

TC 304-06 Mercer/Covey
SUB 1076

MSA.S.1829-6087

Comments to 1/15/06
MK

Revised 10/30/06 MK

MK 9/7/07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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/

September 7, 2007

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

Re: M1076
Mercey-Covey Subdivision and Lot Line Abandonment

Dear Ms. Verdery:

Thank you for providing information on the above-referenced subdivision and lot line abandonment. The applicant is requesting a lot line abandonment between two existing lots. Both properties lie within a designated Rural Conservation zone (RC) and is designated as a Rural Conservation Area (RCA) for Critical Area purposes. Additionally, the applicant proposes to construct a three-lot subdivision. Lot 3 will be 28.83 acres, Lot 4 will be 23.08 acres, and Lot 5 will be 5.00 acres. Acreage remaining in Revised Tax Parcel 86 will be 9.28 acres and for Revised Tax Parcel 43 will be 13.49 acres

Based on the information provided we have the following comments on this project:

1. Please revise the following numbers under the "Critical Area Impervious Surface Calculations" note:
 - a. Acreage for Lot 3 should be 28.83 acres, not 8.83 acres
 - b. Impervious surface coverage allowed for Lot 4 should be 144,989 square feet, not 145,055 square feet
 - c. Impervious surface coverage allowed for Revised Tax Parcel 86 should be 49,527 square feet, not 46,658 square feet
 - d. Impervious surface coverage allowed for Revised Tax Parcel 86 should be 88,143 square feet, not 87,991 square feet
2. While the Commission does not oppose the relocation and acreage adjustments of the Reservation of Development Rights areas (RDR) on this property, it has come to our attention that the relocation and adjustment of acreages on lands designated as RDR areas is conducted in a manner that is both difficult to track

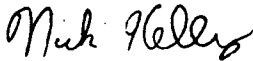
Mercey-Covey Subdivision and Lot Line Abandonment
September 7, 2007
Page 2

over time and presents potential legal issues. Consequently, Commission Staff will request a revised process, with stricter provisions, during our review of the County's upcoming Critical Area ordinance changes.

3. There does not appear to be an access point for Lot 5 noted on the site plan. Please have the applicant delineate on the site plan how Lot 5 will be accessed.
4. Portions of the property fall within a region designated as a sensitive species review area. The species in question is identified as a Federally-listed species. Prior to future development of the property, an evaluation from Department of Natural Resources Wildlife and Heritage Service will be required to determine if any necessary protective measures for rare, threatened, or endangered species are needed.

Thank you for the opportunity to provide comments on this lot line revision request. Please have the applicant provide the information requested above. Please call me with any questions at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner
TC 304-06

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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CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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www.dnr.state.md.us/criticalarea/

October 30, 2006

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

Re: M1076 Mercer-Covey-Revised
TM 25, Parcels 43 & 86

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised subdivision. The applicant proposes to create a 3-lot subdivision in addition to a revision of the lot lines on Parcel 86 and Parcel 43. The majority of the property lies within the Critical Area, and is designated as a Resource Conservation Area (RCA).

Based on the revised information provided, as well as multiple conversations with Bill Stagg of Lane Engineering, we have the following comments:

1. It is my understanding that the acreages of the reservation of development rights areas shown on sheet 2 are not accurate. While Commission staff was able to obtain the correct acreages from Mr. Stagg, this information should be corrected on a revised subdivision plat.
2. Within the development rights summary on sheet 1, please have the applicant change the wording for Tax Parcel 86 that currently reads, Parcel created January 6, 2000. It is my understanding that the parcel was created in 1973, but that a revision in acreage was completed in 2000. If the County has determined that this revised parcel retained its grandfathered status upon recordation of the 2000 line revision, then the language in the development rights notes should read, Parcel revised January 6, 2000.
3. It appears that access to proposed Lot 5 is intended through the perennial stream Buffer, via a 35-foot access easement. If upgrades to the existing agricultural access are proposed, including but not limited to grading, clearing, or laying of gravel or other impervious surfaces, a Buffer variance will be required.

Mary Kay Verdery
M1076 Mercer-Covey
October 30, 2006
Page 2

4. The general notes section includes a statement regarding the establishment of the Buffer on lots 4 and revised Tax Parcel 86. It appears that portions of the stream Buffer on proposed Lot 5 may also require establishment. Please have the applicant include Lot 5 in the plat note.
5. While Commission staff does not oppose the relocation and acreage adjustment of the reservation of development rights areas on this property, it has continually come to our attention that the relocation and adjustment of acreages on lands designated as reservation of development right areas is conducted in a manner which is difficult to track over time and which presents potential legal complications. As a result, Commission staff will raise this issue and request a revised process, with stricter provisions during our review of the County's upcoming Critical Area ordinance changes.

Thank you for the opportunity to provide comments for this revised subdivision request. Please provide a copy of the revised plat to this office once it is received. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC304-06

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/

June 9, 2006

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

Re: M1076 Mercer-Covey
TM 25, Parcels 43 & 86

Dear Ms. Verdery:

Thank you for providing information on the above referenced minor subdivision. The applicant proposes to create a 3-lot subdivision in addition to a revision of the lot lines on Parcel 86 and Parcel 43. The majority of the property lies within the Critical Area, and is designated as a Resource Conservation Area (RCA).

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

1. Aerial photographs from 2005 indicate that structures may exist on proposed Lot 1 which are not shown on the plat. Specifically, the photos show multiple structures to the north of the existing two-story stable and barn shown on the plat. Please provide further verification of all existing structures, as well as information to support that the existing structures are not considered dwellings.
2. Please clarify why there are two sewage disposal areas shown on proposed Lot 2.
3. In evaluating the current published soil surveys, it appears that highly erodible Keyport and Mattapex soils exist on portions of the site contiguous to the 100-foot Buffer. In addition, it appears that hydric Othello soils exist on portions of the site contiguous to the 100-foot stream Buffer. The Talbot County Zoning Ordinance states that the Buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, such as hydric or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic

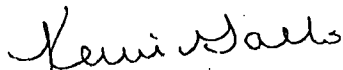
Mary Kay Verdery
M1076 Mercer-Covey
June 9, 2006
Page 2

environments. Please have the applicant provide a soils overlay in order to identify potential areas requiring Buffer expansion.

4. There is a proposed SDA shown within the reservation of development rights area on Revised Tax Parcel 43. Based on the Critical Area acreage, there is no development right permitted within the Critical Area portion of revised Tax Parcel 43. Therefore, a sewage disposal area should not be shown on the plat in this area.
5. The development rights summary states that there are 18.49 acres of land within the Critical Area portion of Tax Parcel 43, south of Glebe Road. Detail sheet 3 shows that proposed Lot 3 is 11.43 acres in size and that revised Tax Parcel 43 contains 11.47 acres within the Critical Area, on the south side of Glebe Road. Based on the acreage shown on detail sheet 3, there are a total of 22.90 acres within the Critical Area on the south side of Glebe Road. This number is inconsistent with the 18.49 acres stated within the development rights summary. Please clarify.
6. Please note that the nontidal wetlands shown on revised Tax Parcel 43, on the south side of Glebe Road, are contiguous with the 100-foot Buffer and therefore become part of the 100-foot Buffer. While it does not appear that any activity is currently proposed which impacts these wetlands, we note that a future proposed impact would require a variance, in addition to a permit from the Maryland Department of the Environment (MDE). Please have the applicant label these wetlands as part of the Buffer on the plat.
7. On Sheet 1, under the development data notes, the applicant has stated that a 50-foot Buffer is required from intermittent streams within the RC portion of the site. Within the Critical Area, intermittent and perennial streams are subject to a 100-foot Buffer. Please have the applicant correct this note.

Thank you for the opportunity to provide comments for this minor subdivision request. Please provide a copy of the revised plat to his office once it is received. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
TC304-06

Cc: Al Kampmeyer, MDE

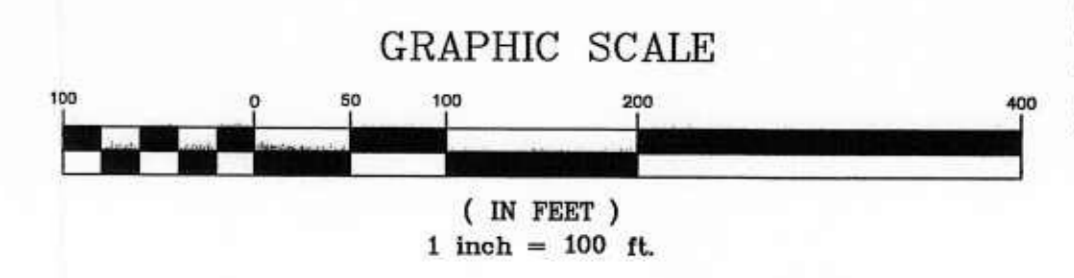
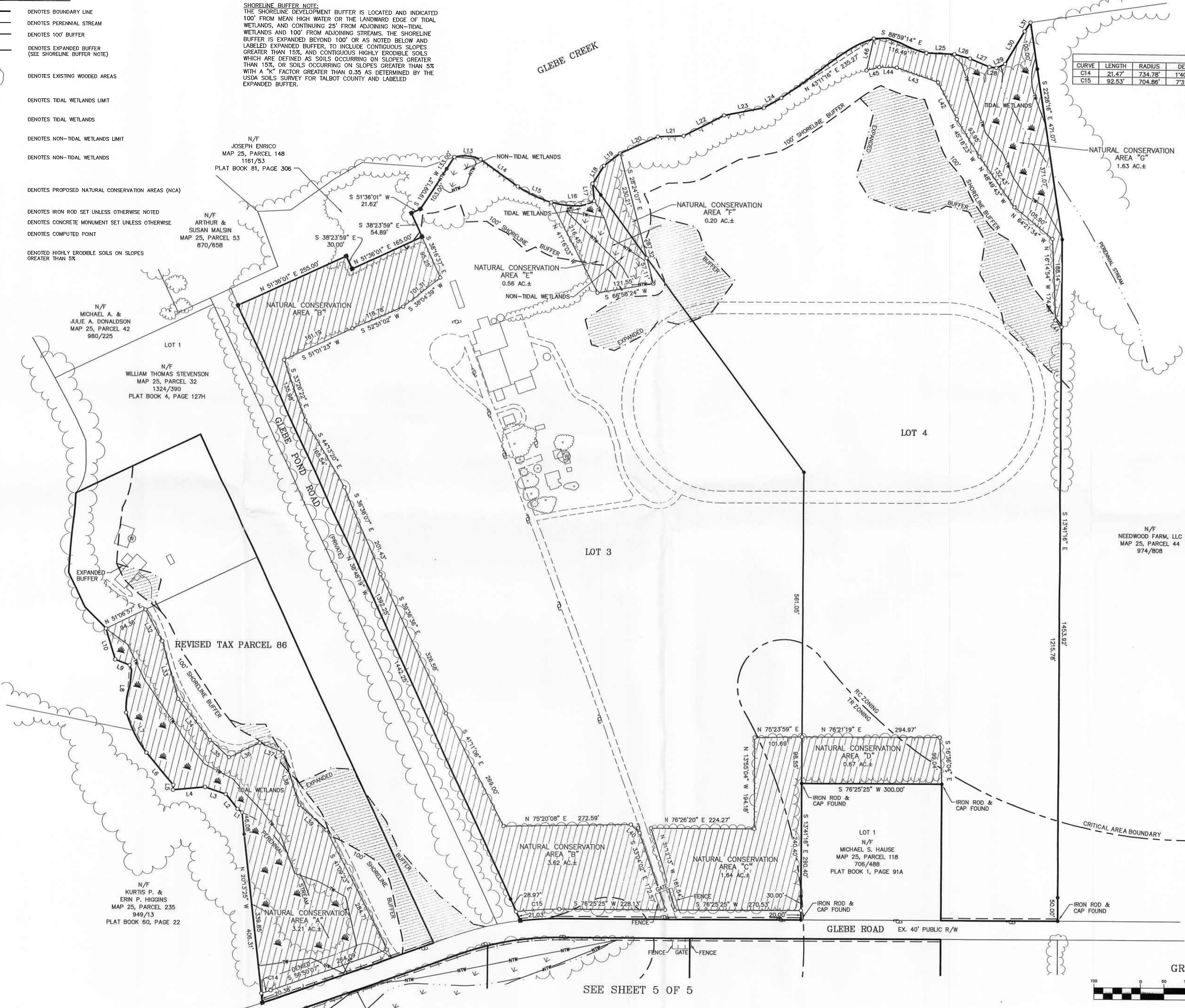
LEGEND

- DENOTES BOUNDARY LINE
- - - DENOTES PERENNIAL STREAM
- DENOTES 100' BUFFER
- - - DENOTES EXPANDED BUFFER (SEE SHORELINE BUFFER NOTE)
- ☁ DENOTES EXISTING WOODED AREAS
- TW --- DENOTES TIDAL WETLANDS LIMIT
- ☁ DENOTES TIDAL WETLANDS
- NTW --- DENOTES NON-TIDAL WETLANDS LIMIT
- ☁ DENOTES NON-TIDAL WETLANDS
- ▨ DENOTES PROPOSED NATURAL CONSERVATION AREAS (NCA)
- DENOTES IRON ROD SET UNLESS OTHERWISE NOTED
- DENOTES CONCRETE MONUMENT SET UNLESS OTHERWISE
- DENOTES COMPUTED POINT
- ▨ DENOTES HIGHLY ERODIBLE SOILS ON SLOPES GREATER THAN 5%

SHORELINE BUFFER NOTE:
 THE SHORELINE DEVELOPMENT BUFFER IS LOCATED AND INDICATED 100' FROM MEAN HIGH WATER OR THE LANDWARD EDGE OF TIDAL WETLANDS, AND CONTINUING 25' FROM ADJOINING NON-TIDAL WETLANDS AND 100' FROM ADJOINING STREAMS. THE SHORELINE BUFFER IS EXPANDED BEYOND 100' OR AS NOTED BELOW AND LABELED EXPANDED BUFFER, TO INCLUDE CONTIGUOUS SLOPES GREATER THAN 15%, AND CONTIGUOUS HIGHLY ERODIBLE SOILS WHICH ARE DEFINED AS SOILS OCCURRING ON SLOPES GREATER THAN 15%, OR SOILS OCCURRING ON SLOPES GREATER THAN 5% WITH A "K" FACTOR GREATER THAN 0.35 AS DETERMINED BY THE USDA SOILS SURVEY FOR TALBOT COUNTY AND LABELED BY THE EXPANDED BUFFER.

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH	CHORD DIRECTION
C14	21.47'	734.78'	1°40'28"	10.74'	21.47'	N57°40'21"E
C15	92.53'	704.86'	7°31'17"	46.33'	92.46'	S72°39'47"W

NO.	BEARING	LENGTH
L1	N69°17'29"W	13.29'
L2	N52°07'16"W	40.63'
L3	N85°09'17"W	46.47'
L4	S71°09'37"W	68.80'
L5	N10°28'56"W	10.00'
L6	N53°37'32"W	90.17'
L7	N08°33'22"W	100.60'
L8	N82°33'50"W	33.22'
L9	N30°46'20"W	68.50'
L10	N81°16'31"E	56.12'
L11	S68°08'44"E	98.20'
L12	S78°19'24"E	79.53'
L13	N74°03'14"E	92.47'
L14	N19°48'21"W	32.47'
L15	N19°17'12"E	43.36'
L16	N38°06'24"E	43.37'
L17	N51°54'02"E	88.48'
L18	N74°10'25"E	55.89'
L19	N48°50'32"E	97.46'
L20	N54°50'25"E	86.75'
L21	N45°58'15"E	42.92'
L22	N78°29'48"E	53.78'
L23	S88°54'47"E	34.81'
L24	S81°18'06"E	45.06'
L25	N83°44'38"E	15.07'
L26	N52°05'17"E	20.51'
L27	N17°10'51"E	80.00'
L28	S31°19'03"E	117.68'
L29	S61°32'29"E	78.91'
L30	S28°22'11"E	126.86'
L31	S52°12'31"E	110.62'
L32	S62°09'28"E	54.15'
L33	N52°22'07"E	73.90'
L34	S82°57'00"E	53.40'
L35	S31°19'03"E	117.68'
L36	S61°32'29"E	78.91'
L37	S28°22'11"E	126.86'
L38	S52°12'31"E	110.62'
L39	S62°09'28"E	54.15'
L40	N52°22'07"E	73.90'
L41	S82°57'00"E	53.40'
L42	S31°19'03"E	117.68'
L43	S61°32'29"E	78.91'
L44	S28°22'11"E	126.86'
L45	S52°12'31"E	110.62'
L46	S62°09'28"E	54.15'



SEE SHEET 5 OF 5

NATURAL CONSERVATION AREAS

SUBDIVISION AND LOT LINE ABANDONMENT PLAT
 ON THE LANDS OF MICHAEL D. MERCER,
 JAMES F. COVEY AND PATRICIA A. COVEY
 FIRST ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 25 GRID 19 PARCEL 43 & 86

SHEET No. 4 OF 5
 FILE No. A554


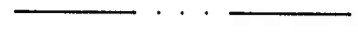


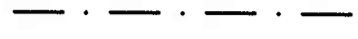




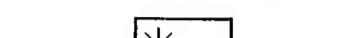
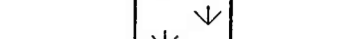


Lane Engineering, LLC
 Civil Engineers - Land Planning - Land Surveyors

117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024
 15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942
 1145 West Water St. Centreville, MD 21617 (410) 758-2095 FAX (410) 758-4422

NO.	DATE	BY	REVISION
1	7/18/07	T.D.L.	APPROVED
2	4/9/07	T.D.L.	T.D.L.
3	3/14/07	T.D.L.	T.D.L.
4	7/18/07	T.D.L.	APPROVED

Date: 07/18/2007 User: rtoyley
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LEGEND

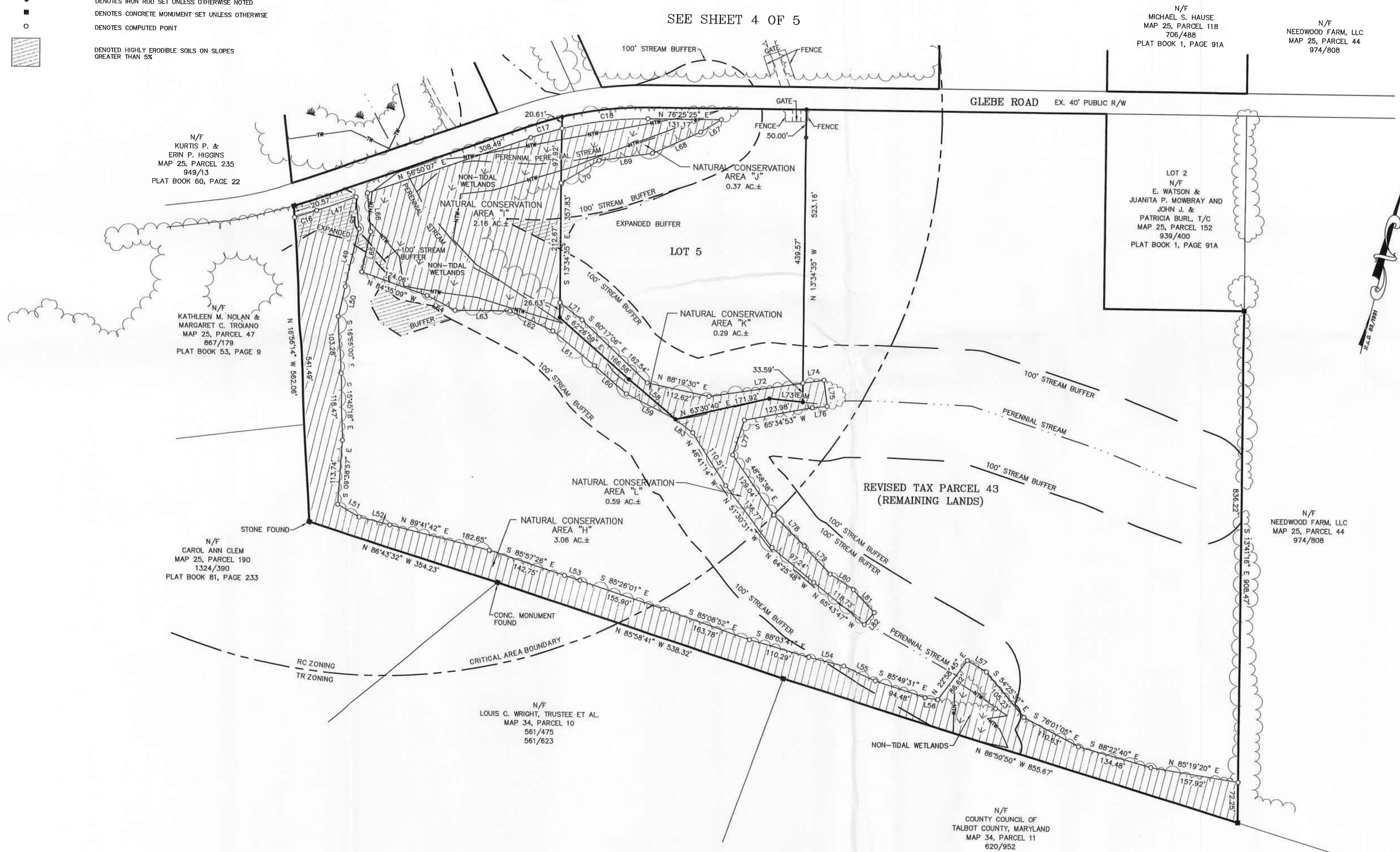
-  DENOTES BOUNDARY LINE
-  DENOTES PERENNIAL STREAM
-  DENOTES 100' BUFFER
-  DENOTES 100' STREAM BUFFER OUTSIDE CRITICAL AREA
-  DENOTES EXPANDED BUFFER (SEE SHORELINE BUFFER NOTE)
-  DENOTES EXISTING WOODED AREAS
-  DENOTES NON-TIDAL WETLANDS LIMIT
-  DENOTES NON-TIDAL WETLANDS
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-  DENOTES IRON ROD SET UNLESS OTHERWISE NOTED
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SHORELINE BUFFER NOTE:
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NCA CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD LENGTH
C16	40.97'	814.78'	2°52'52"	20.49'	40.97'
C17	58.59'	624.86'	5°22'18"	29.31'	58.56'
C18	155.04'	624.86'	14°13'00"	77.92'	154.65'

NCA LINE TABLE		
No.	BEARING	LENGTH
L47	N 56°50'07" E	75.16'
L48	S 18°55'28" E	56.92'
L49	S 00°32'52" E	105.31'
L50	S 00°18'18" E	54.05'
L51	S 74°54'22" E	45.64'
L52	N 89°41'42" E	56.91'
L53	S 85°57'36" E	29.12'
L54	N 89°41'42" E	65.24'
L55	S 80°49'00" E	64.39'
L56	N 84°28'14" E	22.89'
L57	S 73°55'57" E	39.50'
L58	S 63°31'19" E	109.00'
L59	N 77°03'45" W	98.38'
L60	N 62°10'42" W	75.79'
L61	N 64°24'59" W	97.97'
L62	S 79°27'58" W	84.48'
L63	S 76°24'27" W	98.94'
L64	N 76°34'32" W	56.05'
L65	N 02°05'24" W	73.00'
L66	N 18°31'39" W	68.99'
L67	S 44°41'42" W	42.81'
L68	S 51°59'13" W	94.38'
L69	S 68°09'54" W	95.79'
L70	S 44°41'42" W	79.36'
L71	S 66°16'46" E	50.48'
L72	N 67°48'30" E	169.71'
L73	S 81°40'34" W	60.22'
L74	N 67°48'30" E	38.13'
L75	S 21°03'59" E	46.84'
L76	S 71°06'05" W	26.51'
L77	S 04°15'34" W	64.80'
L78	S 59°35'25" E	77.15'
L79	S 57°06'00" E	68.22'
L80	S 71°12'57" E	50.45'
L81	S 58°27'19" E	56.35'
L82	S 27°11'31" W	27.81'
L83	N 66°52'23" W	38.89'

SEE SHEET 4 OF 5



N/F MICHAEL S. HAUSE
 MAP 25, PARCEL 118
 706/488
 PLAT BOOK 1, PAGE 91A

N/F NEEDWOOD FARM, LLC
 MAP 25, PARCEL 44
 974/808

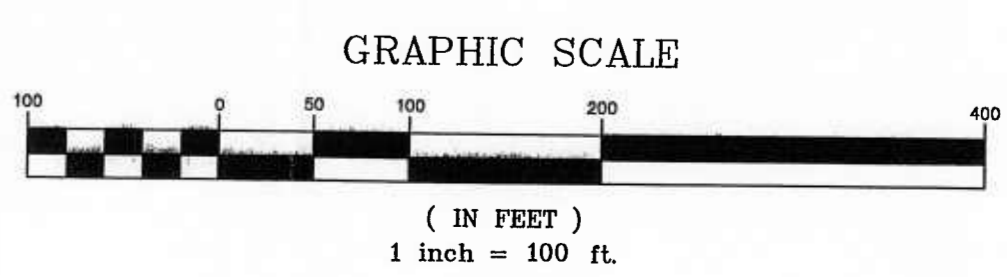
N/F KURTIS P. & ERIN P. HIGGINS
 MAP 25, PARCEL 235
 949/13
 PLAT BOOK 60, PAGE 22

N/F KATHLEEN M. NOLAN & MARGARET C. TROIANO
 MAP 25, PARCEL 47
 867/179
 PLAT BOOK 53, PAGE 9

N/F CAROL ANN CLEM
 MAP 25, PARCEL 190
 1324/390
 PLAT BOOK 81, PAGE 233

N/F LOUIS C. WRIGHT, TRUSTEE ET AL.
 MAP 34, PARCEL 10
 561/475
 561/623

N/F COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND
 MAP 34, PARCEL 11
 620/952



NATURAL CONSERVATION AREAS

SUBDIVISION AND LOT LINE ABANDONMENT PLAT
ON THE LANDS OF MICHAEL D. MERCER,
JAMES F. COVEY AND PATRICIA A. COVEY
 FIRST ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 25
 GRID 19
 PARCEL 43 & 86

DATE: 3/3/06
 SCALE: 1" = 100'
 JOB NO.: 040899
 DRAWN BY: R.N.T.
 DWG. NAME: 040899SP3
 APPROVED: [Signature]
 T.D.L.

Lane Engineering, LLC
 Civil Engineers - Land Planning - Land Surveyors

117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024
 15 Washington St. Cambridge, MD 21613 (410) 976-9942
 1148 West Water St. Centreville, MD 21617 (410) 758-2085 FAX (410) 758-4422

No.	BY	DATE	REVISION
4	R.N.T.		REVISE LOT 5 AND PER 4/30/07 CRM. NOTICE TO PROCEED
3	R.N.T.		MINOR GRAPHIC CHANGES AS PER W.B.S.
2	R.N.T.		PER 11/13/06 TAC. NOTICE TO PROCEED
1	R.N.T.		PER 6/20/06 TAC. NOTICE TO PROCEED

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 040899SP3-Prelim-Rev.dwg