

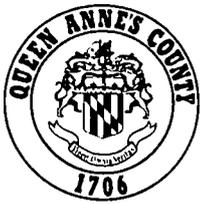
QC 173-99 John G. Gosnell

SUB

04-99-021

MSA-S-1829-489

Letter 4/12/99 - JM



**DEPARTMENT OF PLANNING AND ZONING
QUEEN ANNE'S COUNTY**

107 N. LIBERTY STREET
CENTREVILLE, MARYLAND 21617

410-758-4088 Permits
410-758-3972 Fax
410-758-1255 Planning
410-758-2905 Fax

STAC COMBINED STAFF REPORT

STAC Meeting Date: May 12, 1999
QAC File Number: Major/Sliding Scale #04-99-025-C
File Name: Gosnell, John G.

OWNER/DEVELOPER: John G. Gosnell
H.A. Higham Trust
Bloody Point Shores Partnership
5513 Vine Street
Alexandria, Virginia 22310

AGENT: McCrone, Inc.
207 North Liberty Street
Suite 100
Centreville, Maryland 21617

GENERAL INFORMATION

Map/Block/Parcel 76/19/7
Parcel Size 154.659 Acres
Location Kent Fort Manor Road, Stevensville
Zoning District CS-Country Side
Critical Area RCA-Resource Conservation Area

PROPOSAL AND REQUESTED ACTION

Proposes 1 five-acre upland parcel via sliding scale subdivision; proposes 1 upland large lot and 4 by right large lots within the critical area; proposes additional cluster lot within the critical area using a TDR.

Requesting Preliminary Subdivision Approval

BACKGROUND INFORMATION

Original Site Plan Submitted: April 28, 1999
Initial Stac Review : May 12, 1999

STAFF COMMENTS :

DEPARTMENT OF ENVIRONMENTAL HEALTH - 410-758-2281

1. McCrone needs to inform the health department which sewage reserve areas (SRAs) established 11 years ago are being matched to which new proposed lots.
2. The SRAs need to be shown outside the BRL and/or building pads.
3. SRAs need to be field staked.

DEPARTMENT OF PUBLIC WORKS - 410-758-0925

Sanitary District

Not in sanitary district. *exempt from swm*

Stormwater Management

This project is exempt from providing stormwater management per the Queen Anne's County Code: Title 14, Section 14-407(e).

Roads

Preliminary subdivision approval.

Fire Department

United Communities Volunteer Fire Department Incorporated, Sean Brinkley, Chief

1. Show the layout of the streets.
2. Show access necessary to plan for emergency responses.
3. The issue of water supply for fire fighting operations is a concern. This issue can be resolved by allowing access to waterfront areas and on dry hydrants.

SOIL CONSERVATION DISTRICT - 410-758-1671

Approved

DEPARTMENT OF PARKS AND RECREATION - 410-758-0835

No comment.

CRITICAL AREA COMMISSION - 410-260-7091

Please see attached.

STATE HIGHWAY ADMINISTRATION - BALTIMORE - 1-410-545-5585

This office has no objection to the approval of this plan.

CHRISTOPHER DRUMMOND, Esq. - 410-758-0030

There is no "open space" designated anywhere on the plats, though the Deed of Easement refers to 21.242 acres on "new lot 6" as "open space." I see only a passing reference on the plat to minimum open space of 17.284 acres. I see no reference to remaining net buildable area of 3.998 acres attributable to lot 6. Therefore, I have no way of knowing whether Article III of the Deed of Easement is accurate.

DEPARTMENT OF PLANNING AND ZONING - 410-758-1255

1. Please provide jurisdictional determinations for the Northwest Creek area and all other areas which have been indicated as nontidal wetlands.
2. The 50' shore buffer line on Northwest Creek should be shown as a 25' ntw buffer line, if this area is indeed nontidal wetlands.
3. Please confirm that all proposed critical area lots contain a minimum of 8 acres of upland.
4. Please provide a plat note to indicate that 80 acres of critical area land must remain on lots 3,4,5 and 6 to support the dwelling units on lots 3,4,5 and 6.
5. Please verify that Northwest Creek is owned by Gosnell.
6. Please provide a plat note that driveways may be shifted if an amended subdivision plat is provided to the Planning Department, but reapproval by the Planning Commission will not be required.
7. Please verify that the woods clearing on lot 7 is accounted for.
8. On sheets 3 and 4, at least three different gross area figures are provided for lot 6. Please explain or correct.
9. In the Lot Areas Table on sheet 3, the gross areas provided for lots 2, 3, 4, 5 & 6 do not total 149.569. Please explain or correct.
10. Please delete the TDR Resource Computation Table on sheet 4 and replace it with text notes to explain the application of the Roe Farms TDR to this residential development.
11. Please label the open space on lot 6.
12. On the Lot Areas Table on sheet 4, why is the net buildable for lot 7 less than the gross area? Please explain.
13. Please verify the acreage on the transferor parcel to support the 3.204 acres of net buildable figure indicated in the TDR Resource Computations Table. Please provide a table to verify previous, currently proposed and remaining TDR acreage on the Roe Farms TDR parcel.
14. Please provide a breakdown of permitted and proposed net buildable for the critical area and upland acreage of each proposed lot.
15. The figure indicated for proposed upland afforestation appears to be less than the amount required. Please correct or verify the accuracy of your calculations.
16. The proposed subdivision does not appear to comply with 18-1-117(6), as only one of the lots appears to meet the 600' frontage requirement. The number of access points will need to be reduced.

17. Please check the figure provided for proposed shore buffer afforestation. Was this acreage also counted in your upland afforestation calculations? Please verify the accuracy of your calculations or correct.

J:\DATA\STAC\STAFF.99\GOSNELL.MAY

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 10, 1999

Ms. Sue Ann Hyer-Morgan
Department of Planning and Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Gosnell, John G. - Preliminary Major/Sliding Scale Subdivision with TDR
File #04-99-025(c)**

Dear Ms. Hyer-Morgan:

I have reviewed the above referenced application for a seven lot residential sliding scale subdivision that proposes the subdivision of 90.1 acres of land designated in the Critical Area as Resource Conservation Area into four (4) lots and the subdivision of one additional lot in the RCA through the use of one transferable development right (TDR) originally generated by Roe Farms, Inc. Two additional lots are proposed to be subdivided outside of the Critical Area on the parcel.

I have the following comments:

- The Environmental Assessment and site plan do not indicate the acreage or locations of areas to be deed restricted to meet the 1 per 20 density limits for development in the RCA. Please identify these areas and provide plat notes that state that no further subdivision of the property is permitted except through the use of TDRs or intrafamily transfer.
- The Environmental Assessment indicated that the wetland Jurisdictional Determination are being pursued through the MD Department of Natural Resources, non-tidal wetland division. Please contact the MD Department of the Environment for coordination of the determination with the US Army Corps of Engineers and provide this information to this office for review.
- As required in the County Code, in calculating the one per 20 acre density in the RCA, the area of private tidal wetlands located in the property may be included provided that the density of development on the upland portion of the parcel does not exceed one dwelling unit per eight acres. Please provide the acreage of uplands in the Critical Area and the acreage of private tidal wetlands to determine that this requirement can be met.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Sue Ann Hyer-Morgan
May 10, 1999
Page Two

- In order to achieve the proposed density in the RCA portion of the property, the applicant has proposed the use of one TDR from Roe Farms, Inc. It is not clear from the environmental report or the charts on the site plan how many of the Roe Farm, Inc. TDRs have been used for other projects and how many remain available. Please provide a text description to clarify this accounting of the TDRs.
- As defined in the County Code, tributary streams include perennial and intermittent streams in the Critical Area that are so noted on the most recent USGS 7 ½ minute topographic quadrangle maps (1:24000) or on more detailed maps or studies at the discretion of Queen Anne's County. The Environmental Assessment noted the perennial stream identified on the U.S. Geological Survey maps along the non-tidal wetlands of North West Creek on the northern-most end of the property. However the required minimum 100-foot Buffer was not identified on the site plan. Please identify the 100-foot Buffer on the plan and relocate all proposed development, including septic reserve areas, outside of the Buffer.
- As required in the County Code, the Buffer is measured from the landward edge of tidal wetlands. It appears that on Lot 3, the Buffer was measured from the property line and not from the edge of tidal wetlands. Please correct the Buffer line on Lot 3 to be consistent with this requirement.
- Please provide a breakdown of the area of existing forest in the Critical Area and outside of the Critical Area in order to determine the afforestation requirements.
- The 100-foot Buffer must be established when converting agricultural land to a residential use. Please include this information on the plat. Where the Buffer is not in existing forest and is not proposed for afforestation, the area must be allowed to naturally revegetate.

Please provide information on the issues outlined above and we will provide further comment. Thank you for the opportunity to comment. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning these comments.

Sincerely,



Susan McConville
Natural Resources Planner

cc: QA 173-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Queen Anne's County Date: 3-30-99
 Name of Project (site name, subdivision name, or other): JOHN G. GOSWELL
 Local case number #04-99-021(C)
 Project location/Address: KENT FORT MANOR ROAD, Stevensonville

Tax map# 76 Block# - Lot# - Parcel# 7

Type of application:
 (Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 Buffer - Slope -
 Imp.Surf. - Other -
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- SPCLAL EXCEPTION
- INTRAFAMILY
- GROWTH ALLOCATION
- OTHERS -

Type of Project:
 (Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT
 FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS -
 OR PUD

Current Use:
 (Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- FARMLAND
- FOREST/BUFFER/WDLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT
 FACILITY/PIER/MARINA
- ACCESSORY STRUCTURE
- OTHERS

Describe Proposed use of project site: PROPOSING A 7 LOT RESIDENTIAL
SUBDIVISION. 6 LOTS TO BE LOCATED IN THE CRITICAL
AREA 1 LOT TO BE LOCATED IN THE UPLAND.

Site Inventory of area only in the Critical Area

IDA ACRES	<u>0</u>	AREA DISTURBED:	<u>-</u>
LDA ACRES	<u>0</u>	# LOTS CREATED:	<u>6</u>
RCA ACRES	<u>90.071 Act</u>	LOT SIZE RANGE FROM:	<u>2 Act TO: 20 Act</u>
TOTAL ACRES IN CRITICAL AREA:	<u>90.071 Act</u>	AVERAGE LOT SIZE:	<u>-</u>
AGRICULTURAL LAND:	<u>81.39 Act</u>	# DWELLING UNITS:	<u>6</u>
EXISTING FOREST/WOODLAND/TREES:	<u>10.92</u>	FOREST/WOODLAND/TREES REMOVED:	<u>Unknown</u>
EXISTING IMPERVIOUS SURFACE:	<u>0</u>	PROPOSED IMPERVIOUS SURFACE:	<u>Unknown</u>
GROWTH ALLOCATION DEDUCTED:	<u>0</u>	Total Proposed Imp. Surface:	<u>Unknown</u>
RCA to LDA:	<u>0</u>		
RCA to IDA:	<u>0</u>		
LDA to IDA:	<u>0</u>		

Local Jurisdiction Contact person: -
 Telephone number: 410-750-1255
 Response from Commission required by: 5/10/99



APR 28 1999

ENVIRONMENTAL REGULATIONS CONSULTANT, INC.

Jan Reese, P.O. Box 298,
St. Michaels, Maryland 21663
410-745-2875

RECEIVED

APR 28 1999

22 March 1999
(Revised 28 April 1999)

Q/A COUNTY PLANNING & ZONING

**CHESAPEAKE BAY CRITICAL AREA ENVIRONMENTAL ASSESSMENT
PROPERTY OF JOHN G. GOSNELL**

154.7 ACRES± ON KENT FORT MANOR ROAD NEAR KENT POINT,
KENT ISLAND, QUEEN ANNE'S COUNTY, FOURTH ELECTION DISTRICT,
TAX MAP 75-76, BLOCKS 18 & 24, 13 & 19, PARCEL 7

INTRODUCTION

The property bounds the west side of Kent Fort Manor Road approximately 1000 feet west of its intersection with the terminus of Kent Point Road and about one mile north of Kent Point, Kent Island, Queen Anne's County. The property location and configuration are depicted in Figure 1, while its location can be found on Queen Anne's County ADC Map 29, B-C 9-11.

The rectangular-shaped undeveloped property is almost entirely cultivated agricultural grain fields separated by linear, hedgerow thickets. Exceptions include a linear thicket of weeds, and/or vines and sparse small trees covering the interface of upland fields with tidewater of the Chesapeake Bay and North West Creek along the west and north boundaries. Central to the property is a similar thicket covering a very wide, old lane from Kent Fort Manor Road into an island of about four acres of forest over-growing an area that appears to have contained buildings in the past. A larger forest stand is located in the southwest corner of the property. The property margin with Chesapeake Bay is characterized by a nearly vertical bank from upland to a sandy beach at the tidewater. The property is bound on the north by North West Creek, the east by Kent Fort Manor Road, the south by forest, and the west by Chesapeake Bay.

Approximately 90.1 acres ± are within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA), while the entire property is zoned Countryside (CS) by the Queen Anne's County, Department of Planning and Zoning. I visited the property on 18 March 1999 to collect data for this Chesapeake Bay Critical Area Environmental Assessment which addresses the entire property.

PROPOSED DEVELOPMENT

The entire 154.7 acres ± are proposed for subdivision into five waterfront lots to be individually accessed directly from Kent Fort Manor Road. The lots will be offered for sale. The property acres in the Critical Area designated Resource Conservation Area permits a subdivision of no more than four lots based on the minimum 20 acres per lot, while one additional Critical Area lot is being created with the transfer of Development Rights. Additionally, two lots are being placed in the upland within current zoning density regulations.

EXISTING NATURAL FEATURES

AQUATIC RESOURCES

Shoreline Erosion Rate

Chesapeake Bay tidewater bounds over 4000 feet of the western portion of the property. This interface area is characterized almost throughout by a near vertical bank dropping 8-12 feet from the upland to a substantial sand beach. The beach is generally over 50 feet wide between the base of the bank and high tide, but it is narrower in two places in the southern portion. An exception in the shoreline area occurs in several hundred feet on the north end where upland is replaced by a linear sand barrier up to 200 feet wide between Chesapeake Bay and non-tidal North West Creek. This sandy area is vegetated by herbaceous Beach Grass, Reed Grass and some sparse woody shrubs and small trees. The open water fetch of this boundary with Chesapeake Bay is over six miles in westerly directions from which winds prevail throughout the year, and where offshore ship and cruiser traffic is intense during most months. A westerly wind about 25 mph prevailed during the site visit providing good evidence of the natural effects of turbulence, wave action and turbidity on this property shoreline.

The Queen Anne's County, Department of Planning and Zoning has a modified U.S. Department of the Interior, FWS, 1981 National Wetland Inventory, Claiborne, MD Map showing county shoreline erosion rates. This reference map indicates property shoreline is accreting eroded materials in the northern portion, while annual erosion of the upland bank ranges from slight (less than two feet) in the north portion to low (2-4 feet) in the middle portions to moderate (4-8 feet) in the southern portion. This erosion pattern is confirmed by the site visit which found only deposition in the northern portion, sparse areas of bank collapse in the middle portion, and more contiguous areas of bank collapse in the southern portion. Erosion in the middle portion is characterized by occasional collapse of the portion of the vertical bank directly exposed to precipitation and/or stormwater run-off from the upland. The wave and turbidity action of tidewater undermining the base of the bank creating collapses does not appear to be a major factor here since the wide sand beach nearly always precludes tidewater from contacting the bank. Erosion in the southern portion is characterized by a low and narrow sand beach abutting the base of a collapsing bank, and shallow tidewater strewn with fallen trees. Erosion here appears to be from tidewater and/or waves frequently inundating the low beach to undermine the base of banks. Height of trees covering the bank crest provide leverage that facilitates collapsing of the undermined bank.

The substantial sand beach was deflecting high tide wave action and turbidity created by strong westerly wind the day of the site visit, suggesting the beach may afford protection to property upland except during abnormally high tide and/or very large waves. An exception are areas where the sand beach topography is low and/or narrow as in the southern portion. ~~Erosion in these areas could be problematic.~~

North West Creek bounds about 3000 feet of the northern portion of the property. Interface of property upland with this non-tidal body of water is characterized by a linear thicket of trees and vines abruptly sloping up to four feet lower in elevation to directly adjoin creek water. The slope base is undermined by creek water in many areas, but evidence of erosion like collapsed slope, and up-rooted, toppled and/or fallen trees are lacking. Thus, it appears erosion is minimal where property upland meets North West Creek.

Stream?
Blue line

Submerged Aquatic Vegetation

The U.S. Environmental Protection Agency, Chesapeake Bay Program, 1995 Distribution of Submerged Aquatic Vegetation in the Chesapeake Bay and Chincoteague Bay - 1994 aerial and ground census reports ~~no aquatic vegetation~~ in the Chesapeake Bay off-shore from the property, nor within the non-tidal North West Creek. It could not be ascertained from the survey if submerged aquatic vegetation was missing from the west coast area of Kent Island and/or North West Creek or whether there was no survey censusing of those areas. Similarly, the 1986, 1988 and 1994 Chesapeake Bay Program surveys report no aquatic vegetation in these areas, while I could not see any off-shore or find any in shoreline debris during the 18 March site visit. Submerged aquatic vegetation may not occur in the shallow, turbulent water of Chesapeake Bay along the west side of the property, but the quite, shallow water of non-tidal North West Creek seems an ideal place for aquatic vegetation.

Fish Spawning

The Queen Anne's County, Department of Planning & Zoning, 1995 Queen Anne's County, Natural Resources Map and the University of Maryland, Natural Resources Institute, 1973 The Chesapeake Bay in Maryland: An Atlas of Natural Resources both indicate anadromous species of fish do not spawn in Chesapeake Bay off-shore from the property.

Shellfish

The Queen Anne's County, Department of Planning & Zoning, 1995 Queen Anne's County, Natural Resources Map and the University of Maryland, Natural Resources Institute, 1973 The Chesapeake Bay in Maryland: An Atlas of Natural Resources both depict beds of the American Oyster in the Chesapeake Bay off Bloody Point about a mile south-southwest of the property. I found only a few old, worn oyster shells along the beach suggesting beds do not exist off-shore from the property.

Conversely, I found shells of the Soft-shelled Clam (*Mya*) along the beach, while the University of MD Atlas indicates Soft-shelled Clams occur off-shore from the property. I also found numerous shells of the Stout Razor Clam and Brackish-water Clam, suggesting they commonly occur off-shore. Table 3 lists all the mollusks found on the property. ✓

Fin Fish

The University of Maryland, Natural Resources Institute, 1973 The Chesapeake Bay in Maryland: An Atlas of Natural Resources shows the American Shad, Alewife, Blueback Herring, Menhaden, American Eel, White Perch, Striped Bass, Bluefish, Spot, Atlantic Croaker, Gray Sea Trout, Atlantic Silverside, Winter Flounder, Hogchoker, and Bay Anchovy occur in Chesapeake Bay off-shore from the property.

Waterfowl Concentration Areas

The Queen Anne's County, Department of Planning & Zoning, 1995 Queen Anne's County, Natural Resources Map and the University of Maryland, Natural Resources Institute, 1973 The Chesapeake Bay in Maryland: An Atlas of Natural Resources show Chesapeake Bay off-shore from the property as a historic waterfowl concentration area for hundreds of geese, diving ducks, and surface ducks. I found some Canada Goose, Bufflehead and Oldsquaw off-shore from the property during the site visit. ✓

TERRESTRIAL RESOURCES

Topography

The U.S. Geological Survey, 1986 (Photorevised) Claiborne, MD Topographic Quadrangle Map indicates the property is level. No map elevations are noted on the property, but a bench mark elevation of 13 feet above seal level is given beside Kent Point Road about 2500 feet northeast of the property. Level upland is confirmed by the site visit, but it drops abruptly up to 12 feet where it adjoins tidal and non-tidal waters. Elevations given within the building pads on the McCrone, Inc., 1999 Major Subdivision of the lands of John G. Gosnell are current field survey located and are mostly about 10 feet above sea level.

Soils

Figure 2A is taken from the U.S. Department of Agriculture, SCS, 1966 Soil Survey of Queen Anne's County, MD, Sheet 55 and shows non-hydric Keyport, Matapeake, Mattapex and Sassafras soils (KpA, McB2, McC2, MkA, MkB2, MsB2, SfB2, SfC3, SfD3) and consolidated materials of Coastal Beach and Mixed Alluvial Land (Cb, My) comprise most of the property. An exception is the southeast portion (about 50 acres) of the property which is hydric Elkton soil (EnA). Soil Survey configurations for all property substrates are digitized onto the McCrone, Inc., 1999 Minor Subdivision of the lands of John G. Gosnell.

Basic characteristics and development limitations of property substrates are given in Table 1 which indicates most property soils have only slight to moderate limitations for homesites and vehicular roadways. Conversely, poor permeability and seasonally near-surface groundwater create severe limitations for disposal of sewage effluent in Keyport and Mattapex loam soils. Poor drainage of level topography, frequent stormwater flooding, slow permeability of stormwater, near-surface groundwater, and/or tidal flooding may create severe limitations for any development use of hydric Elkton soils, and Coastal Beach and Mixed Alluvial Land consolidated materials eroded from uplands.

TABLE 1
CHARACTERISTICS & LIMITATIONS OF SOILS ON PROPERTY OF JOHN GOSNELL

Symbol	Series	Hydric Indicators	Highly Erodible On Slopes	Limitations For		
				Effluent Disposal	Homesites	Vehicle Roadways
Cb	Coastal Beach	No	N/A	Severe	Severe	Moderate
EnA	Elkton silt loam	Yes	Yes	Severe	Severe	Severe
KpA	Keyport silt loam	No	Yes	Severe	Moderate	Moderate
McB2, McC2	Matapeake loam	No	Yes	Moderate	Slight	Slight
MkA, MkB2	Matapeake silt loam	No	Yes	Slight	Slight	Slight
MsB2	Mattapex loam	No	Yes	Severe	Moderate	Moderate
My	Mixed Alluvial Land	No	No	Severe	Severe	Severe
SfB2	Sassafras sandy loam	No	Yes	Slight	Slight	Slight
SfC3	Sassafras sandy loam	No	Yes	Moderate	Slight	Slight
SfD3	Sassafras sandy loam	No	Yes	Moderate	Moderate	Moderate

100-Year Flood Plain

Figure 3 is taken from the Federal Emergency Management Agency, 1984 Queen Anne's County, MD, Unincorporated Areas, Flood Insurance Rate Map, Panels 240054 0059B and shows a narrow, linear area (mostly less than 100 feet wide) of Flood Hazard Zone "A", within limits of the 100-year tidal flood plain, occurs where the property adjoins Chesapeake Bay tidewater and/or non-tidal North West Creek. The 100-year flood plain on the property is adjoined landward in most areas by a narrow, linear (mostly about 100 feet wide) area of Flood Hazard Zone "B", an area between limits of the 100-year and 500-year floods. The 100-year flood plain margin from the FEMA panel is plotted on the McCrone, Inc., 1999 Minor Subdivision of the lands of John G. Gosnell.

Wetlands

Figure 2B is taken from the U.S. Department of the Interior, FWS, 1982 National Wetland Inventory, Claiborne, MD Map and shows estuarine, inter-tidal, beach-bar, regularly flooded wetlands (E2BBN) occur along the entire west property boundary with Chesapeake Bay; estuarine, sub-tidal, open water, wetlands (E1OWL) occur off-shore in Chesapeake Bay and North West Creek; estuarine, inter-tidal, emergent, narrow-leaved persistent, irregularly flooded wetlands (E2EM5P) occur in a few areas along the property boundary with North West Creek; and palustrine, forested, broad-leaved deciduous, temporarily flooded wetlands (PF01A) occur in the major forested portions of the property. Field delineating wetlands is not within the scope of this assessment, but the approximate location and type of wetlands depicted on the NWI map is confirmed by the site visit while potential wetlands were not found in any additional portions of the property. NWI wetlands depicted on the property are digitized onto the McCrone, Inc., 1999 Minor Subdivision of the lands of John G. Gosnell with their appropriate 25 feet or 100 feet buffers.

An exception is the linear wetland transversed by the Lot 2 access to Kent Fort Manor Road. Wetlands in vicinity of the access are field delineated and survey located, and plotted on the subdivision. A wetland Jurisdictional Determination and crossing permit are being pursued through the MD Department of Natural Resources, Non-tidal Wetland Division.

Hydrology and Streams

Surface hydrology landward of Chesapeake Bay and North West Creek the day of the site visit was confined to forested wetland puddles of recent precipitation. Some puddles exceeded 5000 sq. ft. and ranged up to six inches deep.

The U.S. Geological Survey, 1986 (Photorevised) Claiborne, MD Topographic Quadrangle Map indicates a perennial stream diagonally dissects the barrier beach between Chesapeake Bay and North West Creek on the northern-most end of the property. This did not appear to be a viable perennial stream the day of the site visit, because long-shore drift phenomenon and wave action turbidity constantly deposit eroded materials onto the barrier beach along Chesapeake Bay sealing and preventing the stream from reaching Chesapeake Bay. Temporary exceptions may occur should stormwater run-off to North West Creek swell its level to exceed that of the barrier beach. Waters of North West Creek may then spill-over the barrier beach eroding a stream trough until the North West Creek water level is reduced and/or beach deposition along Chesapeake Bay exceeds the water level of North West Creek. No other property streams are shown on the Geological Survey map or were found during the site reconnaissance.

Vegetative Cover

Open fields of cultivated grain crops comprise most of the property. Natural vegetative communities of woody plants, vines and herbaceous species can be found along the waterfront edges of some fields, hedgerows between fields, an abandoned lane, and small forested tracts. Along the North West Creek shoreline there are two Willow Oaks, two Black Cherry and one Red Maple that exceed 30 inches in diameter at breast height. An additional big Willow Oak and Black Cherry can be found in hedgerows in the north-central portion of the property. Vine coverings, rot and/or waters-edge undermining make health of some of these trees questionable. Table 2 lists in descending order of importance the common names of species dominant in major vegetated habitats on the property.

TABLE 2
DOMINANT SPECIES IN NATURAL VEGETATIVE HABITATS
ON PROPERTY OF JOHN GOSNELL NEAR KENT POINT

<u>Central Forest</u>	<u>SW Forest</u>	<u>Fallow Lane</u>	<u>Shoreline/Hedgerow</u>
Red Maple	Loblolly Pine	Red Cedar	Black Cherry
Common Persimmon	Red Maple	Black Locust	Black Locust
Black Locust	Sweet Gum	Groundsel Tree	Common Persimmon
American Holly	White Oak	Multiflora Rose	White Mulberry
Japanese Honeysuckle	Common Greenbrier	Trumpet Vine	Red Cedar
Poison Ivy	Poison Ivy	Japanese Honeysuckle	Japanese Honeysuckle
Trumpet Vine		Poison Ivy	Common Greenbrier
		Small White Aster	Poison Ivy
		Tall Goldenrod	Trumpet Vine

Wildlife

Tidal Chesapeake Bay, non-tidal North West Creek, agricultural fields, sand beach and vegetated shorelines, tidal and non-tidal wetlands, thickets, fallow area, and forests provide seeds, berries, aquatic invertebrates, insects and animal prey for wildlife food, water and cover. Table 3 lists the invertebrate and vertebrate organisms identified during the late winter site visit.

TABLE 3
MACRO-ORGANISMS FOUND IN MARCH 1999 ON PROPERTY OF JOHN GOSNELL

<u>Mollusks</u>	<u>Mammals</u>	<u>Barnacles</u>
American Oyster	Muskrat	Bay Barnacle
Baltic Macoma Clam	Gray Squirrel	
Macoma Clam	Eastern Cottontail	<u>Insects</u>
Soft-shelled Clam	Raccoon	Mourning Cloak
Brackish-water Clam	White-tailed Deer	Angle-winged Butterfly
Stout Razor Clam		
<u>Horseshoe Crab</u>	<u>Crabs</u>	
Atlantic Horseshoe Crab	Blue Crab	

Birds

Great Blue Heron	Ring-billed Gull	Hermit Thrush
Tundra Swan	Mourning Dove	Eastern Bluebird
Canada Goose	Great Horned Owl	Golden-crowned Kinglet
Mallard	Belted Kingfisher	Ruby-crowned Kinglet
Wood Duck	Northern Flicker	European Starling
Bufflehead	Red-bellied Woodpecker	Yellow-rumped Warbler
Oldsquaw	Downy Woodpecker	Pine Warbler
Turkey Vulture	Blue Jay	Northern Cardinal
Red-tailed Hawk	American Crow	American Goldfinch
Bald Eagle	Fish Crow	Dark-eyed Junco
Osprey	Carolina Chickadee	White-throated Sparrow
Northern Bobwhite	Tufted Titmouse	Song Sparrow
Killdeer	Brown-headed Nuthatch	Eastern Meadowlark
American Woodcock	Carolina Wren	Red-winged Blackbird
Great Black-backed Gull	Northern Mockingbird	Common Grackle
Herring Gull	American Robin	

Rare and Endangered Species or Habitats

The Queen Anne's County, Department of Planning & Zoning, 1995 Queen Anne's County, Natural Resources Map denotes a nest site of the protected Bald Eagle in vicinity of the southwest corner of the subject property. A pair of Bald Eagles were flying around this area during the site visit. A nest search of all trees on the subject property and adjoining forest trees viewed from within the south boundary of the subject property failed to find an eagle nest site. The south adjoining property contains approximately 30 contiguous forested acres that are not developed; an eagle nest could possibly be located in this forested area. No other rare or endangered plant or animal was found on the property. Regardless, an Environmental Review for rare, threatened and endangered species and/or habitats was requested from the MD Department of Natural Resources on 15 March 1999, and their response will be made a part of this assessment when received.

Recently enacted MD legislation places harvest limits on Atlantic Horseshoe Crabs in view of population declines. The Chesapeake Bay sandy barrier beach on the property is strewn with extoskeletons of Horseshoe Crabs suggesting this may be an important site for mating and egg deposition. Loblolly Pine reach their northern-most range in North America at about the latitude of Kent Island. The Brown-headed Nuthatch identified on the property is endemic to Loblolly Pine, thus Kent Island is also their northern-most range. Disturbing the property barrier beach and Loblolly Pine stand should be discouraged to assure the welfare of these species of concern.

Historical and Archeological Sites

Significance of structures previously occupying the forested area in the center of the property could not be ascertained since the only remanents found were a small portion of a shed roof, a wooden wagon wheel, a few bricks, and some screw-cap bottles. Old county maps show a structure existed here during the 1950-1960's which may have been a farm house. Regardless, the subdivision does not propose disturbing this area. Additionally, an American Indian fire pedestal was found in the north-central portion of the property along North West Creek. This occurrence may have no historical significance since searching the vicinity revealed no other artifacts.

PRECAUTIONS FOR POTENTIAL ENVIRONMENTAL IMPACTS

Current field survey located upland margins with Chesapeake Bay and North West Creek are synonymous with the margin of tidal and non-tidal wetlands. These margins are plotted with their appropriate 100-foot and 25-foot buffers onto the McCrone, Inc., 1999 Minor Subdivision of the lands of John G. Gosnell as required by the Queen Anne's County, Critical Area Regulations. Inland non-tidal wetlands are digitized from the National Wetland Inventory Map and plotted on the subdivision with a 25-foot buffer. Similarly, limits of the 100-year flood plain and Chesapeake Bay Critical Area from the FEMA map and Critical Area Commission are plotted onto the subdivision as required.

Clearing, grading and construction of private lanes providing access to the newly proposed lots will exceed 5,000 sq. ft. each and require a grading permit while an approved sediment and erosion control plan will be developed in accordance with the Queen Anne's County, Soil Conservation Service standards prior to any grading or construction on individual lots.

Additional erosion and sediment control on individual lots, stormwater management, permissible impervious surfaces, structure height limitations, MD Dept. Natural Resources, Bald Eagle protection issues, and other Critical Area protection measures will have to be addressed when future development is proposed on the undeveloped lots.

SUMMARY

Approximately 90.1 acres of the 154.7 acres \pm property are within the Chesapeake Bay Critical Area designated Resource Conservation Area (RCA). The Critical Area portion of the undeveloped property is proposed for subdivision into five waterfront building lots. Agricultural fields comprise most of the property which also contains about 10 acres of forest and has over a mile of shoreline on tidal Chesapeake Bay and non-tidal North West Creek. Property shoreline erosion appears to be of concern only along the south end of the boundary with Chesapeake Bay. Chesapeake Bay and North West Creek offshore from the property appear to be void of submerged aquatic vegetation and anadromous fish spawning, but Chesapeake waters do contain several species of clams, numerous listed fin fish, is a waterfowl concentration area, and bound by tidal wetlands. Non-tidal wetlands occur along the North West Creek boundary. The topography is level except where the upland drops up to 12 feet along the waterfront boundaries. About two-thirds of the property is comprised of non-hydric soils with the other third mostly hydric Elkton soil. Portions of the property within the 100-year flood plain are narrow, linear areas (mostly less than 100 feet wide) paralleling waterfront. Wetland away from the waterfront are confined to non-tidal, forested portions of the property. There are no inland bodies of water or streams on the property. Dominant vegetative species and wildlife identified during the site visit are listed. A protected Bald Eagle may nest just off-site in south adjoining forest. Margins of a current field survey located upland, soil configurations, Critical Area, 100-year flood plain, forests, and wetlands are plotted on the McCrone, Inc., 1999 Minor Subdivision of the lands of John G. Gosnell.

Afforest
15% = 13.5 acres

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 13, 1999

Ms. Sue Ann Hyer-Morgan
Department of Planning and Zoning
Queen Anne's County
107 N. Liberty Street
Centreville, Maryland 21617

**RE: Gosnell, John G. - Preliminary Major/Administrative Subdivision with TDR's
File #04-99-021(c)**

Dear Ms. Hyer-Morgan:

I have reviewed the above referenced subdivision proposal and have the following comments. The applicant has proposed to use subdivision, Transfer of Development Rights (TDRs), and open space reapportionment, to arrive at a total of 7 large lots with 7 dwelling units on the property, 6 of which are proposed to be located in the portion of the property that is designated as Resource Conservation Area (RCA) under the County's Critical Area program. The density limits for development in the RCA are one dwelling unit per twenty acres. In order to achieve the proposed density in the RCA portion of the property, the applicant has proposed the creation of three additional large lots through the use of TDRs and a reapportionment of both Critical Area and non-Critical Area open space associated with the proposed subdivision.

According to the County program and state criteria, a maximum of four dwelling units may be allowed in the 90.07 acre RCA portion of the property. The density in the RCA may be increased with the use of TDRs if the proposal is consistent with the County's TDR provisions in the County's Critical Area program and County Code. The proposed subdivision, use of TDRs, and reapportionment of open space does not appear to be consistent with the County's clustering and open spaces standards under its TDR provisions.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Ms. Sue Ann Hyer Morgan
April 13, 1999
Page Two

Commission staff do not support the subdivision as proposed. We recommend that the applicant provide more information on the consistency of the proposed subdivision and use of TDRs with the County's TDR requirements as well as the Critical Area Commission's policy on the use of TDRs in the Critical Area.

Thank you for the opportunity to comment. Please do not hesitate to call me at (410)260-7019 if you have any questions concerning these comments

Sincerely,

A handwritten signature in black ink that reads "Susan McConville". The signature is written in a cursive style with a large, prominent "S" and "M".

Susan McConville
Natural Resources Planner

cc: QA 173-99

PERIMETER BOUNDARY COURSE AND DISTANCES

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	N 57°45'51" W	1680.67±	28	N 23°33'23" E	14.85'
2	S 85°52'55" E	28.88'	29	N 19°16'21" E	68.43'
3	N 80°40'09" E	16.96'	30	N 20°23'27" E	102.80'
4	N 68°03'38" E	22.49'	31	N 04°57'09" E	13.75'
5	N 49°03'30" E	29.84'	32	N 30°00'52" E	15.93'
6	N 39°25'08" E	27.47'	33	N 25°32'18" E	52.69'
7	N 31°29'40" E	77.45'	34	N 15°17'37" E	147.05'
8	N 37°29'13" E	90.43'	35	N 16°21'55" E	140.94'
9	N 35°12'22" E	69.65'	36	N 15°35'15" E	125.34'
10	N 40°47'29" E	39.41'	37	N 13°25'33" E	132.39'
11	N 66°44'14" E	36.76'	38	N 14°43'38" E	140.61'
12	N 21°32'44" E	59.37'	39	N 15°50'53" E	166.70'
13	N 22°50'55" E	128.79'	40	N 17°01'50" E	124.99'
14	N 19°28'12" E	140.60'	41	N 14°49'15" E	135.56'
15	N 19°39'34" E	166.43'	42	N 17°30'39" E	175.12'
16	N 19°15'16" E	137.08'	43	N 16°35'03" E	191.85'
17	N 15°07'07" E	54.48'	44	N 17°08'23" E	234.29'
18	N 11°46'21" E	36.96'	45	N 18°07'37" E	198.67'
19	N 03°14'45" W	28.03'	46	S 55°40'18" E	1013.37±
20	N 21°10'42" E	44.00'	47	S 25°23'44" W	350.06'
21	N 20°52'23" E	168.93'	48	S 05°37'05" E	499.98'
22	N 19°54'03" E	144.07'	49	S 48°54'04" E	900.00'
23	N 25°56'55" E	22.88'	50	S 10°37'04" E	470.00'
24	N 18°13'56" E	136.80'	51	S 32°39'56" W	206.74'
25	N 03°23'19" E	24.63'	52	N 49°09'04" W	25.26'
26	N 17°29'03" E	114.89'	53	S 32°39'56" W	2533.15'
27	N 14°38'00" E	132.74'			

LOT AREAS TABLE

LOT No.	GROSS AREA	CRITICAL AREA	UPLAND AREA	NET BUILDABLE AREA (PAD)	ALLOWED IMPERVIOUS (15% OF C.A.)
2	20.390 AC±	0.000 AC±	20.390 AC±	3.000 AC±	N/A
3	28.370 AC±	26.918 AC±	1.452 AC±	3.000 AC±	4.038 AC±
4	20.000 AC±	15.699 AC±	4.301 AC±	3.000 AC±	2.355 AC±
5	31.400 AC±	18.647 AC±	12.753 AC±	3.000 AC±	2.797 AC±
6	43.750 AC±	28.807 AC±	14.943 AC±	3.000 AC±	4.321 AC±

OWNER

JOHN G. GOSNELL
4514 TOURNAY ROAD
BETHESDA, MARYLAND 20816

DEVELOPER

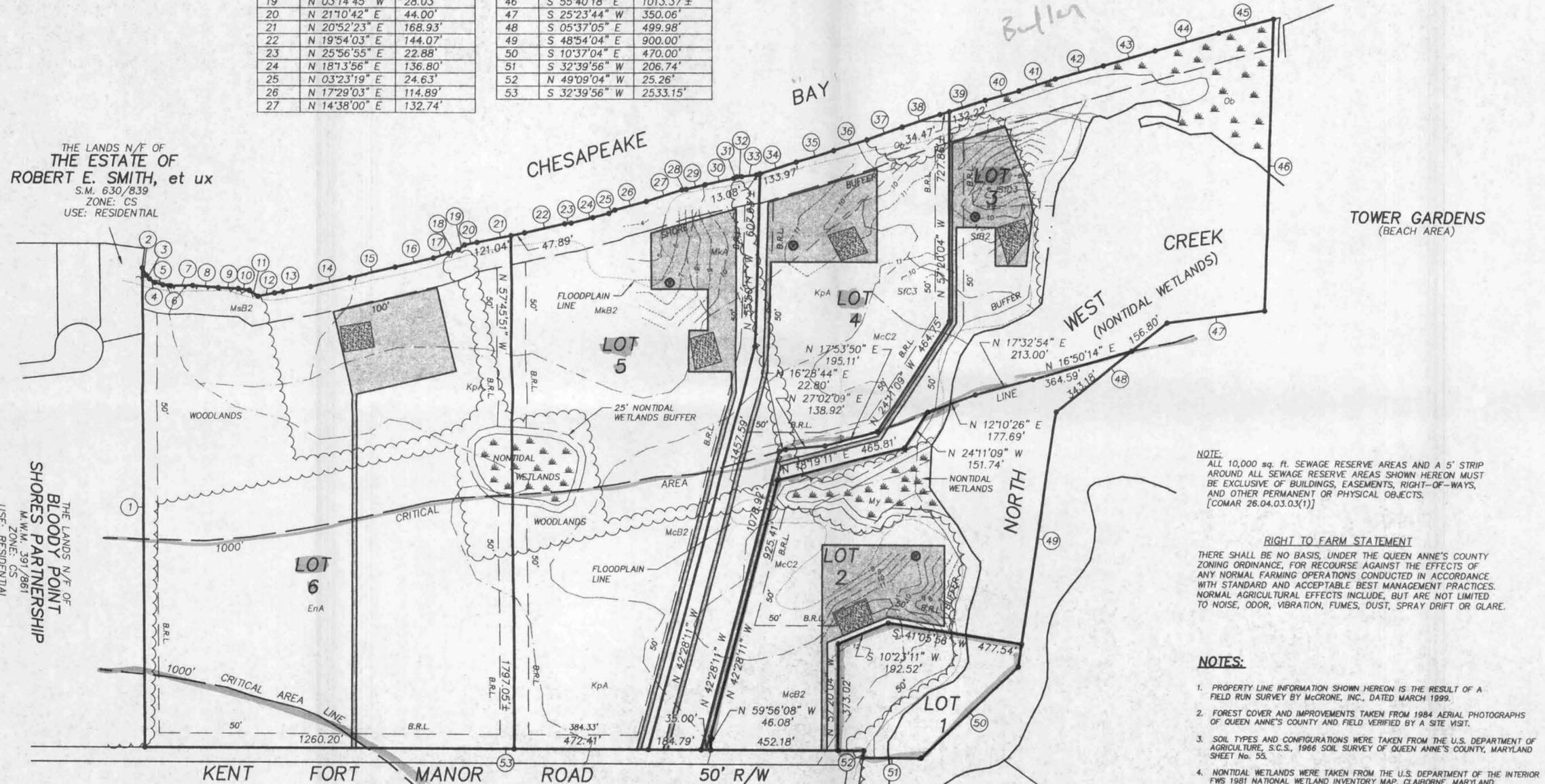
H. A. HIGHAM TRUST
BLOODY POINT SHORES PARTNERSHIP
5513 VINE STREET
ALEXANDRIA, VIRGINIA 22310

SURVEYOR

McCRONE, INC.
207 N. LIBERTY STREET
CENTREVILLE, MARYLAND 21617

THE LANDS N/F OF
THE ESTATE OF
ROBERT E. SMITH, et ux
S.M. 630/839
ZONE: CS
USE: RESIDENTIAL

THE LANDS N/F OF
BLOODY POINT
SHORES PARTNERSHIP
M.W.M. 391/861
ZONE: CS
USE: RESIDENTIAL



NOTE:
ALL 10,000 sq. ft. SEWAGE RESERVE AREAS AND A 5' STRIP AROUND ALL SEWAGE RESERVE AREAS SHOWN HEREON MUST BE EXCLUSIVE OF BUILDINGS, EASEMENTS, RIGHT-OF-WAYS, AND OTHER PERMANENT OR PHYSICAL OBJECTS. [COMAR 26.04.03.03(1)]

RIGHT TO FARM STATEMENT
THERE SHALL BE NO BASIS, UNDER THE QUEEN ANNE'S COUNTY ZONING ORDINANCE, FOR RECOURSE AGAINST THE EFFECTS OF ANY NORMAL FARMING OPERATIONS CONDUCTED IN ACCORDANCE WITH STANDARD AND ACCEPTABLE BEST MANAGEMENT PRACTICES. NORMAL AGRICULTURAL EFFECTS INCLUDE, BUT ARE NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST, SPRAY DRIFT OR GLARE.

- NOTES:**
- PROPERTY LINE INFORMATION SHOWN HEREON IS THE RESULT OF A FIELD RUN SURVEY BY McCRONE, INC., DATED MARCH 1999.
 - FOREST COVER AND IMPROVEMENTS TAKEN FROM 1984 AERIAL PHOTOGRAPHS OF QUEEN ANNE'S COUNTY AND FIELD VERIFIED BY A SITE VISIT.
 - SOIL TYPES AND CONFIGURATIONS WERE TAKEN FROM THE U.S. DEPARTMENT OF AGRICULTURE, S.C.S., 1986 SOIL SURVEY OF QUEEN ANNE'S COUNTY, MARYLAND SHEET No. 55.
 - NON-TIDAL WETLANDS WERE TAKEN FROM THE U.S. DEPARTMENT OF THE INTERIOR FWS 1981 NATIONAL WETLAND INVENTORY MAP, CLABORNE, MARYLAND.
 - THE 100 YEAR FLOOD PLAIN WAS TAKEN FROM THE F.I.R.M. COMMUNITY PANEL No. 240054 0059 B, EFFECTIVE DATE: SEPT. 28, 1984.
 - THE CRITICAL AREA LINE WAS TAKEN FROM THE 1972 STATE OF MARYLAND WETLAND MAPS.
 - THE PROPERTY IS REFERENCED BY TAX MAP 76, BLOCK 19, PARCEL 7.
 - FOR DEED REFERENCE SEE: T.S.P. 16/195.
 - THIS SUBDIVISION PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - EXISTING LAND USE - AGRICULTURAL
 - PROPOSED LAND USE - RESIDENTIAL/AGRICULTURAL
 - EXISTING ZONING - CS (COUNTRYSIDE)
 - NON-TIDAL WETLANDS AND THEIR 25' BUFFERS SHOWN HEREON MAY NOT BE ALTERED, DISTURBED, OR FILLED WITHOUT PERMITS FROM THE ARMY CORP OF ENGINEERS AND ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL AGENCIES.
 - PRIOR TO THE CUTTING OR CLEARING OF ANY FOREST OR WOODLANDS WITHIN THE CRITICAL AREA SHOWN HEREON AND PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT OF SEDIMENT CONTROL PERMIT WITHIN THE CRITICAL AREA RESOURCE CONSERVATION AREA (RCA), COMPLIANCE IS REQUIRED WITH THE FOLLOWING SECTIONS OF THE 1998 QUEEN ANNE'S COUNTY CODE: 18-1-093, 14-138(e)(3) AND 14-154(b).
 - CONTOURS SHOWN HEREON ARE FIELD RUN BY McCRONE IN MARCH, 1999. VERTICAL DATUM BASED ON MARYLAND STATE GRID.
 - ALL ENTRANCES/DRIVEWAYS MUST BE CLEARLY LABELED WITH HOUSE NUMBERS TO AVOID CONFUSION FOR EMERGENCY RESPONSE VEHICLES.
 - THERE ARE NO HISTORIC SITES ON THIS PROPERTY.
 - MEAN HIGH WATER LINE WAS FIELD LOCATED BY McCRONE, INC. IN FEBRUARY, 1999.

SITE STATISTICS

GROSS AREA	=	149.569 AC±
BASE SITE AREA	=	149.569 AC±
CRITICAL AREA (RCA)	=	90.071 AC±
UPLAND AREA	=	59.498 AC±
AREA OF PADS	=	15.000 AC±
CURRENT ZONE	=	CS (COUNTRYSIDE)
MINIMUM LOT SIZE	=	20,000 AC±
FLOOD PLAIN STATUS	=	A-B
AREA IN FLOODPLAIN	=	37.96 AC±
NUMBER OF LOTS ALLOWED (CRITICAL)	=	4
NUMBER OF LOTS ALLOWED (UPLAND)	=	2
NUMBER OF PROPOSED LOTS	=	5 (4 in C.A.)
OPEN SPACE REQUIRED	=	0.000 AC±
OPEN SPACE PROVIDED	=	0.000 AC±
PERMITTED NET BUILDABLE AREA (TOTAL)	=	22.436 AC±
PERMITTED NET BUILDABLE AREA (CRITICAL)	=	13.511 AC±
PERMITTED NET BUILDABLE AREA (UPLAND)	=	8.925 AC±
PROPOSED NET BUILDABLE AREA (TOTAL)	=	15,000 AC±
PROPOSED NET BUILDABLE AREA (CRITICAL)	=	12,000 AC±
PROPOSED NET BUILDABLE AREA (UPLAND)	=	3,000 AC±

CRITICAL AREA FOREST REQUIREMENTS

AREA IN CRITICAL AREA	=	90.071 AC±
15% OF CRITICAL AREA	=	13.511 AC±
TOTAL EXISTING FOREST	=	16.915 AC±
% OF EXISTING FOREST	=	19%
EXISTING FOREST TO BE CLEARED	=	0.400 AC±
TOTAL REMAINING FOREST	=	16.515 AC±
% OF FOREST REMAINING	=	18%
AFFORESTATION REQUIRED	=	NO AFFORESTATION REQUIRED

SHORE BUFFER FOREST REQUIREMENTS

TOTAL AREA IN SHORE BUFFER	=	9.511 AC±
50% OF SHORE BUFFER	=	4.756 AC±
TOTAL FOREST IN SHORE BUFFER	=	2.374 AC±
% OF FOREST IN SHORE BUFFER	=	25%
AFFORESTATION REQUIRED	=	2.382 AC±

LEGEND

- DENOTES DEED POINT (UNLESS OTHERWISE NOTED)
- PROPOSED WELL
- 10,000 sq. ft. ± SEPTIC RESERVE AREA
- ~ EXISTING WOODSLINE
- N/F DENOTES NOW OR FORMERLY

McCRONE
ENGINEERING & ENVIRONMENTAL SCIENCES
LAND PLANNING & SURVEYING & CONSTRUCTION SERVICES

207 NORTH LIBERTY STREET
SUITE 100
CENTREVILLE, MARYLAND
(410) 758-2237

ANNAPOLIS-CENTREVILLE-ELKTON-SALISBURY-SOUTHERN MARYLAND

DATE	SCALE	DESIGNED BY	APPROVED BY
APRIL '99	1" = 300'	J. MOORE	D. JOINER
JOB NO. D1980361			
FOLDER REF 1884			
DATE	REVISION		

MAJOR SUBDIVISION OF THE LANDS OF
JOHN G. GOSNELL
FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
PREPARED FOR: H. A. HIGHAM TRUST