

Comments
6/1/99

USA-S-1829-622

SO 241-99
SUB

Ward, Richard
99-156

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

June 1, 1999

Mr. Thomas Lawton
Department of Technical and Community Services
Somerset County Office Complex
11916 Somerset Ave., Room 102
Princess Anne, MD 21853

RE: Ward Property Subdivision/Intrafamily Transfer Request (#99-156)

Dear Mr. Lawton:

I have reviewed the above referenced application for a one-lot residential subdivision and intrafamily transfer. The property proposed for subdivision covers 24.93 acres, with 22.03 acres in a designated Resource Conservation Area. The applicant seeks to create one lot with 12.41 acres in the Critical Area for residential and agricultural use. Non-tidal and tidal wetlands appear on the site, and are duly noted in the plat. The plat designates 10.23 acres as a habitat protection area. An area covering 6.61 acres of forest has been reserved. The area designated for development covers 2.18 acres of upland. This subdivision/intrafamily transfer appears to be consistent with the Critical Area law and Somerset County's Critical Area program. Commission staff do not oppose the subdivision/intrafamily transfer, however, we offer the following comments.

The Critical Area law permits subdivision of up to three lots for intrafamily transfer on parcels that are greater than 12 acres but less than 60 acres in size (NRA, §8-1808.2). The above referenced request satisfies this requirement. It is my understanding that the County will require the applicant to place a covenant in the deed stating that the lot is created subject to the intrafamily transfer provisions of the Critical Area law. Lots created through intrafamily transfer may not be conveyed subsequently to any person other than a member of the owner's immediate family except for certain situations described in §8-1802.2. Subsequent conveyance of lots created under this section must comply with the guidelines set forth in Somerset County's Critical Area Program (Somerset County Zoning Ordinance Section 6.13(c)(3)).

The intrafamily transfer provisions also require that the property be transferred to a member of the owner's immediate family for the purposes of establishing a residence for that family member. Immediate family means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter. It is my understanding that this property will be transferred to the

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

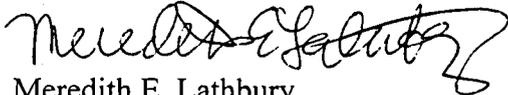
grandchild of the owner, thereby satisfying this requirement.

Before the County moves forward on this application, the applicant should contact Maryland Department of Natural Resources Heritage Division to determine whether any threatened or endangered species occur on the site. This information should be noted on the plat.

Any areas that will be cleared or disturbed for development of the lot may require mitigation, as set forth in Somerset County's Critical Area Program.

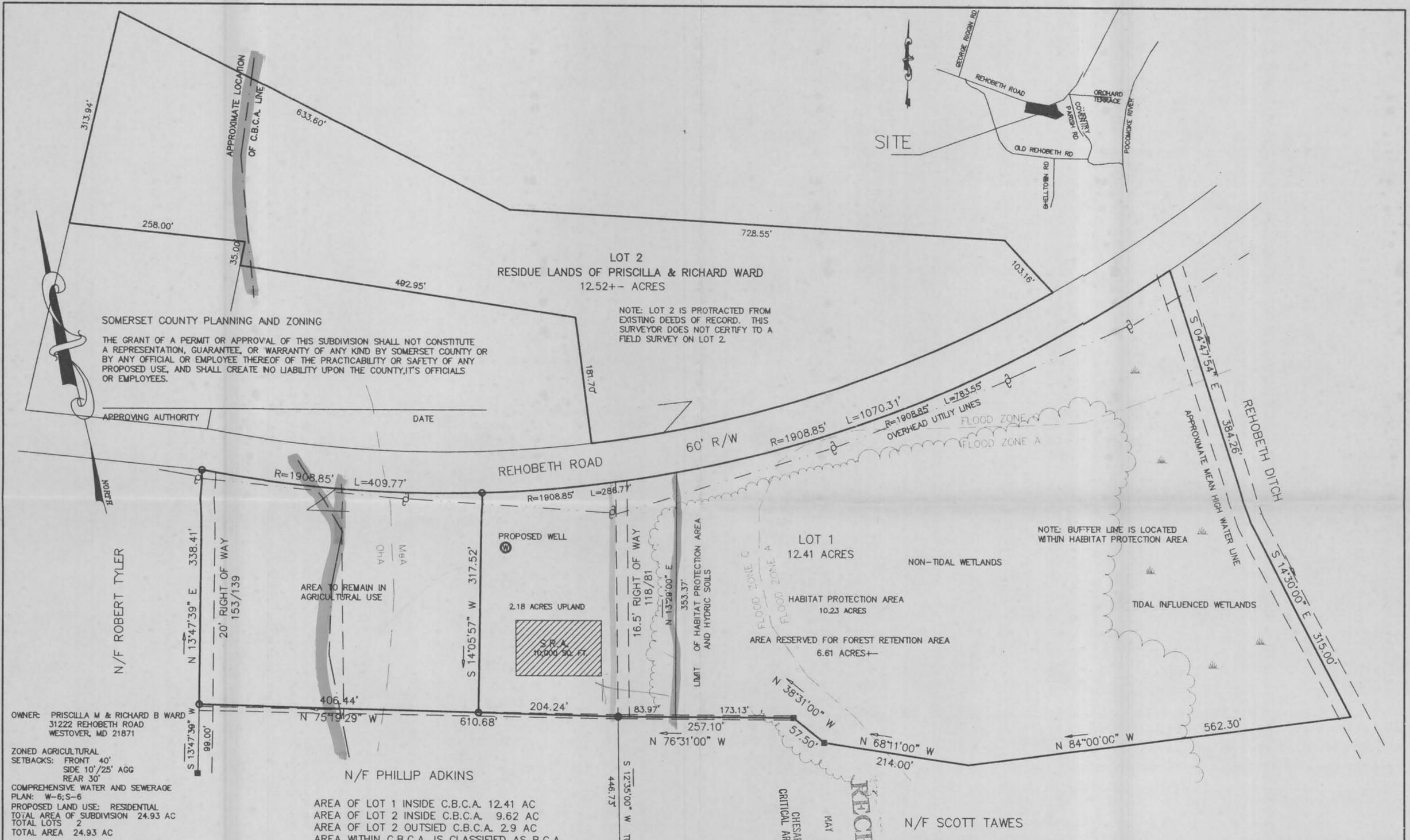
Thank you for the opportunity to comment on this application. Please include this letter in your file and submit it as part of the record for subdivision. Please notify the Commission in writing of the decision made in this case. If you should have any questions concerning this letter, please contact me at (410) 260-7173.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meredith E. Lathbury".

Meredith E. Lathbury
Natural Resources Planner

cc: SO 241-99



SOMERSET COUNTY PLANNING AND ZONING

THE GRANT OF A PERMIT OR APPROVAL OF THIS SUBDIVISION SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTEE, OR WARRANTY OF ANY KIND BY SOMERSET COUNTY OR BY ANY OFFICIAL OR EMPLOYEE THEREOF OF THE PRACTICABILITY OR SAFETY OF ANY PROPOSED USE, AND SHALL CREATE NO LIABILITY UPON THE COUNTY, ITS OFFICIALS OR EMPLOYEES.

NOTE: LOT 2 IS PROTRACTED FROM EXISTING DEEDS OF RECORD. THIS SURVEYOR DOES NOT CERTIFY TO A FIELD SURVEY ON LOT 2.

NOTE: BUFFER LINE IS LOCATED WITHIN HABITAT PROTECTION AREA

TITLE		INTRA-FAMILY TRANSFER FOR	
RICHARD B. WARD & PRISCILLA M. WARD			
COUNTY	SOMERSET	STATE	MD
ELECTION DISTRICT	NO. 03	SCALE	1" = 100'
TAX MAP	59	GRID	08
PARCEL	28	DEED REF.	85/362
PLAT REF.	/	DATE	01/14/98
DATE	01/14/98	SA	9:9-156

CHRIS D. CUSTIS P.L.S.
SURVEYING & LAND DESIGNS
P.O. BOX 786
11780 SOMERSET AVENUE
PRINCESS ANNE, MARYLAND
21853

PHONE 1-410-651-2331

SOMERSET COUNTY HEALTH DEPARTMENT

LOT 1 IS APPROVED FOR INTERIM INDIVIDUAL WATER SUPPLIES AND SEWERAGE SYSTEMS IN ACCORDANCE WITH COMAR 26.04.02. (FOR EACH BUILDING UNIT A MIN. OF 10,000 SQ. FT., EXCLUSIVE OF BUILDINGS, EASEMENTS, RIGHT OF WAYS AND OTHER PERMANENT OR PHYSICAL OBJECTS, SHALL BE PROVIDED FOR THE SUBSURFACE DISPOSAL OF SEWAGE). ALL WELLS MUST BE DRILLED INTO A CONFINED AQUIFER, GROUTED THROUGH THE DISPOSAL STRATUM AND CONFINING BED, AND LOCATED A MIN. OF 100 FEET FROM ANY PART OF THE SEWAGE DISPOSAL AREA. THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THESE INDIVIDUAL SYSTEMS AND CONNECT TO THE COMMUNITY SYSTEM WHEN AVAILABLE.

OWNERS AND SURVEYORS CERTIFICATION

WE CERTIFY THAT THE REQUIREMENTS OF REAL PROPERTY SECTION 3-108 OF THE ANNOTATED CODE OF MARYLAND LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

CHRIS D. CUSTIS, R.P.L.S. _____ DATE _____

PRISCILLA M. WARD _____ DATE _____

RICHARD B. WARD _____ DATE _____