



311 N. Aurora St.
Easton, MD 21601
Phone/Fax 410-820-7465

March 15, 2007

RES#0038-0001

Ms Sybille Vega
USACE-Baltimore District
Regulatory Branch
P.O. Box 1715
Baltimore, MD 21203

Mr. David A Dammeyer
Maryland Department of the Environment
WMA, Compliance Program
407 Race Street
Cambridge, MD 21613

RE: Revised Plans
Chester River Landing
Chestertown, MD

Dear Ms Vega and Mr. Dammeyer;

Enclosed are revised plans for the shoreline plantings and tide marsh enhancement at Chester River Landing with the changes requested. I have enclosed full size drawings and 8 ½ x 11 sheets of the actual work areas. These plans include the additional vent requested in the middle sill area, detail of the vents (I also included detail for the new channel opening), and a detail of the stone retaining wall to continue from the shoreline riprap. The latter detail is profile 14. The stone for that particular location may need to be Class II rip-rap to match the existing stone and then change to Class I once it is away from the shoreline.

Please call me at 410-820-7465 with any comments or questions.

Sincerely,

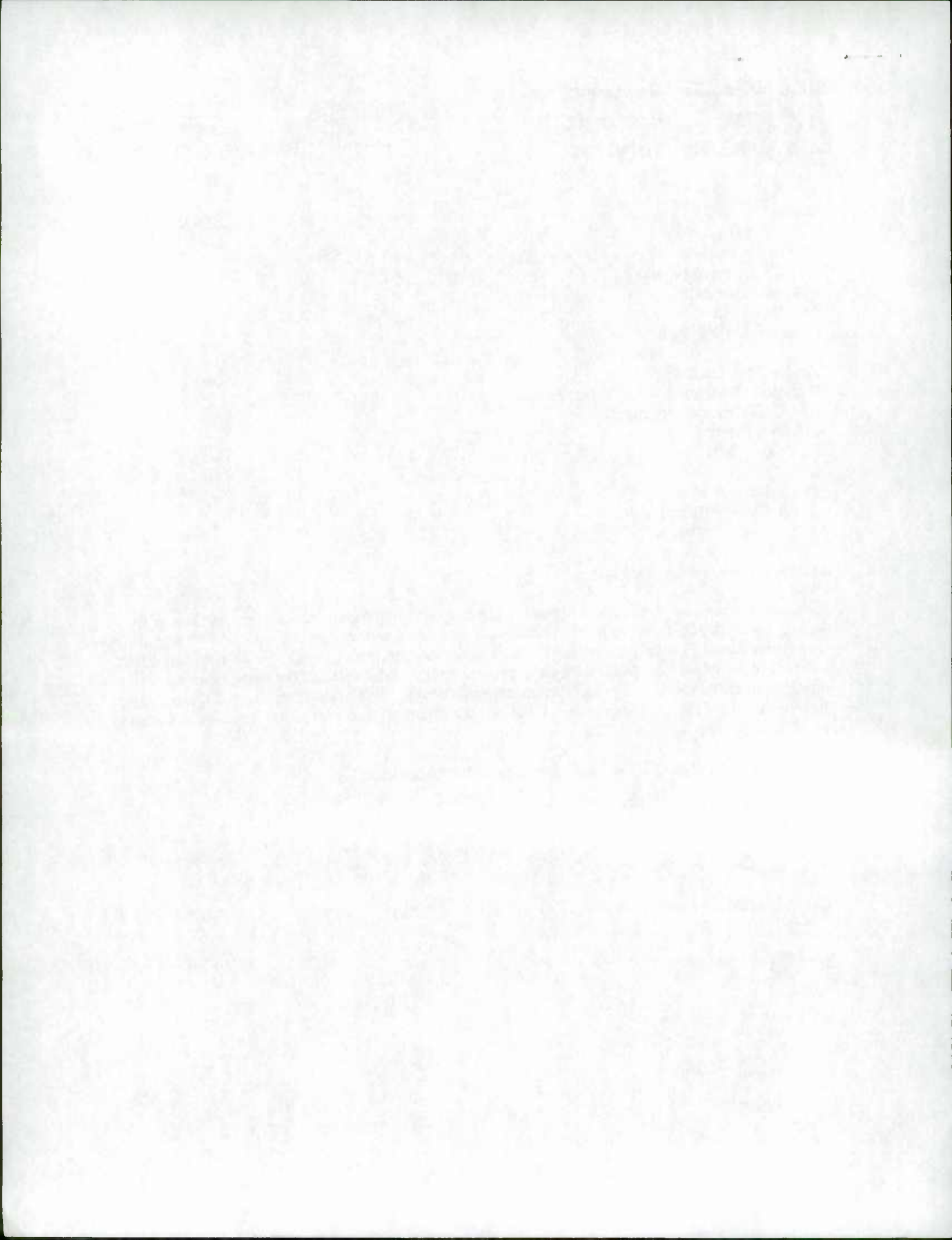
A handwritten signature in cursive script that reads 'David L. Hardin'.

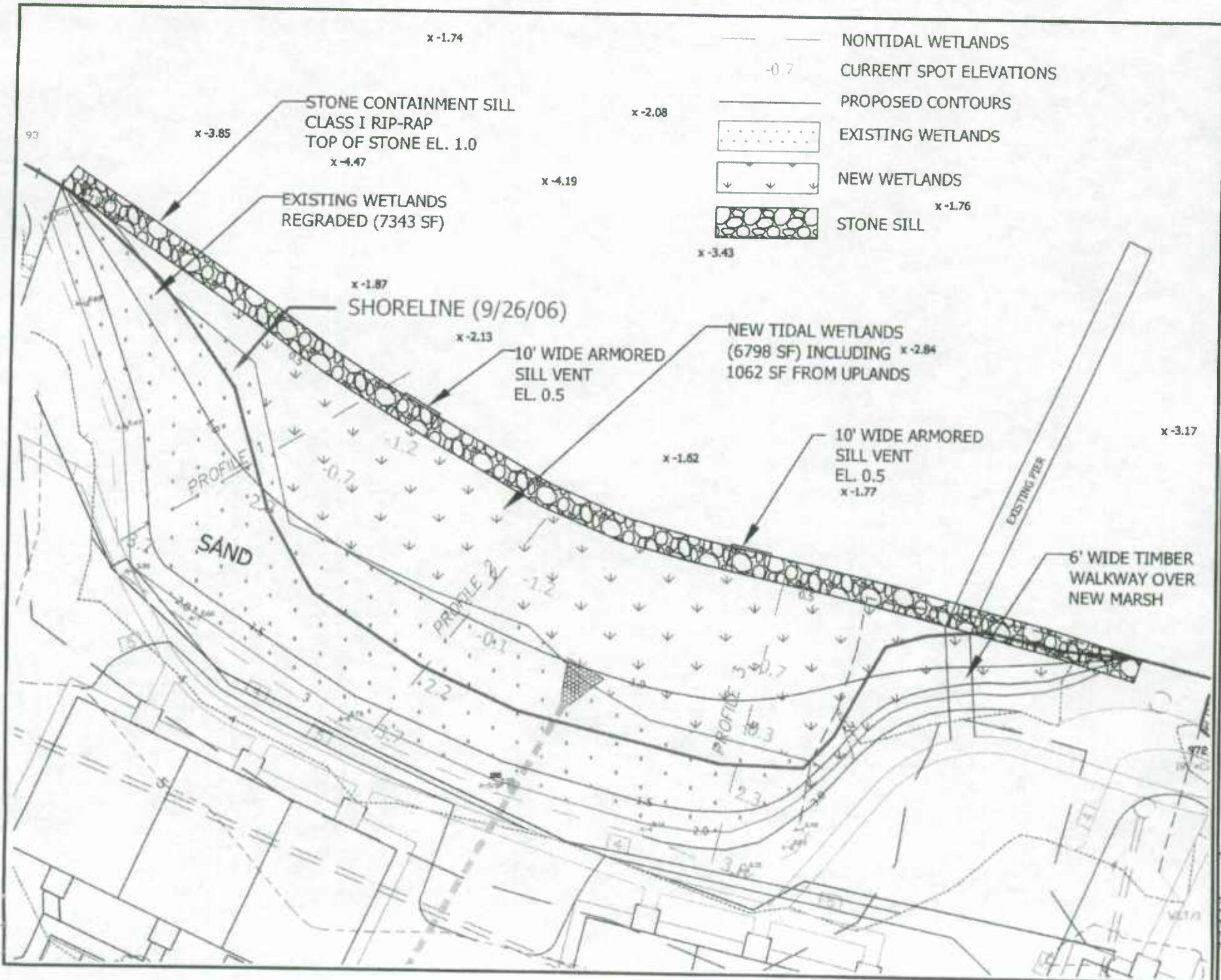
David L. Hardin

Projects\0038-0001\cover to agencies for revised plans

Enclosures

cc: Chuck Covell

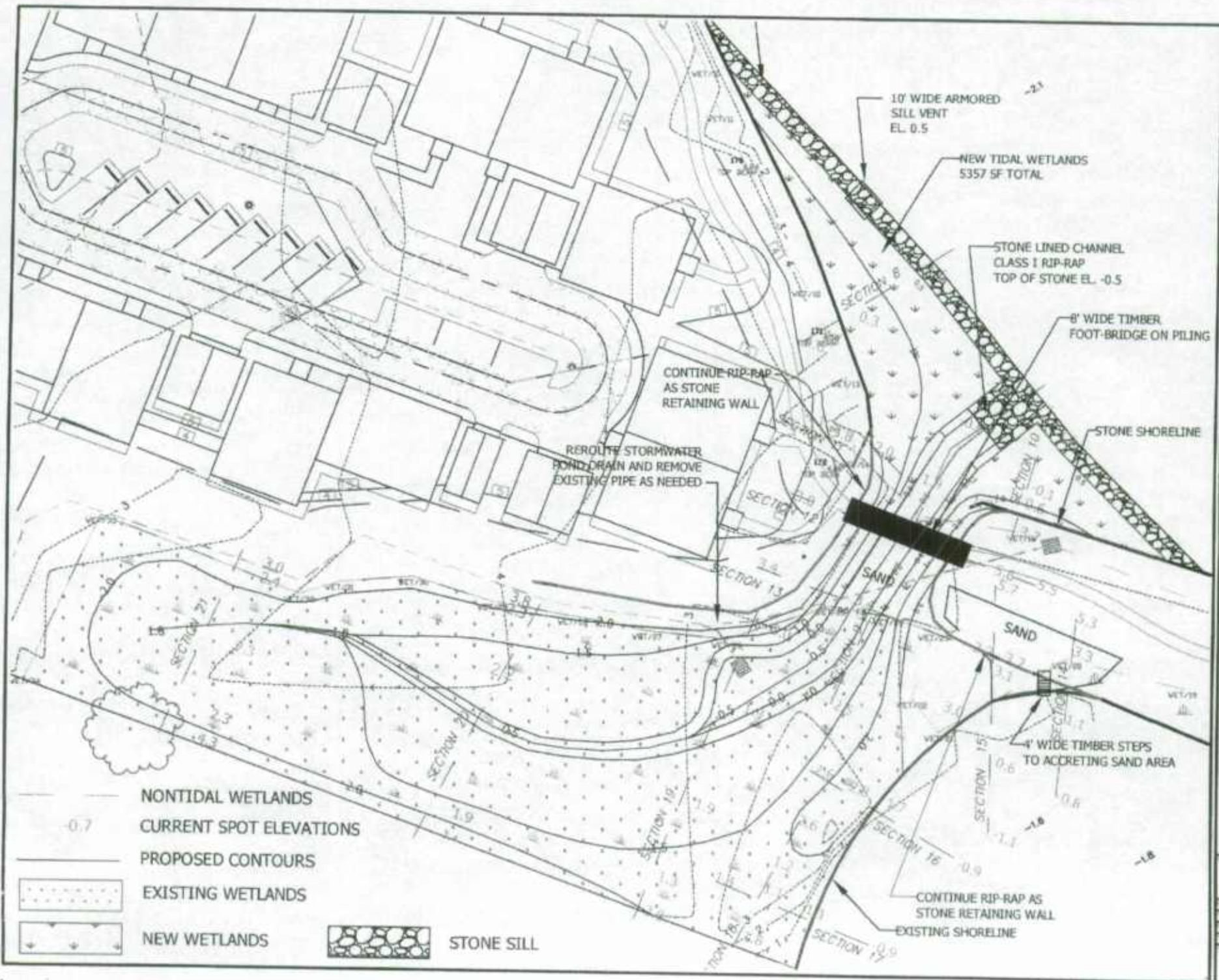




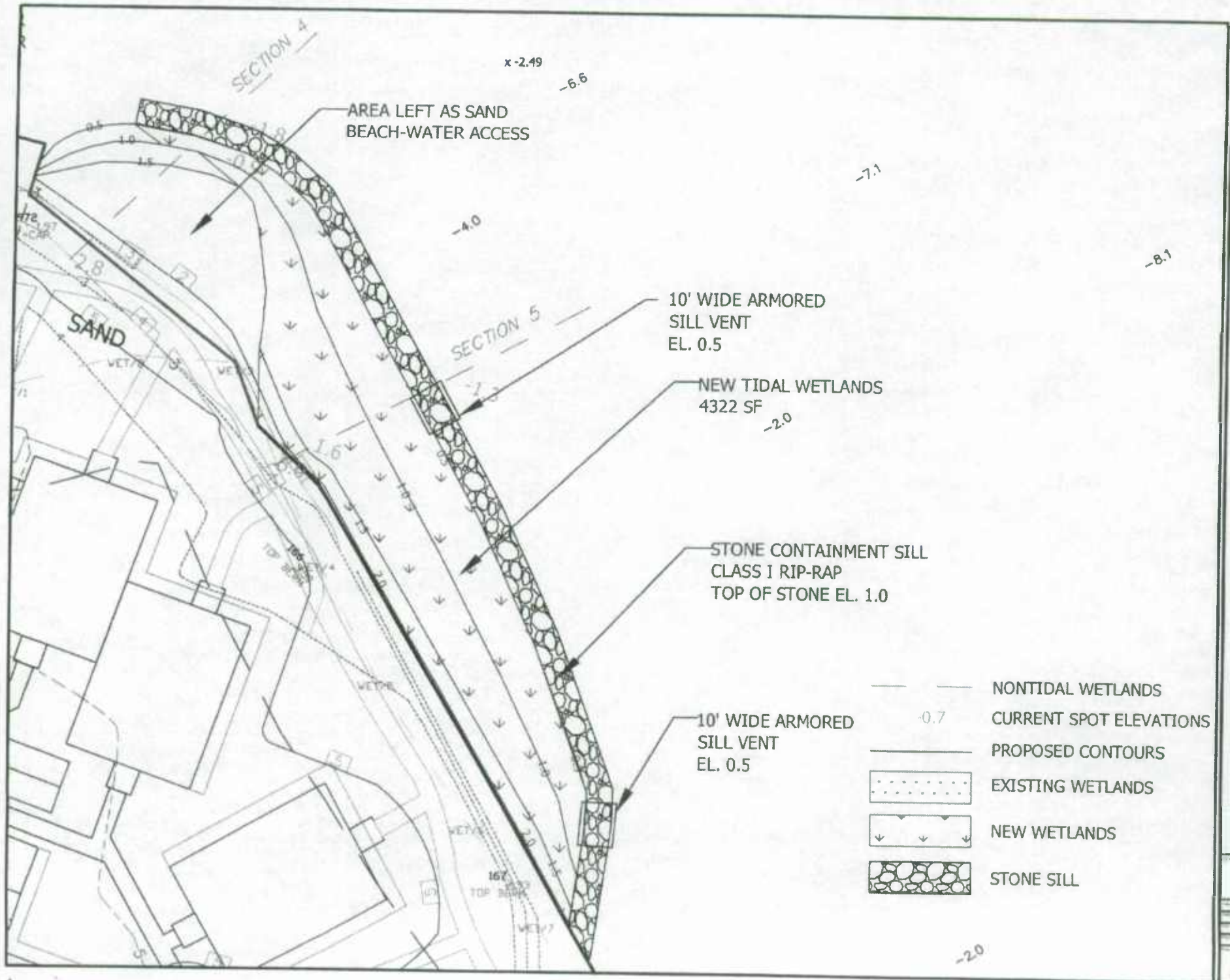
- NONTIDAL WETLANDS
- 0.7 CURRENT SPOT ELEVATIONS
- PROPOSED CONTOURS
- ▤ EXISTING WETLANDS
- ▤ NEW WETLANDS
- ▤ STONE SILL

TIDAL MARSH ENHANCEMENT/CREATION
CHESTER RIVER LANDING
CHESTERTOWN, MARYLAND

3-13-07
 2:58:10
 1" = 30'
 PLAN
 05/28/07
SHEET
1 OF 7



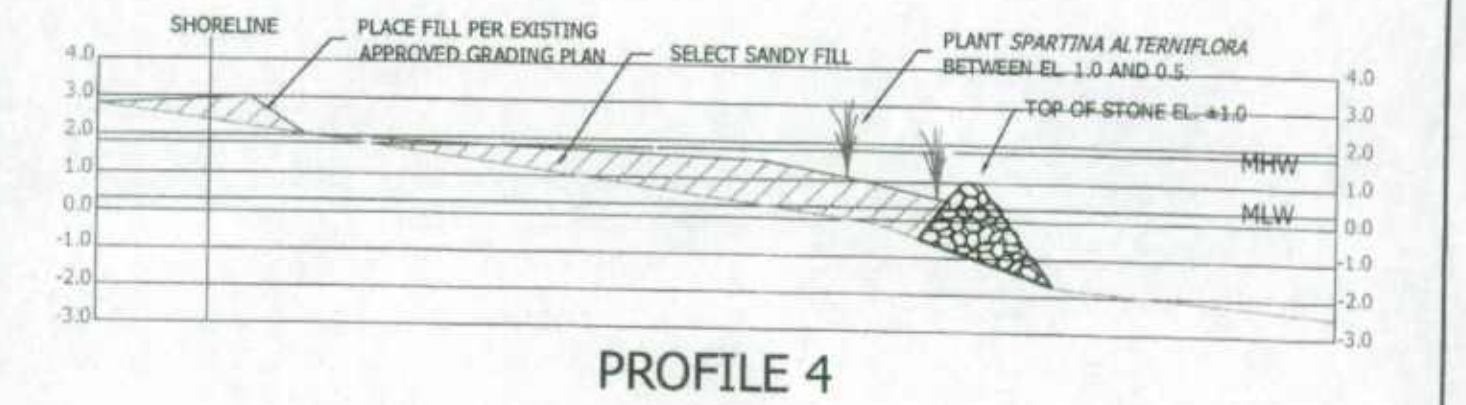
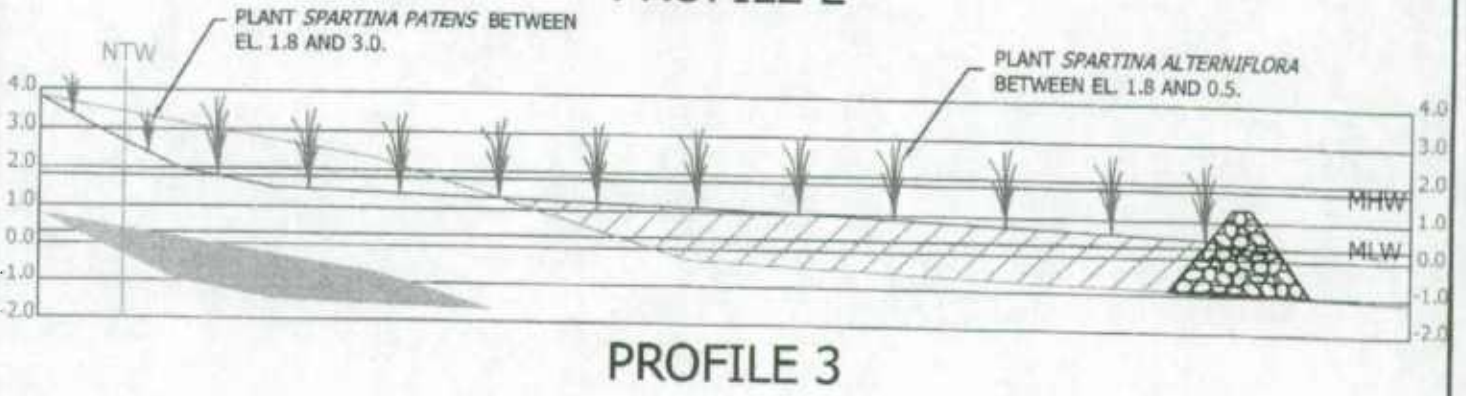
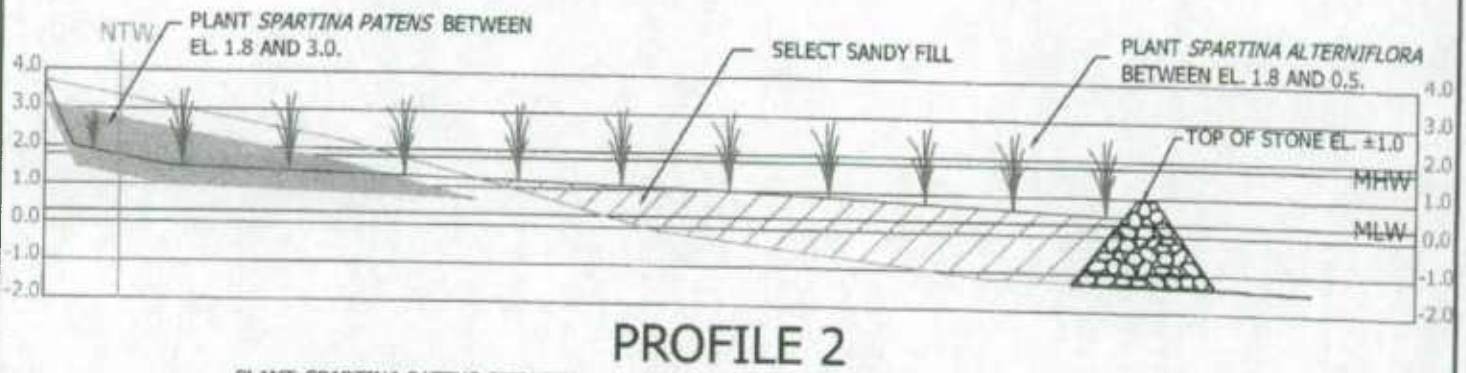
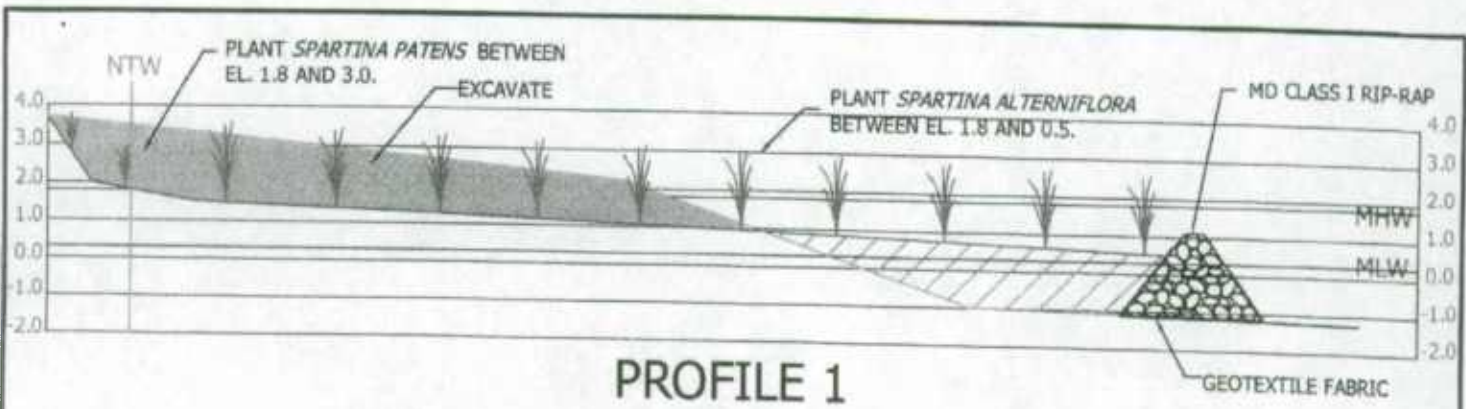
TIDAL MARSH ENHANCEMENT
 CHESTER ROVER LANDING
 CHESTERTOWN, MARYLAND



**TIDAL MARSH ENHANCEMENT/CREATION
 CHESTER RIVER LANDING
 CHESTERTOWN, MARYLAND**

RES
 RESTORATION
 ECOLOGICAL
 SERVICES, LLC
 111 N. AUBURN ST.
 CHESTERTOWN, MD 21619
 PHONE 410-326-7444

3-13-07
 2-18-07
 1" = 20'
 DATE
 SHEET
3 OF 7



EXISTING GRADE
 HORIZONTAL SCALE 1" = 10'
 EXCAVATE

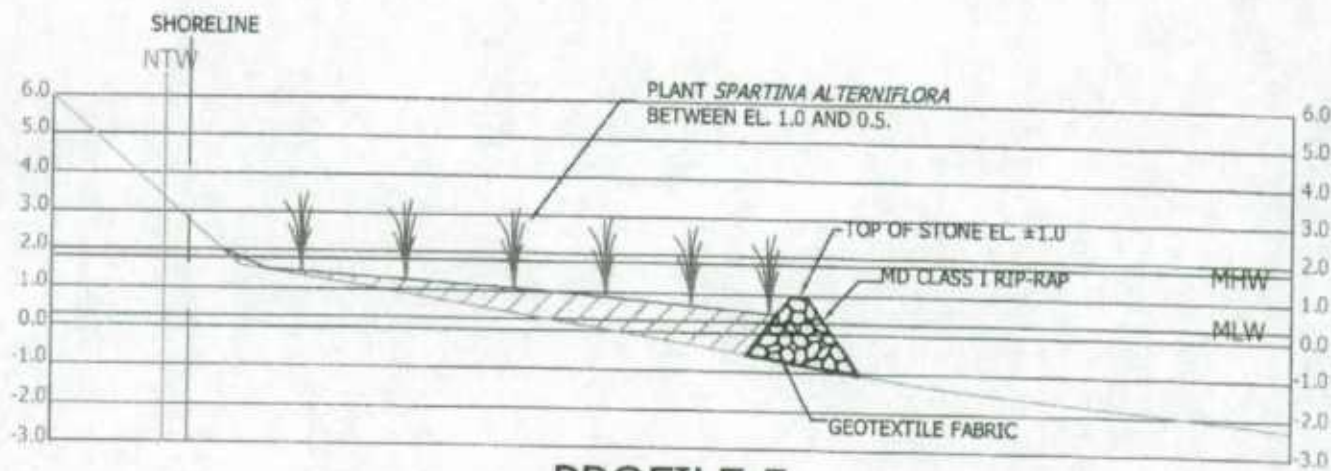
FINISHED GRADE
 VERTICAL SCALE 1" = 5'
 FILL

INSTALL ALL PLANTS 18" ON CENTER AT THE ELEVATIONS SHOWN. SUBSURFACE FERTILIZE WITH 15 GRAMS SLOW RELEASE FERTILIZER AT THE TIME OF PLANTING. PLANTING SHOULD BE CONDUCTED BETWEEN MARCH 15 AND MAY 15.

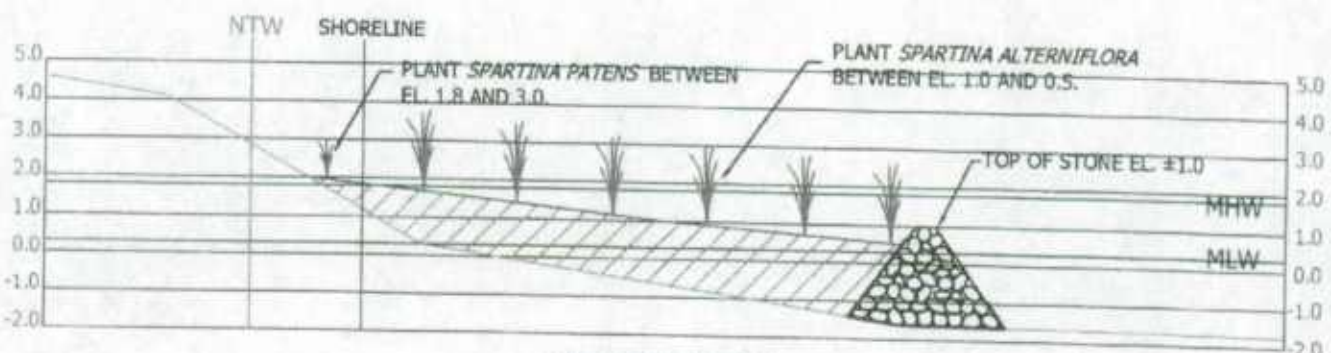
SHEET 4 OF 7
 7/28/07
 AS SHOWN
 06/06/08/01
 3.13.07

CROSS SECTIONS OF SHORELINE MARSH
CHESTER RIVER LANDING
CHESTERTOWN, MARYLAND

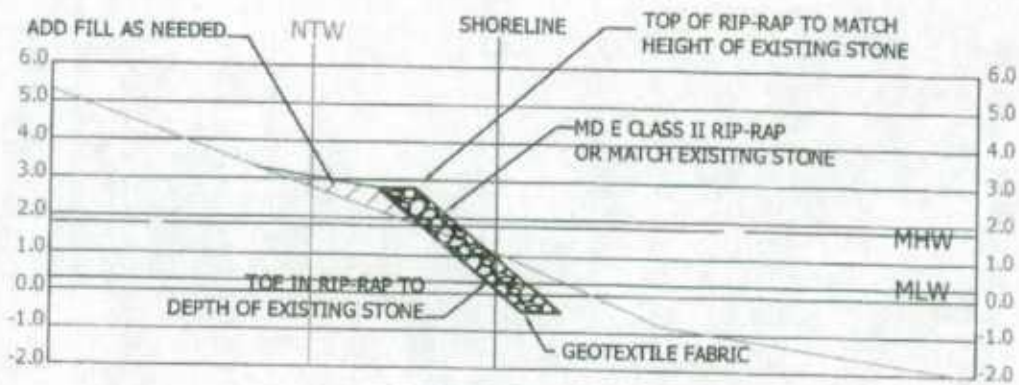
RES RESTORATION ECOLOGICAL SERVICES, INC.
 311 N. AURORA BY
 EASTON, MD 21601
 PHONE: 410-826-7466



PROFILE 5



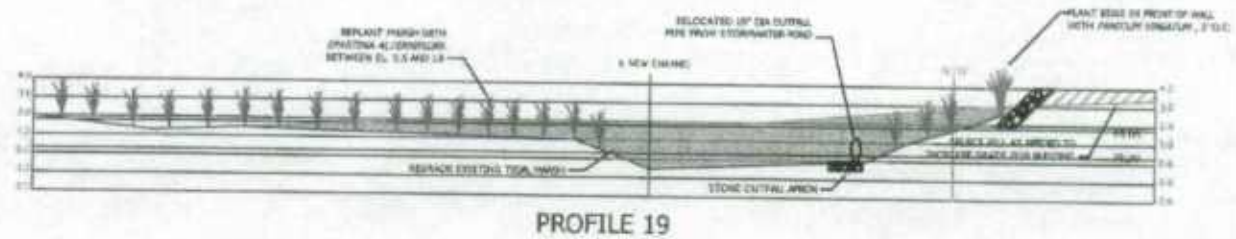
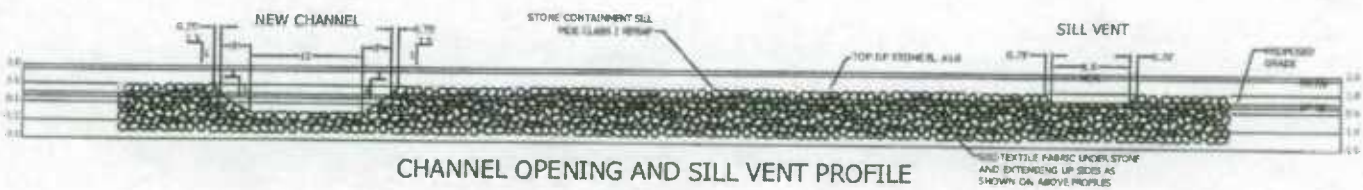
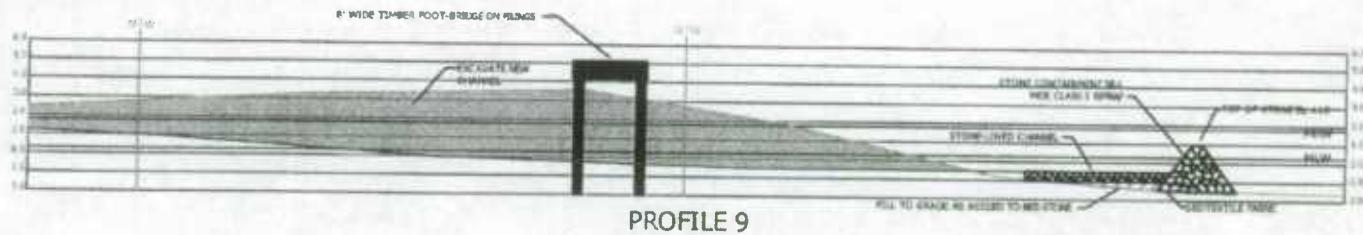
PROFILE 6



PROFILE 14

——— EXISTING GRADE HORIZONTAL SCALE 1" = 10' [Stippled] EXCAVATE
 - - - FINISHED GRADE VERTICAL SCALE 1" = 5' [Hatched] FILL

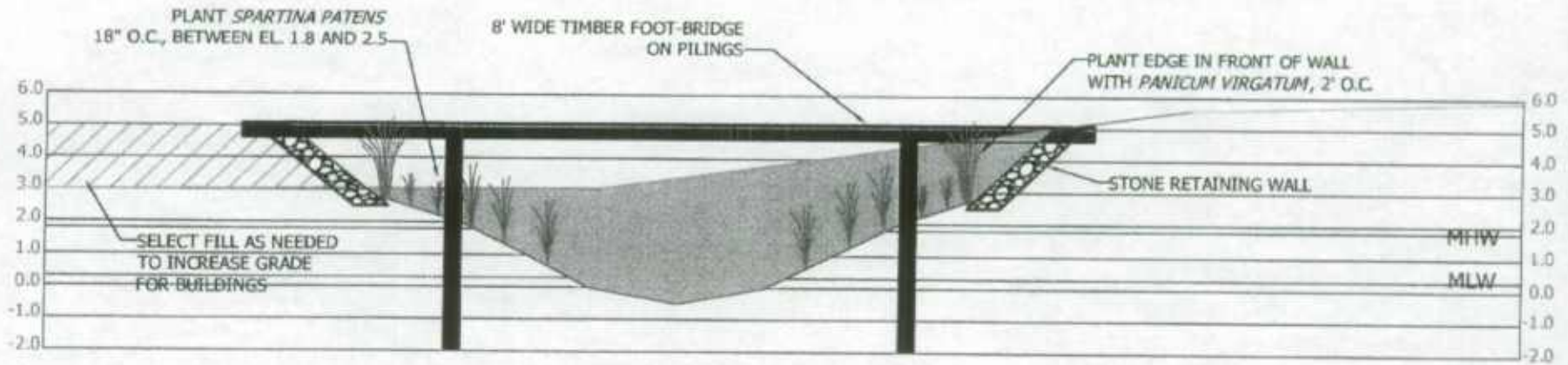
INSTALL ALL PLANTS 18" ON CENTER AT THE ELEVATIONS SHOWN. SUBSURFACE FERTILIZE WITH 15 GRAMS SLOW RELEASE FERTILIZER AT THE TIME OF PLANTING. PLANTING SHOULD BE CONDUCTED BETWEEN MARCH 15 AND MAY 15.



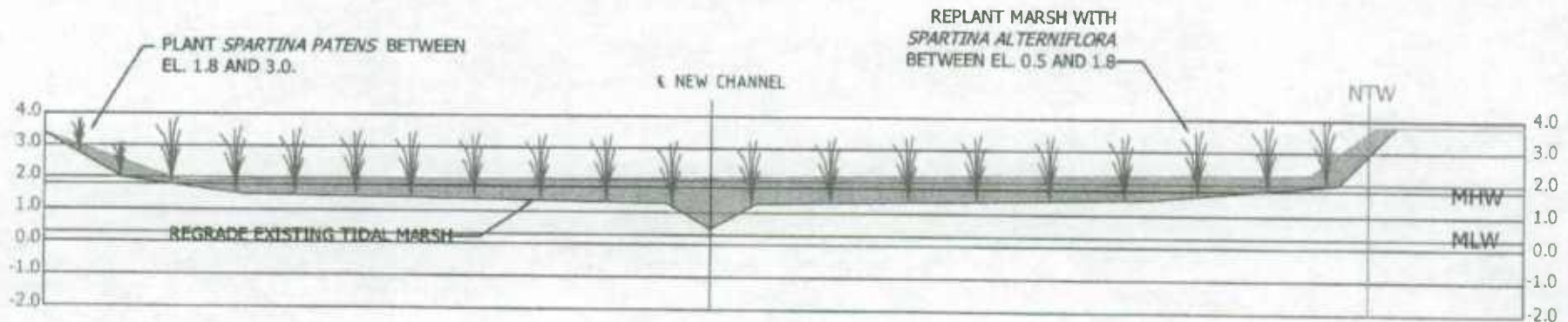
EXISTING GRADE
 FINISHED GRADE
 HORIZONTAL SCALE 1" = 20'
 VERTICAL SCALE 1" = 10'
 EXCAVATE
 FILL

INSTALL ALL PLANTS 18" ON CENTER AT THE ELEVATIONS SHOWN. SUBSURFACE FERTILIZE WITH 15 GRAMS SLOW RELEASE FERTILIZER AT THE TIME OF PLANTING. PLANTING SHOULD BE CONDUCTED BETWEEN MARCH 15 AND MAY 15.

CROSS SECTIONS OF SHORELINE MARSH
 CHESTER RIVER LANDING
 CHESTERTOWN, MARYLAND



PROFILE 12



PROFILE 20

EXISTING GRADE

FINISHED GRADE

HORIZONTAL SCALE 1" = 10'

VERTICAL SCALE 1" = 5'

EXCAVATE

FILL

INSTALL ALL PLANTS 18" ON CENTER AT THE ELEVATIONS SHOWN. SUBSURFACE FERTILIZE WITH 15 GRAMS SLOW RELEASE FERTILIZER AT THE TIME OF PLANTING. PLANTING SHOULD BE CONDUCTED BETWEEN MARCH 15 AND MAY 15.

DESIGNED BY
 SKATTON, MAE STARR
 PHONE 410-638-1748

RESTORATION
 ECOLOGICAL
 SERVICES, INC.
RES

CROSS SECTIONS OF SHORELINE MARSH
 CHESTER RIVER LANDING
 CHESTERTOWN, MARYLAND

3-13-07

2-08-07

AS SHOWN

DLH

0038 0001

SHEET

7 OF 7

Kelly, Nick

From: Stava Layden [slayden@mccrone-inc.com]
Sent: Wednesday, May 08, 2013 11:29 AM
To: Kelly, Nick
Cc: Chandler, LeeAnne; Hurley, Roby; Scott Brewer; Chuck Covall
Subject: RE: Chester River Lending
Follow Up Flag: Follow up
Flag Status: Rad
Attachments: 2013 05 08 CRL 10% Calcs.PDF; CRL 1992 Image.pdf; CRL 1992 Imp Areas.pdf

Hi Nick,

I talked with Chris Westergard, the MDE inspector in the Cambridge office, and he believes the living shoreline and wetland restoration were constructed to address a violation. I have removed those from the attached revised calculations. Here is a summary of the other revisions:

- Per Roby's comment, I am not taking credit for the rooftop disconnection, but did include the disconnection for the perimeter oyster shell paths using the disconnection of non-rooftop runoff credit. Given that the credit limitations require the width of grass to be equal to the width of the path, there is ample pervious area next to the paths and up-gradient of the top of bank along the shoreline. This credit is reflected in a negative proposed area on page one.
- The prior 10% rule calculations were based on impervious surface shown on McCrone's 2003 field survey. We have researched aerial photographs at the Kent County Soil and Water Conservation District (SCWD), as well as looking at Google Earth historical imagery. Both sources show additional improvements existed in 1988 and 1992, as shown on the attached image. It is likely that they or their remnants existed in 2003 and were simply not surveyed—I don't know for sure. It is my understanding that much of the site was an untidy mess when we began work there, and overgrown vegetation may have obscured those features. In any case, we have added additional area for sidewalks/paths and pools, which amount to an additional 0.19 acre of imperviousness. Those areas are shaded in blue on the attached impervious areas exhibit. There appear to be additional areas of impervious that I could count, but I only measured those that were clearly recognizable as impervious.
- We have retained the wet swale in the calculations. While the manual may say that it is not recommended for residential developments, we believe the reason is because the permanent pools they require are not compatible with a residential look and feel. For this swale, we propose Filtrexx check dams: http://www.filtrexx.com/check_dams.htm which are mulch-based and allow filtration of water through the berm. This filtration acts to cleanse the runoff and eliminate permanent pools between rain events. They can be vegetated to blend in with the swale as a whole. Joe Blizzard at the SCWD is prepared to sign off on the device, recognizing the challenges of this site with low elevations and high groundwater. The developer believes the swale will not be a cause for adjacent homeowners.

In conclusion, we believe the attached 10% Rule calculations meet the requirements of the applicable requirements as of project approvals in 2005. We request that you approve the calculations so that we may proceed with the proposed plan revisions. If there is any additional explanation or information you need from me, please let me know at your earliest convenience.

Thanks,

Steve

From: Kelly, Nick [mailto:NickKelly@dnr.state.md.us]
Sent: Thursday, March 28, 2013 2:39 PM
To: Steve Layden
Cc: Chandler, LeeAnne; Hurley, Roby; Scott Brewer
Subject: RE: Chester River Lending

Hi Stava,

In looking at the submitted wetland permit drawings, it appears that this letter was addressed to MDE compliance. Were these wetlands completed as mitigation for a violation? If so, then we would not be able to use those to meet 10% requirements.

With that in mind, I would recommend looking at designing other options to meet 10% requirement on the site.

If you have any further questions, feel free to email me or call me (410-260-3483).

Thanks

- Nick

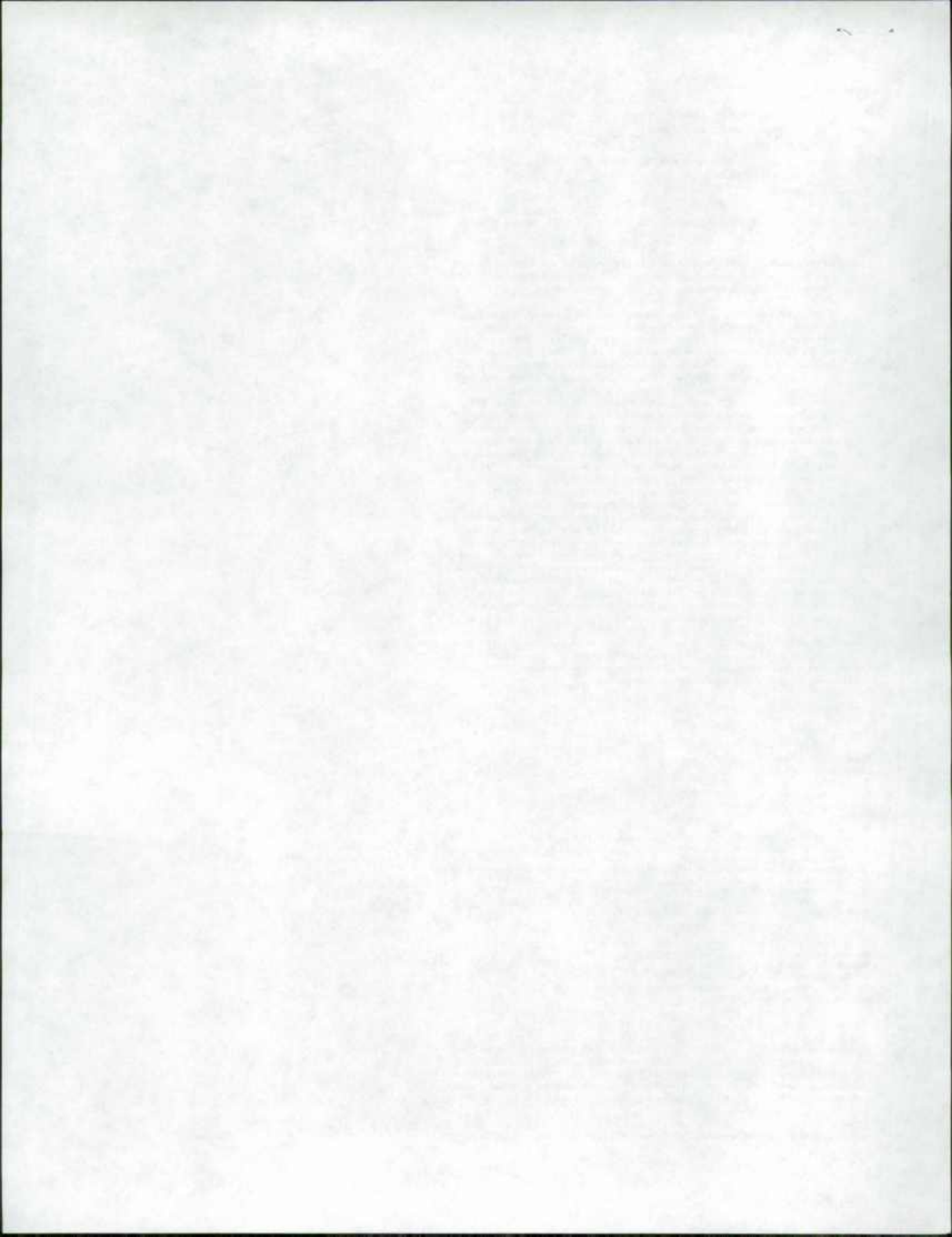
From: Steve Layden [mailto:slayden@mccrone-inc.com]
Sent: Tuesday, March 26, 2013 7:50 AM
To: Kelly, Nick
Cc: Chandler, LeeAnne; Hurley, Roby; Scott Brewer
Subject: RE: Chester River Lending

Hi Nick,

I appreciate your attention to this project! I've attached the scan of the wetland permit drawings as requested. I've already put in the request with Scott Brewer (he's copied on this email) for any additional information Covell Communities may have in their files. While this aspect of the project pre-dates my involvement, I would not necessarily expect the Town to be involved in the approval process for the living shoreline and marsh creation. Scott, I would request that you check at the Town office to see if they have any relevant information.

You're welcome to call at your convenience to discuss the 10% calcs. Just be aware that I will be out of

5/20/2013



the office this afternoon and all day Friday. You're also welcome to schedule a time and I will call you.

Steve

From: Kelly, Nick [mailto:NKelly@dnr.state.md.us]
Sent: Monday, March 25, 2013 4:28 PM
To: Steve Layden
Cc: Chandler, LeeAnne; Hurley, Roby
Subject: RE: Chester River Landing

Hi Steve,

Roby forwarded me your email regarding the 10% for Chester River Lending. I'm happy to talk with you at some point this week. However, it would be extremely helpful for us to have a copy of the wetland permits first, along with any documentation of the Town signing off on it.

I know it's a complicated project, so any information you may have would be extremely helpful.

Thanks so much.

- Nick

From: Steve Layden [mailto:slayden@mccrone-inc.com]
Sent: Wednesday, March 20, 2013 4:54 PM
To: Hurley, Roby
Subject: RE: Chester River Landing

Hi Roby,

Thanks for the feedback. You're right, this project has evolved into a sort of Frankenstein based on the old regulations, but using the additional guidance in the new regs in some cases. I've taken an initial attempt at making revisions, and I ask that when you have 5-10 minutes to chat, please open the attached scan and call me. The revisions entail:

- Remove the rooftop disconnection
- Reduce the efficiency of the rain garden from 65% to 50%
- Remove the wet swale entirely (worst case: I'd rather include it)

The calculations still work with these reductions. Regarding your comment about the credits for the living shoreline and wetland restoration, it's my understanding that those were already granted. Perhaps it was before your time, but I've asked the Client to try to find the appropriate documentation.

Steve

From: Hurley, Roby [mailto:rhurley@dnr.state.md.us]
Sent: Wednesday, March 20, 2013 1:39 PM
To: 'Steve Layden'
Cc: Kelly, Nick; Chandler, LeeAnne
Subject: Chester River Landing

Steve, After analyzing your submittal on the subject we are unable to conduct a thorough review due to mistakes and omissions in the application. While it may be acceptable to use the older 10% Worksheet, it appears generally that you are using a mixture of older and current guidance. A consistent approach would make the review less confusing. In addition we offer the following specific comments:

1. The Buffer cannot be used for rooftop disconnect. Please add the 100 ft. Buffer to all future drainage area maps and recalculate disconnect figures. The Buffer needs to be drawn from current MHW or extent of tidal wetlands, whichever is greater.
2. It does not appear that all of the disconnects draining to the swale meet the distance requirements.
3. A grass swale can only be used for linear projects such as roads. In some of your documents you use the term wet swale. Wet swales are not recommended for residential developments.
4. A reingarden removal efficiency percentage is 50%.
5. It is unlikely that the Critical Area Commission would recommend approval (by the Town) for use of the restored wetland and living shoreline as innovative offset options without substantial documentation. Should you wish to pursue the innovative offset options, the Commission would require all plans and permits associated with the past review of those restorations.
- 6.

An alternative to innovative offset options would be fee in lieu. The current rate is \$35,000 per pound of phosphorous. Thank you for submitting the subject project notification.

Roby Hurley
 Natural Resources Planner
 Critical Area Commission
 1804 West St. S-100
 Annapolis, MD 21401
 410/260-3468
 443/534-3665 (call)
 FAX 410/974-5338

CONFIDENTIALITY NOTICE: This message and any attachment(s) are intended solely for the use of the individual or entity to which it is addressed.

ELECTRONIC MEDIA FILE TRANSFER DISCLAIMER: The enclosed electronic media is provided to RECIPIENT solely as a convenience and not for use in place of original documents.

CONFIDENTIALITY NOTICE: This message and any attachment(s) are intended solely for the use of the individual or entity to which it is addressed.

ELECTRONIC MEDIA FILE TRANSFER DISCLAIMER: The enclosed electronic media is provided to RECIPIENT solely as a convenience and not for use in place of original documents.

CONFIDENTIALITY NOTICE: This message and any attachment(s) are intended solely for the use of the individual or entity to which it is addressed.

ELECTRONIC MEDIA FILE TRANSFER DISCLAIMER: The enclosed electronic media is provided to RECIPIENT solely as a convenience and not for use in place of original documents.

Kelly, Nick

From: Marianne Dise [mdise@oag.state.md.us]
Sent: Friday, April 11, 2008 1:55 PM
To: asnyder@mde.state.md.us; Erin Fitzsimmons
Cc: kkinsey@mde.state.md.us
Subject: Re: Chester River Landing

Erin,
Here's the scoop on Chester River Landing. The Town submitted the site plan to the CAC staff in 2004, as required by the CA law. The CAC does not have approval authority over subdivisions or site plans, as you know. That authority rests with the local jurisdiction. Our role is to provide comments, which the CAC staff did. Sometime after 2004, the site was sold to a new developer, who changed the plans. The new plans were not sent to the CAC. They should have been sent (by the Town). The Town approved the new plans, and the builder started building. The site is designated IDA, and Buffer Exempt. (The land had been mapped Buffer Exempt by Kent County before the site was annexed into the Town.) Under the Town's Buffer Exemption provisions, the site has a 25-foot buffer. Some of the houses abut the 25-foot line, and in a couple of places, a corner of a building is within the 25-foot line. But, most everything is outside the 25' setback, except for the walkway along the shoreline. The walkway is clam-shell, and the Town believes that it is not impervious. We are talking with the town (the mayor sits on the CAC, so this is politically sensitive) to see if they will 'think again' about the walkway. The walkway extends the entire length of the property, in the buffer, and this kind of thing is strongly discouraged. The wetland that you see on site is tidal as of today. When the project was first submitted in '04 the wetland was nontidal, and the site plan provided the required 25' buffer. I understand that pursuant to MDE permits the wetland was changed by the developer into a tidal wetland. Our planning staff believes that MDE permits for the piers were obtained. Let me know if you need more information!
Thanks, Marianne

>>> Erin Fitzsimmons 4/11/2008 11:47 AM >>>
Marianne and Adam,

The AG is going out to Chester River next week for our audit. In my pre-visit trip we saw a site in Chestertown known as Chester River Landing being developed by Roy Kirby. Apparently they have been cited for violatons, etc. Do you have any knowledge of this site you can provide before we go out there? Permits? Violations? Critical Areas approvals? etc.? Who approved it and who regulates it now - town, county, state? I know a little of the story but any background would be helpful.

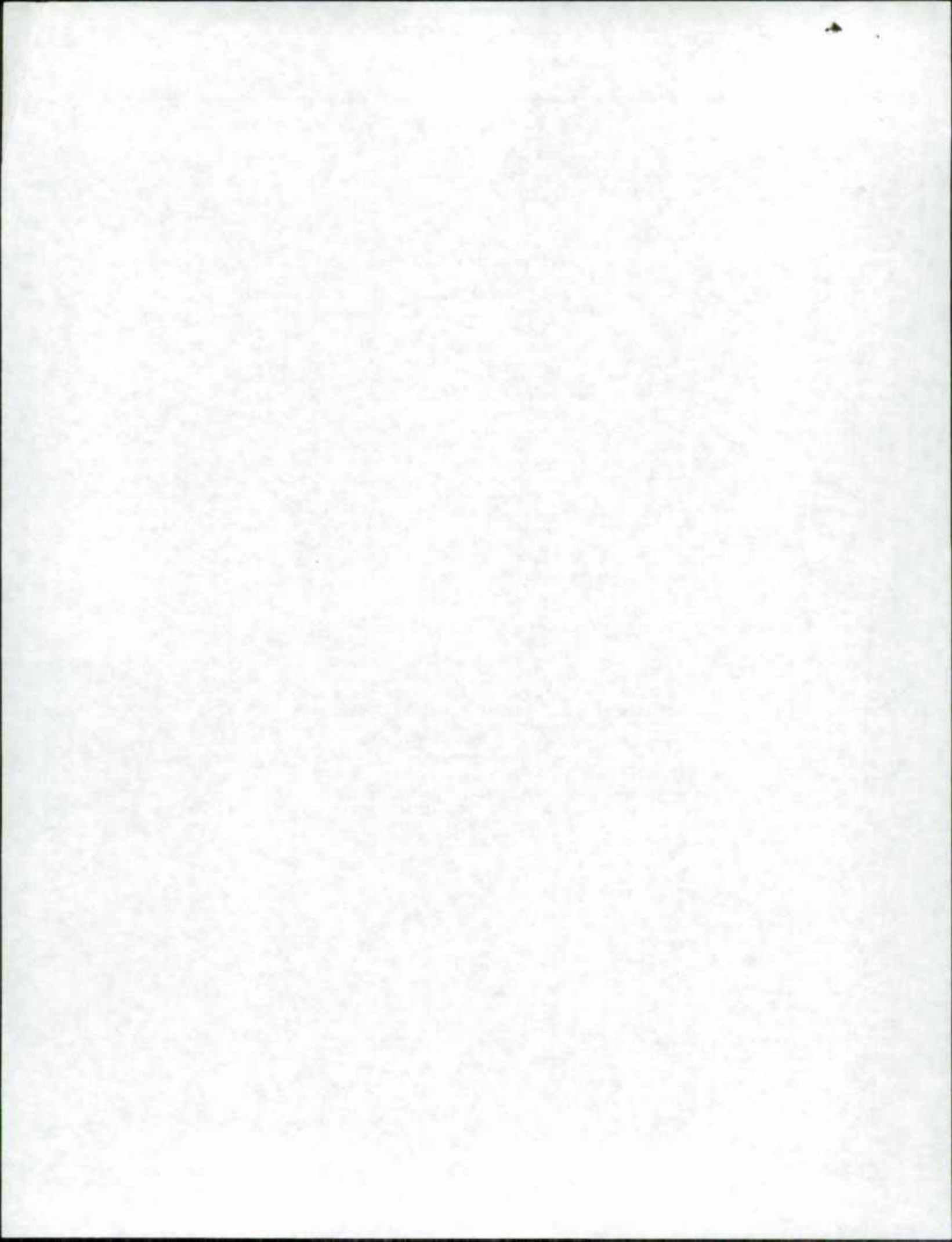
It is a residential development w/in the buffer, with a large floating dock, immense riprap, a long riprapped walkway out through the water to the floating docks, a lighted navigational aid was removed to make way for the floating docks, and the story goes on. I am sure we will have followup after the audit visit but any light you can shed on what has happened to date is very helpful.

Erin

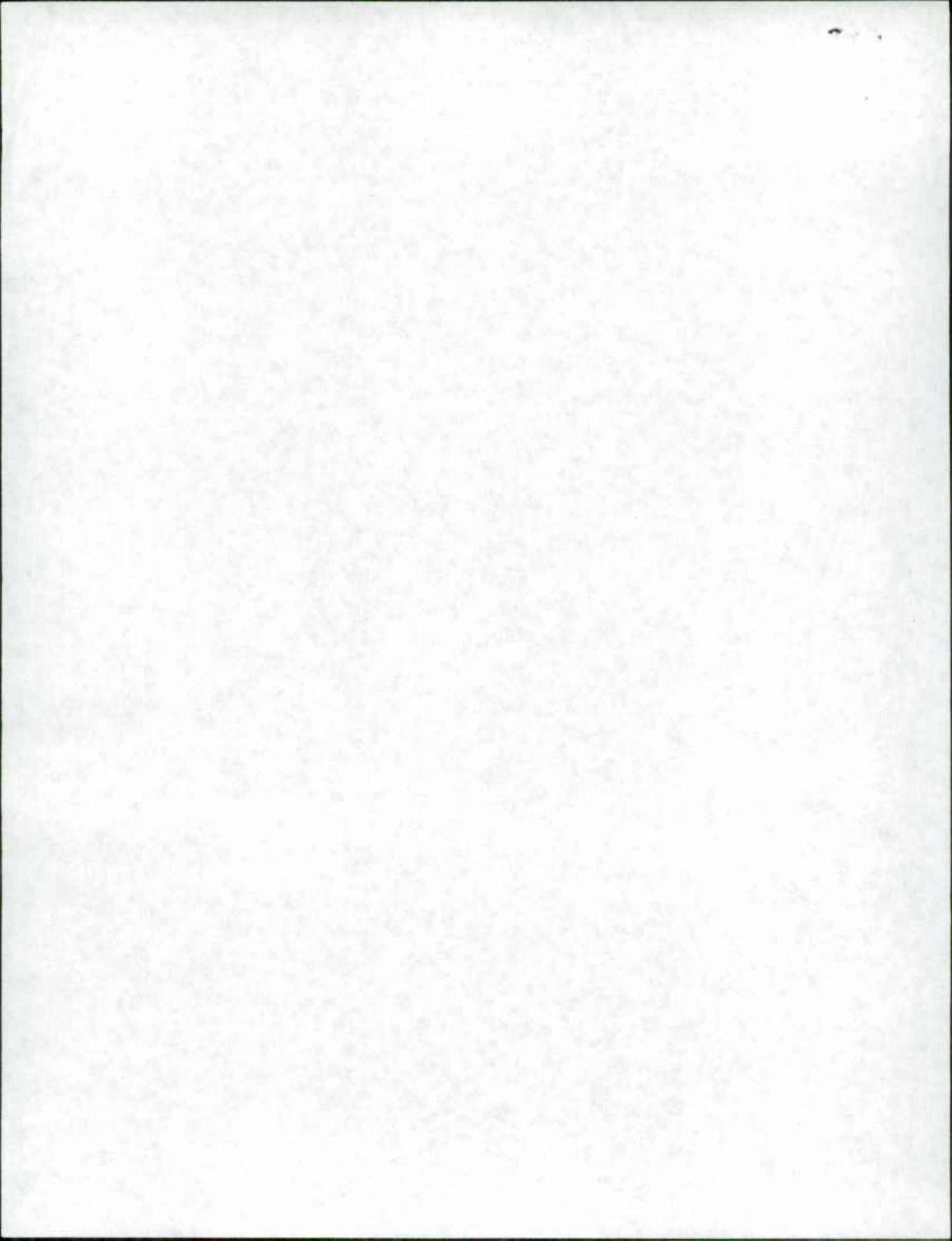
Erin Fitzsimmons
Special Assistant for the Environment
Office of the Attorney General
efitzsimmons@oag.state.md.us

Baltimore Office:
200 St. Paul Place
20th Floor
Baltimore, Maryland 21202
Phone: 410-576-7299 / Fax: 410-576-7036

Salisbury Office:
201 Baptist Street
Suite 30
Salisbury, Maryland 21801
Phone: 410-713-3622 / Fax: 410-713-3621



CONFIDENTIALITY NOTICE: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original Message and any copy of it from your computer system. Thank you.



Hoerger, Lisa

From: Kelly, Nick
Sent: Wednesday, December 26, 2007 2:56 PM
To: Hoerger, Lisa
Subject: RE: Chestertown Project

Hi Lisa,

I took a look at the Chestertown files as well, and I can't seem to find anything relating to this property and an annexation. I checked Kent County's as well and didn't see anything either. So, I took a stab and checked the old Commission Meeting files to see if I could find anything that seemed relatively close to the project. What I found was in March, 2004, the CAC had a refinement for an Annexation/BEA Designation for 10 properties. Based on the Tax Map designation, it looks like this the area we are looking at.

A few things of note:

1. The staff report mentions that one of the properties annexed is currently being reviewed for a development proposal of a townhouse marina complex. I'm not sure if it's the same property we are speaking of, only with the earlier owner.
2. The staff report mentions that two properties, Parcel 74 and 72 on Tax Map 44, were changed from LDA to IDA based on a mapping mistake during the Kent County Comprehensive Review. These properties were used for fuel storage at the time of the original mapping. Isn't that what Bill said about the site we visited?

I'm going to thumb through the Kent County Comp Review file and see if I can determine exactly what parcels were corrected using a mapping mistake. If it's not one of the two mentioned, then I'm starting to seriously think this is LDA and we have a big problem.

I'll keep you posted. Thanks!

Nick

-----Original Message-----

From: Hoerger, Lisa
Sent: Wednesday, December 26, 2007 1:32 PM
To: Kelly, Nick
Subject: Chestertown Project

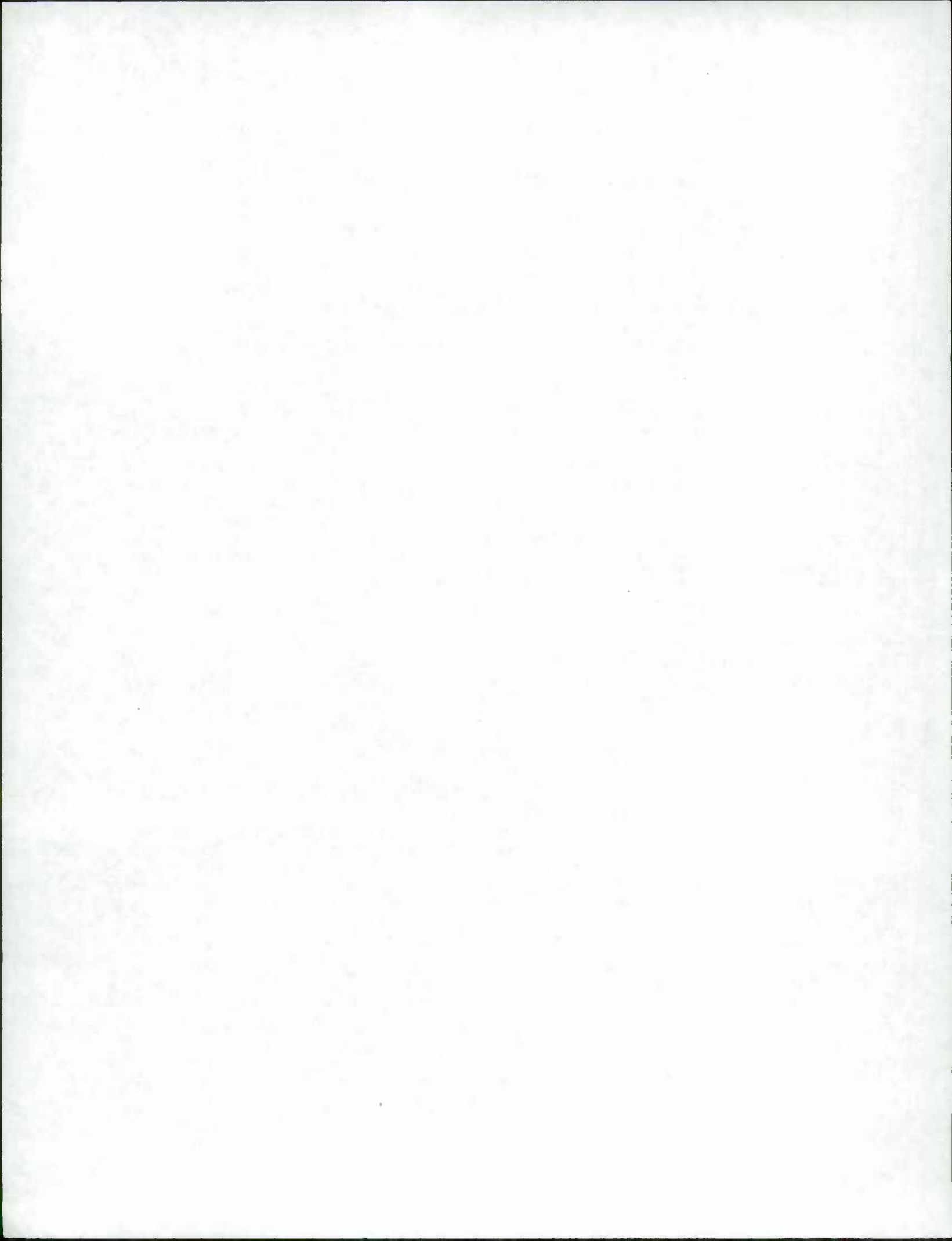
Nick,

When we got back last Thursday from our site visit, I looked for the amendment file for this project and was unable to find it. I looked at the Chestertown files, but did not look in the Kent amendment files. Do you either have it already, or can you look in the Kent amendment files? We need to establish what was annexed, how much, and whether growth allocation was used. It was unclear from the little I was able to read of Bill's file last week. I'm pretty sure it should be a Chestertown file. If no growth allocation was used, and a portion of the site is LDA, we have a problem, besides the obvious problem.

Thanks!

LH

12/27/2007



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 22, 2013

Kees de Mooy
Town of Chestertown
Town Office
118 North Cross Street
Chestertown, MD 21620

Re: **Chester River Landing
Stormwater Management Calculations**

Dear Mr. de Mooy:

We are in receipt of revised 10% stormwater plans for the above-referenced project. The applicant proposes to create a 44-unit subdivision. The parcel is 6.72 acres in size and is located in both an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). To meet 10% pollutant removal requirements, the applicant is proposing a pocket pond, disconnection credits for walkways, and rain garden, and wet swale to remove 3.23 pounds of phosphorus per year.

Based on the information provided, it appears that the applicant has addressed our prior comments regarding the 10% stormwater calculations. We have no further comments regarding the stormwater component of this project.

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

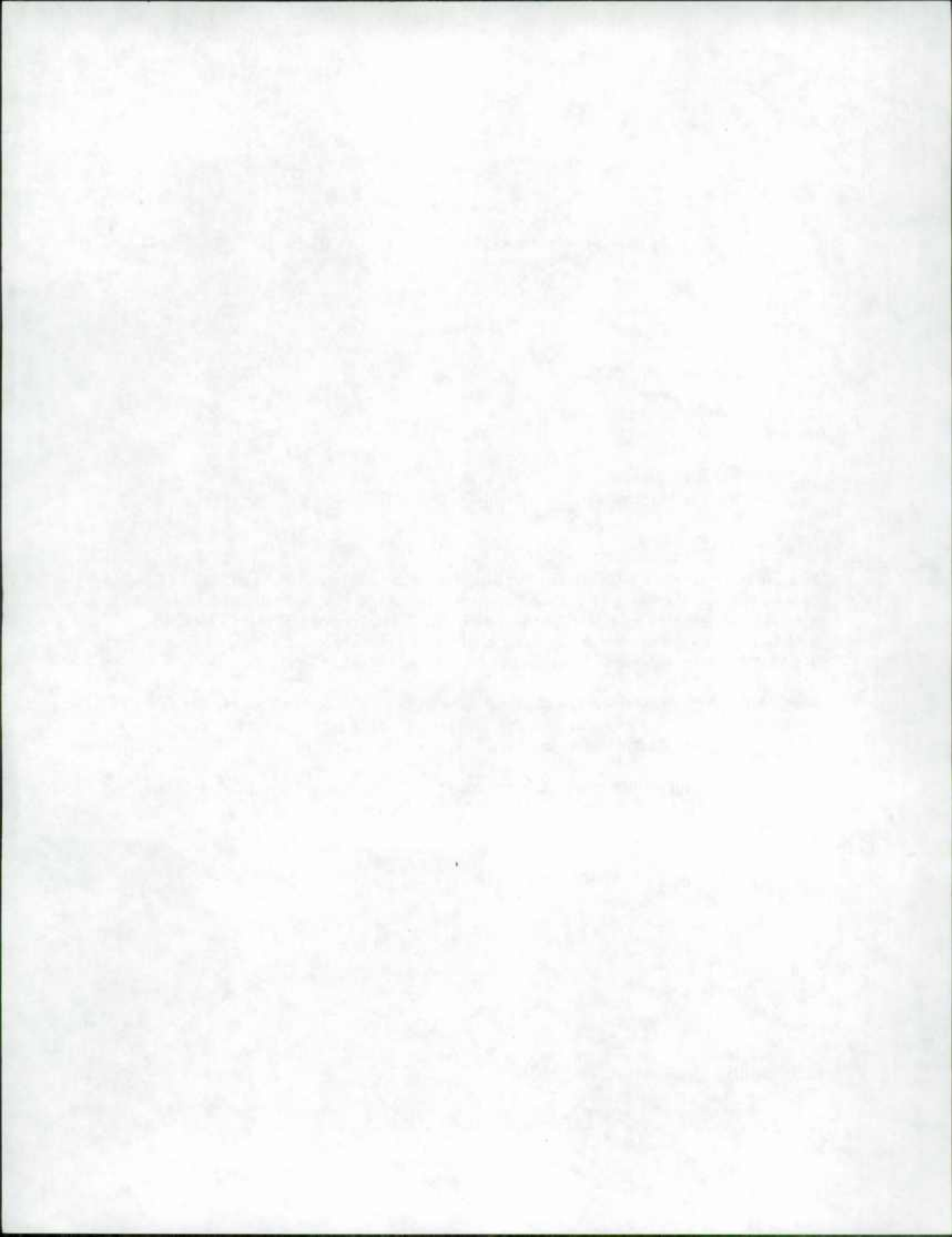
Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

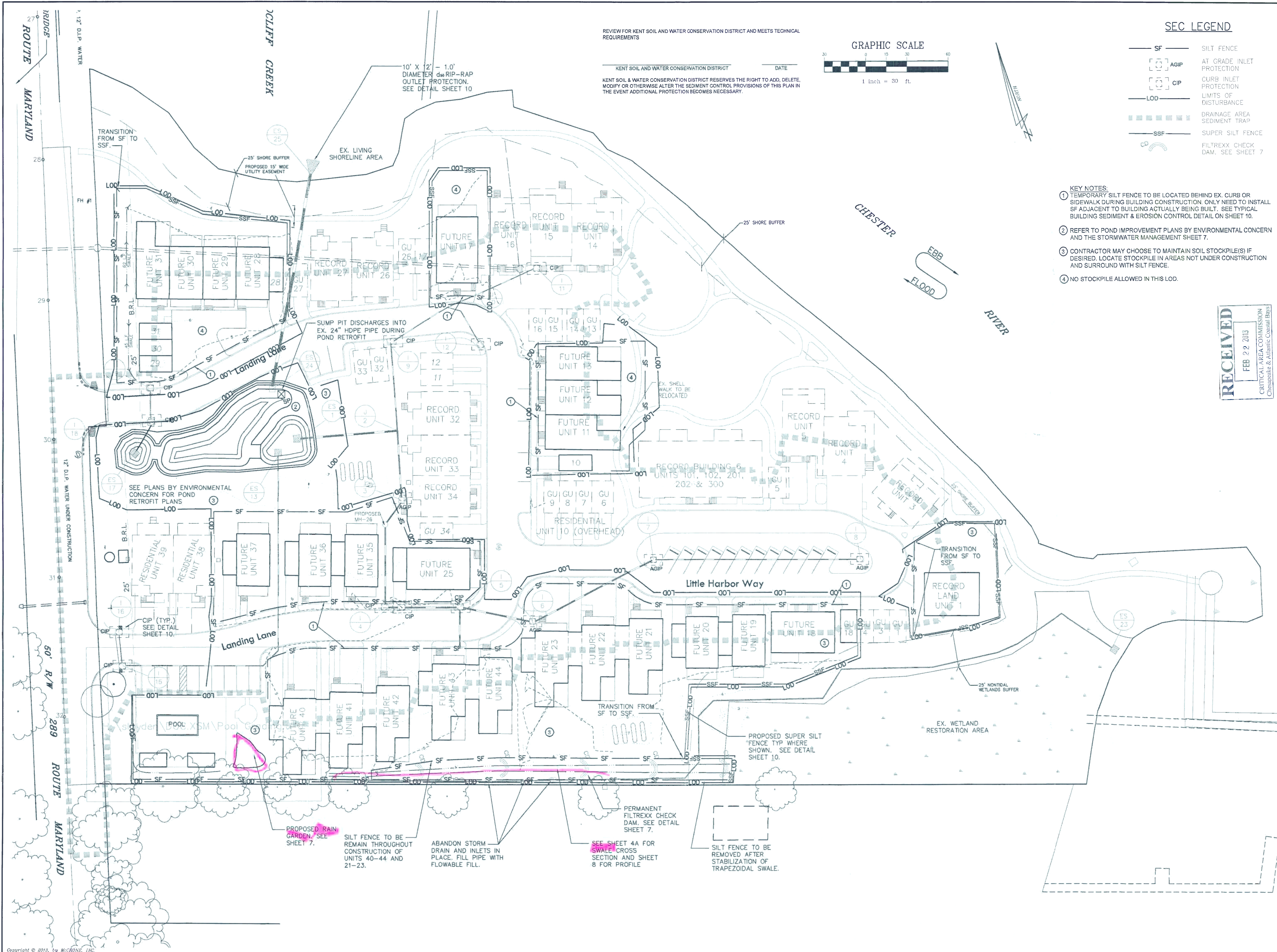
Nick Kelly
Regional Program Chief

cc:

KE 70-08
William Ingersoll, Town of Chestertown
Roby Hurley, CAC



PLOTTED: Feb 18, 2013 - 2:49pm Q:\10602929\2012\ENG-Production\04012S04-2012.dwg.....Tab04 SEC



SEC LEGEND

- SF SILT FENCE
- AGIP AT GRADE INLET PROTECTION
- CIP CURB INLET PROTECTION
- LOD LIMITS OF DISTURBANCE
- DRAINAGE AREA SEDIMENT TRAP
- SSF SUPER SILT FENCE
- FILTREXX CHECK DAM. SEE SHEET 7

- KEY NOTES:
- 1 TEMPORARY SILT FENCE TO BE LOCATED BEHIND EX. CURB OR SIDEWALK DURING BUILDING CONSTRUCTION. ONLY NEED TO INSTALL SF ADJACENT TO BUILDING ACTUALLY BEING BUILT. SEE TYPICAL BUILDING SEDIMENT & EROSION CONTROL DETAIL ON SHEET 10.
 - 2 REFER TO POND IMPROVEMENT PLANS BY ENVIRONMENTAL CONCERN AND THE STORMWATER MANAGEMENT SHEET 7.
 - 3 CONTRACTOR MAY CHOOSE TO MAINTAIN SOIL STOCKPILE(S) IF DESIRED. LOCATE STOCKPILE IN AREAS NOT UNDER CONSTRUCTION AND SURROUND WITH SILT FENCE.
 - 4 NO STOCKPILE ALLOWED IN THIS LOD.

RECEIVED
 FEB 22 2013
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

DRAFT

McCRONE
 ENGINEERING & SURVEYING
 ENVIRONMENTAL SCIENCES
 LAND PLANNING & CONSTRUCTION SERVICES

320 PENNSYLVANIA AVENUE
 CENTREVILLE, MARYLAND
 (410) 756-2237

DATE	SCALE
MARCH 2004	1" = 30'
JOB NO.	DRAWN BY
D1040012	T.P.M.
DESIGNED BY	V.L.D.
22	V.L.D.
DATE	REVISION
6/18/12	REVISED SITE LAYOUT
11/8/12	REV. GRADING & SEC
10/18/13	REV. SWM & SEC

SEDIMENT & EROSION CONTROL PLAN
 FOR
CHESTER RIVER LANDING
 TAX MAP 0044, PARCEL 0335, SEVENTH DISTRICT, KENT COUNTY, MARYLAND
 CHESTER RIVER LANDING, LLC.