

CE 150-05 Hacks Pt. Comm. Pier Club  
VAR 3117

MSA-5-1829-4896

Comments  
3/24/65  
RW

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/](http://www.dnr.state.md.us/criticalarea/)

March 24, 2005

Joseph Johnson  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Local Case No. 3117 Hacks Point Community Pier Club and Association  
(Tax Map 52, Parcel 91-O.S. Lot 205)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit extension of the existing community pier by 169 feet and to construct 20 additional boat slips. The properties are designated an Intensely Developed Area (IDA), is currently undeveloped and designated as community open space.

Based on the information provided, this office does not oppose the variance request. Any areas of Buffer vegetation that may be disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche  
Natural Resource Planner

CE 150-05 Hacks Point pier

Mr. & Mrs. Robert J. Drennen  
10 Marjorie Drive, Suffern, N.Y. 10901  
845-357-3768

To: Ms Julie V. LaBrauche, Chesapeake Bay Commission  
Mr. William Manlove, Cecil County commissioner  
Mr. Clifford Houston, Cecil County PZB Office  
Mr. Joseph Johnston, Cecil County PZB Office  
Ms. Tressa Ellis, Md. Dept. of Environment  
Mr. William C. Baker, Chesapeake Bay Foundation

Fm: Robert J. Drennen, Summer residents, Hacks Pt, Md.  
Nancy W. Drennen

Re: Piers, steps, platforms on community owned property

To Whom it May Concern:

We would like to bring to your attention, hopefully for immediate action, the rapidly developing problem of proliferation of steps, landings, platforms, and piers that are destroying the landscape and ambiance of the Hacks Point waterfront.

There is a community supported pier, recently extended, that is meant to accommodate any resident with a boat. Either through ownership (short waiting list perhaps) or through renting we believe all requests can be honored. Presently there seems to be a "fad" that everyone must have steps down the bank and a pier for a small boat. If you look at the Hacks Point Cove you will see that is so cluttered with steps & small piers that you no longer can appreciate the waterfront. We grew up in the Md./Pa. and have been going to Hacks Pt. for 35 years. We go to Md. to get away from the "City Island" - cluttered beaches/ waterfront look.

We believe there is also a detrimental effect on the River and its species. As a tidal area, that freezes in the winter, this over-development must be having an adverse impact.

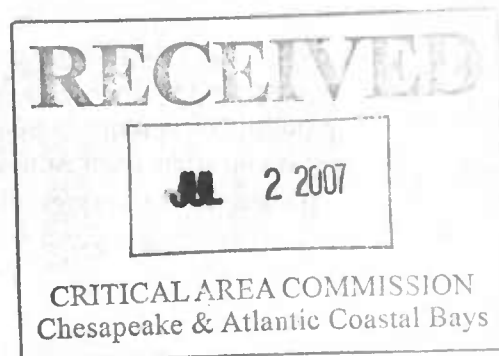
Please review the previous approvals for piers and steps and perhaps issue a moratorium until appropriate, science-based, studies can be accomplished. We are convinced that all this over building is detrimentally impacting the quality of water and the quality of life in the community.

Thank you for your time and service. We thank you in advance for any actions that are available that will stop this proliferation.

Sincerely,

*Robert J. Drennen Nancy W. Drennen*  
Robert J. and Nancy W. Drennen  
37 Park Lane, Hacks Point, Earleville, Md. 21919  
410-275-8433

6/28/07



Ms. Julie V. LaBrauche  
Chesapeake Bay Critical Area  
Commission  
1804 West Street, Suite 100  
Annapolis, MD 21401

William Manlove  
107 North Street  
Elkton, MD 21921

Clifford Houston  
Cecil County Offices of  
Planning and Zoning  
Room 300, Cecil county  
Courthouse  
Elkton, MD 21921

Joseph Johnston  
Cecil County Offices of  
Planning and Zoning  
Room 300, Cecil County  
Courthouse  
Elkton, MD 21921

Ms. Tressa Ellis  
Maryland Department of  
Environment  
1800 Washington Street  
Baltimore, MD 21230

Willam C. Baker  
Chesapeake Bay Foundation  
P.O. Box 17447  
Baltimore, MD 21298

June 12, 2007

To Whom It May Concern:

Enclosed is a petition signed by the taxpayers of Hack's Point, many of whom are permanent residents of Cecil County. Concerns are addressed about the increased development of waterfront areas located on community land. We are asking local and state authorities to consider the petition within and request that action be taken to preserve both the critical area of the Bohemia River and the private property of the residents of Hack's Point. Unfortunately, many of the alterations already undertaken in the critical area have been conducted without consensus, primarily by summer only residents who are not faced by the challenges these alterations pose to permanent residents on a daily basis. Many permanent and summer residents of Hack's Point understand the risks involved with further encroachment on the bay and its critical area and are asking that all further development of the critical area be stopped.

Sincerely,

David Fisher  
On Behalf of the Residents of Hack's Point

*David Fisher*  
*President of Pice Club*

*64 slips of community pice*

**RECEIVED**

JUN 14 2007

CRITICAL AREA COMMISSION

*Elizabeth & David Fisher*  
410-275-1652

*- tenants in common - everyone along waterfront*  
*- people adding steps to access piers - steps are causing bank erosion*

## **Petition for a Moratorium on the Construction of Private Docks and Piers**

We the residents of Hack's Point Village oppose any further construction of docks or piers on the Hack's Point waterfront for the following reasons:

1. Further disturbance of the riverbank creates a dangerous condition of erosion. Foliage and trees are currently in distress and subject the bank to collapse.
2. Recreational use in this boating community is potentially threatened by the obstruction of the waterway creating boating obstacles to navigation not intended by federal, state, and county regulations.
3. Adequate alternatives are available to all boaters in Hack's Point Village.
4. Encroachment on other landowners' property is likely, which violates longstanding property rights, and impairs the individual and collective residents riparian rights.
5. Fundamental fairness dictates a more restrictive consideration of applications for further uses.
6. The natural flow of the river will be further impeded. The growth of grasses in the river and the drifting of these grasses when disturbed will be restricted, creating water quality problems as well as life cycle problems for aquatic life not to mention aesthetic considerations and boating obstructions particularly for smaller boats.
7. We are aware of four permits. Holders of at least three of these already have slips on the community pier mitigating the need for private piers for these individuals. The fourth has an alternative means of launching a small boat and does not own a boat requiring a private pier.

When the Cecil County Zoning Board approved the pier extension at Hack's Point they expressed concern that further expansion was contemplated. The Critical Area Commission gave their support because there would be no disturbance of the critical area. The historic and utilitarian facilities, both commercial and community based and private are adequate and reasonable. It is not always easy to know when limits have been reached, but we know it when we see it, and we believe a moratorium on the construction of private docks and piers is needed.

Name	Address	Signature
1. David R Fisher	72 Beachview Ave	David R Fisher
2. Lillian Walker	29 PARK LA	Lillian Walker
3. Henry R Walker	29 PARK LA	Henry R Walker
4. Robert Davidson	61 BEACHVIEW	Robert Davidson
5. Virginia Davidson	61 BEACHVIEW	Virginia Davidson
6. Scott A Deering	29 Parkside Dr	Scott A Deering
7. Ken Johnson	38 Fairfield Ave	Ken Johnson
8. W. Walters	44 Fairfield Ave.	W. Walters
9. Harry Lockwood	21 Hilltop Road	Harry Lockwood
10. Gene A. Faulmer	56 FARMDALE ROAD	Gene A. Faulmer
11. Bruce M. Faulmer	56 Farmdale Rd	Bruce M. Faulmer
12. Mary Ann Spence	89 Farmdale	Mary Ann Spence
13. Mary Ann Spence	89 Farmdale	Mary Ann Spence
14. AN GRUINE HEWES	111 FARMDALE	An Gruine Hewes
15. ELIZABETH A FISHER	72 BEACHVIEW AVE	Elizabeth A. Fisher
16. Patricia A. Tepper	87 Parkside Drive	Patricia A. Tepper
17. John M. Maiche	63 JACK'S PT. RD.	John Maiche
18. LINDA MCLAUGHLIN	61 RIVERVIEW AVE	Linda M. Laughlin
19. Robert C. Koch	80 Parkside Dr	Robert C. Koch
20. MARIE O. CAHILL	96 FARMDALE Rd	Marie O. Cahill
21. JANET FORCE	29 FAIRFIELD AVE	Janet C. Force
22. CHARLES ALFREE	26 ANGLEWOOD AVE	Charles E. Alfree
23. Walter J. Poore	50 Parkside Dr	Walter J. Poore
24. KAREN M. WALTERSTEFFE	5 HILLTOP RD	Karen M. Waltersteffe
25. RONALD J. STREFF	5 HILLTOP RD	Ronald J. Streff
26. JOAN GIPE	82 FARMDALE RD	Joan Gipe
27. CHARLES GIPE	"	Charles Gipe
28. Preston Cahill	20 Anglewood Ave	Preston Cahill
29. BERNICE CAHILL	20 ANGLEWOOD AVE	Bernice Cahill
30. FRED NOSS	15 FAIRFIELD AVE	Fred Noss
31. M. Hewes	12 Riverview Ave.	M. Hewes
32. SANDRA WOLF	55 PARKSIDE DR	Sandra Wolf
33. Michael Wilton	40 Beachview Ave	Michael Wilton
34. Charles Reese	21 Beachview Ave	Charles Reese
35. MAT BALLAGHAN	8 BEACHVIEW AVE	Mat Ballaghan
36. DAVID REA	11 BEACHVIEW AVE	David Rea
37. LYNN REA	11 BEACHVIEW AVE	Lynn M. Rea
38. LILIE BRICK	9 FAIRFIELD AVE	Lilie Brick
39. Paula M. Bous	9 Fairfield Ave	Paula M. Bous
40. MARIANNE D'ESPINOZA	14 Farmdale Rd	Marianne D. Espinoza
41. Ross Troy	14 Farmdale Rd	Ross Troy
42. Ross Troy	14 Farmdale Rd.	Ross Troy
43. William G. Alberts	90 Farmdale Rd	William G. Alberts
44. TOM HAGEN	86 FARMDALE RD	Thomas G. Hagen
45. Joseph Lukawski	15 PARK SIDE DRIVE	Joseph Lukawski
46. JAMES HAYES	60 FARM DALE	James Hayes
47. SANDY FRAYNE	37 FAIRFIELD AVE	Sandy Frayne
48. DAN FRAYNE	37 FAIRFIELD RD	Dan Frayne
49. William E. Parrish	9 PARKSIDE DR.	William E. Parrish
50. Jim Gipe	57 FAIRFIELD RD.	James E. Gipe
51. MARY GIPE	57 FAIRFIELD RD	Mary E. Gipe
52. Fran Robey	64 Fairfield Rd	Fran Robey
53. MARCIA LUKAWSKI	15 PARKSIDE DR-	Marcia Lukawski

	Name	Address	Signature
54.	DANIEL MARGOLIS	107 Farmdale Rd	
55.	Edith N. Margolis	107 Farmdale Rd	E. Margolis
56.	P. Coleman	63 PARK LANE	P. COLEMAN DU PONT
57.	Les Carlton	89 RIVERVIEW AVE	Les Carlton
58.	Ann Carlton	89 RIVERVIEW AVE	Ann Carlton
59.	Mary Tanneer	11 RIVERVIEW AVE	Mary Tanneer
60.	JOE TANNER	11 RIVERVIEW AVE	Joe Tanneer
61.	Joseph D'Antonio	7 RIVERVIEW AVE	Joseph D'Antonio
62.	MARGARET D'ANTONIA	7 RIVERVIEW AVE	Margaret D'Antonio
63.	Joan L. Mangan	55 Farmdale Rd	Joan L. Mangan
64.	Lorraine A. Hudson	79 RIVERVIEW AVE	Lorraine A. Hudson
65.	Joseph H. Hudson	79 RIVERVIEW AVE	Joseph H. Hudson
66.	John Marney	18 Fair Hill	John Marney
67.	John Burnett	40th Top Rd	John Burnett
68.	Rita (Kane) Socorso	34 Park Lane	Rita Kane Socorso
69.	Mark Storking	78 River View Rd	Mark Storking
70.	Kathleen Storking	78 River View Rd.	Kathleen Storking
71.	BERNARD BONNER	56 PARKSIDE DR.	Bernard Bonner
72.	LESLIE BONNER	56 PARKSIDE DR.	Leslie Bonner
73.	Thomas L. Tyson	29 Heck's Pt. Rd.	Thomas L. Tyson
74.	Lee Metz	63 Park Lane Rd.	Lee Metz
75.	Bonnie Metz	63 Park Lane	Bonnie Metz
76.	Mary Deibert	63 Park Lane	Mary Deibert
77.	STEVEN J. GIP	45 RIVERVIEW AVE	Steven J. Gipe
78.	ANN MARIE GIP	45 RIVERVIEW AVE	Ann Marie Gipe
79.	Joanne Husfelt	51 Beachview	Joanne Husfelt
80.	Rodney Husfelt	51 Beachview	Rodney Husfelt
81.	GEORGE P. CORDS	66 BEACHVIEW	George P. Cords
82.	SUSAN M. CORDS	66 BEACHVIEW AVE	Susan M. Cords
83.	ROBERT W. MOORE	7 PARK LANE	Robert W. Moore
84.	Carolyn Moore	7 PARK LANE	Carolyn B. Moore
85.	MARK WOODS	65 BEACHVIEW AVE	Mark Woods
86.	JANET WOODS	65 BEACHVIEW AVE	Janet Woods
87.	Robert P. Bullen	27 Beachview Ave.	Robert P. Bullen
88.	CATHERINE MARKEY	18 Fairfield AVE	Catherine Markey
89.	Debbi Evans	18 Riverview Ave	Deborah Evans
90.	Kathy Hershey	18 Riverview Ave	Kathy Hershey
91.	Helen Harcourt	80 Hook's Point Rd	Helen E. Harcourt
92.	LARRY GULICK	36 FARMDALE	Larry Gulick
93.	PAUL ALBERTS	76 Fairfield	Paul Alberts
94.	JACK PETTIT	15 Beachview Ave	Jack Pettit
95.	MARCE PETTIT	15 Beachview Ave	Marce Pettit
96.	ROBERT DEANE	33 Parkside Dr	Robert Deane
97.	MADLINE DEANE	33 Parkside Dr	Madeline Deane
98.	ORUZI PALSGROVE	100 FARMDALE RD	Oruzi Palsgrove
99.	JOAN PALSGROVE	100 Farmdale Rd	Joan Palsgrove
100.	JIM BAUMANN	69 Beachview Ave	Jim Baumann
101.	Lynn Baumann	69 Beachview Ave	Lynn Baumann
102.	Larry D. Halstead	28 Fairfield Ave.	Larry D. Halstead
103.	Mary Lou Adams	33 Park Lane	Mary Lou Adams
104.			
105.			
106.			

CIRCUIT COURT FOR CECIL COUNTY

EVELYN BERTINATTI

Case No.: 07-D-03-000485

Plaintiff

vs.

HACK'S POINT COMMUNITY  
ASSOCIATION

Defendant

**ORDER**

This matter having come before this Court for a hearing on December 29, 2003 and both parties having been represented by counsel, it is this 21 day of January, 2004 by the Circuit Court for Cecil County.

**ORDERED**, that Plaintiff is the owner of lot number 35 on the plat of the subdivision of the property known as Hack's Point Beach and is an owner as a tenant in common with each and every other lot owner of said subdivision of the "Community Park" land and that Plaintiff has no restriction on her tenancy other than what is contained in the deed to her property and recorded in the Land Records of Cecil County; and it is further

**ORDERED**, that as a tenant in common owner of the "Community Park" land, Plaintiff has a right on her own to request a building permit from the appropriate government agency(ies); and it is further

**ORDERED**, that as a tenant in common owner of the "Community Park" land, Plaintiff has the right to repair, replace and/or construct stairs on the "Community Park" land subject to any recorded restrictions; and it is further

**ORDERED**, that any stairs or other improvement constructed on the "Community Park" land shall be owned as tenants in common by all tenant in common owners of the "Community Park" land.



*[Handwritten Signature]*  
JUDGE

Approved as to form:

*Robert Valliant Jones*  
Robert V. Jones Esq.  
Attorney for Hacks Point Community Association

*William F. Riddle*  
William F. Riddle, Esq.  
Attorney for Evelyn Bertinatti

35FY  
*William Brueckman*  
L. Brueckman

William F. Riddle, Esq.  
4 East Main Street  
Baltimore, Maryland 21921  
10-620-1343  
ex: 410-398-5502

# CECIL CO., MD - BUILDING PERMIT

## DEPARTMENT OF PERMITS & INSPECTIONS

APPLICATION
DATE 9/23/2005
RCVD BY: SS

**JOB ADDRESS (OFFICE USE ONLY)**  
 73 PARK LN., EARLEVILLE, MD 21919

<b>SUB-DIVISION</b> HACKS POINT BEACH		<b>LOT NO.</b> 50	<b>SECT.</b>	<b>DEED OBTAINED FROM</b>	
<b>ELECTION DIST.</b> 1	<b>ACCT. NO.</b> 007904	<b>CARD NO.</b> 158	<b>MAP</b> 52	<b>BLOCK</b> 10	<b>PARCEL DEED REF. NO.</b> 891 NDS 55/604

<b>OWNER</b>		<b>BUILDER/APPLICANT</b>	
<b>NAME</b> DONALD & JOANN SCHUBERT	<b>NAME</b> SAME	<b>ADDRESS</b> 73 PARK LANE	<b>ADDRESS</b> 
<b>POST OFF.</b> EARLEVILLE, MD 21919	<b>POST OFF.</b> 	<b>PHONE</b> (410) 275-2746	<b>PHONE</b> 

**SCOPE OF WORK**  
 STAIRS TO DOCK

<b>CONSTR. TYPE</b> STICK		<b>VALUE</b> \$1,500.00	<b>LICENSE #</b>
<b>BASEMENT</b>	<b>1st FLOOR</b>	<b>2nd FLOOR</b>	<b>3rd FLOOR</b>
<b>DECK/PORCH</b>	<b>BREEZEWAY</b>	<b>CARPORT</b>	<b>OTHER</b>
<b>TOTAL SQ. FT.</b> 128		<b>ZONING</b> VR	
<b>BEDROOMS</b>	<b>FULL BATHS</b>	<b>HALF BATHS</b>	<b>WATER SEWER</b>

PLANS	
<b>RECEIVED BY</b> 	2 SETS
<b>REVIEWED BY</b> 	J.T. 10/20/05
<b>RETURNED BY</b> 	LO 2-13-06

I have carefully examined the information on this application and agree that it is correct to the best of my knowledge. In doing the work, all provisions of the Cecil County Codes will be complied with, whether specified or not. I will call the Department of Licensing and Inspections twenty-four (24) hours in advance of required inspections. No work will be concealed until approved. Occupancy Permit will be issued only after all code requirements and approved inspections have been completed.

*[Signature]* 2/13/06  
 SIGNATURE DATE

FEES-ROUTING	CAUTION: PERMITS EXPIRE ONE YEAR FROM DATE OF ISSUE	DATE
\$20.00	ZONING	<i>[Signature]</i>
	CONNECTION FEES	
	HEALTH	
	PUBLIC WORKS	
	DRIVEWAY	
	FIRE MARSHAL	
\$19.00	BUILDING	1-25-06
	OCCUPANCY FEE	
\$39.00	<b>TOTAL FEE</b> (PD# 240529)	
	<b>LESS APPLICATION FEE</b> (PD# _____)	
	<b>BALANCE DUE AT ISSUE</b>	

SPECIAL CONDITIONS

PERMISSION LETTER NEEDED FROM OWNER STATING THEY ARE LISTING THEMSELVES AS GENERAL CONTRACTOR.  
 OWNER NEEDS TO PICK-UP PERMIT

**READY FOR ISSUE NOTIFICATION DATE:** 1-25-06

BY: SS  DC  LM  NA  MAIL

CONTACTED:  OWNER  APPLICANT

PERMIT NUMBER **H0503**

# ZONING CERTIFICATE

OFFICE OF PLANNING AND ZONING  
CECIL COUNTY, MARYLAND

Zoning Certificate No. 06-0072 Date Approved 1/13/06

Application No. 10547 Subdiv. HACKBURN BEACH

Property Owner & Address DONALD & JOANN SCHUBERT

73 PARK LANE, EARLEVILLE, MD 21019

Applicant & Address SAME

Proposed Use STAIRS TO DOCK

Job Location 73 PARK LN EARLEVILLE MD 21019

Map 52 Block 10 Parcel 391 Lot 50 E.D. 1 Zone VR

Minimum Yard Requirements to be as follows:  
Front yard depth to be no less than \* feet from front property line or road right-of-way whichever is greater.  
Rear yard depth to be no less than \* feet from rear property line.  
Side yard depth to be no less than \* feet from side property line.  
Maximum height: Structures not to exceed 35 feet in height.

**\*\*Special Conditions:**  
*\* Note: No setbacks required for stairs access to the dock.*

Activity in 100 Yr. Floodplain? Yes  No   
Base Floodplain Elev. if known: \_\_\_\_\_  
Floodplain category or condition: \_\_\_\_\_  
See additional attachment(s) for signature w/conditions for approval.  
Yes \_\_\_\_\_ No \_\_\_\_\_

Site Plan Required Yes \_\_\_\_\_ No   
Approved By: \_\_\_\_\_

Chesapeake Bay Critical Area  
Designation IDA  
Assessment Approved: - SEE YELLOW ATTACHMENT FOR CRIT. AREA INFO. & CONDITIONS - JJ -

Use of property and structure(s) as indicated above is subject to approval and issuance of permits by the Building, Electrical, and Plumbing inspectors, and the State/County Health Department of Cecil County. Use of the above property as located by the applicant, owner or agent, for the use indicated by the applicant, owner, or agent, is Approved, subject to the conformity of the use, and location with the minimum requirements and specifications of the Zoning Ordinance for the County of Cecil, Maryland, effective July 1, 1993, and Amendments thereto. It is the responsibility of the applicant, owner, or agent to comply with the requirements of the Zoning Ordinance. ---Penalties for violations are indicated in Art. XIX Sec. 339 & 340 of the Zoning Ordinance.

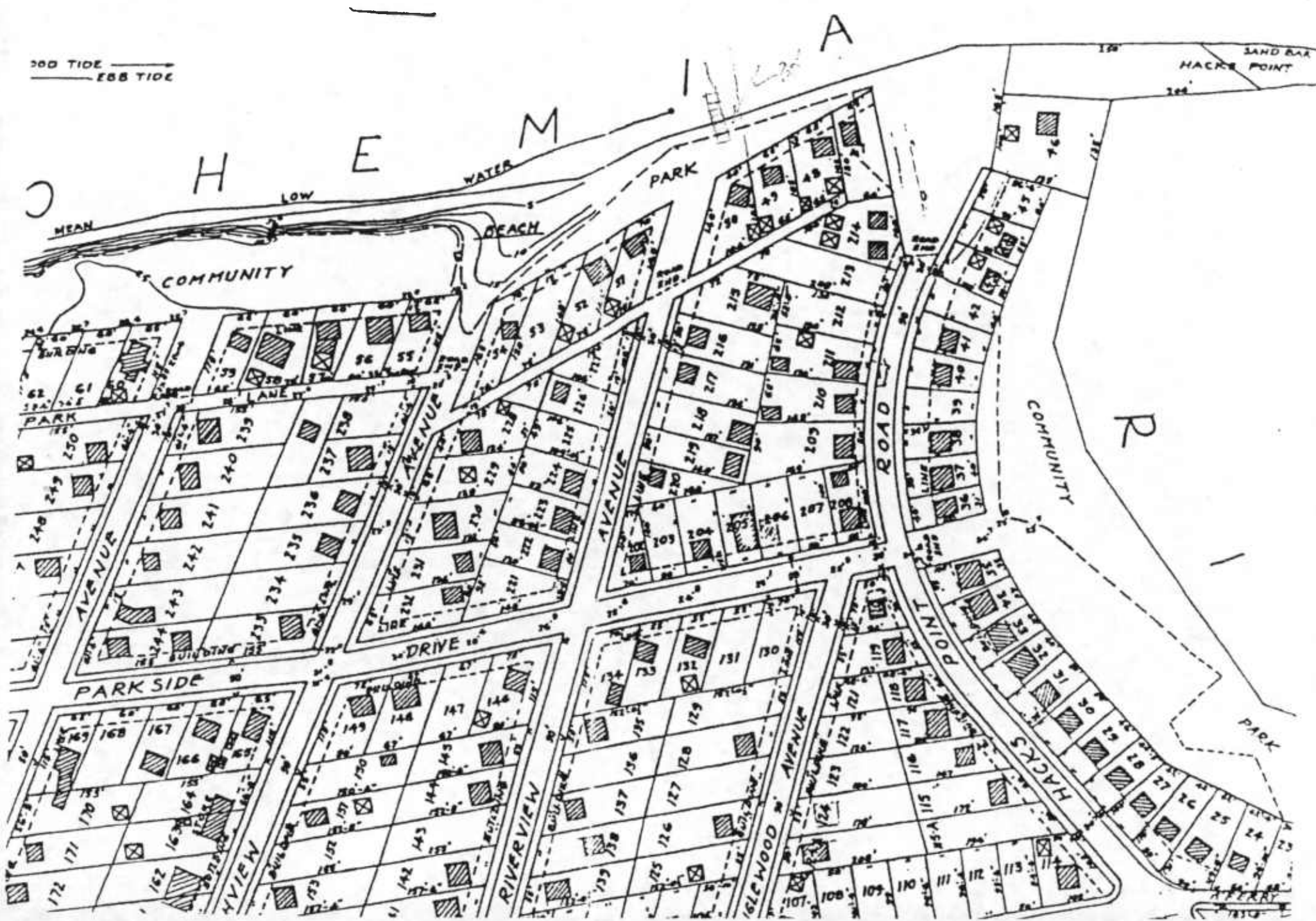
**CAUTION:** A PERMIT WILL EXPIRE (1) YEAR FROM DATE OF ISSUE, UNLESS WORK IS STARTED AND DILIGENTLY PURSUED.

NOTE: Any decision of the Zoning Administrator may be appealed within 15 days to the Board of Appeals.

*[Signature]* 2/13/06  
Signature of Authorization

*[Signature]*  
Zoning Administrator or Agent

100 TIDE  
EBB TIDE







THIS DEED, Made this *1st.* day of *JULY*, A.D. 1967, by and between MARY JANE FARRA, widow, of Cecil County, State of Maryland, Grantor, and JOHN P. MARKEY, JR. and CATHERINE C. MARKEY, his wife, of Media, State of Pennsylvania, Grantees.

WITNESSETH, That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Mary Jane Farra does hereby grant and convey unto the said John P. Markey, Jr. and Catherine C. Markey, his wife, their heirs and assigns, their survivor, and the heirs and assigns of such survivor, as tenants by the entireties, forever, in fee simple, all that certain lot or piece of ground situate at Hack's Point Beach in the First Election District of Cecil County, State of Maryland, on Fairfield Avenue and being known and designated as Lot Numbered One Hundred Seventy-five (175) on the plat of the subdivision of the property of Miller Nelson, Incorporated, known as Hack's Point Beach, said plat being recorded among the Land Records of Cecil County in Plat Book or Liber H.W.L. No. 18, folio 524.

BEING the same lot or parcel of land conveyed in a deed from Herman Bock and Frieda Bock, his wife, to the said Mary Jane Farra Grantor herein, dated October 16, 1957 and recorded among the Land Records of Cecil County in Liber W.A.S. No. 54, folio 39.

AND the said Grantor does further grant and convey unto the said John P. Markey, Jr. and Catherine C. Markey, his wife, their heirs and assigns, forever, in fee simple, as tenants in common with each and every of the other lot owners of said subdivision, the "Community Park" land as shown on the Plat above referred to; subject, however, to the restriction that no bathhouse or other building shall be placed thereon, nor shall the same be used for any commercial purpose whatsoever.

TOGETHER with all of the buildings and improvements thereon, and all the rights, ways, privileges and appurtenances thereto belonging or in any wise appertaining. SUBJECT, HOWEVER, to the

conditions and restrictions as set forth in a deed from Miller-Nelson, Inc. to George H. Wichner, et ux., dated April 2, 1928 and recorded among the said Land Records in Liber S.R.A. No. 5, folio 122.

TO HAVE AND TO HOLD the said lot or parcel of land herein described unto the said John P. Markey, Jr. and Catherine C. Markey, his wife, their heirs and assigns, their survivor, and the heirs and assigns of such survivor, as tenants by the entireties, forever, in fee simple.

AND THE SAID GRANTOR does hereby covenant that she will warrant specially the land and premises hereby granted and conveyed, and that she will execute such other and further assurances thereof as may be requisite.

WITNESS the hand and seal of the said Grantor on the day and year first above written.

WITNESS:

Julius A. Jodlbauer

Mary Jane Farra (SEAL)  
Mary Jane Farra

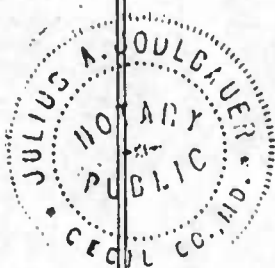
STATE OF MARYLAND,  
COUNTY OF CECIL, to-wit:

I HEREBY CERTIFY that on this 15<sup>th</sup> day of July, A.D. 1967, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Cecil aforesaid, personally appeared Mary Jane Farra and she did acknowledge the foregoing Deed to be her act and deed.

AS WITNESS my hand and Notarial Seal.

Julius A. Jodlbauer  
Notary Public

My Commission expires: 7/1/69



A.D.No. 20347

DELIVERED TO:  
JULIUS A. JODLBAUER  
ELKTON, MARYLAND

7-10-67

RECORDED 9989-33  
W.A.S. 211 F472

JUL 3 1967  
GIVEN L  
BY [Signature]

Mortgage

WAS 211 PAGE 474

THIS MORTGAGE, Made this

1st

day of

JULY

A. D. 1967, by and between JOHN P. MARKEY, JR. and CATHERINE C. MARKEY, his wife of Cecil County-----, in the State of Maryland, hereinafter called the Mortgagor, and THE CECIL FEDERAL SAVINGS AND LOAN ASSOCIATION, Elkton, Maryland, a body corporate, duly incorporated and existing under the laws of the U. S., hereinafter called the Mortgagee.

Whereas, the Mortgagor, is justly indebted to the Mortgagee for borrowed money in the principal sum of FOUR THOUSAND, FIVE HUNDRED----- Dollars (\$ 4,500.00-----), being

part of the purchase money for the property hereinafter described, with interest from date at the rate of Six----- per centum ( 6 %) per annum on the unpaid principal until paid, principal and interest being payable at the office of Cecil Federal Savings and Loan Association, in Elkton, Maryland, or at such other place as the holder hereof may designate in writing in monthly installments of FORTY-NINE and 96/100----- Dollars (\$ 49.96-----), commencing on the first day of August, 1967, and on the first day of each month thereafter until the principal and interest are fully paid, except that the final payment of principal and interest, if not sooner paid, shall be due and payable on the first day of July, 1977.

AND WHEREAS, it was a condition precedent to the making of the aforesaid loan that the repayment thereof, with interest, should be secured by the execution of these presents.

NOW, THEREFORE, THIS MORTGAGE WITNESSETH, that in consideration of the premises and the sum of One Dollar (\$1.00) this day paid, the receipt whereof is hereby acknowledged, the Mortgagor does hereby grant, convey and assign unto the Mortgagee, its successors and assigns, all that----- lot(s) of ground situate, lying and being in Cecil County----- in the State of Maryland----- aforesaid, and described as follows, that is to say:

ALL that certain lot or piece of ground situate at Hack's Point Beach in the First Election District of Cecil County, State of Maryland, on Fairfield Avenue and being known and designated as Lot Numbered One Hundred Seventy-Five (175) on the plat of the subdivision of the property of Miller-Nelson, Incorporated, known as Hack's Point Beach, said plat being recorded among the Land Records of Cecil County in Plat Book or Liber H.W.L. No. 18, folio 524.

BEING that same lot or piece of ground conveyed in a deed from Mary Jane Farra, widow, to the said John P. Markey, Jr. and Catherine C. Markey, his wife, the Mortgagors herein, dated of even date herewith, and intended to be recorded immediately prior hereto among the Land Records of said Cecil County.

W. 99 587  
RECEIVED BY JRD  
W.A.S. 211 F474  
JUL 3 10 38 AM '67  
ONE OF THE RECORDS  
CECIL COUNTY, MARYLAND  
PER W. ALLEN SMITH  
CLERK

### MERLIN Online Map - Hacks Point Community Pier

#### Sensitive Areas

##### Critical Areas

-  Corporate Limit
-  Federal
-  Intensely Developed Area
-  Limited Development Area
-  Resource Conservation Area
-  Wetland Area

#### Photo 1998 1m

Earleville NE 3.75' B/W 1998-2000



Cecilton NW 3.75' B/W 1998-2000



N 200316.86m E 496259.70m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters

2005, Maryland Department of Natural Resources, [www.mdmerlin.net](http://www.mdmerlin.net)

Created with TNTserver™ from Microlimages, Inc



### MERLIN Online Map - Hacks Point Community Pier

Property Maps  
CE Property Map 52



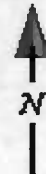
Photo 1998 1m  
Earleville NE 3.75' B/W 1998-2000



Cecilton NW 3.75' B/W 1998-2000



N 200198.58m E 496365.23m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters

2005, Maryland Department of Natural Resources, www.mdmerlin.net

Created with TNTserver™ from Microlimages, Inc

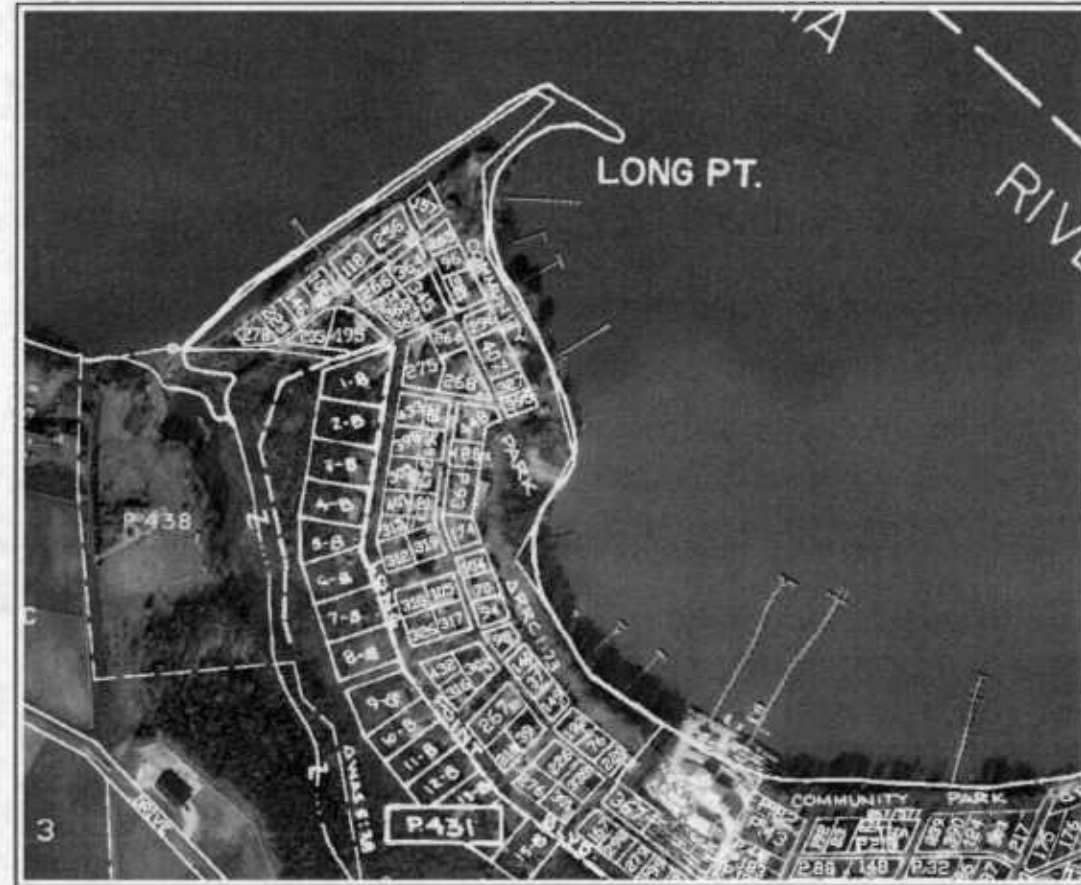
*\* Does not appear to have any private piers.*

### MERLIN Online Map - Long Point Area

Property Maps  
CE Property Map 52



Photo 1998 1m  
Earleville NE 3.75' B/W 1998-2000



N 200672.78m E 495857.45m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters  
2005, Maryland Department of Natural Resources, www.mdmerlin.net  
Created with TNTserver™ from Microlimages, Inc

RECEIVED

MAR 7 2005

CRITICAL AREA COMMISSION

Bohemia River

File # 3117

Hacks Point Community Pier Club  
map 52 / Parcel 91

open space

Parcel 30  
Long Point  
Marina  
↓



HACK POINT

RES. Δ WAS 3:19



RECEIVED

Bohemia River

MAR 7 2005

CRITICAL AREA COMMISSION

File # 3117

Hacks Point Community Pier Club  
map 52 / Parcel 91

open space



HACKS POINT

Δ WAS 3:19

**BOARD OF APPEALS APPLICATION**  
**CECIL COUNTY, MARYLAND**

MEET. MONTH: April 2005  
 FILE NO. 3117

- THIS REQUEST IS FOR:  
 SPECIAL EXCEPTION RENEWAL ( )  
 SPECIAL EXCEPTION ( )  
 VARIANCE (x)  
 APPEAL ( )

RECEIVED  
 FEB 25 2005

DATE FILED: 2-25-05  
 AMOUNT PD: \$3000.00 #1202  
 ACCEPTED BY: [Signature]

**A. APPLICANT INFORMATION**

CECIL COUNTY PLANNING & ZONING

Hacks Point Pier Club & Association c/o David R Fishers  
 APPLICANT NAME - PLEASE PRINT CLEARLY

7th Beach View Ave Earleville Md 21919  
 ADDRESS CITY STATE ZIP CODE

[Signature]  
 APPLICANT SIGNATURE 410-275-1652  
 PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Hacks Point Community Pier Club  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY

Same  
 ADDRESS CITY STATE ZIP CODE

PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

Community Land off Park Lane 1 NA  
 PROPERTY ADDRESS ELECTION DIST. ACCT. NUMBER  
(Parcel 91)  
52 10 05 205 115 VR  
 TAX MAP # BLOCK PARCEL LOT# #ACRES ZONE

**D. PURPOSE OF APPLICATION** - Indicate reasons why this application should be granted. (attach separate sheet if necessary)

Extend Existing Pier by 168' To provide owners in Hacks Point Community 20 additional boat slips. Plus to consolidate potential individual slips & pier's from being constructed through Community Property. Pier 168 ft.

**E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.**

**F. LAND USE DESIGNATION**

Is property in the Critical Area? ✓ YES NO  
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: IDA - 198.2 a (2) & 198.3  
 Is property in the 100 year Floodplain? YES N/A NO  
 Is property an Agricultural Preservation District? YES X NO

If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

**G. PROVISION OF ZONING ORDINANCE:** 198.2 a.(2) & 198.3

**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 2127

**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

Will unit be visible from the road? \_\_\_\_\_ If yes, distance: \_\_\_\_\_  
 Will unit be visible from adjoining properties? \_\_\_\_\_ if yes, distance: \_\_\_\_\_  
 Distance to nearest manufactured home: \_\_\_\_\_ Size/Model/Year of Unit: \_\_\_\_\_  
 Number of units on property at present time: \_\_\_\_\_

RECEIVED

MAR 7 2005

CRITICAL AREA COMMISSION

Click here for a plain text ADA compliant screen.



**Maryland Department of Assessments and Taxation**  
**CECIL COUNTY**  
**Real Property Data Search**

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[Ground Rent](#)

**Account Identifier:** District - 01 **Account Number -** 010999

**Owner Information**

**Owner Name:** HACKS POINT COMMUNITY ASSOCIATION  
**Use:** RESIDENTIAL  
**Principal Residence:** NO  
**Deed Reference:** 1) RRC/ 17/ 321  
 2)  
**Mailing Address:** EARLEVILLE MD 21919

**Location & Structure Information**

**Premises Address**

29 PARK LANE  
 EARLEVILLE 21919

**Legal Description**

LOT 205 - .115 ACRE  
 29 PARK LANE  
 HACKS POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
52	10	91		120			OS	80	Plat Ref:

**Special Tax Areas**  
 Town Ad Valorem Tax Class: HACKS POINT FIRE CO

**Primary Structure Built** 0000  
**Enclosed Area**  
**Property Land Area** 5,009.00 SF  
**County Use**

**Stories** **Basement** **Type** **Exterior**

**Value Information**

	Base Value	Value As Of	Phase-in Assessments	
			As Of	As Of
Land:	0	0		
Improvements:	0	0		
<b>Total:</b>	0	0	0	0
Preferential Land:	0	0	0	0

**RECEIVED**

MAR 7 2005

CRITICAL AREA COMMISSION

**Transfer Information**

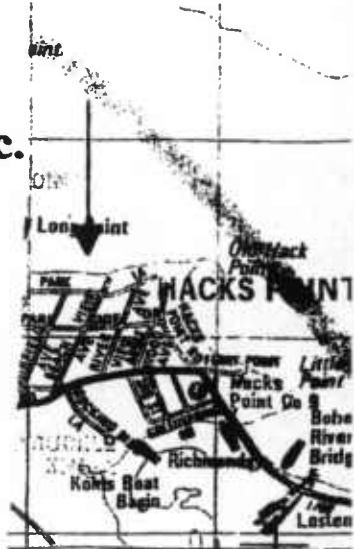
**Seller:** **Date:** **Price:**

05-WL-0272

200465243

Pg 1 of 1

**Northern Bay Marine Construction, Inc.**  
**Post Office Box #444**  
**Chesapeake City, MD 21915**  
**410-885-5253**

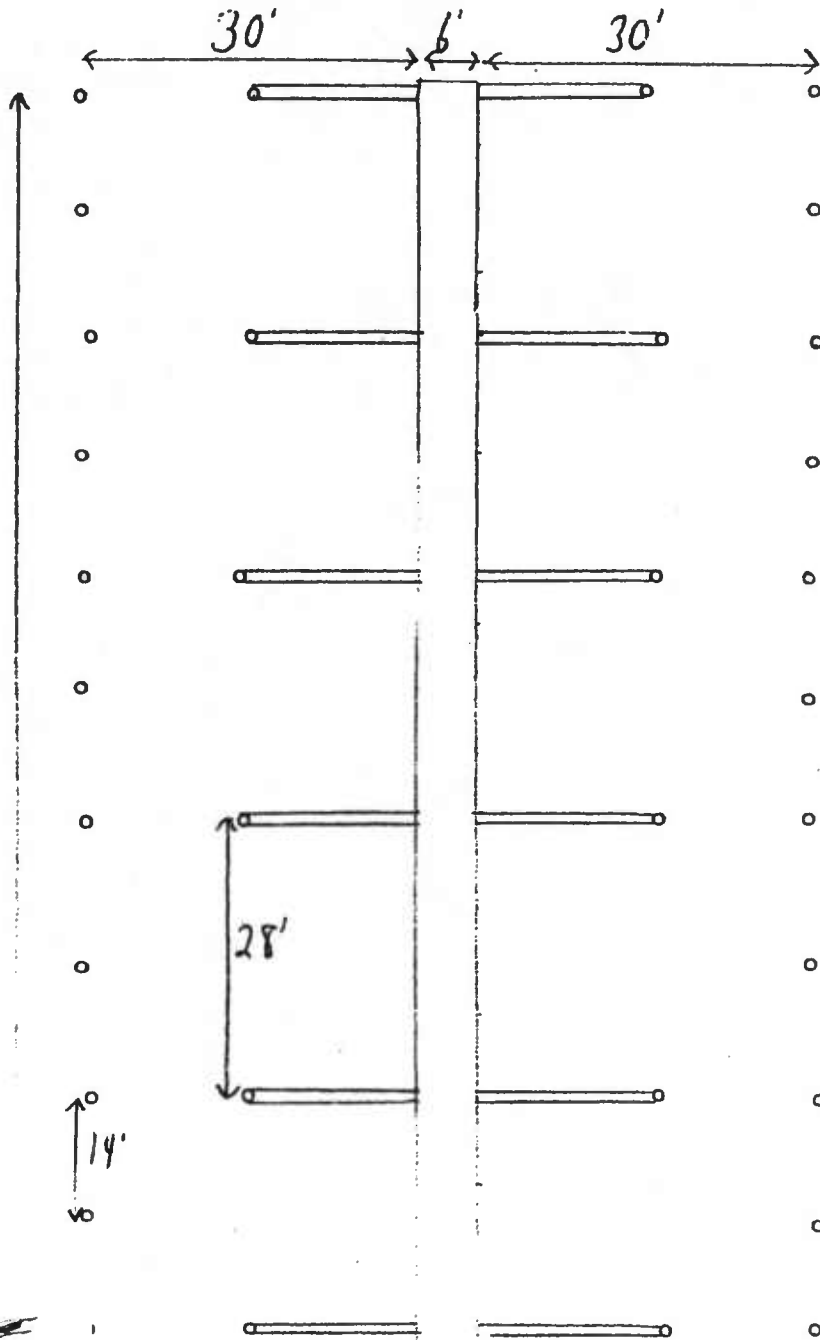


**Pier Extension for Hack's Point Community Pier**

No SAV's  
within project  
vicinity.

1/21/05

168'



14'



Doldon W. Moore, Jr.  
Wetlands Administrator

State of Maryland  
**Board of Public Works**

Wetlands Administration  
Post Office Box 1510  
Annapolis, Maryland 21404  
410-260-7791  
Fax: 410-974-5240  
Toll Free: 1-877-591-7320

Robert L. Ehrlich, Jr.  
Governor

William Donald Schaefer  
Comptroller

Nancy K. Kopp  
Treasurer

Sheila C. McDonald  
Executive Secretary

**WETLANDS LICENSE NO. 05-0272**

**HACKS POINT COMMUNITY ASSOCIATION**

In response to an application dated August 24, 2004, for a Wetlands License, upon the recommendation of the Wetlands Administrator of the Board of Public Works, and pursuant to the provisions of Title 16, Environment Article, Annotated Code of Maryland (1996 Repl. Vol. and Supplement), entitled "Wetlands and Riparian Rights," enacted to provide a State policy for the preservation of wetlands and regulation of the filling and dredging of wetlands in Maryland, and for other purposes, you are hereby authorized by the Board of Public Works, for the State of Maryland to:

"construct a 168-foot long pier extension with 12, 3-foot wide by 15-foot long finger piers, all extending a maximum of 439 feet channelward of the mean high water line, as depicted on the plans dated January 21, 2005" – Bohemia River at Hacks Point, Earleville, in Cecil County.

This license is subject to the following special conditions:

- A. All work shall be permitted and performed in accordance with the Critical Area Program regulations.
- B. All work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Cecil County Soil Conservation District.
- C. All work shall be performed in accordance with the required Water Quality Certification issued by the Maryland Department of the Environment.

The authorized work is to be accomplished in accordance with the plans and drawings attached hereto, dated January 21, 2005.

This license is subject to the following general conditions and is revocable or subject to modification prior to the completion of the project as described above when such action is deemed to be in the State's interest.

**RECEIVED**

MAR 7 2005

CRITICAL AREA COMMISSION



RECEIVED  
DEC 22 2004 MAR 7 2005

JOINT FEDERAL/STATE APPLICATION INFORMATION (JAI) By CRITICAL AREA COMMISSION

Application number: 200465187 County: Cecil  
Applicant name: Hacks Point Community Pier  
Project name: HACKS POINT COMMUNITY PIER/PIER & PILING

Date recd by MDE: August 24, 2004 Date recd by COE: September 19, 2004

State Category: IIIB  
Critical Date: October 8, 2004  
State evaluator: AYELLA  
COE section: MS COE evaluator: ROOP

RECEIVED

JAN 15 2005

Corps Disposition

TIDAL WETLANDS DIVISION  
WATER MANAGEMENT ADMIN., MDE

1. Corps Extension Notification:

Corps requires an extension to the 45 day review period until (See enclosed letter for additional information)

2. Corps Final Determination:

Corps Authorized Work Description: Construct a 168-foot long by 6-foot wide pier extension with (12) 3-foot wide by 15-foot long finger piers.

XXXXX MDSPGP-2, Category IIIB, with standard conditions and any special conditions.

Individual or General Water Quality Certification is required.

Proposed activity is authorized under the following program:

\_\_\_\_\_ Nationwide Permit(s) (NWP) # \_\_\_\_\_

\_\_\_\_\_ Not Federally regulated (LONO)

\_\_\_\_\_ Exempt from Federal regulation

Walter Washington, Jr.  
Chief, Maryland Section Southern

*December 10, 2004*

**CHESAPEAKE BAY CRITICAL AREA COMMISSION**  
1804 West Street, Suite 100  
Annapolis, MD 21401

Date: March 3, 2005  
Local Case No: 3117  
Jurisdiction: Cecil County

**NOTIFICATION OF PROJECT APPLICATION**

Name of Project: Hacks Point Community Pier Club and Association  
(site or subdivision name, other)  
Project location: Open Space off Park Lane, Earleville, MD 21919  
Tax Map: 52 Block: 10 Parcel: 91-O.S. Lot: 205

TYPE OF APPLICATION Select all applicable	TYPE OF PROJECT Select all applicable	CURRENT USE Select all applicable
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input checked="" type="checkbox"/> Variance	<input checked="" type="checkbox"/> Water Dependent Facility / Pier / Marina	<input type="checkbox"/> Agricultural
<input type="checkbox"/> Buffer <input type="checkbox"/> Slope	<input type="checkbox"/> Industrial	<input type="checkbox"/> Forest / Buffer / WdInd
<input type="checkbox"/> ImpSurf <input type="checkbox"/> Other	<input type="checkbox"/> Mixed Use	<input type="checkbox"/> Industrial
<input type="checkbox"/> Special Exception	<input type="checkbox"/> Redevelopment	<input type="checkbox"/> Institutional
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Shore Erosion Prot.	<input type="checkbox"/> Open Space/Rec
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Vacant
<input type="checkbox"/> Grading Permit	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Water Dependent Facility / Pier / Marina
<input type="checkbox"/> Building Permit	<input type="checkbox"/> e.g. PUD	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Intrafamily		
<input type="checkbox"/> Growth Allocation		
<input type="checkbox"/> Other:		

Describe Proposed Use of Project Site: Variance from the Zoning Ordinance to extend the pier 168' and  
construct an additional twenty (20) boat slips.

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA		
TOTAL ACRES IN CRITICAL AREA:		.1321
IDA acres	Area Disturbed	
LDA acres	No. of Lots Created	
RCA acres	No. of Dwelling Units	
Agricultural Land	Forest/Woodland/Trees Created	
Existing Forest/Woodland/Trees	Existing Impervious Surface	
Forest/Woodland/Trees Created		
Proposed Impervious Surface	Total Impervious Surface	
GROWTH ALLOCATION DEDUCTED:		
RCA to LDA	RCA to IDA	LDA to IDA

Local Jurisdiction Contacts: **Joseph Johnson, Resource Inspector and/or Zoning Administrator**  
Office of Planning and Zoning, 129 E. Main St., Room 300, Elkton, MD 21921  
Phone: 410-996-5225

Commission response required by: April 20, 2005 Bd. of Appeals Hearing: April 26, 2005

**BOARD OF APPEALS APPLICATION**  
**CECIL COUNTY, MARYLAND**

MEET. MONTH: April 2005  
 FILE NO. 3117

THIS REQUEST IS FOR:  
 SPECIAL EXCEPTION RENEWAL ( )  
 SPECIAL EXCEPTION ( )  
 VARIANCE (x)  
 APPEAL ( )

RECEIVED  
 FEB 25 2005

DATE FILED: 2-25-05  
 AMOUNT PD: 2000000.00 #12  
 ACCEPTED BY: [Signature]

**A. APPLICANT INFORMATION**

CECIL COUNTY PLANNING & ZONING

Hacks Point Pier Club & Association c/o David R Fesher  
 APPLICANT NAME - PLEASE PRINT CLEARLY  
72 Beach View Ave Earleville Md 21919  
 ADDRESS CITY STATE ZIP CODE  
[Signature]  
 APPLICANT SIGNATURE  
410-275-1652  
 PHONE NUMBER

**B. PROPERTY OWNER INFORMATION**

Hacks Point Community Pier Club  
 PROPERTY OWNER NAME - PLEASE PRINT CLEARLY  
Same  
 ADDRESS CITY STATE ZIP CODE  
 PROPERTY OWNER SIGNATURE PHONE NUMBER

**C. PROPERTY INFORMATION**

Community Land off Park Lane  
 PROPERTY ADDRESS  
52 10 03 205 115 VR  
 TAX MAP # BLOCK PARCEL LOT# #ACRES ZONE  
 ELECTION DIST. 1 ACCT. NUMBER N/A

**D. PURPOSE OF APPLICATION** - Indicate reasons why this application should be granted. (attach separate sheet if necessary)

Extend Existing Pier by 168' To provide owners in Hacks Point Community 20 additional boat slips. Plus to consolidate 102760 ~~to~~ individual slips & pier's from being constructed ~~and~~ through Community Property Pier 168ft. up

**E. On an attached sheet, PLEASE submit a sketch of the property indicating the proposed project. Show distances from the front, side and rear property lines and the dimensions of the project.**

**F. LAND USE DESIGNATION**

Is property in the Critical Area?  YES  NO  
 If yes, Pertinent provision of the Chesapeake Bay Critical Area Program: DA - 198.2 a (2) & 198.3  
 Is property in the 100 year Floodplain?  YES  N/A  NO  
 Is property an Agricultural Preservation District?  YES  NO

If property is located in the Critical Area, all provisions and requirements must be met as outlined in Article XVII, Part I, II & III of the Zoning Ordinance.

**G. PROVISION OF ZONING ORDINANCE:** 198.2.a.(2) & 198.3


**H. SPECIAL EXCEPTION RENEWAL** - PREVIOUS FILE NO. & CONDITIONS FOR APPROVAL: 2127

**I. SPECIAL EXCEPTION FOR A MANUFACTURED HOME** - Please fill out the following information:

Will unit be visible from the road? \_\_\_\_\_ If yes, distance: \_\_\_\_\_  
 Will unit be visible from adjoining properties? \_\_\_\_\_ If yes, distance: \_\_\_\_\_  
 Distance to nearest manufactured home: \_\_\_\_\_ Size/Model/Year of Unit: \_\_\_\_\_  
 Number of units on property at present time: \_\_\_\_\_



Click here for a plain text ADA compliant screen.

 <b>Maryland Department of Assessments and Taxation</b> <b>CECIL COUNTY</b> <b>Real Property Data Search</b>	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a> <a href="#">Ground Rent</a>
---	--

**Account Identifier:** District - 01 Account Number - 010999

**Owner Information**

<b>Owner Name:</b> HACKS POINT COMMUNITY ASSOCIATION	<b>Use:</b> RESIDENTIAL
	<b>Principal Residence:</b> NO
<b>Mailing Address:</b> EARLEVILLE MD 21919	<b>Deed Reference:</b> 1) RRC/ 17/ 321 2)

**Location & Structure Information**

<b>Premises Address</b> 29 PARK LANE EARLEVILLE 21919	<b>Legal Description</b> LOT 205 - .115 ACRE 29 PARK LANE HACKS POINT
---	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
52	10	91		120			OS	80	Plat Ref:

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>	HACKS POINT FIRE CO
--------------------------	----------------------------------	---------------------

<b>Primary Structure Built</b> 0000	<b>Enclosed Area</b>	<b>Property Land Area</b> 5,009.00 SF	<b>County Use</b>
--	----------------------	--	-------------------

<b>Stories</b>	<b>Basement</b>	<b>Type</b>	<b>Exterior</b>
----------------	-----------------	-------------	-----------------

**Value Information**

	Base Value	Value As Of	Phase-in Assessments	
			As Of	As Of
		01/01/2004	07/01/2004	07/01/2005
<b>Land:</b>	0	0		
<b>Improvements:</b>	0	0		
<b>Total:</b>	0	0	0	0
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
----------------	--------------	---------------

05-WL-0272

200465243

Pg 1 of 1

**Northern Bay Marine Construction, Inc.**  
**Post Office Box #444**  
**Chesapeake City, MD 21915**  
**410-885-5253**

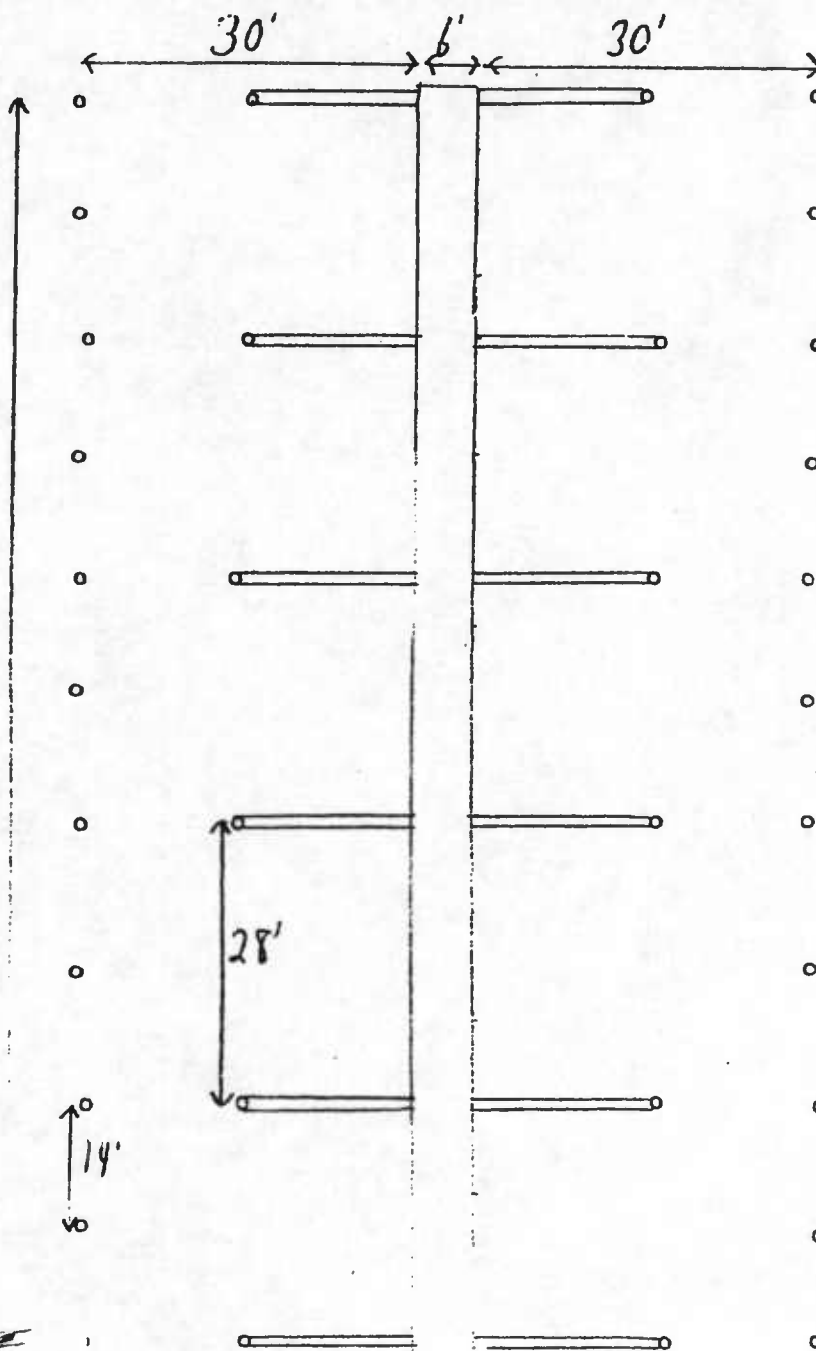


**Pier Extension for Hack's Point Community Pier**

No SAV's  
 within project  
 vicinity.

1/21/05

168'







Doldon W. Moore, Jr.  
*Wetlands Administrator*

State of Maryland  
**Board of Public Works**

Wetlands Administration  
Post Office Box 1510  
Annapolis, Maryland 21404  
410-260-7791  
Fax: 410-974-5240  
Toll Free: 1-877-591-7320

Robert L. Ehrlich, Jr.  
*Governor*  
William Donald Schae  
*Comptroller*  
Nancy K. Kopp  
*Treasurer*  
Sheila C. McDonald  
*Executive Secretary*

**WETLANDS LICENSE NO. 05-0272**

**HACKS POINT COMMUNITY ASSOCIATION**

In response to an application dated August 24, 2004, for a Wetlands License, upon the recommendation of the Wetlands Administrator of the Board of Public Works, and pursuant to the provisions of Title 16, Environment Article, Annotated Code of Maryland (1996 Repl. Vol. and Supplement), entitled "Wetlands and Riparian Rights," enacted to provide a State policy for the preservation of wetlands and regulation of the filling and dredging of wetlands in Maryland, and for other purposes, you are hereby authorized by the Board of Public Works, for the State of Maryland to:

"construct a 168-foot long pier extension with 12, 3-foot wide by 15-foot long finger piers, all extending a maximum of 439 feet channelward of the mean high water line, as depicted on the plans dated January 21, 2005" – Bohemia River at Hacks Point, Earleville, in Cecil County.

This license is subject to the following special conditions:

- A. All work shall be permitted and performed in accordance with the Critical Area Program regulations.
- B. All work shall be performed in accordance with the required Soil Erosion and Sediment Control Plan as approved by the Cecil County Soil Conservation District.
- C. All work shall be performed in accordance with the required Water Quality Certification issued by the Maryland Department of the Environment.

The authorized work is to be accomplished in accordance with the plans and drawings attached hereto, dated January 21, 2005.

This license is subject to the following general conditions and is revocable or subject to modification prior to the completion of the project as described above when such action is deemed to be in the State's interest.

RECEIVED  
DEC 22 2004

JOINT FEDERAL/STATE APPLICATION INFORMATION (JAI)

Application number: 200465187 County: Cecil  
Applicant name: Hacks Point Community Pier  
Project name: HACKS POINT COMMUNITY PIER/PIER & PILING

Date recd by MDE: August 24, 2004 Date recd by COE: September 19, 2004

State Category: IIIB  
Critical Date: October 8, 2004  
State evaluator: AYELLA  
COE section: MS COE evaluator: ROOP

RECEIVED

JAN 15 2005

Corps Disposition

TIDAL WETLANDS DIVISION  
WATER MANAGEMENT ADMIN., MDE

1. Corps Extension Notification:

\_\_\_\_\_ Corps requires an extension to the 45 day review period until (See enclosed letter for additional information)

2. Corps Final Determination:

Corps Authorized Work Description: Construct a 168-foot long by 6-foot wide pier extension with (12) 3-foot wide by 15-foot long finger piers.

XXXXX MDSPGP-2, Category IIIB, with standard conditions and any special conditions.

\_\_\_\_\_ Individual or General Water Quality Certification is required.

Proposed activity is authorized under the following program:

- \_\_\_\_\_ Nationwide Permit (s) (NWP) # \_\_\_\_\_
- \_\_\_\_\_ Not Federally regulated (LONO)
- \_\_\_\_\_ Exempt from Federal regulation

Walter Washington, Jr.  
Chief, Maryland Section Southern

*December 20, 2004*



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/](http://www.dnr.state.md.us/criticalarea/)

RECEIVED

MAR 30 2005

CECIL COUNTY PLANNING & ZONING

March 24, 2005

Joseph Johnson  
Cecil County, Office of Planning and Zoning  
129 E. Main St. Room 300  
Elkton, MD 21921

Re: Local Case No. 3117 Hacks Point Community Pier Club and Association  
(Tax Map 52, Parcel 91-O.S. Lot 205)

Dear Mr. Johnson:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit extension of the existing community pier by 169 feet and to construct 20 additional boat slips. The properties are designated an Intensely Developed Area (IDA), is currently undeveloped and designated as community open space.

Based on the information provided, this office does not oppose the variance request. Any areas of Buffer vegetation that may be disturbed during construction should be replanted following completion of the project.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie V. LaBranche".

Julie V. LaBranche  
Natural Resource Planner

CE 150-05 Hacks Point pier

PROJECT NAME: Hacks Point Community Pier Club & Assoc.

CAC#: CE 0150-05 Local #: 3117

Date: 03/07/2005

The staff of the Chesapeake Bay Critical Area Commission has received the above referenced project. The staff will review the project and you will be notified when the review has been completed.

LaBranche  
Reviewer's Name

Project Evaluation Division  
Telephone: (410) 260-3460

RECEIVED

MAR 15 2005

CECIL COUNTY PLANNING & ZONING

**IN THE MATTER OF  
THE APPLICATION OF  
HACKS POINT COMMUNITY PIER CLUB  
(Variance)**

**BEFORE THE CECIL COUNTY  
BOARD OF APPEALS  
CASE NO.: 3117**

**OPINION**

Application of Hacks Point Community Pier Club and Association for a variance to extend the existing pier by 168 feet to provide an additional 20 boat slips. The property is parcel 91 on tax map 52, in the First Election District, in an area presently zoned Village Residential (VR).

Section 198 (2) permits community piers within the Buffer. Section 198 (3) limits the length of docks, piers, etc. to no more than 25% of the distance to the mean high water line on the opposite shore, or no more than 300 feet, whichever is the lesser distance. Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

- A. The variance request is based upon a situation where, because of special conditions, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.
- B. Special conditions and circumstances exist that are peculiar to the land, buildings or structures involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.

D. The variance request does not arise from any condition related to land or building use, either permitted or non-conforming, on any neighborhood property.

Applicant desires to extend their existing pier an additional 168 feet to allow 20 additional boat slips. There is a long waiting list for slips.

Numerous individuals appeared and testified in favor of the application. No one appeared in opposition.

From the evidence presented the Board is satisfied that the criteria set forth in Section 306 has been met and makes the following findings:

1. The variance request is based upon a situation where, because of special conditions a literal enforcement of the provisions of the Ordinance would deprive the Applicant of a right commonly enjoyed by other properties in the same zone under the terms of this Ordinance;
2. That special conditions and circumstances exist on the property;
3. That the granting of the variance will not confer upon the Applicant any special privileges that are denied by this Ordinance to other properties in the same zone; and,
4. That the variance request does not arise from any condition related to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the application to extend the existing pier an additional 168 feet and to construct an additional 20 boat slips is hereby **GRANTED**.

Date: 5/24/05

David Willis  
David Willis, Chairman

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IN THE MATTER OF  
THE APPLICATION OF  
HACKS POINT COMMUNITY PIER CLUB

BEFORE THE CECIL COUNTY  
BOARD OF APPEALS

CASE NO.: 3117

(Variance)

OPINION

Application of Hacks Point Community Pier Club and Association for a variance to extend the existing pier by 168 feet to provide an additional 20 boat slips. The property is parcel 91 on tax map 52, in the First Election District, in an area presently zoned Village Residential (VR).

Section 198 (2) permits community piers within the Buffer. Section 198 (3) limits the length of docks, piers, etc. to no more than 25% of the distance to the mean high water line on the opposite shore, or no more than 300 feet, whichever is the lesser distance. Under the provisions of Article XVII, Part I, Section 306, Paragraph 1, variances, as defined in Article II, may be granted by the Board of Appeals. Paragraph 2 of Section 306 requires the Board to examine all facts of the case and render a decision based upon the following criteria:

- A. The variance request is based upon a situation where, because of special conditions, a literal enforcement of the provisions of the Ordinance would deprive the applicant of a right commonly enjoyed by other parties in the same zone under the terms of this Ordinance.
- B. Special conditions and circumstances exist that are peculiar to the land, buildings or structures involved, and that are not applicable to other lands, buildings, or structures in the same zone, such conditions and circumstances not being the result of actions by the applicant.

KEITH A. BAYNES  
ATTORNEY AT LAW  
210 EAST MAIN STREET  
ELKTON, MD 21921  
410-398-6333

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Chesapeake & Atlantic Coastal Bays

- C. The granting of the variance will not confer upon the applicant any special privileges that are denied by this Ordinance to other properties in the same zone.
- D. The variance request does not arise from any condition related to land or building use, either permitted or non-conforming, on any neighborhood property.

Applicant desires to extend their existing pier an additional 168 feet to allow 20 additional boat slips. There is a long waiting list for slips.

Numerous individuals appeared and testified in favor of the application. No one appeared in opposition.

From the evidence presented the Board is satisfied that the criteria set forth in Section 306 has been met and makes the following findings:

1. The variance request is based upon a situation where, because of special conditions a literal enforcement of the provisions of the Ordinance would deprive the Applicant of a right commonly enjoyed by other properties in the same zone under the terms of this Ordinance;
2. That special conditions and circumstances exist on the property;
3. That the granting of the variance will not confer upon the Applicant any special privileges that are denied by this Ordinance to other properties in the same zone; and,
4. That the variance request does not arise from any condition related to land or building use, either permitted or non-conforming, on any neighborhood property.

For the reasons stated, by unanimous vote, the application to extend the existing pier an additional 168 feet and to construct an additional 20 boat slips is hereby **GRANTED**.

Date: 5/24/05

David Willis  
David Willis, Chairman

**TRUE COPY**

Jan D. Emery 5-25-05