

WI 208-06 Whitetail Subdivision
SUB

MSA. S. 1829-6158

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/

August 1, 2008

Mr. Jimmy Sharp
Wicomico County
Department of Planning, Zoning, and Community Development
PO Box 870
Salisbury, MD 21803-0870

Re: Whitetail Subdivision, Plat Revision

Dear Mr. Sharp:

Thank you for forwarding the above mentioned revised plat. The purpose of the plat revision is to add an access easement along the shared boundary of lots 2A and 3A for access to a proposed shared pier. This is consistent with what was discussed during a site visit to the property with staff from the County, Commission, National Marine Fisheries Service (NMFS) and Maryland Department of the Environment (MDE).

We note that there is an incorrect notation on the plat indicating that there are no Habitat Protection Areas on the site, when in fact, a Wetland of Special State Concern (WSSC) and an anadromous fish spawning area, which are both Habitat Protection Areas, are within and adjacent to the property. Therefore, the incorrect plat note must be removed before the plat is finalized. Also, we recommend that the plat include a note stating that no disturbance within the Buffer is allowed for cutting, clearing, grading, or locating structures or impervious surfaces, with the exception of the two piers, one to be shared by lots 8A and 9A, and one to be shared by lots 2A and 3A. It is this office's understanding that the property owner has received the necessary local and State permits for the proposed piers. The property owners must also provide mitigation plantings for the area of disturbance within the Buffer for the piers at a 2:1 ratio. Buffer disturbance includes the area of the footprint of structures, cutting or clearing, grading, or impervious surfaces.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber Widmayer".

Amber Widmayer
Natural Resources Planner

cc: WI 208-06

TTY for the Deaf

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

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November 29, 2007

Mr. Joe Kincaid
Maryland Department of the Environment
407 Race Street
Cambridge, Maryland 21613

Re: Whitetail Subdivision, Wicomico County
Individual Pier Requests

Dear Mr. Kincaid:

At your request, this office is providing the Maryland Department of the Environment with comments concerning the pier requests you are reviewing in the Whitetail subdivision in Wicomico County. The primary reason for these comments is to address the issue of the Barren Creek Wetland of Special State Concern (WSSC) that exists on the property. Specifically, the impacts that individual piers would have on this wetland, and our position that issuing individual pier licenses on lots within a WSSC would be inconsistent with the Wicomico County Critical Area Program and State Critical Area Law and Criteria in addition to the regulations governing WSSCs in the Environment Article.

As you are aware, the subdivision was approved with riparian lots that extend through the WSSC. This approval occurred despite letters from the Department of Natural Resources indicating the presence of the WSSC, and our comment letter requesting that the lot lines not extend to the water. In fact, the plat notes state that no Habitat Protection Areas are located on or adjacent to the site. Wetlands of Special State Concern qualify as significant plant and wildlife habitat that specifically requires protection under the County Program and State regulations. Nevertheless, the County approved the lot configuration without requiring this modification.

However, there are specific plat notes (copies enclosed) that prohibit dwellings or portions thereof in the Critical Area portions of lots 2-7. It is our position that these lots would also not be permitted accessory structures, which would include individual piers, in the Critical Area portions of the lots since the lots are located in the Resource Conservation Area (RCA), which

Mr. Joe Kincaid
November 29, 2007
Page 2 of 2

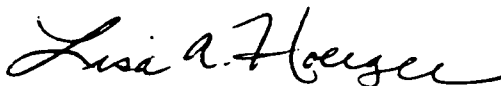
restricts development density. This subdivision has already used its RCA density with the creation of lots 8 and 9 since these lots will have density (actual dwelling units) in the RCA. The result is lots 2-7 cannot have any development activities within the Critical Area. This would include individual piers.

The developer was made aware of these restrictions and chose not to create an easement that would provide for a community pier. Simply drawing lot lines to the water does not constitute the right to a pier, especially when there is a State resource that has been specifically identified by the State and is afforded special protections due to its unique nature. Permitting individual piers through a WSSC is not consistent with the goals of the Critical Area Law in Natural Resources Article 8-1801, and 8-1808, and in the Critical Area Criteria found in the Code of Maryland Regulations 27.01.09.03., nor the Environment Article which has as its purpose to protect and conserve these unique State resources.

Any requests for individual piers on lots 2-7 should be denied due to the reasons outlined above, and any requests for individual piers on lots 8 and 9 should be carefully reviewed to determine whether those lots, particularly since they are adjoining, should utilize a shared pier to access Barren Creek since even one pier can have significant impacts to the WSSC. In accordance with the County's Critical Area Program, a Habitat Protection Plan should be provided by the applicant which demonstrates how impacts have been avoided, minimized and, if necessary, mitigated. The Habitat Protection Plan should be prepared with the recommendations of the Department of Natural Resources, Natural Heritage Program.

Thank you for soliciting Commission staff comments. If you have any questions, please do not hesitate to contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Regional Program Chief

cc: Jimmy Sharp, Wicomico County
Gary Setzer, MDE, Wetlands and Waterways
Tim Larney, DNR, Wildlife and Heritage
Wesley Knapp, DNR, Wildlife and Heritage

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

April 19, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

Jim Sharp
Wicomico County
Department of Planning, Zoning and Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: WI 208-06 Whitetail Subdivision

Dear Mr. Sharp:

I have reviewed the plat for this subdivision. This 61.35-acre parcel contains 46.28 acres in the RCA and the remaining 15.07 acres are located outside of the Critical Area. Acreage that can be counted for density development within the RCA is 40.26 acres, allowing for two dwelling units.

As you are aware, there are strict limitations on density and land use within the RCA. These restrictions are intended to conserve, protect, and enhance the overall ecological values of land characterized as nature-dominated. Without the use of growth allocation, land within the RCA cannot be used to support development outside of the Critical Area, or to support density higher than one dwelling unit per twenty acres. This policy is consistent with previous Critical Area approvals within Wicomico County and within surrounding counties.

Regarding the lot lines on the proposed subdivision of the Whitetail Subdivision I have the following comments:

- 1) It appears that lots 4 through 7 are drawn to include areas located in the RCA. Please note that no development activity, including, but not limited to dwelling units, patios, decks, sidewalks, garages, and sheds are not permitted in the RCA portion of these lots. Given the size of the lots 4 through 7 it is not clear that there is a large enough area outside of the RCA portion of the lots which would allow for a dwelling unit. The developer may want to redraw these lot lines so that the lots are entirely outside of the Critical Area. The note specifying allowable impervious surfaces on each lot must be revised to eliminate the allowable impervious surface numbers.
- 2) Lots 2 and 3 are drawn to include extensive areas that are within the RCA. As you know, the law permits only 1 dwelling unit per 20 acres in the RCA. Lots 8 and 9 each contain building envelopes that cover the 2 dwelling units permitted in this subdivision. While the lot lines for 2 and 3 may include portions in the RCA, please note that no

Jim Sharp
April 19, 2006
Page 2

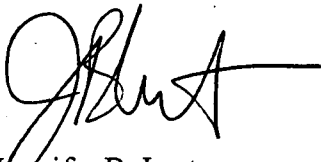
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In addition to the lot lines, I have the following general comments on the subdivision plan:

- 1) A determination letter must be obtained from the Department of Natural Resources Wildlife and Heritage Service (WHS) regarding the presence of rare, threatened and/or endangered species and/or their habitats on this site. All WHS comments must be addressed on the plat. A copy of the WHS comments must be provided to this office prior to final plat approval.

If you have any questions about my comments you can contact me at 410-260-3481. Thank you for the opportunity to provide comments.

Sincerely,

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

Jennifer B. Lester
Natural Resources Planner

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
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Jim Sharp
April 19, 2006
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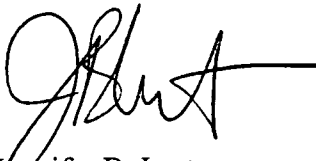
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If you have any questions about my comments you can contact me at 410-260-3481. Thank you for the opportunity to provide comments.

Sincerely,



Jennifer B. Lester
Natural Resources Planner

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100
Annapolis, Maryland 21401
(410) 260-3460 FAX (410) 974-5338**

FACSIMILE TRANSMITTAL

TO: Tim Larney and Wesley
Knapp

FAX: 260-8595
827-5186

FROM: Lisa Hoerger

PHONE: 410-260-3478

DATE: 4/17/07

No. of Pages: 3
(Including Cover)

COMMENTS:

Tim and Wesley,

Here are the plat notes for the Whitehall subdivision in Wicomico County. They do not specify that there will be no development of any kind in the RCA; instead the note just references dwellings. I gave a copy of these notes to Joe Kincaid today and he asked me to send them along to both of you.

Based on our discussion today with MDE, it sounds like Joe will be trying to persuade the owners to either share piers or do one pier.

Tim, I would like to have a follow-up meeting with you in the future regarding our internal reviews. Let me know when you might have some free time.

Thank you both.

Lisa

WI 208-06



**CITY OF SALISBURY - WICOMICO COUNTY
DEPARTMENT OF PLANNING, ZONING
AND COMMUNITY DEVELOPMENT**



Tel: 410-548-4860

Fax: 410-548-4955

Planning & Zoning Commission
Historic District Commission
Metropolitan Planning Organization

Wicomico County Board of Appeals
Salisbury Board of Zoning Appeals
Agricultural Land Preservation Advisory Board

Dear Mr. Kincaid,

It has been agreed upon that despite the statement on the plat that "no structures shall be permitted in the Critical Areas on" Lots 2 and 3 of the Whitetail development, a pier to be placed in an easement shared by both properties 2 and 3 can be permitted. If you have any questions please call 410-548-4860. Thank you.

Sincerely,

Jimmy Sharp
Environmental Technical/Services Planner

Hoerger, Lisa

From: Jimmy Sharp [jsharp@wicomocounty.org]
Sent: Thursday, April 12, 2007 4:03 PM
To: Hoerger, Lisa
Subject: RE: Whitetail Subdivision

As far as responses Im not sure how its been done in the past but I ask that they do so that way I can see if they at least attempting to address any problems. I really don't know how it has been done in the past though.

-----Original Message-----

From: Hoerger, Lisa [mailto:LHOERGER@dnr.state.md.us]
Sent: Thursday, April 12, 2007 3:26 PM
To: Jimmy Sharp
Subject: Whitetail Subdivision

Jimmy,

I forgot to ask you about this yesterday, but can you tell me whether the County was aware that this subdivision was near a Wetland of Special State Concern prior to platting the subdivision? The last letter from DNR was dated May 25, 2006 from Lori Byrne to Ron Gatton.

Jennifer Lester sent a letter to the County on April 19th commenting on the request, but that was before we knew about the WSSC. I was wondering whether any of her comments were addressed? Apparently MDE now has requests in for multiple piers across this resource.

Can you tell me also whether the County requires applicants/consultants to respond in writing to agency comments?

Thank you!

Lisa

Hoerger, Lisa

From: Jimmy Sharp [jsharp@wicomiconcounty.org]
Sent: Thursday, April 12, 2007 3:48 PM
To: Hoerger, Lisa
Subject: RE: Whitetail Subdivision

I just pulled out the whitetail file. I was here for the last part of this so give me a little while to go through the files and I will let you know what I find. All her comments on the April 19th letter were addressed. Its stated on the plat that there is to be no development of any kind in the RCA portions of lots 2-7. The letter from WHS is also in the file. I will look into the letter from MDE about the Wetlands of Special State Concern.

-----Original Message-----

From: Hoerger, Lisa [mailto:LHOERGER@dnr.state.md.us]
Sent: Thursday, April 12, 2007 3:26 PM
To: Jimmy Sharp
Subject: Whitetail Subdivision

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Can you tell me also whether the County requires applicants/consultants to respond in writing to agency comments?

Thank you!

Lisa

Hoerger, Lisa

From: Knapp, Wesley M.
Sent: Monday, April 09, 2007 11:48 AM
To: Limpert, Roland; Smith, Scott A.; Byrne, Lori
Cc: Hoerger, Lisa; Larney, Tim; Therres, Glenn
Subject: RE: MDE #200760634 (Wic. Co. Tax Map 17, p. 19)

Roland et. al,

This is a very serious issue that we have stumbled into and I'm looking for input from you all.

A subdivision was reviewed by Lori (ER# 2006.0946.WI) in May of 2006 and a subsequent letter was sent o Ron Gatton, the Environmental Consultant. In the letter Lori stated that a portion of the project fell within the Barron Creek WSSC. Did you (Roland) ever see/review this proposed sub-division? From the comments made by the developer at the site meeting, he was never made aware that the area was a WSSC. Does this fall on the shoulders of Ron Gatton? Joe Kincaid contacted me two weeks ago regarding THREE piers for review in the White Tail subdivision (lot 2, 3, & 8). Joe's e-mail to me stated the sites have been identified as "areas for endangered species". It looks like you only had the opportunity to review one of these piers. Which one did you review?

Among the issues with the piers are that if we had been given the opportunity to make comments on the development before the lots were finalized, sold, and buildings were being constructed (thought not on the lots in question), we would have suggested a community pier to alleviate impacts of many, adjacent landowners wanting access to the water. At the given time 3 waterfront lots are sold , with each landowner wanting their own pier. An additional lot, not sold yet, will almost assuredly want access also. The "marsh" the pier would have to cross is a red maple swamp! To cross this swamp will require the harvesting of ca. 50 trees (+/-) and very long piers.

Where do we go from here? I want to submit a letter based upon my site visit in the next day or two.

Wes

Wesley M. Knapp
Eastern Region Heritage Biologist/Botanist
PO Box 68 (909 Wye Mills Rd)
Wye Mills, MD 21679

C: (410) 924-6989
O: (410) 827-8612 x 100

-----Original Message-----

From: Limpert, Roland
Sent: Monday, April 09, 2007 11:24 AM
To: Smith, Scott A.; Byrne, Lori
Cc: Hoerger, Lisa; Larney, Tim; Therres, Glenn; Knapp, Wesley M.
Subject: RE: MDE #200760634 (Wic. Co. Tax Map 17, p. 19)

Scott,

Unless the application has changed, the project that was submitted for review in our copy of the application was for a single pier which was to be 375 by 3 feet across the marsh and 60 by 6 feet over water with a 10 by 20-foot "L" head. There was nothing in the application about 3 piers or a 15-unit subdivision. MDE has been grappling with the issue of long piers over the marsh for some time and seems to have come to the conclusion that the landowners have a riparian right to access the water in front of their property and that MDE will permit long pier with certain design requirements. I have attached a file with MDE's standard pier conditions. If you have additional questions please let me know.

Roland << File: pier over marsh and deep water.doc >>

Roland Limpert
Maryland Department of Natural Resources
Environmental Review Unit
Tawes State Office Building, B-3
Annapolis, MD 21401

410.260.8333
410.260.8339 (fax)

-----Original Message-----

From: Smith, Scott A.
Sent: Friday, April 06, 2007 10:40 AM
To: Byrne, Lori; Limpert, Roland
Cc: Hoerger, Lisa; Larney, Tim; Therres, Glenn; Knapp, Wesley M.
Subject: RE: MDE #200760634 (Wic. Co. Tax Map 17, p. 19)

I just received a call from Wes who is in the field today with Joe Kincaid of MDE reviewing this project, which is for 3 proposed piers going through a WSSC on Barren Creek (Wic. Co.) that will also be going through the Critical Area. What Wes did not know until he arrived on site was that a 15-unit subdivision had already been approved for this parcel, with 4 lots on the water. In this case "on the water" means "on the swamp" as Barren Creek in this areas is a floodplain forest. All the piers will need to be 200+ feet. Wes met with 1 of the lot owners and the developer, both of whom were completely unaware that this was a WSSC (and a little angry).

Lori, I would appreciate if you would go back through the ER files and find out how the proposed development at this site was handled, or if we even saw it. We should have recommended no lot lines in the WSSC & 100 foot CA buffer. Anyways, Wes and I are pushing for a community pier as there is one spot of open water at the NW corner of the parcel that pier installation will not impact the floodplain forest. Wes will be drafting a letter early next week for my review on this, but be forewarned that this could get hot, as at least 3 lots are sold, all waterfront. The WSSC and CA laws are supposed to protect pristine sites like this.

Scott

PS FYI: there is already a preexisting planted 100 foot vegetated buffer for most of the former agfields leading up to the floodplain & Barren Creek.

Scott A. Smith
Eastern Region Ecologist
DNR-Wildlife & Heritage Services
PO Box 68
Wye Mills, MD 21679
410-827-8612 x103

-----Original Message-----

From: Byrne, Lori
Sent: Friday, March 23, 2007 3:01 PM
To: Limpert, Roland
Cc: Smith, Scott A.; Hoerger, Lisa
Subject: MDE #200760634

Hi Roland,
Please see attached for comments on this site. Thanks.

Lori

<< File: 2007.0372.wi.doc >>

Hoerger, Lisa

From: Smith, Scott A.
Sent: Monday, April 09, 2007 2:11 PM
To: Limpert, Roland; Byrne, Lori
Cc: Hoerger, Lisa; Larney, Tim; Therres, Glenn; Knapp, Wesley M.
Subject: RE: MDE #200760634 (Wic. Co. Tax Map 17; p. 19)

The issue is really before we get to the pier application. I think for all proposed developments in the CA where we have WSSC or NHA designation, lot lines should stop at the 100 foot buffer and remove the legal right to put in piers (because now they do not own the shoreline) and at worst only allow 1 community pier. The CA is being nickel-and-dimed to death by these types of projects. I would really like to see this become the standard used statewide in the CA.

Scott A. Smith
Eastern Region Ecologist
DNR-Wildlife & Heritage Services
PO Box 68
Wye Mills, MD 21679
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Tawes State Office Building, B-3
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PS FYI: there is already a preexisting planted 100 foot vegetated buffer for most of the former agfields leading up to the floodplain & Barren Creek.

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Lori

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TIDAL WETLANDS LICENSE 07-PR-
Pier and Piling Construction

Under the authority of the Board of Public Works of the State of Maryland and in accordance with Title 16, Wetlands and Riparian Rights, Environment Article, Annotated Code of Maryland and COMAR 23.02.04 and COMAR 26.24 and the conditions of this license, the licensee is authorized to perform the following activity:

To construct a _____-foot long by three-foot wide pier over marsh and a _____-foot long by six-foot wide pier with a 20-foot long by 10-foot wide platform over open water as depicted on the attached plan modified by the Maryland Department of the Environment and dated*****.

By applying for and receiving this Wetland License the licensee shall be considered to have knowledge of and to have accepted the special and general conditions of this license. Licensee agrees that all work shall be performed in compliance with these conditions. **PRIOR TO THE COMMENCEMENT OF ANY WORK AUTHORIZED BY THIS LICENSE, THE LICENSEE SHALL SIGN THE ACKNOWLEDGEMENT AND RETURN TO THE DEPARTMENT OF THE ENVIRONMENT.**

This license is subject to the following conditions:

SPECIAL CONDITIONS

- A. The pier and any associated platforms shall be supported by pilings. The lowest structure on the pier shall be a minimum of three feet above the marsh substrate.
- B. Wherever possible, construction of the pier and platform shall be from uplands, open water or from the structure itself. Marsh mats shall be used if equipment is placed in vegetated wetlands.
- C. The licensee shall restore all disturbed wetlands to original contours and plant species upon completion of construction.

- D. In accordance with Code of Maryland Regulation 26.24.03.03 D, dredging by means of a vessel's propeller in State wetlands is prohibited. The use of motorized boats in shallow water habitats may result in illegal propeller dredging. Best management practices that can be employed to minimize the risk of propeller dredging include:
1. Using an auxiliary motor for ingress and egress;
 2. Using power trim and tilt for ingress and egress;
 3. Limiting the size and horsepower of boats and boat motors if an auxiliary motor or power trim and tilt are not available;
 4. Scheduling boat usage to coincide with high tides;
 5. Using a vessel with a draft limited to 12 inches or less; and
 6. Only using boatlifts in areas where water depths exceed two feet at mean low water.
- E. A person may not operate or give permission to operate a personal watercraft in excess of idle speed in any waters of the State less than 18 inches in depth, except when required to maintain speed in a crossing or overtaking situation pursuant to the Federal Inland or International Navigation Rules. It shall be a rebuttable presumption that the operator is aware that the depth of the water is less than 18 inches if:
1. The area is marked as an idle speed limit area; or
 2. The operator was previously issued a warning or citation for exceeding idle speed in the same area.
- F. The Maryland Department of the Environment is researching the effects of piers over marshes. As part of this ongoing research the Department will be performing a functional assessment of marshes surrounding piers and therefore must be able to access this site during normal business hours. The assessment will have no impact on the marsh or your property. Commencement of work on your pier will be considered as your consent to allow representatives of the Maryland Department of the Environment to enter your property at reasonable times to perform an assessment of the marsh surrounding the authorized pier.

GENERAL CONDITIONS

- A. The licensee shall obtain an approved sediment and erosion control plan from the local soil conservation district when the area disturbed is greater than 5000 square feet.
- B. The licensee certifies real property interest in the contiguous upland;
- C. This license is valid only for use by the licensee of the Maryland Department of the Environment. Permission for transfer of the license shall be obtained from the Water Management Administration. The terms and conditions of this license shall be binding on any assignee or successor in interest of the license;

- D. The licensee acknowledges that this license does not transfer any property interest in State tidal wetlands. This license allows the licensee to use State tidal wetlands only for the structure or activity authorized herein and in no way limits the use of waters of the State by the public;
- E. The construction of any structure or the performance of any activity under this license shall be evidence that the licensee has accepted all of the terms and conditions herein;
- F. This license is void if the licensee fails to obtain all required State, county, or local approvals before beginning work on the licensed structure or activity;
- G. The licensee shall allow representatives of the Maryland Department of the Environment to enter the property at reasonable times to inspect the ongoing or completed work under the license;
- H. The licensee shall make every reasonable effort to design and construct the structure or perform the activity authorized in this license in a manner which minimizes adverse impacts on natural resource values, including water quality, plants, wildlife, plant and wildlife habitat, and on historic property values;
- I. The licensee shall notify the Water Management Administration, Inspections and Compliance Division (410) 537-3532 at least 5 days before beginning the structure or activity;
- J. This license expires 3 years after the date of issuance. The licensee shall complete construction of the activity authorized under this license within the allowed 3 years, otherwise a new general license shall be obtained;
- K. The Maryland Department of the Environment may suspend or revoke this license upon written finding for good cause that suspension or revocation is in the State's best interest.
- L. This license provides no justification or assurances for future dredging. All dredging projects will be evaluated on the biological and physical characteristics of the site at the time an application is made.

Robert Tabisz, Chief
License & Permit Section
Tidal Wetlands Division

Date of Issuance:

ACCEPTANCE OF LICENSE

I have read and accept the terms and conditions of this license.

Licensee

Date



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

May 25, 2006

Mr. Ronald D. Gatton
Environmental Consultants, Inc.
28712 Island Creek Road
P.O. Box 438
Trappe, MD, 21673

RE: Environmental Review for Whitetail Subdivision Property, Tax Map 17, Parcel 19, Athol Road, Wicomico County, Maryland.

Dear Mr. Gatton:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

We would like to bring to your attention that the portion of Barren Creek that overlaps with the project site is designated in state regulations as a Wetland of Special State Concern (WSSC) and regulated by Maryland Department of the Environment. Your project may need to be reviewed by Maryland Department of the Environment for any necessary wetland permits associated with the WSSC.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.0946.wi
Cc: R. Esslinger, CAC



Robert L. Ehrlich, Jr., Governor

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Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2006.0946.wi
Cc: R. Esslinger, CAC



Robert L. Ehrlich, Jr.
Governor

C. Ronald Franks
Secretary

Michael S. Steele
Lt. Governor

Maryland Department of Natural Resources

Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

W. P. Jensen
Deputy Secretary

June 23, 2004

Mr. John F. Lenox
Salisbury-Wicomico County Planning Office
P.O. Box 870
Salisbury, MD 21803-0870

DATE 6/28/04: [Signature]

**RE: Environmental Review for Cedar Hill Homes Sketch, Eddie Morris, Athol Road,
Tax Map 17 Parcel 19, Wicomico County, Maryland.**

Dear Mr. Lenox:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted. It is also important to note that the utilization of state funds, or the need to obtain a state authorized permit may warrant additional evaluations that could lead to protection or survey recommendations by the Wildlife and Heritage Service. If this project falls into one of these categories, please contact us for further coordination.

We would also like to bring to your attention that Wildlife and Heritage Service's Natural Heritage database does indicate that there is a record for Seaside Alder (*Alnus maritima*), a Watchlist species in Maryland, known to occur within the vicinity of the project site. This species could potentially occur on the project site itself, if the appropriate habitat is present. Habitat for Seaside Alder is described as: Pond-shores and stream banks (Fernald 1950). The population of native plants mentioned here has declined historically and we encourage efforts that help to conserve it across the state. If you would like technical assistance regarding the conservation of this important species, please contact us.

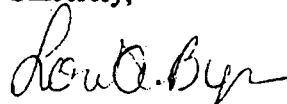
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TTY via Maryland Relay: 711 (within MD) (800) 735-2258 (Out of State)
Toll Free in MD#: 1-877-620-8DNR ext. _____

Page 2
June 23, 2004

Thank you for providing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,



Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER #2004.0980.wi
Cc: R. Esslinger, CAC

WETLANDS DELINEATION REPORT
For Lands of
Whitetail Subdivision

February 20, 2006

Ronald D. Gatton
Environmental Consultants, Inc.
P. O. Box 438
Trappe, MD 21673

Introduction

Our Company was retained by Mr. Edward Morris to delineate the tidal and nontidal wetlands on the proposed Whitetail subdivision property (Tax Map 17, Parcel 19) located along Athol Road, Wicomico County Maryland (See attached Map). The property contained tidal emergent, forested tidal and forested non-tidal wetlands. The forested non-tidal wetlands were delineated using the routine method described in the current (January 1987) Corps of Engineers Wetland Delineation Manual was used to determine if any wetlands are on the property. This manual uses three parameters to determine if an area is wetlands; the presence of wetland vegetation, hydric soils, and the presence of ground water within 12 inches of the surface for a period of 11 to 21 days during the growing season. In order to be classified as a wetland, all three parameters must be present. Note: the delineation was limited to the northern portion of the property.

The tidal wetlands boundary delineated to determine the 100' Chesapeake Bay Critical Area (CBCA) buffer. Guidance provided by the CBCA staff will be used to define this boundary. Generally, the present of vegetation, which grows predominately in tidal areas, will be used to delineate the tidal wetlands. In addition, these areas are generally flooded by spring tides each month.

Topography and Hydrology

The total area of the site is 61.35-acres. The site generally consists of agricultural fields, lesser amounts of tidal and nontidal wetlands. The site has gentle slopes, with the highest elevation being approximately 26 feet above NGVD, and the lowest at sea level. Drainage from the site sheet flows into tidal waters of the Barren Creek.

Soils

The Wicomico County Soil Conservation Service Survey maps indicate soils on the site are generally Galestown loamy sand, with lesser amounts of Downer sandy loam, Sassafras sandy loam, and muck soils occurring along Barren Creek. (See attached SCS soil survey map).

Site Investigation

Site was delineated during February of 2006. Transits were made through the site wetlands found there were delineated by making short transits along the probable boundary area. Transits along this interface area were sampled of soils, vegetation and hydrology. The boundary of wetland area was then determined by the type of soil, vegetation, and probable hydrological conditions. Location of the boundary was marked by tying a wetland delineation ribbon on a tree or shrub. Flags were spaced, as needed, but generally 20 to 30 feet apart. Each wetland flag was numbered in consecutive order.

Findings

Tidal Wetland Vegetation

The State tidal wetlands occurring below Mean High Water, were predominately vegetated with, Spatterdock (*Nuphar advena*). The remaining forested tidal wetlands were predominately vegetated with green ash (*Fraxinus pennsylvanica*), black gum (*Nyssa sylvatica*), red maple, (*Acer rubrum*), common alder (*Alnus serrulata*), with lesser amounts of lob-lolly pine (*Pinus taeda*), high bush blue berry (*Vaccinium amoenum*), swamp rose (*Rosa palustris*), sweet bay (*Magnolia virginiana*), and Swamp Azalea (*Rhododendron viscosum*). In addition, a tulip popular (*Liriodendron tulipifera*) was found to occur within this wetland. Based upon the vegetation found to exist in the wetlands they would be considered to occur above Mean High Water and therefore are considered private tidal wetlands. Note: species such as black gum, red maple, and specially loblolly pine will not survive in areas, which are regularly flooded by tides.

Forested Nontidal Wetland Vegetation

The forested wetland plant community was generally made up of red maple, (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), black gum (*Nyssa sylvatica*), and a few Water oak (*Quercus nigra*). The understory is predominately vegetated with; red maple, sweet gum, sweet bay (*Magnolia virginiana*), sweet pepper bush (*Clethra alnifolia*), high bush blue berry (*Vaccinium amoenum*), Fetter bush (*Leucothoe racemosa*), common greenbrier, and several ferns (*Onoclea senibilis*, *Osmunda regalis*, and *Osmunda cinnamomea*).

Upland Vegetation

The upland forest of this stand dominated by tulip popular (*Liriodendron tulipifera*), (size class 18"-29.9"), red (*Quercus falcata*), and white oak, (*Q. alba*), and sweet gum (*Liquidambar styraciflua*), (size class 10-18") with lesser amounts of red maple (*Acer rubrum*), and American Beech (*Fagus grandifolia*). The under story is dominated by American holly (*Ilex opaca*), with lesser amounts of flowering dogwood (*Cornus florida*), young sweet and black gum, sassafras trees (*Sassafras albidum*) and sweet bay. Other understory species sweet pepper bush (*Clethra alnifolia*), mountain laurel (*Kalmia latifolia*) southern arrowwood (*Viburnum recognitum*), green brier (*Smilax rotundifolia*), and partridge berry (*Mitchella repens*),

Farmed uplands

The open farm fields were planted in crops the previous summer.

Soils

Soil samples taken indicated the soils were similar to those shown in the SCS survey (See Figure 2)

Hydrology

Test wells within the wetland had water levels at or above 12 inches, and some areas had standing water. While the tide was observed for several days at no time was tidal water observed in the area of the private forested wetlands.

Man-Made Alternations

As stated above much of the area subject to this delineation is an open farm fields with a cleared right-of-way for a utility crossing.

Conclusion

After soil and vegetative sampling, at each surveyed point along the boundary, the wetland boundary was flagged in the field, located, and plotted of the attached plat. The presence of predominately upland vegetation and upland soils were the primary factors used to determine the wetlands boundary, and was applied at each survey or flag location along the wetland/upland boundary. For the most part the presence of black cherry, black berry and/or honey suckle indicated the upland community. The wooded wetland community was dominated by red maple, sweet gum, willow oak and high bush blue berry, and with scattered sweet bay trees being the major wetland indicator plants.

Note, jurisdictional guidance and site conditions can change, thus a wetland determination is usually only certified, by the Corps of Engineers, for a period of five years.

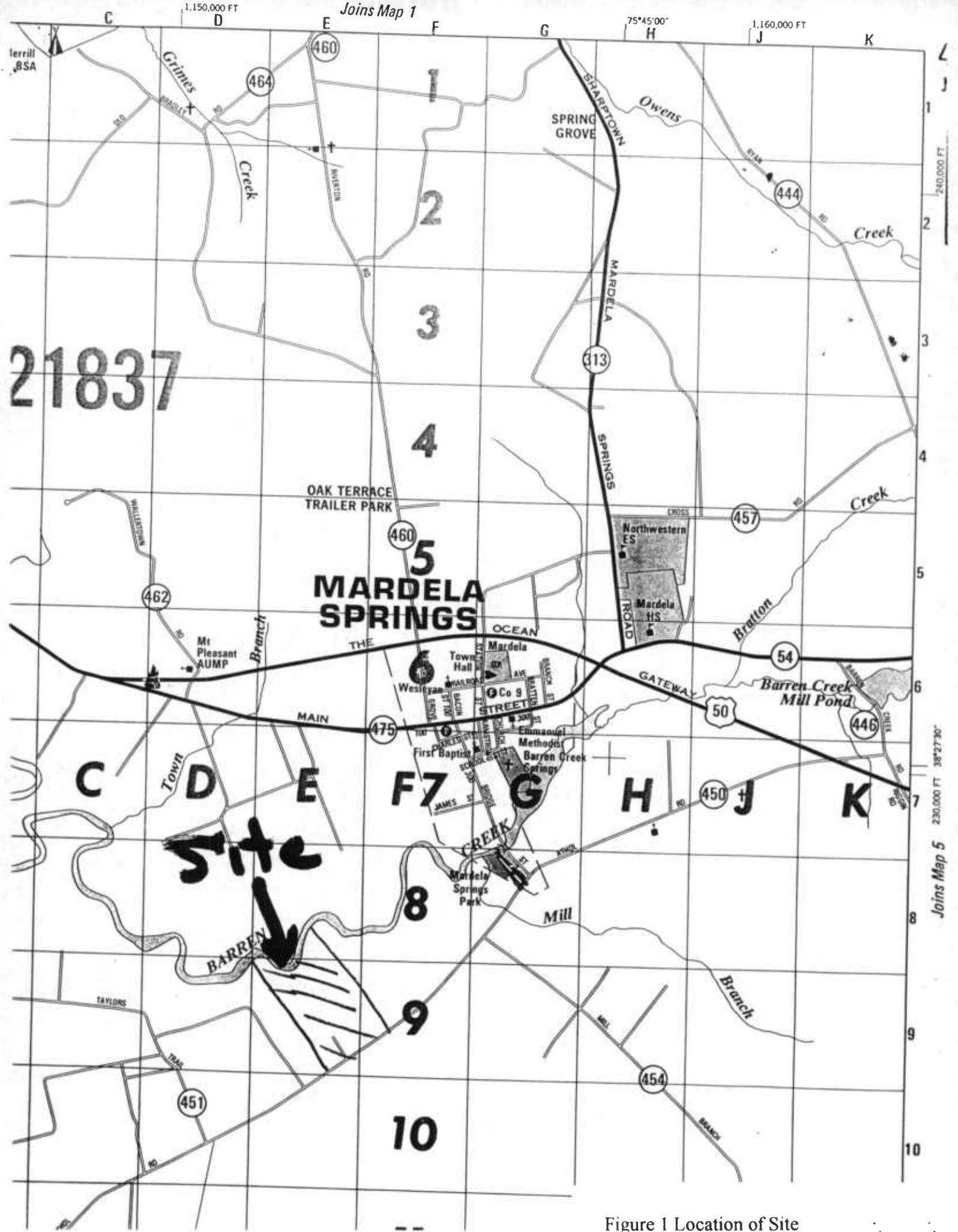


Figure 1 Location of Site



(Joins sheet 6)



Figure 2 NRCS Soil Survey Map

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Eddie Morris Application Number: _____ Project Name: White tail
 State: MD County: Wic Legal Description: _____ Township: _____ Range: _____
 Date: 2/7/06 Plot No.: 1 Section: NTL-14

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Indicator Status	Species	Indicator Status
<u>Trees</u>		<u>Herbs</u>	
1. <u>Populus</u>	<u>FACW</u>	7. <u>Few</u>	
2. <u>Am. Beach</u>	<u>FACW</u>	8. <u>Partridge Berry</u>	<u>FACW</u>
3. <u>Red Maple</u>	<u>FAC</u>	9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4. <u>Am. Holly</u>	<u>FACW</u>	10. <u>C. G. Briar</u>	<u>FAC</u>
5. <u>Am. Bunch</u>	<u>FACW</u>	11.	
6. <u>Pepper Bush</u>	<u>FAC</u>	*12.	

% of species that are OBL, FACW, and/or FAC: ____ Other indicators: _____

Hydrophytic vegetation: Yes ____ No X Basis: 7 to 4 up

Soil

Series and phase: Wd? On hydric soils list? Yes ____; No X.

Mottled: Yes ____; No X. Mottle color: _____; Matrix color: 2.2 X SM

Gleyed: Yes ____ No X Other indicators: _____

Hydric soils: Yes ____ No X; Basis: Sandy Soil

Hydrology

Inundated: Yes ____; No X. Depth of standing water: _____

Saturated soils: Yes X; No ____ Depth to saturated soil: _____

Other indicators: _____

Wetland hydrology: Yes ____; No X. Basis: _____

Atypical situation: Yes ____; No X.

Normal Circumstances? Yes X No ____

Wetland Determination: Wetland _____; Nonwetland X

Comments:

Determined by: [Signature]

ne Arctery
White Oak FACW
Red Oak FACW
Water oak FACW
Black Gum
Few Sweet Bay
SASSY GRASS
M. Lura

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Eddie Morris Application Number: _____ Project Name: _____
 State: MD County: WIC Legal Description: _____ Township: _____ Range: _____
 Date: 2/7/06 Plot No.: 3 Section: Private Tidal Wetland

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

sp. ?
 H&P
 one Cedar
 one T. Poplar
 one OBL.
 one Alder
 one Sweet Bay
 one +

Species	Indicator Status	Species	Indicator Status
<u>Trees</u>		<u>Herbs</u>	
1. Black Gum	FAC	7.	
2. Green ash	FACW	8.	
3. Few L. Pine	FAC -	9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4. C. Alder	OPL	10. Few Swamp Rose	Obl
5. High Bush Blueberry	FACW	11.	
6. Sweet Bay	FACW	12.	

% of species that are OBL, FACW, and/or FAC: ____ Other indicators: ____
 Hydrophytic vegetation: Yes No ____ Basis: Private Facilitative Vegetation

Soil

Series and phase: dnck On hydric soils list? Yes ____; No ____
 Mottled: Yes ____; No Mottle color: ____; Matrix color: ____
 Gleyed: Yes ____ No ____ Other indicators: ____
 Hydric soils: Yes No ____; Basis: ____

Hydrology

Inundated: Yes ____; No ____ at times. Depth of standing water: ____
 Saturated soils: Yes ; No ____ Depth to saturated soil: ____
 Other indicators: ____
 Wetland hydrology: Yes ; No ____ Basis: ____
 Atypical situation: Yes ____; No .
 Normal Circumstances? Yes No ____
 Wetland Determination: Wetland ; Nonwetland ____

Comments:

Determined by: [Signature]

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Ebber Overalls Application Number: _____ Project Name: Whitolar
 State: MD County: WIC Legal Description: _____ Township: _____ Range: _____
 Date: 2/7/06 Plot No.: 4 Section: A-1-13
I 30 Wp lot 3

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

Ox Hickory
L Pine
Sweet Gum
Red Oak
Jew Sweet

<u>Species</u>	<u>Indicator Status</u>	<u>Species</u>	<u>Indicator Status</u>
<u>Trees</u>		<u>Herbs</u>	
1. Am. Beach		* 7. Perfringed Berry	FACW
2. White Oak		8. Lady Slipper	(scattered)
* 3. Red Oak		9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
* 4. Am. Holly		10. C. G. Briar	
5. M. Laurel		11.	
6. Pepper Bush		* 12.	

% of species that are OBL, FACW, and/or FAC: ____ . Other indicators: ____ .
 Hydrophytic vegetation: Yes ____ No ____ . Basis: ____ .

Soil

Series and phase: Wd Some Fs On hydric soils list? Yes ____ ; No X .
 Mottled: Yes ____ ; No ____ . Mottle color: ____ ; Matrix color: 250/5/4
 Gleyed: Yes ____ No ____ Other indicators: ____ .
 Hydric soils: Yes ____ No X ; Basis: ____ .

Hydrology

Inundated: Yes ____ ; No X . Depth of standing water: ____ .
 Saturated soils: Yes ____ ; No X . Depth to saturated soil: Some Areas
 Other indicators: ____ .
 Wetland hydrology: Yes ____ ; No X . Basis: ____ .
 Atypical situation: Yes ____ ; No X .
 Normal Circumstances? Yes X No ____ .
 Wetland Determination: Wetland ____ ; Nonwetland X .

Comments:

-muck & Fs
Wetland
Red maple, Sweet Gum
Am. Holly, Pepper Bush
C. G. Briar, S. Fern
& Cm. Fern

Determined by: [Signature]

DATA FORM 1
WETLAND DETERMINATION

Applicant Name: Eddie Morris Application Number: _____ Project Name: Whitetail
 State: MD County: Wic Legal Description: _____ Township: _____ Range: _____
 Date: 2/7/06 Plot No.: 2 Section: 1-14
 NT wetland

Vegetation [list the three dominant species in each vegetation layer (5 if only 1 or 2 layers)]. Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Indicator Status	Species	Indicator Status
<u>Trees</u>		<u>Herbs</u>	
1. Black Gum	FAC	7. Sensitive Fern	FACW
2. Water Oak	FAC	8.	
3. T. Poplar	FACW	9.	
<u>Saplings/shrubs</u>		<u>Woody vines</u>	
4. Am. Holly	FACW	10. C. G. Brur	FAC
5. H. Bush. Blueberry	FACW	11.	
6. Sweet Bay	FACW	12.	

Common
Alder
Am. Beach
FACW
Bw

% of species that are OBL, FACW, and/or FAC: ____ Other indicators: ____
 Hydrophytic vegetation: Yes No ____ Basis: ____

Soil

Series and phase: omch On hydric soils list? Yes ; No ____
 Mottled: Yes ____; No ____ Mottle color: ____; Matrix color: Black
 Gleyed: Yes ____ No ____ Other indicators: Sandy
 Hydric soils: Yes No ____; Basis: Sandy

Sandy
2.5 x 5/2

Hydrology

Inundated: Yes ; No ____ Depth of standing water: ____
 Saturated soils: Yes ; No ____ Depth to saturated soil: ____
 Other indicators: ____
 Wetland hydrology: Yes ; No ____ Basis: ____
 Atypical situation: Yes ____; No .
 Normal Circumstances? Yes No ____
 Wetland Determination: Wetland W; Nonwetland ____

Comments:

Utility Easement
 Phrag. Green Brier
 Jap. Honey Suckle
 wetland Hydric Soil
 Saturated to surface

Determined by: [Signature]

MERLIN Online Map - Whitetail

Property Maps

WI Property Map 17



Photo 88-95 1m

Marde101 / Marde_NE_CIR



Red



N 87484.29m E 507513.87m



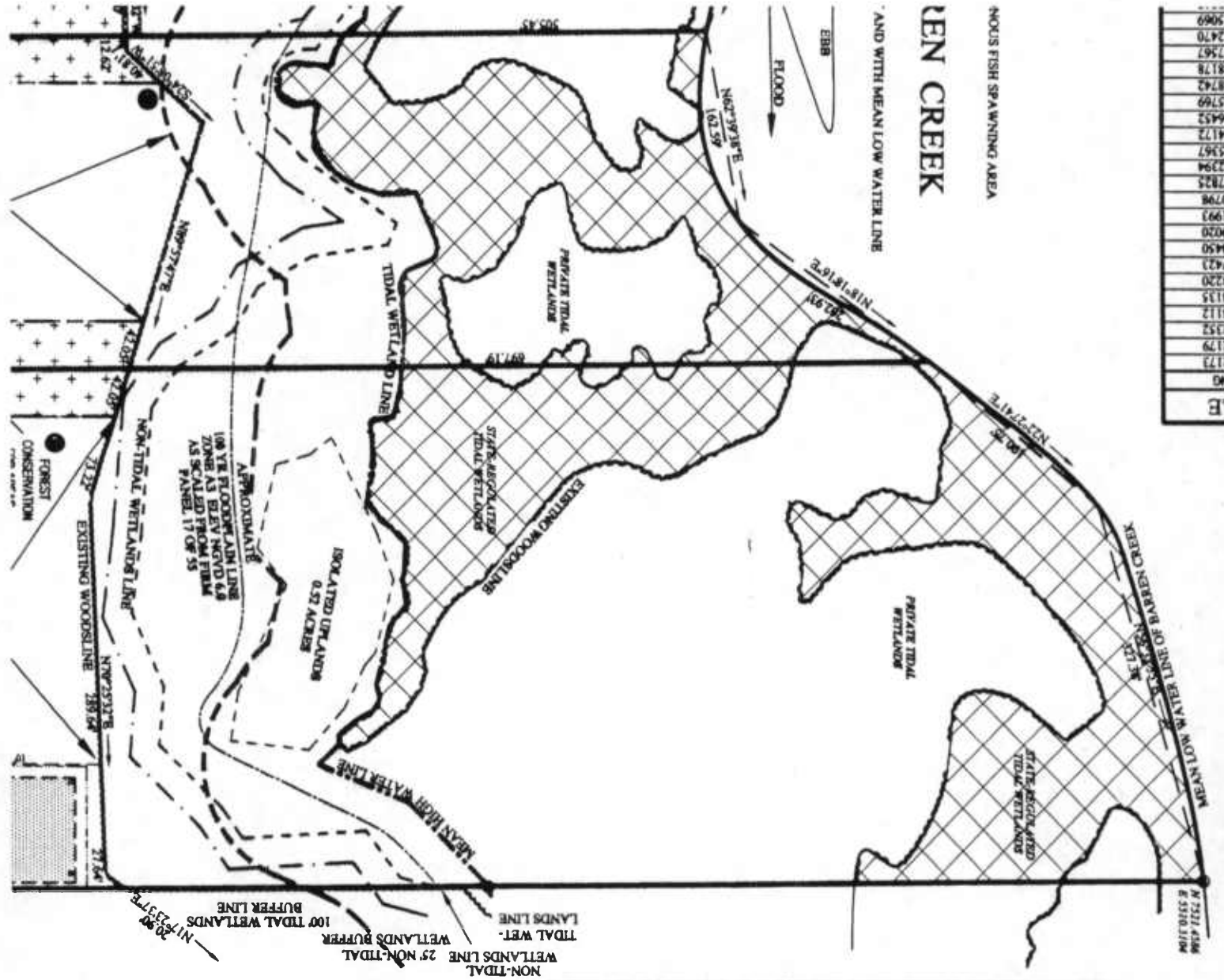
Coordinates at center of image in Maryland State Plane, NAD 1983 meters
2005, Maryland Department of Natural Resources, www.mdmerlin.net
Created with TNTserver™ from MicroImages, Inc

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FOCUS FISH SPAWNING AREA

LEN CREEK

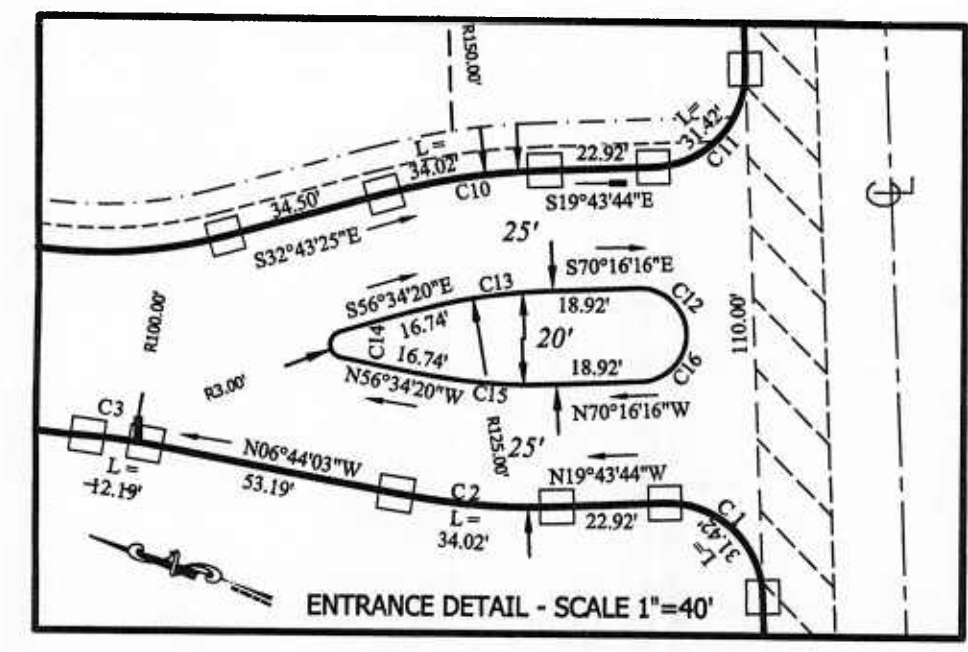
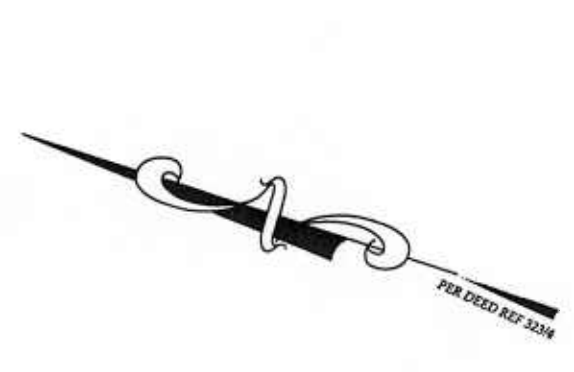
AND WITH MEAN LOW WATER LINE



ENTRANCE DETAIL - SCALE 1"=40'

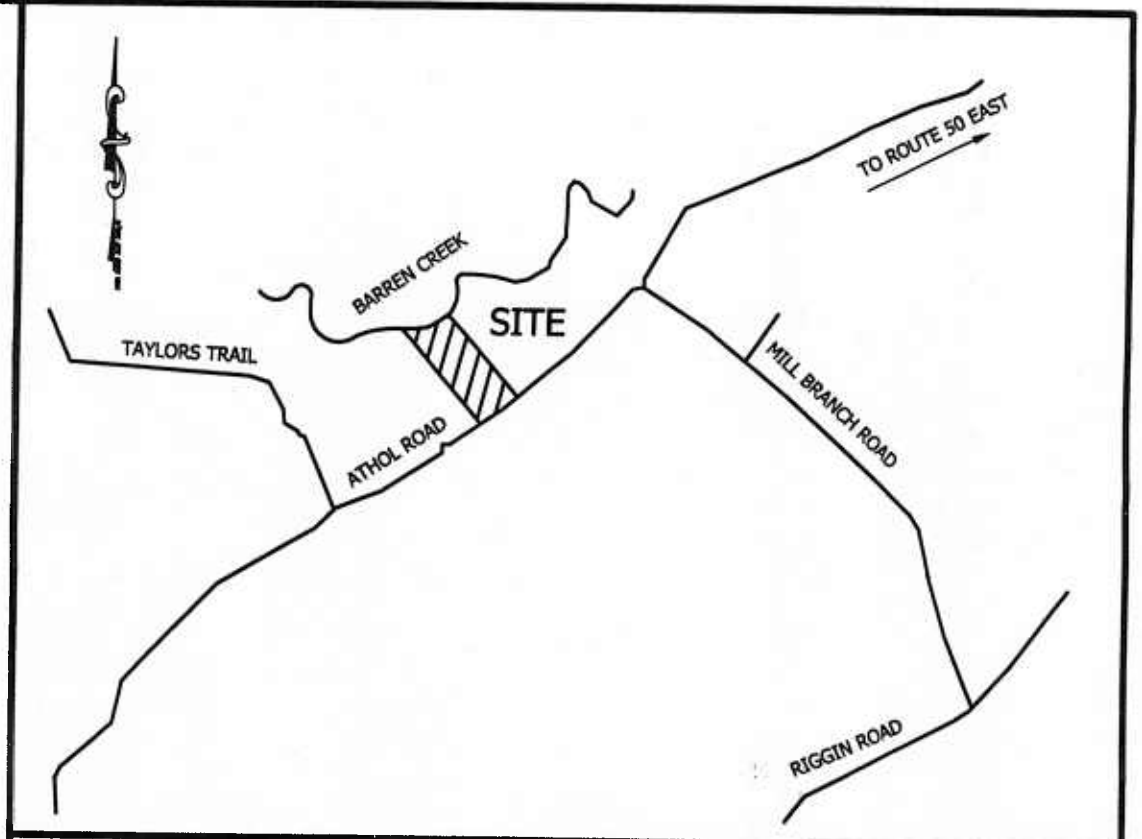
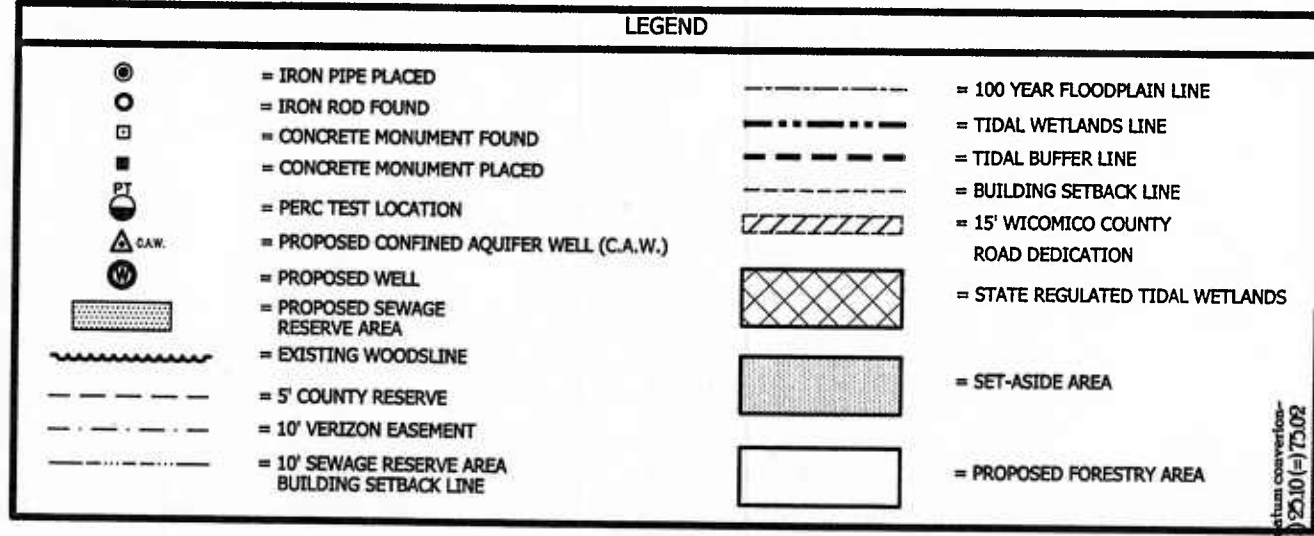
PT-18

NON-TIDAL WETLANDS LINE 25' NON-TIDAL WETLANDS BUFFER
 TIDAL WETLANDS LINE
 TIDAL WETLANDS LINE
 100' TIDAL WETLANDS BUFFER LINE
 MEAN HIGH WATER LINE



WICOMICO COUNTY FOREST CONSERVATION ACT
 THIS SUBDIVISION IS BOUND BY THE AGREEMENTS AS SET FORTH IN FCA# 2006-01. ON FILE IN THE PLANNING OFFICE.

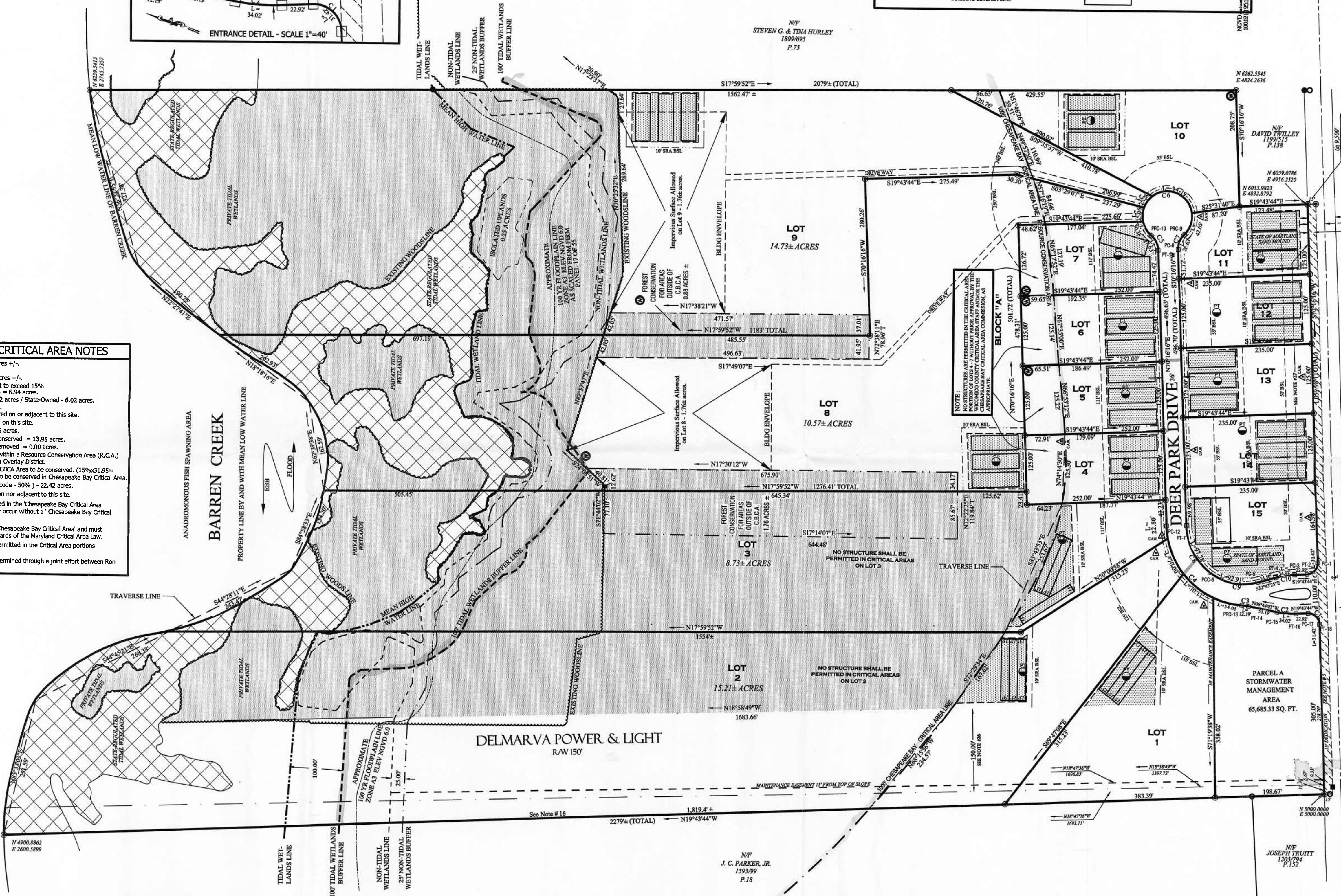
PLANNING DIRECTOR _____ DATE _____



VICINITY MAP - 1" = 2000'

- CHESAPEAKE BAY CRITICAL AREA NOTES**
- Total area of subdivision = 61.35 acres +/-.
 - Total number of lots = 15
 - Total area within C.B.C.A. = 46.28 acres +/-.
 - Total area of impervious surfaces not to exceed 15% of Critical Areas, 46.28 acres x 15% = 6.94 acres.
 - Area of tidal wetlands = Private - 7.02 acres / State-Owned - 6.02 acres.
 - Total Area of Wetlands = 13.04 acres.
 - No habitat protection areas are located on or adjacent to this site.
 - No slopes greater than 15% located on this site.
 - Total Area of existing forest = 13.95 acres.
 - Total Area of existing forest to be conserved = 13.95 acres.
 - Total Area of existing forest to be removed = 0.00 acres.
 - This subdivision is located partially within a Resource Conservation Area (R.C.A.) of the Wicomico County Critical Area Overlay District.
 - 15% of total area of forestry within C.B.C.A. Area to be conserved. (15% x 41.95 = 6.29 acres) 10.69 acres of forestry to be conserved in Chesapeake Bay Critical Area.
 - Area of Set-Aside required (Zoning code - 50%) - 22.42 acres.
 - No Habitat Protection Area located on nor adjacent to this site.
 - The property shown hereon is located in the Chesapeake Bay Critical Area District. No disturbance of land may occur without a Chesapeake Bay Critical Certificate of Compliance.
 - This property is located within the Chesapeake Bay Critical Area and must comply with the Development Standards of the Maryland Critical Area Law.
 - No dwelling, or portion thereof, is permitted in the Critical Area portions of Lots 2 - 7.
 - State and Private wetlands were determined through a joint effort between Ron Gatton and aerial photography.

- GENERAL NOTES**
- The property shown hereon is currently owned by: Cedar Hill Homes, c/o Eddie Morris, 4768 Tyaskin Road, Tyaskin, MD 21865 Telephone: 410-430-6188
 - Deed reference: 2225/393.
 - Total area of property = 61.35± acres.
 - Total number of lots = 15. Total area of lots = 58.78 ac. Total Area of proposed WhiteTail Drive - 0.70 acre(s).
 - A 15-foot wide strip along Atthol Road is hereby dedicated to Wicomico County for road and utility purposes. Total area of this dedication = 0.37 acres ±.
 - The present zoning of this property is: A-1
 - This property is located within G.P.R. Management Zone A.
 - No permanent building, structure, easement, or right of way shall be permitted within area designated as sewage disposal area as shown on this plat.
 - No building or structure shall be located within thirty feet of designated well site(s).
 - Sewage disposal system(s) must be located at highest elevation of sewage reserve area(s).
 - Maximum trench depth restriction applies to depth from original undisturbed grade.
 - Foundations must be 10' from any sewage reserve area.
 - Lift pump systems may be required.
 - The following note is a standard note required by the Wicomico County Department of Public Works on all subdivision plats: These lots may be susceptible to periodic localized storm water drainage problems. Lot owners are encouraged to prepare the site and construct structures so as to minimize the impact of these potential storm water drainage problems.
 - All lots in this subdivision are subject to a Maintenance and Inspection Agreement of private Storm Water Management facilities, SWM 6-05
 - Within the area designated as "Drainage and Maintenance Easement", objects (such as structures, fences, sidewalks, paved driveways, and/or utilities) which may act as an obstruction to the intended use and/or maintenance of this easement shall not be permitted.
 - The approval of the Wicomico County Department of Public Works does not relieve the applicant of the responsibility to comply with all other applicable Federal, State, and Local laws.
 - This property is shown on E.I.R.M. Community Panel #240078 0017 (Panel 17 of 55), dated 9/28/84, as being in Flood Zone C, Area of Minimal Flooding and Zone A3, Elevation 6.
 - This property is located within an area which allows agricultural operations. This "right to farm" is protected under Chapter 156 of the Wicomico County Code.
 - This boundary survey was prepared without the benefit of a title report and is subject to any encumbrances, restrictions, easements and/or rights-of-way that might be revealed by a thorough title search.
 - This boundary survey is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title.
 - A portion of this subdivision is located within the Chesapeake Bay Critical Area (C.B.C.A.) and is classified as a Resource Conservation Area (R.C.A.). All lots shall meet the development standards of the Maryland Critical Area Law. A C.B.C.A. certificate of compliance must be issued by the planning and zoning office prior to the disturbance of land.
 - A portion of this subdivision is located within the 100-year flood plain and any development is subject to the requirements set forth in chapter 149 of the Wicomico County code entitled "Flood Plain Management".
 - WhiteTail Homeowner Association shall own and maintain Parcel A as well as the median within WhiteTail Drive. Homeowner Association will maintain Drainage and Maintenance Easement.
 - No dwelling or portion thereof is permitted within the Critical Area portion of Lots 2 - 7, except where impervious surfaces are shown.
 - No dwelling or portion thereof is permitted within the Delmarva Power and Light Utility right of way portion of Lot 1 and Lot 2.
 - Lots 11 - 15 are denied vehicular access to or from Atthol Rd.



FINAL PLAT APPROVAL CERTIFIES THAT THIS SUBDIVISION HAS BEEN REVIEWED FOR STORMWATER DRAINAGE AFFECTING ONLY STREETS AND PUBLIC AREAS WITHIN ITS OWN BOUNDARIES, NOT INDIVIDUAL LOTS.

WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS _____ DATE _____

WICOMICO COUNTY PLANNING & ZONING COMMISSION _____ DATE _____

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL WATER SUPPLY AND ON-SITE SEWAGE DISPOSAL - COMAR 26.04.03

WICOMICO COUNTY HEALTH DEPARTMENT _____ DATE _____

L. E. # _____

IMPERVIOUS SURFACE PERMITTED = 6.94 ACRES
 LOT 8 = 1.76 ACRES
 LOT 9 = 1.76 ACRES
 AREA OF IMPERVIOUS SURFACE TO HOLD IN RESERVE = 3.42 ACRES

CHESAPEAKE BAY CRITICAL AREAS APPROVAL

DIRECTOR _____ DATE _____

WICOMICO COUNTY PLANNING & ZONING OFFICE
 CHESAPEAKE BAY CRITICAL AREAS

COORDINATE TABLE

PT #	NORTHING	EASTING
PC-1	N 5196.0872	E 4728.5605
PT-2	N 5208.1618	E 4702.9830
PC-3	N 5229.7334	E 4695.2470
PT-4	N 5260.1858	E 4680.2453
PC-5	N 5289.2126	E 4661.5936
PCC-6	N 5378.3048	E 4652.0601
PT-7	N 5444.4932	E 4719.1539
PC-8	N 5612.1641	E 5186.6976
PRC-9	N 5609.8951	E 5215.3634
PRC-10	N 5666.0201	E 5195.2358
PT-11	N 5646.0509	E 5174.5451
PC-12	N 5478.3800	E 4707.0014
PRC-13	N 5303.9631	E 4613.1852
PT-14	N 5291.9711	E 4615.3488
PC-15	N 5239.1493	E 4621.5860
PT-16	N 5206.1035	E 4629.3560
PC-17	N 5184.5319	E 4637.0920
PT-18	N 5158.9545	E 4625.0174

LOT TABLE

LOT	LOT AREA SQ. FT.	LOT ACRE	TRENCH DEPTH	PERC	MIN. SIDE SETBACKS
1	86,769.24	1.99	12"	8 MIN	4 BR.
2	662,383.75	15.21	18"	8 MIN	4 BR.
3	380,427.15	8.73	12"	11 MIN	4 BR.
4	31,500.00	.72	24"	10 MIN	5 BR.
5	31,500.00	.72	24"	10 MIN	5 BR.
6	31,500.00	.72	12"	9 MIN	5 BR.
7	31,299.15	.72	12"	9 MIN	5 BR.
8	460,574.52	10.57	12"	14 MIN	5 BR.
9	641,492.53	14.73	12"	7 MIN	5 BR.
10	66,032.64	1.52	12"	5 MIN	5 BR.
11	28,046.31	.64	SAND MOUND	5 BR.	
12	29,625.00	.68	12"	12 MIN	5 BR.
13	29,625.00	.68	12"	12 MIN	5 BR.
14	29,625.00	.68	12"	9 MIN	5 BR.
15	38,635.85	.89	SAND MOUND	5 BR.	

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	TANGENT	DELTA
C1	31.42	20.00	28.28	20.00	90°00'00"
C2	34.02	150.00	33.95	17.08	12°59'41"
C3	12.19	100.00	12.19	6.10	06°59'10"
C4	216.96	148.00	198.05	133.24	83°59'28"
C5	29.63	35.00	28.76	15.77	48°30'33"
C6	217.57	45.00	59.62	39.80	277°01'06"
C7	29.63	35.00	28.76	15.77	48°30'33"
C8	97.28	112.00	94.25	51.94	49°45'46"
C9	92.91	100.00	89.69	50.11	52°13'53"
C10	34.02	150.00	33.95	17.08	12°59'41"
C11	31.42	20.00	28.28	20.00	90°00'00"
C12	15.71	10.00	14.14	10.00	90°00'00"
C13	28.35	125.00	28.29	14.24	12°59'41"
C14	8.00	3.00	5.83	12.38	152°45'49"
C15	28.35	125.00	28.29	14.24	12°59'41"
C16	15.71	10.00	14.14	10.00	90°00'00"

REVISIONS

DATE	BY
03-02-06	JLB
03-15-06	JLB
05-16-06	EDR
06-14-06	EDR

FINAL SUBDIVISION PLAT
WHITETAIL SUBDIVISION
SECTION ONE

LOCATION: BARREN CREEK ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

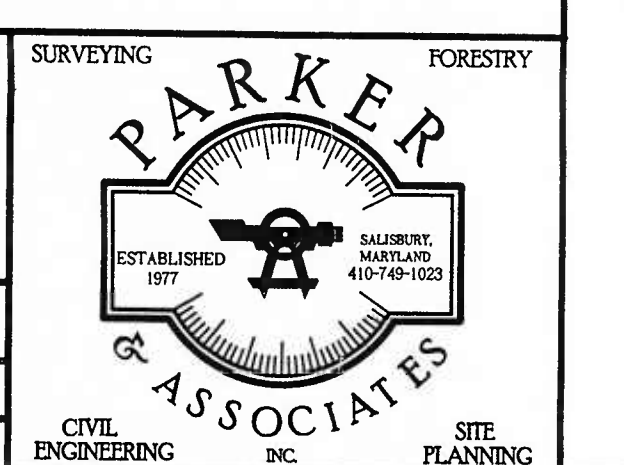
SCALE: 1" = 100'

DATE: 12/10/05

TASKMAN: IT

DRAWN BY: EDR

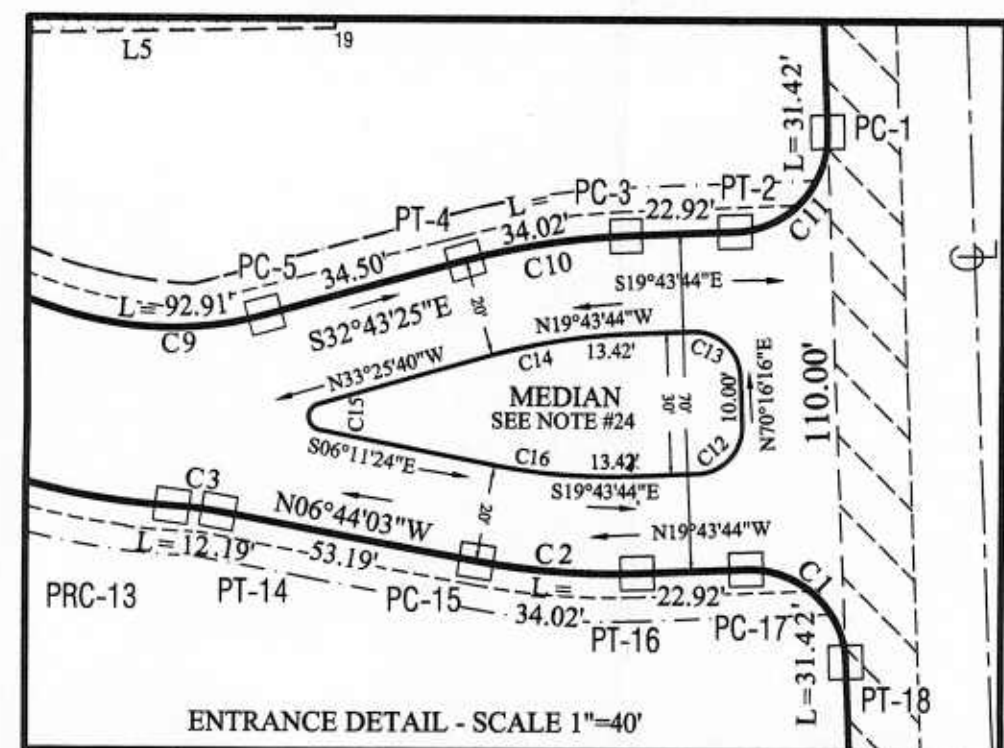
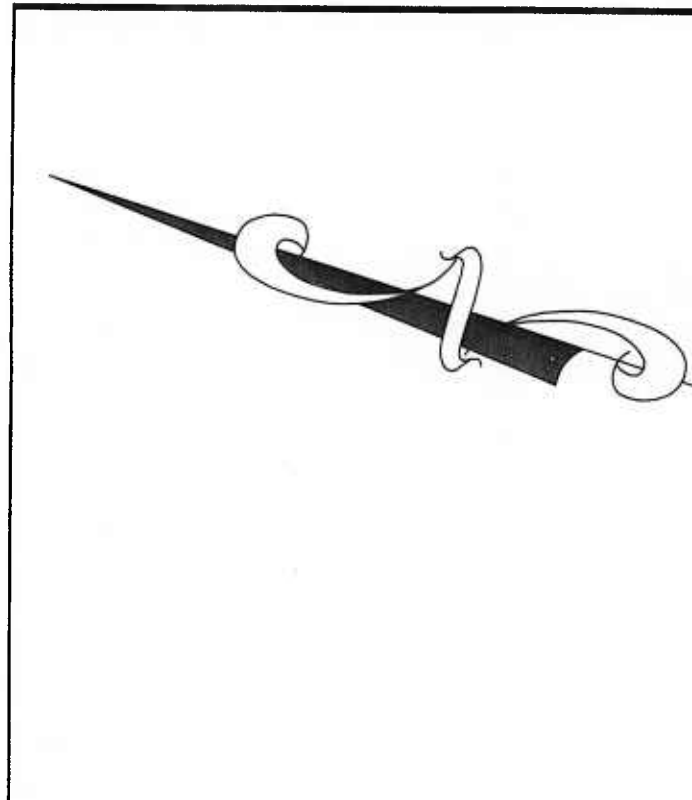
PARCEL: 19



WE CERTIFY THAT THE REQUIREMENTS OF "REAL PROPERTY SECTION 3-108" OF THE ANNOTATED CODE OF MARYLAND, LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF THE MONUMENTS HAVE BEEN COMPLIED WITH TO THE BEST OF OUR KNOWLEDGE.

PHILIP R. PARKER LIC. #10713 _____ DATE _____

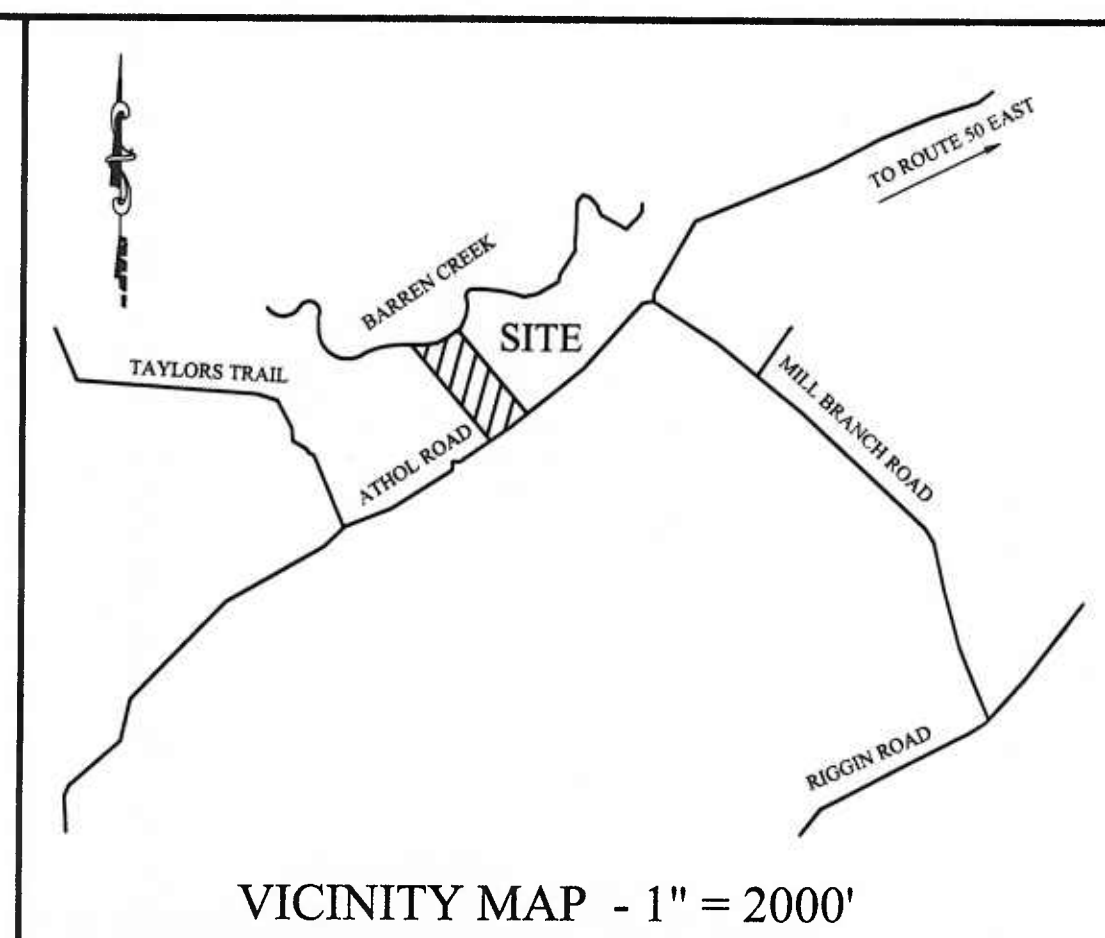
CEGAR HILL HOMES
 c/o EDDIE MORRIS _____ DATE _____



LEGEND	
○	IRON PIPE PLACED
○	IRON ROD FOUND
□	CONCRETE MONUMENT FOUND
□	CONCRETE MONUMENT PLACED
○	PROPOSED CONFINED AQUIFER WELL (C.A.W.)
○	PROPOSED WELL
○	PROPOSED SEWAGE RESERVE AREA
○	EXISTING WOODS LINE
○	5' COUNTY RESERVE
○	10' VERIZON EASEMENT
○	10' SEWAGE RESERVE AREA BUILDING SETBACK LINE
○	100 YARD FLOODPLAIN LINE
○	TIDAL WETLANDS LINE
○	TIDAL BUFFER LINE
○	BUILDING SETBACK LINE
○	15' WICOMICO COUNTY ROAD DEDICATION
○	STATE REGULATED TIDAL WETLANDS
○	SET-ASIDE AREA
○	PROPOSED FORESTRY AREA

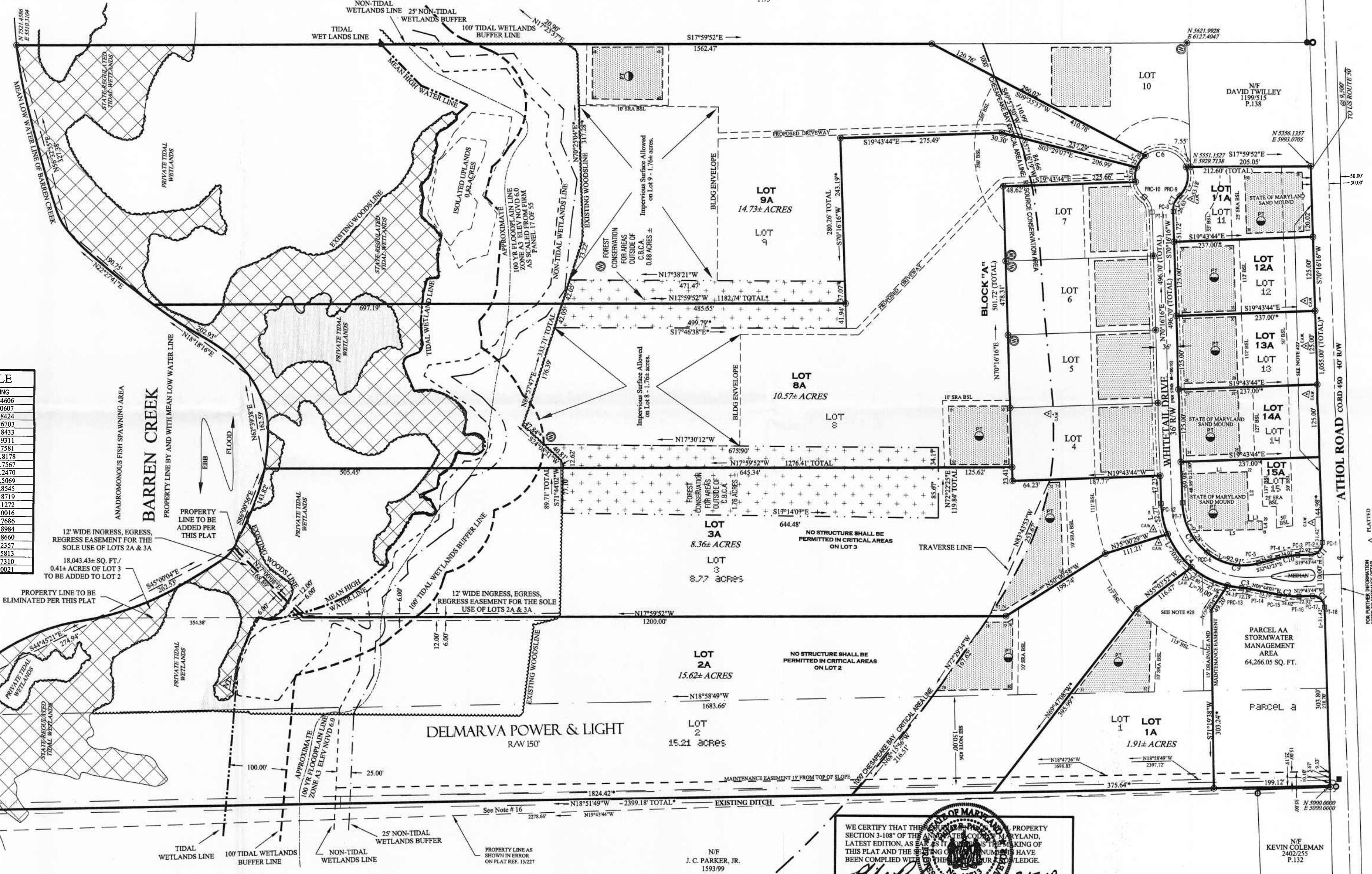
LINE TABLE		
LINE	DISTANCE	BEARING
L1	101.84'	S19°43'44"E
L2	83.13'	S70°16'16"W
L3	22.98'	S16°27'35"E
L4	14.21'	S70°16'16"W
L5	113.18'	N18°32'12"W

IMPERVIOUS SURFACE PERMITTED = 6.94 ACRES
 LOT 8 = 1.76 ACRES
 LOT 9 = 1.76 ACRES
 AREA OF IMPERVIOUS SURFACE TO HOLD IN RESERVE = 3.42 ACRES



COORDINATE TABLE			
PT#	NORTHING	EASTING	
PC-1	N 5140.0915	E 5390.6397	
PC-2	N 5152.1661	E 5365.0623	
PC-3	N 5173.7377	E 5357.3263	
PT-4	N 5204.1901	E 5342.3246	
PC-5	N 5233.2169	E 5323.6728	
PC-6	N 5322.3090	E 5314.1393	
PT-7	N 5388.4975	E 5381.2332	
PC-8	N 5556.1684	E 5848.7769	
PC-9	N 5553.8994	E 5877.4426	
PC-10	N 5610.0244	E 5857.3150	
PT-11	N 5590.0552	E 5836.6243	
PC-12	N 5423.3843	E 5369.0806	
PC-13	N 5247.9673	E 5275.2644	
PT-14	N 5235.9754	E 5277.4280	
PC-15	N 5183.1536	E 5283.6652	
PT-16	N 5150.1078	E 5291.4352	
PC-17	N 5128.5362	E 5299.1713	
PT-18	N 5102.9588	E 5287.0966	

SEWAGE AREA COORDINATE TABLE					
#	NORTHING	EASTING	#	NORTHING	EASTING
19	N 5244.8552	E 5379.9818	46	N 6584.4525	E 5899.4606
20	N 5249.6905	E 5393.3533	47	N 6588.2673	E 5726.0607
21	N 5271.6917	E 5436.8412	48	N 6443.8322	E 5761.8424
22	N 5299.7543	E 5465.0927	49	N 5689.8843	E 5353.6703
23	N 5305.6186	E 5430.7138	50	N 5723.6567	E 5447.8433
24	N 5406.8833	E 5459.8941	51	N 5818.8070	E 5416.9111
25	N 5320.3235	E 5490.6493	52	N 5785.0346	E 5322.7581
26	N 5357.4562	E 5594.1924	71	N 5598.2907	E 5350.8178
27	N 5443.2160	E 5563.3771	72	N 5615.3147	E 5347.7567
28	N 5448.2795	E 5577.5566	73	N 5640.7241	E 5109.2470
29	N 5362.2687	E 5608.4019	74	N 5621.4558	E 5115.5069
30	N 5399.7904	E 5711.8054	75	N 5545.6884	E 5205.8545
31	N 5485.4122	E 5681.0977	76	N 5603.2061	E 5105.8719
32	N 5488.7879	E 5609.5127	77	N 5609.8009	E 5098.1272
33	N 5403.0281	E 5721.2679	78	N 5647.1244	E 5086.0016
34	N 5440.1608	E 5824.8110	79	N 5690.1601	E 4949.7686
35	N 5525.9206	E 5794.0557	80	N 5567.6657	E 4991.8984
36	N 5425.5991	E 5851.2803	81	N 5464.3296	E 5016.8660
37	N 5333.1163	E 5884.4466	82	N 5344.0482	E 5058.2357
38	N 5367.0310	E 5970.1654	83	N 5377.5087	E 5173.5813
39	N 5460.5161	E 5948.6451	84	N 5402.5189	E 5184.7310
40	N 5470.3764	E 5846.0214	85	N 5352.1594	E 5344.0021



CHESAPEAKE BAY CRITICAL AREA NOTES	
1)	Total area of subdivision = 61.35 acres +/-.
2)	Total number of lots = 15.
3)	Total area within C.B.C.A. = 46.28 acres +/-.
4)	Total area of impervious surfaces not to exceed 15%.
5)	Area of tidal wetlands = Private - 0.2 acres / State-Owned - 6.02 acres.
6)	Total Area of Wetlands - 13.04 acres.
7)	No habitat protection areas are located on or adjacent to this site.
8)	No slopes greater than 5% located on this site.
9)	Total Area of existing forest to be removed = 0.00 acres.
10)	Total Area of existing forest to be conserved = 13.95 acres.
11)	Total Area of existing forest to be conserved in Resource Conservation Area (R.C.A.) = 13.95 acres.
12)	This subdivision is located partially within a Resource Conservation Area (R.C.A.) of the Wicomico County Critical Area Overlay District.
13)	15% of total area of impervious surfaces to be conserved in Chesapeake Bay Critical Area (C.B.C.A.) = 2.24 acres.
14)	Area of Set-aside required (Zoning code - 50%) = 2.24 acres.
15)	No Habitat Protection Area located on or adjacent to this site.
16)	The property shown hereon is located in the Chesapeake Bay Critical Area District. No disturbance of land may occur without a Chesapeake Bay Critical Area Certificate of Compliance.
17)	This property is located within the Chesapeake Bay Critical Area and must comply with the Development Standards of the Maryland Critical Area Law.
18)	No dwelling, or portion thereof, is permitted in the Critical Area portions of Lots 2 & 3.
19)	State and Private wetlands were determined by Ron Ganton and aerial photography.

- GENERAL NOTES**
- The property shown hereon is currently owned by: Lots 1, 2, 3, 11, 12, 13, 14, 15, and Parcel A, Cedar Hill Homes, to Edward J. Morris, P.O. Box 219, Hebron, MD 21830. Telephone: 410-330-6188.
 - As to: Frank J. & Jennifer R. Willing, 1501 Court Plaza, Jr St 27, Salisbury, MD 21801. Lot 2A: Dennis E. Jr & Alexis L. Willing, 1202 Riverside Dr., Salisbury, MD 21801.
 - This property is located within G.P.R. Management Zone A.
 - Each sewage reserve area shall remain exclusive of structures, easements, right of ways, and driveways. Utilities are to be located outside of the sewage disposal areas.
 - The sewage disposal areas (S) shown on this plan are not to be impacted during any phase of construction, grading or storm water management activities or the site may be impacted by the construction of a sewage disposal area.
 - Sewage system designs are based on undisturbed grade elevations which were observed during the land evaluation process.
 - Maximum trench depth restriction applies to depth from original undisturbed grade.
 - Foundations must be a minimum of 10' from trench type SRA and a minimum of 25' from sandmound SRA's and a minimum of 30' from Fossil Well.
 - Lift pump systems may be required.
 - The following note is a standard note required by the Wicomico County Department of Public Works on all subdivision plats: These lots may be susceptible to periodic localized storm water drainage problems. Lot owners are encouraged to prepare the site and construct structures so as to minimize the impact of these potential storm water drainage problems.
 - All lots in this subdivision are subject to a Maintenance and Inspection Agreement of private Storm Water Management facilities. SWM 6-05 Deed Ref: 2712/296.
 - Within the area designated as "Drainage and Maintenance Easement", objects (such as structures, fences, sidewalks, paved driveways, and/or utilities) which may act as an obstruction to the intended use and/or maintenance of this easement shall not be permitted.
 - The approval of the Wicomico County Department of Public Works does not relieve the applicant of the responsibility to comply with all other applicable Federal, State, and Local laws.
 - This property is shown on F.L.R.M. Community Plan #240078 0017 (Panel 17 of 55), dated 9/28/84, as being in Flood Zone C, Area of Minimal Flooding and Zone A3, Elevation 6.
 - This property is located within an area which allows agricultural operations. This "right to farm" is protected under Chapter 186 of the Wicomico County Code.
 - Boundary survey was prepared without the benefit of a title report and is subject to any encumbrances, restrictions, easements and other matters that might be revealed by a thorough title search.
 - This boundary survey is subject to change due to natural causes and that it may or may not represent the actual location of the limit of title.
 - A portion of this subdivision is located within the Chesapeake Bay Critical Area (C.B.C.A.) and is classified as a Resource Conservation Area (R.C.A.). All lots shall meet the development standards of the Maryland Critical Area Law. A C.B.C.A. certificate of compliance must be issued by the planning and zoning office prior to the disturbance of land.
 - A portion of this subdivision is located within the 100-year flood plain and any development is subject to the requirements set forth in Chapter 149 of the Wicomico County Code entitled "Flood Plain Management".
 - Whitehall Homeowner Association shall own and maintain Parcel A and maintain the median within Whittier Drive. Homeowner Association will maintain Drainage and Maintenance Easement.
 - No dwelling or portion thereof is permitted within the Critical Area portion of Lots 2 - 7, except where impervious surfaces are shown.
 - 26) dwelling or portion thereof is permitted within the Delmarva Power and Light utility right of way portion of Lot 1 and Lot 2.
 - 27) Lots 11 - 15 are denied vehicular access to or from Athol Rd.
 - 28) Driveway on Lot 1 shall be limited to portion outside of drainage and maintenance easement.
 - 29) Plat is corrected to show the revised distances along Athol Road, the revised distances and bearings of lot lines on Parcel A, Lot 1, Lot 2, Lot 3, Lot 8, Lot 9, Lot 11, Lot 12, Lot 13, Lot 14 & Lot 15. The sewer area numbered coordinates on Lot 14 have been revised as well. Changes are noted by asterisk.
 - 30) No ponds may be located within 100' and no ditches may be located within 25' of designated sewage reserve areas.

RECEIVED
 JUL 9 2008
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

FINAL PLAT APPROVAL CERTIFIES THAT THIS SUBDIVISION HAS BEEN REVIEWED FOR STORMWATER DRAINAGE AFFECTING ONLY STREETS AND PUBLIC AREAS WITHIN ITS OWN BOUNDARIES, NOT INDIVIDUAL LOTS.

WICOMICO COUNTY DEPARTMENT OF PUBLIC WORKS		DATE
DIRECTOR	WICOMICO COUNTY PLANNING & ZONING OFFICE	DATE
DIRECTOR	WICOMICO COUNTY PLANNING & ZONING DIRECTOR	DATE

THIS SUBDIVISION IS APPROVED FOR INTERIM WATER SUPPLY AND SEWAGE DISPOSAL AND THEIR USE IS IN ACCORDANCE WITH THE WICOMICO COUNTY COMPREHENSIVE WATER AND SEWAGE PLAN.

WICOMICO COUNTY HEALTH DEPARTMENT		DATE
PLANNING DIRECTOR		DATE

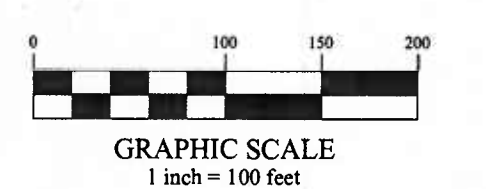
CHESAPEAKE BAY CRITICAL AREAS APPROVAL		DATE
DIRECTOR	WICOMICO COUNTY PLANNING & ZONING OFFICE	DATE
DIRECTOR	WICOMICO COUNTY FOREST CONSERVATION ACT	DATE

THIS SUBDIVISION IS BOUND BY THE AGREEMENTS AS SET FORTH IN FCA# 2006-01 ON FILE IN THE PLANNING OFFICE.

WICOMICO COUNTY FOREST CONSERVATION ACT		DATE
PLANNING DIRECTOR		DATE

WE CERTIFY THAT THIS IS THE LATEST EDITION OF THE PLAT AND THAT THE PROPERTY IS BOUND BY THE AGREEMENTS AS SET FORTH IN FCA# 2006-01 ON FILE IN THE PLANNING OFFICE.

Philip R. Parker, L.C. DATE: 7/15/08
Edward J. Morris DATE: 7/29/08
Frank J. Willing DATE: 7-4-08
Jennifer R. Willing DATE: 7-4-08
Dennis E. Willing Jr DATE: 7/6/08
Alexis L. Willing DATE: 7/1/08
Theresa M. Hynes DATE: 7/21/08



REVISIONS	
DATE	INT.
01/08/08	M.K.G.
01/07/08	M.K.G.
03/08/08	M.R.M.

***CORRECTED PLAT**
 OF LOTS 1, 2, 3, 8, 9, 11, 12, 13, 14, 15, PARCEL A & RESUBDIVISION OF LOTS 2 & 3 WHITEHALL SUBDIVISION SECTION ONE

LOCATION: BAREN CREEK ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

SCALE: 1"=100' DATE: 12/07/07 TAXMAP: IT

JOBNUM: S1621 CORRECTED DRAWNBY: M.K.G. PARCEL: 19

