

DC 633-06  
SUB

Willey, Carol  
219A

MSA.S.1829-5798

9/29/09  
Comments  
JBL  
1-10-07 comments JBL

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/)

January 10, 2007

Mr. Steve Dodd  
Dorchester County Planning and Zoning Office  
P.O. Box 107  
Cambridge, Maryland 21613

**RE: DC 633-06 Carol Willey  
Local Case No.: 219 A Fork Neck and DeCoursey Bridge Road**

Dear Mr. Dodd:

Thank you for providing updated information on the requested project. I have reviewed the plan submitted, while it appears that the applicant has addressed many of the issues raised in my September 29, 2006 letter, I have the following comments on the updated plan:

- 1) Delmarva Fox Squirrel: The November 2, 2006 letter from Lori A. Byrne indicates that the Delmarva Fox Squirrel has been known to occur on or in the immediate vicinity of the property. The Delmarva Fox Squirrel is a federal and state protected endangered species and therefore the property owner must comply with habitat protection requirements. Please be sure that the applicant follows the guidelines for habitat protection outlined in Ms. Byrne's November 2, 2006 letter.
- 2) FIDS: Ms. Bryne's November 2, 2006 letter also indicates that the property contains FIDS habitat. We recommend that the applicant be required to comply with the recommendations of the Commission's FIDS Guidance document.
- 3) Intra-family Transfer: It is our understanding that this lot is being created under the intra-family transfer provisions of the Dorchester County Critical Area law. When this new lot is recorded a note should appear on the plat that indicates that this lot was created pursuant to the requirements of the Dorchester County Critical Area law. Also, it is still unclear whether this parcel qualifies for an intra-family transfer. In order to qualify the parcel must be 7 acres or more and less than 60 acres in size. (See Natural Resources Article 8-1802(c)), and be of record as of March 1, 1986. Therefore, the Critical Area acreage must be provided.

Steve Dodd  
January 10, 2007  
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lester', with a long horizontal line extending to the right.

Jennifer B. Lester  
Natural Resources Planner

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
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September 29, 2006

Mr. Steve Dodd  
Dorchester County Planning and Zoning Office  
P.O. Box 107  
Cambridge, Maryland 21613

**RE: DC 633-06 Carol Willey  
Local Case No.: 219 A Fork Neck and DeCoursey Bridge Road**

Dear Mr. Dodd:

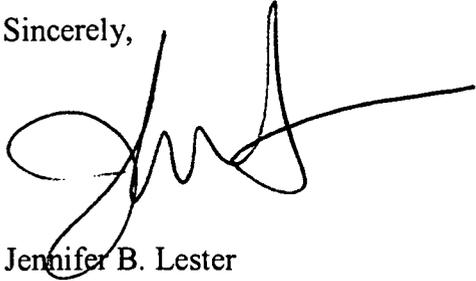
Thank you for providing information on the requested project. I have reviewed the plan submitted, and have the following comments:

- 1) The parcel is located in the Resource Conservation Area (RCA). This development area only permits 1 dwelling unit per 20 acres and subdivision for intra-family transfers are limited to parcels that are 7 acres or more and less than 60 acres. The applicant's plat does not provide enough information to determine whether or not the proposed subdivision is possible under guidelines for intra-family transfers or meets the density limitations. Please have the applicant provide additional information so that compliance with these two provisions can be determined.
- 2) The plan does not include information about current forest cover or proposed clearing; therefore, it cannot be determined if reforestation or afforestation will be required. Forest establishment and replacement requirements are set forth in § 155-38.H.4 of the Dorchester County Code.
- 3) The plan does not clearly identify the existing structures located on the parcels. It is necessary to show the location of existing and future structures so that compliance with the impervious surface limitations identified in § 155-38.O of the Dorchester County Code can be demonstrated. Also, existing structures will determine how many new structures are permitted per the RCA density limits.
- 4) Please provide a letter from the Department of Natural Resources Heritage Division regarding the presence of rare, threatened, or endangered species and other habitats. This information must be evaluated and addressed before the subdivision is approved.

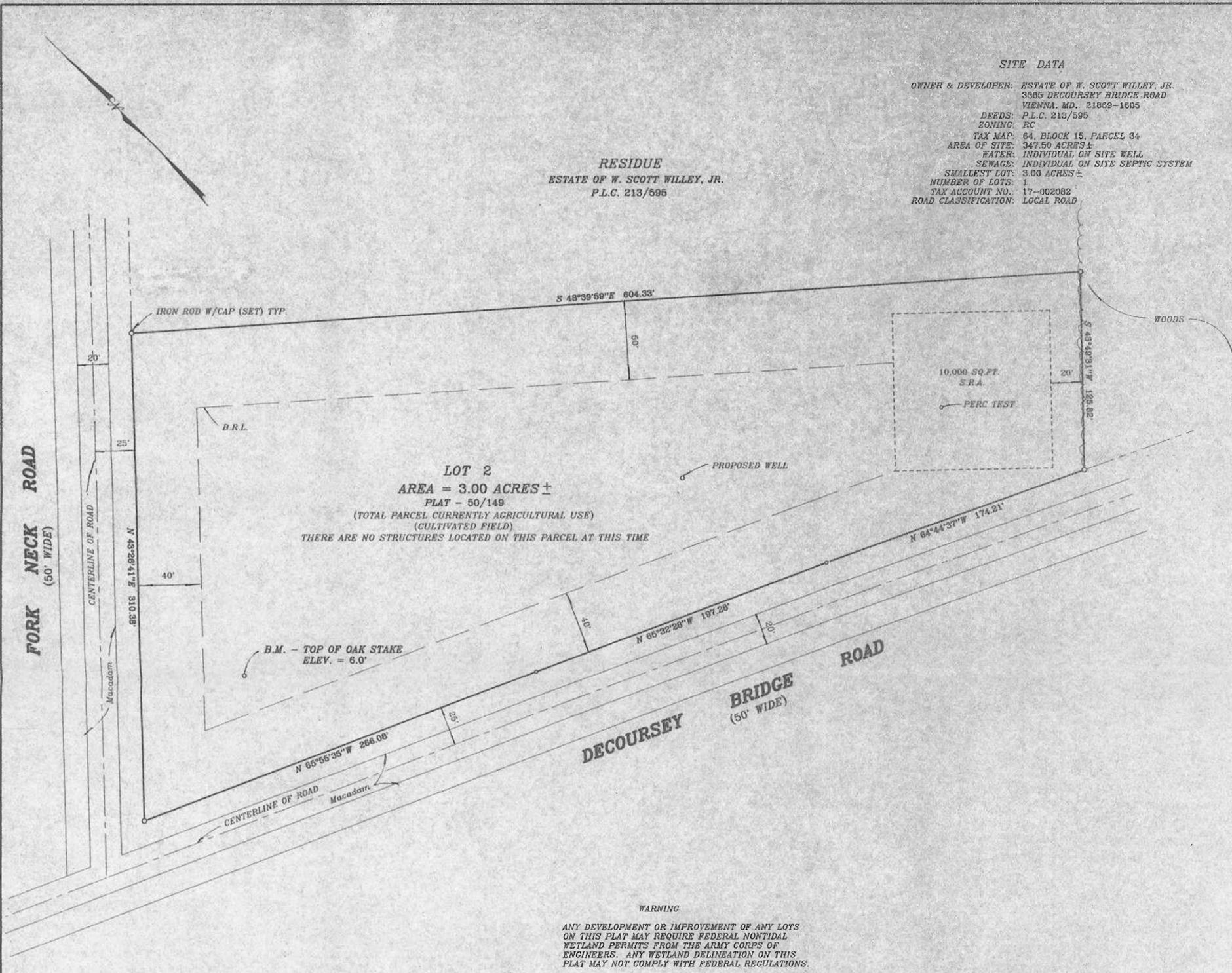
Mr. Steve Dodd  
September 29, 2006  
Page 2 of 2

Thank you for the opportunity to provide comments on this subdivision. Please provide revised plans and the additional information request. If you would like to discuss these comments, please call me at (410)260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lester', with a long horizontal flourish extending to the right.

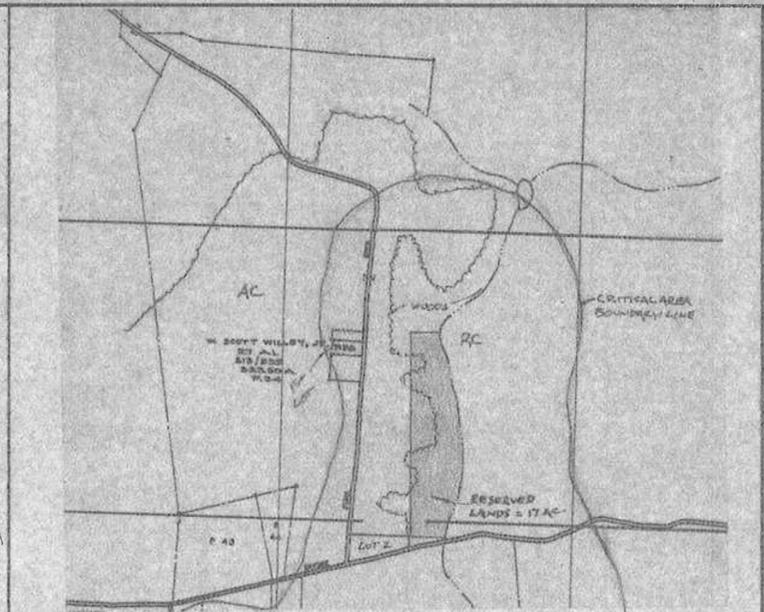
Jennifer B. Lester  
Natural Resources Planner



**SITE DATA**

OWNER & DEVELOPER: ESTATE OF W. SCOTT WILLEY, JR.  
 3905 DECOURSEY BRIDGE ROAD  
 VIENNA, MD. 21869-1605  
 DEEDS: P.L.C. 213/595  
 ZONING: RC  
 TAX MAP: 84, BLOCK 15, PARCEL 84  
 AREA OF SITE: 347.50 ACRES±  
 WATER: INDIVIDUAL ON SITE WELL  
 SEWAGE: INDIVIDUAL ON SITE SEPTIC SYSTEM  
 SMALLEST LOT: 3.00 ACRES±  
 NUMBER OF LOTS: 1  
 TAX ACCOUNT NO.: 17-002082  
 ROAD CLASSIFICATION: LOCAL ROAD

**RESIDUE**  
 ESTATE OF W. SCOTT WILLEY, JR.  
 P.L.C. 213/595



VICINITY MAP  
 (SCALE: 1" = 1,200'±)

**GENERAL NOTES**

- THIS SUBDIVISION SHOWN HEREON LIES IN THE RCA (RESOURCE CONSERVATION AREA) DISTRICT OF THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY SHOWN HEREON LIES IN THE 100 YEAR FLOOD PLAIN AND THE BASE FLOOD ELEVATION IS 6.0'.
- THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPOSED PROPERTY LINES EXCEPT AS SHOWN.
- NO STORMWATER MANAGEMENT PLAN HAS BEEN APPROVED FOR THIS LOT. ANY LAND DISTURBANCE IN EXCESS OF 5,000 SQUARE FEET OF LAND AREA INVOLVED WITH THIS SUBDIVISION WILL REQUIRE A STORM WATER PERMIT APPLICATION. NO ASSURANCE IS PROVIDED BY THIS SUBDIVISION APPROVAL BY DORCHESTER COUNTY THAT A PERMIT CAN BE SECURED.
- THERE ARE NO UNDERGROUND UTILITIES OR RIGHTS-OF-WAY ON OR OVER THE PROPERTY SHOWN HEREON BASED ON AVAILABLE DATA.
- THE COMPREHENSIVE WATER AND SEWER DESIGNATION FOR THIS AREA IS NO PLANNED SERVICE AT THIS TIME.
- THERE ARE NO INTERMITTENT OR PERENNIAL STREAMS LOCATED ON THE PROPERTY SHOWN HEREON.
- THERE ARE NO VISIBLE BURIAL SITES LOCATED ON THE PROPERTY AND ACCORDING TO AVAILABLE DATA EXCEPT AS SHOWN.
- THERE IS 1 DEVELOPMENT RIGHT BEING TRANSFERRED WITH LOT 2 SHOWN HEREON.
- THIS SUBDIVISION IS IN AN AGRICULTURAL AREA AND EACH LOT OWNER, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE NO BASIS FOR RECOURSE AGAINST THE EFFECTS OF ANY NORMAL FARMING OPERATIONS CONDUCTED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES WHICH MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY. THESE EFFECTS INCLUDE BUT ARE NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST, OR CLARE. THE LOT OWNER SHALL ACCEPT THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.
- EACH LOT IS LIMITED TO 15% IMPERVIOUS SERVICE.
- LOTS 2 SHOWN HEREON IS BEING CREATED PURSUANT TO SECTION 140-84 (INTRAFAMILY TRANSFER) OF THE DORCHESTER COUNTY SUBDIVISION REGULATIONS. A LOT CREATED BY AN INTRAFAMILY TRANSFER MAY NOT BE SUBSEQUENTLY CONVEYED TO ANY PERSON OTHER THAN A MEMBER OF THE OWNER'S IMMEDIATE FAMILY, UNLESS: A) THE LOT WAS CREATED AS PART OF AN INTRAFAMILY TRANSFER AND NOT WITH THE INTENT OF SUBDIVIDING THE ORIGINAL PARCEL OF LAND FOR PURPOSES OF ULTIMATE COMMERCIAL SALE; OR B) CIRCUMSTANCES HAVE OCCURRED SINCE THE ORIGINAL TRANSFER WAS MADE THAT ARE CONSISTENT WITH THE CRITICAL AREA CRITERIA AND WARRANT AN EXCEPTION. ANY DEED FOR A LOT THAT IS CREATED BY AN INTRAFAMILY TRANSFER SHALL CONTAIN A COVENANT STATING THAT THE LOT IS CREATED SUBJECT TO THE PROVISIONS OF CHAPTER 140-54, DORCHESTER COUNTY CODE. FOR FIRST PARCEL OF RECORD OUT OF THE MOTHER PARCEL SEE VICINITY MAP. DEED REFERENCE IS P.L.C. 202/672, SURVEY BY EVANS, HAGAN & HOLDREY, INC. DATED SEPT. 20, 1977 WITH A PLAT REFERENCE OF P.L.C. 20/38.
- THE UNDERSIGNED, WHOSE NAME APPEARS ON THIS PLAT DO HEREBY CERTIFY AS FOLLOWS:
  - THAT THE RETAINED RESIDUE CONTAINS SUFFICIENT AREA TO QUALIFY AS A BUILDING LOT IN THE AREA WHICH IT IS LOCATED.
  - THAT ANY BUILDINGS LOCATED ON THE PLATTED LOTS OR ON THE RESIDUE WHICH ARE LOCATED IN THE REQUIRED SETBACK MINIMUMS ARE LOCATED ON THIS PLAT.
  - THAT THE CREATION OF THE LOTS DOES NOT CAUSE THE CREATION OF ANY NONCONFORMING PARCEL IN THE SHOWN LOTS OR ON THE RETAINED LANDS.
- ANY DRIVEWAY ACCESS FOR LOT 2 SHALL BE LOCATED GREATER THAN 200 FEET FROM THE INTERSECTION OF FORK NECK AND DECOURSEY BRIDGE ROADS.

**WARNING**

ANY DEVELOPMENT OR IMPROVEMENT OF ANY LOTS ON THIS PLAT MAY REQUIRE FEDERAL NONTIDAL WETLAND PERMITS FROM THE ARMY CORPS OF ENGINEERS. ANY WETLAND DELINEATION ON THIS PLAT MAY NOT COMPLY WITH FEDERAL REGULATIONS.

**PLAT SHOWING SUBDIVISION**  
 OF PROPERTY PROPERTY BELONGING TO  
**THE ESTATE OF W. SCOTT WILLEY, JR.**

LOCATED IN  
 No. 17 or SALEM ELECTION DISTRICT  
 DORCHESTER COUNTY, MARYLAND  
 For  
**CAROL WILLEY**

**OWNER'S CERTIFICATE**

THIS IS TO CERTIFY THAT I THE OWNER OF THE PROPERTY SHOWN HEREON AGREE TO AND HEREBY ADOPT THIS PLAN OF SUBDIVISION AS SHOWN.

CAROL WILLEY

DATE

**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAN IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THAT IT IS A PLAN OF PART OF THE LAND OF W. SCOTT WILLEY, JR. (SEE DEED P.L.C. NO. 213, FOLIO 595), THAT MARKERS HAVE BEEN PLACED AS INDICATED AND THAT THE ANNOTATED CODE OF MARYLAND HAS BEEN COMPLIED WITH.

TIMOTHY J. MARSHALL - MD R.P.L.S. NO. 555

DATE

APPROVED: DORCHESTER COUNTY DEPARTMENT OF PUBLIC WORKS

BY: \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED: DORCHESTER COUNTY PLANNING COMMISSION

BY: \_\_\_\_\_ DATE \_\_\_\_\_

THIS SUBDIVISION IS APPROVED FOR INTERIM INDIVIDUAL WATER AND/OR SEWAGE SYSTEMS AND THEIR USE IS IN ACCORDANCE WITH THE COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN. THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THIS/ THESE INDIVIDUAL SYSTEMS AND CONNECT TO THE COMMUNITY SYSTEMS WHEN THE COMMUNITY SYSTEMS BECOME AVAILABLE. WATER SUPPLYING THE WELLS SHALL BE FROM A CONFINED AQUIFER.

DORCHESTER COUNTY APPROVING AUTHORITY DATE

PLANNING & ZONING PLAT NO. 2194

**RECEIVED**  
 DEC 21 2006  
 CRITICAL AREA COMMISSION  
 Chesapeake & Atlantic

**TIM MARSHALL & ASSOCIATES, INC.**  
 LAND SURVEYORS & PLANNERS  
 2114 HORN POINT ROAD  
 CAMBRIDGE, MD 21613  
 PHONE (410) 228-1919  
 FAX (410) 228-2374  
 DATE: 12-07-06  
 DRAWN BY: D.K.L.  
 CHECKED BY: T.J.M.  
 JOB NO. 805189  
 PLAT NO. 006189