

MSA-S-1829-5132

HC  
10/11/05  
DC 12/27/06  
CC 3/21/06  
MJ 4/20/07  
MJ 5/10/07  
MJ 6/7/07  
MJ 7/18/07  
MJ 10/17/07  
MJ 11/27/07

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Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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November 28, 2007

Ms. Holly Tompkins  
Queen Anne's County  
Department of Land Use, Growth Management and Environment  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C; 107 Windward Court, Stevensville; Daniel Callahan**

Dear Ms. Tompkins:

The 100-foot Critical Area Buffer line is shown correctly on the plat plan labeled "11/7 Rev C.A. Buffer" because it is 100 feet landward from the edge of the tidal wetland adjacent to the revetment. As stated in the previous letter from this office dated October 17, 2007, the MDE Wetlands and Waterways Program Tidal Wetlands Division Chief specifically determined that all wetlands between the mean high water line and the riprap revetment are tidal wetland. Please have the applicant correct the plan prior to final plat approval to reflect the correct designation of the wetland between mean high water and the revetment as a tidal wetland.

Please provide this office with a copy of the final approved subdivision plat.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

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

Marshall Johnson  
Natural Resources Planner

cc: QC 652-05

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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October 17, 2007

Ms. Holly Tompkins  
Queen Anne's County  
Department Land Use, Growth Management and Environment  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C; 107 Windward Court, Stevensville; Daniel Callahan**

Dear Ms. Tompkins:

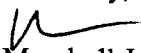
The jurisdictional determination verification map of the US Army Corps of Engineers for this site shows an accurate location of mean high water, as noted on that map with the letters "MHW." However, Rick Ayella, Chief of the MDE Wetlands and Waterways Program Tidal Wetlands Division, has specifically determined that all wetlands between the mean high water line and the riprap revetment are private tidal wetland. Therefore, the 100-foot Critical Area Buffer line must be shown 100 feet landward from the edge of the wetland adjacent to the revetment. Please have the applicant revise the plans to reflect the correct location of the Buffer, and revise the Buffer management plan for the proposed lot 83-C according to the correct location of the Buffer. A subdivision plat cannot be approved unless it shows sufficient area to construct a dwelling without the need for Critical Area variances.

As stated in the letter from this office dated July 18, 2007, the State regulates and holds jurisdiction of wetlands on this site. The MDE License # 07-GL-0704, which approved the revetment, did not approve disturbance within the Critical Area Buffer. Disturbance within the Critical Area Buffer on this site is prohibited and would constitute a violation of Queen Anne's County Code §14:1-53 (Specific provisions for Buffer exempted areas) and Code of Maryland Regulations 27.01.09.01.C (Buffer Criteria).

Please notify this office of the decision by the County on this matter and provide a copy of the final approved subdivision plat.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

  
Marshall Johnson  
Natural Resources Planner  
cc: QC 652-05

Martin O'Malley  
Governor

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July 18, 2007

Ms. Holly Tompkins  
Queen Anne's County Department of Planning and Zoning  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C; 107 Windward Court, Stevensville; Daniel Callahan**

Dear Ms. Tompkins:

Thank you for submitting revised materials pertaining to the above referenced subdivision proposal. The applicant has submitted information from the Army Corps of Engineers regarding the location of tidal and non-tidal wetlands on this site. However, the State regulates and holds jurisdiction of wetlands in this case. The Critical Area Buffer location should not be based on the assessment of wetland type by the Army Corps. The Maryland Department of the Environment (MDE) approved the location of revetment on this site at a maximum of two feet channelward of the location of mean high water. The Critical Area Buffer should be shown on the subdivision plat in the same location as it is shown on the plans for MDE License # 07-GL-0704, which approved the revetment. No approval was granted for revetment to be placed landward of mean high water, as this would constitute prohibited disturbance to the 100-foot Critical Area Buffer. If there has been unapproved development disturbance such as clearing, vegetation removal, filling, or placement of rip rap revetment in the Critical Area Buffer, the applicant is in violation of County Code §14:1-53. (Specific provisions for Buffer exempted areas) and Code of Maryland Regulations 27.01.09.01.C (Buffer Criteria).

The applicant's revised Buffer management plan is not adequate because the 100-foot Buffer line is not shown accurately for the undeveloped lot. Because the number of plants required is based on the Buffer area of that proposed lot, the planting plan is not adequate. The 100-foot Critical Area Buffer line shown on the submitted plan must be drawn 100 feet landward from mean high water. Please have the applicant revise the plans to reflect the correct location of the Buffer line, and revise the Buffer management plan for the proposed lot 83-C according to the correct location of the Buffer, as requested in the letter from this office dated June 7, 2007.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

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

Marshall Johnson  
Natural Resources Planner

cc: QC 652-05

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June 18, 2007

Ms. Holly Tompkins  
Queen Anne's County Department of Planning and Zoning  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C; 107 Windward Court, Stevensville; Daniel Callahan**

Dear Ms. Tompkins:

Thank you for providing resubmitted plans and information on the above referenced project. The applicant's letter dated May 31, 2007 states that the proposed new undeveloped lot (lot 83-C) will lose Buffer Exempted status, which is correct. However; the letter also comments incorrectly that the proposed new lot with the existing house (proposed lot 83-B) will remain Buffer Exempt. The Queen Anne's County Critical Area Program does not contain provisions for Buffer Exemption when creating new lots through a subdivision. This was explained in my previous letter regarding this proposal, dated May 10, 2007. Please see my comments below for the resubmitted material.

1. As stated in the previous letter from the Critical Area Commission staff, Queen Anne's County Title 14:53 explains that the Buffer Exempt provisions only apply to lots of record as of December 1, 1985. Thus, the current County Critical Area Program does not include provisions for retaining Buffer Exempted status when creating new lots in Buffer Exempted Areas. The applicant is proposing to create two new lots. By this action, both lots will lose Buffer exempt status, and any new development on either of the proposed lots will be required to meet all applicable requirements of the Critical Area LDA, including the 100-foot Buffer. Please have the applicant remove the note stating that lot 83-B has Buffer exempt status and show the 100-foot Critical Area Buffer line on the lot with the existing house.
2. The 100-foot Buffer line is not shown accurately for the undeveloped lot on the resubmitted site plans. The tidal wetlands on this site extend to the location of the stone revetment/rip rap on that lot. The 100-foot Critical Area Buffer line shown on the submitted plan must be drawn 100 feet landward from the edge of this tidal wetland area. Please have the applicant revise the plans to reflect the correct location of the Buffer line.

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3. The submitted Buffer Management Plan is not adequate to meet the definition of the Buffer as stated in the Maryland Natural Resources Article § 8-1802 and the definition and purpose of the Buffer stated in COMAR 27.01.09, both of which define the Buffer as an area established in natural vegetation. Please have the applicant revise the Buffer Management Plan to include the following:
- Show the correct location of the 100-foot Buffer (see comment 2 above)
  - Calculate the number of plants required based on this revised Buffer area, and using 1 tree and 3 shrubs per 400 square feet as the ratio to establish the Buffer in natural vegetation
  - State the plant numbers by species, spacing and stock size/type
  - Only native plants should be used
  - The Buffer area plantings should be in clusters of 1 tree and 3 shrubs per 400 square foot area, using an irregular pattern to provide structural variety amenable to wildlife habitat

Prior to final plat approval, the County should require that the applicant subdividing the property provide assurance for installing the Buffer plantings. Please note that the 15% afforestation requirement can also be met by these Buffer plantings.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson  
Natural Resources Planner

cc: QC 652-05



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May 10, 2007

Ms. Holly Tompkins  
Queen Anne's County Department of Planning and Zoning  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C; 107 Windward Court, Stevensville; Daniel Callahan**

Dear Ms. Tompkins:

Thank you for providing information on the above referenced project. The applicant proposes to subdivide an existing lot located in the Limited Developed Area (LDA) into two lots. Please see my comments below.

1. Although this site previously consisted of two separate lots, the County records show that the lots were combined through a Deed and revised plat of Cove Creek Club in 1983. The two lots, 82-A and 83-A became 83-B.
2. Queen Anne's County Title 14:53.C (Specific Provisions for Buffer Exempted Areas. Applicability) states: "This section applies only to new development or redevelopment within 100 feet of tidal waters, tidal wetlands and tributary streams on lots of record as of December 1, 1985, and located in mapped Buffer Exemption Areas as shown on the critical area maps." The current County Critical Area Program does not include provisions for subdividing lots or parcels in Buffer Exempted Areas. The proposed subdivision will create two new lots as of the date the plat is recorded and will no longer comply with the date for grandfathered lots of record. As a result, under the current County Critical Area Program, the Buffer Exempted Areas section will no longer apply to either of the lots. The lot with existing structures is non-conforming because there are structures within the 100-foot Buffer. This subdivision is allowable because it will not result in an increase in nonconformance. However, both lots will lose Buffer exempt status, and any new development on either of the proposed lots will be required to meet all applicable requirements of the Critical Area LDA, including the 100-foot Buffer.
3. On the easternmost lot the 100-foot Buffer line must be established landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. As stated in the submitted Chesapeake Bay Critical Area Environmental Site Assessment, Shoreline & Wetlands section, there is a tidal wetland on the subject property. This wetland must be professionally delineated and mapped on the subdivision proposal plans. The "100' Critical Area Buffer" line shown on the submitted plan must be drawn 100 feet landward

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of the mean high water line, or where one exists, from the edge of the tidal wetland. This is necessary to confirm, among other things, whether the proposed land division will result in developable lots.

4. Application materials submitted indicate that there are hydric soils on the site. County Land Use and Development Code Section 18-1-64 (Site Development Standards, Wetlands), requires that a wetlands jurisdictional determination shall be made when there are hydric soils present. If there are hydric soils present on the subject site, please coordinate with the Army Corps of Engineers to provide the jurisdictional determination. This information is also necessary to confirm whether the proposed land division will result in developable lots.
5. County Code §14:1-38.D (6) (Development standards in limited development areas) must be met for the subdivision. This section requires creation or protection of forest or developed woodlands on the site. The applicant must submit plans showing that there will be compliance with this section of the County Program.
6. As stated in County Code Section 14:1-52 (Expanding the Buffer, Sensitive areas), the Buffer shall be expanded to include sensitive areas on the site of proposed development activities or other land disturbing activities whose development or disturbance will or may adversely affect streams, wetlands or other aquatic environments. Sensitive areas into which the Buffer may be expanded include hydric soils and soils with hydric properties as designated by the Soil Conservation District. Once the extent of hydric soils on the site is determined, the County will determine whether the 100-foot Buffer must be expanded.
7. The applicant should state on the plat that 15% impervious surface limit requirements must be met for each of the lots. The application indicates that the proposed lot with existing house to remain has 7,024 square feet of impervious surface. Although the large gravel drive on the lot is probably partially or completely impervious, the County does not count it as an impervious surface. Paving of the gravel drive is not allowed because it will result in impervious surface on that lot in excess of the County Critical Area Program limit.
8. The note stating that the site has Buffer exempt status should be removed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3479.

Sincerely,



Marshall Johnson  
Natural Resources Planner  
cc: QC 652-05





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April 20, 2007

Ms. Holly Tompkins  
Queen Anne's County  
Department of Planning and Zoning  
160 Coursevall Drive  
Centerville, MD 21617

**Re: 04-05-09-0015-C, 107 Windward Court, Stevensville  
Daniel Callahan**

Dear Ms. Tompkins:

Thank you for providing information on the above referenced project. The applicant proposes to subdivide an existing lot located in the Limited Developed Area (LDA) into two lots. Please see my comments below.

1. Development activity, including placement of riprap, has occurred on this site in violation of § 14:1-53 (Specific provisions for Buffer Exempted Areas). In addition, the riprap appears to have exceeded the extent of activity described in the MDE General Tidal Wetlands License document. This disturbance and potentially other activity on the site appear to be in violation of Queen Anne's County Chapter 14.1 Chesapeake Bay Critical Area Act. The applicant should work with Queen Anne's County to resolve this issue prior to approval of the subdivision.
2. Although this site previously consisted of two separate lots, the existing dwelling was constructed over the lot line with portions of the structure on both of the lots. The "doctrine of merger" concept was established by *Friends of the Ridge v. BG&E* [352 Md. 645 (1999)], wherein it was determined that contiguous lots used in the service of a single structure are considered a single lot for land use purposes. Subsequent subdivision of the lot must be consistent with current zoning requirements. The County should ensure that this proposal meets all requirements of current zoning and should ensure that it does not conflict with the doctrine of merger.
3. Queen Anne's County Title 14:53.C (Specific Provisions for Buffer Exempted Areas. Applicability) states: "This section applies only to new development or redevelopment

within 100 feet of tidal waters, tidal wetlands and tributary streams on lots of record as of December 1, 1985, and located in mapped Buffer Exemption Areas as shown on the critical area maps.” The proposed subdivision will create an additional lot as of the date the plat is recorded and will no longer comply with the date for grandfathered lots of record. Under the current County Critical Area Program, the Buffer Exemption section will no longer apply to this lot. As a result, any proposed development on that lot will be required to meet all applicable requirements of the Critical Area LDA, including the 100’ Buffer.

4. On the easternmost lot the 100-foot Buffer line must be established landward from the mean high water line of tidal waters, tributary streams and tidal wetlands. As stated in the submitted Chesapeake Bay Critical Area Environmental Site Assessment, Shoreline & Wetlands section, there is a tidal wetland on the subject property. This wetland must be professionally delineated and mapped on the subdivision proposal plans. The “100’ Critical Area Buffer” line shown on the submitted plan must be drawn 100 feet landward of the mean high water line, or where one exists, from the edge of the tidal wetland. This is necessary to confirm, among other things, whether the proposed land division will result in developable lots.
5. Application materials submitted indicate that there are hydric soils on the site. County Land Use and Development Code Section 18-1-64 (Site Development Standards, Wetlands), requires that a wetlands jurisdictional determination shall be made when there are hydric soils present. If there are hydric soils present on the subject site, please coordinate with the Army Corps of Engineers to provide the jurisdictional determination. This information is also necessary to confirm whether the proposed land division will result in developable lots.
6. As stated in County Code Section 14:1-52 (Expanding the Buffer, Sensitive areas), the Buffer shall be expanded to include sensitive areas on the site of proposed development activities or other land disturbing activities whose development or disturbance will or may adversely affect streams, wetlands or other aquatic environments. Sensitive areas into which the Buffer may be expanded include hydric soils and soils with hydric properties as designated by the Soil Conservation District. Once the extent of hydric soils on the site is determined, the County will determine whether the 100-foot Buffer must be expanded.
7. The note on the plan stating “New development or redevelopment in the Buffer Exempt Area is not permitted unless...” should be removed. This note is incorrect and should not be included on the plat or other plans.
8. The note on the plan showing figures for impervious surface limits appears to be based on approximate acreage, as the figures have  $\pm$  signs. The allowed impervious surface

figure is an exact amount based on the actual area of the lots. Unless exact lot areas can be calculated and used for the impervious surface limits, the note on the plan referring to allowed impervious area should be removed.

9. The application indicates that the proposed lot with existing house to remain has 7,024 square feet of impervious surface. The exact area of that lot should be calculated and used to determine whether the existing impervious surface meets the 15% impervious surface limits. The applicant must document how LDA impervious surface requirements are met for the proposed subdivision to be approved.
10. The note stating that the site has buffer exempt status should be removed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3479.

Sincerely,



Marshall Johnson  
Natural Resources Planner

cc: QC 652-05

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
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March 21, 2006

Ms. Holly Tompkins, Planner  
Department of Planning and Zoning  
Queen Anne's County  
160 Coursevall Drive  
Centreville, MD 21617

**VIA FACSIMILE**

RE: File #04-05-09-0015-C Minor Subdivision; Project: Callahan

Dear Ms. Tompkins:

Thank you for providing the documentation regarding the intent of the above applicant to create a Minor Subdivision on the lands of the above referenced applicant. The most recent submittal to the Critical Area Commission indicates the applicant would like to pursue a Minor Subdivision of this parcel rather than an Administrative Subdivision as previously indicated.

The "Purpose and Intent" statement on the plat provided indicates that "The purpose of this plat is to create two new lots from existing lot 83-B."

Approving the Minor Subdivision as two "new" lots would remove the "Buffer Exempt" status for the proposed lot 82-A. Since this would be an entirely new lot of record, Queen Anne's County Title 14:53.C would find that the new lot no longer has applicability under the code. This would require that the new parcel be subject to the 100-foot Buffer and that the County address all LDA requirements upon any further development.

Please keep this office advised of any plans to move forward with this minor subdivision. If you have any questions related to this case please feel free to call me directly at 410-260-3476.

Best regards,

A handwritten signature in black ink, appearing to be "Chris Clark", written over a circular stamp or mark.

Chris Clark  
Natural Resources Planner

cc: QC 652-05

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
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October 17, 2005

Ms. Holly Tompkins  
Queen Anne's Dept. of Planning & Zoning  
160 Coursevall Drive  
Centreville, Maryland 21617

RE: Administrative Subdivision, Daniel Callahan  
File #04-05-09-0015-C

Dear Ms. Tompkins:

Thank you for providing information on the above referenced administrative subdivision. The applicant proposes to relocate a lot line between two existing lots. The lots are designated LDA and are waterfront. There is an existing dwelling that crosses the existing lot line.

All LDA development standards must be met upon any development on either of the proposed lots. Please note that the waterfront boundary of the property should be consistent with the current mean high water line. The plat shows a bulkhead (which is also likely the mean high water line) up to 20 feet landward of the property line. Also, please note that the Buffer should be measured from the current shoreward extend of tidal waters or tidal wetlands rather than the property line. This should be corrected.

Also, please note that the County should ensure that the proposed lot line adjustment does not create any nonconformities in terms of meeting all requirements of Title 18. According to the plat, the existing dwelling crosses the existing lot line. As indicated in comments on similar administrative subdivisions, a Court of Appeals decision (*Friends of the Ridge v. BG & E* [352 Md. 645 (1999)]) introduces the concept of "doctrine of merger" whereby a property owner who utilizes contiguous lots in the service of a single structure essentially merges the two lots. Subsequent subdivision must be consistent with current zoning requirements. The County should ensure that this proposal meets all requirements of current zoning and should ensure it does not conflict with the doctrine of merger.

Thank you for the opportunity to review and comment on this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

  
LeeAnne Chandler  
Natural Resources Planner

cc: QC652-05

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

**Accurate Environmental Consulting, LLC  
And Predication Services**

9317 High Banks Dr., Easton, MD 21601  
Phone Numbers: (410) 819-3166 Eastern Shore  
410-956-4204 Annapolis / Western Shore  
Toll Free 1-888-815-6866  
Fax: (410) 763-7200

**Chesapeake Bay Critical Area  
Environmental Site Assessment**

**Land of Daniel Callahan  
Windward Court, Cove Creek Club Subdivision  
Queen Anne's County, MD**

**February 2007**

## INTRODUCTION

Environmental Scientists with Accurate Environmental Consulting visited the subject property on Windward Court to assess the potential impacts from a proposed two lot subdivision of the land of Daniel and Colleen Callahan. This review is required by the Queen Anne County Critical Area Program and was conducted in accordance with the guidelines set forth in the local Program.

## PROJECT LOCATION AND DESCRIPTION

The area of this review and assessment was limited to the existing 2.15 acre area of land, comprised of the existing residential structure on Lot 83-A, of 1.15 acres, and the residue on Lot 82-A, of 1.0 acres. These lots existed at the time of establishment of Cove Creek but are required to be confirmed. Lot 82-A is also limited to residential construction. No other lots may be created from the subject parcel. This site also is termed the subject property herein.

Land access is by Windward Cove off Penny Drive near the southern end of Romancoke Road on Kent Island in the Cove Creek Subdivision in Queen Annes County.

The site is located along Cove Creek approximately 2500' from Eastern Bay. The lots lie completely within the Chesapeake Bay Critical Area. The unimproved Lot 82-A shares a property line on the east side with Lot 81 and an area owned by the Cove Creek Homeowner's Association (HOA), providing for shared access to the Creek. The HOA parcel is improved with a pier. No changes in use are occurring on the adjacent lands. Lot 83-A, on the west side of the unimproved lot, is improved by the existing residence and it's shoreline is restricted from erosion by a bulkhead.

## TOPOGRAPHY

The USGS topographical maps confirm the peninsula less than 20' elevation. The intersection of Kent Point Road and Chews Manor on the west side of Kent Island near North West Creek is the highest point, at 13'. On the peninsula of Cove Creek Club two data points are available; 8.72' at Night Heron Court and 5.67' at the end of Penny Drive. The subject site is between these later two data points.

The subject site has a slope between 2% and 5% per SCS. The surveyor confirms an elevation change between 9' and 4' for a 2.25% slope. Regardless, downspouts shall be directed to vegetated surface swales and not through piping directly to the shoreline edge. This also controls sediment deposits from entering the water column or further filling the Creek.

## SHORELINE & WETLANDS

As shown on the subdivision plat the 100 foot Critical Area Buffer has been placed along all the shoreline.

The bulkhead on Lot 83-A is located at the point of Mean High Water at the landward side of the tidal vegetation. The bulkhead will probably be extended as part of improvements to Lot 82-A.

The National Wetlands Inventory Maps indicate tidal wetlands on the subject property, listed as E2EM5P. This an area of approximately 0.035 acres as described in the section below on soils. The wetlands are intertidal with vegetation subject to daily tidal changes and seasonal changes (also refer to the section on vegetation below). There are no non-tidal wetlands shown on the maps on the subject property.

1? A bulkhead was proposed along the property line. A Joint MDE/Corps of Engineer Application was submitted and a State Permit Issued, #07-GL-0704, dated December 6, 2006, attached. The authorization permitted the construction of this bulkhead along the property line, which is at the landward side of the tidal vegetation. The Permit allowed fill to be placed landward of the bulkhead and cover the phragmites on the lot that had grown within the area classified as Ho soil (Honga Peat).

Cove Creek is navigable. The subject site is located at the mouth of Cove Creek at Tanners Creek and approximately 1200' in width at this point. MLW at the end of the existing pier, 60' from the shoreline, on Lot 83-A is approximately 2 feet.

Queen Anne's County has "Sensitive Areas" maps, created through ESRI, dated 2001, which indicated no discernable shoreline erosion. He area is protected by the peninsulas terminating at Kent Point on the west and Long Point on the east. The protected shoreline within Tanners Creek and Cove Creek allows the marsh vegetation to persist, further reducing the potential of significant loss from wave and wind action. Boat traffic does not generate high wake erosion due to the width at the channel, and shallow depth near-shore where speed is forced to be reduced for threat of propeller damage.

## SOILS

Pineyneck silt loam and Honga peat soils are shown on the USDA Soil Survey of Queen Anne's County, Maryland, as revised 1995. The Pineyneck soil extends to the edge of the tidal marsh (property line), which is now termed Honga peat in the revision. A soil auger was used to confirm hydric soil conditions exist within the Honga peat. The Honga peat is a small triangular area of approximately 0.035 acres (1500 square feet), beginning at the western edge of survey line N70°58'28"W and extending 30' to the west. The soil is approximately 20' in width at that point. Refer to the attachments for a surveyed location of the identified Honga Peat, and which was allowed to be covered as part of the Permit to Construct the bulkhead so as to stabilize the rip-rap.



The 100' Critical Area Buffer is now accurately shown on the attached plan after the survey location. A minor revision of the Sewage Disposal Area is required to restrict any part of the area within the Critical Area Buffer.

## VEGETATION

The National Wetlands Maps identify an estuarine environment of emergent narrow leaved, persistent, vegetation. This is confirmed. The tidal wetland is dominated by phragmites adjacent the shoreline bank and occasionally up to the crest of the bank, which is the property line. At the water edge needlerush, saltmeadow cordgrass and saltmarsh cordgrass dominate.

The lot was in agricultural production prior to the development of Cove Creek Club. Turf has been the cover since construction of the residence on Lot 83-A. A few trees are present at the crest of the bank. These are primarily locust and wild cherry, and are shown in the photo.

Phragmites control would assist protection from loss of the existing native plants that have not been shaded-out by this invasive. The phragmites predominate from landward of the submerged aquatic to the property line and to the edge of the Honga Peat soil. The phragmites within the Honga Peat have been removed as part of the bulkhead permit, allowing the landward backfill of the bulkhead rip-rap stone and which stabilizes the bulkhead. Refer to the attachments for a surveyed bulkhead improvement location plan.

## SAV'S & SHELLFISH

No submerged aquatic vegetation was observed.

Turf management chemicals from lawns in the Bay watershed may be a contributing factor to the lack of SAV and should be properly and timely applied. The on-site septic system to be constructed will not penetrate the groundwater and will be no closer to the shoreline than 100' at the closest point. The lack of groundwater penetration is significant but initial installation within the Sewage Disposal Area adjacent Windward Court would increase separation to Cove Creek to approximately 160'. The greatest threat from any limited potential loss of Nitrogen and/or Phosphorus would be a cumulative effect with that from other systems and sources toward potential algae blooms. The drainage easement on Lot 82-A is vegetated and not eroded; thus restricting any surface sediment from Windward Court getting to the Creek.

Oyster bars are present in Eastern Bay at the mouth of Tanners Creek, approximately 3500' from the subject site, and off of Long Point just to the east of Heron Point. The lack of SAV in the Creek and Cove has the most potential to affect the bar, albeit very small from the single proposed additional structure. Loss of SAV allows sediments entering the Creek to not be entrapped and can subsequently increase sediment deposition over the oyster beds. Fortunately the subject site has both a vegetated swale and shoreline vegetation to restrict this environmental concern.

## FINFISH

Tanners Creek and Cove Creek have a swift current at the mouth of Tanners Creek and Eastern Bay. Bay fishes readily move into and out of the mouth, affording local fishermen an active catch site. Virtually any catch is possible, but Striped Bass and White Perch are generally the target species. The marsh vegetated shoreline afford harborage for juveniles/minnows from predators.

Protection of vegetation at the shoreline is the most practical subject site consideration.

## WATERFOWL AND OTHER BIRD LIFE

No waterfowl were observed at the time of inspection; however Eastern Bay is shown on Queen Anne's Sensitive Areas Maps as a staging area for waterfowl, and is well known as such.

The nearest Bald Eagle nest is located along the Chesapeake Bay on the west side of Kent Point peninsula at the mouth of North West Creek, a distance of approximately 2100'. The ¼ mile radius of potential influence is 1320'. No colonial nesting sites are nearby, the closest being at Cox Neck approximately 3.4 mile from the subject site.

Other birdlife is primarily passerine species associated with the "urban-like" environment of this subdivision, such as Mockingbird, House Wren, House Sparrow and Starling. No impacts are projected.

## WILDLIFE

Wildlife is typical of the area. Few deer are able to find bedding sites on Cove Creek peninsula. Raccoon, Oppossum, and Grey Squirrel predominate due to the existing residential density. No further impacts are projected.

## RARE, THREATENED, and ENDANGERED SPECIES (RTE)

A request has been made to the Maryland Department of Natural Resources for information on any threats to RTE. The attached response indicates no known RTE species.

## EVALUATION OF POTENTIAL IMPACTS

Based on the info obtained and reported above the following potential impacts are noted:

- A. Point discharges from downspouts may direct silt into the water column and increase filling-in of the stream channel.
- B. Phragmites control would be more practical with an on-site owner, which would benefit the native vegetation and biotic life dependent upon native species for forage and harborage.

- C. Turf management chemicals may be lost through surface runoff if improperly applied.

### FINDINGS AND CONCLUSIONS

This subdivision will provide no measurement impact to the environment due to the prior conversion of the site to turf when the structure on Lot 83-A was constructed.

Potential on-site controls and management schemes may include:

- A. Phragmites control should be established to protect the remaining native vegetation.
- B. Install the on-site septic system within the approved Sewage Disposal Area at the point adjacent Windward Cove, the distance greatest from Cove Creek.
- C. Turf management chemicals must be properly applied.
- D. Point discharges from foundation drains, downspouts, water treatment systems, sump pits and water collection basins for paved driveways, et.al., must discharge into shallow, vegetated "V" swales.

Attachments:

MD Real property Search Data  
ADC Map Site Location  
DNR Natural Heritage Review letter  
Soils Map of Area  
Survey of bulkhead improvements  
Site Photos  
National Wetlands Inventory Map of Area  
Topographical Area map (with nearest USGS data points)



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

**MDE**

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Kendl P. Philbrick  
Secretary

Michael S. Steele  
Lt. Governor

Jonas A. Jacobson  
Deputy Secretary

**GENERAL TIDAL WETLANDS LICENSE**

**07-GL-0704**

Daniel & Colleen Callahan  
C/o M&M Marine Construction  
154 Greenwood Creek Road  
Queenstown, MD 21658

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

*To construct a 60-foot long by 6-foot wide timber pier with a 10-foot by 14-foot "L", and two mooring piles for one boatlift, all extending a maximum of 70 feet channelward of the mean high water line and to emplace 114 feet of riprap revetment within a maximum of two feet channelward of the mean high water line and landward of existing marsh vegetation as depicted on the plans dated December 1, 2006. Project is located on Cove Creek at 107 Windward Court, Stevensville in Queen Anne's County.*

By applying for and receiving this General License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This general license is subject to the following conditions:

**SPECIAL CONDITIONS**

A. No marsh vegetation shall be filled, dredged, or otherwise altered or destroyed.

**GENERAL CONDITIONS**

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet;
- B. The licensee certifies real property interest in the contiguous upland;

- C. This license is valid only for use by the licensee. Permission for transfer of the license shall be obtained from the Maryland Department of the Environment. The terms and conditions of this license shall be binding on any assignee or successor in interest of the licensee;
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. This license is void if the licensee fails to obtain all required State, federal, and local approvals before beginning work on the licensed structure or activity;
- F. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- G. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- H. The licensee shall notify the Water Management Administration, Inspections and Compliance Division at (410) 537-3510 at least 5 days before beginning the activity;
- I. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- J. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.

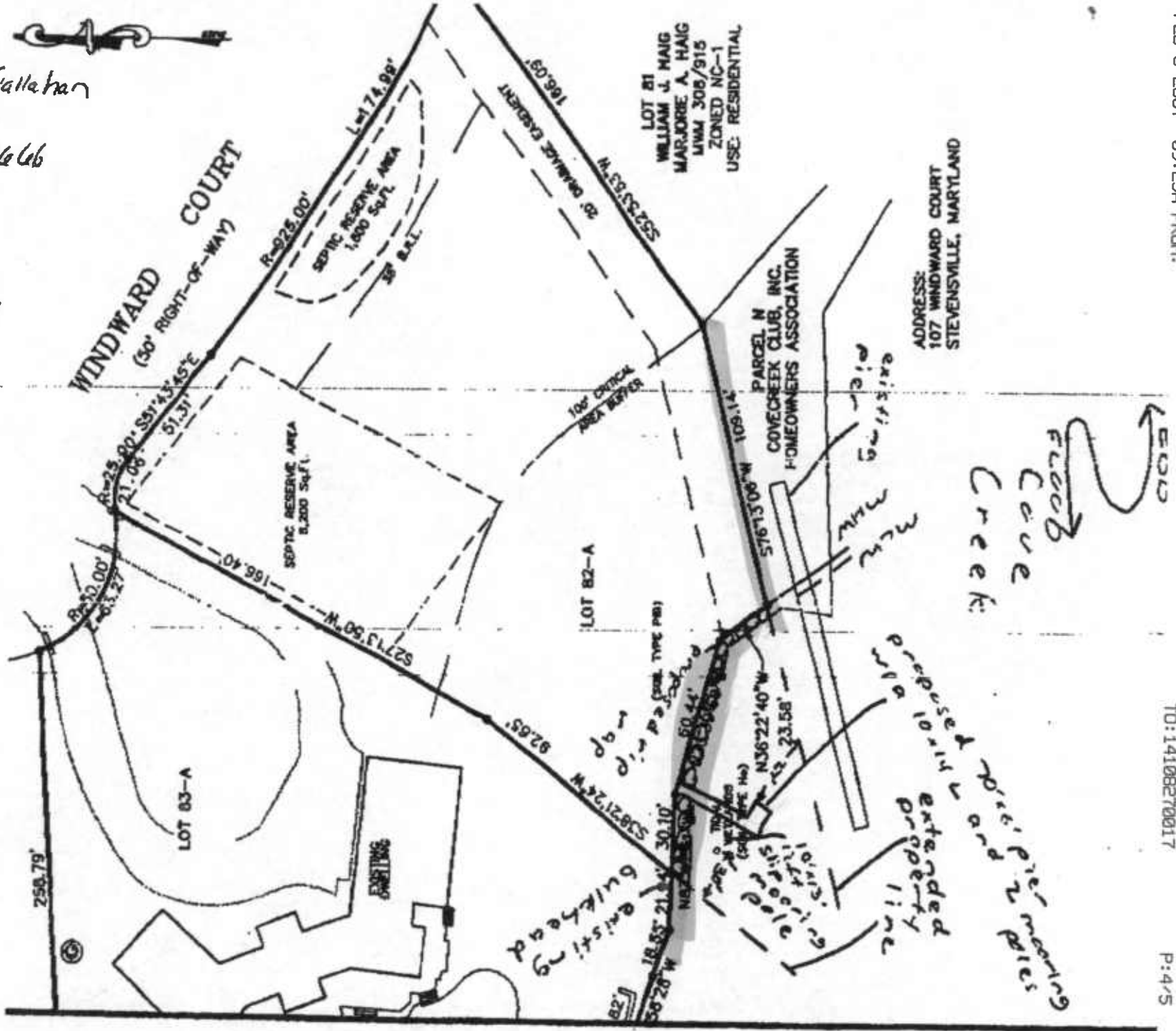
Sincerely,

  
Richard J. Ayella, Chief  
Tidal Wetlands Division

Date of Issuance: December 6, 2006  
RAMS Tracking Number: 200667244

Daniel & Colleen Callahan  
 107 Windward Ct  
 Stevensville, MD 21666

200607244  
 07-GL-0704  
 page 2 of 4  
 12/1/06



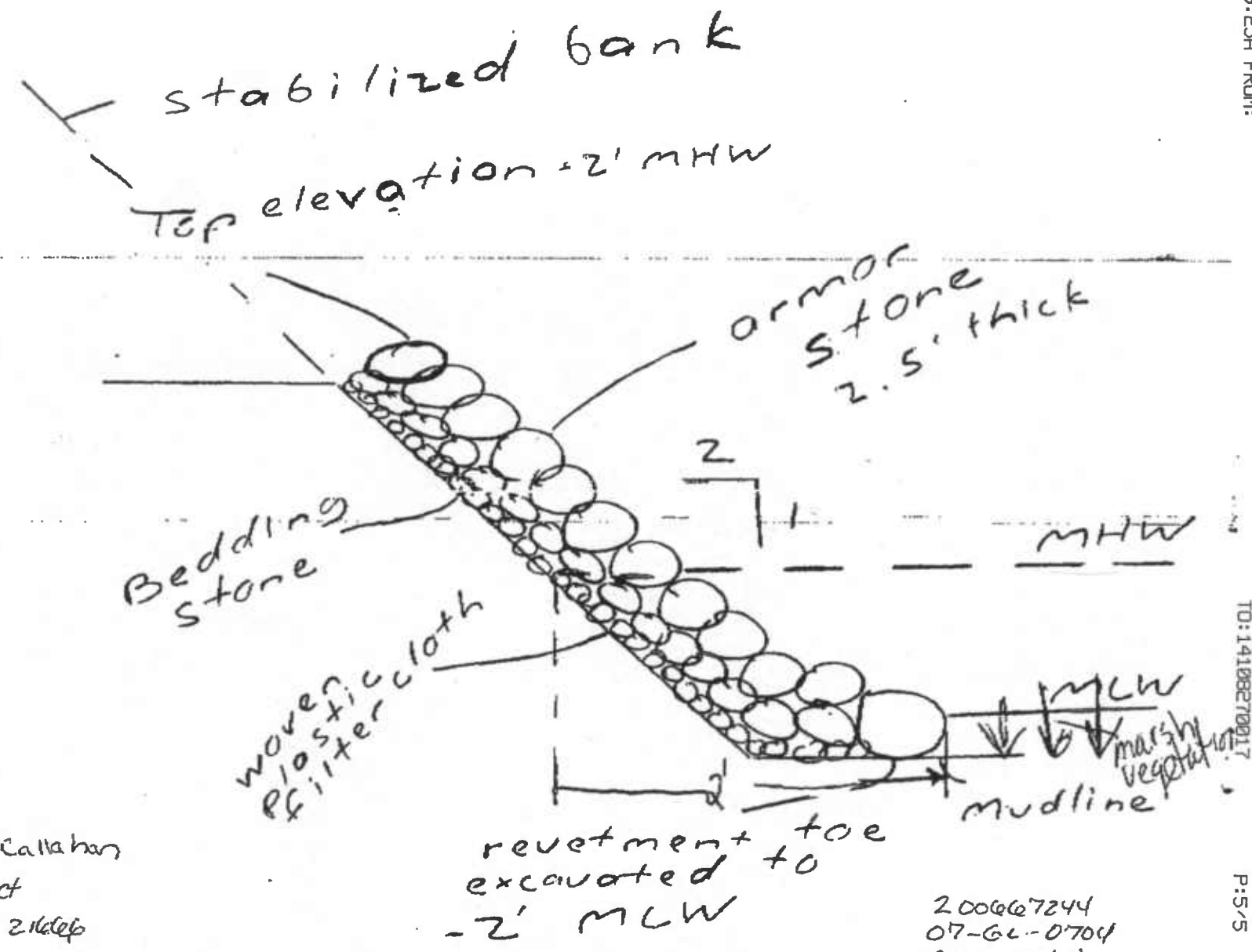
LOT #1  
 WILLIAM J. HAIG  
 MARJORIE A. HAIG  
 MWM 308/915  
 ZONED NC-1  
 USE: RESIDENTIAL

ADDRESS:  
 107 WINDWARD COURT  
 STEVENSVILLE, MARYLAND

PARCEL N  
 COVECREEK CLUB, INC.  
 HOMEOWNERS ASSOCIATION

← ROAD  
 Cave  
 Creek:  
 extended property line  
 existing sewer  
 existing m/w  
 extended property line  
 extended property line  
 extended property line  
 extended property line

# Typical Revetment Section



Daniel & Colleen Callahan  
 107 W. rdward ct  
 Stevensville, MD 21666

200607244  
 07-GL-0704  
 page 3 of 7  
 121106

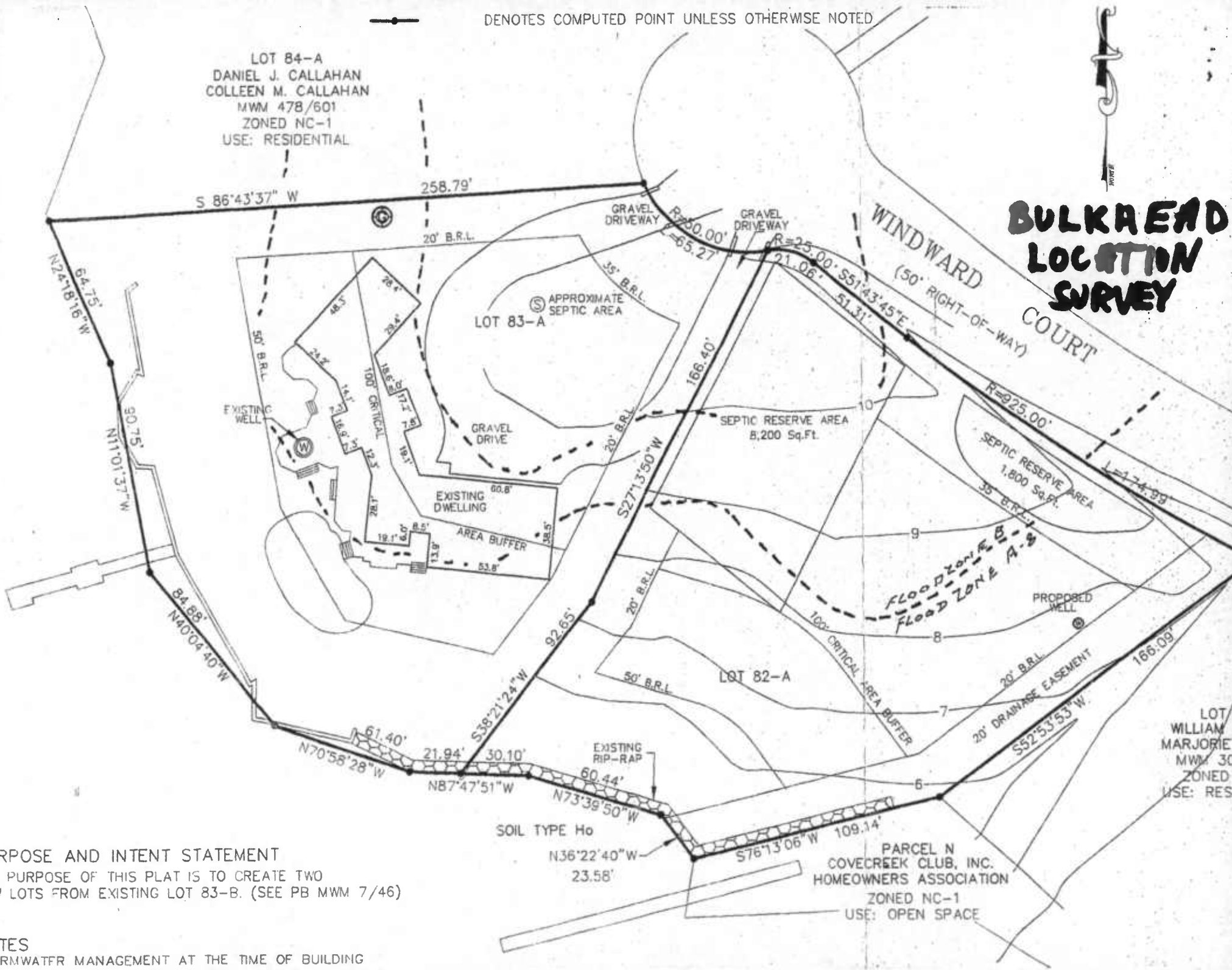
Bulkhead Location Survey



--- DENOTES COMPUTED POINT UNLESS OTHERWISE NOTED

# BULKHEAD LOCATION SURVEY

LOT 84-A  
DANIEL J. CALLAHAN  
COLLEEN M. CALLAHAN  
MWM 478/601  
ZONED NC-1  
USE: RESIDENTIAL

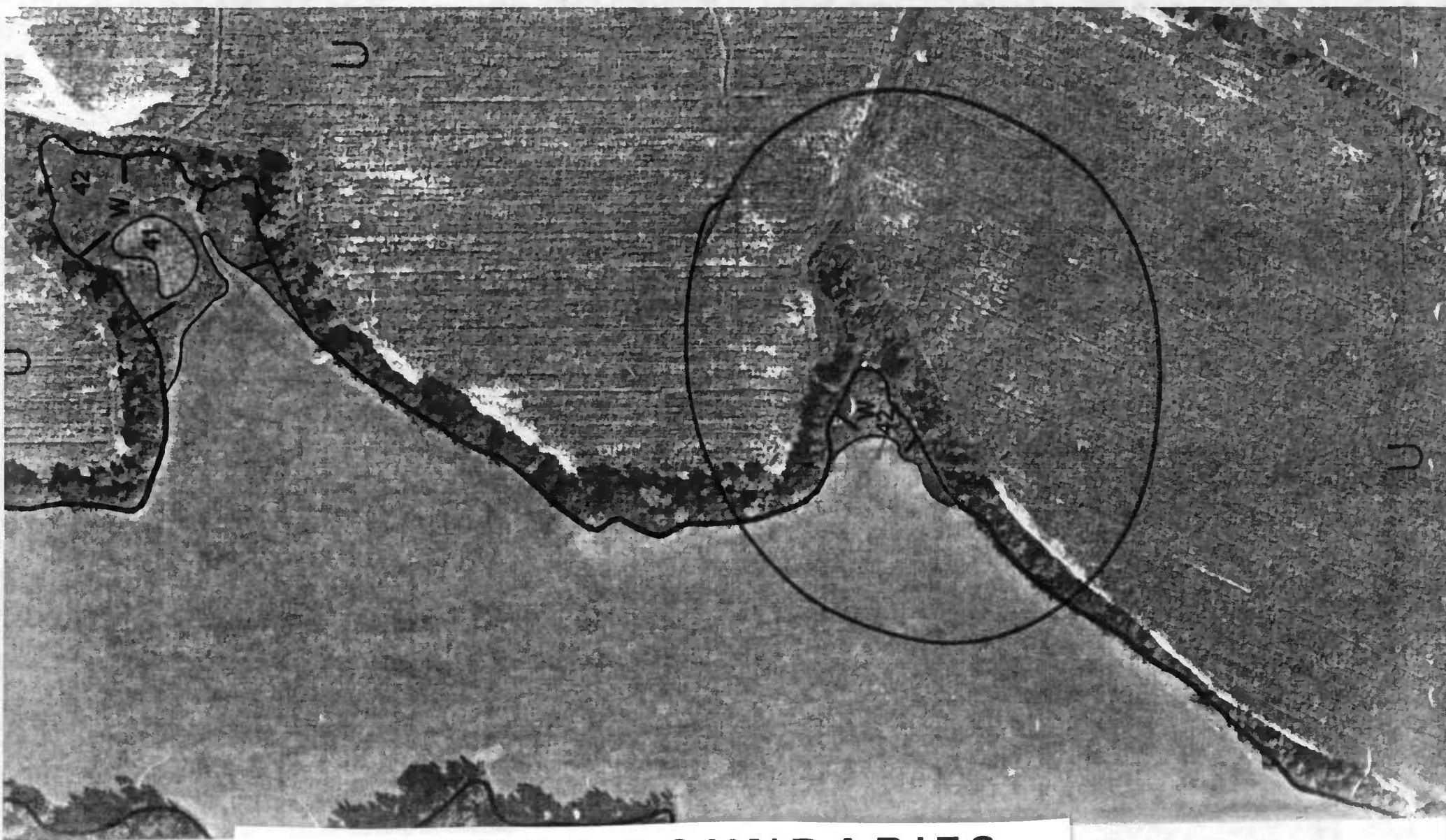


**PURPOSE AND INTENT STATEMENT**  
THE PURPOSE OF THIS PLAT IS TO CREATE TWO NEW LOTS FROM EXISTING LOT 83-B. (SEE PB MWM 7/46)

**NOTES**  
STORMWATER MANAGEMENT AT THE TIME OF BUILDING

LOT WILLIAM MARJORIE  
MWM 30  
ZONED  
USE: RESI

PARCEL N  
COVECREEK CLUB, INC.  
HOMEOWNERS ASSOCIATION  
ZONED NC-1  
USE: OPEN SPACE



# WETLANDS BOUNDARIES

QUEEN ANNES COUNTY, MARYLAND

SCALE 1:2400

1" = 200'



QC 652-05

**Maryland Department of the Environment**

**Eastern Division**

**407 Race Street**

**Cambridge, MD 21613**

**P: (410) 901-4020 F: (410) 221-6317**

**Field Inspection Report by:** Chris Westergard

**Permit / Approval Numbers:** 07-GL-0704

**Inspection Date:** 4/20/2007

**Facility Address:** 107 Windward Ct.  
Stevensville, MD 21666

**Site Name:** PAF074267/Haib @ Windward Ct.

**Site Status:** Complete

**Permit Type:** Tidal Wetlands

**Site Condition:** Noncompliance

**Contact(s):** <None Given>

**Recommended Action:** Continue routine investigation

**Evidence Collected:** VISUAL OBSERVATION

**Inspection Reason:** PAF Follow-up

**Follow-up for PAF#:**

### INSPECTION FINDINGS

An inspection this date on the subject site was made after receiving a phone call from Mr. Marshall Johnson of the MD Critical Area Commission who advised me that work over that authorized by the Dept. was completed at the subject site. As I did not have a copy of the license with me during this inspection I measured the revetment that was recently constructed. It measured 237'. During my next office visit I will pull the license and determine the compliance status of the site.

4/23/07 A review of the license finds that the owner Mr. Callahan was authorized to construct a 114' rip-rap revetment located two feet channelward of the mean high water line and landward of existing marsh vegetation.

Accordingly I called the marine contractor for the project, Mr. Al Cantello of M&M Marine Construction, to ascertain why the additional 123' of revetment was constructed. He advised me that "the owner wanted it extended". I asked why he did not seek authorization prior to performing the work and he told me that he did not like having to deal with the Department's tidal wetlands reviewer Mr. Joe Hamilton and that the review process would take to long. I advised Mr. Cantello that his actions, specifically the filling of wetlands, is considered to be a violation of Title 16 of the MD Environment Article.

I also called the owner, Mr. Daniel Callahan, to ascertain why the additional 123' of revetment was constructed. He stated he was advised by Mr. Cantello that the additional work would be acceptable. I asked why he did not seek approval from the Department for the work as he sought approval for the first 114' feet and he stated that Mr. Cantello told him it would be acceptable. He admitted that he did not seek authorization from QA Co. or the MD Critical Area Commission. I advised Mr. Callahan that his actions, specifically the filling of wetlands, is considered to be a violation of Title 16 of the MD Environment Article. I advised him that to achieve compliance he should remove all that fill not authorized and restore the site to its original condition. Mr. Callahan was upset with the request and asked that I revisit the site to discuss the same with him. I agreed to

**Permit / Approval Numbers:** 07-GL-0704

**Inspection Date:** 4/20/2007

**Facility Address:** 107 Windward Ct.  
Stevensville, MD 21666

meet him on site on Thursday, April 26.

4/26/07 I met on site with Mr. Callahan and Mr. Cusimano. Mr. Cusimano is helping Mr. Callahan in the process of sub-dividing the property and is familiar with the site. We reviewed the license, other documents and the site. After extensive discussion Mr. Callahan has agreed to remove that portion of un-authorized revetment and soil that was place in the drainage easement up to a point by a solitary locust fence post. Any areas disturbed by the removal process will be immediately stabilized.

I advised them that the site is considered to be in violation of Title 16 of the Maryland Environment Article and that further Administrative actions may be pursued. A copy of this report was left on site.

Inspector: \_\_\_\_\_  
Chris Westergard

Received by: \_\_\_\_\_

**Permit / Approval Numbers:**

**Inspection Date:** 5/17/2007

**Facility Address:** 308 Country Ln.  
Grasonville, MD 21638

Inspector: \_\_\_\_\_  
Chris Westergard

Received by: \_\_\_\_\_

**Maryland Department of the Environment**

**Eastern Division**

**407 Race Street**

**Cambridge, MD 21613**

**P: (410) 901-4020 F: (410) 221-6317**

**Field Inspection Report by:** Chris Westergard

**Permit / Approval Numbers:** 07-GL-0704

**Inspection Date:** 5/4/2007

**Facility Address:** 107 Windward Ct.  
Stevensville, MD 21666

**Site Name:** PAF074267/Haib @ Windward Ct. **Site Status:** Active

**Permit Type:** Tidal Wetlands **Site Condition:** Satisfactory/Compliance

**Contact(s):** < None Given > **Recommended Action:** Dead File

**Evidence Collected:** VISUAL OBSERVATION

**Inspection Reason:** PAF Follow-up **Follow-up for PAF#:**

**INSPECTION FINDINGS**

An inspection this date on the subject site was made at the request of Mr. Callahan's agent, Mr. Cusimano. Mr. Cusimano has advised me that the corrective work requested in the previous report has been successfully completed. My inspection confirms the same. Specifically that portion of the stone revetment not authorized by the subject wetlands license has been removed and the original grades were achieved. Accordingly the site is now in compliance with the license.

That work still authorized by the license, but not yet completed, is the construction of the pier. Please provide this writer with 5 days notice prior to beginning construction on this structure.

A copy of this report will be provided to Mr. Callahan.

Inspector: \_\_\_\_\_  
Chris Westergard

Received by: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

This is to certify that the undersigned, Registered Maryland Property Line Surveyor Number 492, has surveyed and subdivided the property as described and shown on the annexed plat and that such plat is a correct representation of that survey and subdivision. All distances are shown in feet and decimals thereof. All lots meet the requirements of the Queen Anne's County Zoning Ordinance in regard to lot area, width and buildable area.

I further certify that this subdivision is/is not situated within five hundred (500) feet of a surface drain or water course serving a tributary area of 640 acres or more.

As witness my hand and seal this 20<sup>th</sup> day of JUNE, 2007.

*Steven H. Jupitz*  
Steven H. Jupitz, PLS #489

**PUBLIC WORKS CERTIFICATE**

This is to verify that the annexed plat of subdivision was approved by the Department of Public Works of Queen Anne's County on the 29<sup>th</sup> day of JUNE, 2007.

*John J. Scarborough*  
John J. Scarborough  
Director of Public Works

**PLANNING DEPARTMENT CERTIFICATE**

This is to verify that the annexed plat of subdivision was approved by the Department of Planning of Queen Anne's County on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

(Signature of Planning Director)  
APP.#04-05-09-0015-C

**OWNER'S CERTIFICATE**

This is to certify that the undersigned is/are the owner(s) of the land described in the annexed plat and that I/we has/have caused the land to be surveyed and subdivided as indicated thereon for the uses and purposes set forth herein. I/we also certify to the best of my/our knowledge that all recorded and unrecorded easements, restrictions, reservations or covenants have been indicated on the annexed plat. I/we hereby acknowledge and adopt the same as my/our act this 27<sup>th</sup> day of JUNE, 2007.

*Daniel J. Callahan*  
Daniel J. Callahan

*Colleen M. Callahan*  
Colleen M. Callahan

**UNIFORM ACKNOWLEDGEMENT ACT**

State of Maryland

County of Queen Anne's

On this 27 day of June, 2007, before me, the undersigned officer, personally appeared Daniel J. Callahan, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. In witness whereof, hereunto set my hand and official seal.

*Barbara B. Cummins*  
Notary Public



My commission expires: 1/1/08

**ENVIRONMENTAL HEALTH CERTIFICATE**

This is to verify that the annexed plat of subdivision was approved by the Environmental Health Department of Queen Anne's County on the 28<sup>th</sup> day of JUNE, 2007.

*John E. Nickerson*  
John Nickerson

**COUNTY COLLECTOR OF TAXES CERTIFICATE**

The Treasurer of Queen Anne's County hereby certifies that there are no delinquent taxes and no redeemable tax sales against any of the land shown on the annexed plat, and that I have received all fees and taxes assessed against such land.

As witness, my signature, this 6<sup>th</sup> day of August, 2007.

*Judy Johnson*  
Judy Johnson  
Treasurer

CURRENT ZONING - NC-1T

GROSS SITE AREA - 93,610 Sq.Ft. (2.149 Ac±)

AREA WITHIN CRITICAL AREA (LDA) - 93,610 Sq.Ft. (2.149 Ac±)

BASE SITE AREA - 93,610 Sq.Ft. (2.149 Ac±)

TOTAL AREA IN OPEN SPACE - 0-

AREA OF OTHER DEDICATED PORTIONS OF THE SUBDIVISION - 0-

AREA IN BUFFERYARD - 0-

MAXIMUM NUMBER OF LOTS ALLOWED - 2

TOTAL NUMBER OF LOTS PROPOSED - 2

AREA WITHIN THE 100 YEAR FLOODPLAIN LOT 83-C - 14,372 Sq.Ft. (0.33 Ac±)

SITE IS SOIL TYPE PIB & Ho (SEE SOILS MAP #45)

THERE ARE NO TIDAL WETLANDS ON SITE

MAXIMUM DENSITY - 2 LOTS

LOT 83-B HAS BUFFER EXEMPT AREA STATUS

NEW DEVELOPMENT OR REDEVELOPMENT IN THE BUFFER EXEMPT AREA IS NOT PERMITTED UNLESS THE APPLICANT CAN DEMONSTRATE AND THE PLANNING DIRECTOR FINDS THAT NO FEASIBLE ALTERNATIVE EXISTS. THE INTRUSION MUST BE THE LEAST NECESSARY. (14:1-53 (D)(1) & (2)).

LOT AREA (GROSS)

LOT 83-C - 43,560 Sq.Ft. (1.000 Ac±)

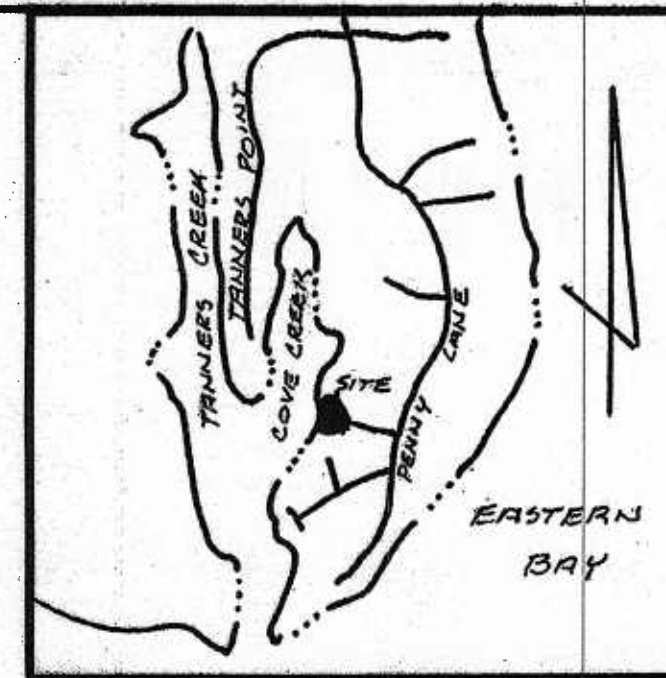
LOT 83-B - 50,050 Sq.Ft. (1.149 Ac±)

PROPERTIES ARE WITHIN CRITICAL AREA (LDA).

IMPERVIOUS AREA ALLOWED LOT 83-C - 15% OR 6,534 Sq.Ft. (0.15 Ac.)

IMPERVIOUS AREA ALLOWED LOT 83-B - 15% OR 7,508 Sq.Ft. (0.172 Ac.)

IMPERVIOUS AREA EXISTING LOT 83-B - 7,024 Sq.Ft. (0.161 Ac.) (HOUSE, DECK & POOL)

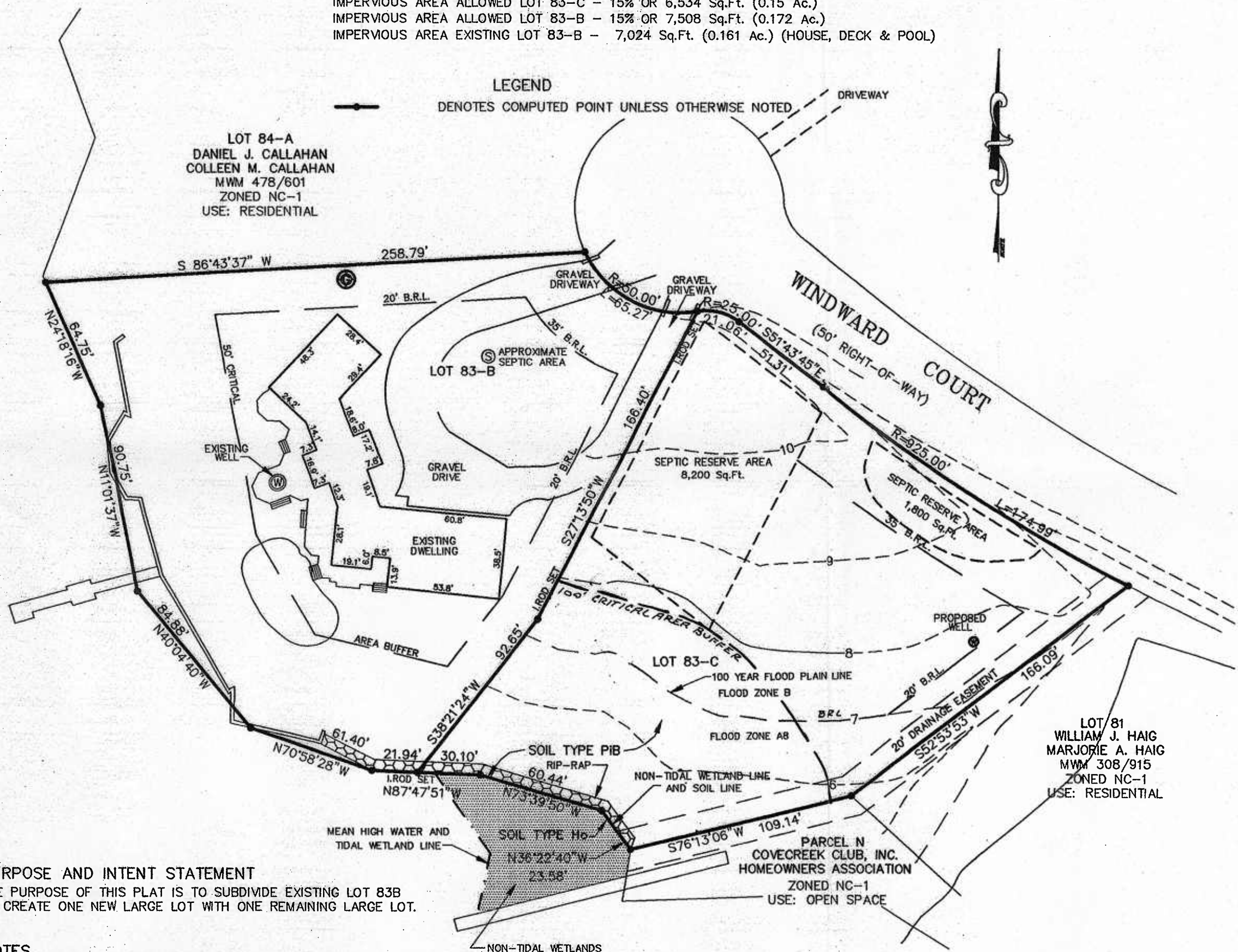


VICINITY MAP  
SCALE: 1" = 2000'



STEVEN H. JUPITZ, INC.

P.O. BOX 113  
GRASONVILLE, MARYLAND  
(410) 604-3389



**PURPOSE AND INTENT STATEMENT**  
THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE EXISTING LOT 83B TO CREATE ONE NEW LARGE LOT WITH ONE REMAINING LARGE LOT.

**NOTES**  
STORMWATER MANAGEMENT WILL BE ADDRESSED AT THE TIME OF BUILDING PERMIT APPLICATION.

THERE ARE NO HISTORIC SITES ON THE PROPERTY

NATURAL RESOURCES WERE FIELD LOCATED

THERE ARE NO STEEP SLOPES ON SITE

THERE ARE NO STREAMS ON SITE

THERE ARE NO EXISTING WOODLAND/FOREST ON SITE

THERE ARE NO EXISTING HABITAT/SENSITIVE AREAS ON SITE

THERE ARE NO HYDRIC SOILS ON SITE

TOPOGRAPHICAL CONTOURS ARE BASED ON A FIELD RUN SURVEY BY STEVEN H. JUPITZ, INC. MAY 2006.

FLOOD ZONE LINES ARE BASED ON A FIELD SURVEY.

THERE SHALL BE NO DEVELOPMENT WITHIN FLOOD ZONE "A-8" UNLESS NO REASONABLE ALTERNATIVES EXIST.

PROPOSED DRIVEWAYS SHOULD BE CONSTRUCTED IN ACCORDANCE WITH WITH COUNTY STANDARD DETAIL NO. 105.02.

A LETTER OF MAP ADJUSTMENT WAS REQUESTED FROM FEMA ON MAY 30, 2007 TO CERTIFY LOCATION OF THE 100 YEAR FLOODPLAIN LINE.

OWNER:  
DANIEL J. CALLAHAN  
COLLEEN M. CALLAHAN  
107 WINDWARD COURT  
STEVENSVILLE, MARYLAND 21666  
DEED REF. - MWM 478/601

PROPERTY ADDRESS:  
107 WINDWARD COURT  
STEVENSVILLE, MARYLAND 21666

PLAT SHOWING A MINOR SUBDIVISION

LOT 83-B  
COVE CREEK CLUB

DANIEL J. CALLAHAN & COLLEEN M. CALLAHAN  
FOURTH ELECTION DISTRICT  
QUEEN ANNE'S COUNTY, MARYLAND

TAX MAP - 76 GRID - 16 PARCEL - 23

DATE	SCALE	1" = 50'
FEB. 2006	DRAWN BY	S.H.J.
JOB NO.	FOLDER REF.	APPROVED
05-204	05-204	
DATE	REVISION	
6/06	REV. PER LETTER 3/23/06	
2/07	REV. PER LETTER 7/20/06	
5/07	REV. PER LETTER 5/11/07	
8/07	REV. PER LETTER 8/21/07	
11/7	REV. C.A. BUFFER	

SHEET No.1 of 1

FILE No. 05-204



STEVEN H. JUPITZ, INC.  
 P.O. BOX 113  
 GRASONVILLE, MARYLAND  
 (410) 604-3389

DATE	MAY 2007	SCALE	1" = 20'
JOB No.	05-204	DRAWN BY	S.H.J.
FOLDER REF.	05-204	APPROVED	
DATE	6/07	REVISION	
	7/07	REV. PER LETTER 6/21/07	
	11/7	REV. PER LETTER 7/12/07	
		REV. C.A. BUFFER	

LOT 83-C  
**COVE CREEK CLUB**  
 FOURTH ELECTION DISTRICT  
 QUEEN ANNE'S COUNTY, MARYLAND  
 TAX MAP - 76 GRID - 16 PARCEL - 23

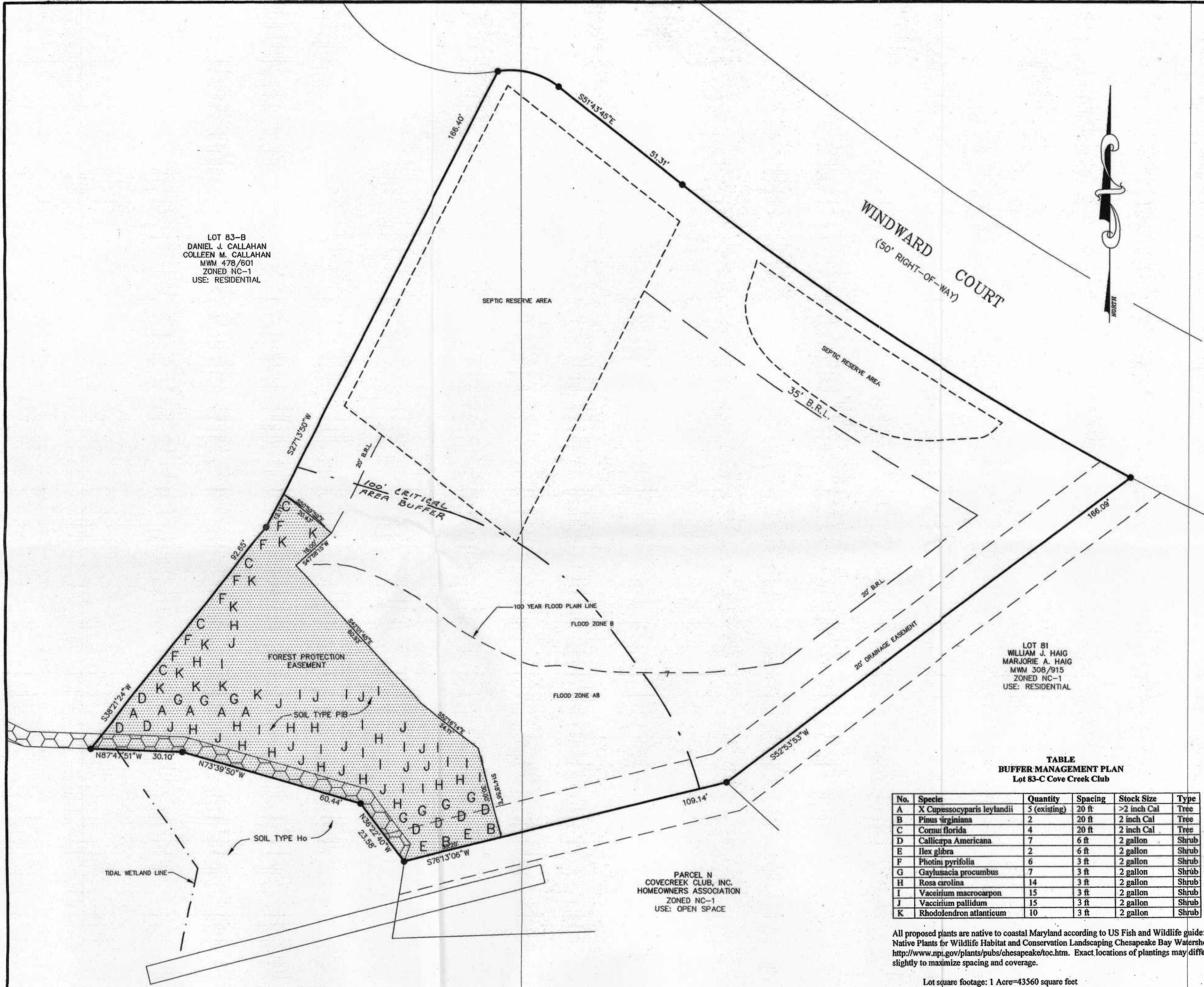


TABLE  
 BUFFER MANAGEMENT PLAN  
 Lot 83-C Cove Creek Club

No.	Species	Quantity	Spacing	Stock Size	Type
A	X Cupressocyparis leylandii	5 (existing)	20 ft	>2 inch Cal	Tree
B	Pinus virginiana	2	20 ft	2 inch Cal	Tree
C	Cornus florida	4	20 ft	2 inch Cal	Tree
D	Callicarpa Americana	7	6 ft	2 gallon	Shrub
E	Ilex glabra	2	6 ft	2 gallon	Shrub
F	Photinia pyrifolia	6	3 ft	2 gallon	Shrub
G	Gaylussacia procumbens	7	3 ft	2 gallon	Shrub
H	Rosa carolina	14	3 ft	2 gallon	Shrub
I	Vaccinium macrocarpon	15	3 ft	2 gallon	Shrub
J	Vaccinium pallidum	15	3 ft	2 gallon	Shrub
K	Rhododendron atlanticum	10	3 ft	2 gallon	Shrub

All proposed plants are native to coastal Maryland according to US Fish and Wildlife guide: Native Plants for Wildlife Habitat and Conservation Landscaping Chesapeake Bay Watershed: <http://www.nps.gov/plants/pubs/chesapeake/toc.htm>. Exact locations of plantings may differ slightly to maximize spacing and coverage.

Lot square footage: 1 Acre=43560 square feet  
 15% = 6534 square feet needed

11 trees + 33 shrubs = 11 X 400 = 4400 square feet credit  
 43 additional shrubs = 43 X 50 = 2150 square feet credit  
 Total Credit = 6550 square feet





**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
Governor

Kendl P. Philbrick  
Secretary

Michael S. Steele  
Lt. Governor

Jonas A. Jacobson  
Deputy Secretary

December 6, 2006

Daniel & Colleen Callahan  
C/o M&M Marine Construction  
154 Greenwood Creek Road  
Queenstown, MD 21658

Re: MDE Authorization Number: 07-GL-0704  
RAMS Tracking Number: 200667244

Dear Mr. & Mrs. Callahan:

Your application to alter tidal wetlands has been evaluated by the Tidal Wetlands Division. Your State license or permit authorizing work in tidal wetlands is attached. If your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP), that permit is also attached. If the MDSPGP is not attached, your project does not qualify for federal authorization under this permit and you will hear directly from the Corps of Engineers. You should not begin any work until you have obtained all necessary State, local and federal authorizations.

Please take a moment to read and review your authorizations to insure that you understand the limits of the authorized works and all of the general and special conditions. If you are aggrieved by the Department's decision to authorize this project subject to the conditions set forth in the License, you may petition the circuit court in the county where the land is located within 30 days after receiving this license. Please call me at 410-537-3835 with any questions.

Sincerely,

Richard J. Ayella, Chief  
Tidal Wetlands Division



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
 1800 Washington Boulevard • Baltimore MD 21230  
 410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
 Governor

Kend P. Philbrick  
 Secretary

Michael S. Steele  
 Lt. Governor

Jonas A. Jacobson  
 Deputy Secretary

**GENERAL TIDAL WETLANDS LICENSE**

**07-GL-0704**

Daniel & Colleen Callahan  
 C/o M&M Marine Construction  
 154 Greenwood Creek Road  
 Queenstown, MD 21658

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

*To construct a 60-foot long by 6-foot wide timber pier with a 10-foot by 14-foot "L", and two mooring piles for one boatlift, all extending a maximum of 70 feet channelward of the mean high water line and to emplace 114 feet of riprap revetment within a maximum of two feet channelward of the mean high water line and landward of existing marsh vegetation as depicted on the plans dated December 1, 2006. Project is located on Cove Creek at 107 Windward Court, Stevensville in Queen Anne's County.*

By applying for and receiving this General License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions.

This general license is subject to the following conditions:

**SPECIAL CONDITIONS**

A. No marsh vegetation shall be filled, dredged, or otherwise altered or destroyed.

**GENERAL CONDITIONS**

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet;
- B. The licensee certifies real property interest in the contiguous upland;

- C. This license is valid only for use by the licensee. Permission for transfer of the license shall be obtained from the Maryland Department of the Environment. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;
- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. This license is void if the licensee fails to obtain all required State, federal, and local approvals before beginning work on the licensed structure or activity;
- F. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- G. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- H. The licensee shall notify the Water Management Administration, Inspections and Compliance Division at (410) 537-3510 at least 5 days before beginning the activity;
- I. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- J. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.

Sincerely,

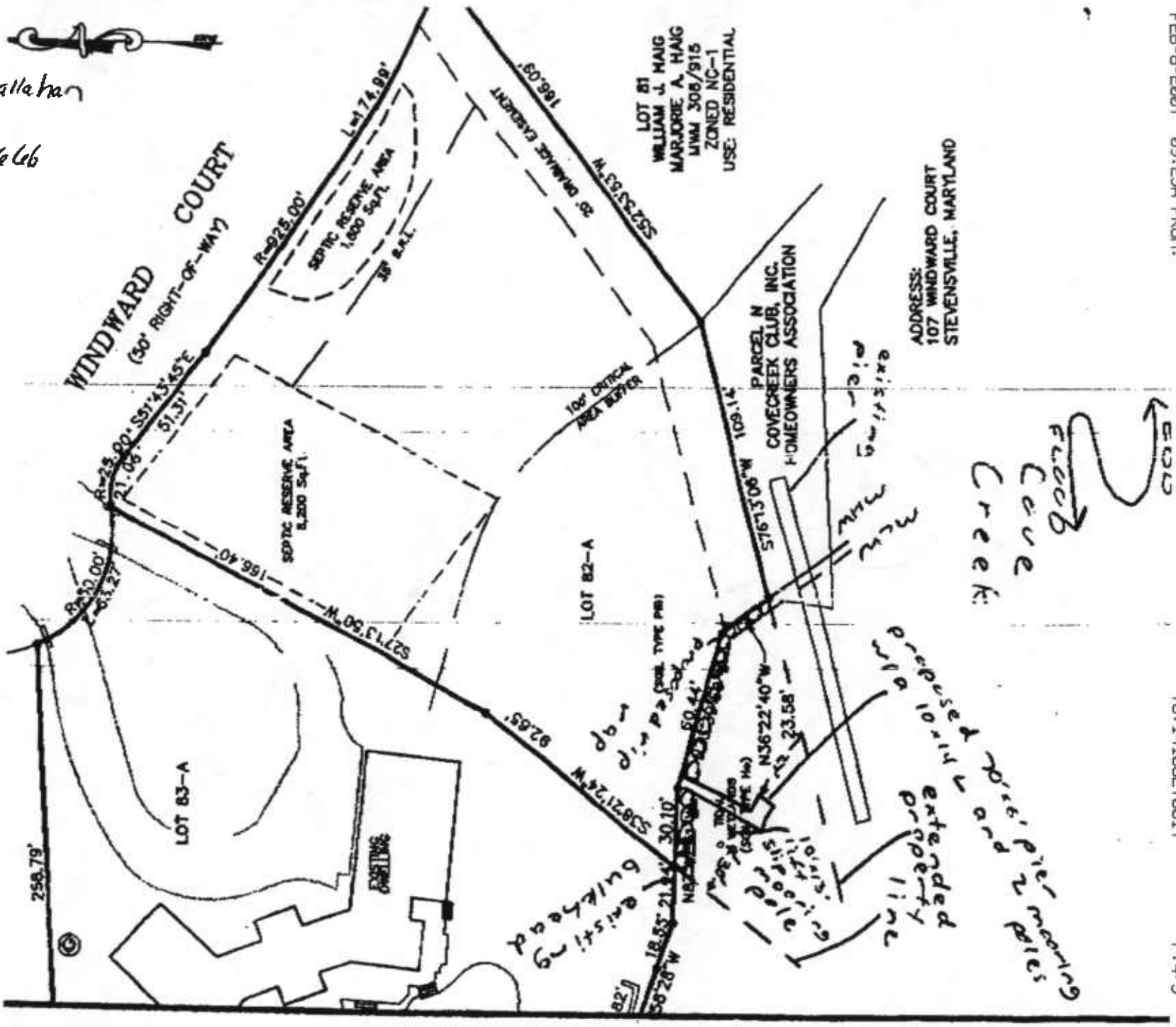


Richard J. Ayella, Chief  
Tidal Wetlands Division

Date of Issuance: December 6, 2006  
RAMS Tracking Number: 200667244

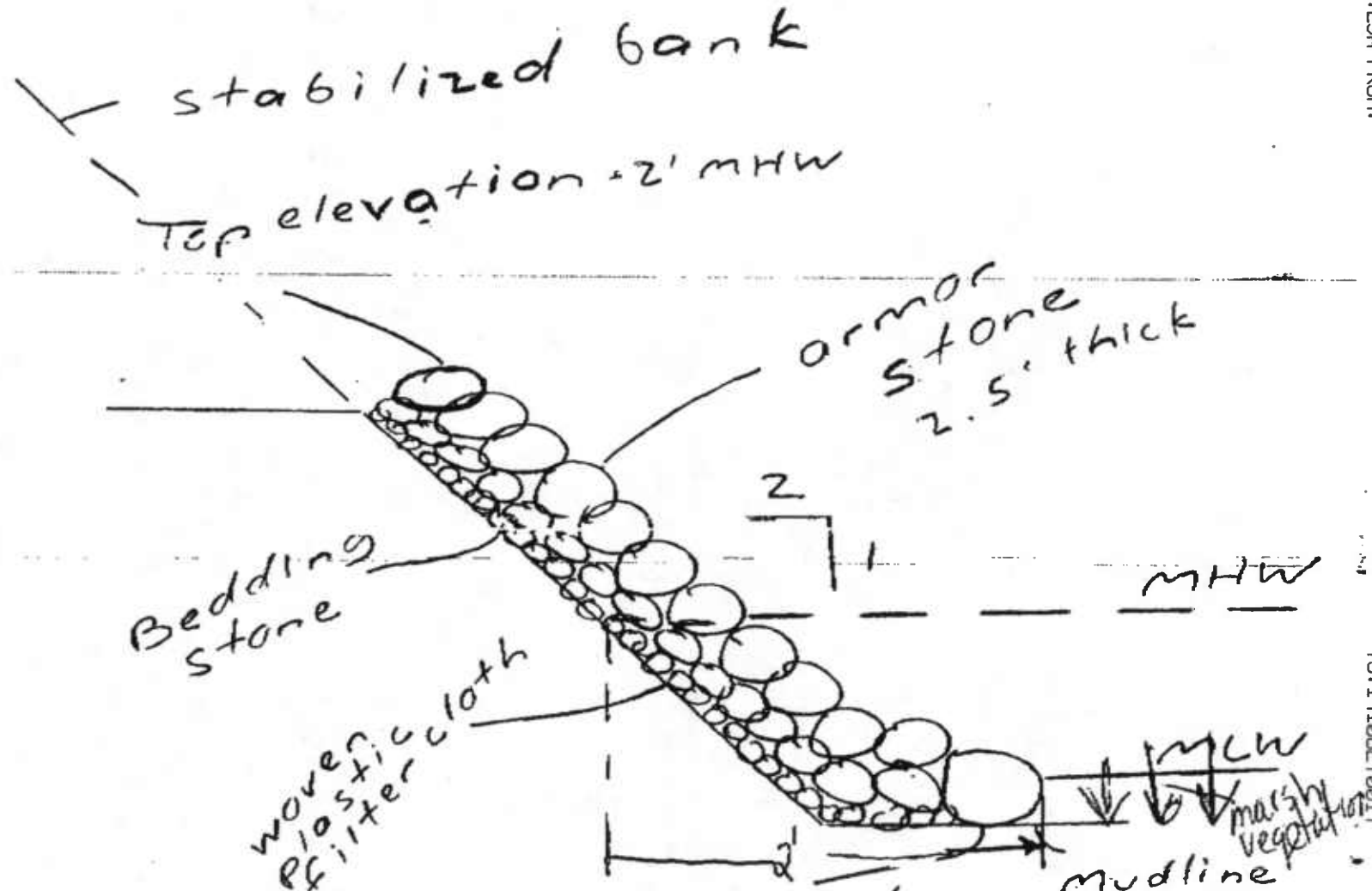
Daniel & Colleen Callahan  
107 Windward Ct  
Stevensville, MD 21666

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ADDRESS:  
107 WINDWARD COURT  
STEVENSVILLE, MARYLAND

# Typical Revetment Section



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 107 windward ct  
 Stevensville, MD 21666

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