

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/

February 12, 2010

Mr. Steve Dodd
Dorchester County Planning and Zoning
County Office Building
P.O. Box 307
Cambridge, Maryland 21613

Re: Local case number 914A – Howard Trust

Dear Mr. Dodd:

I have received revised information for the above-referenced project. The applicant has resubmitted a preliminary subdivision plat for a two-lot subdivision. The project notification form indicates that there are 68.2 acres located in the Resource Conservation Area (RCA). Based on the information provided, I have the following comments:

Buffer

1. It is unclear from the submittal how much Buffer establishment is necessary. In one portion of the site plan the planting area is specified as 1.81 acres; however, another table indicates that the total area within the 100-foot Buffer is 2.125 acres. For these purposes, it is the assumption of this office that 2.125 acres is the correct area necessary for Buffer establishment on the two development lots (Lot 2 and 3).
2. On February 3, 2010, the Critical Area Commission finalized and approved Buffer regulations. It is anticipated that the regulations will be published in the Maryland Register as final at the end of February, resulting in an effective date of March 8, 2010. As this is a preliminary subdivision plat, it appears that the plat will not be recorded by March 8th. The new Buffer regulations will therefore apply to this subdivision. One component of the Buffer regulations requires an applicant to provide a Buffer Management Plan at the time of application (COMAR 27.01.09.01-2.A) and includes specific requirements for mitigation planting and Buffer establishment. To assist the applicant in applying the new Buffer regulations to this subdivision, we provide the following as applicable to establishment of the Buffer on proposed lots 2 and 3:

TTY for the Deaf

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



- a. At least 25% of the 2.125 acres must be planted in landscape stock ($.25 \times 2.125 = 0.53$ acres). These plantings must adhere to the landscape stock standards, which include both caliper and height requirements.
 - i. As currently submitted, the landscape stock planting table requires multiple revisions so as to be in conformance with the Buffer regulations. (For example, to obtain credit for the Eastern Red Cedar trees as landscape stock, they must be a minimum of 1-inch in caliper **and** 6 feet in height.) When the landscape stock table is revised to match the Buffer regulations, the applicant is able to obtain 0.48 acres of credit for landscape stock based on the stock and sizes currently proposed. To meet the minimum 25% landscape stock requirement, 0.05 acres of additional plantings must be provided or revisions to the sizes of those planting proposed must be made.
 - ii. Please have the applicant update the proposed planting table to reflect the requirements of the Buffer regulations.
 - b. Up to 75% of the 2.125 acres ($0.75 \times 2.125 = 1.6$ acres) may be planted in flexible stock options. However, the table provided must also be revised.
 - i. As shown, the applicant is proposing 150 seedling shrubs. The Buffer regulations do not provide for planting credits associated with seedling shrubs.
 - ii. When recalculated without the shrub seedlings, the seedling stock chart provides a total of 29,558 square feet of credit.
 - c. Total planting credits as proposed equate to 1.6 acres when the Buffer regulations are applied. The applicant must provide an additional 0.96 acres to meet the 2.125 acre Buffer establishment requirement on Lots 2 and 3.
 - d. The Buffer regulations require a survivability rate for the seedlings of 50% at the end of 5 years.
 - c. This forested Buffer must be placed in a protective easement or restrictive covenant and protective signage is necessary.
3. The applicant is currently providing a 100-foot Buffer on the site plan. It is our understanding that the applicant submitted an application for subdivision prior to July 1, 2008 (on June 26, 2008). Please note that Ch. 119, 2008 Laws of Maryland at 765 contains provisions in regards to a new 200-foot Buffer which may be applicable to this subdivision. Under these provisions, a subdivision located in the RCA must provide a new 200-foot Buffer *unless* an application for subdivision was submitted before July 1, 2008 *and* is legally recorded by July 1, 2010. Should the applicant fail to have the subdivision plat recorded by the July 1, 2010 deadline, then a 200-foot Buffer will apply to this project. Please ensure that the applicant is aware of this requirement as stated in Chapter 119 of the 2008 Laws of Maryland.

Other Comments

4. The preliminary plat provided shows a residue parcel (P/O Residue Parcel) in the southeastern portion of the site. It appears that this is a part of the residue from Deed Parcel 2, but that no development rights remain within the Critical Area portion of the residue. In order to retain the residue parcel as a stand-alone parcel in the Critical Area without an accompanying RCA

Mr. Steve Dodd

2/12/2010


Page 3 of 3

development right, the parcel must be permanently restricted from future development by being placed within an easement.

5. Note 18 should be changed to indicate that Delmarva Fox Squirrel is known to be located on site or in the vicinity, but that no forested area is proposed to be removed as part of this proposal, therefore no adverse affect is anticipated.
6. Future submittals should contain information regarding proposed lot coverage onsite. Please note that each lot is limited to 15% lot coverage.

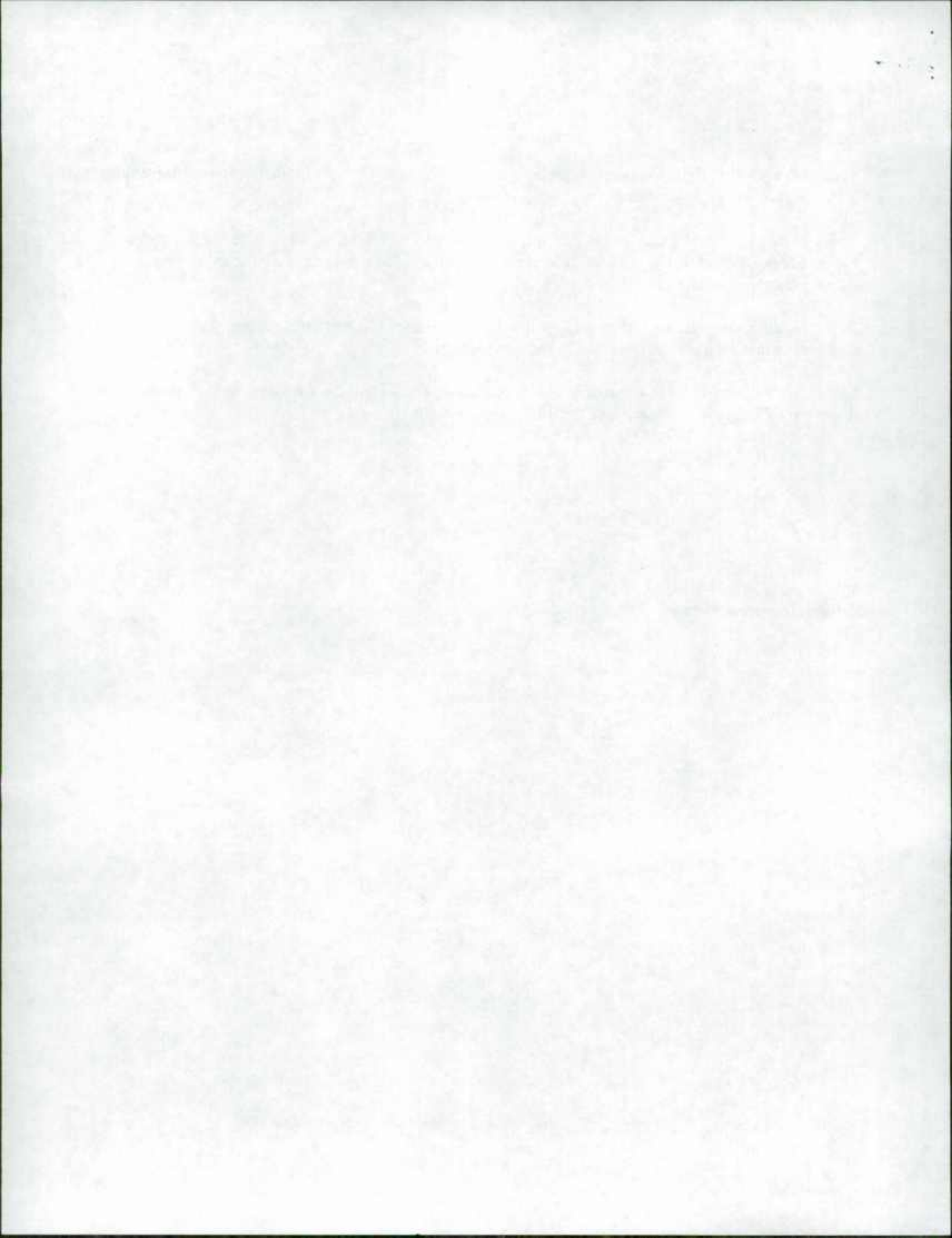
Please let me know if you have questions on the comments provided. Commission staff would be glad to assist the County in application of the Buffer regulations to this subdivision request if necessary. I can be reached at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', followed by a long horizontal line extending to the right.

Julie Roberts
Natural Resources Planner

Cc: DC 430-08





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April 28, 2010

Mr. Steve Dodd
Dorchester County Planning and Zoning
County Office Building
P.O. Box 307
Cambridge, Maryland 21613

Re: Local case number 914A – Howard Trust

Dear Mr. Dodd:

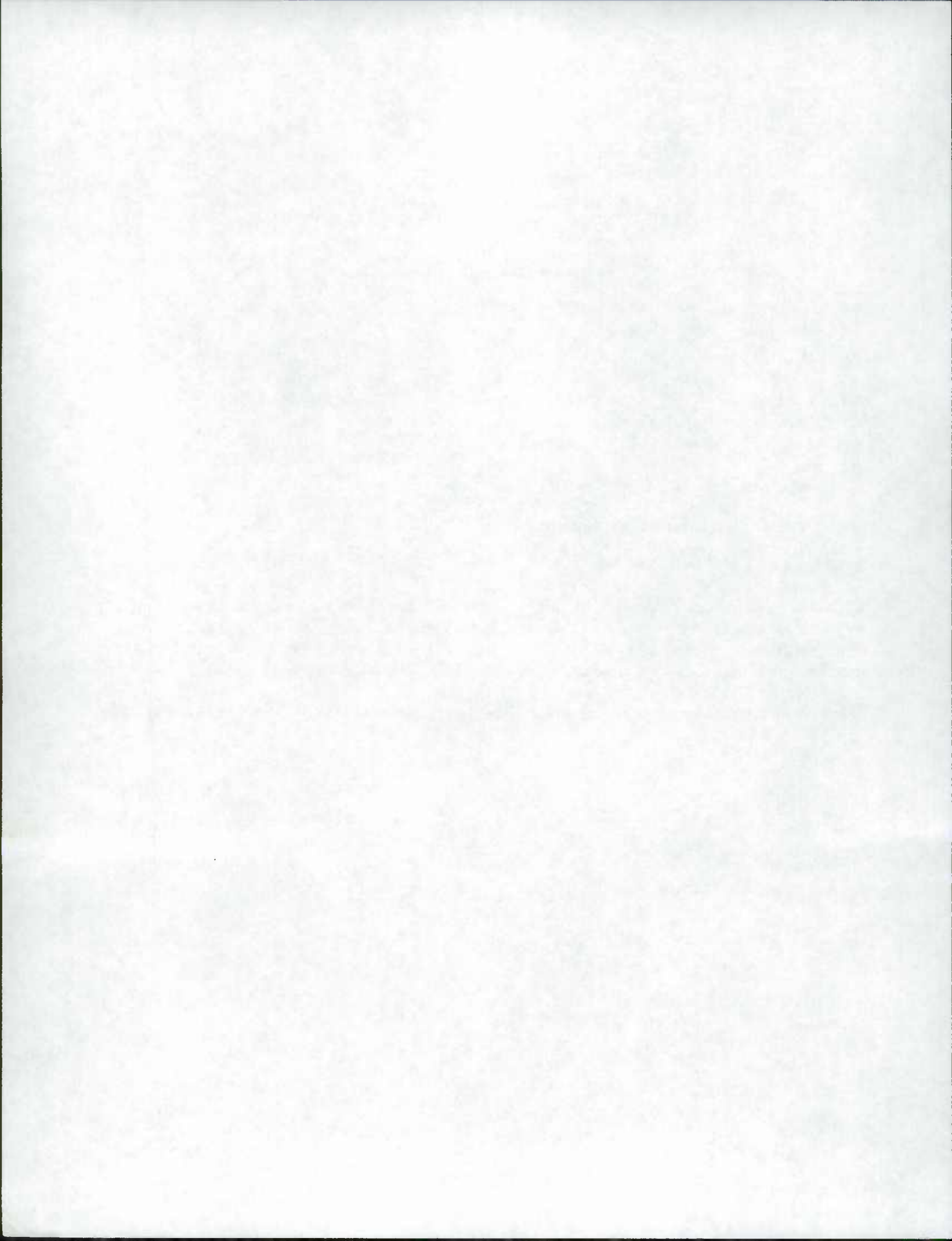
I have received revised information for this two-lot subdivision plat in the Resource Conservation Area (RCA). The applicants have also included a Buffer Management Plan (BMP) which appears to meet the regulations outlined under COMAR 27.01.09.01. My remaining comment is that the paths to the proposed piers may only be 3' wide and not 6' wide. This must be amended on the plat.

We have no further comments on this project. I can be reached at 410-260-3476 with any questions.

Sincerely,

Julie Roberts
Natural Resources Planner

Cc: DC 431-08



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1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 8, 2009

Mr. Steve Dodd
Dorchester County Planning and Zoning
County Office Building
P.O. Box 307
Cambridge, Maryland 21613

Re: Local case number 914A – Howard Trust

Dear Mr. Dodd:

I have received revised information for the above-referenced project. The applicant has resubmitted a preliminary subdivision plat for a two-lot subdivision. The project notification form indicates that there are 68.2 acres located in the Resource Conservation Area (RCA). Based on the information provided, I have the following comments:

1. Many of my comments from my July 25, 2008 letter were not addressed and will be repeated in this letter. The applicant has amended their submission and now requests a subdivision of property. The applicant has provided sufficient area "in reserve" (30 acres) for the two proposed 5-acre parcels.
2. The existing dwelling must be removed prior to subdivision recordation. Please have the applicant add a note to the plat to that effect.
3. Once recorded, the lands with the reserved development rights cannot be moved or revised. Please have the applicant add a note to the plat to that effect.
 - a. In addition, how the "part of" lots are labeled appear to be inconsistent and are confusing. Please have the applicant amend these labels as appropriate.
4. The applicant has included Critical Area Forest Calculations.
 - a. It is unclear what the "area changing land use" section is referring to, and therefore, to understand how the forestation requirements are met. Equally, this section indicates that 3.45 acres, or 35%, of the 68.196 acres in the Critical Area is currently forested. 3.45 acres is only 5% of the total acreage in the Critical Area. Please have the applicant amend this table

Mr. Steve Dodd
10/8/2009
Page 2 of 2

- b. Per COMAR 27.01.02.04, the applicant is responsible for establishing 15% forest cover on this site, or 10.23 acres, at the time of building permit. Additionally, this forest must be placed in a protective easement or restrictive covenant.
5. A letter from the Department of Natural Resources' Wildlife and Heritage Service has been received, indicating that there is Delmarva Fox Squirrel habitat on site. The applicant is required to address any recommendations made by DNR for protections of the species and submission of a Habitat Protection Plan (HPP) will be required.
6. Future submittals should contain information regarding proposed clearing, if applicable, and proposed lot coverage onsite. Please note that each lot is limited to 15% lot coverage.
7. No topography or soil delineation information has been provided on the plat. The Buffer may need to be expanded for contiguous hydric or highly erodible soils. Please have the applicant include this information in the next submittal.
8. As this subdivision was submitted after July 1, 2008 (was received by this office July 15, 2008), a 200-foot Buffer must be established. A Buffer Management Plan must be provided to County for review and comment in fulfillment of this requirement.
9. As there will no longer be a dwelling on the residue parcel or the reserved development rights lands, who will the pier service? Please have the applicant clarify.

Please forward the revised subdivision plat when it becomes available. I can be reached at 410-260-3476 with any questions.

Sincerely,



Julie Roberts
Natural Resources Planner

Cc: DC 430-08

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July 25, 2008

Mr. Steve Dodd
Dorchester County Planning and Zoning
County Office Building
P.O. Box 307
Cambridge, Maryland 21613

Re: Local case number 914A – GST Exempt Trust, Et al.

Dear Mr. Dodd:

I have received the information for the above-referenced project. The applicant has submitted a preliminary subdivision plat for a two-lot intrafamily transfer. The project notification form indicates that there are 68.2 acres located in the Resource Conservation Area (RCA). Based on the information provided, I have the following comments:

1. Although the application indicates that a two-lot intrafamily transfer is requested by the applicant, it does not appear that they meet the qualifications for intrafamily transfer. COMAR § 8-1808 indicates that "a parcel that is 12 acres or more and less than 60 acres in size may be subdivided into 3 lots." The parent parcel in this case is over 60 acres in size (68.2 acres) and therefore, does not appear to qualify for intrafamily transfer. Additionally, this property was last subdivided in 1999.
2. However, it appears that the applicant has the required density to obtain the total of 3 lots requested for this site (Lot 1 is currently existing, Lots 2 and 3 are proposed). The applicant has provided sufficient area "in reserve" (30 acres) for the two proposed 5-acre parcels.
3. The existing dwelling must be removed prior to subdivision recordation. Please have the applicant add a note to the plat to that effect.
4. Once recorded, the lands with the reserved development rights cannot be moved or revised. Please have the applicant add a note to the plat to that effect.
5. The applicant has included Critical Area Forest Calculations.



Mr. Steve Dodd


7/25/2008

Page 2 of 2

- a. It is unclear what the "area changing land use" section is referring to, and therefore, to understand how the forestation requirements are met. Equally, this section indicates that 3.45 acres, or 35%, of the 68.196 acres in the Critical Area is currently forested. 3.45 acres is only 5% of the total acreage in the Critical Area. Please have the applicant amend this table
 - b. Per COMAR 27.01.02.04, the applicant is responsible for establishing 15% forest cover on this site, or 10.23 acres, at the time of building permit. Additionally, this forest must be placed in a protective easement or restrictive covenant.
6. The applicant must provide a letter from the Department of Natural Resources' Wildlife and Heritage program indicating the presence of any rare, threatened, or endangered species on site. Our records indicate that there may be a sensitive species located in the vicinity of the applicant's parcels. If present, the applicant will be required to address any recommendations made by DNR for protections of the species and submission of a Habitat Protection Plan (HPP) will be required.
 7. Future submittals should contain information regarding proposed clearing, if applicable, and proposed lot coverage onsite. Please note that each lot is limited to 15% lot coverage.
 8. No topography or soil delineation information has been provided on the plat. The Buffer may need to be expanded for contiguous hydric or highly erodible soils. Please have the applicant include this information in the next submittal.
 9. If not currently established, the 100-foot Buffer must be established in native species on Lots 2 and 3 at the time of building permit, or preferably at the time of subdivision recordation. A Buffer Management Plan must be provided to County for review and comment in fulfillment of this requirement.
 10. As there will no longer be a dwelling on the residue parcel or the reserved development rights lands, who will the pier service? Please have the applicant clarify.

Please forward the revised subdivision plat when it becomes available. I can be reached at 410-260-3476 with any questions.

Sincerely,

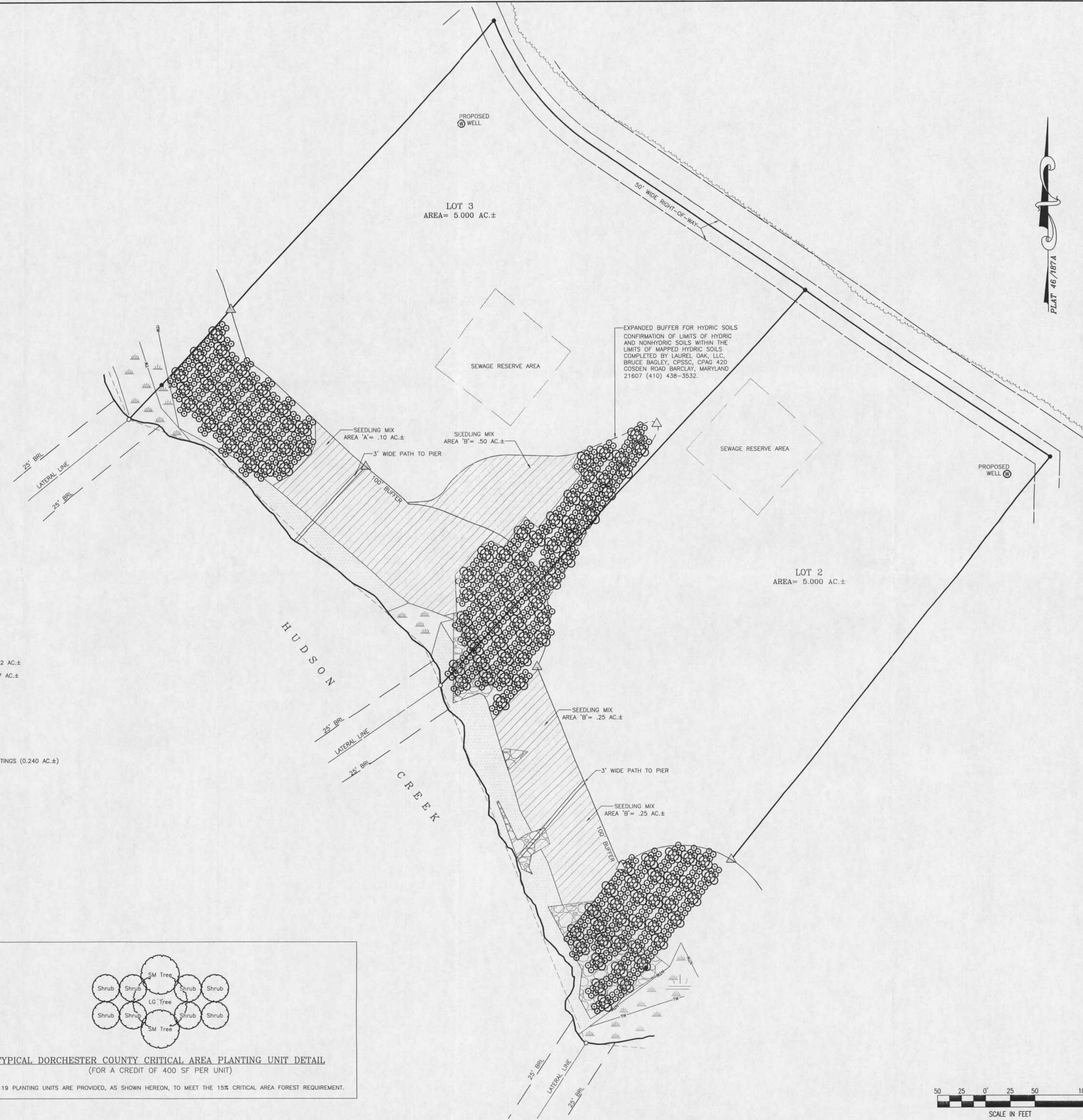


Julie Roberts
Natural Resources Planner

Cc: DC 430-08

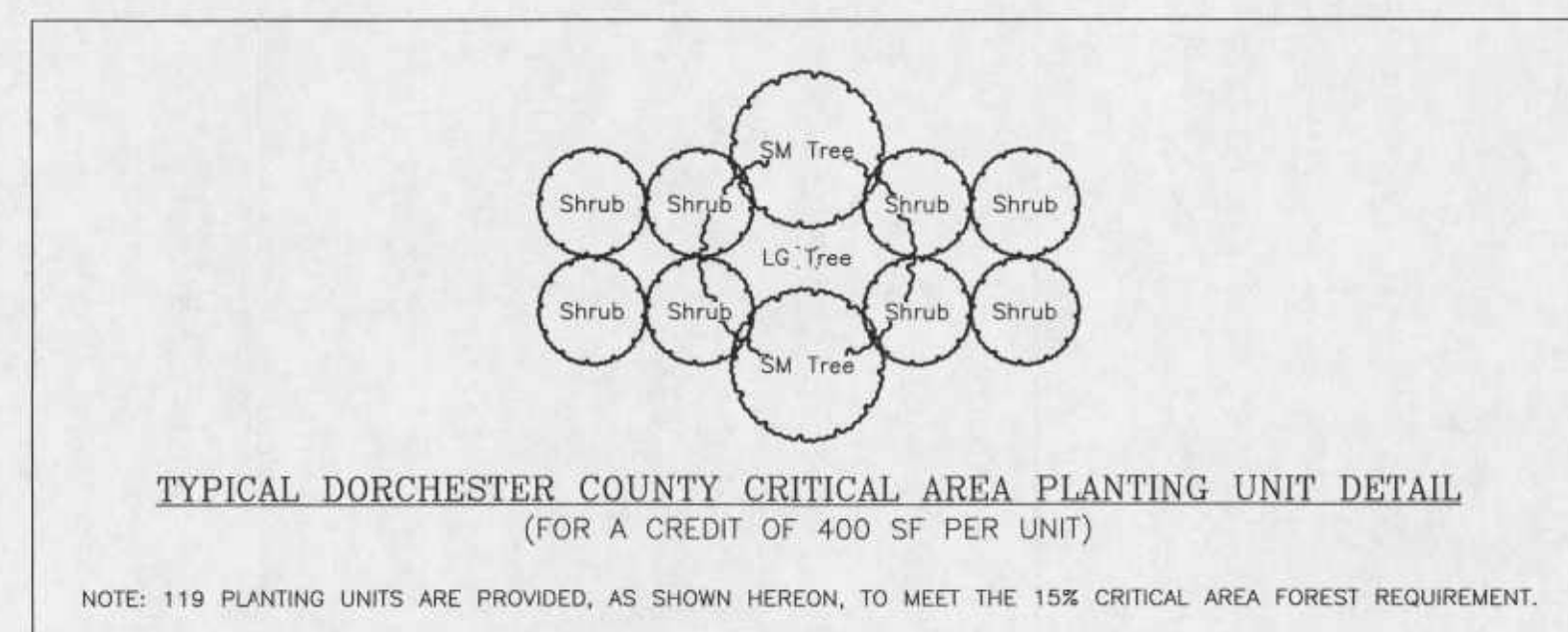
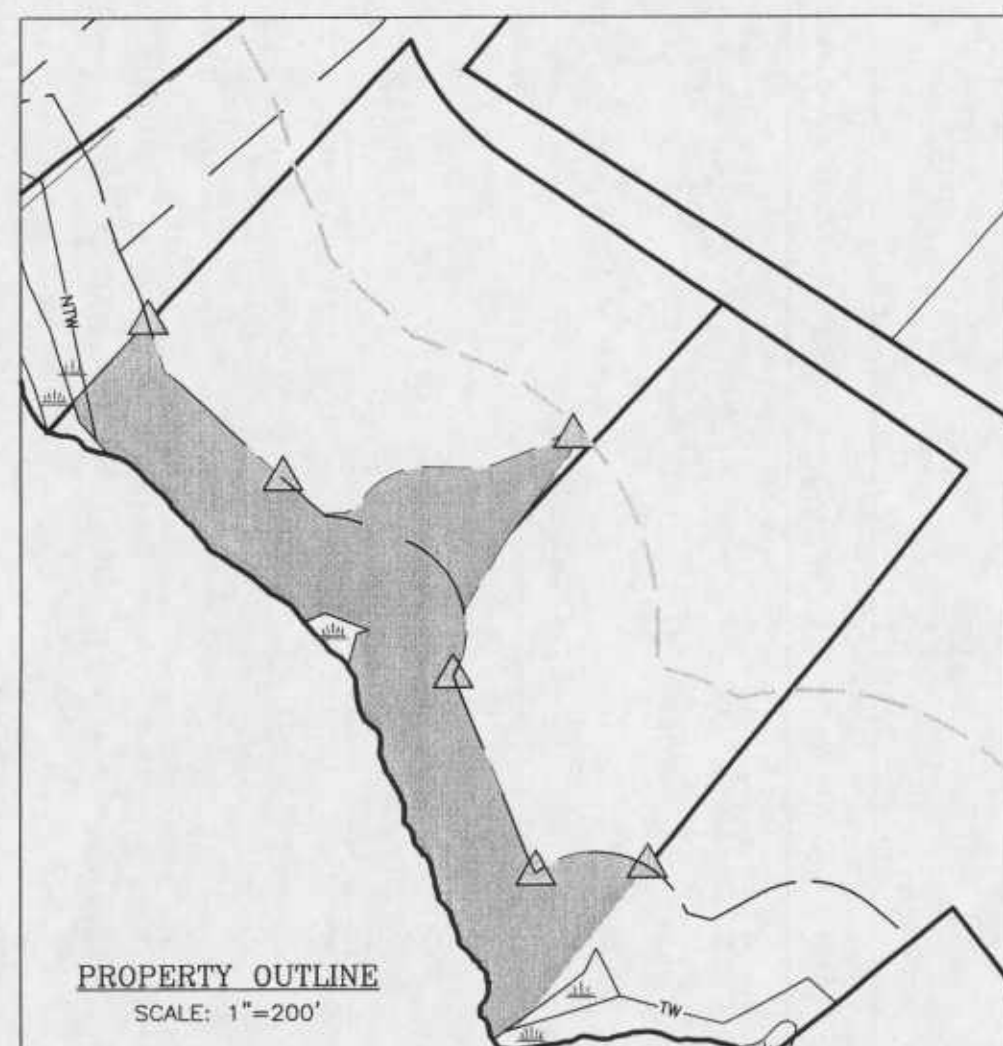
RECEIVED
 JUN 09 2010
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	03/25/10	REVISED TO MEET NEW PLANTING CRITERIA	JMC
2	06/04/10	REVISED TO INCLUDE EXPANDED BUFFER ESTABLISHMENT	JMC



TOTAL AREA WITHIN 100' BUFFER= 2.125 AC.±
 TOTAL AREA WITHIN EXPANDED BUFFER= 0.387 AC.±
 LESS THE AREA DEDUCTED FOR NON-TIDAL WETLANDS WITHIN THE 100' BUFFER= 0.012 AC.±
 LESS THE AREA DEDUCTED FOR EXISTING NATIVE VEGETATION ALONG SHORELINE= 0.337 AC.±
 LESS THE AREA DEDUCTED FOR AREA WITHIN 3' WIDE PATHS TO PIERS= 0.019 AC.±
 TOTAL AREA TO BE PLANTED= 2.144 AC.±

- INDICATES EXISTING NATIVE VEGETATION ALONG SHORELINE
- INDICATES EXISTING STOCKPILED RIP-RAP TO BE REMOVED AND REPLACED WITH PLANTINGS (0.240 AC.±)
- INDICATES SEEDLING MIX
- INDICATES TOTAL BUFFER AREA
- INDICATES CRITICAL AREA FOREST PROTECTION SIGN



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 15 Washington St. Cambridge, MD 21813 (410) 221-0818
 354 Pennsylvania Ave. Centerville, MD 21617 (410) 756-0205

NOT VALID FOR CONSTRUCTION
 UNLESS SIGNED AND DATED HERE:

SEAL

4. Fred H. Jungk 6/2/10 DATE

CRITICAL AREA BUFFER PLANTING PLAN
 ON THE LAND OF
 GST EXEMPT TRUST, ET. AL.
 IN THE EIGHTH ELECTION DISTRICT
 DORCHESTER COUNTY, MARYLAND
 TAX MAP 17 GRID 24 PARCEL 117

ISSUED FOR: PRELIMINARY SUBMITTAL FINAL SUBMITTAL	DATE: BY: 12/21/09 JSC 03/26/10 JSC
SHEET No. 2 OF 2	DATE: 12/18/09
SCALE: 1"=50'	JOB No. 080385 FILE No. A473

Date: 06/07/2010 - 7:41 am User: jccrroll Project Manager: JSC
 Drawing Path: J:\2008\0200\080385\CadData\Dwg\LLP-PLT5-080385.dwg
 XREF File(s): VFW-BASE-080385/GBS-BASE-2418-080385/VSP-BASE-080385/RSF-BASE-080385/RSF-BASE-080385/RSF-BASE-080385

