

MSA-S-1829-5268

Comment

VAR

5/9/07

entred

6/6/07

SO 31-05 Shaner, Russell  
VAR

12/8/10  
File originally  
cleaned. DSO



**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/](http://www.dnr.state.md.us/criticalarea/)

May 7, 2007

Mr. Thomas Lawton  
Department of Technical and Community Services  
11916 Somerset Avenue  
Princess Anne, MD 21853

Re: SE-07-2348 – Shaner Bed and Breakfast

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a special exception to convert an existing private residence into a commercial Bed and Breakfast. This property is located in a Limited Development Area (LDA), recently added as part of Growth Allocation. A condition of this growth allocation is that a 160-foot Buffer be maintained and that developed woodlands remain in their existing condition. The information submitted does not indicate any changes to the vegetation, existing structure or additions to the lot. As submitted, this office does not oppose this request. The applicant should be informed that any potential future changes including additional structures or increase in impervious surface will require compliance with the provisions in the Somerset County Code.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie Roberts  
Natural Resource Planner  
Cc: 0031-05

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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June 23, 2006

Ms. Joan Kean  
Director  
Department of Technical and Community Services  
11916 Somerset Avenue, Room 102  
Princess Anne, MD 21853

Re: Growth Allocation for Glen Eby, GA04-25  
Tax Map 51, Parcel 37

Dear Ms. Kean:

Thank you for providing the additional information requested by Kerrie Gallo on July 11, 2005 regarding the proposed Glen Eby/Russell Shaner to amend the local Somerset County Critical Area Program and maps.

The following summarizes the status of each previously requested item:

1. A request was made to field delineate the 100-foot Buffer from Mean High Water (MHW) and across the entire parcel so that it is shown on both proposed lots. Based on the small site plan submitted with the Forest Management Plan, it would appear that this has been addressed. If possible, please provide an updated full size copy of the site plan for our records.
2. Under the Somerset County Critical Area Program Section 9.3 Threatened and Endangered Species, guidelines for "protection of species of concern" if DTCS determines either from mapped habitat information or from comments that species of concern may be affected by the proposed project the applicant must include species protection measures in the project design or explain why such measures are not necessary; the applicant may refute such information by conducting a site survey. Based upon the comments received by Department of Natural Resources (DNR) Heritage Division which indicate a record for Narrow-leaved Bluecurls, the applicant will need to address protection of this species. According to Heritage, this is an upland species found in sandy pine/mixed woods edges and even along dirt roads.
3. A request was made to submit a Buffer Planting plan to present to the Commission as a component of the growth allocation request. The submitted Forest Management Plan for the 100-foot Buffer appears sufficient to maintain this riparian area. However, I would recommend the proposed planting plan for the additional 60-feet of Buffer be revised to be more reflective of the existing native species currently found in the Buffer. This could be accomplished

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

through a greater diversity of plantings, such as tree species like the oaks or sycamore and the use of currently present understory species such as American Holly. In addition, the applicant should examine whether the existing Buffer or expanded Buffer would provide habitat for the above listed state-rare species and adjust their plan accordingly.

This growth allocation request cannot be accepted for processing as a complete submittal because comment #2 has not been satisfactorily addressed. In accordance with Chapter 55 of the 2006 Laws of Maryland and COMAR 27.01.02.06B(4), a local government should locate new IDAs and LDAs to minimize impacts on Habitat Protection Areas. In order for the Commission to make a decision on this growth allocation request, additional information is needed.

Upon receipt of this additional information, Commission staff will notify you in writing that the submittal is complete. Within 30 days of this notification, Senator Madden will make a determination as to whether the request will be handled as an amendment or refinement. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink that reads "Kate Schmidt". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kate Schmidt  
Natural Resource Planner  
SO31-05

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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July 11, 2005

Ms. Joan Kean  
Director  
Department of Technical and Community Services  
11916 Somerset Ave, Room 102  
Princess Anne, MD 21853

Re: Growth Allocation for Glen Eby, GA04-25  
Tax Map 51, Parcel 37

Dear Ms. Kean:

This letter is written in response to your recent request to process the proposed Glen Eby/Russell Shaner growth allocation request as a refinement to the local Somerset County Critical Area Program.

In order for Commission staff to accept the request for processing and prepare materials for the Commission to review the growth allocation request, some additional information is needed. As we discussed, I have contacted Shawn Taylor of GEY Engineers & Surveyors to request some additional information and a revised plat. As a result of our conversation, Mr. Taylor has agreed to provide the necessary information to Commission staff as soon as possible. On July 11, 2005, clarification was requested from Mr. Taylor on the following outstanding environmental issues:

1. The 100-foot Buffer must be field delineated from the location of Mean High Water (MHW) and labeled consistently across the entire parcel so that it is shown on both proposed lots. In addition, MHW should be clearly labeled on the plat, so as to distinguish it from the parcel boundaries.
2. The Department of Natural Resources' (DNR) letter dated October 20, 2004 indicates the potential for suitable habitat for the State-listed rare Narrow-leaved Bluecurls on the property. While it is likely that any potential habitat for this species would be found within the 100-foot Buffer area, and therefore protected, further coordination with DNR is necessary in order to determine that no further surveys are warranted prior to Commission approval of the growth allocation award.

Joan Kean

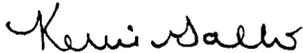
Eby/Shaner Growth Allocation Request

July 11, 2005

3. The current plat is confusing as to the afforestation and Buffer establishment requirements. Specifically, it appears that there are 0.33 acres of existing forest cover on proposed Lot 1, sufficient cover to meet the 15% forest retention requirement. Based on this information, it does not appear that any additional afforestation is required to meet the 15% minimum requirement. This note should be amended or removed. However, it does appear that the Buffer on proposed Lot 1 will require establishment via afforestation. A note should be added to the plat which indicates this intent. In addition, please have the applicant submit a Buffer Planting plan which can be presented to the Commission as a component of this growth allocation request.

As we discussed, I have contacted Lori Byrne of DNR in an attempt to obtain further information on the State-listed species. After we receive this information, along with the revised site plan from Mr. Taylor, the project can be accepted for processing and submitted to Chairman Madden for an amendment or refinement determination. I anticipate that these outstanding issues can be resolved in a timely manner. Once the Chairman is able to evaluate the revised growth allocation materials, Commission staff will notify you regarding his decision and the procedures for review by the full Commission. If you have any questions, please contact me at 410-260-3482.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Robert L. Ehrlich, Jr.  
*Governor*



Martin G. Madden  
*Chairman*

Michael S. Steele  
*Lt. Governor*

Ren Serey  
*Executive Director*

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February 17, 2005

Ms. Joan Kean, Director  
Department of Community and Technical Services  
11916 Somerset Avenue, Room 102  
Princess Anne, MD 21853

Re: 2004-783: Shaner Variance

Dear Ms. Kean:

I am writing to provide revised comments on the above-referenced variance. After speaking with you and the applicant, we understand that there may have been miscommunications concerning the original application for a building permit. Nevertheless, a variance is required for disturbance to Somerset County's Critical Area Buffer because the applicant is proposing approximately 900 square feet of new impervious surface for an addition to an existing dwelling and associated grading in this area.

All variances granted by the Board of Appeals in the Critical Area should be the minimum necessary to provide relief to the applicant, and should assure that impacts to the Buffer are minimized. Therefore, in regard to this variance request, we recommend that the Board's consideration of the unwarranted hardship standard include a determination whether the portion of the addition proposed in the Buffer can reasonably be reduced or moved outside of the Buffer. Following such a determination, if a variance is granted, we recommend that any grading or disturbance related to the construction activities, and any permanent impervious surfaces or structures, be mitigated on site, within the Buffer, at a ratio of 3:1 using native trees and plants.

If you have questions concerning our recommendations, or need additional information, please contact me at (410) 260-3462. Please notify the Commission of the Board's decision and include this letter in the official record of this variance.

Sincerely,

  
Ren Serey  
Executive Director

cc: Mr. Russell E. Shaner

SO 31-05

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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January 13, 2005

Ms. Joan Kean  
Department of Technical and Community Services  
11916 Somerset Ave, Room 102  
Princess Anne, MD 21853

Re: 2004-783 Shaner

Dear Ms. Kean:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer in order to construct an addition to the primary dwelling and to construct an accessory porch structure. The property is 14.3 acres in size, is designated as a Resource Conservation Area (RCA), and is currently developed with a main dwelling and accessory structure.

While this office would not generally oppose the expansion of an existing and legally non-conforming structure in the Buffer where the applicant can meet the variance standards, and where the applicant demonstrates compliance with the County's regulations regarding expansion of a non-conforming structure within the Buffer, neither of these circumstances appears to exist in this case. The application provided to us for review lacks information sufficient for the County to make the required findings under the variance standards. Accordingly, we oppose this variance request.

In 2002 and 2004, the General Assembly strengthened the Critical Area law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an

affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case, the applicant is proposing to place approximately 2200 square feet of new impervious surface within the Buffer. Due to the large size of the property, and the apparent opportunity to locate the addition outside of the Buffer, or at a minimum, no closer to MHW than the existing dwelling, we do not believe that the standard of unwarranted hardship has been met. The applicant has not provided information as to how this application meets each one of the County's variance standards, but I have discussed each one below as it pertains to this site:

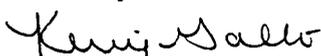
1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.* This is a 14.3-acre lot, with opportunities to construct a reasonably sized addition outside of the Buffer, or at a minimum, no closer to MHW than the existing dwelling. While the existing dwelling is a legally, non-conforming structure partially within the Buffer, it does not appear that the applicant has attempted to minimize intrusion into the Buffer or attempted minimization in regard to the size of the proposed addition. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of the entire parcel or lot. Based on the information in our file, we do not believe that the County has evidence on which to base a favorable finding on this factor.
2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.* The applicants have reasonable use of this property for residential purposes, and therefore, they would not be denied a right commonly enjoyed by their neighbors. From a review of the application, we believe that there is opportunity to construct an addition in a manner that minimizes impacts to the Buffer and remains consistent with the Somerset County Critical Area Regulations. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed. Again, we do not believe that the applicant has provided evidence upon which to base a favorable finding on this factor.
3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to place new impervious surface in the Buffer on a 14.3-acre property where alternative locations and configurations exist, would confer a special privilege on the applicant. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* It is my understanding that the need for a variance arose when the proposed development was discovered to be in the Buffer during a footing inspection. If the applicant has begun construction in the Buffer without first measuring the Buffer in the field and without consulting County staff regarding Critical Area Buffer regulations, then the variance request is a result of actions by the applicant. The commencement of construction without consideration of applicable Critical Area regulations cannot be the basis upon which a variance is approved. In 2004, the General Assembly confirmed that the County may consider that construction was undertaken without the appropriate permits in evaluating whether the variance is based on actions of the applicant.
  
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. While we acknowledge that no trees need to be removed in order to construct the addition, the applicant is proposing to permanently emplace 2200 square feet of new impervious surface within the Buffer. This new impervious surface area and consequential disturbance to the land results in increased stormwater and sediment runoff within the Buffer, and the loss of essential infiltration opportunities. The 2002 and 2004 amendments to the State Critical Area law place increased emphasis on the importance of maintaining the Buffer in a fully vegetated state. Given that the 100-foot Buffer is the only forested area on the property and that ample opportunities exist to minimize impacts to the Buffer, approval of this variance would not be in harmony with the general intent and spirit of the law.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that he has met each one of the County's variance standards, the Board must deny this application.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

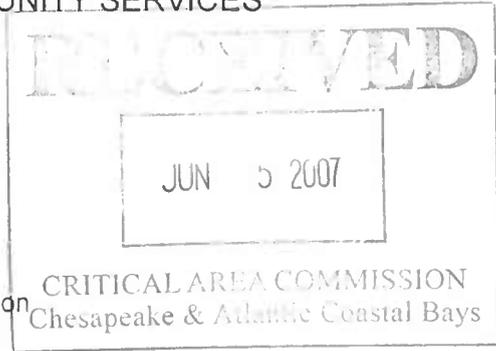
Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

Cc: Marianne Mason

SOMERSET COUNTY  
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES



Planning & Technical Services Division

**SOMERSET COUNTY BOARD OF ZONING APPEALS  
PRINCESS ANNE, MARYLAND**

**APPLICATION NO. CA SE 07-2348  
RE: Russell Shaner**

Upon the above Application for Critical Area Special Exception relating to the property described therein, located in the Dublin Election District on Tax Map #51, Block #7, Parcel #37, and after consideration of the said Application and the testimony and other evidence presented at the public hearing held on Friday, May 18, 2007, the Board of Appeals hereby finds:

1. That the Board is empowered under the Section of the Somerset Zoning Ordinance described in said Application to grant the Special Exception: That the granting of the Special Exception will not adversely affect the public health, safety, security, morals or general welfare, result in dangerous traffic conditions or jeopardize the lives or property of the people living in the neighborhood.
2. That the proposed use conforms to those principles set forth in Section 9, par. 2 e of the Ordinance.
3. That the Applicant proposes to establish a bed and breakfast in an existing home on the above-described property.
4. The Applicant, Russell Shaner, and his wife, Denise, appeared before the Board and submitted a letter with photographs and a hand-drawn sketch of the house, 3-car garage, six (6) parking spaces and driveway area (Exhibit #1).
5. Testimony revealed that the proposed Bed and Breakfast would have four (4) guestrooms on the second floor, which could accommodate eight (8) to ten (10) guests, and parking would be available for six (6) vehicles.
6. There are smoke and carbon monoxide detectors in each guestroom and three (3) stairwells in the existing residence to provide additional exits.
7. A letter from the Critical Area Commission (Exhibit #2) stated the Commission did not oppose the proposed Critical Area Special Exception for the Bed and

Breakfast. It did note that the property is located in a Limited Development Area (LDA), which had recently been added as part of Growth Allocation. The letter further suggested that the Applicant be informed that any potential future changes including additional structures or increase in impervious surface must comply with the Somerset County Code.

8. That there appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Application for Special Exception.

Upon the foregoing the Special Exception is granted with the following conditions and safeguards:

1. Be advised that the Applicant must comply with all federal, state, and county regulations.
2. Be advised that there must be a minimum of six (6) parking spaces for the Bed and Breakfast guests.
3. Be advised that if the conditions placed on this decision (if any) are not met within the given time, the zoning certificate could be deemed void.

**This decision is only zoning approval. It is the Applicant's responsibility to submit all necessary information or documents (i.e. elevation certificate, plumbing information, etc.) to the Department of Technical & Community Services to obtain a Zoning Certificate.**

For these reasons, and subject to the above conditions, if any, the Application for Special Exception is hereby granted.

By order of the Board of Zoning Appeals this 15<sup>th</sup> day of June, 2007.

Robert Hess / ab  
Robert Hess, Chairman  
Board of Zoning Appeals

YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE CIRCUIT COURT OF MARYLAND WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.

Somerset County  
Planting Plan  
Maintenance and Management Agreement  
(Two +year Protection Agreement)

This Agreement made this 1 day of May, 2006, by and between \_\_\_\_\_  
GLENN D. EBY (hereinafter referred to as the "Owner"), and The Department of  
Technical and Community Services of Somerset County, Maryland (hereinafter referred to as "Department"),  
witnesseth:

WHEREAS, the Owner is seeking to obtain approval from the Department of a **Planting Plan** (hereinafter  
referred to as "Plan"); and

WHEREAS, a Plan, dated 10/11/05, and prepared by GEY3PC, has been prepared  
pursuant to the Somerset County Zoning Ordinance to provide for the afforestation, reforestation or retention of  
Minor Subdivision of the lands of Russell P. Shaner/  
forest land identified as (subdivision name/location) Peach Orchard Road, with an  
identification number of SA 04'-312 and/or located on Tax Map 51, Grid 7, Parcel 37,  
Section \_\_\_\_\_, Lot 1, and being the land conveyed unto the Owner by deed recorded among the Land  
Record Books of Somerset County, Maryland in Liber 533, Folio 787; and

WHEREAS, the estimated cost of said afforestation, reforestation or retention of forestland is \$835.00

NOW, THEREFORE, in consideration of the premises and of the covenants hereinafter set out, the parties  
agree as follows:

1. The Owner shall, within one year of the approval of this agreement per either subdivision, grading permit,  
building permit or site plan, complete the plantings and other improvements on the property called for in the  
Plan. Only species on the "Examples of Plantings for Somerset County, MD may receive square foot credits for  
Critical Area Program and Forest Conservation Program Plantings.
2. The Owner hereby agrees to furnish surety to the Department in the form of cashiers check (cash, bond,  
irrevocable letter of credit, cashiers check or other surety acceptable to the Department) as guarantee that  
the terms and conditions of the Plan will be met. The amount of the surety will be 120% of the estimated  
cost of the plantings and maintenance of the plantings and other improvements throughout the term of this  
agreement. The Owner shall furnish the Department the surety instrument in the amount of \$1,020.00  
in favor of the Department as obligee thereunder, and conditioned under the faithful performance of this  
contract and of the terms thereof.
3. The surety shall be posted for the full term of this agreement. Should a default be made by the Owner, after  
the improvements have been fully made and completed by the Department or its Contractors, then any  
monies so deposited over and above the actual cost of said plantings and any required engineering and legal  
fees incurred by the Department shall be refunded to the Owner. The Department and/or its contractors shall

have the right of ingress and egress to the property for the purposes of inspection, planting, maintenance and other related activities for the term of this agreement.

4. Upon the satisfactory fulfillment of the terms of this agreement by the Owner, the Department shall refund any unexpended funds to the Owner. Should the actual cost to the Department exceed the amount of the surety, the Department may assess the additional cost as a lien on the property and be placed on the tax assessment.
5. The Owner hereby agrees to notify the Department or its designated agent within 48 hours after planting or replanting the site.
6. Maintenance of the plantings shall include, but not be limited to, watering, mowing, mulching, pruning, fertilizing, completing vegetation control, protection from animals, disease, or pests, etc.
7. If required under the Plan, a protective wire fence with flags will be constructed after completion of the plantings and will be maintained during the life of this agreement, to protect the seedlings. Determination of need of this requirement shall be at the direction of the Department. Circle one YES  NO. <sup>RC</sup><sub>ME</sub>
8. The Owner shall assume responsibility of all tree care subsequent to planting for a period of 2 growing seasons.
9. Planting survival at the end of two growing seasons must be equal to or exceed 75% of original planting, or replanting back to the original plan, must occur within one year. If replanting is required, the agreement termination date and surety must be extended to allow for two growing seasons on the newest planting stock.
10. Department shall determine if and when signs indicating plantings are required. Circle one YES  NO. <sup>RC</sup><sub>ME</sub>
11. This Plan does not authorize any infringement of Federal, State or local laws or regulations, nor does it remove the need to obtain required authorization or approvals from other State, Federal, or Local agencies as required by law.
12. This Agreement, and the covenants contained herein, shall apply to and bind the owner's heirs, executors, successors, and assigns, and shall bind all present and subsequent owners of the property containing the plantings.
13. Until the time of completion of performance of the terms of this contract and the acceptance of the improvements thereof by the Department, the Owner shall be and remain liable for any and all damage occasioned by any neglect, wrongdoing, ~~omission or commission~~, by any person, corporation, or partnership, arising from the making of said improvements, for the purpose of such improvements and shall save indemnify, and hold harmless the County from any and all charges, debts, liens, or encumbrances which may arise therefrom or thereby.
14. This agreement may only be amended by written instrument between the Owner and the Department.
15. This agreement shall expire on May 1, 2009 <sup>RC</sup><sub>ME</sub>, unless replanting is required.

\_\_\_\_\_  
Somerset County Technical and Community Services  
Director/Zoning Inspector

Glenn Eby  
Property owner

\_\_\_\_\_  
Property owner

STATE OF MARYLAND  
COUNTY OF SOMERSET  
TO WIT:

I hereby certify that on this 25<sup>th</sup> day of April, 2006 before me, the  
subscriber, a Notary Public in and for the County aforesaid, personally appeared Glenn Eby

the within named Owners, and they made oath in due form of law that the foregoing Declaration is true and correct  
according to their best knowledge and belief.

As witness my hand and Notarial Seal.

Glenn Eby

My Commission Expires: 7/1/07

SOMERSET COUNTY  
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES



**RECEIVED**

MAR 7 2005

Planning & Technical Services Division

CRITICAL AREA COMMISSION

**SOMERSET COUNTY BOARD OF ZONING APPEALS  
PRINCESS ANNE, MARYLAND**

**APPLICATION NO. CBCA VAR 04-783**

**RE: Russell Shaner**

Upon the Application for Chesapeake Bay Critical Area Variance to the property described therein located in the Dublin Election District on Tax Map #51, Block #7, Parcel #37, and after consideration of the said Application and the testimony and other evidence presented to the Board at the hearing held on Friday, February, 2005, the Board of Zoning Appeals hereby finds:

(1) That the requirements of Section 9.3 b. (9) of the Zoning Ordinance have been met by the Applicant, that special circumstances and conditions exist which are peculiar to the property involved and which are not applicable to other properties in the same zone.

(2) That the Applicant is the fee simple owner of the property and has applied for a Chesapeake Bay Critical Area Variance, which would allow the replacement of an existing porch and expansion for an addition.

(3) That a literal interpretation of the provisions of the Ordinance would deprive the Applicant of his rights commonly enjoyed by other properties in the same zone under terms of this Ordinance.

(4) That the special conditions and circumstances referred to above do result from actions of the Applicant.

(5) That there appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Application for Variance.

(6) That the granting of this Variance will not confer Applicant any special privileges that are denied by the Zoning Ordinance to other properties in the same zone.

(7) That the Variance granted herein is the minimum Variance that will make possible the reasonable use of the property and is in harmony with the

general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or detrimental to the public welfare.

(8) The Board found the following facts in this particular matter:

(a) Mr. Charles A. Bruce, Esquire, appearing on behalf of the Applicant, presented a plat (Exhibit #1) and site plan (Exhibit #2) for the Board's consideration.

(b) Mr. Bruce advised that the existing sidewalk, which was approximately 80 square feet, would be removed. The new impervious surface would be 835 square feet, which is less than the previously requested 900 square feet.

(c) A letter from the Chesapeake Bay Critical Area Commission (Exhibit #3), dated February 17, 2005, stated that the Applicant had proposed approximately 900 square feet of new impervious surface for the proposed addition to the existing dwelling and associated grading in the area. In regard to this variance request, the Commission recommended that the Board's consideration of the unwarranted hardship standard include a determination whether the portion of the addition proposed in the Buffer could reasonably be reduced or moved outside of the Buffer. Following such a determination, if a variance was granted, the Commission recommended that any grading or disturbance related to the construction activities, and any permanent impervious surfaces or structures, be mitigated on site, within the Buffer at a ratio of 3:1 using native trees and plants.

(d) Testimony revealed that huge trees would need to be removed and placed elsewhere on the property to allow for the proposed expansion if the Variance was denied.

Upon the foregoing, the Chesapeake Bay Critical Area Variance is granted with the following conditions and safeguards:

(1) Be advised that the existing 80 square feet of sidewalk around the house must be removed.

(2) Be advised that all disturbance to the Buffer area is subject to mitigation by replanting at a 3:1 ratio using native trees and plants. A planting plan and bond must be submitted to the Department of Technical and Community Services within six (6) months from the date of this decision.

(3) The Board found from the Applicant's presentation that the lot would not be buildable as proposed without the variance being granted and, therefore would create an extreme hardship upon the Applicant.

This decision is only zoning approval. It is the Applicant's responsibility to submit all necessary information or documents (i.e. elevation certificate, plumbing

information, etc.) to the Department of Technical & Community Services to obtain a Zoning Certificate.

For these reasons, and subject to the above conditions, if any, the Application for Chesapeake Bay Critical Area Variance is granted.

By order of the Board of Zoning Appeals this 4<sup>th</sup> day of March, 2005.

Robert Hess  
Robert Hess, Chairman  
Board of Zoning Appeals

YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE CIRCUIT COURT OF MARYLAND WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.

Mr. Russell E. Shaner  
32739 Peach Orchard Road  
Pocomoke, MD 21851  
(410) 957-1094 Home  
(301) 502-1312 Cell

January 24, 2005

The Honorable J. Lowell Stoltzfus  
Maryland Senator  
3047 Broad Street  
Princess Anne, MD 21853

Dear Mr. Stoltzfus:

A neighbor of mine, Mr. Don Malloy, told me that you might be able to help resolve a problem I am having with the State of Maryland regarding an addition my wife and I are attempting to build.

In the fall of 2002 we purchased a unique 200+ year old farm house on Peach Orchard Road in Pocomoke City. The house sits high on the bank of the Pocomoke River amidst a beautiful setting of mature trees. We love the house, but my wife has chronic arthritic knees (requiring surgery on both) and is currently undergoing injection therapy in attempt to avoid total knee replacement. Unfortunately, the only bedrooms in the house are on the second floor and the existing stairs in the house are similar to those of the backstairs in houses of the early 1800's - extremely steep and narrow in addition to having a 90 degree turn after the first four steps. Not only are these stairs extremely painful and difficult for her to navigate, it is virtually impossible to get furniture of any size up to the second level of the house. In fact, neither the steps nor our front door (29" wide) could pass Somerset County's current building code.

In the spring of 2003, we hired a professional to draw up plans which would provide a new front door and a modern staircase, as well as a first floor master bedroom. This addition would make life a great deal less painful for my wife and allow better accessibility to the second floor. We were adamant that the design of the addition be in harmony with the existing structure in that it must look as though it was part of the original house and that no trees were to be removed to accommodate the expanded space. The only space that would allow us to accomplish all of this is the area in which we requested the building permit for and started construction.

After interviewing and investigating many of the builders in the area, we chose Glenn Eby because of the quality of his work and his commitment to schedules. Unfortunately, he was not available to begin this project until December of 2004. This job was too

important to us not to wait for Mr. Eby. He has an outstanding reputation in the area, and after seeing his work first hand, we knew he was the one for our project.

What was permit issued for?

On September 3, 2004, Somerset County issued me a building permit for the addition. Work began the week of November 29, 2004 with the removal of a two story porch and outside staircase which was needed to accommodate the addition. In late December, Somerset County personnel inspected the foundation and footers and ordered a work stoppage because the addition was within 100' of the river in violation of the buffer required in "critical areas". The existing house is also within 100' of the river! After complaining to Joan Kean's office about the flaws in their permit and inspection process, they agreed to allow me to present my case at the January 14, 2005 Variance Hearing even though the deadline had already passed. I prepared for the meeting, took pictures to support my case and even got both Mr. Eby and the architect to agree to attend the meeting with me. Four hours before the meeting, I received a fax from Tom Lawton - it was a copy of a letter from the State of Maryland (copy attached) recommending a denial of the variance. This decision was apparently based on a hand sketched drawing of the house and addition in relationship to the river.

At the hearing when my turn came to present my case, Mr. Jim Porter, the attorney representing the Zoning Board, strongly advised me to postpone presenting our case and hire an attorney so as to get a more favorable resolution from the state. He indicated that even though this is a "local" decision, the state can, and has in the past, overruled the "local" decision.

There are several points in this episode that I do not understand. Somerset County is very much aware of the location of my property. I know this because I was shown a very clear aerial view of the house and the river by the county. If the government's concern about the addition and its proximity to the river was so critical, why didn't the county inspect the site before issuing the permit and before construction began? There were stakes in the ground showing the addition and they had a copy of the drawings. I feel like we were blindsided.

copy of what drawings? What did stakes show?

The addition to the house follows the line of the existing house. It does not "jut" toward the river. The river does, however, make a slight turn toward Peach Orchard Road, putting the addition slightly closer to the river. However, by my measurements, the porch, which was removed, was 80' from the river. The end of the proposed addition is 74' from the river, again a result of a bend in the river.

it does on our site plan

I am surprised at the government's response at my attempts to improve the quality of life for my wife, which will also result in bringing the structure in compliance with the county's building code. I was expecting to be supported and encouraged to do so. Here we sit with part of our house knocked down, a foundation filled with mud and snow and no assurances of being able to continue the project. We are at a loss. Time is of the essence as we do not want to lose our time slot with our contractor. If we do, we could be living with this horrible mess for another year or two until Mr. Eby can schedule us again.

- Was proper silt fencing installed or required by the county?

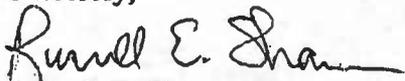
Enclosed, please find pictures of the house and foundation. One of the pictures shows the line of the house and how the foundation of the addition follows that same line. However, please notice that the foundation of the addition is inside the old sidewalk. There are no plans to extend the sidewalk around the addition. You may also note the picture of the 125 year Chinese Gingko tree which graces the front of our home. The addition brings the front of the house seven feet further into the front yard, bringing it within 15' of the tree. Any closer and it will have to be removed.

At this point, we have retained an attorney in Princess Anne, Tony Bruce to help us with the process. He has advised us to have a surveyor complete a site plan - a process that will take up to two weeks to complete. The next hearing is February 18. Obviously, we are extremely concerned that we will either run out of time (I'm 62) or money, or both before we can get this project completed.

If you could help in this matter in any way Senator Stolfutz, we will be forever grateful.

I look forward to hearing from you. Should you have any questions or require anything further, please don't hesitate to call.

Sincerely,



Russell E. Shaner

Enclosure

- copy of drawings provided to the County
- copy of permit
- are <sup>new</sup> site plans complete?

- Building permit
  - zoning permit
- > no plans/drawings submitted to county

BOARD OF COUNTY COMMISSIONERS  
FOR  
SOMERSET COUNTY, MARYLAND

RECEIVED

DEC 07 2006

CRITICAL AREA COMMISSION

ORDINANCE NO. 938

AN ORDINANCE AMENDING THE CHESAPEAKE BAY CRITICAL AREA OVERLAY TO TAX MAP 51 AND RECLASSIFYING CERTAIN AREAS IN THE DUBLIN ELECTION DISTRICT.

**WHEREAS**, pursuant to the provisions of the COMAR 27.15.02.06, Section 18, subsection 9-1809 of the Chesapeake Bay Critical Area Law and the provisions of the Somerset County Chesapeake Bay Critical Area Program and Article 66B of the Annotated Code of Maryland, the hereinafter mentioned matter has been referred by the Board of County Commissioners to the Planning and Zoning Commission; and

**WHEREAS**, the Board of County Commissioners and the Planning and Zoning Commission, after publishing a public notice as required under Article 66B and under their rules and procedures, did conduct a joint public hearing of the matter, known as Application No. GA 04-25, Eby/Shaner Growth Allocation; and

**WHEREAS**, the Planning and Zoning Commission after hearing testimony and written evidence in the matter, recommended denial of the Growth Allocation request by a vote of four members, with one member abstaining; and

**WHEREAS**, after full consideration of the recommendation and findings of the Commission and all testimony before it, the Board voted unanimously in approval of the Growth Allocation request and issued findings of fact on the matter in which they specifically found that the proposal met the requirements of the County Program for issuing Growth Allocation; and

**WHEREAS**, a copy of said findings and environmental review studies regarding the project were sent to the Chesapeake Bay Critical Area Commission to obtain their concurrence with said proposal; and

**WHEREAS**, the Chesapeake Bay Critical Area Commission, at its meeting on September 6, 2006, did concur with their Chairman's determination that the granting of Growth Allocation to GA 04-25, constituted a Program Refinement and be approved for 13.93 acres, subject conditions; and

**WHEREAS**, on September 14, 2006 the Chairman approved the request with the conditions that a revised planting plan for the additional sixty feet of Buffer be reviewed and approved by Commission staff and that in the remaining acreage outside of the new lot, all existing vegetation within a 160 foot setback from tidal waters be maintained in its existing developed woodland condition; and

**WHEREAS**, the result of such action will allow for a designation of Limited Developed Area (LDA) for a parcel located on Somerset County Tax Map 51, Grid 7, Parcel 37 and shown on the Critical Area Overlay Maps causing the County to debit 13.93 acres from its Growth Allocation pursuant to the Somerset County Critical Area Program; and

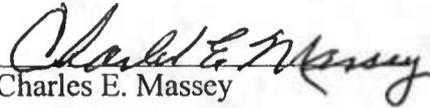
NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF SOMERSET COUNTY, MARYLAND:

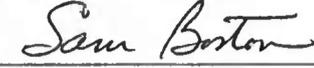
The land use classification for the Chesapeake Bay Critical Area (CBCA) Overlay One for Tax Map 51 designated as Parcel 37 and having a total of 13.93 acres within the Critical Area be amended to reflect the change in classification from Resource Conservation Area (RCA) to Limited Developed Area (LDA). Such Classification and Ordinance to be effective with the completion of the conditions required by the Critical

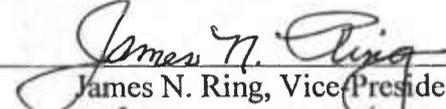
Area Commission and the project considered substantially complete with the approval and filing of the Subdivision of proposed Lot 1 of Parcel 37.

ATTEST:

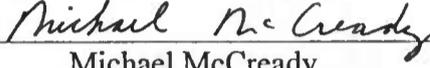
BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY, MARYLAND

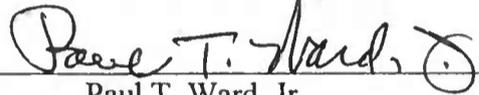
  
Charles E. Massey  
Administrator/Clerk

  
Sam Boston, President

  
James N. Ring, Vice President

  
Charles F. Fisher

  
Michael McCready

  
Paul T. Ward, Jr.

FILED

2006 DEC -1 A 11: 29

ITP

LIBER NO. 5 FILED 707  
I. THEODORE PHOEBUS, CLERK, CLERK

Book 5 page 708

BY VLT DEPUTY

**LOT 1**  
 TOTAL LOT AREA: 2.18Ac.  
 BUILDABLE AREA: 1.32Ac. OUTSIDE OF BUFFERS

MAP 50  
 RCEL 37  
 N/F  
 K OVERHOLT  
 14/206  
 AGRICULTURAL

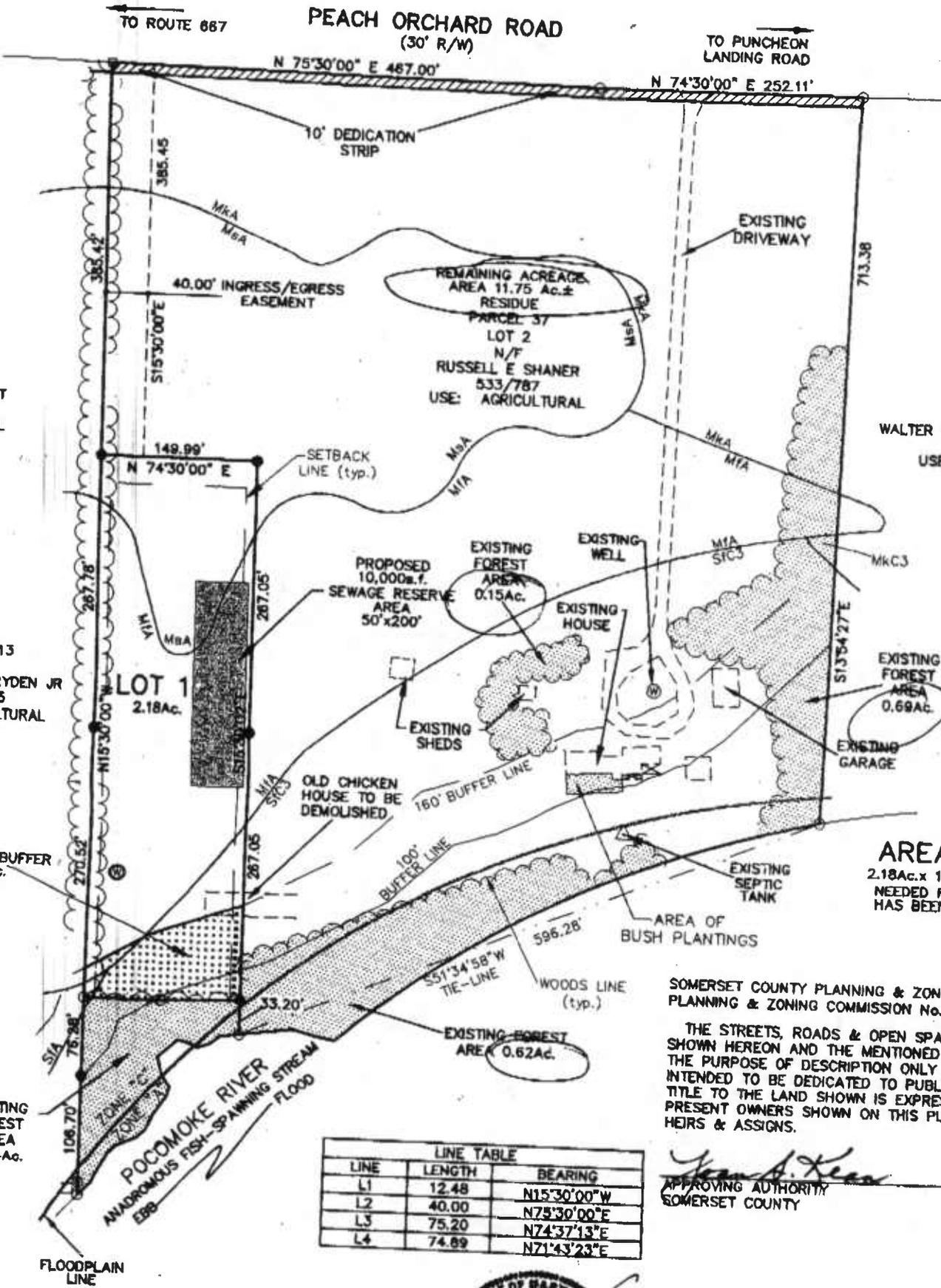
PARCEL 13  
 N/F  
 FORD M. DRYDEN JR  
 297/665  
 SE: AGRICULTURAL

ADDITIONAL BUFFER  
 0.23Ac.

EXISTING FOREST AREA  
 0.34Ac.

L

NT



**SOIL CH**  
 MFA - MAT  
 MKA - MAT  
 MKC3 - MAT  
 MSA - MAT  
 SFA - SASS  
 SIC3 - SASS

PARCEL 12  
 N/F  
 WALTER M GORDON JR., et al  
 402/14  
 USE: RESIDENTIAL

PER  
 WAT.  
 HI

**AREA CALCULA**  
 2.18Ac. x 15% = 0.33Ac. AFFOR  
 NEEDED FOR CRITICAL AREA  
 HAS BEEN MET

SOMERSET COUNTY PLANNING & ZONING COMMISSION  
 PLANNING & ZONING COMMISSION No. SA 04-312/GA 04

THE STREETS, ROADS & OPEN SPACES AND PUBLIC SI  
 SHOWN HEREON AND THE MENTIONED THEREOF IN DEEDS  
 THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE  
 INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SH  
 TITLE TO THE LAND SHOWN IS EXPRESSLY RESERVED I  
 PRESENT OWNERS SHOWN ON THIS PLAT THEIR SUCCESSORS  
 HEIRS & ASSIGNS.

*James A. Keen*  
 APPROVING AUTHORITY  
 SOMERSET COUNTY

3/26/10

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.48	N15°30'00"W
L2	40.00	N75°30'00"E
L3	75.20	N74°37'13"E
L4	74.89	N71°43'23"E



SURVEYOR'S CERTIFICATE

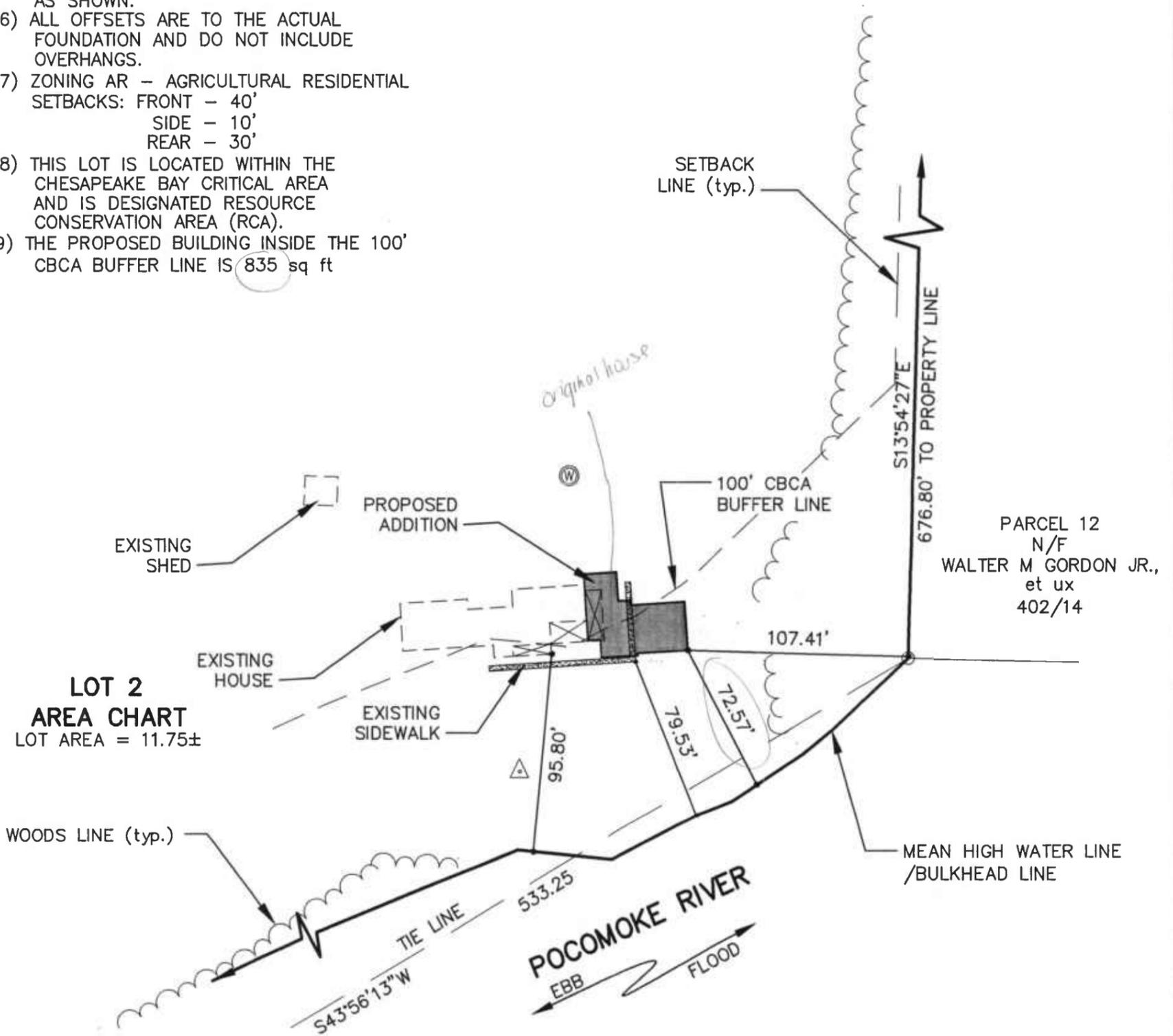
**SITE PLAN**  
OF THE LANDS OF  
**RUSSELL E. SHANER, et ux**  
TAX MAP 51 GRID 7 PARCEL 37 LOT 2  
FOURTH ELECTION DISTRICT  
SOMERSET COUNTY, MARYLAND

NOTES:

- 1) NO ABSTRACT TITLE WAS PROVIDED PRIOR TO THIS SURVEY.
- 2) THIS SURVEY WAS BASED ON PHYSICAL EVIDENCE AND THE CURRENT PLAT OF RECORD
- 3) ALL UTILITIES ARE UNDERGROUND OR AS SHOWN ON THIS SURVEY.
- 4) BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 240061 0325 A, DATED 6/15/1981, THE LOT SHOWN IS LOCATED IN ZONE A & C.
- 5) WATER AND SEWER IS LOCATED AS SHOWN.
- 6) ALL OFFSETS ARE TO THE ACTUAL FOUNDATION AND DO NOT INCLUDE OVERHANGS.
- 7) ZONING AR - AGRICULTURAL RESIDENTIAL SETBACKS: FRONT - 40'  
SIDE - 10'  
REAR - 30'
- 8) THIS LOT IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED RESOURCE CONSERVATION AREA (RCA).
- 9) THE PROPOSED BUILDING INSIDE THE 100' CBCA BUFFER LINE IS 835 sq ft

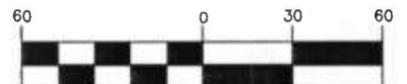
**LEGEND**

- △ - EXISTING SEPTIC TANK
- ⊙ - EXISTING WELL
- - PROPERTY CORNER
- ⊠ - EXISTING PORCH/DECK



**LOT 2  
AREA CHART**  
LOT AREA = 11.75±

**GRAPHIC SCALE**



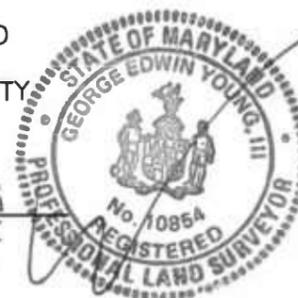
( IN FEET )  
1 inch = 60 ft.

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON ONLY AND THAT THEY ARE AS SHOWN. THIS PLAT IS NOT INTENDED FOR USE IN ESTABLISHING THE PROPERTY LINES.

*George E. Young, III*  
Professional Land Surveyor MD No. 10854  
VA No. 1700  
DE No. 534

2/11/05  
DATE



**GEY**  
**GEORGE E. YOUNG, III, P.C.**

ENGINEERS & SURVEYORS  
1504 MARKET STREET  
POCOMOKE MARYLAND 21851  
PHONE: (410)-957-2149  
(410)-632-2434  
(410)-479-0400  
(410)-957-2928  
FAX:

SCALE: 1" = 60'  
DRAWN BY: MRP  
DATE DRAWN: 2/11/05  
CADD NAME: F:\SURVEY\2005  
JOB #: 05014-A

REVISIONS:  
SHEET 1 OF 1

CHESAPEAKE BANK  
CRITICAL AREA COMMISSION

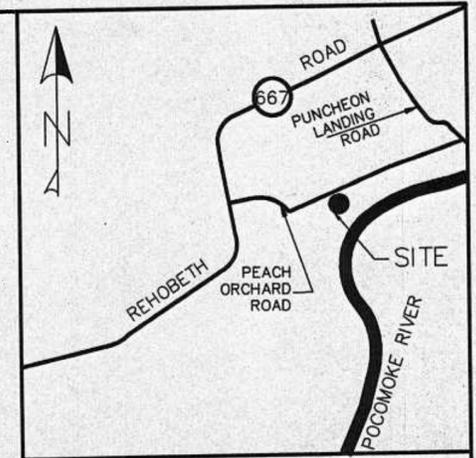
FEB 14 2005

RECEIVED

**AREA CHART  
LOT 1**

TOTAL LOT AREA: 2.18Ac.  
BUILDABLE AREA: 1.32Ac. OUTSIDE OF BUFFERS

**MINOR SUBDIVISION  
OF THE LANDS OF  
RUSSELL E. & DENISE P. SHANER**  
TAX MAP 51 GRID 7 P/O PARCEL 37  
FOURTH ELECTION DISTRICT  
SOMERSET COUNTY, MARYLAND



**VICINITY MAP**  
1" = 3400'

**SOIL CHART**

- MfA - MATAPEAKE FINE SILT LOAM
- MkA - MATAPEAKE SILT LOAM
- MkC3- MATAPEAKE SOILS
- MsA - MATAPEX SILT LOAM
- SfA - SASSAFRAS SANDY LOAM
- SfC3- SASSAFRAS SANDY LOAM

**PERC CHART**

DEPTH 72"  
WATER TABLE 70"  
HOLE SIZE 5"

A PORTION OF THIS LOT IS DENOTED AS "RESIDENTIAL FARM COMMUNITY". THE PURPOSE OF THIS DENOTATION IS TO PLACE ALL LOT OWNERS ON NOTICE THAT IT IS THE INTENT OF SOMERSET COUNTY TO PROMOTE THE PRESERVATION OF THE COUNTY'S VALUABLE AND IRREPLACEABLE FARMLAND AND COMMERCIAL FORESTS BY DISCOURAGING INTENSE DEVELOPMENT IN RESOURCE CONSERVATION AREAS (RCAs) THAT ARE NOT ADJACENT TO EXISTING TOWNS, COMMUNITY CENTERS AND VILLAGES. IN THESE AREAS, THE COUNTY INTENDS TO PRESERVE, ENCOURAGE AND PROTECT FARM AND FOREST RESOURCES AND THEIR PRODUCTIVITY TO ENSURE THAT AGRICULTURE AND FORESTRY ENTERPRISES WILL CONTINUE TO HAVE THE NECESSARY FLEXIBILITY TO ADJUST AS ECONOMIC CONDITIONS CHANGE. THEREFORE, IT IS THE SPECIFIC INTENT OF THE COUNTY TO GIVE PRIORITY TO AGRICULTURE AND FORESTRY ACTIVITIES IN THESE AREAS. FURTHERMORE, IT IS THE INTENT OF THE COUNTY THAT THERE SHALL BE NO BASIS, UNDER THIS ORDINANCE, FOR RECOURSE AGAINST THE EFFECTS OF NORMAL FARMING AND FORESTRY OPERATIONS AS PERMITTED, INCLUDING, BUT NOT LIMITED TO, NOISE, ODOR, VIBRATION, FUMES, DUST OR GLARE.

SOMERSET COUNTY HEALTH DEPARTMENT

THIS SUBDIVISION IS APPROVED FOR INTERIM INDIVIDUAL WATER SUPPLIES AND SEWAGE SYSTEMS IN ACCORDANCE WITH COMAR 26.04.03. (FOR EACH BUILDING UNIT, A MINIMUM OF 10,000sq.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 A MINIMUM OF FIVE(5) FEET INTO THE UNDERLYING CONFINING BED, AND LOCATED A MINIMUM 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.

APPROVING AUTHORITY \_\_\_\_\_ DATE \_\_\_\_\_  
SOMERSET COUNTY

SOMERSET COUNTY PLANNING & ZONING COMMISSION  
PLANNING & ZONING COMMISSION No. SA 04-312

THE STREETS, ROADS & OPEN SPACES AND PUBLIC SITES SHOWN HEREON AND THE MENTIONED THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE LAND SHOWN IS EXPRESSLY RESERVED IN THE PRESENT OWNERS SHOWN ON THIS PLAT THEIR SUCCESSORS, HEIRS & ASSIGNS.

APPROVING AUTHORITY \_\_\_\_\_ DATE \_\_\_\_\_  
SOMERSET COUNTY

**OWNER/DEVELOPER'S CERTIFICATE**

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER'S THEREOF.

THE LAND SHOWN HEREON HAS BEEN LAID OUT AND PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY ARTICLE 3-108 OF THE ANNOTATED CODE OF MARYLAND.

RUSSELL E SHANER  
32739 PEACH ORCHARD ROAD  
POCOMOKE, MARYLAND 21851

DENISE P SHANER  
32739 PEACH ORCHARD ROAD  
POCOMOKE, MARYLAND 21851

**CHESAPEAKE BAY CRITICAL AREA  
CONCEPT SCORING**

- LESS THAN 40% DISTURBANCE IN FLOODPLAIN=30pts
- NO ENVIRONMENTAL FACTORS=35pts
- NO HABITAT PROTECTION AREAS ON SITE=20pts
- LESS THAN 40% OF SOILS w/CONSTRAINTS=35pts
- LOT SIZE LESS THAN 3Ac=30pts
- LESS THAN 30% FOREST DISTURBED=40pts
- 60' ADDITIONAL BUFFER=60pts
- TOTAL POINTS = 250pts



**SURVEYOR'S CERTIFICATE**

I, GEORGE E. YOUNG, III, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO CERTIFY THE LAND SHOWN HEREON HAS BEEN LAID OUT AND PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY ARTICLE 3-108 OF THE ANNOTATED CODE OF MARYLAND.

George E. Young, III  
Professional Land Surveyor MD No. 10854  
VA No. 1700  
DE No. 534

DATE \_\_\_\_\_

TAX MAP 50  
PARCEL 37  
N/F  
NATALIE K OVERHOLT  
494/206  
USE: AGRICULTURAL

**LEGEND**

- - IRON PIPE FOUND
- - IRON PIPE SET
- - CONCRETE MONUMENT SET
- - CONCRETE MONUMENT FOUND
- ⊙ - PROPOSED WELL
- - PROPERTY CORNER
- △ - EXISTING SEPTIC TANK

PARCEL 13  
N/F  
CLIFFORD M. DRYDEN JR  
297/665  
USE: AGRICULTURAL

PARCEL 12  
N/F  
WALTER M GORDON JR., et ux  
402/14  
USE: RESIDENTIAL

**AREA CALCULATIONS**  
2.18Ac. x 15% = 0.33Ac. AFFORESTATION  
NEEDED FOR CRITICAL AREA RUNOFF

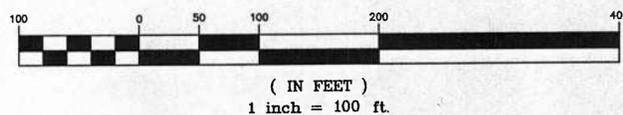
LINE TABLE		
LINE	LENGTH	BEARING
L1	12.48	N15°30'00"W
L2	40.00	N75°30'00"E
L3	75.20	N74°37'13"E
L4	74.89	N71°43'23"E

**RECEIVED**

JUN 24 2005

CRITICAL AREA COMMISSION

**GRAPHIC SCALE**



**NOTES:**

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- 2) THIS SURVEY WAS BASED ON PHYSICAL EVIDENCE AND THE CURRENT PLAT OF RECORD
- 3) ALL UTILITIES ARE UNDERGROUND OR AS SHOWN ON THIS SURVEY.
- 4) BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 240061 0325 A, DATED 6/15/1981, THE LOT SHOWN IS LOCATED IN ZONE A & C.
- 5) NO WATER OR SEWER WAS LOCATED FOR THIS LOT.
- 6) ALL OFFSETS ARE TO THE ACTUAL FOUNDATION AND DO NOT INCLUDE OVERHANGS.
- 7) ZONING AR - AGRICULTURAL RESIDENTIAL SETBACKS: FRONT - 40'  
SIDE - 10'  
REAR - 30'
- 8) NO EASEMENTS EXIST ON OR ACROSS THE GROSS PROPERTY BUT WILL HAVE A 40' INGRESS/EGRESS EASEMENT TO SERVICE LOT 1 AS SHOWN
- 9) THIS LOT IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED RESOURCE CONSERVATION AREA (RCA).
- 10) COMPREHENSIVE WATER AND SEWERAGE DESIGNATION IS W-6 AND S-6

EXISTING FOREST AREA 0.33Ac.

PARCEL 13  
N/F  
CLIFFORD M. DRYDEN JR  
297/665  
USE: AGRICULTURAL

**LOT 1**  
2.18Ac.

REMAINING ACREAGE AREA 11.75 Ac.±  
RESIDUE PARCEL 37  
LOT 2  
N/F  
RUSSELL E SHANER  
533/787  
USE: AGRICULTURAL

ADDITIONAL BUFFER  
100' BUFFER LINE

OLD CHICKEN HOUSE TO BE DEMOLISHED

WOODS LINE (typ.)

POCOMOKE RIVER  
ANADROMOUS FISH-SPANNING STREAM  
FLOOD

EXISTING SHEDS  
EXISTING HOUSE  
EXISTING SEPTIC TANK  
EXISTING WELL

PROPOSED 10,000s.f. SEWAGE RESERVE AREA 50'x200'

SETBACK LINE (typ.)

40.00' INGRESS/EGRESS EASEMENT

10' DEDICATION STRIP

PEACH ORCHARD ROAD (30' R/W)

TO PUNCHEON LANDING ROAD

PARCEL 12  
N/F  
WALTER M GORDON JR., et ux  
402/14  
USE: RESIDENTIAL

TO ROUTE 667

TO PUNCHEON LANDING ROAD

TO ROUTE 667

TO PUNCHEON LANDING ROAD

TO PUNCHEON LANDING ROAD