

CA 0402-06 Bowen, Lowell (Cassie)  
SUB MSD-06-14-23

MSA-S-1829-5645

Comments Filelog  
Kensed 10/30/04  
Kensed 11/30/04

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

November 30, 2006

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

Re: SD-06-17-23 Lowell Bowen-Revised  
(Tax Map 23, Parcel 3)

Dear Ms. Vidotto:

This letter is in regard to our continuing review of the above referenced subdivision. A revised subdivision plat was received in our office on November 27, 2006.

Based on the revised plat provided, it appears that our previous concerns have been addressed. Therefore, we have no further comments to offer.

Thank you for the opportunity to provide comments for this minor subdivision and replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie L. Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA402-06

Robert L. Ehrlich, Jr.  
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October 30, 2006

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

Re: SD-06-17-23 Lowell Bowen-Revised  
(Tax Map 23, Parcel 3)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised replatting and subdivision request. The applicant is proposing to create one new lot from an 88.27-acre property. Of this acreage, approximately 73 acres are located within the Critical Area. The Critical Area portion of the property is a designated Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, it appears that the applicant has addressed our previous concerns. However, the revised plat contains a note (#11) stating that there are nontidal wetlands or associated buffers affecting the portion of the buildable lot. While this statement does not appear to be accurate, please provide clarification prior to recordation of the plat. If there are conflicts with nontidal wetlands and their associated buffers on the buildable portion of proposed Lot 4, additional review will be needed by this office.

Thank you for the opportunity to provide comments for this minor subdivision and replatting request. Please contact me at (410) 260-3482 if you have any questions.

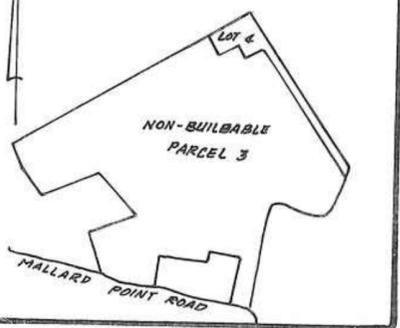
Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA402-06

TTY for the Deaf

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



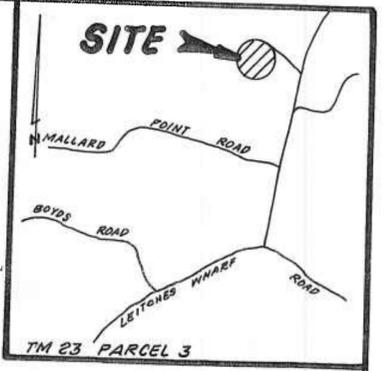
**INSERT MAP**  
NTS

- LEGEND:**
- ASSIGNED HOUSE NUMBER
  - BUILDING RESTRICTION LINE
  - 10,000 S.F. SEPTIC AREA
  - 25' INGRESS/EGRESS EASEMENT

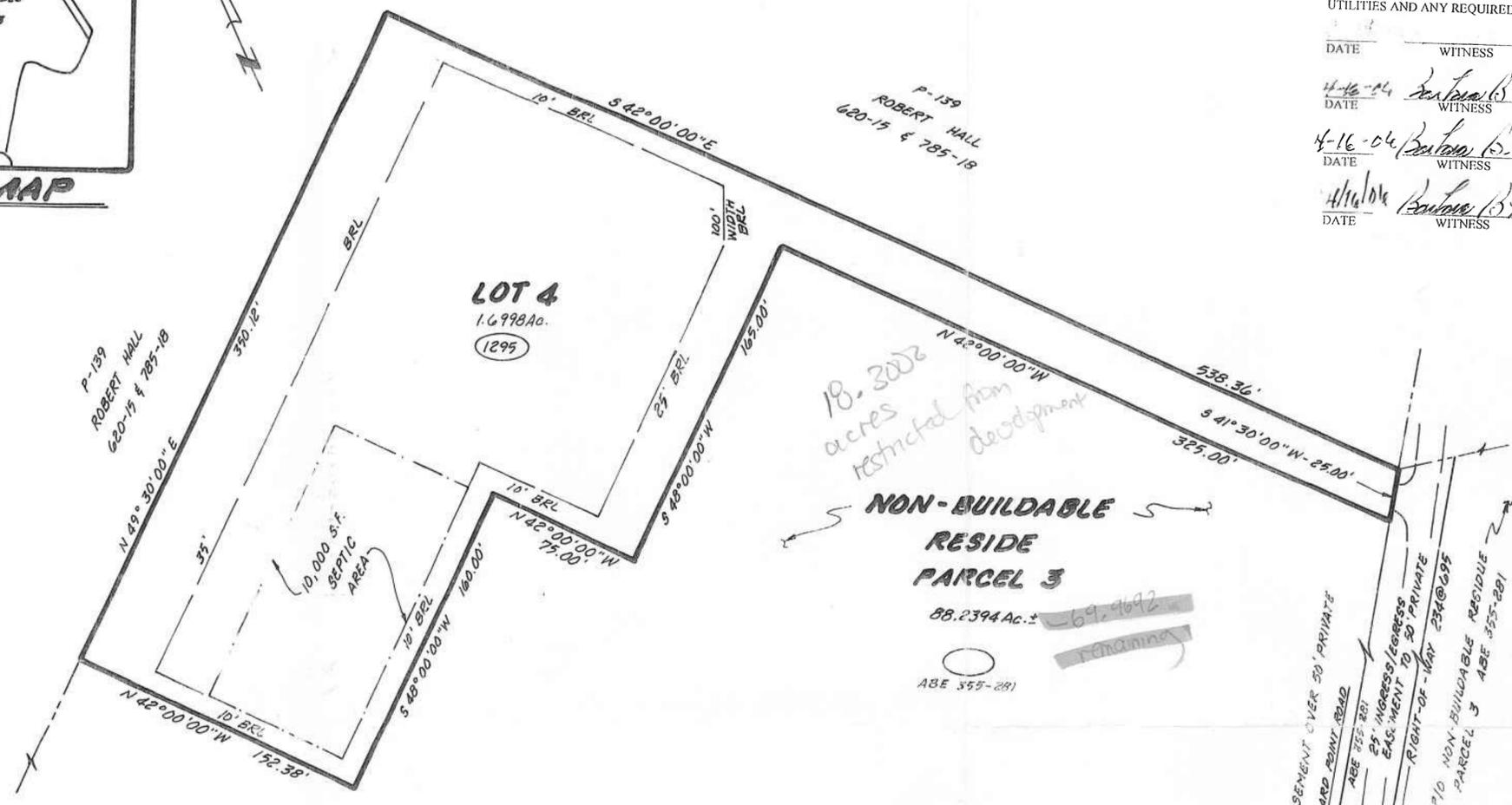
**CERTIFICATE BY OWNERS**

THE UNDERSIGNED OWNERS AND ALL PARTIES HAVING PROPRIETARY INTEREST IN THIS PROPERTY HEREBY ADOPT THIS PLAN (REPLATTING), ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKS AND OTHER AREAS AS SPECIFIED. A UTILITY EASEMENT IS ESTABLISHED 10 FEET IN WIDTH BINDING ON ALL RIGHTS-OF-WAY FOR THE INSTALLATION OF PUBLIC UTILITIES AND ANY REQUIRED AMENITIES.

DATE: 4-16-06 WITNESS: Lucille Childs Bowen, Lowell H. Bowen, Sr.  
 DATE: 4-16-06 WITNESS: Carole H. Bowen, Lowell H. Bowen, Jr.



**VICINITY MAP**  
Scale: 1" = 2,000'  
TAX I.D. # 02-001063



**GENERAL NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO DESIGNATE BUILDABLE LOT 4 AND NON-BUILDABLE RESIDUE PORTION OF PARCEL 3.
2. TOTAL DESIGNATED BUILDABLE LOT IS 1.6998 ACRES. 18.3002 ACRES OF NON-BUILDABLE PARCEL 3 IS TO BE DEDUCTED FROM THE ACREAGE FOR MEETING THE MINIMUM 20 ACRE DENSITY.
3. TOTAL NON-BUILDABLE RESIDUE IS 88.2694 ACRES, LESS THE 18.3002 ACRES.
4. SITE IS ZONED; FARM AND FOREST DISTRICT (FFD).
5. APPROXIMATELY 73 ACRES OF PARCEL 3 IS LOCATED WITHIN THE CRITICAL AREA, RCA. THE DENSITY WITHIN THE RCA IS ONE UNIT PER 20 ACRES. LOT 4 IS LOCATED WITHIN THE CRITICAL AREA AND THEREFORE COUNTS AS ONE OF THE LAST THREE PERMITTED CRITICAL AREA LOTS, AND IS SUBJECT TO MEETING THE CRITICAL AREA REGULATIONS FOR SUBDIVISION AND SITE DEVELOPMENT PURPOSES.
6. THE PROPERTY HAS A NEW BASE DENSITY OF 5.1 OY'S, BUT IS RESTRICTED TO THREE LOTS BY THE APP. LOT 4 IS ONE OF THE THREE NEW BASE DENSITY LOTS.
7. LOT 4 USES THE FIRST OF THE THREE LOT EXEMPTIONS PERMITTED UNDER THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO).
8. CONVENANTS IN THE DEEDS OF ALL PROPERTY OWNERS WITHIN FARM COMMUNITIES, FARMING PRACTICES THAT MAY CONFLICT WITH RESIDENTIAL USE ACTIVITIES WILL BE OCCURRING ON ADJACENT LANDS AND ARE PERMITTED BY RIGHT.
9. LOT 4 AND NON-BUILDABLE RESIDUE OF PARCEL 3 ARE SUBJECT TO THE USE OF AN EXISTING 50' RIGHT-OF-WAY AS RECORDED IN DEED 234 AT FOLIO 695, AND SHALL ACCESS VIA THE 25' INGRESS/EGRESS EASEMENT AS SHOWN HEREIN.
10. THERE ARE NO 100 YEAR FLOOD PLAINS AFFECTING THE PORTION OF THE BUILDABLE LOT.
11. THERE ARE NO NON-TIDAL WETLANDS OR ASSOCIATED BUFFERS AFFECTING THE PORTION OF THE BUILDABLE LOT.
12. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
13. THIS PLAT IS NOT A BOUNDARY SURVEY AND DOES NOT MEET THE MINIMUM STANDARDS FOR A BOUNDARY SURVEY AS DEFINED BY COMAR REGULATIONS.
14. THE PERCOLATION TEST INFORMATION IS AVAILABLE AT THE CALVERT COUNTY HEALTH DEPARTMENT.
15. UPON FURTHER SUBDIVISION OF THIS PROPERTY, THE NON-BUILDABLE PORTION OF PARCEL 3 WILL BE SUBJECT TO MEET THE FOREST CONSERVATION REQUIREMENTS.
16. A WAIVER OF THE REQUIRED JURISDICTIONAL DETERMINATION OF WETLANDS WAS GRANTED FOR LOT 4 BY THE CALVERT COUNTY ENVIRONMENTAL PLANNER DATED MAY 31, 2006.
17. STORMWATER MANAGEMENT HAS BEEN ADDRESSED IN THE APPROVAL OF THE BUILDING PERMIT (GR#60875), ALTHOUGH THE ACREAGE IS LESS THAN THAT OF THE APPROVED BUILDING PERMIT, THE STORMWATER MANAGEMENT ADDRESSED THE PROPOSED CONSTRUCTION OF ALL STRUCTURES FOR THIS PROPERTY.
18. TOTAL FORESTED AREA ON SITE IS 24.42 ACRES OR 27.15%.
19. PARCEL 3 IS ALSO LOCATED WITHIN A DESIGNATED AGRICULTURAL PRESERVATION DISTRICT, APD 85-4 (A), WHICH WAS RECORDED ON 4/10/90. THE CERTIFICATION OF TRANSFER DEVELOPMENT RIGHTS WAS RECORDED ON 6/18/91 (560931). THE COVENANTS FOR THE APD WERE RECORDED 7/12/93 UNDER 679/116-7. DEVELOPMENT WITHIN THE APD IS LIMITED TO THE CREATION OF UP TO THREE (3) LOTS IN ADDITION TO A PRE-EXISTING HOUSE ON THE RESIDUE. PER PLANNING AND ZONING MEMORANDUM DATED 10/13/05, APD 85-4 HAS TEN TDR'S REMAINING, OF WHICH FIVE TDR'S WILL BE REQUIRED FOR THE CREATION OF LOT 4.
20. LOT 4 IS THE FIRST OF THE LAST THREE LOTS PERMITTED TO BE CREATED WITHIN APD 85-4A.
21. LOT 4 SHALL BE SUBJECT TO MEETING THE CRITICAL AREA REQUIREMENTS.
22. LOT 4 IS THE FIRST OF THREE FAMILY CONVEYANCE LOTS PERMITTED FOR PARCEL 3, UNDER ARTICLE 7-1.06J OF THE CALVERT COUNTY ZONING ORDINANCE.
23. THE ISSUANCE OF COUNTY PERMITS OR APPROVALS IS A LOCAL PROCESS AND DOES NOT IMPLY THAT THE APPLICANT HAS MET STATE AND FEDERAL REQUIREMENTS FOR WETLANDS UNDER COMAR; THE FEDERAL WATER POLLUTION CONTROL ACT; OR THE RIVERS AND HARBOR ACT. THE DISCLAIMER SHALL BE SIGNED BY THE APPLICANT.

**NOTES CONTINUED:**

24. THE EXISTING 50' PRIVATE RIGHT-OF-WAY MUST MEET THE MINIMUM RIGHT-OF-WAY AND CONSTRUCTION STANDARDS FOR A FAMILY CONVEYANCE SUBDIVISION AS SPECIFIED IN THE CALVERT COUNTY ROAD ORDINANCE AND IS SUBJECT TO AN APPROVED ROAD PLAN, BONDING AND FINAL INSPECTION PRIOR TO THE ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR LOT 4.
25. LOT 4 IS TO BE LOCATED WITHIN APD 85-4A. THE APPLICANT RECEIVED APPROVAL FROM THE CALVERT COUNTY AGRICULTURAL PRESERVATION ADVISORY BOARD FOR THE CREATION OF THE 1.69 ACRE LOT ON JULY 5, 2005. THE LOT SHALL BE SUBJECT TO THE RESTRICTIVE COVENANTS SET FORTH FOR APD 85-4A. LOT 4 IS THE FIRST OF THE LAST THREE SUCH LOTS PERMITTED WITHIN THE APD. PRIOR TO FINAL PLAT, FIVE (5) TDR'S MUST BE REMOVED FROM THE INVENTORY OF TDR'S FOR APD 85-4A.
25. THE RESIDUE OF PARCEL IS DEEMED "NON-BUILDABLE" FOR RESIDENTIAL BUILDING PURPOSES UNTIL SUCH TIME THAT IT RECEIVES FINAL SUBDIVISION APPROVAL BY THE CALVERT COUNTY PLANNING COMMISSION OR ITS DESIGNEE.
26. IT IS POSSIBLE THAT ARCHAEOLOGICAL REMAINS WILL BE ENCOUNTERED DURING SITE PREPARATION ON THIS PROJECT. IF SUCH A DISCOVERY SHOULD OCCUR, THE DEVELOPER IS REQUESTED TO CONTACT THIS OFFICE IMMEDIATELY SO THAT THE REMAINS MAY BE EVALUATED AND THE INFORMATION RECORDED IN THE INTEREST OF DOCUMENTING THE HERITAGE OF CALVERT COUNTY.
27. LOT 4 MUST BE 15% WOODED AFTER DEVELOPMENT. A TREE PLANTING PLAN AND BONDING WILL BE REQUIRED TO BE APPROVED BY THE CALVERT COUNTY PLANNING AND ZONING DEPARTMENT.
28. NO MORE THAN 30% OF LOT 4 MAY BE CLEARED WITHOUT A VARIANCE FROM THE CALVERT COUNTY BOARD OF APPEALS.
29. LOT 4 IS PERMITTED 15% IMPERVIOUS AREA.
30. A SHARED MAINTENANCE AGREEMENT SHALL BE EXECUTED AND RECORDED FOR THE 25' INGRESS/EGRESS OVER THE EXISTING 50' PRIVATE RIGHT-OF-WAY PRIOR TO THE ISSUANCE OF THE USE AND OCCUPANCY PERMIT FOR LOT 4.

**CERTIFICATE BY HEALTH OFFICER**

THIS LOT (PARCEL) SATISFIES THE REQUIREMENT OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.02 ALLOWING THE CONSTRUCTION OF INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS FOR HOMES AND OTHER ESTABLISHMENTS, AND IT IS CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN FOR WATER PLANNING CATEGORY W-7 AND SEWERAGE PLANNING CATEGORY S-7.

DATE: 5-31-06  
DAVID L. ROGERS, COUNTY HEALTH OFFICER

**CERTIFICATE BY REGISTERED SURVEYOR**

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT, THAT IT IS A REPLATTING OF THE LAND CONVEYED BY KENNETH M. BOWEN AND LOWELL H. BOWEN UNTO KENNETH M. BOWEN (DECEASED), LUCILLE CHILDS BOWEN, LOWELL H. BOWEN AND CAROLE H. BOWEN BY DEED DATED DECEMBER 5, 1985 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER ABE 355 AT FOLIO 281.

DATE: 5-31-06  
HOWARD L. SMITH, PLS # 10879

**SIGHT DISTANCE CERTIFICATION**

I HEREBY CERTIFY THAT THE ENTRANCE LOCATION ALONG THE FRONTAGE OF MALLARD POINT ROAD AND THE 50' PRIVATE LANE MEETS OR EXCEEDS THE MINIMUM MSHA AASHTO REQUIREMENTS AND THE CALVERT COUNTY ROAD SPECIFICATION PLATE RD-9, WITH THE FOLLOWING CONDITIONS, NONE.

DATE: 5-31-06  
HOWARD L. SMITH, PLS # 10879

*Critical Area #3 Reserve*  
*Due 11/30*  
*OLVIA - CALP&Z*  
*PLANNING & ZONING CASE NO. MSD-06-14-83*

**PLANNING COMMISSION APPROVAL FOR RECORDING**

DATE: \_\_\_\_\_  
DAVID K. HUMPHREYS, SECRETARY  
PLANNING COMMISSION

**H. L. SMITH & ASSOCIATES**

ENGINEERS-PLANNERS-SURVEYORS  
P.O. BOX 16  
MAYO, MARYLAND 21106  
(410) 798-0509

**RECEIVED**  
NOV 27 2006

CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

**PROPERTY OWNERS**

LUCILLE C. BOWEN  
LOWELL H. BOWEN  
CAROLE H. BOWEN  
PRINCE FREDERICK, MD.

**"LOWELL H. BOWEN, SR., ETAL. PROPERTY, TO DESIGNATE A BUILDABLE AREA FROM PARCEL 3 AS FAMILY CONVEYANCE LOT 4 AND THE RESIDUE OF PARCEL 3 AS "NON-BUILDABLE" RESIDUE LOCATED IN PRINCE FREDERICK 2<sup>ND</sup> ELECTION DISTRICT CALVERT COUNTY, MD.**

MARCH 2006

SCALE: 1" = 50'

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

STATE OF MARYLAND  
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July 18, 2006

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

Re: SD-06-<sup>14</sup>~~17~~-23 Lowell Bowen (Cassie)  
(Tax Map 23, Parcel 3)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced property replatting, subdivision, and intra-family transfer request. The applicant is proposing to create one new lot from an 89.96-acre property. Of this acreage, approximately 73 acres are located within the Critical Area. The Critical Area portion of the property is a designated Resource Conservation Area (RCA) and is currently undeveloped.

Based on the information provided, we have the following comments:

1. The Critical Area acreage stated within plat note #5 (73 acres) and the Critical Area acreage stated within the subdivision application and Critical Area form (60.53 acres) do not match. Please clarify the discrepancy.
2. The Critical Area form and plat note # 23 indicate that Lot 4 is being created as an intra-family transfer lot. Within the RCA, intra-family transfer lots can only be permitted by State and County law when properties are more than seven acres and less than sixty acres in size (Natural Resources Article §8-1808.2). It does not appear that this property meets this criterion and would therefore not be permitted as an intrafamily transfer lot in the RCA. However, given the acreage of existing Parcel 3, it does not appear that the use of the intra-family provisions is necessary, as ample acreage appears to exist to support the creation of proposed Lot 4 at the one lot per twenty acre permitted density.
3. Please provide information which describes how the additional density to support the creation of proposed Lot 4 will be notated and tracked in conjunction with the proposed replatting.

*still a question*

TTY for the Deaf

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

Olivia Vidotto  
MSD 06-14-23 Bowen  
July 18, 2006  
Page 2

4. The Critical Area form indicates that the proposed replatting contains a request for 1.6998 acres of growth allocation. While this appears to be in error, please verify whether the use of growth allocation is being requested by the County.

Based on the comments listed above, please provide a revised plat and supporting information for review by Commission staff. Thank you for the opportunity to provide comments for this minor subdivision and replatting request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
CA402-06