

TC 295-07 Callahan, Parker
SUB 1058

51829-6856

(IX)

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/

May 28, 2008

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

RE: Callahan Subdivision, M1058 – FIDs Mitigation Analysis

Dear Ms. Verdery:

This office is in receipt of the FIDs Mitigation Analysis dated April 14, 2008 for the Callahan Subdivision as referenced above. While the Commission previously commented on the project in regard to FIDs conservation on this site, we have several specific comments related to the FIDs analysis as submitted. These comments are based on "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," approved by the Commission in June 2000 and referenced in the Talbot County Code, §190-93(E)(8)(d)(2)(c). In addition, there are several other outstanding Habitat Protection Area issues that must be resolved prior to any approval.

1. First, the amount of existing FIDs interior habitat (defined as habitat greater than 300 feet from the nearest existing forest edge, regardless of property lines or Critical Area Boundary) is incorrectly determined on the FIDs Mitigation Plan. Property lines do not create an edge; thus, there is interior habitat not currently shown along the northern and northeastern property boundaries. In addition, the plan shows edge measured from the wetlands along Mill Creek. Riparian forest is one type of habitat where conservation is mandated by the Critical Area Criteria. Riparian forests at least 300 feet in width are considered interior habitat when connected to other FIDs habitat. The plan should be revised to change the edge to interior along portions of the shoreline.
2. After corrections are made to the plan, the analysis should be done based on the amount of existing and proposed habitat on the subject parcels. The mathematical analysis should be supplemented with the FIDs conservation worksheet and checklist, which is useful in determining whether the FIDs Site Design Guidelines have been applied. If it is determined that the Guidelines have been applied, then mitigation is

TTY for the Deaf

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



required at a 1:1 ratio for the area of clearing within the FIDs habitat. If it is determined that the FIDs Guidelines have not been followed, mitigation should be based on both the direct clearing of habitat plus two times the amount of interior habitat lost.

3. Based on the proposed subdivision plat, designated building pads, and approved sewage disposal areas, there is no evidence that the FIDs Guidelines have been applied properly. There are numerous opportunities to minimize impacts: restricting development to existing nonforested areas; restricting development to existing edge habitat (within 300 feet of existing openings); clustering development to avoid scattered impacts; and others. Similar to other natural resource protection programs, conservation of habitat for FIDs should be accomplished through avoidance first, minimization second and mitigation last. Also, given that §190-15(A)(2)(b) of the County Code states that "Any development in the Rural Conservation (RC) zoning district shall conserve and protect the ecological values of those wildlife that require the Bay and its tributaries to sustain populations...", there should be substantial evidence that the subdivision will conserve FIDs (and other) habitat. We do not support approval of the subdivision as proposed.
4. Notwithstanding the above, mitigation for direct FIDs impacts must result in the creation of new or expansion of existing habitat. It should be located as close to the impacts as possible and should maximize the area of interior habitat, both by reforesting gaps or peninsulas and by extending existing riparian forests to a width of 300 feet. The mitigation as proposed, while contiguous to existing habitat, does not maximize the interior. The proposed use of already required reforestation areas to be double-counted for satisfaction of FIDs mitigation undermines the goals of both the FCA and the State and County Critical Area requirements. The mitigation plan as proposed is inadequate and does not provide conservation of FIDs habitat on this site. We again do not support approval of the subdivision as proposed. An acceptable Habitat Protection Plan, as required in §190-93 E(8)(d) of the Talbot County Code, must be submitted to our office for review and comment.
5. Protection of the Delmarva Fox Squirrel (DFS) must also be provided. The FIDs Mitigation Analysis shows only a DFS setback/buffer line but provides no explanation whatsoever on its significance. The Habitat Protection Plan, as required by the County Code, must also include provisions for the long term conservation of DFS that is deemed acceptable to the US Fish and Wildlife Service.
6. In regard to expansion of Buffers for steep slopes, the FIDs mitigation plan and the subdivision plat are inadequate to determine if Buffer expansion has been correctly provided. The County Code §190-93(E)(3)(b) requires Buffer expansion for all contiguous slopes of 15% or greater. The Buffer must be expanded four feet for

Ms. Mary Kay Verdery
May 28, 2008
Page 3 of 3

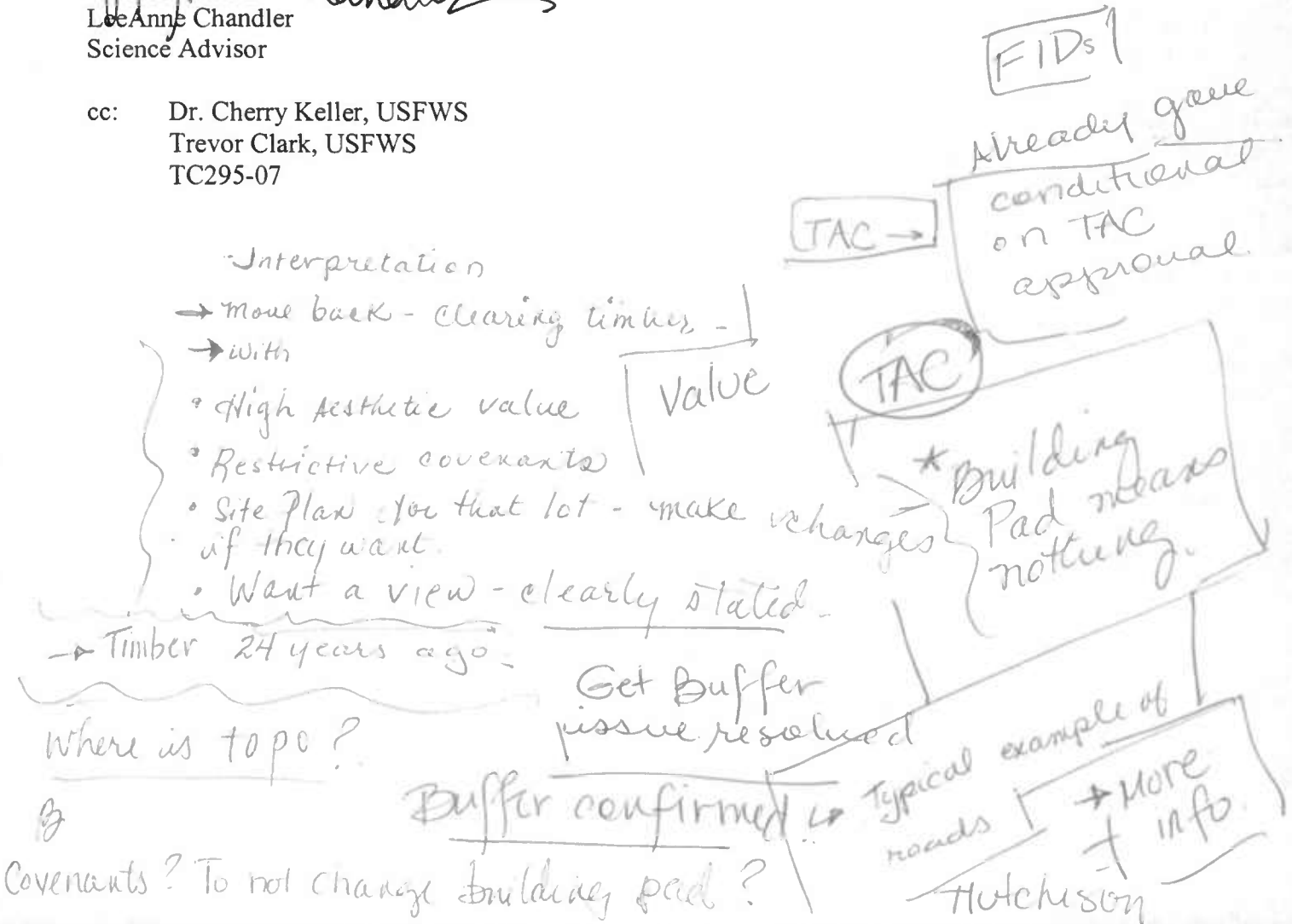
every percent of slope or to the top of slope, whichever is greater in extent. Some Buffer widths as labeled on the plan are inconsistent with this requirement. For example, there are Buffers labeled "130' Buffer (expanded for steep slopes)" [though they measure just 100 feet]. If there are contiguous steep slopes of 15%, the minimum expansion would be to 160 feet (100 feet plus 15% x 4 feet). As seen during the site visit, there are numerous ravines with streams on the site. Corrected Buffer expansion may significantly impact the placement of the building pads on the proposed lots. Any subdivision approval should be withheld until expanded Buffers can be verified. According to the consultants, topographical surveys have already been completed although we have not received any of the requested information.

Thank you for the opportunity to submit supplementary comments on this subdivision. I will be attending the Planning Commission meeting of June 4, 2008 to further explain our concerns. In the meantime, if you have any questions or concerns regarding the above comments, please feel free to contact me at (410) 260-3477 or lchandler@dnr.state.md.us.

Sincerely,

LeeAnne Chandler
Science Advisor

cc: Dr. Cherry Keller, USFWS
Trevor Clark, USFWS
TC295-07



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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May 21, 2008

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

Re: Parker Callahan Subdivision/M1058

Dear Ms. Verdery:

It is our understanding that the above-referenced subdivision is scheduled to be heard by the Talbot County Planning Commission on June 4, 2008. As you are aware, Commission staff has significant concerns regarding the project's potential impacts to Forest Interior Dwelling Bird (FIDS) habitat. In reviewing the site plan, it appears that the applicant is not meeting the requirements of the Talbot County Code to protect and conserve FIDS habitat (§190-15A, §190-93 E), as it appears that there is ample opportunity to locate the five proposed lots within the Critical Area without impacting FIDS habitat whatsoever. Furthermore, the proposed subdivision does not appear to be meeting the Critical Area site design guidelines for impacting FIDS habitat. Consequently, we requested in our May 2, 2008 letter that the County restrict the applicant from developing within the identified FIDS habitat areas.

Commission staff would like the opportunity to come and present our concerns to the Talbot County Planning Commission in person. However, our monthly Critical Area Commission meeting is scheduled for the same date, June 4, 2008, as the Talbot County Planning Commission meeting, and generally runs the entirety of the day. As a result, it is unlikely that we will be able to send a representative from Commission staff to the Talbot County hearing. We would like to request that the Planning Commission table the review of the Parker Callahan subdivision application until the July 2, 2008 meeting so that Commission staff may be present to speak to our stated concerns and to answer any questions the Planning Commission may have about our comment letter.

Thank you for taking the time to review our request. If you have any comments, please feel free to contact me at (410) 260-3482. Also, please let us know of the decision regarding this request.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie Gallo
Regional Program Chief

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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May 2, 2008

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

Re: Callahan Subdivision
M1058

Dear Ms. Verdery:

Thank you for providing additional information on the above referenced subdivision application. The applicant proposes to create a seven lot subdivision on two parcels (Tax Parcel 3, Tax Parcel 54) that are designated as Resource Conservation Areas (RCAs). The parcels total 302.259 acres in size, with 103.802 acres located within the Critical Area RCA, and 198.457 acres located outside of the Critical Area. The Critical Area portions of the property are currently undeveloped. A total of five development rights are permitted within the Critical Area; the applicant proposes to utilize all five development rights. Total existing forest coverage onsite within the Critical Area is 27.52 acres (26.51%).

Based on the information provided, and based upon a site visit to the property with Elisa DeFlaux from Talbot County and Al Kampmeyer from the Maryland Department of the Environment on April 8, 2008, we have the following comments on this project:

1. If the subdivision application is approved, the applicant will have exhausted all development rights permitted within the Critical Area.
2. It appears that several additional intermittent streams are located onsite within proposed Lot 7 and Tax Parcel 54 "Remaining Lands" that are not shown on the site plan. Based upon this fact, Commission staff requests that the applicant perform a wetland and stream delineation for the entire property. We have concerns that several other features are either missing or inaccurately depicted on the site plan.
3. Talbot County soil maps reveal additional locations of hydric soils that are adjacent to the 100-foot Buffer (Keyport); the Buffer must be expanded to include these sensitive areas. Please refer to the attached soil map to help determine the areas of hydric soils.

4. A portion of the property is located within Forest Interior Dwelling Bird (FIDS) habitat. The applicant proposes to create building lots within this area. Commission staff has significant concerns about the proposed development within this Habitat Protection Area (HPA). Talbot County Code §190-15A(2)(a) states that purpose of the Rural Conservation District (RC) is to “conserve the irreplaceable, agricultural, forested, and natural environmental character of the county,” and that “development activities are intended to be in the form of large lots or clustered lots **outside** of habitat protection areas.” Furthermore, §190-15A(2)(b) states that any development in the Rural Conservation (RC) zoning district *shall* conserve and protect the ecological values of the Critical Area, provide protection for the breeding, feeding, and wintering habitats for those wildlife that require the Bay and its tributaries to sustain populations, and conserve the existing developed woodlands and forest for the water quality benefits that they provide.

In reviewing the regulations for Habitat Protection Areas within the Critical Area, §190-93 E(8)(d)[2][c] of the County Code states that “development activities or the clearing or cutting of trees *shall* be designed and implemented so as to conserve riparian habitat and forest interior wildlife species and their habitats (particularly those of local significance).” Methods to achieve this goal *shall* include incorporating appropriate wildlife protection elements into Forest Preservation Plans, clustering development, and providing easements and other similar techniques that **restrict** land use.

Finally, a review of the Critical Area site design guidelines for impacting FIDS habitat requires that development be restricted to non-forested areas, and development within FIDS habitat may **only** occur if forest loss or disturbance is **unavoidable**.

In order to uphold the aforementioned regulations of the County Code and the Critical Area Commission’s FIDS guidelines, Commission staff recommends that the County restrict the applicant from developing within FIDS habitat areas, as supported by the above-referenced section of the County Code. In reviewing the submitted site plan, it appears that there is ample opportunity to reasonably locate all five lots within the Critical Area without impacting FIDS habitat whatsoever. Restricting development from FIDS habitat will prevent the further decline of an area that supports the presence of forest interior wildlife species.

5. In addition to being FIDS habitat, the forested areas onsite are known to support the Delmarva Fox Squirrel. In order to protect these areas to the fullest extent possible, please have the applicant follow the guidelines stated in the Maryland Department of Natural Resources Wildlife and Heritage Service (WHS) letter.
6. Due to the presence of FIDS and Delmarva Fox Squirrel habitat onsite, a Habitat Protection Plan must be submitted to this office for review and comment, as required in §190-93 E(8)(d) of the Talbot County code. We note that, on the Habitat Protection Plan, the interior edge of FIDS habitat should be measured 300 feet from the landward edge of forest cover only. In reviewing the submitted FIDS Mitigation Analysis Plan for this project, the applicant incorrectly used the edge of tidal waters to measure the 300 foot FIDS interior edge as well.

In addition, COMAR 27.01.02.04.C(3)(c) requires that an area equal to 80% of the existing forested Critical Area on a property that is developed be placed in a conservation easement. Accordingly, the applicant must show on the Habitat Protection Plan how they are meeting this requirement.

7. The applicant has marked some locations of steep slopes as "Self Imposed 20' Buffer From Top of Slope." It is unclear how this type of buffer will be enforceable. Commission staff recommends classifying these regions as areas expanded for steep slopes, which will provide these areas the same protections that other Habitat Protection Areas would receive onsite. In addition, please have the applicant clarify why such a restriction is necessary in these areas.
8. The applicant is proposing to create six lots that are less than 20 acres in size. Lots less than 20 acres in size are required to place the amount of acreage less than 20 acres in Reservation of Development Rights (RDR). However, no RDR location is shown on the site plan. Please have the applicant show location of the RDR area on the site plan.

Thank you for the opportunity to provide comments on this subdivision request. Please have the applicant provide the information requested above. Please call me with any questions at (410) 260-3483.

Sincerely,

Nick Kelly

Nick Kelly
Natural Resource Planner
cc: TC ~~402-05~~

295-07

Frevor_Clark@fws.gov

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STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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May 25, 2007

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

Re: 1058
Callahan Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision application. The applicant is proposing to develop a seven lot subdivision with a new road. The site is 136.36 acres, is currently undeveloped, and is zoned Rural Conservation (RC) and Rural Agricultural Conservation District (RAC). Total acreage within the Critical Area is 160.6 acres.

Based on the information provided, we have the following comments about this project:

1. The total amount of acreage within the Critical Area is unclear. The site plan states that Tax Parcel 3 has 105.17 acres in the Critical Area, and that Previous Tax Parcel 54 "Remaining Lands" has 55.43 acres in the Critical Area. The combined total for these two parcels is 160.6 acres. However, based on the amount of acreage cited for each lot and for the Remaining Lands in Tax Parcel 54, total acreage in the Critical Area is 119.4 acres. Please have the applicant designate the correct amount of acreage that is located within the Critical Area.
2. The site plan mentions that Wetlands of Special State Concern (WSSC) are located on-site. Prior to plat approval, please have the applicant provide a letter from the Department of Natural Resources verifying that a WSSC exists on-site. Because of the existence of a WSSC, no new lot lines should extend to Mill Creek. If the applicant plans to allow waterfront access to the subdivision, we recommend establishing a community pier to be built in order to minimize impact to the WSSCs, provided the Department of Natural Resources Wildlife &

*called
b said it is
but wnm +
say why*

Stark
talked to
Trevor +
Lori → aware of situation

Delmar Fox
Town Sprink
Lori

Heritage Division has an opportunity to review any pier proposals. The pier must be developed in accordance with the standards set forth in COMAR 27.01.03.07. Please have the applicant forward a copy of this plan to the attention of Mr. Tim Lamey of DNR's Wildlife & Heritage Division for their review due to the presence of the WSSC. Plat approval should not be granted until the comments and recommendations of DNR are satisfactorily addressed.

on there
already
is

- 4. Please have the applicant designate the amount of forest coverage located on-site. Any future clearing in the Critical Area for lot development will require forest mitigation in accordance with the standards set forth in COMAR 27.01.02.04.
- 5. The Buffer must be established in native vegetation since the use will be changing from agricultural to residential.

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

Sincerely,

Nick Kelly

Nick Kelly
Natural Resource Planner
cc: TC 295-07
Tim Lamey, DNR

MEASURING THE BUFFER

The Critical Area Buffer, unlike the 1,000 foot Critical Area Boundary, must be measured on site, at the time any development is proposed. It is measured from the mean high water line of tidal waters, the landward edge of tidal wetlands and from the edge tributary streams. It is possible and not that uncommon for a piece of property to have several buffers coming from different directions. These buffers may or may not overlap. While existing map resources can provide some assistance in determining the need for Buffers, site specific delineation is required due to the variability of environmental conditions over time. Development should be planned to avoid all required Buffers, unless a water-dependent structure (such as a boat ramp), is proposed.

Measurement from Tidal Waters

The simplest Buffer measurement occurs when a shoreline is protected by an existing structure, such as a bulkhead or revetment. The Buffer is measured landward from the vertical wall of the bulkhead or approximately where the rocks of a revetment meet the existing shoreline (assuming that tidal waters regularly reach the bulkhead or revetment). If there are any angles or curves in the shoreline, the Buffer should follow a similar pattern. Measurements of a horizontal distance of 100 feet should be taken at each point on the shoreline where there is a change in direction or characteristics.

Insert simple illustration

In a beach situation, the Buffer must be measured from the mean high water line. This often appears as the heaviest wrack line (where the most debris piles up) and it generally means the average location of high tide in a specific location. Other indicators can be staining marks or just above the line where barnacles might be attached to nearby piers. Again, the Buffer is measured landward from this line a horizontal distance of 100 feet. If the shoreline curves, the Buffer should also curve.

Insert illustration

Measurement from Tidal Wetlands

Measuring the Buffer from the landward edge of tidal wetlands can also be a simple measurement provided the edge of tidal wetlands is easily found. Often there will be a clear change in vegetation (such as the beginning of woody vegetation) or an increase in elevation that indicates the limits of the highest high tides. On a property with an adjacent tidal marsh, the 100-foot buffer begins at the landward edge of whatever type of marsh exists, either high if it exists or only low marsh if that is all that occurs. [Include drawing adapted from Corps showing various lines] Some sites are difficult to interpret and may require delineation by a wetland scientist. The difficult sites tend to be those with little topographical change, those that also have nontidal wetlands present, and also those sites that are considered tidal but contain only fresh water. In some instances, a tidal elevation survey may be required to accurately delineate the Buffer.

Insert illustration

Measurement from Tributary Streams

A minimum 100-foot Buffer is required to be established from each bank of any perennial or intermittent

stream in the 1000-foot Critical Area. Streams should be identified in the field as part of a site assessment. Perennial streams are fairly easy to identify as being those that under normal circumstances flow year round. Intermittent streams often flow during only a portion of the year but they do have groundwater connection. Other characteristics include having a high water mark, hydric soil characteristics in the stream bed, and evidence of use by aquatic organisms such as insects, bivalves, and crustaceans. Intermittent streams can be confused with those that are ephemeral – those that flow only in response to rainfall. Ephemeral streams are nature's stormwater pipes and are always above the water table. They flow for brief periods during and immediately following a rain event.

Tools which may assist (but should not be solely relied upon) in stream determinations include United States Geological Survey 7 1/2 minute quadrangle maps (scale - 1:24,000), Soil Conservation Service Maps, or other maps that may be available from local jurisdictions. In many instances, a stream found on a map may not exist in the field. Similarly, a stream found on site may not be located on available maps. A site visit, backed by multiple resources, should be utilized wherever possible. In addition, in many locations within agricultural areas, streams have been channelized in order to improve drainage. Alternatively, a ditch could be dug out of upland for the same reason. These situations may require a bit more research if an agricultural parcel is being developed and it contains these streams/ditches. A A buffer is not required for agricultural drainage ditches if the adjacent agricultural land has in place best management practices as outlined under a soil and water conservation plan approved by the local soil conservation district.

Stream Buffers are measured from each bank of the stream.

Insert illustration.

It is possible that on a particular parcel buffers will be measured from more than one direction, for example, from the edge of a tidal wetland and a tidal ditch. In another example, a parcel may have a buffer designated from mean high water on one side and from a tributary stream that crosses a portion of the parcel. This is because the Criteria require a buffer Afrom the mean high water line of tidal water, tributary streams and tidal wetlands@. Thus buffers must be designated from whatever applicable features pertain to a site.

Beyond 100-feet - Expansion of the Buffer

The Critical Area Criteria include a provision for the expansion of the Buffer in situations where 100 feet may not be adequate. According to the Criteria ALocal jurisdictions shall expand the Buffer beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.@

Steep Slopes

In the case of contiguous slopes of 15% or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent.

This means that if you have a slope of 17%, the Buffer would be expanded by 68 feet (17 times 4) or go to the top of the slope if that is greater. This would equate to a minimum buffer in this situation of 168

feet. The degree or percentage of slope is determined by the rise in elevation over a specific horizontal distance.

Percentage of slope = elevation in feet/distance in feet or rise/run x 100

For example if you have an elevation change of 15 feet over a distance of 60 feet, the average percentage of slope for that area is 25.

$$\frac{\text{Elevation in feet}}{\text{distance in feet}} \times 100 = \frac{15}{60} \times 100 = 25\%$$

One way to determine what the change in elevation will be over a given distance is to look at a topographic map.

****Illustration**** of topo and how you use that to determine slope.

Please note that some local jurisdictions measure slopes as an average over the 100-foot Buffer, while others look at the conditions at the 100-foot line. Check with the appropriate Planning office prior to finalizing plans.

Highly Erodible Soils

According to the Criteria, *highly erodible soils*, are those with a slope greater than 15%, or those soils with a K value greater than 0.35 and with slopes greater than 5 percent. The K value refers to the erodibility factor or the susceptibility of a soil to sheet and rill erosion by water. It is given as a number between 0 and 1.0. The higher the K value the more susceptible the soil is to erosion by water. The K value for a particular soil can be found in the Soil Survey for each County or from the Natural Resources Conservation Service.

Expansion of the buffer for *highly erodible soils* does not have to occur automatically on slopes less than 15%. However, it should occur whenever development on these soils will result in adverse impacts to aquatic systems or Habitat Protection Areas in the Critical Area. This will depend on the amount of land disturbance and use proposed, vegetative cover, direction of drainage, and extent of on-site and adjacent impervious surfaces that may increase flow amount and velocity.

The Critical Area Commission recommends expanding the buffer for highly erodible soils in addition to those having slopes of 15% or greater in the following situations:

- X When sensitive natural resources such as rare, threatened, or endangered species, or locally sensitive plant and wildlife habitats, or aquatic resources such as submerged aquatic vegetation or oyster beds are located downslope from the development site.
- X When these soils do not have complete and extensive vegetative cover- forest cover is the most protective since it reduces the direct impact of rainfall on the soils and the roots extend deeper into the soils.

- X When extensive disturbance is proposed.

Buffer expansion for highly erodible soils in these situations should include the extent of soil in question unless there is a natural drainage divide that would eliminate the need for further expansion.

Hydric Soils

According to the Criteria, hydric soils, are those soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils. Sometimes they will be designated as wetlands under the State's Nontidal Wetlands Program and sometimes they may not.

Soils are classified by the Natural Resources Conservation Service (formerly Soil Conservation Service) into four hydrological groups - A-D and are used to estimate runoff from precipitation. . Group A soils are those with a height infiltration rate. Groups C and D have slow infiltration rates. The slower the infiltration rate, the higher the runoff potential. Group D are those soils that we refer to as hydric. There are situations in which the Critical Area Buffer should be expanded due to the presence of hydric soils. These situations include the following:

- X When the hydric soils include or are indicative of a jurisdictional wetland
- X When the frequency and duration of flooding is common or frequent and the duration is long.
- X When sensitive natural resources such as rare, threatened, or endangered species or locally significant plant and wildlife habitats are located adjacent to a site, particularly if the drainage paths on the site lead to the sensitive area.

Buffer expansion for highly erodible soils in these situations should include the extent of soil in question unless there is a natural drainage divide that would eliminate the need for further expansion.

**“POLLY COVE” DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**

THIS DECLARATION (“Declaration”) made this ____ day of _____, 2008, by
J. PARKER CALLAHAN, JR. and RUTHE F. CALLAHAN, his wife (“Developers”).

RECITALS

WHEREAS, Developers are the owners of certain property shown and depicted upon the following plat: “FINAL SUBDIVISION AND REVISION PLAT “POLLY COVE” THE LANDS OF J. PARKER CALLAHAN, JR. AND RUTHE F. CALLAHAN IN THE FOURTH ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 4 GRID 4/9 PARCELS 3/54”, dated April 3, 2007 as prepared by Lane Engineering, Inc. and recorded among the Plat Records of Talbot County in Plat Cabinet No. , folio (the “Plat”); and

WHEREAS, Developers’ property includes the following lots or parcels of land shown and described on the Plat: “Tax Parcel 3 Lot 1, Tax Parcel 3 Lot 2, Tax Parcel 3 Lot 3, Tax Parcel 3 Lot 4, Tax Parcel 3 Lot 5, Tax Parcel 3 Lot 6 and Tax Parcel 54 Lot 7 (the “Lots”), as well as those lands referred to as “REMAINING LAND OF RUTHE F. CALLAHAN 700/43 (136.454 ACRES± BY TAX MAP)”, (the “Remaining Land”) and the bed of “Polly Cove Lane” as shown and described on the Plat; and

WHEREAS, the Lots are also referred to as Lots 1 through 7 in the notes on the Plat; and

WHEREAS, this Declaration shall be applicable to the Lots and the bed of Polly Cove Lane; and

WHEREAS, it is the intention and desire of Developers to impose upon the Lots and the bed of Polly Cove Lane mutually beneficial conditions, standards and covenants (hereinafter referred to as the “Covenants”) under a general plan of development and use of the Lots, and the

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CRITICAL AREA COMMISSION

bed of Polly Cove Lane, for the benefit of the owners thereof. Where conflict exists between the Talbot County Code and these covenants, the most restrictive shall apply.

NOW, THEREFORE, Developers hereby declare that the Lots and the bed of Polly Cove Lane shall be, and are hereby, held, conveyed, leased, used, occupied and improved subject to the Covenants hereinafter set forth, all of which are declared and agreed to be in furtherance of a plan for the purpose of enhancing and preserving the value, appearance and desirability of the property subject hereto, as follows:

1. No Lot shall be subdivided; provided, however, that the owner of two or more contiguous Lots may, at any time, relocate the common dividing boundary between any Lots owned by said owner so long as such relocation shall not create a greater number of Lots than those laid out on the Plat. However, nothing herein shall be deemed to prevent the owner of a Lot from transferring any development rights appurtenant to such Lot.
2. No more than one single-family dwelling or residence shall be erected or maintained on any Lot and no multiple housing or duplex housing units shall be erected or maintained thereon. Notwithstanding the foregoing, the owner of any Lot shall have the right to erect and maintain an accessory building with servant's quarters or a guest suite included therein meeting the limitations of the Talbot County Code, as amended from time to time.
3. No tents, garages, shacks, mobile homes, motorhomes, trailers, recreational vehicles, barn or other outbuilding (except a bona fide accessory building containing servant's quarters or a guest suite meeting the limitations of the Talbot County Code, as amended from time to time) shall at any time be used as a residence either temporarily or permanently.
4. No truck, boat, tractor or tractor-trailer or other commercial vehicle or travel trailers (campers), recreational vehicles or motor homes shall be parked on any Lots or upon

Polly Cove Lane overnight or for more than four hours in any twenty-four hour period, unless under roof.

5. No swine, livestock, or poultry of any kind or character shall be raised, kept or housed on any Lots provided, however, that the non-commercial raising, keeping or housing of not more than five (5) horses shall be permitted on all Lots except on Parcel 3 Lot 3.

6. No dwelling, or other permanent structure, shall be erected on a Lot until the drawings of the exterior elevations, the type of exterior materials and the site plan for such proposed improvements shall be approved, in writing, by the Developers, or their duly authorized agent. This provision shall automatically terminate January 1, 2028 and no approval by the Developers, or their duly authorized agent, will be required after that date.

7. No construction plans for a proposed single family dwelling will be approved unless the proposed single family dwelling shall have a minimum enclosed dwelling area of 2,400 square feet. The term "enclosed dwelling area" shall mean the total enclosed area within a dwelling; provided, however, such term does not include garages, basements, boat sheds, terraces, decks, eaves, porches and like areas. The above stated minimum required square footage of enclosed dwelling area shall not apply to an accessory dwelling or guest house.

The roof of any dwelling shall have a 6"-12" pitch.

The exterior construction of any approved dwellings or other structure must be completed within one (1) year after the construction of same has commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities.

All Lots shall be used exclusively for residential purposes. No buildings, except as hereinafter provided, shall be erected, altered, placed or permitted to remain on any Lot other

than one (1) detached single family dwelling not to exceed two (2) stories in height and one (1) accessory building not to exceed two (2) stories in height which may include a detached private garage and/or servant's or guest quarters; provided the use of such dwelling or accessory building does not overcrowd the site and provided further that such building is not used for any activity normally conducted as a business. No accessory building may be constructed prior to the construction of the principal single family dwelling.

A guest suite or like facility may be included as part of the principal dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the principal single family dwelling.

Developers, or their agent, shall have the right to refuse to approve any building or site plan and/or any grading plan, or any material contemplated to be used in any proposed building or improvement, (external only) which, in their sole and uncontrolled opinion, is not considered suitable or desirable for the subdivision, whether for aesthetic or other reasons.

Any approval given hereunder shall become null and void unless construction of the approved structure is commenced within one (1) year of the date of such approval.

8. Lot owners shall not build outside of the most restrictive building restriction lines as set forth on the Plat.

9. All improvements, including accessory structures but excepting fences, gates, mailbox posts and entrance gates, must comply with the minimum building restriction lines as set forth on the Plat.

10. It shall be the responsibility of the owner of each Lot to prevent the development of any unclean, unsanitary, unsightly or unkept conditions of buildings or grounds on said

owner's Lot which conditions negatively decrease the beauty of the neighborhood as a whole, or of the specific Lot in question.

11. No commercial signs including "for rent", "for sale" and other similar signs shall be erected or maintained on any Lot.

12. All laundry drying areas shall be so located or screened so that such areas are concealed from view from Wye Landing Lane and Polly Cove Lane.

13. No structure of a temporary character shall be placed upon any Lot at any time, provided, however, that this prohibition shall not apply to shelters used by a contractor during the construction of the principal single-family dwelling, it being clearly understood that such temporary shelters may not, at any time, be used as a residence or permitted to remain on the Lot after completion of construction of the principal single-family dwelling.

14. Any swimming pool constructed or maintained on any Lot shall be a "below or in the ground" pool. No above ground pool shall be permitted.

15. All notes, setback lines and restrictions governing the use of the Lots as set forth on Sheets 1 and 2 of the Plat are hereby incorporated herein by reference as if fully set forth herein and are deemed to constitute a part of these Covenants.

16. The owners of Lots 4, 5, 6 and 7 shall be aware that the removal of vegetation within the shoreline development buffer on such Lots is prohibited and any cutting or mowing of the natural vegetation within the buffer is subject to review by the Talbot County Planning and Zoning Office.

17. Developers shall transfer and convey an undivided one-fifth (1/5) interest in the bed of Polly Cove Lane appurtenant to the transfer and conveyance of each of the Lots served by

Polly Cove Lane, namely Lots 1 through 5, which undivided one-fifth (1/5) interest shall become a part of and be indivisible from the ownership of said Lots 1 through 5.

18. Polly Cove Lane (the "Road") shall be maintained in good order and repair by causing, as the need should arise:

A. Any necessary repairs or replacement of materials required to keep the surface of the Road at Talbot County private road standards and free of objectionable holes, ruts, bumps, subsidences, and other defects which materially interfere with the safe and convenient passage of vehicular traffic thereover;

B. Any necessary repairs required to keep the ditches extending along both sides of the Road free of debris, trash and accumulation of materials which would cause the Road to be flooded, undermined or otherwise damaged by water; and

C. The mowing of the grass on either side of the Road, including the ditches on either side of the Road.

It is understood that the terms "maintenance" and repairs" as used in this Agreement shall not include a rebuilding (unless required by ordinary wear and tear), realignment or widening of the Road, it being intended that any such improvements to the roadway shall not be covered by nor within the scope of this Agreement.

The expenses incurred from time to time in connection with the maintenance and repairs of the Road as aforesaid shall be divided into the following shares for each identified benefited parcel at the time the expense is incurred. "Benefited Parcels" means Lots 1 through 5 and all subdivided portions thereof, if any, as may be created from time to time. On the date of this Agreement there are five (5) Benefited Parcels, which under the foregoing formula for sharing

expenses as of the date of this Agreement, shall result in such expenses being shared by the respective owners of the Benefited Parcels in the following proportions:

Owner of Parcel 3, Lot 1	-	One-Fifth (1/5)
Owner of Parcel 3, Lot 2	-	One-Fifth (1/5)
Owner of Parcel 3, Lot 3	-	One-Fifth (1/5)
Owner of Parcel 3, Lot 4	-	One-Fifth (1/5)
Owner of Parcel 3, Lot 5	-	One-Fifth (1/5)

The owners of the Benefited Parcels shall pay their proportionate shares of expenses incurred in the maintenance and repairs of the Road pursuant to these Covenants within thirty (30) days after the date of the completion of such maintenance and repairs, it being understood that the liability of the owners of the Benefited Parcels hereunder shall be personal only and shall not result in a lien on any of the Benefited Parcels. The proportionate share of such an owner who is in default under this provision shall bear interest at the rate of twelve percent (12%) per annum, and further, such defaulting owner shall pay all costs in connection with the collection of his or her proportionate share, including reasonable attorneys' fees.

All rights, powers, authorities and decisions (including, without limitation, the determination as to need for and extent of the maintenance and repairs of the roadway) created or exercised under the terms of these Covenants shall be exercised by a simple majority vote of the owners of the Benefited Parcels, each such Benefited Parcel being entitled to one vote.

The responsibility of the owners of the Benefited Parcels as set forth in this paragraph 17 shall automatically terminate, without the action of any owner, at such time as the Road shall be dedicated to and accepted by the proper authorities for maintenance of Polly Cove Lane as a public road.

19. Lots 1 and 2 are denied direct non-agricultural access to Wye Landing Lane.
20. Lot 7 shall have a "20' Wide Access Easement" over Lot 6 as shown on the Plat for access to and from the pier located on Lot 7.
21. Lots 6 and 7 shall utilize the "50' Wide Shared Access Easement" shown on the Plat for access to and from Wye Landing Lane. The owners of Lots 6 and 7 shall be equally responsible for the maintenance of the 50' Wide Shared Access Easement at Wye Landing Lane and shall construct and use a single entrance and driveway within such 50' Wide Shared Access Easement as a means of accessing Wye Landing Lane.
22. Lots 4 and 5 shall utilize the "30' Wide Shared Access Easement" shown on the Plat for access to and from Polly Cove Lane. The owners of Lots 4 and 5 shall be equally responsible for the maintenance of the 30' Wide Shared Access Easement at Polly Cove Lane and shall construct and use a single entrance and driveway within such 30' Wide Shared Access Easement as a means of accessing Polly Cove Lane.
23. Except as otherwise provided above and excepting the matters and facts set forth in the notes and other information on the Plat which are incorporated herein by reference, the covenants and restrictions contained herein shall be effective for a period of twenty (20) years from the date hereof except that prior to the expiration hereof, a majority of the then owners of the fee simple interest in the Lots with the express written consent of the Developers, or their personal representatives or assigns, may at any time amend, extend, cancel, annul or abrogate, in whole or in part, these restrictive covenants and conditions by proper instruments duly executed and properly recorded among the Land Records of Talbot County, provided the Developers, their personal representatives and assigns, approve and join in the execution of said instrument.

Private road and road maintenance cannot be modified or abandoned without written concurrence from the Talbot County Engineer.

24. The Lots have been identified as habitat for the Delmarva Fox Squirrel. The Delmarva Fox Squirrel is a federally protected endangered species and subject to the provisions of the Threatened and Endangered Species Act and the enforcement actions of the USFWS. All Lot owners are responsible for the protection and compliance with the Delmarva Fox Squirrel protection plan created by the United States Fish and Wildlife Service. Clearing of trees on the Lots shall be restricted to the area within the designated building pads as shown on the Habitat Protection Plan on file with the Talbot County Office of Planning and Zoning. There shall be no timber harvesting or clearing without the approval of the United States Fish and Wildlife Service. The removal, destruction, cutting, pruning, harvesting, planting, or relocated of trees, shrubs or other vegetation is prohibited, except that the application of sound disease or insect control practices, and forest management activities necessary to maintain or restore suitable Delmarva Fox Squirrel habitat may be allowed subject to the advance written approval of the United States Fish and Wildlife Service, and in accordance with the Soil Erosion and Sediment Control Guidelines for Forest Harvest Operations in Maryland, prepared by the Maryland Department of Environment (the "Guidelines"), or comparable provisions of any guidelines or regulations which may replace the Guidelines in the future and as they may be amended from time to time.

25. All of the foregoing uses, conditions, restrictions and reservations shall be covenants running with the land and shall be binding on and inure to the benefit of the owners of Lots, their heirs, personal representatives and assigns, and in the event of any breach of any of the aforesaid uses, conditions, restrictions or reservations, in addition to being subject to an

action at law for such breach, the breaching party, and each of them, consent to the entry, by a court of competent jurisdiction, of an injunction restraining them from the continuation of such violations and/or directing them to remove or correct the same forthwith; Developers, and/or any owners of Lots, their respective personal representatives and assigns, to have a joint and several right to institute such injunction proceedings.

AS WITNESS WHEREOF, the hands and seals of the Developers the day and year first above written.

WITNESS:

J. PARKER CALLAHAN, JR.

RUTHE F. CALLAHAN

STATE OF MARYLAND, COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **J. PARKER CALLAHAN, JR.** and acknowledged that he executed the foregoing instrument for the purposes therein contained and further acknowledged said instrument to be his act.

AS WITNESS my hand and notarial seal.

My Commission Expires:

Notary Public

STATE OF MARYLAND, COUNTY OF _____, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **RUTHE F. CALLAHAN** and acknowledged that she executed the foregoing instrument for the purposes therein contained and further acknowledged said instrument to be her act.

AS WITNESS my hand and notarial seal.

My Commission Expires:

Notary Public

Parker\Real Estate\Callahan\Declaration of Covenants, Conditions and Restrictions- Polly Cove\WCP\hap

Elizabeth Fink

From: Stark McLaughlin
Sent: Thursday, August 21, 2008 4:40 PM
To: Elizabeth Fink
Subject: FW: Graves

I will have Julia on this Monday morning.

-----Original Message-----

From: Alan Kampmeyer [mailto:AKampmeyer@mde.state.md.us]
Sent: Thursday, August 21, 2008 4:34 PM
To: Stark McLaughlin
Subject: Re: Graves

Stark,

We are having problems with our fax here in Salisbury so I'll keep trying to fax the plan. Here is my estimation of the size of the wetlands. The elongate wetland in the first field nearest Deep Neck Road is about 63 feet wide along the hedgerow. The wetland in the next field, on the opposite side of the above wetland, measures 126' by 51' and starts at the opening in the tree line/hedgerow. The wetland on the east side of the hedgerow nearest Broad Creek is about 321' long along the hedgerow and 168' from the ditch east into the field along the treeline. This wetland should look like an L; vertical part 321' long, horizontal part 168' long, and the wetland width of the vertical part is 90' wide.
Al

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

<<<<GWIASIG 0.07>>>>

Habitat Protection Plan
 Habitat Protection Areas will not be adversely impacted by development. All roads and building sites have been located, designed and will be constructed and maintained in as to maximize erosion protection and minimize negative impacts to wildlife, aquatic life and other habitats.

Threatened and Endangered Species Protection Measures
 The site is within the historic range for the Delaware fox squirrel (DFS) which is known to be an extirpated. The management and conservation of the Delaware Fox squirrel is a consideration throughout the site. A complete biological evaluation of the Delaware Fox squirrel habitat and protection measures has been prepared and is being reviewed by USFWS. The mitigation plan for the habitat impact will include retaining clearing levels, 100' buffers from the forest edge and long term agreements placed on the balance of the wooded habitat on the property. The DFS Estimator will retain the remaining of forest, these setbacks and clearing of the forest. The potential removal of the forest will be made aware of these restrictions through deed covenants. The existing woodland tracks and paths will be maintained and adjusted for access to building sites. This will also minimize the clearing and tree removal necessary for construction activities. Additional plantings will increase the total forest on site by approximately 7 acres.

Plant and Wildlife Habitat
 The Plan shall conserve plant and wildlife habitats by restricting clearing, harvesting or removal of forest cover on site of the designated building and trail site. These sites have been specifically selected to minimize the levels of clearing required. The boundaries of Special State Concern habitat within the Mill Creek watershed are not within the designed development areas. No impacts to these areas will occur.

Any development activities for new water dependent facilities shall be designed, staged, and timed to avoid significant disturbance to future waterfowl staging and concentration areas during the winter season.

Development activities on the clearing and routing of trees have been designed and will be implemented as to conserve riparian habitat and the habitat of forest interior wildlife species.

No Natural Heritage Areas are located or identified within the project area.

Natural vegetation is to be preserved along the eastern edge, north-west, dead, diseased or hazardous trees may be removed by the authorized means provided by the Planning and Zoning Office. Buffer to protect the watershed and the wildlife with have been established and expected to comply with these standards. No vegetation or clearing is to occur within the stream buffers.

The continuity of the habitat corridors is to be preserved by limited clearing of forest and the allocation of the existing forest roads and open or clear building sites.

Vertical clearing will be maintained throughout the forest in all areas outside of the building sites and driveways by retaining clearing and grading of the forest.

Landowners are encouraged to utilize native plant materials for landscaping. All plantings for mitigation and buffer or habitat expansion approximately 7 acres, are recommended by the Department of Natural Resources.

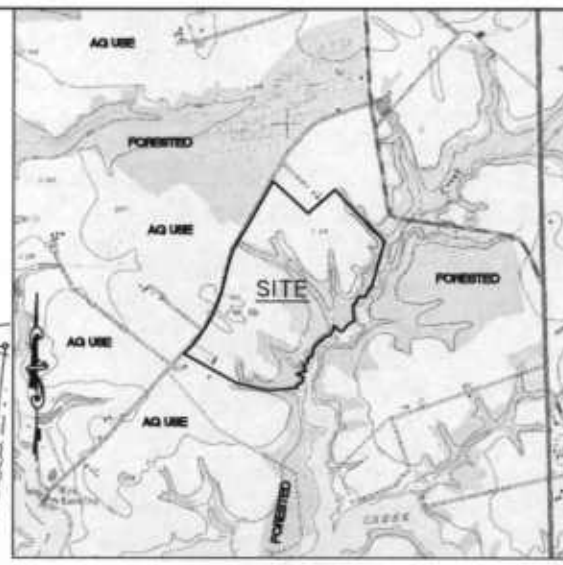
The final Conservation Easement Documents will be recorded and will be considered as governance for the protection of both the DFS and the overall habitat for the development.

DFS & FIDS HABITAT IMPACT/ MITIGATION ANALYSIS

Category	Value	Value
EXISTING FOREST	95.87 AC	
PROPOSED FOREST	95.87 AC	
DFS HABITAT SETBACK / BUFFER	9.13 AC	
LIMITS OF DFS & FIDS HABITAT		95.87 AC
LIMITS OF FIDS INTERIOR-HABITAT		9.13 AC
DFS HABITAT DEGRADED BY EXISTING DEVELOPMENT / ROADS		0.31 AC
NET DFS HABITAT FOR IMPACT / MITIGATION ANALYSIS		95.56 AC

Category	Value	Value
FIDS HABITAT TO BE REMOVED (0.17 AC IN CA & 1.71 IN CA)		1.88 AC
FIDS INTERIOR TO BE REDUCED		2.82 AC
FIDS HABITAT TO REMAIN		91.17 AC
FIDS INTERIOR HABITAT TO REMAIN		8.31 AC
MITIGATION PROPOSED-PLANTINGS		8.20 AC

Category	Value	Value
DFS HABITAT CLEARING FOR PROPOSED DEVELOPMENT	1.88 AC x (3:1 MITIGATION)	= 5.94 AC
DFS HABITAT DEGRADED BY PROPOSED DEVELOPMENT	8.8 AC x (2.5:1 MITIGATION)	= 23.75 AC
DFS HABITAT DEGRADED DUE TO ISOLATION	0.95 AC x (NO MITIGATION)	= 0.00 AC
TOTAL MITIGATION REQUIRED		= 29.34 AC
NET DFS HABITAT AVAILABLE FOR MITIGATION (95.56 AC - (A+B+C))		83.64 AC



REVISIONS			
No.	DATE	DESCRIPTION	BY



RECEIVED

JUN 2 2008

CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

Lane Engineering, LLC
 Established 1988
 Civil Engineers • Land Planning • Land Surveyors

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 200 Pennsylvania Ave., Cambridge, MD 21613 | TEL: 410-386-0288

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SCALE

Robert F. Callahan DATE

HABITAT PROTECTION PLAN

J. PARKER CALLAHAN & ROTHE F. CALLAHAN

IN THE FOURTH ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 4 GRID 4/3 PARCEL 3/34

ISSUED FOR: PLANNING COMMISSION REVIEW DATE: 5-29-08 B.W.B.

SHEET No. 1 OF 1 DATE: 5/29/08
 JOB No. 070127
 SCALE: 1" = 200' FILE No. 8162

DATE: 05/29/2008 - 3:27 PM User: wjohnson Project Manager: wjohnson
 Drawing Path: A:\2007\05\05\070127\Drawings\070127_HabitatProtectionPlan.dwg - PLT: 8/18/08
 PLOT: 070127_HabitatProtectionPlan.dwg - 070127_HabitatProtectionPlan.dwg - 070127_HabitatProtectionPlan.dwg

FOREST INTERIOR DWELLING BIRDS HABITAT PROTECTION PLAN

THE CRITICAL AREA PORTIONS OF THE EXISTING FOREST COMPRISED APPROXIMATELY 72 ACRES OF MATURE YELLOW-POPLAR, OAKS, HICKORIES AND BEECH. THERE IS SIGNIFICANT POPLAR, OAK AND HICKORY REPRODUCTION THROUGHOUT THE STAND AS A RESULT OF PAST HARVESTING AND MANAGEMENT PRACTICES. THE SITE WAS BEING SELECTIVELY HARVESTED AND THE CURRENT CROP TREES WERE RETAINED FOR FUTURE HARVEST. THE SITE PROVIDES HABITAT FOR THE DELMARVA FOX SQUIRREL AND FOREST INTERIOR DWELLING BIRDS. ANY FUTURE HARVESTING OR CLEARING MUST COMPLY WITH ESTABLISHED GUIDELINES FOR THE CONSERVATION AND MANAGEMENT OF THOSE SPECIES. BUFFERS FOR THE STREAMS AND STEEP SLOPES MUST BE MAINTAINED. THE REMAINING FORESTED ACRES WITHIN THE CRITICAL AREA IS LOCATED IN THE BOTTOM LANDS AT OR NEAR THE ASSOCIATED STREAMS ON THE SITE.

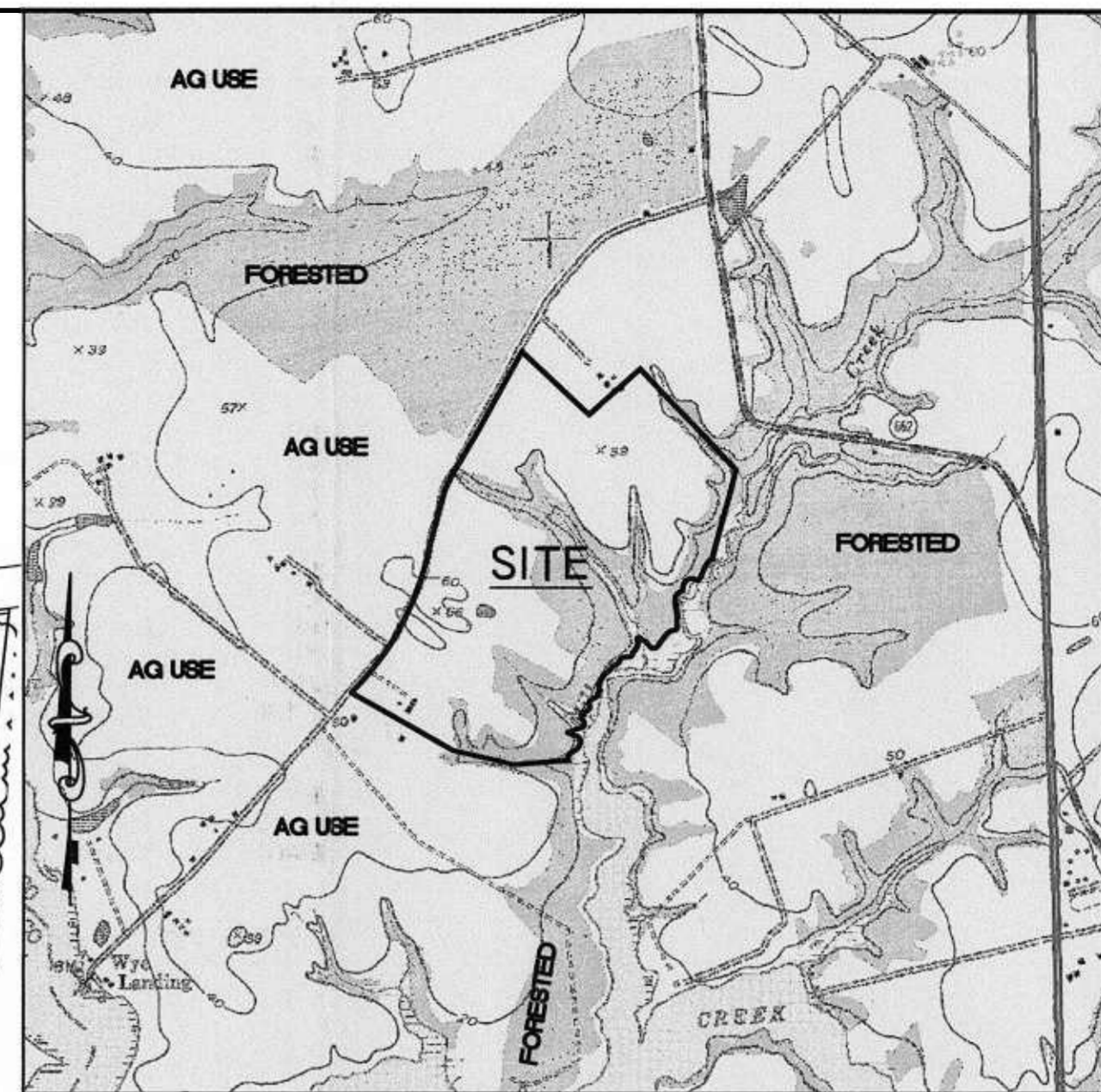
THE FOREST CONSERVATION PLAN AND THE FOREST PRESERVATION PLANS FOR CRITICAL AREAS PROTECTION HAVE ADDRESSED THE CLEARING AND REPLACEMENT OF TREES ON SITE. THE FOREST INTERIOR DWELLING BIRDS GUIDELINES HAVE BEEN FOLLOWED FOR THE CLEARING AND PLACEMENT OF BUILDING LOCATIONS. NO NET LOSS OF FOREST INTERIOR HABITAT WILL RESULT FROM THE PROPOSED ACTIONS. A TOTAL OF 2.11 ACRES OF PLANTINGS ARE PROPOSED, THE DIRECT IMPACTS TO FIDS HABITAT (WITHIN THE CRITICAL AREA) IS 2.71 ACRES. AS WITH THE GUIDELINES FOR DELMARVA FOX SQUIRREL, THE FIDS GUIDELINES WILL REQUIRE THAT DRIVEWAYS AND FOREST PATHS BE HELD TO A MINIMUM NECESSARY WIDTH AND BUILDING AND SITE WORK FOR SEPTIC AREAS AND BUILDING PADS CONFORM TO THE MINIMUM CLEARING LEVELS. THESE ACTIONS WILL BE THE RESPONSIBILITY OF THE NEW LANDOWNERS AND INDIVIDUALIZED AND CUSTOM PLANS MAY BE REQUIRED FOR EACH BUILDING SITE WITHIN THE FORESTED PORTIONS OF THE PROPERTY. THE CURRENT DESIGN AND LAYOUT OF THE DEVELOPMENT DOES MAINTAIN THE FORESTED CANOPY, HAS REDUCED THE LENGTH AND WIDTH OF DRIVEWAYS TO BETWEEN 15 AND 25', GREATER THAN 80% OF THE FOREST INTERIOR WILL BE MAINTAINED AND LIMITS THE SIZE OF BUILDING AND HOUSE FOOTPRINTS TO MINIMIZE FOREST CLEARING AND TREE REMOVALS. THE SPECIFIC LOCATION OF HOUSE SITES AND OTHER DEVELOPMENT ACTIVITIES IS RESTRICTED BY STEEP SLOPES AND SEPTIC RESERVE AREA LOCATIONS. PROPOSED DIRECT IMPACTS ARE LIMITED TO 2.11 ACRES IN THE CRITICAL AREA WITHIN THE FIDS HABITAT.

FIDS Conservation Worksheet

Parcel size	302.26 Total Acreage 103.80 Critical Area acreage
Existing	Forest cover 97.71 Total contiguous acreage Forest cover 71.23 Total acres in CA FIDS habitat 71.23 Total acres in CA FIDS interior 8.94 acres CA
If available:	acreage of contiguous forest area both in and out of CA within 3 mile radius (if available)
Post development	Forest cover 69.12 Total acres CA FIDS habitat 69.12 Total acres CA Interior habitat remaining (interior acreage) 6.83 acres CA
Direct loss of habitat	1.71 acres
Mitigation required	1.71 acres
Mitigation proposed plantings	2.11 acres

FIDS HABITAT IMPACT ANALYSIS / EXHIBIT LEGEND

-----	DFS HABITAT SETBACK / BUFFER			
-----	EXISTING INTERMITTENT STREAM			
-----	EXISTING PERENNIAL STREAM			
-----	BASE 100' BUFFER (UNLESS OTHERWISE NOTED)			
-----	EXPANDED BUFFER FOR HYDRIC / HIGHLY ERODIBLE SOILS & STEEP SLOPES			
-----	LIMITS OF FIDS HABITAT	97.71 AC.		
-----	LIMITS OF FIDS INTERIOR HABITAT	8.94 AC.		
-----	CRITICAL AREA FIDS HABITAT	71.23 AC.		
			FIDS INTERIOR TO BE REDUCED	4.27 AC.
			FIDS HABITAT TO BE REMOVED (0.17 AC. IN NCA & 1.71 IN CA)	1.88 AC.
			FIDS HABITAT TO REMAIN	91.56 AC.
			FIDS INTERIOR HABITAT TO REMAIN	4.67 AC.
			MITIGATION PROPOSED PLANTINGS	2.11 AC.



LOCATION AND VICINITY MAP
(ADC MAP 2, GRID: B-8)
SCALE: 1" = 2000'

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	3-13-08	PER TAC NOTICE TO PROCEED DATED NOV. 15, 2007	D.W.B.
2	5-29-08	REVISED DFS BUFFER & ADDED PLANTING AREA IN CRITICAL AREA	D.W.B.
3	8-22-08	REVISED PER 5-14-08 TAC & 6-14-08 P.C. COMMENTS	D.W.B.
4	9-15-08	PER 8-27-08 CRM COMMENTS	D.W.B.



Date: 09/17/2008 - 11:56am User: wbornhart Project Manager: J.P.C.
 Drawing Path: J:\2007\0100\070127_CadData\DWG\Environmental\LP-FIDS-8-22-08-PLTS.dwg
 REF File(s): WY-BASE-070127-REVISED\GIS-BASE-ENV-PLTS-070127\ENV-BASE-070127



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 E-mail: mel@lane.com
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 15 Washington St. Centreville, MD 21613 (410) 221-0818
 354 Pennsylvania Ave. Centreville, MD 21617 (410) 758-2095


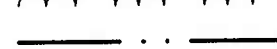
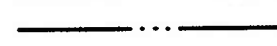



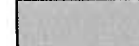

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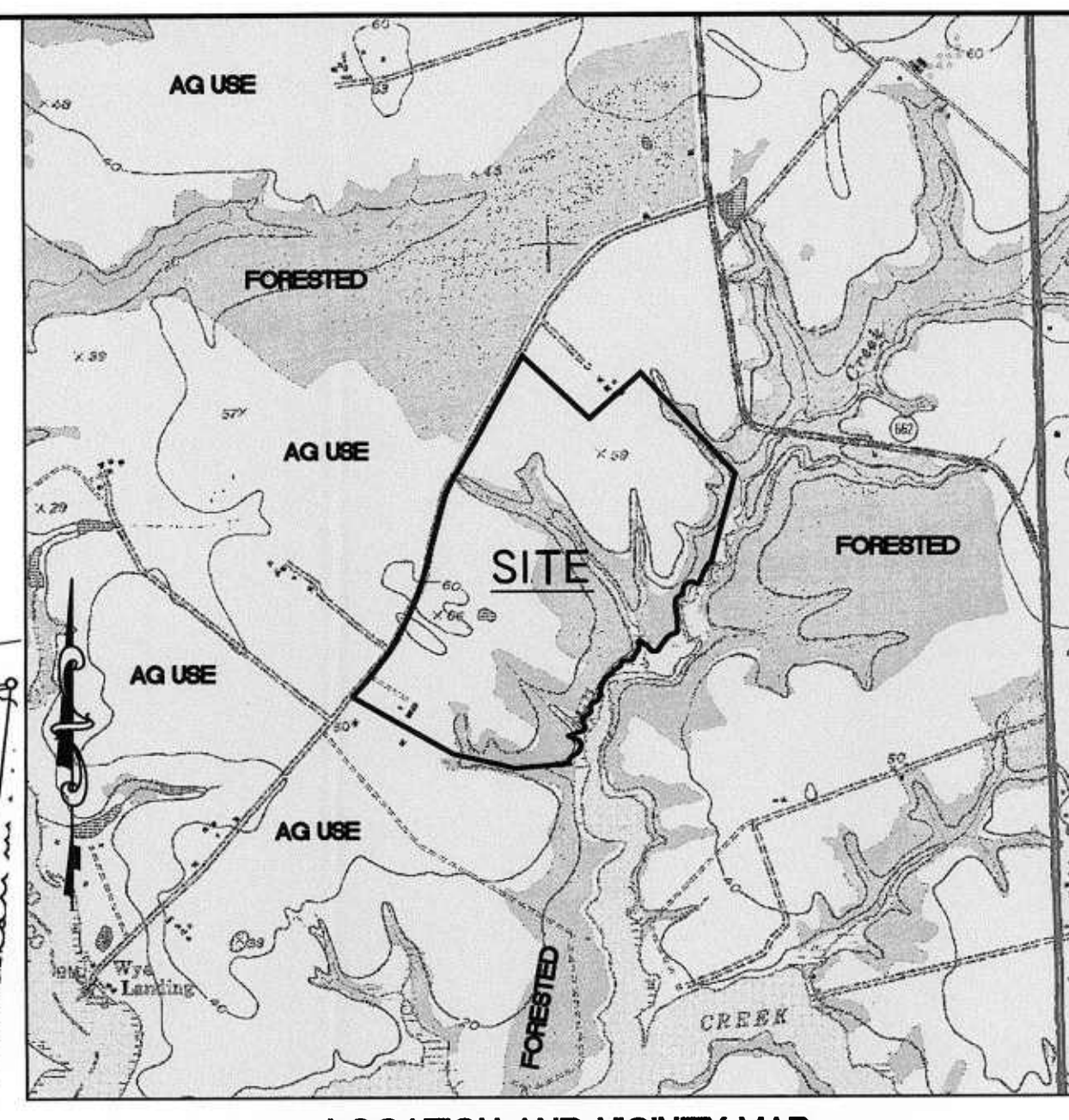
SEAL

 7/5/08
 DATE

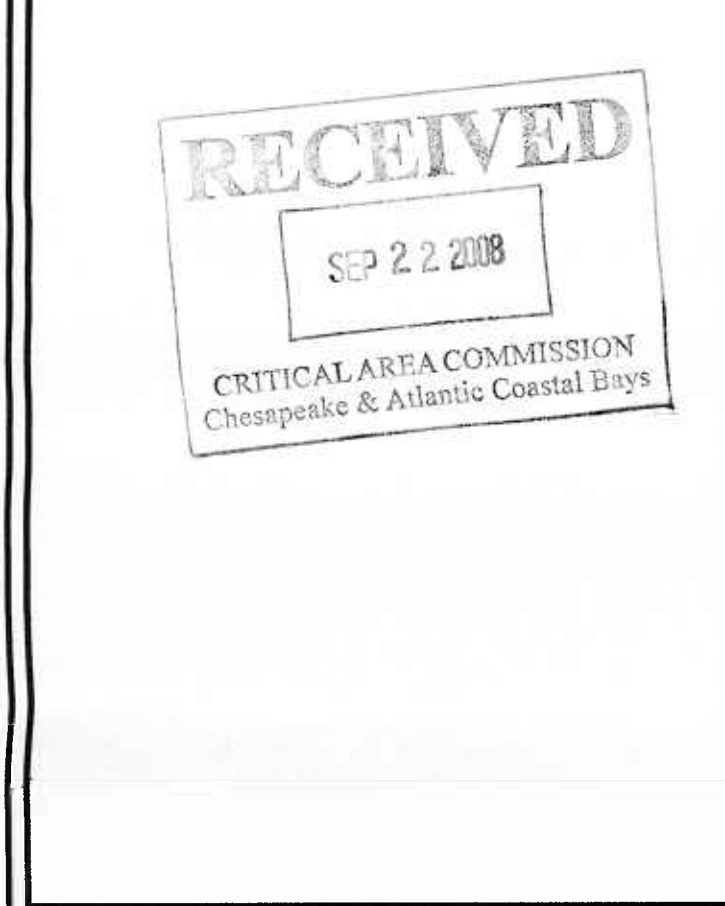
FIDS MITIGATION ANALYSIS
J. PARKER CALLAHAN & RUTHE F. CALLAHAN
 IN THE FOURTH ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 4 GRID 4/9 PARCEL 3/54
 ISSUED FOR: PLANNING COMMISSION REVIEW
 DATE: 5-29-08 D.W.B.
 8-22-08 F.W.
 SHEET No. 1 OF 1
 SCALE: 1" = 200'
 DATE: 3-13-08
 JOB No. 070127
 FILE No. B162

LEGEND

-  EXISTING FOREST
-  EXISTING INTERMITTENT STREAM
-  EXISTING PERENNIAL STREAM
-  BASE 100' BUFFER (UNLESS OTHERWISE NOTED)
-  EXPANDED BUFFER FOR HYDRIC / HIGHLY ERODIBLE SOILS & STEEP SLOPES
-  150' DFS SETBACK / BUFFER
-  5% - 14.9% SLOPES
-  > 15% SLOPES



REVISIONS				
No.	DATE	DESCRIPTION	BY	
1	8-22-08	REVISED PER 5-14-08 TAC & 6-14-08 P.C. COMMENTS	D.W.B.	
2	9-15-08	PER 8-27-08 CRM COMMENTS	D.W.B.	



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15 Washington St., Cambridge, MD 21613 (410) 221-0818
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E-mail: mail@lane.com

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UNLESS SIGNED AND DATED HERE:

SEAL

J. Parker Callahan Jr.
2/15/08 DATE

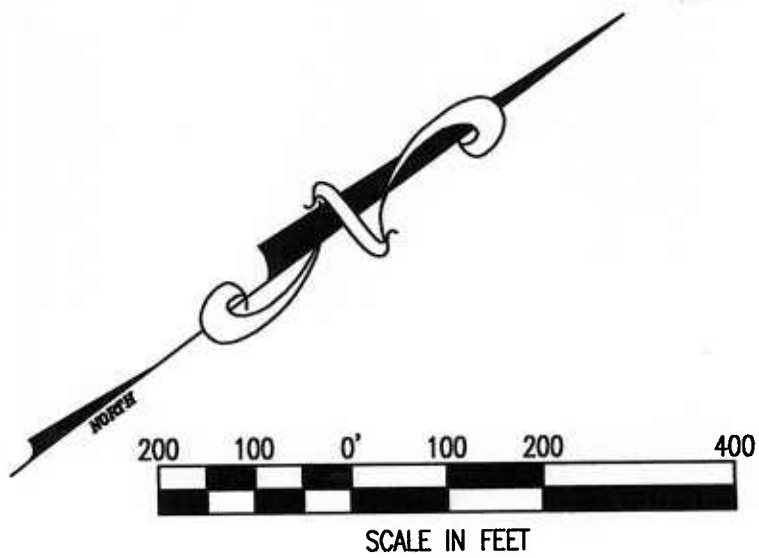
HABITAT PROTECTION PLAN (STEEP SLOPE EXHIBIT)

J. PARKER CALLAHAN & RUTHE F. CALLAHAN

IN THE FOURTH ELECTION DISTRICT
TALBOT COUNTY, MARYLAND
TAX MAP 4 GRID 4/9 PARCEL 3/54

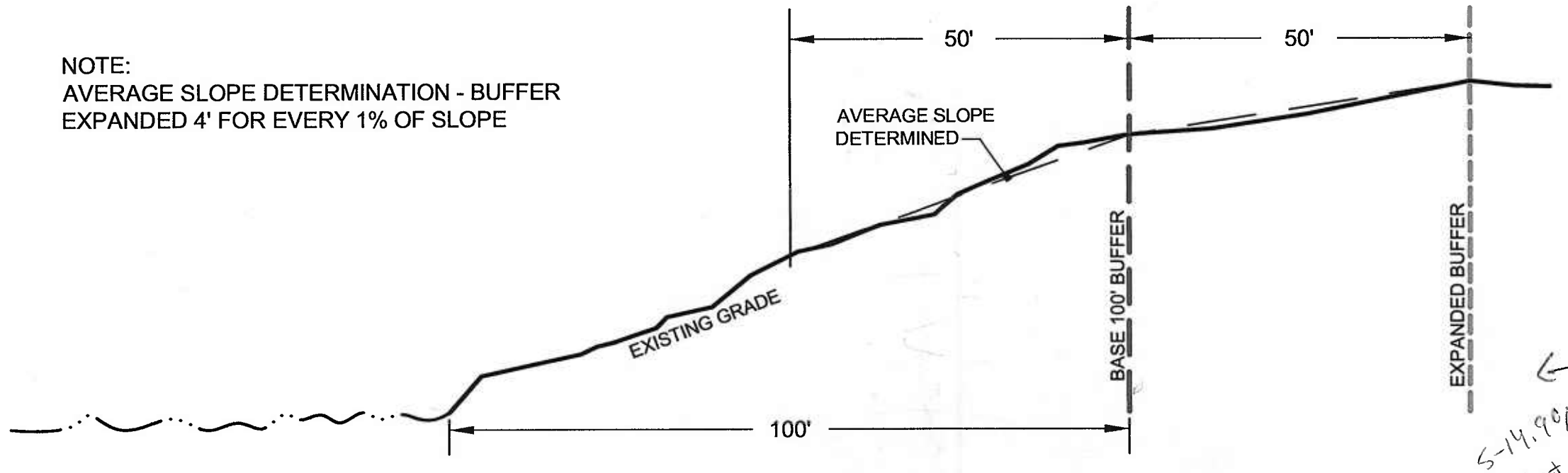
ISSUED FOR: CRM REVIEW DATE: 8-22-08 BY: D.W.B.

SHEET No. 2 OF 2	DATE: 8-22-08
SCALE: 1" = 200'	JOB No. 070127
FILE No. B162	DATE: BY: 8-22-08 E.F.M.K.



Date: 06/19/2008 - 6:45am User: wbarbhart Project Manager:
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 XREF File(s): W:\BASE-070127-REVISED\GIS-BASE-ENV-F15-070127\ENV-BASE-070127

NOTE:
AVERAGE SLOPE DETERMINATION - BUFFER
EXPANDED 4' FOR EVERY 1% OF SLOPE



SLOPE EXPANSION DIAGRAM
SCALE: NTS

Date: 08/09/08 - 4:18pm User: Mchabert Project: Monrovia
 Drawn: 08/09/08 10:00 AM (070127) Checked: DAV
 XREF File(s): GBS-BASE-070127/WRD-BASE-070127/REVISED/WRD-BASE-070127 - 10808/ASF-BASE-070127/GBS-BASE-ENV-FLTS-070127.dwg

LEGEND

- 5% - 14.9% SLOPES
- > 15% SLOPES
- BASE 100' BUFFER
- EXPANDED BUFFER FOR HYDRIC / HIGHLY ERODIBLE SOILS & STEEP SLOPES
- 12% AVERAGE SLOPE DETERMINED
- MIC3 SOILS (TAKEN FROM TALBOT COUNTY SOILS MAP)
- MID3 SOILS (TAKEN FROM TALBOT COUNTY SOILS MAP)

SOIL DETERMINATION

HYDRIC: My (Mixed Alluvial)

HIGHLY ERODIBLE: MkC2 (Mattapeake Loam)
 MkD (Mattapeake Loam)
 MIC3 (Mattapeake Silt Loam)
 MID3 (Mattapeake Silt Loam)
 St (Steep Land)



REVISIONS		
No.	DATE	DESCRIPTION

Lane Engineering, LLC
 Established 1986
 Civil Engineers • Land Planning • Land Surveyors

E-mail: mail@lane.com
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 15 Washington St., Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave., Centreville, MD 21617 (410) 758-2095

NOT VALID FOR CONSTRUCTION
UNLESS SIGNED AND DATED HERE:

RECEIVED
 AUG 11 2008
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

BUFFER EXPANSION PLAN

J. PARKER CALLAHAN & RUTHE F. CALLAHAN
 IN THE FOURTH ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 4 GRID 4/9 PARCEL 3/54

ISSUED FOR:	DATE:	BY:
SHEET No. 1 OF 2	DATE: 8-6-08	JOB No. 070127
SCALE: 1" = 200'	FILE No. B162	

BUILDING ENVELOPES LINE TABLE		
LINE	BEARING	DISTANCE
L37	N 16°26'59" E	110.00'
L38	S 73°33'01" E	110.00'
L39	S 16°26'59" W	110.00'
L40	N 73°33'01" W	110.00'
L41	N 87°44'43" E	262.04'
L42	S 84°45'36" E	348.47'
L43	S 25°14'24" W	80.02'
L44	S 87°44'27" W	151.59'
L45	N 20°42'55" W	81.33'
L46	N 25°14'24" E	50.50'
L47	N 64°45'36" W	156.02'
L48	S 87°44'27" W	262.87'
L49	N 01°58'17" E	24.07'
L50	N 16°36'34" E	110.00'
L51	S 73°33'01" E	110.00'
L52	S 16°36'34" W	110.00'
L53	S 64°30'20" W	99.74'
L54	N 73°23'26" W	130.01'
L55	N 87°15'46" E	196.21'
L56	S 39°47'18" E	235.40'
L57	S 28°03'32" E	117.16'
L58	S 85°47'25" E	87.83'
L59	S 85°04'29" E	85.20'
L60	N 60°11'56" E	170.67'
L61	S 29°48'04" E	100.00'
L62	S 60°11'56" W	150.00'
L63	N 55°04'29" W	162.20'
L64	N 65°47'25" W	55.25'
L65	N 28°03'32" W	114.70'
L66	N 39°47'18" W	231.94'
L67	S 87°15'24" W	175.89'
L68	N 41°22'15" W	30.71'

BUILDING ENVELOPES CURVE TABLE							
CURVE	RADIUS	ARC LENGTH	TANGENT	DELTA	CHD. BEARING	CHD. LENGTH	CHD. BEARING
C1	262.00'	115.42'	58.86'	25°14'24"	S 77°22'48" E	114.49'	
C2	238.00'	104.84'	53.29'	25°14'24"	N 77°22'48" W	104.00'	
C3	74.00'	59.28'	31.33'	45°53'52"	S 67°03'04" E	57.71'	
C4	76.00'	50.05'	25.97'	37°43'54"	S 46°55'29" E	49.15'	
C5	100.00'	65.85'	34.17'	37°43'54"	N 46°55'29" W	64.67'	
C6	50.00'	39.24'	20.69'	44°57'47"	N 67°31'08" W	38.24'	

AREAS OF RESERVED LAND LINE TABLE		
LINE	BEARING	DISTANCE
L9	S 19°49'00" W	272.27'
L10	S 66°48'31" E	42.72'
L11	S 75°49'56" E	233.79'
L12	S 32°44'42" E	43.67'
L13	S 19°06'47" W	228.64'
L14	S 46°17'28" W	97.24'
L15	S 42°59'26" E	163.53'
L16	N 57°56'55" W	1399.79'
L17	N 27°10'15" E	241.86'
L18	S 06°53'53" W	258.55'
L19	S 72°48'00" E	452.62'
L20	S 18°41'02" W	214.07'
L21	S 60°28'23" E	675.67'
L22	N 76°59'28" W	195.03'
L23	N 02°41'33" W	593.88'
L24	N 75°14'14" E	17.43'
L25	N 02°41'33" W	58.22'
L26	N 57°32'33" W	427.78'
L27	N 32°27'27" E	108.95'

CENTERLINE OF 8' WIDE DIRT DRIVEWAY LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 52°44'08" E	70.46'
L2	N 31°58'30" E	94.95'
L3	N 38°37'43" E	107.33'
L4	N 34°27'28" E	58.47'
L5	N 19°50'02" E	88.83'
L6	S 13°35'20" W	80.39'
L7	S 45°50'07" W	116.85'
L8	S 23°56'49" W	54.24'

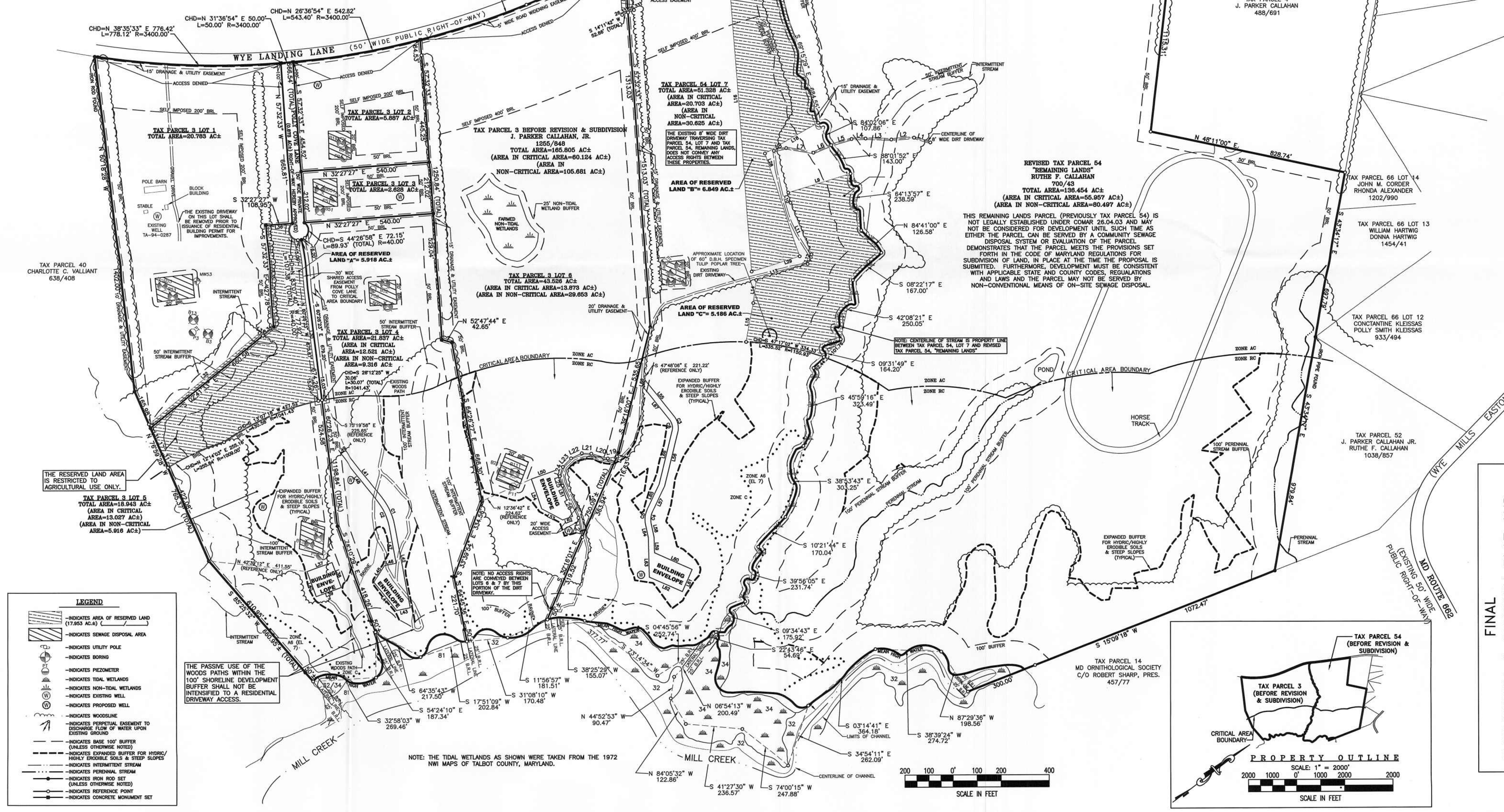
30' WIDE ACCESS EASEMENT LINE TABLE FOR LOTS 4 AND 5		
LINE	BEARING	DISTANCE
L19	S 24°17'53" W	39.25'
L20	S 82°31'48" W	71.81'
L21	S 39°06'28" W	39.57'
L22	S 11°22'07" W	49.54'
L23	S 09°39'09" E	49.06'
L24	S 35°13'49" E	40.29'
L25	S 69°56'35" E	41.41'
L26	S 89°15'47" E	149.01'
L27	S 64°45'33" E	81.90'

TIDAL WETLAND CLASSIFICATION LEGEND
 32-PICKERWEED/ARROWARUM (STATE OWNED)
 34-CATTAIL (PRIVATELY OWNED)
 81-MUDFLAT (STATE OWNED)

TIDAL WETLAND CLASSIFICATION TABLE		
CLASSIFICATION	AREA	OWNERSHIP
#34-CATTAIL	13,460 SQ. FT.	PRIVATE

SEE SHEET 3 OF 3 FOR:

- NATURAL CONSERVATION AREAS
- FOREST CONSERVATION AREAS
- CRITICAL AREA FOREST REQUIREMENT AREA
- FIDS MITIGATION PROPOSED PLANTING AREA



RECEIVED
 DATE: 8/22/2018
 SEAL: [Blank]
 CRITICAL AREA COMM. [Blank]
 Chesapeake & Atlantic Co. [Blank]

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FINAL SUBDIVISION & REVISION PLAN AND FOREST CONSERVATION PLAN 2007-12 "POLLY COVE"
 THE LANDS OF
J. PARKER CALLAHAN JR. & RUTHIE F. CALLAHAN
 IN THE FOURTH ELECTION DISTRICT TALBOT COUNTY, MARYLAND
 TAX MAP 4 GRID 4/9

DATE: 4-3-07
 SCALE: 1"=200'
 JOB NO.: 070127
 DRAWN BY: G.GALASSO
 DRAWING NAME: BASE-070127
 APPROVED: [Signature]
 T.D.L.

SHEET No. 02 OF 03
FILE No. B162

LINE	BEARING	DISTANCE
L69	N 44°56'41" E	97.72'
L70	S 56°23'38" E	532.85'
L71	N 35°29'48" E	174.94'
L72	S 88°36'38" E	528.59'
L73	N 38°08'40" W	221.64'
L74	S 69°54'18" E	565.24'
L75	S 37°21'29" W	303.14'
L76	N 84°35'20" W	323.80'
L77	N 39°51'04" W	178.52'
L78	N 69°02'28" W	610.75'
L79	N 68°15'25" E	159.83'
L80	S 23°02'54" E	337.10'
L81	S 66°07'19" E	365.57'
L82	S 42°57'46" E	173.77'
L83	S 44°55'00" W	273.61'
L84	N 38°29'02" W	317.12'
L85	N 76°35'13" W	306.65'
L86	N 18°48'42" W	82.37'
L87	N 43°44'56" E	198.85'
L88	N 29°35'20" W	130.60'
L89	N 48°20'41" W	165.36'
L90	S 04°25'56" W	99.01'
L91	N 51°36'31" W	321.62'
L92	S 87°12'34" W	154.64'
L93	N 49°51'01" W	481.34'
L94	S 89°00'49" W	223.40'
L95	N 19°11'00" E	644.54'
L96	N 32°44'42" W	43.67'
L97	N 75°49'55" W	233.79'
L98	N 66°46'31" W	200.04'
L99	N 23°56'49" E	28.88'
L100	N 45°50'07" E	119.15'
L101	N 13°55'34" E	91.44'

LINE	BEARING	DISTANCE
FC1	N 76°59'28" W	352.38'
FC2	N 60°18'28" W	1386.44'
FC3	S 60°18'28" E	1298.97'
FC4	N 21°29'50" E	297.28'
FC5	N 28°10'19" W	189.57'
FC6	N 75°14'14" E	241.07'
FC7	S 68°51'07" E	251.81'

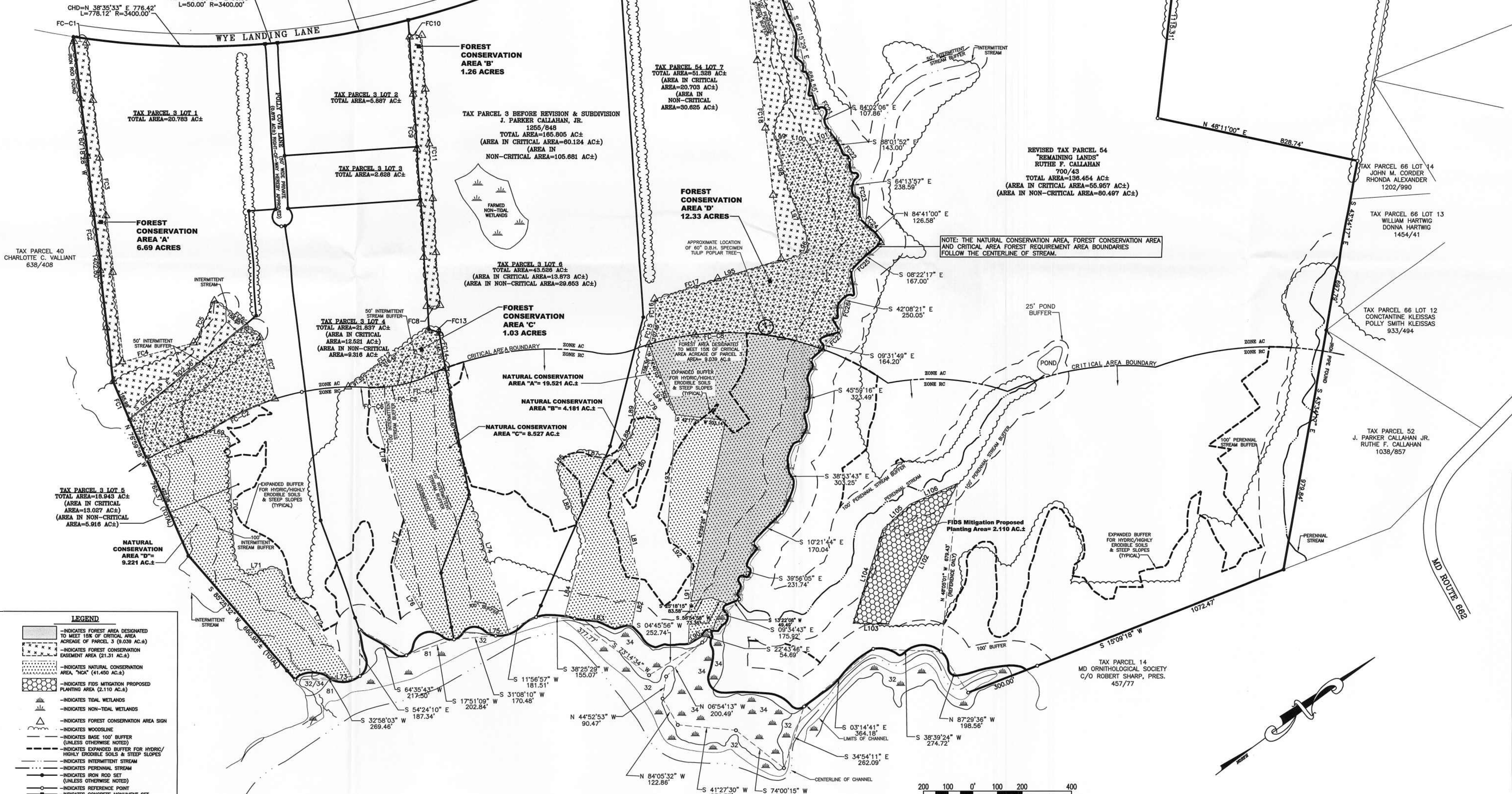
LINE	BEARING	DISTANCE
FC8	S 32°27'27" W	50.00'
FC9	N 57°32'33" W	1094.51'
FC10	N 32°27'27" E	50.00'
FC11	S 57°32'33" E	1094.51'

CURVE	CHD.	BEARING	CHD. LENGTH	RADIUS	LENGTH
FC-C1	N	44°38'42" E	51.75'	3415.00'	51.75'
FC-C2	S	10°05'28" W	319.15'	1041.43'	320.41'
FC-C3	S	12°14'03" W	255.16'	1009.00'	255.84'

CURVE	CHD.	BEARING	CHD. LENGTH	RADIUS	LENGTH
FC-C4	S	12°46'55" W	112.52'	1185.24'	112.57'
FC-C5	S	28°39'50" W	243.81'	586.94'	245.59'
FC-C6	S	36°34'05" W	73.83'	1032.43'	73.85'

CURVE	CHD.	BEARING	CHD. LENGTH	RADIUS	LENGTH
FC-C7	N	27°21'47" E	161.80'	1348.12'	161.90'
FC-C8	S	37°48'18" W	704.83'	1150.93'	718.33'

LINE	BEARING	DISTANCE
L102	S 27°18'09" E	632.33'
L103	S 37°47'59" W	141.49'
L104	N 36°07'50" W	396.35'
L105	N 06°16'02" W	147.88'
L106	N 12°41'32" E	211.74'



	INDICATES FOREST AREA DESIGNATED TO MEET 15% OF CRITICAL AREA ACREAGE OF PARCEL 3 (9,039 AC.)
	INDICATES FOREST CONSERVATION EASEMENT AREA (21.31 AC.)
	INDICATES NATURAL CONSERVATION AREA 'A' (41,450 AC.)
	INDICATES FIDS MITIGATION PROPOSED PLANTING AREA (2,110 AC.)
	INDICATES INTERMITTENT STREAM
	INDICATES PERENNIAL STREAM
	INDICATES TIDAL WETLANDS
	INDICATES NON-TIDAL WETLANDS
	INDICATES FOREST CONSERVATION AREA SIGN
	INDICATES WOODLINE
	INDICATES BASE 100' BUFFER (UNLESS OTHERWISE NOTED)
	INDICATES EXPANDED BUFFER FOR HYDRO/HIGHLY ERODIBLE SOILS & STEEP SLOPES
	INDICATES INTERMITTENT STREAM BUFFER
	INDICATES PERENNIAL STREAM BUFFER
	INDICATES IRON ROD SET (UNLESS OTHERWISE NOTED)
	INDICATES REFERENCE POINT
	INDICATES CONCRETE MONUMENT SET

DATE	SCALE	JOB NO.	DRAWN BY	DRAWING NAME	APPROVED	T.O.L.
4-3-07	1"=200'	070127	G. CALASSO	BASE-070127		

NO.	DATE	BY	REVISION
1		JMC	REVISED PER 5-10-06 TAC COMMENTS
2		JMC	REVISED PER 5-10-06 TAC COMMENTS
3		JMC	REVISED PER 5-10-06 TAC COMMENTS
4		JMC	REVISED PER 5-10-06 TAC COMMENTS
5		JMC	REVISED PER 6-13-07 TAC COMMENTS
6		JMC	REVISED PER 6-13-07 TAC COMMENTS
7		JMC	REVISED PER 11-14-07 TAC COMMENTS
8		JMC	REVISED PER 8-21-08 PC COMMENTS
9		JMC	REVISED PER 9-27-08 GRN COMMENTS

DATE	SCALE	JOB NO.	DRAWN BY	DRAWING NAME	APPROVED	T.O.L.
4-3-07	1"=200'	070127	G. CALASSO	BASE-070127		

FINAL SUBDIVISION & REVISION PLAN 2007-12

FOREST CONSERVATION PLAN 2007-12

"POLLY COVE"

THE LANDS OF

J. PARKER CALAHAN JR. & RUTHE F. CALAHAN

IN THE FOURTH ELECTION DISTRICT TALBOT COUNTY, MARYLAND

TAX MAP # 4

SHEET No. 03 OF 03

FILE No. B162

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