

CF 185-06  
VAR

Tawes, Scott (sterling)

MSA.S.1829-5715



Maryland Department of Planning

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

Audrey E. Scott  
Secretary

Florence E. Burian  
Deputy Secretary

March 16, 2006

Mr. William Mister, Zoning Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: Building Permit Application for Scott Tawes  
Critical Area Compliance

Dear Mr. Mister:

In September of 2005, this office received a building permit request from Mr. Scott Tawes for the construction of commercial storage buildings on a site located on Tax Map 102, Parcels 432, 434, and 435, on Broadway, within the City's Critical Area Overlay District.

I responded to this request on September 30, 2005, explaining that the information submitted was not sufficient enough to determine compliance with the City's Critical Area Ordinance and recommended that the City not issue a building permit. The building permit application was confusing and was not filled out properly. In addition, the applicant had not provided any information to address the 10% Rule requirement (See attached letter and building permit application).

I recently found out that the previous zoning inspector did, in fact, issue a building permit for this project, however it is my understanding that Mr. Tawes has not begun construction of the storage facility. Therefore, it is my recommendation that the City immediately notify Mr. Tawes of this problem and render the building permit application null and void as the project was not reviewed for Critical Area compliance as required by the City's zoning ordinance.

Please notify me, in writing, of the actions the City takes with respect to this outstanding violation and, as always, please feel free to contact me should you have any questions or need additional assistance.

Sincerely,

Tracey Gordy  
Regional Planner/Circuit Rider

RECEIVED

MAR 20 2006

Cc: Kerrie Gallo  
Kate Schmidt

Lower Eastern Shore Regional Office  
Salisbury Multi-Service Center  
201 Baptist Street • Suite 24 • Salisbury, Maryland 21801-4974  
Telephone: 410.713-3460 • Fax: 410.713-3470  
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CRITICAL AREA COMMISSION



Maryland Department of Planning

CF 185-06  
+  
315-98

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

Audrey E. Scott  
Secretary

Florence E. Burian  
Deputy Secretary

January 5, 2006

Mr. Bill Mister  
Zoning Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

RECEIVED

JAN 09 2006

CRITICAL AREA COMMISSION

Re: John W. Tawes Buffer Variance Application / Revised Site Plan  
Tax Map 101, Parcel 395

Dear Mr. <sup>Bill</sup>Mister:

I have reviewed the revised site plan for John W. Tawes and unfortunately there are still some necessary items missing from the plan. These items were listed in my two previous letters, dated September 13 and October 27, 2005, and are as follows:

1. The site plan indicates that the Buffer has been field surveyed, but I also need the name of the individual who performed the field delineation and the date it was performed.
2. It was my understanding that an old house or foundation exists on the site and possibly a driveway and some other structures. If this is true, the footprint of those structures and all existing impervious surface should be shown either on this plan or on a separate existing conditions plan. The 100' Buffer should also be indicated on the plan in order to show how much development is currently in the Buffer.
3. If there is existing impervious surface on the site, a breakdown should be provided as to how much is within the Buffer and how much is outside.
4. A revised Buffer variance application still needs to be submitted to this office. The one I received on October 12<sup>th</sup> was for a special exception.
5. In order for a new public hearing to be scheduled, the request needs to go back through the entire process. The hearing needs to be re-advertised two weeks prior to the hearing date, the property re-posted 10 days prior to the hearing date, all adjacent property owners notified by certified mail at least one week

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prior to the hearing date and furnished a copy of the application, and all requested documentation received by this office no later than two weeks prior to the hearing date. Please make sure that you contact me before scheduling a new Board of Appeals hearing date to make sure that I have that day open and can attend the hearing.

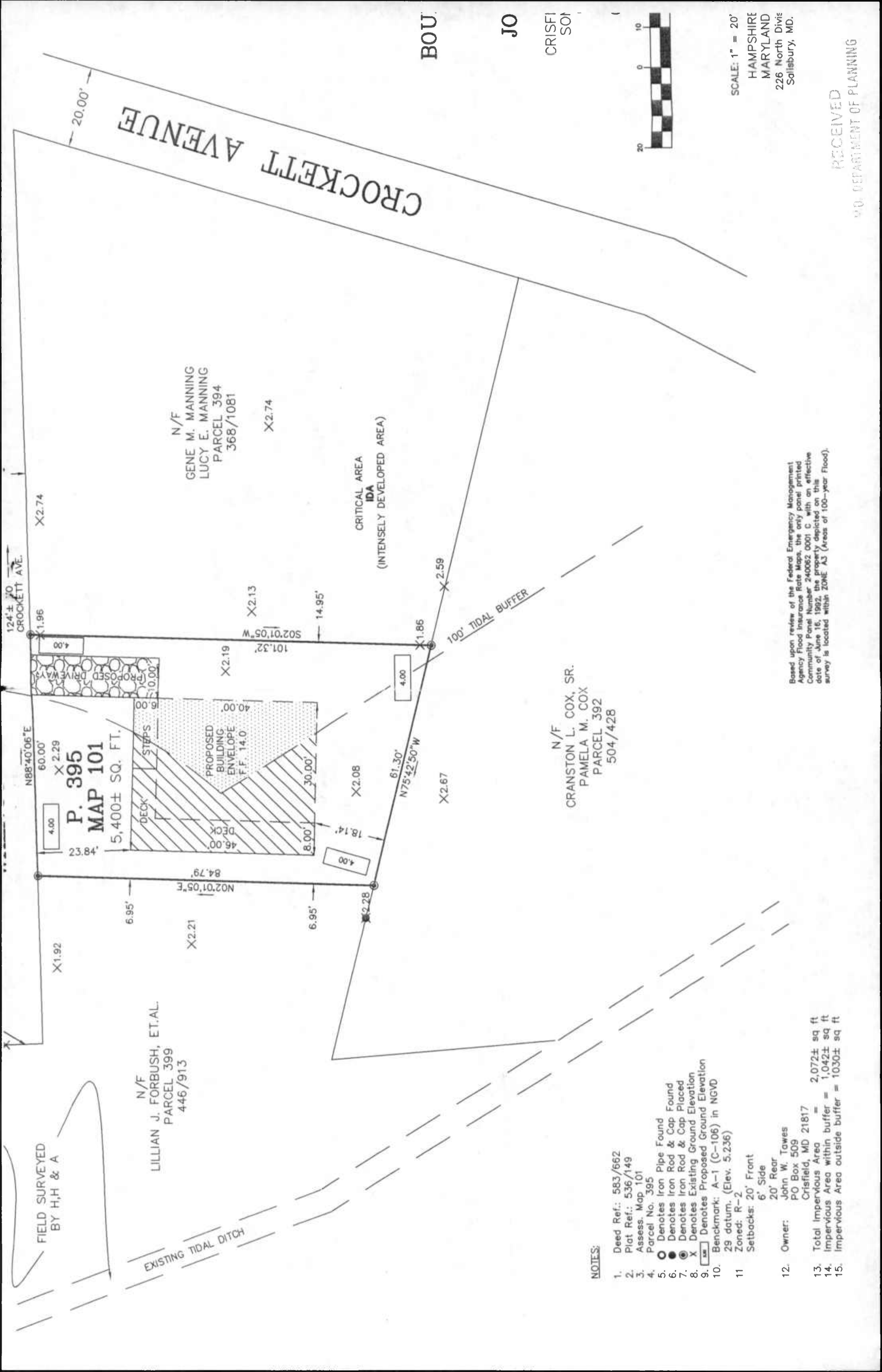
Please share this letter with Mr. Tawes and, as always, feel free to contact me if you have any questions or need further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracey Gordy".

Tracey Gordy  
Regional Planner/Circuit Rider

Cc: Kerrie Gallo



FIELD SURVEYED  
BY H, H & A

N/F  
LILLIAN J. FORBUSH, ET. AL.  
PARCEL 399  
446/913

N/F  
GENE M. MANNING  
LUCY E. MANNING  
PARCEL 394  
368/1081

N/F  
CRANSTON L. COX, SR.  
PAMELA M. COX  
PARCEL 392  
504/428

CROCKETT AVENUE

BOU.

JO

CRISFI  
SOI



SCALE: 1" = 20'

HAMPSHIRE  
MARYLAND  
226 North Divis  
Salisbury, MD.

**NOTES:**

1. Deed Ref.: 583/662
2. Plat Ref.: 536/149
3. Assess. Map 101
4. Parcel No. 395
5. ○ Denotes Iron Pipe Found
6. ● Denotes Iron Rod & Cap Found
7. ● Denotes Iron Rod & Cap Placed
8. X Denotes Existing Ground Elevation
9. [ ] Denotes Proposed Ground Elevation
10. Benchmark: A-1 (C-106) in NGVD  
29 datum. (Elev. 5.236)
- 11 Zoned: R-2  
Setbacks: 20' Front  
6' Side  
20' Rear
12. Owner:  
John W. Tawes  
PO Box 509  
Crisfield, MD 21817
13. Total Impervious Area = 2,072 ± sq ft
14. Impervious Area within buffer = 1,042 ± sq ft
15. Impervious Area outside buffer = 1030 ± sq ft

Based upon review of the Federal Emergency Management Agency Flood Insurance Rate Maps, the only panel printed Community Panel Number 240082 0001 C with an effective date of June 16, 1992, the property depicted on this survey is located within ZONE A3 (Areas of 100-year Flood).

RECEIVED  
MD. DEPARTMENT OF PLANNING

CF185.06



Maryland Department of Planning

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

Audrey E. Scott  
Secretary

Florence E. Burian  
Deputy Secretary

October 27, 2005

Mr. Calvin Dize, City Manager  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

RECEIVED

NOV 7 2005

Re: John W. Tawes Critical Area Buffer Variance

CRITICAL AREA COMMISSION

Dear ~~Mr. Dize:~~  
*Cabbie*

On September 13, 2005, our office sent a letter to the City outlining the information required for Critical Area review of the above-referenced Buffer variance request. To date, we have not received all of the necessary documentation, therefore it is my recommendation that the Board of Appeals public hearing scheduled to hear this request today be cancelled.

For the Board of Appeals and the City's convenience, I will list the items that have yet to be submitted.

1. **A site plan indicating the following:**
  - a. A field delineation of the 100' Buffer, the person who performed the delineation, and the date it was performed;
  - b. Foundation of old home on site and the footprint of any other existing impervious surfaces;
  - c. The footprint of all proposed structures and impervious surfaces to include the house, garage, outbuildings, driveway, steps, sidewalk, patio or deck, etc...; and,
  - d. A square footage total of the amount of impervious surface to be removed from the Buffer and the amount of impervious surface proposed within the Buffer.
  
2. **A revised Buffer Variance application.** I received a copy of the Board of Appeals application for this request on October 12<sup>th</sup>. The application is for a special exception, not a variance (See Attachment #1). Mr. Tawes should be required to fill out a new application for a Critical Area Buffer variance request with the relevant sections of the Crisfield Code cited; specifically Chapter 112, Article XX, §112-113, which pertains to Critical Area Buffer variance requests.

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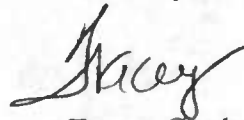


3. **Critical Area Variance Process.** In order for a new public hearing to be scheduled, the request will have to go back through the entire process. It needs to be re-advertised two weeks prior to the hearing date, the property re-posted 10 days prior to the hearing date, all adjacent property owners notified by certified mail of the request at least one-week prior to the hearing date and furnished a copy of the application, and all requested documentation received by this office at least two weeks prior to the public hearing date. The property owner should be required to pay the additional advertising and notification costs incurred by the City. My recommendation is to wait until all of the required documentation has been received and determined by this office to be satisfactory before scheduling another public hearing.

At this point, I will not plan on attending the public hearing scheduled for today as I assume, based upon the issues outlined in this letter, it will be officially cancelled.

As always, please feel free to contact me if you have any questions or if I can be of further assistance.

Sincerely,



Tracey Gordy  
Regional Planner/Circuit Rider

Attachment

Cc: Kerrie Gallo

OCT 12 2005

LOWER EASTERN SHORE OFFICE

The Mayor and Council of Crisfield, Maryland

**SPECIAL EXCEPTION APPLICATION**

APPLICATION DATE 8-31-05  
ZONING CERT. APP. NO. \_\_\_\_\_  
ZONING CERT. NO. \_\_\_\_\_ DATE \_\_\_\_\_  
FEE PAID 300.00

HEARING DATE 10-27-05 APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

1. APPLICANT'S REQUEST AND CERTIFICATION

In accordance with the provisions of SS112.-95 of Chapter 112 of the Code of Crisfield, I do hereby submit my written application for a Special Exception under the terms and conditions of said Ordinance. The reasons supporting my request are included in the following information.

I understand and agree that a legal Notice of Public Hearing will be advertised, that a sign will be placed on my property and that the Zoning Inspector will inspect said property at any reasonable time. Receipt of one copy of an explanation of the Special Exception procedures is hereby acknowledged.

John Willard Jones 8-31-05  
Applicant's Signature Date

2. SPECIFIC SPECIAL EXCEPTION REQUESTED

TO BUILD IN CRITICAL AREA

Attachment #1



3. CODE REQUIREMENTS AND SPECIAL EXCEPTION REQUEST

a. Sub-Section \_\_\_\_\_ of Chapter 112 of the Code of the City of Crisfield permits/  
requires \_\_\_\_\_  
\_\_\_\_\_

b. Whereas the applicant proposes to BUILD A 40' X 30' ELEVATED HOME  
10 FT HIGH FROM GROUND LEVEL ~~10 FT~~  
\_\_\_\_\_  
\_\_\_\_\_

4. REASONS SUPPORTING A SPECIAL EXCEPTION REQUEST

THERE WAS AN OLD HOUSE LOCATED ON PROPERTY FOR  
60 YRS - FOUNDATION STILL THERE - WILL BE  
REMOVED.

5. ATTACHMENTS

- a. Copy of Zoning Certificate Application \_\_\_\_\_
- b. Copy of City Property Tax Map of Parcel \_\_\_\_\_
- c. Specific Plot Plan \_\_\_\_\_
- d. Other \_\_\_\_\_
- e. Copy of Special Exception Procedures \_\_\_\_\_



Maryland Department of Planning

Robert L. Ebrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

Audrey E. Scott  
Secretary

Florence E. Burian  
Deputy Secretary

September 30, 2005

Mr. Alvaro Quintanilha  
Zoning Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

**RECEIVED**

OCT 03 2005

CRITICAL AREA COMMISSION

Re: Building Permit Application for Scott Tawes  
Critical Area Review

Dear Mr. Quintanilha:

I am writing in response to a building permit application you forwarded for Scott Tawes to construct a storage building(s) on properties located on Broadway, within the City of Crisfield's Critical Area Overlay District.

Unfortunately, I cannot recommend issuance of a building permit at this time due to the following reasons:

1. The building permit application and accompanying site plan are confusing. It is unclear what parcel or parcels are the subject of this request as eight parcels are listed, but some have been crossed. Furthermore, the building permit application indicates that storage buildings (plural) are the proposed use, but only the 4,800 square foot storage building is listed under dimensions, yet the site plan shows four separate buildings. I don't know if the other three buildings are existing or proposed. For these reasons, a new building permit application should be filled out clarifying these issues and be resubmitted to this office for review.
2. This area of the City is classified as an Intensely Developed Area (IDA) and therefore 10% Rule compliance is required per the City's Critical Area Ordinance. All development or redevelopment within an IDA is required to identify stormwater management practices or a Best Management Practice (BMP) appropriate to site development that achieves a ten percent (10%) reduction in pre-development pollutant loadings. A completed 10% Rule worksheet must be submitted with the revised building permit application. You have the new 10% Rule Manual in your office from which these worksheets can be copied, or the

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applicant can go to the Critical Area Commission web page and download them ([www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)). Please note that the pre-existing impervious coverage calculation should include everything that currently exists on the site, including the gravel drive areas. The post-development impervious coverage calculation should include what is newly proposed and also any new drive or parking areas whether they are surfaced with asphalt or gravel.

If the 10% Rule calculations result in a pollutant removal requirement, then the applicant will need to submit appropriate information for the type of urban, structural BMP proposed. If site constraints appear to be a limiting factor in developing and locating the most appropriate BMP for this property, then the applicant may have the option to pay an equivalent fee-in-lieu amount to the City to be utilized towards future stormwater quality projects at other locations within the City's Critical Area.

It is my recommendation that the City not approve this building permit application until such time as the necessary documentation has been submitted to this office for Critical Area review and compliance with the City's Ordinance.

As always, should you or the applicant have any questions , please feel free to contact me at 410.713.3460.

Sincerely,



Tracey Gordy  
Regional Planner/Circuit Rider

Cc: Kerrie Gallo, CAC



Maryland Department of Planning

Kevin  
636-95 ?

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor

Audrey E. Scott  
Secretary

Florence E. Burian  
Deputy Secretary

September 13, 2005

Mr. Alvaro Quintanilha  
Zoning Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

RECEIVED  
SEP 13 2005  
CRITICAL AREA COMMISSION

Re: John W. Tawes Building Permit Application  
Tax Map 101, Parcel 395

Dear Mr. Quintanilha:

I have reviewed the building permit application submitted by John W. Tawes for the construction of a single family home on a property identified as Parcel 395 on Tax Map 101, also known as 21 Walnut Street, which lies within the City of Crisfield's Chesapeake Bay Critical Area Overlay District.

As you are aware, this property has been reviewed for Critical Area impact prior to this request. It was determined back in 1998 that the property in question is designated as an Intensely Developed Area (IDA), and the entire lot is within the 100' Tidal Buffer. My letter of April 16, 1998, outlined in detail the necessary steps for Earl T. Sterling, the owner at that time, and the Town to follow in order to obtain the variance required for construction. The same information will be valuable to Mr. Tawes in his pursuit to build on this property. A copy of that letter is enclosed.

Please be advised that a site plan must be prepared to show the following:

1. **Location of the edge of tidal influence and the 100' Buffer, including:**
  - a. notification that the property was field delineated;
  - b. the name of the delineator; and
  - c. the date of delineation.
  
2. **All proposed structures must be shown on the site plan with accurate square footage, including:**
  - a. footprint of the house, garage or any other outbuildings;
  - b. the square footage of all impervious surfaces such as driveway, steps, patios or decks, sidewalks, garage pads; in essence, any surface which will prevent rainwater from being absorbed into the ground.

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3. **Once the site plan has been prepared, the owner must file an application with the Board of Appeals for a Buffer variance, and:**
- a. this office must be notified a minimum of two (2) weeks prior to the hearing,
  - b. the contiguous property owners must also be notified by certified mail a minimum of two (2) weeks prior to the hearing, and furnished a copy of said application, and
  - c. the property must be posted a minimum of ten (10) days prior to the hearing.

I am enclosing copies of §112 – 113 of the Crisfield ordinance which cites these requirements.

Another concern for this property, is its location within the 100-year floodplain, which must be addressed as well. In order to appropriately advise Mr. Tawes, I suggest that you go over the details of my letter of April 16, 1998, and the above referenced subsections of the City's ordinance. Following these steps will help ensure that Mr. Tawes will have greater success in his endeavor to construct a home on this property.

Sincerely,

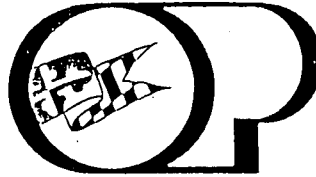


Tracey Gordy  
Regional Planner/Circuit Rider

LA

Enclosures

Cc: Kerrie Gallo ✓



MARYLAND *Office of Planning*

*Parris R. Glendening*  
Governor

*Ronald M. Kreitner*  
Director

April 16, 1998

Neda Owens  
Administrative Assistant/Inspector  
City of Crisfield  
P.O. Box 270  
Crisfield, Maryland 21817

Re: Sterling Property - Tax Map 101, Parcel 395

Dear Ms. Owens:

Per your request, on March 26, 1998, the Maryland Department of the Environment (MDE) performed a field investigation for the above-referenced property owned by Earl T. Sterling and located at 21 Walnut Street in the City of Crisfield. The purpose of the field visit was to make a determination regarding the presence of jurisdictional tidal and nontidal wetlands on the property. MDE concluded in its inspection report that no tidal or nontidal wetland permits from the State or federal government would be required in order to construct a dwelling unit on the site (See Attached Field Report).

I was subsequently contacted by you, as well as by Mr. Sterling, regarding the applicable Critical Area requirements relative to the construction of a dwelling unit on this parcel. According to the State Tax Assessment Office, the dimensions of the lot are 60' by 90' for a total size of 5,400 square feet or .12 acres. Since the MDE report stated that jurisdictional wetlands do exist immediately adjacent to the property, my assumption was that the entire lot was within the 100' Tidal Buffer. This was confirmed during a site visit I conducted on April 7, 1998.

With a few exceptions, development activities are generally prohibited within the 100' Tidal Buffer. However, due to obvious site constraints, construction of a new dwelling unit on this lot is forced to occur within the 100' Buffer. Therefore, a variance to the 100' Buffer setback will be required. Although a dwelling unit did once exist on this parcel, as you stated, it was removed at least two years ago. During my site visit, I found the existing foundation/footprint very hard to identify as it was covered with soil and overgrown with grass. Even if the same footprint is utilized, it is unlikely that the existing foundation could be built upon in its present condition, as this area appears to be within the 100-year floodplain and would likely require an elevated foundation.

In filing an application for a Buffer variance, Mr. Sterling should be instructed to follow the provisions outlined in Chapter 112 (Zoning), Article XX (Critical Area Zoning), §112-113 (Variances) of the Crisfield City Code. Particular attention should be given to the criterion that requires the applicant to mitigate impacts, insofar as possible, so that at least 15% of the gross site area is afforested. Since this property is classified as an Intensely Developed Area (IDA) within the Critical Area, the applicant would need to address the 10% Rule requirements which would typically result in tree and/or shrub planting requirements as well.

It is not anticipated that there will be any opposition from the Critical Area Commission Staff with regard to this variance request since the property is located entirely within the Buffer and is a lot of record with an existing water and sewer connection. However, it is important for the applicant to adequately address all of the variance criteria as referenced above.

I hope you find this information helpful in advising Mr. Sterling how to proceed with his plans to construct a dwelling on this property. If you would like, I am available to assist you with the Buffer variance process and application. As always, please feel free to contact me at (410) 749-4618 should you or Mr. Sterling have any questions.

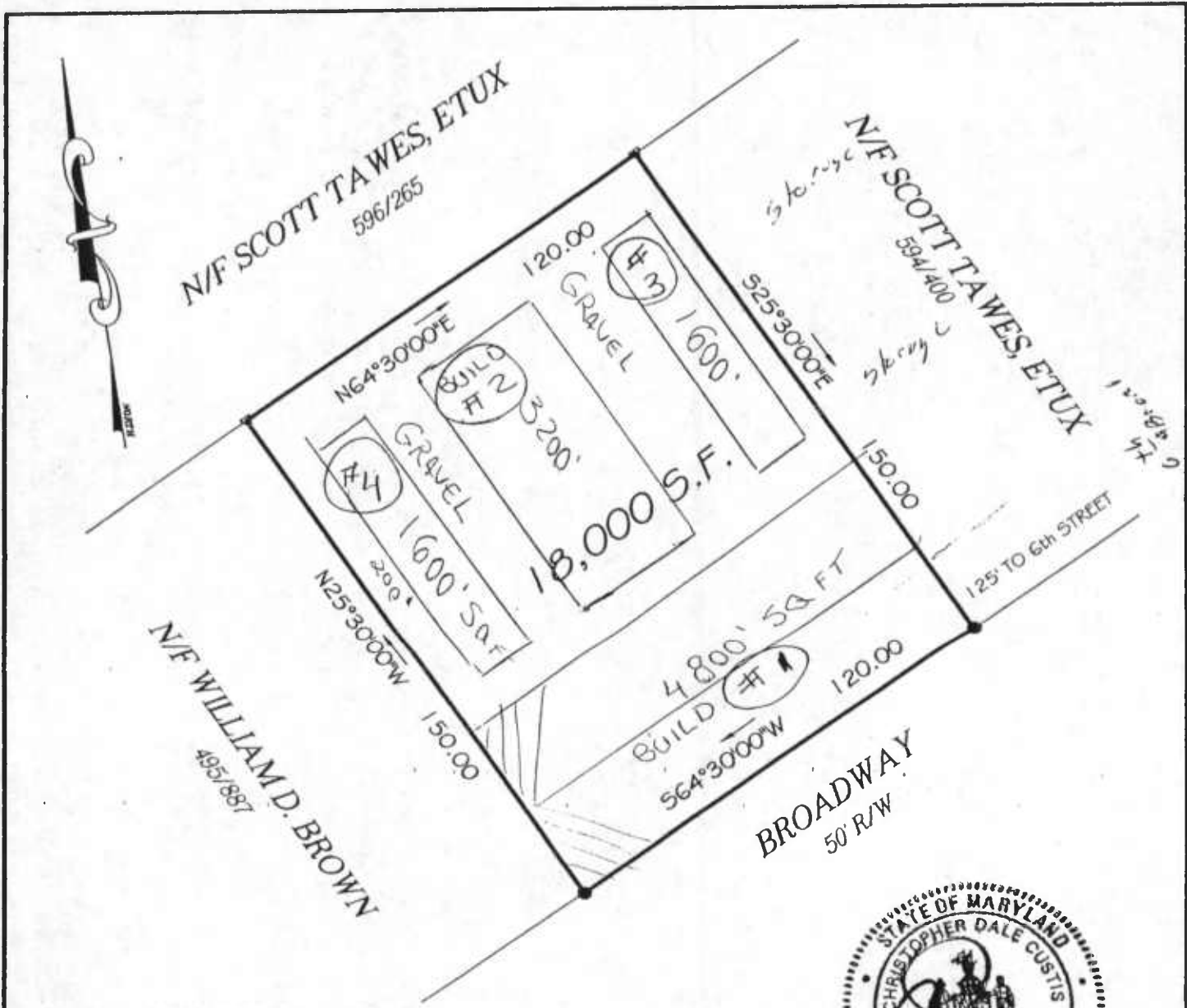
Sincerely,



Tracey L. Greene  
Regional Planner/Circuit Rider

Enclosures

cc: Susan McConville



BEING ITEM I, ITEM II & ITEM III  
 OF DEED REFERENCE ITP 596/265  
 AS RECORDED IN THE LAND RECORDS  
 OF SOMERSET COUNTY, MARYLAND.



TITLE		PROPERTY SURVEY FOR	
<b>SCOTT TAWES &amp; MELANIE TAWES</b>			
COUNTY SOMERSET	STATE MD	SCALE 1"= 40'	
TAX DISTRICT	NO. 07	<ul style="list-style-type: none"> <li>● IRON PIPE FD</li> <li>○ IRON PIPE TO BE SET</li> <li>■ CONC. MONU FD.</li> <li>□ CONC MONU TO BE SET</li> <li>▲ IRON ROD TO BE SET</li> <li>== DITCH</li> </ul>	
TAX MAP	GRID	PARCEL	
102	10	432, 434 7 435	
DEED REF.	596/265		
PLAT REF.	1/27		
DATE	03/15/05		
		<b>CHRIS D. CUSTIS</b> SURVEYING & LAND DESIGNS P.O. BOX 786 PRINCESS ANNE, MARYLAND 21853  PHONE 410.726.3576 FAX 410.546.9768	



Richard Scott, Mayor  
City Council:  
Catherine A. Brown, Vice-Pres.  
Carolyn Evans  
Daniel Thompson  
Roger R. Riggin, Jr.  
Percy J. Purnell, Jr.

City of Crisfield  
City Hall  
319 W. Main Street  
Crisfield, Maryland 21817

CF185-06  
P.O. Box 270  
410-968-1333  
Fax 410-968-2167  
crisfield@ccisp.net

March 26, 2006

Mr. Chris Custis  
P. O. Box 786  
Princess Anne, MD 21853

Re: Scott and Melanie Tawes - Building Permit Application  
Tax Map 10, Parcels 423, 424, 425 and 433

Dear Mr. Custis:

The conceptual site plan for the referenced development has been reviewed for compliance with the City of Crisfield's stormwater management ordinance. The following comments should be addressed prior to issuance of a building permit.

The proposed project clearly meets the definition of a redevelopment as defined in the ordinance since the area of construction, alteration, or improvement on the site will exceed 5,000 square feet. It is therefore exempt from stormwater management recharge and overbank flood protection volume requirements as specified in the 2000 Maryland Stormwater Design Manual.

However, since the area of impervious will be reduced less than the required 20 percent minimum, the project will not be exempt from qualitative control requirements of the 2000 Manual. Stormwater management practices will therefore be required to provide qualitative control for an area which, when added to the proposed additional pervious area, will constitute at least 20 percent of the existing impervious area. Since the breakdown of pervious and impervious areas contains some errors that need to be corrected, it is not currently possible to determine the area of impervious that will be subject to stormwater management qualitative requirements.

The stormwater management plan should contain, at a minimum, the items listed in Article V, Section 94A-14 of Crisfield's stormwater management ordinance. The plan submittal package should be prepared by and bear the seal of a professional engineer, land surveyor or landscape architect licensed in Maryland.

Please contact me with any questions regarding this matter.

Sincerely,

Dale Pusey

Dale Pusey, P. E.

Stormwater Management Consultant

Cc: Critical Area Commission  
Somerset Soil Conservation District  
City of Crisfield