

HC 63-05 Bush River Village
Site Plan

MSA-S-1829-4989

50/11/85

6/2/88 - mt

7/8/80/8/1

12/10/01/21

12/13/10
File originally
cleared. DS.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

December 10, 2010

Mr. Bryan Lightner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

Re: Bush River Village
S 10-122

Dear Mr. Lightner:

This office has received the above-referenced project for review and comment. The site is in the Intensely Developed Area and is mapped as a Buffer Exemption Area. The applicant proposes to adjust the lot lines between three existing lots. Since the existing lots are currently conforming and will remain conforming after the lot line adjustment, the requirements of COMAR 27.01.02.08 are not applicable.

Based on the site plan submitted, I have the following comment:

There is an inconsistency between the note that indicates "Total Planting Area Proposed = 7,838 sf" and a later note that indicates "Remaining Planting Required = 772 sf". The applicant should reconcile this discrepancy by amending the appropriate note since it appears the total required planting is 7,688 square feet.

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

Sincerely,

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

Lisa A. Hoerger
Regulations Coordinator

cc: HC 63-05

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 8, 2008

Pat Pudelkewicz
Harford Co. Dept. of Planning and Zoning
220 South Main Street
Bel Air, MD 21014

RE: Bush River Village Revised Plans

Dear Ms. Pudelkewicz:

I have received revised plans for this project from the consultant. The applicant proposes to develop the site with a shopping center within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. I have reviewed the stormwater and landscaping revisions and have no further comments.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to be "M. Johnson".

Marshall Johnson
Natural Resources Planner

cc: HC 63-05
Jim Scharfe, Frederick Ward Assoc. (PO Box 727, 5 South Main Street, Bel Air, MD 21014-0727)

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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June 23, 2008

Pat Pudelkewicz
Harford Co. Dept. of Planning and Zoning
220 South Main Street
Bel Air, MD 21014

RE: Bush River Village Revised Plans

Dear Ms. Pudelkewicz:

Michele Bynum from your office submitted revised plans for this project for review by my office. The applicant proposes to develop the site with a shopping center within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. The following comments apply to the revised submittal.

1. Although the former plans were reviewed and confirmed to be in conformance with Critical Area regulations by Dawn McCleary on March 26, 2006, the revised plan indicates that the proposed impervious surface is increasing. The 10% stormwater pollution reduction calculations in my file indicate that the removal requirement was exactly met by the proposed stormwater management plan. Therefore, the stormwater management is no longer meeting the 10% according to the calculations on file in this office and a revised 10% Worksheet A must be submitted.
2. If the landscaping plans are revised, please have the applicant confirm whether BEA mitigation provisions are still met by the revised plan.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: HC 63-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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

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

March 2, 2006


Mr. Nick Walls
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Bush River Village
3828 Pulaski Highway

Dear Mr. Walls:

This office has reviewed the revised site plan with enclosed planting plan and the 10 % calculations. Part of the above project is in the County's Buffer Exemption Area. The applicant has satisfied the revised 10 % calculations and the BEA mitigation provisions and we have no additional comments. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
HC 63-05

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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www.dnr.state.md.us/criticalarea/

February 11, 2005

Ms. Nancy Lipski
Site Plan and Permit Review
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014

RE: Bush River Village

Dear Ms. Lipski:

Thank you for sending us the Bush River Village proposal to reconfigure four commercial lots into three commercial lots. The proposed lots total 2.17 acres, are in an Intensely Developed Area (IDA) and in a Buffer Exemption Area.

The site plan must show the location of the three stormwater management facilities proposed to satisfy 10 % pollutant reduction calculations. The plan must also show the 100-foot Buffer. The applicant needs to demonstrate that the project complies with the County's Buffer Exemption provisions, including mitigation requirements.

I will provide additional comments once we receive this information. Thank you for the opportunity to comment. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Nick Walls
Pat Pudalkewicz
Regina Esslinger
HC 63 - 05

63-05

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 1, 2008

Mr. Marshall Johnson
Project Evaluation Division
Critical Area Commission
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

Re: Bush River Village

Dear Mr. Johnson:

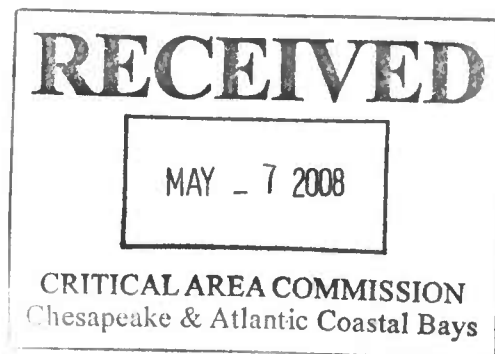
As per my response letter dated December 7, 2007, "all new documentation will be submitted to the Critical Area Commission for review". Enclosed is copy of the revised Bush River Village Chesapeake Bay Critical Area Planting Plan dated 4-10-2008, and revised Site Plan dated 4-14-2008. An additional Landscaping plan is currently under revision for building and parking lot landscaping.

If you have any concerns regarding this revised plan, please don't hesitate to contact me at 410-638-3103 extension 1378.

Sincerely,

Michele Bynum
Critical Area Planner

cc: Patricia Pudelkewicz, Chief, Environmental Planning
Moe Davenport, Chief, Development Review Section



5/20

Preserving Harford's past; promoting Harford's future (410) 638-3103

MY DIRECT PHONE NUMBER IS

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE



JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

J. Steven Kaii-Ziegler
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 2, 2005

Ms. Dawnn McCleary
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, Maryland 21401

RECEIVED

FEB 4 2005

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

RE: Bush River Village

Dear Ms. McCleary:

Enclosed is a copy of the plan for the Bush River Village. This proposal calls for the creation of three commercial lots. The land use designation of the property is IDA. Additionally, the property is designated as Buffer Exempt. Contained on the property is a Tributary Stream and the associated Buffer. Impacts will occur to the Buffer but will be limited to the last 50 feet of the Buffer. An Environmental Assessment (with 10% worksheet) is attached and shows that approximately 2.10 pounds of pollutant are required to be removed. Stormwater management will be provided to remove approximately 2.19 pounds of pollutants.

Additional information has been requested and includes the precise location of stormwater management facilities, drainage maps, and details on how the development will adhere to the County's regulations concerning Buffer Exempt Areas. As soon as this information is submitted, we will forward it to you.

Please review this project and return your comments to us as soon as possible. If you require any more information, please contact me at (410) 638-3103.

Sincerely,

Nancy Lipski, Chief
Site Plan and Permit Review

Cc Nick Walls

Preserving our values, protecting our future



Robert L. Ehrlich, Jr.
Governor

C. Ronald Franks
Secretary

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

W. P. Jensen
Deputy Secretary

July 9, 2004

Mr. William S. Twupack
Frederick Ward Associates, Inc.
P.O. Box 727
Bel Air, MD 21014-0727

RE: Environmental Review for Pais Property, FWA #2041087.00, Pulaski Highway/MD Route 40, Abingdon, Harford County, Maryland.

Dear Mr. Twupack:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

We would also like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database does indicate that the following species of interest are known to occur within the vicinity of the project site:

<u>Scientific Name</u>	<u>Common Name</u>	<u>State Status</u>
<i>Sagittaria calycina</i>	Spongy Lophotocarpus	Rare
<i>Castanea dentata</i>	American Chestnut	Rare
<i>Bidens bidentoides</i> var. <i>mariana</i>	Maryland Bur-marigold	Watchlist
<i>Bidens mitis</i>	Small-fruited Beggar-ticks	Endangered

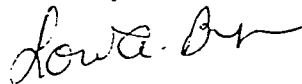
July 9, 2004

These species could potentially occur on the project site itself, if the appropriate habitat is present. Habitat for Spongy Lophotocarpus is described as: Mudflats, ponds and marshes (Radford et al 1968). Habitat for American Chestnut is described as: Rich woods (Radford et al 1968); dry, rich, usually acid, gravelly or rocky ground, often of uplands (Hough 1983). Habitat for Maryland Bur-marigold is described as: Tidal shores (Fernald 1950); estuaries (Gleason & Cronquist 1991); sandy-gravel intertidal shorelines of fresh to brackish areas (MDNHP). Habitat for Small-fruited Beggar-ticks is described as: Brackish or fresh water marshes (Radford et al 1968); marshes, swamps or edges of creeks (MDNHP).

The populations of native plants mentioned here have declined historically and we encourage efforts that help to conserve them across the state. If you would like technical assistance regarding the conservation of these important species, please contact us.

Thank you for providing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2004.0758.ha

Cc: D. Brinker, DNR

ENVIRONMENTAL ASSESSMENT

FOR THE

BUSH RIVER VILLAGE SITE

FIRST ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

DECEMBER 2004

**FREDERICK WARD ASSOCIATES INC.
5 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014
(410) 879-2090**

PROJECT NO. 2041087.00

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1.0 INTRODUCTION

1.1 Purpose Of Report

The purpose of this report is to provide an environmental evaluation of the proposed shopping center on U.S. Route 40 in the Abingdon section of Harford County. This evaluation consists of a description of the existing natural features; the proposed development, pertinent issues of the Harford County, Maryland Chesapeake Bay Critical Area Management Program and measures proposed to ensure compliance with this and other relevant environmental regulations.

This assessment includes a detailed description of the existing natural features and designations associated with the subject property including land use, soils, topography, floodplains and Habitat Protection Areas. Conclusions for the project are provided in Section 6.0 of this report.

1.2 Project Location

The 2.17 acre site is located in Abingdon on U.S. Route 40 (west bound lane) just east of Abingdon Road in the First Election District of Harford County, Maryland. The project area is comprised of three properties identified as Parcel 434 (Lots 1 & 2), Parcel 750 and Parcel 337 on Harford County Tax Map 62. Ownership of these parcels are listed under deed reference 4163/636 (P.434) and 5674/318 (P.750) owned by 2922 Pulaski Highway L.L.C. and 1429/54 (P 337) owned by James and Theresa Thomas. Currently, the property has access from the shoulder of west bound Pulaski Highway.

2.0 SITE DESCRIPTION

2.1 Land Use

Land use of the Abingdon vicinity is predominantly Commercial/ Business. The entire subject property is located within the Chesapeake Bay Critical Area with land use designations of Intensely Developed Area (IDA). According to the Harford County Chesapeake Bay Critical Area Program,

Intensely Development Areas are areas which include any area of 20 or more contiguous acres, or the entire upland portion of a municipality within the Critical Area (which ever is less) where residential, commercial, institutional and/or industrial development is predominant and relatively little natural habitat occurs. In addition, the area is to have at least one of the following characteristics:

1. Housing density is equal to or greater than four dwelling units per acres;
2. Industrial, institutional or commercial uses are concentrated in the area: or
3. Public sewer and water collection and distribution system are currently serving the area and housing density is greater than three dwellings units per acres.

2.2 Soils

According to the Soil Survey of Harford County Area Maryland, (USDA/75), three soil types underlie the subject properties. These are described in Tables One and Two and depicted on the accompanying Site Plan. This Environmental Assessment has evaluated the mapping units based on the descriptions and information provided by the Soil Survey and other sources and summarized the relevant data in Table Two.

TABLE ONE: SOIL DESCRIPTIONS

<u>Mapping Unit</u>	<u>Description</u>
Cx	Cut & Fill land
DcA	Delanco silt loam (0-3% slopes)
EsB2	Elsinboro loam (2-5% slopes)

TABLE TWO: SOIL CHARACTERISTICS

Mapping Unit – Slope	Depth to High Water Table	Depth to Bedrock	Highly Erodible	Hydric Soil
Cx	NL	NL	No	NL
DcA (0-3%)	1 ½ - 2 feet	5-20 feet	No	(1)
EsB2 (2-5%)	>4 feet	6-20 feet	Yes	No

(1) Hydric inclusions

NL = Not listed

Source: Soil Survey of Harford County, Maryland

2.3 Topography

Based on a Harford County GIS 2000 topographic survey of the subject property, the elevations of the site range from twenty-five to fifteen feet above sea level. The subject property slopes gently to the south.

According to the Federal Emergency Management Administration (FEMA) Community Panel Number 24025C0259, no 100 Year Floodplain exists on the site.

2.4 Vegetation

The site contains no areas that would qualify as forest. A second growth area exists along the rear of the property boarding the CSX Railroad property. This area contains pioneering Sweet Gum, Red Maple and dense areas of Multiflora Rose. The front portion of the property is a fallow field containing Golden Rod and Broomsedge. Along west bound US Route 40 (Pulaski Highway) the grass is periodically mowed.

3.0 HABITAT PROTECTION AREAS

3.1 Critical Area Buffer

The Harford County Critical Area Program has established a 100-foot buffer landward from tidal waters, tidal wetlands and tributary streams. This buffer is typically expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils or highly erodible soils. According to the county program, the purpose of this buffer is to serve the following functions:

- A. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
- B. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources,
- C. Maintain an area of transitional habitat between aquatic and upland communities,
- D. Maintain the natural environment of streams; and
- E. Protect riparian wildlife habitat.

The accompanying Site Plan has established the correct location of the 100 foot Critical Area Buffer. This Buffer has been expanded on site to include contiguous sensitive areas such as waters of the United States. No other contiguous sensitive areas were identified by this study.

The following table is a summary of the various natural features and/or land use designations associated with the subject property.

NATURAL FEATURES/DESIGNATIONS TABLE

<u>Feature/Designation</u>	<u>Identified</u>	<u>Not Identified</u>
Critical Area	X	
Buffer	X	
Tidal Wetlands		X
Nontidal Wetlands		X
Hydric Soils		X
Highly Erodible Soils	X	
Slopes over 15%		X
100 Year Floodplain		X
Riparian Forest		X
Interior Dwelling Bird Habitat		X
Colonial Water Bird Nesting Site		X
Historic Waterfowl Staging Area		X
Rare, Threatened or Endangered Species		X
Natural Heritage Area		X
Anadromous Fish Propagation Water		X
Submerged Aquatic Vegetation		X
Areas of Shoreline Erosion		X
Waters of the U.S.	X	

3.2 Wetlands

The subject properties were surveyed for the presence of nontidal wetlands as defined by both the Harford County Development Regulations and the U.S. Army Corps of Engineers. Areas meeting these definitions were field flagged for location by survey and have been plotted on the accompanying Site Plan. The Bush River Village Site does not contain areas that qualify as jurisdictional nontidal wetlands according to the Corps of Engineers methodologies. However, there is an intermittent stream system on the western portion of the site.

A review of the National Wetland Inventory (NWI) maps completed by the U.S. Fish and Wildlife Service was conducted for this project. The NWI map for the subject property reveals no areas of nontidal wetlands.

An on-site investigation revealed the NWI maps to be correct with no nontidal wetlands on the properties. An intermittent stream channel was identified along the western property line. The intermittent stream channel is shown on the accompanying Site Plan has been field delineated and located by survey. The U.S. Army Corps of Engineers has not approved the Jurisdictional Determination on the subject property at this time. A copy of the relevant NWI map has been included as Appendix 6.4.

3.3 Threatened/Endangered Species

Frederick Ward Associates contacted the Maryland Department of Natural Resources Natural Heritage Program to request any information on file concerning the existence of known Federal or State threatened or endangered plant or wildlife species on or near this project site. According to their response dated July 9, 2004, (Appendix 6.5) they have no records of rare, threatened or endangered species occurring within the vicinity of the project. The U.S. Fish and Wildlife Service responded by letter dated May 24, 2004 that they have no record of rare, threatened or endangered species in this location, (See Appendix 6.5).

3.4 Areas of Significant Plant & Wildlife Habitat Value

Based on aerial photographs, information supplied by the Maryland Department of Natural Resources Natural Heritage Program, Harford County Office of Planning and Zoning and site inspections, there are no listed natural wildlife corridors or significant plant and wildlife habitat within this property. No areas of colonial waterbird nesting sites, aquatic historic waterfowl staging and concentration areas, forested areas potentially utilized by forest interior dwelling birds, Natural Heritage Areas or plant and wildlife habitat determined to be of local significance are located within the subject property.

3.5 Anadromous Fish Propagation Waters

Bush Creek is the closest Anadromous Fish Propagation Waters at 325 feet away from the property. This area is documented for spawning of anadromous fish species such as White Perch, Striped Bass, etc. The temporal restriction for in-water construction activities required by the Critical Area Management Program is March 01 to June 15 of each year. The project area does not contain areas that qualify as anadromous fish propagation waters.

4.0 VARIANCE APPLICATION

4.1 Proposed Development

The proposed development for the subject property is to construct a shopping center. This entire new project area is located within the IDA. A new entrance off of westbound U.S. Route 40 will access the site. The shopping center will be served by extensions to existing county water and sanitary lines in the area. No work is proposed within nontidal wetlands, waters of the United States and their buffers or other Habitat Protection Areas. Stormwater management for quality control will be provided in accordance with the 10% Rule.

This site evaluation has determined the following Critical Area development calculations based on the preliminary layout prepared by Frederick Ward Associates.

Total Site Area:	2.17 acres
Land Use Designation:	Intensely Developed Area (IDA)
Chesapeake Bay Critical Area:	2.17 acres
IDA:	2.17 acres
RCA:	0.00 acres
Proposed Use:	Commercial
Existing Forested:	0.00 ac.
Proposed Clearing:	0.00 ac.
Remaining Forest:	0.00 ac.
Existing Impervious Surface:	0.07 ac. (3%)
Asphalt:	0.03 ac.
Building:	0.03 ac.
Shed:	0.01 ac.
Proposed Impervious Surface:	1.29 ac. (59%)
Asphalt:	0.83 ac.
Building:	0.46 s.f.
Proposed Impacts within IDA:	1.29 ac.
Proposed Impacts within RCA:	0.00 ac.
Area of Expanded Buffer:	0.00ac.
Area of Expanded Buffer Impact:	0.00 ac.
Proposed Nontidal Wetland Disturbance:	0.00 ac.
Proposed 25 foot Wetland Buffer Dist.:	0.00ac.
Proposed Waters of the U.S. Disturbance:	0.0 ac.

4.2 Impact Assessment

The following is a summary of the Critical Area Program requirements of development within the Intensely Developed Area (IDA). These requirements include Habitat Protection Areas and other standard limitations. The proposed development does not seek to disturb sensitive soils or slopes that exceed 15 percent. The proposed development will have a 59 percent impervious surface level as is shown on the accompanying plan.

The Harford County Stormwater Management Regulations require that pollutant loading associated with new development or redevelopment in an IDA be reduced by a minimum of ten percent (10%) from predevelopment levels through the use of on-site stormwater management/best management practices or similar measures located off-site. The proposed development will utilize a combination of treatment methods to provide the required 10% Rule compliance. Preliminary calculations are provided below and demonstrate that approximately 2.10 pounds of keystone pollutant loadings will be required for removal. The preferred method for pollutant reduction will be a combination of wet pond, dry swale and infiltration trench. Preliminary calculations indicate the proposed stormwater management quality control system will remove 2.19 lbs. of pollutants from the on-site runoff. The final design of the water quality system will be included with the engineering plans for the site development and will be reviewed and approved by the Harford County Department of Public Works and Planning and Zoning. Appendix B includes the 10% Rule Calculations per the "Technical Guide for 10% Compliance."

Additional Habitat Protection Areas of the Bush River Village Site include waters of the United States and buffer. There will be NO environmental impacts as a result of the proposed development. The property contains no forest cover. There are no known rare plant and animal species found within the project area.

According to the Harford County Critical Area Program, Intensely Developed Areas are where residential, commercial, institutional, and/or industrial uses predominate and where relatively little natural habitat occurs. The Program also sets out seven goals as summarized below:

- A. Reduce the impacts of existing development.
- B. New or redevelopment should reduce pollutant loadings by 10%.
- C. Require cluster development.
- D. Establish permeable areas in vegetation.
- E. Maintain or establish new public access to the shore.
- F. Locate port facilities near existing ones.
- G. Maintain, and where possible, enhance biological resources.

4.3 Habitat Protection Areas

The Harford County Critical Area Program identifies five types of Habitat Protection Areas (HPA's). The proposed project does contain two of the HPA areas. The following is a review of the various requirements for protection of the HPA's and how these requirements do or do not apply to this project.

4.3.1 Buffer Program Element

In accordance with the requirements of the Harford County Program, a 100-foot naturally vegetated habitat protection buffer is to be located landward of all tidal wetland/waters.

The Harford County Chesapeake Bay Critical Area Program has established a 100-foot Critical Area buffer landward from tidal waters, tidal wetlands and tributary streams. According to the Program, "a Buffer of at least one hundred (100) feet shall be established in natural vegetation." In December of 2001, the Harford County Planning and Zoning Environmental Division staff conducted a field visit. They identified the onsite intermittent waters of the U.S. system as being a tributary stream. This area is found within a Buffer Exempt area of the Critical Area. This area will receive a 50 foot buffer instead of the normal 100 foot buffer off of tributary stream areas.]*

The Harford County Chesapeake Bay Critical Area Program requires the basic Buffer to be expanded to include, "contiguous sensitive areas on the parcel whose development or disturbance may impact streams, wetlands, or other aquatic environments". Sensitive areas are defined as hydric soils and soils with hydric properties, slopes greater than 15 percent and highly erodible soils (greater than 5 percent slope with a K value of greater than 0.35). A 50 foot buffer is expanded on this property to include the on site intermittent waters of the United States.]?

4.3.2 Nontidal Wetlands Protection Program Element

The proposed development area has been evaluated for the presence of nontidal wetlands utilizing the Soil Survey descriptions, National Wetland Inventory Maps and site inspection. As previously stated, this site contains no nontidal wetlands or open water areas. The National Wetland Inventory (NWI) Maps prepared by the U.S. Fish and Wildlife Service (USF&WS) dated 1981 did not identify any wetlands site within the development area. A field inspection of the proposed development area did reveal the presence of an intermittent stream channel along the western property line. where on site

show the buffer
Ext of the 100 ft. Buffer
100 ft Buffer
on site plan

4.3.3 Threatened and Endangered Species Protection Program Element

The Maryland Department of Natural Resources, Forest, Park and Wildlife Services response concerning endangered species states that they have records of the American Chestnut (*Castanea dentata*/ state rare) and Spongy Lophotocarpus (*Sagittaria calycina* / state rare), Maryland Bur-marigold (*Bidens bidentoides*/ state watch list) and Small-fruited Beggar-ticks (*Bidens mitis*/ endangered) have occurring within the vicinity of the project site. These species are found within forested areas, tidally influenced waters or shallow water and marsh areas.

Since there are no forested areas or tidally influenced waters on the subject property, it is highly unlikely that any of these plant species exist on site. A copy of the initial correspondence has been included within this report.

The U.S. Fish and Wildlife Service did not have any records of rare, threatened or endangered species in this location,

4.3.4 Plant and Wildlife Habitat Protection Program Element

Currently, this project contains no forested areas. The proposed development is located immediately adjacent to west bound U.S. Route 40 and is not part of a larger riparian system. No wildlife corridor exists within the area proposed for disturbance. There is no indication of colonial waterbird nesting sites, rare, threatened or endangered species, historic waterfowl staging and concentration areas, Natural Heritage Areas or other areas of a significant plant and wildlife habitat.

4.3.5 Anadromous Fish Propagation Waters Protection Program Element

The nearest water body is Bush Creek, which is designated as an Anadromous Fish Propagation Water due to the documented spawning of anadromous fish species such as White Perch, Striped Bass, etc. The temporal restriction for in-water construction activities required by the Critical Area Management Program is March 01 to June 15 of each year. However, no water dependent facilities are planned as part of this development. This project is located more than 300 feet from the closet tidal wetlands/waters.

4.4 Habitat Protection Program

The following is a description of the measures that have been proposed to mitigate the impacts to the HPA from the granting of the proposed variance. These include plat and deed restrictions to protect the waters of the United States and 50 foot buffers.

By evaluating the topography of the up slope drainage area and the specific configuration of the onsite waters of the United States, it appears that the contributing drainage area is limited to runoff from B & O Railroad. The up-slope drainage area near the road starts as undefined and contributes surface flow into the waters of the United States system. This development activity will collect all onsite runoff at a storm water management facility located at the northeast property corner. No disturbance to the onsite waters of the United States channel will occur.

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Frederick Ward Associates, Inc. has evaluated the proposed wavier application for the Bush River Village Site and has reached the following conclusions. The proposed wavier is in compliance with the provisions of the Harford County Chesapeake Bay Critical Area Management Program as defined by Section 267-41.1H of the Harford County Development Regulations in that it meets the following requirements.

- (1) The waiver request is the result of the unique configuration of the lot and waters system and is not the result of actions of the applicant. The current site design was largely dictated by the parcel size, existing sewer easement and waters on the property.
- (2) As was previously stated in this report, based on the criteria for buffer establishment prepared by the Critical Area Program, the proposed intermittent waters of the Unites States (tributary stream) area and 50 foot buffer will be sufficient to protect the hydrologic regime and environmental integrity of the identified waters of the United States. There are no other identified Habitat Protection Areas within this portion of the development. X
- (3) The identified Habitat Protection Areas include intermittent waters of the United States (tributary steam) and 50 foot buffer. These areas have been incorporated into the development plan by reconfiguring the project to the extent possible to protect these sensitive features. # ?
- (4) This waiver will have no impact on the growth allocation of the County. ↓

5.2 Recommendations

This report makes the following recommendations with respect to ensuring compliance with the provisions of the Critical Area Program, protection of the environmental integrity of the Critical Area District. These include:

1. The proposed limits of clearing should be field staked and visibly marked prior to clearing and grading activities. Any incursions into these protected areas by the contractor should be immediately restored.
2. Stormwater management quality control measures should be designed to remove pollutants per the Best management Practices as recommended in the "Applicant's Guide for 10% Rule Compliance-Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in IDA and the Technical Guide for 10% Rule Compliance-Urban Stormwater Quality Guidance for the Maryland Chesapeake Bay Critical Area in Intensively Developed Areas (IDA)". A minimum of 2.10 pounds of pollutant must be removed. The current plan proposes a reduction of 2.19 pounds. Additional consideration to controlling uncontrolled runoff from existing developments such as U.S. Route 40 should be incorporated into the final stormwater management plans. These measures may greatly improve the existing water quality entering Bush Creek.
3. All standard Sediment control measures should be implemented as called for by the approved Sediment Control Plan as required by the Harford County Department of Public Works and Natural Resource Conservation Service. This Plan should minimize disturbed areas and provide daily stabilization measures to minimize the potential for sediment pollution.

APPENDICES 6.0

APPENDIX 6.1
SELECTED REFERENCES

Appendix 6.1

Selected References

"Harford county Development Regulations Section 267-41.1 Chesapeake Bay Critical Area Requirements" Harford County, Maryland (As Amended).

"Maryland Freshwater Fish Spawning Survey" A Report by the Maryland Department of Natural Resources Fisheries Division, 1985

Harford County, MD Chesapeake Bay Critical Area Management Program., June, 1988., Obtained from the Harford County Department of Planning, 220 S. Main St., Bel Air, MD 21014

Harford County Development Regulations, As Amended through September 1, 1990. Obtained from the Harford County Office of Planning and Zoning, Bel Air, Maryland 21014

Soil Survey of Harford County Area, Maryland., U.S.D.A.-S.C.S., in cooperation with the Maryland Agricultural Extension Service, 1975

Orth, Robert et al., "Distribution of Submerged Aquatic Vegetation In The Chesapeake Bay And Tributaries And Chincoteague Bay - 1986, VIMS, U.S. EPA, U.S. Geological Survey, and Maryland DNR

U.S. Fish and Wildlife Service National Wetland Inventory (NWI) Maps, Edgewood Area, Maryland, 1982.

APPENDIX 6.2

VICINITY MAP



SCALE 1" = 2000'	DATE 2000
DR. BY A.D.C.	CH. BY
PLAT NO.	JOB NO. 2041087

FWM
FREDERICK WARD ASSOCIATES
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 410-879-2090
 410-893-1243 fax

REGIONAL OFFICES
 Columbia, Maryland and Warrenton, Virginia

| ARCHITECTS | ENGINEERS | PLANNERS | SURVEYORS |

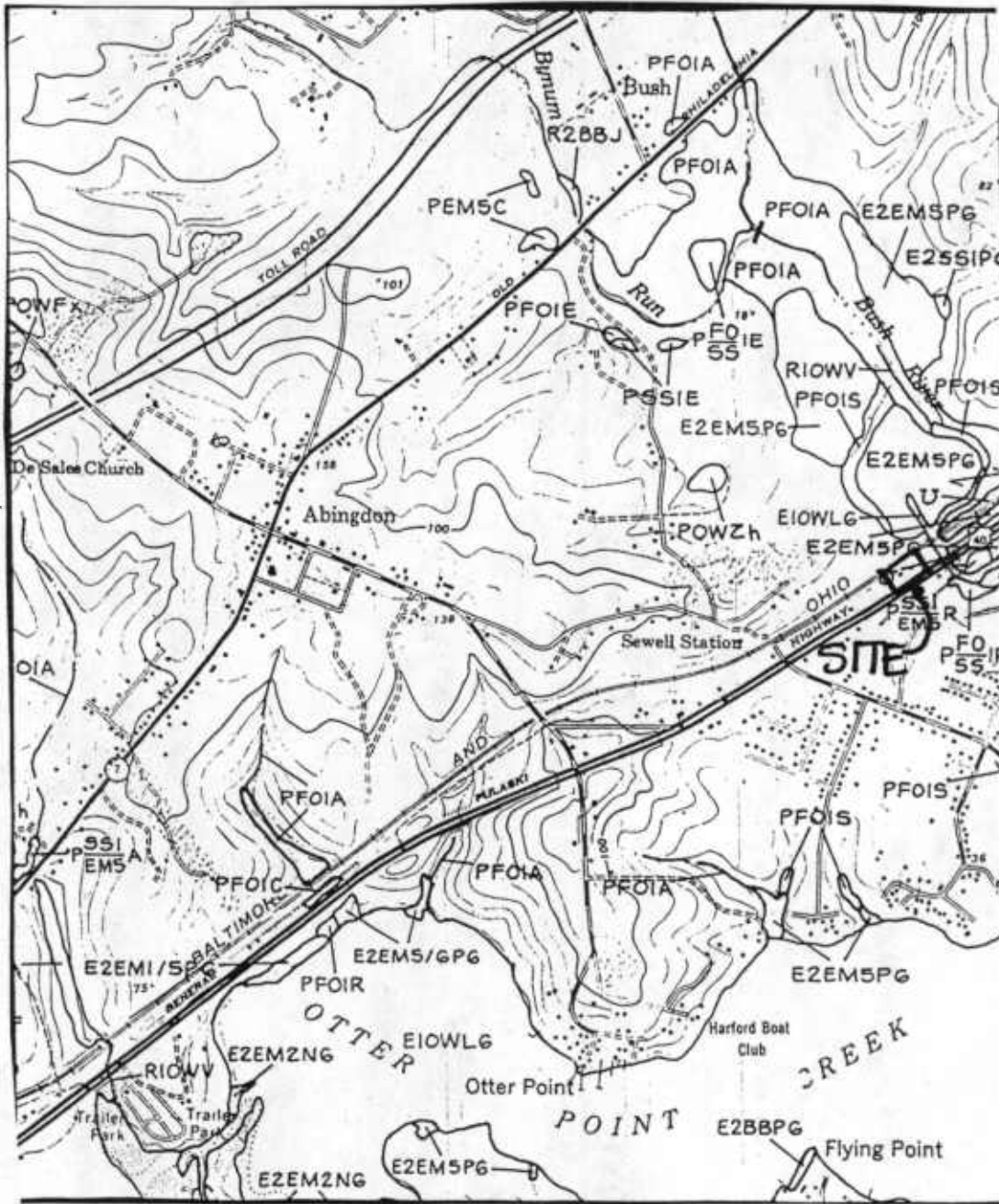
VICINITY
 MAP

APPENDIX 6.3

SOILS MAPS

APPENDIX 6.4

NWI MAP



SCALE
1"=2000'

DATE

DR. BY
USFW

CH. BY

PLAT NO.

JOB NO.
2041087



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| ARCHITECTS | ENGINEERS | PLANNERS | SURVEYORS |

NATIONAL
WETLAND
INVENTORY
MAP

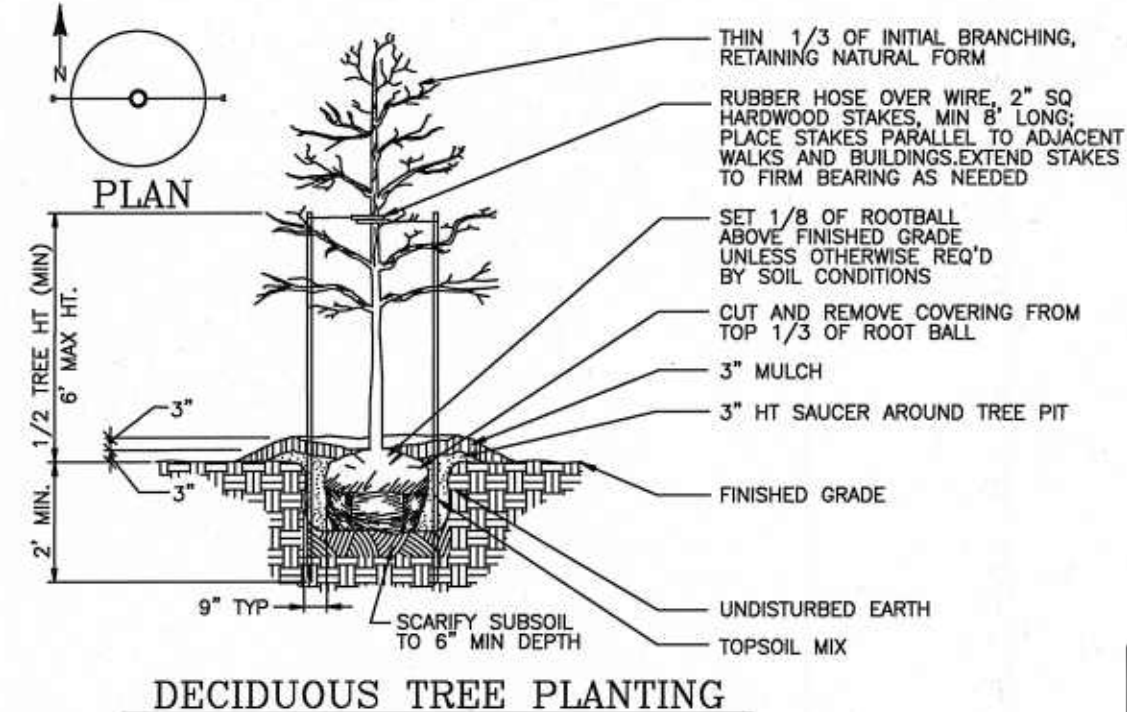
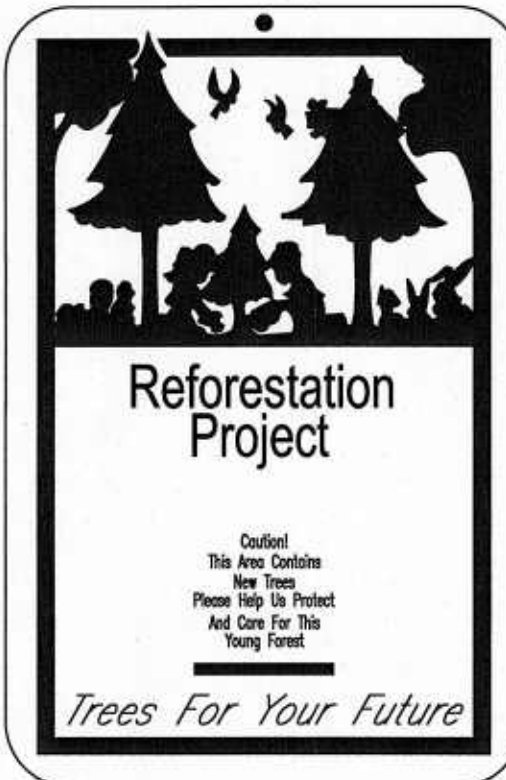
APPENDIX 6.5
CORRESPONDENCE

GENERAL PLANTING NOTES

- ALL PLANT MATERIAL SHALL CONFORM TO THE SIZES GIVEN IN THE PLANTING LIST AND SHALL BE NURSERY GROWN IN ACCORDANCE WITH THE "USA STANDARD FOR NURSERY STOCK" LATEST EDITION.
- ALL PLANTING SHALL BE IN ACCORDANCE WITH STANDARD AMERICAN ASSOCIATION OF NURSERYMEN PROCEDURES AND SPECIFICATIONS.
- THE DEVELOPER SHALL GUARANTEE FOR TWO (2) FULL GROWING SEASONS, 75% SURVIVAL OF ALL PLANT MATERIALS INSTALLED ACCORDING TO THIS PLAN. ALL PLANTINGS SHALL BE BONDED FOR THE SAME PERIOD.
- THE DEVELOPER AGREES TO PLANT THE SPECIFIED QUANTITY AND TYPE OF PLANTS AS OUTLINED IN THE PLAN.
- THE DEVELOPER AGREES TO PLANT THE MATERIAL IN THE APPROPRIATE SEASON FOR EACH PLANT TYPE.
- PLANT MATERIAL SHALL BE OBTAINED FROM HEALTHY NURSERY STOCK, HAVE A HEALTHY VIGOROUS ROOT SYSTEM, AND BE FREE OF PESTS, DISEASES, AND DISFIGUREMENT.
- SUBSTITUTION OF PLANT MATERIAL DUE TO AVAILABILITY MUST BE APPROVED BY THE HARFORD COUNTY OFFICE OF PLANNING AND ZONING.
- TREES SHALL BE PLANTED SO AS NOT TO INTERFERE WITH OVERHEAD OR UNDERGROUND UTILITY STRUCTURES.
- AT LEAST 75% OF THE PLANTINGS MUST SURVIVE FOR AT LEAST TWO GROWING SEASONS IN ORDER TO SECURE RELEASE OF THE FINANCIAL SURETY.

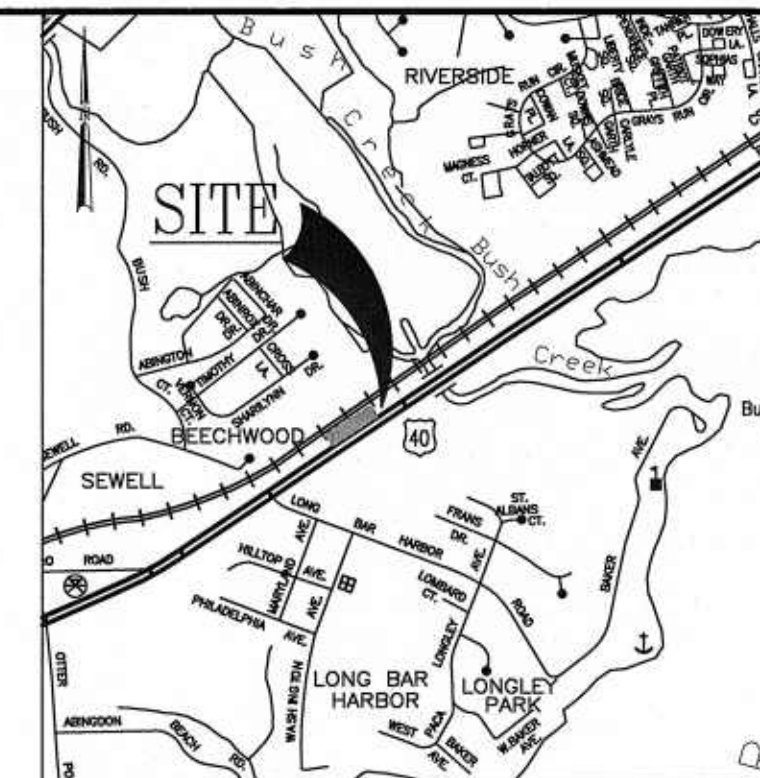
NOTES

- BOUNDARY WAS SURVEYED BY FWA, 2004.
- TOPOGRAPHY FROM HARFORD COUNTY GIS 2000.
- THERE IS NO 100-YEAR FLOODPLAIN ON THE PROPERTY ACCORDING TO FEMA MAP 24025C02590 JANUARY 7, 2000.
- A LANDSCAPING PLAN WILL BE SUBMITTED PRIOR TO FINAL CONSTRUCTION DRAWINGS.
- THE SUBJECT PROPERTIES ARE WITHIN THE INTENSELY DEVELOPED AREA OF THE CHESAPEAKE BAY CRITICAL AREA.



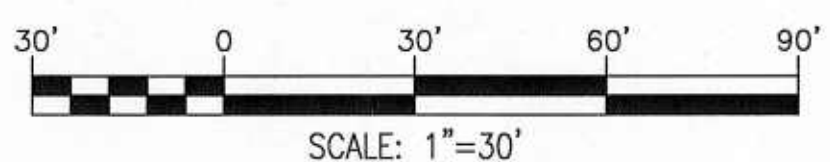
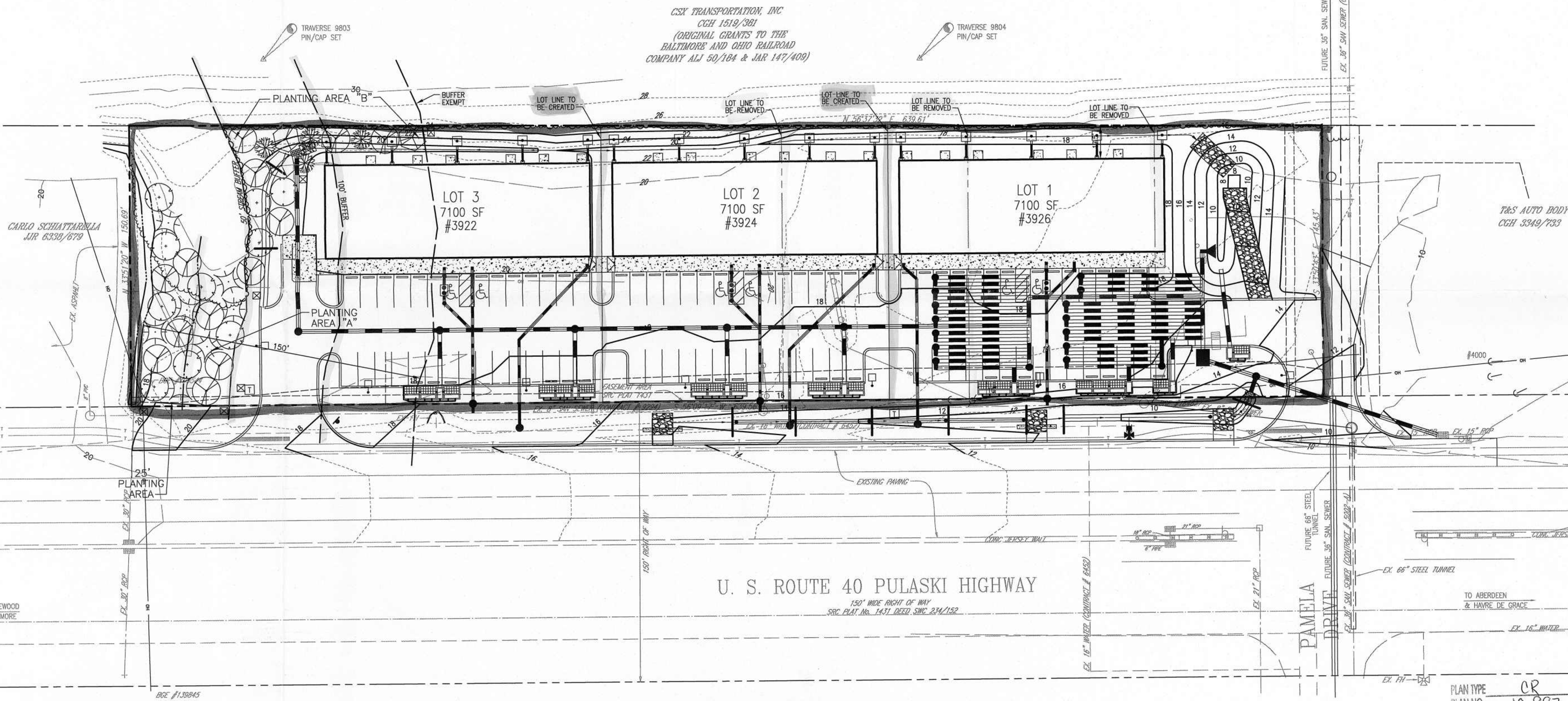
DECIDUOUS TREE PLANTING

NOTE: LANDSCAPE FABRIC TO BE INSTALLED BENEATH MULCH IN ALL PLANTING BEDS UNLESS OTHERWISE NOTED



VICINITY MAP

1"=2000'



LEGEND

- BOUNDARY LINE
- EXISTING CONTOURS
- SOILS BOUNDARY
- EXISTING TREELINE
- EXISTING SEWER
- EXISTING WATER
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- REFORESTATION AREA
- FOREST REFORESTATION SIGN

DEVELOPMENT SUMMARY

TAX MAP	PARCEL	PROPERTY OWNER	PREMISES ADDRESS	DEED REF	PLAT	ZONING	ACREAGE
62	434 LOT 1	2922 PULASKI HIGHWAY LLC	2922 PULASKI HWY ABINGDON, MD 21009	4163/636	62/85	B3 (RT 40 CRD OVERLAY)	1.19 AC
62	434 LOT 2	2922 PULASKI HIGHWAY LLC	ROUTE 40 ABINGDON, MD 21009	4163/636	59/105	B3 (RT 40 CRD OVERLAY)	0.34 AC
62	750	JAMES & THERESA THOMAS	ROUTE 40 ABINGDON, MD 21009	2230/87	---	B3 (RT 40 CRD OVERLAY)	0.34 AC
62	337	JAMES & THERESA THOMAS	3928 PULASKI HWY ABINGDON, MD 21009	1429/54	---	B3 (RT 40 CRD OVERLAY)	0.30 AC

TOTAL ACREAGE: 2.17 AC

PLANTING SCHEDULE

SYMBOL	AREA		COMMON NAME	WET	INSTALLED SIZE	SPACING
	25 FT	A B				
⊙	4	3 6	GREEN ASH	FACW	1" CAL B & B CONT.	15'
⊙	4	3 3	SYCAMORE	FACW	1" CAL B & B CONT.	15'
⊙	4	3 0	SERVICE BERRY	FAC	1" CAL B & B CONT.	15'
⊙	0	0 3	RED OAK	FACU	1" CAL B & B CONT.	15'
⊙	0	0 4	EASTERN RED BUD	FACU	1: CAL B & B CONT.	15'

TOTAL PLANTINGS: 37 PLANTINGS
12 9 16

IMPERVIOUS AREAS WITHIN 100 FT BUFFER

BUILDING: 850 SF
PARKING: 2,166 SF
WALKWAY: 1,028 SF
TOTAL: 3,844 SF

TOTAL PLANTING AREA REQUIRED: 7,988 SF
TOTAL PLANTING AREA PROPOSED: 7,836 SF
TOTAL 25' BUFFER PLANTING: 1,922 SF
TOTAL 100' BUFFER PLANTING: 6,916 SF
REMAINING PLANTING REQUIRED: 772 SF
PROPOSED FEE-IN-LIEU: \$926.40 (772' x \$120 = \$926.40), WHICH WAS ACCEPTED AND PAID ON 11/13/07.

P.O. Box 727, 5 South Main Street
Bel Air, Maryland 21014 - 0727
410-838-7900
410-893-1243 fax
www.frederickward.com



REV#	DATE	DESCRIPTION

OWNER/DEVELOPER
2922 PULASKI HIGHWAY, LLC
C/O ALEX PAIS
2210 PULASKI HIGHWAY
EDGEWOOD, MARYLAND 21040-1602
TELEPHONE NO.: 410-676-9700

CHESAPEAKE BAY CRITICAL AREA PLANTING PLAN
BUSH RIVER VILLAGE
3922 - 3926 PULASKI HIGHWAY
HARFORD COUNTY, MARYLAND
FIRST ELECTION DISTRICT

ENGINEER'S SEAL
NOV - 9 2010

RECEIVED
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

DATE: 11/12/2010
DRAWING NO.: CA1
SCALE: 1"=30'
DESIGNED BY: ACS
DRAWN BY: JRW
SHEET 25 OF 25
FWA JOB NUMBER: 2061140.01