

WO 543-06
SUB

Shay, Donald

MSA.S. 1829-6164

Ce sterlos

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 28, 2006

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Minor Subdivision – Shay, Donald

Dear Ms. Davis:

Thank you for submitting the site plan for the above referenced project. The applicant intends to subdivide one 3.01 acre lot from an existing 80.0 acre parcel located on Worcester County Tax Map 99, Parcel 7. The southern and eastern portions of the site are located in the Chesapeake Bay Critical Area and the property is designated as a Resource Conservation Area (RCA). I have reviewed the information submitted and have provided comments below.

1. Please have the applicant request and supply this office with DNR's comments from the Wildlife and Heritage Service.
2. The afforestation area presented is sufficient to comply with the 15% requirement but should be put into a conservation easement and require surety guarantees as part of the approval process. The afforestation should be of a similar species present on the property. It appears that all Loblolly Pines are presented as the proposed plantings.
3. Worcester County Code § NR 3-219.(c)(5) states that "...When lands are proposed to be developed or converted to new uses, the Buffer shall be established." The applicant should indicate how this will be accomplished. It appears that the applicant is close to a fully vegetated Buffer. This office would not oppose natural regeneration of the area currently cultivated. If this approach is used then some field demarcation of the Buffer should be incorporated into the site plan requirements.

TTY for the Deaf

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

4. The site currently has an existing dirt road access into the property that bifurcates Hall Branch, a tributary of the Pocomoke River and extends into the 100-foot Buffer. It appears that the site plans indicate an extension of this dirt road to serve the property. There is a note on the site plan that this road would not be expanded but it will obviously need to be extended to serve the new lot. Staff recommends that where the dirt road does extend to the new lot that the applicant provide for mitigation of the new portion of the road at a rate not less than 3:1. This should be addressed independently of the other afforestation requirements.
5. The total reported size of the current property is reported to be 80.0 acres. The applicant is reserving 17.0 acres of the parent tract. The RCA designation dictates a density requirement of one dwelling per 20 acres. Future subdivision of lots on the parent tract may be restricted due to the presence of State owned tidal wetlands on the property. Only private tidal wetlands may be used for the density calculations.

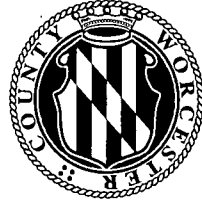
I appreciate the opportunity to comment and look forward to receiving the additional information required for site plan review. If you have any questions please feel free to contact me directly at 410-260-3476.

Best regards,



Chris Clark
Natural Resources Planner

cc: WC 543-06



DEPARTMENT OF
DEVELOPMENT REVIEW AND PERMITTING

Worcester County

GOVERNMENT CENTER
ONE WEST MARKET STREET, ROOM 1201
SNOW HILL, MARYLAND 21863
TEL: 410-632-1200 / FAX: 410-632-3008

BOARD OF APPEALS
PLANNING COMMISSION
AGRICULTURAL PRESERVATION

ELECTRICAL BOARD
SHORELINE COMMISSION
LICENSE COMMISSIONERS

MEMORANDUM

TO: Chris Clark, Natural Resources Planner
Critical Area Commission

FROM: Janet Davis, Critical Area Planner I

DATE: August 21, 2006

RE: Tax Map 99, Parcel 7, Proposed Lot 1
Cedar Hall Road
Resource Conservation Area (RCA)

In early July, I asked if you had any record of the State reviewing this lot subdivision within the last two years. I could not find any information on it. Apparently, it has been "in the works" for 2 years. You responded by e-mail on July 10th stating no review had been done and addressed the afforestation requirement. Working with Erin Doyle of George Young's office, I submit the following for your review: (1) proposed minor subdivision plat, and (2) mitigation plan.

I attempted the Project Notification Application – please let me know what is missing or wrong so I can correct in future applications.

Please e-mail or call with any comments.

If you have any questions, please do not hesitate to contact me, at Ext. 1144; or email at jdavis@co.worcester.md.us.

CHESAPEAKE BAY CRITICAL AREA LAW

THIS PROPERTY LIES WITHIN THE WORCESTER COUNTY CHESAPEAKE BAY CRITICAL AREA, ANY AND ALL PROPOSED DEVELOPMENT ACTIVITY MUST MEET THE REQUIREMENTS OF TITLE 3 (LAND AND WATER RESOURCES), SUBTITLE II (CHESAPEAKE BAY CRITICAL AREA) OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS IN EFFECT AT THE TIME OF PROPOSED DEVELOPMENT ACTIVITY.

THIS PROPERTY LIES WITHIN A RESOURCE CONSERVATION AREA (RCA) OF THE CHESAPEAKE BAY CRITICAL AREA (CRITICAL AREA), THEREBY REQUIRING A MINIMUM ONE DWELLING UNIT PER TWENTY ACRE DENSITY. IN ACCORDANCE WITH NR-3-209 (INTRAFAMILY SUBDIVISIONS) OF THE WORCESTER COUNTY CODE OF PUBLIC LOCAL LAWS, AS MORE THAN SIXTY ACRES OF THIS PROPERTY LIES WITHIN THE CRITICAL AREA, THIS SUBDIVISION OF 3.01 AC. IS NOT BOUND BY THE INTRAFAMILY SUBDIVISION REQUIREMENTS OF THE CRITICAL AREA LAW. HOWEVER FOR THE PURPOSES OF THIS SUBDIVISION 17.0 ACRES OF THE PARENT TRACT (TAX MAP 99 PARCEL 7) IS RESERVED FOR THE ACCOUNTING OF THE MINIMUM 20 ACRE DENSITY REQUIREMENTS WITHIN THE RCA.

WORCESTER COUNTY PLANNING AND ZONING COMMISSION

THE GRANT OF A PERMIT OR APPROVAL OF THIS SUBDIVISION SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTEE OR WARRANTY OF ANY KIND BY WORCESTER COUNTY OR BY ANY OFFICIAL OR EMPLOYEE THEREOF, OF THE PRACTICABILITY, BUILD ABILITY OR SAFETY OR ANY PROPOSED USE, AND SHALL CREATE NO LIABILITY UPON THE COUNTY, ITS OFFICIALS OR EMPLOYEES.

ANY APPROVAL BY THE DEPARTMENT OF THE ENVIRONMENT OF ANY SEWER OR WATER SYSTEM OR SUITABILITY THEREFOR IS BASED UPON STATE AND COUNTY STANDARDS EXISTING AS OF THE DATE OF APPROVAL, SUCH STANDARDS ARE SUBJECT TO CHANGE AND A BUILDING PERMIT MAY BE DENIED IN THE FUTURE, IN THE EVENT CURRENT STANDARDS CANNOT BE MET AS OF THE DATE OF APPLICATION FOR SUCH PERMIT THE APPROVAL SHOWN HEREON IS NOT SUFFICIENT APPROVAL FOR A BUILDING PERMIT.

APPROVING AUTHORITY _____ DATE _____
 WORCESTER COUNTY ENVIRONMENTAL PROGRAMS

THIS SUBDIVISION IS APPROVED FOR INTERIM INDIVIDUAL WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS IN ACCORDANCE WITH THE COUNTY COMPREHENSIVE WATER AND SEWER PLAN.

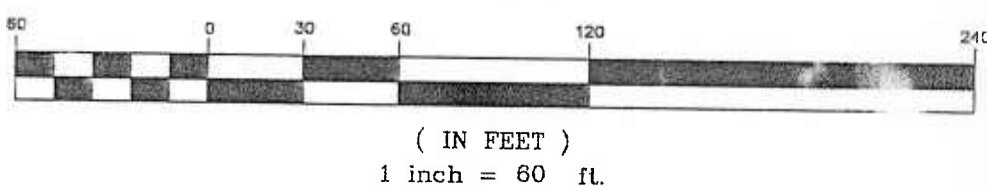
THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THESE SYSTEMS AND CONNECT TO THE COMMUNITY SYSTEM(S) WHEN AVAILABLE. THE DISPOSAL SYSTEMS ARE RESTRICTED TO SPECIAL DESIGNS MEETING CURRENT ENVIRONMENTAL PROGRAMS STANDARDS. WATER SUPPLYING THE WELLS SHALL BE FROM A CONFINED AQUIFER (APPROX. 50 FT. BELOW THE GROUND LEVEL) OR SOME DEEPER CONFINED AQUIFER. (FOR EACH BUILDING UNIT, A MINIMUM OF 10,000 SQ. FT. EXCLUSIVE OF BUILDINGS, EASEMENTS RIGHTS-OF-WAY AND SUCH OTHER PERMANENT OR PHYSICAL OBJECTS, SHALL BE PROVIDED FOR THE SUBSURFACE DISPOSAL OF SEWAGE.) SOIL EVALUATIONS WERE COMPLETED BASED ON EXISTING ELEVATIONS. ANY ALTERATION OF ELEVATION OR CHANGE IN GRADE ARE PROHIBITED WITHOUT PRIOR APPROVAL OF THIS OFFICE.

APPROVING AUTHORITY _____ DATE _____

NOTE: THE WETLAND LINES SHOWN ARE AS DELINEATED BY RONALD D. GATTON ENVIRONMENTAL CONSULTANTS, INC. DATED 10/8/04.

LOT 1 IS LOCATED WITHIN A RESOURCE CONSERVATION DISTRICT OF THE CHESAPEAKE BAY CRITICAL AREA AND IS SUBJECT TO THE REGULATIONS OF THIS LAW.

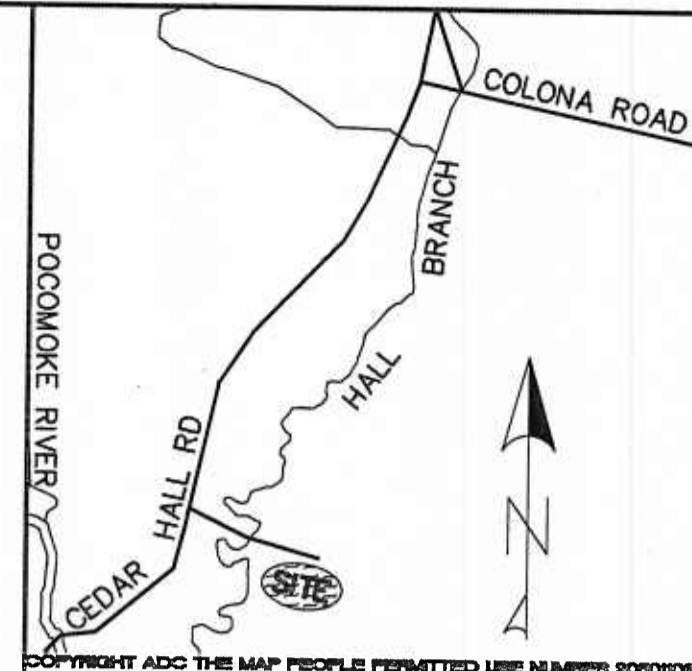
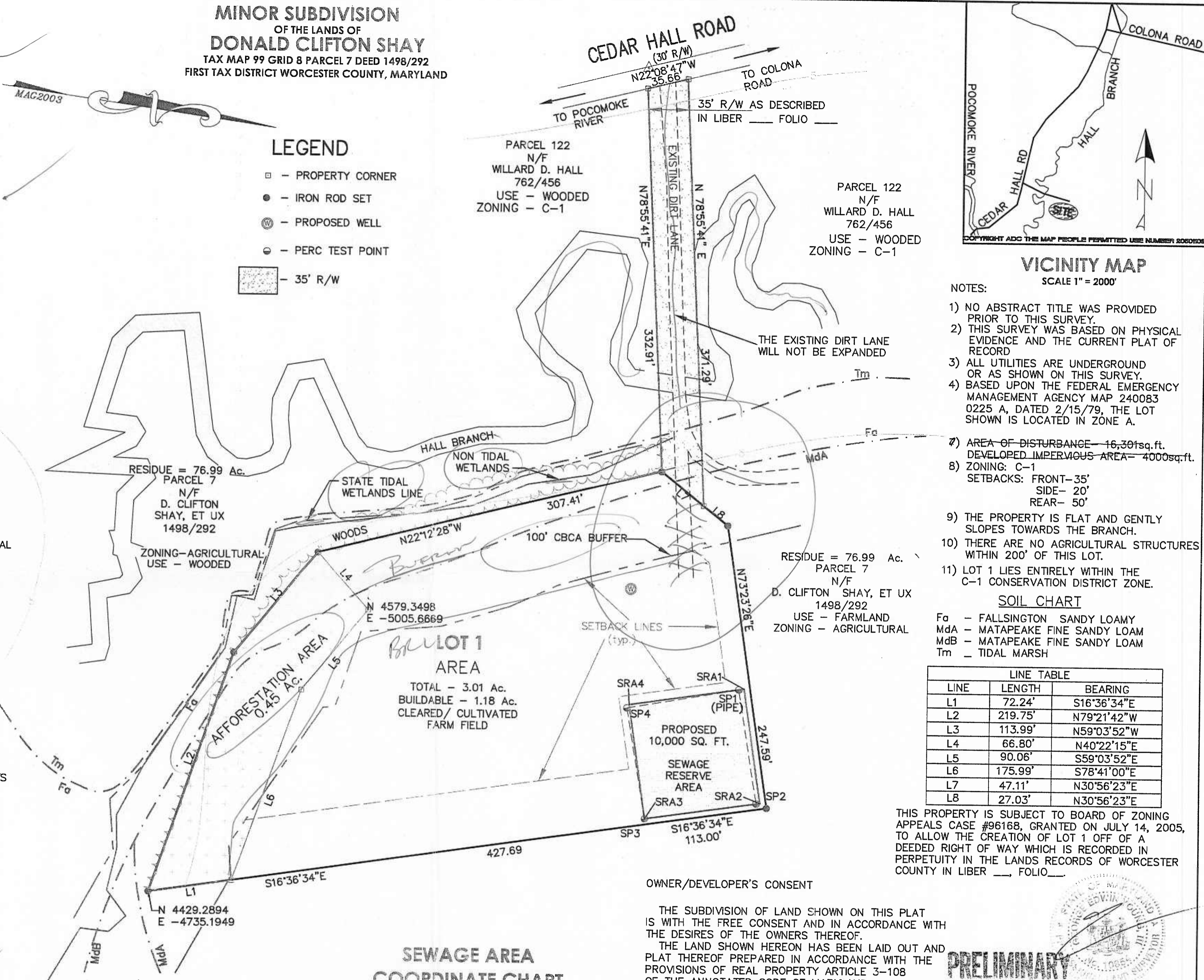
GRAPHIC SCALE



MINOR SUBDIVISION OF THE LANDS OF DONALD CLIFTON SHAY
 TAX MAP 99 GRID 8 PARCEL 7 DEED 1498/292
 FIRST TAX DISTRICT WORCESTER COUNTY, MARYLAND

LEGEND

- - PROPERTY CORNER
- - IRON ROD SET
- ⊙ - PROPOSED WELL
- ⊙ - PERC TEST POINT
- ▨ - 35' R/W



VICINITY MAP

SCALE 1" = 2000'

NOTES:

- 1) NO ABSTRACT TITLE WAS PROVIDED PRIOR TO THIS SURVEY.
- 2) THIS SURVEY WAS BASED ON PHYSICAL EVIDENCE AND THE CURRENT PLAT OF RECORD
- 3) ALL UTILITIES ARE UNDERGROUND OR AS SHOWN ON THIS SURVEY.
- 4) BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP 240083 0225 A, DATED 2/15/79, THE LOT SHOWN IS LOCATED IN ZONE A.
- 7) AREA OF DISTURBANCE - 16,301sq.ft. DEVELOPED IMPERVIOUS AREA - 4000sq.ft.
- 8) ZONING: C-1
 SETBACKS: FRONT-35'
 SIDE- 20'
 REAR- 50'
- 9) THE PROPERTY IS FLAT AND GENTLY SLOPES TOWARDS THE BRANCH.
- 10) THERE ARE NO AGRICULTURAL STRUCTURES WITHIN 200' OF THIS LOT.
- 11) LOT 1 LIES ENTIRELY WITHIN THE C-1 CONSERVATION DISTRICT ZONE.

SOIL CHART

- Fa - FALLSINGTON SANDY LOAMY
- MdB - MATAPEAKE FINE SANDY LOAM
- MdB - MATAPEAKE FINE SANDY LOAM
- Tm - TIDAL MARSH

LINE TABLE		
LINE	LENGTH	BEARING
L1	72.24'	S16°36'34"E
L2	219.75'	N79°21'42"W
L3	113.99'	N59°03'52"W
L4	66.80'	N40°22'15"E
L5	90.06'	S59°03'52"E
L6	175.99'	S78°41'00"E
L7	47.11'	N30°56'23"E
L8	27.03'	N30°56'23"E

THIS PROPERTY IS SUBJECT TO BOARD OF ZONING APPEALS CASE #96168, GRANTED ON JULY 14, 2005, TO ALLOW THE CREATION OF LOT 1 OFF OF A DEEDED RIGHT OF WAY WHICH IS RECORDED IN PERPETUITY IN THE LANDS RECORDS OF WORCESTER COUNTY IN LIBER _____, FOLIO _____.

OWNER/DEVELOPER'S CONSENT

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS THEREOF.
 THE LAND SHOWN HEREON HAS BEEN LAID OUT AND PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY ARTICLE 3-108 OF THE ANNOTATED CODE OF MARYLAND.

SEWAGE AREA COORDINATE CHART

DESC.	NORTHING	EASTING	ELEV.
SP1(PIPE)	4908.252	-4987.5878	101.39
SP2	4938.1247	-4892.1932	101.87
SP3	4845.3709	-4864.5257	102.23
SP4	4815.2259	-4957.252	101.19
SRA1	4912.614	-4988.9377	
SRA2	4941.1985	-4893.1101	
SRA3	4845.3709	-4864.5257	
SRA4	4816.7864	-4960.3533	

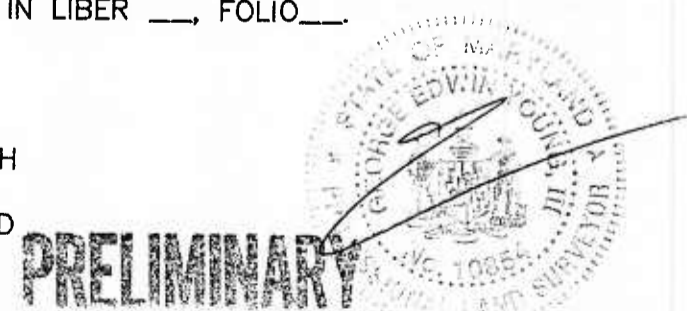
I, GEORGE E. YOUNG, III, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO CERTIFY THE LAND SHOWN HEREON HAS BEEN LAID OUT AND PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF REAL PROPERTY ARTICLE 3-108 OF THE ANNOTATED CODE OF MARYLAND.

George E. Young, III
 Professional Land Surveyor MD No. 10854
 VA No. 1700
 DE No. 534

DONALD CLIFTON SHAY
 418 CEDAR HALL ROAD
 POCOMOKE, MARYLAND 21851

LOUISE B SHAY
 418 CEDAR HALL ROAD
 POCOMOKE, MARYLAND 21851

RECEIVED DATE _____
 AUG 23 2006



GEY
 GEORGE E. YOUNG, III, P.C.
 ENGINEERS & SURVEYORS
 2317 STOCKTON ROAD
 POCOMOKE MARYLAND 21851
 PHONE: (410)-957-2149
 (410)-832-2434
 FAX: (410)-957-2828

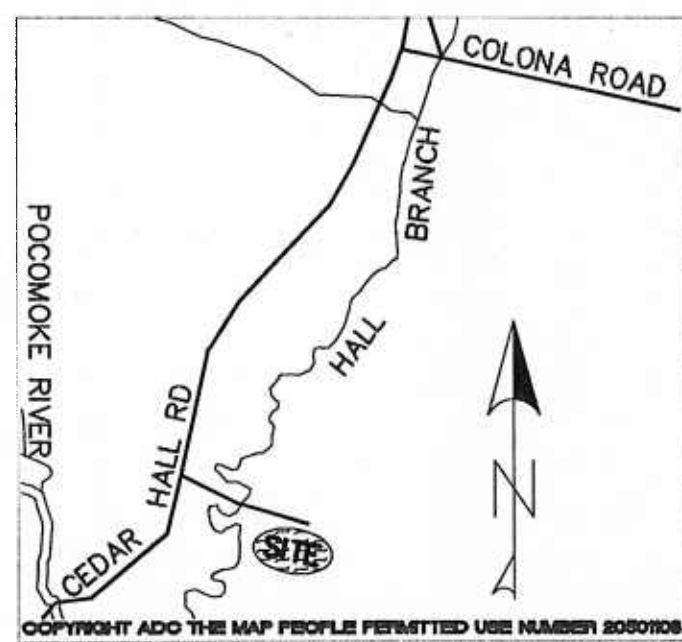
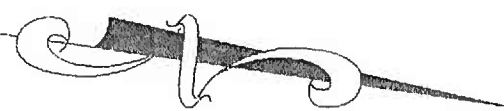
SCALE: 1" = 60' REVISIONS:
 DRAWN BY: SDT 4/17/06
 DATE DRAWN: 4/14/05
 CAD NAME: FSURVEY2003
 JOB #: 03086-L SHEET 1 OF 1

CHESAPEAKE BAY CRITICAL AREA MITIGATION PLAN

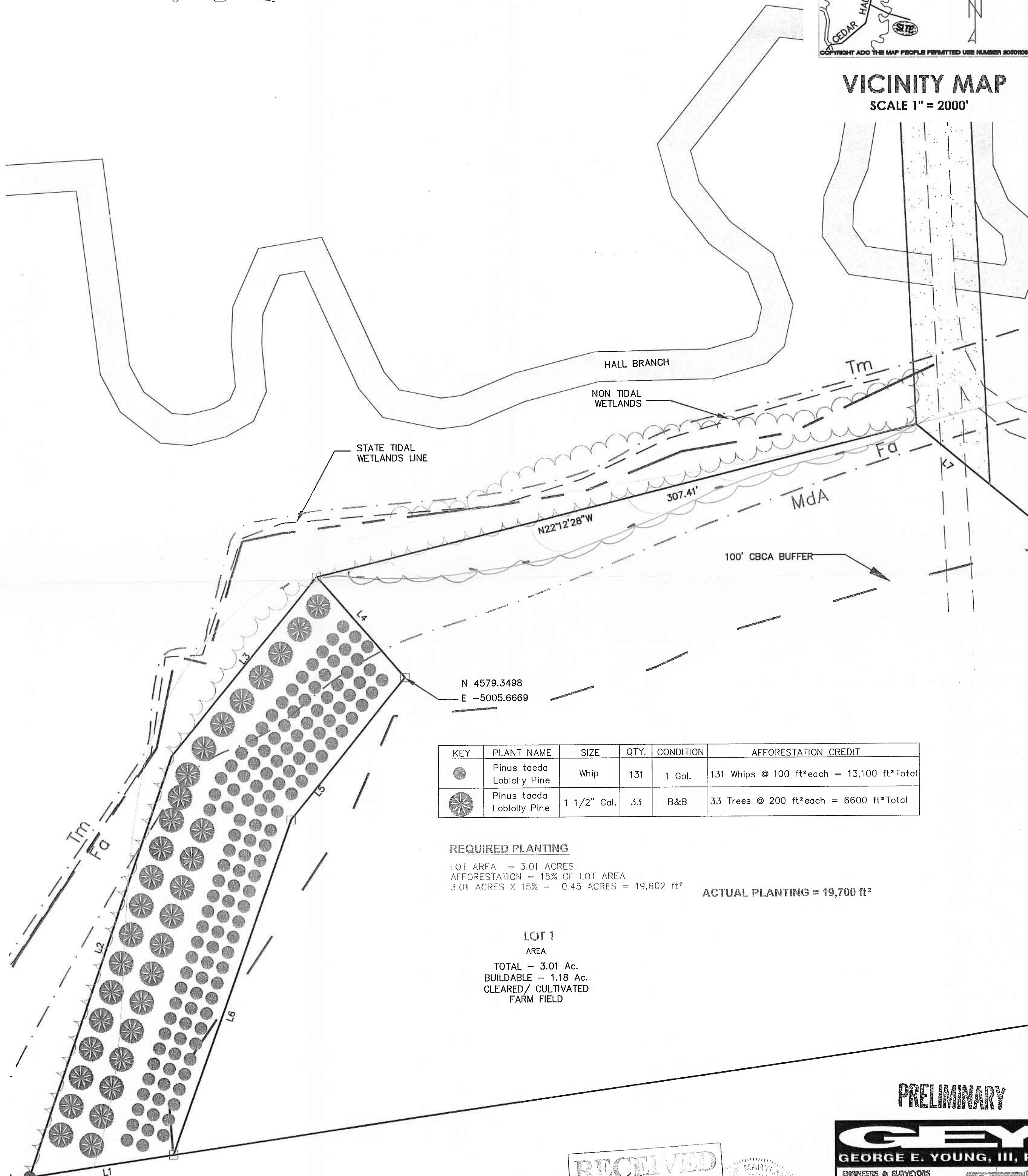
ON THE LANDS OF
DONALD C. SHAY

TAX MAP 99 GRID 1 PARCEL 7 AND PARCEL 119
FIRST ELECTION DISTRICT
WORCESTER COUNTY, MARYLAND

MAG2003



VICINITY MAP
SCALE 1" = 2000'



N 4579.3498
E -5005.6669

KEY	PLANT NAME	SIZE	QTY.	CONDITION	AFFORESTATION CREDIT
	Pinus taeda Loblolly Pine	Whip	131	1 Gal.	131 Whips @ 100 ft ² each = 13,100 ft ² Total
	Pinus taeda Loblolly Pine	1 1/2" Cal.	33	B&B	33 Trees @ 200 ft ² each = 6600 ft ² Total

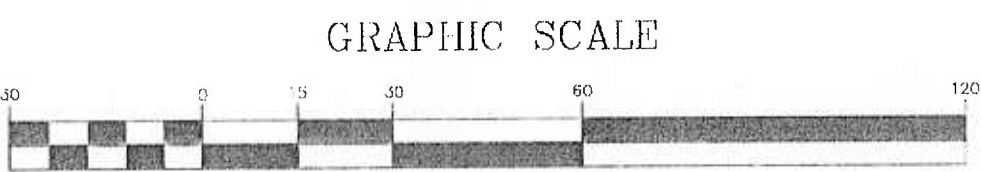
REQUIRED PLANTING

LOT AREA = 3.01 ACRES
AFFORESTATION = 15% OF LOT AREA
3.01 ACRES X 15% = 0.45 ACRES = 19,602 ft²

ACTUAL PLANTING = 19,700 ft²

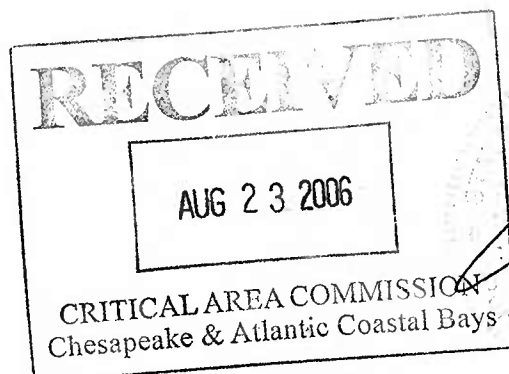
LOT 1
AREA
TOTAL - 3.01 Ac.
BUILDABLE - 1.18 Ac.
CLEARED/ CULTIVATED
FARM FIELD

N 4429.2894
E -4735.1949



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



PRELIMINARY

GEY
GEORGE E. YOUNG, III, P.C.
ENGINEERS & SURVEYORS
2317 STOCKTON ROAD
POCOMOKE MARYLAND 21851
PHONE: (410)-837-2149
(410)-832-2434
(410)-478-0400
(410)-857-2928
FAX: (410)-857-2928

SCALE: 1" = 30'	REVISIONS:
DRAWN BY: SOT MRP DED	
DATE DRAWN: 7/21/06	
CADD NAME: F: SURVEY\2003	
JOB #: 03058LSCP	SHEET 1 OF 1