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

May 17, 2010

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

Mr. Chris McCabe Department of Review and Permitting Worcester County One West Market Street, Room 1201 Snow Hill, MD 21863

Re: Amaris Subdivision-Map 10, Parcels 28 & 302 Phragmites Eradication Project

Dear Mr. McCabe:

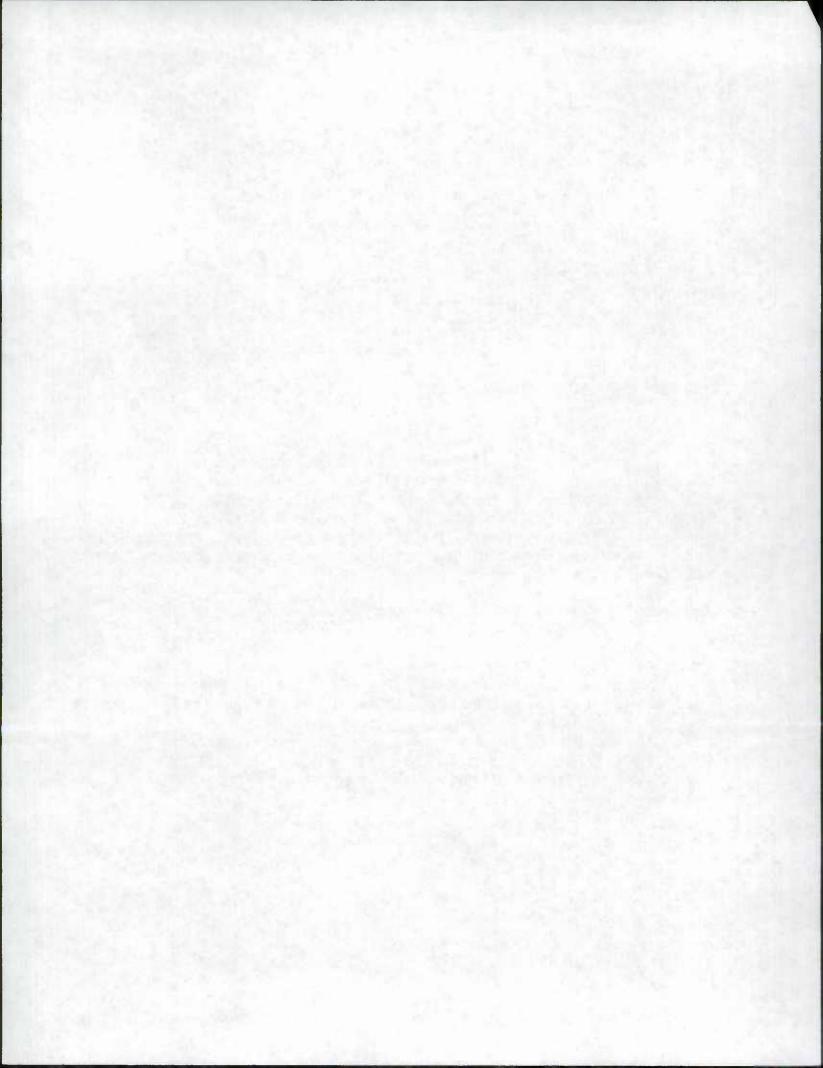
Thank you for submitting the subject project for review. The site is located on a previously approved 15lot subdivision, of which 10 lots are located in the Critical Area Resource Conservation Area (RCA). The applicant proposes to remove an area of non-native phragmites that occurs in the Buffer and expanded Buffer on hydric soils. The proposed removal technique involves excavating the plants and roots and converting the area to an open water regime, connected to an existing nontidal pond. The new pond area will be planted with water tolerant species. I have reviewed the submitted information and have the following comments:

- 1. Please provide the wetlands permit.
- 2. It is difficult to determine from the Atlantic Bays Critical Area Report, Buffer Establishment and Management section, what is being proposed as Buffer mitigation in relation to the phragmites removal. Non-native removal is mitigated at 1:1. The report discusses establishment, which was applicable to the subdivision. Since the areas identified on the Buffer Planting Plan B were required as establishment for the approved subdivision, they cannot be counted again for mitigation purposes. Please clarify this information on the Buffer Planting Plan B.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3468.

Sincerely,

Roby Hurle Natural Resources Planner RH/jjd WC 328-08(4)



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/

June 29, 2009

Ms. Janet Davis, Critical Area Planner Department of Review and Permitting Worcester County One West Market Street, Room 1201 Snow Hill, MD 21863

Re: Amaris (formerly Riverbend Estates and Ocean Exchange) Map 10, Parcels 28 & 302 Preliminary Plat

Dear Ms. Davis:

Thank you for submitting the revised Preliminary Plat application for the above referenced subdivision proposal. This letter is subsequent to my August 14, 2009 letter. The applicant proposes to create 15 lots, 10 of which are in the Critical Area Resource Conservation Area (RCA). The plan indicates that the RCA density requirements are met because the site contains 204.35 acres of RCA. I have reviewed the submitted information and have the following comments:

- 1. Additional documentation about the delineation of State and private tidal wetlands has been provided and confirmed by Commission staff during a site visit.
- 2. Please note that for subdivisions in the RCA after July 1, 2008, the Buffer will be 200 feet, unless the subdivision is legally recorded by July 1, 2010.
- 3. In the past a new subdivision within the Critical Area RCA was required to comply with the impervious surface area limits within the State Law and Worcester County Ordinance. As you are aware, the Legislature has replaced impervious surface limits with lot coverage limits. The Plans and Critical Area Report use the term impervious surfaces, which may result in a different percentage than lot coverage. A table of available lot coverage for the subdivision and lots should be provided on the plans, for clarification on this issue and to inform future residents.
- 4. The site plan has been corrected to limits community slips to 10 that can be permitted under Worcester Code NR 3-125(b). The Critical Area Report still states that the pier will be built with 15 slips.

- 5. Worcester Code Section NR3-104(c)(5) requires forest establishment of the Buffer when conversion from agriculture occurs. Forest establishment means planting of a biological diverse community, usually minimum 3 tiers of vegetation. Loblolly pine by itself does not qualify as a 3 tier forest.
- 6. A Buffer Management Plan must be provided that details Buffer impacts, such as the community pier access and mitigation details at a rate of 2:1, species proposed and location of planting in the Buffer.
- 7. The Critical Area Plan includes an outlot and an open space outlot. Note number 6 restricts uses and further subdivision, but it does not restrict development activities. We would like to emphasize that the practice of creating outlots has proved to be problematic. Please insure that these parcels are restricted to the uses permitted in the RCA (passive recreation only) and do not allow development. We recommend the County require the applicant to remove the outlot and open space parcels from the plat.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3468.

Sincerely,

Roby Hurley/ Natural Resources Planner

WC 328-08(3)

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/

MEMORANDUM

TO: Roland Limpert, Environmental Review Unit

FROM: Roby Hurley, Natural Resources Plannet

DATE: February 5, 2009

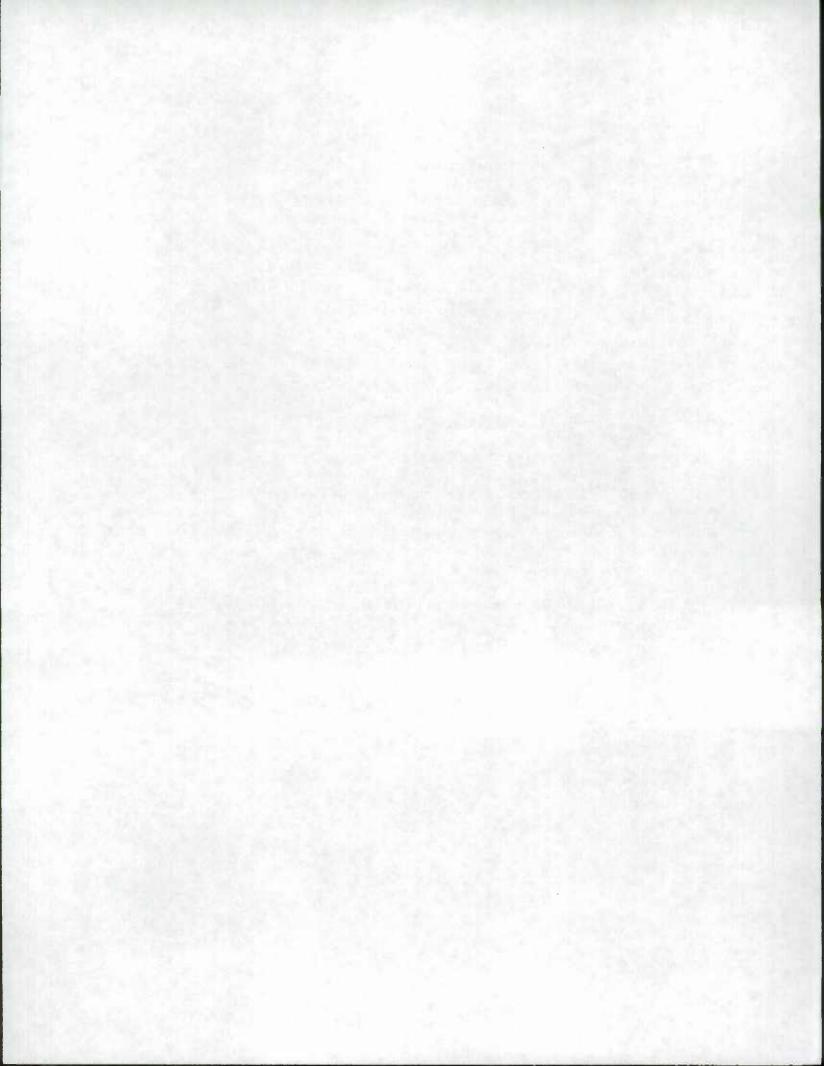
RE: Ocean Exchange, Worcester County (WC 328-08)

Thank you for the opportunity to review the above referenced project. Based on the information provided we offer the comments in the attached letters from Commission staff dated August 14 and September 24, 2008 to Janet Davis of Worcester County Development Review and Permitting. Some of the issues including numbers of slips and delineation of State and private tidal wetlands have been resolved. However, comments regarding outlots, Buffer establishment, the eagle nest and lot coverage remain unresolved. Please consider the concerns outlined in the attached correspondence in your review.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-3468.

cc: Janet Davis

Enclosure



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 24, 2008

Ms. Janet Davis, Critical Area Planner Worcester Co., Development Review & Permitting One West Market St., Room 1201 Snow Hill, MD 21863

RE: Riverbend Estates (formerly Ocean Exchange) Map 10, Parcels 28 & 302 Determination of Private vs. State Tidal Wetlands

Dear Ms. Davis:

Thank you for arranging the meeting and site visit which took place this past Monday, September 22, 2008. You and Chris McCabe of Worcester County, along with me and Roby Hurley of the Commission staff visited the site with Mr. Spencer Rowe, the applicant's consultant. Mr. Rowe showed us a large color aerial photo of the survey points used in his determination of the elevation of Mean High Water on this site. These points corresponded to the information provided to Mr. Doldon Moore, the State Wetlands Administrator via correspondence dated March 26m 2008.

Based on the explanation of the approach taken by Mr. Rowe, along with the evidence seen first hand on the site itself, Commission staff concurs with the delineation of the private/State tidal wetlands line (via the determination of the elevation of MHW) for this property. Please provide a copy of the aerial photo with the data points for our files at your earliest convenience.

Also, when visiting the site, it appears that a Bald Eagle may have established a nest on a narrow peninsula of upland that extends into the marsh, southeast of the non-tidal pond that was the subject of the recent map mistake correction. While the Bald Eagle has been delisted at the Federal level, it is still listed as Threatened under State Law. If the eagle's nest is confirmed, its location should be shown on the plat, with the accompanying protective zones around the nest. Appropriate plat notes should also be provided.

Ms. Janet Davis September 24, 2008 Page 2 of 2

We appreciate the opportunity to work with the County on this wetland determination. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely, rely, refare Chandles LeeAhne/Chandler

Science Advisor

cc: Mr. Spencer Rowe (via e-mail) WC328-08 Martin O'Malley Governor

Anthony G. Brown Lt. Governor



Margaret G. McHale Chair

> Ren Serey Executive Director

STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

August 14, 2008

Ms. Janet Davis, Critical Area Planner Department of Review and Permitting Worcester County One West Market Street, Room 1201 Snow Hill, MD 21863

Re: Riverbend Estates (formerly Ocean Exchange) Map 10, Parcels 28 & 302 Preliminary Plat

Dear Ms. Davis:

Thank you for submitting the Preliminary Plat aplication for the above referenced subdivision proposal. The applicant proposes to create 15 lots, 10 of which are in the Critical Area Resource Conservation Area (RCA). The plan indicates that the RCA density requirements are met because the site contains 204.08 acres of RCA. I have reviewed the submitted information and have the following comments:

- 1. Additional documentation about the delineation of State and private tidal wetlands should be submitted as requested by LeeAnne Chandler in her June 26, 2008 letter to Spencer Rowe Environmental. The acreage of State and private tidal wetlands affects all of the calculations, including those relating to density, stormwater management, and the area of the Buffer.
- 2. The plan notes indicate that the Buffer expansion was conducted because of non tidal wetlands but does not address hydric soils and any relative potential expansion.
- 3. Please note that for subdivisions in the RCA after July 1, 2008, the Buffer will be 200 feet, unless the subdivision is legally recorded by July 1, 2010.
- 4. Formerly a new subdivision within the Critical Area, RCA must comply with the impervious surface area limits within the State Law and Worcester County Ordinance. As you are aware the Legislature has replaced impervious surfaces with lot coverage limits. During an interim period a combination of impervious surfaces from your current regulations can apply as long as lot coverage accounting is provided. The following

Ms. Davis August 14, 2008 Page 2 of 2

explanation summarizes the interim period requirements. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Worcester County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with Worcester County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Worcester County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

- 5. Please note that Worcester Code NR 3-125(b) limits private piers or docks to no more than 100 feet in length over State or private wetlands and limits slips based on the number of lots in the Critical Area. Therefore only 10 slips can be permitted at the community pier
- 6. Worcester Code Section NR3-104(c)(5) requires forest establishment of the Buffer when conversion from agriculture occurs. It is difficult to follow the existing forest line and former agricultural use but parts of lots 13 thru 15 may need afforestation. Forest establishment means planting of a biological diverse community, usually minimum 3 tiers of vegetation. Loblolly pine by itself does not qualify as 3 tier.
- 7. There are a number of open space "out lots" that are not identified as to their uses. Please insure that these parcels are restricted to the uses permitted in the RCA and do not represent future development parcels.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3468.

Sincerely

Roby Hurley Natural Resources Planner

cc: WC 328-08(2)

328-08



DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER ONE WEST MARKET STREET, ROOM 1201 SNOW HILL, MARYLAND 21863 TEL:410.632.1200 / FAX: 410.632.3008

MEMORANDUM

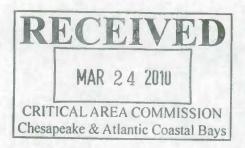
ELECTRICAL BOARD SHORELINE COMMISSION LICENSING COMMISSIONERS

DATE:	March 22, 2010
TO:	Roby Hurley: Planner Critical Area Commission
FROM:	Chris McCabe: Natural Resources Administrator
SUBJECT:	Aramis Buffer Management Plan

Please find the Aramis buffer management plan B that includes impact to the existing Non Tidal Wetlands pond. Please, at your convenience provide comment on what critical area requirements may be necessary to complete the project.

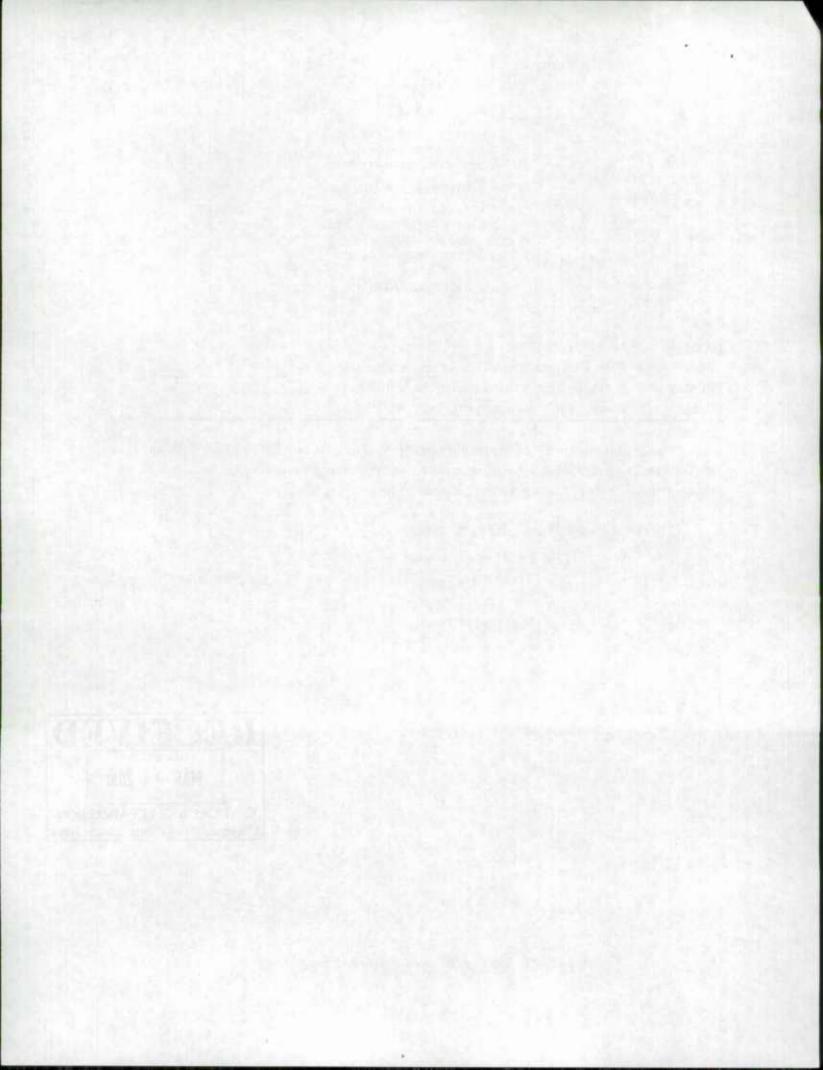
Thanks in advance for any help you can provide.

Chris McCabe Natural Resources Administrator



Citizens and Government Working Together

BOARD OF APPEALS PLANNING COMMISSION AGRICULTURAL PRESERVATION



ATLANTIC BAYS CRITICAL AREA REPORT PLAN B

ARAMIS SUBDIVISION TAX MAP 10, PARCEL 28 & 302 FIFTH ELECTION DISTRICT WORCESTER COUNTY, MARYLAND

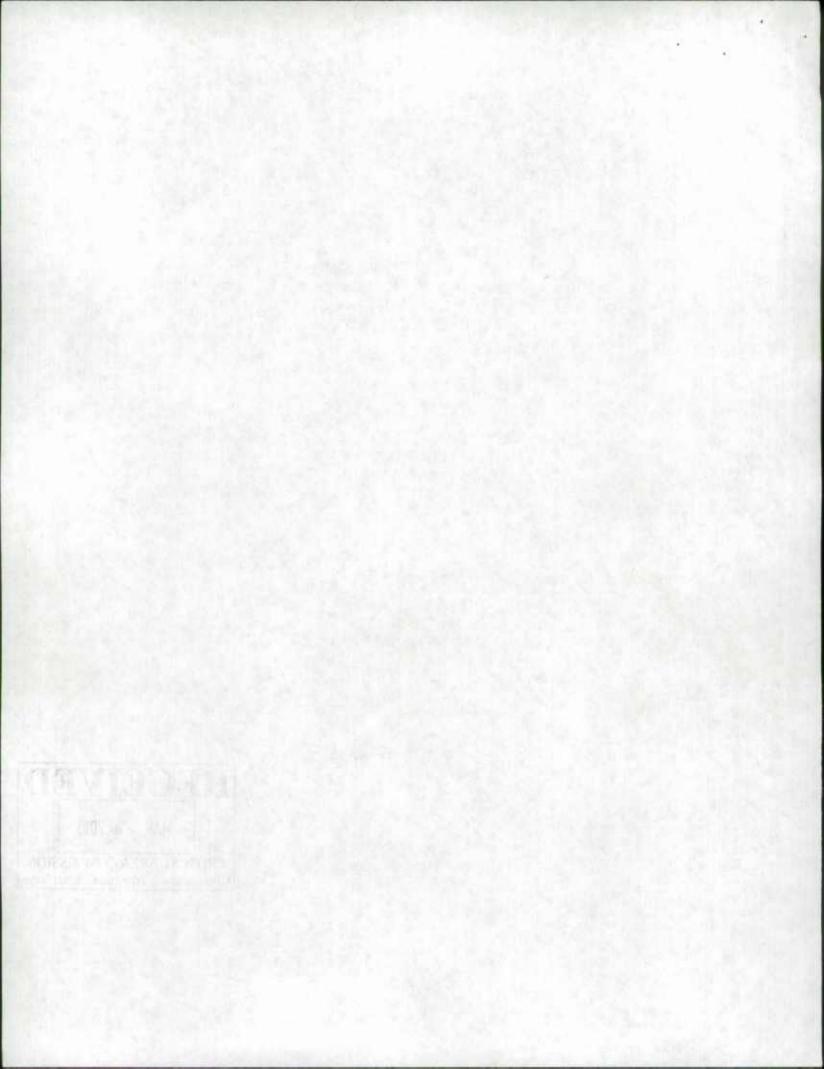
PREPARED FOR OCEAN EXCHANGE XXXI, L.L.C. 658 Live Oak Drive McLean, VA 22101

PREPARED BY R.D. HAND AND ASSOCIATES, INC. 12302 Collins Road Bishopville, MD 21813 410-352-5623

> Spencer Rowe 12430 Fleetway Drive Ocean City, MD 21842

. June 27, 2008 Rev. Nov. 30, 2009





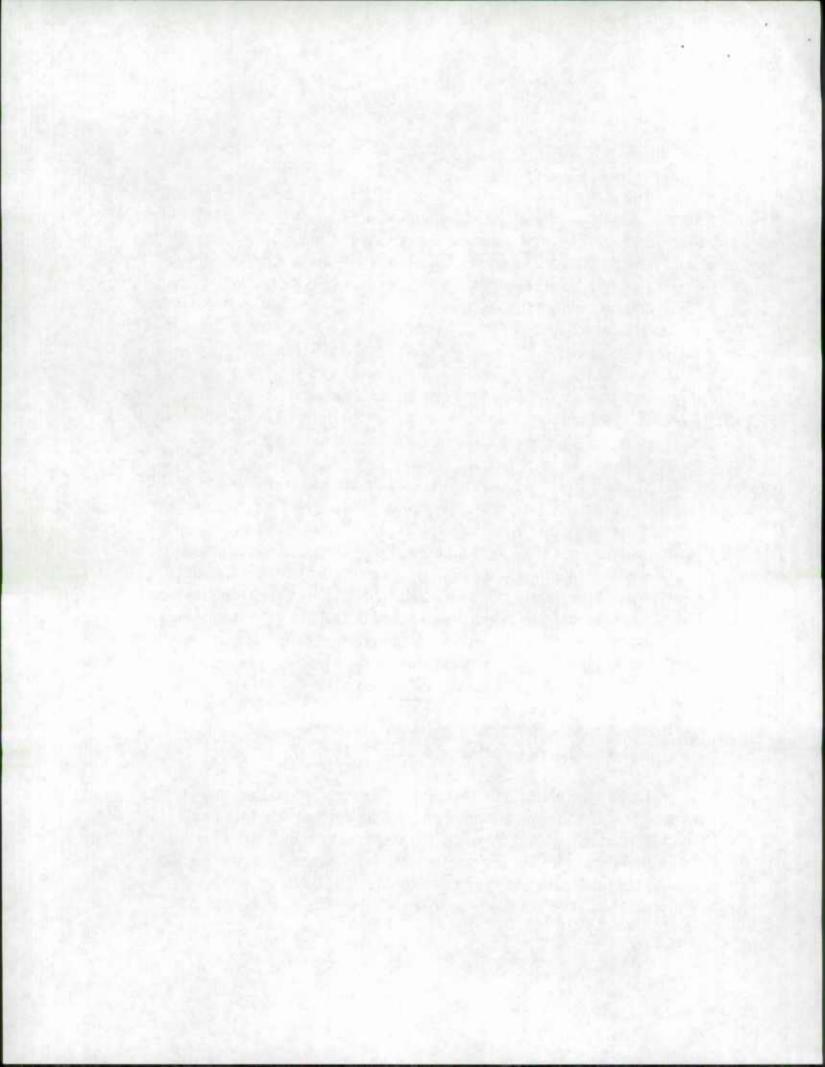
PROPERTY HISTORY

The property is described as parcel 28 on tax map 10 Fifth election district in Worcester County Maryland. The property is located on Saint Martins Neck Road and fronts on Harry Creek, Buck Island Creek and the Saint Martins River. The critical area portion of the site is 204.35 acres. Consisting of 82.6 acres of upland, 54.22 acres of nontidal wetland and 67.71 acres of private tidal wetlands. Existing forested upland and nontidal wetlands total 65.49 acres or 32.1% of the area within the critical area. The onsite soils consists of Falsington, Woodstown, Mullaca Eves Boro, Hampton, Hurlock, Tranquacking, Runclint, Udorthents, Sassafrass and Hambrock and are shown on the critical area site plan. The existing shoreline is relatively stable and is in good condition. The site use history has been agricultural production of field crops and forestry.

Spencer Rowe Environmental Inc. delineated the tidal and nontidal wetlands onsite. In addition, Spencer Rowe performed a tidal elevation study to determine the mean high water elevation so that a delineation of private versus State tidal wetland could be performed. Upon completion of the tidal study, Spencer Rowe field delineated the State/Private tidal line which was subsequently survey located by Frank G. Lynch, Jr. and Assoc. Inc. The study and survey where provided to Doldon W. Moore, Wetland Administrator with the MD Board of Public Works and Critical Area Staff. The delineation has been reviewed and approved by all agencies concerned.

Spencer Rowe contacted MD Wildlife and Heritage Service and received correspondence (attached) that there are no State or Federal records for rare, threatened, or endangered species onsite.

During the wetland delineation it was determined that an existing onsite pond was mistakenly mapped as tidal wetland, when in fact it is a nontidal wetland system. Spencer Rowe performed extensive studies and research and prepared a report justifying the change of designation from tidal to nontidal. The report (dated January 18, 2007) was submitted. The Worcester County Planning Commission agreed unanimously that the



mapping was a mistake. During a public hearing the Worcester County : Commissioners voted unanimously that it is a mistake. On July 9, 2008 the Critical Area Commission reviewed the data and agreed that it is a mistake. This mistake removes 32.08 acres form the Critical Area on this project.

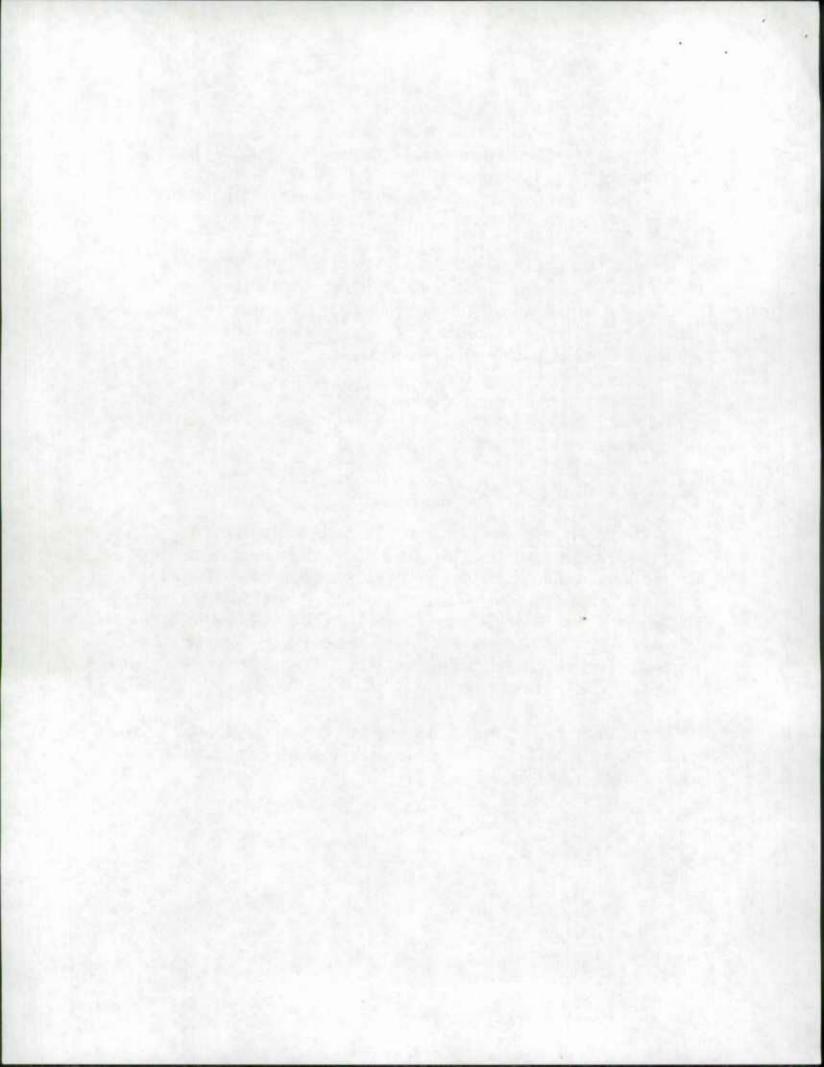
A bald eagle nest was found onsite during an onsite inspection of the critical area mistake area. The Critical Area plan shows the protection zones as located by survey. In addition, the plan lists the protection requirements for each zone. There is no proposed impact to regulated wetlands buffer or agricultural ditches onsite within the critical area.

The alignment of the proposed 10 slip community pier and the timber access walk was laid out in the field to avoid any trees or significant vegetation and minimize tidal wetland crossing.

PROPOSED DEVELOPMENT

The proposed development of this site will be a major cluster subdivision consisting of lands in and out of the critical area. A total of 15 lots are proposed for the subdivision with 10 lots proposed in the critical area. The critical area portion of the subdivision is classified as Resource Conservation Area (RCA) by the Atlantic Coastal Bays Critical Area Program (ACBCA). The proposed critical area density is 1 unit per 20.43 acres of upland and private tidal wetland within the critical area. The upland density is 1 unit per 13.66 acres.

The Critical Area Site plan delineates the critical area 100' buffer as well as the expanded buffer which extends the buffer to contiguous areas of hydric soils, nontidal wetlands and their buffers.



The proposed development of the critical area will be consistent with the development standards of the RCA criteria of the ACBCA Program. Except for driveways, roadways will be limited to that necessary to access the lots. All drainage from the roads will be removed to stormwater basins outside of the critical area. No structure or driveway will be located in habitat protection areas, buffers or expanded buffers, wetlands or forest. Water quality will be enhanced through the use of modern stormwater management and elimination of pesticides, fertilizer, and herbicide application for agriculture crop production. Additional water quality and habitat enhancement will occur by the establishment of the buffer and buffer extension where none exist today. Lot coverage will be limited to 15% for all new construction. In accordance with ACBCA recommendations, a community pier will be built with 10 slips, one for each of the lots.

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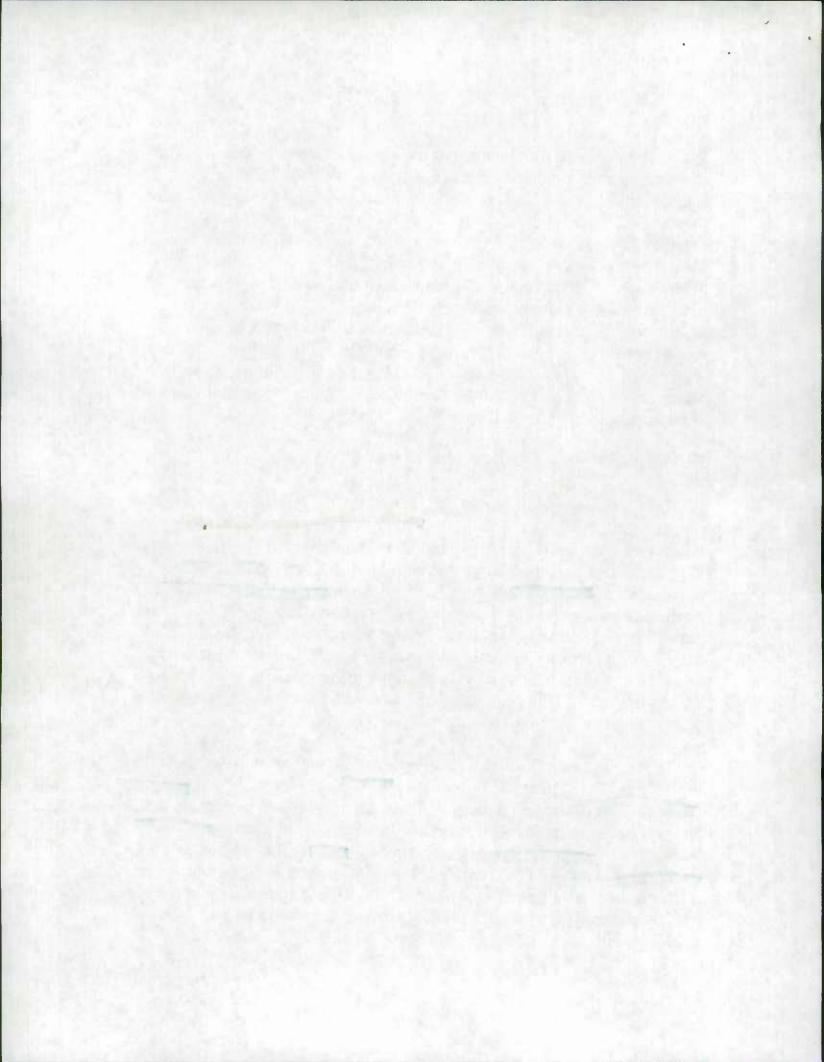
BUFFER ESTABLISHMENT AND MANAGEMENT

In accordance with the ACBCA Program, the subdivision of this property will require the applicant to establish approximately 2.02 acres of buffer that is currently clear. In addition the applicant has started a program of phragmites eradication along the Saint Martins river. This area is approximately 4.87 acres in area. Total area to be re-established is 6.89 acres. It is anticipated that the eradication program will require two growing seasons prior to having the ability to plant. As part of the eradication plan, the applicant proposes to expand the existing pond by approximately 1.23 acres. This will be achieved by excavating the Phragimities to the depth of the existing pond. The pond will be planted with a variety of water tolerant plants as shown on the buffer planting plan (sheet CA-2).

The planting of the buffer will be achieved in three ways as shown on the buffer planting plan. Approximately 22% of the area will be by natural regeneration. All natural regeneration areas are within 50' of existing forest and will be demarcated by blaze orange fencing. Approximately 10% will be planted with nursery stock. Approximately 49% will be planted with seedling/whip stock. The seedling whip stock planting area is proposed in the exposed area adjacent to the Saint Martin River. The location and choice of plant material give this area the best chance for survival and establishment. 22

199-10

Bolance ?





DEPARTMENT OF DEVELOPMENT REVIEW AND PERMITTING

Morcester County

GOVERNMENT CENTER ONE WEST MARKET STREET, ROOM 1201 SNOW HILL, MARYLAND 21863 TEL: 410-632-1200 / FAX: 410-632-3008

ELECTRICAL BOARD SHORELINE COMMISSION LICENSE COMMISSIONERS



MEMORANDUM

DATE:	December 3, 2009
TO:	Roby Hurley: Planner Critical Area Commission
FROM:	Chris McCabe: Natural Resources Administrator
SUBJECT:	Aramis Buffer Management Plan

Included, as we discussed, is a proposed buffer management plan for the Aramis subdivision located along St. Martins Neck Road, Bishopville MD. The proposal is to expand the existing non tidal wetland pond to:

1. Create additional wetland habitat; and

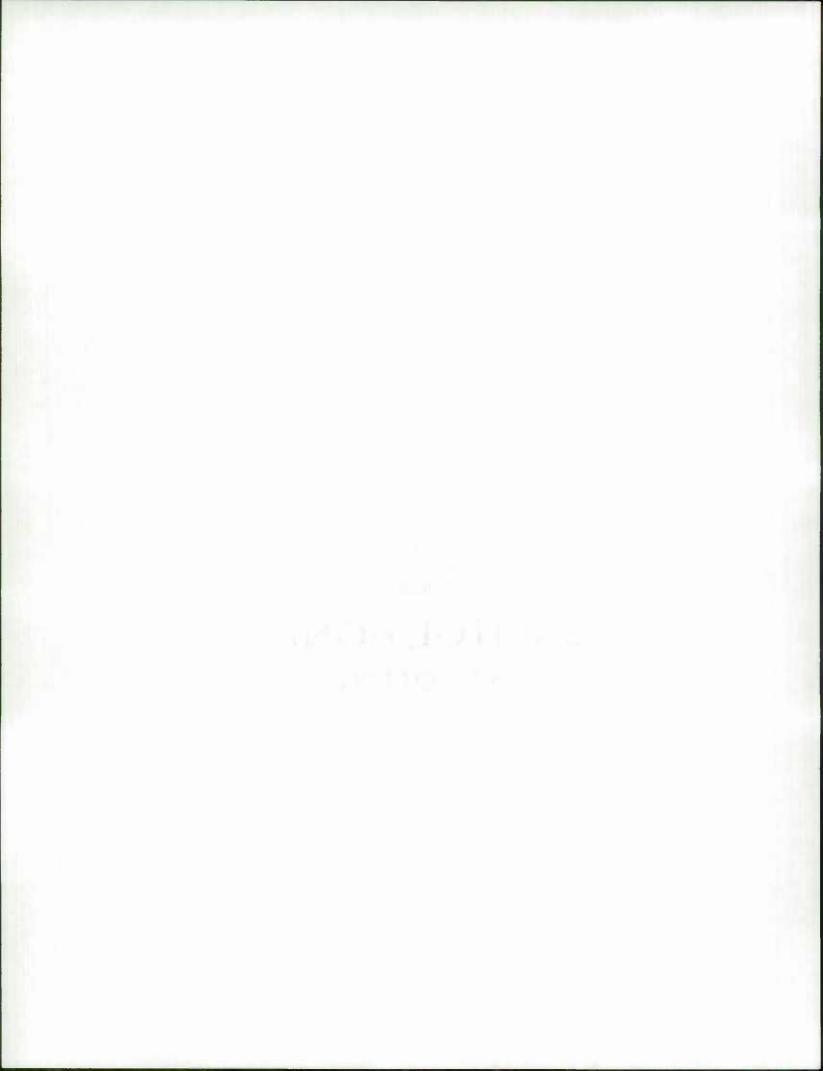
BOARD OF APPEALS PLANNING COMMISSION

AGRICULTURAL PRESERVATION

2. Help eradicate a sever phragmities problem along that portion of the pond.

I did not send up a project notification form with this plan because this is in association with the subdivision that you reviewed back in June of this year. If you deem the expansion of the pond as another project in itself, that may need commission action, due to impacts to the Buffer, then I will send the form at that time. Please let me know what your position is on the proposal. It is my understanding that they may be working with George Beston with MDE as it relates to the non tidal wetlands.

Thank you for your input on this. If you need any additional information, please let me know.



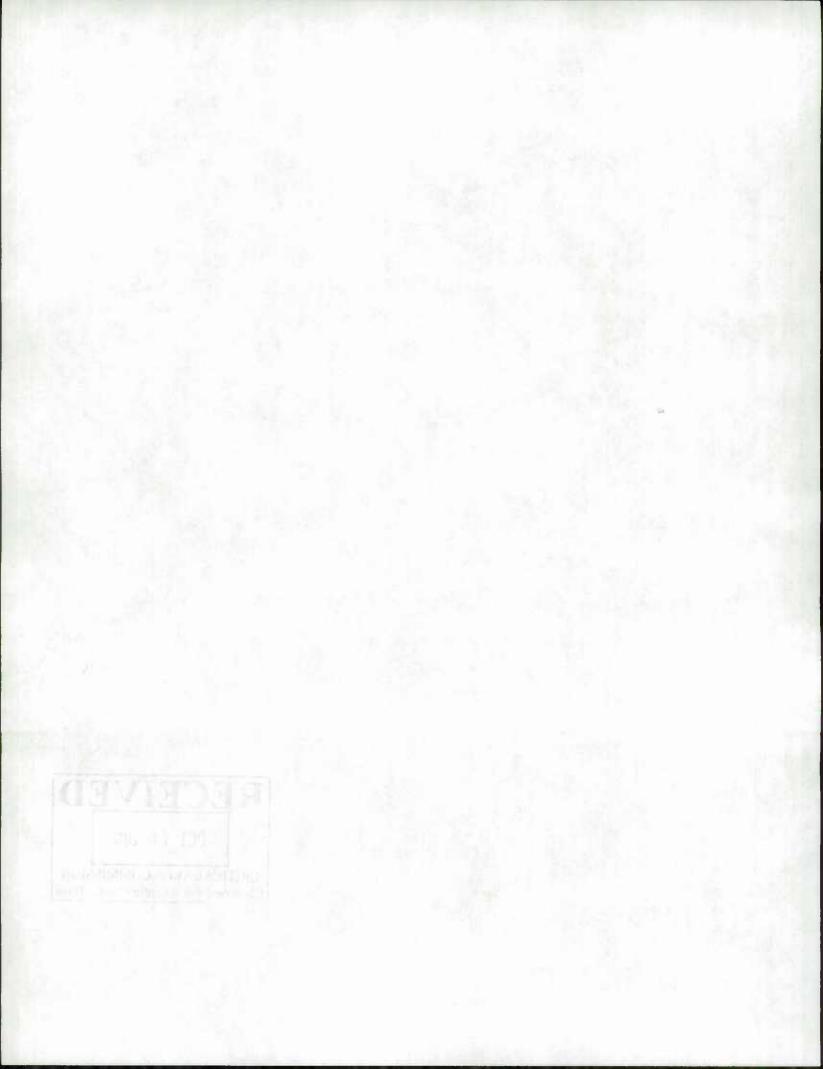
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) <u>M</u> 1	c. Roby H	lurley		RE:
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			AL AREA COMMISSION ake & Atlantic Coastal Bays

COPY TO David Bradford, Spencer Rowe SIGNED: Robert D. Hand, Pres.

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE

jmh





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SPENCER ROWE, INC. **12409 Fleetway Drive Ocean City, Maryland 21842** 410-213-0127 www.wildbay.com

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	OCT 3 2012
CRIT Chesap	ICAL AREA COMMISSION beake & Atlantic Coastal Bays

328-08

• wetland delineation and permitting • forestry • complete site evaluation

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PROPOSED BUFFER PLANTING PLAN B

Aramis subdivision, Worcester County Tax Map 10, Parcels 28 & 302 St. Martin's Neck Road

July 28, 2012

Summary Of Existing Plan A of 2009

Buffer planting Plan A was approved and partially implemented in early spring and summer of 2009 and 2010. Highlights of that plan included:

- 22% of the buffer planting was to be natural regeneration
- 10% was to be planted with nursery stock
- 68% was to planted with seedling/whip stock
 - Phragmites was to be controlled by mowing and spraying with an aquatic-approved herbicide

(Plan A and Narrative Summary are included as an attachment)

Portions Of Plan A Completed to Date

1) All natural regeneration areas except one of 1,487 S.F. were allowed to begin natural PR+GP-Not done succession to forest. The area shown on Plan B as Area #8 was mistakenly cleared by the farmer.

2) Area #4 of Plan B was planted with 350 seedlings of pin oak (Quercus palustris) and sweet gum (Liquidambar styraciflua)

3) About five (5) acres of existing buffer dominated by common reed (Phragmites australis) was mowed and sprayed to control the reed during two growing seasons. (Permit application for spraying from Restoration Ecological Services is attached.)

SPENCER ROWLING. 12409 Floetway Delto Ocean Offs, Maryland 21442 Hardens off

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- Acta #4 of Plan B way plemad with 320 settlings of pin onl (Querran publicatio) and sweet pair (Cloudd with a artic Way).

31 About five (5) series of existing builler dominated by common real (Plongovine memory) was massed and sprayed to control the real fitting two growing scients (Permit amplication for spraying from Rectamation Ferdionical Services is attracted.) The original Plan A called for planting of tree whips/seedlings in Area 5, just landward of the salt marsh and in Area 3, landward of the brackish pond. The only parts of these areas that qualified as existing buffer were those small rises where trees were able to germinate and gain a foothold.

The new regulations recognize that on nearly flat slopes adjacent to the tide, a few-tenths of elevation change is not enough to allow survival of trees, especially in areas like the St. Matin's River, where salinities often approach levels of ocean water. Storms bring in this salty water and trees will not survive. No better evidence of this exists than this site, where the wetland area just landward of the marsh has been unmanaged. As always, the buffer on such sites consists of some phrag and a few other herbaceous species that can tolerate occasional dosing with salt water, along with woody species like high tide bush and wax myrtle.

For the new plan, this area is identified as existing buffer.

In Area 3 along the pond the phrag was especially thick because of past management by digging of the pond. The mowing and spraying of phragmites in this area has allowed colonization by woody shrubs.

Because of the low salt (<5 ppt), very rare intrusion of salt water, and mucky, organic soils, bald cypress (*Taxodium distichum*) will do well here.

For the new plan, we are proposing planting 5' high cypress that will eventually provide enough shade to help control the existing phragmites. Bald cypresses were historically abundant just west of this site at Shingle Landing Prong, and indeed many large cypresses are still found in the mucky flood plains in the area.

The new regulations recognize that natural regeneration takes place much further from an existing forest than previously understood. Hence, we have expanded the natural regeneration Area 1 beyond what is required. The area is already well on its way to becoming an early successional forest.

Since the original areas proposed for natural regeneration are doing well, we have proposed no changes in those areas, except in Area 2, where persimmons and sweet gums are colonizing so well we have eliminated the cypress plantings for that area.

In Area 8, which was originally slated for natural regeneration but was disturbed by farming activity, we propose planting as shown on Plan A.

For the disturbed area on both sides of the newly-built pier, we propose planting high tide bush (*Baccharis h.*) as shown on the plan. This will speed up the recovery of the buffer, but based on our experience with similar construction disturbances throughout the watershed, this area will recover nicely on its own.

Summary

Because the original plan, written under the old regulations, was only partially implemented, this site had two years to develop fairly naturally. The buffer that has begun to be established is very much in keeping with the newest regulations.

9 of 9

The original Plan A called for planting of the weigh sectings in Ann. ", (no difference of the salt distribution Ann. 3, funds and of the beautistic coull. The only gives of these areas that qualified as a chiefty ballet were fixed small risks where trees were able to partition and gain a footbolk.

The new regidudnes recognize duit on needs. But noper information of bornors is fow-turnin of elevation ethics of not chosen to allow services of record copecially to acoust like to be that is Naver, where administes often approach levels of occert watch. Storms from in trainstifty remented trees will not remove. No explore evidence of this explore that the stor where the well-off action into and word of the atomic her been announged. As always, the buffer on the stor construction proof, and a few office herbitic boot and the construction of the store buffer on the store construction where we do not interpret herbitic action and watch the buffer on the store construction proof, and a few office herbitic boot and wax must be constructed door where works are its free herbitic boot and wax must be

For the daw office, this man selectified as address for the

In Area 3 along the glood the plong was especially timele because of past management by displayer of the peak. The mowing and sparying of plan parties in this area has allowed colonication by a cody shirdly.

Because of the fow safe (15 app), very rate incrution of safe water, and ascely, or carao to by four cripicies (Variation als incluence) will do well here.

For the new of an wome proprieting planting 2' high express that will eventually provide enough shade to help control the existing plantine. Build expresses were historically abundant rare were of arise site at Shingle Landing Prong, and indeed many large cypresses manual found in the modely flood plants to the area.

The new might home reconstruction manufactor of ormation follow place machine from an evidence forest that for dots by materiational. Consecute have expanded the automit regeneration. Area Reputed what is required. The area is stready well not us way to becomented and successional forest.

Since the original mets proposed for rational regurations are duing well, we have proposed nochanges in those needs, except in Area 2. where perstaminant and twited purits areas dominary to well we have eliminated the express plantanes for that area.

In Area 8, which was orreinally stated for national regeneration but was absurbed by furniturneuvricy, we propose planting its shown on Plan A.

r on the distanted area on both sides of the newly-built plus. We propose planting augh tate bush Boccharis is Jan hown on the plan – Zhis will speed up the recovery of the builts, but besed on our experience with similar construction distribunces throughout the wateroned, this firm will eccover give by ouries own.

Simulation

Because the ortignal plug twitten under the old regulations, was only particly implemented, this site had two years to develop fairly mithedly. The buffer that has began to be established is very might to keeping with the newest regulations.

8 20 6

ATLANTIC BAYS CRITICAL AREA REPORT

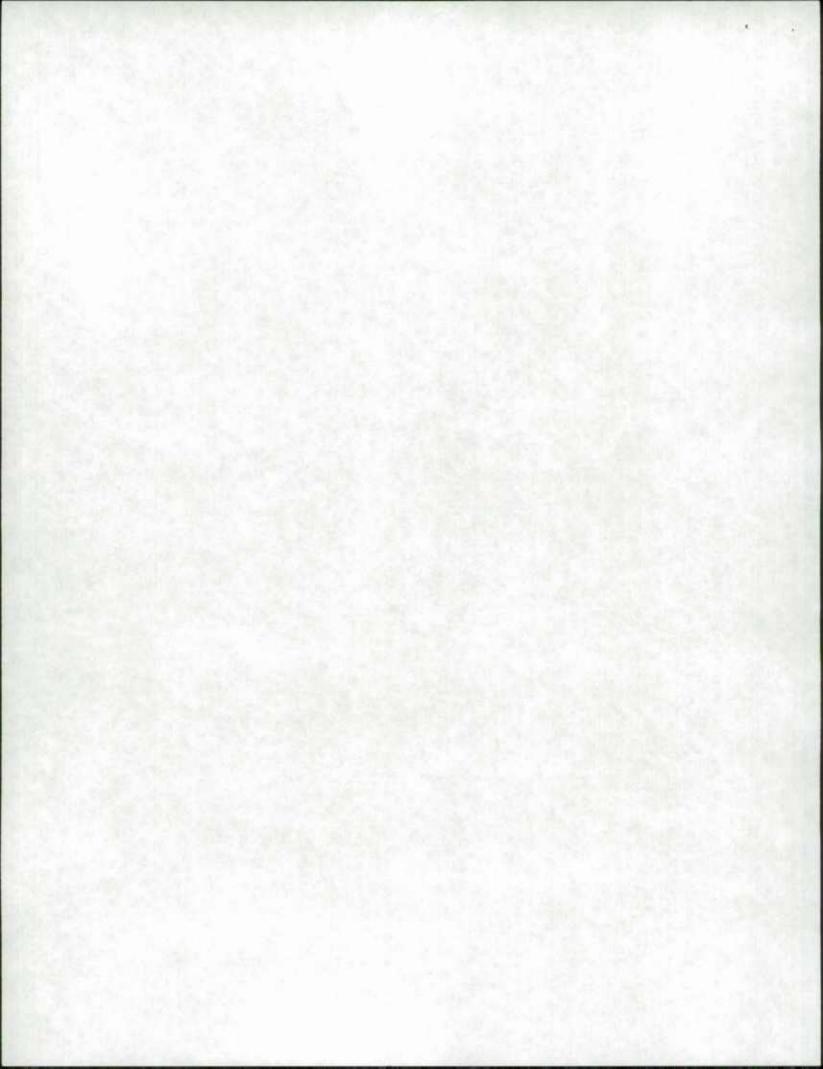
ARAMIS SUBDIVISION TAX MAP 10, PARCEL 28 & 302 FIFTH ELECTION DISTRICT WORCESTER COUNTY, MARYLAND

PREPARED FOR OCEAN EXCHANGE XXXI, L.L.C. 658 Live Oak Drive McLean, VA 22101

PREPARED BY R.D. HAND AND ASSOCIATES, INC. 12302 Collins Road Bishopville, MD 21813 410-352-5623

> Spencer Rowe 12430 Fleetway Drive Ocean City, MD 21842

. June 27, 2008 Rev. Nov. 30, 2009



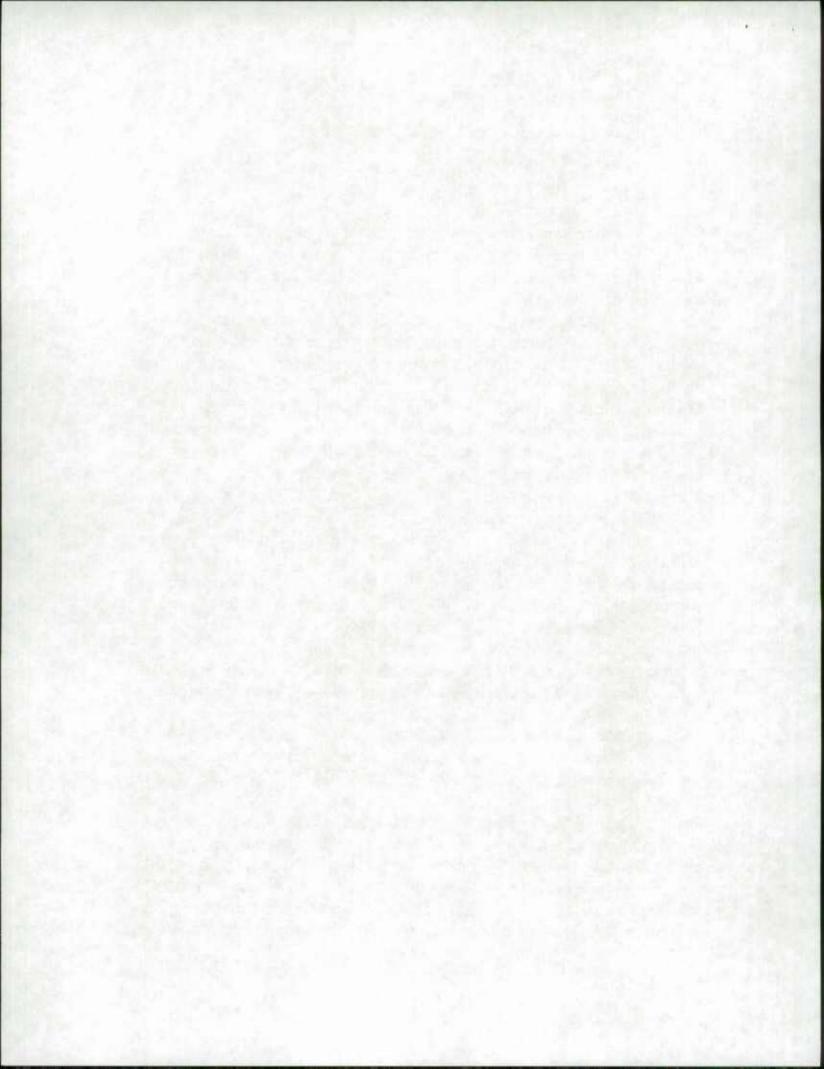
PROPERTY HISTORY

The property is described as parcel 28 on tax map 10 Fifth election district in Worcester County Maryland. The property is located on Saint Martins Neck Road and fronts on Harry Creek, Buck Island Creek and the Saint Martins River. The critical area portion of the site is 204.35 acres. Consisting of 82.6 acres of upland, 54.22 acres of nontidal wetland and 67.71 acres of private tidal wetlands. Existing forested upland and nontidal wetlands total 65.49 acres or 32.1% of the area within the critical area. The onsite soils consists of Falsington, Woodstown, Mullaca Eves Boro, Hampton, Hurlock, Tranquacking, Runclint, Udorthents, Sassafrass and Hambrock and are shown on the critical area site plan. The existing shoreline is relatively stable and is in good condition. The site use history has been agricultural production of field crops and forestry.

Spencer Rowe Environmental Inc. delineated the tidal and nontidal wetlands onsite. In addition, Spencer Rowe performed a tidal elevation study to determine the mean high water elevation so that a delineation of private versus State tidal wetland could be performed. Upon completion of the tidal study, Spencer Rowe field delineated the State/Private tidal line which was subsequently survey located by Frank G. Lynch, Jr. and Assoc. Inc. The study and survey where provided to Doldon W. Moore, Wetland Administrator with the MD Board of Public Works and Critical Area Staff. The delineation has been reviewed and approved by all agencies concerned.

Spencer Rowe contacted MD Wildlife and Heritage Service and received correspondence (attached) that there are no State or Federal records for rare, threatened, or endangered species onsite.

During the wetland delineation it was determined that an existing onsite pond was mistakenly mapped as tidal wetland, when in fact it is a nontidal wetland system. Spencer Rowe performed extensive studies and research and prepared a report justifying the change of designation from tidal to nontidal. The report (dated January 18, 2007) was submitted. The Worcester County Planning Commission agreed unanimously that the



mapping was a mistake. During a public hearing the Worcester County Commissioners voted unanimously that it is a mistake. On July 9, 2008 the Critical Area Commission reviewed the data and agreed that it is a mistake. This mistake removes 32.08 acres form the Critical Area on this project.

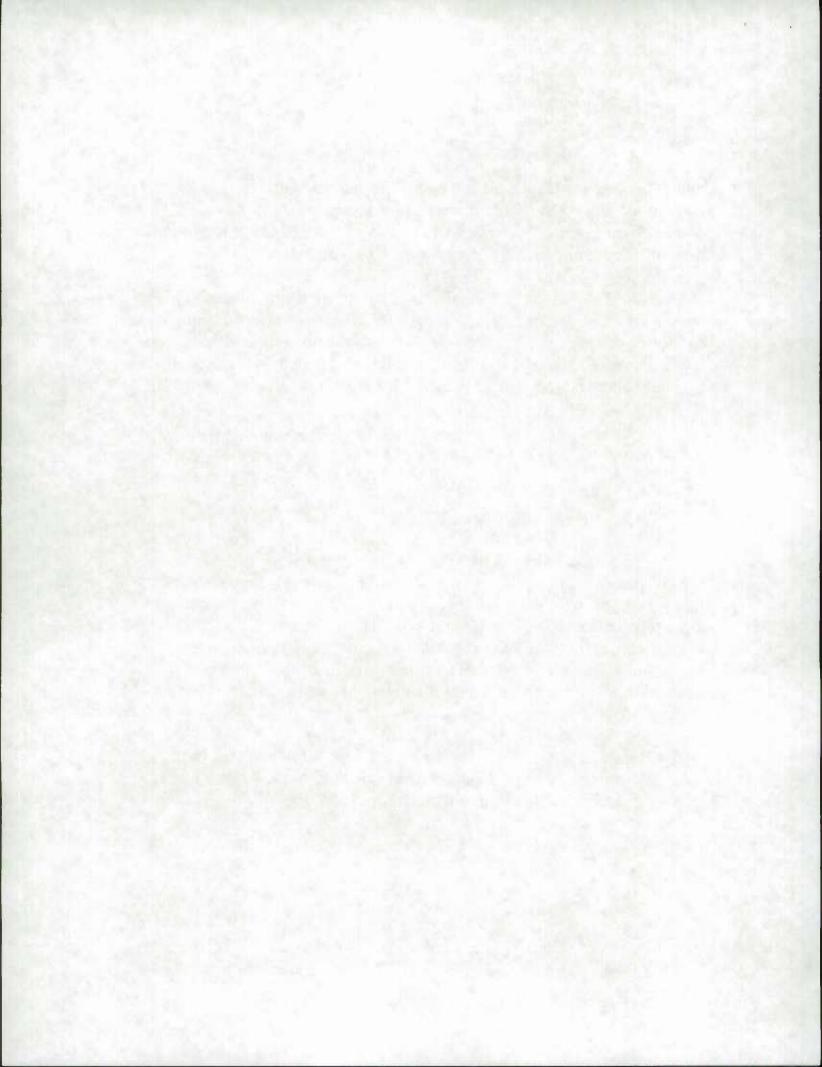
A bald eagle nest was found onsite during an onsite inspection of the critical area mistake area. The Critical Area plan shows the protection zones as located by survey. In addition, the plan lists the protection requirements for each zone. There is no proposed impact to regulated wetlands buffer or agricultural ditches onsite within the critical area.

The alignment of the proposed 10 slip community pier and the timber access walk was laid out in the field to avoid any trees or significant vegetation and minimize tidal wetland crossing.

PROPOSED DEVELOPMENT

The proposed development of this site will be a major cluster subdivision consisting of lands in and out of the critical area. A total of 15 lots are proposed for the subdivision with 10 lots proposed in the critical area. The critical area portion of the subdivision is classified as Resource Conservation Area (RCA) by the Atlantic Coastal Bays Critical Area Program (ACBCA). The proposed critical area density is 1 unit per 20.43 acres of upland and private tidal wetland within the critical area. The upland density is 1 unit per 13.66 acres.

The Critical Area Site plan delineates the critical area 100' buffer as well as the expanded buffer which extends the buffer to contiguous areas of hydric soils, nontidal wetlands and their buffers.

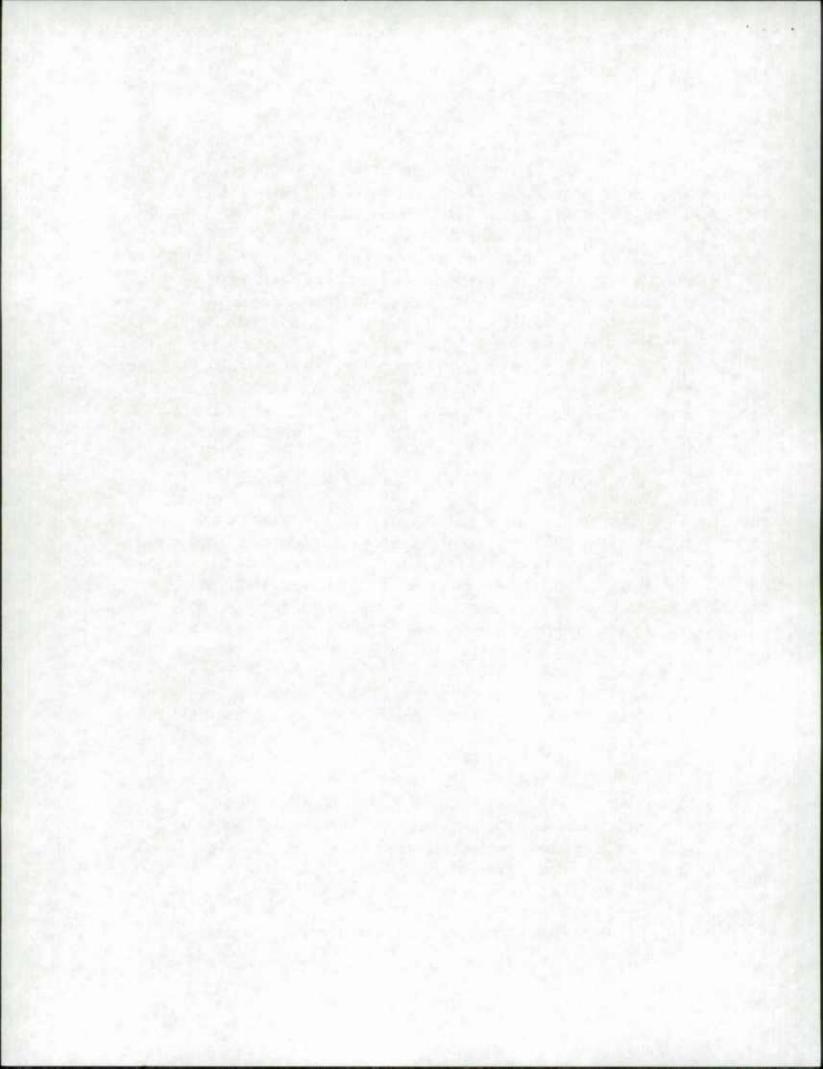


The proposed development of the critical area will be consistent with the development standards of the RCA criteria of the ACBCA Program. Except for driveways, roadways will be limited to that necessary to access the lots. All drainage from the roads will be removed to stormwater basins outside of the critical area. No structure or driveway will be located in habitat protection areas, buffers or expanded buffers, wetlands or forest. Water quality will be enhanced through the use of modern stormwater management and elimination of pesticides, fertilizer, and herbicide application for agriculture crop production. Additional water quality and habitat enhancement will occur by the establishment of the buffer and buffer extension where none exist today. Lot coverage will be limited to 15% for all new construction. In accordance with ACBCA recommendations, a community pier will be built with 10 slips, one for each of the lots.

BUFFER ESTABLISHMENT AND MANAGEMENT

In accordance with the ACBCA Program, the subdivision of this property will require the applicant to establish approximately 2.02 acres of buffer that is currently clear. In addition the applicant has started a program of phragmites eradication along the Saint Martins river. This area is approximately 3.54 acres in area. It is anticipated that the eradication program will require two growing seasons prior to having the ability to plant. As part of the eradication plan, the applicant proposes to expand the existing pond by approximately 1.23 acres. This will be achieved by excavating the Phragimities to the depth of the existing pond. The pond will be planted with a variety of water tolerant plants as shown on the buffer planting plan (sheet CA-2).

The planting of the buffer will be achieved in three ways as shown on the buffer planting plan. Approximately 24% of the area will be by natural regeneration. All natural regeneration areas are within 50' of existing forest and will be demarcated by blaze orange fencing. Approximately 10% will be planted with nursery stock. Approximately 47% will be planted with seedling/whip stock. The seedling whip stock planting area is proposed in the exposed area adjacent to the Saint Martin River. The location and choice of plant material give this area the best chance for survival and establishment.



LONG TERM BUFFER MANAGEMENT/ MAINTENANCE

A) PURPOSE

THE OBJECTIVE OF THIS PROGRAM IS TO DEMONSTRATE COMPREHENSIVE ENVIRONMENTAL MANAGEMENT GUIDELINES AND IMPLEMENTATION PROCEDURES FOR THE CONTINUED MANAGEMENT / MAINTENANCE OF THE SHORELINE BUFFER OF THE ARAMIS SUBDIVISION. THIS MAINTENANCE AND MANAGEMENT PROGRAM OUTLINES THE SPECIFIC BEST MANAGEMENT PRACTICES AND MANAGEMENT PRODUCTS REQUIRED TO COMPLETE THE MAINTENANCE OBJECTIVES. THE IMPLEMENTATION PROCEDURES WILL BE CONDUCTED IN ORDER TO MEET THE POLICIES AND OR MANDATES OF THE ATLANTIC COASTAL BAY CRITICAL AREAS PROGRAM.

B) BEST MANAGEMENT / MAINTENANCE PRACTICES

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C) CONTROL MEASURES

- 1. MOWING WILL HELP CONTROL WEEDS. CONTINUOUS MOWING WHEN PLANT RESERVES ARE LOW GRADUALLY DEPLETES ROOT RESERVES.
- 2. ALL INDIGENOUS GRASSES, SHRUBS AND TREES WILL BE LEFT INTACT. PRUNING TO THE VEGETATION WILL TAKE PLACE.
- 3. INDIGENOUS GRASSES, SHRUBS, AND TREES THAT BEGIN TO RE-COLONIZE WILL BE ALLOWED TO RE-COLONIZE AS PIONEER SPECIES.

4. ALL WORK WILL BE CONDUCTED IN PHASES DURING THE GROWING SEASON AND NON GROWING SEASON. THE PURPOSE OF THIS MANAGEMENT / MAINTENANCE PROGRAM IS TO ENSURE THAT THE BUFFER IS MAINTAINED IN NATURAL VEGETATION.

> TAX MAP 10 - PARCEL 48 JOHN C. AND DEBRA L. ROGERS DEED REFERENCE S.V.H. 3119/374 ZONING : E-1, ESTATE DISTRICT CURRENT USE AGRICULTURAL

> > OUTLOT A **OPEN SPACE**



D) WARRANTY REQUIREMENTS:

THE BUFFER TREE AND SHRUB PLANTINGS SHOWN ON THE " BUFFER PLANTING PLAN" SHALL BE WARRANTED AS REQUIRED BY THE ATLANTIC COASTAL BAYS CRITICAL AREA PROGRAM AGAINST PLANT MATERIAL DEATH, INSECT INFESTATION AND DEER AND RODENT DAMAGE. PLANT MATERIAL SHALL BE INSPECTED AFTER THE FIRST GROWING SEASON AND REPLACED AS NECESSARY. REPLACEMENT PLANT MATERIAL SHALL BE WARRANTED FOR TWO FULL YEARS FROM DATE OF REPLACEMENT.

E) ENFORCEMENT

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SITE DATA

NURSERY STOCK

K	EY	PLANT	SIZE	QTY.	COND.	CREDIT	TOTAL CREDIT
(*	Taxodium distichum BALD CYPRESS	5'+	36	CONT.	200	7,200
		Nyssa sylvatica BLACK GUM	3/4" CAL.	8	CONT.	100	800
<u>edate ta</u>	1	Liquidambar styraciflua SWEET GUM	3/4" CAL.	7	CONT.	100	700
		Iva frutescens HIGH TIDE BUSH	3'-4'	48	CONT.	50	2,400

TOTAL CREDIT = 11,100/ .67 ACRES

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COMMUNITY PIER ACCESS MITIGATION REQUIREMENTS 600 SF = 3-2" TREE REMOVAL IN BUFFER@ 100 PER INCH 4,500 SF = 2:1 FOR 2,250SF DISTURBANCE IN BUFFER (375'@6'WIDE) 5,100 SF TOTAL MITIGATION

SURVIVABILITY REQUIREMENTS NURSERY STOCK 100% AFTER 2 YEARS SEEDLINGS 50% SPRING OF 2015 NATURAL REGENERATION 300 4' TALL TREES PER ACRE AFTER 5 YEARS

PARCEL DESCRIPTION TAX MAP 10, PARCELS 28 & 302

FIFTH TAX DISTRICT WORCESTER COUNTY MARYLAND

PROPOSED USE 15 LOT CLUSTER SUBDIVISION

± 242.72 ACRES

SITE AREA

OCEAN EXCHANGE XXXI, L.L.C. 658 LIVE OAK DRIVE MCLEAN VA, 22101

BUFFER PLANTING BREAKDOWN

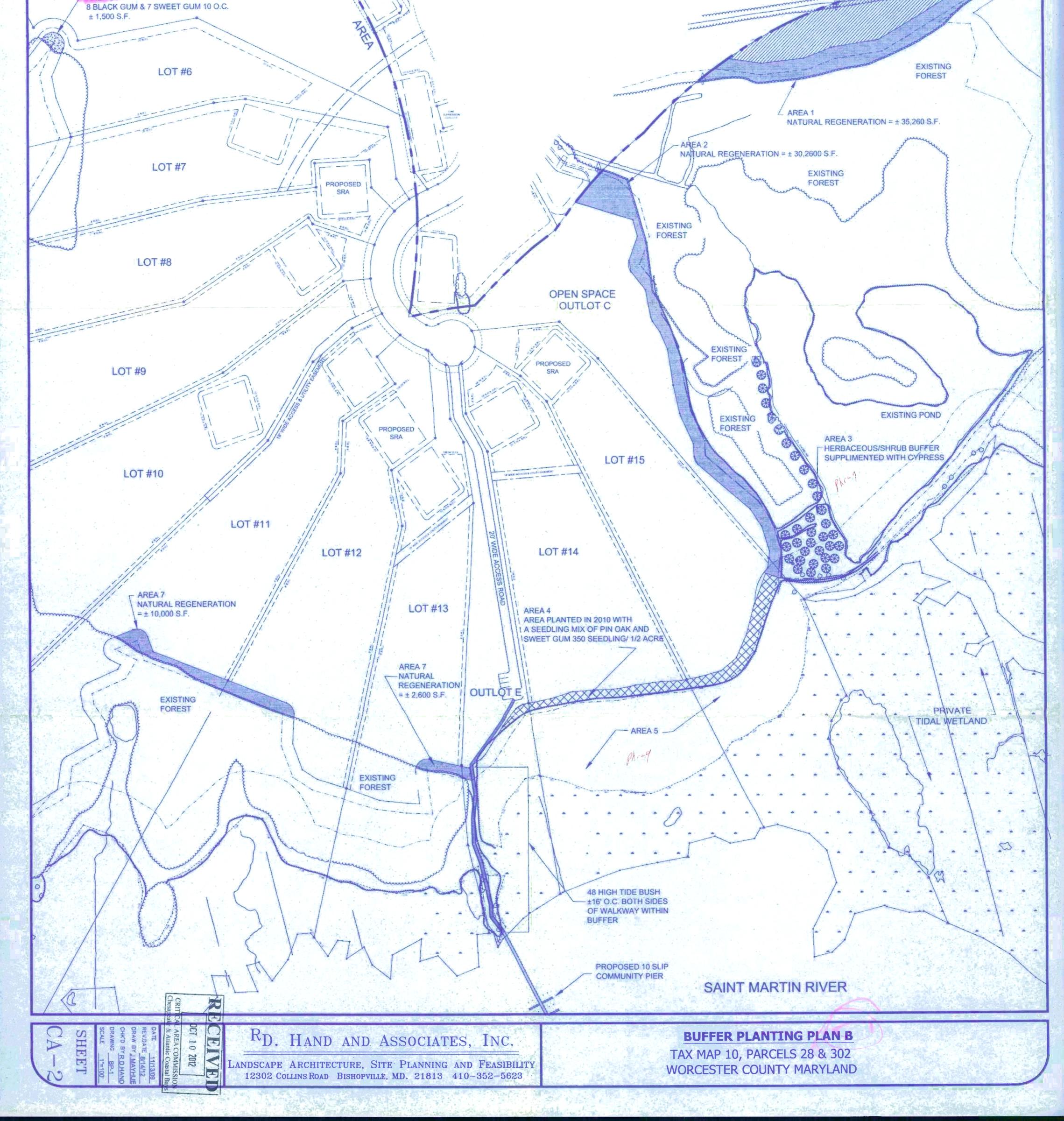
105,548 S.F. OF BUFFER TO BE ESTABLISHED 5,100 S.F. MITIGATION FOR WALK THROUGH BUFFER 110,648 S.F./±2.54 ACRES TOTAL

PROPOSED PLANTING

PROPERTY OWNERS

11,100 S.F./0.254 ACRES NURSERY STOCK (± 10%) 21,780 S.F./0.50 ACRES WHIP / SEEDLING (± 19.7%) 78,120 S.F./1.79 ACRES NATURAL REGENERATION (± 70.3%)

> AREA 1 ADDITIONAL (NON REQUIRED)NATURAL REGENERATION = ± 56,000 S.F.



LONG TERM BUFFER MANAGEMENT/ MAINTENANCE

A) PURPOSE

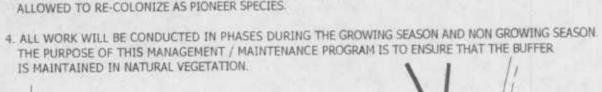
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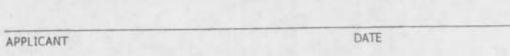
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LEGEND

NATURAL REGENERATION AREAS = ± 1.56 ACRES



PROPOSED NURSERY STOCK = ± .69 ACRES

PROPOSED WHIP AND SEEDLING AREA = ± 4.64 ACRES

SITE DATA

TAX MAP 10, PARCELS 28 & 302 FIFTH TAX DISTRICT WORCESTER COUNTY MARYLAND

± 242.72 ACRES PROPOSED USE

SITE AREA

15 LOT CLUSTER SUBDIVISION

OCEAN EXCHANGE XXXI, L.L.C. 658 LIVE OAK DRIVE MCLEAN VA, 22101

PROPERTY OWNERS

BUFFER PLANTING BREAKDOWN

6.56 ACRES OF BUFFER TO BE ESTABLISHED

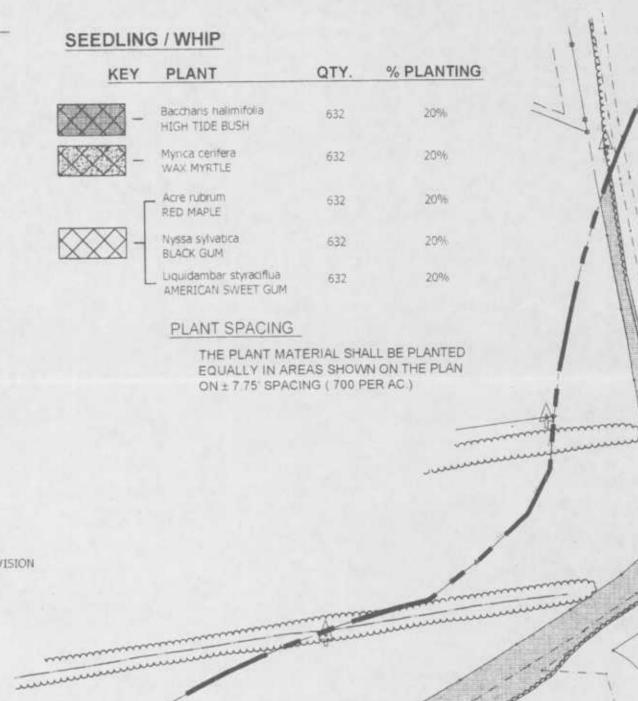
NURSERY STOCK

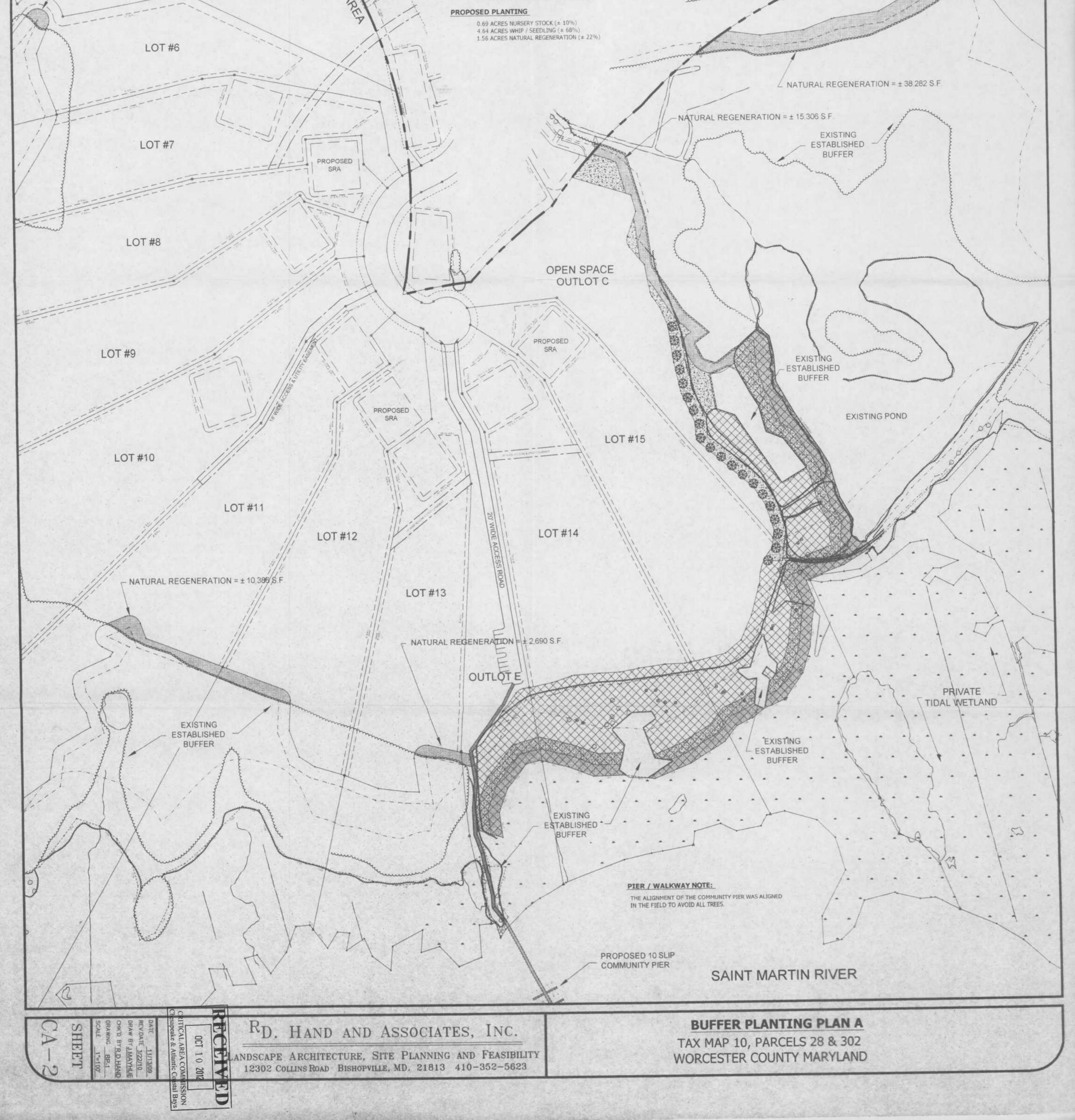
KEY	PLANT	SIZE	QTY.	COND.	CREDIT	TOTAL CREDIT
*	Taxodium distichum BALD CYPRESS	2" CAL.	30	B&B	200	6,000
ſ	– Nyssa sylvatica BLACK GUM	1" CAL.	58	B&B	100	5,800
	Liquidambar styraciflua SWEET GUM	1" CAL.	58	B&B	100	5,800
	Almus serrulata SMOOTH ALDER	1 GALLON	115	CONT.	50	5,750
	Myrica cerifera WAX MYRTLE	1 GALLON	115	CONT.	50	5,750

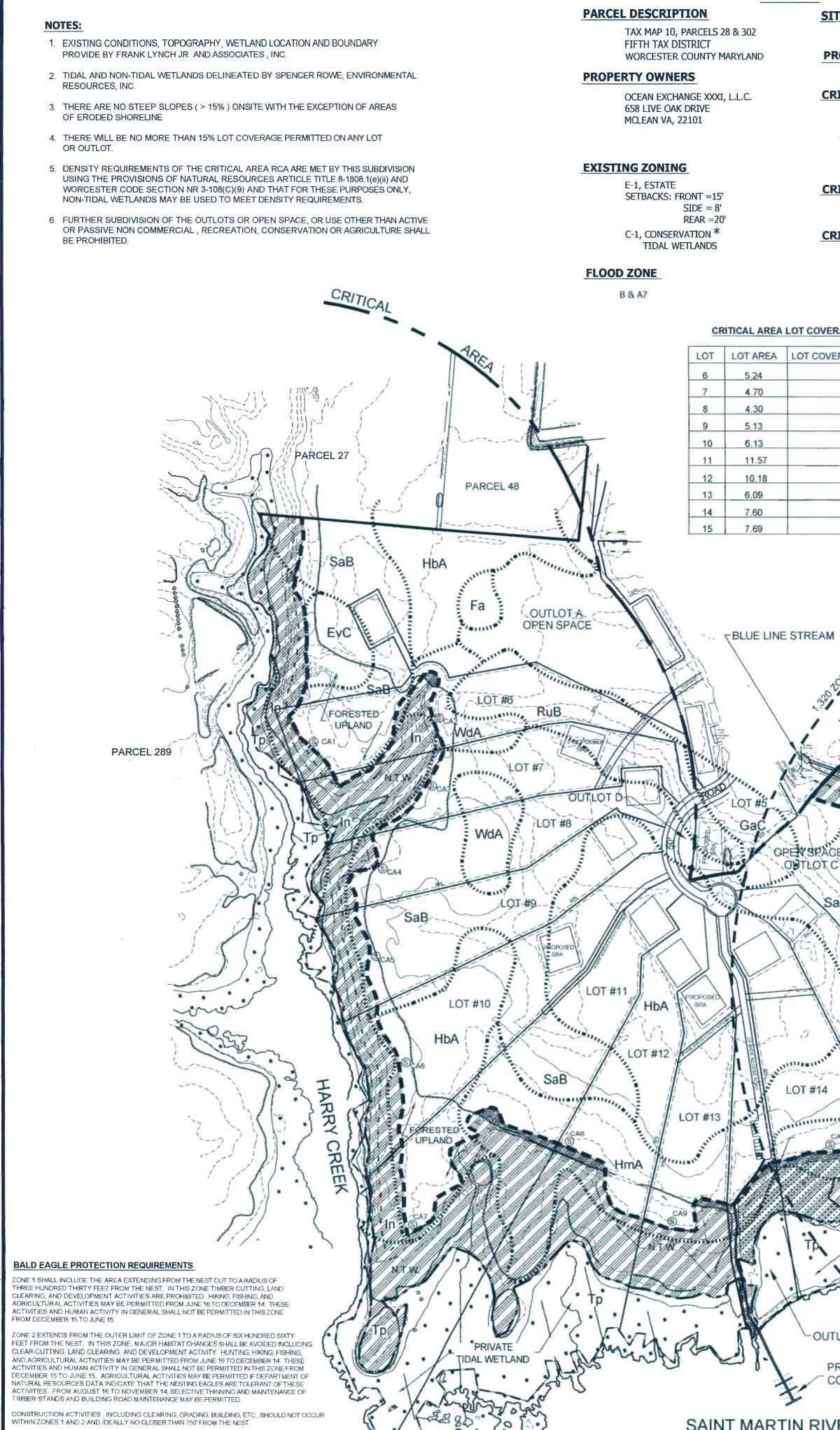
TOTAL CREDIT = 29,100 / .67 ACRES

PLANT SPACING

BALD CYPRESS SHALL BE PLANTED AS SHOWN. BALANCE OF NURSERY STOCK TO BE PLANTED EQUALLY ON ± 8.5' CENTER THROUGHOUT AREA SHOWN.







ZONE 3 EXTENDS FROM THE OUTER LIMIT OF ZONE 2 TO A RADIUS OF THIRTEEN HUNDRED TWENTY

RESTRICTED FROM DECEMBER 15 TO JUNE 15. OTHER ACTIVITIES IN THIS ZONE THAT AREA WITHIN SIGHT OF THE EAGLES ON THE NEST MAY NEED TO BE RESTRICTED DURING THIS TIME PERIOD IN

ACCORDANCE WITH DEPARTMENT OF NATURAL RESOURCES RECOMMENDATIONS.

FEET FROM THE NEST. TIMBER CUTTING, LAND CLEARING, AND DEVELOPMENT ACTIVITIES SHALL BE

.



± 242.72 ACRES

PROPOSED USE

15 LOT CLUSTER SUBDIVISION

CRITICAL AREA DENSITY

± 83.69 ACRES UPLAND

- ± 52.94 ACRES NON-TIDAL WETLAND
- ± 67.72 ACRES PRIVATE TIDAL WETLAND ± 204.35 ACRES TOTAL
- 10 LOTS PROPOSED = 1 LOT PER ± 20.43 ACRES TOTAL SITE
- 1 LOT PER ± 13.66 ACRES UPLAND
- **CRITICAL AREA FOREST DATA**
- ± 65.49 ACRES EXISTING FOREST ± 32% OF CRITICAL AREA

CRITICAL AREA DESIGNATION

THIS SITE IS LOCATED IN THE RESOURCE CONSERVATION AREA (RCA) DESIGNATION AREA OF THE ATLANTIC COASTAL BAY CRITICAL AREA PROGRAM.

CRITICAL AREA LOT COVERAGE CHART

LA	LOT COVERAGE CHART
A	LOT COVERAGE ALLOTMENT
	0.79
	0.70
	0.64
	0.77
	0.92
	1.73
	1.53
_	0.91
	1.14

1.15



OPEN SPACE

OUTLOT C

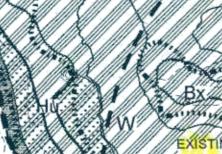


CRITICAL AREA BUFFER LINE

PARCEL 31







PRIVATE IDAL WETLAN

LOT #14



SAINT MARTIN RIVER



LOCATION

PRIVATE

£

LD EAGEL NE'S

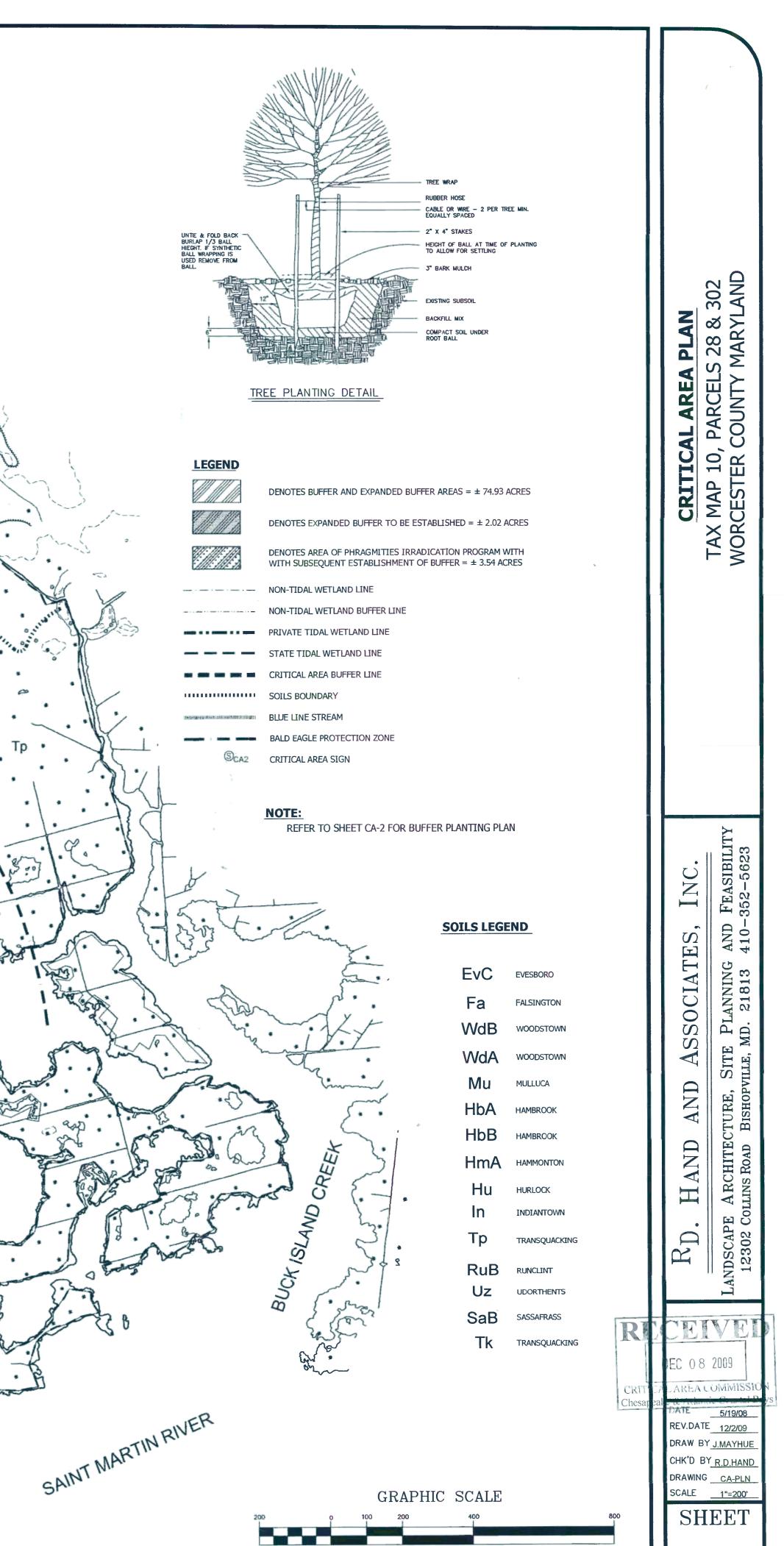
1 OUTLOTE T

SL Тр • PRIVATE

TIDAL WETLAND

-1 ·*





(IN FEET) 1 inch = 200 ft.

a 4

LONG TERM BUFFER MANAGEMENT/ MAINTENANCE

A) PURPOSE

6 - 10

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E) ENFORCEMENT

APPLICANT

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I HEREBY ADOPT THIS BUFFER MANAGEMENT PLAN AND AGREE TO IMPLEMENT THE REQUIREMENT SET FORTH HEREIN. I HEREBY GRANT THE JURISDICTION OFFICIALS PERMISSION TO ENTER MY PROPERTY, SUBJECT TO NOTICE CONDITIONS HEREIN, TO INSPECT THE BUFFER AND BUFFER PLANTINGS FOR COMPLIANCE WITH THIS PLAN.

DATE

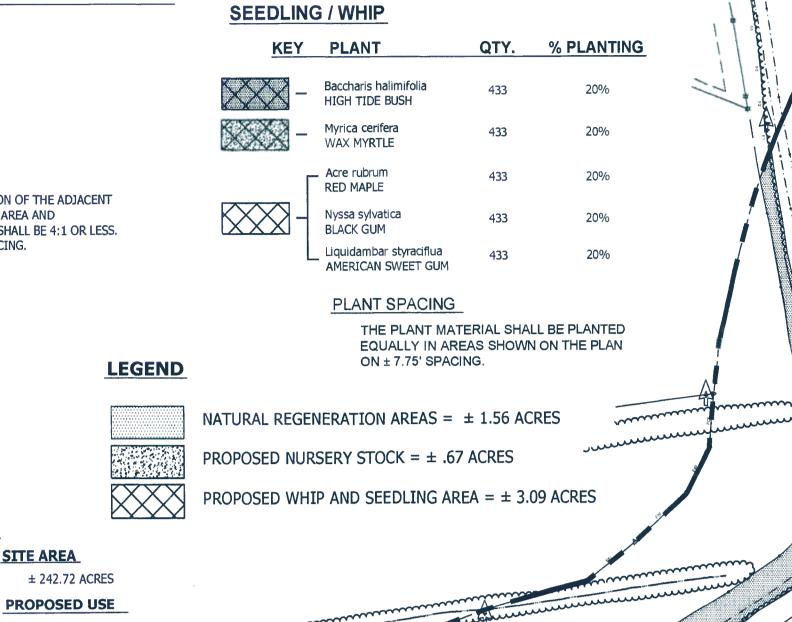
NURSERY STOCK

KEY	PLANT	SIZE	QTY.	COND.	CREDIT	TOTAL CREDIT
×	Taxodium distichum BALD CYPRESS	2" CAL.	30	B&B	200	6,000
	– Nyssa sylvatica BLACK GUM	1" CAL.	58	B&B	100	5,800
-	Liquidambar styraciflua SWEET GUM	1" CAL.	58	B&B	100	5,800
	Alnus serrulata SMOOTH ALDER	1 GALLON	115	CONT.	50	5,750
	Myrica cerifera WAX MYRTLE	1 GALLON	115	CONT.	50	5,750

TOTAL CREDIT = 29,100 / .67 ACRES

PLANT SPACING

BALD CYPRESS SHALL BE PLANTED AS SHOWN. BALANCE OF NURSERY STOCK TO BE PLANTED EQUALLY ON ± 8.5' CENTER THROUGHOUT AREA SHOWN.



4. ALL WORK WILL BE CONDUCTED IN PHASES DURING THE GROWING SEASON AND NON GROWING SEASON. THE PURPOSE OF THIS MANAGEMENT / MAINTENANCE PROGRAM IS TO ENSURE THAT THE BUFFER IS MAINTAINED IN NATURAL VEGETATION.

