

TC 0097-06 Creswell Lots 1+2

SUB: L1019

MSA. S. 1829-6071

Comments 3/7/00
Comments 8/6/00

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/

August 4, 2006

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

RE: L1019 Cresswell

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision request. The applicants are proposing to revise the property line between two lots under common ownership. The property is currently designated as a Limited Development Area (LDA) and is developed with a primary dwelling and a shed.

Based on the information provided, there appears to be a possible legal issue with the existing improvements on the property in relation to the existing lot lines. As you are aware, Commission staff and County planners recently discussed the concept of "doctrine of merger" whereby a property owner who utilizes contiguous lots in the service of a single structure essentially merges the two lots for zoning purposes (*Remes v. Montgomery County* [387 Md. 52 (2005)]). In the proposed lot line revision, the existing dwelling straddles the existing lot line, thereby merging Lot 1 and Lot 2, and creating one lot. As a result, the property cannot be reconfigured through a lot line adjustment, but rather, would require a formal subdivision process. As a part of this subdivision process, the applicant would be required to ensure that any lots created would conform with all current zoning standards, including setbacks and impervious surface area limits. We note that the current proposal (if proposed in conjunction with a subdivision) creates two lots which would be considered nonconforming. Revised Lot 2 does not conform to the 25-foot setback on the west. In addition, both revised lots would be considered new, non-grandfathered lots and would be subject to the current impervious surface area limitations which appear to be less than those stated on the current plat.

Thank you for the opportunity to review and comment on this subdivision. Please inform us of the County's position on the doctrine of merger issue. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

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

Kerrie Gallo
Natural Resources Planner
TC97-06

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

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March 7, 2006

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: L1019 Creswell

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is requesting to revise a property boundary between two existing lots. Both properties lie within a designated Limited Development Area (LDA). Lot 2 is currently developed, while Lot 1 is undeveloped.

Based on the information provided, this office does not oppose the abandonment and revision of lot lines on this parcel. However, please note that the revised lot areas stated on the plat and within the impervious surface area calculations area are not consistent with one another. Prior to recordation of the plat, this information should be corrected and the associated impervious surface area limits adjusted.

Thank you for the opportunity to provide comments regarding this lot line abandonment and revision. If you have any questions, please call me at 410-260-3482.

Sincerely,

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

Kerrie L. Gallo
Natural Resource Planner
TC 97-06

PROPERTY OWNER(S):
 CHRISTOPHER J. CRESSWELL
 JOCELYN B. CRESSWELL
 11800 BECKETT STREET
 POTOMAC, MARYLAND 20854
 (301) 279-5765
 DEED REFERENCE: 1418/365
 PLAT REFERENCE: PLAT BOOK 8, PAGE 11

PROPERTY STATISTICS
 P. 105, LOTS 1 AND 2
 ZONING CLASSIFICATION: TR - TOWN RESIDENTIAL
 MINIMUM LOT SIZE: 10,000 SF W/ SEWER
 MINIMUM LOT WIDTH: 75' (LOTS LESS THAN 1 ACRE)
 BUILDING RESTRICTIONS: LOTS LESS THAN 1 ACRE
 25' FRONT
 10' SIDE
 25' REAR

THE ENTIRETY OF THE PROPERTY AS SHOWN HEREON LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

THE LAND SHOWN HEREON IS IN FLOOD ZONES "B" & "C", AND IS LOCATED WITHIN THE COASTAL FLOOD PLAIN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND. THEREFORE, MANDATORY FLOOD INSURANCE IS REQUIRED WITHIN THE "A" ZONE IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, D.C. SEE F.E.M.A. MAP NO. 240066 0023 B.

FLOOD PLAIN LEGEND
 A - 100 YR. FLOOD ZONE
 B - 500 YR. FLOOD ZONE
 C - AREA OF MINIMAL FLOODING

PROPERTY OWNER DECLARATION

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.

PRIOR TO CONSTRUCTION OF IMPROVEMENTS ON REVISED LOT 1, THE OWNER SHALL CONTACT THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS, SANITARY DISTRICT FOR SANITARY SEWER CONNECTION DETAILS AND APPLICABLE FEES.

WE, CHRISTOPHER JOHN CRESSWELL AND JOCELYN B. CRESSWELL, OWNERS OF TAX PARCEL 105, LOTS 1 AND 2, SECTION E, AS SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS LINE REVISION.

CHRISTOPHER JOHN CRESSWELL

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2006.

NOTARY

JOCELYN B. CRESSWELL

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2006.

NOTARY

SURVEYOR'S CERTIFICATE

THE OWNER OF THE LAND OF WHICH THIS LINE REVISION IS COMPRISED IS CHRISTOPHER JOHN CRESSWELL. THIS PLAT WAS PREPARED FOR AND WILL BE RECORDED AT HIS REQUEST.

I, THOMAS D. LANE, HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A LINE REVISION OF THE LAND CONVEYED BY CHRISTOPHER JOHN CRESSWELL TO CHRISTOPHER JOHN CRESSWELL AND JOCELYN B. CRESSWELL BY DEED DATED DECEMBER 23, 2005 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1418, FOLIO 336; AND THAT ALL MONUMENTS ARE IN PLACE.

THOMAS D. LANE
 PROPERTY LINE SURVEYOR NO. 340
 117 BAY STREET P.O. BOX 1767
 EASTON, MARYLAND 21601
 (410)822-8003

DATE

TALBOT COUNTY OFFICE OF PLANNING AND ZONING

THIS PLAT REPRESENTS A REVISION OF LOT LINES OF LOTS 1 & 2, SECTION E ON THE LANDS OF CHRISTOPHER JOHN CRESSWELL, AND DOES NOT CONSTITUTE ANY NEW BUILDABLE LOTS UNDER THE TERMS OF THE TALBOT COUNTY ZONING ORDINANCE.

PLANNING OFFICER

DATE

TALBOT COUNTY HEALTH DEPARTMENT

THIS LINE REVISION PLAT HAS BEEN APPROVED BY THE TALBOT COUNTY HEALTH DEPARTMENT.

REVISED LOT 1 AND REVISED LOT 2 ARE APPROVED FOR COMMUNITY SEWER AND INDIVIDUAL WATER SUPPLY AND THEIR USE IS IN ACCORDANCE WITH THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03. THE APPLICANTS OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THE INDIVIDUAL WATER SUPPLY WHEN COMMUNITY WATER BECOMES AVAILABLE.

HEALTH OFFICER

DATE

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS

A UTILITY AND DRAINAGE RIGHT-OF-WAY AND EASEMENT SHALL BE PROVIDED IN AND OVER STRIPS OF LAND FIFTEEN (15) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY ROAD, AND 15' IN WIDTH (7.5' EITHER SIDE) CENTERED ON ALL NEW LINES OF DIVISION AS SHOWN.

THESE PARCELS SHALL BE DEVELOPED IN ACCORDANCE WITH THE '2000 MARYLAND STORMWATER DESIGN MANUAL', AND THE TALBOT COUNTY STORMWATER MANAGEMENT CODE.

GENERAL NOTES

THIS DEVELOPMENT MAY CONTAIN THREATENED OR ENDANGERED SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT AS AMENDED. THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE ADMINISTERS REGULATIONS DESIGNED TO PROTECT THESE THREATENED AND ENDANGERED SPECIES AND THEIR HABITATS. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL DETERMINATIONS CONCERNING THE EFFECT OF THE DEVELOPMENT ON THESE SPECIES AND THEIR HABITAT RESTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING ALL PERMITS AND APPROVALS, WHICH MAY BE REQUIRED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE.

BY ACCEPTANCE OF THE DEED TO THIS PROPERTY, EACH LOT OWNER OR THEIR SUCCESSORS OR ASSIGNS, HEREBY ACKNOWLEDGE THAT THEY ARE AWARE THAT THE PROPERTY BORDERS ON PROPERTY UNDER AGRICULTURAL USE AND THAT THE NORMAL FARMING OPERATIONS ON SUCH AGRICULTURAL LAND MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY, SUCH AS ODOR, DUST, NOISE, AND DRIFT OF HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.

ANY CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY THE TALBOT COUNTY PLANNING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410-770-8030) FOR MORE INFORMATION.

ANY LAND CLEARING, GRADING OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF TALBOT COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE TALBOT SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE TALBOT COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05

REASONABLE EFFORT WILL BE MADE TO LIMIT CONSTRUCTION IN FOREST HABITAT AREAS TO THE NON-BREEDING SEASON FOR FOREST INTERIOR DWELLING BIRDS (SEPTEMBER-APRIL). CONSTRUCTION WILL BE DESIGNED TO MINIMIZE FOREST CLEARING AND MAINTAIN A CLOSED CANOPY OVER DRIVEWAYS IF POSSIBLE.

DEVELOPMENT RIGHTS CALCULATIONS

TAX PARCEL 105, REVISED LOT 1
 TOTAL AREA = 10,000 SF± (AFTER REVISION)
 DEVELOPMENT RIGHTS PERMITTED = 1
 DEVELOPMENT RIGHTS UTILIZED = 1
 DEVELOPMENT RIGHTS REMAINING = 0

TAX PARCEL 105, REVISED LOT 2
 TOTAL AREA = 18,773 SF± (AFTER REVISION)
 DEVELOPMENT RIGHTS PERMITTED = 1
 DEVELOPMENT RIGHTS UTILIZED = 1
 DEVELOPMENT RIGHTS REMAINING = 0

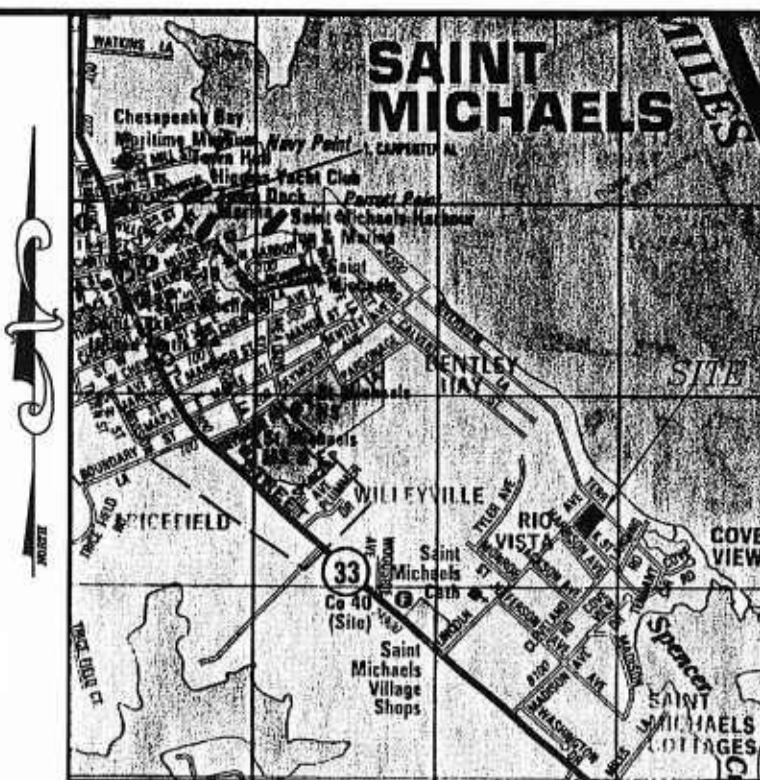
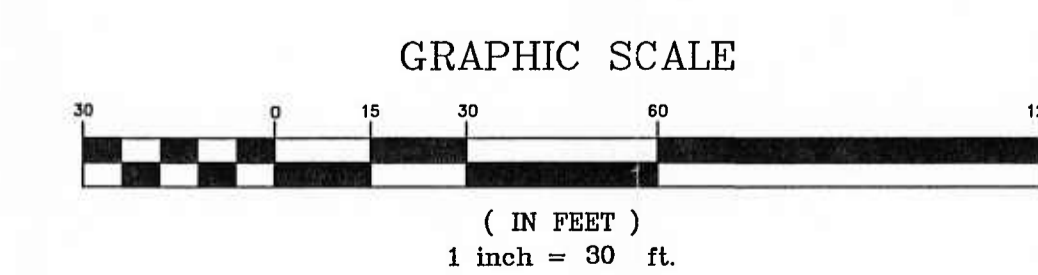
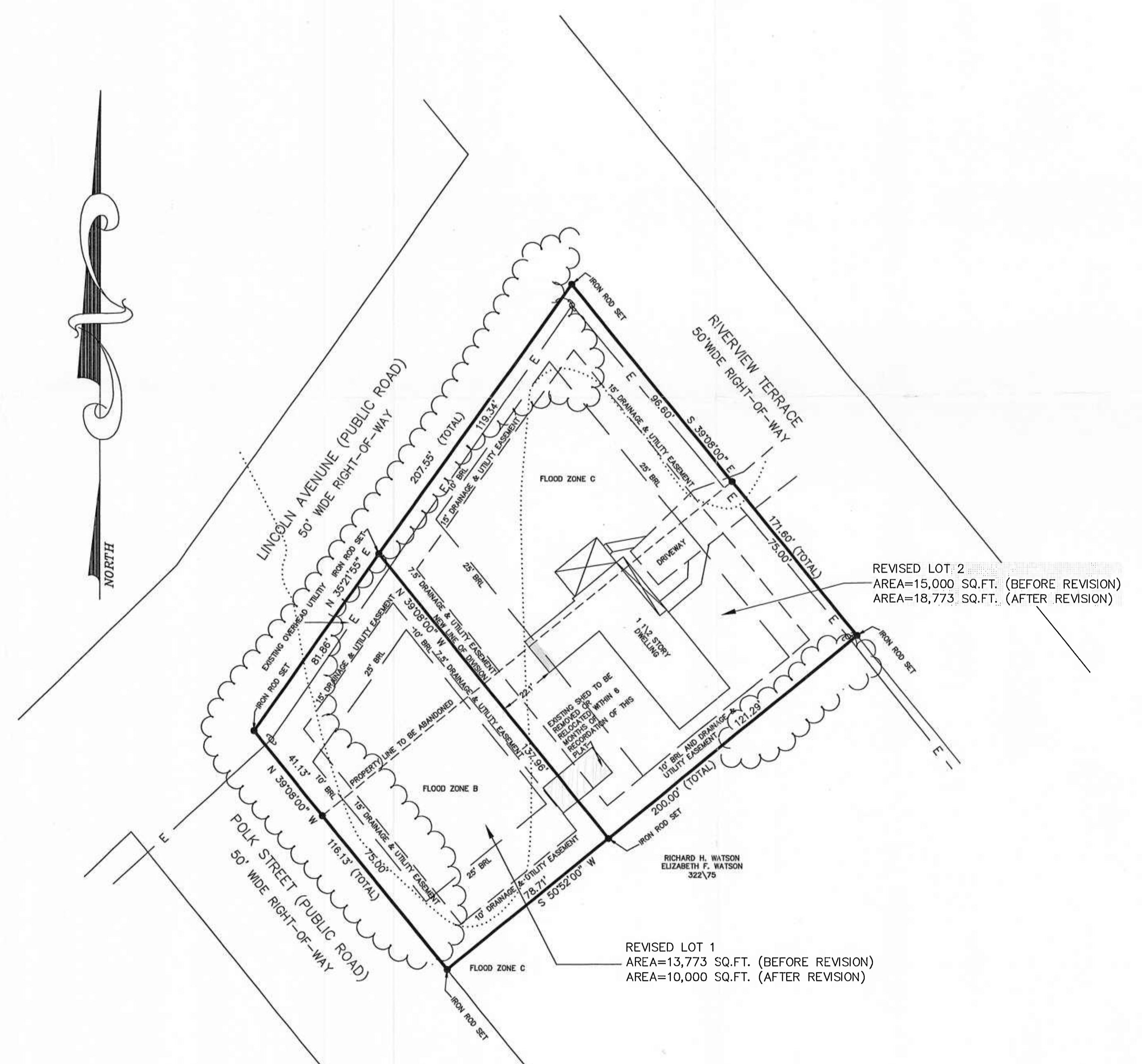
IMPERVIOUS AREA CALCULATIONS

TAX PARCEL 105, REVISED LOT 1= 10,000 SF±
 IMPERVIOUS AREA PERMITTED= 2,500 SF± (25% OF 10,000 SF)
 EXISTING IMPERVIOUS AREA= 0 SF
 REMAINING ALLOWABLE IMPERVIOUS AREA= 2,500 SF±

TAX PARCEL 105, REVISED LOT 2= 18,773 SF±
 IMPERVIOUS AREA PERMITTED= 4,693 SF± (25% OF 18,773 SF)
 EXISTING IMPERVIOUS AREA= 3,204 SF±
 BUILDING & DECKS= 2190 SF±
 SHED TO BE REMOVED(NOT INCLUDED IN TOTALS)= 292.8 SF±
 DRIVEWAY & SIDEWALKS = 1,014 SF±
 REMAINING ALLOWABLE IMPERVIOUS AREA= 1,489 SF±

FOREST CALCULATIONS

TAX PARCEL 105, REVISED LOT 2= 18,773 SF±
 AREA IN EXISTING FOREST = 1,408 SF±
 TAX PARCEL 105, REVISED LOT 1= 10,000 SF±
 AREA IN EXISTING FOREST = 2,963 SF±



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|---|--|---|
| <p>REVISION PLAT</p> <p>LANDS OF CHRISTOPHER J. CRESSWELL & JOCELYN B. CRESSWELL</p> <p>LOTS 1 & 2, SECTION "E", RIO VISTA</p> <p>IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND</p> <p>TAX MAP 32 GRID 10 PARCEL 105</p> | | <p>DATE: 11-05</p> <p>SCALE: 1"=30'</p> <p>JOB NO: 050906</p> <p>DRAWN BY: J.T.D.</p> <p>DWS NAME: 050906SLR1</p> <p>APPROVED: T.D.L.</p> |
| <p>REVISION</p> <p>JUL 17 2006</p> <p>CRITICAL AREA COMMISSION Chesapeake & Atlantic Coastal Bays</p> | | <p>DATE</p> <p>BY</p> <p>NO.</p> |
| <p>SEAL</p> <p>Lane Engineering, Inc.</p> <p>Civil Engineers - Land Planning - Land Surveyors</p> <p>E-mail: mail@laneinc.com 117 Bay St. Easton, MD 21601 15 Washington St. Cambridge, MD 21613 1148 West River St. Centreville, MD 21617</p> <p>FAX: (410) 822-2024 (410) 881-8942 (410) 758-4422</p> | | <p>APPROVED</p> <p>DATE</p> |
| <p>SHEET No. 01 OF 01</p> <p>FILE No. 1491</p> | | <p>DATE</p> <p>BY</p> <p>NO.</p> |