

TC 283-07
SUB

Passyn, theodore
1018

S1829-6855

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/

October 2, 2007

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
28712 Glebe Road
Easton, MD 21601

Re: 1018
Passyn Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to create a 2-lot subdivision on a parcel located in a Resource Conservation Area (RCA). Currently, the site is developed with two dwelling units, an existing pool, a man-made pond, driveway, and garage. Total acreage of the site is 32.184 acres.

Based on the information provided, we do not oppose the granting of this subdivision application. However, we do have the following comments on this site plan:

1. Please have the applicant indicate on the site plan the amount of tidal wetlands that are located on the property, broken down into the amount that is private and the amount that is state-owned. These numbers will help determine the total buildable area and the amount of impervious surface permitted for each lot.
- ✓2. Please have the applicant indicate the amount of impervious surface allowed for each site. In an RCA area, impervious surface is limited to 15% of the total lot size. Consequently, Lot 1 cannot exceed 3.53 acres (153,895 square feet), and Lot 2 cannot exceed 1.29 acres (56,394 square feet).
3. The applicant must receive a letter from the Department of Natural Resources' (DNR) Wildlife and Heritage Division evaluating the property to determine if there is the presence of any rare, threatened, or endangered species onsite. If present, the applicant must address all recommendations from DNR for protection of this species. Please forward a copy of this letter to our office.
- ✓4. Please have the applicant indicate the amount of forested area located on each site, as the subdivision must meet the 15% Critical Area afforestation requirement

TTY for the Deaf

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

as found in COMAR 27.01.02.04. The applicant can choose to provide 15% afforestation on each lot, or provide 15% afforestation in one area of the property for the entire subdivision.

5. If the subdivision is granted, the total amount of development rights allowed for each lot will be exhausted.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3483.

Sincerely,



Nick Kelly

Natural Resource Planner

CC: TC 283-07



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/

May 25, 2007

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: 1018
Passyn Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision application. The applicant proposes to create a 2-lot subdivision on a parcel located in a Rural Conservation (RC) area. Currently, the site is developed with two dwelling units, an existing pool, a man-made pond, driveway, and garage. Total acreage of the site is 37.125 acres.

Provided the lots are properly grandfathered, we do not oppose the granting of this subdivision application. We have the following comments on this site plan:

1. Please add a note to the site plan designating the total acreage of the site.
2. Please designate the total amount of impervious surface on each lot.
3. Please designate the Critical Area boundary on the site plan.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly
Natural Resource Planner
CC: TC 283-07



TALBOT COUNTY BOARD OF APPEALS

28712 GLEBE ROAD, SUITE 2
EASTON, MARYLAND 21601

PHONE: 410-770-8040

FAX: 410-770-8043
TTY: 410-822-8735

APPEALS NOTICE OF PUBLIC HEARING

APPEAL NO. # 1484

In accordance with § 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 February 11, 2008 at 7:30 p.m.** by the Talbot County Board of Appeals to hear the following petition:

Applicants, Theodore & Julia Passyn, have filed an Administrative Appeal under Article XIV, § 190-103 of the Talbot County Code asserting an allegation of error by the Assistant Planning Officer in the interpretation of Article X, § 190-58 G of the Talbot County Code. In conjunction with the Technical Advisory Committee review of the applicant's single lot intrafamily transfer subdivision application. Property is located on 1982 Chancellor Point Road, Trappe, Maryland 21673 in the Rural Conservation (RC) zone. Property owners are Theodore & Julia Passyn, and the property is located on Tax Map 62, Grid 16, Parcel 32. 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, MD 21601.

Chris Corkell
Board of Appeals

P.S. PLEASE BOLD WHERE INDICATED

Please run two consecutive weeks: January 25, 2008 & February 1, 2008.

MAIL CONFIRMATION WHEN COMPLETE



TALBOT COUNTY BOARD OF APPEALS

28712 GLEBE ROAD, SUITE 2
EASTON, MARYLAND 21601

PHONE: 410-770-8040

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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.



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 #
Kenneth E Tighe, Brenda Tighe T/C 2100 Chancellor Point Rd. Trappe, MD 21673-1548	62	16	30
Lee S. Rubenstein, et al. 4915 Linnean Ave., NW Washington, DC 20008-2040	62	16	83
Martin III and Rebecca Braun 831 New Hampshire Avenue, NW Washington, DC 20037	62	21	82
Richard G and Mary H. Getsinger 30424 Belmont Drive Trappe, MD 21673-1521	62	10	74
Thomas C and Maria M. Mitchell 6120 Jeffries Road Easton, MD 21601-8528	62	17	19


Applicant Signature

12-5-07
Date

BEFORE THE TALBOT COUNTY BOARD OF APPEALS

ADMINISTRATIVE APPEAL OF: :

Theodore B. Passyn

Julia B. Passyn :

1982 Chancellor Point Road

Trappe, MD 21673 :

12-11-07P02:55 RCVD

: Appeal No. 1484

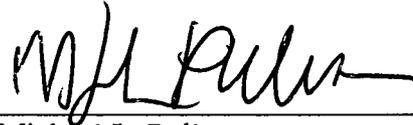
IN THE MATTER: :

Administrative Appeal - Single Lot :

Subdivision - Intra-family :

NOTICE OF INTENTION TO PARTICIPATE

Talbot County, Maryland, by Michael L. Pullen, Talbot County Attorney, hereby gives notice of its intention to participate in this matter.



Michael L. Pullen
Talbot County Office of Law
11 North Washington St
Easton, Maryland 21601
(410) 770-8092
Talbot County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 10th day of December 2007, I mailed first class mail, postage prepaid, a copy of the foregoing *Notice of Intention to Participate*, to Mark F. Gabler, Rich and Henderson, P.C., 36 South Washington Street, Easton, Maryland 21601, attorney for Appellants.



Michael L. Pullen



OFFICIAL USE ONLY

Hearing Date 02/11/08
Appeal No. 1484
Filing Date 12/05/07
Amount Paid \$700.00
Neighbors Notified 01/10/08
Petitioners Notified 01/23/08

12-05-07P03:57 RCVD

To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the most current Talbot County Zoning Ordinance for Talbot County, Maryland, or as amended, request is hereby made for:

XXX Variation from strict application of said Ordinance
Administrative Appeal
Special Exception

Statement of Case: A statement of the facts in full detail, including documentary evidence to be attached as deemed appropriate, and reference to any statute or law pertaining to the matter resulting in the denial of relief or direction for compliance. You may type on a separate sheet if additional space is needed and label as Attachment A.

See attached

Location of Property: 1982 Chancellor Point Rd., Trappe, MD 21673

Tax Map 62 Grid 16 Parcel 32 Lot _____ Size 32.184 Zone RC *MB 12/12/07*

Property Owner: Theodore B. and Julia B. Passyn

Address of Owner: 1982 Chancellor Point Rd., Trappe, MD 21673

Telephone Number: (410) 476-5144 Election District 03

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

Has above property ever been subject of previous Appeal(s)? No

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.


Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.

STATEMENT OF CASE

Mr. and Mrs. Passyn are appealing the November 5, 2007 letter of Mary Kay Verdery the Assistant Planning Officer of Talbot County Department of Planning and Zoning and asserting an allegation of error therein.

On November 5, 2007, Ms. Verdery wrote a letter to the Passyns (attachment A) with regard to their application for a single lot intrafamily subdivision. Ms. Verdery's letter was written in response to the inquiries from undersigned counsel on behalf of the Passyns about certain comments which were raised during the TAC review process of the Passyn's subdivision application. The TAC comment at issue was the first comment on the list of 39 overall comments which read:

“The subject lands contain circumstances inconsistent with the Talbot County Code and the condition of approval for building permit number 05-644. As improved, the two dwellings on Parcel 32 are in violation with respect to density and are inconsistent with the intrafamily subdivision provision of the Talbot County Code. A building permit condition of approval for the newly constructed residence on proposed Lot 1 required removal of the existing house on proposed Lot 2. the land owner/agent should provide written documentation which, for each of these issues, detail the circumstances creating these inconsistencies; a means of resolving these matters prior to approval of this plat; and any other pertinent information that may be relevant to this project. Such documents will help facilitate staff evaluation and determination of appropriate disposition of these issues. Staff will evaluate this information and respond to the applicant with appropriate direction PRIOR to acceptance of any future plat submittals.”

Exhibit B.

Undersigned counsel was attempting to discuss this TAC comment with Mary Kay Verdery to understand why she was of the belief that the Passyn's application was “inconsistent with the intrafamily subdivision provision of the Talbot County Code” when Ms. Verdery wrote her November 5, 2007 letter to the Passyn. Although undersigned counsel does not believe that Ms. Verdery's letter is a final decision as contemplated by Section 190-103 of the Talbot County

Code, this appeal is being filed so as preserve the Passyn's deadline for doing so as directed by Ms. Verdery in her letter.

The Passyn have requested a meeting with the County to discuss the matter and the County refused and indicated that it would not discuss the matter any further.



TALBOT COUNTY OFFICE OF PLANNING & ZONING

28712 GLEBE ROAD, SUITE 2
EASTON, MARYLAND 21601

PHONE: 410-770-8030

FAX: 410-770-8043
TTY: 410-822-8735

November 5, 2007

Mr. & Mrs. Theodore Passyn
P.O. Box 507
Trappe, MD 21673

Re: Theodore & Julia Passyn – Intra-family subdivision - S1018

Dear Mr. & Mrs. Passyn:

I have reviewed the information provided by Mr. Mark Gabler regarding your intra-family subdivision request of the lands located on Chancellor Point Road, Trappe, MD. Based upon this information I provide the following direction for future submittals relating to this project.

The Talbot County Code prohibits two principal structures on a single lot. When you applied for the current building permit, it was issued upon the condition that the existing principal residence be removed prior to occupancy of the new principal residence. The building permit was issued only on that basis; had you refused to agree to that condition, the building permit would not have been issued.

Alternatively, had an intra-family transfer been pursued from the outset, the newly created lot would have had a deed restriction limiting its transfer only to an immediate family member as defined in the ordinance. The current submittal proposes to reverse that restriction and place the deed restriction on the old principal residence, a result that could not have been achieved under the ordinance if this procedure had been pursued from the outset.

By acceptance of the building permit with the noted condition of approval you agreed to remove the existing principal structure and are required to do that. If it is true that, as you and your representative, Mr. Gabler, have stated, "... It has always been their plan to maintain the existing structure by subdividing the property pursuant to the Intra family Transfer Provisions of the County Code," then the application for the original building permit appears to be based upon a knowing misrepresentation of a material fact, and apparently without intention to perform the express condition upon which the building permit was issued in the first place.



FILE COPY

EXHIBIT A

If you want to change the existing building permit condition, the County may be able to accommodate this provided the property restrictions end in the same position as if you had pursued the intra-family transfer initially. The lot containing the newly constructed residence must be created for and transferred to an "immediate" family member. The deed for the newly created lot shall contain the appropriate restrictions relating to occupancy, transfer and subdivision. Accommodating this request may entail additional restrictions that can be more fully explored during the subdivision review process.

In conclusion I see two options for resolving these inconsistencies. The first being to remove the old principal residence as conditioned on the original building permit. Upon removal you may proceed with the creation of an intra-family lot in the area of demolished principal residence. The second option would be revision of the plat to reflect the restrictions of intra-family transfer provision on the lot which encompasses the newly constructed residence. Accordingly, the building permit condition of approval may be amended upon final plat approval

Upon addressing the above noted concerns, as well as, those listed in the October 10, 2007 TAC Notice to Proceed the preliminary plat submittal will be placed on the next available TAC agenda. However, if you disagree with this determination, you may file an Administrative Appeal to the Board of Appeals within 30 days from the date of this letter at the Talbot County Board of Appeals, 28712 Glebe Road, Suite 2, Easton, Maryland 21601.

Sincerely,



Mary Kay Verdery
Assistant Planning Officer

cc: Mr. Mark Gabler, Rich and Henderson P.C. - faxed 11/5
Mr. Michael L. Pullen, County Attorney ✓
Bob Graham

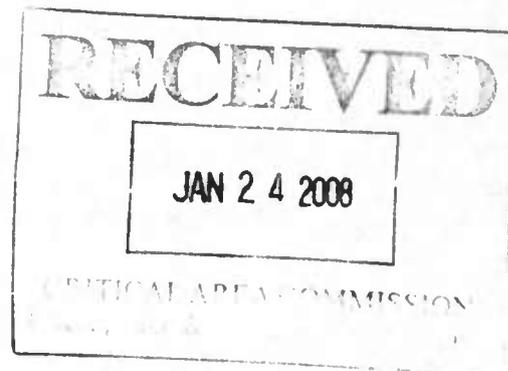
RICH AND HENDERSON, P.C.
ATTORNEYS AT LAW
36 South Washington Street
Easton, Maryland 21601

MARK F. GABLER
mgabler@richlaw.com

TEL: (410) 819-0110
FAX: (410) 819-0994

January 22, 2008

Marianne E. Dise
Assistant Attorney General
State of Maryland Office of the Attorney General
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401



Re: Administrative Appeal of Theodore B. Passyn and Julia B. Passyn
Appeal No.: 1484

Dear Marianne:

I received your letter of January 17, 2008. Please be advised that our hearing for February 11, 2008 has been postponed. As soon as a new date has been scheduled, I will let you know. If you will require a new Subpoena for Dr. Kelly, I will send one at that time.

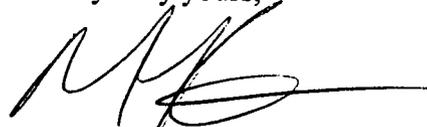
With respect to your offer to prepare a certification, as I explained to you, I have called Dr. Kelly to testify to more than just the fact that he wrote the two letters we spoke about. As I explained, it is my understanding that among Dr. Kelly's responsibilities in reviewing the subdivision application is to review them with respect to their consistency with the State Critical Area law and the requirements of the local program which was approved by the Critical Area Commission. Neither of Dr. Kelly's letters say that specifically, though that is what I understand to be his role in this process. Please correct me if I am wrong. If Dr. Kelly is willing to write another letter indicating as much and send that to me along with a certificate for all three letters, I will consider whether I can excuse him from testifying.

As I explained to you, it is not my intention to cause Dr. Kelly any unnecessary inconvenience and I will do my best to make his involvement in this matter as quick as possible.

Marianne E. Dise
January 22, 2008
Page Two

I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MFG', with a long horizontal flourish extending to the right.

Mark F. Gabler

MFG/mrb

DOUGLAS F. GANSLER
Attorney General

KATHERINE WINFREE
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



MARIANNE E. DISE
Assistant Attorney General
Principal Counsel

SAUNDRA K. CANEDO
Assistant Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CRITICAL AREA COMMISSION FOR THE
CHESAPEAKE AND ATLANTIC COASTAL BAYS

FAX NO. (410) 974-5338

WRITER'S DIRECT DIAL NO. (410) 260-3466
mdise@oag.state.md.us

January 17, 2008

Mark F. Gabler, Esquire
Rich and Henderson, P.C.
36 South Washington Street
Easton, Maryland 21601

RE: Subpoena for Dr. Nick Kelly - Appeal of Theodore Passyn

Dear Mark:

This letter acknowledges receipt of your correspondence dated January 15, 2008, and the accompanying subpoena for Dr. Nick Kelly. As we discussed, Dr. Kelly will be unavailable on February 11, 2008, due to scheduled surgery. At this time, I renew my offer to provide to you a Certification of Custodian under Code, Courts & Jud. Proc. §10-204, for the two letters written by Dr. Kelly to Talbot County concerning this matter. I am confident that the Talbot County Board of Appeals would accept the letters, with the accompanying certificate, as admissible in the administrative hearing, thus sparing Dr. Kelly from a trip to Easton to testify that he wrote the letters.

Please let me know if you will accept a Certification of Custodian.

Sincerely,

A handwritten signature in cursive script that reads "Marianne E. Dize".

Marianne E. Dize
Principal Counsel

cc: Michael L. Pullen, Esquire
Dr. Nick Kelly

RICH AND HENDERSON, P.C.
ATTORNEYS AT LAW
36 South Washington Street
Easton, Maryland 21601

MARK F. GABLER
mgabler@richlaw.com

TEL: (410) 819-0110
FAX: (410) 819-0994

January 15, 2008

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Marianne E. Dise
Assistant Attorney General
State of Maryland Office of the Attorney General
Critical Area Commission for the
Chesapeake and Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, Maryland 21401

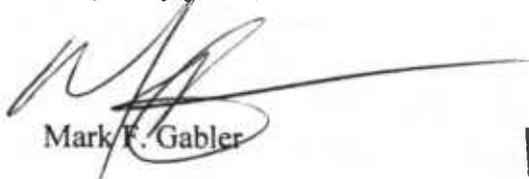
Re: Administrative Appeal of Theodore B. Passyn and Julia B. Passyn
Appeal No.: 1484

Dear Marianne:

Pursuant to our discussion on Friday, enclosed please find a Subpoena in the above-reference matter directed to Nick Kelly, Natural Resources Planner to testify at a Board of Appeals hearing on February 11, 2008 at 7:30 p.m. Thank you for agreeing to accept the attached Subpoena on behalf of Mr. Kelly by mail. Because you have advised that Mr. Kelly will not be available that day due to a medical procedure, I have asked the Board to postpone the hearing and they have agreed. I will let you and Mr. Kelly know of the new date as soon as it is confirmed.

Please call me if you have any questions. Thank you for your cooperation and courtesy in this regard.

Very truly yours,



Mark F. Gabler

MFG/mrb
Enclosure

RECEIVED

JAN 16 2008

CRITICAL AREA COMMISSION



TALBOT COUNTY BOARD OF APPEALS

Paul Shortall, Jr., Chairman
28712 Glebe Road, Suite 2
Easton, Maryland 21601
(410) 770-8040

Administration Appeal of
Theodore B. Passyn

Appeal Number: 1484

Julia B. Passyn

vs.

STATE OF MARYLAND, TALBOT COUNTY TO WIT:

SUBPOENA

To: (name, address and county) Nick Kelly, Natural Resources Planner
1804 West Street, Suite 100
Annapolis, Maryland 21401

YOU ARE HEREBY COMMANDED to attend and testify at a Board of Appeals Hearing to be held at:
the Bradley Meeting Room, Courthouse, South Wing, 11 N. Washington Street, Easton, MD 21601
on the 11th day of February, 2008 at 7:30 a.m. /p.m.
(and continuing thereafter until completed)

and you are requested to produce the following documents and/or objects:

Subpoena requested by () the Board of Appeals; () Appellant; (X) Applicant; () Interested Party; or
() Talbot County, MD and any questions should be referred to:

Mark F. Gabler, 36 South Washington St., Easton, MD 21601 (410) 819-0110
(name of party/agent/attorney, address and phone number)

Date Issued: January 11, 2008

Secretary (signature and seal)



RETURN

() Personally served, affidavit attached.
() Certified mailpiece number: _____, affidavit attached.
() Unserved, by reason of _____
Date: _____ Fee: \$ _____

RECEIVED

Signature

JAN 16 2008

ORIGINAL TO WITNESS - RETURN COPY TO BOARD OF APPEALS

Gallo, Kerrie

From: Mark Gabler [mgabler@richlaw.com]
Sent: Monday, December 10, 2007 4:55 PM
To: Gallo, Kerrie
Subject: General Question

Kerrie:

I have a question about Section 8-1808.2 of the Natural Resources Article entitled "Bona fide intrafamily transfers." Generally speaking, that section allows an owner of RCA property to subdivide and transfer, by way of an intrafamily transfer, a portion of the owner's property to an immediate family member.

My question is whether there is any reason why an owner couldn't subdivide and transfer the portion of their RCA property which contains their house to an immediate family member and retain the undeveloped portion to build a new residence for themselves rather than just transferring a new building lot?

Thanks.

Mark F. Gabler
Rich and Henderson, P.C.
36 South Washington Street
Easton, Maryland 21601
(410) 819-0110 Phone
(410) 819-0994 Fax
mgabler@richlaw.com
www.richlaw.com

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LAND OWNER STATEMENT:
THE PRESENT OWNERS OF THE LAND OF WHICH THIS SUBDIVISION IS COMPRISED ARE THEODORE B. PASSYN AND JULIA B. PASSYN. THIS PLAT WAS PREPARED FOR AND WILL BE RECORDED AT THEIR REQUEST.

I, STEVEN H. JUPTIZ HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LANDS CONVEYED TO THEODORE B. PASSYN AND JULIA B. PASSYN BY DEED DATED FEBRUARY 5, 1996 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 821, FOLIO 228, AND THAT ALL MONUMENTS ARE IN PLACE.

Steven H. Juptiz
STEVEN H. JUPTIZ
PROPERTY LINE SURVEYOR No. 499
PO BOX 113
GRASONVILLE, MARYLAND 21638

OWNER:
THEODORE B. PASSYN
JULIA B. PASSYN
1902 CHANCELLOR POINT ROAD
TRAPPE, MARYLAND 21673

CURRENT ZONING - RC
FRONT - 50'
REAR - 50'
SIDE - 50'

KENNETH E. TIGHE
BRENDA A. TIGHE
1116/619
USE - AG.

NONTIDAL WETLANDS DISCLAIMER:

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN 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 APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREAS 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.

WE, THEODORE B. PASSYN AND JULIA B. PASSYN, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION.

Theodore B. Passyn *Julia B. Passyn*

THE OWNERS HAVE SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF April, 2007.

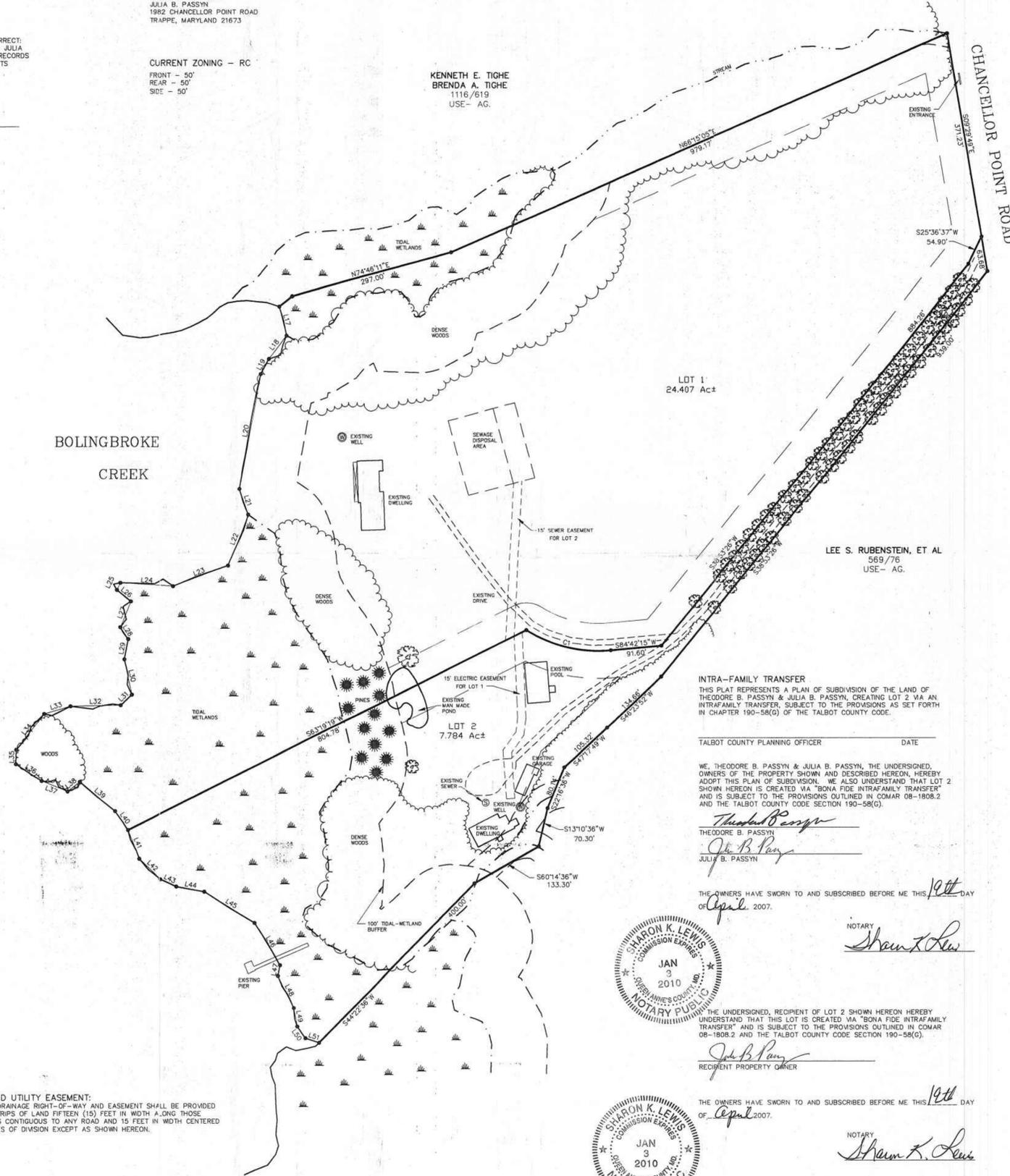
NOTARY
Sharon K. Lewis



CURVE TABLE		
CURVE	LENGTH	CHORD
C1	159.53	242.00
C2	159.53	242.00

LINE TABLE		
LINE	LENGTH	BEARING
L17	53.50	S141°17'55"E
L18	52.27	S37°36'28"W
L19	30.93	S28°08'51"W
L20	210.32	S10°28'04"W
L21	50.04	S1°24'39"E
L22	98.77	S21°16'48"W
L23	106.90	S69°34'34"W
L24	95.02	N86°16'01"W
L25	14.26	S23°31'55"W
L26	32.47	S49°49'35"E
L27	51.21	S22°23'36"W
L28	26.02	S33°04'47"E
L29	37.38	S10°39'04"W
L30	65.06	S12°18'43"E
L31	27.58	S46°34'54"W
L32	90.03	S88°51'09"W
L33	49.59	S73°37'11"W
L34	82.57	S37°48'43"W
L35	25.88	S01°32'58"W
L36	55.48	S56°27'41"E
L37	50.56	S67°31'55"E
L38	28.13	N51°37'27"E
L39	82.56	S50°04'41"E
L40	41.18	S34°04'20"E
L41	55.07	S21°31'01"E
L42	53.05	S46°03'20"E
L43	31.62	S65°41'28"E
L44	51.65	S79°38'01"E
L45	106.89	S58°01'39"E
L46	89.04	S31°13'09"E
L47	19.01	S114°05'05"W
L48	64.09	S26°35'15"E
L49	34.22	S10°52'21"E
L50	25.81	S35°03'26"E
L51	26.00	S71°43'00"E

DRAINAGE AND UTILITY EASEMENT:
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 FEET IN WIDTH CENTERED ALONG NEW LINES OF DIVISION EXCEPT AS SHOWN HEREON.



INTRA-FAMILY TRANSFER
THIS PLAT REPRESENTS A PLAN OF SUBDIVISION OF THE LAND OF THEODORE B. PASSYN & JULIA B. PASSYN, CREATING LOT 2 VIA AN INTRAFAMILY TRANSFER, SUBJECT TO THE PROVISIONS AS SET FORTH IN CHAPTER 190-58(G) OF THE TALBOT COUNTY CODE.

WE, THEODORE B. PASSYN & JULIA B. PASSYN, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION. WE ALSO UNDERSTAND THAT LOT 2 SHOWN HEREON IS CREATED VIA "BONA FIDE INTRAFAMILY TRANSFER" AND IS SUBJECT TO THE PROVISIONS OUTLINED IN COMAR 08-1808.2 AND THE TALBOT COUNTY CODE SECTION 190-58(G).

Theodore B. Passyn
THEODORE B. PASSYN
Julia B. Passyn
JULIA B. PASSYN

THE OWNERS HAVE SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF April, 2007.

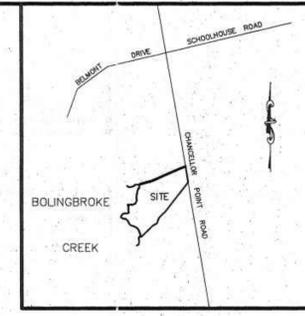
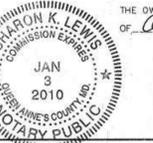
NOTARY
Sharon K. Lewis

THE UNDERSIGNED, RECIPIENT OF LOT 2 SHOWN HEREON HEREBY UNDERSTAND THAT THIS LOT IS CREATED VIA "BONA FIDE INTRAFAMILY TRANSFER" AND IS SUBJECT TO THE PROVISIONS OUTLINED IN COMAR 08-1808.2 AND THE TALBOT COUNTY CODE SECTION 190-58(G).

Julia B. Passyn
RECIPIENT PROPERTY OWNER

THE OWNERS HAVE SWORN TO AND SUBSCRIBED BEFORE ME THIS 19th DAY OF April, 2007.

NOTARY
Sharon K. Lewis



VICINITY MAP
1" = 2000'

NATURAL RESOURCES CONSERVATION SERVICE STATEMENT:
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 COUNTY SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE TALBOT COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05.

U.S. FISH AND WILDLIFE REVIEW STATEMENT:
THIS DEVELOPMENT MAY CONTAIN PROTECTED HABITAT OF THE ELMARVA FOX SQUIRREL (DFS) LISTED AS AN ENDANGERED SPECIES UNDER THE ENDANGERED SPECIES ACT AS AMENDED, UNITED STATES CODE. REGULATIONS DESIGNED TO PROTECT THE DFS AND ITS HABITAT ARE ADMINISTERED BY THE U.S. DEPARTMENT OF THE INTERIOR AND WILDLIFE DIVISION. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, I UNDERSTAND THAT THE FINAL AUTHORITY FOR DETERMINATIONS CONCERNING THE EFFECT OF THE PROPOSED DEVELOPMENT ON THE DFS AND ITS HABITAT RESTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE DIVISION. I ALSO UNDERSTAND THAT THE 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.

AGRICULTURAL STATEMENT:
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 HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON THE USE AND ENJOYMENT AFFECTING THE PROPERTY.

INDIVIDUAL WATER AND SEPTIC SYSTEMS:
LOTS 1 AND 2 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 THE PLAT CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN COMPLIANCE WITH THE PERTINENT HEALTH DEPARTMENT LAWS AND 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 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.

HEALTH OFFICER - TALBOT COUNTY DATE

NOTE: THE SEWAGE DISPOSAL AREA (SDA), AS SHOWN IS THE ONLY AREA THAT HAS BEEN APPROVED FOR SEWAGE DISPOSAL.

CRITICAL AREA STATEMENT:
THE PROPERTY SHOWN HEREON IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE CRITICAL AREA.

FLOOD ZONE INFORMATION:
THE PROPERTY SHOWN HEREON IS IN FLOOD ZONE A, B & C LOCATED WITHIN THE COASTAL FLOOD PLAN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND. THEREFORE, MANDATORY FLOOD INSURANCE MAY BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY WASHINGTON, DC AS SHOWN ON FEMA MAP COMMUNITY MAP NO.240566 0500 A.

FLOOD PLAIN LEGEND
A - 100 YEAR FLOOD ZONE
B - 500 YEAR FLOOD ZONE
C - AREA OF MINIMAL FLOODING

RECEIVED
APR 9 4 44 PM '07
MAY 14 2007
CRITICAL AREA COMMISSION
Talbot County



STEVEN H. JUPTIZ, INC.
P.O. BOX 113
GRASONVILLE, MARYLAND
(410) 604-3389

DATE	SCALE	DATE	DATE
JAN 2007	1" = 200'	APPROVED BY	REVISION
		DATE	DATE

PLAT SHOWING
THE LAND OF
THEODORE B. PASSYN
JULIA B. PASSYN
FOURTH ELECTION DISTRICT
TALBOT COUNTY, MARYLAND
GRID #16
TAX MAP #62
PARCEL 32

SHEET No.
FILE No.