

CB 563-06 Rod N Reel Wedding Pier
Site Plan

MSA. S. 1829-5687

Comments 01/01/06

Comments 10/23/07

Comments 12/13/07



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/

December 3, 2007

Mr. William Watson
Zoning Administrator
8200 Bayside Road
PO Box 400
Chesapeake Beach, MD 20732

Re: Rod-N-Reel Transient Access Pier & Storage Area
Variance Application

Dear Mr. Watson:

Thank you for providing information on the above referenced variance. The applicants are requesting a variance to the 100-foot Buffer and Buffer Exemption Area (BEA) requirements in order to construct a 796 square foot transient access platform with stairs. The property is designated an Intensely Developed Area (IDA), a BEA, and is currently developed with a restaurant and marina. Based on the site plans provided, it appears that approximately 730 square feet of the deck is proposed within the BEA setback, while a small portion is proposed below the Mean High Water (MHW) line.

This office opposes granting the requested variance on this site because the applicant can construct the proposed structure outside of the BEA setback. Therefore, the standard of unwarranted hardship has not been met. The following is an analysis of the requested variance for this project as it relates to the Town of Chesapeake Beach's variance standards.

Construction of a Platform in the BEA Setback

In 2002 and 2004, the Maryland General Assembly reiterated its commitment to the protection of the water quality and habitat of Chesapeake and Atlantic Coastal Bays Critical Area by strengthening and clarifying the Critical Area Law, especially emphasizing the important of the 100-foot Critical Area Buffer. In particular, the General Assembly stated that variances to a local jurisdictions Critical Area program may be granted only if the Board finds that an applicant has satisfied the burden to prove that the requests meets each and every one of the Town's variance standards, including the standard of "unwarranted hardship". The General Assembly defined that term to mean that without the variance, the applicant would be denied reasonable and significant use of the entire lot or parcel. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Board must make

TTY for the Deaf

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



Bill Watson
Rod-N-Reel Transient Pier
December 3, 2007
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an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case, the proposed structure is located within the BEA setback. As you are aware, particular properties within the Critical Area are designated as Buffer Exempt where it has been demonstrated that the existing Buffer does not fulfill or provide all of the water quality and habitat functions outlined within the Critical Area Law due to existing grandfathered patterns of development or previous disturbance. This designation affords flexibility to landowners to locate development partially within the 100-foot Buffer, but outside of the defined setback area. In this case, the applicant is requesting to further exceed the flexibility provided in the law in order to locate a structure within the BEA setback. Storage of accessory boating equipment and the provision of public assembly areas are uses which can be accommodated outside of the BEA setback, and therefore do not qualify as water-dependent facilities. In addition, we note that the deck structure is proposed in the sole area which currently provides transitional habitat between the land and the water and which serves to provide water quality benefits. To locate an additional structure within this space would be in direct contrast with the spirit and intent of the Critical Area Criteria and with the goals for and intent of the Buffer and BEA.

Finally, it appears that the applicant currently enjoys reasonable and significant use of the property as evident by the existing restaurant and marina. Therefore, denial of this variance would not constitute an unwarranted hardship to the applicant. Since we believe that the applicant has failed to meet each and every one of the Town's variance standards, we recommend that the Board deny the variance request.

As always, thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kerrie L. Gallo
Regional Program Chief
CB563-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 23, 2007

Mr. William Watson
Zoning Administrator
8200 Bayside Road
PO Box 400
Chesapeake Beach, MD 20732

Re: Rod-N-Reel Transient Access Pier & Storage Area

Dear Mr. Watson:

Thank you for providing information on the above referenced site plan. The applicants are requesting site plan approval in order to construct a 756 square foot platform over a beach area. The property is designated an Intensely Developed Area (IDA), a Buffer Exemption Area (BEA) and is currently developed with a restaurant and marina.

While the site plans for this project include a modification to the size, name, and intended use of the proposed structure, Commission staff finds that the proposed transient access pier and storage area is largely the same proposal as the wedding pier reviewed by staff in previous submittals. Therefore, upon review of the latest site plans, it does not appear that the proposed structure qualifies as water dependent. Specifically, the intrinsic nature of the proposed structure does not require it to be located within the BEA setback. Further, it appears that ample opportunity exists outside of the setback to construct a storage and congregation area. Should the applicant wish to pursue locating the proposed structure within the BEA setback, a variance would be required.

Thank you for the opportunity to provide comments for this site plan submittal. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Regional Program Chief
CB563-06

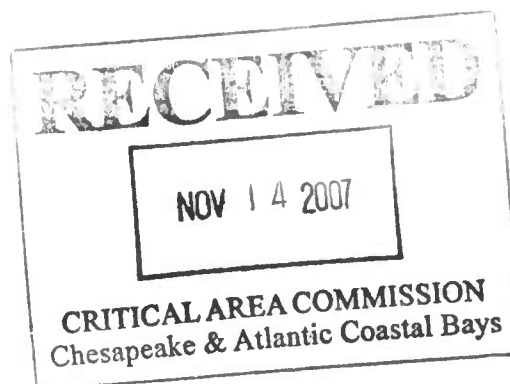


563-06

OFFICE OF THE MAYOR AND TOWN COUNCIL

November 9, 2007

Ms. Kerri Gallo, Regional Program Chief
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401



**RE: Rod n Reel Transient Pier
Variance Application**

Dear Kerri:

As you recommended in your letter of October 23, 2007 to me, the applicant has filed the enclosed application and supporting information requesting a Variance to the Buffer Regulations of the Chesapeake Beach Zoning Ordinance. Enclosed, please find the following:

1. 2 copies - Board of Appeals Application
2. 2 copies - Narrative on justification for variance
3. 2 copies - Tax Map extract showing parcel containing proposed mitigation area
4. 2 copies - Letter of Denial of application for Transient Pier
5. 2 copies - Critical Area Report
6. 2 sets - Overall Site Plan

The hearing before the Board of Appeals is scheduled for December 4, 2007 at 7:00pm at Town Hall. You are invited to attend to make a verbal presentation, if you feel it to be desirable. Under any circumstances, I request any written comments from you be received no later than close of business on November 29, 2007. A fax to (410) 286-5224 will be sufficient, as long as the original is also mailed to the PO Box, below.

Should you have any questions, please feel free to call me at (410) 286-5222. If any supplemental documentation becomes available (including my staff report), I will get it to you in the quickest means available. As always, I appreciate your assistance in this matter.

Yours truly,

William R. Watson
Zoning Administrator

G:\Chesapeake Beach\Zoning\Board of Appeals\Rod n Reel Properties\Transmit BOA packet to CAC for comment.wpd

8200 BAYSIDE ROAD, P.O. BOX 400, CHESAPEAKE BEACH, MARYLAND 20732

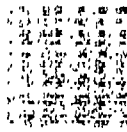
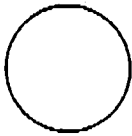
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11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

E-MAIL: bendyer@bendyer.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

November 8, 2007
J-B05069-5006
WO-79223

Bill Watson
Town of Chesapeake Beach
8200 Bayside Road
P.O. Box 400
Chesapeake Beach, Maryland 20732

Re: Rod-N-Reel
Transient Access Pier and Storage Area
Variance Application

Dear Mr. Watson:

On behalf of the Rod-N-Reel, Inc., Ben Dyer Associates, Inc. is providing herein a variance Justification Statement in response your October 31, 2007 code interpretation letter under Article 8-206(c)(1)-(5) and (d)(1)-(4). The variance request is for a proposed Transient Access Pier and Storage platform/assembly pier within the Critical Area Buffer Exempt Area. Also included are 12 site plans, Critical Area reports and the associated review fee and application.

As a brief project description, the Rod-N-Reel is an active marina that is in need of small outdoor boat and accessory storage space, transient access for small crafts and an outdoor assembly area. The proposed project consists of an expansion of an existing pier to include a deck platform that would provide storage space for the marina's safety equipment including life jackets, safety throws and life boats as well as cart storage and small boat storage for the marina patrons within the protected marina. The deck platform pier will also provide a point of outdoor assembly and demarcation for small boats with tie-up cleats and access ladders. Finally, the deck platform pier will be used as a place to store small kayaks and canoes for rental as well as a launch point for the crafts. These small crafts require a protected boat launch and storage area within the marina.

As shown on the enclosed Site Plan (BDAI Dwg. Nos. 6.001-Y & 6.002-Y) the proposed development activity includes the installation of a storage platform to be attached to both sides of the existing pier. The proposed 47'3" by 16' west side platform pier will be constructed over an existing sand beach and is approximately 755 square feet in size along with two 4' x 5' access

Bill Watson
Town of Chesapeake Beach

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stairs for a total of 796 square feet. The existing beach area is currently surrounded by piers and the Rod-N-Reel building and is approximately 40 x 140 or 5,600± square feet in size. Approximately 730 square feet of the platform pier on the west side is above mean high water (or within the buffer exempt area). The 46'5" x 10' angled platform pier proposed on the east side of the existing pier is over open water, and not within the buffer exempt area. This proposed platform pier is approximately 395 square feet in size.

As outlined under Section 8-206 of the Town Code, the following is a point by point response to each of the variance criterion requirements.

8-206(c)

- 1. That the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare:**

We believe that that the proposed transient platform pier is in harmony with the general purpose and intent of the ordinance and will not be injurious to the neighborhood or detrimental to public welfare. The platform pier will be attached to an existing pier over an existing sand beach and will be constructed in accordance with all applicable State, Federal, County and Town codes and regulations to provide safe access to and from the platform pier for not only patrons that walk but for ADA compliance. We believe the platform pier is an accessory to the marina and is a mariner use and therefore is in harmony with the Town Codes and ordinances.

- 2. That the granting of the variance will not permit the existence within a District of any use, which is not permitted in that District:**

We do not believe that variance will permit the existence within a district of the use which is not permitted in the district. The proposed platform pier will be an accessory to the marina and proposes maritime uses which allows for docks, piers and loading, unloading areas, etc. The Town zoning ordinance defines water dependent facilities as structures or works associated with industrial, maritime, recreational, educational or fishery activities that require location at or near the shoreline within the buffer. We believe the platform pier structure is associated with a maritime use and is at and near the shoreline and within the buffer. This variance is not questioning the water dependency of the project we bring this to your attention to show that we believe it is in keeping with the uses allowed in the District.

- 3. That there are special circumstances or conditions fully described in the findings, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict interpretation of the provisions of the Ordinance would deprive the applicant of the reasonable use of such land or building:**

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We believe that this project is special to its location because it is over an existing sand beach and therefore it does not require the removal of any vegetation. Also, we believe the platform pier needs to be placed within the protected marine area, and within the dock area to allow for storage and boat access to the storage area, and probably most importantly to provide a protected demarcation and access area for small crafts such as kayaks and canoes. As stated in the project description, the proposed west platform pier will be built on 796 square feet out of the 5,600 square foot beach area or 14 percent of the area. We believe this is a small storage area request to perform the storage and accessory use needs.

4. **That there exists unnecessary hardship. If the hardship is general, that is shared generally by land or buildings in the neighborhood, relief shall be properly obtained only by legislative action or by court review of an attack on the validity of the Ordinance:**

We believed that denial of the variance would constitute an unnecessary hardship and is particular to this property in that the proposal is a maritime project which needs to be located in the maritime district. It also requires a protected storage area adjacent to and near the water. The project also needs to be attached to an existing marine access structure such as the existing piers to allow patrons access to and from the platform pier structure. The project is also extremely environmentally sensitive in that it is a proposed pier connecting to an existing pier over an existing sand beach. For these main reasons we believe that this hardship is unique and is not general to the neighborhood.

5. **That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose. It is not sufficient proof of hardship to show that greater profit would result if the variance were awarded. Furthermore, the hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without the knowledge of restrictions; it must result from the application of the Ordinance; it must be suffered directly by the property in question; and evidence of greater profitability and of variances granted under similar circumstances shall not be considered:**

We believe that the variance is necessary and reasonable and provides a reasonable use of the land and the minimum necessary to accomplish this purpose. The small platform has been sized to provide for approximately fifteen kayaks and canoes, one lifeboat, eight storage lockers, twenty carts, two 4' x 16' john boats along with adequate pedestrian access. This storage area will be particularly for small boats in and for patrons of marina in the winter months. The platform pier will also provide outdoor assembly area for several hundred patrons during times when the storage area is not in full use. The location of the platform pier is also essential as it is in a central location within the center of the marina which will allow small crafts to approach and for loading and unloading as well as to provide for a small craft launch area.

Bill Watson
Town of Chesapeake Beach

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Page 4

8-206(d)

1. **That special conditions or circumstances exist that are peculiar to the land or structure within the Town's Critical Area District that would result in an unwarranted hardship to the applicant. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested:**

The platform pier and storage area is a need within the marina and needs to be centrally located within the protected marina area and directly adjacent to the water. Therefore, for these reasons and those previously stated in 1-5 above, we believe denial of the variance will be an unwarranted hardship on the Applicant.

2. **That a literal interpretation of the Town's local Critical Area Program and this Ordinance will deprive the application of rights commonly enjoyed by other properties in similar areas within the Critical Area District:**

We believe that literal interpretation of the Town's Critical Area program will deprive the applicant the rights that are commonly enjoyed by other properties in similar areas in the Critical Area District. We believe the project is dependent on being at and near the water and within a protected marina area with direct access for small crafts. We believe that other properties within the Critical Area enjoys such liberties and this property should be allowed to enjoy the same.

3. **The granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the Critical Area District:**

We can see no reason why the variance would confer upon the applicant any privileges that would be denied upon other property owners within the Critical Area District. We believe the platform pier is a maritime use which allows for uses and that are commonly allowed by property owners in Critical Area District.

4. **The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area District, and that the granting of the variance will be in harmony with the general spirit and intent of the Town Critical Area Protection Program, this Ordinance, Maryland's Critical Area law, and COMAR regulations:**

Water quality will not be adversely impacted. The proposed project is to build an expansion of an existing pier over an existing sand beach. As outlined in the Towns Zoning ordinance and as further described in the Towns letter to the applicant of October 31, 2007, "surfaces which are not considered impervious include decks, walkways with spaces between board with six inch gravel or vegetation underneath, gravel or wood chip walkways are similar

Bill Watson
Town of Chesapeake Beach

November 8, 2007
Page 5

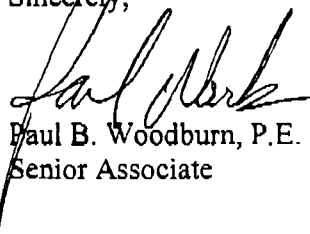
types of surfaces in that we have similar type of surfaces." Our project proposes a deck with spaces between the boards with existing sand beneath. Therefore, we believe this requirement is met and therefore water quality will not be impacted with the proposed project.

Mitigation:

As part of the request for the variance, we would like to offer a 3:1 mitigation offset proposal of 2,190 square feet (730 sf x 3 feet) to perform a Critical Area Buffer phragmites eradication and reforestation project on lands owned by the Town of Chesapeake Beach on Parcel 'K'. This area is just west of the subject property. The Town has a significant outcrop of this invasive non-native species in this area and we believe this buffer enhancement project would be very beneficial to the Fishing Creek watershed and the bay.

Thank you in advance for your time and attention to these matters. If you need any additional information, please do not hesitate to call.

Sincerely,



Paul B. Woodburn, P.E.
Senior Associate

Enclosure

cc: Gerald Donovan
Trent Jaklitsch

PM:PBW
2-Watson.110507.jhm



OFFICE OF THE MAYOR AND TOWN COUNCIL

October 31, 2007

Mr. Gerald Donovan
 P.O. Box 99
 Chesapeake Beach, MD 20732

To: Pam Wooten
 301-470-2001

**RE: Letter of Denial
 Transient Pier - Rod n Reel Marina**

Dear Gerald:

This is to notify you that the plans, as recently submitted, for a transient pier at the Rod n Reel Marina can not be approved, at this time. After consultation with the Critical Area Commission, I wish to offer both an explanation as to how the application is not compliant with the Town's Critical Area Program, as well as a possible means to move forward.

The Critical Area Law, which the Town must comply with, defines a "Water-dependent facility" as:

COMAR 27.01.03.01

01 Definition.

A. "Water-dependent facilities" means those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer specified in COMAR 27.01.09.

B. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. These activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities. (The underlining and bolding, throughout, is my emphasis.)

The key to this definition is the word **docking**. The Commission interprets the law to mean that marine vessels must actually be able to dock at a facility as one consideration for that facility to be deemed water-dependent.

Because the proposed pier is within 100 feet of the water's edge, it is in the Critical Area Buffer. The law requires that any development in the buffer be water-dependent, as described, below.

COMAR 27.01.03.03

.03 General Criteria.

In developing their Critical Area programs, local jurisdictions shall follow these criteria when addressing water-dependent facilities:

Mr. Gerald Donovan
Transient Pier ~ Letter of Denial
Page 2

A. Except as otherwise provided in this chapter, new or expanded development activities may be permitted in the Buffer in intensely developed and limited development areas provided that it can be shown:

- (1) **That they are water-dependent;**
- (2) That the project meets a recognized private right or public need;
- (3) That adverse effects on water quality and fish, plant, and wildlife habitat are minimized;
- (4) That, insofar as possible, nonwater-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer; and
- (5) That the facilities are consistent with an approved local plan as set forth below.

B. Except as otherwise provided in this regulation, new or expanded development activities may not be permitted in those portions of the Buffer which occur in resource conservation areas.

The Town's Zoning Ordinance contains certain definitions which may help clarify matters somewhat:

Per Zoning Ordinance

Water-Dependent

Facilities: Structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer.

This is slightly different from the State Law and may be a part of the reason for the difficulties in gaining approval.

While in some jurisdictions, the transient pier may be considered to be impervious, which is also discouraged in the buffer, our ordinance defines impervious surfaces as follows, noting the clarification relative to decks:

Impervious Surfaces: Types of surfaces which shall be considered impervious in applying the requirements of this Ordinance shall include driveways and parking lots surfaced with asphalt, blue stone, bank run gravel, concrete, dirt, oyster shell, pavers, "turf block" or similar materials; ponds, except for those used for stormwater management; sidewalk surfaces with brick and mortar, bricks on sand, concrete or similar materials; swimming pools; paved tennis courts; and buildings and other structures. Surfaces which are not considered impervious include decks and walkways with spaces between boards with 6" gravel or vegetation underneath, gravel or wood chip walkways or similar types of surfaces.

Mr. Gerald Donovan
Transient Pier ~ Letter of Denial
Page 3

Lastly, the buffer is defined as:

Buffer: An existing, naturally vegetated area or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances. (Amended 5/11/05).

The Commission has interpreted that this definition is to be expanded beyond vegetative cover to include any practice which has the ability to cleanse the runoff before entering the tidal waters.

The Town Zoning Ordinance seems to be behind the State Law in defining water-dependent, again given that the Critical Area Commission has related water dependency for marine facilities as needing to actually dock a vessel. As you can see, below, our ordinance does not mention the act of docking.

Per Article 4-403 (b) (3) *The following uses, which are considered "water-dependent", may be located in the Buffer by special exception:*

- A. *Moorings, buoys and slips;*
- B. *Docks, piers, launching ramps, access roads and paths;*
- C. *Loading and unloading areas;*

Since we can now assume that the proposed use is not a water-dependent use, it is required to be located outside of the 100 foot buffer, as shown below.

Paragraph (4) requires that *New or expanded water-dependent facilities will be allowed in the Buffer area provided they meet the following requirements:*

- A. *That the project meets a recognized private right or public need;*
- B. *That adverse effects on water quality, and fish, plant, and wildlife habitat are minimized; and*
- C. *That, in so far as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer.*

Now we come to the possibility of still achieving your goal. As advised by the Critical Area Commission staff, you may wish to consider applying to the Town Board of Zoning Appeals for a variance to the Critical Area Buffer requirements to allow this pier to be constructed within the buffer. One aspect of possibly gaining permission from the Board will be to mitigate the impact to the buffer at a ratio of 3:1. This is normally desired to be done in the buffer, adjacent to the buffer

Mr. Gerald Donovan
Transient Pier ~ Letter of Denial
Page 4

or through offsets, or lastly through payment of fees-in lieu at the rate of \$1.25 per square foot of unmitigated impact. Should you find that there are no opportunities to plant in the buffer on your property and no opportunities to perform an offset, such as those techniques highlighted, below, in **bold** you have the option of requesting Planning Commission approval for the use of the fee-in-lieu account.

Article 4-407 (a) I allows offsets when mitigation is not possible

I. *Offsets.*

- a) *Applicants who cannot fully comply with the planting requirements in Sections G or H above, may use offsets to meet a portion of the mitigation requirement. Offsets can include the removal of an equivalent area of existing impervious surfaces in the Buffer or Buffer Exemption Area, the construction of Best Management Practices for stormwater in excess of those required, wetland creation or restoration, or other measures that improve water quality or habitat.*

J. *Fees-in-Lieu of Planting*

- a) *Applicants who cannot comply with the planting or offset requirements shall pay into a fee-in-lieu program.*
- b) *Fees-in-lieu shall be collected at the rate per square foot of required mitigation that cannot be satisfied through planting or offsets:*
- i. *For private development projects, the rate shall be \$1.25 per square foot.*

Based upon the above and assuming you choose to apply to the Board of Appeals, the following must be achieved:

- I. Prepare a "complete submittal" which will accompany the Variance Application package. This package is to include the following:
- a) Completed Variance Application requesting a variance from the requirement of Article 4-404 Buffer Regulations paragraph (a), which requires, in part, *No development including septic systems, impervious surfaces, parking areas, roads, or structures are permitted in the Buffer, except as may be necessarily associated with water dependent facilities in accordance with this Ordinance.*
- b) A check in the amount of \$ 480.00 for the appeal.
- c) 12 Sets of plans illustrating and detailing the proposed work
- d) 12 Sets Critical Area Report
- e) Copies of all applicable comment letters, from other agencies.
- f) A narrative addressing the criteria found in Article 8-206 (c) (1) - (5), inclusive as

Mr. Gerald Donovan
Transient Pier ~ Letter of Denial
Page 5

well as (d) (1) - (4), inclusive.

g) Either the plans or the Critical Area Report or some alternate document must address how you propose to mitigate. **If you choose to request the payment of fees-in-lieu, I will need to present this to the Planning Commission as their earliest available meeting - this is November 13, 2007.** So as to get the item placed on the agenda, I will need the mitigation plan and site plan no later than Tuesday Nov. 6, 2007 close of business.

II. I will submit all of the above to the Critical Area Commission to obtain a written recommendation from them, which will accompany the package to the Board of Appeals. The Town will make all appropriate notifications to adjoining owners, advertising in a local newspaper and posting of notification on the property.

I hope this serves to assist you in deciding how to move forward. As always, if there are any questions or further assistance required, I will be most happy to assist. If you wish to call, my number is (410) 286-5222.

Yours truly,



William R. Watson
Zoning Administrator

cc: Paul Woodburn via fax (301) 430-2001

wedding pier

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CHESBEACH

PAGE 01/01

Martin O'Malley
Governor

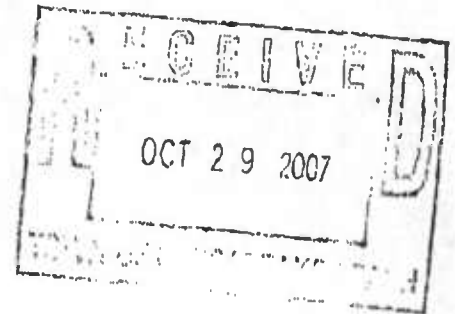
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*To: Paul
Watson
From: B. Watson
301-430-2001*



October 23, 2007

Mr. William Watson
Zoning Administrator
8200 Bayside Road
PO Box 400
Chesapeake Beach, MD 20732

Re: Rod-N-Reel Transient Access Pier & Storage Area

Dear Mr. Watson:

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While the site plans for this project include a modification to the size, name, and intended use of the proposed structure, Commission staff finds that the proposed transient access pier and storage area is largely the same proposal as the wedding pier reviewed by staff in previous submittals. Therefore, upon review of the latest site plans, it does not appear that the proposed structure qualifies as water dependent. Specifically, the intrinsic nature of the proposed structure does not require it to be located within the BEA setback. Further, it appears that ample opportunity exists outside of the setback to construct a storage and congregation area. Should the applicant wish to pursue locating the proposed structure within the BEA setback, a variance would be required.

Thank you for the opportunity to provide comments for this site plan submittal. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Kerrie Gallo

Kerrie L. Gallo
Regional Program Chief
CB563-06



September 17, 2007

Mr. Marshall Johnson, Natural Resources Planner
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

RE: Rod & Reel Transient Access Pier & Storage Area

Dear Marshall:

Enclosed hereto, please find 2 sets of the 10% Rule Computations and Critical Area Report with included plans for a proposed Transient Access Pier & Storage Area at the Rod & Reel Property, located in Chesapeake Beach.

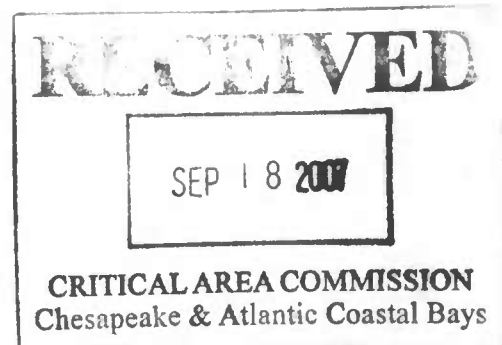
I have reviewed this submittal and believe it to meet our Critical Area Ordinance, however, would appreciate your input prior to my issuing a Zoning Permit.

The site is located in the IDA in a BEA. The impact area is over an existing sandy beach, which has no vegetation. The upland area draining towards the site is impeded by buildings, parking lot and a timber bulkhead which serve to re-direct runoff to other locations. There is no opportunity for the buffer to serve its intended purpose due to a combination of all of the above. The proposed Transient Access Pier will be pervious. The applicant proposes to pay fees-in-lieu for the disturbance within the BEA.

Please review and provide comments to me at your earliest convenience. Should you have any questions, please feel free to call me at (410) 286-5222. Thank you for your assistance.

Yours truly,

William R. Watson
Zoning Administrator



G:\Chesapeake Beach\Zoning\Donovan Properties\Rod-n-Reel Marina\Letter transmitting Transient Pier to Critical Areas.wpd

Gallo, Kerrie

From: Anderson, Kathy NAB02 [Kathy.Anderson@nab02.usace.army.mil]
Sent: Tuesday, February 27, 2007 11:16 AM
To: Robert Tabisz; Gallo, Kerrie
Subject: TOWN OF CHESAPEAKE BEACH/ROD-N-REEL/WEDDING PIER 06-64605

Bob and Kerrie,

I did not issue this authorization. I told the consultant to coordinate with you both several months ago. I met with another consultant and Mr. Donovan at Rod n Reel a month or so ago about another project and I asked them to get this issue resolved.

If you are going to deny a variance or authorization, let me know. Meanwhile, I'm in a holding pattern on this one.

Thank you,

Mrs. Kathy Anderson
Biologist
U.S. Army Corps of Engineers
Baltimore District
Operations Division
Regulatory Branch
(410) 962-5690
(410) 962-6001 (fax) <http://www.nab.usace.army.mil/Regulatory/index.html>

-----Original Message-----

From: Robert Tabisz [mailto:rtabisz@mde.state.md.us]
Sent: Tuesday, February 27, 2007 11:05 AM
To: Anderson, Kathy NAB02
Subject: Fwd: RE: permit status-Chesapeake Beach

Do you recall where this one is at?

Bob

>>> "Gallo, Kerrie" <KGallo@dnr.state.md.us> 02/27/2007 10:54 AM >>>
Not that I can recall. The applicants want to argue with me about it being a water dependent facility and the powers that be here want to make sure that we're consistent with what MDE has done in regard to the permit (if we can be). Do you have any method of trying to find out where this is on the MDE side?

Kerrie

-----Original Message-----

From: Robert Tabisz [mailto:rtabisz@mde.state.md.us]
Sent: Tuesday, February 27, 2007 10:52 AM
To: Gallo, Kerrie
Subject: Re: permit status-Chesapeake Beach

Kerrie,

I don't know where it is. But I do know we did not issue. This maybe a CAT III A under the old MDSPGP2. It still would be a CAT III under the new MDSPGP3. I can't remember where Kathy is on this. I agree it is not water dependent. Didn't this project come before JE some time in the past?

Bob

>>> "Gallo, Kerrie" <KGallo@dnr.state.md.us> 02/27/2007 10:16 AM >>>

Hi Bob,

Can you please tell me what MDE's status is on a permit for the Rod-n-Reel restaurant and their proposed wedding pier? I recall you and I having talked about this a while ago, but it is back for us and I want to know whether you have issued anything and/or whether you have problems with what they're proposing. For us, the portion above MHW is a problem and will require a variance (which we are not likely to support). Wedding piers are not a water-dependent use as claimed by the applicant. Thanks,

Kerrie

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

<<<<GWIASIG 0.07>>>>

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/

September 22, 2006

Mr. William Watson
Zoning Administrator
8200 Bayside Road
PO Box 400
Chesapeake Beach, MD 20732

Re: Rod-N-Reel Wedding Pier

Dear Mr. Watson:

Thank you for providing information on the above referenced site plan. The applicants are requesting site plan approval in order to construct a 643 square foot platform over a beach area and to construct a 465 square foot platform over open water. The property is designated an Intensely Developed Area (IDA) and is currently developed with a restaurant and marina.

Based on the information provided, it is difficult to determine what portion of the 643 square foot platform is proposed above Mean High Water (MHW). Further information will be necessary to resolve this uncertainty. Please note that the proposed structures are not considered water-dependent facilities within the Critical Area. As such, a variance would be required to construct any portion of the platform located above MHW and within the Buffer.

Thank you for the opportunity to provide comments for this site plan submittal. Please provide additional information which addresses the concerns raised above. If you have any questions, please contact me at (410) 260-3482.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CB563-06

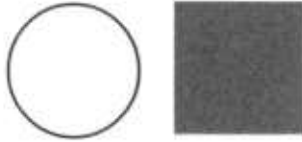
Cc: Megan Reiser, Ben Dyer
Kathy Anderson, USACE

11721 WOODMORE ROAD, SUITE 200
MITCHELLVILLE, MD 20721

TELEPHONE: 301-430-2000

FAX: 301-430-2001

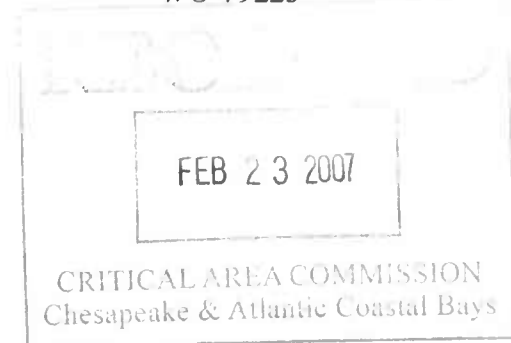
E-MAIL: bendyer@bendyer.com



BEN DYER ASSOCIATES, INC.
Engineers / Surveyors / Planners

February 20, 2007
J-B05069-5006
WO-79223

Kerrie Gallo
Natural Resources Planner
Critical Area Commission
1804 West Street
Suite 100
Annapolis, Maryland 21401



Re: Rod-N-Reel
Wedding Pier

Dear Ms. Gallo:

Ben Dyer Associates Inc. would like to take this opportunity to address the concerns you outlined in a letter dated September 22, 2006 addressed to William Watson, Zoning Administrator for Chesapeake Beach, regarding the above referenced project.

The Rod-N-Reel is a waterfront resort hotel located in the beach community of Chesapeake Beach, Maryland. One of the most important elements that characterize this resort is its access to the Bay. Presently, wedding events are held outside along the Bay front on the existing 9' 10" wide pier. Consequently, they have limited space on the pier and guests stand along the length of the existing dock during ceremonies. This lack of congregating space does not allow for emergency access, or for general patron access, to and from the existing pier. The proposed platform would provide much needed space for performing wedding ceremonies and is designed to accommodate more than 200 guests. Aside from the congregating area, a platform is designed to allow direct access for boats. Wedding parties and guests arriving by boat, a water dependant activity, create the need for boat access to the proposed platform. The Rod-N-Reel requires direct water access specifically designated for wedding parties arriving via boat and adequate space to perform ceremonies.

As shown on the enclosed Critical Area Exhibit, the proposed development activity includes the installation of a wedding platform to be attached to both sides of the existing 9' 10" wide pier. The proposed 40' 2" by 16' platform on the west side of the existing pier is mostly over a sandy beach and is approximately 755 SF in area. Approximately 730 SF of the platform on the west side is above mean high water. The angled platform proposed on the east side of the existing pier is over open water, is 46' 5" by 10' and approximately 395 SF. While the platform area is proposed over the open water, below mean high water, the only permanent impact is 1.09 SF from the two support pilings.

Kerrie Gallo
Natural Resources Planner
Critical Area Commission

February 20, 2007
Page 2

We appreciate the opportunity to address your comments. Please feel free to contact me or Paul Woodburn if you have any additional concerns.

Sincerely



Megan Reiser
Section Head
Environmental Section

Enclosure

cc: William Watson w/copy
Kathy Anderson w/copy

PM:PBW

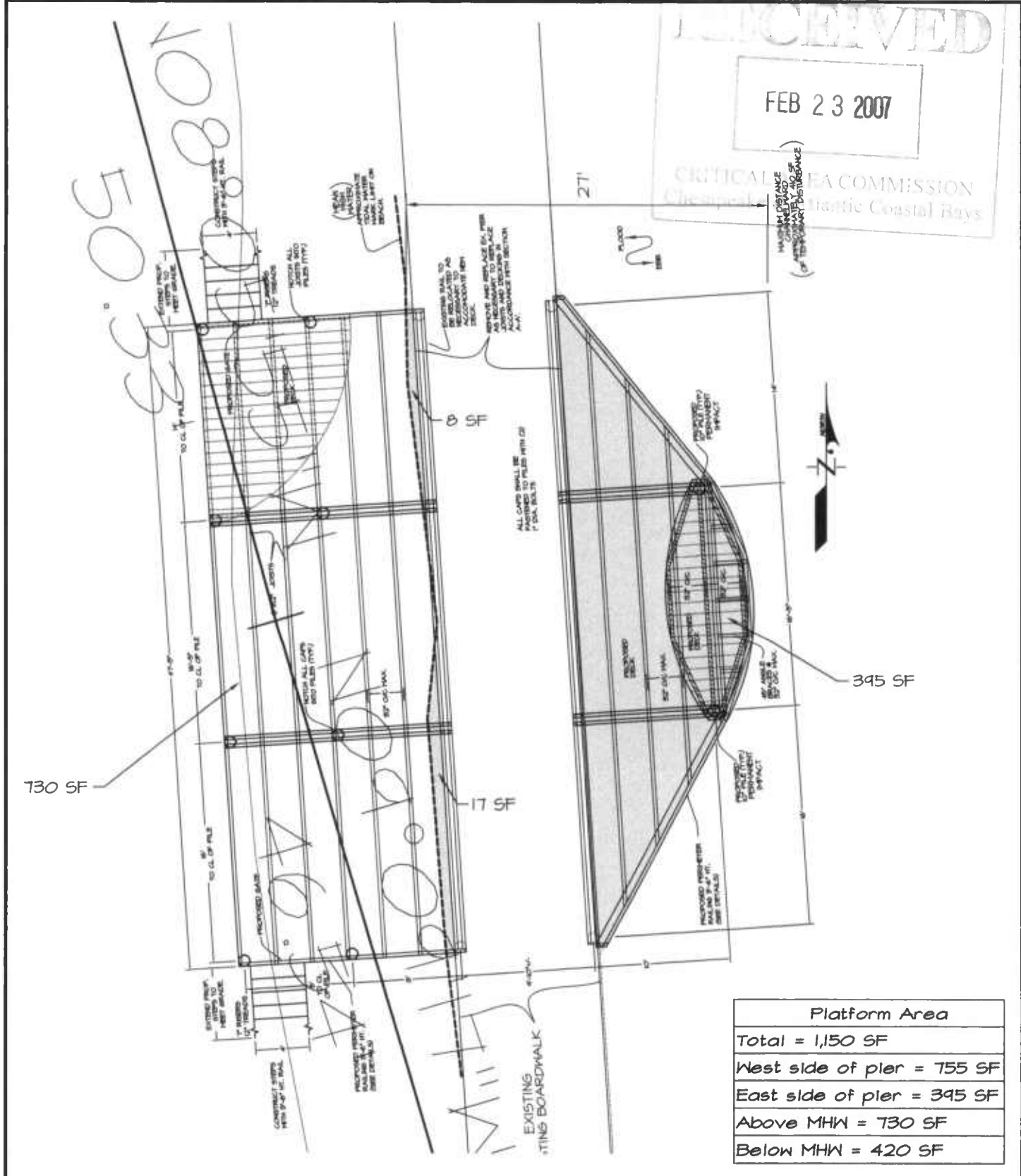
2-Gallo.Rod-N-Reel.MR.02.12.07.lal

RECEIVED

FEB 23 2007

CRITICAL AREA COMMISSION
Chesapeake Bay and Atlantic Coastal Bays

MINIMUM DISTANCE
CONSERVATION ZONE
(OF 100 FEET DISTANCE)



DECK AREA = 756 sf
 SITE AREA = 2,160 sf

DECK AREA = 0.35 x SITE AREA

Worksheet A: Standard Application Process

Calculating Pollutant Removal Requirements¹

Step 1: Calculate Existing and Proposed Site Imperviousness

A. Calculate Percent Imperviousness

- 1) Site Area within the Critical Area IDA, A = 0.0496 acres
- 2) Site Impervious Surface Area, Existing and Proposed, (See Table 4.1 for details)

	(a) Existing (acres)	(b) Proposed (acres)
Roads		
Parking lots		
Driveways		
Sidewalks/paths		
Rooftops		
Decks		0.0174
Swimming pools/ponds		
Other		
Impervious Surface Area	0	0.0174

- 3) Imperviousness (I)

Existing Imperviousness, I_{pre}	=	Impervious Surface Area / Site Area
	=	(Step 2a) / (Step 1)
	=	$(\frac{0}{0.0496}) / (\frac{0.0496}{0.0496})$
	=	<u>0</u> %

Proposed Imperviousness, I_{post}	=	Impervious Surface Area / Site Area
	=	(Step 2b) / (Step 1)
	=	$(\frac{0.0174}{0.0496}) / (\frac{0.0496}{0.0496})$
	=	<u>35</u> %

B. Define Development Category (circle)

- 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 250 square feet of impervious area and associated disturbance (Go to Section 5, Residential Approach, for detailed criteria and requirements).

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

Section 4.0 Standard Application Process

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

A. New Development

$$\begin{aligned}
 L_{pre} &= (0.5) (A) \\
 &= (0.5) (\underline{0.0496}) \\
 &= \underline{0.0248} \text{ lbs/year of total phosphorus}
 \end{aligned}$$

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

$$\begin{aligned}
 L_{pre} &= (R_v) (C) (A) (8.16) \\
 R_v &= 0.05 + 0.009 (I_{pre}) \\
 &= 0.05 + 0.009 (\underline{\hspace{2cm}}) = \underline{\hspace{2cm}} \\
 L_{pre} &= (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (\underline{\hspace{2cm}}) (8.16) \\
 &= \underline{\hspace{2cm}} \text{ lbs/year of total phosphorus}
 \end{aligned}$$

Where:

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

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

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

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

$$= 0.05 + 0.009 (\underline{35}) = \underline{0.365}$$

$$L_{\text{post}} = (\underline{0.365}) (\underline{0.30}) (\underline{0.0496}) (8.16)$$

$$= \underline{0.0443} \text{ lbs/year of total phosphorus}$$

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 the pollutant (total phosphorus) in urban runoff (mg/l) = 0.30 mg/l

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

8.16 = Includes regional constants and unit conversion factors

Step 4: Calculate the Pollutant Removal Requirement (RR)

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

$$= (\underline{0.0443}) - (0.9) (\underline{0.0248})$$

$$= \underline{0.0220} \text{ lbs/year of total phosphorus}$$

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 _{post})	x	(BMP _{RE})	x	(% DA Served)	=	LR
<u>sand filter</u>	<u>0.0443</u>	x	<u>0.50</u>	x	<u>1.0</u>	=	<u>0.0222</u> lbs/year
_____	_____	x	_____	x	_____	=	_____ lbs/year
_____	_____	x	_____	x	_____	=	_____ lbs/year
_____	_____	x	_____	x	_____	=	_____ lbs/year
Load Removed, LR (total) =							_____ lbs/year
Pollutant Removal Requirement, RR (from Step 4) =							_____ lbs/year

Where:

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

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

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

CHESAPEAKE BAY
CRITICAL AREA REPORT
ROD-N-REEL
TRANSIENT ACCESS PIER AND STORAGE AREA
CHESAPEAKE BEACH, MARYLAND 20732

J-B05069-5006
WO-79223

Applicant: Rod-N-Reel, Inc.

Prepared By: Megan Reiser
Section Head
Environmental Section
September, 2007

○■ **BEN DYER ASSOCIATES, INC.**
11721 Woodmore Road, Suite 200
Mitchellville, MD 20721
(301) 430-2000
(301) 430-2001 (Fax)

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APPENDIX A – MD DNR Wildlife and Heritage Division Correspondence
APPENDIX B – Overall Site Plan & Site Plan and Structure Framing Sections
(BDAI Dwg. No. 6.004-Y & 6.005-Y)

10-Rod-N-Reel.06.15.06.lal

I. Introduction

This permit application is for the alteration of the Buffer Exempt/IDA Zoned Critical Area located in the town of Chesapeake Beach for the construction of a proposed Transient Access Pier and Storage Area. When completed, this pier will provide the Rod-N-Reel Restaurant and Marina with adequate space for outdoor assembly, small boat storage, and safety equipment storage for items including life jackets, safety throws and small life boats. The platform will provide locker/shed type storage for the 'live aboard' residents of the Marina as well as cart storage for their use. The pier is also designed to provide a point of demarcation for public boats with tie-up cleats and access ladders.

A. Site Location and General Description

The address of the Rod-N-Reel Restaurant and Marina is 4165 Mears Avenue, Chesapeake Beach, Maryland 20732 (Figure 1). The site is located on the Chesapeake Bay, in the Buffer Exempt/Intensely Developed Area (IDA) of the Critical Area (Figure 2).

B. Existing Conditions

The Rod-N-Reel Restaurant and Marina currently has a 9' 10" wide pier over tidal water and a sandy beach and is surrounded by existing buildings and development.

C. Proposed Development Activity

The proposed Transient Access Pier and Storage Area consists of a 47' 3" by 16' platform over a sandy beach that is to be attached to the existing pier.

The area of impact above Mean High Water is approximately 796 square feet and consists of a pervious decking platform over the existing sand beach/infiltration medium.

II. Existing Environmental Features

A. Soils

Soil series information obtained from the Soil Survey for Calvert County revealed that the Rod-N-Reel site is mapped as Co (Coastal Beaches), Ma (made land) and WaB2 (Westphalia fine sandy loam) (Figure 3).

B. Topography

The topography in the area of the pier ranges from mean high water to approximately 2.5 feet above mean sea level.

C. Floodplain

According to the FEMA Flood Insurance Rate Map, the Rod-N-Reel property is in Zones A6, B and V8 (Figure 4).

D. Wetlands

The eastern portion of the Rod-N-Reel site is bordered by estuarine waters as designated on the National Wetland Inventory Map (Figure 5).

E. Vegetation

The area of the proposed pier is void of vegetation and is currently covered by either open water or sandy beach. According to the most recent information publicly available from the Virginia Institute of Marine Science (VIMS), no submerged aquatic vegetation has been documented in the vicinity of the proposed project (Figure 6).

F. Rare, Threatened or Endangered Species

According to the Maryland Department of Natural Resources (DNR), no State or Federal records for rare, threatened or endangered species occur within the boundaries of the project site. However, the open waters adjacent to the site are known historic water fowl concentration areas.

G. Historical, Cultural or Archaeological Sites

According to MERLIN, a portion of the Rod-N-Reel property is listed on the Maryland Inventory of Historic properties, the Maryland Historic Trust Easements, and the National Register of Historic places (Figure 7). This area is the Chesapeake Beach Railway Museum, which will not be directly affected by the proposed wedding pier.

III. Conclusion

The Transient Access Pier and Storage Area proposes an impact of approximately 796 square feet of Buffer Exempt/IDA zoned Critical Area. The Rod-N-Reel Restaurant and Marina is in need of storage space for additional safety equipment whose placement near the water is essential to it's function. Such items include life jackets, safety throws and life boats. The pier is designed to provide for outdoor assembly and a point of demarcation for public boats with tie-up cleats and access ladders. The area will also provide locker/shed type storage for the 'live aboard' residents of the Marina as well as cart storage for their use. All storage is to be secured to the decking so as not to become a floating hazard in high water events. The project area is currently a sand beach void of vegetation and based on the information from VIMS and the Maryland DNR, no protected plants or animals are located in the vicinity of the project. The pervious nature of the structure proposed to be placed on top of the existing sand beach, which is an infiltration medium, poses no effect on water quality.

For the reasons outlined above, the proposed Transient Access Pier and Storage Area is a necessary, water dependent addition to the Rod-N-Reel Restaurant and Marina with minimal environmental impacts.

References

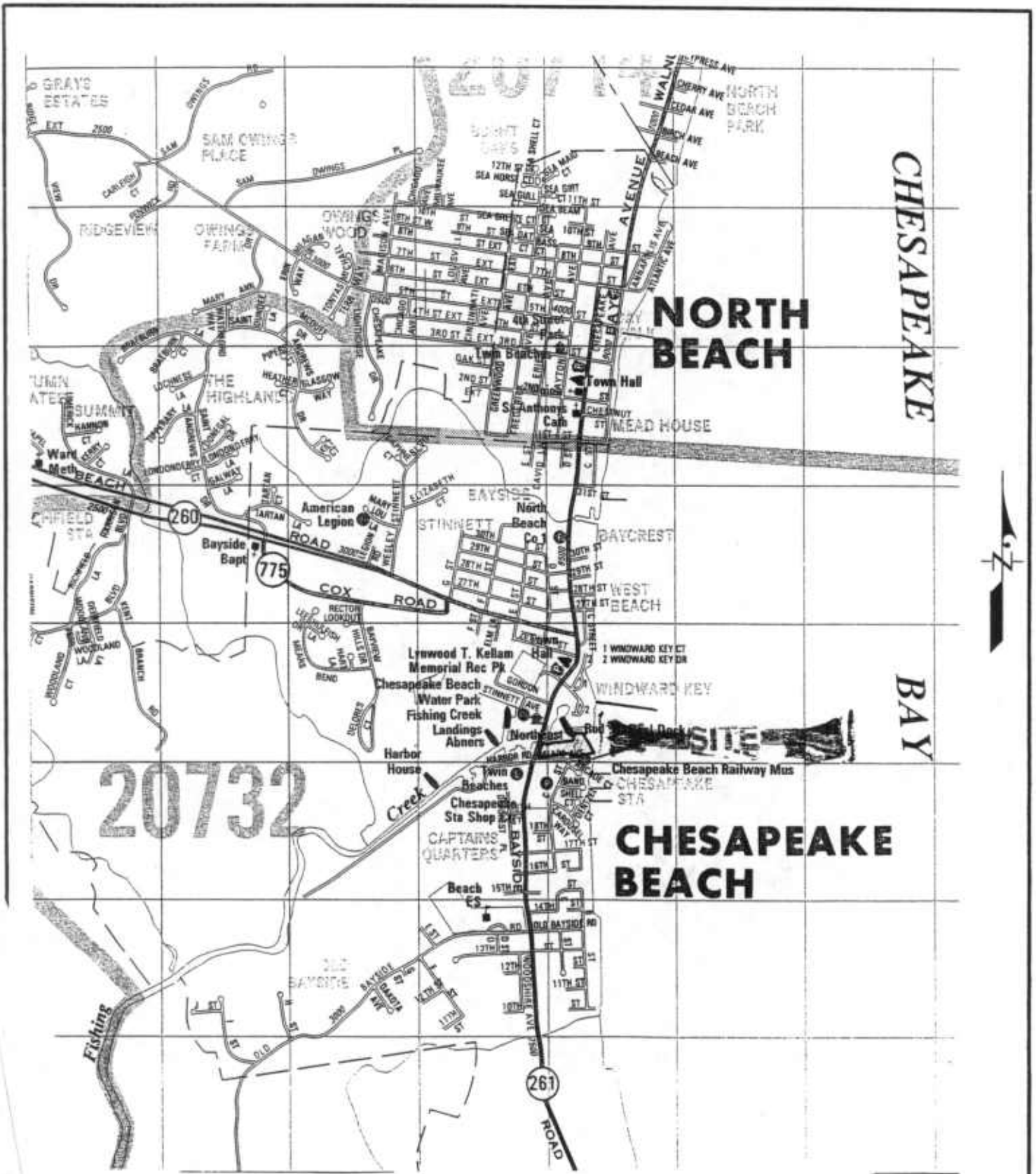
US Department of Agriculture, Soil Conservation Service. Soil Survey of Calvert County, Maryland.

National Wetlands Inventory Map. North Beach Quadrangle.

Virginia Institute of Marine Science Website:
http://www.vims.edu/bio/sav/sav04/baymap/bayquad_page.html

www.mdmerlin.net


10-Rod-N-Reel.06.15.06.lal



Vicinity Map
ROD & REEL RESTAURANT

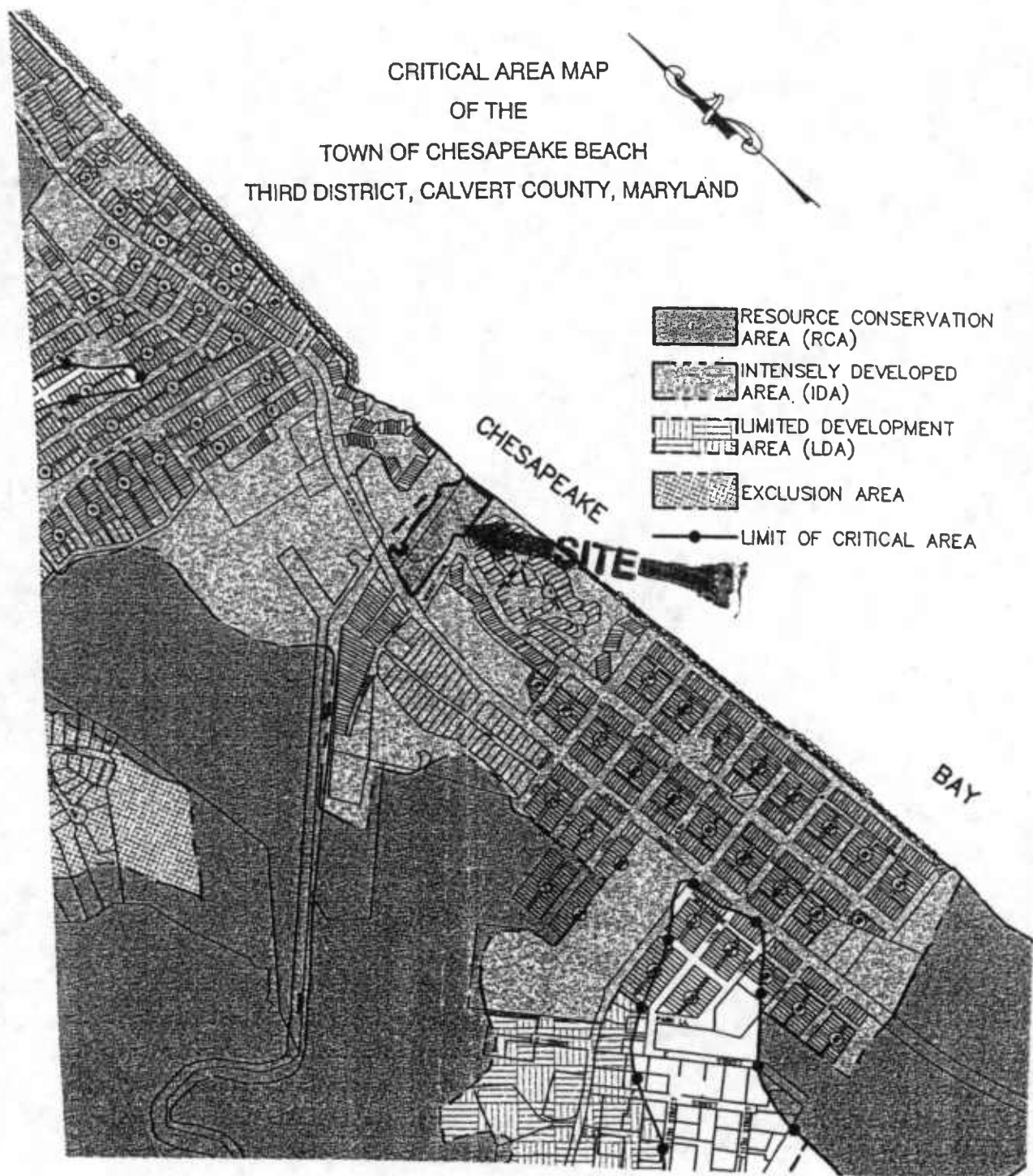
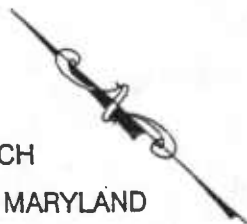
Calvert County ADC
 Map 4, Grid G-10
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11721 WOODMORE ROAD, SUITE 200
 MITCHELLVILLE, MARYLAND 20721

 **BEN DYER ASSOCIATES, INC.**
 Engineers / Surveyors / Planners
 TELEPHONE (301) 430-2000
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DRAWN BY	DESIGNED BY	CHECKED BY
MR	MR	PW
SCALE	DATE	
1" = 2000'	June, 2006	


CRITICAL AREA MAP
 OF THE
 TOWN OF CHESAPEAKE BEACH
 THIRD DISTRICT, CALVERT COUNTY, MARYLAND



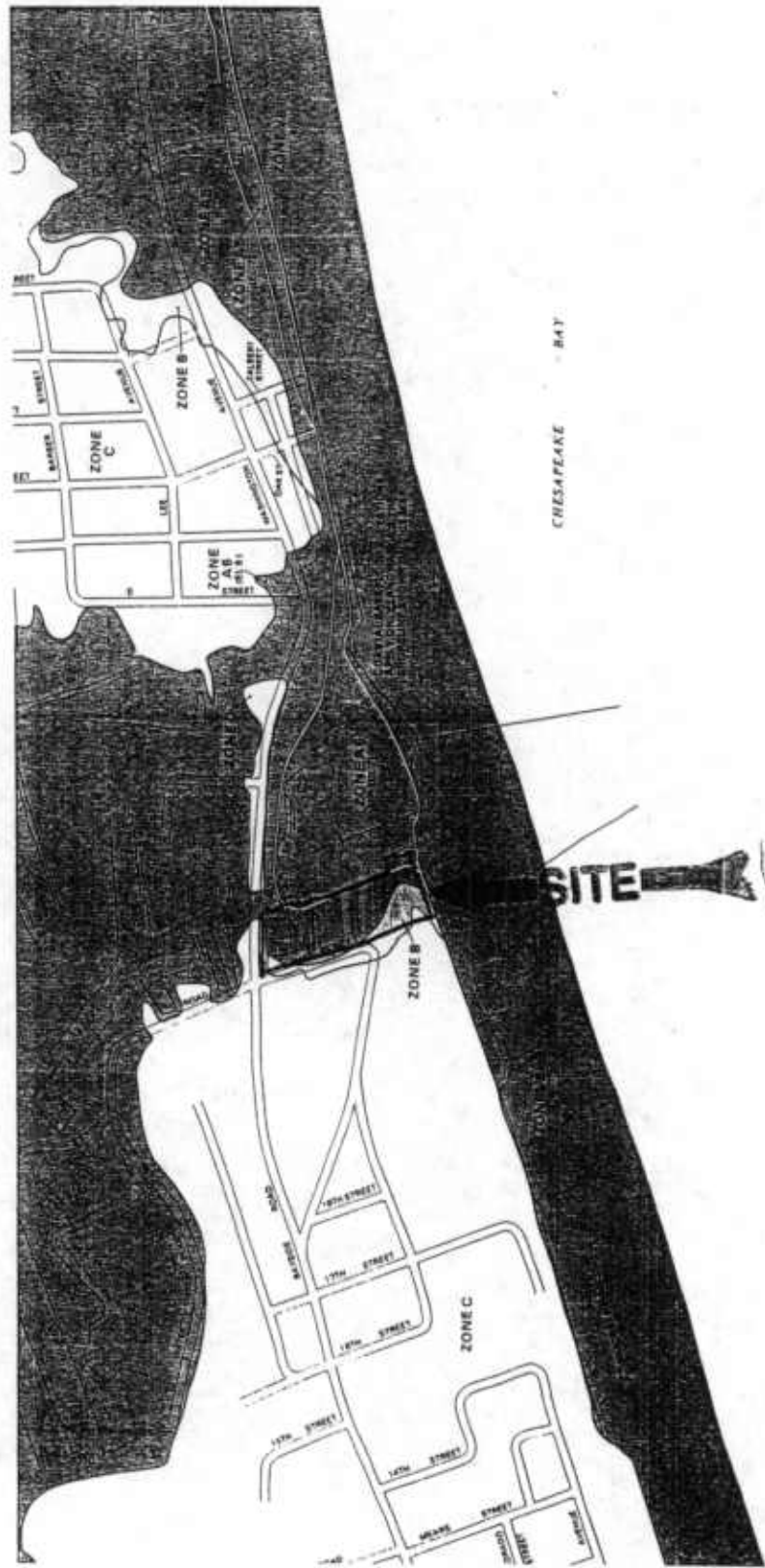
-  RESOURCE CONSERVATION AREA (RCA)
-  INTENSELY DEVELOPED AREA (IDA)
-  LIMITED DEVELOPMENT AREA (LDA)
-  EXCLUSION AREA
-  LIMIT OF CRITICAL AREA

Critical Area Map
 Town of Chesapeake Beach
 Third District, Calvert County, Maryland
ROD & REEL RESTAURANT

11721 WOODMORE ROAD, SUITE 200
 MITCHELLVILLE, MARYLAND 20721

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 Engineers / Surveyors / Planners
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DRAWN BY	DESIGNED BY	CHECKED BY
MR	MR	PW
SCALE	DATE	
1" = 1000'	June, 2006	



Site Flood Insurance Rate Map
 ROD & REEL RESTAURANT

Panel No. 240100 0001 B

11721 WOODBONE ROAD, SUITE 200
 MITCHELLVILLE, MARYLAND 20721

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 Engineers / Surveyors / Planners
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DRAWN BY	MR	DESIGNED BY	MR	CHECKED BY	PW
SCALE	1" = 800'			DATE	June, 2006




National Wetland Inventory Map

ROD & REEL RESTAURANT

Quad: North Beach, MD

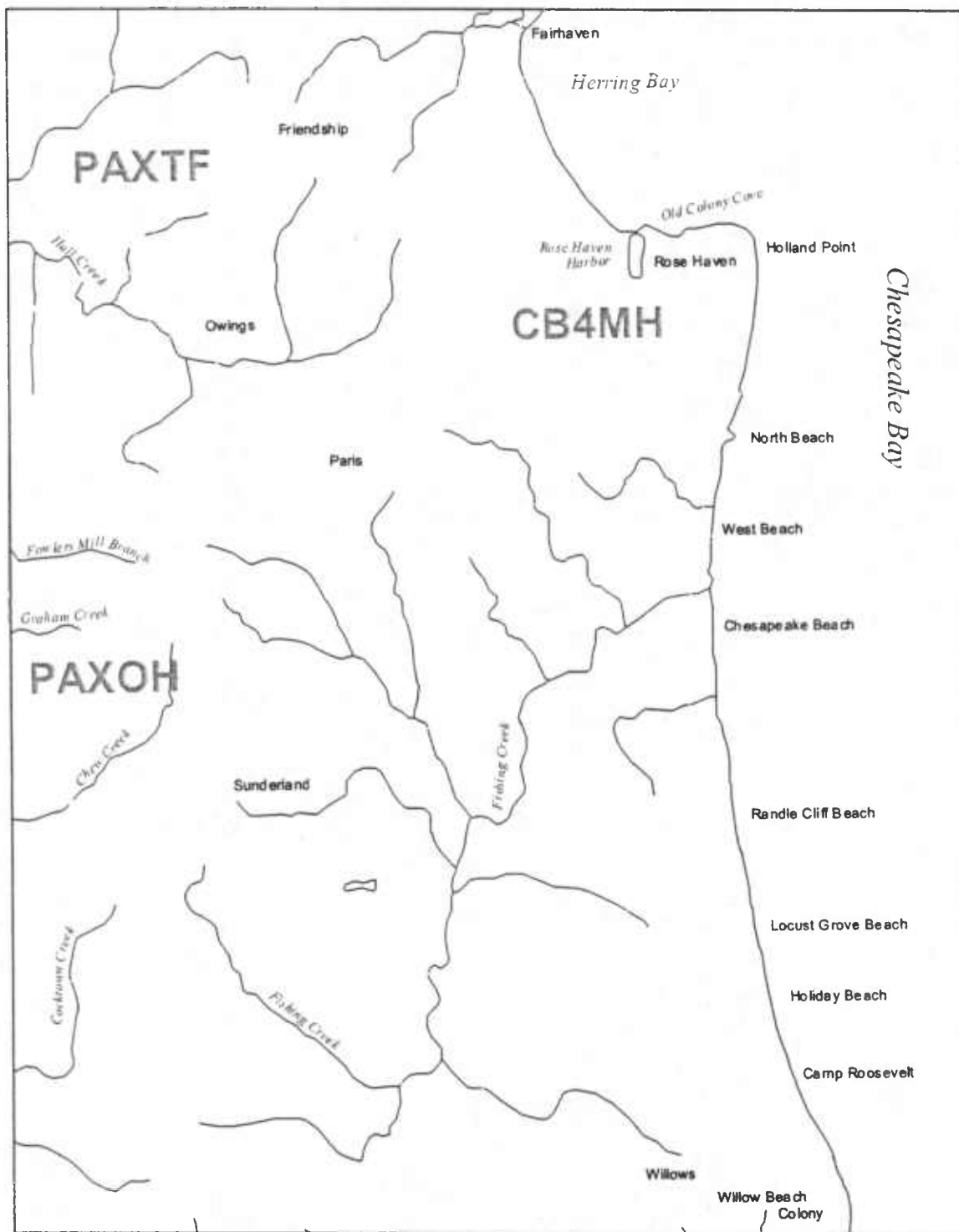
1721 WOODMERE ROAD, SUITE 200
MITCHELLVILLE, MARYLAND 20721

 **BEN DYER ASSOCIATES, INC.**
Engineers / Surveyors / Planners
TELEPHONE (301) 430-2000
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DRAWN BY	DESIGNED BY	CHECKED BY
MR	MR	PW
SCALE	DATE	
1" = 2000'	June, 2006	

Submerged Aquatic Vegetation 2004 (No SAV)

North Beach, Md. (42)

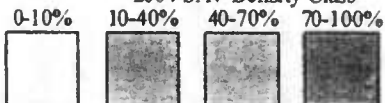


Hectares of SAV: 0.00
Date Flown: 09/23

1,000 0 1,000 2,000 Meters



2004 SAV Density Class



Sources: VIMS,USGS

MERLIN Online Map

Cultural Layers

MD Inventory of Historic Properties



MD Historic Trust Easements



National Register of Historic Places



National Register of Historic Places



Road Map Light

Major Roads



SHA Detailed Roads



County Boundaries



County Boundaries

Allegany, Anne Arundel...
Allegany, Anne Arundel...
Calvert

Shoreline/water data



Outside of Maryland

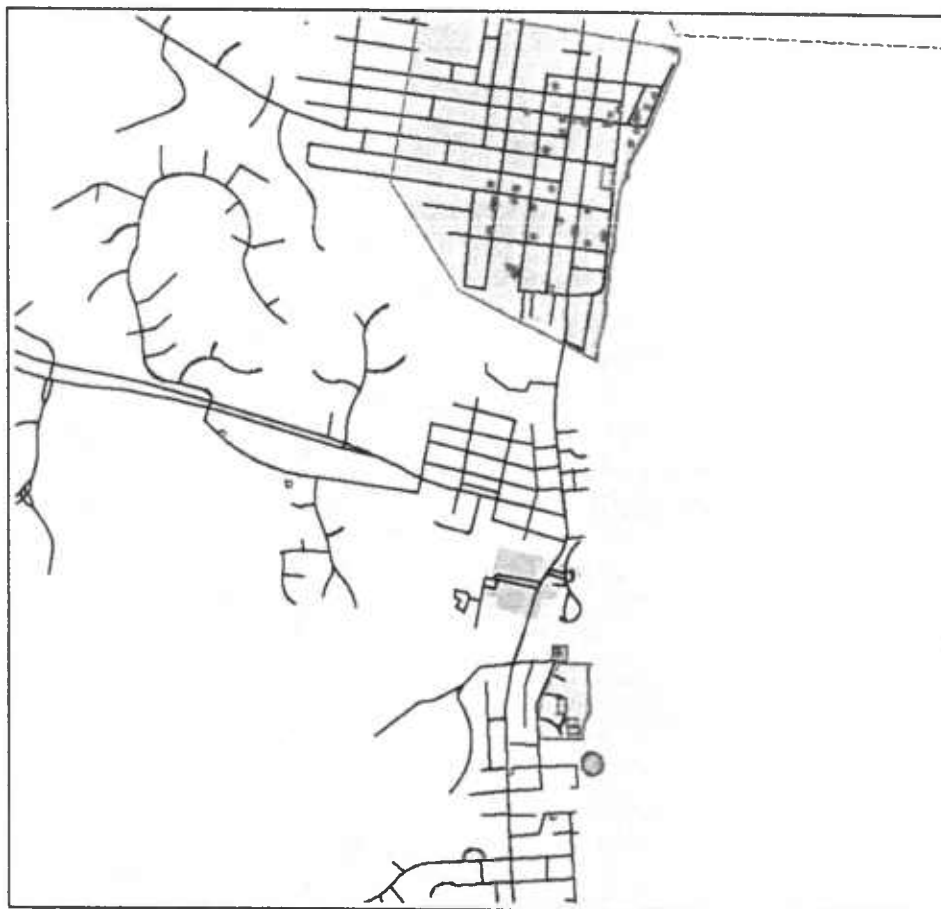


Federal Lands

DNR-Owned Properties



County Parks



N 114452.87m E 440494.46m



Coordinates at center of image in Maryland State Plane, NAD 1983 meters
2006, Maryland Department of Natural Resources, www.mdmerlin.net
Created with TNTserver™ from Microlimages, Inc

FIGURE 7



Robert L. Ehrlich, Jr., Governor

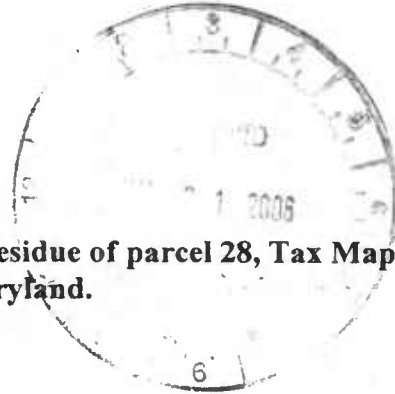
Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

Megan

July 25, 2006

Ms. Megan Reiser
Ben Dyer Associates, Inc.
11721 Woodmore Road, Suite 200
Mitchellville, MD 20721



RE: Environmental Review for Rod-N-Reel Restaurant, Residue of parcel 28, Tax Map 103, Town of Chesapeake Beach, Calvert County, Maryland.

Dear Ms. Reiser:

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. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

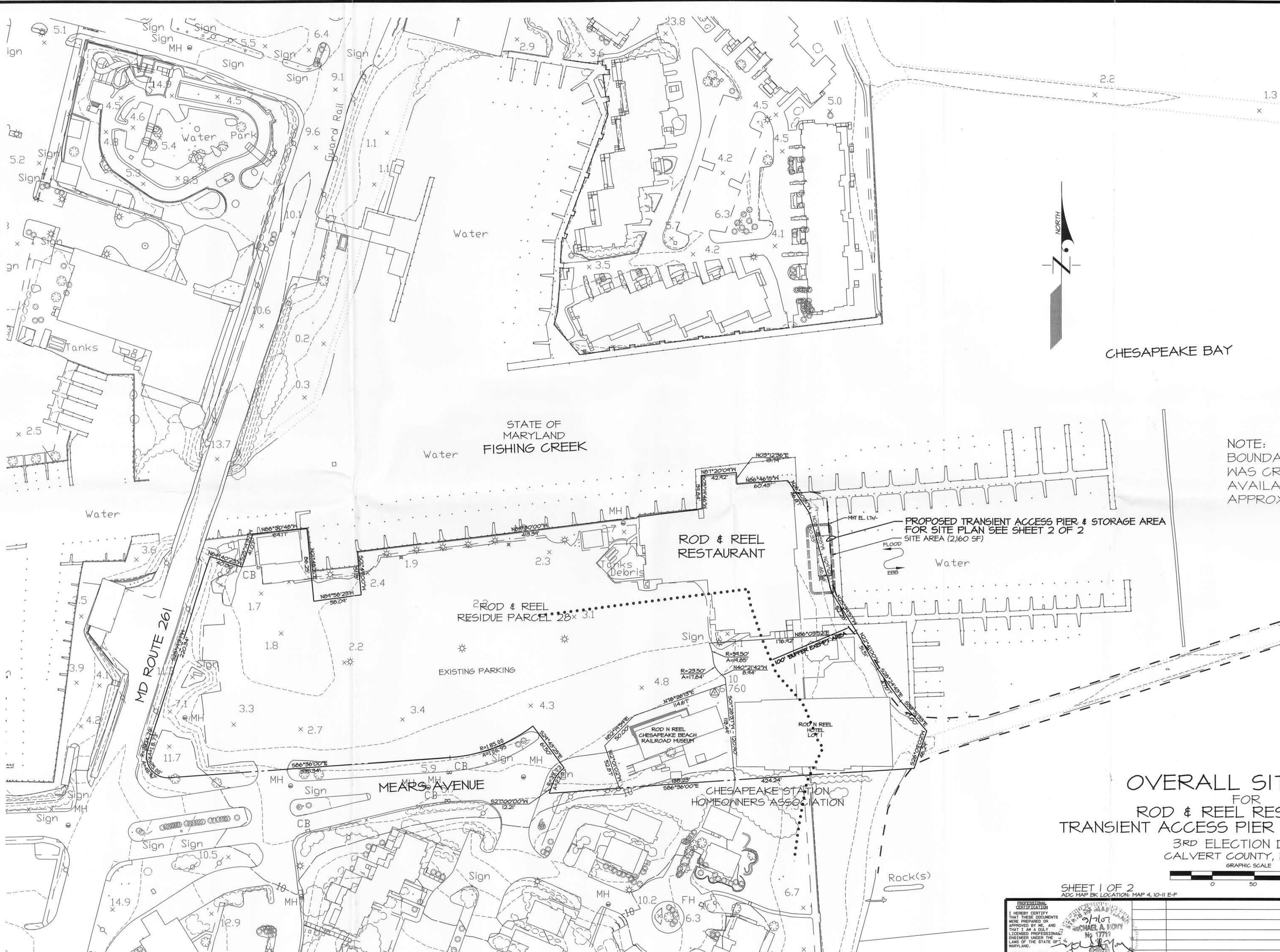
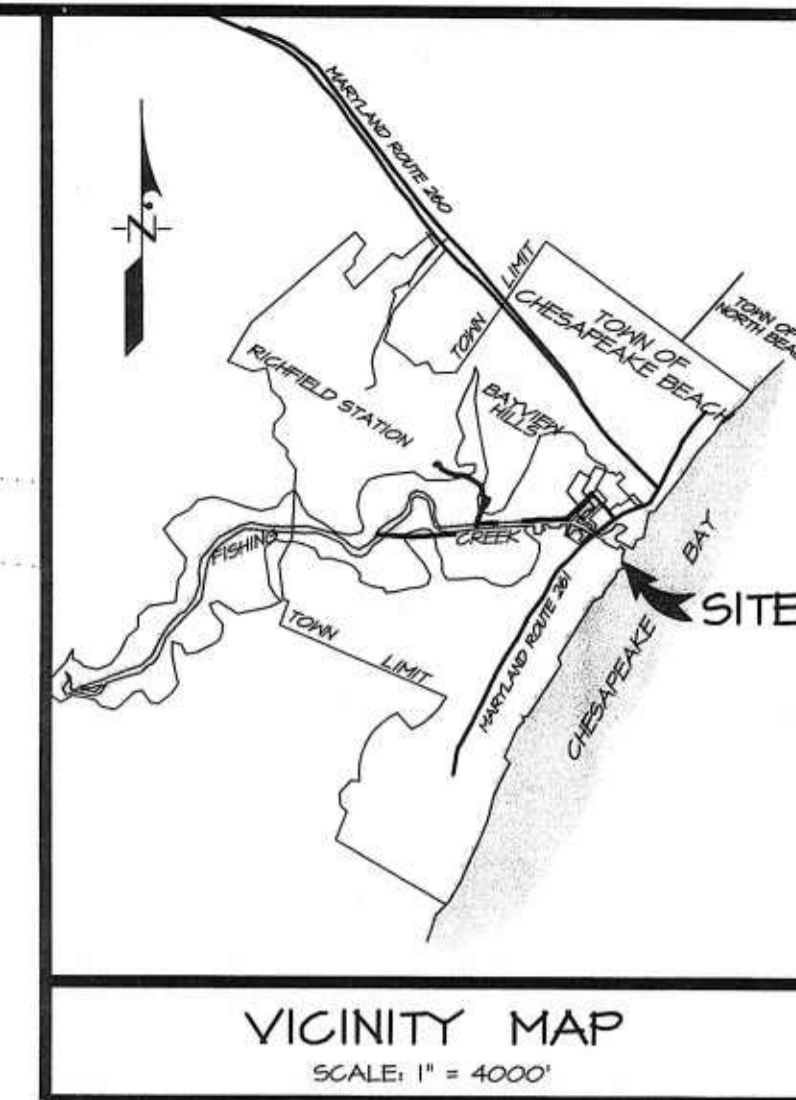
We would like to bring to your attention that the open waters adjacent to or part of the site are known historic waterfowl concentration areas. If there is to be any construction of water-dependent facilities please contact Larry Hindman of the Wildlife and Heritage Service at (410) 221-8838 for further technical assistance regarding waterfowl.

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,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.1427.ct
cc: L. Hindman, WHS
R. Esslinger, CAC



NOTE:
BOUNDARY INFORMATION SHOWN
WAS CREATED BASED ON
AVAILABLE PLANS AND IS AN
APPROXIMATION ONLY.

OVERALL SITE PLAN
FOR
ROD & REEL RESTAURANT
TRANSIENT ACCESS PIER & STORAGE AREA
3RD ELECTION DISTRICT
CALVERT COUNTY, MARYLAND

GRAPHIC SCALE 1" = 50'

0 50 100 150

SHEET 1 OF 2
ADC MAP BK LOCATION: MAP 4, 10-11 E-F

PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. MICHAEL A. NOVY, PE LICENSE NO. 17711 EXPIRATION DATE: 03/05/08		DATE	DESCRIPTION	BY	SCALE	DRWG. NO.
			REVISIONS		1"=50'	B05069
		DATE	DESCRIPTION	BY	SCALE	DRWG. NO.
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		DATE	DESCRIPTION	BY	SCALE	DRWG. NO.
					1"=50'	B05069

**SECTION 1
DEMOLITION AND REMOVALS**

1-1 SCOPE

A. Provide all labor and equipment necessary for and/or incidental to the removal or demolition indicated.

1-2 SUBMITTALS

A. The procedures proposed for the accomplishment of demolition and removal work shall be submitted to the Engineer and approved before work is started. The procedures shall provide for careful removal and disposition of materials specified to be salvaged in coordination with other work in progress and a disconnection schedule of utility services. The procedures shall include a detailed description of the methods and equipment to be used for each operation, and the sequence of operations.

1-3 GENERAL REQUIREMENTS

A. All materials resulting from demolition work, except as indicated or specified otherwise, shall become the property of the Contractor and shall be removed from the limits of the project.

1-4 Remove existing piles and other timberwork, as necessary for the proper installation of the work. Remove piles completely above mudline. Material removed shall be disposed of off site.

1-5 DISPOSITION OF MATERIAL

A. Title to all materials and equipment to be removed, except as specified otherwise, is vested in the contractor upon receipt of Notice to Proceed. The Owner will not be responsible for the conditions, loss or damage to such property after Notice to Proceed.

**SECTION 2
TIMBER PILING**

2-1 SCOPE

A. Provide all materials, equipment and labor necessary for or incidental to the installation of all timber piles shown on the Drawings or specified herein.

2-2 PILE BEARING VALUES

A. Unless authorized otherwise by the Engineer, each pile shall develop a minimum bearing value of 5 tons when calculated by the Engineering News Record formula appropriate for the driving equipment approved.

2-3 SUBMITTALS

A. Submit to the Engineer and secure approval of the following before any materials and/or equipment is delivered to the site:

- Certified test reports of the piles, including treatment.
- Equipment to be used in placing the driving of the piles.

2-4 RECORDS

A. The Contractor shall maintain a complete and accurate record at the job site of all driven piles. The record shall indicate the pile location, size, length, elevation of the tip to top of pile. The record shall also indicate the type and size of hammer, the rate of operation, the type and dimensions of driving helmets and records of pile penetration (blows per unit penetration).

B. The above noted records shall be kept following a format approved by the Engineer. Two copies of the driving records for each work date shall be filed with the Owner's representative during the next business day.

2-5 MATERIALS

A. Timber piles shall be friction type, of Douglas Fir or Southern Yellow Pine, conforming to ASTM Designation D25.

B. Piles shall be treated with at least 2.5 lbs. of CCA per cubic foot in accordance with recommendations of the American Wood Preservers Institute.

2-6 INSTALLATION

A. The heads of piles shall be protected against damage during driving by the use of an approved steel helmet or driving cap.

B. Piles shall be driven with approved hammers. An approved hammer is one which has been accepted and rated by the Engineer. Any hammer which does not perform satisfactorily on piles being driven, not withstanding previous approval of the hammer or type of hammer, shall be replaced by a hammer acceptable to the Engineer. Piles are to be driven full length with 6" maximum cutoff.

C. Power hammers are defined for the purpose of the Specifications to mean a hammer which has a driving ram actuated by steam, air, diesel power, vibration or jacking. Hammer energy is defined as the approved rated energy per blow of the power hammer less weight of gravity drop hammers which shall be verified by certification or witnessed weights acceptable to the Engineer.

D. Where piling must perforate strata which consists driving, the Contractor shall be prepared to place the piles in position required by jacking. Jacking shall not be used unless specified or permitted by the Engineer. When permitted such procedures shall be carried out in a manner which will not impair the carrying capacity of the piles already in place or the safety of existing adjacent structures. Jacking shall be stopped at least 5 feet above the final expected pile tip elevation and at least 3 feet above the tip elevation of any pile previously driven within 6 feet of the jet. Piles shall be carried down beyond the depth of jacking until the required resistance is in evidence that jacking or other procedures have disturbed the load bearing capacities of previously installed piles, those piles that have been disturbed shall be reworked to conditions meeting the requirements of this article by reworking or by other methods acceptable to the Engineer. Reworking or other remedial measures shall be instituted after the jacking or other operations in the area have been completed.

E. The Engineer reserves the right to change the pile tip elevations, alter the location of piles and to increase or decrease the number of piles required as he deems necessary.

2-7 ACCURACY OF DRIVING

A. The maximum variation of any pile from its required location shall be 3 inches at its cutoff elevation. Piles that cannot be easily pulled to within 3 inches of their required location without damage to the pile shall be reported to the Engineer.

B. Unless the Contractor can demonstrate to the Engineer's satisfaction that the structure can be adjusted to accept the misplaced pile without either loss of structural integrity or additional expense to the Owner, the pile will be considered as defective.

2-8 DEFECTIVE PILING

A. Any pile damaged by reason of internal defects or improper driving or driven out of its proper location shall be corrected at the Contractor's expense by one of the following methods approved by the Engineer for the pile in question:

- The pile shall be withdrawn and replaced by a new and satisfactory pile.
- A second pile shall be driven adjacent to the defective pile.

2-9 FIELD TREATMENT

A. Cut off piles as indicated. Piles exposed after completion of timberwork shall have "cut" surfaces painted with an approved preservative in accordance with ANPA M-4.

B. The Engineer may increase or decrease the pile quantities to be furnished and installed by changing the pile locations or elevations, requiring the installation of additional piles, or directing the omission of piles from the requirements indicated in the Contract Documents. Should the total quantity of piles actually installed differ from the 24,000 LF allowance, the Contract will be adjusted.

**SECTION 3
TIMBERWORK**

3-1 SCOPE

A. Provide all labor, material and equipment necessary and/or incidental to the installation of all timberwork on the Drawings or specified herein.

3-2 APPLICABLE PUBLICATIONS

The following publications of the issues below, but referred to hereafter by basic designations only, form a part of this Specification.

A. American Society for Testing and Materials (ASTM) Publications:

A36 Structural Steel
A128-73 Zinc (Hot-Dip) Coatings on Products Fabricated from Rolled, Pressed and Forged Steel Shapes, Plates, Bars and Strip
A153-73 Zinc Coating (Hot Dip) on Iron and Steel Hardware
A507-76 Carbon Steel Externally and Internally Threaded Standard Fasteners

B. American Wood-Preservers' Association (AWPA) Publication:
MA-14 Standard for the Care of Preservative Treated Wood Products

C. American Wood-Preservers' Bureau (ANPB) Publication:
MLP-76 Standard for Softwood Lumber, Timber and Plywood Pressure Treated for Marine (Salt Water) Exposure

D. American Institute of Timber Construction (AITC):
Timber Construction Manual (1974)

3-3 SUBMITTALS

A. Submit to the Engineer and secure approval of certified test reports for timber.

3-4 DELIVERY AND STORAGE

A. Store timber on the site of the work in piles. Close-stack treated material in a manner that will prevent long timbers or pre-framed material from sagging or becoming crooked. Handle treated timber carefully without sudden dropping, twisting of the outer fibers, bruising or penetrating the surface with tools. Handle timbers with rope or chain slings and no cant dogs, pegs, hooks or pile spikes shall be used. Hardware received at the site shall be protected from corrosion by storing under cover.

3-5 MATERIALS

A. All timber shall be stress-rated Southern Pine or Pacific Coast Douglas Fir, with stress ratings as indicated. Timber shall be identified by the grade mark of a recognized association or independent inspection agency using the specific grading requirements of the association recognized as covering the species used. Such association or independent inspection agency shall be certified by the Board Review, American Lumber Standards Committee, to grade the species used. Fabrication of timbers shall be as complete as practicable before preservative treatment. Preservative treat pier timberwork with water-borne salts (CCA) as follows:

- Decking shall receive 1.0 pound CCA per cubic foot.
- All other pier timberwork shall receive 2.5 pounds CCA per cubic foot.

B. Hardware shall include bolts with the necessary nuts and washers, timber connectors, drift pins, dowels, nails, screws, spikes, and other metal fastenings. Bolts and nuts shall conform to the Specifications or ASTM A307. Washers shall be cast iron cogs, malleable iron, plate or cut washers, as indicated. Bolts shall be provided with washers under nut.

C. Coat all steel specified or indicated to be zinc-coated or galvanized by the hot dip process in accordance with the requirements of ASTM A129 and/or A153, as applicable.

3-6 CONSTRUCTION

A. Accurately cut and frame all timber and timber in such a manner that the joints will have a close fit over the entire contact surfaces. Secure timbers and piles in their proper alignment. No shimming will be permitted in making joints. Bore holes for bolts with a 1/16 inch larger diameter than the rod or bolt. Bore holes for lag screws in two parts. The lead hole for the shank shall have the same diameter as the shank. The lead hole for the threaded portion shall have a diameter equal to approximately two-thirds of the shank diameter. Bore holes in small timbers for bolt or wire spikes with a bit of the same diameter or smallest dimensions of the spike, when necessary, to prevent splitting. Counterboring for counter-sinking shall be done wherever smooth faces are required.

B. Decking shall consist of single thickness of plank. Unless otherwise indicated, lay the plank with the heart side down, and with 1/8 inch joints. Nail each plank to each supporting member as indicated on the Drawings. Place nails not less than 2-1/2 inches from the edges of the plank. Cut off ends of the plank on a straight line parallel to the platform edge.

C. Washers of the size and type specified shall be used under all bolt heads and nuts which would otherwise come in contact with wood. Check all bolts by burring the threads after the nuts have been finally tightened. Vertical bolts shall have the nuts on the lower end. In all cases where bolts are used to fasten timber to timber, bolt members tightly together when they are installed and retighten immediately prior to final acceptance of the Contract. All bolts shall have sufficient additional threading to provide at least 3/8 inch per foot thickness of timber for future retightening.

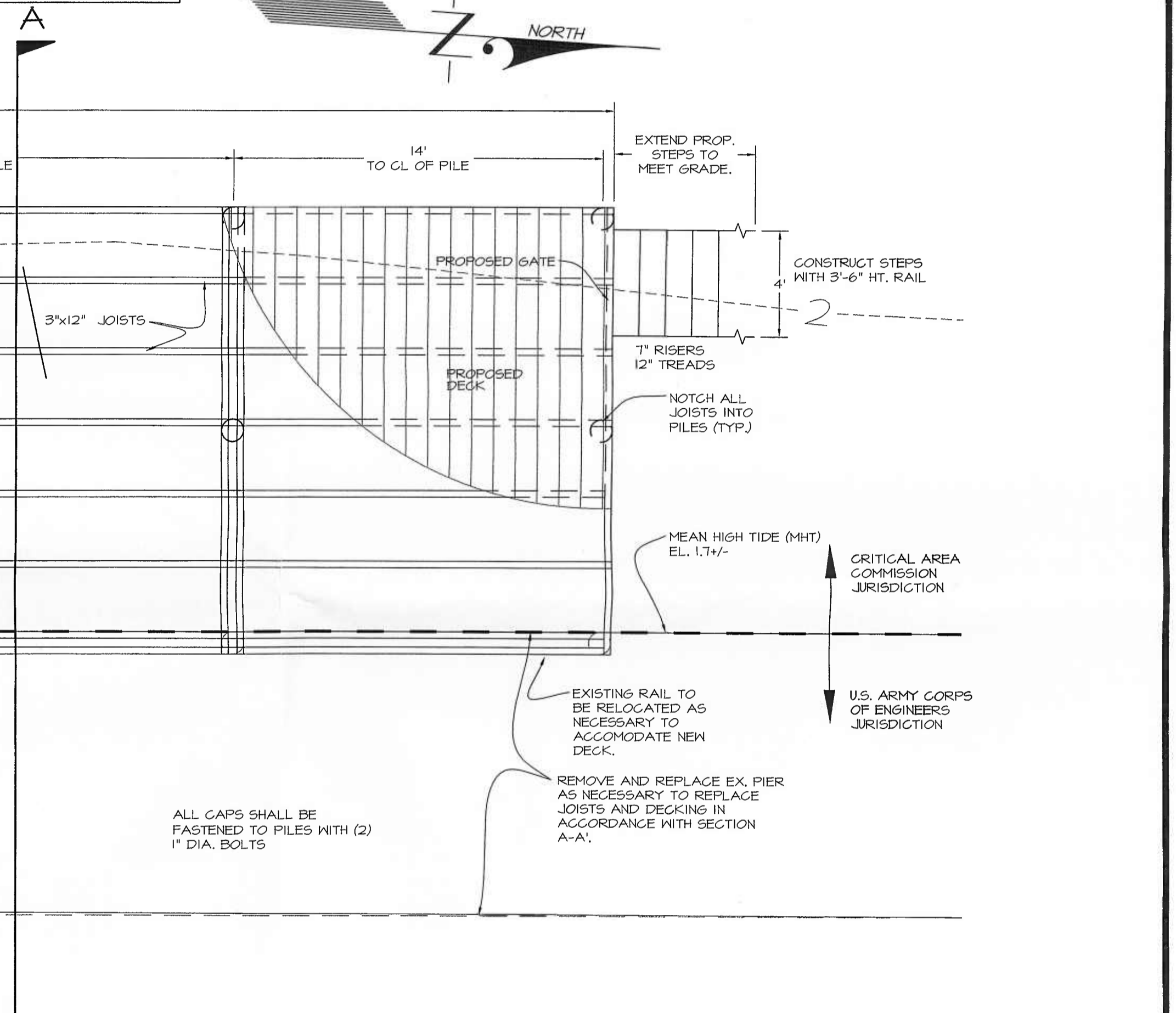
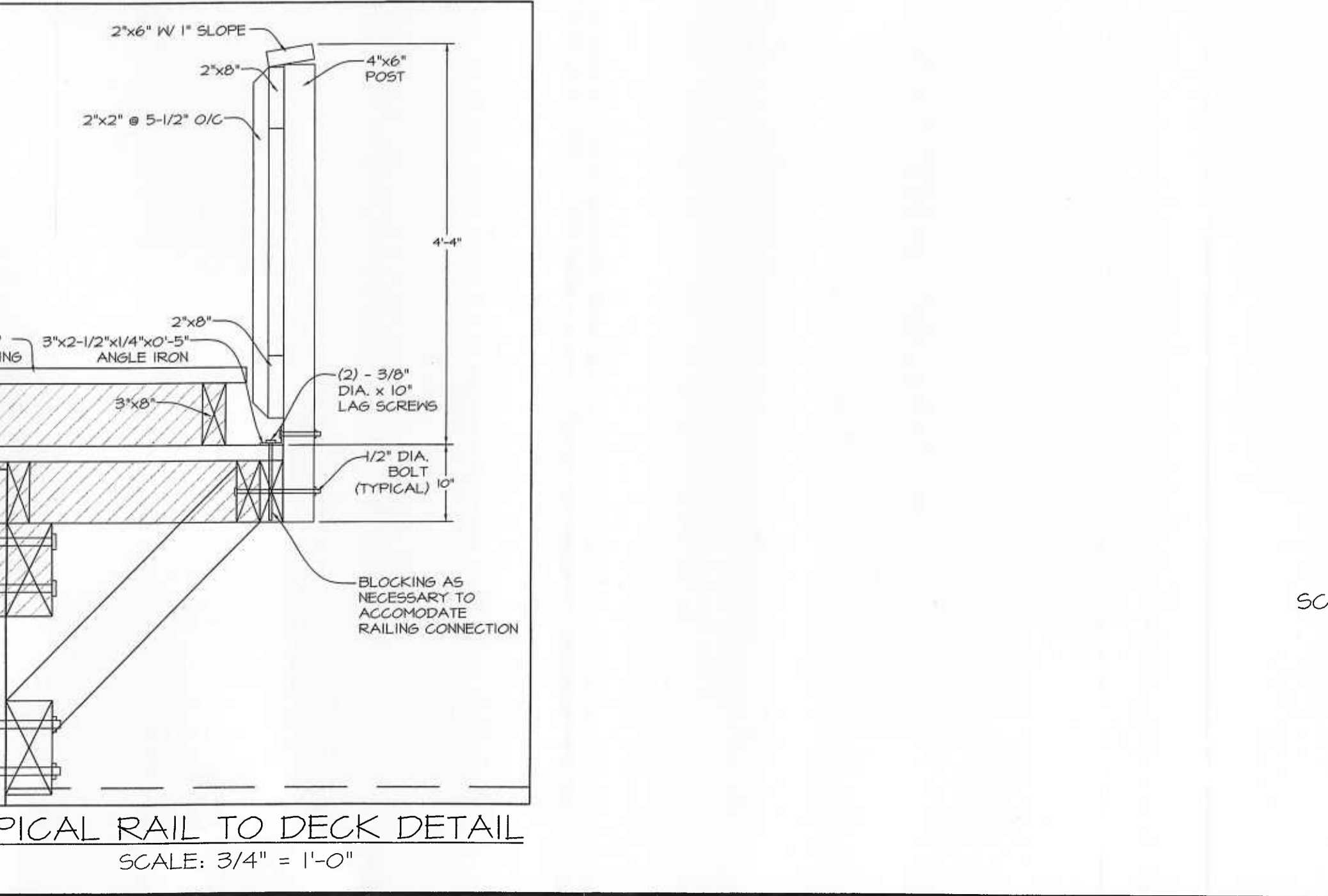
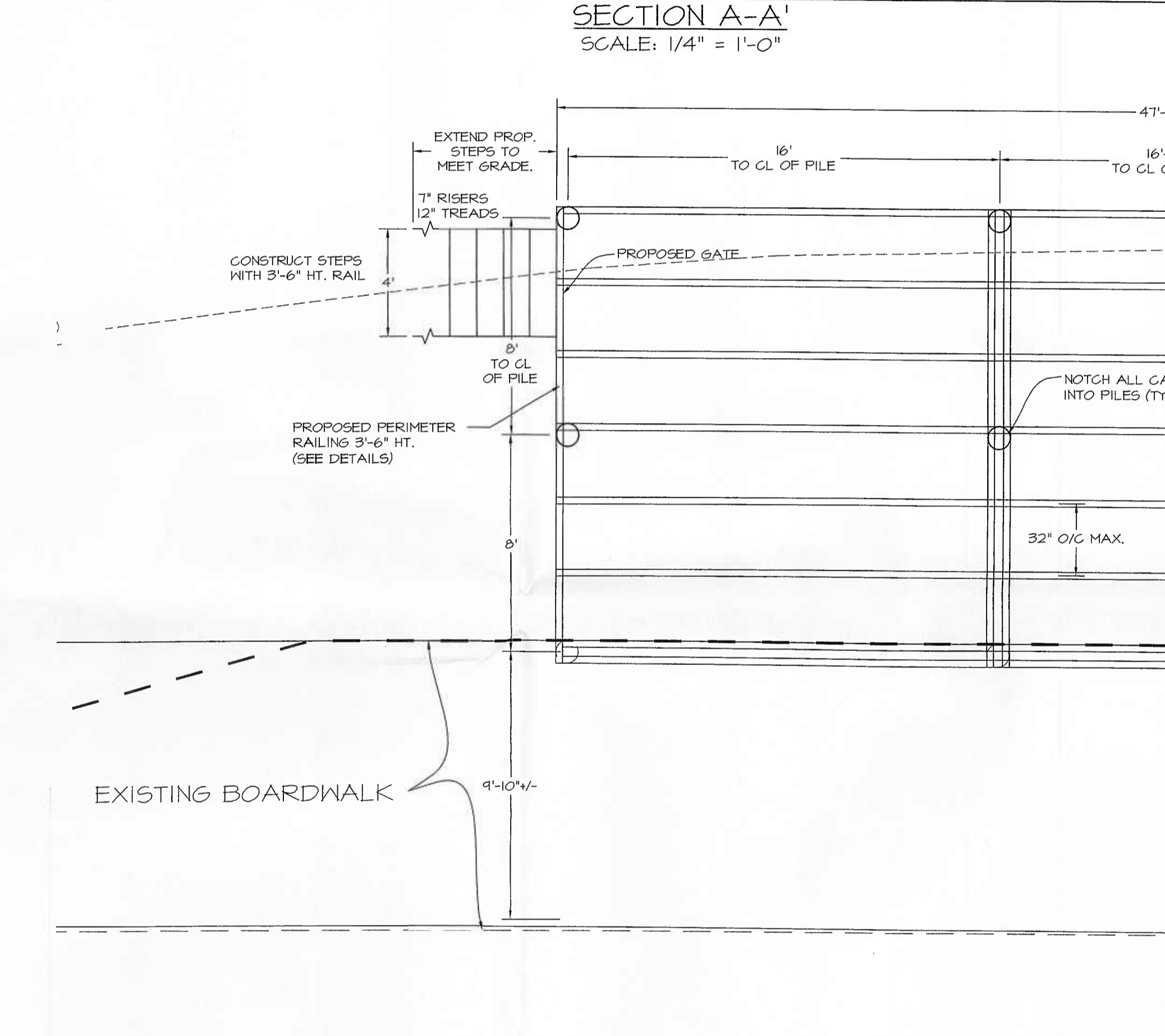
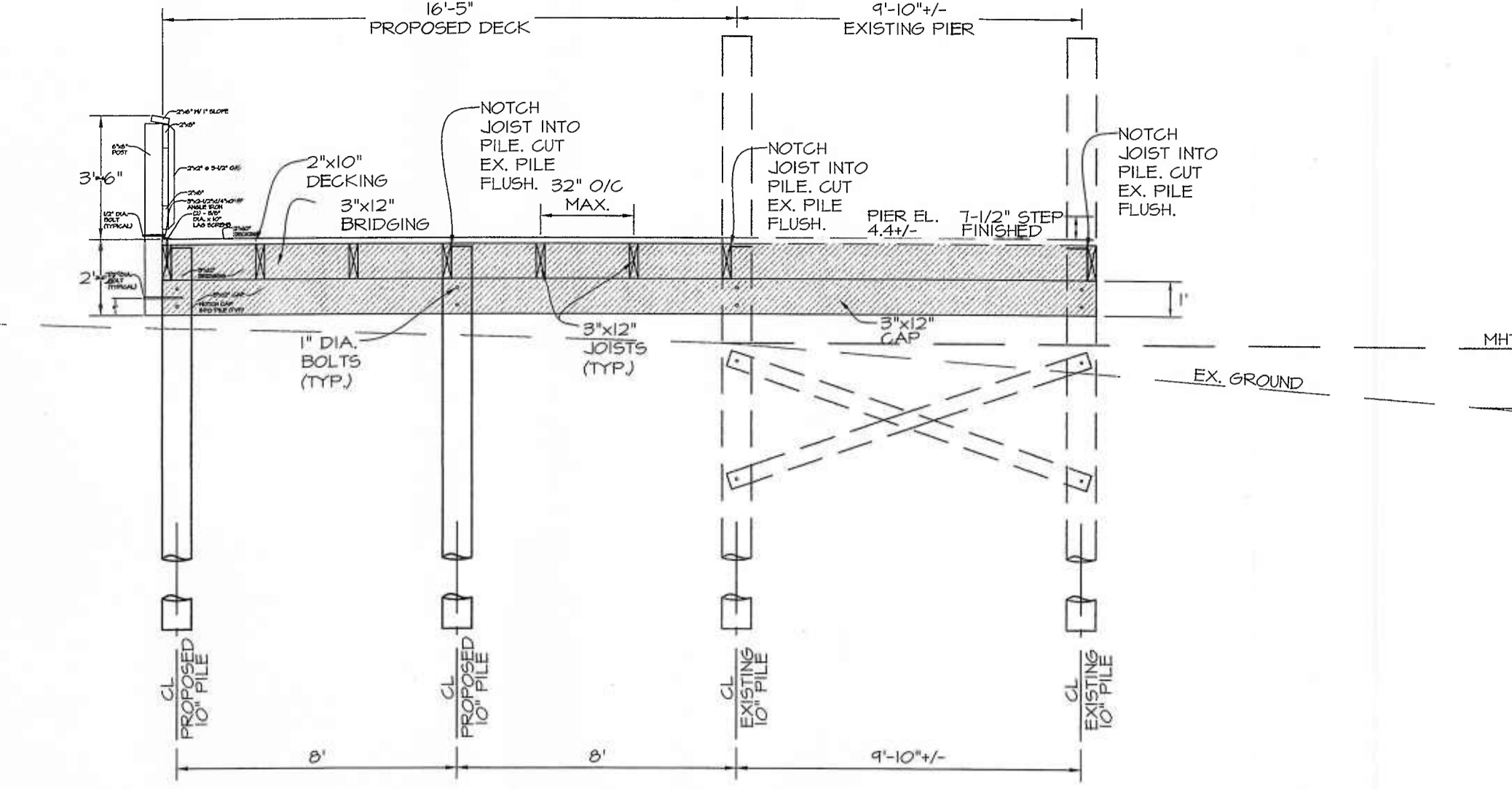
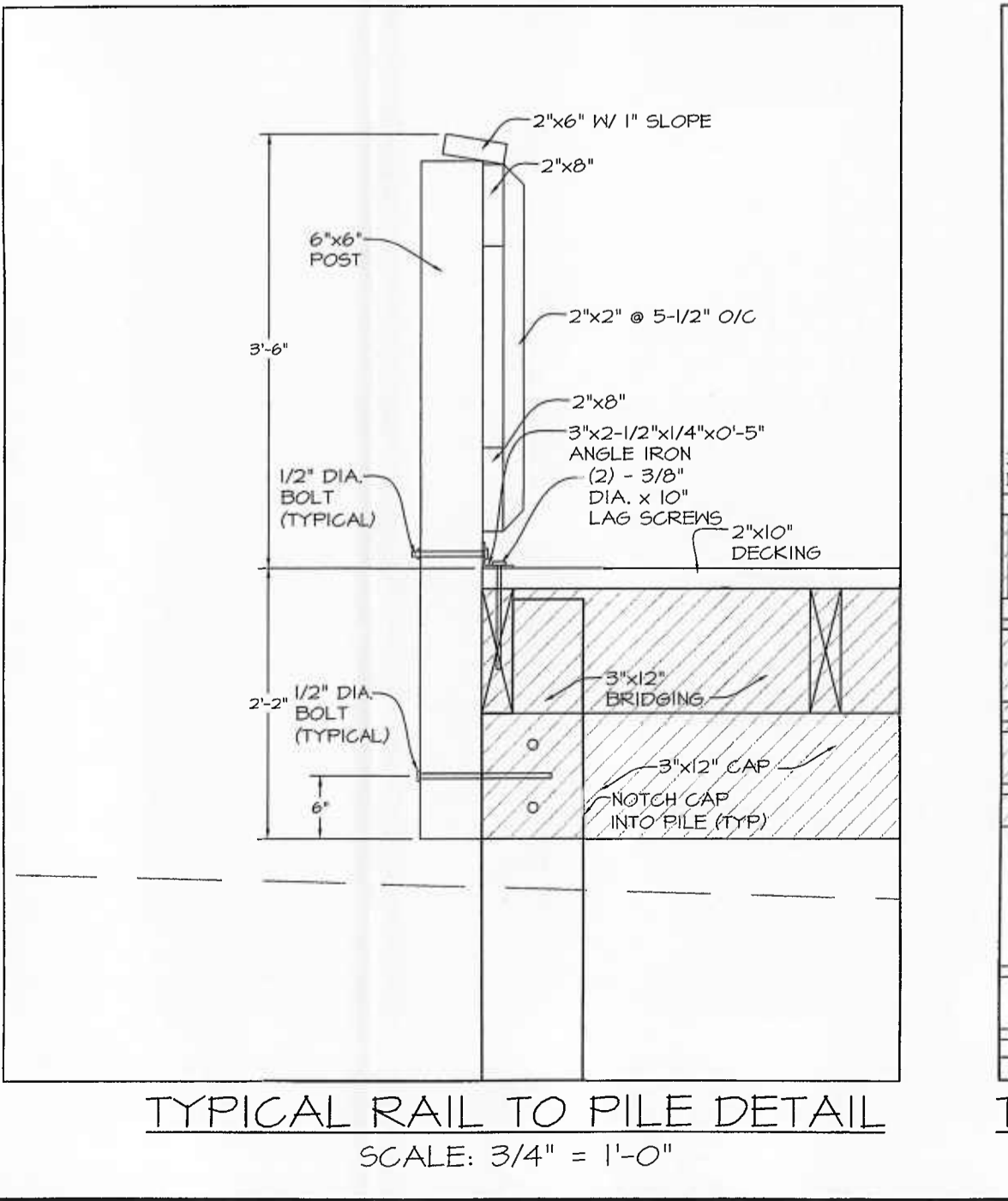
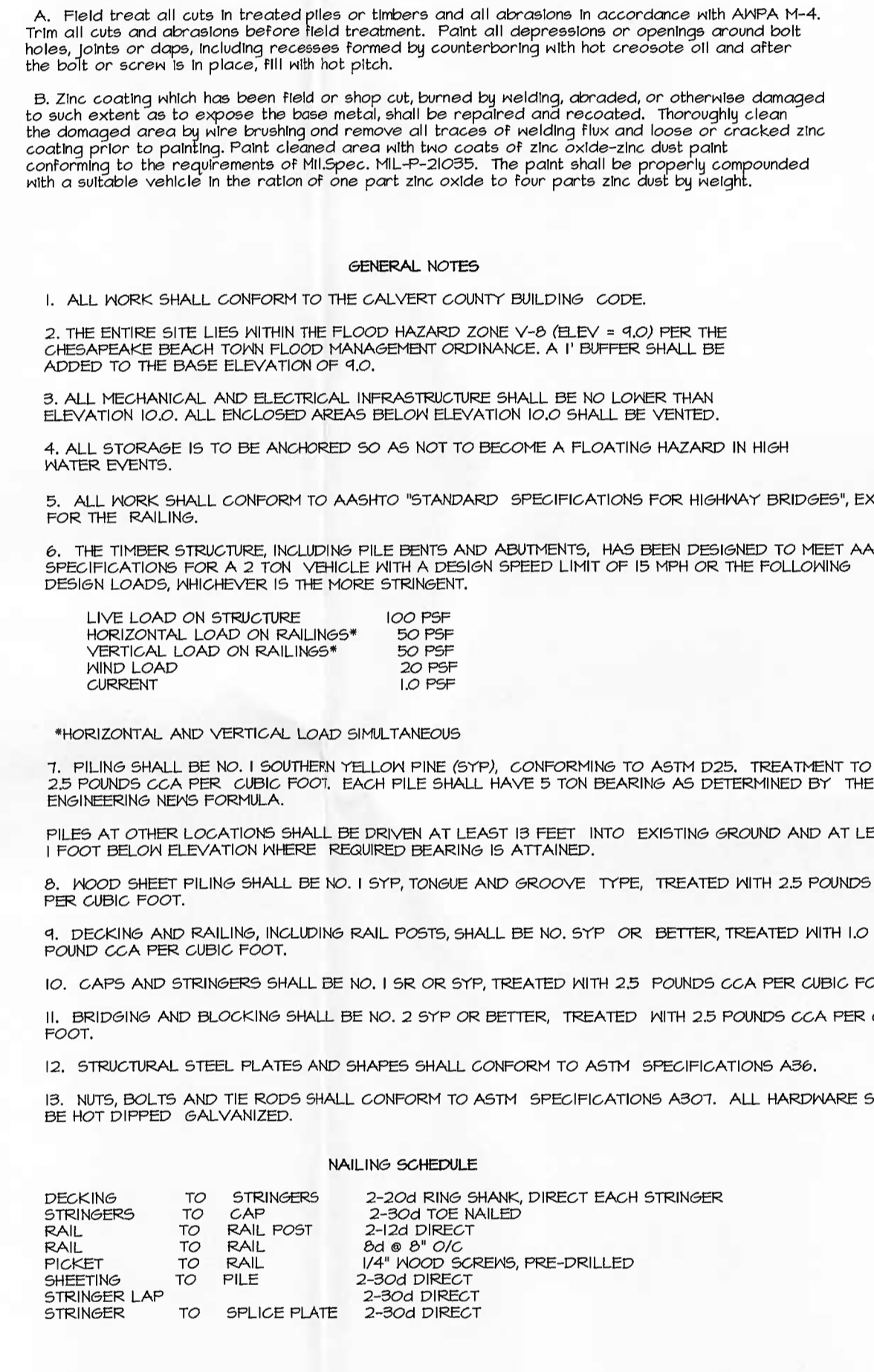
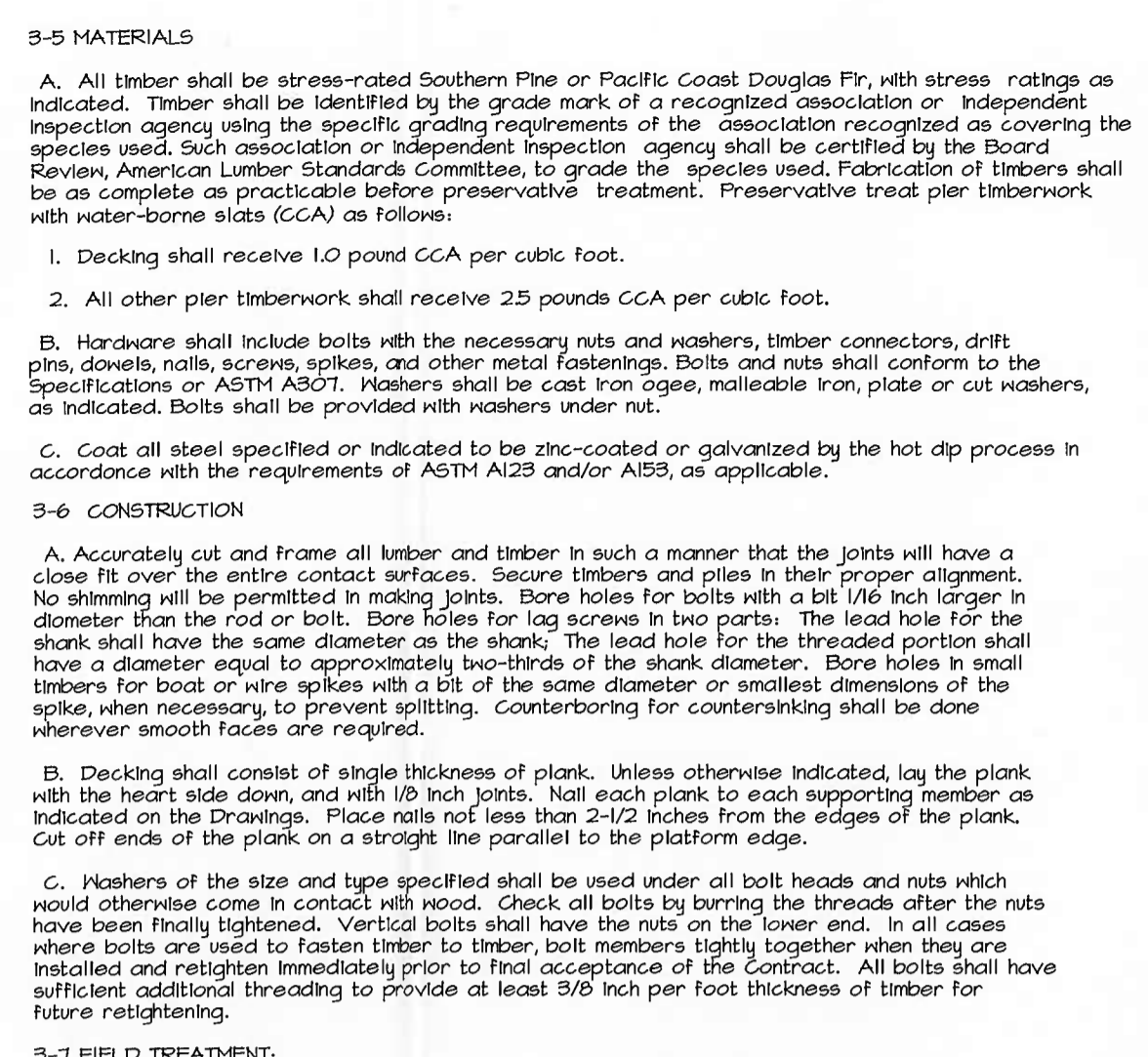
3-7 FIELD TREATMENT

A. Field treat all cuts in treated piles or timbers and all abrasions in accordance with ANPA M-4. Trim all cuts and abrasions before field treatment. Paint all depressions or openings around bolt holes, joints or daps, including recesses formed by counterboring with hot creosote oil and after the bolt or screw is in place, fill with hot pitch.

B. Zinc coating which has been field or shop cut, burned by welding, abraded, or otherwise damaged to such extent as to expose the base metal, shall be repaired and recoated. Thoroughly clean the damaged area by wire brushing and remove all traces of welding flux and loose or cracked zinc coating prior to painting. Paint cleaned area with two coats of zinc oxide-zinc dust paint conforming to the requirements of MilSpec. ML-P-21035. The paint shall be properly compounded with a suitable vehicle in the ratio of one part zinc oxide to four parts zinc dust by weight.

GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE CALVERT COUNTY BUILDING CODE.
- THE ENTIRE SITE LIES WITHIN THE FLOOD HAZARD ZONE V-0 (ELEV = 4.0) PER THE CHESAPEAKE BEACH TOWN FLOOD MANAGEMENT ORDINANCE. A 1' BUFFER SHALL BE ADDED TO THE BASE ELEVATION OF 4.0.
- ALL MECHANICAL AND ELECTRICAL INFRASTRUCTURE SHALL BE NO LOWER THAN ELEVATION 10.0. ALL ENCLOSED AREAS BELOW ELEVATION 10.0 SHALL BE VENTED.
- ALL STORAGE IS TO BE ANCHORED SO AS NOT TO BECOME A FLOATING HAZARD IN HIGH WATER EVENTS.
- ALL WORK SHALL CONFORM TO AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES, EXCEPT FOR THE RAILINGS.
- THE TIMBER STRUCTURE, INCLUDING PILE BENTS AND ABUTMENTS, HAS BEEN DESIGNED TO MEET AASHTO SPECIFICATIONS FOR A 2 TON VEHICLE WITH A DESIGN SPEED LIMIT OF 15 MPH OR THE FOLLOWING DESIGN LOADS, WHICHEVER IS THE MORE STRINGENT:
LIVE LOAD ON STRUCTURE 100 PSF
HORIZONTAL LOAD ON RAILINGS* 50 PSF
VERTICAL LOAD ON RAILINGS* 50 PSF
WIND LOAD 20 PSF
CURRENT 10 PSF
- *HORIZONTAL AND VERTICAL LOAD SIMULTANEOUS
- PILING SHALL BE NO. 1 SOUTHERN YELLOW PINE (SYP), CONFORMING TO ASTM D25. TREATMENT TO BE 2.5 POUNDS CCA PER CUBIC FOOT. EACH PILE SHALL HAVE 5 TON BEARINGS AS DETERMINED BY THE ENGINEERING NEWS FORMULA.
PILES AT OTHER LOCATIONS SHALL BE DRIVEN AT LEAST 15 FEET INTO EXISTING GROUND AND AT LEAST 1 FOOT BELOW ELEVATION WHERE REQUIRED BEARINGS IS ATTAINED.
- WOOD SHEET PILING SHALL BE NO. 1 SYP, TONGUE AND GROOVE TYPE, TREATED WITH 2.5 POUNDS CCA PER CUBIC FOOT.
- DECKING AND RAILINGS, INCLUDING RAIL POSTS, SHALL BE NO. 2 SYP OR BETTER, TREATED WITH 1.0 POUND CCA PER CUBIC FOOT.
- CAPS AND STRINGERS SHALL BE NO. 1 SR OR SYP, TREATED WITH 2.5 POUNDS CCA PER CUBIC FOOT.
- BRIDGING AND BLOCKING SHALL BE NO. 2 SYP OR BETTER, TREATED WITH 2.5 POUNDS CCA PER CUBIC FOOT.
- STRUCTURAL STEEL PLATES AND SHAPES SHALL CONFORM TO ASTM SPECIFICATIONS A36.
- NUTS, BOLTS AND THE RODS SHALL CONFORM TO ASTM SPECIFICATIONS A307. ALL HARDWARE SHALL BE HOT DIPPED GALVANIZED.



SITE PLAN AND STRUCTURE FRAMING SECTIONS
ROD & REEL RESTAURANT
TRANSIENT ACCESS PIER & STORAGE AREA
3RD ELECTION DISTRICT
CALVERT COUNTY, MARYLAND

PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

MICHAEL A. NOVY, PE
 LICENSE NO. 17711
 EXPIRATION DATE: 03/05/08

11721 WOODMERE ROAD, SUITE 200 MITCHELLVILLE, MARYLAND 20721
BEN DYER ASSOCIATES, INC.
 Engineers / Surveyors / Planners
 TELEPHONE (301) 430-2000
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 DRAWN BY: P.M. CHECKED BY: P.M. RECORDED BY: P.M.
 SCALE: AS SHOWN
 DATE: MAY 2006
 DRWG. NO.: 6.005-Y

DATE _____ **DESCRIPTION** _____
REVISIONS _____

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