

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/

April 9, 2008

Ms. Cathy Maxwell
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CU-030004; Talisman Farm East

Dear Ms. Maxwell:

Thank you for providing information on the above referenced application. The site is located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant proposes to construct a pier with eight slips. It appears that the only activity proposed on this property above mean high water is that necessary for pier construction under an approved MDE tidal wetland license. Any additional development or disturbance proposed on this property above mean high water in the Critical Area must comply with the County Critical Area Program. The following comments apply to this proposal.

1. Code of Maryland Regulations (COMAR) 27.01.03.07 regarding community piers may apply to this proposal, however we have not received information documenting whether this would be a pier serving a recorded riparian subdivision. Please confirm whether this is the case, and if so, how many lots are in the subdivision.
2. A recorded riparian subdivision may have a community pier, but must meet regulations of COMAR 27.01.03.07 for slip limits. The number of slips permitted at the facility must be the lesser of: one slip for each 300 feet of shoreline in the subdivision or a density of one slip per platted lot or dwelling in the Critical Area up to 15 (see COMAR 27.01.03.07 for slip limits over 15 lots). Please have the applicant document how the proposal meets COMAR 27.01.03.07.

Letter to Cathy Maxwell
April 9, 2008
Page 2 of 2

3. Please also confirm that the proposal meets Queen Anne's County Code §14:1-43 (Community marinas), including limits on the number of slips allowed.

If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 142-08

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JUL 18 2008

CRITICAL AREA COMMISSION

April 9, 2008

Ms. Cathy Maxwell
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CU-030004; Talisman Farm East

ENCLOSURE



Decision attached

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Sincerely,



Marshall Johnson
Natural Resources Planner

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*Queen
Anne's
County*

BOARD OF APPEALS

160 Coursevall Drive
Centreville, MD 21617

Telephone : (410) 758-1255

Fax: (410)-758-2905

County Commissioners:

Eric S. Wargotz, M.D., Commission President
Courtney M. Billups, District 1
Paul L. Gunther, District 2
Gene M. Ransom III, District 3
Carol R. Fordonski, District 4

July 17, 2008

Mr. David Sutherland
Talisman Farm East Enterprises, LLC
208 Pier 1 Rd.
Stevensville, MD 21666

**RE: BOARD OF APPEALS CASE NO. CU-030004
CONDITIONAL USE APPROVAL FOR 310 FT. PIER
ZONING CERTIFICATE NO. Z07-1677**

Dear David:

Enclosed are the Board's formal Decision and the Excerpts of the Minutes from the May 28 and June 11, 2008 hearings. Your request for conditional use approval to construct a 310 ft. x 6 ft. pier with a 6 ft. x 33 ft. "T", 6 ft. x 10 ft. walkway, four – 15 ft. x 3 ft. finger piers and 16 boat lift pilings to create 8 residential boat slips was approved **with the following conditions as listed on Page 5 of the Decision:**

The Applicant must, to the satisfaction of the Department, comply with all Fire Marshall requirements for a private pier – not community pier.

The Applicant must, to the satisfaction of the Department, comply with all Queen Anne's County Environmental Health Department requirements for a private pier – not community pier.

The Applicant must, to the satisfaction of the Department, ensure that the United States Corps of Engineers and Maryland Department of the Environment permit(s) authorize the construction of eight (8) slips and eight (8) boat lifts.

The pier must be constructed as shown on your Applicant's Exhibit No. 4.

Please contact our Permit Dept. at 410-758-4088 concerning your pending permit. When you receive your permit, you may begin construction.

Sincerely,

Cathy Maxwell

Cathy Maxwell
Clerk

Enc.

CC: Calvin Case, Case Marine Contracting, LLC
Gary Neitzey
Anthony Rossi
Robert Gilmer
Board Members
Stephen H. Kehoe, Esq.
Frank Hall
Permit Dept

Mike Demski
James Goldsberry
Charles Bryan
Wm. Benton
Jeffrey E. Thompson, Esq.
Steve Cohoon
Jim Barton
Lynn Kimbles

IN THE MATTER OF	*	BOARD OF APPEALS OF
THE APPLICATION OF	*	QUEEN ANNE'S COUNTY, MD
TALISMAN FARM EAST	*	
ENTERPRISES, LLC	*	CASE NO. <u>CU-030004</u>
* * * * *	*	* * * * *

FINDING AND DECISION

The meeting of the Board of Appeals of Queen Anne's County was held on Wednesday, May 28, 2008 at 6:00 p.m. at the Office of the Board of Appeals at 160 Coursevall Drive, Centreville, Maryland, to hear and decide the application of Talisman Farm East Enterprises, LLC (the "Applicant"), being Case No. CU-030004. The meeting was continued, without objection, to Wednesday, June 11, 2008 at 5:30 p.m. All legal requirements pertaining to the filing of this application and notice of public hearing were substantiated and there were no objections made to the jurisdiction of this Board. This matter was heard by William D. Moore, Chairman, Kenneth R. Scott, Vice-Chairman, and Howard A. Dean, Member, of the Board of Appeals of Queen Anne's County.

RELIEF REQUESTED

The Applicant requests Conditional Use approval pursuant to the Queen Anne's County Code ("Zoning Ordinance" and/or "Code"), § 18:1-41, to construct a 310' x 6' pier with a 6' x 33' "T", 6' x 10' walkway, four (4) - 15' x 3' finger piers and 16 boat lift pilings to create 8 residential boat slips with no commercial use proposed.

PROPERTY DESCRIPTION

The property which is the subject of this application is located at 1000 Perry's Corner Road, in the Fifth Election District of Queen Anne's County, Maryland. The property is further set forth on Queen Anne's County Tax Map No. 65 as that portion of Parcel 5 adjacent to the waters of Cabin Creek and lying on the southwest side of Perry's Corner Road, containing 650 acres± (the "Property"). The Property is located in the CS (Countryside) Zoning District and in the RCA (Resource Conservation Area) Critical Area District. The Property consists of four (4) contiguous parcels of land improved by a total of eight (8) residences, with at least one residence being located on each of the four (4) individual parcels. The Property is subject to a Deed of Conservation Easement (the "Conservation Easement") with the Eastern Shore Land Conservancy and Maryland Environmental Trust, dated December 18, 1998, and recorded among the Land Records of Queen Anne's County in Liber S.M. No.650, folio 953, which in pertinent part provides:

Article II. PROHIBITED AND RESTRICTED ACTIVITIES

...

I. Division of the Property into more than the existing four (4) parcels of land, for any purpose, is prohibited. In addition, the parcels which together constitute the Property, shall remain in common ownership.

HEARING (May 28, 2008)

Department of Land Use, Growth Management and Environment

Frank Hall, a Land Planner with the Department of Land Use, Growth Management and Environment ("LGE" and/or "Department"), addressed the application highlighting the LGE Staff Report. In light of the Conservation Easement restriction requiring the four (4) parcels to remain in common ownership, Mr. Hall testified that the Department took the position that the four (4) parcels function as one (1) parcel. Accordingly, the application was processed by the Department as a request for a private pier with eight slips as opposed to a community pier serving four (4) parcels. Mr. Hall pointed out that, under the Zoning Ordinance, if the Department considered the four (4) parcels individually each parcel could include a private pier as an accessory use or structure with no limit on the number of slips per pier. During the course of Mr. Hall's testimony a dialogue ensued between Mr. Hall, Mr. Steve Cohoon (LGE Department Head) and the Board members regarding the threshold question – Is the pier a Private Pier or Community Pier under the Zoning Ordinance? Mr. Hall noted that the orientation of the pier was unclear with Applicant's Exhibit #4 not being legible. Staff recommends approval of the Conditional Use with the condition that no additional pier be permitted on the Property and that all Fire Marshall concerns be addressed by the Applicant.

Applicant's Case

David Sutherland, a member of Talisman Farm East Enterprises, LLC, testified that Applicant desired one (1) 310' long pier on the four (4) parcels as opposed to the number of piers Applicant would be permitted by right under the Code, i.e. one (1) 150' long pier on each of the four (4) individual parcels. He suggested that the one (1) pier at the location proposed would have the least environmental impact. He noted that the pier would be used only by the residents of the eight dwellings located on the property and would not be used for any commercial purpose.

Calvin Case (Case Marine Contracting, LLC), on behalf of Applicant, testified regarding the soundings data filed with the application and the need for the added pier length. He further testified that the proposed pier location would have no adverse effect

on aquatic vegetation and would permit access without any adverse effect on the wooded area to the south. Board Member Scott questioned Mr. Case regarding the Army Corps of Engineers Permit, dated February 1, 2008, authorizing only four (4) boat slips and four (4) boat hoists or lifts. Applicant acknowledged that the Permit would have to be amended to provide for eight (8) slips and lifts in the event the conditional use were granted. Frank Hall advised the Board that this issue would be resolved before the Applicant would be permitted to proceed.

Mike Demski and Gary Neitzey each opined that one (1) 310' long pier with eight (8) slips would have less environmental impact than the four (4) piers the Applicant would otherwise be entitled to construct.

Opposition's Case

James Goldsberry addressed the application highlighting his letter to the Board dated May 28, 2008. Without addressing the proposed pier specifically, the letter generally addresses concerns in the Cabin Creek area related to navigation; recreational and educational opportunities; commercial fishing; and environmental factors and gives a brief history of Cabin Creek.

Anthony Rossi testified regarding mischief, thefts and robberies in the Cabin Creek area. In addition, Mr. Rossi's testimony included reference to boat launching facilities which are not a part of the Conditional Use request.

Charles Bryan testified that a part, namely the harbor area, of Cabin Creek is a "Designated Anchorage Area," meaning that boats are permitted to moor within the designated area without lights being required at night. In addition, he was concerned that the location of the pier might impede navigation to the harbor area.

Robert Gilmer, President of the Waterman's Association, was concerned that the pier might adversely affect navigation but he could not tell from the exhibits provided by Applicant. He pointed out that the Designated Anchorage Area was very important to young watermen who cannot afford to lease a slip and depend on the ability to moor their vessels without lights.

William Benton testified that he too was concerned about whether or not the proposed pier would affect navigation to and from the harbor area of Cabin Creek.

POST HEARING DELIBERATIONS

During the deliberative stage of the hearing, it became clear that the Board wanted additional evidence regarding the location of the navigational channel leading to the Cabin Creek harbor area. After hearing from all the parties, although highly irregular, the Board agreed to permit the Applicant and Robert Gilmer, designated representative of the

opposition present at the hearing, to meet on the Property to view the actual location of the proposed pier to determine if the granting of the Conditional Use would cause any adverse effect on navigation. The Board continued the hearing until Wednesday, June 11, 2008 @ 5:30 p.m.

WEDNESDAY, JUNE 11, 2008 @ 5:30 P.M.

The Board reconvened the hearing on Wednesday, June 11, 2008 @ 5:30 p.m. Robert Gilmer appeared and testified, as the designated member of the opposition, that after viewing the proposed pier location in relation to the channel, the opposition had no objection to the granting of the Conditional Use.

BOARD'S DECISION

The Board of Appeals of Queen Anne's County has given consideration to the limitations, guidelines and standards set forth in the Queen Anne's County Zoning Ordinance and makes the following specific findings:

1. In light of the Conservation Easement provision requiring that the Property remain in "common ownership", the Board found that the proposed pier is located on the functional equivalent of one (1) lot or parcel. Pursuant to §18:1-42 of the Code only one (1) private pier is permitted as an accessory structure on any residential lot - without regard to the number of slips proposed. Accordingly, the Board found that, in granting the Conditional Use, no additional piers are permitted on the Property constituting the area subject to the Conservation Easement. A significant factor in the Board's decision to grant the Conditional Use was the environmental benefit gained from Applicant's willingness to treat the Property as a single parcel, build one (1) pier and waive the right to install a pier on each of the four (4) individual lots or parcels.

2. The Board found that the proposed pier of 310' in length is consistent with the general purpose, goals and objectives and standards of the Comprehensive Plan, Chapter 18:1 and any other applicable plan, program, map, ordinance adopted or under consideration pursuant to official notice by Queen Anne's County.

3. The Board found that the proposed pier of 310' at the proposed location would not result in a substantial or undue adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights of way and other matters affecting the public health, safety and general welfare.

4. The Board found that the proposed pier at the proposed location would adequately be served by, and would not impose an undue burden, on any of the required improvements to which Chapter 18:1, Part 7 refers.

5. The Board found that the proposed pier would not extend more than 25% into the waters of Cabin Creek / Prospect Bay.

6. As a condition to approval, the Applicant must, to the satisfaction of the Department, comply with all Fire Marshall requirements for a private pier – not community pier.

7. As a condition to approval, the Applicant must, to the satisfaction of the Department, comply with all Queen Anne's County Environmental Health Department requirements for a private pier – not community pier.

8. As a condition to approval, the Applicant must, to the satisfaction of the Department, ensure that the United States Corps of Engineers and Maryland Department of the Environment permit(s) authorize the construction of eight (8) slips and eight (8) boat lifts.

The Board, subject to the foregoing, approves this application to construct a 310' x 6' pier with a 6' x 33' "T", 6' x 10' walkway, four (4) - 15' x 3' finger piers and 16 boat lift pilings to create 8 residential boat slips into the waters of Cabin Creek / Prospect Bay.

STATE OF MARYLAND
QUEEN ANNE'S COUNTY

I HEREBY CERTIFY that the foregoing is a true and correct copy of the Findings and Decision of the Board of Appeals of Queen Anne's County held on May 28, 2008 and June 11, 2008 and that the minutes now remain in the Board's Office.

In testimony whereof, I have hereunto subscribed my name this 17th day of July, 2008.


Cathy Maxwell, Clerk


Jeffrey E. Thompson
Attorney for Board of Appeals



*Queen
Anne's
County*

BOARD OF APPEALS

160 Coursevall Drive
Centreville, MD 21617

Telephone : (410) 758-1255
Fax: (410)-758-2905

County Commissioners:

Eric S. Wargotz, M.D., Commission President
Courtney M. Billups, District 1
Paul L. Gunther, District 2
Gene M. Ransom III, District 3
Carol R. Fordonski, District 4

**EXCERPTS OF THE MINUTES OF THE
BOARD OF APPEALS
OF QUEEN ANNE'S COUNTY**

CASE NO: CU-030004
APPLICANT: Talisman Farm East Enterprises, LLC
HEARING DATE: 5/28/08 – 6:00 p.m.
REQUESTING: Conditional use approval under Chapter 18, §18:1-041 of the Code of Public Laws of Queen Anne's Co. (1996 ED), to construct a 310 ft. x 6 ft. pier with 6 ft. x 33 ft. "T", 6 ft. x 10 ft. walkway, 4 – 15 ft. x 3 ft. finger piers and 16 boat lift pilings to create 8 boat slips, not for commercial use. Located at 1000 Perrys Corner Rd., near Grasonville, 5th E.D., Map 65, Parcel 5, zoned CS & RCA.

IN ATTENDANCE: William D. Moore, Chairman; Kenneth R. Scott, Vice-Chairman; Howard A. Dean, Member; Jeffrey E. Thompson, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Steve Cohoon and Frank Hall, Dept. of LGE; David Sutherland, Applicant.

CHAIRMAN: Seeing no need for an executive session, the Board will enter into discussion. Any discussion.

SCOTT: I'd hate to continue this but I'd love to see the navigation in and out of there.

DEAN: I agree with that. I believe Mr. Benton knows those waters there.

SCOTT: From the aerial it looks like there's so much sediment on each side that that couldn't possibly be the way in. But I trust what he says. If you've got to swing all the way around there, it doesn't make sense from that map, from that aerial it doesn't make sense.

THOMPSON: As a housecleaning matter, that map probably hasn't been admitted so we'll get that as one of the Board exhibits.

SCOTT: We'll make it No. 12?

MAXWELL: If it's a Board exhibit, it will be No. 2. The only Board exhibit is the posting requirements.

SCOTT: Board Exhibit No. 2. From the looks of that aerial it seems like night and day with which way you would come into that landing. Everything we're doing is based on the length of the pier now. If someone is saying it's blocking the channel, well, instead of guessing, we go out and take a look. It wouldn't be that difficult. Although I'd hate to delay and postpone anything.

CASE: I can provide the service and get you guys out there anytime you like for the soundings.

CHAIRMAN: The discussion is over. The discussion is four people now.

SCOTT: Let's load up and go over there right now.

CHAIRMAN: We've never done that. Even if we go out in a boat, I don't know what that proves.

SCOTT: We could sit at that landing we could watch a boat come in. I don't think it would be difficult to figure out.

THOMPSON: The Board really shouldn't visit the site.

SCOTT: I'm going by the aerial, it doesn't look like it's possible to go to that east side. But the watermen have been in and out of there 10-15,000 times probably. If I had to vote on it right now I'd give them the approval based on that aerial and I'd go out there and look anyway. I'd give them all of it right now. And I'd also give a recommendation that no more piers should be permitted on any of the other parcels, part of that LLC. As far as it being a community pier, the fire marshal stuff needs to be addressed.

THOMPSON: The only comment on the community pier, to refresh everybody's recollection as to where I think the Board went earlier is that we were going to make a finding that the property was de facto not subdivided. It functions as a single parcel. Therefore, we're going to work off of the recommendation of staff with regarding to it being a private pier. That's where we were earlier.

CHAIRMAN: Mr. Sutherland, do you want to come back up.

SCOTT: I'm also sort of leery on four or eight slips. That's my other reason. Currently, if they can get it good with the Army Corps of Engineers, our County doesn't seem to have a problem with it. So I guess I could approve it for...

THOMPSON: I would make it conditioned to the approval, that staff be satisfied that the Corps has in fact approved the eight slips.

SCOTT: Has approved their proposal.

THOMPSON: Right. The mooring pilings as they stand. The only thing they really talk about is the mooring piles.

SCOTT: On the condition that we as a County do not consider a community pier or we do consider it a community pier? Because they are going to ask us, right? We're going to come back in and make a finding whether it's a community pier or not.

THOMPSON: Whether it's a community pier for our purposes has nothing to do with whether it is a community pier for their purposes. So they are two different animals. Under our regs it might not be a community pier, under theirs it might be. Like the Fire Marshal, if you will, he's finding it to be a community pier under the fire regs and that's fine, and it may be. That's for him to decide, not for us to decide. We have to decide whether it's a community pier under the zoning ordinance and the critical areas law.

What I've heard is that you want to make a finding that it's in fact treated as one parcel and therefore you're going to treat it as a single residential pier.

SCOTT: That's how we're going to treat it.

THOMPSON: That's what I heard earlier. If you want to go back to the community pier, we can go back to that issue

SCOTT: No, I don't.

CHAIRMAN: Do we have to have a finding on that?

THOMPSON: I think you can just make it a part of the decision.

CHAIRMAN: All that is one piece.

DEAN: Let me see if I understand this. You're willing to pass this 310 ft. even if it's more or less in the channel or deep water to get in that cove.

SCOTT: If it is. I don't know how anyone else feels here but I hate telling people they have to come back some other night while we go out and make a decision. I'd like to go visit the site.

THOMPSON: I don't think the Board should visit the site. But if the Board wanted staff, I don't know how they are going to do that. I think you need to hear from Mr. Cohoon on that. Whether he wants a boat trip or not.

COHOON: If the Board would like additional information we'd look for what additional resources we can find. We may request additional soundings in those areas from the applicant. We may request if Army Corps has any navigational information about that, coming into that landing. We'd check with Parks & Rec and our landing folks also to try to provide the Board with as much information as we can and come back.

THOMPSON: What's truly appropriate in the context of a quasi judicial proceeding, which is what we have, is if you want to table it on that issue to take additional evidence, you tell the applicant to go do his deal and you get the opposition to go and you come back for that one issue, is what I would suggest if that's really a point of concern. I don't really think it's Mr. Cohoon's job to do that. It's their job to provide us with what we need to make a decision.

SCOTT: The next time we're meeting is two weeks? If this could be real quick, we'd be able to get it in that evening.

DEAN: That's going to be a long one.

SCOTT: But if we just find out if it is or it isn't, it's a yes or a no as far as I'm concerned.

DEAN: Is two weeks long enough?

THOMPSON: The other option you would have, if you don't want to take additional testimony, would be to leave the record open to the parties for some stated period of time to submit those soundings to us. The only risk you take then is if you get apples and oranges. They each submit a set that aren't consistent with one another. Of course I think you need to identify the time of day. If you're going to do that, then what tide.

SCOTT: When a boat goes in, get on a boat and find out when somebody's coming in and out, see which way they go. They go the same way every morning, if any water is up in there, go up there around 1-2:00 in the afternoon and see when they come home, see which way they come in.

DEAN: I think it's fair to the watermen to be able to prove their point. I don't think this should be passed tonight.

SCOTT: Okay, I'm with you.

HALL: I'm not used to your proceedings yet, I'm getting used to them.

SCOTT: Don't go by tonight.

HALL: In reference to that going out and looking at the boats coming in and out through the channel, that still won't give you an orientation to the end of the pier without something being in the water to show you where the end of the pier is. And being out there on flat surface, it's hard to tell where 300 ft. is.

SCOTT: That's true. Even then, you could put the buoy out there in the water and our watermen would go, Okay, that's fine, or No, that's right where we run it over.

HALL: There's no orientation without that.

THOMPSON: You could request that the applicant put some kind of mooring buoy out at the end of where that length would be and then we'd have the exact location and then everybody would be better acclimated as to where it is.

SCOTT: Okay, sounds good. We should require that of all people asking for extensions. It wouldn't hurt.

THOMPSON: It's expensive. You put it out, you shoot an aerial, but then you've got planes, you have a boat. I've done that before but that's asking a lot.

CHAIRMAN: The problem with all this is, if we go by the evidence tonight with that sandbar sticking out, it's clearly not in the channel. There's no evidence that I've seen otherwise. You two are apparently going to have it brought back.

SCOTT: The only evidence that we have that's it's not is testimony on both sides.

CHAIRMAN: And an aerial.

SCOTT: I don't know.

DEAN: When was this map done.

SCOTT: 2004.

CHAIRMAN: That's a sandbar, if it comes out there, he's on the inside of the sandbar.

DEAN: I just want to be fair to both parties.

SCOTT: I think it could hurt. I think it hurts to have them put a marker out there at the end, whatever that marker may be, something that you could see.

CHAIRMAN: Who's going to go look at it, you're not to go look at it.

THOMPSON: No, and I don't think any of the Board members should go either.

CHAIRMAN: We're not going to go.

GILMER: We could go as a group with them.

CHAIRMAN: We're going to go out of order here. Mr. Gilmer, you and Mr. Case come up here. This is going to be a first. It seems like everybody is trying to get along and that's a good thing.

GILMER: Our concern is whether it's going to block the channel or not. If he will show us where it is, mark 300 ft. off shore and show where it is. Another concern is when you are talking about adding the other slip, if you're going to put mooring buoys

outside, then you're 310 ft. plus the mooring buoys. So then you're 325 ft., you're more than the 310 ft.

THOMPSON: They're not showing outboard mooring pilings, they're showing inboard.

GILMER: How are you going to add when you go four to 8 slips?

THOMPSON: They're on the inside.

GILMER: So 310 ft. is the length.

CASE: Yes. So what I could do is show pilings representing each end of the "T" and the center of the 6 ft. wide pier. I'll put four white pieces of (? unclear), Gene Palmatary can come out.

GILMER: That would be fine with us. We just want to make sure we have navigation through that. We're fine with this proposal of this being the only pier on this property. That's fine with us. Our concern is the channel.

SCOTT: That would be great if you can get it done quick because if so, we might be able to finish this before our next meeting.

THOMPSON: I've got real issues though, because Mr. Gilmer doesn't speak for everybody, unless everybody here, and nobody that testified has left. Are the people that testified in opposition comfortable with Mr. Gilmer representing your interests.

BENTON: We're not in opposition, we just want to know what's going on.

THOMPSON: Everybody is OK with it then, nobody has voiced any objection. Because that's a possible solution if everybody is in agreement.

GILMER: As President of my Association I can appoint maybe one of these gentlemen to go with him because they are more familiar with the area. But I will approve.

THOMPSON: We're going to get something from the two of you.

GILMER: Yes, the letter will come from me.

CHAIRMAN: Can we approve that contingent upon an agreement between the Waterman's Association?

THOMPSON: Representing all of the opposition.

SCOTT: If it comes back positive.

THOMPSON: All you will have to have a vote. If they give us a letter, I would say at your next meeting, all you'll need is a vote at that point. If there's a consensus between the two of them, you'll be able to have your vote.

SCOTT: You'll read the criteria, we'll have a vote, we'll be out of here quick.

CHAIRMAN: We won't have to come back.

THOMPSON: The problem is going to be if they don't have that consensus.

SCOTT: If they don't have that consensus, we'll get the letter and then it's going to be a denial basically.

GILMER: We just want to see specifically where they want to put the pier.

DEAN: Can you do that within two weeks?

GILMER: We're just taking a good neighbor policy approach which is not a bad thing.

THOMPSON: Ms. Maxwell has asked a question about re-notification. I don't think we need to if we can announce now a date and time.

SCOTT: What time is our meeting on June 11?

MAXWELL: 6:00.

SCOTT: Do we want to shoot for 5:30 that night?

CHAIRMAN: 5:30 on June 11. We're going to continue this meeting.

SCOTT: Do I make a motion to continue?

THOMPSON: That's the only motion you really need. A motion to continue.

SCOTT: I make a motion that we continue Case No. CU-030004, Talisman Farm East Enterprises, LLC so that we can get some further information about exactly where the pier and the entrance to the channel and the landing are. We'll be meeting back here on Wednesday, June 11, at 5:30 p.m. Hopefully, we'll have that information by then.

DEAN: I'll second.

CHAIRMAN: We have a motion and second. All in favor. Aye.

SCOTT: Aye.

DEAN: Aye.

CHAIRMAN: Let the record show that we'll have this case starting again on June 11 at 5:30.

THE BOARD RECONVENED ON WEDNESDAY, JUNE 11, AT 5:30 P.M. AND THE FOLLOWING MATTERS WERE CONDUCTED IN OPEN SESSION:

CHAIRMAN: I now declare this hearing to be in session. We are going to reconvene this case, CU-030004. We had some of the local watermen, were going to go out and look at this area and make sure it wasn't affecting the channel going into Cabin Creek Mr. Gilmer.

GILMER: Yes. Do I need to state my name and address again?

MAXWELL: I have it.

GILMER: The gentleman went out and checked it and we are fine with where they are going to place the pier. We have no problem with it.

CHAIRMAN: Thank you. I'm glad we did this, that's unusual, the first time I've ever done it.

GILMER: And I want to thank you all for giving us the opportunity to do it because where it was at. We have no problem with it.

CHAIRMAN: In fact, we didn't know until you did this. And we feel better about it too. Mr. Scott, do you want to read the criteria for this conditional use.

SCOTT: Is the proposed use at the proposed location consistent with the general purpose, goals, objectives, and standards of the Comprehensive Plan, Chapter 18:1.

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

SCOTT: Does the proposed use at the proposed location result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic

conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare.

CHAIRMAN: No.

SCOTT: No.

DEAN: No.

SCOTT: Is the proposed use at the proposed location adequately served by, and will not impose an undue burden on, any of the required improvements referred to in Chapter 18.

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

CHAIRMAN: Do we have a motion.

DEAN: I'd like to make a motion that Case CU-030004 requesting conditional use approval under Chapter 18, §18:1-041 to construct a 310 ft. x 6 ft. pier with 6 ft. x 33 ft. "T", 6 ft. x 10 ft. walkway, four - 15 ft. x 3 ft. finger piers and 16 boat lift pilings to create 8 boat slips, not for commercial use, all extending a maximum of 300 ft. into the waters of Cabin Creek.

CHAIRMAN: We have a motion.

SCOTT: I'll second it.

CHAIRMAN: All in favor, Aye.

SCOTT: Aye.

DEAN: Aye.

CHAIRMAN: Let the record show that Case CU-030004 has been approved. I now declare this hearing to be adjourned. You will receive a formal decision as soon as possible.

Caitlyn Maxwell
Clerk

6/12/08
Date

CC: David Sutherland, Applicant
Calvin Case, Case Marine Contracting, LLC
James Goldsberry
Charles Bryan
Wm. Benton
Jeffrey E. Thompson, Esq.
Steve Cohoon
Jim Barton
Lynn Kimbles

Mike Demski
Gary Neitzey
Anthony Rossi
Robert Gilmer
Board Members
Stephen H. Kehoe, Esq.
Frank Hall
Permit Dept.



Queen
Anne's
County

County Commissioners:

Eric S. Wargotz, M.D., Commission President
Courtney M. Billups, District 1
Paul L. Gunther, District 2
Gene M. Ransom III, District 3
Carol R. Fordonski, District 4

DEPARTMENT OF LAND USE, GROWTH
MANAGEMENT & ENVIRONMENT

160 Coursevall Drive
Centreville, MD 21617

Telephone Community Planning: (410) 758-1255
Fax Community Planning: (410) 758-2905
Telephone Land Use: (410) 758-1255
Fax Land Use: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

March 3, 2008

Talisman Farm East Enterprises, LLC
208 Pier 1 Road
Stevensville, MD 21666

RE: Tax Map 65 – Parcel 5
Zoned: Countryside
Zoning Certificate Application Z07-1677

Dear Sir:

Upon review of the above-mentioned permit application, I have determined that the proposed 310ft pier will exceed the maximum 150' pier length allowed per *Section 18-1-041 of the Queen Anne's County Land Use and Development Code*. *SECTION 18-1-041 PIERS; Generally states: No pier shall extend into any body of water a distance greater than one hundred fifty (150) feet, as measured from the mean high water line, except that greater lengths may be permitted by the Board of Appeals as a conditional use. In no case shall the length of a pier exceed one-half (1/2) of the distance from mean high water line to the centerline of the body of water, said distance being hereby established as the tributary harbor line.* Therefore, your application will be denied, however should you wish to seek possible relief you may do so by applying to the Board of Appeals. Contact person for the Board is Cathy Maxwell at (410) 758-1255.

Should you have any questions concerning this matter you may contact me at (410) 758-4088 between 8:00 A.M. and 9:30 A.M. Monday through Friday.

Sincerely,

Gene A. Palmatary,
Zoning Inspector

GAP/vjs

cc: Board of Appeals

