AA 752-06 Goudy, H. Chester SUB 6-064

MSA_S_1829-5527



2664 RIVA ROAD, P.O. BOX 6675 ANNAPOLIS, MARYLAND 21401

OFFICE OF PLANNING AND ZONING

August 19, 2008

Mr. David E. James Ed Brown & Associates, Inc. Plaza One Building 1511 Ritchie Highway, Ste. 301 Arnold, MD. 21012

RECEIVED

SEP 2 2008

CRITICAL AREA COMMISSION

Re:

Name: H. Chester Goudy Property

Minor Subdivision: MS 2006-064

Dear Mr. James:

This Department is in receipt of the above mentioned minor subdivision application. The application has been reviewed by agencies listed below and a copy of their comments are attached.

A. OPZ/Planning

Approval withheld August 19, 2008

B. OPZ/Environmental

Approval withheld August 19, 2008

I. Before approval of the plan, the following agency comments must be resolved:

A. OPZ/Planning

Comments dated August 19, 2008

B. OPZ/Environmental

Comments dated August 19, 2008

- II. Adequacies of Facilities issues for items A, B, D and E are acceptable and will be approved with the final subdivision plan subject to any noted condition. Item C has been reviewed and is subject to the noted condition.
 - A. Fire Suppression: The Adequacy of Facilities for Fire Suppression has been addressed. A fire flow test was not required by the Fire Marshal.
 - B. Roads: The Adequacy of Facilities for Roads has been addressed. A Traffic Impact Study for the creation of one additional residential lot was not required.
 - C. Schools: The Adequacy of Facilities for Schools has not yet been addressed. Folger McKinsey Elementary is closed as per the adopted APFO School Utilization Chart. After all other agency approvals are obtained, this project will be placed on the school waiting list for a period of six years or until such time as the schools serving the area have additional capacity for new students. If the project qualifies for the School Exemption Agreement process per the most recently passed legislation, then please submit the required documentation package with your next submittal. The package must address (point by point) all conditions of the bill. Schools are currently open for Severna Park Middle and Severna Park High School per the adopted APFO School Utilization Chart.

Mr. David James August 19, 2008 Page 2

- D. Utilities: Adequacy of Facilities for Utilities has not been addressed. The Department of Public Works has approved 2 EDU's of water and sewer.
- E. Storm Drains: Adequacy of Facilities for Storm Drains has been addressed. The proposed storm drainage system does not adequately convey stormwater runoff in a non-erosive manner to the site and tributary outfalls and to the Point-of-Investigation (POI) located at the outfall of the 18-inch culvert under McKinsey Road.

III. Decision:

- A. This office must withhold approval of the Minor Subdivision Plan until the items set forth in Sections I and II (as applicable) have been resolved.
- B. The resubmittal must include separate packages labeled with the name of the required review agency. Each package is to include a revised plat and a point-by-point response letter addressing the items in Section I and all of the agency comments listed in Section II. The attached resubmittal cover sheet must be sent directly to Judy Motta (PAC) within 45 days or by October 6, 2008.

If you have any questions regarding this project, please call Dan Gerczak of this office at 410-222-7960.

Sincerely,

Dan Gerczal

Planner II

cc: Kelly Krinetz, Critical Area Team Administrator Critical Area Review Team: DWG Judy Motta, PAC Chuck Yocum, A.A. County Public Schools Megan Sines, Critical Area Commission Site Plan File/Diary

J:\Shared\subdiv\Dan Gerczak\MS2006-064 08.19.08 doc



Office of Planning and Zoning Development Division

INTER-OFFICE CORRESPONDENCE

DATE: August 19, 2008

TO: File

FROM: Environmental/Planning, OPZ, Mail Stop 6305, Dan Gerczak

SUBJECT: MS 2006-064, H. Chester Goudy Property

Environmental:

1) The conservation easement must be processed prior to plat approval. A current deed is required.

2) Any proposed impervious area removals on the lot with the existing dwelling must be done prior to plat approval. Please document.

Planning:

- The Modification to Recreation Area and/or Open Space requirements (M10006) must be noted on the plat and the condition addressed. The modification number must be added to General Note #7 or 8.
- 2) The right-of-way dedication deed and Exhibit "A" must be processed prior to plat approval. A current deed is required.
- 3) The School Agreement package was not found in this resubmittal. The package must contain a cover letter, documentation and all relevant documents to address the School Exemption process. Each condition of the exemption process must be addressed. The package may not be submitted independently of the subdivision resubmittal.
- 4) A PWA is required prior to plat approval. The modification to delay the PWA has been denied. Please make note of this denial on the plat.
- 5) Allocation for water and sewer will be forrthcoming under a separate cover.
- 6) The Surveyors signature is required on the plat.
- 7) The Certificate of Title must be updated (no more than 6 months old).
- 8) The 2008/2009 taxes must be paid.

It is recommended that minor subdivision approval be withheld.

ANNE ARUNDEL COUNTY

Annapolis, Maryland

RESUBMITTAL COVER SHEET

TO:	Office of Planning and Zoning/Developmen	at Division
FROM	1 :	
RE:	Subdivision Name – Goudy Property Minor Subdivision # 2006-064	
PLEA MAR	SE FIND ATTACHED RESPONSE LETTE KED PRINTS) PACKAGES FOR:	R/REVISED PLAN (AND ANY AGENCY
X	OPZ/Subdivision Review Planner OPZ/Engineering Review OPZ/Traffic Review OPZ/Utilities Review House Numbers/Street Names OPZ/Environmental OPZ/Landscape Soil Conservation District Recreation and Parks State Highway Administration	Health Department Board of Education Archaeological/Historical Fire Marshal Division Md. State Aviation Adm. Office of Law Other Agency: I & P Critical Area Commission

The engineer/developer certify that all of the above-mentioned agencies are being responded to with their own completed package. Each package shall contain the necessary response letter/plans/plats/studies, computations (if applicable) and agency marked-up plans (if provided) addressing all of the items required to be addressed in the prior review comments from each agency. All correspondence, plans, plats, studies, comps, etc. must list both the correct subdivision and project numbers.

Submit the completed resubmittal package to Nancy McGuckian on the 1st floor of PAC prior to acceptance by OPZ/Development Division.

This marked form highlighting the specific agency must accompany your resubmittal otherwise it can not be accepted by P&Z/Development Division.

Developer/Engineer (SEAL)

Attachments

J:\subdiv\Callahan, Steve-Resubmittal Cover Sheet.doc 01/02/07

Martin O'Malley Governor

Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

Ren Serey
Executive Director

STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

September 21, 2007

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

Re:

Goudy, H. Chester Jr. Subdivision

MS 06-064

Dear Ms. Krinetz:

I have received a resubmittal for the above-referenced subdivision for review and comment. The applicant appears to have addressed all of the previous comments from this office and at this time we have no further comments.

Please telephone me at (410) 260-3476 or Lisa Hoerger at (410) 260-3478 if you have any questions.

Sincerely,

Megan J. Sines

Natural Resources Planner

Megan of Sines

Martin O'Malley Governor

Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

Ren Serey
Executive Director

STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

July 6, 2007

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

Re:

Goudy, H. Chester Jr. Subdivision

MS 06-064

Dear Ms. Krinetz:

I have received a resubmittal for the above-referenced subdivision for review and comment. The applicant proposes to divide one lot into two with retention of the existing house on proposed lot AR-1, construction of a new house on proposed lot AR-2, and a ten-foot widening dedication. The applicant has addressed my previous comments in my March 14, 2007 letter, and I have no further comments at this time.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc:

Robert L. Ehrlich, Jr.

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/

December 21, 2006

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

Re:

Goudy, H. Chester Jr. Subdivision

MS 06-064

Dear Ms. Krinetz:

I have received the above-referenced subdivision for review and comment. The applicant proposes to divide one lot into two with retention of the existing house on proposed lot AR-1, construction of a new house on proposed lot AR-2, and a ten-foot widening dedication. I have outlined my comments below.

- 1. The area calculations that are provided in the critical area report are inconsistent with those provided on the plat. Consequently, it is unclear which calculations are correct. Please have the applicant resolve the inconsistency and update the impervious limit calculations as necessary.
- 2. The applicant indicates in the critical area report that a new house will be constructed on lot AR-2. This new construction seems to be reflected in the proposed impervious calculations on the plat. However, no new construction footprint is included on the plat or plan. The applicant should either include the footprint for new construction on the plat and plan that corresponds with the proposed new impervious calculations, or simply indicate what the maximum allowable impervious area will be for each of the proposed lots.
- 3. We note that the chart on the plat identifies the allowable impervious area as 4800 square feet. However, maximum allowable impervious area on the existing lot and on the proposed new lots is determined by calculating 15% of the lot area. 4800 square feet is neither 15% of the area of the existing lot, nor 15 % of the

Ms. Krinetz December 21, 2006 Page Two

area of the proposed new lots. Please correct and clarify what this number represents.

4. The chart on the plat indicates that there is currently no forested area on either proposed lot. If this is correct, the applicant must meet the minimum 15% afforestation requirements on the lots. Please have the applicant clarify whether 15% of the proposed lots are already forested, and if not how the afforestation requirements will be met.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3483.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc: AA 752-06

October 16, 2007

Anne Arundel County Office of Planning & Zoning 2664 Riva Road Annapolis, Maryland 21401

Attention: Mr. Larry Tom

Re: PARKER CREEK SUB#05-014 PROJ#07-0153

TM 78, GRID 2, PARCEL 308

1 CEDAR DRIVE, DEALE, MD 20751

Dear Mr. Tom:

RECEIVED

nct 2 3 2007

CRITICAL AREA COMMISSION Chesapeake & Atlantic Coastal Bays

Our office recently submitted the above referenced subdivision for final development approval on August 23, 2007. Prior to submitting for final development approval, our office prepared Sketch plans and held two community meetings on November 10, 2005 & July 26, 2006 (see attached letters). I have also attached meeting minutes, which were mailed prior to sketch plan submittal. It should be noted, that the sketch plan community meeting was posted on the County web page and signs were posted on site. Copies of the photos were submitted with the sketch plan submittal as required. Prior to Final plan submittal, our office held the required community meeting on August 27, 2007. Dr. Robert Hedaya attended the community meeting for the final development. Our office received via email a letter written by Ann M. Fligsten esq. addressed to your attention concerning the above subdivision. Ms. Fligsten is the attorney for Dr. Robert Hedaya; his property abuts the proposed subdivision. Ms. Fligsten's letter made numerous statements concerning this subdivision, which our office will address below:

Two meeting letters were mailed as required by Anne Arundel County Code. Meeting minutes were also mailed per code. Signs were posted on site, and pictures were given to the County as required. The 2 sketch meetings were posted on the County web page. Information was mailed to Dr. Hedaya for the final development plan submittal, just as the prior sketch meetings. Dr. Hedaya was in attendance at the final development plan meeting. Dr. Hedaya asked that the property owner move the proposed entrance further away from his property, even though this entrance location was approved during the sketch plan review. Our office revised the plan per his request maximizing the amount of buffer we could based on environmental constraints and sent him a sketch indicating the revised entrance. He confirmed receipt of this email and revised drawing, and did not contact our office again (see attached email and plan).

- 1. The 2.6 acre property is located on the Chesapeake Bay, and is within the Critical Area and Limited Development area. The five lots proposed are within the allowable density per code. The limits of disturbance do not extend into the buffer. The lots, as configured meet the requirements of Article 17 & 18.
- 2. A critical area report was filed with the Sketch plan as required by the code. Due to the fact that the Critical Area Commission and Anne Arundel County commented on the report and our office revised the plans accordingly, it is confirmed the report was submitted.

- 3. The sanitary sewer system will be designed and constructed per the Department of Public Works design manual construct methods and procedures. The wells on each lot are private; no public water is available in this area. Flood plain waivers if required will be addressed during the grading permit process. An easement will be given to the County to maintain the proposed gravity sewer main.
- 4. No pier is proposed at this time. The plan indicates that the water front lots do not actually extend to the water, therefore no individual piers are allowed.
- 5. Comment noted.
- 6. The open space meets the Code requirement. A 10' access area has been indicated on the plans adjacent to lot 1 in which residents of this community could access the Chesapeake Bay. The specific use of the recreation area will be defined by the Community Association.
- 7. Based on the County soil classification, the layer of soil adjacent to the Chesapeake Bay is hydric (MzA). The buffer has been expanded as required, and the limit of disturbance does not extend into the buffer.
- 8. Again, mailings were sent out as required by code. No other property owners have questioned our office or the owner concerning the mailings.
- 9. As stated above, signs were posted and photos were given to the County.

Based on the above information, our office and the owner tried to work with the adjacent property owner to address his concerns. The property owner has followed the "letter of the law" to date and will continue to do so on this project.

Sincerely,

BAY ENGINEERING, INC.

Jeffrey Smith, P. E.

Cc: Critical Area Commission-Megan Sines County Executive John R. Leopold Ann M. Fligsten



Meeting Minutes Culp Enterprises 5-lot subdivision Tax Map 78, Block 2, Parcel 308

Meeting date: November 10, 2005

Attendance: Jeff Smith & Tim Martin-Bay Engineering, George Bailey (developer), Patricia Herrgoet, Dana & Joyce Bullen, Brian Heller, Don Avery, Cindy Burgess & Ed Reilly

Meeting began at approximately 3:30pm at the Century 21 office building in Deale, MD. A 24"x 36" plan of the proposed development was presented on a board in front of the meeting room.

- A representative explained the County process for holding a community meeting based on the new code requirement and then describe the proposed development.
- Don Avery asked to see the Soil information as there were questions on hydric soils in the area and if the site was in the critical area. Soil information was passed to Don and stated that the site was within the critical area.
- Dana Bullen asked how much developable land was on the site the answer was approximately one acre. It was also stated that the site was allowed to have a total impervious area of 15% and no lot could develop more than 25%. Dana stated his opinion that the site should stay one single family house. He wants to avoid the additional wells, grass growing within the creek which would block the waterway.
- George explained that the property is worth a substantial amount and the development will raise property taxes and value when the "nice" houses are built. The house sizes would be approximately 56'x 32' and trees would be planted in accordance with the County buffer requirements along the eastern property.
- Councilman Reilly would like to see the house on lot 5 moved to the east and the
 driveway flipped to the western side of the house. Mr. Bullen wants to make sure
 no runoff flows onto his lot located to the east of the property. It was explained
 that per the County code the site is not allowed to increase the runoff to any
 adjacent property, a swale may be used to direct runoff to the run of the property.
- It was explained that a Corp of Engineers permit will not be required because there will be no disturbance within the wetland area.
- Dana brought up the fact that there is an island across from this parcel that is not referenced in the tax records. Councilman Reilly asked if it was within 175' of said property.
- Dana stated that every lot surrounding this property is a large 2-3 acre parcel.
- A questioned was asked how can you have a house on a lot in which the water table elevation is 2' below the ground; George explained that the geotechnical and structural engineer would design the footers to handle this concern. Brian also

replied that his house is on spread footers and the water table was high on his new constructed house.

- A questioned was asked what the height restrictions were and any size of house restriction Tim answered 35' and that the impervious coverage was the only concern as long as the house is within the setback area.
- Councilman Reilly also stated that the land is zoned R-5 and the property can only have as many houses as allowable while meeting all code requirements.
- A questioned was asked who would own the open space and Tim explained the new HOA would, unless the County wanted to buy the open space.
- Dana restated that he would love to have George build one large single family house on this property.

The meeting concluded at approximately 4:30pm.



Meeting Minutes Culp Enterprises 5-lot subdivision Tax Map 78, Block 2, Parcel 308

Meeting date: July 26, 2006

Attendance: Jeff Smith-Bay Engineering, Dana & Joyce Bullen, Don Avery, Jackie Cleary and Chris Pokorski

Meeting began at approximately 6:30pm at the Century 21 office building in Deale, MD. A 24"x 36" plan of the proposed development was presented on a board in front of the meeting room.

- Jeff Smith explained the new County procedure for holding a community meeting. All property owners within 175' of subject property were notified and this is the first step in submitting a subdivision to the County that abuts residential development.
- Dana Bullen asked that his notes from the previous meeting be added to the minutes (see attached)
- The development is within the LDA/RCA of the critical area and the proposed lot count is in compliance with the allowable number of lots based on County requirements
- The lot size and impervious coverage was included on the plan and within the requirements allowed by County code.
- Residents questioned if any historical structures were on site and it was stated that
 an archeological study of the site would be included within the submittal package
 to the County during the review process.
- Jackie asked about traffic from the proposed development in which a traffic study would be included in the submittal package for County review.
- It was explained in order to track the subdivision's process through the County after the initial submittal a sign would be posted at the site with project and subdivision numbers in which residents could contact the County to review the submittal plans
- Don stated that based on tax records Culp Enterprises owns the property and they are also the developer

The meeting concluded at approximately 7:15pm.



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
C. Ronald Franks, Secretary

December 9, 2005

Ms. Nancy L. Matthews Cattail Consulting P.O. 1599 Severna Park, MD 21146

RE: Environmental Review for 220 Wiltshire Lane, Severna Park, Anne Arundel County, Maryland.

Dear Ms. Matthews:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. Please note however that the utilization of state funds, the need to obtain a state-authorized permit, or changes to the plan might warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. Please contact us again for further coordination if this project falls into one of those categories.

We would also like to point out that our initial evaluation of this project should not be interpreted as meaning that it is not possible for rare, threatened or endangered species to be present. Certain species could be present without documentation because adequate surveys may not have been conducted in the past. Although we are not requiring any surveys, we would like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database records do indicate that there is an occurrence of the following species of interest known to occur within the vicinity of the project site. If the appropriate habitat is present for these species they could potentially occur on the project site itself. Since populations of these native plants have declined historically we would encourage efforts to help conserve them across the state. Feel free to contact us if you would like technical assistance regarding the conservation of these important species. They are:

Scientific Name	Common Name	State Status
Platanthera blephariglottis	White Fringed Orchid	Threatened
Carex exilis	Coast Sedge	Endangered
Bidens mitis	Small-fruited Beggar-ticks	Endangered
Eleocharis rostellata	Beaked Spikerush	Rare
Sarracenia purpurea	Northern Pitcher-plant	Threatened

Page 2 December 9, 2005

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

Sincerely,

Lori A. Byrne,

Louia. By

Environmental Review Coordinator

Wildlife and Heritage Service

MD Dept. of Natural Resources

ER

#2005.2253.aa

cc:

K. McCarthy, DNR

Jan- You can add this to your can Port for the Gouly property of you want.

(2 pages)



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/eriticalarea/

March 14, 2007

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

Re: Goudy, H. Chester Jr. Subdivision

MS 06-064

RECEIVED

MAR 2 0 2007

Dear Ms. Krinetz:

PLANNING AND TOTAL

I have received a resubmittal for the above-referenced subdivision for review and comment. The applicant proposes to divide one lot into two with retention of the existing house on proposed lot AR-1, construction of a new house on proposed lot AR-2, and a ten-foot widening dedication. The applicant has responded to the comments in my December 21, 2006 and I have included my remaining comments below.

1. The applicant has correctly noted in the response to my December 21, 2006 letter that under Anne Arundel County Code, forested areas that are less than 10,000 square feet do not meet the County's definition of forest. As the property currently has only 6,000 square feet of forested area, this will not count toward meeting the 15% afforestation requirement. The applicant will need to provide 7650.15 square feet of afforestation which is 15% of the total site area. Please include these calculations in the charts on the plat and plan. Additionally, please include a notation indicating that the provided afforestation area will be put into a conservation easement.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc: A



STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

March 14, 2007

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

RECEIVED

Re:

Goudy, H. Chester Jr. Subdivision

MS 06-064

MAR 2 0 2007

Dear Ms. Krinetz:

PLANNING AND TO

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Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc:

