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/

January 11, 2010

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

Re: Ventnor/8160 Ventnor Rd Modification # 10817

G02013453, B02256997, B02256999

Dear Ms. Krinetz:

Thank you for forwarding the above-referenced modification request. The applicant has requested a modification to the County's prohibition on disturbance within nontidal wetlands and nontidal wetland buffers in order to construct a road to access an existing undeveloped lot which the applicant proposes to develop with a single family dwelling, detached garage, driveway, well and septic system. The 14.12 acre property is mostly within the Critical Area with 12.87 acres designated as a Resource Conservation Area (RCA) and 1.16 acres designated as a Limited Development Area (LDA). I have provided comments on the requested modification below:

1. Based on the Maryland Department of Natural Resources' GIS map, the existing forest on the property is considered Forest Interior Dwelling Bird (FIDS) habitat. Because the applicant proposes clearing on the property, the applicant must complete and submit the FIDS worksheet from this office's publication, "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," in order to quantify the proposed FIDS impacts and the resulting FIDS mitigation requirement. The FIDS publication and worksheet are available on this office's website at

http://www.dnr.state.md.us/criticalarea/tweetyjune_2000.pdf. We note that the FIDS mitigation requirement must be provided as plantings either on-site in an area adjacent to existing FIDS habitat, or off-site in an area that is adjacent to at least 50 acres of permanently protected FIDS habitat. We recommend that the applicant provide a planting plan showing how the FIDS mitigation requirement

Ms. Krinetz January 11, 2010 Page 2 of 2

and the expanded Buffer mitigation requirement mentioned in the following comment will be addressed with the next submittal.

- 2. The applicant must provide mitigation for the variance that was obtained to disturb the Critical Area expanded Buffer to upgrade the existing road on the adjacent property for the applicant's use as a driveway. The total area of disturbance in the Buffer from grading, clearing or the footprint of the driveway must be mitigated with plantings at a 3:1 ratio. As mentioned above, please have the applicant submit a planting plan showing how this requirement will be addressed. The plan should include information about the size, number, species and location of the proposed plantings, as well as information about how the plantings will be permanently protected.
- 3. Please have the applicant submit soils information for the property in order to confirm that the Buffer has been properly expanded to include any hydric or highly erodible soils, or slopes 15% or greater. Also, we note that the Maryland Department of Natural Resources' GIS wetland maps show a significantly larger area of nontidal wetlands on the property and in the location of the proposed house than what is shown the applicant's plans. Please have the applicant confirm that the expanded Buffer, the nontidal wetlands and the nontidal wetlands buffers were mapped by a professional wetland delineator in the field.
- 4. Please have the applicant quantify the existing and proposed lot coverage and the existing and proposed forest cover within the RCA portion of the property. Also, please have the applicant quantify the existing and proposed lot coverage and the existing and proposed forest cover within the LDA portion of the property.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3467.

Sincerely,

Amber Widmayer

Natural Resources Planner

cc: AA 627-08

ED BROWN & ASSOCIATES, INC.

EDWARD A. BROWN L.S. President

DOUGLAS D. BOURQUIN Vice President Land Surveyors - Planners

PLAZA ONE BUILDING 1511 Ritchie Hwy Suite 301 Arnold, MD 21012 Phone 410-757-2002

Fax 410-757-2011

November 30, 2009

Anne Arundel County
Office of Planning and Zoning
Development Review
2664 Riva Road, 4TH Floor
Annapolis, MD 21401

Attention:

Larry R. Tom

Planning and Zoning Officer

RE:

BRIAN M. DECKELMAN PROPERTY

8160 Ventnor Road, Pasadena, MD 21122

Tax Map 18, Block 22, Parcel 80

Tax Acct. 3-887-90098109

Variance 2008-0338-V

Perc #T02039160

Permit #G02013453

Building Permits #B02256997 (House), #B02256999 (Garage)

Wetlands Permit #08-NT-0252/200863218

Modification Application Explanation Letter

Our Job: #07-210

Dear Mr. Tom:

The purpose of this letter is to request modification to the Buffer/Habitat Protection requirements of Article 17, Subtitle 5, Section 8-502 and Article 17, Subtitle 3, Section 9-301. The wetland permit to disturb these wetlands has been issued by State of Maryland, Dept. of the Environment- Water Management Administration dated November 11, 2009. This modification request was required by Dan Gerzak-Environmental/Planning Review-Office of Planning and Zoning in Permit Application letter of comments dated August 18, 2009- "As a formality, a modification to disturb the non-tidal wetlands will also be required."

OWNER INFORMATION

The owner/developer is-

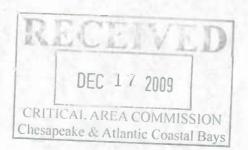
Brian M. Deckelman

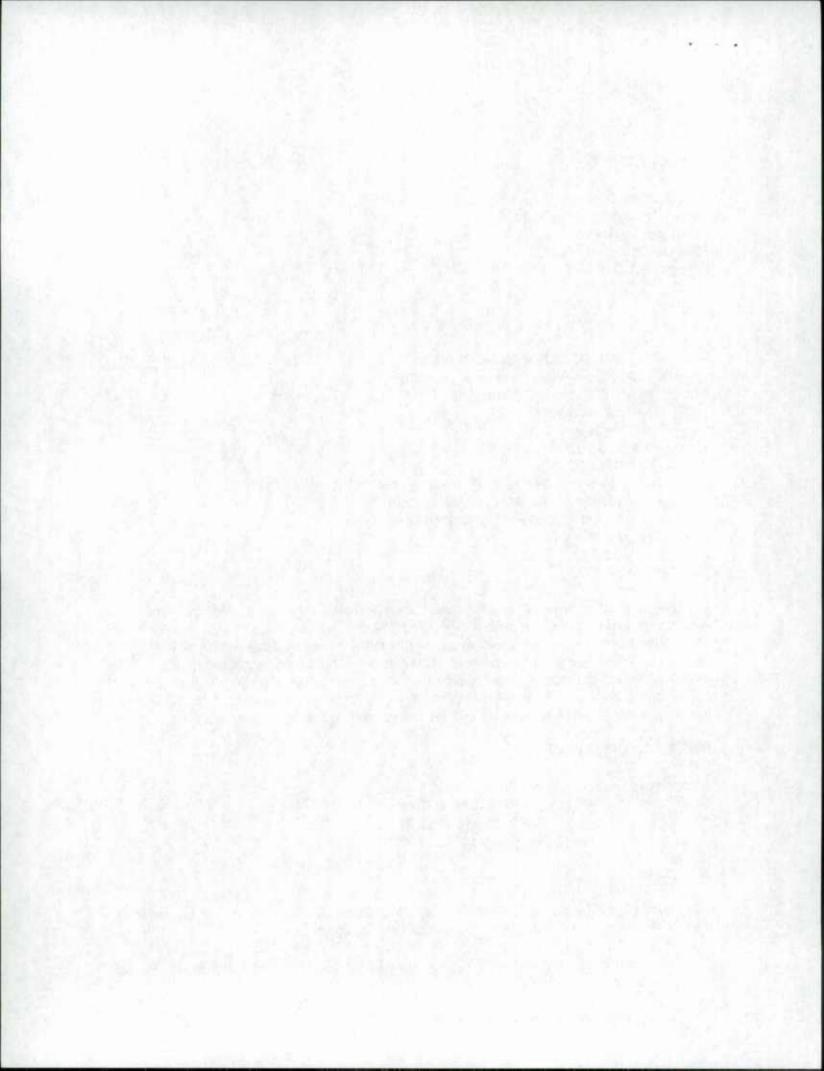
7828 Mallow Court Pasadena, MD. 21122 Tel. (443) 597-6951

SITE DATA

This project is located at 8160 Ventnor Road, Pasadena, MD 21122 in the third assessment district. Following are the site characteristics for this development-

- This lot was created with Ventnor subdivision (plat recorded in P.B. 10, Pg. 22) dated June 30, 1937.
- The total lot area is 14.12 acres in size.





Larry R. Tom- Planning & Zoning Officer Modification Request Letter Pg. 2 of 3, November 30, 2009

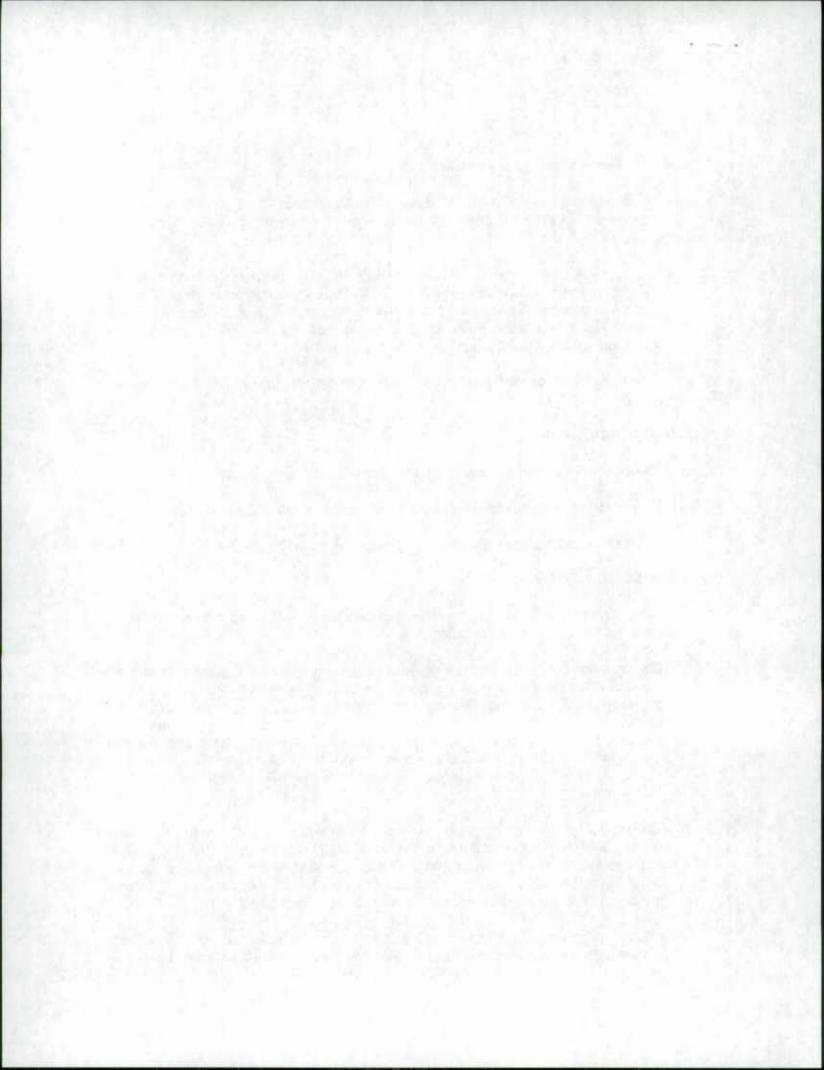
- The zoning is R1 Residential District.
- This project is within the RCA (Resource Conservation Area) and LDA (Limited Development Area) of Critical Area designation as shown on Critical Area Map #13.
- Access to the property is from Ventnor Road, via a private access easement across
 the adjacent Lot 25- Wharf Creek (William Bolding Black- Trustee of William Bolding
 Black Revocable Trust and Iris Nocar Black, Trustee of Iris Nocar Black Revocable
 Trust. The deed of easement and agreement is recorded among the Land Records
 of Anne Arundel County, Maryland at Liber 21386, folio 207.
- The proposed development is served by public water and public sewer located within Fort Smallwood Road.

EXISTING CONDITIONS-

- The lot currently is vacant and is entirely forested.
- There are tidal wetlands located on the parcel at the mouth of Goose Creek.
- There are 15-25% slopes and 25% and greater slopes on the parcel.

DEVELOPED CONDITIONS-

- A single family detached house, detached garage, driveway and driveway culverts, water well and septic system is proposed.
- Disconnection of 1) rooftop impervious areas are provided by proposed disconnect drywells and non-structural disconnections and, 2) non-structural disconnections of driveway areas (no curbs). Channel Protection Volume (Cpv) is not required as this parcel has direct discharge to tidal waters of Goose Cove. The Overbank Flood Protection Volume (Qp10) is adequately conveyed to the Site Outfall and Point of Investigation. Although this parcel contains tidal flood plain (FEMA) the Extreme Flood Volume (Qf) is adequately conveyed to the Site Outfall and Point of Investigation.
- The proposed driveway crosses two areas of existing wetlands within the private
 access easement obtained from the owners of Lot 25- Wharf Creek. The disturbance
 to these two areas of wetlands and their related buffers to improve the existing dirt
 driveway and installed required storm drain culverts to convey upgrade runoff under
 the access driveway is the subject of this modification requested.
- Offsite mitigation was obtained by the owner- Brian Deckelman for 1) wetlands disturbance and 2) re-forestation of cleared areas for the development of the parcel (see enclosed data).



Larry R. Tom- Planning & Zoning Officer Modification Request Letter Pg. 3 of 3, November 30, 2009

VARIANCE 2008-0338-V

Variance 2008-0338-V was granted on February 4, 2009 by the Administrative Hearing Officer- Douglas Clark Hollman to Section 17-8-502 to allow the proposed improvements to the existing dirt driveway within Lot 25- Wharf Creek and the Brian M. Deckelman property to occur in a habitat protection area.

MODIFICATIONS REQUESTED

On behalf of the owner- Brain M. Deckelman, we are requesting the following modifications-

DEVELOPMENT IN HABITAT PROTECTION AREAS-(Article 17, Subtitle 5, Section 17-8-502)

 Modification to disturb a habitat protection area to improve the existing dirt access driveway.

This disturbance has been permitted by State of Maryland, Department of the Environment-Water Management Administration by Letter of Authorization/Permit #08-NT-0252/200863218, dated 11-11-09. This disturbance was approved by Variance 2008-0338-V decision letter dated 2-4-09. The proposed disturbance is shown on grading plans (G02013453) enclosed with this modification request.

FOREST, WOODLAND AND HABITAT PROTECTION-(Article 17, Subtitle 3, Section 17-9-301)

2) Modification to disturb forest, woodland and habitat protection area to improve the existing dirt access driveway.

This disturbance has been permitted by State of Maryland, Department of the Environment-Water Management Administration by Letter of Authorization/Permit #08-NT-0252/200863218, dated 11-11-09. This disturbance was approved by Variance 2008-0338-V decision letter dated 2-4-09. The proposed disturbance is shown on grading plans (G02013453) enclosed with this modification request.

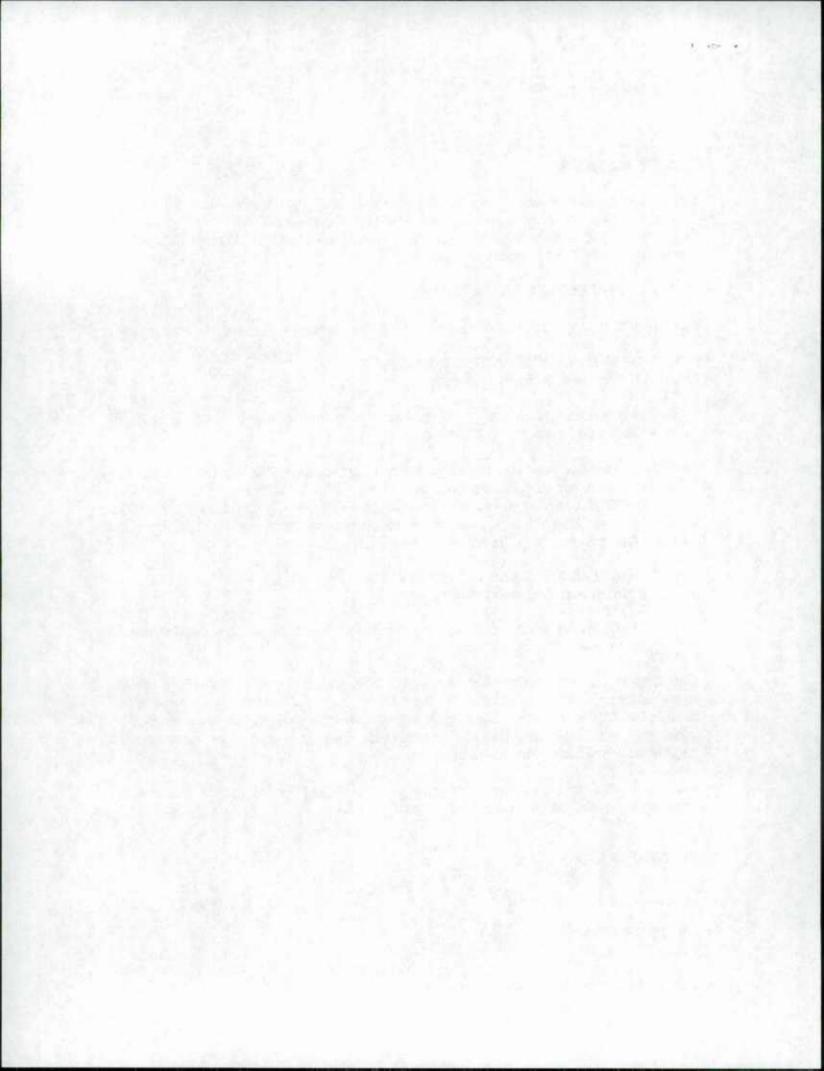
Should you have any questions or require any additional information to process this modification request, please contact this office. Thank you,

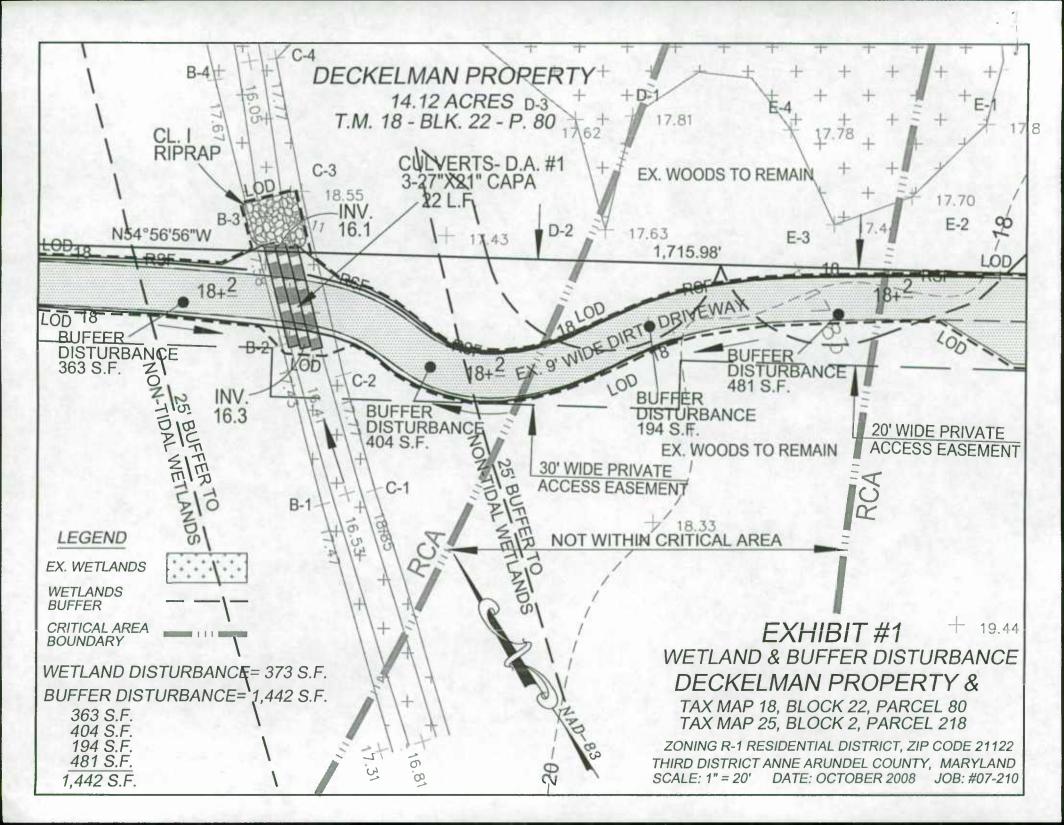
ED BROWN & ASSOCIATES, Inc.

Edward A. Brown, L.S.

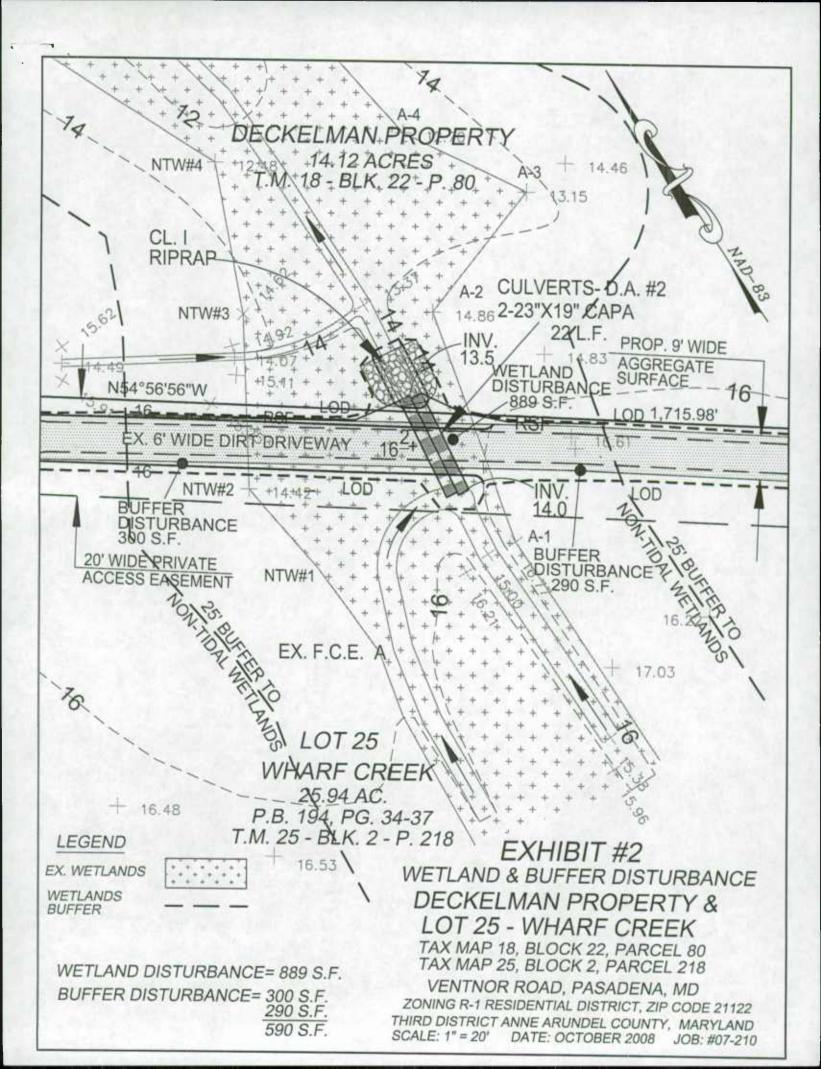
President

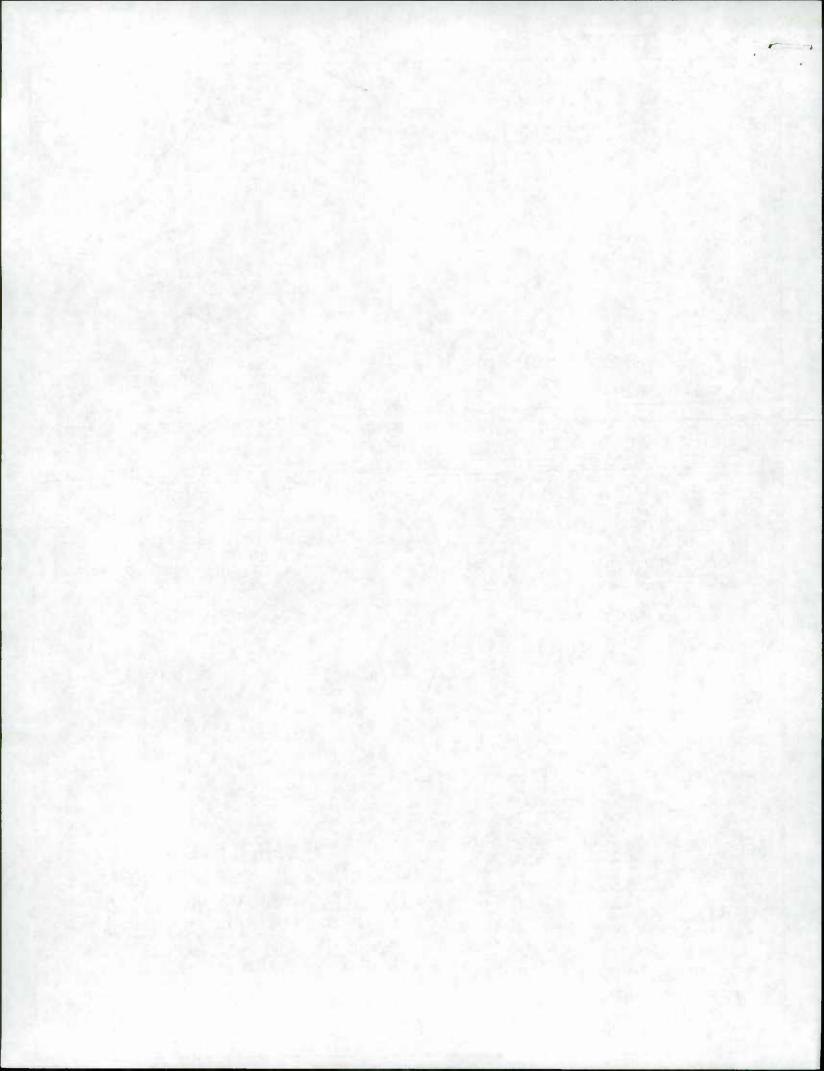
CC: Brian M. Deckelman, Robert F. Myers, file





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SEA TO	A Bulletin	and Constanting Street	2000 V V V	







September 28, 2009

George Beston
Maryland Department of the Environment
Mitigation Section
Hickman Building
120 Broadway
Centerville, MD 21617

RE: South County Wetland Preserve Deale, MD

George,

William S. Magenau (property owner), by executing the attached Developer/Landowner Agreement, has accepted responsibility for creating and maintaining 2,524 square feet of forested wetland area on the subject property identified as the South County Wetland Preserve (SCWP). The mitigation will be accomplished on behalf of Brian Deckelman, (applicant) under the provisions set forth by the Maryland Department of the Environment Permit number 200863218 and Corps of Engineers permit number 08-NT-025.

CRITICAL AREA COMMISSION

Chesapeake & Atlantic Coastal Bays

According to our tracking information, the amount of wetland mitigation remaining in SCWP is now 112,192 square feet. Please update your tally sheet and forward a copy to me via email. Feel free to call with any questions.

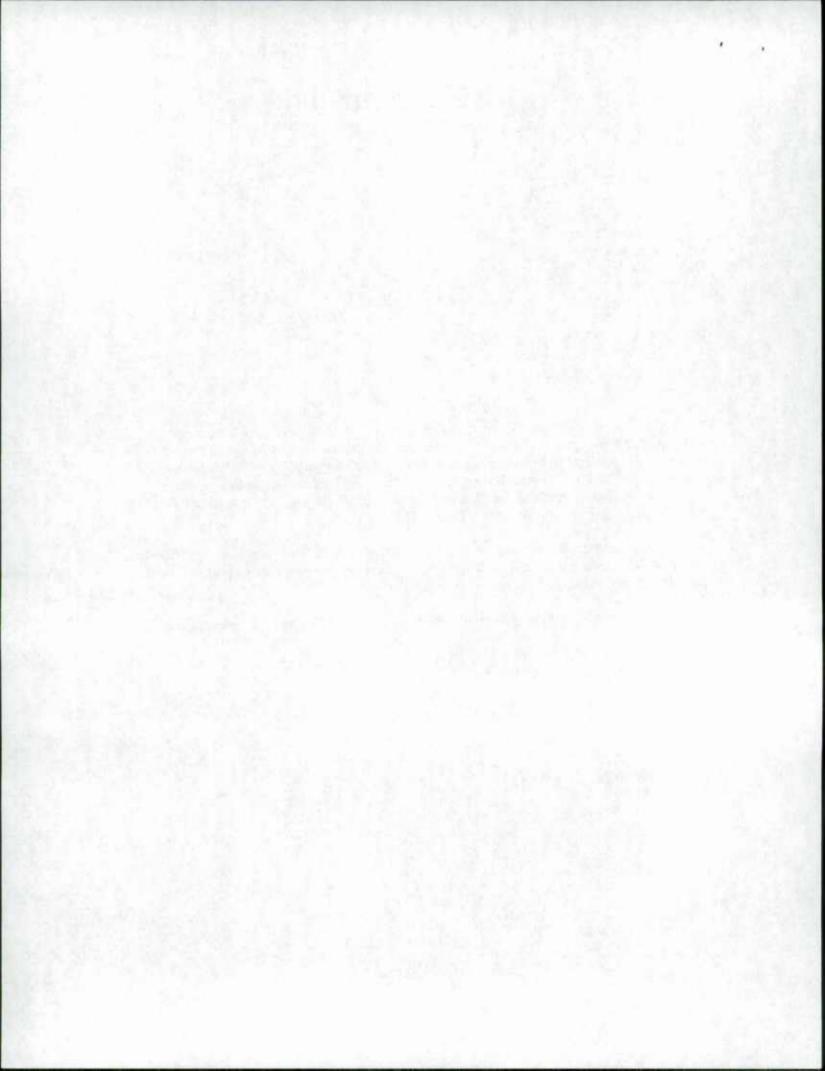
Please feel free to contact me or Tom with any questions regarding this wetland mitigation agreement.

Sincerely,

Kevin E. Hedge, PWS #1559 President, KEH Consulting, LLC

Cc: Tom Magenau
Eric See
Brian Deckelman

kevin@keh-enviro.com
4309 English Morning Lane, Ellicott City, Maryland 21043
Phone: 410-203-2270 Mobile: 410-608-5086



SOUTH COUNTY WETLAND PRESERVE CONSOLIDATED OFF-SITE WETLAND MITIGATION AREA

AGREEMENT OF SALE

Agreement of sale for Wetland Mitigation Credits (Agreement) between Brian Deckelman (Developer) and William S. Magenau (Landowner) to satisfy all wetland mitigation requirements for:

US Army Corps of Engineers Permit No. 200863218 MDE Wetlands & Waterways Authorization No. 08-NT-025

I, Brian Deckelman (Developer), located at 7828 Mallow Ct, Pasadena, MD 21122, hereby enter into an agreement with William S. Magenau (Landowner), who is the owner of property located on Deale Beach Road in Deale, Maryland 20751 and is further described in a deed recorded at book 7340 page 317 as:

BEING KNOWN AND DESIGNATED as all that parcel of ground referred to as "Reserved Parcel" containing 37.3580 acres as shown on a plant entitled "Minor Subdivision Family Conveyance Parcels 1 & 2 of the ROBERT C MILLIGAN PROPERTY". Said plat being recorded in the land records of Anne Arundel County, Maryland in Plat Book 135 at Page 34.

BEING the same parcel of ground, which by deed dated June 12, 1989 and recorded among the land records of Anne Arundel County, Maryland in Liber 4874, Folio 53 was granted and conveyed to Robert C. Milligan, Thomas S. Milligan and Michael R. Milligan unto Robert C. Milligan, the Grantors herein"

It is understood by both parties to this agreement that all Federal and State of Maryland wetlands mitigation requirements pertaining to Maryland Department of the Environment Non-tidal Wetlands and Waterways Authorization No. 08-NT-025 and US Army Corps of Engineers Permit No. 200863218; further described as Parcel 80 on Tax Map 18, located on Orchard Point Road in the Ventnor Subdivision of Pasadena, MD, will be provided for at the above property owned by William S. Magenau.

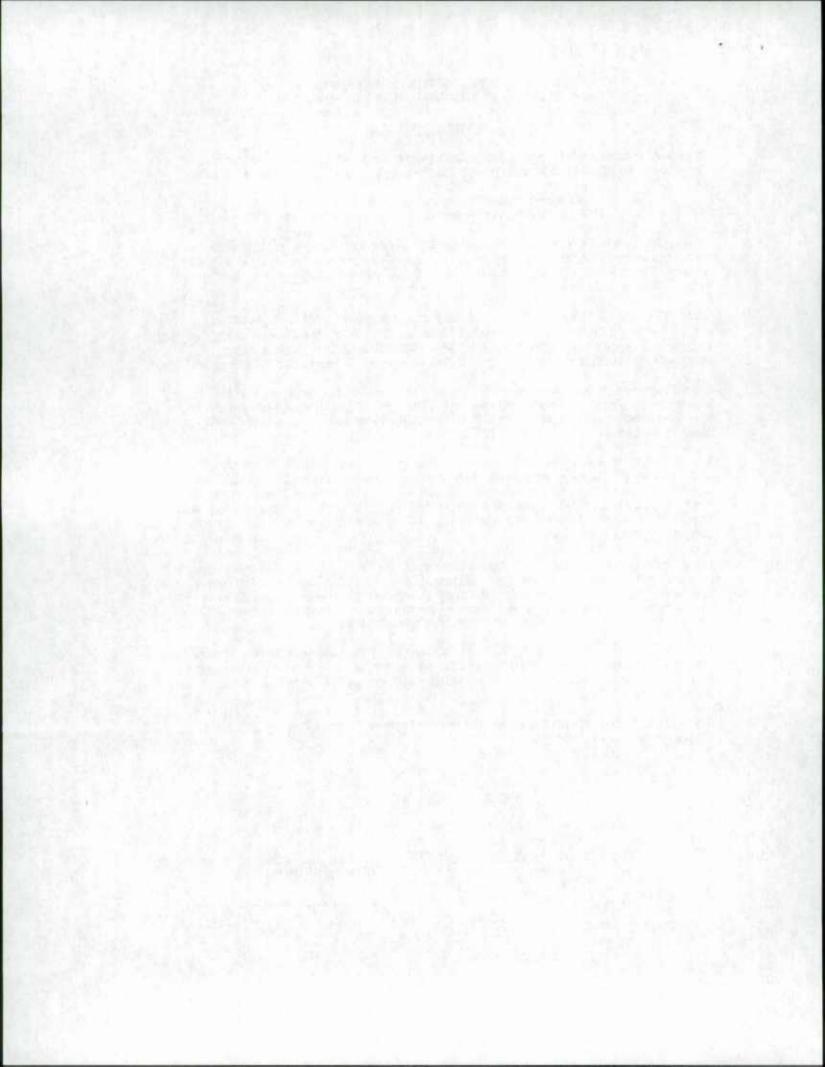
It is understood by both parties that this Agreement calls for the creation of 2,524 square feet of replacement forested wetland area (mitigation for impacts of 1,262 square feet of PFO, provided at a ratio of 2:1), to be accomplished at the South County Wetland Preserve Site. William S. Magenau shall assume full responsibility for construction, planting, monitoring and remediation as may be required to meet Federal and State mitigation standards.

Brian Deckelman agrees to pay \$2,953.00 (Two Thousand, Nine Hundred, Fifty-three dollars) to William S. Magenau for the said creation of 2,524 square feet of forested non-tidal wetland area, on the land described above to satisfy the conditions of the above referenced Federal and State authorizations.

The original (signed copy) of this agreement shall be forwarded, along with a check made out to William S. Magenau to:

Kevin E. Hedge, PWS #1559 KEH Consulting LLC 4309 English Morning Lane Ellicott City, Maryland 21043

	City, Maryland 21043
A copy of the agreement signed by both pa	arties will be returned for your records
Statt Scotonnan	LANDOWNER: William S. Magenau
DATE: 9-11-09	DATE: 9.24.09





September 28, 2009

Jim Johnson Anne Arundel County Department of Inspections & Permits 2664 Riva Road, 2nd Floor Annapolis, MD 21401

RE: South County Wetland Preserve Deale, MD

Dear Mr. Johnson

William S. Magenau (property owner), by executing the enclosed Developer/Landowner Reforestation Credit Agreement, has accepted responsibility for planting and maintaining 24,080 square feet of forested critical area on the subject property identified as the South County Wetland Preserve. The planting will be accomplished on behalf of Brian Deckelman (applicant) under the provisions set forth by Anne Arundel County Grading Permit G02013453. This requirement will be met in the South County Wetland Preserve (SCWP) as noted below.

SWCP Stage 3 area (protected under easement)

SCWP Stage 3 area used (prior)

SCWP Stage 3 area used (herein)

SCWP Stage 3 area used (herein)

SCWP Stage 3 area used (total)

4.89 acres or 213,008 s.f.

0.55 acres or 24,080 s.f.

2.38 acres or 103,813 s.f.

Note: of the 4.89 acre Stage 3 area, 3.03 acres us currently planted or will be planted and 1.86 acres are in woodland preservation.

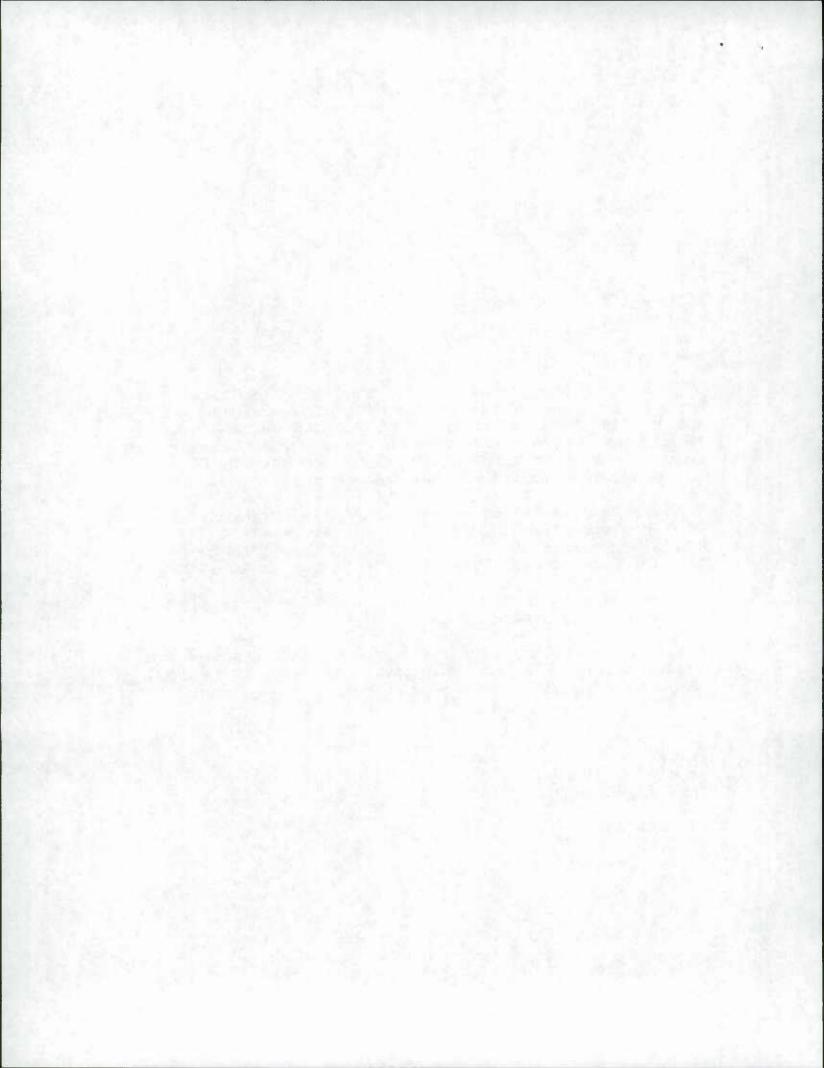
Please update your tally sheet with the information contained in this document and forward a copy to me via email. Feel free to call with any questions regarding this letter or other bank management issues.

Sincerely,

Kevin E. Hedge, PWS #1559 President, KEH Consulting, LLC

Cc: Tom Magenau Eric See Brian Deckelman

kevin@keh-enviro.com
4309 English Morning Lane, Ellicott City, Maryland 21043
Phone: 410-203-2270 Mobile: 410-608-5086



SOUTH COUNTY WETLAND PRESERVE AND CONSOLIDATED REFORESTATION AREA

DEVELOPER/LANDOWNER REFORESTATION CREDIT AGREEMENT

Brian Deckelman, party of the first part, hereinafter called DEVELOPER, located at 7828 Mallow Ct., Pasadena, Maryland 21122 hereby enters into an agreement with William S. Magenau, party of the second part, hereinafter called LANDOWNER, who is the owner of property located on Deale Beach Road in Deale, Maryland 20751 and is further described in a deed recorded at book 7340 page 317 as:

BEING KNOWN AND DESIGNATED as all that parcel of ground referred to as "Reserved Parcel" containing 37.3580 acres as shown on a plant entitled "Minor Subdivision Family Conveyance Parcels 1 & 2 of the ROBERT C MILLIGAN PROPERTY". Said plat being recorded in the land records of Anne Arundel County, Maryland in Plat Book 135 at Page 34.

BEING the same parcel of ground, which by deed dated June 12, 1989 and recorded among the land records of Anne Arundel County, Maryland in Liber 4874, Folio 53 was granted and conveyed to Robert C. Milligan, Thomas S. Milligan and Michael R. Milligan unto Robert C. Milligan, the Grantors herein"

For the purpose of satisfying, at the above property, all County required Chesapeake Bay Critical Area Forest mitigation requirements pertaining to Anne Arundel County Grading Permit G02013453 for the site located on Orchard Point Road, Pasadena, Maryland 21122, also identified on Tax Map 18 as Parcel 80 in the Ventnor Subdivision, will be provided for at the above property owned by William S. Magenau.

It is understood by both parties that this Agreement calls for the creation of 24,080 square feet of replacement forested area, as dedicated by easement and shown on the Reforestation Areas Map for the "South County Wetland Preserve and Consolidated Off-Site Reforestation Area" on file at Anne Arundel County.

The DEVELOPER agrees to pay \$25,284.00 (Twenty Five Thousand, Two Hundred and Eighty-four Dollars) to William S. Magenau for the said creation of 24,080 square feet of forested area, on the land described above and approved by Anne Arundel County as per the Reforestation Agreement of file at Anne Arundel County.

The original (signed copy) of this agreement shall be forwarded, along with a check made out to William S. Magenau to:

Kevin E. Hedge, PWS #1559 KEH Consulting LLC 4309 English Morning Lane Ellicott City, Maryland 21043

Once executed, a copy of the agreement signed by both parties will be returned for your records.

DEVELOPER: Revealed Brian Deckelman	LANDOWNER William S. Magenau
DATE: 9-14-09	DATE: 9, 24. 09

