AA-238-99
259-00

ANNE ARUNDEL COUNTY
MARYLAND

Office of Planning and Zoning
Development Division

INTER-OFFICE CORRESPONDENCE

DATE: August 8, 2001

TO: Steve Callahan

FROM: Penny Chalkley

SUBJECT: Coxby's Estates - Section III
Reserved Parcel
Revised Final
P 2000-126

RECEIVED
AUG 13 2001
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

---

1. The conservation easement was transmitted to the Law Office with the understanding that the language in regard to picnic tables and benches, etc. as indicated in the community agreement (to which the county was not a party) is deleted and specifically prohibited. That must be addressed before the easement is released for recording.

2. A revised FCP was submitted for the portion outside the Critical Area and for the road from the end of the prior clearing. The calculations were redone and the amount of reforestation indicated. The revised FCP dated 5/29/01 is acceptable.

   Note the additional fee in lieu due at grading permit however, base it on full square feet number by rounding up to 3485 sq. ft. x .25 = $871.25, not $871.20 because the computer can't take fractions of square feet.

3. Planting requirements

   The FIDs clearing and the forest clearing have been determined to be one and the same as long as reforestation satisfies FIDs requirements. That will mean that the usual reforestation just anywhere with an easement or a fee-in-lieu is not acceptable. The engineer has been pursuing FIDs creation sites. At this time, Rodney Banks does not have any FIDs sites.

   Is there concurrence from CBCAC that the shrub plantings per the Variance condition (3 to 1 mitigation for the road) are satisfying their requirement? (My copies of letters from them dated March 22, 2001 and July 6, 2001 do clarify that issue).

It helps to clearly state square footages on the FDP - i.e. clearing of 7132 sq. ft. for the road at 3 to 1 = 21,396 and is mitigated by 7132 sq. ft. of reforestation offsite and 14,264 sq. ft. of shrub planting.

The total number of shrubs to be installed should satisfy that requirement. If they are satisfied, I am.

4. Community Access

At this time, with the conservation easement and the understanding that no clearing is permitted for the access, the only issue is the picnic tables/benches. The motorcycle trail reference was deleted.

5. The impervious coverage table is clearer and covers the use-in-common access.

There is no where on site to reforest the Critical Area clearing so that aspect is deferred to grading permit (plan, agreement and bond) per FIDs requirements.

6. Easements

The easement in process accounts for forest on site minus the existing easement previously recorded, the floodplain, the allowable clearing, and tidal wetlands.

7. Final Development Plan

Clearing and impervious coverage were clarified for Critical Area and FCA.

It is unlikely that there will be any archaeological work done so we can address that in the future.

8. Plat

These comments refer to the plat with General Notes 1-18 with amended note #15 and the floodplain waiver note.

Note the floodplain waiver when it is approved. Fill in the Liber/Folio of the conservation easement when it is recorded.

The temporal in-stream restriction is noted, as is the clearing restriction.

Provide the SAV study when it is available.

For the clearing/ replacement, be very clear on the plat:

"At grading permit:

- clearing is replaced on an equal area basis as FIDs habitat
- mitigation for the variance is replaced on site as 226 shrubs (plan, agreement and security)
- FCA clearing for 3485 sq. ft. @ $.25 / sq. ft. is a fee-in-lieu

Any additional clearing outside the easement within the LOD shown on the Final Development Plan is replaced on an equal area basis", unless the entire 2.01 acres is to be cleared with the GP (then that sentence can be dropped).

By note 17 have "*, see Plat 3" where this information must be listed.

Site clearing note - 2-304-1 refers only to FCA. There should also be a Critical Area reference since the lots include only a portion of the driveway outside the CA. That FCA clearing has been addressed.

9. Homeowner Covenants

These are ok but with the annexation of the reserve parcel to Section 3, they should be amended to reference that the lots are in the Critical Area with specific regulations and that they are FIDs habitat just to put future owners on notice.

PC/mla
cc: File/Diary
Q:\SUBDIV\PENNY\2000-126.revfin.wpd

Lisa Hoerger

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

August 6, 2001

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

The applicant has sent this office the revised plans for the above-referenced project. It appears that all issues of my July 6, 2001 were adequately addressed.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones, Science Advisor, CAC
AA 143-01

Sigma Engineering, Inc.
ENGINEERS - SURVEYORS - PLANNERS

July 25, 2001

Ms. Lisa Hoerger
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD. 21401

Re: Coxby's Estates, Section III, Reserved Parcel
Subd # 95-030 Proj# 00-126

Dear Ms. Hoerger,

We have revised our site plans to accommodate your response letter of July 6, 2001. We would like to offer the following comments:

1. The record plat, final development plan, critical area plan and conservation property easement document, delineate the areas that remain undisturbed. As shown on the plans, this area is everything outside of the proposed limit of disturbance.

2. We have added this reference to General Note # 15 of the record plat.

3. As discussed over the phone, the access easement is an easement over the individual lot or private right-of-way. The reference to the 40-foot width is directed only to the 40-foot wide private right-of-way and does not extend past the end of this access (as shown on the plans).

4. The reference to the motorcycle trail has been removed from the plans and record plat.

I believe this revised submittal addresses all of your comments and hope that you will grant approval for this project. Please contact us (410.266.5599) if you have any further concerns.

Sincerely,
Σ Sigma Engineering, Inc.

Vernon Hustead, RLA
Vice President of Planning

cc: Penny Chalkley

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

Thank you for awaiting this office's comments for the above-referenced subdivision request. As you know, we have had several meetings with the applicant which resulted in at least two revisions to the plans. The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. In addition to the FID habitat, this parcel has other sensitive features including steep slopes and intermittent streams. Therefore, accommodating two lots is challenging.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The alternative envelope is closer to the existing forest edge, and will require less impacts for access. In light of this alternative I have outlined below our comments and recommendations for the County's consideration of this subdivision request.

1) As discussed in meetings with yourself and the applicant, we support removing the infiltration trenches on both lots and along the access road to minimize clearing since this is FID habitat. We have asked to the applicant to discuss other nonstructural options with the County in regard to treating stormwater.

2) A note should be added to the final plan indicating that the remaining areas on each lot outside of the immediate building envelope is placed in a perpetual easement.

3) The application mentions a mulched path from the house sites to the water. We recommend absolutely no clearing be involved in the riparian access. We have visited this site and believe access paths for each lot can be accommodated without the need to clear. Also, we recommend the paths be no wider than three feet in width.

4) Proper sediment and erosion control measures shall also be taken.

5) Most important is the FID issue. Since the proposed clearing appears to be within the interior of this forest, the applicant is required to perform mitigation above conserving and protecting the habitat while accommodating new development. We understand the County intends to utilize the Commission's recently updated FID Guidance Document, adopted and approved by the Critical Area Commission at it's meeting on June 7, 2000. We have advised the applicant that this will be the mitigation required.

Thank you for the opportunity to comment. If I can provide additional assistance, or if you have questions concerning these comments and recommendations, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA238-99

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND — SIGMA ENGINEERING — REGISTERED PROFESSIONAL ENGINEER
7-25-01

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.
These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SUBD. NO. 1995-030 PROJ. NO. 00-126

SCALE: AS SHOWN	FINAL DEVELOPMENT PLAN
DATE: JULY 20, 2001	COXBY'S ESTATES
DRAWN BY: RCT	SECTION III, RESERVE PARCEL
DESIGNED BY: BLW	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15R	1ST ASSESSMENT DISTRICT
SHEET 3 OF 16	ANNE ARUNDEL COUNTY, MARYLAND

SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT3

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 00-NT-0187/200064286
EFFECTIVE DATE: September 15, 2000
EXPIRATION DATE: September 15, 2003
AUTHORIZED PERSON: DES Properties, LLC
45 Old Solomons Island Road, Suite
Annapolis, Maryland 21401
Attention: Mr. Dimitri Sfakiyanudis

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND (1996 REPLACEMENT VOLUME), COMAR 26.17.04.03A AND 26.23.02.01A, AND THE ATTACHED CONDITIONS OF AUTHORIZATION, DES Properties, LLC, ("AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH PLANS APPROVED BY THE ADMINISTRATION, NONTIDAL WETLANDS AND WATERWAYS DIVISION ON September 13, 2000, ("APPROVED PLAN") AND PREPARED BY Sigma Engineering, Inc. AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Construction of a driveway to a reserved parcel. The 2 48-inch culverts impact 175 linear feet of stream channel draining to Glebe Creek. The project site is located in Coxby Estates in Annapolis, Anne Arundel County.

MD Grid Coordinates: N 398 - E 930

Elder Ghigiarelli, Acting Chief
Nontidal Wetlands & Waterways Division

Attachments: Tidal Wetlands Authorization
Corps Authorization

cc: U.S. Army Corps of Engineers (Richard Kibby)
Sigma Engineering (Vernon Hustead)
AA County PAC (Bill Love)
WMA Compliance Program w/ file
Mitigation (Dave Walbeck)
Tidal Wetlands Division (Robert Cuthbertson)
Judy Cole

THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY TO ALL ACTIVITIES AUTHORIZED BY PERMIT NO. 00-NT-0187/200064286:

1. Validity: Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. Initiation of Work, Modifications, and Extension of Term: Authorized Person shall initiate authorized activities within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modifications shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may extend the Expiration Date at its sole discretion.
3. Responsibility and Compliance: Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Environment Article, Annotated Code of Maryland (1996 Replacement Volume).
4. Failure to Comply: If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. Suspension or Revocation: Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Environment Article,

RECEIVED
JUN 5 2001
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.

6. Other Approvals: Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

7. Site Access: Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.

8. Inspection Notification: Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Frederick, Washington, Allegany and Garrett counties, Authorized Person shall call (301) 689-8494. For all other counties, call the Baltimore office at (410) 631-3510.

9. Sediment Control: Authorized Person shall obtain approval from the Anne Arundel Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.

10. Federally Mandated State Authorizations:

X Water Quality Certification: Authorized activities shall be performed in accordance with Maryland Department of the Environment Individual Water Quality Certification or General Water Quality Certification.

X Coastal Zone Consistency: This Authorization constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

11. Best Management Practices During Construction: Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices as shown on sheet 8 of 9 of the approved plans.

12. Disposal of Excess: Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
13. Temporary Staging Areas: Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
14. Temporary Stream Access Crossings: Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
15. Discharge: Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
16. Instream Construction Prohibition: To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): tributary to Glebe Creek is a Use I waterway; in-stream work may not be conducted from March 1 through June 15, inclusive, of any year.
17. Instream Blasting: Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
18. Minimum Disturbance: All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
19. Restoration of Construction Site: Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

WATER QUALITY CERTIFICATION

This water quality certification is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments and the Environment Article, Sections 9-313 - 9-323, inclusive, Annotated Code of Maryland. A copy of this required certification has been sent to the Corps of Engineers. This certification does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, State, or local requirements and does not authorize commencement of the proposed project. The Maryland Department of the Environment has determined from a review of the plans that the construction of this facility and its subsequent operation as noted herein will not violate Maryland's water quality standards, provided that the following conditions are satisfied.

The certification holder shall comply with the conditions listed below:

GENERAL CONDITIONS

1. The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant is to notify this department ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.
2. The proposed project shall be constructed in accordance with the plan and its revisions.
3. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
4. The certification holder shall notify the Water Management Administration, Nontidal Wetlands Division, in writing, upon transferring this ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this water quality certification to his/her name.
5. The certification holder shall allow the Maryland Department of the Environment or its representative to inspect the project area at reasonable times and to inspect records regarding this project.

SPECIAL CONDITIONS

6. The disturbance of the bottom of the water and sediment transport into the adjacent State waters shall be minimized. The applicant shall obtain and certify compliance with a grading and sediment control plan which has been approved by the:

   _X_ (a) Anne Arundel Soil Conservation District or

____ (b) Erosion and Control Representative, Division of Environmental Services, Bureau of Highways, Department of Public Works of the City of Baltimore or

____ (c) The Department of the Environment, Water Management Administration or

____ (d) Montgomery County Department of Environmental Protection.

The approved plan shall be available at the project site during all phases of construction.

7. __X__ Work in waters SHALL NOT be done in the period March 1 through June 15 inclusive, of any year.

8. __X__ Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway. The natural vegetation shall be maintained and restored when disturbed or eroded. Stormwater drainage facilities shall be designed, implemented, operated and maintained in accordance with the requirements of the applicable approving authority.

9. ____ Stormwater Management Plan: The certification holder shall provide to the Administration a stormwater management plan including cross-sections and other applicable drawings which incorporates effective pollutant removal strategies in uplands to treat the required volume of runoff from impervious surfaces prior to the release of stormwater into State waters, tidal wetlands, or nontidal wetlands. There shall be no discharge of untreated stormwater to State waters and tidal and nontidal wetlands. The plan shall be provided by _____ and shall be implemented by _____.

10. ____ The certification holder shall provide a stream restoration plan for review and approval by _____. The approved plan shall be implemented by _____.

11. __X__ At least one culvert in every stream crossing shall be depressed at least one foot below existing stream bottom under the low flow condition. A low flow channel shall be provided through any riprap structures. The culvert shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species.

12. __X__ Stormwater Discharges: Stormwater discharges from ponds, stormwater management outfalls, and stormwater facilities shall have a velocity no greater than four feet per second for the two year storm in order to prevent erosion in the receiving waterway or wetland.

13. __X__ Future Stormwater Discharges: Future stormwater discharges to certified pond(s) are prohibited unless the required volume of stormwater runoff from impervious surfaces is managed in uplands for effective pollutant removal.

14. ____ Stormwater Detention Ponds: Authorized stormwater detention or extended detention ponds shall have a maximum detention time of _____ hours for temporarily impounded stormwater volumes in excess of any permanent pool elevations or pond bottom.

15. ____ Integrated Pest Management: An Integrated Pest Management plan for any golf course shall be developed in accordance with the _____. This plan shall be provided to the Administration for review and approval by _____ and implemented by _____.

16. __X__ Stormwater Management Facilities: Stormwater management and drainage facilities shall be maintained in accordance with the requirements of the local applicable approving authority. If the stormwater management facility will be owned by a community or homeowners association, then the permittee shall, by appropriate means, require the association to monitor and maintain the facility according to the applicable approving authority.

17. __X__ Use of Stormwater Management Facilities: Stormwater management facilities may not be put into service until all stabilization is completed and all temporary sediment control devices have been removed.

Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification and legal proceedings may be instituted against the certification holder in accordance with the Annotated Code of Maryland. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime.

CERTIFICATION APPROVED

MARYLAND DEPARTMENT OF THE ENVIRONMENT
2500 Broening Highway • Baltimore, Maryland 21224
(410) 631-3000 • 1-800-633-6101 • http:// www. mde. state. md. us

Parris N. Glendening
Governor

Jane T. Nishida
Secretary

TIDAL WETLANDS LICENSE 00-PR-1950

Pier and Piling Construction

Licensee: DES PROPERTIES/DIMITRI SFAKIYANUDIS
Address: c/o Sigma Engineering. Inc.
45 Old Solomons Island Road
Annapolis, MD 21401

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16. Wetlands and Riparian Rights. Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To construct a 154-foot long by 6-foot wide timber pier, a 129-foot long by 6-foot wide timber pier and emplace 4 mooring piles all within a maximum of 94 feet channelward of the mean high water line as depicted on the attached revised plans dated 5/10/00. The project is located in Glebe Creek off Collier Drive, Anne Arundel County, Edgewater, Maryland.

By applying for and receiving this Wetland License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This license is subject to the following conditions:

SPECIAL CONDITIONS

1. The proposed piers shall be constructed a minimum of 3 feet above the marsh substrate.

2. No marsh vegetation shall be filled. dredged altered or destroyed other than that necessary to emplace the support piles for the pier. Marsh mats shall be used if necessary to reduce impact to the existing marsh vegetation.

GENERAL CONDITIONS

A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet;

B. The licensee certifies real property interest in the contiguous upland;

C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;

D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;

E. The construction of any structure or the performance of any activity under this license shall be evidence that the licensee has accepted all of the terms and conditions herein;

F. This license is void if the licensee fails to obtain all required State, county, or local approvals before beginning work on the licensed structure or activity;

G. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;

H. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;

I. The licensee shall notify the Water Management Administration, Inspections and Compliance Division (410) 631-3510 at least 5 days before beginning the structure or activity;

J. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;

K. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest and

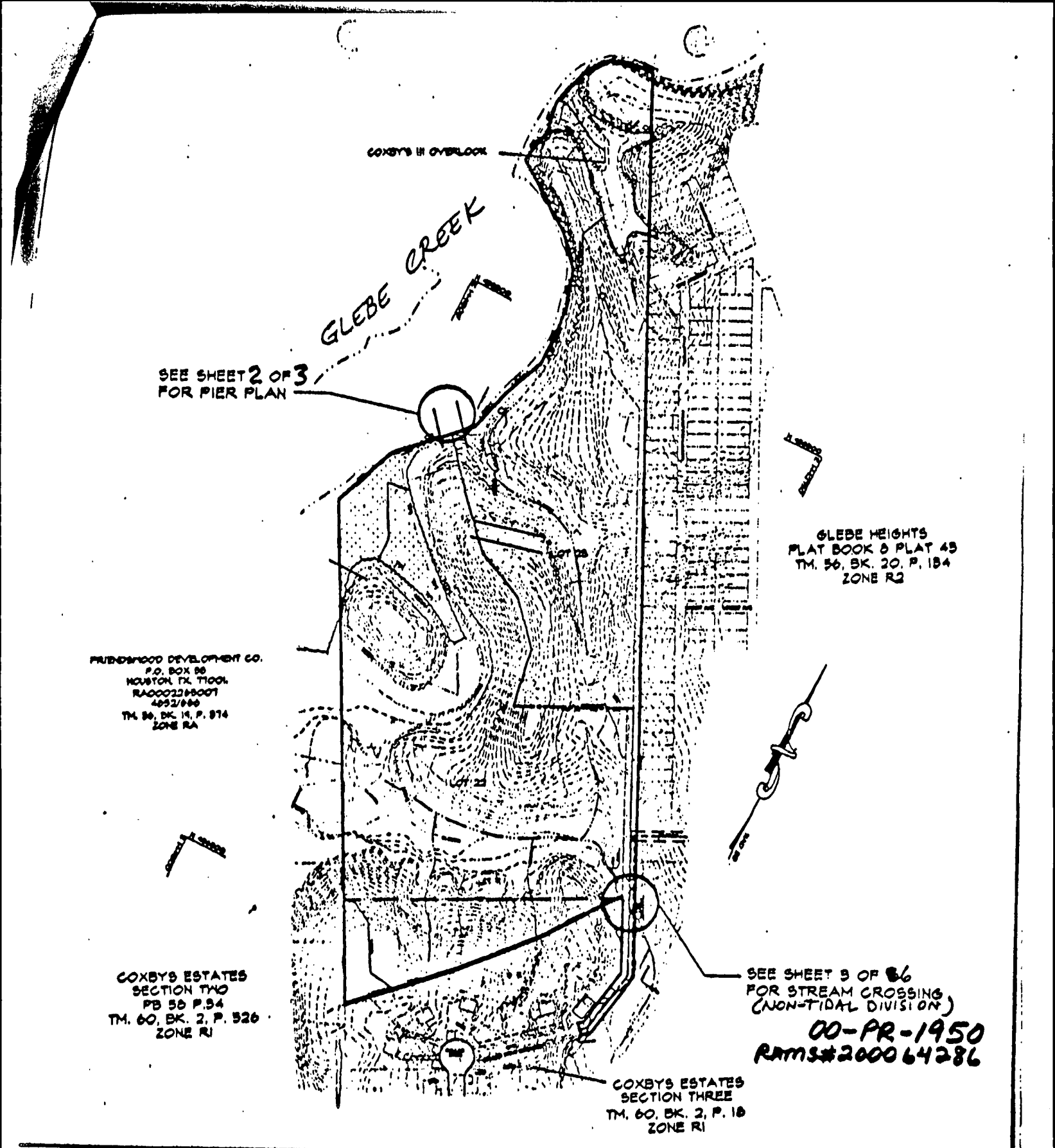
L. This license provides for construction of a pier to enable the property owner to reasonably access the waterway at existing water depths. This license provides no assurances or justification for approval of dredging. Evaluation of a dredging proposal will be based on existing and historical depths, physical and biological characteristics, vegetation and other aquatic resources.

Richard J. Ayella
Chief, Tidal Wetlands Division

Date of Issuance: June 15, 2000

RAMS Tracking No.: 200064286

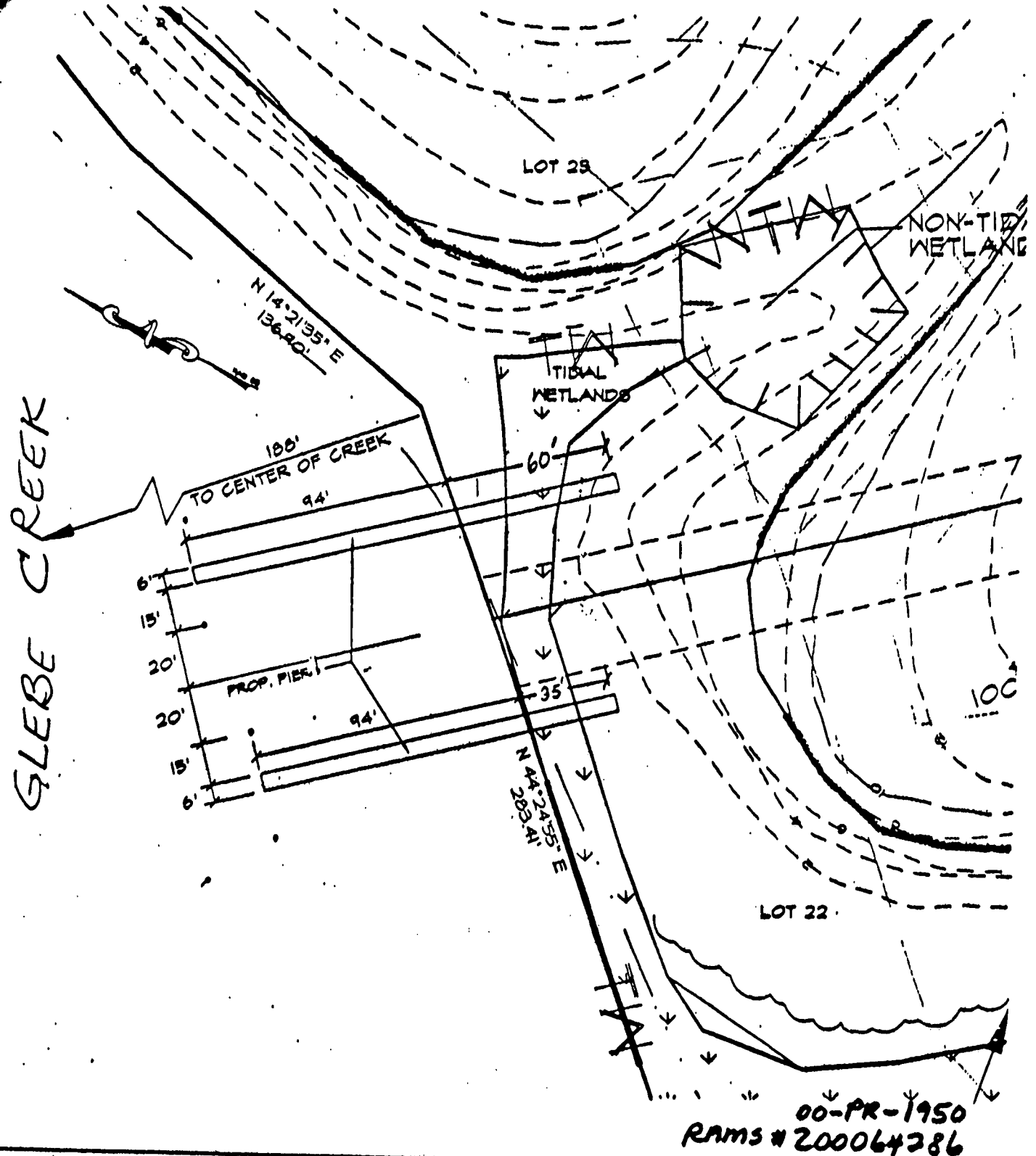
13rhc



00-PR-1950
RAMS#2000 64286

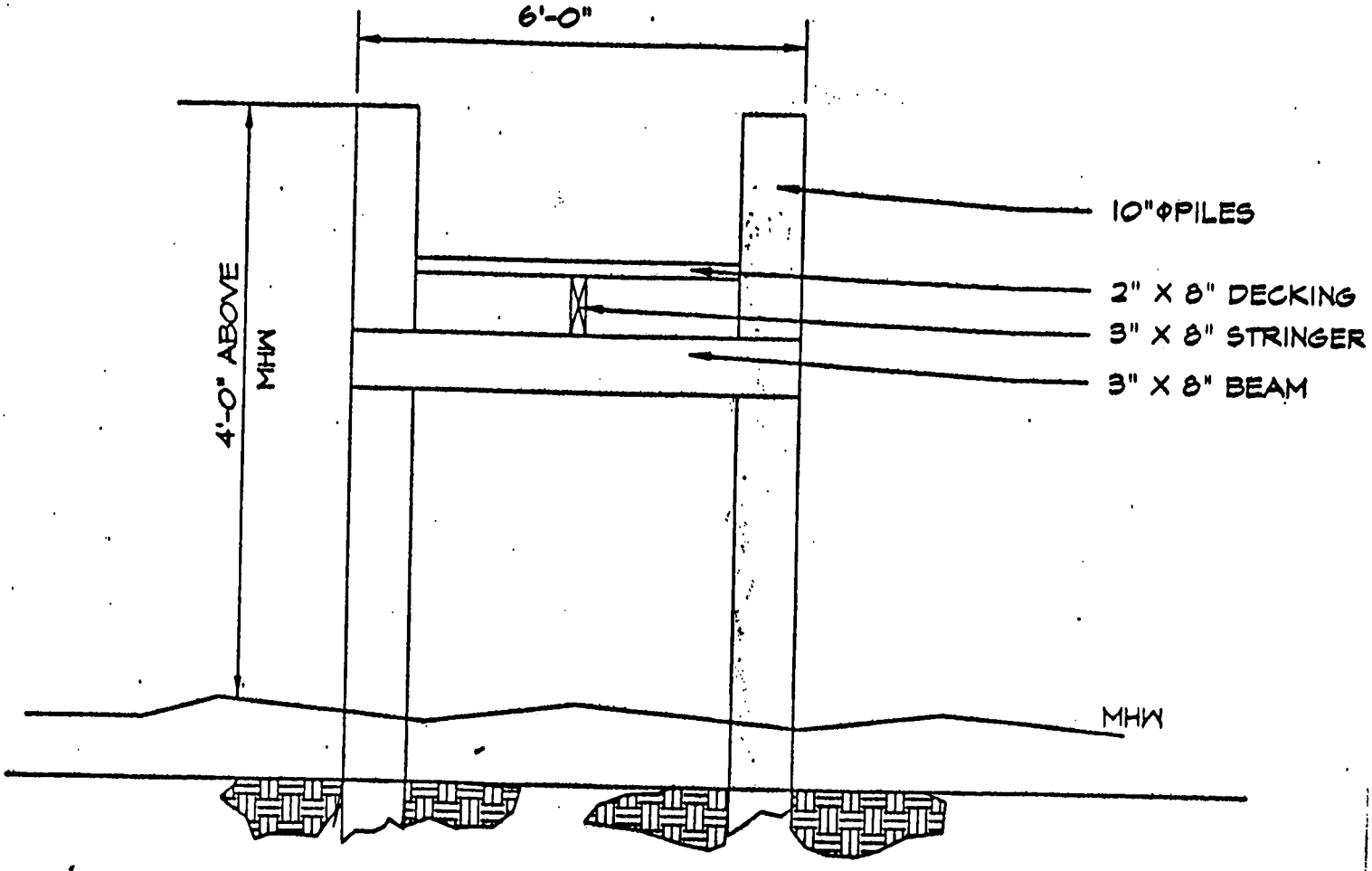
Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: 1"=400'	ROAD CROSSING PLAN
DATE: MAR., 2000	COXBY'S ESTATES
DRAWN BY: VWH	SECTION III
CHECKED BY: ES	A R-1 RESIDENTIAL SUBDIVISION
JOB NO: 97-15	1ST ASSESSMENT DISTRICT
SHEET: 1 OF 3	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND



Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: 1"=40'	PIER PLAN
DATE: MAR., 2000	COXBY'S ESTATES
DRAWN BY: VWH	SECTION III
CHECKED BY: ES	A R-1 RESIDENTIAL SUBDIVISION
JOB NO: 97-19	1ST ASSESSMENT DISTRICT
SHEET: 2 OF 3	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND



SECTION

NOT TO SCALE

00-PR-1950
RAMS# 20006 4286

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: AS SHOWN	PIER PLAN
DATE: MAR., 2000	COXBY'S ESTATES
DRAWN BY: VMH	SECTION III
CHECKED BY: ES	A R-1 RESIDENTIAL SUBDIVISION
JOB NO: 97-15	1ST ASSESSMENT DISTRICT
SHEET: 3 OF 3	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND

I:\MAPDC\PROJECTS\97-15\RES\DWG\CORP-4.DWG

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Operations Division AUG 31 2000

Subject: CENAB-OP-RMN(DES PROPERTIES LLC/COXBYS EST, SEC III/RD XING & PIERS)00-64286-18

DES Properties LLC
Attn: Dimitri Sfakiyanudis
45 Old Solomons Island Rd - St 204
Annapolis, Maryland 21401

Dear Mr. Sfakiyanudis:

I am replying to your subject application dated March 28, 2000, and received by the District on May 9, 2000, for Department of the Army (DA) authorization. The first request is to construct a private driveway which will involve installing two 48" RCP culverts, headwalls at each end, and placing a rip-rap outfall at the downstream end of the culverts. The construction of the driveway will cross over an existing stream. The work will involve a stream diversion to allow for the continual flow of the existing stream. The second request is for the construction of two 6'x 152' piers to extend 94' channelward of MHW on Glebe Creek, Anne Arundel County, Maryland.

This waterway has been determined to be within our regulatory jurisdiction and the activity requires DA authorization pursuant to Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Clean Water Act.

Our review of your proposal indicates that the proposed work is eligible for authorization by the Maryland State Programmatic General Permit (MDSPGP), if accomplished in accordance with the MDSPGP standard conditions and the following special conditions:

1. No work shall be conducted in stream during the Use I restriction period from March 1 through June 15 of any year.

2. Culverts shall be depressed at least one foot below stream invert and a low flow channel constructed through the rip-rap outlet structures to provide passage for aquatic life.

If you have any questions concerning this matter, please call Mr. Richard Kibby of this office at (410) 962-0694.

Sincerely,

for Janet M. Vine
Chief, Maryland Section Northern

cc: MDE

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

May 6, 1996

III A17
Category Number - Activity #
00.NT.0187/200064286
Authorization No.

CENAB-OP-R-MDSPGP(MARYLAND STATE PROGRAMMATIC GENERAL PERMIT)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged, excavated, or fill material or structures into waters of the United States, including jurisdictional wetlands. These discharges and structures must comply with all the terms and conditions identified in this SPGP.

It has been determined that the project as authorized by the Maryland Department of the Environment (MDE) Authorization qualifies for the MDSPGP. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403); and/or

2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section IV of the MDSPGP issued on May 6, 1996.

IV. Programmatic General Permit Conditions

The following conditions apply to all activities authorized under the MDSPGP.

A. General Requirements:

1. Other Permits. Authorization under the MDSPGP does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. Applicability of the MDSPGP shall be evaluated with reference to the Corps definition of waters of the United States, including wetlands and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal Manual For Identifying Jurisdictional Wetlands and appropriate guidance issued by the Corps of Engineers.

3. Minimal Effects. Projects authorized by the MDSPGP shall have no more than minimal adverse environmental effects, individually and/or cumulatively.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of the MDSPGP, the Corps retains discretionary authority to require individual permit review for any project based on concerns for the aquatic environment or for any other factor of the public interest. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant individual review based on the concerns stated above. This authority may be invoked for projects with cumulative environmental impacts that are more than minimal, or if there is a special resource or concern associated with a particular project, that is not already covered by the remaining conditions of the MDSPGP, that warrants greater review.

Whenever the Corps notifies an applicant that an individual permit may be required, authorization under the MDSPGP is voided, and no work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP.

5. Single and Complete Projects. The MDSPGP shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. All components of a project shall be reviewed together as constituting one single and complete project. All planned phases of multi-phased projects shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP shall not be used for any activity that is part of an overall project for which an Individual Permit is required.

B. National Concern:

1. Historic Properties. Any activity authorized by the MDSPGP shall comply with Section 106 of the National Historic Preservation Act. MDE, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require permittees to perform a survey of archeological and historical resources in the project area. The Corps shall determine if consultation under Section 106 with the Advisory Council on Historic Preservation is required. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to DA jurisdiction that might be eligible for listing in the National Register of Historic Places, the permittee shall immediately stop work in the permit area and notify the District Engineer. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historical resources can be obtained from the Maryland Historic Preservation Office and the National Register of Historic Places.

2. National Lands. Activities authorized by the MDSPGP shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuge, National Forest, National Marine Sanctuary or any area administered by the National Park Service (e.g. Assateague Island National Seashore), or wetlands or waters designated under the Ramsar Convention.

3. Endangered Species. No activity is authorized under the MDSPGP which may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which is likely to destroy or adversely modify the critical habitat of such species. MDE, in cooperation with DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any Federally listed species or critical habitat is in the vicinity of the project. The Corps shall determine if formal consultation under Section 7 with FWS or NMFS is required. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the District Engineer that the requirements of the ESA have been satisfied and that the activity is authorized. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS and NMFS.

4. Wild and Scenic Rivers. No activity is authorized under the MDSPGP that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status.

5. Federal Projects.

a. Navigation Project. The MDSPGP does not authorize interference with any Corps' navigation project. Authorized projects may be subject to removal at the owner's expense prior to any future dredging or the performance of periodic hydrographic surveys by the Corps.

b. Other Federal Projects (i.e., Flood Control, Dams, Reservoirs). The MDSPGP does not authorize interference with any proposed or existing Federal project.

6. Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes;

b. damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. design or construction deficiencies associated with the permitted work; and

e. damage claims associated with any future modification, suspension, or revocation of the MDSPGP.

7. Navigation. There shall be no interference with navigation by the existence or use of a project authorized herein, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein. Nothing in the MDSPGP shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, from exercising his legal authority to protect the interest in navigation and Navigation Servitude of the United States.

C. Minimization of Environmental Impacts:

1. Minimization. Discharges of dredged, fill or excavated material into waters of the United States shall be avoided and minimized to the maximum extent practicable on-site.

2. Work in Wetlands. Heavy equipment working in wetlands shall be avoided if possible and, if required, shall minimize soil and vegetation disturbance by using techniques such as timbermats, geotextile fabric, and low pressure tire vehicles. Disturbed areas in wetlands shall be restored to preconstruction contours upon completion of the work.

3. Temporary Fill and Mats. Temporary fill and the use of mats are both considered discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP. Temporary fill in waters and wetlands authorized by the MDSPGP (e.g. access roads, cofferdams) shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on existing wetland grade. Temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original contours and revegetated with comparable native species.

4. Sediment and Erosion Control. Adequate sedimentation and erosion control management measures, practices and devices, such as vegetated filter strips, geotextile silt fences, phased construction, or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

5. Water Crossings.

a. All temporary and permanent crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed to withstand and to prevent the restriction of high flows. The design shall also prevent the obstruction of movement by aquatic life indigenous to the waterbody.

b. No open trench excavation shall be conducted in-stream without use of State-approved diversion structures.

c. Temporary bridges, culverts, or cofferdams shall be used for equipment access across streams.

d. Temporary structures shall be removed and the area restored. The areas of fill and/or cofferdams must be included in total waterway/wetlands impacts.

6. Discharge of Pollutants. All activities involving any discharge or relocation of pollutants into waters of the United States authorized under the MDSPGP shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251), and applicable State and local laws and regulations.

7. Spawning Areas. Discharge in fish and shellfish spawning or nursery areas during spawning seasons shall be avoided, and impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year.

8. Environmental Value. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to maintain as much environmental values as is practicable, and to minimize any adverse impacts on existing fish, wildlife and natural environmental values.

D. Procedural Conditions:

1. Inspections. The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP. The District Engineer may also require post-construction engineering drawings (as-built plan) for completed work, and post-dredging survey drawings for any dredging work.

2. Maintenance. The permittee shall maintain the work or structures authorized herein in good condition, including maintenance, to ensure public safety.

3. Property Rights. The MDSPGP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

4. Modification, Suspension and Revocation. The MDSPGP may be either modified, suspended, or revoked in whole or in part pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States.

5. Restoration. The permittee, upon receipt of a notice of revocation of authorization under this permit, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

6. Special Conditions. The Corps may impose other special conditions on a project authorized pursuant to the MDSPGP, where it is determined necessary to minimize adverse environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, will constitute a permit violation and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.

7. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this permit, and subsequently discovers that it has relied on false, incomplete or inaccurate information provided by the permittee, the permit shall not be valid and the Government may institute appropriate legal proceedings.

8. Compliance. Any activity performed in Federally regulated waters, including wetlands, that is not in total compliance with all the terms, conditions, and processing procedures of the MDSPGP constitutes unauthorized work and is subject to an enforcement action by the Department of the Army. Furthermore, the MDSPGP does not delegate any Section 404 enforcement or regulatory authority. When unauthorized work occurs in a Federally regulated wetland or other waters, it is subject to one or more of the following responses by the Secretary of the Army:

a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.

b. Initiation and assessment of Class I administrative penalty orders pursuant to Section 309(g) of the CWA up to $10,000 per day up to a maximum of $125,000.

c. Initiation and assessment of a Class II administrative penalty for continuing violation of $10,000 per day up to a maximum of $125,000.

d. Referral of the case to the U.S. Attorney with a recommendation for a civil or criminal action.

e. If the Corps determines that an after-the-fact application is appropriate, it will be evaluated following Category III procedures.

9. Enforcement. The MDSPGP does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps enforcement action, until such time as the enforcement action is resolved or the Corps determines that the activity may proceed independently without compromising the enforcement action.

#82

BOOK 9107 PAGE 012

BOOK 9007 PAGE 758

DECLARATION

OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

COXBY'S ESTATES SECTION III

THIS DECLARATION is made on the date hereinafter set forth by DES Properties, LLC, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in the First Assessment District, County of Anne Arundel, State of Maryland, which property is more particularly described in Exhibit A attached hereto and made a part hereof (hereinafter referred to as the "Property"); and

WHEREAS, the Declarant desires to create on the Property a residential community of single-family detached homes named **"COXBY'S ESTATES SECTION III"** with permanent open space and recreation areas for the benefit of the residents of Coxby's Estates Section III; and

WHEREAS, Declarant desires to insure the attractiveness of the individual lots and all community property within Coxby's Estates Section III prevent any future impairment thereof, to prevent nuisances, to preserve protect and enhance the values and amenities of the Property and to provide for the maintenance of said open space and recreation areas; and, to this end, desires to subject the property described in Exhibit B to the covenants, conditions and restrictions set forth herein, each and all of which is and are for the benefit of the Property and each owner thereof; and

75

WHEREAS, Declarant has deemed it desirable, for the efficient preservation, protection and enhancement of the property values in Coxby's States Section III, and to insure the resident's enjoyment of community property, to create an organization to which should be delegated and assigned the powers of (1) owning, maintaining and administering the community property; (2) administering and enforcing the covenants, conditions and restrictions established herein; and (3) collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, Declarant has caused to be incorporated under the laws of the state of Maryland, as a non-profit corporation, the Coxby's Estates Section III Homeowners Association, Inc., for the purpose of exercising the functions aforesaid within Coxby's Estates Section III; and

WHEREAS, Alan J. Hyatt, Escrow Agent (the "Lender") is the beneficiary of a Deed of Trust, dated January 19, 1999, on the Property, and Gregg M. Weinberg is the trustee thereunder ("Trustee"), which Deed of Trust was recorded among the Land Records of Anne Arundel County on January 23, 1999, at Liber 8953, folio 736, and Lender has authorized Trustee join in this Declaration solely for the purpose of consenting to and subordinating the lien of said Deed of Trust to the covenants, agreements and restrictions hereinafter set forth and for that purpose only, fully retaining the lien of said Deed of Trust on that part of the Property described in said Deed of Trust; and

NOW THEREFORE, Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions, which are for the purposes of protecting the value and desirability and enhancing the attractiveness

of the Property, and which shall run with the Property and shall be binding on all Owners and other parties having any right, title or interest in the Property or any part thereof, their heirs, personal representatives, executors, successors and assigns, and which shall inure to the benefit of each Owner.

ARTICLE I

DEFINITIONS

Section 1. "Association" shall mean and refer to Coxby's Estates Section III Homeowners Association, Inc., its successors and assigns.

Section 2. "Board of Directors" shall mean the board of directors, from time to time, of the Association.

Section 3. "Common Area" shall mean and refer to those lots or areas on the Subdivision Plat of the Property designated as "open space" and "Rec-Area", and is intended to be the entire Property save and except the Lots and the Reserved Parcel. The Common Area shall include all roads, streets and parking areas within the Property unless the same are dedicated to Anne Arundel County or the State of Maryland for public use.

Section 4. "Declarant" shall mean and refer to DES Properties, LLC, and to any successors and assigns to which the DES Properties, LLC shall convey or otherwise transfer its right, title and interest to all or any part of the Property, and in so doing expressly designate the transferee or transferees as a Declarant hereunder.

Section 5. "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions as the same may from time to time be amended.

Section 6. "Development Period" means the period that is five (5) years from the date this Declaration is recorded among the Land Records of Anne Arundel County. With respect to any land annexed to the Property by Declarant as herein permitted, the "Development Period" shall mean the time that is ten (10) years from the time that such land is annexed to the Property by recording of an Amendment hereto among the Land Records of Anne Arundel County aforesaid.

Section 7. "Lot" shall mean and refer to any parcel of land shown upon any recorded subdivision plat of the Property, except for (1) street right-of-way, (2) open space areas, (3) recreation areas and (4) the Reserved Parcel (unless the Reserved Parcel is annexed in accordance with Article III).

Section 8. "Member" shall mean and refer to the members of the Association, as described in Article V herein.

Section 9. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot that is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 10. "Property" shall mean and refer to that certain real property described on Exhibit A, and such additions thereto as may hereafter be brought within the jurisdiction of the Association and subjected to this Declaration as herein provided.

Section 11. "Reserved Parcel" shall mean the parcel designated as "Reserved Parcel" on the Subdivision Plat, as more fully described in Exhibit C attached hereto.

Section 12. "Subdivision Plat" or the "Plat" shall mean or refer to subdivision plats entitled "Coxby's Estate Section III", dated 2-16-99, and recorded on even date herewith among the Plat Records of Anne Arundel County, as the same may be amended from time to time.

ARTICLE II

RESERVED PARCEL

Section 1. The Reserved Parcel shall not be subject to this Declaration of Covenants, Conditions and Restrictions unless it is annexed as set forth in this Declaration.

Section 2. The Reserved Parcel may be annexed by the Declarant without the consent of Owners within ten (10) years from the date of the recording of this Declaration. The Declarant shall have no obligation to annex any of such land, nor shall any of such land be subject to any of the easements, restrictions, covenants or conditions of this Declaration unless and until the Declarant, or its successor in interest, executes an instrument specifically subjecting such land to the terms of this Declaration. The annexation authorized hereunder shall be made by filing of record, an amendment to the Declaration with respect to the additional land, which shall extend the scheme of the easements, restrictions, covenants and conditions of this Declaration to such land, which land shall thereupon become part of the Property. Upon the filing of any amendment, Owners of the Lots situated on the Reserved Parcel shall be subject to the same obligations and entitled to the same privileges, as applied to the owners of Lots on the remaining Property.

ARTICLE III

COMMON AREA PROPERTY RIGHTS

Section 1. Grant of Lots. Declarant shall hereafter hold, grant and convey the Property, and any parts thereof, including Lots and Common Areas, subject to the covenants, conditions and restrictions herein set forth, which are for the benefit of, binding upon and shall run with the land and are for the benefit of Declarant, the Association and the Owners, their heirs, personal representatives, successors and assigns.

Section 2. Grant of Common Uses. Declarant covenants that it will convey to the Association prior to conveyance of the first Lot to a class A member the Common Areas, and the Association shall accept from Declarant the Common Areas and shall hold them subject to the provisions hereof.

Section 3. Owner's Easements of Enjoyment. Every Owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) the right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area;

(b) the right of the Association to suspend the voting rights and right of use of the community facilities of an Owner for any period during which any assessment against the Owner's Lot remains unpaid; and for a period not to exceed ninety (90) days for any infraction of the Association's published rules and regulations;

(c) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such

conditions as may be agreed to by the Members; provided that no such dedication or transfer shall be effective unless same has been approved by a favorable vote constituting two-thirds (2/3) of the votes of each class of Members;

(d) the right of the Association to adopt reasonable rules respecting the use of the Common Area and community facilities, and to reasonably limit the number of Members and guests of Members using any of the facilities that are developed on the Property;

(e) the right of the Association in accordance with its Articles of Incorporation and By-laws, and with a favorable vote constituting two-thirds (2/3) of the votes of each class of the Members, to borrow money for the purpose of improving the Common Area and community facilities in a manner designed to promote the enjoyment and welfare of the Members, and in aid thereof to mortgage any of the Common Area and community facilities; and

(f) the right of the Association, acting by and through its Board of Directors, to grant licenses, rights-of-way and easements for access or for the construction, reconstruction, maintenance and repair of any utility lines or appurtenances, whether public or private, to any municipal agency, public utility, the Declarant or any other person; provided however, that no such licenses, rights-of-way or easements shall be unreasonably or permanently inconsistent with the rights of the members to the use and enjoyment of the Common Area and community facilities.

Section 4. Delegation of Use. Any Owner may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Area and community facilities to the members of his family, his tenants, his guests, or contract purchasers who reside on the property. All

such delegation shall be subject to reasonable rules and regulations that the Board of Directors may from time to time adopt, uniformly apply and enforce.

ARTICLE IV

RESERVED RIGHTS OF DECLARANT

Section 1. Reserved Rights of Declarant. The Association shall hold the Common Areas conveyed to it by Declarant subject to the following:

a. The reservation to Declarant, its successors and assigns of an easement over any road in the Common Areas, such easement for the purpose of ingress and egress and the installation and maintenance of public and private utilities to serve the Property and any part thereof, including any Lot.

b. The right of Declarant to store building supplies, construction equipment and other similar property on any Lot it owns during the Devlopment Period. This reserved right shall expire one (1) year after completion of construction of all improvements by Declarant, its successors or assigns, on all Lots within the section in which the Common Areas subject to such reserved easement are located.

Section 2. Grading. Declarant further reserves unto itself, its successors and assigns the right at or after the time of grading of any street or any part thereof for any purpose, to enter upon any abutting Lot and grade a portion of such lot adjacent to such street, provided such grading does not materially interfere with the use or occupancy of a residence built or to be built on such Lot, but said Declarant shall not be under any obligation or duty to do such grading or to maintain any slope.

Section 3. Sales and Construction Offices. During the Development Period, Declarant may construct, maintain and operate real estate sales and construction offices, model homes, displays, signs and special lighting on any on any Lot it owns and on or in any building or Structure now or hereafter erected thereon.

Section 4. Easement for Utilities. Declarant, for itself, its successors and assigns, reserves an easement on, over and under the Common Areas for the purpose of ingress and egress and the installation and maintenance of public and private utilities to serve the Property and the Lots therein, including, but not limited to, the right to lay, install, construct and maintain pipes, drains, mains, conduits, lines, meters and other facilities for water, storm sewer, sanitary sewer, gas, electric, telephone, cable television and other public or private services or utilities deemed by Declarant necessary or advisable to provide service to any Lot, or in the area or on the area in which the same is located, together with the right and privilege of entering upon the Common Areas for such purposes and making openings and excavations thereon, which openings and excavations shall be restored in a reasonable period of time.

Section 5. Amendment of Plats. No right shall be conferred upon any Owner or member by the recording of any Plat relating to the development of the Property described herein to require the development of said Property in accordance with such Plat, Declarant expressly reserving unto itself the right to make such amendments to any such Plat or Plats as shall be advisable in its best judgment and as shall be acceptable to public authorities having the right to approval thereof.

ARTICLE V

ASSOCIATION MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Owner of a Lot shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

Section 2. The Association shall have two classes of voting membership:

Class A. Class A Members shall be all Owners, with the exception of the Declarant. Class A members shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B Member(s) shall be the Declarant. The Class B Member(s) shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal or exceed the total votes outstanding in the Class B membership; or

(b) on January 1, 2004.

ARTICLE VI

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the

Association: (1) annual assessments or charges, and (2) special assessments for capital improvements, as are established in a manner hereinafter provided. The annual and special assessments, together with interest, costs and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the assessment came due. The personal obligation for delinquent assessments shall not pass from an Owner to any successor in title unless expressly assumed by a successor in title. However, all successors in title shall take title subject to the continuing Lot lien established herein.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety and welfare of the residents of the Property and for the improvement and maintenance of the Common Area. Such purposes shall include but not be limited to the following:

(a) the cost of all operating expenses of the Common Area and community facilities and the services furnished to or in connection with the Common Area and community facilities, including charges by the Association for any services furnished by it;

(b) the cost of necessary management and administration of the Common Area and community facilities, including fees paid to any management Agent;

(c) the amount of all taxes and assessments levied against the Common Area and community facilities;

RECORDED
JUN 5.
CHESAPEAKE BAY CRITICAL AREA COMMISSION

(d) the cost of liability insurance on the Common Area and community facilities and the cost of such other insurance as the Association may elect with respect to the Common Area and community facilities;

(e) the cost of utilities and other services that may be provided by the Association, whether for the Common Area and community facilities or for the Lots, or both;

(f) the cost of maintaining, replacing, repairing and landscaping the Common Area, together with the cost of such equipment as the Board of Directors shall determine to be necessary and proper in connection therewith;

(g) the cost of enforcing this Declaration of Covenants, Conditions and Restrictions, including legal fees, fees for expert witnesses and court costs;

(h) the cost of periodic grass-cutting and mowing on readily accessible areas of front, side and rear yards upon the Lots and the cost of such other grounds and landscape maintenance upon the Lots as the Board of Directors shall determine to be necessary and proper, all in accordance with a schedule determined by the Board of Directors; provided, however, that nothing in this subparagraph (g) shall be deemed to obligate the Association to perform any maintenance upon the Lots; and

(i) the cost of funding all reserves established by the Association, including, when appropriate, a general operating reserve and a reserve for replacements.

Section 3. Reserves for Replacements. The Association shall establish and maintain a reserve fund for replacements of the Common Area and community facilities by the allocation and payment monthly to such reserve fund of an amount to be designated from time to time by the Board of Directors. Such fund shall be conclusively deemed to be a common

expense of the Association and may be deposited with any banking institution, the accounts of which are insured by any State or by an agency of the United States of America or may, in the discretion of the Board of Directors, be invested in obligations of or fully guaranteed as to principal by the United States of America. The reserve for replacements of the Common Area and community facilities may be expended only for the purpose of affecting the replacement of the Common Area and community facilities, major repairs to any sidewalks, parking areas, streets or roadways developed as a part of the Property, equipment replacement, and for start-up expenses and operating contingencies of a non-recurring nature relating to the Common Area and community facilities. The Association may establish such other reserves for such other purposes as the Board of Directors may from time to time consider to be necessary or appropriate. The proportional interest of any member in any such reserves, including the reserve fund for replacements, shall be considered an appurtenance of the Member's Lot and shall not be separately withdrawn, assigned or transferred, or otherwise separated from the Lot to which it appertains, and shall be deemed to be transferred with such Lot.

Section 4. Maximum Annual Assessment. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be one hundred-fifty dollars ($150.00) per Lot.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year by not more than 10% above the maximum assessment for the previous year by the Board of Directors without a vote of the membership.

(b) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 10% by a vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for such purpose.

(c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Section 5. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement in the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of Members who are voting in person or by proxy at a meeting duly called for such purpose.

Section 6. Minimum Annual Assessment. The Association shall levy a minimum annual assessment, which shall not be less than twenty-five dollars ($25.00) per lot.

Section 7. Notice and Quorum for Any Action Authorized Under Sections 4 and 5. Written notice of any meeting called for the purpose of taking any action authorized under Section 4 or 5 shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of Members or of proxies entitled to cast two-thirds (2/3) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting

shall be fifty percent (50%) of all the votes of each class of membership. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 8. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly, quarterly, semi-annually or annual basis, as determined from time to time by the Board of Directors.

Section 9. Date of Commencement of Annual Assessments and Due Dates. The annual assessments provided for herein shall commence as to all Lots on the first day of the month following the conveyance of the Common Area to the Association. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 10. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum, and shall together with such interest thereon and cost of collection thereof, as provided herein, become a continuing lien on the Lot that shall bind such Lot in the hands of the Owners, the Owner's heirs, devisees, personal

representatives, executors, successors and assigns. The Association may bring an action at law against the Owner personally obligated to pay the assessments, or foreclose on the lien against the Lot, or both. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or by abandonment of his or her Lot.

If the assessment is not paid within thirty (30) days after the due date as set forth above, the Association may institute legal action to collect such assessment as aforesaid, and there shall be added to the amount of such assessment in addition to the interest specified above, the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained such judgment shall include interest on the assessment as above provided and a reasonable attorney's fee to be fixed by the Court together with the costs of the action.

In addition to the aforesaid, the Board may charge a reasonable late payment fee on all delinquent assessment accounts.

Section 11. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage of a Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure, or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments that became due prior to such sale or transfer. No such sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof. No such sale shall relieve the Owner of the personal obligation of the assessments due at the time of such sale. The term "mortgage" shall include a deed or deeds of trust.

ARTICLE VII

ARCHITECTURAL CONTROL

Section 1. Review by Board of Directors. No building, fence, wall or other structure or fixture shall be commenced, constructed, erected or maintained within the Property, nor shall any exterior addition or change to or alteration of same be made until plans and specifications showing the nature, kind, shape, height, materials, color and location of the same shall have been submitted to and approved in writing, as to harmony of external design and location in relation to surrounding structures and topography, by the Declarant or its assigns. Such right of review and approval may be assigned by the Declarant to the Board of Directors of the Association. In the event the Declarant or the Board fails to approve or disapprove such design and location within sixty (60) days after plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Design approval hereunder shall in no way be construed as passing judgment or making a determination with respect to the correctness of the location, structural design, suitability of water flow or drainage, location of utilities or other qualities of the item being reviewed. The Association shall have the right to charge a reasonable fee for reviewing each application, as may be established from time to time by the Board of Directors. Nothing herein contained shall apply to any buildings, fences, walls or other structures commenced, erected, or maintained upon a Lot within the Property as long as title to such Lot is held by the Declarant. Any such exterior addition to or change or alteration made without application having first been made and approval obtained as provided above, shall be deemed to be in violation of this covenant and may be required to be restored to the original condition at Owner's cost.

Section 2. Location of Buildings, Structures, Etc. This Declaration of Covenants, Conditions and Restrictions in Article VII, Section 1, provides generally that no building, fence, wall or other structure, nor any exterior addition or change to or alteration of same shall be made until the same is approved by the Declarant or the Board of Directors. In furtherance of the purpose of such provisions, and subject to the same procedures for review and approval as therein set forth, the Declarant and the Board of Directors shall have the right to control absolutely the precise site and location of any building, fence, wall or other structure or other exterior improvements of any kind on any Lot within the Property.

Section 3. Disapproval of Plans. In any case where the Architectural Committee shall disapprove the plans and specifications submitted hereunder, or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement in writing of the grounds upon which such action was based. In any such case, the Architectural Committee shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal can be prepared and submitted for approval. However, the final decision of the Architectural Committee is binding.

Section 4. Approval of Plans. The applicant shall submit for approval two sets of plans and specifications. Upon approval by the Architectural Committee, one copy of such plans and specifications shall be retained by the Committee, and the other bearing the approval of the Committee in writing shall be returned to the applicant.

Section 5. Nonapproved Structures. If any Structure shall be altered, erected, placed or maintained upon any Lot, or any new use commenced on any Lot, in violation of the provisions hereof, such Structure or new use shall be removed or discontinued, and such use

shall be terminated so as to extinguish such violation. If within fifteen (15) days after notice from the Board of Directors of such violation, the Owner of the Lot upon which such violation exists shall not have taken reasonable steps towards the removal or termination of the same, the Association, through its agents and employees, shall have the right to enter upon the Lot and to take such steps as it deems necessary to extinguish such violation and the cost thereof shall be a binding, personal obligation of the Owner of the Lot, and as an additional assessment, on the Lot.

Section 6. Completion of Construction. Upon completion of construction of any Structure in accordance with the provisions hereof, the Architectural Committee, upon request of the applicant shall issue a Certificate of Compliance in form suitable for recordation among the Land Records of Anne Arundel County aforesaid, identifying such Structure and the Lot on which such Structure is placed, and stating that the Structure has been completed pursuant to the terms hereof. Preparation and recording of such Certificate shall be at the expense of the applicant. Any Certificate of Completion issued pursuant hereto shall be prima facie evidence of the facts therein stated, and as to any purchaser or encumbrancer in good faith, and for value, or as to any title insurer, such Certificate shall be inclusive evidence that all Structures on the Lot noted in such certificate comply with the provisions hereof.

Section 7. Committee Compensation. The members of the Architectural Committee shall serve without compensation unless specifically approved by the Members.

Section 8. Declarant Exemption. The provisions of this Article Eight shall not apply to any Structures made by Declarant, or any other improvements made by Declarant on any Lot, or within the Property.

ARTICLE VIII

USE RESTRICTIONS AND OWNER RESPONSIBILITIES

Section 1. Residential Use. All Lots shall be used exclusively for residential purposes and no more than one family (including its domestic employees and transient guests) shall occupy any such Lot.

a. **Professional Use**. A portion of a dwelling used for office purposes by not more than one member of any recognized profession, including but not limited to doctors, dentists, lawyers, engineers, realtors and accountants, shall be considered a residential use, provided the professional lives in the dwelling as Owner or principal tenant and no more than one non-professional employee works on the premises under the supervision of the professional, and provided further that such use does not generate excessive customer or client traffic to and from the premises, as may be determined by the Board of Directors.

b. **Family Day Care Homes**. No Lot or Common Area shall be used for the operation of a Family Day Care Home. "Family Day Care Home" shall be as defined in Title 5, Subtitle 5 of the Family Law Articles of the Annotated Code of Maryland. This provision regarding Family Day Care Homes may be eliminated and Family Day Care Homes may be approved by a simple majority of the total eligible voters of the Association.

Section 2. Accessory Buildings. No accessory building shall be constructed on any Lot prior to the construction of the main building. A guest house will be considered an accessory building but cannot be rented or leased except as part of the entire premises.

Section 3. Fences. No fence or other similar structure shall be permitted in any front yard. "Fence" shall include any free-standing structure composed of wood, wire, plastic or

other material, including a trellis or similar structure, designed or configured to provide a visual barrier and/or security within or around any Lot. The location, type, color, height and texture of all fences shall be subject to the review and approval of the Board of Directors. This section shall not preclude a fence surrounding an in-ground swimming pool, provided approval is obtained from the Board of Directors. No chain-link fence shall be permitted on any Lot except around a swimming pool and then only with proper screening approved by the Board of Directors.

Section 4. Conservation Areas. The areas designated as a Conservation Area or easement indicated on the Subdivision Plat are binding on the Declarant, the Association and all Owners and their respective agents. Any clearing or other removal of vegetation from such areas shall be done only in strict compliance with the laws of Anne Arundel County and the State of Maryland, and only after (and if) approval for same has been given by the Board of Directors.

Section 5. Appearance and Maintenance of Lots. Each Owner of a Lot within the Property covenants and agrees to be responsible for the suitable appearance of said Lot by cutting grass, weeds and brush and by removing trash and rubbish therefrom at all reasonable times and to maintain the same in good condition and repair and in a manner that does not decrease the beauty, value, health or safety of the community as a whole or a specific Lot within the community. Should any such owner fail to maintain the appearance of a Lot in accordance with the aforesaid criteria, as determined by the Board of Directors, the Association and its duly authorized agents, officers and employees are hereby and herewith granted the right and privilege to enter upon such property for the purpose of maintaining the suitable

appearance of any improved or unimproved Lot, the cost of which is to be borne by the Owner thereof pursuant to the same procedures and conditions set forth in Article VI, Section 1 of this Declaration of Covenants, Conditions and Restrictions.

Section 6. No Trespass. Whenever the Declarant, the Association, or their duly authorized agents, officers and employees are permitted by these Covenants or other applicable Covenants, Articles, By-laws, Rules or Regulations of Coxby's Estates Section III to correct, repair, clean, preserve, clear out or take any action whatever on the property of any Lot, the performance of same or the taking of any such action shall not be deemed a trespass or considered to be a violation of any law whatever or to constitute a wrongful act of amy kind.

Section 7. Noxious/Offensive Activities. No noxious or offensive activity shall be permitted on any Lot, nor shall anything be done thereon that would cause embarrassment, discomfort, annoyance or a nuisance to the Owners of neighboring properties or Lots or to the community generally. There shall not be maintained on a Lot any plants or animals or device or thing of any kind the normal activities or existence of which is in any way noxious, offensive, dangerous, unsightly, unpleasant or of a nature that would diminish or destroy the enjoyment of other Lots and property in the community.

Section 8. Animals. No animals, livestock or poultry of any kind shall be kept or maintained within the Property except that a reasonable number of dogs, cats or other household pets may be kept or maintained for a non-commercial purpose, and provided further that all animals must be secured by leash or lead, or under the control of a responsible person and obedient to that person's command, at any time they are permitted outside of a house, other building or enclosed area used for their maintenance and confinement.

Section 9. Signs. No signs of any nature shall be erected or maintained on any Lot, except:

a. Signs required by legal proceedings;

b. Residential identification signs, including professional identification, having a combined total face area of not more than two (2) square feet and subject to written approval by the Board of Directors as to location, size, height, color, material and content;

c. Community or street identification signs that may be located on private property;

d. Signs erected by the Declarant in connection with the development or marketing program of the community; and

e. Signs erected by builders, contractors and real estate agents on Lots in the community, provided said signs are approved by the Declarant or the Board of Directors.

Section 10. Temporary Structures, Trailers, Outbuildings, Etc. No structure of any temporary character and no tent, trailer, mobile home, shack or other outbuilding, except as provided herein, shall be placed or permitted to remain on any Lot or on the Common Area at any time, except that temporary construction shelters may be erected and maintained during and used exclusively for construction of any approved work or improvement, provided such temporary shelters shall not be used for living quarters and shall be removed from the premises promptly upon completion of the approved work or improvement.

Section 11. Boats, Trailers and Vehicles. a. No boats, boat trailers, campers, recreational vehicles, commercial trucks or vehicles, horse trailers, utility trailers, or similar vehicles shall be parked overnight, or longer, on any street within the Property, nor shall any

such vehicle be maintained on a Lot unless kept either (a) within a fully enclosed garage or (b) within an off-street parking or storage area appropriately located and screened, as determined by the Board of Directors.

b. No automobile or vehicle of any kind and no boat or trailer of any kind shall be constructed, restored or repaired upon any street within the Property, nor upon any Lot in such a manner that said construction, restoration or repair is visible from any street or from neighboring Lots and properties.

Section 12. Screening for Trash Receptacles and Above Ground Utilities. Each residence shall contain an appropriately screened or opaquely fenced service area enclosing all above-ground garbage and trash containers, incinerators, fuel tanks, mechanical swimming pool equipment, utility meters, air conditioning equipment, clotheslines and other similar outdoor maintenance, storage and service facilities in order to conceal them from view from the streets and from neighboring Lots and properties. Garbage and trash containers and fuel tanks may be located outside such service areas, but only if located substantially underground. The placement of all of the aforesaid items, whether located above or below ground, shall require the approval of the Board of Directors.

Section 13. Plant Waste. The maintenance of accumulated waste plant material on a Lot is prohibited except as part of an established compost pile, which shall be maintained in such a manner as not to be visible from the road and neighboring Lots and properties and located not closer than twenty (20) feet from any road and neighboring Lots and properties.

Section 14. Size of Dwelling. All principal residences shall contain not less than fifteen hundred (1500) square feet of "enclosed dwelling area." The term "enclosed dwelling

area" shall not include garages, guest house, boat sheds, terraces, decks, open porches and like areas, but shall include screened porches, if the roof of any such porch forms an integral part of the roof line of the principal dwelling structure.

Section 15. Construction of Improvements. All improvements shall be constructed in strict accordance with applicable building restriction lines, setback and height provisions set forth in the Zoning Ordinance of Anne Arundel County, Maryland, except where more stringent requirements are imposed by the recorded subdivision plat, by the deed of conveyance for a particular Lot or by the Board of Directors.

Section 16. Antennae and Dishes. Erection of exterior antennae of any type, including "dish" structures, shall be subject to prior review and approval by the Board of Directors.

Section 17. Completion of Construction/Occupancy. The exterior of all residences and other structures on a Lot must be completed within eighteen (18) months after construction has commenced, and such construction shall proceed and be continuous without delay, except where such completion is impossible or would result in great hardship to the Owner or the builder due to a strike, fire, national emergency or natural calamity. No residence can be temporarily or permanently occupied until the exterior thereof has been fully completed. During the construction period, the Owner of the Lot shall require the builder to maintain the Lot in a reasonably clean and uncluttered condition and to take necessary action to control any erosion of or from disturbed site areas. Cessation of work on any structure once started, and prior to completion, for a period of sixty (60) days shall be prima facie evidence of an attempt to abandon the same in its partially completed state, and the same shall be deemed to be both

a public and private nuisance, and a violation of this Declaration of Covenants, Conditions and Restrictions.

Section 18. Timing of Reconstruction. Should any residence or structure on any Lot be destroyed in whole or in part, it must be reconstructed or the debris therefrom removed from the Lot and the Lot restored to a neat and sightly condition, within nine (9) months, or the same shall be deemed to be both a public and private nuisance, and a violation of this Declaration of Covenants, Conditions and Restrictions.

Section 19. No Boundary Changes. No Lot shall be resubdivided nor its boundaries changed without the prior written consent of the Board of Directors. In no case, however, shall a resubdivision or division of a Lot between two Owners result in a diminution of the number of assessable Lots subject to assessments or charges under this Declaration. The assessments and charges otherwise due from such subdivided or divided Lot shall be fully due and owing from the resultant Owners thereof as they among themselves may determine. In the absence of such an agreement, assessments and charges shall be levied on a pro-rata basis in direct proportion to the applicable percentage of Lot ownership held by a resultant Owner, and failure to pay such assessments and charges shall constitute a lien on said property as is elsewhere provided in this Declaration. The provisions of this subsection 18 shall not apply to Lots held by Declarant prior to Declarant's first sale or conveyance of said Lots.

Section 20. Actions of Association. The Association or its duly authorized agents, officers and employees shall have the right at any time without any liability to the Owner for trespass or otherwise, to enter onto or upon Lots for the purpose of maintaining, removing, restoring or otherwise enforcing without any limitation all of the restrictions set forth in this

Declaration. No such action will be taken until the Owner of the Lot involved is first given written notice and an opportunity to take corrective action within a reasonable time to be specified in such notice. Any costs incurred by the Association directly attributable to taking necessary corrective actions shall be the sole personal responsibility of the Lot Owner and shall also become a lien against the Lot until satisfied.

Section 21. Additional Building Restrictions. The following additional restrictions shall apply to all residential structures constructed on the Property:

a. No "modular" or other similar type of preconstructed structures shall be permitted.

b. No concrete block or parging shall be exposed to the exterior of any finished residential structure. Painting of exposed parging shall not be an acceptable exterior cover treatment.

c. Driveways shall be constructed of concrete, asphalt, brick, cobblestone or other hard surface material approved by the Board of Directors.

Section 22. Swimming Pools. Swimming pools are permitted only if constructed below ground level, and then only after the pool and all appurtenant structures are approved by the Board of Directors. Upon request made to the Board of Directors, the Board may waive this provision for Lots where such in-ground construction is not feasible and the proposed construction is appropriately landscaped to screen such pool structure.

Section 23. No Dumping in Common Area. No grass clippings, organic debris, trash or other refuse may be disposed of by dumping in or on the Common Area.

ARTICLE X

EXTERIOR MAINTENANCE

Section 1. Assessment of Cost. In the event the Board of Directors shall determine that exterior maintenance of any Lot shall become necessary, the cost of such exterior maintenance shall be assessed against the Lot upon which such maintenance is done and shall be added to and become part of the annual assessment or charge to which such Lot is subject under Article IV hereof and, as part of such annual assessment or charge, it shall be both a lien on the Lot and a personal obligation of the Owner and shall become due and payable in all respects as provided in Article IV hereof. The Board of Directors, when establishing the annual assessment against each Lot, may add thereto the estimated cost of exterior maintenance for the year but shall, thereafter, make such adjustment with the Owner as is necessary to reflect the actual cost thereof. Further, the assessments or charges provided for hereunder shall not be considered for computation purposes as part of the maximum annual assessments under said Article IV.

Section 2. Access at Reasonable hours. For the purpose of performing the exterior maintenance authorized by this Article, the Association, through its duly authorized agents or employees, shall have the right, after reasonable notice to the Owner, to enter upon any Lot at reasonable hours on any day except Sunday.

Section 3. Easement for Access by the Association. The Association shall have an irrevocable right and an easement to enter upon any Lot for the purpose of providing such grounds and landscape maintenance upon the Lot as may be deemed necessary and proper to maintain the aesthetic appearance and safety of the community. Except in cases involving

manifest danger to public safety or to other property, the Board of Directors of the Association shall make reasonable effort to give notice to the owner of any Lot to be entered for the purpose of such maintenance. No entry by the Association for the purposes specified in this Declaration shall be considered a trespass or otherwise a wrongful act.

ARTICLE XI

GENERAL PROVISIONS

Section 1. Enforcement. The Declarant, the Association, or any Owner shall have the right to enforce by any proceeding at law or in equity, including administrative remedies, all restrictions, conditions, covenants, easements, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration or the subdivision plat and other recorded documentation governing the development of Coxby's Estates Section III. Failure by the Declarant, the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect the validity of any other provisions, which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land that constitutes the Property, for a term of twenty (20) years from the date this Declaration is recorded, after which they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by a vote of not less than two-thirds (2/3) of each class of the Members, and thereafter by vote of not less than fifty-one percent (51%) of each class of the Members. Any

amendment must be recorded in the Land Records of Anne Arundel County, and is not effective until recorded.

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Property by a vote of not less than two-thirds (2/3) of each class of the Members.

Section 5. Notices. Any notice required to be sent to any Member or Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postage prepaid, to the last known address of the person who appears as Member or Owner on the records of the Association at the time of such mailing.

Section 6. Assignability. The Declarant, its heirs, legal representatives and successors, notwithstanding any other provision herein to the contrary, shall at all times have the right to fully transfer, convey and assign all of its right, title and interest under this Declaration, provided that such transferee, grantee or assignee shall take such rights subject to all obligations also contained herein.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 16th day of February 1999.

ATTEST:

DES PROPERTIES, LLC

By: _____ (SEAL)
Dimitri Sfakiyanudis, Manager

THE TRUSTEE JOINS HEREIN SOLELY TO CONSENT TO THIS DECLARATION AND SUBORINATE THE DEED OF TRUST TO THE OPERATION AND EFFECT OF THIS DEED OF TRUST

_____ Trustee (SEAL)
Gregg M. Weinberg, Trustee

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, TO WIT:

I HEREBY CERTIFY that on this 16th day of February, 1999, before me, a Notary Public for the State and County aforesaid, personally appeared Dimitri Sfakiyanudis, Manager of the DES Properties, L.L.C., who acknowledged himself to be authorized to sign this Declaration of Covenants, Conditions and Restrictions, and that he has signed such document for the purposes therein contained.

WITNESS my hand and Notarial Seal.

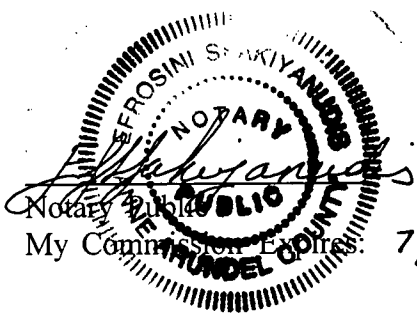
Notary Public

My Commission Expires: 7/24/00

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, TO WIT:

I HEREBY CERTIFY that on this 16th day of February, 1999, before me, a Notary Public of the State of Maryland, personally appeared Gregg M. Weinberg who acknowledged himself to be the Trustee and that he, as such Trustee, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and Notarial Seal.



Notary Public

My Commission Expires: 7/24/00

STURBRI.DGE\DESPROP\HOA\DECLCOV.RV3-2/11/99

EXHIBIT A

The property as shown that Plat entitled "Coxby's Estates, Section III, 21 Single Family Lot Subdivision", recorded among the Plat Records of Anne Arundel, Maryland simultaneously herewith.

Being the same property more fully described by the metes and bounds description attached hereto as Exhibit A-1.

EXHIBIT A-1

Attached Metes and Bounds Legal Description

Date: January 16, 1999

Description of Property
Situated in the 1st District
of
Anne Arundel County, Maryland

Beng part of the lands described as area 21, conveyed by Jerome S. Murray and Grace M. Murray, husband and wife, to Jerome S. Murray Maryland Land Trust by deed dated November 2, 1981 and recorded among the land records of Anne Arundel County, Maryland in Liber 3475 at Folio 868; being bounded and described as follows

Beginning for the same at a point on the northeasterly right-of-way line of Colliers Drive at the northerly corner of Lot 10 Block A as shown on a plat of subdivision entitled:"Plat Two, Coxby's Estates" recorded among the said land records in Plat Book 49, page 19; said point also being at the beginning of the first or N 62°23'25" E 624.68 foot line of parcel (a) of the property of the Anne Arundel County Wastewater Treatment Plant recorded as aforesaid in Liber 4121 at Folio 863; thence leaving said beginning point and binding on the northerly outline of said Plat two Coxby's Estates, with bearings referenced to the Anne arundel County Department of Public Works datum.

1) N 27°40'43" W a distance of 2,528.07 feet to the shoreline of Glebe Creek, passing in transit through four (4) iron pipes found at distances of 49.98 feet, 237.01 feet, 789.62 feet and 1,646.99 feet; respectively; thence with the shoreline of said Glebe Creek the following fourteen (14) courses.

2) N 21°45'15" E a distance of 221.42 feet; thence

3) N 44°24'55" E a distance of 283.41 feet ; thence

4) N 14°21'35" E a distance of 136.90 feet ; thence

5) N 22°29'05" E a distance of 152.05 feet; thence

6) N 02°04'55" W a distance of 192.00 feet; thence

7) N 17°37'55" W a distance of 121.16 feet; thence

8) N 40°56'55" W a distance of 115.39 feet; thence

9) N 54°16'25" W a distance of 270.09 feet; thence

10) N 11°32'05" E a distance of 113.27 feet; thence

11) N 10°21'55" W a distance of 99.82 feet; thence

12) N 16°02'05" E a distance of 124.07 feet; thence

13) N 37°40'05" E a distance of 94.89 feet; thence

14) N 74°41'05" E a distance of 106.02 feet; thence

15) S 89°16'55" E a distance of 37.38 feet to a point on the westerly outline of a plat entitled:"Glebe Heights" and recorded as aforesaid in Plat Book 8, Page 43; thence binding on same

16) S 25°51'35" E a distance of 2,407.14 feet to an iron pipe found; thence along the southwesterly outline of the lands recorded as aforesaid in Liber 4970, Folio 679

17) S 25°51'35" E a distance of 478.84 feet; thence

18) S 10°21'25" W a distance of 318.95 feet; thence

19) S 50°53'35" E a distance of 478.50 feet; thence

20) S 53°53'35" E a distance of 536.25 feet to an iron pipe found; thence

21) S 62°02'35" E a distance of 159.95 feet; thence

22) S 30°54'35" E a distance of 270.90 feet; thence

23) S 00°34'25" W a distance of 301.50 feet to an iron pipe found; thence

24) S 05°02'25" W a distance of 280.50 feet to an iron pipe found; thence

25) S 69°52'35" E a distance of 14.75 feet to an iron pipe found on the westerly right-of-way line of Loch Haven Road; thence leaving the aforesaid southwesterly outline and binding on the said westerly right-of-way line of Loch Haven Road

26) S 34°35'15" W a distance of 100.12 feet; thence

27) S 38°45'55" W a distance of 29.22 feet to a point at the end of the third or S 13°10'04" W 464.50 foot line of the aforesaid property of the Anne Arundel County Wastewater Treatment Plant recorded in Liber 4121, Folio 863; thence binding reversely with same

28) N 13°14'12" W a distance of 464.91 feet; thence

29) N 53°56'53" W a distance of 784.24 feet; thence

30) S 62°19'17" W a distance of 624.68 feet to the point of beginning.

Containing 3,219,798 square feet or 73.9164 acres of land, more or less

EXHIBIT B

Being all of property as shown that Plat entitled "Coxby's Estates, Section III, 21 Single Family Lot Subdivision", dated 2-16-99 1999, and recorded among the Plat Records of Anne Arundel, Maryland simaltanesouly herewith, save and excepting therefrom, the Reserved Parcel.

ALREADY ON INDEX

9007 LIBER 758 FOLIO

Page Missing

CHANGE LIBER AND FOLIO TO

9107 LIBER 012 FOLIO

COTT ☐ GRANTEE ☐

GRANTOR ☐ PINK ☐

mail to:
Sigma Engineering
45 Old Solomons Island Rd
Suite # 201
Annapolis, Md 21401

97-15

BOOK 9311 PAGE 223

EASEMENT

THIS EASEMENT, made this 13th day of July, 1999, by and between DES PROPERTIES, LLC, a Maryland limited liability company ("DES") and COXBY'S ESTATES, LLC, Maryland limited liability company ("Coxby").

Recitals

A. DES is the owner of certain real property (the "DES Parcel") located in Anne Arundel County, Maryland, being known and designated as "Reserved Parcel, Critical Area - RCA" containing approximately 44.7232 acres as shown on the plats entitled "Coxby's Estates, Section III, Plats 1, 2, 3 and 4 of 4", recorded among the Plat Records of Anne Arundel County in Liber 215, folios 6, 7, 8 and 9, as Plat Nos. 11282, 11283, 11284 and 11285 (the "Plats").

B. Coxby is the owner of certain real property (the "Coxby Parcel") located in Anne Arundel County, Maryland, by virtue of a deed of even date herewith from DES, being all of the property shown and described on the Plats save and except the DES Parcel.

C. DES and Coxby have agreed to grant certain easements with respect to the DES Parcel and the Coxby Parcel as hereinafter provided.

NOW, THEREFORE, for and in consideration of Ten Dollars ($10.00) paid by each party to the other, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, DES and Coxby hereby covenant and agree as follows:

1. Easement over Coxby Parcel.

A. Coxby hereby grants and conveys to DES a non-exclusive temporary easement, privilege and right of use in, to, over and across the portions of the Coxby Parcel that are designated public streets or rights of way, and, prior to construction of such public streets or rights of way, the Coxby Parcel, for (i) ingress, egress and access to and from the DES Parcel to and from the existing public street known as Collier Drive and (ii) the construction, maintenance and repair of utility services (such as water and sanitary sewer) to the DES Parcel, for no more than four (4) single family homes to be located on the DES Parcel. Such easement for access across the area designated "Public 40' R/W" (located between Lot 9 and Lot 11) shall remain unobstructed at all times. The easements granted in subparagraph (i) hereof shall cease and terminate at such time that the aforesaid streets and rights-of-way are dedicated to, and accepted by, Anne Arundel County, as public roads, thereby providing access, ingress and egress from the DES Property to Collier Drive.

B. Coxby hereby grants and conveys to DES a non-exclusive temporary easement, privilege and right of use in, to, over and across the portions of Lot 10 of the Coxby Parcel as shown on Exhibit B hereto as the "Grading/Culvert Area" for grading and constructing, installing, maintaining and repairing a culvert across the stream located on the DES Property adjacent thereto. The easement described in this Section 1.B shall cease upon the earlier of (i) twenty (20) years from the date of this agreement or (ii) the completion of the installation

RECEIVED
JUN 5 2001
CHESAPEAKE BAY CRITICAL AREA COMMISSION

COURTHOUSE MICRO PAGE 01 4106432601 02/20/2001 14:01

utilities to the DES Parcel and release of utility bonds by Anne Arundel County.

C. The easements, rights and privileges established, created and granted herein shall be for the benefit of DES and the DES Property and the successive owners of the DES Property.

2. Easement over DES Parcel. DES hereby grants and conveys to Coxby a non-exclusive perpetual easement, privilege and right of use in, to, and over the portion of the DES Parcel designated as "Easement to Waterfront for 21 Lots Coxby's Estates, Section III and Reserved Parcel" on Exhibit A attached hereto for use as a pedestrian walkway in accordance with all laws so long as the use by the residents does not disturb the quiet enjoyment, use and privacy of the DES Parcel owners (the "Walkway Easement"). Said easement shall be solely for the residents of the Coxby Parcel and the DES Parcel. Nothing contained herein shall limit the right of DES to use the area designated as "R.O.W. - 44,887 S.F." on Exhibit A attached hereto for vehicular ingress and egress for the DES Parcel; the Walkway Easement with respect to such right-of-way area shall cease and terminate at such time that the aforesaid right-of-way is dedicated to, and accepted by, Anne Arundel County, as a public road. There shall be no improvements of a permanent nature constructed or placed upon the Walkway Easement by Coxby; provided, however, that such restriction shall not prohibit Coxby's use of picnic tables and other similar furniture therein at the waterfront side of the easement, subject to DES approval. The easements, rights and privileges established, created and granted herein shall be for the benefit of Coxby and the Coxby Property and the successive owners of the Coxby Property. Nothing expressed above prohibits DES from placing utilities, culverts and other facilities in, or under the Walkway Easement area as may be required by A.A. County for the purpose of providing access and utilities to the DES Parcel.

3. No Benefit for General Public. This Easement Agreement, notwithstanding anything herein to the contrary, is not intended to create, nor shall it be construed as creating, any rights in or for the benefit of the general public.

4. Miscellaneous. This Easement Agreement and the easements granted herein shall run with and be appurtenant to the DES Property and the Coxby Property, as applicable. Without limitation on the foregoing, all rights and obligations created by this Agreement shall benefit and burden DES, Coxby and their respective successors and assigns, including but not limited to, successors in title to all or any portion of the DES Parcel and the Coxby Parcel. This Easement Agreement shall be construed in accordance with the laws of the State of Maryland. This Easement Agreement may not be amended, modified, supplemented or terminated except by an instrument duly executed, delivered, and recorded in the land records of Anne Arundel County by the owners of fee simple title to the DES Parcel and the Coxby Parcel.

[Remainder of page intentionally left blank]

RECEIVED
JUN 5 2001
CHESAPEAKE BAY CRITICAL AREA COMMISSION

mhe

IN WITNESS WHEREOF, the parties have signed and sealed this Easement Agreement as of the day and year first above written.

WITNESS:

DES PROPERTIES, LLC

By: _____ (SEAL)
Dimitri Sfakiyanudis
Managing Member

COXBY'S ESTATES, LLC

By: _____ (SEAL)
Morton H. Levine
Member

State of Maryland, Montgomery County, to wit:

I HEREBY CERTIFY that on July 15, 1999, before me, a Notary Public of the State of Maryland, personally appeared Dimitri Sfakiyanudis, who acknowledged himself to be the Managing Member of DES Properties, LLC (the "Company") and that he, in such capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by himself in such capacity.

WITNESS my hand and Notarial Seal.

PATRICK C. [illegible] NOTARY PUBLIC MONTGOMERY CO. MD

Notary Public
My Commission Expires:
12/1/02

State of Maryland, Montgomery County, to wit:

I HEREBY CERTIFY that on July 13, 1999, before me, a Notary Public of the State of Maryland, personally appeared Morton H. Levine who acknowledged himself to be a Member of Coxby's Estates, LLC (the "LLC") and that he, in such capacity, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the LLC by himself in such capacity.

WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires:
12/1/02

STURBRIDGE\DEEDSPROP\EASEMENT RV2-7/13/99

02/20/2001 14:01 4106432601 COURTHOUSE MICRO PAGE 04

GLEBE HEIGHTS
PLAT BOOK 8, PLAT 48
TM. 56, BK. 20, P. 134
ZONE R2

MEADOW DRIVE
CHESTNUT AVE.
LOCUST AVE.
WALNUT DR.

N64°24'48"E

S 25°51'35" E
3833.31'

EASEMENT TO WATERFRONT FOR
21 LOTS COXBY'S ESTATES, SECTION III
AND RESERVED PARCEL
(248,818 S.F.±)

S 84°16'38" E
373.36'

N 74°41'00" E
120.90'

N 51°40'05" E
94.82'

N 16°02'05" E
124.09'

N 10°21'55" W
94.82'

N 11°30'05" E
152.21'

N 54°16'23" W
110.04'

N 40°26'55" W
115.34'

N 17°37'35" W
121.16'

N 2°04'55" W
192.00'

N 22°41'02" E
152.09'

N 14°21'35" E
186.90'

N 44°24'55" E
289.41'

N 21°45'15" E
221.42'

N 27°40'43" W
1276.66'

GLEBE CREEK

N 498500
E 1441750

RESERVED PARCEL
1,909,413 S.F.

R.O.W. - 44,887 S.F.

N64°08'25"E
40.00'

N25°51'35"W
838.75'

N64°08'25"E
15.00'

N25°51'35"W
234.69'

2893.90'
2893.90'

S10°21'25"W
226.48'

S10°21'25"W
197.45'

S48°39'01"W
38.06'

S48°39'01"W
19.08'

N41°06'34"W
40.00'

N62°24'03"E
271.19'

872.62

S10°21'25"W
310.54'

N62°24'03"E
354.38'

N62°39'31"E

EXISTING
CONSERVATION
PROPERTY

955.56'

1612.24'

GLEBE BAY GENERAL PNTSHP.
4801 YORK ROAD
SPARKS, MD. 21152
R10040018668
4/12/67
TM. 60, BK. 2, P. 409
ZONE RI

COXBYS ESTATES
SECTION THREE
215/08

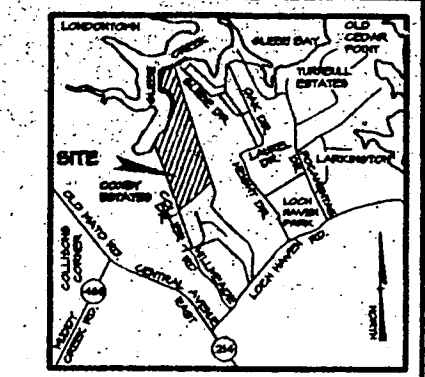
COXBY'S ESTATES
SECTION TWO
PB 38 P.54
TM. 60, BK. 2, P. 526
ZONE RI

FRIENDSWOOD DEVELOPMENT CO.
P.O. BOX 55
HOUSTON, TX. 77001
RA0007263007
4552/686
TM. 56, BK. 19, P. 574
ZONE RA

LOT 6 — LOT 5 — LOT 4 — LOT 3

N 498500
E 1441750

E 1440000
N 498000



VICINITY MAP
SCALE: 1"=2,000'

Exhibit "B"

"B"

NO.	REVISIONS	DATE

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

©1999 Sigma Engineering, Inc.
These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN	EXHIBIT "B"
DATE: MAY 9, 1999	COXBY'S ESTATES
DRAWN BY: JSA	SECTION III
DESIGNED BY: VNH	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: DS	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15	1ST ASSESSMENT DISTRICT
SHEET 1 OF 1	ANNE ARUNDEL COUNTY, MARYLAND

COXBY'S ESTATES

Section III, Reserved Parcel

Critical Area Report

May 1, 2000

RECEIVED
JUN 2 2000
PLANNING AND CODE ENFORCEMENT
00-126

Prepared For:
DES PROPERTIES, INC.
c/o Sigma Engineering, Inc.
45 Old Solomons Island Road
Suite 204
Annapolis, MD. 21401

Prepared By:
Sigma Engineering, Inc
45 Old Solomons Island Road
Suite 204
Annapolis, MD. 21401

RECEIVED
JUN 12 2000
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TABLE OF CONTENTS

Narrative 1

Attachments

- Environmental Review Statement 8
- Project Notification for Critical Area Commission 13

This site is a 44.86 acre parcel located in Edgewater, Maryland. The property is referenced in Tax Map 60, Block 2 Parcel 18. The site is rectangular in shape. The adjacent properties to the east and south are residential in use. The adjacent property to the north is a vacant. Glebe Creek bounds the property to the west. This site is zoned R-1 and is within the RCA critical area classification. The property is accessed by Collier Drive, which is currently under construction as part of a Coxby's Estates, Section III, Lots 1 - 21.

This property is proposing the development of two lots. Due to the setbacks from environmental features, only a limited area of the site is buildable. The driveway has been combined to minimize disturbance. The proposed houses have generally been located near each other, again to cluster the development and minimize disturbance.

The property is primarily wooded and contains no existing structures on site. The site contains steep slopes, wetlands, floodplains and tributary streams. A site visit was performed on October 12, 1999 to identify environmental features of the property.

STEEP SLOPES

The property consists of a rugged topography. Several ridges run throughout the site and are transected by streams or drainage swales. Many of the steep slopes areas are relative to this ridge - water connection. Both 15 - 25% and 25% and greater steep slopes are present on the site. These areas have been indicated on the site plan. The 50' buffer to these steep slopes has been shown. In some areas, this buffer has been expanded due to the critical area regulation for 4 feet for every one percent of slope. Since the site is predominantly wooded, there is no evidence of existing erosion or sediment problems associated with this site.

SOILS

The Anne Arundel County Soil Survey has identified several soil types on the property. The soil types are as follows:

AdB	Adelphia sandy loam		2 - 5% slopes	
	Not hydric	K factor of 0.32		
Cm	Colemantown sandy loam			
	Hydric	K factor of 0.43		
CoB2	Collington fine sandy loam		2 - 5% slopes	moderately eroded
	Not hydric	K factor of 0.28		
CoC2	Collington fine sandy loam		5 - 10% slopes	moderately eroded
	Not hydric	K factor of 0.28		
CoD2	Collington fine sandy loam		10 - 15% slopes	moderately eroded
	Not hydric	K factor of 0.28		
CoE	Collington fine sandy loam		15 - 40% slopes	
	Not hydric	K factor of 0.28		
DnB2	Donlonton fine sandy loam		2 - 5% slopes	moderately eroded
	Not hydric	K factor of 0.43		
MuB2	Monmouth loamy sand		2 - 5% slopes	moderately eroded
	Not hydric	K factor of 0.43		
Tm	Tidal marsh			
	Hydric	K factor - not applicable		

There are only a few soils that present concerns for development. The Tidal marsh and Colemantown soils are hydric. Their locations on the site correspond to the areas of tidal and non-tidal wetlands, located along Glebe Creek. The Donlonton and Monmouth soils have a K factor over 0.35. This factor references a higher erodability for the soil. All four of these soil types are located in

areas not planned for development. The proposed house and driveway will occur on soils indicated as Adelphia and Collington, which do not appear to pose substantial concerns for development.

FLOODPLAIN

The floodplain limits for the property along Glebe Creek have been identified on the site plan based on the FEMA Map. The site lies within Zones A8 and B. These areas are congruent with the tidal and non-tidal wetlands locations within the site.
A non-tidal 100 year floodplain has been determined and delineated for the area adjacent to a main stream running through the interior of the property.
With the exception of the driveway crossing, all proposed development will remain far enough away from these areas to avoid concern. Both houses are located at the top of a ridge. The minimum floor elevation proposed for each house is approximately elevation 27.0, much higher than the minimum 7.0 elevation required by the FEMA flood zone.

WETLANDS AND STREAMS

Both tidal and non-tidal wetlands are present on the site. This property is unique in that although there is a large linear length of shoreline, most of this edge consists of steep edge that slopes down to a shallow beach with no wetland interface. There are three locations were streams protrude into the interior of the site. Both tidal and non-tidal wetlands are present in these areas. An extensive area of wetlands exist in the southwest portion of the site. Several perennial and tributary streams exist on the site. The tributary stream empties into the expansive wetland area, located at the southwest portion of the site.
A wetland delineation has been approved by the U.S. Army Corp of Engineers, as part of the previous development of Coxby's Estates, Section III, Lots 1 - 21. The results of this delineation have been shown on the site plans. We have included a copy of the jurisdictional approval letter and plan for your reference. Wetlands provide a valuable and almost unmeasureable benefit to the environment. In addition to improving the quality of runoff from manmade environment, controlling damage and disturbance during peak flood events and benefits wildlife in numerous ways.

WILDLIFE

The wooded condition of the site provides habitat for smaller wildlife and birds. A variety of smaller mammals, birds and waterfowl were seen during the field inspection. Given its unique 'peninsula' location, many species of birds and waterfowl use this area. The wetlands provide extensive aquatic habitats and food source for wildlife in the area.

A Forest Interior Breeding Bird Survey was prepared on July 2, 1999. This report has been previously submitted to Anne Arundel County, Department of Planning and Code Enforcement on November 1999, for their review of this project. The report determined that the property does provide diverse and viable forest interior habitat. The recommendations of the report were as follows:

- Minimize disturbance during the May-August breeding season
- Focus development on the periphery of the area
- Retain continuous cover of branches and foliage which is formed by the forest canopy and trees and shrubs underneath the canopy
- Discourage the creation of small clearings and disproportionate expansion of forest edge habitat
- Provide that if a forest is temporarily cleared, it will be permitted, or encouraged, to return to native forest vegetation
- Adopt timber harvesting techniques that maintain or improve habitat for forest interior dwelling species

- Incorporate protection and management measures into forest management plans, soil conservation plans, and , where appropriate, subdivision ordinances

The Department of Natural Resources Wildlife and Heritage Division has reviewed the property for the potential for federal or state, rare, threatened or endangered species letter dated June 11, 1998). Their records indicated that there were none. There was concern over state endangered species, Few-Flowered Tick-trefoil (Desmodium pauciflorum) being located in the vicinity. Upon further investigation by the Wildlife and Heritage Division, it was determined that the location of this plant species was south of our property. This review has determined that the area within the expanded buffer will be considered the habitat protection area.

FOREST COMMUNITIES

The property is mostly wooded with the exception of areas that are in tidal or non-tidal wetlands. This woodlands is part of a larger contiguous area that offers considerable benefits to wildlife habitats. from a maple and tulip association in the low lands to a mixed oak association along the slopes and higher elevations

The forested areas were categorized into several groups as indicated below.

Stand A

This stand consisted of approximately 6.52 acres and was located along the southeast portion of the site. This stand is considered a mature woodlands and the majority of canopy trees includes white, read and water oaks. Additional trees in the upper canopy include red maple and hickory. Understory trees included scotch pine, flowering dogwood and serviceberry. The shrub layer consisted of mountain laurel. This stand provides a significant buffer between the shoreline and the interior of the property. The southeast portion of this stand is held in a conservation easement, used to meet the forest conservation requirements of the adjacent development, Lots 1 – 21 of Coxby's Estates. This stand is dominated by Red Oak and is within the Northern Red Oak Association (#55).

Stand B

This stand consisted of approximately 9.38 acres and was found along the wetlands and the floodplain area that crosses the site. This is a significant stand because most of the area drains to this tributary stream and its associated floodplain. Canopy trees within this stand include sweet gum, red maple, tulip popular, water oak, hickory, ironwood and beech. There was not much a significant shrub layer, but the groundcover was quite extensive. Plant material in this category included cattail, switchgrass, highbush blueberry, cinnamon, christmas and royal fern, jack-in-pulpit and poison ivy. Invasive material of honeysuckle and greenbrair were found in various pockets throughout the stand. This stand is dominated by Red Maple and is within the Red Maple Association (#108).

Stand C

This stand consists of a small wooded island, surrounded by tidal and non-tidal wetlands, located at the southwest portion of the site. This stand contains approximately 2.20 acres. The upper canopy contains white oak, tulip popular, chestnut and read oak. The understory included a thick stand of american holly. The shrub and groundcover canopy contained mountain laurel, greenbriar and christmas ferns. This stand consisted of steep sloped areas with a small level area at the top of the island. This stand is dominated by White Oak and is within the White Oak Association (#53).

Stand D

This stand is a mature woodlands and consists of approximately 2.85 acres. This stand is located along the steep slopes in the middle of the site and is unique in that it contained a thicket of mountain laurel and american holly along the slopes. The upper canopy contains chestnut oak and

beech at the top of the slopes. Sweet gum, white oak and beech were present along the lower elevations of the slopes. Understory material consisted of american holly, mountain laurel and greenbriar. The ground floor was predominately leaf mulch. This stand is dominated by Chestnut Oak and is within the Chestnut Oak Association (#44).

Stand E
This is the largest stand on the property, consisting of approximately 17.16 acres and spans a majority of the site. The upper canopy contains tulip popular, sweet gum, beech, white, red, chestnut and water oak, red maple and scotch pine. The understory contains many saplings of these same species as well as american holly, hickory and dogwood. The shrub and groundcover material contained mountain laurel and greenbriar. The ground floor was predominately leaf mulch.
This stand is dominated by Chestnut and Red Oak and is within the White Oak – Black Oak – Northern Red Oak Association (#44).

Stand F
This stand is a floodplain and wetlands and consists of approximately 1.86 acres. This area receives drainage from the middle to upper portions of the site. This is a predominately pure stand of tulip popular. There was a significant stand of saplings consisting of tulip popular, red maple and american holly. The shrub and groundcover layers consisted of arrowwod viburnum, swamp azalea, cattail, switch grass, royal and cinnamon ferns. The stand is dominated by Tulip Popular and is within the Yellow – Poplar Association (#57).

Stand G
This is a thin stand of mature woodlands that covers a ridge located in the northwest portion of the site. The stand is rather uniform in species and consists of approximately 1.00 acres. The upper canopy contains white, red and chestnut oak, scrub pine and sweet gum. The understory contains american holly and serviceberry. The shrub cover is mountain laurel. The ground floor was predominately leaf mulch. This stand is dominated by White Oak and is within the White Oak Association (#53).

Stand H
This stand is a floodplain and wetlands and consists of approximately 1.73 acres. This is the smallest of the three wetlands and floodplain areas. The canopy contains red maple and tulip popular. The shrub and ground cover layer contains highbush blueberry, cattails, switch grass and swamp azalea. The stand is dominated by Red Maple and is within the Red Maple Association (#108).

The total woodlands on the site consist of approximately 42.70 acres. This large contiguous area of woodlands provides added diversity, habitats and promotes improved stormwater control for the property, as well as connects larger off-site wooded areas. The woodlands were generally in good health and no significant pests or diseases were evident from the site visit.

PROPOSED DEVELOPMENT
The development of this site will create two single family houses and a driveway to access each house. The majority of the driveway has been combined into a single road to minimize disturbance to the environment.
A Community Access Easement is proposed through the northern portion of Lot 23. This easement is proposed to allow residents of Coxby's Estates, Section II and III, to have access to Glebe Creek. It is envisioned that at some point in the future, the community may want to provide a mulched path to the waterfront (the path could be located around existing trees, therefore no tree removal would be necessary) no details are proposed for this as part of this submittal.

STORMWATER MANAGEMENT

Stormwater management devices have been provided to address the 10% pollutant reduction as required by the Critical Area regulations, through the use of several stormwater management attenuation trenches. Two trenches, one for each house and two for low points of the proposed driveway, have been proposed.

SEDIMENT CONTROL

Standard sediment control practices will be constructed to deter sediment from leaving construction site. A temporary stream diversion has been proposed to maintain the stream flow during the construction of the culvert and driveway crossing.

WOODLAND CLEARING/ MITIGATOIN CALCULATIONS

The impervious coverage is as follows:

Lot #	Existing Woodlands	Woodland Clearing	Req. Mitigation
22	19.58 ac.	1.51 ac. / 8%	1.51 ac.
23	17.84 ac.	1.16 ac. / 7%	1.16 ac.
Total	37.42 ac..	2.67 ac. / 7%	2.67 ac.

The remainder of the site is already in woodlands and does not allow the opportunity for additional planting. The developer has proposed to pay a fee-in-lieu or mitigate at an approved off – site location to meet the requirements for the proposed clearing within this site.

IMPERVIOUS CALCULATION

The impervious coverage is as follows:

Lot #	Lot Size	Allowable Coverage	Proposed Coverage
22	21.44 ac.	3.22 ac.	0.51 ac. / 2%
23	17.96 ac.	2.69 ac.	0.42 ac. / 2%
Total	39.40 ac.	5.91 ac. .	0.93 ac. / 2 %

ATTACHMENTS

This section has been added to include the comments regarding the Environmental Review Statement and the Project Notification (for the Critical Area Commission).

PLANS

We have included the *Critical Area Report Plan* to identify the existing and proposed conditions of the site.

TREE INVENTORY

Note: ***Bold*** text indicates the dominate/codominate species.

STAND A

Acer rubrum	Red Maple	16" d.b.h.
Carya ovata	Hickory	2" d.b.h.
Fagus grandifolia	Beech	22" d.b.h.
Liquidambar styraciflua	Sweet Gum	18" d.b.h.
Liriodendron tulipifera	Tulip popular	20" d.b.h.
Quercus alba	White Oak	18" d.b.h.
Quercus rubra	Red Oak	18" d.b.h.
Cornus florida	Flowering Dogwood	2" d.b.h.
Kalmis laifolia	Mountain Laurel	
Viburnum dentatum	Arrowwood Viburnum	

STAND B

Acer rubrum	Red Maple	14" d.b.h.
Carya ovata	Hickory	4" d.b.h
Fagus grandifolia	Beech	4" d.b.h.
Liquidambar styraciflua	Sweet Gum	8" d.b.h.
Liriodendron tulipifera	Tulip Poplar	12" d.b.h.
Ostrya virginiana	Ironwood	2" d.b.h.
Quercus nigra	Water Oak	10" d.b.h.
Simlax rotundifolia	Greenbriar	
Vaccinium corymbosum	Highbush Blueberry	
Viburnum dentatum	Arrowwood Viburnum	
Arisaema triphyllum	Jack-in-Pulpit	
Osmunda cinnamomea	Cinnamon Fern	
Osmunda regalis	Royal Fern	
Toxicodendron radicans	Poison Ivy	
Panicum virgatum	Switchgrass	
Typha latifolia	Common Cattail	

STAND C

Ilex opaca	Amercian Holly	6" d.b.h.
Liriodendron tulipifera	Tulip Tree	10" d.b.h.
Quercus alba	White Oak	18" d.b.h.
Quercus prinus	Chestnut Oak	10" d.b.h.
Quercus rubra	Red Oak	10" d.b.h.
Rhododendron viscosum	Swamp Azalea	
Kalmia latifolia	Mountain Laurel	
Simlax rotundifolia	Greenbriar	

STAND D

Fagus grandifolia	Beech	22" d.b.h.
Ilex opaca	American Holly	10" d.b.h.
Liquidambar styraciflua	Sweet Gum	6" d.b.h.
Quercus alba	White Oak	6" d.b.h.
Quercus prinus	Chestnut Oak	18" d.b.h.
Kalmia latifolia	Mountain Laurel	
Simlax rotundifolia	Greenbriar	

STAND E

Acer rubrum	Red Maple	6" d.b.h.
Carya ovata	Hickory	14" d.b.h.
Cornus florida	Flowering Dogwood	4" d.b.h.
Ilex opaca	American Holly	4" d.b.h.
Liquidambar styraciflua	Sweet Gum	14" d.b.h.
Liriodendron tulipifera	Tulip Tree	12" d.b.h.
Fagus grandifolia	Beech	19" d.b.h.
Pinus virginana	Scrub Pine	6" d.b.h.
Quercus alba	White Oak	18" d.b.h.
Quercus rubra	Red Oak	24" d.b.h.
Quercus nigra	Water Oak	12" d.b.h.
Quercus prinus	Chestnut Oak	24" d.b.h.
Kalmia latifolia	Mountain Laurel	
Simlax rotundifolia	Greenbriar	

STAND F

Acer rubrum	Red Maple	4" d.b.h.
Ilex opaca	American Holly	2" d.b.h.
Liriodendron tulipifera	Tulip Tree	12" d.b.h.
Viburnum dentatum	Arrowwod Viburnum	
Simlax rotundifolia	Greenbriar	
Viburnum dentatum	Arrowwood Viburnum	
Osmunda cinnamomea	Cinnamon Fern	
Osmunda regalis	Royal Fern	
Panicum virgatum	Switchgrass	
Typha latifolia	Common Cattail	

STAND G

Amelanchier canadensis	Serviceberry	2" d.b.h.
Ilex opaca	American Holly	10" d.b.h.
Liquidambar styraciflua	Sweet Gum	14" d.b.h.
Pinus sylvestris	Scrub Pine	6" d.b.h.
Quercus alba	White Oak	24" d.b.h.
Quercus prinus	Chestnut Oak	18" d.b.h.
Quercus rubra	Red Oak	20" d.b.h.
Kalmia latifolia	Mountain Laurel	

STAND H

Acer rubrum	Red Maple	4" d.b.h.
Liriodendron tulipifera	Tulip Tree	12" d.b.h.
Vaccinium corymbosum	Highbush Blueberry	
Panicum virgatum	Switchgrass	
Rhododendron viscosum	Swamp Azalea	
Typha latifolia	Common Cattail	

91-17

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

April 14, 2000

Mr. Vernon Hustead
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RE: Coxby's Estates, Section III, Reserve Parcel

Dear Mr. Hustead:

Thank you for responding to my request for a development plan showing proposed locations for the houses on this parcel. The plan clearly shows steep slopes, wetlands, streams and associated buffers as I had requested. However, the habitat protection area for the population of the state endangered plant, Few-flowered tick-trefoil (*Desmodium pauciflorum*), is not clearly labeled. The purpose of this request was to make clear to all involved in the project that the habitat protection area is not to be disturbed. The habitat protection area includes the 100 ft Critical Area Buffer and is extended to include the contiguous hydric soils and steep (greater than 15%) slopes. The proposed locations of the two houses as shown on the revised map dated 12/7/99, are outside of the habitat protection area. Therefore an alternative to mapping the habitat protection area would be to clearly label the limit of disturbance for construction, and the limit of disturbance must lie outside of the habitat protection area.

It is my understanding that staff of the Planning and Code Enforcement Office and the Critical Area Commission will visit the site to assess the potential impacts to FIDS habitat resulting from the revised locations of the houses. I will submit final comments concerning impacts to FIDS subsequent to this field visit.

Infiltration of storm water runoff is recommended in order to maintain the hydrology of the wetlands at the base of the slopes.

RECEIVED
APR 18 2000
BY:

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

Please send me a copy of the revised map showing the limit of disturbance when available. Thank you. If you have questions, please call me (410-260-8569).

Sincerely,

Katharine A. McCarthy
Wildlife and Heritage Division

cc: Claudia Jones
Penny Chalkley
ER#99-0551.aa

97-15
Reserve Parce

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

July 29, 1999

Mr. Vernon Hustead
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RECEIVED
AUG - 3 1999

RE: Coxby's Estates, Section III, Reserve Parcel

Dear Mr. Hustead:

Thank you for your inquiry requesting specific recommendations for the protection of the population of the state endangered plant, Tick-trefoil (Desmodium pauciflorum) at Glebe Creek. I have not received any specific plans for this parcel, and would like to obtain a copy for further review. Based upon review of the county soil survey and wetland inventory maps, confirmed by my experience on site, there are extensive hydric soils and steep slopes in this area. The habitat protection area for the Tick-trefoil includes the 100 ft Critical Area Buffer and is extended to include the contiguous hydric soils and steep (greater than 15%) slopes. This area should not be disturbed. Forest clearing on the adjacent uplands should be minimized as much as possible to maintain the habitat for both the Tick-trefoil and forest interior dwelling species (FIDS). The guidelines for FIDS habitat protection provided previously will also contribute to protection of Tick-trefoil. Special care should be taken to prevent runoff of sediment from the house site(s?) during and after clearing and construction. Infiltration of storm water runoff is recommended in order to maintain the hydrology of the wetlands at the base of the slopes.

Plans for construction should show clearly the extent of the habitat protection area based upon the description above, indicating that this area is not to be disturbed. Please send me a copy when available. Thank you. If you have questions, please call me (410-260-8569).

Sincerely,

Katharine A. McCarthy
Wildlife and Heritage Division

ER#99-0551.aa

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

1:24000 USGS 7.5 minute topo - South River 1"=2000'

97-15
Reserve Parc

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

July 6, 1999

Mr. Vernon Hustead
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RE: Coxby's Estates, Section III, Reserve Parcel

Dear Mr. Hustead:

I apologize for the delay in responding to your inquiry. The only sensitive species that we know of on this parcel are forest interior dwelling bird species (FIDS) and the State Endangered plant species of which you are aware, *Desmodium pauciflorum*. If this area is proposed for any development activity, please consult me so that we may provide guidance for the protection of the rare plant population. We have previously provided guidelines concerning the protection of FIDS. If you need further assistance, please contact me (410/260-8569).

Sincerely,

Katharine McCarthy
Wildlife and Heritage Division

cc: er#99.0551

RECEIVED
JUL - 9 1999

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel Date: _____

Name of Project (site name, subdivision name, or other): Colby's Estates, Section III, Lots 22-23

Local case number: _____

Project location/Address: Collier Dr., Edgewater

Tax map# 60 Block# 2 Lot# _____ Parcel# 18

Type of application: (Select all applicable)

- [x] SUBDIVISION
- [ ] SITE PLAN
- [ ] VARIANCE:
  Buffer__ Slope__
  Imp.Surf.__ Other__
- [ ] SPECIAL EXCEPTION
- [ ] CONDITIONAL USE
- [ ] REZONING
- [ ] GRADING PERMIT
- [ ] BLDG PERMIT
- [ ] INTRAFAMILY
- [ ] GROWTH ALLOCATION
- [ ] OTHERS _____

Type of Project: (Select all applicable)

- [x] 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
- [x] RESIDENTIAL
- [ ] AGRICULTURE
- [x] FOREST/BUFFER/WOODLAND
- [ ] INDUSTRIAL
- [ ] INSTITUTIONAL
- [ ] OPEN SPACE/RECRE.
- [ ] SURFACE MINING
- [x] VACANT
- [ ] WATER DEPENDENT FACILITY/PIER/MARINA
- [ ] OTHERS _____

Describe Proposed use of project site: 2 Lot Single Family Residential

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 44.86

IDA ACRES	_____	AREA DISTURBED:	_____
LDA ACRES	_____	# LOTS CREATED:	2
RCA ACRES	44.86	# DWELLING UNITS:	—
AGRICULTURAL LAND:	_____		

EXISTING FOREST/WOODLAND/TREES: 42.70 FOREST/WOODLAND/TREES REMOVED: 1.67AC

FOREST/WOODLAND/TREES CREATED: 0

EXISTING IMPERVIOUS SURFACE: 0 PROPOSED IMPERVIOUS SURFACE: 0.93 AC.

TOTAL IMPERVIOUS SURFACE: 0.93AC.

GROWTH ALLOCATION DEDUCTED: _____

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

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____ Hearing Date: _____

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

August 5, 1999

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Coxby's Estates
Subdivision No. 1995-030

Dear Ms. Chalkley:

I recently received a copy of a letter from Katharine McCarthy of the Department of Natural Resource's Heritage Division, to Mr. Vernon Hustead providing recommendations for the above-referenced parcel (enclosed). That letter identifies two potential Habitat Protection Areas (HPAs) protected under the County's Critical Area program and therefore warrants further investigation.

This is important since the applicant, in this case, has requested a waiver from to skip the sketch plan phase and proceed to final plan review phase. If the endangered plant species or Forest Interior Dwelling Birds are found on this parcel, the configuration of the subdivision may require some revisions. Please forward any new information regarding these HPAs to me and Ms. Katherine McCarthy as soon as you receive it so we may provided further recommendations.

Thank you for your cooperation. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Environmental Specialist

Enclosure

cc: Katherine McCarthy, DNR
AA 238-99

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

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

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

May 5, 1999

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Coxby's Estates
Subdivision No. 1995-030

Dear Ms. Chalkley:

I have received a site plan for the above referenced subdivision request. It is my understanding that the applicant is requesting a waiver to skip the sketch plan phase and proceed to the final plan review phase. This office has no comment regarding the process provided adequate time for review is permitted by all input agencies. From the site plan provided, it appears there are several issues which the applicant should be advised of before proceeding. I have outlined them below.

1) Coxby's Estates, Section III proposed two lots from a reserve parcel. The County should ensure this parcel is properly grandfathered under the County's Critical Area Program. Also, the creation of the two lots should not create the need for Critical Area variances or impacts to Habitat Protection Areas (HPA).

2) Since this office received a site plan without supplemental support documentation, there may be issues we cannot deduce at this time. Therefore, additional comments may be generated as a result of project review at the final phase.

3) The site has expanded Buffer due to steep slopes and possibly hydric soils. In addition, there are streams that cross the site which require a minimum 100-foot Buffer. The Buffer is an HPA that is not permitted to be disturbed. It appears the applicant has avoided impacts to the Buffer provided the Buffer is delineated correctly.

4) This area could be Forest Interior Dwelling Bird Habitat (FID). The County may consider a survey be performed to establish whether FIDs utilize this site. If FIDs do use this site for breeding and habitat, the configuration and extent of the proposed dwellings, driveway and clearing will be required to be significantly reduced absent a variance.

This office will provided further comments, if necessary, upon receipt of a Critical Area Report. If you have any questions concerning these comments, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 238-99

RECEIVED
DEC 15 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

COXBY'S ESTATES

FOREST INTERIOR BREEDING BIRD SURVEY

prepared for:

Sigma Engineering, Inc.
45 Old Solomon's Island Road
Suite 204
Annapolis, Maryland 21401

prepared by:

Eco-Science Professionals, Inc.
P.O. Box 5006
Glen Arm, Maryland 21057
(410) 592-6752

July 2, 1999

Table of Contents

		Page
I.	Introduction	1
II.	Site Description	1
III.	Forest Interior Breeding Bird Survey	3
	Introduction Survey Methodology Findings	
IV	Conclusions	7
V.	Recommendations	7
VI.	Authorship	7
VII.	Literature Cited	
VIII.	Appendices	

A. MD DNR Qualified Observer Certification
B. Confirmed/Probable Nesting Location Map

Coxby's Estates
Forest Interior Breeding Bird Survey

I. INTRODUCTION

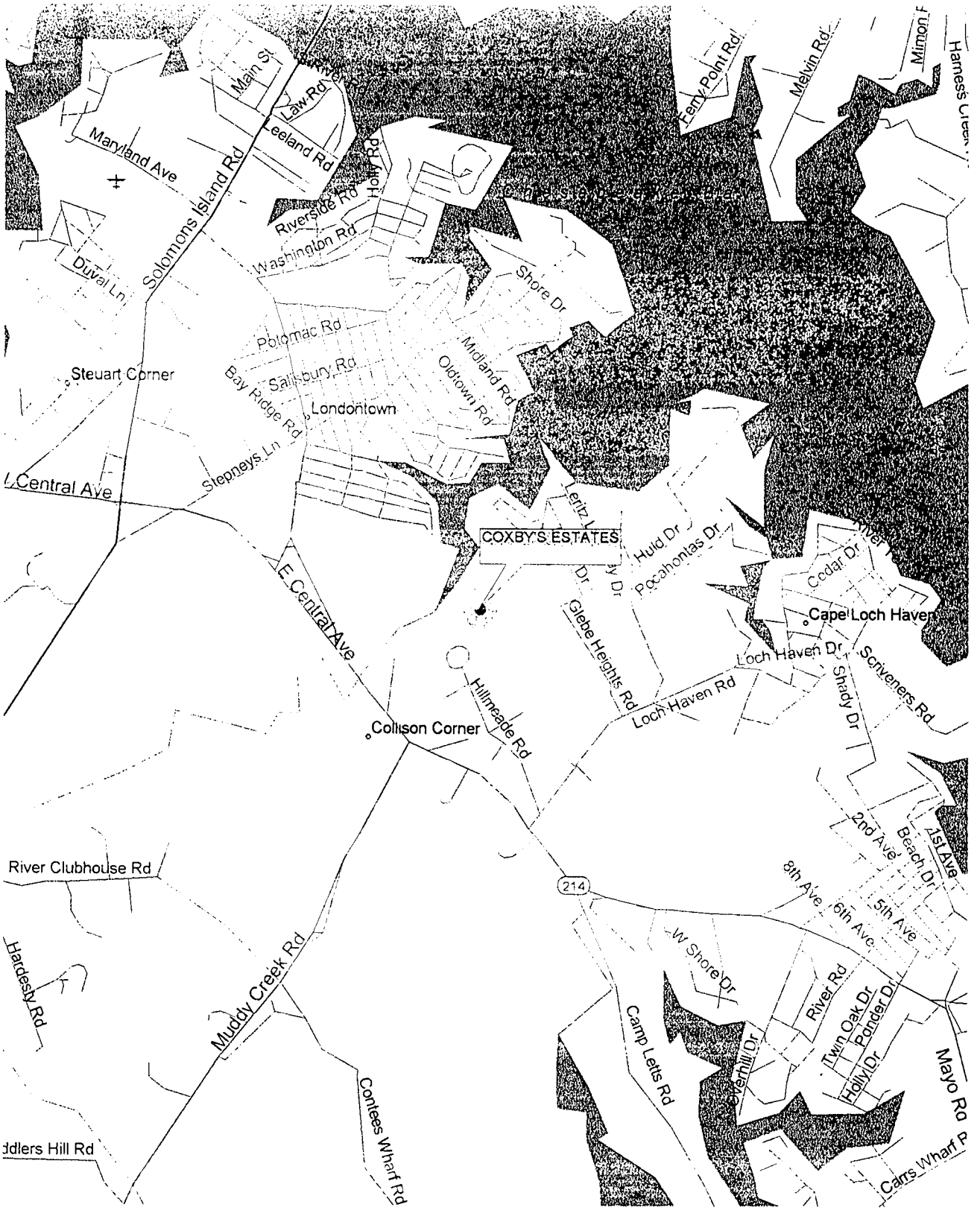
Eco-Science Professionals, Inc. was contracted by Sigma Engineering, Inc. to perform a forest interior breeding bird survey for the proposed Coxby's Estates subdivision property. The site is a 44.8 ± acre parcel located off of Collier Drive in the Edgewater section of Anne Arundel County, Maryland. The survey was performed at the request of the Maryland Department of Natural Resources as part of the requirements for development projects within the Chesapeake Bay Critical Area. The site lies adjacent to the tidal waters of Glebe Creek and the entire site is within the Critical Area.

II. SITE DESCRIPTION

The Coxby's Estates site is located adjacent to Glebe Creek in the Edgewater section of Anne Arundel County. The entire property, 44.8 acres, lies within the Chesapeake Bay Critical Area. The subject property is surrounded by single family residential developments along Colliers Drive, Hillmeade Road and Oak Drive. Additional development, identified as Glebe Heights, has been platted along the eastern property boundary. The site appears to be regularly used by off road motorcycles and four wheelers as well as by fishermen.

The subject property is almost entirely forested. The only breaks in the forest canopy occur in a tidal wetland that extends onto the site. The forest on the site ranges from a maple/gum dominated community in the lowlands and wetlands to a mixed oak forest on the slopes and ridgetops. In general the wetland forests have a high canopy and moderate shrub layer closure that is dominated by spicebush. The oak forest includes white oak, chestnut oak, and American beech; with scattered Virginia pine and American holly. Large stands of mountain laurel are also present in this association. The forest has a well developed forest canopy, understory and shrub layers.

The site contains significant tidal and nontidal wetlands, streams, and 100 year floodplain. None of the streams on the property were flowing at the time of our field visits. Additionally, steep slopes are common along the side slopes that extend from the wetlands to the ridgetops.



Eco-Science Professionals, Inc.
Consulting Ecologists

(410) 592-6752
P.O. Box 5006 Glen Arm, MD 21057

Site Vicinity Map

COXBY'S ESTATES

July 2, 1999 **Scale: 1" = 0.5 miles**

III. FOREST INTERIOR BREEDING BIRD SURVEY

INTRODUCTION

Habitat protection for forest interior breeding birds has been mandated through the Chesapeake Bay Critical Area Law. These regulations require that management programs, including expanded buffers and time of year restrictions on development, be utilized to minimize the impacts to forested areas being utilized by forest interior breeding bird species. Forest interior habitat is typically considered forested areas of 100 or more contiguous acres or forested riparian corridors with a minimum width of 300 feet. Forest interior habitat may be present in forested tracts of smaller size when appropriate conditions are present.

To determine the status of forest interior breeding bird use of a forested area, the Maryland Department of Natural Resources has established guidelines that are used to designate an area as forest interior breeding bird habitat. The State has compiled a list of 19 species that require forest interior habitat to nest successfully. These species, shown in Table 1, have been further differentiated based on their sensitivity to disturbance. An area is considered to be forest interior breeding bird habitat, and subject to special management requirements, when four or more listed species or one species which is especially sensitive to disturbance are found to have a nesting status of "probable" or "confirmed".

Nesting status is determined according to the procedures outlined in the Maryland Breeding Bird Atlas. These procedures stipulate that sampling breeding bird surveys must meet the following minimum requirements:

1. Conducted only within the "safe dates" of breeding presence as shown in Table 1;

2. Conducted under appropriate weather conditions, and at a rate of at least three visits per site, each survey separated by an interval of at least one week;

3. Breeding Presence to be determined as "probable" or "confirmed" as described in the Maryland Breeding Bird Atlas Handbook;

4. Surveys to be conducted by a MD DNR qualified observer; and,

5. Surveys to be conducted in such a manner to sample throughout the habitat under study.

The Department of Natural Resources requested that the Coxby's Estates property be surveyed to determine the presence/absence of forest interior breeding bird habitat. The property contains 44 $\pm$ acres of forest adjacent to the Glebe Creek thus meeting the 300 foot riparian corridor specification of typical interior habitat. Further, the property is contiguous with a larger offsite forest that may exceed 100 acres.

Table 1.

Forest Interior Breeding Birds

Common Name	Scientific Name	Safe Dates
Red-shouldered hawk	*Buteo lineatus*	5/1 - 8/31
Barred owl *	*Strix varia*	(no dates)
Whip-poor-will	*Caprimulgus vociferus*	5/10 - 7/15
Hairy woodpecker	*Picoides villosus*	3/15 - 8/31
Pileated woodpecker	*Drycopus pileatus*	3/15 - 8/31
Acadian flycatcher	*Empidonax virescens*	5/5 - 8/5
Yellow-throated vireo	*Vireo flavifrons*	5/25 - 8/10
Red-eyed vireo	*Vireo olivaceous*	6/1 - 7/31
Northern parula	*Parula americana*	6/1 - 8/31
Black and White warbler	*Mniotilta varia*	5/15 - 7/25
American redstart *	*Setophaga ruticilla*	6/10 - 7/20
Prothonotary warbler	*Protonotaria citrea*	5/10 - 7/20
Worm-eating warbler *	*Helmitheros vermivorus*	5/20 - 7/20
Swainson's warbler *	*Limnothlypis swainsonii*	4/20 - 8/31
Ovenbird	*Seiurus aurocapillis*	5/20 - 8/5
Louisiana waterthrush	*Seiurus motacilla*	5/1 - 8/10
Kentucky warbler *	*Opornis formosus*	5/25 - 7/15
Hooded warbler*	*Wilsonia citrina*	5/25 - 7/25
Scarlet tanager	*Piranga olivacea*	5/25 - 8/10

* species especially sensitive to disturbance

SURVEY METHODOLOGY

Field surveys of the project site were performed by a MD DNR Qualified observer, Appendix A, on the following dates: May 21, June 9, June 17, and June 24. Weather conditions on each sample date was appropriate and at least three sampling periods are within the listed "safe dates" for all species of concern.

Field survey of the project site was performed by random sampling within all portions of the forest. A general walk through of the entire site was performed on each survey date and then specific areas were targeted for more intensive survey. Areas were selected for in-depth survey for reasons of increased bird activity, presence of nesting holes or known nests, or areas of unique or undisturbed habitat within the project limits. Typically the general walk through of the site was initiated at 7:00 am and lasted 1.5-2 hours. Specific sampling was then performed for approximately 1-1.5 hours. Field sampling was performed for a minimum of three hours each survey. In all cases birds were identified by song and/or direct sight observation. During each field survey notes were compiled determining the most appropriate level of breeding activity observed.

FINDINGS

Thirty-seven species were observed on or directly adjacent to the project site during our survey (see Table 2). Of these species, nine are considered to be forest interior breeding birds (FIBB). The red-eyed vireo, hooded warbler, black and white warbler, American redstart, scarlet tanager, parula warbler, ovenbird, Acadian flycatcher, and red-shouldered hawk are FIBB that were observed on the site at least once during the survey. Of these, the red-eyed vireo, Acadian flycatcher, ovenbird, and parula warbler are classified as "Probable" or "Confirmed" breeders according to MD Breeding Bird Atlas standards.

The nesting status of both the red-eyed vireo and the parula warbler is considered probable due primarily to observed territorial singing. Numerous individuals and territories were found to be present on the site for both species. Red-eyed vireos were also observed as pairs in courtship behavior.

Acadian flycatchers were confirmed nesting on June 24 when a pair and nest was found. Several other flycatchers on territories were noted on the site but could nesting status could not be confirmed. The ovenbird was also confirmed on June 24 when a pair was observed feeding young cowbirds. As per the guidelines, this situation confirms both the cowbird's and the ovenbird's nesting status.

Other FIBB that could not be considered probable or confirmed breeders were observed in breeding habitat within their appropriate safe dates. All of the other species encountered are not considered dependent on forest interior habitat and may breed successfully in smaller forest and edge habitats. Their nesting status on the subject property is shown on Table 2.

Table 2.

List of Bird Species Observed on the Coxby's Estates Property

Species	Nesting Status	Breeding Code
Red shouldered hawk*	possible	observed
Mourning dove	possible	observed
Yellow billed cuckoo	possible	observed
Ruby-throated hummingbird	possible	observed
Red-bellied woodpecker	probable	territorial
Yellow-shafted flicker	confirmed	nest w/young
Downy woodpecker	possible	observed
Acadian flycatcher *	confirmed	nest found
Great crested flycatcher	possible	observed
Eastern wood-pewee	possible	observed
Blue jay	probable	pairs observed
American crow	probable	pairs observed
Carolina chickadee	probable	pairs/agitated behavior
Tufted titmouse	confirmed	adult w/young
White-breasted nuthatch	possible	observed
Carolina wren	confirmed	adult w/young
American robin	confirmed	adult w/young
Catbird	possible	observed
Wood thrush	confirmed	young and eggs observed
Swainson's thrush	migrant	
Red-eyed vireo *	probable	territorial, courtship
Black and white warbler *	possible	observed
Ovenbird *	confirmed	feeding young
Common yellowthroat	possible	observed
Hooded warbler *	possible	observed
Parula warbler *	probable	territorial
American redstart*	possible	observed
Scarlet tanager *	possible	observed
Northern cardinal	probable	pairs, territorial
Indigo bunting	possible	observed
Rufous-sided towhee	probable	territorial
Swamp sparrow	possible	observed
Red-winged blackbird	possible	observed
Common grackle	possible	observed
Brown-headed cowbird	confirmed	young being fed
Baltimore oriole	possible	observed
Goldfinch	possible	observed

* Forest interior breeding species

None of the four forest interior breeding bird species classified as "confirmed" or "probable" nesters on the property are considered especially sensitive to disturbance. However only the red-eyed vireo will thrive in small forests with high edge/interior ratios. The red-eyed vireo has been found nesting in wood lots of 12 acres in size, although a forest of 250 acres appears to be required to sustain a viable population. The red-eyed vireo prefers closed canopy oak forest with open understory in which to nest. They typically nest and feed in the understory and upper shrub layers of the forest. This bird is tolerant of forest clearing and fragmentation and is not affected by edge proximity. The red-eyed vireo prefers a closed canopy but will tolerate a wide range of canopy closure.

The Acadian flycatcher, ovenbird, and parula warbler are less tolerant of disturbance. These species require large contiguous forests with well developed canopies to support viable breeding populations and all avoid edge nesting. With minimum forest size requirements of 80 acres for the Acadian flycatcher and 250 acres for the ovenbird and parula warbler, none of these species respond favorably to fragmentation of the forest. It has been reported, however that all three species will tolerate limit canopy clearing, particularly when performed outside the breeding period.

The Acadian flycatcher typically nests in the upper shrub layer or in the outer branches of saplings and feeds in the open understory of the forest. Ovenbirds, which are ground nesters and feed in the ground and shrub layers, are known to nest near forested residential developments when human activity is limited. The parula warbler prefers forests with dense shrub and understory layers and nests and feeds at varying heights within the canopy.

IV. CONCLUSIONS

Based on our findings, it appears that the forest on the subject property does provide diverse and viable forest interior habitat. The mixed structural composition, well developed forest canopy, and overall forest size (on and offsite) fulfill the breeding requisites of the red-eyed vireo, Acadian flycatchers, ovenbird, and parula warbler. While none of these species is considered especially sensitive to disturbance, they do meet the State's standards for establishing an appropriate level of presence for forest interior breeding birds. Based on the State's Critical Area criteria, forested areas providing forest interior habitat must be protected and conserved during any management or development project.

V. RECOMMENDATIONS

To avoid detrimental impacts to forest interior habitat during the development process, the Critical Area Commission has developed the following list of techniques and measures that should be considered:

1. Minimize disturbance during the May-August breeding season.
2. Focus development on the periphery of the area
3. Retain continuous cover of branches and foliage which is formed by the forest canopy and trees and shrubs underneath the canopy
4. Retain standing dead trees
5. Discourage the creation of small clearings and disproportionate expansion of forest edge habitat
6. Provide that if a forest is temporarily cleared, it will be permitted, or encouraged, to return to native forest vegetation.
7. Adopt timber harvesting techniques that maintain or improve habitat for forest interior dwelling species.
8. Incorporate protection and management measures into Forest Management Plans, Soil Conservation Plans, and, where appropriate, subdivision ordinances.

VI. AUTHORSHIP

This forest interior breeding bird survey was performed by John Canoles and Henry Leskinen. Messrs. Canoles and Leskinen have extensive experience in natural resources assessments and inventories. Mr. Canoles received his B.S. in Natural Sciences with an Environmental Conservation Concentration from Towson State University in Towson, Maryland. Mr. Leskinen received his B.S. in Biological Sciences from St. Marys College of Maryland in St. Marys City, Maryland. Mr. Canoles has been recognized as a qualified observer of forest interior breeding birds in the Chesapeake Bay Critical Area (See Appendix A).

VII. LITERATURE CITED

Bushman, Ellen S. and Glenn D. Therres. 1988. *Habitat Management Guidelines for Forest Interior Breeding Birds of Coastal Maryland.* Maryland Department of Natural Resources. Wildlife Technical Publication 88-1. 50 pp.

Chesapeake Bay Critical Area Commission. 1986. *A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area.* Guidance Paper No.1. 15 pp.

Appendix A

Qualified Observer Notification

Maryland Department of Natural Resources

Forest, Park and Wildlife Service
P.O. Box 68
Wye Mills, Maryland 21679
301-827-8612

William Donald Schaefer
Governor

Torrey C. Brown, M.D.
Secretary

Donald E. MacLauchlan
Director

To Whom It May Concern:

John Canoles is recognized by the Maryland Forest, Park & Wildlife Service as a qualified observer capable of identifying forest interior dwelling birds by their songs. As such Mr. Canoles may conduct surveys for forest interior dwelling birds in the Chesapeake Bay Critical Area.

Sincerely,

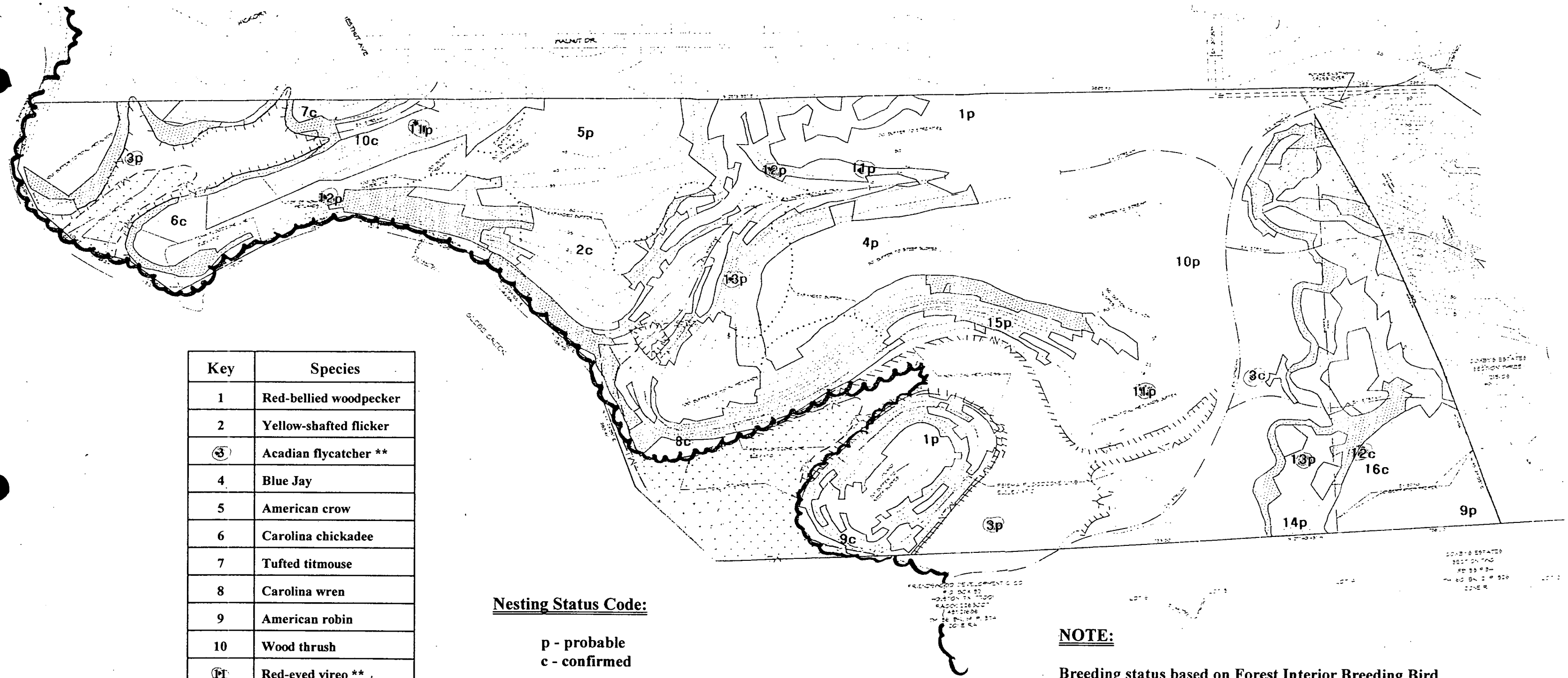
Glenn D. Therres

Glenn D. Therres
Supervisor, Nongame & Urban
Wildlife Program

cc: S. Taylor, Critical Area Commission

Appendix B

Confirmed/Probable Nesting Location Map



Key	Species
1	Red-bellied woodpecker
2	Yellow-shafted flicker
③	Acadian flycatcher **
4	Blue Jay
5	American crow
6	Carolina chickadee
7	Tufted titmouse
8	Carolina wren
9	American robin
10	Wood thrush
⑪	Red-eyed vireo **
⑫	Ovenbird **
⑬	Parula warbler **
14	Cardinal
15	Rufous-sided towhee
16	Cowbird

** FIBB species

Nesting Status Code:

p - probable
c - confirmed

NOTE:

Breeding status based on Forest Interior Breeding Bird Survey prepared Spring/Summer 1999.

Eco-Science Professionals, Inc.
CONSULTING ECOLOGISTS

P.O. Box 5006 Glen Arm, MD 21057 (410) 592-6752

Probable and Confirmed Nesting Locations

COXBY'S ESTATES

July 2, 1999 **Scale 1"=200'**

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

JUL 21 1998

REPLY TO
ATTENTION OF: Operations Division

Subject: CENAB-OP-RW(Coxby's Estates Section III)98-60263-17

Mr. Dimitri Sfakiyanudis
c/o Sigma Engineering Inc.
Suite 204
45 Old Solomons Island Rd
Annapolis, Maryland 21401

Dear Mr. Sfakiyanudis:

I am replying to your letter dated June 14, 1998, requesting a jurisdictional determination and verification of the delineation of waters of the United States, including jurisdictional wetlands, on your property located off Lock Haven Road, Edgewater, Anne Arundel County, Maryland.

A field inspection was conducted and the inspection indicated that the delineation of waters of the United States, including jurisdictional wetlands, on the drawing enclosed as amended, is accurate. Those areas indicated as tidal or non-tidal wetlands are regulated by this office pursuant to Section 10 of the River and Harbor Act of 1899 and/or Section 404 of the Clean Water Act. State and local authorizations may also be required. This verification is valid for five years from the date of this letter, unless new information warrants a revision before the expiration date.

You are reminded that any grading or filling of waters of the United States, including jurisdictional wetlands, is subject to Department of the Army authorization. In addition, the Interstate Land Sales Full Disclosure Act may require that prospective buyers be made aware, by the seller, of the Federal authority over any waters of the United States, including jurisdictional wetlands, being purchased.

If you have any questions concerning this matter, please call me at (410) 962-6028.

Sincerely,

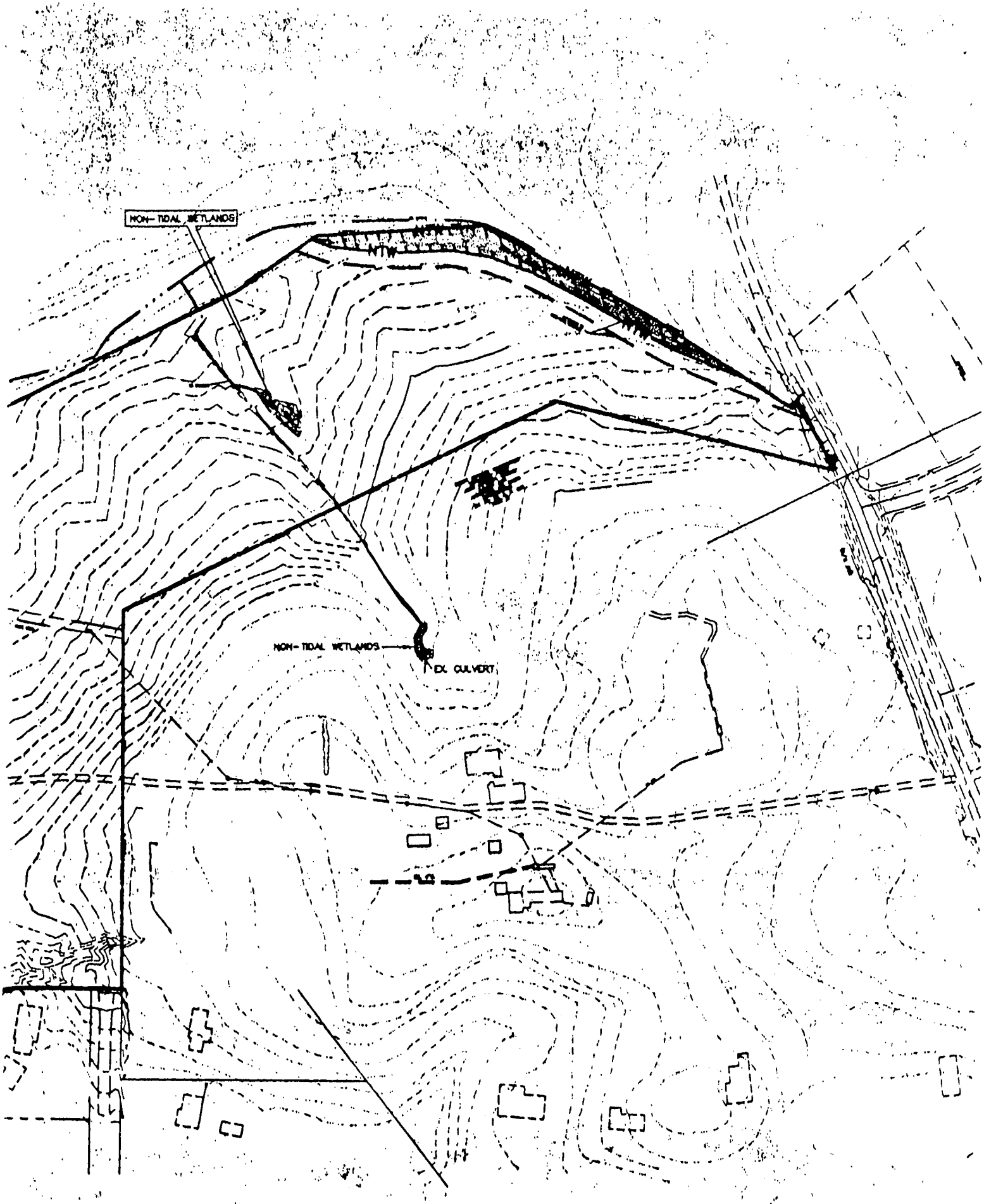
Sandra A. Zelen
Chief, Enforcement Section

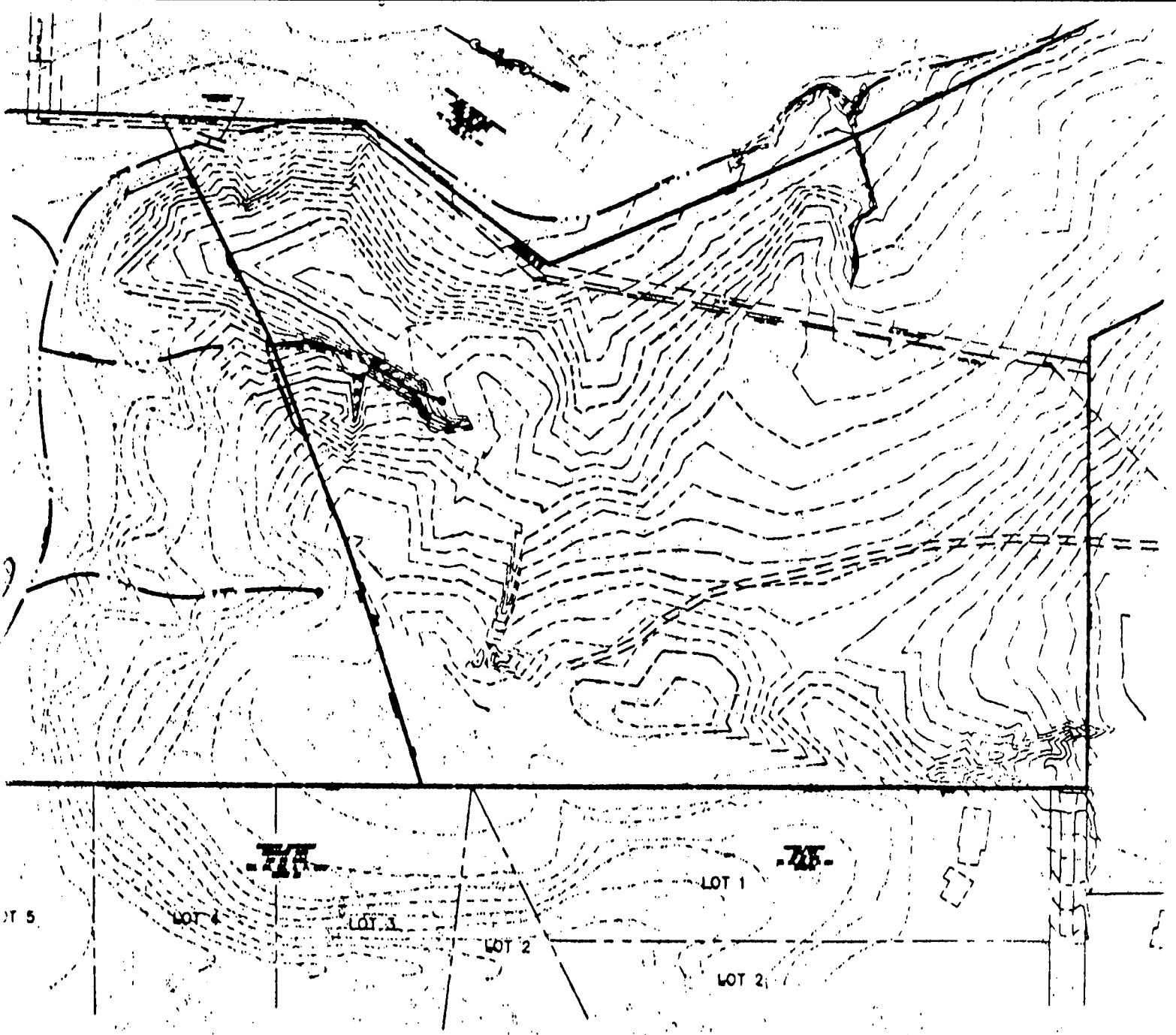
Enclosure

Copy Furnished:

CENAB-OP-RW (Gomez)

RECEIVED
JUL 23


NON-TIDAL WETLANDS
NTW
NON-TIDAL WETLANDS
EX. CULVERT

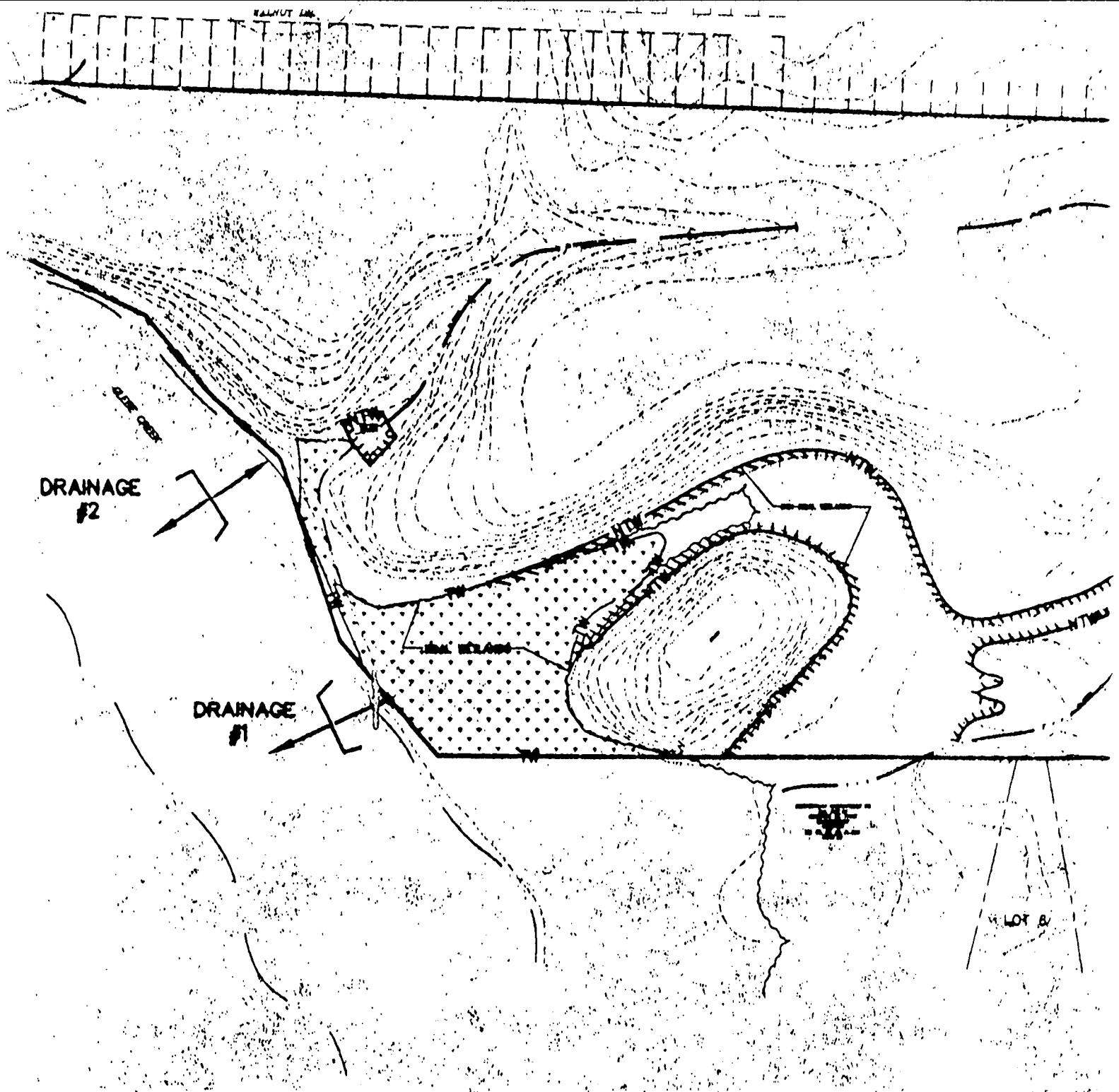


g, Inc.
ROAD

21401
5599

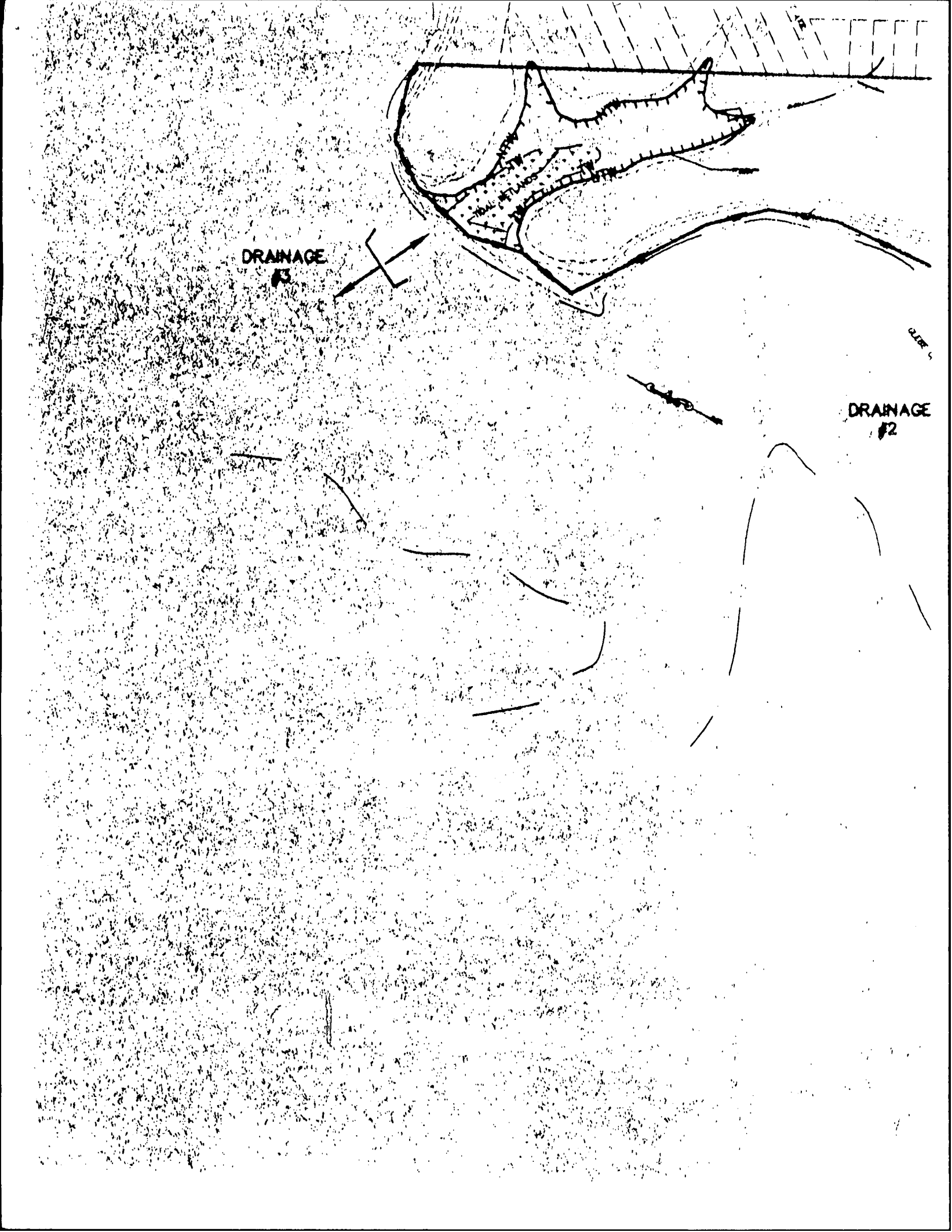
00'

COXBY'S ESTATES



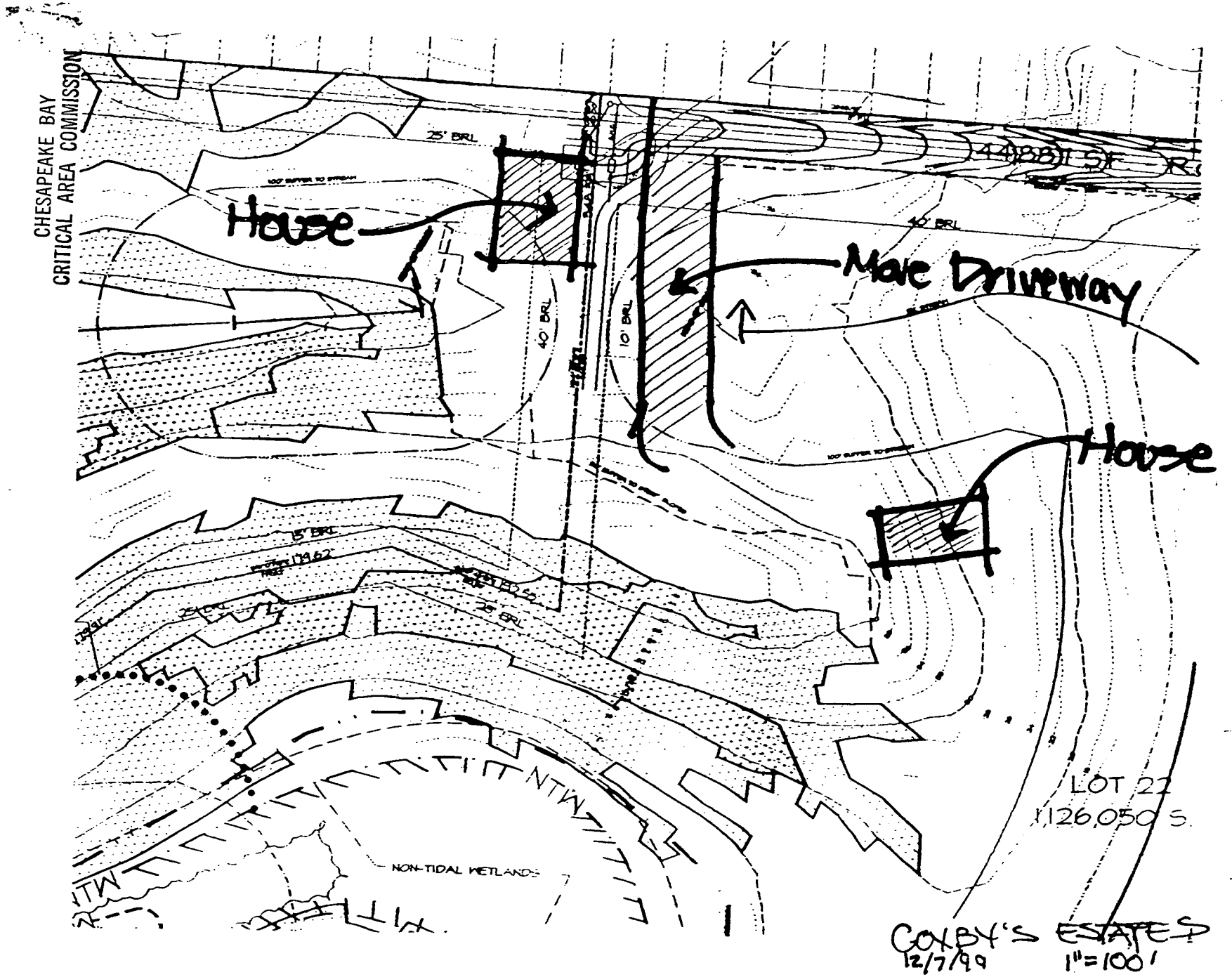
Sigma Engineeri
46 OLD SOLOMONS ISL
SUITE 204
ANNAPOLIS, MARYLAN
TELEPHONE (410) 26

SCALE: 1" =


DRAINAGE #3
DRAINAGE #2

REVISED HOUSE & DRIVEWAY LOCATIONS

RECEIVED
DEC 15 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION



ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Department of Planning and Code Enforcement

238-99

RECEIVED
JUL 5 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

June 17, 1999

Mr. Vernon Hustead, Senior Planner
Sigma Engineering, Inc.
45 Old Solomon's Island Road
Suite 204
Annapolis, MD 21401

RE: Waiver #8028 & Addendum to Waiver #7034
Coxby's Estates, Section 3, Reserved Parcel (TM 60/Blk. 2/P. 18)
(Subj. #95-030/Proj. #98-034)

Dear Mr. Hustead:

Your request for a waiver to the sketch plan process and to permit the prior traffic waiver to include this site has been evaluated by the Soil Conservation District, Board of Education; Chesapeake Bay Critical Area Commission; Recreation and Parks; County Health Department; and various divisions within the Department of Planning and Code Enforcement (PACE).

Your letter indicates that the site is the 44.86 acre Reserved Parcel of the recently approved and recorded development known as Coxby's Estates, Section 3 (S95-030/Proj. #98-034). The Reserved Parcel is the western portion of the development and is entirely within the RCA critical area, with frontage on Glebe Creek. The parcel was generally reviewed during the sketch and final review process for Section 3 and several specific issues arose and were addressed relating to the future development of this Reserved Parcel. During the prior subdivision process, the Corp of Engineers performed a Jurisdictional Determination for wetlands within this area and you currently have an approved Jurisdictional Determination for the parcel. This project proposes only two additional lots and you feel that any and all review agency issues can be addressed during the final submittal process.

This department notes that the agencies generally had no objection to the request given the prior review or requested certain conditions to be addressed prior to/with final. Therefore, this department grants your request subject to the following conditions:

1. Submit a Major Final application under the current Final submittal process via an appointment with Ms. McGuckian. The submittal fee shall be $90.00 per lot.

2. Address the "Public Notice" provisions of Article 26, Section 2-305, including the placement of two (2) signs - one at the site entrance on Collier Drive and one at Hillemeade Road and Loch Haven Road.

3. Traffic Issues - the developer will be required to submit a waiver for Adequacy of Roads with the Final Plan.

4. Address the issues raised in the attached comments from PACE/Environmental (5/26/99); PACE/Engineering (6/3/99); Critical Area Commission (5/5/99); PACE/Traffic (6/3/99); PACE/Utilities (6/10/99); and Board of Education (5/4/99- provision of a second paved "bus waiting area") with the Final Plan.

5. Provide details of the waterfront recreation area (fishing/crabbing/pier proposal) and path on the Final Plan.

6. Finally, you will need to provide five (5) copies of the "sewer capacity analysis" (mentioned in your letter of 6/9/99 to Mr. Kuti) with the Final submittal. Your client proceeds at his own risk with respect to adequate sewer pressure and capacity.

This conditional approval is based on the departments belief that the intent of Article 28, Section 1-111 (variance and modifications) of the code has been addressed with your request (nature of adjacent development) and that this decision will not have the effect of nullifying the intent and purpose of the General Development Plan, the Zoning Article, Subdivision Code or other pertinent rules, regulations or ordinances of the County, based on the conditions set forth above. This department believes that extraordinary hardship may result from strict compliance with the article

If you should have any questions regarding this decision, please contact Steve Callahan, Planning Administrator for Team South at (410) 222-7459. Also, please provide a plat notation regarding this decision.

Sincerely,

Richard T. Wilcox
Interim Director

RTW/SVC:kae

cc: Review Agencies - Critical Area Commission
Steve Callahan, Team South/PACE
S/D File - Coxby's Estates, Sect. 3
Jean Tinsley, Administration
M. Patmore, Planning Tech/PACE

p:data/shared/subdiv/callahan/coxbys.ltr

ANNE ARUNDEL COUNTY
ANNAPOLIS, MARYLAND
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

INTER-OFFICE CORRESPONDENCE

May 26, 1999

TO: Steve Callahan

FROM: Penny Chalkley

SUBJECT: Coxbys Estates
Reserve Parcel
Waiver 8028

1. The Critical Area Commission has made comments - see attached.

2. Assuming that the topography is correct so that the buffers are set up appropriately, the two lots can be developed to avoid variances except for the access across the tributary stream. Since the stream bisects the parcel and everything south of it has steep slopes, it could be a road crossing a Habitat Protection Area with no feasible alternative if it is a public road. Current permit authorization for the crossing will be needed with the subdivision process.

3. There is a potential major issue of FIDs habitat. If this is identified as habitat with the ER (and it is highly likely as it is both a riparian forest and part of a larger block) then the project must meet all the guidelines for development or a study done which confirms that there are not sufficient species present or a variance is needed.

4. I have no objection to waiving Sketch as long as the property is posted and a complete Critical Area report is submitted, including addressing all FIDs issues and the authorization of the stream crossing (copy of valid permit).

PC/mla
cc: CBCAC
File
P:\DATA\SHARED\SUBDIV\PENNY\COXBYS.EST

Attach 5

ANNE ARUNDEL COUNTY
Annapolis, Maryland

Development Division/PACE

INTER-OFFICE CORRESPONDENCE

June 3, 1999

TO: Steve Callahan, PACE/Planner, Team South

FROM: Rania Carriker, PACE/Engineer, Team East

SUBJECT: Coxby's Estates, Section III/Reserved Parcel
Waiver #8028/Sketch Process (S95-030)

*We have no objection to grant approval to the above referenced waiver request. However, this Office recommends that this site gained access via the ex. 30' right-of-way east of the proposed lot 22.

The developer should be also aware (at this point of time) that: a) if access to the proposed site would be obtained via Collier Drive, and b) due to existing topographical constraints beyond the "T" of the "extended" Collier Drive, all or in part of the following items might be required with "final" submittal of the site in question.

i) Lot 10 and previous approved plat of Coxby's Estates subdivision (S95-030, P98-034) might need to be modified in order to accommodate for proper grading of the access to the subject site.

ii) Off-site grading and storm drainage easements might be needed for the same reason as under "(i)" above.

iii) Both items "(i)" and "(ii)" above might be required.

RC/jls

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

May 5, 1999

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Coxby's Estates
Subdivision No. 1995-030 WAIVER 8028

Dear Ms. Chalkley:

I have received a site plan for the above referenced subdivision request. It is my understanding that the applicant is requesting a waiver to skip the sketch plan phase and proceed to the final plan review phase. This office has no comment regarding the process provided adequate time for review is permitted by all input agencies. From the site plan provided, it appears there are several issues which the applicant should be advised of before proceeding. I have outlined them below.

1) Coxby's Estates, Section III proposed two lots from a reserve parcel. The County should ensure this parcel is properly grandfathered under the County's Critical Area Program. Also, the creation of the two lots should not create the need for Critical Area variances or impacts to Habitat Protection Areas (HPA).

2) Since this office received a site plan without supplemental support documentation, there may be issues we cannot deduce at this time. Therefore, additional comments may be generated as a result of project review at the final phase.

3) The site has expanded Buffer due to steep slopes and possibly hydric soils. In addition, there are streams that cross the site which require a minimum 100-foot Buffer. The Buffer is an HPA that is not permitted to be disturbed. It appears the applicant has avoided impacts to the Buffer provided the Buffer is delineated correctly.

4) This area could be Forest Interior Dwelling Bird Habitat (FID). The County may consider a survey be performed to establish whether FIDs utilize this site. If FIDs do use this site for breeding and habitat, the configuration and extent of the proposed dwellings, driveway and clearing will be required to be significantly reduced absent a variance.

This office will provided further comments, if necessary, upon receipt of a Critical Area Report. If you have any questions concerning these comments, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 238-99

ANNE ARUNDEL COUNTY

Annapolis, Maryland

INTER-OFFICE CORRESPONDENCE

June 3, 1999

TO: Steve Callahan
PACE/Development Division

FROM: Bob Tyson
PACE/Development Division

SUBJECT: Coxby's Estates Section III
Subdivision #1995-030
Waiver #8028

MESSAGE:

The subject waiver to the sketch process was reviewed and no traffic related objection is offered to approval. However, the engineer should identify the road extension as public or private and what is proposed for the remainder of the land on the site.

cc: Marlene Patmore

ANNE ARUNDEL COUNTY
DEVELOPMENT DIVISION
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT
INTER-OFFICE CORRESPONDENCE

June 8, 1999

TO: Steve Callahan

FROM: Emmanuel Kuti EK

SUBJECT: Coxby's Estates Reserved Parcel - Waiver #8028

The above subject has been reviewed and the following comments are offered:

How is the property going to be served with water and sewer? This must be resolved before waiver approval.

EK/mc
WAIV8028.WPD/Ekuti

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS
2644 Riva Road, Annapolis, Maryland 21401 410/222-5000 • 410/222-5500 (TDD) • 301/970-8644 (WASH)
Carol S. Parham, Ed.D., *Superintendent of Schools*

Date: May 4, 1999

TO: PLANNING & CODE ENFORCEMENT
SUBJECT: COXBY'S ESTATES, RESERVE PARCEL
(Formerly Glebe Woods)
COMMENTS DUE: 6/1/99

FROM: CHUCK YOCUM
TYPE: WAIVER
SUBDIVISION # 95-030
WAIVER # 8028

The project under review proposes to develop 23 SINGLE FAMILY UNITS.

The **ELEMENTARY** attendance area where this property is located is CENTRAL.
The estimated number of students in grades K to 5 this project would generate is 10.
The student State Interagency Design Capacity of this school is 544.
The projected student enrollment for School Year 9/00 is 488.
These students will BE TRANSPORTED.
THIS FACILITY IS ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

The **MIDDLE SCHOOL** attendance area where this property is located is CENTRAL.
The estimated number of students in grades 6 to 8 this project would generate is 4.
The student State Interagency Design Capacity of this school is 1245.
The projected student enrollment for School Year 9/OO is 1015.
These students will BE TRANSPORTED.
THIS FACILITY IS ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

The **HIGH SCHOOL** attendance area where this property is located is SOUTH RIVER.
The estimated number of students in grades 9 to 12 this project would generate is 5.
The student State Interagency Design Capacity of this school is 2030.
The projected student enrollment for School Year 9/00 is 1760.
These students will BE TRANSPORTED.
THIS FACILITY IS ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.

COMMENTS:
Recommend Approval. Please identify appropriate bus waiting area.

This review was prepared according to Section 2-416 of the Anne Arundel County Code. If the final plat for this project is not recorded within six months of the date of this review, Anne Arundel County Public Schools reserves the right to re-evaluate this project.

File: ProgramPlanning/Waivers/Waiv#8028

Board of Education
Carlesa R. Finney, *President*; Michael J. McNelly, *Vice President*; Vaughn L. Brown; Janet Bury, Ph.D.; Thomas Florestano, Ed.D.; Joseph H. Foster; Paul G. Rudolph; Marina A. Harrison, *Student Member*

AA 238-99

ANNE ARUNDEL COUNTY
ANNAPOLIS, MARYLAND
DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

INTER-OFFICE CORRESPONDENCE

May 26, 1999

RECEIVED
JUN 2 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

TO: Steve Callahan

FROM: Penny Chalkley

SUBJECT: Coxbys Estates
Reserve Parcel
Waiver 8028

1. The Critical Area Commission has made comments - see attached.

2. Assuming that the topography is correct so that the buffers are set up appropriately, the two lots can be developed to avoid variances except for the access across the tributary stream. Since the stream bisects the parcel and everything south of it has steep slopes, it could be a road crossing a Habitat Protection Area with no feasible alternative if it is a public road. Current permit authorization for the crossing will be needed with the subdivision process.

3. There is a potential major issue of FIDs habitat. If this is identified as habitat with the ER (and it is highly likely as it is both a riparian forest and part of a larger block) then the project must meet all the guidelines for development or a study done which confirms that there are not sufficient species present or a variance is needed.

4. I have no objection to waiving Sketch as long as the property is posted and a complete Critical Area report is submitted, including addressing all FIDs issues and the authorization of the stream crossing (copy of valid permit).

PC/mla
cc: CBCAC
File
P:\DATA\SHARED\SUBDIV\PENNY\COXBYS.EST

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

Thank you for awaiting this office's comments for the above-referenced subdivision request. As you know, we have had several meetings with the applicant which resulted in at least two revisions to the plans. The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. In addition to the FID habitat, this parcel has other sensitive features including steep slopes and intermittent streams. Therefore, accommodating two lots is challenging.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The alternative envelope is closer to the existing forest edge, and will require less impacts for access. In light of this alternative I have outlined below our comments and recommendations for the County's consideration of this subdivision request.

1) As discussed in meetings with yourself and the applicant, we support removing the infiltration trenches on both lots and along the access road to minimize clearing since this is FID habitat. We have asked to the applicant to discuss other nonstructural options with the County in regard to treating stormwater.

2) A note should be added to the final plan indicating that the remaining areas on each lot outside of the immediate building envelope is placed in a perpetual easement.

3) The application mentions a mulched path from the house sites to the water. We recommend absolutely no clearing be involved in the riparian access. We have visited this site and believe access paths for each lot can be accommodated without the need to clear. Also, we recommend the paths be no wider than three feet in width.

4) Proper sediment and erosion control measures shall also be taken.

5) Most important is the FID issue. Since the proposed clearing appears to be within the interior of this forest, the applicant is required to perform mitigation above conserving and protecting the habitat while accommodating new development. We understand the County intends to utilize the Commission's recently updated FID Guidance Document, adopted and approved by the Critical Area Commission at it's meeting on June 7, 2000. We have advised the applicant that this will be the mitigation required.

Thank you for the opportunity to comment. If I can provide additional assistance, or if you have questions concerning these comments and recommendations, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA238-99

7/13/00

Katherine McCarthy

concerns about endangered plant
mark LOD & how much clearing.

AA238-99

Anne Arundel County
Annapolis, MD
Department of Planning & Code Enforcement
Development Division

Team #1 Date Transmitted 6/2/00

Process Type: ✓ Critical Area
✓ Forest Stand Delineation
✓ Forest Conservation

SVC

To: ✓ Critical Area Commission
✓ Department Natural Resources
✓ Forester
✓ Environmental Review Planner
✓ Subdivision File

RECEIVED
JUN 2 2000
PLANNING AND CODE ENFORCEMENT

00-126

From: Department of Planning & Code Enforcement/Development Division

Subject: Name Coffey's Estate Lee 3 Lowered Parcel

Formerly _____

Subdivision # S 95-030

Project # P 00-126-__

Site Plan Review # ___-___

Tax Map 60 Block 2 Parcel 18

200 Scale T29 600 Scale 60 1000 Scale 23

RECEIVED
JUN 12 2000
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Please review the plans of the above mentioned project.

Your comments are requested by 7/13/00

Nancy Master Disk/Trans.form
1/97

45 Old Solomons Island Rd., Suite 204, Annapolis, MD 21401
Tel. (410) 266-5599 Fax (410) 268-3871

Sigma Engineering, Inc

Fax

To: Ms. Lisa Hoerger / Penny Chalkley

Fax: 410.974.5338 / 410.222.7474 **Pages Including This Cover Sheet:** 3

From: Vernon Hustead

Date: June 13, 2000

Re: Coxby's Estates, Reserved Parcel

Enclosed:

Two (2) - Revised Site Plan

Comments:

We have revised the house location on Lot 23 and removed the attenuation trenches (for this lot and the driveway for Lot 22), as discussed with Penny Chalkley.

The house on Lot 23 was sited at this angle to enhance the relationship of the house with the driveway, while minimizing the disturbance to the buffer. We felt that placing the long side of the house parallel to the side building restriction line could cause some problems with zoning (front of house facing a side BRL) and create access problems to the house. This new location reduces the amount of disturbance within the 100 buffer, from what was previously submitted. There is not enough available room to eliminate ALL disturbances, but this layout is an improvement from the previous submittal. Thanks for your suggestion and effort in this review.

We did not move the driveway for Lot 22 to the highpoint area (this would have potentially avoided disturbance within the buffer). The property line between Lot 22 and 23 would have to be relocated to the west of this driveway. Moving the driveway west (to the area outside the 100' buffer) would also move the property line and the building restriction line for Lot 23 proportionally. This would move the house location for Lot 23, farther into the 100' buffer and create even greater disturbance to this area.

We appreciate your efforts at working towards a solution for this project. We would like to create a layout that the Critical Area Commission is comfortable with and would like to request a meeting between you and our office, prior to the hearing. Please Ermis Sfakiyanudis or myself at your earliest convenience to schedule a date for this meeting.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.

IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYER OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Vernon Hustead
To: Ermis Sfakiyanudis
Subject: Coxby's Estates, Reserved Parcel # 97-15

June 27, 2000

At yesterday's meeting, Lisa Hoerger's requested I contacted Suzy Diffenderfer regarding placing the proposed house within the front building restriction line.
I spoke Suzy today and she indicated that we would have to re-advertise the project, since the variance did not reference the building restriction line. This would add at least another 4 weeks to the project. She was not able to give us any indication of whether or not this request would be granted.

Suzy also indicated that Charlene Morgan would be processing this project. I told her that as soon as we had an approved 'revised' house layout from the Critical Area Commission, we would forward copies of the revised site plan to their office.

cc: Lisa Hoerger

Sigma Engineering, Inc.
ENGINEERS - SURVEYORS - PLANNERS

June 4, 2001

Ms. Penny Chalkley
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, Md. 21401

Ms. Lisa Hoerger
Critical Area Commission
1804 West Street
Suite 100
Annapolis, Md. 21401

Re: Coxby's Estates, Section III, Reserved Parcel
Final Subdivision Re-submittal
Subd.# 1995-030 Proj.# 2000-216
Sigma Job #97-15

Dear Ladies:

The following is a point-by-point response to your Final Subdivision review comments dated March 22 and 26, 2001 and our April 27, 2001 meeting. The following are the responses to each agency review comments:

PACE – ENVIRONMENTAL REVIEW – Penny Chalkley. dated March 26, 2001

1. The planting plan was acceptable to your office.

2. Based on our meeting of April 27, 2001 and previous correspondence with the Critical Area Commission, the forest requirements have been addressed:

   Total forest clearing and FIDS replacement
   Please note: per previous discussions, the 1:1 mitigation for FIDS habitat disturbance and the 1:1 replacement for woodland clearing within the critical area are the same requirement
   These calculations have been shown on the cover sheet record plat and critical area plans
   Clearing within the 100-foot stream buffer
   These calculations have been shown on sheet 7 of 7 of the Critical Area Plans. The proposed shrub planting, shown on the same sheet, satisfies these requirements
   Impervious coverage within the 100-foot stream buffer
   These calculations have been shown on sheet 7 of 7 of the Critical Area Plans. The proposed shrub planting, shown on the same sheet, satisfies these requirements
   Forest Clearing for Use In Common Easement, outside of the Critical Area
   The original Forest Conservation Worksheet for Lots 1 – 21 of Coxby's Estates has been added to sheet 3 of 7 and edited to include the woodland disturbance to the Use In Common Easement area portion (outside of the critical area) of the Reserved Parcel

RECEIVED
JUN 5 2001
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

3. We have included copies of the recorded HOA document and community access easement for your review. The community access easement allows the residents of Lots 1 – 21 Coxby's Estates to use this area to gain access to the waterfront. Upon further review, we have determined that there is no defined existing path through the community area access easement and there are no plans for a defined path. The existing recorded easement is a legal document, which gives the residents permission to use this easement. If this is not acceptable, please contact us and we can discuss this further to find an acceptable solution.

4. All areas outside of the limit of disturbance will be placed within the conservation easement.
The impervious coverage calculations have been revised to indicate the areas within the Use In Common Easement.
The stream disappears and is underground in the area that you are referencing. This portion above ground is part of an existing motorcycle trail.
The symbol 'FC' indicates Forest Conservation on the Final Development Plans.
We have expanded on the forest clearing requirements (as shown on sheet 7 of 7) to identify ALL requirements. Please see the notes section which references the mitigation requirements as shown on sheets 1, 3 and 7.
The additional in-stream temporal restriction has been added to the plat notes.
The first grading permit will include the access road as well as the driveway and pad sites for both lots. The reforestation requirements will be addressed with this first grading permit.

5. Easement
We have computed the forest conservation area and calculated the 33.54 acres of Conservation Easement Property. This area excludes the floodplain, tidal wetlands; use in common easement, existing conservation property and building pad sites.
All forest outside of the floodplain, ROW and building envelope IS shown within the conservation easement. Please tell me where, if you see a discrepancy.
Based on our April 27 meeting and our phone conversation with Claudia Jones on June 1, 2001, we have removed all notations to a passive recreation area, particularly on Exhibit #4.

6. Final Development Plan
As mentioned above, the clearing within the Use In Common Easement for each lot has been listed separately in the clearing calculations.
We have added the forest conservation worksheet to address woodland removal for the portion of the Use in Common easement outside of the Critical Area.
Signage and fencing will be addressed at the grading permit stage.
The symbol 'FC' indicates Forest Conservation on the Final Development Plans.
The stream disappears and is underground in the area that you are referencing. This portion above ground is part of an existing motorcycle trail.
The verbiage listed in Note # 10 has come directly form the archeological department and we will be unable to change this wording.
The in-stream temporal restriction has been added to the general notes section.

7. Plat
A note has been added to the plat that there is no further subdivision potential.
The in-stream temporal restriction has been added to the plat notes.
We are currently having the SAV study performed and will forward the results to you when they become available.
The revised Conservation Property Easement document is being forwarded with this submittal. When the law office has signed this, please notify us. We will record the document and reference the liber / folio on the plat.
The in-stream temporal restriction has been added to the plat notes.

Plat 2
The proposed coverage HAS to be listed – it is a CAC requirement. The proposed coverage has been separated between lot and Use in Common easement.
The clearing for the Use in Common easement, clearing outside the Critical area and FIDS mitigation has been referenced above, in previous responses. WE have added a note to the plat to correlate this with the grading permit stage.

A note has been added to address the shrub planting. There is no 3:1 mitigation requirements, per our previous discussions.

We have added several additional leaders to the conservation boundaries on the plat as suggested.

8. Although Lots 22 and 23 are not part of the HOA for Lots 1 – 21, we have included a copy of this document for your review.

9. The location of the site clearing restriction reference has been noted.
The clearing for the non-critical area portion of the site has been accomodated (see the Forest Conservation worksheet on sheet 3).

CHESAPEAKE BAY CRITICAL AREA COMMISSION – Lisa Hoerger. dated March 22, 2001

1. The 1:1 mitigation for woodland removal will be provided in reforestation or fee-in-lieu that will be directed towards the creation of new Interior Forest Dwelling Bird habitats, if possible. As discussed at our April 27 meeting, our efforts at locating an acceptable reforestation area had been futile and a fee-in-lieu payment may be necessary. If it ends up that a fee-in-lieu is used, we will be limited in our ability to direct these funds, since this is a function of Anne Arundel County. However, I have been in contact with Rodney Banks and will forward a copy of this letter to him for his guidance.

2. The entire area outside of the limit of disturbance (this includes disturbance for the road and driveway, in addition to the building envelope) will be placed within a conservation easement. This excludes the floodplain area, wetlands and existing recorded conservation easement –which are already protected.

3. Based on our April 27 meeting and our phone conversation with Claudia Jones on June 1, 2001, we have removed all notations to a passive recreation area, particularly on Exhibit #4.

4. The existing recreation area is located within the previous subdivision, Lots 1 – 21, located outside of the critical area. The recreation area is large enough in size to accommodate the requirements of these two additional lots. I have included a copy of the previous final development plans (which show the recreation area) for your use and review.

5. We have included copies of the recorded HOA document and community access easement for your review. Upon further review, there are no defined existing paths through the community area access easement and therefore have not been shown on the plan.

Sincerely,

Σ SIGMA ENGINEERING, INC.

Vernon Hustead, RLA
Vice President of Planning

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2001

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

We have received the point-by- point response from the applicant concerning our comments from our last letter dated March 22, 2001 for Coxby's Estates, Section III. It appears the applicant is aware and plans to provide mitigation at a 1:1 ratio for the clearing proposed, and that the mitigation must create new Forest Interior Dwelling Bird (FID) habitat since the parcel contains FID habitat. I have outlined below the remaining comments/issues that require clarification before final approval is issued by the County.

1. Based on a telephone conversation with Mr. Hustead of Sigma Engineering, it is my understanding that the entire area inside the Critical Area will be placed in a conservation easement with the exception of the limits of disturbance for the two house site locations and the driveways serving each dwelling. In any case, the notations on the plan should be acceptable to the County, and it is understood that the conservation easement covers all areas outside the LOD before final approval.

2. There should be a note on the plat that indicates there shall be no further clearing, including understory, on lots 22 and 23 outside the LOD.

3. We are confused over the ownership of the access easement. Is it for the community outside the Critical Area, or for the lot owners in the Critical Area? In any case, it should not be 40 feet. The way the language is worded it seems that property owners may be led to think that they should maintain a 40' swath. This is not consistent with FID habitat protections. No clearing should be necessary for this easement. All access through the easement should be accommodated without the need for clearing.

4. The plans label the existing trail as a "motorcycle" trail. We understand this was labeled this way because it currently is used by motorcyclists; however, we request this label be removed from the plans to avoid any misconceptions regarding its appropriate use in FID habitat.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or it I can provide additional assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Claudia Jones, Science Advisor, CAC
AA 143-01

45 Old Solomons Island Rd., Suite 204, Annapolis, MD 21401
Tel. (410) 266-5599 Fax (410) 266-3871

Sigma Engineering, Inc

Transmittal

marked
w/
post-it

Date: June 4, 2001

To: ***Ms. Lisa Hoerger***
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD. 21401

Re: COXBY'S ESTATES, RESERVED PARCEL
Subd # 95-030 Proj # 00-216
Sigma Job # 97-15

Enclosed:

One (1) Copy - Resubmittal Package

Comments:

We are submitting this package to address comments from your last review and our April 27, 2001 meeting.

Please let us know if you have any questions regarding this project or our responses.

Vernon Hustead

From: Vernon Hustead, RLA
Vice President of Planning

RECEIVED
JUN 5 2001
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

cc: Ermis Sfakiyanudis

6-14-01

Penny -
Asked me to call
me when see reviews
this and then I will
send a letter

RE: An Appeal for Variances to the Zoning Regulations	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
DES PROPERTIES, LLC	*	OF ANNE ARUNDEL COUNTY
Petitioner	*	CASE NO. BA 70-00V (2000-0183-V)
	*	Hearing Date: December 6, 2000

MEMORANDUM OF OPINION

Summary of Pleadings

This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the denial of variances to permit the construction of a driveway with fewer setbacks and buffer than required. The property is located 40 feet along the east side of Colllier Drive, 300 feet north of Dylan Court, Edgewater.

Summary of Evidence

Mr. Ermis Sfakiyanudis, the president of SIGMA Engineering, testified regarding the plans for the subject subdivision. He explained that if the Petitioner were required to construct a public road, there would be a greater amount of impervious coverage and disturbance within the Critical Area than if the Petitioner constructs a private road. Additionally, more slopes would be disturbed and re-stabilized. If the variance were granted to permit the construction of a private road, there would be 28 percent less impervious surface and 50 percent less disturbance. Mr. Sfakiyanudis explained that the proposed roadway is to service a "reserve parcel" within the subdivision. The reserve parcel is adjacent to the waterfront and could be developed as one or two lots. The County Code permits impervious coverage of 15 percent of the reserve parcel. The reserve parcel comprises approximately 45 acres; therefore, 15 percent impervious coverage is a significant quantity of land. If the variance is granted, the Petitioner will limit the amount of impervious surface within the reserve parcel to 6 percent. Also, if the variance is not granted and a public road is built, the County would be required to maintain the road and provide snow

removal. Those public services would not be required if the road is constructed as a private road. The minimum paving width for a private roadway is 14 feet. A public roadway would require 18 feet of paving. The County has recommended approval of the requested variances subject to eight conditions. With the exception of condition number three, the Petitioner is willing to abide by Ms. Morgan's recommendation, subject to some other amendments. Mr. Sfakiyanudis explained that an easement has been given to the residents of the community for foot traffic across the reserve parcel to the waterfront. That foot traffic cannot, therefore, be limited to a designated trail and area. There are 21 lots in the original subdivision, with the potential of one or two lots additional within the reserve area; there will either be 22 or 23 total lots on the 73 acres of the subdivision. The Critical Area regulations limit the number of lots within the reserve area to one per 20 acres. There is no community pier.

Mr. Vernon Hustead, an expert landscape architect, testified regarding the portion of the site that has been designated as Forest Interior Dwelling Birds ("FIDs") habitat. If the variances were granted, the amount of tree canopy would increase. Unbroken tree canopy is desirable with FIDs. If the variances were not granted, a greater amount of tree canopy would have to be destroyed in order to construct the public road. Thus, with the variance, there will be an environmental improvement. Generally speaking, the FIDs area is located closer to the waterfront than the area proposed for the road. Mr. Hustead noted that there is an endangered plant located on the reserve parcel. The road will not be located near this plant.

Mr. Charlene Morgan, a planner with the Office of Planning and Zoning, testified that the applicant is requesting a variance to permit a private road with fewer setbacks and buffer than required to create two buildable sites from one existing non-buildable reserve parcel. The reserve parcel contains approximately 44.86 acres of land and is currently undeveloped. The property is a waterfront lot zoned R1-Residential within the RCA of the Critical Area. It is subject to the buffer requirements. The applicant proposes to cross a tributary stream and impact the buffer to a second stream with a private road to create two building sites. The private road will impact the 100-foot buffer to the tributary stream. The buffer area is designated as a habitat protection area and includes FIDs habitat. Ms. Morgan explained

that Section 1A-104(a)(1) requires a minimum 100-foot buffer landward from tributary streams. Section 1A-103(f) prohibits roads, bridges or utilities to be located in any designated habitat protection area. As such, a variance to disturb the 100-foot buffer, habitat protection area and FIDs area with a private road and utilities is requested. The subject property is currently an unbuildable reserve parcel of the Coxby's Estates III Subdivision, which was approved in February 1999. This waterfront site is encumbered by tidal wetlands, streams, ravines, steep slopes, buffers, expanded buffers and is designated as a habitat protection area and FIDs habitat. It was excluded from subdivision review during the platting of the adjacent lots. It is now being reviewed for subdivision approval. The Anne Arundel County Code, Article 28, Section 1A-103(f) permits roads, bridges or utilities to be located in the designated habitat protection area, subject to conditions, if there is no other feasible alternative. COMAR 27.01.02.04C(1)(b) mirrors the County Code. The Chesapeake Bay Critical Area Commission has interpreted "roads" as applicable only to public roads. Therefore, the applicants could accomplish the creation of lots without a variance if a public roadway was used. The Commission and the Office of Planning and Zoning offer no objection to the variance requests subject to conditions. The applicant could create the lots without a variance by using a public road. They expect to reduce the impacts in this area by utilizing a private road that requires a variance. Ms. Morgan described eight separate conditions by which she would recommend approval of the request.

Mr. Sfakiyanudis testified in rebuttal, describing in great detail the difficulties in meeting Ms. Morgan's proposed conditions. He noted that condition number three requires the Petitioner to follow the "FID Habitat Guidelines". Mr. Sfakiyanudis testified that these guidelines have not been adopted. Unless adopted, he believes these guidelines would place an unwarranted burden against the Petitioner. With regard to conditions numbered two and seven, Mr. Sfakiyanudis described the difficulty in compliance due to the existence of previously recorded covenants with the other homeowners of the subdivision. He proposed the construction of access paths no wider than six feet as opposed to three-foot limitation contained within the condition.

All testimony was stenographically recorded and the recording is available to be used for the preparation of a written transcript of the proceedings.

Findings and Conclusions

DES Properties, LLC is proposing to subdivide a 45± acre waterfront "reserve parcel" to permit development of the property. This site is within the RCA of the Critical Area and is within the R1-Residential district. Pending before this Board is a request for variances to permit the construction of a private road to access the property. The Anne Arundel County Code requires that there be a minimum 100-foot buffer landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. See, Anne Arundel County Code (the "Code"), Article 28, Section 1A-104(a)(1). The proposed road would be within 100 feet of a tributary stream. This property is designated as a "habitat protection area" and includes FIDs habitat. Section 1A-103(f) permits "roads" within a designated habitat protection area only where, as here, there is no feasible alternative. The Chesapeake Bay Critical Area Commission has interpreted "road" to mean public roads only. Therefore, the Petitioner could construct a "public" road without a variance. The Petitioner requests permission to construct a smaller (14 feet of paving) private road versus a public road (18 feet of paving). Thus, DES Properties, LLC must obtain variances to the above Code requirements to permit the construction of the private drive.

In order to obtain the requested variances, the Petitioner must show that the denial of the request will result in an "unwarranted hardship". See, Belvoir Farms Homeowners Association, Inc. v. North, 355 Md. 259, 734 A.2d 227 (1999). The Court has made clear that the "unwarranted hardship" standard is less restrictive than an unconstitutional taking standard. The key to determining whether an "unwarranted hardship" exists is whether an applicant would be denied a "reasonable and significant use" of the applicant's property if the permission requested were not granted. In this case, the reasonable and significant use that would be denied by a denial of the variances is the responsible environmental use of the property. Here, if the variance is denied the Petitioner can still "use" the property for a residence, but would be required to more significantly impact the environment in so doing. Therefore, this request is to enable a more environmentally sensitive use of the property and should be granted.

This property is appreciably impacted by unique physical conditions. See, Code, Article 3, Section 2-107(b)(1). While the property is large, measuring approximately 45 acres, the property contains tidal wetlands, streams, ravines, steep slopes, buffers, expanded buffers, is designated as a habitat protection area and a FIDs habitat. Additionally, the only access point for the property is along the east boundary line of the property. Due to these unique physical features, the property cannot be accessed (without unnecessary impact to the environment) without some form of variance. The Board finds that since a strict application of the County Code criteria would result in the Petitioner being unable to access the property without greater environmental impact than necessary, the denial of the requested variances would result in the denial of the "reasonable and significant use" of this property.

In keeping with the guidance of the Court of Appeals in White v. North, 356 Md. 31, 736 A.2d 1072 (1999), the Board finds that the additional criteria of the Code, Article 3, Section 2-107 have been "generally met" to reach the finding that the denial of the requested variances would result in an unwarranted hardship to the Petitioner. As explained by the Court, total compliance with each requirement is not necessary, because compliance would make relief "nearly impossible" and would raise "serious 'taking' questions". Id., 736 A.2d 1072, at 1083.

A literal interpretation of the County's Critical Area Program would deprive the Petitioner of rights commonly enjoyed by other properties. See, Code, Article 3, Section 2-107(b)(2). This property adjoins a residential subdivision and neighborhood. The application of the buffer requirements on this lot would prohibit residential development of the property unless impacts to the buffer are increased. Clearly, the Petitioner would be deprived of rights commonly enjoyed by the other residentially improved properties in the area since environmentally reasonable access to this property would be prohibited through the action of the zoning ordinance. The granting of the requested variances will also not confer onto the Petitioner a special privilege that would be denied by COMAR, Title 27, Subtitle 01 or the County's Critical Area Program. See, id., Section 2-107(b)(3). The grant of the requested variances would simply enable the Petitioner to access the property, without undue harm to the environment, by vehicle. Strict compliance with the regulation would require additional environmental impact and would

not change the ultimate residential use of the property. Variances are permitted under the Critical Area regulations.

The Petitioner has not created the hardship inherent on this property. See, id., Section 2-107(b)(4)(i). It did not create the relation of the property to the tidal waters, tributary stream, ravines, or the shape of the property. Curiously, the subject site would be completely developable in an environmentally responsible manner but for the requirements of the County's Critical Area Program, which actually require greater harm to the environment than proposed by the requested variances. The need for the variances on this site does not arise from any condition relating to land or building use on any neighboring property (See, id., Section 2-107(b)(4)(ii)), but rather from the location of the tidal waters and other environmental features on this property that locate the access area within the required Critical Area buffer and, therefore, subject to the requirement that a "public" road be installed.

The Board finds that the variances will not adversely affect water quality, fish, wildlife or plant habitat and would be acceptable to the clearing and replanting practices in the Critical Area. See, id., Section 2-107(b)(5)(i) and (c)(2)(iii). The Petitioner's plan to reduce the amount of paving in the Critical Area and, therefore, the impervious surface, is clearly consistent with the County's Critical Area program. The reduction in size of roadway and decrease in slope disturbance will enable the Petitioner to preserve existing vegetation on site and decrease the level of impervious coverage that would be required by Code. It would be imprudent to require a roadway that would result in the removal of more trees and greater disturbance to the Critical Area than needed to serve the proposed residential use by one or two homes. To ensure that the development will not harm the environment, however, the Board will condition the grant of the requested variances by limiting the total area of disturbance to six percent of the property, providing that access paths be limited to 6 feet in width, providing for additional shrub plantings along the road buffer edge, providing for 3 to 1 mitigation for impacts to vegetation within the buffer and protecting the FIDs habitat from the impacts of construction on a temporal basis from April 15 to August 15. Once these conditions are met, we find that the grant of the requested variances, which would reduce

impervious coverage on site, would be in harmony with the general spirit and intent of the County's Critical Area Program. See, id., Section 2-107(b)(5)(ii).

The grant of the requested variances will not alter the essential character of the neighborhood. See, id., Section 2-107(c)(2)(i). One or two homes will be constructed on the property. Vehicular access to that home(s) is an expected use. The grant of the variance will actually minimize the size of the required access and, therefore, will ensure that the character of the neighborhood is retained. Likewise, the reduced size of the access road will not substantially impair the appropriate use or development of the adjacent properties. See, id., Section 2-107(c)(2)(ii). The reduced road size will be even less likely to impact adjacent properties than the required public road width. Additionally, traffic on the private road could be better controlled and result in less road usage than an uncontrolled public road. There has also been no showing that the requested variances will be detrimental to the public welfare. See, id., Section 2-107(c)(2)(iv). The variances will simply enable the Petitioner to construct a smaller roadway than currently permitted. This smaller road will cause less impact to the Critical Area and ultimately result in a decrease in the cumulative impact from all the impervious surface near the Chesapeake Bay and related sensitive area. For the same reasons, it is also clear that the requested variance is the minimum necessary to afford relief to the Petitioner—and the environment. See, id., Section 2-107(c)(1).

ORDER

For the reasons set forth in the foregoing Memorandum of Opinion, it is this 25th day of January, 2001, by the County Board of Appeals of Anne Arundel County, ORDERED, that the Petitioner's request for variances to permit the construction of a private road within the 100 foot buffer landward from tributary streams, a designated habitat protection area and within a Forest Interior Dwelling Birds habitat is permitted subject to the following conditions:

1. The remaining areas on each lot outside the limit of disturbance (LOD), which LOD shall not constitute more than six percent (6%) of the entire property, shall be placed in a conservation easement.

2. The access paths to the water shall be no wider than six feet and no clearing shall be done to create the paths.

3. The applicant shall provide mitigation in the form of native plantings at a ratio of 3:1 for the area of the Critical Area Buffer that is permanently impacted of the private road. The area that is temporarily impacted for construction shall be replanted with native shrubs and understory.

4. There shall be a temporal restriction on clearing and grading and exterior construction from April 15 through August 15 to protect the FIDs habitat.

5. The applicant shall calculate the amount of buffer disturbance and plant along the new buffer edge at the rate of four native, 1-2 gallon shrubs per 400 feet. This is in addition to other reforestation or stormwater attenuation requirements.

6. The applicant shall be subject to the requirements of County Code, Article 28, Section 1A-103 (f)(1) through (3).

Any appeal from this decision must be in accordance with the provisions of Section 604 of the Charter of Anne Arundel County, Maryland.

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

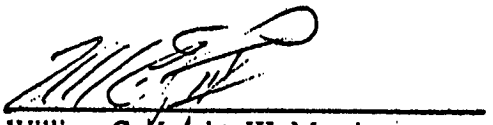
Any notice to this Board required under the Maryland Rules shall be addressed as follows: Anne Arundel County Board of Appeals, Arundel Center, P.O. Box 2700, Annapolis, Maryland 21404, ATTN: Mary M. Leavell, Clerk.

COUNTY BOARD OF APPEALS
OF ANNE ARUNDEL COUNTY

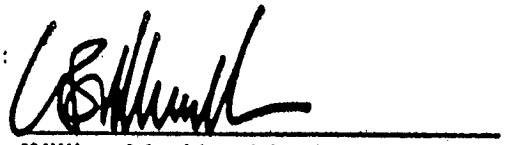
Anthony V. Lamartina, Chairman

Christopher H. Wilson, Vice-Chairman

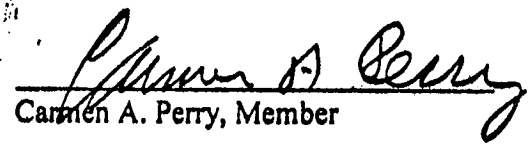
C. Ann Abruzzo, Member



William C. Knight, III, Member



William Moulden, Member



Carmen A. Perry, Member

(Robert P. Pratz, Member, did not participate in this appeal)

DECLARATION OF EASEMENT CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, is made this 26 day of February, 2001, by DES Properties LLC (Owners), TO ANNE ARUNDEL COUNTY, MARYLAND (hereinafter call the "County") in order to create a Conservation Easement.

WHEREAS, the Declarant is the owner of a tract or parcel of land containing 44.86 acres of land, more or less, which is more particularly described in a deed from Eileen M. Dillon, Trustee of the Jerome S. Murray Maryland Land Trust to DES Properties LLC dated January 19, 1999 and recorded among the land records of Anne Arundel County in Liber 8953 Folio 729 of which 33.54 acres are more particularly shown as Exhibits 1 - 5, attached hereto and made a part hereto as "Conservation Property" and are the subject of the covenants conditions and restrictions set forth below; and

WHEREAS, development of the Conservation Property by Declarant is subject to the requirements of the Critical Area Criteria as defined in Article 21, Title 2 of the Anne Arundel County Code; and

WHEREAS the creation of the conservation easement will benefit the citizens of the county and, therefore, the Developer desires to grant the County the right to enforce the covenants, conditions and restrictions for the conservation easement established under this Declaration.

NOW, THEREFORE, WITNESSETH: In consideration of the premises and the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the Declarant does hereby establish the covenants, conditions and restrictions hereafter set forth to create a Conservation Easement of the nature and character and to the extent hereafter expressed to be and constitute a servitude upon the Property, which estate, interest, easements and servitude will result from the restrictions hereby imposes upon the use of the Conservation Property of the Declarant and to that end for the purpose of accomplishing the intent hereof, the Declarant covenants on behalf of (him/her/it/them) self, (his/her/it/their) personal representatives, legal representatives, successors and assigns, as applicable, to do so and refrain from doing upon the Conservation Property, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said act, and each thereof, upon the Conservation Property, is and will be for the benefit of the Declarant and the County.

MAY-11-01 FRI 09:24 AM SIGMA ENGINEERING 410 266 3871 P.02

The restrictions hereby imposed upon the Property and the acts which the Declarant so covenants to do and refrain from doing upon the Conservation Property in connection therewith are as follows:

1. No construction or alteration of residential, commercial, industrial, or other structures of any kind will be placed or erected upon the Conservation Property or any use in connection therewith shall be made of the Conservation Property.

2. No cutting or removing of vegetation or grading, filling or other activities shall be permitted upon the Property except as permitted under a Forest Management Plan approved by the County.

3. The general topography of the landscape of the Conservation Property shall be maintained in its present condition and no excavation or topographic changes shall be made.

4. Subject to an easement recorded in liber 9490 folio 676, dated July 13, 1999, to the residents of Coxby's Estates, Section 3.

5. This easement excludes the area shown on Exhibit 4, indicated for the potential of hand clearing for the resident of Lot 23 for the purpose of passive recreation.

TO HAVE AND TO HOLD unto the County, its successors, legal representative, and assigned, forever; subject, however, to the right of the County to terminate such estate, interest, easements and servitude hereby granted upon the execution of an instrument and recordation thereof among the Land Records of Anne Arundel County, Maryland declaring that the estate, interest, easements and servitude created under this Declaration is terminated and no longer in force and effect.

The County is hereby granted the right to enforce this Declaration and the covenants, conditions and restrictions set forth herein.

WITNESS the hand and seal of the Declarant(s) on the day hereinafter first written.

_____ BY: _____ (SEAL)
Declarant

or

ATTEST: (Name of Corporation)
DES Properties LLC

_____ BY: _____ (SEAL)
Managing Member
Declarant

MAY-11-01 FRI 09:25 AM SIGMA ENGINEERING 410 266 3871 P.03

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, that on this 28 day of Feb, 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Barbara Holmes and _____ known to me (or satisfactorily proven) to be the person described in and who executed the foregoing instrument and acknowledged the same to be his/her act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

CONSTANCE M. BROWN
NOTARY PUBLIC
County of Anne Arundel
State of Maryland
My Commission Expires
July 29, 2003

NOTARY SEAL

Constance M Brown
NOTARY PUBLIC

My Commission Expires 7/29/03

Or

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, That on this ___ day of _____, 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ who acknowledged himself/herself to be the _____ of _____, and that he/she, as such _____, being authorized so to do, executed, the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself as _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

NOTARY SEAL

My Commission Expires:

APPROVED AND ACCEPTED THIS
_____ DAY OF _____
2001.

ATTEST:

_____ _____

Jerome W. Klasmeier, Chief Administrative Officer for
Janet S. Owens, County Executive of A.A. County

MAY-11-01 FRI 09:26 AM SIGMA ENGINEERING 410 266 3871 P.04

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HERE [illegible] before me, [illegible] my [illegible] appeared [illegible] Administrative Officer for Janet S. [illegible] Anne Arundel [illegible] (or satisfactorily proven) to be the person described [illegible] who [illegible] the [illegible] acknowledged the same to be his act and deed for the purpose [illegible]

WITNESS my hand and official seal.

NOTARY PUBLIC

My Commission Expires:

Approved for form and legal sufficiency.

_____ _____

Office of Law **Date**

Chairman

Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

November 14, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Dear Ms. Chalkley:

This letter is in response to your inquiry regarding the Commission's position concerning public roads versus private roads or driveways. We are aware that the County's Critical Area Program permits roads, bridges and utilities in Habitat Protection Areas without a variance if there are no alternatives. The Code of Maryland Regulations at §27.01.02.04 C (1)(b) states:

> All roads, bridges, and utilities that must cross a habitat protection area shall be located, designed, constructed, and maintained so as to provide maximum erosion protection and minimize negative impacts to wildlife, aquatic life and their habitats and maintain hydrologic processes and water quality. Roads, bridges, or utilities may not be located in any habitat protection area unless no feasible alternative exists.

COMAR does not define the term "roads." The Commission has consistently interpreted "roads" in 27.01.02.04C (1)(b) as applicable only to public roads. Accordingly, it has been the Commission's practice to advise local governments to apply this provision only to public roads. With regard to private roads or driveways, the Commissions' position has been that if the lot or parcels to be accessed are not properly grandfathered (i.e. legally recorded, platted, buildable lots as of December 1, 1985), then a variance is required.

If you have any questions, please telephone me at (410) 260-3460.

Sincerely,

Ren Serey
Executive Director

Branch Office 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax (410) 820-1093

TTY FOR DEAF ANNAPOLIS (410) 974-3683 OR METRO (301) 261-0450

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

December 1, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: DES Properties, LLC
BA 70-00V

Dear Ms. Morgan:

I have received notice of the appeal for the above-referenced request to permit construction of a driveway with less setbacks and Buffer than required. **This office does not oppose the requested variance.** I will provide an explanation of this position in the comments below.

Generally, this office does not support the creation of new lots that will require variances. Although we do not believe new lots should require variances, we do believe there are extenuating circumstances on this parcel that may warrant a variance for access to the second lot. We believe this case is different in that the alternative lot layout may create irreversible damage to Forest Interior Dwelling Bird (FID) habitat that currently exists on the parcel. Again, in most situations we would oppose a variance for a newly created lot when a suitable alternative exists.

Site Features

The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. This parcel has other sensitive features including steep slopes and intermittent streams.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The proposed building envelope is closer to the existing forest edge, and will require significantly less impacts for access.

It is our understanding that the alternative lot location may not need a variance but it would have significant impacts to FID habitat. We had several discussions with the applicant in regard to the proposed driveway. Due to an existing easement on the other potential access point, and right-of-way issues with the adjacent parcel, an alternative access point does not appear to be possible. The applicant has revised the plans several times to avoid impacts to the stream Buffer. Based on the topography and other stream buffers, it appears this configuration is the least intrusive.

If the Board of Appeals grants this request, we recommend the following conditions are placed on the approval due to the sensitive nature of this parcel. They include the following:

1) The remaining areas on each lot outside of the immediate building envelope are placed in a perpetual easement, and no future clearing, including the understory and herbaceous layer, be permitted by future lot owners because it is FID habitat.

2) We have visited the site and the access paths to the water for each lot can be accommodated without the need to clear. The access paths for each lot should be no wider than three feet.

3) Since this if FID habitat, the applicant should follow the guidelines according to the Commission's FID Habitat Guidelines which the County has used for other FID habitat issues. These guidelines require the applicant to perform mitigation to reforest for direct forest habitat loss, plus two times the number of acres of interior habitat loss.

4) The area of the Buffer that is permanently impacted for the driveway be mitigated at a 3:1 ratio with native species. The area that is temporarily impacted for construction be replanted with native shrubs and understory.

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

Sincerely,

Lisa A. Hoerger

Lisa A. Hoerger
Natural Resources Planner

cc: AA 238-99

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

July 29, 1999

Mr. Vernon Hustead
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RECEIVED
AUG - 3 1999

RE: Coxby's Estates, Section III, Reserve Parcel

Dear Mr. Hustead:

Thank you for your inquiry requesting specific recommendations for the protection of the population of the state endangered plant, Tick-trefoil (Desmodium pauciflorum) at Glebe Creek. I have not received any specific plans for this parcel, and would like to obtain a copy for further review. Based upon review of the county soil survey and wetland inventory maps, confirmed by my experience on site, there are extensive hydric soils and steep slopes in this area. The habitat protection area for the Tick-trefoil includes the 100 ft Critical Area Buffer and is extended to include the contiguous hydric soils and steep (greater than 15%) slopes. This area should not be disturbed. Forest clearing on the adjacent uplands should be minimized as much as possible to maintain the habitat for both the Tick-trefoil and forest interior dwelling species (FIDS). The guidelines for FIDS habitat protection provided previously will also contribute to protection of Tick-trefoil. Special care should be taken to prevent runoff of sediment from the house site(s?) during and after clearing and construction. Infiltration of storm water runoff is recommended in order to maintain the hydrology of the wetlands at the base of the slopes.

Plans for construction should show clearly the extent of the habitat protection area based upon the description above, indicating that this area is not to be disturbed. Please send me a copy when available. Thank you. If you have questions, please call me (410-260-8569).

Sincerely,

Katharine A. McCarthy
Wildlife and Heritage Division

ER#99-0551.aa

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

Parris N. Glendening
Governor

Maryland Department of Natural Resources
Forest, Wildlife and Heritage Service
Tawes State Office Building
Annapolis, Maryland 21401

John R. Griffin
Secretary

Carolyn D. Davis
Deputy Secretary

July 6, 1999

Mr. Vernon Hustead
Sigma Engineering, Inc.
45 Old Solomons Island Road, Suite 204
Annapolis, MD 21401

RE: **Coxby's Estates, Section III, Reserve Parcel**

Dear Mr. Hustead:

I apologize for the delay in responding to your inquiry. The only sensitive species that we know of on this parcel are forest interior dwelling bird species (FIDS) and the State Endangered plant species of which you are aware, *Desmodium pauciflorum*. If this area is proposed for any development activity, please consult me so that we may provide guidance for the protection of the rare plant population. We have previously provided guidelines concerning the protection of FIDS. If you need further assistance, please contact me (410/260-8569).

Sincerely,

Katharine McCarthy
Wildlife and Heritage Division

cc: er#99.0551

RECEIVED
JUL - 9 1999

Telephone: (410) 260-8540
DNR TTY for the Deaf: 301-974-3683

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

March 22, 2001

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126
Final Subdivision Re-submittal

Dear Ms. Chalkley:

We have received the final re-submittal for Coxby's Estates, Section III for review and comment. Based on the point-by-point response letter to Mr. Steve Callahan dated February 26, 2001, it appears the applicant has adequately addressed our outstanding comments. However, there are several issues that need to be addressed prior to final recordation.

1. As you may know, we have met with the applicant to discuss the final details regarding the issue of mitigation for tree clearing in Forest Interior Dwelling Bird (FID) habitat. We agree that the applicant has met the guidelines outlined in the Commission's guidance document for FID habitat, therefore mitigation at a 1:1 ratio is acceptable with the understanding that any reforestation or fees that are collected must create new IFD habitat.

2. After reviewing the proposed easement language and accompanying exhibits, it appears the entire area outside the building envelope will not be set aside in a conservation easement. It was our understanding that the remaining areas of each lot outside of the limits of disturbance would be maintained in a conservation easement. This needs to be resolved prior to final recordation.

3. We did discuss with the applicant the possibility of allowing a small area near the shoreline for an area of passive recreation for the lot owners. However, exhibit #4 does not clearly indicate the location or acreage set aside for this purpose. This needs to be clarified.

4. The notes indicate an area(s) of active recreation area consisting of 23,907 square feet or .55 acres is located on site. I could not locate this area on the plans. In any case, there should not be any active recreation areas on either lot 22 or 23 since this is FID habitat.

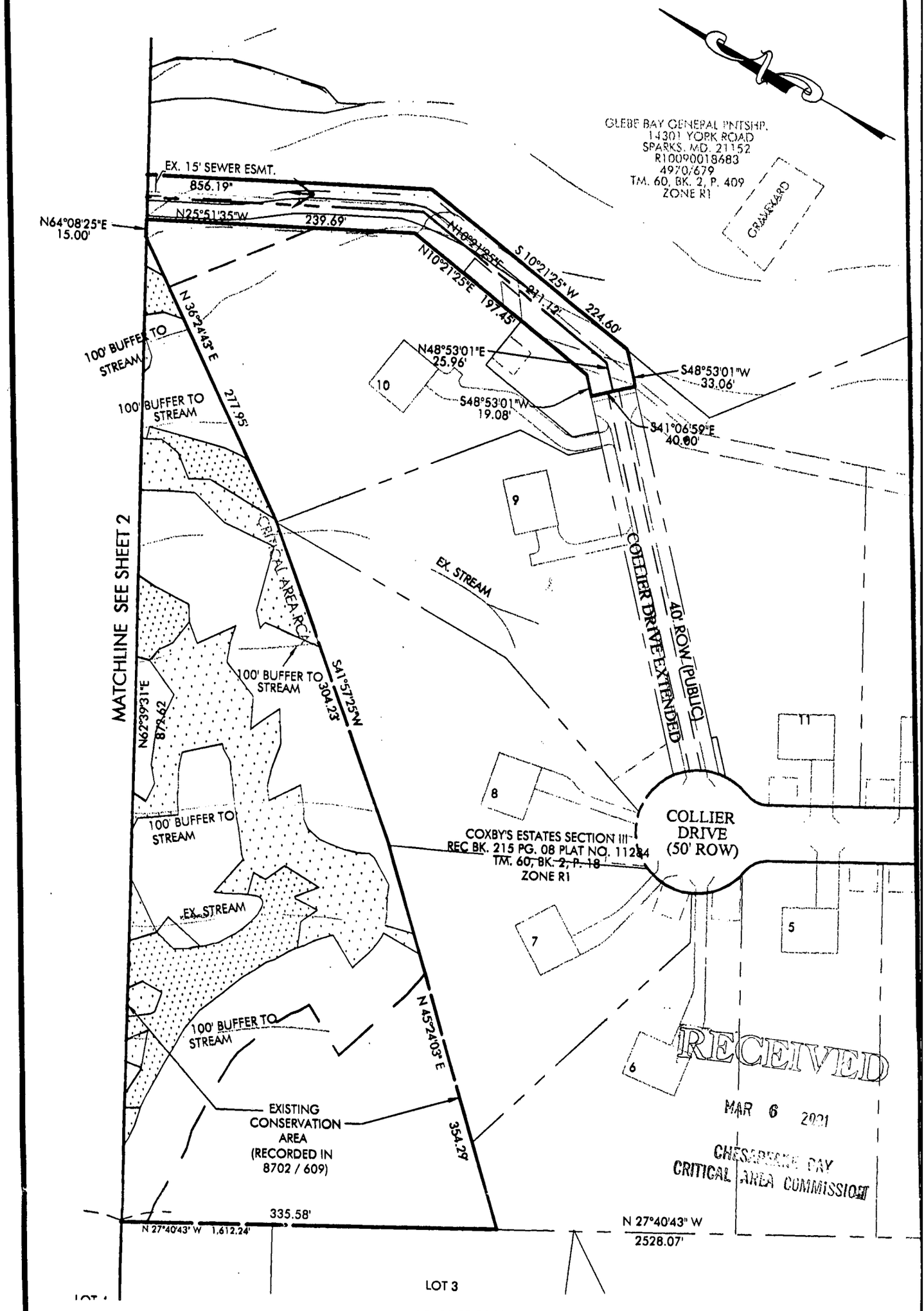
5. The notes also indicate there is a community access easement. It was our understanding that there would be no community access through either lot to the shoreline. Please clarify.

Thank you for the opportunity to comment. Please telephone me if you have any questions, or it I can provide additional assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 143-01



TOTAL CONSERVATION PROPERTY = 1,461,102 S.F. OR 33.54 AC.

EXHIBIT 1

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: 1"=100'	CONSERVATION PROPERTY EASEMENT
DATE: FEB. 2001	COXBY'S ESTATES
DRAWN BY: JGA	RESUBDIVISION OF RESERVE PARCEL
DESIGNED BY: VWH	SECTION III
CHECKED BY: VWH	1ST ASSESSMENT DISTRICT
SHEET 1 OF 5	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND

97-15R

\SIGMAPDC\PROJECTS\97-15(RES)\DWG\CONSERV-PLAT-SHT1.DWG

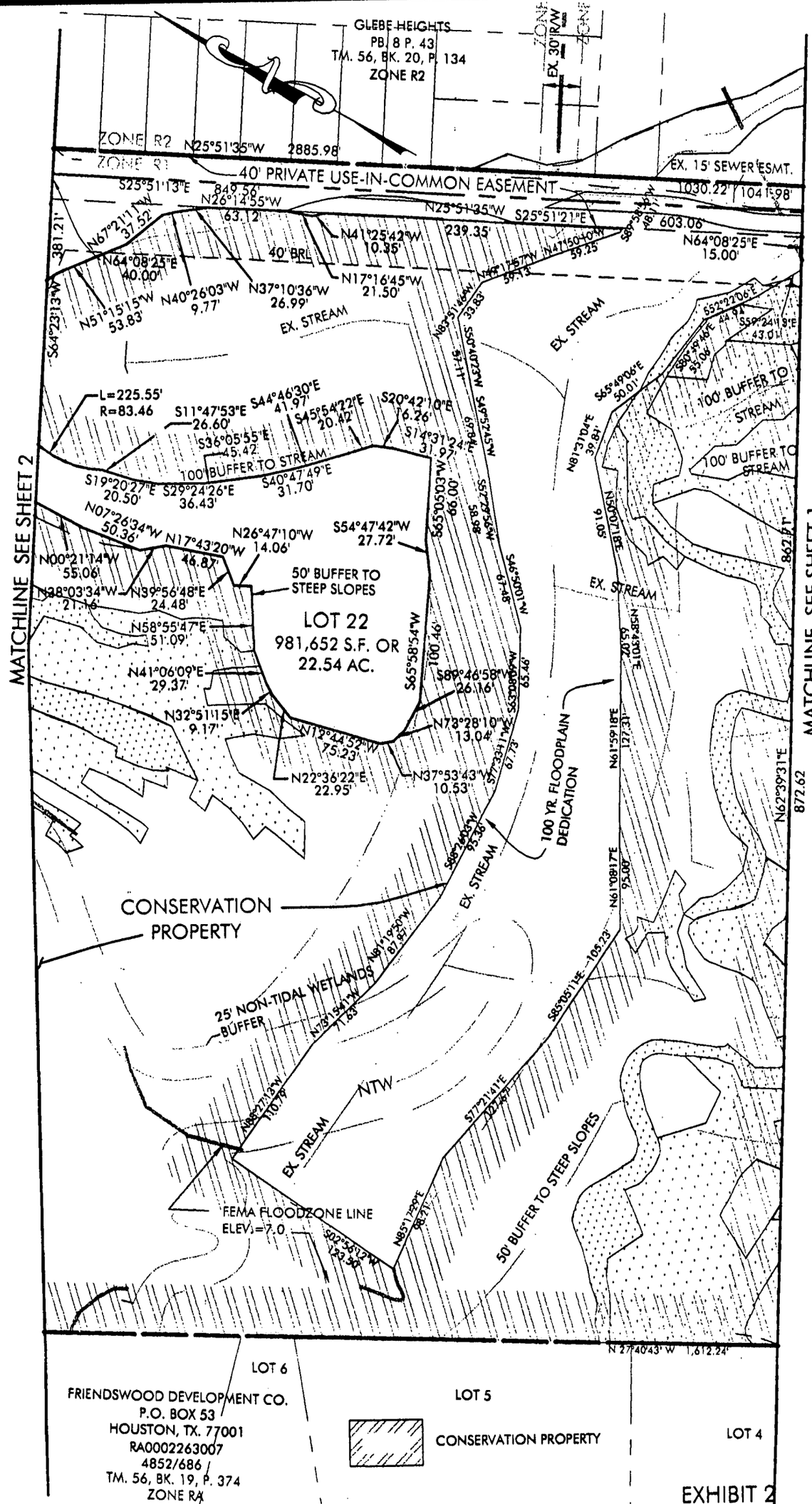


EXHIBIT 2

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: 1"=100'	CONSERVATION PROPERTY EASEMENT
DATE: FEB. 2001	COXBY'S ESTATES
DRAWN BY: JGA	RESUBDIVISION OF RESERVE PARCEL
DESIGNED BY: VWH	SECTION III
CHECKED BY: VWH	1ST ASSESSMENT DISTRICT
SHEET 2 OF 5	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND

\SIGMAPDC\PROJECTS\97-15(RES)\DWG\CONSERV-PLAT-SHT2.DWG

97-15R

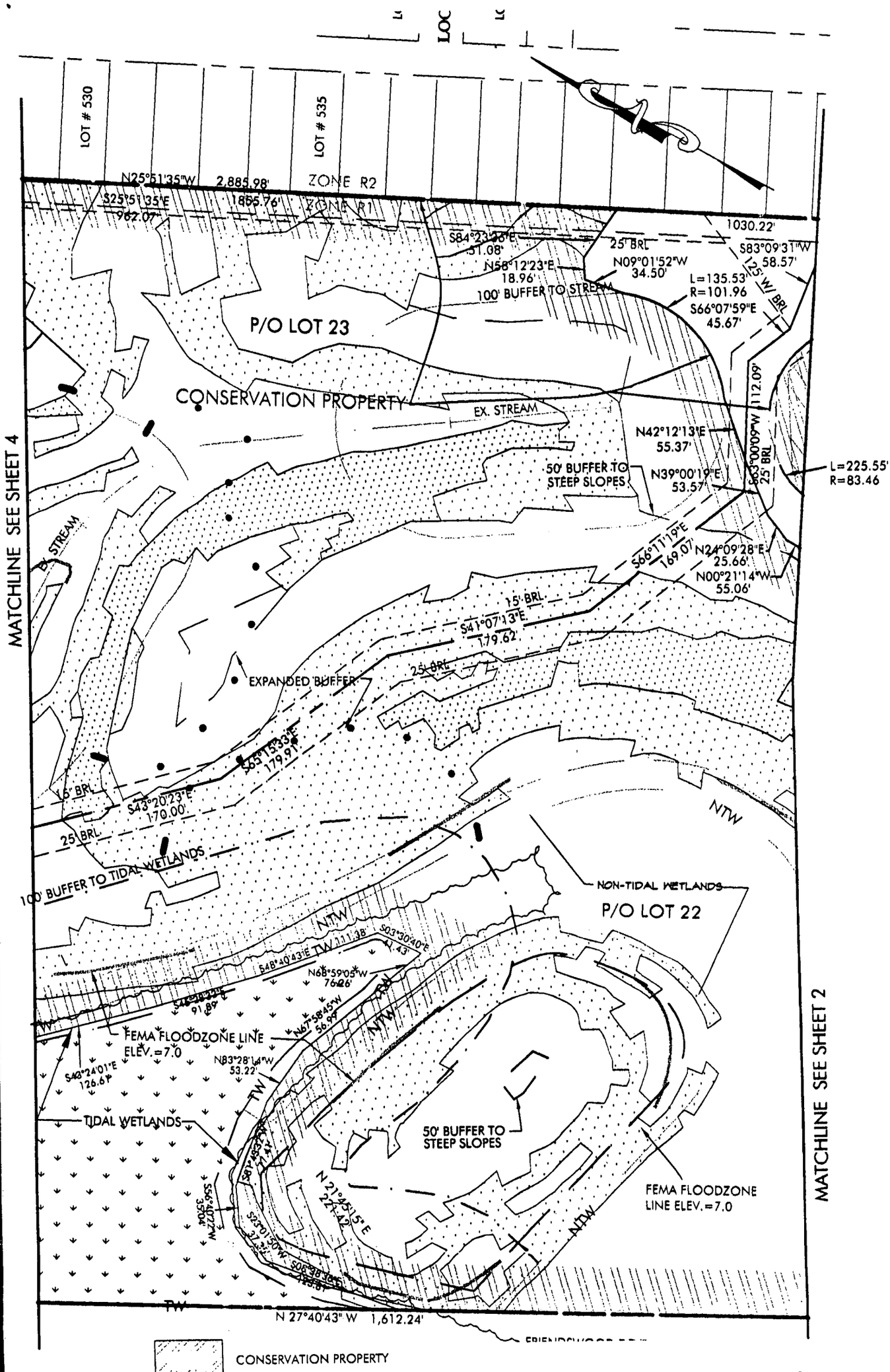


EXHIBIT 3

SCALE: 1"=100'	CONSERVATION PROPERTY EASEMENT
DATE: FEB. 2001	COXBY'S ESTATES
DRAWN BY: JGA	RESUBDIVISION OF RESERVE PARCEL
DESIGNED BY: VWH	SECTION III
CHECKED BY: VWH	1ST ASSESSMENT DISTRICT
SHEET 3 OF 5	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

\SIGMAPDC\PROJECTS\97-15(RES)\DWG\CONSERV-PLAT-SHT3.DWG

97-15R

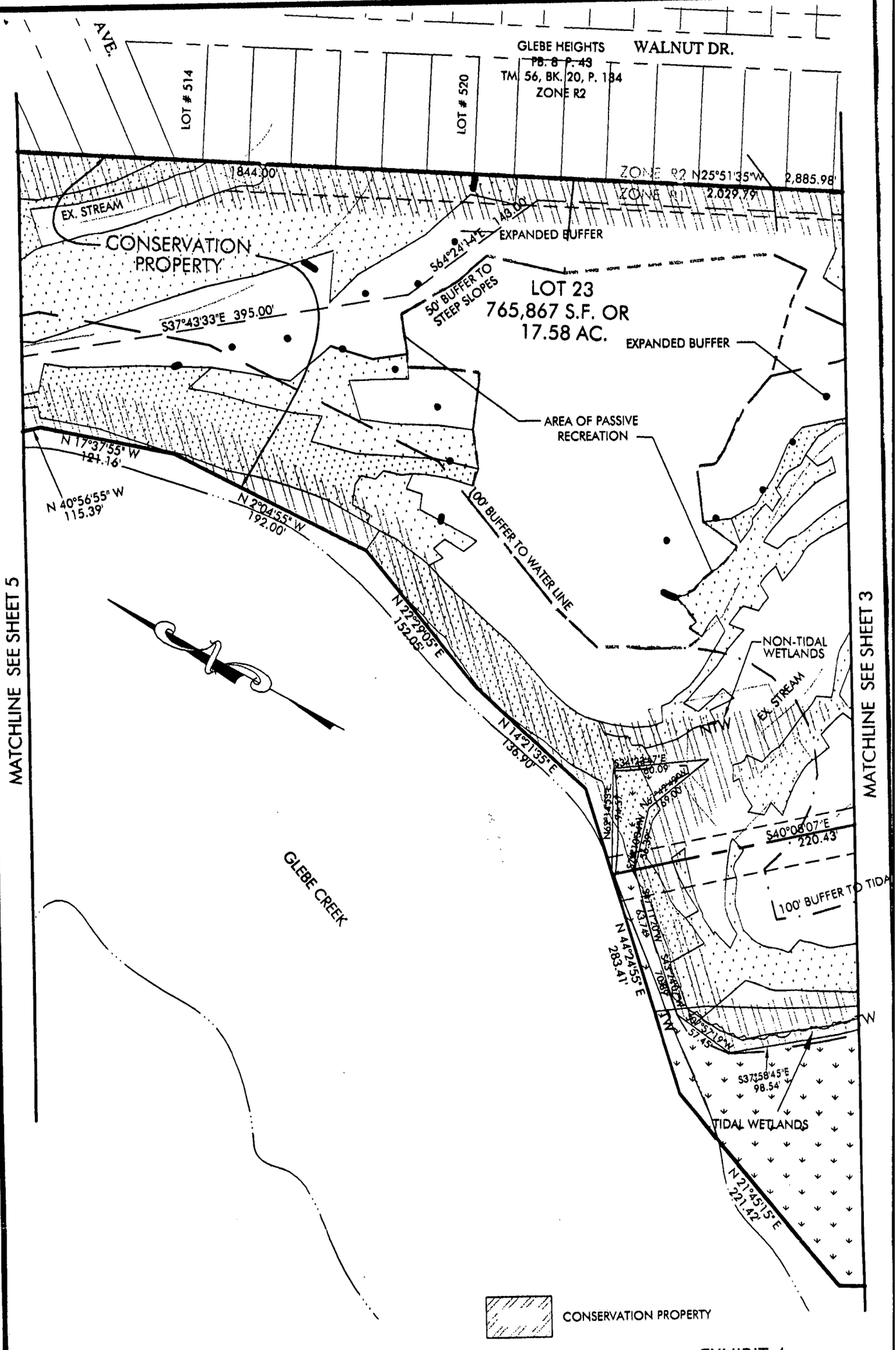


EXHIBIT 4

Sigma Engineering, Inc. 45 OLD SOLOMONS ISLAND ROAD SUITE 204 ANNAPOLIS, MARYLAND 21401 TELEPHONE (410) 266-5599	SCALE: 1"=100' DATE: FEB. 2001 DRAWN BY: JGA DESIGNED BY: VWH CHECKED BY: VWH SHEET 4 OF 5	CONSERVATION PROPERTY EASEMENT COXBY'S ESTATES RESUBDIVISION OF RESERVE PARCEL SECTION III 1ST ASSESSMENT DISTRICT TAX MAP: 60 BLOCK: 2 PARCEL: 18 ANNE ARUNDEL COUNTY, MARYLAND

97-15R

\SIGMAPDC\PROJECTS\97-15(RES)\DWG\CONSERV-PLAT-SHT4.DWG

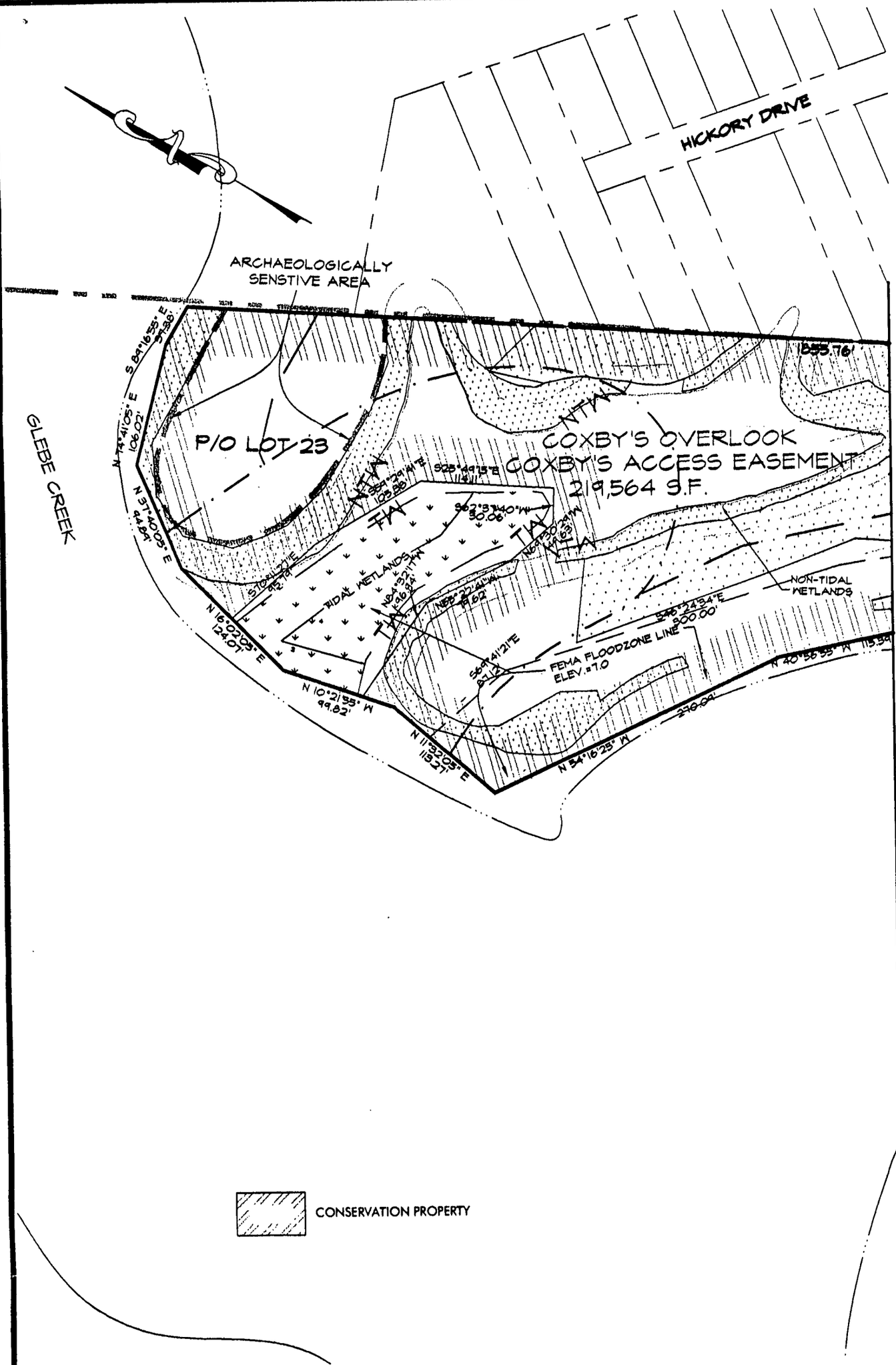


EXHIBIT 5

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

SCALE: 1"=100'	CONSERVATION PROPERTY EASEMENT
DATE: FEB. 2001	COXBY'S ESTATES
DRAWN BY: JGA	RESUBDIVISION OF RESERVE PARCEL
DESIGNED BY: VWH	SECTION III
CHECKED BY: VWH	1ST ASSESSMENT DISTRICT
SHEET 5 OF 5	TAX MAP: 60 BLOCK: 2 PARCEL: 18
	ANNE ARUNDEL COUNTY, MARYLAND

\SIGMAPDC\PROJECTS\97-15(RES)\DWG\CONSERV-PLAT-SHT5.DWG

97-15R

DECLARATION OF EASEMENT
CONDITIONS AND RESTRICTIONS

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, is made this 28 day of February, 2001, by DES Properties LLC (Owners), TO ANNE ARUNDEL COUNTY, MARYLAND (hereinafter call the "County") in order to create a Conservation Easement.

WHEREAS, the Declarant is the owner of a tract or parcel of land containing 44.86 acres of land, more or less, which is more particularly described in a deed from Eileen M. Dillon, Trustee of the Jerome S. Murray Maryland Land Trust to DES Properties LLC dated January 19, 1999 and recorded among the land records of Anne Arundel County in Liber 8953 Folio 729 of which 33.54 acres are more particularly shown as Exhibits 1 - 5, attached hereto and made a part hereto as "Conservation Property" and are the subject of the covenants conditions and restrictions set forth below; and

WHEREAS, development of the Conservation Property by Declarant is subject to the requirements of the Critical Area Criteria as defined in Article 21, Title 2 of the Anne Arundel County Code; and

WHEREAS the creation of the conservation easement will benefit the citizens of the county and, therefore, the Developer desires to grant the County the right to enforce the covenants, conditions and restrictions for the conservation easement established under this Declaration.

NOW, THEREFORE, WITNESSETH: In consideration of the premises and the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the Declarant does hereby establish the covenants, conditions and restrictions hereafter set forth to create a Conservation Easement of the nature and character and to the extent hereafter expressed to be and constitute a servitude upon the Property, which estate, interest, easements and servitude will result from the restrictions hereby imposes upon the use of the Conservation Property of the Declarant and to that end for the purpose of accomplishing the intent hereof, the Declarant covenants on behalf of (him/her/it/them) self, (his/her/it/their) personal representatives, legal representatives, successors and assigns, as applicable, to do so and refrain from doing upon the Conservation Property, the various acts hereinafter mentioned, it being hereby agreed and expressed that the doing and the refraining from said act, and each thereof, upon the Conservation Property, is and will be for the benefit of the Declarant and the County.

The restrictions hereby imposed upon the Property and the acts which the Declarant so covenants to do and refrain from doing upon the Conservation Property in connection therewith are as follows:

1. No construction or alteration of residential, commercial, industrial, or other structures of any kind will be placed or erected upon the Conservation Property or any use in connection therewith shall be made of the Conservation Property.

2. No cutting or removing of vegetation or grading, filling or other activities shall be permitted upon the Property except as permitted under a Forest Management Plan approved by the County.

3. The general topography of the landscape of the Conservation Property shall be maintained in its present condition and no excavation or topographic changes shall be made.

4. Subject to an easement recorded in liber 9490 folio 676, dated July 13, 1999, to the residents of Coxby's Estates, Section 3.

5. This easement excludes the area shown on Exhibit 4, indicated for the potential of hand clearing for the resident of Lot 23 for the purpose of passive recreation.

TO HAVE AND TO HOLD unto the County, its successors, legal representative, and assigned, forever; subject, however, to the right of the County to terminate such estate, interest, easements and servitude hereby granted upon the execution of an instrument and recordation thereof among the Land Records of Anne Arundel County, Maryland declaring that the estate, interest, easements and servitude created under this Declaration is terminated and no longer in force and effect.

The County is hereby granted the right to enforce this Declaration and the covenants, conditions and restrictions set forth herein.

WITNESS the hand and seal of the Declarant(s) on the day hereinafter first written.

_____ BY:_____(SEAL)
Declarant

or

ATTEST: (Name of Corporation)
DES Properties LLC

_____ BY:_____(SEAL)
Managing Member
Declarant

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, that on this 28 day of Feb, 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Dimitri Stekyanudis and _____ known to me (or satisfactorily proven) to be the person described in and who executed the foregoing instrument and acknowledged the same to be his/her act and deed for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

CONSTANCE M. BROWN
NOTARY PUBLIC
County of Anne Arundel
State of Maryland
My Commission Expires
July 29, 2003

NOTARY SEAL

Constance M Brown
NOTARY PUBLIC

My Commission Expires 7/29/03

Or

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, That on this ___ day of _____, 2001, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____ who acknowledged himself/herself to be the _____ of _____, and that he/she, as such _____, being authorized so to do, executed, the foregoing instrument for the purpose therein contained, by signing the name of the corporation by himself/herself as _____.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

NOTARY SEAL

My Commission Expires:

APPROVED AND ACCEPTED THIS
_____DAY OF_____
2001..

ATTEST:

_____ _____

Jerome W. Klasmeier, Chief Administrative Officer for
Janet S. Owens, County Executive of A.A. County

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, to wit:

I HEREBY CERTIFY, That on this ___ day of _____, 2001, before me, the undersigned authority personally appeared Jerome W. Klasmeier, Chief Administrative Officer for Janet S. Owens, County Executive of Anne Arundel County, known to me (or satisfactorily proven) to be the person described in and who executed the foregoing instrument and acknowledged the same to be his act and deed for the purposes therein contained.

WITNESS my hand and official seal.

NOTARY PUBLIC

My Commission Expires:

Approved for form and legal sufficiency.

_____ _____

Office of Law Date

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND
ERNANDON LAMAR
REGISTERED PROFESSIONAL ENGINEER
7-25-01

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.
These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SUBD. NO. 1995-030 PROJ. NO. 00-126

SCALE: AS SHOWN	FINAL DEVELOPMENT PLAN
DATE: JULY 20, 2001	COXBY'S ESTATES
DRAWN BY: RCT	SECTION III, RESERVE PARCEL
DESIGNED BY: BLW	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15R	1ST ASSESSMENT DISTRICT
SHEET 3 OF 16	ANNE ARUNDEL COUNTY, MARYLAND
	SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT3

LEGEND

STABILIZED CONSTRUCTION ENTRANCE	S.C.E.
EXISTING GROUND	102
PROPOSED GRADE	102
LIMIT OF DISTURBANCE	LOD
PROPOSED SPOT ELEVATION	X 121.5
PROPOSED WELL LOCATION	WELL
EXISTING SOIL CLASSFICATIONS	BuA BuB2
25' WETLAND BUFFER APPROXIMATED NONTIDAL	W
25% SLOPES OR GREATER	
25% BUFFER TO STEEP SLOPES	
WETLANDS	
PRIVATE WATER QUALITY ATTENUATION DRYWELL	4" PVC
SILT FENCE	S
EARTH DIKE	
RIGHT TO DISCHARGE	

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

SUBD. NO. 1995-030 PROJ. NO. 00-126

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND
BRANDON LEE BOWMAN
REGISTERED
PROFESSIONAL ENGINEER
2001

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.
These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN	FINAL DEVELOPMENT PLAN
DATE: FEB. 21, 2001	COXBY'S ESTATES
DRAWN BY: RCT	SECTION III, RESERVE PARCEL
DESIGNED BY: BLW	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15	1ST ASSESSMENT DISTRICT
SHEET 5 OF 9	ANNE ARUNDEL COUNTY, MARYLAND
	SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT5

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS CORRECT, THAT IT REPRESENTS A SURVEY OF THE PROPERTY BY DESIGN TECH ASSOC., INC., CROFTON, MD. AND WAS PREPARED UNDER THE SURVEYOR'S DIRECT SUPERVISION; AND THAT IT IS A SUBDIVISION OF PART OF THE LANDS DESCRIBED) AS "PROPERTY 21" CONVEYED BY JEROME S. MURRAY AND GRACE M. MURRAY TO JEROME S. MURRAY MARYLAND LAND TRUSST BY DEED DATED NOV. 2, 1981 AND RECORDED IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY, IN LIBER 3475 AT FOLIO 868 THE REQUIREMENTS OF SECTION 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1988 REPLACEMENT VOLUME,(AS SUPPLEMENTED) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

WILLIAM A. TELLIER — DATE 10-15-1998
REGISTERED PROPERTY LINE SURVEYOR NO. 217B

DIMITRI SFAKIYANUDIS MANAGING MEMBER — DATE 11-23-98
DES PROPERTIES LLC
CONTRACT PURCHASER

EILEEN M. DILLON, TRUSTEE — DATE 11-23-98
JEROME S. MURRAY, MARYLAND LAND TRUST (OWNER)

SITE CLEARING RESTRICTIONS

CLEARING SHALL BE CONSISTENT WITH AND UNDERTAKEN ONLY FOR THOSE AREAS DELINEATED ON THE FINAL DEVELOPMENT PLAN ON FILE IN THE DEPT. OF ANNIE ARUNDEL COUNTY PLANNING AND CODE ENFORCEMENT AND SHALL GENERALLY FOLLOW THE CONCEPTT AND INTENT OF THE PLAN. THE WOODLANDS PRESERVATION REQUIREMENT OF ARTICLE 26 SECTION 2-304.1 OF THE ANNE ARUNDEL COUNTY CODE HAVE BEEN MET BY RETENTION OF WOODLANDS ON SITE.

OWNERS DEDICATION

I, EILEEN M. DILLION, TRUSTEE FOR THE JEROME S. MURRAY MARYLAND LAND TRUST, OWNER OF THE PROPERTY AND DES PROPERTIES LLC CONTRACT PURCHASER SHOWN AND DESCRIBED HEREON HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MIN. BUILDING RESTRICTION LINE AND DEDICATE THIS STREETS, ALLEYS, WALKWAYS, AND OTHER EASEMENTS, WIDENING STRIPS AND FLOODPLAINS TO PUBLIC USE, SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY OR THE STATE HIGHWAY ADMINISTRATION, AS MAY BE APPROPRIATE UPON REQUEST.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES. TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION.

ALL PARTIES IN INTEREST HERETO HAVE HEREUNTO AFFIXED THEIR SIGNATURES, INDICATING THEIR ASSENT AND WILLINGNESS TO JOIN IN THIS PLAN OF SUBDIVISION.

WE CERTIFY THAT IRON PIPES MARKED -O- AND CONCRETE MONUMENTS MARKED -⊟- WILL BE SET IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF ANNE ARUNDEL COUNTY, MARYLAND.

THE RECREATION AND OPEN SPACE SHOWN HEREON IS HEREBY SET ASIDE FOR THE RECREATIONAL USE OF THE RESIDENTS OF THE SUBDIVISION; AND SHALL, IN ACCORDANCE WITH ARTICLE 26, SECTION 2-104(6) OF THE ANNE ARUNDEL COUNTY CODE, BE CONVEYED TO COXBY'S ESTATES - SECTION III HOMEOWNERS ASSOCIATION AFTER RECORDATION OF THIS PLAT.

WITNESS — DATE 11-23-98 — BY: EILEEN M. DILLON, TRUSTEE, JEROME S. MURRAY MARYLAND LAND TRUST

DIMITRI SFAKIYANUDIS MANAGING MEMBER — DATE 11-23-98
DES PROPERTIES LLC
CONTRACT PURCHASER

WAIVER NOTE

WAIVER #7034 FOR ADEQUACY OF FACILITIES (ROADS) WAS GRANTED BY PACE ON 2-11-99 SUBJECT TO CONTRIBUTION OF $ 118,125= TO BE PLACED IN CAPITAL PROJECT NO. H4764. CONTRIBUTION WAS PAID ON 2-16-99 CR # 069245D.

FOREST CONSERVATION ACT (71-94)

WOODLANDS OUTSIDE CRITICAL AREA	
1. TOTAL TRACT AREA	73.56 AC.
2. DEDUCT CRITICAL AREA	44.53 AC.
3. NET TRACT AREA	29.03 AC.
4. CONSERVATION THRESHOLD (29.03 x 25%)	7.26 AC.
5. EXISTING WOODLANDS	29.03 AC.
6. WOODLANDS TO BE CLEARED	12.68 AC.
7. WOODLANDS TO REMAIN	16.35 AC.
8. CLEARING REPLACEMENT REQUIRED (12.68 X 0.25)	3.17 AC.
9. CONSERVATION THRESHOLD AND CLEARING REPLACEMENT (7.26 + 3.17)	10.43 AC.
10. PROPOSED FOREST CONSERVATION AREA	6.82 AC.
11. PROPOSED REFORESTATION	0 AC.
12. PROPOSED FOREST CONSERVATION AND REFORESTATION	6.87 AC.
WOODLANDS WITHIN CRITICAL AREA	
1. AREA WITHIN CRITICAL AREA	44.53 AC.
2. EXISTING WOODLANDS	42.21 AC.
3. WOODLANDS TO BE CLEARED	0 AC.
4. WOODLANDS TO REMAIN	42.21 AC.
5. PROPOSED FOREST CONSERVATION AREA	3.70 AC.
TOTAL REQUIRED CONSERVATION AREA	10.43 AC.
TOTAL PROPOSED CONSERVATION AREA	10.52 AC.

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

CHESAPEAKE BAY CRITICAL AREA COMMISSION — JUN 5 2001 — RECEIVED

RIGHT TO DISCHARGE STATEMENT

WE HEREBY GRANT AND CONVEY TO ANNE ARUNDEL COUNTY, MARYLAND, THE PERPETUAL RIGHT-TO-DISCHARGE THE FLOW OF STORM WATER FROM SUCH NECESSARY DRAINAGE FACILITIES AND APPURTENANCES TO ADEQUATELY DRAIN THE NATURAL WATERSHED AND ADJACENT PROPERTIES INTO EXISTING WATERWAYS OR NATURAL DRAINAGE COURSES AND/OR UPON EXISTING GROUND. SUCH DISCHARGE POINTS ARE INDICATED BY THE SYMBOL ⟵ RESPECTIVELY.

WITNESS — DATE 11-23-98 — BY: EILEEN M. DILLON, TRUSTEE, JEROME S. MURRAY MARYLAND LAND TRUST

DIMITRI SFAKIYANUDIS MANAGING MEMBER — DATE 11-23-98
DES PROPERTIES LLC
CONTRACT PURCHASER

C&P CONSTRUCTION EASEMENT NOTE

IN COMPLIANCE WITH THE PUBLIC SERVICE COMMISSION OF MARYLAND ORDER NUMBER 60316 DATED JUNE 20, 1973. OWNER DOES HEREBY GRANT AND CONVEY UNTO THE CHESAPEAKE AND POTOMAC TELEPHONE CO. OF MD., A BODY CORPORATE HEREIN AFTER CALLED GRANTEE, IT'S ASSOCIATED AND ALLIED COMPANIES AND THEIR RESPECTIVE SUCCESSORS, ASSIGNS AND LICENSEES A R/W EASEMENT TO CONSTRUCT, OPERATE, MAINTAIN, ENLARGE, REPLACE, AND REMOVE TELECOMMUNICATIONS, ELECTRIC, AND GAS SYSTEM, CONDUIT, PIPE, MANHOLES, CABLES, AND FIXTURES UNDER AND OVER THE PROPERTY AS FOLLOWS, A STRIP(S) OF LAND 10' WIDE AND PARALLEL CONTIGUOUS AND ADJACENT TO THE PROPERTY LINES OF THE LOTS RECORDED TO THE FULL EXTENT THAT SUCH PROPERTY LINES ABUT R/W. TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO SAID PROPERTY AT ALL TIMES FOR THE SAFE AND PROPER OPERATION AND MAINTENANCE THERE OF THE GRANTEES AGREE TO REPAIR OR PAY ALL DAMAGE TO CROPS, LAWNS, FIELDS, FENCES, DRIVEWAYS, AND WALKWAYS ARISING FROM CONSTRUCTION AND MAINTENANCE OF THE AFORESAID SYSTEM.

ALLOCATION NOTE

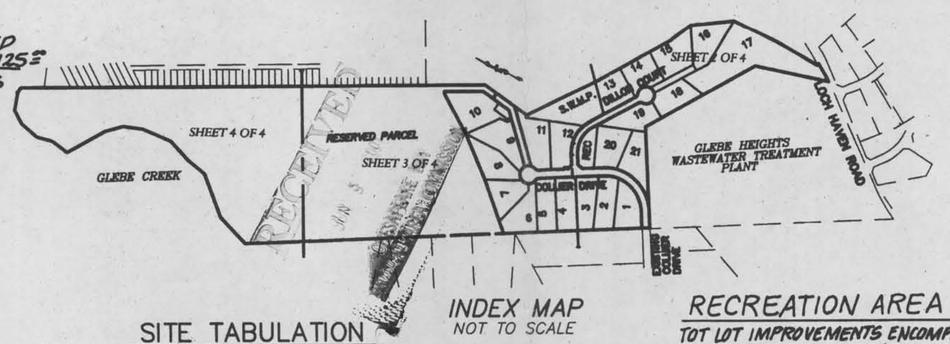
THIS SUBDIVISION PLAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 27, TITLE 3 OF THE ANNE ARUNDEL COUNTY CODE AS IT RELATES TO THE ALLOCATION OF WATER & WASTEWATER CAPACITY. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS LAW MAY CAUSE THIS SUBDIVISION PLAT TO BECOME VOID OR CAUSE THE PROPERTIES SHOWN HEREON TO BE SUBJECT TO A LIEN FOR UNPAID CHARGES.

GENERAL NOTES

1. A TEMPORARY GRADING EASEMENT IS RESERVED ON ALL LOTS SHOWN HEREON BETWEEN THE RIGHT OF WAY LINES AND THE BUILDING RESTRICTION LINES FOR THE PURPOSE OF ROAD CONSTRUCTION. SAID EASEMENT WILL TERMINATE UPON COMPLETION OF THESE ROADS AND THE RELEASE OF ANY BOND BY ANNE ARUNDEL COUNTY, MARYLAND.
2. TWO (2) OFF STREET PARKING SPACES IN ADDITION TO ANY GARAGE OR CARPORT PARKING SHALL BE PROVIDED FOR EACH LOT.
3. THIS SUBDIVISION IS MOSTLY LOCATED IN FLOOD ZONE 'C' AS SHOWN ON FEMA FLOOD INSURANCE RATE MAPS 2400080043C, WHICH DOES NOT CONTAIN THE 100 YEAR FLOOD PLAIN. A SMALL PORTION OF THE RESERVE PARCEL IS IN FLOOD ZONE 'A' AND ZONE 'B', ELEVATION 7.0.
4. COORDINATES SHOWN HEREON ARE BASED ON THE NORTH AMERICA DATUM 1983 AND ON A.A. CO. MONUMENTS #345 AND #345-AZ.
5. THERE SHALL BE NO DISTURBANCE IN THE NON-TIDAL WETLANDS, STEEP SLOPES OR THEIR 25' BUFFERS. EXCEPT IN ACCORDANCE WITH APPROVED PERMITS.
6. HOUSE NUMBERS ARE SHOWN THUS [23]
7. THE PURPOSE OF THIS PLAT IS TO CREATE 21 SINGLE FAMILY LOTS.
8. OFF-SITE DRAINAGE FEES TO BE PAID WITH BUILDING PERMIT.
9. A GRADING PERMIT MUST BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING OR OTHER WORK ON THIS SUBDIVISION.
10. AT THIS TIME, NO DEVELOPMENT IS PROPOSED OR PERMITTED WITHIN THE CRITICAL AREA.

CONSERVATION EASEMENT NOTE:

THERE IS A CONSERVATION EASEMENT AS SHOWN ON PLAT 2 OF 4 AND IS RECORDED IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MD. IN LIBER 8702, FOLIO 609 AND THE SUBDIVISION IS SUBJECT TO THE CONDITIONS THEREIN. THE TOTAL EASEMENT IS 10.5 ACRES, OF WHICH 0 ACRE IS REFORESTATION AREAS.



INDEX MAP
NOT TO SCALE

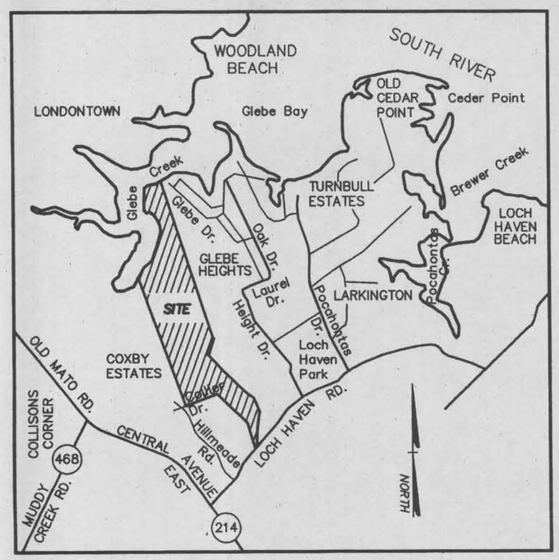
SITE TABULATION

1.	TOTAL PARCEL AREA:	3,219,798 S.F. OR 73.9164 AC.
2.	TOTAL NUMBER & TYPE OF LOT	21 SINGLE FAMILY DETACHED
3.	ZONING: EXISTING ZONING	R-1
	PROPOSED ZONING	R-1
4.	TOTAL LOT AREA	1,050,398 S.F. OR 24.1138 AC.
5.	TOTAL RECREATION AREA REQ.(21x1,000)	21,000 S.F. OR 0.48 AC.
6.	TOTAL RECREATION AREA PROVIDED	23,907 S.F. OR 0.55 AC.
7.	ACTIVE RECREATION AREA REQ.(21,000x75%)	15,750 S.F. OR 0.36 AC.
8.	ACTIVE RECREATION AREA PROVIDED	23,907 S.F. OR 0.55 AC.
9.	PUBLIC RIGHT-OF-WAY	124,881 S.F. OR 2.8669 AC.
10.	STORMWATER MANAGEMENT AREA (OPEN SPACE)	72,471 S.F. OR 1.6637 AC.
11.	RESERVE PARCEL	1,934,300 S.F. OR 44.80 AC.
12.	CRITICAL AREA	1,934,970 S.F. OR 44.42 AC.

Accomodates 23 lots (includes lot 22 & 23)

STORMWATER MANAGEMENT NOTE

THIS SITE CONTAINS TWO PUBLIC STORMWATER MANAGEMENT DETENTION PONDS TO PROVIDE QUALITY & PEAK MANAGEMENT FOR THE PROPOSED LOTS AND ROADS. PRIVATE ON-SITE SYSTEMS HAVE BEEN PROVIDED FOR THE LOTS WHICH DO NOT DRAIN TO THE POND.



VICINITY MAP

SCALE: 1"=4000'

NOTICE TO TITLE EXAMINERS

1. THIS PLAT HAS BEEN APPROVED FOR RECORDING ONLY AND SHALL BECOME NULL AND VOID UNLESS:
   - I. AN INSPECTION AGREEMENT OR A PUBLIC WORKS AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED;
   - II. A UTILITY AGREEMENT HAS BEEN EXECUTED AND RECORDED WITHIN 2 YEARS AFTER THIS PLAT IS APPROVED; AND
   - III. CONSTRUCTION UNDER EACH OF THESE AGREEMENTS HAS BEEN CONTINUOUS WITHOUT INTERRUPTION FOR MORE THAN 1 YEAR AT ALL TIMES.
2. A SALE OR CONTRACT OF SALE OF ANY LOTS SHOWN HEREIN MAY NOT BE MADE UNTIL NECESSARY IMPROVEMENTS HAVE BEEN:
   - I. A. SATISFACTORILY COMPLETED UNDER AN INSPECTION AGREEMENT AND THE SUBDIVIDER HAS PROVIDED THE COUNTY WITH A WAIVER OF THE LIENS FROM ALL CONTRACTORS AND SUBCONTRACTORS; OR
   - B. SATISFACTORILY GUARANTEED BY A PUBLIC WORKS AGREEMENT, SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR OTHER SECURITY AS AUTHORIZED BY LAW AND
   - II. IF REQUIRED, SATISFACTORILY GUARANTEED BY A UTILITY AGREEMENT, SUPPORTED BY A SURETY BOND, CERTIFIED CHECK, CASH OR IRREVOCABLE LETTER OF CREDIT FROM A LOCAL BANK OR SUCH OTHER SECURITY AUTHORIZED BY LAW.
3. A BUILDING PERMIT OTHER THAN A SAMPLE PERMIT MAY NOT BE ISSUED FOR ANY CONSTRUCTION IN THIS DEVELOPMENT UNTIL THE REQUIREMENTS OF PARAGRAPH 2 ABOVE HAVE BEEN COMPLIED WITH. CERTIFICATES OF USE AND OCCUPANY MAY NOT BE ISSUED FOR ANY BUILDING OR STRUCTURE IN THE SUBDIVISION UNLESS IMPROVEMENTS REQUIRED UNDER A UTILITIES AGREEMENT HAVE BEEN COMPLETED AND BASIC IMPROVEMENTS REQUIRED UNDER A PUBLIC WORKS AGREEMENT BY ARTICLE 25, SECTION 3-101 OF THE ANNE ARUNDEL COUNTY CODE HAVE BEEN COMPLETED.
4. THIS SUBDIVISION IS SUBJECT TO THE FOLLOWING DOCUMENTS WHICH ARE RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND:
   - A. AGREEMENT BETWEEN THE OWNERS AND BALTIMORE GAS AND ELECTRIC COMPANY DATED NOV. 30, 1998 AND RECORDED IN LIBER 8834 AT FOLIO 551
   - B. AGREEMENT BETWEEN THE OWNERS AND THE BELL ATLANTIC-MARYLAND, INC. DATED NOV. 23, 1998 AND RECORDED IN LIBER 8826 AT FOLIO 353.

RECREATION AREA NOTE:

TOT LOT IMPROVEMENTS ENCOMPASSING LESS THAN 6000 SQ. FT. MAY MEET A 10FT. SIDE/REAR SETBACK AND A FRONT SETBACK OF 50 FT. A COMMUNITY RECREATION FACILITY, PER ARTICLE 28, SECTION 10-104 (14) MUST MEET A 50 FT. SETBACK FROM EACH LOT LINE, STRUCTURE OR DWELLING UNIT AND BE SCREENED.

NOTE: SEE SHEET 4 OF 4 FOR WOODLAND CLEARING TABLE

R-1 ZONING SETBACKS

FRONT - 40'
SIDE - (15'/ TOTAL 40')
CORNER SIDE - 40'
REAR - 35'

SHEET INDEX

SHEET 1 - COVER SHEET
SHEET 2 - PLAN VIEW
SHEET 3 - PLAN VIEW
SHEET 4 - PLAN VIEW

PRIVATE WELL AND PUBLIC SEWER SYSTEMS WILL SERVE EACH LOT.

HEALTH OFFICER — DATE 12/07/98

DIRECTOR OF PLANNING AND CODE ENFORCEMENT — DATE 2-16-99

PLAT 1 OF 4

COXBY'S ESTATES
SECTION III

21 SINGLE FAMILY LOT SUBDIVISION

SUBD. # 95-030 PROJ# 98-034
SCALE: 1"=100' DATE: FEBRUARY, 1998

TAX MAP: 60 BLOCK: 2 PARCEL: 18
FIRST ASSESSMENT DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND 21037

RECORDED IN BOOK 215 PAGE 06 PLAT NO. 11282

CONSERVATION PROPERTY LINE TABLE

LINE	BEARING	DISTANCE
L1	N41°25'42"W	10.35
L2	N17°16'45"W	21.50
L3	N26°14'55"W	63.12
L4	N37°10'36"W	26.99
L5	N40°26'03"W	9.77
L6	N67°21'11"W	37.52
L7	N51°15'15"W	53.83
L8	S11°47'53"E	26.60
L9	S19°20'27"E	20.50
L10	S29°24'26"E	36.43
L11	S36°05'55"E	45.42
L12	S40°47'49"E	31.70
L13	S44°46'30"E	41.97
L14	S45°54'22"E	20.42
L15	S20°42'10"E	16.26
L16	S14°31'24"E	31.97
L17	S65°05'03"W	66.00
L18	S54°47'42"W	27.72
L19	S65°58'54"W	100.46
L20	S89°46'58"W	26.16
L21	N73°28'10"W	13.04
L22	N37°53'43"W	10.53
L23	N12°44'52"W	75.23
L24	N22°36'22"E	22.95
L25	N32°51'15"E	9.17
L26	N41°06'09"E	29.37
L27	N58°55'47"E	51.09
L28	N26°47'10"W	14.06
L29	N39°56'48"E	24.48
L30	N17°43'20"W	46.87
L31	N38°03'34"W	21.16
L32	N07°26'34"W	50.36
L33	N00°21'14"W	55.06

CONSERVATION PROPERTY CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	83.46	225.55	374.04	162.91	S50°47'45"W	154°50'35"

WOODLAND CLEARING CALCULATIONS FOR CRITICAL AREA PORTION OF SITE

LOT #	EXISTING WOODS	WOODS CLEARED WITHIN LOT	WOODS CLEARED WITHIN U.I.C. ESM'T	TOTAL WOODS CLEARED	MITIGATION REQUIRED (1:1 RATIO)
22	20.00 Ac.	1.02 Ac.	0.32 Ac.	1.34 Ac. (7%)	1.34 Ac.
23	17.05 Ac.	0.43 Ac.	0.24 Ac.	0.67 Ac. (4%)	0.67 Ac.
TOTALS:	37.05 Ac.	1.45 Ac.	0.56 Ac.	2.01 Ac. (5%)	2.01 Ac.

IMPERVIOUS AREA CALCULATIONS FOR CRITICAL AREA PORTION OF SITE

LOT #	LOT SIZE WITHIN CRITICAL AREA	PROP. COVERAGE WITHIN LOT	PROP. COVERAGE WITHIN U.I.C. ESM'T	TOTAL PROP. COVERAGE	ALLOW. COVERAGE PER #80A-70-00V
22	22.32 Ac.	0.25 Ac.	0.11 Ac.	0.36 Ac./2%	1.34 Ac./6%
23	17.34 Ac.	0.13 Ac.	0.09 Ac.	0.22 Ac./1%	1.04 Ac./6%
TOTAL:	39.68 Ac.	0.38 Ac.	0.20 Ac.	0.58 Ac./2%	2.38 Ac./6%

R-1 ZONING SETBACKS

FRONT - 40'
SIDE - (15'/ TOTAL 40')
CORNER SIDE - 40'
REAR - 35'

LEGEND

- FEMA FLOODZONE LINE
- 3744 HOUSE NUMBERS
- B.R.L.-BUILD. RESTRICTION LINE
- 15-25% STEEP SLOPES
- 25%+ STEEP SLOPES
- RIGHT TO DISCHARGE
- NTW NON-TIDAL WETLANDS
- CONSERVATION PROPERTY

NOTE: FOR SURVEYOR'S CERTIFICATE AND OWNER'S DEDICATION SEE SHEET 1 OF 3.

Edward A Brown 2-27-01
EDWARD A. BROWN DATE
MARYLAND PROFESSIONAL LAND SURVEYOR NO. 10711

STATE OF MARYLAND EDWARD A. BROWN NO. 10711 REGISTERED PROFESSIONAL LAND SURVEYOR

I ASSENT TO THIS PLAN OF SUBDIVISION

WITNESS 2-27-01 DATE
BY: DIMITRI SFAKIYANUDIS, MANAGING MEMBER DES PROPERTIES, LLC

PRIVATE WELL AND PUBLIC SEWER SYSTEMS WILL SERVE EACH LOT.

HEALTH OFFICER DATE

PLANNING & ZONING OFFICER DATE
OFFICE OF PLANNING AND ZONING

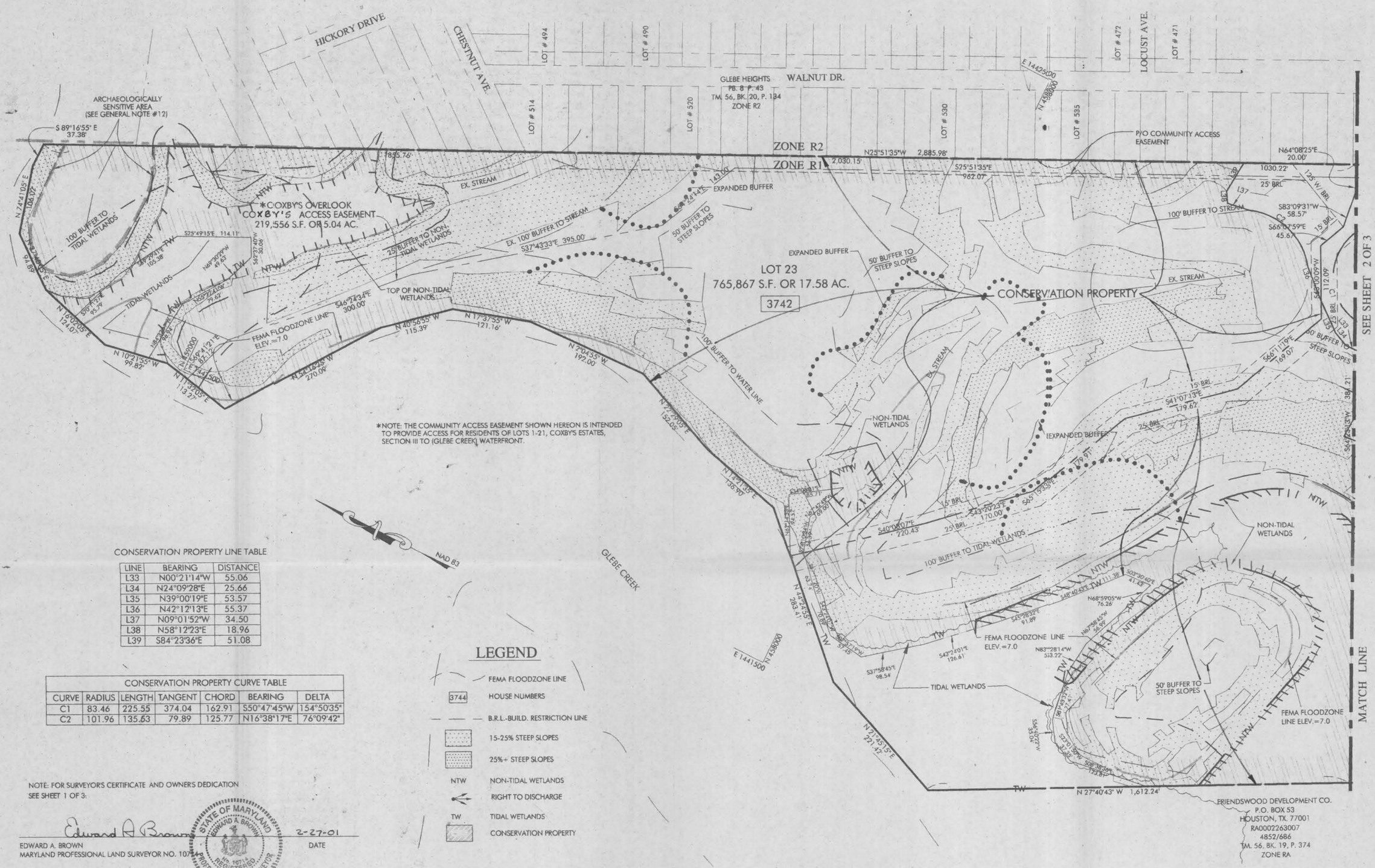
RECORDED IN BOOK _____ PAGE _____ PLAT NO. _____

GRAPHIC SCALE

100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

PLAT 2 OF 3
RESUBDIVISION OF RESERVE PARCEL
COXBY'S ESTATES
SECTION III
2 SINGLE FAMILY LOT SUBDIVISION
A R-1 RESIDENTIAL SUBDIVISION
SUBD. MS# 95-030 PROJ# 00-126
SCALE: AS SHOWN DATE: FEB. 2001
TAX MAP: 60 BLOCK: 2 PARCEL: 18
FIRST ASSESSMENT DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND 21037



CONSERVATION PROPERTY LINE TABLE

LINE	BEARING	DISTANCE
L33	N00°21'14"W	55.06
L34	N24°09'28"E	25.66
L35	N39°00'19"E	53.57
L36	N42°12'13"E	55.37
L37	N09°01'52"W	34.50
L38	N58°12'23"E	18.96
L39	S84°23'36"E	51.08

CONSERVATION PROPERTY CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	83.46	225.55	374.04	162.91	S50°47'45"W	154°50'35"
C2	101.96	135.63	79.89	125.77	N16°38'17"E	76°09'42"

LEGEND

- FEMA FLOODZONE LINE
- 3744 HOUSE NUMBERS
- B.R.L.-BUILD. RESTRICTION LINE
- 15-25% STEEP SLOPES
- 25%+ STEEP SLOPES
- NTW NON-TIDAL WETLANDS
- RIGHT TO DISCHARGE
- TW TIDAL WETLANDS
- CONSERVATION PROPERTY

NOTE: FOR SURVEYOR'S CERTIFICATE AND OWNER'S DEDICATION SEE SHEET 1 OF 3:

Edward A Brown 2-27-01

EDWARD A. BROWN — DATE
MARYLAND PROFESSIONAL LAND SURVEYOR NO. 10711

STATE OF MARYLAND · EDWARD A. BROWN · No. 10711 · REGISTERED PROFESSIONAL LAND SURVEYOR

I ASSENT TO THIS PLAN OF SUBDIVISION

2-27-01

WITNESS — DATE — BY: — DIMITRI SFAKIYANIUDIS, MANAGING MEMBER DES PROPERITIES, LLC

R-1 ZONING SETBACKS

FRONT - 40'
SIDE - (15'/ TOTAL 40')
CORNER SIDE - 40'
REAR - 35'

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

PRIVATE WELL AND PUBLIC SEWER SYSTEMS WILL SERVE EACH LOT.

HEALTH OFFICER — DATE

PLANNING & ZONING OFFICER
OFFICE OF PLANNING AND ZONING — DATE

RECORDED IN BOOK _____ PAGE _____ PLAT NO. _____

PLAT 3 OF 3
RESUBDIVISION OF RESERVE PARCEL
COXBY'S ESTATES
SECTION III
2 SINGLE FAMILY LOT SUBDIVISION
A R-1 RESIDENTIAL SUBDIVISION

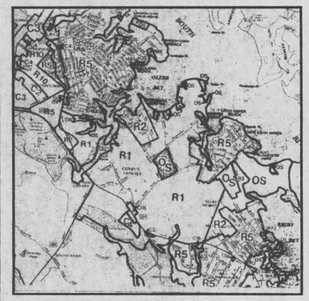
SUBD. MS# 95-030 PROJ# 00-126
SCALE: AS SHOWN DATE: FEB. 2001
TAX MAP: 60 BLOCK: 2 PARCEL: 18
FIRST ASSESSMENT DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND 21037

COXBY'S ESTATES- SECTION III

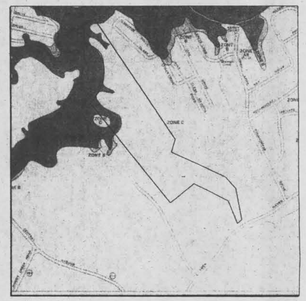
RESERVED PARCEL
2 SINGLE FAMILY LOTS
FINAL DEVELOPMENT PLANS

TAX MAP
N.T.S.

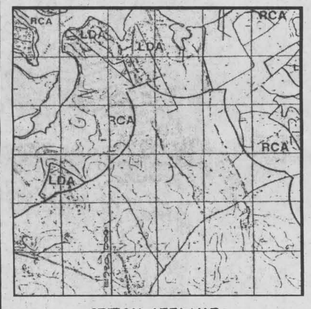
SOILS MAP
N.T.S.



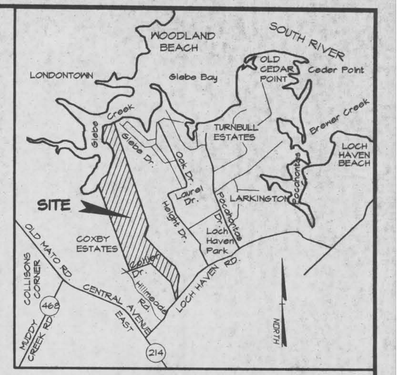
ZONING MAP
N.T.S.



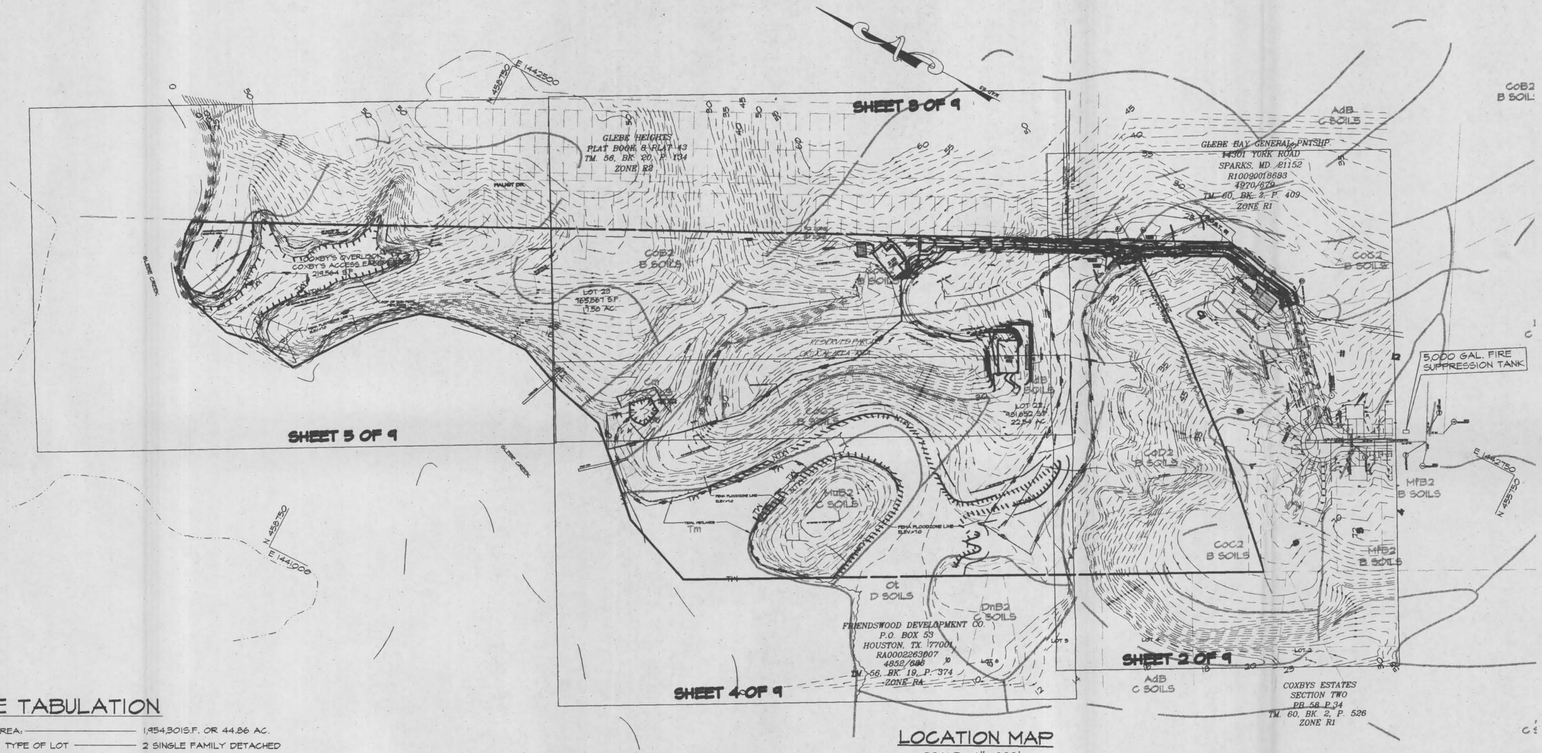
FEMA MAP
N.T.S.



CRITICAL AREA MAP
N.T.S.



VICINITY MAP
SCALE: 1"=2,000'



LOCATION MAP
SCALE: 1"=200'

LEGEND

- STABILIZED CONSTRUCTION ENTRANCE — SCE
- EXISTING GROUND — 102
- PROPOSED GRADE — 102
- LIMIT OF DISTURBANCE
- EXISTING SPOT ELEVATION — X 121.5
- PROPOSED SPOT ELEVATION — X 121.5
- PROPOSED WELL LOCATION — WELL
- EXISTING SOIL CLASSFICATIONS — BuA / BuB2
- 25' WETLAND BUFFER APPROXIMATED NONTIDAL — W
- 25% SLOPES OR GREATER
- 25% BUFFER TO STEEP SLOPES
- WETLANDS
- PRIVATE WATER QUALITY ATTENUATION DRYWELL — 4" PVC
- SILT FENCE — S
- EARTH DIKE

R-1 ZONING SETBACKS

FRONT - 40'
SIDE - (15' TOTAL 40')
CORNER SIDE - 40'
REAR - 35'

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ANNE ARUNDEL COUNTY, MARYLAND - STANDARD DETAILS AND SPECIFICATIONS FOR CONSTRUCTION DATED SEPT. 1988 AND THE LATEST REVISIONS THERETO.
2. THE EXISTING UTILITIES AND OBSTRUCTIONS SHOWN ARE FROM THE BEST AVAILABLE RECORDS AND THEIR LOCATION SHALL BE VERIFIED BY THE CONTRACTOR, TO HIS SATISFACTION, PRIOR TO CONSTRUCTION. NECESSARY PRECAUTIONS SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SERVICES AND MAINS, AND ANY DAMAGE DONE TO THEM DUE TO HIS OPERATIONS SHALL BE REPAIRED IMMEDIATELY AT HIS OWN EXPENSE.
3. IT SHALL BE THE DISTINCTLY UNDERSTOOD THAT THE FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THE PROJECT SHALL NOT RELIEVE THE CONTRACTOR FROM HIS RESPONSIBILITY TO PERFORM SUCH WORK.
4. ALL WORK SHALL COMPLY WITH ALL APPLICABLE PROVISIONS THE MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL IN DEVELOPING AREAS ISSUED BY THE U.S. DEPARTMENT OF AGRICULTURE - SOIL CONSERVATION SERVICE.
5. THE CONTRACTOR SHALL NOTIFY "MISS UTILITY" (1-800-257-7777) FIVE(5) WORKING DAYS PRIOR TO STARTING THE WORK SHOWN ON THIS PLAN.
6. THE CONTRACTOR SHALL NOTIFY THE ANNE ARUNDEL COUNTY, DEPARTMENT OF PLANNING AND CODE ENFORCEMENT (1-410-222-7720) FIVE (5) WORKING DAYS PRIOR TO STARTING THE WORK SHOWN ON THIS PLAN.
7. THE CONTRACTOR IS RESPONSIBLE FOR DUST AND MUD ON COLLIER DRIVE DUE TO VEHICLES ARRIVING AND LEAVING THE JOB SITE.
8. ELEVATIONS, BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE BASED ON A.A.CO. MONUMENT
   A. Monument 34B: Being a conc. mon. set south of Md. Rte. 214 at the entrance to Camp Letts.
      N 341,458.55 E 832,201.52 Elev. = 31.56
   B. Monument 34B-A2: Being a conc. mon. set south of Md. 214, 0.25 miles east of the Camp Letts entrance.
      N 341,121.93 E 832,448.84 Elev. = 9.86
9. FIELD SURVEY DONE BY WILLIAM A. TELLIER OF DESIGN TECH ASSOCIATES, RPLS#217B ON DECEMBER 1997.
10. THERE ARE REMNANTS OF AN ARCHAEOLOGICALLY SENSITIVE AREA (AS SHOWN ON PLAT 3 OF 3). THE COUNTY ARCHAEOLOGIST MUST APPROVE ANY SUBSURFACE DISTURBANCE OR DEVELOPMENT, INCLUDING CONSTRUCTION OR GRADING, WITHIN THIS AREA.
11. NO REMOVAL OR DISTURBANCE TO THE FOREST HABITAT WILL BE ALLOWED DURING APRIL - AUGUST.
12. THE RECREATION AREA REQUIRED FOR THIS PROJECT HAS BEEN PREVIOUSLY PROVIDED AS PART OF COXBY'S ESTATES SECTION III, LOTS 1-21, SUBDIVISION.
13. ALL UNDISTURBED AREAS TO BE PLACED IN A CONSERVATION PROPERTY EASEMENT.

SITE TABULATION

1.	TOTAL PARCEL AREA:	1,954,301S.F. OR 44.86 AC.
2.	TOTAL NUMBER & TYPE OF LOT	2 SINGLE FAMILY DETACHED
3.	ZONING: EXISTING ZONING	R-1
	PROPOSED ZONING	R-1
4.	CRITICAL AREA - (RCA)	1,933,900 S.F. OR 44.40 AC.
5.	TOTAL LOT AREA	1,747,514 S.F. OR 40.12 AC.
	LOT 22	491,652 S.F. OR 22.54 AC.
	LOT 23	765,867 S.F. OR 17.58 AC.
	TIDAL WETLANDS	94,244 S.F. OR 2.16 AC.
	100 YEAR NON-TIDAL FLOODPLAIN	112,581 S.F. OR 2.58 AC.
6.	EASEMENTS:	
	40' PRIVATE USE IN COMMON EASEMENT	43,469 S.F. OR 1.00 AC.
	COMMUNITY ACCESS EASEMENT	219,556 S.F. OR 5.04 AC.
7.	NON-TIDAL WETLANDS	185,294 S.F. OR 4.25 AC.
8.	TOTAL RECREATION AREA REQ.(2x1,000)	2,000 S.F. OR 0.046 AC. PROVIDED AS PART OF PREVIOUS SUBDIVISION
9.	TOTAL RECREATION AREA PROVIDED	23,907 S.F. OR 0.55 AC.
10.	ACTIVE RECREATION AREA REQ.(2,000x75%)	1,500 S.F. OR 0.03 AC. PROVIDED AS PART OF PREVIOUS SUBDIVISION (SEE GENERAL NOTE 12 TO LEFT)
11.	ACTIVE RECREATION AREA PROVIDED	23,907 S.F. OR 0.55 AC. PROVIDED AS PART OF PREVIOUS SUBDIVISION (SEE GENERAL NOTE 12 TO LEFT)
12.	PROPOSED CONSERVATION PROPERTY	1,461,102 S.F. OR 33.54 AC.

WAIVER NOTE

1. WAIVER NO. 8028 AND ADDENDUM TO WAIVER #7094 TO WAIVE THE SKETCH PLAN PROCESS WITH CONDITIONS WAS GRANTED ON 6-17-99.
2. VARIANCE NO. 2000-0183V TO PERMIT A DRIVEWAY WITH LESS BUFFER THAN REQUIRED, WAS DENIED BY THE ADMINISTRATIVE HEARING OFFICER ON JULY 28, 2000.
2. BOARD OF APPEALS NO. BA10-00V, REEVALUATED THE VARIANCE CASE NO. 2000-0183V AND APPROVED THE BUFFER IMPACTS WITH CONDITIONS PER DECISION DATED JANUARY 25, 2001.

CRITICAL AREA SITE TABULATIONS

TOTAL SITE AREA:	1,954,300 SQ. FT. OR 44.86 AC.
AREA WITHIN CRITICAL AREA:	1,933,900 SQ. FT. OR 44.40 AC.
TOTAL LOT AREA:	1,747,514 SQ. FT. OR 40.12 AC.
TOTAL USE IN COMMON:	43,469 SQ. FT. OR 1.00 AC.
TOTAL COMMUNITY ACCESS ESMT:	219,556 SQ. FT. OR 5.04 AC.
TOTAL TIDAL WETLANDS:	94,244 SQ. FT. OR 2.16 AC.
TOTAL NON-TIDAL WETLANDS	185,294 SQ. FT. OR 4.25 AC.
NON-TIDAL 100 YEAR FLOODPLAIN	112,581 SQ. FT. OR 2.58 AC.

IMPERVIOUS AREA CALCULATIONS

LOT #	LOT SIZE	ALLOWABLE (PER BOARD OF APPEALS COVERAGE #BA 70-00V)	PROPOSED COVERAGE
22	22.54 AC.	1.35 AC./6%	0.46 AC./2%
23	17.58 AC.	1.05 AC./6%	0.28 AC./2%
TOTAL	40.12 AC.	2.4 AC./6%	0.74 AC./2%

WOODLAND CLEARING CALCULATIONS

LOT #	EXIST. WOODS	WOODS TO BE CLEARED/%	MITIGATION
22	20.21 AC.	1.55 AC./8%	1.55 AC.
23	17.21 AC.	0.82AC./5%	0.82 AC.
TOTAL	37.42 AC.	2.37 AC./6%	2.37 AC.

NOTE: THE PROPOSED WOODLAND CLEARING AND IMPERVIOUS AREA COVERAGE INCLUDE THE AREA WITHIN THE 40' PRIVATE USE-IN-COMMON EASEMENT

SHEET INDEX

SHEET 1 - TITLE SHEET
SHEET 2 - FINAL DEVELOPMENT PLAN
SHEET 3 - FINAL DEVELOPMENT PLAN
SHEET 4 - FINAL DEVELOPMENT PLAN
SHEET 5 - FINAL DEVELOPMENT PLAN
SHEET 6 - ROAD AND CULVERT PROFILES
SHEET 7 - FORCE MAIN PROFILE
SHEET 8 - NOTES AND DETAILS
SHEET 9 - SEDIMENT CONTROL DETAILS

SUBD. NO. 1995-030 PROJ. NO. 00-126

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND — BRANDON LEE BLAIR — No. 21671 — REGISTERED PROFESSIONAL ENGINEER
2-27-01

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.
These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN	TITLE SHEET
DATE: FEB. 21, 2001	COXBY'S ESTATES
DRAWN BY: RCT	SECTION III, RESERVE PARCEL
DESIGNED BY: BLW	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15	1ST ASSESSMENT DISTRICT
SHEET 1 OF 9	ANNE ARUNDEL COUNTY, MARYLAND
	FINAL DEVELOPMENT PLAN

SUBD. NO. 1995-030 PROJ. NO. 00-126

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND — PROFESSIONAL ENGINEER — 2-27-01

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.

These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN
DATE: FEB. 21, 2001
DRAWN BY: RCT
DESIGNED BY: BLW
CHECKED BY: BLW
JOB NO. 97-15
SHEET 2 OF 9

FINAL DEVELOPMENT PLAN

COXBY'S ESTATES
SECTION III, RESERVE PARCEL
A R-1 RESIDENTIAL SUBDIVISION
TAX MAP: 60 BLOCK: 2 PARCEL: 18
1ST ASSESSMENT DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT2

MATCH LINE - SEE SHEET 3 OF 9.

MATCH LINE - SEE SHEET 5 OF 9.

MATCH LINE - SEE SHEET 2 OF 9.

LEGEND

- STABILIZED CONSTRUCTION ENTRANCE
- EXISTING GROUND — 102 —
- PROPOSED GRADE 102
- LIMIT OF DISTURBANCE LOD
- PROPOSED SPOT ELEVATION X 121.5
- PROPOSED WELL LOCATION ● WELL
- EXISTING SOIL CLASSIFICATIONS BuA BuB2
- 25' WETLAND BUFFER APPROXIMATED NONTIDAL
- 25% SLOPES OR GREATER
- 25% BUFFER TO STEEP SLOPES
- WETLANDS
- PRIVATE WATER QUALITY ATTENUATION DRYWELL 4" PVC
- SILT FENCE SF SF
- EARTH DIKE
- RIGHT TO DISCHARGE

PROP PIER

100' BUFFER TO TIDAL WETLANDS

25' BRL

N 45°28'55" E 253.41'

S 40°08'27" E 250.45'

S 48°40'45" E 11.50'

S 48°28'32" E 41.84'

S 48°24'01" E 126.61'

S 68°50'45" E 48.24'

S 08°50'00" E 41.45'

S 08°39'32" E 38.26'

S 08°39'32" E 77.01'

S 08°39'32" E 38.26'

S 08°39'32" E 38.26'

N 28°45'32" E 259.24'

N 45°28'55" E 253.41'

FEMA FLOODZONE LINE
ELEV.=7.0

N 457500 E 144000

NON-TIDAL WETLANDS

50' BUFFER TO STEEP SLOPES

FEMA FLOODZONE LINE
ELEV.=7.0

CONSERVATION PROPERTY

25' NON-TIDAL WETLANDS BUFFER

EX STREAM

N 45°13'24" W 40.12'

S 68°47'28" W 40.12'

1738.00

N 457500
E 144500

NAD 83

FRIENDSWOOD DEVELOPMENT CO.
P.O. BOX 53
HOUSTON, TX. 77001
RA0002263007
4852/686
TM. 56, BK. 19, P. 374
ZONE RI

COXBYS ESTATES
SECTION TWO
FB 58 P.34
TM. 60, BK. 2, P. 526
ZONE RI

LOT 5

LOT 6

E 144500 N 457000

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

SUBD. NO. 1995-030 PROJ. NO. 00-126

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND — BRIAN L. WILSON — No. 21178 — REGISTERED PROFESSIONAL ENGINEER — 2-27-01

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.

These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN	*FINAL DEVELOPMENT PLAN*
DATE: FEB. 21, 2001	**COXBY'S ESTATES**
DRAWN BY: RCT	**SECTION III, RESERVE PARCEL**
DESIGNED BY: BLW	**A R-1 RESIDENTIAL SUBDIVISION**
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15	1ST ASSESSMENT DISTRICT
SHEET 4 OF 9	ANNE ARUNDEL COUNTY, MARYLAND
	SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT4

MATCH LINE - SEE SHEET 5 OF 9

MATCH LINE - SEE SHEET 2 OF 4

WALNUT DR.

LOCUST AVE.

N 458250 E 1442500

GLEBE HEIGHTS
PLAT BOOK 8 PLAT 43
TM. 56, BK. 20, P. 134
ZONE R2

R2 ZONE

R1 ZONE

N25°51'35"W

S25°51'35"E 92.07'

N64°08'25"E 400.00'

2885.98'

25' BRL

40' BRL

15' BRL

100' BUFFER TO STREAM

50' BUFFER TO STEEP SLOPES

EXPANDED BUFFER

EX. MOTORCYCLE TRAIL

EX. STREAM

10" PRIVATE RCP

INV. 22.8

LOT 23
782,949 SQ. FT.
FF: 44.00
BF: 34.50
S143

LOT 22
433,762 SQ. FT.
FF: 31.00
BF: 27.00
S144

WELL

CONSERVATION PROPERTY

44" QUERCUS PRIMUS

NON-TIDAL WETLANDS

S41°07'18"E 79.82'

S63°15'55"E 74.91'

S33°00'00"W 161.01'

15' BRL

25' BRL

MATCH LINE - SEE SHEET 4 OF 9

LEGEND

- STABILIZED CONSTRUCTION ENTRANCE
- EXISTING GROUND — 102 —
- PROPOSED GRADE — 102 —
- LIMIT OF DISTURBANCE — LOD —
- PROPOSED SPOT ELEVATION X 121.5
- PROPOSED WELL LOCATION ● WELL
- EXISTING SOIL CLASSIFICATIONS BuA / BuB2
- 25' WETLAND BUFFER APPROXIMATED NONTIDAL
- 25% SLOPES OR GREATER
- 25% BUFFER TO STEEP SLOPES
- WETLANDS
- PRIVATE WATER QUALITY ATTENUATION DRYWELL ⊕ 4" PVC
- SILT FENCE SF SF
- EARTH DIKE
- RIGHT-TO DISCHARGE

SUBD. NO. 1995-030 PROJ. NO. 00-126

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

OWNER / DEVELOPER

DES PROPERTIES, L.L.C.
C/O SIGMA ENGINEERING, INC.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MD 21401
TEL: (410) 266-5599

NO.	REVISIONS	DATE

STATE OF MARYLAND — BRENDON LEE BISTERFELD — No. 21801 — REGISTERED PROFESSIONAL ENGINEER

Sigma Engineering, Inc.
45 OLD SOLOMONS ISLAND ROAD
SUITE 204
ANNAPOLIS, MARYLAND 21401
TELEPHONE (410) 266-5599

© 2001 Sigma Engineering, Inc.

These drawings are the property of the Sigma Engineering, Inc. Unauthorized reproduction for any purpose is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.

SCALE: AS SHOWN	FINAL DEVELOPMENT PLAN
DATE: FEB. 21, 2001	COXBY'S ESTATES
DRAWN BY: RGT	SECTION III, RESERVE PARCEL
DESIGNED BY: BLW	A R-1 RESIDENTIAL SUBDIVISION
CHECKED BY: BLW	TAX MAP: 60 BLOCK: 2 PARCEL: 18
JOB NO. 97-15	1ST ASSESSMENT DISTRICT
SHEET 3 OF 9	ANNE ARUNDEL COUNTY, MARYLAND
	SIGMAPDC\PROJ\97-15RES\DWG\FDP-SHT3