

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Gregory M. Primeau, et. al.

ASSESSMENT DISTRICT: 8

CASE NUMBER: 2023-0176-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: January 16, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow disturbance to the expanded buffer for access to a proposed four (4) lot subdivision in the RCA – Resource Conservation Area on property located at 675 Fairhaven Road in Tracys Landing.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of approximately 90.49 acres of land and is located on the west side of Fairhaven Road. It is identified as Parcel 45 in Grid 12 on Tax Map 81 in the subdivision of Fairhaven Cliffs.

The property is primarily zoned RA – Rural Agricultural District, with a small area located along the eastern boundary zoned R2 – Residential District and two small slivers located along the northern and western boundaries zoned OS – Open Space District. The majority of the site is located within the Chesapeake Bay Critical Area overlay, most of which is designated as RCA – Resource Conservation Area with a small area located along the eastern boundary designated as LDA – Limited Development Area. An unnamed tributary is located to the north, and tidal wetlands are located to the north and west. Due to the presence of steep slopes, the tidal wetland buffer expands to include a significant portion of the site.

PROPOSAL

The applicants propose to provide two (2) shared access driveways for a proposed four (4) lot subdivision. The driveway serving proposed Lots 1 & 2 is the subject of this variance application.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Ordinance requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. Section 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a

new development activity or redevelopment activity by variance. The proposed improvement to and widening of the existing driveway that would ultimately serve proposed Lots 1 & 2 would necessitate a variance to disturb 2,300 square feet of the expanded buffer to tidal wetlands.

FINDINGS

The subject property is irregular in shape and far exceeds the minimum 40,000 square foot area and 150 foot width required for a lot in an RA District. The applicants' letter explains that the proposed Lots will gain access directly from Fairhaven Road. Lots 1 & 2 will share an existing driveway to access both lots from Fairhaven Road, and Lots 3 & 4 will have a separate entrance from Fairhaven Road. The proposed entrance for Lots 1 & 2 is 1,200 feet away from the proposed entrance for Lots 3 & 4. The average lot size for the proposed subdivision will be 20 acres. The existing driveway serving proposed Lots 1 & 2 needs to be improved from its current variable width to 20 feet in order to comply with the Fire Marshal requirements. This driveway widening and improvement necessitates a variance for disturbance within the expanded buffer. The applicants' letter details the extensive efforts they have made to redesign the proposal in order to satisfy the County, the Critical Area Commission, community members, the Fire Marshal, and other interested parties and in order to minimize the requested Critical Area variance.

The **Development Division (Critical Area Team)** commented that the original submission in August of 2023 included variance requests for the proposed development on the proposed lots. The Critical Area Team indicated that those requests could not be supported. Lots created after the implementation of the Critical Area Program do not qualify for grandfathering provisions and must comply with the regulations currently in place, without the benefit of variance approval. The applicants have worked to reconfigure the proposed improvements, including septic and well locations, to eliminate the need for variances for development on the new lots. This revised variance request is for road improvements to the existing road that currently falls within the expanded buffer. The existing road provides access to this parcel as well as to additional dwellings located behind this parcel. The proposed improvements were coordinated with public safety agencies and will improve their access to the homes in this area. Although the subdivision is the mechanism by which this Office can obtain the proposed upgrades to the roadway, these are not considered to be a direct result of the subdivision of the property. Therefore, the Critical Area Team has no objection to this proposal as submitted. However, it should be noted that the subdivision review is not complete and additional revisions could be required prior to approval. These revisions could result in the need for additional variances. The applicants are proceeding at their own risk by seeking a variance at this stage, since there is no guarantee that any future requests would be supported.

The **Critical Area Commission** took no position on the variance request, but commented that appropriate mitigation is required.

The **Department of Recreation and Parks** commented that this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Health Department** does not have an approved plan for this project, but has no objection to the variance request as long as a plan is submitted and approved by the Department.

The **Office of Inspections and Permits (Engineering Division)** has reviewed the proposal and recommends approval from an Engineering and/or Utility review standpoint.

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. The subject property is impacted by tidal wetlands to the north and west, the buffer to which expands into the property due to steep slopes. The applicant has worked diligently with the County to relocate the proposed development within the four lots in order to avoid needing any Critical Area variances for development of the lots themselves. However, it is impossible to provide the required driveway improvements necessary for access to proposed Lots 1 & 2 without disturbing the expanded buffer. As such, a literal interpretation of the County's Critical Area Program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by preventing the necessary driveway widening required by the Fire Marshal.

The granting of a critical area variance would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. As the Critical Area Team mentioned in their comments, while the subdivision is the mechanism by which the Office can obtain the proposed upgrades to the roadway, these upgrades are not considered to be a direct result of the subdivision of the property. With proper mitigation, the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and have evaluated and implemented site planning alternatives. They have worked extensively with the County on several redesigns in order to eliminate the need for any Critical Area variances for the development of the proposed four lots and in order to minimize the disturbance necessary for improving the existing driveway access to those lots.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the adjacent properties. The variance would not reduce forest cover in the resource conservation area or limited development area, would not be contrary to acceptable clearing and replanting practices, and would not be detrimental to the public welfare. There is no way to improve and widen the access driveway without the requested variance relief, and the applicant has worked to reduce the variance request to only that which is necessary for the required driveway upgrades. As such, the proposal is considered to be the minimum necessary to afford relief.

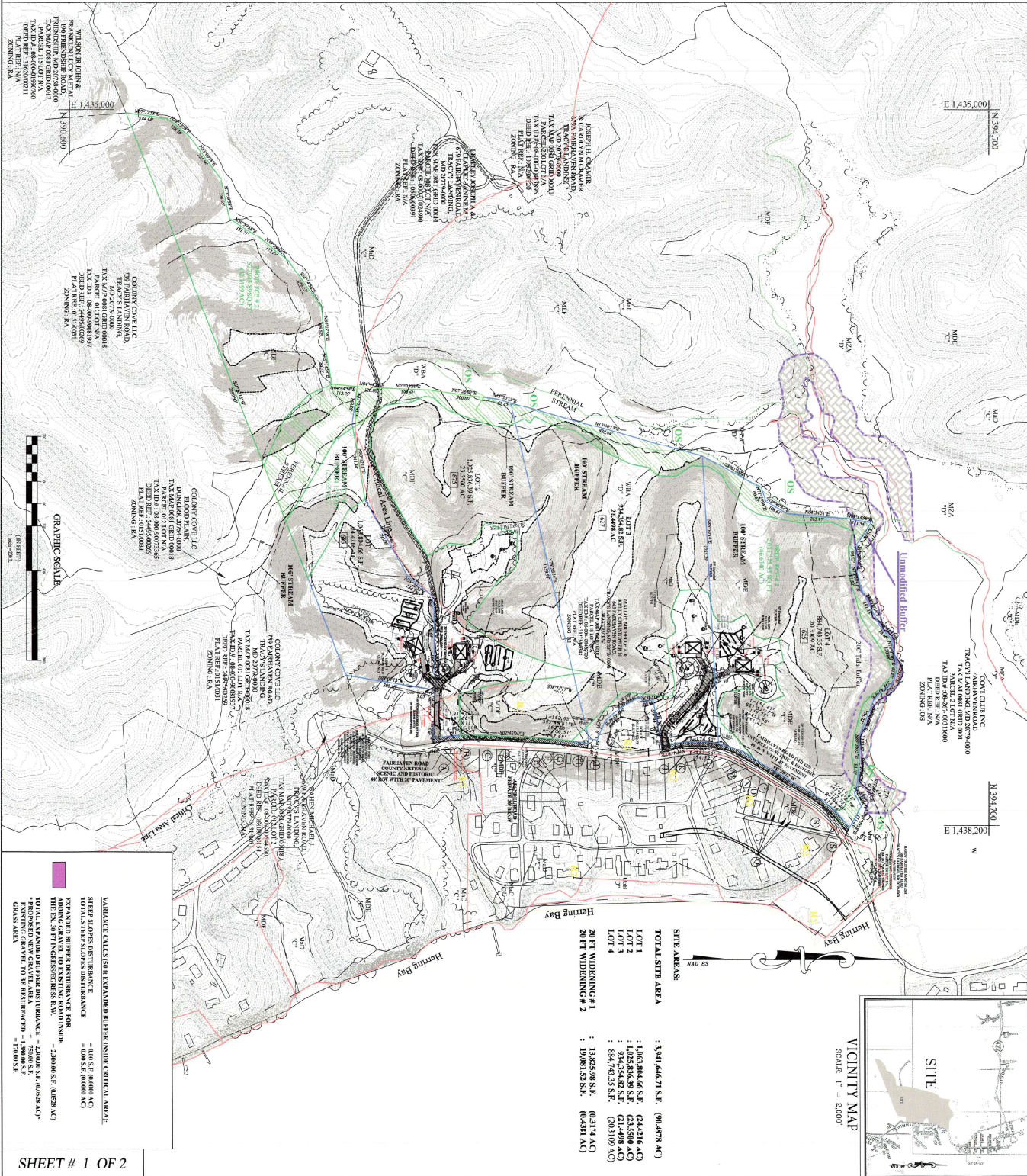
RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the proposed Critical Area variance to allow road improvements/widening within the expanded buffer, as shown on the applicants' site plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

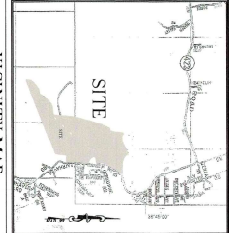
LEGEND

- 625 DENOTES HOUSE ADDRESS
- DENOTES 15% SLOPES
- DENOTES 25% SLOPES
- DENOTES SOIL BOUNDARY & SOIL TYPE
- DENOTES SLOPES BOUNDARY & RIFTERS
- DENOTES EX. WOODLINE
- DENOTES SEPTIC RESERVE AREA (SRA)
- DENOTES PERCS
- DENOTES 30' ACCESS EASEMENT
- DENOTES 20' ACCESS EASEMENT
- DENOTES FLOODPLAIN EASEMENT
- DENOTES FOREST CONSERVATION EASEMENT
- DENOTES SW M DR WELL
- DENOTES SW RAIN GARDEN
- DENOTES SOIL BORING



SITE AREAS

LOT	AREA (S.F.)	AREA (AC)
LOT 1	3,041,646.71 S.F.	69.878 AC
LOT 2	1,063,894.66 S.F.	24.218 AC
LOT 3	1,025,836.39 S.F.	23.290 AC
LOT 4	924,524.82 S.F.	21.299 AC
20 FT WIDENING # 1	887,743.55 S.F.	20.109 AC
20 FT WIDENING # 2	13,825.88 S.F.	0.314 AC
	15,091.52 S.F.	0.343 AC



VARIANCE CALCULATED FOR EXPANDED HERRING BAY INSIDE CRITICAL AREA:

STEP	SLOPES DISTURBANCE	AREA (AC)
TOTAL SLOPES DISTURBANCE	-0.00 S.F. (0.0000 AC)	
TOTAL SLOPES DISTURBANCE FOR	-0.00 S.F. (0.0000 AC)	
EXPANDED HERRING BAY INSIDE CRITICAL AREA	-2,800.00 S.F. (0.0639 AC)	
TOTAL SLOPES DISTURBANCE	-2,800.00 S.F. (0.0639 AC)	
EXISTING GRASSY TO BE RESTORED	-1,500.00 S.F. (0.0343 AC)	
TOTAL SLOPES DISTURBANCE	-4,300.00 S.F. (0.0982 AC)	

SHEET # 1 OF 2

PROFESSIONAL CERTIFICATION: I, **ROLAND ZORN**, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AS AN INDIVIDUAL LICENSED UNDER THE LAWS OF THE STATE OF MARYLAND ON **22** October, 2024.

NO.	DESCRIPTION	APPROVED BY	DATE
1	DESIGN		22 October, 2024

SCALE: 1" = 200'

DRAWN BY: WAC

DATE: 10/22/24

PROJECT: 675 FAIRHAVEN RD., TRACYS LANDING, MD 20779-0000

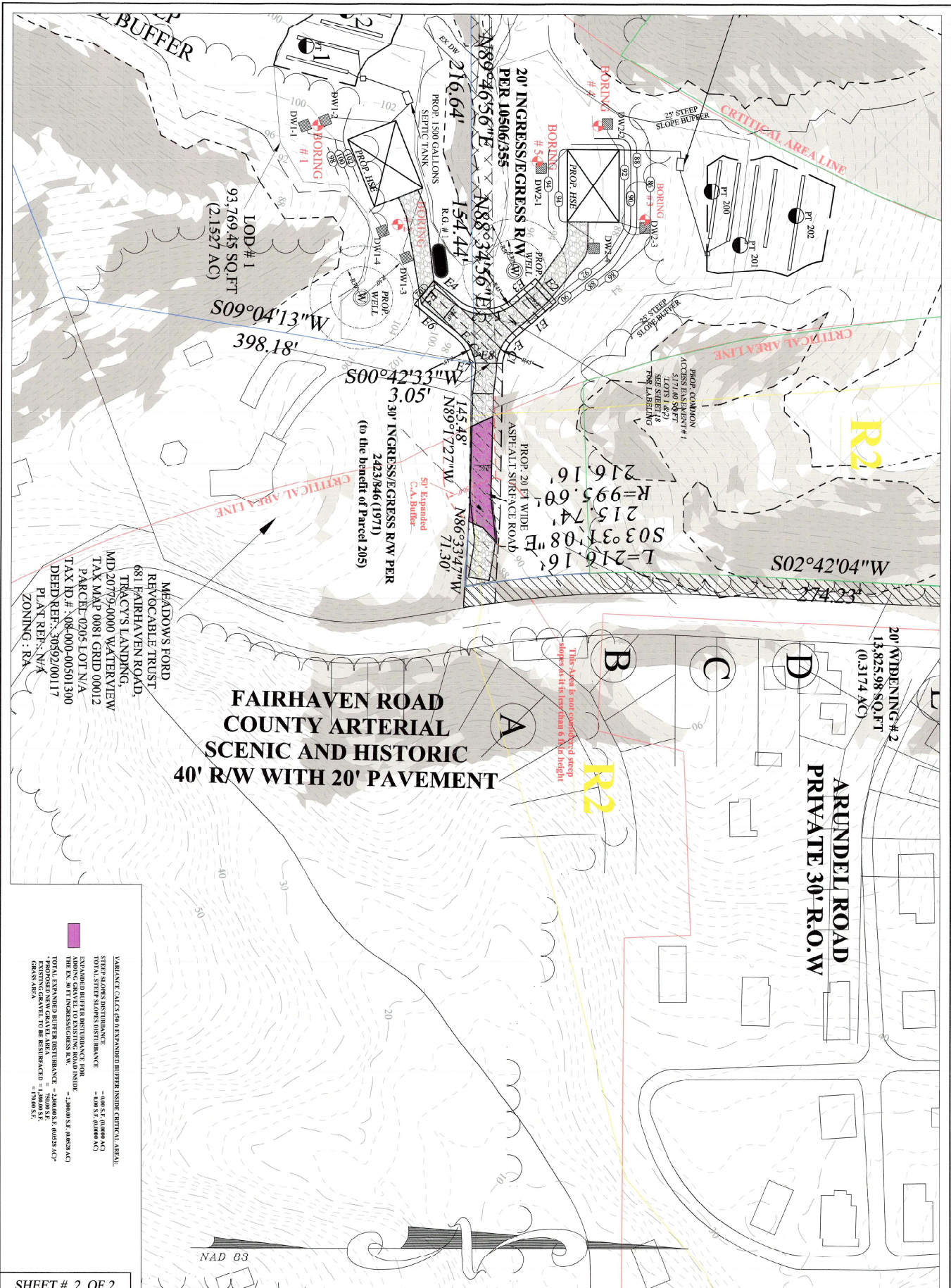
WILKERSON & ASSOCIATES INC.

ENGINEERS & SURVEYORS

Box 17 Dunkirk, Maryland
 (410) 257-3332, (301) 655-8272, FAX: (301) 655-8380
 WWW.WILKERSONASSOCIATES.COM

ADMINISTRATIVE PLAN-VARIANCE PLAN

EVERSFIELD SUBDIVISION
 (PREVIOUSLY RECORDED IN PLAT BOOK NA, PLAT PAGE NA/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



MEADOWS FORD
REVOCABLE TRUST
681 FAIRHAVEN ROAD,
TRACY'S LANDING,
MD 20799-0000 WATERVIEW
TAX MAP 0081 GRID 00012
PARCEL: 0205 LOT N/A
TAX ID #: 08-000-00501300
DEED REF.: 30592/00117
PLAN REF.: N/A
ZONING: RA

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

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

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

VARIANCE CALC. IS AN EXPANDED BUFFER INSIDE CRITICAL AREA.

STEEP SLOPES DISTURBANCE	-800 SF (0.0000 AC)
TOTAL STEEP SLOPES DISTURBANCE	-800 SF (0.0000 AC)
EXPANDED BUFFER DISTURBANCE FOR	
ADDING GRAVEL TO EXISTING ROAD INSIDE	-2000 SF (0.0293 AC)
THE EX. SETTING INCREASES R/W	
TOTAL EXPANDED BUFFER DISTURBANCE	-2800 SF (0.0653 AC)
EXISTING GRAVEL TO BE REFINISHED	-12000 SF
GRASS AREA	-17000 SF

NAD 83

SHEET # 2 OF 2

PROFESSIONAL CERTIFICATION: I, **BOLAND JOEN**, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AND THAT I AM A DEED LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE # 1526. EXPIRATION DATE AUGUST 3, 2025.

DATE	DESCRIPTION	APPROVED BY	DATE
October, 2024			

SCALE: 1"=40'
DRAWN BY: DMW
DRAWING #: A4130-SUB-PROJ
FILE #:
A41130
JOB #:
22-21997

WILKERSON & ASSOCIATES INC.
ENGINEERS & SURVEYORS
Box 17 Dunkirk, Maryland
(410) 857-3332, (301) 855-8272, FAX: (301) 855-8380
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ADMINISTRATIVE PLAN-VARIANCE PLAN

EVERSFIELD SUBDIVISION
(PREVIOUSLY RECORDED IN PLAT BOOK N/A, PLAT PAGE N/A)
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EIGHTH ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

WILKERSON & ASSOCIATES, INC.
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rjoun@wilkersonassociates.com

October 21, 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 Third Revised pre file application for a variance for expanded buffer disturbance as this property is in the critical area, RCA, for the Eversfield Subdivision. After the May 24, 2024 variance submittal and multiple conversations, meetings and emails with yourself and various county officials we have redesigned the lots layout in order to eliminate 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

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 to relocate the septic systems in non-critical areas for proposed lot two, and relocate Lot 3 into existing farm field to reduce forest disturbance.

page two

October 21, 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.

Variance Requested: The existing driveway serving proposed lots 1 and 2 needs to be improved from its existing variable width to (20) feet to comply with Fire Marshal Requirements. This widening and improvement include improvement of 1,380 square feet of existing gravel road and widening expansion and gravel cover of an additional 750 square feet presently in grass and including 170 square feet of grass area, for a total expanded buffer disturbance area of 2,300 square feet within the (50) expanded buffer within the Critical Area as shown on the attached plan. **We are therefore requesting a Variance to disturb 2,300 square feet of lands within the (50) foot expanded buffer in the Critical Area Lands.**

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.pprofile.lt102124

Gregory M. Primeau

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

Phone: 231-392-6409

October 21, 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
Pending Variance: 2023-0176V, Eversfield/Primeau

Note: This Updated and Revised Property Owner Letter of Explanation shall replace that certain Letter of May 23, 2024 of identical purpose to reflect the further reduction of Variances Requested.

Dear Sterling,

This 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.

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. Third Submission of Minor Subdivision filed by Wilkerson Engineering as accompanied by Owners Letter of Explanation, and Anne Arundel County response package dated July 19, 2024.

On August 13, 2024 Roland Joun of Wilkerson Engineering and Greg Primeau attended an in-person conference and work session with Kelly Krinetz, Critical Area, Sterling Seay, P & Z, Ram Shrestha, Department of Inspections and Permits at the Anne Arundel County offices. This meeting was followed up two days later with an onsite visit at the subject property with Krinetz, Seay as well as Jennifer Esposito, Natural Resources Planner, State of Maryland, Critical Area Commission and two members of her team. The net of these two highly productive and collaborative meetings was: 1) the determination that the relocation of the driveway of Lot 3 and 4 had eliminated the need for a Variance for that driveway; 2) that relocating the septic/drain field for Lot 2 out of the critical area on that proposed lot to an area directly behind the house in non-critical areas would eliminate the need for steep slopes buffer disturbance in that area as well as totally eliminate the impact on Critical Area lands for proposed Lot 2. The owners additionally offered to reduce land clearing needs of Lot 3 by relocating the septic/drain field of Lot 3 to the front of the lot in existing clear area easterly of the common driveway (slightly relocated) on Lot 3, thus preserving approximately 12,000 additional square feet of forested area, reducing FIDS impact and the Resultant Interior Forest Line.

We wish to assure the County and the citizenry of Anne Arundel County 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. 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 Widening and other Easements.

Therefore, and in extensive consultation with Wilkerson and their team of associated experts, we have categorically redesigned our proposed subdivision in multiple intervals over a two-year

period to incrementally reduce the impact of the proposed placement of required four building sites and their associated improvements, to wit:

Modifications and Minimalization of Impact since Initial Submission of Minor Subdivision:

1. **Minimalize Access Easement, Lot 1 and 2:** 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. As a result of this extensive redesign, we were able to minimize the disturbance to the future expansion of the existing (30) foot easement currently serving the Meadows lot since 1971, we will not be disturbing steep slopes and will only be disturbing/improving 1,380 square feet of existing gravel road, adding/widening 750 square feet of gravel road for a total disturbance area of 2,300 square feet within the (50) foot expanded buffer within critical area lands for widening and improvements to the existing driveway (see photo end of letter).
3. **Locate Lot 1 and 2 home sites and associated improvements outside of Critical Area:**
 - a. **Lot 1:** 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. **Lot 2:** We have relocated the proposed dwelling site for Lot two, including the septic drain field (relocated September of 2024) and all associated supporting construction elements to that area of the proposed Lot two which are outside the critical area overlay.
4. **Minimalize Impact and utilize existing Driveway, Lot 3 and 4:**
 - a. To eliminate disturbance of steep slopes or their associated buffers, and therefore eliminate the need for an associated Variance for this driveway (confirmed in field Krinetz July 13, 2024) 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.
5. **Eliminate all impact on steep slopes and their associated expanded buffer within Critical Area for proposed improvements on Lot 3 and 4:**
 - 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, including relocation of Lot 3 drain field to decrease the impact of forested land (September 2024).
 - 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. Expanded 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, further reduced in September of 2024 by relocating to front field.
 - ii. Expanded Buffer Disturbance of 5,300 square feet of Expanded Buffer Disturbance created by the home site location on Lot 4; and
 - iii. Expanded Buffer Disturbance caused by the previous location of the septic drain field for proposed Lot 4 in the amount of 5,500 square feet.
 - iv. Expanded buffer disturbance of 1,750 square feet by relocating the proposed driveway to the existing farm driveway

As a result of the relocation of septic fields, driveways and associate building improvements we have eliminated 2,300 square feet of steep slope disturbance and 13,100 square feet of expanded buffer disturbance since our original filing.

Kelly Krinetz, Planning and Administrator's letter of July 19, 2024 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 since State Law requires that any lots created after the enactment of the Critical Area Regulations must be in full compliance with those regulations."

However, Krinetz clarifies this sentiment in her August 2, 2024 by stating, in part, "This Office does not disagree that you have the right to create an access to your property however, the ability to meet the variance standards for that access is dependent on the need for that access". All disturbance to steep slopes and expanded buffers to create the 4 proposed lots have been eliminated as confirmed by September 30, 2024 email from Seay, which states in part, "Based on the changes to the original plan, the variance to allow disturbance to slopes of 15% or greater for access to a proposed four (4) lot subdivision in the RCA are no longer needed".

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 1 and 2 we will not be disturbing steep slopes and will only be disturbing/improving 1,380 square feet of existing gravel road, adding/widening 750 square feet of gravel road for a total expanded buffer disturbance area of 2,300 square feet within the (50) foot expanded buffer within critical area lands for widening and improvements to the existing driveway (see photo end of letter). The need for this expanded buffer disturbance for lands within the fifty-foot expanded buffer 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 area of expansion is currently flat grass/mowed lawn.

(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 driveway already provides. Any other routing would cause disturbance to steep slopes and greater disturbance to the expanded buffer 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 disturbance to steep slopes and greater disturbance to the expanded buffer 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.

(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 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 existing driveway 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 to the sole adjoining property owner, Meadow Ford Family trust on lands owned by the applicant but subject to the 1971 easement and joint use of Meadows.

- (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 sites and other improvements, particularly the home site and associated improvements for lot 2, 3 and 4 drastically reduced the FIDS impact.

- (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 an existing shared driveway and lawn area within the 1971 existing (30) foot easement shared by the applicant and Meadows, 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 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

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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**ANNE
ARUNDEL
COUNTY**

M A R Y L A N D

Vicinity Map - Eversfield Property

Date: 1/17/2023

Time: 1:39 PM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

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
- MXD-C Mixed Use Commercial
- MXD-R Mixed Use Residential
- MXD-T Mixed Use Transit
- MXD-E Mixed Use Employment
- O-COR Odontom Core
- O-EOD East Odontom
- O-HIS Odontom Historic
- O-IND Odontom Industrial
- O-NOD North Odontom
- O-TRA Odontom Transition
- OS Open Space
- R1 Residential
- R10 Residential
- R15 Residential
- R2 Residential
- R22 Residential
- RS Residential
- RA Rural Agricultural
- RLD Residential Low Density
- SB Small Business
- TC Town Center
- W1 Industrial - Park
- W2 Industrial - Light
- W3 Industrial - Heavy
- Water

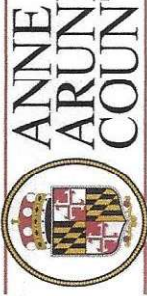
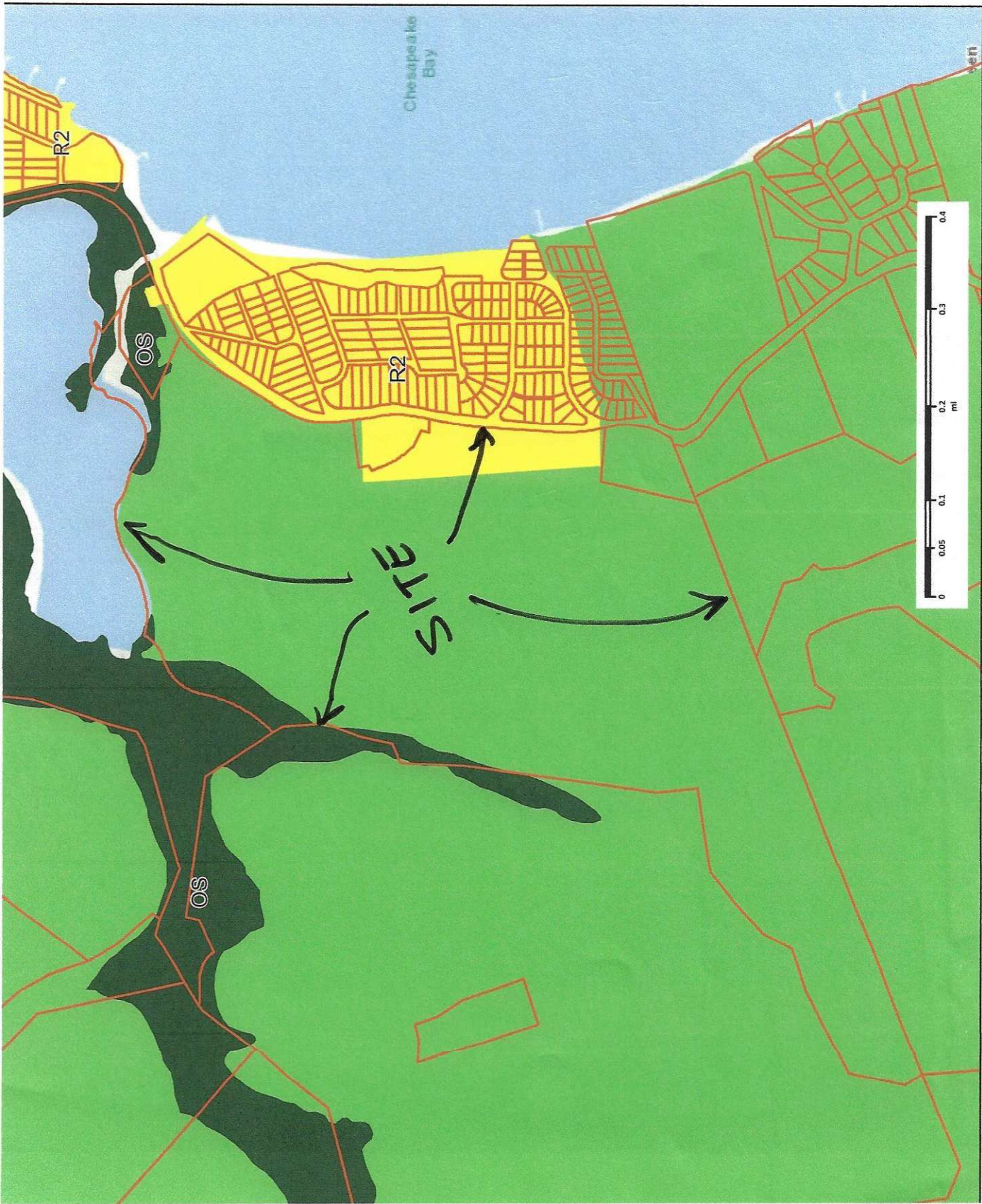
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Fig. 2



Zoning Map - Eversfield Property



Features

Ortho 2021

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

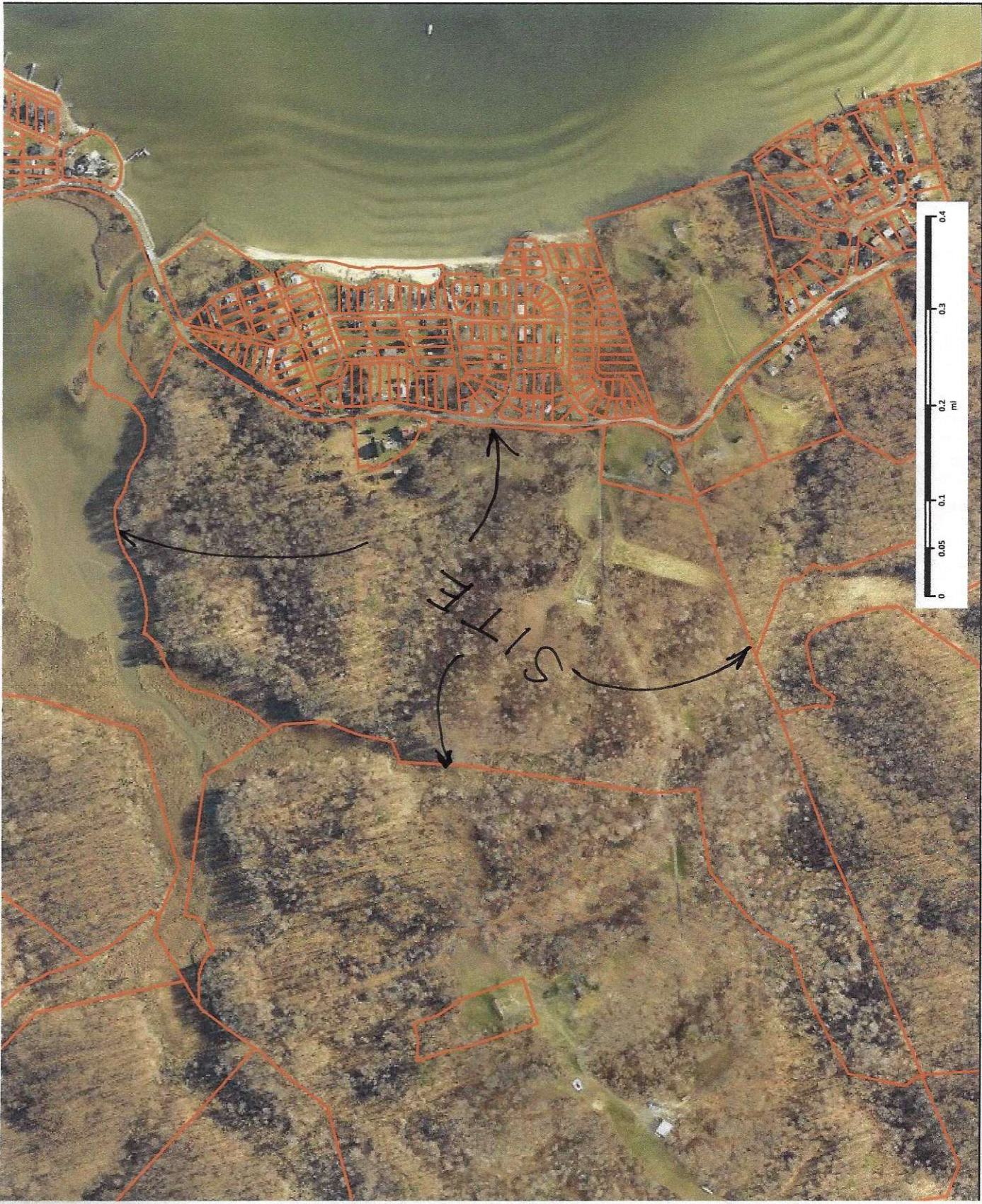
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Fig. B.3



ANNE ARUNDEL COUNTY

Aerial Photo - Eversfield Property

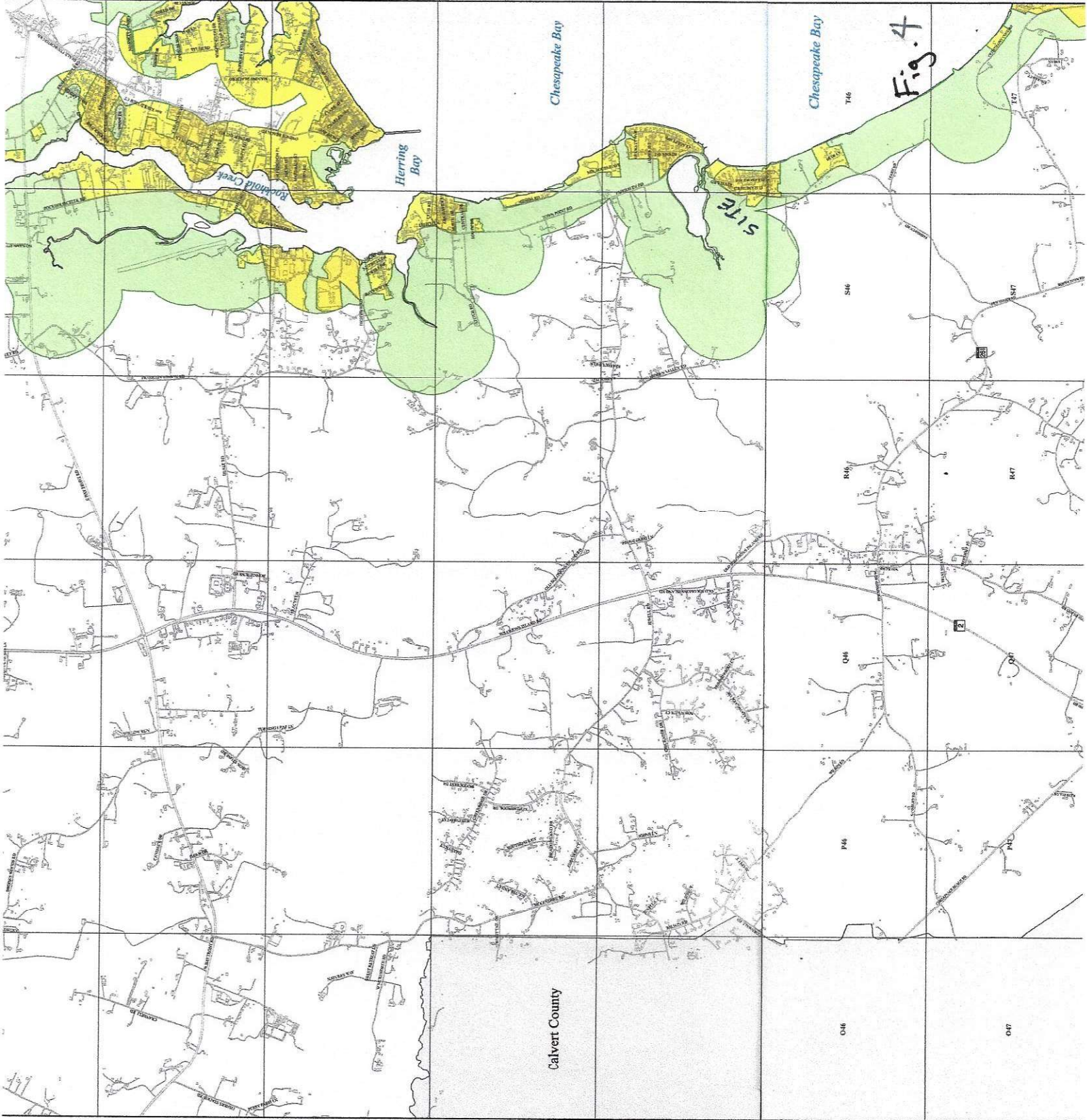


Fig. 4

- 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	44	45	46	47	48	49	50

Sheet No. 32

Map Scale: 1" = 1000'



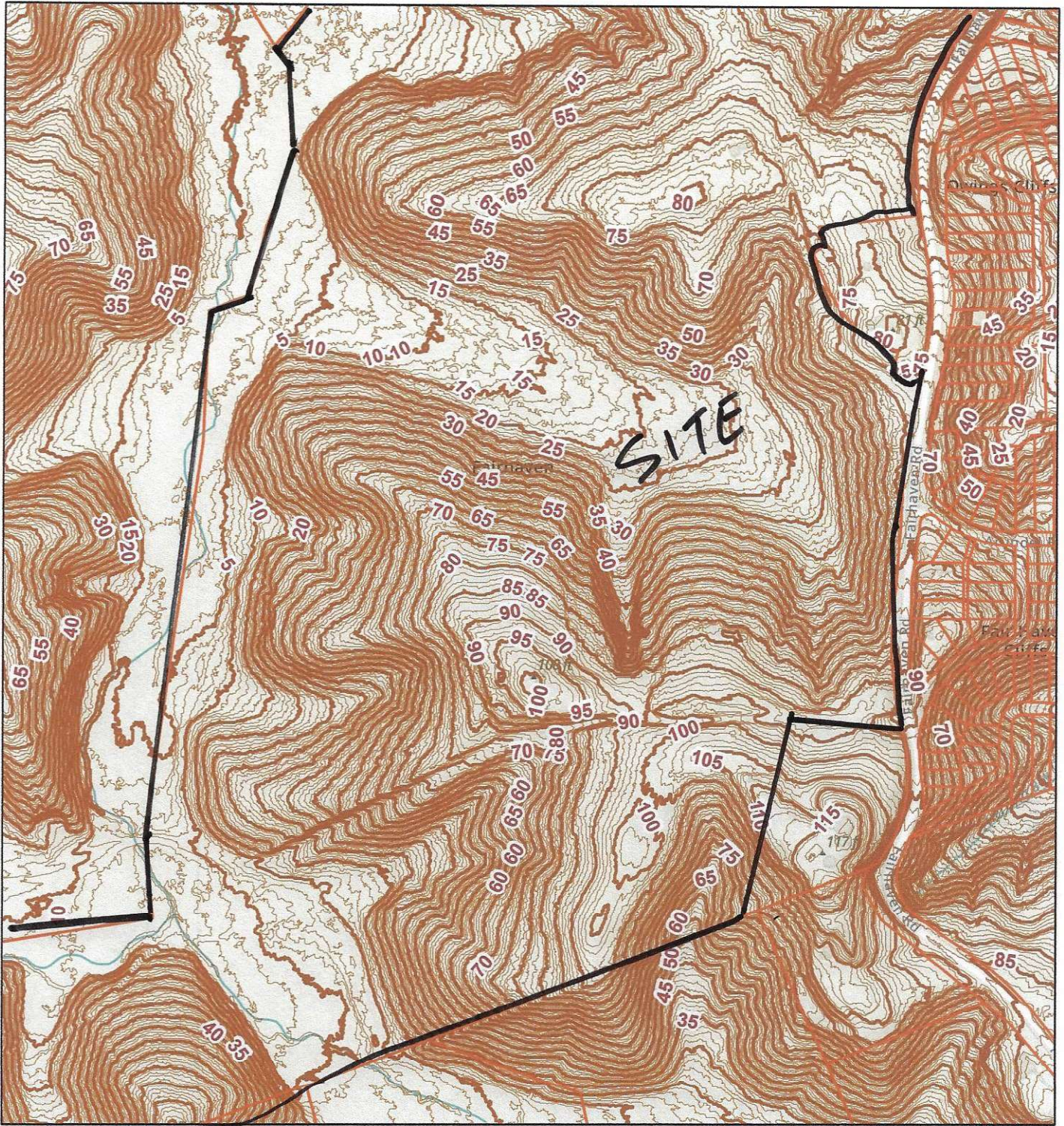
Date: December 28, 2011
 File Name: \GIS\GIMAP\Public Map Documents\Public\Critical Areas\PublicSheet32.mxd
 Created by: Center of Planning and Zoning
 Copyright 2011

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

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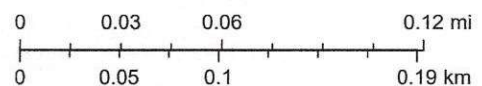
TOPO Map - Eversfield Property



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- Parcels
- Topography 2017 - 1ft contours
- Index
- Intermediate
- Topo 2017 Labels



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, 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



National Wetlands Inventory

NWI Map - Eversfield Property



U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands_team@fws.gov

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.

January 31, 2023

Wetlands

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

Fig. 7

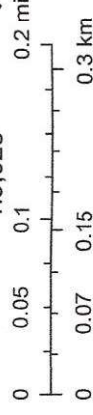
MERLIN - Habitat Protection Areas Map



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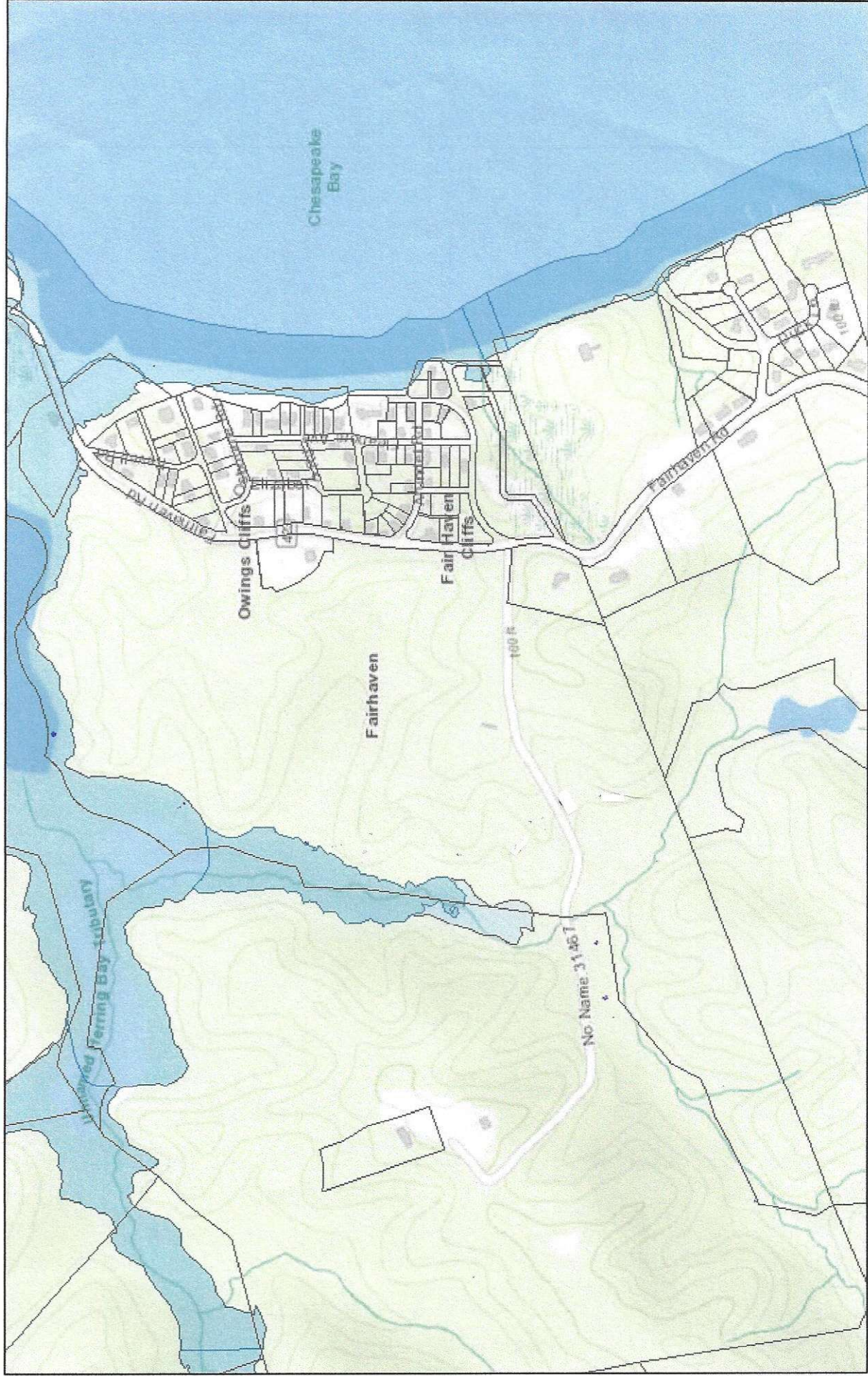
Fig. 8



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

➔ 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
 Maryland Department of Natural Resources
 Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA | MD IMAP, DoT | MD IMAP, USGS | MD IMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDTOT SHA,

MERLIN - Floodplain Map



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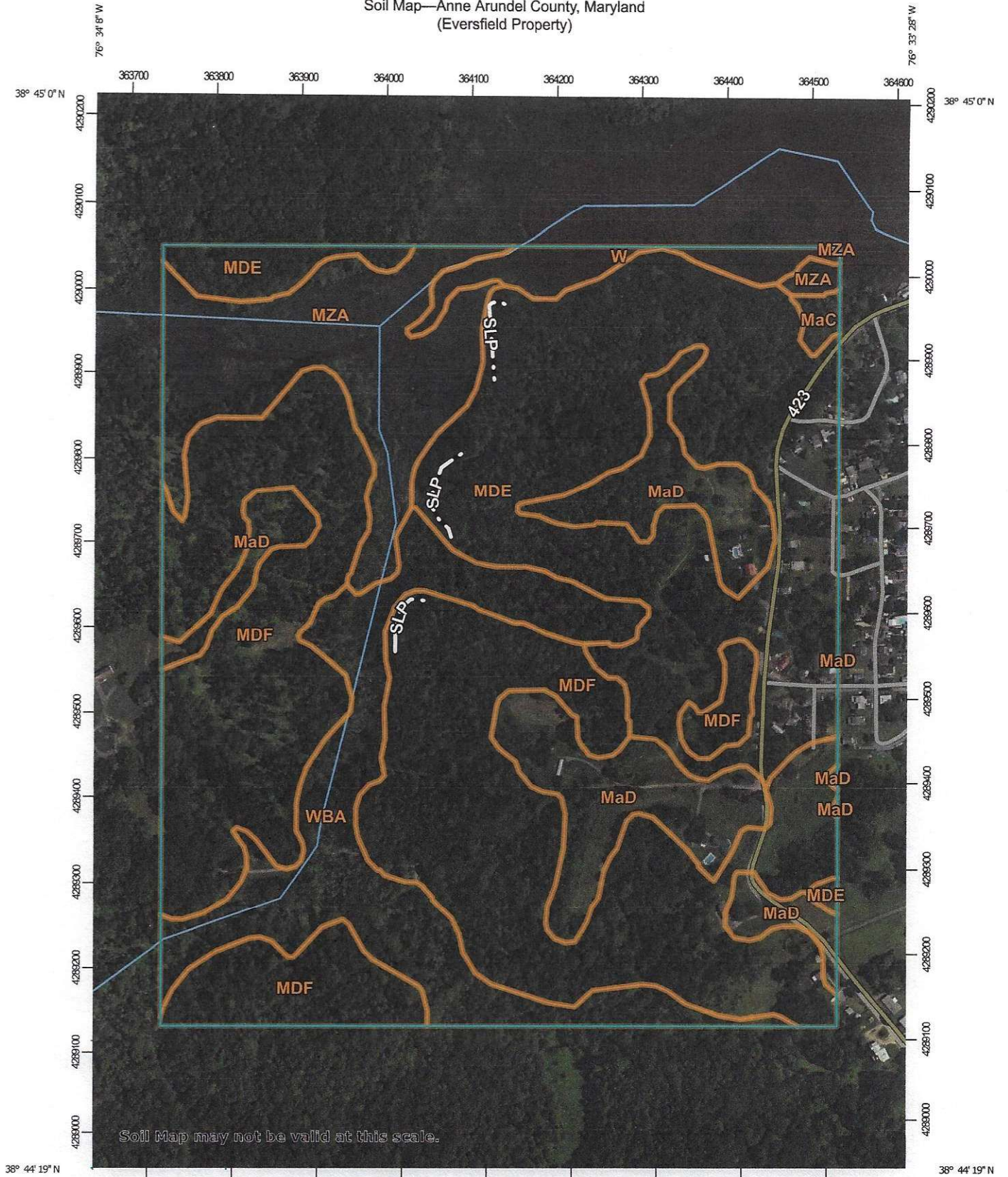
Fig. 9



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

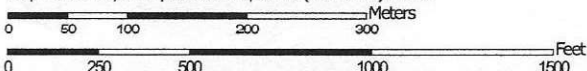
Calvert County, County of Anne Arundel, VITA, Esri, HERE, HERE, INCREMENT P, Intermap, USGS, METINASA, EPA, USDA | MD iMAP, DoIT | MD iMAP, USA | MD iMAP, USGS | MD iMAP, USGS | HERE, HERE, INCREMENT P, Intermap, USGS, METINASA, EPA, USDA, MD iMAP, MDP, SDAT, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METINASA, EPA, USDA, Maryland Department of Natural Resources

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



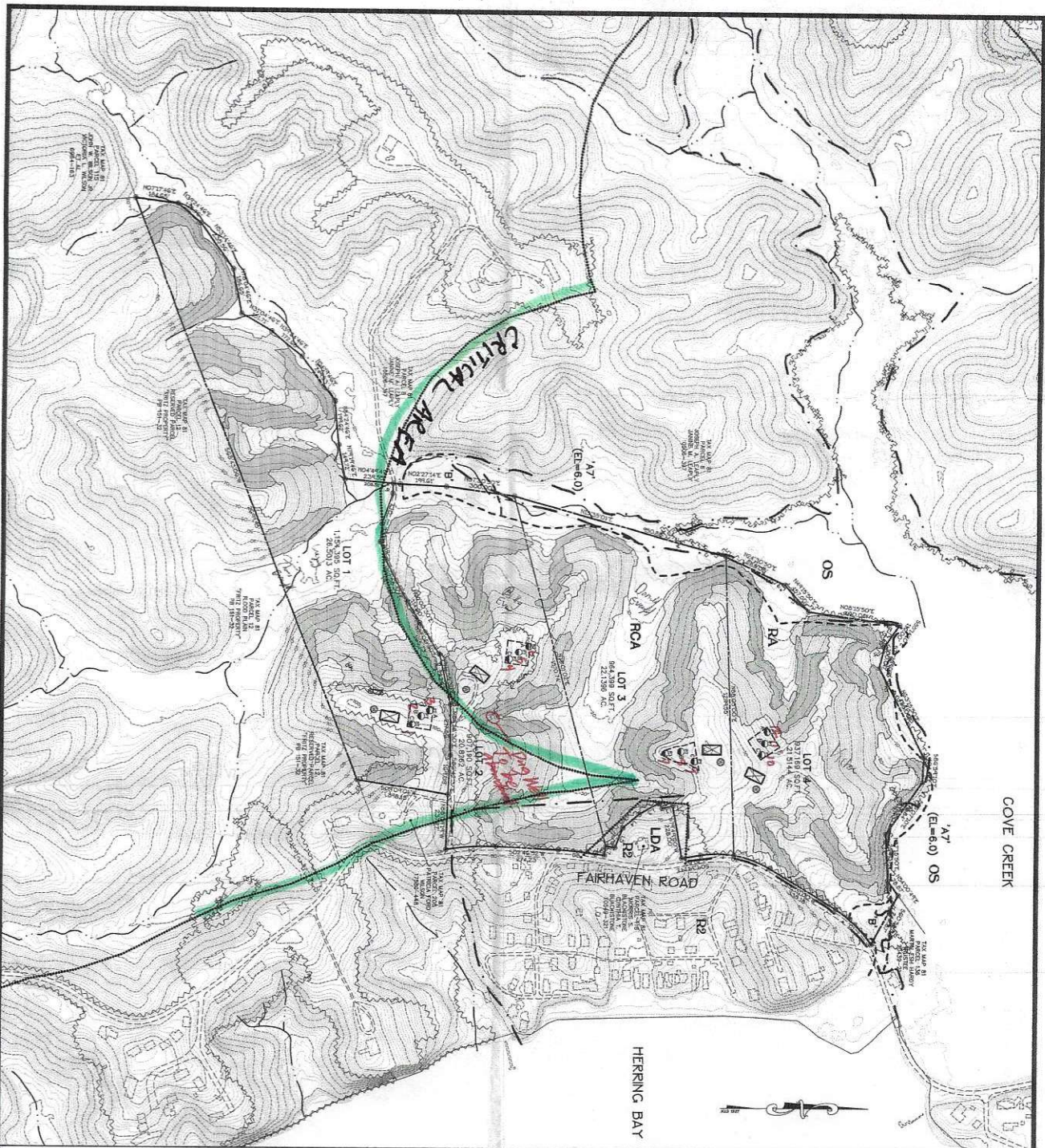
Soil Map may not be valid at this scale.

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



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

Fig. 10



LEGEND

- PROPOSED LOT LINE
- EXISTING LOT LINE
- EXISTING CONTIGUOUS PROPERTY
- EXISTING BUILDING
- EXISTING FENCE
- EXISTING STREAM
- OS ZONING LINE
- LDA ZONING LINE
- 100' - 500' SLOPES
- 100' AND SHARPER SLOPES
- PROPOSED PERC TEST
- PROPOSED WELLS
- PROPOSED FENCE

CRITICAL AREA

LOT 1: 1,136.00 SQ. FT. (26.2013 AC.)

LOT 2: 6,071.90 SQ. FT. (13.9292 AC.)

LOT 3: 864,339 SQ. FT. (22,129.8 AC.)

LOT 4: 1,321,514 SQ. FT. (30,468.3 AC.)

FAIRHAVEN ROAD

HERRING BAY

COVE CREEK

OS (El.=6.0)

A7 (El.=6.0)

RCA

BA

LDA

CONVEYANCE: EVERSFIELD, BARBARA V, EVERSFIELD, DONALD V, EVERSFIELD, 677 FAIRHAVEN ROAD, HYCOON LINDSAY, MARYLAND 20779

NOTES:

- 675 FAIRHAVEN ROAD, HYCOON LINDSAY, MARYLAND 20779
- DEED 3549-236
- THIS IS WITHIN THE CRITICAL AREA ZONES RCA & LDA
- SITE SERVED BY BRAYNE WELLS (WATER PACE #12)
- SITE SERVED BY BRAYNE WELLS (SEWER PACE #12)
- SITE AREA: 8,439,851 SQ. FT. OR 203.815 ACERS (PAC #12)
- SITE IS IN FLOOD ZONE "B" & "A7" PER FEMA/FIRM COMMUNITY FLOODING DATA
- TOPOGRAHY SHOWN HEREON IS PER ANNE ARUNDEL COUNTY AERIAL PHOTOGRAPHY

LEGEND

PROPOSED LOT LINE

EXISTING LOT LINE

EXISTING CONTIGUOUS PROPERTY

EXISTING BUILDING

EXISTING FENCE

EXISTING STREAM

OS ZONING LINE

LDA ZONING LINE

100' - 500' SLOPES

100' AND SHARPER SLOPES

PROPOSED PERC TEST

PROPOSED WELLS

PROPOSED FENCE

CRITICAL AREA

LOT 1: 1,136.00 SQ. FT. (26.2013 AC.)

LOT 2: 6,071.90 SQ. FT. (13.9292 AC.)

LOT 3: 864,339 SQ. FT. (22,129.8 AC.)

LOT 4: 1,321,514 SQ. FT. (30,468.3 AC.)

FAIRHAVEN ROAD

HERRING BAY

COVE CREEK

OS (El.=6.0)

A7 (El.=6.0)

RCA

BA

LDA

PERC PLAT

**WILLIAM C. EVERSFIELD
ET AL PROPERTY**

DEED 3549-236
TAX MAP 81 GRID 12 PARCEL 45
EIGHTH ELECTION DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

AA 1320

ADVANCED SURVEYS

2500 WEST WARD ROAD, SUITE 103
DANVERS, MARYLAND 20744
410-286-9762 1-800-286-4681
FAX: 410-286-9768

STATE OF MARYLAND

OFFICE OF THE REGISTERED PROFESSIONAL LAND SURVEYORS

679-11/413

FILE #AA 2732 PROJECT #31100

DATE

REVISION

BY

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>NA</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
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0	0
LDA Area	0.67	29,198
RCA Area	62.396	2,717,969
Total Area	63.066	2,747,154

Total Disturbed Area

Acres	3.136
Sq Ft	136,613

of Lots Created *4*

	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
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure
 Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

2023-0176-V - expanded buffer

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
12/10/2024
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
10/23/2024
Status
Complete w/ Comments
Status Date
12/17/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
The original submission in August 2023 included variance requests for the proposed development on the proposed lots. This Office indicated that those requests could not be supported. Lots created after the implementation of the Critical Area Program do not qualify for grandfathering provisions and must comply with the regulations currently in place, without the benefit of variance approval. The applicants have worked to reconfigure the proposed improvements including septic and well locations to eliminate the need for variances for development on the new lots. This revised variance request is for road improvements to the existing road that currently falls within the expanded buffer. The existing road provides access to this parcel as well as additional dwellings located behind this parcel. The proposed improvements were coordinated with public safety agencies and will improve their access to the homes in this area. Although the subdivision is the mechanism by which this Office can obtain the proposed upgrades to the roadway, these are not considered to be a direct result of the subdivision of the property. This Office has no objection to this proposal as submitted. It should be noted however that the subdivision review is not complete and additional revisions could be required prior to approval. These revisions could result in the need for additional variances. It should be noted that the applicant is proceeding at their own risk by seeking a variance at this stage since there is no guarantee that any future requests would be supported.

Time Tracking Start Date
No

Est. Completion Date

Display E-mail Address in ACA **Display Comment in ACA**

In Possession Time (hrs)
Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

CAC Comments: 2023-0176-V: Primeau_AA 182-24 Eversfield

1 message

Jennifer Esposito <jennifer.esposito@maryland.gov>

Thu, Dec 12, 2024 at 5:00 PM

To: Sara Anzelmo <pzanze99@aacounty.org>

Cc: Kelly Krinetz <PZKRIN00@aacounty.org>, Sadé Medina <pzmedi22@aacounty.org>

The Critical Area Commission has reviewed the aforementioned variance and appropriate mitigation is required.

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

The above comments have been uploaded to the County's online portal.



 facebook_logo.jpg

 twitter_logo.jpg

dnr.maryland.gov/criticalarea

Jennifer Esposito

Project Manager

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Contact Information:

Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov



STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2023-0176-V

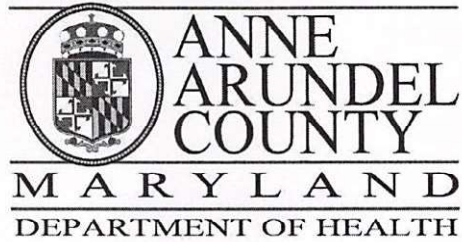
DATE: October 28, 2024

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the "FROM" field.

DATE: November 1, 2024

RE: William C. Eversfield
675 Fairhaven Road
Tracys Landing, MD 20779

NUMBER: 2023-0176-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow disturbance to the expanded buffer for access to a prosed four (4) lot subdivision in the RCA.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



Mark Wedemeyer, Director

Memorandum

To: Sumner Handy, AICP, Zoning Division, Office of Planning and Zoning

From: Ram L. Shrestha, P.E., CFM, Engineering Division, Department of Inspections & Permits

Date: August 12, 2024

Subject: Eversfield Property
Subdivision Number: S23-006, Project Number: P23-0009-00 NM
Tax # 8000-0046-3400
Variance # 2024-0176-V

Request – Variance to allow a to disturb steep slopes and steep slopes buffer in the critical area.

Project Scope/Description - The property is located in Tracy's Landing, address 675 Fairhaven Road. The property consists of 90.4878 acres and mostly zoned RA and with an overlay of critical area, RCA. The purpose of the project is to create four single family residential lots.

Review - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

1. The property will be served by private individual well and septic system
2. The proposed Lots will gain access directly from Fairhaven Rd. (MD 423). Disturbance is required for existing driveway widening and improvements and new entrance to access lots.
3. The disturbance to steep slopes and buffer for the access to the lots 1 & 2 will be 851.21 square foot and 558.28 square foot to lots 3 & 4.

Determination/Recommendation – Based on the above review comments, this office recommend the variance request approval from an Engineering and/or Utility review.



8

9

Bay Area

Tax Account Number: 800000463400