

AA 813-05
VAR

Herald Harbor
0427

MSA-S-1829-4746

12/14/05
File comments

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

December 14, 2005

Ms. Suzie Schappert
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: 2005-0376-V, Hogendorp

Dear Ms. Schappert:

This office has received the current plans for the above referenced variance case. The applicant has relocated the dwelling to the approximate location that we recommended previously. There are still impacts to steep slopes and to the non-tidal wetlands buffer but they have been significantly reduced from the original application in 2002. Specifically, the plan shows a 50 by 28 foot dwelling with a 10-foot front deck located in the vicinity of where lots 23 to 25 and 33 to 35 come together. Only the deck footers impact the non-tidal wetland buffer. A front entry garage is proposed.

The subject property is designated LDA and is currently undeveloped. The property in question is made up of 23 small non-conforming lots. Its boundaries are irregular in shape and the layout and topography of the property necessitate a variance for any kind of development. There is a springhead in a ravine that drains to the subject property. The proposed mound system is in the pathway of this drainage system. Based on a review of on-site conditions and the site plan, it appears that the applicant has minimized impacts while gaining reasonable use of the property.

If a variance is granted, we recommend that it be contingent on the applicant meeting the following conditions. First, we recommend that the applicant install blaze orange safety fence (in addition to any required silt fencing) to identify the approved limits of disturbance (LOD). This will serve two purposes. It will ensure that no clearing occurs outside the LOD and it will also ensure that the lots not owned by the applicant are protected from any disturbance. Next, we recommend that reforestation be provided at a 3:1 ratio since clearing will be 39%.

Ms. Suzie Schappert
December 14, 2005
Page Two

This office had recommended in our October 10, 2002 letter that the applicant be required to conduct a "Drainage Area Study" to ensure that the mound system will not fail the first time we get a substantial amount of rain. We requested that the study include the acreage of the drainage area, information on the soils (permeability/erosive characteristics), geology and an assessment of the amount of impervious surface within the drainage area. Calculations of the runoff flow (how many cubic feet per second will be flowing down the ravine) can then be made for various types of storm events (e.g., 1-year, 2-year, 10-year etc.). We recommended this information be provided to the County Health Department to allow them to assess whether the mound system will be affected by this drainageway. If it will be affected, other septic alternatives should be explored. At this time, we have no information as to whether such a study was done and if the Health Department has determined that the proposed storm drains and swales are sufficient to protect the mound system. If so, we recommend that these drains and swales be cleaned out after storm events to prevent inundation of the mound system.

Thank you for the opportunity to comment. Please submit these comments for the record and notify us in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,



Regina A. Esslinger, Chief
Project Evaluation Division

cc: AA813-05

ED BROWN & ASSOCIATES, INC.

EDWARD A. BROWN L.S.
President

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19 Loretta Avenue
Annapolis, Maryland 21401

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410-841-0119
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DOUGLAS D. BOURQUIN
Vice President

August 23, 2005

Anne Arundel County
Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

Attention: Ms. Suzie Schappert

Reference: Lots 21 through 29 and 32 through 35 and 38 through 47, Block 124
Herald Harbor on the Severn, Section C
Tax Map 38 Block 5 Parcel 24
Tax ID # 2413-0336-8880 and #3413-033608890

Dear Ms. Schappert :

We are seeking a variance for the above referenced project based upon the site being within 1000 foot of tidal waters. The site is definitely within critical areas and we have a critical area report confirming these facts. Based upon steep slopes within critical area we must seek the Variance to be permitted construction within these slopes.

The Variances we are now requesting were previously approved by the Board of Appeals in Case Number **BA 39-02V** on January 7, 2003. However, the Maryland Department of the Environment delayed until January 23, 2004, issuing a Water Management authorization necessary to obtain a grading permit and subsequently a building permit. Therefore, the one-year life of the Variance (**2001-0427-V**) received had expired before the application for the grading permit could be submitted. Accordingly, since the Variances granted by the Board of Appeals had expired, we need to apply for a new Variance decisions and/or a time extension.

A variance is being sought under Article 26, Title 8. Critical Area Overlay, Subtitle 2. General Development Requirements 26-8-201. Development on slopes of 15% or greater in the LDA and RCA; impacts to steep slopes and its buffers; and Subtitle 3. Buffers 26-8-301. New Structures. Impacting on the 100 foot and Article 27, Title 13. Critical Area Overlay, Subtitle 1. 27-13-104. Buffers and expanded buffer modification areas.

We are attempting to keep the proposed house outside the floodplain (elevation at 8.0 ft. above sea level), but in order to do so, we have placed the home within steep slopes. According

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CRITICAL AREA COMMISSION

to the records and the critical area report we are impacting upon an intermittent stream, non-tidal wetlands, steep slopes, all of their buffers and also a 100 foot buffer to tidal wetlands. Thus we are seeking variances to each item mentioned in order to develop within these infill lots of Herald Harbor.

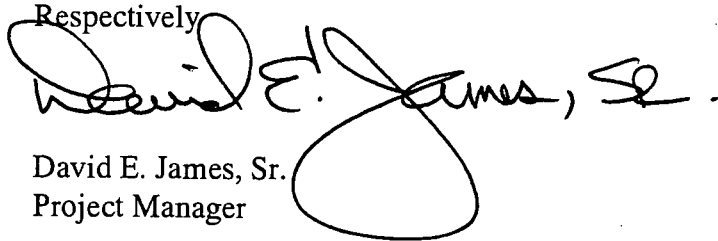
It is our goal to minimize the impacts. The land area of this tract is combining twenty-three (23) lots and part of Hunche Road having a total tract area of 68,186 square feet of 1.57 Acre, more or less, and the clearing within the limit of disturbance is approximately 26,875 square feet or 39.41%, inclusive of off-site disturbed areas that are within the county rights-of-way. In order to satisfy each government review agency(ies) i.e. Health Department, Grading Review Section of Inspections and Permits, etc., we are required to meet other setback requirements that has established the development plan before you. The septic area has been designed based upon the poor substrata soil conditions found and the Health Department variance shall be required for side yard setbacks for the mound system. The home selected is the average house size of 50 feet by 28 feet with an attached 10 foot wide porch, that is similar to the community that have been developed throughout the years.

The topographic slopes present are gentle and steep. The average steep slope present is 15 to 40 percent except where the septic field is located. The septic area is relatively gentle, having a slope of about 3 percent, and is surrounded by steep slopes. There is two ravines encroaching and shown on their plan, but we are redirecting the upstream flows via storm rain and swale systems.

We believe this variance request is the only solution to assist the owners in developing their property.

Should you have any questions regarding this project, please do not hesitate to call me. Thank You.

Respectively

A handwritten signature in black ink that reads "David E. James, Sr." with a stylized flourish at the end.

David E. James, Sr.
Project Manager

HERALD HARBOR

BLOCK 124 LOTS 21-28, 31-35, 38-47

CRITICAL AREA REPORT

I. INTRODUCTION

The lots known as Block 124, Lots 21-28, 31-35, and 38-47 in Herald Harbor equal about one acre in size, are all wooded and are proposed to be developed with one single family residence and its associated structures. The lots are like most of those in Herald Harbor, in that no development can occur without a variance to one or more of the regulations. In this case, a variance is needed to Section 1A-104 (a) (1), to allow disturbance to the 100' buffer to a tidal wetland, to the 100' buffer to a tributary stream, to the 25' buffer to nontidal wetlands, to the wetlands themselves, and to the steep slopes. Without this variance, the lots cannot be developed.

II. VICINITY MAP

Included in this report is a vicinity map showing the location of the site. Also included are portions of the Critical Area map, soil survey, and nontidal wetland map.

III. NARRATIVE

A. EXISTING CONDITIONS

As stated, the lot is entirely wooded at this time. The woodland is fairly uniform throughout, with yellow poplar, sweetgum, southern red and chestnut oak in the overstory. The forest is mature and the overstory trees are generally in the 12-26" diameter size class with 100% canopy closure.

The understory, in the 4-12" diameter size class, is comprised of holly, dogwood, sweetgum and yellow poplar. Spicebush and black cherry are the dominant shrubs and the ground cover contains Christmas, maidenhair, lady and sensitive ferns, mayapples, and jack-in-the-pulpit. The forest stand also has several vine species, found more prevalently in some areas than others, including Japanese honeysuckle, English ivy, and poison ivy.

The nontidal wetland located at the bottom of the slopes and adjacent to the intermittent stream has sycamore, sweetgum and red maple in the overstory; arrowwood, spicebush and chokeberry in the shrub layer; and *Impatiens*, sensitive ferns and cinnamon ferns in the groundcover.

The wildlife use of the site is expected to be varied, though very few birds and only several squirrels were seen the day of the

field work (which had a heat index of over 100°F). The vegetation offers a variety of food and nesting species and the stream channel has water in it periodically. It is likely that deer and most of the Anne Arundel County species of small mammals could be found on or near the property.

The soil type on the site is Monmouth, which is nonhydric but has a k-factor of 0.43, making it highly erodible. The site is found almost completely on steep slopes.

There were no rare, threatened or endangered species seen during the field work, nor any critical habitats. No historic or archaeological features were seen, though the proximity to the Severn River and the location of the site on steep slopes may be indicative of historic use of the site.

B. STORMWATER MANAGEMENT

At this time there is no stormwater management because there is no development on the site. With construction of the house and driveway, all impervious surfaces will be managed via a stormwater management basin.

C. IMPACT MINIMIZATION

The entire site is impacted by at least one, and generally more than one, buffer. It would not be possible to develop the parcel at all without variances to these buffers. The only way to minimize impacts is to keep the disturbance to the least necessary for the construction of the house and its associated facilities (driveway, stormwater management, septic system, etc.). At this time, only about 20% of the lot is proposed to be disturbed, keeping 80% in its natural condition.

D. HABITAT PROTECTION AREAS

This parcel has almost all of the possible Habitat Protection Areas associated with it: intermittent stream, nontidal wetlands, steep slopes, all of their buffers and also a 100' buffer to tidal wetlands. Again, it is not possible to develop the lot without disturbance to those features.

E. PROPOSED CONDITIONS

The proposed development of this parcel will be for the construction of a single family residence, a driveway, stormwater management system and septic system. The site calculations are as follows:

TOTAL SITE AREA	68,186 SQ. FT.
EXISTING WOODLAND	68,186 SQ. FT.
EXISTING IMPERVIOUS COVERAGE	0 SQ. FT.
PROPOSED CLEARING AREA)	26,875 SQ. FT. (39.41% INCLUDES OFFSITE
PROPOSED IMPERVIOUS COVERAGE AREA)	4,500 SQ. FT. (6.60% INCLUDES OFFSITE

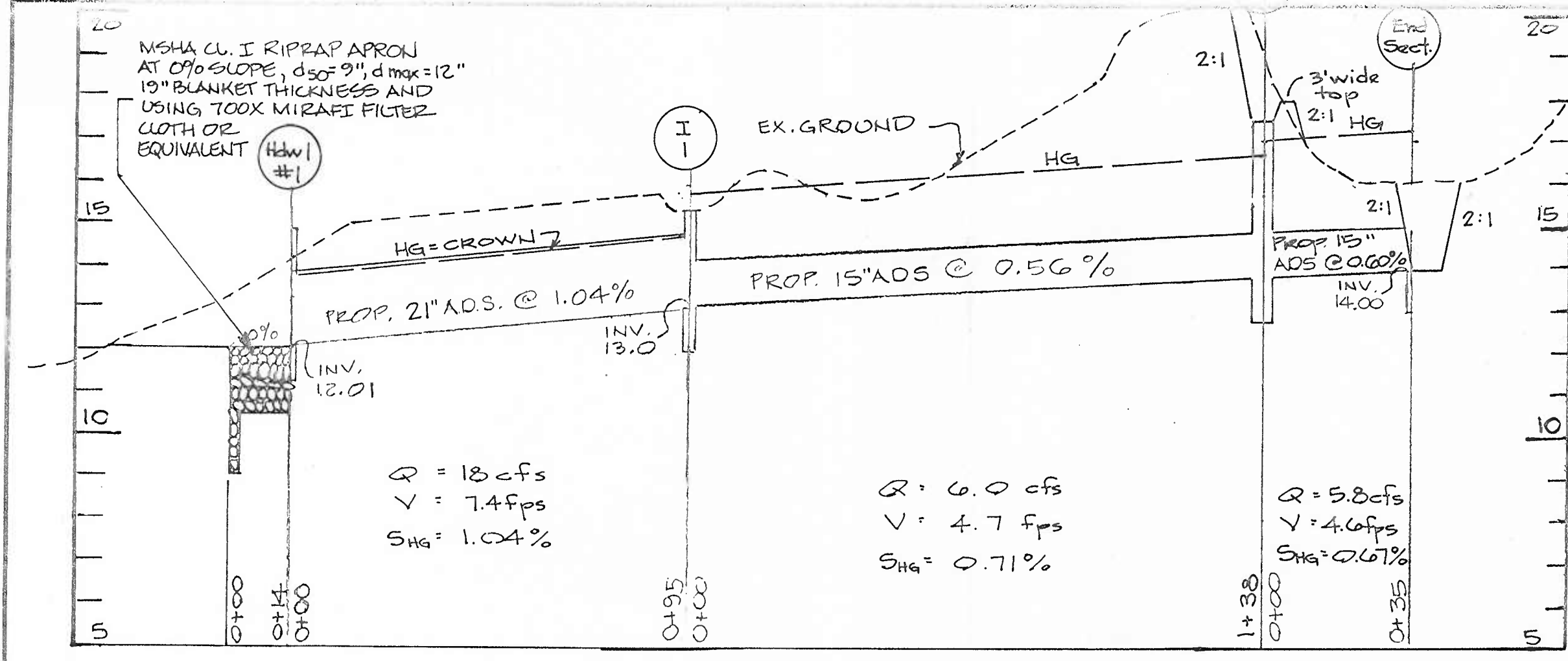
IV. PLANS

Attached to this report is a plan showing the existing features of the site with the proposed development overlaying those features. As is apparent, the majority of the property will be left undisturbed. The disturbance has been kept at or near the bottom of the slopes to lessen the impacts to those slopes.

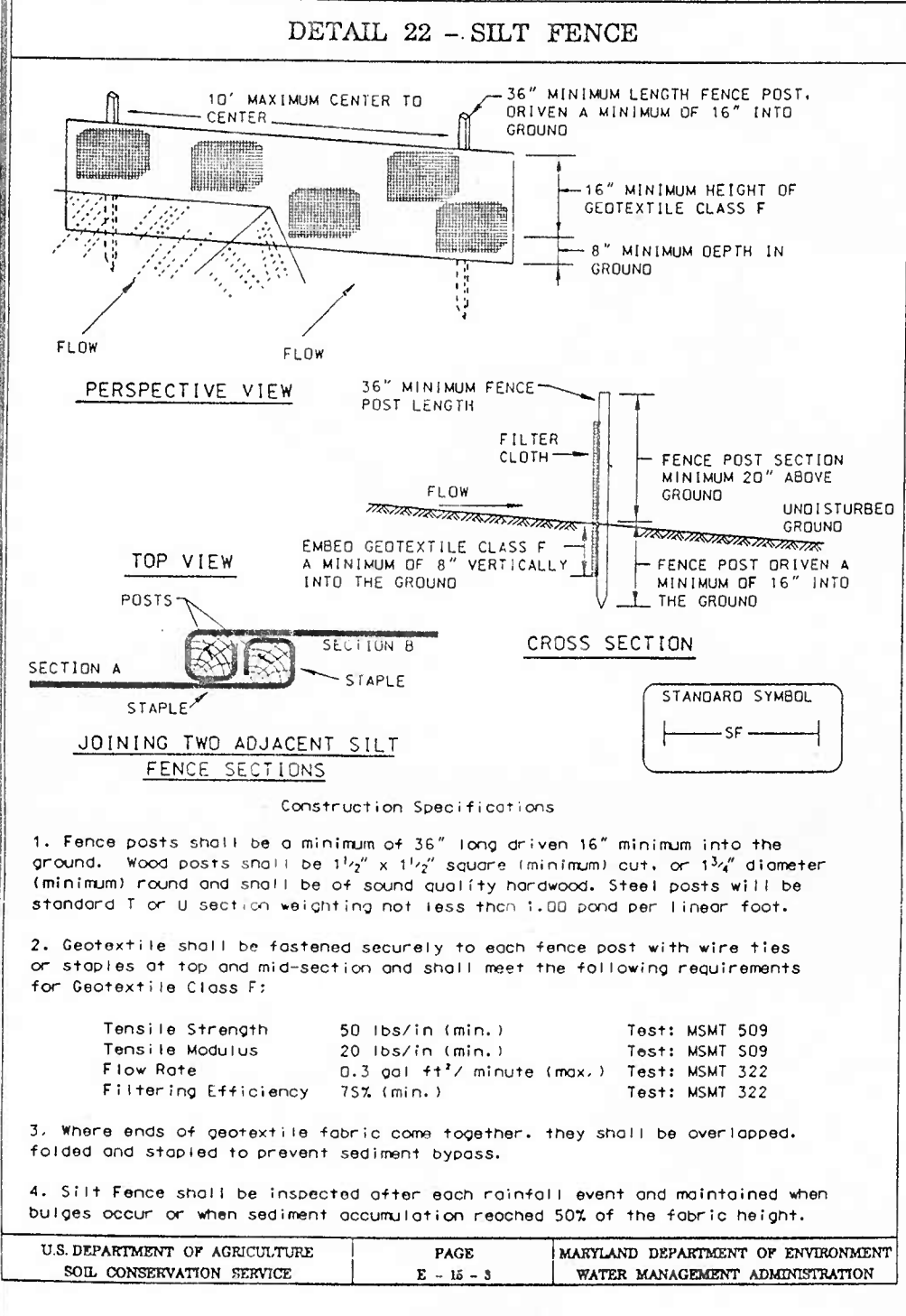
V. ADDITIONAL INFORMATION

The Notification of Project Application for the Critical Area Commission is attached.

The field work was conducted on 7/25/01.



STORM DRAIN PROFILE
SCALE: HOR. 1" = 30'
VERT. 1" = 3'



- CERTIFICATION**
- LOT SIZE (ONSITE) 6386 SQ FT
 - IMPERVIOUS EXISTING 0 SQ FT
 - ALLOWED IMPERVIOUS (ONSITE) 9,113 SQ FT
 - PROPOSED IMPERVIOUS (ONSITE) 2500 SQ FT (4500 FT TOTAL)
 - EXISTING WOODLAND (ONSITE) 6018 SQ FT
 - WOODLAND TO BE REMOVED 26,875 SQ FT (16,125 SQ FT, ONSITE (24%) (10,750 SQ FT, OFFSITE IN ROAD R/W FOR ROADS, DRIVE AND STORM DRAINS)

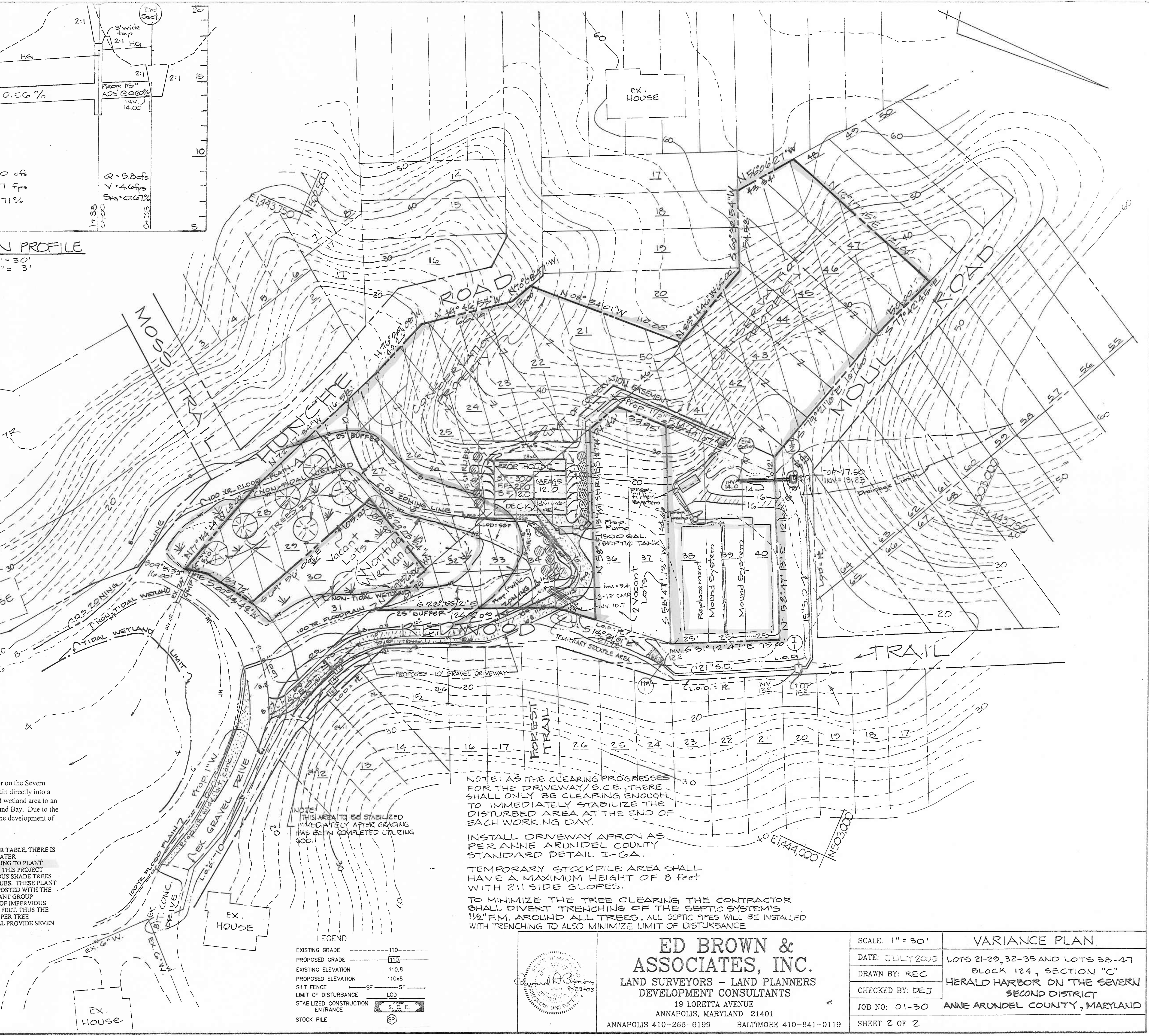
OUTFALL STATEMENT

The subject site is a combination of 23 variable size lots in the Herald Harbor on the Severn subdivision. Storm drain flows that runoff of the onsite impervious areas drain directly into a nontidal wetland which is part of our site. It then drains through the very flat wetland area to an existing 24" CMP which discharges to wetlands prior to entry into Little Round Bay. Due to the sites direct tidal discharge, no adverse impacts are anticipated as a result of the development of this site.

STORMWATER MANAGEMENT

DUE TO THE STEEP SLOPES, SEPTIC AREA AND THE HIGH WATER TABLE, THERE IS NO OPPORTUNITY TO CONSTRUCT A CONVENTIONAL STORMWATER MANAGEMENT SYSTEM ON SITE. THEREFORE, WE ARE PROPOSING TO PLANT VEGETATION TO "OFF-SET" THE PROPOSED IMPERVIOUS AREA. THIS PROJECT WILL PROVIDE AND INSTALL SEVEN (7) 1 1/4" CALIPER DECIDUOUS SHADE TREES (B & B) AND TWENTY-ONE (21) 3 TO 4 GALLON CONTAINER SHRUBS. THESE PLANT MATERIALS WILL BE THE SUBJECT OF SECURITY BOND TO BE POSTED WITH THE FEE AND BOND SHEET OF THE GRADING PERMIT ISSUANCE. PLANT GROUP CONSISTS OF 1 TREE AND 3 SHRUBS EQUALS 400 SQUARE FEET OF IMPERVIOUS AREA. THE PROPOSED IMPERVIOUS COVERAGE IS 2500 SQUARE FEET. THUS THE EQUATION IS 2500 SQUARE FEET DIVIDED BY 400 SQUARE FEET PER TREE GROUPING YIELDS 6.25 PLANT GROUPINGS. THIS PROJECT SHALL PROVIDE SEVEN TREE GROUPINGS FOR A TOTAL OF 2800 SQUARE FEET.

NO	DESCRIPTION	BY	DATE
REVISIONS			



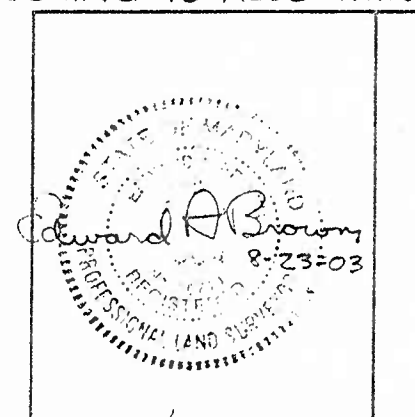
NOTE: AS THE CLEARING PROGRESSES FOR THE DRIVEWAY/S.C.E., THERE SHALL ONLY BE CLEARING ENOUGH TO IMMEDIATELY STABILIZE THE DISTURBED AREA AT THE END OF EACH WORKING DAY.

INSTALL DRIVEWAY APRON AS PER ANNE ARUNDEL COUNTY STANDARD DETAIL I-6A.

TEMPORARY STOCKPILE AREA SHALL HAVE A MAXIMUM HEIGHT OF 8 FEET WITH 2:1 SIDE SLOPES.

TO MINIMIZE THE TREE CLEARING, THE CONTRACTOR SHALL DIVERT TRENCHING OF THE SEPTIC SYSTEM'S 1 1/2" F.M. AROUND ALL TREES. ALL SEPTIC PIPES WILL BE INSTALLED WITH TRENCHING TO ALSO MINIMIZE LIMIT OF DISTURBANCE.

- LEGEND**
- EXISTING GRADE ---|---
 - PROPOSED GRADE ---|---|---
 - EXISTING ELEVATION 110.8
 - PROPOSED ELEVATION 110x8
 - SILT FENCE SF SF
 - LIMIT OF DISTURBANCE LOD
 - STABILIZED CONSTRUCTION ENTRANCE S.C.E.
 - STOCK PILE



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19 LORETTA AVENUE
ANNAPOLIS, MARYLAND 21401
ANNAPOLIS 410-268-6199 BALTIMORE 410-841-0119

SCALE: 1" = 30'		VARIANCE PLAN	
DATE: JULY 2005	DRAWN BY: REC	LOTS 21-29, 32-35 AND LOTS 38-47	
CHECKED BY: DEJ	JOB NO: 01-30	BLOCK 124, SECTION "C"	
SHEET 2 OF 2		HERALD HARBOR ON THE SEVERN	
		SECOND DISTRICT	
		ANNE ARUNDEL COUNTY, MARYLAND	