

PA 364-05 St. Stephens Corner
SUB

MSA-S-1829-5084

Complete
8/23/00-KLJ
Cross reference
growth allocation
amendment file

See Amendment file
for growth allocation info...

August 14, 2006

Mr. Jay Parker
Town Manager
Town of Princess Anne
30489 Broad Street
Princess Anne, MD 21853

Re: St. Stephen's Growth Allocation

Dear Mr. Parker:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced refinement. On August 2, 2006 the Critical Area Commission unanimously concurred with the Chairman's determination that the proposed growth allocation text changes could be approved as a refinement to the Town's zoning ordinance and Critical Area Program. This approval included the following conditions:

1. At the building permit stage, the stormwater reviewer for the Town must review and approve architectural drawings for each dwelling located on Lots 1 through 8, along Crisfield Lane for compliance with the 500 square foot maximum rooftop drainage per area per downspout. Each individual drawing shall show the position of the dwelling and dry wells on the lot, along with distances and dry well dimensions. The Town's stormwater engineer shall then indicate, in writing, approval of each site plan prior to review of the building permit application by the Critical Area Circuit Rider. Prior to the Town's issuance of occupancy permits for Lots 1 through 8, the Town shall submit an as-built drawing to the Circuit Rider showing the dwelling location, dry well location and dimension, as well as distance from the dwelling. The as-built drawings shall be sealed by a professional engineer or surveyor registered in the State of Maryland.
2. Any proposed increase in impervious surface area beyond that which is specified in Notes #9 and #17 on the revised subdivision plat, dated May 18, 2006, must be resubmitted for review and approval by Commission staff, in conjunction with the Town of Princess Anne.

Please incorporate this refinement into the Town's zoning ordinance and Critical Area program within 120 days from the date of this letter. Also, please provide this office with updated sections of both

Jay Parker
August 14, 2006
Page 2

documents once the changes have been made. Thank you for your assistance in presenting this project to the Commission. Please contact me at 410-260-3482 if you have any questions.

Sincerely,

Kerrie L. Gallo
Natural Resource Planner

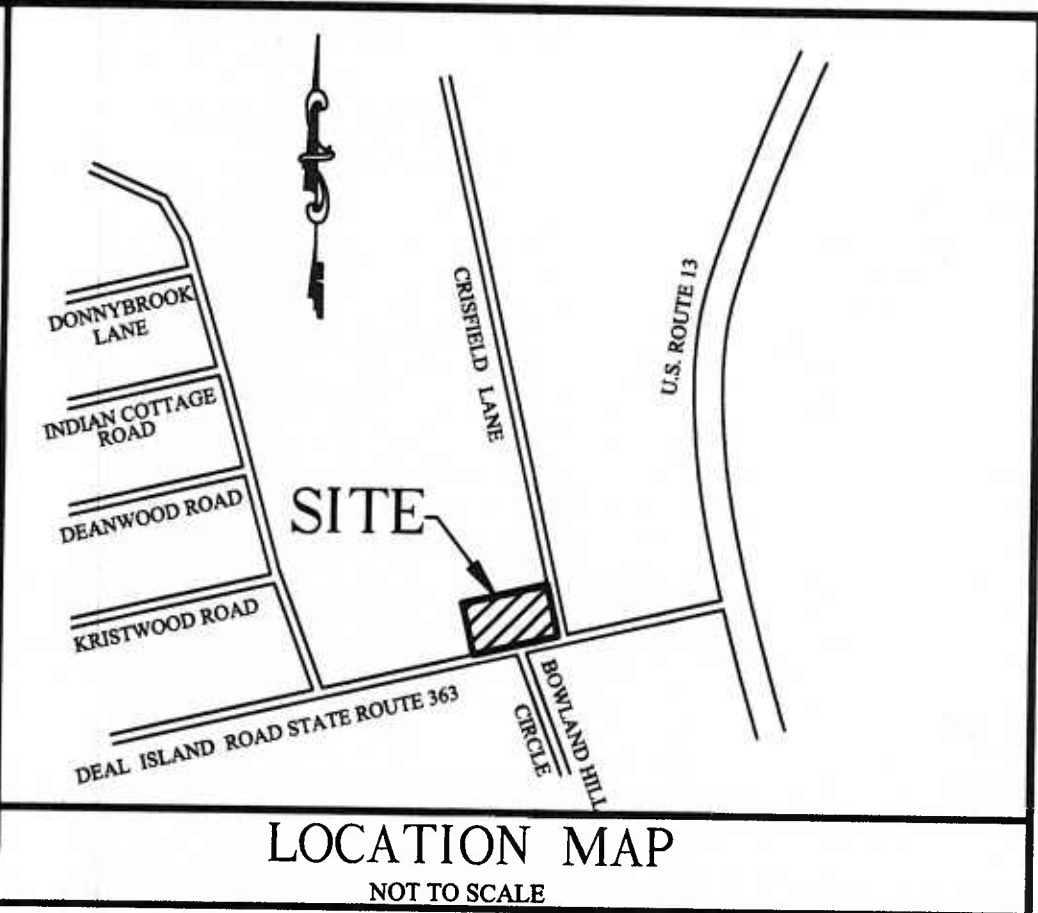
Cc: Tracey Gordy, MDP

PLAN 7/12

N/F BOARD OF COUNTY COMMISSIONERS OF SOMERSET COUNTY PARCEL 1120 DEED REF: 245/169

N/F SOMERSET COUNTY AGRICULTURAL & CIVIC CENTER PARCEL 1120-1 DEED REF: ITP/276/124

SOMERSET COUNTY SANITARY DISTRICT INC. PARCEL 1121 DEED REF: 237/990



VERIZON CONSTRUCTION EASEMENT NOTE. In compliance with the Public Service Commission of Maryland (Order Number 66316), dated June 20, 1973, the owner does hereby grant and convey unto Verizon, Inc., a body corporate hereinafter called grantee, its associated and allied companies and their respective successors, assigns, and licensees, a right-of-way easement to construct, operate, maintain, enlarge, replace, and remove telecommunications, electric, and gas systems, conduit, pipe, manholes, cables, wire, and fixtures under and over the property as described as follows: A strip(s) of land ten feet wide and parallel, contiguous, and adjacent to the property lines of the lots recorded, to the full extent that such property lines abut right-of-ways. Together with the right of ingress and egress to said property at all times for the safe and proper operation and maintenance thereof, the grantee agrees to repair or pay for all damage to crops, lawns, fields, fences, driveways, and walkways arising from the construction and maintenance of the aforesaid system.

SOMERSET COUNTY HEALTH DEPARTMENT. THIS SUBDIVISION IS APPROVED AS BEING IN CONFORMANCE WITH THE SOMERSET COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN PROVIDING FOR COMMUNITY WATER SUPPLY AND COMMUNITY SEWERAGE. APPROVING AUTHORITY: [Signature] DATE: 10/2/06

TOWN OF PRINCESS ANNE. [Signature] DATE: 12-14-06

SOMERSET COUNTY SANITARY COMMISSION. APPROVAL OF THESE LOTS BY THE SOMERSET COUNTY SANITARY COMMISSION CONFIRMS THAT WATER AND SEWER SERVICE IS AVAILABLE AT THIS TIME. SUCH CONFIRMATION, HOWEVER IS SUBJECT TO FUTURE RESTRICTIONS THAT MAY BE IMPOSED BY AGENCIES OF THE FEDERAL AND / OR STATE GOVERNMENT. [Signature] DATE: 10-20-06

WE CERTIFY THAT THE SUBDIVISION OF THESE LANDS, AS SHOWN ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIGNATION FROM L.D.A. TO I.D.A. ALSO TO CONVEY THE IMPERVIOUS SURFACE LIMITATION OF A MAXIMUM OF 3,250 SF OF IMPERVIOUS SURFACES PER LOT, INCLUSIVE OF ALL STRUCTURES, SURFACES OR APPURTENANCES WHETHER TEMPORARY OR PERMANENT. ALSO TO CONVEY THE DRYWELL REQUIREMENTS FOR LOTS 1-8 ON CRISFIELD LANE, PER THE DETAIL, THIS SHEET. ALSO TO REVISE THE FRONT SETBACK DISTANCE FOR LOTS 1-8 CRIFIELD LANE FROM 25' TO 30'. [Signature] DATE: 6/26/06

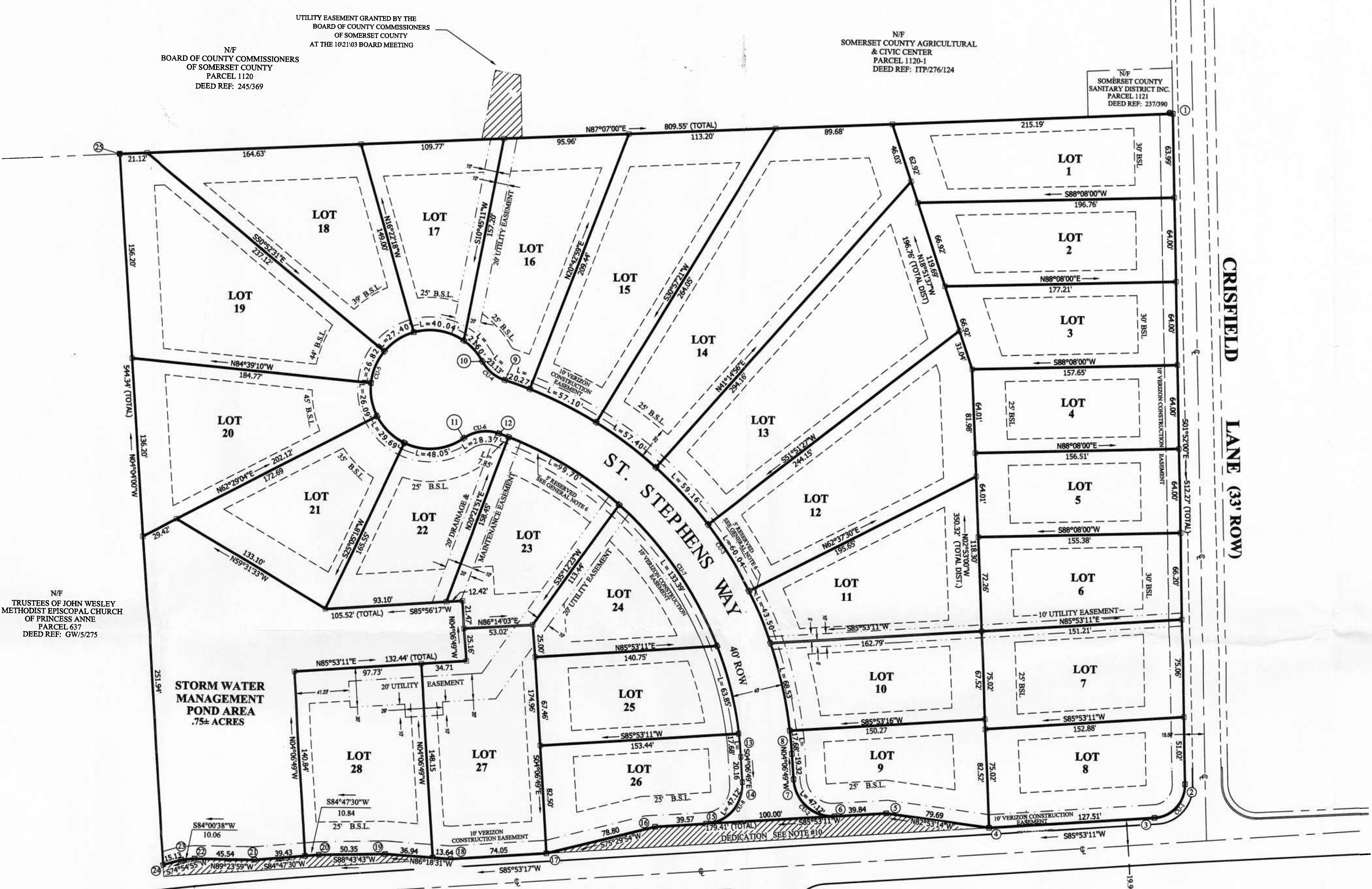
RECEIVED stamp from MD. DEPARTMENT OF PLANNING, DEC 15 2006. PARKER & ASSOCIATES logo and address: 410 N. GAY ST. ESTABLISHED 1971, CIVIL ENGINEERING INC., SITE PLANNING.

LOT AREA TABLE. Table with columns: LOT, AREA(SQ.FT.). Rows 1-28.

PLANE COORDINATES. Table with columns: PT. No., NORTH, EAST. Rows 1-25.

CURVE TABLE. Table with columns: CURVE, RADIUS, LENGTH, DELTA, TANGENT, CHORD. Rows C1-C8.

CHESAPEAKE BAY CRITICAL AREA NOTES. 1) Total area of subdivision = 9.95 acres +/-, 2) Total number of lots = 28, 3) Average lot size = 0.3057 acres +/-, Area of lots = 8.56 acres, 4) Proposed roads = 524 linear feet +/-, 5) Area of paved roads = 0.53 acres +/-, 6) Area of road right of way = 0.64 acres +/-, 7) Area of Storm Water Holding Area = 0.75 acres +/-, 8) Total area within C.B.A. = 9.95 acres +/-, 9) Total Area of impervious surfaces per lot = 3,250.00 sq. ft. x 28 lots = 2.09 acres. Total Area of impervious surfaces on new road and curb = 0.53 acres +/-, Total Area of impervious surfaces shown = 2.62 acres, 10) Area of tidal wetlands = 0.0 acres, 11) Area of uplands = 9.95 acres, 12) No slopes greater than 15% located on site, other than the proposed pond, 13) No habitat protection Areas are located on or adjacent to this site, 14) This subdivision is located entirely within an Intense Development Area (I.D.A.) of the Town of Princess Anne's Critical Area Overlay District, 15) No non-tidal wetlands found on site, 16) Subdivision to be served with public water and sewer, 17) Notwithstanding the impervious surface limitation of 3,250 square feet per lot (as contained in Note # 9), an individual lot may exceed such limitation only upon specific approval by the Chesapeake and Atlantic Coastal Bays Critical Area Commission staff and any increase in impervious surface beyond 3,250 square feet must be offset through best management practices as a condition of approval by Critical Area Commission staff and reviewed and conjunction with the Town of Princess Anne.



MARYLAND STATE ROUTE 363 (RIGHT OF WAY VARIES)

NOTE: LOTS 8,9 AND 26 SHALL HAVE DENIED ACCESS TO MARYLAND ROUTE 363.

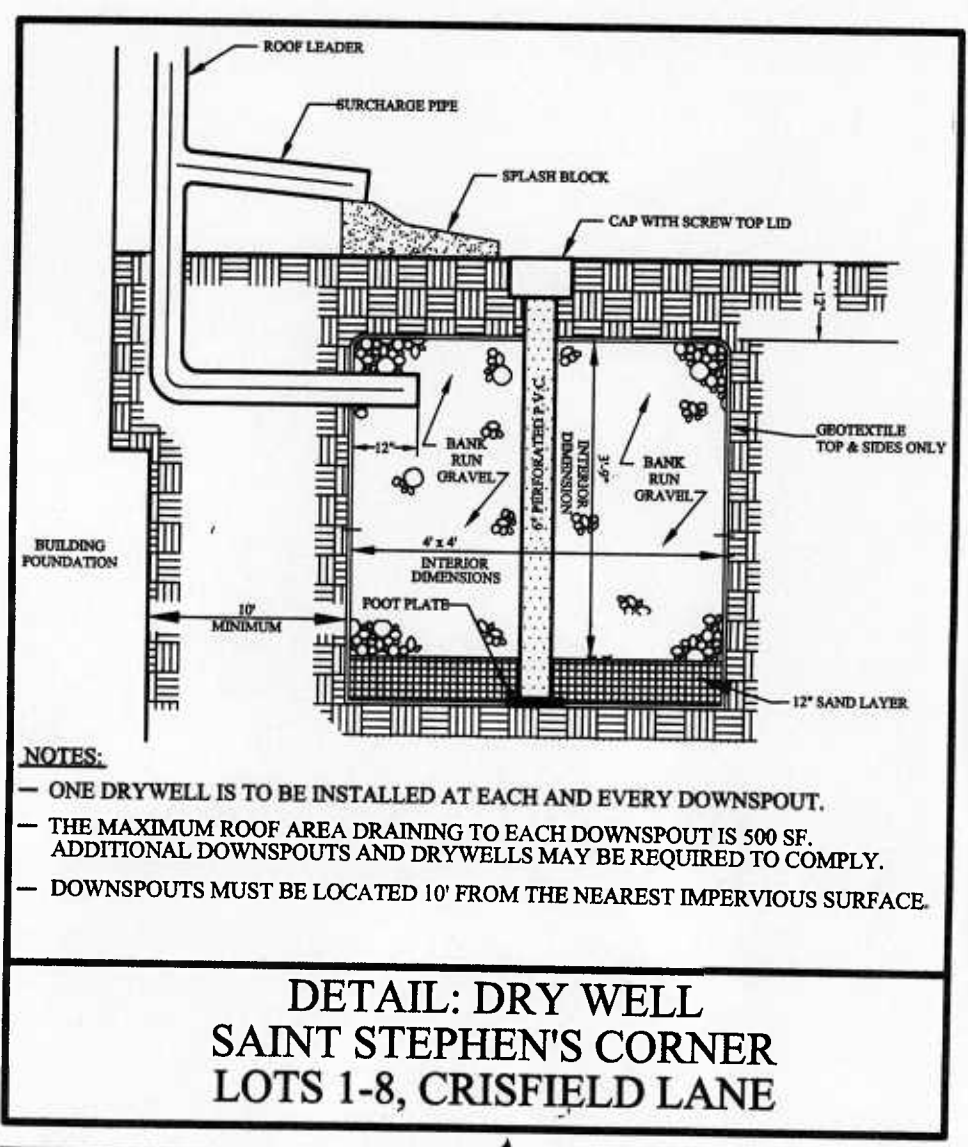
MDP Maryland Department of Planning. Setting the Foundation for Smart Growth. www.mdp.state.md.us Tel Fax: 1-877-767-6072

Kenie, Firm received plat for St. Stephens - Merry Christmas! Tracy



BUILDING SETBACK LINES. FRONT = 25' (EXCEPT 30' FOR LOTS 1-8), SIDE = 10', REAR = 25'

LEGEND. Symbols for iron pipe, concrete monument, iron pin, iron rebar, no marker, centerline of road, reservation line, 10' bell atlantic easement line, building setback line.



GENERAL NOTES. 1) The property shown hereon is currently owned by: St. Stephen's Corner LLC, c/o Bijan Shapiroian, 229 W. Main St., Salisbury, MD 21801, 2) Deed reference: 587/69, 3) Plat reference: 5/94, 4) Total number of lots: 28, 5) Total area of property = 9.95+/- acres, 6) Total area of roads = 534 acres, 7) Total area of lots = 8.56+/- acres, 8) The present zoning of this property is R-2, 9) Five feet has been reserved for utility easement on lots adjacent to interior streets, 10) All future construction shall conform to the Town of Princess Anne Code in effect at the time of construction, 11) All future construction shall conform to the Town of Princess Anne Code in effect at the time of construction, 12) This property is shown on F.I.R.M. Community Panel #240661 0175 A (Panel 175 of 450), dated 6/15/81, as being in Flood Zone C, Area of Minimal Flooding, 13) No title report was provided for our use, therefore this boundary survey is subject to any encumbrances, restrictions, easements and/or rights of way that might be revealed by a thorough title search, 14) Two strips along Deal Island Road (MD Rt 363) is hereby dedicated to State of Maryland for road and utility purposes, as shown on plat. Total area of this dedication = 0.13 acres, 15) MD State Highway Administration maintenance of storm drains ends at the inlet located at the southwest end of the property. This inlet is within MD Route 363 right of way, 16) Lots 1-8 are required to have one drywell installed at each and every downspout, 17) The owners of Lots 1-8 will be responsible for the construction and maintenance of dry wells as shown on the approved individual lot site plan for each of these lots in accordance with the recorded maintenance and inspection agreement, 18) The improvements on all lots shown hereon shall not exceed 3,250 square feet of impervious surfaces, structures, or appurtenances, whether temporary or permanent.

THE INTENT OF THIS CORRECTED PLAT IS TO ILLUSTRATE THE RESULTS OF THE GROWTH ALLOCATION THAT WAS GRANTED TO THIS PROPERTY TO CHANGE ITS DESIGNATION FROM L.D.A. TO I.D.A. ALSO TO CONVEY THE IMPERVIOUS SURFACE LIMITATION OF A MAXIMUM OF 3,250 SF OF IMPERVIOUS SURFACES PER LOT, INCLUSIVE OF ALL STRUCTURES, SURFACES OR APPURTENANCES WHETHER TEMPORARY OR PERMANENT. ALSO TO CONVEY THE DRYWELL REQUIREMENTS FOR LOTS 1-8 ON CRISFIELD LANE, PER THE DETAIL, THIS SHEET. ALSO TO REVISE THE FRONT SETBACK DISTANCE FOR LOTS 1-8 CRIFIELD LANE FROM 25' TO 30'.

REVISIONS. Table with columns: DATE, REL. M.T.P., O.R.C., E.D.R. Rows 1-4.

* CORRECTED PLAT OF ST. STEPHEN'S CORNER SUBDIVISION. TOWN OF PRINCESS ANNE ELECTION DISTRICT, SOMERSET COUNTY, MARYLAND. SCALE: 1" = 50'. DATE: 11-26-02. TAX MAP: 201. JOB NO.: S1519. DRAWN BY: EHH-ORC. PARCEL: 1122.

Critical Area Commission

STAFF REPORT

August 2, 2006

APPLICANT: Town of Princess Anne

PROPOSAL: Refinement-St. Stephen's Corner Growth Allocation

COMMISSION ACTION: Concurrence with the Chairman's determination

STAFF RECOMMENDATION: Approval

STAFF: Kerrie Gallo

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1808.1 and COMAR
27.01.02.06

DISCUSSION:

The Town of Princess Anne is requesting Commission review and approval of a request for growth allocation to change the Critical Area designation on a 9.95 acre property from a Limited Development Area (LDA) to an Intensely Developed Area (IDA). The subject property (Tax Map 201, Parcel 1122) is located at the intersection of Deal Island Road/State Route 363 and Crisfield Lane within the jurisdictional limits of the Town of Princess Anne. The property is entirely within the Critical Area, but is not waterfront. There are no known Habitat Protection Areas (HPAs) on the site.

Project Description

The proposed use of the property is a 28-lot residential subdivision, known as St. Stephen's Corner. In 2004, the property was platted and recorded within the Town as a 28-lot residential subdivision, with a maximum impervious surface area limit of 15%, or 65,013 square feet. Since the time of the 2004 recordation of the plat, several building permits had been issued by the Town without review by the Critical Area Circuit Rider. These permits exceeded the impervious surface area allotted to each lot per the recorded subdivision plat. As a result of the above described circumstances, St. Stephens Corner faced a situation where the 15% impervious surface area limit would be exceeded upon build out of the subdivision. To rectify this situation, the Town is requesting the use of growth allocation.

Stormwater Management

As the site is proposed as an IDA, the applicants are required to address the 10% rule for pollutant reduction. To meet this requirement, the applicants have proposed the construction of

an extended wet detention pond in conjunction with the installation of drywells on several of the lots. The total proposed impervious surface area for the subdivision is 2.62 acres, with a pollutant removal requirement of 1.62 lbs of phosphorus per year. The proposed best management practices will remove 2.07 lbs of phosphorus per year.

Growth Allocation Guidelines

In accordance with Chapter 55 of the Laws of 2006 that were amended this spring by the General Assembly and the Critical Area Criteria, the Commission shall ensure that the locational and habitat protection guidelines and standards have been applied in a manner that is consistent with the purposes, policies, goals and provisions of the Critical Area Act and Criteria. The proposed growth allocation is located in a Limited Development Area and is surrounded by LDA lands. There are no Habitat Protection Areas on or adjacent to the project site, so the growth allocation will not affect any HPAs. Stormwater quality management measures are proposed to be implemented as required for development activities in the IDA, so a minimum 10% improvement in water quality will be provided. The property is not located adjacent to tidal waters or tidal wetlands, so the 300-foot setback is not applicable to this project. In addition to compliance with the stormwater provisions, the project is in conformance with all other standards for development projects in the IDA. The Town of Princess Anne did not have sufficient growth allocation acreage for this project in the allotment that Somerset County had previously set aside for use by the Town. The Town requested additional acreage from the County in order to accommodate this project, and the County provided the Town with the additional acreage.

Chairman's Determination

On June 5, 2006, The Town of Princess Anne Commissioners, in conjunction with the Town Planning and Zoning Commission, approved a motion to grant 9.95 acres of growth allocation for the St. Stephen's Corner development. With the application of the condition outlined below, the Chairman has determined that the growth allocation request can be handled as a refinement and is seeking your concurrence.

Condition

1. At the building permit stage, the stormwater reviewer for the Town must review and approve architectural drawings for each dwelling located on Lots 1 through 8, along Crisfield Lane for compliance with the 500 square foot maximum rooftop drainage per area per downspout. Each individual drawing shall show the position of the dwelling and dry wells on the lot, along with distances and dry well dimensions. The Town's stormwater engineer shall then indicate, in writing, approval of each site plan prior to review of the building permit application by the Critical Area Circuit Rider. Prior to the Town's issuance of occupancy permits for Lots 1 through 8, the Town shall submit an as-built drawing to the Circuit Rider showing the dwelling location, dry well location and dimension, as well as distance from the dwelling. The as-built drawings shall be sealed by a professional engineer or surveyor registered in the State of Maryland.

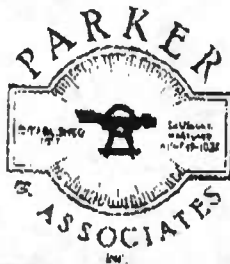
ADDED: 2. Any proposed increase in impervious surface area beyond that which is specified in Notes # 9 and 17 on the revised subdivision plat, dated May 18, 2006, must be resubmitted for review and approval by Commission staff, in conjunction

with the Town of Princess Anne.

FROM: PARKER AND ASSOCIATES

FAX NO. 4107491012

May 25 2006 09:25AM F1



528 RIVERSIDE DRIVE
SALISBURY, MD 21801
PHONE: 410-749-1023
FAX: 410-749-1012
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING • CIVIL ENGINEERING • LAND PLANNING • FORESTRY SERVICES

FACSIMILE COVER SHEET

TO: MDF

FAX: 410-713-3468

ATTENTION: TRACEY GORDY

DATE:

RECEIVED
MD. DEPARTMENT OF PLANNING

FROM: BROCK PARKER

PAGES:

MAY 25 2006

RE:

CC:

(Including Cover Sheet)

LOWER EASTERN SHORE OFFICE

Urgent For Review Please Comment Please Reply Please Forward

REVISED PER OUR DISCUSSION. ANY
QUESTIONS, PLEASE CALL.

Post-It™ brand fax transmittal memo 7671 # of pages = 5

To: <u>Carrie</u>	From: <u>Tracey</u>
Co. <u>Revised 10/06</u>	Co. <u>Gov. St. Stephens</u>
Dept.	Phone #
Fax #	Fax #

Worksheet A: Standard Application Process

Calculating Pollutant Removal Requirements¹

Step 1: Calculate Existing and Proposed Site Imperviousness

A. Calculate Percent Imperviousness

1) Site Area within the Critical Area IDA, A = 9.95 acres

2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)

	(a) Existing (acres)	(b) Proposed (acres)
Roads		<u>.53</u>
Parking lots		<u>0</u>
Driveways		<u>0</u>
Sidewalks/paths		<u>0</u>
Rooftops		<u>0</u>
Decks		<u>0</u>
Swimming pools/ponds		<u>0</u>
Other		<u>0</u>
Impervious Surface Area		<u>2.25</u>

1.72 AC

3) Imperviousness (I)

Existing Imperviousness, I_{pe} = Impervious Surface Area / Site Area (Step 2a) / (Step 1)

= $(0) / (9.95)$

= 0%

Proposed Imperviousness, I_{pa} = Impervious Surface Area / Site Area (Step 2b) / (Step 1)

= $(2.25) / (9.95)$

= 22.61%

B. Define Development Category (circle)

- 1) New Development: Existing imperviousness less than 15% (Go to Step 2A)
- 2) Redevelopment: Existing imperviousness of 15% or more (Go to Step 2B)
- 3) Single Lot Residential Development: Single lot being developed or improved; single family residential development; and more than 250 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements).

¹ NOTE: All acreage used in this worksheet refers to areas within the IDA of the Critical Area only.

5/24/06 REV TO 50%
REMOVAL EFFICIENCY

RECEIVED

MD. DEPARTMENT OF PLANNING

MAY 25 2006

LOWER EASTERN SHORE OFFICE

Section 4.0 Standard Application Process

Step 2: Calculate the Predevelopment Load (L_{pre})

A. New Development

$$\begin{aligned}
 L_{pre} &= (0.5) (A) \\
 &= (0.5) (9.95) \\
 &= 4.97 \text{ lbs/year of total phosphorus}
 \end{aligned}$$

Where:

- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
- 0.5 = Annual total phosphorus load from undeveloped lands (lbs./acre/year)
- A = Area of the site within the Critical Area IDA (acres)

B. Redevelopment

~~$$\begin{aligned}
 L_{pre} &= (R_v) (C) (A) (8.16) \\
 R_v &= 0.05 + 0.009 (I_{pre}) \\
 &= 0.05 + 0.009 (\quad) = \quad \\
 L_{pre} &= (\quad) (\quad) (\quad) (8.16) \\
 &= \quad \text{lbs/year of total phosphorus}
 \end{aligned}$$~~

Where:

- ~~- L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)
 - R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff
 - I_{pre} = Pre-development (existing) site imperviousness (i.e., 1 = 75 if site is 75% impervious)
 - C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l
 - A = Area of the site within the Critical Area IDA (acres)
 - 8.16 = Includes regional constants and unit conversion factors~~

Section 4.0 Standard Application Process

Step 3: Calculate the Post-Development Load (L_{post})**A. New Development and Redevelopment:**

$$L_{post} = (R_v) (C) (A) (8.16)$$

$$R_v = 0.05 + 0.009 (I_{post})$$

$$= 0.05 + 0.009 (22.61) = .25$$

$$L_{post} = (.25) (.30) (9.95) (8.16)$$

$$= 6.09 \text{ lbs/year of total phosphorus}$$

Where:

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

R_v = Runoff coefficient, which expresses the fraction of rainfall which is converted into runoff

I_{post} = Post-development (proposed) site imperviousness (i.e., 1 = 75 if site is 75% impervious)

C = Flow-weighted mean concentration of the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l

A = Area of the site within the Critical Area IDA (acres)

8.16 = Includes regional constants and unit conversion factors

Step 4: Calculate the Pollutant Removal Requirement (RR)

$$RR = L_{post} - (0.9) (L_{pre})$$

$$= (6.09) - (0.9) (4.97)$$

$$= 1.62 \text{ lbs/year of total phosphorus}$$

Where:

RR = Pollutant removal requirement (lbs/year)

L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)

L_{pre} = Average annual load of total phosphorus exported from the site prior to development (lbs/year)

Section 4.0 Standard Application Process

Step 5: Identify Feasible BMP(s)

Select BMP Options using the screening matrices provided in the Chapter 4 of the 2000 Maryland Stormwater Design Manual. Calculate the load removed for each option.

BMP Type	(L_{post})	x	(BMP_{RE})	x	(% DA Served)	=	LR	
P-3	6.09	x	50%	x	$\frac{6.77}{4.95}$	=	2.07 lbs/year	
		x		x		=	lbs/year	
		x		x		=	lbs/year	
		x		x		=	lbs/year	
Load Removed, LR (total) =								lbs/year
Pollutant Removal Requirement, RR (from Step 4) =								1.62 lbs/year

Where:

- Load Removed, LR = Annual total phosphorus load removed by the proposed BMP (lbs/year)
- L_{post} = Average annual load of total phosphorus exported from the post-development site (lbs/year)
- BMP_{RE} = BMP removal efficiency for total phosphorus, Table 4.8 (%)
- % DA Served = Fraction of the site area within the critical area IDA served by the BMP (%)
- RR = Pollutant removal requirement (lbs/year)

If the Load Removed is equal to or greater than the Pollutant Removal Requirement computed in Step 4, then the on-site BMP complies with the 10% Rule.

Has the RR (pollutant removal requirement) been met? Yes No

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL
DONNA HILL STATON
DEPUTY ATTORNEY GENERAL
MAUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF NATURAL RESOURCES

JOSEPH P. GILL
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNSEL
MARIANNE D. MASON
ASSISTANT ATTORNEY GENERAL
DEPUTY COUNSEL
STUART G. BUPPERT, II
SHAUN P. K. FENLON
RACHEL L. EISENHAUER
ROGER H. MEDOFF
SHARA MERVIS ALPERT
SAUNDRA K. CANEDO
PAUL J. CUCUZZELLA
ASSISTANT
ATTORNEYS GENERAL
WRITER'S DIRECT DIAL NO.:
(410) 260-8351
mmason@dnr.state.md.us

FAX NO.:
(410) 260-8364

March 15, 2006

Mr. Paul D. Wilber
Attorney at Law
115 Broad Street
Salisbury, Maryland 21801

RECEIVED
MAR 20 2006
CRITICAL AREA COMMISSION

Re: St. Stephen's Corner Agreement-Revised

Dear Mr. Wilber:

This letter is in response to the above referenced revised agreement you have proposed between St. Stephen's Corner, L.L.C and St. Stephen's Corner II, L.L.C, the Town of Princess Anne, and the State of Maryland. As counsel to the Critical Area Commission, I provide you with comments based on my review of the revised proposed agreement.

While some of the issues and concerns raised in our previous letter have been resolved via the revisions made to the draft proposal, there are multiple outstanding issues remaining which prohibit the Commission from formally considering the proposal at this time. Please address the following:

1. Page 1, Paragraph 3: Amend the following as indicated: Whereas, Princess Anne granted building permits to St. Stephen's Lots 23, 24, and 25 in excess prior to approval of the impervious surface area limits calculation permitted by State Law and stated on the recorded subdivision plat; by the Critical Area Commission of the State;
2. Page 1, Paragraph 4: The previous draft proposed the ability of the Town to issue two additional building permits for Lots 9 and 26. While the revised proposal still includes a provision for obtaining two additional building permits, it appears that the lot numbers have been changed to Lots 21 and 22. Please confirm that this understanding is accurate and that Lots 9 and 26 are no longer included within the draft proposal.



Mr. Paul D. Wilber
March 17, 2006
Page 2

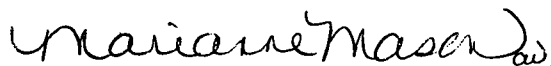
3. Page 2, Section 1(B): Page 2, Section 1(A-B): As previously stated, the methods proposed to bring Lot 24 into compliance with the permitted impervious surface area limits do not appear adequate to assure that full compliance on that Lot is achievable. Specifically, the conversion of existing impervious areas to pervious pavers is not an acceptable means to bring the lot into compliance. Restoration of existing impervious areas to vegetative cover or a growth allocation process appears to be the only way certain to ensure compliance on Lot 24; accordingly, the Commission cannot agree to continued construction activities or to the issuance of an occupancy permit for Lot 24.

4. Page 2, Section 2(A): This section proposes to allow the Town to issue occupancy permits for Lots 21 and 22 after approval of a site plan has been obtained from the Circuit Rider and a building permit issued, but prior to the award of growth allocation for the St. Stephen's subdivision. As previously stated, the Commission agreed to consider only the possibility of allowing construction activities to commence and building permits to be issued for these lots. The Commission cannot agree to the issuance of occupancy permits for Lots 21 and 22 prior to the award of growth allocation.

5. Page 2, Section 2(B): Amend the following as indicated: St. Stephen's agrees not to request additional building permits for any site plan exceeding 1,493.49 square feet of impervious surface area until St. Stephen's Corner Subdivision is changed from the LDA category to the IDA category after the granting of additional growth allocation by Princess Anne, Somerset County, and State.

Thank you in advance for your cooperation in revising the proposed agreement to reflect the concerns stated above. Should you have any questions about this letter, or about the procedural requirements for bringing the St. Stephens subdivision into compliance, please contact me at 410-260-8351.

Sincerely,



Marianne Mason
Assistant Attorney General

cc: Tracey Gordy, MDP
Robert Wink, Town of Princess Anne
Town of Princess Anne Commissioners
Ren Serey, CAC
Kevin Anderson, CAC
Kerrie Gallo, CAC

TRANSMISSION VERIFICATION REPORT

TIME : 03/17/2006 11:49
NAME : OAG NATURAL RESOURCE
FAX : 4102608364
TEL : 4102608365
SER.# : 000K5J271896

DATE, TIME 03/17 11:48
FAX NO./NAME 914107420438
DURATION 00:00:29
PAGE(S) 03
RESULT OK
MODE STANDARD
ECM

OFFICE OF THE ATTORNEY GENERAL
For the
Department of Natural Resources
Tawes State Office Building, C4
580 Taylor Avenue
Annapolis, MD 21401
(410)260-8365

FACSIMILE COVER SHEET

DATE: March 17, 2006

TO: Paul Welber Esq

PHONE NO: _____ FAX NO: 410 742 0438

FROM: Marianne Mason

PHONE NO: 410 260 8351 FAX NO: (410) 260-8364

SPECIAL INSTRUCTIONS: _____

pen berey

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL
DONNA HILL STATON
DEPUTY ATTORNEY GENERAL
MAUREEN M. DOVE
DEPUTY ATTORNEY GENERAL



JOSEPH P. GILL
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNSEL
MARIANNE D. MASON
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ROGER H. MEDOFF
SHARA MERVIS ALPERT
SAUNDRA K. CANEDO
PAUL J. CUCUZZELLA
ASSISTANT
ATTORNEYS GENERAL
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(410) 260-8351
mmason@dnr.state.mdus

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF NATURAL RESOURCES

FAX NO.:
(410) 260-8364

March 15, 2006

Mr. Paul D. Wilber
Attorney at Law
115 Broad Street
Salisbury, Maryland 21801

RECEIVED

MAR 20 2006

CRITICAL AREA COMMISSION

Re: St. Stephen's Corner Agreement-Revised

Dear Mr. Wilber:

This letter is in response to the above referenced revised agreement you have proposed between St. Stephen's Corner, L.L.C and St. Stephen's Corner II, L.L.C, the Town of Princess Anne, and the State of Maryland. As counsel to the Critical Area Commission, I provide you with comments based on my review of the revised proposed agreement.

While some of the issues and concerns raised in our previous letter have been resolved via the revisions made to the draft proposal, there are multiple outstanding issues remaining which prohibit the Commission from formally considering the proposal at this time. Please address the following:

1. Page 1, Paragraph 3: Amend the following as indicated: Whereas, Princess Anne granted building permits to St. Stephen's Lots 23, 24, and 25 in excess ~~prior to approval~~ of the impervious surface area limits calculation permitted by State Law and stated on the recorded subdivision plat; ~~by the Critical Area Commission of the State;~~
2. Page 1, Paragraph 4: The previous draft proposed the ability of the Town to issue two additional building permits for Lots 9 and 26. While the revised proposal still includes a provision for obtaining two additional building permits, it appears that the lot numbers have been changed to Lots 21 and 22. Please confirm that this understanding is accurate and that Lots 9 and 26 are no longer included within the draft proposal.



Mr. Paul D. Wilber
March 17, 2006
Page 2

3. Page 2, Section 1(B): Page 2, Section 1(A-B): As previously stated, the methods proposed to bring Lot 24 into compliance with the permitted impervious surface area limits do not appear adequate to assure that full compliance on that Lot is achievable. Specifically, the conversion of existing impervious areas to pervious pavers is not an acceptable means to bring the lot into compliance. Restoration of existing impervious areas to vegetative cover or a growth allocation process appears to be the only way certain to ensure compliance on Lot 24; accordingly, the Commission cannot agree to continued construction activities or to the issuance of an occupancy permit for Lot 24.

4. Page 2, Section 2(A): This section proposes to allow the Town to issue occupancy permits for Lots 21 and 22 after approval of a site plan has been obtained from the Circuit Rider and a building permit issued, but prior to the award of growth allocation for the St. Stephen's subdivision. As previously stated, the Commission agreed to consider only the possibility of allowing construction activities to commence and building permits to be issued for these lots. The Commission cannot agree to the issuance of occupancy permits for Lots 21 and 22 prior to the award of growth allocation.

5. Page 2, Section 2(B): Amend the following as indicated: St. Stephen's agrees not to request additional building permits for any site plan exceeding 1,493.49 square feet of impervious surface area until St. Stephen's Corner Subdivision is changed from the LDA category to the IDA category after the granting of additional growth allocation by Princess Anne, Somerset County, and State.

Thank you in advance for your cooperation in revising the proposed agreement to reflect the concerns stated above. Should you have any questions about this letter, or about the procedural requirements for bringing the St. Stephens subdivision into compliance, please contact me at 410-260-8351.

Sincerely,



Marianne Mason
Assistant Attorney General

cc: Tracey Gordy, MDP
Robert Wink, Town of Princess Anne
Town of Princess Anne Commissioners
Ren Serey, CAC
Kevin Anderson, CAC
Kerrie Gallo, CAC

**WEBB, BURNETT, CORNBROOKS, WILBER,
VORHIS, DOUSE & MASON, LLP**

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TELEFAX TRANSMITTAL FORM

RECEIVED

DATE: January 17, 2006

TOTAL PAGES: 2

JAN 30 2006

FROM: Paul D. Wilber, Esquire

CRITICAL AREA COMMISSION

NAME/NUMBER: Tracey Gordy (410) 713 - 3470
Maryland Department of Planning

Marianne D. Mason (410) 260 - 8364
Office of the Attorney General

RE: St. Stephen's Corner

COMMENTS: Please see attached. PDW.

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JOHN W. T. WEBB
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ABIGAIL H. MARSH

January 17, 2006

wibr@comcast.net

Via Facsimile

Ms. Tracey Gordy
Maryland Department of Planning
201 Baptist Street, #24
Salisbury, Maryland 21801

Ms. Marianne D. Mason
Office of the Attorney General
Tawes State Office Building, C4
580 Taylor Avenue
Annapolis, Maryland 21401

Re: St. Stephen's Corner
Our File No. 7043T

Dear Ms. Gordy and Ms. Mason:

Since the meeting on October 12, 2005 meeting, the growth allocation process has moved slowly. St. Stephen's needs to proceed with the project while the Critical Area growth allocation process moves forward. To that end, I have revised the agreement to reflect:

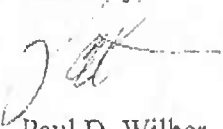
1. The specific changes to Lot 24 to bring it in compliance with the twenty-five percent (25%) rule. Tracey Gordy will approve the Lot 24 compliance before an occupancy permit is issued.
2. Lots 22 and 21 are requested to be approved for construction and occupancy. St. Stephen's is composed of approximately 430,000 square feet, which means the fifteen percent (15%) rule would allow approximately 64,500 square feet of impervious surface. If the two (2) additional lots can meet the twenty-five percent (25%) rule by developing 3,000 square feet of impervious surface, then it would appear to be substantial cushion to make any correction if a growth allocation were not granted.
3. I have shortened the time for requesting additional permits from ninety (90) days to forty-five (45) days because of the time which has already elapsed.
4. If the growth allocation is not granted, then St. Stephen's will take all

12,000 sq ft

necessary steps to achieve compliance, but does not want to foreclose any options for achieving compliance, for example, working with other property owners on stormwater management.

Please advise.

Sincerely,



Paul D. Wilber

PDW/mam

Enclosure

cc: Mr. Bijan Shapoorian

Revised Draft

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2005, by and between ST. STEPHEN'S CORNER, L.L.C. and ST. STEPHEN'S CORNER II, L.L.C., limited liability companies of the State of Maryland (hereinafter referred to as "St. Stephen's"), the TOWN OF PRINCESS ANNE, a municipal corporation of the State of Maryland (hereinafter referred to as "Princess Anne"), and the STATE OF MARYLAND (hereinafter referred to as "State"), as follows:

WHEREAS, St. Stephen's is the owner of a twenty-eight (28) lot subdivision known as "St. Stephen's Corner," more fully shown and designated on a plat entitled "St. Stephen's Corner Corrected Subdivision Plat," recorded among the Plat Records of Somerset County, Maryland, in Book I.T.P. No. 27, Page 9. This subdivision is located on the North side of Maryland State Route 363, and the West side of Crisfield Lane, in Princess Anne, Maryland; and

WHEREAS, Princess Anne granted building permits to St. Stephen's for Lots 23, 24 and 25, prior to approval of the impervious surface calculation by the Critical Areas Commission of the State; and

in excess of that which is provided on the recorded plat - consistent w/ State law

proper language

WHEREAS, St. Stephen's, Princess Anne and State have reached an agreement as to the continuation of construction on Lots 23, 24 and 25 in St. Stephen's Corner, the issuance of building permits for Lots 22 and 21 in St. Stephen's Corner, the procedure for bringing Lot 24 into compliance with the twenty-five percent (25%) impervious surface requirement of State Law; and the procedure for modifying the subdivision if additional growth allocation is not approved for St. Stephen's Corner.

D was previously lots 9 & 24

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS, St. Stephen's, Princess Anne, and State agree:

1. Lots 23, 24, 25 - St. Stephen's Corner

A. St. Stephen's will continue to construct improvements on Lots 23, 24 and 25 of St. Stephen's Corner Subdivision.

this work

B. St. Stephen's agrees to reduce the impervious surface on Lot 24 to twenty-five percent (25%) of the total square footage by a combination of removing the deck and installing pavers in the driveway and sidewalk to reduce the impervious surface. The Critical Area Circuit Rider will approve Critical Area compliance before issuance of an occupancy permit for Lot 24. Upon completion of construction on Lots 23, 24 and 25, Princess Anne will issue an occupancy permit, provided each lot is in compliance with all other Princess Anne code requirements, including Critical Area requirements.

2. Issuance of Building Permit for Lot 22 and Lot 21 - St. Stephen's Corner

A. Princess Anne shall issue a building permit for Lot 22 and Lot 21, St. Stephen's Corner after St. Stephen's submits a site plan and receives written approval of the site plan from the Critical Area Circuit Rider for Princess Anne. Upon completion of construction on Lots 22 and 21, Princess Anne will issue an occupancy permit, provided each lot is in compliance with all other Princess Anne code requirements, including Critical Area requirements (both the fifteen percent and twenty-five percent rules).

B. St. Stephen's agrees not to request additional building permits for any site plan exceeding 1,493.49 square feet of impervious surface for a period up to forty-five (45) days from the date hereof or until St. Stephen's Corner Subdivision is changed from the LDA category to

delete

any new building permits period

the IDA category after the granting of additional growth allocation by Princess Anne, Somerset County, and State, whichever is earlier.

3. Growth Allocation and IDA Classification Not Granted to St. Stephen's Corner

A. In the event that St. Stephen's does not receive additional growth allocation from Princess Anne, Somerset County and State and IDA classification is not approved, St. Stephen's agrees to take the following action:

(1) take the steps set forth in Paragraph (1)(B) to make Lot 24 - St. Stephen's Corner comply with the twenty-five percent (25%) impervious surface requirement;

(2) cooperate with Princess Anne and State to take the necessary steps to have the subdivision comply with the Critical Area twenty-five percent (25%) impervious surface limit for each lot, as well as the fifteen percent (15%) impervious surface requirement for the entire subdivision.

(3) re-record an amended plat, if necessary, to reflect any changes required to comply with the Critical Area standards described in Paragraph (2) above.

AS WITNESS the hands and seals of the parties the day and year first above written.

ATTEST:

ST. STEPHEN'S CORNER, L.L.C.

By _____ (SEAL)
Bijan Shapoorian, Sole Member

ST. STEPHEN'S CORNER II, L.L.C.

By _____ (SEAL)
Bijan Shapoorian, Sole Member

TOWN OF PRINCESS ANNE

By _____ (SEAL)

STATE OF MARYLAND

By _____ (SEAL)

J. JOSEPH CURRAN, JR.
ATTORNEY GENERAL
DONNA HILL STATON
DEPUTY ATTORNEY GENERAL
MAUREEN M. DOYE
DEPUTY ATTORNEY GENERAL



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF NATURAL RESOURCES

JOSEPH P. GILL
ASSISTANT ATTORNEY GENERAL
PRINCIPAL COUNSEL
MARIANNE D. MASON
ASSISTANT ATTORNEY GENERAL
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STUART G. HUPPERT, II
SHAUN P. K. FENLON
RACHEL L. EISENHAUER
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mmason@dnr.state.md.us

December 13, 2005

Mr. Paul D. Wilber
Attorney at Law
115 Broad Street
Salisbury, Maryland 21801

Re: St. Stephen's Corner Agreement

Dear Mr. Wilber:

This letter is in response to the above-referenced agreement you have proposed between St. Stephen's Corner, L.L.C. and St. Stephen's Corner II, L.L.C., the Town of Princess Anne, and the State of Maryland. As counsel to the Critical Area Commission, I provide you with comments based on my review of the proposed agreement.

While the proposed agreement is generally representative of the nature of the discussions that took place at our October 12, 2005 meeting in the Town of Princess Anne, the following matters require revision or clarification before the Commission may consider the proposal.

1. Page 2, Section 1(A-B): The methods proposed to bring Lot 24 into compliance with the permitted impervious surface area limits do not appear adequate to assure that full compliance on that Lot is achievable. Growth allocation appears to be the only way certain to ensure compliance on Lot 24; accordingly, the Commission cannot agree to continued construction activities or to the issuance of an occupancy permit for Lot 24. Construction may continue to completion on Lots 23 and 25, but only if the agreement is amended to state clearly the meaning of the following provision: "... provided each lot is in compliance with all other Princess Anne code requirements." This provision should specifically require compliance with Critical Area requirements.
2. Page 2, Section 2(A): Amend the following as indicated: "Princess Anne shall issue a building permit for lots 9 and 26, St. Stephen's Corner, after St. Stephen's submits a site plan for Lots 9 and 26, and has obtained the written approval of the site plans by the Critical Area Circuit Rider for Princess Anne."

Paul Wilber
December 14, 2005
Page 2

3. Page 2, Section 2(A): This section proposes to allow the Town to issue occupancy permits for Lots 9 and 26 after approval of a site plan has been obtained from the Circuit Rider and a building permit issued, but prior to the award of growth allocation for the St. Stephen's subdivision. While previous discussion of Lots 9 and 26 included the possibility of allowing construction activities to commence and building permits to be issued for these lots, the Town's issuance of occupancy permits for Lots 9 and 26 was not discussed. Should the applicants not be able to obtain the necessary growth allocation from the Town of Princess Anne, or should the Town's growth allocation application not be approved by the Critical Area Commission, the subdivision may need to be reconfigured, and/or lots may need to be eliminated. Therefore, the Commission cannot agree to the issuance of occupancy permits for Lots 9 and 26 prior to the award of growth allocation.
4. Page 3, Section 3 (A)(1): More specific language is needed to say exactly what is meant by the following: "take the necessary steps to make Lot 24-St. Stephen's Corner comply. . ."
5. Page 3, Section 3(A)(2): Please add the requirement that in addition to the 25% impervious surface area limit for each lot within the subdivision, the subdivision as a whole may not exceed 15%. Should the applicants be unable to obtain growth allocation from the Town, the subdivision must also comply with the above-stated requirement.

Thank you in advance for your cooperation in revising the proposed agreement to reflect the concerns stated above. Should you have any questions about this matter, or about the procedural requirements for bringing the St. Stephen's subdivision into compliance, please contact me at 410-260-8351.

Sincerely,



Marianne D. Mason
Deputy Counsel

cc: Tracey Gordy, MDP
Robert Wink, Town of Princess Anne
Town of Princess Anne Commissioners
Ren Serey, CAC
Kevin Anderson, CAC

Original Draft

AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2005, by and between ST. STEPHEN'S CORNER, L.L.C. and ST. STEPHEN'S CORNER II, L.L.C., limited liability companies of the State of Maryland (hereinafter referred to as "St. Stephen's"), the TOWN OF PRINCESS ANNE, a municipal corporation of the State of Maryland (hereinafter referred to as "Princess Anne"), and the STATE OF MARYLAND (hereinafter referred to as "State"), as follows:

WHEREAS, St. Stephen's is the owner of a twenty-eight (28) lot subdivision known as "St. Stephen's Corner," more fully shown and designated on a plat entitled "St. Stephen's Corner Corrected Subdivision Plat," recorded among the Plat Records of Somerset County, Maryland, in Book I.T.P. No. 27, Page 9. This subdivision is located on the North side of Maryland State Route 363, and the West side of Crisfield Lane, in Princess Anne, Maryland; and

WHEREAS, Princess Anne granted building permits to St. Stephen's for Lots 23, 24 and 25, prior to approval of the impervious surface calculation by the Critical Areas Commission of the State; and

WHEREAS, St. Stephen's, Princess Anne and State have reached an agreement as to the continuation of construction on Lots 23, 24 and 25 in St. Stephen's Corner, the issuance of building permits for Lots 9 and 26 in St. Stephen's Corner, the procedure for bringing Lot 24 into compliance with the twenty-five percent (25%) impervious surface requirement of State Law; and the procedure for reconfiguring the subdivision if additional growth allocation is not approved for St. Stephen's Corner.

D.
Attorney
for
Law
← Paul Wilber
115 Broad St.
Salisbury 21801

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL COVENANTS AND

AGREEMENTS, St. Stephen's, Princess Anne, and State agree:

^{X - only lot not compliant w/}
1. Lots 23, 24, 25 - St. Stephen's Corner

A. St. Stephen's will continue to construct improvements on Lots 23, 24 and 25 *
of St. Stephen's Corner Subdivision.

B. St. Stephen's agrees to reduce the impervious surface on Lot 24 to twenty-five percent (25%) of the total square footage by a combination of removing the deck and steps and/or narrowing the driveway and/or installing pavers in the driveway and sidewalk. ^{- don't like this} Upon completion of construction on Lots 23, 24 and 25, Princess Anne will issue an occupancy permit, provided each lot is in compliance with all other Princess Anne code requirements. ^{- does this include CA? - vague}

2. Issuance of Building Permit for Lot 9 and Lot 26 - St. Stephen's Corner

^{not sure about this}
A. Princess Anne shall issue a building permit for Lot 9 and Lot 26, St. Stephen's Corner after St. Stephen's submits a site plan for approval of the Critical Area Circuit Rider for Princess Anne. ^{- after CA approval of site plan} Upon completion of construction on Lots 9 and 26, Princess Anne will issue an occupancy permit, provided each lot is in compliance with all other Princess Anne code requirements.

B. St. Stephen's agrees not to request additional building permits for any site plan exceeding 1,493.49 square feet of impervious surface for a period up to ninety (90) days from the date hereof or until St. Stephen's Corner Subdivision is changed from the LDA category to the IDA category after the granting of additional growth allocation by Princess Anne, Somerset County, and State.

3. Growth Allocation and IDA Classification Not Granted to St. Stephen's Corner

A. In the event that St. Stephen's Corner does not receive additional growth allocation from Princess Anne, Somerset County and State and IDA classification is not approved, St. Stephen's agrees to take the following action:

(1) take ^{what does this mean?} the necessary steps to make Lot 24 - St. Stephen's Corner comply with the twenty-five percent (25%) impervious surface requirement;

(2) cooperate with Princess Anne and State to meet Critical Areas criteria by reconfiguring sewer and water retention areas and/or reconfiguring lots and/or reducing the number of subdivision lots in order to comply with the 1,493.49 square feet of impervious surface required for all lots by the subdivision plat recorded in the Somerset County Land Records Plat I.T.P. Book No. 27, Page 9.

(3) re-record an amended plat, if necessary, to reflect the sewer and water retention areas and/or lot reconfiguration and/or lot reduction in the Somerset County Land Records.

AS WITNESS the hands and seals of the parties the day and year first above written.

ATTEST:

ST. STEPHEN'S CORNER, L.L.C.

By _____ (SEAL)
Bijan Shapoorian, Sole Member

ST. STEPHEN'S CORNER II, L.L.C.

By _____ (SEAL)
Bijan Shapoorian, Sole Member

TOWN OF PRINCESS ANNE

By _____ (SEAL)

STATE OF MARYLAND

By _____ (SEAL)

Wasn't the issue also about staying within the 15% limit for the subdivision due to the sidewalk requirement? Did they resolve this?

- we did say we would consider 2 additional lots (9+20) → nothing about occupancy permits
- we " " occupancy permits for 23-25, but not 24
↳ pending site plan approval