MJ 1/18/08 CR 735-07 SUB Lyford Landing I 21829-6548

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/

January 18, 2008

Ms. Betsy Walk Caroline County Office of Planning 403 S. Seventh Street, Suite 210 Denton, Maryland 21629

# Re: 8845 New Bridge Road – Lyford Landing Subdivision Elizabeth Fink, Tax Map 36, Parcel 6, Block 27

## Dear Ms. Walk:

Thank you for providing information on the above referenced proposal. The applicant proposes to divide an existing lot into two lots. This site is located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. Information has been submitted indicating that Parcel 63 is in a conservation easement as of 2002. The following comments relate to the proposed subdivision.

- 1. One dwelling is allowed per 20 acres in the RCA. There appear to be approximately 80 acres of RCA associated with the original site, which would allow four dwelling units. Total site area should be confirmed by professional wetland delineation to ensure that there is adequate area to meet the density standard on this site.
- 2. Based on the materials submitted, it is difficult to determine whether density standards of the RCA are met by the proposed land division. The status is unclear of the building labeled "1 story dwelling" on proposed Lot 1. The 1997 plat of this site labeled this structure as "not to be used as a dwelling unit." Current and continued use of this structure as a dwelling unit would appear to result in the applicant exceeding the permitted density in the RCA. Please provide this office with documentation of the status of this building. This information is needed prior to our support of the current subdivision proposal.

Letter to Betsy Walk January 18, 2008 Page 2 of 2

3. The "Lot History Statement" note on the plat stating that there have not been subdivisions of the original parcel is incorrect and should be removed or corrected prior to plat approval.

Thank you for the opportunity to comment. <u>Please address the comments above and provide a</u> revised subdivision plat. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

Marshall Johnson Natural Resources Planner

cc: CR 735-07

#### DEED OF CONSERVATION EASEMENT

\$

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made this <u>b</u> day of <u>NGFEMEER</u>, 2002, by and between STEVEN D. SWANN, JULIE A. SWANN, DONALD G. SWANN and LAURICE A. SWANN, 8845 New Bridge Road, Denton, Maryland 21629, ("Grantors"), and the MARYLAND ENVIRONMENTAL TRUST, 100 Community Place, First Floor, Crownsville, Maryland 21032-2023, and the EASTERN SHORE LAND CONSERVANCY, INC., a Maryland not-for-profit corporation, Post Office Box 169, Queenstown, Maryland 21658 (collectively, "Grantees").

#### WITNESSETH

WHEREAS, in 1997 the Maryland General Assembly enacted Subtitle 9A, Natural Resources Article, Annotated Code of Maryland, establishing a Rural Legacy Board and a Rural Legacy Program to counteract the effects of sprawl development and other modifications to the landscape in Maryland and to enhance natural resource, agricultural, forestry, and environmental protection while maintaining the viability of resource-based land usage and proper management of tillable and wooded areas through accepted agricultural and silvicultural practices for farm production and timber harvests. Protection is provided through the acquisition of easements and fee estates from willing landowners, and the supporting activities of Rural Legacy Sponsors and local governments;

WHEREAS, the Maryland Eastern Shore Agricultural Security Corridor Rural Legacy Area and Plan were approved by the Maryland Rural Legacy Board in 1998 to preserve agricultural and natural resources in the Tuckahoe Rural Legacy Focus Area;

WHEREAS, the Eastern Shore Land Conservancy, Inc. is a not-for-profit tax exempt organization within the meaning of Section 501(c)(3) of the Internal Revenue Service Code and is established to promote the protection of productive farmland and natural areas of Maryland'a Eastern Shore;

WHEREAS, the Maryland Environmental Trust is created and exists pursuant to Subtitle 2 of Title 3 of the Natural Resources Article, Annotated Code of Maryland (2000 Replacement Volume as amended), to conserve the natural and scenic qualities of the environment;

WHEREAS, Grantors own in fee simple 145.864 acres of certain real property ("Property") situate, lying and being in the Sixth Election District of Caroline County, Maryland, and more particularly described in Exhibit A attached hereto, which was conveyed to the Grantors by Jorg Freiherr Van Holzschuber by Deed dated August 14, 1997 as recorded among the Land Records of Caroline County, Maryland in Liber 321, Folio 289;

WHEREAS, the Grantors are willing to grant a perpetual Conservation Easement over the Property, thereby restricting and limiting the use of the Property as hereinafter provided in this Conservation Easement for the purposes hereinafter set forth, and the Grantees are willing to accept such Conservation Easement;

LER 462 PAR 22615

WHEREAS, the Grantors and the Grantees have identified significant conservation values in Exhibit B and have common purposes in conserving and preserving these values and the natural, agricultural, forestry, environmental, seenic, cultural, rural, woodland and welland characteristics of the Property, viable resource-based land use and proper management of tillable and wooded areas of the Property, and, to the extent hereinafter provided, preventing the use or development of the Property for any purpose or in any manner that would conflict with the maiotenance of the Property in its open-space condition; and

WHEREAS, the Rural Legacy Board established in the Department of Natural Resources has been authorized under Subtitle 9A, Natural Resources Article of the Annotated Code of Maryland, to provide grants to Sponsors of Rural Legacy Areas to acquire conservation easements in designated Rural Legacy Areas, and has agreed, with the approval of the Maryland Board of Public Works, to pay the sum of Two Hundred Thirty-Two Thousand Six Hundred Sixteen and 40/100 Dollars (\$232,616.40) to the Grantors as full monetary consideration for granting this Conservation Easement; and the Grantors and the Eastern Shore Land Conservancy, Inc. agree that, as hereinafter provided, the State of Maryland is a third party beneficiary of this Conservation Easement.

NOW, THEREFORE, in consideration of Two Hundred Thirty-Two Thousand Six Hundred Sixteen and 40/100 Dollars (\$232,616.40), the facts stated in the above paragraphs and the covenants, terms, conditions and restrictions (the "Terms") hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged by the parties, the Grantors unconditionally and irrevocably hereby grant and convey unto the Grantors, their successors and assigns, forever and in perpetuity a Conservation Easement of the nature and character and to the extent hereinafter set forth, with respect to the Property;

The Purpose of this Conservation Easement is to conserve and preserve the significant conservation values in Exhibit B and the natural, agricultural, forestry, environmental, scenic, cultural, irural, woodland and wetland characteristics of the Property, maintain viable resourcebased land use and proper management of tillable and wooded areas of the Property, and, to the extent hereinafter provided, prevent the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space condition;

To achieve these objectives, the following Terms are set forth:

#### ARTICLE I. DURATION OF EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross and as such is Inheritable and assignable in accordance with Article V and runs with the land as an incorporeal interest in the Property, enforceable with respect to the Property by the Grantees against the Grantors and their personal representatives, heirs, successors and assigns, and by the State of Maryland, acting by and through the Rural Legacy Board or the Office of the Attorney General against the Grantors, the Eastern Shore Land Conservancy, Inc., and their respective personal representatives, heirs, successors, and assigns.

#### Page 2 of 15

UER462 NE227

#### Deed of Conservation Easement Exhibit A Boundary Description and Property Reference Page One of One

.

1

ALL that tract or parcel of land being shown on a plat entitled "BOUNDARY SURVEY SWANN PROPERTY", prepared by Tidewater Surveys dated April 3, 2002 and recorded among the Plat Records of Caroline County in Plat Cabinet 26, folio 1583.

Being or intended to be part of that land conveyed from Jorg Freiherr Van Holzschuher to Steven D. Swann, Julie A. Swann, Donald G. Swann and Laurice A. Swann by deed dated August 14, 1997, as recorded among the land record books of Caroline County, Maryland in Liber 321, Folio 289.

# LEER462 ME241

۰.

### DEVELOPMENT RIGHT CALCULATIONS

TOTAL AREA IN CRITICAL AREA = 82.543 Ac. $\pm$ TOTAL DEVELOPMENT RIGHTS = 4 (AVAILABLE) DEVELOPMENT RIGHTS USED = 2 DEVELOPMENT RIGHTS REMAINING = 2

#### IMPERVIOUS AREA CALCULATIONS

PARCEL ONE (22.624 AC.±)

15% IMPERVIOUS ALLOTMENT = 147,825 SQ. FT. EXISTING IMPERVIOUS AREA = 16,192 SQ. FT. ALLOWABLE IMPERVIOUS AREA = 131,633 SQ. FT.

REMAINING LANDS (59.919 Ac. ± IN CRITICAL AREA)

15% IMPERVIOUS ALLOTMENT = 391,510 SO. FT. EXISTING IMPERVIOUS AREA = 6,222 SQ. FT. ALLOWABLE IMPERVIOUS AREA = 385,288 SQ. FT.

15%	FOREST COVER REC	UIRED: 3	.25	ACRES
44%	EXISTING FOREST C	OVER: 9	49	ACRES

Γ	PROPERTY STATISTICS:	HEATTH DEDADTMENT.
	PARCEL_27 OWNERS: ANDREW LANDIS MAILING ADDRESS: 100 LAUREL LANE DANIELS,	HEALTH DEPARTMENT: THIS SUBDIVISION IS APPROVED FOR INTERIM INDIVIDUAL WATER AND AND ITS USE IS IN ACCORDANCE WITH THE CAROLINE COUNTY COMP SEWERAGE PLAN. THE APPLICANT OR ANY FUTURE OWNER MUST DI
	WEST VIRGINIA 25832 PROPERTY ADDRESS: 8845 NEW BRIDGE ROAD DENTON, MARYLAND 21629 DEED REFERENCE: FDM/323/385	THESE INDIVIDUAL SYSTEMS AND CONNECT TO THE COMMUNITY SYST AVAILABLE. THE PROPOSED LOT SHOWN HEREON IS APPROVED AS WITH THE CAROLINE COUNTY COMPREHENSIVE WATER AND SEWERAGE
	SUBJECT PARCEL 27 IS ZONED:R-RURALMINIMUM LOT AREA:1 ACREMINIMUM FRONT YARD:40 FEETMINIMUM SIDE YARD:25 FEETMINIMUM REAR YARD:30 FEET	<ul> <li>IN GROUND SWIMMING POOLS ARE NOT PERMITTED LESS THAN 2</li> <li>NO PERMANENT STRUCTURES ARE PERMITTED IN THE SEPTIC RES</li> <li>APPROVED:</li> </ul>
	MEAN HIGH WATER: 100 FEET TIDAL WETLANDS: 100 FEET INTERMITTENT STREAM: 100 FEET	CAROLINE COUNTY APPROVING AUTHORITY DATE
	FLOODPLAIN NOTE: THE PARCEL SHOWN HEREON LIES WITHIN FLOOD ZONES "A4" AND "C" LOCATED WITHIN THE COASTAL FLOOD PLAIN AS SHOWN ON THE FEDERAL INSURANCE RATE MAP, COMMUNITY PANEL NO. 240130 0230 B DATED OCTOBER 15, 1980 FOR ADDITIONAL AND A DESCRIPTION OF ADDITIONAL STREET	CAROLINE COUNTY ZONING ADMINISTRATOR DATE
	CAROLINE COUNTY, MARYLAND. THEREFORE MANDATORY FLOOD INSURANCE MAY BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANGEMENT AGENCY, WASHINGTON, D.C. FLOOD PLAIN_LEGEND	CRITICAL AREA IMPERVIOUS AREA CALC
	A – 100 YEAR FLOOD ZONE B – 500 YEAR FLOOD ZONE C – AREA OF MINIMAL FLOODING	PARCEL 27 LOT 1PARCETOTAL LOT AREA= 11.526 AC.±TOTALALLOWABLE IMPERVIOUS AREA= 75,311 SQ. FT.ALLOW(15% OF 11.526 AC.±)(15%)
	THE FLOOD ZONE "A" PORTION OF THE PROPERTY WOULD BE INUNDATED BY A FLOOD HAVING A ONE-PERCENT CHANCE OF OCCURRENCE IN ANY GIVEN YEAR. THEREFORE, ANY NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT ON THE PROPERTY IS SUBJECT TO FEDERAL, STATE, AND LOCAL REGULATIONS.	EXISTING IMPERVIOUS AREA:       EXIST         2 STORY DWELLING W/ BASEMENT= 1,330 SQ. FT.       3 STO         SHEDS= 1,916 SQ. FT.       GRAVE         BARNS= 1,875 SQ. FT.       BARN         DILAPIDATED CHICKEN COOP= 182 SQ. FT.       FRAMI         GARAGE= 526 SQ. FT.       1 CAF
	CHESPEAKE BAY CRITICAL AREA STATEMENT: THE PROPERTY SHOWN HEREON IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA. THE	1 STORY DWELLING= 1,021 SQ. FT. SMOK GRAVEL DRIVEWAY= 3,097 SQ. FT. CONC TOTAL EXISTING IMPERVIOUS AREA= 9,947 SQ. FT. GAZED REMAINING ALLOWABLE IMPERVIOUS AREA= 65,364 SQ. FT. OLD
	CRITICAL AREA ZONING IS (RCA) RESOURCE CONSERVATION AREA. DEVELOPMENT OF THESE LOTS IS SUBJECT TO STATE AND LOCAL CHESAPEAKE BAY CRITICAL AREAS REGULATIONS. <u>TIDAL AND/OR NON-TIDAL WETLANDS DELINEATION NOTE:</u> NO TIDAL OR NON-TIDAL WETLANDS HAVE BEEN LOCATED.	PUMP PUMP POOL CONC TOTAL REMAI
	<u>SEDIMENT AND EROSION CONTROL STATEMENT:</u> ANY LAND CLEARING, GRADING, OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED	FOREST CALCULATIONS:
	AREAS OR CAROLINE COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE CAROLINE COUNTY SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE CAROLINE COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4–103 AND 26.09.01.05.	PARCEL 27 LOT 1 TOTAL LOT AREA= 11.526 AC.± REQUIRED FOREST AREA= 75,311 SQ. FT. (15% OF 11.526 AC FOREST IN CRITICAL AREA= 187,210 SQ. FT. PARCEL 27 NEW LOT 4
	STANDARD WETLANDS NOTE: THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN	TOTAL LOT AREA= 11.030 AC.± REQUIRED FOREST AREA= 72,070 SQ. FT. (15% OF 11.030 AC FOREST IN CRITICAL AREA= 273,633 SQ. FT.
	OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANTS OF THIS DEVELOPMENT PROJECT, WE UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS AND REGULATIONS RESTS WITH THE U.S. ARMY	
	CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.	
	ENDANGERED SPECIES/DELMARVA FOX SQUIRREL STATEMENT: THIS DEVELOPMENT MAY CONTAIN PROTECTED HABITAT OF THE DELMARVA FOX SQUIRREL LISTED AS AN ENDANGERED SPECIES UNDER THE ENDANGERED SPECIES ACT AS AMENDED, UNITED STATES CODE. REGULATIONS DESIGNED TO PROTECT THE DELMARVA FOX SQUIRREL	Bar
	AND ITS HABITAT ARE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE DIVISION. AS THE APPLICANTS FOR THE DEVELOPMENT ACTIVITY, WE UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL THE DETERMINATIONS CONCERNING THE EFFECT OF THE PROPOSED DEVELOPMENT ON THE DELMARVA FOX SQUIRREL AND ITS HABITAT RESTS WITH	A CONTRACTOR OF
бж,	THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE DIVISION. WE ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING ALL PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE DIVISION.	
-070603.dwg	AGRICULTURAL COMPATABILITY STATEMENT:	PARCEL 48 MICHAEL STUART WILLIAMS MARYANNE B. WILLIAMS FDM/696/666
SE-24x36-	THIS PROPERTY IS IN AN AGRICULTURAL AREA AND EACH LOT OWNER, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE NO BASIS FOR RECOURSE AGAINST THE EFFECTS OF ANY NORMAL FARMING OPERATIONS CONDUCTED IN ACCORDANCE WITH GOOD HUSBANDRY PRACTICES WHICH MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY. THESE EFFECTS INCLUDE BUT ARE NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST OR	
. GBS-BASE-	GLARE. THE LOT OWNER SHALL ACCEPT THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.	
Remove-not accurate	LOT HISTORY STATEMENT: THERE HAVE BEEN NO LOTS PREVIOUSLY SUBDIVIDED AND/OR CONVEYED FROM THE ORIGINAL TRACT AND/OR PARCEL SHOWN HEREON AFTER NOVEMBER 30, 1972.	PARCEL 26 LOIS J. SWANN STEVEN D. SWANN THOMAS R. SWANN
VSP-BASE-07	OWNER'S CERTIFICATE AND DEDICATION:	MCB/211/20 FDM/247/692
	I, ANDREW LANDIS OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, CONSENT TO AND ADOPT THIS PLAN OF SUBDIVISION AND ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES. I HEREBY DEDICATE TO PUBLIC USE ALL ROADS, STREETS, WALKWAYS, AND OPEN SPACE SHOWN HEREON, UNLESS OTHERWISE NOTED	
-070603.dwg\	ON THIS PLAT. I CERTIFY THAT THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAYS AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY ARTICLE, SECTION 3-108, AS	
BASE	ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH TO THE BEST OF MY KNOWLEDGE.	$\langle \langle \rangle$
s): / VRW-	DATE SIGNATURE AND TITLE	
XREF File(s):	THE OWNERS HAVE SWORN TO AND SUBSCRIBED BEFORE ME THIS, DAY OF, 20, 20	
	(SEAL) NOTARY PUBLIC	<u>P R (</u> 500
Project Manager: TDL dwg\VSP-PLTS-070603.dwg	<u>SURVEYOR'S CERTIFICATE</u> : THE PRESENT OWNER OF THE LAND OF WHICH THIS SUBDIVISION IS COMPRISED IS ANDREW LANDIS. THIS PLAT WAS PREPARED FOR AND WILL BE RECORDED AT HIS REQUEST.	
oject Man g∖VSP−PI	I, THOMAS D. LANE HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT, THAT IT IS A SUBDIVISION OF THE LANDS CONVEYED FROM STEVEN D. SWANN, JULIE A. SWANN, DONALD G. SWANN AND LAURICE A. SWANN TO	
Pro dData \ dw	ANDREW LANDIS BY DEED DATED SEPTEMBER 19, 1997 IN LIBER F.D.M. 323, FOLIO 385 AND THAT THE REQUIREMENTS OF THE CAROLINE COUNTY SUBDIVISION REGULATIONS AND THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY ARTICLE, SECTION 3-108, AS ENACTED OR AMENDED, SO FAR AS THEY MAY CONCEPN THE MARKING OF THIS PLAT AND THE SETTING OF	
/2007 User: jcarroll 1: J:\2007\0600\070603\CadData\	THEY MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MOUNUMENTS AND MARKERS HAVE BEEN COMPLIED WITH. <u>Muman Standon 11/29/67</u>	9. 328 
ser: jcarr	THOMAS D. LANE PROPERTY LINE SURVEYOR NO. 340 LANE ENGINEERING, INC. 117 BAY STREET EASTON MARY AND 21601	APA GRAVE
'2007 U€ J:\2007'	EASTON, MARYLAND 21601 (410) 822-8003	AVE GRAVE
Date: 11/27/	LINE SUMMERING	SCAL 200 100 0' SCAL 200 100 0' SCAL
Date		W SC

