ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT
William B. Hunt, AICP, Director

COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

STAFF REPORT
Planning Commission Meeting of
August 26, 2019

Agenda Item #II

- **Reviewed in accordance with the Oak Crest Center PUD Development Plan, the St. Mary's County 1974 Comprehensive Zoning Ordinance and the St. Mary's County Comprehensive Zoning Ordinance #10-02 (parking lot landscaping, APF)**

ACTION REQUESTED: Review of a Concept Site Plan for a 118,800 square foot office and warehousing and storage facility.

I. DEVELOPMENT DATA

CONCEPT SITE PLAN # 19-13200005, Oak Crest Phase 1 Revision
(Zoning Ordinance 1974) Offices – business and professional; Wholesale business, warehouse, & service establishments
OWNER: Cecil's Mill LLC
AGENT: St. John Properties
LOCATION: 44780 Oak Crest Rd
TM-0034 GRID-0010 PAR-0292 ED-08 TAX ID-015546
LAND USE: Mixed-Use Medium-Intensity
ZONING: Industrial, I / AE / PUD-IP
ACREAGE: 134.38

Comprehensive Plan Page 3-6.
Development Districts. Development Districts are urban in pattern and form, designated for intensive residential, commercial and industrial development supported by a priority for provision of community facilities, services, and amenities.

Resolution Z-90-04.
The subject property is located within the Oak Crest Center Planned Unit Development (PUD-IP). Section IV of the approved development plan is attachment 10.

1974 CZO	CZO 10-02
CZO Article 8.7 C-1 Neighborhood Commercial District. Offices – business and professional	CZO Article 5 Use Type 63: Office. Offices of Firm(s) or organization(s) providing professional, executive, management, or administrative services, such as architectural, data management, engineering, interior design, graphic design, real estate, insurance, investment, law offices, physicians, dentists or chiropractors, including medical/dental laboratories incidental to the medical office use, emergency medical care offices and communications facilities located entirely within buildings. This use excludes financial institutions.
CZO Article 8.8 C-2 Highway Commercial District. Wholesale business, warehouse, & service establishments	CZO Article 5 Use Type 80: Warehousing and Storage. Long- or short-term storage of goods or materials produced off-site within an enclosed building prior to their distribution to wholesale or retail outlets. Except in the OBP zone, includes wholesaling and distribution centers facilities with sales of goods on-site. Excludes 'discount clubs' and similar establishments engaged in retail sales of bulk items.

II. PUBLIC HEARING NOTICE REQUIREMENTS (CZO 21.3):

The public notice for the Planning Commission Public Hearing was published in *The Enterprise* on August 7, 2019, and August 14, 2019. The property has been posted in accordance with CZO requirements, Section 21.3.3. Certified mail receipts have been received and have been entered into the record of this public hearing.

III. BACKGROUND INFORMATION;

a. The Concept Site Plan was reviewed at the TEC meeting held on March 27, 2019.

IV. APPLICABLE REQUIREMENTS:

a. St. Mary's County Comprehensive Plan. The land use for the subject property is Mixed-Use Medium-Intensity. A map showing the property and the land use designation is attached.

b. St. Mary's Comprehensive Zoning Ordinance. The zoning for the subject property is Industrial (I) with an AE Overlay and is within an approved Planned Unit Development (PUD-IP). A map showing the property and the zoning designation is attached.
   1) Oak Crest Center Development Plan, page 8: Any use permitted in the I-1, C-1, & C-2 as described in the 1974 CZO is permitted.

c. 60.6. Concept Site Plan

1) For all **non-residential** and multi-family residential projects that require major site plan approval, a concept site plan shall first be approved by the Planning Commission before the major site plan may be processed for approval by the Planning Director.
2) The applicant shall create a phasing plan if the project size exceeds the County Annual Growth Policy. **(Not applicable)**
3) At a regularly scheduled meeting, the Planning Commission shall receive information regarding the concept site plan from the applicant and the TEC. In addition, the Planning Commission shall consider any information presented by the public.
4) In order to approve the concept plan, the Planning Commission shall make findings that the proposed development:
   i. Is consistent with the Comprehensive Plan and applicable functional plans; the land use is Mixed-Use Medium-Intensity. All proposed uses are permitted by the approved PUD.
   To be determined by the Planning Commission
   ii. May be served by adequate public facilities as required by Section 70.2.2; the Adequate Public Facilities Report is attached.
   To be determined by the Planning Commission
   iii. Is consistent with the County Annual Growth Policy, including any required phasing plans;
   Not Applicable
   iv. Will promote the health, safety, and welfare of the general public;
   To be determined by the Planning Commission
   v. Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance;
   To be determined by the Planning Commission
   vi. Is consistent with Chapter 62 design objectives.
   To be determined by the Planning Commission

d. Section 61.3.1 Lighting Standards: Not shown on the Concept Site Plan; will be addressed on the Major Site Plan.

e. Section 62.3.1 Countywide Design Standards: Shown on the Concept Plan. Compliance to be determined by the Planning Commission as part of its review of section 60.6.4.vi .

f. Section 63.2. Landscaping: Conceptual landscaping has been shown on the Concept Site Plan and must be approved by the Planning Commission.

g. Section 63.3. Buffer Yard Requirements: Per the approved Development Plan, a 75' Type 'E' Buffer Yard is required where adjacent to RL zoned property. The Concept Site Plan shows the buffer yard as required.

h. Section 64 Parking Requirements: The number of parking spaces required is 328. The plan proposes 328 parking spaces including 16 ADA spaces.

i. Section 71 Sensitive Area Analysis: Impacts are proposed to the Non-tidal Wetland Buffer. The applicant has received authorization from the State of Maryland Department of the Environment Water and Science Administration (attached).

V. OUTSTANDING ISSUES:

a. None

VI. MOTION:

In the matter of CONCEPT SITE PLAN # 19-13200005, Oak Crest Phase 1 Revision, having accepted the staff report and having made a finding that the objectives of Section 60.6 of the Comprehensive Zoning Ordinance have been / have not been met, and noting that the referenced project has / has not met all requirements for concept approval, I move that the concept site plan be DENIED / APPROVED / APPROVED WITH THE FOLLOWING CONDITIONS:

VII. FINAL APPROVAL:

Following approval of the concept site plan, a final site plan must be prepared and approved by the TEC agencies and Director of the Department of Land Use and Growth Management (CZO 60.6. 1. f. 6). Approval of a final site plan by the Director shall be based on a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the new development. Prior to signature approval of any site plan approved by the Planning Director, all necessary legal arrangements and financial guarantees required under this chapter shall be executed (CZO 70.2.2).

VIII. EXPIRATION:

An approved **concept site plan** shall expire two years after the date of such approval unless final site plan approval has been obtained. Final approval of a major or minor site plan submitted under the provisions of this chapter shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith (CZO 60.9.1). A single one-year extension may be given by the Director upon written request by the applicant to be made within 30 days before the expiration of the **approved concept site plan** or final site plan. The Planning Director shall act on the request within 15 days of receipt of the request (CZO 60.9.2).

Signed: Laura Kay
Laura Kay, Planner III
August 19, 2019

ATTACHMENTS:

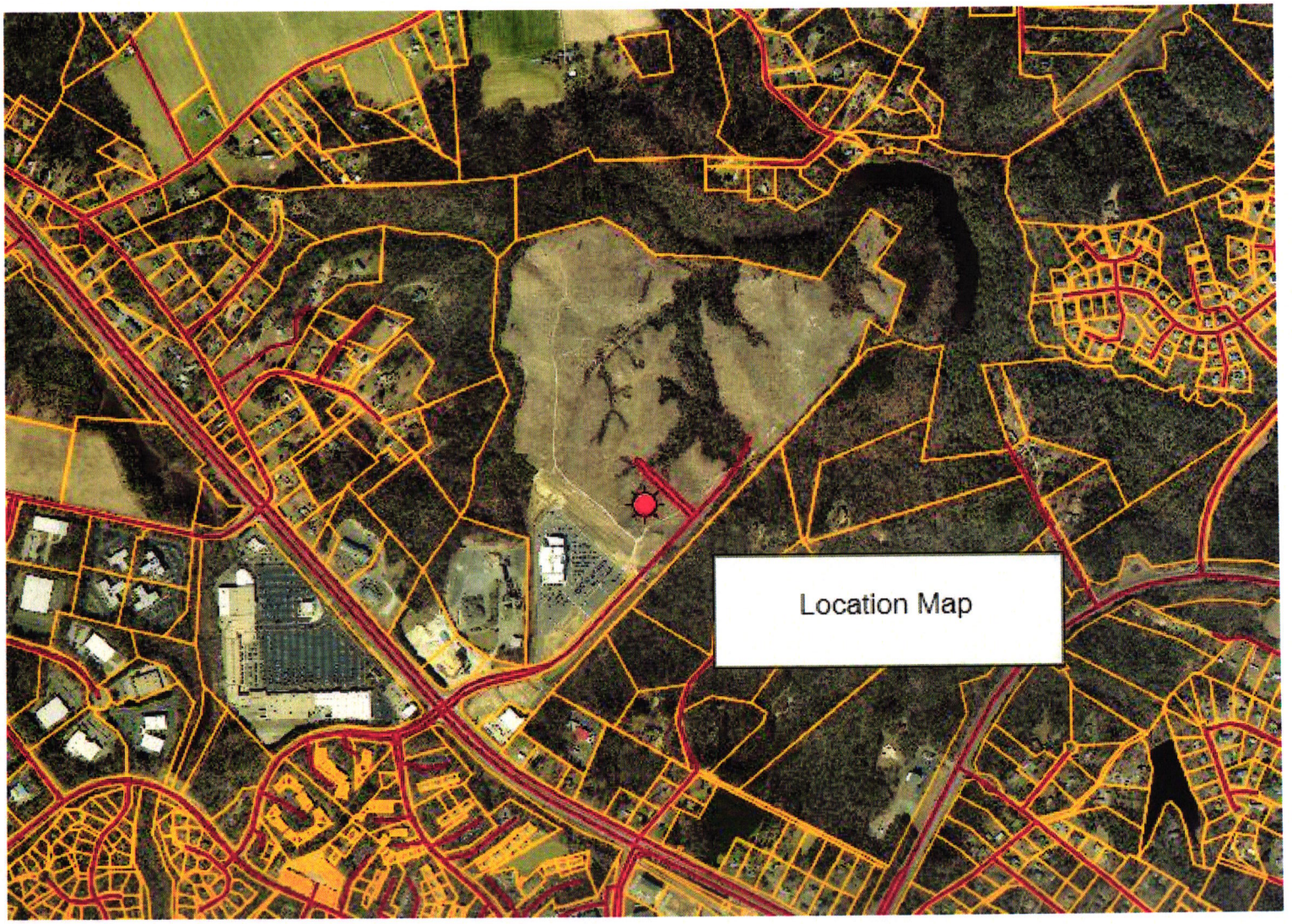
Attachment 1 – Location Map
Attachment 2 – Land Use Map
Attachment 3 – Zoning Map
Attachment 4 – Site Plan
Attachment 5 – Conceptual Rendering
Attachment 6 – Resolution Z-90-04
Attachment 7 – Resolution Z-90-04A
Attachment 8 – Resolution 04-06
Attachment 9 – Typical "E-1" Buffer Yard Standard
Attachment 10 – Oak Crest Center Development Plan Section IV
Attachment 11 – 1974 CZO Permitted Uses in I-1, C-1, and C-2 Zones
Attachment 12 – Adequate Public Facilities Report
Attachment 13 – Department of Public Works and Transportation Approval
Attachment 14 – State Highway Administration Approval

Attachment 15 – Health Department Approval
Attachment 16 – Metropolitan Commission Approval
Attachment 17 – St. Mary's Soil Conservation District Approval
Attachment 18 – MDE Letter of Authorization

cc Cecil's Mill LLC
2560 Lord Baltimore Dr
Baltimore, MD 21244

St. John Properties
C/O Ken Findley
2560 Lord Baltimore Dr
Baltimore, MD 21244

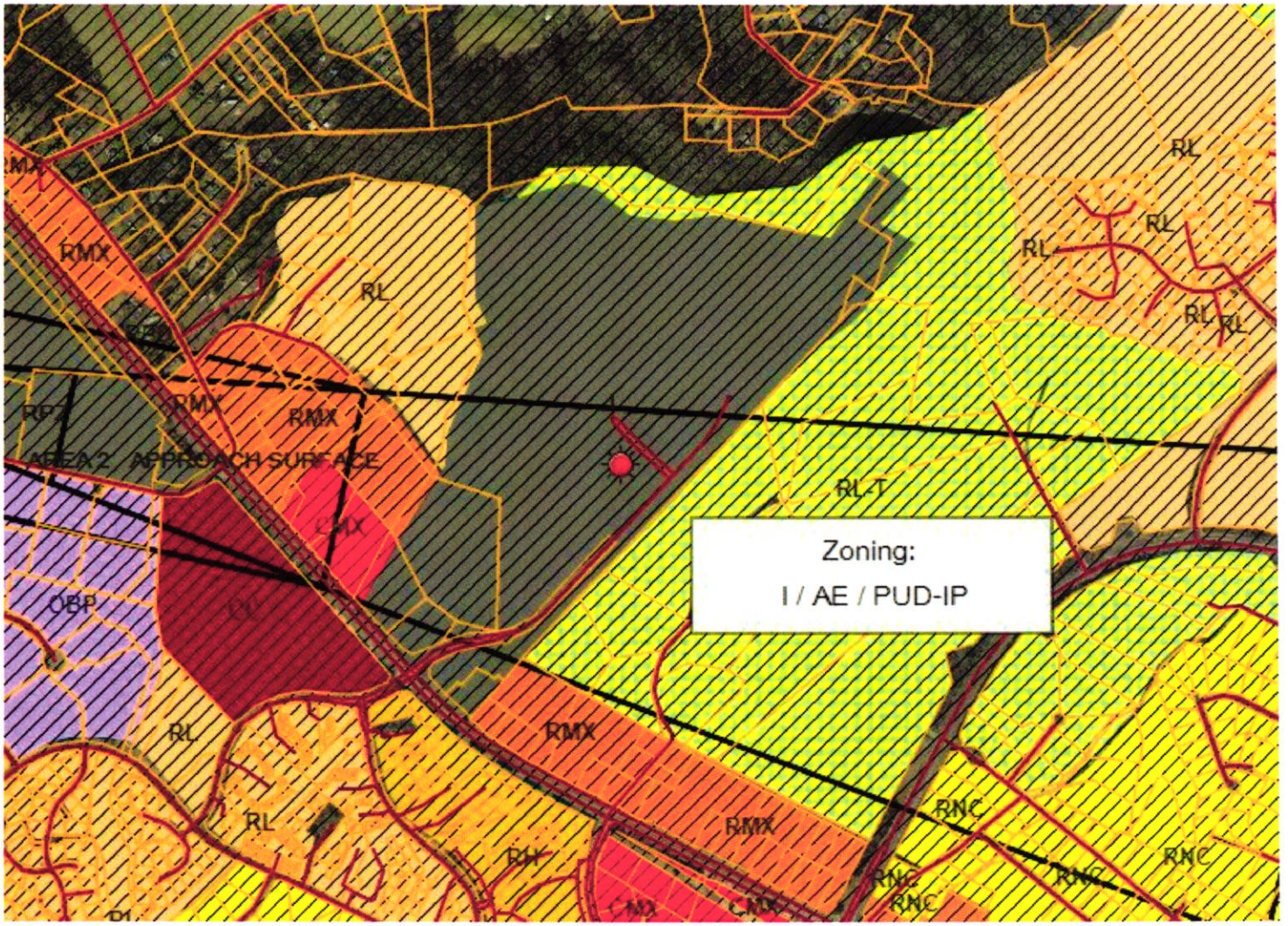
NJB Engineering, INC.
810 Gleneagles Ct, Suite 311
Towson, MD 21286



ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3

No. Z-90-04
Subj.: ZPUD #90-0444
Oak Crest Center

RESOLUTION

WHEREAS, Charles County Concrete, Robert Dean et al. have made application to designate certain property currently zoned as I-1, Industrial, to PD-IP, Planned Development Industrial Park. The subject property contains 146.4 acres of land, more or less, and is located off of Maryland Route 235 across from the Wildewood Shopping Center in the Eighth Election District of St. Mary's County, Maryland. The property is shown on Tax Map 34, Block 10 as Parcels 292 and 521.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on April 23, 1990.

WHEREAS, following deliberation, the Planning Commission on June 11, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the designation of the subject property as PD-IP be approved.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on July 17, 1990.

WHEREAS, The Board of County Commissioners held deliberations on the application at a public meeting on July 31, 1990 and approved the request by a unanimous vote.

WHEREAS, the PD-IP zoning classification is a "floating zone" under the provisions of the current Zoning Ordinance and therefore a finding of "change or mistake" is not applicable to the subject property.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED this 7th day of August 1990 by the Board of County Commissioners of St. Mary's County, Maryland, that the aforementioned application for designation of the subject property as PD-IP is hereby GRANTED.

ATTEST:

Edward V. Cox
EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

Joseph R. Densford
JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

Carl M. Loffler, Jr.
CARL M. LOFFLER, JR., President

W. Edward Bailey
W. EDWARD BAILEY, Commissioner

Robert Jarboe
ROBERT JARBOE, Commissioner

John G. Lancaster
JOHN G. LANCASTER, Commissioner

Rodney Thompson
RODNEY THOMPSON, Commissioner

ATTACHMENT 6

ATTACHMENT # 6

P-1

No. Z-90-04A
Subj.: ZPUD #90-0444
Oak Crest Center

RESOLUTION

3:28PM09/04/90A CO.COM $0.

WHEREAS, Charles County Concrete, Robert Dean et al. have made application to designate certain property currently zoned as I-1, Industrial, and RL, Residential, to PD-IP, Planned Development Industrial Park, pursuant to a Development Plan which was processed under and met the requirements of the 1974 Zoning Ordinance, as amended, and which conformed to the current St. mary's County Comprehensive Land Use Plan. The subject property contains 146.4 acres of land, more or less, and is located off of Maryland Route 235 across from the Wildewood Shopping Center in the Eighth Election District of St. Mary's County, Maryland. The property is shown on Tax Map 34, Block 10 as Parcels 292 and 521.

WHEREAS, following the posting of notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, the St. Mary's County Planning Commission conducted a public hearing on the application on April 23, 1990.

WHEREAS, the PD-IP zoning classification is a "floating zone" under the provisions of the current Zoning Ordinance and therefore a finding of "change or mistake" is not applicable to the subject property.

WHEREAS, the location of the subject property within the major development district for St. Mary's County, the nature of the parent zoning classifications (i. e. I-1 and RL, which are holding zones for PD-IP), the adjacent land uses and the special protection of development standards including, but not limited to, set backs, buffers, stormwater management, building coverage and site plan review will assure compatibility with neighboring properties.

WHEREAS, following deliberation, the Planning Commission on June 11, 1990, by a unanimous vote, recommended to the Board of County Commissioners of St. Mary's County that the designation of the subject property as PD-IP be approved.

WHEREAS, The Board of County Commissioners, after posting notice on the subject property, publication of notice and written notification of all property owners within two hundred (200) feet of the subject property by certified mail, conducted a public hearing on the application on July 17, 1990.

WHEREAS, The Board of County Commissioners held deliberations on the application at a public meeting on July 31, 1990 and approved the request by a unanimous vote.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED this 21st day of August, 1990 by the Board of County Commissioners of St. Mary's County, Maryland, that the aforementioned application for designation of the subject property as PD-IP is hereby GRANTED, and the Development Plan as revised, including the plats and drawings, is designated as the Development Plan for the subject property, to be developed in accordance with the land uses set forth in the 1974 Zoning Ordinance, as amended, and the development standards set forth within the approved development Plan. The zoning designation is granted upon the condition that the PUD boundary buffer for the property is hereby established as seventy-five feet (75') in accordance with the "E" bufferyard required for PD-IP properties which abut RL, Residential properties.

To the extent Resolution No. Z90-04 is inconsistent with the provisions hereof, such inconsistent portions are hereby rescinded.

ATTACHMENT 7

ATTACHMENT # 6

ATTEST:

EDWARD V. COX
County Administrator

APPROVED AS TO LEGAL
FORM AND SUFFICIENCY:

JOSEPH R. DENSFORD
County Attorney

BOARD OF COUNTY COMMISSIONERS
OF ST. MARY'S COUNTY, MARYLAND

CARL M. LOFFLER, JR., President

W. EDWARD BAILEY, Commissioner

ROBERT JARBOE, Commissioner

JOHN G. LANCASTER, Commissioner

RODNEY THOMPSON, Commissioner

ATTACHMENT # 7

P-1

RESOLUTION

WHEREAS, on August 21, 1990, by Ordinance No. Z90-04 and Z90-04A and recorded in the Land Records of St. Mary's County on September 4, 1990 at MRB Liber 007, Pages 187/177, the Board of County Commissioners of St. Mary's County adopted the Development Plan for the Oak Crest Center Planned Unit Development (PUD); and

WHEREAS, the Planning Commission conducted a public meeting on December 13, 2004 for six (6) minor amendments to the Oak Crest Center Development Plan and upon consideration of the testimony of staff, the applicant, and the public made a finding that the objectives of Section 44.4.4(b) of the St. Mary's County Comprehensive Zoning Ordinance have been met and that the referenced project has met all requirements for minor amendments; and

WHEREAS, the six (6) minor amendments to the Oak Crest Center Development Plan that were presented to the St. Mary's County Planning Commission for review and approval are as follows:

1. Revise layout of development site, as depicted in Exhibit A, with no change to the uses set forth in the original PUD Ordinance.
2. Parking standards for building materials sales component are to be 4 spaces per 1,000 square foot of floor area within the PUD. Space for additional 2 parking spaces per 1,000 square feet of floor area within the PUD shall be preserved as open space and depicted as such in the Oak Crest Development Plan.
3. Require site plan processing in accordance with following:
    a. Concept plan review by Technical Evaluation Committee (TEC).
    b. Revised concept plan as appropriate per TEC comments, then submitted concept plan to Planning Commission for review.
    c. Planning Commission review and approval of concept plan.
    d. Detailed engineering design of site plan or road utility plans. Reviewed by appropriate TEC agencies.
    e. Site plan approval by Director of Land Use and Growth Management in concurrence with appropriate TEC agencies. The site plan for infrastructure and utilities for each phase followed by a site plan approved for each use within each phase.
    f. Grading permit by St. Mary's County Department of Public Works and Transportation.
    g. Sediment and erosion control approval by St. Mary's County Soil Conservation District.
    h. Building plans, submit to Department of Land Use and Growth Management, Permits and Inspections, for building permit.
    i. Subdivision for building lots, review and approval by Planning Commission after review by TEC agencies and their recommendation for approval, which can occur concurrently, with site plan approval.

4. Amend requirement for road construction from open section to closed section.
5. Implement a Phasing Plan for the development area phase as follows:
   a. Phase 1: Completed by June 2006
   b. Phase 2: Completed by June 2008
   c. Phase 3: Completed by June 2010
   d. Phase 4: Completed by June 2012
6. Change the requirement for setbacks to: Front yard 50 ft (Arterial), or 35 ft (Major Collector or less public or private), Side yard 0 setbacks, and rear yard 0 setbacks.

NOW, THEREFORE, BE IT RESOLVED, upon consideration of the testimony of staff and the public, that the St. Mary's County Planning Commission hereby approves the minor amendments to the Development Plan for the Oak Crest Center Planned Unit Development.

BE IT FURTHER RESOLVED, that the foregoing recitals and all exhibits attached hereto are incorporated by reference.

Date of Adoption: December 13, 2004

Ayes: 6 Nays: 1 Abstain: 0

ST. MARY'S COUNTY PLANNING COMMISSION

Thomas L. Greenwell for John F. Taylor Jr.
John F. Taylor, Sr., Chairperson

Thomas L. Greenwell
Thomas L. Greenwell, Vice Chairperson

Lawrence A. Chase
Lawrence A. Chase, Member

Julia A. King
Julia A. King, Member

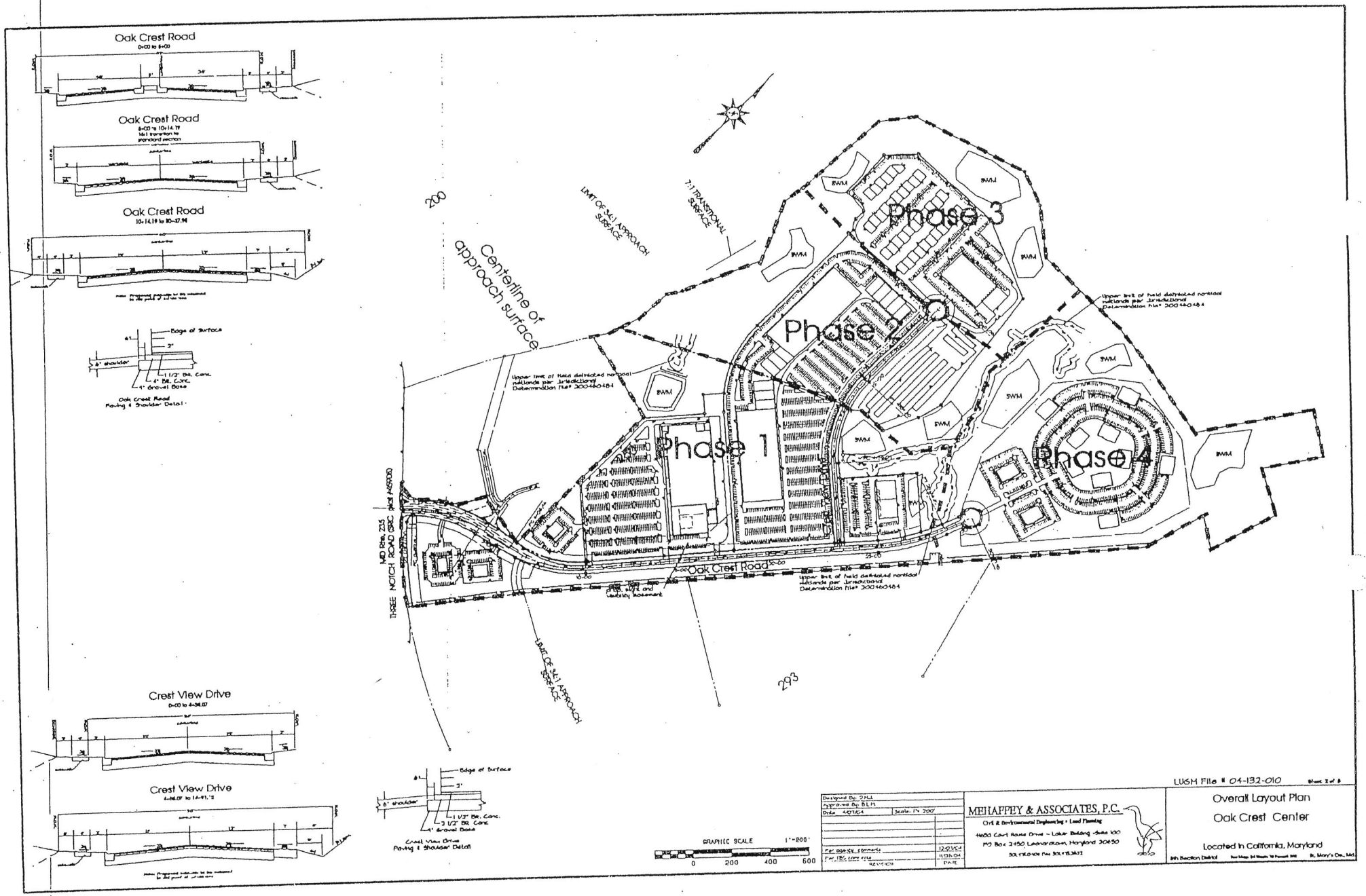
Stephen T. Reeves
Stephen T. Reeves, Member

James Howard Thompson
James Howard Thompson, Member

Joseph A. St. Clair
Joseph A. St. Clair, Member

Attest:

Denis D. Canavan, Director
Department of Land Use & Growth Management



LUSM File # 04-132-010

Sheet 2 of 2

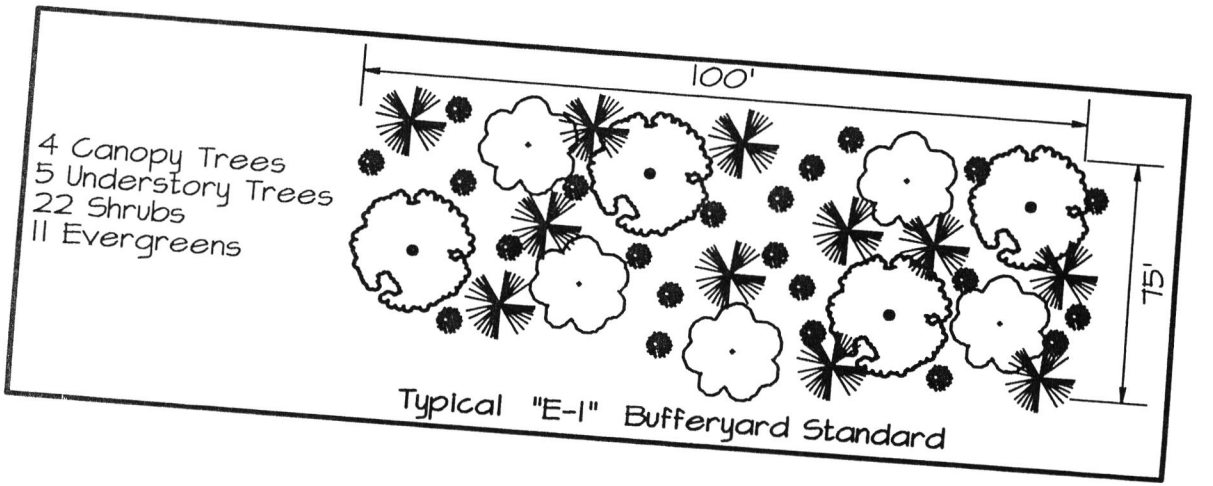
Designed By: JHL	
Approved By: BLM	
Date: 4/01/04	Scale: 1" = 200'
Per agency comments	12/01/04
Per P&Z comments	11/30/04
REVISION	DATE

MEHAFFEY & ASSOCIATES, P.C.
Civil & Environmental Engineering • Land Planning
44600 Court House Drive - Lake Building Suite 100
PO Box 2450 Leonardtown, Maryland 20650
301.475.9401 Fax 301.475.9423

Overall Layout Plan
Oak Crest Center
Located in California, Maryland
8th Election District — Tax Map 44 Block 10 Parcel 382 — St. Mary's Co., Md.

EXHIBIT A

Typ. Typical
w Width
W/ With



Typical "E-1" Bufferyard Standard

ATTACHMENT 9

Development Plan Report
for
Oak Crest Center

(A Planned Unit Industrial Development)

Tax Map 34 - Block 10 - Parcel 292

8th Election District
St. Mary's County, Maryland

Prepared By:

D. H. Steffens Company
100 Exploration Drive
Suite 1020
Lexington Park, MD 20653

301-862-2226

Contact Person: R. Jacob Hikmat, P. E.

February 27, 1990

Rev. July 10, 1990

ATTACHMENT 10

IV. Development Program:

In accordance with the current St. Mary's County Zoning Ordinance, a planned unit industrial development is allowed in the General Industrial District. Any use permitted in the I-1, C-1 & C-2 is permitted in the PU-ID.

The proposed PU-ID will incorporate the Dean property/ the property currently occupied by the Charles County Concrete, Inc. It will contain a mix of commercial, light industrial and office establishments. The commercial establishments are expected to be the warehouse type retail, which prefer to be independent of large shopping malls. The industrial establishments are expected to consist of warehouses and light type industries.

The Charles County Concrete, Inc. operation is expected to be relocated to an area in the interior of the development. Concrete plant type operations are to be restricted to area "D" as shown on the development plans. This would improve the appearance of the street landscape along MD 235 to the benefit of the whole area.

The ultimate development is expected to have an estimated 81 acres of buildable lands with the following conceptual building space.

250,000 s.f. of Commercial space
450,000 s.f. of Office space
600,000 s.f. of Industrial space

The height of the buildings will conform to the maximum height allowed by the ordinance and will be checked for conformance with the Federal Aviation Regulations concerning height of buildings in the vicinity of airports (St. Mary's Airport). This development is not within any aircraft overflight areas.

The actual distribution of the type of building space will be determined by the market place.

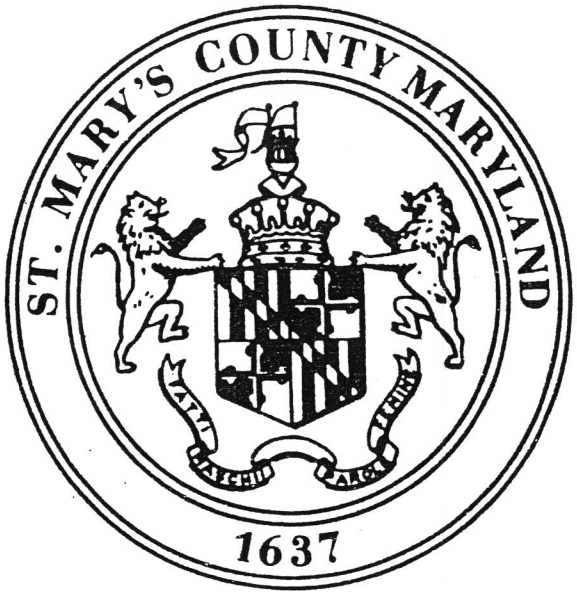
The estimated gross value of the land development is about $6 million dollars using 1990 dollars. The projected sale price will depend on the economic conditions.

It is expected that the ultimate development of the project may take between 15-20 years depending on the economic conditions.

The stages of development are going to depend greatly on the market place. It is expected that the market place can absorb this development in 15-20 years. It is expected that the development will have 5-6 stages where the

infra-structure will be provided to one or two general buildable areas and then marketing will determine the need to proceed to the next stage. It is the intention of the developer to proceed to obtain the necessary permits for the first stage immediately after the approval of this plan. Each stage is projected to require 3-4 years and a cost equal to one fifth of the total project cost with the first stage having a higher cost because of the off-site improvements.

ZONING ORDINANCE
OF
ST. MARY'S COUNTY, MARYLAND



adopted:
May 28, 1974

ATTACHMENT 11

E. In the "CM" Commercial Marine District, any applicant requesting a permit for any dredging or filling project or the construction of bulkheads, breakwaters, jetties, retaining wall, piers, wharfs, or the placement of stones (riprap), shall submit a plan thereof to the Planning Commission for its review and approval. The Planning Commission shall grant no approval until it is satisfied that the project plan has been approved by those state or federal agencies having jurisdiction.

8.4 TRANSITIONAL YARDS REQUIREMENT—COMMERCIAL DISTRICTS

Whenever a side lot line in any Commercial District coincides with a side or rear lot line in an adjacent Residence District, a transitional yard equal to the dimensions of the minimum side yard required for the residential district shall be provided along such side lot line.

Whenever a rear lot line in any Commercial District coincides with a side lot line or rear lot line in an adjacent Residence District, a transitional yard equal to the dimensions of the minimum rear yard required for the residential district shall be provided along such side or rear lot line.

All transitional yards adjacent to Residence Districts shall be provided with a minimum buffer area of not less than 15 feet which shall be landscaped and screened to protect the adjacent Residence District and shall be unoccupied by any building, structure, parking or loading area.

8.5 LANDSCAPING

A minimum of 20 percent of the total lot area of any commercial activity shall be landscaped with trees, shrubbery, and grass.

A landscape plan shall be provided for and approved by the Planning Commission, indicating the location and character of landscaping to be provided.

8.6 VEHICULAR ACCESS POINTS

Service drives, turning lanes, and merging lanes may be required by the Planning Commission at principal vehicular access points, with length and width as appropriate to the anticipated flow of traffic.

Pedestrian access shall be separated to the maximum degree possible from vehicular access points to reduce congestion, friction, and hazards.

8.7 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

A. *Purpose.* The Neighborhood Commercial District is primarily intended to provide convenience shopping for persons residing in adjacent residential areas and to satisfy those basic shopping needs which occur daily or frequently, and so require commercial facilities in close proximity to residences.

It is intended that neighborhood commercial developments be developed either as planned units or individual parcels.

B. *Permitted Uses.* The following uses are permitted in the C-1 Neighborhood Commercial District.

1. Antique shops
2. Art & school supply stores; stationary and card shops
3. Banks & financial institutions
4. Bakeries, catering, or delicatessen stores
5. Barber and beauty shops
6. Bookstores
7. Bicycle sales and repair
8. Candy & ice cream stores
9. Clubs, lodges, or meeting halls—public and private
10. Dry cleaning or laundry pick up stations
11. Drugstores
12. Electrical and household appliances—sales and repair provided they do not exceed 2000 sq. ft. of area devoted to repair of appliances
13. Florists
14. Funeral homes
15. Gift shops
16. Food stores, grocery stores, & meat markets
17. Hardware, garden and building supply
18. Laundromats or self-service dry cleaning establishments
19 Newspaper distribution
20. Offices—business and professional
21. Pet shops
22. Restaurants, taverns, eating and drinking establishments
23. Sporting equipment
24. Schools—art, trade, business, or nursery
25. Studies—art, professional, music, photography

26. Theaters

27. Wearing apparel—clothing, shoes, accessories

28. Any use determined by the Planning Commission and Zoning Administrator to be similar in character and which would be appropriate in a neighborhood commercial district

29. Package liquor stores

30. Customary and incidental accessory uses

31. Agricultural, forestry, and fisheries

8.8 C-2 HIGHWAY COMMERCIAL DISTRICT

A. *Purpose.* The Highway Commercial District is intended for commercial activities and establishments which are not primarily related to residential developments and which require accessibility from major highways in the County.

B. *Permitted Uses.* The following uses are permitted in the Highway Commercial District:

1. Any use permitted in the C-1 Neighborhood Commercial District

2. Auto repair garage

3. Automobile filling station

4. Auto parts and accessories

5. Automobile sales and service

6. Animal hospitals and veterinary clinics provided any open pen or runway is at least 200 feet from any residential district boundary

7. Bottling and distribution of beverages

8. Bowling alleys

9. Car wash

10. Carpentry or woodworking shops

11. Department stores

12. Drive-in eating & drinking establishments

13. Feed and grain sales

14. Hotels, motels & tourist homes

15. Hardware, garden supply, lumber & building material

16. Monument sales establishments

17. Printing, publishing and engraving

18. Sheet metal shops

19. Sign painting shops

20. Trailer and mobile home sales & service

21. Wholesale business, warehouse, & service establishments

22. Customary and incidental accessory uses

23. Agriculture, forestry, and fisheries

8.9 C-3 GENERAL COMMERCIAL DISTRICT

A. *Purpose.* The General Commercial District is intended for commercial activities which are located in the Lexington Park Area of St. Mary's County. The purpose of the district is to recognize established concentrations of commercial activities which provide for general shopping needs of established communities.

B. *Permitted Uses.*

1. Any use permitted in the C-1 Neighborhood Commercial District

2. Department stores

3. Drive-in eating and drinking establishments

8.10 CM COMMERCIAL MARINE DISTRICT

A. *Purpose.* The Commercial Marine District is intended for the less intensive commercial marine activities related to tourism, vacationers, sport and pleasure boating, and water employment. The purpose of the district is to provide appropriate waterfront locations for commercial docking, waterfront sales, and storage and repair of small boats and associated commercial activities.

1. Single-family dwellings

2. Boat docks, slips, piers, wharves, anchorages, and moorages for yachts and pleasure boats or for boats for hire carrying passengers or excursions, sight-seeing, pleasure, or fishing

3. Boat sales or rentals

9.4 GENERAL INDUSTRIAL DISTRICT

A. *Purpose.* The I-1 General Industrial District is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances, hazards, or threats to the natural environment or surrounding development.

This district is intended to provide for a variety of industrial operations which are capable of meeting modern performance and environmental standards.

B. *Permitted Uses.* The following uses are permitted in the I-1 General Industrial District provided they are designed to meet the Performance Standards established in Section 9.3

1. Research, experimental, testing, and development activities

2. Manufacture, processing, fabrication, assembly, distribution of products such as scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage.

3. Petroleum products storage and fuel storage yards

4. Agriculture

5. Wholesale, distribution, and warehousing including motor freight terminals

6. Manufacture of concrete and ceramics products storage of contractor's equipment and materials, commercial sawmills and lumber yards provided such use shall be located at least 400 feet from any Residential District boundary.

7. Public utility buildings and structures

8. Blacksmith, welding and machine shops

9. Building materials sales & storage

10. Frozen food processing and packaging plants

11. Office buildings related to industrial facilities

12. Private educational and training facilities

13. Any similar use that is determined by the County Commissioners after referral to and recommendation by the Planning Commission to be of an industrial nature similar to the above listed uses.

C. *Accessory Uses.* Uses and structures which are customarily accessory and incidental to any permitted use shall be permitted in the district provided they are clearly subordinate to the principal use.

D. *Conditional Uses.* The following conditional uses may be allowed in the I-1 District, subject to approval by the Board of Appeals:

1. Airports and heliports including landing fields, runways, flight strips, hangars, and auxiliary buildings

2. Governmental buildings or structures

3. Public utility structures such as sewage disposal and water treatment plants

4. Commercial office buildings

E. *Landscaping.*

1. All area not devoted to buildings or structures, off-street parking, and loading and internal circulation shall be landscaped with trees, grass, and shrubbery

2. A minimum of 30 percent of the total lot area shall be landscaped, and a landscape plan shall be submitted to and approved by the Planning Commission.

9.5 "I-M" INDUSTRIAL MARINE

A. The purpose of this district is to provide for and to preserve waterfront land in appropriate locations for the more intensive marine activities. Residential use is not encouraged in conjunction with industrial marine activities but may be permitted provided a minimum of two (2) acres of land for each dwelling is provided in addition to the minimum required for the industrial marine operation.

B. *Permitted Uses.*

1. Any use permitted in the "C-M" Commercial Marine District except dwellings

2. Boat building, storage repair yards with marine railways (provided that out-of-water work or storage shall be limited to boats 120 feet or less in length and provided that any out-of-water work or storage shall be located at least 200 feet from any residential district)

3. Manufacture of boat parts, sails, accessories, and equipment not involving drop forging, stamping, automatic screw machines, or a foundry

4. Marine shop, woodworking shop, electrical shop, and similar uses for construction, repair and maintenance of boats and marine engines, but not dismantling of boats except in the nature of a repair or remodeling

5. Commercial piers and docks

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatrick, P.E., AICP, LEED BD+C
Director

COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

DATE: August 13, 2019

TO: Bill Hunt, ***Director***, Department of Land Use & Growth Management

FROM: Donald F. Mills, ***Deputy Director***, Department of Public Works & Transportation

RE: **#19-132-005, Oak Crest Center, (APF Form)**
ENGINEER: Traffic Concepts, Inc. **OWNER:** Cecil's Mill, LLC - St. John Properties

This Department has reviewed the APF Report Form for the referenced project and we find it is acceptable.

- Attached is a copy of the Adequate Public Facility Form dated August 13, 2019.
- The project is situated inside the Lexington Park Development District and generates more than 50 peak hour trips; therefore, a traffic impact study would be required and the level-of-service (LOS) which needs to be met is a LOS 'D'.
- The developer recorded a document on May 30, 2012 in the land records of St. Mary's County at Liber 3696 Folio 84 regarding the traffic for this project entitled "Oak Crest Center Planned Unit Development Public Facilities Improvements with Respect to Traffic". The document laid out four different phases of the project which included trip limits for each phase. It included the agreed upon improvement once the trip threshold for each phase had been exceeded.
- A take down chart has been added to the Concept Plan that shows the breakdown for the existing construction to date and the proposed build out of the rest of the project. (Note: The take down chart has been revised slightly since the Concept Plan approval due to the reduction of overall building square footages)
- In the APF agreement the developer has offered to pay a fee-in-lieu in the amount of $79,692.76 intended for the Maryland Route 4 and Maryland Route 235 intersection or other agreed upon improvements. This amount was calculated based on $463.33 per PM peak hour trips as stated in the recorded document.
- The construction of physical improvements previously agreed upon known as Improvements #1 have been completed by the developer.
- The proposed flex space associated with the Concept Plan does not exceed the current threshold of allotted trips in Phase 1.
- The intersection of Maryland State Route 235 at Oak Crest Road is expected to operate at an acceptable level of service.

It is trusted that the above will assist in making the APF determination for this development. If you have any questions regarding this memo, please do not hesitate to contact this Department.

Donald F. Mills

Donald F. Mills, Deputy Director
Donald.Mills@stmarysmd.com

Attachments

cc: Ken Findley, St. John Properties
Jackie L. Chandler, Traffic Concepts, Inc.
Nicholas J. Brader, III, NJB Engineering, Inc.
Erich Florence, Regional Engineer, District 5 Access Management, MDOT SHA

ATTACHMENT 12

S:\DFogel\Comment Letters Traffic\APF Reviews\APF Memo 19-132-005 Oak Crest Center to Hunt.doc

Adequate Public Facilities Report
to
Department of Public Works & Transportation

Name of Development Oak Crest Center PUD, Revision to Phase 1 **Date** August 13, 2019

LU&GM Case File No. #19-132-005 **Checked By**

1. In accordance with Article 7 of the St. Mary's County Comprehensive Zoning Ordinance, public roads within this development will be designed and constructed in accordance with the St. Mary's County Road Ordinance, and shall adequately accommodate vehicular traffic projected by this Department.

   The Development must be served by roads which have a Level of Service "D" in development districts or Level of Service "C" in all other areas.

   List existing roads and intersections that are directly affected by the proposed Development. Include from the point of first egress from and ingress to the proposed Development to the intersection with the first County collector road or State road in all directions.

2. This project is (**inside**) **outside** (circle one) the Development District.

3. Describe Existing Geometry, Road Conditions, ADT, PHV, LOS and Existing Speed Limit.

Existing Road(s)	Lane Width	Shoulder Width & Type	ADT	PHV	LOS	Existing Conditions
MD 235 @ Airport Road	11'	None	39,940	3994	D/C	Existing*
MD 235 @ Oak Crest/Wildewood Blvd	11'	None	44,060	4406	B/C	Existing*
MD 235 @ MD 4	11'	None	70,010	7010	F	Existing*

*From TIS prepared for the nearby Chaney Property project dated June 2018

4. If direct residential access to a public road is proposed, existing # lots & dwellings currently served by the access road = N/A

5. Additional # lots or units proposed = N/A

6. Size of commercial/industrial building = 118,800 sf flex space

7. Projected Zoning Ordinance or ITE trip generation rates = ITE rates

8. Specify independent variable used in computing ITE trip generation rates = per 1,000 gross square feet

9. Proposed ADT: 1977 Proposed PHV: 168 AM; 172 PM Proposed LOS: D/E/F

10. Specify proposed/future improvements to the public facility:

This project is part of the previously approved Oak Crest Center PUD. An APF agreement was recorded for this development that calls for improvements to be made at certain phases of the project. The proposed 118,800 sf flex office falls within the Phase I trip cap, for which offsite improvements have already been constructed. Additionally, the developer is proposing to contribute a fee in lieu to the County for the MD 4/MD 235 intersection.

11. CERTIFICATION

I hereby certify that the data shown hereon is correct, existing conditions are as stated, and projected traffic volumes will not lower the Level of Service below an acceptable Level of Service after development.

Signed: Jacque A. Chandler
TRAFFIC CONCEPTS, INC. Date: August 13, 2019

OAK CREST CENTER P.U.D.
TRIP GENERATION
TAKE-DOWN CHART

August 8, 2019

DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
***APPROVED PHASE I TRIPS (FROM TIS DATED DEC. 2004)**	**288**	**263**	**551**	**505**	**500**	**1005**
EXISTING DEVELOPMENT:						
ALDI Supermarket (LUGM#14-132-012) ITE Land Use Code 850 16,408 gsf	-38	-25	-63	-78	-74	-152
Movie Theater (LUGM #14-132-001) ITE Land Use Code 445 2248 seats	0	0	0	-65	-115	-180
PREVIOUSLY APPROVED RETAIL PAD DEVELOPMENT:						
Shopping Center (2 buildings) St. Mary's County Rates 11,000 gsf (Note-6,000 sf appr LUGM #14-132-012 & 5,000 sf appr LUGM #14-132-001)	-15	-9	-24	-46	-46	-92
High-turnover sit-down restaurant ITE Land Use Code 932 (rate) 12,385 gsf (Note-7,385 sf appr LUGM #14-132-012 & 5,000 sf appr LUGM#14-132-001)	-68	-55	-123	-75	-46	-121
PROPOSED:						
Flex Office Space ITE Land Use Code 770 (peak hour of the generator - equation) 118,800 gsf	-143	-25	-168	-45	-127	-172
REMAINING PHASE I TRIPS	**24**	**149**	**173**	**196**	**92**	**288**

OAK CREST CENTER P.U.D.
TRIP GENERATION
TAKE-DOWN CHART

August 8, 2019

DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
**APPROVED PHASE I & II TRIPS (FROM TIS DATED DEC. 2004)	388	357	745	750	765	1515
***APPROVED PHASE I - III TRIPS (FROM TIS DATED DEC. 2004)	532	385	917	786	903	1689
APPROVED PHASE I - IV TRIPS (FROM TIS DATED DEC. 2004)	898	431	1329	852	1220	2072

Per the traffic agreement "Public Facilities Improvements with Respect to Traffic" dated February 27, 1990 & recorded in the Land Records at Liber 3696, Folio 084, the following road improvements are necessary:

***IMPROVEMENT #1 - COMPLETED NOVEMBER 2015**

Prior to issuance of the first occupancy permit, Improvement #1 was required to be constructed.

- an additional left turn lane will be constructed along SB MD 235 into the site, thereby creating a double-left.
- a 16' wide right turn lane will be constructed along NB MD 235 into the site for a distance of 570' with a 100' taper.
- the proposed site access will provide two inbound lanes and four outbound lanes.

****IMPROVEMENT #2**

Once the Phase I allotted trips are exceeded, prior to the issuance of further occupancy permits, the following road improvements must be constructed.

- an additional through lane will be constructed along NB MD 235 from the existing three-lane section north of MD 4 to a point south of Airport Road.

*****IMPROVEMENT #3**

Once the Phase I-III allotted trips are exceeded, prior to the issuance of further occupancy permits, the following road improvements must be constructed.

- an additional third through lane will be constructed along SB MD 235 from a point north of Oak Crest Drive to the existing three-lane section north of MD 4.

OAK CREST CENTER PLANNED UNIT DEVELOPMENT
PUBLIC FACILITIES IMPROVEMENTS WITH RESPECT TO TRAFFIC

The Development Plan for Oak Crest Center dated February 27, 1990 (the "Development Plan") provides for the following with respect to adequate facilities and roadway improvements. The determination of the elements of adequacy of public facilities was made when the Oak Crest Center Planned Unit Development (the "PUD") was approved by the Board of County Commissioners of St. Mary's County, The infrastructural improvements required to be constructed by the developer in order to mitigate the development impact are as set forth in the Development Plan and remain applicable for the term of the PUD. However with respect to offsite road improvements, Section V.a., on page 10 of the Development Plan, provides that *"No off site improvements are needed with the exception of improvements to Md. Rte. 235 which may be needed."* Section V.b.6 provides that *"[i]t is expected that offsite roadway improvements may be required to accommodate the increase in traffic volumes. A traffic study that will determine the extent of the improvements will be conducted and improvements will be performed in accordance with the St. Mary's County and the Maryland State Highway Administration Rules and Regulations."* A traffic study has now been completed and the purpose of this agreement is to document what public improvements are required to be made to Maryland State Route 235 as a condition of the development of the remainder of the PUD.

Upon review of: (i) the submitted concept site plan entitled "Concept Site Plan Oak Crest Center" prepared by Mehaffey & Associates, P.C. dated April 7, 2004 and revised through March 14, 2008 consisting of 8 pages (the "Concept Plan"); (ii) a traffic impact study submitted by Traffic Concepts, Inc.; (iii) correspondence from the Department of Public Works and Transportation ("DPWT") (including by way of illustration that Memorandum dated June 2, 2005 from John J. Groeger, P.E. as Deputy Director of DPWT to Denis Canavan, Director of Land Use and Growth Management ("LUGM")); (iv) correspondence from the Maryland State Highway Administration ("SHA") (including by way of illustration that letter dated October 12, 2005 from Steven D. Foster, Chief, Engineering Access Permits Division of SHA to Kenneth Schmid of Traffic Concepts, Inc. and July 22, 2008 Letter from the State Highway Administration; (v) and approval of the Planning Commission of the Concept Plan approving the proposed mitigation set forth in this letter and the Planning Commission's related findings at its August 11, 2008 meeting; a satisfactory determination has been made on the adequacy of roads for the development of the PUD as proposed by the Development Plan and the Concept Plan, and the mitigation measures required for such adequacy determination. This finding of adequacy of public facilities (APF) for roads is effective as of the date of this Agreement set forth above, is subject to the conditions set forth herein, and constitutes all of the offsite road improvements required for the build out of the entire PUD in accordance with the Development Plan and Concept Plan.

Concept Plan Relationship to Development Plan. Sections IV and V.b.6 of approved Development Plan for the PUD provide for a total allowed square footage of 1,300,000 square feet of commercial, office and industrial space, with the generation of a total of 2,460 trips per day during AM and PM peak hour. Page 1 of 2 of the Concept Plan proposes construction of a total of 902,820 square feet consisting of a variety of uses, including by way of illustration, retail, restaurant, office, manufacturing and storage. The Concept Plan includes on page 2 of 8 a tabular summary of building square footage and anticipated traffic trips generated based on this build out (the "Trip Generation Table"). Based on the total square footage and types of uses proposed, the Concept Plan provides for a total trip generation upon full build out, in the AM and PM peak hours, of 2,072 trips. This Concept Plan has been reviewed and approved by the Planning Commission, LUGM and other applicable agencies. The total square footage and types of uses proposed by the Concept Plan, and the trip generation yield are in compliance with the originally approved Development Plan.

The Trip Generation Table breaks out the development in four (4) phases consisting of Phases I, II, III and IV. Phase I provides for a total generation of 1005 PM peak hour trips. Phase II provides for a total generation of 510 PM peak hour trips. Phase III provides for a total trip generation of 174 PM peak hour trips. Phase IV provides for a total generation of 383 PM peak hour trips. The Trip Generation Table provides for certain improvements to be completed as trips are generated, which are defined as Improvement #1, Improvement #2 and Improvement #3. The required improvements correspond with the proposed mitigation measures set forth in the letter dated October 12, 2005 from Steven D. Foster, Chief, Engineering Access Permits Division of SHA to Kenneth Schmid.

Dugan, McKissick, & Longmore, LLC
22738 Maple Road, Suite 101
Lexington Park, MD 20653
301-862-3764 BAM

It has been further agreed that certain fees shall be contributed towards the improvement of the Maryland State Route 4/Maryland State Route 235 intersection as set forth in the column entitled "Fee-In-Lieu 2176 CLV" on the Memorandum dated June 2, 2005 from John J. Groeger, P.E.

Roads and Determining Adequacy. The PUD is governed by the Development Plan and associated Zoning Ordinance provisions in effect at the time of the approval of the PUD. The Department has reviewed the proposed development in accordance those provisions. Although not directly applicable, it should also be noted that as a matter of public policy under the current Comprehensive Zoning Ordinance, pursuant to Section 70.7.2 roads can be considered adequate to accommodate traffic projected to be generated by the proposed development if:

d. *The development is located within designated revitalization areas and/or development districts where the County wants to encourage new development, or redevelopment. These developments would be allowed to proceed in certain areas experiencing unacceptable levels of service, provided that transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the development had not occurred.*

The PUD is located within the Lexington Park Development District. The applicant seeks to mitigate the traffic impact by providing additional road improvements and fees in lieu to improve the overall traffic circulation. These improvements will include both dedication of road right-of-way and roads construction in accordance with the conditions set forth below and built in accordance with applicable standards as regulated by the State Highway Administration (SHA) and the St. Mary's County Department of Public Works and Transportation (DPWT), as well as the payment of certain fees in lieu of physical improvements.

Construction of Physical Improvements.

The physical improvements which have been agreed upon by the SHA, DPWT, LUGM and the applicant, and which have been approved by the Planning Commission as part of the Concept Plan approval of the PUD are shown on the drawings attached hereto as Exhibit A prepared by The Traffic Group dated March 29, 2007 and updated on November 9, 2007 entitled "Oak Crest Drive Proposed Conditions, consisting Sheet 1 of 3, Sheet 2 of 3 and Sheet 3 of 3 (the "Traffic Group Plat"), and are as follows:

1. Improvement #1:

A. Construction of an additional left turn lane along southbound Maryland State Route 235 into the site, thereby creating a double left turn into the site, which is shown and described on the Traffic Group Plat as "Item 1A";

B. A 16' wide right turn lane will be constructed along northbound Maryland State Route 235 into the site for a distance of 300' with a 100' taper which is shown and described on the Traffic Group Plat as "Item 1B". This improvement is limited in length because right-of-way to the adjacent parcel is not obtainable;

C. The proposed site access will provide two inbound lanes and four outbound lanes which is shown and described on the Traffic Group Plat as "Item 1C".

2. Improvement #2:

A. To the extent that additional right of way can be obtained by the reasonable efforts of the applicant, an additional through lane shall be constructed along northbound Maryland State Route 235 from the existing three-lane section north of Maryland State Route 4 to a point south of Airport Road, which is shown on the Traffic Group Plat as "Item 2". The applicant shall in good faith attempt to secure the right-of-way needed for this improvement. If the applicant is unable to secure this right-of-way and the Planning Director determines that reasonable, good faith efforts have been made, this condition may be waived or delayed. The determination of reasonable good faith effort, and the decision to waive or delay shall be in the sole discretion of the Planning Director.

3. Improvement #3

A. An additional though lane shall be constructed along Southbound Maryland State Route 235 from a point five hundred feet (500') north of Oak Crest Road to a point to tie into the existing three-lane section north of Maryland State Route 4, which is shown on the Traffic Group Plat as "Item 3".

The total fees which shall be contributed in lieu of physical improvements to the Maryland State Route 235, Maryland State Route 4 intersection, which have been agreed upon by the SHA, DPWT, LUGM and the applicant, and which have been approved by the Planning Commission as a Minor Amendment to the PUD, assuming a full build out of yielding 2072 Peak Hour trips, shall be $960,000.00.

Approvals for the development of the following respective portions of the balance of the PUD shall be subject to the mitigation measures being performed in accordance with the following schedule:

A. **Improvements #1**. All improvements identified as Improvements #1 must be physically constructed prior to the issuance of any permanent use and occupancy for any new use in the PUD. Such improvements shall be bonded as a condition of site plan approval.

B. **Improvements #2.** At such time as the total PM Peak Hour trip generation for the PUD is calculated to exceed 1005 trips, then all improvements identified as Improvement #2 must be physically constructed prior to issuance of any permanent use and occupancy permit for any use which, when aggregated with all existing approved uses in the PUD, is calculated to result in more than 1005 trips.

C. **Improvements #3.** At such time as the total PM Peak Hour trip generation for the PUD is calculated to exceed 1515 trips, then all improvements identified as Improvement #3 must be physically constructed prior to issuance of any permanent use and occupancy permit for any use which, when aggregated with all existing approved uses in the PUD, is calculated to result in more than 1515 trips.

The PUD allows for a wide variety of uses, and the phasing schedule which is proposed for the build out of the PUD is merely an estimate of what will occur. It is recognized that the actual uses which may be approved in the PUD, and timing and sequencing of the approval of the uses may differ from the phasing schedule set forth on the Concept Plan. In order to keep track of the trip generation, in order to determine the timing of the road improvements set forth above, and the payment of the fee in lieu discussed below, it is agreed that with respect to each site plan application:

A. If the proposed use and phasing of the use occur in strict accordance with the Trip Generation Table then the applicant at the time of site plan review and approval shall not be required to provide any further trip generation data regarding the use, other than to provide in a tabular fashion on the site plan: (i) the use that is being proposed as it corresponds with the uses set forth on the Trip Generation Table; (ii) the trips to be generated by the proposed use per the Trip Generation Table, which shall be calculated using the same methodology and trip generation manuals as used to calculate the Trip Generation Table; (iii) the total trip generation which has already been approved for those portions of the PUD as shown on the Concept Plan to date (which information shall be provided by LUGM); and (iv) the remaining trip generation allowed for the PUD after the approval of the proposed use.

B. If the proposed uses are different than as set forth on the Trip Generation Table, or the phasing of the construction of the uses is different than as set forth on the Trip Generation Table, then the applicant shall cause a qualified traffic engineer to determine the total Peak Hour trip generation which will be yielded by the proposed use, utilizing the same methodology and manuals used to calculate the Trip Generation Table. The applicant shall provide in a tabular fashion on the site plan: (i) the use that is being proposed with a notation that it differs from the uses or phasing as set forth in the Concept Plan; (ii) the trips to be generated by the proposed use as calculated by the licensed traffic engineer; (iii) the total trip generation which has already been approved for those portions of the PUD as shown on the Concept Plan to date (which information shall be provided by LUGM); and (iv) the remaining trip generation allowed for the PUD after the approval of the proposed use.

Payment of Fee in Lieu.

The fee in lieu in the amount of $960,000.00, based on a total Peak Hour trip generation of 2072 trips, shall be paid as follows:

A. As a condition to the issuance of the building permit, the applicant shall pay to the County a portion of the fee in lieu equal to $463.33 times the total of the greater of the AM or PM trip generation calculated to be yielded by the proposed use. For example, the Trip Generation Table for Phase 1 proposes a 4,500 square foot high turnover sit down restaurant which is calculated to yield a total 49 PM trips. As a condition to the issuance of the building permit for this use, the applicant shall be required to pay a total fee in lieu equal to $22,703.17 (which equals 49*$463.33).

The owners of all or a portion of the PUD understand and agree that as currently approved, the full build out of the PUD on the Concept Plan allows for 2072 Peak Hour trips and that no uses which provide for trips in excess of 2072 AM/PM shall be permitted without a minor amendment of the PUD, which may require further traffic mitigation measures. Trips shall be allocated to proposed uses in the PUD on a first come-first serve basis by LUGM and it shall be incumbent upon any property owner purchasing property, or selling property, in the PUD to allocate the allowable trips for such areas of land as amongst themselves.

It is intended that this mitigation program shall constitute a legal, binding, adequate facilities agreement between the applicant and the County and has been incorporated into the Development Plan for the PUD as a Minor Amendment of the PUD. This agreement has been reviewed by and approved for form and content by the County Attorney. It is intended that this mitigation program shall be binding upon the heirs, successors, and assigns of the above referenced property.

APPLICANT.

Cecil's Mill, LLC
By: St. Mary's Investors, LLC, managing member
By: Edward St. John, LLC, manager

BY: _____
Name: Edward A. St. John
Title: general manager

Board of County Commissioners of St. Mary's County, Maryland

By: _____
~~Phil Shire~~ Derick Berlage
~~Acting~~ Director of Land Use and Growth Management

Approved for Legal Sufficiency

_____
County Attorney

STATE OF MARYLAND, COUNTY OF ST. MARY'S

I hereby certify that on this 5th day of May 2009, 2009, before me, a Notary Public in and for the State and County aforesaid, personally appeared ~~Derick Berlage~~ known to me to be or satisfactorily proven to me, to be the person executing the within instrument, and he did acknowledge that being authorized to do so, he executed the within instrument as his act and deed on behalf of the Board of County Commissioners of St. Mary's County, Maryland, in his capacity as Acting Director of the St. Mary's County Department of Land Use and Growth Management and did acknowledge the aforegoing instrument to be the act and deed of the aforesaid public entity.

_____
Notary Public
My Commission Expires 5/28/2012

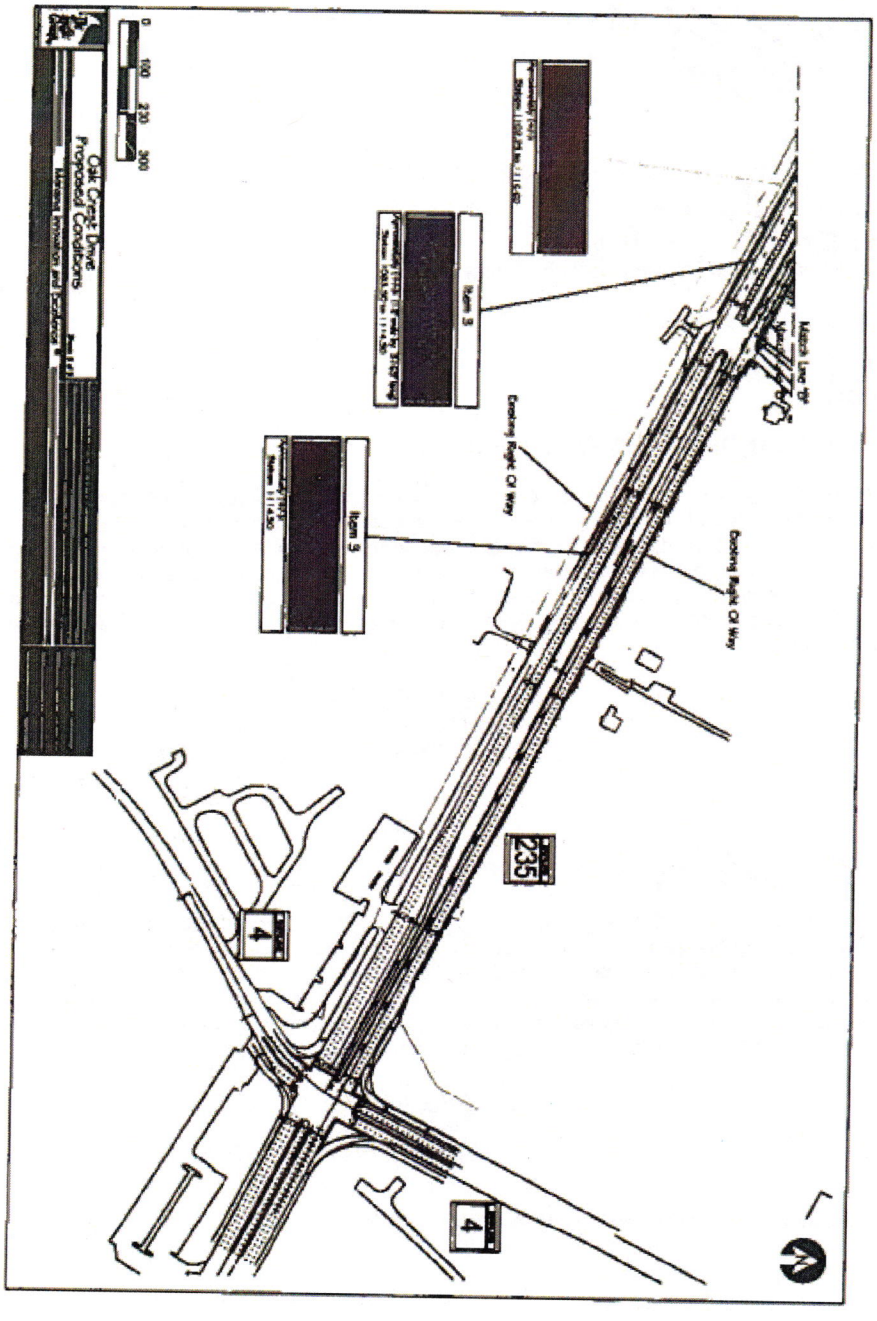
STATE OF Maryland, COUNTY OF Baltimore

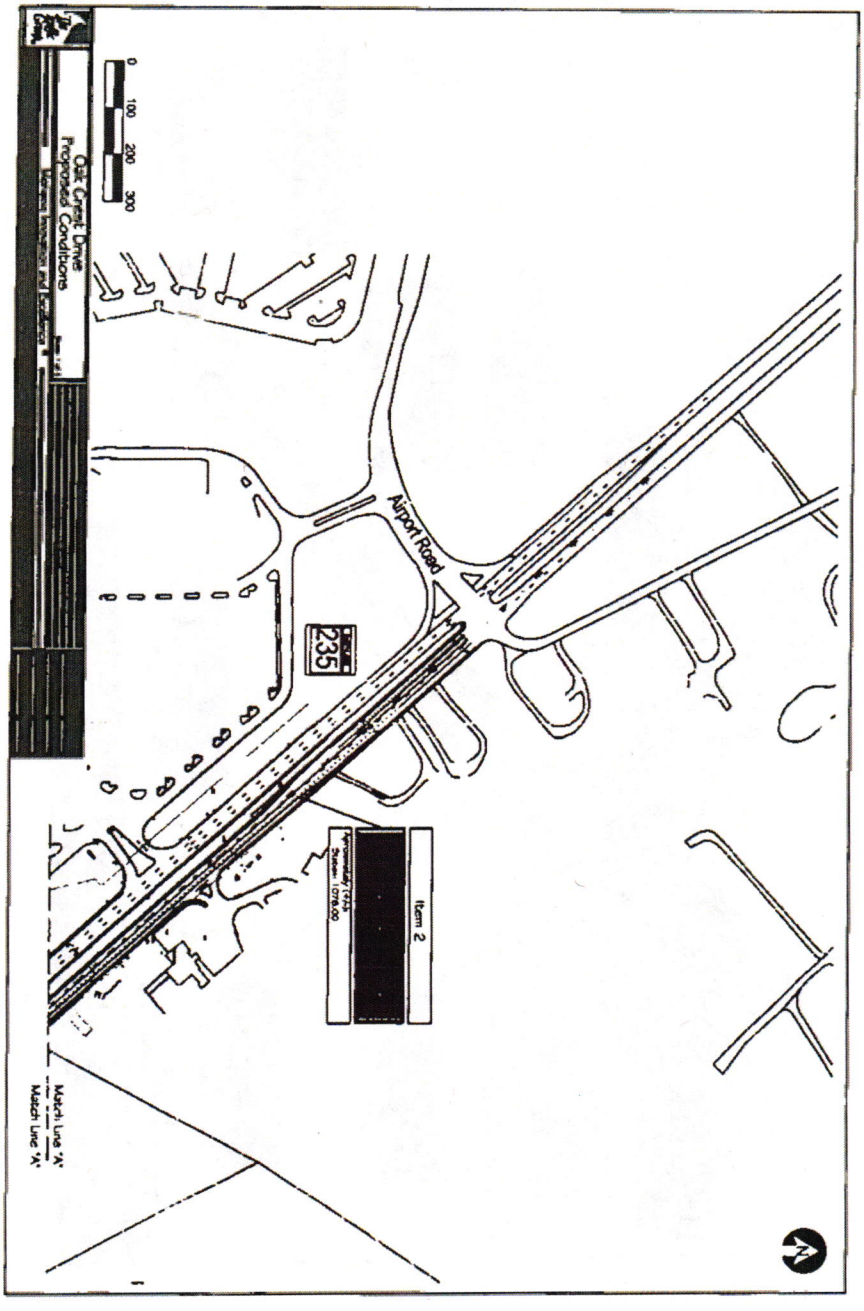
I hereby certify that on this 16th day of February, 2009, before me, a Notary Public in and for the State and County aforesaid, personally appeared Edward A. St. John, known to me to be or satisfactorily proven to me, to be the person executing the within instrument, and he did acknowledge that being authorized to do so, he executed the within instrument as his act and deed on behalf of Cecil's Mill, LLC, LLC, a Maryland limited liability company in his capacity as its authorized agent and did acknowledge the aforegoing instrument to be the act and deed of said limited liability company.

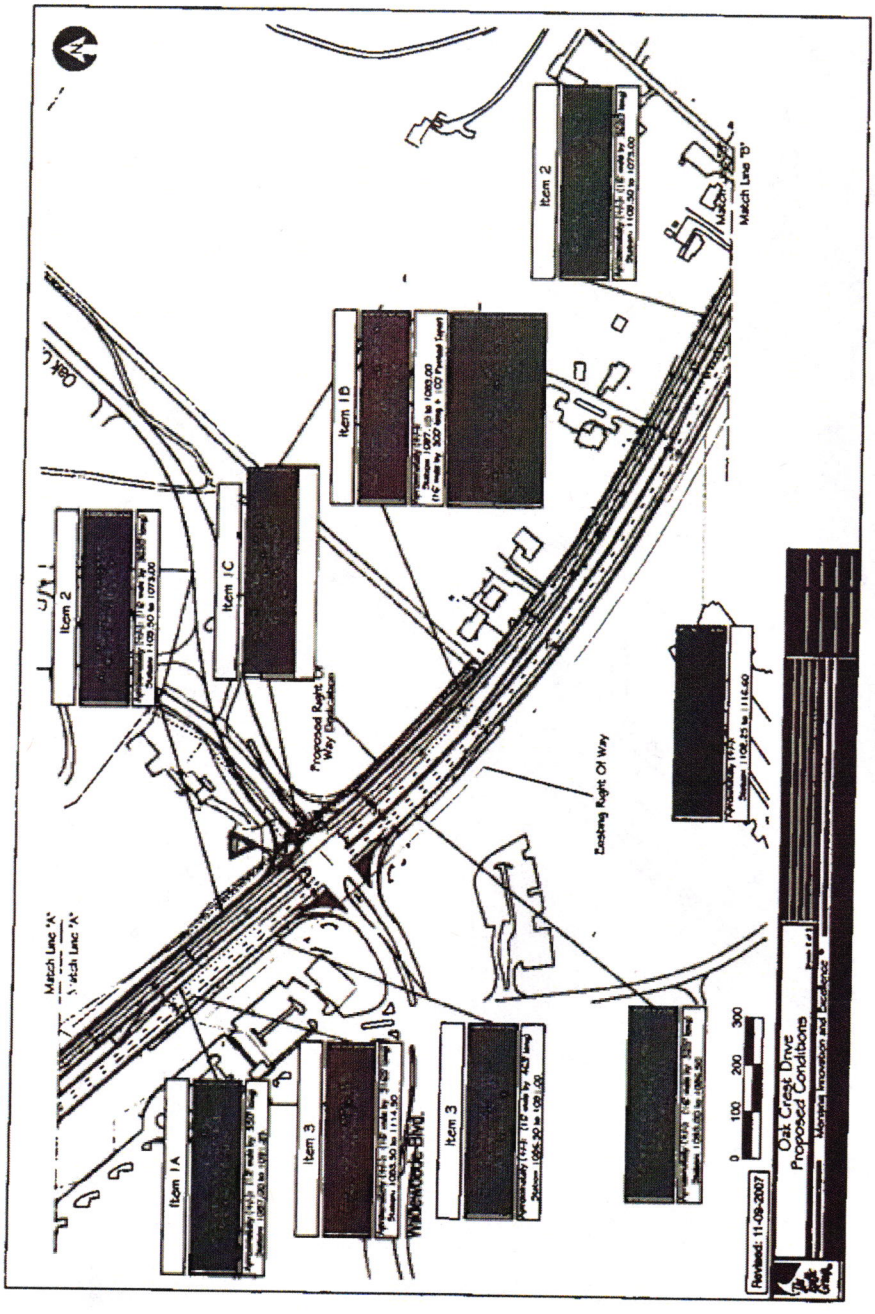
_____
Notary Public
My Commission Expires June 11, 2012

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IBER 3696 FOLIO 089
Folio 089




Oak Creek Drive
Proposed Conditions
0
100
200
300
Airport Road
235
Item 2
Match Line 'A'
Match Line 'A'


Item 1A
Item 1C
Item 1D
Item 2
Item 3
Item 2
Item 3
Proposed Right Of Way Dedication
Existing Right Of Way
Match Line 'A'
Match Line 'B'
Oak Crest Drive
Proposed Conditions
Revised: 11-09-2007
0
100
200
300

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION
John Deatrick, P.E., AICP, LEED BD+C
Director

COMMISSIONERS OF ST. MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

MEMORANDUM

DATE: June 27, 2019

TO: Nickolas Colvin, ***Planning II***, Department of Land Use & Growth Management

FROM: Daniel J. Fogel, ***Engineer III***, Department of Public Works & Transportation

SUBJECT: **#19-132-005, Oak Crest Center Phase 1**
Agent: NJB Engineering, Inc. **Owner:** Cecil's Mill, LLC. c/o St. John Properties

This Department has reviewed the revised Concept Site Plan – Concept SWM & ESC Plan submitted on June 4, 2019 for the above referenced project. We have determined that the plan as submitted meets the requirements of this Department for APPROVAL. Once all applicable approvals from other review agencies have been obtained, the project may proceed to the site development phase (Phase 2) per the St. Mary's County Stormwater Management Ordinance. If other agency reviews cause changes to this plan version, then submit the latest version of the plan to this Department.

The following comments are to assist the design engineer in preparation of the detailed site development plan:

1. Address minor comments included in digital plan review.
2. Geo-technical testing of soils will be required with the site development phase. (Item #13 of the Concept Erosion & Sediment Control and Stormwater Management Plan Checklist). Show the geo-technical soil boring locations on the plan.
3. NOCC forms are required for all the proposed ESD Stormwater Facilities and Credits.

If you have any questions regarding these comments, please do not hesitate to contact this Department.

Daniel J. Fogel, Engineer III
Dan.Fogel@stmarysmd.com

cc: Nicholas J. Brader, III, NJB Engineering, Inc.
Jane Sanders, Soil Conservation District

ATTACHMENT 13

S:\DFogel\Plan Review\19-132-005 Oak Crest Center Phase 1\19-132-005 Oak Crest Center Phase 1 Approval Memo.doc

ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT

William B. Hunt, Director, AICP
Kathleen Easley, Deputy Director, AICP

COMMISSIONERS OF ST MARY'S COUNTY
James R. Guy, President
Eric Colvin, Commissioner
Michael L. Hewitt, Commissioner
Todd B. Morgan, Commissioner
John E. O'Connor, Commissioner

SHA

MEMORANDUM

TO: Technical Evaluation Committee
FROM: Land Use & Growth Management-Plans Review
DATE: March 11, 2019
SUBJ: March 2019 TEC Review Cycle

A Meeting has been scheduled for March 27, 2019 at 1:30 p.m. at the Department of Land Use and Growth Management; 23150 Leonard Hall Drive, Leonardtown, MD to discuss any issues there may be prior to issuing final comments to the applicants. **FINAL** TEC Comments are due in this office for copying and distribution to the owner and their representatives by **Monday, April 1, 2019, BEFORE 5:00 p.m.**

1. **CONCEPT SITE PLAN # 19-13200005, OAK CREST CENTER (PHASE 1)**
(Zoning Ordinance 10-02) (Use # 63 and 80)
OWNER: Cecil's Mill LLC.
AGENT: St. John Properties
LOCATION: 44780 Oak Crest Rd
TM-034 GRID-10 PAR-292 ED-08 TAX ID-015546
LAND USE: Mixed Use Medium Intensity
ZONING: I/AE-4/PUD-IP
ACREAGE: 134.38
ACTION REQUESTED: Review of a Concept Site Plan for multiple units consisting of a 120,720 square foot office and warehouse space. NO COMMENTS

2. **CONCEPT SITE PLAN # 19-13200006, LEXINGTON PARK FORD**
(Zoning Ordinance 10-02) (Use # 75)
OWNER: Kody Holdings, LLC.
AGENT: Soltesz
LOCATION: 22621, 22667 and 26225 Three Notch Road
TM-043 GRID-01 & 2 PAR-10, 222, 322, 414 ED-08 TAX ID-050635, 005486, 005478, and 047383
LAND USE: Mixed Use High Intensity
ZONING: CMX/CC
ACREAGE: 26.08
ACTION REQUESTED: Review of a Concept Site Plan for two buildings consisting of a 136,944 square foot vehicle retail establishment. ACCESS POINTS ARE ACCEPTABLE

3. **MINOR SUBDIVISION # 19-11000007, KESSLER SUBDIVISION**
(Zoning Ordinance 10-02) (Subdivision Ordinance 10-01)
OWNER: Jay W. Kessler **Mattapany Rural Legacy Area**
AGENT: D. H. Steffens, Inc.
LOCATION: Three Notch Rd
TM-063 GRID-11 PAR-397 ED-01 TAX ID-179121
LAND USE: Rural Preservation
ZONING: RPD
ACREAGE: 15.25
ACTION REQUESTED: Review of a 1-lot minor subdivision. NO COMMENTS

For information, contact Nicholas Colvin, Department of Land Use and Growth Management at (301) 475-4200*1520 or at Nicholas.Colvin@stmarysmd.com

ATTACHMENT 14

ST. MARY'S COUNTY
HEALTH DEPARTMENT

Meenakshi G. Brewster, MD, MPH - Health Officer

Administration, Records & Health Services: 301 – 475 – 4330
Environmental Health: 301 – 475 – 4321
Medical Assistance Transportation: 301 – 475 – 4296
Maryland Relay Service: 1 – 800 – 735 – 2258
Email: smchd.healthdept@maryland.gov

LUGM#: 19 - 13200005

Transmittal Form

Owner/Applicant: Cecil's Mill LLC.

Surveyor: NJB Engineering

Property Location: 44780 Oak Crest Rd

Tax Map: 34 Grid: 10 Parcel: 292

Section: _____ Lot: _____ District: 8

Subdivision: _____

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St. Mary's County
Land Use & Growth Management

Property ID: 8015546

SMHD File No: 1031-93

Date Received: 6/4/19 No. of copies 1

OK for Sign - OK for Record Set - OK for Perc Preservation - No Objection

Needs Revisions - See Comments

Reviewed By: CHMoritz Date: 6/10/19

ATTACHMENT 15

ST. MARY'S COUNTY HEALTH DEPARTMENT

Meenakshi G. Brewster, MD, MPH - Health Officer

Administration, Records & Health Services: 301 – 475 – 4330
Environmental Health: 301 – 475 – 4321
Medical Assistance Transportation: 301 – 475 – 4296
Maryland Relay Service: 1 – 800 – 735 – 2258
Email: smchd.healthdept@maryland.gov

Property ID: 8015546

Property Address: 44780 Oak Crest Rd

Public Water/Sewer Checklist

General Notes

- [x] 1. Property ID Block (Tax Map, Block, and Parcel)
- [x] 2. Comprehensive Water and Sewer Plan
- [ ] 3. Type of water/sewer supply
- [x] 4. Water/Sewer Categories Listed
- [x] 5. Adequate EDUs/Allocation letter received
- [N/A] 6. Existing well/septic system shown, labeled to be abandoned (if applicable)
- [N/A] 7. Abandonment of well/septic system required prior to issuance of building permit
- [N/A] 8. Well abandonment report received

Other Requirements

- [x] 1. North Arrow
- [x] 2. Proposed structures
- [ ] 3. Driveways/Right of Ways labeled
- [N/A] 4. Grease trap shown (if food service proposed)
- [x] 5. Vicinity Map
- [x] 6. Scale
- [x] 7. Surveyor's Stamp and Signature

St. Mary's County Metropolitan Commission
23121 Camden Way, California, MD 20619

Serving our customers since 1964

www.metcom.org

Potable Water Distribution - Wastewater Collection / Treatment

Phone: 301-737-7400
FAX: 301-737-7459

TEC AGENCY CONCEPT APPROVAL VERIFICATION SLIP TRANSMITTAL FOR PLANNING COMMISSION REVIEW

TO: **Department of Land Use and Growth Management**

FROM: **St. Mary's County Metropolitan Commission**

RE: **19-132-005 Oak Crest Center Revision to Phase 1 – 44780 Oak Crest Road**
Control Number and Project Name

DATE: **March 27, 2019**

The above-referenced project satisfactorily addresses the TEC requirements for concept only and is ready for approval for the Planning Commission.

YES ☒ **NO** ☐

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Land Use & Growth Management

1. This is a concept approval only and not final site plan approval.

2. Based on the revised plans dated December 5, 2012, and approved December 10, 2012, the project site shown on the Oak Crest Center (Revision to Phase 1) plans are a part of Phase 2. Therefore, the permanent sewer pump station must be designed and bonded before the final approval of the Oak Crest Center (Revision to Phase 1) plans is issued per the Final Approval dated December 10, 2012.

3. If the applicant intends to subdivide the parcel then all of the lots must remain in St. John Properties' name and a Declaration of Covenants must be completed and recorded, prior to final approval, that notifies all potential buyers that St. John Properties has agreed to not sell any of the lots until the permanent pump station is constructed and operationally accepted by MetCom. Please contact MetCom to discuss the required contents of this Declaration of Covenants and for a sample if needed.

4. Water and sewer construction plans are required for MetCom review and approval for site development. Please submit construction plans, all necessary review fees, and the review checklist directly to MetCom for review.

ATTACHMENT 16

SIGNATURE: _____

Andy Balchin, P. E., MetCom Assistant Engineer

St. Mary's Soil Conservatio. . District
26737 RADIO STATION WAY, SUITE B
LEONARDTOWN, MD 20650
PHONE 301-475-8402 EXT. 3 ▪ FAX 301-475-8391
WWW.STMARYSSCD.COM

MEMO

To: Brandy Glenn, LUGM

From: Jane R. Sanders, St. Mary's Soil Conservation District

Subject: Technical Evaluation Committee Comments

Date: March 26, 2019

Pursuant to the provisions of St. Mary's County Development Ordinances, the following comments are offered for consideration in review of the project titled: OAK CREST CENTER (Phase 1) , zoning number #19-132-00005.

This submission circulated for review March 11, 2019 meets the requirements for **preliminary approval** by this agency as submitted.

YES ___X___ NO _____

Additions and corrections required or recommended by this agency prior to final approval are as follows:

THE CONCEPT STORMWATER/EROSION AND SEDIMENT CONTROL PLAN has been reviewed. Please provide existing drainage area map; provide a narrative that addresses item 12 of the Concept Erosion and Sediment Control and Stormwater Management Plan checklist; and delineate on plan all long or steep slopes greater than 15%. The site development plan for this project can be submitted for review once the revisions have been made and the CONCEPT plan has been recommended for approval by DPW&T. Please contact this office for the appropriate review fees on the 2nd and 3rd step of the three step review process.

ATTACHMENT 17

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MAR 27 2019
St. Mary's County
Land Use & Growth Management

Jane R. Sanders, Erosion and Sediment Control Specialist

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION

MODIFICATION OF AUTHORIZATION - C

AUTHORIZATION NUMBER:	11-NT-0321/201161311
EFFECTIVE DATE:	February 27, 2018
EXPIRATION DATE:	March 22, 2022
AUTHORIZED PERSON:	Cecil's Mill, LLC 2560 Lord Baltimore Drive Baltimore, MD 21244 Attn: Andrew Roud

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04, 26.23.01 AND 26.08.02, NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 11-NT-0321/201161311, ISSUED TO Cecil's Mill LLC, ("AUTHORIZED PERSON"), IS HEREBY MODIFIED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") AS DESCRIBED BELOW:

To modify the Authorization as follows: extend the Expiration Date, as shown above. Copy of Letter of Authorization is attached.

NOTE: No further extensions of the Expiration Date are allowable per COMAR 26.23, If the project can not be completed by the Expiration Date shown above, the Authorized Person will need to reapply.

MODIFICATION SHALL BE CONSIDERED AS PART OF, NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 11-NT-0321/201161311. ALL OTHER CONDITIONS AND ELEMENTS OF THE AUTHORIZATION REMAIN IN EFFECT.

Denise M. Keehner
Program Manager
Wetlands and Waterways Program

Attachments: Copy of Letter of Authorization

cc: Ken Findley/ St. John Properties.
MDE WMA Compliance Program w/file
U.S. Army Corps of Engineers/ Southern Region

ATTACHMENT 18

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION

MODIFICATION OF AUTHORIZATION - B

AUTHORIZATION NUMBER: 11-NT-0321/201161311

EFFECTIVE DATE: June 30, 2015

EXPIRATION DATE: March 22, 2018

AUTHORIZED PERSON: Cecil Mills, LLC
2560 Lord Baltimore Drive
Baltimore, MD 21244
Attn: Karen Watsic

IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04, 26.23.01 AND 26.08.02, NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 11-NT-0321/201161311, ISSUED TO Cecil Mills, LLC, ("AUTHORIZED PERSON"), IS HEREBY MODIFIED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") AS DESCRIBED BELOW:

To modify the Authorization as follows: To revise the authorized contact person to the name above, which includes an additional 3,870 square feet of temporary impacts to nontidal wetlands buffers for construction of three new outfalls with rip-rap. A copy of the original Letter of Authorization is attached.

THIS MODIFICATION SHALL BE CONSIDERED AS PART OF NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 11-NT-0321/201161311. ALL OTHER CONDITIONS AND ELEMENTS OF THE AUTHORIZATIOIN REMAIN IN EFFECT.

Amanda Sigillito, Chief
Nontidal Wetlands Division

Attachments: Copy of Letter of Authorization

cc: Henry Leskinen/ Eco-Science Professionals, Inc.
MDE WMA Compliance Program w/file
U.S. Army Corps of Engineers/ Southern Region

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term**: Authorized Person shall initiate authorized activities with two (2) years of the Effective Date of this Authorization or the Authorization shall expire. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of the term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion.
3. **Responsibility and Compliance**: Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply**: If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation**: Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals**: Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington counties, Authorized Person shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery, and Prince George's counties, Authorized Person shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, and St. Mary's, Authorized Person shall call 410-537-3510. For Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester, Authorized Person shall call 410-901-4020. If Authorization is for a project that is part of a mining site, please contact the Land Management Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Authorized Person shall obtain approval from the St. Mary's Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.

10. **Federally Mandated State Authorizations:**

☒ **Water Quality Certification**: Water Quality Certification is granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions.

☒ **Coastal Zone Consistency:** This Authorization constitutes official notification that authorized activities are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended. Activities within the following counties are not subject to this requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

11. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
12. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
13. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
14. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
15. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
16. **Instream Construction Prohibition:** No in-stream work is authorized for this project.
17. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
18. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
19. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has determined that the proposed project qualifies for authorization under the Maryland State Programmatic General Permit (MDSPGP-4), Category A , Activities D, E(8), subject to the attached conditions of the MDSPGP-4.

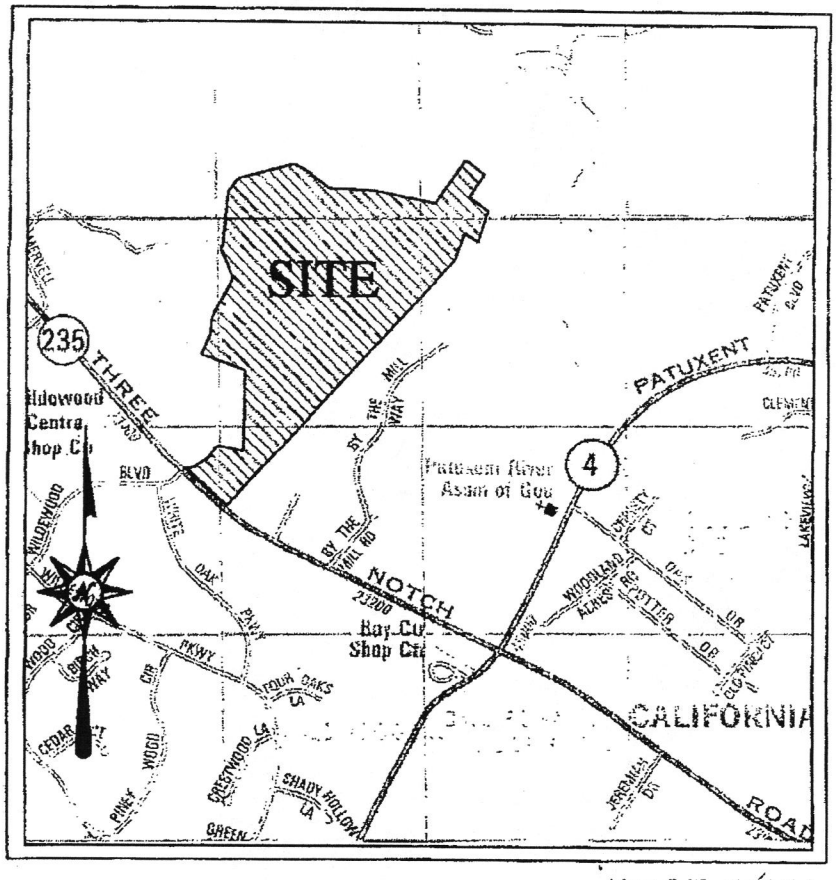
Attachment
11-NT-0321/201161311

BEST MANAGEMENT PRACTICES FOR WORKING IN NONTIDAL WETLANDS, WETLAND BUFFERS, WATERWAYS, AND 100-YEAR FLOODPLAINS

1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
2) Place materials in a location and manner, which do not adversely impact surface or subsurface water flows into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year floodplain in excess of that lost under the originally authorized structure or fill.
6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (Lolium multiflorum), Millet (Setaria italica), Barley (Hordeum sp.), Oats (Uniola sp.), and/or Rye (Secale cereale). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:

   Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.

10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



Map #:17 Grid:H-1
Scale: 1" = 1,200'

VICINITY MAP

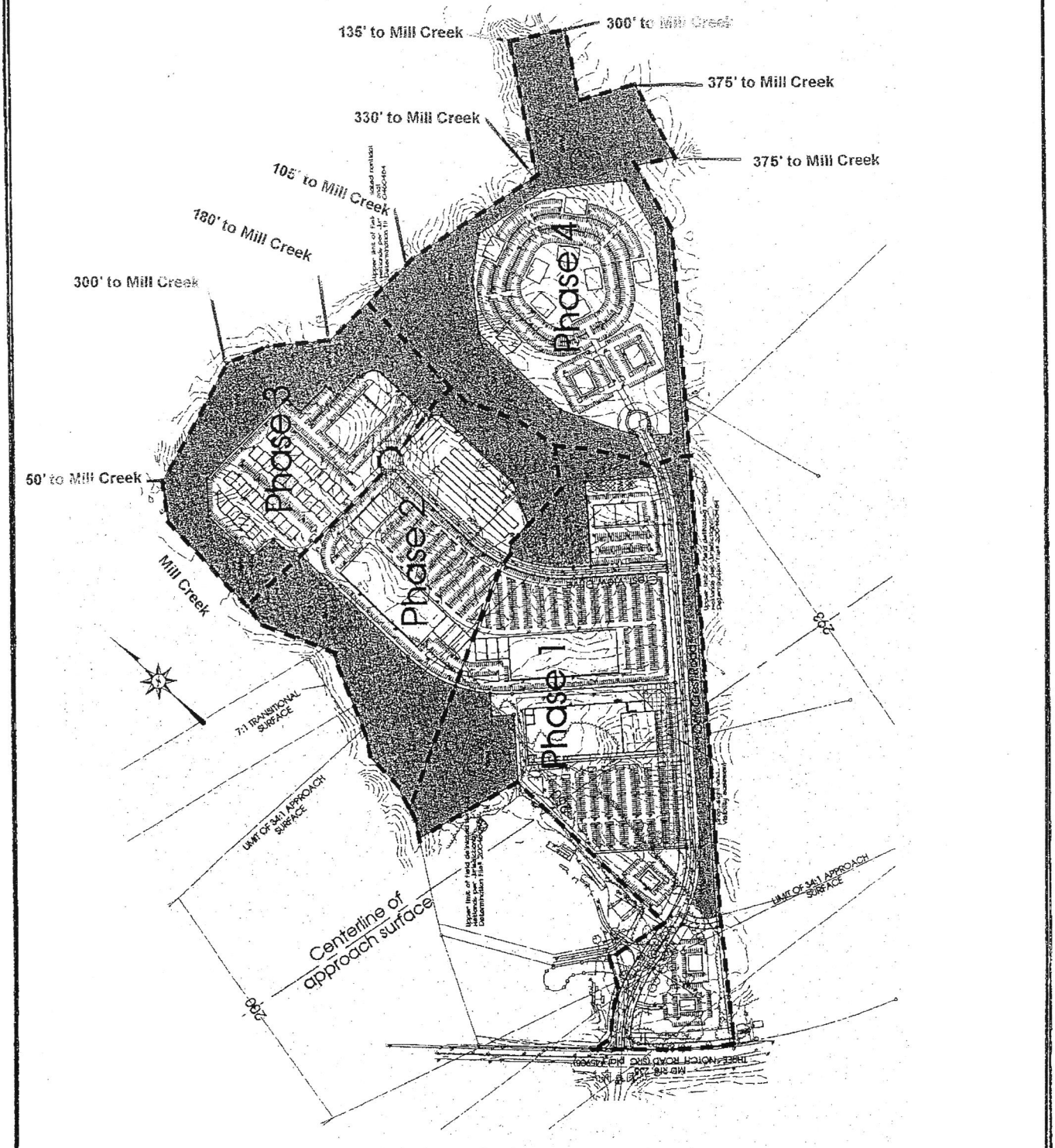
ST. JOHN PROPERTIES
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

Date:	3/21/05
Scale:	1"=40'
Drawn By:	BJN
Revisions:	7/19/2011
	By: N.B.

Oak Crest Center

Joint Permit Application

8th Election District Mary's County, MD



Revised Sheet 2 of 5

ST. JOHN PROPERTIES

2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

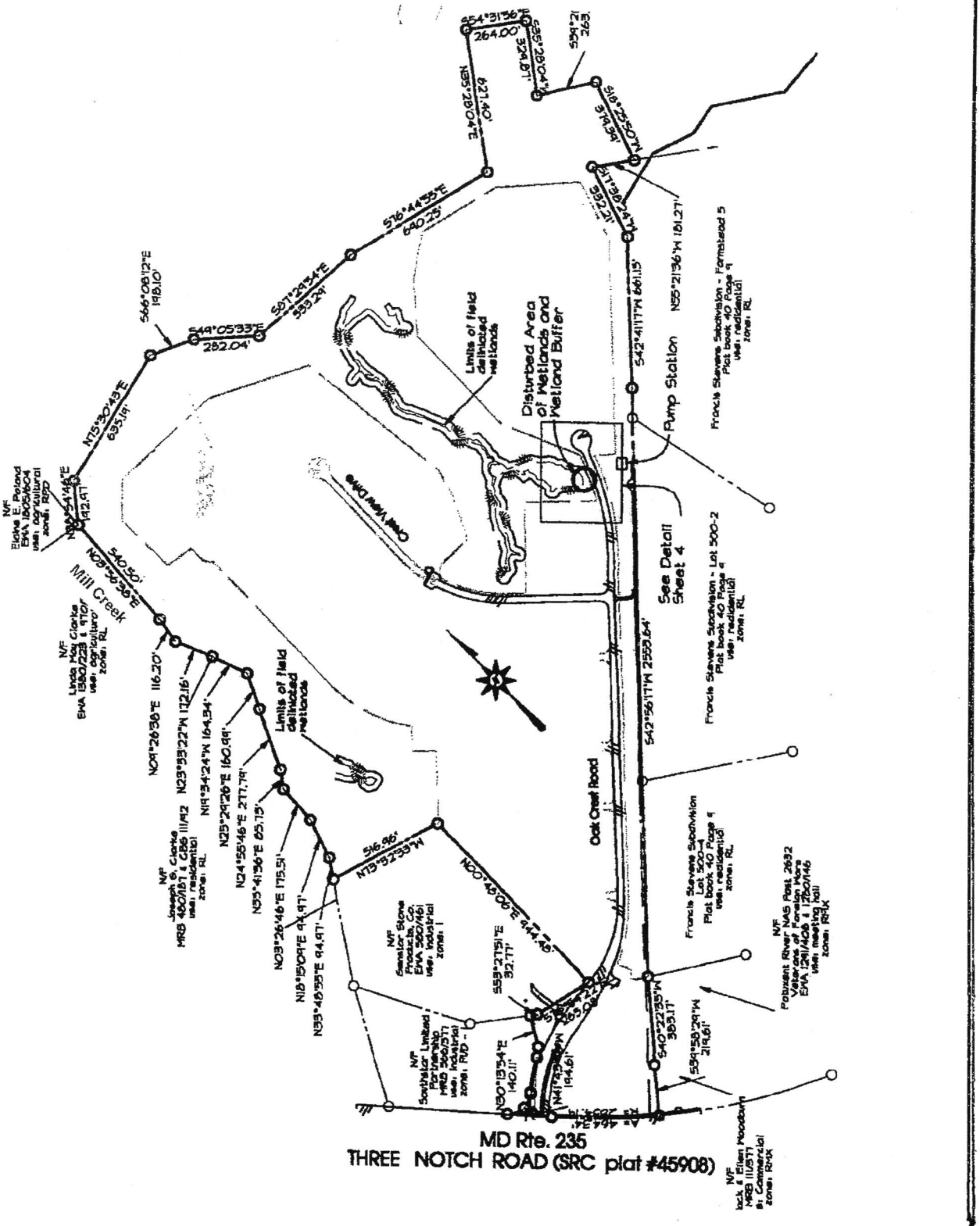
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Drawn By:	BJN
Revisions:	7/19/2011
	By: N.B.

Oak Crest Center

Plan View - Concept Plan

Joint Permit Application

8th Election District — Mary's County, MD



Revised Sheet 3 of 5

ST. JOHN PROPERTIES

2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

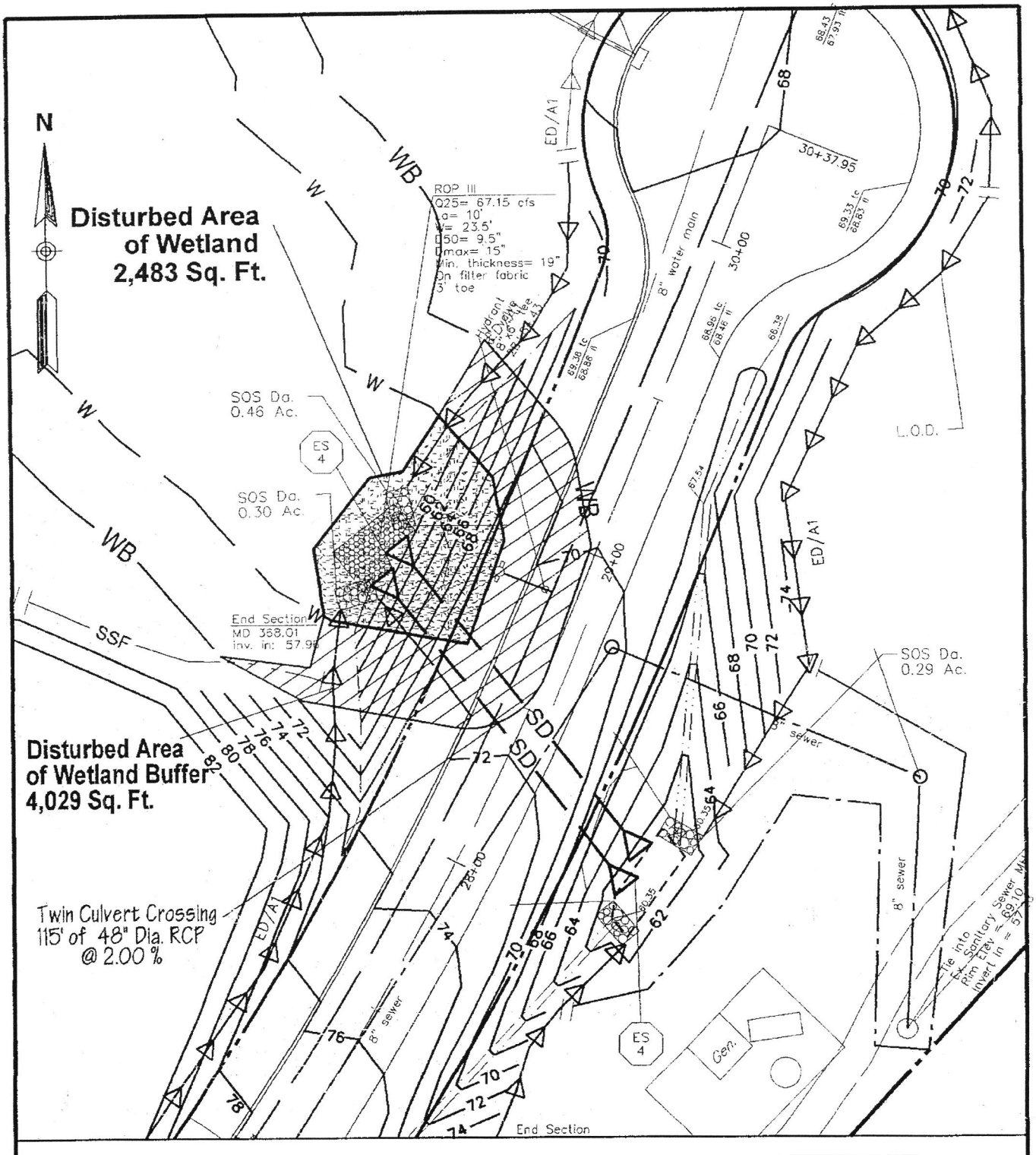
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Drawn By:	BJN
Revisions:	7/19/2011
By:	N.B.

Oak Crest Center

Plan View

Joint Permit Application

8th Election District — Mary's County, MD



Scale: 1" = 40'

Buffer Disturbance : 4029 Sq. Ft.
Wetland Disturbance : 2483 Sq. Ft.

Revised Sheet 4 of 5

ST. JOHN PROPERTIES
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

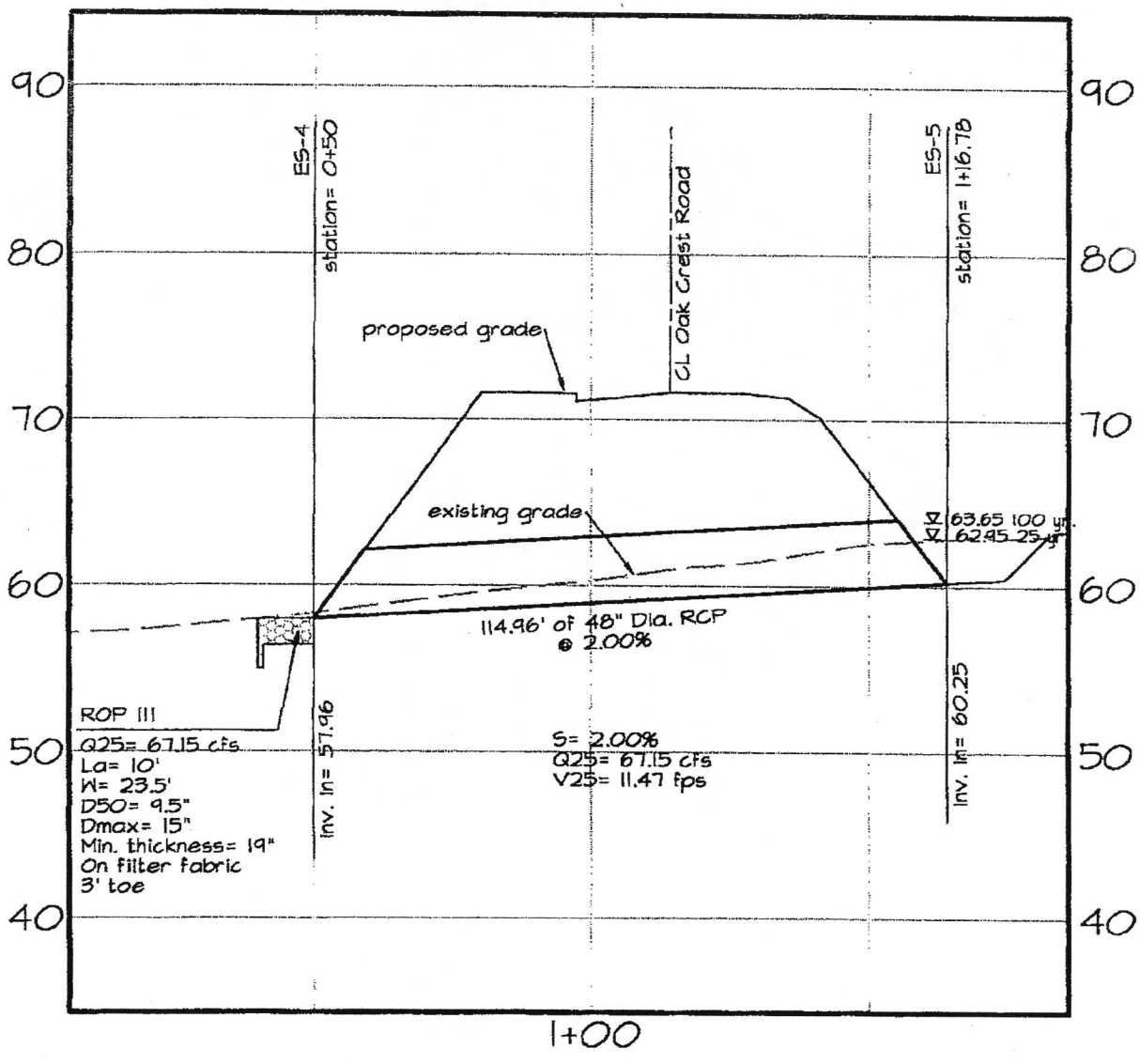
Date:	3/21/05
Scale:	1"=40'
Drawn By:	BJN
Revisions:	7/19/2011
	By: N.B.

Oak Crest Center

Plan View

Joint Permit Application

8th Election District — Mary's County, MD



Twin 48" culvert
C.L. station 28+44.37
Oak Crest Road

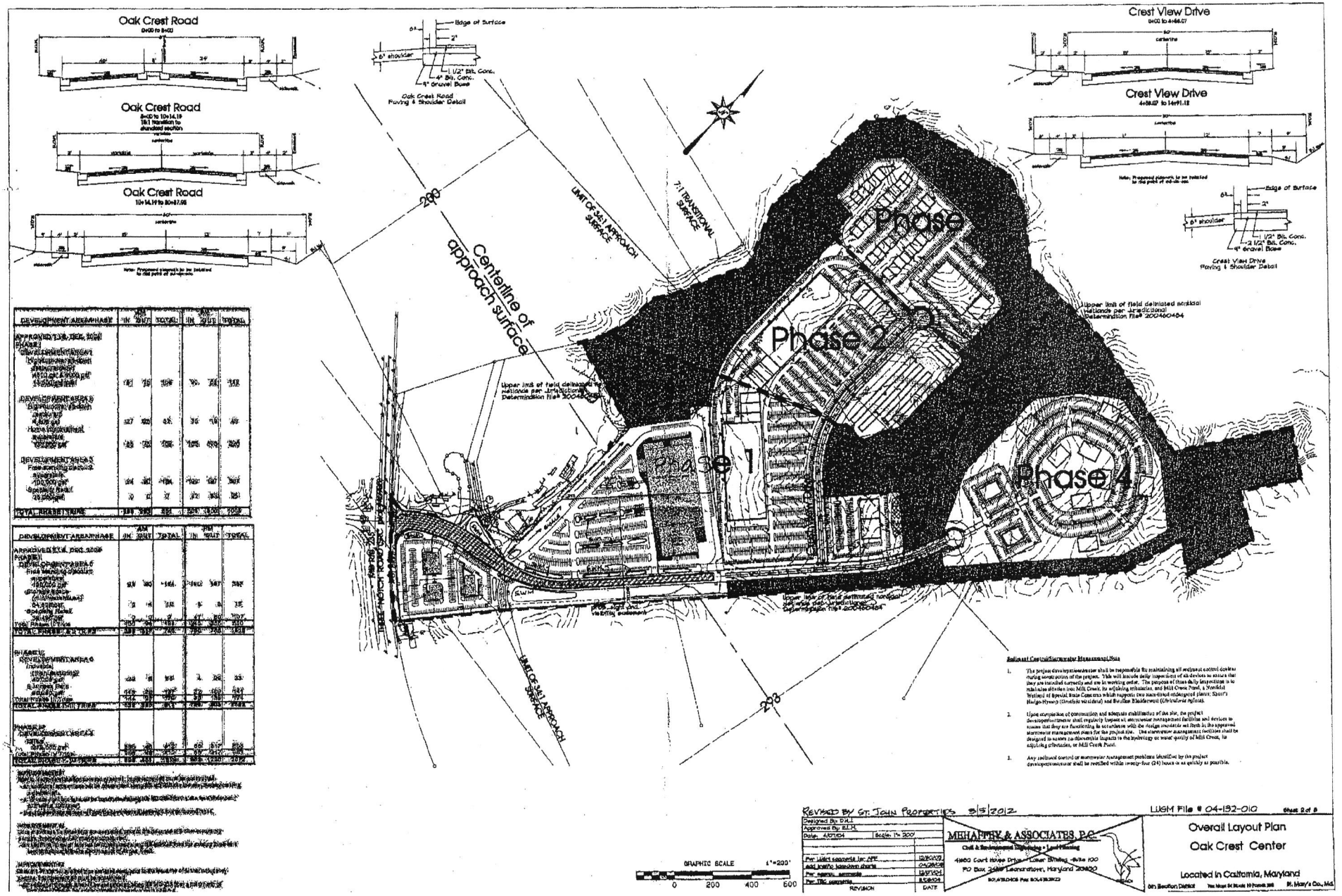
Scale: Horz. 1" = 30'
Vert. 1"=10'

Revised Sheet 5 of 5

ST. JOHN PROPERTIES
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

Date:	3/21/05
Scale:	1"=40'
Drawn By:	BJN
Revisions:	7/19/2011
By:	N.B.

Oak Crest Center
Plan View
Joint Permit Application
8th Election District Mary's County, MD



DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
APPROVED T.I.S. DEC. 2005						
PHASE I						
DEVELOPMENT AREA 1						
Single family detached dwellings 1,400 gsf	181	75	106	90	48	138
DEVELOPMENT AREA 2						
Single family detached dwellings 1,400 gsf	127	100	65	90	70	160
Retail/commercial 20,000 gsf	48	30	78	175	190	365
DEVELOPMENT AREA 3						
Free standing discount superstore 100,000 gsf	164	120	284	420	380	800
Specialty Retail 24,000 gsf	10	07	17	82	100	182
TOTAL TRIPS GENERATED	530	332	862	857	788	1645

DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
APPROVED T.I.S. DEC. 2005						
PHASE I						
DEVELOPMENT AREA 2						
Free standing discount superstore 100,000 gsf	314	180	494	1402	1147	2549
Specialty Retail (multi-tenant) 24,000 gsf	13	08	21	91	81	172
Restaurant, Specialty Retail 20,000 gsf	10	07	17	117	100	217
TOTAL TRIPS GENERATED	337	195	532	1610	1328	2938
TOTAL TRIPS E.X.C.L.U.D.E	337	195	532	1610	1328	2938
PHASE II						
DEVELOPMENT AREA 2						
Residential Townhouse 1,800 gsf	228	78	306	3	28	31
Retail/commercial 20,000 gsf	48	30	78	175	190	365
TOTAL TRIPS GENERATED	276	108	384	178	218	396
TOTAL TRIPS E.X.C.L.U.D.E	337	195	532	1610	1328	2938
PHASE III						
DEVELOPMENT AREA 3						
Retail/commercial 20,000 gsf	48	30	78	175	190	365
TOTAL TRIPS GENERATED	48	30	78	175	190	365
TOTAL TRIPS E.X.C.L.U.D.E	337	195	532	1610	1328	2938

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Corps Permit Tracking No.: 201161311 Date: March 22, 2012

Permittee/Project Name: Oak Crest Center Culv MDSPGP-4 Category and Activity No.: Cat. A, Act. D, E(8)

Dear Applicant:

The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the enclosed terms and conditions of the Maryland State Programmatic General Permit-4 (MDSPGP-4). A requisite of permit issuance requires that the applicant comply with any specific terms and conditions associated with the authorized project (conditions enclosed). This MDSPGP-4 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-4 authorization for your project may be modified, suspended, or revoked.

As a condition of the MDSPGP-4 authorization, you, the permittee, are required to complete and sign the **enclosed** Compliance Self-Certification Form regarding the completed work and any required mitigation. The signed form should be returned to the Regulatory Branch at the above address **within 60 days** following completion of the authorized work and any required mitigation.

Please be aware that the terms and conditions of this permit will continue to be binding on the new property owner(s) if structures or work authorized by this permit exist at the time of ownership transfer of the associated property. Although the construction period for work authorized by this MDSPGP-4 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the legal responsibility to comply with its terms and conditions, the transferee (new owner) must provide the Corps a mailing address and telephone number along with their signature and date in the space provided below and mail a copy to the above address.

Your MDSPGP-4 authorization is valid until September 30, 2016 unless the permit is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-4. When changes to the MDSPGP-4 occur, a public notice announcing the changes will be issued. Be advised that you have 12 months from the effective date of the MDSPGP-4's expiration, modification or revocation to complete the work under the present terms and conditions provided you have commenced construction or are under contract to commence construction of the authorized work.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.

William P. Seib

William P. Seib
Chief, Regulatory Branch

TRANSFEREE SIGNATURE DATE AREA CODE / TELEPHONE NO.

PRINTED NAME ADDRESS

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Effective October 1, 2011

201161311
Corps Permit Number

CENAB-OP-R-MDSPGP-4 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-4)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-4. It has been determined that the project qualifies for the MDSPGP-4. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VII of the MDSPGP-4 effective on October 1, 2011.

VII. General Conditions: To qualify for MDSPGP-4 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific conditions in the MDSPGP-4 category list and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-4 does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. **Geographic Jurisdiction:** This MDSPGP-4 will authorize work undertaken within the geographic limits of the State of Maryland under the regulatory jurisdiction of the Baltimore District.

3. **Applicability:** Applicability of the MDSPGP-4 shall be reviewed with reference to the Corps definition of waters of the United States, including wetlands, and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.

4. **Minimal Effects:** Projects authorized by the MDSPGP-4 shall have no more than minimal individual and cumulative adverse environmental effects.

5. **Discretionary Authority:** Notwithstanding compliance with the terms and conditions of the MDSPGP-4, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-4 based on concerns for the aquatic environment or for any other factor of the public interest. This authority may be invoked on a case-by-case basis during the review process for Category B activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposed project warrant individual review. In some rare instances, the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific proposed project, which has already received a case-specific verification as a Category A activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with Section VIII.E of the MDSPGP-4.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-4 is voided. No work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-4.

6. **Single and Complete Projects:** The MDSPGP-4 shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. For purposes of this MDSPGP-4, a single and complete project means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers and which has independent utility. All components of a project, including all attendant features both temporary and permanent, shall be reviewed together as constituting one single and complete project. All planned phases of multi-phased projects (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP-4 shall not be used for any activity or portion of a project (e.g., a pier or boat ramp), that is part of, or dependent on, an overall project (e.g., the dredging of a main navigation channel or a spur channel), for which an individual permit or some other alternate Corps permit is required.

7. **Use of Multiple MDSPGP-4 Activities:** More than one MDSPGP-4 activity may be used to authorize a single and complete project. However, the specific requirements, including all activity-specific requirements and impact thresholds, must be met for each MDSPGP-4 activity and the total extent of project impacts must not exceed the acreage and/or linear foot limit of the MDSPGP-4 activity with the highest specified acreage and/or linear foot limit. For example, if a road crossing is authorized under Category A of Section IV.B.1.(d)(1) with an associated nontidal bank stabilization authorized under Section IV.B.1.f.(4)(a), the maximum total impact limits to nontidal waters of the United States for the single and complete project may not exceed 10,000 square feet in total area and/or 500 linear feet in total length. The road crossing and nontidal bank stabilization activities must still meet all Category A activity-specific requirements and impact thresholds.

A single and complete project with multiple impacts, that may be eligible for authorization under a Category A and a Category B activity, requires an application submittal to the Corps and review under the MDSPGP-4 Category B verification procedures. All specific requirements, including the activity-specific requirements and impact thresholds of the Category A activity and the Category B activity must be met and the total extent of project impacts must not exceed to total acreage and/or linear foot limit of the MDSPGP-4 activity with the highest specified acreage and/or linear foot limit. For example, if a road crossing is authorized under Category A of Section IV.B.1.(d)(1) with an associated nontidal bank stabilization authorized under Section IV.B.f.(4)(b), the maximum total impact limits to waters of the United States for the single and complete project may not exceed 1/2 acre (21,780 square feet) in total area and/or 2,000 linear feet in total length. The road crossing activity must meet the Category A activity-specific requirements and impact thresholds, and the nontidal bank stabilization activity must meet the Category B activity-specific requirements and impact thresholds.

8. **Permit On-Site:** The permittee shall ensure that a copy of the MDSPGP-4 and the accompanying authorization letter are at the work site at all times. These copies must be made available to any regulatory representative upon request. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be expected to comply with all conditions of any general permit authorization.

9. **Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899:**

a. If future operations by the United States require removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The permittee acknowledges the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels and/or ice flows within the waterway. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted herein and the safety of vessels moored thereto from damage by wave wash and/or ice flows, and the permittee shall not hold the United States liable for such damage.

c. The permittee must install and maintain, at his/her expense any safety lights, markers, and/or signals prescribed by the USCG, through regulations or otherwise, on the authorized facilities and/or structures. The permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford

Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights. Prior to commencing the construction or installation of an authorized structure in navigable waters of the United States, the permittee must submit a "Private Aids to Navigation Application" to the Commander of the USCG.

d. The permittee must provide location coordinates of the authorized structures, including minimum depth and other pertinent information to the USCG and request that a Local Notice to Mariners is issued regarding the authorized work.

10. For Aerial Transmission Lines Across Navigable Waters: The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the USCG for new fixed bridges, in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

NOMINAL SYSTEM VOLTAGE (kV)	Minimum additional clearance (ft.) above clearance required for bridges.
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750-765	45

a. Clearances for communication lines, stream gauging cables, ferry cables, and other aerial crossings must be a minimum of ten feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.

b. Corps Regulation ER 1110-2-4401 prescribes minimum vertical clearances for power communication lines over Corps lake projects. In instances where both the National Electrical Safety Code requirements and ER 1110-2-4401 apply, the greater minimum clearance is required.

A. **National Concern:**

1. **Historic Properties:** Any activity authorized by the MDSPGP-4 shall comply with Section 106 of the National Historic Preservation Act. Maryland Department of the Environment, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine whether National Historic Preservation Act Section 106 consultation is required. The applicant must notify the Corps if they have knowledge that the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee discovers any previously unknown archaeological or other cultural resource while accomplishing the work authorized by the MDSPGP-4, the permittee shall immediately notify the Corps of what has been found and stop work in the permit area until the required coordination has been completed. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied

and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the MHT, Office of Preservation Services, and the National Register of Historic Places.

2. **Tribal Rights:** No activity or its operation may impair reserved tribal rights, including but not limited to, reserved water rights and treaty fishing and hunting rights.

3. **National Lands:** Activities authorized by the MDSPGP-4 shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuges, National Forests, National Parks, National Marine Sanctuaries, or any area administered by the FWS, U.S. Forest Service, or National Park Service (e.g., Assateague Island National Seashore).

4. **Endangered Species:** The MDSPGP-4 does not authorize any activity that may directly or indirectly affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal ESA; or which may directly or indirectly destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and procedures. MDE, in cooperation with MD DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any Federally listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is eligible for authorization. Information on the location of threatened and endangered species and their critical habitat can be obtained from FWS and NMFS. The Corps will be initiating consultation under the Endangered Species Act on this MDSPGP-4 and any conditions from that consultation will be inserted into the MDSPGP-4.

National Marine Fisheries Service – Endangered Species Act Requirements:

a. **Interactions with National Marine Fisheries Service Federally Threatened or Endangered Species:** Any interaction between a sea turtle or any species listed now or in the future under Federal law as a threatened or endangered species ("listed species") (e.g., North Atlantic right whale, humpback whale, shortnose sturgeon) and the vessels associated with the project must be reported to the NMFS as follows: If the animal appears alive and uninjured (i.e., breathing normally, no visible wounds, movement uninhibited), the permittee or its representative must report the incident to the NMFS Northeast Region Marine Mammal and Sea Turtle Stranding and Entanglement Hotline at (866) 755-6622 within 24 hours of returning from the trip on which they made the discovery. If the animal requires assistance, the call to the hotline must be made immediately. If the animal appears to be injured (i.e. bleeding, gasping for air, etc.) or dead, the permittee or its representative must also immediately call the hotline so the appropriate rehabilitation or stranding network representative can be contacted. The applicant shall also notify the Corps of all correspondence and interaction with the NMFS within two calendar days. Additional information about any Federally threatened or endangered species may be obtained from the attached fact sheet or online at: http://www.nero.noaa.gov/prot_res/stranding/SpeciesOverview.html and at: http://www.nero.noaa.gov/prot_res/esp/. An interaction is defined as an entanglement or capture of a listed species or a strike/direct contact between vessels or equipment used for the project and a listed species.

b. **Vessel Buffer:** When listed species are sighted, vessels must attempt to maintain a distance of 50 yards (150 feet) or greater between the animal and the vessel whenever possible. State and Federal regulations prohibit approaching a right whale within a 500 yard (1,500 foot) buffer zone. Any vessel finding itself within the 500 yard (1,500 foot) buffer zone created by a surfacing right whale must depart immediately at a safe, slow speed. If other listed species are detected, vessels will reduce their speeds to 10 knots or to the maximum extent practicable to ensure human safety. If listed species are sighted off of a moving dredge, intentional approaches within 100 yards (300 feet) of the animal must be avoided. Vessels must reduce speeds to 4 knots or the lowest speed practicable to ensure human safety. Any interactions must be reported to the NMFS.

c. **Best Management Practices Applicable to Category A Activities Within Tidal Waters Having Salinity Levels Less Than 6 Parts Per Thousand (ppt) (See Appendix B):**

(i) Pile Driving: For the protection of listed species within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels <6 ppt, pile driving methods must maintain noise level thresholds not to exceed 187dB SEL re 1µPa or 206dB peak re 1µPa at a distance of >10m from the pile being installed; and for levels >155dB peak re 1µPa must not exceed 12 consecutive hours on any given day and a 12 hour

recovery period (i.e., in-water noise levels below 155dB peak re 1μPa) must be provided between work days. Pile driving construction must adhere to one of the following methods: (a) piles must be installed in-the-dry during low water; or (b) piles must be drilled and pinned to ledge; or (c) vibratory hammers must be used to install any size and quantity of wood, concrete, or steel pilings; or (d) impact hammers must be limited to one hammer and <50 piles installed per day with the following: wood piles of any size; concrete piles <18-inches diameter; steel piles <12-inch diameter if the hammer is <3,000 pounds and a wood cushion is used between the hammer and steel pile; or (e) approved pile driving methods that will allow noise level thresholds to be met.

(ii) Sediment Disturbing Activities Time-of-Year Restriction: Sediment disturbing activities, which includes pile driving activities, are prohibited during the period April 1 through June 30 within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels <6 ppt for the protection of shortnose sturgeon and early life stages in these waters.

5. **Essential Fish Habitat (EFH) and Fish and Wildlife Coordination Act:** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. Essential Fish Habitat has been defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has determined that many of the MDSPGP-4 Category A activities are eligible for EFH general or programmatic concurrence and require no further EFH consultation. National Marine Fisheries Service, in consultation with the District, has determined that individual EFH consultation is needed for some projects potentially eligible for authorization under Category A of the MDSPGP-4 that may adversely affect EFH. The Corps will coordinate with NMFS as part of the Category B review procedures. EFH conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. If the EFH coordination and consultation requirements cannot be resolved under the MDSPGP-4 process, an alternate Corps permit review process is required for the project. The Corps will be initiating consultation under these authorities on this MDSPGP-4, and any conditions from that consultation to protect NOAA trust resources will be inserted into this MDSPGP-4.

6. **Wild and Scenic Rivers:** No activity is authorized under the MDSPGP-4 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or FWS).

7. **Federally Authorized Civil Works Projects:**

a. **Federal Navigation Projects:** The MDSPGP-4 does not authorize interference with any existing or proposed Federal navigation projects. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (See VII.A.9.a.)

b. **Federal Navigation Channel Setbacks:** All activities must comply with the Baltimore District Minimum Setback Guidance for Structures Along Federally Authorized Channels. Please see the Baltimore District's Regulatory webpage to view this guidance: http://www.nab.usace.army.mil/Wetlands%20Permits/publications.htm.

c. **Other Federally Authorized Civil Work Projects (e.g., flood control, dams, and reservoirs):** The MDSPGP-4 does not authorize interference with any proposed or existing Federally authorized civil works project.

8. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; and

e. Damage claims associated with any future modification, suspension or revocation of the MDSPGP-4 or any specific MDSPGP-4 verification.

9. **Navigation:** Projects authorized under the MDSPGP-4 shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to projects authorized under the MDSPGP-4. Nothing in the MDSPGP-4 shall in any way restrict the District Engineer, U.S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under the Navigation Servitude of the United States. (See VII.B.8.)

10. **Fills Within 100-Year Floodplain:** The activity must comply with applicable Federal Emergency Management Agency approved State or local floodplain management requirements.

11. **Safety of Impoundment Structures:** To ensure that all impoundment structures are safely designed, the Corps may require non-Federal applicants to demonstrate that the structures comply with established State dam safety criteria or have been designed by qualified persons. The Corps may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

B. **Minimization of Environmental Impacts:**

1. **Avoidance and Minimization:** Discharges of dredged or fill material into waters of the United States and adverse impacts of such discharges on the aquatic ecosystem shall be avoided and minimized to the maximum extent practicable at the project site (i.e., on-site).

2. **Mitigation Standards:** A proposed compensatory mitigation proposal may be submitted with the application to expedite the process. The Corps will determine if the project is eligible for authorization under the MDSPGP-4 subject to the applicant's submittal of a compensatory mitigation proposal for stream and wetland impacts. Compensatory mitigation plans will generally include a requirement for the establishment, performance, maintenance, legal protection (e.g., conservation easements), and long-term management of the mitigation area. Applicants may propose the use of mitigation banks, in-lieu-fee programs, or separate permittee-responsible mitigation. In general, maintenance of previously authorized activities typically does not require mitigation. All mitigation must be in compliance with the 2008 Mitigation Rule (73 FR 70).

a. Wetland mitigation will generally be required for all permanent tidal or nontidal wetland losses either through the use of the State's tidal or nontidal programmatic wetland compensation, mitigation banks, in-lieu-fee programs, and/or by the permittee as required by special condition of the MDSPGP-4 or the State authorization. Generally, the minimum required wetland mitigation ratios will be as follows: 2:1 for forested and scrub-shrub wetlands; 1:1 for herbaceous emergent wetlands, and 1:1 for permanent conversion of forested wetlands to herbaceous emergent wetlands. Wetland mitigation can include wetland restoration, establishment, enhancement (including restoration or enhancement of upland forested buffers), and/or wetland preservation, unless the Corps determines in writing that some other form of mitigation would be more appropriate and provides a project-specific waiver of this requirement. Since the likelihood of success is greater and the impacts are reduced, wetland restoration should be the first compensatory mitigation option considered.

b. Stream mitigation, focusing on functional replacement, will generally be required for any project that involves losses of more than 200 linear feet to stream channels and rivers through the use of mitigation banks, in-lieu-fee programs, or by the permittee as required by special condition of the MDSPGP-4 and/or the State authorization. Stream mitigation can include stream restoration, establishment, enhancement (including enhancement of riparian buffers), and stream preservation. Riparian buffer areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns. The need to require mitigation for impacts to open waters will be determined on a case-by-case basis.

c. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu-fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee.

d. For permittee-responsible mitigation, the special conditions of the MDSPGP-4 verification must clearly indicate the party or parties responsible for the implementation, performance, and long-term management of the compensatory mitigation project.

3. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to preconstruction contours and elevations upon completion of the work.

4. **Temporary Fill and Mats**: Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-4. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-4 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original, pre-construction contours and revegetated with native wetland species.

5. **Erosion and Sediment Control:** Adequate erosion and sediment control measures, practices, and devices, such as turbidity curtains in tidal waters, vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States should be performed during periods of low-flow or no-flow, whenever practicable.

6. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through, or spawn/nursery within the area (e.g., anadromous/catadromous fish); unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine, and resident fish. Permanent culvert or pipes placed in streams must be depressed in accordance with the State of Maryland regulations. If depression of the culvert is not practicable, the applicant must submit a narrative, along with their application, documenting measures evaluated to minimize disruption of the movement of aquatic life, as well as specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipe/culvert. Options that need to be considered include the use of a bridge, bottomless pipe, partial depression, or other measures to provide for the movement of aquatic organisms. The documentation must also include photographs documenting site conditions. The applicant may find it helpful to contact their regional fishery agency for recommendations about the measures to be taken to allow for fish passage

7. **Water Crossings:**

a. All temporary and permanent crossings of waterbodies shall be suitably bridged, culverted, or otherwise constructed to withstand and to prevent the restriction of high flows and tidal flows; to maintain existing low flows; and to prevent the obstruction of movement by aquatic life indigenous to the water body, including anadromous, estuarine, and resident fish species.

b. All water crossings (e.g., utility lines and road crossings) must be constructed roughly perpendicular to waters of the United States, including streams and wetlands. Where a utility line or access road is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line/access road and the waterway to avoid or minimize potential future impacts to waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance.

c. Water crossings must be constructed "in the dry" whenever practicable. This should be accomplished by using stream diversion devices other than earthen or stone cofferdams.

d. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.

e. Temporary structures and fills shall be removed and the area restored to its original contours and elevations, or to the conditions specified in the approved plans. The temporary structures and the areas of fill associated with these structures must be included in the total waterway/wetlands impacts.

8. **Discharge of Pollutants:** All activities that are authorized under the MDSPGP-4 and that involve any discharge or relocation of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251 et. Seq.), and applicable State and local laws and regulations. No discharge of dredged or fill material in association with this authorization may consist of unsuitable material such as trash, debris, car bodies, asphalt, etc.

9. **Spawning Areas:** Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill materials in fish and shellfish spawning or nursery areas during spawning seasons, shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year. Activities that result in the physical destruction (e.g., through excavation, dredging, mining, fill, or significant downstream sedimentation by substantial turbidity) of an important spawning/nursery area are not authorized by this MDSPGP-4.

10. **Waterfowl Breeding and Wintering Areas:** Discharges into breeding and wintering areas for migratory waterfowl shall be avoided to the maximum extent practicable.

11. **Environmental Values:** The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-4 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife, and natural environmental values.

12. **Management of Water Flows:** To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

13. **Water Supply Intakes:** No discharge of dredged or fill material may occur in the proximity of a public water supply intake.

D. **Procedural Conditions:**

1. **Inspections:** The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-4. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. **Compliance Certification:** Every permittee who receives a written MDSPGP-4 verification shall submit a signed Compliance Certification Form within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Failure to submit the Compliance Certification Form by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. The Corps will provide a blank copy of the Compliance Certification Form to the permittee with the MDSPGP-4 verification. The completed form will include the following:

a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-4 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-4 verification, including any general and/or specific conditions and requirements, the permittee shall describe the specifics of the deviation from the authorized activity.

b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.

c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the Baltimore District at the following address:

U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P. O. Box 1715
Baltimore, Maryland 21203-1715

3. **Transfer of MDSPGP-4 Verifications:** If the permittee sells the property associated with a MDSPGP-4 verification, the permittee may transfer the MDSPGP-4 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-4 verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this MDSPGP-4 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-4, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-4 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____ _____

(Transferee) (Date)

4. **Maintenance:** The permittee shall properly maintain the work or structure authorized by the MDSPGP-4 in good condition and in compliance with the terms and conditions of the MDSPGP-4, including maintenance to ensure public safety.

5. **Property Rights:** The MDSPGP-4 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

6. **Modification, Suspension and Revocation:** The MDSPGP-4, or any verification under it, may be either modified, suspended, or revoked, in whole or in part, pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States.

7. **Restoration:** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-4, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

8. **Special Conditions:** The Corps may impose special conditions on any project authorized under the MDSPGP-4, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of the public interest. Failure to comply with all conditions of the authorization/ verification, including special conditions, will constitute a permit violation/unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.

9. **False or Incomplete Information:** In granting authorization pursuant to this permit, the Baltimore District will rely upon information and data provided by the permittee. If the project is verified by the Corps or MDE under the MDSPGP-4 and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the MDSPGP-4 verification may be revoked, in whole or in part, and/or the United States may institute appropriate legal proceedings.

10. **Compliance:** Any activity performed in waters of the United States, including wetlands and navigable waters, that is not in compliance with all the terms and conditions of the MDSPGP-4, which includes the MDSPGP-4 authorized activity activity-specific requirements, constitutes unauthorized work and is subject to an enforcement action by the Corps or the EPA. Furthermore, the MDSPGP-4 does not delegate any Section 404 enforcement or regulatory authority. Unauthorized work in waters of the United States, including wetlands and navigable waters, is subject to one or more of the following responses by EPA and/or the Corps:

a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.

b. Initiation and assessment of a Class I administrative penalty order pursuant to Section 309(g) of the CWA.

c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the CWA.

d. Referral of the case to the U. S. Attorney with a recommendation for a civil or criminal action.

e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.

f. Any other appropriate response.

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

201161311
Corps Permit Tracking Number

MDSPGP-4
CATEGORY A, ACTIVITY (A-d)
Linear Transportation Activities

The projects, structures and activities, listed below, must comply with all activity-specific conditions, in addition to all of the general conditions of this general permit.

All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and requirements, in addition to the general conditions of this permit. This activity authorizes discharges of dredged or fill material associated with new construction, expansion, modification, or improvement of temporary and permanent linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways), which cross waters of the United States, including streams and wetlands. This activity cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangers (Sections 10 and 404; all waters of the United States).

New crossings of all waters of the United States will be reviewed based on the following order of preference: (a) bridge, (b) bottomless arch culvert, and (c) pipe or box culvert. Written documentation may be required to support the preferred crossing method.

Impact Limits and Requirements:

i. The total temporary and permanent impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other open waters, are not to exceed 5,000 square feet and/or 200 linear feet of streams, rivers, and other nontidal open waters.

ii. This activity can authorize multiple road crossings provided that the total temporary and permanent impact of all of the crossings meets the 5,000 square feet and 200 linear feet impact limit.

iii. All linear transportation activities with discharges in tidal waters and wetlands or in nontidal wetlands adjacent to tidal waters are not authorized under Category A and require review under Category B or alternate Corps permit review procedures, as appropriate.

iv. Category B or alternate Corps permit review procedures are required for stream relocation projects that do not propose natural stream design to relocate impacted streams.

v. Any temporary crossing that must remain in place for over one year after the installation date requires review under Category B or alternate Corps permit review procedures, as appropriate.

vi. The following conditions are applicable to Coastal Plain streams, and Harford and Cecil County Piedmont streams:

(1) Permanent culvert pipes that are greater than 24 inches in diameter and bridge/arch footers must be countersunk a minimum of 12 inches below the natural stream invert.

(2) Permanent culvert pipes and bridge/arch footers placed in streams on bedrock or over buried utility lines are exempt from these countersinking (i.e., depressing) requirements and must be constructed in accordance with the State of Maryland regulations. Permanent culvert pipes and bridge/arch footers placed in streams on bedrock or over buried utility lines are eligible for Category A review with specific documentation concerning site conditions and limitations on depressing the culvert, cost, and engineering factors that prohibit depressing the pipes/culvert.

(3) All permanent culvert pipes greater than 24 inches in diameter and bridge/arch footers (except those placed in streams on bedrock or over buried utility lines) that cannot be countersunk in accordance with condition (i) above are not eligible for Category A and must be reviewed under Category B or alternate Corps permit review procedures, as appropriate.

Requirements Applicable to Both Category A and Category B Activities:

i. Application must be submitted to MDE for Corps authorization.

ii. The width of the fill must be limited to the minimum necessary for the crossing.

iii. The crossing must not be used as a berm for a permanent impoundment.

iv. Exposed slopes and stream banks must be stabilized and revegetated, preferably with native, woody species, immediately after construction of the road crossing is completed.

v. Extensions of existing pipes or culverts that are not depressed below the stream invert are exempt from the requirement to depress the culvert.

vi. Any temporary crossing must be removed within 14 calendar days after the structure is no longer needed, subject to any time-of-year restrictions.

vii. Any streams or wetlands impacted for temporary roads, or other temporary activities or structures, such as stream diversion devices, must be returned to pre-construction conditions, which includes contours, elevations, stream substrate, and revegetation with native, wetland species.

viii. Stream relocation using natural stream design is considered to be self-mitigating.

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

201161311

Corps Permit Tracking Number

MDSPGP-4
CATEGORY A, ACTIVITY (A-e(8))
Outfall Structures and Associated Intake Structures

The projects, structures and activities, listed below, must comply with all activity-specific conditions, in addition to all of the general conditions of this general permit.

This activity authorizes structures, work, and discharges of dredged or fill material associated with the construction or modification of outfall structures and associated intake structures where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted, or is otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System (NPDES) program (Section 402 of the CWA). The construction of intake structures is not authorized by this activity unless they are directly associated with an authorized outfall structure. All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and requirements listed below, in addition to the general conditions of this permit (Sections 10 and 404; all waters of the United States).

Impact Limits and Requirements: The total temporary and permanent impacts to waters of the United States, which includes tidal and nontidal wetlands, streams, rivers, navigable waters, and other open waters, are not to exceed 10,000 square feet and/or 200 linear feet of streams, rivers, and other open waters.

Requirements Applicable to Both Category A and Category B Activities:

i. Application must be submitted to MDE for Corps authorization.

ii. In order to minimize the effects of intakes on anadromous fish eggs and larvae, and oyster larvae, intake structures should be equipped with screening (with mesh size no larger than 2 mm) of wedge wire or another material of equal or better performance. Where feasible, intakes should be located away from spawning or nursery grounds, or to minimize the impingement on, or entrainment of, eggs or larvae. In addition, intake velocities should not exceed 0.5 ft./sec.

iii. Stream relocation using natural stream design is considered to be self-mitigating.

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Operations Division

MDSPGP-4 PERMIT COMPLIANCE CERTIFICATION FORM (10/1/11)

Corps Permit Tracking No. 201161311 Category & Activity Number Cat. A, Act. D, E(8)

Project Name Oak Crest Center Culvert/ Road Crossing Applicant Name Cecil's Mill, LLC

Waterway Mill Creek County St. Mary's

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-4 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within 60 days following completion of the authorized work and any required mitigation (but not the mitigation monitoring, which requires separate submittals), to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District, ATTN: CENAB-OP-R, P.O. Box 1715, Baltimore, Maryland 21203-1715.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____

3. Was all work and any required mitigation, completed in accordance with your MDSPGP-4 authorization, including all general and/or specific conditions? YES___ NO ___

4. For Category A projects involving pile driving activities that are within all tidal waters of the Chesapeake Bay in Maryland and its tidal tributaries with salinity levels less than 6 parts per thousand (See Appendix B of the MDSPGP-4), please indicate the pile driving method that was used for the authorized work:

_____(a) Piles must be installed in-the-dry during low water;
_____(b) Piles must be drilled and pinned to ledge;
_____(c) Vibratory hammers must be used to install any size and quantity of wood, concrete, or steel pilings;
_____(d) Impact hammers must be limited to one hammer and <50 piles installed per day with the following: wood piles of any size; concrete piles <18-inches diameter; steel piles <12-inch diameter if the hammer is <3,000 pounds and a wood cushion is used between the hammer and steel pile;
_____(e) Approved pile driving methods that will allow noise level thresholds to be met. Describe: _____

5. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary)

_____

_____

6. Was mitigation accomplished through a contribution to the Maryland Nontidal Wetlands Compensation Fund? YES_____NO_____ (if NO, please complete Nos. 6 and 7 below).

7. Wetland Mitigation: Required? YES____ NO_____ Required Completion Date _____
Wetland Mitigation Completed? YES_____ NO____ Mitigation Monitoring Reports Required? YES____ NO____

8. Please attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

_____
Signature of Permittee Date

Address: _____

_____

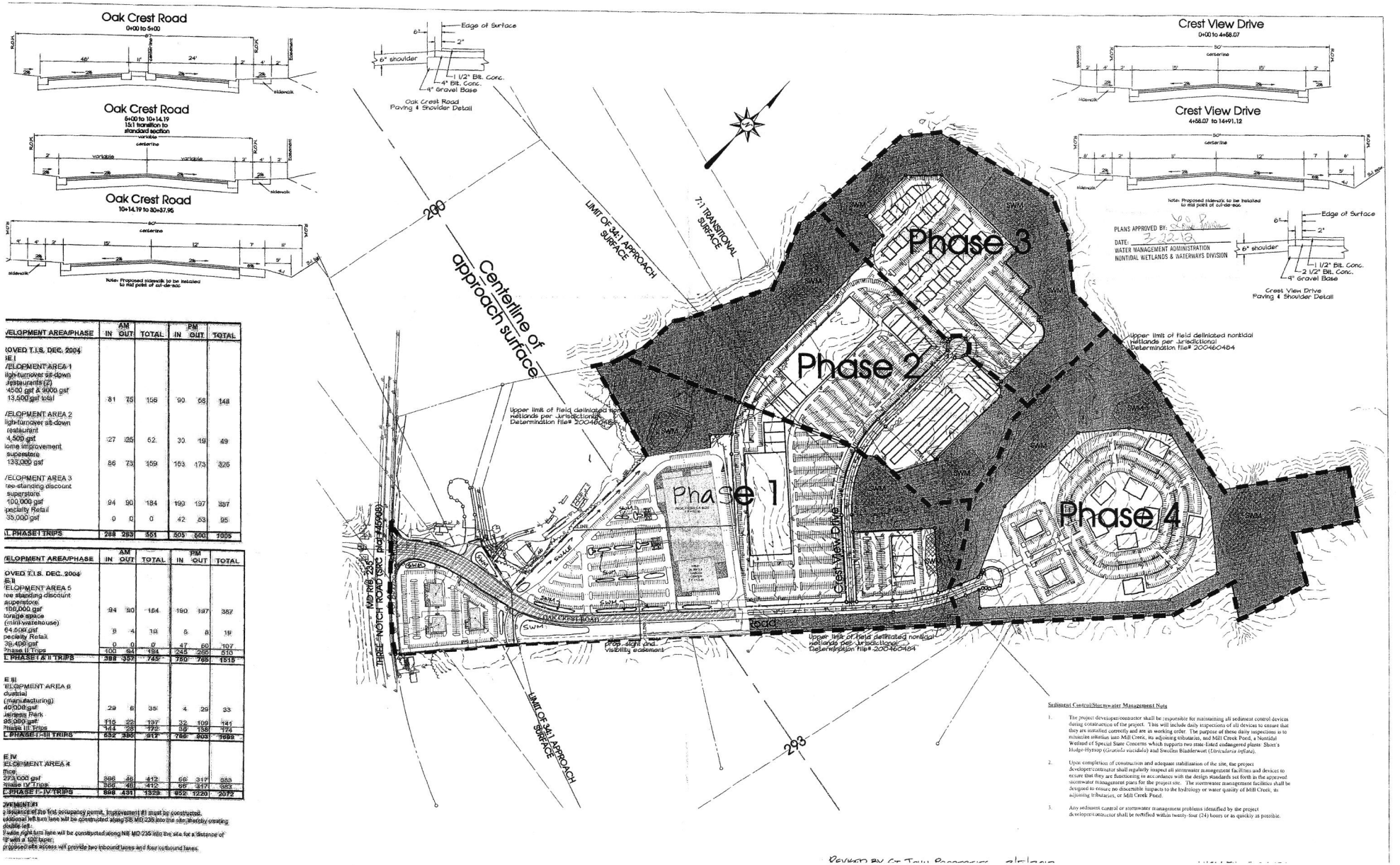
Telephone: _____

_____
Signature of Contractor/Agent Date

Address: _____

_____

Telephone: _____



DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
APPROVED T.I.S. DEC. 2004						
PHASE I						
DEVELOPMENT AREA 1						
high-turnover sit-down restaurants (2) 4500 gsf & 9000 gsf 13,500 gsf total	81	75	156	90	58	148
DEVELOPMENT AREA 2						
high-turnover sit-down restaurant 4,500 gsf	27	25	52	30	19	49
home improvement superstore 133,000 gsf	86	73	159	153	173	326
DEVELOPMENT AREA 3						
free-standing discount superstore 100,000 gsf	94	90	184	190	197	387
specialty Retail 35,000 gsf	0	0	0	42	53	95
TOTAL PHASE I TRIPS	288	263	551	505	600	1005

DEVELOPMENT AREA/PHASE	AM IN	AM OUT	AM TOTAL	PM IN	PM OUT	PM TOTAL
APPROVED T.I.S. DEC. 2004						
PHASE II						
DEVELOPMENT AREA 5						
free standing discount superstore 100,000 gsf	94	90	184	190	197	387
storage space (mini-warehouse) 64,000 gsf	9	4	13	8	8	16
specialty Retail 39,400 gsf	0	0	0	47	60	107
Phase II Trips	100	94	194	245	265	510
TOTAL PHASE I & II TRIPS	388	357	745	750	765	1515
PHASE III						
DEVELOPMENT AREA 6						
industrial (manufacturing) 40,000 gsf	29	6	35	4	29	33
business Park 95,000 gsf	115	22	137	32	109	141
Phase III Trips	144	28	172	89	158	174
TOTAL PHASE I-III TRIPS	532	385	917	766	903	1689
PHASE IV						
DEVELOPMENT AREA 4						
office 273,000 gsf	366	46	412	66	317	383
Phase IV Trips	366	46	412	66	317	383
TOTAL PHASE I-IV TRIPS	898	431	1329	832	1220	2072

IMPROVEMENT #1
Prior to issuance of the first occupancy permit, Improvement #1 must be constructed.
Additional left turn lane will be constructed along SB MD 235 into the site, thereby creating double left.
Add'n right turn lane will be constructed along NB MD 235 into the site for a distance of 100' with a 100' taper.
Proposed site access will provide two inbound lanes and four outbound lanes.

Sediment Control/Stormwater Management Note

1. The project developer/contractor shall be responsible for maintaining all sediment control devices during construction of the project. This will include daily inspections of all devices to ensure that they are installed correctly and are in working order. The purpose of these daily inspections is to minimize siltation into Mill Creek, its adjoining tributaries, and Mill Creek Pond, a Nontidal Wetland of Special State Concerns which supports two state-listed endangered plants: Short's Hedge-Hyssop (*Gratiola viscidula*) and Swollen Bladderwort (*Utricularia inflata*).
2. Upon completion of construction and adequate stabilization of the site, the project developer/contractor shall regularly inspect all stormwater management facilities and devices to ensure that they are functioning in accordance with the design standards set forth in the approved stormwater management plans for the project site. The stormwater management facilities shall be designed to ensure no discernible impacts to the hydrology or water quality of Mill Creek, its adjoining tributaries, or Mill Creek Pond.
3. Any sediment control or stormwater management problems identified by the project developer/contractor shall be rectified within twenty-four (24) hours or as quickly as possible.