

NRR

RS 5-a-92

Same area as

Facchia?

CS 329-01

USA-S-1829-403

658-99  
CS 149-92 Gunston Manor II  
SUB 92-42

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Charles County Date: April 9, 1992

Name of project (site name, subdivision name, or other):  
Gunston Manor

Name of applicant (landowner, developer, or other):  
Hillen Morgan

Local case number 92-42

Project location:

Address or location description Reed-Gunston Rd.

Tax map 53/52 Block        Lot        Parcel 23 Grid 19

Type of application (check one and describe, if necessary):

Site plan       

Subdivision X

Number of lots created 11 + 2 outparcels

Variance       

Type       

Rezoning       

Existing        Proposed       

Special Exception or Conditional Use       

Proposed Use       

Grading Permit       

Other       

Description of project and site:

Proposed use Residential

Current use Agricultural

Acreage(s) of Development Area(s):

Total acreage of property 262.2

Total acreage in Critical Area 211.04 ac

Acreage in: IDA       

LDA       

RCA 211.04

Local jurisdiction contact requirements:

Contact person KIP REYNOLDS

Telephone number 645-0540

Response from Commission required by TRC - April 16, 1992

Enclosure

**RECEIVED**  
APR 4 1992  
DNR  
CRITICAL AREA COMMISSION

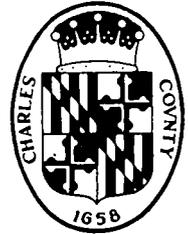
**CHARLES COUNTY GOVERNMENT**  
**Planning and Growth Management**

ROY E. HANCOCK, Deputy County Administrator

Mary CS 149-92  
**RECEIVED**

**SEP 14 1995**

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION



September 12, 1995

Thomas F. Mudd  
Mudd, Mudd & Fitzgerald, P.A.  
P.O. Box 310  
La Plata, MD 20646

Dear Mr. Mudd:

The County is in receipt of your letters concerning the status of the Gunston Manor Landing subdivision, Section II, and about the use of tidal wetlands in the density calculations for the project. Our files show that the application for preliminary plan #92-42 has expired. Therefore, as you note in your letter, any future activities on the property require a new application. As for the use of tidal wetlands in the density calculations, the County *Zoning Ordinance* prohibits the use of tidal wetlands in the density calculations, unless the wetlands are privately owned, in accordance with provisions in the state law. The County continues to consider itself a third party unable to certify ownership. Ownership of tidal wetlands must be taken up with the State, and must be settled prior to using these wetlands in the density calculations. Determining ownership can be difficult: there must be a valid land patent prior to 1862, and the chain of title must remain unbroken. Many of the old patents were based on natural features that no longer exist or have changed, which creates stumbling blocks in establishing the unbroken chain of title.

Staff has revisited the ownership question with the Critical Area Commission and the Tidal Wetlands Administration in the Maryland Department of the Environment, and has found that the process of determining ownership of these wetlands remains unchanged from the March 5, 1993 correspondence about this property to Timothy Lessner at Lorenzi, Dodds and Gunnill. Namely, the owners of the property can obtain a warrant of survey or resurvey from the State Archivist, or can obtain quiet title through the courts. I recommend that you contact the State Archives or the Tidal Wetlands Division again and discuss the Gunston property with them. Since the State is the other potential owner of the wetlands, it is the only body that can determine if it is possible to avoid either of the two processes for certifying ownership. You appear to have a strong argument for ownership, assuming that you can demonstrate that the chain of title on the property has remained unbroken, and you might be able to settle it with the State without undergoing either process. The number for the Hall of Records Commission at the Maryland State Archives is (410) 974-3867. Doldon Moore at the Tidal Wetlands Administration can be reached at (410) 974-3871.

**SAY NO TO DRUGS**

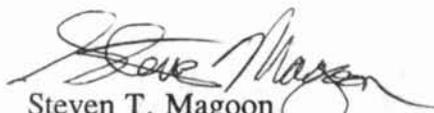
Post Office Box B • La Plata, Maryland 20646

Administration: 645-0627 • C.I.P.: 645-0621 • Development Services: 645-0618 • Permits: 645-0692 • Planning: 645-0540/870-3896  
Metro Line for all: 870-3935 • TDD Transfer Number for the Hearing Impaired: 1-800-735-2258

*EQUAL OPPORTUNITY COUNTY*

I apologize for the delay in responding to your letter. Please do not hesitate to call Margaret Stewart of my staff at (301) 645-0540 if you have any further questions, or if she can help direct you to anyone else at the state who might be of help.

Sincerely,

  
Steven T. Magoon  
Director, Planning Office

cc: Margaret Stewart  
Roger Fink  
Doldon Moore, MDE  
Mary Owens, CBCAC  
Reading files



MATCH LINE "A-A" SEE SHEET 2 OF 2

SECTION ONE  
PRELIMINARY PLAN # 91,181

THIS PRINT  
APR 10 1992  
MADE

REVISIONS		<b>GUNSTON MANOR</b> SECTION TWO <small>Second (2002) Election District - Charles County, Maryland</small>	
<b>PRELIMINARY PLAN</b> <small>SCALE 1"=100'</small>		<small>CONTRACT 010022</small> <small>REFERENCE FIELD BOOK</small>	
<small>DRAWN March 1992</small> <small>CHECKED</small> <small>APPROVED</small>	<small>LORENZI, DODDS AND GUNNILL</small> <small>ENGINEERS ARCHITECTS</small> <small>PITTSBURGH, PA.</small>	<small>DRAWING</small> <b>1</b> <small>OF 2</small>	

PEZ # 92.42