VANDERMAST PROPERTY
CHESAPEAKE BAY CRITICAL AREA
GROWTH ALLOCATION REVIEW COMMITTEE REPORT
MAY 1, 2008

Growth Allocation Recommendations

Based upon our review of the applicants' Growth Allocation package, we recommend approval of the Growth Allocation request for the Vandermast project, with the conditions listed below. We further recommend that the Baltimore County Planning Board and Baltimore County Board of Appeals require that these approval conditions be shown on both the Development Plan and record plat for the project, to ensure that they are implemented. Implementation of these conditions is necessary in order for the project to meet all of the goals of the County's Chesapeake Bay Critical Area law listed in §32-3-311 (d) of the Code.

Chesapeake Bay Critical Area Growth Allocation Approval Conditions

1. A maximum of 18.0 acres of Growth Allocation conversion from RCA to LDA shall be reserved for the Vandermast project. The portions of the property south of Vandermast Lane shall remain RCA. The final Growth Allocation acreage shall be determined by DEPRM at the time of record plat review.

2. No more than15 dwelling units shall be constructed on the Vandermast Property in association with this Growth Allocation request, all of which shall be single family dwellings.

3. Development of the property shall generally conform to the "Growth Allocation Request Plan: Site Proposal Map" dated December 2006 and to information contained in both the Growth Allocation Request document dated January 2008, and the Pattern Book dated January 2008. However, it is recognized that the referenced Site Proposal Map and documents are conceptual, and that variations will occur as the project proceeds through the County's development process.

4. Development of the property shall meet all Chesapeake Bay Critical Area LDA requirements outlined in the Baltimore County Code and the State Critical Area law and criteria.

5. All mitigation shown on the plan entitled "Chesapeake Bay Critical Area Management Plan" (CBCAM plan) shall be implemented by the developer within a timeframe established by DEPRM. A final mitigation plan shall be submitted to DEPRM for review and approval prior to any grading plan approval for the site. Any changes to the CBCAM plan will require prior written permission from DEPRM. At the discretion of DEPRM, the three-year monitoring requirement for mitigation plantings may be extended up to an additional two years to ensure establishment of a functioning forest or buffer.

6. A cost estimate for implementing the CBCAM plan shall be submitted to DEPRM for approval prior to grading plan approval for the project. A CBCAM security shall be posted with DEPRM via an Environmental Agreement prior to issuance of any grading or building permits.

7. All State, Federal, and County permits shall be obtained prior to implementing the tidal wetland/stream restoration and shoreline erosion protection portions of the CBCAM. Additionally, the applicants shall comply with all time of year restrictions for construction in tidal waters and streams.

8. No forest clearing or grading activities associated with widening Goff Road may occur within the Forest Interior Dwelling Bird habitat during the April through August breeding season for these birds.

9. All wetlands, buffers, forests, Habitat Protection Areas, and mitigation planting areas shall be protected via a 30' wide Critical Area Easement. The limits of this easement shall be shown on the record plat for the project, and recorded in the Land Records of Baltimore County along with an associated Declaration of Protective Covenants.

10. The applicants shall install permanent underground monuments and non-disturbance Critical Area Easement signs along the limits of all Critical Area Easements on the property within a timeframe determined by DEPRM. Prospective residents of the Vandermast site shall be notified in writing by the applicants about the presence and purpose of these easements and signs, and that they shall not be removed. Additionally, a note to this effect shall be included on the record plat for the project. The locations of these monuments and signs shall also be shown on the final CBCAM plan. DEPRM may require reference to the signs and monuments within the Critical Area Easement Declaration of Protective Covenants.

11. Given the shoreline protection concerns on the property, there shall be no piers and no walkways to Sue Creek permitted on Lots 1-12 and Lot 15. A note regarding the restrictions shall be included on the record plat for the property. Additionally, prior to record plat approval, the applicants shall prepare deed language regarding these restrictions, and submit this information to DEPRM for review and approval. These restrictions shall be recorded with the deeds for lots in the Land Records of Baltimore County prior to the sale of the lots. Evidence of this recordation shall be provided to DEPRM prior to building permit issuance for Lots 13-15.

12. Details of proposed pier access paths for Lots 1-12, including path locations, cross-sections, and substrates shall be shown on the final CBCAM, grading permits, or building permits for the Vandermast Property, as determined by DEPRM. In order to ensure that buffer impacts associated with the paths are minimized, DEPRM may require that the paths be flagged in the field prior to approval of any of these plans.

13. Maintenance of the Critical Area Easement, shoreline protection measures, private drives and access roads, fencing, permanent underground monuments, and non-disturbance signs on the property shall be the responsibility of the applicants or their assigns, rather than Baltimore County. Prior to record plat approval, the applicants shall receive approval of a plan from DEPRM outlining long-term maintenance measures for these items.

14. Any proposed Homeowners Association Covenants shall receive approval by one or more the Growth Allocation Review Committee member prior to the release of any building permits.

15. Pursuant to Section 32-9-109 of the Code, the Hearing Officer shall condition any approval of the Development Plan upon receipt of Growth Allocation approval by both the Baltimore County Council and the State Critical Area Commission.

16. Any proposed significant changes to the site layout or proposed site uses will require written permission from one or more agencies on the Growth Allocation Review Committee, at the discretion of DEPRM. Any proposed changes to the Growth Allocation acreage or location of the LDA or RCA on the property may require approval from the State Critical Area Commission.

Growth Allocation Review Committee Signatures

By signing below, members of the Growth Allocation Review Committee for the Vandermast project indicate that they concur with the findings and recommendations contained within this report.

Patricia M. Farr, Committee Chairperson — 4/22/08
Department of Environmental Protection and Resource Management

W. William Koorman, III — 4/22/08
Department of Public Works

Donald T. Rascoe — 4-22-08
Department of Permits and Development

Jan M. Cook — 4/22/08
Department of Recreation and Parks

for Sharon S. Kobs — 4/23/08
Department of Economic Development

Andrew Gray — 4/22/08
Office of Planning

Case No. CBA-08-111 Growth Allocation Request

ORDER

THEREFORE IT IS, it is this 10th day of August, 2008, by the County Board of Appeals of Baltimore County,

ORDERED, that, by final action, the Application for an Award of Growth Allocation of 18 +/- acres on the Property to reclassify that acreage from RCA to LDA, as is more particularly set forth in Growth Allocation Application, be and the same is hereby GRANTED, subject to all actions (16) conditions set forth in the OARC report.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wilson, Panel Chairman

Andrew M. Belt

Maureen E. Murphy

ALL PIERS AND WATERFRONT CONSTRUCTION MUST COMPLY WITH SECTION 417 BCZR OR ZONING HEARINGS MAY BE REQUIRED.

SUE CREEK

NO PIERS ALLOWED

EX. PIER TO REMAIN (LOT #12)

EX. PIER TO BE EXTENDED (LOT #10)

PROP. PIER (LOT #11)

PROP. PIER (LOT #4)

PROP. PIER (LOT #5)

PROP. PIER (LOT #6)

PROP. PIER (LOT #7)

RELOCATION OF EX. PIER (LOT #4)

PROP. PIER (LOT #3)

EX. PIER TO REMAIN (LOT #2)

EX. PIER TO BE EXTENDED (LOT #1)

PROPOSED PATHWAY (TYP.)

PATHWAY (TYP.)

CRITICAL AREA EASEMENT 'A-1' 15.2 AC±

300' CRITICAL AREA BUFFER

P/O CRITICAL AREA ESMT 'A-1'

CRITICAL AREA ESMT 'A-2' 0.09 AC±

CRITICAL AREA ESMT 'A-3' 1.0 AC±

CRITICAL AREA EASEMENT 'A-4' 0.064 AC±

CRITICAL AREA EASEMENT 'B' 1.23 AC±

FOREST INTERIOR BIRD DWELLING AREA

P/O CRITICAL AREA EASEMENT 'C'

VANDERMAST LANE (PUBLIC)

GOFF ROAD (PUBLIC)

SANDPIPER DRIVE (PUBLIC)

END OF PUBLIC IMPROVEMENTS

Ex. locations of 30 ft. Wide Access/Egress/Utility Easements (10)

Va2 — SAV 2007 (Per Bayland Consultants & Designers, Inc.)

Va4 — SAV 2004 (Per Bayland Consultants & Designers, Inc.)

Ms2 — Mixed Sand

W-4 — Woodland

NT-1 — Non-Tidal Wetlands

NT-2 — Non-Tidal Wetlands

NT-3 — Non-Tidal Wetlands

NT-4 — Non-Tidal Wetlands

NT-5 — Non-Tidal Wetlands

ELEV. ±750

N 584,500

LEGEND

EXISTING

- STREAM OR TRIBUTARY
- PRELIMINARY 100-YR FLOODPLAIN
- Non-Tidal WETLANDS-SURVEYED
- Tidal WETLANDS-SURVEYED
- Va2 SAV 2007 (Per Bayland Consultants & Designers, Inc.)
- DrB, HtB SOIL LINE
- 15% SLOPES
- STEEP SLOPES & ERODIBLE SOILS CALCULATED BUFFER
- TREES SHRUBS EXISTING VEGETATION LIMITS BY TYPE
- SHORELINE MATURE HARDWOOD TREES (SMHT) to be protected
- SHORELINE MATURE HARDWOOD TREES (SMHT) TO BE REMOVED

PROPOSED REFORESTATION AREAS

- Within County 300 ft. CBCA Buffer
- Beyond County 300 ft. CBCA Buffer

ZONING

- LDA LIMITED DEVELOPMENT AREA
- RCA RESOURCE CONSERVATION AREA
- CHESAPEAKE BAY CRITICAL AREA 100 FT. EASEMENT AREA
- BALTIMORE COUNTY 300 FT. CHESAPEAKE BAY BUFFER EXPANSION AREA
- CRITICAL AREA EASEMENT
- EXISTING ELECTRIC/TELEPHONE POLE
- TBR TO BE REMOVED

SEE GROWTH ALLOCATION REPORT FOR DETAILED TABULATIONS OF ALL AREAS.

0' 25' 50' 100'

SCALE: 1"=50'

NORTH MCS

VANDERMAST PROPERTY

FINAL DEVELOPMENT PLAN

HEARING OFFICERS HEARING AND ZONING HEARING TO BE COMBINED

PROJECT NAME:
VANDERMAST PROPERTY

PLAN TITLE:
FINAL DEVELOPMENT PLAN

PROJECT MANAGER: Colleen Kelly
REGIONAL PLANNING DISTRICT: 326
COUNCILMANIC DIST: 6
ELECTION DIST.: 15
PDM NUMBER: IS-191
GM: 11.27.07
PLANNING BOARD MEETING: 5.01.08, 5.15.08
BOARD OF APPEALS: 5.21.08

APPLICANTS:
VANDERMAST, MITCHERLING & MITCHERLING, LLC
1205 YORK ROAD, SUITE 10
LUTHERVILLE, MD. 21093
410-323-9400

REVISIONS:

OFFICE OF PLANNING AND ZONING
APPROVED BY:
Director of Planning — Date
Director of P.D.M. — Date

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE DEVELOPMENT PLAN DATED 03/05/2008 & HAVE PREPARED WITH DUE DILIGENCE THIS FINAL DEVELOPMENT PLAN PURSUANT TO THAT APPROVED DEVELOPMENT PLAN.
DAVID A. VANALTHE — DATE 3/24/10

THIS FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT PLAN AND ALL OTHER PLANS AND/OR ZONING AND DEVELOPMENT HEARING ORDERS.

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
SURVEYORS
LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
(410) 944-9690, (410) 944-6641

DATE: MARCH 23, 2010
SCALE: 1" = 50'
C.I.: 2'
PROJ. NO.: 02623H
SHEET 2 OF 3

"PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 22066 EXPIRATION DATE: 7/30/10."

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