

WC 210-05 Seaside Village  
VAR 02279

MSA-S-1829-5357

RC  
4/4/05

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 4, 2005

Ms. Stacey Weisner  
Worcester County Development Review & Permitting  
One West Market St., Room 1201  
Snow Hill, MD 21863

RE: Variance Case No. 92279, Seaside Village

Dear Ms. Weisner:

Thank you for providing information on the above referenced variance case. It is our understanding that there are actually two parts to this request. The first is to permit disturbance within the Buffer to bury an existing high voltage electric line under an existing driveway. The second is to permit grading within the Buffer to restore previously disturbed tidal and non-tidal wetlands as required under a correction order from the Maryland Department of the Environment.

In regard to the disturbance to the Buffer related to burying the electric cable, this office does not oppose the variance requested provided impacts are minimized and the variance requested is the minimum to provide relief. While the cable is being placed beneath existing impervious surface, we recommend that the applicant take advantage of the opportunity to ensure the future perviousness of the driveway. Also, the applicant should have all applicable permits from MDE in hand prior to any work (as the line is being placed within the non-tidal wetland buffer).

In regard to the disturbance to the Buffer related to restoration of the wetland, again we do not oppose the variance requested provided impacts are minimized and the variance requested is the minimum to provide relief. We recommend mitigation at a 3:1 ratio for all disturbance to the Buffer. Mitigation should be in addition to that otherwise required under the County's Buffer Management Area Program. Also, the applicant should coordinate these corrective actions with MDE, especially since it has been nearly three years since the violation occurred.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this request. Also, please notify the Commission in writing of the decision made by the Board. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

# R D HAND AND ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE, SITE PLANNING AND FEASIBILITY  
12302 Collins Road - Bishopville, Maryland - 21813  
Phone (410) 352-5623 Fax (410) 352-3301

March 18, 2005

Ms Stacey Weisner  
Worcester County Dept. of Development Review & Permitting  
One West Market St.  
Gov. Office Complex Rm 1201  
Snow Hill, MD 21863

Re: Seaside Village

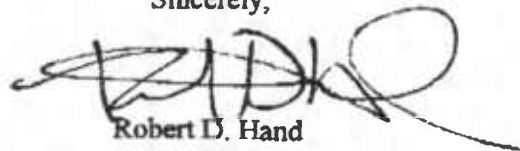
Dear Stacey,

In response to your request please accept this as justification for variance to NR 3-104(c)(4) (Grading in the Buffer). Attached please find a field inspection report from Steve Barnes, MDE dated 9/26/2002, letter from Spencer Rowe Inc. to Steve Dawson, MDE dated 9/27/2002 and letter of authorization from Steve Dawson, MDE dated 10/6/2004 concerning required tidal and nontidal restoration requirements for the above referenced project.

The restoration order was required due to actions by previous owners of the property that resulted in filling of tidal and nontidal wetland during dredging operations. The restoration is to be preformed during stormwater management construction phases of the project development in accordance with the restoration plan dated 8/23/02 prepared by RDHAI and Associates, Inc. (attached).

As always should you have any questions concerning this matter please contact this office accordingly.

Sincerely,



Robert D. Hand  
President

c.c. Hugh Cropper, IV  
Dane Bauer / Dave Wangel

RDH/jmh

Post-It® Fax Note	7671	Date	3/18/05	# of Pages	1
To	STACEY WEISNER	From	ROB HAND		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	410 632 3008	Fax #			

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CRITICAL AREA COMMISSION

Maryland Department of the Environment  
 Eastern Division  
 407 Race Street  
 Cambridge, MD 21613  
 P: (410) 901-4020 F: (410) 221-6317

410-  
 Fax 213 9884

Field Inspection Report by: Steve Barnes  
 Permit / Approval Numbers:

Inspection Date: 09/26/2002

Facility Address: ~~C/O Frank Howser & John H. Burbage~~  
 9428 Stephen Decatur Hwy.  
 Berlin, Md., MD 21842-

water's edge (now seaside village)

not whispering woods

Site Name: Jack W. Burbage Whispering Woods & other

Site Status: Complete

Permit Type: Tidal Wetlands

Site Condition: Corrections needed

Contact(s): <None Given>

Recommended Action: Dead File

Evidence Collected: VISUAL OBSERVATION

Inspection Reason: PAF  
 Initial Inspection for Current Fiscal Year

Follow-up for PAF#: 0000000

**INSPECTION FINDINGS**

Site visit with Harry Hunsicker and consultant Spence Rowe. Report 9-26-02. Visit 8-28-02.  
 The dredge spoil dike North side when installed was placed in tidal wetlands according to the Tidal Wetlands Map. In some other areas adjacent the Tidal Wetlands Nontidal Wetlands has also been encroached upon. In order for future impacts to proceed or for permit review to occur the applicant must insure that the site is in compliance with all past approvals. R.D. Hand has prepared a restoration plan that will correct any and all past encroachments. This will allow Nontidal/Tidal Wetland review to proceed in the review process in the future.  
 Note; Restoration work should be phased in the Erosion and sediment control plan. Concentration should be made for SWM Plan and outfall Construction during this phase.

Inspector: Steve Barnes  
 Steve Barnes

Received by: Foxed to Rowe  
9-26-02

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**SPENCER ROWE, INC.**  
**12409 Kent Road**  
**Ocean City, Maryland 21842**

voice: 410-213-0127 fax: 410-213-9884 email: srowe@beachin.net

*◦ wetland delineation and permitting ◦ forestry ◦ complete site evaluation*

September 27, 2002

Steve Dawson  
Chief, Eastern Shore Section  
Nontidal Wetlands  
Maryland Department of the Environment  
Multi-Service Center  
201 Baptist Street  
Salisbury, Maryland 21801

Re: 200162771/01-NT-2044

Dear Steve:

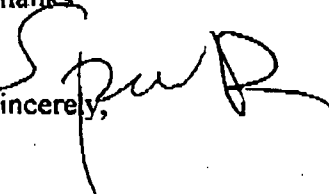
Please find enclosed the plates by R.D. Hand showing the proposed buffer impacts for the second phase of the Water's Edge project that was subject to the above-referenced permit.

Note that all the impacts are associated with outfalls for storm water management.

Also please note that the applicant is subject to the requirements for compliance with previously issued permits to others on this site as documented by Steve Barnes in his Inspection Report of 9-26-02 (copy enclosed)

Thanks

Sincerely,

  
Spencer Rowe  
President



GEORGE, MILES & BUHR, LLC

RESPOND TO:  
11426 York Road  
Second Floor  
Hunt Valley, MD 21030  
410/584-8370  
410/584-9076 FAX

February 14, 2005

Worcester Co  
Board of Zoning Appeals  
Dept. of Development Review  
One West Market St.  
Snow Hill, MD 21863

Attn: Board of Zoning Appeals

Re: Variance Request  
Seaside Village  
Golf Course Rd. & Rte. 50  
Tax Map 27 Parcels 547 & 553

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CRITICAL AREA COMMISSION

Dear Board of Zoning Appeals:

The owner, ADC Builders, Inc., of the proposed subdivision known as Seaside Village RPC requests a variance for minimal temporary disturbance to the 100 Foot Atlantic Coastal Bays Critical Area Buffer. The project entails the burial of an existing overhead electrical transmission line within an existing impervious roadway. The excavation will be four (4) feet in depth and three (3) feet in width. To the extent possible, the trench will be aligned in the existing ten (10) foot roadway which has been classified as impervious area. Some temporary disturbance to the delineated non-tidal wetland may also be necessary to run the buried cable into the existing utility sub-station as shown on sheet No. C-2 adjacent to slip # 66 in the marina. Any disturbance to non-tidal wetlands and/or buffer will receive the necessary approvals from the Maryland Department of Environment.

The existing poles will be abandoned. Alternatives are being developed to deal with their total removal or to cut the poles and leave the bases in place. In either case, the temporary disturbance will be necessary to move these wooden structures.

Specific long-term benefits involved with the temporary disturbance of wetlands can be categorized as:

1. Removal of potential overhead electrical hazards.
2. Future maintenance of the electrical lines can be accomplished within the existing disturbed roadway thereby eliminating any additional disturbances.
3. Restoration of a scenic view for existing and proposed development.

ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • LEWES • SEAFORD • YORK

www.gmbnet.com

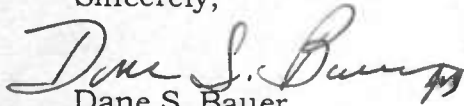
JAMES R THOMAS, JR., PE  
PETER A BOZICK, JR., PE  
JUDY A SCHWARTZ, PE  
CHARLES M O'DONNELL, PE  
JOHN E BURNSWORTH, PE  
W BRICE FOXWELL, PE  
JAMES H WILLEY, JR., PE  
A REGOIE MARINER, JR., PE  
MICHAEL D McARTHUR, AIA  
DANE S BAUER  
MICHAEL G KOBIN, PE  
JAMES C HOAGESON, PE  
STEPHEN L MARSH, PE  
AMANDA H POLLACK, PE  
MARTIN D DUSBIBER  
JERRY KOTRA  
C RICHARD RICHM

Seaside Village  
February 14, 2005  
Page 2

It should be noted that the proposed Seaside Village project actually reduces the amount of impervious area throughout the buffer. Substantial beneficial increases in vegetation are encompassed within the landscaping and planting plan which accompanies site development.

If additional information or clarification is necessary, please contact the consulting firm of George, Miles & Buhr, LLC (GMB) attn: Mr. Jim Dieter at 410/584-8370.

Sincerely,



Dane S. Bauer  
Associate

DSB/mc

cc L. CHANDLER

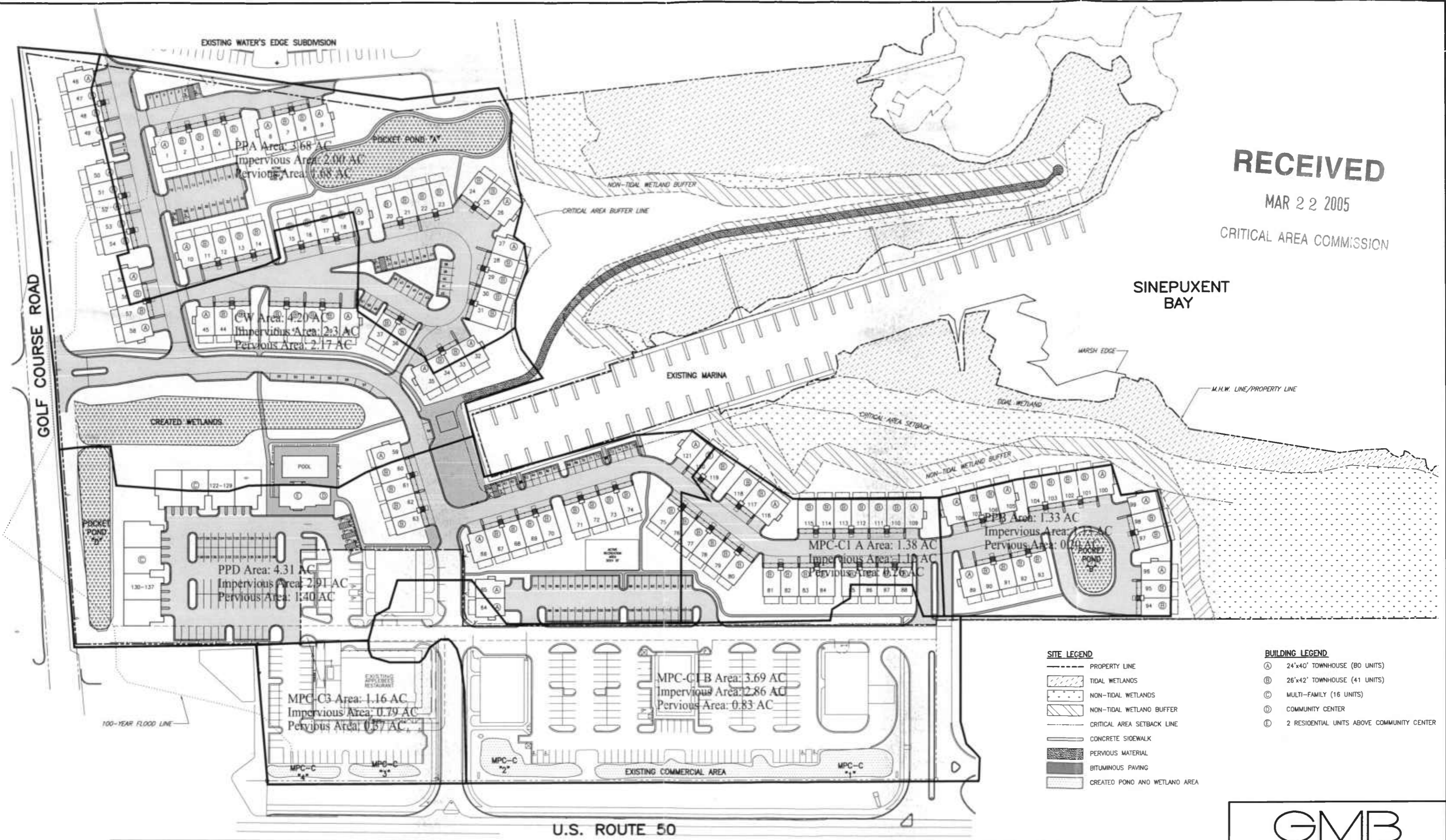


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SINEPUXENT BAY



- SITE LEGEND**
- PROPERTY LINE
  - [Hatched Box] TIDAL WETLANDS
  - [Dotted Box] NON-TIDAL WETLANDS
  - [Diagonal Lines Box] NON-TIDAL WETLAND BUFFER
  - CRITICAL AREA SETBACK LINE
  - CONCRETE SIDEWALK
  - [Stippled Box] PERVIOUS MATERIAL
  - [Dark Stippled Box] BITUMINOUS PAVING
  - [Light Stippled Box] CREATED POND AND WETLAND AREA

- BUILDING LEGEND**
- (A) 24'x40' TOWNHOUSE (80 UNITS)
  - (B) 26'x42' TOWNHOUSE (41 UNITS)
  - (C) MULTI-FAMILY (16 UNITS)
  - (D) COMMUNITY CENTER
  - (E) 2 RESIDENTIAL UNITS ABOVE COMMUNITY CENTER

**GMB**

GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • LEWES • SEAFORD • YORK  
www.gmbnet.com

PROPOSED SITE PLAN

PROPOSED SITE PLAN  
SCALE: 1" = 60'

NO.	DATE	REVISIONS

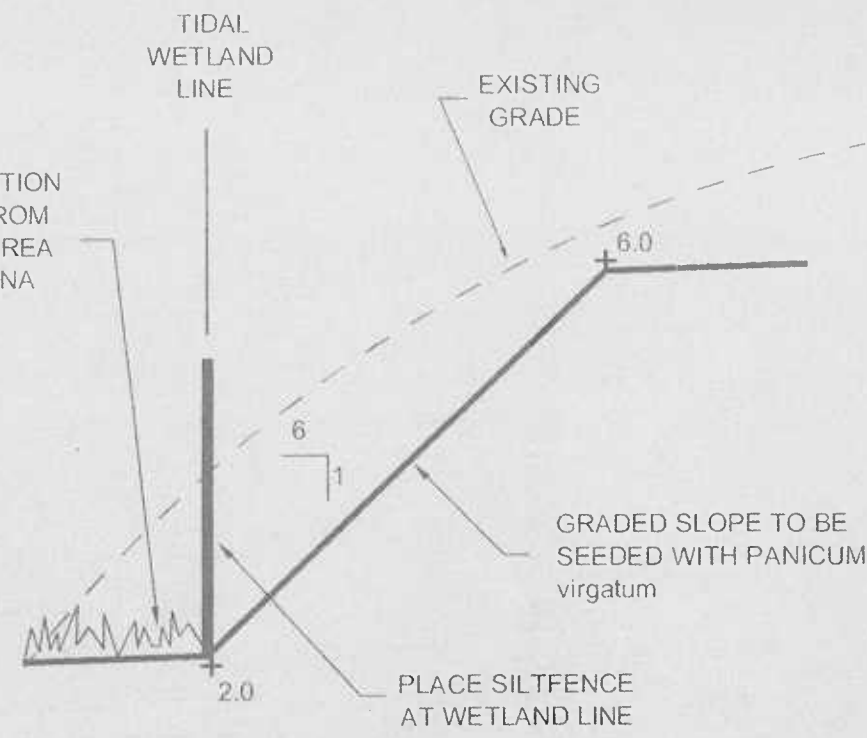
SEASIDE VILLAGE  
WORCESTER COUNTY, MD.

DESIGN	RAB	SHEET NO.
DRAWN	RAB	C2.0
CHECKED	JK	
JOB	2003.108F	
DATE	FEBRUARY 2005	



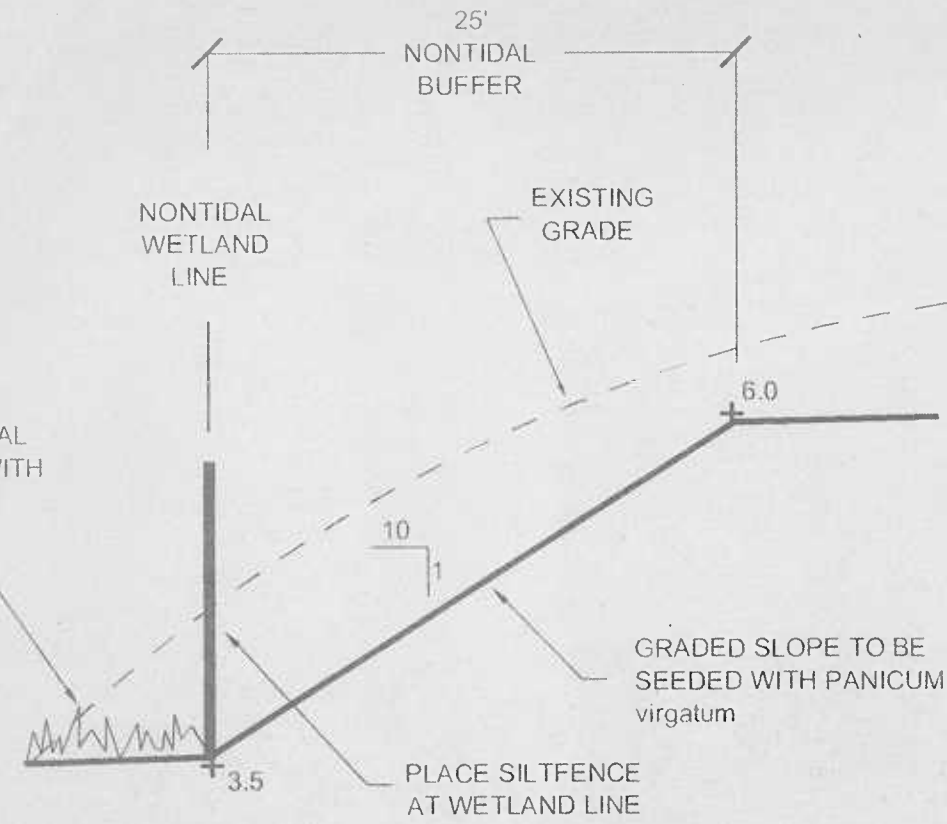
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ALL FILL ABOVE ELEVATION 2.0 TO BE REMOVED FROM TIDAL WETLAND AND AREA PLANTED WITH SPARTINA



**SECTION A-A**  
NTS

ALL FILL ABOVE ELEVATION 3.5 TO BE REMOVED FROM NONTIDAL WETLAND AND AREA SEEDED WITH PANICUM virgatum



**SECTION B-B**  
NTS

**LEGEND**

- TIDAL LINE
- NONTIDAL WETLAND LINE
- NONTIDAL WETLAND BUFFER LINE
- 3- EXISTING CONTOUR
- 3- PROPOSED CONTOUR

**VICINITY MAP**

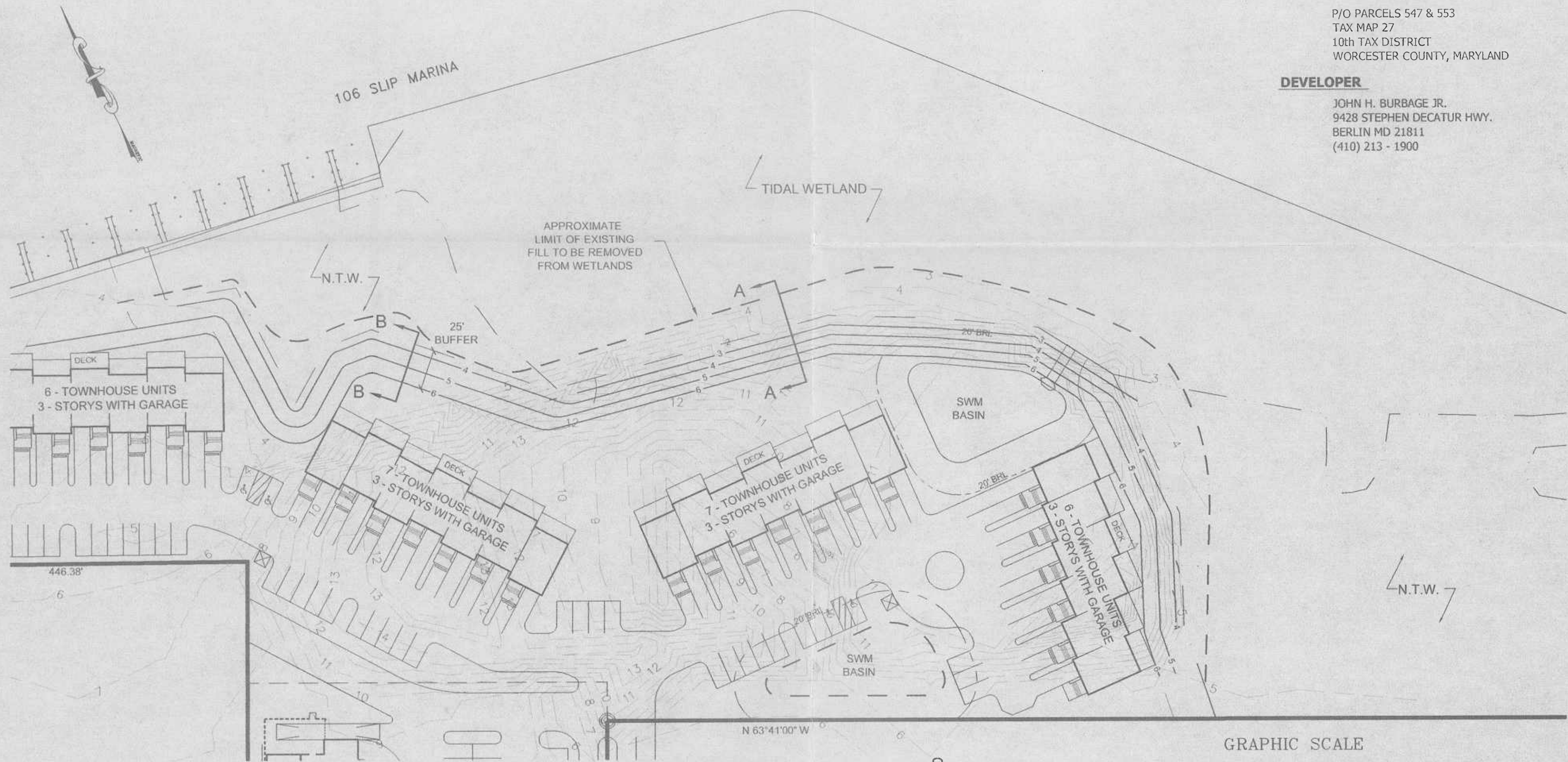
**SITE DATA**

**PARCEL DESCRIPTION**

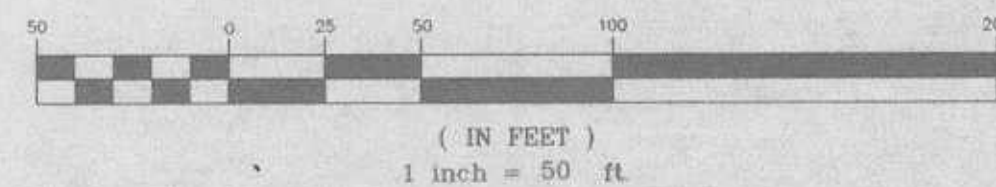
P/O PARCELS 547 & 553  
TAX MAP 27  
10th TAX DISTRICT  
WORCESTER COUNTY, MARYLAND

**DEVELOPER**

JOHN H. BURBAGE JR.  
9428 STEPHEN DECATUR HWY.  
BERLIN MD 21811  
(410) 213 - 1900



**GRAPHIC SCALE**



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**RESTORATION PLAN**

WATERS EDGE  
WORCESTER COUNTY, MARYLAND

**RD. HAND AND ASSOCIATES, INC.**

LANDSCAPE ARCHITECTURE, SITE PLANNING AND FEASIBILITY  
12302 COLLINS ROAD BISHOPVILLE, MD. 21813 410-352-5623

DATE 8/23/02  
DRAWN BY J MAYHUE  
CHK'D BY R.D.HAND  
DRAWING XXXXXXXX  
SCALE 1"=50'

**SHEET**  
1 of 1



WATERS EDGE I

GOLF COURSE ROAD (COUNTY ROAD)  
(R/W VARIES)

SINEPUXENT BAY

U.S. ROUTE 50

PROPOSED ELECTRICAL EASEMENT

SCALE: 1" = 60'-0"



LEGEND

---	PROPERTY LINE
---	TIDAL WETLAND LINE
---	NON TIDAL WETLAND LINE (N.T.W.)
---	NON TIDAL WETLAND BUFFER LINE
---	MEAN HIGH WATER LINE (M.H.W.)
---	FLOOD ZONE LINE
---	CRITICAL AREA BUFFER LINE
⊙	SANITARY MANHOLE
△	FIRE HYDRANT

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**GMB**

GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
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PROPOSED ELECTRICAL  
BURIAL ALIGNMENT

DESIGN	DWP	SHEET NO.
DRAWN	RAB	C-2
CHECKED	JK	
JOB	2003.108F	
DATE	FEBRUARY, 2005	

SEASIDE VILLAGE  
WORCESTER COUNTY, MD.

NO.	DATE	REVISIONS

G:\DRAWINGS\2003\08F\_SEASIDE\_VILLAGE\CURRENT\ELEC\RELOCATION.dwg, 2/15/2005 7:58:07 AM, rab



## Worksheet A: Standard Application Process

### Calculating Pollutant Removal Requirements<sup>1</sup>

**Step 1: Calculate Existing and Proposed Site Imperviousness**

**A. Calculate Percent Imperviousness**

- 1) Site Area within the IDA, A= 28.51 acres
- 2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)
- |                                | (a) Existing (acres)     | (b) Proposed (acres)      |
|--------------------------------|--------------------------|---------------------------|
| Roads                          | <u>3.94</u>              | <u>7.34</u>               |
| Parking Lots                   | <u>          </u>        | <u>          </u>         |
| Driveways                      | <u>          </u>        | <u>          </u>         |
| Sidewalks/paths                | <u>          </u>        | <u>0.91</u>               |
| Rooftops                       | <u>          </u>        | <u>4.69</u>               |
| Decks                          | <u>          </u>        | <u>          </u>         |
| Swimming pools/ponds           | <u>          </u>        | <u>0.11</u>               |
| Other                          | <u>          </u>        | <u>          </u>         |
| <b>Impervious Surface Area</b> | <b><u>3.94 acres</u></b> | <b><u>13.05 acres</u></b> |

3) Imperviousness (I)

Existing Imperviousness,  $I_{pre}$  = Impervious Surface Area / Site Area

= (Step 2a) / (Step1)

= ( 3.94 ) / ( 28.51 )

= 14%

Proposed Imperviousness,  $I_{post}$  = Impervious Surface Area / Site Area

= (Step 2a) / (Step1)

= ( 13.05 ) / ( 28.51 )

= 46%

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**B. Define Development Category**

- 1)  New Development: Existing Imperviousness less than 15% I (Go to Step 2A)
- 2) Redevelopment: Existing Imperviousness of 15% I or more (Go to Step 2B)
- 3) Single Lot Residential Development: Single lot being developed or improved; single family residential development; and more than 240 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements)

<sup>1</sup>NOTE: All acreage used in this worksheet refers to areas within the IDA of the critical area only.

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

**A. New Development**

$$\begin{aligned} L_{pre} &= (0.5) (A) \\ &= (0.5) ( \underline{28.51} ) \\ &= \underline{14.26} \text{ lbs/year of total phosphorus} \end{aligned}$$

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**

$$\begin{aligned} L_{pre} &= (R_v) (C) (A) (8.16) \\ R_v &= 0.05 + 0.009 (I_{pre}) \\ &= 0.05 + 0.009 ( \underline{14} ) = \underline{0.17} \\ L_{pre} &= ( \underline{0.17} ) ( \underline{0.30} ) ( \underline{28.51} ) (8.16) \\ &= \underline{12.17} \text{ lbs/year of total phosphorus} \end{aligned}$$

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
- $I_{pre}$  = Predevelopment (existing) site imperviousness (i.e.,  $I=75$  if site is 75% impervious)
- C = Flow-weighted mean concentration of 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 constraints and unit conversion factors

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

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

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

$$= 0.05 + 0.009 ( \underline{45.77} ) = \underline{0.46}$$

$$L_{post} = ( \underline{0.46} ) ( \underline{0.30} ) ( \underline{28.51} ) (8.16)$$

$$= \underline{32.24} \text{ lbs/year of total phosphorus}$$

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.,  $I=75$  if site is 75% impervious)

$C$  = Flow-weighted mean concentration of 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 constraints and unit conversion factors

**Step 4: Calculate the Pollutant Removal Requirement (RR)**

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

$$= ( \underline{32.24} ) - (0.9) ( \underline{14.26} )$$

$$= \underline{19.41} \text{ lbs/year of total phosphorus}$$

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)

**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 <sub>post</sub> )	x	(BMP <sub>RE</sub> )	x	(% DA Served)	=	Load Removed	
_____	_____		_____		_____		_____	lbs/year
_____	_____	x	_____	x	_____	=	_____	lbs/year
_____	_____	x	_____	x	_____	=	_____	lbs/year
_____	_____	x	_____	x	_____	=	_____	lbs/year
							Load Removed, LR (total)	= <u>22.63</u> lbs/year
							Polutant Removal Requirement, RR (from Step 4)	= <u>19.41</u> lbs/year

Where:

Load Removed = Annual total phosphorus load removed by the proposed BMP (lbs/year)

L<sub>post</sub> = Average annual load of total phosphorus exported from the post-development site (lbs/year)

(BMP<sub>RE</sub>) = 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 = Polutant removal requirement (lbs/year)

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

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