Martin O'Malley
Governor

Atthony G. Brown
L. Governor



Margaret G. McHale Chair

Ren Serey
Executive Director

## STATE OF MARYLAND CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401 (410) 260-3460 Fax: (410) 974-5338 www.dnr.state.md.us/criticalarea/

October 8, 2008

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

Re: Reese Line Revision TM 39, P29 & 196

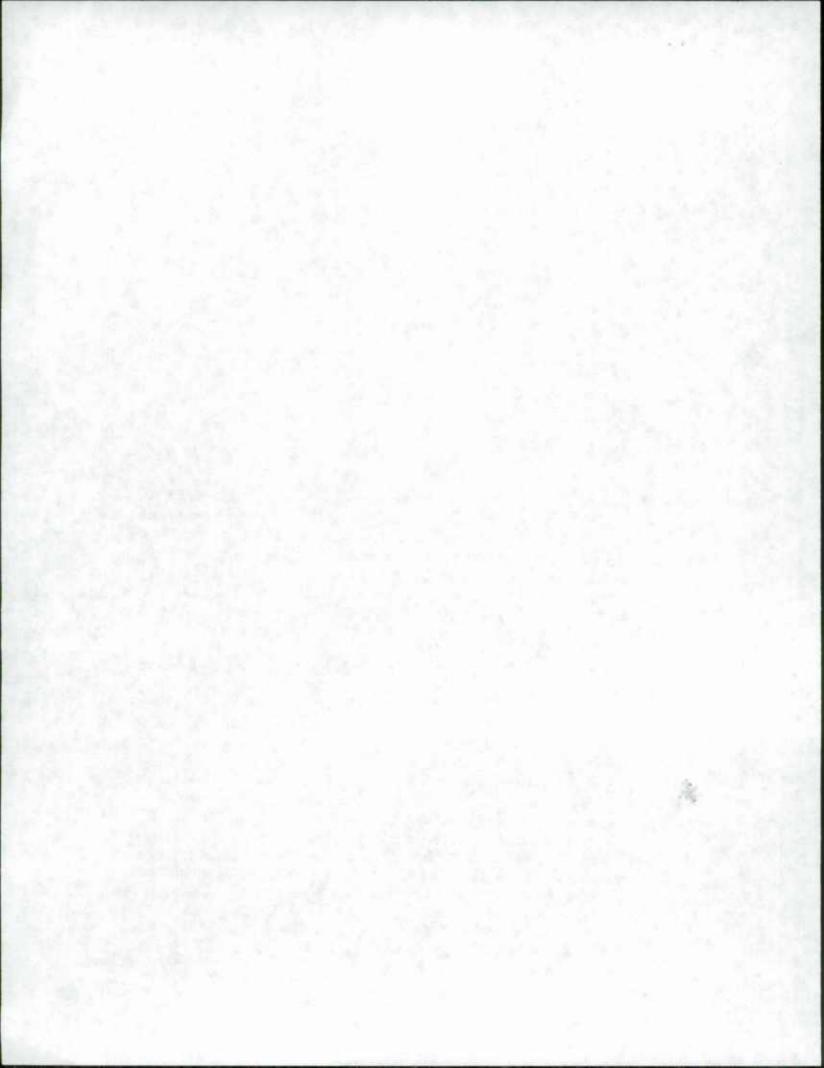
Dear Ms. Verdery:

Thank you for providing information on the above-referenced lot line revision. The applicant proposes to revise lot lines between two parcels (Tax Parcel 196, Tax Parcel 29). Total acreage is 36.233 acres and the parcels are designated Resource Conservation Area (RCA). Upon completion of this line revision, Tax Parcel 196 will increase in size from 0.588 acres to 25.885 acres, while Tax Parcel 29 will decrease in size from 35.645 acres to 10.348 acres. Total existing lot coverage on Tax Parcel 196 is 81,420 square feet (7.2%), while Tax Parcel 29 is undeveloped. Total forest coverage onsite is 1.625 acres (4.4%).

Based on the information provided, we have the following comments on this proposed subdivision:

1. The Tax Parcel numbers appeared to be reversed on the black and white site plan, as compared to the aerial photography site plan. Please have the applicant correct this discrepancy.

Parcel 196, which is currently landlocked. Talbot County requires that any activity in the RCA shall "conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity" [§190-15.A(2); COMAR 27.01.02.05]. In addition, COMAR 27.01.10.01 states that a local jurisdiction's program shall require that all project approvals are consistent with Critical Area Law, including that land use policies are established that accommodate growth but also acknowledge that the number, movement, and activities of a person in the Critical Area can create adverse impacts. As proposed, the revision of lot lines creates an intensification of use of the shoreline and



within the Buffer, contrary to the spirit and intent of the Critical Area Law and Criteria. Creating waterfront access for a parcel that previously was surrounded by land should not be permitted by the County. Please have the applicant revise the proposed line revision to eliminate waterfront access for Parcel 196.

3. Talbot County land records reveal that the primary structure on Parcel 29 was constructed in 2005. However, the site plan reveals a guest house on Parcel 29 that does not appear to meet the guidelines for an accessory dwelling unit, as found in Natural Resources Article §8-1808.1(e)(2). Please have the applicant explain the history of this site to clarify this issue, including concerns about the number and assignment of development rights to dwelling units on the property.

4. The applicant must provide an additional 3.81 acres of forest coverage onsite to

meet the 15% afforestation requirement.

5. It appears that the 100-foot Buffer has been expanded for hydric or highly crodible soils. Please delineate this line as the "Expanded Buffer" on the site plan. In addition, please provide soil types on the site plan to ensure that the Buffer was properly expanded for all occurrences of hydric or highly erodible soils.

6. The site plan states that the proposed line revision will require a waiver to cross the expanded Buffer for hydric soils to access potential building sites and perc locations. The proposed line revision should be created so that the need for a

variance is not required.

7. The 100-foot and expanded Buffer must be fully forested, as found in COMAR 27.01.09.01 and §190-93 of the Talbot County Code. Please add a note referencing this requirement to the plat.

8. Please have the applicant identify on the site plan the types of structures that are

proposed to be removed from Tax Parcel 196.

9. The site plan states that the applicant "reserves the right to reconfigure the Buffer expansion in areas if accurate topography confirms the mapped soils overlay slopes less than 5%." This office notes that the 100-foot Buffer shall also be expanded if other areas of hydric or highly crodible soils are located contiguous to the 100-foot Buffer, as per §190-93E(b) of the Talbot County Code.

10. Please have the applicant forward to this office a letter from the Department of Natural Resources Wildlife and Heritage Division (WHS) evaluating the property

for any rare, threatened, or endangered species location onsite.

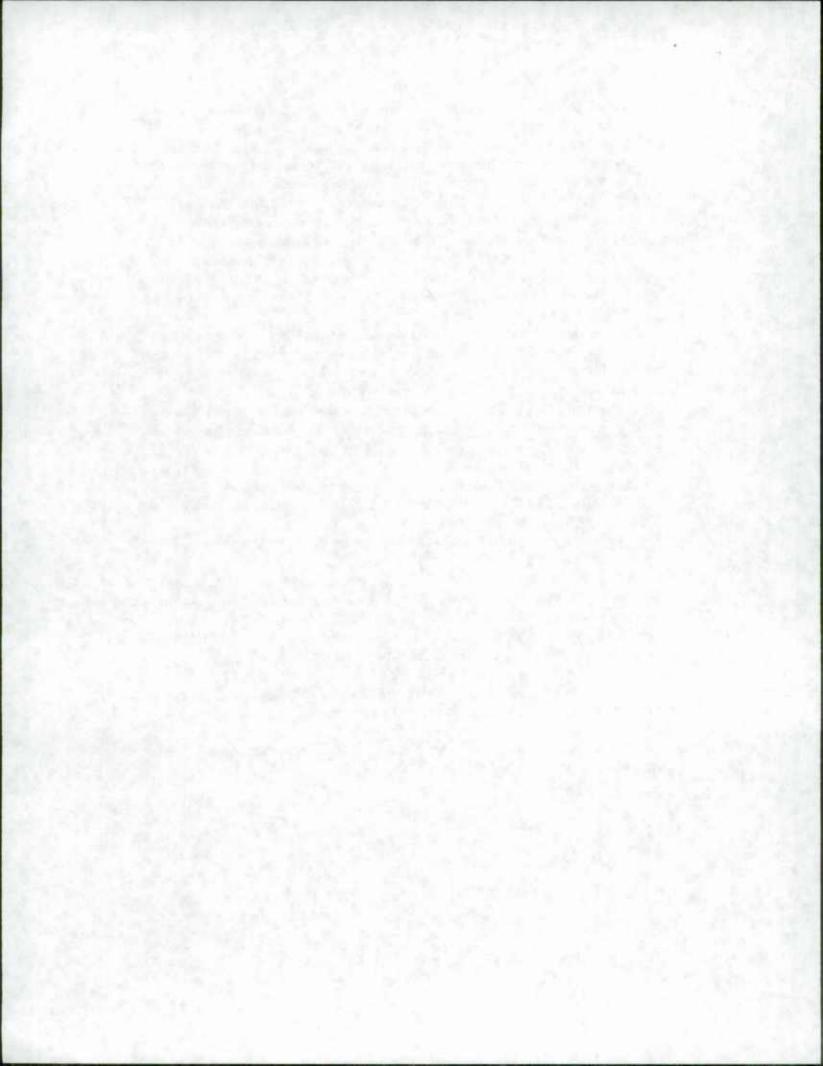
Thank you for the opportunity to provide comments on this lot line revision. If you have any questions, please call me at (410) 260-3483.

Sincerely,

Mich 160g Nick Kelly

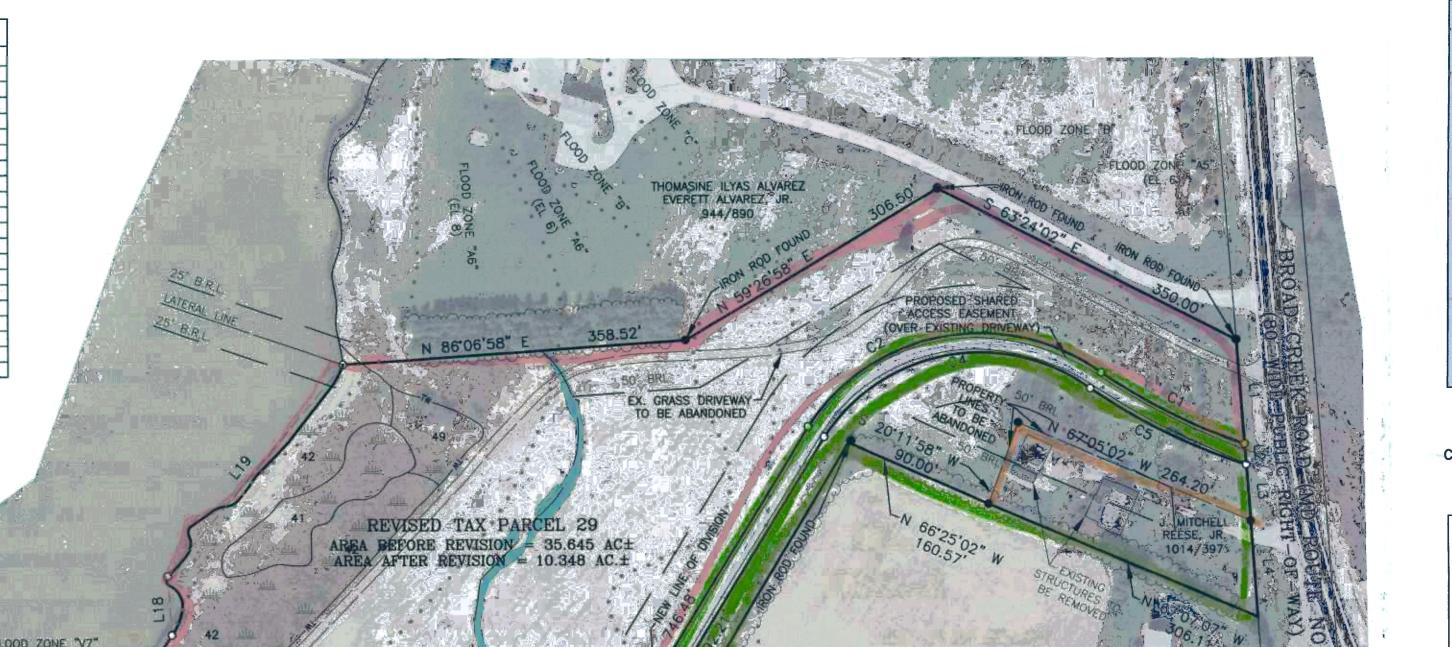
Natural Resource Planner

cc: TC 518-08





SCALE IN FEET



PLANNING OFFICER

ROBERT J. JUMP, JR.

MARTHA REBECCA JUMP 1498/112

IMPERVIOUS AREA CALCULATIONS

TOTAL AREA = 25.885 AC. ± (1,127,536 SF±)

TOTAL EXISTING IMPERVIOUS= 81,420 SF REMAINING ALLOWABLE IMPERVIOUS= 87,710 SF

TOTAL AREA = 10.348 AC. ± (45D.776 SF±)

TOTAL EXISTING IMPERVIOUS= 0 SF REMAINING ALLOWABLE IMPERVIOUS= 67,616 SF

ALLOWABLE IMPERVIOUS= 67,616 SF (15% OF 10.348

ALLOWABLE IMPERVIOUS= 169,130 SF (15% OF

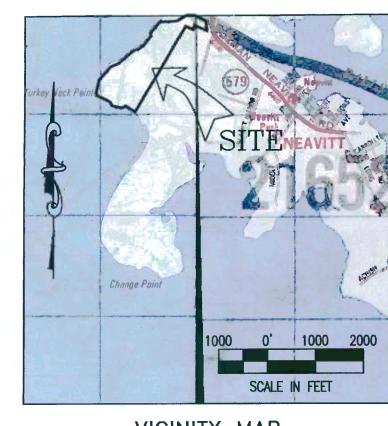
REVISED TAX PARCEL 196

25.885 AC.±)

DWELLING= 6,275 SF GARAGE= 1,356 SF GUEST HOUSE= 1,601 SF ACCESSORY STRUCTURE= 530 SF

DRIVEWAYS= 71,098 SF SIDEWALKS= 560 SF

REVISED TAX PARCEL 29



VICINITY MAP SCALE: 1" = 2000' Copyright of the ADC Map People Permitted Use No. 20992180 (ADC MAP No. 16 & 17)

LEG	E N D
—O— -INDICATES	COMPUTED POINT
-INDICATES	IRON ROD SET
$\underline{uli}$ -INDICATES	TIDAL WETLANDS
TW	LIMITS OF TIDAL WETLANDS
	EXISTING WOODSLINE
ZONE "A" -INDICATES	FLOOD ZONE
—INDICATES	PROPOSED WELL

TALBOT COUNTY HEALTH DEPARTMENT REVISED TAX PARCELS 29 AND 196 ARE INITIALLY APPROVED FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS. THE SEWAGE DISPOSAL AREAS AS SHOWN HEREIN ARE THE ONLY AREAS THAT HAVE BEEN EVALUATED. THIS NOTICE DOES NOT SERVE AS A SEWAGE DISPOSAL INSTALLATION PERMIT AND THE PROPERTY OWNER IS NOTIFIED THAT HE MUST STILL APPLY FOR AND OBTAIN A SEWAGE DISPOSAL PERMIT BEFORE DEVELOPING THE PROPERTY. AT THE TIME OF THE PERMIT APPLICATION, THE PROPERTY WILL BE EVALUATED PERSUANT TO COMAR 26.04.02 AND THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, SECTION 9-217, AND ALL OTHER APPLICABLE LAWS AND REGULATIONS. FURTHERMORE, THE TALBOT COUNTY HEALTH DEPARTMENT MAY REQUIRE MORE DETERMINATIVE INFORMATION ABOUT THE PROPERTY INCLUDING ADDITIONAL TESTING AND EVALUATION.

THIS LINE REVISION PLAT HAS BEEN APPROVED BY THE TALBOT COUNTY HEALTH DEPARTMENT.

HEALTH OFFICER

## **SURVEYOR'S CERTIFICATE:**

THE PRESENT OWNER OF THE LAND OF WHICH THIS LINE REVISION IS COMPRISED IS J. MITCHELL REESE, JR., TRUSTEE OF THE J. MITCHELL REESE, JR. TRUST (TAX PARCEL 29 AND TAX PARCEI 169). THE OWNER CONCURS WITH ALL NOTATIONS AND REPRESENTATIONS ON THIS PLAT WHICH IS PRÉPARED AND WILL BE RECORDED AT THEIR REQUEST.

I, THOMAS D. LANE, HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A LINE REVISION OF THE LAND CONVEYED BY J. MITCHELL REESE, JR., TRUSTEE OF THE J. MITCHELL REESE, JR. TRUST TO J. MITCHELL REESE, JR., TRUSTEE OF THE J. MITCHELL REESE, JR. TRUST BY DEED DATED SEPTEMBER 19, 1999 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 943, FOLIO 331 (TAX PARCEL 29) AND THE LAND CONVEYED BY JOHN Z. TEREBEY AND JANE D. TEREBEY TO J. MITCHELL REESE, JR. TRUSTEE OF THE J. MITCHELL REESE, JR. TRUST DATED MAY 5, 1999, BY DEED DATED JULY 31, 2001 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1014, FOLIO 397 (TAX PARCEL 196); AND THAT ALL MONUMENTS ARE IN PLACE.

THIS LINE REVISION PLAT HAS BEEN PREPARED BY THE LICENSEE EITHER PERSONALLY OR UNDER THEIR DIRECT SUPERVISION AND COMPLIES WITH THE REQUIREMENTS AS SET FORTH IN REGULATION 09.13.D6.12 OF THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS.

THOMAS D. LANE PROPERTY LINE SURVEYOR NO. 340 117 BAY STREET P.O. BOX 1767 EASTON, MARYLAND 21601 (410)822-8003

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS

REVISED TAX PARCELS 29 AND 196 SHALL UTILIZE A SHARED ACCESS EASEMENT OVER THE EXISTING DRIVEWAY AS SHOWN HEREON.

THE SHARED ACCESS EASEMENT SHALL BE OWNED BY THE OWNERS OF REVISED TAX PARCEL 196 AND EQUALLY MAINTAINED BY THE OWNERS OF REVISED TAX PARCELS 29 AND 196.

THESE PARCELS SHALL BE DEVELOPED IN ACCORDANCE WITH THE "2D00 MARYLAND STORMWATER DESIGN MANUAL", AND THE TALBOT COUNTY STORMWATER MANAGEMENT CODE.

THIS DEVELOPMENT MAY CONTAIN THREATENED OR ENDANGERED SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT AS AMENDED. THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE ADMINISTERS REGULATIONS DESIGNED TO PROTECT THESE THREATENED AND ENDANGERED SPECIES AND THEIR HABITATS. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL DETERMINATIONS CONCERNING THE EFFECT OF THE DEVELOPMENT ON THESE SPECIES AND THEIR HABITAT RESTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING ALL PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE.

ANY LAND CLEARING, GRADING OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF TALBOT COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE TALBOT COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THAT STATE OF MARYLAND EROSION AND SEDIMENT CONTRO LAW, COMAR 4-1D3 & 26.09..01.05

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

REMOVAL OF NATURAL VEGETATION WITHIN THE 1DD FOOT SHORELINE DEVELOPMENT BUFFER IS PROHIBITED. CUTTING AND/OR MOWING OF NATURAL VEGETATION WITHIN THE BUFFER IS SUBJECT TO REVIEW BY THE PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING AT (410) 77D-8D30 FOR FURTHER INFORMATION.

DEVELOPMENT ACTIVITIES FOR NEW WATER-DEPENDENT FACILITIES SHALL BE DESIGNATED, STAGED, AND TIMED TO AVOID SIGNIFICANT DISTURBANCE TO HISTORIC WATERFOWL STAGING AND CONCENTRATION AREAS DURING THE WINTER SEASON.

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

CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY TALBOT COUNTY PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING AT (410) 770-803D FOR FURTHER INFORMATION.

	• • • • •	•	TT
ane	<u>Engine</u>	eering,	
		_	

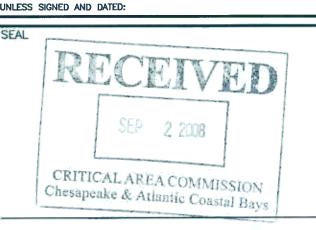
REVISIONS

No. DATE

DESCRIPTION

Civil Engineers • Land Planning • Land Surveyors

NOT VALID FOR CONSTRUCTION



SKETCH REVISION PLAT

ON THE LANDS OF J. MITCHELL REESE, JR., TRUSTEE

IN THE SECOND ELECTION DISTRICT TALBOT COUNTY, MARYLAND

TAX MAP 39 GRID 14 PARCELS 29 & 196 ISSUED FOR

> JUN 3 0 2008 TAU 12-10-08

01 OF 01

SUBMISSION TO P&Z

6-25-08 TDL