

CF 792-05
VAR

Connelly, Thomas

MSA-S-1829-4913

Comments 11/7/06
KJ



CF 792-05

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

January 26, 2006

Mr. William Mister
Zoning Inspector
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

RECEIVED

JAN 30 2006

CRITICAL AREA COMMISSION

Re: Connelly Buffer Variance
Tax Map 104, Parcel 1770, Lot 7

Dear Mr. Mister:

This letter is in response to the Buffer variance hearing held by the Crisfield Board of Zoning Appeals on January 17, 2005. Should the Board of Appeals decide to grant the variance, it is my recommendation that they do so with the following conditions:

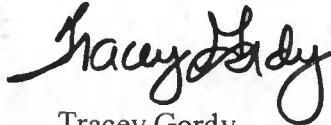
1. Require that the property owner mitigate at a 3:1 ratio for the amount of impervious surface created in the 100' Buffer. This mitigation is specified in Kerrie Gallo's letter from the Critical Area Commission dated January 17, 2005. However, to reiterate her recommendation, the owner should be required to rectify the Buffer violation by mitigating for 2,595 square feet (865 sf x 3) of impervious surface.
2. Require the property owner to comply with the 10% Rule requirement through additional on-site mitigation. This constitutes additional mitigation for 4,145 (5,010 sf - 865 sf) square feet of impervious surface.
3. For mitigation purposes, trees are defined as nursery grown stock that are containerized or balled and burlapped and are a minimum of 2" caliper. Shrubs are defined as nursery grown stock of at least three gallons in size. For the property owner's convenience, the Critical Area Commission's Forestry Guidance Paper and a list of recommended native species have been included with this letter. All planting should occur in the months of March, April or October and must be fully accomplished within two (2) years from the date of this letter. The owner is required to notify the City Inspector for an inspection once the planting is complete.

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410-713-3460 • Fax: 410-713-3470
Internet: www.MDP.state.md.us

If the Board of Appeals issues an approval for the variance request, I would appreciate it if these exact conditions were included in the Board's approval letter to the owners. In addition, please copy me on any letter from the Board of Appeals regarding its decision on this case.

Thank you for your cooperation and please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tracey Gordy". The signature is written in a cursive, flowing style.

Tracey Gordy
Regional Planner/Circuit Rider

Enclosures

Cc: Kerrie Gallo
Steve Smethurst

792-05

Richard Scott, Mayor
City Council:
Catherine A. Brown, Vice-Pres.
Carolyn Evans
Daniel Thompson
Roger R. Riffin, Jr.
Percy J. Purnell, Jr.

City of Crisfield
City Hall
319 W. Main Street
Crisfield, Maryland 21817

P.O. Box 270
410-968-1333
Fax 410-968-2167
crisfield@ccisp.net

January 18, 2006

Adkins, Potts & Smethurst, LLP
Mr. Raymond S. Smethurst, Jr.
P.O. Box 4247
Salisbury, MD 21803-4247

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JAN 31 2006

CRITICAL AREA COMMISSION


Re: Thomas & Lucille Connelly
7 Hammock Point
Crisfield, MD 21817

Dear Mr. Smethurst, Jr.,

Please be advised that the Board of Zoning Appeals made and approved a motion to grant Mr. Connelly a variance to build in the Buffer for lot #7 Hammock Point with a stipulation of full mitigation to plant either 76 trees or 228 shrubs, motion was seconded and carried unanimously.

If you have any questions or concerns, don't hesitate to call the City Inspectors Office (410) 968-0045. Thank You for your cooperation in this matter.

Sincerely,



Larry Tyler,
Chairman

LT/kl

cc: Tracey Gordy
Thomas & Lucille Connelly
Kerrie Gallo

DRAFT

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR BUFFER

VARIANCE (§ 112-113) APPLICATION OF THOMAS J. AND LUCILLE A. CONNELLY

We find from a preponderance of the credible evidence adduced at the public hearing held on January 17, 2006 the following facts:

GENERAL FINDINGS

The Applicants purchased Lot 7, Hammock Point Subdivision, Parcel 1770, Tax Map 104, Grid 7, which consists of 1.40 acres bounded by Hammock Drive on the east and the Little Annemessex River on the west, on October 27, 1998. The residential development of the lot results in 5,010 total square feet of impervious surface representing _____% of the entire lot, which is less than the 15% allowed by § 112-107(d)[1] of the Crisfield Code. Applicants are seeking an after-the-fact variance for the 865 square feet of the impervious surface that lies within the Buffer.

SPECIFIC FINDINGS

- 1. That special conditions of circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions within the Critical Area Overlay District (O) would result in unwarranted hardship which is not generally shared by owners of property in the same management area of the Critical Area District.**

The circumstances surrounding the development of this property are unique in that the Applicants' builder was given verbal permission to proceed with construction of their house in its present location by the City of Crisfield Building Inspector without any authorization of the Critical Area Commission or its representative. Applicants were completely unaware that any portion of the existing structure was to be located within the Buffer, and this lack of awareness was not a result of their ignorance of the law or their failure to attempt to determine what the law requires.

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JAN 17 2006

LOWER EASTERN SHORE OFFICE

Applicants depended entirely upon their builder and had no reason to believe they were not in full compliance with all applicable laws. No one informed the Applicants that a portion of their home might be or was in the Buffer until July 2005 — by which time it was already erected and enclosed.

No other owners of property in this area has sought and received erroneous permission from the appropriate City of Crisfield official, commenced construction, and then found after the fact that their house had, without his/her knowledge or consent, been constructed in the Buffer without proper authorization. 2. **That strict enforcement of the provisions within the Critical Area District would deprive the property owners of rights commonly shared by other owners of property in the same management area within the Critical Area District.**

Eight other homeowners in the Applicants' subdivision have received buffer variances to allow for the construction of homes located partially within the Buffer. The variance sought by the Applicants does not result in their house being any closer to the river and tidal wetlands than the existing houses located on the westerly side of Hammock Drive. Therefore, to deny the Applicants the variance requested would clearly deprive them of rights commonly enjoyed by other property owners not only in the same Critical Area management area but also in the very same subdivision.

3. **That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District.**

On the basis of past actions granting buffer variances for eight other lots in this subdivision, granting Applicants the requested variance will not confer upon them any special privilege that has been or would be denied to others in similar circumstances.

4. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or nonconforming, which are related to adjacent parcels.

The Applicants, who are not from this area and had no knowledge of local requirements (including the Critical Area law), contracted with a local builder to construct their house, relying on him to do whatever is required to comply with local mandates. The Applicants' builder sought permission from the appropriate City of Crisfield official – the Building Inspector – and received approval to commence construction of the structure, in spite of a portion of it being located within the Buffer. Having sought and received, albeit in error, the appropriate permission, the Applicants' circumstances are not self-imposed or self-inflicted given that Applicants were never informed of the error until after the home was substantially completed.

5. That the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area District and that the granting of the variance will be consistent with the spirit and intent of the City's Critical Area program and associated ordinances as well as stat law and regulations adopted under Subtitle 18 of the Natural Resources Article of the Annotated Code of Maryland and COMAR 14.15.

There is no evidence whatsoever that indicates that the granting of the variance will have any actual adverse effect upon the water quality of the Little Annamessex River. Any theoretical adverse impact to water quality resulting from the buffer intrusion will be offset by the plantings depicted on the plans submitted by Ronald Gatton. Because the portion of the buffer occupied by the house is grass, the variance will not adversely impact any plant or animal habitat. To the contrary, the plantings proposed by the Applicants will enhance the plant habitat and might enhance

animal habitat as well. As a result, the granting of the variance would be consistent with the spirit and intent of the City's Critical Area Program.

6. That greater profitability or lack of knowledge of the restriction do not constitute bases for the variance.

This is not an application for a commercial facility. The Applicants will use this structure only as their primary personal residence; profit is not a factor. The Applicants do not base their variance request upon their lack of knowledge of the City's Critical Area Program; rather they base it on the permission erroneously granted their builder by the appropriate responsible official, the City of Crisfield Building Inspector.

M:\filesRSS\Connelly21373\ProposedFOF

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/

January 17, 2006

Mr. William Mister
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Connelly Property Variance
Tax Map 104, Parcel 1770, Lot 7

Dear Mr. Mister:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance from the 100-foot Buffer requirements in order to permit the continuation of a dwelling constructed partially within the Buffer. The property is designated as an Intensely Developed Area (IDA), and is currently developed with a single-family dwelling.

Based on the information provided, it appears as though approximately 865 square feet of the dwelling's footprint is located within the Buffer. As you are aware, the Commission, in conjunction with Tracey Gordy, Circuit Rider for the City of Crisfield, has been working with the City since December of 2004 to review various stages of the applicant's development proposal. This review began prior to the construction of the dwelling; with written correspondence repeatedly provided to the City indicating the specific site plan requirements needed for Critical Area review, including compliance with the 100-foot Buffer and 10% pollutant reduction requirements. During a site visit and meeting with City officials on April 12th, 2005, Commission staff discovered that the proposed dwelling on the applicant's property had been constructed, was located partially within the Buffer, and was constructed without the proper variance approvals and building permits. At the time, Commission staff requested that the City immediately take action to bring the property into compliance.

Due to the City's failure to adequately enforce the provisions of its Critical Area Program, as well as the failure to submit the required variance application in a timely manner, we are not opposing the variance request. However, contrary to the applicants' statement that they depended entirely upon their builder, believing that the dwelling was being constructed in compliance with Critical Area laws, we note that the applicant bears the ultimate responsibility for the illegal activity on the property. The requirements for development within the 100-foot Buffer are clearly stated within the City's zoning ordinance and Critical Area Program.

Bill Mister
January 17, 2006
Page 2

At this time, the applicants are requesting a variance to legalize the location of the dwelling within the Buffer and to bring the property into compliance with Critical Area requirements. While we are not opposing the legalization of the construction, the applicants must demonstrate that compliance with the 10% pollutant reduction rule is possible. In addition, there is a need for significant mitigation to rectify the outstanding violation. To rectify the violation, we recommend that mitigation be required at a 3:1 ratio, measured by the areal extent of disturbance in the Buffer (2,595 square feet of mitigation). This mitigation should be implemented utilizing native plant species and should be located within the Buffer to the extent possible. As conditions of approval, we recommend that the Board require the applicant to submit a detailed planting plan indicating the species type, quantity, and proposed location, as well as a detailed stormwater management plan which addresses 10% rule compliance. These items should be submitted to the Circuit Rider to review in order to ensure that consistency with Critical Area regulations is achieved.

Thank you for the opportunity to provide comments on this variance request. Should you have any questions, please contact me at (410) 260-3462.

Sincerely,



Kerrie Gallo
Natural Resource Planner

Cc: Tracey Gordy, MDP

Richard Scott, Mayor
City Council:
Catherine A. Brown, Vice-Pres.
Carolyn Evans
Daniel Thompson
Roger R. Riggin, Jr.
Percy J. Purnell, Jr.

City of Crisfield
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MD. DEPARTMENT OF PLANNING

DEC 7 2005

LOWER EASTERN SHORE OFFICE

NOTICE OF PUBLIC HEARING

**THE CITY OF CRISFIELD
BOARD OF ZONING APPEALS**

**TUESDAY, JANUARY 17, 2006 AT 4:00 PM
CITY HALL MEETING ROOM**

MR. THOMAS AND LUCILLE CONNELLY HAVE APPLIED FOR A BUFFER VARIANCE LOT 7, HAMMOCK POINT SUBDIVISION, PARCEL 1770, TAX MAP 104. CODE REQUIRMENTS AND VARIANCE REQUEST SECTION 112-108.A OF ORDINANCE #314 REQUIRES "EXCEPT AS PROVIDED FOR WATER-DEPENDENT FACILITIES IN 112-107, NEW DEVELOPMENTS ACTIVITIES, INCLUDING STRUCTURES, ROADS, PARKING AREAS, IMPERVIOUS SURFACES AND SEPTIC SYSTEMS ARE NOT PERMITTED IN THE BUFFER". WHEREAS THE APPLICANT PROPOSES TO LOCATE A PORTION OF HIS NEWLY-CONSTRUCTED DWELLING WITHIN THE BUFFER. VARIANCE REQUESTED AND AMOUNT-AN AFTER THE FACT VARIANCE FOR THE 865 SQUARE FEET OF IMPERVIOUS SURFACE (HOUSE) THAT LIES WITHIN THE BUFFER.

THE BOARD OF ZONING APPEALS WILL HOLD A PUBLIC HEARING PRIOR THE VOTE ON THIS MATTER, AT THE CITY HALL ON, TUESDAY, JANUARY 17, 2006 AT 4:00PM.

FOR MORE INFORMATION, PLEASE CONTACT THE CITY INSPECTORS OFFICE 410-968-0045.



Maryland Department of Planning


Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

MEMORANDUM

To: Crisfield Board of Appeals
From: Tracey Gordy, Regional Planner/Circuit Rider 
Date: January 17, 2006
Re: Connelly Property Sequence of Events / Brief Overview

- August 30, 2004: Received unsigned building permit application and site plan, not to scale, with no Critical Area information. Called and spoke with the City Zoning Inspector, Alvaro Quintanilha, and requested copy of a site plan with 100' Buffer and other Critical Area information. Also asked for signed copy of building permit application. Mr. Quintanilha responded that the applicant had not paid for the permit and that he would find out when they are going to pay the fee. He said that once they paid the fee, he would forward the site plan.
- December 16, 2004: Mr. Quintanilha hand-delivered to our office architectural drawings for the proposed dwelling. I was out of the office when he arrived. When I returned later that day, sent Mr. Quintanilha a letter stating that we do not review architectural drawings, outlined in the letter the necessary site plan information, and returned the drawings with that letter.
- December 29, 2004: Received a faxed version of the site plan, but it had been reduced and therefore was not to scale and unable to be reviewed. The City forwarded the site plan to me via mail the following week.
- January 21, 2005: Sent a letter to Mr. Quintanilha detailing the information that still needed to be added to the site plan. Advised the City in that letter not to issue a building permit.
- April 12, 2005: Visited City with Critical Area staff and discovered that house was almost fully constructed. Addressed this matter with Mr. Quintanilha and City Manager, Calvin Dize, and was not provided a clear answer by Mr. Quintanilha as to how this transpired and whether or not an actual building permit had been issued by the City.

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.713-3460 • Fax: 410.713-3470
Internet: www.MDP.state.md.us

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CRITICAL AREA COMMISSION

- April 25, 2005: Received a faxed copy of another site plan for the site. Again, the site plan was reduced and not to scale, so could not review. In addition, the Buffer delineation appeared to be the same as previous submittals, which I had already, numerous times, indicated was incorrect.
- April 27, 2005: Visited the site and performed a field inspection of the 100' Buffer as compared to the house location and determined that the house was constructed well within the Buffer. Notified Critical Area Commission staff of my findings.
- May 13, 2005: Critical Area Commission staff sent a letter to Mr. Quintanilha advising of the seriousness of the situation and requested that the City work with the property owner to pursue an after-the-fact Buffer variance request as soon as possible.

The Mayor and Council of Crisfield, Maryland

VARIANCE APPLICATION

APPLICATION DATE November 25, 2005
ZONING CERTIFICATE NO. _____ DATE _____
FEE PAID _____

HEARING DATE _____ APPROVED _____ DENIED _____

1. **APPLICANT'S REQUEST AND CERTIFICATION**

IN ACCORDANCE WITH THE PROVISIONS OF SS112.98 OF THE CODE OF CRISFIELD. I DO HEREBY SUBMIT MY WRITTEN APPLICATION FOR A VARIANCE FROM THE TERMS AND CONDITIONS OF SAID ORDINANCE. THE REASONS FOR MY REQUESTED VARIANCE ARE INCLUDED IN THE FOLLOWING INFORMATION.

I UNDERSTAND AND AGREE THAT A LEGAL NOTICE OF PUBLIC HEARING WILL BE ADVERTISED, THAT A SIGN WILL BE PLACED ON MY PROPERTY AND THAT THE ZONING INSPECTOR WILL INSPECT SAID PROPERTY AT ANY REASONABLE TIME. RECEIPT OF ONE COPY OF AN EXPLANATION OF VARIANCE PROCEDURES IS HEREBY ACKNOWLEDGED.

Mona J. Connolly
Mona J. Connolly 11/29/05
APPLICANT'S SIGNATURE DATE

2. **SPECIFIC PROVISIONS BEING APPEALED**

- A. INTERPRETATION _____
- B. ORDINANCE STANDARDS _____
- C. DEFINITION _____
- D. OTHER Buffer Variance - § 112-113

3. **CODE REQUIREMENTS AND VARIANCE REQUEST**

A, SECTION 112-108.A ⁽¹⁾ OF ORDINANCE #314 REQUIRES "Except as provided for water-dependent facilities in §112-107, new developments activities, including structures, roads, parking areas, impervious surfaces and septic systems are not permitted in the Buffer."

B. **WHEREAS THE APPLICANT PROPOSES TO** locate a portion of his
newly-constructed dwelling within the Buffer.

C. **VARIANCE REQUESTED AND AMOUNT** An after-the-fact variance for
the 865 square feet of impervious surface (house) that lies within the
Buffer.

4. **REASONS FOR VARIANCE**

The criteria for a variance that appear in Section 112-113 and an explanation of why these criteria are met in the instant case are set forth in the Addendum attached hereto.

5. A. **COPY OF ZONING CERTIFICATE APPLICATION** X
B. **COPY OF CITY PROPERTY TAX MAP OF PARCEL** X
C. **SPECIFIC PLOT PLAN** X
D. **OTHER** _____
E. **COPY OF VARIANCE PROCEDURES** X

ADDENDUM
TO
VARIANCE APPLICATION OF THOMAS J. AND LUCILLE A. CONNELLY

1. That special conditions of circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions within the Critical Area Overlay District (O) would result in unwarranted hardship which is not generally shared by owners of property in the same management areas (*i.e.*, IDA, LDA and RCA) of the critical area.

The circumstances surrounding the development of this property are unique in that the builder was given verbal permission to proceed with construction of the structure in its present location by the City of Crisfield Building Inspector without any authorization of the Critical Area Commission or its representatives. The Applicants were completely unaware that any portion of the existing structure was to be located within the Buffer, and this lack of awareness was not a result of ignorance of the law or a failure to attempt to determine what the law requires. Applicants depended entirely upon their builder and believed it was in full compliance with all applicable laws. No one informed the Applicants that there a portion of their home was in the Buffer until July 2005 — by which time it was already erected and enclosed. As far as Applicants know, no other owner of property in this area have sought and received, albeit erroneous, permission from the appropriate City of Crisfield official, commenced construction, and then found after the fact that their house had, without his/her knowledge or consent, been constructed in the Buffer without proper authorization.

2. That strict enforcement of the provisions within the Critical Area District would deprive the property owners of rights commonly shared by other owners of property in the same management area within the Critical Area District.

but no permit?

ultimate responsibility is applicant

!!!

Several other homeowners in the Applicants' subdivision have received similar variances to allow for the construction of homes located partially within the Buffer. These variances have been granted as a matter of course and to deny the Applicants the variance requested would clearly deprive them of rights commonly enjoyed by other property owners not only in the same management area but also in the very same subdivision.

3. That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District.

On the basis of past actions granting variances for several other lots in this subdivision nearly identical to the variance Applicants are seeking, granting Applicants the requested variance will not confer upon them any special privilege that has been or would be denied to others in similar circumstances.

4. That the variance request is not based upon conditions or circumstances which are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or nonconforming, which are related to adjacent parcels.

The Applicants' builder sought permission from the appropriate City of Crisfield official – the Building Inspector – and received approval to commence construction of the structure, in spite of a portion of it being located within the Buffer. Having sought and received, albeit in error, the appropriate permission, the Applicants' circumstance should not be considered self-imposed or self-inflicted given that Applicant were never informed of the error until after the home was substantially completed.

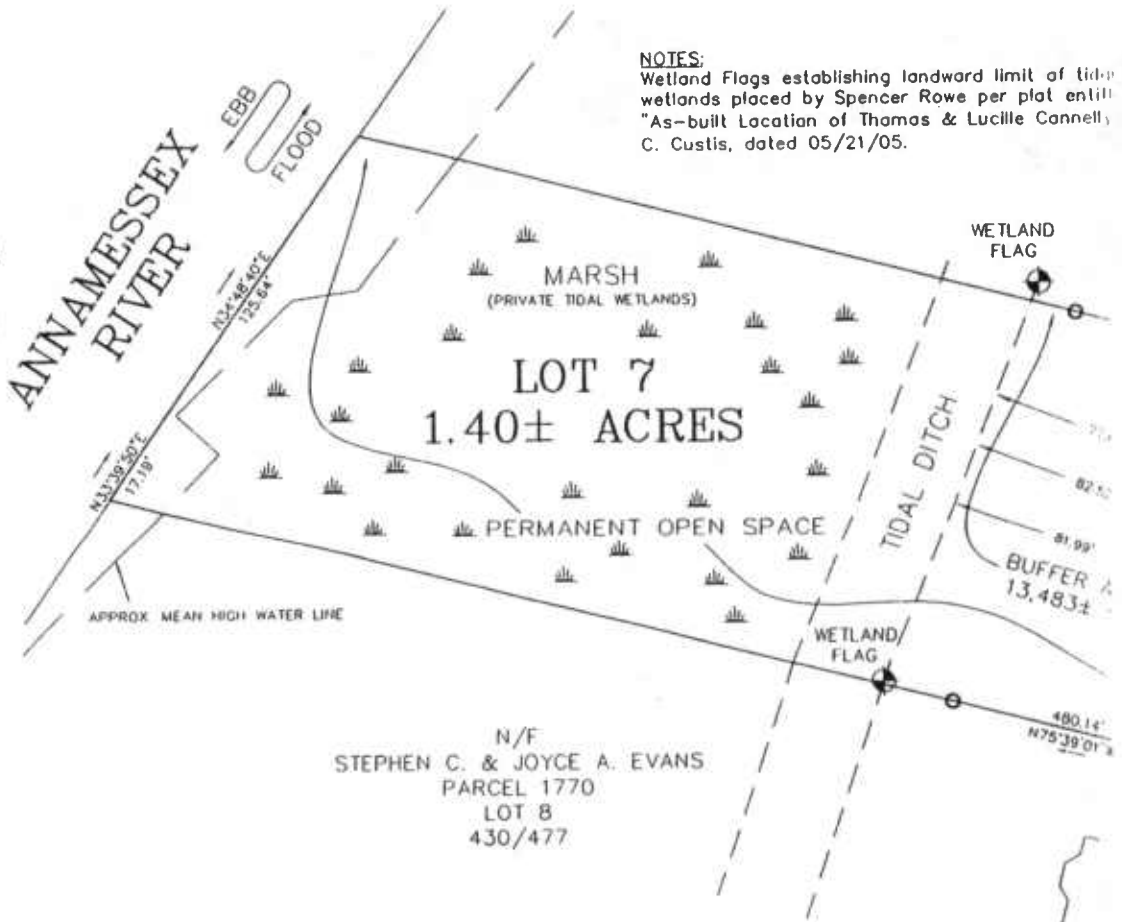
5. That the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area District and that the granting of

the variance will be consistent with the spirit and intent of the City's Critical Area program and associated ordinances as well as stat law and regulations adopted under Subtitle 18 of the Natural Resources Article of the Annotated Code of Maryland and COMAR 14.15.

There is no evidence whatsoever which indicates, or even tends to indicate, that the granting of the variance will have any adverse effect upon the water quality of the Little Annessex River or its tributaries. In addition, the Applicants will provide plantings as required in order to mitigate any potential adverse effect related to the portion of the structure located in the Buffer. As a result, the granting of the variance would be consistent with the spirit and intent of the City's Critical Area Program.

6. That greater profitability or lack of knowledge of the restriction shall not be considered as sufficient cause for a variance.

This is not an application with respect to a commercial facility. The Applicants will use this structure only as their primary personal residence; profit is not a factor. The Applicants do not base their variance request upon their lack of knowledge of the City's Critical Area Program; rather they base it on the permission erroneously granted their Builder by the appropriate responsible official, the City of Crisfield Building Inspector.



NOTES:
 Wetland Flags establishing landward limit of tidal wetlands placed by Spencer Rowe per plat entitled "As-built Location of Thomas & Lucille Connolly, C. Custis, dated 05/21/05.

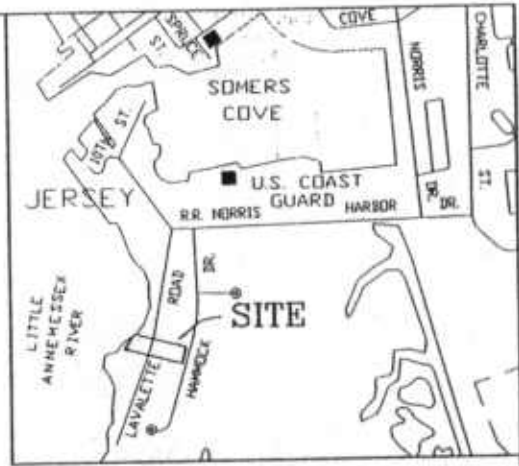
N/F
 STEPHEN C. & JOYCE A. EVANS
 PARCEL 1770
 LOT 8
 430/477

- NOTES:**
1. Deed Ref.: 468/831
 2. Plat Ref.: 16/26B
 3. Parcel No. 1770
 4. Assess. Map No. 104, Grid 7
 5. ○ Denotes Iron Pipe Found
 6. This property is located within the Critical Area and is further classified as an Intensely Developed Area (IDA).
 7. Area of Impervious Encroachment within Buffer (Shaded)=865± S.F.
 8. Total Buffer Area: 13,483± S.F.
 9. % Impervious Area Within Buffer Area: 6.41%
 10. Total Impervious Surface: 5,010± S.F.
 11. % Impervious Surface: 8.22%
 12. Building Floor Area: 5,574± S.F.
 13. Total Building Ground Coverage: 2,871± S.F.
 14. Permanent Open Space: 44,966± S.F.

Based upon review of the Federal Emergency Management Agency Flood Insurance Rate Maps, panel 1 of 1, Community Panel Number 240062 0001 C, with an effective date of June 16, 1992, the property depicted on this survey is located within ZONE A3 (areas of the 100-...

JOB NO: 08581

DRAWN BY: E.J.P.	DATE: 11/02/2005
COMPUTED BY: C.J.P.	DATE: 11/02/2005
CHECKED BY:	DATE:



VICINITY MAP
SCALE: 1" = 1000'±

N/F
E. FISCHER
PARCEL 1770
LOT 6
433/1010

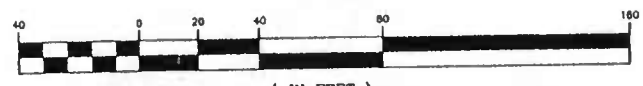


- BUILDING SETBACKS
1. FRONT - 20'
 2. SIDE - 6'
 3. REAR - 20'

SITE PLAN
FOR
THOMAS J. CONNELLY
LUCILLE A.

911 ADDRESS
CRISFIELD ELECTION DISTRICT
SOMERSET COUNTY, MARYLAND
CITY OF

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

SCALE: 1" = 40' DATE: 11/02/2005
HAMPSHIRE, HAMPSHIRE & ANDREWS INC.
MARYLAND REGISTERED LAND SURVEYORS
226 North Division St. 30505 Prince William St.
Sallsbury, MD. 21801 Princess Anne MD. 21853
817 W. Main St.
Crisfield MD. 21817

Bill Mister

NOTES:
 Wetland Flags establishing landward limit of tidal wetlands placed by Spencer Rowe per plat entitled "As-built Location of Thomas & Lucille Connelly" by C. Custis, dated 05/21/05.

N/F
 E. FISCHER
 PARCEL 1770
 LOT 6
 433/1010

MARSH
 (PRIVATE TIDAL WETLANDS)

LOT 7
 1.40± ACRES

PERMANENT OPEN SPACE

TIDAL DITCH

WETLAND FLAG

PORCH

2 STORY DWELLING

PROPOSED SEWER

PROPOSED DRIVEWAY

SEWER CLEANOUT

BUFFER AREA
 13,483± S.F.

WETLAND FLAG

EXISTING DWELLING

N/F
 N C. & JOYCE A. EVANS
 PARCEL 1770
 LOT 8
 430/477

HYDRANT
 REF. IRON PIPE FD.

WATER METER

HAMMOCK DRIVE

20' UTILITY EASEMENT

30' BUILDING SETBACK LINE

133.94'

514'21.00" W

REF. IRON PIPE FD.

ELECTRIC TRANSFORMER

TELEPHONE PEDESTAL

50.00'

SEWER MAHOLE

BUILDING SETBACKS
 1. FRONT - 20'
 2. SIDE - 6'
 3. REAR - 20'

NOTES:

1. Deed Ref.: 468/831
2. Plat Ref.: 16/26B
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13. Total Building Ground Coverage: 2,871± S.F.
14. Permanent Open Space: 44,966± S.F.



8/05

SC
 HA
 MA
 226
 Sol

Based upon review of the Federal Emergency Management Agency Flood Insurance Rate Maps, panel 1 of 1, Community Panel Number 240082 0001 C, with an effective date of June 18, 1992, the property depicted on this survey is located within ZONE A3 (area of the 100-yr flood, elev. 8).



NIF

Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

November 3, 2005

Mr. Calvin Dize, City Manager
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

RECEIVED

NOV 21 2005

Re: Thomas and Lucille Connelly Property
Tax Map 104, Parcel 1770, Lot 7

CRITICAL AREA COMMISSION

Cabby
Dear Mr. Dize:

Yesterday I had a discussion with Steve Smethurst, the attorney representing Mr. and Mrs. Connelly, about the possibility of the Connelly's being able to secure their house in Hammock Pointe. Evidently, there have been trespassing problems involving animals and/or people, which have caused some damage to the interior of the house.

After talking this matter over with Kerrie Gallo of the Critical Area Commission staff, we agreed that this was a reasonable request and therefore ask that the City make an exception to the existing stop-work order and allow Mr. and Mrs. Connelly to secure the house subject to the following conditions:

1. This recommendation is for the property owners to take only the minimum action necessary to secure the windows and doors to prevent any further trespassing and subsequent damage to the home;
2. Other than securing the home, no other construction activity shall take place on the site and no attempt shall be made to finish the interior or exterior of the house; and,
3. The property owners shall make application with the City for a Buffer variance within 30 days of the date of this letter.

Should you have any questions, please do not hesitate to call me at 410.713.3460.

Sincerely,

Tracey Gordy
Regional Planner/Circuit Rider

Cc: Kerrie Gallo

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.713-3460 • Fax: 410.713-3470
Internet: www.MDP.state.md.us



Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

November 18, 2005

Mr. Bill Mister
Zoning Inspector
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Ajello Height Variance Request
Tax Map 104, Parcel 1770, Lot 21

Dear Mr. Mister:

Thank you for forwarding the above-referenced variance request to this office for Critical Area review and comment. Since the request is for a variance to the height limitation of the City's R2 zoning district and therefore does not affect the Critical Area requirements that pertain to the site, this office has no comments for the City's consideration.

I will point out that when the property owner makes application for a building permit, that permit request must be forwarded for Critical Area review and comment. I have already met with the architect for the project and made him aware of the necessary information to be included on the site plan.

As always, should you have any questions, please do not hesitate to call me at 410.713.3460.

Sincerely,

Tracey Gordy
Regional Planner/Circuit Rider

Cc: Kerrie Gallo

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Salisbury Multi-Service Center
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MEMORANDUM

To: File

From: Kerrie Gallo

Date: August 2, 2005

RE: Conversation with Alvaro Quintanilla, Crisfield

This memo serves to document a conversation relating to the Connelly property within the City of Crisfield. Today, Tuesday, August 2, I spoke with Al regarding a status update on the variance application. At this time, the Connellys have not filed for an application for a variance, and no stop-work order exists on the property.

I communicated with Al the importance of the City issuing a stop work order on this property with a 30-day deadline. Al communicated to me that he would go out immediately and issue this order. It would be posted in a location visible to the public. It is the hope that the issuance of a stop-work permit will force the Connelly's into the City planning office to file for the after-the-fact variance request.

Kerrie L. Gallo

JOHN K. PHOEBUS
ATTORNEY AT LAW
904 W. MAIN STREET
P.O. BOX 70
CRISFIELD, MARYLAND 21817
(410) 968-9200

FAX (410) 968-9292

JPHOEBUS@DMV.COM

July 7, 2005

VIA FACSIMILE

Ms. Kerrie Gallo
Natural Resources Planner
Chesapeake Bay Critical Area Commission
Department of Natural Resources
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Hammock Point, Lot 7 Crisfield
My Client/Builder: Farina Construction
Owners: Thomas and Lucille Connelly

Dear Ms. Gallo:

Thank you for speaking with me today regarding the referenced property. I represent Farina Construction, who is building a house on Hammock Point, Lot 7, for Mr. and Mrs. Connelly.

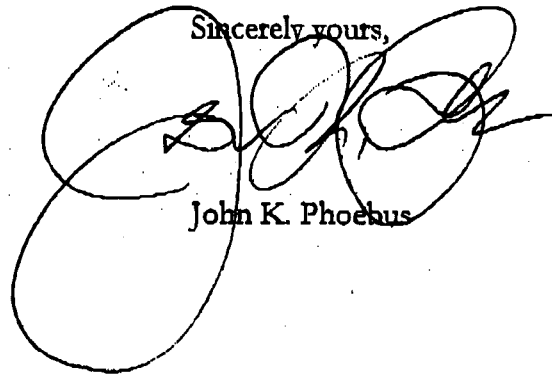
As you may be aware, I am in the process of preparing an application for a variance of certain aspects of the City of Crisfield's Critical Area Ordinance to permit the construction of a single family residence in this IDA property.

We have obtained a new survey by Hampshire, Hampshire & Andrews, a draft of which is attached hereto. I realize that more detail is needed in accordance with the City of Crisfield's Critical Area Ordinance. Based upon our conversation, however I thought it might be useful for you to have this at this stage of this process.

Ms. Kerrie Gallo
July 7, 2005
Page 2 of 2

When a formal application for variance is completed and submitted to the Crisfield Board of Zoning Appeals, I will provide you with a copy of that application directly. In the meantime, please do not hesitate to contact me regarding this matter.

Sincerely yours,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

John K. Phoebus

JKP:tw

ANNAMESSEX RIVER

EBB FLOOD

N35°39'50"E
177.19'

N34°48'40"E
125.64'

LOT 7
1.40± ACRES

TIDAL MARSH

TIDAL DITCH

LOT 6

WETLAND FLAG

WETLAND FLAG

S75°39'01"E
430.54'

REF. IRON PIPE FD.
HYDRANT

77.67'

PORCH

82.22'

DWELLING

81.88'

20' BUILDING SETBACK LINE
20' UTILITY EASEMENT
133.94'
514.12±

HAMMOCK DRIVE

480.14'
N75°39'01"W

100' BUFFER LINE

REF. IRON PIPE FD.
ELECTRIC TRANSFORMER
TELEPHONE PEDESTAL

50.00'

LOCATION SURVEY
&
SITE PLAN

FOR

CONNELLY

THOMAS J.
LUCILLE A.

CRISFIELD ELECTION DISTRICT
SOMERSET COUNTY, MARYLAND

SCALE: 1" = 50'

FEBRUARY 23, 2005

HAMPSHIRE, HAMPSHIRE & ANDREW
MARYLAND REGISTERED LAND SURVEYORS

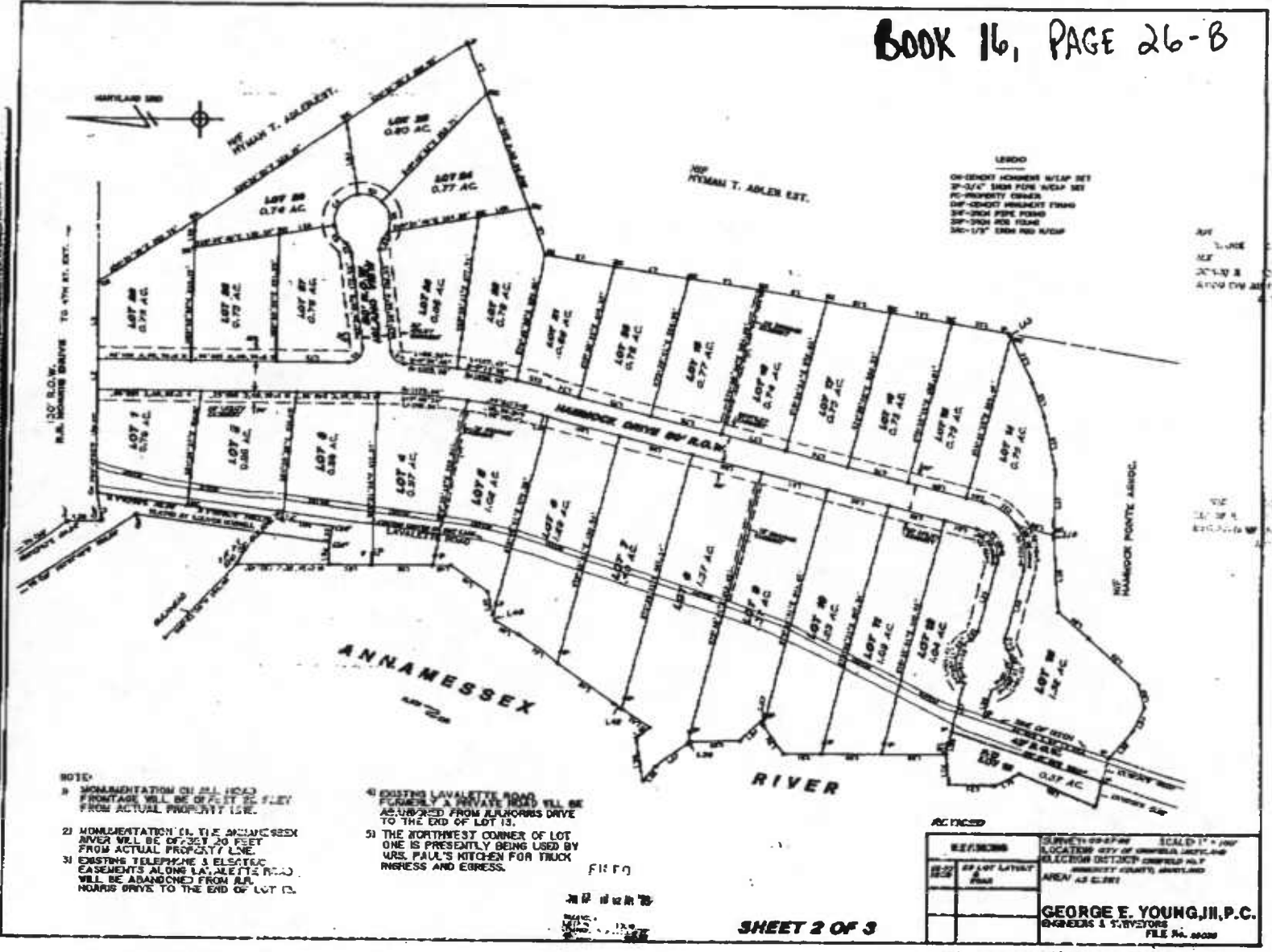


NOTE:
ENCROACHMENT AREA
AS SHADED =
855± SQUARE FEET

EXISTING
DWELLING

- BUILDING SETBACKS
- 1. FRONT - 20'
 - 2. SIDE - 0'
 - 3. REAR - 20'

BOOK 16, PAGE 26-B



- NOTE:**
- 1) MONUMENTATION ON ALL LOTS FRONTAGE WILL BE DELETED BY FILE FROM ACTUAL PROPERTY USE.
 - 2) MONUMENTATION ON THE ANNAMESSEX RIVER WILL BE DELETED 30 FEET FROM ACTUAL PROPERTY LINE.
 - 3) EXISTING TELEPHONE & ELECTRIC CASEMENTS ALONG LAVALETTE ROAD WILL BE ABANDONED FROM LAVALETTE DRIVE TO THE END OF LOT 13.
 - 4) EXISTING LAVALETTE ROAD FRONTAGE & PRIVATE ROAD WILL BE ABANDONED FROM HARRISON DRIVE TO THE END OF LOT 13.
 - 5) THE NORTHWEST CORNER OF LOT ONE IS PRESENTLY BEING USED BY MRS. PAUL'S KITCHEN FOR TRUCK INGRESS AND EGRESS.

ACROSS

REVISION	DATE	BY

SCALE 1" = 100'
 COUNTY OF CHAMPLAIN
 LOCATION DISTRICT OF CHAMPLAIN
 TOWN OF CHAMPLAIN
 AREA AS SHOWN

GEORGE E. YOUNG, J.P.C.
 SURVEYOR & CIVIL ENGINEER
 FILE No. 2000

SHEET 2 OF 3

MSA CSU 2420 - 1093 - 2

05/25/05

CHRIS D. CUSTIS SURVEYING, INC.
P. O. BOX 786
PRINCESS ANNE, MARYLAND
21853

PHONE 410.726.3576
FAX 410.546.9768

RE: LOT 7. HAMMOCK POINT

TOTAL SHEETS: 2

KERRI L. GALLO
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 WEST STREET, SUITE 100
ANNAPOLIS, MARYLAND 21401

DEAR MS. GALLO,

PLEASE FIND AN AS-BUILT LOCATION OF THE EXISTING DWELLING BEING
CONSTRUCTED ON LOT 7, HAMMOCK POINTE.

THIS PLAT SHOWS THE EXACT LOCATION OF THE FLAGS OF THE TIDAL
WETLANDS TO THE EXISTING DWELLING.

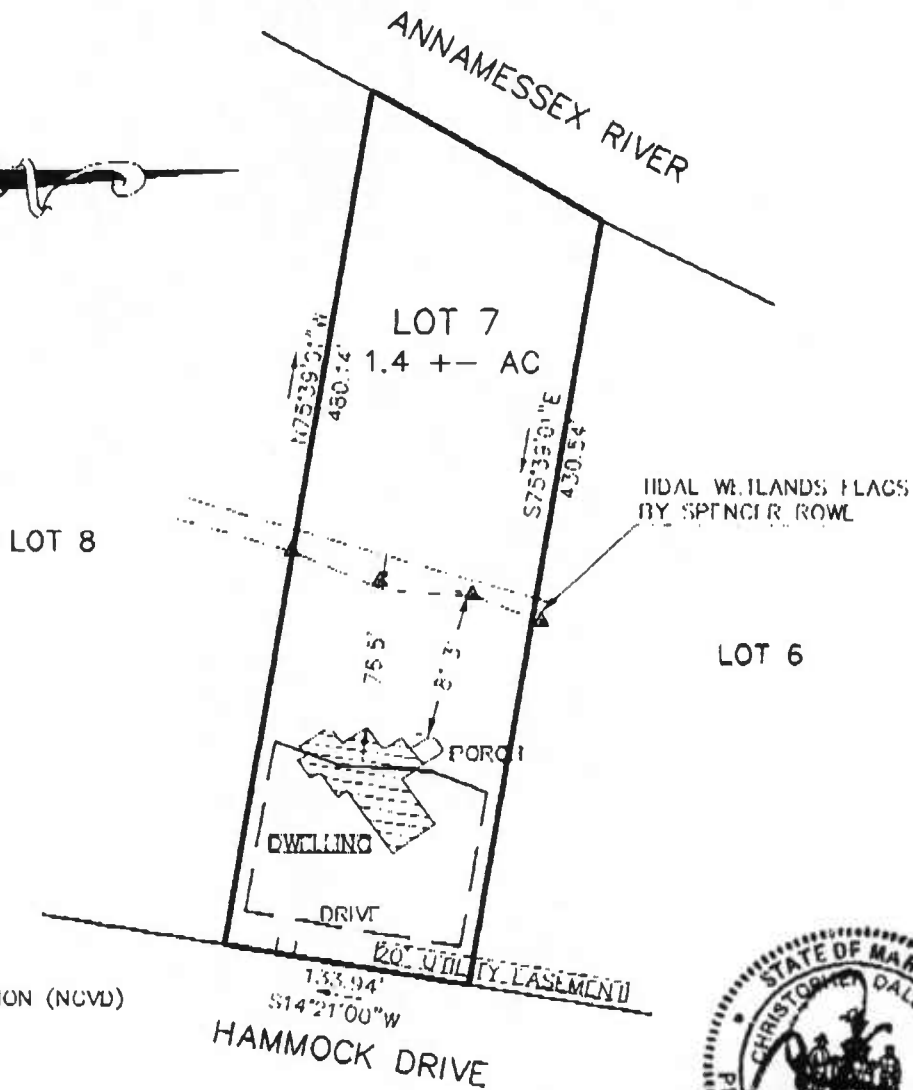
THE FLAGS AS SHOWN ON THE ORIGINAL SITE PLAN ARE CORRECT IN
REFERENCE TO THE PROPERTY LINES OF LOT 7 AND NOT THE OFF SET MARKERS
LOCATED ALONG THE ROAD.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO PHONE.

SINCERELY,

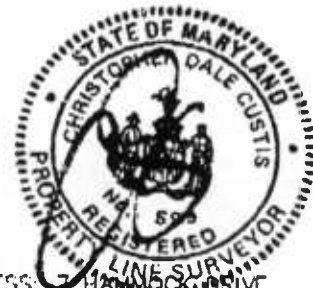
CHRIS
CHRIS D. CUSTIS
REGISTERED PROPERTY LINE SURVEYOR #599

Cc:Calvin Dize
Spencer Rowe
Attachment: survey



6.0 GROUND ELEVATION (NGVD)
 SETBACKS
 FRONT YD 20'
 SIDE YD 6'

NOTE: SETBACKS ARE REFERENCED TO
 CITY OF CRISFIELD ZONING.



PROPERTY ADDRESS: 7 HAMMOCK DRIVE
 CRISFIELD, MD
 PROPERTY IS LOCATED IN FLOOD ZONE A2

TITLE AS-BUILT LOCATION OF THOMAS J. CONNELLY & LUCILLE A. CONNELLY

COUNTY	SOMERSET	STATE	MD
ELECTION DISTRICT	NO. 07		
TAX MAP	GRID	PARCEL	
104	7	1770	
DEED REF.	468/831		
PLAT REF	PB 16/26B		
DATE	05/21/05		

SCALE 1" = 100

- IRON PIPE FD
- IRON PIPE TO BE SET
- CONC. MONU FD.
- ⊠ CONC MONU TO BE SET
- ▲ WETLANDS FLAG

CHRIS D. CUSTIS
 SURVEYING & LAND DESIGNS
 P.O. BOX 786
 11760 SOMERSET AVENUE
 PRINCESS ANNE, MARYLAND
 21853

PHONE 1-410-726-3576

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/

May 13, 2005

Mr. Alvaro Quintanilha
City Inspector
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Buffer Violation-Thomas & Lucille Connelly Property
Hammock Point, Lot 7

Dear Mr. Quintanilha:

This letter is in response to the above referenced property which we discussed during our April 12, 2005 meeting at your office.

During this meeting, it was brought to your attention that the dwelling under construction appeared to be located within the 100-foot Buffer. At that time, you indicated to us that a building permit had, in fact, been issued for the dwelling, despite a January 21, 2005 letter from Tracey Gordy, indicating that the Maryland Department of Planning and the Critical Area Commission were awaiting a revised site plan showing a field-delineated Buffer.

On April 25, 2005, Tracey Gordy received the long-awaited site plan showing a field delineated Buffer. However, the dwelling had been significantly constructed at this point. Upon a site visit and field measurements to verify the information shown on the revised site plan, Ms. Gordy concluded that the constructed dwelling is located within the 100-foot Buffer, approximately 75 feet from tidal wetlands. It is unclear at this time why the information on the site plan does not match the delineated wetland limits flagged in the field.

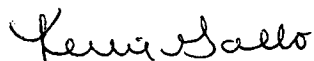
As you are aware, no new development is permitted within the 100-foot Buffer, as described within Section 112-107.E. of the City of Crisfield Code, and within Section 27.01.09 of COMAR. Based on this information, and as we discussed in our meeting, the applicant must obtain an after-the-fact variance to permit the existence of the dwelling within the Buffer. This variance request should be submitted immediately, and a stop-work order issued. Please submit

Alvaro Quintanilha
May 13, 2005
Page 2

copies of the written variance request for comment to both Tracey Gordy and Critical Area Commission staff, as well as provide notification of the date of the Board's hearing.

Thank you for your prompt attention to this matter. Should you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner

Cc: Calvin Dize, City of Crisfield
Tracey Gordy, Maryland Dept. of Planning



Maryland Department of Planning

Robert L. Ebrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

MEMORANDUM

To: Ren Serey
Regina Esslinger
✓ Kerrie Gallo

From: Tracey Gordy 

Date: May 1, 2005

Re: Crisfield Buffer Violation
Thomas & Lucille Connelly (Property Owners) Thomas Farina (Builder)
Hammock Point, Lot 7

RECEIVED

MAY 3 2005

CRITICAL AREA COMMISSION

My plan had been to try and get a draft letter on this violation together for your review last week, however I simply ran out of time. This is the only item I couldn't finish, so I am asking for some help on this one. I will provide you with all the facts and the documentation, if someone would be kind enough to draft the letter to Al in Crisfield.

- On or about December 16, 2004, Al hand-delivered architectural drawings and house detail sheets to our office for a new single-family residence on Lot #7 in Hammock Point subdivision. He also left a copy of the building permit application (unsigned) and a site plan. I was not at the office when he delivered these items, nor did I know he was coming. The site plan was not to scale, had no impervious surface information, and had no Buffer delineation. On December 16th, I sent a letter to Al explaining that a site plan was needed and detailed the types of information to be included on the site plan. The documents Al previously left were returned with this December 16th letter.
- On December 29th, I received a faxed copy of a site plan done by Chris Custis. This site plan did contain the impervious surface numbers, but the site plan had been reduced and faxed, so not only was it not to scale, I could barely read the information. However, regardless of these issues, the 100' Buffer was shown with no indication that it had been field delineated. The tidal ditch that is depicted looked like it was taken right off the City's Critical Area map, plus I knew Chris was not qualified to do a Buffer delineation. In fact, Chris had

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Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

Included 15% afforestation requirement information on the site plan and this property is within an IDA and needed to address 10% Rule compliance. So, on January 21, 2005, I drafted another letter to the City outlining what needed to be revised on the site plan and stating that I could not recommend the issuance of a building permit.

- Shortly after sending the January 21st letter, Chris Custis called me and wanted to know when we had started requiring the Buffer to be field delineated. I told him "since forever". He stated that he couldn't do such a delineation and wanted to know what other surveyors did in this situation. I told him that they contracted with a qualified professional who could delineate the wetlands. I never heard any more from Chris or from Al about this permit. I would ask Al about the status of this permit when we talked about other projects, but he would just always say that Chris was working on getting something to me.
- On April 12th, you all came down for a visit and saw the house on this lot constructed and heard Al's explanation. This was news to me that the house was up.
- On April 25th, I was faxed another site plan from Chris Custis showing a wetland delineation done by Spencer Rowe. Again, the site plan had been reduced and was hard to read, but more importantly, the Buffer line looked almost the same as the previous submittal.
- On April 27th, Linda Alder and I went to the site and to verify that Spencer's flags that were still in place. They were and from the flags to the closest point of the house is approximately 70 to 72 feet. It appears that Chris's survey has been fudged because the house was partially built when Spencer performed the delineation. The house is definitely well within the Buffer. In addition, it looks like there may even be a proposed deck /porch that wasn't in place when I took this measurement, so there may be additional impervious surface proposed within the Buffer beyond what I observed.


I have included all of the documentation referred to in this memorandum. I know that they at least need to get an after-the-fact Buffer variance, but beyond that I don't know what to do with this one. Al will need additional help just getting through the variance process correctly as he has never done one before. He won't know the advertising deadlines, the posting requirements, or the adjacent property owner notification requirements. In addition, if the hearing takes place while I am on leave, someone will need to attend because the Board of Appeals won't know what to do either. I have included Crisfield's Critical Area variance requirements in case you need them.


Finally, I apologize for "passing the buck" on this one, but I just didn't have time to close it out before I left. Thank you for your assistance and I will be seeing you soon.


Gallo, Kerrie


From: Tracey Gordy [tgreene65@hotmail.com]
Sent: Tuesday, May 03, 2005 10:00 AM
To: Gallo, Kerrie; Serey, Ren; Esslinger, Regina
Subject: Hammock Pointe Buffer Violation - Crisfield

 Hey Guys,

 Well, as you now, I hadn't planned on being here this week, so I came in on Sunday and typed a memo to the three of you regarding the outstanding Buffer violation at Hammock Pointe. I hated to pass it off to you, but I had run out of time. You probably haven't even received the information via mail yet, but...

 Yesterday, I did some digging in my Hammock Pointe file and put together some information that you might find helpful. This is a problematic subdivision that dates back to memos I have between Tom Ventre and Sarah. Evidently, it was processed by the City as an interim findings subdivision, but really didn't meet all the interim findings conditions. So, the City was told early on that the 100' Buffer would have to be addressed and Mary and I deliberately did not designate Hammock Pointe as a BEA when we did the recent map amendment for Crisfield.

 There are 29 platted lots in the subdivision. There are 16 lots that have houses on them now, not counting the one under construction that is the subject of the violation. I do not know the history of 4 of these houses as they were before my time and I can't find any file information on them. Three (3) of the developed lots are not impacted by the 100' Buffer. Five (5) of the developed lots were granted Buffer variances, which the CAC staff did not oppose (Cheryl Cort), so those houses are "legally" within the Buffer. Four (4) more developed lots have homes that are verified as being outside of the 100' Buffer - those were done since I have been here. I believe that adds up to 16 developed lots. In addition, two more lots were granted Buffer variances by the City, with CAC concurrence, but they remain vacant. I hope this history helps a bit. My overall point is that most of the developed lots have complied with the Buffer setback in one way or another. I don't want this one to be any different. Plus, I think the City, as well as Chris Custis, need a wake up call.

 Thanks, tracey

5/12/2005

CITY OF CRISFIELD - CITY HALL - INSPECTOR'S OFFICE

319 W. Main St.
CRISFIELD, MD 21817
Phones 410-968-0045 Fax 410-968-2167
E-mail Crisfieldinspect@aol.com

RECEIVED
MD. DEPARTMENT OF PLANNING

APR 25 2005

LOWER EASTERN SHORE OFFICE

FAX TRANSMITTAL

TO: Tracey

FAX NO: 410-543-6777

FROM: AL

RE.: Building Permit DATE: 4-25-05

MESSAGE.:

7 Hammock Drive 50' to sediment
MAP 104, Parcel 1770 forming

60' to keep grass

IDA-planting 46 trees/138 shrubs/ 70' to flags

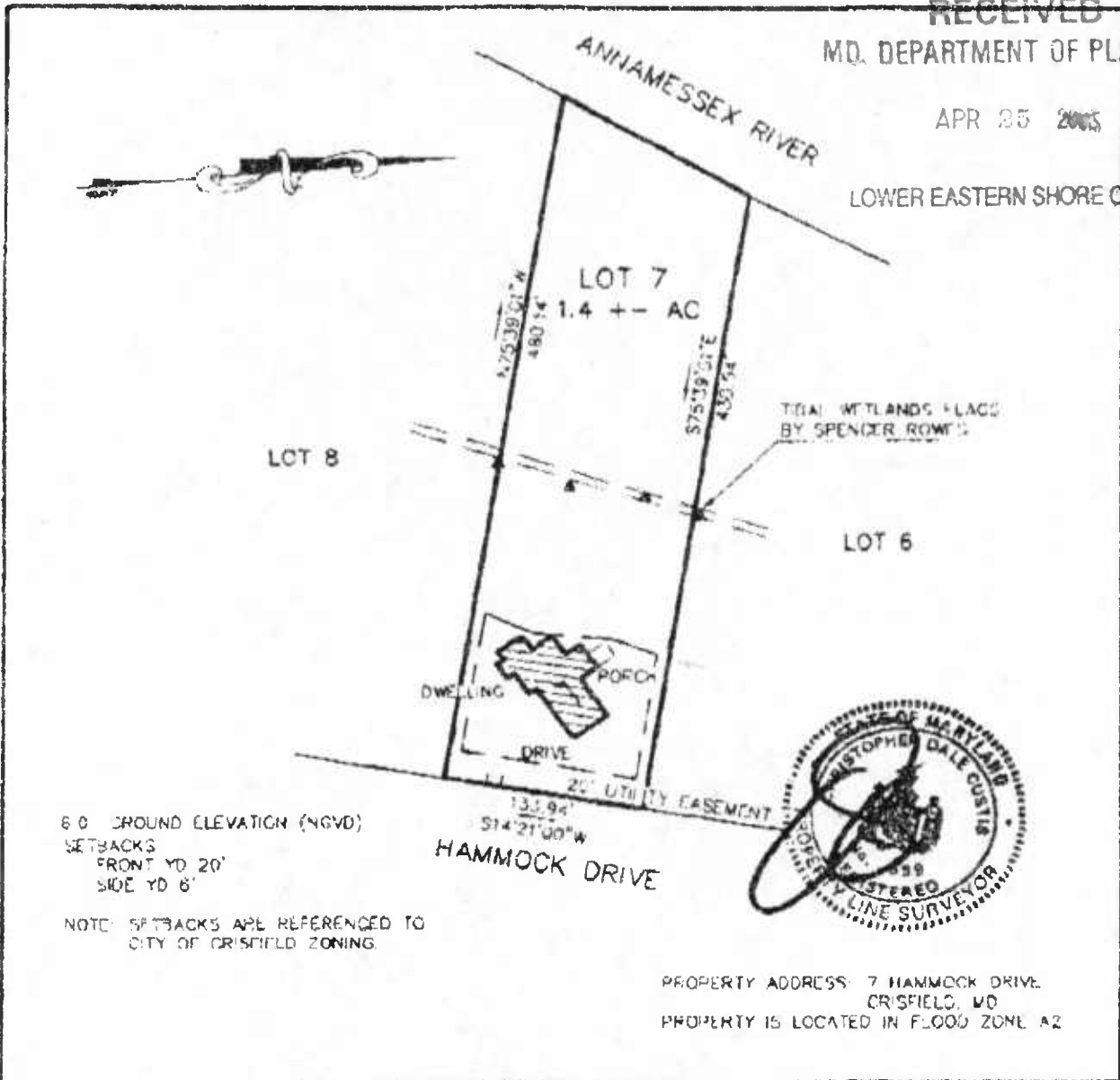
Numbers of pages: 2

RECEIVED

MD. DEPARTMENT OF PLANNING

APR 25 2005

LOWER EASTERN SHORE OFFICE



6.0 GROUND ELEVATION (NGVD)
 SETBACKS
 FRONT YD 20'
 SIDE YD 6'

NOTE: SETBACKS ARE REFERENCED TO
 CITY OF CRISFIELD ZONING.

PROPERTY ADDRESS: 7 HAMMOCK DRIVE
 CRISFIELD, MD
 PROPERTY IS LOCATED IN FLOOD ZONE A2

TITLE **PROPOSED SITE PLAN FOR
 THOMAS J. CONNELLY & LUCILLE A. CONNELLY**

COUNTY	SOMERSET	STATE	MD
ELECTION DISTRICT	NO. 07		
TAX MAP	GRID	PARCEL	
104	7	770	
DEED REF	469/831		
PLAT REF	PD 16/260		
DATE	04/25/05		

SCALE 1" = 100

- IRON PIPE FD
- IRON PIPE TO BE SET
- CONC. MONU. FD.
- CONC. MONU. TO BE SET
- ▲ WETLANDS FLAG

CHRIS D. CUSTIS
 SURVEYING & LAND DESIGNS
 P.O. BOX 786
 11760 SOMERSET AVENUE
 PRINCESS ANNE, MARYLAND
 21853

PHONE 1-410-726-3576



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

January 21, 2005

Mr. Alvaro Quintanilha
Zoning Inspector
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

RECEIVED

MAY 3 2005

CRITICAL AREA COMMISSION

Re: Connelly Site Plan Review/Building Permit Application
Critical Area Compliance

Dear Mr. ^{Al} Quintanilha:

Thank you for mailing me a copy of the Connelly site plan for a new single-family residence on Lot 7 of Hammock Pointe subdivision because, as you know, I could not read the notations on the faxed copy I initially received.

I have reviewed the site plan and, unfortunately, I still cannot recommend issuance of a building permit, as the site plan does not yet properly address all of the City's Critical Area Ordinance requirements. The following changes must be made to the plan in order for me to recommend Critical Area approval and the issuance of a building permit:

1. This property is designated as an Intensely Developed Area, so the notations on the site plan regarding total amount of impervious surface allowed and 15% afforestation do not apply. I have highlighted these notes in yellow on the enclosed plan and suggest they be removed prior to the next submittal.
2. If the tidal ditch indicated on the plan is the edge of tidal influence as located in the field, then this should be noted as such on the plan. There should be one delineation line for the edge of tidal influence and the 100' Buffer should be delineated from that line.
3. The tidal and Buffer delineations must be field verified. The plan must state who performed the delineation and the date it was done. Example: The edge of tidal influence and 100' Buffer were field delineated on (date) by (person or firm).

Lower Eastern Shore Regional Office
Salisbury Multi-Service Center
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974
Telephone: 410.749.4618 • Fax: 410.543.6777
Internet: www.MDP.state.md.us

4. Both site plans I have received have been reduced. It is impossible for me to verify the measurements on a reduced copy. Please make certain that the next copy I receive is to accurate scale.

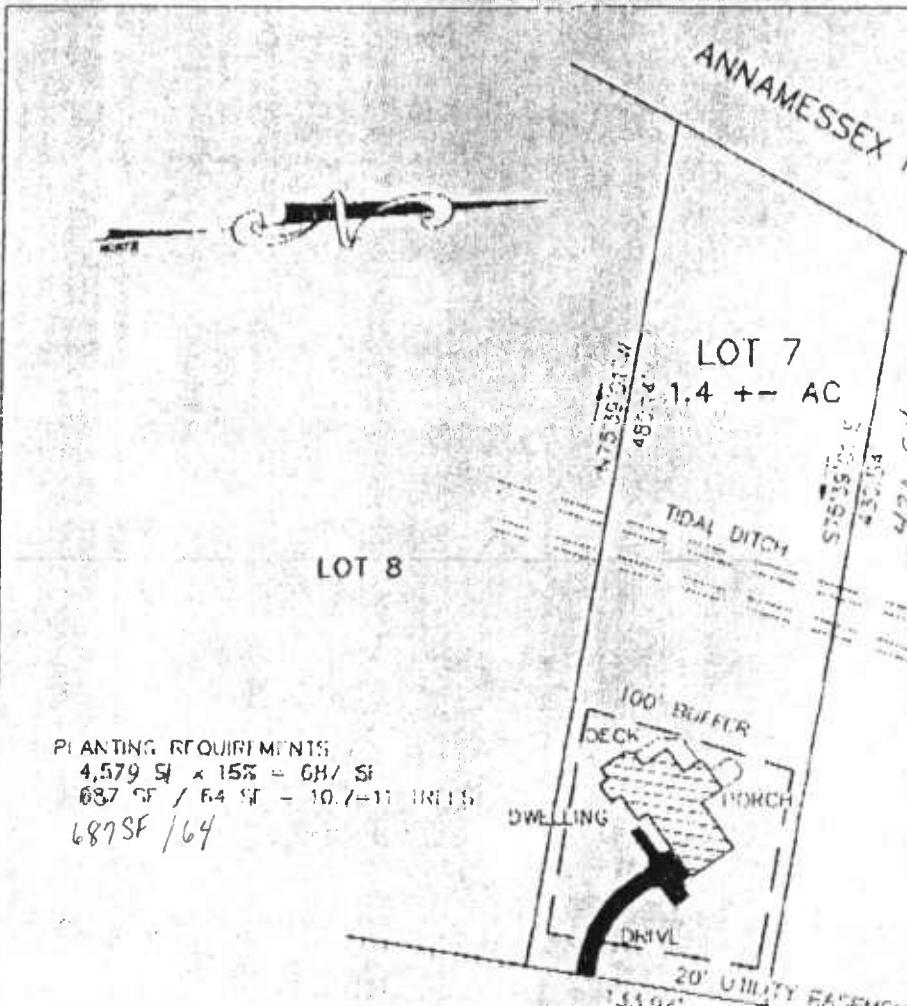
Once I receive a revised site plan containing the information listed in this letter, I should be able to get a final recommendation letter to you within a couple of days. As always, should you have any questions, please do not hesitate to contact me.

Sincerely,



Tracey Gordy
Regional Planner/Circuit Rider

Attachment



MDP
Maryland Department of Planning
Setting the foundation for Smart Growth
www.mdp.state.md.us
Toll Free: 1.877.767.6272

*Second
Site Plan
Submitted*

PLANTING REQUIREMENTS
4,579 SF x 15% = 687 SF
687 SF / 64 SF = 10.7 = 11 TREES
687 SF / 64

G.O. GROUND ELEVATION (NGVD)
SF BACKS
FRONT YD 20'
SIDE YD 6'
REAR YD 100' BUFFER
NOTE: SF BACKS AREA REFERENCE TO
CITY OF CRISFIELD ZONING.

TOTAL AREA OF IMPERVIOUS ALLOWED	9213 SF
DWELLING	2,627 SF
DECK/PORCH	497 SF
DRIVE	1,215 SF
STEPS	240 SF
TOTAL PROPOSED	4,579 SF

Handwritten notes:
2,627
497
1,215
240
4579
2627
497
1215
240



PROPERTY ADDRESS: 7 HAMMOCK DRIVE
CRISFIELD, MD
PROPERTY IS LOCATED IN FLOOD ZONE 'A'

TITLE 4579 PROPOSED SITE PLAN FOR THOMAS J. CONNELLY & LUCILLE A. CONNELLY	
COUNTY SOMERSET STATE MD	SCALE 1" = 100'
ELECTION DISTRICT NO. 01	<ul style="list-style-type: none"> ● IRON PIPE FD ○ IRON PIPE TO BE SET ■ CONC. MONU FD. □ CONC MONU TO BE SET ▲ IRON ROD TO BE SET
TAX MAP GRID PARCEL 104 / 1770	
DEED REF. 458/2.51	
PLAT REF. PR. 16/252	
DATE 12/29/04	
CHRIS D. CUSTIS SURVEYING & LAND DESIGNS P.O. BOX 788 11760 SOMERSET AVENUE PRINCESS ANNE, MARYLAND 21853 PHONE 1-410-726-3576	



Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

December 16, 2004

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

Mr. Alvaro Quintanilha
Zoning Inspector
City of Crisfield
P.O. Box 270
Crisfield, Maryland 21817

Re: Thomas and Lucille Connelly Building Permit Application
Tax Map 104, Parcel 1770, Lot 7

Dear Mr. Quintanilha:

I am writing in reference to a building permit application made by Thomas and Lucille Connelly to construct a new single family home to be located on Tax Map 104, Parcel 1770, Lot 7, also known as # 7 Hammock Drive.

You very kindly delivered the Architecturals, Working Drawings and Detail Sheets to our office in an effort to provide us with the necessary information to review this permit application. However, this information is not what we require for Critical Area review and are herewith returning them to you.

Our actual needs are a site plan showing the surveyed boundaries of the lot and the 100 foot Buffer. The Buffer is measured from the edge of tidal influence whether it be the mean high water line, the edge of tidal marsh, or the edge of tidal wetlands. This delineation must be performed in the field by a qualified professional and the date and person who performed the delineation must be noted on the site plan.

The site plan further needs to indicate all proposed impervious surfaces including the footprint of the dwelling, sidewalks, steps, driveway, any accessory structures, and any porches or deck additions. The total amount of impervious surface must be noted on the site plan as well.

Upon receipt of this information, our office will conduct the review and respond in a timely manner.

Sincerely,

Tracey Gordy
Regional Planner/Circuit Rider

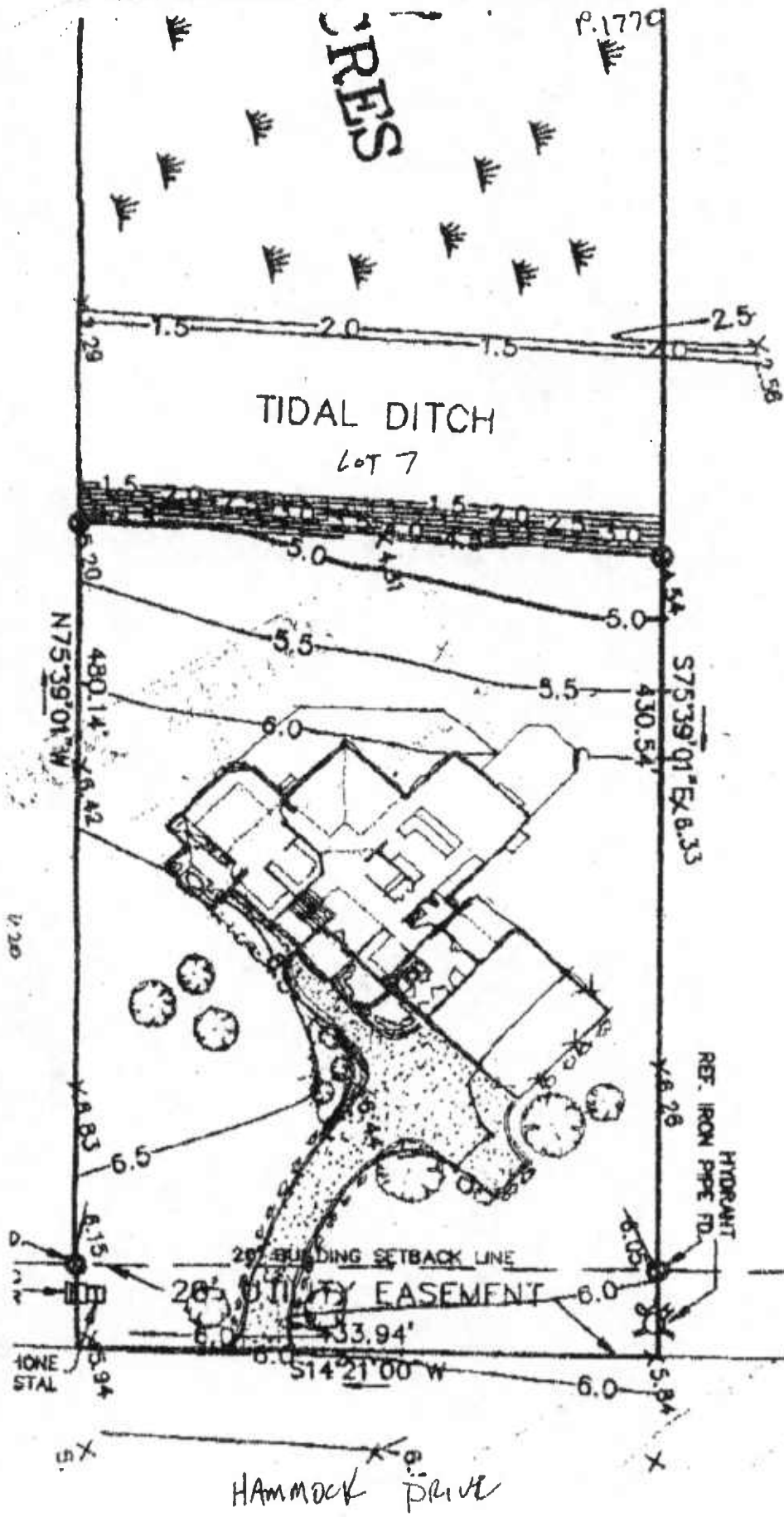
RECEIVED

MAY 3 2005

CRITICAL AREA COMMISSION

Enclosed Architecturals, etc

12-16-04



PRES

P.1770

TIDAL DITCH
LOT 7

MDP
 Maryland Department of Planning
 Setting the foundation for Smart Growth
 www.mdp.state.md.us
 Toll Free: 1.877.767.6272

Original
 Site
 Plan
 Submittal

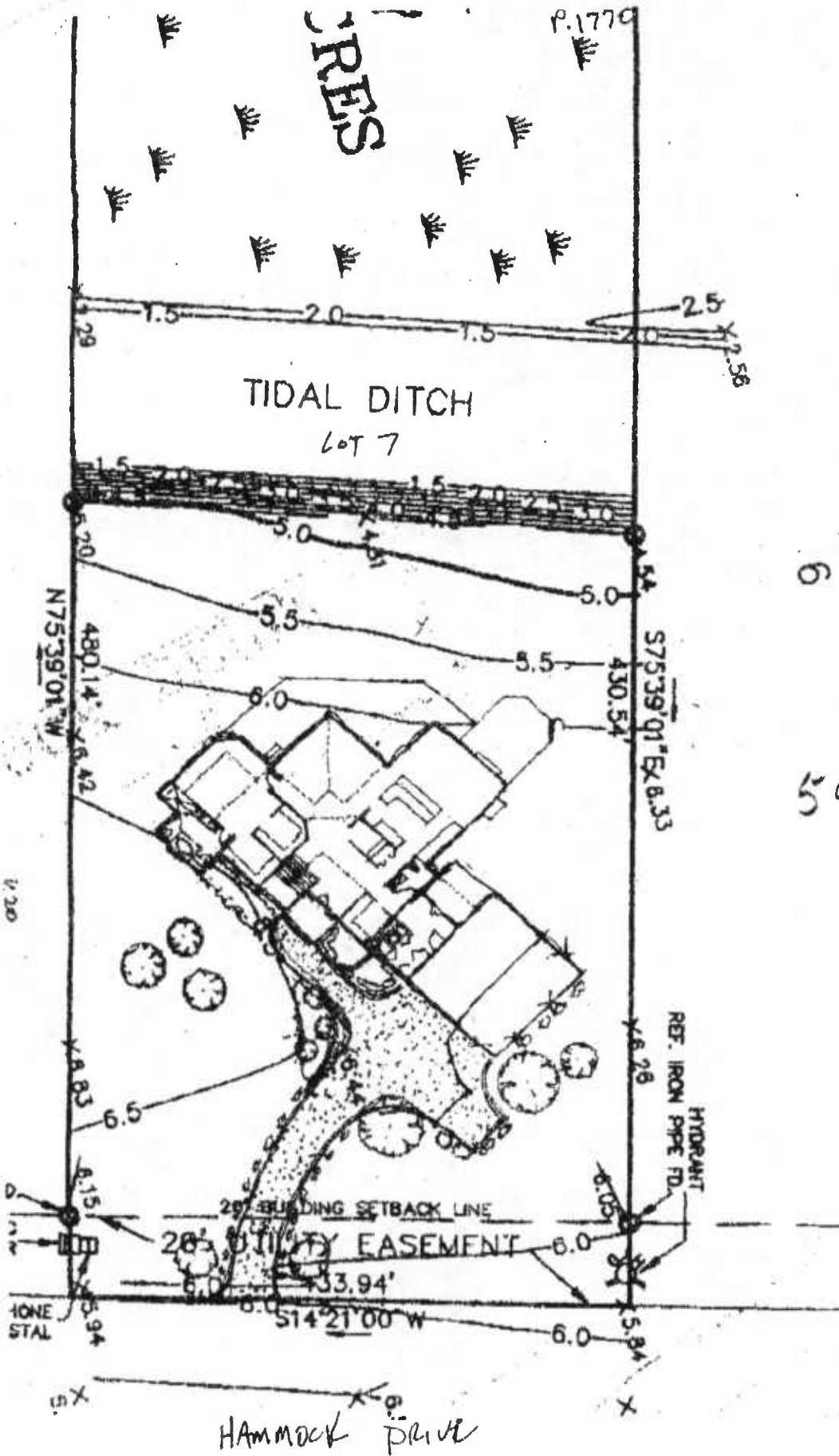
546-111-0

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HAMMOCK DRIVE



LOT 6

546-111-0

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10A *Butter*

Called Al - he will find out when they're going to pay for the BP & when they do tell send the site plan

APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

IMPORTANT - Applicant to complete all items in sections: I, II, III, IV, and IX.

I. LOCATION OF BUILDING

AT (LOCATION) 7 Hammock Pointe, Confield MD 21117 ZONING DISTRICT R-

BETWEEN Norris Harbor Drive AND Map 104 (CROSS STREET) (CROSS STREET)

SUBDIVISION Map 104 LOT 7 BLOCK 1 LOT SIZE 1770

II. TYPE AND COST OF BUILDING - All applicants complete Parts A - D

A. TYPE OF IMPROVEMENT

1 New building

2 Addition (If residential, enter number of new housing units added, if any, in Part D, 13)

3 Alteration (See 2 above)

4 Repair, replacement

5 Wrecking (If multi-family residential, enter number of units in building in Part D, 13)

6 Moving (relocation)

7 Foundation only

B. OWNERSHIP

8 Private (individual, corporation, nonprofit institution, etc.)

9 Public (Federal, State, or local government)

D. PROPOSED USE - For "Wrecking" most recent use

Residential

12 One family

13 Two or more family - Enter number of units ----->

14 Transient hotel, motel, or dormitory - Enter number of units ----->

15 Garage

16 Carport

17 Other - Specify _____

Nonresidential

18 Amusement, recreational

19 Church, other religious

20 Industrial

21 Parking garage

22 Service station, repair garage

23 Hospital, institutional

24 Office, bank, professional

25 Public utility

26 School, library, other educational

27 Stores, mercantile

28 Tanks, towers

29 Other - Specify _____

C. COST

10. Cost of improvement..... \$ 416,500 -

To be installed but not included in the above cost

a. Electrical..... 8,000 -

b. Plumbing..... 13,000 -

c. Heating, air conditioning..... 12,500 -

d. Other (elevator, etc.).....

11. TOTAL COST OF IMPROVEMENT \$ 450,000 -

(Omit cents)

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

III. SELECTED CHARACTERISTICS OF BUILDING - For new buildings and additions, complete Parts E - L; for wrecking, complete only Part J, for all others skip to IV.

E. PRINCIPAL TYPE OF FRAME

30 Masonry (wall bearing)

31 Wood frame

32 Structural steel

33 Reinforced concrete

34 Other - Specify _____

F. PRINCIPAL TYPE OF HEATING FUEL

35 Gas

36 Oil

37 Electrically

38 Coal

39 Other - Specify _____

G. TYPE OF SEWAGE DISPOSAL

40 Public or private company

41 Private (septic tank, etc.)

H. TYPE OF WATER SUPPLY

42 Public or private company

43 Private (well, cistern)

I. TYPE OF MECHANICAL

Will there be central air conditioning?

44 Yes 45 No

Will there be an elevator?

46 Yes 47 No

J. DIMENSIONS

48. Number of stories.....

49. Total square feet of floor area, all floors, based on exterior dimensions..... 4721

50. Total land area, sq. ft.....

K. NUMBER OF OFF-STREET PARKING SPACES

51. Enclosed..... 2

52. Outdoors.....

L. RESIDENTIAL BUILDINGS ONLY

53. Number of bedrooms.....

54. Number of bathrooms { Full..... Partial.....

IV. IDENTIFICATION - To be completed by all applicants

Name		Mailing address - Number, street, city, and State	ZIP code	Tel. No.
1. Owner or Lessee	Thomas Lucille Connolly			
2. Contractor	Thomas Farina	P.O. Box 323 Crisfield MD 21817	Builder's License No.	410-726-2570
		Builder # 1320	Builder # 19728304	2570
3. Architect or Engineer	ACORN HOMES DECKHOUSE LLC	930 main ST ACTON MASS 01720		781-254-9450

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and we agree to conform to all applicable laws of this jurisdiction.

Signature of applicant	Address	Application date
------------------------	---------	------------------

DO NOT WRITE BELOW THIS LINE

V. PLAN REVIEW RECORD - For office use

Plans Review Required	Check	Plan Review Fee	Date Plans Started	By	Date Plans Approved	By	Notes
BUILDING		\$					
PLUMBING		\$					
MECHANICAL		\$					
ELECTRICAL		\$					
OTHER		\$					

VI. ADDITIONAL PERMITS REQUIRED OR OTHER JURISDICTION APPROVALS

Permit or Approval	Check	Date Obtained	Number	By	Permit or Approval	Check	Date Obtained	Number	By
BOILER					PLUMBING				
CURB OR SIDEWALK CUT					ROOFING				
ELEVATOR					SEWER				
ELECTRICAL					SIGN OR BILLBOARD				
FURNACE					STREET GRADES				
GRADING					USE OF PUBLIC AREAS				
OIL BURNER					WRECKING				
OTHER					OTHER				

VII. VALIDATION

Building Permit number _____ Building Permit issued _____ Building Permit Fee \$ _____ Certificate of Occupancy \$ _____ Drain Tile \$ _____ Plan Review Fee \$ _____	<p style="text-align: center;">FOR DEPARTMENT USE ONLY</p> Use Group _____ Fire Grading _____ Live Loading _____ Occupancy Load _____
Approved by: _____ _____ TITLE	

Environmental Assessment
For
The Lands of
Thomas & Lucille Connelly

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MD. DEPARTMENT OF PLANNING

JAN 17 2006

LOWER EASTERN SHORE OFFICE

January 16, 2006

Ronald D. Gatton
Environmental Consultants Inc.
P.O. Box 438
Trappe, Maryland 21673

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JAN 23 2006

CRITICAL AREA COMMISSION

Introduction

Mr. & Mrs. Connelly's contractor has partially constructed a house on their land (Tax Map 104 parcel 1770) located in Crisfield, Somerset County, Maryland (See figure 1). The land is located entirely within the Chesapeake Bay Critical Area (CBCA). Since a portion of the house has been built within the 100 foot CBCA buffer, work was stopped. The purpose of this report is to assess what impact if any the project will have on the water quality, fish, and wildlife or plant habitat of the Chesapeake Bay.

Table 1 Summary of Existing and Proposed Conditions

		Existing Conditions	
Total Area			60,984 sq. ft. (1.40 acres)
Area within Critical Area			1.40 acres
Woodlands			.0 acres
Wetlands			
	Nontidal		.0 acres
	Tidal		
		State	6,773 sq. ft.
		Private	25,301 sq. ft.
Uplands			<u>28,910 sq. ft.</u>
Total Private tidal wetland and upland			54,211 sq. ft.
		Proposed Conditions	
Proposed Housing	One house, garage and driveway		5,010 sq. ft.
Forest to be cleared			-0-
Forest to be planted			2,595 sq. ft.
Wetlands impacted			-0-

Proposed project

The proposed project will allow construction of a house, garage and private driveway. Development will create 5,010 square feet of impervious area. The present location of the house will impact 865 sq. ft. of the 100' CBCA buffer, or 6.4 percent. To mitigate the impacts of development within the buffer the applicant proposes to plant trees, and shrubs at a three to one ratio or 2,595 sq. ft. (See Figure 2)

The buffer mitigation area will be tilled, mulched, and planted with seeding bay berry (*Myrica pensylvanica*), high bush blue berry (*Vaccinium amoenum*), and Red osier dogwood (*Cornus stolonifera*). Along the southern, half of mitigation area black gum (*Nyssa sylvatica*), and northern red oak (*Quercus rubra*) are to be planted with the other species.

Existing Conditions

Topography and Hydrology

Generally, the site has flat to gentle slopes, with the highest elevation being approximately 6 to 8' above NGVD. The shoreline of the property is tidal wetland and a tidal drainage ditch divides the uplands from the tidal wetlands. Drainage from the site sheet flows into a tidal manmade ditch, and into the tidal waters of the Annessex River.

Existing Land Use

The site is part of dredge spoil placement area which has been developed into a residential subdivision.

Soils

As stated above the site is part of dredge spoil placement area. Soil samples taken at the site were predominately heavy clay material with areas of sand.

Uplands

Uplands on the property are vegetated predominately with Fescue grass, Bermuda grass, and crab grass, with a 8 to 10 foot wide fringe of Common reed grass occurring along the edge of the drainage ditch.

Wetlands

No nontidal wetlands occur on the site. However, the approximately 6,773 sq. ft. of public tidal wetlands (those lands which occur below Mean High Water) and 25,301 sq. ft. of private tidal wetlands occur on the property.

Forest

No Forest occurs on the site. Three trees, two small red mulberry and one small red cedar occur along the edge of the upland area.

Fish & Wildlife

Since the property is located within the subdivision and uplands are maintained in a yard like condition, fish & wildlife use of the uplands is very limited. Note: the wetlands will not be impacted by the proposal.

Endangered Species, Colonial Bird Nesting Areas and Critical habitat

We believe no endangered species, colonial bird nesting areas and critical habitat are known to occur on the site. Note: there have been requested reviews for other parcels within the area and the results were that no endangered species, colonial bird nesting areas and critical habitat are known to occur in the area.

Existing Pollution Sources

Existing sources of pollution are limited to air born pollutants deposited on the site and lawn fertilizers, and pesticides.

Environmental Consequences

Land Use

Land use will change from that of a yard to residential use including the associated yards. Considering the area is already within a developed neighborhood and the proposed forest areas to be planted, environmental impacts will be insignificant, or possibly beneficial.

100- foot CBCA Buffer

A portion of the house is located within the 100' buffer; therefore, 865 square of buffer will be impacted.

Wetland

No wetlands will be impacted by the development.

Forest

No forest will be impacted by the development, and to mitigate the impacts of building within the 100' buffer the owner will plant 2,595 sq. ft. trees and shrubs on the property.

Fish & Wildlife

Considering that the area occurs within the a developed community, the uplands are maintained in a yard like condition; and no wetlands will be impacted; no fish & wildlife habitat will be impacted by the proposed development and therefore fish & wildlife will not be significantly impacted by the proposed variance.

Endangered Species, Colonial Bird Nesting Areas and Critical Habitat

No endangered species, colonial bird nesting areas and critical habitat are known to occur on the site. Thus, they will not be adversely impacted by the proposed variance.

Forest Interior Dwelling Birds (FIDS)

No forest area occurs on the property, thus no FIDS habitat will be disturbed.

Water Quality

The project may slightly increase the amount of storm water runoff into the Annamessex River. However, since the lawn area will be reduced, the increase will be limited to air born pollutants. The proposed tree and shrub planting areas on the property will significantly reduce the amount of runoff. In addition, the trees planted within the buffer span the entire width of the property and will act as a retention and "filter" for storm water runoff. Thus, considering the benefits of the areas to be planted with trees and shrubs in reducing runoff and the assimilative abilities of the planting area within the buffer, water quality impacts of the development will be insignificant. Considering that no retention facilities occur within the buffer at this time, and that the area has been maintained as a yard for sometime, development with the associated mitigation measures may be beneficial.

Conclusion

Given the mitigation measures to be taken the and poor quality of the habitat impacted, the proposed project will allow development of an existing parcel, and will have no significant detrimental effect on the environment, the water quality, or living resources of the Chesapeake Bay.

Ronald D. Gatton
President, Environmental
Consultants Inc.

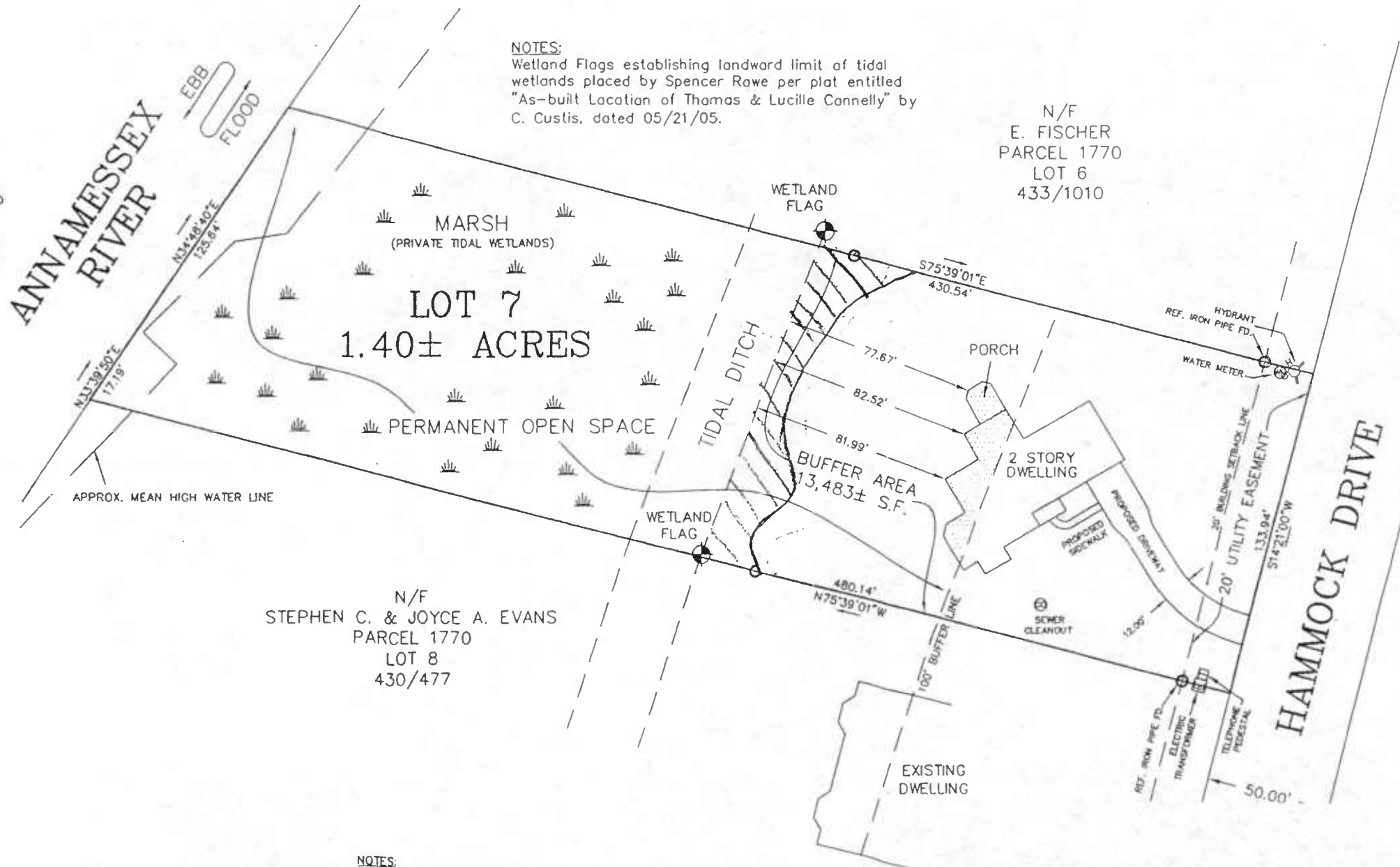
Buffer mitigation Area
Tree + Shrubs



NOTES:
Wetland Flags establishing landward limit of tidal wetlands placed by Spencer Rowe per plat entitled "As-built Location of Thomas & Lucille Connelly" by C. Custis, dated 05/21/05.

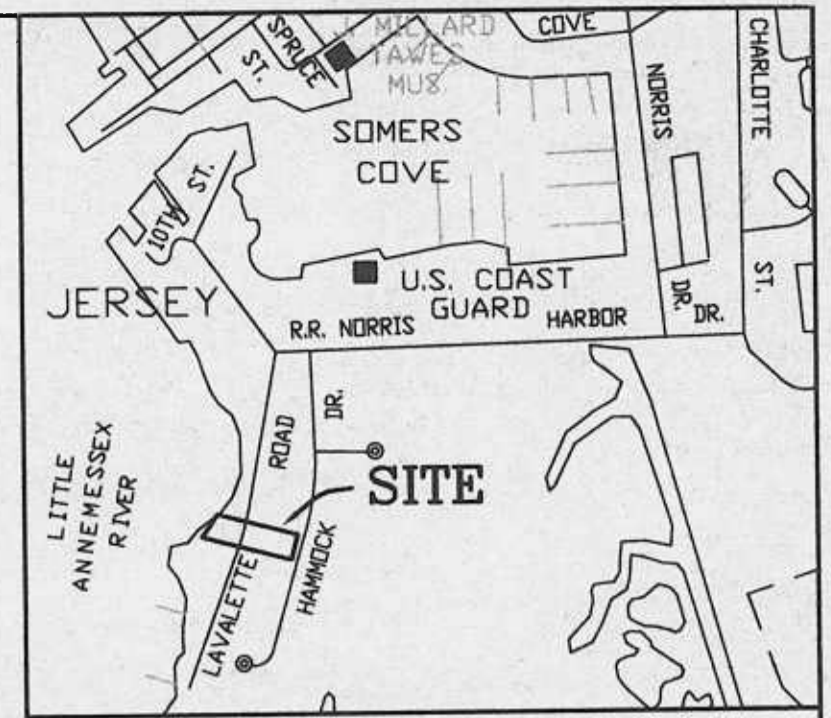
N/F
E. FISCHER
PARCEL 1770
LOT 6
433/1010

N/F
STEPHEN C. & JOYCE A. EVANS
PARCEL 1770
LOT 8
430/477



NOTES:

Figure 2 Site plan



VICINITY MAP
SCALE: 1" = 1000'±

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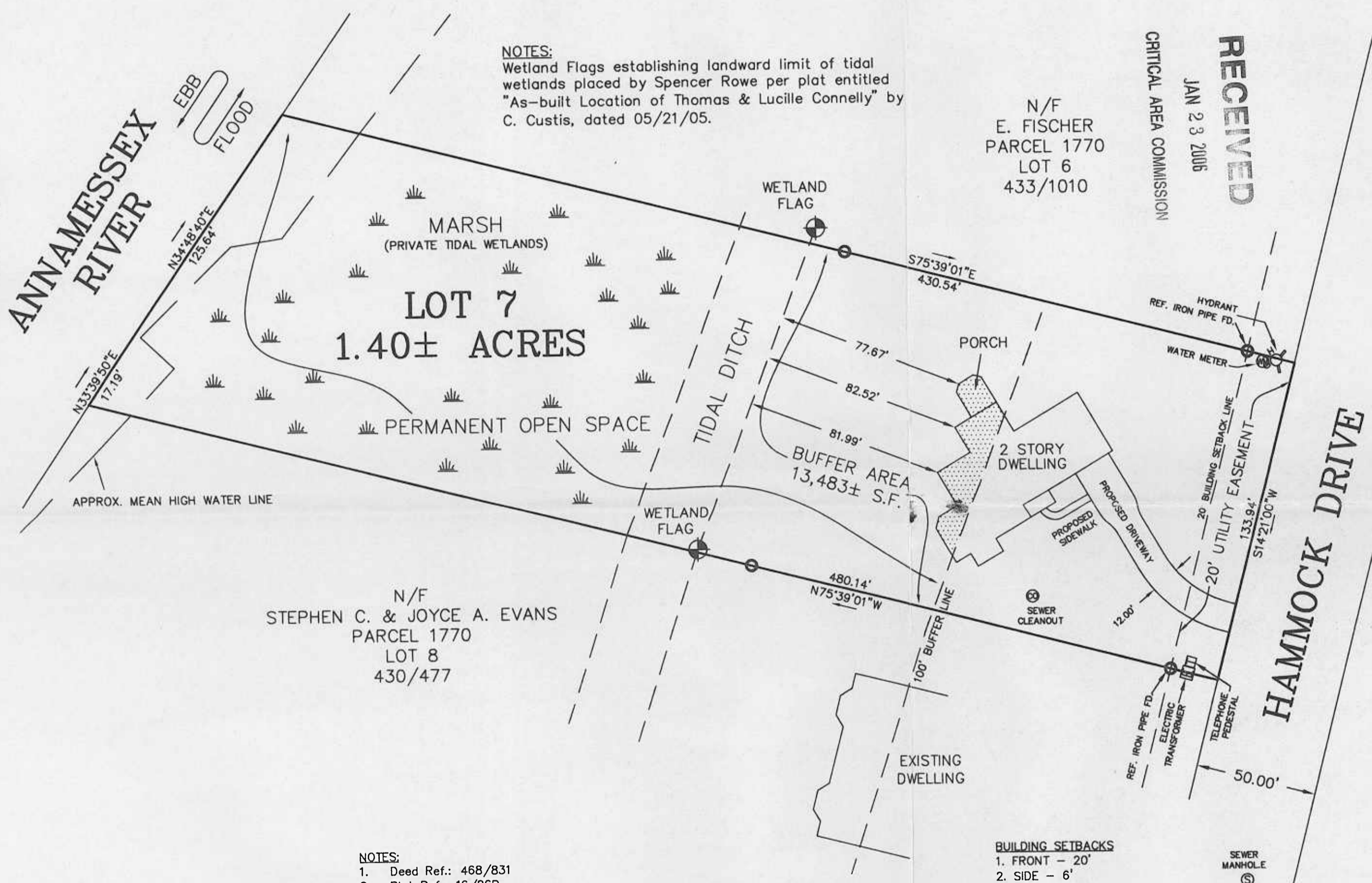
ANNESSEX RIVER
EBB FLOOD

NOTES:
Wetland Flags establishing landward limit of tidal wetlands placed by Spencer Rowe per plat entitled "As-built Location of Thomas & Lucille Connelly" by C. Custis, dated 05/21/05.

N/F
E. FISCHER
PARCEL 1770
LOT 6
433/1010

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CRITICAL AREA COMMISSION

SEWER MANHOLE



N/F
STEPHEN C. & JOYCE A. EVANS
PARCEL 1770
LOT 8
430/477

BUILDING SETBACKS
1. FRONT - 20'
2. SIDE - 6'
3. REAR - 20'

- NOTES:
1. Deed Ref.: 468/831
 2. Plat Ref.: 16/26B
 3. Parcel No. 1770
 4. Assess. Map No. 104, Grid 7
 5. ○ Denotes Iron Pipe Found
 6. This property is located within the Critical Area and is further classified as an Intensely Developed Area (IDA).
 7. Area of Impervious Encroachment within Buffer (Shaded)=865± S.F.
 8. Total Buffer Area: 13,483± S.F.
 9. % Impervious Area Within Buffer Area: 6.41%
 10. Total Impervious Surface: 5,010± S.F.
 11. % Impervious Surface: 9.24%
 12. Building Floor Area: 5,574± S.F.
 13. Total Building Ground Coverage: 2,871± S.F.
 14. Permanent Open Space: 44,966± S.F.

SITE PLAN

FOR
THOMAS J. CONNELLY
LUCILLE A.
911 ADDRESS
CRISFIELD ELECTION DISTRICT
SOMERSET COUNTY, MARYLAND
CITY OF



(IN FEET)
1 inch = 40 ft.

SCALE: 1" = 40' DATE: 11/02/2005
HAMPSHIRE, HAMPSHIRE & ANDREWS INC.
MARYLAND REGISTERED LAND SURVEYORS
226 North Division St. Salisbury, MD. 21801
30505 Prince William St. Princess Anne MD. 21853
817 W. Main St. Crisfield MD. 21817

Based upon review of the Federal Emergency Management Agency Flood Insurance Rate Maps, panel 1 of 1, Community Panel Number 240082 0001 C, with an effective date of June 16, 1992, the property depicted on this survey is located within ZONE A3 (area of the 100-yr. flood, elev. 6).

JOB NO: 08581

DRAWN BY: E.J.P.	DATE: 11/02/2005
COMPUTED BY: C.J.P.	DATE: 11/02/2005
CHECKED BY:	DATE: