

AA 458-06 Daras, Michael  
SUB 06-0071

MSA-S-1829-5464

Comments 10/30/09  
JED  
Comments 4/4  
2/5/07



**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/)

February 5, 2007

Mr. Tom Burke  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Daras Property  
S 06-027, P 06-0071

Dear Mr. Burke:

This office has received another resubmittal for the above-referenced project. The applicant has addressed the comments of our last letter dated October 30, 2006. I have outlined our remaining comments below.

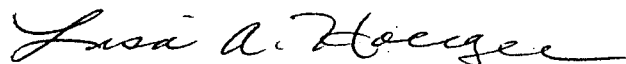
1. Since the date of our last letter, the Critical Area Commission reviewed and sent back to the County the reclassification request for this property; therefore, the reclassification request has not been approved by the Commission and the plat should not be signed until this issue is resolved.
2. The issue regarding the highly erodible soils needs to be resolved. It is unclear where the list of soils was obtained; however, the Code of Maryland Regulations 27.01.09.01 C (7) states that the Buffer shall be expanded to contiguous sensitive areas, like highly erodible soils if the proposed development activities will impact streams wetlands or other aquatic environments. The definition of highly erodible soils in COMAR 27.01.01 B (30) states, "...means those soils with a slope greater than 15 percent or those soils with a K value greater than .35 and with slopes greater than 5 percent." Therefore, the applicant must demonstrate to the satisfaction of the County that an expanded Buffer is not required due to site features not evident on the plan, but in the field would show that development of these lots will not impact streams, wetlands or aquatic environments.

Mr. Burke  
February 5, 2007  
Page Two

3. The proposed areas set aside for afforestation requirements should be moved to the 100-foot Buffer. Since the Code (17-8-303) requires that the Buffer be established in native vegetation, and afforestation is required, the afforestation requirement can be met while also meeting the Buffer reestablishment requirement.

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

Sincerely,



Lisa A. Hoerger, Chief  
Project Evaluation Division

cc: AA 458-06

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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October 30, 2006

Ms. Kelly Krinetz  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

Re: Michael Daras Property  
MS 86-354

Dear Ms. Krinetz:

Thank you for providing information regarding the above reference revised subdivision. The applicant is proposing to subdivide a 17.93 acre property to create three lots. The property is currently mapped partially as a Resource Conservation Area (RCA) and partially as a Limited Development Area (LDA).

Based on the revised subdivision plat, we have the following comments:

1. We note that the applicant is currently seeking reclassification of the property from a RCA to a LDA. Since the ability to subdivide the property as proposed is entirely dependent upon this reclassification, final plat approval cannot be granted until the proposed mapping mistake is approved by the Critical Area Commission.
2. The subdivision plat indicates that a highly erodible Donlonton soil classification (K=.43) exists on the property contiguous with the 100-foot Buffer. Please have the applicant address section 27-13-104 of the County Code which states that the Buffer shall be expanded to include contiguous highly erodible soils whose development may impact streams, wetlands, or other aquatic environments.
3. The applicant states that submission of a Buffer management plan is not necessary since no new disturbance to the Buffer is proposed. However, section 26-8-303 of the County Code requires that a Buffer shall be reestablished and planted in accordance with an approved Buffer management plan where development activities are proposed and no existing natural Buffer exists. Upon recordation of the subdivision plat, establishment of the Buffer on proposed lots 1 and 3 will be required via submission of a planting plan. Please have the applicant add a note referencing this requirement on the plat.
4. Section 26-8-602.e of the County Code states that afforestation and reforestation plantings shall be established first within the 100-foot Buffer if feasible. Given that it appears feasible, payment of a

Kelly Krinetz  
Daras Subdivision  
October 30, 2006  
Page 2

fee-in-lieu appears inconsistent with the requirements of the County Code. We recommend that the County require the applicant to implement native plantings within the Buffer in fulfillment of the afforestation requirement. We note that the applicant will be required to plant the Buffer anyway in fulfillment of the requirements stated in #3.

Thank you for the opportunity to provide comments for this revised subdivision plat. Please have the applicant address the concerns above and submit a revised plat. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resources Planner  
AA458-06

Robert L. Ehrlich, Jr.  
Governor



Michael S. Steele  
Lt. Governor

Martin G. Madden  
Chairman

Ren Serey  
Executive Director

**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
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July 18, 2006

Ms. Kelly Krinetz  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6401  
Annapolis, Maryland 21401

Re: Daras Property  
S 06-027, P 06-0071

Dear Ms. Krinetz:

I have received the above-referenced project for review and comment. The applicant proposes to subdivide a 17.93 acre property into three lots. The majority of the site is classified as a Limited Development Area (LDA). I have outlined my comments below.

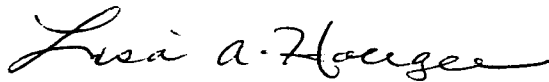
1. Since this parcel was granted a Critical Area reclassification request from the Administrative Hearing Officer, it needs to be processed by the Critical Area Commission before the reclassification request can be considered final; therefore, this action must be taken prior to final plat approval.
2. The limits of the 100-foot Buffer and the 25-foot nontidal wetland buffer need to be established in the field to ensure they are located correctly and any subsequent development activities are located outside these buffer areas.
3. The forest clearing information appears correct. What is unclear is why the applicant is not providing some planting on site. We recommend some planting occur on-site to the extent possible before a fee-in-lieu is paid to the County reforestation fund.
4. Since we only have a plat for review, we cannot determine the extent of existing forest cover on-site; however, the County Code requires that a fully functioning Buffer be created in accordance with a Buffer Management Plan on newly created lots. Therefore, proposed lots 1 and 3 will need to prepare a Buffer Management Plan for approval by the County foresters. This planting may count towards the required afforestation and reforestation requirements.

Ms. Krinetz  
July 18, 2006  
Page Two

5. The impervious surface area tabulations correctly indicate the allowable coverage for each lot. We recommend the plat clearly state that these are the maximum allowable limits and that no variances to exceed these limits is permitted since lots 1 and 3 are newly-created lots.
6. The letter dated August 12, 2005 from the Department of Natural Resources (DNR) indicates the site is adjacent to known historic waterfowl concentration areas. We recommend a note be added to the plat indicating that any future water-dependent (i.e. piers) facilities may require review by DNR for this habitat.

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

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: AA 788-04



P 06-0071

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JUN 13 2006

SEE ENVIRONMENTAL  
SERVICES, INC.

PERMIT APPLICATION CENTER

## CHESAPEAKE BAY CRITICAL AREA REPORT

Critical Area Reclassification Application for:

Mr. Michael A. Dares  
3200 Arundel-on-the-Bay Road  
Annapolis, Maryland 21403

Tax Map 57, Grid 14, Parcel 94

Current Critical Area Designation: RCA and LDA  
Proposed Classification: LDA  
Zoning: R-2

September, 2004

### I. Introduction

The applicant is requested a Critical Area land use reclassification for his ~~17.89~~<sup>17.93</sup>-acre property on Arundel-on-the-Bay Road in Annapolis, Anne Arundel County. The property is waterfront on Kitty Duvall Creek and is completely within the Chesapeake Bay Critical Area. As mapped in 1988 on County Critical Area Map #24 (copy enclosed), the site has 2.97 acres classified as Limited Development (LDA) and 14.92 acres as Resource Conservation (RCA).

The land use reclassification request is based on mistake in the mapping in light of the County mapping criteria outlined on pages 14-16 of its August, 1988 Critical Area Program document. Specifically, County gravity sanitary sewer was present in Arundel on the Bay Road prior to December, 1985, and the property was mapped in the then current County Sewer Master Plan as "Planned Service". By the County mapping criteria, the property should have been completely mapped as LDA. The applicant's goal is to have the ability to subdivide to create only three estate lots. The basis for the County's original drafting of the LDA-RCA boundary is not clear at this point, and the previous landowner did not take the advantage to request reclassification during the final round of County mapping in 1988.

This report is based on 2004 site plan by Drum, Loyka & Associates, LC a copy of which is enclosed at the end of this report. A site investigation was conducted on September 21, 2004, to obtain information to prepare this Critical Area report. The investigation began with a nontidal wetlands delineation on the eastern side of the site, the results of which are reported in the enclosed copy of the wetlands report by See Environmental Services, Inc.

The Woodbridge Center  
2444 Solomons Island Road, Suite 217  
Annapolis, Maryland 21401  
Tel: (410) 266-3828 Fax: (410) 974-6008



## II. Critical Area Study Narrative - Site Description

The subject property is ~~17.89~~<sup>17.93</sup> acres in size and is located on the northern shoreline of Kitty Duvall Creek east of Annapolis. The existing driveway is located opposite Moyer Road, the entrance into the small Walnut Lake subdivision. The existing County gravity sewer terminates at this point, and it flows east to the pumping station at the intersection of Arundel-on-the-Bay and Thomas Point Roads, before being pumped west along the road towards the City Wastewater Treatment Plant.

Soils mapped on the site in the 1973 County Soil Survey include the non-hydric Monmouth and Donlonton sandy loam (DnA, DnB2, and MuB2) soils, with the hydric Colemantown sandy loam (Ck soil mapping unit in the center of the adjoining Tilghman's Landing subdivision up to the edge of the property line.

Soils mapped on the new, 2003 Soil Survey include the non-hydric Downer and newly-created Annapolis (DnA and DnB and AuB soil mapping units. The mapping of the hydric Colemantown (Ck sandy loam is less extensive than in the 1973 Soil Survey, and is somewhat less accurate than the 1973 mapping.

A site investigation was conducted on September 21, 2004, by Eric See of See Environmental Services, Inc., which included a delineation of the nontidal wetlands boundaries. Details of the wetlands investigation are included in the enclosed copy of the wetlands report. No plant species were observed that are considered rare, threatened or endangered by the U.S. Fish & Wildlife Service or the Maryland Department of Natural Resources (DNR).

## III. Proposed Conditions/Critical Area Compliance

As noted above, the applicant's goal is to create three waterfront, estate lots, 5- to 8 acres in size, after the site has been reclassified to all LDA. This lot density is well under the +/- 30 lots allowed by the underlying R2 zoning. Details of the compliance with the LDA development standards (tree clearing, impervious coverage) will be addressed with this future subdivision application. A summary of general compliance is as follows:

**Impervious coverage:** The site currently contains ~~0.59~~ acre of impervious coverage in the form of the house, pool, garage, and the long driveway. Up to 15% of a site in LDA can be made impervious, or 2.68 acres. If all three future lots are similar to the existing house and driveway, than only ~~1.86~~<sup>2.68</sup> acres of impervious would be required. Stormwater management would be required, and the site has large areas of mowed field and lawn outside of the 100-foot Buffer for stormwater management.

**Woodland Clearing/Afforestation:** The site has very little "forest", in fringes on its east and west sides, and an area of shade trees (mostly sweetgum) over lawn around the house and pool. Afforestation to 15% of the site will be required, preferably building up the woodlands on either side of the site. Some trees may need to be cleared for two new houses, and this would require reforestation in addition to the afforestation.

**Wetlands/Buffers:** The existing house and related improvements are located well over 100-feet from the tidal shoreline, and houses on the proposed two new lots could be lined up at the same distance to

maximize the Critical Area Buffer. The three-lot future development concept would allow more than adequate room on the eastern lot to provide a minimum 25-foot buffer to the nontidal wetlands in this area.

Aquatic Resources: A detailed assessment was not undertaken.. Submerged aquatic vegetation (SAV) may be present. Annual surveys and an on-site survey of the Hillsmere community marina across the creek have shown horned pondweed (*Zanichellia palustris*) in shallow water in the vicinity of the marina. (A copy of the 2002 annual survey is enclosed; Zp is the map symbol for horned pondweed.) This species generally dies out by mid-June, and so a search for it could not be made, but it is likely that it is present in relatively shallow water along the shoreline of the Dares Property. If present, development of future piers for the two proposed piers can be accomplished without damage to SAV, because the piers would be extended out to create boat slips in deeper water. The water frontage is so wide that each of the proposed new lots would have much greater frontage than the minimum required for an individual piers and their setbacks.

#### **IV. Conclusions:**

The request for reclassification is based on mistake, and that the County's own mapping standards should have led to this entire property being mapped LDA. The very low density of development proposed will insure that no adverse impacts to water quality and fish and wildlife habitat should occur.

#### **References**

Anne Arundel County PACE. Critical Area Map #24.

Drum, Loyka & Associates, LC, 2004 site plans and field surveys.

Maryland Department of the Environment. Tidal Wetlands Boundary Map #AA-89.

Natural Resources Conservation Service, 2003. New County Soil Survey for Anne Arundel County (at website: [www.sawgal.umd.edu/nrsweb/Maryland/Anne Arundel/](http://www.sawgal.umd.edu/nrsweb/Maryland/Anne%20Arundel/))

Soil Conservation Service, 1973. Soil Survey for Anne Arundel County, Maryland. USDA.

Virginia Institute of Marine Sciences, annual SAV surveys at website: [www.vims.edu/bio/sav/](http://www.vims.edu/bio/sav/).



SEE ENVIRONMENTAL SERVICES, INC.

OCT 11 2006

PLANNING AND ZONING DEVELOPMENT

P 06 - 0071 RECEIVED

Mr. Michael A. Daras  
September 29, 2004  
3200 Arundel-on-the-Bay Road  
Annapolis, Maryland 21403

RE: Daras Property - Wetlands Investigation

Dear Mr. Daras:

PLANNING AND ZONING DEVELOPMENT

A tidal and nontidal wetlands investigation was conducted on September 21, 2004 on your 17.89-acre property on Arundel-on-the-Bay Road, east of Annapolis, Anne Arundel County. The property is located just west of the new, six-lot Tilghman's Landing subdivision. This firm conducted a wetlands delineation of that site in 1998, and the investigation of your property was tied into that delineation.

General Site Conditions: The Daras Property is characterized by a gentle slope up from the bulkheaded shoreline up to a low ridge on which the existing house and swimming pool are located. The site then slopes back to the north towards a large, nearly flat field that extends to Arundel-on-the-Bay Road. This field was previously farmed, with evidence of minor ditching are present.

Soils mapped on the site in the 1973 County Soil Survey include the non-hydric Monmouth and Donlonton sandy loam (DnA, DnB2, and MuB2) soils, with the hydric Colemantown sandy loam (Ck soil mapping unit in the center of the adjoining Tilghman's Landing subdivision up to the edge of the property line.

Soils mapped on the new, 2003 Soil Survey include the non-hydric Downer and newly-created Annapolis (DnA and DnB and AuB soil mapping units. The mapping of the hydric Colemantown (Ck sandy loam is less extensive than in the 1973 Soil Survey, and is actually less accurate than the 1973 mapping.

Tidal Wetlands: The site is waterfront on Kitty Duval Creek, with an existing bulkhead along the shoreline and only a few scattered patches of tidal marsh vegetation in front. No delineation (flagging) was conducted along the well-defined shoreline.

2800 Arundel on the Bay Road Wetlands Report  
Mr. Michael A. Daras  
September 29, 2004

Nontidal Wetlands: On the adjoining Tilghman's landing subdivision,

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CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

forested nontidal wetlands are present in the center of the site (on both sides of the old driveway that is now the use-in-common private subdivision street), and an area of mowed nontidal wetlands behind the bulkhead. These were delineated in 1998 and are depicted on that subdivision's Final Plan and Plat, both extending to the property line of the Daras Property. As a result, a small sliver of forested nontidal wetlands is found along its eastern side of the Daras Property. However, on the subject property, there is more slope down to the back of the bulkhead, and there are non nontidal wetlands behind the bulkhead.

The nontidal wetlands boundary on the eastern side of the site was flagged for survey, using a combination of pink and blue-and-white striped flags, numbered and labeled "SES NTW #1" through #12. Flag #1 was placed on a redcedar tree on top of the faded old flag #1 from the Tilghman's Landing delineation. The last flags to the north from the earlier delineation could not be found, and so the final flag on the Daras Property was placed at the point where the wetlands boundary curved back onto Tilghman's Landing.

In general, the boundary in this area is found on a gentle slope and was identified as the point where soils gradually turned from just non-hydric -- chroma 3 with mottles -- to hydric -- chroma 2 to 1 with mottles. Vegetation on the uplands is mowed grasses left from the last stabilization of the farm fields when farming was abandoned by a previous owner. Vegetation inside the woodlands is predominantly facultative species, including red maple and sweetgum. The center of the wetlands on the Tilghman's Landing subdivision appear wetter than when the site was flagged in 1998, suggesting that the culvert under the private road is partially blocked.

The enclosed plotting by Drum, Loyka & Associates, LC shows the locations of the flags along the east side of the site.

If you have any questions regarding this report, please feel free to contact me at any time.

Sincerely,



Eric E. See, President  
See Environmental Services, Inc.

enc: Reduced-scale Drum, Loyka site plan

cc (w/enc): Michael M. Drum, P.E.; Drum, Loyka & Associates, LC

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458-06

MAR 3 2005

CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER 2004-0464-C**

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**IN RE: MICHAEL AND LAURA DARAS**

SECOND ASSESSMENT DISTRICT

DATE HEARD: JANUARY 13, 2005  
LAST EVIDENCE: FEBRUARY 25, 2005

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**ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER**

**PLANNER: LIZ WEST**

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DATE FILED: MARCH 1<sup>st</sup>, 2005

## **PLEADINGS**

Michael and Laura Daras, the applicant, seeks a critical area reclassification (2004-0464-C) from Resource Conservation Area (RCA) to Limited Development Area (LDA) on property located along the southwest side of Arundel on the Bay Road, northwest of Tilghman's Landing Way, Annapolis.

## **PUBLIC NOTIFICATION**

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Mr. Daras testified that the property was posted on December 14, 2004. I find and conclude that the requirements of public notice have been satisfied.

## **FINDINGS**

### *(1) Introduction*

This case concerns property with a street address of 3200 Arundel on the Bay Road, also identified on Tax Map 57, Block 14, as Parcel 94. The property comprises 17.93 acres and is zoned R-2 residential with Chesapeake Bay critical area designations as RCA (14.96 acres) and LDA (2.97 acres). This is a waterfront lot on Kitty Duvall Creek. The property is developed with a single-

family dwelling and accessory structures. The request is to reclassify 14.73 acres from RCA to LDA.<sup>1</sup> The request is preliminary to subdividing the property into three, 6-acre lots.

*(2) Standards*

Under Anne Arundel County Code, Article 28, Section 11-102.3(b), "[t]he applicant for a critical area reclassification has the burden of proof, including the burden of going forward with the evidence and the burden of persuasion with respect to any question of fact." Under Section 11-102.3(c), the reclassification shall be granted or denied in accordance with compatibility with the zoning, but a reclassification may not be granted except on the basis of an affirmative finding that:

- (1) there was a mistake in the approved Chesapeake Bay Critical Area map based on land uses in existence on December 1, 1985;
- (2) the proposed critical area classification conforms to the State and County Chesapeake Bay Critical Area mapping criteria;
- (3) the proposed critical area classification conforms to the environmental goals and standards of the general development plan;
- (4) there is compatibility between the uses of the property as reclassified and surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County and to promote effective environmental land use management; and
- (5) the applicant has notified the Chesapeake Bay Critical Area

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<sup>1</sup> Nontidal wetlands comprising 0.23 acres would retain the RCA designation.

Commission of the proposed critical area reclassification in writing and with a copy of the application at least 30 days prior to any hearing.

*(3) The evidence*

Liz West, a planner with the Office of Planning and Zoning, testified that the parcel was platted in 1946 and purchased by the applicants in 2004. She indicated that the RCA designation is a mistake because the mapping failed to consider the April, 1984 Water and Sewer Master Plan Maps showing the property in the S-6 Category (future service) with an existing 8-inch sewer line in Arundel on the Bay Road at the rear of the property. The witness stated that the proposed reclassification is compatible with the zoning. In this regard, surrounding properties are primarily developed in accordance with the low-density residential designation shown on the General Development Plan's (GDP) land use map and the R-2 zoning.<sup>2</sup> The applicants' critical area report indicates that there are no threatened, rare or endangered species. There were no adverse agency comments.<sup>3</sup> By way of ultimate conclusion, Ms. West supported the request.

Michael Drum, an engineering consultant to the applicants, described the property as open fields and a lawn. Sewer service is provided to the existing dwelling.<sup>4</sup> The surrounding area includes a 7-acre lot to the northwest, several lots ranging in size from 0.6 to 2.7 acres to the southeast and 25 one-half acre lots

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<sup>2</sup> However, the land use map for the Annapolis Neck Small Area Plan designates the area as rural.

<sup>3</sup> The County's Environmental Planner indicated that the property does not meet the density requirement for the LDA.

<sup>4</sup> The County's as-built drawing for the sewer is dated July 10, 1981.



across Arundel on the Bay Road to the east. The witness supplied a conceptual drawing showing a 3-lot minor subdivision which he indicated is consistent with the rural designation.<sup>5</sup> In sum, he believes that the proposal is consistent with the surrounding land use.

On cross-examination by counsel to several neighbors,<sup>6</sup> Mr. Drum acknowledged that water service is not available. Although he has not investigated the full subdivision potential of the property, the acreage would support be up to 25 lots. Finally, the properties to the northwest and the east are designated LDA while the property to the southeast is designated RCA.

Eric See, an environmental consultant to the applicants, provided a copy of the County's critical area program document and explained the petition process used during the mapping. In brief, properties in the 6 to 10 year sewer service area and within 2,000 feet of an existing line were considered as having service and were changed from RCA to LDA. He suggested that the property the subject of the application was overlooked. Mr. See testified that the LDA classification conforms to the mapping criteria, and a 3-lot subdivision would meet the rural land use designation. Finally, he opined that a 3-lot subdivision would not adversely impact critical area resources because the increase in impervious

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<sup>5</sup> The concept drawing locates the dwellings more than 300 feet from water. According to the witness, the minor subdivision satisfies critical area requirements and the development would not require any variances.

<sup>6</sup> They are: John and Mary Vertiz, Garth and Sue Hichens, William and Barbara Davis, Chris Wargo, Steve Britz and Carmel Snow, John and Gail Gilece and Colby and Gwen King.

coverage would be small and the development would include stormwater management, shoreline buffers and reforestation.

Mr. Daras testified that the applicants are finalizing a declaration of covenants that would restrict development of the property to three lots in perpetuity.<sup>7</sup>

Drew Koslow, the South River Keeper, opposed the application. He believes that the small area planning process confirmed the RCA designation and the proposal would adversely impact an area of open space and natural habitat. William Bradley expressed similar views, as well as concern about the potential for up to 25 lots.

Eli Avandayeagh, a representative of the Annapolis Neck Federation, opposed the request on the grounds that all waterfront areas should be protected and the proposal would cause adverse impacts to water quality.

John Flood, a representative of the South River Federation, stated that the request is inconsistent with Annapolis Neck Small Area Plan and would create the potential for greater development. In his judgment, the RCA overlay made it unnecessary to consider a zoning change during the small area planning process. Furthermore, during the critical area mapping process, some owners chose to retain the RCA designation despite the proximity of their properties to public sewer. Mr. Flood also indicated that the RCA overlay recognizes that the

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<sup>7</sup> A copy of the executed Declaration of Covenants, Conditions, Restrictions and Agreement was provided to this office on February 25, 2005.

Annapolis Neck area has limited infrastructure. The application was also opposed by Anne Pearson, on behalf of the Alliance For Sustainable Communities. She indicated that the RCA designation is intended to protect the Chesapeake Bay and rivers. Furthermore, surrounding development should not justify increased density.

### CONCLUSIONS

Upon review of the facts and circumstances, I find and conclude that the applicants have met their burden of proof such that the critical area reclassification shall be approved. The program document provides:

Land within 2,000 feet of an existing water or sewer line, as shown on the water or sewer maps, without any development, was also classified as an LDA (unless it was a wetland or public property); if sewer service was scheduled in the 6-10 year period (or earlier) in the County water and sewer plan . . . . This land was determined to have . . . sewer service . . . , since the developer would be required to connect and extend service from the existing line as a condition of development under existing County subdivision regulations (Article 26, Sections 3-305 and 3-312). Land that was developed at less than one dwelling unit per five acres and did not meet any of the above conditions was classified as Resource Conservation.

There is no dispute that the land was within 2000 feet of a then-existing sewer line with service scheduled within the 6-10 year period in the County sewer plan.

Therefore, the land should have been classified LDA. Conversely, because of the distance and timing, the land should not have been classified RCA.

The program document also describes the revisions made to the maps:

“Most of the changes to the land use classification maps in September [1987] included shifts from Resource Conservation to Limited due to the availability of public water or sewer service. The Criteria state that areas having public water or sewer qualify as Limited Development Areas. Existing County Law, Article 26, Sections 3-305 and 3-312, requires that public ... sewer service must be extended to the property in the “6-10 year sewer area” ... which is within 2000 feet of an existing line. This is imposed upon an applicant for development as a condition of subdivision approval. Therefore, properties within these distances and timings are considered to have ...sewer service within the context of the definition of Limited Development Area in the Criteria. Property beyond these distances and timings is not required to extend and construct utility lines and therefore is deemed not to have ...sewer available and remains in the Resource Conservation designation. ... In November, property that was changed to Limited Development in September that did not abut a ... sewer line was reclassified to Resource Conservation.”

(Emphasis supplied) On this basis, there can be no doubt that the proposed classification conforms to the mapping criteria.

The property was the subject of direct action in the Annapolis Neck Small Area Plan. The following explanation is provided: “The property lies in the Critical Area and is categorized as Resource Conservation Area. A change in the Land Use designation from Low Residential to Rural is proposed to encourage a lower density of development.” Annapolis Neck Small Area Plan, March 2003, p. 70. The GDP recognizes that agriculture and forestry are the primary uses in the rural land use category. However, residential uses are also allowed. Part 1, General Development Plan, 1997, page 12. Therefore, the proposed classification conforms to the environmental goals and standards of the GDP.

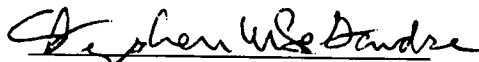
Finally, there is compatibility between the uses of the property as reclassified and the surrounding residential land uses.<sup>8</sup>

**ORDER**

PURSUANT to the application of Michael and Laura Daras, petitioning for a critical area reclassification from RCA to LDA; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 15<sup>th</sup> day of March, 2005,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a critical area reclassification from RCA to LDA in accordance with the site plan.

  
Stephen M. LeGendre  
Administrative Hearing Officer

**NOTICE TO APPLICANT**

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise that will be discarded.

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<sup>8</sup> The record reflects that the applicant provided the requisite notice to the Chesapeake Bay Critical Area Commission.

**DEDICATION BY OWNERS**

THE UNDERSIGNED, BEING ALL OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED ON THIS RECORD PLAT, ADOPT THIS RECORD PLAT; ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES; AND DEDICATE ALL PUBLIC ROADS, WIDENING STRIPS, FLOOD PLAINS, EASEMENTS, AND RIGHTS-OF-WAY TO PUBLIC USE, SUCH LANDS BEING DEEDED TO ANNE ARUNDEL COUNTY, MARYLAND OR TO THE STATE, AS MAY BE APPROPRIATE, PRIOR TO OR CONTEMPORANEOUS WITH THE RECORDATION OF THIS PLAT.

TO THE BEST OF OUR KNOWLEDGE, INFORMATION, AND BELIEF, THE REQUIREMENTS OF § 3-108 OF THE REAL PROPERTY ARTICLE OF THE STATE CODE, CONCERNING THE MAKING OF PLATS AND SETTING MARKERS, HAVE BEEN SATISFIED. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, TRUSTS EASEMENTS OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS RECORD PLAT OTHER THAN THE FOLLOWING: DEED OF TRUST TO FIRST HOME MORTGAGE CORPORATION LIBER 14877, FOLIO 248. ALL OWNERS OF THE PROPERTY HAVE AFFIXED THEIR SIGNATURES AND SEALS ON THIS RECORD PLAT.

WITNESS & DATE: \_\_\_\_\_ OWNER & DATE: \_\_\_\_\_  
 WITNESS \_\_\_\_\_ DATE \_\_\_\_\_ MICHAEL A. DARAS \_\_\_\_\_ DATE \_\_\_\_\_

I (WE) ASSENT TO AND DO HEREBY JOIN IN THIS RECORD PLAT.

WITNESS \_\_\_\_\_ DATE \_\_\_\_\_ FIRST HOME MORTGAGE CORPORATION \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT THIS PLAT IS CORRECT; THAT IT IS A SUBDIVISION OF ALL OF THE LANDS CONVEYED BY LAURA R. DARAS TO MICHAEL A. DARAS, BY DEED DATED APRIL 27, 2005 AND RECORDED IN THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND, IN LIBER 17475, FOLIO 061; AND THAT THE REQUIREMENTS OF § 3-108 OF THE REAL PROPERTY ARTICLE OF THE STATE CODE, CONCERNING THE MAKING OF PLATS AND SETTING OF MARKERS, HAVE BEEN SATISFIED.

\_\_\_\_\_  
 RAYMOND D. FOWLER, PROFESSIONAL LAND SURVEYOR #21134  
 1/09/07 DATE

**DEVELOPMENT PLAN NOTE:**

DEVELOPMENT OF THIS SUBDIVISION SHALL BE UNDERTAKEN ONLY IN ACCORDANCE WITH THE FINAL DEVELOPMENT PLAN ON FILE AT THE OFFICE OF PLANNING AND ZONING.

**CRITICAL AREA NOTE:**

THIS SITE IS LOCATED ENTIRELY WITHIN THE LDA AND RCA DESIGNATION OF THE CHESAPEAKE BAY CRITICAL AREA AND WILL BE SUBJECT TO ALL CRITICAL AREA REQUIREMENTS IN EFFECT AT THE TIME OF GRADING AND/OR BUILDING PERMIT APPLICATION. THE MAJORITY OF THIS SITE WAS RECLASSIFIED AS AN LDA DESIGNATION BY ORDER OF CASE NUMBER 2004-0464-C DATED MARCH 1, 2005.

**ALLOCATION NOTE:**

THIS SUBDIVISION PLAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 13, TITLE 5 OF THE ANNE ARUNDEL COUNTY CODE AS IT RELATES TO THE ALLOCATION OF WATER AND WASTEWATER CAPACITY. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS LAW MAY CAUSE THIS SUBDIVISION PLAT TO BECOME VOID OR CAUSE THE PROPERTIES SHOWN HEREON TO BE SUBJECT TO A LIEN FOR UNPAID CHARGES.

**PREVIOUSLY RECORDED PLAT NOTE:**

AN ADMINISTRATIVE PLAT FOR A LOT LINE CHANGE FOR THIS SITE WAS PREVIOUSLY RECORDED UNDER "THE FIELD RESIDENCE" IN PLAT BOOK 109, PAGE 1, AND IS SUBJECT TO ALL PRIOR PLAT NOTES EXCEPT AS MODIFIED HEREON.

**COASTAL FLOODPLAIN AND HIGH HAZARD**

LOTS 1 THROUGH 3 ARE AFFECTED BY A COASTAL FLOODPLAIN AND/OR A COASTAL HIGH HAZARD AREA AS ESTABLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON THE FLOOD INSURANCE RATE MAPS (MAP No. 240008 0044 D). THE ELEVATION IS 8 FEET. THE FIRST FLOOR ELEVATIONS OF ALL STRUCTURES LOCATED WITHIN THESE AREAS OR LOTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 16, TITLE 1 OF THE ANNE ARUNDEL COUNTY CODE.

**STANDARD APRON STATEMENT:**

A STANDARD PAVED DRIVEWAY APRON SHALL BE PROVIDED FOR EACH LOT AS PART OF THE BUILDING PERMIT REQUIREMENTS AS APPROPRIATE AND CONSISTENT WITH THE SCENIC CHARACTER OF THE COMMUNITY AND ROADWAY. THE CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED UNTIL THE APRON HAS BEEN CONSTRUCTED TO THE SATISFACTION OF ANNE ARUNDEL COUNTY. THE APRON SHALL BE CONSTRUCTED IN ACCORDANCE WITH ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS STANDARD DETAIL PLAT NO. L-8 OR L-8A, OR OTHER DETAIL AS APPROPRIATE AND CONSISTENT WITH THE SCENIC CHARACTER OF THE COMMUNITY AND ROADWAY.

**MODIFICATION NOTE:**

MODIFICATION NUMBER 9416 TO LOT DEPTH TO WIDTH RATIO, OPEN SPACE, AND RECREATION AREA REQUIREMENTS WAS GRANTED BY THE OFFICE OF PLANNING & ZONING ON AUGUST 30, 2006. MODIFICATION APPROVAL IS CONDITIONED UPON PAYMENT OF A FEE-IN-LIEU OF THE RECREATION AREA ASSESSED AT \$100.00 PER LOT.

**STORMWATER MANAGEMENT PRACTICES NOTE:**

STORMWATER PRACTICES WILL BE PROVIDED FOR THIS SITE IN ACCORDANCE WITH ANNE ARUNDEL COUNTY ARTICLE 16, SEC. 3-301 AND IN KEEPING WITH THE PLAN ON FILE AT THE ANNE ARUNDEL COUNTY OFFICE OF PLANNING AND ZONING. THE ROOFTOP & NON-ROOFTOP DISCONNECT CREDITS, AS FOUND IN THE MARYLAND STORMWATER DESIGN MANUAL WERE UTILIZED IN THE PREPARATION OF THE PLAN.

WOODLAND CLEARING TABULATIONS	
DESIGNATION	AREA
TOTAL EX. WOODLAND ON-SITE	99,395 S.F. (2.28 Ac.)
MAX. ALLOWABLE CLEARING FOR 1:1 MITIGATION RATIO (20%)	19,879 S.F. (0.46 Ac.)
LOT 1	2,384 S.F. (0.05 Ac.)
LOT 2	7,304 S.F. (0.17 Ac.)
LOT 3	10,191 S.F. (0.23 Ac.)
TOTAL WOODLAND TO BE REMOVED	19,879 S.F. (0.46 Ac.)
TOTAL LOT AREA AFTER R-O-W DEDICATION	771,162 S.F. (17.70 Ac.) x 15%=115,674 S.F. (2.66 Ac.)
TOTAL ON-SITE FOREST REQUIRED	115,674 S.F. (2.66 Ac.)
TOTAL REFORESTATION / AFFORESTATION REQUIRED ON-SITE	115,674 S.F.-79,516 S.F.= 36,158 S.F. (0.83 Ac.)
TOTAL REFORESTATION / AFFORESTATION PROVIDED ON-SITE	36,158 S.F. @ \$1.20 S.F.= \$43,389.60 (REFUNDABLE) PAID _____ RECEIPT NO. _____

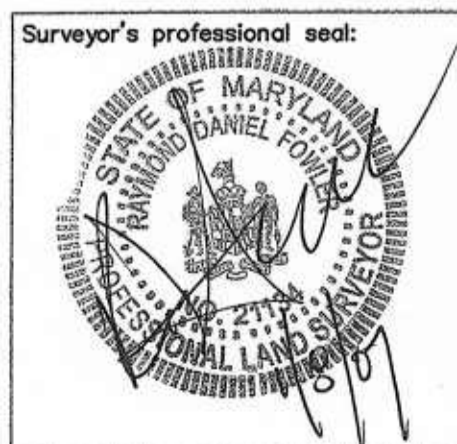
IMPERVIOUS AREA TABULATIONS			
DESIGNATION	AREA	TOTAL EXISTING IMPERVIOUS COVERAGE	TOTAL ALLOWABLE IMPERVIOUS COVERAGE
TOTAL PROP. AREA	781,033 S.F. (17.93 Ac.)	28,734 S.F. (0.66 Ac.)	_____
TOTAL NON-TIDAL WETLANDS	9,870 S.F. (0.23 Ac.)	_____	_____
TOTAL PROP. AREA MINUS 15' R-O-W DEDICATION	771,162 S.F. (17.70 Ac.)	_____	115,674 S.F. (2.66 Ac.) 15% OF PARCEL EXCLUDING R-O-W DEDICATION
LOT 1	244,622 S.F. (5.62 Ac.)	0 S.F. (0 Ac.)	36,693 S.F. (0.84 Ac.)
LOT 2	266,339 S.F. (6.11 Ac.)	21,688 S.F. (0.50 Ac.)	39,951 S.F. (0.92 Ac.)
LOT 3	260,201 S.F. (5.97 Ac.)	6,860 S.F. (0.16 Ac.)	39,030 S.F. (0.90 Ac.)
15' R-O-W DEDICATION	9,871 S.F. (0.23 Ac.)	186 S.F. (0.004 Ac.)	_____

CRITICAL AREA TABULATIONS	
TOTAL ACREAGE WITHIN CRITICAL AREA	781,033 S.F. (17.93 Ac.) (ENTIRE SITE)
LDA DESIGNATION	771,163 S.F. (17.70 Ac.)
RCA DESIGNATION	9,870 S.F. (0.23 Ac.)

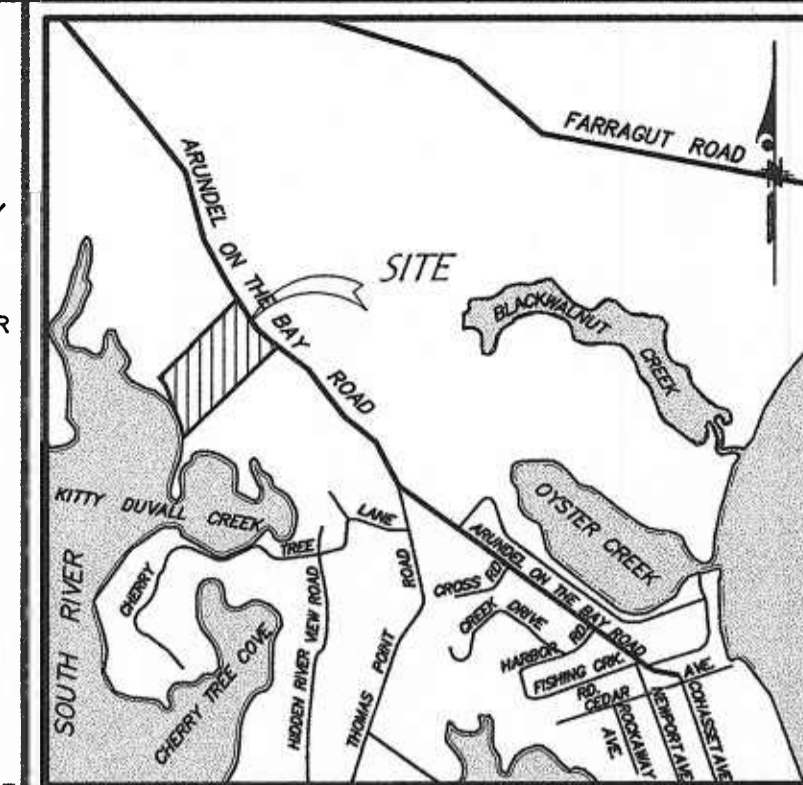
FOR PRIVATE WATER & PUBLIC SEWER SYSTEMS

APPROVED FOR INDIVIDUAL PRIVATE WELL SYSTEM: HEALTH DEPARTMENT, ANNE ARUNDEL COUNTY, MARYLAND  
 \_\_\_\_\_ DATE \_\_\_\_\_  
 COUNTY HEALTH OFFICER,  
 ANNE ARUNDEL COUNTY, MARYLAND

APPROVED : OFFICE OF PLANNING AND ZONING, ANNE ARUNDEL COUNTY, MARYLAND  
 \_\_\_\_\_ DATE \_\_\_\_\_  
 ACTING PLANNING AND  
 ZONING OFFICER FOR JOHN R. LEOPOLD,  
 COUNTY EXECUTIVE



Surveyor's name and address:  
 RAYMOND D. FOWLER  
 209 WEST STREET, SUITE 203  
 ANNAPOLIS, MARYLAND 21401



SCALE: 1" = 2,000'  
 VICINITY MAP

**GENERAL NOTES:**

- THIS SITE IS SERVED BY PRIVATE WATER AND PUBLIC SEWER.
- BEARINGS AND COORDINATES SHOWN HEREON ARE REFERENCED TO THE A.A.CO. GRID SYSTEM NAD 83.
- THE PROPERTY SHOWN HEREON IS ZONED R2. SEE BELOW FOR ZONING SETBACKS.
- NO DISTURBANCE IS ALLOWED IN THE 100-FOOT BUFFER, EXCEPT FOR WATER-DEPENDENT ACTIVITIES OR AS PROVIDED IN AN APPROVED BUFFER MANAGEMENT PLAN AS ALLOWED IN ARTICLE 17, TITLE 8, SUBTITLE 3.
- THE BOUNDARY LINES SHOWN HEREON ARE BASED ON A BOUNDARY LINE SURVEY BY DRUM, LOYKA & ASSOCIATES, LLC. DATED SEPTEMBER, 2004.
- THE OPEN WATERS ADJACENT TO THE SITE ARE KNOWN HISTORIC WATERFOWL CONCENTRATION AREAS. CONSTRUCTION OF WATER DEPENDENT FACILITIES MAY NOT OCCUR BETWEEN NOVEMBER 15 & APRIL 30.
- LOTS 1 & 3 WILL UTILIZE PRIVATE SEWER & GRINDER PUMPS TO PROVIDE SEWER SERVICE. PRIVATE MAINTENANCE AGREEMENTS WILL BE REQUIRED FOR EACH PUMP DURING THE BUILDING PERMIT STAGE FOR THE ASSOCIATED DWELLING. LOT 2 IS SERVICED BY AN EX. GRINDER PUMP & AGREEMENT.
- A BUFFER MANAGEMENT PLAN FOR PLANTING WITHIN THE 100' BUFFER SHALL BE PROVIDED PRIOR TO BUILDING PERMIT.

**AREA TABULATIONS:**

TOTAL SITE AREA: 781,033 S.F. (17.93 Ac.)  
 AREA NON-TIDAL WETLANDS: 9,870 S.F. (0.23 Ac.)  
 NET SITE AREA: 771,163 S.F. (17.70 Ac.)  
 PROP. LOT 1: 244,622 S.F. (5.62 Ac.)  
 PROP. LOT 2: 266,339 S.F. (6.11 Ac.)  
 PROP. LOT 3: 260,201 S.F. (5.97 Ac.)  
 PROP. R-O-W DEDICATION: 9,871 S.F. (0.23 Ac.)  
 RECREATION AREA REQUIRED: 3 x 1,000 S.F./LOT =3,000 S.F.  
 RECREATION AREA PROVIDED: 0 S.F.\*  
 ACTIVE RECREATION AREA REQUIRED: 75% x 3,000 S.F.=2,250 S.F.  
 ACTIVE RECREATION AREA PROVIDED: 0 S.F.\*  
 \*MODIFICATION NUMBER 9416 TO PAY FEE IN LIEU OF PROVIDING OPEN SPACE / RECREATION AREA REQUIREMENTS WAS APPROVED BY THE ANNE ARUNDEL COUNTY OFFICE OF PLANNING & ZONING ON AUGUST 30, 2006.  
 FEE IN LIEU OF OPEN SPACE / RECREATION AREA WAS PAID ON \_\_\_\_\_ BY CR. NO. \_\_\_\_\_

**ZONING/SETBACKS:**

ZONING: R-2  
 SETBACKS:  
 FRONT=30 FEET  
 REAR=25 FEET  
 SIDE=7 FEET, CORNER=20 FEET  
 MIN. LOT SIZE: 15,000 S.F. (0.34 Ac.±)

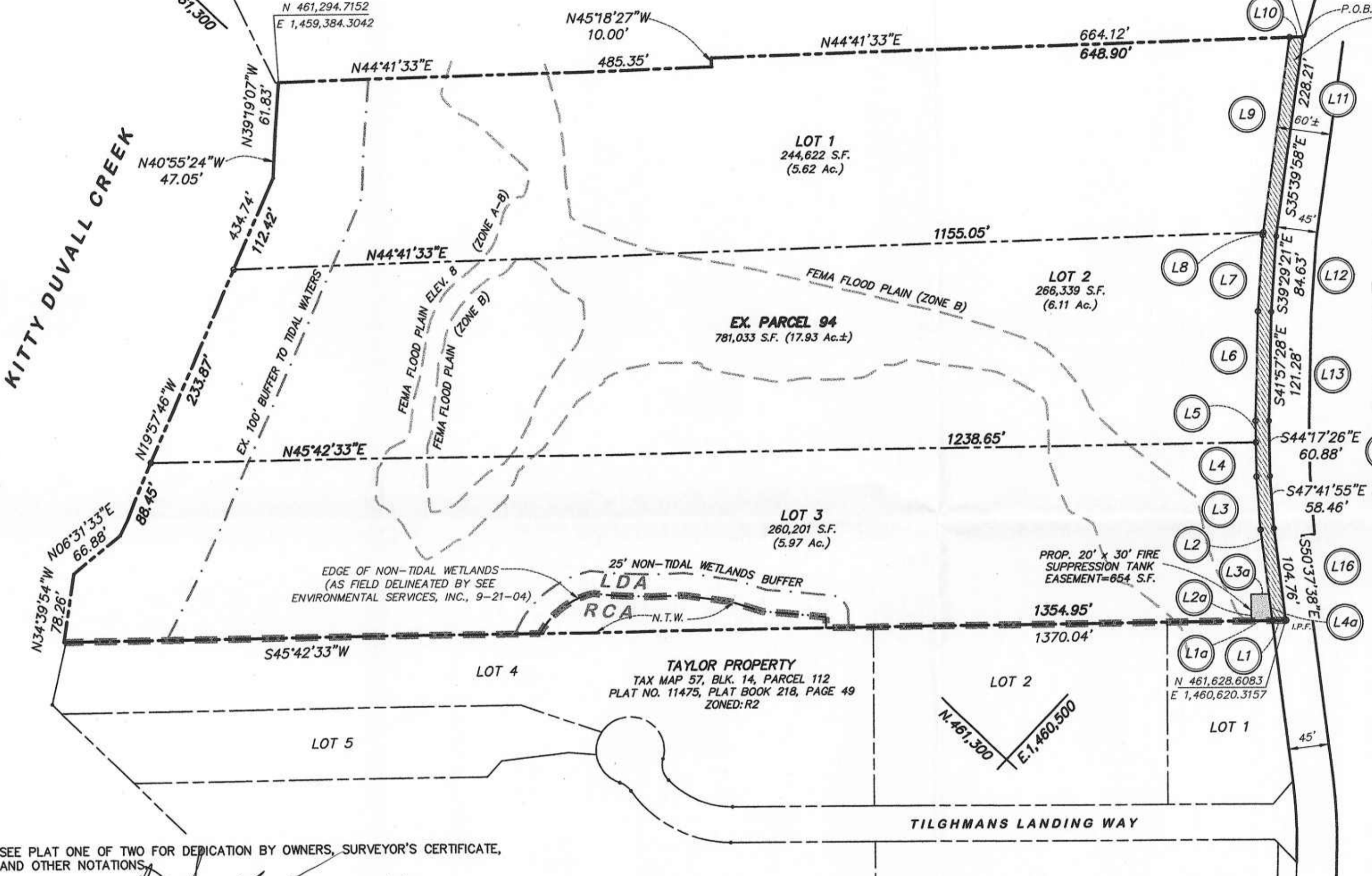
P06-0071

PLAT 1 OF 2  
**MINOR SUBDIVISION  
 DARAS PROPERTY**  
 SUBDIVISION NO. S2006-027, PROJECT NO. P06-0071  
 TAX MAP NO. 57 BLOCK 14 PARCEL NO. 94  
 SCALE: AS SHOWN DATE: JAN. 2007  
 MD NAD 83 ZIP CODE: 21403  
 DISTRICT: 2nd ANNE ARUNDEL COUNTY, MD

**DRUM, LOYKA & ASSOCIATES, LLC**  
 CIVIL ENGINEERS—LAND SURVEYORS  
 209 WEST STREET, SUITE 203  
 ANNAPOLIS, MARYLAND 21401  
 410-280-3122  
 FAX: 410-280-1952 EMAIL: ENGINEERS@DRUMLOYKA.COM

KITTY DUVALL CREEK

PARCEL 102  
N/F GARY L. HART  
Liber 7727 Folio 406  
TAX MAP 57, BLK. 14  
TAX ACCT No.: 02-000-07069500  
3188 ARUNDEL ON THE BAY ROAD  
ANNAPOLIS, MARYLAND 21401  
ZONED: R2



15' PROP. RIGHT-OF-WAY DEDICATION  
9,871 S.F. (0.23 Ac.)

45' EX. PUBLIC RIGHT-OF-WAY,  
ULTIMATE 60' RIGHT-OF-WAY  
(45' EX. R-O-W PER PLAT BK. 65, PAGE, 8,  
PLAT NO. 3433 "WALNUT LAKE")

RIGHT-OF-WAY DEDICATION LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°42'33"W	15.09'
L2	N50°37'38"W	103.47'
L3	N47°41'55"W	59.29'
L4	N44°17'26"W	37.97'
L5	N44°17'26"W	23.66'
L6	N41°57'28"W	121.91'
L7	N39°29'21"E	85.45'
L8	N35°39'58"W	3.02'
L9	N35°39'58"W	223.15'
L10	N44°41'33"E	15.21'
L11	S35°39'58"E	228.21'
L12	S39°29'21"E	84.63'
L13	S41°57'28"E	121.28'
L14	S44°17'26"E	60.88'
L15	S47°41'55"E	58.46'
L16	S50°37'38"E	104.76'

FIRE SUPPRESSION TANK EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1a	S45°42'33"W	23.45'
L2a	N44°17'27"W	30.00'
L3a	N45°42'33"E	20.12'
L4a	S50°37'38"E	30.18'

**LEGEND**

- ZONING LINE
- NON-TIDAL WETLANDS BUFFER
- FLOOD PLAIN LINE
- NON-TIDAL WETLANDS

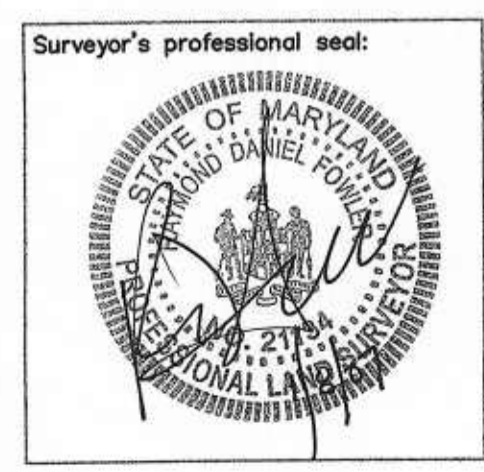
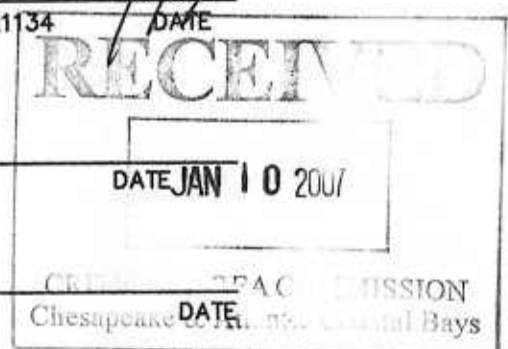
SEE PLAT ONE OF TWO FOR DEDICATION BY OWNERS, SURVEYOR'S CERTIFICATE, AND OTHER NOTATIONS.

RAYMOND D. FOWLER, PROFESSIONAL LAND SURVEYOR #21134  
DATE 1/8/07

WE ASSENT TO THIS PLAN OF SUBDIVISION.

MICHAEL A. DARAS

FIRST HOME MORTGAGE CORPORATION



Surveyor's name and address:  
RAYMOND D. FOWLER  
209 WEST STREET, SUITE 203  
ANNAPOLIS, MARYLAND 21401

FOR PRIVATE WATER & PUBLIC SEWER SYSTEMS

APPROVED FOR INDIVIDUAL PRIVATE WELL SYSTEM: HEALTH DEPARTMENT, ANNE ARUNDEL COUNTY, MARYLAND

DATE \_\_\_\_\_

COUNTY HEALTH OFFICER,  
ANNE ARUNDEL COUNTY, MARYLAND

APPROVED: OFFICE OF PLANNING AND ZONING, ANNE ARUNDEL COUNTY, MARYLAND

DATE \_\_\_\_\_

ACTING PLANNING AND ZONING OFFICER FOR JOHN R. LEOPOLD,  
COUNTY EXECUTIVE

**DRUM, LOYKA & ASSOCIATES, LLC**  
CIVIL ENGINEERS—LAND SURVEYORS  
209 WEST STREET, SUITE 203  
ANNAPOLIS, MARYLAND 21401  
410-280-3122  
FAX: 410-280-1952 EMAIL: ENGINEERS@DRUMLOYKA.COM

PLAT 1 OF 2  
**MINOR SUBDIVISION**  
**DARAS PROPERTY**  
SUBDIVISION NO. S2006-027, PROJECT NO. P06-0071  
TAX MAP NO. 57 BLOCK 14 PARCEL NO. 94  
SCALE: 1" = 100' DATE: JAN. 2007  
MD NAD 83 ZIP CODE: 21403  
DISTRICT: 2nd ANNE ARUNDEL COUNTY, MD

# DARAS PROPERTY SUBDIVISION

## ENVIRONMENTAL CONSERVATION NOTES

### PRIMARY ENVIRONMENTAL FEATURES

- i) Streams: There are no streams associated with this site.
- ii) Stream Buffers: N/A
- iii) Wetlands and Wetland Buffers: In the southern portion of the property, there are non-tidal wetlands, and 25 feet buffer to non-tidal waters are shown on this plan.
- iv) Floodplains: This site is affected by a coastal floodplain and/or a coastal high hazard area as established by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Map (Map No. 24008 (04D)). The elevation is 8 feet.
- v) Steep Slopes: There are no known steep slopes on this site.

### SECONDARY ENVIRONMENTAL FEATURES

- i) Critical Areas Boundary: This site is entirely within the LDA Designation and the RCA Designation of the Chesapeake Bay Critical Area.
- ii) Soil Types: The soil survey lists the predominant soil type as Donilon fine sandy loam (DnA & DnB) and Annapolis loamy sand (AoB).
- iii) Forest: There is some woodland and vegetation along the northernmost property line, and some in the south eastern portion of the property. There are some isolated trees and shrubs in the central portion of the property.
- iv) Steep Slopes: There are no known steep slopes on this site.
- v) Cultural Resources: There are no known Historic or Archaeological sites found on this property.

### Stormwater Management Summary Table

Minimum Sizing Criteria	Symbol	Volume Required (Cu. Ft.)	Volume Provided (Cu. Ft.)	SWM Practice	Notes
Water Quality Volume	(WQv)	Lot 1 - 4,077	Lot 1 - 4,077	Credits	Rooftop & Non-Rooftop Disconnects
		Lot 2 - 4,439	Lot 2 - 4,439		
		Lot 3 - 4,437	Lot 3 - 4,437		
Recharge Volume	(Rev)	Lot 1 - 371	Lot 1 - 371	Credits	Rooftop & Non-Rooftop Disconnects
		Lot 2 - 404	Lot 2 - 404		
		Lot 3 - 364	Lot 3 - 364		
Channel Protection Storage Volume	(CpV)	N/A	N/A	N/A	Not Required - Site has direct discharge
Overbank Flood Protection Volume	(Op10)	N/A	N/A	N/A	Not Required - Site has direct discharge
Extreme Flood Volume	(Qf)	N/A	N/A	N/A	Not Required - Site has direct discharge

### STORMWATER MANAGEMENT PRACTICES NOTE

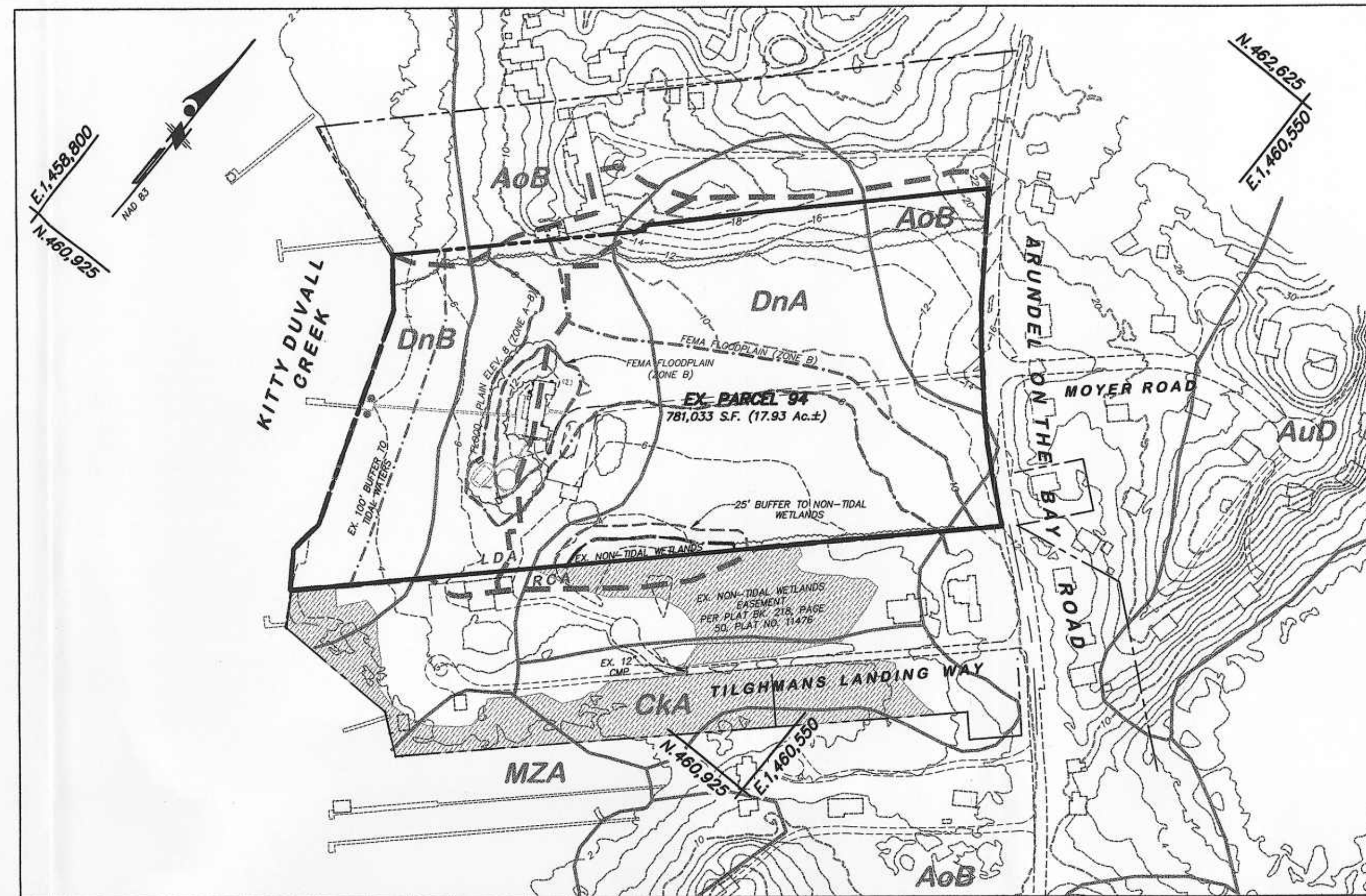
Stormwater practices will be provided for this site in accordance with Anne Arundel County Article 16, Sec. 3-301 and in keeping with the plan on file at the Anne Arundel County Office of Planning and Zoning. The Rooftop & Non-Rooftop Disconnect credits, as found in the Maryland Stormwater Design Manual were utilized in the preparation of the plan.

### ROOFTOP & NON-ROOFTOP DISCONNECT CREDITS NOTE (Lots 1-3):

Lot 1 - Roof drainage from the front of the property flows southwest toward Kitty Duval Creek. Roof drainage from the rear of the property will also discharge towards Kitty Duval Creek. Surface runoff from the driveway sheet flows east, over relatively flat ground, toward the existing non-tidal wetlands.

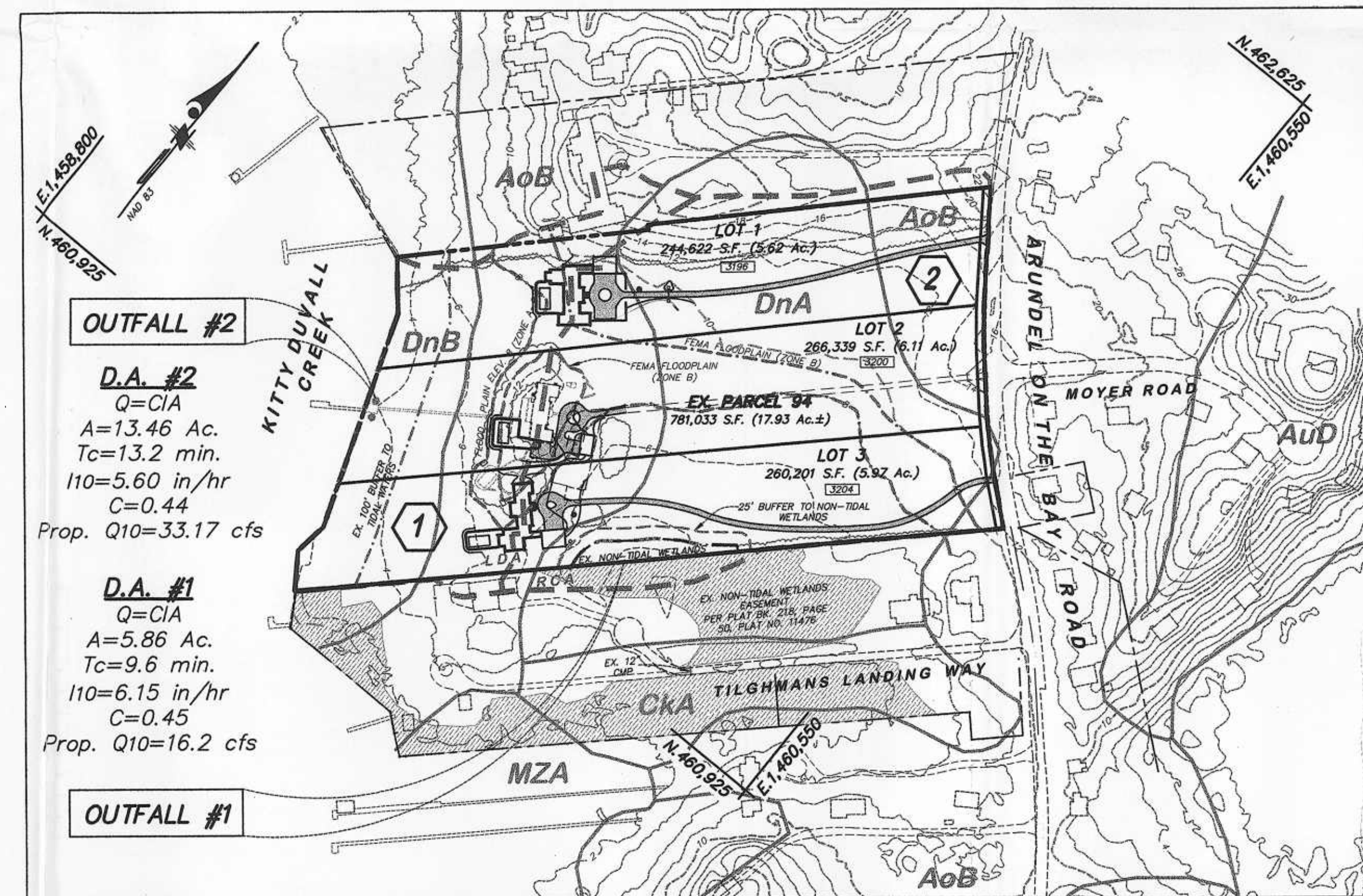
Lot 2 - Roof drainage from the front of the existing dwelling and runoff from other existing ground-level impervious surfaces flow to the southwest toward Kitty Duval Creek. Roof runoff from downspouts on the front of the existing dwelling shall be disconnected via Rooftop Disconnect Drywells, in accordance with the specifications and details listed in Chapter 5.2 of the above referenced State Manual, as slopes in this area exceed 5%. Roof drainage from the rear of the existing dwelling and the proposed garage will also discharge towards Kitty Duval Creek. Surface runoff from the proposed driveway will sheet flow east toward the adjacent Lot 3 over the relatively flat lawn area.

Lot 3 - Roof drainage from the front of the proposed dwelling and garage flows southwest toward Kitty Duval Creek. Roof drainage from the rear of the proposed dwelling and garage will also discharge towards Kitty Duval Creek. Surface runoff from the proposed driveway flows east toward the existing non-tidal wetlands.



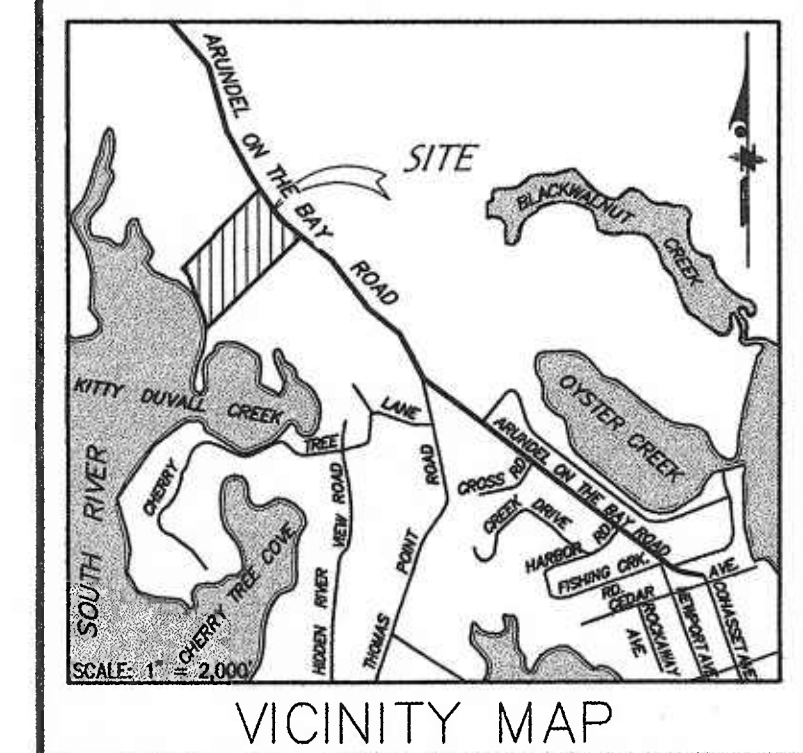
## EXISTING CONDITIONS

ENVIRONMENTAL FEATURES, SOILS & STORMWATER MANAGEMENT DRAINAGE AREA MAP  
SCALE: 1" = 200'



## PROPOSED CONDITIONS

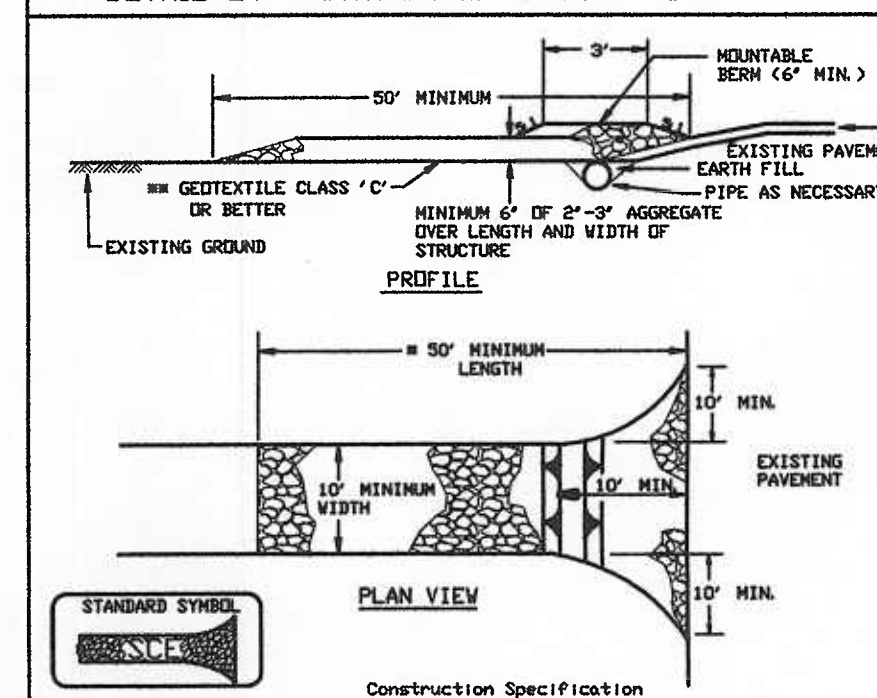
ENVIRONMENTAL FEATURES, & STORMWATER MANAGEMENT DRAINAGE AREA MAP  
SCALE: 1" = 200'



### OUTFALL STATEMENT

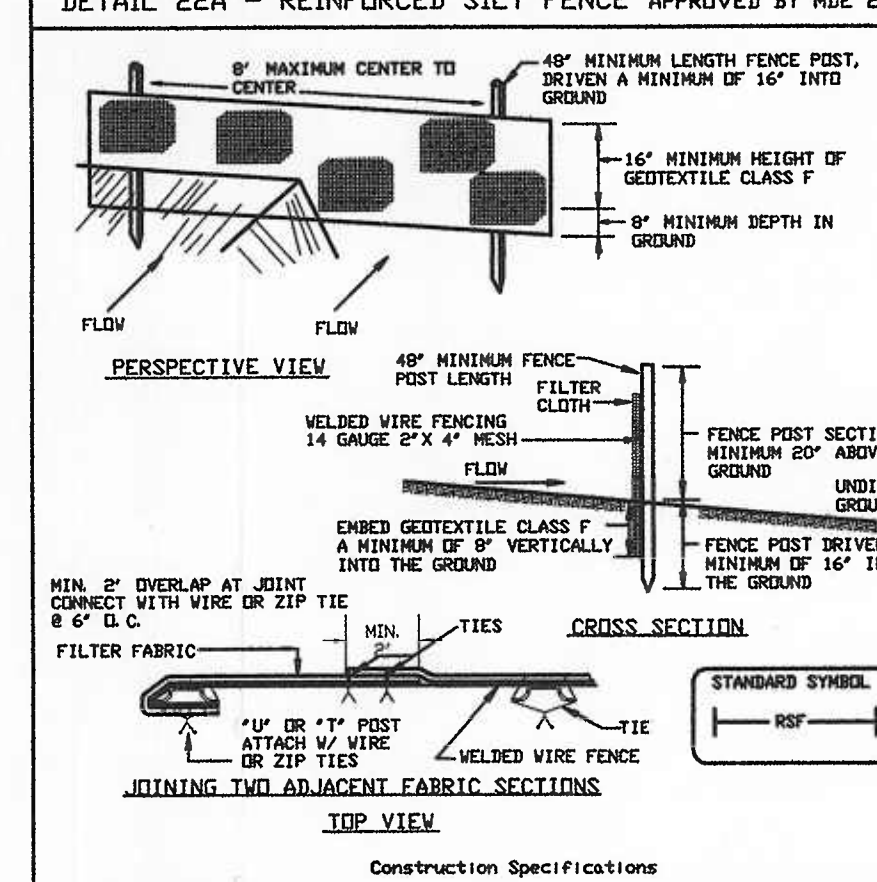
A field investigation of the outfall of this site was performed on Sept. 30, 2004 by Drum, Loyka & Associates, LLC. The property enjoys 600 linear feet of frontage on Arundel on the Bay Road and approximately 690 linear feet of frontage on Kitty Duval Creek. The property is gently sloped, contains woodlands, open fields and several structures. The eastern portion of the site drains away from Arundel on the Bay Road south to an existing non-tidal wetlands area located along the southern property line (Outfall #1). The existing dwelling and the majority of the property improvements are located in the western portion of the site. The existing dwelling sits on a ridge and therefore drainage flows both west to Kitty Duval Creek (Outfall #2) and southeast to the existing non-tidal wetlands area. No visible signs of erosion were observed on-site. The site outfalls will not be disturbed during construction and will remain in stable condition after development.

### DETAIL 24 - STABILIZED CONSTRUCTION ENTRANCE



- Length - minimum of 50' (#30 for single residence lots).
- Width - 10' minimum, should be flared at the existing road to provide a turning radius.
- Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. The plan approval authority may not require single family residences to use geotextile.
- Stone - crushed aggregate (2" to 3") or reclaimed or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
- Surface water - all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a portable berm with 2:1 slopes and a minimum of 6" of stone over the pipe. Pipe has to be sized according to the drainage. When the SCE is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
- Location - A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.

### DETAIL 22A - REINFORCED SILT FENCE APPROVED BY MDE 2-7-05



- Metal fence post shall be a minimum of 48" long driven 16" minimum into the ground. Post shall be standard T or U section weighing not less than 1.00 pound per linear foot.
- Geotextile shall be fastened securely to each fence post with wire ties or zip ties at top and mid section and shall meet the following requirements for Geotextile Class F:  
Tensile Strength 30 lbs/in (min.) Test: NHT 509  
Tensile Modulus 20 lbs/in (min.) Test: NHT 509  
Flow Rate 0.9 gal/17 minute (max.) Test: NHT 302  
Filtering Efficiency 70% (min.) Test: NHT 302
- Where ends of geotextile fabric come together, they shall be overlapped, folded and wired tied or zip tied to prevent sediment bypass.
- Silt fence shall be inspected after each rainfall event and maintained when bulges occur or when sediment accumulation reached 50% of the fabric height.

### MODIFICATION NOTE:

MODIFICATION NUMBER 9416 TO LOT DEPTH TO WIDTH RATIO, OPEN SPACE, RECREATION AREA REQUIREMENTS, WAS GRANTED BY THE OFFICE OF PLANNING & ZONING ON AUGUST 30, 2006. MODIFICATION APPROVAL IS CONDITIONED UPON PAYMENT OF A FEE-IN-LIEU OF THE RECREATION AREA ASSESSED AT \$100.00 PER LOT.

### SITE TABULATIONS

TOTAL SITE AREA = 781,033 S.F. (17.93 Ac.)  
 AREA NON-TIDAL WETLANDS = 9,870 S.F. (0.23 Ac.)  
 NET SITE AREA = 771,163 S.F. (17.70 Ac.)  
 TOTAL SITE AREA = 781,033 S.F. (17.93 Ac.)  
 TOTAL AREA WITHIN CRITICAL AREA = 781,033 S.F. (17.93 Ac.) (ENTIRE SITE)  
 CRITICAL AREA DESIGNATION - LDA = 771,163 S.F. (17.70 Ac.)  
 CRITICAL AREA DESIGNATION - RCA = 9,870 S.F. (0.23 Ac.)  
 TOTAL 15' R-O-W DEDICATION = 9,871 S.F. (0.23 Ac.)  
 TOTAL LOT AREA AFTER 15' R-O-W DEDICATION = 771,162 S.F. (17.70 Ac.)  
 NUMBER OF EXISTING LOTS = 1 (ONE)  
 NUMBER OF PROPOSED LOTS = 3 (THREE)  
 PROP. LOT 1 = 244,622 S.F. (5.62 Ac.)  
 PROP. LOT 2 = 266,339 S.F. (6.11 Ac.)  
 PROP. LOT 3 = 260,201 S.F. (5.97 Ac.)  
 PROP. R-O-W DEDICATION = 9,871 S.F. (0.23 Ac.)  
 TWO (2) MINIMUM OFF-STREET PARKING SPACES PROVIDED FOR EACH DWELLING  
 EXISTING/PROPOSED ZONING - R2  
 BUILDING SETBACKS (R2):  
 FRONT = 30'  
 REAR = 25'  
 SIDE = 7', CORNER = 20'  
 MIN. LOT SIZE: 15,000 S.F.  
 RECREATION AREA REQUIRED: 3 x 1,000 S.F./LOT S.F.=3,000 S.F.  
 RECREATION AREA PROVIDED: 0 S.F.\*  
 ACTIVE RECREATION AREA REQUIRED: 75% x 3,000 S.F.=2,250 S.F.  
 ACTIVE RECREATION AREA PROVIDED: 0 S.F.\*  
 \*MODIFICATION NUMBER 9416 TO PAY FEE IN LIEU OF PROVIDING OPEN SPACE / RECREATION AREA REQUIREMENTS, WAS APPROVED BY THE ANNE ARUNDEL COUNTY OFFICE OF PLANNING & ZONING ON AUGUST 30, 2006.  
 FEE IN LIEU OF OPEN SPACE / RECREATION AREA WAS PAID ON \_\_\_\_\_ BY CR. NO.

### WOODLAND CLEARING TABULATIONS

DESIGNATION	AREA
TOTAL EX. WOODLAND ON-SITE	99,395 S.F. (2.28 Ac.)
MAX. ALLOWABLE CLEARING FOR 1:1 MITIGATION RATIO (20%)	19,879 S.F. (0.46 Ac.)
LOT 1	2,384 S.F. (0.05 Ac.)
LOT 2	7,304 S.F. (0.17 Ac.)
LOT 3	10,191 S.F. (0.23 Ac.)
TOTAL WOODLAND TO BE REMOVED	19,879 S.F. (0.46 Ac.)
TOTAL LOT AREA AFTER R-O-W DEDICATION	771,162 S.F. (17.70 Ac.) x 15% = 115,674 S.F. (2.66 Ac.)
TOTAL ON-SITE FOREST REQUIRED	115,674 S.F. (2.66 Ac.)
TOTAL REFORESTATION / AFFORESTATION REQUIRED ON-SITE	115,674 S.F. - 79,516 S.F. = 36,158 S.F. (0.83 Ac.)
TOTAL REFORESTATION / AFFORESTATION PROVIDED ON-SITE	36,158 S.F. @ \$120 S.F. = \$4,339.00 (REFUNDABLE) PAID RECEIPT NO. _____
FLOODPLAIN ZONE AB AREA	278,833 S.F. (6.40 Ac.)
FLOODPLAIN ZONE B AREA	144,376 S.F. (3.31 Ac.)
NON-TIDAL WETLANDS AREA	9,870 S.F. (0.23 Ac.)
TIDAL WETLANDS AREA	0 S.F. (0.00 Ac.)

### IMPERVIOUS AREA TABULATIONS

DESIGNATION	AREA	TOTAL EXISTING IMPERVIOUS COVERAGE	TOTAL ALLOWABLE IMPERVIOUS COVERAGE
TOTAL PROP. AREA	781,033 S.F. (17.93 Ac.)	28,734 S.F. (0.66 Ac.)	
TOTAL NON-TITLE WETLANDS	9,870 S.F. (0.23 Ac.)		
TOTAL PROP. AREA MINUS 15' R-O-W DEDICATION	771,162 S.F. (17.70 Ac.)		115,674 S.F. (2.66 Ac.) 15% OF PARCEL EXCLUDING R-O-W DEDICATION
LOT 1	244,622 S.F. (5.62 Ac.)	0 S.F. (0 Ac.)	36,693 S.F. (0.84 Ac.)
LOT 2	266,339 S.F. (6.11 Ac.)	21,688 S.F. (0.50 Ac.)	39,951 S.F. (0.92 Ac.)
LOT 3	260,201 S.F. (5.97 Ac.)	6,860 S.F. (0.16 Ac.)	39,030 S.F. (0.90 Ac.)
15' R-O-W DEDICATION	9,871 S.F. (0.23 Ac.)	186 S.F. (0.004 Ac.)	

### CRITICAL AREA TABULATIONS

DESIGNATION	AREA
TOTAL ACRES WITHIN CRITICAL AREA	781,033 S.F. (17.93 Ac.) (ENTIRE SITE)
LDA DESIGNATION	771,163 S.F. (17.70 Ac.)
RCA DESIGNATION	9,870 S.F. (0.23 Ac.)

DESIGNED: MMD DRAWN: JUL  
 ORIG. DATE: SEPT. 29, 2004  
 MODIFIED BY/DATE: OCT. 1, 2006 JAW  
 CADD DWG # AD17404FDP  
 DSA PROJECT # AD17404

No.	DATE	BY	DESCRIPTION

**DRUM, LOYKA & ASSOCIATES, LLC**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 209 WEST STREET, SUITE 203  
 ANNAPOLIS, MARYLAND 21401  
 410-280-3122

OWNER / DEVELOPER  
**MR. MICHAEL A. DARAS**  
 3200 ARUNDEL ON THE BAY ROAD  
 ANNAPOLIS, MARYLAND 21403  
 (410) 216-9020

FINAL DEVELOPMENT, ENVIRONMENTAL CONSERVATION,  
 STORMWATER MANAGEMENT & SEDIMENT CONTROL PLAN  
**DARAS PROPERTY SUBDIVISION**  
 SUBDIVISION NO. S2006-027, PROJECT NO. P06-0071  
 TAX ACT. NO. 02-000-07030800  
 TAX MAP 57 GRID 14 PARCEL 94 DISTRICT 2ND  
 ANNE ARUNDEL COUNTY MARYLAND

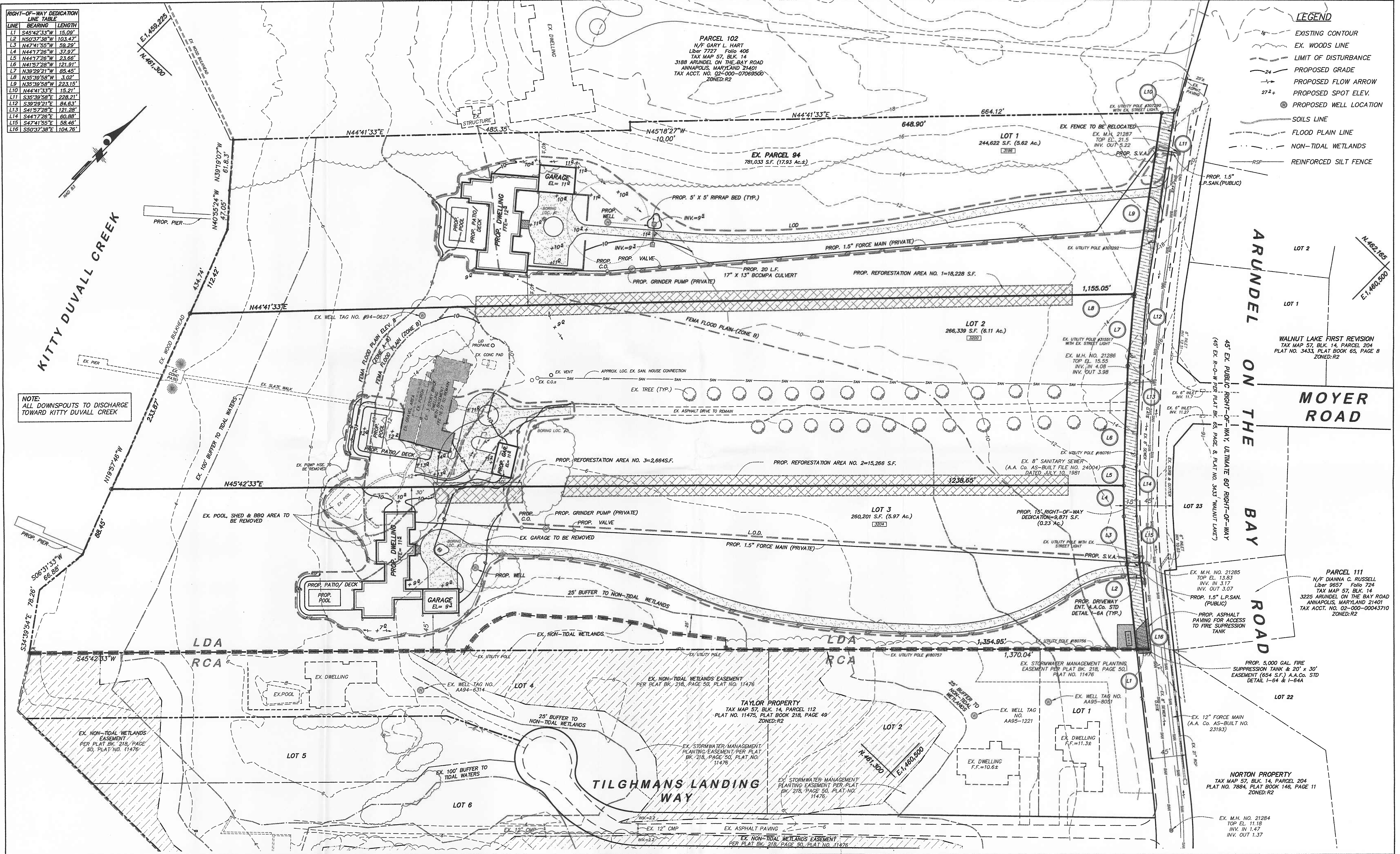
SCALE: AS SHOWN DATE: JAN. 8, 2007 PROJ. NO: AD17404FDP SHEET 1 OF 2



LINE	BEARING	LENGTH
L1	S45°42'33"W	15.08'
L2	N50°37'38"W	103.47'
L3	N47°41'55"W	59.29'
L4	N44°17'28"W	32.97'
L5	N44°17'28"W	23.85'
L6	N41°57'28"W	121.91'
L7	N39°29'21"W	85.45'
L8	N35°39'58"W	3.02'
L9	N35°39'58"W	223.15'
L10	N44°41'33"E	15.21'
L11	S35°39'58"E	228.21'
L12	S39°29'21"E	84.63'
L13	S41°57'28"E	121.28'
L14	S44°17'28"E	60.88'
L15	S47°41'55"E	58.46'
L16	S50°37'38"E	104.78'

- LEGEND**
- EXISTING CONTOUR
  - EX. WOODS LINE
  - LIMIT OF DISTURBANCE
  - PROPOSED GRADE
  - PROPOSED FLOW ARROW
  - PROPOSED SPOT ELEV.
  - PROPOSED WELL LOCATION
  - SOILS LINE
  - FLOOD PLAIN LINE
  - NON-TIDAL WETLANDS
  - REINFORCED SILT FENCE

NOTE: DOWNSPOUTS TO DISCHARGE TOWARD KITTY DUVAL CREEK



DESIGNED: MMD  
 DRAWN: JUL  
 ORIG. DATE: SEPT. 29, 2004  
 MODIFIED BY/DATE: JAN. 8, 2007  
 CADD DWG #: AD17404FDP  
 DSA PROJECT #: AD17404

REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION
	JAN 10 2007		

**DRUM, LOYKA & ASSOCIATES, LLC**  
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 TAX ACCT. NO. 02-000-07030800  
 TAX MAP 57 GRID 14 PARCEL 94 DISTRICT 2ND  
 ANNE ARUNDEL COUNTY MARYLAND

SCALE: 1" = 50'    DATE: JAN. 8, 2007    PROJ. NO: AD17404FDP    SHEET 2 OF 2

P:\AD17404\Cadd\AD17404-FDP\Final Development\Drawings\AD17404-Sub-Dev-Plan-Sht2.dwg, SHEET 2, 1/8/2007 11:53:19 AM