

- AA 457-07  
SUB

Chesapeake Development  
07-0133

Group, LLC

S1829-6312

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/](http://www.dnr.state.md.us/criticalarea/)

September 14, 2007

Mr. Dan Gerczak  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Chesapeake Development Group  
S-07-049, P07-0133

Dear Mr. Gerczak:

Thank you for forwarding the above referenced subdivision request. The applicant has proposed to adjust the lot lines on two adjoining parcels such that the existing non-waterfront lot would become a waterfront lot, to remove an existing dwelling, and to construct a new dwelling on each lot. The existing lots are designated as an Intensely Developed Area.

We oppose a subdivision proposal that would allow greater disturbance to the Buffer than would be allowed under the current lot configuration, solely for construction and use of an additional pier. Allowing the resulting disturbance from the construction and use of a second pier on existing parcel #313 is in direct conflict with the findings on which the General Assembly based the creation of the Critical Area Law.

“The restoration of the Chesapeake and Atlantic Coastal Bays and their tributaries is dependent, in part, on minimizing further adverse impacts to the water quality and natural habitats of the shoreline and adjacent lands, particularly in the Buffer. The cumulative impact of current development and of each new development activity in the Buffer is inimical to these purposes.” Natural Resources Article § 8-1801(a)(8) and (9).

Anne Arundel County incorporated these goals into its Critical Area program through provisions such as Anne Arundel County Code § 17-8-502, which states that Habitat Protection Areas, including the 100-foot Buffer, “shall be preserved and protected in connection with all development as set forth in this subtitle and as required by the Office of Planning and Zoning in accordance with the recommendation of the Department of

Mr. Dan Gerczak  
September 14, 2007  
Page Two

Natural Resources and other reviewing agencies.”

Accordingly, the proposed subdivision should not be approved. The applicant already has the ability to develop dwellings on both existing lots and to have one pier based on the riparian access rights attached to the existing parcel #313.

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,



Amber Widmayer  
Natural Resources Planner

cc: AA 457-07



SEE ENVIRONMENTAL  
SERVICES, INC.

RECEIVED

JUL 25 2007

P 07 - 0133

PERMIT APPLICATION CENTER

## CHESAPEAKE BAY CRITICAL AREA REPORT AND HABITAT ASSESSMENT

Minor Subdivision Application for 3592 Honeysuckle Lane, Edgewater, Anne Arundel County

Applicants: Lance Johnson, Chesapeake Development Group, Inc.

Tax Map 60, Grid 18, Parcels/Lots 305R and 313R

Zoning: R5 Critical Area Designation: IDA

~~Revised~~ July, 2007

### **Purpose of Requested Variance:**

The applicant owns two adjoining parcels off Honeysuckle Lane in the Shoreham Beach area of Edgewater, Anne Arundel County. A lot line change/land swap is proposed between the two parcels, which is now considered a minor subdivision (previously, an "Administrative Plat"). The property is completely within the Chesapeake Bay Critical Area with an Intense Development (IDA) designation (see enclosed copy of County Critical Area map #27).

Lot 313 (to be 313R) is a waterfront lot, with an existing old home, and has driveway access off of a use-in-common right-of-way with a gravel driveway. Permits are in hand to remove the old house and construct a new one. Parcel 305 (to be 305R) is non-waterfront, bordering directly on Honeysuckle Lane. Permits are in hand to construct a single-family dwelling on the lot.

The purpose of the lot line change is to provide a narrow extension from Parcel 305/305R to the waterfront, making it a "waterfront" lot, with sufficient shoreline so that a pier could be built in the future without any variances. The proposed (replacement) house on Parcel 313/313R has been sited to meet the required 15-yard setback from the narrow shore access to be conveyed to Parcel 305R, and this access has been sited to avoid the need to clear additional trees, except for the

Parcel 313 suffered severe shoreline erosion during Hurricane Isabel in 2003, and now has a new stone revetment and pier, both built under approved permits, including a buffer management plan. The approved stairway to the pier has not yet been built. The pier is to the side of the water frontage of Parcel 313/313R away from the proposed new frontage for Parcel 305R, so that it meets the necessary setbacks from the property line for pier and mooring pilings.

The Woodbridge Center  
2444 Solomons Island Road, Suite 217  
Annapolis, Maryland 21401  
Tel: (410) 266-3828 Fax: (410) 266-3866

This report is based on a revised site plan of June, 2006, and 2007 plat by Ed Brown & Associates, Inc. (photocopies enclosed) and a site visit conducted on July 9, 2007, by Eric E. See of See Environmental Services, Inc.

### **Critical Area Narrative/Proposed Improvements:**

The subject property is contains two legal lots, the waterfront one (313/313R) is developed with an old house to be replaced; and the larger, non-waterfront one (305/305R) is undeveloped. The total lot area is 1.007 acres. Once redeveloped (313R) and developed (305R), the site impervious will be increased, with stormwater management provided to meet the current County code.

The waterfront lot has one shade tree (a 20-inch silver maple), behind the existing house, and the steep bank to the water has a combination of trees and dense brush. The non-waterfront lot is mostly lawn, with some shade trees along the southwestern side. The enclosed County aerial photograph from the DPW GIS website shows the site, prior to installation of the new stone revetment along the shoreline. Most of these have heavy cover of English ivy. Several trees will be removed for development of this lot.

The plat will allow a future owner of Lt 305R to have access to the water, and be entitled to apply for a pier permit. A review of VIMS/EPA annual SAV surveys (1997-2005) shows only occasional appearance of SAV in Ramsey Lake. Should SAV – most likely horned pondweed (*Zannichellia palustris*) be present, it would be restricted to shallow water, and a future pier would pier out over the plants causing minimal damage during construction, and boat operation in deeper water offshore. Ramsey Lake might also be used by waterfowl for resting and feeding during the winter months, but this is obviously the time of minimal boat use, and therefore no significant impacts are anticipated.

### **References:**

Anne Arundel County. Critical Area Map #27.

Anne Arundel County DPW GIS website aerial photograph.

Ed Brown & Associates, Inc. 2007 subdivision plat, 2006 site plans.

Natural Resources Conservation Service. 2003 Soil Survey for Anne Arundel County, Maryland (from FTOG website).

Virginia Institute of Marine Sciences, 1997-2006 Annual SAV Surveys (from website)

**SEE ENVIRONMENTAL SERVICES, INC.**

The Woodbridge Center • 2444 Solomons Island Road, Suite 217 • Annapolis, Maryland 21401 • Tel: (410) 266-3828 • Fax: (410) 266-3866



*Martin O'Malley, Governor*  
*Anthony G. Brown, Lt. Governor*  
*John R. Griffin, Secretary*  
*Eric Schwaab, Deputy Secretary*

September 5, 2007

Anne Arundel County  
Planning & Zoning Development Division  
2664 Riva Road  
Annapolis, MD 21401

**RE: Environmental Review for Chesapeake Development Group LLC, Tax Map 60 Parcels  
305 & 313, Minor Subdivision for 3592 Honeysuckle Lane, Edgewater, Anne Arundel  
County, Maryland.**

Dear Sirs:

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.

We would also like to point out that the open waters that are 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 WHS Service at (410) 221-8838 for further technical assistance regarding waterfowl. Please 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.

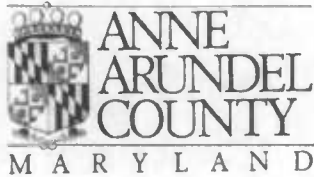
Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

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

ER #2007.1840.aa  
Cc: L. Hoerger, CAC  
L. Hindman, WHS

AA 0457-07



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

OFFICE OF PLANNING AND ZONING

September 17, 2007

Mr. Douglas Bourquin  
Ed Brown and Associates, Inc.  
1511 Ritchie Highway, Ste. 301  
Arnold, MD 21012



Re: Name: Chesapeake Development Group, Inc.  
Minor Subdivision: Sub. # 2007-049, Project # 2007-0133

Dear Mr. Bourquin:

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

- A. OPZ/Planning- Approval withheld September 14, 2007
- B. OPZ/Engineering- Approved September 7, 2007
- C. OPZ/Traffic- Approved September 7, 2007
- D. OPZ/Utilities- Approval withheld September 7, 2007
- E. OPZ/Environmental- Approval withheld September 14, 2007
- F. Recreation and Parks- Approved September 5, 2007
- G. Board of Education- Advisory comments dated August 13, 2007
- H. Fire Marshal Division- Approved August 10, 2007
- I. Soil Conservation District- Approved July 31, 2007
- J. Health Department- Approved August 2, 2007
- K. State Highway Administration- Approved July 26, 2007
- M. OPZ/House Numbers Approved September 11, 2007
- N. OPZ/Archeological/Historical Approved w/comments September 7, 2007
- O. OPZ/Long Range Planning Advisory comments dated August 28, 2007
- P. OPZ/Long Range Transportation Advisory comments dated August 28, 2007
- Q. Critical Area Commission Approval withheld September 14, 2007

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

- A. OPZ/Planning- Comments dated September 14, 2007
- B. OPZ/Environmental- Comments dated September 14, 2007
- C. OPZ/Utilities Comments dated September 7, 2007
- D. OPZ/Archeological Comments dated September 7, 2007
- E. Critical Area Commission Comments dated September 14, 2007

Mr. Douglas Bourquin  
September 17, 2007  
Page 2

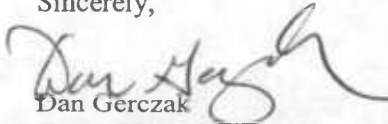
- II. Adequacies of Facilities for Items A-E are acceptable and will be approved with the final subdivision plan subject to any noted condition.
- A. Fire Suppression: The Adequacy of Facilities for Fire Suppression has been addressed. The Fire Marshal Division has approved the plan.
  - B. Roads: The Adequacy of Facilities for Roads has been addressed. A Traffic Impact Study for the relocation of a property line is not required. Road adequacy is not required for this project.
  - C. Schools: The Adequacy of Facilities for Schools has been addressed. No new residential lots are proposed. School adequacy is not required for this project.
  - D. Utilities: The Adequacy of Facilities for Utilities has been addressed. The site will be served by private well and Mayo Sewer systems. The Health Department must approve the proposed well. A Public Works Agreement is required.
  - E. Storm Drains: The Adequacy of Facilities for Storm Drains has been addressed. All stormwater management issues were addressed with grading permit G02011937.

III. Decision:

- A. This office must withhold approval of the Minor Subdivision Plan until the items set forth in Sections I and II (as applicable) have been resolved.
- B. In accordance with article 17-3-303, the resubmittal must be made within forty-five (45) days of the date of this letter and must include separate packages labeled with the name of the required review agency. Each package is to include a point-by-point response letter addressing the items in Section I and II above and any other supplemental information necessary for review. Resubmittal in accordance with the attached Resubmittal Cover Sheet must be sent directly to Nancy McGuckian, Permit Application Center by November 5, 2007.

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

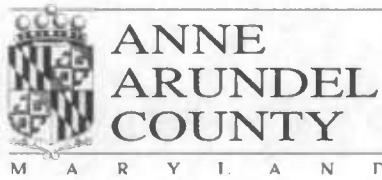
Sincerely,

  
Dan Gerczak  
Critical Area Team Planner

cc: Kelly Krinetz, Critical Area Team Administrator  
Review Team: JPL, RWT, DWG  
Jane Cox, OPZ/Archaeological  
Nancy McGuckian, PAC  
John Keene, Recreation and Parks  
Peter Puzak, Health Department  
Chuck Yocum, A.A. County Public Schools  
Charles Disney, Fire Marshal Division  
Amber Widmayer, Critical Area Commission  
Site Plan File/Diary

J:\Shared\subdiv\Dan Gerczak\S 2007-049, P 2007-0133 Ches.Dev.Gp. doc





**Office of Planning and Zoning  
Development Division**

***INTER-OFFICE CORRESPONDENCE***

**DATE: September 14, 2007**

**TO: File**

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

**SUBJECT: S 2007-049, P 2007-0133, Chesapeake Development Group, Inc.**

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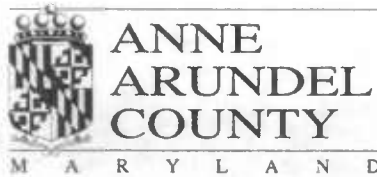
**Environmental:**

- 1) Per the Final Development Plan and narrative, a variance will be required for the creation of new development (waterfront access with pier) in a Habitat Protection Area (Art. 17-8-501 and 502) and steep slopes disturbance. For more information on the variance process, please contact the Zoning office at 410-222-7437. Please show this proposed development and access on the FDP.
- 2) According to the submitted information, the approved grading permit (G02011937) may now be revised to meet the 100 ft. buffer setback per the Buffer Exemption Criteria. Approval of this subdivision will require a revised grading permit.

**Planning:**

- 1) Please verify "in writing" that the location of the community meeting was ADA accessible.
- 2) Please provide the half-section public Right-of-Way dedications for Honeysuckle Drive (10 feet for the 30 foot section and 12.5 feet for the 25 foot section). Include site triangles and relocate the road on the SE corner of parcel 305 or provide easement across the property.
- 3) Please remove the building restriction lines from the plat except for the front yard BRL. Add to the Final Development Plan.
- 4) Please remove house numbers from the plat (but add to Final Development Plan) and General Notes.
- 5) What will be the status of the 15 ft. private utility easement? Will this be abandoned?
- 6) Provide the "before" and "after" area tabulations on the plat and FDP.
- 7) Please label the recordation numbers for the private right-of-ways and 20 x 20 utility easement.
- 8) The record plat must meet all Title 17-3-302 items.
- 9) Relabel the parcels from parcel 313 and 305 to Lots 1 and 2
- 10) A Certificate of Title and FY 07/08 taxes paid receipts are required prior to county approval. All owners and surveyor signatures are required on the plat. An LLC must provide the Operating Agreement.
- 11) The County Health officer must sign the plat.
- 12) Please fill in the plat note blanks (subdivision/project numbers, Verizon note)

It is recommended that minor subdivision approval be withheld.



Office of Planning and Zoning  
Development Division

*INTER-OFFICE CORRESPONDENCE*

**DATE:** September 7, 2007  
**TO:** Dan Gerczak  
**FROM:** Jia Liu  
**SUBJECT:** Chesapeake Development Goup LLC  
Engineering and Utility Review  
Subdivision No. S07-049  
Project No. P07-0133  
Tax Map 60, Block 18, Parcel 305 & 313

---

The above-referenced project has been reviewed for Public Works and Utility issues and the following comments apply:

Adequacy of public facilities is being addressed as follows:

**Fire Suppression:**

The proposed development is located in "Rural" water service area. Fire suppression is not required for the development since this project is to reconfigure the property lines between existing legal parcels 313 & 305. The final decision regarding adequacy of facilities for fire suppression is being deferred to the office of the fire marshal.

**Utilities:**

The site will be served by private well and Mayo Sewer systems. The existing private Mayo tank needs to relocate to the south of the driveway entrance. Public works agreement is required. Adequacy of facilities has been adequately addressed.

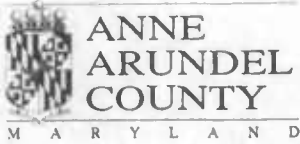
**Storm Drains:**

This project is to reconfigure the property lines between existing legal parcels 313 & 305. All stormwater management issues were addressed in grading permit G02011937. Adequacy of facilities for Storm Drainage has been adequately addressed.

**Roads:**

This project is to reconfigure the property lines between existing legal parcels 313 & 305. Parcel 305 has frontage on Honeysuckle Dr, and parcel 313 is accessing from a private right of way. Both entrances are existing. Adequacy of facilities has been adequately addressed.

Cc: Nancy McGuckian



**PLANNING AND ZONING**  
**Cultural Resources Division**  
*(Historic and Archaeological)*

To: Nancy McGuckian (Development Administration) MS 6003  
From: Jane Cox & Darian Schwab (Planning and Zoning) MS 6401  
Date: 9/7/2007

**Subdivision Name:** Chesapeake Development Group LLC  
**Formerly:**  
**Development Plan Tracking Number:** S07-049 / P07-0133

**HISTORIC RESOURCES: ARTICLE 17, TITLE 6, SUBTITLE 501:**

- Approved:** The project has no recorded historic structures or requirements have been met.
- Conditional Approval:** Approval is subject to the conditions:
- Withheld:** The current proposal does not meet the standards set forth in Article 17, Title 6, Subtitle 501: Historic Resources and/or Article 15, Title 1, Subtitle 108: Building Code. Contact 410-222-7440 for additional information.

**ARCHAEOLOGY RESOURCES & CEMETERIES: ARTICLE 17, TITLE 6, SUBTITLE 502 & 503:**

- Approved:** The project has no recorded archaeological sites and has a low potential for containing undiscovered archaeological resources, or the project area has been surveyed and all archaeological requirements have been met.
- Conditional Approval:** This property has a significant archaeology site or a cemetery. Approval is subject to meeting the following conditions or as found in the attached memo.  
**Field Check Required**
- Withheld: A Phase One Archaeological Survey will be required prior to final approval:**  
*Our office STRONGLY recommends that a Phase One survey be completed as early on in the review process as possible. If significant archaeological resources are present, additional work may be required to mitigate or avoid impact to the resource. Contact 410-222-7440 for additional information.*

**SCENIC & HISTORIC ROADS: ARTICLE 17, TITLE 6, SUBTITLE 504.**

This project is located on the following Scenic / Historic Road:

- The proposed development **will not** impact a scenic / historic road.
- The proposed development **will** impact the above noted scenic / historic road(s).  
*Please see attached memo for additional information and requirements.*

**Critical Area**

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**

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September 14, 2007

Mr. Dan Gerczak  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, MS 6303  
Annapolis, Maryland 21401

Re: Chesapeake Development Group  
S-07-049, P07-0133

Dear Mr. Gerczak:

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We oppose a subdivision proposal that would allow greater disturbance to the Buffer than would be allowed under the current lot configuration, solely for construction and use of an additional pier. Allowing the resulting disturbance from the construction and use of a second pier on existing parcel #313 is in direct conflict with the findings on which the General Assembly based the creation of the Critical Area Law.

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Anne Arundel County incorporated these goals into its Critical Area program through provisions such as Anne Arundel County Code § 17-8-502, which states that Habitat Protection Areas, including the 100-foot Buffer, "shall be preserved and protected in connection with all development as set forth in this subtitle and as required by the Office of Planning and Zoning in accordance with the recommendation of the Department of

TTY for the Deaf

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

Mr. Dan Gerczak  
September 14, 2007  
Page Two

Natural Resources and other reviewing agencies.”

Accordingly, the proposed subdivision should not be approved. The applicant already has the ability to develop dwellings on both existing lots and to have one picr based on the riparian access rights attached to the existing parcel #313.

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,



Amber Widmayer  
Natural Resources Planner

cc: AA 457-07

ANNE ARUNDEL COUNTY

Annapolis, Maryland

RESUBMITTAL COVER SHEET

TO: Office of Planning and Zoning/Development Division

FROM: \_\_\_\_\_

RE: Subdivision Name – Chesapeake Development Group  
Subdivision # 2007-049, Project # 2007-0133

PLEASE FIND ATTACHED RESPONSE LETTER/REVISED PLAN (AND ANY AGENCY-MARKED PRINTS) PACKAGES FOR:

- |   |                                |   |                           |
|---|--------------------------------|---|---------------------------|
| X | OPZ/Subdivision Review Planner |   | Health Department         |
|   | OPZ/Engineering Review         |   | Board of Education        |
|   | OPZ/Traffic Review             | X | Archaeological/Historical |
| X | OPZ/Utilities Review           |   | Fire Marshal Division     |
|   | House Numbers/Street Names     |   | Md. State Aviation Adm.   |
| X | OPZ/Environmental              |   | Office of Law             |
|   | OPZ/Landscape                  |   | Other Agency: I & P       |
|   | Soil Conservation District     | X | Critical Area Commission  |
|   | Recreation and Parks           |   |                           |
|   | State Highway Administration   |   |                           |

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

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

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

Developer/Engineer (SEAL)

Attachments

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