

CA 0411-06

Bowen - Yontz

SUB

MSD-06-01-20

MSA-S-1829-5646

Comments 7/25/06 JCS

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/)

July 20, 2006

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

Re: SD-06-01-20 Carole Bowen  
(Tax Map 20, Parcel 50)

*Site visit  
to look at  
wetlands*

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 a 12.42-acre property. The property is a designated Resource Conservation Area (RCA) and is currently undeveloped.

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

1. Plat note #23 indicates that a wetlands waiver has been granted for Proposed Lot 2. However, the Department of Natural Resource's wetland maps indicate that an area of nontidal wetlands exists adjacent to the tidal wetlands shown on the non-buildable residue. If present, these nontidal wetlands or portions of their buffer may encroach onto Lot 2. Therefore, a field verification and/or delineation of wetland boundaries is necessary prior to preliminary plat approval.
2. Prior to preliminary plat approval, please provide a professional determination as to the ownership of the tidal wetlands shown within the non-buildable residue parcel. This information is important as State-owned wetlands cannot be included within property acreage totals for purposes of generating density. Therefore, the number of lots available to the applicant through the intrafamily transfer provisions, and/or the ability to utilize the intrafamily transfer provisions to create a lot may be affected pending the outcome of the ownership determination.
3. Plat note #5 indicates that the proposed subdivision is an intrafamily transfer request. Based on the existing tax maps, it is not clear that the existing Parcel 50 meets the intrafamily transfer criteria stating that the parent parcel must be on record as of March 1, 1986. Specifically, please provide information to demonstrate that parent parcel 50 has not been previously subdivided.

Olivia Vidotto  
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4. Please note that the Department of Natural Resources has flagged portions of the property as containing possible Forest Interior Dwelling Bird (FIDs) habitat. As with all subdivisions in the Critical Area, please provide an evaluation of the property by DNR for the presence of any rare, threatened, or endangered species. This evaluation should be complete prior to preliminary plat approval.
5. The Critical Area form indicates that the use of growth allocation is necessary for the subdivision. Please verify whether the County is requesting growth allocation or whether this information was provided in error.

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

CA 402-06

411-06

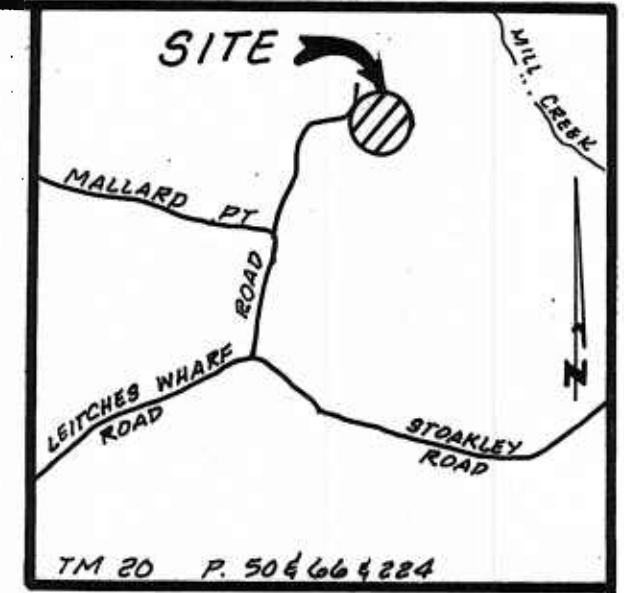
**CERTIFICATE BY OWNERS**

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 MAINTENANCE OF PUBLIC UTILITIES AND ANY REQUIRED AMENITIES.

12/5/05 Barbara B. Fitch Lowell H. Bowen Sr.  
 DATE WITNESS LOWELL H. BOWEN  
 12/5/05 Barbara B. Fitch Carole Bowen  
 DATE WITNESS CAROLE BOWEN  
 12/5/05 Barbara B. Fitch Christianna B. Yontz  
 DATE WITNESS CHRISTIANNA B. YONTZ  
 4/16/06 Barbara B. Fitch Lowell H. Bowen Jr.

**GENERAL NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO DESIGNATE BUILDABLE LOT 2 (PARCEL 224) AND NON-BUILDABLE RESIDUE PORTION OF PARCEL 50 AND TO REVISE THE ALIGNMENT OF THE 50' PRIVATE RIGHT-OF-WAY AND THAT PORTION OF PARCEL 66 AS SHOWN HEREON.
2. TOTAL DESIGNATED BUILDABLE LOT IS 1.3181 ACRES.
3. TOTAL NON-BUILDABLE RESIDUE IS 11.1045 ACRES.
4. SITE IS ZONED: RURAL/FC
5. LOT 2 IS LOCATED WITHIN THE CRITICAL AREA, RCA. THE DENSITY WITHIN THE RCA IS ONE UNIT PER 20 ACRES. LOT 2 COUNTS AS THE 2<sup>ND</sup> OF 3 INTRAFAMILY TRASFER LOTS PERMITTED UNDER ARTICLE 8-1.05.H.2 OF THE CALVERT COUNTY ZONING ORDINANCE.
6. THE PROPERTY HAS A MAXIMUM CONVENTIONAL DENSITY OF ONE (1) LOT AND NEW BASE DENSITY OF ONE (1) LOT.
7. LOT 2 USES THE FIRST OF 3 LOT EXEMPTIONS PERMITTED UNDER THE ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO).
8. LOT 2 USES THE SECOND OF THE TWO (2) NEW BASE DENSITY LOTS OF THE PARENT TRACT, (AS OF JUNE 29, 1967).
9. 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.
10. LOT 2 AND NON-BUILDABLE RESIDUE OF PARCEL 50 ARE SUBJECT TO THE USE OF AN EXISTING PRIVATE 50' RIGHT-OF-WAY AS RECORDED IN DEED 234 AT FOLIO 695. THE NON-BUILDABLE PARCEL 50 SHALL ACCESS FROM THE EXTENSION OF THE 50' PRIVATE RIGHT-OF-WAY AS SHOWN HEREON.
11. THE 100 YEAR FLOOD PLAINS SHOWN HEREON ARE PER FEMA MAP 240011-0015B.
12. THE TIDAL WETLANDS OR ASSOCIATED BUFFERS ARE TO BE LEFT UNDISTURBED AND LEFT IN PERPETUITY AND TO SERVE FOR WATER QUALITY BENEFITS.
13. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
14. THIS PLAT IS NOT A BOUNDARY SURVEY AND DOES NOT MEET THE MINIMUM STANDARDS FOR A BOUNDARY SURVEY AS DEFINED BY COMAR REGULATIONS.
15. THE PERCOLATION TEST INFORMATION IS AVAILABLE AT THE CALVERT COUNTY HEALTH DEPARTMENT.
16. UPON FURTHER SUBDIVISION OF THIS PROPERTY, THE NON-BUILDABLE PORTION OF PARCEL 50 WILL BE SUBJECT TO MEET THE FOREST CONSERVATION REQUIREMENTS.



**VICINITY MAP**  
 Scale: 1"=2,000'  
 TAX. ID. NO. 02-001888 P.50  
 02-047705 P.66  
 02-139715 P.224

**LINE TABLE:**

NO.	BEARING	DISTANCE
1	S 47° 20' 38" E	44.48'
2	N 15° 23' 33" E	16.98'
3	N 19° 37' 43" W	40.69'
4	N 43° 50' 29" W	53.73'
5	S 25° 04' 03" W	68.45'
6	S 16° 18' 50" W	85.44'
7	S 10° 09' 15" W	68.07'
8	S 43° 28' 45" W	79.93'
9	S 06° 20' 25" W	45.28'
10	S 18° 26' 06" E	79.06'
11	S 36° 15' 14" E	93.00'

**LEGEND:**

- ASSIGNED HOUSE NUMBER
- BUILDING RESTRICTION LINE
- 10,000 S.F. SEPTIC AREA
- CONSERVATION AREA

**CERTIFICATE BY HEALTH OFFICER**

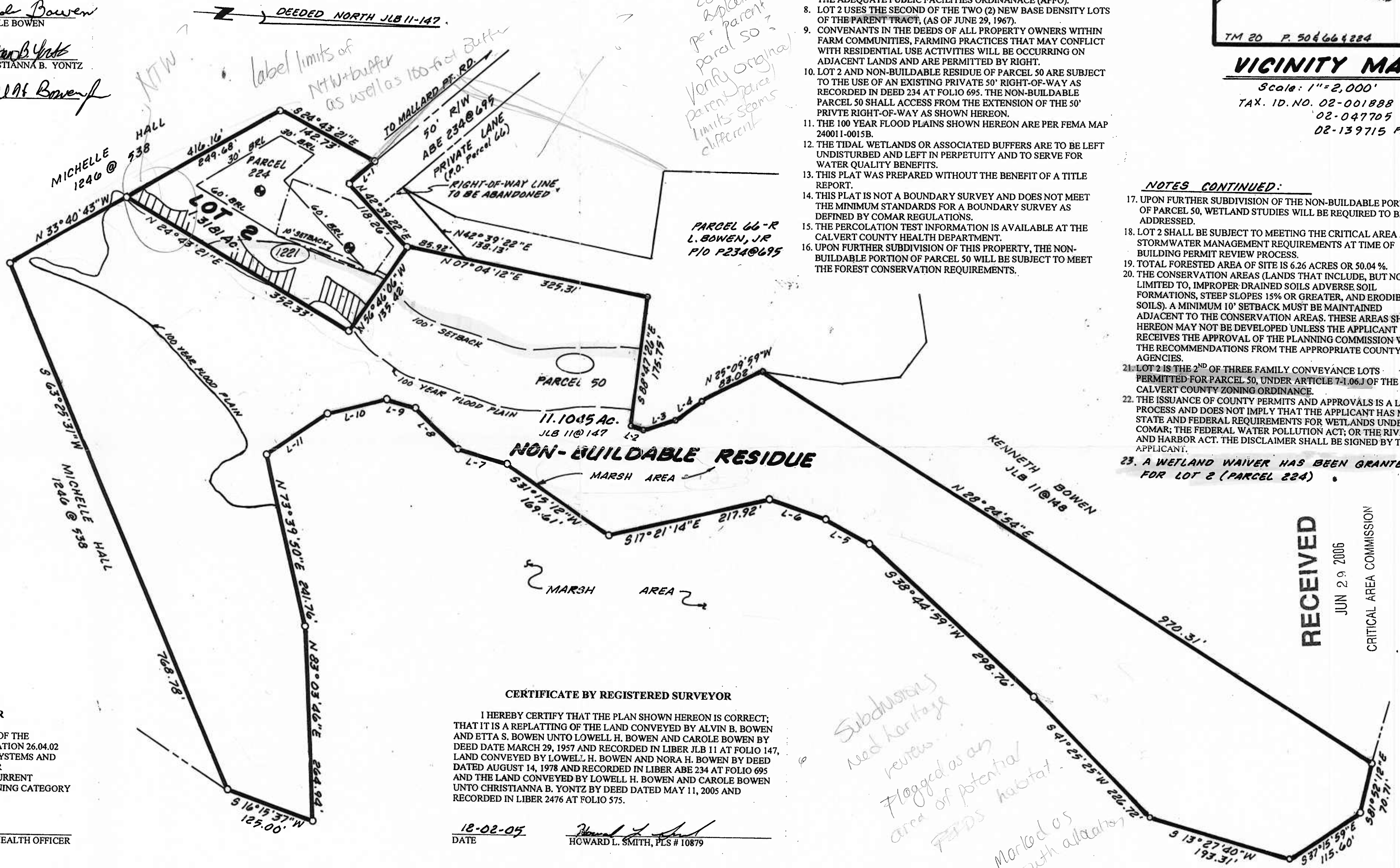
THIS LOT (PARCEL) SATISFIES THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.02 ALLOWING THE CONSTRUCTION OF INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS FOR HOMES AND OTHER ESTABLISHMENTS, AND IT IS CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN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

DATE \_\_\_\_\_ 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 ALVIN B. BOWEN AND ETTA S. BOWEN UNTO LOWELL H. BOWEN AND CAROLE BOWEN BY DEED DATE MARCH 29, 1957 AND RECORDED IN LIBER JLB 11 AT FOLIO 147, LAND CONVEYED BY LOWELL H. BOWEN AND NORA H. BOWEN BY DEED DATED AUGUST 14, 1978 AND RECORDED IN LIBER ABE 234 AT FOLIO 695 AND THE LAND CONVEYED BY LOWELL H. BOWEN AND CAROLE BOWEN UNTO CHRISTIANNA B. YONTZ BY DEED DATED MAY 11, 2005 AND RECORDED IN LIBER 2476 AT FOLIO 575.

DATE 12-02-05 Howard L. Smith  
 HOWARD L. SMITH, PLS # 10879



- NOTES CONTINUED:**
17. UPON FURTHER SUBDIVISION OF THE NON-BUILDABLE PORTION OF PARCEL 50, WETLAND STUDIES WILL BE REQUIRED TO BE ADDRESSED.
  18. LOT 2 SHALL BE SUBJECT TO MEETING THE CRITICAL AREA AND STORMWATER MANAGEMENT REQUIREMENTS AT TIME OF BUILDING PERMIT REVIEW PROCESS.
  19. TOTAL FORESTED AREA OF SITE IS 6.26 ACRES OR 50.04 %.
  20. THE CONSERVATION AREAS (LANDS THAT INCLUDE, BUT NOT LIMITED TO, IMPROPER DRAINED SOILS ADVERSE SOIL FORMATIONS, STEEP SLOPES 15% OR GREATER, AND ERODIBLE SOILS). A MINIMUM 10' SETBACK MUST BE MAINTAINED ADJACENT TO THE CONSERVATION AREAS. THESE AREAS SHOWN HEREON MAY NOT BE DEVELOPED UNLESS THE APPLICANT RECEIVES THE APPROVAL OF THE PLANNING COMMISSION WITH THE RECOMMENDATIONS FROM THE APPROPRIATE COUNTY AGENCIES.
  21. LOT 2 IS THE 2<sup>ND</sup> OF THREE FAMILY CONVEYANCE LOTS PERMITTED FOR PARCEL 50, UNDER ARTICLE 7-1.06J OF THE CALVERT COUNTY ZONING ORDINANCE.
  22. THE ISSUANCE OF COUNTY PERMITS AND 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 ACT; OR THE RIVERS AND HARBOR ACT. THE DISCLAIMER SHALL BE SIGNED BY THE APPLICANT.
  23. A WETLAND WAIVER HAS BEEN GRANTED FOR LOT 2 (PARCEL 224).

**RECEIVED**  
 JUN 29 2006  
 CRITICAL AREA COMMISSION

**PLANNING COMMISSION APPROVAL FOR RECORDING**

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

**H. L. SMITH & ASSOCIATES**  
 ENGINEERS-PLANNERS-SURVEYORS  
 1492 WARFIELD ROAD  
 EDGEWATER, MD. 21037  
 (410) 708-0509



**PROPERTY OWNERS**  
 LOWELL H. BOWEN  
 CAROLE BOWEN  
 CHRISTIANNA B. YONTZ

**REPLATTING PLAT**  
 LOWELL H. BOWEN, SR. AND CAROLE H. BOWEN, JR.  
 CHRISTIANNA YONTZ & LOWELL BOWEN, JR.  
 PROPERTY, TO CREATE FAMILY CONVEYANCE LOT 2,  
 NON-BUILDABLE RESIDUE PARCEL 50 & TO REVISE  
 50' PRIVATE RIGHT-OF-WAY ALIGNMENT  
 TAX MAP 20 PARCELS 50, 66 & 224  
 LOCATED IN PRINCE FREDERICK  
 2<sup>ND</sup> ELECTION DISTRICT  
 CALVERT COUNTY, MARYLAND