

DECISION

TALBOT COUNTY BOARD OF APPEALS

Appeal No. 21 -1719

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals (the Board) by virtual means beginning at 6:30 p.m. on April 5, 2021 on the Application of **Andrew W. Knox and Jacqueline A. Knox** (collectively, the Applicant). The virtual hearing was continued to April 19, 2021 at 6:30 p.m. to permit the Applicant to provide additional information on storm water management.

The Applicant is requesting a critical area variance from the expanded buffer requirements for highly erodible soils/steep slopes to permit an encroachment of twelve and three tenths feet (12.3') into the expanded buffer to construct a twenty-four foot (24') by thirty-four foot (34') two story addition to the existing dwelling. The request is made in accordance with Chapter 190 Article III, §190-15.11.C.2 and Article VII § 190-58 of the *Talbot County Code* (the Code). The property is located at 32703 Discovery Drive, Easton, MD 21601, in the Rural Conservation/Rural Residential (RC/RR) Zone. The property owners are Andrew W. and Jacqueline A. Knox. The property is shown on Tax Map 27 Grid 18 Parcel 50 as Lot 8.

Mr. Phillip Jones, Chairman, introduced himself and the other members of the Board: Frank Cavanaugh, Vice Chairman; Louis Dorsey, Jr., Paul Shortall, and Zakary A. Krebeck, members. Anne C. Ogletree, attorney for the Board of Appeals, was present. Mr. Salinas identified himself and the other staff members present at the hearing: Maria Brophy, Project Manager, Brennan Tarleton, Planner, and Christine Corkell, Board Secretary. The representatives for the Applicant virtually or telephonically present for the hearing were: Mr. Zachary A. Smith, Esq., Armistead, Lee, Rust and Wright, P.A., 114 Bay Street, Building C, Easton, MD 21601, the attorney/agent for the Applicant; Elizabeth Fink, of Fink, Whitten & Associates, LLC, 113 E. Dover Street, Easton, MD 21601, the Applicant's land planner; and Ms. Jacqueline Knox, 32703 Discovery Drive, Easton, MD 21601 one of the Applicants. Mr. Salinas reported that there were no other members of the public present virtually or by telephone.

The Chairman inquired if all members had visited the site individually. He received affirmative responses from each member. He asked Ms. Fink and Ms. Knox to raise their right hands and be sworn. Once the two witnesses were sworn, the following Board exhibits were then offered and admitted into evidence as indicated:

Exhibit 1. Application for a Critical Area Variance with Attachment A;

Exhibit 2. Tax Map with subject property highlighted;
Exhibit 3. Notice of Public Hearing for Star Democrat;
Exhibit 4. Newspaper Confirmation;
Exhibit 5. Notice of Public Hearing with list of adjacent Property Owners
Exhibit 6. Critical Area Variance Standards with Attachment B;
Exhibit 7. Staff Report prepared by Maria Brophy, Planner II;
Exhibit 8. Sign Maintenance Agreement/ Sign Affidavit;
Exhibit 9. Comments from Critical Area Commission Staff;
Exhibit 10. Authorization letter;
Exhibit 11. Independent Procedures Disclosure and Acknowledgement Form;
Exhibit 12. Aerial Photos;
Exhibit 13. High Banks Statement of Reservations, Taxes and Assessments;
Exhibit 14. Existing First and Second Floor Plans (2 pages);
Exhibit 15. Site Plan, prepared by Whitten & Associates, LLC;
Exhibit 16. Floor Plan and Elevation Plans, prepared by CDB, Cohee Design Build, Inc.

The Board also accepted Applicant's Exhibit 1, a proposed storm water planting diagram (requested by the Board during the April 5, 2021 hearing, and sent to all members and counsel on the afternoon of 4/19/2021)

Applicant's Exhibit 1. Applicant's Proposed Storm Water Planting Plan.

Mr. Jones recognized Mr. Smith and requested he proceed with his prepared presentation. Mr. Smith explained that the Applicants had purchased their home in its currently existing condition knowing it was not perfect but believing that they would be able to make it into the home they wanted it to be. They love the property -- however, the site is challenging. There are steep slopes characterized by ravines on the shoreward slope of the property and a large part of the eastern portion of the property is tidal wetlands. The property is heavily forested. A large portion of the property does lie within the Shoreline Development Buffer and the expanded Shoreline Development Buffer (hereinafter, the Buffer). There is little usable area on this property. The proposed improvements will encroach about twelve (12) feet into the expanded Buffer, while utilizing most of the existing graveled parking area. No forest would have to be cleared. The proposed improvements will provide the Applicant with the space necessary to accommodate a growing family while making as small an incursion into the expanded Buffer as

possible. He believed that this property is one in which the site limitations must be taken into account in evaluating the necessity required to justify a variance. The proposed expansion is modest given the size of other similar properties in the area. He noted that the Staff Report (Exhibit 7) mentioned that the neighboring property had received a similar variance for a multi-car garage/shop. While recognizing that all variance applications were different, he felt that the adjoining property had similar site constraints and had received Board approval. (Stanhope Appeal No. 18- 1677).

Mr. Smith called his first witness. He asked Ms. Knox to state her name and place of residence. Once the introduction was made, he invited Ms. Knox to provide the Board with the Applicant's concerns and requests. Ms. Knox testified that she and her husband own the property at 32703 Discovery Drive. It is their principal residence. The Applicant acquired the property in 2014, and the existing residence was already there -- she believed it was built in 1984. The existing residence contains approximately two thousand one hundred square feet (2,100 sq. ft.) of living space, exclusive of the unfinished basement level. She thought the size of the residence was in the mid-range for properties in High Banks. The projected improvements will create new bedrooms on the second floor so that children can reside on the same level as the parents. The new garage will permit both the Knoxs' vehicles to be garaged inside, as well as providing additional storage area. She added that the current garage is really too small to be practical.

Mr. Smith asked the witness to explain how she and her husband had arrived at the dimensions of the proposed addition *i.e.* twenty-four feet by thirty-four feet (24' x 34'). She responded that the proposed garage size was what is usually considered standard for two (2) vehicles. The living area was being revamped with a growing family in mind, and was the size necessary to provide adequate space for the new bedrooms. Ms. Knox clarified that placing the addition on the west side of the structure was dictated by site constraints -- the well's location made building forward impossible; the septic is located on the other side of the house, precluding building there; and the slope to the marsh prevents significant expansion to the rear.

Mr. Smith asked if the proposed location would require significant grading or tree removal. Ms. Knox described the area as being nearly flat behind the existing garage and currently graveled. She believed there was one tree that would have to be removed. The entrance drive will remain on that side of the property to reduce the soil disturbance.

Mr. Smith commented that the new construction shown on the site plan indicates that the addition will be in line with the rear of the existing structure, but will 'bump out' six feet (6')

beyond the lines of the existing garage on the landward side of the existing structure. Ms. Knox agreed with Mr. Smith observing that there was no other location on the property that could be used to create the necessary additional living space without causing additional environmental difficulties.

The Applicant's second witness was Ms. Elizabeth Fink, a land planner whose office is located in Easton. Following her introduction, Mr. Smith asked her to confirm that the High Banks subdivision, of which this property is a part, was created during the 1970's and prior to the enactment of the Critical Areas legislation. Ms. Fink acknowledged it was created during the 1970s prior to the Critical Areas enactments. In response to a question from Mr. Smith she opined that High Banks was one of the most challenging subdivisions in which a land planner could work. Not only were there steep banks, but difficult soils, major forest cover as well as wetlands that made site planning difficult. In the Knox property case, the site constraints dictated where the improvements could be expanded to provide the additional living space. She agreed with Ms. Knox that there was really no other place on site where an addition could be placed without major soil and forest disturbances. Despite this being the only really viable location, the projected addition will have to encroach twelve and three-tenths feet (12.3') into the expanded Buffer. Ms. Fink clarified that there is no actual encroachment into the one hundred foot (100') Shoreline Development Buffer, but due the steep slopes there is an expanded Buffer on this property. The encroachment is into the expanded Buffer. Ms. Fink believed the project complied with the intent of the Critical Areas laws. Based on her knowledge of the site, with its substantial limitations she thought that the encroachment into the expanded Buffer was the minimum adjustment necessary to allow the Applicant the requested relief and would create the least environmental impact. There being no other witnesses on behalf of the Applicant, Mr. Smith inquired if the Board had any questions.

Mr. Dorsey asked the Applicant to clarify a matter concerning the existing floor plan, Exhibit 14. He wished to understand whether there were two bedrooms on the first floor. Ms. Knox stated that there were two existing bedrooms on the basement level, as well as the unfinished areas of the office and utility room. The Applicants wished to move the bedrooms to the second floor to be closer to the master bedroom. And to provide better supervision for children. The other improvements will create a great room and transform the existing space into a larger living area to accommodate the growing family.

Mr. Dorsey had a question regarding critical area variance standard five (5) and the effect of the proposed improvements on water quality. He did not see any documents addressing the

drainage for the new addition, or stormwater management and wanted to know how the Applicant proposed to handle those issues. Ms. Fink responded that stormwater management was generally handled during the building permit process after consultation with and review by the Department of Public Works (DPW). Grade emitters used in connection with downspouts were often employed, but might not be permitted in this case because the discharge would then be into the Buffer. She was confident that a strategy could be designed but had not explored alternatives in depth at the time of the hearing, as stormwater management was usually handled at the building permit stage. Her firm had assisted with the variance for the neighboring property, and it had not been an issue there.

Mr. Jones commented that each variance was unique, and although there were similarities in the site there were differences as well. He felt that the Prager variance, recently granted by the Board, was a closer parallel. In that case there was a house at the top of the bank as well, and the Applicant went into great detail concerning how the stormwater was to be handled. He thought Mr. Dorsey's concerns were on point, especially as the entrance to the garage, as it currently exists is right at the top of the slope. In the Prager case the Board had asked for specific mitigation at the top of the slope to deal with run off. This is a difficult site. It is the Applicant's burden to show how the proposed improvements will not adversely affect water quality, and it has been the Board's position that the stormwater facilities proposed should hopefully improve the situation.

Ms. Fink stated that regretfully she was not prepared to fully answer. She had not addressed what would be installed as stormwater management was something she did not ordinarily address at the Board level, but rather at the permitting stage. At that level she not only has to address the quantity of the runoff, but the water quality resulting from the discharge. What she was able to say is that the discharge will be handled, perhaps by swales, and probably use some emitters to drain outside the Buffer, however she could not say exactly what devices would be employed.

Mr. Smith felt it was important to clarify what he believed the critical area variance standard meant. He acknowledged that the standard would have to be met, but at a later stage in the development process.

Mr. Jones disagreed. Without testimony addressing the water quality issue at this level, the Board is unable to grant a variance. He told Mr. Smith that it is not sufficient to say the stormwater issue would be addressed at a later stage in the process. That critical area variance

standard must be addressed before the Board. The members must understand how it will be addressed. That is the Board's responsibility, and it has not been sufficiently addressed at this point.

Mr. Smith suggested that the testimony previously given was that there would be little soil disturbance and no forest would be cleared. Both of those conditions would prevent any adverse effect on water quality. The Applicant would be comfortable with a condition that required stormwater management to be addressed at the permitting stage. He wished that he were able to present such a plan to the Board, but it currently did not exist. He believed that a suitable condition in conjunction with the testimony by the Applicant and Ms. Fink would be sufficient response to the requirements of the variance standard. Ms. Fink stated that from her experience in obtaining building permits, the stormwater process was rigorous.

Mr. Jones asked if Mr. Dorsey had additional comments. Mr. Dorsey stated he was having technical difficulties and had not heard Mr. Smith's complete explanation. Board's counsel summarized Mr. Smith's argument and Ms. Fink's testimony, adding that the Board had required more in the Prager matter. Mr. Dorsey stated he had no additional questions, but he felt that in order to be consistent with the reasoning the Board had discussed at length in the Prager case it should hold the Applicant to the same standard. Simply laying the responsibility off on the permitting process was insufficient. The standard should be addressed before the Board.

Mr. Jones asked if Mr. Krebeck had concerns. He did. While he understood that the Applicant might not have all the engineering for any proposed plans in place, he believed it was possible to present a concept plan regarding stormwater management at this stage of the proceeding. The Board needs a general understanding regarding how the issue is to be addressed with the additional understanding that the proposal may change when reviewed by DPW at the permitting stage. He noted that the Applicant had also not dealt with the issue of Forest Interior Dwelling Species (FIDS) habitat before the Board. Since only one tree was to be removed, and since the area was at the edge of the forest, he thought that dealing with that issue by condition was not as big a concern to him. He inquired about a storage trailer on site. Ms. Knox advised it was temporary and would be removed following the renovations.

Mr. Shortall had no questions. His issues had been addressed by Mr. Dorsey. He believed the Applicant would be able to address stormwater, but felt he needed more information on how it was to be addressed before the application went further.

Mr. Cavanaugh had the same two concerns. He could not determine if the Applicant had an acceptable plan in place regarding the stormwater issues, although it might be dealt with by condition. He also had the same concerns regarding the FIDS study and thought it, too, might be handled by condition.

Mr. Jones wanted to clarify the temporary storage testimony. He asked if the trailer had electrical service. Ms. Knox stated it did not, but explained that the trailer was one her husband, an electrician, used for work, and that it could be connected to electrical service at a job site, but was not connected at her residence.

Before the Board discussed the evidence and made a decision, Mr. Jones asked if Mr. Smith had additional comments. Mr. Smith used the opportunity to apologize for the lack of a detailed stormwater management plan. He was unaware that the Board was going to require such a plan at this stage of the proceeding and thought that normally such a technical plan would be hammered out at the permitting stage. Board's counsel corrected him, stating that she understood the Board said it wanted to see a concept plan as to how stormwater was going to be addressed, not the detailed engineering plan that DPW would later review.

Mr. Smith continued saying he thought Ms. Fink had explained there would not be an adverse effect on water quality, but hoped that if the Board did not feel the testimony sufficient it would allow the Applicant additional time to allow it to submit a concept plan rather than deny the application.

Mr. Jones commented that this site was difficult. He felt that the stormwater impact was more severe on this site than on almost any other that the Board had seen. On the neighboring property, Stanhope, it was clear that the stormwater could be handled without impacting the site. That is not true on this property. Mr. Dorsey had recognized that the Applicant would be demolishing a part of the site and replacing it with something larger. The replacement is going to affect runoff. His very cogent question was "How is that going to be handled?"

Mr. Jones observed that the variance process makes it the Applicant's responsibility to provide the Board with evidence as to how stormwater management will be done. It need not be the final engineered plan, as the Board is aware there may be changes, and if those changes go too far from the Board's approval, the project will have to come back. In this case, however, the Board has not been presented with a plan – any plan – and for this property stormwater is more of an issue than it normally would be on other sites.

Sometimes the Board is willing to rely on DPW regarding stormwater where the situation is straight forward. This is not such a case. Although Mr. Jones could understand the Applicant's wish to move forward expeditiously, he did not feel that the stormwater issue had been adequately addressed. The Applicant needed to be painstaking when addressing the issues engendered by a site as constrained as the property being currently considered. He was willing to give the Applicant the additional time necessary to address the Board's concerns by submitting a concept plan. He did not feel that a condition was adequate given the issues surrounding this site.

Mr. Krebeck suggested that if Ms. Fink were able to say that, at a minimum, the Applicant would provide certain safeguards to address the stormwater issues he might be inclined to approve the project. Like the Chairman he felt that future applications should address the issues more completely.

Although she is not an engineer, but a land planner, and thus could not give specific plans, Ms. Fink commented that she thought that there would have to be a tapered swale with a gravel apron to treat the water before it enters the swale. The swale would have to lead away from the slope. Discharge of water into the Buffer is not permitted.

The Chairman asked Mr. Shortall to comment. Mr. Shortall agreed there had to be more submitted for consideration by the Board. He did not want to hold the Applicant up unduly, but wanted the issue more specifically addressed. Given the urgency of the request, he did not have a problem moving forward if the Applicant would accept a condition that the stormwater would have to be taken care of before the building permit was issued.

When queried by the Chairman Mr. Dorsey stated that he still had a concern that standard five (5) regarding stormwater and water quality was not adequately addressed. It is the Applicant's burden to meet, and it has not done so in his opinion. He was unwilling to move forward relying solely on the engineers and DPW to do the Board's job without a concept plan.

Mr. Cavanaugh commented that he would be willing to move forward with a satisfactory condition in place, but was having difficulty coming up with the wording for a condition that would address all his concerns. He recognized that it was the engineers who would approve the workings of the stormwater management plan, not the Board. Mr. Jones agreed, but clarified that the concern for the Board was whether there had been an adequate answer to standard five (5).

Board's counsel inquired if the Board was willing to give the Applicant a week or two to come up with a concept plan. Ms. Fink reminded the Board that stormwater management

concerned both quality and quantity. She did not feel comfortable spending her client's money to come up with a concept plan that would not be acceptable to DPW.

Board's counsel explained that a condition in the Prager appeal had required the Applicant to either proceed with the concept plan as submitted to the Board, or proceed with the plan eventually approved by DPW. Counsel reiterated that the Board needed more than a simple statement assuring them it would be 'ok'. Ms. Fink did not wish to be argumentative, but did not understand why stormwater could not simply be left to the experts at DPW. They are county representatives and know the requirements.

Mr. Smith commented that there were certain Board members who wished to see a concept plan. He asked how quickly Ms. Fink would be able to produce one. Mr. Jones suggested that Mr. Murtagh from DPW could testify, if necessary. He stressed that this is a Board of Appeals hearing, and that the Applicant has the burden of production of evidence. Stormwater is a key component of the water quality issue and at this point it has not been satisfactorily addressed. He believed it could be addressed to the Board's satisfaction, and would not require the detail necessary for an engineer. Applicants need to understand that the process requires them to come in with the reasons why the variance request meets the standards in the ordinance.

Mr. Smith requested a two (2) week continuance in which to make the additional submittal. Mr. Shortall suggested that if the continuance did not provide Ms. Fink with enough time, the Applicant could request additional time. Mr. Smith thought two (2) weeks would be sufficient time in which to produce the requested concept plan.

Mr. Krebeck made a motion to continue the hearing until 6:30 pm on April 19, 2021. The motion was seconded by Mr. Shortall and approved by all members.

The April 19, 2021 Meeting

Mr. Phillip Jones, Chairman, called the meeting to order at 6:30 pm on April 19, 2021. Board members present in addition to Mr. Jones were Frank Cavanaugh, Vice Chairman; Louis Dorsey, Jr., Paul Shortall, and Zakary A. Krebeck. Anne C. Ogletree, Board's attorney, was present. Mr. Salinas identified himself and the other members of the planning staff in attendance virtually or telephonically at the hearing: Maria Brophy, Project Manager, and Christine Corkell, Board Secretary. Michael Murtagh from the Department of Public Works (DPW) was in attendance. electronically. The representatives for the Applicant virtually or telephonically present for the hearing were: Mr. Zachary A. Smith, Esq., Armistead, Lee, Rust and Wright, P.A,

the attorney/agent for the Applicant; Elizabeth Fink, of Fink, Whitten & Associates, LLC, the Applicant's land planner; and Mr. and Ms. Andrew Knox, collectively, the Applicant. Mr. Salinas reported that there were no other members of the public present virtually or by telephone

Mr. Jones asked Mr. Smith to proceed with the Applicant's projected stormwater plan. Mr. Smith apologized for the late delivery of the Applicant's stormwater plantings exhibit, as it had been recently completed and was delivered to the Board Secretary for distribution on the afternoon of the meeting. Mr. Jones began by asking if the members had had a chance to review the submitted documents. The members all stated they had had an opportunity to review the exhibit. The Chairman accepted the proffered exhibit and it was admitted into evidence as Applicant's Exhibit 1. Mr. Smith asked Ms. Fink to present the Applicant's concept plan.

Ms. Fink reported that as the soil disturbance was less than five thousand square feet (5,000 sq. ft.), a full stormwater management plan was not required. After consultation with DPW it was anticipated that the additional runoff could be handled by strategically placed plantings. At the garage end of the structure the downspouts would be turned so that the roof water discharged into a planted area containing winterberry and false blue indigo shrubs. It was anticipated the plantings would slow down any discharge and allow the water to infiltrate naturally into the ground avoiding runoff to the steep slopes.

The second page of the exhibit showed a planted barrier of winterberry shrubs along the edge of the existing graveled area and running along the top of the bank to slow down any discharge and allow the water to infiltrate the planted area without discharge that would affect the steep slopes or highly erodible soils. The Applicant is proposing these two devices for stormwater control.

Mr. Jones asked the Board members for comment. Mr. Dorsey had a question about the downspouts on the existing garage. He thought they discharged underground. He understood that the proposal was to have them discharge above ground into a planted area. Ms. Fink agreed that was the plan. Mr. Dorsey had no other questions.

Mr. Krebeck thought that a planted area would certainly help the situation, and would probably count as a part of the required mitigation plantings. He would approve the suggested plan. Both Mr. Cavanaugh and Mr. Shortall agreed that the proposal was satisfactory. Mr. Jones concurred, adding that it was possible that DPW might suggest some additional changes.

There being no additional discussion the Board made the following findings of fact and conclusions of law:

1. The Applicant has submitted a written application for a Critical Area variance to allow encroachment of twelve point three feet (12.3') into the expanded Shoreline Development Buffer for steep slopes and highly erodible soils. Exhibit 1.
2. The public hearing was properly advertised, the property was posted, and the adjacent land owners were properly notified. Exhibits 3, 4, 5, 8 and 11.
3. The property in question is lot 8 of High Bank subdivision. The subdivision plat was recorded in 1974, antedating both the Critical Area Law and Talbot County Critical Area program. Staff Report Exhibit 7.
4. The cause of the request for variance is the Applicant's wish to construct improvements that, as currently proposed, encroach 12.3 feet into the expanded SDB for steep banks and highly erodible soils. The site plan Exhibit 15 shows the slopes.
5. Special conditions exist that are unique to this lot and the current improvements. In addition to the steep slopes, the lot is heavily wooded, and approximately half of the lot area consists of tidal wetlands. The house is currently situated on the top of the bank leading down to the shoreline. The well, septic system and the steep banks make expanding the residence impossible in any direction other than that shown on the proposed plans Exhibit 16 and the site plan.
6. A literal interpretation of the code would prevent the homeowners from enlarging their residence to provide space for a growing family. The requested addition is modest in size and is consistent with the size of other homes in the subdivision.
7. All property owners within the two zoning districts and the critical area are permitted to enlarge their homes. In this case, the unique location

of the existing residence at the edge of the expanded Buffer causes the need for the variance. It is not the result of actions by the Applicant, who purchased the residence in its existing condition.

8. The proposed planting concept plan Applicant's Exhibit 1, is designed to prevent run off. The planted areas will accept the discharge of water from the residence downspouts and allow it to infiltrate the ground rather than spilling over the steep banks and discharging into the river. The proposed plan will assist water quality by preventing erosion and allowing the run off to be handled on site.
9. Preventing the discharge of stormwater into the river will help critical area fish, wildlife and plant habitat by preventing 'silting in ' from erosion, and by not disturbing existing forest or wildlife habitat.
10. The encroachment is the minimum adjustment necessary to allow the Applicant the necessary space in which to construct a modest addition. This site is constrained not only by required setbacks, but by existing manmade obstructions (well, septic) placed on the property by prior owners.

For the reasons set out in the Board's findings, Mr. Cavanaugh made a motion that the requested variance permitting a twelve and three tenths foot (12.3) encroachment into the expanded Buffer be approved.

Mr. Shortall commented that the motion needed to be amended to include the staff conditions, especially those regarding FIDS habitat. A member suggested that the motion also include a condition similar to that crafted by the Board in the Prager matter that would permit deviation from the concept plan for storm water management if requested and approved by by DPW.

Mr. Cavanaugh accepted the amendments to his motion proposing the following:

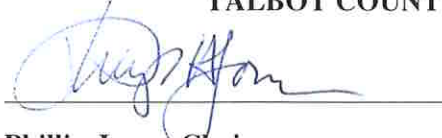
The Board approves the request by Mr. and Mr. Andrew Knox to permit the twelve and three tenths encroachment of a proposed addition to the residence located at 32703 Discovery Drive, Easton, Maryland subject to the following conditions:

1. The Applicant shall apply for and receive a Certificate of Non-Conformity for the existing lot coverage in the expanded Buffer.
2. The Applicant shall complete a Buffer Management Plan that complies with all requirements of the Critical Area Law.
3. The Applicant shall provide 3:1 mitigation for any permanent disturbance within the Buffer and 1:1 mitigation for any temporary disturbance within the Buffer.
4. The Applicant shall request a letter from the Department of Natural Resources Wildlife Heritage Division evaluating the property for a rare, threatened or endangered species, and shall adequately address any comments made.
5. In the event FIDS habitat is determined to be present and the addition results in any impacts to the forest or developed woodland areas on the property, the Applicant shall provide a Habitat Protection Plan meeting the development requirements outlined in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area".
6. The Applicant shall construct the stormwater management plantings and buffers as shown on Applicant's Exhibit A or shall construct a stormwater management system approved by the County Engineer.
7. The Applicant shall make application to the Office of Permits and Inspections and shall follow all rules, procedures and construction timelines required.
8. The Applicant shall commence construction of the proposed improvements within eighteen (18) months of the date of the Board of Appeals approval.
9. There being no further discussion, the Chairman called for each member to vote individually. Mr. Salinas called the role. The motion passed with a vote of five in favor, zero opposed

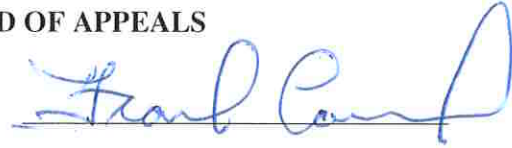
HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE TALBOT COUNTY BOARD OF APPEALS, ORDERED THAT THE VARIANCE BE GRANTED .

GIVEN OVER OUR HANDS, this 3rd day of June, 2021.

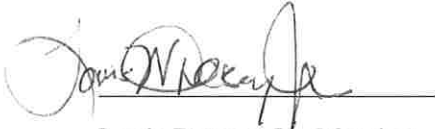
TALBOT COUNTY BOARD OF APPEALS



Phillip Jones, Chairman



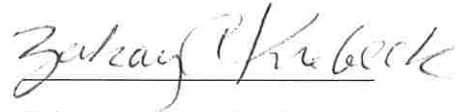
Frank Cavanaugh, Vice-Chairman



Louis Dorsey, Jr., Member



Paul Shortall, Member



Zakary A. Krebeck, Member