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/

January 4, 2010

Mr. Tom Lawton Department of Technical and Community Services 11916 Somerset Avenue Princess Anne, MD 21853

Re: Local case number SA-08-427 – Westview

Dear Mr. Lawton:

Thank you for forwarding the revised plan for the above referenced project. The applicant has chosen not to perform a wetland delineation and has subtracted the area of wetland from the available acreage to base density on. The remaining upland totals 62.3 acres and the applicants now request a 3-lot subdivision. These parcels are designated as Resource Conservation Area (RCA). Based on the information provided, I have the following comments:

- 1. The applicants have provided appropriate residue acreage to meet the density requirements and have provided a protective note indicating that no development is permitted on this residue agricultural land. A table must be provided indicating that all development rights are exhausted.
- 2. State tidal wetlands cannot legally be included within the boundaries of a privately owned lot or parcel. As the applicant has chosen not to perform a state vs. private wetland delineation, these lines must be removed.
- 3. The plan indicates that the Buffer will be afforested on the two lots that do not already have a dwelling unit present. A planting plan must be provided to your office for review and approval.
  - a. It appears that the Buffer will be afforested on Lots 2 and 3 for a total of 1.26 acres. Per COMAR 27.01.02.04.C.5(e), 0.34 acres of plantings are necessary on the developable lots to meet the 15% afforestation requirement. Please clarify where this additional acreage is on Lots 1 through 3. Does it include the area of "existing vegetation" noted?
  - b. In addition, per the draft regulations, the Buffer must be established on Lot 1 equivalent to the area of total existing lot coverage. Please have the applicant

Mr. Tom Lawton 1/4/2010 Page 2 of 2

> calculate the existing lot coverage and provide plantings, which must be included in the plantings plan, equivalent to this area.

- 4. We recommend, per the draft Buffer regulations, that a Buffer Management Plan (BMP) be provided prior to the issuance of building permits for these lots. Once the Buffer regulations are effective, a building permit may not be issued without the BMP.
- 5. 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, attached to the project application. 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.
- 6. Any future submittals should contain information regarding permitted and/or proposed lot coverage onsite. Please note that each lot and the entire subdivision is limited to 15% lot coverage.
- 7. It is our understanding that the applicant submitted an application for subdivision prior to July 1, 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.

I can be reached at 410-260-3476 with any questions.

Sincerely,

Julie Roberts Natural Resources Planner

Cc: SO 464-08

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) 974-5338www.dnr.state.md.us/criticalarea/

August 8, 2008

Mr. Tom Lawton Department of Technical and Community Services 11916 Somerset Avenue Princess Anne, MD 21853

Re: Local case number SA-08-427 – Westview

Dear Mr. Lawton:

I have received the information for the above referenced project. The applicant proposes to create four lot subdivision. These parcels are designated as Resource Conservation Area (RCA). Based on the information provided, I have the following comments:

- 1. It is not clear what portion of the acreage of wetlands shown are privately owned and which are State-owned. Please have the applicant provide a table which includes this acreage (as well as any acreage outside of the Critical Area). Per COMAR 8-1801(e)(ii) and County Zoning Ordinance 6.13.c.3(b), private wetlands may be included in the calculation of one unit per 20 acre density, provided the density on the upland acres does not exceed 1 unit per 8 acres.
  - a. If the applicant has not or chooses to not perform a state vs. private tidal wetland assessment, the applicant may subtract the entire acreage of the tidal wetlands from available acreage.
  - b. Please note that the applicant must have at least 80 acres, which may include private wetlands, in order to subdivide this parcel and meet the requisite 1 per 20 density for these 4 proposed lots in the RCA.
- 2. Should it be determined that the applicant has adequate acreage to support these 4 lots, the applicant has indicated that the residue lands in the amount of 54.718 acres will be held in reserve.
  - a. Please have the applicant place a note on the plat indicating that there are no development rights associated with this parcel.

Mr. Tom Lawton 8/8/2008 Page 2 of 3

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- b. Once recorded, the reserved lands cannot be moved or revised. Please have the applicant add a note to the plat to that effect.
- 3. Please have the applicant clarify the total acreage within the Critical Area. The plat indicates that there are 82.510 acres in the RCA. However, the total acreage of each of the lots plus the residue equals more than this stated acreage. Please have the applicant clarify this discrepancy.
- 4. Per the Zoning Ordinance Section 6.13.h.6 and COMAR 27.01.02.04, the applicant is responsible for establishing 15% forest cover on this site based on the property acreage, including the reserved lands. The amount of existing forest should be indicated on the plat as well as the amount of required planting. A Planting Agreement should be required at the time of the final subdivision approval.
- √5. 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. 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.
- 6. Future submittals should contain information regarding permitted and/or proposed lot coverage onsite. Please note that each lot and the entire subdivision is limited to 15% lot coverage.
- 7.) If not currently fully established, the 100-foot Buffer must be planted in native species on Lots 1, 2, 3, and 4. (There appear to be unforested Buffer areas on each lot which must be planted.) A Buffer Management Plan must be provided to County for review and comment in fulfillment of this requirement.
- 8. It is our understanding that the applicant submitted an application for subdivision prior to July 1, 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.
- 9. The 100-foot Buffer should also be expanded for hydric and highly erodible soils, which are soils with a k factor of 0.35 or greater and slopes of 5% or greater. Please confirm whether an expanded Buffer for highly erodible soils is required.

Mr. Tom Lawton 8/8/2008 Page 3 of 3

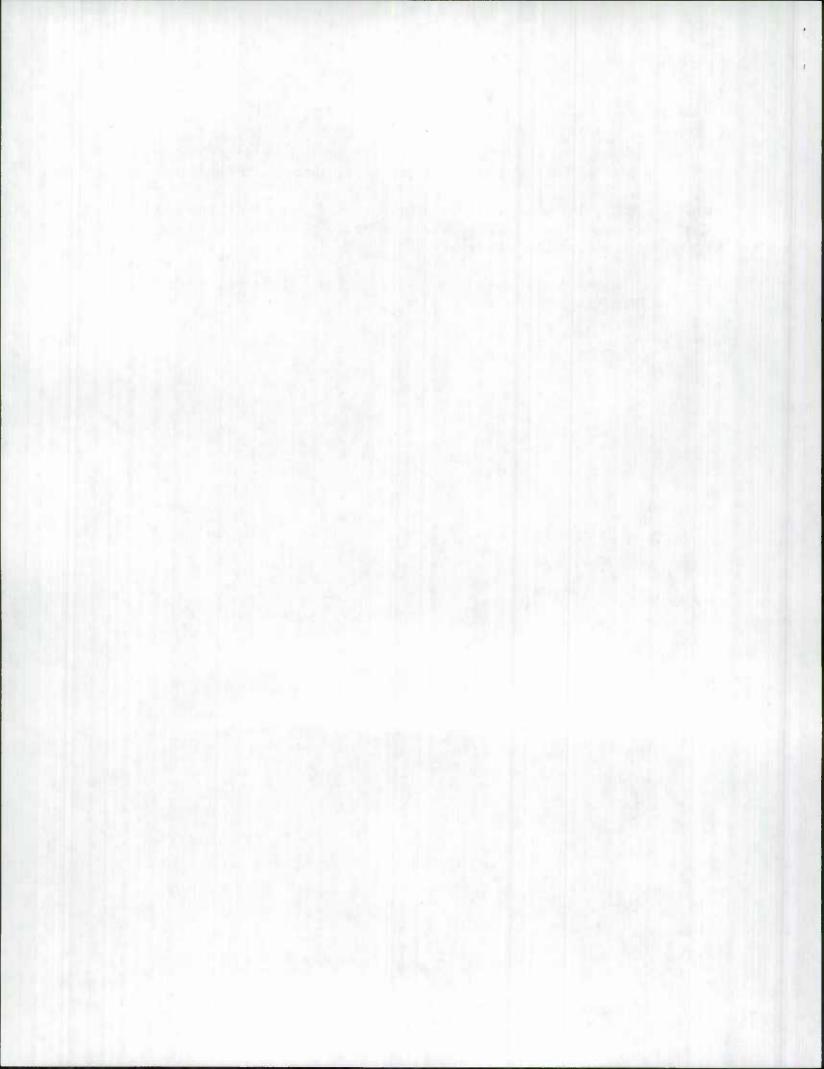
- 10. Please have the applicant include a note on the plat that disturbance the 100-foot Buffer is prohibited except in accordance with the provisions of the Somerset Zoning Ordinance.
  - 11. Is the applicant proposing a lot line adjustment for the residue parcel? Current tax maps appear to show P.61, 1 of 2, in a different configuration than the submitted site plan. 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: SO 464-08



Chris Custis



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John R. Griffin, Secretary Eric Schwaab, Deputy Secretary

October 14, 2008

Chris Custis Chris Custis Surveying Inc. PO Box 786 Princess Anne, MD 21853

# RE: Environmental Review for minor subdivision Douglas Reynolds et al, Millard Road, Somerset County, MD.

Dear Mr. Custis:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. As a result, we have no specific comments or requirements pertaining to protection measures at this time. This statement should not be interpreted however as meaning that rare, threatened or endangered species are not in fact present. If appropriate habitat is available, certain species could be present without documentation because adequate surveys have not been conducted.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at (410) 260-8573.

Sincerely,

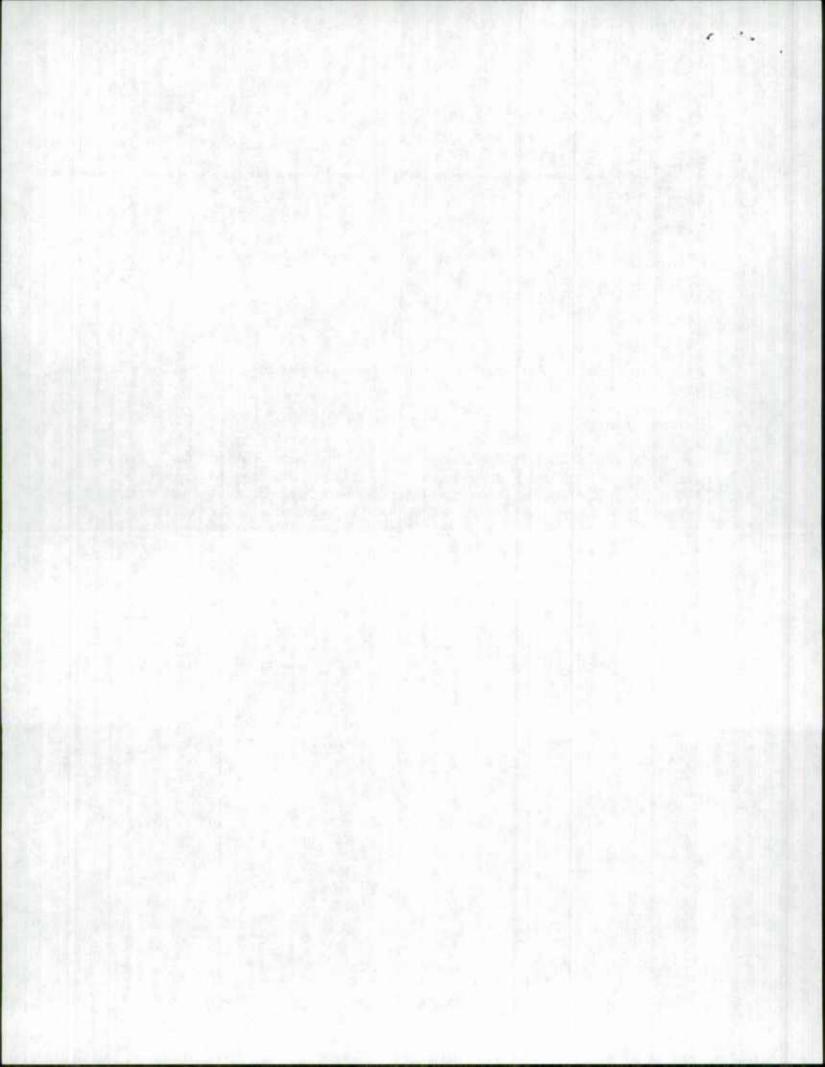
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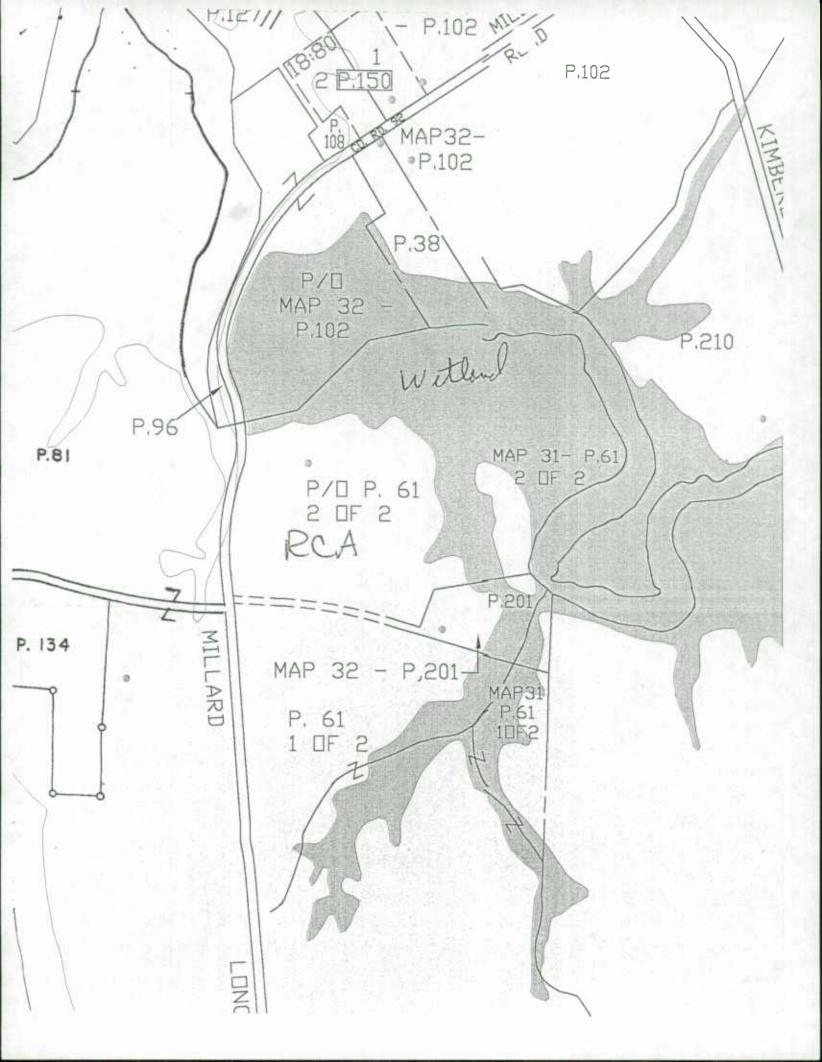
Lori A. Byrne, Environmental Review Coordinator Wildlife and Heritage Service MD Dept. of Natural Resources

ER# 2008.1995

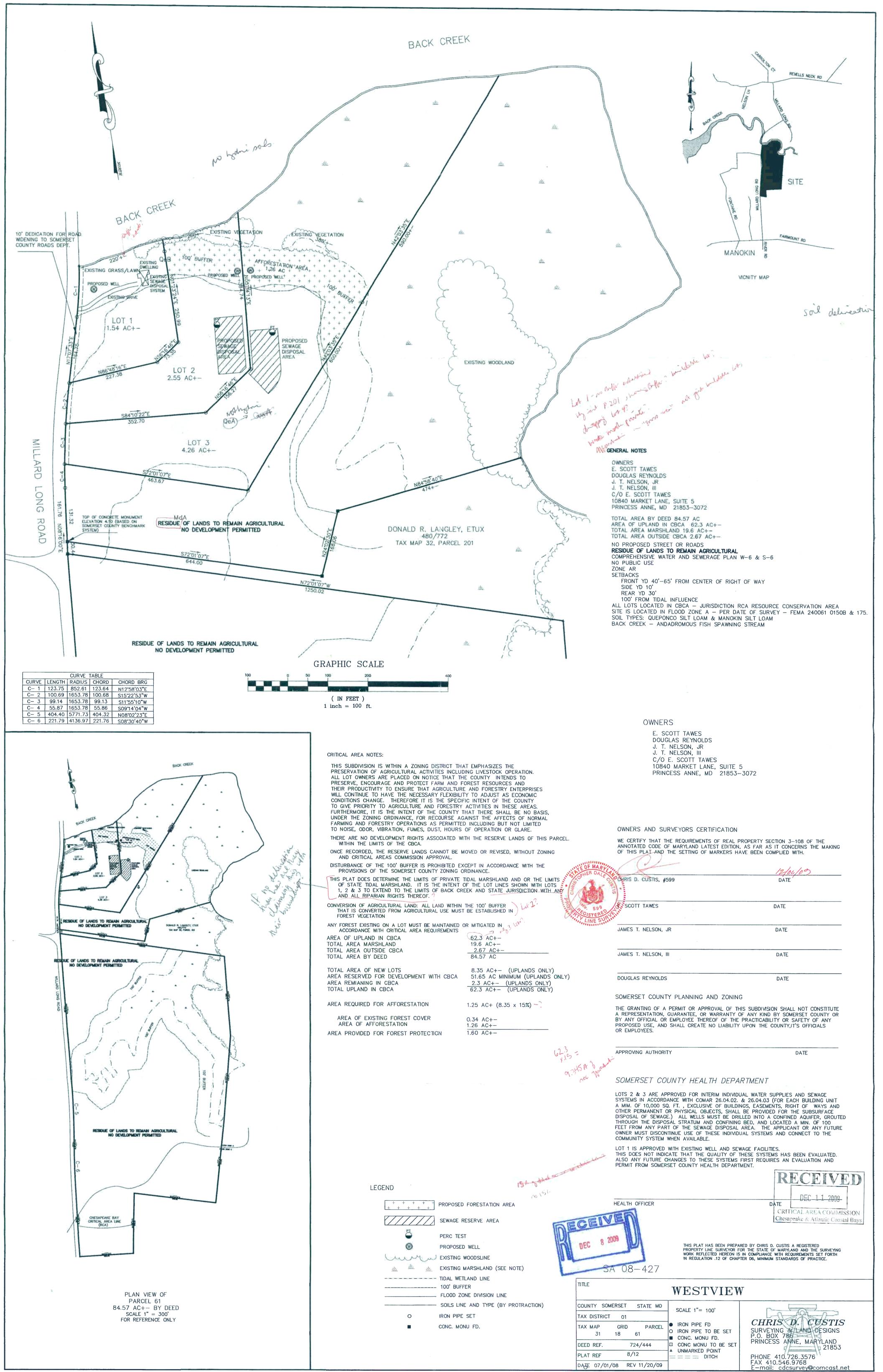
Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

410.260.8DNR or toll free in Maryland 877.620.8DNR · www.dnr.maryland.gov · TTY users call via Maryland Relay

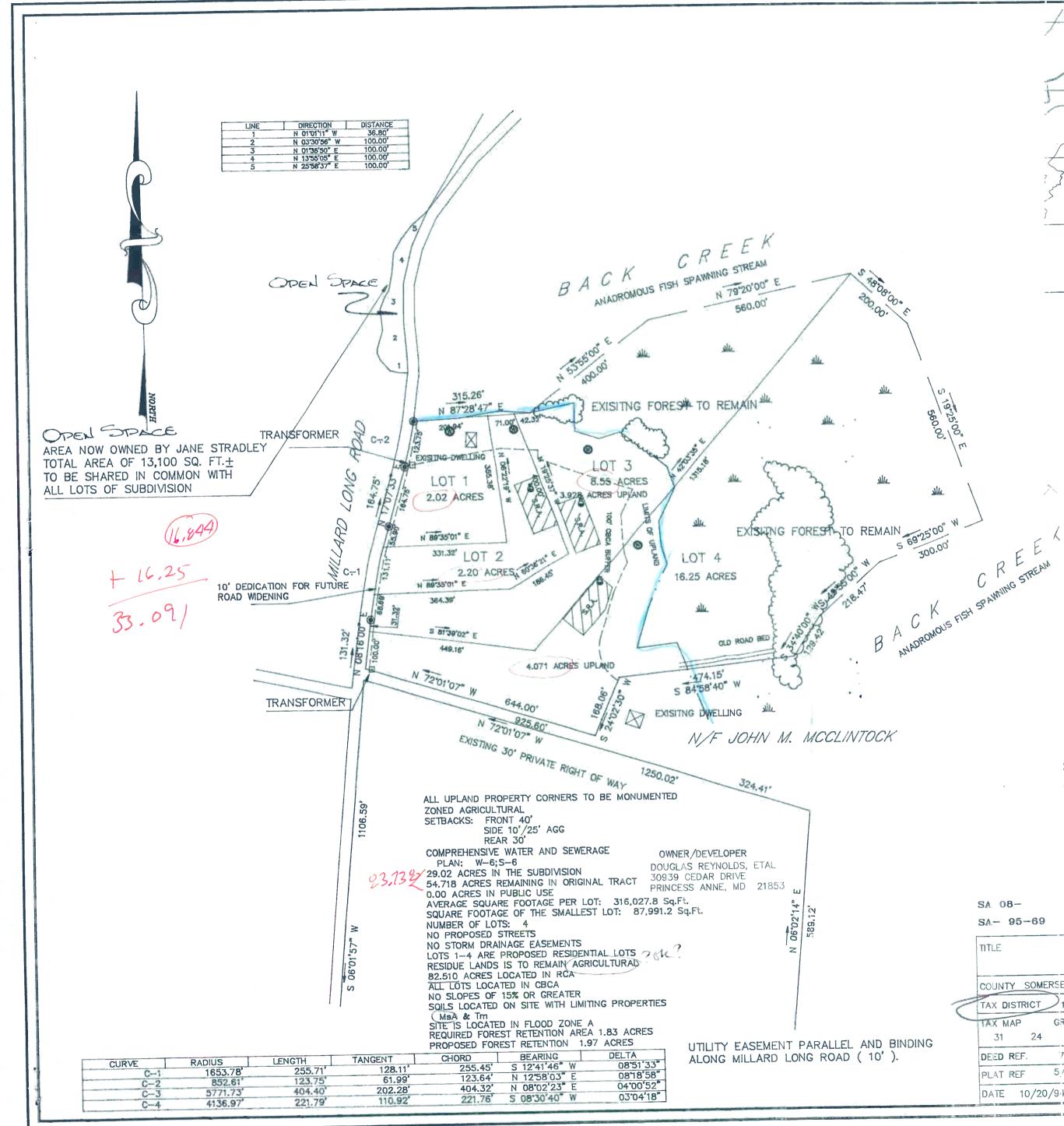


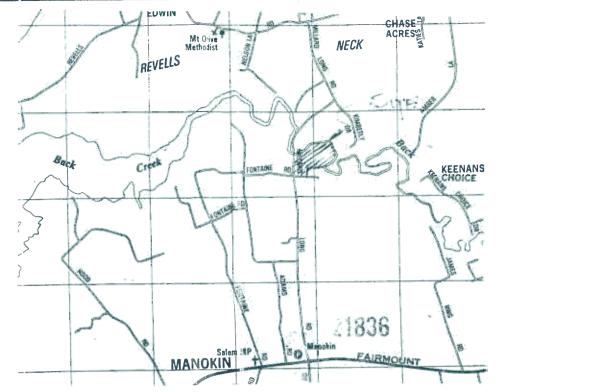






OF MARY	Sec.		12/04/09	
CHI	NS D. CUSTIS, #599		DATE	
CISTERED LINE SURVEY	SCOTT TAWES	-	DATE	
JAN	IES T. NELSON, JR		DATE	
JAN	IES T. NELSON, III		DATE	







WE CERTIFY THAT THE REQUIREMENTS OF REAL PROPERTY SECTION 3-108 OF THE ANNOTATED CODE OF MARYLAND LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

CHRIS D. CUSTIS, #599		DATE		
E. SCOTT TAWES			DATE	
	DI			
DOUGLAS REYNOLDS		DAJ		
		_	-	
JAMES T. NELSON, JR		JUL 2 9 2008 DA	E	
JAMES T. NELSON, III	CRITI Chesap	TICAL AR EA COMPATSSION apeake & Atlantic Coastal Bays		

SOMERSET COUNTY PLANNING AND ZONING

THE GRANTING OF A PERMIT OR APPROVAL OF THIS SUBDIVISION SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTEE, OR WARRANTY OF ANY KIND BY SOMERSET COUNTY OR BY ANY OFFICIAL OR EMPLOYEE THEREOF OF THE PRACTICABILITY OR SAFETY OF ANY PROPOSED USE, AND SHALL CREATE NO LIABILITY UPON THE COUNTY, IT'S OFFICIALS OR EMPLOYEES.

### APPROVING AUTHORITY

DATE

NATE

SOMERSET COUNTY HEALTH DEPARTMENT

LOT 2, 3 AND 4 ARE APPROVED FOR INTERIM INDIVIDUAL WATER SUPPLIES AND SEWAGE SYSTEMS IN ACCORDANCE WITH COMAR 26.04.02. & 26.04.03 (FOR EACH BUILDING UNIT A MIM. OF 10,000 SQ. FT. , EXCLUSIVE OF BUILDINGS, EASEMENTS, RIGHT OF WAYS AND OTHER PERMANENT OR PHYSICAL OBJECTS, SHALL BE PROVIDED FOR THE SUBSURFACE DISPOSAL OF SEWAGE.) ALL WELLS MUST BE DRILLED INTO A CONFINED AQUIFER, GROUTED THROUGH THE DISPOSAL STRATUM AND CONFINING BED, AND LOCATED A MIN. OF 100 FEET FROM ANY PART OF THE SEWAGE DISPOSAL AREA. THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THESE INDIVIDUAL SYSTEMS AND CONNECT TO THE COMMUNITY SYSTEM WHEN AVAILABLE.

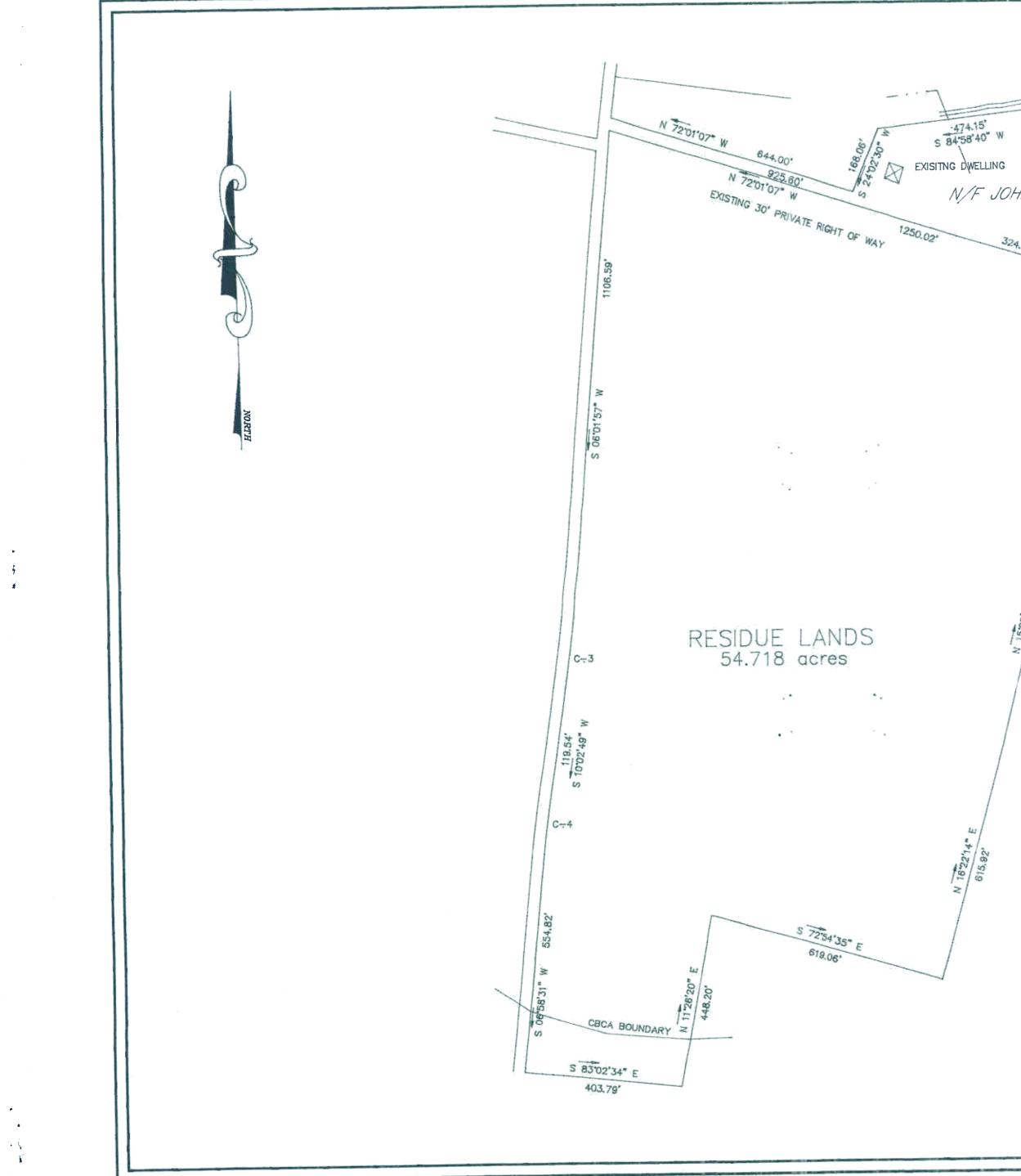
LOT 1 IS APPROVED WITH EXISTING WELL AND SEWAGE FACILITIES. THIS DOES NOT INDICATE THAT THE QUALITY OF THESE SYSTEMS HAS BEEN EVALUATED. ALSO ANY FUTURE CHANGES TO THESE SYSTEMS FIRST REQUIRES AN EVALUATION AND PERMIT FROM SOMERSET COUNTY HEALTH DEPARTMENT.

HEALTH OFFICER

SA 08-

SA- 95-69

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N/F JOHN M. MCCLINTOCK

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THIS SUBDIVISION IS WITHIN A ZONING DISTRICT THAT EMPHASIZES THE PRESERVATION OF AGRICULTURAL ACTIVITIES INCLUDING LIVESTOCK OPERATION. ALL LOT OWNERS ARE PLACED ON NOTICE THAT THE COUNTY INTENDS TO PRESERVE, ENCOURAGE AND PROTECT FARM AND FOREST RESOURCES AND THEIR PRODUCTIVITY TO ENSURE THAT AGRICULTURE AND FORESTRY ENTERPRISES WILL CONTINUE TO HAVE THE NECESSARY FLEXIBILITY TO ADJUST AS ECONOMIC CONDITIONS CHANGE. THEREFORE IT IS THE SPECIFIC INTENT OF THE COUNTY TO GIVE PRIORITY TO AGRICULTURE AND FORESTRY ACTIVITIES IN THESE AREAS. FURTHERMORE, IT IS THE INTENT OF THE COUNTY THAT THERE SHALL BE NO BASIS, UNDER THE ZONING ORDINANCE, FOR RECOURSE AGAINST THE AFFECTS OF NORMAL FARMING AND FORESTRY OPERATIONS AS PERMITTED INCLUDING BUT NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST, HOURS OF OPERATION OR GLARE.

SA 08-SA- 95-69 1

TITLE WESTVIEW A RESIDENTIAL SUBDIVISON						
COUNTY SOMERSET STATE MD	SCALE 1"= 200'	C C C C C C C C C C C C C C C C C C C				
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DEED REF. 724/444	CONC MONU TO BE SET A IRON ROD TO BE SET	21853				
PLAT REF 5/12 DATE 10/20/94 REV 06/28/08		PHONE 410.726.3576 FAX 410.546.9768 E-mail: cdcsurvey@comcast.net				