

CA 845-05 Prison Point
SUB 05-13-33

MSA-5-1899-4893

Comments 1/17/04
Ked

11/2 188
rule pencil

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 17, 2006

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD-05-13-33
(Tax Map 33, Parcel 8)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is proposing to create a two-lot subdivision on an 8.949-acre property. The property is located within a Resource Conservation Area (RCA). Lot 1 and is currently developed with a primary dwelling, while proposed Lot 2 is undeveloped.

Based on the information provided, it my understanding that the applicant is proposing to create an otherwise non-conforming subdivision within the RCA by virtue of a previously recorded deed dated March 11, 1997. Specifically, the aforementioned deed created an 8.949-acre parcel from an 88.049-acre parent parcel, delegating two of the four development rights permitted within the Critical Area to the 8.949-acre parcel. It is not clear where the remainder of the two development rights were assigned and/or utilized. In addition, it is my understanding that the 79.1-acre residue parcel will be placed within an agricultural preservation district and restricted from future development. In order to confirm that the applicant's proposal is valid and legal, please provide confirmation and/or clarification of the following to Commission staff:

1. Please confirm that the original 88.049-acre parent parcel was located entirely within the Critical Area and within the RCA.
2. Please confirm the status, in regard to location and use, of the remaining two development rights associated with the original parent parcel.
3. Please provide an explanation as to how the County, through the use of the agricultural preservation designation, will ensure that the residue parcel remains undeveloped in perpetuity, assuring that the development rights generated from the parent parcel and assigned to the 8.949-acre parcel are not available for future use on any other parcel within the Critical Area.

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Olivia Vidotto
MSD-05-13-33
January 17, 2006
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Thank you for the opportunity to provide comments for this minor subdivision request. Please provide Commission staff with information clarifying the concerns listed above prior to recordation of the subdivision plat. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA845-05

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CRITICAL AREA FORM

Please fill in the appropriate blanks or check box the appropriate answer if the property is in the Critical Area (all land within 1,000 feet of the Mean High Water Line of the Chesapeake Bay, it's tributaries or the landward boundary of an adjacent wetland is considered to be within the Critical Area).

Your application for development will not be considered complete until the following form has been filled out and submitted to the Department of Planning and Zoning.

Owners Name: Donald P. McDaxin, Jr + Jean Marie McDaxin Telephone: (503) 904-9848
Address: 11405 TOWERING OAK WAY, RESTON, VA 20194
Location of Property to be developed ETD OF ADELINA B.

Tax Map#: 33 Parcel #: 8 Lot#: _____ Grid#: _____

1. Tax ID #: 02-000121

2. Subdivision Name: LOTS 1+2 PRISON POINT FARM

3. Property is designated:
- Intensely Developed (IDA)
 - Limited Developed (LDA)
 - Resource Conservation (RCA)

To find out what your property is designated, consult the Critical Area Map in the Department of Planning and Zoning.

4. Type of development being proposed. Check all that apply.

- | | | |
|-------------------------------------------------|----------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Residential | <input type="checkbox"/> Redevelopment | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Mixed | |

5. Project category

- | | |
|---------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Existing Lot | <input checked="" type="checkbox"/> Subdivision which creates buildable lots |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Subdivision which does not create buildable lots |

6. Total acreage of property: 8.949

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DEC 27 2005

CRITICAL AREA COMMISSION

7. Total acreage of property within the Critical Area

IDA _____ LDA _____ RCA 8.949

8. Total acreage being disturbed within the Critical Area 0 Ac.

SUBDIVISION

9. Number of lots to be created in the Critical Area 2

10. Number of dwelling units to be created in the Critical Area

11. Minimum lot size in the Critical Area

12. Maximum lot size in the Critical Area

13. Average lot size in the Critical Area

14. Linear length of waterfront in feet of original parcel

15. Is this an intrafamily transfer?

16. If a subdivision, is cluster development being used?

If yes, how many acres of open space will be created by the clustering?

17. If a subdivision, how many acres of recreation area will be provided? N/A MINOR SUB.

2

1 IN ADDITION TO EXISTING HOUSE

3.00 Ac.

5.949 Ac.

4.47 Ac.

1750' ±

Yes No
 Yes No

GROWTH ALLOCATION

18. Is use of the growth allocation necessary

19. How many acres of growth allocation are you requesting?

20. Are all non-water dependent uses more than 300 feet from the water?

Yes No

Yes No

STAFF USE ONLY

21. Number of acres of growth allocation approved _____

WETLANDS

22. Identify wetlands (tidal and non-tidal rivers, bays, streams, marshlands, swamps, bogs, etc.), hydric soils and highly erodible soils on plat.

23. Is site adjacent to or does it include within its boundary any tidal waters or wetlands or non-tidal streams that are tributaries to tidalwaters? Yes No

If yes, identify wetland buffer on plat according to section 8-2.03A (Floodplain), 8-2.05A, C and D (Wetlands) of the Zoning Ordinance.

24. Is site adjacent to or does it include within its boundary any non-tidal waters or wetlands? Yes No
If yes, identify wetland buffer on plat according to section 8-2.05D (Wetland Buffer)

25. Is any disturbance to the buffer proposed? Yes No
If yes, then either a Buffer Management Permit or a variance may be necessary

FOREST LAND / BUFFER

26. Is site within a Buffer Exempt area? Yes No

If yes, what is the shortest distance between mean high water and any existing structure on adjacent lots or parcels?

27. Is the following shown on plat? Yes No

Identify vegetated areas (marshes, forests) on plat.

- a. How many acres of site are covered by forest? 0.40 Ac.
- b. How many acres of forest are proposed for clearing? 0
- c. How many acres of forest will be replanted on site? 0.94 Ac. (LDA and RCA only).

A maximum of 30% of the forest can be removed though replantings and/or Fees-in-Lieu shall be required.

28. 15% or greater of the site covered with forest? Yes No

(LDA & RCA only) 15% of the site shall be maintained or planted in trees and this fact shall be recorded with the record plat. How many acres will be replanted? 0.94 Ac.

29. Does the site have slopes greater than or equal to 15% Yes No
WITHIN 100' BUFFER

(LDA & RCA only) Slopes greater than or equal to 15% shall be shaded on the plat and development shall be prohibited in these areas (section 8-2.07 Steep Slopes)



Subdivision Application

Calvert County, Maryland

Department of Planning and Zoning

150 Main Street

Prince Frederick, MD 20678

Phone: (410)535-2348 or (301)855-1243 TDD: (410)535-6355

Fax: (410)414-3092 Email: pz@co.cal.md.us

Notice! Separate applications must be filed with the following agencies if applicable to the subdivision. Other agency permits may be necessary:

- Environmental Health for drainfield percolation tests
- State and Federal wetland permits for developments involving wetlands
- State Highway Administration for access permits on state roads

Note: All information must be completed if applicable. Incomplete applications/forms/checklists, plans, etc. will result in the entire submittal package being returned to the engineer.

PROJECT INFORMATION

Project Name: PRISON POINT FARM

Planning and Zoning Case No: MSD05-13-33 (Assigned by P & Z at concept plan review)

Type of Subdivision: Residential Commercial Industrial Mixed Use

Subdivision Type: Major Minor (Major subdivisions involve more than 5 lots or a public road)

Utilities: Public Sewer Septic System Public Water Well

FOR RUR, R-1, R-2 ZONE:

Maximum # of Conventional Lots: ÷ 4 = ¹ new base density

TDR Conventional Lots + Transfer Zone Lots (if permitted) = ² Total lots requiring TDR's

Total Lots Proposed: 2 (¹ + ² total)

TOWN CENTER – (see Town Center Chart) Maximum Density of units per acre

Proposed Density = units per acre Number of TDR's required:

Mandatory clustering per Articles 2-10.01.E or 5-2.01 Optional Clustered subdivision yes no

Average Lot Size: 4.47A Total Acreage 8.949A - Wetland acreage 0A = 8.949 acreage to calculate density

1. Total Acreage in Lots: 8.949 A.C.T

2. Total Acreage in Open Space*: 0 Total open space provided: (items 3,4,6)
(*not counting RW or private lanes or rec area)

3. Total Acreage in RW & Widening Strips: 0

4. Total Acreage in Private Lanes: 0

5. Total Acreage in Recreation Area: 0

6. Total Acreage in Residue (if any): 0

Total Acreage: 8.949A (items 1-6 should equal this amount)

Multi-Family Subdivision Information (if applicable):

If subdivision involves multi-family units provide the number of units and the density. To obtain the density divide the total number units by the acreage involved with each unit type):

Townhouses: (Density units per acre)

Apartments: (Density units per acre)

Duplexes: (Density units per acre)

PROPERTY INFORMATION

Location (Postal Area / City): PRINCE FREDERICK

Primary Zoning District: RUR Overlay Zoning/Subdistrict: FCD

Road Frontage(s): 15' ACCESS EASEMENT TO ADELINA RD.

Road Type: SHA County Private Election District: ZTD Community Planning District: 11

Is Subdivision within Critical Area?: Yes No

If so, which district? IDA LDA LDA3 RCA Acreage in Critical Area: 8.949 Ac.

Parcel Information (parcels included in the subdivision):

Tap Map. No	Parcel No.	Tax ID No.	Lot (if any)	Block (if any)	Section (if any)
<u>33</u>	<u>8</u>	<u>02-000121</u>			

Current or Past Applications (if any): NONE KNOWN

Application	Case #	Resolution #	Action Date
Rezoning			
Board of Appeals			
Subdivision			
Transfer Zone			
Agricultural Preservation District			
Historic District			
Historic Sites Survey			
Previous Site Plan Review			
Other			
Other			

Family Conveyance – Check any & all boxes if applicable:

- For access & R/W *
 - For lots created that would require purchase of TDR's *
 - Intra-family for forest conservation requirements (Declaration of Intent required with final plat)
 - Intra-family transfer for critical area requirements *
- * Requires Family Conveyance Affidavit with final plat)

OWNER AUTHORIZATION

P&Z CASE NO: ^{MSD} 05-13-33

I/We the undersigned and the owners of the property described above do hereby submit this application for subdivision and authorize the agent(s) listed below to act on my/our behalf. I/ We also authorize and give consent to entry upon the subject property by review agencies staff and/or board members to the extent necessary to evaluate and act upon this application. In the event the applicant withdraws this authorization to enter, this application shall be deemed withdrawn in its entirety. (If there are more than two owners, please attach a supplemental signature form.)

Owner's corporation (if any): _____
Print or type First Name: RONALD P JR Last Name: McDougal
Signature: [Signature] Date: 11/22/2005
Print or type First Name: JEAN MARIE Last Name: McDougal
Signature: [Signature] Date: 11/22/2005
Address: 11408 TOWERING OAK WAY Phone: (703) 704-9848
City: RESTON State: VA Zip Code: 20194

APPLICANT INFORMATION & AUTHORIZATION (If different than owner)

I/ We the undersigned do hereby submit this application for subdivision and authorize the agent listed below to act on my/our behalf. (If there are more than two applicants, please attach a supplemental signature form.)

Applicant's corporation (if any): _____
Print or type First Name: _____ Last Name: _____
Signature: _____ Date: _____
Print of type First Name: _____ Last Name: _____
Signature: _____ Date: _____
Address: _____ Phone: _____
City: _____ State: _____ Zip Code: _____

AGENT CERTIFICATION

I certify that the information, attachments and plans submitted herewith are true and correct to the best of my knowledge and ability. I file this application and will act on behalf of the owner(s) and applicant(s) listed above.

Print or type First Name: CHRIS Last Name: MOONEY
Signature: [Signature] Date: 6/8/05
Agent's corporation (if any): R.A. BARRETT & ASSOCIATES INC
Address: 100 JEBEL DR, SU. 103
City: PRINCE FREDERICK State: MD Zip Code: 20678
Phone: (410) 257-2255 Fax: (410) 257-3782 Email: CMOONEY@RABARRETT.COM

Agent Notes: _____

SUBDIVISION LETTER OF EXPLANATION

Planning and Zoning Case No: MSD 05-13-33

1. Reduction / waiver request for any of the following (please list with an explanation and justification); wetlands report, wetland buffer, swm and front roadway buffer.

THE WETLANDS WAIVER HAS BEEN GRANTED AND ATTACHED WITH THIS SUBMITAL

2. Focal Point N/A

3. Recreation Requirements N/A

Recreation Proposed N/A

4. Fencing Requirement (list all adjacent parcels by tax map and parcel number that are in an agricultural program or assessed as an agricultural use _____)

MAP 33 PARCEL 212 (PARENT TRACT) 79.05 AC. ±

5. List all structures, barns, houses, etc. that exist, note if any 50 years or older and specify retention or removal _____

PRIMARY STRUCTURE BUILT IN 1930 TO REMAIN, VARIOUS OUTBUILDINGS UNKNOWN

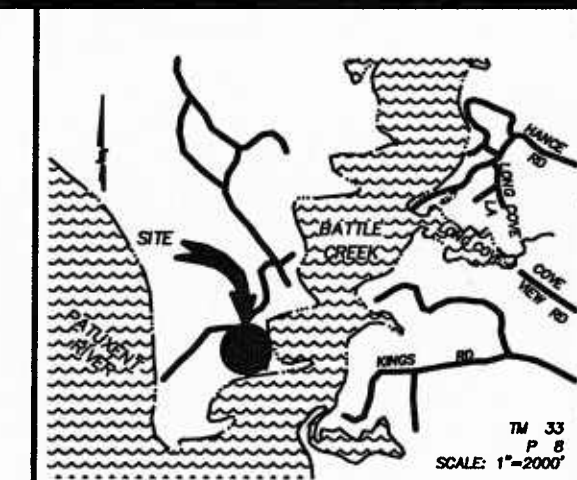
6. Comments/explanation for anything not listed above that needs to be brought to any review agencies attention: _____

THIS SITE CARRIES WITH IT A 3 AC. ENTITLEMENT AND A 5 AC. ENTITLEMENT, IT ALSO CARRIES WITH IT 2 CRITICAL AREA EXEMPTIONS. PER DIRECTOR OF P&Z THESE BUILDING RIGHTS WILL BE HONORED.

S-102 - parcel max of 3 lots

- LEGEND**
- Denotes assigned house number
 - Denotes conservation areas 15% or greater
 - Denotes 100' Critical Area buffer
 - Denotes 15' easement for ingress and egress
 - Denotes Building Restriction Line

- 1.) Deed Reference : A.B.E. 935/211 March 11, 1997
- 2.) This site exists completely within 100 Year Flood Plain as per FEMA Panel # 240011-0025B.
- 3.) All Lots Shown Herein shall be restricted to interior subdivision street access.
- 4.) Number of Conventional Lots = 2
- 5.) Total Number of Lots = 2
- 6.) Number of TDR's Required = None, this parcel carries a 3 Acre and a 5 Acre lot entitlement, and 2 Critical Area exemptions as recorded in Liber A.B.E. 935/211.
- 7.) Average Lot Size = 4.47 Ac.
- 8.) Minimum Lot Size = 3.00 Ac.
- 9.) Forested Area = 0.40 Acres
- 10.) Forest Retention Required = Exempt
- 11.) Building Restriction Lines :
Frant = 60', Side = 30', Rear = 60'



VICINITY MAP SCALE 1"=2000'
TAX MAP 33 PARCEL 8
TAX I.D.: 02-000121

WALTER L. WELLS
SUSAN H. WELLS
A.B.E. 935 @ 228

OWNER / APPLICANT:
Donald Patrick McDougall Jr. & Jean Marie McDougall
11405 Towering Oak Way
Reston, VA 20194-1000

**DONALD McDOUGALL
JEAN McDOUGALL**
A.B.E. 935 @ 211
8.949 ACRES ±

LOT 2
259,121 sq. ft.
5.949 Ac.

LOT 1
130,680 sq. ft.
3.000 Ac.
5155

PATUXENT RIVER

BATTLE CREEK

WALTER L. WELLS
SUSAN H. WELLS
A.B.E. 935 @ 228

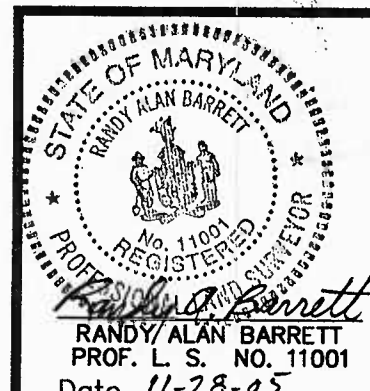
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HEALTH OFFICER'S CERTIFICATION

This subdivision satisfies the requirements of the Maryland Department Of The Environment regulation 26.04.03 allowing for individual water systems and individual sewerage systems in the subdivision of land serving single family dwellings only, and it is in conformance with the current county water and sewerage plan for water planning category W7 and sewerage planning category S7.

This Health Department approval certifies that the Lots shown hereon are in consonance with pertinent Health Department Laws and Regulations as of the approval date, however, this approval is subject to changes in such laws and regulations. Changes in topography or site designations may void this approval. The designated perc area is the only perc area approved by the Calvert County Health Department for sewage disposal purposes. The approved lot includes an approved area of at least 10,000 s.f. for sewage disposal purposes as required by current Maryland Department of the Environment Law. Improvements of any nature, including but not limited to the installation of other utility lines in this area, may render the lot undevelopable. To determine exact area of the lot approved for such purposes, you should contact the Calvert County Health Department, Office of Environmental Health.

HEALTH DEPARTMENT	
Date	_____
Health Officer	_____
Dir. Env. Health	_____
Sanitarian	_____



R. A. BARRETT
& ASSOCIATES, INC.
ENGINEERS & SURVEYORS
100 JIBSAIL DR., SUITE 103
PRINCE FREDERICK, MD 20678
410-257-2255 301-855-5554 FAX: 410-257-3782

PLANNING AND ZONING CASE NO.: MSD 05-13-33

PRELIMINARY PLAN

TAX MAP: 33 PARCEL: 8

PRISON POINT FARM

SITUATED AT THE END OF ADELINA RD., IN PRINCE FREDERICK SECOND ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

DATE	11/28/05
SCALE	1"=50'
DRAWN BY	C.J.M.
DRAWING #	CC2460CONCEPT
FILE #	CC2460
JOB #	08319

