

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/

December 2, 2008

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

**Re: Bay Vista Line Revision
L1092 TM 44A, P355**

Dear Ms. Verdery:

Thank you for providing information on the above referenced lot line revision. The applicant is proposing a revision of allowable lot coverage on three lots within an existing subdivision. Lot 23 is 10,500 square feet in size, Lot 26 is 17,684 square feet in size, and Lot 27 is 17,510 square feet in size. If approved, the revision will increase lot coverage on Lot 23 from 1,800 square feet to 2,500 square feet (23.8%), will decrease lot coverage on Lot 26 from 4,586 square feet to 2,843 square feet (16.07%), and will increase lot coverage on Lot 27 from 1,800 square feet to 2,843 square feet (16.2%). There will be no net change in lot coverage, and no lot exceeds the minimum amount of lot coverage permitted per lot.

Based on the information provided, we have the following comments on this line revision:

1. Please have the applicant provide further information clarifying why this revision in lot coverage is proposed.
2. As of July 1, 2008, a subdivision is limited to 15% total lot coverage, as stated in Section 8, Ch. 119, 2008 Laws of Maryland at 765. Lot Coverage includes the area of the lot that is occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material. Lot coverage does not include a fence or wall that is less than one foot in width that has not been constructed with a footer, a walkway in the Buffer or expanded Buffer (including a stairway), that provides direct access to a community or private pier, a wood mulch pathway, or a deck with gaps to allow water to pass freely.

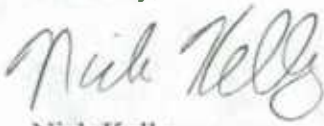


It is our understanding that some existing lots within the larger subdivision have already received building permits and have been developed under the impervious surface limitations found in §190-93.E(6)(c)[1][a] of the Talbot County Code. However, any undeveloped lots, including Lots 23, 26, and 27, that not have filed for a building or grading permit by October 1, 2008, are required to adhere to lot coverage restrictions. In order to account for all existing partially pervious materials onsite, and to determine an accurate amount of lot coverage remaining for development on the undeveloped lots, Commission staff requests that the County provide copies of all building permits associated with any developed lots within this subdivision. The permitted lot coverage allowed on the remaining lots may need to be revised based on the review of these permits.

3. Please have the applicant change all references of “impervious surface” to “lot coverage.”

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

Sincerely,



Nick Kelly
Natural Resource Planner
cc: TC 595-08

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

LOTS 23, 26 & 27 SHOWN HEREON ARE APPROVED FOR COMMUNITY SEWER AND INDIVIDUAL WATER AND THEIR USE IS IN ACCORDANCE WITH THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03. THE APPLICANT OR ANY FUTURE OWNER MUST DISCONTINUE USE OF THE INDIVIDUAL WATER WHEN COMMUNITY WATER BECOMES AVAILABLE.

Kathleen Oster / gmm 4/30/09
HEALTH OFFICER DATE

PLANS FOR COMMUNITY SEWER WERE PREVIOUSLY APPROVED IN CONNECTION WITH THE PLAT ENTITLED "BAY VISTA SUBDIVISION LOTS 17-29, FINAL PLAT" RECORDED IN THE TALBOT COUNTY LAND RECORDS AT MAS81/200. PRIOR TO CONSTRUCTION OF LOT IMPROVEMENTS, THE OWNER SHALL CONTACT THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS, SANITARY DISTRICT FOR SANITARY SEWER CONNECTION DETAILS AND APPLICABLE FEES.

BUILDING PERMITS FOR SINGLE LOTS ACCESSING THE PUBLIC ROAD MAY BE RESTRICTED UNTIL ENTRANCE SPECIFICATIONS AT THE PUBLIC ROAD RIGHT-OF-WAY ARE MET IN ACCORDANCE WITH PROVISIONS OF THE TALBOT COUNTY CODE.

B. J. [Signature] 6/11/09
TALBOT COUNTY ENGINEER DATE

THIS REVISION PLAT REPRESENTS ADMINISTRATIVE REVISIONS, AND DOES NOT CONSTITUTE ANY NEW BUILDABLE LOTS UNDER THE TERMS OF THE TALBOT COUNTY ZONING ORDINANCE.

Stacy Dahlstrom, AICP June 12, 2009
TALBOT COUNTY PLANNING OFFICER DATE

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 SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, WE UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLAND DELINEATIONS AND REGULATIONS RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. WE 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.

THIS SITE LIES ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL AREA

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 CONSERVATION DISTRICT IN ACCORDANCE WITH THE TALBOT COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05.

AN EXISTING DRAINAGE AND UTILITY RIGHT-OF-WAY AND EASEMENT IS SHOWN IN AND OVER STRIPS OF LAND FIFTEEN (15) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY STREET OR ALLEY AND FIFTEEN (15) FEET IN WIDTH CENTERED ON EACH SIDE AND REAR PROPERTY LINE.
AN EXISTING 20 FOOT UTILITY EASEMENT IS SHOWN CONTIGUOUS TO SUNSET LANE.

THIS DEVELOPMENT MAY CONTAIN THREATENED OR ENDANGERED SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT AS AMENDED, THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND 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 THE 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.

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

THE LAND SHOWN HEREON IS IN FLOOD ZONE "C" AND IS LOCATED WITHIN THE COSTAL FLOOD PLAIN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS FOR TALBOT COUNTY, MARYLAND. THEREFORE MANDATORY FLOOD INSURANCE IS NOT REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, D.C. SEE FEMA MAP NO 240066 0035 A.

FLOOD PLAIN LEGEND
ZONE "A" - 100 YEAR FLOOD ZONE
ZONE "B" - 500 YEAR FLOOD ZONE
ZONE "C" - AREA OF MINIMAL FLOODING

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 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 HERBICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON THE USE AND ENJOYMENT AFFECTING THE PROPERTY.

I, PERRY A. OTWELL, OWNER OF LOTS 23, 26 & 27 SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS REVISION PLAT.

Perry A. Otwell 4-16-09
PERRY A. OTWELL DATE

PERRY A. OTWELL HAS SWORN TO AND SUBSCRIBED BEFORE ME THIS

Kathleen Oster DAY OF April, 2009.
NOTARY PUBLIC

I, STEVEN H. JUPITZ, HEREBY CERTIFY THAT THE REVISION PLAT SHOWN HEREON IS CORRECT, THAT IT IS A PLAT OF THE LANDS CONVEYED BY WAYNE E. REESER AND MARY ELLEN REESER TO PERRY A. OTWELL BY DEED DATED NOVEMBER 2, 2000 AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 982, FOLIO 110, AND THAT ALL MONUMENTS ARE IN PLACE.

THE PRESENT OWNER OF LOTS 23, 26 & 27, WHICH THIS REVISION PLAT INCLUDES, IS PERRY A. OTWELL. THIS PLAT IS PREPARED FOR AND WILL BE RECORDED AT HIS REQUEST

Steve Jupitz 4-16-09
STEVE JUPITZ
PROPERTY LINE SURVEYOR
NO. 499 DATE

THE PURPOSE OF THIS PLAT IS TO REDISTRIBUTE ALLOWABLE IMPERVIOUS AREA FOR LOTS 23, 26 & 27, AND ELIMINATE THE DUPLEX REQUIREMENT FOR LOTS 26 & 27. ALL OTHER ASPECTS OF THE "BAY VISTA SUBDIVISION LOTS 17-29, FINAL PLAT" RECORDED IN MAS81/200 IN THE TALBOT COUNTY LAND RECORDS SHALL REMAIN IN EFFECT FOR THE SUBJECT LANDS.

NOTES:

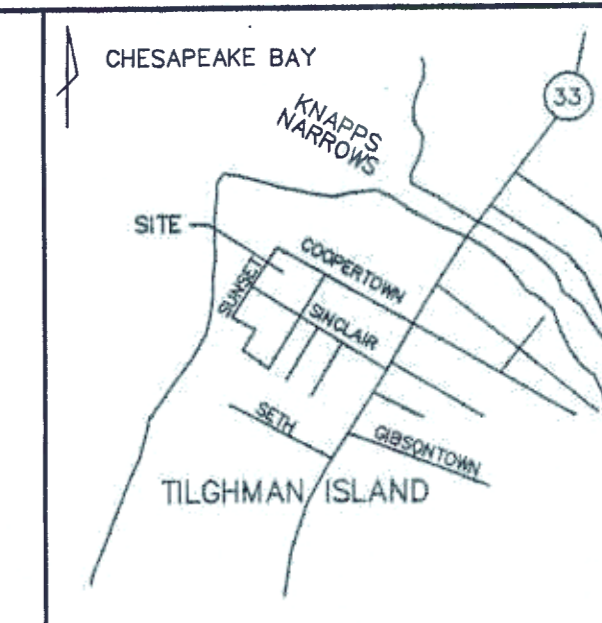
SHARED ACCESS EASEMENT FOR LOTS 26 & 27 IS HEREBY ABANDONED

CUTTING OR CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY THE TALBOT COUNTY PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY PLANNING AND ZONING OFFICE AT 410-770-8030 FOR FURTHER INFORMATION.

STORMWATER MANAGEMENT NOTE
THESE LOTS SHALL BE DEVELOPED IN ACCORDANCE WITH THE "2000 MARYLAND STORMWATER DESIGN MANUAL", AND THE TALBOT COUNTY STORMWATER MANAGEMENT CODE.

LEGEND:

- IRON ROD FOUND OIRF
- ABBREVIATION FOR EXISTING EX
- EXISTING EDGE OF PAVEMENT EX EP
- BUILDING RESTRICTION LINE BRL
- EXISTING DRAINAGE OR UTILITY EASEMENT
- EXISTING 15' DRAINAGE EASEMENT
- EXISTING STORMWATER MANAGEMENT EASEMENT
- PROPOSED STORMWATER MANAGEMENT EASEMENT
- CRITICAL AREA FOREST PRESERVATION LINE
- EXISTING ROAD WIDENING EASEMENT
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER EX 8" SAN SEW
- CRITICAL AREA FOREST AREA
- EXISTING STORMWATER MANAGEMENT EASEMENT
- STORMWATER MANAGEMENT EASEMENT HEREBY ESTABLISHED
- 25' SHARED ACCESS EASEMENT HEREBY ABANDONED



VICINITY MAP
SCALE: 1" = 2000'

CRITICAL AREA CALCULATIONS

LOT NUMBER	EXISTING LOT AREA	EXISTING ALLOWABLE LOT COVERAGE	REVISED ALLOWABLE LOT COVERAGE	EXISTING LOT COVERAGE	FORESTATION REQUIRED AT BUILDING PERMIT
REVISED LOT 23	10,500 SF	1,800 SF	2,500 SF	0 SF	1,575 SF
REVISED LOT 26	17,684 SF	4,566 SF	2,843 SF	0 SF	2,653 SF
REVISED LOT 27	17,510 SF	1,800 SF	2,843 SF	0 SF	2,627 SF

EXISTING ALLOWABLE LOT COVERAGE TAKEN FROM RECORD PLAT LOCATED AT MAS81/200

LOTS 23, 26 & 27 ARE UTILIZING 1 ALLOWABLE DEVELOPMENT RIGHT EACH WITH 0 DEVELOPMENT RIGHTS REMAINING. 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.

LOTS 23, 26 AND 27 ARE REQUIRED TO SUBMIT A LANDSCAPE PLAN, WITH THE BUILDING PERMIT, TO BE APPROVED BY TALBOT COUNTY PLANNING AND ZONING, TO MEET THE REQUIRED 15% FORESTATION REQUIREMENT. PLEASE CONTACT TALBOT COUNTY PLANNING AND ZONING AT 410-770-8030 FOR ADDITIONAL INFORMATION.

EXISTING ZONING: VC-VILLAGE CENTER

MINIMUM LOT SIZE 10,000 SF - WITH SEWER
MINIMUM LOT WIDTH 75 FT
SETBACKS: FRONT 25 FT, REAR 25 FT, SIDE 10 FT

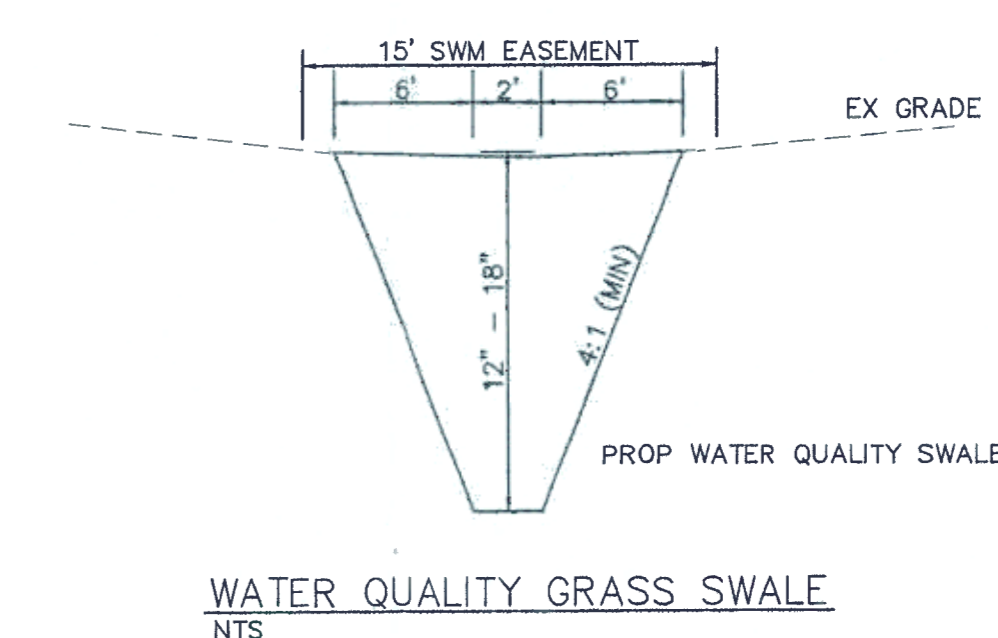
LINE TABLE

LINE	BEARING	DISTANCE	AREA
L1	S 69°03'03" E	45.82'	
L2	S 69°03'03" E	29.24'	
L3	S 64°26'10" E	56.68'	
L4	S 63°12'30" E	18.41'	

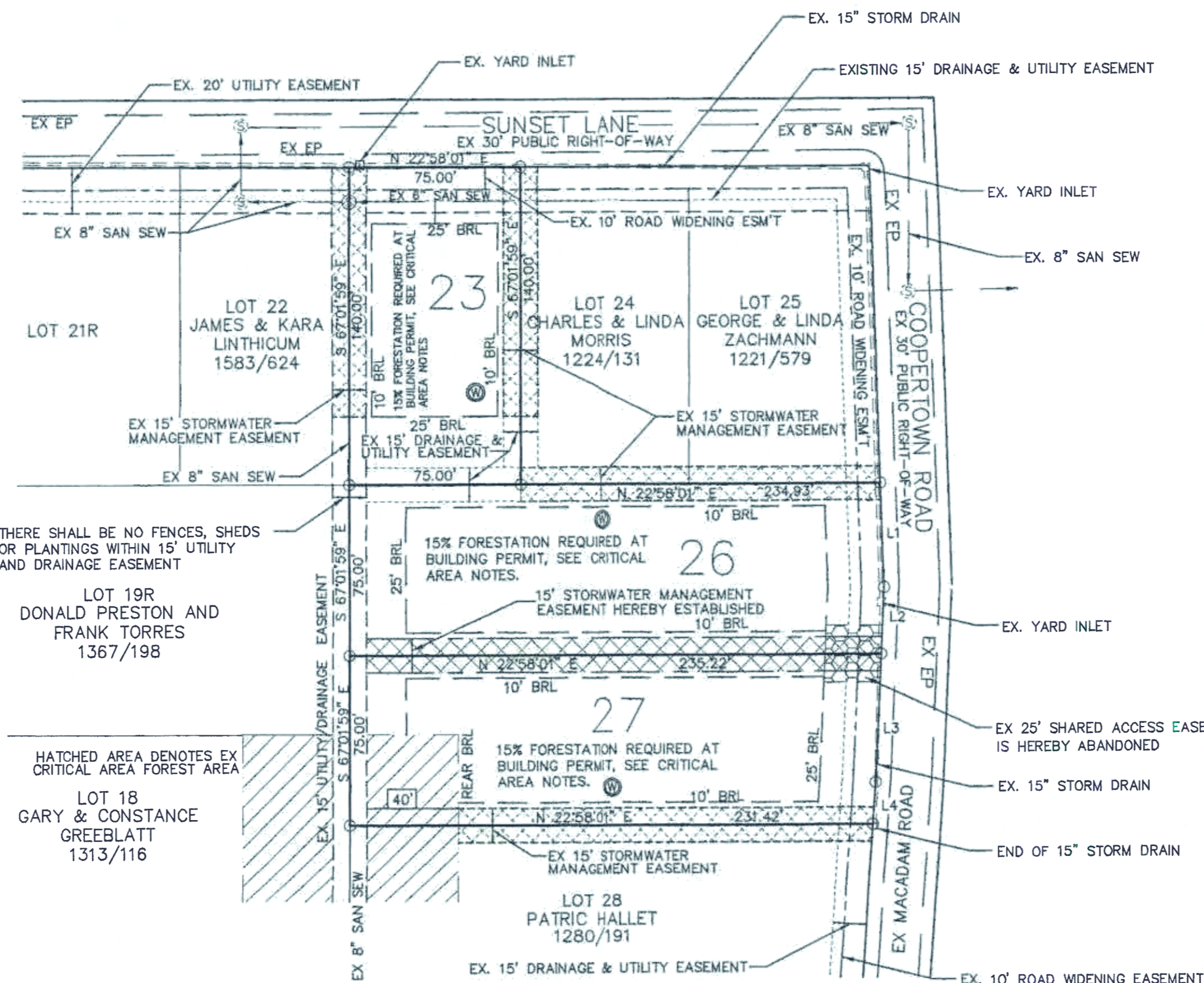
OWNER OF LOTS 23, 26 & 27
PERRY A. OTWELL
29809 STANDISH STREET
EASTON, MARYLAND 21601
443-496-2376

STORMWATER MANAGEMENT EASEMENT DETAIL

WATER QUALITY SWALE TO BE PLACED IN THE 15 FOOT STORMWATER MANAGEMENT EASEMENT HEREBY ESTABLISHED, BETWEEN LOTS 26 & 27. SEE PLAT RECORDED IN THE TALBOT COUNTY LAND RECORDS, AT LIBER MAS81/FOLIO 200 FOR WATER QUALITY SWALE REQUIREMENTS IN EXISTING 15 FOOT STORMWATER MANAGEMENT EASEMENTS.
THERE SHALL BE NO OBSTRUCTIONS OR FILLING OF THE WATER QUALITY SWALES LOCATED WITHIN THE STORMWATER MANAGEMENT EASEMENTS



WATER QUALITY GRASS SWALE
NTS

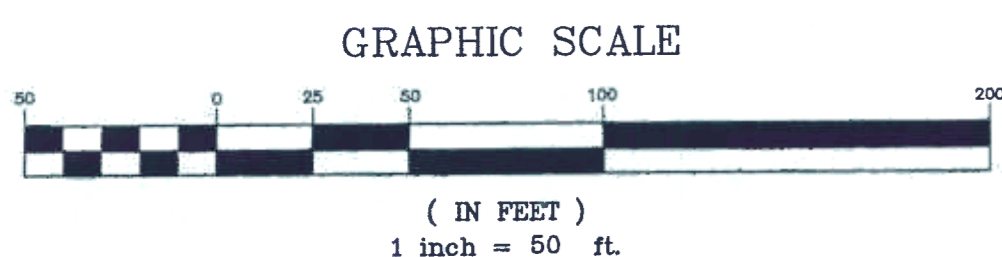


THERE SHALL BE NO FENCES, SHEDS OR PLANTINGS WITHIN 15' UTILITY AND DRAINAGE EASEMENT

LOT 19R DONALD PRESTON AND FRANK TORRES 1367/198

LOT 18 GARY & CONSTANCE GREEBLATT 1313/116

LOT 28 PATRIC HALLET 1280/191



DESIGNED BY: PAO
DRAWN BY: PAO
CHECKED BY: SHU
DRAWING: BAY2

STEVEN H. JUPITZ
5008 MAIN STREET, GRASONVILLE, MD 21638
PHONE (410) 827-9309

PROPERTY OWNER
PERRY A. OTWELL
29809 STANDISH STREET
EASTON, MARYLAND 21601
443-496-2376

BAY VISTA SUBDIVISION LOTS 23, 26 & 27 REVISION PLAT
TAX MAP 44A, PARCEL 355
TALBOT COUNTY 5TH DISTRICT MARYLAND
JULY 2008
SCALE: 1" = 30'

NO.	DATE	DESCRIPTION	BY
1	1-20-09	REV PER CO. COMMENTS 1-14-09	PAO
2	3-5-09	REV PER CO. COMMENTS 3-3-09	PAO

SCALE: 1" = 50'
DATE: JULY 2008
JOB NO: BAY02
SHEET 1 OF 1

FINAL
Date Recorded: June 16, 2009
Rept #: 80316
APR 16 2009