

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 2, 2010

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

**Re: Coaches Island Line Revision
L1114**

Dear Ms. Verdery:

Thank you for providing information on the above-referenced line revision. The applicant is proposing to abandon the lot lines between ten agricultural lots and an existing parcel (Tax Parcel 1). The property is 67.3 acres in size and is designated as a Resource Conservation Area (RCA). Total forest coverage the site is 34.82 acres (51.7%).

First, Commission staff would like to notify both the County and the applicant that regulations concerning the 100-foot and expanded Buffer were published in the Maryland Register on November 20, 2009 (COMAR 27.01.09.01- COMAR 27.01.09.01-7). It is expected that these regulations will be finalized, and thus become effective, on March 8, 2010. Since this project is covered by the new State regulations and will be reviewed by the County's Planning Commission after this effective date, the project must meet the requirements found in the aforementioned sections of COMAR in order to be approved by the County. Please note that, within the Buffer regulations, there are no grandfathering provisions for projects in-progress.

The County may in the future adopt alternative procedures and requirements for the protection and establishment of the Buffer if:

- The alternative procedures and requirements are at least as effective as the regulations found in COMAR 27.01.09.01- COMAR 27.01.09.01-7 and any additional requirements of the County program; and

- The Critical Area Commission has approved those alternative procedures and requirements as an amendment to the County's Critical Area Program.

However, until such measures are approved, the County must utilize the requirements found in the State regulations.

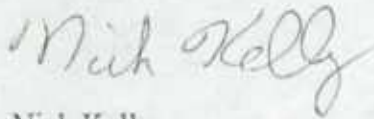
Additionally, we have the following comments on this proposed revision plat:

1. On August 10, 2009, State regulations concerning lot consolidation and reconfiguration (COMAR 27.01.02.08) became effective. Since this line revision is covered by the new State regulations and will be reviewed by the County's Planning Commission after this effective date, the County must provide findings that meet the requirements found in COMAR 27.01.02.08 in order to approve this revision request.
2. The Zone 2 restriction within for the Heron Rookery states that no land use changes or timber harvesting is permitted during the nesting season, which is from February 15th to July 31st, and that clearcutting should be avoided at any time. However, in reviewing the DNR Wildlife and Heritage letter, it appears that construction activities, including clearing, grading, building, etc., should not occur within Zones 1 and 2 at any time. Selective timber harvesting may be permitted, but clearcutting should be avoided. The applicant must revise this note to accurately depict that no construction activities, including clearing, grading, or building, may occur within Zone 2.
3. The applicant states that Al Kampmeyer of MDE visited the site to verify the location of wetlands. However, it is unclear if, during the site visit, the location of Mean High Water (MHW) was determined. The delineation of Mean High Water is of particular importance for this project, as its location could impact the total amount of privately owned land on the site, and ultimately, impact the number of development rights permitted on the parcel. Consequently, an additional field visit may be necessary to determine the location of MHW and the acreages of State versus privately-owned wetlands.
4. Once a field delineation of wetlands by MDE has been performed, a note should be placed on the plat stating that MDE has verified the location of all wetlands and MHW. This note should also be included in the Critical Area Environmental Impact Assessment.
5. We note that the 200-foot Buffer shall be expanded for any steep slopes, hydric soils, or highly erodible soils located contiguous to the 200-foot Buffer. This expansion must be provided in accordance with the aforementioned Buffer regulations (COMAR 27.01.09.01D (7-8)), which become effective on March 8, 2010.

6. The applicant states that the Buffer has been expanded for hydric soils. However, it does not appear that the 200-foot Buffer was expanded on the plat, except in the area of contiguous nontidal wetlands. Please have the applicant clarify this matter.
7. Please have the applicant provide a map showing the soils types and topography of the site, in order to verify whether additional expansion of the Buffer for steep slopes, hydric soils, or highly erodible soils is necessary.

If you have any questions about the new requirements regarding the Buffer, please contact me at (410) 260-3483. Thank you for the opportunity to provide comments on this revision request.

Sincerely,



Nick Kelly
Natural Resource Planner
cc: TC 573-08

new ques

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August 6, 2009

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

**Re: Coaches Island Line Revision
L1114**

Dear Ms. Verdery:

Thank you for providing information on the above-referenced line revision. The applicant is proposing to abandon the lot lies between seven lots (Lots 1, 5, 6, 7, 8, 9, and 10) and an area of remaining lands (Tax Parcel 1) in order to create two revised lots (Lot 1 and Lot 5). The property is 67.16 acres in size and is designated as a Resource Conservation Area (RCA). As a result of this line revision, Lot 1 will be 13.703 acres in size, while Lot 5 will be 38.734 acres in size. Total forest coverage the site is 36.19 acres (59.1%).

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

1. Based on the ruling from the Talbot County Board of Appeals, the lots of record for this parcel are not grandfathered. They are considered to be agricultural lots and are not buildable. Therefore, to convert these lots to buildable lots, the applicant must comply with all current Critical Area requirements, including density requirements and the 200-foot Buffer.
- ✓ 2. We note that the "Declaration of Restriction and Covenant" dated June 4, 1986 states that no dwelling or other structure shall be constructed on the property unless they are on separate tracts that has enough acreage to meet the density regulations for the Resource Conservation Area, as set forth by COMAR. We note that, within the RCA, the base density is one dwelling unit per twenty acres. In reviewing this line revision request, the applicant is proposing to increase the size of two existing nonconforming lots that are located within the RCA. Lot 1 will increase in size from 4.98 acres to 13.703 acres, while Lot 5 will increase in

size from 4.81 acres to 38.73 acres. The applicant must revise this revision request to bring both lots into conformance with the Critical Area Law and Criteria.

- ✓ 3. It is difficult to delineate the extent of the Buffer on Lot 1, particularly on the northern portion of the lot. Please have the applicant provide a site plan with a more clearly delineated Buffer for the entire parcel. We note that the 200-foot Buffer shall be expanded for any steep slopes, hydric soils, or highly erodible soils located contiguous to the 200-foot Buffer.
- ✓ 4. It appears that Lot 1 is unbuildable, as the 330-foot Heron Rookery encompasses most of the lot, and area remaining would be located within the 200-foot Buffer.
- ✓ 5. Please have the applicant revise the plat note regarding Buffer clearing to state that both removal of natural vegetation within the 200-foot Buffer *and Expanded Buffer* shall be prohibited.
- ✓ 6. Please have the applicant provide the acreage of Lots 2, 3, and 4. It is unclear if the total acreage for this parcel includes these lots. ^{15 acres}
- ✓ 7. Given the amount of wetlands located onsite, we request that the applicant perform a wetland delineation, particularly to determine an accurate amount of state and private wetlands located onsite. This delineation could impact the total amount of privately owned land on the site, and ultimately, impact the number of development rights permitted on the parcel.
- ✓ 8. We request that the applicant provide a copy of the most recent letter from DNR Wildlife and Heritage Service evaluating the property for any rare, threatened, or endangered species located onsite.

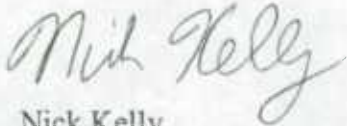
Finally, Commission staff would like to inform the County that, on June 5, 2009, State regulations concerning lot consolidation and reconfiguration were published in the Maryland Register (COMAR 27.01.02.08). These regulations will be finalized, and thus become effective, on August 10, 2009. Since this line revision is covered by the new State regulations and will be reviewed by the County's Planning Commission after this effective date, the County must provide findings that meet the requirements found in COMAR 27.01.02.08 in order to approve this revision request. We note that the County may in the future adopt alternative procedures and requirements for the consolidation or reconfiguration of legal parcels of land or recorded, legally buildable lots listed if:

- The alternative procedures and requirements are at least as effective as the regulations found in COMAR 27.01.02.08 and any additional requirements of the County program; and
- The Critical Area Commission has approved those alternative procedures and requirements as an amendment to the County's Critical Area Program.

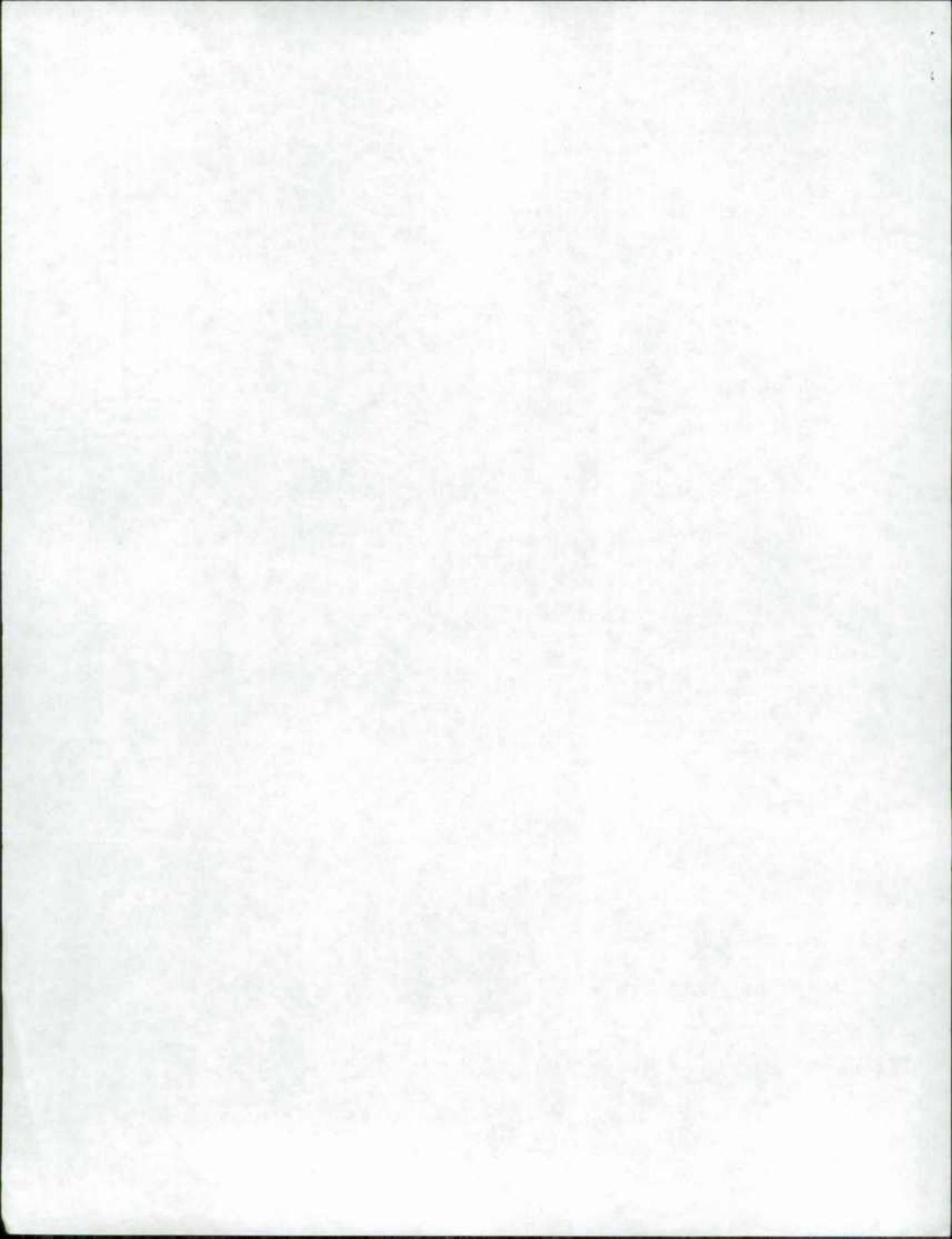
However, until such measures are approved, the County must utilize the requirements found in COMAR 27.01.02.08.

If you have any questions about the new requirements for lot consolidation and reconfiguration requests, please contact me at (410) 260-3483. Thank you for the opportunity to provide comments on this line revision.

Sincerely,

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

Nick Kelly
Natural Resource Planner
cc: TC 573-08



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October 15, 2008

Ms. Chris Corkell
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

Re: 1510
Coaches Island Administrative Appeal

Dear Ms. Corkell:

Thank you for providing information on the above referenced administrative appeal request. The applicant has filed an appeal, stating that the County Planning Officer erred in denying a proposed septic expansion onsite because the applicant had not complied with County subdivision requirements. The property, Tax Map 29, 30, 37 & 38, Parcel 1 & 39, is located within the Critical Area and is designated Resource Conservation Area (RCA).

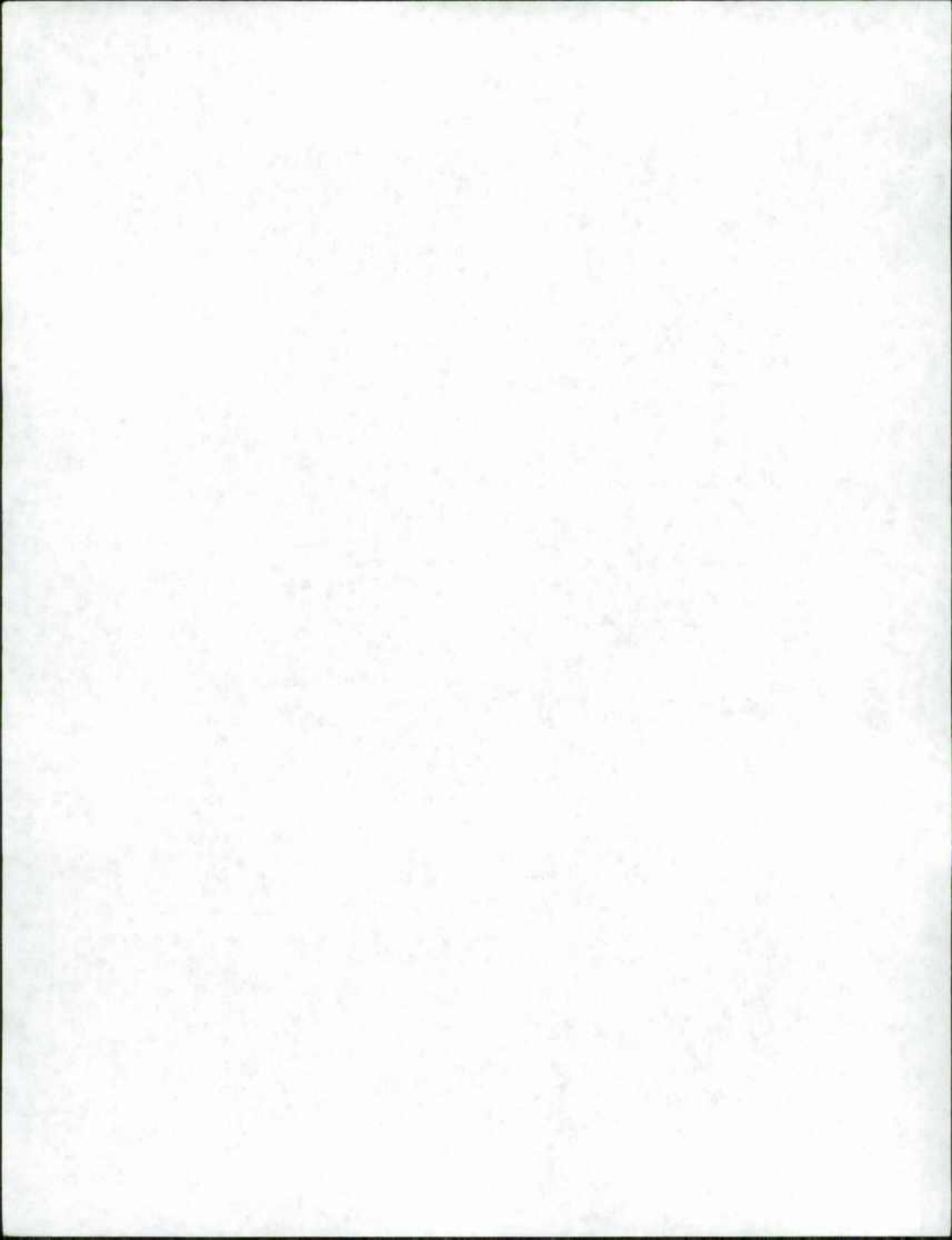
It appears that the applicant is appealing the decision from the County Planning Officer because the County treated the applicant's request for an extension of the existing on-site septic system, addressed to the Talbot County Health Department, as a request for subdivision approval, and rejecting such requested septic expansion because the Applicant had not complied with County subdivision regulations. The applicant claims that the subdivision regulations do not apply to this request, as in 1986 the County permitted the island to be divided into separate lots for non-developmental purposes through the use of a waiver. The applicant wishes to only replace the sewage treatment tank and tile field, and, eventually, the building based on the 1986 decision. The process of granting a waiver for nondevelopmental division of land appears appropriately contained and clearly defined within the County's zoning ordinance. Therefore, this office has no comments to offer and defers to the Board's interpretation of the County's ordinance language on this matter.

Thank you for the opportunity to provide comments on this Board of Appeals administrative appeal request. If you have any questions, please feel free to contact me at (410) 260-3483.

Sincerely,

A handwritten signature in blue ink that reads "Nick Kelly".

Nick Kelly
Natural Resource Planner
cc: TC 573-08



573-08



TALBOT COUNTY BOARD OF APPEALS

28712 GLEBE ROAD, SUITE 2
EASTON, MARYLAND 21601

PHONE: 410-770-8040

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

September 7, 2009

Critical Area Commission
Nick Kelly
1804 West Street
Annapolis, MD 21401

RE: DECISION ON BOARD OF APPEALS #1510 Coaches Island Corporation

Dear Mr. Kelly,

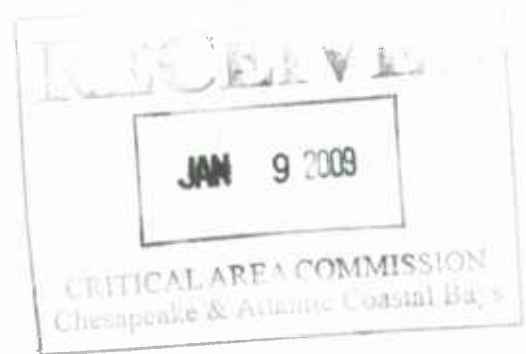
Enclosed please find a copy of the signed Board of Appeals decision on the above referenced project. Please note that there is a 30 day appeal period with the Circuit Court from the date the decision was signed.

Should you have any questions in reference to this appeal please call the Board of Appeals office.

Sincerely,

Chris Corkell
Administrative Assistant

Enclosure



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DECISION
TALBOT COUNTY BOARD OF APPEALS
Appeal No. 1510

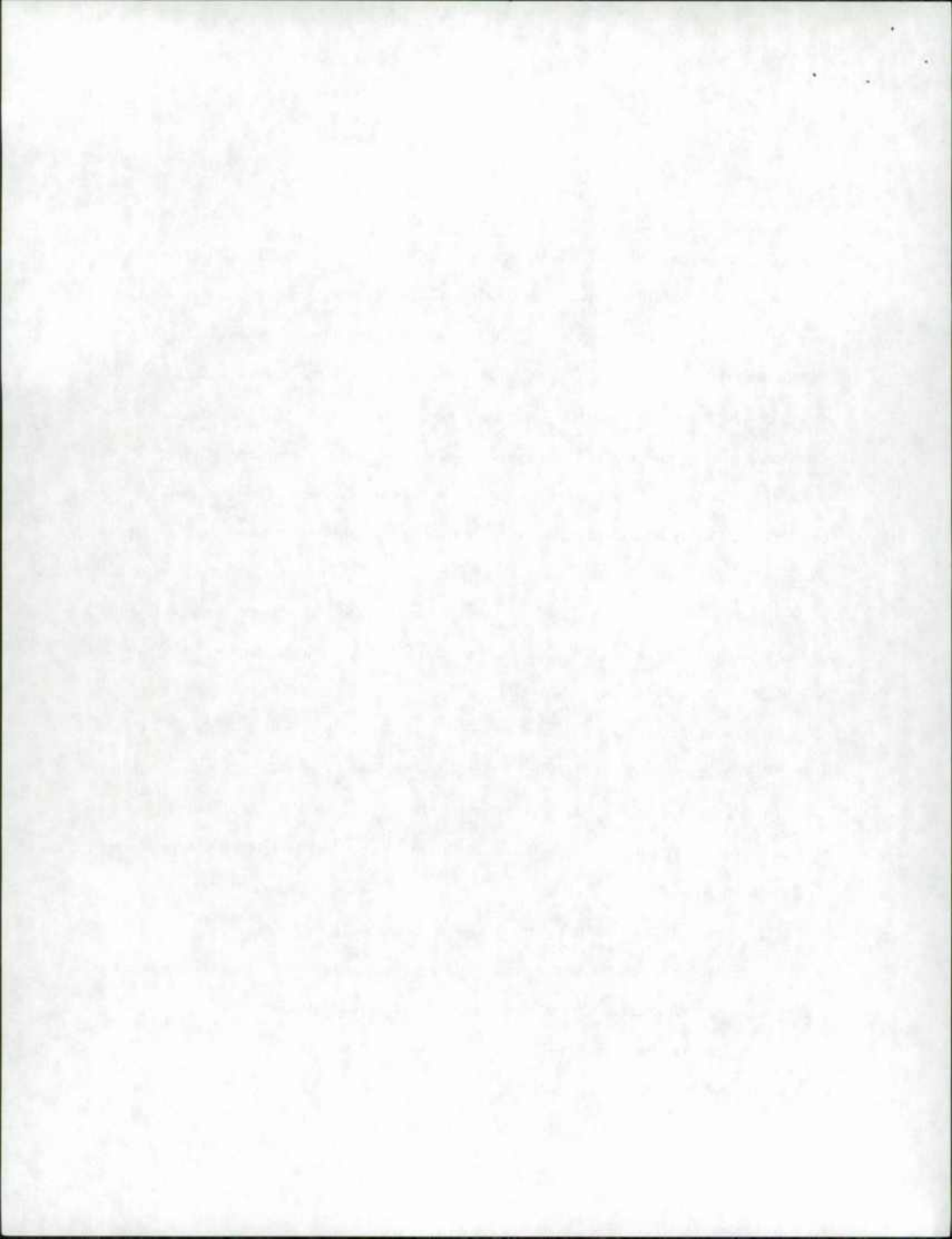
Pursuant to due notice, a public hearing was held by the Talbot County Board of Appeals at the Bradley Meeting Room, Court House, South Wing, 11 North Washington Street, Easton, Maryland, beginning at 7:30 p.m., November 3, 2008, on the application of **COACHES ISLAND CORPORATION** ("Appellant"). The Appellant has filed an Administrative Appeal alleging that the Talbot County Planning Officer erred in treating the Appellant's request for an extension of the Appellant's existing on-site septic system, addressed to the Health Department, as a request for subdivision approval, and rejecting such requested septic extension because the Appellant had not complied with County subdivision regulations. The Appellant contends that the subdivision regulations do not apply to its request to extend an existing septic system. Coaches Island is located northeast of Poplar Island's southern tip and is in the Rural Conservation (RC) zone. The Property owner is Coaches Island Corporation, the Appellant. The request is made in accordance with Chapter 190 Zoning, Article X, §190-103 of the Talbot County Code ("Code").

Present at the hearing were Board of Appeals members Paul Shortall, Jr., Chairman, Phillip Jones, Vice Chairman, Rush Moody, Betty Crothers, and John Sewell. John F. Hall, Esquire, 16 South Washington Street, Easton, Maryland 21601 represented the Appellant. Michael L. Pullen, Esquire, County Attorney, represented the Talbot County Planning Officer. Glenn D. Klakring was the attorney for the Board of Appeals.

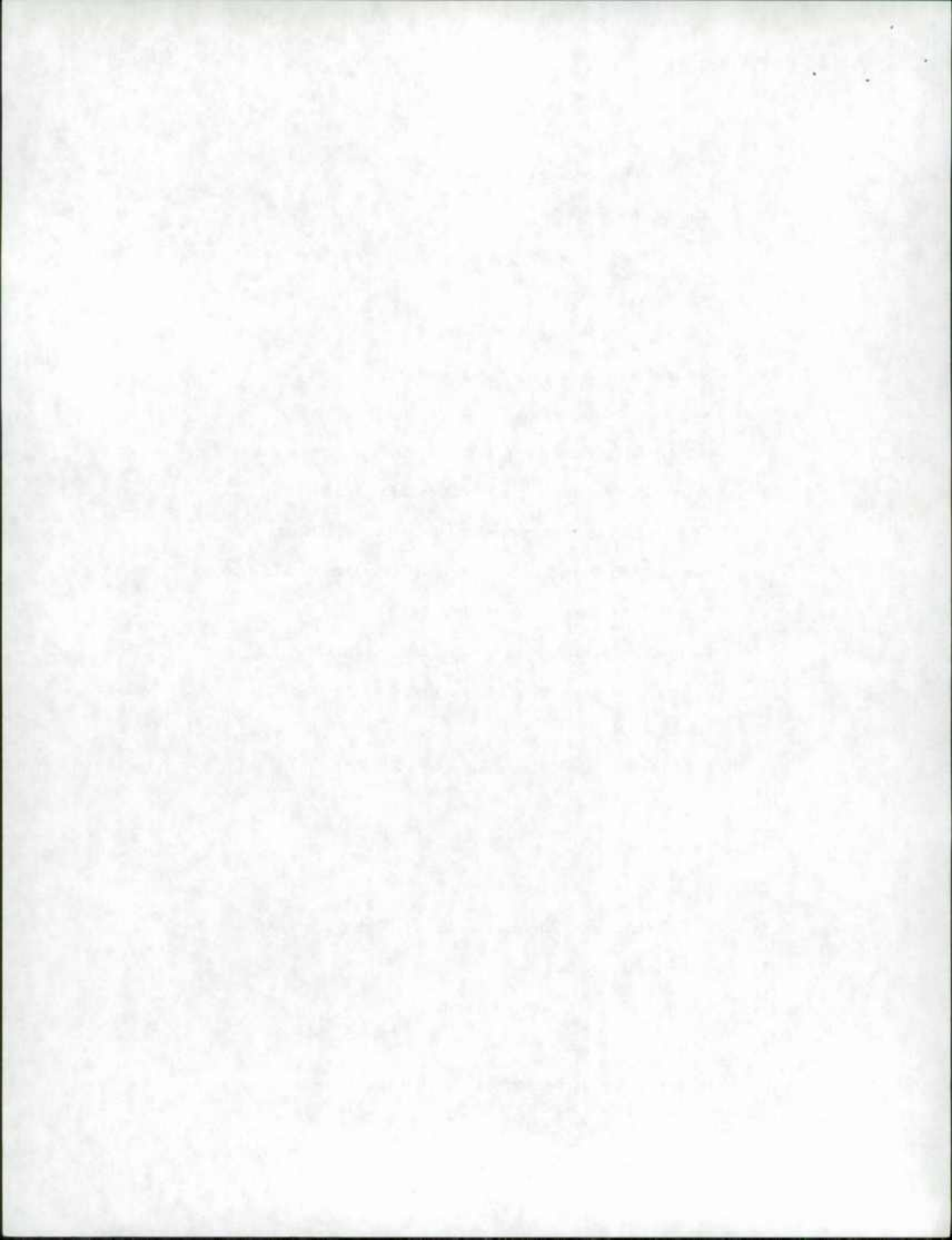
It was noted for the record that all members of the Board had visited the site.

The following exhibits were offered and admitted into evidence as Board's Exhibits as indicated:

1. Application for Administrative Appeal with Attachments A and B.
2. Letter dated September 17, 2008, from John F. Hall, Esquire.
3. Administrative Appeal checklist.



4. Administrative Appeal witness list.
5. Supplemental witness list.
6. Copy of a portion of the Talbot County tax map with the property highlighted (two pages).
7. Notice of Public Hearing.
8. Notice of hearing with a list of nearby property owners attached.
9. Sign maintenance agreement.
10. Letter from the Critical Area Commission, dated October 15, 2008.
11. Plat titled Sewage Disposal Area Plat, dated May 14, 2008.
12. Copy of undated email message from Interim Planning Director.
13. Plat titled Agricultural Lot Development of Coaches Island, dated April 1986.
14. Copy of Supplemental Regulations from the Code.
15. Declaration of Restriction and Covenant, dated June 4, 1986.
16. Agreement between Coaches Island Corporation and individuals, undated and signed by one individual.
17. Deed between Coaches Island Corporation and Peter H. Tulloch, dated June 5, 1986.
18. Notice of Lien, dated February 13, 1989.
19. Deed by Geoffrey V. Parker, dated June 18, 1997.
20. Letter of authorization, dated August 27, 2008.
21. Notice of Intention to Participate by Michael L. Pullen, County Attorney.
22. Certificate of delivery.
23. Certificate of delivery, with attachment.
24. Certificate of delivery.
25. Booklet of deeds from corporation, notices of lien, and deeds to corporation.



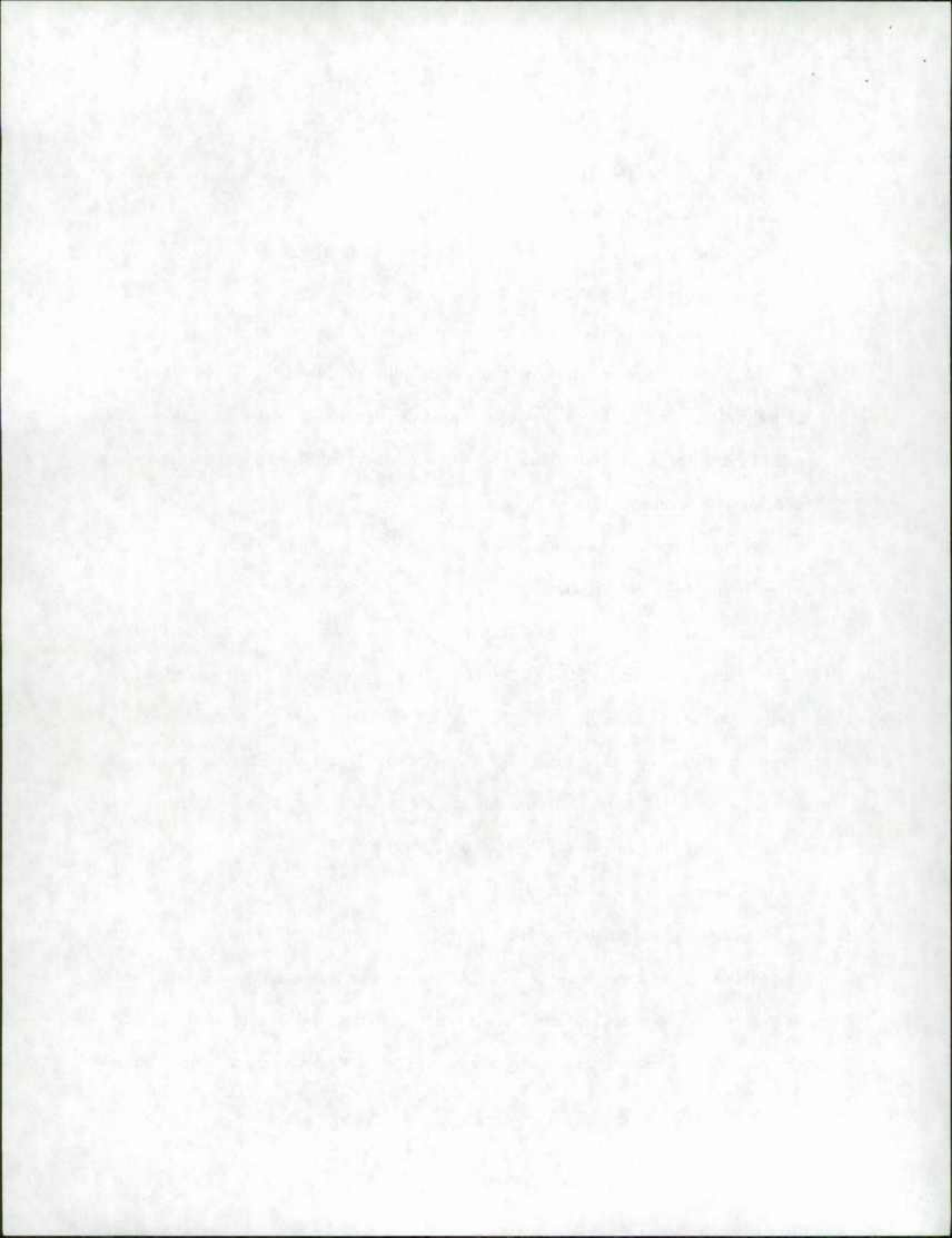
26. Appellant's Hearing Statement.
27. Prehearing Statement of Talbot County, Maryland.
28. Subpoena to custodian of records, Talbot County Health Department.
29. Subpoena to Deborah A. Renshaw.
30. Letter from John F. Hall, Esquire, with affidavit of service.

The Board heard opening statements from Mr. Pullen and Mr. Hall. Mr. Pullen said that the Appellant must follow the requirements of Code section 168-22 and the decision of the Planning Officer was correct. Mr. Hall said that he was asking the Board of Appeals to declare the decision of the Planning Officer a nullity.

Mr. Pullen then offered various documents as County's exhibits. They were admitted without objection and were numbered County's Exhibit Nos. 1 through 9.

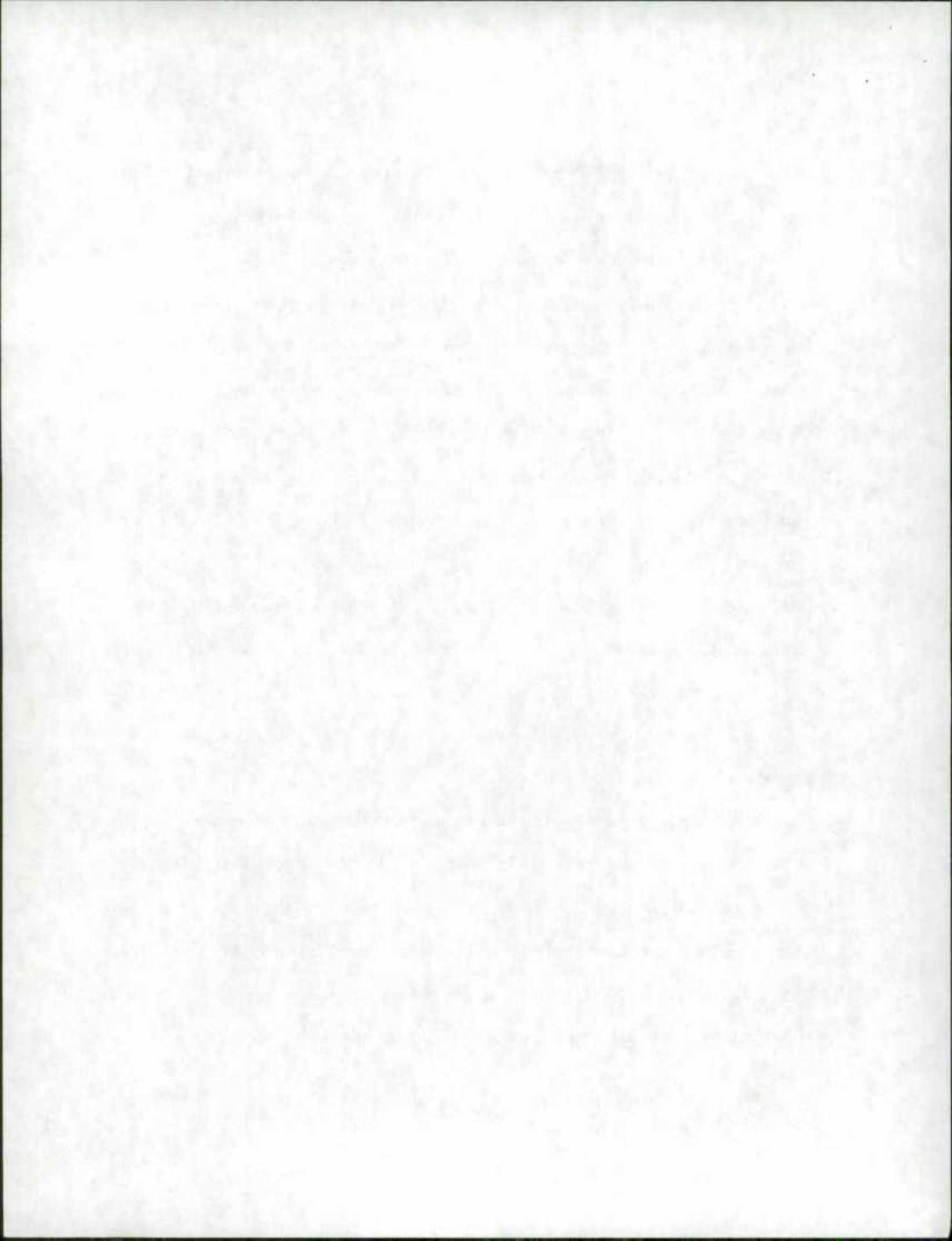
The County's first witness was Mary Kay Verdery. She was the Assistant Planning Officer beginning in November 2002. In March 2008 she became the Acting Planning Officer. She said that at the end of the July 10, 2008 Technical Advisory Committee meeting Tom Lane presented her with a copy of a plat (Board's Exhibit No. 11) and asked her to look into the process for approval of the plat. After meeting with the county attorney she sent her response to Mr. Lane by email dated August 8, 2008 (Board's Exhibit No. 12). That communication is the subject of this appeal.

The witness explained the relevance of some of the previously admitted county exhibits. County's Exhibit No. 1 contains the definition of a subdivision as per the Code in effect when the 1986 subdivision plat of Coaches Island (Board's Exhibit No. 13) was recorded. County's Exhibit No. 2A shows the restrictive language in the Code that appears on the same Coaches



Island plat. County's Exhibit No 2B shows the restrictions on improvements on land subdivided in accordance with that section of the Code. She said that the approval authority reserved to the State Department of Health and Mental Hygiene has been transferred to the Talbot County Health Department. County's Exhibit No 3 is a copy of moratorium imposed on the subdivision of land within the Critical Areas between December 1, 1985 and July 1, 1986. County Exhibit Nos. 4 and 5 are letters written to county officials by an attorney representing the Appellant in 1986 regarding proposed legislation that would permit the subdivision of Coaches Island for the limited purpose of maximizing government funding for shoreline erosion control of Coaches Island. County's Exhibit No 6 is a copy of an emergency bill allowing for certain subdivisions notwithstanding the moratorium, with certain limitations. County's Exhibit No. 7 is a copy of the Declaration of Restriction and Covenant made by Coaches Island Corporation, dated June 4, 1986 and recorded on June 5, 1986. (County's Exhibit No 7 is a duplicate of Board's Exhibit No. 15). County's Exhibit No. 8 is a copy of the subdivision plat of 1986 (and is a duplicate of Board's Exhibit No. 13). County's Exhibit No. 9 is a copy of the current Code requirements for major and minor plat revisions.

Ms. Verdery said that the subdivision regulations in effect in 1986 required that plats show the existence of existing dwellings. In her opinion the 1986 Coaches Island plat would not have been approved if a dwelling had been shown on the property. She has searched county records for building permits for mobile homes by Coaches Island Corporation or Peter Tulloch and has not found any. She said that the County has not received an application for a plat revision from Coaches Island Corporation under the current Talbot County Code.

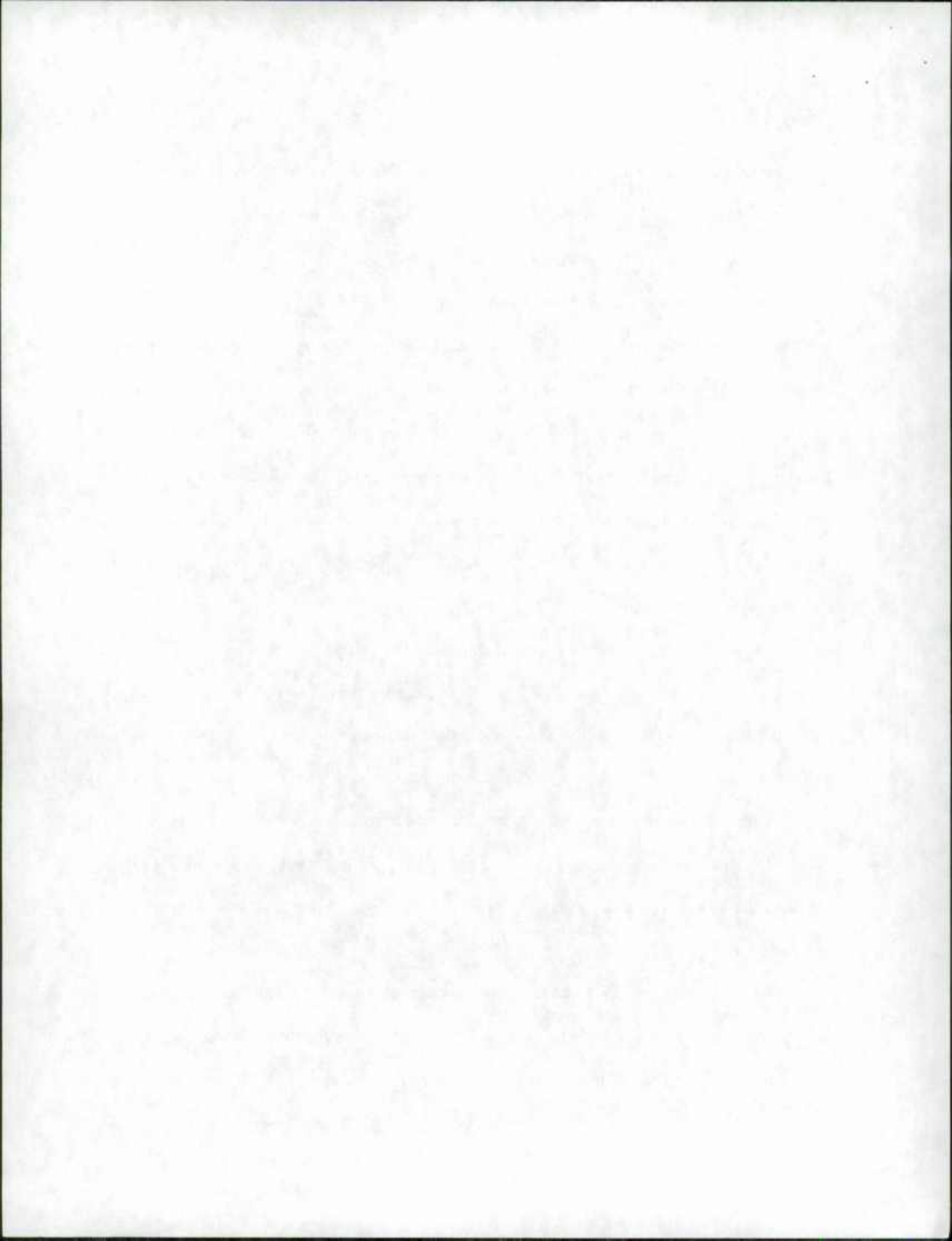


Under cross examination she said that the 2008 plat was given to her informally at an informational meeting of the Technical Advisory Committee. She said that the lots as they now exist on Coaches Island are not approved for building.

The next witness called by the County was Anne F. Morse, Director of Environmental Health, Talbot County Health Department. She said that if a septic system were constructed on Coaches Island in 1986 the owner would have had to apply for approval of the system and provide for a soil or perk test. She reviewed the department files going back to the 1980s and found no applications relating to the subject property before 2006. She said the first record was a soil test applied for in 2006 and that there was no record for any septic disposal area or septic system on Coaches Island at all. She stated that the 1986 subdivision plat did not require Health Department approval.

Ms. Morse said that she found two applications for well permits for Coaches Island, one in August 1983 and one in August 1984. Copies of each application were admitted as County's Exhibits Nos. 10 and 11, respectively. She said that the first application was approved but the well was never drilled. The second was approved for a different location. A setback requirement for wells from structures was in effect in at the time of each application but neither showed the location of any structure. The second well was drilled. Each application was for an agricultural well and neither had to be tested by the department as potable. Notes with the 1983 application refer to a future lodge.

Ms. Morse testified that a plat with a septic disposal area (SDA) cannot be approved with property line running through the SDA. An SDA must be on the same lot it serves. The SDA as shown on the 2008 plat (County's Exhibit No. 11) cannot be approved. It must be on one



property and meet all building and property line setbacks. In response to a question from a Board member Ms. Morse said that she found no record of permits for trailers or SDAs in her search of Health Department records.

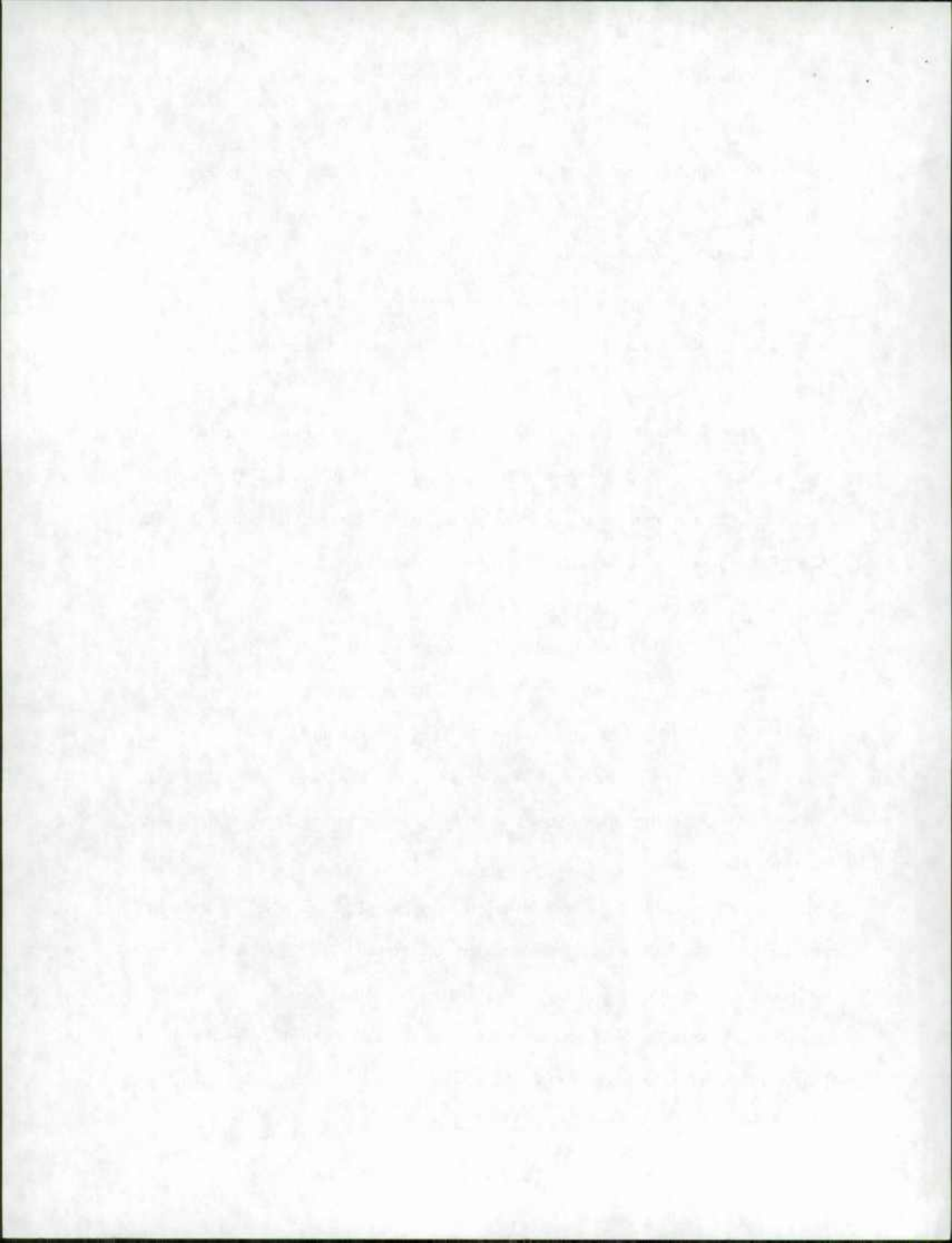
In response to a question from a Board member, Ms. Verdery said that the Code does not have a definition for a hunting lodge and the County considers a hunting lodge to be a residential structure.

Mr. Pullen offered copies of emails between Lane Engineering and Mary Kay Verdery. The first, dated July 21, 2008, was admitted as County's Exhibit No. 12. The second, dated August 8, 2008, was admitted as County's Exhibit No. 13. It is the decision of the Planning Officer that is the subject of this appeal.

The County rested.

Mr. Hall offered copies of Health Department files relating to well drilling on Coaches Island. They were admitted collectively as Appellant's Exhibit No. 1. He then called David McQuay, P.O. Box 207, Tilghman, Maryland 21671, as his first witness. Mr. McQuay said that he is a self-employed boat builder and part-time caretaker of Coaches Island. He said that Coaches Island Corporation has two boats which he uses to go back and forth to the island. He does not live on the island.

Mr. Hall then offered a number of exhibits. Appellant's Exhibit No. 2 is a copy of the meets and bounds of Poplar Island and Coaches Island. Appellant's Exhibit No 3 is a copy of a December 2, 1982 deed from William L. Elkins to Coaches Island Corp. Appellant's Exhibit No 4 is a copy of a Declaration of Restriction and Covenants, dated June 4, 1986 (and is a duplicate of Board's Exhibit No. 15 and County's Exhibit No. 7). Appellant's Exhibit No. 5 is a duplicate

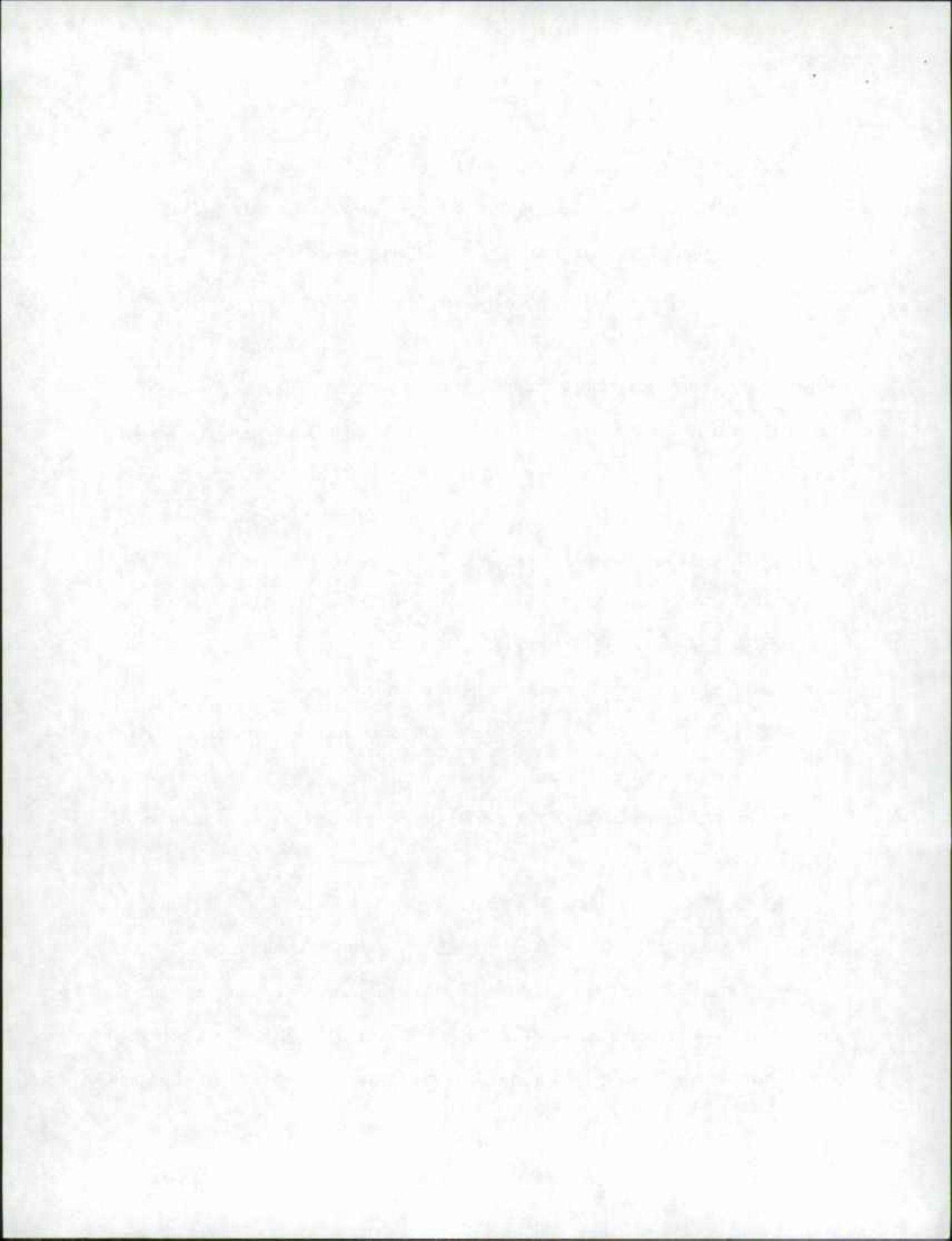


of Board's Exhibit No. 12. Appellant's Exhibit No. 6 is a duplicate of Board's Exhibit No. 16. Applicant's Exhibit No. 7 is a copy of the County Code relating to structures constructed across boundary lines between two contiguous lots or parcels under common ownership. Appellants Exhibit No. 8 is a portion of the County Code relating to nonconforming lots.

Mr. McQuay identified Appellant's Exhibit No. 9 as a photograph of the "Zoning Application Pending" sign posted pursuant to the notice provisions of the Code. He identified Appellant's Exhibit No. 10 as a photograph of two storage buildings and a well shed currently located on the property. He identified Appellant's Exhibit No 11 as a photograph of the trailer home on the island and Appellant's Exhibit No. 12 as a photograph of the island.

Mr. McQuay said he was an employee by Coaches Island Corporation when the trailer shown in Appellant's Exhibit No. 11 was barged to the island from Tilghman. He said that the trailer was taken to Coaches Island by barge in early 1984. He identified pictures of the trailer being placed on the barge. The photographs, reproduced on one page, were admitted as Appellant's Exhibit No. 13. He said the septic system for the trailer was installed after it was delivered to Coaches Island. The trailer replaced an existing Quonset hut used as a hunting lodge that had been there since the 1950s. He said that the well supplies water to the trailer and to the ponds on the island.

The next witness was Lester W. Coble, Jr., Acer Assessments, LLC, 9317 High Banks Drive, Easton, Maryland 21601. Mr. Coble identified Appellant's Exhibit No. 14 as an aerial photograph of Coaches Island. He said that he located and inspected the existing septic tank and tile field on the island and located an acceptable area for an SDA. He said that there is an existing heron rookery on the island and an eagle's nest on or near the island, both of which limit

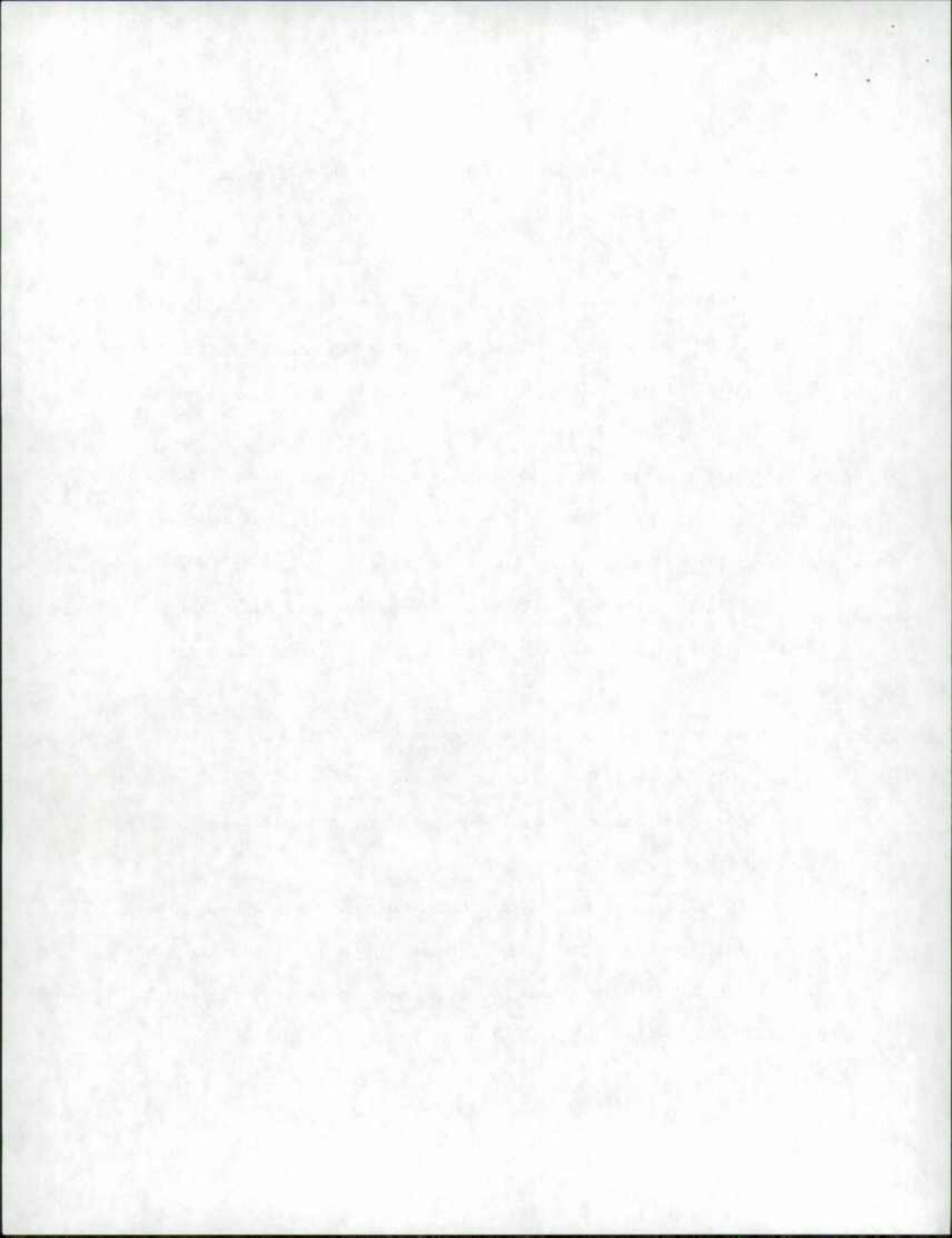


the development potential of the island. He found no record of the existing septic system in his research of the Health Department records. He identified Appellant's Exhibit No. 15 as an Application for Soil Evaluation for On-site Wastewater Disposal for the island. He identified Appellant's Exhibit No. 16 as showing the various soil types on Coaches Island. He identified Appellant's Exhibit No. 17 as an aerial view showing the location of the proposed SDA on the island. He identified Appellant's Exhibit No. 18 as his condition report on the existing septic system on the island.

The next witness called by the Appellant was Thomas D. Lane, P.O. Box 1767, Easton, Maryland 21601. He said that he was only on the island after the 1986 plat was prepared. It was not prepared with any field survey work, but only from aerial survey work. He said it was not a usual subdivision plat as it did not provide for any setbacks or perk sites. He said that the 2008 plat was not proposed as an approval of a subdivision. It was only submitted for approval of an SDA for the island.

The Appellant next called Deborah A. Renshaw, 29379 Hawkes Hill Road, Easton, Maryland 21601. She was the Planning Director for Talbot County in 1986. She said that if the 1986 subdivision of the island was a regular subdivision the County would have required the plat to show setbacks, perk sites, and other common subdivision requirements.

Mr. MrQuay was recalled as a witness. He said that before he was employed as caretaker someone lived on Coaches Island full-time for about ten years. He said the island was used as a hunting property by several persons and eventually purchased by one person who sold it to Dr. Elkins. During that time the existing Quonset hut fell into disrepair. Dr. Elkins sold the island to

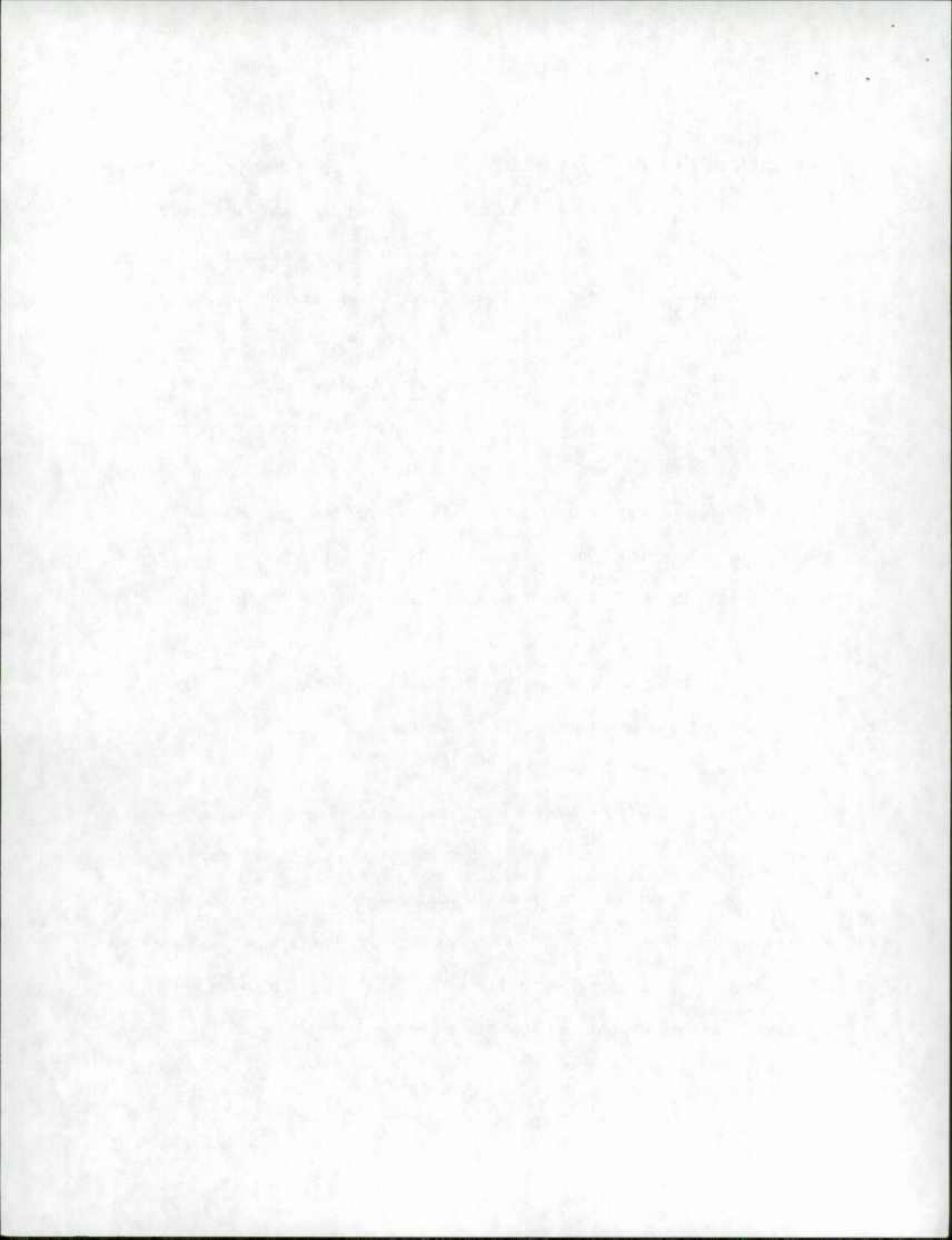


Coaches Island Corporation. He said that the trailer is not in the same place as the old Quonset hut. He said there was an old well on the island but he doubted there was any septic system.

The Board then heard closing arguments from Mr. Pullen and Mr. Hall. The Board considered the appeal in open session and, based upon the evidence present, makes the following finding of facts and conclusions of law.

The Appellant, Coaches Island Corporation, acquired Coaches Island in December 1982. Previously the island had been used as a private hunting property by one or more persons. Under a former owner or owners there was a full time, resident caretaker who lived on the island. There was Quonset hut structure on the island presumably used by the caretaker and, possibly, by visiting hunters. There may have been a well on the island but there was no septic disposal system. By December 1982 there was no longer a full time caretaker or resident on the island and the Quonset hut had fallen into disrepair. By late 1983 the Appellant had hired David McQuay as a part-time, non-resident caretaker for the island and had made arrangements to ship a residential type trailer or mobile home to Coaches Island. The trailer was moved onto the island in 1984 and remains there today.

The trailer was placed on the island without any permit from the County. It was not a replacement for the Quonset hut which was apparently abandoned and allowed to fall into disrepair. It was not even placed on the same location as the old hut. (There was no evidence presented regarding the size or location of the Quonset hut other than the trailer was placed on a different site.) The trailer was not intended to be a residence for Mr. McQuay as he lived and was otherwise employed elsewhere. The purpose of the trailer was to provide periodic and

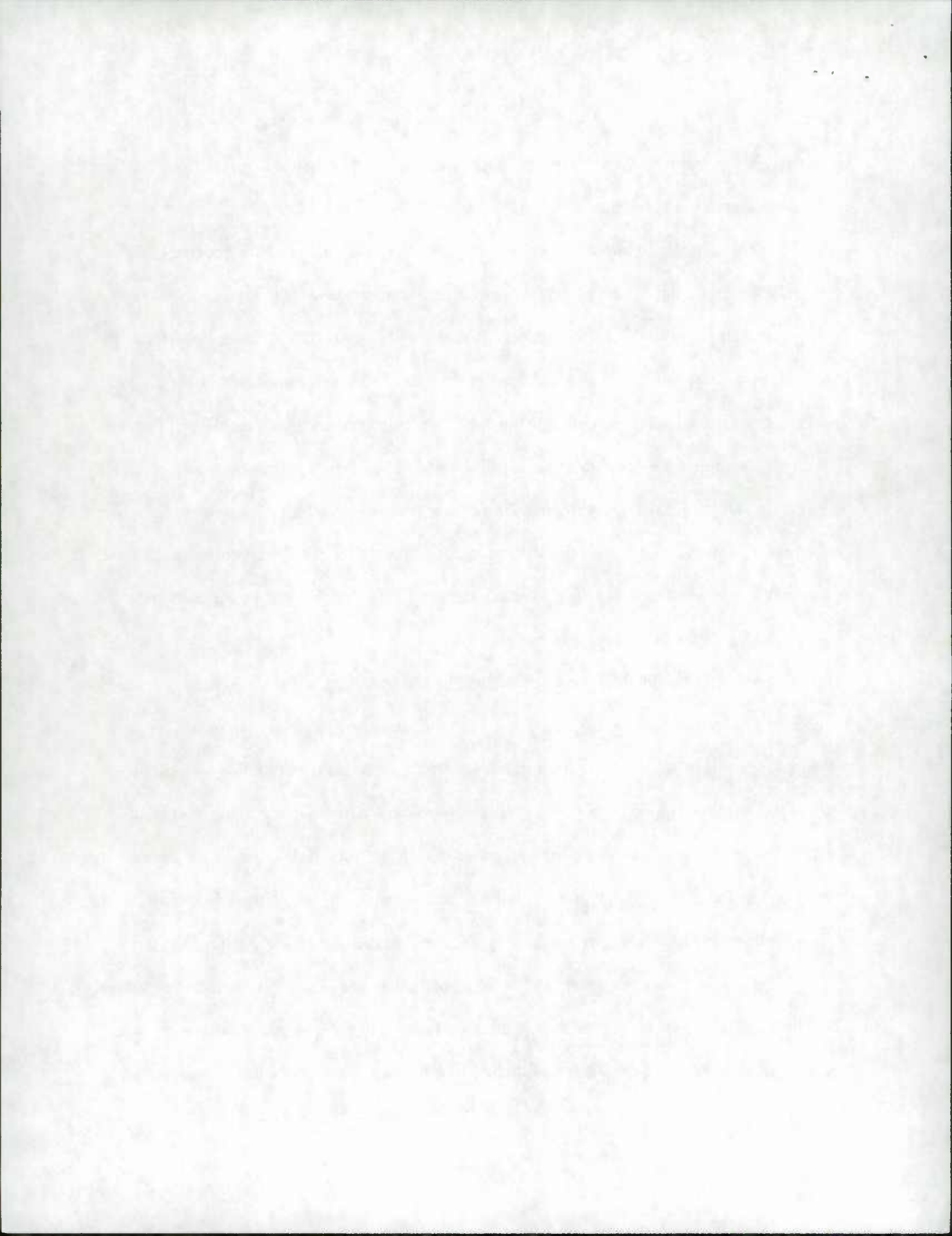


temporary living space for visitors who were, presumably, shareholders or guests of Coaches Island Corporation, a residential use.

The residential nature of the trailer is confirmed by the actions of the Appellant. Before it was acquired by the Appellant there was no septic disposal system on the island. Now there is a system that is regularly serviced (see Appellant's Exhibit No. 18). The Appellant had the system installed without any permits. The Appellant also had a well constructed on the property, albeit with a permit. The well, installed in 1984, was characterized as for agricultural purposes with County authorities and therefore did not require testing as a potable water supply for a residence. Despite that characterization the well was attached to and supplies water to the trailer for residential uses. There was some disclosure during the well application process that it might, in the future, be used as a source of potable water for a lodge but the well has never been tested or approved by the County for residential use.

Sometime in 1986 the Appellant wished to take advantage of a government sponsored program to provide advantageous financing for shoreline erosion protection projects. Unfortunately for the Appellant and its shareholders, the program was limited to a maximum shoreline length per property. So the Appellant devised a plan to subdivide a large portion of the island into ten narrow lots, each with a shoreline under the maximum shoreline length that would qualify for the financing program. Individual lots were to be conveyed to individual shareholders, qualify for the government program, and then conveyed back to the corporation.

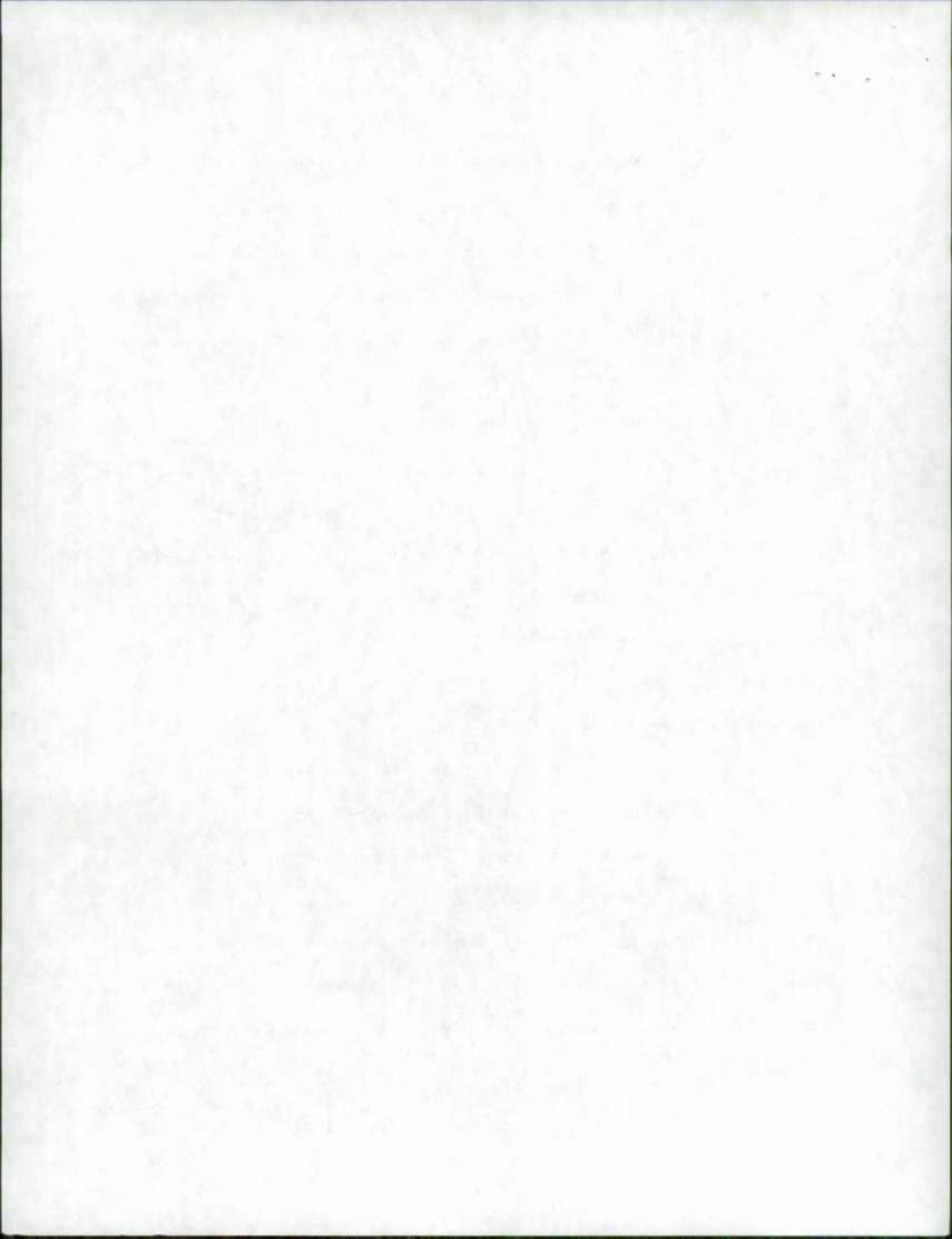
A final roadblock remained. In 1985, Talbot County had imposed a moratorium on new subdivisions on lands designated as Critical Area lands under the State critical area program. This roadblock was removed when the County Council enacted emergency legislation exempting



from the moratorium certain subdivisions that were "for agricultural purposes exclusively, including the creation of marshland or woodland parcels..." under Section 17-5 of the Code. The Appellant's proposed subdivision was then approved under that section of the Code and the subdivision plat was approved and recorded. A majority of the lots thus created were then conveyed out of and back into the corporation. Consequently, the Appellant now owns all of the lots created by the 1986 subdivision of Coaches Island some of which remain subject to liens to ensure the repayment of the government sponsored loans.

The Appellant now wishes to replace and enlarge the septic storage and disposal system that exists on Coaches Island. It contends that since the system existed when the County approved the 1986 subdivision the County should approve the proposed replacement and enlargement without the need to subject the property to the review process outlined by the Interim Planning Officer. We disagree.

As stated above, we find that the residential trailer and the agricultural well now on the property existed on the island before the 1986 subdivision. The Appellant placed the trailer on the property and drilled the well in 1984. We cannot determine when the septic system was installed but it was sometime after the property was acquired by the Appellant. In any event, the trailer and the septic system were never properly permitted and their existence was not disclosed to the County before the 1986 subdivision or after, for that matter, until the proposed 2008 plat was given to the Interim Planning Officer. Had the existing residential trailer and septic system been shown on the 1986 plat, the 1986 agricultural subdivision could not have been approved. In addition, the trailer and septic field, as now disclosed, straddle a property line, a configuration



that was and is in violation of State onsite sewage disposal regulations and County subdivision and zoning ordinances. We decline to grant the relief requested by the Appellant.

HAVING MADE THE FOREGOING FINDINGS OF FACT AND LAW, IT IS, BY
THE TALBOT COUNTY BOARD OF APPEALS,

RESOLVED, that the Appellant's Appeal is hereby denied and the decision of the Planning Officer outlined in the email of August 8, 2008 is hereby affirmed.

GIVEN OVER OUR HANDS, this 6th day of January, 2009.

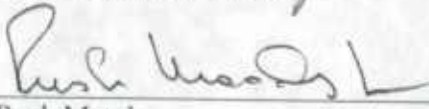
TALBOT COUNTY BOARD OF APPEALS



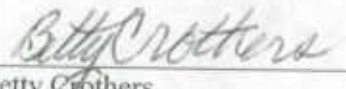
Paul Shortall, Jr., Chairman



Phillip Jones, Vice Chairman



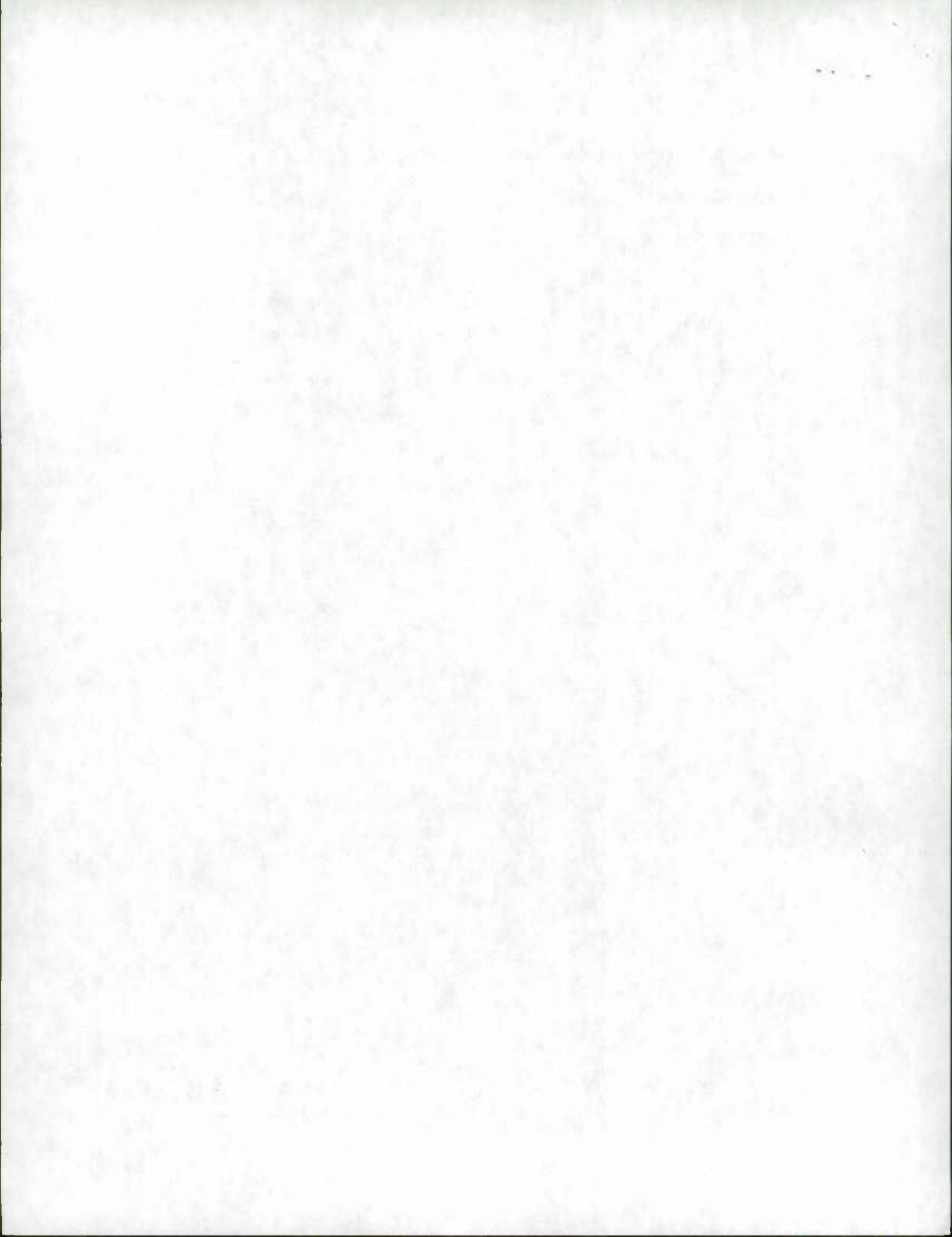
Rush Moody



Betty Crothers



John Sewell



BEFORE THE TALBOT COUNTY BOARD OF APPEALS

ADMINISTRATIVE APPEAL OF: *
Coaches Island Corporation *
c/o John F. Hall, Esq. * Appeal No. 1510
16 South Washington Street *
Easton, Maryland 21601 *

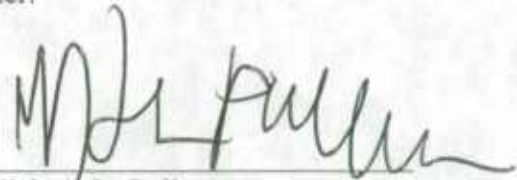
IN THE MATTER: *

Administrative Appeal – Allegation of *
Error Coaches Island Corporation *

* * * * *

NOTICE OF INTENTION TO PARTICIPATE

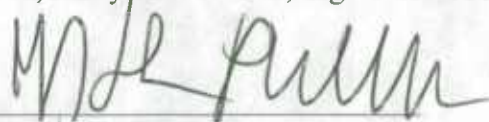
Talbot County, Maryland, by Michael L. Pullen, Talbot County Attorney, hereby gives notice of its intention to participate in this matter.



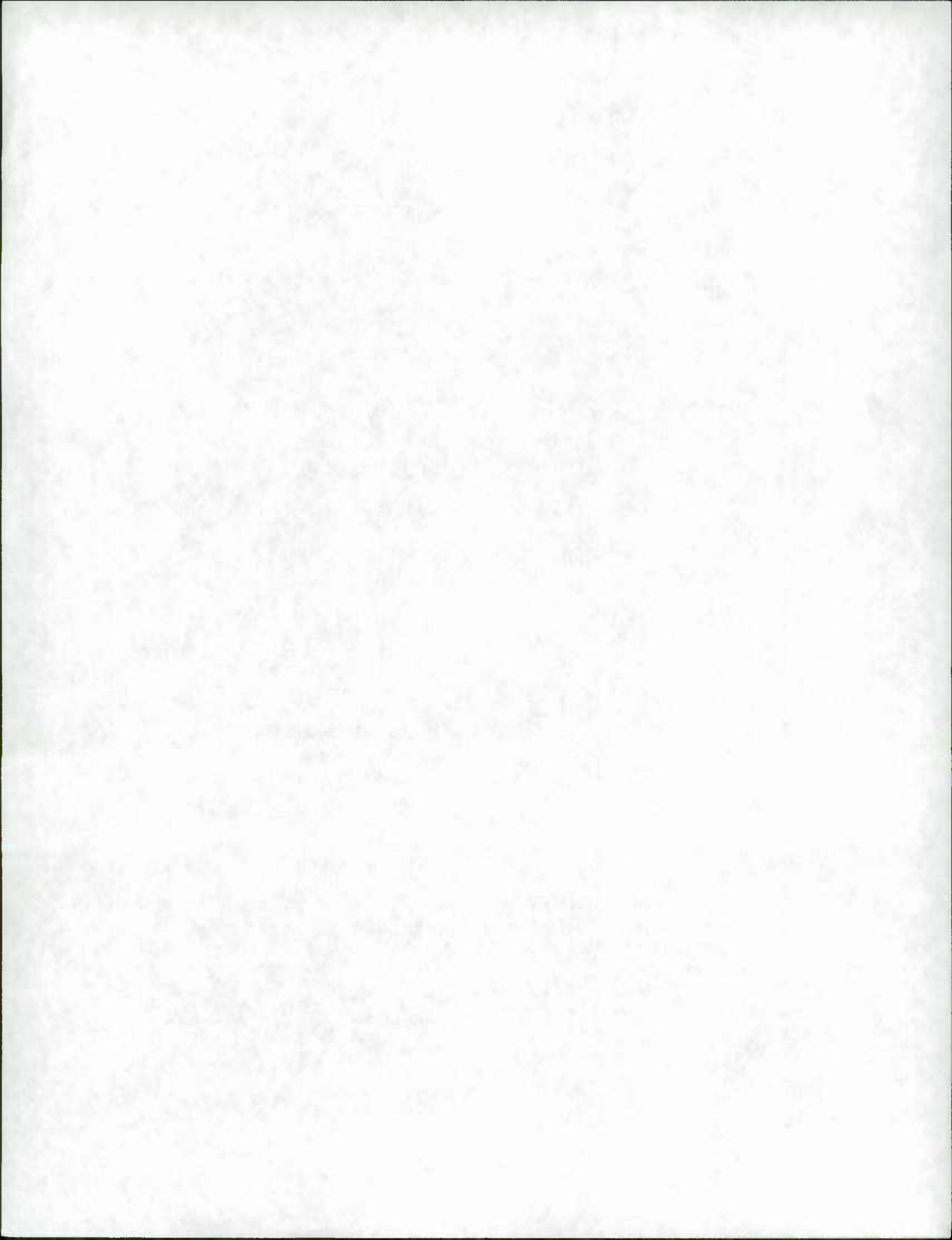
Michael L. Pullen
Talbot County Office of Law
11 North Washington St
Easton, Maryland 21601
(410) 770-8092
Talbot County Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 16th day of September 2008, I mailed first class mail, postage prepaid, a copy of the foregoing *Notice of Intention to Participate*, to John F. Hall, Esq., 16 South Washington Street, Easton, Maryland 21601, Agent for Coaches Island Corporation.



Michael L. Pullen



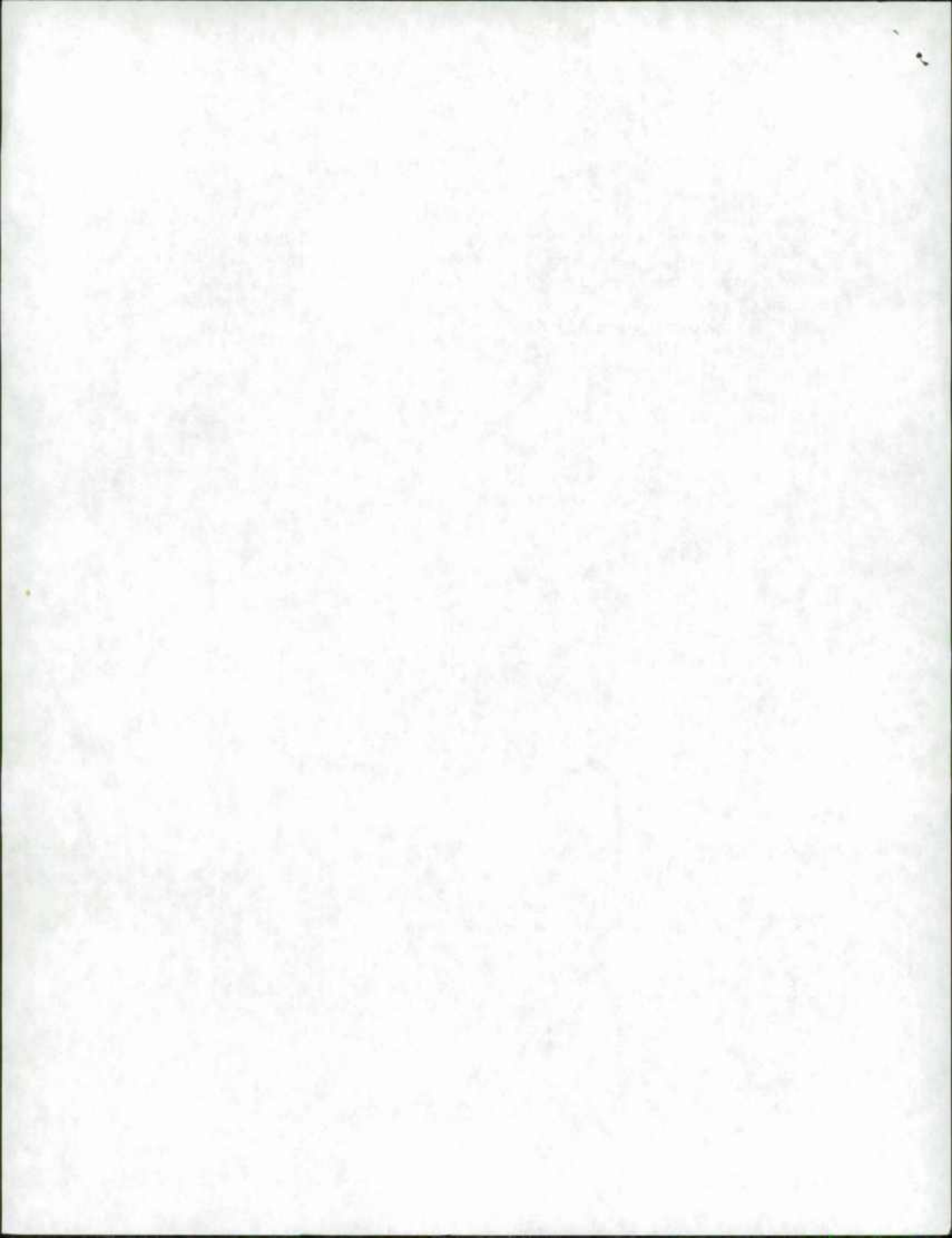
CERTIFICATION OF DELIVERY

September 03

I hereby certify that on the 3rd day of ~~August~~, 2008, a copy of Administrative Appeal no. 1510, regarding Coaches Island, Talbot County, Maryland, was hand delivered to Glen Klakring, Attorney for the Board of Appeals; Mike Pullen, County Attorney; Mary Kay Veriday, County Planning Officer, Talbot County Planning Office; and Chris Corkell, Administrative Assistant for the Talbot County Board of Appeals.



Julia Burr, Legal Assistant



September 5, 2008

**Coaches Island Corporation
Administrative Appeal to
Talbot County Board of Appeals**

		<u>Delivered</u>	<u>Received</u>
Glen D. Klakring, Esq. Office of the Public Defender 301 Bay Street, Suite 308 Easton, Maryland 21601	1 copy	<u>9/4/08</u>	<u>9/4/08</u> <i>R.D.</i>
Ms. Chris Corkell 28712 Glebe Road, Suite 2 Easton, Maryland 21601.	1 copy	<u>9/4/08</u>	<u>9/4/08</u>
Plus Critical Areas	1 copy	— " —	— " —
Board of Appeals	5 copies	— " —	— " —
Ms. Mary Kay Veriday 28712 Glebe Road, Suite 2 Easton, Maryland 21601.	1 copy	— " —	— " —

RECEIVED

SEP 26 2008

CRITICAL AREA COMMISSION

HEARING

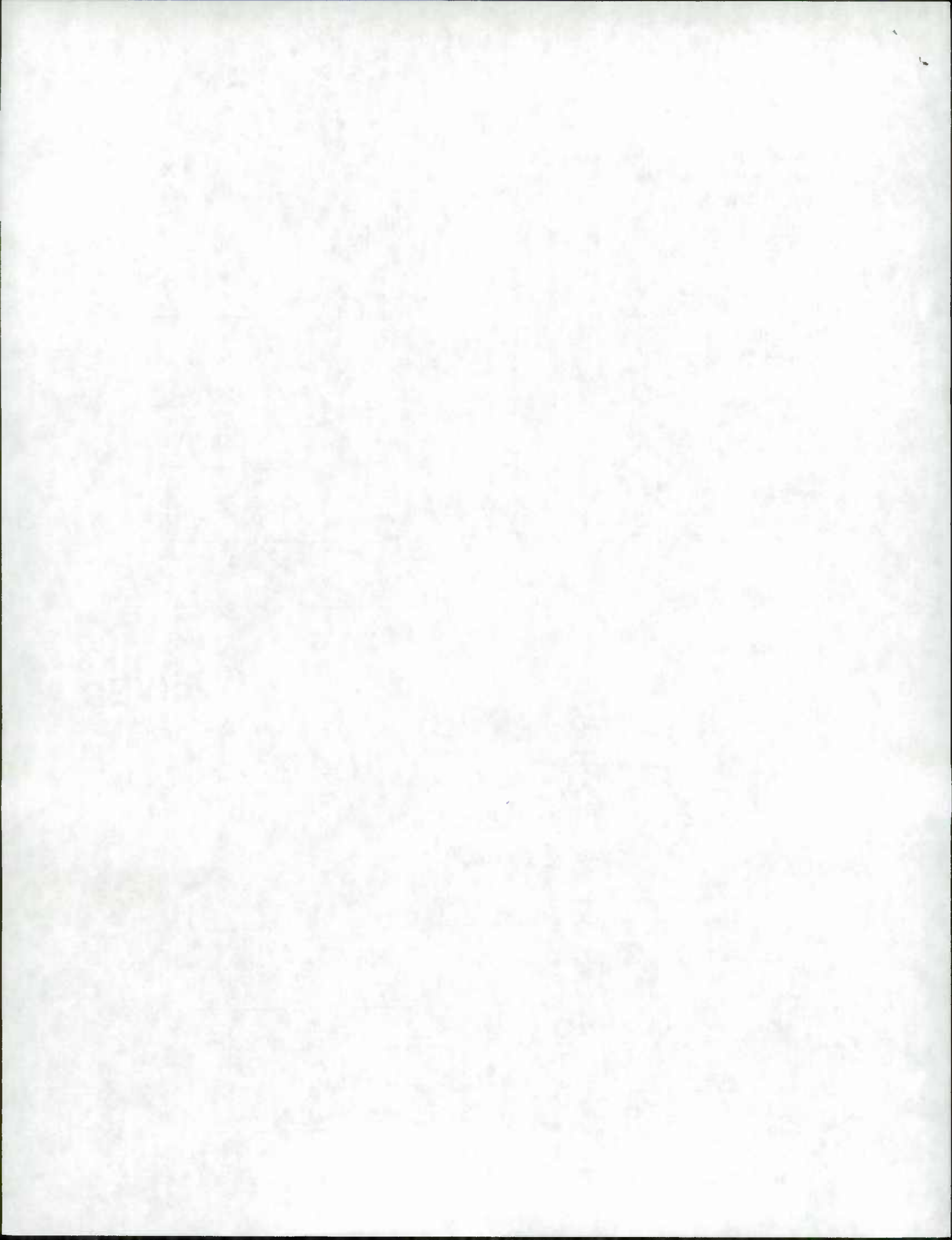
Monday 11/3/08
7:30 AM

BOARD

RECEIPT

DATE	<u>Sept 4, 2008</u>	No.	<u>319901</u>
RECEIVED FROM	<u>Elving, Dietz, Esq., B Kohse</u>		\$ <u>700.⁰⁰/₁₀₀</u>
	<u>Seven Hundred Dollars</u>		⁰⁰ / ₁₀₀ DOLLARS
<input type="checkbox"/> FOR RENT	<u>(Coaches Island Corp)</u>		
<input checked="" type="checkbox"/> FOR	<u>Administrative Appeal # 1510 #400.00 / 3300.00 Adv.</u>		
ACCOUNT		FROM	<u>CL# 36202</u> TO
PAYMENT		BY	<u>Christa Birkell</u>
BAL. DUE			

- CASH
- MONEY ORDER
- CHECK
- CREDIT CARD



LAW OFFICES

EWING, DIETZ, FOUNTAIN & KEHOE

W. THOMAS FOUNTAIN
PHILIP E. L. DIETZ, JR.
JOHN F. HALL
CHRISTOPHER B. KEHOE
KAREN M. KALUDIS
STEPHEN H. KEHOE
SHARON M. VANEMBURGH
ALEXIS E. KRAMER
CHRISTOPHER W. JENNINGS

PROFESSIONAL ASSOCIATION
16 SOUTH WASHINGTON STREET
POST OFFICE BOX 1146
EASTON, MARYLAND 21601-1146

TELEPHONE (410) 822-1988
FIRM EMAIL: INFO@EWINGDIETZ.COM

DAVID C. BRYAN
OF COUNSEL

L. CLARK EWING
1916 - 1998

FACSIMILE
TRANSMISSION
(410) 820-5053

September 17, 2008

Ms. Chris Corkell
Administrative Assistant
Talbot County Board of Appeals
28712 Glebe Road, Suite 2
Easton, Maryland 21601

RE: Coaches Island

Dear Chris:

There is no physical address for the building on Coaches Island.

Regarding the posting of a sign, Phil Dietz of this office wrote, by email to Glenn Klakring and Michael Pullen:

"As the appeal involves Coaches Island, I would appreciate your guidance as to the posting of the property. It is my intention to put two signs on the channel ward (East) side of the island but I was wondering if you wished me to also place a sign at the nearest public landing, with a sign denoting that it is applicable to Coaches Island.

"I heard back from Mike Pullen and he wants a sign posted on the nearest public landing, and two signs posted on the Island."

We anticipate that David McQuay of Tilghman Island (410-886-2276) will be responsible for erecting the two signs on the Island and one at Dogwood Harbor. Mr. McQuay will also be available to see that the Board members are ferried to the island for a site visit. We hope, however, that all Board members can go at the same time.

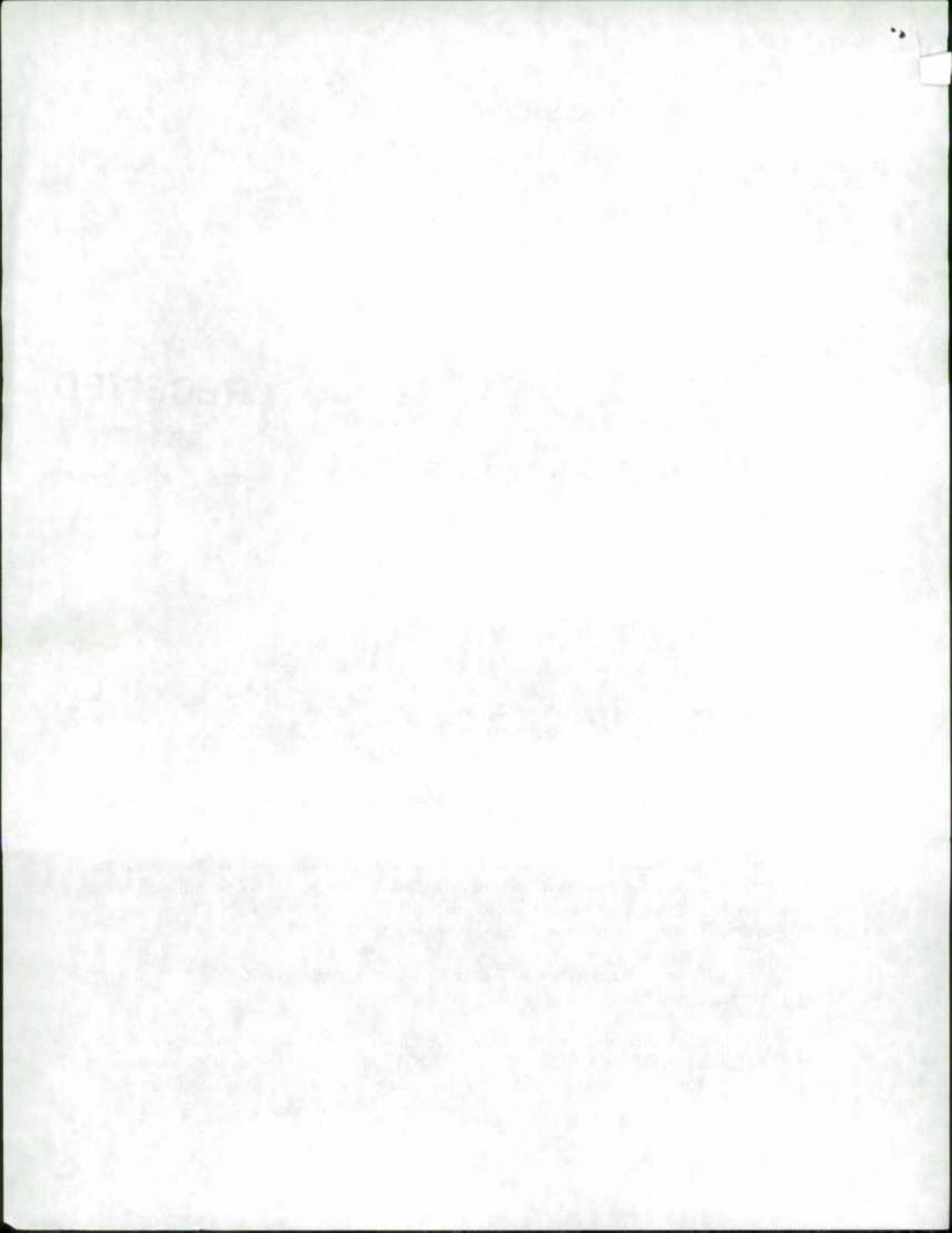
An aerial view of the island shows that the island has washed away from the end of the pier. It will be necessary to go ashore by dingy.

We understand that the Board members are required to visit the site. However, we believe that viewing a Google Map, at +38° 45' 9.88", -76° 22' 1.50" will be more informative than the site visit and we encourage the Board to view that map in addition to making a site visit.

RECEIVED

SEP 26 2008

CRITICAL AREA COMMISSION



Ms. Chris Corkell
September 17, 2008

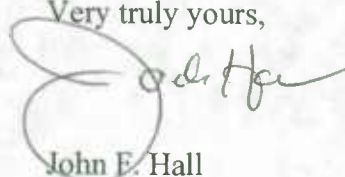
Page 2

To view the map of Coaches Island, please follow these directions:

1. **select and copy** the latitude and longitude address **+38° 45' 9.88"**, **-76° 22' 1.50"** from the previous paragraph of this letter;
2. Go online to any search engine, type "google", and hit the search button. Here, **we will not use the search box**. On the Google home page (www.google.com) find the "Maps" option in a string of boxes which includes choices like, "News", "Shopping", "Maps", "Gmail", "Images", "Videos". (All these choices do not need to show in order for you to select "Maps".) Click on the "Maps" button. (If you use the search engine and type in "Maps" you will be given literally a million options.) Keep it simple, find and click the pre-existing "Maps" button;
3. Next you will see a page with a map of North America on the right side of the screen. On the map, at the top, you will see white buttons that include the choices, "More...", "Map", "Satellite" and "Terrain". Click "Satellite". If the word "**Satellite**" is in bold, you are already in that view;
4. Leaving the map, return your attention to the empty search box at the top of the screen. This is where you will **paste** the latitude and longitude address that you copied from page one of this letter. Then click on the "Search Maps" button;
5. You should be taken directly to an aerial view of Coaches Island. You may expand the image by closing the left hand side of the page. Do this by clicking on the "«" image at the top left corner of the bar above the map; and
6. Using the arrows at the top left of the map, and the zoom tool running vertically along the left side of the map, you will be able to explore the island.

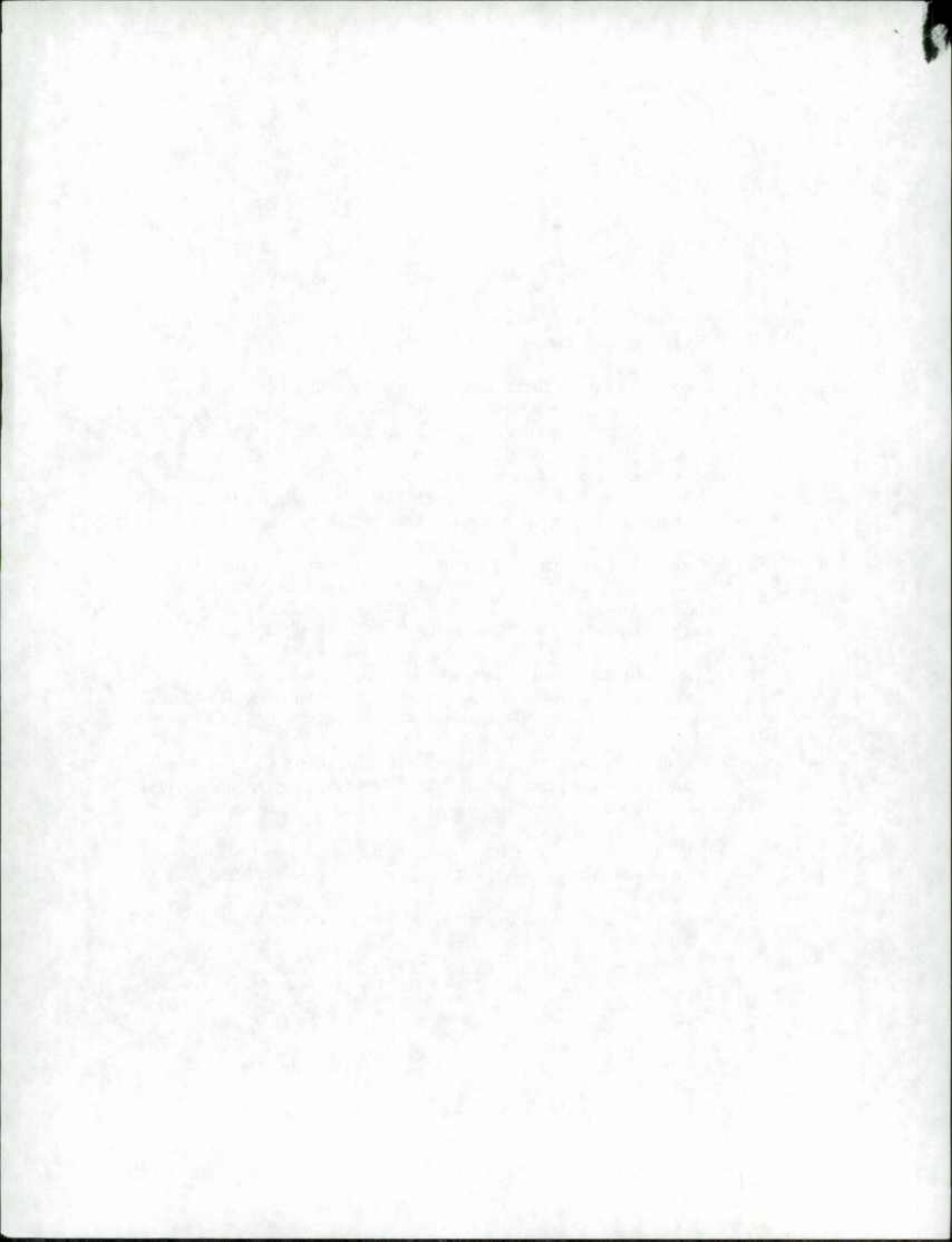
If you have any questions, please contact me or my legal assistant, Julia Burr.

Very truly yours,



John E. Hall

JFH/jab



REC FEE	12.00
TOTL	12.00
3470CCKEY	12.00
01 01986 6-03 P3:07	

PREPARED WITHOUT TITLE EXAMINATION, BASED UPON INFORMATION FURNISHED BY THE PARTIES HERETO

THIS DEED made this 5th day of June, 1986, by and between COACHES ISLAND CORPORATION, a body corporate of the State of Delaware ("Grantor"); and PETER H. TULLOCH ("Grantee").

WITNESSETH, that FOR NO CASH CONSIDERATION, Grantor does hereby grant and convey to Grantee, his heirs and assigns, in fee simple, the following described property:

ALL that lot or parcel of land, situate, lying and being in the Fifth Election District of Talbot County, Maryland, and, which is shown and designatsd as Lot 10 on a Plat ("Plat") entitled "Proposed Agricultural Lot Development of Coaches Island Fifth Election District Talbot County, Maryland," dated May 1985, prepared by McCrone, Inc. and intended to be recorded among the Plat Records of Talbot County immediately prior hereto; reference is hereby made to the Plat for a more particular description of the property herein conveyed by metes and bounds, courses and distances.

BEING the same property conveyed by William L. Elkins to Coaches Island Corporation, by a Deed dated December 15, 1982 and recorded among the Land Records of Talbot County, Maryland, in Liber 570, folio 198.

TOGETHER with the buildings and improvements thereon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD said tract or parcel of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining to and to the proper use and benefit of Grantee, his heirs and assigns, in fee simple, forever; SUBJECT, HOWEVER, to a Declaration of Restriction and Covenant dated June 4, 1986 by and between Coaches Island Corporation and The

LIBER 614 PAGE 79

11

RECEIVED

SEP 2 2008

CRITICAL AREA COMMISSION

Talbot County Council and intended to be recorded among the Land Records of Talbot County, Maryland immediately prior hereto.

AND Grantor does hereby covenant that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that it will warrant specially the property granted, and that it will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

ATTEST:

COACHES ISLAND CORPORATION, a
Delaware corporation

Donald E. Myers

By: Peter H. Tulloch (SEAL)
PETER H. TULLOCH, President

ESSEX
STATE OF NEW JERSEY, COUNTY OF BERGEN, TO WIT:

I HEREBY CERTIFY, that on this 7th day of May, 1986, before me, the subscriber, a Notary Public of the aforesaid State, personally appeared PETER H. TULLOCH, who acknowledged himself to be the President of the Grantor corporation, and that he as such President, being authorized so to do, executed the foregoing Deed for the purpose therein contained, by signing the name of the Corporation, by himself as President and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all, or substantially all, of the property and assets of the Corporation.

WITNESS my hand and Notarial Seal.

Marquette C. Foster
Notary Public

My Commission Expires: 6/24/90

CERTIFICATION IS MADE THAT ALL TAXES DUE ON THE PROPERTY INDICATED IN THIS DEED HAVE BEEN PAID.

FINANCE OFFICER OF TALBOT COUNTY
BLEND A. W. ARMISTEAD, FIN. OFFICER *su*

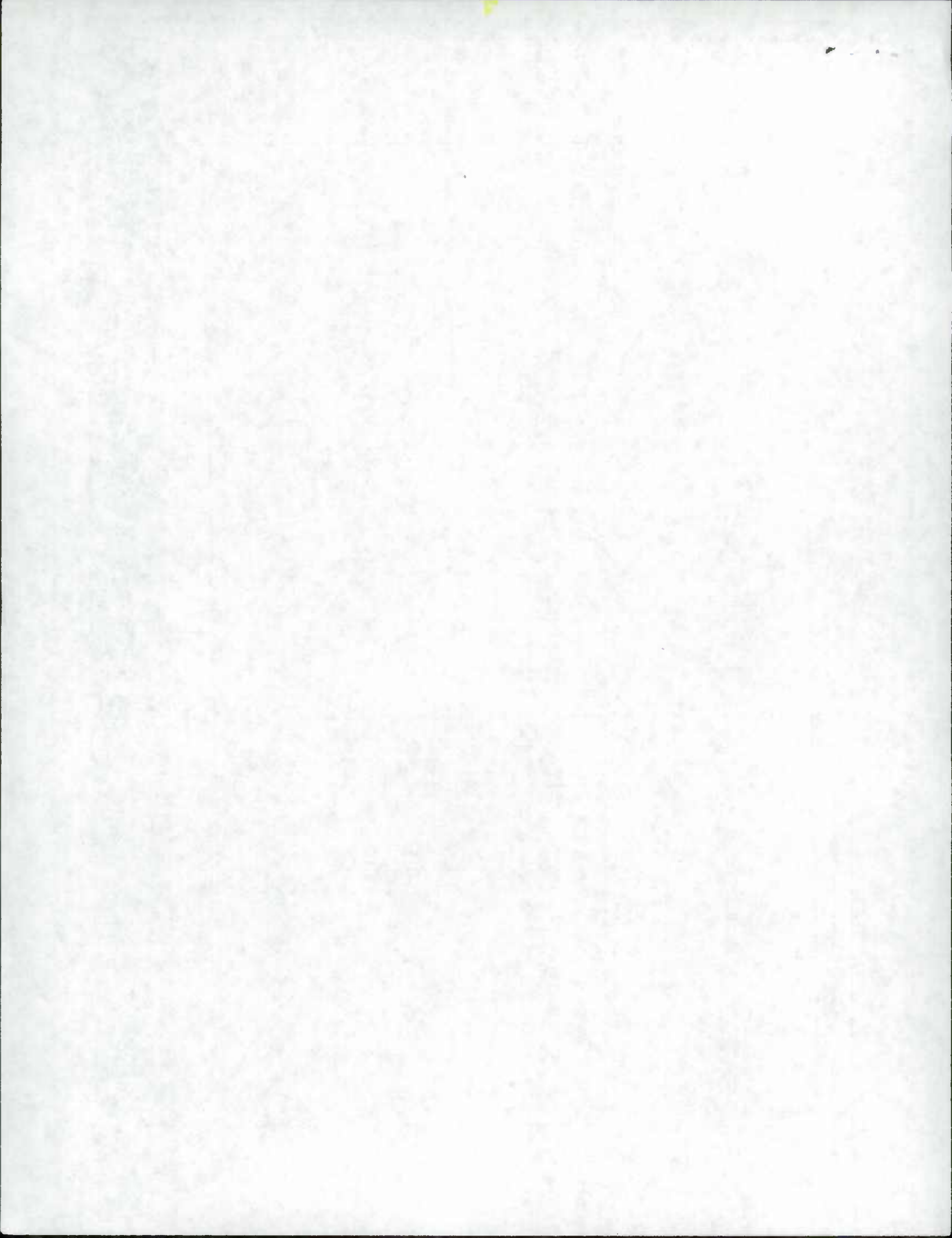
DATE 6-5-86

THIS IS TO CERTIFY THAT THE PROPERTY DESCRIBED HEREIN HAS BEEN TRANSFERRED ON THE ASSESSING RECORDS OF TALBOT COUNTY.

HENRY V. THIPPS, JR.
SUPERVISOR OF ASSESSMENTS

BLEND A. W. ARMISTEAD, FIN. OFFICER *su*
GXX2





SEE SHEET 2 OF 2 FOR PLAN VIEW

OWNER: TAX PARCEL 39, AGRICULTURAL PARCELS 1-10
 COACHES ISLAND CORPORATION
 P.O. BOX 239
 CREAM RIDGE, NJ 08514-0239
 PHONE: 772-562-9800
 DEED REFERENCE: 570/198
 PLAT REFERENCE: 70/9

OWNER: TAX PARCEL 1
 COACHES ISLAND CORPORATION
 P.O. BOX 239
 CREAM RIDGE, NJ 08514-0239
 PHONE: 772-562-9800
 DEED REFERENCE: 570/198
 PLAT REFERENCE: 70/9

ZONING CLASSIFICATION: RC (RURAL CONSERVATION)
 MINIMUM LOT SIZE: 2 ACRES

BUILDING RESTRICTIONS: FRONT: 50'
 SIDE: 50'
 REAR: 50'
 NON-TIDAL POND: 25'
 TIDAL WETLANDS: 200'
 MEAN HIGH WATER: 200'
 SEWAGE DISPOSAL AREA BUFFER: 20'

FLOOD ZONE INFORMATION

THE PROPERTY SHOWN HEREON IS IN FLOOD ZONE "V8" (EL 9) LOCATED WITHIN THE COASTAL FLOOD PLAIN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND. THEREFORE, MANDATORY FLOOD INSURANCE IS REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, D.C. AS SHOWN ON FEMA MAP COMMUNITY MAP NO. 240066 0028 A. DEVELOPMENT IN THIS FLOOD ZONE SHALL BE IN ACCORDANCE WITH SECTION 70-21 OF THE TALBOT COUNTY CODE.

FLOOD PLAIN LEGEND
 A - 100 YEAR FLOOD ZONE
 B - 500 YEAR FLOOD ZONE
 C - AREA OF MINIMAL FLOODING
 V - AREA OF 100-YEAR COASTAL FLOOD WITH VELOCITY (WAVE ACTION); BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.

THE DIMENSIONS OF BUILDINGS, STRUCTURES AND SETBACKS WERE MEASURED TO THE NEAREST 0.1 FOOT.
 THE PROPERTY SHOWN HEREON LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 THE MEAN HIGH WATER LINES SHOWN HEREON WERE TAKEN FROM THE 2007 TALBOT COUNTY DIGITAL ORTHO PHOTOS.
 THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. NO TITLE AND/OR EASEMENT SEARCH WAS PREPARED BY THE SURVEYOR.
 BUILDING RESTRICTION LINES FROM MEAN HIGH WATER, TIDAL WETLANDS, AND NONTIDAL WETLANDS AS SHOWN HEREON ARE BASED ON THE BEST AVAILABLE INFORMATION. BUILDING ENVELOPES MAY BE MORE RESTRICTIVE THAN SHOWN. ACTUAL BUILDABLE AREAS SHOULD BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION ACTIVITIES OCCURRING.

PROPERTY OWNER DECLARATION:

THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS, WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY THE U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS AS SHOWN ON THIS APPLICATION ARE BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLAND DELINEATIONS AND REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS, WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.

COACHES ISLAND CORPORATION, OWNERS OF TAX PARCEL 1 AND TAX PARCEL 39, AGRICULTURAL PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10, AS SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS LINE REVISION OF TAX PARCEL 1 AND ABANDONMENT OF TAX PARCEL 39, AGRICULTURAL PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10.

COACHES ISLAND CORPORATION _____ DATE _____
 C/O PETER TULLOCH, PRESIDENT

THE OWNER HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 2010.

SURVEYOR'S CERTIFICATE:

THE PRESENT OWNER OF THE LAND OF WHICH THIS LINE ABANDONMENT AND REVISION IS COMPRISED IS COACHES ISLAND CORPORATION (TAX PARCEL 1 AND TAX PARCEL 39, AGRICULTURAL PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10). THE OWNER CONCURS WITH ALL NOTATIONS AND REPRESENTATIONS ON THIS PLAT WHICH IS PREPARED 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 REVISION OF TAX PARCEL 1 AND AN ABANDONMENT OF TAX PARCEL 39, AGRICULTURAL PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; AND THAT ALL MONUMENTS ARE IN PLACE.

• THE REVISION OF TAX PARCEL 1- CONVEYED BY WILLIAM L. ELKINS, TO COACHES ISLAND CORPORATION, DECEMBER 27, 1982 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 570, FOLIO 198.

TAX PARCEL 39:
 • THE ABANDONMENT OF AGRICULTURAL PARCEL 1- CONVEYED BY WILLIAM L. ELKINS, TO COACHES ISLAND CORPORATION DECEMBER 27, 1982 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 570, FOLIO 198.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 2- CONVEYED BY JAMES G. VERNON TO COACHES ISLAND CORPORATION BY DEED DATED SEPTEMBER 25, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1088 FOLIO 419

• THE ABANDONMENT OF AGRICULTURAL PARCEL 3- CONVEYED BY JOHN A. SCHMITZ, JR. TO COACHES ISLAND CORPORATION BY DEED DATED SEPTEMBER 25, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1088 FOLIO 435

• THE ABANDONMENT OF AGRICULTURAL PARCEL 4- CONVEYED BY JOHN H. TABER TO COACHES ISLAND CORPORATION BY DEED DATED OCTOBER 17, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1094 FOLIO 258

• THE ABANDONMENT OF AGRICULTURAL PARCEL 5- CONVEYED BY AMOS B. HOSTSETTER JR. BY DEED DATED SEPTEMBER 25, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1088, FOLIO 431.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 6- CONVEYED BY WILLIAM L. ELKINS, TO COACHES ISLAND CORPORATION DECEMBER 27, 1982 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 570, FOLIO 198.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 7- CONVEYED BY WINSTON H. COX, TO COACHES ISLAND CORPORATION BY DEED DATED SEPTEMBER 25, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY MARYLAND IN LIBER 1088 FOLIO 427.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 8- CONVEYED BY CHARLES C. COX, TO COACHES ISLAND CORPORATION BY DEED DATED SEPTEMBER 25, 2002 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY MARYLAND IN LIBER 1088 FOLIO 423.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 9- CONVEYED BY GEOFFREY V. PARKER, TO COACHES ISLAND CORPORATION BY DEED DATED JUNE 30, 1997 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY MARYLAND IN LIBER 860 FOLIO 310.

• THE ABANDONMENT OF AGRICULTURAL PARCEL 10- CONVEYED BY PETER H. TULLOCH, TO COACHES ISLAND CORPORATION BY DEED DATED JUNE 30, 1997 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY MARYLAND IN LIBER 860 FOLIO 313

THIS 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 09.13.06.12D OF THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS.

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

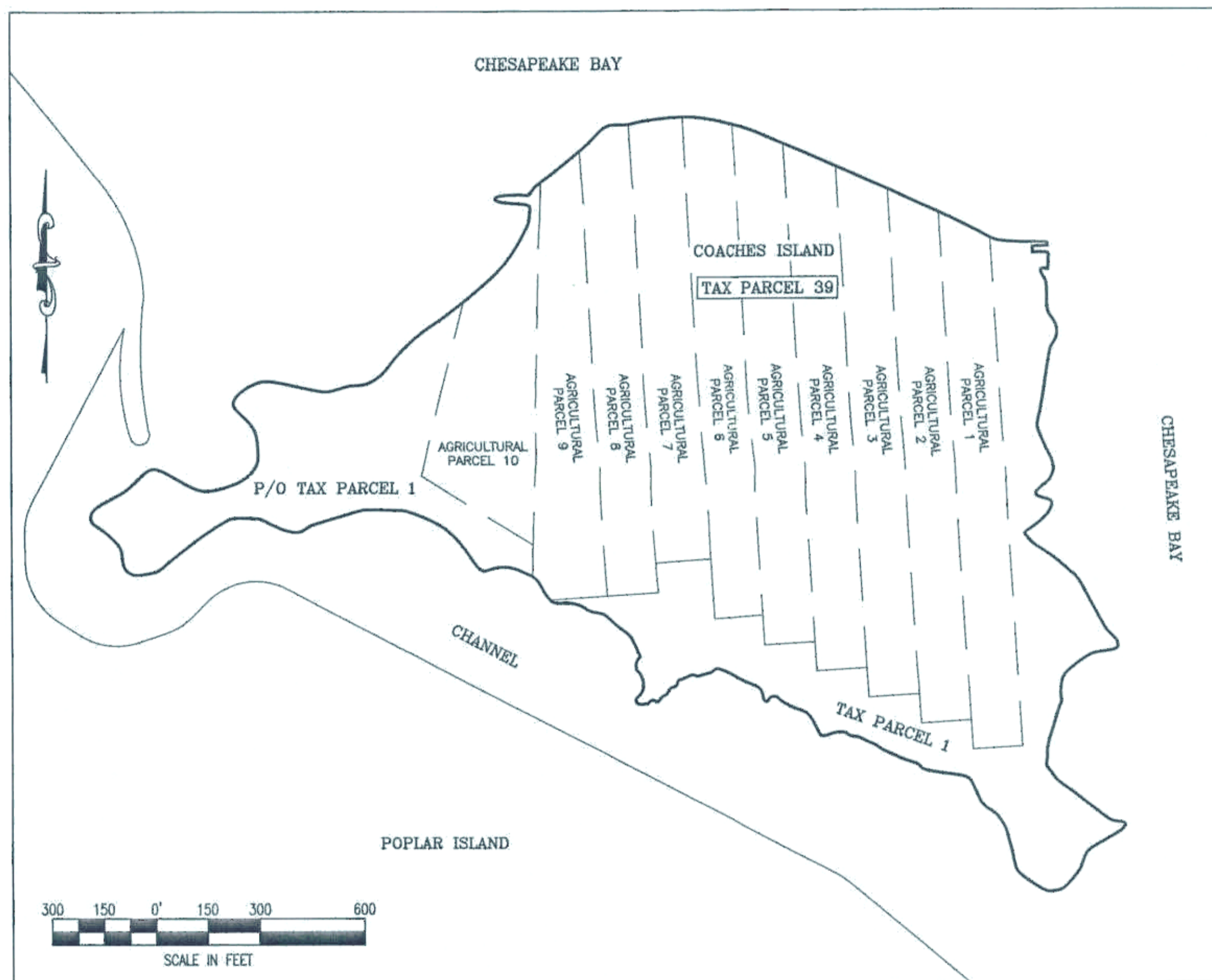
TALBOT COUNTY OFFICE OF PLANNING AND ZONING:

THIS PLAT REPRESENTS THE ABANDONMENT OF TAX PARCEL 39, AGRICULTURAL PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10, AND THE REVISION OF TAX PARCEL 1, AS PREVIOUSLY RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN VARIOUS DEEDS AS NOTED BELOW, AND DOES NOT CONSTITUTE ANY NEW BUILDABLE LOTS UNDER THE TERMS OF TALBOT COUNTY ZONING ORDINANCE.

TAX PARCEL 1- LIBER 570 FOLIO 198

TAX PARCEL 39:
 AGRICULTURAL PARCEL 1- LIBER 570 FOLIO 198
 AGRICULTURAL PARCEL 2- LIBER 1088 FOLIO 419
 AGRICULTURAL PARCEL 3- LIBER 1088 FOLIO 435
 AGRICULTURAL PARCEL 4- LIBER 1094 FOLIO 258
 AGRICULTURAL PARCEL 5- LIBER 1088 FOLIO 431
 AGRICULTURAL PARCEL 6- LIBER 570 FOLIO 198
 AGRICULTURAL PARCEL 7- LIBER 1088 FOLIO 427
 AGRICULTURAL PARCEL 8- LIBER 1088 FOLIO 423
 AGRICULTURAL PARCEL 9- LIBER 860 FOLIO 310
 AGRICULTURAL PARCEL 10- LIBER 860 FOLIO 313

PLANNING OFFICER _____ DATE _____



PROPERTY OUTLINE
 TAX PARCEL 1 AND TAX PARCEL 39, AGRICULTURAL PARCELS 1-10 (BEFORE REVISION)
 SCALE: 1"=300'

FOREST CALCULATION IN CRITICAL AREA (BEFORE REVISION):

TOTAL AREA OF PROPERTY: 67,306 AC.±
 AREA IN CRITICAL AREA: 67,306 AC.±
 TOTAL AREA OF STATE OWNED WETLANDS: 2,812 AC.±
 AREA USED TO CALCULATE FOREST: 64,494 AC.±
 AREA OF EXISTING FOREST: 34,825 AC.±
 REQUIRED FOREST AREA (15% OF 64,494 AC.): 9,674 AC.±
 AFFORESTATION REQUIRED: 0 AC. ±

CRITICAL AREA DEVELOPMENT RIGHTS CALCULATIONS (RC ZONING):

TOTAL AREA OF PROPERTY: 67,306 AC.±
 AREA IN CRITICAL AREA: 67,306 AC.±
 TOTAL AREA OF STATE OWNED WETLANDS: 2,812 AC.±
 AREA USED TO CALCULATE DEVELOPMENT RIGHTS: 64,494 AC.±

NUMBER OF DEVELOPMENT RIGHTS PERMITTED: 3
 NUMBER OF DEVELOPMENT RIGHTS UTILIZED: 1 (REVISED TAX PARCEL 1)
 NUMBER OF DEVELOPMENT RIGHTS REMAINING: 2 (ASSIGNED TO REVISED TAX PARCEL 1)

NOTE: DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

LOT COVERAGE IN CRITICAL AREA (AFTER REVISION):

REVISED TAX PARCEL 1
 TOTAL AREA: 67,306 AC.±
 AREA IN CRITICAL AREA: 67,306 AC.±
 TOTAL AREA OF STATE OWNED WETLANDS: 2,812 AC.±
 AREA USED TO CALCULATE DEVELOPMENT RIGHTS: 64,494 AC.±
 ALLOWABLE LOT COVERAGE: 421,404 SF (15% OF 64,494 AC.±)
 EXISTING LOT COVERAGE:
 DWELLING= 1,156 SF
 DECK= 64 SF
 SHEDS= 297 SF
 SHIPPING CONTAINER W/ LEAN TO= 1,024 SF
 TOTAL EXISTING LOT COVERAGE: 2,541 SF
 REMAINING ALLOWABLE LOT COVERAGE: 418,863 SF

TALBOT COUNTY HEALTH DEPARTMENT

REVISED TAX PARCEL 1 IS INITIALLY APPROVED FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEMS. THE SEWAGE DISPOSAL AREA AS SHOWN HEREON IS THE ONLY AREA THAT HAS 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 PER SUITABLE TO COMAR 26.04.02 AND THE ENVIRONMENTAL 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 REVISION PLAT HAS BEEN APPROVED BY THE TALBOT COUNTY HEALTH DEPARTMENT.

HEALTH OFFICER _____ DATE _____

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS:

REVISED TAX PARCEL 1 SHALL BE DEVELOPED IN ACCORDANCE WITH THE "2000 MARYLAND STORMWATER DESIGN MANUAL", AND THE TALBOT COUNTY STORMWATER MANAGEMENT CODE.

GENERAL NOTES

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.

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 ODOOR, DUST, NOISE, AND DRIFT OF HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.

ANY CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY THE TALBOT COUNTY PLANNING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410-770-8030) FOR MORE INFORMATION.

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 THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.08.01.05.

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 POSSIBLE.

REMOVAL OF NATURAL VEGETATION WITHIN THE 200 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) 770-8030 FOR FURTHER INFORMATION.

THE TIDAL WETLANDS SHOWN ON SHEET 2 OF 2 WERE TAKEN FROM THE 1972 TALBOT COUNTY DNR MAP #174. THE EDGE OF WOODS SHOWN ON SHEET 2 OF 2 WAS TAKEN FROM 2007 TALBOT COUNTY DIGITAL ORTHO PHOTOS.

THE 200 FOOT SHORELINE DEVELOPMENT BUFFER ON REVISED TAX PARCEL 1 AS SHOWN HEREON, SHALL BE ESTABLISHED IN THREE TIER NATURAL VEGETATION UPON CHANGE OF LAND USE. A FOREST PRESERVATION PLAN SHALL BE SUBMITTED TO THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING FOR REVIEW AND APPROVAL.

GREAT BLUE HERON ROOKERY RESTRICTIONS

ZONE 1- 330' SETBACK FROM ACTIVE GREAT BLUE HERON ROOKERY; NO LAND USE CHANGES, INCLUDING CLEARING, GRADING, BUILDING ETC., NO DEVELOPMENT OR TIMBER HARVESTING AT ANY TIME.

ZONE 2- 660' SETBACK FROM ACTIVE GREAT BLUE HERON ROOKERY; NO LAND USE CHANGES OR TIMBER HARVESTING ACTIVITIES SHOULD OCCUR DURING THE NESTING SEASON, WHICH IS FROM FEBRUARY 15 THROUGH JULY 31, AND CLEARCUTTING SHOULD BE AVOIDED AT ANY TIME.

ZONE 3- 1320' SETBACK FROM ACTIVE GREAT BLUE HERON ROOKERY; MOST ACTIVITIES INCLUDING, GRADING, BUILDING, TIMBER HARVESTING OR ROAD MAINTENANCE AND CONSTRUCTION ARE PERMITTED OUT OF THE NESTING SEASON, AUGUST 1 THROUGH FEBRUARY 14.

BALD EAGLES NEST RESTRICTIONS

ZONE 1- 330' SETBACK FROM ACTIVE BALD EAGLE NEST; NO LAND USE CHANGES, INCLUDING CLEARING, GRADING, BUILDING ETC., NO DEVELOPMENT OR TIMBER HARVESTING AT ANY TIME.

ZONE 2- 660' SETBACK FROM ACTIVE BALD EAGLE NEST; NO LAND USE CHANGES OR TIMBER HARVESTING ACTIVITIES SHOULD OCCUR DURING THE NESTING SEASON, WHICH IS FROM DECEMBER 15 THROUGH JUNE 15, AND CLEARCUTTING SHOULD BE AVOIDED AT ANY TIME.

ZONE 3- 1320' SETBACK FROM ACTIVE BALD EAGLE NEST; MOST ACTIVITIES INCLUDING, GRADING, BUILDING, TIMBER HARVESTING OR ROAD MAINTENANCE AND CONSTRUCTION ARE PERMITTED OUT OF THE NESTING SEASON, JUNE 16 THROUGH DECEMBER 14.

SPECIAL HABITAT NOTES:

RESTRICTIONS ON CONSTRUCTION ACTIVITIES DURING BREEDING SEASONS AS DEFINED BY THE AVAILABLE RESOURCE GUIDANCE WILL BE MAXIMIZED TO INSURE COVERAGE OF BOTH SPECIES. NO CONSTRUCTION, GRADING OR CLEARING IS TO BE SCHEDULED FROM DECEMBER 15 TO JUNE 15.

ANY SCHEDULED ACTIVITIES WILL BE ACCOMPLISHED BETWEEN AUGUST 1 AND DECEMBER 14.

THE HERON COLONY HAS BEEN HISTORICALLY DOCUMENTED AS BEING LOCATED IN THE SAME SOUTH EAST CORNER OF THE ISLAND AND IT IS A REASONABLE ASSUMPTION THAT THE COLONY IS STABLE AND WILL NOT EXPAND TO OTHER PORTIONS OF THE ISLAND.

SOURCES: NATIONAL BALD EAGLE MANAGEMENT GUIDELINES, USFWS MAY 2007 AND MARYLAND DEPARTMENT OF NATURAL RESOURCES AS PER ENVIRONMENTAL REVIEW LETTER DECEMBER 31, 2008

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	12/22/09	REVISED PER 8/12/09 TAC COMMENTS	TDL

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

117 Bay St., Easton, MD 21601 (410) 822-8003
 15 Washington St., Cambridge, MD 21613 (410) 221-0818
 354 Pennsylvania Ave., Centerville, MD 21117 (410) 726-2095

NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND DATED HERE:

RECEIVED
 JAN 20 2010
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

DATE _____

REVISION PLAT

ON THE LANDS OF
COACHES ISLAND CORPORATION

IN THE FIFTH ELECTION DISTRICT
 TALBOT COUNTY, MARYLAND
 TAX MAP 38 GRID 1 PARCELS 1 AND 39

ISSUED FOR: _____ DATE: BY: _____

RECEIVED
 JAN 15 2010
 TAC: 3.10.10

SHEET No. 1 OF 2	DATE: 04/13/09
SCALE:	JOB No. 080210
	FILE No. 1090

Date: 01/14/2010 2:19pm User: klyler Project Manager: TDL Drawing Path: J:\2008\080210\080210\080210.dwg VPR-PLT-080210.dwg PLOT FILE: TDL-BASE-080210\080210-2439

LEGEND

TREE LINE	
RIP RAP	
SEWAGE DISPOSAL AREA (HEREBY APPROVED)	
PIEZOMETER	
SOIL BORING LOCATION	
MONITORING WELL	
TIDAL WETLAND	
LIMIT OF TIDAL WETLANDS	
IRON ROD SET	
COMPUTED POINT	
GREAT BLUE HERON ROOKERY (FIELD DELINEATED)	
CRITICAL AREA FOREST REQUIREMENT (9.674 AC.±, 15%)	
BALD EAGLE NEST BUFFER	

Rooty Buffer

CHESAPEAKE BAY

REVISED TAX PARCEL 1
AREA BEFORE REVISION= 4.814 AC.±
AREA AFTER REVISION= 67.306 AC.±

REFERENCE LINE TABLE

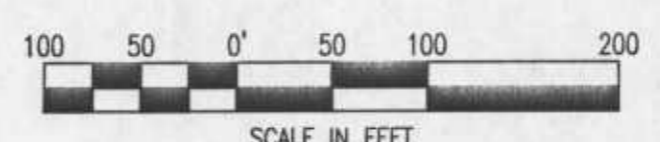
LINE	BEARING	DISTANCE
L1	N 1211'25" W	214.17'
L2	N 68°51'56" W	228.34'
L3	N 361'22" W	84.07'
L4	N 79°40'02" W	124.10'
L5	N 55°18'39" W	297.68'
L6	S 78°56'46" W	311.49'
L7	N 78°48'57" W	198.69'
L8	S 83°20'09" W	221.76'
L9	S 70°30'53" W	107.76'
L10	N 361'3'50" W	210.18'
L11	N 52°37'05" E	219.76'
L12	S 70°50'35" E	184.99'
L13	N 63°50'50" E	134.95'
L14	N 03°10'38" E	104.15'
L15	N 36°04'04" W	106.92'
L16	N 57°13'26" E	114.88'
L17	S 80°12'59" E	174.40'
L18	N 77°04'53" E	138.87'
L19	N 49°36'33" E	342.08'
L20	N 46°52'59" E	172.38'
L21	N 23°06'27" E	238.31'
L22	N 82°05'11" E	142.33'
L23	N 62°05'14" E	159.48'
L24	N 82°22'00" E	154.68'
L25	S 81°32'43" E	147.46'
L26	S 69°40'42" E	157.69'
L27	S 66°52'23" E	161.37'
L28	S 66°33'27" E	161.81'
L29	S 66°03'00" E	162.56'
L30	S 64°03'36" E	165.65'
L31	S 84°29'47" E	164.61'
L32	S 01°44'05" E	294.59'
L33	S 09°40'22" W	229.05'
L34	S 08°35'43" E	238.68'
L35	S 42°27'10" W	102.98'
L36	S 49°35'25" E	195.08'
L37	S 30°28'48" E	226.89'
L38	S 62°35'40" W	171.97'
L39	S 13°37'58" W	211.71'
L40	S 16°21'19" E	98.48'
L41	S 54°27'44" E	235.21'
L42	S 49°33'33" W	260.92'
L43	N 58°46'32" W	112.79'
L44	N 28°01'32" W	291.13'
L45	N 73°16'42" W	445.32'
L46	N 64°24'30" W	288.27'
L47	S 65°27'30" W	239.06'

AGRICULTURAL PARCEL PROPERTY LINES TO BE ABANDONED LINE TABLE

L48	S 86°30'00" W	144.26'
L49	N 86°30'00" E	144.26'
L50	N 86°30'00" E	144.26'
L51	N 86°30'00" E	144.26'
L52	N 86°30'00" E	144.26'
L53	N 86°30'00" E	144.26'
L54	N 86°30'00" E	144.26'
L55	N 86°30'00" E	145.22'
L56	N 86°30'00" E	163.87'
L57	S 58°30'00" E	380.00'

TIDAL WETLAND CLASSIFICATION TABLE

CLASSIFICATION	AREA	OWNERSHIP
#41-MEADOW CORDGRASS/SPIKEGRASS	364,189 SF	PRIVATE
#42-MARSH/ELDER/GROUNSEL BUSH	179,807 SF	PRIVATE
#43-NEEDLERUSH	14,874 SF	PRIVATE
#49-COMMON REED	23,784 SF	PRIVATE
#51-SMOOTH CORDGRASS	122,483 SF	STATE



REVISIONS

No.	DATE	DESCRIPTION	BY
1	12/23/09	REVISED PER 8/12/09 TAC COMMENTS	TDL

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RECEIVED
JAN 20 2010
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

REVISION PLAT
ON THE LANDS OF
COACHES ISLAND CORPORATION
IN THE FIFTH ELECTION DISTRICT
TALBOT COUNTY, MARYLAND
TAX MAP 38 GRID 1 PARCELS 1 AND 39

ISSUED FOR: _____ DATE: _____ BY: _____

SHEET No. **2 OF 2** DATE: 4/13/09
SCALE: 1"=100' JOB No. 080210
FILE No. 1090

Date: 01/14/2010 2:19pm User: klyler Project Manager: TDL
Drawing Path: J:\2009\0200\081210\CadData\dwg\VPF-PLT-080210.dwg
XREF File(s): MD-BASE-080210\BBS-BASE-080210-2.dwg