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AA 183-99 Elizabeths Landing
SE/VAR 1999-0117-S₁₃ 1999-0118-

MSA — S1829 — 79

Upon review of the facts and circumstances, including the prior approval by this office, I find and conclude that the applicant has met its burden of proof with respect to the specific and general criteria such that the special exception shall be approved. I further find that the requested variance complies with the intent of Section 11-102.1. The approval shall be subject to the conditions in the Order.¹

ORDER

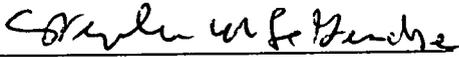
PURSUANT to the application of Elizabeth Landing Community Association, Inc., petitioning for a special exception to permit a community boat ramp and pier and a variance to permit a drive aisle with less width than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 6th day of May, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a special exception for a 20' X 70' concrete boat ramp and 5' X 85' recreational pier. *This special exception, however, shall be conditioned on the removal of the existing gabion boat ramp and the prohibition of any boat slips attached to or associated with the proposed pier. Permanent docking of boats is prohibited. The applicant shall provide mitigation in the form of shoreline and SAV plantings if required by PACE.*

¹The conditions are the same as in Cases 1996-0027-S and 1996-0028-V with an additional requirement that the applicant shall provide mitigation if required by PACE.

FURTHER ORDERED that the applicant is hereby **granted** a variance of six feet to the required 24-foot minimum width two-way drive aisle.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 12-107(a) states:

Approval of a special exception is rescinded by operation of law if

- (1) action to implement the use is not begun within one year; and
- (2) the use is not completed and in operation within two years.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

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

April 9, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Elizabeth's Landing, 1999-0117-S, 1999-0118-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a special exception to allow a community boat ramp and pier, and a variance to permit a drive aisle with less width than required. This office has no comment regarding either request. However, we do have comments regarding the information in the Critical Area report and on the site plan.

The Critical Area report is dated August 1995. The County should consider requiring more updated information. For instance, the report does address submerged aquatic vegetation (SAV), however that information is based on 1990 and 1991 data. The SAV issue is important in this case since a pier is requested.

It is my understanding that the boat ramp, drive aisle and parking lot existed prior to the creation of the Elizabeth Landing subdivision. However, it appears the parking lot may need to be upgraded. If so, the stormwater management note on the cover sheet for the site plan is incorrect. The applicant must demonstrate that the 10% Pollutant Reduction Rule has been met if the parking lot will be regraded or resurfaced.

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 183-99

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

Variance App.
(pink)

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 CALVERT STREET, 2ND FLOOR
ANNAPOLIS, MD 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel Date: March 10, 99

Name of Project (site name, subdivision name, or other): Elizabeth Landing

Local case number: 1999-0117-3 & 1999-0118-V

Project location/Address: 7378 Ft. Smallwood Rd. Pasadena, Md.

Tax map# 11 Block# 21 Lot# Open Space Rec. Area Parcel# 123

Type of application:
(Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 - Buffer Slope
 - Imp. Surf. Other
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION

Type of Project:
(Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS _____
e.g. PUD

Current Use:
(Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/ WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT FACILITY/PIER/MARINA

Describe Proposed use of project site: Conversion of an existing Concrete boat ramp into a Community boat ramp within a RS zone

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 2.69 ACRES

IDA ACRES ✓ 2.69 Acres AREA DISTURBED: _____

LDA ACRES _____ # LOTS CREATED: _____

RCA ACRES _____ # DWELLING UNITS: _____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: _____ FOREST/WOODLAND/TREES REMOVED: 0

FOREST/WOODLAND/TREES CREATED: 0

EXISTING IMPERVIOUS SURFACE: 9,065 sf. PROPOSED IMPERVIOUS SURFACE: 11,760 sf.

TOTAL IMPERVIOUS SURFACE: 11,760 SF.

GROWTH ALLOCATION DEDUCTED: _____

RCA to LDA: _____ RCA to IDA: _____ LDA to IDA: _____

RECEIVED

MAR 30 1999

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____

Hearing Date: _____ CHESAPEAKE BAY CRITICAL AREA COMMISSION

Chesapeake Bay Critical Area Report

Elizabeth Landing Community Marina

Site Plan Information

Trees: This parcel is divided into two areas - a wooded hillside which drops from community townhouses to a narrow sandy beach below and a park area, partially landscaped with ornamentals and a number of canopy trees remaining. The wooded hillside is dominated by understory growth with a scattering of black cherry, red maple and black oak trees. Several good-sized chestnut oak are present also. The remaining canopy trees within the park area are frequently good sized oaks including southern red oak, black oak, and chestnut oak. Two specimen-sized trees were encountered in this area. These are a southern red oak (35-40") and a black oak (30-32"). Neither of these trees falls within 75 percent of the diameter of the listed State Champion for their species.

Limits of Area That Will Be Disturbed During Construction: The proposed locations for waterfront construction are shown on the attached site plan. A roadway, a deteriorating boat put-in, walkways, and community pier are present already.

100-Year Floodplain: Panel 13 of the Flood Insurance Rate Maps for Anne Arundel County indicates that the immediate shoreline area at the base of slopes falls within a 100-year floodplain with a projected flood elevation of 8 feet without velocity. (See Attachment 2)

Wetlands: The National Wetlands Inventory identifies the presence of a Beach-Bar tidal wetland off the shoreline of the marina area. This E2BBP wetland extends in a substantial manner up and down the southern shoreline of Stony Creek. (See Attachment 3) The only emergent tidal growth observed at the site in the area of the proposed improved boat put-in are several small patches of reed grass tucked up on the beach against the base of the wooded steep slopes and several shrubby black willow. No nontidal wetlands were observed on the property.

The 1991 and 1990 Submerged Aquatic Vegetation Survey coordinated by the U.S. Fish and Wildlife Service indicates the presence of widgeon grass (Ruppia maritima). Field observations along the shoreline reveal the presence of widgeon grass, some horned pondweed, and a number of clumps of what appear to be wild celery (Vallisneria americana). Clumps of these SAV species are rather thickly scattered from the existing pier, around the point, and up to the area of the existing boat put-in. These clumps thin out beyond the boat-put in along the base of the wooded steep slopes. SAV growth extends into the water some 30 to 50 feet along the shoreline. (See Attachments 4)

Bodies of Water: The marina parcel is found along the southern shore of Stony Creek off the Patapsco River.

Aquatic Habitat: The Aquatic Resource Areas Handbook prepared by the Maryland Department of Natural Resources does not identify the presence of finfish spawning areas within Stony Creek. Some nursery facilities within the Creek are probably present. The Handbook does not map shellfish beds within the Creek system. (See Attachment 5)

Finfish species frequently encountered in the upper western shore drainage area of the Chesapeake Bay include white perch, river herring, American eel, oyster toadfish, rough silversides, Atlantic needlefish, sheepshead minnow, mummichog, striped killifish, hogchoker, four-spine stickleback, menhaden, northern pipefish, Atlantic silversides, tidewater silversides, naked gobi, Norfolk spot, striped blemny, striped bass, bluefish, and clingfish.

Soils: Map 5 of the Soil Survey for Anne Arundel County identifies the presence of Muirkirk loamy sand with 15 to 30 percent slopes at the community marina parcel. The Survey describes this soil as "very deep, well-drained to somewhat excessively drained soils that have a very thick, sandy surface layer and a red clay lower subsoil". This series is not associated with a seasonally high water table. The Survey also indicates severe limitations for constructing roadways and highways due to slope for MyE soils. The erosion factor K for this soil series is .17 from 0 to 36 inches and .28 from 36 to 60 inches in depth. (See Attachment 6)

Steep Slopes: Any steep slopes present are shaded on the attached site plan.

Rare and Endangered Species Habitat, Plants, and Animals: No rare or endangered species of plants, animals nor unusual habitat were encountered on this property during the fieldwork conducted for this report.

Upland Natural Area and Other Site Designations: The Anne Arundel County Upland Natural Area Field Boundaries Map does not identify an upland natural area on or adjacent to this parcel. This property does fall within the Chesapeake Bay Critical Area Boundary. Its shoreline areas constitute Habitat Protection Area with adjoining sensitive area steep slopes (with non-highly erodible soils). Anne Arundel County has not designated this site as a habitat site of local significance. It does not contain a nontidal wetland of special state concern. Additionally, the Natural Heritage Program of the Maryland Department of Natural Resources has not designated this or a neighboring site as a Habitat Protection Area (neither a Listed Species Site nor a Other significant Habitat Site) or a Natural Heritage Area. (See Attachment 7)

Stormwater Outfalls: No stormwater outfalls were observed but if any are present they are shown on the attached site plan.

Narrative Section

General Site Description and Proposed Development: This parcel has been developed as a community marina area with roadway, rough boat put-in, walkways, picnic tables, ornamental plantings, and pier. It is bounded on two sides by the existing townhouse community of Elizabeth Landing and by the waters of Stony Creek to the west and north. The site also contains a wooded hillside located between a row of townhouses and the Stony Creek shoreline.

Description and Extent of Vegetation Within The Critical Area Boundary: No rare or endangered species of plants were encountered at this site. Existing vegetation is described in the subsections entitled "Trees" and "Wetlands". Two specimen trees were encountered within the park

portion of the site. Their identifies and locations are shown on the attached site plan. The attached List of Vegetation identifies the plant species encountered on site. It is arranged according to canopy layer within each major community - wooded hillside and park. Diameters of canopy individuals are given as well.

Wildlife Observed or Expected to be Present: This property contains a number of wildlife food plant species. Oaks may provide food to mallards, wood duck, bobwhite quail, common crow, yellow-shafted flicker, purple grackle, bluejay, red-bellied woodpecker, Carolina wren, red fox, opossum, cottontail rabbit, raccoon, and flying squirrel. Other wildlife food species present include red maple, blackberry, multiflora rose, honeysuckle, black cherry, and poison ivy. Small mammals and reptiles which may frequent this site include eastern mole, little brown myotis, eastern pipstrelle, eastern cottontail, gray squirrel, southern flying squirrel, white-footed mouse, raccoon, opossum, house mouse, garter snake, and box turtle.

Pollutants Expected to be Generated: Common urban pollutants which may be added to stormwater runoff from the construction of an improved boat put-in include sediment, grit, rubber, vehicle oils and lubricants, and some trace metals such as zinc, copper or cadmium.

Project Minimization/Mitigation: During construction, sediment and erosion control measures will be used in accordance with Anne Arundel County grading ordinances in order to minimize potential sediment runoff during construction. Any woody growth disturbed will be mitigated on-site with a 1:1 replacement ratio. Grated culverts can be placed under the improved roadway by the put-in to direct road runoff away from tidal waters. Infiltration of this runoff is possible. Construction will take place in the non-growing season to reduce impact on SAV species. Limits of construction will be maintained in the area immediately about the proposed improvements to limit impact to the shoreline.

Site Plan: The site plan for this report was prepared by Ronald W. Johnson Associates, Inc.

Fieldwork: The fieldwork for this report was conducted by Gale J. Reed, Biologist, during June 1995.

List of Vegetation

Wooded Hillside

Canopy

Chestnut Oak	<u>Quercus prinus</u>	3(14-18")
Black Cherry	<u>Prunus serotina</u>	
Red Maple	<u>Acer rubrum</u>	(Diameters = 12"
Black oak	<u>Quercus velutina</u>	or less)

Understory

Black Cherry	<u>Prunus serotina</u>
Red Mulberry	<u>Morus rubra</u>
Black Gum	<u>Nyssa sylvatica</u>
Sassafras	<u>Sassafras albidum</u>
Red Maple	<u>Acer rubrum</u>
Tulip Poplar	<u>Liriodendron tulipifera</u>
Red Cedar	<u>Juniperus virginiana</u>

Shrubs

Northern Dewberry	<u>Rubus flagellaris</u>	
Black Oak	<u>Quercus velutina</u>	
Red Maple	<u>Acer rubrum</u>	
Multiflora Rose	<u>Rosa multiflora</u>	
Sassafras	<u>Sassafras albidum</u>	
Serviceberry	<u>Amelanchier spp.</u>	
Black Locust	<u>Robinia pseudo-acacia</u>	
Black Willow	<u>Salix nigra</u>	(located by road at shoreline)

Vines

Honeysuckle	<u>Lonicera japonica</u>
Poison Ivy	<u>Toxicodendron radicans</u>
Greenbrier	<u>Smilax spp.</u>
Virginia Creeper	<u>Parthenocissus quinquefolia</u>

Seedlings

Bed Maple	<u>Acer rubrum</u>
Black Cherry	<u>Prunus serotina</u>
Black Locust	<u>Robinia pseudo-acacia</u>

Scattered Shoreline Herbs

Reed Grass	<u>Phragmites australis</u>
Golden Rod	<u>Solidago spp.</u>
Switch Grass	<u>Panicum virgatum</u>

Community Picnic/Park Area

Canopy

Black Oak	<u>Quercus velutina</u>	1(30-32")
Southern Red Oak	<u>Quercus falcata</u>	4(20-29"); 1(35-40")
Chestnut Oak	<u>Quercus prinus</u>	4(16-20"); 2(20-25")
Black Cherry	<u>Prunus serotina</u>	(Less than 12")
Black Locust	<u>Robinia pseudo-acacia</u>	(Less than 12")