

BC 342-05 Chesterwood Park
~~Site Plan~~ 05-007 VAR

MSA-S-1829-4809

CH
Comment
6/3/08

CH
Comment
6/13/05

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/

July 10, 2006

Mr. James W. Price
Program Open Space
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS/CPP Project # 4861-3-403
Chesterwood Park, Baltimore County

Dear Mr. Price:

Thank you for forwarding the above-referenced project to this office for review and comment. I have attached a letter that was sent to Baltimore County concerning the proposed improvements at Chesterwood Park. As you will see in that letter, this office has reviewed the proposed improvements and agree that they are consistent with the local Critical Area program; therefore, no further review is required by this office unless the scope of the project changes.

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

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: BC 342-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

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June 13, 2005

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Chesterwood Park – Consistency Report

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced project to this office per the requirements of COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. After reviewing the consistency report, this office agrees that the project is consistent with the Baltimore County Critical Area Program for the reasons outlined below. The project will:

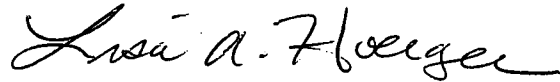
- Provide a living fence to protect the nontidal wetland and its buffer and the tidal wetland and tidal Buffer.
- Provide adequate sediment control during construction.
- Stabilize an eroding shoreline as part of the fishing pier construction.
- Avoid clearing.
- Provide reforestation at a 3:1 ratio for Buffer disturbance.
- Remove 13,729 square feet of existing impervious so that resulting impervious is below 15%.
- Reforest 33,508 square feet of historically mowed non-tidal wetlands.
- Provide 3:1 mitigation for 1136 square feet of Buffer impact for access to the piers.

Since the project is consistent with the local program, it will not require formal approval by the Chesapeake Bay Critical Area Commission, notwithstanding any other required resource agency approvals.

Mr. Shaffer
June 13, 2005
Page Two

Thank you again for your cooperation and assistance with reviewing this project. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: BC 342-05

Robert L. Ehrlich, Jr.
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June 3, 2005

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Chesterwood Park – Site Plan, Variance, Alternatives Analysis

Dear Mr. Shaffer:

This office has received the above-referenced project for review and comment. Our staff has visited the site with County staff and has subsequently reviewed the site plans. We support the application, as it appears the alternative selected involves the least disturbance, and your office will require appropriate Buffer mitigation on-site.

In the meantime, we look forward to receiving the consistency letter for this project in the future. If you have any questions about that process, please telephone me at (410) 260-3478.

Sincerely,

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

Lisa A. Hoerger
Natural Resources Planner

cc: BC 342-05

**Department of Environmental Protection
and Resource Management**

401 Bosley Avenue, Suite 416
Towson, Maryland 21204



0342 05
Baltimore County

*James T. Smith, Jr., County Executive
David A.C. Carroll, Director*

June 10, 2005

Mr. Robert Barrett, Director
Baltimore County Dept. of Recreation & Parks
301 Washington Avenue
Towson, MD 21204

Re: Chesterwood Park
Critical Area Administrative Variance

Dear Mr. Barrett:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to allow 15,686 square feet of existing impervious surface to remain in the 100 foot buffer to tidal waters. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. This impervious surface area was constructed in the buffer decades prior to inception of the CBCA Regulations and includes an existing dwelling that will be used. Consequently, a literal interpretation of the regulations would result in an unwarranted hardship, as your department has and intends to continue actively using this 15,686 square feet of impervious area in the buffer. Therefore, this criterion is met.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Other properties in similar areas of the Critical Area have been allowed to maintain structures and impervious surfaces in the buffer if they predated the regulations and were not being intensified. Therefore, a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area, and this criterion is met.

RECEIVED

SEP 13 2005

Visit the County's Website at www.baltimorecountyonline.infoITICAL AREA COMMISSION



Mr. Robert Barrett
Chesterwood Park
June 10, 2005
Page 2

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. As stated above, other properties in similar areas of the Critical Area have been allowed to maintain structures and impervious surfaces in the buffer if they predated the regulations and were not being intensified. Therefore, granting the requested variance will not confer upon you, the applicant, any special privilege that would be denied to other lands or structures within the Critical Area and this criterion is also met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. There was no way of knowing that the current CBCA regulations would be promulgated and enforced at the time the impervious surfaces and structures were constructed. Therefore, there are no conditions or circumstances, which are the result of actions by your department, nor does the request arise from any condition relating to land or building use on any neighboring property. Consequently, this criterion is met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. The mitigation plan included in your submittal includes removal of 13,729 square feet of existing impervious surface from the buffer thus resulting in more than a 53% reduction in existing impervious surface in the buffer. Additionally, 30,095 square feet of historically mowed non-tidal wetland and its buffer in and adjacent to the tidal shoreline buffer will be reforested using native species of trees.

Based upon our review, this Department finds that the first four of the above criteria have been met, and that the fifth criterion can be met by implementing the mitigation plan included in your submittal. Therefore, the requested variance is hereby approved in accordance with Section 33-2-205 of the Baltimore County Code with the following conditions:

1. The attached "Notice of Granting of Variance" must be published in The Eagle, The Avenue, or the East County Times. Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.

Mr. Robert Barrett
Chesterwood Park
June 10, 2005
Page 3

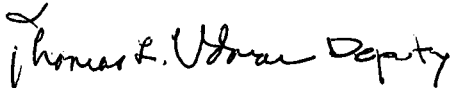
2. 29,700 square feet of historically mowed non-tidal wetland and its buffer in and adjacent to the tidal shoreline buffer shall be reforested in accordance with a final detailed mitigation plan.
3. The mitigation plan shall be revised to include a living fence to delineate the buffer where it will not be reforested and where it interfaces with active recreation such as the proposed athletic field and pavilion areas.
4. The aforementioned mitigation plan shall be approved by DEPRM prior to issuance of any grading permit.

It is the intent of this Department to approve this variance subject to the above conditions. Changes in site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the next page and then return a copy of the Certificate of Publication, the revised plot plan, and the letter to this Department c/o Mr. Glenn Shaffer of Environmental Impact Review. Failure to return a signed copy of this letter and the other two items may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Mr. Shaffer at 410-887-3980.

Sincerely,



for David A. C. Carroll
Director

DACC:ges

c: Ms. Lisa Hoerger, CBCA Commission

Mr. Robert Barrett
Chesterwood Park
June 10, 2005
Page 4

I/We have read and agree to implement the above requirements to bring the subject property into compliance with Chesapeake Bay Critical Area regulations.

Signature

Date

Printed Name

Mr. Robert Barrett
Chesterwood Park
June 10, 2005
Page 5

BALTIMORE COUNTY

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

NOTICE OF GRANTING OF VARIANCE

ADDRESS: 2200 Peninsula Expressway

LEGAL OWNER: Baltimore County

The Baltimore County Department of Environmental Protection and Resource Management, pursuant to Section 33-2-205 of the Baltimore County Code, hereby gives notice that a variance from Section 33-2-402 of the Code, Chesapeake Bay Critical Area Requirements, will be granted for the purpose of allowing 15,686 square feet of existing impervious surface to remain in the 100 foot buffer to tidal waters on the referenced property. Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by this decision, may appeal to the Baltimore County Board of Appeals within forty-five (45) days from the date of this notice. Appeals must be made in writing, stating the reason for appeal, and must be mailed to Environmental Impact Review, Baltimore County Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Suite 416, Towson, Maryland 21204. All appeals must be accompanied by a check for \$100.00 payable to Baltimore County Government.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
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Ren Serey
Executive Director

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June 3, 2005

Mr. Glenn Shaffer
Baltimore County DEPRM
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

Re: Chesterwood Park – Site Plan, Variance, Alternatives Analysis

Dear Mr. Shaffer:

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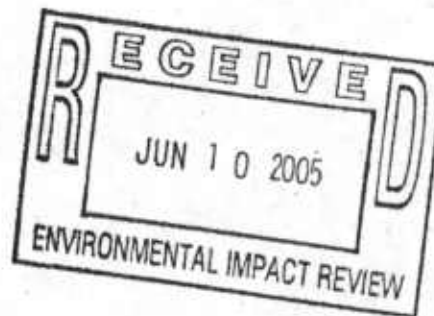
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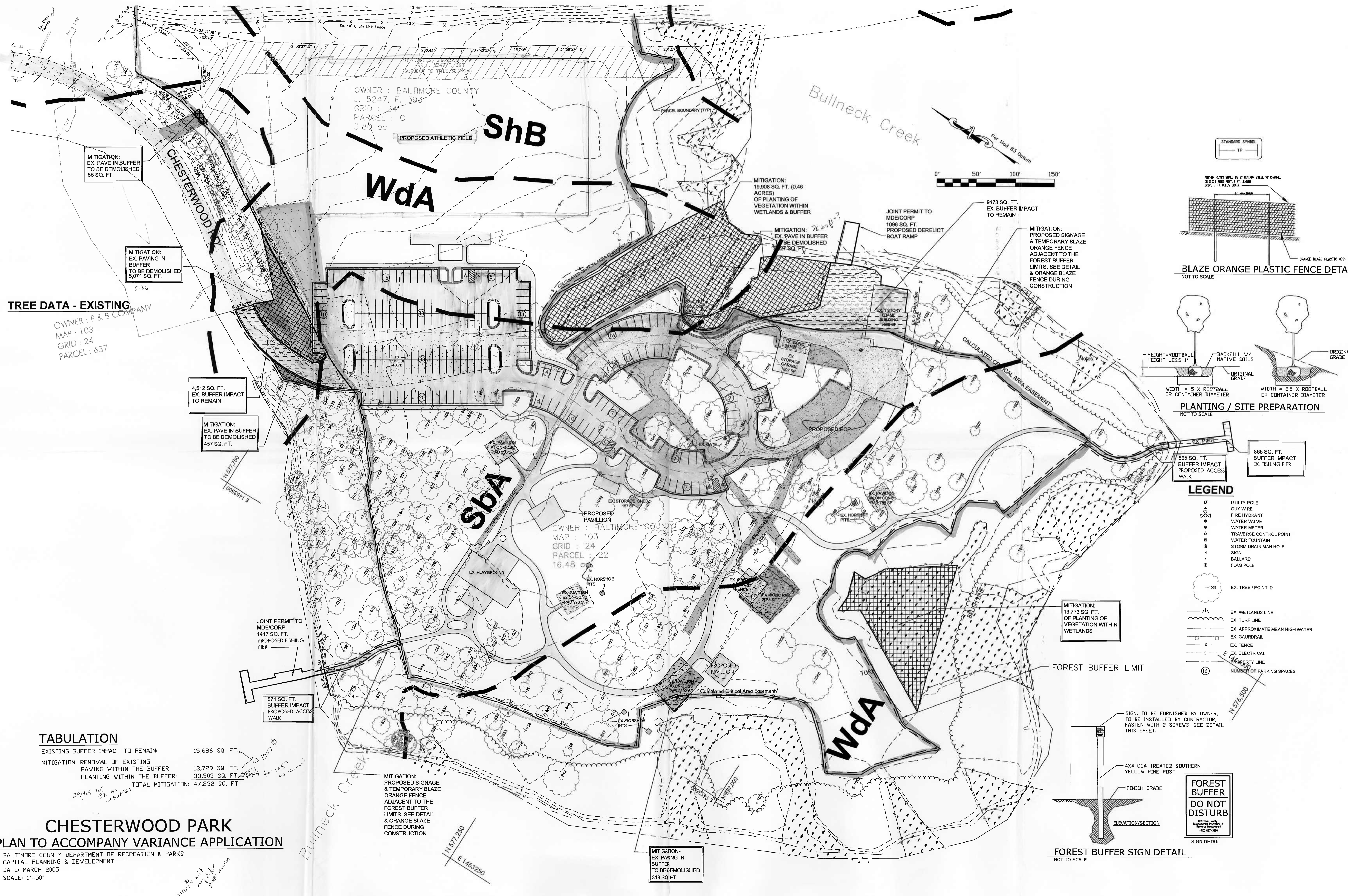
Sincerely,

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

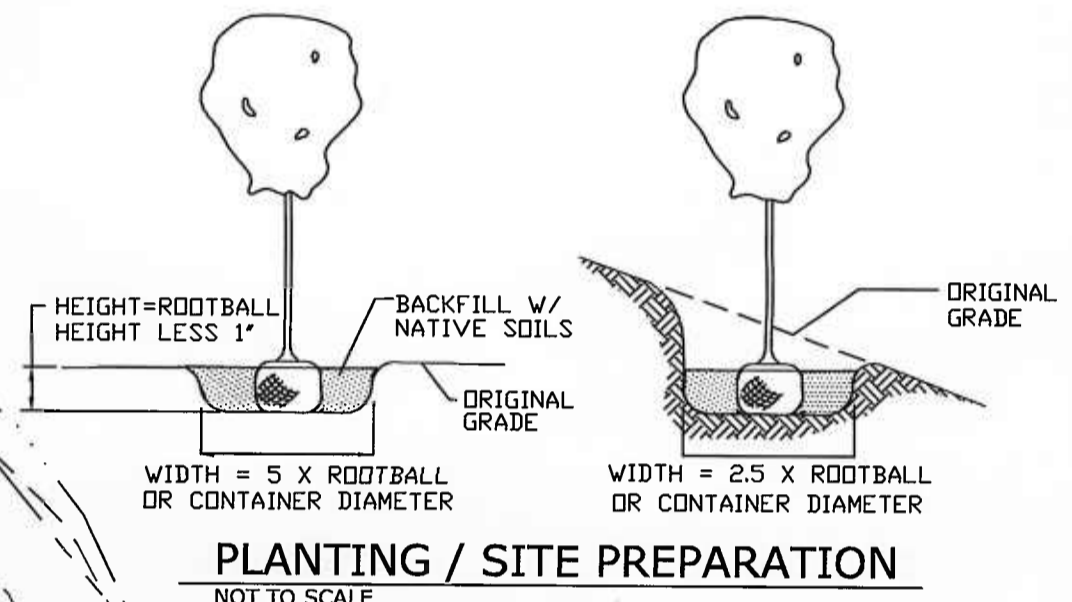
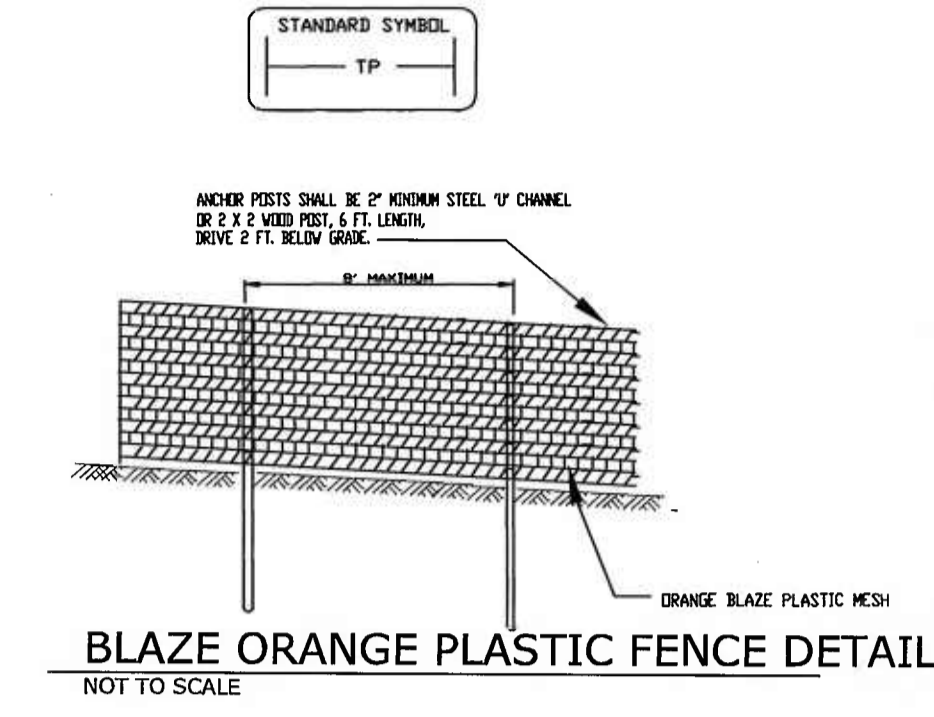
Lisa A. Hoerger
Natural Resources Planner

cc: BC 342-05





TREE DATA - EXISTING
OWNER : P & B COMPANY
MAP : 103
GRID : 24
PARCEL : 637

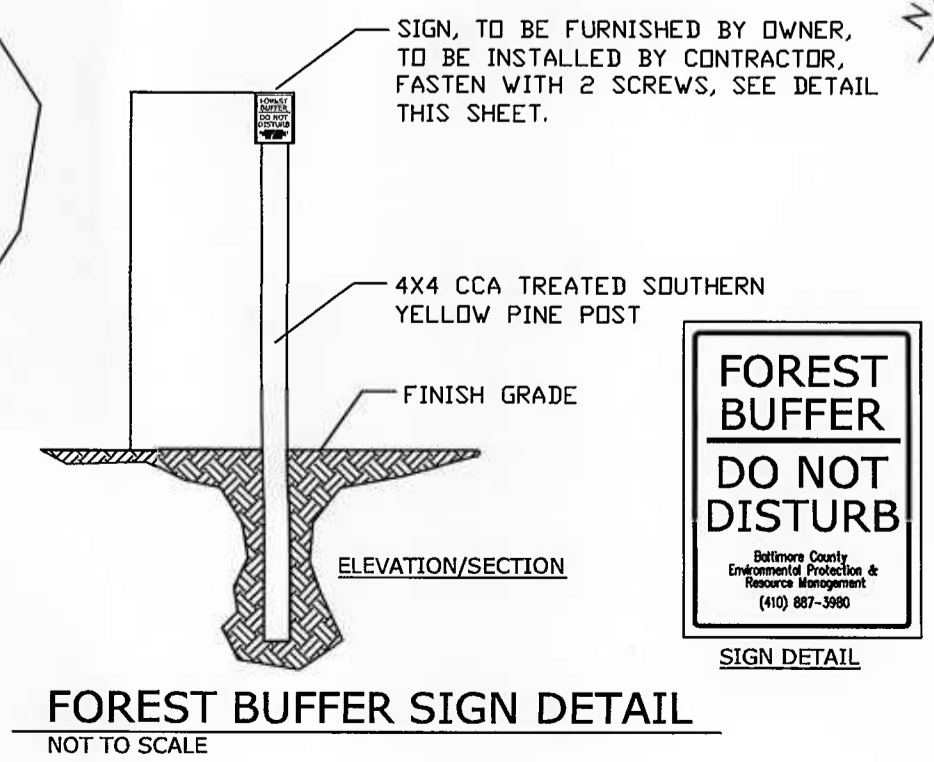


- LEGEND**
- UTILITY POLE
 - GUY WIRE
 - ⊕ FIRE HYDRANT
 - ⊕ WATER VALVE
 - ⊕ WATER METER
 - ⊕ TRAVERSE CONTROL POINT
 - ⊕ WATER FOUNTAIN
 - ⊕ STORM DRAIN MAN HOLE
 - ⊕ SIGN
 - ⊕ BALLARD
 - ⊕ FLAG POLE
 - ⊕ EX. TREE / POINT ID
 - EX. WETLANDS LINE
 - EX. TURF LINE
 - EX. APPROXIMATE MEAN HIGH WATER
 - EX. GAUDDRAIL
 - EX. FENCE
 - EX. ELECTRICAL
 - EX. PROPERTY LINE
 - ⊕ NUMBER OF PARKING SPACES

TABULATION

EXISTING BUFFER IMPACT TO REMAIN:	15,686 SQ. FT.
MITIGATION: REMOVAL OF EXISTING PAVING WITHIN THE BUFFER:	13,729 SQ. FT.
MITIGATION: PLANTING WITHIN THE BUFFER:	33,503 SQ. FT.
TOTAL MITIGATION:	47,232 SQ. FT.

CHESTERWOOD PARK
PLAN TO ACCOMPANY VARIANCE APPLICATION
BALTIMORE COUNTY DEPARTMENT OF RECREATION & PARKS
CAPITAL PLANNING & DEVELOPMENT
DATE: MARCH 2005
SCALE: 1"=50'



FOREST BUFFER DO NOT DISTURB
Baltimore County
Department of Recreation & Parks
(410) 867-1000
SIGN DETAIL