

MAIDSTONE FARM HOMEOWNERS ASSOCIATION, INC

1 message

Stephan von Schilcher <vonschilcher@gmail.com>
To: zhcolb22@aacounty.org

Tue, Feb 7, 2023 at 11:10 AM

Dear Mr. Hollmann,

As a resident of 613 Edwards rd, Annapolis MD 21409, our family does not support the dock extension at Maidstone Farm HOA. They already have a dock that is not at full capacity, in the 7 years I have lived here, I have never seen it at full capacity. They have water front homes where they can build a pier/dock. There is no need to turn up more silt and potentially hurt the habitat in that area of Little Burley Creek.

Attached is a video of where they posted the public notice, which you can see where it is. I have also attached a picture, showing my address, and the spot where the sign was placed (yellow circle with red dot). Maidstone farm rd. is split between two neighbors, from Cherry rd to the T, it belongs to Peggy Sue Attebury and is an easement and she rents the land out to Central Sod Farm, after the T on the left (Bowdoin Point) it belongs to Chris Wallace and is also an easement. As you can see on the map, each home has waterfront and could easily construct a dock in front of their homes.

Thank you for your time and have a great day,

Stephan

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Stephan von Schilcher

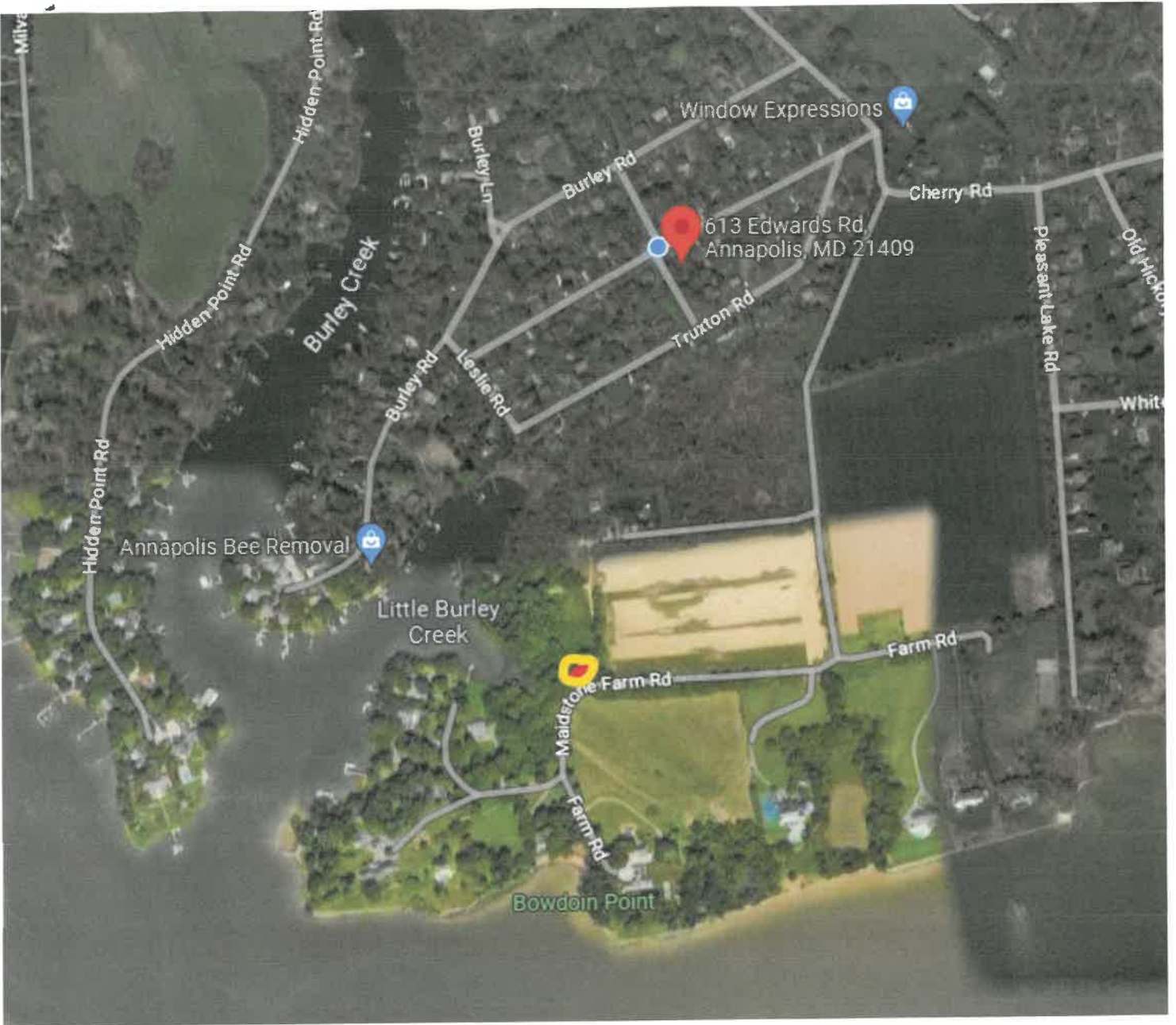
Tel | +1 410-330-6010

2 attachments



image.png
776K

 **Video.mov**
1840K



Re: MAIDSTONE FARM HOMEOWNERS ASSOCIATION, INC. – 2022-0092-S (AD 3, CD 5)

1 message

Stephan von Schilcher <vonschilcher@gmail.com>
To: Holly Colby <zhcolb22@aacounty.org>

Hi Holly,

Ok, we hear is a picture of the sign, which was indicated in the map I attached.





NOTICE

AN APPLICATION HAS BEEN FILED FOR

AN APPLICATION HAS BEEN FILED FOR SPECIAL EXCEPTION
TO ALLOW EXPANSION OF A PREVIOUSLY
APPROVED COMMUNITY PIER IN AN RLD
DISTRICT.

LOCATION: MAIDSTONE FARM RD. TAX ID# 3000-9006-8248

CASE NO: 2022-0092-S

MAIDSTONE FARM HOA INC.

PENDING A PUBLIC ZOOM MEETING. FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7437 OR VIEW WEBSITE
WWW.AACOUNTY.ORG/ADMINHEAR/INDEX.CFM

Tel | +1 410-330-6010

On Feb 7, 2023, at 11:32 AM, Holly Colby <zhcoib22@aacounty.org> wrote:

Thank you for your email. I've added it to the file for review. I could not get the video to open.

Holly

On Tue, Feb 7, 2023 at 11:11 AM Stephan von Schilcher <vonschilcher@gmail.com> wrote:

Dear Mr. Hollmann,

As a resident of 613 Edwards rd, Annapolis MD 21409, our family does not support the dock extension at Maidstone Farm HOA. They already have a dock that is not at full capacity, in the 7 years I have lived here, I have never seen it at full capacity turn up more silt and potentially hurt the habitat in that area of Little Burley Creek.

Attached is a video of where they posted the public notice, which you can see where it is. I have also attached a picture, showing my address, and the spot where the sign was placed (yellow circle with red dot). Maidstone farm rd. is split between an easement and she rents the land out to Central Sod Farm, after the T on the left (Bowdoin Point) it belongs to Chris Wallace and is also an easement. As you can see on the map, each home has waterfront and could easily construct a dock in front of their homes.

Thank you for your time and have a great day,

Stephan

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Stephan von Schilcher

Tel | +1 410-330-6010

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Holly Colby
Office Manager
Administrative Hearings
44 Calvert Street, Room 433
Annapolis, MD 21401
410-222-1266



PRO. EXHIBIT# 2
CASE: 2022-0092-S
DATE: 6/4/24

Maidstone pier project

1 message

jeanne olsen <jeanne.olsen21@gmail.com>
To: "zhcolb22@aacounty.org" <zhcolb22@aacounty.org>

Tue, Feb 7, 2023 at 11:41 AM

Hi,

I am a homeowner in beechwood on the burley and although I am not waterfront, I do frequent our community pier and property. I am NOT in favor of the proposed pier expansion across our small creek. The proposal appears to negatively affect our side of the creek not to mention the heron population and other native species. Also, all comments regarding the hidden signage for the hearing were true, there's no way the community members would see the sign as it is a half mile down the private road. I thank my neighbors for standing together regarding opposition to this project.

Sincerely,

Jeanne Olsen

Beechwood on the Burley (since 1991)

PRO. EXHIBIT# 3
CASE: 2022-0092S
DATE: 6/4/24

David J Wallace, PE
1871 Burley Road
Annapolis, MD 21409

May 24, 2024

Douglas C Holmann
Administrative Hearing Officer
Anne Arundel County

Re: Maidstone Farm Homeowners Association, Inc.
2022-0092-S

My name is David Wallace. I have been a resident at 1871 Burley Road for 35 years. My residence is across Burley Creek and within 300' of the Maidstone Farm Homeowners Association, Inc., pier. I oppose the proposed pier expansion.

There was a previous Maidstone Farm pier expansion 25 years ago. That expansion was governed by the location of the center of the creek, and thereby the $\frac{1}{4}$ distance line, which determined the maximum expansion allowed. The line was agreed upon by all parties involved, including the Anne Arundel County Department of Planning and Code Enforcement. The line was confirmed on July 8, 2022, by the Maryland Department of the Environment.

In 2022 and again in 2024 Maidstone Farm Homeowners Association (MFHA) made a request to extend the pier farther into the creek. In their proposed expansion plan the MFHA has redrawn the location of the center of the creek and changed it from what was agreed upon 25 years ago resulting in a channelward move of the $\frac{1}{4}$ distance line.

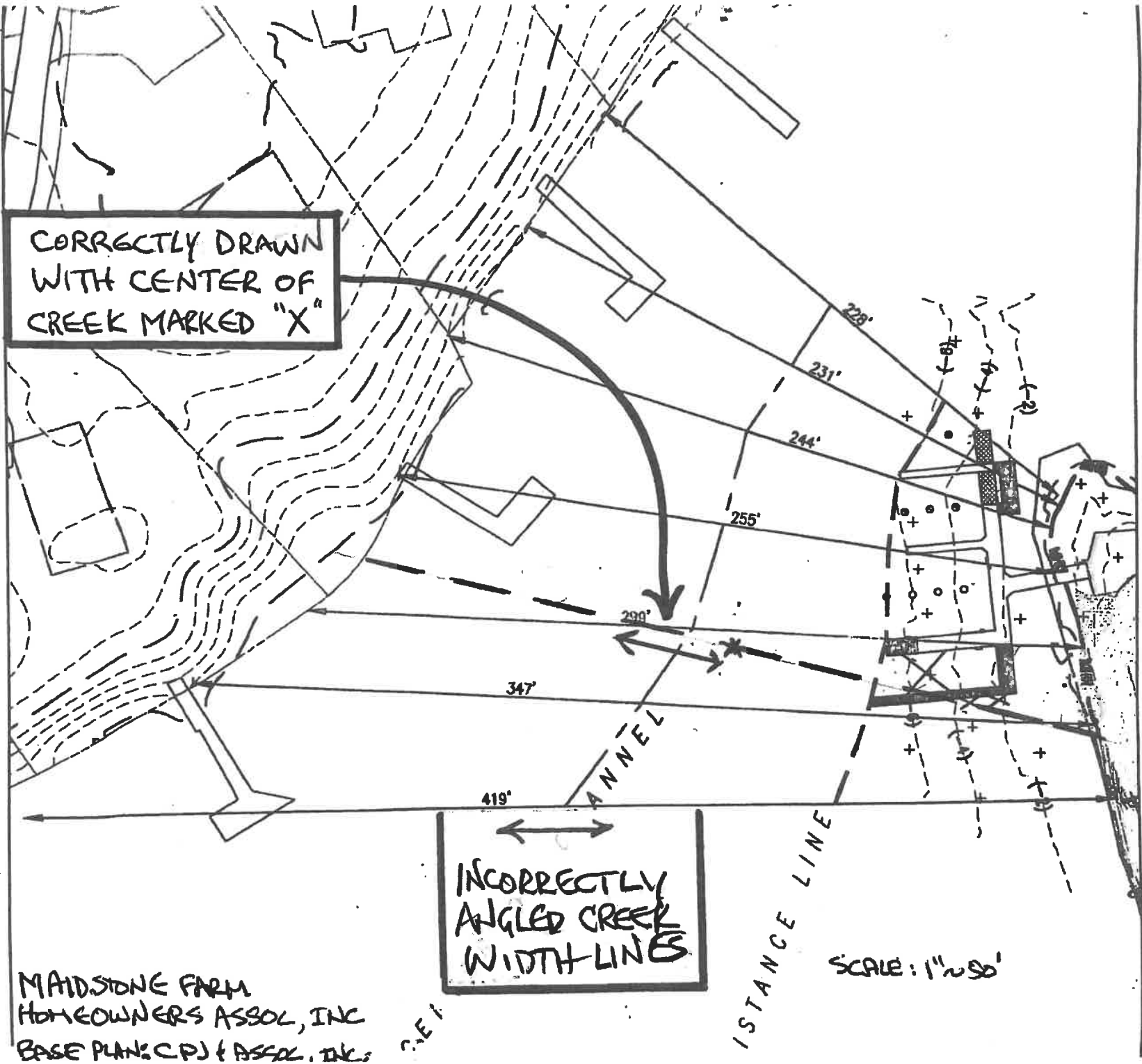
However, the center of the creek, and therefore the $\frac{1}{4}$ distance line has been incorrectly determined. The two attached exhibits highlight flawed methodology in determining the center of the creek and the resulting $\frac{1}{4}$ distance line. Per Jon Stewart of the Maryland Department of Environment, regarding this application submission, "A correct measurement of the $\frac{1}{4}$ distance...ensures that a proposed project meets and is consistent with the State's laws and regulations."(Shown on the attached Proposed Pier Inset).

I oppose the pier expansion for the above outlined reasons and due to my strong convictions that the limit now in place also honors the larger community within which the Maidstone Farm Association members live.

Sincerely,


David J Wallace

CORRECTLY DRAWN
WITH CENTER OF
CREEK MARKED "X"



INCORRECTLY
ANGLED CREEK
WIDTH LINES

DISTANCE LINE

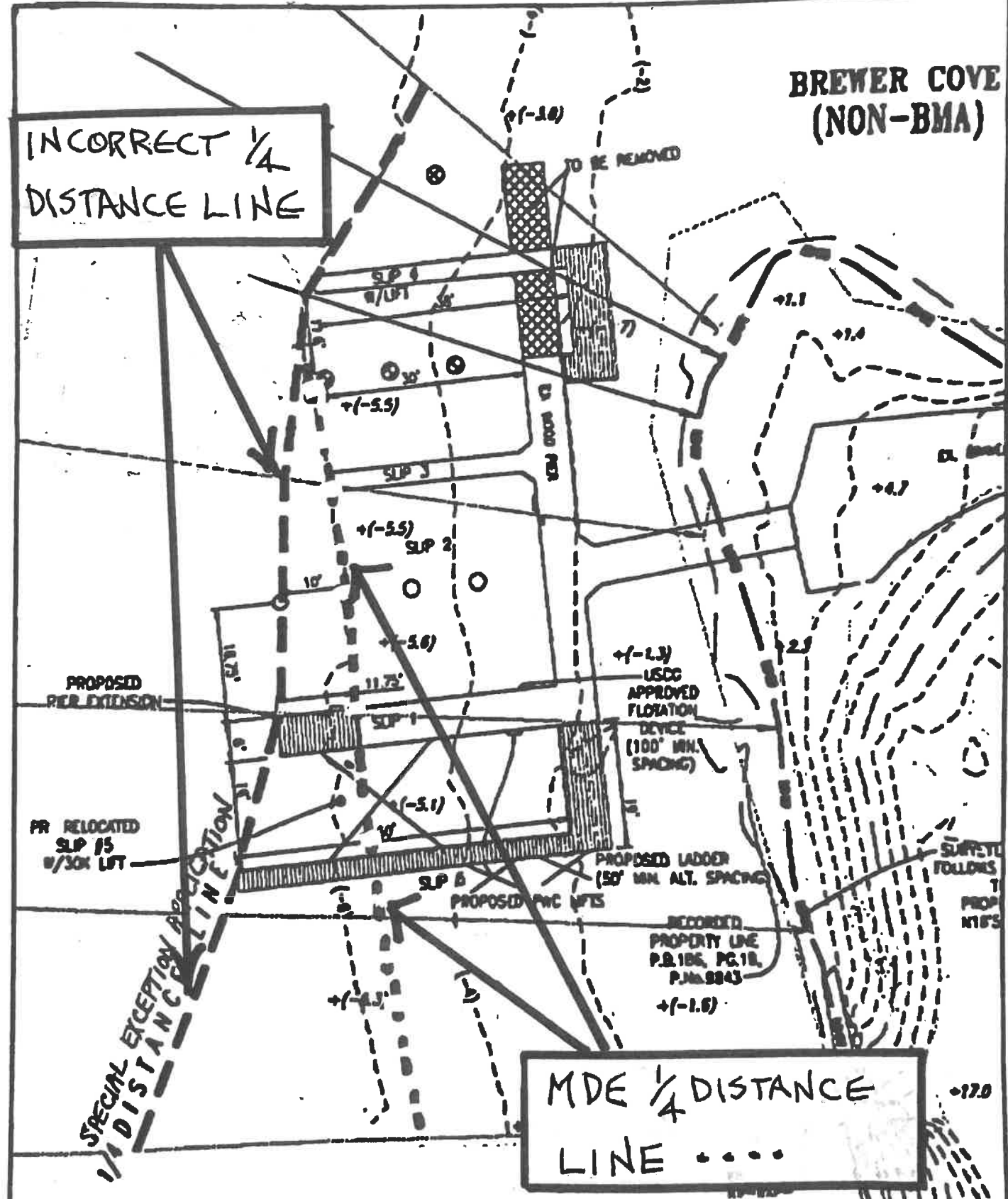
SCALE: 1" = 80'

MAIDSTONE FARM
HOMEOWNERS ASSOC., INC
BASE PLAN: C/PJ & ASSOC., INC.

SEE

**BREWER COVE
(NON-BMA)**

**INCORRECT 1/4
DISTANCE LINE**



**MDE 1/4 DISTANCE
LINE**

MAD STONE FARM
HOMEOWNERS ASSOC, INC
BASE PLAN: CPJ & ASSOC, INC

PROPOSED PIER INSET
SCALE: 1"=20'

PRO. EXHIBIT# 4
CASE: 2022-0092-S
DATE: 6/4/24

Ahni Sallaway

1869 Burley Road, Annapolis, Maryland 21409
410-353-4538
ahnisallaway@gmail.com

May 26, 2024

Dear Holly Colby,

As a property owner within 300 feet of the docks and boat slips of the Maidstone Farm Homeowners Association on Burley Creek I ask that you do not grant a special exemption to allow expansion of the existing site.

Little Burley Creek has been my home for 37 years. It is a rare spot with areas of untouched natural beauty in the cove. It is peaceful and because of that, it attracts a wide variety of wildlife. It is a nursery for the bay. I am an artist and have painted Little Burley Creek shoreline countless times. It is magical how the light changes over the trees, reeds and water. I love the raw nature and serenity.

I have seen the large boat that they wish to build a longer dock for. It is larger and longer than any boat on Little Burley Creek and has three 600 horse power engines totaling 1800 HP. There is no boat that compares in size (displacement). Our creek is already tight for people going in and out of the community dock by boat. Jutting out further into the creek beyond the one quarter line would be a dangerous and bad idea. Looking at the application's depiction of the one quarter line, I can tell by looking at the Creek that the application line is not correct.

I know of one other person who was denied going beyond the State 1/4 mark of the creek. I believe it would be unfair to grant an exception for someone else after denying a neighbor.

The serenity of our beautiful Little Burley Creek is at risk from boats of this size. Wildlife is at risk. Please do not grant this exception.

Sincerely yours,

Ahni Sallaway

PRO. EXHIBIT# 5
CASE: 2022-00925
DATE: 6/4/24

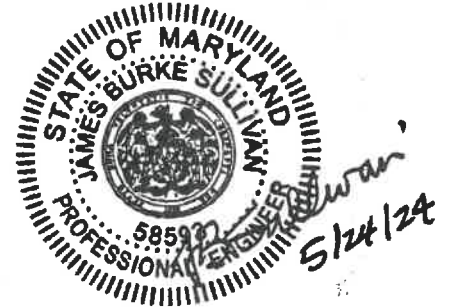
Objection to the proposed expansion of Maidstone Farm piers

May 23, 2024

To: Douglas Carl Holmann, Esq.
Administrative Hearing Officer
Office of Administrative Hearings
Anne Arundel County, Maryland

From: James B. Sullivan, PhD, P.E. (Maryland #58593, and 4 other states)
1869 Burley Road
Annapolis, Maryland 21409

Re: Special Exception Application to amend 1999-0058-S
Maidstone Farm Homeowners Association, Inc.



My wife and I have been full time residents of 1869 Burley Road, Annapolis, Md 21409 for 37 years. Our property is almost directly across Little Burley Creek from the Maidstone Community Pier.

I write to object to the granting of an amendment to the existing Special Exception for the Maidstone Farm Community Pier. The reasons for my objection include the following:

The proposed pier expansion will extend past the one-quarter distance line that was established as part of the 1999 agreement. The decision states that “no boats may be moored channel ward of the water use line established by Department of Planning and Code Enforcement as shown on the Revised Alternate Site Plan”. The Alternate Site Plan shows that the ends of the existing piers are located at the ¼ line.

The location of that line was affirmed by the Maryland Department of the Environment in November July 8, 2022 letter to me from Jonathan Stewart Chief, Eastern Region, Tidal Wetlands Division. It states that “the ¼ distance line and proposed reconfiguration depicted ... appears to be authorizable and would likely result in a favorable determination by the Department”.

Important note: The applicant has now proposed two different quarter lines, one in 1999 and 2023 and a different one in 2024. The two lines are markedly different. Burley Creek has certainly not changed shape since 1999. Neither line—including the one now being presented—has been drawn using accepted professional methods. Neither is correct. The location of the quarter line distance is not a matter of personal opinion; it and the center line are facts determined by professionally accepted methods of mathematics, not by personal interests or unorthodox methodology.

How is the center line determined? As a professional engineer I attest that the professionally accepted method of determining the center line of a waterway is to “determine the locus of points that maintain equal distance to the nearest points on each bank of the waterway”, in this case, the mean high water line. [A “locus” of points is defined as a curve or other line formed by all the points satisfying a particular equation or characteristic.” Example: the ‘locus’ of all points equidistant from the same point is a circle.]

The center line in the 1999 Alternate Site Plan that was eventually accepted was calculated in a professionally accepted way and its location was verified by the Maryland Department of the Environment. With that center line, the corresponding ¼ distance runs at the approximate ends of the presently existing piers. Lengthening the piers would be an intrusion on the Creek beyond the Code’s ¼ line.

Permitting any County resident to extend their pier past the one quarter line would not only violate County (§18-2-404(c)(1)) and State regulations, it would discriminate against one resident in favor of another. In 2000, the resident owner of 1867 Burley Road applied to the County for a permit (#B02157524) to build a 60 foot pier into the Creek on its west side, directly across from the current applicant's planned expansion. On September 26, 2000, his application was rejected by the County because his 60 foot pier would extend beyond the ¼ line on the west side of Little Burley Creek. The quarter lines shown in his notice of rejection were effectively the same as those defined in the 1999 decision and in the 2022 Maryland Department of the Environment letter mentioned above. As a result of County disapproval, the resident shortened his pier by 10 feet to stay within the 1/4 line distance.

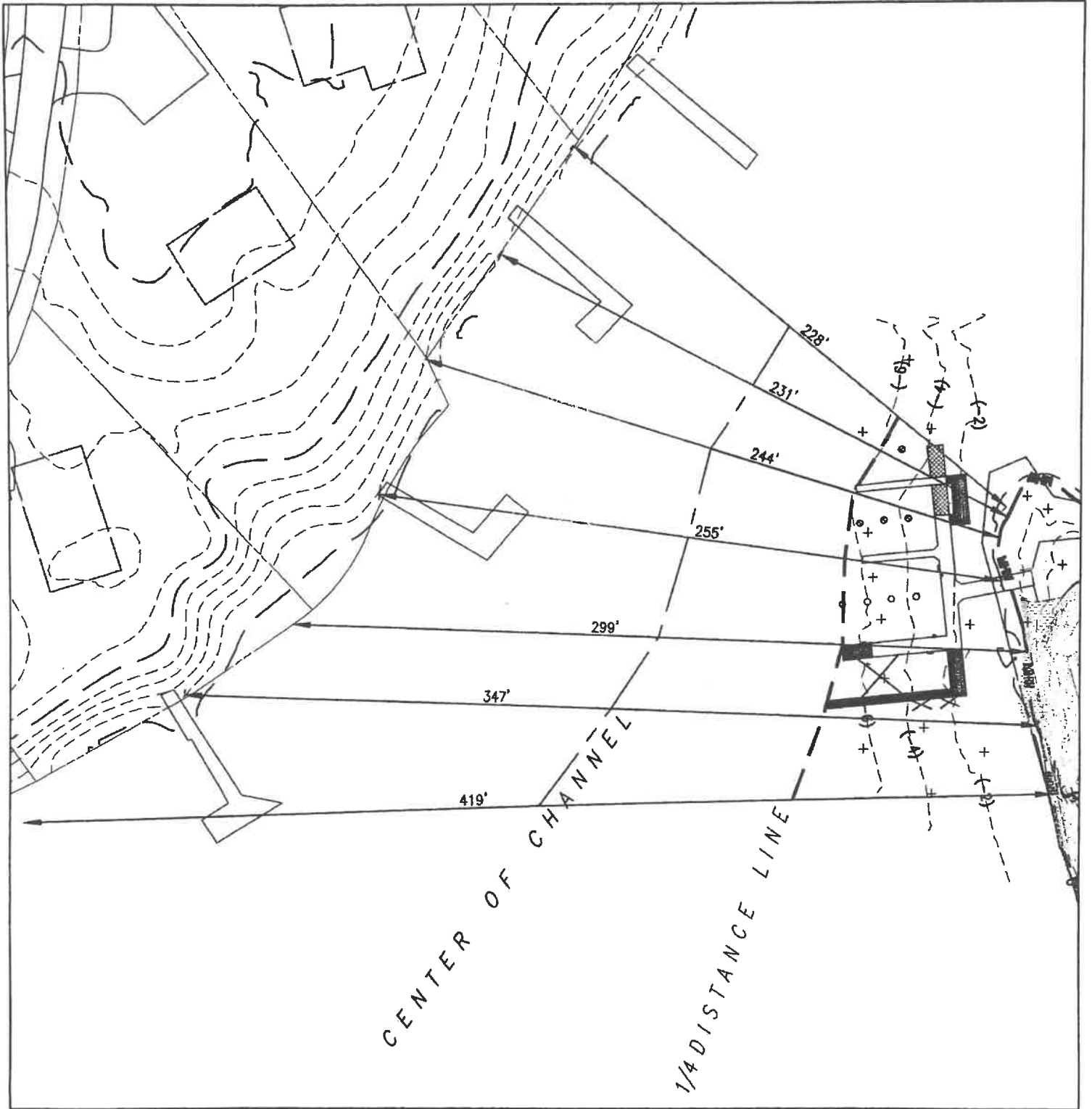
I trust that the County will abide by its own regulations and not approve the applicant's plan to extend his piers beyond the actual ¼ line in Burley Creek. I urge you to do just that.

Attachments:

Applicant's current expansion plan and his depiction of the center and ¼ line distance. (The cross lines shown in this drawing use an erroneous method of calculating center and ¼ liner)

The ¼ line distance calculated by acceptable technique and confirmed by the Maryland Department of Environment (in red), compared with the ¼ line (in black) provided by the applicant for his pier expansion.

The incorrect ¼ line posed by the applicant in 1999 and in 2003.



CHANNEL WIDTH INSET
 SCALE: 1"=50'

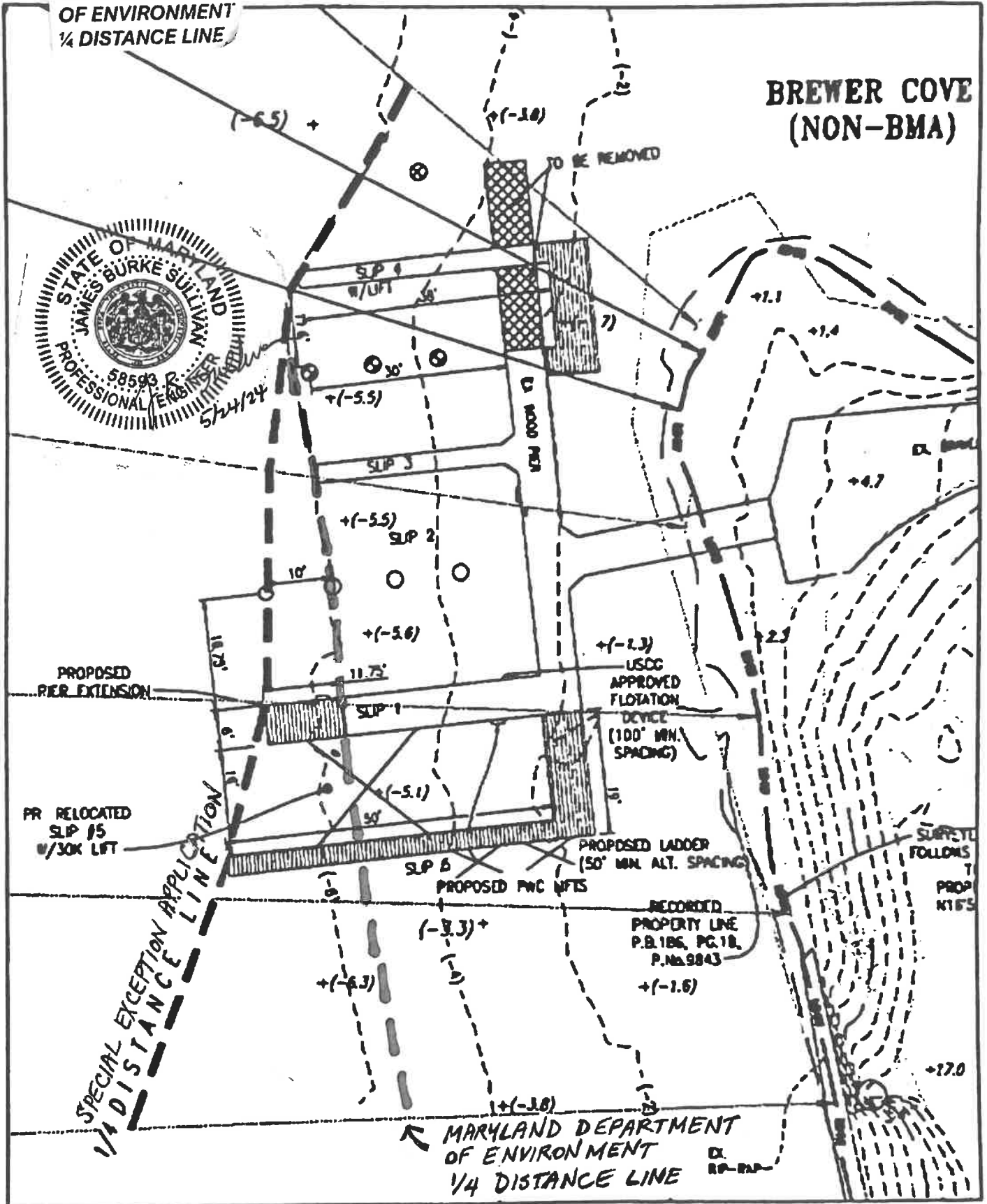
APPLICANT'S EXPANSION PLAN

SPECIAL EXCEPTION APPLICATION

MARYLAND DEPARTMENT OF ENVIRONMENT 1/4 DISTANCE LINE

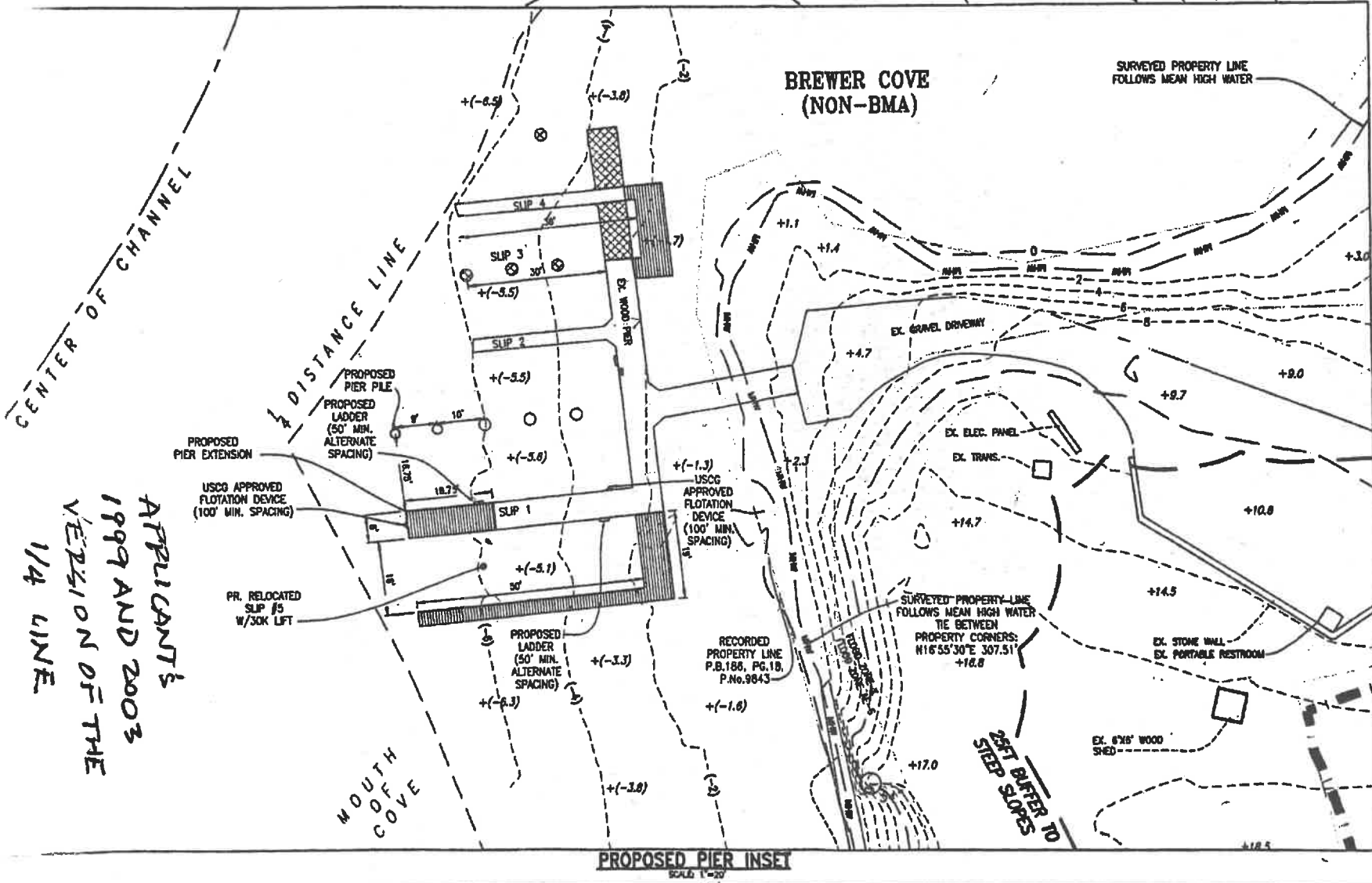
1/4 LINE IN RED CALCULATED PROPERLY

BREWER COVE (NON-BMA)



PROPOSED PIER INSET

SCALE: 1"=20'



CENTER OF CHANNEL

**BREWER COVE
(NON-BMA)**

SURVEYED PROPERTY LINE
FOLLOWS MEAN HIGH WATER

PROPOSED PIER EXTENSION
PROPOSED PIER PILE
PROPOSED LADDER
(50' MIN. ALTERNATE SPACING)

USCG APPROVED
FLOTATION DEVICE
(100' MIN. SPACING)

PR. RELOCATED
SLIP #5
W/30K LIFT

USCG APPROVED
FLOTATION
DEVICE
(100' MIN.
SPACING)

RECORDED
PROPERTY LINE
P.B.186, PG.18,
P.No.9843

SURVEYED PROPERTY LINE
FOLLOWS MEAN HIGH WATER
TIE BETWEEN
PROPERTY CORNERS:
N16°55'30"E 307.51'
+18.8

PROPOSED PIER INSET
SCALE 1"=20'

MOUTH
OF
COVE

4:1
STEEL BUFFER TO
STEEP SLOPES

MAP UNIT	SYMBOL	M
C&C	[Symbol]	COLL. TR.
C&C	[Symbol]	EX. COM.
C&A	[Symbol]	EX. COB.

UTILITY STATEMENT
THE UNDERGROUND UTILITIES
AVAILABLE FROM MUNICIPAL
UNDERGROUND UTILITIES IN
FURTHER DOES NOT WARRANT
DOES STATE THAT THEY ARE
THE SURVEYOR HAS NOT PA

APPLICANT'S
1999 AND 2003
VERSION OF THE
1/4 LINE