

**WATER AND SCIENCE ADMINISTRATION
TIDAL WETLANDS DIVISION**

Wetland Report and Recommendation

State Wetlands Case No:

21-WL-0816

Applicant: Shore Road Properties, LLC C/o Pat Williford 1312 Shore Rd Middle River, Maryland 21220 willifordpat@gmail.com 443-928-3136	Agent: Bafitis and Associates, Inc 1249 Engleberth Rd Baltimore, Maryland 21221 bafitisassoc@comcast.net 410-391-2336
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Date Application Received: June 17, 2021 Public Notice Required? Yes

Comment Period Closing Date: November 15, 2021

Maryland Coordinates: 183334 x 449788

Book Map Coordinates: Baltimore City & Co. ADC Map Num: 0 Ed: Coord: 0 X

Location of Proposed Work: Stansbury Yacht Basin Marina, 1312 Shore Rd, Middle River, MD 21220

Purpose of Proposed Work: To provide upgrades and increase capacity at the marina. The marina reconfiguration/expansion will result in an increase of 3 slips for a total of 55 slips.

Description of Authorized Work:

Reconfigure an existing marina by removing and constructing the following structures:

- Remove:
 - Two existing accessory piers measuring 86-foot long by 6-foot wide and 80-foot long by 6 foot wide;
 - The 80-foot long by 8-foot wide north side of the T-head platform;
 - All slips, finger piers and piles associated with those three structures;
- Install:
 - One 88-foot long by 6-foot wide floating pier that includes a 10-foot long by 6-foot wide gangway, four 25-foot long by 4-foot wide finger piers, and two mooring piles;
 - One 121-foot long by 6-foot wide floating pier that includes a 10-foot long by 6-foot wide gangway, one 25-foot long by 4-foot wide finger pier; four 30-foot long by 4-foot wide finger piers, five 35-foot long by 4-foot wide finger piers, a 30-foot by 13-foot boat lift, a 35-foot by 13-foot boat lift with associated piles, and five mooring piles;
 - One 160-foot long by 6-foot wide floating pier that includes a 10-foot long by 6-foot wide gangway, six 35-foot long by 4-foot wide finger piers, four 45-foot long by 4-foot wide finger piers, and 10 mooring piles;
- All extending a maximum of 345 feet channelward of the mean high water line.

Waterbody: Dark Head Creek

Requires Water Quality Certification?: USACE issued an LOP for the proposed work and did not request a Water Quality Certification.

Qualifies for Maryland State Programmatic General Permit?: No. USACE issued an LOP for the proposed work and did not request a Water Quality Certification.

Area of Vegetated Wetland Impacts Requiring Mitigation: 0 s.f.

Area of Open Water Tidal Wetlands Requiring Mitigation: 0 s.f.

Area of Wetlands Created: 0 s.f.

Was the Applicant's Original Project Modified?: Yes. The original application included replacing the main fixed pier with a floating pier and it included new pier work on the south side of the main pier. It was revised on October 7, 2021. The applicant will keep the main pier in its current state and not propose any work to the South side of the pier. The only work that is proposed is on the north side of the main pier.

Department Comment:

As required by § 5-204 (b) of the Environment Article, the Department drafted and issued a public notice by posting the public notice on its WEB site from October 15 to November 15, 2021 and publishing the public notice for the proposed project in The Avenue News on October 21, 2021. In addition, the public notice was provided to the following adjacent property owners:

- o Charles Leonard Davis, 1306 Shore Rd, Baltimore, MD 21220
- o Susan and James Rockstroh, 1314 Shore Rd, Baltimore, MD 21220; 410-588-7755

The Department received comments from James and Susan Rockstroh of 1314 Shore Rd, as well as from the neighbor's attorneys: Mr. Gann and Mr. Schmidt. No requests for a public informational hearing were made.

The Department received a letter dated June 28, 2021 from Mr. Gann on behalf of Mr. and Mrs. Rockstroh. The letter opposed the project due to the following concern: There is currently a connecting pier that includes utilities that links the marina structures of Shore Road Properties (Stansbury Yacht Basin Marina) with the pier associated with 1314 Shore Road (Rockstroh property). The pier located at 1314 Shore Drive is not connected to land and is accessed only by using the Stansbury Yacht Basin Marina pier. Shore Road Properties currently leases the pier at 1314 Shore Drive and incorporates the slips as part of the Stansbury Yacht Basin Marina. Once the reconfiguration is complete, the Stansbury Yacht Basin Marina is not planning to use the 1314 Shore Road pier. There is currently a 25-year lease signed in May, 2003 providing the Rockstrohs access to the Stansbury Yacht Basin Marina pier in order to access their pier at 1314 Shore Drive. The connecting pier is currently the only access and utility hook-up for Mr. and Mrs. Rockstroh to access their pier structures. The concern was that Shore Road Properties will remove the connecting pier as they will no longer be using the pier and leave the Rockstroh's without a means to access or provide utilities to their pier structures. Department staff shared these concerns with Ms. Williford and confirmed the following with both neighbors: 1) A license for the proposed marina reconfiguration does not grant permission to remove any pier or access; 2) The removal of the connection IS NOT part of the scope of work included in the application; and 3) Any License for proposed pier work does not affect any existing agreements.

During the public comment period, Mr. and Mrs. Rockstroh provided additional comments via a new attorney: Mr. Lawrence Schmidt. A letter dated November 15, 2021 stated many of the same concerns that were previously brought up. The Rockstroh's request the access/connector pier is not removed and also commented on the coordination between the State and County review. The access/connector pier is not proposed to be removed in the scope of work.

After internally discussing the structures in question, the Department determined the concerns raised by Mr. and Mrs. Rockstroh and their attorneys are civil matters. The Department informed them that the State does not regulate/enforce their agreement that was signed in 2003. The current dispute over the existing structure is beyond the scope of a Tidal Wetlands review. Department staff shared these concerns with Shore Road Properties (Ms. Williford). In situations like this, the State of Maryland does not determine ownership of a structure. If a structure is shared or a grandfathered structure crosses a property line, it is up to the parties involved to determine the ownership of the structure in question. Department staff recommended to both neighbors that they determine ownership of any 'shared' structure or any structure that crosses a property line prior to any removal. That being said, **the 'removal' of the structure in question is not part of the proposed plans and will not be part of the State Wetlands License if issued by BPW.** The proposed pier work is entirely on the North side of Ms. Williford's main pier. The connector to the Rockstroh pier is on the South side. Due to this, the Department acknowledges the neighbor's dispute and opposition, but determined that it is outside the scope of the review and does not relate to the proposed marina reconfiguration.

Department staff also informed Mr. Schmidt that, regarding coordination with Baltimore County, an applicant is always required to obtain all required state, federal and local permits/licenses/approvals prior to commencement of work. However, MDE does not require a County or federal approval prior to issuing a State License. A State License is active for up to 6 years. It is not uncommon for an applicant to receive a State License and then separately apply for County approvals years later.

While the Department believes that Ms. Williford/Shore Road Properties are within their riparian rights to receive a State License for the proposed work, Department staff informed Mr. Schmidt that there will be an opportunity to express concerns to the Board of Public Works if they choose to.

The project was screened for potential impacts to resources that would require the Maryland Department of Natural Resources (DNR) to review the project. No impacts to DNR jurisdictional resources were identified, therefore they did not review the project.

The Maryland Historical Trust reviewed that proposed project and determined that there are no historic properties affected by this undertaking.

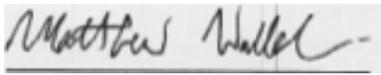
The evaluation of this project has taken into account ecological, economic, recreational, developmental, and aesthetic considerations appropriate for this proposal as well as other requirements set forth in the Code of Maryland Regulations. To ensure that impacts to resources are avoided and minimized to the maximum extent possible and to ensure that all work is performed in accordance with critical area and local regulations, the Department has recommended a number of special conditions. Provided all general and special conditions are adhered to, the work proposed will not cause significant deleterious impacts to marsh vegetation, submerged aquatic vegetation, finfish, shellfish, or navigation.

Project Justification: In consideration of the site characteristics and the nature of the proposed work, the Department concludes that the application represents a reasonable exercise of riparian rights.

SPECIAL CONDITIONS:

- A. The Maryland Department of the Environment has determined that the proposed activities comply with, and will be conducted in a manner consistent with the State’s Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.
- B. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. “Disturbance” in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
- C. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at MDE.MCLB@maryland.gov or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
- D. The issuance of this license is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Licensee of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.

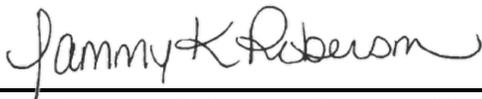
DEPARTMENT OF THE ENVIRONMENT APPROVAL:



Matthew F Wallach, Natural Resource Planner
Tidal Wetlands Division

12/10/21

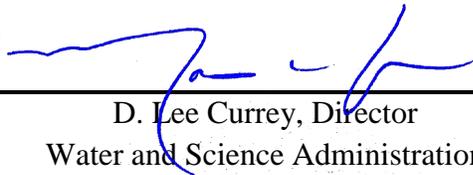
DATE



Tammy Roberson, Division Chief
Tidal Wetlands Division

12/10/21

DATE



D. Lee Currey, Director
Water and Science Administration

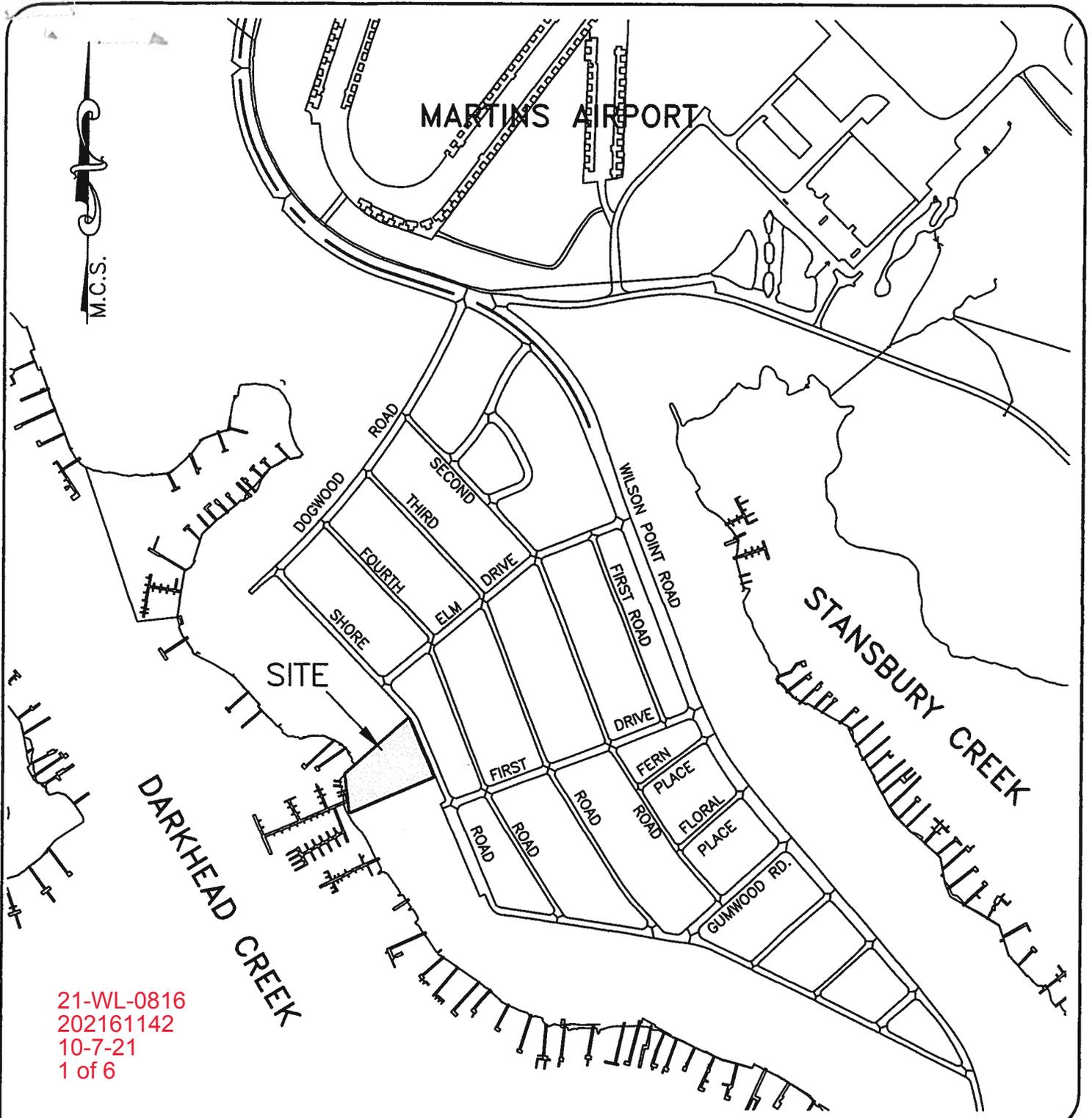
12/14/2021

DATE

WETLANDS ADMINISTRATION CONCURRENCE:

William Morgante, Wetlands Administrator
Board of Public Works

DATE

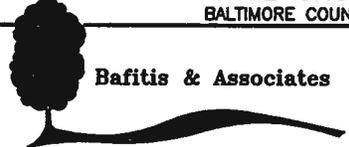


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LOCATION MAP
 IN DARK HEAD CREEK
 FOR
 STANSBURY YACHT BASIN MARINA
 1312 SHORE ROAD
 BALTIMORE COUNTY, MARYLAND

OWNER/APPLICANT				
STANSBURY YACHT BASIN MARINA 1312 SHORE ROAD BALTIMORE, MARYLAND 21220				
DESIGNED	CHECKED	DATE	SCALE	SHEET
N.W.B.	W.N.B.	06/08/21	SHOWN	1 OF 4



Bafitis & Associates

1249 Engleberth Rd. Baltimore, MD 21221

William N. Bafitis, P.E.

Civil Engineers/Land Planners
SURVEYORS

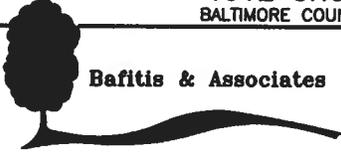
(410) 391-2336



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 202161142
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AERIAL MAP
 IN DARK HEAD CREEK
 FOR
STANSBURY YACHT BASIN MARINA
 1312 SHORE ROAD
 BALTIMORE COUNTY, MARYLAND

OWNER/APPLICANT				
STANSBURY YACHT BASIN MARINA 1312 SHORE ROAD BALTIMORE, MARYLAND 21220				
DESIGNED	CHECKED	DATE	SCALE	SHEET
N.W.B.	W.N.B.	06/08/21	SHOWN	2 OF 4



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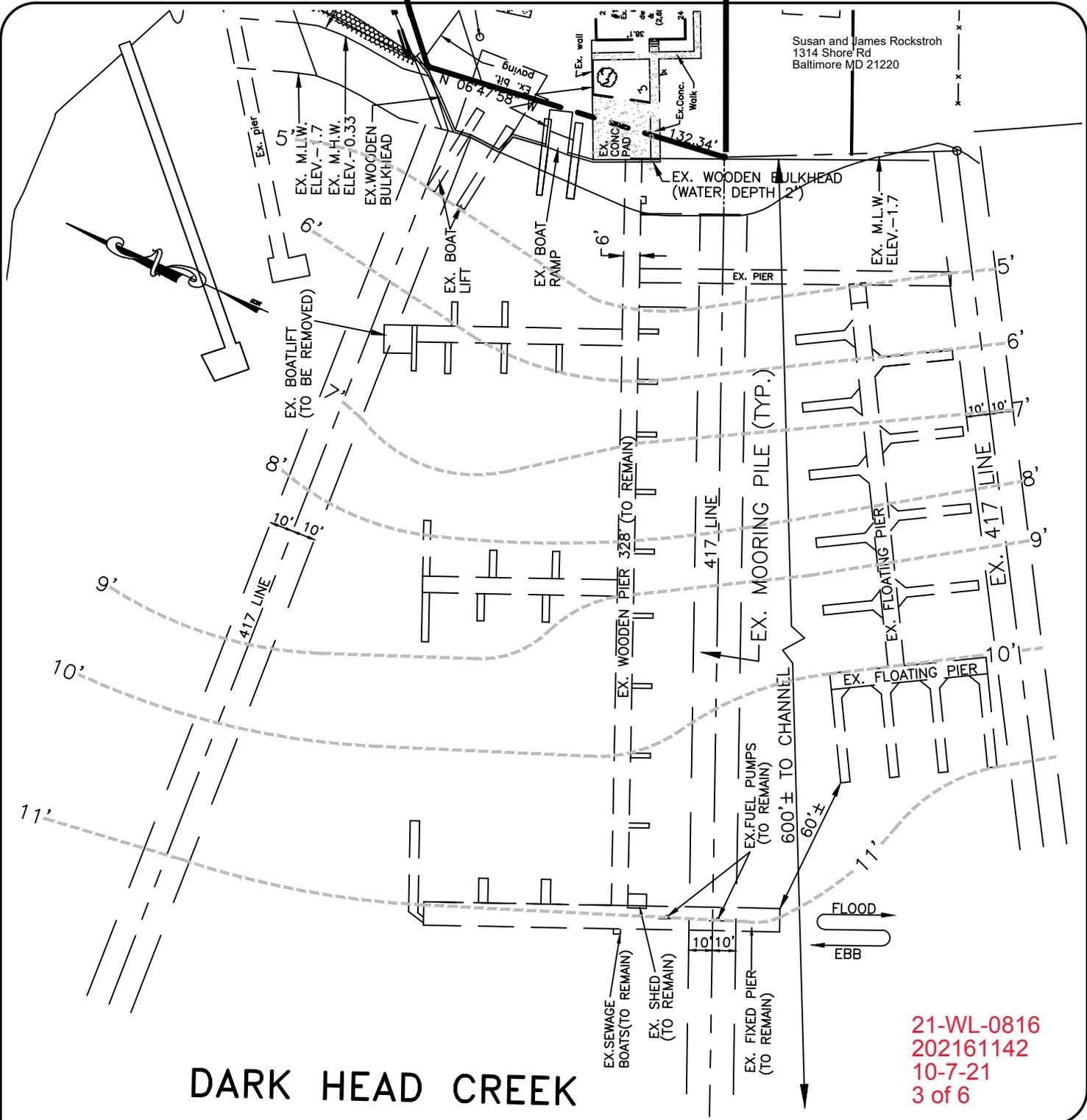
1249 Engleberth Rd. Baltimore, MD 21221

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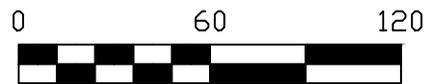
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Susan and James Rockstroh
1314 Shore Rd
Baltimore MD 21220



DARK HEAD CREEK

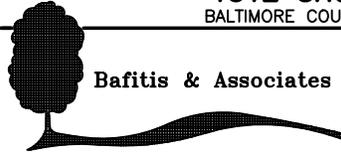
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EXISTING SLIPS = 52

EXISTING WOODEN PIERS FOR

STANSBURY YACHT BASIN MARINA
1312 SHORE ROAD
BALTIMORE COUNTY, MARYLAND



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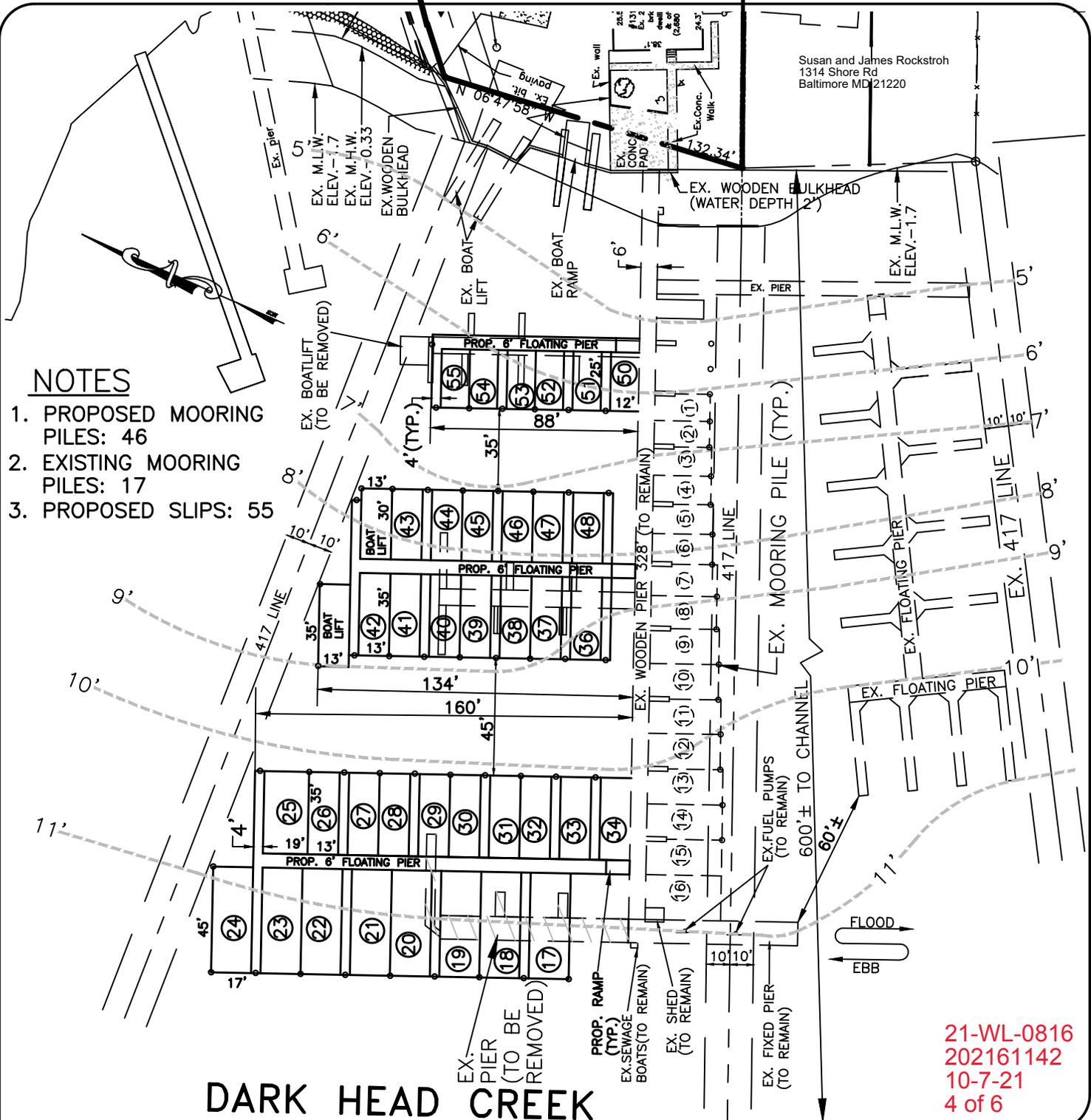
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DESIGNED	CHECKED	DATE	SCALE	SHEET
N.W.B.	W.N.B.	10/06/21	SHOWN	3A OF 4



NOTES

1. PROPOSED MOORING PILES: 46
2. EXISTING MOORING PILES: 17
3. PROPOSED SLIPS: 55

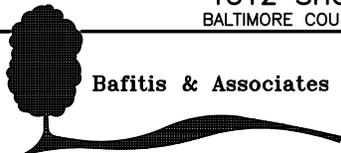
DARK HEAD CREEK



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REMOVE MOST OF THE MORING PILES & EXISTING WOODEN PIERS AND REPLACE W/NEW FLOATING PIERS

FOR
STANSBURY YACHT BASIN MARINA
1312 SHORE ROAD
BALTIMORE COUNTY, MARYLAND



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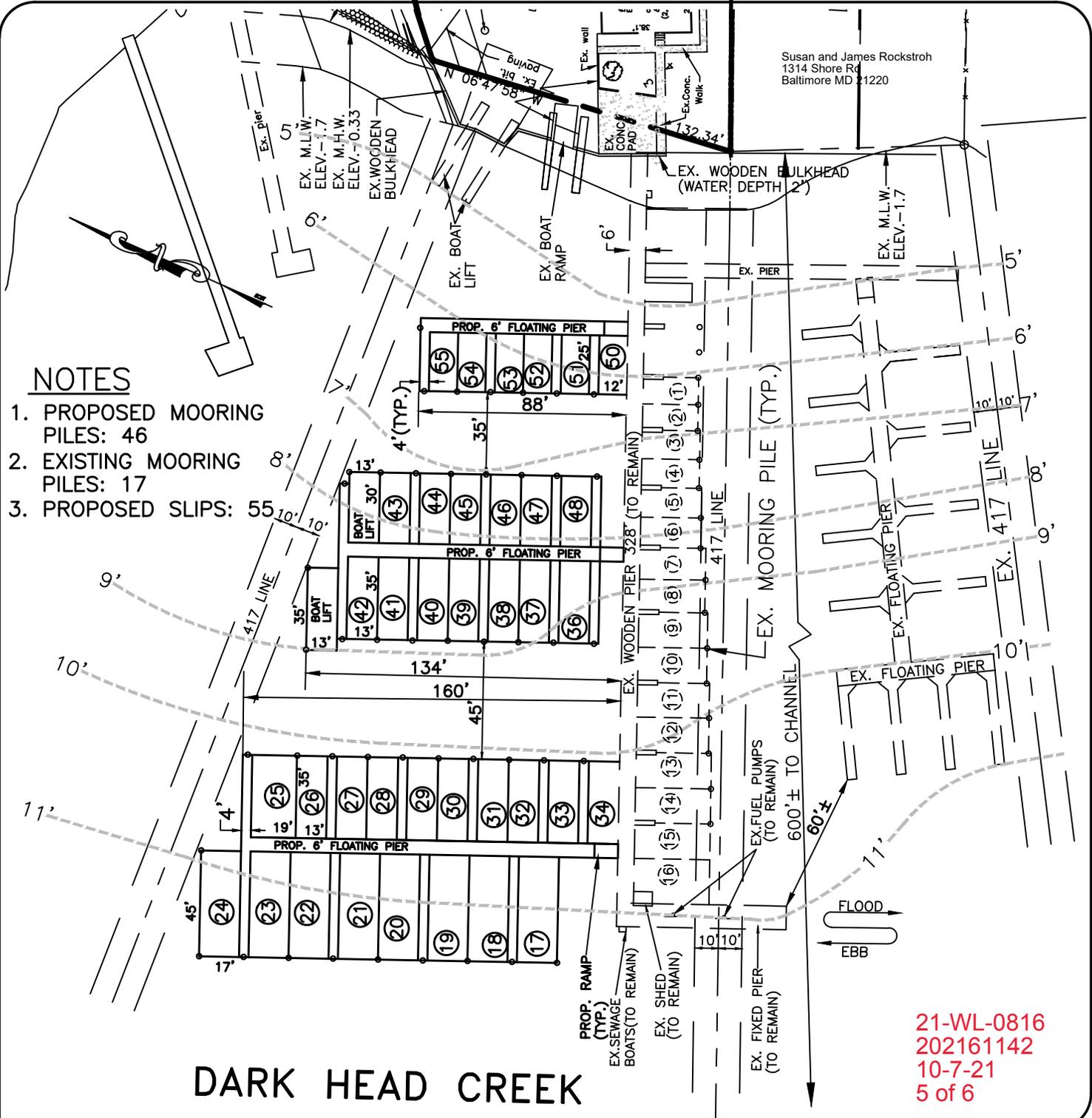
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N.W.B.	W.N.B.	10/07/21	SHOWN	3 OF 4

Susan and James Rockstroh
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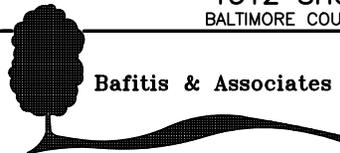
DARK HEAD CREEK

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**PROPOSED WOODEN PIERS
FOR**

**STANSBURY YACHT BASIN MARINA
1312 SHORE ROAD
BALTIMORE COUNTY, MARYLAND**



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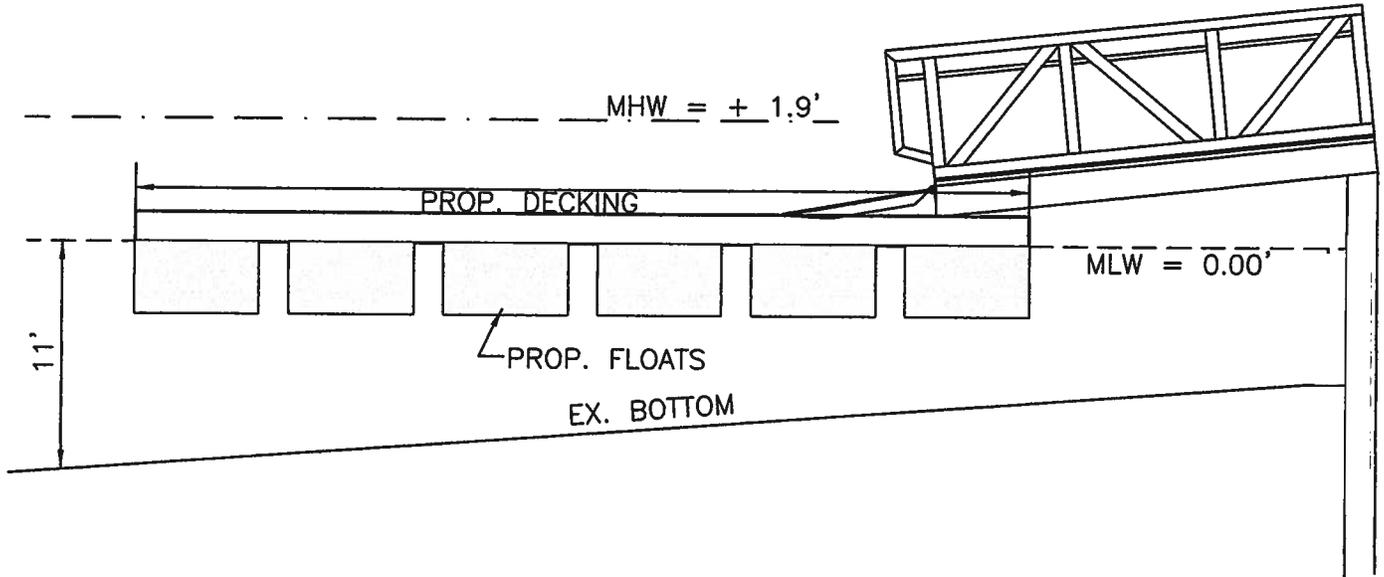
OWNER/APPLICANT

STANSBURY YACHT BASIN MARINA
1312 SHORE ROAD
BALTIMORE, MARYLAND 21220

DESIGNED	CHECKED	DATE	SCALE	SHEET
N.W.B.	W.N.B.	12/01/21	SHOWN	3B OF 4

NOTES

1. PLATFORM DIMENSION = 6' WIDE BY 88' long, 121' long, 160' long
2. MINIMUM HEIGHT ABOVE SUBRATE = 2.0.



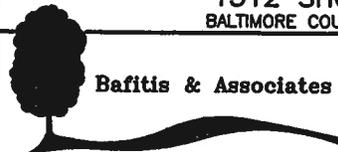
SECTION OF PLATFORM OF FLOATING PIER
NOT TO SCALE

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202161142
10-7-21
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SECTION OF PROPOSED FLOATING PLATFORM

FOR
STANSBURY YACHT BASIN MARINA

1312 SHORE ROAD
BALTIMORE COUNTY, MARYLAND



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DESIGNED	CHECKED	DATE	SCALE	SHEET
N.W.B.	W.N.B.	06/08/21	SHOWN	4 OF 4