

TC 274-07
VAR

Mercer, Michael
1461

S1829-6852



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/

June 11, 2007

Ms. Chris Corkell
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: Appeal #1461
Mercer Variance

Dear Ms. Corkell:

Thank you for providing information on the above referenced variance request. The applicant is seeking a variance to the 25-foot non-tidal wetland buffer to 1 foot and the expanded 100-foot perennial stream Buffer to 75 feet in order to convert an existing farm lane into a residential driveway paving area. The applicant also wishes to perform lot line revisions on parcels of the property located in the Reservation of Development Rights portion of the site. The property is 100.29 acres and is located in both Rural Conservation (RC) and Town Residential (TR). The property is proposed to be divided into five lots; however, the subdivision plat has not been approved.

We do not recommend that the County accept for processing variance applications for lots for a new subdivision. New lots created after the County's Critical Area Program adoption date must fully comply with all of the County's Critical Area regulations. Therefore, we cannot support the requested variance for the reasons outlined below.

Upon visiting the site, I observed that the proposed location of lot 5 does not minimize disturbances to either the non-tidal or 100-foot stream Buffer. Despite the fact that the Maryland Department of the Environment has granted a Wetland Disturbance Authorization for Proposed Lot 5, this lot should be located elsewhere on Revised Tax Parcel 43 (Remaining Lands) to avoid impacts to non-tidal wetlands. There is another agricultural access road on the eastern portion of Revised Tax Parcel 43 (Remaining Lands) that intersects Glebe Road from the south. It appears that a lot could be created here that would minimize impacts to the perennial stream Buffer and eliminate any impacts on the non-tidal wetlands buffer.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, particularly emphasizing the importance of the 100-foot Critical Area Buffer. Specifically, the General Assembly reaffirmed the stringent standards of the law, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local

jurisdiction's Critical Area program may be granted **only** if a Board of Appeals finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. The entire parcel at issue in this case is subject to reasonable and significant use, whether or not the applicant can create his proposed Lot 5 at the preferred location. For this variance, the applicant proposes to build a lot that would require converting an existing farm lane into a residential driveway paving area, and that would require Critical Area variances to do so. Because the subdivision has not yet been approved, there is an opportunity for the applicant to create a fifth lot on this parcel that does not require any variances. Even if the applicant is not able to create a fifth lot, this would not amount to a deprivation of reasonable and significant use of the entire parcel, which can still support four new lots. We do not believe that the County has evidence on which to base a finding that, without this creation of this lot, the parcel would lack reasonable and significant use.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

The applicant will not be deprived of a right commonly enjoyed by others in the Critical Area if this Board denies the request for variances for a new, fifth lot, on this parcel. No property owner has the right to receive a Critical Area variance prior to subdivision approval in order to obtain multiple lots from one parcel. Therefore, the rejection of a variance for the driveway paving area prior to subdivision approval would not deny the applicants a right commonly enjoyed by others.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

If the variance is granted, it would confer upon the applicant a special privilege (Talbot County Code §190-97), in this case the ability to convert an existing farm lane, prior to subdivision approval, into a residential driveway paving area through both a non-tidal wetland buffer and perennial stream Buffer, which would be denied to others in this area as well as in similar areas found in the County's Critical Area. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the action, by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The applicant has created the alleged need for this variance by designing his subdivision so that one of the lots needs variances from the Critical Area regulations. By proposing to plat Lot 5 in an area that requires a variance to the 25-foot non-tidal wetland buffer and to the expanded 100-foot perennial stream Buffer, the applicant has created his own need for a variance. This hardship could be avoided by creating a lot in another area of the Tax Parcel that does not require driveway access through the non-tidal buffer or the perennial stream Buffer. Therefore, this variance is based on conditions or circumstances which are the result of the actions by the applicant.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

Granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. By allowing the applicant to build a new road that crosses both the non-tidal wetland buffer and the perennial stream Buffer, for a newly-created lot, the ability for current wildlife and plant habitat to prosper is unnecessarily compromised. Given that the applicant could located a fifth lot elsewhere on the parcel that will not affect the non-tidal wetland buffer or the perennial stream Buffer, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

Thank you for the opportunity to provide comments for this Board of Appeals variance. Please include this letter as part of the record for the case. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to call me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner
cc: TC 274-07

DECISION
TALBOT COUNTY BOARD OF APPEALS
Appeal No. 1461

Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., June 11, 2007, on the application of **MICHAEL D. MERCER** ("Applicant"). The Applicant is seeking a variance of the 25-foot non-tidal wetland buffer to one foot and the expanded 100-foot perennial stream buffer to 75 feet to upgrade an existing farm lane to a residential paving section. The property is located on 28053 Glebe Road, Easton, Maryland 21601 and is in the Rural Conservation (RC) zone. It is owned by the Applicant. The request is made in accordance with Chapter 190 Zoning, Article XII, §190-93E(3)(b); §190-93E(6); §190-93E(7); and Article XIV, §190-104 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Phillip Jones, Acting Chairman, Jack K. Sun, Rush Moody, Betty Crothers and John Sewell. Marianne Dize, Assistant Attorney General, was present representing the Chesapeake Bay Critical Area Commission. Glenn D. Klakring was the attorney for the Board of Appeals.

It was noted for the record that all members of the Board had visited the site.


The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:


1. Application for variance with Attachment.
2. Copy of a portion of the Talbot County tax map with the property highlighted.
3. Notice of Public Hearing.
4. Certificate of publication of the Notice of Public Hearing from the Star-Democrat.
5. Notice of hearing with a list of nearby property owners attached.
6. Copy of critical area variance requirements from the Code with the Applicant's response to each applicable requirement.

7. Staff memorandum.
8. Sign maintenance agreement.
9. Site plan.
10. Letter dated June 11, 2007, from the Critical Area Commission.
11. Department of the Environment letter.
12. Stream map.
13. Letter of authorization from Lane Engineering.
14. Aerial photograph of subject property.

William Stagg, Project Manager, Lane Engineering, Inc., appeared on behalf of the Applicant and offered testimony in support of the application. He said that the property is a 100-acre farm split by Glebe Road. He said that they are proposing to subdivide the property into five lots, two on the north side of Glebe Road and three on the south side of Glebe Road. The variance request is for the entrance to the proposed Lot 5 on the south side of Glebe Road. When the subdivision was planned they did not anticipate that a variance would be needed for the proposed access to Glebe Road.

They propose to upgrade an existing farm lane to a residential driveway. It will not require any additional clearing of trees. The Maryland Department of the Environment has issued a Wetland Disturbance Authorization for the proposed Lot 5.

Nick Kelly, Ph.D., Natural Resource Planner, Critical Area Commission, testified in opposition to the proposed variance. He said that any new lots proposed for subdivision after the County's Critical Area Program adoption date should comply with the Code and not require a variance. 

He said that he visited the site on June 4, 2007. He offered five photographs of the site. They were admitted as Critical Area Commission Exhibits 1A through 1E. He reviewed the criteria that the Applicant must meet to obtain a variance. As he set forth in his letter (Board Exhibit No. 10) the Applicant does not meet any of the criteria and the application should be denied. 

There being no further evidence the Board of Appeals considered the variance request. After some discussion a motion was made and seconded to deny the variance. The motion to deny the proposed variance was approved by a vote of five to zero. Specifically, the Board found that:

1. There are no special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of the ordinance result in unwarranted hardship to the property owner. The Board could not find that the denial of the variance for the proposed driveway would deny the Applicant reasonable and significant use of his entire parcel or lot property. The Applicant has sufficient property to create a fifth lot on the parcel that would not require a variance.
2. A literal interpretation of the ordinance would not deprive the property owner of rights commonly enjoyed by other property owners in the same zone. No property owner has the right to receive a Critical Area variance prior to subdivision approval in order to obtain multiple lots from one parcel.
3. The granting of the variance would confer upon the property owner a special privilege that would be denied by the ordinance to other owners of lands or structures within the same zone.
4. The variance request is based upon conditions or circumstances which are the result of the action of the Applicant. The Applicant has created the need for the variance by designing the subdivision such that Lot 5 requires a variance.
5. The granting of the variance might adversely affect water quality of adversely impact fish, wildlife or plant habitat, and the granting of the variance will not be in harmony with the general spirit and intent of the Critical Area Law, the Talbot County Critical Area Program and the Critical Area provisions of the Code.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY THE
TALBOT COUNTY BOARD OF APPEALS,

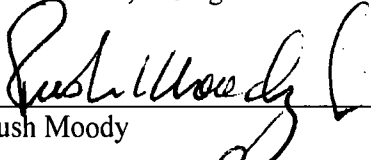
RESOLVED, that the Applicant, **MICHAEL D. MERCER** (Appeal No. 1461) is **DENIED** the
requested variance.

GIVEN OVER OUR HANDS, this 19th day of July, 2007.

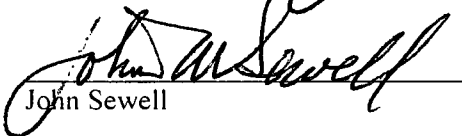
TALBOT COUNTY BOARD OF APPEALS



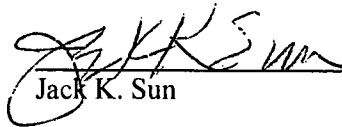
Phillip Jones, Acting Chairman



Rush Moody



John Sewell



Jack K. Sun



Betty Brothers

Board of Appeals/1461.MercerVarianceCA

Lane Engineering, LLC

Established 1986

Civil Engineers . Land Planning . Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel 410-221-0818
Fax 410-476-9942

117 Bay Street
P.O. Box 1767
Easton, Maryland 21601
Tel 410-822-8003
Fax 410-822-2024

114B West Water Street
Centreville, Maryland 21617
Tel 410-758-2095
Fax 410-758-4422

Date

4/4/07

By signature of this document, I hereby authorize **Lane Engineering, LLC** and its representatives to act on my behalf as an agent in the request for a Variance from the Talbot County Board of Appeals.


Michael D. Mercer



www.lane.com
mail@laneengineering.com



274-07

TALBOT COUNTY BOARD OF APPEALS

COURT HOUSE
11 N. WASHINGTON STREET
EASTON, MARYLAND 21601
410-770-8040
TTY: 410-822-8735

July 19, 2007

Critical Area Commission
Nick Kelly
1804 West Street
Annapolis, MD 21401

RE: DECISION ON BOARD OF APPEALS #1461, Michael Mercer

Dear ^{Nick} ~~Mr. Kelly~~,

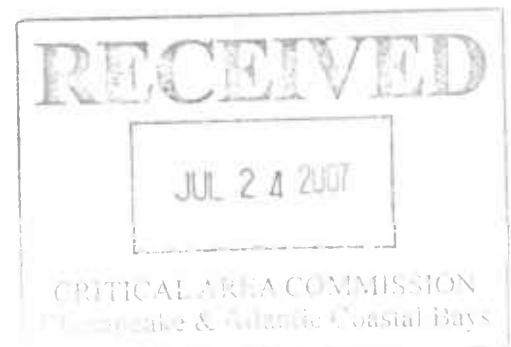
Enclosed please find a copy of the signed Board of Appeals decision on the above referenced project. Please note that there is a 30 day appeal period with the Circuit Court from the date the decision was signed.

Should you have any questions in reference to this appeal please call the Board of Appeals office.

Sincerely,

Chris Corkell
Administrative Assistant

Enclosure





TALBOT COUNTY OFFICE OF PLANNING AND ZONING
28712 Glebe Road, Suite 2
Easton, Maryland 21601

STAFF MEMORANDUM

Prepared by: Trevor Newcomb
Development Review Planner

BOA Hearing Date: June 11, 2007

Appeals Case #: 1461

Applicant: Michael D. Mercer
410-489-6632

Owner: Michael D. Mercer
13787 Rover Mill Road
West Friendship, Maryland 21794

Requested Action: Determination from the Board of Appeals

Purpose: The applicant seeks a variance of 24' of the required 25' non-tidal wetland buffer to 1', as well as, a variance of 25' of the required 100' perennial stream buffer to 75' for the purpose of upgrading a portion of an existing agriculture lane and to extend as a paved residential driveway.

Existing Zoning: Rural Conservation (RC/CA)

Zoning History: There is no known zoning history inconsistent with the current zoning of the subject property.

Tax Map: 25 **Grid:** 20 **Parcel:** 43 **(Proposed) Lot:** 5

Property Size: 7.02 Acres

Property Location: Proposed Lot #5
28053 Glebe Road
Easton, Maryland 21601

Comments:

Should the requested variance be granted, staff recommend the following conditions be incorporated with the decision:

- 1.) The applicant shall contact the Soil Conservation District office to determine whether a Sediment and Erosion Control Plan is required.
- 2.) The new, proposed impervious surface shall require mitigation at a ratio of 2:1 and THE APPLICANT shall be responsible for contacting Elisa Deflaux, Environmental Planner, at the Talbot County Planning Office for review, documentation, and approval of all proposed mitigation plantings.
- 3.) Within thirty (30) days of project completion, THE APPLICANT shall contact the Planning and Zoning Office at 410-770-8034 to schedule a mitigation compliance inspection and such mitigation shall require a final survivability inspection one (1) year from the date of initial inspection.

Failure by the applicant to follow through with the notifications and inspections hereby outlined will be considered in violation of the Talbot County Code and subject to enforcement action.

- 4.) The applicant shall make application to and follow all of the rules and procedures as outlined by the Department of Planning and Zoning regarding the subdivision of lands.
- 5.) The applicant shall obtain, from the Maryland Department of the Environment all applicable permits prior to the installation of the driveway.



TALBOT COUNTY BOARD OF APPEALS

COURT HOUSE
11 N. WASHINGTON STREET
EASTON, MARYLAND 21601
410-770-8040
TTY: 410-822-8735

APPEALS NOTICE OF PUBLIC HEARING

APPEAL # 1461

In accordance with Chapter 190 Zoning, Article XIV, § 190-112 of the Talbot County Code, notice is hereby given that a public hearing will be held in the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland on June 11, 2007 at 7:30 p.m. by the Talbot County Board of Appeals to hear the following petition:

Applicant, Michael Mercer is seeking a variance of the 25 foot non-tidal wetland buffer to 1 foot and the expanded 100 foot perennial stream buffer to 75 feet. This requested variance is to upgrade an existing farm lane to a residential driveway paving section. Request is made in accordance with Chapter 190 Zoning, Article XII, § 190-93 E (3) (b), § 190-93 E (6), § 190-93 E (7) and Article XIV, § 190-104 of the Talbot County Code. Property is located on 28053 Glebe Road, Easton, Maryland 21601 in the Rural Conservation (RC) Zone. Property owner is Michael Mercer and the property is located on Tax Map 25, Grid 20, Parcel 43, Proposed Lot 5. All persons are notified of said hearing and invited to attend. The Board reserves the right to close a portion of this hearing as authorized by Section 10-508 (a) of the Maryland Annotated Code.

A copy of said petition is available for inspection during the regular office hours of the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, Maryland. If you have any further questions, please contact Chris Corkell at 410-770-8040.

MICHAEL MERCER

Name(s) & Addresses of adjacent property owners (Chapter 190, Article XII, Section 190-98 of the Talbot County Zoning Ordinance).

| Name and Address | Map | Grid | Parcel |
|--|-----|------|----------------------|
| Marie K. Ringler, Trustee 6030 Seagull Lane Lakeland, Florida 33809 | 25 | 14 | 40 |
| Rodney M. Collins, Jr. & Laura L. Collins and Michael D. Collins c/o Rodney M. Collins, Jr. 28392 Villa Road Easton, Maryland 21601 | 25 | 15 | 41 |
| James F. and Patricia A. Covey 28088 Glebe Road Easton, Maryland 21601 | 25 | 19 | 86 |
| Edward F. and Barbara H. Siebert 8997 Glebe Creek Road Easton, Maryland 21601 | 25 | 13 | 210 Lot 1 |
| John Robert Wolcott and Jean C. Wolcott 8987 Glebe Creek Road Easton, Maryland 21601 | 25 | 13 | 210 Lots 2 & 3 |
| Peter J. and France Anne Borchardt 27957 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 1 |
| Shane Partnership and Frances Anne Borchardt 27969 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 2 |
| Gerard D. and Mary T. Hopkins 4127 N. 33 rd Road Arlington, Virginia 22207 | 25 | 14 | 211 Lot 3 |
| James E. and Kimberlee H. Kelly 27981 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 4 |
| Kathleen M. Hoey 113 Freeway Avenue Hackettstown, New Jersey 07840-3403 | 25 | 14 | 211 Lot 5 |
| Pendleton L. Woodson and Mary E. Woodson 28007 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 6A |
| Robert B. Aguilar, Jr. 28029 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 8 |
| Tammy S. Broll and Michelle K. Marks 28033 Holly Road Easton, Maryland 21601 | 25 | 14 | 211 Lot 9 |



Name(s) & Addresses of the adjacent property owners. (Article XIV, § 190-112 C) of the Talbot County Code.

| Name and Address | Map | Grid | Parcel & Lot # |
|--|-----|------|----------------|
| Needwood Farm LLC 533 S. Washington Street Easton, MD 21601 | 25 | 14 | 44 |
| Michael S. Hause 27980 Woods Road Easton, MD 21601 | 25 | 20 | 118 / Lot 1 |
| Watson E. Mowbray & Juanita P. Mowbray John J. Burl & Patricia Burl T/C 28197 Glebe Road Easton, MD 21601 | 25 | 20 | 152 / Lot 2 |
| Joseph Enrico 2276 Compass Point Lane Reston, VA 20191 | 25 | 14 | 148 |
| Arthur & Susan Malsin 28094 Glebe Road Easton, MD 21601 | 25 | 19 | 53 |
| Michael A. & Julie A. Donaldson 28092 Glebe Road Easton, MD 21601 | 25 | 19 | 42 |
| William Thomas Stevenson P.O. Box 256 Easton, MD 21601-8903 | 25 | 20 | 32 |
| Kurtis P. & Erin P. Higgins 27984 Glebe Road Easton, MD 21601 | 25 | 19 | 235 / 1 |
| Kathleen M. Nolan Margaret C. Troiano 28029 Glebe Road, Easton, MD 21601 | 25 | 20 | 47 |
| Carole Anne Clem 3 Papermill Street Easton, MD 21601 | 25 | 20 | 190 |
| Mark D. Savage Sandra L. Johnson 28011 Glebe Road Easton, MD 21601-7469 | 25 | 20 | 185 |
| Louis C. Wright Trustee Etal 9160 Fox Meadow Lane Easton, MD 21601 | 34 | 8 | 10 |
| County Council of Talbot County Maryland 11 N. Washington Street Easton, MD 21601 | 34 | 2 | 11 |

Digitized by [unclear]

3-21-07



TALBOT COUNTY BOARD OF APPEALS

COURT HOUSE
11 N. WASHINGTON STREET
EASTON, MARYLAND 21601
410-770-8040
TTY: 410-822-8735


APPEALS NOTICE OF PUBLIC HEARING

APPEAL # 1461

In accordance with Chapter 190 Zoning, Article XIV, § 190-112 of the Talbot County Code, notice is hereby given that a public hearing will be held in the **Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland** on **June 11, 2007 at 7:30 p.m.** by the Talbot County Board of Appeals to hear the following petition:

Applicant, Michael Mercer is seeking a variance of the 25 foot non-tidal wetland buffer to 1 foot and the expanded 100 foot perennial stream buffer to 75 feet. This requested variance is to upgrade an existing farm lane to a residential driveway paving section. Request is made in accordance with Chapter 190 Zoning, Article XII, § 190-93 E (3) (b), § 190-93 E (6), § 190-93 E (7) and Article XIV, § 190-104 of the Talbot County Code. Property is located on 28053 Glebe Road, Easton, Maryland 21601 in the Rural Conservation (RC) Zone. Property owner is Michael Mercer and the property is located on Tax Map 25, Grid 20, Parcel 43, Proposed Lot 5. All persons are notified of said hearing and invited to attend. **The Board reserves the right to close a portion of this hearing as authorized by Section 10-508 (a) of the Maryland Annotated Code.**

A copy of said petition is available for inspection during the regular office hours of the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, Maryland.


Chris Corkell
Board of Appeals

P.S. PLEASE BOLD WHERE INDICATED

Please run two consecutive weeks: May 25, 2007 & June 1, 2007.

MAIL CONFIRMATION WHEN COMPLETE



TALBOT COUNTY BOARD OF APPEALS
CRITICAL AREA VARIANCE REQUIREMENTS"

Appeal No. 1461

Hearing Date: 06/11/07

Chapter 190 Zoning – Talbot County Code

Power of the Board of Appeals – see Chapter 190, Article XIV
Article XIV, § 190-104 - Variances

Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall not be granted unless and until the applicant has demonstrated that:

The applicant for a variance shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Board of Appeals:

- (a) Special conditions or circumstances exist that are peculiar to the land or structure such that a literal enforcement of the provisions of this Ordinance result in unwarranted hardship to the property owner;

Applicant Response:

The portion of Parcel 43 south of Glebe Road has only one critical area development right, which has been used with the creation of Proposed Lot 5. Adjacent to this proposed lot is an 11.36 acre tract of Reservation of Development Rights area. As a result, the remaining unencumbered area, which also includes the approved Sewage Disposal Area, creates Lot 5.

- (b) A literal interpretation of this Ordinance will deprive the property owner of rights commonly enjoyed by other property owners in the same zone;

Applicant Response:

All parcels must be permitted access and cannot be created without an access. In this instance, the entire parcel south of Glebe Road, including Proposed Lot 5, is transected by a perennial stream. The stream must be crossed in order to access the proposed lot, and is proposed to be crossed at an existing agricultural entrance. Therefore, the granting

- (c) The granting of a variance will not confer upon the property owner any special privilege that would be denied by this Ordinance to other owners of lands or structures within the same zone; and

Applicant Response:

The granting of the variance to allow access to Proposed Lot 5 will not confer upon the applicant/property owner any special privilege that would be denied by the Ordinance to other owners of lands, regardless of zone. That is, all parcels must have an access point, whether it is from a public road or a private road. The crossing, which is an authorized

- (d) The variance request is not based on conditions or circumstances which are the result of actions by the property owner nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

Applicant Response:

The inherent location of the stream and its associated buffer is not based on a condition or circumstances that results from the action of the property owner. The stream transects the property and must be crossed, regardless of at what point, to gain access to Proposed Lot 5.

- (e) Greater profitability or lack of knowledge of the restrictions shall not be considered as sufficient cause for a variance;

Applicant Response:

There is no greater profitability or lack of knowledge by the applicant regarding the variance request. The stream has to be crossed and is proposed to be crossed at an existing agricultural road. MDE has permitted this as an authorized activity realizing that all parcels require a point of ingress/egress.

- (f) The variance shall not exceed the minimum adjustment necessary to relieve the unwarranted hardship; and

Applicant Response:

The proposed location of the crossing is over an existing agricultural entrance road so as to minimize additional disturbance. This road will be upgraded to a residential ingress/egress point.

- (g) The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law, the Talbot County Critical Area Program and the Critical Area provisions of this Ordinance.

Applicant Response:

The granting of the variance will not adversely affect the water quality, fish, wildlife or plant habitat in that the access is simply an upgrade of an existing agricultural road. This minimization of new disturbance within the buffer is in harmony with the general spirit and intent of the Critical Area Law, the Talbot County Critical Area Program and the Critical

Note: Within the Critical Area, if a request for a variance arises regarding nonconforming lots of record, the applicant must demonstrate and the Board of Appeals must find that criteria [a] through [f] above have been met and further that, due to the pattern of lot ownership, it is not possible to reconfigure or consolidate lots so as to permit compliance with this Ordinance.

The Board's action will be predicated upon the applicant's compliance with the above.

3-21-07
Date

Eri Talbot Finch agent
Signature of Applicant or Designated Agent

References:

1. Talbot County Comprehensive Plan
2. Talbot County Code
3. File

All structures and piers must be staked out prior to the Board's site visit.

Responses to Critical Area Variance Questions

- (a) The perennial stream and its buffer, which has been expanded to accommodate nontidal wetlands and steep slopes, must be crossed to allow a residential ingress/egress point to the buildable area of the lot. This crossing will upgrade an existing agricultural road, and has been approved by the Maryland Department of the Environment (MDE), authorization number 200667537/06-NT-2206, effective February 23, 2007. The unique environmental character of this parcel, which includes a buffer expansion as well as protected habitat of the Delmarva Fox Squirrel, is a special condition that is peculiar to the land. It is not possible to gain access to Proposed Lot 5 without crossing a branch of the perennial stream. A literal enforcement of the Ordinance would create a hardship for the applicant in that the critical area south of Glebe Road would be undevelopable.
- (b) of this variance, to permit an access point to Proposed Lot 5, will allow an entrance point which is required by the Ordinance. A literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other property owners, regardless of zone.
- (c) activity permitted by MDE, is the only access to Proposed Lot 5.
- (g) Area Provisions of this Ordinance.



OFFICIAL USE ONLY

Hearing Date 06/11/07
 Appeal No. 1461
 Filing Date 04/09/07
 Amount Paid \$700.00
 Neighbors Notified 05/10/07
 Petitioners Notified 05/23/07

To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

XXX Variation from strict application of said Ordinance
 _____ Allegation of Error
 _____ Special Exception

Purpose of Appeal: Variance request, state fully the kind of variance desired and reasons therefore. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A.

Applicant, Michael Mercer is seeking a variance of the 25 foot non-tidal wetland buffer to 1 foot and of the expanded 100 foot perennial stream buffer to 75 feet. This requested variance is to upgrade an existing farm lane to a residential driveway paving section. Requester's made in accordance with Chapter

Location of Property: Proposed Lot 5, 28053 Glebe Road, Easton, MD

Tax Map 25 **Grid** 20 **Parcel** 43 **Lot** 5 **Size** 7.02 **Zone** RC

Property Owner: Michael D. Mercer

Address of Owner: 13787 Rover Mill Road, West Friendship, MD, 21794

Telephone Number: (410) 489-6632 **Election District** 01

Applicant's name, address & telephone number if different from owner: Same

Has above property ever been subject of previous Appeal(s)? Unknown
If so, give Appeal number(s) and date(s) _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

Elizabeth Finck agent
 Applicant's/Agent's Signature

Purpose of Appeal (Continued):

190 Zoning, Article XII, § 190-93 E (3) (b), § 190-93 E (6), § 190-93 E (7), and Article XIV, § 190-104 of the Talbot County Code. The perennial stream buffer has been expanded for adjacent non-tidal wetlands and steep slopes as required. This activity is permitted by Maryland Department of the Environment via authorization number 200667537/06-NT-2206.

SURVEYOR'S CERTIFICATE
 I, THOMAS D. LANE HEREBY CERTIFY THAT THIS SUBDIVISION AND LOT LINE ABANDONMENT PLAN IS CORRECT; THAT IT IS A SUBDIVISION AND LOT LINE ABANDONMENT OF THE LANDS CONVEYED BY JAMES F. COVEY TO MICHAEL D. MERCER BY DEED DATED DECEMBER 28, 2004 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1308, AT FOLIO 623, AND THE LANDS CONVEYED BY ARTHUR F. COVEY, NAOMI J. COVEY AND LENORA W. HUBBARD TO JAMES F. COVEY AND PATRICIA A. COVEY BY DEED DATED FEBRUARY 2, 1973 AND RECORDED AMONG THE AFOREMENTIONED LAND RECORDS IN LIBER 471, AT FOLIO 218 AND THAT ALL MONUMENTS ARE IN PLACE.

THIS SUBDIVISION AND LOT LINE ABANDONMENT PLAN HAS BEEN PREPARED BY THE LICENSEE EITHER PERSONALLY OR UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH THE REQUIREMENTS AS SET FORTH IN REGULATION .12 OF THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS.

THOMAS D. LANE
 PROPERTY LINE SURVEYOR NO. 340
 LANE ENGINEERING, LLC
 117 BAY STREET
 EASTON, MARYLAND 21601
 (410) 822-8003

PROPERTY OWNER DECLARATION
 THE PRESENT OWNERS OF THE LAND OF WHICH THIS SUBDIVISION AND LOT LINE ABANDONMENT IS COMPRISED IS MICHAEL D. MERCER, JAMES F. COVEY AND PATRICIA A. COVEY. WE CONCUR WITH ALL NOTATIONS AND REPRESENTATIONS ON THIS PLAN WHICH HAS BEEN PREPARED FOR AND WILL BE RECORDED AT OUR REQUEST.

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NON-TIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NON-TIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT FOR THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NON-TIDAL WETLANDS DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.

THIS DEVELOPMENT MAY CONTAIN, THREATENED OR ENDANGERED SPECIES UNDER THE ENDANGERED SPECIES ACT AS AMENDED. THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE, ADMINISTERS REGULATIONS DESIGNED TO PROTECT THESE THREATENED AND ENDANGERED SPECIES AND THEIR HABITATS. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, WE UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL DETERMINATIONS CONCERNING THE EFFECT OF THE DEVELOPMENT ON THESE SPECIES AND THEIR HABITAT RESTS WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE. 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 UNITED STATES DEPARTMENT OF INTERIOR, FISH & WILDLIFE SERVICE.

WE, MICHAEL D. MERCER, JAMES F. COVEY AND PATRICIA A. COVEY, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION.

MICHAEL D. MERCER _____ DATE _____

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2007.

NOTARY _____

JAMES F. COVEY _____ DATE _____

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2007.

NOTARY _____

PATRICIA A. COVEY _____ DATE _____

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2007.

NOTARY _____

TALBOT COUNTY OFFICE OF PLANNING AND ZONING
 THE PURPOSE OF THIS PLAN IS TO ABANDON THE LOT LINE BETWEEN EXISTING TAX PARCEL 86, THE LANDS OF JAMES F. COVEY AND PATRICIA A. COVEY, DESCRIBED BY DEED RECORDED IN THE LAND RECORDS OF TALBOT COUNTY, MARYLAND AT LIBER 471, FOLIO 218, AND A PORTION OF EXISTING TAX PARCEL 43, THE LANDS OF MICHAEL D. MERCER, DESCRIBED BY DEED RECORDED IN THE AFOREMENTIONED LAND RECORDS AT LIBER 1308, FOLIO 623, AND TO SUBDIVIDE THE REMAINDER OF EXISTING TAX PARCEL 43, THE LANDS OF MICHAEL D. MERCER, DESCRIBED IN THE AFOREMENTIONED DEED.

TALBOT COUNTY PLANNING OFFICER _____ DATE _____

TALBOT COUNTY HEALTH DEPARTMENT
 REVISED PARCEL 86 AND LOTS 3, 4 AND 5 AS SHOWN HEREON ARE APPROVED FOR INDIVIDUAL WATER AND SEWERAGE SYSTEMS AND THEIR USE IS IN ACCORDANCE WITH THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF ENVIRONMENT REGULATION 26.04.03. THE HEALTH DEPARTMENT APPROVAL ON THIS PLAN CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN COMPLIANCE WITH THE PERMITTING HEALTH REGULATIONS AS OF THE APPROVAL DATE. THIS APPROVAL DOES NOT SERVE AS A SEWAGE DISPOSAL INSTALLATION PERMIT AND THE PROPERTY OWNER IS NOTIFIED THAT HE/SHE MUST STILL APPLY FOR AND OBTAIN A SEWAGE DISPOSAL PERMIT BEFORE DEVELOPING THE PROPERTY. AT THE TIME OF PERMIT APPLICATION, THE PROPERTY WILL BE EVALUATED PURSUANT TO COMAR 26.04.02 AND ALL OTHER APPLICABLE LAWS AND REGULATIONS. FURTHERMORE, THE TALBOT COUNTY HEALTH DEPARTMENT MAY REQUIRE MORE DETERMINATIVE INFORMATION ABOUT THE PROPERTY INCLUDING ADDITIONAL TESTING AND EVALUATION.

REVISED TAX PARCEL 43 - REMAINING LANDS AS SHOWN HEREON IS NOT LEGALLY ESTABLISHED UNDER COMAR 26.04.03 AND MAY NOT BE CONSIDERED FOR DEVELOPMENT UNTIL SUCH TIME AS EITHER THE PARCEL CAN BE SERVED BY A COMMUNITY SEWAGE DISPOSAL SYSTEM OR EVALUATION OF THE PARCEL DEMONSTRATES THAT THE PARCEL MEETS THE PROVISIONS SET FORTH IN THE CODE OF MARYLAND REGULATIONS FOR SUBDIVISION OF LAND, IN PLACE AT THE TIME THE PROPOSAL IS SUBMITTED. FURTHERMORE, DEVELOPMENT MUST BE CONSISTENT WITH APPLICABLE STATE AND COUNTY CODES, REGULATIONS AND LAWS, AND THE PARCEL MAY NOT BE SERVED BY NON-CONVENTIONAL MEANS OF ON-SITE SEWAGE DISPOSAL.

THIS SUBDIVISION AND LOT LINE ABANDONMENT PLAN HAS BEEN APPROVED BY THE TALBOT COUNTY HEALTH DEPARTMENT.

TALBOT COUNTY HEALTH OFFICER _____ DATE _____

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
 A UTILITY AND DRAINAGE RIGHT-OF-WAY AND EASEMENT SHALL BE PROVIDED IN AND OVER STRIPS OF LAND FIFTEEN (15) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY ROAD, AND 15' IN WIDTH (7.5' EITHER SIDE) CENTERED ON ALL NEW LINES OF DIVISION AND 10' IN WIDTH ALONG EXISTING BOUNDARY LINES (ENTIRELY ON SUBJECT PARCELS) NOT CONTIGUOUS TO ANY ROAD, EXCEPT AS OTHERWISE SHOWN HEREON.

REVISED TAX PARCEL 86 AND LOTS 3, 4, AND 5 SHALL BE DEVELOPED IN ACCORDANCE WITH THE "2000 MARYLAND STORMWATER DESIGN MANUAL", ENVIRONMENTALLY SENSITIVE DEVELOPMENT CRITERIA (CHAPTER 5 - STORMWATER CREDITS FOR INNOVATIVE SITE PLANNING), IN ACCORDANCE WITH THIS CRITERIA, TWENTY-FIVE PERCENT (25%) OF THE GROSS SITE AREA OF THESE PARCELS/LOTS SHALL BE PROTECTED AS "NATURAL CONSERVATION AREA" AS SHOWN ON SHEETS 4 AND 5 OF 5.

GROSS SITE AREA = 71.83 AC.± (100.29 AC.± - 28.86 AC.± REVISED TAX PARCEL 43 - REMAINING LANDS)
 25% OF GROSS SITE AREA = 17.96 AC.± (25% X 71.83 AC.±)
 NATURAL CONSERVATION AREA PROVIDED = 18.57 AC.±

UNLESS OTHERWISE MORE RESTRICTED, NATURAL CONSERVATION AREAS SHALL BE MAINTAINED IN A NATURAL AND PASSIVE USE. THESE AREAS SHALL BE PLANTED OR OTHERWISE MAINTAINED TO MINIMIZE THE PROLIFERATION OF NOXIOUS OR INVASIVE WEEDS OR VEGETATION. NATURAL CONSERVATION AREAS SHALL BE LIMITED TO A MAXIMUM OF TWO MOWINGS ANNUALLY. DEVIATION FROM THESE CRITERIA SHALL REQUIRE APPROVAL FROM THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS PRIOR TO ANY DEVELOPMENT ACTIVITY.

LOTS 3, 4 AND 5 SHALL BE RESTRICTED TO ONE ACCESS EACH FROM GLEBE ROAD.

REVISED TAX PARCEL 86 SHALL BE RESTRICTED TO ONE ACCESS FROM GLEBE ROAD AS SHOWN HEREON.

REVISED TAX PARCEL 43 - REMAINING LANDS SHALL BE RESTRICTED TO THE EXISTING AGRICULTURAL ACCESS TO GLEBE ROAD AS SHOWN HEREON. FUTURE DEVELOPMENT OF REVISED TAX PARCEL 43 (REMAINING LANDS) MAY REQUIRE ADDITIONAL ACCESS POINTS SUBJECT TO APPROVAL BY THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS.

THERE SHALL BE NO CROSS ACCESS BETWEEN LOTS 3 AND 4 OVER THE EXISTING HORSE TRACK.

BUILDING PERMITS FOR LOTS 3, 4 AND 5 ACCESSING GLEBE ROAD, A PUBLIC ROAD RIGHT-OF-WAY MAY BE RESTRICTED UNTIL THE PROPOSAL IS APPROVED AT THE PUBLIC ROAD RIGHT-OF-WAY MEET IN ACCORDANCE WITH PROVISIONS OF THE TALBOT COUNTY CODE.

MARYLAND DEPARTMENT OF ENVIRONMENT WETLAND DISTURBANCE AUTHORIZATION #200687537/06-NT-2006, HAS BEEN ISSUED FOR DRIVEWAY IMPROVEMENTS OVER EXISTING FARM LANE ON LOT 5. A TALBOT COUNTY BOARD OF APPEALS VARIANCE # _____ APPROVAL HAS BEEN ISSUED FOR DRIVEWAY IMPROVEMENTS IN ACCORDANCE WITH MARYLAND DEPARTMENT OF ENVIRONMENT AUTHORIZATION.

TALBOT COUNTY ENGINEER _____ DATE _____

DEVELOPMENT DATA

OWNERS: MICHAEL D. MERCER (PARCEL 43) JAMES F. COVEY AND PATRICIA A. COVEY (PARCEL 86)
 13787 ROVER MILL ROAD 28088 GLEBE ROAD
 WEST FRIENDSHIP, MD 21794 EASTON, MD 21601
 (410) 489-6632 (410) 822-6748

DEED REFERENCE: 1308/623 (PARCEL 43) & 471/218 (PARCEL 86)

TOTAL AREA OF PROPERTY: PARCEL 43 = 97.83 AC.±, PARCEL 86 = 2.36 AC.± TOTAL = 100.29 AC.

TOTAL AREA TO BE SUBDIVIDED: 100.29 AC.±

CURRENT ZONING: RC (RURAL CONSERVATION) AND TR (TOWN RESIDENTIAL)*

DEVELOPMENT STANDARDS

| RC ZONING | TR ZONING* |
|--|------------------------------------|
| MINIMUM LOT SIZE: 2.0 ACRES | 1 ACRE W/O SEWER |
| AVERAGE LOT SIZE: LESS THAN 5 AC. OR GREATER THAN 20 AC. | 2 ACRES OR LESS |
| BUILDING RESTRICTIONS: (FOR LOTS 2.0 ACRES AND GREATER) | (FOR LOTS 1 ACRE OR GREATER) |
| FRONT SETBACK = 50' | = 50' |
| SIDE SETBACK = 50' | = 15' |
| REAR SETBACK = 50' | = 25' |
| WATERFRONT = 100' | = 100' |
| MINIMUM LOT WIDTH = 200' | = 100' |
| NON-TIDAL WETLANDS = 25' | = 25' |
| STREAMS = 100' INTERMITTENT, 100' PERENNIAL | = 50' INTERMITTENT, 100' PERENNIAL |
| SEWAGE DISPOSAL AREAS = 20' | = 20' |
| DELMARVA FOX SQUIRREL HABITAT = 150' FROM HABITAT BOUNDARY | = 150' FROM HABITAT BOUNDARY |

PARCEL DEVELOPMENT HISTORY (TAX PARCEL 43 - SINCE JUNE 1991)
 LOT 1 - TAX PARCEL 32, CREATED NOVEMBER 30, 1998
 LOT 1 - TAX PARCEL 118, CREATED JUNE 3, 1991
 LOT 2 - TAX PARCEL 152, CREATED JUNE 3, 1991

DEVELOPMENT RIGHTS SUMMARY
 DEVELOPMENT RIGHTS SHOWN HEREON AREA BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

TAX PARCEL 86
 RC (RURAL CONSERVATION) ZONING

| | |
|--|--------------------|
| PARCEL AREA - (BEFORE REVISION) | 2.36 AC.± |
| PARCEL REVISED JANUARY 6, 2000, PLAT REFERENCE: PC4, 194HH | |
| DEVELOPMENT RIGHTS PERMITTED | 1 - EXISTING HOUSE |
| DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED | 0 |
| DEVELOPMENT RIGHTS REMAINING | 0 |
| RESERVATION OF DEVELOPMENT RIGHTS (BEFORE REVISION) | 1.07 AC.± |
| RESERVATION OF DEVELOPMENT RIGHTS (AFTER REVISION) | 6.87 AC.± |
| EXISTING FOREST | 0.38 AC.± 16.1% |
| PROPOSED CLEARING | 0.00 AC.± |
| REQUIRED REFORESTATION | 0.00 AC.± |

TAX PARCEL 43
 RC (RURAL CONSERVATION) ZONING - NORTH SIDE OF GLEBE ROAD

| | |
|---|------------------------------|
| PARCEL AREA (RC ZONING) | 58.83 AC.± |
| EXISTING RESERVATION OF DEVELOPMENT RIGHTS AREA - STATE TIDAL WETLANDS (ASSUMED ALL TIDAL WETLANDS) | 13.40 AC.± |
| NET RC LANDS AVAILABLE FOR DEVELOPMENT | 42.79 AC.± |
| DEVELOPMENT RIGHTS PERMITTED - (1 PER 20 AC.) | 2 |
| DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED | 1 - EXISTING FARMHOUSE LOT 3 |
| DEVELOPMENT RIGHTS PROPOSED | 1 - LOT 4 |
| DEVELOPMENT RIGHTS REMAINING | 0 |
| RESERVATION OF DEVELOPMENT RIGHTS (BEFORE REVISION) | 13.40 AC.± |
| RESERVATION OF DEVELOPMENT RIGHTS (AFTER REVISION) | 7.60 AC.± |
| EXISTING FOREST | 10.17 AC.± 17.3% |
| PROPOSED CLEARING | 0.00 AC.± |
| REQUIRED REFORESTATION | 0.00 AC.± |

TAX PARCEL 43
 RC (RURAL CONSERVATION) ZONING - SOUTH SIDE OF GLEBE ROAD

| | |
|---|-----------------|
| PARCEL ACREAGE (RC ZONING) | 18.49 AC.± |
| EXISTING RESERVATION OF DEVELOPMENT RIGHTS AREA | 0.00 AC.± |
| DEVELOPMENT RIGHTS PERMITTED - (1 PER 20 AC.) | 1 |
| DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED | 0 |
| DEVELOPMENT RIGHTS PROPOSED | 0 - LOT 5 |
| DEVELOPMENT RIGHTS REMAINING | 0 |
| PROPOSED RESERVATION OF DEVELOPMENT RIGHTS AREA | 11.36 AC.± |
| EXISTING FOREST | 4.74 AC.± 25.8% |
| PROPOSED CLEARING | 0.00 AC.± |
| REQUIRED REFORESTATION | 0.00 AC.± |

TAX PARCEL 43
 TR (TOWN RESIDENTIAL) ZONING - NORTH SIDE OF GLEBE ROAD*

| | |
|--|--|
| PARCEL ACREAGE (TR ZONING) | 3.42 AC.± |
| DEVELOPMENT RIGHTS PERMITTED - (1 DU/20 AC.) | 1 |
| DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED | 0 |
| DEVELOPMENT RIGHTS PROPOSED | 0 |
| DEVELOPMENT RIGHTS REMAINING | 1 - ASSIGNED TO LOT 4 |
| EXISTING FOREST | 0.77 AC.± 22.5% |
| PROPOSED CLEARING | 0.00 AC.± |
| REQUIRED FOREST CONSERVATION | 0.00 AC.± (NO REGULATED ACTIVITY AT THIS TIME) |

TAX PARCEL 43
 TR (TOWN RESIDENTIAL) ZONING - SOUTH SIDE OF GLEBE ROAD*

| | |
|---|---|
| PARCEL ACREAGE (TR ZONING) | 17.19 AC.± |
| DEVELOPMENT RIGHTS PERMITTED - (1/20 AC.) | 0 |
| DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED | 0 |
| DEVELOPMENT RIGHTS PROPOSED | 0 |
| DEVELOPMENT RIGHTS REMAINING | 1 - ASSIGNED TO REVISED TAX PARCEL 43 (REMAINING LANDS) |
| EXISTING FOREST | 1.61 AC.± 9.4% |
| PROPOSED CLEARING | 0.00 AC.± |
| REQUIRED FOREST CONSERVATION | 0.00 AC.± (NO REGULATED ACTIVITY AT THIS TIME) |

GENERAL NOTES
 THE PROPERTY SHOWN HEREON IS LOCATED PARTIALLY WITHIN THE CHESAPEAKE CRITICAL AREA.
 THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONES "AS" & "C" OF THE COASTAL FLOOD PLAN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND, PANELS 24D086 0024 A.
 THE PORTION OF THE PROPERTY SHOWN AS FLOOD ZONE "AS" HAS A ONE-PERCENT CHANCE OF OCCURRENCE OF BEING INUNDATED BY A FLOOD IN ANY GIVEN YEAR. NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT IN THESE AREAS IS SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS. FLOOD INSURANCE MAY BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, (FEMA), WASHINGTON, D.C.

FLOOD PLAN LEGEND
 A - 100 YR. FLOOD ZONE
 B - 500 YR. FLOOD ZONE
 C - AREA OF MINIMAL FLOODING

ANY LAND CLEARING, GRADING OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF TALBOT COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE TALBOT SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE TALBOT COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05

CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY THE TALBOT COUNTY PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410) 770-8030 FOR FURTHER INFORMATION.

BY ACCEPTANCE OF THE DEED TO THIS PROPERTY, EACH LOT OWNER OR THEIR SUCCESSORS OR ASSIGNS, HEREBY ACKNOWLEDGE THAT THEY ARE AWARE THAT THE PROPERTY BORDERS ON PROPERTY UNDER AGRICULTURAL USE AND THAT THE NORMAL FARMING OPERATIONS ON SUCH AGRICULTURAL LAND MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY, SUCH AS ODOR, DUST, NOISE, AND DRIFT OF HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.

REASONABLE EFFORT WILL BE MADE TO LIMIT CONSTRUCTION IN FOREST HABITAT AREAS TO THE NON-BREEDING SEASON (SEPTEMBER - APRIL) FOR FOREST INTERIOR DWELLING BIRDS (FIDS). CONSTRUCTION WILL BE DESIGNED TO MINIMIZE FOREST CLEARING AND MAINTAIN A CLOSED CANOPY OVER DRIVEWAYS IF POSSIBLE.

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

THE 100 FOOT SHORELINE DEVELOPMENT BUFFER ON LOTS 4 AND 5, AS SHOWN HEREON, SHALL BE ESTABLISHED IN THREE TIER NATURAL VEGETATION UPON CHANGE OF LAND USE. A FOREST PRESERVATION PLAN SHALL BE SUBMITTED TO TALBOT COUNTY OFFICE OF PLANNING AND ZONING FOR REVIEW AND APPROVAL.

REVISED TAX PARCEL 43 - REMAINING LANDS IS SUBJECT TO A RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 910, AT FOLIO 364 AND AN AMENDED AND RESTATED RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.

REVISED TAX PARCEL 86 AND LOT 3 ARE SUBJECT TO A RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 910, FOLIO 364 AND AN AMENDED AND RESTATED RESERVATION OF DEVELOPMENT RIGHTS AGREEMENT RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER _____ AT FOLIO _____.

CRITICAL AREA IMPERVIOUS SURFACE CALCULATIONS

LOT 3

| | |
|---|-------------------|
| A. AREA IN CRITICAL AREA | 1,255,933 SQ. FT. |
| B. TIDAL WETLANDS | 1,418 SQ. FT. |
| C. NET AREA USED FOR IMPERVIOUS CALCULATION | 1,254,515 SQ. FT. |
| D. 15% IMPERVIOUS ALLOTMENT | 188,177 SQ. FT. |
| E. EXISTING IMPERVIOUS AREA | 76,940 SQ. FT. |
| F. IMPERVIOUS AREA ALLOTMENT REMAINING | 112,237 SQ. FT. |

LOT 4

| | |
|---|-------------------|
| A. AREA IN CRITICAL AREA | 1,005,610 SQ. FT. |
| B. TIDAL WETLANDS | 38,570 SQ. FT. |
| C. NET AREA USED FOR IMPERVIOUS CALCULATION | 967,040 SQ. FT. |
| D. 15% IMPERVIOUS ALLOTMENT | 145,056 SQ. FT. |
| E. EXISTING IMPERVIOUS AREA | 37,324 SQ. FT. |
| F. IMPERVIOUS AREA ALLOTMENT REMAINING | 107,732 SQ. FT. |

LOT 5

| | |
|--|-----------------|
| A. AREA IN CRITICAL AREA | 305,611 SQ. FT. |
| B. TIDAL WETLANDS | 45,842 SQ. FT. |
| C. EXISTING IMPERVIOUS AREA | 0 SQ. FT. |
| D. IMPERVIOUS AREA ALLOTMENT REMAINING | 45,842 SQ. FT. |

REVISED TAX PARCEL 86

| | |
|---|-----------------|
| A. AREA IN CRITICAL AREA | 404,203 SQ. FT. |
| B. TIDAL WETLANDS | 74,173 SQ. FT. |
| C. NET AREA USED FOR IMPERVIOUS CALCULATION | 330,030 SQ. FT. |
| D. 15% IMPERVIOUS ALLOTMENT | 49,505 SQ. FT. |
| E. EXISTING IMPERVIOUS AREA | 17,925 SQ. FT. |
| F. IMPERVIOUS AREA ALLOTMENT REMAINING | 31,580 SQ. FT. |

REVISED TAX PARCEL 43 - REMAINING LANDS

| | |
|--|-----------------|
| A. AREA IN CRITICAL AREA | 499,688 SQ. FT. |
| B. TIDAL WETLANDS | 74,950 SQ. FT. |
| C. EXISTING IMPERVIOUS AREA | 32,323 SQ. FT. |
| D. IMPERVIOUS AREA ALLOTMENT REMAINING | 74,627 SQ. FT. |

NON-CRITICAL AREA IMPERVIOUS SURFACE CALCULATIONS

LOT 3

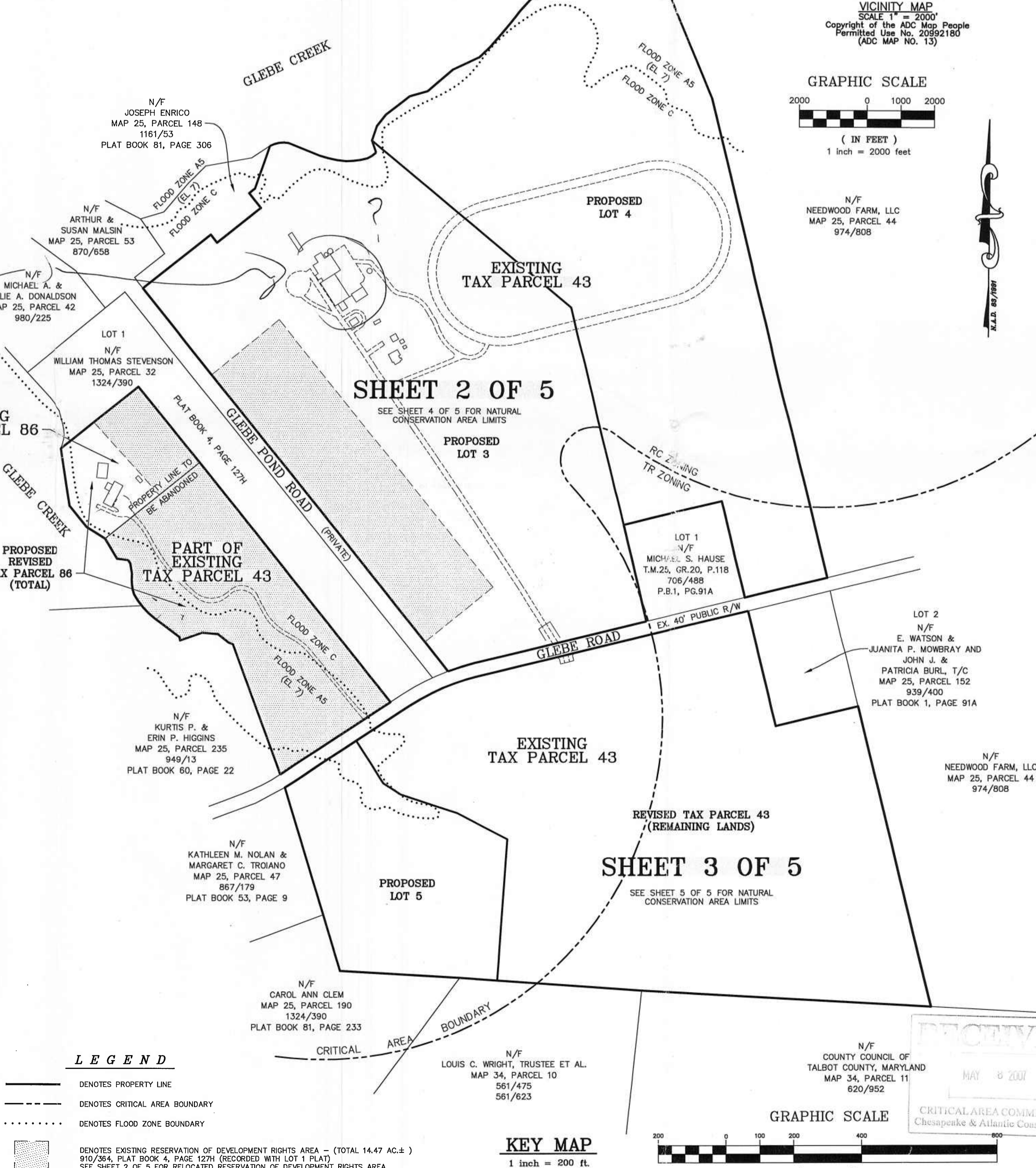
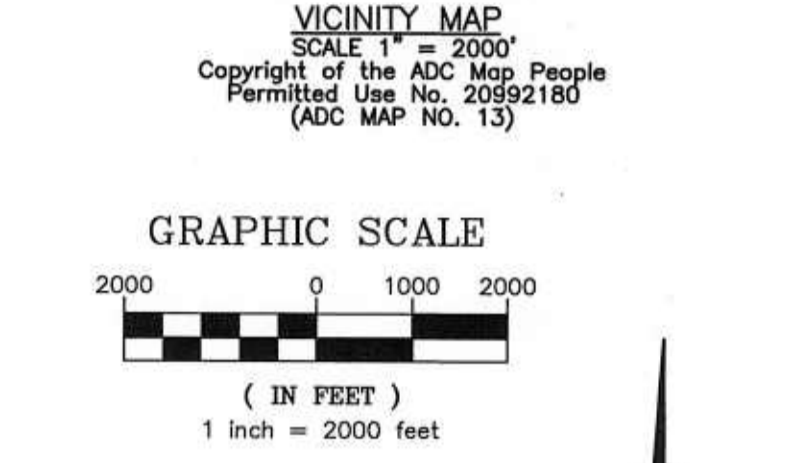
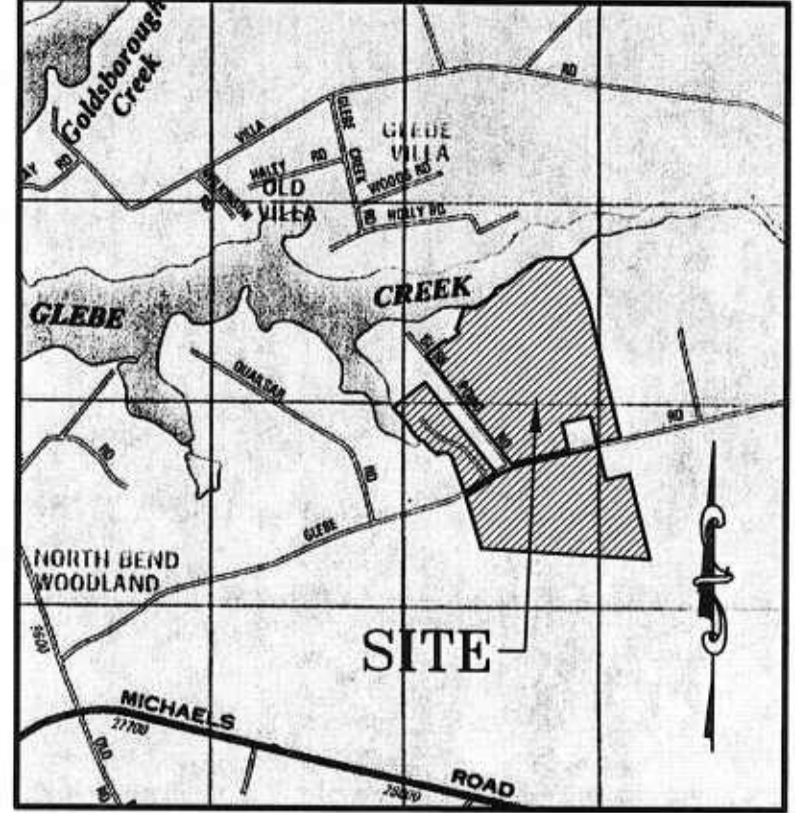
| | |
|--|----------------|
| A. AREA IN NON-CRITICAL AREA | 36,936 SQ. FT. |
| B. 15% IMPERVIOUS ALLOTMENT | 5,540 SQ. FT. |
| C. EXISTING IMPERVIOUS AREA | 0 SQ. FT. |
| D. IMPERVIOUS AREA ALLOTMENT REMAINING | 5,540 SQ. FT. |

LOT 4

| | |
|--|-----------------|
| A. AREA IN NON-CRITICAL AREA | 111,812 SQ. FT. |
| B. 15% IMPERVIOUS ALLOTMENT | 16,772 SQ. FT. |
| C. EXISTING IMPERVIOUS AREA | 0 SQ. FT. |
| D. IMPERVIOUS AREA ALLOTMENT REMAINING | 16,772 SQ. FT. |

REVISED TAX PARCEL 43 - REMAINING LANDS

| | |
|--|-----------------|
| A. AREA IN NON-CRITICAL AREA | 748,696 SQ. FT. |
| B. 15% IMPERVIOUS ALLOTMENT | 112,304 SQ. FT. |
| C. EXISTING IMPERVIOUS AREA | 0 SQ. FT. |
| D. IMPERVIOUS AREA ALLOTMENT REMAINING | 112,304 SQ. FT. |



LEGEND

| | |
|---------|--|
| — | DENOTES PROPERTY LINE |
| - - - - | DENOTES CRITICAL AREA BOUNDARY |
| | DENOTES FLOOD ZONE BOUNDARY |
| | DENOTES EXISTING RESERVATION OF DEVELOPMENT RIGHTS AREA - (TOTAL 14.47 AC.±) 910/284 PLAT BOOK 4, PAGE 127H (RECORDED WITH LOT 1 PLAT) |
| | SEE SHEET 2 OF 5 FOR RELOCATED RESERVATION OF DEVELOPMENT RIGHTS AREA |

KEY MAP
 1 inch = 200 ft.

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

SUBDIVISION AND LOT LINE ABANDONMENT PLAN ON THE LANDS OF MICHAEL D. MERCER, JAMES F. COVEY AND PATRICIA A. COVEY

DATE: 3/3/08
 SCALE: 1" = 200'
 JOB NO.: C-0899
 DRAWN BY: R.N.T.
 DESIGNED BY: M.B.S.
 APPROVED: J.D.L.
 T.D.L.

DATE: 3/14/07
 T.D.L.
 APPROVED: 8/3/08

PER 11/13/06 TAC, NOTICE TO PROCEED
 PER JUNE 20, 2006 TAC, NOTICE TO PROCEED

R.N.T.
 R.N.T.
 BY: _____

NO. _____

DATE _____

GRID 19 PARCEL 43 & 86 TAX MAP 25

SHEET No. 1 OF 5

FILE No. A554

Date: 04/09/2007 User: rtoyler Drawing Path: \\networkserver\jobs\2004\040899\dwg\040899\SP1.dwg XREF File(s): \\040899\dwg\040899\SP1.dwg

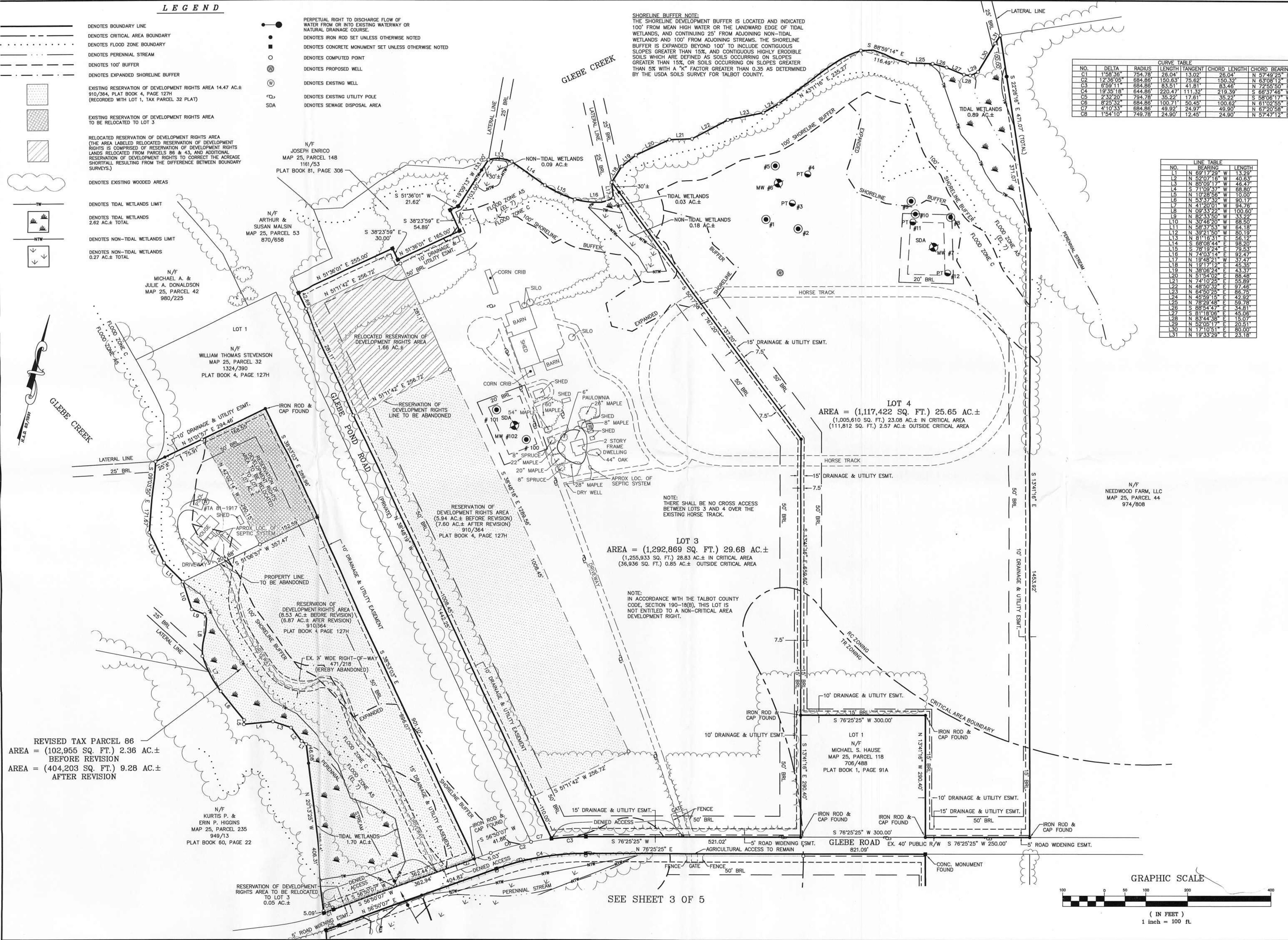
LEGEND

- DENOTES BOUNDARY LINE
- - - DENOTES CRITICAL AREA BOUNDARY
- DENOTES FLOOD ZONE BOUNDARY
- - - DENOTES PERENNIAL STREAM
- DENOTES 100' BUFFER
- DENOTES EXPANDED SHORELINE BUFFER
- DENOTES EXISTING RESERVATION OF DEVELOPMENT RIGHTS AREA 14.47 AC.± (RECORDED WITH LOT 1, TAX PARCEL 32 PLAT)
- DENOTES EXISTING RESERVATION OF DEVELOPMENT RIGHTS AREA TO BE RELOCATED TO LOT 3
- DENOTES RELOCATED RESERVATION OF DEVELOPMENT RIGHTS AREA (THE AREA LABELED RELOCATED RESERVATION OF DEVELOPMENT RIGHTS IS COMPRISED OF RESERVATION OF DEVELOPMENT RIGHTS LANDS RELOCATED FROM PARCELS 86 & 43, AND ADDITIONAL RESERVATION OF DEVELOPMENT RIGHTS TO CORRECT THE ACREAGE SHORTFALL RESULTING FROM THE DIFFERENCE BETWEEN BOUNDARY SURVEYS.)
- DENOTES EXISTING WOODED AREAS
- DENOTES TIDAL WETLANDS LIMIT
- DENOTES TIDAL WETLANDS 2.62 AC.± TOTAL
- DENOTES NON-TIDAL WETLANDS LIMIT
- DENOTES NON-TIDAL WETLANDS 0.27 AC.± TOTAL
- DENOTES PERPETUAL RIGHT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE.
- DENOTES IRON ROD SET UNLESS OTHERWISE NOTED
- DENOTES CONCRETE MONUMENT SET UNLESS OTHERWISE NOTED
- DENOTES COMPUTED POINT
- ⊕ DENOTES PROPOSED WELL
- ⊕ DENOTES EXISTING WELL
- ⊕ DENOTES EXISTING UTILITY POLE
- SDA DENOTES SEWAGE DISPOSAL AREA

SHORELINE BUFFER NOTE:
 THE SHORELINE DEVELOPMENT BUFFER IS LOCATED AND INDICATED 100' FROM MEAN HIGH WATER OR THE LANDWARD EDGE OF TIDAL WETLANDS, AND CONTINUING 25' FROM ADJOINING NON-TIDAL WETLANDS AND 100' FROM ADJOINING STREAMS. THE SHORELINE BUFFER IS EXPANDED BEYOND 100' TO INCLUDE CONTIGUOUS SLOPES GREATER THAN 15% AND CONTIGUOUS HIGHLY ERODIBLE SOILS WHICH ARE DEFINED AS SOILS OCCURRING ON SLOPES GREATER THAN 15%, OR SOILS OCCURRING ON SLOPES GREATER THAN 3% WITH A "K" FACTOR GREATER THAN 0.35 AS DETERMINED BY THE USDA SOILS SURVEY FOR TALBOT COUNTY.

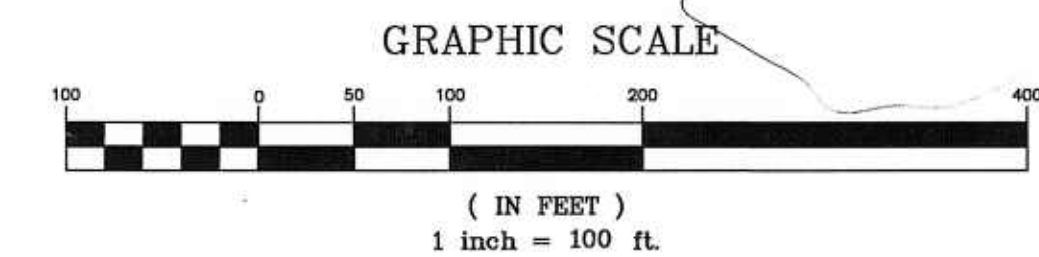
| CURVE TABLE | | | | | | |
|-------------|-----------|--------|--------|---------|--------------|---------------|
| NO. | DELTA | RADIUS | LENGTH | TANGENT | CHORD LENGTH | CHORD BEARING |
| C1 | 1°58'36" | 754.78 | 26.04 | 13.02 | 26.04 | N 57°49'23" E |
| C2 | 12°36'05" | 684.86 | 150.63 | 75.62 | 150.32 | N 67°08'12" E |
| C3 | 6°59'11" | 684.86 | 83.51 | 41.81 | 83.46 | N 72°55'50" E |
| C4 | 19°35'18" | 644.86 | 220.47 | 111.32 | 219.30 | S 66°37'46" W |
| C5 | 2°32'20" | 754.78 | 35.22 | 17.61 | 35.22 | S 88°08'17" W |
| C6 | 8°25'32" | 684.86 | 100.71 | 50.45 | 100.62 | N 61°02'55" E |
| C7 | 4°10'33" | 684.86 | 49.92 | 24.97 | 49.90 | N 67°20'58" E |
| C8 | 1°54'10" | 749.78 | 24.90 | 12.45 | 24.90 | N 57°47'12" E |

| LINE TABLE | | |
|------------|---------------|--------|
| NO. | BEARING | LENGTH |
| L1 | N 69°17'29" W | 13.29 |
| L2 | N 52°07'16" W | 40.63 |
| L3 | N 85°09'17" W | 46.44 |
| L4 | S 71°09'37" W | 68.80 |
| L5 | N 10°28'56" W | 10.00 |
| L6 | N 53°37'32" W | 93.17 |
| L7 | N 41°20'01" W | 94.76 |
| L8 | N 09°33'22" W | 100.60 |
| L9 | N 82°33'50" W | 33.22 |
| L10 | N 30°48'20" W | 68.50 |
| L11 | N 58°37'53" W | 64.18 |
| L12 | N 39°21'50" W | 80.19 |
| L13 | N 81°16'31" E | 56.12 |
| L14 | S 68°08'44" E | 98.20 |
| L15 | S 78°19'24" E | 79.53 |
| L16 | N 74°03'14" E | 92.47 |
| L17 | N 19°48'21" W | 37.47 |
| L18 | N 19°17'12" E | 45.35 |
| L19 | N 38°08'24" E | 43.37 |
| L20 | N 51°54'02" E | 88.48 |
| L21 | N 74°10'25" E | 55.89 |
| L22 | N 48°00'32" E | 91.46 |
| L23 | N 64°50'25" E | 86.75 |
| L24 | N 45°59'15" E | 42.92 |
| L25 | N 34°44'38" E | 15.07 |
| L26 | S 68°44'47" E | 34.81 |
| L27 | S 81°18'06" E | 45.06 |
| L28 | N 34°44'38" E | 15.07 |
| L29 | N 52°05'17" E | 20.51 |
| L30 | N 17°10'51" E | 80.00 |
| L31 | N 19°33'29" E | 23.16 |



REVISED TAX PARCEL 86
 AREA = (102,955 SQ. FT.) 2.36 AC.± BEFORE REVISION
 AREA = (404,203 SQ. FT.) 9.28 AC.± AFTER REVISION

SEE SHEET 3 OF 5



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

117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024
 15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942
 1148 West Water St. Centerville, MD 21617 (410) 758-2095 FAX (410) 758-4422

DATE: 3/2/08
 SCALE: 1" = 100'
 JOB NO.: 040899
 DRAWN BY: J.M.C.
 DESIGNED BY: J.M.C.
 APPROVED: J.M.C.
 T.D.L.

SUBDIVISION AND LOT LINE ABANDONMENT PLAT
ON THE LANDS OF MICHAEL D. MERCER,
JAMES F. COVEY AND PATRICIA A. COVEY

FIRST ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 GRID 19 PARCEL 43 & 86
 TAX MAP 25

SHEET No. 2 OF 5
 FILE No. A554

Date: 04/09/2007 User: dcoyle
 Drawing Path: s:\2004\040899\dwg\040899\2-2nd.dwg XREF File(s): \040899\as-Prelim.dwg, \040899\as-Prelim.dwg

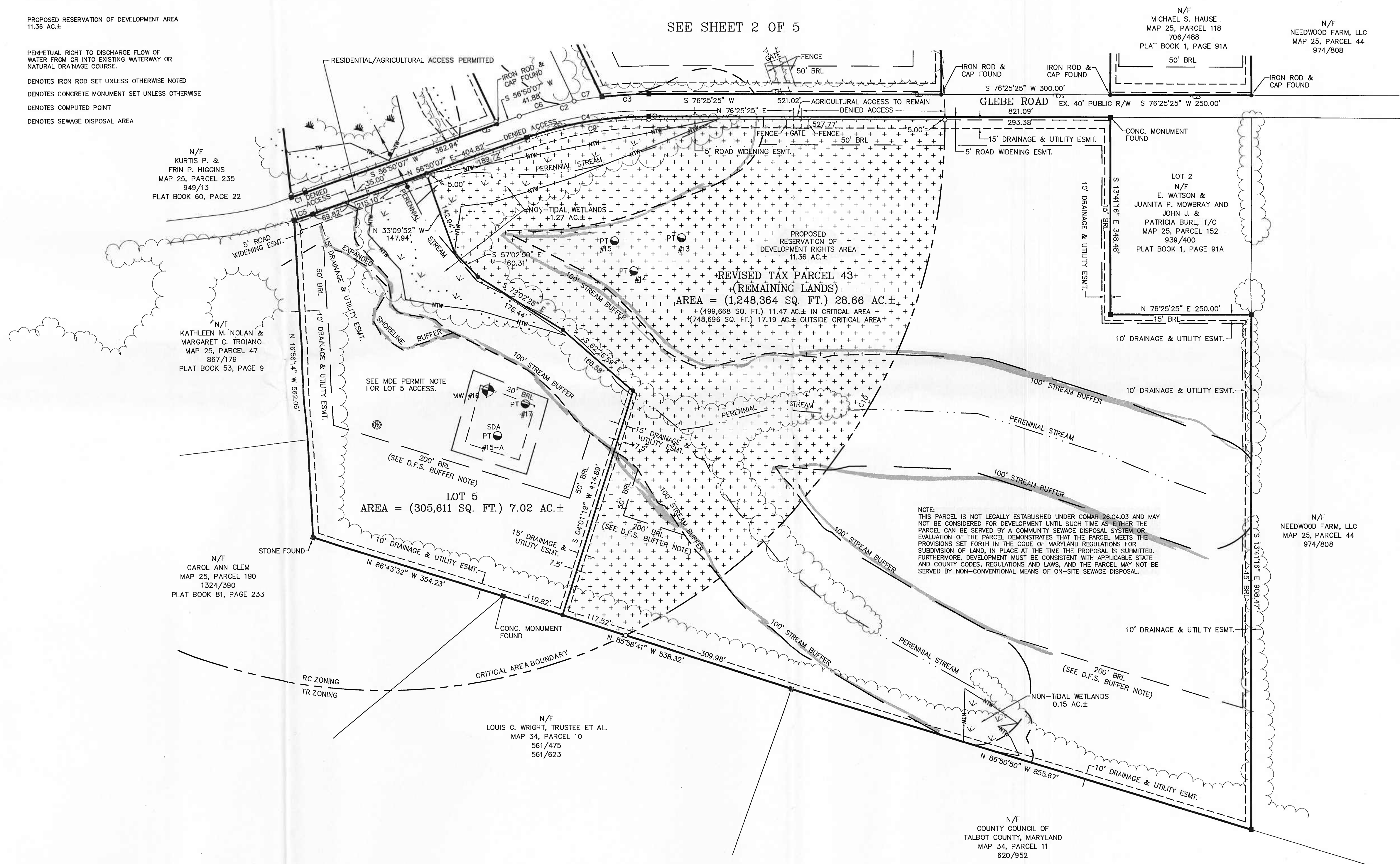
LEGEND

- DENOTES BOUNDARY LINE
- - - - DENOTES CRITICAL AREA BOUNDARY
- DENOTES FLOOD ZONE BOUNDARY
- ~~~~~ DENOTES PERENNIAL STREAM
- DENOTES 100' BUFFER
- DENOTES 100' BUFFER OUTSIDE CRITICAL AREA
- DENOTES EXPANDED SHORELINE BUFFER (SEE SHORELINE BUFFER NOTE)
- ~~~~~ DENOTES EXISTING WOODED AREAS
- NTW DENOTES NON-TIDAL WETLANDS LIMIT
- NTW DENOTES NON-TIDAL WETLANDS 1.42 AC.± TOTAL
- ⊙ DENOTES PROPOSED WELL
- ⊙ DENOTES EXISTING UTILITY POLE
- ⊙ DENOTES PROPOSED RESERVATION OF DEVELOPMENT AREA 11.36 AC.±
- PERPETUAL RIGHT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE
- DENOTES IRON ROD SET UNLESS OTHERWISE NOTED
- DENOTES CONCRETE MONUMENT SET UNLESS OTHERWISE
- DENOTES COMPUTED POINT
- SDA DENOTES SEWAGE DISPOSAL AREA

1. **SHORELINE BUFFER NOTE:**
THE SHORELINE DEVELOPMENT BUFFER IS LOCATED AND INDICATED 100' FROM MEAN HIGH WATER OR THE LANDWARD EDGE OF TIDAL WETLANDS, AND CONTINUING 25' FROM ADJOINING NON-TIDAL WETLANDS AND 100' FROM ADJOINING STREAMS. THE SHORELINE BUFFER IS EXPANDED BEYOND 100' TO INCLUDE CONTIGUOUS SLOPES GREATER THAN 15%, AND CONTIGUOUS HIGHLY ERODIBLE SOILS WHICH ARE DEFINED AS SOILS OCCURRING ON SLOPES GREATER THAN 15%, OR SOILS OCCURRING ON SLOPES GREATER THAN 5% WITH A "K" FACTOR GREATER THAN 0.35 AS DETERMINED BY THE USDA SOILS SURVEY FOR TALBOT COUNTY.
2. **DELMARVA FOX SQUIRREL HABITAT BUFFER & BRL NOTE:**
THE 200' BRL REFLECTS A 150' BUFFER FROM THE DRIPLINE OF EXISTING FORESTED DELMARVA FOX SQUIRREL HABITAT. NO STRUCTURES OR PAVING ARE PERMITTED WITHIN THIS RESTRICTED AREA. IN THE EVENT THE DELMARVA FOX SQUIRREL IS REMOVED FROM THE FEDERAL ENDANGERED SPECIES LIST, THEN THE 200' BRL IS NO LONGER REQUIRED OR IN EFFECT AND THE TALBOT COUNTY ZONING ORDINANCE SETBACKS SHOULD ESTABLISH THE BRL.
3. **MDE PERMIT NOTE:**
ARYLAND DEPARTMENT OF ENVIRONMENT WETLAND DISTURBANCE AUTHORIZATION #200667537/05-NT-2006, HAS BEEN ISSUED FOR DRIVEWAY IMPROVEMENTS OVER EXISTING FARM LANE ON LOT 5. A TALBOT COUNTY BOARD OF APPEALS VARIANCE # APPROVAL HAS BEEN ISSUED FOR DRIVEWAY IMPROVEMENTS IN ACCORDANCE WITH MARYLAND DEPARTMENT OF ENVIRONMENT AUTHORIZATION.

| NO. | DELTA | RADIUS | LENGTH | TANGENT | CHORD LENGTH | CHORD BEARING |
|-----|-----------|----------|----------|---------|--------------|---------------|
| C1 | 1°59'36" | 754.78' | 26.04' | 13.02' | 26.04' | N 57°49'25" E |
| C2 | 12°36'05" | 684.86' | 150.63' | 75.62' | 150.32' | N 63°08'12" E |
| C3 | 6°59'11" | 684.86' | 83.51' | 41.81' | 83.46' | N 72°55'50" E |
| C4 | 19°35'18" | 644.86' | 220.47' | 111.32' | 219.39' | S 66°37'46" W |
| C5 | 2°32'20" | 794.78' | 35.22' | 17.61' | 35.22' | S 89°05'17" W |
| C6 | 8°25'32" | 684.86' | 100.71' | 50.45' | 100.62' | N 61°02'55" E |
| C7 | 4°10'33" | 684.86' | 49.92' | 24.97' | 49.90' | N 67°20'58" E |
| C9 | 19°36'05" | 639.44' | 216.76' | 110.46' | 217.69' | N 66°37'46" E |
| C10 | 65°01'29" | 1000.00' | 1134.60' | 637.38' | 1074.86' | S 19°23'56" W |

SEE SHEET 2 OF 5



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

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

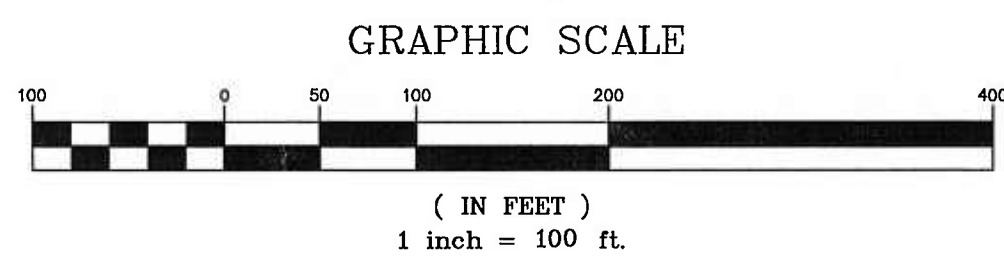
N/F
KURTIS P. &
ERIN P. HIGGINS
MAP 25, PARCEL 235
949/13
PLAT BOOK 60, PAGE 22

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

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

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

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



| NO. | BY | DATE | REVISION |
|-----|--------|--|----------|
| 1 | T.D.L. | 8/23/06 | APPROVED |
| 2 | R.N.T. | PER 11/13/06 TAC, NOTICE TO PROCEED | |
| 3 | R.N.T. | PER JUNE 20, 2008 TAC, NOTICE TO PROCEED | |

| DATE | REVISION |
|------|----------|
| | |

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

E-mail: mail@lane.com
117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024
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114B West Water St. Centreville, MD 21617 (410) 758-2895 FAX (410) 758-4422

DATE: 3/2/06
SCALE: 1" = 100'
JOB NO.: 040889
DRAWN BY: R.N.T.
DWS. NAME: 040889SSP3
APPROVED: T.D.L.

SUBDIVISION AND LOT LINE ABANDONMENT PLAT
ON THE LANDS OF MICHAEL D. MERCER,
JAMES F. COVEY AND PATRICIA A. COVEY

FIRST ELECTION DISTRICT
TALBOT COUNTY, MARYLAND
GRID 19 PARCEL 43 & 86
TAX MAP 25

SHEET No. 3 OF 5
FILE No. A554

Date: 04/09/2007 User: Acticle Drawing Path: J:\2004\040889\040889.dwg XREF File(s): \040889as-Pratlm.dwg, \040889as-Pratlm.dwg, \040889as-Pratlm.dwg