

AA 37-99 Harvey Blonder

APPEAL BA 71-98A

MSA-51829-13

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 27, 1999

Mr. Jim Johnson
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Buffer Violation at 325 St. John Road
BA 71-98A

Dear Mr. Johnson:

As a result of our site visit earlier this afternoon at the above-referenced property, I would like to take this opportunity to clarify our office's position regarding Buffer violations. This office has consistently advised all jurisdictions in the Critical Area that a mitigation ratio of 3:1 is appropriate when a violation has occurred. As you are aware, the Buffer is a designated Habitat Protection Area designed to provide two primary functions. A fully vegetated Buffer provides water quality benefits to the receiving water body. Also, the Buffer provides important habitat to species in both the terrestrial and aquatic systems.

This site has lost its canopy cover. Therefore, an important component of this Buffer has been lost and will not be regained for many years. Mitigation can restore this component. In addition, the clearing occurred on steep slopes. Clearing on steep slopes can impair the stability of the slope and create immediate or future erosion problems. We support your determination that a plantings plan be required to mitigate this site with native species at a 3:1 ratio.

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

Sincerely,

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

Lisa A. Hoerger
Environmental Specialist

cc: AA 37-98

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



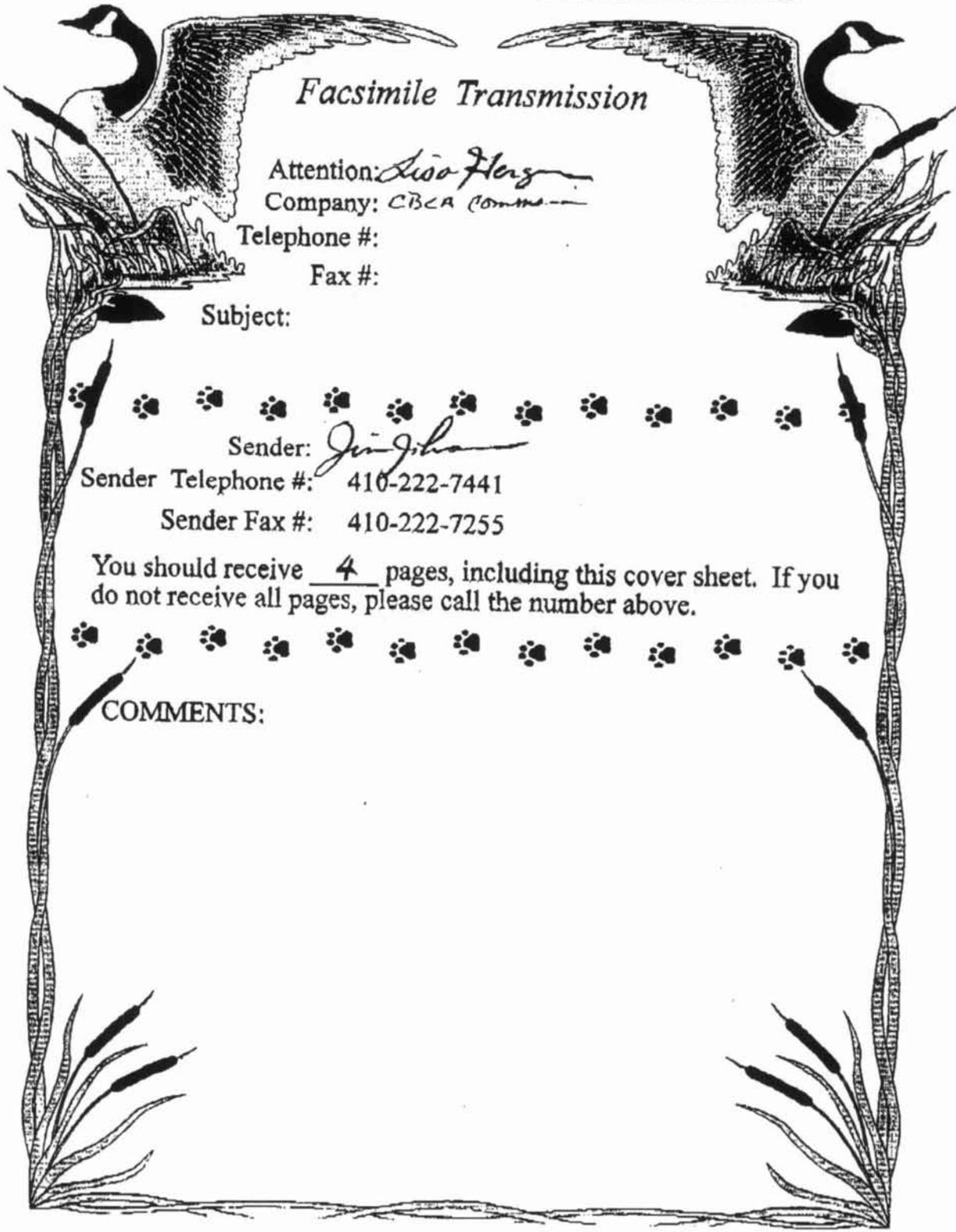


ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P. O. BOX 6675, MS 6402
ANNAPOLIS, MARYLAND 21401

AA 37-99

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT
ENVIRONMENTAL PLANNING AND PLANNING SERVICES DIVISION



Facsimile Transmission

Attention: *Lisa Herz*

Company: *CBCA Comm*

Telephone #:

Fax #:

Subject:

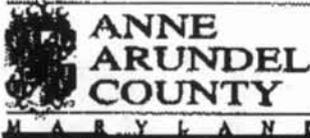
Sender: *Jim Jahan*

Sender Telephone #: 410-222-7441

Sender Fax #: 410-222-7255

You should receive 4 pages, including this cover sheet. If you do not receive all pages, please call the number above.

COMMENTS:



Department of Planning & Code Enforcement
 Heritage Office Complex
 2664 Riva Road
 Annapolis, MD 21401
 410-222-7780

Environmental Programs Field Inspection Report

To Contact this Inspector, Telephone: 410-222-7743

Inspection Date: 03-26-1998 Time: 1902 Permit #: C-98-2-40 Complaint #: C-98-2-40
 District: 2 Site Location: 325 CAPE ST. JOHN ROAD Subdivision: CAPE ST. JOHN
 SGP #: SWMA #: Watershed:
 Owner / Permittee Name: HARVEY BLONDER
 Address: 325 CAPE ST. JOHN ROAD City: EDGEWATER State: MD Zip: 21037
 Contractor's Name:
 Person Contacted: KELLY

INSPECTION RESULTS: Not in Compliance

Correct-By: 04-03-1998

Follow-Up Inspection Date: 04-03-1998

FACILITY TYPE: Residential

CORRECTIVE ACTION TAKEN:

- Issue Correction Notice: 03-26-1998
- Issue Stop Work Order: 03-26-1998
- Issue Non-Compliance Notice:

- Refer to State / County Atty.
- Other Action

INSPECTION TYPE: Complaint

4000
 APPROXIMATELY ~~8000~~ SQUARE FEET OF VEGETATION HAS BEEN REMOVED FROM WITHIN THE 100' BUFFER. THIS IS A VIOLATION OF SECTION 2-314, OF ARTICLE 21 OF THE ANNE ARUNDEL COUNTY CODE. CIVIL FINES WILL BE ISSUED AS PER ARTICLE 21. THE VEGETATION CONSISTED OF BRIARS AND NUMEROUS TREES OF VARIOUS SIZES FROM 1"-7" IN DIAMETER. MOST TREES WERE CUT APPROXIMATELY 2'-3' ABOVE GRADE. A STOP WORK ORDER WAS POSTED ON SITE AND WILL REMAIN IN EFFECT UNTIL THE FOLLOWING ITEMS HAVE BEEN COMPLETED:

1. ALL DISTURBED AREAS MUST BE STABILIZED BY APRIL 3, 1998.
2. A BUFFER MANAGEMENT PLAN MUST BE SUBMITTED BY APRIL 6, 1998 AND APPROVED NO LATER THAN APRIL 16, 1998.

FAILURE TO COMPLY WITH ANY PROVISIONS OF THIS NOTICE WILL RESULT IN LEAGAL ACTION.

RECEIVED BY: _____

I hereby acknowledge receipt of this report by my signature which does not imply agreement or disagreement with its content.

INSPECTOR: LOU PIZARRO



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. BOX 6675, MS 6402
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

April 22, 1998

Mr. Harvey Blonder
325 Cape St. John Road
Edgewater, MD 21037

Dear Mr. Blonder:

RE: Buffer Violation at 325 Cape St. John Road

In order to resolve the current Critical Area Buffer violation on your property you must submit the following information to the Department of Planning and Code Enforcement:

1. A reforestation plan for 15,000 square feet of native trees, shrubs and ground covers (3 times the area cleared per Bill 49-88, Sect. 2-314).
2. A bond to secure the planted area for two years at \$0.40 per square foot.
3. A signed and notarized Reforestation Agreement. I have enclosed a blank agreement for your use.

Please note that if you do not have enough area on site to replant the 15,000 square feet of native vegetation then you must pay a reforestation fee for the unplanted square footage. The fee is \$0.60 per square foot. At a minimum, the area that was cleared must be replanted. Regeneration from stump sprout will not be accepted as mitigation for this violation. After discussions with the Development Section of PACE, it was determined that any replanting for the mitigation of the violation can not be used to satisfy any reforestation required by the Subdivision regulations.

Please submit a planting plan, bond and reforestation agreement by May 6, 1998. If you have any questions, please call me at (410)222-7441.

Sincerely,


Jim Johnson
Environmental Planner

JJ/bw
Enclosure

cc: Lou Pizarro, Environmental Programs
Dimitri Sfakriyanidis



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 RIVA ROAD, P.O. BOX 6675, MS 6402
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

June 16, 1998

Mr. Vernon Husted
Sigma Engineering Inc.
45 Old Solomons Island Road, Suite 405
Annapolis, MD 21401

Dear Vernon:

RE: Blonder Buffer Violation

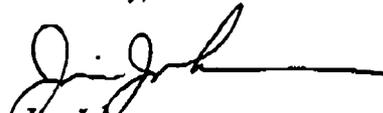
After our meetings concerning the above-referenced violation and discussion with the Development Division, it was concluded that the mitigation for the violation must be in addition to the plantings required under the proposed subdivision. Any planting done before the subdivision is approved will not subtract from the planting area required under the subdivision requirements.

As discussed, the area that was cleared must be replanted with at least 10 trees that are 1 1/2" caliper, and six feet in height. The cleared area replanting will equal 4,000 square feet leaving an additional 8,000 square feet to be planted at other locations on the property exclusive of the areas proposed for replanting under the subdivision requirements. Attached is a copy of a site plan showing areas for replanting that would be acceptable to this office.

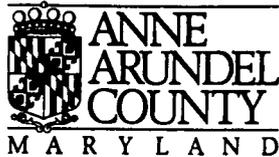
Thank you for your cooperation in this matter. We await a reforestation/buffer planting plan, Reforestation Agreement and bond to resolve the current violation.

If you have any questions, please call me at (410)222-7441.

Sincerely,


Jim Johnson
Environmental Planner

JJ/bw
Enclosure
cc: Jim Cannelli
Kelly Krinetz



BOARD OF APPEALS
P.O. BOX 2700
ANNAPOLIS, MARYLAND 21404
410-222-1119

December 14, 1998

NOTICE OF APPEAL HEARING

BA 71-98A
Harvey Blonder

The Board of Appeals will conduct a public hearing on the above case on Wednesday, January 27, 1999, at 4:00 P.M. in the Council Chambers, First Floor, Arundel Center, 44 Calvert Street, Annapolis, Maryland.

This is an appeal from an administrative decision of the Department of Planning and Code Enforcement. This appeal is regarding a Critical Area Buffer violation. The property is known as 325 Cape St. John Road, Annapolis.

Interested persons are advised to contact the Board of Appeals at 410-222-1119 to confirm that the hearing will proceed as advertised. The Board may choose to close a portion of the meeting to obtain legal advice or to discuss personnel matters as authorized by Section 10-508(a)(7) or Section 10-508(a)(1) of the Open Meetings Act.

A handwritten signature in cursive script that reads "Mary M. Leavell".

Mary M. Leavell
Clerk

cc: News Media
Critical Area Commission
Property Owners
Harvey Blonder
Jim Johnson
Steven R. Cover
Phillip F. Scheibe, Esquire