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/

September 29, 2009

David S. Teel, Town Manager
Town of Betterton
#3 Third Avenue
P.O. Box 339
Betterton, MD 21610

Re: Francis Julian Buffer Management Plan
TM 100, Parcel 1706

Dear Mr. Teel:

We are in receipt of updated information from the Town that responds to my September 3, 2009 letter regarding the Buffer Management Plan for the Julian property. It is my understanding that the applicant has cleared approximately 24,135 square feet of the expanded Buffer for steep slopes without authorization. Consequently, the Town has asked the applicant to provide a Buffer Management Plan to restore these cleared areas, and is requesting 1:1 mitigation instead of 3:1 mitigation. It is our understanding that the Mayor and Council approved this recommendation unanimously.

While this office continues to recommend 3:1 mitigation for this violation, we will defer to the Town's determination in this matter. However, we would like to note that the current draft State regulations concerning the Buffer will require 4:1 mitigation for violations. These draft regulations are scheduled to be voted on by the Critical Area Commission in October, and, if approved, will be submitted to the Maryland Register shortly thereafter. The regulations will likely be effective in early 2010. A copy of the most recent draft of the Buffer regulations is attached to this letter.

Thank you for the opportunity to provide comments on this Buffer Management Plan. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

Nick Kelly

Nick Kelly
Natural Resource Planner
cc: Joanne Hewette-Hollidge, Town of Betterton
Roby Hurley, Critical Area Commission

BE 0531-08
Enclosure

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 3, 2009

David S. Teel, Town Manager
Town of Betterton
#3 Third Avenue
P.O. Box 339
Betterton, MD 21610

Re: Francis Julian Buffer Management Plan
TM 100, Parcel 1706

Dear Mr. Teel:

We are in receipt of updated information that responds to my October 16, 2008 letter regarding the Buffer Management Plan for the Julian property. It is my understanding that the applicant has cleared approximately 24,135 square feet of the expanded Buffer for steep slopes without authorization. Consequently, the Town has asked the applicant to provide a Buffer Management Plan to restore these cleared areas. The applicant proposes to provide 24,135 square feet of mitigation in the form of 18 trees with three large shrubs (7,200 square feet of credit), 91 large shrubs (4,550 square feet of credit), and 496 small shrubs (12,400 square feet of credit). In addition, the applicant proposes to remove man-made debris and invasive plants from a portion of the expanded Buffer, as well as remove organic debris from another portion of the Expanded Buffer.

Based on the responses provided by Mr. Julian, I have the following comments:

1. As stated in our previous letter, mitigation for a Buffer violation within the Town must be performed at a 3:1 ratio. Currently, the applicant is only providing mitigation at a 1:1 ratio. The applicant must revise the Buffer Management Plan to provide 72,405 square feet of Buffer plantings.

2. It appears that the applicant is a requesting a waiver or reconsideration of the bond requirement for this violation. We strongly request that the Town require a bond to ensure effective implementation of this project for a two-year period. As stated in the Town's Zoning Ordinance, Appendix 1, §7.8.4, within the Critical Area, a performance bond or surety should be executed by the owner in the amount of 120% of proposed plant materials, labor, and maintenance costs.

3. Staff recommends that the applicant replant Area D, which is the location of the organic debris removal.

4. Please have the applicant provide provisions for maintenance, survival, monitoring, and replanting of the area. We recommended that the applicant refer to the Town's Zoning Ordinance, Appendix 1, §7.8 to determine the measures necessary to meet this requirement. We note that the ordinance requires plantings to be completed within a two- year period.

Thank you for the opportunity to provide additional comments on this Buffer Management Plan. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

Nick Kelly
Natural Resource Planner
cc: Joanne Hewette-Hollidge, Town of Betterton
Roby Hurley, Critical Area Commission
BE 0531-08

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/

October 16, 2008

The Honorable Carolyn Sorge
Town of Betterton
#3 Third Avenue
PO Box 339
Betterton, MD 21610

Re: Francis Julian Buffer Management Plan
TM 100, Parcel 1706

Dear Mayor Sorge:

Within the past few weeks, Mary Ann Skilling has provided us information regarding the Buffer Management Plan for the Julian property. It is my understanding that the applicant has cleared approximately 24,135 square feet of the Expanded Buffer for steep slopes without authorization. Consequently, the Town has asked the applicant to provide a Buffer Management Plan to restore these cleared areas. The applicant proposes to provide 24,135 square feet of mitigation in the form of 18 trees with three large shrubs (7,200 square feet of credit), 91 large shrubs (4,550 square feet of credit), and 496 small shrubs (12,400 square feet of credit). In addition, the applicant proposes to remove man-made debris and invasive plants from a portion of the expanded Buffer, as well as remove organic debris from another portion of the Expanded Buffer.

Based on the information provided, and based on a June 20, 2008 site visit, I have the following comments on the Buffer Management Plan:

1. Based on my conversation with Mary Ann Skilling, Circuit Rider for the Town of Betterton, it is my understanding that a fine was not issued for this Buffer violation. The Town of Betterton Zoning Ordinance, §34.G(3), states that for any "unauthorized clearing, cutting, or removal of vegetation in the Buffer or another Habitat Protection Area, fines shall be assessed." §15.C of the Betterton Zoning Ordinance states that, "in addition to any other penalty applicable under State or municipal law, a person who violates a provision of Natural Resources Article, Title 8 Subtitle 18, or the Town's Critical Area Program, ordinances, or regulations is subject to a fine not to exceed $10,000." Based on this information, the Town issue and collect a fine for this Buffer violation prior to any approval of the submitted Buffer Management Plan.

2. The Town Of Betterton Zoning Ordinance §34.G(3) states that "reforestation shall be required at 3 times the total surface acreage of forest cleared." The applicant is currently only providing 1:1 mitigation for this violation. Furthermore, in order to install trees along the slope of Area C, grading may be likely. Based on this information, please have the applicant revise the Buffer Management Plan to provide 72,405 square feet of Buffer plantings.

3. The applicant proposes to remove organic debris (dead trees and branches) in the expanded Buffer from Area C. However, the applicant has not proposed replanting Area C upon removal. Based upon my visit to the site, it appears that the debris removed is the remains of the trees that were removed from without authorization from Area B. Staff recommends that the applicant replant this area. In addition, the applicant should not receive 1:1 mitigation credit for this removal.

4. Please have the applicant provide more information on how Area E will be managed and maintained. Currently, the applicant states only that they will "continue to manage and maintain as it currently exists."

5. Please have the applicant provide information on the type of spray that will be used to remove invasive species from the Buffer.

6. Please have the applicant provide provisions for maintenance, survival, monitoring, and replanting of the area. We recommended that applicant refer to Town's Zoning Ordinance, Appendix 1, §7.8 to determine the measures necessary to meet this requirement. We note that the ordinance requires plantings to be completed within a two-year period.

7. Prior to the approval, the Town should acquire from the applicant provisions for the collection of a bond in an adequate amount to ensure effective implementation of this project for a two-year period. As stated in the Town's Zoning Ordinance, Appendix 1, §7.8.4, within the Critical Area, a performance bond or surety should be executed by the owner in the amount of 120% of proposed plant materials, labor, and maintenance costs.

Thank you for the opportunity to provide comments on this Buffer Management Plan. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

Nick Kelly

Nick Kelly
Natural Resource Planner
cc: BE 0531-08

We The People
THOMAS O HOLLIDGE
10 1ST AVE
BETTERTON MD 21610-9702

August 6, 2010

Town of Betterton
3 3rd Ave
Betterton Md. 21610

To.The Mayor& Council

Ref. Critical Area Buffer Regulations

At the Town of Betterton Workshop on November 24, 2009 Ren Serey, Executive Director, CAC reported on the goals of the CABR. 1) Protect water quality: 2) protect habitat: 3) to promote growth. Buffer Management Plans need to be, planted, managed, and fines imposed for non-compliance. The new stepped-up regulations will be effective in two months. Roby Hurley, Natural Resources Planner, reported that the 100ft Buffer Ordinance in regards to the Bluff requires: the protection of endangered species, to stabilize the slope, tidal erosion, impervious run off. Teri Batchelor, Forester, is available for advice. Dr.Carl Gallegos, WCC would provide recommendations for trees, shrubs, and perennials to be planted on the bluff to prevent erosion.

How is the taskforce doing? How many members?

Critical Area Enforcement:

Roby Hurley reported that the Critical Area Commission requires every town/county enforce any violations by: 1) citation; 2) fine up to $10,000.00; 3) restoration plan; 4) litigation. To avoid violation, all property owners should have a Buffer Management Plan and each town/county should have a Universal Buffer Management Plan.

Example!

On May 3, 2006 Mr. Francis R. Julian, 9 Idlewhile Ave signed a letter from the Maryland Planning Dept to reaffirm his plan. Item #4 was very important and needed to be completed. As of this date nothing has been completed. See attached letter.

On May 25, 2010 logs and other debris were removed from his waterfront. He rebuilt his breakwater adding stone to the existing area and extending his wall for about 30 or 40 feet.(see pictures). The Sassafrass River Association reviewed the work and because it is not in the tidal area it becomes a town issue. The Mayor asked Mr. Teel to look at it. He said that DNR also said that it was a town issue. Is this part of his buffer management plan or critical area plan and needs no permit or inspection?

Tom Hollidge

NICK: THE MAYOR/COUNCIL WOULD LET ME CONTINUE IN THE MEETING

410-348-2352

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

April 28, 2006

Mr. Francis R. Julian
Eastern States Leasing, L.L.C.
702 First Street Boulevard
Wilmington, Delaware 19804

RECEIVED
MAY - 3 2006
EASTERN STATES

Re: 9 Idlewhile Avenue

Dear Mr. Julian:

On April 27, 2006, Tom Hollidge and I visited the site at 9 Idlewhile Avenue in which you are implementing your Buffer Management Plan. There was some concern over the gravel placed down the slope and the exposed outfall of the pipe from the road storm drain.

I would like to reaffirm the work agreed to in your management plan and recommend modifications as follows:

1. The area as noted on your plan map was to remove an old tree stump and provide a continuous grade along the slope of the bank. The area will be lime, fertilized and seeded to stabilize the bank (according to your S&E Plan) and planted with native trees and shrub.

2. Although the placement of stone on the hill side was not included in your plan, it can remain as long as it is stabilized. In our conversation, the stone was placed in this area to only allow a small tractor with a spraying accessory to access the bottom to be used to control invasive species.

3. No additional clearing will occur in the bottom of the ravine beyond that which has already been completed and approved in your plan.

4. Since the outfall of the stormwater pipe from Idlewhile Avenue has no protection should a heavy rain occur, a rock basin must be installed. This will help provide some immediate and long term protection.

If you concur with this letter, please sign the attached page and return all to the Town Office as soon as possible.

Thanks for your cooperation in this matter.

Upper Eastern Shore Regional Office
120 Broadway, Suite 10 Centreville, Maryland 21617-1000
Telephone: 410.819.4080 Fax: 410.819.4090

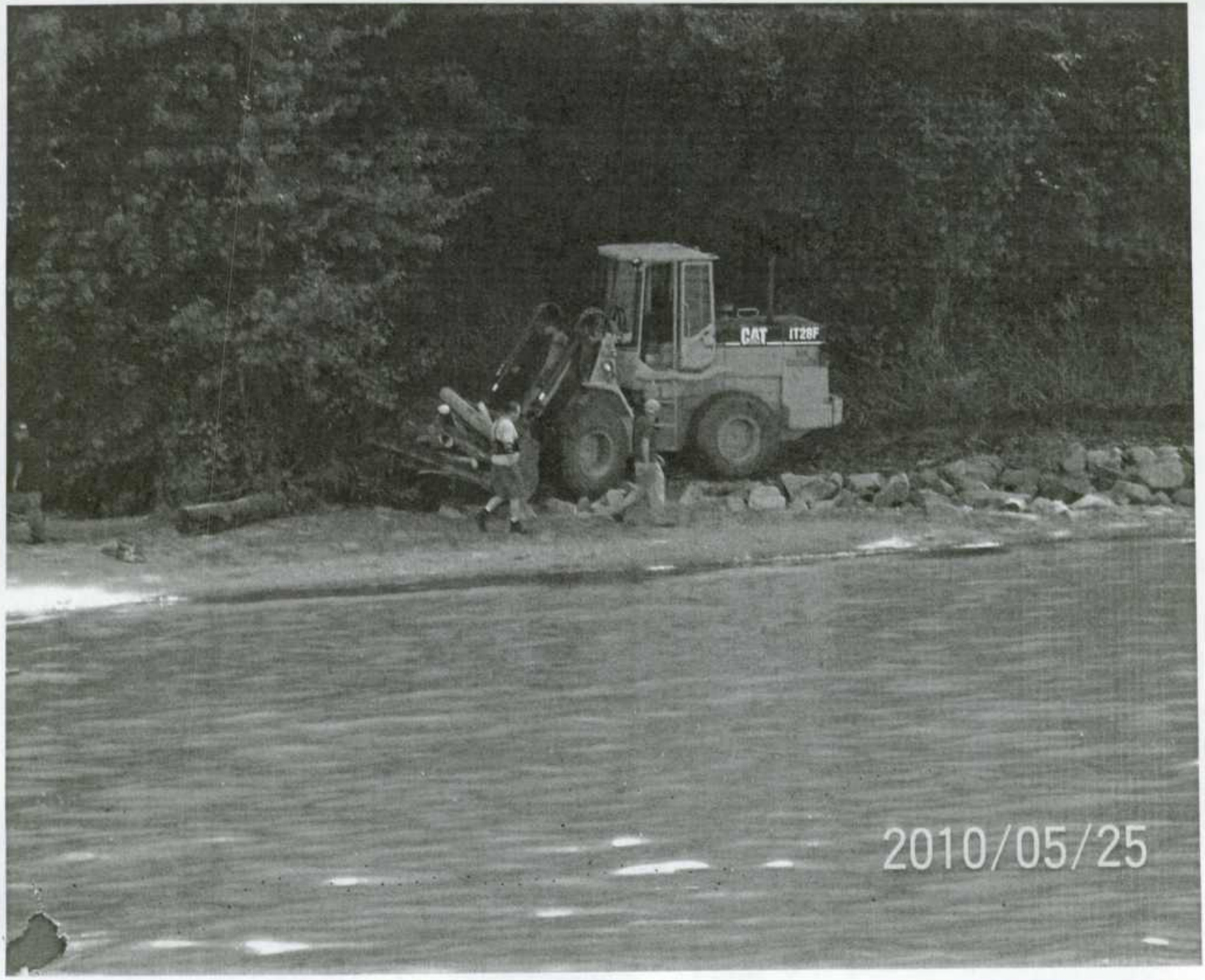
Sincerely,

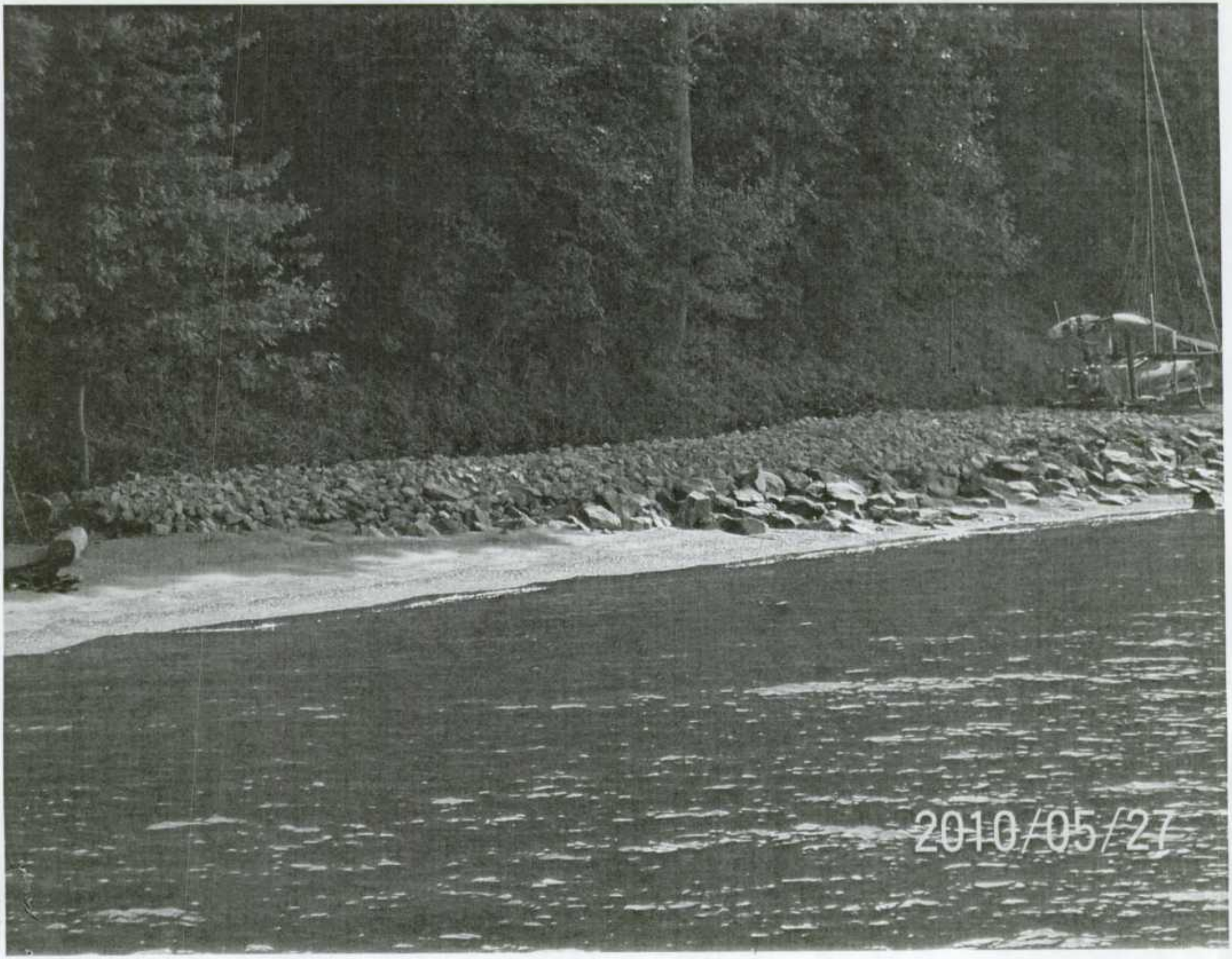
Mary Ann Skilling
Critical Area Planner

Copy: Carolyn Sorge, Mayor
Tom Hollidge, Council Member
Dave Teel, Town Administrator

I concur with the above and will act according to the provisions of my Buffer Management Plan dated 6/7/2005 and the approved Sediment and Erosion Control Plan dated 7/13/2005.

Francis R. Julian 5/3/06
Date


CAT IT28F
2010/05/25


2010/05/27

NF

Town of Betterton

3 THIRD AVENUE
P.O. BOX 339
BETTERTON, MARYLAND 21610

Phone: 410-348-5522
Fax: 410-348-5131
betterton@
baybroadband.net

September 18, 2009

Nick Kelley, Natural Resource Planner
State of Maryland Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Francis Julian Buffer Management Plan
TM 100, Parcel 1706

Dear Nick,

We are in receipt of your letter dated Sept. 2, 2009, re the violations on the above property. The Betterton Planning Commission is in agreement with all of your comments, except we are asking for modification of 1. Re: mitigation at 3:1. At its meeting on October 27, 2008, the PC voted to advise Mr. Julian of his need for mitigation but the members of the PC felt in the best interest of all parties to keep the mitigation at 1:1. This recommendation was communicated to Mayor and Council, which approved it unanimously, and that decision was passed on to you in a letter from Mayor Carolyn Sorge written at the end of October. The same recommendation, of 1:1 remediation, was communicated to Mr. Francis Julian in a letter of Oct. 30, from Town Manager David Teel. At the present time, the replantings are still not in place, and we are asking that you reconsider 1:1 mitigation as we would like the property owner to more forward with his revised Buffer plan. In order to do this, the Planning Commission is asking for your approval of 1:1 replacement.

The Planning Commission is, as I stated, in accord with all the Critical Area Commission's other comments.

Sincerely,

Joanne Jewett Hollidge, Chairman,
Town of Betterton Planning Commission.

RECEIVED
SEP 21 2009
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

BE 531-08

Town of Betterton
3 Third Avenue, P. O Box 339
Betterton, MD 21610

July 13 , 2009

Mr. Francis R. Julian
Eastern States Leasing, LLC
702 First State Boulevard
Wilmington, DE 19804

Re: 9 Idlewhile Avenue Buffer Management Plan

Dear Mr. Julian,

This letter is written to follow up on the status of your buffer management plan and the remaining steps in approval and execution of your plan. Payment of the fine has been completed and we now need a cost estimate for the plantings from a licensed nursery and an escrow or bond equal to 120% of the estimated cost. The planting needs to be completed as soon as possible and guaranteed for a two year period.

Also please address and submit responses to the questions raised in Mr. Kelly's letter (10/16/2008, copy attached) in items 3 through 7 and submit them for review and approval at your earliest convenience. When they have been reviewed and approved you may proceed with execution.

We look forward to bringing this matter to closure. Please feel free to contact this office if you have any questions.

Sincerely,

David S. Teel
Circuit Rider/Town Manager

CC: Betterton Planning Commission
Nick Kelly, MD Critical Area Commission

BE 0531-08

Town of Betterton

3 THIRD AVENUE
P.O. BOX 339
BETTERTON, MARYLAND 21610

Phone: 410-348-5522
Fax: 410-348-5131
betterton@
baybroadband.net

Mr. Francis R. Julian
Eastern States Leasing, LLC
702 First State Boulevard
Wilmington, DE 19804

March 10, 2008

Re: 9 Idlewhile Avenue

Dear Mr. Julian,

Inspection indicates that you have been performing work on the above property in excess of that authorized under your Buffer Management Plan and your acceptance of that plan dated May 3, 2006.

You are hereby ordered to cease and desist from performing any more work related to tree removal or other soil disturbance and to immediately contact the Critical Area Planner, Mary Ann Skilling (410) 819 4080. Violation of Critical Area Regulations is now punishable by fines of up to $10,000 for each violation.

Thank you for your prompt attention to correcting this problem.

Sincerely,

David S. Teel
Town Manager

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

MDP
Maryland Department of Planning

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

April 10, 2008

Mr. Francis Julian
Eastern States Leasing, LLC
702 First State Boulevard
Wilmington, DE 19804

Re: 9 Idlewhile Avenue

Dear Mr. Julian:

I met with Teri Batchelor, DNR Forester regarding the work you have performed in the ravine on the east side of your property. We also had an opportunity to talk to the Fahrman brothers who were doing work at your property. As a result of our inspection and discussion with the young men, it is apparent that the work performed is in conflict with your Buffer Management Plan. The following observations were noted:

1. At least 4-5 trees were cut on the banks of the ravine.
2. Equipment (was it a Bobcat?) was using the stone area to access the lower part of the ravine to remove logs and other debris (not a small tractor). There were several areas stripped of vegetation due to the continual use of the machinery and ruts where it became stuck (this according to the Fahrman? brothers).
3. There appeared to be additional stone placed on the slope to provide access for the Bobcat.
4. The grassy area from Idlewhile to the bottom of the slope was cut and little or no vegetation existed to support possible heavy flows that may occur at the outfall of the pipe under the road or over land from your property. Some erosion has occurred and was obvious by the exposure of the root ball from the trees that were planted.

**Note: Several of the previously planted trees show (a) a partially exposed root ball, and (b) retained burlap and rope around the top exposed portion of the root ball. The rope and burlap should be pulled back away from the top of the root ball and "tucked" in to the tree planting hole. The root ball should also be covered fully with soil to the edge of the root collar.*

5. Part of your plan was to control wisteria growth by spot spraying sprouts and removing the vines from trees. This process would allow the bottom to naturally regenerate to provide habitat for wildlife and erosion control.

It is important to note that the Licensed Tree Care Expert law requires that individuals providing tree care recommendations for compensation including the cutting/removal or pruning of trees must be licensed by the State of Maryland. Website reference: http://www.dnr.state.md.us/download/telaw.pdf For future work, engage the services of a Maryland Licensed Tree Expert. Additionally, once trees are planted, mowing should be limited to a single walking path 5'-8' wide with remaining areas un-mowed except for SPOT treatment (chemically &/or mechanically) of invasive exotics. Avoid all non-tidal wetlands in the placement of any roads or major paths.

Based on our site visit, the work performed is in violation of the Town's Critical Area Program and your Buffer Management Plan. Due to disturbance to the stream buffer and on steep slopes, I am recommending to the Town that a fine of $500 be imposed. In addition, the stone placed on the slope must be removed, seeded and a matting installed to stabilize the bank. Grass on the slope and in the bottom of the slope should be allowed to grow to stabilize the area. No additional tree removal should occur and replacement shall be at 3:1 for trees already cut (12 trees as replacement). Select Maryland natives only for tree replacement purposes. Utilize either split tree tubes or small fencing around the tree trunk for deer browse and buck rub protection until the trees are larger and the bark is well developed.

Should you have any questions regarding this letter, feel free to call me or Dave Teel the Town Administrator.

Sincerely,

Mary Ann Skilling
Critical Area Circuit Rider

Copy: Teri Batchelor, DNR Forester
Joanne Hollidge, Chair Planning Commission
Carolyn Sorge, Mayor
Dave Teel, Town Administrator

MDP

Maryland Department of Planning

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

April 28, 2006

RECEIVED
MAY - 3 2006
EASTERN STATES

Mr. Francis R. Julian
Eastern States Leasing, L.L.C.
702 First Street Boulevard
Wilmington, Delaware 19804

Re: 9 Idlewhile Avenue

Dear Mr. Julian:

On April 27, 2006, Tom Hollidge and I visited the site at 9 Idlewhile Avenue in which you are implementing your Buffer Management Plan. There was some concern over the gravel placed down the slope and the exposed outfall of the pipe from the road storm drain.

I would like to reaffirm the work agreed to in your management plan and recommend modifications as follows:

1. The area as noted on your plan map was to remove an old tree stump and provide a continuous grade along the slope of the bank. The area will be lime, fertilized and seeded to stabilize the bank (according to your S&E Plan) and planted with native trees and shrub.

2. Although the placement of stone on the hill side was not included in your plan, it can remain as long as it is stabilized. In our conversation, the stone was placed in this area to only allow a small tractor with a spraying accessory to access the bottom to be used to control invasive species.

3. No additional clearing will occur in the bottom of the ravine beyond that which has already been completed and approved in your plan.

4. Since the outfall of the stormwater pipe from Idlewhile Avenue has no protection should a heavy rain occur, a rock basin must be installed. This will help provide some immediate and long term protection.

If you concur with this letter, please sign the attached page and return all to the Town Office as soon as possible.

Thanks for your cooperation in this matter.

RECEIVED
SEP 8 2008
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

Upper Eastern Shore Regional Office
120 Broadway, Suite 10 Centreville, Maryland 21617-1000
Telephone: 410.819.4080 Fax: 410.819.4090

Sincerely,

Mary Ann Skilling
Critical Area Planner

Copy: Carolyn Sorge, Mayor
Tom Hollidge, Council Member
Dave Teel, Town Administrator

I concur with the above and will act according to the provisions of my Buffer Management Plan dated 6/7/2005 and the approved Sediment and Erosion Control Plan dated 7/13/2005.

Francis R. Julian 5/3/06
Date

CRITICAL AREA BUFFER MANAGEMENT PLAN

Property owner: Francis R. Julian

Property Owner's Local Address: Idlewhile Avenue
Betterton, MD Parcel 1706

Lot/Parcel # 03-100-1706 (tax map)

Property Owner's Phone: ~~301-998-0688~~ 302-9952259 x 31

Proposed Buffer Disturbance: 150' x 100'

The areas as shown on the attached map will be managed to control invasive plants, removal of dead trees and the planting of more desirable native tree species.

Location A.

1. The control of invasive plants will be controlled with the use of a herbicide. Vines posing danger to trees will be removed from existing trees to encourage growth.

2. Dead trees will be removed and replaced with native trees.

3. Trees cut will be cut at ground level or 4" and below to promote healthier stump sprouts. All tree roots will remain to stabilize the area.

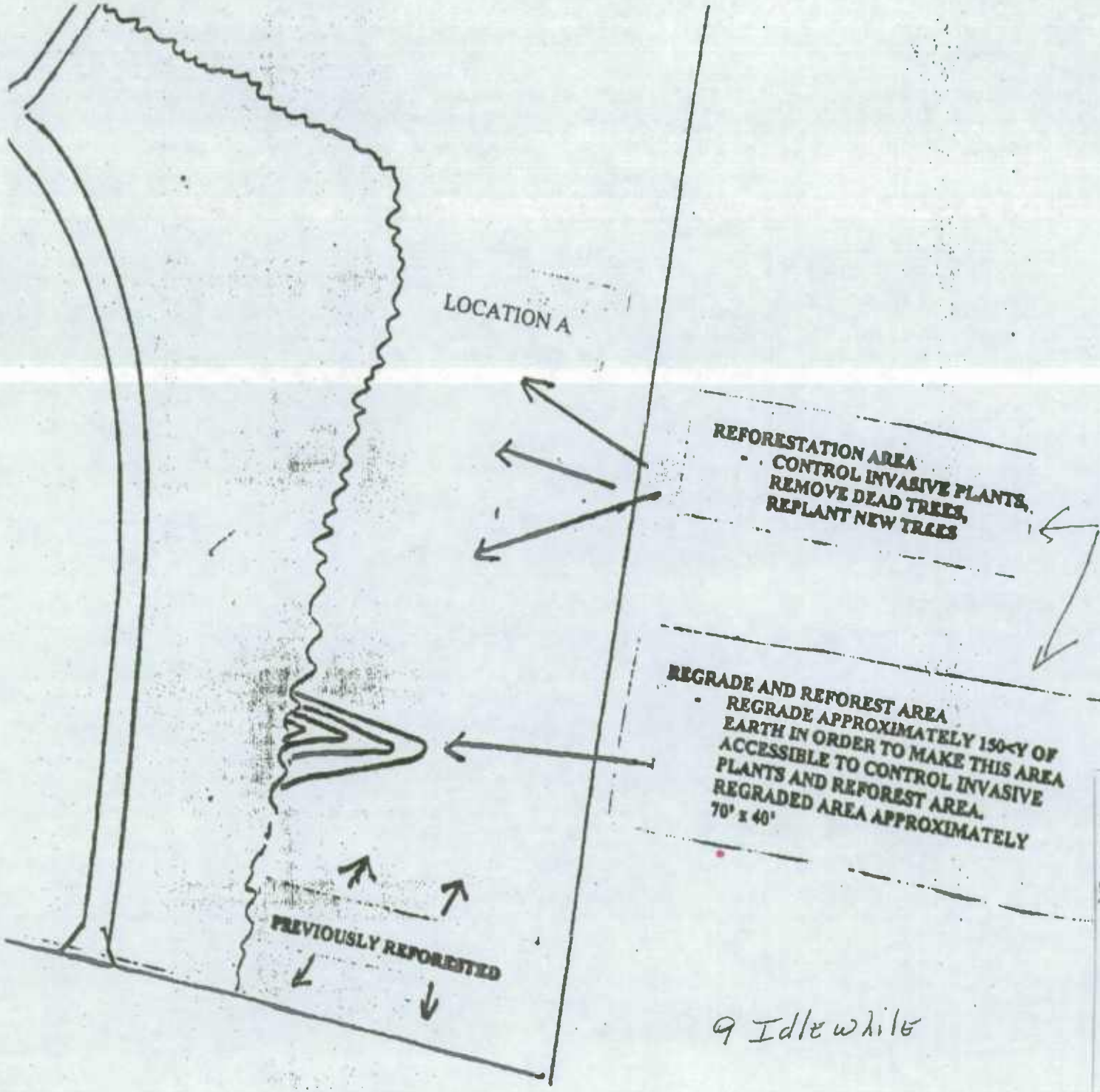
4. The grading and reforestation of an area approximately 70' x 40' is proposed to control invasive plants. Any grading of the site must apply for a grading permit from Kent County and a sediment and erosion control plan prior to any work in the area and presented to the Betterton Town Office. Any trees removed as a result of this work shall be replaced on a 3:1 ratio.

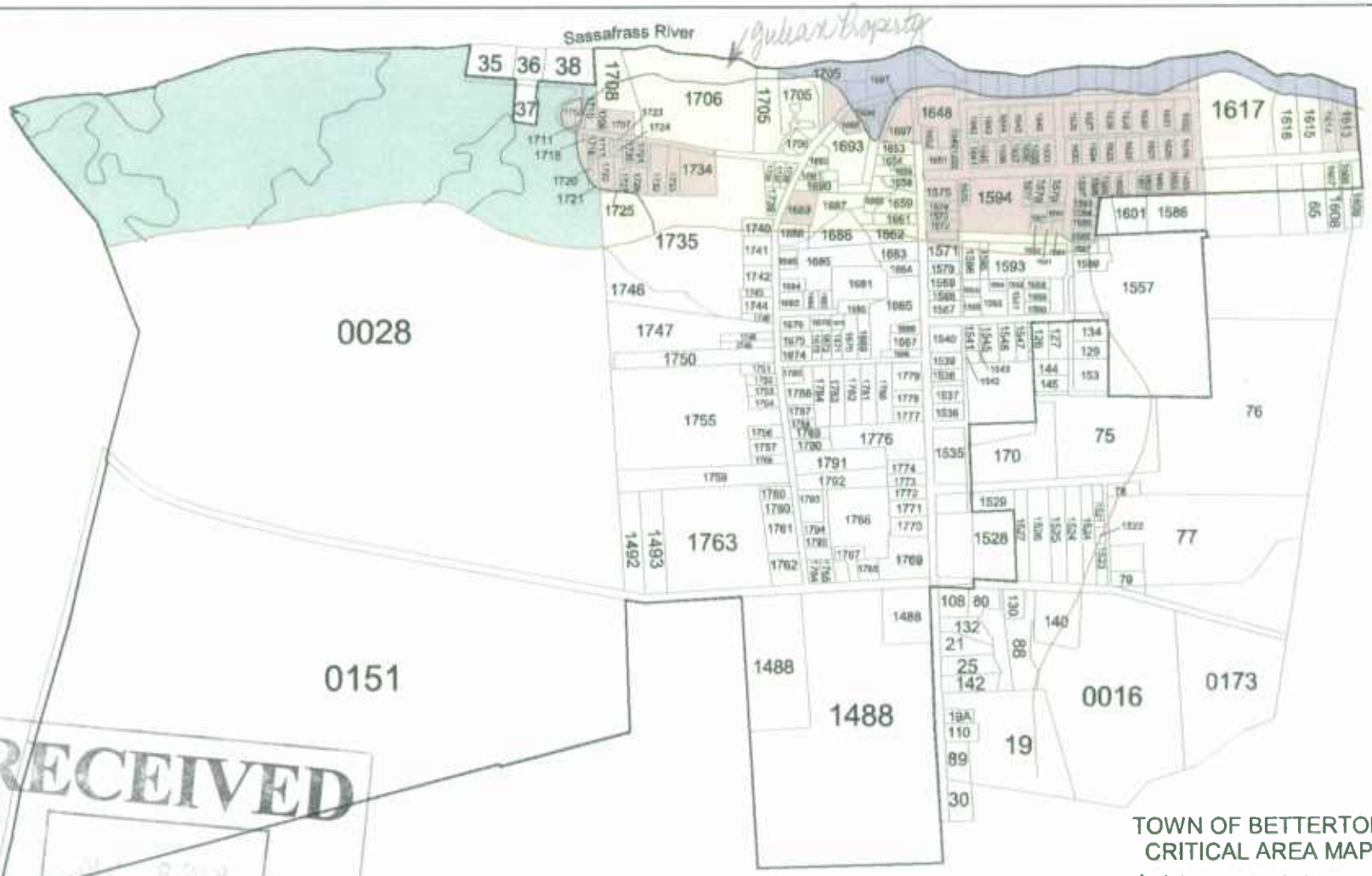
Once invasive plants are controlled, the area is to be allowed to return to a natural state and spot spraying used as a control method.

The majority of the work being performed will occur in the 100 foot Critical Area Buffer. It is important to note that a forest is a diverse community consisting of canopy, mid canopy, small tree/shrub layer and forest floor. The Critical Area law emphasizes water quality and wildlife habitat in which forested buffers are particularly valuable. The Buffer is not intended to be park like.

I certify these statements to be true and accurate and that any trees to be removed are on my property. I hereby grant the local jurisdiction official permission to enter my property for inspections of this Buffer Management Plan and to verify that the mitigation has been achieved.

Applicant Signature: _____ Date: 6/7/05





RECEIVED

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

Map Prepared for Town of Betterton
by the Maryland Department of Planning
2007

N

This is to certify that this is an official Zoning map as referenced in Article VI of the Town of Betterton Zoning Ordinance.

	Signature	Date
Mayor	Carolyn C. Sopp	7-24-07
Council Member	Donald E. Lyons	7-24-07
Council Member	Robert E. Pyle	7-24-07
Council Member	Thomas O. Holliday	7-24-07
Council Member	Edward C. Fuller	7-24-07

TOWN OF BETTERTON
CRITICAL AREA MAP

- Corporate Limit
- Parcel Boundaries
- Critical Area Line
- Buffer (100 Feet)

Critical Area Designations

- Buffer Exemption Area
- Intensely Developed Area
- Limited Development Area
- Resource Conservation Area

EASTERN STATES LEASING, L.L.C.
800 FIRST STATE BOULEVARD
WILMINGTON DE 19804
302 999-9700

July 28, 2009

Town of Betterton
3 Third Avenue
PO Box 339
Betterton MD 21610

Attn: David S. Teel, Town Manager

Re: 9 Idlewhile Avenue

Dear Mr. Teel,

We respectfully submit the following answers to questions posed by the Critical Area Commission in their letter to the Town dated October 16, 2008 concerning our buffer management plan.

Response to Item #3

The plan drawing indicates that area 3 will be reforested with 3 each oak trees, 9 pepper bushes and 9 inkberries.

No grading will take place.

Response to Item #4

Area "E" has been an organic debris disposal area for at least 20 years. Once this area cannot accept more fallen timber, branches and leaves, we will topsoil and seed the area.

Response to Item #5

Roundup will be the spray used to control invasive species.

Response to Item #6

More trees and plants than are required will be planted to insure that the minimum number will survive. We will plant at least 24 trees, normal survival rates are 90%. Eighteen trees are required. All bushes and plants will be planted with a 15% increase factor.

We will install a timed drip watering system to support the plantings until they are established. Once the plants are established, continued control of invasive species with the use of roundup will be implemented. Our experience with removing kudzu has shown that 80% of the vine is killed with the first application. The remaining 20% survives for up to 5 years. It will be sprayed as it regenerates.

Very Truly Yours,

Francis R. Julian

I:\wordfupstairs\Francis\belleton_3 072809.doc

EASTERN STATES LEASING, L.L.C.
800 FIRST STATE BOULEVARD
WILMINGTON DE 19804
302 999-9700

July 28, 2009

Town of Betterton
3 Third Avenue
PO Box 339
Betterton MD 21610

Attn: David S. Teel, Town Manager

Re: 9 Idlewhile Avenue

Dear Mr. Teel,

We wish to advise the Town that we will begin activities associated with our reforestation plan dated June 7, 2005.

Our work will include:

- Removing downed trees
- Removing discarded railroad ties
- Removing discarded farm implements
- Spraying Wisteria vines with roundup

All disturbed areas will be seeded and straw mulched. We will photograph the work area before work begins and after completion.

We appreciate the Town's cooperation and understanding as we reforest this area.

Very Truly Yours,

Francis R. Julian

EASTERN STATES LEASING, L.L.C.
800 FIRST STATE BOULEVARD
WILMINGTON DE 19804
302 999-9700

July 28, 2009

Town of Betterton
3 Third Avenue
PO Box 330
Betterton MD 21610

Attn: David S. Teel, Town Manager

Re: 9 Idlewhile Avenue

Dear Mr. Teel,

We respectfully request a waiver or reconsideration of the bond requirement as mentioned in your letter to us dated July 13, 2009.

Reference is made to the Town's zoning ordinance dated 6/20/06; Section 28 B Planting Agreements that requires a surety bond for mitigation plantings. Our original plan and revised plan are reforestation plans. No trees were removed. Both plans include removing fallen trees, accumulated trash and debris, and invasive plants and vines. The area will then be reforested where no forest presently exists.

Thank you in advance for your consideration of our request.

Very Truly Yours,

Francis R. Julian

LDA

WORKSHEET 2

CHESAPEAKE BAY CRITICAL AREA WORKSHEET

Name: FRANCIS JULIAN # 9 IDLEWILD AVE

Total Site Area: 7.9 ACRES Square Feet (1 Acre = 43,560 square feet)

Total Wooded Area: 4.6 ACRES Square feet – Wooded means a biological community dominated by trees and other woody plants (shrubs and undergrowth), including forests that have been cut but not cleared.

Critical Area Designation: 3.5 ac Buffer @ 100' (e.g., IDA, LDA or RCA)
4.4 ACRES WITHIN 1000' OF WATER

Indicate Square Footage of Woodland or Number of Trees Removed for this construction:

Total Woodland Removed 0 **sq. ft. or Number of trees**

Indicate Square Footage of Impervious Coverage

	Existing		New	
House (footprint)	3300	sq. ft.	1330	sq. ft.
Driveway & sidewalks	3000	sq. ft.	0	sq. ft.
Outbuildings	760	sq. ft.	0	sq. ft.
Swimming Pool, Paved Patios	2500	sq. ft.	0	sq. ft.
Total Impervious Coverage	9560	sq. ft	1330	sq. ft.

Total Impervious Surface Allowed on the Lot 15% % or 51,618 sq. ft.

- **15% impervious surface limitation in LDA & RCA, except as follows:**
- On lots or parcel existing on or before December 1, 1985

Lot/Parcel Size In square feet	Impervious Surface Limit
0 – 8,000	25% of parcel + 500 s.f.
8,001 – 27,780	31.25% of parcel
21,781 – 36,300	5,445 s.f.
36,301 – 43,560	15% of parcel

I certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

Francis Julian 12/31/10

Signature Date

PERMIT NUMBER: 3-11-2 Date Issued 3-7-11
Fees – Amount Paid 165.00 Date Paid 3-7-11
3-7-11

TOWN OF BETTERTON
PERMIT APPLICATION FORM

Property Address: #9 IDLEWHILE AVE Map Number and Lot DIST 03 MAP 100 PARCEL 1706

Owners Name FRANCIS JULIAN Deed Reference EHP / 69 / 892

Owners Address 800 FIRST STATE BLD Home Phone:

LUMMYTON, DE 19804 Work Phone: 302-9952259 x31

Contractors Name OWNER Contractors License No.

Contractors Address Contractors Phone Number

Project Description CONSTRUCTION OF GUEST HOUSE

RECEIVED 2/18/11

Present Use of Property: RESIDENTIAL

Proposed Use of Property RESIDENTIAL

Estimated cost:	Start Date:	Completion Date:
$140,000	MARCH '11	July '11

Type of Permit

(Site Plans not required for the following permits)

_____ Use and Occupancy _____ Sign _____ Interior renovation only

(Site Plans required for the following permits:)

_____ Exterior Addition, deck, etc ✓ New Construction

_____ Moving _____ Demolition

_____ Fence

Checklist for Attachments (if required)			
✓	Site Plan (special for Infill Development)	✓	Erosion and Sedimentation Plan Approval
✓	Construction Plans and Specifications	✓	Critical Area Worksheet
	MDIA Approval of Plans	3/2/11	Critical Area Approval
	Bond or other Security		Variance or Special Exception
	Maryland State Fire Marshall		Landscape Plan
	Water and Sewer Allocation		Buffer Management Plan
	Pier or Shore Erosion Approvals		

Signature of Applicant: _____

Project Statistical Information **Present Zoning:** _____

Lot Area - Total		Building Area	
Within Critical Area, IDA		Disturbed Area	
Within Critical Area, LDA		Sign Area	
Within Critical Area RCA		Parking Spaces	
Impervious Surfaces-Area			
Forested Area			

Special Approvals Checklist

Action	Date	Action	Date
Application Received	2/18/11	MDIA Final Inspection	
Application Approved/Denied		Zoning Admin Final Insp.	
Appeal Filed		Critical Area Final Insp.	
Date MDIA Approved	3/2/11	Escrow Received	
Erosion and Sediment Plan OK'd		Escrow Released	
Forestation Plan Approved			
Extermination Completed			

Final Approval and Payment Checklist

Date Rec.	Item/ Action	Review by	Approval date 3/7/11		Paid 3/7/11 165

PAID 3/7/11

	Application				
	Site Plan	Zoning Administrator	2/1/11	ATL	
	Building (construction) Plan	MDIA			
	Erosion and Sedimentation Plan	SCS (Kent County)			
	Water and Sewer Connection	Public Works Director			
	Critical Area	Critical Area Consultant			
	Municipal Impact Fee	Town Administrator			
	Certificate of Occupancy	Town Administrator			

Special Notes or Comments:

KENT COUNTY APPLICATION FOR PERMITS

400 High Street, Chestertown, MD 21620 410-778-7423 e-mail:dolsen@kentgov.org

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Application Number . . . . . 11-00000018 Date 2/17/11
Property Address . . . . . 9 IDLEWHILE AVE
Land Key . . 03-0100 -1706 - - -011623
State account number 03011623
Application type description SEDIMENT CONTROL
Subdivision Name . . . . . .
Property Use . . . . . RESIDENTIAL
Property Zoning . . . . . TOWN BETTERTON
Application valuation 1500

Owner	Contractor
JULIAN, EUGENE M ETALC/O GENE ASSOCIATES 800 FIRST STATE BLVD WILMINGTON DE 19804	OWNER

--- Structure Information 000 000 SEDIMENT CONTROL & STORMWATER MANAGEMENT

Other struct info	IMPERV SURFACE PROPOSED	1400 SF
	IMPERV SURFACE: TOTAL	LOTCOV: 0.51 AC
	ENTRANCE	EXISTING
	DEED REFERENCE NUMBER	EHP69/892
	ELECTION DISTRICT	3
	PARCEL SIZE	7.9 AC.
	EXISTING USE	RESIDENCE
	PROPOSED USE	RESIDENCE
	AREA OF DISTURBANCE	7000SF
	FOREST AREA REMOVED	NONE

Permit . . . . . SEDIMENT CONTROL PERMIT
Additional desc . .
Permit Fee . . . . 50.00 Plan Check Fee . . .00
Valuation 0

Qty	Unit Charge	Per		Extension
			BASE FEE	50.00

Permit . . . . . STANDARD STORMWATER PLAN
Additional desc . .
Permit Fee . . . . 100.00 Plan Check Fee . . .00
Valuation 0

Qty	Unit Charge	Per		Extension
			BASE FEE	100.00

Special Notes and Comments
Please schedule a meeting on site with the Chief Enforcement Officer prior to beginnning construction (410.778.7437).

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	150.00	150.00	.00	.00
Plan Check Total	.00	.00	.00	.00
Grand Total	150.00	150.00	.00	.00

I hereby certify and agree that: 1) I am authorized to make this application. 2) That the information is correct. 3) I grant the County officials the right to enter onto the property for the purpose of inspecting the work and posting notices.

Application=s Signature S/

FOR OFFICE USE ONLY

Building —
Entrance Existing
Sanitary District —
Critical Area agm 1-26-11
Wetlands —
Sediment Control agm 1-26-11
Health Dept. J.D. Price 2-16-11
Zoning Town
Army Corps —
Other Stormwater - Joe Blizzard 2/8/11

Application having been made for a zoning certificate and the proposed structures and usage being, I hereby issue this Building Permit for a period of six (6) months for the date hereof contingent to:

2/17/2011 Gail Webb Boggs
DATE ZONING ADMINISTRATOR

Parcel 1706
L.D.A.