

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 4, 2008

Chris Corkell
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

**Re: Poirier Variance
A1505**

Dear Ms. Corkell:

Thank you for providing supplemental information on the above-referenced variance request. In the original variance application, the applicant proposed to construct a dwelling unit addition within the 100-foot Buffer that is closer to Mean High Water (MHW) than the existing primary dwelling unit. The property is 1.887 acres in size and is designated Limited Development Area (LDA). The property is currently developed with a single-family dwelling unit, deck, guest house, shed, pool, driveway, retaining walls, concrete pads, and brick pads. The applicant proposes to remove portions of the brick pad area to construct kitchen and living space area.

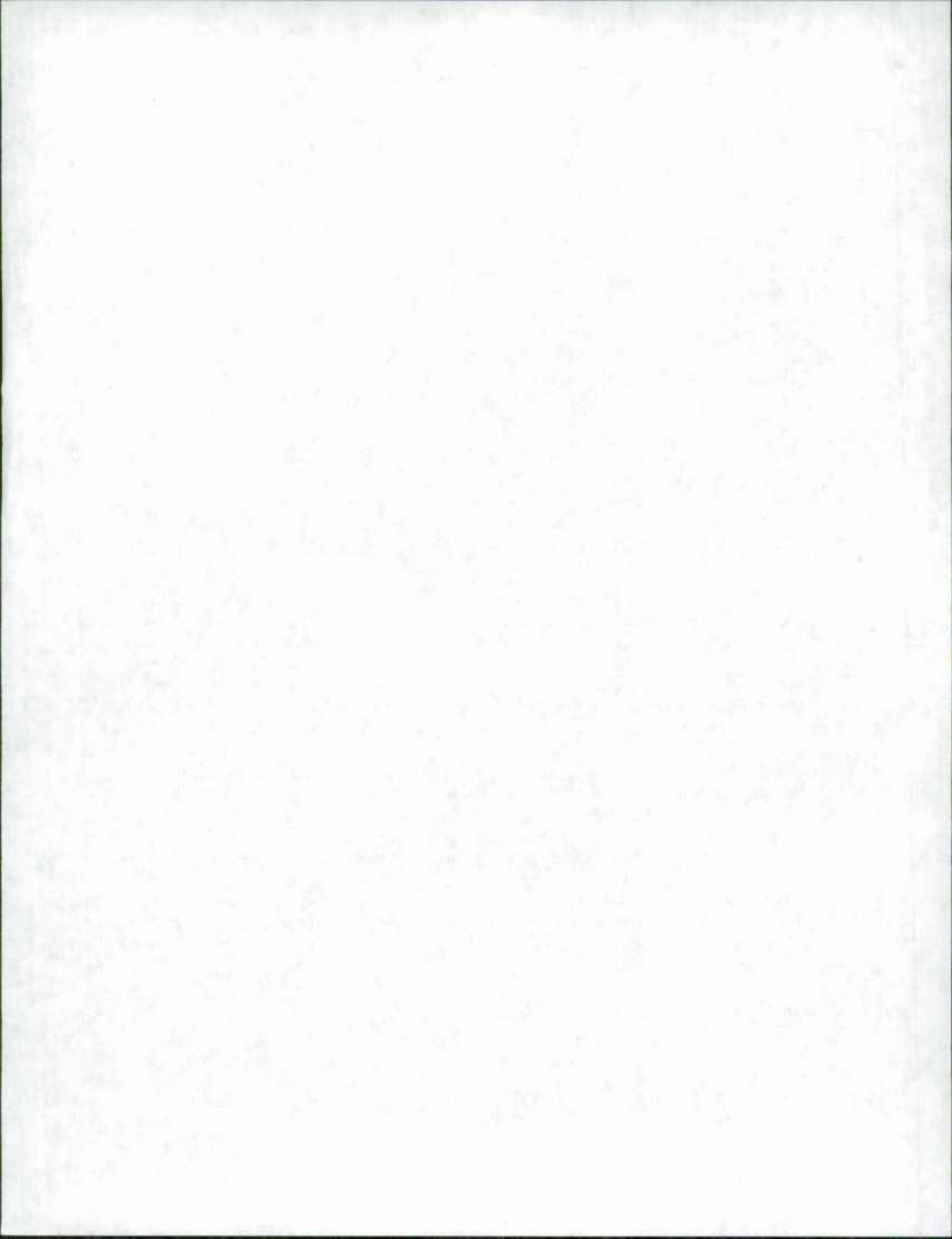
It is our understanding that the applicant has revised its original site plan to locate the proposed kitchen and living space area entirely outside the 100-foot Buffer. Proposed lot coverage onsite will increase to 9,715 square feet (11.8%). Based on this information, and provided that the proposed variance is in conformance with the requirements of the Talbot County Zoning Ordinance for a setback variance, we do not oppose this variance request.

Thank you for again for providing additional information on this Board of Appeals variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3483.

Sincerely,

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

Nick Kelly
Natural Resource Planner
cc: TC 451-08



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August 12, 2008

Chris Corkell
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

Re: Poirier Variance

Dear Ms. Corkell:

Thank you for providing information on the above-referenced variance request. The applicant is proposing to construct a dwelling unit addition within the 100-foot Buffer that is closer to Mean High Water (MHW) than the existing primary dwelling unit. The property is 1.887 acres in size and is designated Limited Development Area (LDA). The property is currently developed with a single-family dwelling unit, deck, guest house, shed, pool, driveway, retaining walls, concrete pads, and brick pads. The applicant proposes to remove portions of the brick pad area to construct kitchen and living space area. Total lot coverage onsite is currently 9,205 square feet (11.20%); if the variance is granted, total lot coverage onsite will increase by 542 square feet to 9,747 square feet (11.85%). Total lot coverage within the 100-foot Buffer will increase by 13 square feet. The dwelling unit addition will be located 97.3 feet from MHW, while the existing dwelling unit is located 108.7 feet from MHW.

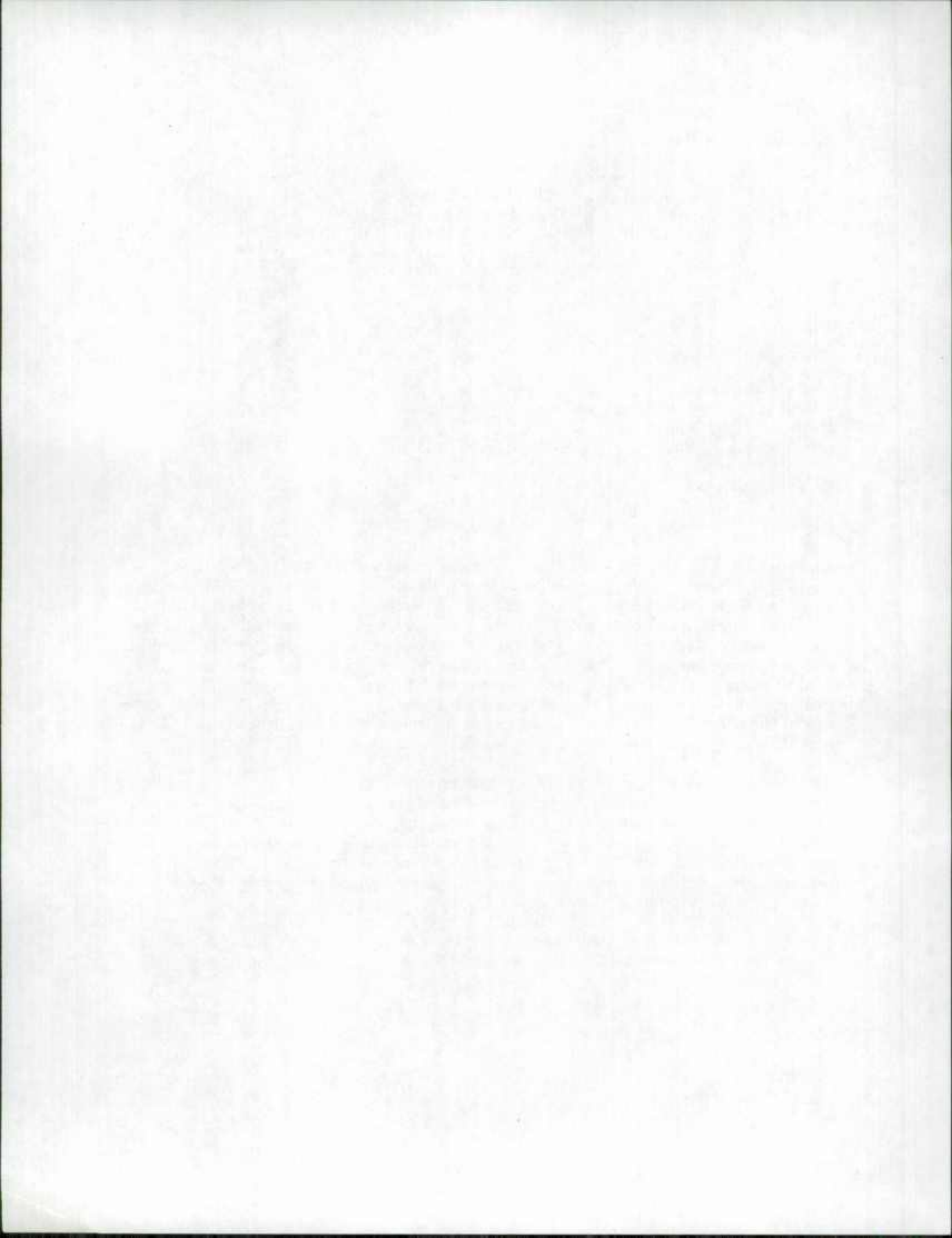
Based on the information provided, we cannot support the variance as proposed. While we do not oppose the construction of a dwelling addition, it appears that the applicant could redesign the proposed addition so that it is located entirely outside of the 100-foot Buffer. Therefore, Commission staff recommends that the applicant reduce or relocate the dwelling unit addition so that it is located entirely outside the Buffer area. However, if the Board of Appeals finds that the variance application meets each and every one of the variance standards as required, we recommend that the applicant provided mitigation at a rate of 2:1 for any disturbance to the Buffer.

Thank you for again for providing information on this Board of Appeals variance request. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

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

Nick Kelly
Natural Resource Planner
cc: TC 451-08



DECISION
TALBOT COUNTY BOARD OF APPEALS
Appeal No. 1505

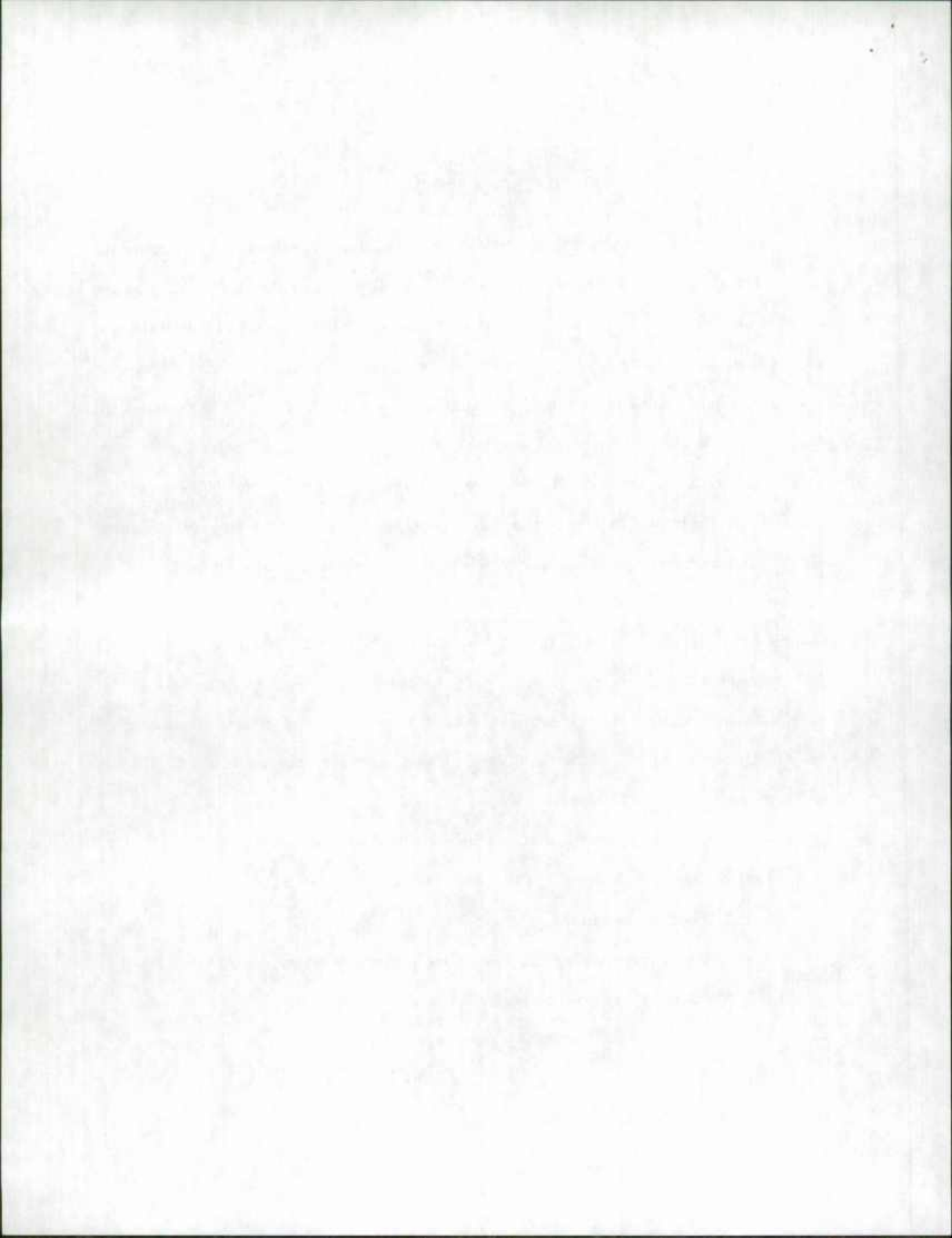
Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., August 25, 2008, on the application of **CAPITAL GROWTH HOLDINGS, LLC** (Capital Growth Holdings, LLC is wholly owned by Robert J. and Gerry M. Poirier. For purposes of this Decision the term "Applicants" refers to the LLC and/or Mr. and Mrs. Poirier). The Applicants are requesting a variance of the required 50-foot front yard setback to 39.7 feet to construct a two story addition to a residence. (The Applicants originally requested a variance of the 100-foot shoreline development buffer but withdrew that portion of the application at the hearing.) The property is located at 27638 Villa Road, Easton, Maryland 21601 and is in the Rural Residential (RR) zone. It is owned by the Applicant. The request is made in accordance with Chapter 190 Zoning, Article X, §190-59 D(2)(a) and D(4) and Article XIV, §190-104 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman, Phillip Jones, Vice Chairman, Rush Moody, Betty Crothers, and John Sewell. The Applicant was represented by Bruce C. Armistead, Esquire, and Carmen L. Farmer, Esquire, of Easton, Maryland. Glenn D. Klakring was the attorney for the Board of Appeals.

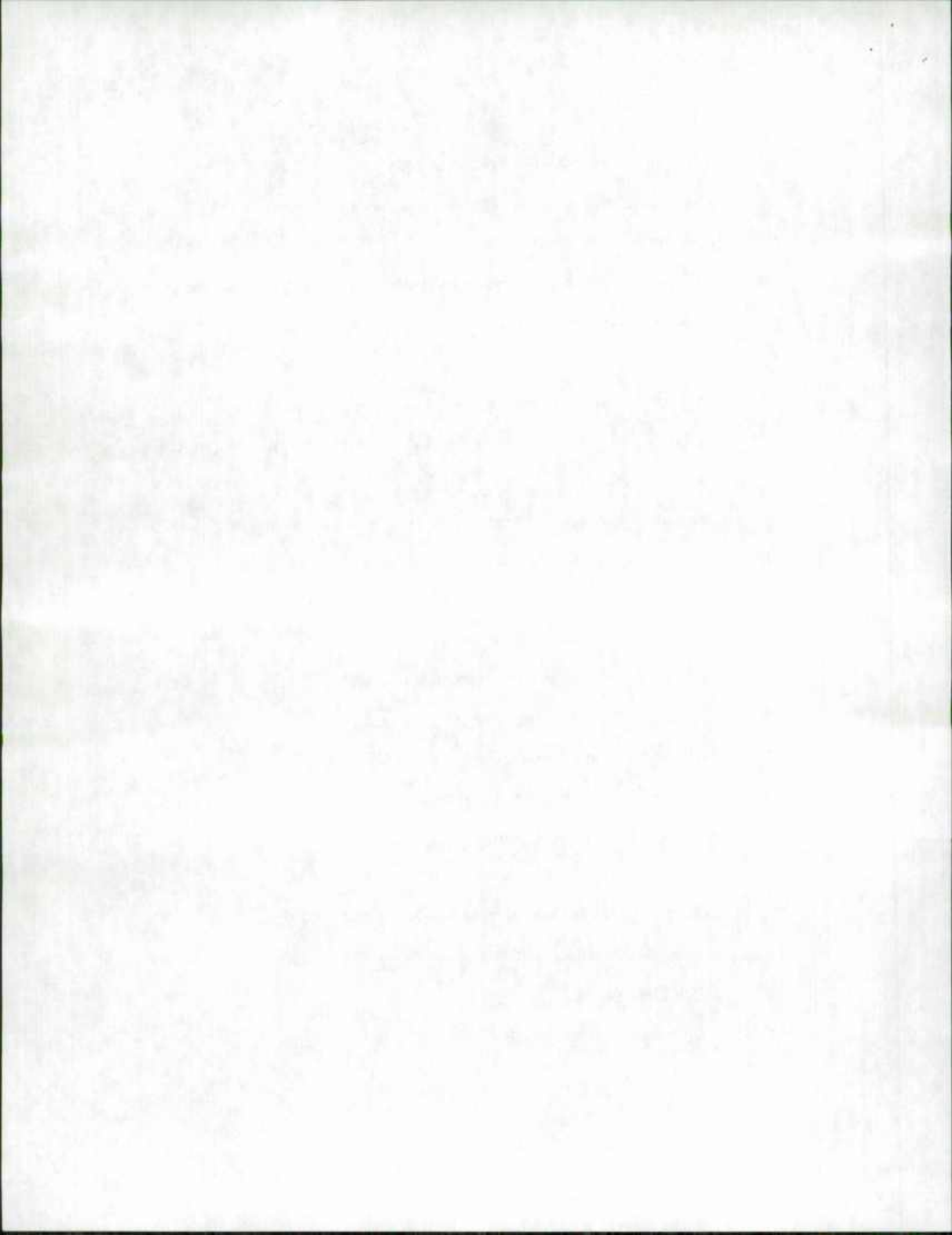
It was noted for the record that all of the members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for variance.
2. Copy of a portion of the Talbot County tax map with the property highlighted.
3. Appeals Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star-Democrat.



5. Notice of hearing with a list of nearby property owners attached.
6. Copy of the non-critical area variance requirements from the Code with the Applicants' response to each applicable requirement.
7. Copy of the critical area variance requirements from the Code with the Applicants' response to each applicable requirement.
8. Staff memorandum.
9. Sign maintenance agreement.
10. Site plan, revised with cover letter dated August 12, 2008 withdrawing critical area variance request.
11. Previous site plan showing withdrawn critical area variance request.
12. Plat showing house and critical area variance request.
13. Site plan prepared by McCrone Engineering, Inc.
14. Two sets of floor plans and elevation plans.
15. Critical Area Commission letter dated August 12, 2008.
16. Authorization letter dated November 14, 2007.
17. Independent Disclosure and Acknowledgement Form.
18. Impervious coverage worksheets (two pages).
19. Aerial photograph of the property.
20. Three photographs of existing dwelling taken on July 18, 2008.
21. Letter from Gerard and Mary Hopkins dated August 20, 2008.
22. Memorandum from Elisa Deflaux, Environmental Planner, Talbot County, dated August 21, 2008 (two pages).
23. Letter from Mary Ann Quinn dated August 21, 2008.

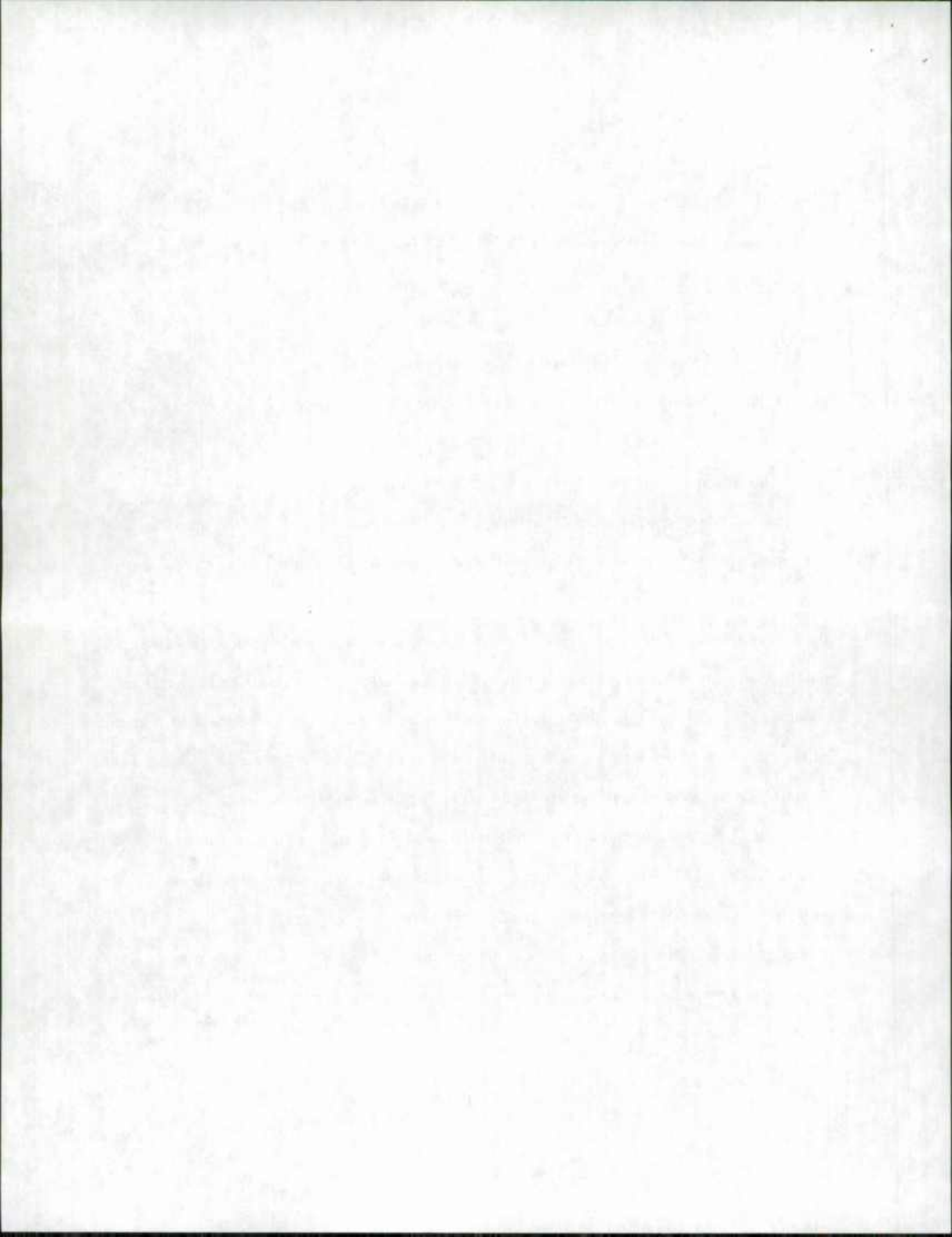


24. Letter from Carol Engle dated August 21, 2008.
25. Letter from Corinne and Rodney Taylor dated August 21, 2008.
26. Letter from John and Ellie Taylor dated August 21, 2008.
27. Letter from Earle and Karen Wood dated August 21, 2008.
28. Letter from Mattie Shafer dated August 21, 2008.
29. Letter from Ms. Bosomworth dated August 21, 2008.
30. Letter from Sue and James Mcadows dated August 21, 2008.
31. Letter from James Meadows dated August 25, 2008.

Initially, Mr. Armistead advised the Board that the Applicants wished to amend their application to delete the request for a variance of the critical area buffer. The Board permitted the amendment. He also said that when the Applicants decided to not request a critical area variance for the proposed addition they ordered a new plat from Lane Engineering. Lane Engineering assumed that the northeast corner of the addition would be rounded and depicted it as such on the new plat. The Applicant however wishes to have the flexibility to extend that side up to the critical area buffer. The extension would not make the addition any closer to the Villa Road right-of-way or any further into the side yard setback. The closest point of the proposed new structure to the right-of-way would be the southeast corner at 39.7 feet. From there the proposed addition goes progressively further away from the right-of-way.

Mr. Armistead then introduced Robert J. and Gerry M. Poirier as the sole owners of Capital Growth Holdings, LLC, which is a single asset LLC formed for the sole purpose of holding the subject property. The method of ownership was formed to help shield the owners from liability.

The lot is 1.88 acres improved by a structure that is over 100 years old. It is an attractive structure but it needs some updating and modifications to accommodate the Poirier family. An unusual feature of the property, other than being only roughly 153 feet wide, is that it fronts on two public right-



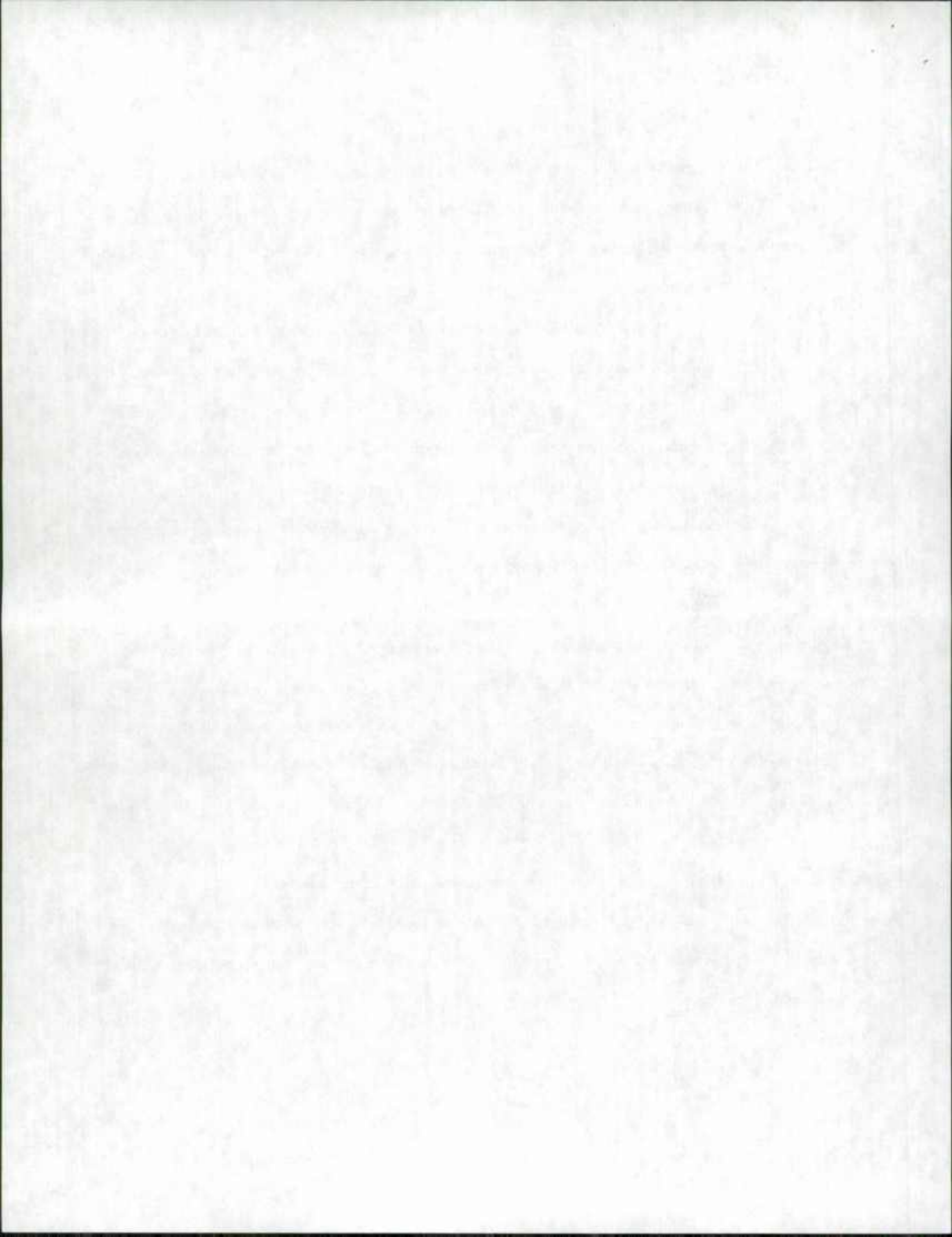
of-ways. It borders Parkway Road on the front of the lot and along its entire northeast side it borders Villa Road to a public landing on Goldsborough Creek. For zoning purposes it has two front yards. The side setback between the property and the neighboring Shafer property is 25 feet but the other side of the lot along Villa Road has a 50 foot setback.

The first witness was Robert J. Poirier, 27638 Villa Road, Easton. He testified that he and his wife had been frequent visitors to the Eastern Shore for almost twelve years. They had been looking for property for much of that time. One of their criteria was a smaller lot because they are primarily weekenders. Their intent is that the property would ultimately be a place for their retirement. They have a young family consisting of four boys ranging in age from ten years to four months.

They have made multiple improvements to the property since their purchase. Their intent was to be environmentally conscious and aesthetically appealing consistent with the neighborhood.

In one section of the second floor the floor actually slopes down about three inches and another part has a flat roof that has been repaired for leaks three times. The bedrooms are quite small and by going up with the structure they will be able to enlarge them. They will have three bedrooms plus one in the guest house. The furnace is about 70 years old and it needs to be replaced. With the proposed addition they plan to expand the kitchen area and eliminate the flat roof area by including a new master bedroom over the kitchen. Their plan is to make the house functional for a family with four growing boys.

The additions to the house will not increase the total number of bedrooms. They acquired the property in July 2005 and the lot remains in the same configuration. They closed in a screened porch to expand the living room and added a front porch onto the house but have not otherwise changed the footprint of the house.



Villa Road ends at the end of their property at a public boat ramp. It is not a through road. The proposal will not result in additional income or profitability. They hold it out for short term rental but they do not expect the proposed improvements will result in any additional income from the property.

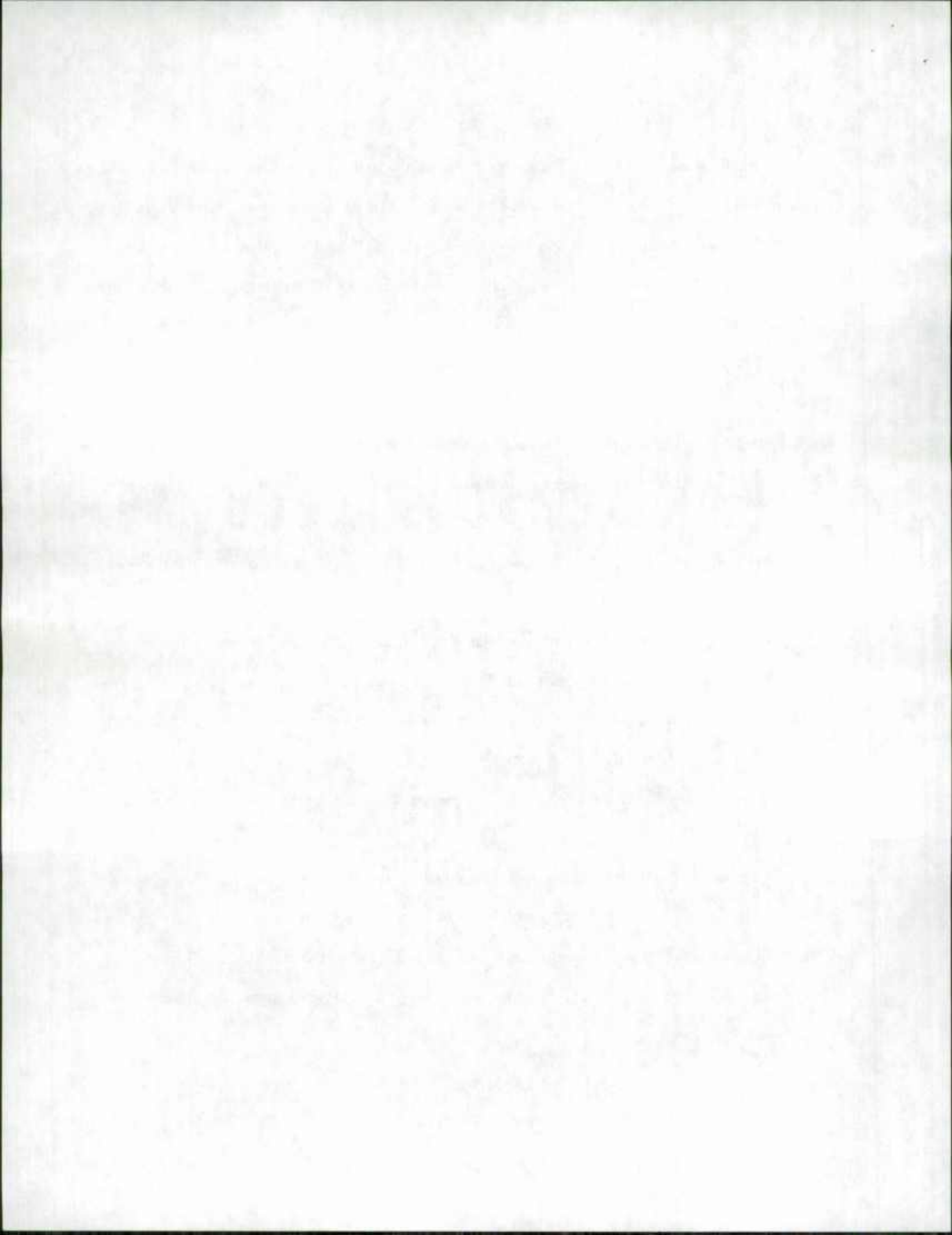
Gerry M. Poirier testified that the property was rented for two weeks the last week of July and the first week and August and for a few other days.

Mr. Poirier said that the proposed expansion will not increase the number of people occupying the property as a rental. They rent it for a maximum of eight persons at any one time and that would not change with the new addition. They have a permit to rent the property.

He said that their original plans were to expand the home to a larger structure but scaled that back after understanding some of the zoning restrictions. They worked diligently with their architect to come up with a minimal plan that would work with a family of six. The current plan is about the third iteration of their plans and they believe it to be the minimum adjustment necessary to accommodate their needs.

Mrs. Poirier said that the old furnace is immediately inside the door to the kitchen. The furnace is very loud. Also, the washer and dryer are right there. The kitchen is a galley kitchen and the eating area next to it can only fit four chairs. So, they have to eat in shifts. The steps in the kitchen create a safety hazard. Their goal with the kitchen is to make a single level kitchen and dining area with another place for the children to play and watch television. The bedroom is so small that it cannot have more than a king bed and one side table.

The house is 1,800 square feet and they love their house. They think they have made it more attractive with improvements and they simply would like to add some more square footage for the kitchen. The only current access to the crawl space is under the washer and dryer. The proposed improvements will create a more accessible crawl space. Also, they need to shore up some of the house's foundation.



Mr. Poirier said that the neighbors across Villa Road do not oppose the application and have submitted a letter to that effect.

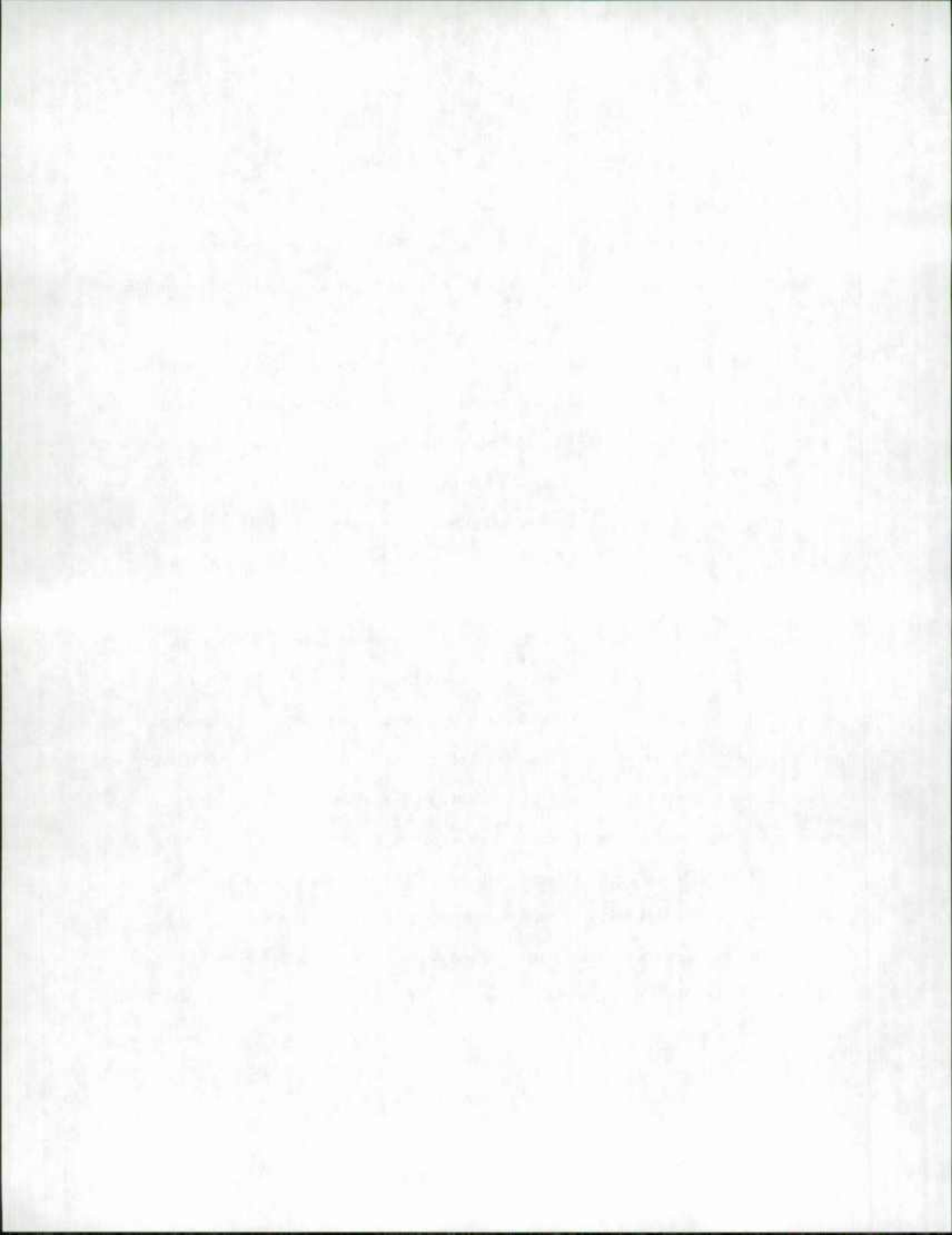
Mr. Armistead then offered a series of photographs of the home. They were admitted as Applicant's Exhibit No. 1. He also offered a letter from Mr. and Mrs. Hanrahan. It was admitted as Applicant's Exhibit No. 2.

The next witness was Donald Kopczynski, D.V.K. Associates, LLC, Cambridge, Maryland. He said that the house is over 100 years old with different levels due to various changes to the structure. The ceilings are at various different levels. The area of the proposed expansion is over already existing impervious surface and it is the most logical place for any expansion of the house. The addition will provide for space for a new kitchen, a new utility area, new storage space, and a new entrance for the crawl space.

They wanted to keep as much of the existing house as intact as possible. The house is the typical structure one would find on the Eastern Shore. Expansion of the house on the side opposite the Villa Road side would change the character of the house completely.

In response to questions from the Board he said that the second story will remain but they will add a new roof with a new roof line. They are not planning to put new footings under the house unless they are needed. We will replace only that part of the foundation that needs to be replaced. The rear roofline will also change. The Applicant offered a copy of the rear elevation. It was admitted as Applicant's Exhibit No. 3. They could increase the size of the house by making additions to the front or the northwest side but that would force a significant change in the character of the house.

Mr. Jones mentioned that the subdivision plat depicted a 25-foot setback along Villa Road but Mr. Armistead agreed that the larger 50-foot setback imposed by the zoning ordinance applies. Also, Mr. Jones observed that the deed to the property said that it could have a guest house but that it could not be

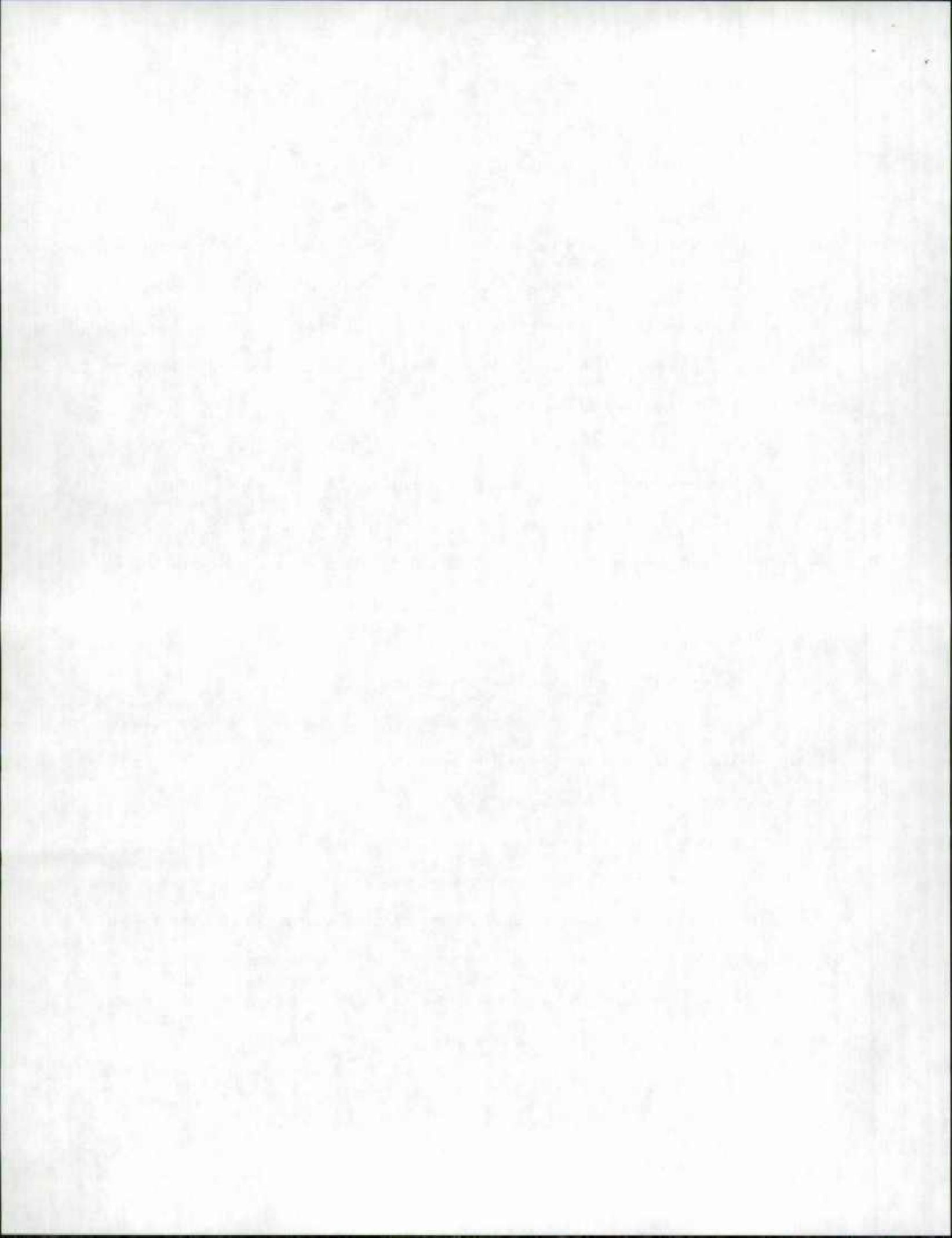


rented. That may allow the other property owners in the subdivision to pursue legal remedies regarding the vacation rental of the property. He also observed that there was no access shown to the property but the property had a right-of-way over Parkway Road so that is the original front of the property. But, moving the SDA to that area makes the Villa Road side the access side and the front side of the property. Because the house is in a corner of the lot there is much room for expansion within the envelope. Even though the lot size is smaller than that currently permitted in the zone and its width is less than that currently permitted it is not a unique property.

In response to an observation from Mr. Moody, Mr. Armistead said that the property is unusual because it is smaller and narrower than the normal lot in the same zone and Villa Road ends at a public landing at next to the property and is not a through road. The Applicants are trying to upgrade the house without reconstructing the entire house. The only part of the present structure to be removed is the existing garage. If it were financially feasible for them the owners could demolish the entire and rebuild an entirely new and much larger structure within the setbacks. Their goal is to maintain the present character of the original house and that goal is in the public interest.

Mr. Poirier said that they bought the house because of the character and charm associated with the original structure. They only want to expand the property for living purposes for their family but they want to keep the character of the house they originally bought.

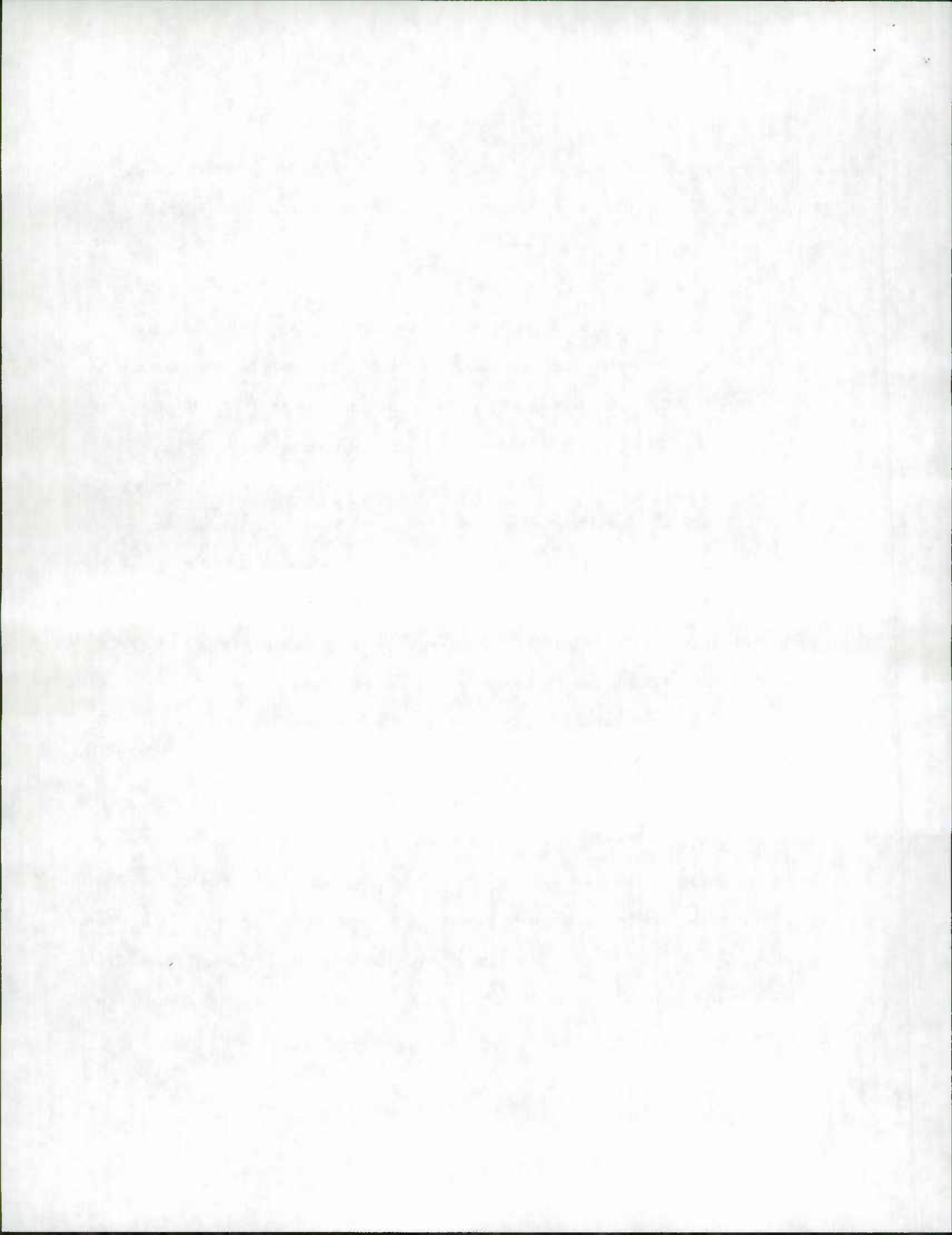
The next witness was Mattie Shafer who lives on the south side of the subject property. She had lived there for 28 years in what she considers a quaint and unusual neighborhood. She said that she was extremely uncomfortable with variances because the rules were written to protect the environment as well as ourselves. It is incumbent on everyone to see that we are not impacting the environment in a negative way. She does not understand why the Applicants, with an almost two acre lot, cannot avoid a variance. She was puzzled by the size and scale of the requested variance. She said that the Poiriers have a large



family and wondered if the remodeling was more for the use of the property as a short-term rental. In response to a question from the Board she said that the use of the property as a short-term rental has created more noise and traffic in the neighborhood.

The next witness was Gail Fosler, who owns property at 27770 Villa Road, Easton, Maryland. Her concern was the intensity of the use of the property given the limited septic capacity that the property has, especially in view of the short-term rental use of the property. The residential structure should be moved back from Villa Road to be integrated with the pool. The proposed new living space is not absolutely necessary. There seems to be existing ample living space in the existing home. The need for the expansion seems to be self generated. But, the home does not seem that it will be large enough for the size of the Poirier family, that is four children with and occasional five other children who visit. The proposed move to the side maximizes the water view of the property and enhances its value. It amounts to a taking in terms of the County ordinance. She questioned the family need for the second proposed staircase resulting in a home that could be made into two rental units if the property were to change hands. She also questioned the need for the large attic area that could potentially be used for additional bedrooms. She felt that the granting of the variance would open up the property to usage for which it is not suited.

Jim Meadows, 27685 Villa Road, Easton, Maryland 21601 testified next. His property is two properties from the subject property. He and his neighbors came to the hearing reluctantly to oppose the variance because they have such a cohesive neighborhood. He is opposed to the variance because of the nature of use of the property as a short-term rental and the expansion of the property will created the opportunity for even larger groups to be renters. The neighborhood is a quite one by virtue of its geographic location at the end of a road. But, there has been a noticeable increase in traffic recently as a result of the use of the property. He is concerned that the character and of the neighborhood and the



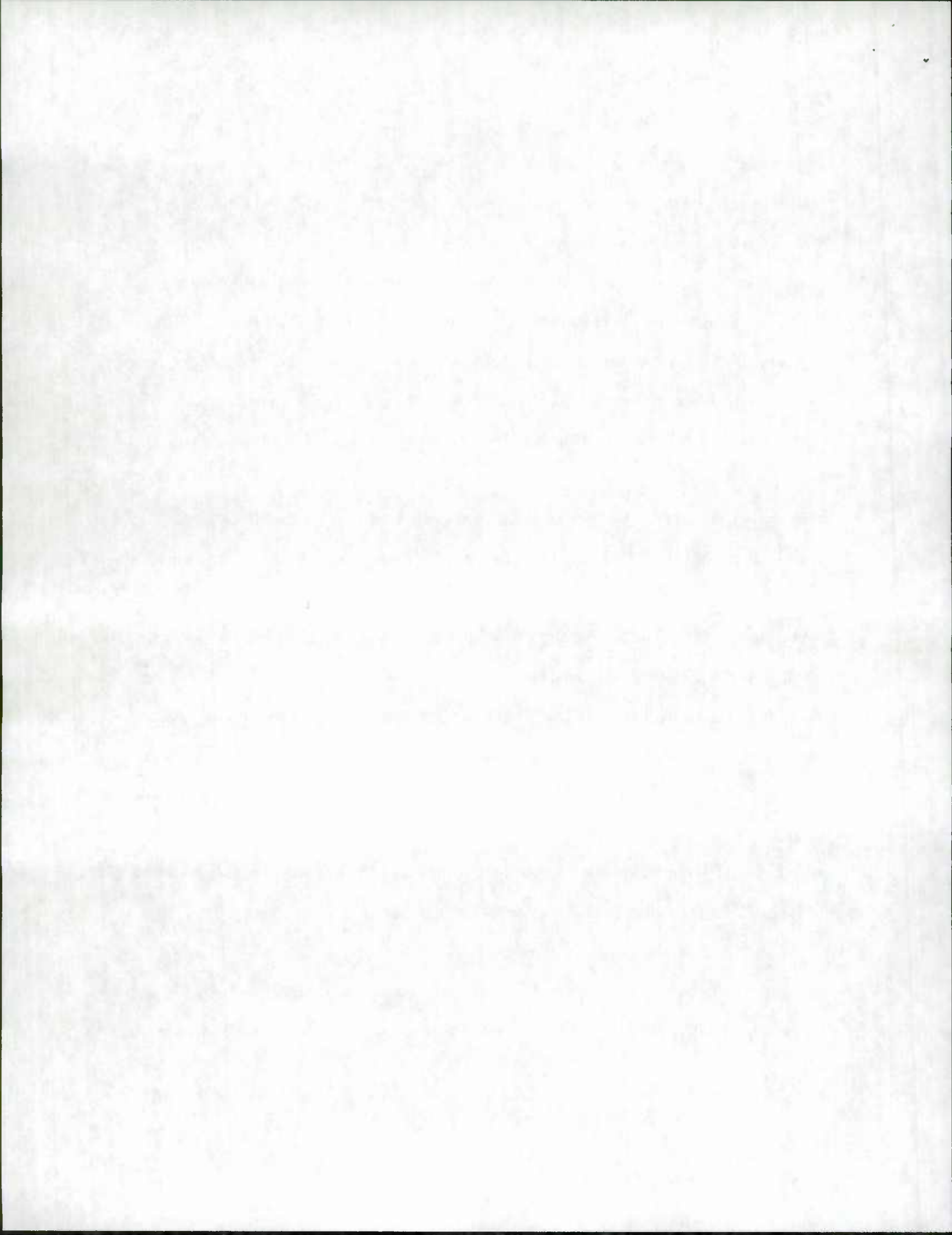
property will inevitably change. He questioned the business use of the property given the subdivision restrictions. He said that another neighbor told him that the home had actually been moved to its present location from another on the same property in the 1960s.

Earl B. Wood, Jr., 27850 Villa Road, Easton, congratulated the Applicant for withdrawing the Critical Area variance portion of the request. He moved to his home with his young family about 34 years ago. It was a dilapidated house and he made various improvements, all without requesting a variance. He was and still is in love with the character of the neighborhood. He asked that if the Board grants the variance it be conditioned upon the revocation of the short-term rental use of the property. If the purported purpose of the proposed additions and renovations is to accommodate their growing family it can be done without the use of the property as a short-term rental as he has done for 34 years.

Edward Bednarz, 27761 Villa Road, Easton, said that he is not bothered by the application and felt happy that the Poiriers have been willing to purchase and improve their property. He felt the improvements benefit all of the neighbors in terms of property values. In many areas of the county older waterfront homes are bought and torn down, to be replaced with much larger mansions. The Applicants could do exactly that without a variance. The Poiriers have done a lot to improve the property and they are restraining themselves by keeping and improving the existing structure. He felt that the variance was minimal. The property is next to a public boat ramp with its intended use by the public and its unintended use by high school students in the evenings is far more disruptive to the neighborhood than the five or six feet encroachment into the setback requested by the Applicants. Since that setback is against that road and the public boat ramp it really does not affect the neighbors at all.

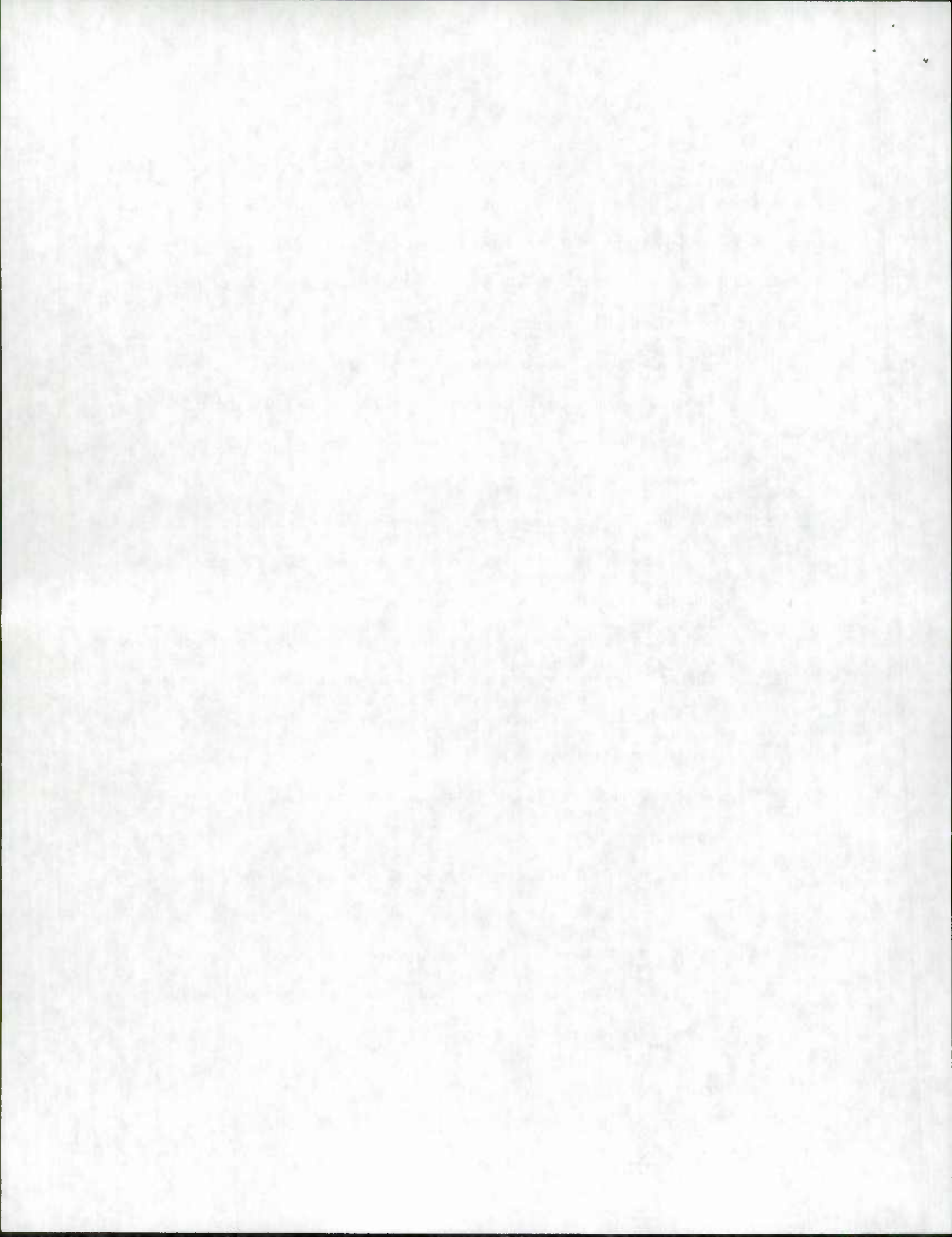
Mr. Armistead then made closing remarks.

In response to a question from the Board the Applicants said that the additional impervious surface would be about 500 feet. The resulting size of the home would be about 4,200 square feet.



There being no further evidence the Board considered the application. In response to one of the comments made by a member of the Board, Mr. Armistead said that the Applicants would be willing to accept a condition of the variance that it only applied to the proposed renovated structure and not to a new structure following a tear-down and rebuild. After some discussion and upon motion duly made and seconded, the Board made the following findings of fact and law:

1. All legal requirements pertaining to a public meeting were met.
2. Certain unique physical characteristics exist, such as unusual size or shape of the property or extraordinary topographical conditions, such that a literal enforcement of the provisions of the Ordinance would result in practical difficulty or unreasonable hardship in enabling the Applicants to develop the property. In addition to being long and narrow the lot has two front yard 50-foot setbacks by virtue of its being a corner lot. The longer side borders Villa Road which dead ends at a public landing at the end of the lot.
3. The granting of the variance is not based upon circumstances which are self-created or self imposed. Although the Applicants have made improvements to the home its location and footprint are the same as when they purchased the property. Also, the proposed renovations will use the basic layout of the home as it existed when purchased.
4. Greater profitability or lack of knowledge of the restrictions was not considered as sufficient cause for the variance.
5. The granting of the variance will not be contrary to the public interest and will not be a detriment to adjacent or neighboring properties. The variance is on a side yard fronting on a road that dead ends at the end of the Applicants' property.
6. The variance does not exceed the minimum adjustment necessary to relieve the practical difficulty or unreasonable hardship.



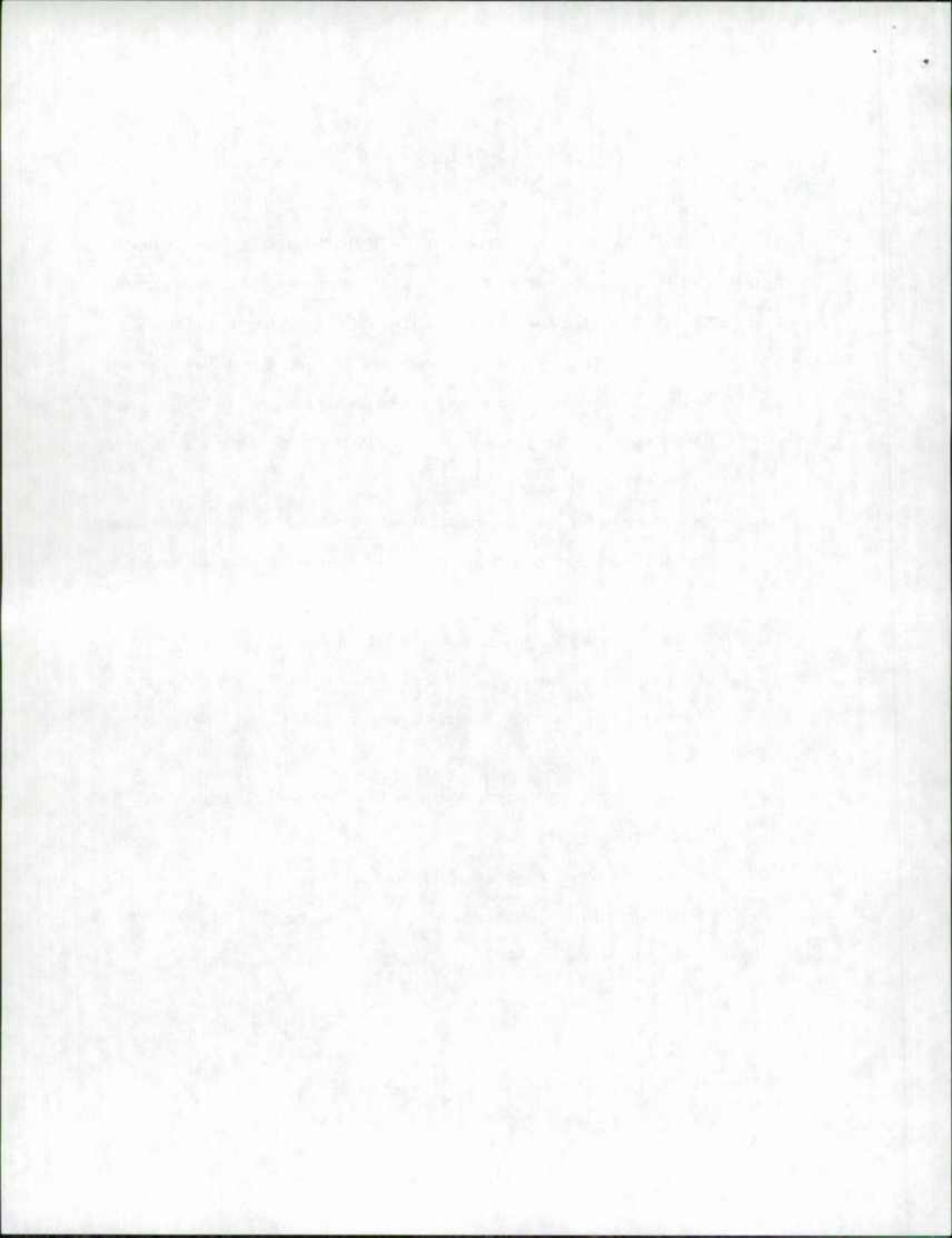
HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Applicants, **CAPITAL GROWTH HOLDINGS, LLC and ROBERT J. and GERRY M. POIRIER** (Appeal No. 1505) are **GRANTED** the requested variance consistent with the evidence provided the Board of Appeals. The variance is subject to the following conditions:

1. The variance granted by this opinion applies only to the proposed renovations as presented to the Board of Appeals. Should the Applicants, or their successors, elect to remove and rebuild the present or renovated structure the variance granted by this decision will be void.
2. The Applicants shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
3. The Applicants may be required to submit and comply with a planting plan for the project. They shall contact the Talbot County Environmental Planner before submitting an application for a building permit and comply with any planting plan requirements thereafter.
4. The Applicants must receive approval from the Environmental Health Department for the location of the tile fields.

The vote of the Board was three to two to grant the variance.

The variance granted by this decision will lapse and become null and void eighteen months following the date of this opinion, unless, prior to the expiration date, construction is commenced and diligently pursued toward completion.



GIVEN OVER OUR HANDS, this 27th day of October, 2008.

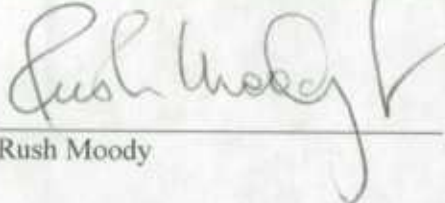
TALBOT COUNTY BOARD OF APPEALS


Paul Shortall, Jr., Chairman


Phillip Jones, Vice Chairman

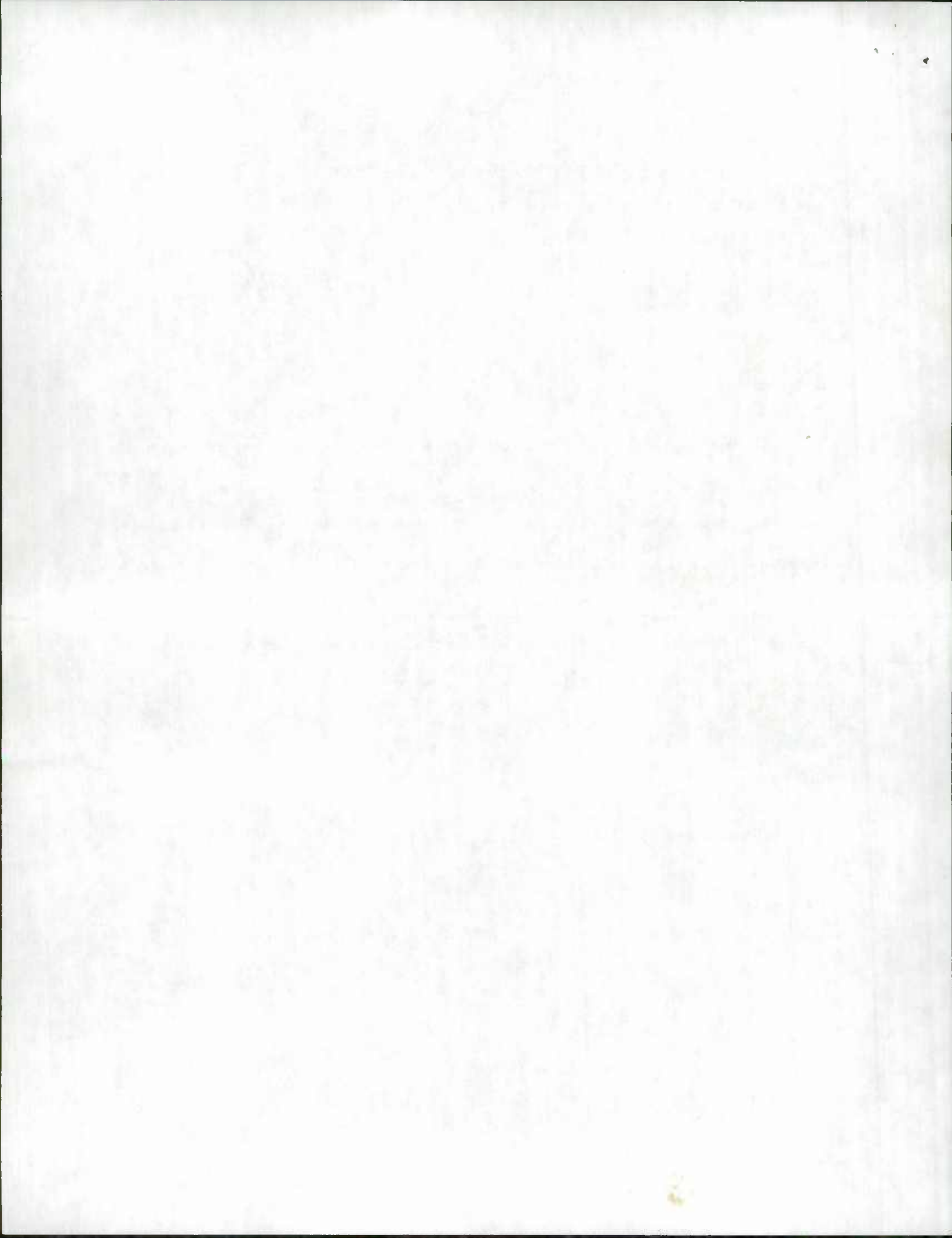

Betty Crothers

The following members of the Board of Appeals voted against the granting of the variance. They concluded that the Applicants had failed to provide sufficient evidence that the property was unique or had extraordinary topographical conditions resulting in practical difficulty or unreasonable hardship. Further, they concluded that the Applicants had failed to provide sufficient evidence that the variance was not based upon circumstances which were self-created or self-imposed. They concluded that the Applicants had failed to prove the need for the variance as they could renovate and expand the home toward the interior of the lot without the necessity of a variance.


Rush Moody


John Sewell

Board of Appeals/1505.CapitalGrowhtVarianceNCA





Talbot County Board of Appeals

STAFF MEMORANDUM

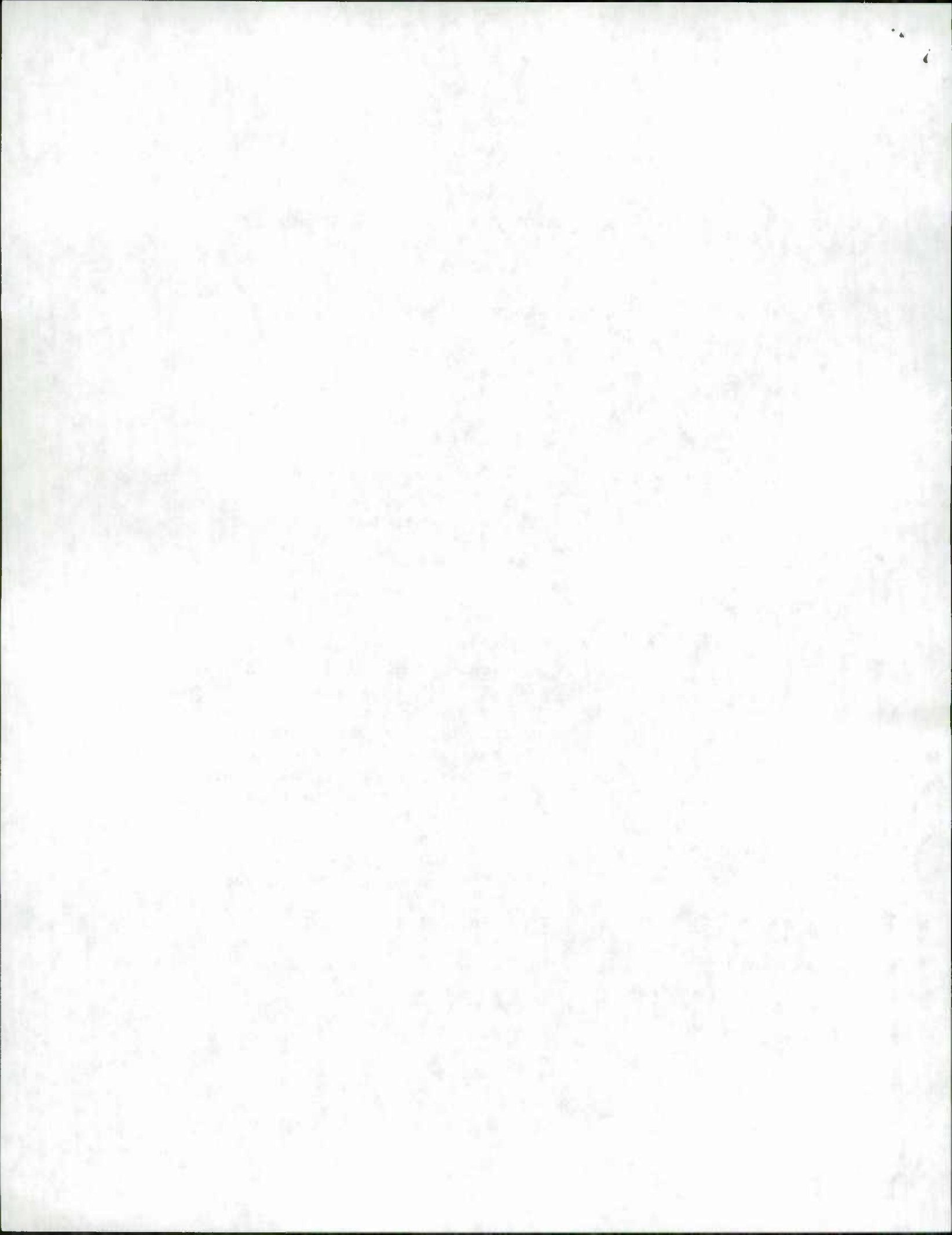
Prepared by: Shawn Leidy
Date: July 17, 2008
Appeals Case #: 1505
BOA Meeting Date: August 25, 2008

General Information:

Owner: Capital Growth Holdings, LLC
Applicant: Same as above
Requested Action: Variance

Purpose: Applicant, Capital Growth Holdings, LLC. (c/o Gerry Poirier) is requesting the following two variances for a 1,458 square foot two (2) story addition to the residence: (1) Variance of the 100 foot Shoreline Development Buffer to 97.3 feet at the closest point; (2) Variance of the required 50 foot front yard setback to 39.7 feet at the closest point. The current residence is 108.7 feet from Mean High Water.

Existing Zoning: RR - Rural Residential
Tax Map No: Map 24, Grid 18, Parcel 61
Location: 27638 Villa Rd.
Easton, MD 21601
Property Size: 1.887 Acres



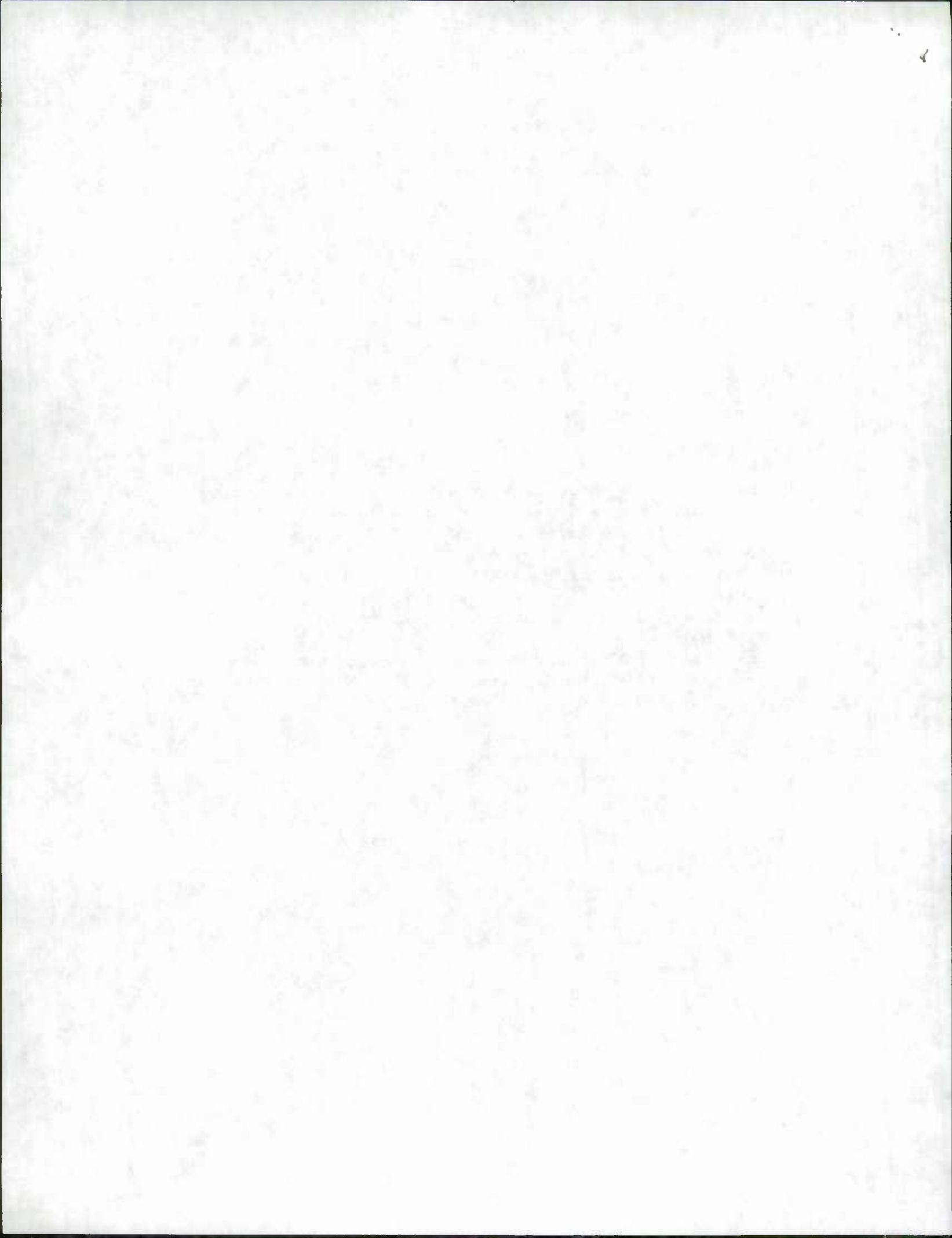
Comprehensive Plan: Residential additions in the RR zone are not inconsistent with the Comprehensive Plan.

Zoning History: None

Staff Notes: The existing deck was built by the previous owners without a proper permit. Therefore the closest existing point must be measured from the actual structure and not the deck.

Staff Recommendation:

- 1) The applicant shall make applications to and follow all of the rules, procedures, and construction timelines as outlined by the Department of Permits and Inspections regarding new construction.
- 2) A planting plan may be required for this project. Please contact Elisa Deflaux, our environmental planner, at (410)770-8034 before submitting a building permit application.
- 3) The applicant shall receive proper approval from the Environment Health Department due to the location of the tile fields.



**Concerned Citizens of Talbot County
Easton, Maryland**

August 21, 2008

Talbot County Board of Appeals
Attention: Chris Corkell, Administrative Assistant
28712 Glebe Road, Suite 2
Easton, Maryland 21601.

Re: Request for Variances; Applicant: Capital Growth Holdings, LLC (Appeal # 1505)

Dear Board;

The request for variances in this appeal is troubling and likely unnecessary if the rules and regulations of the Critical Area Law, the Talbot County Critical Area Plan, and Chesapeake Bay Critical Area Act are applied. The proposed expansion is within the boundaries of the Chesapeake Bay Critical Area. The purpose of provisions for this designated area is to provide for the conservation and protection of habitat and the protection of water quality. The 100 foot buffer zone is of utmost importance and should not be violated under any circumstance unless sufficient evidence for a hardship is clearly established. There is ample opportunity to develop a plan that expands the living space on the property without requesting variances while still maintaining harmony with the general spirit and intent of the Critical Area Law and Talbot County Critical Area Plan. Such a plan that avoids and minimizes the impacts associated with this project should be considered.

We strongly oppose an approval of this request for variances for the following reasons:

It is a matter of public record that this property of Capital Growth Holdings, LLC has the status of Short Term Rental. As such the request for a variance has the appearance of the expansion of a business venture to increase the rental capacity which has already caused significant concerns and disturbances. Adding two more bedrooms will permit 12 people at any one time. Of major concern is water usage in a system where the water table is already under stressed conditions. There was a water shortage problem at said property last summer requiring placement of the water pump deeper into the aquifer. Rental properties have been documented to decrease the value, tranquility and peaceful enjoyment of a neighborhood.

The said property has undergone numerous development and expansion projects since its purchase by Capital Growth Holdings, LLC. Construction projects have included many home alterations, porch additions, pool construction, landscape and shoreline alterations, and fence installation. Further expansion will again create more nuisances and disturbances.

RECEIVED

AUG 26 2008

CRITICAL AREA COMMISSION

1. The first part of the document is a letter from the Secretary of the State to the Governor, dated 10th March 1870. It contains a report on the progress of the work done during the year, and a list of the names of the persons who have been appointed to various offices.

2. The second part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

3. The third part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

4. The fourth part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

5. The fifth part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

6. The sixth part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

7. The seventh part of the document is a list of the names of the persons who have been appointed to various offices, and the names of the persons who have been re-appointed to the same offices.

Multiple liberties have already been taken on this property. A disturbing trend appears to be developing on this property in the disregarding of regulations set forth for the protection of the Chesapeake Bay Critical Areas and preservation of the character and atmosphere of the neighborhood environment. For example, on the section of Villa Road which borders this property to the North, removal of the native shrub habitat and trees has taken place on the county right-of-way and non-native plantings installed. On the section of Parkway Road which borders the property to the East, the native shrub habitat on the county right of way was removed and planted with grass. Both of these natural areas were outstanding bird habitat where over 50 species of birds were documented. Additional violations include the installation of a six foot stockade fence without a permit, on county property (according to the plat), where once a historical Osage orange and understory fence row existed. It is my understanding that a fine was levied regarding the improper installation of the fence and an after the fact permit was issued based on a claim by the applicant that a previous fence existed along the same alignment. However, nothing that resembled what one would call a fence has existed in the last 30 years. Additionally planning authorities have stated that a front yard fence can be no taller than 4 feet.

To allow a variance sets a precedent for current and future homeowners to request variances for the benefit of individual preferences and special privileges. The Miles River area holds many properties which consist of small waterfront lots in a fragile ecosystem where much damage can take place and accrue were it not for rules and regulations. The current ordinance is more than adequate for local development and remodeling purposes. I strongly believe these regulations and restrictions should be respected and upheld. Therefore I am opposed to the request of this business venture, Capital Growth Holdings, for a variance to the established codes of Talbot County.

This request is wrought with troubling ramifications and disconcerting potential calling for serious study and investigation.

Respectfully,



CC: Talbot County Planning Commission
Ren Serey; Executive Director - Maryland Critical Area Commission
✓ Kerrie Gallo; Enforcement - Maryland Critical Area Commission

1951 - 1952
1953 - 1954

1955 - 1956

TC 0451-06

ARMISTEAD, GRISWOLD, LEE & RUST, P.A.

ATTORNEYS AT LAW
114 BAY STREET, BUILDING C
EASTON, MARYLAND 21601

TELEPHONE: (410) 822-4777
FACSIMILE: (410) 819-8966

RECEIVED
AUG 25 2008

Nick
f.x.i.
Chris C.

EMAIL ADDRESS
CFARMER@AGLRLAW.COM

August 22, 2008

HAND-DELIVERED

Chris Corkell
Talbot County Board of Appeals
28712 Glebe Road, Suite 1
Easton, Maryland 21601

RECEIVED
AUG 22 2008

Re: Capital Growth Holdings, LLC/Gerry Poirier Application for Variance
Application No. 1505

Dear Chris:

On behalf of Capital Growth Holdings, LLC, please accept this letter as a withdrawal of that portion of Application No. 1505 requesting a variance for the 100 foot Shoreline Development Buffer to 97.3 feet. Please be advised that Capital Growth Holdings, LLC is still requesting a variance from the 50 foot side yard setback to 39.7 feet as described in Application No. 1505.

↳ 5/3 front (Chris)

Attached for the members of the Board are copies of the revised site plan reflecting the above mentioned changes. Please feel free to contact either me or Bruce Armistead with any questions.

Thank you again for your assistance.

Sincerely yours,

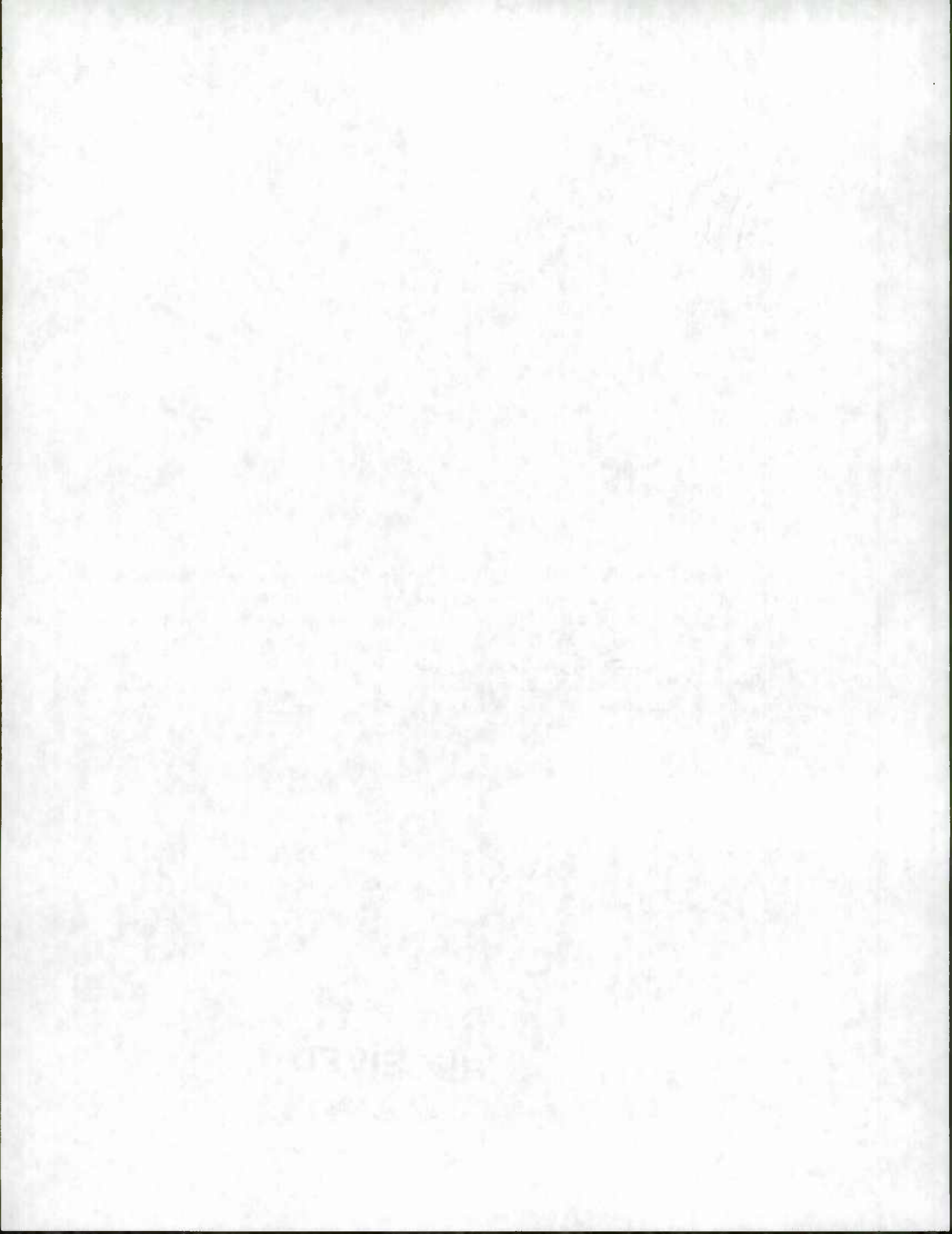
Carmen L. Farmer
Carmen L. Farmer

CLF

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AUG 27 2008

CRITICAL AREA COMMISSION



Date: 08/21/2008 User: jcarroll
 Drawing Path: J:\2007\0200\070269\CadData\dwg\VSP-PLTS-070269.dwg VSP-PLTS-070269.dwg XREF File(s): \\VRW-BASE-070269-PROP.dwg VUP-BASE-070269.dwg VFS-BASE-070269.dwg CSP-BASE-070269.dwg
 GBS-BASE-070269.dwg



PREPARED FOR: ROBERT POIRIER & GERRY POIRIER
 PROPERTY ADDRESS: 27638 VILLA ROAD EASTON, MARYLAND 21601
 DEED REFERENCE: 1497/185
 ZONING: RR (RURAL RESIDENTIAL)
 SETBACKS (FOR LOTS LESS THAN 2 ACRES):
 FRONT- 50'
 SIDE- 25'
 REAR- 50'
 SEWAGE DISPOSAL AREA- 20'

IMPERVIOUS AREA CALCULATIONS, ENTIRE SITE:
 TOTAL LOT AREA= 82,198 SQ. FT.± (1.887 AC.±)
 ALLOWABLE IMPERVIOUS AREA= 12,330 SQ. FT.
EXISTING IMPERVIOUS AREA:
 BRICK PADS= 1,510 SQ. FT.
 CONCRETE PADS= 1,003 SQ. FT.
 POOL= 504 SQ. FT.
 RETAINING WALLS= 47 SQ. FT.
 SHED= 160 SQ. FT.
 GUEST HOUSE= 785 SQ. FT.
 MAIN DWELLING= 1,967 SQ. FT.
 DECK= 323 SQ. FT.
 GRAVEL WALKWAYS/DRIVEWAY= 2,906 SQ. FT.
 TOTAL EXISTING IMPERVIOUS AREA= 9,205 SQ. FT.
 IMPERVIOUS AREA REMAINING= 3,125 SQ. FT.

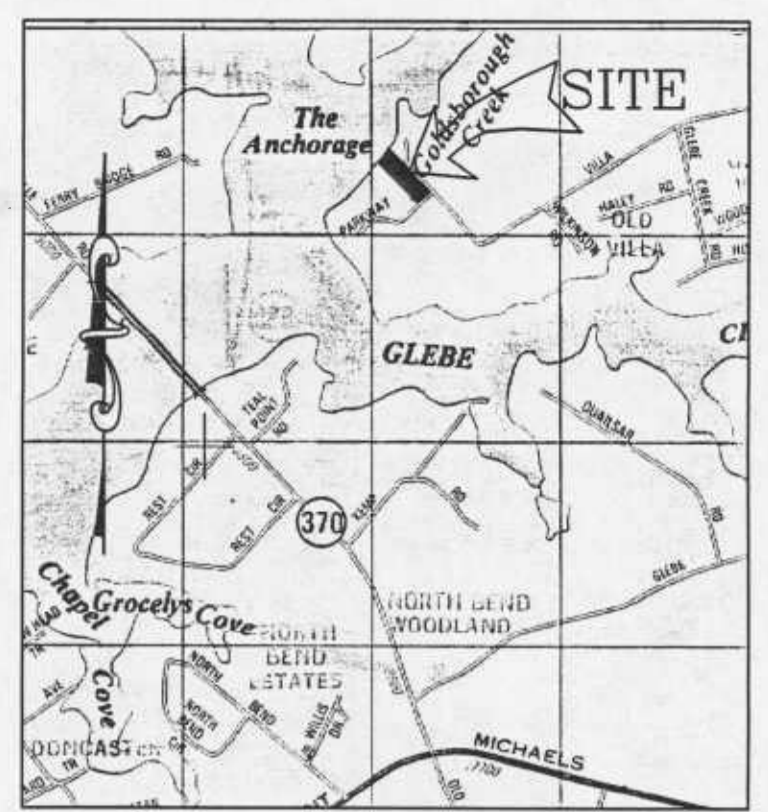
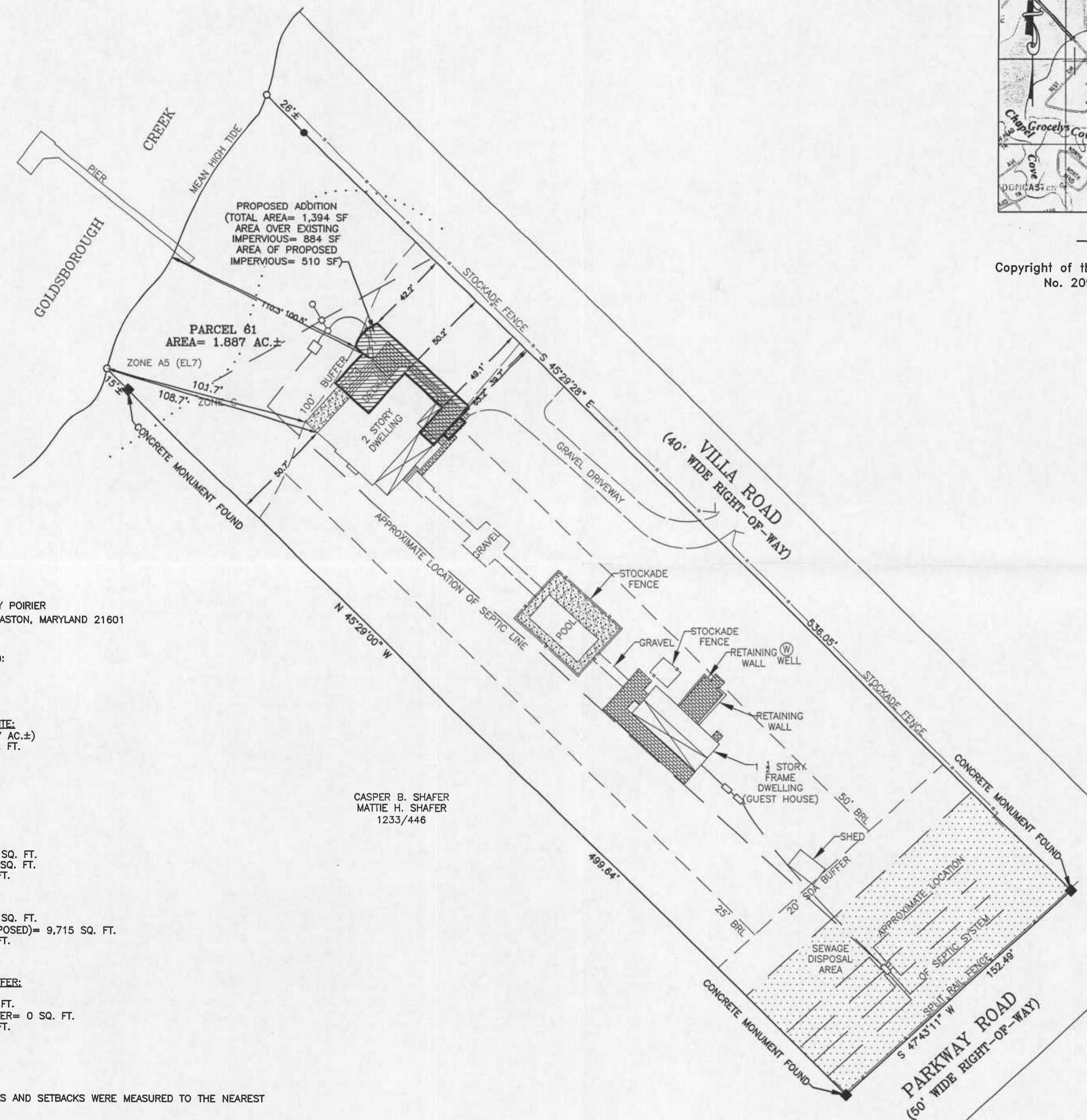
PROPOSED IMPERVIOUS AREA:
 ADDITION= 510 SQ. FT.
 TOTAL PROPOSED IMPERVIOUS AREA= 510 SQ. FT.
 TOTAL IMPERVIOUS AREA (EXISTING + PROPOSED)= 9,715 SQ. FT.
 IMPERVIOUS AREA REMAINING= 2,615 SQ. FT.

IMPERVIOUS AREA CALCULATIONS, 100' BUFFER:
 TOTAL AREA= 15,929 SQ. FT.±
 ALLOWABLE IMPERVIOUS AREA= 2,389 SQ. FT.
 TOTAL IMPERVIOUS AREA WITHIN 100' BUFFER= 0 SQ. FT.
 IMPERVIOUS AREA REMAINING= 2,389 SQ. FT.

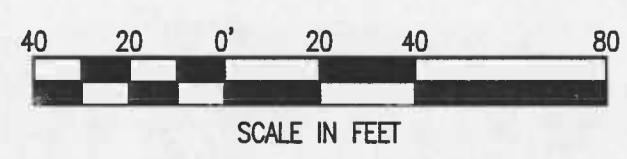
THE DIMENSIONS OF BUILDINGS, STRUCTURES AND SETBACKS WERE MEASURED TO THE NEAREST 0.1 FOOT.
 THE LAND SHOWN HEREON LIES WITHIN FLOOD ZONES "A5 (EL7)" AND "C" AS SHOWN ON F.E.M.A COMMUNITY-PANEL MAP NO. 240066-0024 A.

"THIS SITE SURVEY HAS BEEN PREPARED BY THE LICENSEE EITHER PERSONALLY OR UNDER THEIR DIRECTION AND SUPERVISION AND COMPLIES WITH THE REQUIREMENTS AS SET FORTH IN REGULATION .12 OF THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS."

CASPER B. SHAFER
 MATTIE H. SHAFER
 1233/446



VICINITY MAP
 SCALE: 1" = 2000'
 Copyright of the ADC Map People Permitted Use No. 20992180 (ADC MAP No. 13)



LEGEND

	INDICATES BRICK PAD
	INDICATES CONCRETE PAD
	INDICATES PROPOSED ADDITION

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 AUG 27 2008
 CRITICAL AREA COMMISSION

<p>SEAL</p> <p style="text-align: center;">Lane Engineering, LLC</p> <p style="text-align: center;">Established 1986</p> <p style="text-align: center;">Civil Engineers • Land Planning • Land Surveyors</p> <p style="text-align: center;"></p> <p style="text-align: center;">E-mail: mail@leinc.com 117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024 15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942 114B West Water St. Centreville, MD 21617 (410) 758-2095 FAX (410) 758-4422</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DATE</td> <td>11/26/07</td> </tr> <tr> <td>SCALE</td> <td>1"=40'</td> </tr> <tr> <td>JOB NO.</td> <td>070269</td> </tr> <tr> <td>DRAWN BY</td> <td>JMC</td> </tr> <tr> <td>DESIGNED BY</td> <td>JMC</td> </tr> <tr> <td>APPROVED</td> <td>JDL</td> </tr> </table> <p style="text-align: center;">SITE PLAN-OPTION A</p> <p style="text-align: center;">ON THE LANDS OF</p> <p style="text-align: center;">CAPITAL GROWTH HOLDINGS, LLC.</p> <p style="text-align: center;">IN THE FIRST ELECTION DISTRICT TAX MAP 24</p> <p style="text-align: center;">GRID 18</p> <p style="text-align: center;">TALBOT COUNTY, MARYLAND PARCEL 61</p> <p style="text-align: center;">SHEET No. 01 OF 01</p> <p style="text-align: center;">FILE No. 6301</p>	DATE	11/26/07	SCALE	1"=40'	JOB NO.	070269	DRAWN BY	JMC	DESIGNED BY	JMC	APPROVED	JDL
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DATE: 08/21/2008