in size and limited to 12,191 square feet impervious surface. Existing impervious surface is 15,497 square feet and the applicant is proposing a 2,485 square foot addition. Additionally, it appears work would occur in the 100-foot Buffer which should be expanded for steep slopes. **Given the applicant would need to obtain a variance for impacts to the expanded 100-foot Buffer and to exceed impervious surface limits this project meets the notification requirements per COMAR 27.03.01 and requires review and comment by Critical Area Commission staff prior to final approval.**

I have read the correspondence from The Maryland National Capital Park and Planning Commission. Based on the site plan and information contained in the Environmental Planning report I have the following comments:

1. It appears the 100-foot Buffer crosses steep slopes on the south side of the property and would need to be expanded four feet for every one percent increase of slope. My estimate is that the 100-foot Buffer line crosses 40% slopes, thus the Buffer would need to be expanded 160 feet to 260-feet. The proposed activity would require a variance to the expanded 100-foot Buffer.
2. The 15% impervious surface for this property is 12,191 square feet. The site plan

indicates existing impervious surface is 15,497 square feet. The site plan should provide a break-out of all existing and proposed impervious surface areas including house, driveway, and any other existing or proposed structures. The proposed addition will require a variance to impervious surface limits.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Planning Commission must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented. Given that the property owner already enjoys reasonable use of the property, Commission staff does not believe this standard can be met.

3. Based on comments included in the Environmental Planning memo, it appears staff cannot support a variance and may recommend the applicant reduce impervious surface or lot coverage to meet the 15% impervious surface limit. This office would like to advise the County that this requirement should be met by removing existing surfaces versus replacing existing surfaces with partially pervious material. In the LDA and RCA, the Commission encourages the use of BMPs to increase the infiltration of stormwater runoff. However, using these materials for meeting regulatory purposes, such as meeting the 15% impervious surface limit, is a different question. The underlying purpose of limiting impervious surface in the LDA and RCA is **not only** to reduce water quality impacts, but also to provide habitat protection.

4. Should the applicant apply for a variance to the impervious surface or expanded 100-foot Buffer a copy of the variance applicant must be forwarded to this office for review and comment per COMAR 27.01.01.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,



Kate Schmidt  
Natural Resources Planner  
cc: PG 331-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 21, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: 14412 Leonard Creek Calvert Drive  
CP-06-005

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct a single family dwelling in the Limited Development Area (LDA). The site is 3.89 acres in size and limited to 25,417 square feet impervious surface. The applicant is proposing 4,524 square feet of impervious surface and to clear 26,571 square feet of existing forest. **Due to the site disturbance exceeding 15,000 square feet in an LDA, this project meets the notification requirements per COMAR 27.03.01 and requires review and comment by Critical Area Commission staff prior to final approval.**

I have read the correspondence from The Maryland National Capital Park and Planning Commission. Based on the site plan and information contained in the Environmental Planning report I have the following comments:

1. Woodland conservation requirements do not apply in the Critical Area. The applicant must mitigate for all proposed forest clearing per COMAR 27.01.02.04(3) which states that all clearing up to 20% of existing developed woodland must be mitigated at a ratio of 1:1 and all clearing more than 20% and up to 30% must be mitigated at 1.5:1. Any clearing over 30% must be mitigated at 3:1. At a minimum, the site must meet the 15% afforestation standard. The submitted plan must demonstrate the ability of the applicant to meet the mitigation requirements. If the applicant selects a fee-in-lieu option, that program must replant an equal area of forest loss.
2. The site plan indicates 26,571 square feet of 164,221 square feet of existing woodland

Cecilia Lammers  
CP-06-005  
Page 2 of 2

will be cleared, or approximately 15.6 percent. This amount of proposed clearing will require 1:1 mitigation. This office recommends as much on-site forest planting be provided as possible prior to use of the fee-in-lieu option.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: PG 329-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 21, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: 1101 Sandy Bar Drive  
CP-06-008

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct a single family dwelling in the Limited Development Area (LDA). The site is 40,103 square feet in size and limited to 6,015 square feet impervious surface. The applicant is proposing 3,520 square feet of impervious surface and to clear 11,000 square feet of existing forest. The limit of disturbance is 11,000 square feet. Because the site disturbance is less than 15,000 square feet in an LDA, this project does not meet the notification requirements per COMAR 27.03.01 and does not requires review and comment by Critical Area Commission staff prior to final approval.

Given that I have received a copy of the application, I would like to offer the following comments:

1. Woodland conservation requirements do not apply in the Critical Area. The applicant must mitigate for all proposed forest clearing per COMAR 27.01.02.04(3) which states that all clearing up to 20% of existing developed woodland must be mitigated at a ratio of 1:1 and all clearing more than 20% and up to 30% must be mitigated at 1.5:1. Any clearing over 30% must be mitigated at 3:1. At a minimum, the site must meet the 15% afforestation standard. The submitted plan must demonstrate the ability of the applicant to meet the mitigation requirements. If the applicant selects a fee-in-lieu option, that program must replant an equal area of forest loss.
2. The site plan indicates 11,000 square feet of 40,103 square feet of existing woodland will

Cecilia Lammers  
CP-06-008  
Page 2 of 2

be cleared, or approximately 27 percent. This amount of proposed clearing will require 1.5:1 mitigation, or 16,500 square feet. This office recommends as much on-site forest planting be provided as possible prior to use of the fee-in-lieu option.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: PG 328-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 21, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Treasure Cove  
Conservation Plan 05-009

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct a single family dwelling in the Limited Development Area (LDA). The site is 18,779 square feet and total disturbed area is proposed to be 16,000 square feet. **Due to the site disturbance exceeding 15,000 square feet in the LDA, this project meets the notification requirements per COMAR 27.03.01 and requires review and comment by Critical Area Commission staff prior to final approval.**

I have read the correspondence from The Maryland National Capital Park and Planning Commission and concur with the comments in regards to Critical Area issues. My remaining comments are outlined below:

1. We recommend a table be added to the final plat indicating the total allowable impervious area and developed woodland or forest clearing. It appears the applicant is at or near the 25% impervious surface limit and we recommend the applicant limit the proposed impervious area to allow for future activities. Typically, the Commission considers gravel areas, including driveways to be impervious.
2. Woodland conservation requirements do not apply in the Critical Area. Instead, the applicant must mitigate for all proposed forest clearing per COMAR 27.01.02.04(3) which states that all clearing up to 20% of existing developed woodland must be mitigated at a ratio of 1:1 and all clearing more than 20% and up to 30% must be mitigated at 1.5:1. Any clearing over 30% must be mitigated at 3:1. At a minimum, the

Cecilia Lammers  
CP-05-009  
Page 2 of 2

site must meet the 15% afforestation standard. The submitted plan must demonstrate the ability of the applicant to meet the mitigation requirements. If the applicant selects a fee-in-lieu option, that program must replant an equal area of forest loss.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: PG 333-07

Cecilia Lammers

CP-07-001  
Martin O'Malley  
Gov. Page 1 of 2

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/](http://www.dnr.state.md.us/criticalarea/)

June 21, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: Tantallon North  
Site Plan 07-001

Dear Ms. Lammers:

This office has received the above-referenced site plan for review and comment. The applicant is proposing to construct a single family dwelling in the Limited Development Area (LDA). The site is 20473.2 square feet (0.47 acres) and total disturbed area is proposed to be 17,700 square feet. **Due to the site disturbance exceeding 15,000 square feet in an LDA, this project meets the notification requirements per COMAR 27.03.01 and requires review and comment by Critical Area Commission staff prior to final approval.**

I have read the correspondence from The Maryland National Capital Park and Planning Commission and concur with the comments in regards to Critical Area issues. My remaining comments are outlined below:

1. We recommend a table be added to the final plat indicating the total allowable impervious area and developed woodland or forest clearing. It appears the applicant is at or near the 25% impervious surface limit and we recommend the applicant limit the proposed impervious area to allow for future activities. Typically, the Commission considers gravel areas, including driveways to be impervious.
2. Woodland conservation requirements do not apply in the Critical Area. The applicant must mitigate for all proposed forest clearing per COMAR 27.01.02.04(3) which states that all clearing up to 20% of existing developed woodland must be mitigated at a ratio of 1:1 and all clearing more than 20% and up to 30% must be mitigated at 1.5:1. Any

clearing over 30% must be mitigated at 3:1. At a minimum, the site must meet the 15% afforestation standard. The submitted plan must demonstrate the ability of the applicant to meet the mitigation requirements. If the applicant selects a fee-in-lieu option, that program must replant an equal area of forest loss.

3. It appears the proposal will clear 16,415 square feet or 82% of existing forest area. Thus the mitigation requirement is 49,245 square feet. The reforestation plan shows 21 overstory trees of 2-inch caliper (*Acer rubrum*) and 21 understory trees of 1-inch caliper (*Ilex opaca*). The Critical Area Commission's Forest Mitigation Guidance paper recommends 100 square feet of credit for every 2-inch caliper overstory tree and 50 square feet of credit for every understory tree OR 400 square feet of credit for a combination of one (1) understory tree and two (2) understory trees. As currently shown, the applicant's proposed planting plan would provide 5,150 square feet of mitigation. This will meet the minimum 15% afforestation requirement however the applicant is still required to pay for 44,095 square feet through fee-in-lieu.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3475 if you have any questions.

Sincerely,



Kate Schmidt  
Natural Resources Planner

cc: PG 332-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

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

Re: Sypher Subdivision  
Mill Cove Road & Sypher Road

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing a major subdivision of 25 single family homes and 23 townhouses on a 11.723 acre portion of Tax Map 27, Block 24, Parcel 10 which totals 39 acres. The proposal also includes a 1.157 acre waterfront portion of Parcel 10 for a pier, gazebo, stairs and open space amenities. These two portions lie completely within the Critical Area and are designated as Limited Development Area (LDA). The remainder of Parcel 10 is not completely shown on this plan; however it appears a significant portion of the 39 acres (at least 15 acres) lies within the Resource Conservation Area (RCA) overlay.

Based on the information provided I have the following comments:

1. Parcels divided by public roads are in fact separate parcels. Thus, the applicant may not combine acreage across portions of Parcel 10 to achieve higher development standards and each project component must be treated as a separate parcel.
2. General Note #16 is incorrect. Section 41.5.3.i(2) of the St. Mary's Comprehensive Zoning Ordinance (CZO) states that while lots of one acre or less in size for new subdivisions may not exceed 25% impervious surface, the impervious surface of the entire subdivision may not exceed 15%. The applicant is limited to 1.758 acres of impervious surface on the 11.723 acre portion. Additionally, the applicant must be able to demonstrate the proposed townhome lots can meet the 25% impervious surface limit.
3. The 100-foot Buffer expanded for steep slopes and/or highly erodible soils must be shown on the site plan. At this stage, it appears the applicant is proposing a pier, stairs, and a gazebo on the waterfront parcel, which may be located in the Buffer. Any proposed activity must be able to meet the standards provide in Section 71.8 of the CZO, which allow water access but prohibit new development activities and impervious surfaces within the expanded 100-foot Buffer without a variance.

4. All other development standards should also be revised for the individual parcels, such as existing forest area and proposed forest clearing. The applicant may not clear more than 30% of existing forest on the 11.723 acre parcel without a variance.
5. The applicant will need to incorporate any recommendations from the Department of Natural Resources Wildlife and Heritage Division.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM 288-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

The Honorable Dennis J. Scheessele  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: River Watch at Indian Head Growth Allocation Approval Conditions

Dear Mayor Scheessele:

In November of 2004, the Critical Area Commission approved with ten (10) conditions the growth allocation request for River Watch at Indian Head. Since that time, many of those conditions have been satisfied. This letter is to update you on the status of the fulfillment of those conditions and to remind you of those that will require an ongoing commitment from the Town. The status of these conditions are as follows:

1. Condition # 1 – *Revised plats showing the 100-foot stream Buffer and including protective notes will be recorded to replace those currently recorded prior to the sale of any affected lots. A copy of the revised, recorded plats shall be provided to the Commission. Condition Satisfied.*
2. Condition #2 – *Buffer Management Plans for the individual lots (Lots 1 through 14 on River's Edge Terrace and for the community-owned and Town-owned open space shall be submitted for review and approval by the full Commission within 90 days of the date of this letter. The Buffer Management Plan shall be implemented, or recorded and bonded, within two years or prior to the issuance of Certificates of Occupancy for each lot, whichever comes first. Potential lot purchasers shall be advised of the location of the 100-foot Buffer and the requirements of the Buffer Management Plan. Condition Satisfied on June 5, 2007.*
3. Condition #3 – *When accessory structures are proposed on any lot greater than 6,000 square feet, disconnection of rooftop run-off and appropriate supplemental treatment practices shall be required. **Condition On-going.** It is the Town's responsibility to ensure all structures, including prefabricated sheds, decks, gazebos, or other structures meet this requirement as they are proposed.*

4. Condition #4 – *The U.S. Army Corps of Engineers' restoration activity notice dated November 7, 2001 will be accepted and implemented.* Condition Satisfied.
5. Condition #5 - *The areas cleared will be allowed to naturally regenerate, including the area of the existing roadbed. If necessary, all or portions of the roadbed and related appurtenances will be removed to facilitate natural regeneration.* **Condition On-going.** It is the Town's responsibility to ensure no further activities occur in this area beyond the proposed future trail and boardwalk system.
6. Condition #6 – *The Town will convert the existing nontidal wetland system to its former inter-tidal condition by restoring 0.5 acres of wetland located at the mouth of the tributary stream. The restoration will consist of planting appropriate native species, removal of trash and debris, and re-establishment and stabilization of a tidal connection to the Potomac River. A detailed restoration plan will be submitted to the Commission for review and approval within one year.* **Condition Not Satisfied.** Please provide an update to the Commission as to Town's intentions to complete this condition.
7. Condition #7 – *The shore erosion control and boardwalk project on the Town-owned portion of the site will be referred to the Commission as local government projects in the future and will comply with the Critical Area law and criteria of the Town's adopted Critical Area Program.* **Condition On-going.** Preliminary plans have been provided to the Commission for review and comment. Once final plans have been completed, they will need to be submitted to the Critical Area Commission per the requirements of the Town's Zoning Ordinance.
8. Condition #8 – *The Town will execute a maintenance agreement with the developer regarding the maintenance of the stormwater management facilities.* **Condition On-going.** The agreement should include provisions for the stormwater management pond, the infiltration area located in the common area, and the disconnected French drains that will lead to small rain gardens.
9. Condition #9 - *The open space area conveyed to the Town shall be restricted to passive recreation uses only and appropriate deed restrictions shall be recorded.* Condition Satisfied. Please note that while residents may desire additional parking in some open space areas, this condition and stormwater management site constraints do not allow additional parking in these areas without further consideration by the Commission.
10. Condition #10 – *Within 90 days of the date of this letter (November 18, 2004) the Town shall send to the Commission an adopted resolution or some other official act of the Town accepting the conditions of the Critical Area Commission's approval of the growth allocation and clearly expressing their intent to implement and enforce these conditions.* Condition Satisfied.

Honorable Dennis J. Scheessele

June 18, 2007

Page 3 of 3

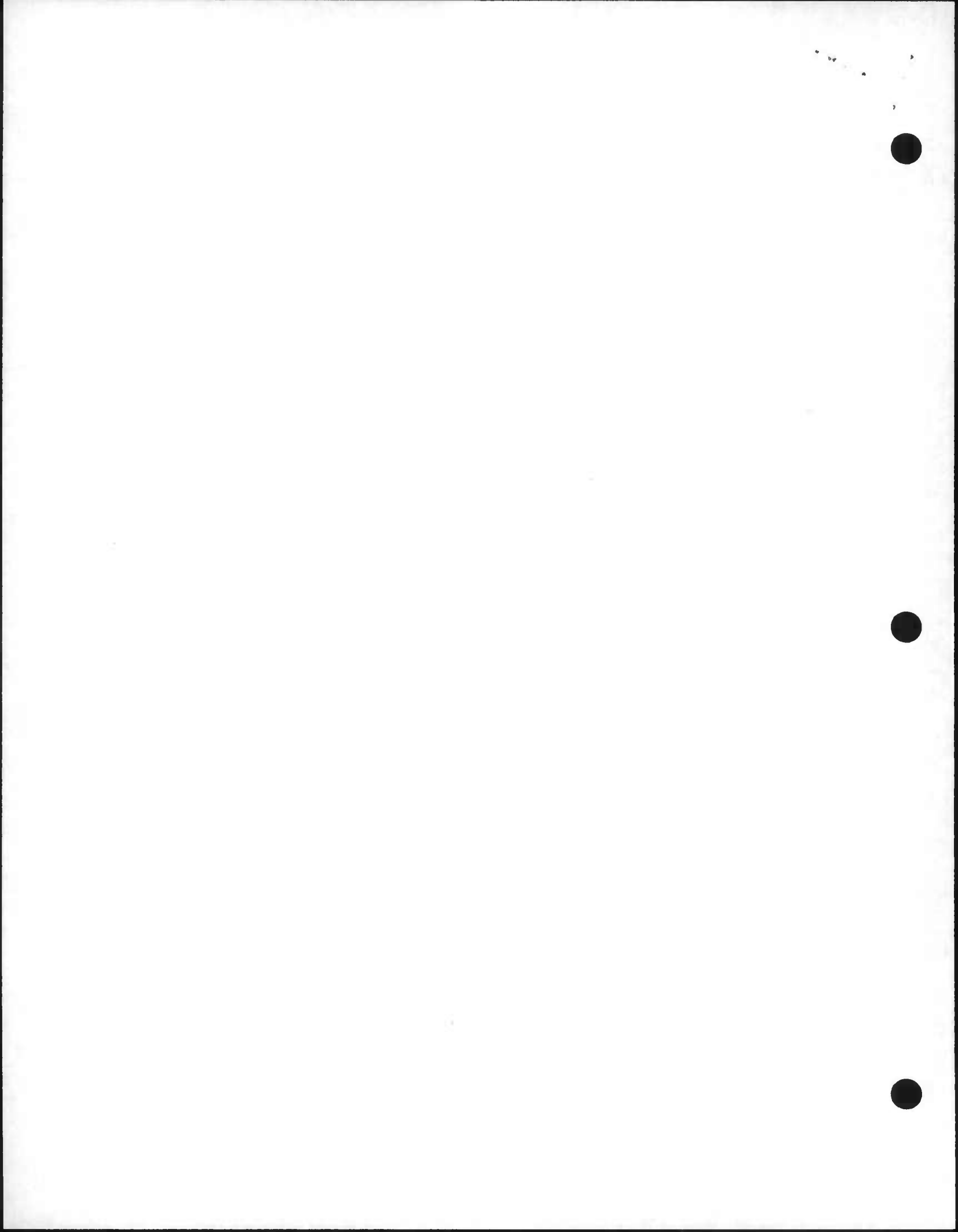
In order to ensure continued communication regarding these issues, we would like to request that the Town provide a status update of the above on-going conditions. The Critical Area Commission staff looks forward to continuing to work with the Town of Indian Head to ensure continuing compliance of the River Watch development and to assist the Town in achieving its public water access goals. If you have any questions about the contents of this letter please feel free to contact me at (410) 260-3475 or Mary Owens at (410) 260-3480.

Sincerely,



Kate Schmidt  
Natural Resources Planner

Cc: Mr. Ryan Hicks, Town Manager  
Mr. Ken Lauer, Centex Homes  
Ms. Julie Roberts, Critical Area Commission



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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

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

Re: Parlett Farm East Lot 3 – 2 Lot Minor Subdivision  
07-110-063

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing to subdivide part of Lot 3 of the Parlett Farm East subdivision into two lots. Currently Lot 3 is 24.006 acres in size and designated as Resource Conservation Area (RCA). The applicant wishes to create Lot 500-3A at 1.5 acres and Lot 500-3B at 22.506 acres. Both proposed lots are developed with a single family dwelling.

Based on the information provided I have the following comments:

1. It appears this request is after-the-fact to rectify a non-conforming situation that was allowed to occur when the house on the peninsula was constructed in 2002. Based on conversations with St. Mary's County staff it appears a condition of the construction of the 2002 dwelling was to remove the existing dwelling located on Proposed Lot 500-3B. This office recommends that the applicant satisfy the condition of removing older dwelling unit and remove the need to obtain growth allocation.
2. Should the applicant pursue the growth allocation request, the request must meet all the provisions of CZO Section 41.9, including all location criteria (as modified by the 2006 Critical Area law amendment) and all design criteria. Section 41.9.3.d states that when growth allocation is permitted in the RCA, not adjacent to IDA or LDA (as in this instance), the applicant will be required to cluster the development and provide for resource enhancement in the design of such development. It does not appear that the current configuration meets this request.
3. The Critical Area Law was amended in 2006 and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's

application of these guidelines must be provided as a part of the growth allocation request. These guidelines are provided below:

When locating new Intensely Developed or Limited Development Areas the County shall use these guidelines:

- (1) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;
  - (2) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
  - (4) No more than one-half of the County's allocated expansion may be located in Resource Conservation Areas except as provided in paragraph (9) below;
  - (5) Locate a new Limited Development Area or Intensely Developed Area in a manner that minimizes impacts to Habitat Protection Area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
  - (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
  - (7) Locate a new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
  - (8) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program subject to review and approval by the County Planning Commission, the County Commissioners and the Critical Area Commission. .
4. Application made to the Critical Area Commission for approval of growth allocation should include a conservation plan and conceptual development plan to determine whether all LDO development standards can be achieved.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

SM 287-07

**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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

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

Re: Fairfield – 2 Lot Minor Subdivision & Boundary Line Adjustment  
07-110-046

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing a two-lot minor subdivision of Parcel X and boundary line adjustment for Lot 500-1. The total site area is 20.38 acres of which 17.065 acres is within the Critical Area and designated as Resource Conservation Area. Lot 500-1 is 3.156 acres in size and currently developed with a single-family dwelling. Proposed Lot 2 would be 1.646 acres and Lot 3 would be 15.568 acres.

Based on the information provided I have the following comments:

1. Per St. Mary's Comprehensive Zoning Ordinance Section 41.6.4, residential density may not exceed one dwelling unit per 20 acres. Thus, in order to proceed with the subdivision request, the applicant must obtain Growth Allocation for the entire Critical Area acreage of 17.065 acres to change the Critical Area designation from RCA to LDA from the Board of County Commissioners. If approved by the Board of County Commissioners, the request must then be reviewed and approved by the Critical Area Commission.
2. In order to obtain growth allocation, the request must meet all the provisions of CZO Section 41.9, including all location criteria (as modified by the 2006 Critical Area law amendment) and all design criteria. Section 41.9.3.d states that when growth allocation is permitted in the RCA, not adjacent to IDA or LDA (as in this instance), the applicant will be required to cluster the development and provide for resource enhancement in the design of such development. It does not appear that the current configuration meets this request.
3. The Critical Area Law was amended in 2006 and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's

application of these guidelines must be provided as a part of the growth allocation request. These guidelines are provided below:

When locating new Intensely Developed or Limited Development Areas the County shall use these guidelines:

- (1) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;
  - (2) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
  - (4) No more than one-half of the County's allocated expansion may be located in Resource Conservation Areas except as provided in paragraph (9) below;
  - (5) Locate a new Limited Development Area or Intensely Developed Area in a manner that minimizes impacts to Habitat Protection Area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
  - (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;
  - (7) Locate a new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
  - (8) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program subject to review and approval by the County Planning Commission, the County Commissioners and the Critical Area Commission. .
4. Application made to the Critical Area Commission for approval of growth allocation should include a conservation plan and conceptual development plan to determine whether all LDO development standards can be achieved.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

SM 286-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 15, 2007

Mr. Reggie Graves  
Wetlands and Waterways Program  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Tidal Wetlands Application 07-GL-1686; Amtrak  
Cecil County

Dear Mr. Graves:

Thank you for providing a copy of the above referenced permit application for review and comment. This is an emergency application to repair an eroding bank above which is located the Amtrak rail line along the North East River. The applicant is seeking to repair the railroad bed and install shoreline revetment over 390 linear feet as a temporary emergency fix. Additional work may occur in the future once a comprehensive geo-technical study has been completed. I have the following comments:

1. Extensive disturbance is proposed to the 100-foot Buffer as a result of the necessary stabilization. All disturbances should be mitigated at a ratio of 1:1. Replacement ratios may be calculated per Critical Area guidance where one 2-inch caliper tree equals 100-square feet and 1 shrub equals 50-square feet. A higher credit of 400-square feet may be given for a mix of one tree and three shrubs. Plantings should be of native species.
2. Plantings should occur in the 100-foot Buffer.
3. It appears future work may be considered by Amtrak in this area. Due to the presence of the watch-list species, I recommend coordination with DNR Wildlife and Heritage regarding potential management strategies that may be adopted at that time.
4. The proposal may need to be reviewed by Cecil County Division of Planning and Zoning to ensure the Buffer is replanted.

Thank you for the opportunity to provide comments. If you have any questions, please call me at

(410) 260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Joe Johnson, Cecil County  
Ms. Lori Byrne, 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/](http://www.dnr.state.md.us/criticalarea/)

June 14, 2007

Mr. Reggie Graves  
Wetlands and Waterways Program  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Tidal Wetlands Application 07-GL-1424  
Cecil County

Dear Mr. Graves:

I have reviewed the Joint Public Notice for the above referenced project and have the following comments:

This application involves the construction of a stone groin 8-feet wide by 50-feet long, 100 feet of stone revetment, and a 50-foot long by 12-foot wide concrete boat ramp. The applicant currently has the use of a pier. In reference to the proposed groin and revetment, and in accordance with Cecil County Critical Area regulations, structural shore erosion control measures should only be used in areas where nonstructural measure would be impractical and ineffective. Impacts to the 100-foot Buffer for the proposed revetment should be minimized and any disturbance should be mitigated at a 1:1 ratio.

Access through the Buffer should be limited to a single point. The applicant already enjoys the use of a pier on this property; therefore this office does not believe the boat ramp should be permitted. Given there are already impacts to the 100-foot Buffer from the pier access, the addition of the boat ramp would increase those impacts. Additionally, the applicant has access to a boat ramp facility at nearby Elk River State Park.

At a minimum, should MDE issue a permit for the boat ramp, the applicant must obtain a variance from the Cecil County Board of Appeals for impacts to the 100-foot Buffer and mitigation provided. This office does not believe the applicant can meet the required variance standards. The applicant should be advised of this requirement and contact Mr. Joe Johnson at the Cecil County Planning and Zoning Office for further information at (410) 996-5220.

Thank you for the opportunity to provide comments. If you have any questions, please call me at (410) 260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

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

Re: BA 23-07V (2006-0454V)  
Virginia Gutierrez

Dear Mr. Fury:

I have received notice of a public hearing on the above referenced case before the Board of Appeals on June 26<sup>th</sup>. This is an appeal from the decision of the Administrative Hearing Office to deny a variance to perfect a retaining wall, garden wall and step with less Buffer than required and greater impervious surface than allowed. My comments made to you on February 9, 2007 remain the same and are attached to this letter.

Thank you for continuing to coordinate with this office. Please include this letter in your file and submit it as part of the record of this variance. Also, please notify the Commission in writing of the decision made in this case. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner  
AA53-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

Mr. Stephen E. Crowell  
VIKA Incorporated  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

Re: Mid-Atlantic PPV  
Lowell Cove – Residential Redevelopment Plan  
BIKE #6850B

Dear Mr. Crowell:

Thank you for providing copies of the proposed redevelopment plan for the Lowell Cove residential units located on the Patuxent Naval Air Station in St. Mary's County. The proposed project will construct 169 new residential units. A small portion of the site is located within the Critical Area. Based upon my initial review of the information provided, it would appear that the portion of site area in the Critical Area would be considered "intensely developed". Therefore, the 10% pollutant reduction rule for the portion located within the Critical Area would apply. In order to determine that this project on Federal lands is consistent with the Maryland Critical Area Law and Criteria in the Code of Maryland Regulations, the following information should be provided:

- Portion of site area within Critical Area Boundary indicated on site plan, including acreage
- 10% pollutant reduction rule calculations for the Critical area portion

Thank you for coordinating with us on this project. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

13-07

cc: Mr. Eldar Ghigarelli, MDE





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/](http://www.dnr.state.md.us/criticalarea/)

June 7, 2007

Ms. Mary Ann Skilling  
Maryland Department of Planning  
210 Inverness Drive  
Church Hill, Maryland 21623

Re: Port Deposit Replacement Sewer Line and Interceptor – State Highway 222

Dear Ms. Skilling:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On June 6, 2007, the Critical Area Commission unanimously approved the Port Deposit Water and Sewer Authority's proposal and site plan to install a replacement sewer line and interceptor to the existing waste water treatment plan in the Town of Port Deposit, Maryland. This approval included the following conditions:

- (1) By September 5, 2007, the Town shall submit a mitigation plan for review and approval by Commission staff. The plan shall demonstrate compliance with the required 3:1 mitigation ratio for forest clearing, an area totaling 6,750 square feet; and
- (2) The Town of Port Deposit shall provide appropriate mitigation for temporary impacts and impacts to existing impervious areas to be determined at the time the Commission reviews the replacement of the wastewater treatment plant.

A planting agreement form has been included for Condition #1. In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Ms. Sharon Weygand, Town of Port Deposit

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



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/](http://www.dnr.state.md.us/criticalarea/)

June 7, 2007

Mr. Richard Rothrock  
KCI Technologies  
14502 Greenview Drive, Suite 100  
Laurel, Maryland 20708

Re: Proposed FIDS Mitigation Planting Plan  
Eagle Harbor Public Safety Communication Tower Project

Dear Mr. Rothrock:

Thank you for providing a proposed planting plan in accordance with the required Forest Interior Dwelling Species (FIDS) mitigation for the above referenced project. The site selected by M-NCPCC for the FIDS mitigation is located in a forested area adjacent to the US Route 50 and Route 301 interchange in Prince George's County. The selected site is a component of a 105 acre area entirely forested and owned by M-NCPCC that has been identified as FIDS habitat by DNR Wildlife and Heritage. This entire forested area is to be preserved from future development activities except for the location of an additional public safety communication tower. The 26,440 square feet of required mitigation will fill in gaps located around the proposed tower site and will reduce edge habitat. Based on the submitted planting plan I have the following comments:

1. The enclosed guidance document 'Guidelines for Mitigation Plantings in the Critical Area' indicates 100-square feet of credit for every 2-inch caliper overstory tree and 50-square feet of credit for every seedling or shrub. However, credit of 400-square feet may be provided for groupings of one (1) 2-inch caliper tree with two (2) understory trees or three (3) shrubs. Based on my calculations of groupings of the submitted overstory trees with understory trees, the plan will provide for 23,150 square feet of mitigation. I recommend revising the plantings to provide for 67 overstory trees plus 133 understory trees totaling 26,800 square feet.
2. Please replace the proposed Washington Hawthorn with a native species.

Mr. Richard Rothrock  
Eagle Harbor FIDS Mitigation  
Page 2 of 2

This office is satisfied with the proposed location and expects that it will be permanently protected by M-NCPPC from any future development or clearing activity. Once a revised planting list is finalized you may forward a copy to this office with the enclosed Planting Agreement form to be signed by the appropriate responsible party from M-NCPPC or Prince George's County Office of Homeland Security. The Critical Area Commission will inspect the plantings for survivability for two years after planting is completed. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. George McBride, Office of Homeland Security  
Ms. Laura Connelly, M-NCPPC

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/](http://www.dnr.state.md.us/criticalarea/)

June 7, 2007

Mr. Wayne McBride, Deputy Director  
Office of Homeland Security  
Prince George's County  
7911 Anchor Street  
Landover, Maryland 20785

Re: Land Radio Mobile System Tower at Eagle Harbor – Prince George's County  
Maryland-National Capital Park and Planning Commission

Dear Mr. McBride:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On June 6, 2007, the Critical Area Commission unanimously approved the Prince George's County Office of Homeland Security's proposal and site plan to construct a public safety communication tower (Land Radio Mobile System) on lands owned by Maryland-National Capital Park and Planning Commission, near Eagle Harbor, Maryland. This approval included the following condition:

- (1) Within 60 days of Commission approval, the Maryland National Capital Park and Planning Commission shall submit a plan to mitigate for the loss of Forest Interior Dwelling Species habitat or FIDS habitat to Commission staff for review and approval.

A planting agreement form has been included to be jointly signed by Maryland-National Capital Park and Planning Commission and the Office of Homeland Security. In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Laura Connelly, M-NCPPC  
Mr. Richard Rothrock, KCI Technologies

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





Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

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

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

June 7, 2007

Mr. Eric S. Sennstrom, Director  
Planning and Zoning  
Cecil County Government  
129 East Main Street  
Elkton, Maryland 21921

Re: Cecil County Chesapeake Bay Critical Area Regulations  
Refinement – 2006 Legislative Changes

Dear Mr. Sennstrom:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area Program refinement. On June 6, 2007, the Critical Area Commission concurred with Chair McHale's decision that the changes to the Critical Area regulations made as a result of the 2006 state legislative session could be reviewed as a refinement to the County's Critical Area Program. The Commission supported the County's changes and recommended to the Chair that the request be approved. On June 7, 2007, the Chair approved the request as submitted.

The new ordinance sections shall be officially incorporated into the County's Critical Area Program within 120 days of the date of this letter. If you have any questions, please contact me at (410) 260-3475.

On behalf of the Commission, I want to thank you and the Board of County Commissioners for quickly making the necessary regulatory changes. As you know, the commitment of local government staff and officials is essential to the success of the Critical Area Program.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner





Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

June 5, 2007

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

Re: Clagget/Corrin 3-Lot Subdivision  
Glebe Road, Earleville

Dear Mr. DiGiacomo:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to subdivide a 209.3 acre parcel, of which 78.2 acres is within the Resource Conservation Area (RCA). Based on the information provided I have the following comments:

1. A plat note should be added stating that per Section 193.3 of the Cecil County Zoning Ordinance, residential density may not exceed one (1) unit per twenty (20) acres, excluding State tidal wetlands. Therefore, permitted density within the Critical Area portion of the site is 3 dwelling units provided there is a minimum of 60 acres in the upland.
2. The plat indicates there are areas of private wetlands included within the boundary of the property. In order to include private wetlands within the gross site acreage for Critical Area calculation purposes, the applicant must provide documentation as to how this determination was made.
3. The review by the Department of Natural Resources Wildlife and Heritage Division determined Forest Interior Dwelling Species (FIDS) habitat may be present on site. It also appears the plat will require clearing of forested areas in the Critical Area on Lots 4 and 6. A note should be added to the plat stating that any proposed development activity must comply with the Habitat Protection Provisions of the Cecil County Code and the FIDS mitigation requirements outlined in the CAC guidance document A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area.

This office strongly recommends the County limit the proposed FIDS impacts by reducing forest clearing wherever possible and by limiting clearing to the first 300-foot of edge habitat. Additionally, given the potentially large mitigation requirement future property owners may need to provide (especially on Lot 6), we recommend mitigation be calculated prior to final subdivision and if possible, satisfied by the current applicant. It appears that FIDS mitigation

TTY for the Deaf

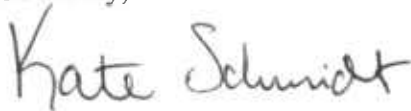
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

could be satisfied on site on Lots 4 and 5. Please have the applicant complete the FIDS worksheet found within the guidance manual referenced above.

4. Additional Critical Area notes and information that should be provided include the amount of existing forest coverage, areas of proposed forest clearing, existing impervious surface, and the impervious surface limit per each lot.
5. The expanded 110-foot Buffer for steep slopes should be expanded four feet for every percent of slope or to the top of slope as shown. It is not necessary for Critical Area requirements to extend the expanded 110-foot Buffer beyond the Critical Area 1000-foot Boundary.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CE163-07

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 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 June 6, 2007. The applicant is seeking to create a 110-lot subdivision partially 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).

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

**1. 110-foot Buffer**

This office met with the applicants at the end of April to discuss the Buffer Exemption Area (BEA) designation and provisions of Section 195 of the Cecil County Zoning Code. We concluded that those provisions are intended to move all new proposed development outside of the Critical Area Buffer insofar as possible based on site constraints. In evaluating the current proposal, the clubhouse and swimming pool have been moved further back from the water. Additionally, the configuration of the site in this area, which is the only available waterfront not currently used as a marina, does restrain the use of this portion of the site. Therefore, it does appear that the revised site plan in this location indicates an attempt to minimize impacts to the 110-foot Buffer.

In regard to proposed lots 48 and 66 through 78, it does appear that development could be accommodated on nearly all of the lots outside of the 110-foot Buffer. With the exception of Lots 67 and 78, this office recommends that all building restriction lines be shown outside the 110-foot Buffer. Additionally, the portion of the site within the 110-foot Buffer should be managed under a Buffer Management Plan which provides for plantings of native shrubs and trees and would maintain the intended function of the Buffer. The building restriction lines shown for lots 67 and 78 should maintain as much distance from the waters edge as possible.

The existing emergency access lane should be the minimum acceptable width. The area between

TTY for the Deaf

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

the road and the marina should be vegetated and included in the Buffer Management Plan.

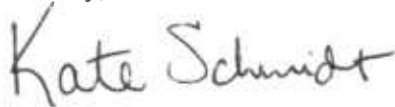
## 2. Impervious Surface Limits

The applicant has proposed a number of means to reduce impervious surface coverage utilize the Critical Area 10% Rule Guidance Manual. I will address each proposal individually below; however as stated in my last communication, the Commission is cautious regarding the use of BMPs or offsets in order to meet impervious surface limits in the LDA and RCA. In the LDA and RCA, the Commission encourages the use of BMPs to increase the infiltration of stormwater runoff. However, using these materials for meeting regulatory purposes, such as meeting the 15% impervious surface limit, is a different question. The underlying purpose of limiting impervious surface in the LDA and RCA is **not only** to reduce water quality impacts, but also to provide habitat protection. Thus, it is not consistent with the Critical Area Act to consider these materials as pervious in the development of a new subdivision and in this situation developers must accommodate their plans to a particular site and within existing impervious surface limits.

- The two-track driveways are an acceptable means of reducing impervious surface provided a number of criteria are met. First and foremost, the County must be able to ensure that driveways are not paved in the future by homeowners. Given that the reduction is in place in order to meet the 15% threshold, if that threshold is exceeded the County will have to seek growth allocation after the fact. If the County allows the two-track driveways, we recommend plat notes and deed restrictions be placed indicating the driveways must be maintained as two-track.
- The looped road design is acceptable.
- The rain gardens and rain barrels are encouraged but they may not be used to disconnect impervious surface for the purpose of meeting the 15% limit.
- The use of permeable pavers for driveways and parking lots is encouraged but they may not be used to reduce impervious surface for the purpose of meeting the 15% limit.

The comments I have made previously regarding steep slopes, community piers and marina, developed woodland, nontidal wetlands, DNR Wildlife and Heritage and the provision of the Environmental Assessment remain and I expect will be addressed as the subdivision plans progress. Thank you for the opportunity to provide comments. I again apologize for not being able to attend the June 7, 2007 TAC meeting but am available to meet with County staff and the applicant. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
C105-07

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

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

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

May 31, 2007

Mr. Mike Baker  
Environmental Construction Manager  
Woodrow Wilson Bridge Project  
Potomac Crossing Consultants/URS Corporation  
6711-A Oxon Hill Road  
Oxon Hill, Maryland 20745

Ms. Laura Connelly  
Department of Parks and Recreation  
Maryland National Capital Park and Planning Commission  
6600 Kenilworth Avenue  
Riverdale, MD 20737

Re: Woodrow Wilson Bridge Project  
Maryland Approach (BR-3C)  
Construction Staging Area

Dear Mr. Baker and Ms. Connelly:

The intent of this letter is to follow up on the Critical Area Commission requirements discussed at yesterday's Joint Evaluation meeting regarding the proposal to transfer the BR-3C temporary piers and bulkhead to Maryland National Capital Park and Planning Commission (MNCPPC). SHA received Commission approval to utilize the staging area in June 2001 provided that all structures and associated facilities, including gravel, stormwater measures, bulkhead and barge were removed at the conclusion of use by the State Highway Administration and its contractors. Today, National Harbor, the current property owner is proposing to deed this site over to MNCPPC at the conclusion of bridge construction staging activity. MNCPPC and its partners, including the Department of Natural Resources - Natural Resource Police (NRP), Prince George's County Police Department and the Prince George's County Fire Department intend to utilize the site for emergency access and public access.

Given the condition mentioned above placed on the approval by the Critical Area Commission, SHA will need to request that the condition be modified. As a component of that request, staff believes the Commission will also want to review the intended use of the site. Additionally, given that MNCPPC is a quasi-state agency, the Commission is required to review and approve any proposed activities under COMAR 27.02.05 'State Agency Actions Resulting in Development on State-Owned Lands'. Therefore, SHA and MNCPPC must bring these proposals together to the Critical Area Commission as

one request. As a reminder, the permit modification request to MDE and the Army Corps of Engineers should be complete prior to Commission review.

The Critical Area Commission meets the first Wednesday of every month. Projects must be submitted one month prior to be scheduled on the agenda. As mentioned in our meeting yesterday, we recommend meeting with Commission staff prior to scheduling this project on the Commission's agenda. This will allow sufficient time to discuss the proposed project and resolve any issues that may need to be addressed prior to submission. Please contact me if you have any questions or comments at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

Cc: Colonel George Johnson, Superintendent, Natural Resources Police  
Mr. Ray Palfrey, Department of Parks and Recreation, MNCPPC  
Mr. Rich Kilby, Department of the Army  
Mr. Phil Mohler, Maryland Wetlands Administration  
Mr. Gary Setzer, Maryland Department of the Environment  
Mr. Bob Douglass, State Highway Administration  
Mr. Jitesh Parikh, Federal Highway Administration



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 30, 2007

Mr. Ed Slicer, Manager  
Cecil County Department of Parks and Recreation  
17 Wilson Road  
Rising Sun, Maryland 21911

Re: Elk River Park  
Roadway and Boat Launch Expansion

Dear Mr. Slicer:

Thank you for submitting the above referenced project for review by the Critical Area Commission. The Cecil County Department of Parks and Recreation is proposing to develop a waterfront park at Elk River Park. The majority of the work proposed is within the Resource Conservation Area (RCA) of the Cecil County Critical Area.

Based on the information provided the work proposed consists of the following; (1) extension of River Bend Parkway, (2) construction of stormwater sediment ponds (3) construction of new parking areas, (4) construction of a new dual lane public boat ramp with floating pier, (5) construction of a fixed courtesy pier along the creek, and (6) installation of new bulkhead with stone dust walkway and stone revetment. Additionally, the County is proposing to construct a wetland mitigation area in the 100-foot Buffer for impacts to tidal and nontidal wetlands.

I have reviewed the proposal for consistency and have determined the project must obtain conditional approval from the Critical Area Commission under COMAR 27.02.06 'Conditional Approval of State or Local Agency Programs in the Critical Area' due to the proposed construction of the wetland mitigation project within the 100-foot Buffer.

In order for the Critical Area Commission to review the proposed wetland mitigation portion of the project, the County must provide responses for the following six elements regarding the wetland proposal:

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

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

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

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

***The conditional approval request shall, at a minimum, contain the following:***

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

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

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

Lastly, I have the following comments to offer regarding the information provided at this time:

- (1) Additional detail regarding the proposed project and its impacts should be provided to the Commission including;
  - a. Site area within the Critical Area
  - b. Existing impervious surface within the Critical Area
  - c. Total area of impervious surface after work is completed within the Critical Area
  - d. Area of limit of disturbance within the 100-foot Buffer, including the wetland mitigation area and basin excavation area
  - e. Total area of impervious surface within the 100-foot Buffer
- (2) Typically, when trees or vegetation are removed in the 100-foot Buffer, the Commission requests mitigation of 3:1 and expects replanting to occur in the Buffer. Additionally, while the proposed boat ramp and revetment work qualifies as water-dependent activities, the Commission also expects mitigation of 1:1 for new impervious surface and all areas of disturbance within the 100-foot Buffer for those activities.
- (3) Under COMAR 27.02.05, all applicable state and local permits must be obtained including any tidal and nontidal wetland permits, stormwater permits, and sediment and erosion control permits, prior to approval by the Critical Area Commission.



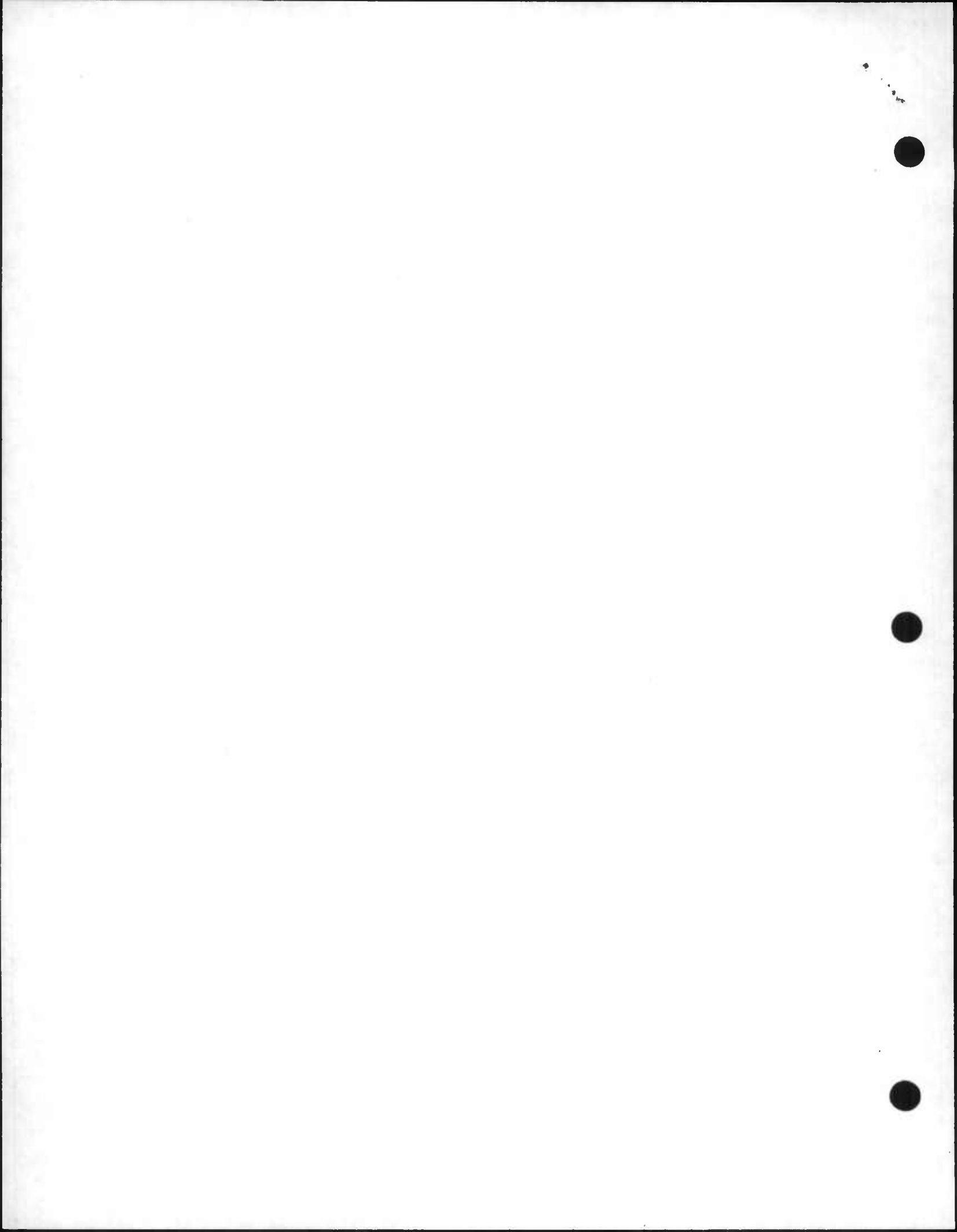
Once this information has been received and reviewed for completion, we may schedule this project for the Critical Area Commission agenda. The Critical Area Commission meets the first Wednesday of every month. Projects must be submitted one month prior to be scheduled on the agenda. I would be happy to meet with you and the Division of Planning and Zoning should you care to discuss these matters further. Please contact me if you have any questions or comments at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned above the typed name.

Kate Schmidt  
Natural Resource Planner

Cc: Eric Sennstrom, Planning and Zoning





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

Ms. Carla Fleming  
Waterway Improvement Program  
Maryland Department of Natural Resources  
580 Taylor Avenue  
Annapolis, Maryland 21401

Re: Elk River Park Boating Access Facility  
Cecil County Department of Parks and Recreation

Dear Ms. Fleming:

Thank you for your letter of May 10, 2007 regarding proposed improvements at the above referenced site near Elkton, Maryland. It is our understanding that Cecil County Parks and Recreation is proposing a number of improvements at the park to be funded in partly through State Waterway grants and possibly USFWS Federal Assistance in Sportfish Recreation funding. Additionally, the project has obtained a reauthorized Board of Public Works permit for the work proposed.

Currently, this project is under review by Critical Area Commission staff to determine consistency with the Cecil County Critical Area Program. Nearly all of this property is within the Critical Area of Cecil County and designated as Resource Conservation Area (RCA). Therefore, prior to start of construction by Cecil County, the proposed project requires review by the Commission to determine consistency. At a minimum, the project must demonstrate that it can meet the following guidelines:

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

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 18, 2007

Mr. Roger J. Kahl  
AES ArchiTech  
110 West Church Street  
Salisbury, MD 21801

Re: 10% Pollutant Reduction Rule Compliance  
Villas at Tome Towers, Port Deposit, MD

Dear Mr. Kahl:

This letter is in response to questions you raised regarding the calculation of compliance with the 10% pollutant reduction rule for the above referenced project. The Villas at Tome Towers is located in the Intensely Developed Area (IDA) and per the Port Deposit zoning requirements, the proposed project must follow the Critical Area 10% Rule Guidance Manual. The site is 1.216 acres in size and currently 0.55 acres are considered impervious. The project will redevelop the site and the total area of development is 0.5 acres. At issue is the how to account for the 0.1699 acres of "pervious pavers" that will make up a part of the 0.5 acres of development.

Based on my review of the information you submitted, you made the determination that the proposed pavers were 100% pervious using a hydrologic modeling program. The Critical Area 10% Rule Guidance Manual addresses the issues of measuring impervious cover at project sites in Section 4.0 on page 4-1. The Manual specifically states that estimates of impervious cover based on general land use type or hydrologic modeling programs are not allowed for submission. These determinations are not allowed because the 10% Rule is meant to address water quality, not water quantity.

Given the above, the evaluation of the proposed redevelopment project and the proposed pavers is based on the relationship between impervious cover and concentrations of pollutants found in runoff. Therefore, while pervious pavers may be given some credit for reducing perviousness on a site, this determination is always made on a case-by-case basis given site conditions and the system used.

As previously stated in my recommendations to the Town of Port Deposit, further information should be provided to this office for that evaluation. This information should include site

specific soil borings, design specifications of the project selected, and a cross-sectional installation diagram. This office has concerns about depth to bedrock at the site and length of storage time and any expected groundwater recharge. While paver systems can provide some stormwater quality on site, the expected treatment varies greatly.

Please note, that redevelopment proposals that reduce impervious cover often meet the 10% pollutant reduction rule simply based on that reduction. In the case of Tome Towers, were the pervious pavers considered impervious the pollutant removal requirement at this site is 0.03 pounds.

I hope this information has been useful. Please feel free to contact me at (410) 260-3475 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: Sharon Weygand, Port Deposit  
Mary Ann Skilling, MDP



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 16, 2007

Ms. Mary Ann Skilling  
Maryland Department of Planning  
210 Inverness Drive  
Church Hill, Maryland 21623

Re: North East Critical Area Ordinance

Dear Ms. Skilling:

This letter is to summarize the list of suggested edits and revisions based on my review of the December 21, 2006 version of the above referenced ordinance. Addressing these issues will ensure that the ordinance is consistent with the Critical Area Law and Criteria:

1. Page 2           Section 5-12.6.
  - a. Revise as follows: For all development in the Critical Area resulting from State and local agency projects, the Town shall adhere to COMAR 27.02.402....
2. Page 3           Section 5-12.7.c.(B)
  - a. Revise as follows: ~~The~~ **Any** willfulness or negligence....
3. Page 5           Section 5-12.7(l)
  - a. Add as follows: **Unauthorized Development Activities Within the Critical Area.** **Any person or persons, who undertakes a development activity without a valid zoning certification, grading permit, or required authorization from the Town, shall be required to obtain any necessary approvals, permits, and authorizations and shall be assessed a fine in the amount of \$1.00 per square foot of the development activity. Any subsequent violation by the same party shall be assessed a fine of \$5.00 per square foot for the second violation and a fine of \$10.00 per square foot for any further violations.**
4. Page 10          Section 5-12.9.d.(1)(e)
  - a. Revise as follows: They meet the requirements of the Critical Area Provisions and comply with **the requirements** of the underlying zoning district.
5. Page 53          Section 5-12.25
  - a. Revise Section 5-12.25.a as follows: The Mayor and Commissioners may from time to time amend the Town Critical Area Program. **Critical Area Program changes include,**

but are not limited to, amendments, revisions, and modifications to zoning regulations, subdivision regulations, Critical Area Maps, implementation procedures, and local policies that affect the County's Program. All such amendments shall also be approved....

b. Add to Section 5-12.25 as follows:

**Comprehensive Reviews.** The County will review its entire Program and propose any necessary amendments to its entire Program, including Critical Area Maps, at least every six years. The anniversary of the date that the Program became effective shall be used to determine when the review shall be completed. Within 60 days after the completion of the review, the County will send the following information in writing to the Commission:

- i. A statement certifying that the required review has been accomplished;
- ii. A necessary requests for program amendments, program refinements, or other matters that the County wishes the Commission to consider;
- iii. An updated resource inventory;
- iv. A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.

6. Section 5-12.27.c.

a. Add to Section 5-12.27.d as follows:

**Application of Guidelines.** When the County submits a request for the Commission to review and approve the use of growth allocation, the request shall state how the County has applied the preceding guidelines. The Commission shall ensure that guidelines set forth in this section have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.

Thank you for the opportunity to provide comments on the latest draft of the ordinance. If you have any questions about these comments, please feel free to contact me at (410) 260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner





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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

May 16, 2007

Mr. Paul N. De Santis  
Law Office of G. Macy Nelson  
410 Washington Avenue, Suite 803  
Towson, Maryland 21204

Re: Swan Creek Club Development  
Re-subdivision of Tax Map 131, Block C, Lots 8 & 9

Dear Mr. De Santis:

Thank you for your inquiry of May 4, 2007 regarding the re-subdivision of Lots 8 & 9 of the Swan Creek Club Development on Hatton Point Road. The two lots total 2.23 acres in size and are located within the Limited Development Overlay of the Prince George's County Critical Area. The site plans you provided this office include the preliminary plan of the new subdivision and the revised Critical Area Conservation Plan. Of primary concern to you was the application of the 100-foot Buffer.

Under COMAR 27.01.09.01 local jurisdictions are required to establish a 100-foot Buffer landward of Mean High Water (MHW) of tidal waters, tributary streams, and tidal wetlands. New development may not be permitted in the Buffer, except for water-dependent facilities as established in COMAR 27.01.03. The Prince George's County Critical Area Program has adopted this provision. COMAR 27.01.09.01 further requires local jurisdictions to expand the 100-foot Buffer to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils. This provision is also contained in the Prince George's County Critical Area Program.

Based on my review of the sites plans you provided, it appears the two lots contain steep slopes close to the waters edge. However, these steep slopes are contained completely within the 100-foot Buffer and are not contiguous to the 100-foot Buffer line. Therefore, the Buffer is not required to be expanded for steep slopes.

This office is aware that there are questions in the community regarding the application of a 300-foot setback. COMAR 27.01.02.06 outlines the guidelines by which the location and extent of future Intensely Developed Areas (IDA) and Limited Development Areas (LDA) may be increased. One of these guidelines that local jurisdictions shall use is to locate new IDAs or

LDAs in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters. As the subdivision in question did not require the application of growth allocation, Prince George's County is not required to place a 300-foot setback.

I hope this letter may have answered the questions you had regarding this subdivision. Please contact me at (410) 260-3475 if you have any further questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: Ms. Cecilia Lammers, Prince George's County Planning Department



**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE 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/](http://www.dnr.state.md.us/criticalarca/)

May 10, 2007

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

Re: Carpenter's Point Wastewater Collection System Phase II

Dear Mr. Flanigan:

The above referenced project has been forwarded to our 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. It appears Cecil County is proposing to extend sewer lines to several new areas along Carpenters Point. Based on the information provided, we have determined that the project may be found generally consistent with the Cecil County Critical Area Program for the reasons outlined below.

1. The areas of work within the Critical Area will occur only with the Limited Development Area (LDA).
2. Approximately 75-feet of line, located on Sheet C-3 between manholes 603-2 and 603-3 is within the 110-foot Buffer. However, COMAR 27.01.02.04.B allows for roads, bridges, and utilities that must cross a Habitat Protection Area provided they are located to minimize negative impacts and provide maximum erosion protection.

Given the items outlined above, this office believes you may submit the included Consistency Report Form for Local Government Projects in conjunction with the necessary mitigation for the proposed work within the 110-foot Buffer. Given the area of disturbance is approximately 900 square feet, mitigation of 3:1, or 2,700 square feet, would be required. The Consistency Report Form includes space to describe how the mitigation is to be achieved. Mitigation in the form of tree plantings would be acceptable and should consist of a mix of native trees and shrubs. Typically, at least 900 square feet of the mitigation would be provided within the 110-foot Buffer.

Mr. W. Scott Flanigan

May 10, 2007

Page 2 of 2

If you have any questions or would like further assistance please feel free to contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned above the printed name and title.

Kate Schmidt

Natural Resources Planner

CE 272-07

Cc: Mr. Eric Sennstrom, Planning & Zoning  
Mr. Brice Foxwell, GMB



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

May 10, 2007

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

Re: Friedman Variance, 47171 South Snow Hill Manor Road  
Local Case Number 06-3144

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow replacement of an existing single family dwelling and new driveway and garage partially within the 100-foot Buffer. The property is 3.128 acres in size and located with the Limited Development Area (LDA). It is currently developed with a dwelling, garage and driveway of which 2,649 square feet is located within the 100-foot Buffer. The proposed development plan would remove the dwelling and construct a new dwelling no closer to mean high tide. The new impervious surface within the 100-foot Buffer would be 2,558 square feet.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

1. Mitigation in the form of plantings should be provided at a ratio of 3:1 for the total limit of disturbance area. Plantings should be native species and accommodated on site to the extent possible.

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

Sincerely,

Kate Schmidt  
Natural Resource Planner  
SM192-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 8, 2007

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

Re: Snyder Variance, 126105 Thomas Road  
Local Case Number 06-2434

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new garage and patio within the expanded 100-foot Buffer for highly erodible soils. The property is 2.0 acres in size and located in the Limited Development Area (LDA). It is currently developed with a dwelling, garage, and driveway. The lot was created in 2004, however at that time, the Buffer was not required to be expanded for highly erodible soils.

Given the 100-foot Buffer was not previously expanded at the time of subdivision; this office does not oppose this variance request. Based on the information provided I have the following additional comments:

- The Buffer Management Plan should include mitigation of 3:1 for the area of disturbance of the patio, garage and driveway, or 4,932 square feet. It appears mitigation can be provided on site and should first be directed to areas within the 100-foot Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM271-04







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/](http://www.dnr.state.md.us/criticalarea/)

May 4, 2007

Ms. Carolyn Sorge, Mayor  
Town of Betterton  
#3 Third Avenue  
P.O. Box 339  
Betterton, MD 21610

Re: Comprehensive Review of the Town of Betterton Critical Area Program

Dear Ms. Sorge:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced Critical Area Program amendment. On May 2, 2007, the Critical Area Commission voted to approve with conditions the new ordinance sections resulting from the comprehensive review of the Town of Betterton Critical Area Program. The conditions of approval are as follows:

**Proposed Revisions and Clarifications to Town of Betterton Zoning Ordinance**

1. Definitions

Article 1

Add the following list of definitions as follows.

***Accessory Structure*** means a structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

***Bufferyard*** means an area, at least 50 feet wide, located between development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for wildlife habitat and water quality and shall not be maintained in a manner that conflicts with these goals such as mowing or applying herbicides.

***Dwelling unit in the Critical Area*** means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for

a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

*Grandfathered Parcel/Lot* means a parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.

*Natural Forest Vegetation* means vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

*New Development* means a development activity that takes place on a property with pre-development imperviousness less than 15 percent as of December 1, 1985.

*Principal Structure* means, for the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system.

*Special Buffer Area* means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Special Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

2. Definitions

Article 1

Revise the following list of definitions as follows.

*Buffer* is an existing, naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline and terrestrial environments from man-made disturbances. In the Critical Area, the establishment of a minimum 100-foot Buffer from the mean high water line of tidal waters, the edge of the bank of tributary streams, and the landward extent of tidal wetlands shall be required on a site by site basis as part of the environmental review and site analysis process. The Buffer shall be expanded beyond the minimum width to include certain sensitive areas as per requirements established in this Ordinance.

*Development Activity* means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems. For purposes of implementing this policy, development activity does not include subdivision.

***Redevelopment*** means a development activity that takes place on a property with pre-development imperviousness of 15 percent or greater as of December 1, 1985.

***Growth allocation*** means the number of acres of land in the Critical Area that a local jurisdiction may use to create new Intensely Developed and new Limited Development Areas. The growth allocation shall be calculated based on five percent of the total Resource Conservation Area in the County at the time of the original approval of the County's program by the Commission, not including tidal wetlands or land owned by the federal government.

3. Program Changes

Add the following to the Ordinance as Section 15 or Section 34 as follows.

Section XX. Program Changes.

- (a) **Program Changes.** The Town Commissioners may from time to time amend the Town Critical Area Program. Critical Area Program changes include, but are not limited to, amendments, revisions, and modifications to zoning regulations, subdivision regulations, Critical Area Maps, implementation procedures, and local policies that affect the Town's Program. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in Section 8-1809 of the Critical Area Law. No such amendment shall be granted without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law Section 8-1809(i) and Section 8-1809(d), respectively.
- (b) **Comprehensive Reviews.** The Town will review its entire Program and propose any necessary amendments to its entire Program, including Critical Area Maps, at least every six years. The anniversary of the date that the Program became effective shall be used to determine when the review shall be completed. Within 60 days after the completion of the review, the Town will send the following information in writing to the Commission:
- (1) A statement certifying that the required review has been accomplished;
  - (2) Any necessary requests for program amendments, program refinements, or other matters that the Town wishes the Commission to consider;
  - (3) An updated resource inventory;
  - (4) A statement quantifying acreages within each land classification, the

growth allocation used, and the growth allocation remaining.

- (c) **Process.** When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research. Upon completing Findings of Fact, these documents shall be forwarded to the Town Commissioners. The Town Commissioners shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fourteen (14) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. After the Town Commissioners approve an amendment, they shall forward their decision and applicable ordinances and resolutions along with the amendment request to the Critical Area Commission for final approval.
- (d) **Critical Area Commission Review.** When the Town submits a request for review and approval of changes to any element of the Town's Critical Area Program, including, but not limited to, the zoning ordinance, subdivision regulations, or Critical Area Maps, the request will include all relevant information necessary for the Chairman of the Commission, and as appropriate, the Commission, to evaluate the changes. The Chairman, and as appropriate, the Commission, shall determine if the requests for Program changes are consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.
- (e) **Critical Area Commission Decision.** In accordance with the determination of consistency outline above, the chairman, or as appropriate, the Commission will:
- (1) Approve the proposed program refinement or amendment and notify the local jurisdiction;
  - (2) Deny the proposed program refinement or amendment;
  - (3) Approve the proposed program refinement or amendment subject to one or more conditions; or
  - (4) Return the proposed program refinement or amendment to the County with a list of changes to be made.
- (f) **Zoning Map Amendments.** Except for program amendments or program refinements developed during a six- year comprehensive review, a zoning map amendment may only be granted by the Town Commissioners upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:
- (1) Are wholly consistent with the land classifications in the adopted Program; or
  - (2) Propose the use of growth allocation in accordance with the growth

allocation provisions of this ordinance.

4. Page 122 Marinas and Other Commercial Maritime Facilities Section 18  
Revise Section 18.I as follows.

**New, expanded** or redeveloped marinas may be permitted in the Buffer within Intensely Developed Areas and Limited Development Areas subject to the requirements set forth in this section.

5. Page 124 Structures on Piers Section 19  
Revise Section 19.b.2.a as follows.

The structure is constructed on a pier as of December 1, 1985, **verified by a DNR aerial photograph** and accompanied by a map of the area;

6. Page 128. Intensely Developed Areas Section 19  
Revise Section 19.A.3. as follows.

Public sewer and water collection distribution systems **are currently** serving the area and housing density greater than three dwelling units per acre.

7. Page 148 The 100-foot Buffer Section 28  
Revise Section 28.B. as follows.

The Town adopts the following policies with regard to the functions of the Buffer:

8. Page 158 Special Buffer Areas Section 32  
Revise Section 32.A.5. as follows.

Variations to other setback requirements **shall** have been considered before additional development within 100 feet of mean high tide is approved.

9. Page 159 Special Buffer Areas Section 32  
Revise Section 32.A.9.c as follows.

**Monies collected under this section shall be deposited in a separate account and shall be used to enhance wildlife habitat, improve water quality, or otherwise promote the goals of the Town's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been required under existing local, State, or federal law, regulations, statutes, or permits.**

10. Page 161-162 Special Buffer Areas Section 32

Revise Section 32.B.8.c.2. as follows

~~*If it is not possible to carry out offsets or other mitigation within the Critical Area. Any planting or other habitat/water quality improvements should occur within the affected watershed.*~~

11. Page 162      Special Buffer Areas      Section 32  
Revise Section 32.B.8.c.5 as follows.

Monies collected under this section shall be deposited in a separate account and shall be used for plantings in the Critical Area **for the benefit of wildlife habitat and water quality improvement**, and shall not revert to the general fund.

12. Page 167      Forest and Woodland Protection Standards      Section 32  
Revise Section 34.G. as follows.

**Unauthorized clearing, cutting, or removal of vegetation**; unauthorized clearing, cutting, or removal of vegetation in the Buffer; and clearing, cutting or removal of vegetation in excess of the area permitted to be cleared by this ordinance is considered a civil violation of this ordinance and shall result in fines and mandatory planting.

13.                      Growth Allocation Process      Section 35  
Add the following Part to Section 35 as follows.

**Application of Guidelines.** When the Town submits a request for the Commission to review and approve the use of growth allocation, the request shall state how the Town has applied the preceding guidelines. The Commission shall ensure that guidelines set forth in this section have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and all Criteria of the Commission.

14.                      Growth Allocation Process      Section 35  
Revise Section 35.D.1.d as follows.

**Information regarding how the Town has applied locational guidelines set forth in Section 35.C above.**

15.                      Growth Allocation Process      Section 35  
Add the following standard to Section 35.D as follows.

**Final subdivision and site plans shall be processed in accordance with the requirements of this ordinance and the Town's subdivision regulations.**

16. Growth Allocation Process  
Revise Section 35.D.7 as follows.

Section 35

**Upon receipt of the request from the Town**, the Critical Area Commission shall notify the Town regarding the processing of the request as an amendment or refinement to the Town's Critical Area Program.

17. Growth Allocation Process  
Add the following standard to Section 35.E as follows.

Section 35

**All requirements of the Town's Critical Area Program, zoning ordinance, and subdivision regulations have been met.**

18. Growth Allocation Process  
Revise Section 35.F.2 as follows.

Section 35

In order to allow some flexibility in the use of Growth Allocation when development is only proposed on a portion of the property, the following methodology may be used ~~for~~ ~~parcels designated as RCA~~.

The new ordinance sections with the revisions set forth above shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. In accordance with the conditions set forth above, please provide the revised ordinance sections when they are available. If you have any questions, please feel free to contact me at (410) 260-3475.

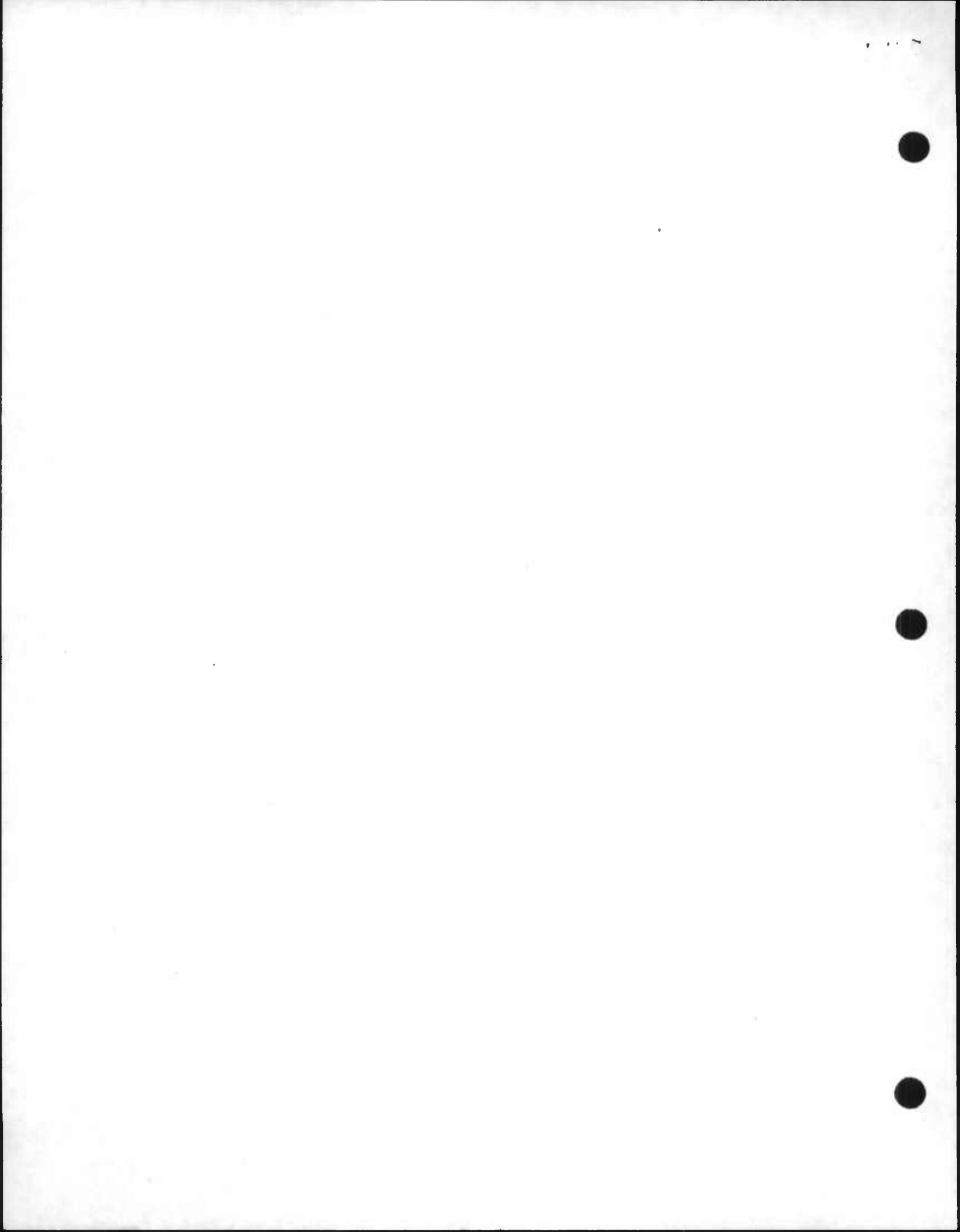
On behalf of the Commission, I wanted to thank you and the Town Council for all of the hard work and assistance during the comprehensive review process. As you know, the commitment of local government staff and officials is essential to the success of the Critical Area Program.

Sincerely,



Kate Schmidt  
Natural Resources Planner

cc: Mary Ann Skilling, MDP







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 4, 2007

Mr. Stanley Hearne  
Assistant Administrator  
Town of Charlestown  
P.O. Box 154  
Charlestown, Maryland 21914

**Re: Comprehensive Review of the Town of Charlestown Critical Area Program**

Dear Mr. Hearne:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the referenced Critical Area Program amendment. On May 2, 2007, the Critical Area Commission voted to approve with conditions the new ordinance sections resulting from the comprehensive review of the Town of Charlestown Critical Area Program. The conditions of the approval are as follows:

**Proposed Revisions and Clarifications to Town of Charlestown Zoning Ordinance**

1. Page 1 Definitions Section B  
Add the following list of definitions as follows.

***Accessory Structure*** means a structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to the principal structure; or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

***Special Buffer Area*** means an area officially mapped by the local jurisdiction and approved by the Critical Area Commission as a Modified Buffer Area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial commercial, institutional or recreational development in the Critical Area prevents the Buffer from fulfilling its intended functions for water quality protection and wildlife habitat conservation.

***Bufferyard*** means an area, at least 50 feet wide, located between development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for wildlife habitat and water quality and shall not be

**maintained in a manner that conflicts with these goals such as mowing or applying herbicides.**

***Grandfathered Parcel/Lot*** means a parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.

***Natural Forest Vegetation*** means vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

***New Development*** means a development activity that takes place on a property with pre-development imperviousness less than 15 percent as of December 1, 1985.

***Principal Structure*** means, for the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling, excluding utilities and the septic system.

2. Page 1      Definitions      Section B  
Revise the following list of definitions as follows.

***Development Activity*** means the construction or substantial alteration of residential, commercial, industrial, institutional, recreational or transportation facilities or structures. Development activities include, among other things, structures, roads, parking areas, and other impervious surfaces, mining and related facilities, clearing, grading and septic systems. For purposes of implementing this policy, development activity does not include subdivision.

***Redevelopment*** means a development activity that takes place on a property with pre-development imperviousness of 15 percent or greater as of December 1, 1985.

2. Page 51      Amendments in the Critical Area Program      Section U  
Revise Section U.1 as follows.

**Program Changes.**      The Town Commissioners may from time to time amend the Town Critical Area Program. Critical Area Program changes include, but are not limited to, amendments, revisions, and modifications to zoning regulations, subdivision regulations, Critical Area Maps, implementation procedures, and local policies that affect the Town's Program. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in Section 8-1809 of the Critical Area Law. No such amendment shall be granted without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of

proposed amendments are as set forth in the Critical Area Law Section 8-1809(i) and Section 8-1809(d), respectively.

3. Page 51      Amendments in the Critical Area Overlay Zone      Section U  
Add the following part to Section U as follows.

**Comprehensive Reviews.**      The Town will review its entire Program and propose any necessary amendments to its entire Program, including Critical Area Maps, at least every six years. The anniversary of the date that the Program became effective shall be used to determine when the review shall be completed. Within 60 days after the completion of the review, the Town will send the following information in writing to the Commission:

- (1) A statement certifying that the required review has been accomplished;
- (2) Any necessary requests for program amendments, program refinements, or other matters that the Town wishes the Commission to consider;
- (3) An updated resource inventory;
- (4) A statement quantifying acreages within each land classification, the growth allocation used, and the growth allocation remaining.

4. Page 55      Growth Allocation      Section V  
Add the following standard to Section V.3 as follows.

**Final subdivision and site plans shall be processed in accordance with the requirements of this ordinance and the Town's subdivision regulations.**

The new ordinance sections with the revisions set forth above shall be officially incorporated into the Town's Critical Area Program within 120 days of the date of this letter. In accordance with the conditions set forth above, please provide the revised ordinance sections when they are available. If you have any questions, please feel free to contact me at (410) 260-3475.

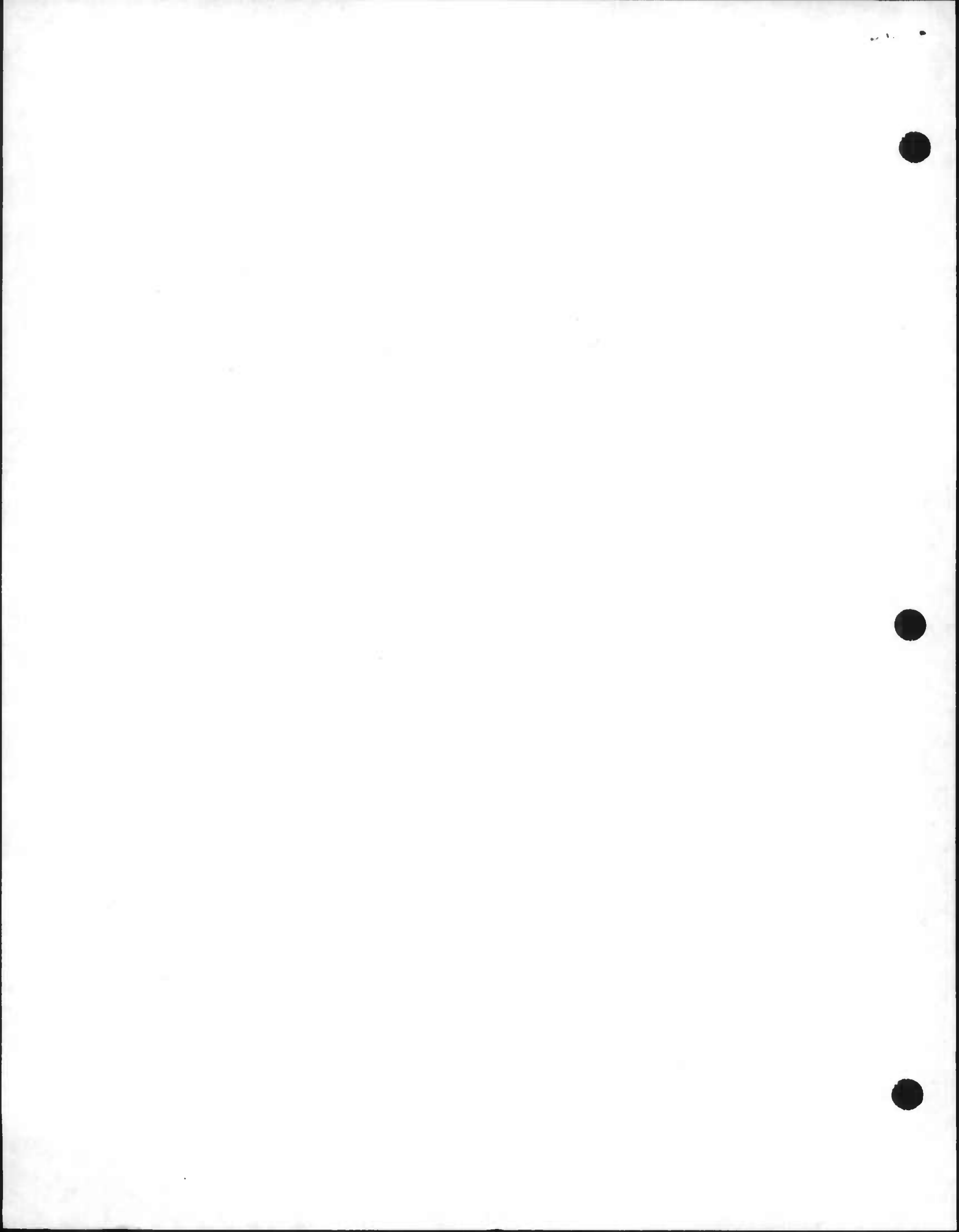
On behalf of the Commission, I want to thank you, the Town Administrator, the Mayor, and the Town Council for all of your hard work and assistance during the comprehensive review process. As you know, the commitment of local government staff and officials is essential to the success of the Critical Area Program.

Sincerely,



Kate Schmidt  
Natural Resources Planner

cc: Mary Ann Skilling, MDP





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 3, 2007

Mr. Eric Sennstrom, Director  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Cecil County Critical Area Regulations  
Adoption of 2006 Legislative Changes

Dear Mr. Sennstrom:

This office has received a copy of the April 3, 2007 revisions to the County's Critical Area Ordinance. These revisions are a result of legislative changes to the Critical Area law passed during the 2006 legislative session. The Critical Area Commission is accepting the revised ordinance for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

Cc: Tony Di Giacomo, Principal Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE 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/](http://www.dnr.state.md.us/criticalarca/)

May 1, 2007

Mr. John Fury  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6401  
Annapolis, Maryland 21401

Re: BA 17-07V  
2006-0395-V; Lots 2&3, 481 Lymington Road  
Dreamcraft Homes, Inc.

Dear Mr. Fury:

Thank you for providing information on the above referenced variance request to be presented before the Board of Appeals. The applicant is requesting a variance to allow a dwelling with less setbacks than required, greater forest clearing than allowed, and disturbance to steep slopes. The combined lots are 26,070 square feet in size, designated as Limited Development Area (LDA) and currently undeveloped.

Previously this office stated that provided the lot is properly grandfathered, we do not oppose the variance to setbacks, steep slopes or greater forest clearing as long as impacts were minimized. Based on additional information provided in the decision of the Administrative Hearing Office on February 13, 2007, and a site plan dated September 2006, I have the following comments:

1. It would appear the footprint of the dwelling, which is approximately 2,200 square feet, could be reduced further and minimize the extent of clearing and disturbance to steep slopes.
2. We recognize that nearly the entire lot contains steep slopes, thus a variance is necessary to permit development of the property.
3. Should the variance or a modified variance request be granted, we recommend the deck be constructed to be and remain pervious with a gravel substrate and vegetative stabilization at the perimeter. Additionally, the applicant must provide mitigation at a ratio of 3:1 and we recommend that as much planting occur on site as possible to assist with vegetative stabilization of the steep slopes.

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

Mr. John Fury  
May 1, 2007  
Page 2 of 2

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
cc: AA781-06





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/](http://www.dnr.state.md.us/criticalarea/)

May 1, 2007

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

Re: Colonial Workshop Variance, 40317 Dockser Lane  
Local Case Number 06-3452

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an clearing of woodland above 30% in order to develop a single family dwelling with porch and attached deck. The property is 15,500 square feet in size and located with the Limited Development Area (LDA). It is currently undeveloped and has 13,944 square feet of existing forest, of which 8,690 square feet is proposed to be cleared.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

1. Forest mitigation should be provided at a ratio of 3:1 per St. Mary's Comprehensive Zoning Ordinance Section 72.3.3. The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM238-07





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/](http://www.dnr.state.md.us/criticalarca/)

May 1, 2007

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

Re: Boling Variance, 29860 Washington Road  
Local Case Number 05-0777

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an clearing of woodland above 30% in order to develop a single family dwelling with porch and attached deck. The property is 15,500 square feet in size and located with the Limited Development Area (LDA). It is currently undeveloped and has 15,000 square feet of existing forest, of which 11,500 square feet is proposed to be cleared.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

1. We recommend minimizing the amount of clearing by locating the house closer to the front building restriction line.
2. Forest mitigation should be provided at a ratio of 3:1 per St. Mary's Comprehensive Zoning Ordinance Section 72.3.3. The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
SM192-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 30, 2007

Ms. Amanda Gordon  
Cecil County Office of Planning and Zoning  
129 E. Main Street, Room 300  
Elkton, MD 21921

Re: Skipjack Cove Yachting Resort – Site Plan  
150 Skipjack Road

Dear Ms. Gordon:

This letter is in response to additional information provided by the applicant on the above referenced project. The applicant is seeking to redevelop a portion of an existing marina property with a new dry boat storage building and pump house. The parcel is an existing marina totaling 18.235 acres and located within the Intense Development Area (IDA). The waterfront has been designated as Buffer Exemption Area. The proposed redevelopment activity is partially located within a 110-foot Buffer to a tributary stream on the south side of the parcel.

Based on the information provided I have the following comments:

1. The impervious surface calculations on the site plan are unclear and difficult to review, especially in relation to the 10% pollutant reduction rule calculations. I recommend the addition of a table that breaks down the existing and proposed impervious surface areas by all structures. For example, it is not clear whether the 20-foot wide concrete paving area and pump station are included in the 10% calculations.
2. Additionally, the site plan should identify the site area used for the 10% pollutant reduction rule calculations. Given the layout of the site and the proposed work, the site area used could be the limit of disturbance.
3. If the applicant is proposing to apply the grass channels as credit towards meeting the MDE stormwater requirements, they may not also be used as a credit in the 10% pollutant reduction calculations. Therefore, the pollutant reduction requirement is 0.25 lbs/year that must be met through a separate practice.
4. Per Cecil County Zoning Code Section 195.3.d, redevelopment in the BEA shall be offset with planting of natural vegetation at a ratio of 2:1 the extent of impervious surface area created in

TTY for the Deaf

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

the BEA. Therefore, 800 square feet of mitigation must be provided for the proposed emergency fire pump station.

5. Even though the setback of the proposed dry boat storage facility is no closer than the existing impervious surface, the proposal will require a variance for development within the 110-foot Buffer. The Cecil County Zoning Code Section 196 does not have provisions for the redevelopment of existing features in the 110-foot Buffer. Additionally, COMAR 27.01.02.07 states 'if any existing use does not conform with the provisions of a local Program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in COMAR 27.01.11.' While the extent of impervious surface may be located no closer, the applicant is proposing a significantly larger structure within the 110-foot Buffer. Therefore, it is not appropriate to utilize Cecil County Zoning Code Section 330 to apply in this situation and not require a variance.
  
6. The variance may not be granted unless the applicant meets all of the Critical Area variance standards, including proof that without the variance for the new structure, he would be denied reasonable use of the entire parcel or lot. Commission policy recommends 3:1 mitigation for the area of disturbance within the 110-foot Buffer to the tributary stream.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

CE 526-04



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/](http://www.dnr.state.md.us/criticalarea/)

April 27, 2007

Ms. Adrienne Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Chaven, LLC – Minor Subdivision  
Center Road, Earleville  
Tax Map 60, Parcel 509, Block 13

Dear Ms. Stiffler:

This letter is to clarify previously agreed upon habitat protection measures for the above referenced site plan. The applicant is revising a previously recorded plat that subdivided a 3.066 acre parcel previously part of the Mary Parker Estate to create two lots. The existing and proposed development remains the same. Previously, I had comments related to the habitat protection area for tiger beetle habitat. Based upon conversations with Mr. Tim Larney, Division of Wildlife and Heritage, the RCA area of the site is the habitat protection area and no new development is to occur in this area. Additionally, the Critical Area Buffer is to be shown at 110-feet. The plat I reviewed on March 19<sup>th</sup> addresses these concerns. I would like to offer two additional comments.

1. Mr. Larney indicated that the applicant had agreed not to install a shore erosion protection measure that would harden the shoreline as a component of the habitat protection plan. I recommend a note be added to the plat and deeds.
2. I also recommend a note be added to the plat stating no new development may occur within the RCA portion of the site.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CE 767-05







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/](http://www.dnr.state.md.us/criticalarea/)

April 27, 2007

Ms. Jeanne D. Minner  
Director of Planning  
Town of Elkton  
PO Box 157  
Elkton, Maryland 21922-0157

Re: Hollingsworth Manor Park Playground Equipment  
Consistency Report

Dear Ms. Minner:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site information, this office agrees that the project is generally consistent with the Town of Elkton Critical Area Program for the reasons outlined below.

1. The project is located on a 3.14 acre site that is designated RCA and otherwise consists of grass fields and one existing playground area.
2. The proposed playground footprint is 100 square feet and consists of mulch surfacing. The playground equipment itself is mostly perforated.
3. The proposed project will not impact any Buffer or other Habitat Protection Areas.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: 225-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 27, 2007

Ms. Mary Ann Skilling  
Maryland Department of Planning  
210 Inverness Drive  
Church Hill, Maryland 21623

Re: Villas at Tome Towers

Dear Ms. Skilling:

Thank you for providing the above referenced site plan for review and comment. The applicant is seeking to redevelop a 1.22 acre site designated as Intensely Developed Area (IDA). Currently, the site is developed with a pool and associated buildings. The project will redevelop the site with townhomes. Based on the information provided, I have the following comments at this time.

1. This office does not recommend giving credit for the 10% calculations for the pavers used in parking areas. The proposed area for the pervious paver will be heavily utilized which may compromise the pervious nature of the product over time. Additionally, the site may not meet the required specifications for the product selected. For example, what is the depth to bedrock in this area and how will an underdrain need to be included as part of the construction?
2. Should the Town allow the use of pervious pavers they must submit product specifications and soils information to this office to determine percent perviousness. Typically, pervious pavers are only 10% to 50% pervious. Once a determination of perviousness has been made, the applicant may adjust the 10% worksheet. Until that time, the applicant must include the entire parking area as 100% impervious in the calculations.
3. The site plan indicates drainage is expected from the cliff behind the property that will be collected and transported off site. Is the expected water only from stormwater drainage above the site, or are there springs that make up part of the expected flow? If springs are present than this office would consider the flow to be intermittent and qualify as a tributary stream. A tributary stream would require a 100-foot Buffer and the applicant would need to apply for a variance.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Ms. Mary Ann Skilling  
April 27, 2007  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned above the typed name and title.

Kate Schmidt  
Natural Resource Planner

Cc: PD143-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 20, 2007

Mr. George Keller  
Water Quality Infrastructure Program  
Water Management Administration  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, Maryland 21230

Re: Carpenters Point Wastewater Collection System, Phase II, WQ05-334-08L  
Cecil County

Dear Mr. Keller:

Thank you for providing notice of the proposed project to design and construct a wastewater collection system within Carpenters Point, Cecil County. The wastewater collected will be conveyed by the existing force main along Carpenters Point Road to the North East wastewater treatment plant.

A portion or portions of the proposed project may fall within the Critical Area of Cecil County. If the project does fall within the Critical Area, prior to start of construction by Cecil County, the proposed project may require review by the Critical Area Commission. Cecil County has not yet provided us with a copy of a site plan for the proposed project and will need to submit a consistency determination to Commission staff for review and concurrence. If our office disagrees with a consistency determination, then the project will require Commission review and approval. In any case, the project must meet the following requirements:

- Demonstrate all impacts to any Habitat Protection Areas are avoided or minimized
- Provide stormwater management measures
- Provide sediment and erosion control measures
- Provide mitigation for any required clearing

Thank you for the opportunity to comment. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner

Cc: Mr. Eric Sennstrom, Cecil County Planning & Zoning Department





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 19, 2007

Cecilia Lammers, Supervisor  
M-NCPPC – Planning Department  
Countywide Planning Division  
County Administration Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

Re: A-9986, Riverbend Estates  
Proposed Growth Allocation

Dear Ms. Lammers:

Thank you for submitting the proposed application to Prince George's County to rezone a parcel partially located within the Critical Area from Resource Conservation Overlay (RCO) to Limited Development Overlay (LDO). The parcel is 12.81 acres in size of which 4.75 acres are located within the RCO. Growth allocation is proposed for the 4.75 acres in order to develop the entire parcel with one-half acre lots for single-family homes. Based on the information provided I have the following comments at this time:

**Conceptual Development Plan**

1. The site plan should include Critical Area notes that identify proposed impervious surface within the Critical Area overall and by each individual lot. Per Natural Resources Article Section 8-1808.3, if parcels or lots less than one acre are proposed, then impervious surface may not exceed 25% of the lot, provided the entire subdivision within the Critical Area does not exceed 15%.
2. Based on aerial imagery, it appears the parcel is entirely forested. The conceptual development plan should indicate the area and extent of existing forest and the area and extent of forest proposed to be cleared. Clearing should be limited to 30% of the site, however if more than 30% clearing is proposed the applicant will need to demonstrate the ability to provide mitigation at a ratio of 3:1. Per COMAR 27.01.04, developed woodland vegetation shall be conserved to the greatest extent practicable. Because of recent revisions in Critical Area law requiring the Commission to ensure program changes are consistent with the purposes, policies,

goals, and provisions of the Critical Area Law and Criteria it is likely that clearing in excess of 30% will be significant to their review of this proposal.

3. The submitted site plan should identify all areas of slopes greater than 15%, hydric soils or highly erodible soils if they occur on the site within the Critical Area. Additionally, the environmental report prepared by the applicant should address how these areas will be protected under the provisions of the County's Critical Area Program.
4. The submitted staff report states that there are no Habitat Protection Areas on the subject parcel, abutting properties or other nearby RCO areas. The submittal to the Commission should include a copy of this response from the Department of Natural Resources Natural Heritage Program.

### **Growth Allocation Process and Submittal**

5. The Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. Once the County's submittal is accepted as complete, the Chairman of the Critical Area Commission will make the determination of whether the submittal is an amendment or a refinement. If the proposal is determined to be an amendment, the Critical Area Commission has up to 90 days to process the proposal and make a decision.
6. The Critical Area Law was amended in 2006 and requires that local jurisdictions use specific locational guidelines when locating new IDAs or LDAs and that the Commission ensure that these guidelines have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of the Critical Area Law and Criteria. Documentation of the County's application of these guidelines must be provided as a part of the growth allocation request. These guidelines are provided below:

When locating new Intensely Developed or Limited Development Areas the County shall use these guidelines:

- (1) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area;
- (2) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area;
- (4) No more than one-half of the County's allocated expansion may be located in Resource Conservation Areas except as provided in paragraph (9) below;
- (5) Locate a new Limited Development Area or Intensely Developed Area in a manner that minimizes impacts to Habitat Protection Area as defined in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
- (6) New Intensely Developed Areas should be located where they minimize their impacts to the defined land uses of the Resource Conservation Area;



- (7) Locate a new Intensely Developed Area or a Limited Development Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
  - (8) New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of the County for such areas, shall be so designated on the County Zoning Map and shall constitute an amendment to this program subject to review and approval by the County Planning Commission, the County Commissioners and the Critical Area Commission. :
7. Application made to the Critical Area Commission for approval of growth allocation should include a conservation plan and conceptual development plan to determine whether LDO development standards can be achieved, including whether afforestation requirements are met.

Thank you for the opportunity to provide comments. The preceding comments represent the review and evaluation of the materials received by Commission staff. As you know, the Critical Area Commission must review and approve all map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. If you have any questions, please feel free to call me at (410) 260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

cc: Hiatham Hijazi, Department of Public Works and Transportation  
Laxmi Srinivas, Senior Planner, Zoning Section





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 19, 2007

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

Re: 2006-0341V/BA 5-07V  
625 Holly Ridge Road; Herbert Mitchell

Dear Ms. Plociennik:

Thank you for providing revised information on the above referenced variance. The applicant received a modified approval to allow a new dwelling with less Buffer than required and with disturbance to slope of 15% or greater from the Administrative Hearing Officer (AHO) on November 16, 2006. The approval required the applicant to delete and revegetate the extension of the existing driveway parallel to the shore and continuing to the water. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, decks, garage, driveways, retaining wall, and pool.

This office supports the decision made by the Administrative Hearing Officer in finding that the applicant's are entitled to the modified, conditional relief granted. The driveway constitutes an excessive amount of impervious surface within the Buffer that could be removed and impacts reduced. However, should the Board find reason to modify that decision, this office recommends that the driveway width be minimized to the maximum extent possible. Additionally, as the applicants state that the need for the driveway is to access their pier, the portion of driveway that continues to the water could be removed.

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  
AA650-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

Mr. Eric Sennstrom, Director  
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. Sennstrom:

This office has received revised information regarding the above referenced subdivision to be presented to the Planning Commission on April 16, 2007. The applicant is seeking to create a 110-lot subdivision partially 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).

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

**1. 110-foot Buffer**

The Buffer Exemption Area (BEA) designation requires that all provisions of Section 195 of the Cecil County Zoning Code apply. The current site plan does not address these provisions and must be revised. 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'. The proposal shows that all roads and structures in the Buffer are to be removed. Additionally, the proposal shows new lot lines being drawn to accommodate the new development. Given the extensive redevelopment and the drawing of new lot lines, the BEA provisions for new development in which the development must minimize the extent of impervious surface insofar as possible, may be met by moving all development outside of the 110-foot Buffer.

I have the following comments regarding the current design as it relates to the Buffer:

- a. Note #22 is incorrect and should be revised as previously recommended.
- b. This office recommends that the proposed lot lines not be drawn through the 110-foot Buffer as it will become difficult to enforce restrictions on new development within the Buffer after the lots are sold.
- c. The proposed emergency access lane is closer to Mean High Water than the existing roadway. While this office recommends removing the road completely, if an emergency access way is required, then it should be no closer to the water than the existing roadway.

- d. The proposed clubhouse, and swimming pool must also meet the 110-foot Buffer setback.
- e. If lot lines are maintained in the 110-foot Buffer, the applicant must show proposed development envelopes in order to demonstrate new dwellings and any associated development activities can be constructed outside of the Buffer.

## **2. Impervious Surface Limits**

As recommended above, the plat should include a table of total impervious surface within the Critical Area, broken out by each lot and other proposed surfaces to show the impervious surface limit requirements can be met. This office recommends the amount of proposed development be reduced to meet the 15% impervious surface limit rather than utilize a "pervious paver" system for over 1.2 acres of development area to meet this requirement. In the LDA and RCA, the use of pavers or other similar materials can help increase the infiltration of stormwater runoff and the Commission encourages their use for that purpose. However, designating these materials as pervious or partially pervious for regulatory purposes is a different question. When a local government approves paving materials as pervious or partially pervious on grandfathered LDA or RCA lots, it recognizes the site constraints in these settings. In contrast, it is not consistent with the Critical Area Act to consider these materials as pervious in the development of newly created lots. In this situation property owners or developers should be expected to accommodate their plans to a particular site and within existing impervious surface limits.

## **3. Steep Slopes**

Under Section 200.7 of the Cecil County Zoning Code and COMAR 27.01.02.04.C(6), development on slopes greater than 15% is prohibited. The preliminary plan should indicate steep slope areas of 15% or greater. Additionally, the 110-foot Buffer must be expanded if it intersects slopes of 15% or greater per Cecil County Zoning Code Section 196.

## **4. Community Piers and Marina**

The minutes from the April 4, 2007 Technical Advisory Committee state that the applicant's intention is to reserve the marina and slips for the residents of the community. Under Natural Resources Article 8-1808.5 and Cecil County Zoning Code Section 198 the number of slips permitted at a community pier facility is restricted based on the number of platted lots or dwellings in the Critical Area. "Community pier" means a boat docking facility associated with a subdivision or similar residential area, or with condominiums, apartments, or other multiple family dwelling units. Given the existing slips are grandfathered the applicant has the right to retain what is existing. However, based on 79 lots in the Critical Area the applicant is limited to 39 slips, or one slip for each 50 feet of shoreline (whichever is greater) and therefore may not construct any additional slips if that limit is already exceeded.

## **5. Developed Woodland**

The plat should include a summary of all area proposed to be cleared, including development envelopes on lots, to determine the amount of clearing proposed. If more than 30% of the site is cleared, the forest is required to be replanted at three times the total extent of forest cleared. A separate planting plan must be developed and approved prior to the issuance of a grading permit as required in the County's Subdivision Regulations.

## **6. Nontidal Wetlands**

Section 200.10 of the Cecil County Zoning Code requires that proposed development be done so as to protect the hydrologic regime and water quality of nontidal wetlands. The applicant

must demonstrate how this provision will be met.

**7. DNR Wildlife and Heritage**

No information has been provided regarding the presence or recommended management measures for Swamp Pink (*Helonias bullata*), a nontidal wetland perennial wildflower. Please have the applicant provide this information.

**8. Environmental Assessment**

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

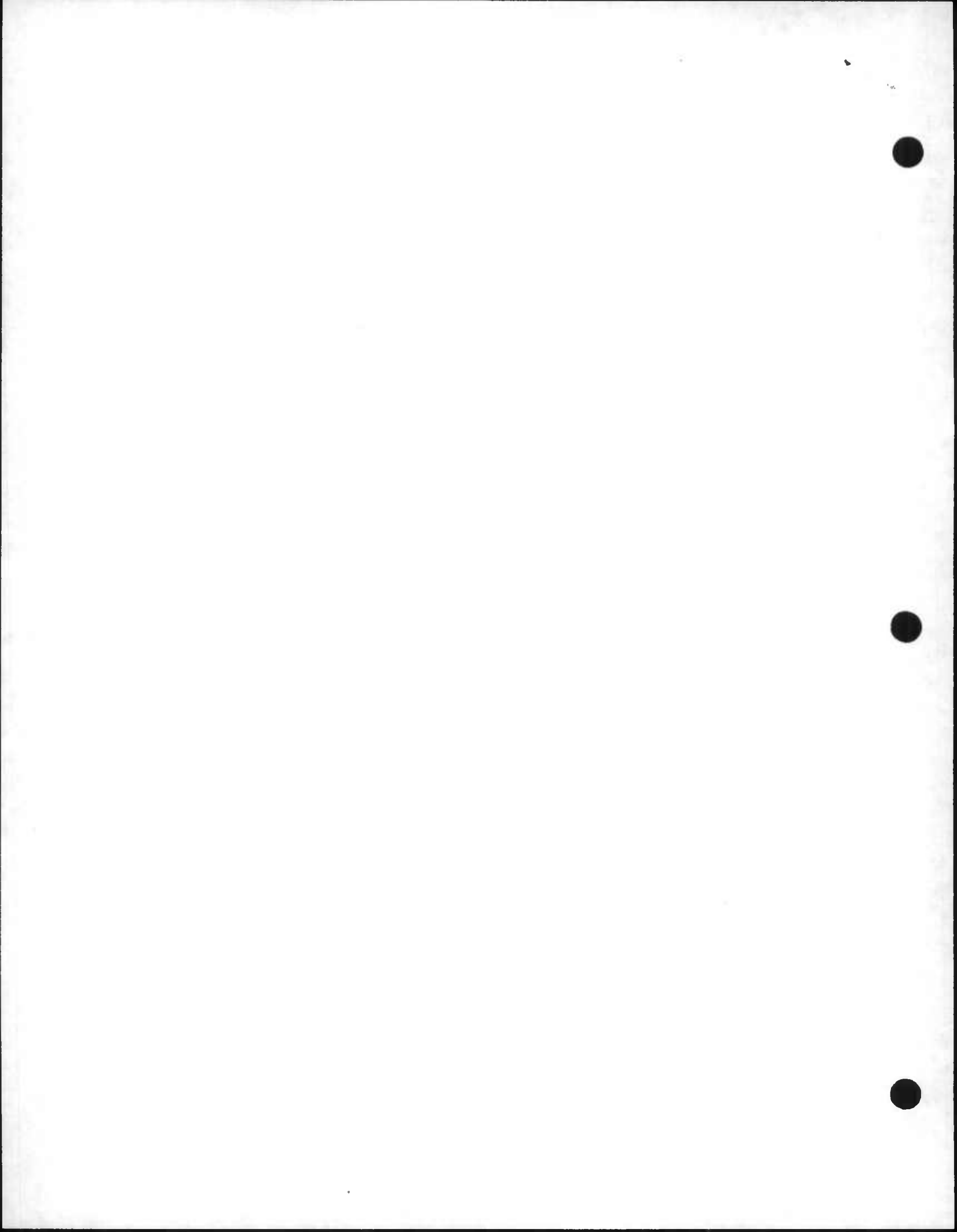
Thank you for the opportunity to provide comments. As you may be aware, this office is scheduled to meet with Mr. DiGiacomo and the applicant to discuss this project on April 18, 2007, after the Planning Commission discussion. COMAR 27.03.02(C) provides that the Commission may, at any time, request additional information if it is necessary for accurate evaluation of the proposed action. No approvals should be granted until the information in this letter is provided. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
C105-07

cc: Mr. Josh Brown, Planning Commission Chairman  
Mr. Anthony DiGiacomo







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE 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/](http://www.dnr.state.md.us/criticalarca/)

April 13, 2007

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

Re: Lot 1 – Cherry Grove Subdivision

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing to subdivide a 5.52 acre parcel into one lot and one outparcel, located partially within the Critical Area. The proposed lot would be 1.5 acres in size, of which 1.12 acres are within the Resource Conservation Area (RCA). The remaining outparcel would be 4.02 acres in size, of which 3.69 acres are within the RCA. Currently the entire parcel is undeveloped.

Based on the information provided I have the following comments:

1. Given the parcel is RCA and only 5.52 acres in size, the applicant is entitled to only one (1) development right. Therefore, in order to plat the proposed subdivision, Outparcel A will need to be restricted from further development through an easement or other similarly restrictive measure and the measure must be recorded on the subdivision plat.
2. The proposed subdivision should be forwarded for review and comment by the Department of Natural Resources Wildlife and Heritage Division. Please forward DNR's response to this office prior to final plat approval since this information may result in changes to the plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM 166-07





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/](http://www.dnr.state.md.us/criticalarca/)

April 13, 2007

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

Re: Piney Point Parcel 151

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing to subdivide an existing 0.43 acre parcel into 2 lots. Lot One would be 10,466 square feet in size and is currently developed with a single family dwelling, driveway and shed. Lot Two would be 8,198 square feet in size and would be developed with a single family dwelling and would share the existing driveway. The entire parcel is within the Intensely Developed Area (IDA) and part of the existing driveway/right-of-way is within a 25-foot buffer to nontidal wetlands located off site.

Based on the information provided I have the following comments:

1. I recommend the addition of a note stating that the IDA development standards within the St. Mary's County Comprehensive Zoning Ordinance (CZO) require either the use of a Best Management Practice (BMP) for new impervious surface or planting in lieu of the BMP per Section 41.4.3.
2. The proposed impervious surface, including changes to the driveway, should be broken out by each lot.
3. The plat should demonstrate the applicant's ability to comply with the BMP or planting plan requirement.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
SM 165-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2007

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

Re: Cape St. Mary's Marina

Dear Ms. McCauley:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing to redevelop an existing marina. The site is 37 acres in size, designated as Limited Development Area and designated as a water-dependent facility. The applicant is seeking to redevelop the marina, including removing an existing restaurant/marina office and constructing a new restaurant/marina office.

Based on the information provided I have the following comments:

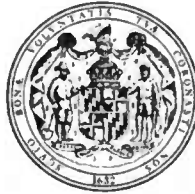
1. It appears the 100-foot Buffer has not been properly expanded in areas of steep slopes and should be revised.
2. While the existing marina is designated as a water-dependent facility, Section 41.8 of the Comprehensive Zoning Ordinance (CZO) states that only those specific operations and structures that must occupy the Buffer in order to serve their function may be located in the Buffer. The new marina office/restaurant is restricted from this list and therefore may not be relocated in the Buffer as proposed.
3. Similarly, the proposed bath house should be located entirely outside of the expanded 100-foot Buffer.
4. My review of GIS data indicates a stream may be located on the property running through the nontidal wetland. Per Section 71.8.3 of the CZO tributary streams require a 100-foot Buffer. Additionally, the site plan should show a 25-foot buffer around the nontidal wetland.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
SM 164-07



**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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

Ms. Adriene Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Garren Family Partnership 2-Lot Re-Subdivision  
Middleneck Road, Warwick

Dear Ms. Stiffler:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to adjust the lot lines between two existing lots. The total area is 100 acres in size of which 65.87 acres are located within the Resource Conservation Area (RCA). While each lot will maintain a total size of 50 acres each, Lot 2A will reduce to 32.025 acres of RCA and Lot 3A will increase to 33.847 acres of RCA as a result of the lot line adjustment. Based on the information provided I have the following comments:

1. A plat note should be added stating that per Section 193.3 of the Cecil County Zoning Ordinance, residential density may not exceed one (1) unit per twenty (20) acres, excluding State tidal wetlands. Therefore, each lot is limited to one dwelling unit within the Critical Area.
2. The 110-foot Buffer from tidal wetlands or edge of mean high water should be field delineated on shown on the plat. Additionally, the nontidal wetlands indicated on the previous plat and the 25-foot buffer should also be shown on the plat.
3. The 15% afforestation requirement should be verified prior to recordation of the final plat.
4. The proposed subdivision should be forwarded for review and comment by the Department of Natural Resources Wildlife and Heritage Division. Please forward DNR's response to this office prior to final plat approval since this information may result in changes to the plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
CE163-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

Ms. Betsy Vennell  
Zoning Assistant  
Town of North East  
P.O. Box 528  
North East, Maryland 21901

RE: North East Isles Lots 98, 99, & 100

Dear Ms. Vernell:

This letter constitutes a joint review by Mary Ann Skilling and me on the revised information regarding the above referenced lots provided by Frederick Ward Associates in response to our October 17, 2006 letter. The project proposes the construction of three single family dwellings with driveways on grandfathered lots. An access road housing water and sewer lines for the three sites will be constructed and maintained as a private road. In order to provide stability to the road and existing utilities, a retaining wall will be constructed above the proposed revetment. The lots are designated as Limited Development Area (LDA) and entirely within the expanded 100' Buffer for steep slopes. Based on the information provided, we offer the following comments:

1. As stated previously, the applicant must obtain a variance for impacts to the expanded 100-foot Buffer and for impacts to steep slopes for the retaining wall. I recommend additional information, perhaps review by Cecil County Soil Conservation District, be provided to demonstrate the amount of grading of steep slopes proposed is the minimum necessary.
2. The Environmental Assessment correctly proposes 3:1 replacement, or 78 trees, for clearing in the Buffer for the three home sites. Additionally, the area of disturbance for shoreline stabilization is 4,980 square feet and must be mitigated at a ratio of 1:1. However, the proposed planting plan does not follow Critical Area Commission guidance and may potentially be inadequate to address the total impacts.
  - a. Typically, red maple is considered a large tree and planted at 2-inch caliper and 10-foot center spacing equal to 100 square feet of disturbance. Serviceberry, red bud, and box elder are generally considered small trees and usually grouped with larger trees for increased credit. For instance, 1 large tree and 2 small trees (or 3 shrubs) can be credited as 400 square feet. In this instance, the applicant counted 26 trees to be replaced at 3:1. This may be accomplished with either 78 large trees, or with a combination of large and small trees or shrubs for 7800 square feet.

- b. The 4,980 square feet of disturbance which must be mitigated at 1:1 ratio can be done with either 50 large trees (100 square feet credit per tree) or the grouping described above for a credit of 400 square feet per group.
  - c. Lastly, if the applicant chooses the grouping method, large trees must be spaced 20-feet on center and small trees spaced 10-feet on center. While we recommend that plantings be provided on-site, if there is insufficient room to accommodate all of the material than the remainder should be provided off-site or as fee-in-lieu.
  - d. Restrictions should be placed on the existing forest and the newly planted areas.
3. The impervious surface limit for the three lots and private access road is 15% total as well as 15% per lot. It appears the applicant is meeting this limit. I recommend a note stating the 15% impervious surface limit be placed on the site plan.
  4. In order to maintain the 15% impervious surface limit, the decks should be constructed to be and remain pervious, with spacing between the boards, a gravel substrate and vegetative stabilization at the perimeter.
  5. We recommend the applicant provide copies of permits for pier installation to the Town prior to construction. If additional clearing for their construction is required than that currently proposed, mitigation should be provided at a ratio of 2:1. The North East River is considered anadromous fish propagation waters and work is restricted within tidal waters from March 1 to June 15.
  6. The Environmental Assessment states that the project will impact the non-tidal wetland buffer in two areas of the existing access lane and for shoreline stabilization. Impacts to non-tidal wetlands require a Maryland Department of Environment (MDE) nontidal wetland permit. Additionally, it appears that the proposed grading or trail access on Lot 100 may impact a nontidal wetland buffer, which may also require a permit from MDE.
  7. Sediment and erosion and stormwater plans for the entire site must be received prior to final approval.
  8. Proposed trails for water access should be limited to 3 feet in width rather than 5 feet to further minimize disturbance and clearing in the Buffer and on steep slopes.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
NE424-06

Cc: Ms. Mary Ann Skilling, Maryland Department of Planning



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 11, 2007

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

Re: Cornfield Harbor Subdivision, 14095 Cornfield Harbor Drive  
Local Case Number 07-0005

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an addition to an existing dwelling within the 100-foot Buffer. The property is 34,228 square feet in size and located with the Limited Development Area (LDA). It is currently developed with a modest sized dwelling approximately 1,000 square feet in size and the addition would add another 432 square feet.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

- The Buffer Management Plan should include mitigation of 3:1 for the area of disturbance within the 100-foot Buffer, or 1,300 square feet in total. It appears mitigation can be provided on site and should consist of a mix of native trees and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM162-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 4, 2007

Mr. Wayne McBride, Deputy Director  
Office of Homeland Security  
Prince George's County  
7911 Anchor Street  
Landover, Maryland 20785

Re: Public Safety Communications – Eagle Harbor Site  
Critical Area Commission Review

Dear Mr. McBride:

Thank you for submitting the above referenced project for review by the Critical Area Commission. The Office of Homeland Security of Prince George's County is proposing to construct a Land Radio Mobile System near Eagle Harbor, Maryland. The proposed location of the system is within the Critical Area on a 69.79 acre parcel owned by Maryland National Capital Park and Planning Commission. The majority of this parcel, including the location of the proposed project, is within the Critical Area and designated as Resource Conservation Area (RCA). Therefore, under COMAR 27.02.05 'State Agency Actions Resulting in Development in State-Owned Lands' the project must be submitted for approval by the Critical Area Commission.

I have reviewed the proposal for consistency and have determined the project must obtain a Conditional Approval from the Critical Area Commission under COMAR 27.02.06 due to proposed impacts to Forest Interior Dwelling Species (FIDS) habitat. In order for the Critical Area Commission to process this request as a conditional approval the following information will be required:

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

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

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

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

***The conditional approval request shall, at a minimum, contain the following:***

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

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

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

Additionally, I would like to offer the following comments regarding this proposal:

1. The overall site plan, Drawing #C3, should include the boundary of the DNR wetland located north of the proposed project site and the MNCPPC recreation parking lot located to the east of the proposed project on Phyllis Wheatley Boulevard.
2. Please indicate the total amount of impervious surface, including the gravel driveway and area within the fence.
3. Under COMAR 27.02.05, all applicable state and local permits must be obtained including stormwater and sediment and erosion control, prior to approval by the Critical Area Commission.

The Critical Area Commission meets the first Wednesday of every month. Projects must be submitted one month prior to be scheduled on the agenda. Please note, that while the proposed project may be constructed by Prince George's County, the official applicant for the Critical Area Commission is MNCPPC as the property owner. I recommend that a representative from both agencies attend the Critical Area Commission meeting. Please contact me if you have any questions or comments at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

21-07 MNCPPC

Cc: Michael Smith, KCI Technologies  
CJ Lammers, Prince George's County Planning, MNCPPC  
Eileen Nivera, MNCPPC Parks and Recreation



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND 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 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:

Thank you for providing revised information regarding the above referenced subdivision. The applicant is seeking to create a 110-lot subdivision partially 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).

Based on the information provided, I have the following comments regarding the proposal:

**1. 110-foot Buffer**

Again, the Buffer Exemption Area (BEA) designation requires that all provisions of Section 195 of the Cecil County Zoning Code apply. The current site plan does not address these provisions and must be revised. 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'. The proposal shows that all roads and structures in the Buffer are to be removed. Additionally, the proposal shows new lot lines being drawn to accommodate the new development. Given the extensive redevelopment and the drawing of new lot lines, the BEA provisions for new development in which the development must minimize the extent of impervious surface insofar as possible, may be met by moving all development outside of the 110-foot Buffer.

I have the following comments regarding the current design as it relates to the Buffer:

- a. Note #22 is incorrect and should be revised as previously recommended.
- b. This office recommends that the proposed lot lines not be drawn through the 110-foot Buffer as it will become difficult to enforce no new development within the Buffer after the lots are sold.
- c. The proposed emergency access lane is closer to Mean High Water than the existing roadway. While this office recommends removing the road completely, if an emergency access way is required, then it should be no closer to the water than the existing roadway.
- d. The proposed clubhouse, and swimming pool must also meet the 110-foot Buffer setback.
- e. If lot lines are maintained in the 110-foot Buffer, the applicant should show proposed

development envelopes in order to demonstrate new dwellings can be constructed outside of the Buffer.

## 2. Impervious Surface Limits

As recommended above, the plat should include a table of total impervious surface within the Critical Area, broken out by each lot and other proposed surfaces to show the impervious surface limit requirements can be met. This office recommends the amount of proposed development be reduced to meet the 15% impervious surface limit rather than utilize a "pervious paver" system for over 1.2 acres of development area to meet this requirement. In the LDA and RCA, the use of pavers or other similar materials can help increase the infiltration of stormwater runoff and the Commission encourages their use for that purpose. However, designating these materials as pervious or partially pervious for regulatory purposes is a different question. When a local government approves paving materials as pervious or partially pervious on grandfathered LDA or RCA lots, it recognizes the site constraints in these settings. In contrast, it is not consistent with the Critical Area Act to consider these materials as pervious in the development of newly created lots. In this situation property owners or developers should be expected to accommodate their plans to a particular site and within existing impervious surface limits.

## 3. Developed Woodland

My previous comments regarding developed woodland were not addressed. The plat should include a summary of all area proposed to be cleared, including development envelopes on lots, to determine the amount of clearing proposed. If more than 30% of the site is cleared, the forest is required to be replanted at three times the total extent of forest cleared. A separate planting plan must be developed and approved prior to the issuance of a grading permit as required in the County's Subdivision Regulations.

## 4. Nontidal Wetlands

Section 200.10 of the Cecil County Zoning Code requires that proposed development be done so as to protect the hydrologic regime and water quality of nontidal wetlands. The applicant should demonstrate how this provision will be met.

## 5. DNR Wildlife and Heritage

No information has been provided regarding presence or recommended management measures for Swamp Pink (*Helonias bullata*), a nontidal wetland perennial wildflower. Please have the applicant provide this information

Thank you for the opportunity to provide comments. Unfortunately, I am unable to attend the scheduled TAC meeting on April 4, 2007 due to our monthly Commission meeting. I would like to request however that you notify me as to decisions that were made at the TAC meeting regarding this proposal. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
C105-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Ms. Adriene Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Clagget/Corrin 3-Lot Subdivision  
Glebe Road, Earleville

Dear Ms. Stiffler:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to subdivide a 209.3 acre parcel, of which 78.2 acres within the Resource Conservation Area (RCA). Based on the information provided I have the following comments:

1. The plat indicates there are areas of private wetlands included within the boundary of the property. In order to include private wetlands within the gross site acreage for Critical Area calculation purposes, the applicant must provide documentation as to how this determination was made.
2. A plat note should be added stating that per Section 193.3 of the Cecil County Zoning Ordinance, residential density may not exceed one (1) unit per twenty (20) acres, excluding State tidal wetlands. Therefore, permitted density within the Critical Area portion of the site is 3 dwelling units provided there is a minimum of 60 acres in the upland.
3. It appears from aerial imagery that buildings already exist within the Critical Area portion of the site. The number of existing dwelling units within the Critical Area should be provided as the applicant may not exceed the construction of three dwelling units within the Critical Area.
4. Additional Critical Area notes and information that should be provided include the amount of existing forest coverage, areas of proposed forest clearing, existing impervious surface, and the impervious surface limit per each lot.
5. The proposed subdivision must be forwarded for review and comment by Department of Natural Resources Wildlife and Heritage Division. Any determinations and recommendations must be noted on the plat prior to recordation.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned above the typed name.

Kate Schmidt  
Natural Resource Planner  
CE163-07

Cc: Mr. Anthony DiGiacomo



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 30, 2007

Ms. Jeanne D. Minner, AICP  
Director of Planning  
Town of Elkton  
PO Box 157  
Elkton, Maryland 21922-0157

Re: Meadow Park Walking Track/Roadway  
Consistency Report

Dear Ms. Minner:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, and the accompanying site information, this office agrees that the project is generally consistent with the Town of Elkton Critical Area Program for the reasons outlined below.

- The proposed project is to resurface an existing walking track/roadway located in Meadow Park. The Park is located adjacent to Elk Creek and designated as Resource Conservation Area (RCA). The existing roadway is one mile in length and approximately 15 feet wide and consists of compacted dirt and stone. A small portion of the roadway is within the 100-foot Buffer. The existing impervious area will be paved and no increase in impervious area is proposed to occur.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

cc: 168-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

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

Re: Sweeney Variance, 24571 Little Creek Lane  
Local Case Number 06-3289

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an addition to an existing dwelling within the 100-foot Buffer. The property is 15,943 square feet in size and located with the Limited Development Area (LDA). It is currently developed with a modest sized dwelling and the addition would consist of a covered deck and enclosed sunroom over existing patio and gravel areas.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

- The Buffer Management Plan should include mitigation of 3:1 for the area of disturbance within the 100-foot Buffer, or 1,100 square feet. It appears mitigation can be provided on site and should first be directed to areas within the 100-foot Buffer.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM173-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 26, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: Curtin – Shore Erosion Control; ORD70031  
10187 Waverly Point Blvd.

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct a shore erosion control measure above Mean High Water (MHW). The proposed measure would be 347 linear feet of stone placed to control erosion occurring at the base of a 14-foot cliff from storm events. The property is 8.75 acres located partially within the Limited Development Area (LDA) and Resource Conservation Area (RCA). The soils are highly erodible soils and evidence of erosion from storm events was noted at our site visit on March 9, 2007.

The proposal submitted to your office on March 15, 2007 does not match the proposal reviewed by Mr. Bob Tabisz, MDE and included in the General Tidal Wetlands License 07-GL-0668 issued for the Curtin properties on December 26, 2006. The new proposal appears to locate stone revetment just landward of MHW and then shows significant grading and filling, up to 50 feet in width, in the 100-foot Buffer. The effect of the new proposal would be to eliminate the cliff altogether and create a 3.5:1 slope.

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

1. The shoreline measure proposed to the County is different than what was approved by MDE as discussed above. Therefore, I recommend the County either deny the proposed application or consider the proposal outside the realm of approved shore erosion measures as referenced in the County Code and process the application as a proposed structure in the 100-foot Buffer. Thus the proposal would require a variance to Charles County Code Section 297-131.
2. Under Charles County Code Section 297-416, the requested variance must meet a number of standards including a finding that the granting of the variance is the minimum necessary. It would appear that the shoreline erosion is occurring along the cliff due to storm events and slumping. It would also appear that the cliff could be protected from storm events by placing the revetment at the base of the cliff and stabilizing it as necessary. Thus, this office believes

Ms. Aimee Dailey  
March 26, 2007  
Page 2 of 2

the applicant may not be able to meet this standard with the current proposal which involves significantly greater impact to the 100-foot Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt  
Natural Resource Planner  
CS109-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 23, 2007

Corinne Shia  
Alion Science and Technology  
3975 Fair Ridge Drive, Suite 125 South  
Fairfax, Virginia 22033

Re: Geophysical Reconnaissance and Soil Sampling  
Fort Washington, Maryland

Dear Ms. Shia:

Thank you for providing information regarding the proposed soil sampling to occur at Fort Washington as part of the site inspections at MMRP sites. The proposal consists of sampling areas measuring four feet in diameter to a depth of 2 inches. You have submitted this project to review for consistency with the Maryland Coastal Zone Management Act and the goals and objectives of the Critical Area Law and Criteria. We appreciate you keeping the Critical Area Commission informed of your activities; however, Critical Area review is not required at this time.

Please note that should scope of work change or further actions be warranted as a result of the investigation Critical Area Commission review may be required. We look forward to working with you throughout this process. If you have any questions or comments, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

17-07

cc: Mr. Eldar Ghigarelli, MDE





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 23, 2007

Mr. Stephen E. Crowell  
VIKA Incorporated  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

Re: Mid-Atlantic PPV  
Lowell Cove – Building Demolition  
BIKE #6850B

Dear Mr. Crowell:

Thank you for providing copies of the proposed demolition plan for the Lowell Cove residential units located on the Patuxent Naval Air Station in St. Mary's County. The proposal is the first phase in a plan to construct 169 new residential units. You have submitted this project to review for consistency with the Maryland Coastal Zone Management Act and the goals and objectives of the Critical Area Law and Criteria. We appreciate you keeping the Critical Area Commission informed of your activities. As no new development is currently proposed, Critical Area review is not required at this time.

As you have indicated, you will submit the second phase of the proposed project at a later date for review. We look forward to working with you throughout this process. If you have any questions or comments, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner

13-07

cc: Mr. Eldar Ghigarelli, MDE





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 21, 2007

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

Re: R. Tepel Variance, 24151 Half Pone Point Road  
Local Case Number 06-2674

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow redevelopment of a single family dwelling within the 100-foot Buffer, above the impervious surface trading limit of 1,000 square feet. The property is 74,052 square feet in size and located with the Resource Conservation Area (RCA).

Currently, the property is developed with a single family dwelling, shed, extensive parking area and driveway within the 100-foot Buffer in addition to improvements outside the Buffer. The proposed development plan would remove these features and construct a new dwelling further from mean high water but still partially within the 100-foot Buffer; therefore a variance to Section 71.8.3 of the St. Mary's County Zoning Ordinance is required. The variance to the impervious surface trading limit of 1,000 square feet (Section 41.5.3) is required as 5,134 square feet of impervious surface would be removed from the 100-foot Buffer and 2,590 square feet of new impervious surface would be constructed within the 100-foot Buffer.

Provided this lot is properly grandfathered, this office does not oppose these variance requests. However, the variances requested must be the minimum necessary. While, the new dwelling is located further inland and is reducing impervious surface within the 100-foot Buffer, it appears the second patio located on the south side of the house is not necessary to establish a residential use and could be located outside of the Buffer. Therefore, while this office concedes the new dwelling may meet the variance standards, the second patio may not.

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

1. Per CZO Section 41.5.3.i(3)(b), all areas where impervious surface was removed within the 100-foot Buffer should be planted in natural forest vegetation, and mitigation at a ratio of 2:1,

Ms. Yvonne Chaillet  
March 21, 2007  
Page 2 of 2

for the footprint of disturbance should be provided. This mitigation is in addition to that required under Section 72.3 for clearing of forest and developed woodlands.

2. A Buffer Management Plan in accordance with Section 71.8.3 should be provided.

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

SM134-07



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/](http://www.dnr.state.md.us/criticalarea/)

March 20, 2007

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

Re: Johnson Property, 45184 Clarkes Land Road – Variance  
Local Case Number 06-1860

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow after-the-fact development of their property in excess of the impervious surface limit. The property is 32,712 square feet in size and located within the Limited Development Area (LDA). The information submitted indicates the existing impervious surface prior to site improvements was 6,499 square feet (20%) and now totals 10,145 square feet (31%). Under State and County law, the lot is limited to 5,445 square feet of impervious surfaces. For the reasons that follow, this office opposes the issuance of a variance in this case.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of **the entire parcel or lot.**" Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the existing dwelling was permitted in 1999 and constructed in 2001 based on an impervious surface limit established by a grandfathered dwelling. However, after the new dwelling was approved and constructed, the applicant constructed significant improvements, including a larger driveway, garage, concrete patio, shed, deck and walkways to nearly double the allowable impervious

surface limit, a total of 10,386 square feet. The St. Mary's County Comprehensive Zoning Ordinance (CZO) Section 41.5.3.i.(3)(a) allows grandfathered parcels that exceed impervious surface limits to replace or relocate the impervious surface, provided it does not impact habitat protection areas. However, this ordinance does not permit the increase of impervious surface beyond the existing nonconformity.

The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden. The variance to the impervious surface requirements cannot be granted unless the applicant proves, and the Board finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of **the entire parcel or lot.**" We do not believe that the standard above is met, and accordingly the variances should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

Prior to the construction of the illegal structures, the lot was developed with a single-family dwelling approximately 3,000 square feet in size and an approved site plan that met the provisions of the St. Mary's County CZO. Thus, the applicant had reasonable use of the property for residential purposes. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot.** Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. From a review of the application we believe that there is opportunity to provide a reasonable sized dwelling and amenities and remain consistent with the St. Mary's County Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to increase impervious surface limits beyond what has been established as law by the County would confer a special privilege on the applicant (Section 41.5.3.i).



Ms. Yvonne Chaillet

March 20, 2007

Page 3 of 3

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

The need for a variance to the impervious surface limits is directly the result of the applicants after-the-fact construction without County approval.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface and consequential disturbance to the land results in increased stormwater and sediment runoff. While the lot is grandfathered, Section 41.5.3.i of the County's CZO is clear that the impervious surface coverage limit in this situation is 5,445 square feet or the existing grandfathered nonconformity provided the standards of the ordinance are met. Given that there is ample opportunity to meet the above standard, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variances to the Buffer and to impervious surface.

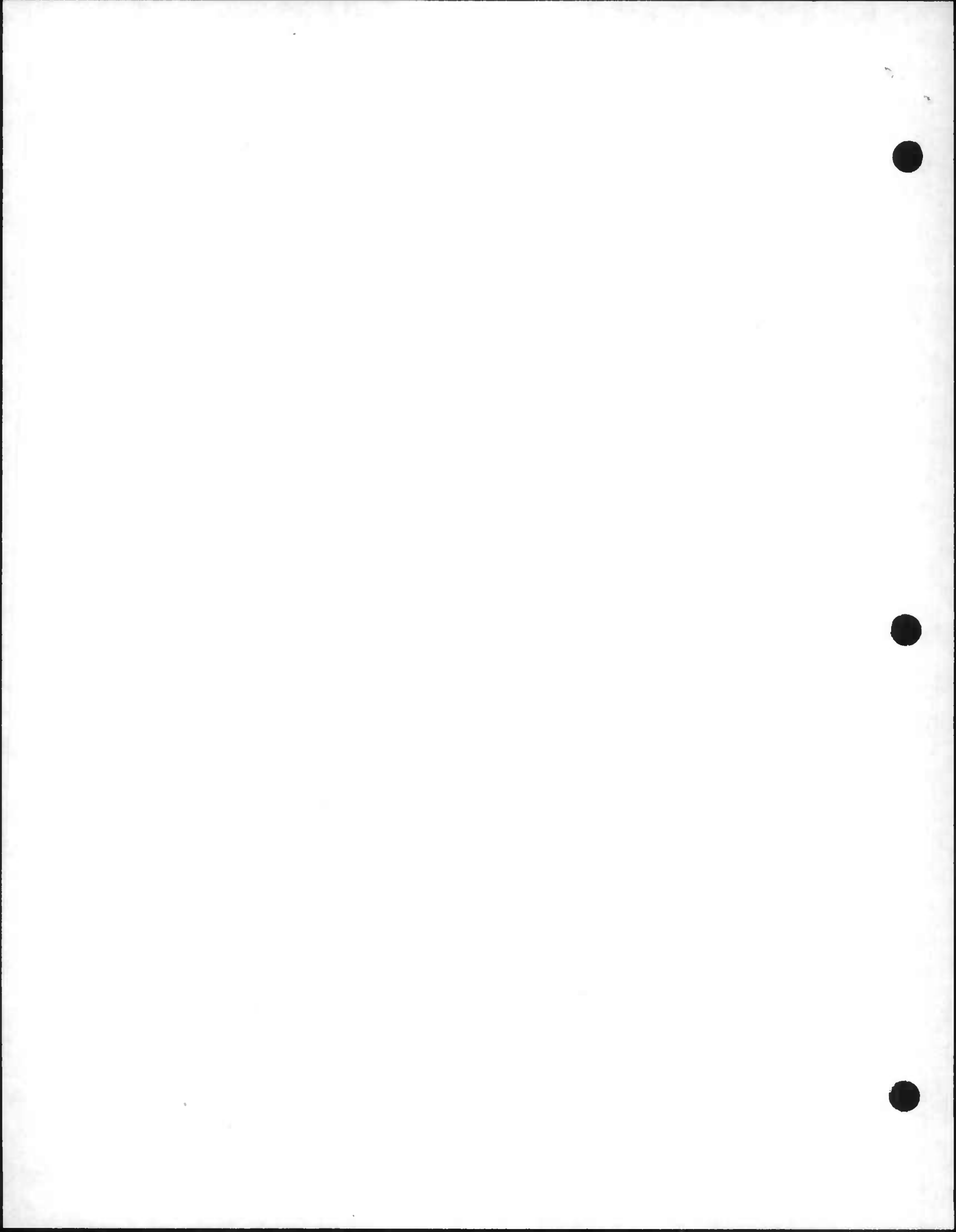
Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

SM78-07





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/](http://www.dnr.state.md.us/criticalarca/)

March 19, 2007

Ms. Amanda Gordon  
Cecil County Office of Planning and Zoning  
129 E. Main Street, Room 300  
Elkton, MD 21921

Re: Skipjack Cove Yachting Resort – Site Plan  
150 Skipjack Road

Dear Ms. Gordon:

Thank you for providing the information on the above referenced project. The applicant is seeking to remove 55,315 square feet of pavement and old building and construct a new building 54,238 square feet in size. The parcel is an existing marina totaling 18.235 acres and located within the Intense Development Area (IDA). The waterfront has been designated as Buffer Exemption Area. The proposed redevelopment activity is partially located within a 110-foot Buffer to a tributary stream on the south side of the parcel.

Based on the information provided I have the following comments:

1. Please revise Note #8 on the Critical Area Site Plan to state 'The property shown hereon is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and designated as Buffer Exempt Area (BEA).
2. It appears the 110-foot Buffer for the tributary stream should be expanded for steep slopes according to Section 196 of the Cecil County Zoning Code. Please revise the 110-foot Buffer accordingly.
3. It appears the applicant is proposing to disturb steep slopes on the northern and eastern sides of the development area, which may also be located within the expanded Buffer. If steep slopes in this area are disturbed, it may require a variance.
4. Commission policy recommends 3:1 mitigation for the area of disturbance within the 110-foot stream Buffer. At a minimum, the applicant should provide mitigation at a ratio of 3:1 for trees removed.

5. While the new fire pump building is a water-dependent facility, the structure constitutes new development in the BEA portion of the site and should be mitigated at a ratio of 2:1 per Cecil County Zoning Code Section 195.3.d.
6. The applicant must meet the 10% pollutant reduction rule for development in the IDA. Please provide a copy of the calculations for review and comment.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

CE 526-04



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/](http://www.dnr.state.md.us/criticalarea/)

March 19, 2007

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

Re: Mark Burroughs Subdivision – Preliminary Plan  
Local Case #06-110-108

Dear Ms. McCauley:

I have received the above-referenced subdivision request. The applicant is proposing to resubdivide Farmstead 5000-A and adjust the boundary line of Lot 1 and the 0.49 acre portion of the previous plat, all outside of the Critical Area. As it appears these activities lie entirely outside the Critical Area, I have no comments regarding them. However, as Farmstead 5000-A lies partially within the Resource Conservation Area (RCA) I do have the following comments:

1. Based on the previously recorded plat, it appears the RCA portion of 5000-A is 13.71 acres in size and not 12.71 acres in size. Please clarify this information and adjust any calculations accordingly if necessary.
2. I recommend a note be added to the Critical Area Note section stating density within the Critical Area portion of the subdivision is restricted per Section 41.6.4 of the County Comprehensive Zoning Ordinance.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

SM670-01





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 19, 2007

Ms. Adrienne Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Chaven, LLC – Minor Subdivision  
Center Road, Earleville  
Tax Map 60, Parcel 509, Block 13

Dear Ms. Stiffler:

Thank you for providing information regarding the above referenced subdivision. The applicant is revising a previously recorded plat that subdivided a 3.066 acre parcel previously part of the Mary Parker Estate to create two lots. The current revision corrects the numbers assigned to each lot and indicates another 0.4653 acre waterfront parcel as remaining with the 7.6853 portion of the estate on the eastern side of Center Road. The 0.4653 acre parcel is noted as "beach access".

Based on the information provided, I have the following comments regarding the proposal:

1. The Critical Area Buffer shown on the new plat is not correctly drawn. The Buffer should be 200-feet from Mean High Water (MHW) to include tiger beetle habitat protection provisions as required previously by the Division of Wildlife and Heritage of Maryland Department of Natural Resources (DNR).
2. Given the previous review by DNR for tiger beetle did not include the 0.4356 beach access parcel a note should be added to the plat stating that any future proposed activity on this parcel must be reviewed by the Division of Wildlife and Heritage to ensure tiger beetle habitat protections.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CE 767-05







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/](http://www.dnr.state.md.us/criticalarea/)

March 16, 2007

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

Re: Mill Cove Subdivision  
# 06-110-097

Dear Ms. McCauley:

I have received the above-referenced minor subdivision request. The applicant is seeking to subdivide a 10.35 acre parcel into three lots and one parcel for forest conservation and one outparcel. The site is entirely located within the Limited Development Area (LDA). Based on the information provided I have the following comments:

1. Critical Area Note #1 incorrectly states that 0.044 acres of the site is within the Critical Area. The entire 10.35 acre parcel lies within the Critical Area.
2. A note should be added stating that any future proposed development on Lots 1A1, 1A2 and 1A3 shall comply with Section 41.5 of the St. Mary's County Comprehensive Zoning Ordinance (CZO), including impervious surface is limited to 15% of each lot.
3. Section 72.3.1(c) of the County CZO states that all forest removed must be mitigated and that clearing in excess of 30% of forest or developed woodland is prohibited in the LDA. Therefore, the applicant is limited to clearing no more than 2.98 acres of woodland in this and any additional proposed subdivision. I recommend this limit be added as a note to the plat. Additionally, I recommend a note stating that at the time of development mitigation must be provided in accordance with Section 72.3.5 of the CZO.

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

cc: SM697-03



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 16, 2007

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

Re: Bay Head Farms Major Sketch  
P07-0017

Dear Mr. Burke:

This letter provides additional clarification of comments made on the above-referenced subdivision. The applicant proposes to subdivide a 22.62 acre parcel to create 17 lots, 1 of which will be located in the Resource Conservation Area (RCA). The RCA makes up 16.12 acres of the parcel and the proposed lot will be 3.92 acres.

1. As stated previously, the RCA should not be used to accommodate zoning or subdivision requirements for development outside of the Critical Area, such as the proposed recreation area and stormwater management facility. Additionally, new lots from outside the Critical Area should not extend into the RCA. This proposed extension of lot lines increases the number, movement, and activities of people in the RCA and is therefore contrary to the stated purpose of the law. Minimizing the impacts of development in the RCA is one of the goals of the Criteria. COMAR 27.01.02.05 states that local jurisdictions shall "conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity" and "conserve the existing developed woodlands and forest for the water quality benefits they provide" ((1) and (3)).
2. Additionally, I would like to point out that the RCA is currently nonconforming on the existing parcel as it is only 16.12 acres. Because the parcel is grandfathered, the applicant has a right to establish a dwelling unit on the Critical Area (RCA) portion. However, the size of the RCA should not be reduced to accommodate a lot smaller than 16.12 acres, as this action will further the nonconformity and will result in more fragmenting of the RCA.
3. The proposed forest conservation easement areas in the RCA can not be accommodated as the proposed RCA parcel must not be smaller than the existing RCA area, i.e. 16.12 acres.

TTY for the Deaf

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

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
AA49-07

Cc: Marianne Dise, Commission Counsel



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 12, 2007

Mr. Joseph Johnson  
Office of Planning and Zoning  
129 E. Main St., Room 300  
Elkton, MD 21921

Re: Variance- Local Case #3304; 545 Stoney Battery Road  
Barry Bleacher

Dear Mr. Johnson:

Thank you for providing information regarding the above referenced variance. The applicant is requesting a variance to allow an accessory structure (inground pool) partially within the 110-foot Buffer. The property is 5.0 acres in size and designated as Resource Conservation Area (RCA). It is currently developed with a single-family dwelling located just outside of the 110-foot Buffer that was constructed in 1987.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if the 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 Board must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to construct a new pool partially within the 110-foot Buffer. The Critical Area Buffer establishes an area of undisturbed natural forest vegetation, or an area for enhancement with vegetation native to the Critical Area, managed to protect shorelines, streams, wetlands, and riparian biological communities from adverse effects of land use. Thus, the County has enacted a specific set of provisions to recognize the importance of the 110-foot Buffer and maintain its integrity by prohibiting the construction of new structures unless they are water dependent (Cecil County Zoning Code Section 196).

The variance to the 110-foot Buffer cannot be granted unless the applicant proves, and the Board finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of **the entire parcel or lot.**" We do not believe that this standard is met, and accordingly the variance should be denied. I have discussed each one of the County's variance standards below as it pertains to this site:

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

The lot in question is 5.0 acres in size and currently developed with a single family dwelling and driveway. The configuration of the lot is long and narrow, with the house located approximately 200 feet from the edge of tidal waters. Based on my review of aerial imagery from 2004, it appears that forest surrounds the dwelling on all sides, although there are existing cleared areas immediately around the dwelling.

As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot.** Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor for the pool as the applicant is able to use the property for residential purposes and the applicant has space available on the property to install the pool and not impact the 110-foot Buffer.

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

The applicant has a reasonable use of this property for residential purposes, and therefore, would not be denied a right commonly enjoyed by neighboring properties. No one has the right to construct a new swimming pool in the Buffer. Therefore, denial of a variance for the accessory swimming pool would not deny the applicant a right commonly enjoyed.

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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to the Buffer beyond what has been established as law by the County would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

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

The lot is not constrained by significant environmental features or circumstances that would prohibit the placement of the pool in a location outside of the Buffer. Additionally, the applicant currently enjoys a property developed with a single-family dwelling. The County code is designed

Mr. Joseph Johnson  
March 9, 2007  
Page 3 of 3

to prevent degradation to the Buffer by prohibiting new development activities to be placed nearer to the shoreline. This office does not believe the applicant can meet this standard.

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

In contrast, granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in development in the Buffer and consequential disturbance to the land results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. Given it appears that the applicant can locate the pool outside of the 110-foot Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the application for variance to the Buffer.

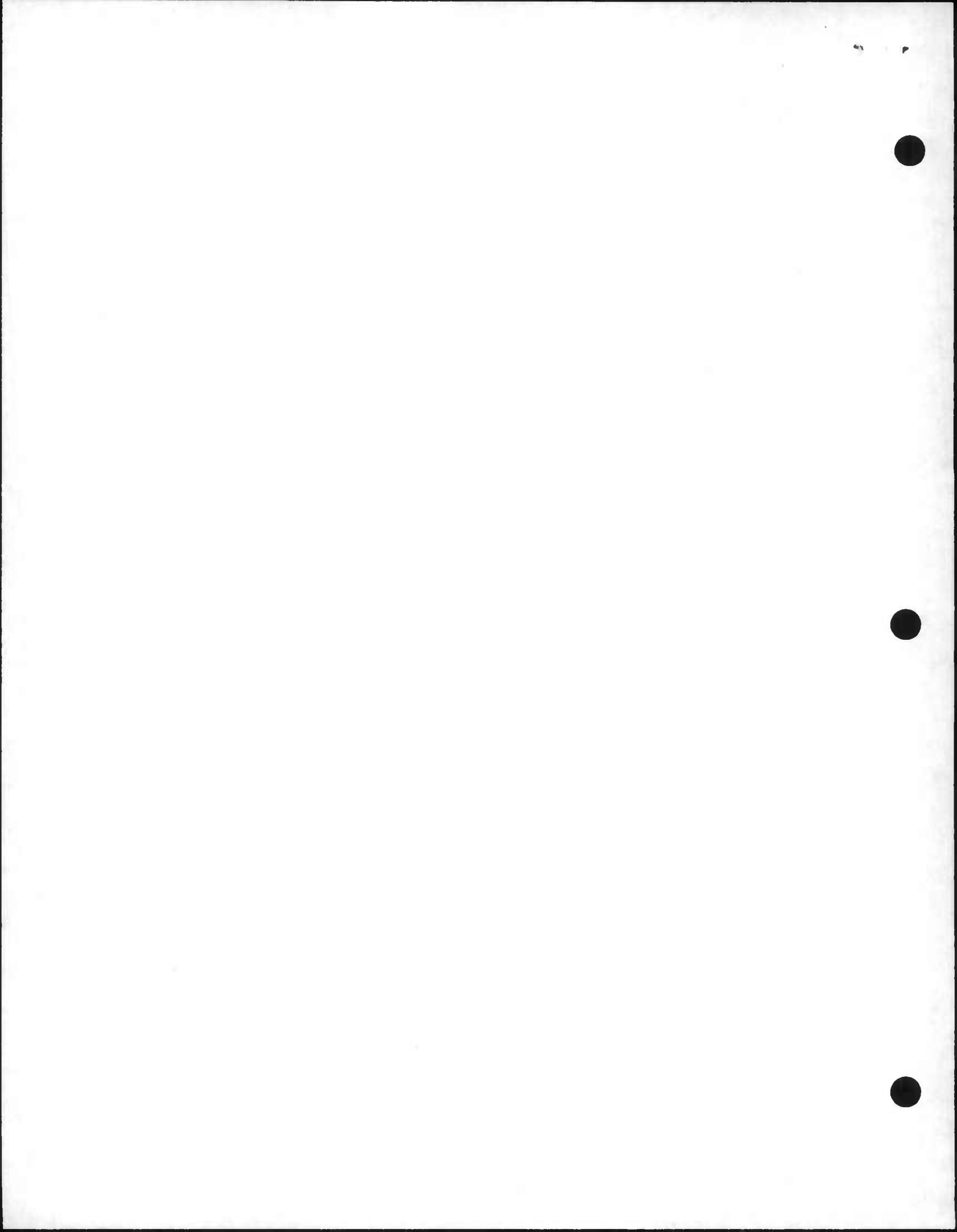
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kate Schmidt  
Natural Resource Planner

CE111-07







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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

Mr. James W. Swann  
Greenhorne & O'Mara  
6110 Frost Place  
Laurel, Maryland 20707

Re: Patuxent River NAS Presidential Helicopter Engine Test Facility

Dear Mr. Swann:

Thank you for submitting information regarding the above referenced project to review for consistency under the Maryland Coastal Zone Management Act and the goals and objectives of the Critical Area Law and Criteria. The proposed project will construct a helicopter test pad and access drive adjacent to the engine test facility at the Patuxent Naval Air Station, Lexington Park, Maryland. I have reviewed the materials and determined that this project on Federal lands is consistent with the Maryland Critical Area Law and Criteria in the Code of Maryland Regulations based on the following reasons:

- The proposed project meets the 10% pollutant reduction rule for the increase of impervious surface to 0.3 acres on the 1.06 acre site.
- Mitigation is being provided at a 1:1 ratio for area of woodland vegetation to be cleared. The planting plan demonstrates a mix of native trees at 2-inch caliper will be provided on site.
- No activities are proposed within the 100-foot Buffer.
- There will be no impacts to other Habitat Protection Areas.

Thank you for coordinating with us on this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Elder Ghigiarelli, MDE





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 12, 2007

Ms. Jeanne Minner  
Director of Planning  
Town of Elkton  
PO Box 157  
100 Railroad Avenue  
Elkton, MD 21922-0157

Re: MSM Investments, Subdivision  
141, 142, 143 Howard Street

Dear Ms. Minner:

Thank you for submitting information regarding the above referenced subdivision. The applicant is seeking to create one single parcel lot totaling 0.404 acres from 5 separate but adjacent parcels (Tax Map 310, Parcel 1387 & 1388, and Tax Map 314, Parcel 1440, 1441, and 1442). The parcels are located in the Intense Development Area of the Town of Elkton and currently developed with commercial properties and parking lots.

Based on the information submitted I have the following comment:

- Please add a note to the plat referencing the Critical Area designation and the applicable provisions of the Elkton Zoning Code regarding future development of the parcel must meet the IDA requirements.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

EL133-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 9, 2007

Ms. Diane Rubin  
Whitman, Requardt and Associates  
801 South Caroline Street  
Baltimore, Maryland 21231

RE: MDTA #NB-879-000-002  
MDE #06-SF-0290  
Nice Bridge Approach Improvements

Dear Ms. Rubin:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 7, 2007, the Critical Area Commission unanimously approved the Maryland Transportation Authority's proposal and site plan to construct the US Route 301/Nice Bridge Toll Approach improvements in Charles County. This approval included the following conditions:

- (1) Prior to commencement of construction, the Maryland Transportation Authority shall obtain all necessary authorizations from the Maryland Department of the Environment (MDE); and
- (2) The Maryland Transportation Authority shall replace the proposed plantings of dawn redwood with a native species such as white pine.

A planting agreement form has been included for your submittal. In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Ms. Aimee Dailey, Charles County Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 9, 2007

Ms. Grace Fielder  
G.F. Fielder & Associates  
6345 Woodside Court, Suite 200  
Columbia, Maryland 21046

Re: Anacostia River Trail – Maryland National Capital Park & Planning Commission

Dear Ms. Fielder:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 7, 2007, the Critical Area Commission unanimously approved the Maryland National Capital Park & Planning Commission's proposal and site plan to construct a 1.26 mile combination hiker/biker trail 10-feet in width at the Historic Bladensburg Marina and Anacostia River Park, located in Prince George's County. This approval included the following condition:

Prior to the commencement of construction activities, the Maryland-National Capital Park and Planning Commission shall provide a planting plan to Commission staff and, if necessary, to the Project Subcommittee. The plan shall demonstrate that mitigation for the direct 0.5-acre buffer disturbance will occur, either on-site or off-site, within the 100-foot Buffer.

A planting agreement form has been included for your submittal. In fulfillment of the above conditions, please also notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Ms. Eileen Nivera, MNCPPC







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

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

March 9, 2007

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

Re: North Point State Park Recreational Court

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 7, 2007, the Critical Area Commission unanimously approved the Department of Natural Resources and Baltimore County Parks and Recreation proposal and site plan to construct recreational court at North Point State Park/Millers Island Community Park, located in Baltimore County. This approval included the following conditions:

- (1) Baltimore County shall revise the proposal to include the recommendations of the regional biologist, including the elimination or modification of the proposed sidewalk to Baylight Avenue and the reforestation of the 50-foot wide buffer between Baylight Avenue and the proposed court; and
- (2) The Department of Natural Resources will ensure that the project complies with these measures if they are not carried out by Baltimore County.

Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

Cc: Patrick McDougall, Baltimore County Parks and Recreation





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 6, 2007

Adrienne Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

RE: Bay Boat Works  
TM 36, Block 15, Parcel 390/625

Dear Ms. Stiffler:

Thank you for providing revised information regarding the above referenced proposal to add land to an adjoining parcel. Parcel 625 will be subdivided and 0.1807 acres added to Parcel 390 for a total acreage of 10.7 acres. The remaining portion of Parcel 625 will be 1.4404 acres. Both parcels are designated Limited Development Area (LDA). Parcel 625 is currently developed with a single-family home. No new building lots will be added to Parcel 390 with this subdivision. It appears this change was made in order for Parcel 625 to meet the 15% impervious surface limit or 9,412 square feet for existing development. The parcel is currently developed at 6,556 square feet impervious surface. Based on the information provided, I have no further comments.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CE 534-06





**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/](http://www.dnr.state.md.us/criticalarea/)

March 6, 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:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to create a 110-lot subdivision partially 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).

Based on the information provided, I have the following comments regarding the proposal:

**1. Critical Area Notes**

The following information for the Critical Area portion of the proposal must be included on the plat in the form of notes:

- a. Total acreage
- b. Existing forest and woodland vegetation
- c. Proposed clearing of forest and woodland vegetation
- d. Existing impervious surface
- e. Proposed impervious surface, including all lots and proposed roadways

**2. 110-foot Buffer**

The applicant's statement in Note #20 is incorrect. The Buffer Exemption Area (BEA) designation requires that all provisions of Section 195 of the Cecil County Zoning Code apply. The current site plan does not address these provisions and must be revised. 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'. The proposal shows that all roads and structures in the Buffer are to be removed. The Code continues 'in such cases where a setback line exists as defined by structures on adjacent lots or parcels, the structure may not be replaced shoreward of that line'. There are no existing structures to remain therefore, the setback is defined by the full 110-foot Buffer. Finally, there is ample opportunity to provide for lots and development outside of the 110-foot Buffer. I

have the following comments regarding the current design as it relates to the Buffer:

- a. Section 196 of the Cecil County Zoning Code states that no development, including septic systems, impervious surfaces, parking areas, roads, or structures are permitted in the 110-foot Buffer. It is the position of this office that development also includes stormwater management (SWM) facilities. The SWM facility shown adjacent to Lot 68 should be moved out of the Buffer, although the outfall may impact the Buffer as it is water-dependent.
- b. Additionally, the proposed pump station, clubhouse, and swimming pool must also meet the 110-foot Buffer setback.
- c. The applicant should show proposed development envelopes on all lots containing the 110-foot Buffer in order to demonstrate new dwellings can be constructed outside of the Buffer.

**4. Impervious Surface Limits**

LDAs are limited to 15% impervious surface however for new subdivisions, under Section 200.8.c. lots less than one acre in size may be up to 25% impervious provided the impervious surface of the entire subdivision does not exceed 15%. The plat should include a table of total impervious surface within the Critical Area, broken out by each lot and other proposed surfaces to show this requirement can be met.

**5. Developed Woodland**

Section 200.6 of the Cecil County Zoning Code requires clearing of developed woodland to be minimized. It appears based on aerial imagery that extensive woodlands exist on site within the Critical Area. The plat should include a summary of all area proposed to be cleared, including development envelopes on lots, to determine the amount of clearing proposed. If more than 30% of the site is cleared, the forest is required to be replanted at three times the total extent of forest cleared.

6. It appears based on the DNR Wildlife and Heritage review a survey of the nontidal wetland for the Swamp Pink (*Helonias bullata*) perennial wildflower will most likely be required in the process of obtaining a nontidal wetlands permit from MDE. Any recommended management measures should be incorporated into the site design.

Thank you for the opportunity to provide comments. Unfortunately, I am unable to attend the scheduled TAC meeting on March 7, 2007 due to our monthly Commission meeting. I would like to request however that you notify me as to decisions that were made at the TAC meeting regarding this proposal. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt

Kate Schmidt  
Natural Resource Planner

C105-07



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/](http://www.dnr.state.md.us/criticalarca/)

March 6, 2007

Mr. Keith Lackie  
MDP, LES Regional Office  
201 Baptist Street, Suite 24  
Salisbury, MD 21801

**Re: Reese Condominium, Seventh Street, Crisfield**

Dear Mr. Lackie:

Thank you for providing revised information regarding the above-referenced site plan. The applicant is requesting to construct a 90-unit condominium project. The property is 1.56 acres in size and is designated Intense Development Area (IDA) and Buffer Exemption Area (BEA). Some of the comments I made June 23, 2006 have been addressed. My remaining comments are below:

**1. Impervious Surface Area Calculations**

I would not recommend the use of a pervious paver system for this site and type of project. The proposed area for the pervious paver will be heavily utilized which may compromise the pervious nature of the product over time. Additionally, the groundwater table in this area is extremely high and the site may not meet the required specifications for the product selected. Regardless, should the applicant determine to use the pervious paver, they must submit product specifications and soils information to this office to determine percent perviousness. Typically, pervious pavers are only 10% to 50% pervious. Additionally, I recommend the same information be provided to Mr. Dale Pusey, the Town's stormwater engineer for similar evaluation. Once a percent perviousness has been determined, the applicant may adjust their calculations.

**2. 10% Pollutant Reduction Rule Calculations**

The applicant must complete the 10% pollutant reduction worksheet from the "Critical Area 10% Rule Guidance Manual" regardless of the amount of reduction in site imperviousness. The calculations may be adjusted for the use of the pervious paver once a determination has been made regarding the product selected. Until then, the applicant must include the entire area of paver as 100% impervious in the calculations.

**3. 100-foot Buffer and BEA**

- a. Under Crisfield Zoning Code Section 112-108(B), the proposed redevelopment in the 100-foot Buffer requires that the 25-foot setback be established and maintained in natural vegetation. The Critical Area Commission BEA Policy from April, 2000 recommends that

Mr. Keith Lackie  
March 6, 2007  
Page 2 of 2

for every 100 linear feet of bufferyard, the following be planted; 5 trees and 10 understory trees/large shrubs and 30 small shrubs and 40 herbaceous plants. Based on my estimate of 250 linear feet, the plantings proposed in the 25-foot setback should be significantly increased in the 25-foot setback.

- b. The proposed walkway is not appropriate in the 25-foot setback. As stated in Section 112-108(B)(3)(d), the intent of the 25-foot setback is to provide dense natural vegetation and the boardwalk is not an appropriate use. The proposal may include a perpendicular access path to reach the existing wood pier.
- c. The calculations shown for mitigation in the 100-foot Buffer on sheet L100 are not correct. Crisfield Zoning Code Section 112-108(B)(3)(d) states that natural vegetation of an area twice the extent of the impervious surface created in the BEA shall be planted in a BEA or other location as determined by the city. Given that the proposed paver will cover the same square footage as a completely impervious system, the entire area of development should be included and not discounted. Additionally, the applicant may not claim credit or 1:1 mitigation for existing impervious surface that will be moved elsewhere in the Buffer as there are no provisions for this type of impervious surface trading in the Zoning Code. Based on my calculations, the applicant must provide mitigation for 50,539 square feet.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

CF335-06

cc: Dale Pusey





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 5, 2007

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

Re: Patuxent Riverview Townhomes  
Local Case #06-131-071

Dear Ms. Veith:

Thank you for providing information regarding the above referenced redevelopment project. The applicant is proposing to redevelop a 22,214 square foot parcel located in the Limited Development Overlay (LDO) and Buffer Management Overlay (BMO) with three townhomes. The property is currently developed with trailer homes and impervious surface cover of 7,223 square feet. This office initially provided comments on May 23, 2006. My remaining comments are outlined below:

1. The applicant is showing an increase of impervious surface within the 100-foot Buffer of 372 square feet. Additionally, the driveway area has been extended and additional impervious surface added closer to Mean High Water. While we understand the property is allowed to maintain nonconforming impervious surface coverage, and that impervious surface may be traded on a grandfathered parcel or lot under Section 41.5.3.i(3) of the Comprehensive Zoning Ordinance, this provision does not allow replacement impervious surface in the Buffer to exceed the area removed. This office would interpret the 'area removed' to be limited to the impervious surface within the 100-foot Buffer only and not from the entire parcel.
2. Additionally, Section 41.7.4.a states that development activities may not be approved in the Buffer unless the applicant can demonstrate that there is no feasible alternative and the County finds that the applicant has made efforts to minimize Buffer impacts. It does not appear from the information submitted that this case has been made. It appears the applicant may be able to locate the proposed townhomes further back on the property outside of the Buffer and maintain the existing impervious surface coverage.

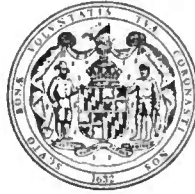
Thank you for the opportunity to comment. Please telephone me at (410) 260-3475 if you have any questions.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

cc: SM 305-06



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/](http://www.dnr.state.md.us/criticalarea/)

March 1, 2007

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

Re: Lewis Property, 17809 River Shore Drive – Variance  
Local Case Number 05-2671

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition (sunroom) in the 100-foot Buffer. The property is 40,315 square feet in size and located with the Limited Development Area (LDA).

Provided this lot is properly grandfathered, this office does not oppose the variance request. The proposed sunroom is at the same setback as the existing house and does not intrude further into the 100-foot Buffer. Additionally, the sunroom is of modest size in relation to the dwelling. Based on the information provided I have the following comments:

1. Mitigation should be provided at a ratio of 3:1 for new impervious surface within the 100-foot Buffer. Plantings should be a mix of native shrubs and trees and be accommodated on-site preferably within the Buffer.

This office understands that previously the applicant required a variance to exceed impervious surface limits, however is proposing to meet the impervious surface limit through the use of a semi-impervious paver and reduction in size of the driveway. I would like to offer the following comment regarding this issue. While the use of the pervious paver system allows the applicant to meet the impervious surface limit, the use of such material in the case where a variance was previously required is allowing the applicant to cover a greater area of the property with development than would typically be allowed. This office would like to caution the County about the use of pervious paver systems in variance scenarios.

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.

Ms. Yvonne Chaillet  
March 1, 2007  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt  
Natural Resource Planner

SM119-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 28, 2007

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

Re: Kaper Property  
Local Case #06-3086

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct an addition to a single family dwelling in the expanded 100-foot Buffer for steep slopes and highly erodible soils. The property is 1.65 acres in size and designated as Resource Conservation Area (RCA). The proposed expansion would add 950 square feet of impervious surface and disturb 4,400 square feet within the expanded Buffer.

Provided this lot is properly grandfathered, we do not oppose a variance for a reasonable expansion. However, given the site constraint of natural features, impacts must be minimized and the variance the minimum necessary. Based on the site plan submitted I have the following comments:

1. I recommend the applicant reduce the area of disturbance to the extent feasible for construction activities.
2. Mitigation in the form of plantings should be provided at a ratio of 3:1 for the total area of impacts from grading, forest clearing, and building footprint. Plantings should be native species and accommodated on site to the extent possible.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3475 if you have any questions.

Sincerely,

Kate Schmidt  
Natural Resources Planner

cc: SM 104-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 28, 2007

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

Re: Fenwick 1-Lot Minor Subdivision; Intra-family Transfer  
Local Case #00-100-038

Dear Ms. Veith:

Thank you for providing information regarding the above referenced minor subdivision/intra-family transfer. The applicant is proposing to create a 7.00 acre lot from a 35.09 acre parcel located entirely within the Resource Conservation Overlay (RCO). This office previously provided comments on June 30, 2000. Based on the information provided I have the following remaining comments:

1. Note #17 should be revised to state that intra-family transfer regulations in the RCO are guided by St. Mary's County Comprehensive Zoning Ordinance Section 41.6.4. These regulations and the name of the family member to whom the lot will be conveyed should be included on the final plat.
2. The 100-foot Buffer is not labeled on the subdivision plan. The 100-foot Buffer must be field delineated from mean high water or the edge of tidal wetlands and expanded for steep slopes according to Section 71.8.3(a)(1).
3. Information from the Heritage Division of the Department of Natural Resources (DNR) should be provided with this submittal. It appears there may be areas of riparian forest that may provide habitat for Forest Interior Dwelling Species (FIDS).
4. The applicant has not provided information on forest cover, forest clearing, and existing impervious surface area limits. Please provide appropriate notes.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner  
cc: SM 337-00





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 28, 2007

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

Re: Gum Landing Subdivision; Intra-family Transfer  
Local Case #01-100-028

Dear Ms. Veith:

Thank you for providing information regarding the above referenced minor subdivision/intra-family transfer. The applicant is proposing to create three lots from a 26.665 acre parcel of which 18.3 acres are located in the Resource Conservation Overlay (RCO). Lots 2 and 3 are 2.0 acres each and entirely within the RCO. Based on the information provided I have the following comments:

1. The names to whom Lots 2 and 3 are to be conveyed should be included on the plat under the intrafamily transfer notes.
2. Please forward of copy of correspondence from DNR Wildlife and Heritage for our files.
3. I recommend Lots 2 and 3 be planted with a healthy cover of native forest plantings by the current or future property owners.

Thank you for the opportunity to comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

Kate Schmidt  
Natural Resources Planner

cc: SM 436-01





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 28, 2007

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

Re: Skipjack Square/F. Russell 12-lot Major Subdivision – Preliminary Plan  
Local Case #04-120-049

Dear Ms. Veith:

I have received the revised site plan for the above referenced subdivision. The applicant is proposing to create a 12-lot residential subdivision on a 3.2 acre parcel in the Intensely Developed Area (IDA). The parcel is currently developed with an existing building and trailer. This office previously provided comments on December 27, 2004, of which some have been addressed. I have outlined our remaining and new comments below:

1. Given the subdivision is located in the IDA, the applicant must comply with Section 41.4.3.f of the St. Mary's County Zoning Ordinance, requiring stormwater quality management that will result in a 10% reduction in pollutant loading from pre-development levels. Please provide the 10% Rule Worksheet A from the "Critical Area 10% Rule Guidance Manual – Fall 2003" and appropriate stormwater management design and analysis. The 10% calculations should account for all proposed impervious surface including the public road, private roads and individual driveways.
2. Please provide a copy of correspondence obtained from the Heritage Division of the Department of Natural Resources.
3. Section 72.3.1.b of St. Mary's County Comprehensive Zoning Ordinance requires mitigation on a 1:1 basis for all natural vegetation cleared in IDAs. The applicant is proposing to clear 13,503 square feet of vegetation. I recommend the replacement planting be accommodated on site as it appears no lots will have any vegetative cover. Section 72.3.1.b(2)(a) states that enhancement of forest and developed woodland resources using urban forestry, street tree planting, gardens, landscaping or open land buffers are encouraged.
4. The square footage shown in Note #12 under Critical Area Notes does not match the impervious surface chart or the site tabulation data listed under General Notes. As stated

above, all impervious surface areas must be included in calculations to meet the pollutant reduction requirement.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned above the typed name.

Kate Schmidt  
Natural Resource Planner

SM899-04



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/](http://www.dnr.state.md.us/criticalarea/)

February 27, 2007

Mr. Tom Roland  
Department of Public Facilities  
1001 Radio Station Road  
LaPlata, Maryland 20646

RE: Mallow's Bay – Wilson Farm Concept Plan

Dear Mr. Roland:

Thank you for providing the Critical Area report and site plan for proposed activities at Mallow's Bay – Wilson Farm Area. The site is managed by Charles County Department of Recreation and Parks in accordance with a lease agreement with Maryland Department of Natural Resources (DNR). The site is 184.92 acres in size, of which 122.99 acres are within the Critical Area and designated as Resource Conservation Area (RCA).

The County is proposing two phases of development to improve public access. The current proposal, or Phase I, includes the widening and stabilization of an existing road network, the construction of a 20-space parking area for trailers and a 44 space parking area for cars near the water access area, the rehabilitation of launch facilities for boats and kayaks, the redevelopment of a kayak boat storage area, and the provision of sanitary facilities. Of these activities, the launch facilities and the kayak boat storage area are located within the 100-foot Buffer. Based on the information currently provided, my comments are below. At this time I have not completed a site visit with DNR Division of Public Lands, Policy, and Planning. I may have additional comments at that time.

1. It appears the 100-foot Buffer may not be appropriately expanded in all areas for steep slopes, such as the area to the north of the trailer parking where the Buffer line crosses steep slopes. Where steep slopes are contiguous to the 100-foot Buffer, the Buffer must be expanded four feet for every one percent of slope or to the top of the slope, whichever is greater.
2. Under Critical Area Notes on the site plan, the amount of existing impervious surface within the Buffer should be included as well as the amount of proposed impervious surface within the Buffer. Please separate the launch area from the access drive and the one-way road.
3. Additionally, the Critical Area report should include more detailed discussion of the proposed improvements to the access drive, launch area, and one-way road within the Buffer. For instance, are these areas currently in gravel and will they be converted to a paved surface?

Depending on the proposed impacts to the Buffer, a conditional approval under COMAR 27.02.06 may be required.

4. As noted previously by Kathy McCarthy of DNR Heritage Division, there is a documented presence of rare, threatened, and endangered species habitat in the wetlands to the north and south of the entrance road. In order to protect the water quality and hydrology of the rare species' wetland habitat, she recommends that low-impact development methods be used. These include managing stormwater run-off from roads and parking areas with infiltration and bioretention, minimizing impervious area, using pervious materials wherever possible (gravel or pavers), and maintaining a 100-foot buffer to nontidal wetlands. Additionally, she also stated that every effort should be made to stabilize the site within 24 hours, inspect sediment control measures daily, and correct problems immediately. Should these measures be implemented, she would not recommend pursuing any more rare species inventory work.

Given this property is owned by DNR, the proposed project will require Commission approval under COMAR 27.02.05. A project application checklist was submitted with the concept plan and Critical Area report to address these requirements. I have the following comments regarding the status of the submittal:

1. As stated in the project application checklist, any Maryland Department of the Environment (MDE) or Army Corps of Engineer (ACOE) permits must be secured or in their final stages prior to scheduling the project for Commission review. It appears that MDE permits regarding stormwater management, sediment and erosion control, and wetland permits are still outstanding.
2. I recommend a planting plan for the required forest mitigation be included with the project submittal as one will be required for Commission approval.
3. As stated above, this project may require Conditional Approval under COMAR 27.02.06 depending on the impacts to the 100-foot Buffer.

Finally, I would like to reiterate that this property currently has an outstanding requirement to develop and implement a Buffer Management Plan which may hold up approval of this project by the Commission. The Buffer Management Plan is required due to clearing and grading activities that took place in 2002 within the 100-foot Buffer without prior authorization during the original transfer of the property. The Plan must include mitigation plantings for vegetation removed at that time. The County was informed by Mary Owens in her June 7, 2006 letter to you the County shall coordinate the development and implementation of the Plan with assistance from DNR and the Critical Area Commission. The County shall ensure the Plan is implemented before, or simultaneously with, any new development activity on the property, including the widening of the access road, installation of the boat ramp, and the construction of any park amenities. In order to schedule this project for the Project Subcommittee, I recommend the submittal include this required Plan.

Mr. Tom Roland  
February 27, 2007  
Page 3 of 3

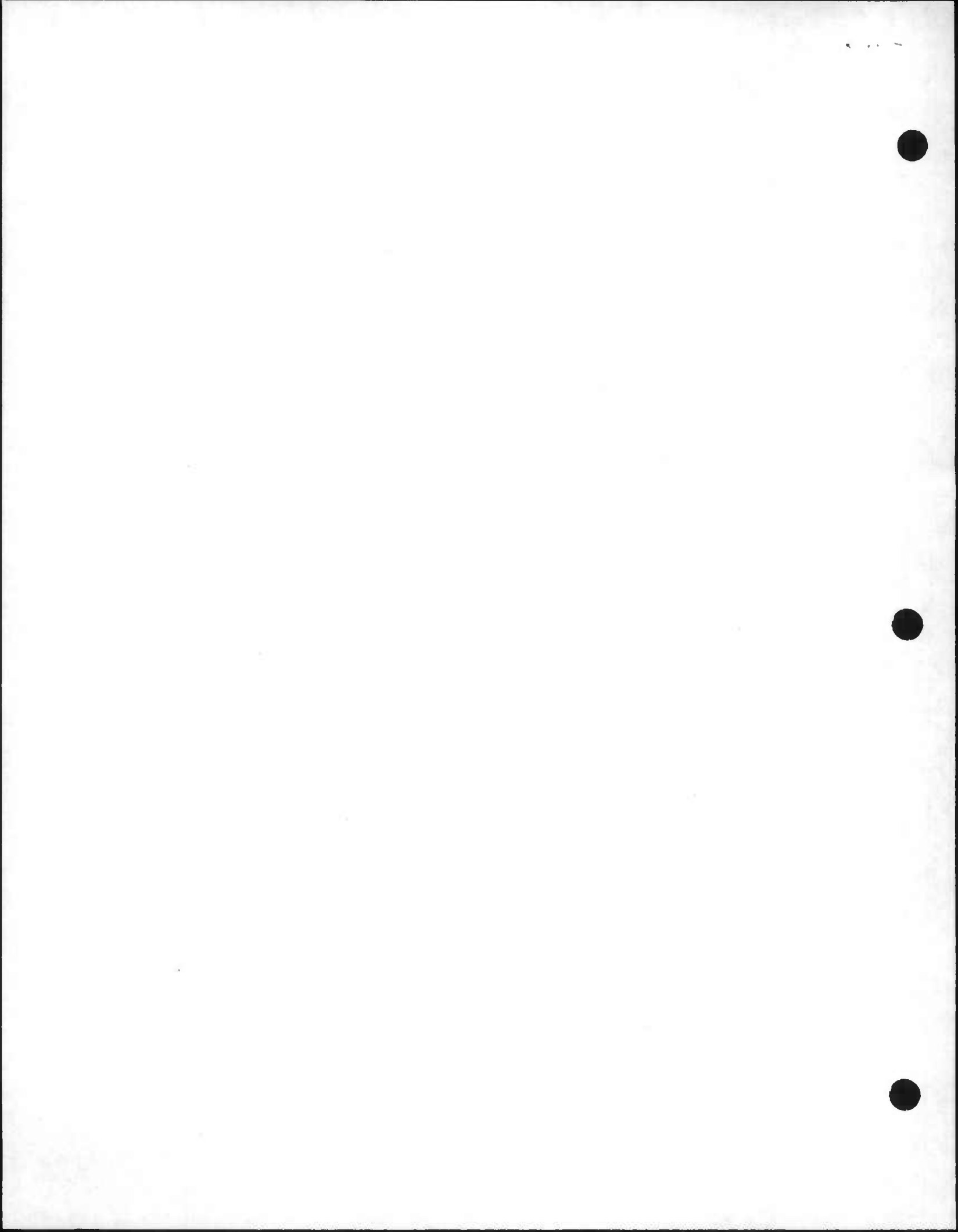
Thank you for the opportunity to provide comments. If you have any questions or would like to arrange a time to discuss the Buffer Management Plan or stormwater issues please call me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

cc: Neal Welch, DNR  
John Wilson, DNR  
Kathy McCarthy, DNR







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 26, 2007

Melissa B. Cook-MacKenzie  
Town Administrator  
Town of North East  
106 S. Main Street,  
North East, MD 21901-0528

Re: Growth Allocation Request for Heron Cove

In accordance with Section 8-1809(d) of the Critical Area law, growth allocation of 41.090 acres is approved for Heron Cove subdivision. Please submit a Buffer Management Plan for review and approval by Commission staff, once all impacts to the Buffer are known and mitigation requirements are determined and prior to recordation of any plats. In addition, please submit plans for the proposed trail network once all state and local approvals have been received and prior to any disturbance or development activities in the Buffer associated with the trail network.

This change should be incorporated into your Critical Area Program within 120 days from the date of this letter. Please send a copy of the Town's amended Critical Area Map to the Commission when it is available.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

cc: Mary Ann Skilling, MDP  
Eric Sennstrom, Director of Cecil County Planning and Zoning





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

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

Re: Finizio, Tobin Family Subdivision – 4<sup>th</sup> Submittal  
S 04-132, P 04-242

Dear Ms. Shatt:

I have received another resubmittal for the above referenced subdivision request. The applicant has addressed some of the comments made by Lisa Hoerger in her July 18<sup>th</sup>, 2006 review. I have outlined our remaining comments below.

1. Previously, this office made comments in regards to Forest Interior Dwelling Birds (FIDs) habitat, including a determination that twelve (12) acres of FIDS mitigation would be required. Based on our review of the applicant's ability to meet the FIDS mitigation guidelines, it was determined that only direct mitigation of forest cleared in the Critical Area would be required or 3.67 acres. Appropriate notes regarding the presence of FID habitat should be provided on the plat and plans, including the following:
  - a. 3.67 acres of FID mitigation will be provided by the applicant according to the provisions of Anne Arundel County Code Section 17—8-502. Additionally, the note should include the location of the FID mitigation bank that will receive this mitigation.
  - b. FID habitat will not be removed or disturbed during during FID breeding season which is April through August of each year.
2. In addition to the above, a table should be added to the plat and plans indicating the amount of proposed clearing on each lot within the Critical Area, the amount of clearing for the road in the Critical Area, and the amount of clearing proposed for the access path to the shore. This is to ensure the amount cleared is appropriately mitigated.
3. The impervious surface table must also include the proposed impervious surface for the road. This can be included within the impervious surface total for each lot; however it should be referenced through a plat note.
4. The plats and plans show a 20-foot wide access to the water. In order to maintain canopy closure we recommend the width of this path be reduced in the event that the path is cleared. In

Ms. Kathy Shatt  
February 23, 2007  
Page 2 of 2

addition, we recommend a note be added to the final plat and plan indicating the riparian access path and recreation area will maintain canopy closure.

5. There is a Bald Eagle's nest on the adjacent property to the west. Based on its location, the outermost protective zone falls onto much of the Finizio property. The boundary of this zone should be shown on the plat and a plat note added that state, "This site is located within a ¼ mile radius of a Bald Eagle's nest. No construction or timber harvesting activities can occur within the ¼ mile protection zone during the eagle nesting season, which is from December 15 through June 15".
6. Any future approvals granted for this project should note the time of year restrictions for both FID breeding season and the Bald Eagle's nest protection zone.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3745.

Sincerely,



Kate Schmidt  
Natural Resources Planner

cc: AA863-04



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/](http://www.dnr.state.md.us/criticalarea/)

February 23, 2007

Mr. Stanley Hearne  
Assistant Administrator  
Town of Charlestown  
P.O. Box 154  
Charlestown, Maryland 21914

Re: Town of Charlestown Critical Area Ordinance Review and Update

Dear Mr. Hearne:

This office has received a copy of the January 2007 revisions to the Town's Critical Area Ordinance. In accordance with the provisions of the Critical Area Act Section 8-1809(g), it is my understanding that this submittal complies with the following:

- (1) The submittal is a result of the completion of the required 6-year comprehensive review;
- (2) The submittal includes all changes to the Town's Critical Area Program and all matters the local jurisdiction wishes the Commission to consider as a result of the comprehensive review;
- (3) The Town has coordinated with the Heritage Division regarding an updated resource inventory as it pertains to Habitat Protection Areas; and
- (4) The submittal includes information about the acreage within each land classification, the growth allocation used, and the growth allocation remaining.

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

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

cc: Mary Ann Skilling, MDP





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 22, 2007

Ms. Susan Simmons  
Caroline County Recreation and Parks  
403 South 7<sup>th</sup> Street, Suite 226  
Denton, Maryland 21629

Re: Hillsboro Boat Ramp and Shoreline Improvement Project

Dear Ms. Simmons:

This office recently received a set of plans for the above-referenced project, which is to occur with the Caroline County Critical Area. As such, the proposed project must comply with the requirements of the County's Critical Area Program under COMAR 27.02.02. I recommend you contact the Caroline County Department of Planning and Codes Administration for a determination of consistency. A consistency report form which must be submitted to this office per the requirements of COMAR 27.02.02 has been enclosed for your use.

Based on my review of the project, I would like to offer the following comments at this time:

1. I recommend that a mix of trees and shrubs be planted, preferably in the area of grass between the parking lot and water. The mix of trees and shrubs would provide greater stability to the site over the long term and could provide stormwater treatment from the parking lot.
2. The County should explore reducing the length of the proposed stone revetment based on the erosion rates at this site and the action of the water. While it does appear that some erosion is occurring, the amount of revetment proposed may not ultimately be necessary. A vegetated streambank may be just as effective as the stone revetment in places.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CR71-07

cc: Kathleen Freeman, Planning and Codes Administration







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 21, 2007

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

Re: Local Project #06-151 RH  
Cavalier Enterprises; Variance

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling with less setback than required and with less buffer to nontidal wetland than required. The property is 14,810 square feet in size and designated as Limited Development Area (LDA) and the lot is currently undeveloped.

Provided the lot is properly grandfathered, this office does not oppose a variance to establish a dwelling on it; however, impacts must be minimized and the variance the minimum necessary. Based on the information provided, I have the following comment regarding the development proposal and variance request.

- Prior to obtaining a variance to Critical Area requirements, the applicant should first pursue a variance to other setbacks. It would appear that should the applicant obtain a variance to the 30-foot setback a variance to the nontidal wetland buffer may not be necessary.

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: KC75-07





**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/](http://www.dnr.state.md.us/criticalarea/)

February 21, 2007

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

Re: North Cypress Branch Stream Restoration

Dear Mr. Burke:

As an interested party involved with the Joint Evaluation permit review for the Anne Arundel County Department of Public Works stream restoration project referenced above, this office received a copy of plans in November 2006. We have reviewed those plans and would like to offer the following comments for your consideration as the project moves forward.

1. As a stream restoration project undertaken by Anne Arundel County DPW, it appears that the project could be processed under COMAR 27.02.02 "State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions". Therefore, DPW must obtain certification that the project is consistent with the local Critical Area Program.
2. One potential issue that Anne Arundel County should be prepared to address is the effect of the proposed project on the 100-foot Buffer. Within the Critical Area portion of the project area, North Cypress Branch stream is bounded on both sides by small grandfathered and developed lots. The alteration of the stream course will move the location of the 100-foot Buffer on these lots which may impact property owners and their need to obtain variances in the future.

We hope these comments will be of use to you. Please feel free to contact us should you have questions regarding process and approval of this project at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
cc: AA707-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 14, 2007

Ms. Carolyn Sorge, Mayor  
Town of Betterton  
#3 Third Avenue  
P.O. Box 339  
Betterton, MD 21610

Re: Town of Betterton Critical Area Ordinance Review and Update

Dear Ms. Sorge:

This office has received a copy of the January 2007 revisions to the Town's Critical Area Ordinance. It is my understanding that the ordinance was originally approved on June 20, 2006 by the Mayor and Town Council. The Critical Area Commission is accepting the revised ordinance for processing. The Chairman will make an amendment or refinement determination within 30 days of the date of this letter, and Commission staff will notify you of his determination and the procedures for review by the Critical Area Commission.

Thank you for your cooperation. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: Mary Ann Skilling, MDP





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

February 13, 2007

Mr. Gerry Robertson  
Town Administrator  
Town of Chesapeake City  
Chesapeake City, MD 21915

Re: Chesapeake Inn Additions

Dear Mr. Robertson:

I apologize for canceling today's meeting due to weather and hope that Mary Ann Skilling and I will be able to reschedule in the near future. In the meantime, Ms. Skilling has provided me a copy of her letter to you regarding the Chesapeake Inn. I also wanted to provide you with some comments regarding the recent construction activities at the Inn. As you are aware, it appears that some work has been completed or is underway that may not have been properly permitted, or received the appropriate review for Critical Area regulations and Floodplain regulations.

The Chesapeake City Zoning Ordinance Section 136 describes the Buffer Exemption Area (BEA) provisions. The intent of BEAs is to accommodate limited use of shoreline areas, or development within the 100-foot Buffer, while protecting water quality and wildlife habitat to the extent possible. In order to allow new development or redevelopment activities within a BEA, the Planning Commission must make a number of findings including

- 1) a determination that no feasible alternative is possible,
- 2) a minimization of the shoreward intrusion into the BEA and
- 3) new development or redevelopment shall not exceed the shoreward extent of adjacent or existing structures.

The Chesapeake Inn site is nearly entirely impervious surface up to the existing bulkhead and located within the 100-foot Buffer. However, activities that occur closer to the water than the existing structure must be reviewed for consistency with Critical Area regulations. Prior to receiving the variance to construct the banquet addition, the main structure was set back 20-feet from the bulkhead. Based on my review of plans submitted to this office dated October 11, 2005, the addition was proposed to be set back 12-feet from the bulkhead. A deck on the second story which extends to the edge of the bulkhead was intended to remain as a deck. At the time this office reviewed the variance request for the banquet addition (see attached), we advised the Town to determine that the setback variance was the minimum necessary and establish whether an alternative could be accomplished.

Mr. Gerry Robertson  
February 13, 2007  
Page 2 of 2

Currently, it appears that the portion of deck that was allowed to remain is being converted to an enclosed room. It also appears that the area beneath will also be enclosed. This is clearly not what was previously reviewed by this office, or by Ms. Skilling. While the Town may have established that the variance requirements were met for the banquet addition, the enclosure of the deck and underlying area as they are located shoreward of the existing building clearly would also require a variance. Based on comments made by Ms. Skilling, I also recommend that appropriate plans and information be submitted to the Town for her review and believe it likely that a variance will be required. Additionally, given the after-the-fact nature of the work being done, I recommend the Town require the applicant to provide mitigation at a ratio of 3:1 for the new area of work. This mitigation would be in addition to any mitigation or offset required by the zoning ordinance for development approved in the BEA once a variance is obtained.

There also appear to be some questions related to the approval of the tiki bar and the emergency generator. These facilities are also within the BEA setback area and may also have required variances. I recommend the Town provide information as to the review and approval of these facilities. In addition to the above, the Town may have to require the applicant to obtain a variance for these facilities and again, I recommend the Town require mitigation both for after-the-fact approvals and for new development in the BEA.

Finally, I want to stress the procedural importance of obtaining appropriate review and approvals for activities in the Critical Area. In this situation, the applicant may be faced with considerable additional mitigation requirements to both satisfy the existing violations and to meet the standards of the Town's Zoning Ordinance. Perhaps of even greater concern are some of the issues related to complying with floodplain regulations. I hope that Chesapeake City will take advantage of the assistance and service that Ms. Skilling can provide to you in regards to these issues. I look forward to working with you towards the resolution of these issues. If you have any questions please do not hesitate to contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

Cc: Mary Ann Skilling, MDP





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 12, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: Anchorage Acres  
11660 Perry Branch Road; Drinks  
RAD 70017

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct an addition to a single family dwelling. The property is 1.508 acres in size and located in the Limited Development Area (LDA). Currently, the property is developed with a single-family dwelling, garage, driveway, pool, and sheds, partially within the 100-foot Buffer.

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

1. Because a portion of the work is located within the 100-foot Buffer, a variance will be required. The applicant should break out the area of disturbance and proposed impervious surface within the 100-foot Buffer in the Critical Area note section of the site plan.
2. In order to obtain a variance, the proposed activity should be the minimum necessary and meet all of the applicable standards under Charles County Zoning Code Section 297-416(C). Typically, provided the lot is properly grandfathered, this office would not oppose a variance of this nature.
3. Mitigation of 3:1 for the area of disturbance within the 100-foot Buffer should be provided. Plantings should consist of a mix of native shrubs and trees and first placed within the 100-foot Buffer before they are placed in other areas of the property.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CS64-07





**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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

Ms. Robyn Barnhart  
Charles P. Johnson & Associates, Inc.  
1751 Elkton Road, Suite 300  
Silver Spring, Maryland 20903

RE: North Beach Hotel Redevelopment Site  
Bay Avenue & Third Street

Dear Ms. Barnhart:

This letter is in response to stormwater management calculations submitted to this office regarding the above referenced project. The proposed project seeks to redevelop an existing hotel site into a residential condominium building. The site is 0.69 acres in size and designated as Intense Development Area (IDA). Impervious surface is proposed to increase from 9,638 square feet to 24,453 square feet. Given the IDA designation, the project must meet the 10% pollutant reduction requirement.

I have reviewed the submitted pollutant reduction calculations and am unable to make a determination at this point in time as to whether the 10% rule has been met given the correct worksheet was not submitted. It appears the proposed stormwater management system will treat off-site runoff. Therefore, Worksheet B, from the Critical Area 10% Rule Guidance Manual should be submitted in conjunction with Worksheet A. Worksheet B calculates removal from off-site drainage areas.

Thank you for the opportunity to provide comments and we look forward to providing additional review on this project. Should you have any questions please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
NB44-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 9, 2007

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

RE: 2006-0454; 4871 Church Lane  
Virginia Gutierrez

Dear Mr. Fury:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure (retaining wall) with less Buffer than allowed. The lot is 13,503 square feet in size and located within the Limited Development Area (LDA). The property is currently developed with a single family dwelling, garage, driveway and shed. The applicant proposes to construct a 2-foot tall retaining wall on the waterward side of the dwelling and a patio. Currently, it appears the property exceeds the allowable impervious surface limit of 31.25%.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is proposing to construct a retaining wall less than 10-feet from MHW and the patio 22-feet from MHW. Anne Arundel County Code Section 17-8-703(b) states that development within the buffer modification area is prohibited unless there is no reasonable alternative available. The purpose of this retaining wall is to provide a gardening area and a patio area. Structures such as retaining walls are generally only acceptable in the Buffer if they are the only alternative to

stabilize steep slopes and severely eroding soils. From the information provided, it does not appear the applicant's property does meet these criteria. In terms of the proposed patio, the applicant already exceeds the allowable impervious surface limit for this property. Additionally, the Anne Arundel County Code Section 17-8-702(b) states that no new impervious surface shall be placed nearer to the shoreline than the existing principal structure. It does not appear that the applicant meets this standard.

I understand that this variance is being sought after the fact. Therefore, I recommend the area disturbed, approximately 1,200 square feet, be restored with native vegetation consisting of a mix of shrubs and trees. Additionally, it would appear this lot may not meet the 15% afforestation requirement. If possible, I recommend the applicant provide additional plantings on the property to meet the 15% standard.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kate Schmidt  
Natural Resources Planner  
AA53-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 9, 2007

Mr. John Fury  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6401  
Annapolis, Maryland 21401

Re: 2006-0427-V; 20 Fitzgerald Road  
Andrew McFall

Dear Mr. Fury:

This letter is in response to a set of revised plans received by our office regarding the above referenced variance request. The applicant is requesting a variance to allow a parcel with impervious surface coverage that exceeds 15%. The project site is 45,465 square feet in size and designated as Limited Development Area (LDA). It is currently developed with a single family dwelling and driveway and numerous improvements within the 100-foot Buffer. The County has directed the applicant to obtain the variance for the existing impervious surface because it was determined the existing lot was not properly subdivided and the current plat must be amended.

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.

The revised site plan provided to this office demonstrates that the applicant proposes to reduce impervious surface within the 100-foot Buffer from 1,415 square feet to 561 square feet. Additionally, while the current impervious surface exists at 20.77% the new site plan indicates a proposed impervious surface of 18.72%. It appears the applicant has thus somewhat minimized the request from

the previous submittal as recommended in our previous set of comments dated January 17, 2007. We also recognize that this property is designated as Buffer Exemption Area (BEA). Should the variance be granted, this office recommends impervious surface be limited to the proposed impervious surface of 18.72% rather than the existing impervious surface of 20.77%.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
cc: AA825-06

cc: Mr. Stephen LeGendre, Office of Administrative Hearings





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 9, 2007

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

RE: 2006-0457; 240 West Lake Drive  
Spencer Hopkins, Jr.

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required. The lot is 26,354 square feet in size, located within the Limited Development Area (LDA) and designated as Buffer Modification Area. The property is currently developed with a single family dwelling. The applicant proposes to reconstruct a new dwelling in the same footprint as the old dwelling.

Provided this lot is properly grandfathered, we have no comments regarding the setback variance. This office does have the following comments regarding the development proposal.

1. Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover.

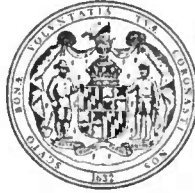
Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner  
AA54-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 9, 2007

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

RE: 2006-0452; 967 Shorelane Drive  
Nikki Swann

Dear Mr. Fury:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow pier and pilings with less setback than required and to construct an accessory structure with less Buffer than required. The lot is 12,965 square feet in size, located within the Limited Development Area (LDA) and designated as Buffer Modification Area. The property is currently developed with a single family dwelling and driveway. The applicant proposes to construct a 480 square foot deck within the 100-foot Buffer.

Provided this lot is properly grandfathered, we do not oppose a variance for an attached deck. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, I have the following comments regarding the current development proposal and variance request.

1. A smaller deck would minimize the extent of the variance. However, the deck should be constructed to be and remain pervious, with a gravel substrate and vegetative stabilization at the perimeter.
2. Mitigation, at a ratio of 3:1 for disturbance within the Buffer, should be required. It appears that mitigation plantings could be accommodated on the property. We recommend that plantings consist of a mix of native species of trees, shrubs and ground cover.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner  
AA52-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 16121 Cobb Island Road; Hills Subdivision  
ORD 60226

Dear Ms. Dailey:

This letter is in reference to additional information regarding the above referenced Buffer Management Plan. The Plan is to resolve a violation for clearing, grading, and filling and placing a gazebo in the Buffer. The property is located within an IDA and the south side of the property is located on Neale Sound and designated as Buffer Modification Area. The eastern side of the property fronts a tidal gut, which also has a 100-foot Buffer. The tidal gut is not considered Buffer Modification Area.

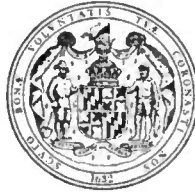
However, even given that the eastern side of the property is not BMA, my comments remain essentially the same. The applicant will most likely require a variance in order to construct the proposed gazebo.

Thank you for the opportunity to provide additional comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CS750-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

Ms. Heather Kelley  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: XPN 05-0010 Barber's Quarters

Dear Ms. Kelley:

This letter is in reference to our continuing review of the above referenced subdivision proposal. It would appear the applicant has addressed all outstanding comments to date. Based on the revised subdivision plat and the previous reviews, I have the following remaining comment:

1. I recommend a note be added to the plat stating that the proposed pier will require approval under MDE/ACOE and Charles County. A Buffer Management plan must be submitted and approved by Charles County as a part of that approval.

Thank you for the opportunity to provide additional comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CS214-05







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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 14145 Banks O'Dee Road; Edelen  
SFD70061

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct a new single family dwelling. The property is 25.13 acres in size and partially located in the Resource Conservation Area (RCA). The applicant proposes to replace a single-family dwelling. Approximately 9,446 square feet of impervious surface will be removed and an additional 19,963 square feet of impervious surface will be created for a total impervious surface of 27,094 square feet. Previously, 1,614 square feet of impervious surface was located in the 100-foot Buffer. After redevelopment, 494 square feet of impervious surface will remain in the 100-foot Buffer.

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

1. Based on a plat of consolidation for Parcel A this office reviewed in 2003 (Land of J. Matthew Phelps) approximately 21.37 acres of the subject parcel is within the RCA. The Critical Area line should be shown on the site plan and all development calculations adjusted for the correct RCA acreage.
2. The property boundary should be adjusted to the edge of Mean High Water (MHW) or edge of State tidal wetlands if they are present. Lands below MHW or that are classified as State tidal wetlands should not be included within the boundary of private property.
3. Based on my review of MERLIN, it would appear that NWI wetlands and DNR wetlands may be located within the forested area of the property. These wetlands should be shown on the site plan and the appropriate buffer added.
4. A review should be provided by DNR Wildlife and Heritage to determine if any other Habitat Protection Areas exist on the property.
5. The site plan indicates the applicant intends to leave the existing brick patios currently located on the waterward and landward sides of the existing house. What is the intended use of the

Aimee Dailey  
February 5, 2007  
Page 2 of 2

area between these patios? No new structures or development activity may occur within the 100-foot Buffer, therefore I recommend the patio within the 100-foot Buffer also be removed and this area restored back to native vegetation.

6. The site plan indicates existing trees in the 100-foot Buffer are to be removed per an approved Forest Management Agreement. Activities in the 100-foot Buffer should follow an approved Buffer Management Plan (sample enclosed) a copy of which should be submitted to this office. I recommend the applicant provide a copy of the indicated Forest Management Agreement and include these activities under a Buffer Management Plan. The new areas of disturbance proposed for the redevelopment should be included with the new plan. Mitigation for disturbance within the 100-foot Buffer will be required at a 3:1 ratio.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
CS58-07



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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

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

Re: Holder Property - Subdivision  
S 86-322, P 03-165

Dear Mr. Marsh:

This office has received the revised final development plan for the above referenced subdivision. The applicant is proposing to subdivide a 111.68 acre parcel in to 29 lots. Approximately 77.53 acres are within the Critical Area of which 24.52 acres are designated as Limited Development Area (LDA) and 50.99 acres are designated as Resource Conservation Area (RCA). Two recreation areas are proposed within the RCA totaling 0.67 acres and the remainder is to be open space. Based on the revisions submitted I have the following comments:

1. The applicant is limited to 15% impervious surface coverage in the Limited Development Area based on the LDA acreage of 24.52 acres and may not include acreage from the RCA. Therefore, the applicant is limited to 3.678 acres of impervious surface within the area proposed for development in the LDA and not the 4.08 acres shown.
2. Under Anne Arundel County Code Section 18-13-104(a), the 100-foot Buffer shall be expanded beyond 100-feet to include contiguous sensitive areas such as hydric soils. The soils map indicates the parcel supports Elkton soils, which are considered hydric. Has the applicant demonstrated to the County that the proposed development activities will not impact streams, wetlands and other aquatic environments on the site? Otherwise, the 100-foot Buffer will require expansion to the limit of the hydric soils.
3. The recreation area note on the subdivision plat must restrict the use of the recreation area shown in the RCA to "passive" recreation. Active recreation is not an appropriate use in the RCA since RCAs are defined in the County's Critical Area program as wetlands, forests, abandoned fields, etc. A ball field, tennis courts, or swimming pool would not be an appropriate use in the RCA. Anne Arundel County Code Section 18-13-206(10) describes those uses permitted in the RCA concerning public and community recreation areas.

Mr. Vivian Marsh  
February 5, 2007  
Page 2 of 2

4. A restrictive note should be placed on the plat indicating the lots which back up to the RCA designation that restricts those lot owners from locating any activities or clearing any vegetation in the RCA. Additionally, we recommend signs or permanent fencing be permanently erected to ensure future homeowners will not disturb the RCA in conjunction with development on their lots.
5. The nontidal wetland boundary and related 25-foot buffer should be added to the nontidal wetland indicated on Open Space Area G on the subdivision plat and final development plan.
6. On the final development plans, the boundary between the RCA and LDA should be clearly indicated on all applicable sheets.
7. Prior to final recordation, the applicant should submit to the County the reforestation plan, which outlines the species type, size and method of planting.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (410) 260-3745.

Sincerely,



Kate Schmidt  
Natural Resources Planner  
cc: AA376-06



**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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

Ms. Adriene Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Minor Subdivision - Lands of Nikolaus & Jessica Hurt  
TM 40, Parcels 1 & 2

Dear Ms. Stiffler:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to subdivide one 1.770 acre lot from Parcel 1, a 5.905 acre parcel. Approximately 1.031 acres will be transferred from Parcel 2 to Parcel 1, totaling 5.166 acres for Parcel 1 and 6.115 acres for Parcel 2. Both parcels are located within the Limited Development Area (LDA). Lot 1 will be developed with a single family dwelling.

Based on the information provided, I have the following comments regarding the proposal:

1. Cecil County Zoning Code Section 196 requires the 110-foot Buffer from tidal water, tidal wetlands, or tributary streams be expanded to include contiguous sensitive areas including slopes greater than 15 percent and highly erodible soils. It appears the applicant has not properly expanded the 110-foot Buffer to include the highly erodible soils present on site. Any highly erodible soils adjacent or contiguous to the 110-foot Buffer (even already expanded for steep slopes) must be further expanded to include these areas unless the applicant can prove to the County that the development or disturbance of these areas will not adversely impact streams, wetlands, or other aquatic environments.
2. Prior to final recordation, the plat should include existing forest area and a note stating that under Section 200 of the Cecil County Zoning Ordinance, no more than 20% of the forest or woodland vegetation may be removed.
3. Please forward the proposed subdivision to DNR Wildlife and Heritage to determine if any potential Habitat Protection Areas may be impacted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Adrienne Stiffler  
February 5, 2007  
Page 2 of 2

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
CE 584-05



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/](http://www.dnr.state.md.us/criticalarea/)

February 1, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 7885 Chapel Point Road; Sprague  
SFD70023

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct a new single family dwelling. The property is 3.001 acres in size and designated as Resource Conservation Area (RCA). The lot is part of an intra-family transfer subdivision. The applicant proposes to construct a new driveway, single family dwelling and pool.

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

1. The 100-foot Buffer should be delineated in the field from Mean High Water (MHW) or the edge of tidal wetlands.
2. While the applicant is well within the limits of impervious surface coverage, I recommend the area of pool be added to the impervious surface table.
3. A note on the subdivision plat indicates that at the time of site development the 100-foot Buffer on Lot 1 will be required to be afforested or naturally regenerate. The submitted plan states that 43,616 square feet of forest area exists within the 100-foot Buffer. Is this from natural regeneration and if so, what protective measures are in place to maintain this forested area? I recommend the applicant submit a Buffer Management Plan describing the existing forest in the 100-foot Buffer and management recommendations to maintain that area.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CS48-07

TTY for the Deaf

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







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

February 1, 2007

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

RE: BA 65-06V  
John and Karen Barry; 2006-0203V

Dear Mr. Fury:

This office has received notification of the Board of Appeals Hearing for the above referenced variance application. We previously provided comments regarding this variance on August 3, 2006 and stated that provided the lot was properly grandfathered, we did not oppose the variance application. It appeared that the applicant had consolidated development activities away from the steepest slopes. We requested mitigation and recommended that areas of steep slopes disturbed during construction be reforested to the extent possible. Provided the site plan has remained the same we do not have any additional comments regarding this request at this time.

If you have any questions please feel free to contact me at 410-260-3475.

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner  
AA491-03





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

January 30, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 9170 Margaritaville Place, Nikki Subdivision, Lot 1  
SFD70075

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct a new single family dwelling. The property is 28.56 acres of which 15.32 acres are located within a Resource Conservation Area (RCA). The applicant proposes to construct a new driveway, single family dwelling and pool.

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

1. The 100-foot Buffer should be delineated in the field from Mean High Water (MHW) or the edge of tidal wetlands.
2. While the applicant is well within the limits of impervious surface coverage, I recommend the area of pool be added to the impervious surface table.
3. The house and pool appear to be located very close to the 100-foot Buffer. I recommend additional room be left between the proposed development and the Buffer in order to accommodate any potential future improvements that may be desired. A note should be added stating that no development activity may occur in the 100-foot Buffer per Charles County Code Section 297-131.
4. The 15% afforestation requirement must be met by planting on site within the Critical Area. The applicant may not use the forest easement area located outside of the Critical Area to satisfy this requirement. I recommend the planting area be located within the 100-foot Buffer which is required to be established upon development.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Ms. Aimee Dailey  
January 30, 2007  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and includes a long horizontal flourish at the end.

Kate Schmidt  
Natural Resource Planner  
CS47-07



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/](http://www.dnr.state.md.us/criticalarea/)

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

Re: Bay Head Farms Major Sketch  
P07-0017

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide a 22.62 acre parcel to create 17 lots, 1 of which will be located in the Resource Conservation Area (RCA). The RCA makes up 16.12 acres of the parcel and the proposed lot will be 3.92 acres. I have outlined my comments below.

1. Anne Arundel County Code Section 18-13-206 defines allowable uses in the RCA, including residential uses which are limited to one dwelling unit per 20 acres. The applicant is proposing one residential lot within the RCA, therefore other uses, including the proposed recreation area are not allowed given the RCA acreage is already below 20 acres. Additionally, stormwater management facilities proposed in the boundaries of the RCA cannot be used to service lots outside of the Critical Area, as they are facilities necessary to support lots outside the RCA and would impact the density calculations. Therefore, I recommend the design be revised to remove both the stormwater management facility and the proposed recreation area.
2. While lot lines may be drawn around the proposed dwelling unit within the RCA, the remainder of the RCA must be restricted from further use. Therefore lot lines from Lots 3, 4, 5, 11, and 12 must be pulled out of the RCA. Additionally, the remaining RCA lands must be permanently protected and a note added to the plat stating that the no additional dwelling units or uses are allowed in the RCA.
3. The Critical Area report states that the existing structures in the RCA are old and mostly overgrown. Given it appears they are to remain, a note should be added stating they may not be used as dwelling units.
4. A note should be added stating that forest clearing in the RCA is limited to 20% under Section 17-8-601(b) and must be mitigated at a 1:1 basis. The applicant should clarify the amount of proposed forest clearing and how mitigation for that clearing will be met.

Mr. Tom Burke  
January 30, 2007  
Page 2 of 2

5. In addition to above, given that the remaining 80% of forest land in the RCA is protected under the County's Critical Area regulations, it may not also be used to meet Forest Conservation requirements by the applicant for development outside the Critical Area.
6. The subdivision plan indicates areas of tidal wetlands on the site; however it is not clear if the wetlands are State or private tidal wetlands and how the wetlands were identified and delineated. A field delineation may be required to distinguish between State and private tidal wetlands. Documentation of the field delineation should be submitted with the plan and should describe the methodology used to determine the wetland boundary and to determine if the wetlands are State or private. State tidal wetlands cannot be included within the boundaries of any privately owned lot or parcel and cannot be used for density calculations or to meet the performance standards for development within the Critical Area.
7. The current site plan does not indicate the amount of proposed clearing or impervious surface among other development standards in the RCA. A section of Critical Area Notes should be added to the plat to summarize all Critical Area development standards.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
AA49-07



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/](http://www.dnr.state.md.us/criticalarea/)

January 30, 2007

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

Re: Robert Gerber Property  
MS 06-021

Dear Ms. Krinetz:

This letter is in response to our continuing review of the above referenced subdivision. The applicant is proposing to subdivide a 0.9840 acre property to create two lots, Lot 1R and Lot 2R.

Based on the revised site plan, the subdivision plat, and Critical Area Planting Plan submitted, it appears that applicant has addressed the last set of concerns made by Ms. Kerrie Gallo on October 5, 2006. I do not have any additional comments regarding the proposed subdivision.

Thank you for the opportunity to provide comments for this revised subdivision plat. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner  
AA346-06







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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

Mr. Kevin Scott  
City of Annapolis  
Office of Planning and Zoning  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

**RE: AN 50-07, Neal Ruchman**  
**Local Case #BOA 2007-1-837**

Dear Mr. Scott:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to the 100-foot Buffer. The parcel is 7,696 square feet, located in the Intense Development Area (IDA), and is currently improved with an existing house, garage, and paver driveway. The entire parcel is located within the 100-foot Buffer and is no longer designated by the City as Buffer Exemption Area (BEA). The applicant is proposing to construct an addition to the dwelling and add a deck. Currently, the existing structure is 42.5 feet landward of mean high tide, which will be maintained by the additional structure. However, the average setback from mean high tide of neighboring properties is 61.1 feet and the proposed deck will be located 33 feet landward.

Provided the lot is properly grandfathered, we do not oppose this variance request. However, impacts must be minimized and the variance the minimum necessary to provide relief. Based on the information provided, I have the following comments:

1. We recognize the unique configuration of the lot plays a role in the proposed 33-foot setback for the deck. This office recommends the deck be constructed to be pervious, with a gravel substrate throughout and vegetative stabilization at the perimeter.
2. The guidance for meeting 10% pollutant reduction on a single residential lot is to plant one tree or three shrubs for every 100 square feet (or portion thereof) of new impervious surface created. The site plan only shows 1 tree proposed to meet 10% for 293 square feet. Therefore, the applicant should revise the planting plan to reflect the above guidance.
3. The submitted Buffer Management Plan shows mitigation only for 160 square feet of area of buffer disturbed. However, the site plan states that 1,773 square feet of disturbance will occur within the Buffer. The guidance is clear that even if no trees are cleared, Buffer disturbance is

Mr. Kevin Scott  
Ruchman Variance  
Page 2 of 2

based on area cleared/disturbed. The applicant should revise the submitted Buffer Management Plan to provide 3:1 mitigation for 1,773 square feet.

4. At a minimum 1:1 of the required 3:1 Buffer mitigation should be planted within the 100-foot Buffer in addition to the plantings required to meet the stormwater requirement.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner  
AN50-07



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/](http://www.dnr.state.md.us/criticalarea/)

January 25, 2007

Ms. Mary Ann Skilling  
Maryland Department of Planning  
210 Inverness Drive  
Church Hill, Maryland 21623

**RE: Bainbridge Wastewater Treatment Plant & Route 222 Sewer Interceptor  
Port Deposit**

Dear Ms. Skilling:

This letter is to update my previous communication on January 23, 2007, to you regarding the proposed Route 222 sewer line and interceptor in the Town of Port Deposit. Based on this information, it now appears a portion of the planned sewer upgrade will need to be processed by the Critical Area Commission as a 'Conditional Approval' under COMAR 27.02.06. The need for the Conditional Approval is because a portion of the proposed work will occur in the 100-foot Buffer of an identified tributary stream. Impacts within the 100-foot Buffer should be mitigated at a 3:1 ratio. Therefore, the applicant will need to provide sufficient information to determine the amount of proposed impacts within the 100-foot Buffer and a proposed mitigation planting plan. Mitigation should consist of plantings of native shrubs and trees. At least 1:1 of those impacts should occur within a 100-foot Buffer. This information will need to be submitted to the Critical Area Commission, in addition to the outstanding items mentioned in my previous letter.

In order for the Critical Area Commission to process this request as a conditional approval the following information will be required from the applicant:

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

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

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

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

**The conditional approval request shall, at a minimum, contain the following:**

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

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

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

Once this information is received and constitutes a complete packet, the project will be scheduled before the Critical Area Commission. Should you have any questions regarding the above comments please do not hesitate to contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

PD819-06

Cc: Mr. Jim Dieter, GMB  
Mr. Roger Greve, GMB  
Sharon Weygand, Port Deposit Town Administrator



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 24, 2007

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

Re: Allen's Lane Sewer Line Installation – Consistency Report

Dear Ms. Moredock:

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

1. The proposed project is to connect a new sewer line from State Highway 445 down along the right-of ways of Allen Lane and parts of Green Lane in order to expand service. The impact at State Highway 445 will be limited to provide the connection only. The new proposed force main along the County Roads will be installed using directional drilling. There will be limited areas of disturbance of approximately 64 square feet at each hook up.
2. The County is not allowing any further subdivision of lots in the service area.
3. The proposed project will not clear any existing vegetation, create any new impervious surface, impact the 100-foot Buffer, or impact any other Habitat Protection Areas.

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

cc: KC24-07





**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/](http://www.dnr.state.md.us/criticalarea/)

January 23, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

Re: Candland Subdivision Habitat Protection Plan [XRS 04-0062]

Dear Ms. Dailey:

This letter is provided in response to the most recently revised Habitat Protection Plan (HPP) received in conjunction with the above referenced subdivision dated September 2006. Based on the information provided, I have the following comments concerning this site plan.

**Habitat Protection Plan & General Notes**

1. I am satisfied with the provision of the separate plat for the Habitat Protection Plan and the additional notes referencing the plan and the protection of the primrose willow.

**FIDS**

2. I would like to request additional information regarding the forest coverage for the two proposed lots. Based on my review of aerials and previously submitted plats, it was my understanding that these two lots are entirely forested. The submitted FIDS conservation worksheets however state only part of the lots are forested. For Critical Area purposes, forest areas should be defined as having at least 50% canopy cover.
3. The number shown for the total FIDS mitigation is not correct. Based on my review of the worksheets, the requirement should be 4.5175 acres.
4. FIDS mitigation must be provided in areas that are not currently forested and that connect to FIDS forest in order to qualify. If possible, the Commission prefers for mitigation to occur within the Critical Area, though the proposed location may be acceptable if no other areas exist on the property.
5. The FIDS mitigation area will need to be permanently protected.

Ms. Aimee Dailey  
January 22, 2007  
Candland Subdivision  
Page 2 of 2

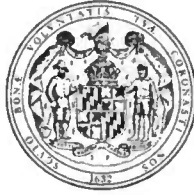
Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned below the word "Sincerely,".

Kate Schmidt  
Natural Resource Planner  
CS324-03





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

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

January 23, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: XRS60070; Federal Oaks – Route 225/Hawthorne Road

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced subdivision to create 1 lot within the Critical Area. The parent parcel is 184.84 of which approximately 7-10 acres are in the Critical Area and is designated as a Limited Development Zone (LDZ). Of that portion in the Critical Area, the applicant wishes to create 1-lot which is 1.92 acres in size.

Based on the information provided I have the following comments:

- The percent of proposed impervious surface should be revised to 9.3%.
- I recommend the proposed planting plan should include shrubs in order to diversify the vegetative habitat. Additionally, I would suggest placing a portion of the planting behind the house to further treat and buffer the nontidal wetland located behind the new lot.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CS415-06





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

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

January 23, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 8521 Potobac Landing; Potobac Landing  
SFD70077

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced project. The applicant is requesting to construct a new single family dwelling. The property is located within a Limited Development Area (LDA) and is currently developed with a single family dwelling, garage, shed, and driveway. The applicant proposes to replace the existing house and raze the garage and shed. Impervious surface will increase from 5,483 square feet to 12,625 square feet.

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

1. The 100-foot Buffer should be delineated in the field from Mean High Water (MHW) or the edge of tidal wetlands.
2. Please forward the application for review to DNR Wildlife and Heritage. It appears possible the existing forest may be determined to be Forest Interior Dwelling Species (FIDS) habitat.
3. Any proposed forest clearing should be included in the Critical Area notes and mitigated for at a ratio of 1:1. If the forest is determined to be FIDS the appropriate mitigation calculations will need to be provided.
4. It appears the lot boundaries shown will need to be adjusted to the edge of MHW. State water or tidal wetlands cannot legally be included within the boundaries of a privately owned lot or parcel. Additionally, these areas cannot be included in Critical Area calculations such as impervious surface.

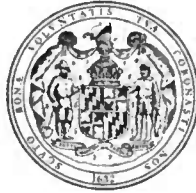
Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Ms. Aimee Dailey  
Potobac Shores  
January 23, 2007  
Page 2 of 2

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resource Planner  
CS45-07



**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/](http://www.dnr.state.md.us/criticalarea/)

January 23, 2007

Ms. Mary Ann Skilling  
Maryland Department of Planning  
210 Inverness Drive  
Church Hill, Maryland 21623

**RE: Bainbridge Wastewater Treatment Plant & Route 222 Sewer Interceptor  
Port Deposit**

Dear Ms. Skilling:

This letter is to confirm information received in this office regarding the proposed construction of the above referenced project. The Port Deposit Water Management Authority is proposing a two phase project to upgrade the waste water treatment plant services for the Town of Port Deposit. The first phase of the upgrade is to construct a replacement sewer interceptor within Route 222 to connect to the existing plant. The second phase involves constructing an entirely new plant and the removal of the existing plant. Below are my comments regarding the information received to date.

**Phase I – Route 222 Interceptor**

- The project is located entirely within the right-of-way for State Highway Route 222. Therefore, this portion of the project must obtain approval from the Critical Area Commission under COMAR 27.02.05, State Agency Actions Resulting in Development on State-Owned Lands.
- As you are aware for state projects, the applicant must have received all applicable State and Federal permits; including an SHA Utility Access permit and Sediment & Erosion Control permit. At this point in time, we are still awaiting notice of the status of these permits.
- The proposed project area is considered an “area of intense development” and must meet all the criteria for such development under COMAR 27.02.05.03, including any provisions for Habitat Protection Areas. We are awaiting determination of whether the waterway adjacent to Route 222 is a ditch or could be classified as a tributary stream under the Town Zoning Code for Critical Areas, which is a “perennial or intermittent stream”. If a tributary stream or any other Habitat Protection Area is present, the application will need to be processed as a Conditional Approval by the Commission under COMAR 27.02.06.

## Phase II – Waste Water Treatment Plant Construction

- The applicant for this portion of the project is the Port Deposit Water Authority and the project will occur on land owned by this authority. Therefore, the project must obtain approval from the Critical Area Commission under COMAR 27.02.04, State or Local Agency Action Resulting in Major Development on Private Lands or Lands owned by Local Jurisdictions.
- The proposed location for the new waste water treatment plant is within the Intense Development Area (IDA) of the Town of Port Deposit.
- In order for the Commission to review the proposed project, the applicant should have obtained all applicable State and Federal permits.
- As a project within the IDA, the applicant will need to meet the 10% pollutant reduction rule requirements. To the extent possible, treatment of the stormwater should be achieved on site. The Critical Area Commission may consider offsets, however the applicant should demonstrate that on site options were utilized first.
- The applicant will also need to meet any other provisions for Habitat Protection Areas, including mitigation for impacts to Forest Interior Dwelling Bird (FIDS) habitat. At this point in time, it appears they are providing 1:1 mitigation for these impacts as required.

To summarize, it appears that each phase of the proposed project will require approval by the Critical Area Commission. The applicant has indicated that they will be ready to bring the Route 222 Interceptor project forward first. In order to finalize this process, this office is awaiting notification regarding status of permits. Additionally, we are discussing whether the adjacent waterway is a stream and will make a decision once we have evaluated the available information.

Regarding Phase II of the proposed project, the applicant has begun to design the site to meet stormwater requirements. At this point in time, we do not have sufficient information to evaluate the proposed option to meet the 10% pollutant reduction rule given the lack of stormwater design. Once this information is complete, we expect the applicant will forward this information to us for review. Additionally, the applicant must still obtain the above permits.

Thank you for involving the Critical Area Commission early in the approval process. Should you have any questions regarding the above comments please do not hesitate to contact me at 410-260-3475.

Sincerely,



Kate Schmidt  
Natural Resource Planner

PD819-06

Cc: Mr. Jim Dieter, GMB  
Mr. Roger Greve, GMB  
Sharon Weygand, Port Deposit Town Administrator



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 22, 2007

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

**RE: AA 724-03 Debra Buchanan  
Local Case # 2006-0412-V**

Dear Mr. Konowal:

This office has received an updated site plan for the above referenced variance, dated January 22, 2007. Based on the new information, I would like to make the following additional comments below. My previous letter, also date January 22, 2007 still stands.

As requested by your office, the applicant has reduced the size of the proposed porch to be located more than 100 feet from the edge of mean high tide. Additionally, the existing wood deck will also be removed as requested. Based on this revision, this office does not oppose the variance request. As stated previously, we recommend mitigation at a ratio of 3:1 for impacts to the expanded Buffer. These plantings should be accommodated on site to the extent possible and be used to stabilize the steep slope areas.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

AA724-03







STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

Ms. Adriene Stiffler  
Cecil County Department of Planning and Zoning  
129 East Main Street  
Elkton, MD 21921

Re: Coulters Point, Lots 6 & 7  
Long Beach Road, Charlestown  
Resubdivision

Dear Ms. Gordon:

Thank you for providing information regarding the above referenced subdivision. The applicant is seeking to combine Lots 6 & 7 on Tax Map 35, Parcel 99 & 100. Both lots are designated as Intensely Developed Area (IDA) and the new total lot area will be 0.392 acres. The applicant proposes to remove two existing dwellings and replace them with one dwelling in the future.

Based on the information provided, I have the following comments regarding the proposal:

- The applicant will be required to comply with Critical Area regulations regarding IDA for future development proposals including the 10% pollutant reduction rule.
- We recommend the new dwelling be located outside the 100-foot Buffer at the time of redevelopment, otherwise a variance will be necessary.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CE36-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0444; Sharps Point Road  
Nancy S. Ryan

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks and Buffer than required and with disturbance to steep slopes. The combined lot area is 58,085 square feet in size and located both within the Limited Development Area (LDA) and the Resource Conservation Area (RCA). The property is currently developed with a small cottage in the LDA which is proposed to be replaced. The site is bounded on the southern side with the Chesapeake Bay and on the northern side with tidal wetlands. Therefore, the entire parcel is within the 100-foot Buffer.

Provided the lot is properly grandfathered, this office does not oppose the variance to the 100-foot Buffer and steep slopes. It appears that given the constraints of the site impacts have been minimized. I have the following comments:

- The site area used for critical area calculations, such as impervious surface should be based on land above mean high tide and outside of tidal wetlands. From the plat it appears that these areas may have been included.
- The proposed mitigation has not been correctly calculated. Mitigation for all impacts in the 100-foot Buffer should be provided at a ratio of 3:1, or at least 9,600 square feet. Mitigation for forest clearing under 20% is provided at a ratio of 1:1, or 1,905 square feet. Planting should consist of native shrubs and trees and should be accommodated on site.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Ms. Ramona Plociennik

January 22, 2007

2006-0444

Page 2 of 2

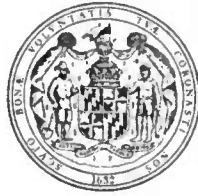
Sincerely,

*Kate Schmidt*

Kate Schmidt

Natural Resources Planner

AA32-07



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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 9416 Overlook Circle; Clifton on the Potomac  
SFD 70006

Dear Ms. Dailey:

Thank you for providing revised information regarding the above referenced building permit. The applicant is requesting to construct a new single family dwelling on a 15,000 square foot lot. The property is located within a Limited Development Area (LDA) and is currently undeveloped.

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

- Based on review by DNR Wildlife and Heritage, there may be a time of year restriction for bald eagle nesting zone placed on this plat.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CS35-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0442; 287 Cove Road  
Marian Goodman

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow dwelling additions with less setbacks than required. The parcel is 0.85 acres in size and located in the Limited Development Area (LDA). The property is currently developed with an existing dwelling, driveway, and associated improvements. The applicant proposes to increase the footprint of the house on two sides and construct a new garage and shop. All improvements will be outside of the 100-foot Buffer.

This office has no comment regarding the setback variance. I recommend mitigation be provided at a ratio of 1:1 for new impervious surface. It would appear the plantings can be accommodated on site waterward of the existing dwelling within the 100-foot Buffer. Plantings should consist of a mix of native shrubs and trees.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

AA31-07







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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0436; 417 Serpentine Drive  
Michael L. Nichols

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks. The lot is 10,000 square feet in size and is currently improved by a single-family dwelling. The proposal submitted does not indicate topographic lines or the presence of steep slopes.

From my review of MERLIN, it does not appear that this lot is in the Critical Area. Therefore, this office has no comment regarding the setback variance.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

AA28-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0437; Arundel Trail  
Eric Fromm

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks than required and with disturbance to steep slopes. The combined lot area is 23,110 square feet in size and located within the Limited Development Area (LDA). The property is currently undeveloped and consists entirely of steep slopes and a majority of the site consists of slopes greater than 25%. The applicant is proposing to minimize the area of disturbance to the portion of the site with steep slopes less than 25%.

Provided the lot is properly grandfathered, this office does not oppose the variance to steep slopes. It would appear the applicant has reduced the footprint of the dwelling to 816 square feet from 1,980 square feet. Additionally, the area of disturbance has been minimized from 5,705 square feet to 3,362 square feet. While a small portion of steep slopes greater than 25% will be disturbed, given the configuration of the lot, it appears the applicant has minimized disturbance to the extent possible. Additionally, the footers for the proposed deck will be hand dug and a dry well will be used for stormwater management.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner  
AA29-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0448; 896 Bayberry Drive  
Robert W. Johnston

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with greater forest clearing than allowed. The lot is 20,000 square feet in size and located within the Limited Development Area (LDA). The property has 13,490 square feet of vegetation and is currently undeveloped. The applicant proposes to construct a single family dwelling and install an on-site septic system necessitating the clearing of 60% of the existing forest vegetation.

Provided the lot is properly grandfathered, this office does not oppose a variance to the forest clearing limit of 30% in order to establish a single family dwelling. However the impacts must be minimized to the maximum extent possible. If possible, I recommend the areas of the primary and replacement mound system be switched. If the variance is granted, mitigation at a ratio of 3:1 should be provided and accommodated on site to the extent possible. The area for the proposed stormwater management plantings can not be used as mitigation for the forest clearing.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner  
AA34-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0430; Mayo Road  
Marina E. Mulinos

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling and driveway with less setbacks and Buffer than required. The land area above mean high tide is 25,164 square feet and within the Limited Development Area (LDA). The parcel is currently undeveloped and is waterfront on two sides, therefore it is entirely within the 100-foot Buffer.

Provided the lot is properly grandfathered, this office does not oppose the variance to the 100-foot Buffer. Given the configuration of the lot, the applicant is entirely within the 100-foot Buffer. However, the variance must be the minimum necessary and impacts mitigated. I have the following comments:

- While the impervious coverage from the house is limited to 1,800 square feet, the foot print of impact is 2,520 square feet with the addition of the proposed decks. I recommend the proposed area for disturbance be reduced to the maximum extent possible. Additionally, mitigation at a ratio of 3:1 for the area of disturbance should be provided.
- While this office recognizes that the narrowness of the lot necessitates the long driveway, it would appear some of the area could be reduced. Additionally, this office does not encourage the use of pavers in order to meet impervious surface limits as they may be paved in the future.
- I recommend a portion of the required 3:1 mitigation be provided on site. At a minimum, the applicant must meet the 15% afforestation requirement.

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

Ms. Ramona Plociennik  
January 22, 2007  
Page 2 of 2

writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kate Schmidt  
Natural Resources Planner

AA27-07





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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0445; 1024 Nabbs Creek Road  
John R. Stewart

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The lot is 14,000 square feet in size and located within the Limited Development Area (LDA). The applicant proposes to remove an existing single family dwelling and construct a new dwelling further from mean high tide but within the steep slope area located at the back of the lot.

Provided the lot is properly grandfathered, this office does not oppose a variance to the 100-foot Buffer and steep slopes. However, I have the following comments regarding the development proposal.

1. The information provided did not include details about the amount of existing vegetation and the proposed clearing for the development. However, it would appear the applicant may be proposing to clear more than 30% of the existing vegetation which would require a variance. I recommend the applicant reduce the proposed clearing in the front of the dwelling and provide the appropriate level of mitigation.
2. Given the development will be entirely within the 100-foot Buffer, the applicant should provide mitigation at a ratio of 3:1 for the limit of disturbance, or a total of 18,942 square feet of plantings. It appears at least 1:1 of that total may be provided on site waterward of the proposed dwellings. Plantings should consist of a mix of native species of trees, shrubs and ground cover.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Ms. Ramona Plociennik  
January 22, 2007  
2006-0445  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Kate Schmidt  
Natural Resources Planner  
AA33-07



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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

RE: 2006-0438; 396 Riverside Drive  
Christine Miller-Langemak

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling addition with less setbacks and Buffer than required. The land area is 20,679 square feet, located in the LDA, and is currently improved by a single-family house, deck, driveway, walkway and pool. The applicant is requesting this variance to construct a one-story sunroom on an existing wood foundation on the waterfront side of the dwelling.

Typically, provided the lot is properly grandfathered, this office would not oppose a variance to construct a sunroom over an existing foundation or deck provided impacts are minimized and the applicant can meet the variance standards. However, it appears that the applicant is proposing to place the sunroom between two existing decks. This office questions the need for increasing the footprint of the dwelling if the sunroom could be constructed on already existing deck. Additionally, this would minimize further intrusion waterward of the dwelling. If a variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the Buffer

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resources Planner

AA30-07





**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/](http://www.dnr.state.md.us/criticalarea/)

January 22, 2007

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

**RE: AA 724-03 Debra Buchanan  
Local Case # 2006-0412-V**

Dear Mr. Konowal:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the expanded Buffer and to steep slopes to replace the existing dwelling. The Buffer has been expanded for steep slopes. The parcel is 24,938 square feet, located in the LDA, in a Buffer-exempt area, and is currently improved by a single-family house, deck, driveway, walkway and shed. The applicant is requesting this variance to replace the existing house.

This office received notice of a variance in 2003 to construct a shed within the 100-foot Buffer which was subsequently denied by the Hearing Officer on December 8<sup>th</sup>, 2003. However the current site plan shows a shed within the 100-foot Buffer. Further information as to the construction and location of this shed is necessary to determine if it is a legal structure.

Typically, provided the lot is properly grandfathered, this office would not oppose a variance to construct a new dwelling in the same location as the existing dwelling. However, we do recommend the applicant try to minimize impacts insomuch as possible. It would appear that the existing wood deck may be reduced in size during the reconstruction process. If a variance is granted we recommend mitigation at a ratio of 3:1 for impacts to the Buffer and expanded-Buffer. In addition, any areas disturbed during construction should be replanted with native vegetation.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3475.

Mr. Rob Konowal  
January 18, 2007  
Page 2 of 2

Sincerely,

*Kate Schmidt*

Kate Schmidt  
Natural Resources Planner

AA724-03



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 17, 2007

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

Re: 2006-0427-V; 20 Fitzgerald Road  
Andrew McFall

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a parcel with impervious surface coverage that exceeds 15%. The project site is 45,465 square feet in size and designated as Limited Development Area (LDA). It is currently developed with a single family dwelling and driveway and numerous improvements within the 100-foot Buffer. The County has directed the applicant to obtain the variance for the existing impervious surface because it was determined the existing lot was not properly subdivided and the current plat must be amended.

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.

Typically, this office does not oppose variances to maintain impervious surface coverage for properly grandfathered lots provided there are no opportunities to reduce coverage. In this instance however, it appears that the applicant intends to build a new single family dwelling. Thus the request is not only to legalize the existing lot, but it appears it is also to allow future development activity. In addition, the

lot itself is more than an acre in size, leaving room for 6,820 square feet of impervious surface to meet the 15% impervious surface limit. Additional information provided by the applicant to this office shows that they propose to reduce impervious surface from 2,269 square feet to 2,099 square feet within the 100-foot Buffer and increase impervious surface from 7,173 square feet outside the 100-foot Buffer to 7,298 square feet. The overall change will be a decrease from 9,442 square feet (20.8%) to 9,397 square feet (20.66%).

Given the redevelopment opportunity available on the lot, it would appear that while a variance to exceed impervious surface may be possible to achieve, the request is not the minimum necessary given the future plans for the property. The driveway is extensive and appears to exceed the footprint of the house in terms of overall square footage. Additionally, the applicant has an existing flagstone patio within the Buffer nearly 1,000 square feet in size. While this office understands the applicant intends to move the house itself outside of the 100-foot Buffer we believe more improvements and attempts to minimize impacts could be made. In conclusion, while the applicant may be able to meet all of the standards for the variance to legalize the lot, this office does not believe they meet the standards of a variance which would be necessary to redevelop the lot. We recommend the applicant reduce or remove existing impervious area from the driveway, flagstone patio and minimize the future house footprint.

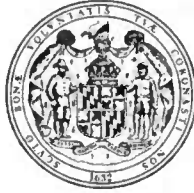
Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
cc: AA824-06





**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/](http://www.dnr.state.md.us/criticalarea/)

January 17, 2007

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

RE: Bracebridge Estates, Preliminary Plat  
Morris & Ritchie Associates, Inc. Correspondence

Dear Mr. DiGiacomo:

This office is in receipt of the revised preliminary subdivision plat dated January 10, 2007 for Bracebridge Estates. The applicant is requesting to subdivide Tax Map 61 Parcel 12, which contains 303.3 acres of Critical Area designated a Resource Conservation Area (RCA), of which 26.711 acres are tidal wetlands. The site is currently developed as a farm site with multiple structures and driveway system. Based on information received from the applicant it appears they have addressed all outstanding Critical Area Commission comments. I have no additional comments regarding this proposal.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

Kate Schmidt  
Natural Resource Planner  
CE202-06

Cc: Fred Sheckells, Morris Ritchie & Associates





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

January 17, 2007

Ms. Ramona Plociennik  
Anne Arundel County  
Office of Planning and Code Enforcement  
2664 Riva Road  
Annapolis, Maryland 21401

Re: BA 64-06V  
TM 32, Block 14, Parcel 184, Lots 410 R & 415R  
Converse Builders & Developers

Dear Ms. Plociennik:

This office has received notice of the Appeal Hearing for the above case on January 31, 2007. The applicant applied for two variances; variance 2006-172 is to allow the unmerger of lots with less lot area than required on an improved lot with a principal structure, variance 2006-0214 is to allow greater density than allowed in an R2 district for resubdivision of lots. The applicant was granted the variance to the net density requirements.

This office previously submitted comments on July 28, 2006 regarding these requests (see attached letter). We do not have additional comments at this time.

Sincerely,

Kate Schmidt  
Natural Resource Planner

Enclosure (1)

cc: AA455-06





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/](http://www.dnr.state.md.us/criticalarea/)

Memorandum

To: Raj Williams, Public Lands Policy and Planning

From: Kate Schmidt *KS*

Date: January 16, 2007

RE: Proposed ADA Renovations, Martinak State Park, Caroline County

---

Thank you for submitting information regarding the proposed ADA renovations at Martinak State Park for review. The intent of the project is to provide improvements across the park to meet ADA compliance, including new ramps, paved access paths, new parking spaces, and similar improvements.

It would appear that the majority of the proposed activities are to occur within the boundary of the Critical Area. In order to determine if the proposed activities are consistent with COMAR 27.02.05 or may require formal approval from the Critical Area Commission further information is required regarding the proposed impacts. A full size site plan and detailed summary of activities proposed inside and outside the 100-foot Buffer, including temporary impacts and new impervious surface, should be submitted to the Commission staff for review. The 100-foot Buffer should be field delineated from mean high water (MHW) or the edge of tidal wetlands, whichever is further inland. Additional information may include any proposed disturbances to existing woodland, any proposed impacts to rare, threatened or endangered species, sediment and erosion control plans and permits, stormwater runoff plans or permits, and any proposed mitigation.

Thank you for seeking comments. If you have any questions based on the above information please contact me at (410) 260-3475.

Cc: John Ohler, Martinak State Park  
Dave Decker, DNR  
Neal Herrick, DNR



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 16, 2007

Ms. Awilda Hernandez  
Board of Appeals  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: Local Case #01-01-07, Variance  
100 Mattingly Avenue, Grainger

Dear Ms. Hernandez:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a single-family dwelling with less Buffer than required, disturbance to steep slopes, and to exceed forest clearing restrictions. The property is designated as a Limited Development Area (LDA) and located nearly entirely within the 100-foot Buffer to a tributary stream. It is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the variances to the 100-foot Buffer, steep slopes, or forest clearing. However, based on my review of the Town of Indian Head zoning code the following provisions must be applied:

1. The applicant must meet the Town of Indian Head Zoning Code Section 955(c)(i)B in which all roads, bridges, and utilities that must cross a Habitat Protection Area (including the 100-foot Buffer) shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality. Section 955(c)(i)C provides a set of standards for the applicant to meet for the driveway and stream crossing. Additionally, the applicant is also required to obtain an MDE Waterway Construction Permit prior to construction of the driveway through the stream.
2. This office recommends mitigation at a ratio of 3:1 for area disturbed within the 100-foot Buffer.
3. Given the applicant is clearing more than 30% of the lot, the Commission recommends mitigation at a ratio of 3:1 or 15,276 square feet. Under Section 955(c)(v) the Town may accept a fee-in-lieu or the use of a forest mitigation bank in order for the applicant to meet its

TTY for the Deaf

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

mitigation requirement if it cannot be achieved on site. Any area to be afforested should be maintained as forest cover through easements or other restrictive covenants.

4. Under Section 955(c)(vii)E.4 water quality impacts associated from new impervious surfaces should be minimized either through site design considerations or the use of best management practices. Given the construction in the 100-foot Buffer, the applicant should use a dry well or similar practice to maximize infiltration of stormwater. Stormwater draining from the current location shown on the site plan will have minimal opportunity to infiltrate and may cause further erosion of the stream bank.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit is 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: Mr. Richard Parks, ARRO Group

IH674-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 16, 2007

Ms. Awilda Hernandez  
Board of Appeals  
Town of Indian Head  
4195 Indian Head Highway  
Indian Head, Maryland 20640

Re: Local Case #01-02-07, Variance  
102 Mattingly Avenue, Grainger

Dear Ms. Hernandez:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a single-family dwelling with less Buffer than required, disturbance to steep slopes, and to exceed forest clearing restrictions. The property is designated as a Limited Development Area (LDA) and located nearly entirely within the 100-foot Buffer to a tributary stream. It is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the variances to the 100-foot Buffer, steep slopes, or forest clearing. However, based on my review of the Town of Indian Head zoning code the following provisions must be applied:

1. The applicant must meet the Town of Indian Head Zoning Code Section 955(c)(i)B in which all roads, bridges, and utilities that must cross a Habitat Protection Area (including the 100-foot Buffer) shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life, and their habitats and maintain hydrologic processes and water quality. Section 955(c)(i)C provides a set of standards for the applicant to meet for the driveway and stream crossing. Additionally, the applicant is also required to obtain an MDE Waterway Construction Permit prior to construction of the driveway through the stream.
2. This office recommends mitigation at a ratio of 3:1 for area disturbed within the 100-foot Buffer.
3. Given the applicant is clearing more than 30% of the lot, the Commission recommends mitigation at a ratio of 3:1 or 23,859 square feet. Under Section 955(c)(v) the Town may accept a fee-in-lieu or the use of a forest mitigation bank in order for the applicant to meet its

TTY for the Deaf

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

mitigation requirement if it cannot be achieved on site. Any area to be afforested should be maintained as forest cover through easements or other restrictive covenants.

4. Under Section 955(c)(vii)E.4 water quality impacts associated from new impervious surfaces should be minimized either through site design considerations or the use of best management practices. Given the construction in the 100-foot Buffer, the applicant should use a dry well or similar practice to maximize infiltration of stormwater. Stormwater draining from the current location shown on the site plan will have minimal opportunity to infiltrate and may cause further erosion of the stream bank.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit is 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: Mr. Richard Parks, ARRO Group

IH675-06

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

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

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

Memorandum

To: Ray Dintaman, Environmental Review

From: Kate Schmidt

Date: January 16, 2007

RE: West Caroline County Comprehensive Plan – 2006

---

Thank you for providing a copy of the West Caroline County Comprehensive Plan for review. Commission staff has reviewed the document and we have the following comments:

1. On pages 74-76, the document describes the Caroline County Critical Area Program. References are made to the Chesapeake Bay Critical Area Protection Program and should be revised in accordance with changes to Natural Resources Article Title 8, Subtitle 18. Specifically, the Program is now the "Chesapeake and Atlantic Coastal Bays Critical Area Protection Program." Also, references to the Chesapeake Bay Critical Area Commission should be corrected to refer to the "Critical Area Commission for the Chesapeake and Atlantic Coastal Bays."
2. In the discussion regarding program amendments and growth allocation, a statement should be added stating that "amendments to the Caroline County Critical Area Program and to the Growth Allocation process will require approval by the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays."



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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

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

January 8, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: William P. Simons, 13970 Waverly Point Road  
TM 82, Parcel 82, Lot 10  
Revetment Rebuild

Dear Ms. Dailey:

Thank you for providing information regarding the above building permit request. The applicant is seeking to rebuild a portion of their existing stone revetment above Mean High Water (MHW). The property is a 4.35 acre parcel with existing revetment along 610-feet of shoreline. The proposal is to rebuild 35-feet of that revetment by placing additional rock above MHW that has eroded.

Provided the new rock is tied to the existing revetment and the purpose of placing the rock is to structurally stabilize the revetment this office would agree that the project qualifies as shoreline erosion control. I recommend mitigation be provided at a ratio of 1:1 for new impacts to the 100-foot Buffer.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CS803-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 8, 2007

Mr. Tom Lawton  
Somerset County  
Department of Technical & Community Services  
11916 Somerset Avenue  
Princess Anne, Maryland 21853

RE: SE 06-2341; Windsor  
Tax Map 72, Parcel 512, Block 17

Dear Mr. Lawton:

Thank you for providing information on the above referenced application. The applicant is requesting a special exception to place a single-wide manufactured home on their property. The parcel is 0.287 acres and designated as Limited Development Area (LDA). It is currently undeveloped.

Based on the information provided, this office does not oppose the special exception request. The property is limited to 3,900 square feet of impervious surface. The property should meet the 15% afforestation requirement of 1,872 square feet.

Thank you for the opportunity to provide comments. As always, if you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
SO 838-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 5, 2007

Ms. Aimee Dailey  
Charles County Department of Planning  
And Growth Management  
P O Box 2150  
La Plata, Maryland 20646

RE: 13028 Pine Grove Road, Chigger City Subdivision  
MIR 60261

Dear Ms. Dailey:

Thank you for providing information regarding the above referenced site plan. The applicant is requesting a permit to backfill 3,000 square feet on the landward side of their bulkhead within the 100-foot Buffer. The property is located within an Intensely Developed Area (IDA) and is currently developed with a single family dwelling, deck, driveway, and shed. This office can support the request for the following reasons:

- The lot is considered a grandfathered lot under the County's Critical Area Program.
- The area to be graded is not currently vegetated.
- The 100-foot Buffer is designated as Buffer Exemption Area (BEA).
- 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 will 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 provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
CS1-07



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

January 4, 2007

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

Re: 2006-0417-V; 3527 Rockway Avenue  
Robert Goudie

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an accessory structure and dwelling addition with less setbacks than required. The site is 7500 square feet in size, designated as Limited Development Area (LDA) and currently developed with an existing single family home, shed, and driveway. The current proposal will reduce imperviousness on the site.

This office has no comment on the setback variance.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
cc: AA837-06



Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 4, 2007

Mr. Calvin Dize  
City Manager  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: 1936 Downtown Sanitary Sewer Replacement

Dear Mr. Dize:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On January 3, 2007, the Critical Area Commission unanimously approved the City's proposal to replace and upgrade an existing sanitary sewer, portions of which are in the 100-foot Buffer, located on Maryland State Highway 413 (from 7<sup>th</sup> Street to 10<sup>th</sup> Street) and 10<sup>th</sup> Street in Crisfield, Maryland, Maryland. This approval included the following condition:

- The City of Crisfield shall submit an acceptable mitigation plan for review and approval to Commission staff and, if necessary, to the Project Subcommittee, by March 7, 2007

In fulfillment of the proposed mitigation planting plan please sign and return the attached planting agreement. Also, please notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. Keith Lackie, Maryland Department of Planning



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

January 4, 2007

Ms. Joan Kean, Director  
Department of Technical and Community Services  
P.O. Box 37  
11916 Somerset Avenue, Room 102  
Princess Anne, Maryland 21853

Re: Somerset County Detention Center

Dear Ms. Kean:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On January 3, 2007, the Critical Area Commission unanimously approved the County's proposal and site plan to construct a 42-bed dormitory addition to the Somerset County Detention Center, located on Revells Neck Road in Somerset County, Maryland.

In fulfillment of the proposed mitigation planting plan please sign and return the attached planting agreement. Also, please notify the Commission once the mitigation plantings have been implemented. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Should you have any questions, please feel free to contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resources Planner

Cc: Mr. C. Samuel Boston, President, Board of Somerset County Commissioners  
Mr. James Henderson, Warden, Somerset County Detention Center





Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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

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

January 2, 2007

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

Re: 2006-0414-V; Lot A, 1710 Bay View Drive, Snug Harbor  
Charles Gallimore

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting an extension in time for the implementation and completion of a previously approved variance. The previous variance was to permit a dwelling within the 100-foot Buffer and the buffer to nontidal wetlands. It would appear the request remains substantially the same as was previously approved.

This office does not oppose the extension in time provided the conditions previously applied remain the same.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner

cc: AA597-05  
AA132-01



Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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

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

January 2, 2007

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

Re: 2006-0425-V; 149 Riva Road  
Annapolis Life Care Inc.

Dear Ms. Schappert:

Thank you for providing information on the above referenced variance. The applicant is requesting a modification of a previously approved special exception and a variance to the expanded Buffer and to allow disturbance of slopes of 15% or greater. The project site is 24.0 acres in size, designated as Limited Development Area (LDA) and currently developed with Annapolis Life Care, a nursing home facility. The current proposal is to expand an existing health care and wellness center and reduce other areas of impervious surface on site.

Provided this lot is properly grandfathered, we do not oppose the modified special exception or the requested variance. The variance to disturb steep slopes is to remove existing impervious surface in conjunction with the "beltway" and pathway to the gazebo. The width of the beltway will be reduced by 2-feet and the pathway to the gazebo will be replaced with a pervious boardwalk. The reduction in impervious surface is to balance the proposed new development so as to prevent an overall increase in imperviousness on site. I recommend the areas restored be planted with a mix of native grasses and shrubs.

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

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt  
Natural Resource Planner  
cc: AA824-06

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



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/](http://www.dnr.state.md.us/criticalarea/)

June 26, 2007

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

Re: McQueeny

Dear Mr. Ethridge:

This office has received the above-referenced variance request for review and comment. The applicants propose to remove an existing handicapped access ramp and replace it with a structure of the same square footage. This project will require less setbacks than required. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

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.

If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
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/](http://www.dnr.state.md.us/criticalarea/)

June 18, 2007

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

Re: Tanck  
Local Case Number 07-0225

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. Although in our recent phone call you mentioned that a variance may no longer be necessary, I am writing with my comments in the event that a variance is still required. The applicant is requesting a variance to replace an existing dwelling and add a deck to the rear of the home. The property is 9,837 square feet in size and located within the Limited Development Area (LDA). The grandfathered lot currently has 1,531 square feet of impervious surface and the redevelopment proposes to reduce total impervious surface to 1,082.9 square feet. Buffer disturbance of 174.9 square feet is proposed. Provided this lot is properly grandfathered, this office does not oppose this variance request. My remaining comments are outlined below:

1. We recommend that mitigation be performed at a 3:1 ratio for any area of new disturbance (disturbance includes grading, footprint and clearing) to the Buffer. Mitigation of native species should occur in the Buffer area to the extent possible.
2. Measures should be taken to minimize disturbance to the Buffer during construction (use of silt fence, etc.).
3. We recommend that the deck is constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck and native plantings surrounding the foundation.

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

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resource Planner

cc: SM 335-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 15, 2007

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

Re: Smith, Mauda 07-0037

Dear Mr. Fury:

Thank you for providing information on the above referenced variance. The applicant is requesting an after the fact variance to allow deck additions to remain at the wood walk up to the bulkhead and 5 feet from both sides of the property lines. The decks require a buffer variance, impervious surface variance, and a variance for steep slopes. The property is in the Limited Development Area (LDA).

This office does not support a variance for the deck additions as the applicant cannot meet all of the variance standards, including the standard of unwarranted hardship given significant outdoor living spaces including several decks and walkways already exist, and the applicant already has reasonable and significant use of the entire lot. In addition, there exist no special circumstances to permit the deck additions as those special circumstances must run with the land and not the applicant. Finally, this addition to the 100-foot Buffer is not in keeping with the habitat and water quality functions the Buffer is designed to provide. Therefore, we recommend the additional decking be denied and that area of the Buffer be restored in 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 variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

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

Re: Elk's Landing  
S-06-072, P 06-0154

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has not yet addressed all of the comments of Amber Widmayer in the letter dated January 19, 2007. I have outlined my remaining comments and concerns below.

1. We continue to recommend a table be added to the final plat indicating the total allowable impervious area per lot for the benefit of future homeowners, and to ensure the subdivision will not exceed the allowable impervious surface limits. Since the impervious area for the subdivision is at or near the 15% impervious surface limit for the site, applicant should limit the proposed impervious area to allow future lot owners the ability to make any additions or improvements.
2. We recommend that the County ensures that the Maryland Department of Environment (MDE) authorization #06-NT-0483/200667166 corresponds with the wetlands impacts shown on the plans.
3. It appears the applicant has removed the markers showing the edge of the forest conservation areas. We continue to recommend that a fence or signs be used to clearly demarcate these areas.
4. As stated in our last letter, complete forestry data including the FSP/CP should be included with the plan.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner  
cc: AA 801-06



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

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

Re: Jones, Gordy--SUB 1164

Dear Mr. Dodd:

This office has received the above-referenced subdivision request for review and comment. The applicant proposes to create a three lot residential subdivision. This subdivision involved an intra-family transfer. The property is located in the Resource Conservation Area (RCA). I have outlined my comments below.

1. The letter from the Wildlife and Heritage Division of the Department of Natural Resources (DNR) must be received prior to final recordation to ensure there are no threatened or endangered species habitats on site.
2. General Note 21 states that lots 2 and 3 will be served by conventional pretreatment, consisting of 2-1500 gallon septic tanks in series, followed by a pump chamber with pump connected to a force main to the B.I.P distribution. The area for each septic tank needs to be shown on the final plans.
3. The County must ensure there is adequate area on Lot 2 for both building area and sewage reserve area given the limited area on this lot that is available outside of the Buffer.
4. It appears the 100 foot Buffer needs to be expanded in Lot 2 because of the 25 non-tidal wetland line.
5. It appears that clearing will be necessary on Lot 3 in order to allow for any development though it is not mentioned on the plans. Any clearing needs to be shown and proper mitigation noted. This parcel may qualify as Forest Interior Dwelling Bird (FID) habitat if there are 50 or more contiguous acres of forest.

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.

If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner  
cc: DC 339-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 12, 2007

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

Re: Golden Beach Shoreline Drive  
Local Case Number 07-0766

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow clearing of woodland above 30% in order to develop a single family dwelling with porch and attached garage. The property is 18,705 square feet in size and located with the Limited Development Area (LDA). It is currently undeveloped and has 18,705 square feet of existing forest, of which 10,516 square feet is proposed to be cleared. My comments are outlined below:

1. Provided this lot is properly grandfathered, this office does not oppose this variance request.
2. Forest mitigation should be provided at a ratio of 3:1 per St. Mary's Comprehensive Zoning Ordinance Section 72.3.3. The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

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

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resource Planner

cc: SM 341-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 11, 2007

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

Re: Willis, Vick-VAR 2323

Dear Mr. Dodd:

This office has received the above-referenced variance request for review and comment. The applicant is seeking a variance of 25' from the 100' Buffer setback requirement to allow the replacement of a dwelling 75' from the shoreline. This property is located in the Limited Development Area (LDA). Given that the lot is properly grandfathered and seeing that there will be a net reduction in impervious coverage, we do not oppose this variance to setback requirements. My remaining comments are outlined below:

1. If the existing dwelling will be completely removed and replaced, we recommend siting the new structure further out of the 100 foot Buffer in order to reduce impacts.
2. We recommend that mitigation be performed for the area of new disturbance (disturbance includes grading, footprint and clearing) to offset the disturbance to the Buffer. Mitigation of native species should occur in Buffer area to the extent possible.
3. A line marking the Limits of Disturbance should be shown on the final plans.

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.

If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: DC 340-07



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/](http://www.dnr.state.md.us/criticalarea/)

June 11, 2007

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

Re: Seisman -VAR 0121

Dear Ms. Rhodes:

This office has received the above-referenced variance request for review and comment. The applicants are seeking a variance to allow a dwelling with less setbacks than required. This office does not oppose the requested variance.

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.

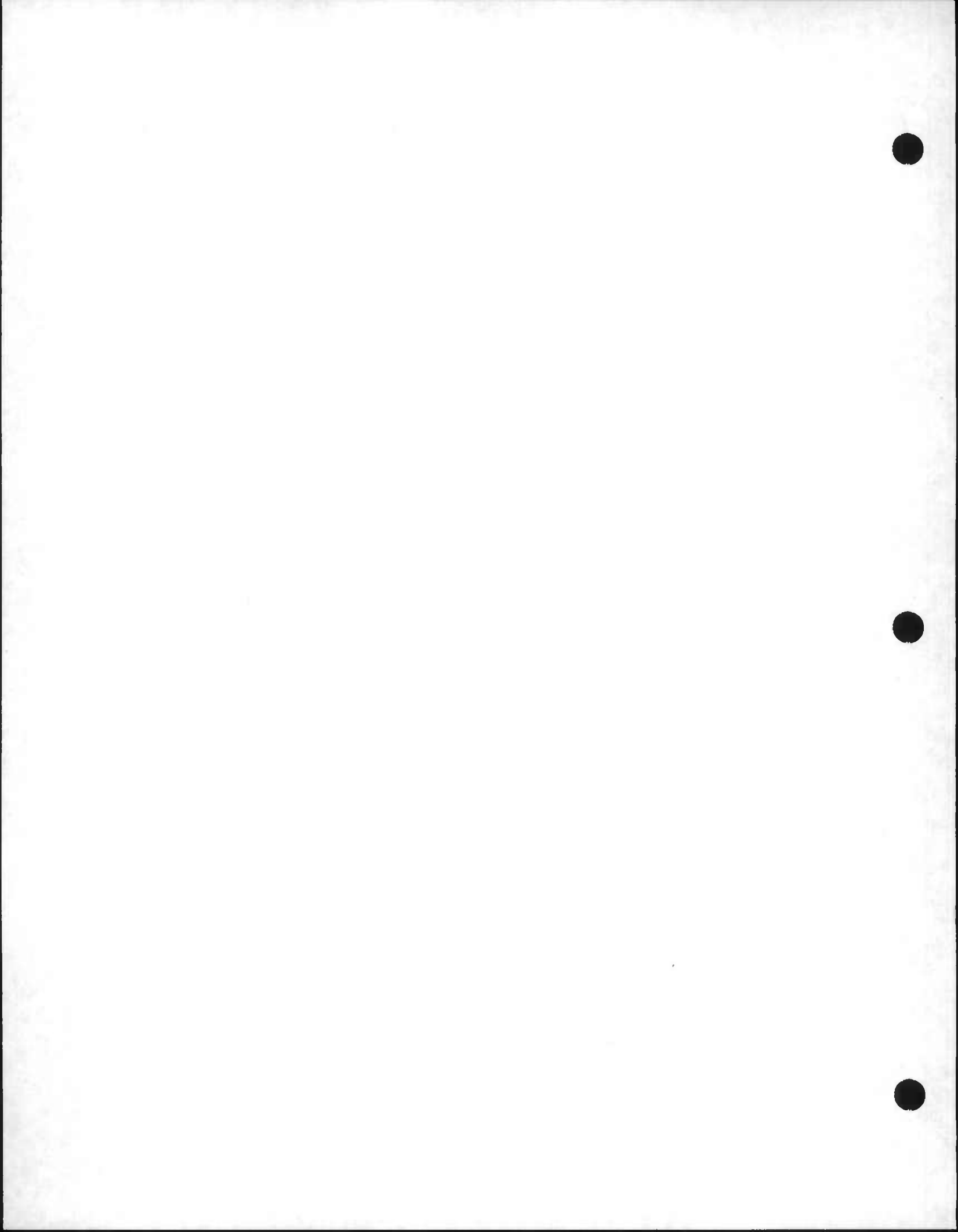
If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 337-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 5, 2007

Ms. Debbie Moore  
Talbot County Planning & Zoning  
11 N. Washington Street, Courthouse  
Easton, MD 21601

Re: Adams, Bob  
A 096

Dear Ms. Moore:

This office has received the above-referenced variance request to raise the roof line of an existing dwelling within the 100-foot Buffer. From the site plan provided it appears the applicant will also be removing a shed and some impervious areas within the 100-foot Buffer, and adding some additions outside the Buffer. Although no detailed information was provided in the submittal indicating whether the new roof line will extend beyond its current limits within the Buffer, it appears there will be a net decrease in impervious surface area within the Buffer.

This office prefers vertical expansions on existing dwellings in the Buffer in order to meet the reasonable needs of a property owner; therefore, provided the lot is properly grandfathered, this office does not oppose this request. If the County finds this variance can be granted, we recommend the Buffer be planted with native Buffer plantings to help restore those areas previously covered by impervious areas.

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. Please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: TC 336-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

June 4, 2007

Ms. Yvonne Chaillet  
St. Mary's County Government  
Department of Land Use and Growth management  
PO Box 653  
Leonardtown, MD 20650

Re: Granados  
Variance 07-1256

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a deck with less Buffer setbacks than required. The site is on a grandfathered lot in the Limited Development Area of the Critical Area. The request is for a 152 square foot deck to be built in the 100-foot Critical Area Buffer. Provided the County determines the applicant has met all the variance standards, including whether the request is the minimum to afford relief, we offer the following recommendations:

1. The deck should be constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck.
2. Mitigation at 3:1 ratio is recommended for the area of new disturbance (disturbance includes grading, footprint and clearing that occurred for the construction) to offset the disturbance to the Buffer. Mitigation of native species should occur in the Buffer area to the extent possible.

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

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: SM 334-07





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/](http://www.dnr.state.md.us/criticalarea/)

June 4, 2007

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

Re: Dreams Landing Collection System  
Contract No.: S792201

Dear Mr. Lesko:

This office has received the above-referenced landscape planting plans for review and comment. It appears the current set of plans are in compliance with the Dreams Landing project mitigation requirements. Please contact this office to perform a follow-up site inspection the first growing season following the initial planting, which you have indicated will be in September 2007.

Thank you and your consultant team for their cooperation. If you have any questions, please telephone me at (410) 260-3481 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: Mr. Mark Paternoster, Dewberry & Davis, LLC  
Mr. Joseph Burns, Dewberry & Davis, LLC



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

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

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

May 29, 2007

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

Re: Gill-VAR 138

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance to allow a dwelling addition of an open porch with less setbacks than required. This property is located in the Intense Development Area (IDA). We do not object to this variance to setback requirements.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 311-07





Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 29, 2007

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

Re: Beseris-VAR 144

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance to allow a dwelling addition of two decks and stairs with less setbacks and Buffer than required. This property is located in the Limited Development Area (LDA) and is in a Buffer Exemption Area. My comments are outlined below:

1. We do not oppose the variance request provided that the deck is constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck and native plantings surrounding the foundation. However, we question the need for two decks. If the Hearing Officer finds these decks are permitted, we recommend the size (especially of the water-ward deck) could be reduced to minimize impacts.
2. We recommend that mitigation be performed at a 3:1 ratio for the area of new disturbance (disturbance includes grading, footprint and clearing) to offset the disturbance to the Buffer. Mitigation of native species should occur in the Buffer to the extent possible.

This office has no further comments regarding the setback issue.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 314-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 29, 2007

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

Re: Loyco-VAR 141

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance to allow a dwelling addition of a deck with less setbacks and Buffer than required. This property is located in the Limited Development Area (LDA) and is in a Buffer Exemption Area. The same project was previously granted a variance which has since expired. We do not object to this setback and Buffer variance.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 312-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 29, 2007

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

Re: Cadicamo-VAR 143

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is requesting a variance to allow a dwelling addition of a deck and covered entry with less setbacks than required. This property is located in the Limited Development Area (LDA). We would not be opposed to the variance provided that the deck is constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck and native plantings surrounding the foundation. This office has no further comments regarding the setback issue.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 313-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 21, 2007

Mr. Bruce Wright  
Anne Arundel County  
Department of Public Works  
Bureau of Engineering, MS -7301  
2662 Riva Road  
Annapolis, Maryland 21401

Re: Woodland Beach SPS Reforestation Plan &  
Woodland Beach SPS Offsite Reforestation Plan

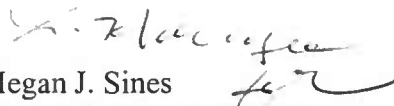
Dear Mr. Wright:

This office has received the above-referenced reforestation plans received by our office on April 27, 2007 for review and comment. It appears all of the changes discussed have been addressed; therefore, the current set of plans are in compliance with the Woodland Beach Pumping Station expansion project mitigation requirements.

The Plantings Agreement Form that was received by our office did not include a proposed planting date. I have copied that agreement and enclosed it for your use. Within 30 days, please sign the bottom of the page and indicate the proposed planting dates.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

  
Megan J. Sines  
Natural Resources Planner

Enclosure

cc: Kamala Dulichan, John E. Harms, Jr. & Associates  
Jim Johnson, Anne Arundel County Forester





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

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

May 18, 2007

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

Re: Bell-VAR 109

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is seeking a request to allow a dwelling addition with less setbacks than required.

We do not object to this variance to setback requirements; however, it appears that mitigation will be required according to Anne Arundel County Code 16-3-205 to meet 10% compliance. Mitigation is required at a 1:1 ratio to offset the area of new impervious cover. If this mitigation cannot be performed on site, a fee in lieu may be paid at the rate of \$.60/ square foot of new impervious cover.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 290-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

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

Re: Weatherstein-VAR 112

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant is seeking a request to allow a dwelling addition with less setbacks than required. We do not object to this variance to setback requirements; however, it appears that impervious cover limits for the property have been surpassed. To compensate for the additional imperviousness, the applicants should find opportunities on site to remove at least 320 square feet of impervious cover which is equal to the added impervious 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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 292-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

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

Re: Garman-VAR 111

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to build a second floor over an existing single floor residence and requests a variance for less set-backs than required. Since the addition will not create additional impervious surfaces, this office does not oppose the request.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 291-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 18, 2007

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

Re: Addeo-VAR 113

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes to build an addition and a deck to the existing residence. The new construction would add 559 square feet of impervious area to the existing 2014 square feet in the LDA. The applicant is seeking a variance to allow the addition with less setbacks than required. We do not object to this variance to setback requirements.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 293-07





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

May 14, 2007

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

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

Re: Rabbitt, Stephern  
S 07-027, P 06-146

Dear Ms. Krinetz:

I have received the above-referenced minor subdivision request for review and comment. The applicant proposes to create a 3-lot single family subdivision on 4.95 acres. The property is entirely within the Limited Development Area (LDA). My comments are outlined below.

1. It appears that the individual lot calculations are incorrect for total allowable impervious area in the table on the site plan. Calculations for the allowable 15% brings the proposed impervious area for Lot 1 to at, or near the 15% limit for the site. We recommend the applicant reduce the initial impervious area on this lot in order to reserve impervious area for the future lot owners.
2. A plat note should be added to indicate that all plantings for the required afforestation and/or stormwater management be native species.
3. The letter from the Wildlife and Heritage Division of the Department of Natural Resources (DNR) shall be received prior to final recordation to ensure there are no threatened or endangered species habitats on site.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3464 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 265-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

Ms. Susan McCauley  
St. Mary's County Government  
Department of Land Use and Growth Management  
PO Box 653  
Leonardtown, MD 20650

Re: Wood, # 221-07

Dear Ms. McCauley:

I have received the above-referenced minor subdivision request to create two lots in the Limited Development Area (LDA). I have outlined my comments below.

1. The intended use of Parcel 862 is unclear. If the intention is for future development, it is unclear whether the parcel size is adequate to support a lot along with the required Sewage Reserve Area outside the minimum 100-foot Buffer. Since this is a new lot, and not grandfathered, any development on the lot needs to be outside the Buffer. All development activities, including dwellings, accessory structures, roads, wells and septic systems must be located outside of the buffer; therefore, it must be determined that sufficient buildable area exists on each lot to preclude any disturbance to the buffer.
2. It is unclear whether the entire site is in the Critical Area since no line is shown on the site plan; however, the entire site is stated as 3.11 acres in the written document and 3.293 on the plat. Please have the applicant confirm this information.
3. We recommend a table be added to the final plat indicating the total allowable impervious area and clearing per lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: SM 221-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

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

Re: Goldschmidt-VAR 102

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants propose to build a storage room over an existing two car garage. Since the addition will not create additional impervious surfaces, this office does not oppose the request. Measures should be taken to minimize disturbance to the buffer during construction (use of silt fence, etc.).

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 251-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

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

Re: Spectec LLC -VAR 100

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants propose to extend the 18 month maximum time before termination of a nonconforming use for 6 additional months for completion of a building permit. This office has no further comments regarding a time extension.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 250-07





**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/](http://www.dnr.state.md.us/criticalarea/)

April 23, 2007

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

Re: Carrollton Manor  
S 96-069, P 06-146

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. The applicant proposes to create a 2-lot single family subdivision. It appears the applicant has addressed all of the comments of the last letter from this office dated January 5, 2007; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3464 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 784-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 20, 2007

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

Re: Liddle Property  
MS 06-070

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced minor subdivision request. It appears the applicant has addressed all of the comments of the last letter from this office dated January 19, 2007; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3464 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 802-06







**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/](http://www.dnr.state.md.us/criticalarea/)

April 12, 2007

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

Re: Pleasure Cove Marina  
C 05-0068

Dear Ms. Krinetz:

I have received a resubmittal for the above-referenced request. It appears the applicant has addressed the comments in the last letter from this office dated January 23, 2007. I have outlined my comments below:

1. All plants approved as part of the planting plan should be native species. Suggested alternatives to proposed non-native species follow:

<b>Proposed Non-native</b>	<b>Suggested Native Alternative</b>
Glossy Abelia	Inkberry, Chokeberry, Bayberry, Spicebush
Goldenrod ( <i>Solidago austrina</i> )	Use native species of Goldenrod
Hardy Fountain Grass	Switchgrass
Juliana Barberry	Sweet pepperbush, Bayberry, Inkberry

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

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/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

April 12, 2007

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

Re: Cooper, Finley  
Var 07-0335

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a garage and a deck within the 100-foot Buffer. The site is in the Limited Development Area (LDA) of the Critical Area. The property is 41,905 square feet in size and it is proposed to increase the total impervious area to 3,044.44 square feet (7%). My comments are outlined below:

General:

1. A line marking the Limits of Disturbance should be shown on the final plans.
2. We recommend that mitigation be performed at a 3:1 ratio for the area of new disturbance (disturbance includes grading, footprint and clearing) to offset the disturbance the Buffer. Mitigation of native species should occur in the expanded Buffer area to the extent possible.

Deck:

3. The proposed deck appears to be substantial in relation to the existing structure; therefore, we recommend a smaller footprint to minimize impacts to the expanded Buffer.
4. The deck should be constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck.

Garage:

5. It appears that there is sufficient area outside of the 100 foot Buffer and expanded Buffer upon which an accessory garage could be constructed. We suggest that this area be considered prior to granting a variance for the garage in the currently proposed site.

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,

Megan J. Sines  
Natural Resources Planner  
cc: SM 190-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

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

Re: Golden Beach  
Var 05-0777

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a single family dwelling with a garage, driveway, and porch in the Golden Beach Development. The site is in the Limited Development Area (LDA) of the Critical Area. The property is 15,000 square feet in size and it is proposed to increase the total impervious area to 3,472 square feet (23%). It appears the application requires a variance since clearing beyond 30% is proposed. My comments are outlined below:

1. We recommend positioning the dwelling closer to the Building Restriction Line on the east side of the property in order to minimize clearing.
2. If the County determines that a variance can be granted, then mitigation must be performed at a 3:1 ratio for the area of clearing.
3. It appears the lot will be near the 25% impervious surface limit. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners and any additions or improvements that may be desired in the future.

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 "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: SM 190-07





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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Ms. Yvonne Chaillet  
St. Mary's County Government  
Department of Land Use and Growth management  
PO Box 653  
Leonardtown, MD 20650

Re: Golden Beach  
Var 07-0744

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a single family dwelling with a front porch and driveway in the Golden Beach Development. The site is in the Limited Development Area (LDA) of the Critical Area. The property is 18,132 square feet in size and it is proposed to increase the total impervious area to 3,236.27 square feet (18%). It appears the application requires a variance since clearing beyond 30% is proposed. My comments are outlined below:

1. Since the site is currently entirely forested and 8,792 square feet (48.5%) will be removed, mitigation must be performed at a 3:1 ratio for the area of clearing.
2. Any further clearing will require an additional variance. We do not recommend any further clearing be allowed.

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,

Megan J. Sines  
Natural Resources Planner

cc: SM 190-07







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/](http://www.dnr.state.md.us/criticalarea/)

April 2, 2007

Ms. Elizabeth Vennell  
Planning and Zoning Assistant  
Town of North East  
106 South Main Street  
PO Box 528  
North East, MD 21901

Re: 105 Cherry Street- Fence

Dear Ms. Vennell:

This office has received the above-referenced variance request for review and comment. The applicant proposes install a fence along an existing fence line. The site is in the Intensely Developed Area (IDA) of the Critical Area. This office does not oppose granting this request.

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.

If you have any questions, please telephone me at (410) 260-3464 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: NE 189-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

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

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

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed all of the comments of the last letter from this office dated September 11, 2006; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 379-04





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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

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

Re: Young, Erik—07-0044

Dear Ms. Schappert:

I have received the above-referenced subdivision request to legalize the lot on the site in the Limited Development Area (LDA) of the Critical Area. We do not oppose this action and have no further comments at this time.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 125-07





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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

C/O Sandra N. Carter  
Ms. Jennifer Jackson Rhodes  
Queen Anne's County  
Department of Planning and Zoning  
160 Coursevall Drive  
Centreville, MD 21617

Re: 04-07-02-0012-C  
Fish, John

Dear Ms. Rhodes:

I have received the resubmittal for the above-referenced subdivision request. The applicant is proposing to subdivide an existing lot located in the Intensely Developed Area (IDA) into two lots. It appears the applicant has addressed all of the comments in the last letter from this office dated March 5, 2007; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Marshall Johnson at (410) 260-3479 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: QC 114-07







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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

C/O Sandra N. Carter  
Ms. Jean Fabi  
Queen Anne's County  
Department of Planning and Zoning  
160 Coursevall Drive  
Centreville, MD 21617

Re: 03-06-12-0001-C  
Florence III Minor Subdivision

Dear Ms. Fabi:

I have received the resubmittal for the above-referenced subdivision request. The applicant is requesting minor subdivision approval for one sliding scale lot, one agricultural lot and two large lots. The site consists of approximately 195 acres with 103 within the Resource Conservation Area (RCA) on the waterfront adjacent to the Chester River. The applicant has addressed the comments of the December 6, 2006 letter from this office. I have outlined my remaining comments and concerns below.

1. It has been noted that this proposal is for estate planning purposes; however, afforestation requirements still apply. The applicant will be required to provide afforestation to ensure the planting requirement of 15% of the site area is met. This must be accomplished *within the Critical Area Boundaries* of the property. This should be accomplished by first planting the 100 foot Buffer per COMAR 27.01.09.C(6). Then placing the afforestation on the remainder of the Critical Area portion of the property. This should be indicated on the site plan.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: QC 796-06





**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/](http://www.dnr.state.md.us/criticalarea/)

March 29, 2007

Crystal Porter  
Caroline County Planning & Codes Administration  
Health & Public Services Bldg.  
403 South 7<sup>th</sup> St, Suite 210  
Denton, MD 21629-1335

Re: 07-012- Pepper Property

Dear Ms. Porter:

I have received the information for the above-referenced subdivision request for an intra-family transfer project. Since it appears that the intra-family transfer is occurring outside of the Critical Area, this office has no comment regarding this request.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: CR 0169-07





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](http://www.dnr.state.md.us/criticalarea)

March 26, 2007

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

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

Dear Ms. Krinetz:

I have received the resubmittal for the above-referenced subdivision request. It appears the applicant has addressed all of the comments of the last letter from this office dated December 4, 2006; therefore, we have no further comments.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 549-06





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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

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

Re: Sorrell 07-0040

Dear Mr. Soldano:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create two lots and one residue; the two new lots will be in the Limited Development Area (LDA). I have outlined my comments below.

1. The development on proposed Lot 2 appears to be within the minimum 100-foot Buffer. Since this is a new lot, and not grandfathered, any development on the lot needs to be outside the Buffer. All development activities, including dwellings, accessory structures, roads, wells and septic systems must be located outside of the wetland and its buffer; therefore, it must be determined that sufficient buildable area exists on each lot to preclude any disturbance to the wetlands.
2. It appears lots 1 & 2 will be at, or near the 25% impervious surface limit for each lot. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners and any additions or improvements that may be desired in the future.
3. We recommend a table be added to the final plat indicating the total allowable impervious area and clearing per lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 118-07







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/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

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

Re: Phelps Property  
S06-051, TM 16, P701

Dear Ms. Krinetz:

This office has received the above-reference subdivision request for review and comment. The applicant is proposing to subdivide a 5.78 acre property to create eight new lots. The Critical Area portion of the property consists of .72 acres and is designated as a Limited Development Area (LDA). There is one lot proposed within the Critical Area. My comments are outlined below:

1. The proposed clearing appears to be over 20%; therefore 1:1½ mitigation will be required. The mitigation area should be shown on plan and plat. Alternatively, if the mitigation will be handled through a fee, that should be noted as well.
2. The limits of the Conservation Easement should be visible on the affected lot to alert future lot owners of the extent of their usable back yard areas. We recommend the applicant consider a fence or signs.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 695-03





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

March 12, 2007

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

Re: Brockmeyer & Minion Property  
MS-07-015

Dear Ms. Krinetz:

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

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.staic.md.us/criticalarea/](http://www.dnr.staic.md.us/criticalarea/)

March 12, 2007

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

Re: Five Buoys at Rock Creek  
S 04-096, P 07-0043

Dear Ms. Krinetz:

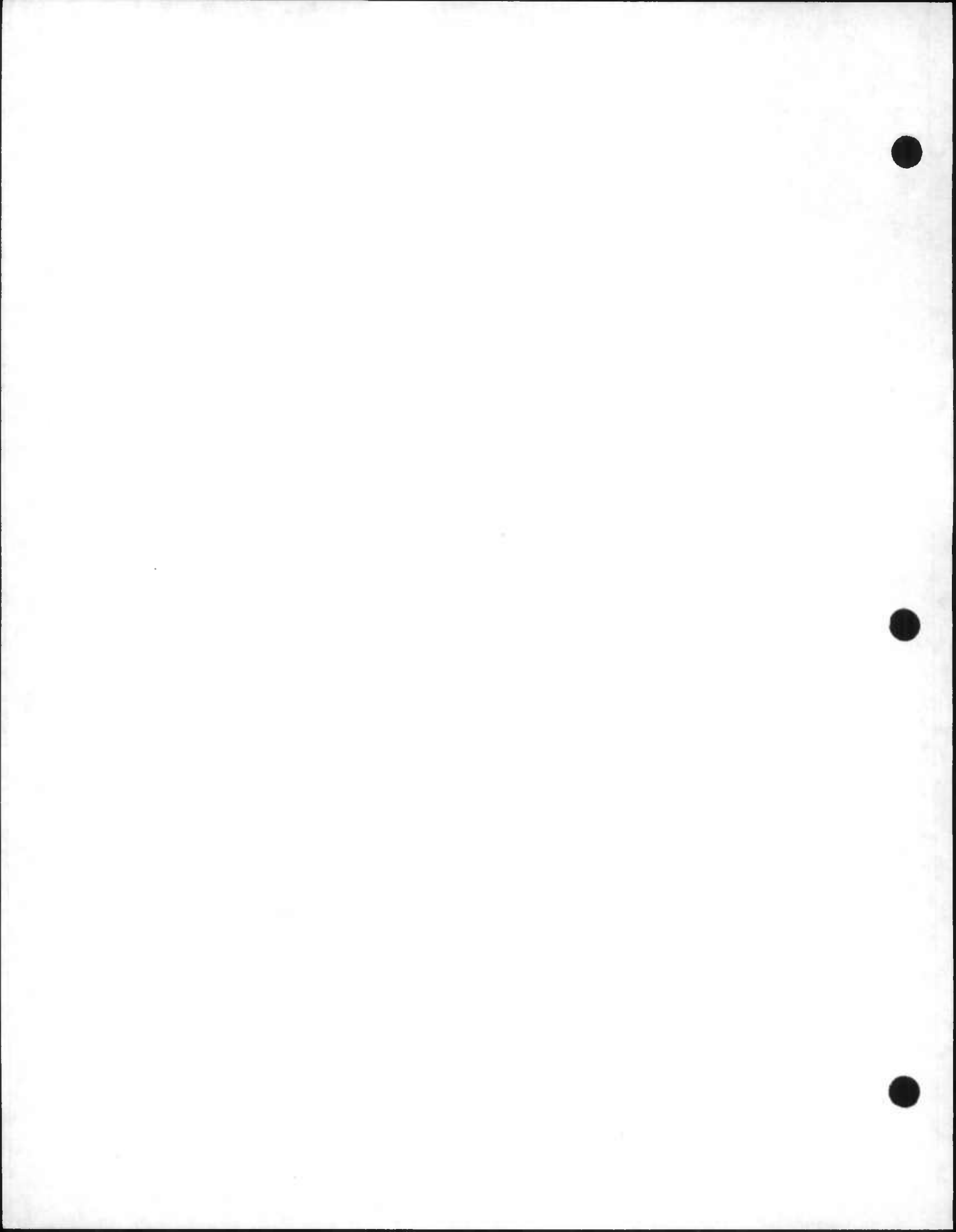
I have received the above-referenced subdivision request for review and comment. Three lots, utility connections, and the stormwater management facility are proposed to be located in the Critical Area. The Critical Area portion of the property consists of 4.21 acres and is designated as a Limited Development Area (LDA). There is an additional 3 acres of the property which is not part of the Critical Area. My comments are outlined below:

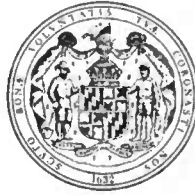
1. Please forward a copy of the plat since we are unable to verify whether the applicant has addressed our comments on the plat.
2. It appears lots 9, 10, and 11 will be at, or near the 25% impervious surface limit for each lot. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners and any additions or improvements that may be desired in the future.
3. It appears that the original project narrative is no longer up to date since the plan has been revised to include three lots and dwellings as opposed to the original six lots and dwellings in the project proposal.
4. The letter from the Department of Natural Resources, Heritage and Biodiversity Division is over three years old. This office recommends an updated letter be obtained prior to final recordation.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner  
cc: AA 0057-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 26, 2007

Ms. Yvonne Chaillet  
St. Mary's County Government  
Department of Land Use and Growth management  
PO Box 653  
Leonardtown, MD 20650

Re: Queen Tree Landing  
Var A 089

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a garage and driveway/parking area and relocate the septic system within the expanded buffer area for highly erodible soils. The site is in the Resource Conservation Area of the Critical Area. The property is 101,304 square feet in size and it is proposed to increase the total impervious area to 6,980 square feet (7%).

Provided this lot is properly grandfathered, we do not oppose this variance for a reasonable expansion. However, the proposed garage and driveway appear to be substantial in relation to the existing structure, and the site is severely constrained by natural features. Therefore, we recommend a smaller footprint to minimize impacts to the expanded Buffer. If a variance is granted, we further recommend the applicant work with County staff to address stormwater for the new addition of impervious areas.

Mitigation in the form of plantings should be provided at a ratio of 3:1 for the total area of impacts from grading, forest clearing, and building footprint. Plantings should be native species and accommodated on site to the extent possible.

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

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: SM 99-07







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/](http://www.dnr.state.md.us/criticalarea/)

February 23, 2007

Ms. Mary Kay Verdery  
Talbot County Planning & Zoning  
11 N. Washington Street, Courthouse  
Easton, MD 21601

Re: Rodanthe Hanrahan  
A 097

Dear Ms. Verdery:

I have received the above-referenced variance request to construct a second story addition and a gazebo within the 100-foot Buffer. Since the addition will not create additional impervious surfaces and provided the lot is properly grandfathered, this office does not oppose this request.

If the County finds this variance can be granted, please ensure that mitigation is at a 2:1 ratio for the area disturbed in the buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: TC 810-06





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/](http://www.dnr.state.md.us/criticalarea/)

February 23, 2007

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

Re: Dean & Carol Nordquist  
Var 2007-0014-V

Dear Ms. Schappert:

I have received the above-referenced variance request to construct a deck with less buffer setbacks than required and with disturbance in the steep slope buffer. The site is in the Limited Development Area of the Critical Area. My comments are outlined below:

1. The size of the proposed deck appears excessive for the sensitive nature of this lot. Reduction of the footprint is recommended.
2. A line marking the Limits of Disturbance should be shown on the final plans.
3. We recommend that mitigation be performed at a 3:1 ratio for the area of new disturbance (disturbance includes grading, footprint and clearing) to offset the disturbance to steep slopes and expanded buffer. Mitigation of native species should occur in the expanded buffer area to the extent possible.
4. The deck should be constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck.

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,

Megan J. Sines  
Natural Resources Planner





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE 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/](http://www.dnr.state.md.us/criticalarca/)

February 23, 2007

Ms. Susan Veith  
St. Mary's County Government  
Department of Land Use and Growth Management  
PO Box 653  
Leonardtown, MD 20650

Re: Sharon Montillo  
# 07-11000014

Dear Ms. Veith:

I have received the above-referenced minor subdivision request to create two lots from one parcel. Since the proposed lot appears to be outside the Critical Area, this office has no comment regarding this request.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: SM 23-07





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/](http://www.dnr.state.md.us/criticalarca/)

February 23, 2007

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

Re: John Ourand  
Variance 0012

Dear Ms. Schappert:

I have received the above-referenced variance request to approve after the fact construction of a deck with less buffer and steep slope setbacks than required. The site is in the Limited Development Area of the Critical Area. The request is for a 25-foot variance from the 100-foot Critical Area Buffer as well as a variance from the steep slope requirements based on the topography under and south of the deck structure.

Provided the deck was constructed with spaces between the boards and gravel beneath to ensure perviousness, we do not oppose the request. However, we question the need for two decks. If the Hearing Officer finds this deck is permitted, we recommend its size might be reduced to minimize impacts to the Buffer and steep slopes.

Finally, we recommend mitigation at a 3:1 ratio for the area of new disturbance (disturbance includes grading, footprint and clearing that occurred for the construction) to offset the disturbance to steep slopes and expanded buffer. Mitigation of native species should occur in the expanded buffer area to the extent possible.

This office has no further comments regarding the setback issue.

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,

Megan J. Sines  
Natural Resources Planner

cc: AA 85-07







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/](http://www.dnr.state.md.us/criticalarea/)

February 16, 2007

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

Re: James Dodd  
Var 0013

Dear Ms. Schappert:

I have received the above-referenced variance request to construct a deck with less buffer setbacks than required. The site is in the Limited Development Area of the Critical Area. The construction will take place on a level slope of the property. We would not be opposed to the variance provided that the deck is constructed in a pervious manner, with spacing between the boards, six inches of gravel substrate below the deck and native plantings surrounding the foundation. This office has no further comments regarding the setback issue.

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,

Megan J. Sines  
Natural Resources Planner

cc: AA 86-07





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 12, 2007

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

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

Re: Severn View -VAR 459

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants propose to expand the existing single family home. This project will extend into the steep slope buffer. Provided the lot is properly grandfathered, this office does not oppose the requested variance. My remaining comments are outlined below:

1. A line marking the Limits of Disturbance should be shown on the final plans.
2. We recommend that mitigation be performed for the area of new disturbance (disturbance includes grading, footprint and clearing) to offset the disturbance to steep slopes and expanded buffer. Mitigation of native species should occur in the expanded buffer area to the extent possible.

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

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 56-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

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

Re: Round Bay -VAR 458

Dear Ms. Suzanne Schappert:

This office has received the above-referenced variance request for review and comment. The applicants propose to expand the existing single family home to construct an 11.5 x 18.5 x 11 foot sunroom. This project will require less setbacks than required. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: AA 55-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

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

Re: Fernbrook -VAR 462

Dear Ms. Schappert :

This office has received the above-referenced variance request for review and comment. The applicants propose to expand the existing single family home to construct a second floor addition to the existing house. This project will require less setbacks than required. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 57-07







**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/](http://www.dnr.state.md.us/criticalarea/)

February 12, 2007

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

Re: Herald Harbor –VAR 450

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicants propose to expand the existing single family home to construct a 30 x 6 front porch on both the first and second levels of the house. This project will require less setbacks than required. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

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.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 51-07





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

February 12, 2007

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

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

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

Dear Mr. Burke:

I have received another set of the revised development plans for the above-referenced subdivision request. The applicant has addressed the comments of Lisa Hoerger in the letter dated November 20, 2006. I have outlined my remaining comments and concerns below. These comments may be addressed at final.

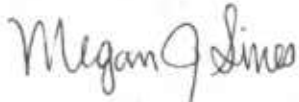
1. We recommend a table be added to the final plat indicating the total allowable impervious area per lot for the benefit of future homeowners, and to ensure the subdivision will not exceed the allowable impervious surface limits.
2. Though drywells will require little clearing, it does appear that they will encroach on the existing tree line and thus require some clearing. This should be clearly defined for mitigation purposes. Please have the applicant indicate the proposed clearing for these areas in order to calculate the required mitigation.
3. A note should be added to the plat and deeds that explain that no disturbance is permitted beyond the expanded Buffer or Forest Conservation Easement line.
4. A plat note should be added to indicate that all plantings for the required reforestation and/or stormwater management be native species.
5. The limits of the Conservation Easement should be visible on each lot affected to alert future lot owners of the extent of their usable back yard areas. We recommend the applicant consider a fence or signs.
6. A note should be added to the plat and deeds that explain the impervious surface limits and that no disturbance is permitted beyond the Conservation Easement

line.

7. We understand an updated letter from the Department of Natural Resources was requested. Of course, we would recommend to the County that final plat approval be withheld until the updated letter is received.

If you have any questions, please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478.

Sincerely,



Megan J. Sines  
Natural Resources Planner

cc: AA 689-06

---



**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/](http://www.dnr.state.md.us/criticalarea/)

February 5, 2007

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

Re: Cedar Hill – PUD #01-2006

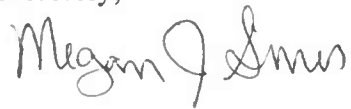
Dear Mr. Soldano:

I have received the above-referenced Planned Unit Development (PUD) request for review and comment. The only development within the Critical Area limits is a secondary access road of which a portion will pass through the Resource Conservation Area (RCA). I have outlined my comments below.

1. It is our understanding that this PUD will require a minimum of two main access roads and that the one that crosses the RCA has been minimized and there is no other alternative location to situate another access road outside the Critical Area.
2. It is stated that no new impervious coverage will be in the Critical Area; however, there will be impervious surfaces associated with the road. This area should be measured and noted to ensure that it is under the 15% impervious surface limitation.
3. We recommend that the County require additional stormwater management in the Critical Area since the road is in the RCA and its runoff will impact the wetlands nearby.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines". The signature is written in black ink and is positioned below the word "Sincerely,".

Megan J. Sines  
Natural Resources Planner

cc: AA 0057-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

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

Re: Johnson – P07-0013

Dear Mr. Burke:

I have received the above-referenced subdivision request for review and comment. The applicant proposes to create three lots, two of which will in the Limited Development Area (LDA). I have outlined my comments below.

1. The proposed clearing appears to be under 20%; therefore 1:1 mitigation will be required. Since no mitigation area is shown, I assume mitigation will be handled through a fee. If not, please have the applicant indicate the area of mitigation on the plan and plat.
2. We recommend a table be added to the final plat indicating the total allowable impervious area and clearing per lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: AA 42-07







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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

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

Re: Administrative Subdivision, Norman Point/Kopec  
File #05-05-08-0013-C

Dear Ms. Rhodes:

I have received the above-referenced project for review and comment. The applicant proposes to adjust the lot lines between existing lots. Two of the newly proposed lots are partially located in the Limited Development Area (LDA). I have outlined my comments below.

1. It should be noted that under state law, the portion of newly revised Lot 3 in the Critical Area, is limited to 15% impervious cover or 1161.6 square feet. The applicant may consider revising the lot lines further in order to remove Lot 3 entirely from the Critical Area.
2. Requirements for revised Lot 1 are as governed under Queen Anne's County Critical Area ordinances.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Megan J. Sines".

Megan J. Sines  
Natural Resources Planner

cc: QC 570-05





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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

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

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

Dear Ms. Fasi:

I have received a resubmittal for the above-referenced subdivision request. I have reviewed the plat and plans submitted. I have outlined my comments below.

1. Please clarify if there are non tidal wetlands on the site. Section Seven indicates that "no nontidal wetlands exist on the property"; however, Plat Note 14 states that "indicators of nontidal wetlands are present on site".

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines  
Natural Resources Planner

cc: QC 720-06





**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/](http://www.dnr.state.md.us/criticalarea/)

January 29, 2007

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

Re: Parker Creek – P07-0001

Dear Mr. Burke:

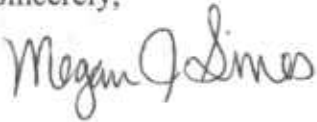
I have received the above-referenced subdivision request for review and comment. The applicant proposes to create five lots in the Limited Development Area (LDA) with one of the lots crossing into the Resource Conservation Area (RCA). I have outlined my comments below.

1. It appears the subdivision will be at, or near the 15% impervious surface limit for the entire site. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners.
2. We recommend a table be added to the final plat indicating the total allowable impervious area per lot for the benefit of future homeowners, and to ensure the subdivision will not exceed the allowable impervious surface limits.
3. A note should be added to the plat and deeds that explain that no disturbance is permitted beyond the expanded Buffer or Forest Conservation Easement line.
4. The use of the Grass Crete in the turn around area should be counted as impervious area given that we do not recommend their use for auto traffic. Depending on the purpose and need for this area, the applicant may consider removing it in order to reduce impervious coverage on the property.
5. A plat note should be added to indicate that all plantings for the required afforestation and/or stormwater management be native species.

6. We recommend some form of signage or permanent markers be provided along the rear of those lots that abut the Forest Conservation Area so that future homeowners will know where the boundaries begin.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,



Megan J. Sines  
Natural Resources Planner

cc: AA 15-07

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/](http://www.dnr.state.md.us/criticalarea/)

June 15, 2007

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

Re: Richards, Clay- 2007-0147-V

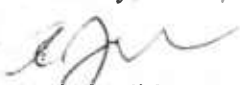
Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow multiple dwelling additions with less setback and Buffer than required. The property is designated as a Limited Development Area (LDA), it is within a Buffer Modification Area, and is currently developed with a dwelling.

This office does not oppose the requested variance, provided the property is properly grandfathered, and provided the applicant provides mitigation plantings at a ratio of 2:1 for the total area of disturbance to the 100-foot Buffer from the dwelling additions. This area is calculated by totaling the areas of proposed clearing, grading and the footprint of the proposed structure. These plantings should be provided on-site in the Buffer to the extent feasible. If the 2:1 mitigation plantings do not create at least 15% forest cover on the property, the applicant will have to do additional plantings to meet the 15% afforestation requirements for the proposed development, or pay a fee in lieu.

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,

  
Amber Widmayer  
Natural Resources Planner

cc: AA 315-07

TTY for the Deaf

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





Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

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

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

June 1, 2007

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

Re: Chase, Pamela 2007-0134-V

Dear Ms. Schappert:

This office has received the above-referenced variance request for review and comment. The applicant proposes a dwelling addition that will require less setbacks than required.

Provided the applicant meets Anne Arundel County's requirements for development in an IDA, 16-3-205, and this project does not appear to raise any other Critical Area issues, this office has no comment regarding this request.

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 blue ink, appearing to read "Amber Widmayer".

Amber Widmayer  
Natural Resources Planner

cc: AA 309-07



Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

May 25, 2007

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

Re: Karr, Dorothy Property  
S 06-050, P 06-0109

Dear Ms. Shatt:

I have received a resubmittal for the above referenced subdivision request. It appears that the applicant has addressed some of this office's comments from my January 31, 2007 letter. I have outlined my remaining comments below.

1. We note that the applicant has removed the proposed septic area from the RCA on lot five. However, the proposed septic area is still shown in the RCA on lot four. As this office has explained to the applicant in our past two letters, proposed uses of the RCA that are not included in Anne Arundel County Code 18-13-206 must not be located in the RCA unless associated with a dwelling unit inside the RCA. A septic area is such a use that is not included in the Code's list of allowed uses of the RCA without being associated with a residential dwelling in the RCA. This position was reaffirmed by the Commission at the December 6, 2006 Critical Area Commission meeting. The Commission approved a motion, "that there is a clear conflict, mistake or omission in Anne Arundel County's application of permissible RCA uses by allowing septic systems in the RCA that serve development in the LDA and exceed the allowable residential development of one unit per 20 acres...Any future approvals involving this identified deficiency shall be null and void until the deficiency is corrected." Therefore, if the applicant attempts to seek County approval of its current plan that shows a septic area in the RCA that is not associated with a residential dwelling in the RCA, any approval of this use by the County would be null and void.
2. Additionally, the applicant has now located a stormwater management area in the RCA on lot five. A stormwater management area that is not associated with a dwelling in the RCA is another use that is not allowed in the RCA under Anne Arundel County's Code. Consequently, the proposed stormwater management area must be moved out of the RCA as well.

Ms. Schappert  
May 25, 2007  
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Amber Widmayer', written in dark ink.

Amber Widmayer  
Natural Resources Planner

cc: AA 668-06



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/](http://www.dnr.state.md.us/criticalarea/)

May 25, 2007

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

Re: Gibson, William- 2007-0118-V

Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow a dwelling with less Buffer than required and with disturbance to slopes of 15% or greater. The property is designated as a Limited Development Area (LDA) and is currently developed with a dwelling that the applicant proposes to remove and replace with a new dwelling.

Provided the property is properly grandfathered, this office does not oppose the requested variance provided the applicant provides mitigation plantings at a ratio of 3:1 for the total area of disturbance, as measured by proposed clearing, grading and the footprint of the proposed structure. These plantings should be provided on-site in the Buffer to the extent feasible. If the 3:1 mitigation plantings do not create at least 15% forest cover on the property, the applicant will have to do additional plantings to meet the 15% afforestation requirements for the proposed development, or pay a fee in lieu.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer  
Natural Resources Planner

cc: AA 307-07





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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

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

Re: Huff, Michael- 2007-0114-V

Dear Ms. Krinetz:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow an accessory structure with less setbacks and Buffer than required. The property is designated as a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Provided that the Hearing Officer finds that a wooden walkway is necessary to provide the applicant with riparian access given the site conditions, this office does not oppose the requested variance. However, we do request that the applicant provide mitigation plantings for the area of disturbance to the Buffer at a 1:1 ratio for the six-foot wide portion of the walkway and at a rate of 3:1 for the extra one-foot width of walkway that exceeds the County's limits for riparian access walkway width. The plantings should be provided in the Buffer on the site to the extent feasible.

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,

Amber Widmayer  
Natural Resources Planner

cc: AA 253-07







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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

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

Re: Carvel Beach/Bridgewater  
S 91-114, P 06-0100

Dear Mr. Torney:

I have received a final submittal for the above referenced subdivision request. It appears that the applicant has addressed this office's comments from my January 26, 2007 letter. I have provided my remaining comments below.

1. There appears to be a math error in the forest calculations included on the plat and plans. When I subtract the proposed forest clearing, 22,371 s.f., from the total wooded area of 220,503 s.f., I get 198,132 s.f. I add to this the proposed reforestation of 27,134 s.f. and get a total of 225,266 s.f. of proposed forest. However, the plat and plan indicate that there will be a total of 255,081 s.f. in forest conservation easement. Please clarify whether I have overlooked or erroneously assumed something in performing my calculations. For instance, I am making an assumption that "total wooded area" indicates the existing forest area, and I am also assuming that all of the reforestation will be done on site. Please have the applicant clarify how he or she calculated that 255,081 s.f. of forest will be in a conservation easement, or if there is a math error, please make the necessary corrections on the plans and plat.
2. It does not appear that the applicant has reserved any room within the dwelling footprints for common residential accessory structures such as decks, patios or sheds, and yet the total proposed impervious surface is at the maximum of 15% of the total site. This office prefers that the proposed impervious surface footprint in the subdivision be adjusted so that homeowners will have the flexibility to add such improvements in the future. As we have previously requested, if the applicant determines that this is not feasible, the applicant should add notations to the plat, plan and the deed of each proposed lot that no more impervious surface will be allowed in the subdivision because the proposed impervious surface is already at the 15% limit. We note that the applicant has included such a notation on the final plat and plans. Please add language to the plat and plans that this notation will also be included on each deed to provide notice to future property owners of this limitation on their property. If the applicant plans to

Mr. Torney  
May 16, 2007  
Page Two

notify future property owners of the impervious surface restrictions in additional ways, for example by restrictions through a Home Owners Association, please explain these plans as well.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 688-05



**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/](http://www.dnr.state.md.us/criticalarea/)

May 15, 2007

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

Re: Moxley & Thompson- 2007-0079-V

Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow a dwelling with less setbacks and Buffer than required. The property is designated as an Intensely Developed Area (IDA) and is currently used as a marina.

Provided the property is properly grandfathered and the applicant can address this office's comments below, this office does not oppose the requested variance.

- 1) It appears that there is room on the site to relocate the proposed dwelling further inland. Even though the entire site is within the 100-foot Buffer, this office believes that the development impacts on the Critical Area can be minimized by moving the proposed dwelling away from the shoreline to the extent possible.
- 2) The applicant needs to calculate the total area of disturbance from the proposed construction, as measured by proposed clearing, grading and the footprint of the proposed structure. The total disturbed area must be mitigated with plantings at a 3:1 ratio which should be planted in the Buffer on this property to the extent possible.
- 3) If the 3:1 mitigation plantings do not create at least 15% forest cover on the property, the applicant will have to do additional plantings to meet the 15% afforestation requirements for the proposed development, or pay a fee in lieu.

Ms. Schappert  
May 15, 2007  
Page Two

- 4) Because the property is designated as an Intensely Developed Area, the applicant must comply with Article 16-3-205 of the Anne Arundel County Code in order to address the 10% pollutant reduction calculations.

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,



Amber Widmayer  
Natural Resources Planner

cc: AA 245-07



**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/](http://www.dnr.state.md.us/criticalarea/)

May 14, 2007

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

Re: Huggins, David- 2007-0103-V

Dear Ms. Krinetz:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow a dwelling addition with disturbance to slopes 15% or greater and disturbance within the expanded Buffer. The property is designated as a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

It appears that the applicant has made an effort to minimize impacts to the expanded Buffer by locating the proposed addition on the side of residence that is farthest from the water, and will provide mitigation for the area of disturbance within the expanded Buffer and steep slopes at a rate of 3:1, or 3,759 square feet. We also note that the applicant has requested that the Wildlife and Heritage Service ("WHS") review whether there are any rare, threatened or endangered species within the proposed limits of disturbance for the project, but a letter from WHS is not included in the applicant's file. Provided that WHS's responding letter does not show records of any rare, threatened or endangered species within the proposed limits of disturbance, that the applicant constructs the proposed addition as described, and that the lot is properly grandfathered, this office does not oppose the requested variance.

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

Ms. Kelly Krinetz  
May 14, 2007  
Page Two

Sincerely,

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

Amber Widmayer  
Natural Resources Planner

cc: AA 252-07



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/](http://www.dnr.state.md.us/criticalarea/)

April 20, 2007

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

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

Dear Ms. Krinetz:

I have received a resubmittal for the above referenced subdivision request. It appears that the applicant has addressed this office's comments from my January 26, 2007 letter. I have outlined my remaining comments below.

1. I calculate that the total proposed impervious surface on lot 4, 9,774 s.f., is 15.5% of the total proposed area of lot 4, 62,954 s.f., which is greater than the 15% maximum impervious surface area allowed on lots over one acre. Accordingly, the proposed impervious surface needs to be reconfigured so that it will be less than 15% of the lot.
2. We note that as requested, the applicant has included a notation on the plat that 9,970 s.f. of the required plantings will be done on-site. However, the applicant does not indicate how the rest of the required reforestation will be provided. The applicant proposes to clear 13,210 s.f., or 26% of the existing forest cover on the site. Because this is greater than 20%, the applicant must provide reforestation plantings at a rate of 1.5:1 for all of the proposed clearing. Therefore, the total required reforestation is 19,680 s.f. Please have the applicant include a calculation showing the rate of replacement and total required reforestation on the plat and plan, as well as an explanation for how the rest of the required reforestation will be provided. It appears that there is room to provide much of the required reforestation on-site. If it is not feasible to complete all of the required reforestation on-site, please provide an explanation to this effect and how the remaining reforestation will be provided.

Ms. Krinetz  
April 20, 2007  
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 210-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 16, 2007

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

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

Dear Ms. Krintez:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant has addressed most of this office's comments from my January 19, 2007 letter. I have provided my remaining comments below.

1. We note that as described on sheet 1 of the plan, the applicant proposes to install permanent signs at the rear of lots adjacent to forest conservation easements, approximately 50 feet apart, to identify the forest conservation area boundary. However, the applicant stated in its response to our request for these signs to be installed on lots 75 through 84 where these lot lines cross over into the forest conservation easement area, that it prefers not to install signs within the lot boundaries. While we note this preference, the demarcation of the forest conservation areas that will be accomplished by the proposed signs elsewhere on the site is also essential within lots 75 through 84 to prevent encroachment into the forest conservation area by current and future owners of these lots. Merely disclosing the boundary of the forest conservation area to current lot owners will not provide notice of the boundary to future lot owners. Therefore, this office requests that the applicant use the proposed signs or other permanent markers for identifying the forest conservation area boundary that overlaps into lots 75 through 84.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer  
Natural Resources Planner

cc: AA 210-06





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/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

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

Re: South River Crossing/ Hardesty Tract  
S 02-089, P 2004-0212, C 06-0100

Dear Ms. Krinetz:

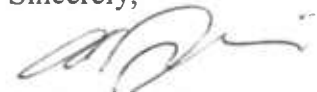
I have received a resubmittal for the above-referenced subdivision request. The applicant has addressed this office's previous comments from my January 3, 2007 letter. I have outlined my remaining comments below.

1. When reviewing the calculations for meeting the 10% pollutant reduction requirement on the IDA portion of lot 2R, I was unable to match up the site area values that are provided in the calculations with the site area values included on the site development plan. Also, it appears that the applicant has used the incorrect runoff coefficient in the calculations. Please recalculate the 10% calculations with the correct site area values and runoff coefficient of 0.3.
2. This office is concerned that the two pieces of the site that are identified as lot 2R on the subdivision plan do not match with what is shown on the site development plan. Specifically, on the most recently submitted site development plan, the eastern portion of lot 2R that is identified is labeled as being owned by Maryland State Highway Administration. Please have the applicant explain and resolve this inconsistency. If it would be helpful, this office is willing to meet with the applicant to discuss the above comments prior to the next site development plan submittal.

Ms. Krinetz  
April 16, 2007  
Page Two

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 557-02



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

April 11, 2007

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

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

Dear Ms. Shatt:

I have received a resubmittal for the above-referenced subdivision request which is a proposal to subdivide an undeveloped property into two lots and construct two single family dwellings. It appears that the applicant has addressed most of this office's previous comments from my February 28, 2007 letter. I have outlined my remaining comments below.

- 1) The most recently submitted plat does not include information about existing or proposed impervious surface areas. We note that in response to this office's February 28, 2007 request to add this information to the maximum allowable impervious surface chart on the previously submitted plat, the applicant has stated that Anne Arundel County does not require that this information be included on the plat. However, it is the practice of this office to request that applicants include this information on plats both for the purpose of demonstrating that the proposed impervious areas are less than the 15% limit, as well as providing notice to current and future property owners as to how much additional impervious surface area will be allowed on the property in the future for improvements. Accordingly, we request that the applicant include an impervious area chart on the plat showing the existing and proposed impervious surface area for each lot and for the property as a whole.
- 2) We note that the applicant has included adequate language on the plat regarding the 2500 s.f. limitations on forest clearing within each proposed lot's septic area and we request that this be included on the plan as well. Also, please have the

Ms. Shatt  
April 11, 2007  
Page Two

applicant include a chart for forest cover calculations on the plan that includes the following information:

- existing and proposed forest cover for each lot and for the property as a whole
- what percentage of the proposed lots will be cleared
- what rate of replanting is required for the percentage of proposed forest clearing
- the total amount of replanting that is required
- how the required replanting will be completed
- that no more than 2500 s.f. of each proposed lot's septic reserve area will be cleared
- that all remaining forested areas and replanted areas will be put into a forest conservation easement

Thank you for the opportunity to comment. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 636-04



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/](http://www.dnr.state.md.us/criticalarea/)

March 28, 2007

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

Re: Helms Property-Shoreland Plat A Lot 149  
S 86-055, P 06-0153

Dear Ms. Krinetz:

I have received additional information from the applicant on this subdivision request. However, with the exception of a letter from DNR Wildlife and Heritage Service, the packet did not contain any new plans or other information that addressed the comments from my January 19, 2007 letter. Accordingly, I am including my previous comments below.

- 1) The submitted plan does not quantify the forested area on the existing lot. The applicant must do so on the plat and plan. If the existing forested area is less than 15% of the existing lot, the applicant must meet the 15% afforestation requirements on site. This can be done on the existing lot as a whole, or separately on each proposed lot. If afforestation requirements apply, the applicant should indicate where this afforestation will be done, and include a notation on the plat and plan that these forested areas are in a conservation easement.
- 2) This office is concerned that the subdivision request proposes the maximum amount of impervious area. We are disinclined to approve of new subdivisions that propose the maximum impervious area upfront since it will prevent future lot owners from making impervious area enhancements in the future. It is this office's position that future disturbance to newly created lots should not require variances to the County's Critical Area Program. Therefore, the applicant should adjust the proposed impervious area to allow for lot owners to make reasonable impervious area enhancements in the future.

Ms. Kelly Krinetz  
March 28, 2007  
Page Two

- 3) There are corrections that should be made to the impervious area chart on the plan. The chart should consistently read "maximum impervious area, 25%" for both lot 149A and 149B. Also, there are a couple of math errors within the impervious area chart. The sum of total impervious area of lot 149A and lot 149B is 4670 square feet, rather than 4675 square feet. Additionally, I calculate that the existing porch is .77% of the total proposed impervious area for lot 149A, rather than .90%.
- 4) It appears that all of the existing and proposed structures have not been included in the total proposed impervious calculations. For instance, the area of the existing shed on timber ties on proposed lot 149A must be added to the impervious calculations.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 801-06





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](http://www.dnr.state.md.us/criticalarea)

March 28, 2007

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

Re: Muziks Mooring  
MS 06-025

Dear Mr. Torney:

Thank you for forwarding the above referenced subdivision application. The application is for the subdivision of one residential lot with an existing house into three residential lots with construction of two new houses. It appears that the applicant has addressed this office's previous comments from Lisa Hoerger's December 4, 2006 letter. I have outlined my remaining comments below.

- 1) The required reforestation calculations are incorrect. The applicant proposes to clear 9,428 square feet of forest, which is 30% of the site's existing forest. When the proposed clearing is more than 20% of a site's existing forested area, the applicant must provide reforestation at a rate of 1:1.5. Therefore, 14,142 square feet of reforestation is required here.
- 2) We note that the applicant has included a notation on the plat and plan that Buffer plantings will be shown on a plan at the grading permit stage. We request that the applicant add the following information to this notation:
  - how much of the total required reforestation will be provided in the Buffer
  - if this amount is less than the total required reforestation, an explanation for why it is not possible to do all of the required reforestation in the Buffer and a description of where the rest of the required reforestation will be done
  - that the reforested areas will be in a conservation easement

Mr. Jeff Torney  
March 28, 2007  
Page Two

- 3) It should be noted on the plat and plan that the existing impervious surface on proposed lot 2 is the maximum amount of impervious surface allowed. This will provide notice to the current and future property owners that no requests for additional impervious surface will be approved in the future. It is this office's position that future disturbance to newly created lots should not require variances to the County's Critical Area Program.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 366-06  
Tom Burke, Anne Arundel County



STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 14, 2007

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

Re: Goudy, H. Chester Jr. Subdivision  
MS 06-064

Dear Ms. Krinetz:

I have received a resubmittal for the above-referenced subdivision for review and comment. The applicant proposes to divide one lot into two with retention of the existing house on proposed lot AR-1, construction of a new house on proposed lot AR-2, and a ten-foot widening dedication. The applicant has responded to the comments in my December 21, 2006 and I have included my remaining comments below.

1. The applicant has correctly noted in the response to my December 21, 2006 letter that under Anne Arundel County Code, forested areas that are less than 10,000 square feet do not meet the County's definition of forest. As the property currently has only 6,000 square feet of forested area, this will not count toward meeting the 15% afforestation requirement. The applicant will need to provide 7650.15 square feet of afforestation which is 15% of the total site area. Please include these calculations in the charts on the plat and plan. Additionally, please include a notation indicating that the provided afforestation area will be put into a conservation easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer  
Natural Resources Planner

cc: AA 752-06





**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/](http://www.dnr.state.md.us/criticalarea/)

March 14, 2007

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

Re: Wallace Manor Lot G-2  
S 97-029, P 06-0054

Dear Mr. Murray:

I have received a resubmittal for the above-referenced subdivision request. The applicant has addressed the comments from my December 11, 2006 letter. I have included my remaining comment below.

1. We note that the applicant has included a notation on the plat and plan that there will be no clearing in the expanded Buffer except as required for riparian access. Please add language to this notation that clarifies that the remaining forested area on the whole site will be put into a conservation easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

  
Amber Widmayer  
Natural Resources Planner

cc: AA 243-06





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/](http://www.dnr.state.md.us/criticalarea/)

March 9, 2007

Mr. Michael Smolek, Executive Director  
Maryland Department of Planning  
Jefferson Patterson Park and Museum  
10515 Mackall Road  
St. Leonard, Maryland 20685

Re: Native American Hamlet and Trail, State Project # 9-07

Dear Mr. Smolek:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On March 7, 2007, the Critical Area Commission unanimously approved Maryland Department of Planning's proposal and site plan to construct a Native American Hamlet and Accessible Trail at Jefferson Patterson Park and Museum in St. Leonard, Maryland. This approval included the following condition:

Prior to commencement of construction, the Maryland Historical Trust shall obtain all necessary authorizations from the Maryland Department of the Environment (MDE).

In fulfillment of the above conditions, please also notify the Commission once the MDE authorizations have been obtained. Please note that should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Also, please sign and return the enclosed Planting Agreement within the next 30 days. Should you have any questions, please feel free to contact me at 410-260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer  
Natural Resources Planner

# Planting Agreement for State/Local Projects

State/Local Agency

Maryland Department of Planning

Project Number

9-07

Agency Contact

Michael Smolek

Phone Number

(410) 586-8500

Commission Approval Date

7-Mar-07

CAC Planner

Amber Widmayer

Project Name

Native American Hamlet and Accessible Path

Project Location

Jefferson Patterson Park and Museum, Calvert County, MD

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within Buffer\*

15,266 Square Feet

Mitigation Ratio for Disturbance/Clearing Within Buffer\*

3:1 = 45,798 Square Feet plantings

15% Afforestation Requirement Met?

Mitigation Calculation Within Buffer

Total Mitigation Requirement

76,320 Square Feet

agreed to  
45,798 Square Feet of plantings  
+ 30,522 Square Feet natural  
regeneration  
76,320 Square Feet total

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

Planting Date

Year

First Site Visit Date

Completed by

Second Site Visit Date

Completed By

Date Mitigation Complete

Responsible Contact for Mitigation (Print)

Signature

Date



Estimated numbers and cost of large Trees, Understory Trees and Shrubs for Forest Mitigation March 1, 2007  
 (\* prices are estimates)

		Number	Size	Price each	Cost
<b>Large Canopy Trees</b>					
Maple, Red	Acer rubram	4	2"	90	\$360.00
Maple, Silver	Acer saccharinum	2	2"	75	\$150.00
Hickory, Bitternut	Carya cordiformis	2	2"	175	\$350.00
Hickory, Pignut	Carya glabra	2	2"	175	\$350.00
Hickory, Shagbark	Carya ovata	2	2"	175	\$350.00
Hawthorn*	Crataegus uniflora	4	2"	90	\$360.00
Beech, American	Fagus grandifolia	3	2"	175	\$525.00
Ash, White	Fraxinus americana	3	2"	75	\$225.00
Walnut, Black	Juglans nigra	2	2"	95	\$190.00
Cedar, Eastern Red	Juniperus virginiana	4	2"	90	\$360.00
Gum, Sweet	Liquidambar styraciflua	4	2"	90	\$360.00
Tulip Poplar	Liriodendron tulipifera	4	2"	90	\$360.00
Mulberry, Red *	Morus rubra	6	2"	125	\$750.00
Gum, Black	Nyssa sylvatica	2	2"	95	\$190.00
Pine, Short-leaf	Pinus echinata	4	2"	95	\$380.00
Pine, Loblolly	Pinus taeda	4	2"	75	\$300.00
Pine, Virginia	Pinus virginiana	4	2"	75	\$300.00
Cherry, Black	Prunus serotina	2	2"	95	\$190.00
Oak, White	Quercus alba	4	2"	95	\$380.00
Oak, Pin	Quercus palustris	2	2"	95	\$190.00
Oak, Willow	Quercus phellos	2	2"	95	\$190.00
Oak, Chestnut	Quercus prinus	2	2"	95	\$190.00
Sassafras	Sassafras albidum	2	2"	125	\$250.00
Basswood	Tilia americana	2	2"	125	\$250.00
Elm, Slippery	Ulmus fulva	2	2"	125	\$250.00
Elm, American*	Ulmus americana	2	2"	125	\$250.00
Bald Cypress*	Taxodium distichum	6	2"	125	\$750.00
Sycamore*	Platanus occidentalis	4	2"	95	\$380.00
Hemlock*	Tsuga canadensis	4	2"	125	\$500.00
<b>Understory and Small Trees</b>		<b>90</b>			<b>\$9,630.00</b>
Shadbush	Amelanchier canadensis	4		75	\$300.00
Hornbeam, American	Carpinus caroliniana	4		90	\$360.00
Chinkapin*	Castanea pumila	4		75	\$300.00
Redbud, American	Cercis canadensis	4		75	\$300.00
Fringe Tree	Chionanthus virginicus	4		95	\$380.00
Dogwood, Flowering	Cornus florida	4		65	\$260.00
Persimmon	Diospyros virginiana	4		85	\$340.00
Holly, American	Ilex opaca	4		95	\$380.00
Chokecherry, Common	Prunus virginiana	4		65	\$260.00
Crabapple, Southern*	Pyrus angustifolia	4		75	\$300.00
Willow, Black	Salix nigra	4		55	\$220.00
Witch Hazel	Hamamelis virginiana	4		55	\$220.00
Plum, American	Prunus americana	4		55	\$220.00

Elderberry	<i>Sambucus canadensis</i>	4	55	\$220.00
Hackberry*	<i>Celtis occidentalis</i>	4	55	\$220.00
Maple, Red*	<i>Acer rubrum</i>	1 3/4 - 1"	45	\$45.00
Hickory, Pignut*	<i>Carya glabra</i>	1 3/4 - 1"	100	\$100.00
Hickory, Shagbark*	<i>Carya ovata</i>	1 3/4 - 1"	100	\$100.00
Hawthorn*	<i>Crataegus uniflora</i>	2 3/4 - 1"	45	\$90.00
Beech, American*	<i>Fagus grandifolia</i>	1 3/4 - 1"	40	\$40.00
Ash, White*	<i>Fraxinus americana</i>	1 3/4 - 1"	40	\$40.00
Walnut, Black*	<i>Juglans nigra</i>	1 3/4 - 1"	50	\$50.00
Cedar, Eastern Red*	<i>Juniperus virginiana</i>	2 3/4 - 1"	45	\$90.00
Tulip Poplar *	<i>Liriodendron tulipifera</i>	2 3/4 - 1"	45	\$90.00
Mulberry, Red *	<i>Morus rubra</i>	2 3/4 - 1"	65	\$130.00
Pine, Short-leaf*	<i>Pinus echinata</i>	2 3/4 - 1"	50	\$100.00
Pine, Loblolly*	<i>Pinus taeda</i>	2 3/4 - 1"	40	\$80.00
Pine, Virginia*	<i>Pinus virginiana</i>	2 3/4 - 1"	40	\$80.00
Oak, White *	<i>Quercus alba</i>	2 3/4 - 1"	50	\$100.00
Oak, Pin*	<i>Quercus palustris</i>	1 3/4 - 1"	50	\$50.00
Oak, Willow*	<i>Quercus phellos</i>	2 3/4 - 1"	50	\$100.00
Oak, Chestnut*	<i>Quercus prinus</i>	2 3/4 - 1"	50	\$100.00
Hemlock*	<i>Tsuga canadensis</i>	3 3/4 - 1"	65	\$195.00
		<b>90</b>		<b>\$5,860.00</b>

\*\* Chestnuts put in shrub category because only very small trees were available

#### Shrubs

Red Chokeberry	<i>Aronia arbutifolia</i>	9	9	\$81.00
Virginia Sweetspire	<i>Itea virginica</i>	9	12	\$108.00
Spicebush	<i>Lindera bensoin</i>	12	12	\$144.00
Magnolia, Sweet Bay	<i>Magnolia virginiana</i>	9	15	\$135.00
Wax Myrtle	<i>Myrica cerifera</i>	9	15	\$135.00
Bayberry	<i>Myrica pensylvanica</i>	9	12	\$108.00
Pinxter Azalea	<i>Rhododendron periclymenoides</i>	9	15	\$135.00
Sumac, Winged	<i>Rhus copallina</i>	9	12	\$108.00
Sumac, Staghorn	<i>Rhus typhina</i>	9	12	\$108.00
Rose, Wild	<i>Rosa carolina</i>	6	12	\$72.00
Blackberry	<i>Rubus spp.</i>	9	6.5	\$58.50
Raspberry, Black	<i>Rubus occidentalis</i>	9	6.5	\$58.50
Blueberry, Highbush	<i>Vaccinium corymbosum</i>	9	15	\$135.00
Blueberry, Deerberr*	<i>Vaccinium stamineum</i>	9	15	\$135.00
Blueberry, Lowbush*	<i>Vaccinium vacillans</i>	9	15	\$135.00
Arrowwood	<i>Viburnum dentatum</i>	9	9	\$81.00
Nannyberry	<i>Viburnum lentago</i>	9	12	\$108.00
Possumhaw Vibernum	<i>Viburnum nudum</i>	9	12	\$108.00
Blackhaw	<i>Viburnum prunifolium</i>	9	12	\$108.00
Chestnut, American**	<i>Castanea dentata</i>	12	8	\$96.00
		<b>183</b>		<b>\$2,157.00</b>

Seedlings - mixed varieties est. \$2.00 each 150 \$300.00

**TOTAL \$17,947.00**

90 areas of 400 sq ft = 36,000 sq ft

Will need:

90 2" trees

90 small trees (1") [15 x 2 trees]

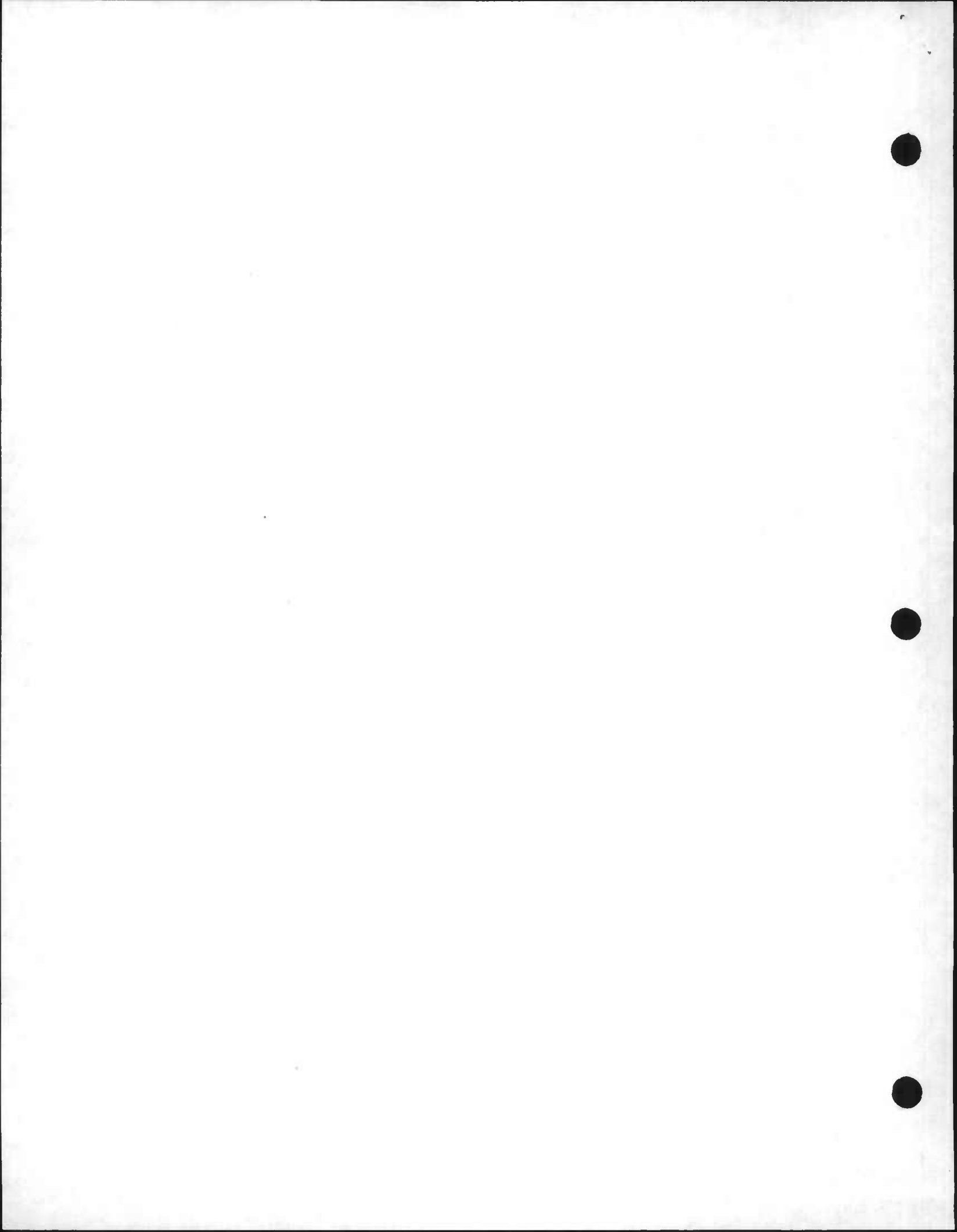
135 shrubs [15 x 3 shrubs]

198 areas of 50 sq ft = 9900 sq ft

Will need:

48 shrubs

150 tree seedlings





STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

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

[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

February 28, 2007

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

Re: Eagles Passages Section 5 lots 38 and 39  
S 86-263, P 07-0021

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced subdivision request, which is a proposal to keep the existing lot lines and structures on lots 38 and 39, and remove the "shared pier for lots 38 and 39" notation on the plat so that the owner of lot 39 may apply to construct a pier.

This office can not support this subdivision request. Removal of the plat notation permitting construction of a shared pier for lots 38 and 39 would create the ability for each lot owner to construct a separate pier. Construction of two piers on the shoreline of lots 38 and 39 would be impermissibly detrimental to water quality and aquatic habitat given the presence of extensive non-tidal wetlands along the shoreline of lot 38, and steep slopes along the shorelines of both lots 38 and 39. Construction of a pier anywhere along this shoreline would require extensive disturbance through sensitive areas, as construction of an extensive walkway over steep slopes or through non-tidal wetlands would be necessary just to create access to a pier on the shoreline of these properties; therefore we can not support this subdivision request.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer  
Natural Resources Planner

cc: AA 62-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 28, 2007

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

Re: Tebbston on the Magothy  
S 02-065, P 07-0022

Dear Mr. Burke:

Thank you for forwarding the above-referenced subdivision request, which is a proposal to create eight lots from one parcel, the reconstruction of four single family dwellings, new construction of four single family dwellings, and removal of the remaining existing structures. I have provided comments below.

1. It is unclear how the impervious area calculations were completed. Impervious areas on lots in new subdivisions are limited to 15% for the subdivision as a whole, and impervious areas on individual lots are limited to 15% per lot for lots that are one acre or larger, and 25% for lots that are less than one acre. The column titled "total allowable impervious area" in the Impervious Area Breakdown chart on page 1 of the plan is not reflective of these impervious area limits and seems as though it should instead be labeled, "proposed impervious area." If these calculations do represent the proposed impervious areas, then lots 4, 5 and 6 are not within the 15% impervious limit for lots that are larger than one acre. I calculate that as proposed, the respective proposed impervious areas for lots 4-6 amount to 18.78%, 19.5%, and 16.22%. Also, the total impervious area proposed for the subdivision amounts to 20.71%, which exceeds the 15% limit for the subdivision as a whole. Accordingly, the proposed impervious areas must be reduced to be within the limits as described above.
2. According to the critical area report provided, there is approximately 2.3 acres of existing forested area on the site which is less than 15% of the total site area. Therefore at least 15% of the site will need to be planted to meet the afforestation requirement. Please have the applicant show the existing and proposed forest calculations in a chart on the plat and plan, and show on the plat and plan where the required plantings will be completed. Also, there should be a notation on the plat and plan indicating that the planted areas will be in a forest conservation easement.

Mr. Burke  
February 28, 2007  
Page Two

3. As the applicant has proposed to redevelop in the Buffer Modification Area (BMA), mitigation at a rate of 2:1 in the form of plantings within the BMA must be provided for all new and redeveloped impervious surfaces in the BMA. Please have the applicant indicate where in the BMA this mitigation will be done, and provide details about the proposed mitigation including the number, size and species of the required plantings.
4. This office notes that there are two existing piers on the site and that one of them will be used as a community pier with 16 slips, which is a reduction of the existing 21 slips. We also note that the applicant has proposed construction of an additional pier on lot 5, which this office can not support. According to COMAR §27.01.03.07(A)(5), if community piers are provided as part of new development, private piers are not allowed. Further, under COMAR §27.01.03.07(B)(1), if the site had no existing piers, the applicant would only be allowed to construct a community pier with the lesser of one slip per lot, or one slip per 50 feet of shoreline. With approximately 380 feet of shoreline on the site, only seven slips would be permitted for the site under these regulations. Therefore, the 16 existing slips at the community pier plus another existing pier already amount to more slips than would have been originally authorized under the regulations, and no new piers will be allowed.
5. With reference to the three houses for which redevelopment is proposed in the BMA, this office recommends moving the building footprints further back from the shoreline so as to accommodate any future requests for waterward improvements to the houses, such as decks or patios.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 60-07





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/](http://www.dnr.state.md.us/criticalarea/)

February 28, 2007

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

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

Dear Ms. Shatt:

I have received a resubmittal for the above-referenced subdivision request which is a proposal to subdivide an undeveloped property into two lots and construct two single family dwellings. It appears that the applicant has addressed this office's previous comments from Lisa Hoerger's November 11, 2006 letter. I have outlined my remaining comments below.

- 1) There are a number of inconsistencies in the calculations on the plat and plan that must be resolved.
  - The areas of the proposed lots are given as three different sets of values on the plat and plan. In the "Area Tabulations" chart on the plat, the area of lot 1 is given as 63,810 square feet and the area of lot 2 is given as 77,543 square feet, while the "Impervious Area" chart on the plat says the area of lot 2 is 77,545 square feet. On the plan, the area for lot 2 is given as 77,546 square feet. Further, the clearing calculations on the plat show that the area for proposed lot 1 is 53,443 square feet and lot 2 is shown as 87,912 square feet. Please have the applicant recalculate the proposed lot areas and make the necessary corrections.
  - The given values for the area of proposed forest clearing and area for proposed forest conservation are inconsistent within the plat and plan. The plan and the notation on the plat show that there will be 84,286 square feet of forest in a

Ms. Shatt  
March 2, 2007  
Page Two

conservation easement. However, on the same plat, the forest calculations chart shows that there will be 74,495 square feet of forest in a forest conservation easement.

- There is a minor miscalculation of the total proposed impervious area on page two of the plan. Approximately 8,898 square feet of proposed impervious area on lot 1 plus 5,415 square feet of proposed impervious area on lot 2 totals 14,313 square feet, instead of 14,315 square feet as is currently indicated on the plan.
- 2) Please have the applicant add a column to the impervious area calculation chart on the plat showing the proposed impervious areas for lot 1 and lot 2 and for the site as a whole. According to the values shown on the plan, 8,898 square feet of impervious surface are proposed on lot 1 and 5,415 square feet of impervious surface are proposed on lot 2 for a total of 14,313 square feet, or 10.1% of the total proposed subdivision.
  - 3) Please add the values for existing forest coverage area and percentage to the forest calculations on the plat and plan. It appears that the existing site is completely forested and including this information on the plat and plan will make this readily apparent.
  - 4) This office notes that the applicant proposes to include 84,286 square feet of the total site in a conservation easement, which is 60% of the total site. We also note that the applicant proposes to fulfill the requirements for retaining 70% of the site in forest coverage by including 15,000 square feet of the septic reserve areas as undisturbed forested area, even though it will not be included in the forest conservation easement. On page 4 of the applicant's response to Lisa Hoerger's November 11, 2006 letter, the applicant states that only 2,500 square feet of disturbance to the 10,000 square feet of septic reserve area on each proposed lot is necessary, and therefore the applicant will count the remaining 7,500 square feet of forested area in each of the two septic reserve areas as counting towards the 70% forest retention requirement on site.

This office prefers that the applicant fulfill the 70% forest retention requirement by reducing the area of the building footprints or yard areas before the applicant resorts to counting septic reserve areas as forested areas for meeting the requirement. However, if reduction of the building footprint or yard area is not feasible, we request that the applicant include a notation on the plat and plan explaining how the 70% forest retention requirement will be met on site. The note should specify that no more than 2,500 square feet of each proposed lot's septic reserve area will be cut or cleared, and that if any more than 2,500 square feet of

February 28, 2007

Ms. Shatt

Page Three

the reserve septic areas must be disturbed in the future, mitigation will be required for any forest cutting or clearing that takes place at that time.

- 5) Mitigation for the proposed forest clearing on the site must be provided at a rate of 1:1.5 because the applicant proposes to clear more than 20% of the site. This is not the same as providing mitigation at a rate of 1:1 for the first 20% of the clearing and then providing mitigation at a rate of 1:1.5 for the clearing that exceeds 20% as is currently indicated in note number 10 on the plat. The applicant proposes to clear 42,400 square feet of forested area, which is 30% of the existing forest. Assuming the whole site is currently forested, at the replacement rate of 1:1.5, the applicant is required to provide 63,600 square feet of replacement plantings. Please have the applicant include calculations using these numbers with the other forest calculations on the plat and plan, and explain how the replanting requirement will be met.

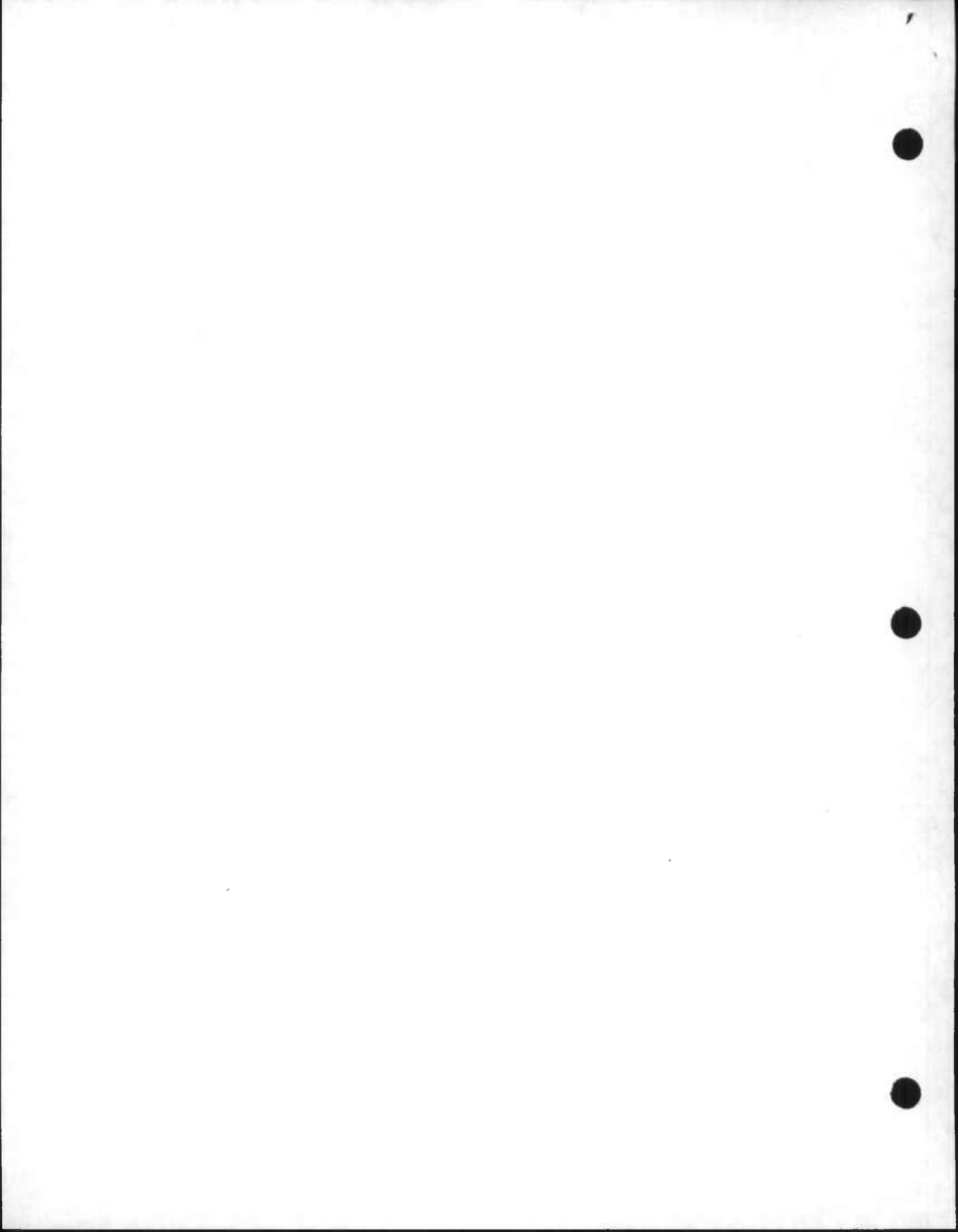
Thank you for the opportunity to comment. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 636-04





**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/](http://www.dnr.state.md.us/criticalarea/)

February 20, 2007

Mr. Steve Dodd  
Dorchester Co. Planning & Zoning Office  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

Re: Edward Evans et al. Subdivision #1150

Dear Mr. Dodd:

This office has received a subdivision proposal for the above referenced project. The applicant proposes to subdivide an existing undeveloped parcel into 18 residential lots.

We understand this application is at the Sketch phase; however, we need the following information on the next plan that is submitted so that this office may provide substantive comments:

- The 1000-foot Critical Area line must be shown on the plans.
- The limits of the 100-foot Buffer from the edge of mean high water, or tidal wetlands.
- The proposed impervious area, which should be no more than 15% of the site that is within the Critical Area.
- The proposed afforestation areas, which should amount to 15% of the site that is within the Critical Area. These areas should be shown in a conservation easement with an accompanying plat note.
- Area calculations for the portion of the site that is within the Critical Area.
- A letter from the Department of Natural Resources Wildlife and Heritage Division.
- The location of any hydric soils on the site.
- The location of any tidal or non-tidal wetlands on the site. The wetlands should be delineated and State versus private wetlands should be shown.

Mr. Steve Dodd  
February 20, 2007  
Page Two

Thank you for the opportunity to provide comments. Please contact me at (410) 260-3481 if you have any questions.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: DC 68-07



**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/](http://www.dnr.state.md.us/criticalarea/)

February 7, 2007

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

Re: Young, Erik – 2006-0453-V,  
previously approved as 2005-0388-V

Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow an extension in time required for the implementation and completion of a previously approved variance, which was a variance to allow a dwelling with attached garage with less expanded Buffer than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling and detached garage.

This office does not oppose the requested variance, provided the applicant follows the previously approved plan and conditions on the granted variance. The original plan provides that the applicant will construct the deck in a way that it remains pervious, which is done by leaving spaces between the boards, surfacing the area under the deck with gravel, and planting vegetation at the borders of the deck footprint. Conditions on which the Administrative Hearing Officer granted the previously approved variance include the following:

- 1) No further expansion of the proposed dwelling.
- 2) Mitigation for all disturbances to the Buffer, including those from forest clearing, grading, and construction footprint at a rate of 3:1. The mitigation will be done by planting native species on-site.

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

Ms. Suzy Schappert  
February 7, 2007  
Page Two

Sincerely,

A handwritten signature in cursive script, appearing to read 'Amber Widmayer'.

Amber Widmayer  
Natural Resources Planner

cc: AA 611-05





**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/](http://www.dnr.statc.md.us/criticalarea/)

February 7, 2007

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

Re: Hazen, Philip – 2006-0453-V  
previously approved as 2005-0388-V

Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow an extension in time required for the implementation and completion of a previously approved variance, which was a variance to allow a dwelling with less setbacks and Buffer than required.

This office does not oppose the requested variance, provided the applicant meets the conditions on which the Administrative Hearing Officer granted the previously approved variance. The applicant has not revised the plan to reflect these conditions. The plan should be revised to include calculations for the total area of impact to the Buffer, the required 3:1 mitigation for these impacts, and where this mitigation will be done. The total area of Buffer impacts is determined by calculating the total area within the Buffer that will be impacted by the proposed forest clearing, grading and construction footprint. Mitigation at the rate of 3:1 must be provided for this total area, not just for the Buffer area in which clearing will occur, as is currently indicated on the applicant's plan. Also, stormwater from the dwelling and driveway shall be directed to a stable vegetated outfall to provide water quality benefits on the site.

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

Ms. Suzy Schappert  
February 7, 2007  
Page Two

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 758-05



**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/](http://www.dnr.state.md.us/criticalarea/)

January 31, 2007

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

Re: Karr, Dorothy Property  
S 06-050, P 06-0109

Dear Ms. Shatt:

I have received a resubmittal for the above referenced subdivision request. It appears that the applicant has addressed some of the comments from Kerrie Gallo's November 14, 2006 letter. I have outlined my remaining comments below.

1. We note that the applicant has identified the area on the plan where the required 15% afforestation will be done. Please add a note to the plat and deed illustrating that this area will be in a conservation easement. Also, please show the calculations for the total existing forested area, the required afforestation, and the total proposed forested area within the site tabulation chart on the plat and plan.
2. We recommend installing fencing or signs showing the limits of the forest conservation areas that abut the proposed lots so that encroachments into these areas during construction and by future lot owners will be prevented.
3. The resubmitted plans show septic areas in the RCA portion of proposed lots four and five. As this office previously explained, septic areas may not be located in the RCA when they do not serve development in the RCA that meets the allowable residential density of one unit per 20 acres.

In the applicant's January 12, 2006 response to this office's explanation, the applicant stated, "we respectfully disagree with [the] determination that the septic reserve areas for two of the proposed lots are not permitted in the Critical Area and defer this decision to the County."

However, at the December 6, 2006 Critical Area Commission meeting, the Program Subcommittee approved a motion, "that there is a clear conflict, mistake or omission in Anne

Ms. Shatt  
January 31, 2007  
Page Two

Arundel County's application of permissible RCA uses by allowing septic systems in the RCA that serve development in the LDA and exceed the allowable residential development of one unit per 20 acres...Any future approvals involving this identified deficiency shall be null and void until the deficiency is corrected."

Consequently, the applicant's plans to defer the resolution of this issue to the County will not yield a favorable outcome for the applicant. The septic areas for proposed lots four and five may not be located in the RCA and therefore must be relocated.

4. We request that a notation be added to the plat and plan that no structures may be located in the RCA portion of lots four and five in the future.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 668-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 26, 2007

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

Re: Round Bay Lots 175R and 177RR/ Macleay Property  
S 86-073, P 06-0093

Dear Mr. Callahan:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant has addressed the comments of Lisa Hoerger's last letter dated August 31, 2006. I have provided one remaining comment below:

1. We note that the applicant has received the necessary variance to exceed the total impervious surface area limit of 15%, or 4339.65 square feet, by an additional 2,853 square feet. The applicant proposes to use all of the permitted impervious surface area on site at this time, as 4339.65 square feet plus the extra 2853 square feet equals the total proposed impervious surface area of 7193 square feet. No more impervious surface area will be allowed on either of the newly created lots in the future. Therefore, this office requests that a note to this effect be added to the plat, plan and deed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

Amber Widmayer  
Natural Resources Planner

cc: AA 520-06





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/](http://www.dnr.state.md.us/criticalarea/)

January 26, 2007

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

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

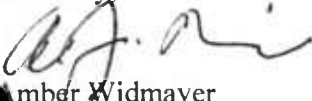
Dear Mr. Murray:

I have received a resubmittal for the above referenced subdivision request. It appears that the applicant has addressed this office's comments from Kerrie Gallo's November 6, 2006 letter. I have outlined my remaining comments below.

1. We note that as requested, the applicant has included language on the plat to indicate that the remaining 7,414 square feet of allowable impervious surface area is to be divided among lots 1-3, and that each lot is restricted to a maximum 25% impervious surface area coverage. Additionally, we request that the applicant include a chart that identifies how much impervious surface is proposed per lot. Also, because the proposed impervious surface area on lot 4 is 15% of the lot, which is the maximum allowed on lots over one acre, please include a notation on the plat and plan that there will be no more impervious surface allowed on lot 4 in the future.
2. Please have the applicant indicate on the plan where the required reforestation will be planted and that these areas are in a conservation easement. The applicant should also note within the Critical Area Tabulation how much of the reforestation requirement will be met through on-site plantings as opposed to a fee-in-lieu payment.
3. We recommend installing fencing or signs showing the limits of the forest conservation areas that abut the proposed lots so that encroachments into these areas during construction and in the future will be prevented.
4. In regard to our last comment about the hydric soils, this office has received a letter from Cattail Consulting that indicates field verification that no nontidal wetlands exist on the property. If the County concurs with this finding, then we have no further comments on this issue.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

  
Amber Widmayer  
Natural Resources Planner  
cc: AA 210-06







**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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

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

Re: Helms Property-Shoreland Plat A Lot 149  
S 86-055, P 06-0153

Dear Ms. Krinetz:

Thank you for forwarding the above referenced subdivision application. The project proposes the subdivision of one lot with an existing house into two lots and construction of a new house on the second lot. I have the following comments on the proposed subdivision.

- 1) The submitted plan does not quantify the forested area on the existing lot. The applicant must do so on the plat and plan. If the existing forested area is less than 15% of the existing lot, the applicant must meet the 15% afforestation requirements on site. This can be done on the existing lot as a whole, or separately on each proposed lot. If afforestation requirements apply, the applicant should indicate where this afforestation will be done, and include a notation on the plat and plan that these forested areas are in a conservation easement.
- 2) This office is concerned that the subdivision request proposes the maximum amount of impervious area. We are disinclined to approve of new subdivisions that propose the maximum impervious area upfront since it will prevent future lot owners from making impervious area enhancements in the future. It is this office's position that future disturbance to newly created lots should not require variances to the County's Critical Area Program. Therefore, the applicant should adjust the proposed impervious area to allow for lot owners to make reasonable impervious area enhancements in the future.

Ms. Kelly Krinetz  
January 19, 2007  
Page Two

- 3) There are corrections that should be made to the impervious area chart on the plan. The chart should consistently read "maximum impervious area, 25%" for both lot 149A and 149B. Also, there are a couple of math errors within the impervious area chart. The sum of total impervious area of lot 149A and lot 149B is 4670 square feet, rather than 4675 square feet. Additionally, I calculate that the existing porch is .77% of the total proposed impervious area for lot 149A, rather than .90%.
- 4) It appears that all of the existing and proposed structures have not been included in the total proposed impervious calculations. For instance, the area of the existing shed on timber ties on proposed lot 149A must be added to the impervious calculations.
- 5) We note that the applicant has requested a review of threatened and endangered species on the site from the Wildlife and Heritage Service (WHS). Please include WHS's responding letter with the applicant's next submission.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 801-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

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

Re: Elk's Landing  
S 06-072, P 06-0154

Dear Ms. Krinetz:

I have received a resubmittal for the above referenced subdivision request. The proposed project is for the creation of a 31-lot residential subdivision. It appears that the applicant has addressed some of this office's previous comments from Lisa Hoerger's August 29, 2002 letter. I have the following remaining comments on the proposed subdivision.

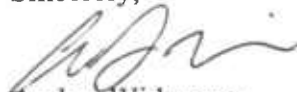
- 1) As mentioned in our August 29, 2002 letter, the applicant should include a chart on the plat and plan that identifies the proposed impervious area for each of the proposed lots.
- 2) Without the above described chart, it is unclear whether and by how much the proposed lots are under the 25% maximum impervious area that is permitted for lots in a new subdivision that are less than one acre, so long as the proposed impervious area for the entire subdivision is less than 15%. Even assuming the proposed impervious area for each lot is less than 25%, if the total proposed impervious area for the subdivision is already 14.9%, this only leaves a total of 963.49 square feet of future impervious area enhancements for all of the future owners of the proposed 31 lots. It is our position that all future disturbances associated with newly created lots should not require variances to the County's Critical Area Program requirements. Accordingly, the subdivision's proposed impervious area must be reduced to leave future lot owners reasonable room for impervious area enhancements to their property. We recommend that the County not approve this subdivision request until the applicant has addressed this issue.

Ms. Kelly Krinetz  
January 19, 2007  
Page Two

- 3) The applicant makes no mention of applying for or receiving the required Maryland Department of the Environment (MDE) permits for its proposed impacts to non-tidal wetlands and non-tidal wetland buffers on the site. Under state law, the applicant may not create impacts to non-tidal wetlands or their buffers without obtaining the required MDE permits. Therefore, the subdivision should not be approved unless the applicant can demonstrate that the proposed non-tidal wetland and buffer impacts are permitted by MDE. Also, non-tidal wetlands are considered Habitat Protection Areas (HPA) under Anne Arundel County's Critical Area Program and their disturbance would require a variance. Therefore, this office requests that proposed lots 28-31 be reconfigured to avoid non-tidal wetland impacts.
- 4) It is unclear why the non-tidal wetland area on the western side of the site is labeled as an expanded buffer area. Please have the applicant clarify whether and how this non-tidal wetland area is distinct from the other non-tidal wetland areas on the plan that are labeled as such.
- 5) We note that the applicant proposes to use signs and fencing to mark and protect the forest conservation areas. I was able to locate two of these signs on the plan at the corners of the proposed and existing forest conservation areas to the rear of lots 20-23. We are pleased that the applicant has included these signs in the plan, and we recommend using more forest conservation signs to effectively identify and minimize disturbance to the forest conservation areas abutting the other proposed lots. Specifically, we recommend signs marking the edge of the forest conservation area on lots 4-17, 19, 24, 27, and 29-31. Also, we note that the applicant has proposed the use of tree protective fencing in the legend of the plan. I was unable to find on the plan where this fencing will be used. This office recommends installing this fencing to divide the forest conservation areas from all of the abutting proposed lots. Also, please add notations to the plat and plan that all of the existing and proposed forested areas are in a conservation easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 801-06



**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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

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

Re: Liddle Property  
MS 06-070

Dear Mr. Callahan:

Thank you for forwarding the above referenced subdivision application. The project is for subdivision of one lot into two, septic improvements to two existing houses on each proposed lot, and a right of way dedication. I have the following comments on the proposed subdivision.

- 1) Please have the applicant clarify whether the proposed septic improvements will require any forest clearing during construction. If any forest clearing will occur, the applicant must define on the plan how much clearing will occur and how the replanting requirements will be met. If replanting is required, it must be done in the 100-foot Buffer if possible. If replanting is not possible in the 100-foot Buffer it should be done in the expanded buffer.
- 2) Please confirm the location of the existing septic facilities. In particular, there is a 10,000 square foot septic area located within the expanded buffer. If any part of this septic area is new, it should not be located within the expanded buffer, unless the Health Department has already determined this is the only feasible location.
- 3) We note that the applicant has proposed a ten-foot wide water-access easement for lot two across lot one. We recommend the width of this easement be limited to three feet. Also, please confirm that there will be no clearing within this easement and include a notation on the plat and plan to this effect. Mulch is the only material that should be used if surfacing of the easement area is planned.

Mr. Steve Callahan  
January 19, 2007  
Page Two

- 4) We note that there is a proposed well within the expanded buffer on lot two. If possible, this well should be relocated outside of the expanded buffer.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 802-06



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/](http://www.dnr.state.md.us/criticalarea/)

January 19, 2007

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

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

Dear Mr. Marsh:

Thank you for forwarding the final development plans for the above-referenced subdivision request. The applicant has addressed the comments of Lisa Hoerger's last letter dated July 20, 2006. I have outlined my remaining comments below:

1. Please have the applicant add another column to the impervious area calculation table with the proposed impervious surface areas per lot.
2. As was previously discussed with the applicant, this office will allow the required replanting to be done in phases to the extent that the forest clearing is phased on-site. If forest clearing on site will not be phased, then the FIDs mitigation must be done all at one time.
3. We note that the applicant has extended the property lines for lots 75 through 84 beyond the forest clearing limit in order to meet the agreed upon 25% impervious area per lot limitation. In order to make sure that there is no encroachment into this forest conservation area during construction or in the future, we request that a fence or permanent markings be installed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

Amber Widmayer  
Natural Resources Planner

cc: AA 118-04





Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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

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

January 5, 2007

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

Re: Clifford Property  
S 06-044, P 06-0145

Dear Ms. Shatt:

I have received the initial plans for the above-referenced subdivision request. The project proposal is for the subdivision of one lot into two, and the construction of a house and a commercial or retail structure. I have the following comments on the submitted project.

1. It appears that the percentage of proposed forest clearing was calculated by dividing the total lot area into the proposed forest clearing area. This is incorrect. The percentage of forest clearing must be calculated by dividing the existing forested area into the proposed forest clearing area.
2. We note that there is a notation on the plan indicating that the existing and reforested areas will be in a forest conservation easement. Make sure that other notations to this effect are consistent with this language. For instance, please add the conservation easement language to the notation that only reads, "natural area of conservation."
3. The plan must include replanting calculations in the woodland clearing calculation table. Because the correct forest clearing percentage for the total existing lot area is greater than 20%, the replanting requirement is calculated by multiplying the proposed forest clearing area by 1.5. Also, the applicant should define how much of the required replanting will be done on-site.

Ms. Shatt  
January 5, 2007  
Page Two

4. The plan indicates the types of species that will be planted on the proposed lots. We recommend that the applicant replace the non-native species that are proposed with native plant species.
5. It appears from the plan that the building and trench that are proposed on lot one will intrude into the 25-foot non-tidal wetland buffer. Under Anne Arundel County's Critical Area Program, any development activities that intrude into this buffer must receive a variance. Also, the applicant must receive permits from Maryland Department of the Environment for development activities in this buffer.

Thank you for the opportunity to comment. Please contact me at (410) 260-3483 if you have any questions.

Sincerely,

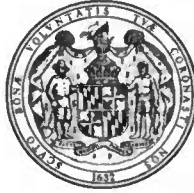


Amber Widmayer  
Natural Resources Planner

cc: AA 763-06

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/](http://www.dnr.state.md.us/criticalarea/)

January 5, 2007

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

Re: Carrollton Manor  
S 96-069, P 06-146

Dear Ms. Krinetz:

I have received the above-referenced subdivision for review and comment. The applicant proposes to create a 2-lot single family subdivision. I have outlined my comments below.

1. At this time we have only received a critical area report. The applicant will need to provide a plat and plan in order for this office to adequately review the proposed subdivision. The plat and plan should show the Critical Area boundary, the 100-foot Buffer or expanded buffer if applicable, footprints of existing and proposed construction, and areas of forest clearing and replanting.
2. The information in the submitted critical area report is inconsistent. On the first page of text, the report states that the proposed lots are entirely within the Critical Area. However, on the third page the report states that only 14,423 S.F. of the 16,642 S.F. are IDA, but doesn't indicate that the remaining 2219 S.F. are LDA or RCA. The applicant must clarify how much of the site is within the Critical Area and whether the entire Critical Area portion of the site is IDA.
3. Assuming the Critical Area portion of the proposed lots is only IDA, the applicant does not need to meet the 15% impervious limit. Rather, the applicant will need to show how the 10% pollutant reduction requirements will be met. We note that the third page of the report states that 5199 S.F. is the total impervious coverage allowed. It is unclear how this number was calculated. As mentioned above, if the Critical Area portion of the lot is only IDA, the impervious limitations do not apply. If some of the proposed lots are RCA or LDA, the maximum allowable

Ms. Krinetz  
January 5, 2007  
Page Two

impervious area is determined by calculating 15% of the total area of the lot that is RCA or LDA.

4. The forest clearing numbers in the critical area report are incomplete. The areas of the proposed lots are not included so it can not be determined what percentage of existing forest will be cleared. This must be calculated and shown on the plat and plan in order to determine what rate of replanting is required. Additionally, the applicant should define how this replanting requirement will be met. Also, the applicant will need to include a notation on the plat and plan that all remaining and replanted forest cover is in a conservation easement.

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

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 784-06

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/](http://www.dnr.state.md.us/criticalarea/)

January 5, 2007

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

Re: Brice-Morton  
S 06-069, P 06-0150

Dear Ms. Krinetz:

I have received a submittal for the above-referenced subdivision request. The proposal is for the removal of five houses, construction of one new house, and adjustment of the lot line between two existing lots. I have the following comments:

1. Because the two proposed lots have sections that are inside and outside of the Critical Area, the applicant must do separate impervious area and forested area calculations for the parts of the lots that are within the Critical Area. It is unclear whether the impervious area and forested area calculations included on the submitted plan pertain to the total area of the lots or just the Critical Area portion of the lots. Please have the applicant clarify what the numbers on the plan represent, and submit new calculations if necessary.
2. The applicant must indicate whether the replanting requirements will be met by on-site plantings. If possible, the replanting should be located in the Buffer.
3. Two of the houses that are to be removed are partially within the 100-foot Buffer. We recommend installing markers on the site to show the limits of the Buffer to encourage minimal disturbance to the Buffer during the removal of the houses.
4. Please confirm that the existing gravel road in proposed lot 208R is included in the impervious area calculations even though it is outside of the limit of disturbance line.

Ms. Kelly Krinetz  
January 5, 2007  
Page Two

5. The submitted plan is too small to adequately see all of the pertinent details. For instance, it is difficult to read the slope lines to determine whether the expanded buffer has been calculated correctly. Please have the applicant submit a plan that is large enough to adequately display the plan's details.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,



Amber Widmayer  
Natural Resources Planner

cc: AA 792-06

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/](http://www.dnr.state.md.us/criticalarea/)

January 3, 2007

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

Re: South River Crossing/ Hardesty Tract  
S 02-089, P 2004-0212, C 06-0100

Dear Ms. Shatt:

I have received a submittal for the above-referenced subdivision request. I have the following comments:

1. The current site plans do not show the most recent soils information available. The applicant previously submitted this information on a previous plan. Please have the applicant update the most recent plan with the correct soils information.
2. The plan must include the 10% pollutant reduction calculations for the portion of the site that is IDA and a description of how the applicant will meet the requirement.
3. There is a notation on the plan that states, "LDC/RCA permitted clearing of existing forest=30% of existing forest within LDA and RCA. A fee-in-lieu of reforestation was paid to the county under mass grading of lot 2R under G02010687." Please have the applicant indicate the quantity of forested area that the fee-in-lieu payment was meant to cover and whether this means that the applicant will be clearing all of the existing forested area on the site.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer  
Natural Resources Planner

cc: AA 557-02





Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

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

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

January 2, 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: Arundel Estates Demolition Plan, USNA  
Anne Arundel County

Dear Mr. Ghigiarelli:

This office has received the above-referenced project for review and comment. The project proposes the demolition and removal of three buildings and their surrounding sidewalks if necessary. The entire project site is in the Critical Area.

Commission staff have reviewed the application materials. It appears no new development or forest clearing is proposed on the site at this time and that the required sediment control practices will be implemented. If new construction is proposed on this site in the future, new structures should be kept outside of the 100-foot Buffer and Commission staff will need to review such plans to ensure they are consistent with our program goals.

Based on our review of this project, Commission staff finds this application to be consistent with the goals and objectives of the Critical Area Law and Criteria.

Thank you for the opportunity to comment. Please do not hesitate to telephone me if you have any questions at (410) 260-3483.

Mr. Ghigiarelli  
January 2, 2007  
Page Two

Sincerely,

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

Amber Widmayer  
Natural Resources Planner

cc: Mr. Stephen E. Crowell, VIKA, Inc.

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/](http://www.dnr.state.md.us/criticalarea/)

June 22, 2007

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

Re: Clay, Richard – 2007-0147-V

Dear Ms. Schappert:

This office has received a variance request for the above referenced project. The applicant has requested a variance to allow a dwelling with less setbacks than required and disturbance to slopes greater than 15%. The property is designated as a Limited Development Area (LDA) and is currently developed with a dwelling that the applicant proposes to remove and replace with a new dwelling.

This office does not oppose the requested variance, provided the lot is properly grandfathered and the applicant provides mitigation at a rate of 2:1 for the total area of disturbance from the proposed redevelopment. The applicant has identified this amount as 3,800 square feet, and consequently the applicant must provide 7,600 square feet of plantings. These plantings should be provided on-site to the extent feasible.

The 2:1 mitigation rate was determined for the proposed redevelopment as follows. It appears that the property is entirely within the expanded Buffer due to the presence of slopes greater than 15% contiguous to the 100-foot Buffer. However, because this property is also mapped as a Buffer Modification Area and the proposed redevelopment is consistent with these requirements, the applicant does not need a variance for disturbance to the Buffer and will satisfy the mitigation requirements by providing plantings at a rate of 2:1 rather than the 3:1 rate that is required for disturbance to the Buffer outside of Buffer Modification Areas. This office notes that the applicant proposes to clear 91% of the existing forested area on the property. Under Anne Arundel County's Critical Area Program, clearing more than 30% of a property's existing forested area

Ms. Suzy Schappert  
June 22, 2007  
Page Two

requires a separate forest clearing variance. However, in this case, because the total proposed disturbance area calculation already incorporates the proposed tree clearing area, this office is satisfied that the 2:1 mitigation rate adequately addresses the proposed forest clearing impacts.

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,



Amber Widmayer  
Natural Resources Planner

cc: AA 315-07