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



Margaret G. McHale Choir 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 14, 2011

Ms. Sandra N. Carter Queen Anne's County Dept. of Land Use, Growth Management, & Environment 160 Coursevall Drive Centreville, MD 21617

Re : File #02-08-10-0007-C Revision #4 Briele Reconfiguration and Subdivision.

Dear Ms. Carter,

Thank you for providing revised information regarding the above-referenced reconfiguration and subdivision application. This submission involves the reconfiguration of four existing parcels in the Limited Development Area (LDA) and the subdivision of one of those parcels into four lots.

Based on the information provided, it appears that all prior comments have been addressed. Therefore, we have no further comments.

Thank you for providing the opportunity to comment on this administrative subdivision request. If you have questions, please feel free to call me at (410) 260-3483.

Sincerely,

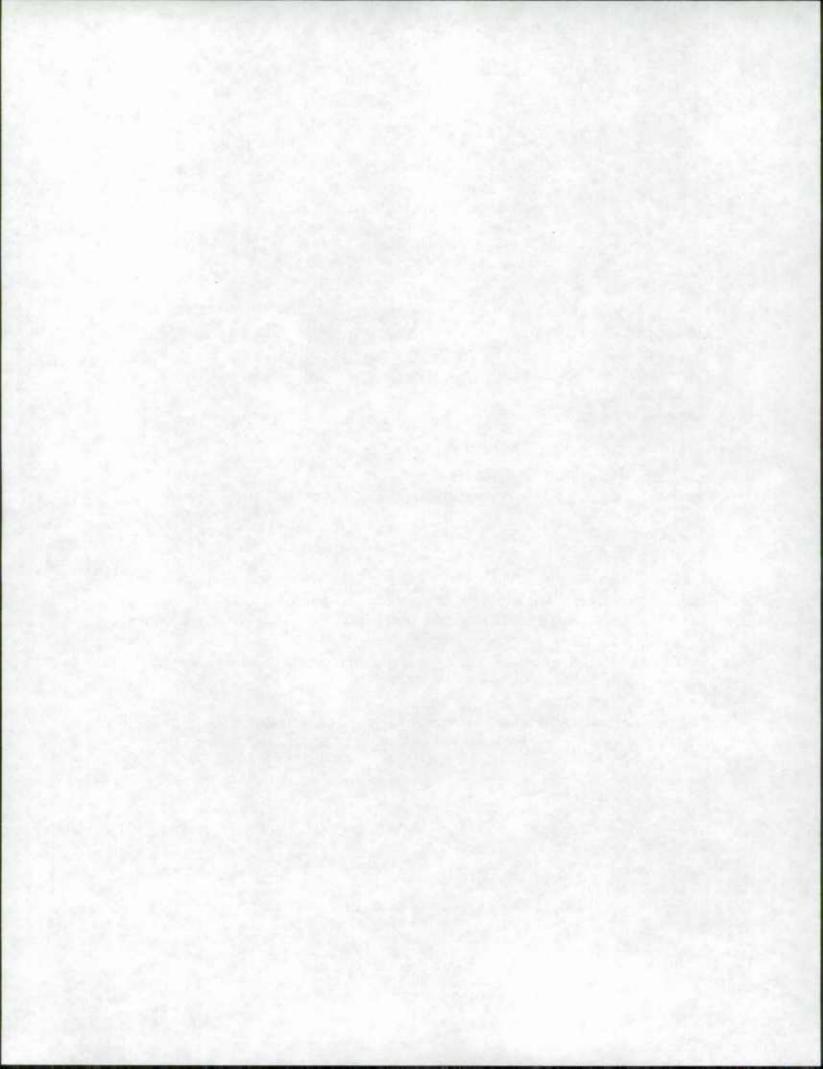
Mich Kelly

Nick Kelly Regional Program Chief

cc: QC 607-08

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

> Ren Serey Executive Director

STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

April 18, 2011

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax: (410) 974-5338 www.dnr.state.md.us/criticalarea/

Ms. Sandra N. Carter Queen Anne's County Dept. of Land Use, Growth Management, & Environment 160 Coursevall Drive Centreville, MD 21617

Re: File #02-08-10-0007-C Revision #4 Briele Reconfiguration and Subdivision.

Dear Ms. Carter,

Thank you for providing revised information regarding the above-referenced reconfiguration and subdivision application. This submission involves the reconfiguration of four existing parcels in the Limited Development Area (LDA) and the subdivision of one of those parcels into four lots. Our last comment letter was sent on February 1, 2011 by Ms. Kate Charbonneau. It appears that the majority of her comments have been addressed in this revised submittal.

We have these remaining comments regarding the Buffer Management Plan (BMP):

- The BMP indicates the property is currently in agricultural use and will be planted when that use ceases. In order to confirm this use, the plan must indicate the number of the Water Quality Plan approved by the Soil Conservation District and state that this plan is in effect at this time. This requirement is contained in COMAR 27.01.09.01-5.
- Although the applicant has provided a brief maintenance plan, we recommend a more detailed plan given the invasive species noted to be in the Buffer on site. Without a more detailed plan demonstrating control of the existing invasive species on the site, the applicant/ buyer risks these species overpowering the new Buffer plantings.

In addition, on Sheet 1 of 6, the third note under "Critical Area Commission Notes" should be revised to include the following (additions in **BOLD**):

Ms. Carter April 18, 2011 Page Two

• "In accordance with COMAR 27.01.09.01, a final use and occupancy permit cannot be **ISSUED...**"

Thank you for providing the opportunity to comment on this administrative subdivision request. If you have questions, please feel free to call me at (410) 260-3483. Sincerely,

Mich Kelly

Nick Kelly Regional Program Chief

cc: Ms. Holly Tompkins, QA County QC 607-08

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 27, 2010

Ms. Sandra Carter Queen Anne's County Land Use, Growth Management and Environment 160 Coursevall Drive Centrevlle, MD 21617

Re: File #02-08-10-0007-C Revision #3 Briele Reconfiguration & Subdivision

Dear Ms. Carter:

Thank you for submitting the above referenced project for review and comment. This submission involves the reconfiguration of 4 existing parcels in the Limited Development Area and the subdivision of one of those parcels in to 4 lots. This office previously reviewed this application in October of 2009 and April of 2010. Based on the information provided, we have the following comments at this time:

Reconfiguration of Parcels 52, 111, 118 and 190

- On September 6, 2010 the regulations regarding reconfiguration and consolidation of grandfathered lots within the Critical Area (COMAR 27.01.02.08) were amended to clarify that they apply only to lots which do not conform to Critical Area requirements. This revision has excluded Parcel 117 which is nonconforming relative to lot coverage. The remaining parcels to be reconfigured (noted above) are currently conforming with respect to Critical Area requirements. Therefore the County is no longer required to make findings relative to COMAR 27.01.02.08 concurrent with the approval of this plat.
- 2. Notwithstanding the above comment, this office understands that the County is currently withholding approvals of administrative subdivision plats within the Critical Area until provisions are included in the County code that address the application of recently amended Critical Area regulations, including COMAR 27.01.09.01 (Buffer). Until those provisions are included in the County code, it is not clear what effect they may have on proposed Parcel 111 and Parcel 52. Please communicate this issue to the applicant so they are clear on the delay and understand that I may have comments related to the Buffer for these parcels at a later date.

October 27, 2010 Briele Reconfiguration/Subdivision Page 2 of 2

Minor Large Lot Subdivision of Parcel 52

3. A table showing 15% afforestation calculations for proposed lots 1-4 being created out of Parcel 52 must be included on Sheet 5 of the site plan. The 15% calculations should be broken down per proposed lot as well as a cumulative total.

4. A table showing the 15% lot coverage limits for proposed lots 1-4 being created out of Parcel 52 must be included on Sheet 5 of the site plan. The 15% limits should be broken down per proposed lot as well as a cumulative total. This table should also include lot coverage estimates for each proposed lots anticipating individual driveways for each lot. The applicant may wish to consider shared driveways in order to minimize lot coverage.

Major Buffer Management Plan

- 5. The plans indicate that approximately 4,836 square feet of Buffer establishment is required to fully establish the Buffer on the proposed lots. Because the required establishment is less than 5,000 square feet, a Minor Buffer Management Plan is required. The buffer establishment document submitted separately with the site plans should have all relevant information transferred to the site plan so it is recorded with the subdivision. An additional sheet may be the best way to accomplish this.
- 6. If the site is currently in agricultural use, the applicant must provide the County, as well as the Critical Area Commission, with a copy of the Water Quality Plan on file with the Soil Conservation District in Queen Anne's County. Without such verification, establishment on both lots will be required in the next planting season after the subdivision is recorded. Additionally, a note must be added to the plat indicating that once agricultural practices cease on the property, the Buffer Management Plan will be put into effect the following planting season.

Thank you for the opportunity to provide comment. If you have questions regarding this project, please feel free to contact me at (410) 260-3479.

Sincerely,

h.h. 11

L. Turcan Hockaday Natural Resource Planner

cc: Holly Tompkins, QA County QC607-08

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 30, 2010

Ms. Holly Tompkins Queen Anne's County Department of Land Use, Growth Management, and Environment 160 Coursevall Drive Centreville, MD 21617

Re: Briele Lot Line Consolidation/Subdivision

Dear Ms. Tompkins:

Thank you for providing information for the above referenced subdivision application. The subject property is comprised of five distinct parcels, P52, P111, P117, P118, and P190. All five parcels are located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The applicant is proposing to reconfigure lot lines between parcels P111, P117, P118, and P190. The applicant further proposes to subdivide P52 and create three new lots, P52-Lot1, P52-Lot2, and P52-Lot3. For the purposes of clarity I have divided my comments between those parcel effected by reconfiguration and those effected by subdivision.

Lot Consolidation and Reconfiguration

- 1. Currently, P117 is developed 18,93 square feet of lot coverage which exceeds the 15% lot coverage limit. We recommend the proposed configuration for P117 bring it completely in to conformance for lot coverage. This will prevent the applicant from needing a variance for future redevelopment projects.
- 2. As a result of the lot line reconfiguration, COMAR 27.01.09.01-1.C requires that a new lot with an existing dwelling establish the Buffer based on lot coverage. Accordingly, P117 must establish the Buffer with 18,391 square feet of planting. The remaining parcels must fully establish the Buffer as new lots. COMAR 27.01.09.01-2.H-I sets forth the planting standards and stocking requirements pertinent to the Buffer establishment.

Ms. Tompkins May 3, 2010 Page Two

- 3. COMAR 27.01.09.01-3.J provides guidance regarding the creation of a Major Buffer Management Plan. As stated in COMAR 27.01.09.01-2, the County may not approve the subdivision plat until the County has reviewed and approved the Buffer Management Plan associated with this application.
- 4. According to COMAR 27.01.02.08.E, the County must make written findings that the proposed reconfiguration complies with all the standards set forth in the regulation.
- 5. Please submit a copy of the final plat with the findings that meet the requirements found in COMAR 27.01.02.08 within 10 business days of the final decision. The Commission has 30 days from the date of receipt of the decision in which it may file an appeal. The County may not issue a permit or other approval until after the expiration of the appeal period.

Subdivision of Parcel 52

- 6. The applicant proposes to subdivide P52 to create three new lots. As proposed, P52-Lot1 is 7.967 acres in size, P52-Lot2 is 2.302 acres in size, and P52-Lot3 is 3.52 acres in size. COMAR 27.01.09.01-1 requires that new lots created as a result of a new subdivision fully establish the Buffer. Accordingly, P52-Lots 1, 2, & 3 must prepare Buffer Management Plans as described in COMAR 27.01.09.01-3. These Buffer Management Plans must comply with the planting and mitigation standards outlined in COMAR 27.01.09.01-2.
- 7. Prior to the creation of a Buffer Management Plan, a field delineation of Mean High Water (MHW) must be performed. Additionally, the Buffer must be expanded in accordance with COMAR 27.01.09.01 for steep slopes, hydric or highly erodible soils, and non-tidal wetlands.

Thank you for the opportunity to provide comment. If you have questions regarding this project, please call (410) 260-3479.

Sincerely. in the

L. Turcan Hockaday Natural Resources Planner

October 28, 2009

Ms. Sandra Carter Queen Anne's County Land Use, Growth Management and Environment 160 Coursevall Drive Centrevlle, MD 21617

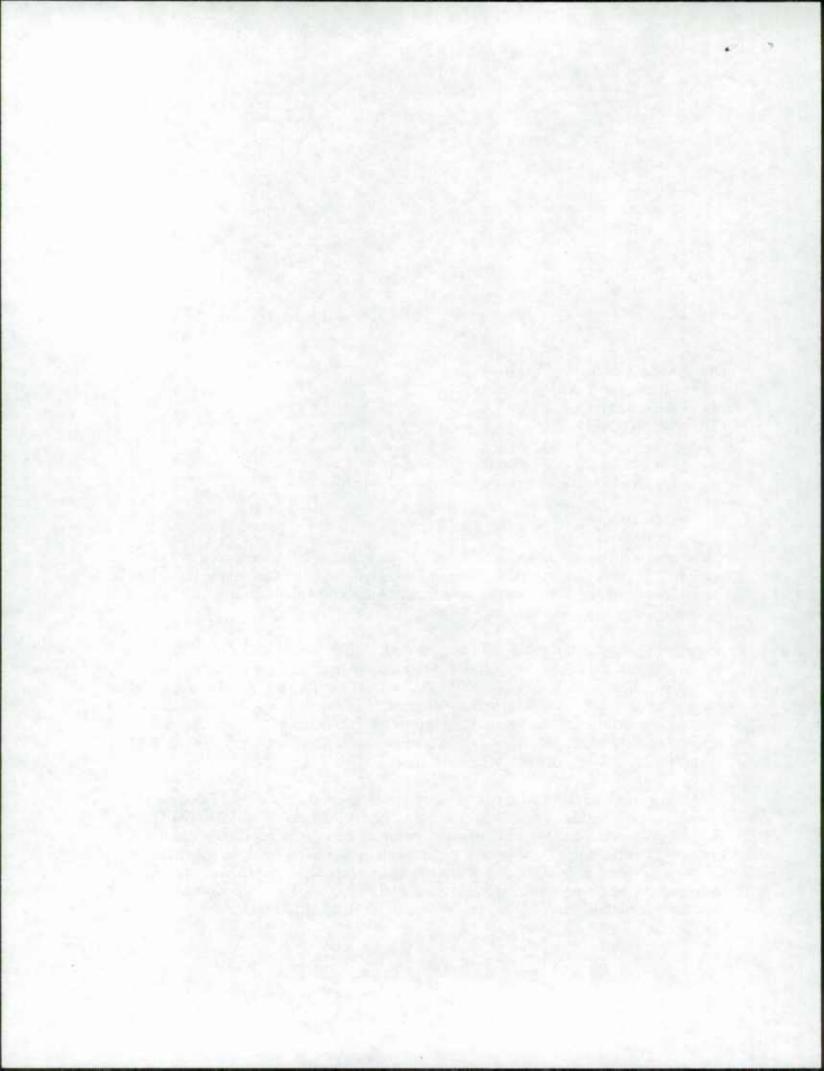
Re: File #02-08-10-0007-C; Revision #1 Lot Line Reconfiguration – Administrative Subdivision

Dear Ms. Carter:

Thank you for submitting the above referenced administrative subdivision for review and comment. The applicant is proposing to reconfigure lot lines of five adjacent parcels. All of the parcels are located within the Limited Development Area (LDA) of the Critical Area. This office previously provided comment on October 31, 2008.

As currently proposed, this subdivision does not meet the provisions of COMAR 27.01.02.08 which provides standards for the consolidation and reconfiguration of grandfathered parcels or lots in the Critical Area. Specifically, COMAR 27.01.02.08 states a lot reconfiguration cannot create an additional riparian parcel or lot, waterfront lot, or any other parcel or lot deeded with water access. In this proposal, the applicant is increasing the number of waterfront parcels from three to four. Therefore, this proposal may not be approved. These regulations became final on August 10, 2009. A copy of this regulation is attached.

The County may adopt alternative procedures and requirements for the consolidation or reconfiguration of legal parcels of land or recorded, legally buildable lots listed if: (A) The alternative procedures and requirements are at least as effective as the regulations found in COMAR 27.01.02.08 and any additional requirements of the County program; and (B) the Critical Area Commission has approved those alternative procedures and requirements as an amendment to the County's Critical Area Program. However, until such measures are approved, the County must utilize the requirements found in COMAR 27.01.02.08.



Ms. Sandra Cater October 28, 2009 Page 2 of 2

Please note, per COMAR 27.01.02.08.E, a copy of the final written decision in this case as well as any applicable development plan must be forwarded to this office within 10 business days of the decision. The 30-day time period during which the Commission may file an appeal does not commence until the date of the receipt of the final decision by the Commission.

I have the following additional comments:

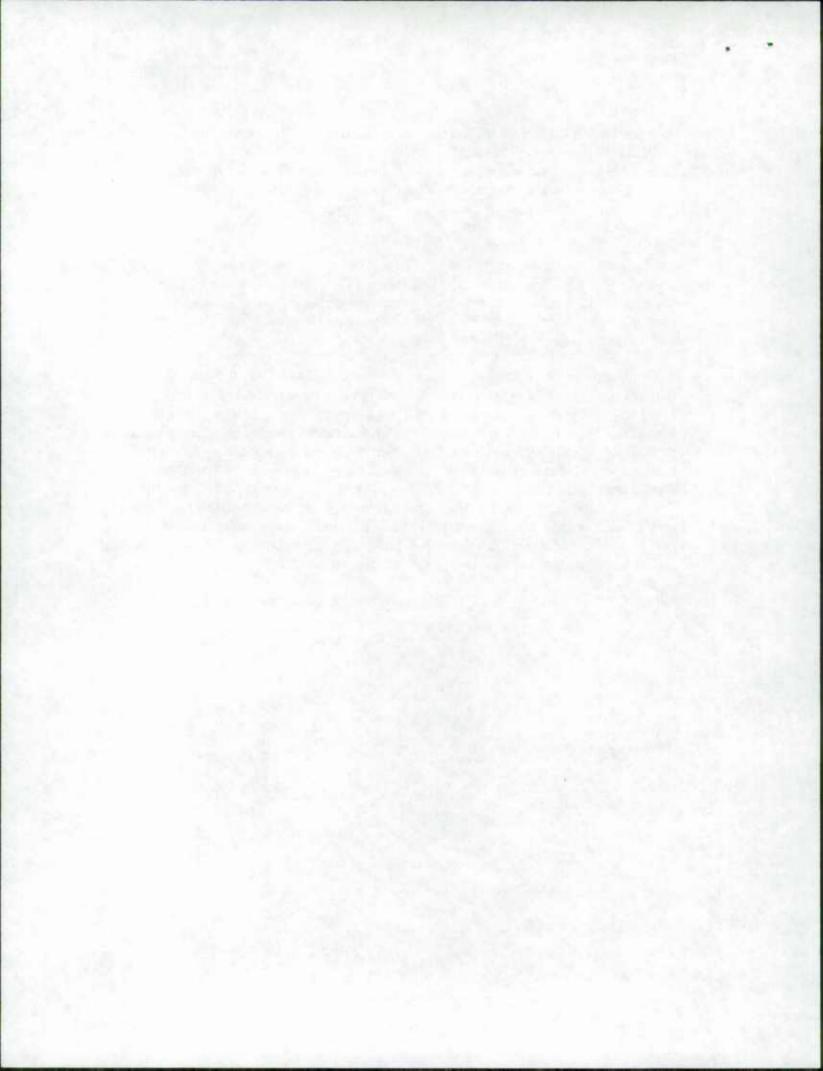
- The proposed configuration for Parcel 117 indicates that it will not comply with the 15% lot coverage limit. It is not clear whether Parcel 117 currently meets the 15% lot coverage limit, and therefore whether the proposed configuration is creating nonconformity. I recommend Parcel 117 be configured to provide sufficient acreage so that it may meet the 15% lot coverage limit.
- 2. The Buffer of the subject parcels is not entirely established. COMAR 27.01.09.01.C(3) requires that the Buffer be maintained or established in natural vegetation. In order to ensure the Buffer is fully established, the County should require a Buffer Management Plan at this time. Please be advised that the Critical Area Commission recently approved regulations regarding Buffer establishment that require an applicant to provide a Buffer Management Plan at the time of subdivision (COMAR 27.01.09.01-03.C). These regulations clarify the amount of establishment that is required and provide specific stocking standards. In the case of a lot reconfiguration, any new lot already developed with a dwelling must establish the Buffer equivalent to the amount of lot coverage on site. A new lot not already developed must fully establish the Buffer. The final approved Buffer Management Plan will need to be recorded with the subdivision plat.

Thank you for the opportunity to provide comment. If you have questions, please call 410-260-3475.

Sincerely,

Kate Charbonneau Regional Program Chief QC607-08

Cc: Jennifer MacGlashan



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 31, 2008

Ms. Jennifer Jackson Queen Anne's County Department of Land Use, Growth Management and Environment 160 Coursevall Drive Centerville, MD 21617

Re: Briele Lot Line Revision 02-02-10-0007-C

Dear Ms. Jackson,

Thank you for providing information regarding the above mentioned lot line revision request. The applicant is proposing to reconfigure lot lines of five contiguous parcels. All of the lots are within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Only one of the subject parcels is currently developed; Parcel 117 contains a house, driveway, and porches. The applicant proposes to reconfigure five existing parcels located in the Limited Development Area (LDA). Three parcels currently have frontage on the Chester River. The proposal would change the configuration of the site to create an additional parcel with frontage on the Chester River.

The Critical Area Criteria (COMAR 27.01.02.07B.2.a) and more recently, Chapter 119 of the 2008 Laws of Maryland, require local Critical Area programs to include procedures for lot consolidation and reconfiguration in order to bring certain lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to HPAs may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where lots in common ownership can be combined and/or reconfigured. The new legislation also requires local jurisdictions to submit their existing lot consolidation and reconfiguration procedures to the Commission and authorizes the Commission to develop regulations on this subject. If the County does not intend to

Letter to Jennifer Jackson October 31, 2008 Page 2 of 2

revise its ordinance at this time to incorporate specific provisions to bring qualifying lots of record into conformance to the extent possible, then the County must make specific findings on a case-by-case basis to meet the new legislative requirement. Please provide staff with the County's findings as described above as soon as possible. The proposal should not be approved until this issue is addressed by the County.

Thank you for the opportunity to comment. Please contact me if you have any questions. My phone number is (410) 260-3479.

Sincerely,

Marshall Johnson Natural Resources Planner

cc: QC 607-08

Major Buffer Management Plan For the Lands of Clorea S. Briele et al Tax Map 9, Parcel 52

Prepared for:

Michael A. Scott, Inc. 207 Maple Avenue Chestertown, MD 21620

Prepared by:

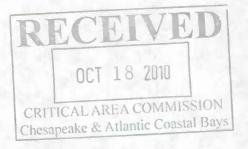
Davis & Associates

Environmental Consulting, LLC

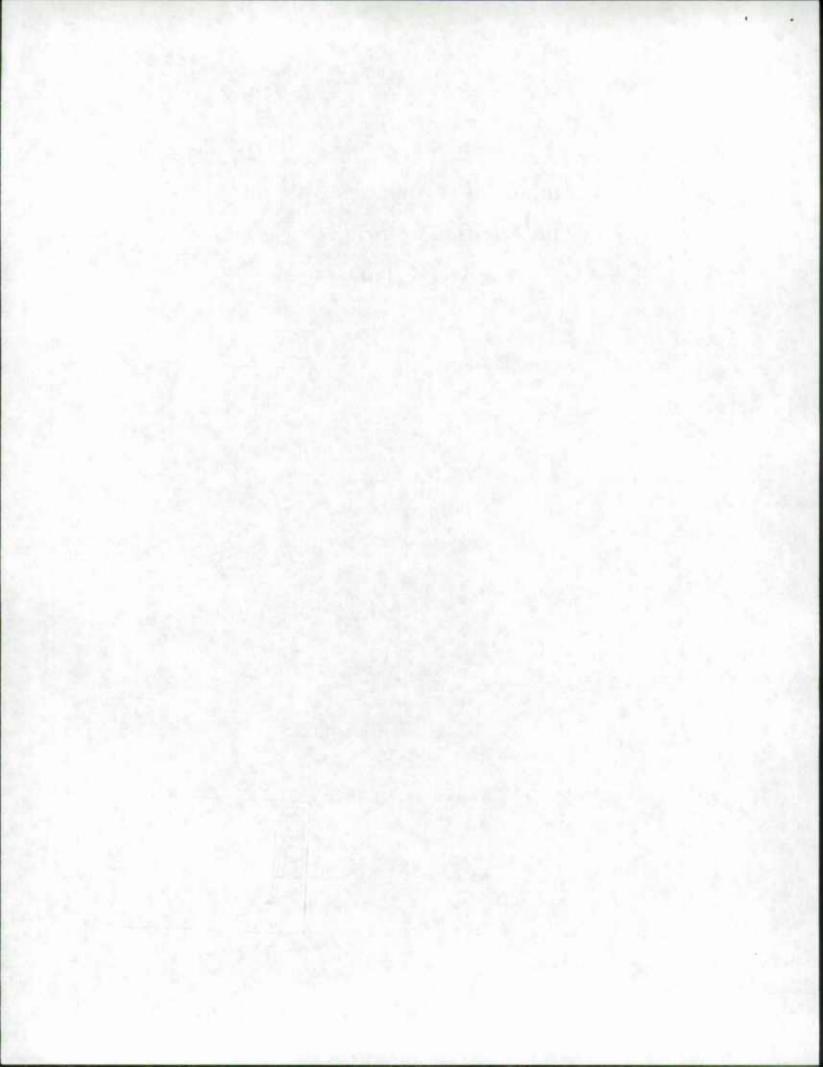
PO Box 733

Chestertown, MD 21620





September 2010



Introduction

This buffer management plan has been prepared in accordance with COMAR 27.01. The regulations define the buffer as the area immediately landward from mean high water of tidal waters, the edge of a bank of a tributary stream, or the edge of a tidal wetland. The buffer exists or may be established in natural vegetation to protect a stream tidal wetland, tidal waters, or terrestrial environment from human disturbance. The buffer includes an area of at least 100 feet, even if that area was previously disturbed by human activity ; and may be expanded for contiguous areas including a steep slope, hydric soil, highly crodible soil, nontidal wetland, or a Nontidal Wetland of Special State Concern.

Existing Conditions

The site is located in Queen Anne's County on Truslow Road. The site includes three lots that total 8.446 acres located in the Critical Area. The site is currently in agricultural use and the portions that are not in agricultural use are forested.

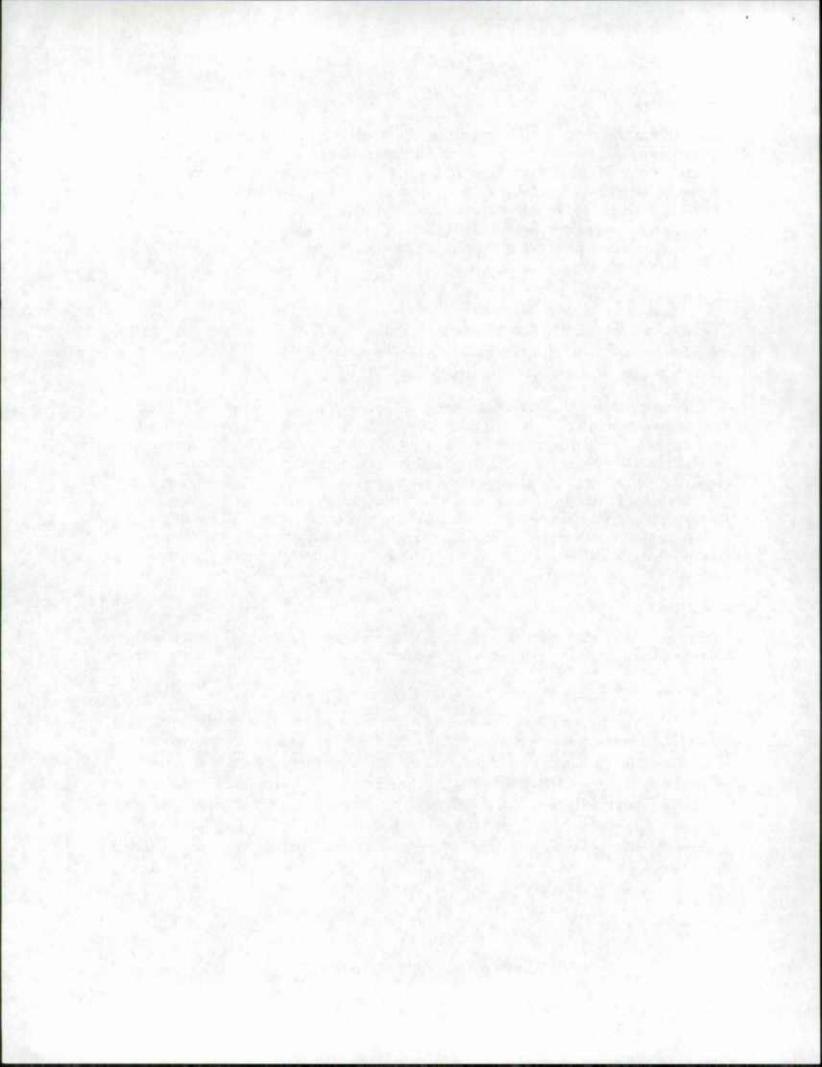
The buffer is fully established on two of the three lots and for most of the third lot. The existing vegetation consists of black cherry (*Prunus serotina*), black locust (*Robinia pseudoacacia*), mulberry (*Morus rubra*), blackgum (*Nyssa sylvatica*) in the overstory. The understory consists of seedlings of the overstory vegetation. Woody vines include trumpet creeper (*Campsis radicans*), poison ivy (*Toxicodendron radicans*), Japanese honeysuckle (*Lonicera japonica*), Virginia creeper (*Parthenocissus quinquefolia*), grape (*Vitis sp.*), and greenbrier (*Smilax rotundifolia*). Herbaceous species include pokeweed (*Phytolacca americana*) and clearweed (*Pilea pumila*). Common reed (*Phragmites australis*) occurs adjacent to the water along with groundsel tree (*Baccharis halimifolia*). The portion of the buffer that requires planting is 0.111 acre or 4835 square feet.

Proposed Conditions

The proposed limits of disturbance are shown on the enclosed plat. No trees or vegetation in the buffer will be disturbed or removed by the proposed activity.

Landscape Schedule

The plantings are proposed for the areas of the buffer that are not vegetated as shown on the attached plat and include approximately 0.111 acre. The Buffer Management Plan will be implemented for the lot when the land use of each lot changes from agricultural use. The landscaping stock will be planted as shown on the appropriate plat. Required establishment of the buffer is less than 1/4 acre and, therefore, 100 percent of the area will be landscaping stock. Nursery plants will be planted within two weeks of delivery to the site. Any recommended species or portion not available at time of nursery order may be replaced with available, similar native species.



Landscape Stock

Proposed	Quantity	Size of Plants	Maximum Credit
Species/Percent	of Plants		Allowed (Square Feet)
Willow oak/ 18	4	2-inch caliper and 8 feet high	200 * 4 plants = 800
Black gum/ 18	4	2-inch caliper and 8 fcet high	200 * 4 plants = 800
Red maple/ 18	4	2-inch caliper and 8 feet high	200 * 4 plants = 800
Sweetgum/ 18	4	2-inch caliper and 8 feet high	200 * 4 plants = 800
Hornbeam/ 7	4	1-inch caliper and 6-feet high	75 * 4 plants = 300
Redbud/ 7	4	1-inch caliper and 6-feet high	75 * 4 plants = 300
Silky dogwood/ 5	10	1 gallon and 4 feet high	50 * 10 plants = 500
Winterberry/ 5	10	1 gallon and 4 feet high	50 * 10 plants = 500
Joe-pye Weed/ 1	9	l quart	2 * 9 plants = 18
Black-eyed Susan/ 1	9	1 quart	2 * 9 plants = 18
Totals	62		4836 square feet

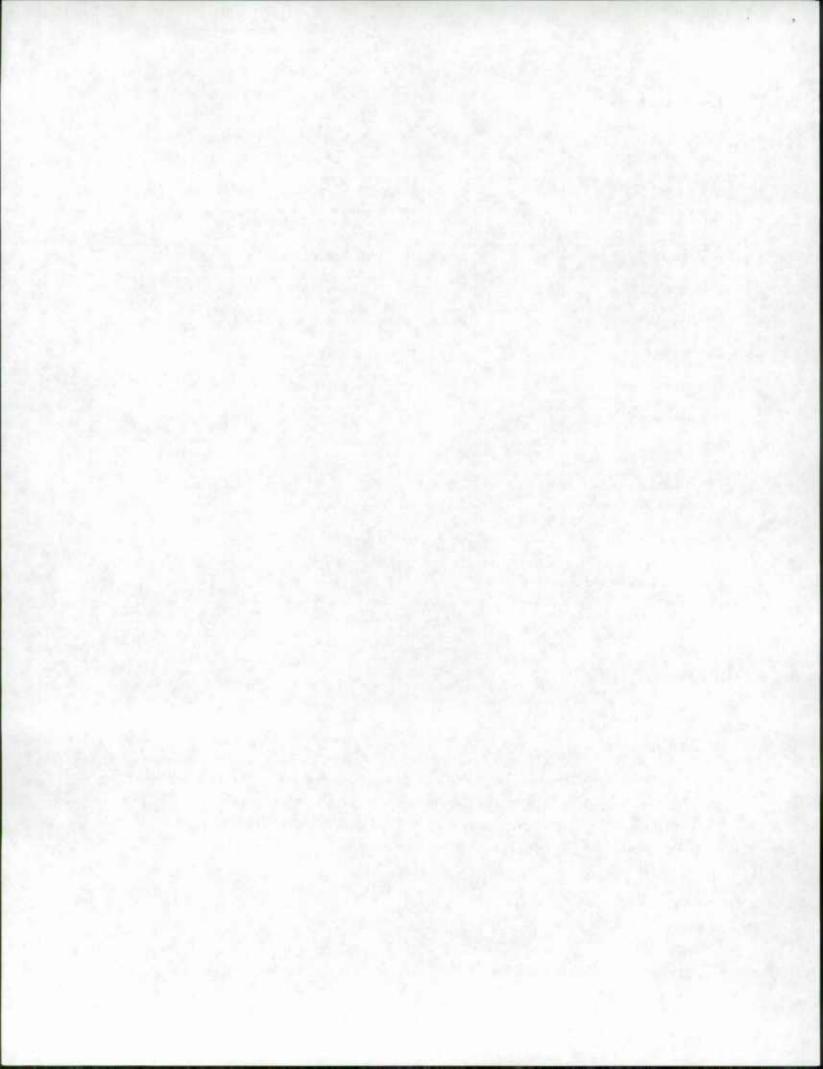
Costs for Landscape Stock

Landscape Stock and Mulch	\$2,770
Planting Labor	\$5,540
Total Cost	\$8,310

Maintenance Plan

For the first two years after planting, control of competing vegetation will be achieved by mowing two times a year between the plantings. The survivability requirement all landscaping stock is 100% for two years. Therefore, if the survival rates fall below the requirements, replanting of the dead plants will be necessary.

Comulat Wick W Nick



Long-term Protection Plan

Estimated Cost and Required BondLandscape Stock\$ 8,310

Costs	
Required Bond	\$ 10,387

Permanent signs delineating the upland boundary of the buffer will be placed every 200 feet. The signs will be 11 inches in width and 15 inches in height and will be placed on a metal stake at a height of 4.5 feet. The signs will state "Critical Area Buffer – No clearing or disturbance permitted."

Inspection Agreement

Queen Anne's County government will be granted access to the property for two years for the purpose of inspecting the plantings.

Calculations for Buffer Establishment

The buffer on the property consists of 1.620 acres. Approximately 1.509 acres of the 100-foot buffer are already naturally vegetated as shown on the enclosed plat.

Property Owner Signature

Clorea S. Briele et al

