

WILKERSON & ASSOCIATES, INC.
ENGINEERS AND SURVEYORS
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May 24, 2024

Mrs. Sterling Seay
Anne Arundel County Permit Center
2664 Riva Road
Annapolis, Maryland 21401

RE: Letter of Explanation –Secondary Pre file
Eversfield Subdivision
Tax Map 81, Block 12, Parcel 45
Tax Account Number: 8-000-0046-3400
S# 2023-006, P# 2023-09-00NM
V-2023-0176

Dear Sterling,

Thank you kindly for your assistance in processing the enclosed Second Revised pre file application for a variance for disturbance 15% steep slopes as this property is in the critical area, RCA, for the Eversfield Subdivision. After the August 08, 2023 variance submittal and speaking to Sumner Handy we have redesigned the lots layout in order to minimize the steep slopes disturbance.

On March 14, 2023 a minor subdivision was submitted to the office of planning and zoning for the creation of 4 single family lots. This property is located in Tracy's landing with an address 675 Fairhaven Road. This property consists of 90.4878 acres.

The owners have provided the attached pre-file letter as an integral part of this revised pre-file submission which among other items requests a Pre-filing meeting,

As this property is in the Chesapeake Bay Critical Area, attached please find a critical area report done by Pen Mar Environmental Services, LLC.

This property is served with private septic system and individual water well. The proposed lots have been re-perked since the original variance and subdivision submittals.

page two

May 24, 2024 (Mrs. Sterling Seay – Eversfield subdivision lots 3 & 4, etc.)

The proposed Lots will gain access directly from Fairhaven Road. Lots 1 and 2 will share an existing driveway to access both lots from Fairhaven Road. Lots 3 and 4 will have a separate entrance from Fairhaven Road.

According to the attached plan the proposed entrance for lots 1 and 2 is 1200 feet away from the proposed entrance for lots 3 and 4. The average lot size of these lots is 20 acres.

The existing entrance serving lots 1 and 2 will be widened to 20 feet width to the existing 10 feet width. This widening will disturbance 851.21 square feet of steep slopes.

The proposed entrance serving lots 3 and 4 has been relocated since our original pre-file letter to an area of an existing driveway and the widening of the existing driveway will disturb 558.28 square feet of steep slopes.

Please see attached letter provided by the owner addressing the criteria by which variances are assessed according to Anne Arundel Zoning Ordinance Section 18-16-305.

We very much appreciate your assistance in processing this application and staff for their review of it. As is always the case, if you have questions, if you require additional information or if you would like us to come to a meeting to discuss this pre file application, please feel free to call on us.

Very truly yours,

Roland Joun, P.E.

cc: Mr. Primeau

Wassim Chaar, C.E.

f: Eversfield.Primeau.prefile.lt0429024

Gregory M. Primeau

114 White Oak Road
Rehoboth Beach, Delaware 19971
E-Mail: GP@SiteAc.com

Phone: 231-392-6409

May 23, 2024

Mrs. Sterling Seay
Anne Arundel County Permit Center
2664 Riva Road
Annapolis, Maryland 21401

RE: **Property Owner Letter of Explanation** –Submitted concurrently with Wilkerson Engineering Secondary Pre file Letter of Explanation-Eversfield Subdivision of even date Tax Map 81, Block 12, Parcel 45
Tax Account Number: 8-000-0046-3400 S# 2023-006, P# 2023-09-00NM

Dear Sterling,

This letter shall supplement Wilkerson & Associates, Inc. Letter of Explanation-Pre-file dated August 8, 2023 and their Secondary Pre-file Letter of Explanation submitted of even date and is issued by and on behalf of myself and William C. Eversfield, Donald W. Eversfield, sole heir of Barbara Eversfield and Donald V. Eversfield, each an undivided one quarter interest owner.

Please address all future responses to Wilkerson with hard copy mailed or emailed to the Applicant of Record and 25% interest owner, who will distribute to co-owners William C. Eversfield, Donald W. Eversfield and Donald V. Eversfield:

Gregory M. Primeau
114 White Oak Road
Rehoboth Beach, Delaware 19971
Email: gp@siteac.com
Phone: 231-392-6409

Zoning and Roadways: The property consists of 90.4878 acres, lying westerly of, and adjacent to, 1,624 feet of frontage on Fairhaven Road. Fairhaven Road, a/k/a MD 423 terminates at the intersection Arundel Road at which point it becomes an Anne Arundel County Road. The property consists principally of lands in the RA Zone with minor exceptions totaling approximately 3.96 acres along the road frontage South of the Malloy Farmhouse at 645 Fairhaven Road which is zoned R2-Residential. A minor area of OS Open Space consisting of less than an acre occurs at the northerly boundary lands adjacent to the Tidal Waters, however all of these OS Zoned lands are within the Tidal Buffer.

Driveways and Easements: In addition to normal utility easements along Fairhaven Road, the original 1948 tract contained a historical carriage road known locally and to the applicants as the “Original Road to Friendship” and is believed by the family to have existed since the time of the formation of Friendship, perhaps before and during the 1900’s or 20th century. This road is shown on the County GIS as “No Name 31467” and further informally labeled in various resources as “Highview Terrace”. In 1970, as further perfected by confirmatory Deed of Easement and Agreement in 2001, recorded in Book 10506, page 355, the Eversfield Family formally memorialized this twenty-foot-wide easement in favor of the Millburn Property, now owned by Joseph Leapley at 679 Fairhaven Road, to serve as access to his farm consisting of 125 acres westerly of the subject property. Today the easement ends at the Leapley farm/Eversfield property line. That portion of the Easement abutting and serving the 2.006-acre parcel at 681 Fairhaven Road was enlarged to 30 feet in width along the 237-foot Northerly boundary of their parcel by deed from Catherine Eversfield to the parent of present owner Patricia Ford and Trustee of the current owner Meadows Ford Revocable Trust at the time the home was built on that property. The Ford family, parents and associated family members of Patricia Ford were the grantors of the 1948 deed to Eversfield and had owned the remainder of the Mount Joy Tract since 1897.

Historical Ownership and Parcel Formation: Octavus C. Eversfield and Catherine M Eversfield purchased the subject land by deed recorded in Liber 502, page 382, dated November 4, 1948 from the Ford Family. During the time of the Eversfield grandchildren ownership since 1948 the lands have been principally utilized as minor farming, historically tobacco before voluntarily prohibiting thru State of Maryland program with the overwhelming majority in forestry lands. For a period of time in the 21st Century occupation of a mobile home, now abandoned, occurred for a period of years on proposed Lot two. The subject land is the remaining parent parcel of the “Mount Joy Tract” and has not been previously subdivided. One additional parcel, the Ford/Meadows Trust home at 681 Fairhaven was split off in 1971 as outlined above.

Current Ownership: We, the present four owners of this property, namely Gregory M. Primeau, successor in interest to Thomas J. Eversfield, Sr., recently deceased (by virtue of Deed dated May 17, 2022, filed at Book 38825, page 33), William C. Eversfield, Donald W. Eversfield, son and sole successor in interest by Anne Arundel County Final Probate Order issued April 18, 2023 in the estate of his mother, Barbara L. Eversfield Shields (Anne Arundel County Probate 106907), and Donald V. Eversfield, each owning an undivided 25% interest in the subject parcel are the grandchildren and heirs, or successors in interest as indicated herein, to the estate of Catherine M. Eversfield, who died on May 28, 1978 as survivor of her late husband Octavus C. Eversfield (Anne Arundel Probate Estate 0000RE-27,002).

Said heirs William C. Eversfield, Barbara L. Eversfield, Thomas J. Eversfield, Sr and Donald V. Eversfield executed a Family Conveyance Affidavit on October 20, 1987 and subsequently filed same with the Anne Arundel County Planning & Zoning Department, received and indexed as folio 87, page 436 (see Appendix Item A, attached). The grandchildren have at various and sundry times throughout the ensuing 46 years engaged in efforts to subdivide the property but were prevented from completing same by the economic and regulatory burden of doing so, or various hardships of one of more of the heirs. In 2020, Thomas J. Eversfield, Sr., being of poor health, and now deceased, elected to sell his 25% share of the property to Gregory M. Primeau who in turn entered into a Voluntary Partition Agreement with the remaining heirs and owners to

subdivide the property according to the intentions and annexed plat of the 1987 Family Conveyance Affidavit.

Tower Lease-Now Terminated: Applicant Gregory M. Primeau, proposed owner of Lot one, did on May 27, 2022 enter into a Ground Lease Agreement with Arcola Towers of Virginia which contemplated the construction of a cell tower on Lot one. Subsequently, Gregory M. Primeau joined Arcola Towers in a preliminary teleconference to discuss a potential application for the development of said cell tower with members of the planning staff including Sterling Seay, Planning Administrator. However, in December of 2023, said tower lease was terminated and is therefore no longer a contributory consideration.

Summary of Applicants Filings and Efforts: We, as owner's representatives, attended the community informational hearing on March 30, 2023 and have duly considered the input of the neighbors and interested parties in attendance as further outlined in Wilkerson's Summary Response Letter to Interested Property Owners of April 18, 2023. Additionally, we have reviewed the First Submission of Minor Subdivision filed by Wilkerson Engineering in March of 2023, together with Anne Arundel County response dated April 28, 2023, the Second Submission by Wilkerson dated June 30, 2023 and Anne Arundel County response package dated October 2, 2023, and the Pre-File for Variance Application submitted by Wilkerson on August 8, 2023 and the Confirmation of Pre-File Comments issued by Joan Jenkins and Kelly Krinetz on August 25, 2023.

We wish to assure the County and the citizenry that we have internalized the entirety of the comments, suggestions, concerns and requirement of all parties, and find them to be consistent with our own desires to divide the property as has been our intent for 46 years into four farm parcels as expressed in the 1987 Family Affidavit (see attached). We also share the fundamental desire to mitigate and minimize impact to sensitive soils, steep slopes and their associated expanded buffers, forestry and critical areas to the greatest extent possible and have charged all design team members to fundamentally redesign the improvement from a zero-impact starting point. As a family, and now their predecessors, we have always sought to minimalize and preserve the elements of this pristine and naturally preserved farmland as one of the few remaining original farms in South County. We are very proud of not only our historical efforts, use and preservation, but our commitment to the future preservation as evidenced by our wiliness to place the overwhelming majority, approximately 97% of the proposed critical area, in non-compensated Conservation, Flood Plain, Road Widenings and other Easements. Therefore, and in extensive consultation with Wilkerson and their team of associated experts, we have categorically redesigned our proposed subdivision, and more importantly the proposed placement of required four building sites and their associated improvements, as required under the code with two primary goals at the forefront of each decision:

1. Create four lots, including Lots One and Two equivalent farm/residential parcels, each with greater than the required minimal 20 acres, each with a building site and associated supporting improvements in complete compliance of all municipal and state codes, most significantly the Critical Area Regulations including further reduction of the Variance to an area of impact now consisting of 558 square feet of Steep Slope Disturbance and 2,391 square feet of Steep Slope Buffer Disturbance which occurs within the proposed expansion

area of the existing private road known as “No Name Road number 31467 or Highview Terrace serving as common access roadway to proposed Lots 1 and 2 as widened to (30) feet in 1971 for the benefit of the Meadows Parcel.

2. Likewise, create Lots Three and Four with a relocated private driveway which will include of 851 square feet of Steep Slopes Disturbance and associated 1,954 square feet of Steep Slopes Buffer Disturbance.

Modifications and Minimalization of Impact since Previous Submissions

1. **Minimalize Access Easement:** We have reduced the length of the proposed Common Access Easement serving lot one and two which occurs and employs the existing easement and improvement of “No Name Road 31467/Highview Terrace by approximately 300 feet by placing the entrances to Lots one and two driveways at the nearest departure point on Meadows/681 Fairhaven Road Northwesterly property corner, thus facilitating the placement and design of the required Fire Department turnaround on lands that are flat, not in Critical Area and therefore not requiring any disturbance to steep slopes.
2. **Locate dwelling sites outside of Critical Area:**
 - a. We have relocated the proposed driveway to Lot 1 to shorten and minimize the length and associated disturbance and to route it in a more direct fashion onto the principal building area of said Lot.
 - b. We have relocated the proposed dwelling site for Lot two to that area of the proposed Lot two which are outside the critical area overlay. Only the drain field remains inside the critical area on lands that are not within steep slopes or their associated buffer.
 - c. As a result of this extensive redesign, we were able continue to minimize the disturbance to the future expansion of the existing (30) foot easement currently serving the Meadows lot since 1971 thus limiting impact to 558 square feet of Steep Slopes disturbance with associated Steep Slopes Buffer Disturbance of 2,361 square feet.
3. **Minimalize Impact and utilize existing Driveway, Lot 3 and 4:**
 - a. To drastically reduce and substantially eliminate disturbance of steeps slopes or their associated buffers and promote public safety and significantly reduce impact to the lands, slopes and expanded buffers we have relocated the proposed Common Access to Lots 3 and 4 to utilize existing graveled driveway entrance from its original proposed location across from the intersection of Osbourne Road and Fairhaven Road to the location of the existing historical farm entrance which occurs approximately 230 feet Southerly and at the Northeast Property corner of the Malloy Farmhouse at 645 Fairhaven Road (See Appendix Item B, Historical Farm Road showing current Anne Arundel County GIS and 1993 Google Earth photo of same area). This relocation of the proposed Common Access Road for Lots 3 and 4 to the travel on the existing farm driveway eliminated the following previously requested Variances:
 - i. Steep Slope Buffer Disturbance 5,300 square feet; and

- ii. Steep Slope Buffer Disturbance 850 square feet; and
- iii. Steep Slope disturbance and deep curb cut at Fairhaven Road entrance in the amount of 1,750 square feet.

As a result of the relocation of this common access road serving lots three and four, we have reduced our former 7,900 square foot impact and are now only requesting potential disturbance to 851 square feet of non-tidal water contiguous steep slopes lands adjacent to and coincidental to our proposed use of the existing farm road as shown.

4. Eliminate all impact on steep slopes and their associate expanded buffer within Critical Area for proposed improvements on Lot three and four:

- a. We have properly identified and labeled the crest of the steep slopes in that portion of the area of Lot 3 and 4 with development requirement proposed as well as labeled the associated expanded buffer. We were successful in locating all improvements landward away and outside of the steep slopes and expanded buffer. To accomplish this, we:
 - i. We re-perked and redesigned and relocated the proposed septic drain fields for Lot three and four.
 - ii. Revised the proposed lot line to accommodate the Common Access Easement to an area historically utilized as a driveway and farm field.
 - iii. Relocated both proposed dwelling units, associated driveways, well and associated improvement outside and landward of the expanded buffer line.
- b. The relocation of proposed improvements, including home site, septic drain fields eliminated **all** previously requested steep slope variances as follows:
 - i. Steep Slope Buffer Disturbance in the amount of 1,000 square feet created by the former location of septic drain field area serving proposed Lot 3; and,
 - ii. A portion of the aforementioned 5,300 square feet of Steep Slope Buffer Disturbance created by the home site location on Lot 4; and
 - iii. Steep slope Buffer Disturbance caused by the previous location of the septic drain field for proposed Lot 4 in the amount of 5,500 square feet.

As a result of the relocation of the building improvements we have eliminated and additional 6,500 square feet of impact.

Kelly Krinetz, Planning and Administrator's letter of October 2, 2023 to the Subdivision File as part of her overall response package of even date included the following response:

A. Environmental Requirements/Section 3: "Any disturbance to the steep slopes or the expanded buffer will require a variance. Lots that require variance approval for development cannot be created under the subdivision process."

Joan Jenkins and Kelly Krinetz substantially repeated this comment in their August 25, 2023 "Confirmation of Pre-File" memorandum; to wit:

Critical Area Team: The proposed subdivision is not eligible for variance approval. All new lots created after the establishment of the Critical Regulations must be in full compliance with those regulations.

The “Information for the Applicant” Section of this same document further states:

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

As applicants and owner’s representative we respectfully request that said *Section 18-16-201 (b) Pre-filing meeting required* be scheduled at your earliest convenience to review and discuss the entirety of this letter, prior to formal response by the Planning and Zoning Department. As a part of this meeting, we wish to clarify with staff if the above referenced comments with regard to a contemplated Variance Application are meant to indicate that the Administrative Law Judge does not have jurisdiction over this matter and further if staff intended to indicate by Joan Jenkins and Kelly Krinetz’s response set out above that they will therefore not process and present our now revised Secondary Pre-file Variance Application to the Administrative Law Judge for hearing. We believe we are eligible for hearing under the Variance Process and the Administrative Law Judge does have jurisdiction to grant relief under the Variance Process, in part based on the following criteria which we hereby incorporate in our Secondary Pre-file and formal Variance Application upon.

The “Information for the Applicant” Section of this same document further states:

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County’s Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and not intended to represent support or approval of the variance request.

Article 18-16-305 appears below; we have inserted our answer inline as indicated by **“Applicants Answer”** appearing immediately below the text of the Ordinance:

§ 18-16-305. Variances.

(a) Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is

observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

Applicant's Answer: The Variance to permit potential/future road expansion in the area of Common Access Road serving proposed Lots one and two and encompassing 558 square feet steep slopes disturbance, together with 2,391 square feet of steep slopes buffer disturbance of lands within the twenty-five-foot buffer and associated steep slopes to allow expansion of the existing road are created by the natural formation of the land as used for the last century, principally existed prior to the 1948 acquisition of the land by applicant, as improved and maintained over time.

The 851 square foot of steep slopes disturbance, together with associated 1,954 square feet of steep slopes buffer disturbance in the area of the relocated Common Access Road serving proposed Lots 3 and 4 employs the use of an existing gravel based improved farm road that has existed since at least 1948, likely longer.

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Applicant's Answer: There are no other areas of the property that would permit a less intrusive, lower impact, or less invasive access to the proposed Lots than the existing road and farm driveway already provides. Any other routing would cause much greater disturbance to steep slopes as well as creation of an additional curb cut/driveway off of Fairhaven Road.

(b) Requirements for critical or bog protection area variances. For a property located in the critical area or a bog protection area, a variance to the requirements of the County's critical area program or the bog protection program may be granted if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;

Applicant's Answer: There is no other area of the property that would permit a less intrusive, lower impact, or less invasive access to the proposed Lots than the existing

road and farm access driveway already provides. Any other routing would cause much greater disturbance to steep slopes as well as another curb cut off of Fairhaven Road.

(2) (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or

Applicant's Answer: A literal interpretation and denial of expansion or improvement of the existing common access easement presently and historically serving both the applicants in the area of proposed Lots 1 and 2 would only serve to limit the existing and historical use of the applicants and the long-standing recorded easements and associated improvements of the neighboring properties of Joseph Leapley and Meadows trust.

With regards to the use of the existing farm drive entrance and pathway for the common access road serving Lots 3 and 4, no other location in this area provides potential for less disturbance.

(ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;

Applicant's Answer: This provision is not applicable to the contemplated Variance Application.

(3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

Applicant's Answer: This provision is not applicable to the contemplated Variance Application.

(4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

Applicant's Answer: We affirm this statement as true.

(5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will

be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

Applicant's Answer: We affirm this statement as true.

(6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;

Applicant's Answer: This provision is not applicable to the contemplated Variance Application.

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

Applicant's Answer: We affirm this statement as true.

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

Applicant's Answer: We affirm this statement as true.

(c) Requirements for all variances. A variance may not be granted unless it is found that:

(1) the variance is the minimum variance necessary to afford relief; and

Applicant's Answer: As set out in the **Summary of Applicants Filings and Efforts** of this Letter, the applicants believe we have redesigned the proposed Minor Subdivision Plan to eliminate all variances and conclusively demonstrated our willingness to minimize impact and by extension the need for Variance to the single Variance requested.

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located;

Applicant's Answer: The Variance will supplement and add safety to the present use of the road and neighborhood with minimal impact.

(ii) substantially impair the appropriate use or development of adjacent property;

Applicant's Answer: Granting of the Variance would enhance the safety and present to substantial impact to the sole adjoining property owner, Meadow Ford Family trust.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area;

Applicant's Answer: Our relocation of Common Access roads, home site and other improvements, particularly the home site and associated improvements for lot 2, 3 and 4 drastically reduced the FIDS impact as more comprehensively explained in the materials submitted by Pen Mar Environmental in conjunction with this package.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor

Applicant's Answer: The requested variance area is former cultivated farm land, and is not forested, nor is it in a bog protection area.

(v) be detrimental to the public welfare.

Applicant's Answer: The requested Variances to widen the common access easement at Lot 1 and 2 and improve the use of the existing farm access at Lot 3 and 4 will not impact the public as it is a private road not under the jurisdiction of for the use of the public, and will serve to enhance the safety and use of the existing neighboring owners.

(d) Conditions for granting a variance in the critical area.

(1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

- (i) obtaining an approved mitigation or restoration plan;
- (ii) completing the abatement measures in accordance with the County critical area program; and
- (iii) paying any civil fines assessed and finally adjudicated.

Applicant's Answer: There are no outstanding violations regarding the applicant's property.

Respectfully submitted,

Gregory M. Primeau

Gregory M. Primeau

cc. William C. Eversfield
PO Box 161
Friendship, MD 20758

Donald V. Eversfield

3710 Maple Street
Micco, Florida 32976

Donald W. Eversfield
139 Thomas Avenue
Owings, MD 20736

87 436

FAMILY CONVEYANCE AFFIDAVIT
PART OF THE PROPERTY OF
CATHARINE M. EVERSFIELD

To Whom It May Concern:

We, the Grandchildren of CATHARINE M. EVERSFIELD, intend to divide the land per the Last Will and Testament of CATHARINE M. EVERSFIELD, our Grandmother, as follows:

Lot 1, Containing 26.50 plus or minus, acres, to THOMAS J. EVERSFIELD, Grandson;

Lot 2, Containing 20.83 plus or minus, acres, to WILLIAM C. EVERSFIELD, Grandson;

Lot 3, Containing 22.14 plus or minus, acres, to BARBARA L. EVERSFIELD, Granddaughter, and;

Lot 4, Containing 21.51 plus or minus, acres, to DONALD VICTOR EVERSFIELD, Grandson.

Thomas J. Eversfield
THOMAS J. EVERSFIELD

William C Eversfield
WILLIAM C. EVERSFIELD

Barbara L. Eversfield
BARBARA L. EVERSFIELD

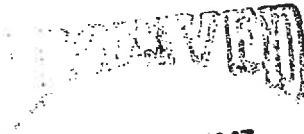
Donald Victor Eversfield
DONALD VICTOR EVERSFIELD

STATE OF MARYLAND, County of Calvert, to-wit:

I HEREBY CERTIFY, That on this 20th day of October, 1987, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared THOMAS J. EVERSFIELD, WILLIAM C. EVERSFIELD, BARBARA L. EVERSFIELD and DONALD VICTOR EVERSFIELD, and they made oath in due form of law that the matters and facts contained in the foregoing Affidavit are true and correct as therein stated and acknowledged said Agreement to be their act.

AS WITNESS My hand and Notarial Seal.

Lawrence Bowler
NOTARY PUBLIC
My Commission Expires: 7/1/90



NOV 12 1987

PLANNING & ZONING
ANN ARUNDEL COUNTY

I want to...

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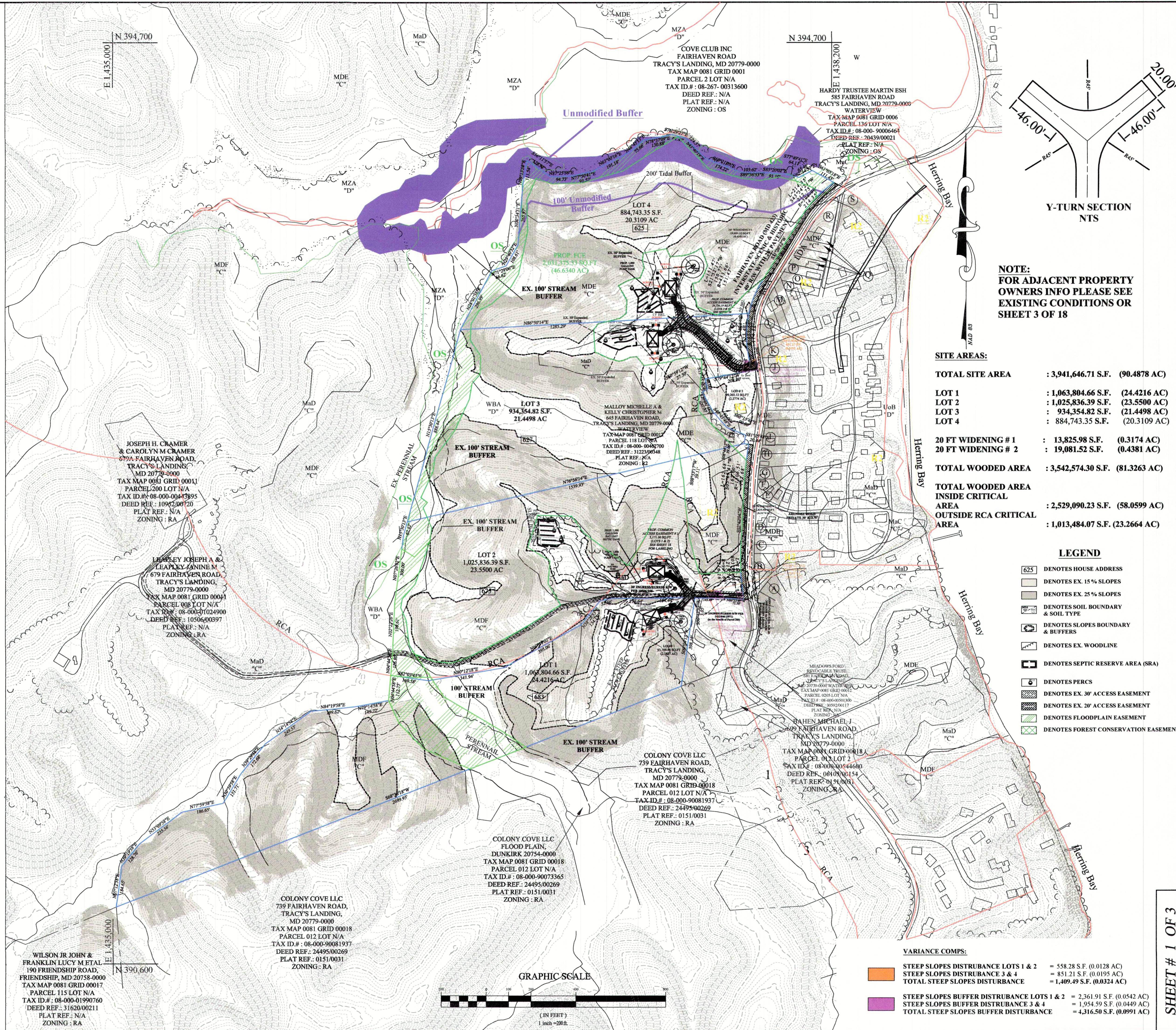
Appendix Item B, Historical Farm Road, picture from "My Anne Arundel" GIS. This view is available on historical aerial photos.

Existing Farm Road area of Lots 3 and 4



Historic Farm Road-Google Earth Historical Photos-1993





NOTE:
FOR ADJACENT PROPERTY OWNERS INFO PLEASE SEE EXISTING CONDITIONS OR SHEET 3 OF 18

SITE AREAS:

TOTAL SITE AREA	: 3,941,646.71 S.F. (90.4878 AC)
LOT 1	: 1,063,804.66 S.F. (24.4216 AC)
LOT 2	: 1,025,836.39 S.F. (23.5500 AC)
LOT 3	: 934,354.82 S.F. (21.4498 AC)
LOT 4	: 884,743.35 S.F. (20.3109 AC)
20 FT WIDENING # 1	: 13,825.98 S.F. (0.3174 AC)
20 FT WIDENING # 2	: 19,081.52 S.F. (0.4381 AC)
TOTAL WOODED AREA	: 3,542,574.30 S.F. (81.3263 AC)
TOTAL WOODED AREA INSIDE CRITICAL AREA	: 2,529,090.23 S.F. (58.0599 AC)
OUTSIDE RCA CRITICAL AREA	: 1,013,484.07 S.F. (23.2664 AC)

LEGEND

	DENOTES HOUSE ADDRESS
	DENOTES EX. 15% SLOPES
	DENOTES EX. 25% SLOPES
	DENOTES SOIL BOUNDARY & SOIL TYPE
	DENOTES SLOPES BOUNDARY & BUFFERS
	DENOTES EX. WOODLINE
	DENOTES SEPTIC RESERVE AREA (SRA)
	DENOTES PERCS
	DENOTES EX. 30' ACCESS EASEMENT
	DENOTES EX. 20' ACCESS EASEMENT
	DENOTES FLOODPLAIN EASEMENT
	DENOTES FOREST CONSERVATION EASEMENT

VARIANCE COMPS:

	STEEP SLOPES DISTURBANCE LOTS 1 & 2	= 558.28 S.F. (0.0128 AC)
	STEEP SLOPES DISTURBANCE 3 & 4	= 851.21 S.F. (0.0195 AC)
	TOTAL STEEP SLOPES DISTURBANCE	= 1,409.49 S.F. (0.0324 AC)
	STEEP SLOPES BUFFER DISTURBANCE LOTS 1 & 2	= 2,361.91 S.F. (0.0542 AC)
	STEEP SLOPES BUFFER DISTURBANCE 3 & 4	= 1,954.59 S.F. (0.0449 AC)
	TOTAL STEEP SLOPES BUFFER DISTURBANCE	= 4,316.50 S.F. (0.0991 AC)

ADMINISTRATIVE PLAN-VARIANCE PLAN

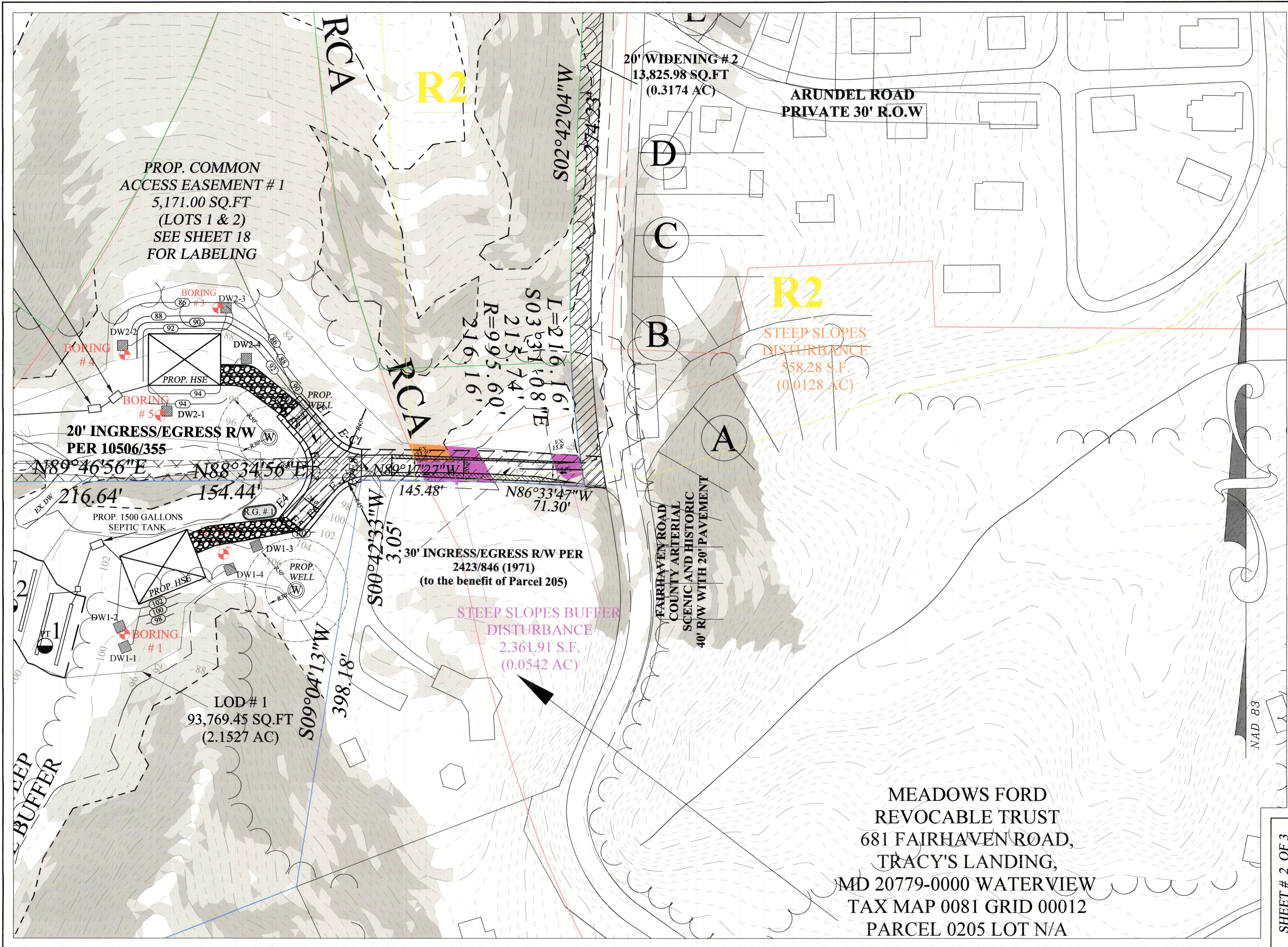
EVERSFIELD SUBDIVISION
(PREVIOUSLY RECORDED IN PLAT BOOK N/A, PLAT PAGE N/A)
675 FAIRHAVEN RD., TRACY'S LANDING MD 20779-0000
SUBDIVISION NO.: 2023-006 PROJECT NO.: 2023-009 00 NM
TAX MAP 0081, GRID 0012, PARCEL 0045, TAX ACCOUNT # 08-000-00463400
SCALE: AS SHOWN ZONING: RA NAD83
EIGHTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

WILKERSON & ASSOCIATES INC.
ENGINEERS & SURVEYORS
Box 17 Dunkirk, Maryland
(410) 257-3332, (301) 955-8272, FAX: (301) 955-8880
WWW.WILKERSONASSOCIATES.COM

SHEET # 1 OF 3

DATE	DESCRIPTION	APPROVED BY	DATE
APRIL 2024	PREPARED BY		
	CHECKED BY		
	DRAWN BY		
	WAC		
	DRAWING #		
	FILE #		
	AA1230		
	22-2197		

PROFESSIONAL CERTIFICATION: I, **ROLAND JOHN**, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AS A PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE # 1828 EXPIRATION DATE AUGUST 31, 2025.



**PROP. COMMON
ACCESS EASEMENT # 1**
5,171.00 SQ.FT
(LOTS 1 & 2)
SEE SHEET 18
FOR LABELING

**20' INGRESS/EGRESS R/W
PER 10506/355**

PROP. 1500 GALLONS
SEPTIC TANK

**30' INGRESS/EGRESS R/W PER
2423/846 (1971)**
(to the benefit of Parcel 205)

LOD # 1
93,769.45 SQ.FT
(2.1527 AC)

20' WIDENING # 2
13,825.98 SQ.FT
(0.3174 AC)

**ARUNDEL ROAD
PRIVATE 30' R.O.W**

R2
**STEEP SLOPES
DISTURBANCE**
558.28 S.F.
(0.0128 AC)

**STEEP SLOPES BUFFER
DISTURBANCE**
2,361.91 S.F.
(0.0542 AC)

**FAIRHAVEN ROAD
COUNTY ARTERIAL
SCENIC AND HISTORIC
40' R/W WITH 20' PAVEMENT**

**MEADOWS FORD
REVOCABLE TRUST**
681 FAIRHAVEN ROAD,
TRACY'S LANDING,
MD 20779-0000 WATERVIEW
TAX MAP 0081 GRID 00012
PARCEL 0205 LOT N/A

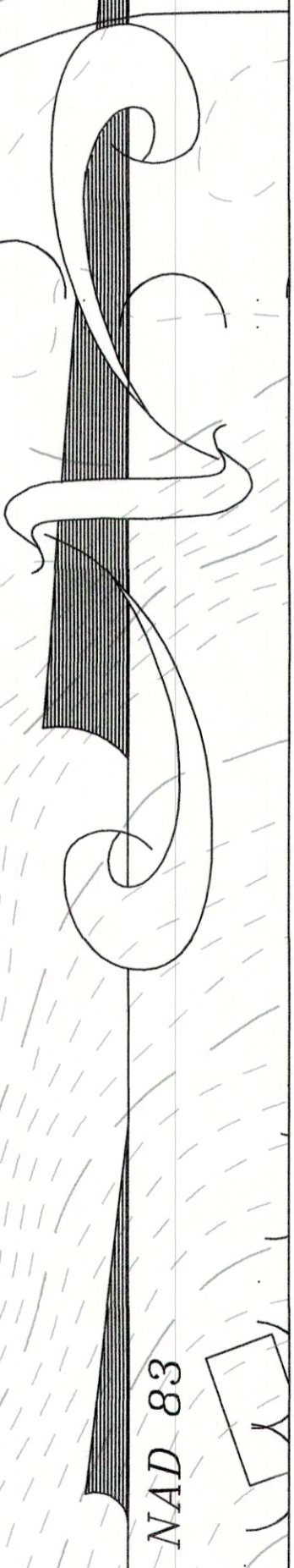
SHEET # 2 OF 3

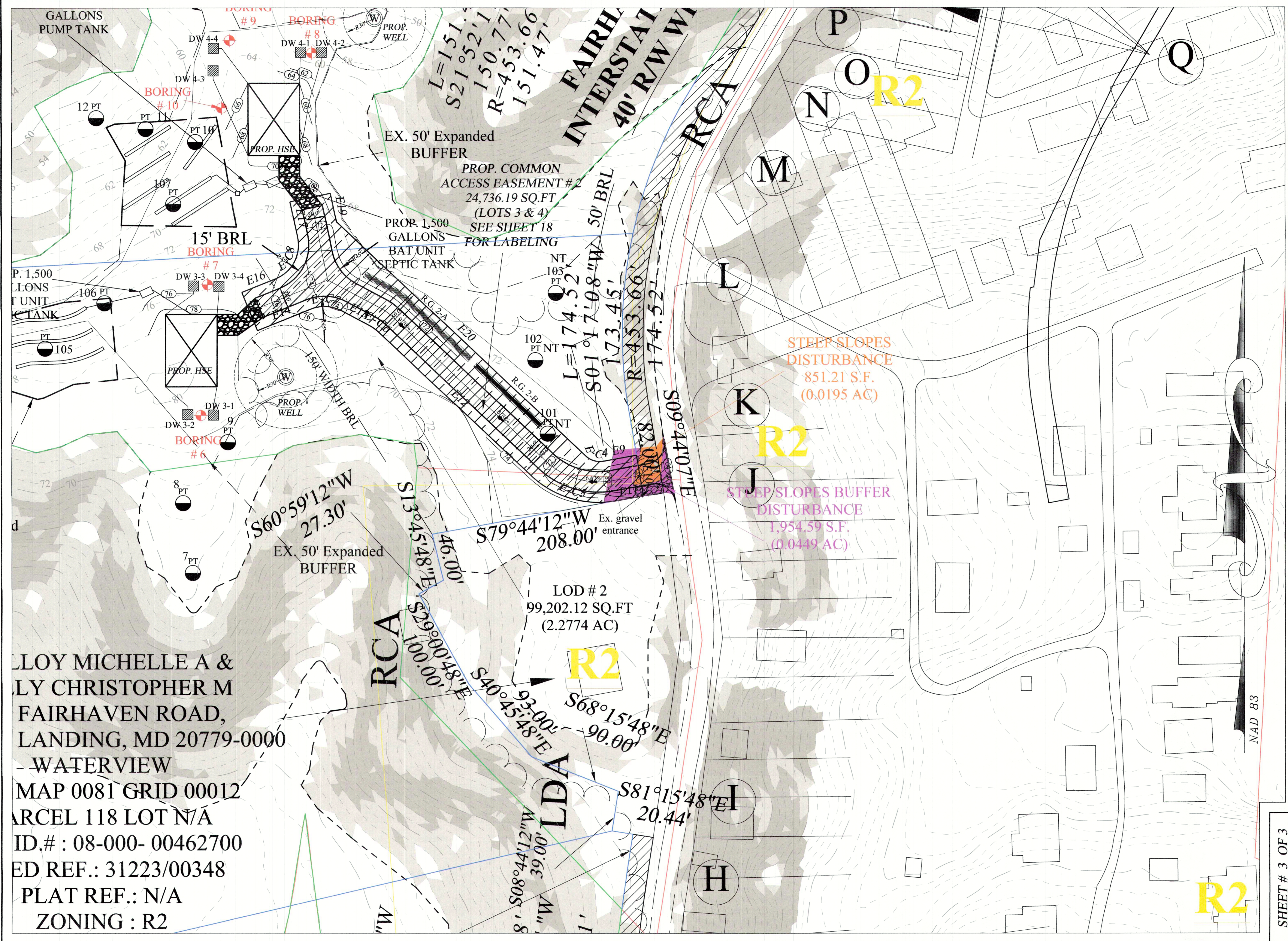
PROFESSIONAL CERTIFICATION: I, ROLAND J. OLIN, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE # 12887. EXPIRATION DATE: AUGUST 14, 2025.

DATE	DESCRIPTION	APPROVED BY	DATE
APRIL 2024	SCALE 1"=40'		
	DATE PLOTTED		
	DATE PRINTED		
	DATE CHECKED		
	DATE REVIEWED		
	DATE APPROVED		
	DATE SUBMITTED		
	DATE RECEIVED		
	DATE FILED		
	DATE RECORDED		
	DATE INDEXED		
	DATE POSTED		
	DATE REMOVED		
	DATE DESTROYED		

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ADMINISTRATIVE PLAN-VARIANCE PLAN
EVERSFIELD SUBDIVISION
(PREVIOUSLY RECORDED IN PLAT BOOK N/A, PLAT PAGE N/A)
675 FAIRHAVEN RD., TRACY'S LANDING MD 20779-0000
SUBDIVISION NO.: 2023-006 PROJECT NO.: 2023-0009 00 NM
TAX MAP 0081, GRID 0012, PARCEL 0045, TAX ACCOUNT # 08-000-00463-400
SCALE: AS SHOWN ZONING: RA NAD83
EIGHTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND





LLOY MICHELLE A &
 LY CHRISTOPHER M
 FAIRHAVEN ROAD,
 LANDING, MD 20779-0000
 - WATERVIEW
 MAP 0081 GRID 00012
 PARCEL 118 LOT N/A
 ID.# : 08-000- 00462700
 RECORDED REF.: 31223/00348
 PLAT REF.: N/A
 ZONING : R2

ADMINISTRATIVE PLAN-VARIANCE PLAN

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EVERSFIELD SUBDIVISION
 (PREVIOUSLY RECORDED IN PLAT BOOK N/A, PLAT PAGE N/A)
 675 FAIRHAVEN RD., TRACYS LANDING MD 20779-0000
 SUBDIVISION NO.: 2023-006 PROJECT NO.: 2023-0009 00 NM
 TAX MAP 0081, GRID 0012, PARCEL 0045, TAX ACCOUNT # 08-000-00463400
 SCALE: AS SHOWN ZONING: RA NAD83
 EIGHTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

DATE	DESCRIPTION	APPROVED BY	DATE
APRIL 2024			

PROFESSIONAL CERTIFICATION: I, ROLAND JOHNS, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AS A PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE # 123456789. MY EXPIRATION DATE IS AUGUST 31, 2025.

SHEET # 3 OF 3

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 10-2-23

Tax Map #	Parcel #	Block #	Lot #	Section
<u>81</u>	<u>45</u>	<u>12</u>	<u>M</u>	<u>N/A</u>

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

**Complete Only Page 1
 General Project Information*

Tax ID: 08-000-0046-3400

Project Name (site name, subdivision name, or other) | Eversfield Property

Project location/Address | 675 Fairhaven Road

City | Tracy's Landing | Zip | 20779

Local case number | _____

Applicant: Last name | Primeau | First name | Gregory

Company | _____

Application Type (check all that apply):

- | | | | |
|---------------------------|-------------------------------------|-------------------|-------------------------------------|
| Building Permit | <input type="checkbox"/> | Variance | <input checked="" type="checkbox"/> |
| Buffer Management Plan | <input type="checkbox"/> | Rezoning | <input type="checkbox"/> |
| Conditional Use | <input type="checkbox"/> | Site Plan | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Special Exception | <input type="checkbox"/> |
| Disturbance > 5,000 sq ft | <input checked="" type="checkbox"/> | Subdivision | <input type="checkbox"/> |
| Grading Permit | <input type="checkbox"/> | Other | <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Single family dwelling

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0		3.136	136,613
LDA Area	0.67	29,198			
RCA Area	62.396	2,717,969	# of Lots Created	4	
Total Area	63.066	2,747,154			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	59.04	2,571,771	Existing Lot Coverage	0.459	20,000
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.447	19,975
Removed Forest/Woodland/Trees	2.5427	110,760	Removed Lot Coverage	—	—
			Total Lot Coverage	0.906	39,975

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.0735	3,200	Buffer Forest Clearing	0.0735	3,200
Non-Buffer Disturbance	0.285	12,400	Mitigation		

Variance Type

Buffer	<input checked="" type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

Pen Mar Environmental Services, LLC

P.O. Box 6809
Annapolis, MD 21401
2dmusser1@gmail.com
443.875.3955

**CHESAPEAKE BAY CRITICAL AREA REPORT with NARRATIVE
DESCRIPTION**

PROPERTY: 675 Fairhaven Road
Tracy's Landing, MD 20779
CURRENT OWNER: William Eversfield
675 Fairhaven Road
Tracy's Landing, MD 20779
DESCRIPTION: 87.314 Acres
Tax Map 81, Grid 12, Parcel 045
Tax ID #8000-0046-3400
ZONING: RA – Rural Agricultural and R2 - Residential
CRITICAL AREA: RCA -Resource Conservation Area
DATE: January 31, 2023

Introduction and Site Description:

This Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County standards for development in the Chesapeake Bay Critical Area. The site is an 87.314 acre (380,689 square feet) parcel of land that is located in Tracy's Landing, Maryland in southern Anne Arundel County (Fig. 1). The subject property is primarily zoned as RA – Residential Agricultural with a small portion (3.6 acres) zoned R2 along Fairhaven Road (Fig. 2). It is located within the West Chesapeake Bay Watershed (8-digit ID#02131005). The site is currently developed with an abandoned mobile home trailer. Existing impervious coverage is estimated to be 21,010 (0.55 acre) square feet and is limited to an access road for the subject property and the neighboring property to the west as well as the aforementioned mobile home. The property is approximately 95% forested with intermediate aged to mature deciduous trees (Fig. 3). Of the 87.314 acre site, 59.314 acres are within the RCA Critical Area while approximately 28 acres is outside of the Critical Area (Fig. 4). It is proposed that four lots, each in excess of 20 acres, be subdivided from the original parcel.

The property is located along the west side of Fairhaven Road, which creates the eastern border of the property. It is bordered on the north by a tidal pond that empties into Herring Bay under Fairhaven Road. The west boundary is along a nontidal tributary draining northernly into the tidally influenced pond. The southern property line is bordered by undeveloped, mature forest. The property exhibits rolling topography and drains to the west and north off the property. Onsite topographic elevations range from 5' above sea level (a.b.s.) along the northwest property line to 105' a.b.s. along the southeast corner of the property (Fig. 5).

Public sewer and water service is not available in this area. Therefore, the site is served by a private well and septic.

Existing Vegetation:

Per the site investigation performed by Pen Mar Environmental Services, LLC on January 7, 2023, the 87.314 acre site is approximately 95% forested (83.59 acres) with intermediate aged to mature hardwood trees. As indicated on the MERLIN Nontidal Wetlands Map (Fig. 6), Nontidal wetlands are associated with the drainage ways and low lying area. The forest in these wetlands is considered to be a bottomland hardwood forest while the slopes and knolls are forested with upland hardwood species. On-site overstory vegetation within the bottomland hardwood forest is intermediate to mature in age and includes sycamore (*Platanus occidentalis*), sweetgum (*Liquidambar styraciflua*) red maple (*Acer rubrum*) and box elder (*Acer negundo*). The understory is dense with spicebush (*Lindera benzoin*). The upland hardwood forest is also intermediate to mature in age and includes a dominance of yellow poplar (*Liriodendron tulipifera*), American beech (*Fagus grandifolia*), white oak (*Quercus alba*), pignut hickory (*Carya glabra*), and loblolly pine (*Pinus taeda*). The understory is moderately dense and includes immature yellow poplar, sweetgum and beech with some American holly (*Illex opaca*) throughout. No trees over 29-inches in diameter at breast height were noted within the upland portions of the site. It appears the property has previously been harvested for timber more than ten years prior. The trees and forest are considered to be healthy and free from insect infestation and disease.

Environmental Features and Habitat Protection Areas:

According to a review of Maryland's Environmental Resources and Land Information Network (MERLIN), the site is located within Forest Interior Bird Dwelling species (FIDs) habitat (Fig. 7) which is considered to be a habitat protection area. Additionally, there are slopes greater than 15% in steepness which will also be protected. As indicated on the National Wetland Inventory (NWI) Map, non-tidal wetlands and their associated 25-foot buffer were found to exist on the subject property (Fig. 8). A nontidal wetland not shown on the NWI or MERLIN maps was found to exist centrally on the site. The property is not waterfront and the 100-foot buffer does not extend onto the site. The 100-year floodplain does extend onto this property (Fig. 9). Additionally, the review identified no historic waterfowl staging areas or colonial water bird nesting sites.

Soils:

The USDA Natural Resources Conservation Service identifies four soil types on the site (Fig. 10). These include the Marr-Dodon complex on 0-15% slopes (MaC/MaD), Marr and Dodon soils on 15-40% slopes (MDE/MDF). Mispillion and Transquaking soils on 0-1% slopes (MZA), and Widewater and Issue soils on 0-2% slopes (WBA). The Marr-Dodon complex soil type is found on the tops of the ridges throughout the property. It is a fine sandy loam down to 25-inches. It is well drained and does not have a hydric soil rating.

The predominant soil type on the property is the Marr and Dodon soils. These soils are located on the side slopes of the knolls. It is also a fine-sandy loam down to 25 inches, is well drained and does not have a hydric soil rating. Mispillion and Transquaking soils are associated with the tidally influenced wetland to the north. They are tidally flooded, very poorly drained, and consist of a mucky peat. This soil type is considered to have a hydric soil rating. The widewater and Issue soils are associated with the drainageways on the property. They are frequently flooded, poorly drained and have a hydric soil rating.

Proposed Use and Lot Coverage:

The property owner is proposing to subdivide the property into four lots, which is consistent with the RCA Critical Area Classification. It is currently undetermined what the proposed impervious coverage will be. Additionally, forest removal has not been determined at this time. Due to the large lot size, it is expected that the proposed four lot subdivision would not exceed standards set forth under the Anne Arundel County Code. This includes limiting new impervious areas to 14% or less in a RCA and limiting forest clearing to less than 30% for the new subdivision. Mitigation for clearing between 20% and 30% is 1.5 times the amount of the area cleared.

The proposed lots are identified on the attached Administrative Plan prepared by Wilkerson & Associates, Inc. (Figs. 11). Stormwater management will be in compliance with the AACO Stormwater Management Practices and Procedures Manual updated 10-1-2017 and will utilize Environmental Site Design (ESD) to the Maximum Extent Possible (MEP).

Conclusions:

Based upon the preliminary and field review it was determined that there are several Habitat Protection Areas that exist on the property. These include nontidal wetlands and associated 25-foot buffers, steep slopes and Forest Interior Dwelling Bird habitat. Impervious Area is to be below 14% of the subdivided area and clearing is not to exceed 30% of the area unless approved by a variance.

List of Figures

- Fig. 1 – Vicinity Map
- Fig. 2 - AACO Zoning Map
- Fig. 3 – Aerial Photo
- Fig. 4 – Critical Areas Map
- Fig. 5 - Topography Map
- Fig. 6 – MD MERLIN Habitat Protection Areas
- Fig. 7 – MD MERLIN Wetland Areas
- Fig. 8 - USFWS – NWI Map
- Fig. 9 – MD MERLIN 100-Year Floodplain
- Fig. 10 – USDA Soil Survey
- Fig. 11 – Administrative Plan



Features

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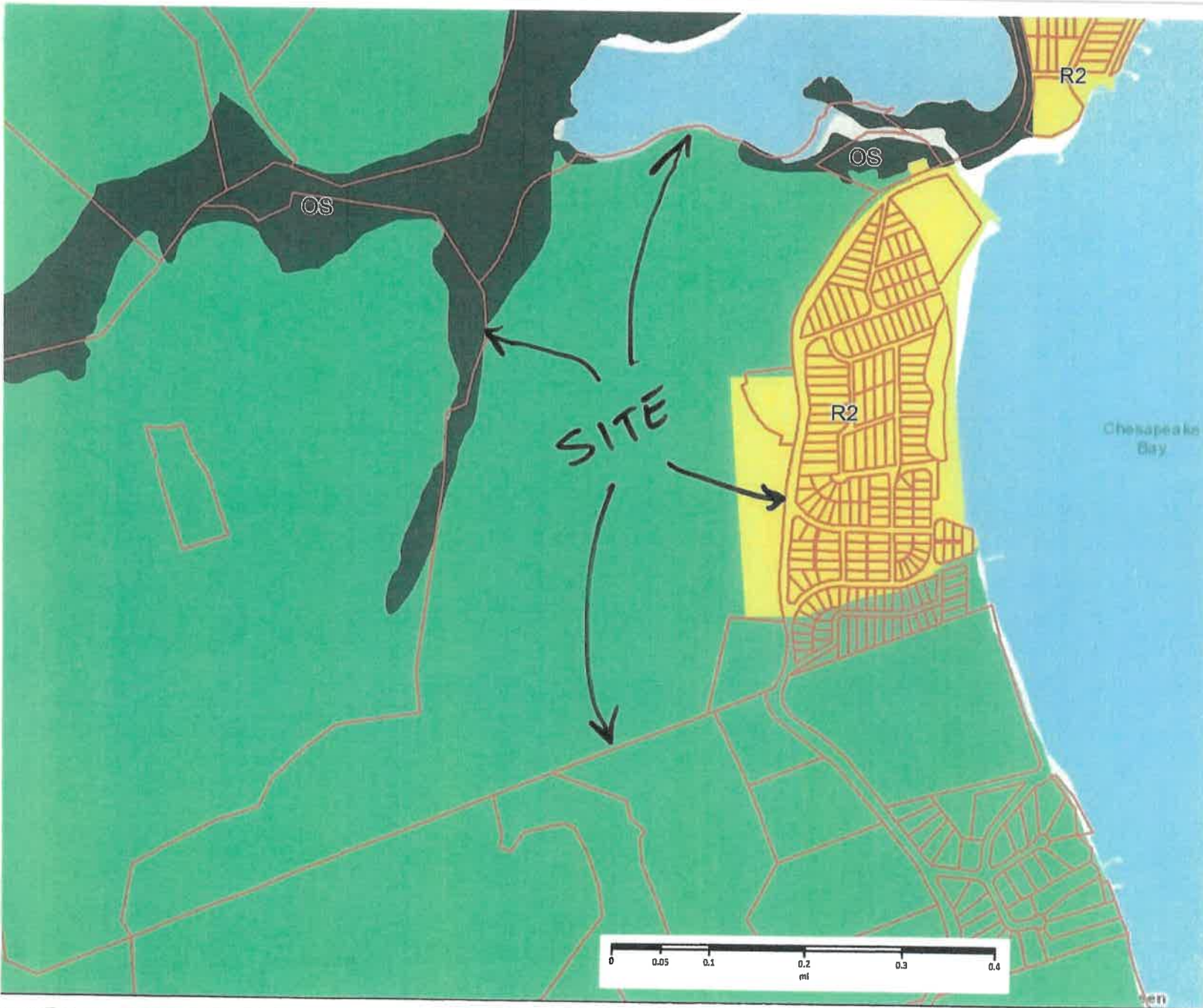
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Fig. 1





- Features**
- Parcels
 - Zoning**
 - C1 Commercial - Local
 - C2 Commercial - Office
 - C3 Commercial - General
 - C4 Commercial - Highway
 - City of Annapolis
 - MA1-Community Marina
 - MA2-Light Commercial Marina
 - MA3-Yacht Club
 - MB-General Commercial Marina
 - MC-Heavy Commercial Marina
 - MKD-C Mixed Use Commercial
 - MKD-R Mixed Use Residential
 - MKD-T Mixed Use Transit
 - MKD-E Mixed Use Employment
 - O-COR Odenton Core
 - O-EOD East Odenton
 - O-HIS Odenton Historic
 - O-IND Odenton Industrial
 - O-NOD North Odenton
 - O-TRA Odenton Transition
 - OS Open Space
 - R1 Residential
 - R1D Residential
 - R1S Residential
 - R2 Residential
 - R5 Residential
 - RA Rural Agricultural
 - RLD Residential Low Density
 - SB Small Bushes
 - TC Town Center
 - W1 Industrial Park
 - W2 Industrial - Light
 - W3 Industrial - Heavy
 - Water

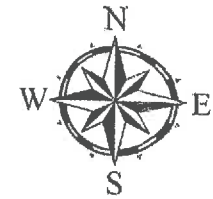
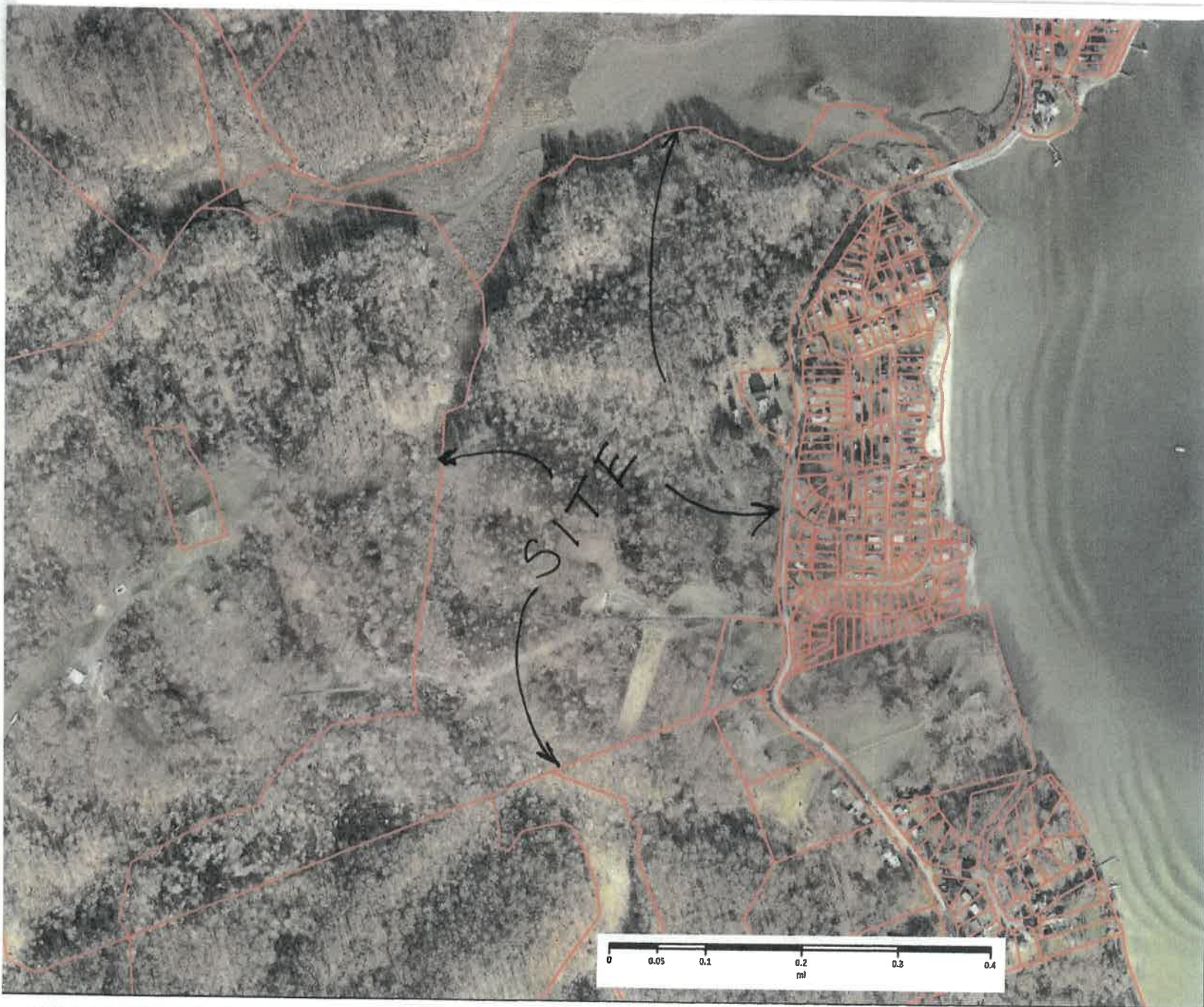
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Fig. 2



Features

Ortho 2021

- Red: Red Red: Red
- Green: Green Green: Green
- Blue: Blue Blue: Blue
- Parcels

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Fig. 3

Legend

- Road Edge
- Building Foot Print
- Water
- Critical Areas**
- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intensely Developed Area

	1	2	3
4	5	6	7
8	9	10	11
12	13	14	15
16	17	18	19
20	21	22	23
24	25	26	27
28	29	30	31
32	33	34	35
36	37	38	39
40	41	42	43
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48	49	50	51
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76	77	78	79
80	81	82	83
84	85	86	87
88	89	90	91
92	93	94	95
96	97	98	99
100	101	102	103



Sheet No. 32



Map Scale: 1" = 1000'



Drawn December 15, 2012
 File: Herring_Bay_Critical_Area_Map_Demo.mxd
 Map Production: Office of Planning and Training
 Copyright 2012

**Anne Arundel County
 Critical Area Map**

Legend

- Road Edge
- Building Foot Print
- Water
- Critical Areas**
- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intensely Developed Area

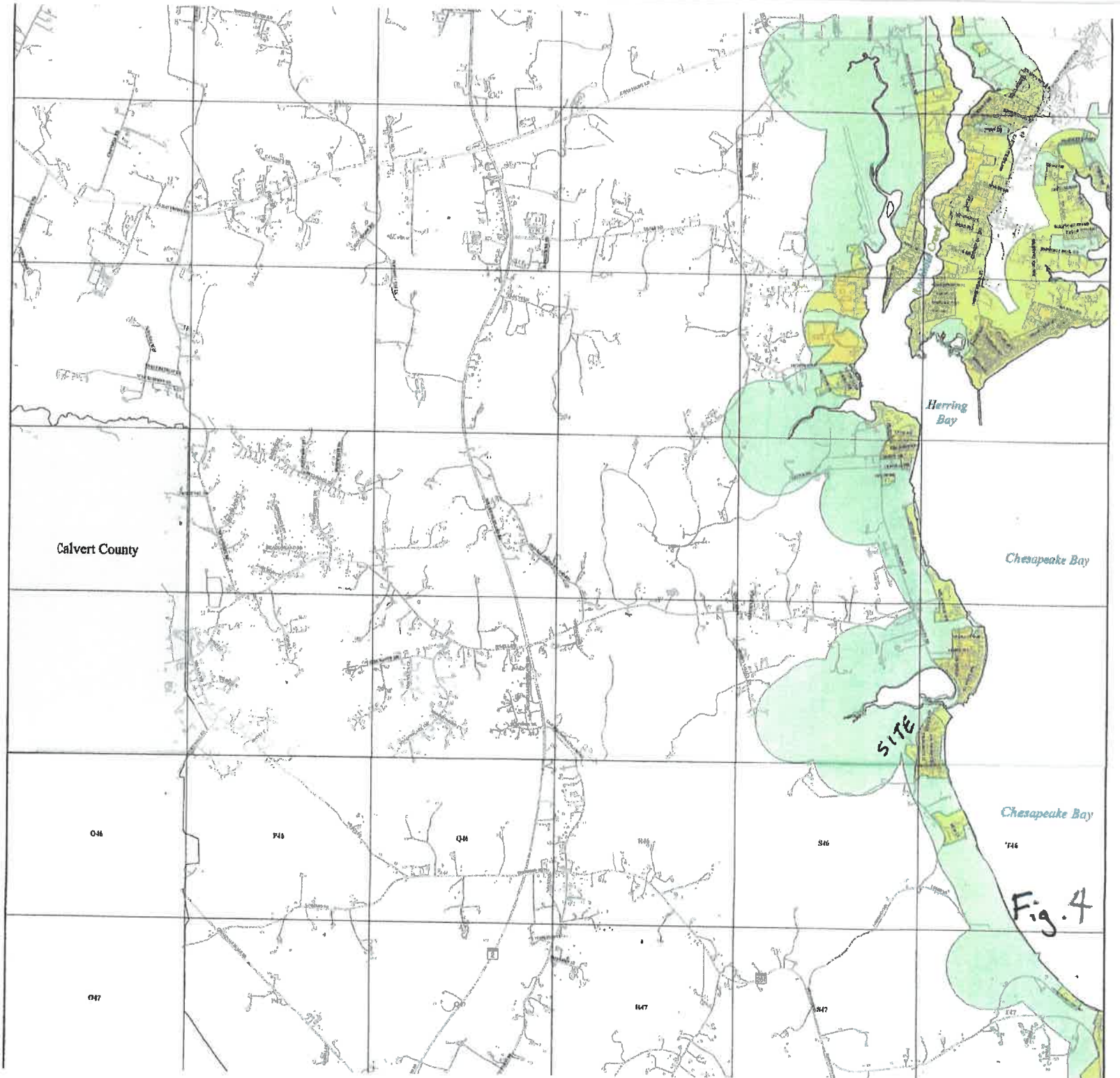
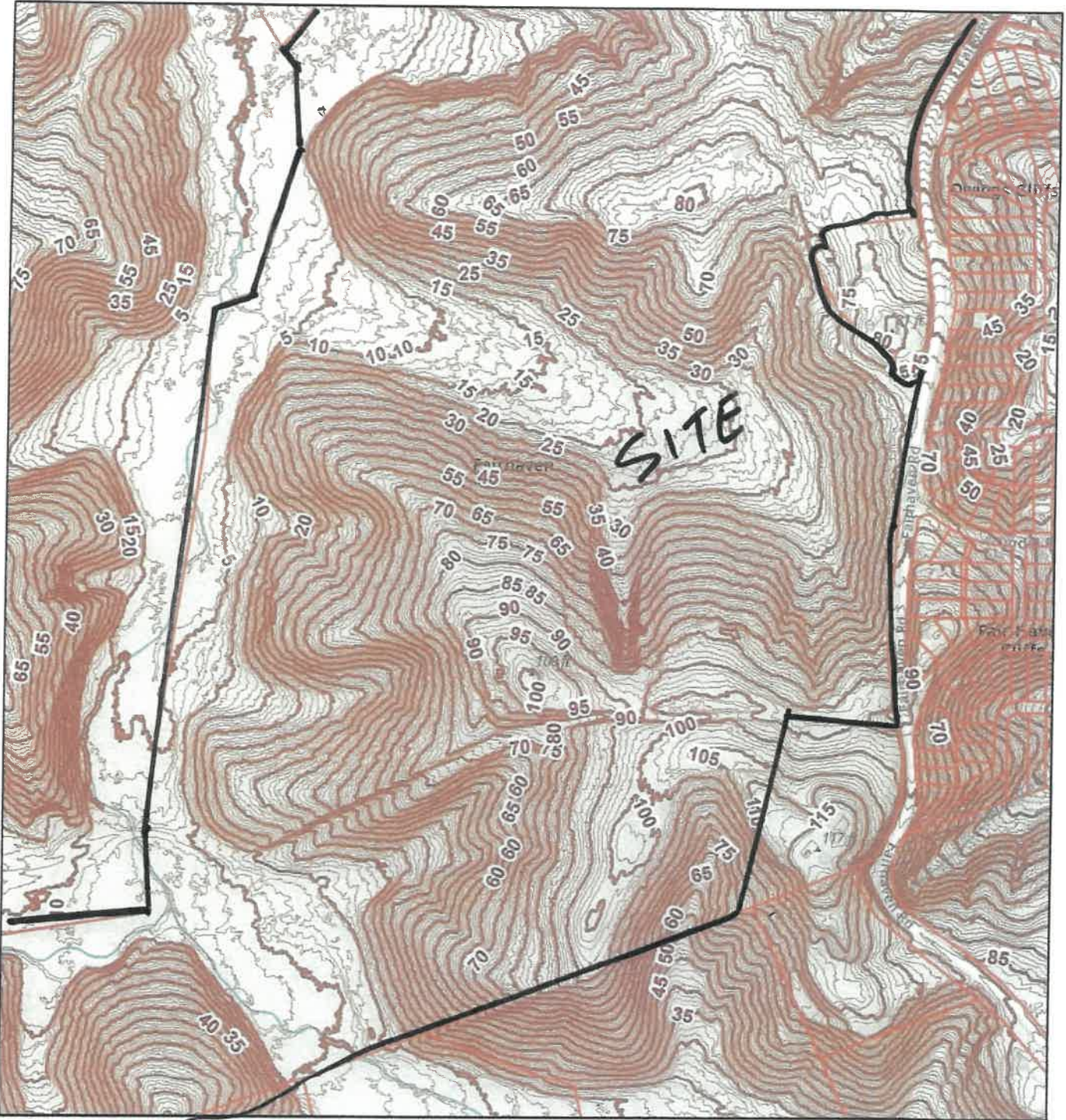


Fig. 4

TOPO Map - Eversfield Property



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1:4,514

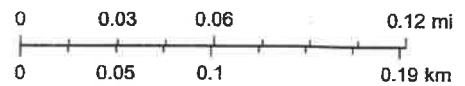
 Parcels

Topography 2017 - 1ft contours

 Index

 Intermediate

Topo 2017 Labels

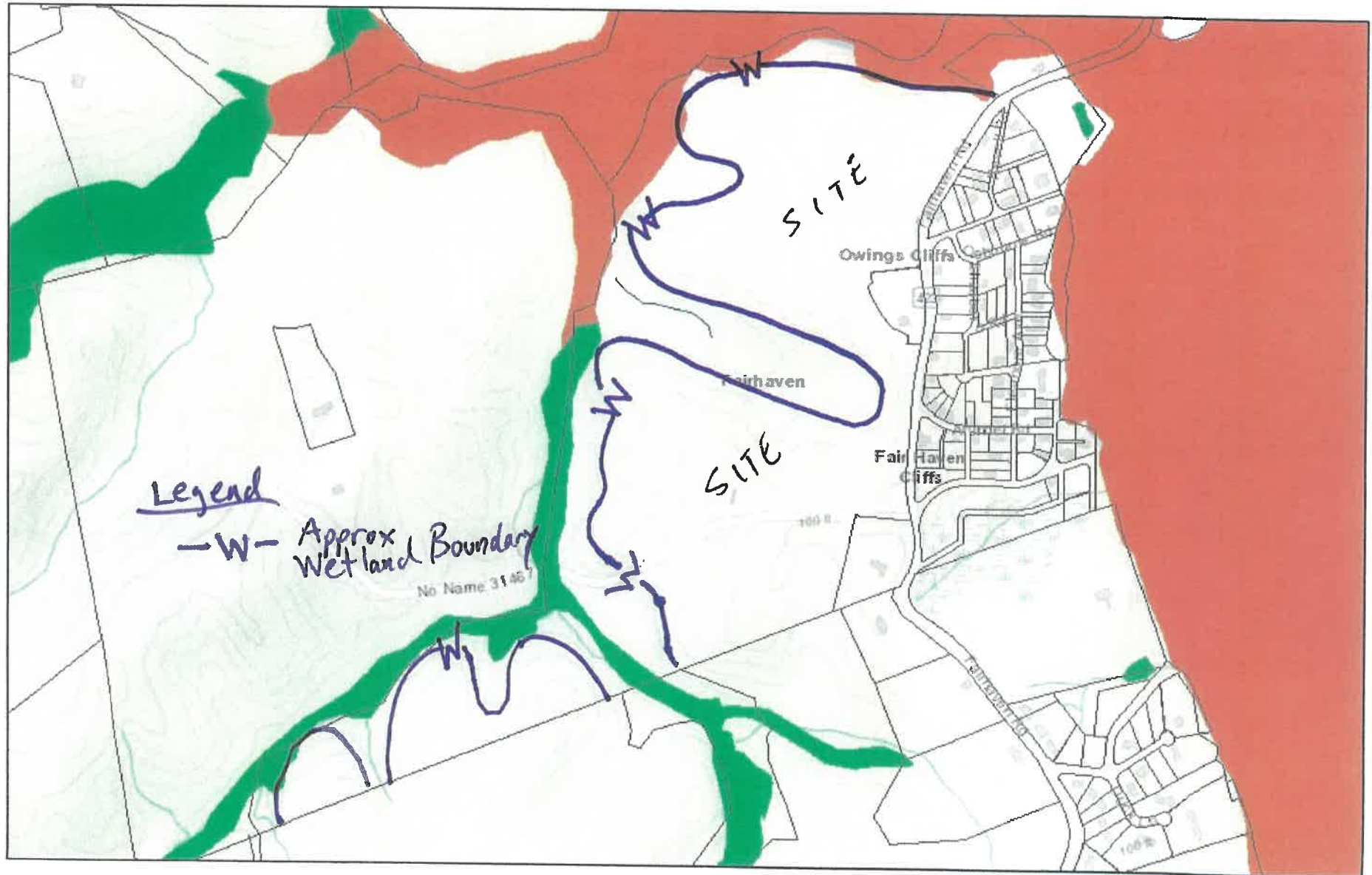


Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Calvert County, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Fig. 5

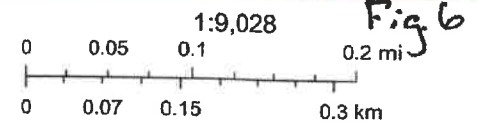
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MERLIN - Nontidal Wetlands Map



1/17/2023, 2:25:36 PM

- | | | | |
|---|--|------------|----------|
| Parcel Boundaries | Wetlands - Polygon - Special State Concern | Lacustrine | Riverine |
| State Boundary Mask | Wetlands - National Wetlands Inventory | Marine | |
| Wetlands - Linear - Special State Concern | Estuarine | Palustrine | |



MD iMAP, MDP, SDAT, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA,

Maryland Department of Natural Resources

Fig. 6



January 31, 2023

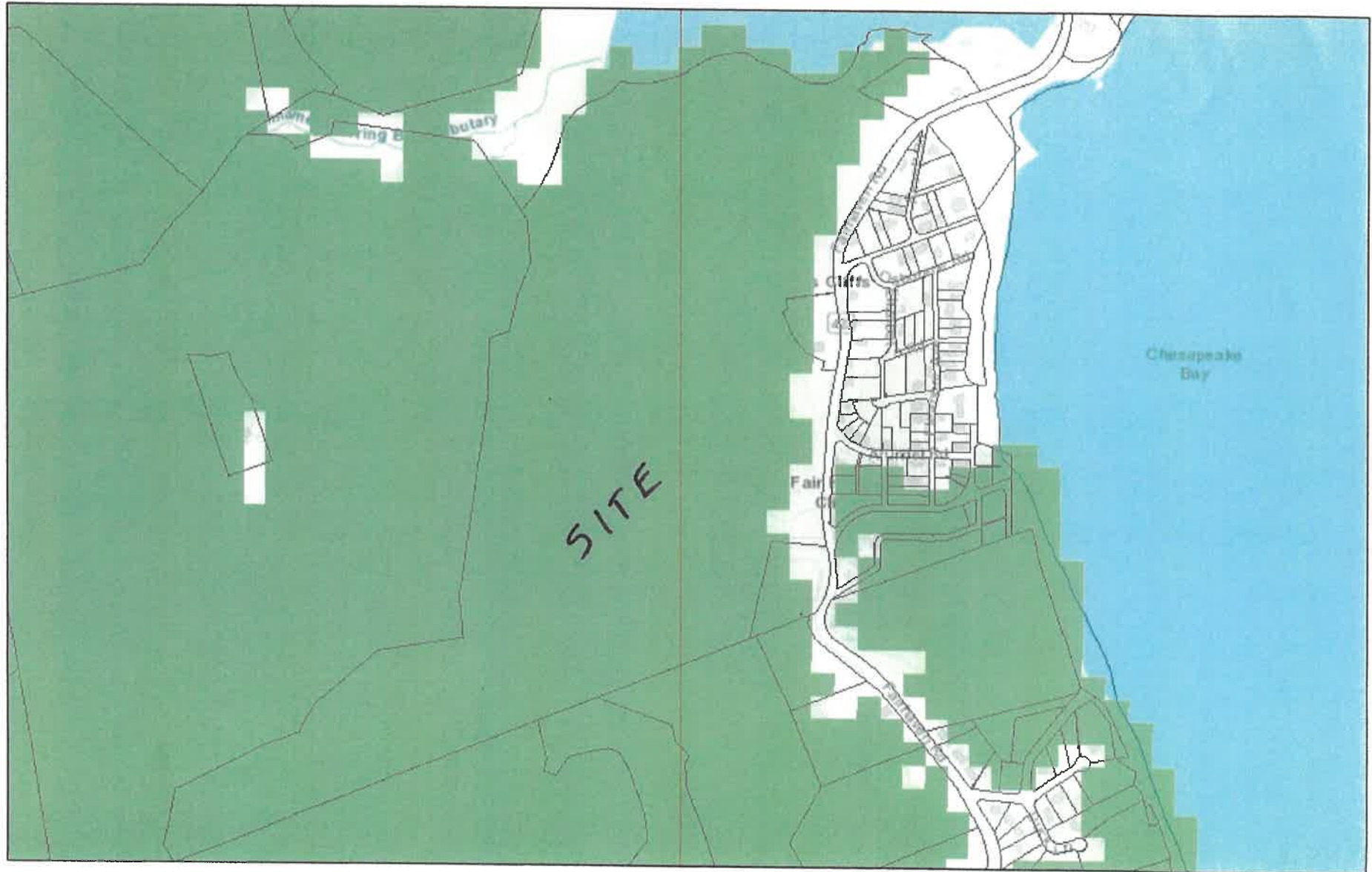
Wetlands

- | | | |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Fig. 7

MERLIN - Habitat Protection Areas Map



1/17/2023, 2:09:16 PM

- | | | |
|----------------------------------|-------------------------|--|
| Parcel Boundaries | Coastal Bays Shorebirds | Sensitive Species Project Review Areas |
| State Boundary Mask | Natural Heritage Areas | MD Amphibian and Reptile Atlas Grid |
| Forest Interior Dwelling Species | Waterfowl Areas | Coastal Bays Horseshoe Crab Habitat |

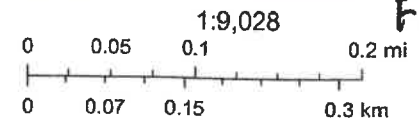
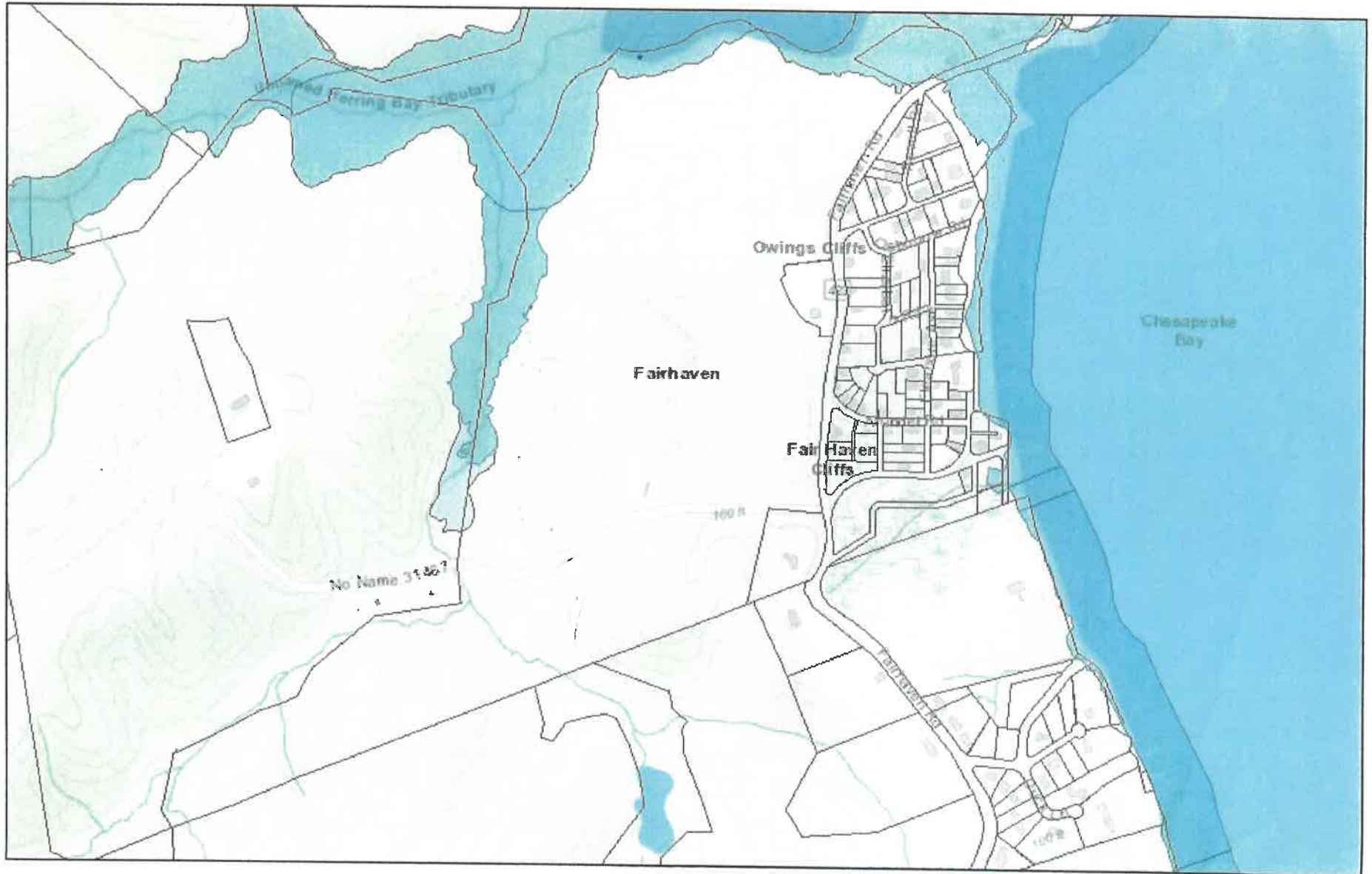


Fig. 8

MD iMAP, MDP, SDAT, MD iMAP, DNR, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/

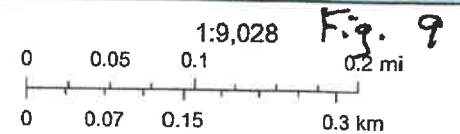
Maryland Department of Natural Resources

MERLIN - Floodplain Map



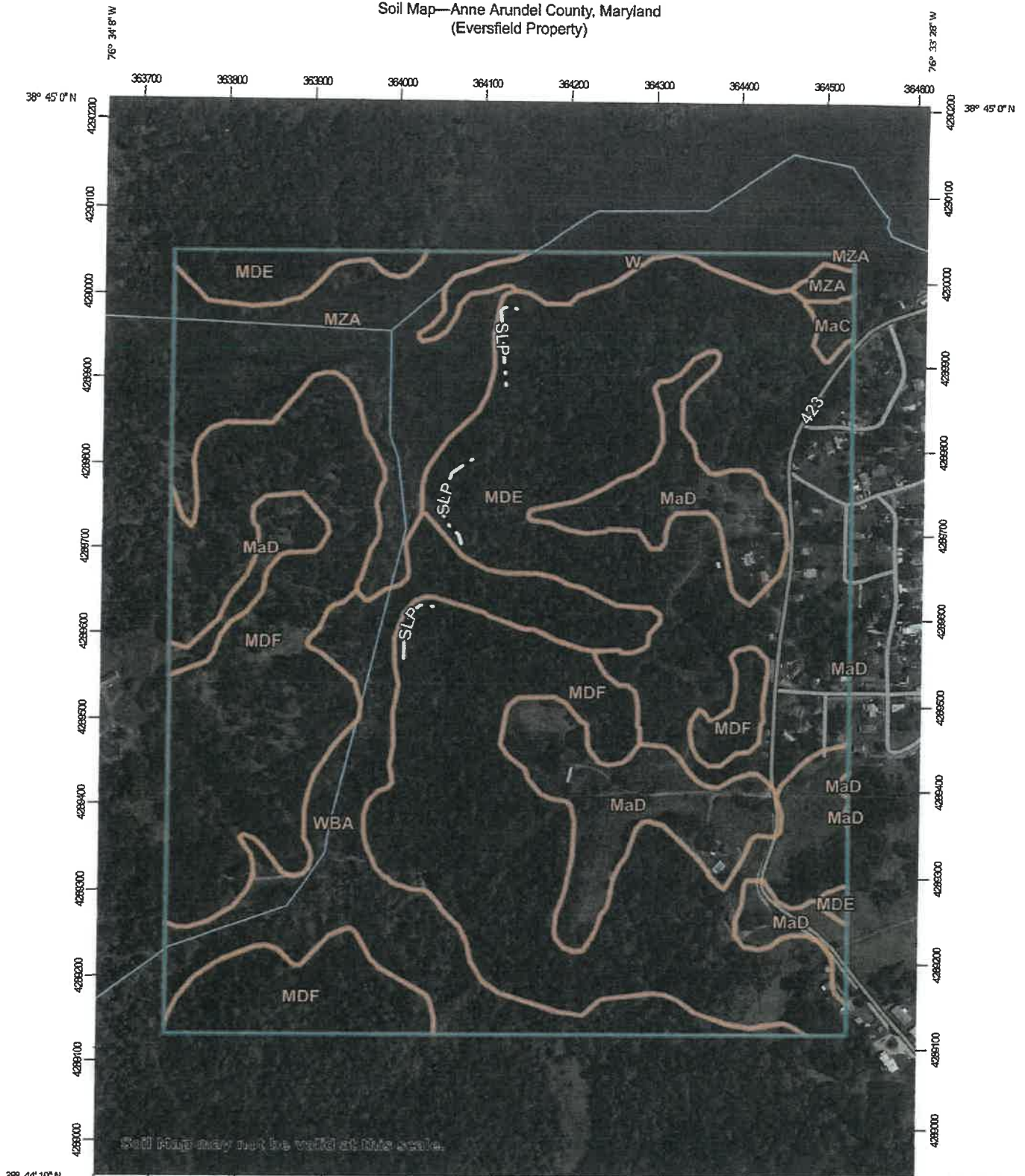
1/17/2023, 2:12:12 PM

- | | | |
|---------------------------------|-----------------------------------|-----------------------------------|
| Parcel Boundaries | 500 Year Floodplain (0.2% Chance) | Effective FEMA Floodplain |
| Preliminary FEMA Floodplain | Floodway (1% Chance) | 100 Year Floodplain (1% Chance) |
| 100 Year Floodplain (1% Chance) | Upland (Zone X) | 500 Year Floodplain (0.2% Chance) |



MD iMAP, MDP, SDAT, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA,

Soil Map—Anne Arundel County, Maryland
(Eversfield Property)



Soil Map may not be valid at this scale.

Map Scale: 1:6,170 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 250 500 1000 1500 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 18N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

1/17/2023
Page 1 of 3

Fig. 10



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

DATE OF COMMENTS 8/25/23

P&Z STAFF Joan Jenkins/ Kelly Krinetz

APPLICANT/REPRESENTATIVE Roland Joun EMAIL rioun@wilkersonnassociates.com

SITE LOCATION 625 Fairhaven Rd, Tracy's Landing LOT SIZE _____ ZONING RA,R2,OS

CA DESIGNATION LDA,RCA BMA _____ or BUFFER _____ APPLICATION TYPE VAR

The applicant has submitted a subdivision application for the Eversfield property and will need to disturb 15% steep slopes and the buffer. Disturbance is for road construction entrance and disturbance for the installation of the septic system.

COMMENTS

Critical Area Team: The proposed subdivision is not eligible for variance approval. All new lots created after the establishment of the Critical Regulations must be in full compliance with those regulations.

Zoning: Please contact the Critical Area Team 410-222-7437 for any questions.

Note: The Zoning Division is paperless. All applications should be submitted online through the Land Use Navigator. <https://www.aacounty.org/departments/planning-and-zoning/land-use-navigator/>

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.



Jennifer Lechner <pzlech23@aacounty.org>

Additional Information Required - Variance Application #2023-0176-V - 675 W Fairhaven Rd, 20779

Gregory Primeau <gp@siteac.com>

Tue, Jul 2, 2024 at 10:47 AM

To: Jennifer Lechner <pzlech23@aacounty.org>

Cc: "rjoun@wilkersonnassociates.com" <rjoun@wilkersonnassociates.com>, "wchaar@wilkersonnassociates.com" <wchaar@wilkersonnassociates.com>

Thank you Jennifer, I have discussed with Roland/Wilkerson and we will proceed as follows:

1. We will not be refiling a LUN application, and therefore not be having a second pre-file meeting. Please proceed to hearing with the Administrative Law Judge/Hearing Officer.
2. We acknowledge the CAC may appeal. Due to the extensive redesign resulting in the elimination of all disturbance of Critical Area and associated buffers with the very minor exception of those areas associated with the potential expansion of existing roads, principally within areas we are dedicating to Fairhaven road expansion, we are confident we have employed the maximum mitigation measures available.
3. Throughout this process I have insisted the team reach out to and accommodate the CAC team but to my knowledge we have been unable to connect. I have not personally contacted them. Simultaneous with your processing of the Variance Applications to the Hearing officer I will personally reach out to CAC, at the number you provided next week. I would certainly be willing and eager to meet with them in person or via telecom at any time.

I welcome phone calls from you or any County or State governmental/regulatory officials, and stand ready to meet in your offices. Please advise if I can provide any additional materials to promptly place the Variance Application on the Docket.

Thank you,

Gregory M. Primeau
231-392-6409
[114 White Oak Road](#)
[Rehoboth Beach, Delaware 19971](#)
gp@siteac.com

On Jun 26, 2024, at 4:31 PM, Jennifer Lechner <pzlech23@aacounty.org> wrote:

Good afternoon.

Unfortunately, we do not hold in-person pre-file meetings anymore. If you would like to have a second pre-file based on the revised documents, you may submit a new application through the LUN system, including a copy of the Letter of Explanation and a copy of the Site Plan. A pre-file review will be completed and a new memo will be sent to you.

Please be advised, in accordance with COMAR, any variances for the subdivision will not be supported by the Office of Planning & Zoning, nor by the Critical Area Commission (CAC). However, the variance application and hearing may proceed. If the Hearing Officer decides to grant the variance, the CAC may appeal the decision. And then, it would be up to the Board of Appeals to decide.

If you do not wish to have a second pre-file completed, I will proceed with the Intake of the revised documents for the variance application.

However, I strongly recommend you contact the OPZ Critical Area Team, 410-222-7960, regarding the need for variances, and how that will impact the subdivision review.



Jennifer Lechner

Office of Planning & Zoning
Zoning Administration Section

(410) 222-7437

pzlech23@aacounty.org

www.aacounty.org

Apply for Regions 5, 6, & 8
**Stakeholder Advisory
Committees Today!**
visit aacounty.org/regions



On Mon, Jun 17, 2024 at 12:11 PM Gregory Primeau <gp@siteac.com> wrote:

Good morning, Jennifer:

The first file is an assembly/compilation of all the attached documents.

Being unaware of Sumner's passing, Roland sent the attached individual files to Sumner via email on 5/24/24 simultaneous to submitting the Third Submission of Minor Subdivision Response letter to Critical Area Planning Administrator Kelly Krinetz. Roland's email to Sumner contained the following email message:

> Hi Sumner: The plans for the above referenced variance have been revised according to your email. As we have eliminated any expanded critical area disturbance along with any critical steep slopes disturbance to any of the lots. The only critical steep slopes disturbance are within the existing road entrances. Please let me know if you have any questions. Thanks Roland

As you will see in my Owner's Letter, we are not withdrawing our Variance Application. Instead, now having extensively revised the design, and having included the required 18-16-305 proofs along with an abundance of background information in our Owner's Letter, we wish to proceed **and as stated in the letter.**

As stated in my Owners Letter, I look forward to meeting with you and other staff for Variance Pre-file conference in your office at your earliest convenience and am certainly amenable and standing willing to revising and supplementing the package prior to formal upload into the system.

Please feel free to contact me at any time for general discussion, additional material, or to plan the pre-file meeting.

Thank you,

Gregory M. Primeau, Land Owner

114 White Oak Road

Rehoboth Beach, DE 19971

gp@siteac.com

231-392-6409

From: Jennifer Lechner <pzlech23@aacounty.org>

Sent: Friday, June 7, 2024 9:28 AM

To: Gregory Primeau <gp@siteac.com>

Cc: rjoun@wilkersonnassociates.com

Subject: Re: Additional Information Required - Variance Application #2023-0176-V - 675 W Fairhaven Rd, 20779

Thank you for the update, and no worries about the delay. I just wanted to check in to see if we missed anything on our end.



Jennifer Lechner

Office of Planning & Zoning
Zoning Administration Section

(410) 222-7437

pzlech23@aacounty.org

www.aacounty.org

Apply for Regions 5, 6, & 8
**Stakeholder Advisory
Committees Today!**
visit aacounty.org/regions



On Fri, Jun 7, 2024 at 9:23 AM Gregory Primeau <gp@siteac.com> wrote:

Jennifer: I am very sorry to hear about Sumner.

Since our July Submission, and Sumner's October 2023 response (below) we have significantly redesigned the project, including but not limited to moving 3 of the 4 building sites, two of the septic plots, and relocated the joint driveway serving proposed lots 3 and 4. This global redesign substantially eliminated all Variance needs with the exception of minor widening needs at the inception of the Common Access Easements/joint driveways and their intersection with Fairhaven Road.

On behalf of myself and the other Eversfield Family co-owners I have prepared a letter which addresses the 18-16-305 proofs and the remainder of your questions/issues below.

This extensive redesign was submitted to Kelly Krinetz, Critical Area Team, as Third Response to Comments to the Minor Subdivision on May 24, 2024 and the Secondary Pre-file package was intended to be submitted simultaneously with that submission. My apologies that apparently did not happen.

Roland has been out of office since that time but will return on Monday, June 10th. I will work with Roland and deliver our Secondary Pre-file package for Variance 2023-0176V directly to you per your request below early next week.

My apologies for the significant delay, but the owners were committed to taking the time and employing the expertise to ensure that we redesigned with a goal of zero impact and needed to employ multiple experts and disciplines to ensure our preservation goals. I look forward to sitting with you after your review of the Secondary Pre-file package which you will receive next week.

Thank you,

Gregory M. Primeau
114 White Oak Road
Rehoboth Beach, DE 19971
gp@siteac.com
231-392-6409

From: accela@aacounty.org <accela@aacounty.org>
Sent: Thursday, June 6, 2024 3:18 PM
To: Gregory Primeau <gp@siteac.com>; rjoun@wilkersonnassociates.com
Cc: pzlech23@aacounty.org
Subject: Additional Information Required - Variance Application #2023-0176-V - 675 W Fairhaven Rd, 20779

Good afternoon.

Sumner Handy had contacted you October 2023 regarding your variance application for the subject property. Sadly, Sumner passed away recently, so I'm handling the Intake of this application.

Sumner's previous email to you is copied below. Please let me know if you wish to proceed with the variance, or if a refund is required.

If you would like to proceed with the application, please revise the Letter as necessary and forward a pdf copy to me.

I'm reaching out regarding the above-referenced variance application. The letter of explanation suggests that variances are needed to allow disturbance to steep slopes and the buffer to steep slopes. In fact, it is a modification that is needed to allow the disturbance to the buffer to steep slopes. A variance to disturb the steep slopes themselves is the appropriate avenue, though.

In accordance with 18-13-104(b), the Critical Area buffer expands from where the buffer intersects slopes 15% or greater, along those contiguous slopes.

An additional variance is required to Section 18-13-104 to permit disturbance to the Critical Area buffer, as expanded. The letter of explanation provided with the application does not address this required variance. The letter also does not address the criteria by which variances are assessed, as laid out in 18-16-305.

Please provide a revised letter of explanation that addresses the additional required variance to disturb the expanded buffer (and any others that may be required); note that the best letters of explanation discuss how the application satisfies the requirements as laid out in 18-16-305.

I also see that the Critical Area Team noted, during the pre-file stage, that this property is not eligible for subdivision. You may wish to discuss that fact with the Critical Area Team, as it may be the case that the outcome of this variance application is of no consequence if it will not result in the allowance of the subdivision at all.

Please provide the updated letter of explanation to me by email and I will upload it to the record in the LUN (Land Use Navigator).

If you/your client would prefer to withdraw the application as a result of the Critical Area Team's comments, let me know, and I will work on that instead.

You may submit the documents, each in *pdf format*, directly to me via email at pzlech23@aacounty.org.

Thank you for your assistance.

Jennifer Lechner

Zoning Administration Section

Office of Planning & Zoning

Anne Arundel County

410-222-7437

pzlech23@aacounty.org

2023-0176-V / 675 W Fairhaven Road

1 message

Sumner Handy <sumner.handy@aacounty.org>
To: Roland Joun <rjoun@wilkersonnassociates.com>

Tue, Oct 17, 2023 at 9:00 AM

Hi Roland,

I hope you're doing well.

I'm reaching out regarding the above-referenced variance application. The letter of explanation suggests that variances are needed to allow disturbance to steep slopes and the buffer to steep slopes. In fact, it is a modification that is needed to allow the disturbance to the *buffer* to steep slopes. A variance to disturb the steep slopes themselves is the appropriate avenue, though.

In addition, in accordance with 18-13-104(b), the Critical Area buffer expands from where the buffer intersects slopes 15% or greater, along those contiguous slopes. In the below image, the (unmodified) buffer is in purple and steep slopes are in yellow (15%+) and red (25%+):



An additional variance is required to Section 18-13-104 to permit disturbance to the Critical Area buffer, as expanded. The letter of explanation provided with the application does not address this required variance. The letter also does not

address the criteria by which variances are assessed, as laid out in 18-16-305.

Please provide a revised letter of explanation that addresses the additional required variance to disturb the expanded buffer (and any others that may be required); note that the best letters of explanation discuss how the application satisfies the requirements as laid out in 18-16-305.

I also see that the Critical Area Team noted, during the pre-file stage, that this property is not eligible for subdivision. You may wish to discuss that fact with the Critical Area Team, as it may be the case that the outcome of this variance application is of no consequence if it will not result in the allowance of the subdivision at all.

Please provide the updated letter of explanation to me by email and I will upload it to the record in the LUN (Land Use Navigator). If you/your client would prefer to withdraw the application as a result of the Critical Area Team's comments, let me know, and I will work on that instead.

Please let me know if you have any questions. And thank you.

Take care,
Sumner

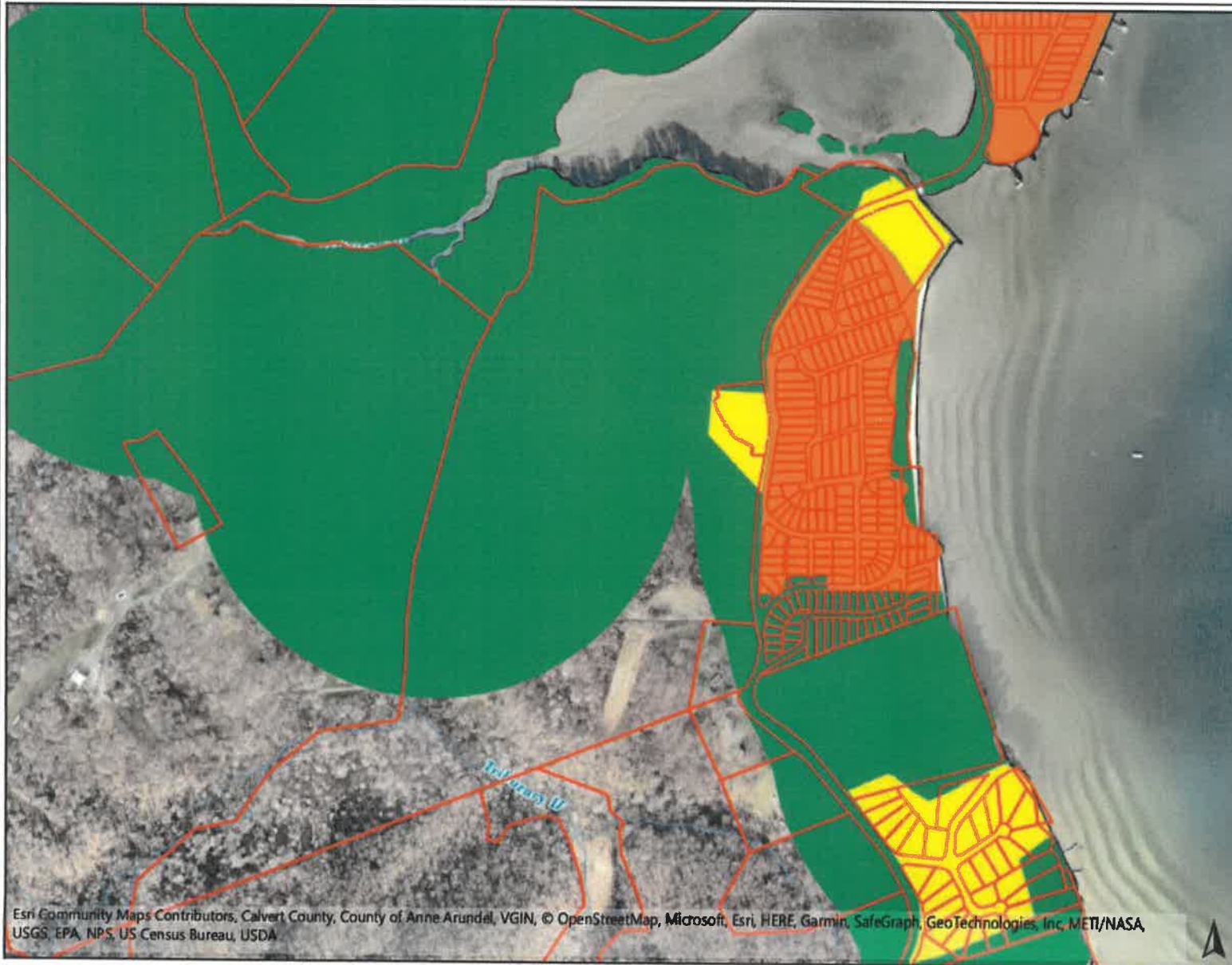
Sumner Handy, AICP
Planner III

Zoning Administration Section
2664 Riva Road
Annapolis, MD 21401

410-222-7437
www.aacounty.org



Critical Area Map



Esri Community Maps Contributors, Calvert County, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Legend

Foundation
Addressing

Parcels



Planning

Planning

-  IDA - Intensely Developed Area
-  LDA - Limited Development Area
-  RCA - Resource Conservation Area
-  FED - Federal Land

Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

