

SM 0471-07
Subdivision

Burton, Robert
Coburn
Minor Subdivision

51829-6786

Comments
8/21/07 KS

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 21, 2007

Ms. Tammy Dean
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Cobrum Minor Subdivision – IntraFamily Transfer
Local Case #07-110-115

Dear Ms. Dean:

Thank you for submitting the above referenced subdivision for review and comment. The applicant is seeking to subdivide a 33.557 acre parcel in the Resource Conservation Area (RCA) into three lots under intrafamily transfer provisions. Based on the information provided, I have the following comments:

1. Bonafide intrafamily transfers in the RCA may only be made from parcels of land that were of record on March 1, 1986. Provided no boundary line adjustments or other subdivision occurred on this parcel since that time, the applicant may utilize these provisions to create three lots.
2. The notes on the plat must include the names and relationship of the immediate family member to whom the three lots will be transferred. Immediate family members include a person who is either the applicant's father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.
3. It appears the applicant is required to plant additional woodland to meet the minimum 15% afforestation threshold. I recommend plantings consist of a mix of shrubs and trees and be directed to the areas of the 100-foot Buffer that are not currently forested.
4. Any comments received from DNR Wildlife and Heritage must be incorporated onto the plat prior to final approval.

Ms. Tammy Dean
Cobrum 1-Lot Subdivision
Page 2 of 2

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in cursive script that reads "Kate Schmidt". The signature is written in black ink and is positioned above the printed name.

Kate Schmidt
Natural Resource Planner

SM 471-07

GENERAL NOTES

- The property shown on Tax Map 39, Block 3, Parcels 268.
- Total site area 33.577 Acres.
- The property shown is zoned RPD (RCA overlay, part).
- Building Restriction Lines shall be Front 25', Side 15', and Rear 20'. BRU's are mapped in accordance with the St. Mary's County Comprehensive Zoning Ordinance 02-01 Chapter 32.3.2 and Schedule 32.1 which shall be applied from the more restrictive of the lot lines or from sensitive areas mapped Chapter 71.
- These lots shall be served by individual wells and septic systems.
- Deep wells shall be drilled to an approved confined aquifer.
- This Health Department approval certifies that the above Lot is in consonance with pertinent Health Department laws and regulations. Changes in topography or site designation may void this approval. The designated perc. area is the only area approved by the St. Mary's County Health Department for sewerage disposal purposes. The lot includes an area of at least 10,000 square feet for sewerage disposal purposes as required by current Maryland State Health Department laws. Improvements of any nature, including, but not limited to the installation of other utility lines in this area, which may render the lot undevelopable. To determine the exact area of the lot approved for sewerage disposal purposes or to establish a different area for such purposes, you should contact the St. Mary's County Health Department, Office of Environmental Health.
- "Minimum Ownership Statement" - These lots contain an area of at least 20,000 square feet which does not include any rights-of-ways, 50 year flood plains or grades of 25% or greater.
- This subdivision is in compliance with the St. Mary's County Comprehensive Water and Sewer Plan.
- There shall be a 10 foot utility easement along each lot line. These easements are to include use by the St. Mary's County Metropolitan Commission, its successors and assigns, for construction, installation, maintenance, repair, inspection and operation of any future public water and sewer facilities, should such facilities ever be installed.
- No prior restrictions exist.
- Areas established for resource protection on the site, in accordance with required protection levels, must remain in undisturbed open space and undeveloped.
- The existing 30 foot Private Right-Of-Way for lanes as defined in the St. Mary's County zoning ordinance are private and shall not be maintained by the County, nor shall such lanes be considered for acceptance into the County Highway Maintenance System until such are improved to the appropriate County Road Standard at the individual lot owners expense.
- CAUTION: "The existing 30 foot Private Right-Of-Way shown hereon does not necessarily provide vehicular access from this lot to a county or state road at this time. Road and utility construction and maintenance are the responsibility of the buyer of this lot unless otherwise provided herein".
- The existing pump house on Lot 500-1A is non-conforming in accordance with Chapter 52.3.4 of the St. Mary's County Comprehensive Zoning Ordinance.
- There shall be 3 lots served by the 30 foot Private Right-Of-Way shown hereon. Lots 500-1A, 500-1B and 500-1C. These lots are to be served by an R-20 multiple driveway entrance as per the St. Mary's County Road Ordinance.
- This plat was prepared without benefit of Title Report which may show additional conveyances, easements, covenants, rights-of-ways or more stringent building restriction lines not shown hereon.
- There are no soils with structural limitations (Soils Survey of St. Mary's County).
- There are no critical habitats (Forest Conservation Manual).
- There are no historic sites present on these lots.
- There are no cultural features on this site (USGS map).
- The topographical features and all other planimetric information shown hereon were provided by Photo Science, Inc. from aerial photography flown in 1993 and compiled by photogrammetrical methods for St. Mary's County, Department of Public works. The aerial mapping is based on NAD 83 MD State Plane Coordinate System NAVD 88 Vertical Datum.
- Disturbance of slopes 25% (15% in critical area) is prohibited
- Tidal and Non-tidal wetlands exist on this property (National Wetlands Inventory Map).
- Floodplains exist on this property (FIRM map 24037C0161E).
- Total number of lots is 3.
- Premises address is shown thus .
- Proposed land use - Residential.
- Total number of lots is 3; Max. 23.960 ac. - Min. 3.628 ac. - Average 11.192 ac.
- No further subdivision shall be allowed.
- Water and sewerage plan designation at this time is NPS.
- Other than those wells and septic systems shown hereon there are no other wells and septic systems apparent within 100 feet of the proposed wells and/or sewerage easements.
- Prior to the issuance of a Building Permits for Lots 500-1B and 500-1C shown hereon, stormwater management and overlot grading shall be provided in accordance with the Stormwater Management, Grading, Erosion and Sediment Control Ordinance.
- Lot 500-1A is exempt from Stormwater Management pursuant to the St. Mary's County Comprehensive Zoning Ordinance. Any further development shall be subject to Stormwater Management, Erosion and Sediment Control Ordinance.
- These lots are exempt from the Forest Conservation Regulations in accordance with Section 75.2.2.j of the St. Mary's County Comprehensive Zoning Ordinance.
- Lots 500-1B and 500-1C are to be transferred to immediate family members.

Intrafamily Transfer Notes:

- Lots 500-1B and 500-1C have been created and approved pursuant to the intrafamily transfer provisions of Chapter 41.6.4(2), St. Mary's Critical Area Ordinance 02-01, and is subject to the restrictions of those provisions.
- The property being developed is within a subdivision created in conjunction with an intra-family transfer of land, in which case the following conditions shall apply:
 - A covenant shall run with the deed, which states that the subdivision was for the purpose of creating a bona-fide intra-family transfer.
 - Conveyance of the lot to a third party as security for mortgage or deed of trust is not prohibited by this ordinance.
 - Once a transfer is made to a family member, a subsequent transfer cannot be made unless to a member of the owner's immediate family, except when:
 - The lot was created as a part of a bona-fide transfer and not with the intent of subdividing for commercial sale;
 - A change in circumstances has occurred since the original transfer, which warrants an exception. Such change warranting an exception must be consistent with the purpose and intent of this section of the zoning ordinance.
 - Intra-family transfers may only be made from parcels of land that were on record as of March 1, 1986, and which are seven (7) or more acres and less than sixty (60) acres in size. On such lands the following conditions shall apply to intra-family transfers:
 - A parcel that is seven (7) acres or more and less than twelve (12) acres may be subdivided into two (2) lots.
 - A parcel that is twelve (12) acres or more and less than sixty (60) acres may be subdivided into three (3) lots.

CRITICAL AREA NOTES: (Water Front Lots)

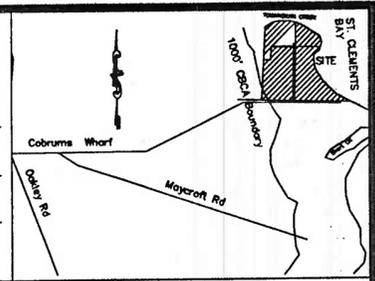
- Approximately 33.012 acres of this site lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area regulations and will not be permitted until all appropriate local, state and federal agencies have conducted a thorough environmental review and have approved the development plan.
 - The Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Chapter 71, Section 8 (Habitat Protection Standards) of the St. Mary's County Comprehensive Zoning Ordinance (02-01, as Amended).
 - No development is permitted in wetlands without approval from the appropriate local State and Federal agencies. This site has not been field evaluated for tidal or non-tidal wetlands.
 - All existing forest shown hereon shall remain undisturbed except as permitted under the provisions of Chapter 72 (Forest and Woodland Resources, in the Critical Area) of the St. Mary's County Comprehensive Zoning Ordinance. Any and all afforested or reforested areas created under the provisions of the St. Mary's County Critical Area Ordinance and designated on this plat shall be preserved from future disturbance.
 - This Subdivision has been prepared in accordance with deeds and plats of record and the recording thereof does not assure title to any portion or portions of said property which may lie beyond the natural mean high water mark or tidal wetlands. In accordance with the state Critical Area laws of density rights, and furthermore, a 100 foot buffer as shown shall be maintained from said mean high water or adjacent tidal wetlands since the riparian rights to the same are subject to the regulatory powers of the State and Federal Governments.
 - Existing impervious surfaces within 100' Critical Area Buffer-----460 sf
 - Slopes greater than 15%-----40,100 sf
 - Existing trees / tree line-----23 trees & 4.83 ac
 - Existing impervious surfaces and cultural features-----27,840 sf
 - Locations of natural heritage areas, habitats of threatened or endangered species and habitats of significant plants or wildlife are identified on this plat in accordance with Section 71.8 of the St. Mary's County Area Ordinance.
 - Areas of vegetative clearing-----0 tree
 - Proposed soil disturbance-----0sf
 - Proposed impervious surface-----11,020sf
 - Required reforestation-----0 tree
 - Required afforestation-----28 trees
- Form Plan on File dated 8-9-88 = 26.70 acres

HEALTH DEPARTMENT

Date _____
 Health Officer _____
 Dir. Env. Hyg. _____
 Sanitarian _____

DEPT. OF LAND USE & GROWTH MANAGEMENT

Date _____
 Director _____
 P.C. Chairman _____



VICINITY MAP
 SCALE: 1" = 2000'

OWNERS DEDICATION

We, the undersigned, owners of the property shown hereon and described in the Surveyor's Certificate affixed hereto, hereby adopt this Minor Subdivision upon its approval by all required agencies. There are no suits or actions at law, leases, liens, mortgages or deeds of trusts affecting this Minor Subdivision except as noted or shown hereon. All parties in interest thereto have affixed their signatures indicating their assent to this plan.

We further establish the minimum building restriction lines as required by the zoning ordinance of St. Mary's County and dedicate the streets, walkways, easements, rights-of-ways and other improvements, where applicable, to public use.

The requirements of section 3-108 of the Annotated Code of Maryland (Real Property Article) as far as it concerns the making of the plan and setting of markers required therein have been complied with to the best of our knowledge, information and belief.

We hereby grant unto the St. Mary's County Metropolitan Commission, its successors and assigns, a right of ingress and egress over, and a perpetual easement in, the 10 foot easement (along all lot lines), as well as others that may be shown herein, for construction, installation, maintenance, repair, inspection and operation of any future public water and sewer facilities should such ever be installed.

Date _____ Robert W. Burton
 Date _____ Lynn M. Burton
 Date _____ Mortgagee

SURVEYORS CERTIFICATE

I hereby certify to the best of my knowledge, information and belief that the plat shown hereon is correct (subject to a title search) and conforms to the specifications; that this is a Minor Subdivision of all of the property conveyed unto Robert W. Burton and Lynn M. Burton, his wife, from Gretchen Theobald, by deed dated January 28, 1999 recorded among the Land Records of St. Mary's County, Maryland in Libers EWA 1380 at Folio 070.

The requirements of section 3-108 of the Annotated Code of Maryland (Real Property Article) as far as it concerns the making of the plan and setting of markers required therein have been complied with to the best of my knowledge, information and belief.

Date _____ Robert E. Trautman
 Professional Land Surveyor # 10586

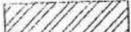


COBRUM
 MINOR SUBDIVISION
 Situate
 Seventh Election District
 St. Mary's County, Maryland
 Control No. 07-110-

Date	REVISIONS	Seal

Scale: 1:100 Date 7-05-07
 ROBERT E. TRAUTMAN
 Professional Land Surveyor
 45248 Abell Drive
 California, Maryland 20619
 (301) 862-1457
 Drawn by R.M.B. Checked by RET
 Job No: 207-006 Sheet No: 1 of 2

TOMAKOKAN CREEK

-  Tidal wetland
-  Non-Tidal Wetland
-  15% slope or greater
-  5' & 10' grass buffer

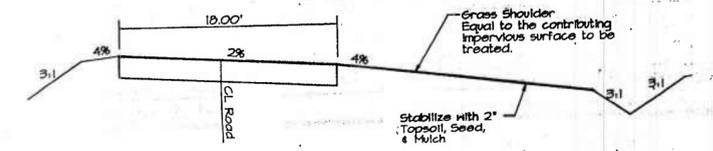
HEALTH DEPARTMENT
 Date _____
 Health Officer _____
 Dir. Env. Hyg. _____
 Sanitarian _____

DEPT. OF LAND USE & GROWTH MANAGEMENT
 Date _____
 Director _____
 P.C. Chairman _____

Date	REVISIONS	Seal
		

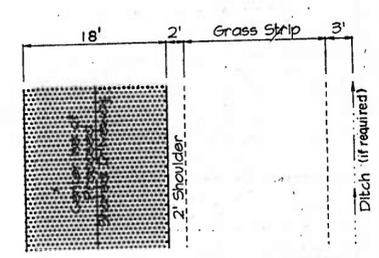
LINE TABLE

LINE	LENGTH	BEARING
L1	78.28	N18°48'08"E
L2	76.73	N60°17'07"E
L3	102.07	N64°51'58"E
L4	103.92	N79°47'22"E
L5	44.36	S84°39'43"E
L6	79.45	S72°39'35"E
L7	30.00	N84°27'24"W
L8	50.00	S05°32'36"W
L9	49.71	N05°32'36"E
L10	37.60	S72°59'35"E
L11	90.48	S61°26'44"E
L12	77.55	S59°22'09"E
L13	92.18	S50°28'24"E
L14	65.31	S54°10'51"E
L15	103.27	S50°55'05"E
L16	50.78	S60°37'30"E
L17	41.46	S24°25'25"E
L18	93.75	S12°35'13"E
L19	45.64	S18°14'40"W
L20	35.11	S23°51'57"W
L21	75.35	N18°48'08"E
L22	78.08	S23°51'57"W
L23	70.90	S06°10'23"W
L24	61.93	S04°39'22"E
L25	94.10	S04°49'26"E
L26	104.31	S10°16'36"E
L27	87.06	S33°24'37"E
L28	76.80	S22°46'35"E
L29	96.71	S59°13'04"E
L30	7.99	N83°16'08"W



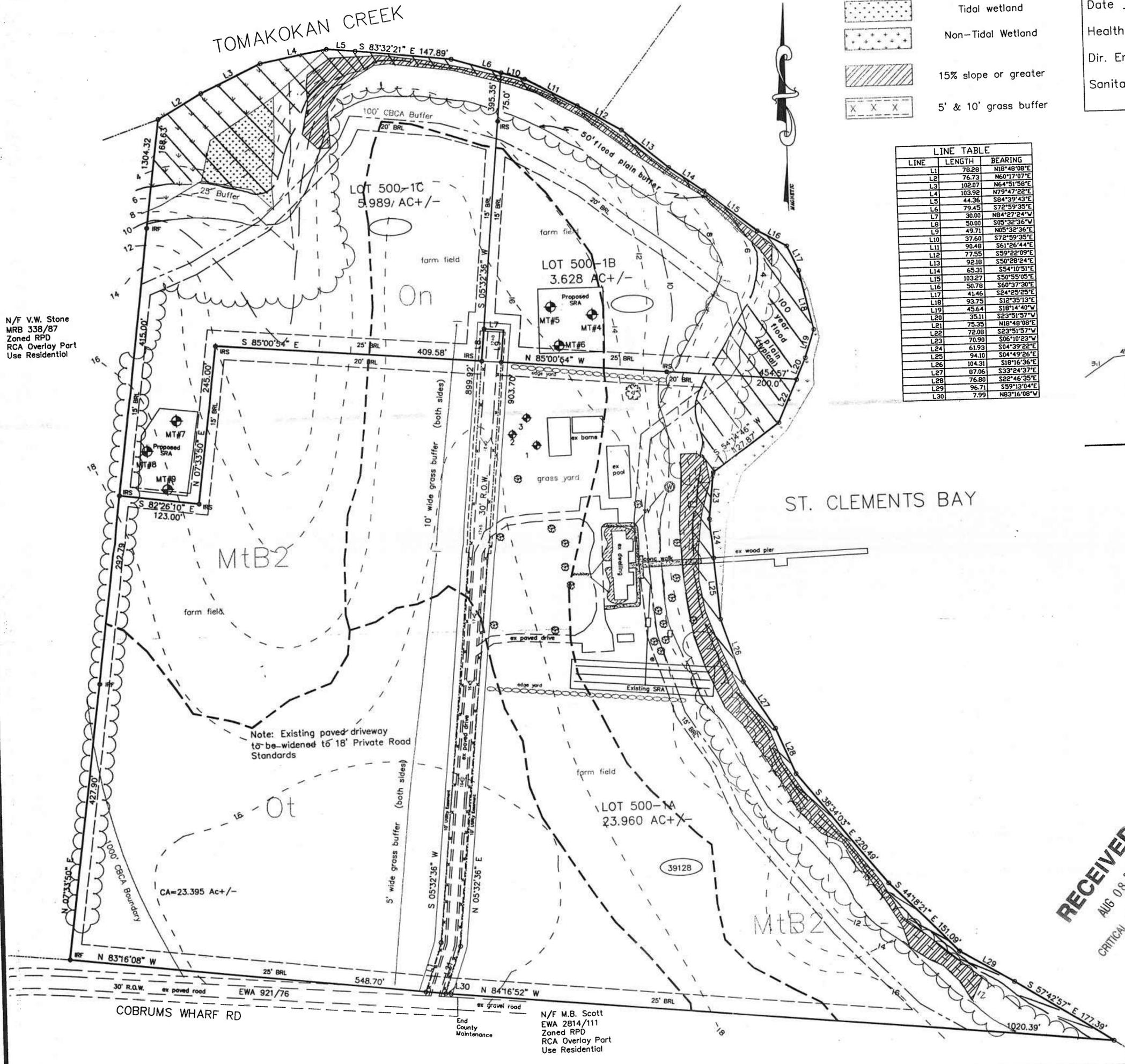
Non-Rooftop Disconnect Sheet Flow

Shared Driveway Detail Non-Rooftop Disconnect



Driveway with Non-Rooftop -- Layout Plan Not to Scale

ST. CLEMENTS BAY



N/F V.W. Stone
 MRB 338/87
 Zoned RPD
 RCA Overlay Part
 Use Residential

N/F M.B. Scott
 EWA 2814/111
 Zoned RPD
 RCA Overlay Part
 Use Residential

RECEIVED
 AUG 08 2007
 CRITICAL AREA COMMISSION

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