





7178 Columbia Gateway Drive, Columbia Maryland 21046  
(410) 313-1771 Fax (410) 313-2648  
TDD (410) 313-2323 Toll Free 1-866-313-6300  
website: www.hchealth.org

Penny E. Borenstein, M.D., M.P.H., Health Officer

Friday, February 17, 2006

James E. Davis  
3305 Florence Road  
Woodbine, MD 21797

**RE: Well variance request for: 3305 Florence Road,  
Woodbine, MD 21797**

Dear Mr.Davis:

This letter is in response to your letter dated February 2, 2006 requesting relief from the 30' setback for a potable well supply serving a proposed addition to an existing dwelling.

The intent of the regulation is to protect the well supply not only in the interest of public health but also environmentally as well. Please read the regulation as it is noted in the Code of Maryland Regulations (COMAR) 26.04.04.05.B.2.a.iii.

A distance less than 30 feet may be considered in replacement of a well serving a lot which does not meet minimum lot ownership as defined in COMAR 26.04.03.

After reviewing the file, it was noted that this is not a request for a replacement well and that your lot does meet the minimum lot ownership requirement as stated in COMAR 26.04.03 and therefore, your variance request has been denied.

In accordance with the Administrative Procedure Act, set forth in the State Government Article, Section 10-201 through 10-217, any person aggrieved by an agency's final decision may initiate an administrative appeal. This may be done by filing within thirty days of receipt of the final decision a Notice of Intent to Appeal and a Request for Hearing, if desired, with the Director, Water Management Administration, Department of the Environment, 1800 Washington Blvd., Baltimore, Maryland 21230, with a copy of the Principal Counsel for the Department of the Environment, Office of the Attorney General, Department of the Environment, 1800 Washington Blvd., Baltimore, Maryland 21230, and a copy to the local Approving Authority, Dr. Penny E. Borenstein, M.D., M.P.H., Health Officer .

The Notice of Intent to Appeal shall contain any grounds upon which you contend that the decision is unlawful, unreasonable, or unnecessary for protection of the public

health or comfort. The Notice of Intent to Appeal shall include a copy of the document being appealed.

If a Request for Hearing is submitted, the Office of Administrative Hearings (OAH) will notify you in writing of the date and location of the hearing. Any such hearing will be held in the manner provided in the Maryland Administrative Procedure Act for hearings in contested cases and in COMAR 26.01.01.

If appellant is a Corporation, it must be represented by an attorney in an administrative hearing. The attorney must be admitted to the Bar in the State of Maryland or must be specially admitted to the Maryland Bar pursuant to Maryland Rule 20 of the Maryland rules governing admission to the Bar. Rule 20 governs special admission of out-of-state attorneys.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael J. Davis". The signature is fluid and cursive, with the first name "Michael" and last name "Davis" clearly distinguishable.

Michael J. Davis, Program Supervisor  
Well & Septic Program

---

Cc: Barry Glotfelty, MDE  
File