

From: Carl Couey, APII HOA President
To: Ms. Holly Colby
Subject: Anne Arundel County Hearing – April 9th, 2024
William J. Boehm, Trustee
Application for Special Exception for Landscaping and Tree Contracting with Accessory Recycling of Logs Into Firewood
Date: March 29th, 2024

Dear Ms. Colby,

Thank you for issuing the public notice and relevant documents. The property owners of Annapolis Preserve II (APII) gathered to discuss the special exception application submitted by William J. Boehm, Trustee for the property at 1373 Saint Stephens Church Road, Crownsville, MD 20132.

The following represents excerpts of the subject application, in blue text, followed by comments from APII property owners expressing concerns about the proposed use of the property directly across the street from our residential community. We also list questions we seek answers to.

Primary Concerns

1. Noise
2. Truck Traffic
3. Volume
4. Aesthetics

It appears Ballard's is applying for a special exception to continue wood processing operations that have been taking place for at least two years. Did they cease operations due to complaints and now want a permit to resume?

Excerpts from the application.

Page 6 Item (3): "Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article."

There was unanimous agreement amongst the APII property owners that this is not true.

Page 6 Item (4): "The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district."

There was unanimous agreement amongst the APII property owners that this is not true.

No other property on St Stephens Church Road or the general vicinity is being used for wood processing. A commercial wood processing facility across the street from a residential community of 13 estate homes **will adversely affect property values.**

1. NOISE:
 - a. Page 13 (7): The sound level at any residentially zoned or residentially developed property line may not exceed an average of 5 dba and a peak of 60 dba based on readings taken during operations."
 - b. Ballard's will use chainsaws and chippers to process the wood and there will be increased truck traffic.
 - i. Trucks entering and leaving the property will increase noise.
 - ii. According to the EPA, Gas powered chainsaws measured by NPC ranged from 106 to 117 dBA.

- iii. According to the EPA a Bandit 1590XP is produces approximately 85dBA @ 50 feet, 91dBA @ 25 feet, 97dBA @ 12 feet, 103dBA @ 6 feet and 109dBA @ 3 feet. In summary operators should experience noise in the range of 97dBA to 109 dBA.

Note: The acoustical analysis conducted by Mobile Health Analysis on November 22nd, 2023, was performed when there was no wood processing taking place. Other than to show the ambient levels range from 55dBA to with a maximum of 77dBA. The paragraph titled "results" claims "the elevated level of 59.1dBA was due to road noise not the wood processing."

2. TRAFFIC - INCREASED NOISE & DANGER

- a. There will be truck traffic bringing logs in and hauling firewood and tree waste such as mulch out.
- b. In the past the large trucks turning from St Stephens Church Road have caused damage to the common area maintained by the APII HOA when turning into Ballard's property. To mitigate this, Annapolis Preserve II HOA purchased and placed large stones alongside the road. The approximate cost of this mitigation to the APII HOA was \$2000.
- c. St Stephens Church Road is a two lane, windy road with many sharp turns.
 - i. It is also frequently used by bicycles and even used during bicycles races. The dangers of passing these bicycles already poses a danger since posted signs encourage them to use the entire lane. The issue is compounded since there are many sharp turns and some steep hills. Bicyclists climbing these hills can slow to only a few miles per hour promoting people to attempt to pass them.
 - ii. Large trucks carrying big logs increase these dangers and stress to the road increasing the cost to maintain St Stephens Road. The county has made many repairs to the roadway and some sections require frequent repairs due to the roadbed being undercut by erosion from floods. Increased truck traffic with heavy loads exacerbates this issue.

3. PROCESSING VOLUME

- a. "Consequently, a typical season of firewood sales for Ballard Enterprises will consist of approximately two hundred (200) cords of firewood sold locally."
 - i. The wood processing work is seasonal, so this volume is concentrated over a few months as opposed to spread out over 12 months. What restrictions would there be to prevent them from increasing the volume to thousands of cords a year?
 - ii. Who would monitor and enforce those restrictions?
- b. Page 13 (5): "Outdoor storage, including storage of unprocessed logs and processed firewood, may not occupy more than 20% of the total lot area, not to exceed five acres."
 - i. Who is going to monitor and regulate this?
- c. Page 13 (4): "Firewood shall be stored in windrows not more than 10feet high and 20 feet wide, in static piles not more than 20 feet high, or in bulk storage bags and shall be located at least 50 feet from lot lines."
 - i. They are already violating this limit. Who is going to monitor and regulate this?
- d. Page 13 (6): "Hours of operation for the recycling of logs into firewood shall be limited to either 9:00 a.m. to 12:00 p.m. or 1:00 p.m. to 4:00 p.m. on any one day, Monday through Friday."
 - i. Who is going to monitor and regulate this?
- e. Page 14 (8): "The storage and processing of logs that are not incidental to the landscaping and tree contracting business is prohibited."
 - i. Who is going to monitor and regulate this?

4. AESTHETICS

- a. Page 14 (6): “Accessory outdoor storage and parking areas shall be screened from neighboring properties in accordance with the Landscape Manual.”
 - i. What landscape manual are they referring to?
 - ii. Who monitors and enforces this?
- b. Ballard Enterprises is advertised as a landscaping, tree service and lawn care company yet their primary place of business on St Stephens Church Road is an eyesore.
 - i. Lawn Care: “Enhance the curb appeal of your home with our lawn care services. We offer a wide variety of services to ensure your lawn is healthy and beautiful.”
 - ii. Landscaping: “We take pride in offering you prompt and professional landscape design services. All of our work is fully warranted and you'll get the best price and service guaranteed.”
 - iii. Tree Service: “Trust your trees to professional arborists. We'll ensure your plants, bushes, and trees are kept attractive and healthy with careful, attentive service.”
- c. Ballard's calls themselves landscapers yet the front area is a mess, demonstrating no apparent evidence they care about aesthetics or “curb appeal”.
- d. The large piles of mulched wood and commercial chipping machine is clearly visible from St Stephens Church Road and homes within the Annapolis Preserve II community.

Many of our property owners intend to participate in the virtual hearing April 9th, 2024. I am personally not familiar with the hearing process so if we need to take any other action prior to the hearing to file our concerns please let me know.

Regards,
Carl Couey
APII HOA President



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OFFICE OF ADMINISTRATIVE HEARINGS
ARUNDEL CENTER, P.O. BOX 2700
ANNAPOLIS, MARYLAND 21404-2700
410-222-1266 FAX 410-222-1267

DOUGLAS CLARK HOLLMANN, Esq.
Administrative Hearing Officer

February 29, 2024

NOTICE OF HEARING

To: Property Owners Within 300 feet

For: **WILLIAM J. BOEHM, TRUSTEE – 2024-0018-S (AD 2, CD 6)** special exception to allow landscaping and tree contracting with accessory recycling of logs into firewood in an RA – Rural Agricultural District.

Tax ID: 2000-0152-8800

Property Address: 1373 Saint Stephens Church Road, Crownsville, MD 21032

Date of Hearing: Tuesday, April 9, 2024 at 11:30 a.m.

The Office of Administrative Hearings will conduct the hearing on the above referenced case via a Zoom meeting that will take place on the internet. This will allow people to participate in the hearing without physically coming to the Arundel Center. To join the Zoom hearing visit the Administrative Hearing website calendar. Each case will have a separate link and phone number. The website can be accessed at <https://www.aacounty.org/admin-hearings>. You can view the application, site plan and documents submitted by going to our website at <https://www.aacounty.org/admin-hearings/hearing-calendar>.

The applicant/public has the right to object to an internet-based hearing. The objection must be submitted to the Administrative Hearing Officer in writing, stating the reason for the objection. The Administrative Hearing Officer will review and, if good cause is shown that the hearing should not be held, the hearing will be rescheduled to a time when in-person hearings are able to resume.

Documents submitted for use at the hearing should be mailed to the address posted above or emailed to Holly Colby at zhcolb22@aacounty.org. Documents must be sent one week prior to the hearing date.

Anyone who needs special accommodation should communicate with Holly Colby at least seven working days prior to the hearing at 410-222-1266 or by e-mail to zhcolb22@aacounty.org or through the Maryland Relay Service at 711.

All other inquiries should be directed to a zoning analyst with the Office of Planning and Zoning, Heritage Office Center, 2664 Riva Road, Third Floor, Annapolis - Telephone No. 410-222-7437 with reference to the above case number(s).











