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/

May 9, 2008

Ms. Patricia Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0061-V – Fiske, David

Dear Ms. Cotter:

Thank you for providing additional information on the above-referenced variance. This office provided comments on this variance request in a letter dated March 11, 2008. At this time, the applicant has provided additional materials which indicate that they will remove 338 square feet of impervious surface, and add a series of stormwater management systems including a raingarden, slot drains, and a pipe to be installed in the steep slopes via directional boring to handle additional stormwater runoff associated with the new development on the lot.

We cannot support the revised variance request as submitted for several reasons. First, the applicant is proposing to remove 338 square feet of impervious surface on the lot to trade off for the increase in impervious surface associated with the proposed patio, which is located waterward of the dwelling and constructed without the proper permits in the Buffer. Provisions for the trading of impervious surface area do not appear to be contained within the County's Zoning Ordinance and should not therefore be considered as a factor in this variance. Further, the proposed area of impervious surface to be removed is located behind the dwelling, outside of the Buffer, while the applicant proposes to retain unpermitted impervious surface within the Buffer, waterward of the dwelling. Second, the applicant is proposing to add a raingarden at the edge of the bulkhead, within the 25-foot Buffer Modification Area (BMA). Generally, BMPs are not permitted in the BMA or in the Buffer, particularly when they can be located in more appropriate locations such as at the top of the slopes on more stable soils. By locating the raingarden as shown on the site plan, the applicant is proposing to directionally bore into erodible on steep slopes which

could contribute to additional erosion and further destabilize these banks. We recommend that runoff from the development be directed to a BMP near the dwelling.

As indicated in my letter of March 11, 2008, we do not oppose the variance request to construct or legalize the retaining walls located in the Buffer. However, we recommend mitigation be required at a 3:1 ratio for this disturbance. The mitigation plantings should be required for the limit of disturbance in the Buffer associated with the retaining walls, including all grading. The full extent of the Buffer Modification Area setback, waterward of the dwelling should be planted with the required mitigation planting. In particular, we recommend that the grassed area between the water and retaining walls be heavily planted and restored so as to provide a functioning Buffer area. The applicant has provided a plantings plan for review by the County. Additionally, appropriate stormwater management techniques should be finalized during the permit revision process with the Office of Planning and Zoning.

We continue to oppose the variance request for the proposed stone patio. The lot is well over the allowable impervious surface amount and the applicant has reasonable outdoor use of the property utilizing the existing concrete patio and multi-level deck, which are situated in the Buffer Modification Area. It does not appear that the standard of unwarranted hardship can be met in regard to the patio. In the case that the construction of this stone patio has been completed, it should be removed and mitigated for at a ratio of 3:1. If this mitigation cannot be done on site, a fee in lieu may be substituted.

Thank you for the opportunity to provide additional 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,

Julie Roberts
Natural Resource Planner

cc: AA 143-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

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March 11, 2008

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0061-V – Fiske, David

Dear Ms. Schappert:

Thank you for providing information on the above-referenced variance. The applicant is requesting an after the fact variance to perfect an accessory structure (patio and retaining wall) with less Buffer and setbacks than required. This lot is 0.70 acres, or 30,492 square feet, and is located in the Limited Development Area (LDA). The lot is also located in a mapped Buffer Modification Area. This lot is currently improved with a dwelling, a driveway, garage, a concrete patio, and multi-level deck for a total impervious surface in the amount of 6,744 square feet, or 22%, which is over the allowable amount for a lot of this size (allowable impervious surface amount is 5,445 or under for this lot).

Provided that the lot is properly grandfathered, we do not oppose the variance request to construct or legalize the retaining walls located in the Buffer. However, we recommend mitigation be required at a 3:1 ratio for this disturbance. The mitigation plantings should be required for the limit of disturbance in the Buffer associated with the retaining walls, including all grading. The full extent of the Buffer Modification Area setback, waterward of the dwelling should be planted with the required mitigation planting. In particular, we recommend that the grassed area between the water and retaining walls be heavily planted and restored so as to provide a functioning Buffer area. The applicant has provided a plantings plan for review by the County.

We oppose the variance request for the proposed stone patio. The lot is well over the allowable impervious surface amount and no variance to the Buffer and setbacks should be considered without an additional impervious surface variance. It should be noted that this

office would not support a request for variance for the stone patio, as the applicant already has use of the existing concrete patio and multi-level deck, which are situated in the Buffer Modification Area. In the case that the construction of this stone patio has been completed, it should be removed and mitigated for at a ratio of 3:1. If this mitigation cannot be done on site, a fee in lieu may be substituted.

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,

Julie Roberts

Julie Roberts
Natural Resource Planner

cc: AA 143-08

JR 143-08

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2008-0061-V

DAVID AND KIMBERLY FISKE

SECOND ASSESSMENT DISTRICT

DATE HEARD: MAY 13, 2008

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

PLANNER: **PATRICIA A. COTTER**

DATE FILED: **JUNE** 19, **2008**

PLEADINGS

David and Kimberly Fiske, the applicants, seek a variance (2008-0061-V) to allow a patio and retaining walls with less buffer than required and with disturbance to steep slopes on property located along the east side of Long Point Road, southeast of Hazel Trail, Crownsville.[1]

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Ms. Fiske testified that the property was posted on April 25, 2008. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence with a street address of 212 Long Point Road, in the subdivision of Long Point on the Severn, Crownsville. The property comprises 30,579 square feet and is zoned R5 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA).

[1] In the interest of expediting the stabilization of the slopes and the protection and preservation of the property and Critical Area assets, the variances were provisionally approved by conditional Order dated May 13, 2008.

This is a waterfront lot on the Severn River. The applicants seek to perfect stone retaining walls and a patio and to replace a wood retaining wall with a stone wall. All of the improvements are located in the Chesapeake Bay Critical Area buffer and on steep slopes.

Anne Arundel County Code, Article 18, Section 18-13-104(a) establishes a 100-foot buffer from tidal waters. Article 17, Section 17-8-201 proscribes the disturbance of steep slopes in the LDA. Accordingly, the applicants request a buffer variance and a variance to disturb steep slopes.

Patricia A. Cotter, a planner with the Office of Planning and Zoning, testified that the property is irregularly configured with the dwelling near the top of a steep slope above the water. Following erosion of the slope by heavy rains in 2005, the applicants replaced two timber retaining walls with stone walls. They also removed an existing deck with stone below and constructed a new deck. The deck was expanded to include a stone patio in order to keep water off the slope. The applicants are also planning to replace the remaining wood retaining wall. And finally, they are proposing a rain garden for stormwater management at the base of the slope. Ms. Cotter summarized the agency comments. The County's Critical Area Review Team opposed the variances for the patio and requested mitigation for the stone walls and an overall mitigation plan for the disturbance. The Chesapeake Bay Critical Area Commission made a similar recommendation and suggested that runoff should be directed to a Best Management Practice near the dwelling. By way of ultimate conclusion, Ms. Cotter opposed the variances

for the patio but supported the variances for the completed stone retaining walls. She also requested additional justification to support the replacement of the remaining timber retaining wall.[2]

Ms. Fiske testified that the lot was platted in 1954. The property was developed in 1984 and the applicants purchased the property in July, 2003. After they purchased the property, the applicants hired a landscape contractor who got permission to stabilize the hill with plantings. The witness supplied several groupings of photographs: storm damage from 2005, before and after photographs from a storm occurring the day before the hearing, and photographs showing retaining walls and patios along the Long Point peninsula. The 2005 photographs show a large sinkhole at the top of the hill and erosion across its face. The timber walls were undermined by water and failed.

Brian Wiggins, the applicants' contractor for the work in 2005, testified that the failure extended all the way to the foundation. An unidentified County representative told him to install silt fencing. He removed approximately 30 yards of eroded soils. He tied the replacement wall to the patio and built five timber retaining walls in front of the patio for stabilization. The removal of the patio at this time would undermine the wall and lead to its failure.

Anne Gleeson, a landscape architect employed by the applicants, quantified the additional pervious surfaces in the amount of 338 square feet. She is

[2] On cross-examination by counsel to the applicants, Ms. Cotter indicated that she did not visit the property and did not know whether the authors of the agency comments visited the property.

developing a replanting plan, which includes mats and deep rooted plants for enhanced erosion protection.

Roy Little, an engineering consultant to the applicants, testified that the soils - sandy loam with some clay - are prone to sliding in heavy rain. The added impervious surface of the patio diverts the water from the slope. Mr. Little suggested a slot drain in the patio and the possibility of directing the water to an infiltration trench behind the dwelling. Finally, the remaining timber wall has no footers and is leaning.

The standards for granting variances are contained in Section 18-16-305. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted only after determining that (1) due to unique physical conditions, peculiar to the lot, a strict implementation of the program would result in an unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under

subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to conditional relief. For this Critical Area property, due to the proximity to water and the extent of the steep, erodible slopes, a strict implementation of the program would result in an unwarranted hardship. A literal application of the program would deny the applicants the right to stabilize the slopes and to protect and preserve the property, rights commonly enjoyed by other properties in similar areas in the Critical Area. Conversely, the granting of the variances is not a special privilege that the program typically denies. Although unpermitted, the need for the work is not a result of the actions of the applicants or from land use on neighboring property. Finally, with conditions, the granting of the variances will not adversely impact Critical Area assets and harmonizes with the general spirit and intent of the program.

I further find that the variances represent the minimum relief. Although the improvements are extensive, the conditions that lead to their construction were fairly dramatic. The applicants' witnesses testify without contradiction that the patio is needed to keep water off the slope and to keep the walls from failing. Mr. Little confirmed the need to replace the remaining retaining wall. There was nothing to suggest that the granting of the variances will alter the essential

character of the neighborhood, substantially impair the appropriate use or development of adjacent property or cause a detriment to the public welfare. Rather, based on the testimony and the photographs, the variances are in the public interest to protect the Critical Area assets. The approval is subject to the conditions in the Order.

ORDER

PURSUANT to the application of David and Kimberly Fiske, petitioning for a variance to allow a patio and retaining walls with less buffer than required and with disturbance to steep slopes, and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 19th day of June, 2008,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a buffer variance and a variance to disturb steep slopes to allow a patio and retaining walls in accordance with the site plan.

The foregoing variances are subject to the following conditions:

1. The applicants shall provide stormwater management, mitigation and a landscape plan satisfactory to the Permit Application Center.

2. The applicants shall remove 338 square feet of impervious surfaces.

Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

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

Further Section 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within eighteen months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

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

BOARD OF APPEALS
RECEIVED
MAR 1 ~ 2011
SIGNATURE:

NOTICE OF APPEAL

Anne Arundel County Board of Appeals

Decision Information

Decision Rendered By: I&P X P&Z ___ AHO ___ A.C. ___ H.D. ___ Other ___

County Agency Case #: B 02274067 Date of Decision: February 14, 2011

Appellant Information (Appealing Party)

Name: David & Kimberly Fiske Email: dplott@linowes-law.com

Address: 212 Long Point Road; Crownsville, MD 21034

Phone # (Home): Phone # (Work):

Attorney's Name (if applicable): David M. Plott, Esq. Email: dplott@linowes-law.com

Attorney's Address: Linowes & Blocher LLP; 1 Park Place; Ste.585; Annap.,MD 21401

Attorney's Phone #: 410 268 0881 Attorney's Fax #: 410 216 9120

Applicant Information (Party Originally Applying for County Approval)

Name: Jerold & Christina Weinstein Email:

Address of Property (if applicable): 216 Long Point RD; Crownsville, MD 21032

Mailing Address: Same as property.

Phone # (Home): ~~301 728~~ 9854 Phone # (Work):

Attorney's Name (if applicable): Email:

Attorney's Address:

Attorney's Phone #: Attorney's Fax #:

Reason for Appeal

Please provide a brief statement as to reasons for this appeal below: (you may attach more paper if necessary)

See attached statement.

**A copy of the County Agency's Decision must be submitted at the same time as this form.*

***** FOR OFFICE USE ONLY *****

Date Received: 3/1/11 *Case #:* BA 13-11A *Check #:* 5580 *Initials:* [illegible]

Copies Given to: *Check Amt.:* 250.00

Applicant: ✓ Appellant: ATY. Law Office: D. SELF I&P: D KANE

P&Z: Personnel: A.C.

Dept. of Health: AHO: Other: J. LESHINSKIE

Jerry Weinstein 301 986-5643

David & Kimberly Fiske, Appellants
212 Long Point Road; Crownsville, MD 21034

Statement of Reasons for Appeal of
Building Permit B-02274067 for 216 Long Point Road, Crownsville

David and Kimberly Fiske are the owners of waterfront property located at 212 Long Point Road. The Fiskes appeal the issuance of building permit B-02274067 (the "Permit") to Christina and Jerold Weinstein, 216 Long Point Road on February 14, 2011 to construct a hillside tramway, top landing deck, bottom landing deck, fence and other improvements. The tramway and its associated appurtenances described in the application are an accessory structure. As approved, the tramway is located immediately adjacent to the side property line between the Fiske property and the Weinstein property. Pursuant to Section 18-4-701. of the Anne Arundel County Code, an accessory structure in an R5 District must maintain a minimum 7-foot setback from the side property line. The tramway and appurtenances approved by the Permit do not meet this minimum setback requirement.

Additionally, Section 18-2-403 of the County Code requires that the Office of Planning and Zoning ("OPZ") designate the location of an accessory structure or use on a waterfront lot based upon several, enumerated factors. Among those factors, OPZ is required to consider "topographic and other physical features of the lot and adjacent waterfront properties..." and "the impact of the structure or use on the use and enjoyment of adjacent waterfront properties and their air, light and view". The Permit was issued without a consideration of the legal requirements for location of an accessory structure or use on the subject property and the impact of its location upon the Fiske's property.

Furthermore, most of the tramway is proposed to be constructed on slopes greater than 15% in the LDA area of the critical area. Pursuant to Section 17-8-201 of the County Code, development on slopes of 15% or greater is prohibited unless the development will facilitate stabilization of the slope or is necessary to allow connection to a public utility. The construction of the tramway is not for the purpose of stabilizing the slope or to allow connection to a public utility. Therefore, the proposed construction of the tramway on the steep slopes may only be approved after securing variance approval to the critical area regulations pursuant County Code, Section 18-16-305. Such variance approval was not secured prior to issuance of the Permit.

For the above reasons, and for additional and further reasons that the Board may find, issuance of the Permit was arbitrary, capricious and contrary to applicable law. The Fiskes request that the Permit be rescinded and that any improvements constructed pursuant to the Permit be removed.

L&B 1517684v1/11360.0001

AA 143-08

IN RE:	*	ANNE ARUNDEL COUNTY
DAVID AND KIMBERLY FISKE	*	ADMINISTRATIVE HEARINGS
2ND ASSESSMENT DISTRICT		
	*	CASE NO. 2008-0061-V

* * * * * * * * * * * * * * * * * * * *

ORDER

This matter came before this office on May13, 2008 as a request for variances to perfect and complete a patio and retaining walls and to replace a timber retaining wall with a stone retaining wall. All of the improvements are located in the Chesapeake Bay Critical Area buffer and on steep slopes. Based on the record evidence, the applicants satisfied their burden of proof for the requested variances.

The record evidence also indicated that heavy rains in recent days has caused erosion and slope failures and there is the risk of additional erosion and slope failures based on the forecast for additional rains. Accordingly, in the interest of expediting the stabilization of the slopes and the protection and preservation of the property and critical area assets, the variances are provisionally approved with the written Memorandum and Order to follow. The approval incorporates the site plan under seal by Roy Little, PE. However, as a condition of the approval, the applicants shall revise the stormwater management shown on the site plan as required by the Permit Application Center. As a

further condition of the approval, the applicants shall provide mitigation as required by the Permit Application Center.

So Ordered, this 13th day of May, 2008.

Stephen M. LeGendre
Administrative Hearing Officer

cc: Office of Planning and Zoning
Critical Area Commission
David Plott, Esquire

143-08

LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

May 2, 2008

David M. Plott
410.268.0881; 410.269.0045
301.261.1668
dplott@linowes-law.com

BY HAND DELIVERY

Ms. Patricia A. Cotter
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

RE: Case No. 2008-0061V – David and Kimberly Fiske/ 212 Long Point Road, Crownsville, Maryland ("Property")

Dear Ms. Cotter:

We represent the applicants, David and Kimberly Fiske, with respect to the above-referenced variance application. You may recall that this case was postponed to May 13, 2008 so the Fiskes could retain an engineer to survey the property and its improvements and propose solutions for the severe erosion and stormwater management issues on this site that were the genesis of the improvements that precipitated this variance application.

The house on the Property is located at the top of a very steep, highly erodible slope as shown in the photographs attached as Exhibit 1. As a result of severe erosion from stormwater runoff at the top of the slope due to a storm in 2006 and slumping retaining walls, the Fiskes hired a contractor to address the slope problem. Photographs showing the erosion and land slumping are attached as Exhibit 2. The contractor removed older wood retaining walls and a wood and concrete patio area and built stone retaining walls and a patio. The contractor did expand the previous patio area to the top of the steep slope that had previously failed so as to capture runoff and redirect it away from the top of the slope.

The contractor eventually retained a landscape architect, AG Environmental Restoration, to prepare a "Site Plan/Grading Plan" for the Property. That Site Plan/Grading Plan was ultimately submitted as the variance site plan for this application. When we were retained in early April to assist with this project, we advised the Fiskes to hire a professional surveyor and engineer to prepare a surveyed plan and to assess solutions for the slope and stormwater management problems confronting the Fiskes.

Please find enclosed eight (8) copies of an administrative site plan for this application that will replace the AG Environmental Restoration plan previously submitted. As we discussed, we are hand delivering copies to the Soil Conservation District and the Critical Area Commission by copy of this letter. Based upon the surveyed administrative site plan, approximately 338 square

feet of additional impervious area was constructed by the contractor. In order to address the concern expressed by Julie Roberts of the Critical Area Commission that a variance should be required for this additional impervious area, the Fiskes propose to remove 338 square feet of existing impervious area on the Property. They also propose to complete stormwater improvements which include collecting stormwater runoff from the house and patio and directing it into a rain garden stormwater management device located at the bottom of the steep slope. This will have the dual benefit of keeping erosive stormwater off the fragile slope area and also providing treatment of the stormwater before it flows into the Severn River. AG Environmental Restoration has prepared an extensive planting plan to further stabilize the slope and provide habitat enhancements. Those plantings were shown on the original variance site plan and will be supplemented by the rain garden plantings shown on the administrative site plan from Terrain Engineering.

The other addition on the Terrain plan is showing the proposed replacement of the remaining timber retaining walls at the top of the steep slope on the Property with more substantial stone walls. The existing timber walls are starting to fail. While the replacement of these walls are necessary to facilitate stabilization of the slope as allowed by Section 17-8-201 of the County Code and should not require a variance, we have shown them on the site plan.

We are delivering by hand a copy of this letter and the new administrative site plan to Julie Roberts at the Critical Area Commission. Should you have any questions regarding this matter, please telephone me in my Annapolis office.

Thank you.

Very truly yours,

LINOWES AND BLOCHER LLP

David M. Plott

DMP:sbw
Enclosures
cc: David and Kimberly Fiske
Ms. Julie Roberts
Ms. Christine Maex-Murphy
Mr. Roy C. Little
Ms. Anne Gleeson

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TAG Environmental Restoration, LLC

180 Dividing Court
Arnold, Maryland 21012
v. 410.647.0809
f. 410.647.4968
AnneGleeson@verizon.net

January 31, 2008

Permit Application Center
Heritage Office Complex
2664 Riva Road
Annapolis, Maryland 21401

RE: Letter of Explanation for Grading Permit **Revision**

Dear Permit Reviewer:

The following is a Letter of Explanation for a Grading Permit for the Fiske Property at 212 Long Point Road, Crownsville, MD 21032. The purpose of the permit request is to allow access for the construction two concrete block retaining walls to replace existing timber walls that had collapsed during a storm. The collapse of the timber walls caused massive erosion on the slope above the Severn River, and the destruction of a light pole and the collapse of a stairway leading down the slope. The proposed walls are approximately the same height as the existing; one 2'-2.5' high, and one 4'-6". The wall that is 4'-6" was built 10' closer to the river than the existing to control future erosion issues adding 440 sf of impervious surface (concrete patio with stone veneer). The slope is proposed to be covered with erosion control matting then planted with indigenous vegetation. There is no grading proposed for the existing slope. The project will begin as soon as the permit is issued.

The Fiske residence is a waterfront property located on the north side of Long Point on the Severn River. The property is approximately .70 acres. The property is mostly vegetated with grass and assorted landscape plants.

The site is in the Severn River Watershed and is entirely within the Chesapeake Bay Critical Area. The existing impervious coverage is 6,744 sf (0.15 acres) and the proposed will be 7,184 (.16 acres). The site has a Critical Area designation of Limited Development Area (LDA). The site is designated as Buffer Exempt. According to the Maryland Department of Natural Resources website there are no nontidal wetlands, Natural Heritage Areas, or Habitat Protection Areas on site.

Sincerely,

Anne E. Gleeson

Anne E. Gleeson, RLA

TAG
Environmental
Restoration, LLC

80 Dividing Court
Arnold, Maryland 21012
v. 410.647.0809
f. 410.647.4968
AnneGleeson@verizon.net

January 31, 2008

Anne Arundel County SCD
Heritage Office Complex
2662 Riva Road
Annapolis, Maryland 21401

RE: Critical Area Report

Dear Permit Reviewer:

The following is a Critical Area Report for a Building/Grading Permit for the Fiske Property at 212 Long Point Road, Crownsville, MD 21032. The purpose of the permit request is to allow access for the construction two concrete block retaining walls to replace existing timber walls that had collapsed during a storm. The collapse of the timber walls caused massive erosion on the slope above the Severn River, and the destruction of a light pole and the foundation of a stairway leading down the slope. The proposed walls are approximately the same height as the existing; one 2'-2.5' high, and one 4'-6". The wall that is 4'-6" was built 10' closer to the river than the existing to control future erosion issues adding 440 sf of impervious surface (concrete patio with stone veneer). The slope is proposed to be covered with erosion control matting then planted with indigenous vegetation. There is no grading proposed for the existing slope. The project will begin as soon as the permit is issued.

The Fiske residence is a waterfront property located on the north side of Long Point on the Severn River. The property is approximately .70 acres. The property is mostly vegetated with grass and assorted landscape plants.

30,492.

over (existing) imp. 22%

The site is in the Severn River Watershed and is entirely within the Chesapeake Bay Critical Area. The existing impervious coverage is 6,744 sf (0.15 acres) and the proposed will be 7,184 sf (.16 acres). The site has a Critical Area designation of Limited Development Area (LDA) and is designated as Buffer Exempt. According to the Maryland Department of Natural Resources website there are no nontidal wetlands, Natural Heritage Areas, or Habitat Protection Areas on site.

SENSITIVE AREA PANORAMIC VIEW


1


2


3


4


5


6

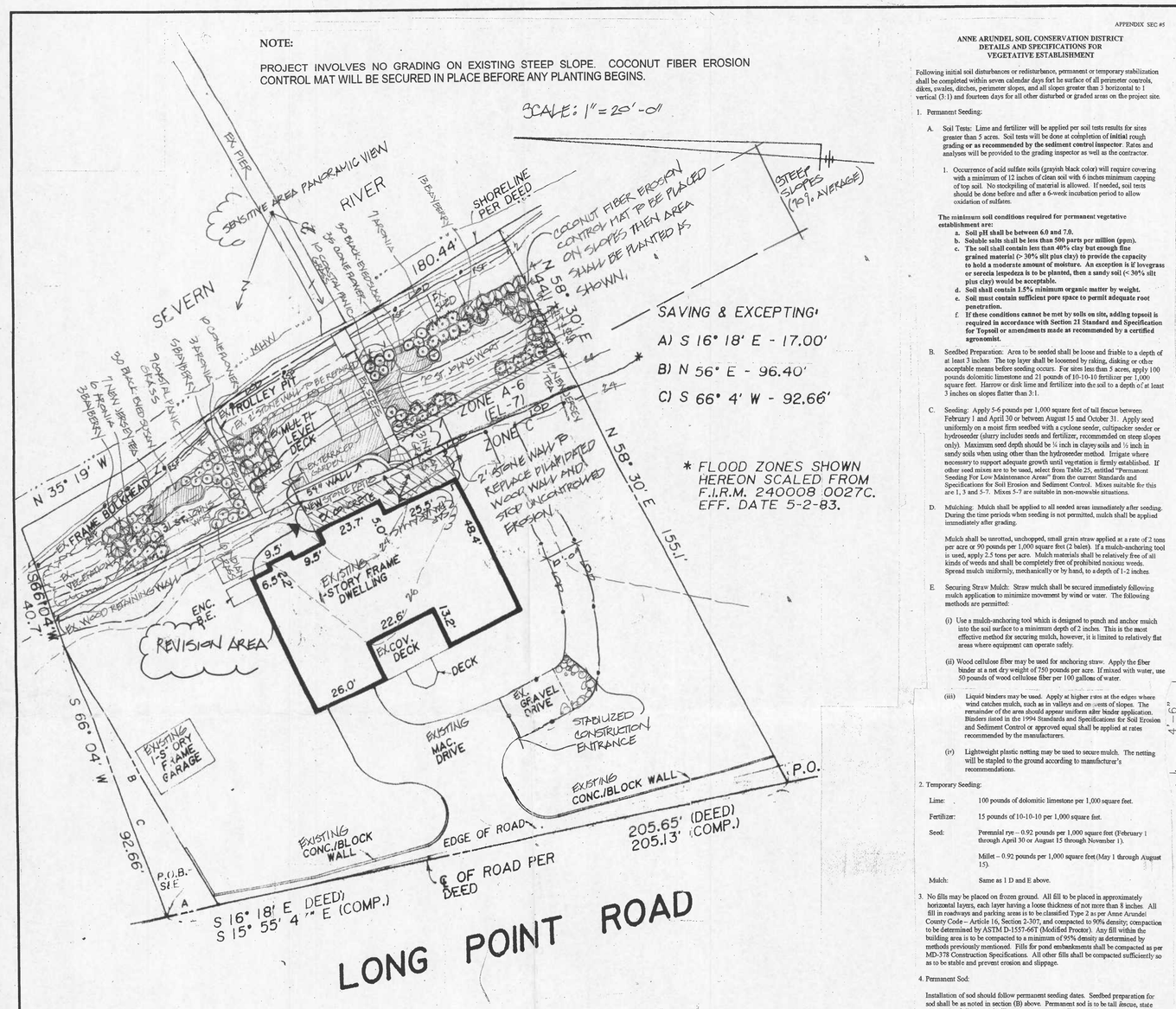
Sincerely,

Anne E. Gleeson

Anne E. Gleeson, RLA

NOTE:

PROJECT INVOLVES NO GRADING ON EXISTING STEEP SLOPE. COCONUT FIBER EROSION CONTROL MAT WILL BE SECURED IN PLACE BEFORE ANY PLANTING BEGINS.



APPENDIX SEC #5

ANNE ARUNDEL SOIL CONSERVATION DISTRICT DETAILS AND SPECIFICATIONS FOR VEGETATIVE ESTABLISHMENT

Following initial soil disturbances or redisturbance, permanent or temporary stabilization shall be completed within seven calendar days fort he surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site.

1. Permanent Seeding:

A. Soil Tests: Lime and fertilizer will be applied per soil tests results for sites greater than 5 acres. Soil tests will be done at completion of initial rough grading or as recommended by the sediment control inspector. Rates and analyses will be provided to the grading inspector as well as the contractor.

1. Occurrence of acid sulfate soils (grayish black color) will require covering with a minimum of 12 inches of clean soil with 6 inches minimum capping of top soil. No stockpiling of material is allowed. If needed, soil tests should be done before and after a 6-week incubation period to allow oxidation of sulfates.

The minimum soil conditions required for permanent vegetative establishment are:

a. **Soil pH shall be between 6.0 and 7.0.**
b. **Soluble salts shall be less than 500 parts per million (ppm).**
c. **The soil shall contain less than 40% clay but enough fine grained material (>30% silt plus clay) to provide the capacity to hold a moderate amount of moisture. An exception is if lovegrass or serecia lespedeza is to be planted, then a sandy soil (<30% silt plus clay) would be acceptable.**
d. **Soil shall contain 1.5% minimum organic matter by weight.**
e. **Soil must contain sufficient pore space to permit adequate root penetration.**
f. **If these conditions cannot be met by soils on site, adding topsoil is required in accordance with Section 21 Standard and Specification for Topsoil or amendments made as recommended by a certified agronomist.**

B. Seedbed Preparation: Area to be seeded shall be loose and friable to a depth of at least 3 inches. The top layer shall be loosened by raking, disking or other acceptable means before seeding occurs. For sites less than 5 acres, apply 100 pounds dolomitic limestone and 21 pounds of 10-10-10 fertilizer per 1,000 square feet. Harrow or disk lime and fertilizer into the soil to a depth of at least 3 inches on slopes flatter than 3:1.

C. Seeding: Apply 5-6 pounds per 1,000 square feet of tall fescue between February 1 and April 30 or between August 15 and October 31. Apply seed uniformly on a moist firm seedbed with a cyclone seeder, cultipacker seeder or hydroseeder (slurry includes seeds and fertilizer, recommended on steep slopes only). Maximum seed depth should be ¼ inch in clayey soils and ½ inch in sandy soils when using other than the hydroseeder method. Irrigate where necessary to support adequate growth until vegetation is firmly established. If other seed mixes are to be used, select from Table 25, entitled "Permanent Seeding For Low Maintenance Areas" from the current Standards and Specifications for Soil Erosion and Sediment Control. Mixes suitable for this are 1, 3 and 5-7. Mixes 5-7 are suitable in non-mowable situations.

D. Mulching: Mulch shall be applied to all seeded areas immediately after seeding. During the time periods when seeding is not permitted, mulch shall be applied immediately after grading.

Mulch shall be unrotted, unchopped, small grain straw applied at a rate of 2 tons per acre or 90 pounds per 1,000 square feet (2 bales). If a mulch-anchoring tool is used, apply 2.5 tons per acre. Mulch materials shall be relatively free of all kinds of weeds and shall be completely free of prohibited noxious weeds. Spread mulch uniformly, mechanically or by hand, to a depth of 1-2 inches.

E. Securing Straw Mulch: Straw mulch shall be secured immediately following mulch application to minimize movement by wind or water. The following methods are permitted:

(i) Use a mulch-anchoring tool which is designed to punch and anchor mulch into the soil surface to a minimum depth of 2 inches. This is the most effective method for securing mulch, however, it is limited to relatively flat areas where equipment can operate safely.

(ii) Wood cellulose fiber may be used for anchoring straw. Apply the fiber binder at a net dry weight of 750 pounds per acre. If mixed with water, use 50 pounds of wood cellulose fiber per 100 gallons of water.

(iii) Liquid binders may be used. Apply at higher rates at the edges where wind catches mulch, such as in valleys and on crests of slopes. The remainder of the area should appear uniform after binder application. Binders listed in the 1994 Standards and Specifications for Soil Erosion and Sediment Control or approved equal shall be applied at rates recommended by the manufacturers.

(iv) Lightweight plastic netting may be used to secure mulch. The netting will be stapled to the ground according to manufacturer's recommendations.

2. Temporary Seeding:

Lime: 100 pounds of dolomitic limestone per 1,000 square feet.

Fertilizer: 15 pounds of 10-10-10 per 1,000 square feet.

Seed: Perennial rye – 0.92 pounds per 1,000 square feet (February 1 through April 30 or August 15 through November 1).

Millet – 0.92 pounds per 1,000 square feet (May 1 through August 15).

Mulch: Same as 1 D and E above.

3. No fills may be placed on frozen ground. All fill to be placed in approximately horizontal layers, each layer having a loose thickness of not more than 8 inches. All fill in roadways and parking areas is to be classified Type 2 as per Anne Arundel County Code – Article 16, Section 2-307, and compacted to 90% density. compaction to be determined by ASTM D-1557-66T (Modified Proctor). Any fill within the building area is to be compacted to a minimum of 95% density as determined by methods previously mentioned. Fills for pond embankments shall be compacted as per MD-378 Construction Specifications. All other fills shall be compacted sufficiently so as to be stable and prevent erosion and slippage.

4. Permanent Sod:

Installation of sod should follow permanent seeding dates. Seedbed preparation for sod shall be as noted in section (B) above. Permanent sod is to be tall fescue, state approved sod; lime and fertilizer per permanent seeding specifications and lightly irrigate soil prior to laying sod. Sod is to be laid on the contour with all ends tightly abutting. Joints are to be staggered between rows. Water and roll or tamp sod to insure positive root contact with the soil. All slopes steeper than 3:1, as shown, are to be permanently sodded or protected with an approved erosion control netting. Additional watering for establishment may be required. Sod is not to be installed on frozen ground. Sod shall not be transplanted when moisture content (dry or wet) and/or extreme temperature may adversely affect its survival. In the absence of adequate rainfall, irrigation should be performed to ensure establishment of sod.

5. Mining Operations:

Sediment control plans for mining operations must include the following seeding dates and mixtures:

For seeding dates of:

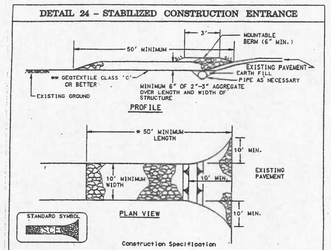
February 1 through April 30 and August 15 through October 31, use seed mixture of tall fescue at the rate of 2 pounds per 1,000 square feet and sericea lespedeza at the minimum rate of 0.5 pounds per 1,000 square feet.

6. Topsoil shall be applied as per the Standard and Specifications for Topsoil from the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.

NOTE: Use of this information does not preclude meeting all of the requirements of the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.

NOTE: Projects within 4 miles of the BWI Airport will need to adhere to Maryland Aviation Administration's seeding specification restrictions.

DETAIL 24 – STABILIZED CONSTRUCTION ENTRANCE

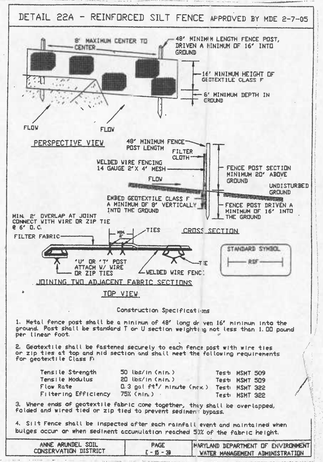


Construction Specification

1. Length – minimum of 50' (*30' for single residence lot).
2. Width – 10' minimum, should be flared at the existing road to provide a turning radius.
3. Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. Waive plan approval authority may not require single family residences to use geotextile.
4. Stone – crushed aggregate (2" to 3") or reclaimed or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
5. Surface Water – all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a mountable berm with 5:1 slopes and a minimum of 6" of stone over the pipe. Pipe has to be sized according to the drainage. When the SCE is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
6. Location – A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.

U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	PAGE F – XI – 3	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

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



Construction Specifications

1. Metal fence post shall be a minimum of 48" long driven 16" minimum into the ground. Post shall be standard T or U section weighting not less than 1.00 pound per linear foot.
2. Geotextile shall be fastened securely to each fence post with wire ties or zip ties at top and mid section and shall meet the following requirements for geotextile Class F:

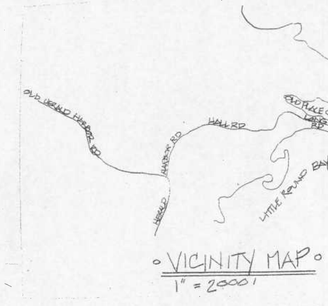
Tensile Strength	50 lbs/in (min.)	Test: MSMT 509
Tensile Modulus	20 lbs/in (min.)	Test: MSMT 509
Flow Rate	0.3 gal ft²/ minute (max.)	Test: MSMT 322
Filtering Efficiency	75% (min.)	Test: MSMT 322

3. Where ends of geotextile fabric come together, they shall be overlapped, folded and wired tied or zip tied to prevent sediment bypass.
4. Silt Fence shall be inspected after each rainfall event and maintained when bulges occur or when sediment accumulation reached 50% of the fabric height.

ANNE ARUNDEL SOIL CONSERVATION DISTRICT	PAGE I – E – 39	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION

FISKE RESIDENCE PLANT LIST

PLANT CATEGORY	LATIN NAME	COMMON NAME	SIZE	SPACING	QUANTITY
GRASSES	Panicum amarum	Coastal Panic grass	plugs	3 ft. o.c.	19
	Sorghastrum nutans	Indian Grass	plugs	3 ft. o.c.	9
PERENNIALS	Echinacea purpurea	Purple Cone Flower	plugs	2 ft. o.c.	11
	Rudbeckia fulgida	Black Eyed Susan	plugs	2.5 ft. o.c.	60
SHRUBS	Aronia arbutifolia	Aronia	2-3'	4 ft. o.c.	16
	Ceanothus americana	New Jersey Tea	18-24"	3 ft. o.c.	19
	Hypericum calycirium 'Sunburst'	St. Johnswort	plugs	2.5 ft. o.c.	101
	Morella pensylvanica	Bayberry	2-3'	5 ft. o.c.	21

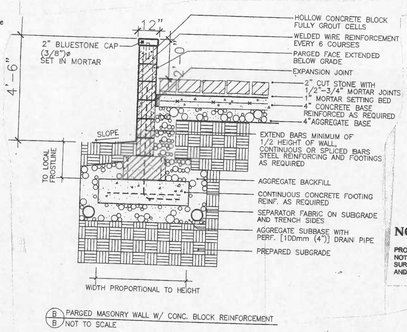


PROPERTY NOTES

1. ZONING: R – 5
2. SETBACKS: FRONT: 20' REAR: 20' SIDE/COMBINED: 7' MIN. /20' COMBINED
3. PREDOMINANT SOIL TYPE: Collinton Fine Sandy Loam, 15 to 40 percent slopes.
4. TOTAL AREA OF SITE: 30,579 S.F.
5. PROPOSED LIMITS OF DISTURBANCE (LOD): 7,480 SF (.17 acres)
6. F.E.M.A. RATE MAP: 2400080027 ZONE C
7. THIS LOT IS NOT IN THE 100-YEAR FLOOD AREA.
8. PUBLIC WATER.
9. NO PUBLIC SEWER.
10. CRITICAL AREA DESIGNATION: LDA (BUFFER EXEMPT)

CRITICAL AREA TABULATION

1. LDA CRITICAL AREA, BUFFER EXEMPT.
2. SITE AREA = 30,579 SQUARE FEET
3. THE LIMITS OF DISTURBANCE (LOD) = 7,480 SF (.16 ACRES)
4. EXISTING WOODY VEGETATION = 80 SF.
5. EXISTING VEGETATION BEING REMOVED = 0 SF.



B PARGED MASONRY WALL W/ CONC. BLOCK REINFORCEMENT
B NOT TO SCALE

SEQUENCE OF CONSTRUCTION

1. ESTABLISH THAT ALL PERMITS HAVE BEEN OBTAINED. (1DAY)
2. NOTIFY OWNER OF PROPERTY AND ANNE ARUNDEL COUNTY INSPECTIONS AND PERMITS AND FOR A PRE-CONSTRUCTION MEETING ON THE PROPERTY AT LEAST 48 HOURS PRIOR TO START OF WORK AT 410-222-7780. WORK MAY NOT COMMENCE UNTIL THE RESPONSIBLE PERSONNEL HAVE MET ON SITE WITH THE SEDIMENT AND EROSION CONTROL INSPECTOR TO REVIEW THE APPROVED PLANS. (1 DAY)
3. INSTALL ALL TEMPORARY EROSION CONTROL MEASURES SUCH AS REINFORCED SILT FENCE AND STABILIZED CONSTRUCTION ENTRANCE. OBTAIN 1ST PHASE APPROVAL. (1 DAY)
4. PLACE SPECIFIED ORGANIC MATTER IN AREAS TO BE PLANTED. (1/2 DAY)
5. PLACE EROSION CONTROL MATTING ON SHORELINE SLOPE AS SHOWN IN PLAN. (1 DAY)
6. CONSTRUCT RETAINING WALL AS SHOWN ON PLAN. (3 DAYS)
7. PLANT SHORELINE SLOPE WITH SHRUBS, GRASSES, AND PERENNIALS AS SHOWN ON PLANTING PLAN. (3 DAYS)
8. REPEAT STEP 2 FOR A POST CONSTRUCTION MEETING. (1 DAY)
9. REMOVE ALL SEDIMENT CONTROLS.

NOTE:

PROPERTY LINES SHOWN HEREON HAVE BEEN TAKEN FROM FIELD EVIDENCE, AND/OR AVAILABLE DEEDS AND PLATS AND SHOULD NOT BE CONSTRUED TO BE REPRESENTATIVE OF THE ACCURACY OF A BOUNDARY SURVEY. THIS IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REFLECT ENCUMBRANCES, DEDICATIONS, AND/OR RESTRICTIONS WHICH MAY EXIST AND COULD POTENTIALLY BE REVEALED THROUGH A THOROUGH TITLE EXAMINATION.

APPENDIX SEC #2

STANDARD RESPONSIBILITY NOTES

I (We) certify that:

1.
a. All development and construction will be done in accordance with this sediment and erosion control plan, and further, authorize the right of entry for periodic on-site evaluation by the Anne Arundel Soil Conservation District Board of Supervisors or their authorized agents.
b. Any responsible personnel involved in the construction project will have a certificate of attendance from the Maryland Department of the Environment's approved training program for the control of sediment and erosion before beginning the project.

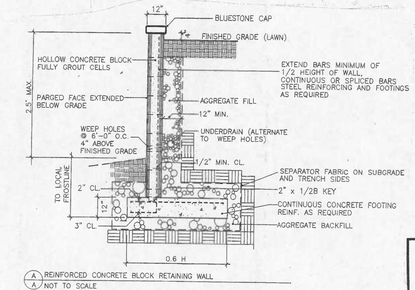
Responsible personnel on site: _____

c. If applicable, the appropriate enclosure will be constructed and maintained on sediment basin(s) included in this plan. Such structure(s) will be in compliance with the Anne Arundel County Code.

2. The developer is responsible for the acquisition of all easements, right, and/or rights-of-way that may be required for the sediment and erosion control practices, stormwater management practices and the discharge of stormwater onto or across adjacent or downstream properties included in the plan.
3. Initial soil disturbance or re-disturbance, permanent stabilization shall be completed within seven calendar days for the surface of all controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site. Temporary stabilization of the surface of perimeter controls, dikes, swales, ditches, and perimeter slopes may be allowed at the discretion of the sediment control inspector.
4. The sediment control approvals on this plan extend only to areas and practices identified as proposed work.
5. The approval of this plan for sediment and erosion control does not relieve the developer/consultant from complying with Federal, State or County requirements appertaining to environmental issues.
6. The developer must request that the Sediment Control Inspector approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and the ordinance.
7. All material shall be taken to a site with an approved sediment and erosion control plan.
8. On all sites with disturbed areas in excess of two acres, approval of the sediment and erosion control inspector shall be required on completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. This will require first phase inspections. Other building or grading inspection approvals may not be authorized until the initial approval by the sediment and erosion control inspector is given.
9. Approval shall be requested on final stabilization of all sites with disturbed areas in excess of two acres before removal of controls.
10. Existing topography must be field verified by responsible personnel to the satisfaction of the sediment control inspector prior to commencing work.

Anne E. Gleeson 10-7-2007
Signature of Developer/Owner Date

Print: Name: ANNE E. GLEESON
Title: PRESIDENT
Affiliation: AG ENVIRONMENTAL RESTORATION, LLC
Address: 180 DIVIDING CT. ARNOLD, MD 21012
Telephone Number: 410-647-0809



A REINFORCED CONCRETE BLOCK RETAINING WALL
A NOT TO SCALE

CONSULTANT'S CERTIFICATION

"The Developer's plan to control silt and erosion is adequate to contain the silt and erosion on the property covered by the plan. I certify that this plan of erosion and sediment control represents a practical and workable plan based on my personal knowledge of this site, and was prepared in accordance with the requirements of the Anne Arundel Soil Conservation District Plan Submittal Guidelines and the current Maryland Standards and Specifications for Sediment and Erosion Control. I have reviewed this erosion and sediment control plan with the owner/developer.

MD P.E. License # LA 3084

Name ANNE E. GLEESON

Firm Name AG ENVIRONMENTAL RESTORATION, LLC

Street Address 180 DIVIDING CT. ARNOLD, MD 21012

Anne E. Gleeson 10-7-2007

STATE OF MARYLAND ANNE E. GLEESON No. 3084 PROFESSIONAL ENGINEER

Anne Arundel Soil Conservation District
Sediment and Erosion Control Approval

Robert D. Mills 11/7/07
District Official Date

AASCD # 660-18 SMALL POND(S) # _____

Reviewed for technical adequacy by
USDA, Natural Resource Conservation Service

AG Environmental Restoration, LLC
180 Dividing Court
Arnold, Maryland 21012
Phone: (410) 647-0809
Fax: (410) 647-4968
AnnGleeson@Comcast.net

FISKE RESIDENCE
SITE PLAN/GRADING PLAN

212 Long Point Road, Crownsville, MD

Tax Account No: 02000-90086966
Tax Map: 38
Grid: 6
Parcel: 80

LEGEND

LOD — LIMIT OF DISTURBANCE
RSF — REINFORCED SILT FENCE
18 — EX. CONTOURS

STORM WATER MANAGEMENT NOTES:
- PROJECT PURPOSE FOR LANDSCAPING ONLY

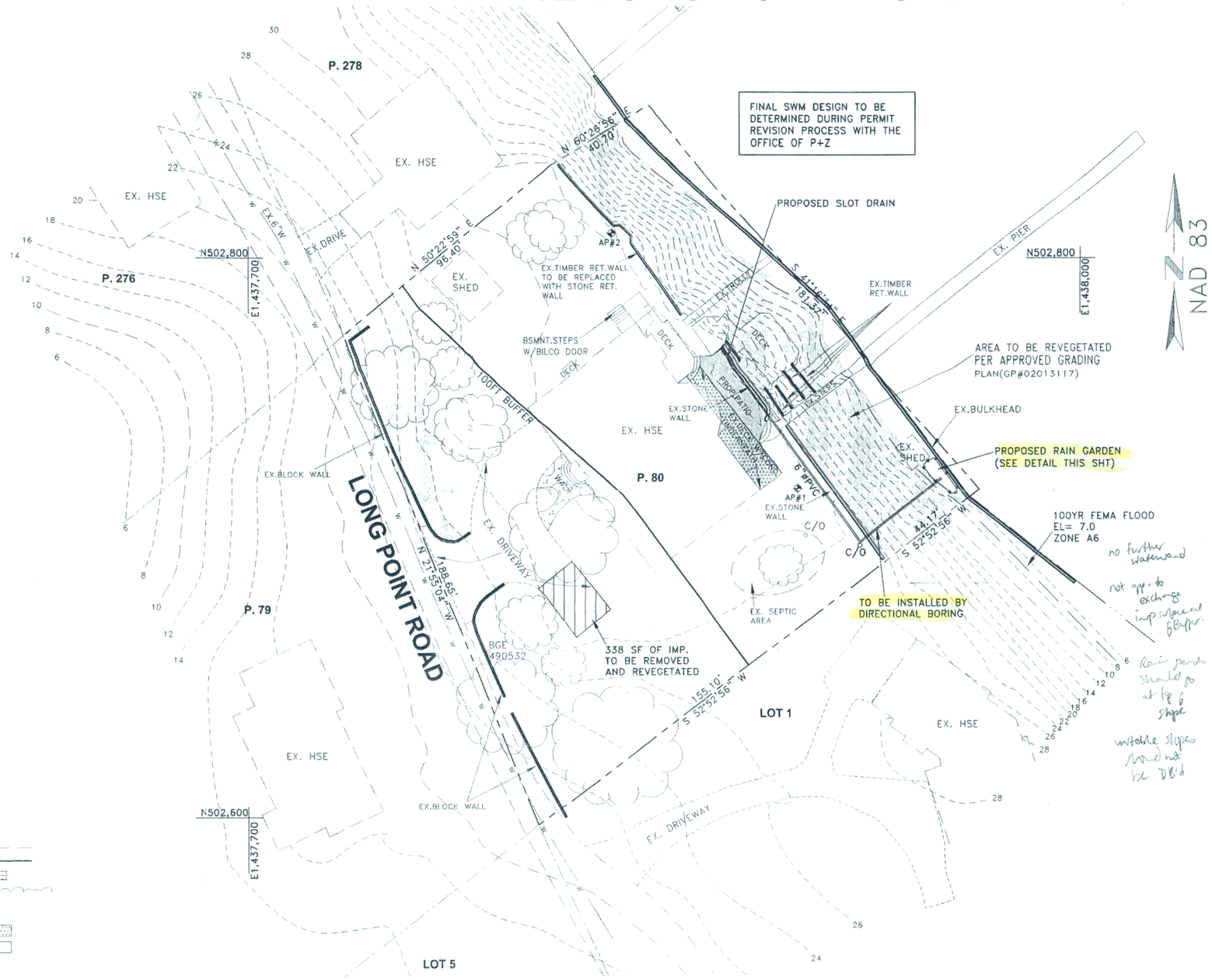
OUTFALL NOTES:
- RIGHT TITLE DISCHARGE

NOTE:
NO NEW IMPERVIOUS SURFACE TO BE ADDED TO SITE.

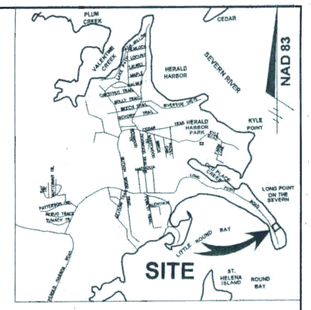
REVISION: ADDITION OF 440 SF IMPERVIOUS SURFACE

SCALE:	APPROVED BY	DRAWN BY
DATE:		
REVISION: 10-29-2007		
REVISION: 1-31-2008		DRAWING NUMBER 1 of 1

ADMINISTRATIVE SITE PLAN
FOR
212 LONG POINT ROAD



PLAN
SCALE:1"=20'



VICINITY MAP
Scale: 1"=2000'
ADC MAP 14-K10

GENERAL NOTES

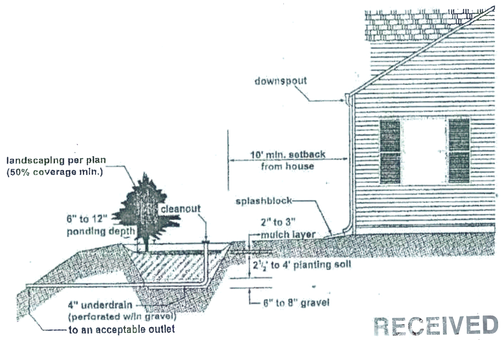
1. TOTAL AREA OF SITE IS 0.70 AC.± = 30,579 SQUARE FEET.
2. EXISTING ZONING IS: R5
   SETBACKS: FRONT– 20'
   REAR– 20'
   SIDE– 7'MIN/20'COMBINED
3. EXISTING USE OF THE SITE IS S.F.D
4. PROPOSED USE OF THE SITE IS S.F.D
5. SITE IS KNOWN AS: 212 LONG POINT ROAD
6. PUBLIC WATER NO PUBLIC SEWER TO BE INSTALLED AND UTILIZED.
7. F.E.M.A. #240008–0027 ZONE C/A6 ELEV. 7.0
8. SITE IS IN THE CRITICAL AREA ZONE. LDA (BUFFER EXEMPT)
9. THIS SITE IS LOCATED WITHIN THE SEVERN RIVER WATERSHED.
10. CONTOURS SHOWN ON THIS PLAN ARE TAKEN FROM A FIELD SURVEY BY TERRAIN INC. (FOR ON–SITE AREAS). FOR OFF–SITE AREAS IT IS BASED ON A.A.CO. TOPO AND UTILITY OPERATIONS MAPS. THE CONTRACTOR SHALL VERIFY THE ELEVATIONS TO HIS OWN SATISFACTION PRIOR TO STARTING WORK, ANY DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEERS ATTENTION IMMEDIATELY.

EXISTING CONDITIONS

ROAD	330 SF
DRIVE	2,121 SF
HOUSE	3,834 SF
SHED	412 SF
WALK	170 SF
DECK W/CONCRETE UNDERNEATH	394 SF
TOTAL	7,261 SF

PROP CONDITIONS

ROAD	330 SF
DRIVE	2,121 SF
HOUSE	3,834 SF
SHED	412 SF
WALK	219 SF
PATIO	683 SF
PAVING TO BE REMOVED	(338 SF)
TOTAL	7,261 SF



RAIN GARDEN-PROFILE
OPTION–3
N.T.S.

LEGEND

- EXISTING CONTOUR — 42
- PROPOSED CONTOUR — 40
- 25%> STEEP SLOPES
- EXISTING TREE LINE
- SOIL BORING
- EX.DECK W/CONC. UNDERNEATH
- PROP.PATIO

REVISION BLOCK			
NO.	DATE	DESCRIPTION	BY

OWNER/DEVELOPER
DAVID FISKE
KIMBERLEY FISKE
212 LONG POINT ROAD
CROWNSVILLE, MD. 21032-1852
TEL; (703)-518-9910

"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. LICENSE NO. 19882, EXPIRATION DATE: 6/26/08.

TERRAIN, INC.
LAND ENGINEERING & DEVELOPMENT SERVICES
106 OLD SOLOMON'S ISLAND ROAD
ANNAPOLIS , MARYLAND 21401
410-266-1160 FAX (410) 266-6129

CROWNSVILLE
P. 80
212 LONG POINT ROAD

TAX MAP 38, BLOCK 6, PARCEL 80
2ND TAX DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

DATE: APRIL, 2008	DRAWN BY: K.L.B.
SCALE: AS SHOWN	CHECKED BY: T.N.S.
SHEET 1 OF 1	TERRAIN JOB NO. 1971

ACAD FILE: G:\WORK\ACTIVE\1971-LONG POINT ROAD\SITE DEVELOPMENT\1971-SITE DEVELOPMENT.DWG