



Town Council AGENDA

Tuesday, January 2, 2024 - 5:30 PM
Council Chambers, Easton Town Office
14 S Harrison Street

5:30 PM: Call to Order by President Gunsallus.

Opening remarks and Pledge of Allegiance by Councilmember Abbatiello.

Approval of Minutes.

Minutes of the December 18, 2023 meetings.

Municipal Official Items.

Items by Mayor Cook.

Items by Town Manager

Items by Town Attorney.

Public Hearings.

CONT'D. PUBLIC HEARING to solicit public comment on various proposed amendments to Chapter 28 of the Town Code (Zoning)
Ord. 803, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 28 OF THE TOWN CODE (ZONING)."
- to be continued until February.

5:35 PM PUBLIC HEARING to discuss the request of Ryan D. Showalter & Brendan S. Mullaney on behalf of Thomas R. Cohee (applicant) for a proposed Critical Area reclassification of property located at 28580 Mary's Court, also known as Tax map 25, Parcel 46, Lot 20.

Legislation.

Ord. 802, "AN ORDINANCE OF THE TOWN OF EASTON AMENDING CHAPTER 5 OF THE EASTON TOWN CODE REGARDING BICYCLES AND SIMILAR DEVICES."

Ord. No. 807, "AN ORDINANCE OF THE TOWN OF EASTON GRANTING THE APPLICATION OF THOMAS R. COHEE FOR GROWTH ALLOCATION UNDER THE PROVISIONS OF THE EASTON ZONING ORDINANCE."

Public Participation/Comments.

Items by Members of the Council:

Adjournment.

The public can access the meeting as follows:

<https://www.eastonmd.gov/129/Agendas-Minutes>

If you are an Easton Cable subscriber, you can view the meeting through TV-Channel 98.

Please note: There is a possibility of all or part of the meeting may be held in Closed Session.

AMENDED ORDINANCE NO. 802

AN ORDINANCE OF THE TOWN OF EASTON AMENDING
CHAPTER 5 OF THE EASTON TOWN CODE REGARDING
BICYCLES AND SIMILAR DEVICES

INTRODUCED BY _____

WHEREAS, Chapter 5 of the Easton Town Code contains provisions regarding bicycles, skateboards and scooters; and

WHEREAS, many of the provisions are outdated and don't represent current practices; and

WHEREAS, the Town Council wishes to amend the provisions of Chapter 5 of the Easton Town Code.

NOW, THEREFORE, the Town of Easton hereby ordains that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2. Chapter 5 of the Town Code is repealed and reenacted with amendments to read as shown on the attached Exhibit A.

Section 3. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Curry	-
Abbatiello	-
Montgomery	-
Davis	-
Gunsallus	-

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2023.

Frank Gunsallus, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2023.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Megan J. M. Cook, Mayor

EFFECTIVE DATE: _____, 2023

EXHIBIT A

Chapter 5 Bicycles, ~~and other Similar Devices~~ ***Roller Skates,***

Skateboards and Scooters

~~Section 5-1. Inspections, permit cards and license tags; fees; expiration.~~

~~Every operator of a bicycle within the corporate limits of the Town shall be required to submit his or her machine, on or before the first day of April of each year, for inspection as to brakes, tires, wheels, frame, handlebars, and such other inspection as may be required; said inspection shall be made under the supervision of the Police Department, and if said examination is satisfactory, said operator shall be given a Permit Card, bearing an identifying number, certifying that said bicycle has been satisfactorily inspected. All of said Permit Cards shall expire on the last day of March in each year, after which time all bicycles are subject to the annual examination and issuance of a new Permit Card. No person shall operate any bicycle in the Town without having first obtained such Permit Card. A License Tag, bearing the same number as the permit card, shall be attached to each bicycle, and shall remain thereon constantly. Such operator of a bicycle in the Town shall be required to pay a fee of Twenty-five Cents (\$.25) annually, at the time such Permit Card and License Tag are issued. (Ordinance 201, passed 6/24/91.)~~

~~Section 5-2. Suspension of registration; removal of license tags.~~

~~The Chief of police, or some reliable person or persons designated by him, shall have the authority to suspend the registration of and remove the license tag from any bicycle operated contrary to any applicable State law or town ordinance, such suspension and removal to continue for a period not to exceed ten days. (Ordinance 60 effective 3/1/1965)~~

Section 5-~~3~~**1**. Manner or riding generally.

Persons riding bicycles or motor scooters in the Town of Easton shall comply with the Maryland Rules of the Road for bicycles and play vehicles set forth in Title 21 of the Transportation Article of the Maryland Annotated Code or corresponding future provision thereof, except with respect to riding on sidewalks which is set forth in Section 5-2 and 5-3 below. It shall be unlawful for any person riding on any bicycle on any of the streets of the town to coast upon such bicycle in a negligent manner, and the operator of any such bicycle is required to keep his feet on the pedals and his hands upon the handles of such vehicle so as to have the same under proper control and management to avoid accidents. (Ordinance 519 aka E-34, effective 5/7/1967, Ordinance 802, effective _____))

Section 5-4.2. Riding on sidewalks prohibited *with exception.*

It shall be unlawful for any person to ride a bicycle upon any of the sidewalks within the limits of the Town, ***unless the person is 13 years old or under. No person shall operate a bicycle in a reckless or negligent manner on any public sidewalk or trail. No person shall ride a bicycle on a public sidewalk or trail without exercising due care for the safety of other persons using the sidewalk or trail. No person shall fail to exercise full control over the bicycle. While on a public sidewalk or trail, a person operating a bicycle must yield the right of way to any pedestrian and, when feasible, audibly alert the pedestrian that they are passing.*** (Ordinance 10 effective 1/1/1941, Ordinance 802, effective _____)

~~Section 5-5. Brakes and warning devices.~~

~~Every bicycle while in use on the streets of the town shall be provided with effective brakes and with a suitable bell, horn or other device capable of giving a signal audible for a distance of at least one hundred feet; except that no bicycle shall be equipped with any siren or whistle. (Ordinance 519 aka E-34, effective 5/7/1967)~~

~~Section 5-6. Lamps required.~~

~~(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. (Ordinance 519 aka E-34, effective 5/7/1967)~~

~~(B) It shall be unlawful for any person at nighttime to operate a bicycle along the streets of the town unless said bicycle is properly equipped with such lamps and reflectors as require herein. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-7. Passengers~~

~~It shall be unlawful for the operator of any bicycle upon the streets of the town to carry any other person or persons upon the said bicycle. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-8. Riding abreast.~~

~~It shall be unlawful for any person to proceed along the streets of the town abreast of more than one other bicycle proceeding in the same direction. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-9. Clinging to Vehicles.~~

~~It shall be unlawful for any person while riding a bicycle to hand onto any other vehicle while the same is in motion. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-10. Speeding.~~

~~No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1967 Code by Ordinance 519, aka E-34, effective 5/7/1967)~~

Section 5-44 **3.** Operation of skateboards, and scooters *and skates* prohibited.

~~(A) Except as provided in subsection (D) hereof, it shall be unlawful for any person to ride, propel, push, or otherwise operate a skateboard or scooter on any public way, street, alley, sidewalk, parking lot, or other public property (except for public skateboard or scooter facilities and publicly sponsored or authorized skateboard or scooter events) within the corporate boundaries of the town.~~

~~(B) Any person violating the provisions of subsection (A) hereof shall be guilty of a municipal infraction and, any provision of this code to the contrary notwithstanding, shall be subject to a fine of Five Dollars (\$5.00) for a first offense and Ten Dollars (\$10.00) for each subsequent offense.~~

~~(C) *No person shall roller skate or ride a skateboard or scooter in a reckless or negligent manner on any public sidewalk or trail. No person shall ride a skateboard, scooter or roller skate on a public sidewalk or trail without exercising due care for the safety of other persons using the sidewalk. No person shall fail to exercise control while operating roller skates, a skateboard or scooter on public sidewalk or trail. (Ordinance 802, effective _____)*~~

Section 5-4. Enforcement.

The provisions of this section shall be enforced by the police department. Any violation of any provision of this Chapter shall be a municipal infraction punishable as set forth in Section 1-8 of the Town Code. In addition, the bicycle, skateboard, scooter or roller skates may be impounded by the police officer. Upon payment of the fine, the impounded item may be reclaimed by the offender or, where the offender is a minor, his parent or guardian. If an impounded skateboard or roller

skates have not been reclaimed from impoundment within thirty (30) days from the date of offense, then the impounded item shall be deemed abandoned and shall be disposed of in the same manner as abandoned bicycles.

In the event that any law enforcement officer of the Town of Easton observes any minor child operating a *bicycle*, skateboard or scooter in *a manner that is unsafe and/or dangerous in* violation of the provisions of this *Chapter* ~~section~~, the law enforcement officer *shall be authorized to impound a bicycle, skateboard or scooter under the provisions of this section whether or not he or she issues a citation for a violation of this section.* ~~may confiscate the skateboard or scooter operated by that minor child and shall return the skateboard or scooter only to that minor's parent or guardian. The law enforcement officer shall be authorized to confiscate a skateboard or scooter under the provisions of this subsection whether or not he or she issues a citation for a violation of this section.~~

~~(D) Nothing in this section shall prohibit any person 12 years or under from operating a non-motorized scooter on the streets, alleys, or sidewalk of the town. (Ordinance 152 effective 7-31-88, historical reference 146, Ordinance 802, effective _____)~~

(Language to be deleted from the existing Ordinance is indicated in ~~striketrough~~ format and language to added is indicated by ***bold italics*** text)

STORMWATER MANAGEMENT NARRATIVE

Lot 16, LLC New Development

The subject property is located at 28580 Mary's Court in the Town of Easton, Maryland. There are two parcels of record as shown on Talbot County Tax Map 25 identified as Parcel 46, Lots 16 & 20. The property is situated at the cul de sac end of Mary's Court, is bordered by Goldsborough Neck Road to the west, private property to the north, and developed industrial lots to the south and east. The property is partially located within the Chesapeake Bay Critical Area with land use designations of Intensely Developed Area (IDA) and Resource Conservation Area (RCA). There are non-tidal wetlands, streams, and forested areas along the northern, western, and southern boundaries of the site. Per a site visit with the MDE non-tidal wetlands division, there are no non-tidal wetlands in the areas of the proposed development for the site. There are no natural resources in the area of proposed development as the existing conditions, except for existing stormwater management pond, is maintained in meadow/lawn cover.

The site has a high topographical point near the center of the proposed development area and generally drains towards the existing pond on the front part of the lot, and towards the wooded wetlands and stream towards the rear of the lot. The soils inherent to the subject property in the development area are mapped by the US Dept. of Agriculture soil survey as Mattapex silt loams (MtcA & MtcB) and Woodstown silt loam (WocB), all of which are identified as type "C" hydrologic soil group classification.

The applicant is requesting critical area growth allocation to re-designate the RCA portion of the site as Intensely Developed Area (IDA), and then will propose to develop the site with an addition to the existing office building, three new office buildings, a mixed use office/warehouse building, with associated access drives, loading zones, parking, stormwater management, etc... as shown on the plans submitted as part of the growth allocation request.

The project will propose stormwater management (SWM) measures to address requirements in accordance with the Stormwater Management Act of 2007, Town of Easton Stormwater Management Ordinance, and MDE SWM requirements. Proposed SWM treatment measures will address Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) as required by the MDE SWM design manual. It is currently estimated during this concept design phase that the site will require approximately 3.56 acres of disturbance within the critical area portions of the site and 1.50 acres of disturbance outside of the critical area to construct the project. Approximately 1.94 acres or approximately 54% imperviousness is proposed within the critical area and approximately 0.81 acres or approximately 53% imperviousness is proposed outside the critical area. The resulting ESD volume (ESDv) requirement within the critical area is 12,571 cf and outside of the critical area is 5,194 cf. This project must also address the 10% pollutant reduction requirement for the proposed IDA portion of the project in accordance with Critical Area IDA requirements since the project is requesting growth allocation. SWM treatment must include the removal of 3.11 lbs of phosphorus per year for the critical area portion of the project.

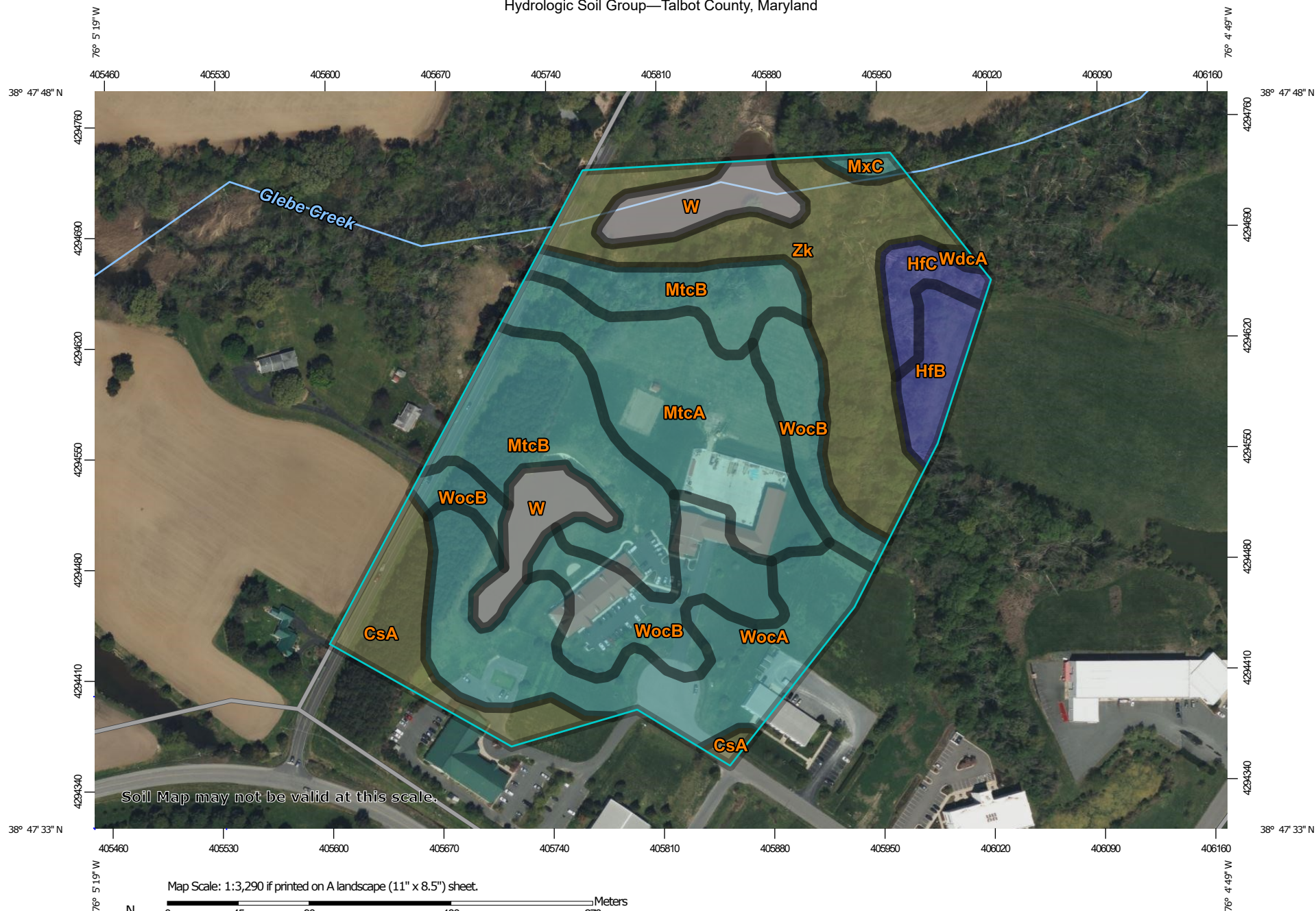
At this conceptual site development design phase, we propose the use of micro-bioretenion systems to address SWM and pollutant reduction requirements. Multiple micro-bioretenion system locations

have been sited around the project area that will be designed to collect surface runoff from proposed buildings and site improvements, provide storage and treatment, with ultimate discharge to the existing stormwater management pond via use of on-site closed storm drain systems. At this conceptual design phase, the designated SWM areas shown on the conceptual site development plan inside the critical area can provide over 17,651 c.f. of ESD treatment volume. Furthermore, these measures provide 3.56 lbs of phosphorus per year reduction, which is 14% above the requirement. Treatment areas outside the critical area provide over 5,825 c.f. of ESD treatment volume. The micro-bioretenion systems are conceptually designed to provide 1 ft. of temporary storage and 3 ft of media storage. It is noted that there are potential areas of the site that could meet rooftop and non-rooftop disconnection criteria but at this time we have excluded such areas from these conceptual ESD calculations. Further design detail and more associated calculations will be developed at the formal Site Plan design phase, however at this time we want to only ensure adequate treatment areas are planned for accordingly to address quality and pollutant reduction requirements.

In conclusion the conceptual stormwater management measures address ESD to the MEP as required by the Town and MDE. Furthermore the proposed stormwater management design will satisfy COMAR 27.01.02.06-2.A.6 as they will address qualitative and quantitative requirements. All quality volume requirements are met with the systems also provided storage and attenuation for quantity control. The treatment systems will then discharge to the large existing stormwater pond for further quantity control. The proposed measures within the critical area phosphorous removal in excess of 14% of the 3.11 lbs of phosphorous per year removal requirement, thereby meeting the 10% pollutant removal requirement as required in COMAR 06-2.A.7.

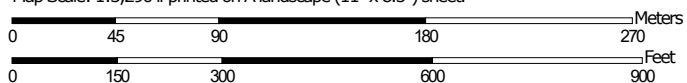
The following two sets of calculations have been prepared for the 3.56 ac. disturbance project area inside the critical area and 1.50 ac. disturbance project area outside the critical area, respectively.

Hydrologic Soil Group—Talbot County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:3,290 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Talbot County, Maryland
 Survey Area Data: Version 18, Aug 27, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Apr 1, 2021—Oct 1, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CsA	Crosiadore silt loam, 0 to 2 percent slopes	C/D	1.7	6.5%
HfB	Hambrook-Sassafras complex, 2 to 5 percent slopes	B	0.8	3.3%
HfC	Hambrook-Sassafras complex, 5 to 10 percent slopes	B	0.7	2.5%
MtcA	Mattapex silt loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	C	3.7	14.4%
MtcB	Mattapex silt loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain	C	4.3	16.7%
MxC	Mattapex-Woodstown complex, 5 to 10 percent slopes	C	0.2	0.6%
W	Water		1.8	6.8%
WdcA	Woodstown sandy loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	C	0.0	0.1%
WocA	Woodstown loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	C	4.4	16.9%
WocB	Woodstown loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain	C	3.7	14.3%
Zk	Zekiah silt loam, frequently flooded	C/D	4.6	17.7%
Totals for Area of Interest			25.9	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

	VERSION	4.0			
Maryland ESD Calculations and 10% Phosphorus Removal					
Project Name:	Lot 16 LLC inside Critical Area				
Date:	Sept. 2022				
	data input cells				
	calculation cells				
Step 1: Complete ESD Implementation Checklist					
<i>Check all of the Following ESD Practices That Were Implemented at Site</i>			Yes - No - N/A		
Environmental Mapping Was Conducted at Site Prior to Layout			YES		
Natural Areas Were Conserved (e.g., forests, wetlands, steep slopes, floodplains)			YES		
Stream, Wetland and Shoreline Buffers Were Reserved			YES		
Disturbance of Permeable Soils Was Minimized			N/A		
Natural Flow Paths Were Maintained Across the Site			YES		
Building Layout Was Fingerprinted to Reduce Clearing and Grading at Site			YES		
Site Grading Promoted Sheetflow From Impervious Areas to Pervious Ones			YES		
Site Design Was Evaluated to Reduce Creation of Needless Impervious Cover			YES		
Site Design Was Evaluated to Maximize Disconnection of Impervious Cover			YES		
Site Design Was Evaluated to Identify Potential Hotspot Generating Area for Stormwater Treatment			N/A		
Erosion and Sediment Control Practices and Post Construction Stormwater Management Practices Were Integrated into a Comprehensive Plan			YES		
Tree Planting Was Used at the Site to Convert Turf Areas into Forest			N/A		

Step 2: Calculate Site Imperviousness and Water Quality Volume, WQv (for redevelopment)				
Site Area, A (acres)	3.56			
Existing Impervious Surface Area (acres)	0.00			
Proposed Impervious Surface Area (acres)	1.94			
Rainfall Depth, P (in)	1.0			
Existing Imperviousness, I_{pre}	0.0%			
Proposed Imperviousness, I_{post}	54.5%			
<i>Water Quality Calculation for Redevelopment Only</i>				
Required Treatment Area (acres)	0.00			
Runoff Coefficient, Rv	0.95			
Water Quality Volume, WQv (cf)	0			

Step 3: Calculate Phosphorous Removal Requirement, RR for Critical Area Sites					
Development Category (for 10%)			New Development		
New Development					
Average Annual Predevelopment Load, L_{pre} (lbs P / yr)				1.78	
Redevelopment:					
Predevelopment Runoff Coefficient, Rv_{pre}				0.05	
Phosphorous Mean Concentration, C (mg/L)				0.3	
Average Annual Predevelopment Load, L_{pre} (lbs P / yr)				0.44	
Post-Development Runoff Coefficient, Rv_{post}				0.54	
Average Annual Post-Development Load, L_{post} (lbs P / yr)				4.71	
Removal Requirement, RR (lbs P / yr)				3.11	

Step 4: Calculate Environmental Site Design (ESD) Rainfall Target, P_E				
Development Category (for ESD)	New Development			
% Soil Type A	0%			
% Soil Type B	0%			
% Soil Type C	100%			
% Soil Type D	0%			
Pre-Developed Condition, RCN_{woods}	70			
Soil Type A ESD Rainfall Target, P_E (in)	0.00			
Soil Type B ESD Rainfall Target, P_E (in)	0.00			
Soil Type C ESD Rainfall Target, P_E (in)	1.80			
Soil Type D ESD Rainfall Target, P_E (in)	0.00			
Maximum P_E (in)	2.7			
Site ESD Rainfall Target, P_E (in)		1.80		
ESD Runoff Depth, Q_E (in)		0.97		
ESD Runoff Volume, ESD_v (cf)		12,571		
Total Treatment Volume (cf)		12,571		

Step 5: Select Nonstructural Practices to Treat the ESD Rainfall Target							
Nonstructural Practices	P _E Credit Description	Contributing Drainage Area (sf)	Direct WQv or ESDv Received by Practice (cf)	WQv or ESDv from Up-Gradient Practices (cf)	P _E Credit (in)	WQV or ESDv credit (cf)	Runoff Volume Remaining (cf)
Disconnection of Rooftop Runoff (A/B Soils)	Up to 1 inch credit provided based upon disconnection flow length.	0	0	0	0.00	0	0
Disconnection of Rooftop Runoff (C/D Soils)	Up to 1 inch credit provided based upon disconnection flow length.	0	0	0	0.00	0	0
Disconnection of Non-Rooftop Runoff (A/B Soils)	Up to 1 inch credit provided based upon disconnection and contributing flow lengths.	0	0	0	0	0	0
Disconnection of Non-Rooftop Runoff (C/D Soils)	disconnection and contributing flow lengths.	0	0	0	0	0	0
Sheetflow to Conservation Areas (A/B Soils)	Up to 1 inch credit provided based upon conservation area width.	0	0	0	0	0	0
Sheetflow to Conservation Areas (C/D Soils)	Up to 1 inch credit provided based upon conservation area width.	0	0	0	0	0	0

	<i>Critical Area Credits</i>			
Baseline Phosphorous Removal Efficiency	Average Adjusted Removal Efficiency Rate	P Load to Practice (lbs/yr)	Load Reduction (lbs/yr)	Remaining Load (lbs/yr)
50%	0%	0.00	0.00	0.00
25%	0%	0.00	0.00	0.00
50%	0%	0.00	0.00	0.00
25%	0%	0.00	0.00	0.00
50%	0%	0.00	0.00	0.00
25%	0%	0.00	0.00	0.00

Step 6: Select Micro-Scale Practices to Treat the ESD Rainfall Target						
Micro-Scale Practices	P _E Credit Description	Contributing Drainage Area (sf)	Direct ESDv Received by Practice (cf)	WQv or ESDv from Up-Gradient Practices (cf)	WQv or ESDv credit (cf)	Runoff Volume Remaining (cf)
Green Roof (Level 1)	ESDv credit is based on roof thickness	0	0	N/A	0	0
Green Roof (Level 2)	ESDv credit is based on roof thickness	0	0	N/A	0	0
Pemeable Pavement (A Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Pemeable Pavement (B Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Pemeable Pavement (C Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Rainwater Harvesting	ESDv credit is based on design storage volume and annual use	0	0	0	0	0
Submerged Gravel Wetlands	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Infiltration	ESDv credit is based on design storage volume	0	0	0	0	0
Rain Gardens (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Rain Gardens (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Bioretenention (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Bioretenention (C/D Soils)	ESDv credit is based on design storage volume	157,750	23,567	0	17,651	5,915
Landscape Infiltration	ESDv credit is based on design storage volume	0	0	0	0	0
Grass Swales (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Grass Swales (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Bio-swales (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Bio-swales (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Wet Swales	ESDv credit is based on design storage volume	0	0	0	0	0

Baseline Phosphorous Removal Efficiency	Average Adjusted Removal Efficiency Rate	P Load to Practice (lbs/yr)	Load Reduction (lbs/yr)	Remaining Load (lbs/yr)
45%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
80%	0%	0.00	0.00	0.00
80%	0%	0.00	0.00	0.00
40%	0%	0.00	0.00	0.00
45%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
65%	0%	0.00	0.00	0.00
65%	0%	0.00	0.00	0.00
25%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
50%	62%	5.89	3.56	2.33
75%	0%	0.00	0.00	0.00
40%	0%	0.00	0.00	0.00
20%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
50%	0%	0.00	0.00	0.00
40%	0%	0.00	0.00	0.00
Total Load Reduction (lbs P / year)				3.56
Total Load Reduction Remaining (lbs P / yr)				0.00

Step 7: Check for ESDv to MEP compliance and Revise Site If Necessary								
	Drainage Area Treated (sf)	157,750				WQv or ESDv Treated (cf)	17,651	
						P _E achieved (inches)	2.53	
					Entire ESDv Treated Through Environmental Site Design?		YES	
					ESDv Remaining? (cf)		0	
					If ESDV is not fully treated, is ESD to MEP achieved?			
					Redevelopment WQv Requirements Met Through Environmental Site Design?		N/A	
New Development Water Quality Volume Requirements						WQv Remaining? (cf)	0	
	Required Treatment Area (acres)	3.56						
	Runoff Coefficient, Rv	0.54						
	Water Quality Volume, WQv (cf)	6,984						
					New Development WQv Requirements Met Through Environmental Site Design?		YES	
						WQv Remaining? (cf)	0	

Step 8: Determine Reduced RCN and Volume Management Requirements Based Upon P _E Achieved					
Reduced RCN for Type A Soils	N/A				
Reduced RCN for Type B Soils	N/A				
Reduced RCN for Type C Soils	N/A				
Reduced RCN for Type D Soils	N/A				
Composite Reduced RCN	N/A				
Q _E (in) for Reduced RCN	N/A		Q _E (in) for RCN of 55	0.12	
V (ft ³) for Reduced RCN	N/A		V (ft ³) for RCN of 55	1599	
Volume Management Required (cf)	0				

Step 9: Select Structural Practices to Meet Volume Management Requirements					
<i>Structural Practices</i>	Contributing Drainage Area (sf)	% Impervious Cover	Direct ESDv Received by Practice (cf)	ESDv from Upstream Practices (cf)	Treatment Volume (cf)
Stormwater Ponds (Level 1)	0	0%	0	0	0
Stormwater Ponds (Level 2)	0	0%	0	0	0
Stormwater Wetlands (Level 1)	0	0%	0	0	0
Stormwater Wetlands (Level 2)	0	0%	0	0	0
Stormwater Filtering Systems (Level 1)	0	0%	0	0	0
Stormwater Filtering Systems (Level 2)	0	0%	0	0	0
Stormwater Infiltration (Level 1)	0	0%	0	0	0
Stormwater Infiltration (Level 2)	0	0%	0	0	0
			Total structural CPv provided		0
			Management Requirement Met?		YES
			Volume Remaining (cf)		0

	<i>Critical Area Credits</i>			
Phosphorous Removal Efficiency	Adjusted Phosphorus Removal Efficiency	P Load to Practice (lbs/yr)	Load Reduction (lbs/yr)	Remaining Load (lbs/yr)
50%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
50%	0%	0.00	0.00	0.00
75%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
65%	0%	0.00	0.00	0.00
60%	0%	0.00	0.00	0.00
90%	0%	0.00	0.00	0.00
Total Load Reduction (lbs P / year)				3.56
Total Load Reduction Remaining (lbs P / yr)				0.00

			Contributing Drainage Area (sf)	% Impervious Cover	ESDv Received by Practice	ESDv from Up- Gradient Practices	Practice Specific Parameter(s)			WQv or ESDv credit (cf)	Runoff Volume Remainin g (cf)	Down- Gradient Practice		Phosphor ous Removal Efficiency	Adjusted Removal Efficiency Rate	P Load to Practice (lbs/yr)	Load Reduction (lbs/yr)	Remainin g Load (lbs/yr)
	Micro-Scale Practices	P _E Credit Description																
MB-C1	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	24,150	70%	3,695	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	3,695	0			50%	66%	0.92	0.60	0.32
							2,330	1	3									
MB-C2	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	29,400	76%	4,855	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	2,303	2,552			50%	54%	1.21	0.65	0.56
							1,917	1	3									
MB-C3	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	23,800	71%	3,690	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	2,620	1,069			50%	60%	0.92	0.55	0.37
							1,191	1	3									
MB-C4	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	22,450	82%	3,980	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	2,647	1,334			50%	59%	0.99	0.59	0.41
							1,203	1	3									
MB-C5	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	18,400	74%	2,964	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	2,004	960			50%	59%	0.74	0.44	0.30
							911	1	3									
MB-C6	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	9,500	46%	992	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	992	0			50%	66%	0.25	0.16	0.09
							911	1	3									
MB-C7	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	13,050	66%	1,891	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	1,891	0			50%	66%	0.47	0.31	0.16
							911	1	3									
MB-C8	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	17,000	38%	1,499	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	1,499	0			50%	66%	0.37	0.25	0.13
							2,352	1	3									
							Total											

	VERSION	4.0			
Maryland ESD Calculations and 10% Phosphorus Removal					
Project Name:	Lot 16 LLC outside the Critical Area				
Date:	Sept. 2022				
	data input cells				
	calculation cells				
Step 1: Complete ESD Implementation Checklist					
<i>Check all of the Following ESD Practices That Were Implemented at Site</i>			Yes - No - N/A		
Environmental Mapping Was Conducted at Site Prior to Layout			YES		
Natural Areas Were Conserved (e.g., forests, wetlands, steep slopes, floodplains)			YES		
Stream, Wetland and Shoreline Buffers Were Reserved			YES		
Disturbance of Permeable Soils Was Minimized			N/A		
Natural Flow Paths Were Maintained Across the Site			YES		
Building Layout Was Fingerprinted to Reduce Clearing and Grading at Site			YES		
Site Grading Promoted Sheetflow From Impervious Areas to Pervious Ones			YES		
Site Design Was Evaluated to Reduce Creation of Needless Impervious Cover			YES		
Site Design Was Evaluated to Maximize Disconnection of Impervious Cover			YES		
Site Design Was Evaluated to Identify Potential Hotspot Generating Area for Stormwater Treatment			N/A		
Erosion and Sediment Control Practices and Post Construction Stormwater Management Practices Were Integrated into a Comprehensive Plan			YES		
Tree Planting Was Used at the Site to Convert Turf Areas into Forest			N/A		

Step 2: Calculate Site Imperviousness and Water Quality Volume, WQv (for redevelopment)				
Site Area, A (acres)	1.50			
Existing Impervious Surface Area (acres)	0.00			
Proposed Impervious Surface Area (acres)	0.80			
Rainfall Depth, P (in)	1.0			
Existing Imperviousness, I_{pre}	0.0%			
Proposed Imperviousness, I_{post}	53.3%			
<i>Water Quality Calculation for Redevelopment Only</i>				
Required Treatment Area (acres)	0.00			
Runoff Coefficient, Rv	0.95			
Water Quality Volume, WQv (cf)	0			

Step 4: Calculate Environmental Site Design (ESD) Rainfall Target, P_E			
Development Category (for ESD)	New Development		
% Soil Type A	0%		
% Soil Type B	0%		
% Soil Type C	100%		
% Soil Type D	0%		
Pre-Developed Condition, RCN_{woods}	70		
Soil Type A ESD Rainfall Target, P_E (in)	0.00		
Soil Type B ESD Rainfall Target, P_E (in)	0.00		
Soil Type C ESD Rainfall Target, P_E (in)	1.80		
Soil Type D ESD Rainfall Target, P_E (in)	0.00		
Maximum P_E (in)	2.7		

Step 5: Select Nonstructural Practices to Treat the ESD Rainfall Target							
Nonstructural Practices	P _E Credit Description	Contributing Drainage Area (sf)	Direct WQv or ESDv Received by Practice (cf)	WQv or ESDv from Up-Gradient Practices (cf)	P _E Credit (in)	WQV or ESDv credit (cf)	Runoff Volume Remaining (cf)
Disconnection of Rooftop Runoff (A/B Soils)	Up to 1 inch credit provided based upon disconnection flow length.	0	0	0	0.00	0	0
Disconnection of Rooftop Runoff (C/D Soils)	Up to 1 inch credit provided based upon disconnection flow length.	0	0	0	0.00	0	0
Disconnection of Non-Rooftop Runoff (A/B Soils)	Up to 1 inch credit provided based upon disconnection and contributing flow lengths.	0	0	0	0	0	0
Disconnection of Non-Rooftop Runoff (C/D Soils)	disconnection and contributing flow lengths.	0	0	0	0	0	0
Sheetflow to Conservation Areas (A/B Soils)	Up to 1 inch credit provided based upon conservation area width.	0	0	0	0	0	0
Sheetflow to Conservation Areas (C/D Soils)	Up to 1 inch credit provided based upon conservation area width.	0	0	0	0	0	0

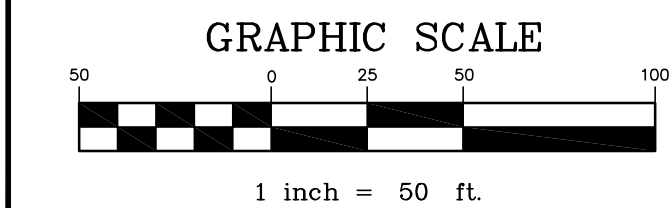
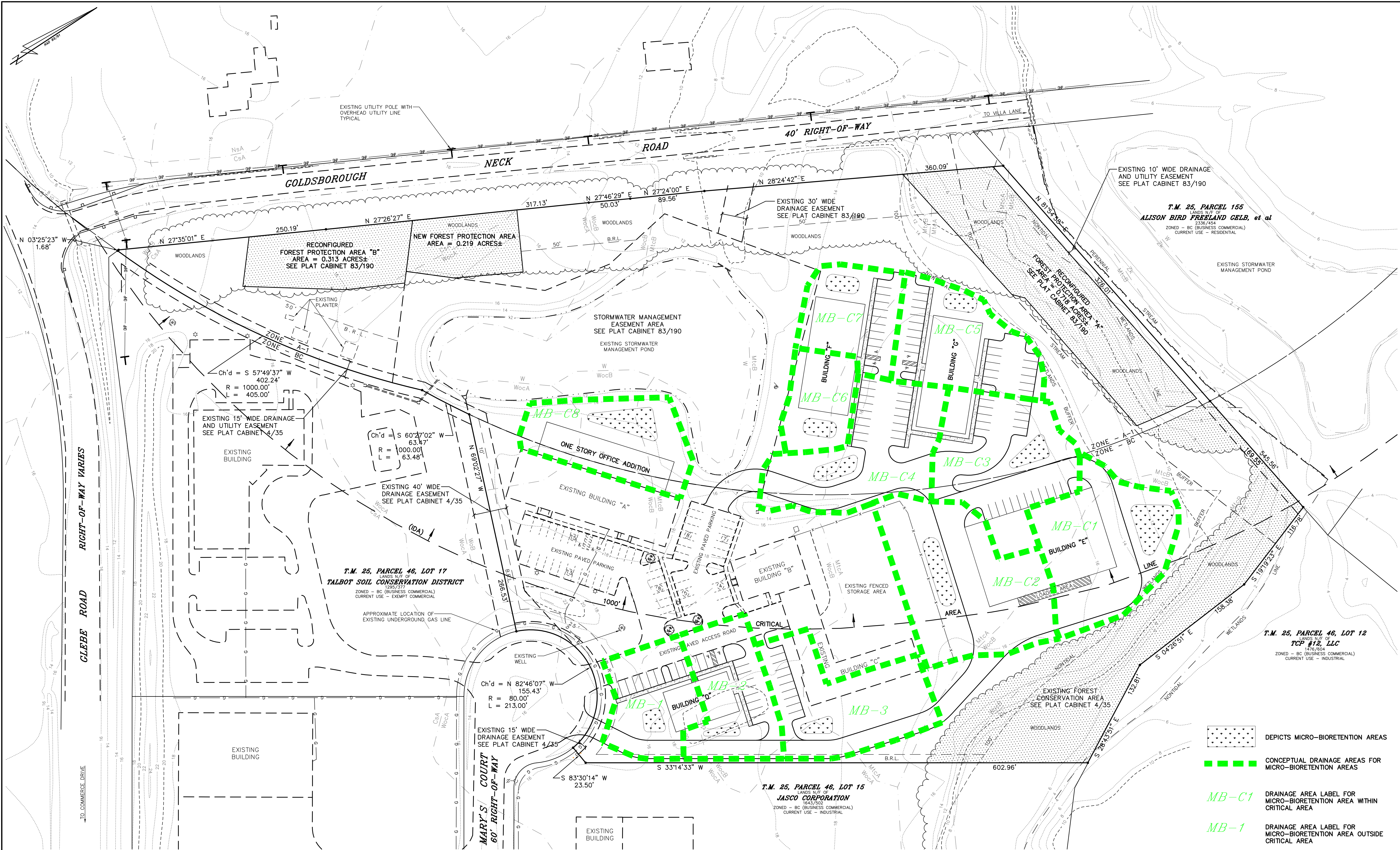
Step 6: Select Micro-Scale Practices to Treat the ESD Rainfall Target						
Micro-Scale Practices	P _E Credit Description	Contributing Drainage Area (sf)	Direct ESDv Received by Practice (cf)	WQv or ESDv from Up-Gradient Practices (cf)	WQv or ESDv credit (cf)	Runoff Volume Remaining (cf)
Green Roof (Level 1)	ESDv credit is based on roof thickness	0	0	N/A	0	0
Green Roof (Level 2)	ESDv credit is based on roof thickness	0	0	N/A	0	0
Pemeable Pavement (A Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Pemeable Pavement (B Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Pemeable Pavement (C Soils)	ESDv credit is based on subbase thickness	0	0	N/A	0	0
Rainwater Harvesting	ESDv credit is based on design storage volume and annual use	0	0	0	0	0
Submerged Gravel Wetlands	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Infiltration	ESDv credit is based on design storage volume	0	0	0	0	0
Rain Gardens (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Rain Gardens (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Bioretenention (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Micro-Bioretenention (C/D Soils)	ESDv credit is based on design storage volume	49,200	7,528	0	5,825	1,702
Landscape Infiltration	ESDv credit is based on design storage volume	0	0	0	0	0
Grass Swales (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Grass Swales (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Bio-swales (A/B Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Bio-swales (C/D Soils)	ESDv credit is based on design storage volume	0	0	0	0	0
Wet Swales	ESDv credit is based on design storage volume	0	0	0	0	0

Step 7: Check for ESDv to MEP compliance and Revise Site If Necessary								
	Drainage Area Treated (sf)	49,200				WQv or ESDv Treated (cf)	5,825	
						P _E achieved (inches)	2.02	
					Entire ESDv Treated Through Environmental Site Design?		YES	
						ESDv Remaining? (cf)	0	
					If ESDV is not fully treated, is ESD to MEP achieved?			
					Redevelopment WQv Requirements Met Through Environmental Site Design?		N/A	
<i>New Development Water Quality Volume Requirements</i>						WQv Remaining? (cf)	0	
	Required Treatment Area (acres)	1.50						
	Runoff Coefficient, Rv	0.53						
	Water Quality Volume, WQv (cf)	2,886						
					New Development WQv Requirements Met Through Environmental Site Design?		YES	
						WQv Remaining? (cf)	0	

Step 8: Determine Reduced RCN and Volume Management Requirements Based Upon P_E Achieved				
Reduced RCN for Type A Soils	N/A			
Reduced RCN for Type B Soils	N/A			
Reduced RCN for Type C Soils	N/A			
Reduced RCN for Type D Soils	N/A			
Composite Reduced RCN	N/A			
Q _E (in) for Reduced RCN	N/A		Q _E (in) for RCN of 55	0.12
V (ft ³) for Reduced RCN	N/A		V (ft ³) for RCN of 55	674
Volume Management Required (cf)	0			

Step 9: Select Structural Practices to Meet Volume Management Requirements					
<i>Structural Practices</i>	Contributing Drainage Area (sf)	% Impervious Cover	Direct ESDv Received by Practice (cf)	ESDv from Upstream Practices (cf)	Treatment Volume (cf)
Stormwater Ponds (Level 1)	0	0%	0	0	0
Stormwater Ponds (Level 2)	0	0%	0	0	0
Stormwater Wetlands (Level 1)	0	0%	0	0	0
Stormwater Wetlands (Level 2)	0	0%	0	0	0
Stormwater Filtering Systems (Level 1)	0	0%	0	0	0
Stormwater Filtering Systems (Level 2)	0	0%	0	0	0
Stormwater Infiltration (Level 1)	0	0%	0	0	0
Stormwater Infiltration (Level 2)	0	0%	0	0	0
			Total structural CPv provided		0
			Management Requirement Met?		YES
			Volume Remaining (cf)		0

			Contributing Drainage Area (sf)	% Impervious Cover	ESDv Received by Practice	ESDv from Up- Gradient Practices				WQv or ESDv credit (cf)	Runoff Volume Remaining (cf)	Down- Gradient Practice
	Micro-Scale Practices	P _E Credit Description					Practice Specific Parameter(s)					
MB-1	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	13,200	73%	2,100	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	1,760	340	
							800	1	3			
MB-2	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	15,300	85%	2,806	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	1,443	1,363	
							1,200	1	3			
MB-3	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume	20,700	57%	2,622	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	2,622	0	
							1,500	1	3			
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Micro-Bioretention (C/D Soils)	ESDv credit is based on design storage volume			0	0	Surface Area (sf)	Ponding Depth (ft)	Media Depth (ft)	0	0	
	Total		49,200		7,528	0				5,825	1,702	



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PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
No. 17660

9-29-22
DATE SEAL

**DAVIS, MOORE, SHEARON
& ASSOCIATES, LLC**

ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING

P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION

CONCEPTUAL STORMWATER MANAGEMENT DRAINAGE AREA MAP

ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON

TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

PREPARED FOR : LOT 16 LLC

DATE	SCALE
DECEMBER '19	1" = 50'
JOB No. 2017052	DRAWN BY WJM
FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
SHEET No. - DA	
CADD FILE - 17052-DA	



TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: November 14, 2022
TO: Tom Davis - DMS
cc: Tom Cohee - Owner
Brendan Mullaney - MDSW
Sierra Crist - Town of Easton Engineering Department
Miguel Salinas - Town of Easton Planning & Zoning Department
Joe Mayer - Town of Easton Planning & Zoning Department
FROM: Rick Van Emburgh, P.E. – Town Engineer
SUBJECT: Talbot Commerce Park - Lot 16 - Growth Allocation
Sketch Stormwater Management Plan Review

I reviewed the Application for the Subject project received on 10/17/2022.

Stormwater Management

Please revise the **Sketch Stormwater Management Plan** to address the following comments:

1. Provide Required and Provided calculations for each Drainage Area as well as the total project area. The calculations for the total project area are acceptable.
2. Provide an ESD Summary Chart (similar to TOE-SWM-7.01) on the plan.
3. Provide SWM Quantity calculations.
4. Provide a SWM Quantity Summary Chart (similar to TOE-SWM-7.02) on the plan.

While I would approve the Sketch Stormwater Management Plan related to **Quality** Management and Critical Area 10% calculations, I do not have any **Quantity** Management calculations to review or approve. Therefore Sketch Stormwater Management approval as a whole cannot yet be given.

Please address the comments above and submit a revised Sketch Stormwater Management Plan.

Please contact me if you have any questions. Thank you.

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

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

August 25, 2022

Mr. Joseph Mayer
Town of Easton Planning and Zoning
14 South Harrison Street
Easton, MD 21601

**Re: Mary's Court Site Plan
Growth Allocation (TM 25, P 46, Lots 16 & 20)**

Dear Mr. Mayer:

Thank you for providing information on the above-referenced project. The application is requesting 8.348 acres of growth allocation from the Town of Easton to change a portion of the Critical Area designation on the above-referenced property from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). Lot 16 is 6.56 acres, with 3.51 acres located in the Critical Area and designated as IDA, while Lot 20 is 8.35 acres and is designated as RCA. If approved, the growth allocation will allow the property to be developed for commercial use as a part of Talbot Commerce Park.

Based on the information provided, we have the following comments regarding the proposed growth allocation request:

1. Prior to Critical Area Commission review and approval, the growth allocation proposal must go through the supplemental growth allocation process which includes local approval from both the Town of Easton and Talbot County.
2. The project must meet the standards and address the factors found in Natural Resources Article 8-1808.1 and COMAR 27.01.02.06. This information is required to be submitted by the Town of Easton as part of the application for growth allocation to the Critical Area Commission, per COMAR 27.01.02.06-1 and COMAR 27.01.02.06-2.

Based on preliminary review of the submitted materials by Commission staff, it appears that the growth allocation request can meet adjacency and IDA size standards (1), (2), (5), and (6) found in the Town's Zoning Ordinance (§228-401.8.E). However, additional information is required to ensure that the location standards found in (3), (4) and (7) are met.

3. Please have the applicant provide information on how the growth allocation factors outlined in §228-401.8.F are addressed.
4. The project has a 100-foot Buffer on the site from a perennial stream. It appears that a portion of the 100-foot Buffer is not currently established in native vegetation. The applicant will be required to submit a Buffer Management Plan that provides full establishment of the 100-foot Buffer.
5. The site plan denotes the Buffer as a “100-foot nontidal wetland buffer.” It appears that the Buffer has been drawn from the edge of nontidal wetlands and not from the edge of each bank of the tributary stream, as required per COMAR 27.01.09.01. Please have the applicant revise the Buffer delineation accordingly.
6. The applicant proposes to treat stormwater for the project using environmental site design (ESD) features. However, the 10% worksheets and stormwater plans were not provided to this office as part of the application. Please have the applicant forward these plans to this office for review and comment.
7. It is our understanding from previous conversations with the applicant’s attorney that a portion of Lot 16 along Goldsborough Neck Road is to be transferred to Talbot County prior to the request for growth allocation. Please have the applicant provide information verifying whether this has been completed. If this has not been executed, then additional growth allocation acreage will be required for this portion of the lot.
8. Please have the applicant provide information explaining why Forest Protection Areas A and B are required to be modified. In addition, please have the applicant provide information to this office regarding the easements for both forest protection areas and the stormwater management areas for review.
9. We note that in several places within the application letter and environmental report that the growth allocation request is for conversion of Limited Development Area (LDA) to IDA instead of RCA to IDA. Please have the applicant correct these discrepancies.

Thank you for the opportunity to provide comments. Please have the applicant submit the above information to this office. If you have any questions, please contact me at nick.kelly@maryland.gov or (410) 260-3483.



Nick Kelly
Regional Program Chief

cc: Alex DeWeese, Critical Area Commission

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

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

October 6, 2022

Mr. Joseph Mayer
Town of Easton Planning and Zoning
14 South Harrison Street
Easton, MD 21601

**Re: Mary's Court Site Plan
Growth Allocation (TM 25, P 46, Lots 16 & 20)**

Dear Mr. Mayer:

Thank you for providing revised information regarding the Buffer and stormwater management for the above-referenced project. The application is requesting 8.348 acres of growth allocation from the Town of Easton to change a portion of the Critical Area designation on the above-referenced property from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). Lot 16 is 6.56 acres, with 3.51 acres located in the Critical Area and designated as IDA, while Lot 20 is 8.35 acres and is designated as RCA. If approved, the growth allocation will allow the property to be developed for commercial use as a part of Talbot Commerce Park.

Based on the information provided, and based on a conversation with the applicant's consultant, we have the following comments regarding the proposed growth allocation request:

1. Prior to Critical Area Commission review and approval, the growth allocation proposal must go through the supplemental growth allocation process which includes local approval from both the Town of Easton and Talbot County.
2. The project must meet the standards and address the factors found in Natural Resources Article 8-1808.1 and COMAR 27.01.02.06. This information is required to be submitted by the Town of Easton as part of the application for growth allocation to the Critical Area Commission, per COMAR 27.01.02.06-1 and COMAR 27.01.02.06-2.

Based on preliminary review of the submitted materials by Commission staff, it appears that the growth allocation request can meet adjacency and IDA size standards (1), (2), (5), and (6) found in the Town's Zoning Ordinance (§228-401.8.E). However, additional information is required to ensure that the location standards found in (3), (4) and (7) are met.

3. Please have the applicant provide information on how the growth allocation factors outlined in §228-401.8.F of the Town's Critical Area Code are addressed.
4. The project has a 100-foot Buffer on the site from a perennial stream. We have received a revised plan from the applicant's consultant that shows that the 100-foot Buffer on the growth allocation site is currently established in native vegetation. Based on these revised plans, establishment of the Buffer is not required as part of the growth allocation process.

We do note that portions of the Buffer on sites not associated with the growth allocation request are not fully established. Future development on these lots will be subject to meeting Buffer establishment requirements found within the Town's Critical Area Code.

5. The applicant proposes to treat stormwater for the project using eight microbioretention areas. In reviewing the updated conceptual 10% spreadsheet, drainage area maps, and stormwater narrative, it appears that the project can meet Critical Area 10% phosphorus reductions as proposed. Provided that the Town Engineer concurs that the stormwater requirements onsite can be met as proposed, we have no further comments on the conceptual plans at this time. Final stormwater plans will require additional review by this office.

Thank you for the opportunity to provide comments. Please have the applicant submit the above information to this office. If you have any questions, please contact me at nick.kelly@maryland.gov or (410) 260-3483.



Nick Kelly
Regional Program Chief

cc: Annie Sekerak, Critical Area Commission

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor



Charles C. Deegan
Chairman
Katherine Charbonneau
Executive Director

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

October 24, 2022

Mr. Joseph Mayer
Town of Easton Planning and Zoning
14 South Harrison Street
Easton, MD 21601

**Re: Mary's Court Site Plan
Growth Allocation (TM 25, P 46, Lots 16 & 20)**

Dear Mr. Mayer:

We have received revised information from the applicant regarding the above-referenced project. The application is requesting 8.348 acres of growth allocation from the Town of Easton to change a portion of the Critical Area designation on the above-referenced property from Resource Conservation Area (RCA) to Intensely Developed Area (IDA). Lot 16 is 6.56 acres, with 3.51 acres located in the Critical Area and designated as IDA, while Lot 20 is 8.35 acres and is designated as RCA. If approved, the growth allocation will allow the property to be developed for commercial use as a part of Talbot Commerce Park. This letter is a follow-up to our August 23, 2022, and October 6, 2022, letters (attached).

Based on the revised information provided, our previous comments have been largely addressed. We do still want to note the following:

1. The Town must determine that the information provided by the applicant meets the growth allocation requirements found in 28-401.8 of the Easton Zoning Ordinance, including the growth allocation location standards, IDA size standards, and growth allocation factors to be considered. This includes having the applicant submit all information outlined in COMAR 27.01.02.06-1 ("Growth Allocation Submittal Requirements") and COMAR 27.01.02.06-2 ("Environmental Report").
2. Since the Town does not have any growth acreage remaining, this proposal must go through the supplemental growth allocation process to receive acreage from Talbot County. The growth allocation request shall also require approval by the Easton Town Council prior to submission to the Critical Area Commission for review and approval.

If you have any questions, please contact me at nick.kelly@maryland.gov or (410) 260-3483.
Thank you for the opportunity to provide comments.



Nick Kelly
Regional Program Chief

cc: Annie Sekerak, Critical Area Commission

File: EA 280-22



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Horacio Tablada, Secretary
Suzanne E. Dorsey, Deputy Secretary

September 22, 2022

Stark McLaughlin
Fink, Whitten, & Associates
113 E Dover Street
Easton, MD 21601

RE: Talbot Commerce Park, Lots 16 and 20

Mr. McLaughlin,

A site visit was conducted at Lots 16 and 20 in the Talbot Commerce Park on Mary's Court in Easton on August 19, 2022. The purpose of the site visit was to confirm the extent of Waters of the State in an area proposed for development. I concur with delineation of wetland resources indicated on the Conceptual Site Plan prepared by Davis, Moore, Shearon, and Associates, dated December 2019. No authorization is required from the MDE Wetlands and Waterways Divisions to construct the project as proposed. Please contact me at (443) 717-0951 or mieko.camp@maryland.gov with any questions.

Sincerely,

Mieko Camp

Mieko Camp
Natural Resources Planner
Nontidal Wetlands Division



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

June 11, 2021

Ms. Elizabeth Fink
Fink, Whitten & Associates, LLC
113 E. Dover Street
Unit C
Easton, MD 21601

RE: Environmental Review for Lands of Lot 16, LLC (Lot 16) and Lands of Thomas Cohee (Lot 20), 28580 Marys Court, Easton - Talbot Commerce Park Subdivision, Talbot County, Maryland.

Dear Ms. Fink:

The Wildlife and Heritage Service has determined that the Delmarva fox squirrel, a species with In Need of Conservation status in Maryland, is known to occur on or in the immediate vicinity of the project site. Delmarva fox squirrel habitat is generally characterized as forests with relatively mature trees, either hardwoods or loblolly pine, with a relatively sparse understory. If the proposed activities do not occur within the forested areas on the property, then Delmarva fox squirrel habitat will not be impacted. However, if development in the forested areas is being planned, protection of Delmarva fox squirrel habitat should be considered within the Critical Area. The Wildlife and Heritage Service recommends the following general guidelines for conservation in these cases:

1. As much contiguous forested acreage as possible should be retained.
2. If clearing is necessary, at least 25% of the suitable forested area should remain unaltered or a minimum of 10 acres whichever is greater.
3. This unaltered Delmarva fox squirrel habitat should be retained as a contiguous forested tract, not as small disjunct parcels.
4. Required forested buffers, such as buffers along streams or nontidal wetlands, should be expanded to at least 100 feet and preferably 300 feet in width.
5. Retention of mast producing trees such as oaks, hickories and beech is encouraged.

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

Sincerely,

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

ER# 2021.0528.ta
Cc: C. Jones, CAC



MCALLISTER
DETAR
SHOWALTER
& WALKER

Brendan S. Mullaney
bmullaney@mdswlaw.com
(410) 820-0250 (Direct)

October 17, 2022

VIA ELECTRONIC MAIL (nick.kelly@maryland.gov)

Critical Area Commission
c/o Nick Kelly, Regional Program Chief

Re: Mary's Court Site Plan
Growth Allocation (TM 25, P 46, Lots 16 & 20)

Mr. Kelly:

This letter is in response to your August 25, 2022 comments received by Thomas Cohee and Lot 16, LLC ("Applicant") on September 23, 2022. The Applicant is requesting Growth Allocation from the Town of Easton and Talbot County to reclassify 8.348 acres of Resource Conservation Area to Intensely Developed Area.

1. Prior to Critical Area Commission review and approval, the growth allocation proposal must go through the supplemental growth allocation process which includes local approval from both the Town of Easton and Talbot County.

Understood. The Growth Allocation application is currently under review by both the Town and County.

2. The project must meet the standards and address the factors found in Natural Resources Article 8-1808.1 and COMAR 27.01.02.06. This information is required to be submitted by the Town of Easton as part of the application for growth allocation to the Critical Area Commission, per COMAR 27.01.02.06-1 and COMAR 27.01.02.06-2.

Based on preliminary review of the submitted materials by Commission staff, it appears that the growth allocation request can meet the adjacency and IDA size standards (1), (2), (5), and (6) found in the Town's Zoning Ordinance (§228-401.8.E). However, additional information is required to ensure that the location standards found in (3), (4), and (7) are met.

Applicant has submitted all materials and responses required by COMAR 27.01.02.06-1 (Growth Allocation Submittal Requirements) and COMAR 27.01.02.06-2 (Environmental Report)



to the Town of Easton and Talbot County. Attached hereto is also a response narrative addressing the criteria found in §28-401.8.E.

3. Please have the applicant provide information on how the growth allocation factors outlined in §228-401.8.F are addressed.

A response narrative addressing the criteria in §28-401.8.F is attached.

4. The project has a 100-foot Buffer on the site from a perennial stream. It appears that a portion of the 100-foot Buffer is not currently established in a native vegetation. The applicant will be required to submit a Buffer Management Plan that provides full establishment of the 100-foot Buffer.

Received and acknowledged. After field delineation, it was confirmed that the entire 100-foot Buffer is currently established in native vegetation. Therefore, a Buffer Management Plan is not required and no additional Buffer establishment is proposed. The Growth Allocation plan has been updated to show the field-located top of bank and corresponding Buffer.

5. The site plan denotes the Buffer as a "100-foot nontidal wetland buffer". It appears that the Buffer has been drawn from the edge of nontidal wetlands and not from the edge of each bank of the tributary stream, as required per COMAR 27.01.09.01. Please have the applicant revise the Buffer delineation accordingly.

Applicant has revised the site plan accordingly.

6. The applicant proposes to treat stormwater for the project using environmental site design (ESD) features. However, the 10% worksheets and stormwater plans were not provided to this office as part of the application. Please have the applicant forward these plans to this office for review and comment.

Applicant has provided the necessary stormwater management narrative and calculations and demonstration regarding the 10% requirement to the Town, County, and Critical Area Commission.

7. It is our understanding from previous conversations with the applicant's attorney that a portion of Lot 16 along Goldsborough Neck Road is to be transferred to Talbot County prior to the request for growth allocation. Please have the applicant provide information verifying whether this has been completed. If this has not been executed, then additional growth allocation acreage will be required for this portion of the lot.

A portion of the property is likely to be conveyed to the County for a planned widening of Goldsborough Neck Road. That conveyance is expected to take place prior to final, unappealable



approval of the Growth Allocation sought by this Application but remains uncertain. Therefore, the entirety of the RCA on the property has already been included in the application as depicted by the Growth Allocation plan.

8. Please have the applicant provide information explaining why Forest Protection Areas A and B are required to be modified. In addition, please have the applicant provide information to this office regarding the easements for both forest protection areas and the stormwater management areas for review.

Forest Protection Areas A and B must be modified because portions of them are within the "Area to be Dedicated to Talbot County Road Department" depicted by Sheet C-4 of the Growth Allocation Plan. The area to be dedicated must be replaced on the property, so applicant is proposing the "New Forest Protection Area" (0.219 ac.) as shown on Sheet C-4. Information related to the easements for both forest protection areas and the stormwater management area has been submitted with this letter.

9. We note that in several places within the application letter and environmental report that the growth allocation request is for conversion of LDA to IDA instead of RCA to IDA. Please have the applicant correct these discrepancies.

These discrepancies have been corrected throughout.

Sincerely,

A handwritten signature in blue ink, which appears to read "Brendan S. Mullaney", is written over the word "Sincerely,". The signature is stylized with a large, sweeping loop.

Brendan S. Mullaney

Supplemental Growth Allocation Standards
Town of Easton, Maryland
§28-401.8.E

E. Standards

- (1) A new IDA shall only be located in a LDA or adjacent to an existing IDA.

The proposed IDA will be located adjacent to an existing IDA.

- (2) A new LDA shall only be located adjacent to an existing LDA or an IDA.

Not applicable.

- (3) A new LDA or IDA shall be located in a manner that minimizes impacts to HPA as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality.

The proposed IDA is located in a manner that minimizes impacts to Habitat Protection Areas (HPA) because it is a considerable distance from the Shoreline Development Buffer (closest point is approximately 425' from tidal wetlands or tidal waters). No clearing is proposed in conjunction with the development of the site to be reclassified to IDA and significant forested areas and stormwater management facilities exist on the property to ensure that water flowing from the new IDA is filtered and held on site before entering Glebe Creek, to the west. There are no rare or endangered species within the area to be reclassified to IDA and no tidal or nontidal wetlands will be impacted.

- (4) A new IDA shall only be located where it minimizes impacts to the defined land uses of the RCA.

The new IDA is part of a commercial subdivision known generally as Talbot Commerce Park (the "Subdivision") which was originally subdivided for commercial and light industrial uses, as permitted by the Easton Zoning Ordinance. The subject property is separated from other RCA to the north and northwest by Goldsborough Neck Road and is buffered by existing, mature forested areas along the property boundaries to the north and northwest, where RCA will remain following approval of the Growth Allocation sought by this application. Because of its proximity to the Subdivision and existing commercial and light industrial uses, and because the new IDA is buffered by Goldsborough Neck Road and existing forested areas, the new IDA is located to minimize impacts to the defined land uses of the RCA.

- (5) New IDAs shall be at least 20 acres in size unless: (a) they are contiguous to an existing IDA or located in an LDA; (b) they are grandfathered commercial or industrial use, which existed as of June 26, 1988. The amount of growth allocation deducted shall be equivalent to the

area of the entire parcel or parcels subject to the growth allocation request; or (c) they are (or will be) served by public sewer, the growth allocation is consistent with the goals and objectives of the Town's Comprehensive Plan, and the project has an overall economic benefit to the community.

The new IDA is located adjacent to an existing IDA.

(6) A new IDA or LDA in a RCA shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

The proposed IDA is located approximately 425 feet from the landward edge of tidal wetlands or tidal waters at its closest point.

(7) New IDA or LDA to be located in RCA shall conform to all criteria of the Town of Easton for such areas, shall be so designated on the Town of Easton Critical Area Maps and shall constitute an amendment to the Zoning Chapter subject to review and approval by the Town of Easton Planning and Zoning Commission, the Mayor and Council, and the Critical Area Commission as provided for by the Zoning Chapter.

The new IDA conforms to all requirements and criteria of the Town of Easton. Following approval of Growth Allocation to reclassify the area IDA, the Town of Easton Critical Area Map will be revised to reflect the new IDA. The proposal is subject to review and approval by the Town Planning Commission, the Mayor and Town Council, and the Critical Area Commission.

Supplemental Growth Allocation Standards
Town of Easton, Maryland
§28-401.8.F

F. Additional Factors – In reviewing map amendments or refinements involving the use of Growth Allocation, the Town of Easton shall consider the following factors:

(1) Consistency with the Town of Easton’s adopted comprehensive plan and whether the Growth Allocation would implement the goals and objectives of the adopted plan.

The Easton Comprehensive Plan (the “Plan”) emphasizes the need for business growth and retention of existing businesses. Commercial and industrial growth is to be located in areas planned for such uses. The proposed Growth Allocation would allow reasonable commercial development of a lot that was created through subdivision of a commercial and industrial park known as Talbot Commerce Park. Lot 20 is planned for industrial land uses. (Easton Comprehensive Plan, Future Land Use Map (2010)). Approval of the Growth Allocation sought would allow the property to be developed to bring new and expanded businesses to the Town of Easton and would implement the goals and objectives of the Plan.

(2) For a map amendment or refinement involving a new LDA, whether the development is:

- a. To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;
- b. A completion of an existing subdivision;
- c. An expansion of an existing business; or
- d. To be clustered.

Not applicable.

(3) For a map amendment or refinement involving a new IDA, whether the development is:

- a. To be served by a public wastewater system;
- b. If greater than 20 acres, to be located in a designated Priority Funding Area; and
- c. To have a demonstrable economic benefit.

Public sewer will serve the proposed IDA. Lot 20 is less than twenty acres. Approval of the Growth Allocation sought to redesignate Lot 20 to IDA would have a demonstrable economic benefit to the Town and area because it would allow new businesses and development to occur within an existing commercial and industrial business park.

(4) The use of existing public infrastructure, where practical.

The area proposed for redesignation to IDA is located within the Talbot Commerce Park, where public infrastructure already exists.

(5) Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on or off site.

The proposed IDA is located in a manner that minimizes impacts to Habitat Protection Areas (HPA) because it is a considerable distance from the Shoreline Development Buffer (closest point is approximately 425' from tidal wetlands or tidal waters). No clearing is proposed in conjunction with the development of the site to be reclassified to IDA and significant forested areas and stormwater management facilities exist on the property to ensure that water flowing from the new IDA is filtered and held on site before entering Glebe Creek, to the west. There are no rare or endangered species within the area to be reclassified to IDA and no tidal or nontidal wetlands will be impacted. The proposal is consistent with State and regional environmental protection policies for threatened and endangered species.

(6) Impacts on priority preservation areas.

Not applicable.

(7) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams.

A conceptual stormwater management plan was submitted with the Growth Allocation Plan (Sheet C6) depicting the location of several micro-bioretenion areas on consolidated Lots 16 and 20. The proposed lots will be developed in accordance with the 2000 Maryland Stormwater Design Manual's environmentally sensitive development criteria. A stormwater management report was submitted to the Critical Area Commission for the entire project and contains calculations that address the 10% pollution reduction requirements for the IDA. The project exceeds the required pollution reduction requirements. The proposed IDA is a considerable distance from the Shoreline Development Buffer (closest point is approximately 425' from tidal wetlands or tidal waters). No clearing is proposed in conjunction with the development of the site to be reclassified to IDA and significant forested areas and stormwater management facilities exist on the property to ensure that water flowing from the new IDA is filtered and held on site before entering Glebe Creek, to the west.

(8) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

Lot 20 is not located within a special flood hazard area.

GRISWOLD & LEE, P.A.
100 NORTH WEST STREET
P.O. BOX 926
EASTON, MARYLAND 21601

PREPARED WITHOUT TITLE EXAMINATION
BASED UPON INFORMATION PROVIDED
BY THE PARTIES HERETO.

[illegible]

THIS LIQUIDATING DEED ("Deed") made this 15th day of November, 2005, by and between PETRIE BARKER EASTON HD, LLC, a Maryland limited liability company, (the "Grantor") and THOMAS R. COHEE (the "Grantee").

WHEREAS, the Grantor has owned the property described herein and certain other parcels and the Grantor has elected to liquidate, pursuant to a Liquidation Agreement among all of the members of the Grantor and the Grantor, by conveying certain property to the Grantee and selling and/or conveying the remaining parcels to others and ultimately distributing the net proceeds of such liquidation to its members (the "Plan of Liquidation");

WHEREAS, the Grantee is an original member of the Grantor; and

WHEREAS, the recordation of this Deed is exempt from recordation and transfer taxes pursuant to Sections 12-108(q) and 13-207(a)(10) of the Tax Property Article of the Annotated Code of Maryland.

WITNESSETH, that, FOR NO CASH CONSIDERATION AND AS PART OF THE PLAN OF LIQUIDATION OF THE GRANTOR, the Grantor does hereby grant and convey to the Grantee, his personal representatives, heirs, successors and assigns, in fee simple, the parcel of property described in Exhibit A hereto.

BEING a portion of the property conveyed to the Grantor by a Deed dated July 31, 2003 and recorded among the Land Records of Talbot County, Maryland in Liber 1176, folio 110.

LIBER 1395 FOLIO 362

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 the Grantee, his personal representatives, heirs, successors and assigns, in fee simple, forever.

SUBJECT, HOWEVER, to all restrictions and easements and mortgage liens of record, if any.

AND the 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. The foregoing warranty of title is subject to the limitations set forth in the Liquidation Agreement between the Grantor, the Grantee and others dated November 15, 2005.

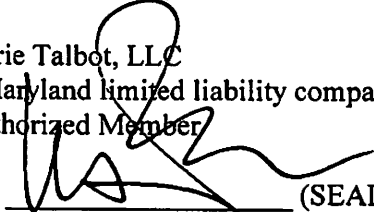
IN WITNESS WHEREOF, the Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

WITNESS:

Petrie Barker Easton HD, LLC

By: Petrie Talbot, LLC
a Maryland limited liability company
Authorized Member



By:  (SEAL)
Walter H. Petrie, Managing Member

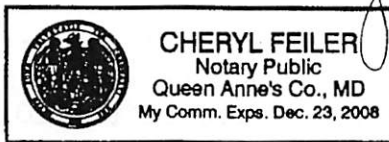
STATE OF MARYLAND, COUNTY OF Queen Anne's, TO WIT:

I HEREBY CERTIFY, that on this 15th day of November, 2005, before me, the subscriber, a Notary Public of the aforesaid State, personally appeared Walter H. Petrie, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed and acknowledged (i) the foregoing Deed to be his act as managing member of Petrie Talbot, LLC, the authorized member of Petrie Barker Easton HD, LLC (the "LLC"), (ii) that he is the authorized member of the LLC empowered to sign this Deed on behalf of the LLC, (iii) the Grantee is an original member of the LLC, and (iv) the Deed is made pursuant to the Liquidation Agreement between the parties dated November 15, 2005.

WITNESS my hand and Notarial Seal.

Cheryl Feiler
Notary Public

My Commission Expires:



THE UNDERSIGNED, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that this Deed was prepared by him or under his supervision.

James R. Griswold
James R. Griswold

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

DAVID H. EWING
SUPERVISOR OF ASSESSMENTS

R. ANDREW HOLLIS, FIN. OFFICER ad
11/21/05 ad

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID.
FINANCE OFFICER OF TALBOT COUNTY
R. ANDREW HOLLIS, FIN. OFFICER ad

DATE 11/21/05 ad

DESCRIPTION OF

LOT 16

EXHIBIT

A

TALBOT COMMERCE PARK

IN THE FIRST ELECTION DISTRICT

TALBOT COUNTY, MARYLAND

Beginning for the same at a point, said point being the southerlymost corner of the herein described land, said point also being a westerly corner of Lot 15 of Talbot Commerce Park, said point also being on the northeasterly side of the cul-de-sac of Mary's Court; and from said Place of Beginning running by and with the northwesterly terminus of the cul-de-sac of Mary's Court (1) by and with the arc of a curve deflecting to the left which has a radius of 80.00 feet for a length of 212.99 feet, the chord of which bears North 81 degrees 54 minutes 01 seconds West 155.43 feet to Lot 17 of Talbot Commerce Park; thence by and with the said Lot 17 of Talbot Commerce Park (2) North 68 degrees 10 minutes 21 seconds West 266.53 feet to the Open Space of Talbot Commerce Park; thence by and with the said Open Space of Talbot Commerce Park (3) by and with the arc of a curve deflecting to the left which has a radius of 1000.00 feet for a length of 922.07 feet, the chord of which bears North 33 degrees 05 minutes 05 seconds East 889.75 feet to the land of Samuel Lyles Freeland (Liber 653, Folio 113); thence by and with the said Samuel Lyles Freeland land (4) North 82 degrees 47 minutes 04 seconds East 169.55 feet to Lot 12 of Talbot Commerce Park; thence by and with the said Lot 12 of Talbot Commerce Park the following three courses and distances (5) South 18 degrees 27 minutes 17 seconds East 116.78 feet; thence (6) South 03 degrees 34 minutes 45 seconds East 158.38 feet; thence (7) South 27 degrees 51 minutes 45 seconds East 132.81 feet to Lot 15 of Talbot Commerce Park; thence by and with the said Lot 15 of Talbot Commerce Park the following two courses and distances (8) South 34 degrees 06 minutes 39 seconds West 602.96 feet; thence (9) South 84 degrees 22 minutes 20 seconds West 23.50 feet to the Place of Beginning; containing 6.556 Acres of Land, more or less, and

Being subject to a twenty foot wide drainage easement; the southerly side of said drainage easement being more particularly described by course and distance as follows;

Beginning for the same at the end of the first course of the above described Lot 16 and running from thence North 68 degrees 10 minutes 21 seconds West 266.53 feet, and

Being a part of the land described in a deed from Samuel Lyles Freeland to Glebe Venture LLC by deed dated August 1997 and recorded in the land records of Talbot County, Maryland in Liber 865, Folio 177.

LIBER 1395 FOLIO 365

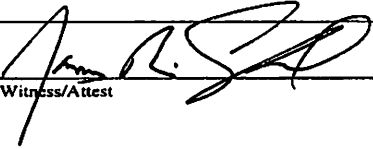
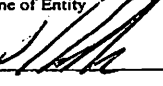
Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor	PETRIE BARKER EASTON HD, LLC

2. Reasons for Exemption	
Resident Status	☐ I, Transferor, am a resident of the State of Maryland. ☒ Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is m principal residence as defined in IRC §121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors	
Witness 	Name Signature
3b. Entity Transferors	
Witness/Attest 	PETRIE BARKER EASTON HD, LLC Name of Entity By  Thomas R. Cohee Name Member Title

P.O. BOX 926
EASTON, MARYLAND 21601

PREPARED WITHOUT TITLE EXAMINATION
BASED UPON INFORMATION PROVIDED
BY THE PARTIES HERETO.

20.00
20.00
40.00
Rec'd 6/16/06
Bulk 418
Oct 17, 2006
12:49 PM
TALBOT COUNTY
RECORD FEE -
TOTAL
Rec'd 10/17/06
MAS 3433

THIS CONFIRMATORY DEED ("Deed") made this 13 day of October, 2006, by and between THOMAS R. COHEE (the "Grantor"); and LOT 16, LLC, a Maryland limited liability company (the "Grantee").

WHEREAS, the Grantor has owned the property described herein as an individual sole proprietorship and the Grantor has elected to convert to a Maryland limited liability company pursuant to the terms of Section 4A-211 of the Corporations and Associations Article of the Annotated Code of Maryland;

WHEREAS, the Grantee was organized as a Maryland limited liability company pursuant to Articles of Organization filed with the Maryland State Department of Assessments and Taxation on September 6, 2006;

WHEREAS, title to the herein described property was vested in Grantee by operation of law pursuant to Section 4A-213 of the Corporations and Associations Article of the Annotated Code of Maryland and Grantor and Grantee are entering into this Deed for purposes of confirming in the Land Records of Talbot County the title to the property described herein as a result of such conversion; and

WHEREAS, the recordation of this Deed is exempt from recordation and transfer taxes pursuant to Sections 12-108(y) and 13-207(a)(18) of the Tax Property Article of the Annotated Code of Maryland.

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

f:\galword\wip\cohee\lot 16 llc\confrim deed.doc

LIBER 1 486 FOLIO 221

ALL that lot or parcel of ground situate, lying and being in Talbot County, Maryland and more particularly described on Exhibit "A" attached hereto.

BEING the same property conveyed by Petrie Barker Easton HD, LLC, to the Grantor by a Deed dated November 15, 2005 and recorded among the Land Records of Talbot County, Maryland, in Liber 1395, folio 362.

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.

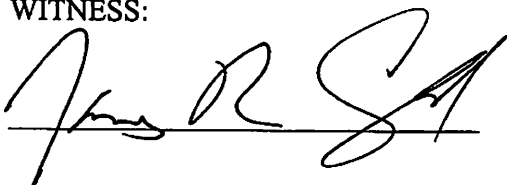
TO HAVE AND TO HOLD said tract or parcel of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining to and to the proper use and benefit of Grantee, its successors and assigns, in fee simple, forever;

SUBJECT, HOWEVER, to all restrictions and easements of record, if any.

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

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

WITNESS:


Thomas R. Cohee (SEAL)

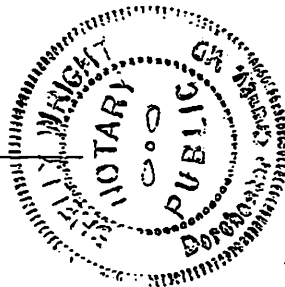
LIBER 1486 FOLIO 222.

STATE OF MARYLAND, COUNTY OF ^{Dorchester} TALBOT, TO WIT:

I HEREBY CERTIFY, that on this 13th day of October, 2006, before me, the subscriber, a Notary Public of the aforesaid State, personally appeared THOMAS R. COHEE known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed and acknowledged the foregoing Deed to be his act.

WITNESS my hand and Notarial Seal.

Shelly Wright
Notary Public



My Commission Expires:
2/24/07

THE UNDERSIGNED, a member in good standing of the Bar of the Court of Appeals of Maryland, hereby certifies that this Deed was prepared by him or under his supervision.

James R. Griswold
James R. Griswold

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

DAVID H. EWING
SUPERVISOR OF ASSESSMENTS

R. ANDREW HOLLIS, FIN. OFFICER /wll

10/17/06

CERTIFICATION IS MADE THAT ALL TAXES
DUE ON THE PROPERTY INDICATED IN
THIS DEED HAVE BEEN PAID
FINANCE OFFICER OF TALBOT COUNTY

R. ANDREW HOLLIS, FIN. OFFICER /wll

DATE 10/17/06

LIBER 1486 FOLIO 223

DESCRIPTION OF

LOT 16

EXHIBIT

A

TALBOT COMMERCE PARK

IN THE FIRST ELECTION DISTRICT

TALBOT COUNTY, MARYLAND

Beginning for the same at a point, said point being the southerlymost corner of the herein described land, said point also being a westerly corner of Lot 15 of Talbot Commerce Park, said point also being on the northeasterly side of the cul-de-sac of Mary's Court; and from said Place of Beginning running by and with the northwesterly terminus of the cul-de-sac of Mary's Court (1) by and with the arc of a curve deflecting to the left which has a radius of 80.00 feet for a length of 212.99 feet, the chord of which bears North 81 degrees 54 minutes 01 seconds West 155.43 feet to Lot 17 of Talbot Commerce Park; thence by and with the said Lot 17 of Talbot Commerce Park (2) North 68 degrees 10 minutes 21 seconds West 266.53 feet to the Open Space of Talbot Commerce Park; thence by and with the said Open Space of Talbot Commerce Park (3) by and with the arc of a curve deflecting to the left which has a radius of 1000.00 feet for a length of 922.07 feet, the chord of which bears North 33 degrees 05 minutes 05 seconds East 889.75 feet to the land of Samuel Lyles Freeland (Liber 653, Folio 113); thence by and with the said Samuel Lyles Freeland land (4) North 82 degrees 47 minutes 04 seconds East 169.55 feet to Lot 12 of Talbot Commerce Park; thence by and with the said Lot 12 of Talbot Commerce Park the following three courses and distances (5) South 18 degrees 27 minutes 17 seconds East 116.78 feet; thence (6) South 03 degrees 34 minutes 45 seconds East 158.38 feet; thence (7) South 27 degrees 51 minutes 45 seconds East 132.81 feet to Lot 15 of Talbot Commerce Park; thence by and with the said Lot 15 of Talbot Commerce Park the following two courses and distances (8) South 34 degrees 06 minutes 39 seconds West 602.96 feet; thence (9) South 84 degrees 22 minutes 20 seconds West 23.50 feet to the Place of Beginning; containing 6.556 Acres of Land, more or less, and

Being subject to a twenty foot wide drainage easement; the southerly side of said drainage easement being more particularly described by course and distance as follows;

Beginning for the same at the end of the first course of the above described Lot 16 and running from thence North 68 degrees 10 minutes 21 seconds West 266.53 feet, and

Being a part of the land described in a deed from Samuel Lyles Freeland to Glebe Venture LLC by deed dated August 1997 and recorded in the land records of Talbot County, Maryland in Liber 865, Folio 177.

LIBER 1486 FOLIO 224

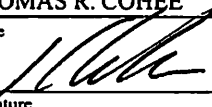
**Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information	
Name of Transferor	THOMAS R. COHEE

2. Reasons for Exemption	
Resident Status	☒ I, Transferor, am a resident of the State of Maryland. ☐ Transferor is a resident entity under § 10-912(A)(4) of the Tax-General Article of the Annotated Code of Maryland, I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
Principal Residence	☐ Although I am no longer a resident of the State of Maryland, the Property is m principal residence as defined in IRC §121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors	
Witness	THOMAS R. COHEE Name  Signature
3b. Entity Transferors	
Witness/Attest	Name of Entity By Name Title

LIBER 1486 FOLIO 225

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Talbot

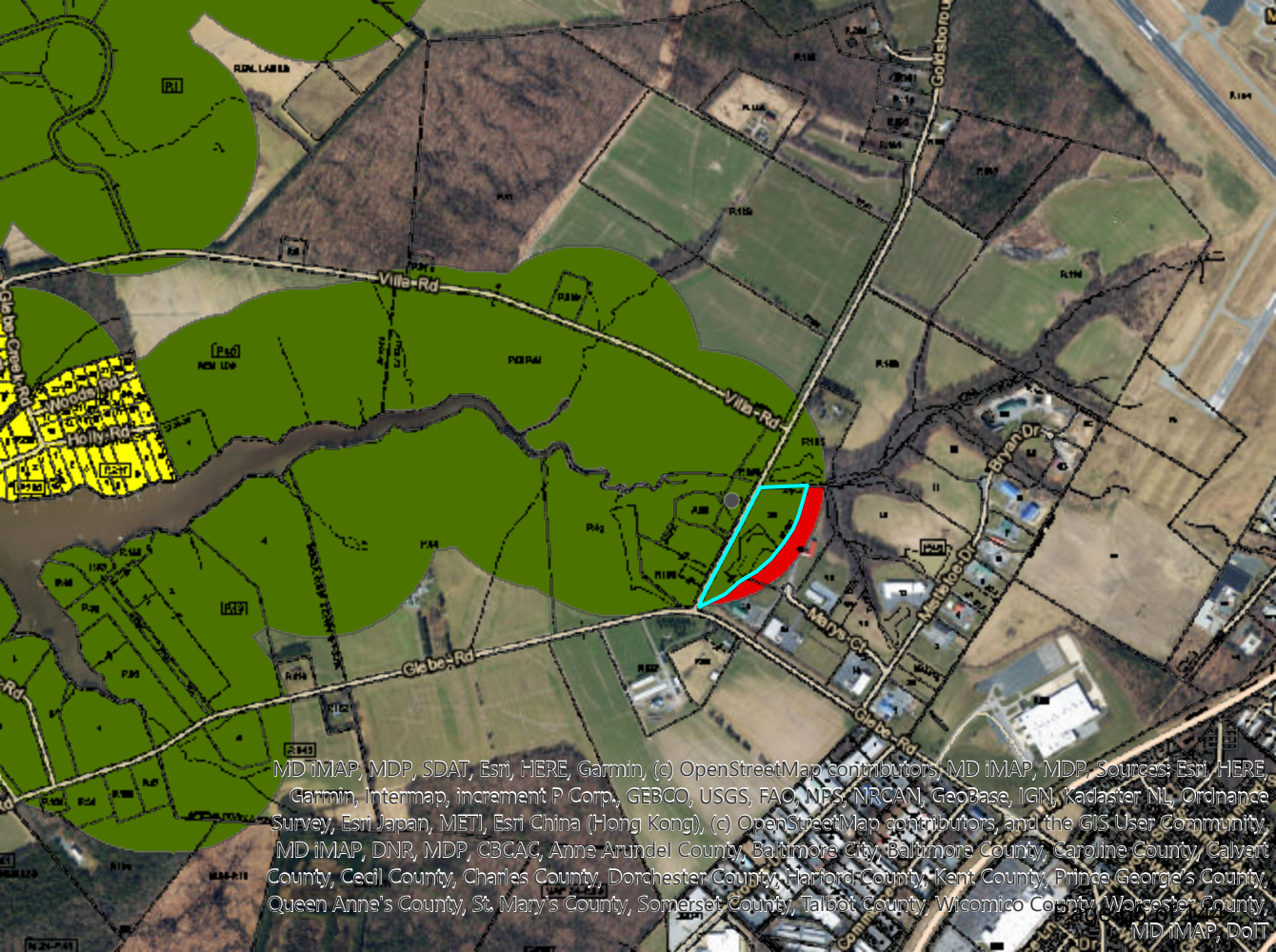
Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1. Type(s) of Instruments		(Check Box if addendum Intake Form is Attached.)																																																			
☒ Deed		☐ Mortgage		☐ Other																																																	
☐ Deed of Trust		☐ Lease		☐ Other																																																	
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☐ Improved Sale Arms-Length [1]		☐ Unimproved Sale Arms-Length [2]		☐ Multiple Accounts Arms-Length [3]																																																	
☐ Not an Arms-Length Sale [9]																																																					
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REMARKS:																																																					

Distribution: White - Clerk's Office
Pink - Office of Finance
AOC-CC 300 (4/05)

LIBER 1486 FOLIO 226



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TOWN OF EASTON

PLANNING & ZONING

PO Box 520

Easton, Maryland 21601

(410)-822-2526

Date of Hearing: September 26, 2022

4a

TOWN OF EASTON/TALBOT COUNTY PLANNING COMMISSIONS JOINT PUBLIC HEARING STAFF REPORT

SUBJECT: Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee

ELECTION WARD: Ward 1.

STAFF CONTACT: Miguel Salinas, Director of Planning and Zoning

APPLICANT: Thomas Cohee and Lot 16, LLC

PURPOSE: The applicant is seeking a recommendation from the Planning Commission to the County Council for the granting of supplemental growth allocation for the purpose of reclassifying approximately 8.348 acres of lands located in the Critical Area, designated as Resource Conservation Area (RCA) to be reclassified as Intensely Developed Area (IDA).

RECOMMENDATION: Staff supports a Planning Commission recommendation of approval of the request to reclassify the land management designation of Lot 20 from Resource Conservation Area to Intensely Developed Area, subject to conditions.

APPLICATION INFORMATION:	
APPLICANT: Lot 16 LLC and Thomas R. Cohee Thomas R. Cohee	REPRESENTATIVE: MDSW Brendan Mullaney 410.820.0250 bmullaney@mdswlaw.com
PARCELS/ACREAGE:	
Parcel Information	Acreage
Tax Map 25, Grid 22, Parcel 46, Lot 16	6.556 acres
Tax Map 25, Grid 22, Parcel 46, Lot 20	8.348 acres
ACCEPTANCE DATE: August 5, 2022	LOCATION: 28580 Marys Court, Easton, Maryland 21601
EXISTING ZONING: Agricultural District (A-1) Business Commercial (BC)	EXISTING LAND USE: Commercial (lot 20) Industrial (Lot 16)
HISTORIC DISTRICT: Not Applicable	FUTURE LAND USE: Industrial (Lot 20)

CONTEXT:

Location/Site Access – The subject properties are located off of Mistletoe Drive at the terminus of Marys Court, which is accessed further from Glebe Road. The lot subject to the supplemental growth allocation is located adjacent to Goldsborough Neck Road.

Existing Conditions – Lot 16 is improved with three existing one-story commercial buildings with off-street parking. Building A consists of 12,000 square feet (sq. ft.) of Gross Floor Area (GFA). Buildings B and C are connected and consist of 4,536 and 9,600 sq. ft. GFA respectively with a fenced storage area behind the two buildings. Lot 16 is bisected by the Critical Area boundary with a land management designation of Intensely Developed Area (IDA). Adjacent to the northern and eastern lot lines are a 100-foot nontidal wetlands buffer associated with a tributary of Glebe Creek and a forest conservation area. An existing Sewage Disposal Area (SDA) is also on the lot.

Lot 20 is an unimproved lot whose major feature is a Stormwater Management Pond and easement area. Lot 20 is entirely within the Critical Area and its Land Management Designation is Resource Conservation Area (RCA). The lot is also adjacent to Glebe Creek and includes nontidal wetlands and its associated buffer, a forest protection areas and forest cover adjacent to Glebe Creek and Goldsborough Neck Road; a 4-foot right-of-way (ROW) classified as a local road in Talbot County’s 2016 Comprehensive Plan and a collector road in the Town of Easton’s 2010 Comprehensive Plan.

Surrounding Properties –

	<i>Land Use (per SDAT)</i>	<i>Zoning District(s)</i>	<i>Future Land Use</i>
<i>North</i>	Residential and Agricultural	RC & LI (County)	Industrial (Priority 3 Growth Area)
<i>South</i>	Commercial	BC	Industrial
<i>East</i>	Industrial	BC	Industrial
<i>West</i>	Residential and Agricultural	RC (County)	Chesapeake Bay Critical Area

Figure 1: Vicinity Map



PROPOSAL: The application is for a supplemental growth allocation of 8.348 acres to transfer growth allocation from the County's allotment to be used for the reclassification of Lot 20's land management designation from RCA to IDA. The request by the applicant is to allow for an expansion of commercial development on Lot 20 consistent with the development in Talbot Commerce Park. Per the requirements of COMAR Sec, 27.01.02.01-1, the applicant submitted:

- A conceptual site development plan that includes an environmental features map
- A Critical Area Environmental Impact Assessment
- An exhibit titled "Criteria Offered in Support of Findings of Fact"
- Maryland Department of Natural Resources (DNR) letter indicating a determination by the Wildlife and Heritage Service that the Delmarva fox squirrel is known to occur on or in the immediate vicinity of the project site

The conceptual site development plan proposes two one-story office buildings at 8,100 sq. ft. each on Lot 20 and a 16,000 sq. ft. warehouse building and a one-story 4,025 sq. ft. office building on Lot 16 along with associated parking and loading areas, travel ways, and walkways.

Staff has verified that the amount of proposed growth allocation indicated on the conceptual site development plan are accurate and equal to the amount of growth allocation to be deducted from Talbot County's existing total allotment of growth allocation.

BACKGROUND: The Critical Area includes three types of land management designations: 1) Intensely Developed Areas (IDA), 2) Limited Development Areas (LDA); and 3) Resource Conservation Areas (RCA). In brief, intense development is directed within lands classified as IDA where residential, commercial, institutional, and/or industrial, developed land uses predominate. There is no Critical Area lot coverage limitation on development in the IDA (except when required by local zoning). However, new development must demonstrate a reduction in pollutant loadings by at least 10 percent from predevelopment levels to help improve the quality of stormwater runoff from developed areas that enters the Chesapeake and its tributary streams.

Development in low or moderate intensity uses that also contain areas of natural plant and animal habitats, and where the quality of runoff from these areas has not been substantially altered or impaired, is directed within lands designated as LDA. Development within the RCA is designated primarily for very low density residential, agriculture, forestry, fisheries activities, and for habitat protection. A main regulatory feature for development in the LDA and RCA is that lot coverage is generally limited to 15%.

Growth allocation is used when the designation of land in the Critical Area is changed from a less intense to a more intense land management designation (for example RCA to LDA or IDA). The Town was granted growth allocation equal to 5% of the RCA acreage located within the Town at the time of local Critical Area law adoption in 1985. As of this date, the Town has utilized all of its growth allocation.

Talbot County was granted a growth allocation of 2,554 acres, which also equaled 5% of the RCA acreage within the County at the time of the original Critical Area Program adoption¹.

In 1985, Talbot County provided a portion of their growth allocation to the Towns of Easton, Oxford, and St. Michaels. The County provided 155 acres of growth allocation to the Town of Easton to allow properties to be reclassified from RCA to LDA or IDA. The Town also received an additional 24 acres from the County to allow properties to be reclassified from LDA to IDA. To date, the Town has used the 155 acres granted by the County for reclassification from RCA and has 16.49 acres left for reclassification from LDA to IDA.

Chapter 190 of the County's Code (County Code) allows for a property owner, through the Town, to apply for a supplemental growth allocation if the Town has used all of its allocation. Applications are reviewed on a case-by-case basis following the procedures outlined in the County Code § 190-55.I, which includes a joint hearing by the Planning Commissions of both jurisdictions. Upon recommendations from both Commissions to their respective Councils, a joint hearing is held by the two Councils who will make their respective decisions separately. § 190-55.I of the County Code also specifies the submission and review procedures and standards for evaluation by the County. The standards for evaluation by the Town of Easton are specified in § 28-401.8.E and F of the Town Code.

OUTSTANDING ISSUES:

1. Zone Map Amendment – The Conceptual Site Plan was submitted with the application. The site plan proposes development on Lot 20 of two one-story office buildings with associated parking. Sheets C-1, C-5, C-6, and C-7 assume development on Lot 20 under the A-1 zoning district, which prohibits Office land uses. Therefore, the Conceptual Site Plan does not conform to the Town's zoning regulations; development of Lot 20 under IDA with Office uses will require a procedure for a rezoning.
2. Stormwater Management Report – A conceptual stormwater management plan was submitted by the applicant as part of the Conceptual Site Plan. However, the Town of Easton did not receive a stormwater management report with the method and description of proposed stormwater management, including all qualitative and quantitative management measures along with calculations that address the 10% pollution reduction requirements for the IDA.

¹ The County has since added 5.38 acres from reclassifying property from LDA to RCA, resulting in a total growth allocation totaling 2,559.38 acres.

ANALYSIS:

- I. Criteria for Approval - § 28-401.8 of Town Code (Zoning Code) states that for the use of Growth Allocation, the Town of Easton shall consider the factors below, followed by staff's analysis.***

A. Consistency with Town of Easton's adopted comprehensive plan and whether the Growth Allocation would implement the goals and objectives of the adopted plan.

Analysis – Lot 20 is within the Town of Easton's municipal limits and within its Growth Boundary (2010 Comprehensive Plan, Growth Areas Map). Lot 20 is also planned for industrial land uses (2010 Comprehensive Plan, Future Land Use Map). The lot is located within the Talbot Commerce Park, with the subdivision established in 1997 and subsequently developed with a mix of commercial and industrial uses. The business park was annexed into the Town of Easton in 2014. The Town encourages the diversification of Easton's industrial base to nurture a healthy and diverse local economy in Easton and to revise Easton's zoning map to ensure an adequate supply of land zoned for the types of businesses the Town is seeking to attract (2010 Comprehensive Plan, Economic Development Goals and Objectives, p. 240).

B. For a map amendment or refinement involving a new LDA, whether the development is:

(a) To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; (b) A completion of an existing subdivision; (c) An expansion of an existing business; or (d) To be clustered.

Analysis – This factor is not applicable.

C. For a map amendment or refinement involving a new IDA, whether the development is:

(a) To be served by a public wastewater system; (b) If greater than 20 acres, to be located in a designated Priority Funding Area; and (c) To have a demonstrable economic benefit

Analysis – The applicant proposes to consolidate the two lots in order to expand commercial and light industrial uses on the existing Lots 16 and 20. The two existing sewage disposal areas on Lots 16 and 20 will be removed. Public sewer will serve the new development. Lot 20 is less than 20 acres. Talbot Commerce Park is an established business park with a mix of industrial and commercial uses with such uses located adjacent to the lot. Lot 20 was originally created as an open space parcel for the business park. Prior to annexation of Talbot Commerce Park into the Town of Easton, the County approved a revision plat for Lot 20 in 2012 to upgrade the business park's open space to create a buildable lot. Expansion of industrial and commercial uses in Talbot Commerce Park will further business and employment diversification in the Town of Easton by attracting different types of businesses.

D. The use of existing public infrastructure, where practical:

Analysis – Lot 20 is located within the existing Talbot Commerce Park where public infrastructure exists.

E. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site

Analysis – The DNR letter, dated June 11, 2021 includes a determination by the Wildlife and Heritage Service that the Delmarva fox squirrel is known to occur on or in the immediate vicinity of the project site. The Delmarva fox squirrel is a species In Need of Conservation status in Maryland. Delmarva fox squirrels live in mature forest stands along streams and bays, and in small woodlots next to agricultural fields². The letter indicates that if proposed activities do not occur within the established forested areas of Lot 20, the Delmarva fox squirrel will not be impacted. Staff notes that Sheet C-5 of the Conceptual Site Plan does not include any clearing of forested area to accommodate the two proposed office buildings³. The applicant's Critical Area Environmental Impact Assessment (EIA) determined there were no Threatened or Endangered species known to occur on or near the site for plant and wildlife habitat.

F. Impacts on a priority preservation area

Analysis – This factor is not applicable.

G. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams

Analysis – COMAR 27.01.02.06-1 specifies the growth allocation submittal requirements to include an environmental report that demonstrates that the project has been designed and will be constructed in compliance with all requirements of the proposed Critical Area land classification. COMAR 27.01.02.06-2 specifies the contents of the report, including the method and description of proposed stormwater management, including all qualitative and quantitative management measures; and the preliminary plan for compliance with the 10 percent pollutant reduction rule, including all worksheets and all supporting documentation.

A conceptual stormwater management plan was submitted with the Conceptual Site Plan (Sheet C-6) that shows the location of several micro-bioretenion areas on Lots 16 and 20. The EIA report submitted by the applicant states that the proposed lots will be developed in accordance with the 2000 Maryland Stormwater Design Manual's environmentally sensitive development criteria. The

² https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/Delmarva_FoxSquirrel.aspx

³ The proposed new office and light industrial buildings on Lot 16 also do not impact current forested areas on that property.

applicant's "REVISED LETTER RELATED TO GROWTH ALOCATION REQUEST FOR PROPOSED COMMERCIAL DEVELOPMENT ON THE LANDS OF LOT 16, LLC AND MR. THOMAS COHEE" submitted with the application states that a stormwater management report was submitted to the Critical Area Commission for the entire project and contains calculations that address the 10% pollution reduction requirements for the IDA. The letter also erroneously states that the report was submitted to the Queen Anne's Department of Public Works.

H. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development

Analysis – Lots 16 and 20 are not located within a special flood hazard area.

II. *Consistent with § 8-1808.1 of the Annotated Code of Maryland, § 28-401.8.E of the Town's Zoning Code lists the location requirements for new a new IDA.*

A. A new IDA less than 20 acres is permitted if the IDA is contiguous to an existing IDA.

Analysis – The proposed new IDA on Lot 20 is less than 20 acres and is contiguous to the existing IDA on Lot 16.

B. The new IDA shall be located in a manner that minimizes impacts to Habitat Protection Areas and in an area and manner that optimizes benefits to water quality.

Analysis – As previously stated, the Conceptual Site Plan does not include any clearing of forested area to accommodate the two proposed office buildings that will potentially impact the Delmarva fox squirrel. Also, the applicant's Critical Area Environmental Impact Assessment (EIA) determined there were no Threatened or Endangered species known to occur on or near the site for plant and wildlife habitat. In addition, Lot 16 does not include a Critical Area Buffer; non-tidal wetlands exist only near the edges of the property; there are no mapped or observed colonial water bird nesting sites on the property; there are no currently mapped or active bald eagle nests observed; and there are no anadromous fish propagation waters associated with the parcel.

The proposed office buildings on Lot 20 are located outside of the existing forest cover which includes forest conservation areas and adequate buffer from the perennial streams and nontidal wetlands.

C. A new IDAs shall only be located where they minimize their impacts to the defined land uses of the RCA.

Analysis – The new IDA is at the intersection of two collector roads and impacts are minimized through a buffered forest protection area.

D. A new IDA shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

Analysis – Lot 20 is located outside of the 300-foot requirement.

E. The new IDA shall conform to all criteria of The Town of Easton for such areas, shall be so designated on The Town of Easton Critical Area Maps and shall constitute an amendment to this Chapter subject to review and approval by The Town of Easton Planning and Zoning Commission, the Mayor and Council and the Critical Area Commission as provided herein.

Analysis – The procedure for the change in the land use management designation for Lot 20 is following the procedures as specified in COMAR, the Town Zoning Ordinance, and the County Code. The analysis of conforming to the criteria for the location of a new IDA is outlined above.

RECOMMENDED CONDITIONS:

Staff supports the following conditions should the Planning Commission recommend to the Town Council approval of the supplemental growth allocation request:

1. The applicant shall make an application to the Town of Easton for a rezoning of Lot 20 to a zoning district that permits the proposed uses. Approval of the supplemental growth allocation request is subject to approval of the rezoning.
2. Prior to approval of the supplemental growth allocation request, the applicant shall revise their Conceptual Site Plan to accurately reflect proposed developments of Lots 16 and 20 under an alternative zoning district.
3. The applicant shall submit an updated Environmental Impact Assessment prior to supplemental growth allocation request approval: a) the method and description of proposed stormwater management, b) all qualitative and quantitative management measures, and 3) a preliminary plan for compliance with the 10 percent pollutant reduction rule, including all worksheets and all supporting documentation,
4. The Site Plan submitted with the supplemental growth allocation application is conceptual in nature and has not been verified for complete accuracy as it relates to dimensional requirements, development standards, and mitigation requirements. Development of Lots 16 and 20 shall be subject to all applicable Zoning; Subdivision; Forest Conservation; Stormwater Management; Erosion and Sediment Control; and other applicable regulations.

DRAFT MOTIONS:

1. I move that the Planning Commission recommend to the Town Council approval of CC-22-2, Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee, based on the Findings for Approval and subject to conditions of approval.

OR

2. I move that the Planning Commission recommend to the Town Council denial of CC-22-2, Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee, based on the following findings.....

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Supplemental Growth Allocation Application
2. Revised Letter for Growth Allocation, June 21, 2022
3. Conceptual Site Plan for Lot 16 and Lot 20, December 2019
4. Critical Area Environmental Impact Assessment, March 12, 2020
5. DNR Letter, June 11, 2021
6. Criteria Offered in Support of Findings of Fact
7. Lot 16 Deed
8. Critical Area Maps
9. Aerial Map



TOWN OF EASTON

PLANNING & ZONING

PO Box 520

Easton, Maryland 21601

(410)-822-2526

Date of Meeting: November 17, 2022

4a

PLANNING COMMISSION PUBLIC HEARING STAFF REPORT

SUBJECT: Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee

ELECTION WARD: Ward 1

STAFF CONTACTS: Joseph Mayer, Plan Reviewer
Miguel Salinas, Director of Planning and Zoning

PURPOSE: The applicant is seeking a recommendation from the Planning Commission to the Town Council for the granting of supplemental growth allocation for the purpose of reclassifying approximately 8.348 acres of lands located in the Critical Area, currently designated as Resource Conservation Area (RCA), to be reclassified as Intensely Developed Area (IDA).

RECOMMENDATION:

Staff: Staff supports a Planning Commission recommendation of approval to the Town Council subject to conditions (see below).

UPDATE: COMAR 27.01.02.06-2 specifies the contents of the environmental report that is part of the submission requirements for growth allocation requests: 1) the method and description of proposed stormwater management (SWM), including all qualitative and quantitative management measures, and 2) the preliminary plan for compliance with the 10% pollutant reduction rule, including all worksheets and all supporting documentation.

Staff, Town Engineering Department and Critical Area Commission (CAC) staff received the Revised SWM report on Monday, October 17, 2022. The Critical Area Commission (CAC) staff (Attachment 3) provided a response letter on October 24, 2022. The Town Engineering Department will provide a response letter prior to the November 17, 2022 meeting.

In addition, the CAC provided comments on October 24, 2022 (Attachment 2). Staff's response to the comments are below:

- With the submission of the Revised SWM Narrative and Environmental Report, the applicant has complied with the submittal requirements of COMAR 27.01.02.06-1 and COMAR 27.01.02.06-2 (Comment #1).
- Growth allocation is contingent on the supplemental growth allocation process to receive acreage from Talbot County and approvals by the Easton Town Council and Talbot County Council prior to the Critical Area Commission for review and approval. (Comment #2).

In light of the above, staff supports a Planning Commission recommendation of approval with the following conditions:

1. The applicant shall make an application to the Town of Easton for a rezoning of Lot 20 to a Town of Easton zoning district that permits the proposed uses. Approval of the supplemental growth allocation request is subject to approval of the rezoning.
2. The conceptual site plan submitted with the supplemental growth allocation application is conceptual in nature and was assessed by staff for conformance to § 28-401.8.E and § 28-401.8.F of the Town Code. Approval of the supplemental growth allocation shall not infer Town of Easton site plan approval. Prior to any lot consolidation or site plan approval of Lots 16 and 20, the proposed development will be evaluated by the applicable reviewing agencies for conformance to all applicable Zoning; Subdivision; Forest Conservation; Stormwater Management; Erosion and Sediment Control; and other applicable regulations. Such review may result in modifications to the conceptual site plan.

DRAFT MOTIONS:

1. I move that the Planning Commission recommend to the Town Council support of CC-22-2, Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee subject to the conditions of approval.

OR

2. I move that the Planning Commission recommend to the Town Council denial of CC-22-2, Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee, based on the following findings.....

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Town of Easton/Talbot County Planning Commissions Joint Public Hearing Staff Report, September 26, 2022.
2. Town of Easton/Talbot County Planning Commissions Joint Public Hearing Staff Report – Supplemental, September 26, 2022.
3. Review comments from Critical Area Commission, August 8, 2022, October 7, 2022 and October 24, 2022.
4. Revised Stormwater Management Narrative.
5. Growth Allocation Plan.
6. Revised Environmental Report.
7. Revised application cover letter.
8. MDE property concurrence.
9. Response letter to CAC.
10. 400' Notices.



TOWN OF EASTON

Planning & Zoning Department

14 South Harrison Street

P.O. Box 520

Easton, Maryland 21601

January 9, 2023

Brennan Tarleton
Director
Department of Planning and Zoning
215 Bay Street, Suite 2
Easton, MD 21601

RE: Supplemental Growth Allocation for Thomas Cohee and Lot 16, LLC
28580 Marys Court
Easton, Maryland 21601
Tax Map 25, Grid 22, Parcel 46, Lots 16 & 20
Zoning: Agricultural District (A-1) and Business Commercial (BC)

Dear Mr. Tarleton:

A request from Thomas Cohee and Lot 16, LLC for the granting of supplemental growth allocation was submitted to the Town of Easton and Talbot County for the purpose of reclassifying approximately 8.348 acres of lands located in the Critical Area, currently designated as Resource Conservation Area (RCA), to Intensely Developed Area (IDA).

The supplemental growth allocation procedures require a joint Planning Commission hearing on the application with the commissions of both jurisdictions. The joint Planning Commission meeting was held on September 26, 2022. Following the joint hearing, each Planning Commission votes separately, makes its recommendations to its respective council, and provides a copy of its recommendations to the other jurisdiction (§ 190-55.5.1.3, Talbot County Code).

This letter is to inform you that at the Town of Easton Planning Commission meeting held on November 17, 2022, the commission voted 4-0-1 to recommend to the Town Council support of CC-22-2, Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee subject to the following recommended conditions:

1. The applicant shall make an application to the Town of Easton for a rezoning of Lot 20 to a Town of Easton zoning district that permits the proposed uses. Approval of the supplemental growth allocation request is subject to approval of the rezoning.
2. The conceptual site plan submitted with the supplemental growth allocation application is conceptual in nature and was assessed by staff for conformance to § 28-401.8.E and § 28-401.8.F of the Town Code. Approval of the supplemental growth allocation shall not infer Town of Easton site plan approval. Prior to any lot consolidation or site plan approval of Lots 16 and 20, the proposed development will be evaluated by the applicable reviewing agencies for conformance to all applicable Zoning; Subdivision; Forest Conservation; Stormwater Management; Erosion and Sediment Control; and other applicable regulations. Such review may result in modifications to the conceptual site plan.

Sincerely,



Paul Weber

Chairperson

Town of Easton Planning Commission

Cc: Mayor & Council
County Council
Donald J. Richardson, Town Manager
Clay B. Stamp, County Manager
Miguel Salinas, Director of Planning and Zoning
Lynn Thomas, Town Planner
Sharon VanEmburch, Town Attorney



TOWN OF EASTON

PLANNING & ZONING

PO Box 520

Easton, Maryland 21601

(410)-822-2526

Date of Hearing: April 3, 2023

TOWN OF EASTON/TALBOT COUNTY COUNCIL

JOINT PUBLIC HEARING

STAFF REPORT

SUBJECT: Supplemental Growth Allocation Request for the Lands of Lot 16, LLC and Mr. Thomas Cohee

ELECTION WARD: Ward 1

STAFF CONTACT: Miguel Salinas, Director of Planning and Zoning

APPLICANT: Thomas Cohee and Lot 16, LLC

PURPOSE: The applicant is seeking a recommendation from the Planning Commission to the County Council for the granting of supplemental growth allocation for the purpose of reclassifying approximately 8.348 acres of lands located in the Critical Area, designated as Resource Conservation Area (RCA), to be reclassified as Intensely Developed Area (IDA).

RECOMMENDATIONS:

Planning Commission: The Planning Commission at their November 17, 2022 meeting voted (4-0-1) to recommend to the Town Council support of CC-22-2 subject to conditions (see below).

Staff: Staff supports Town Council approval of the request to reclassify the land management designation of Lot 20 from Resource Conservation Area to Intensely Developed Area, subject to conditions (see below).

APPLICATION INFORMATION:	
APPLICANT: Lot 16 LLC and Thomas R. Cohee Thomas R. Cohee	REPRESENTATIVE: MDSW Brendan Mullaney 410.820.0250 bmullaney@mdswlaw.com
PARCELS/ACREAGE:	
Parcel Information	Acreage
Tax Map 25, Grid 22, Parcel 46, Lot 16	6.556 acres
Tax Map 25, Grid 22, Parcel 46, Lot 20	8.348 acres
ACCEPTANCE DATE: August 5, 2022	LOCATION: 28580 Marys Court Easton, Maryland 21601
EXISTING ZONING Agricultural District (A-1) Business Commercial (BC)	EXISTING LAND USE: Commercial (lot 20) Industrial (Lot 16)
HISTORIC DISTRICT: Not Applicable	FUTURE PLANNED LAND USE: Industrial (Lot 20)

CONTEXT:

Location/Site Access – The subject properties are located off of Mistletoe Drive at the terminus of Marys Court, which is accessed further from Glebe Road. The lot subject to the supplemental growth allocation, Lot 20, is located adjacent to Goldsborough Neck Road.

Existing Conditions – Lot 16 is improved with three existing one-story commercial buildings with off-street parking. Building A consists of 12,000 square feet (sq. ft.) of Gross Floor Area (GFA). Buildings B and C are connected and consist of 4,536 and 9,600 sq. ft. GFA respectively with a fenced storage area behind the two buildings. Lot 16 is bisected by the Critical Area boundary with a land management designation of Intensely Developed Area (IDA). Adjacent to the northern and eastern lot lines are a 100-foot nontidal wetlands buffer associated with a tributary of Glebe Creek and a forest conservation area. An existing Sewage Disposal Area (SDA) is also on the lot.

Lot 20 is an unimproved lot whose major feature is a Stormwater Management Pond and easement area. Lot 20 is entirely within the Critical Area and its Land Management Designation is Resource Conservation Area (RCA). The lot is also adjacent to Glebe Creek and includes nontidal wetlands and its associated buffer, a forest protection areas and forest cover adjacent to Glebe Creek and

Goldsborough Neck Road; a 4-foot right-of-way (ROW) classified as a local road in Talbot County's 2016 Comprehensive Plan and a collector road in the Town of Easton's 2010 Comprehensive Plan.

Surrounding Properties –

	<i>Land Use (per SDAT)</i>	<i>Zoning District(s)</i>	<i>Future Land Use</i>
<i>North</i>	Residential and Agricultural	RC & LI (County)	Industrial (Priority 3 Growth Area)
<i>South</i>	Commercial	BC	Industrial
<i>East</i>	Industrial	BC	Industrial
<i>West</i>	Residential and Agricultural	RC (County)	Chesapeake Bay Critical Area

Figure 1: Vicinity Map



PROPOSAL: The application is for a supplemental growth allocation of 8.348 acres to transfer growth allocation from the County's allotment to be used for the reclassification of Lot 20's land management designation from RCA to IDA. The request by the applicant is to allow for an expansion of commercial development on Lot 20 consistent with the development in Talbot Commerce Park. Per the requirements of COMAR Sec, 27.01.02.06-1, the applicant submitted:

- Conceptual Site Plan (Plan)
- Environmental Features map (Sheet C-2 of the Plan)
- Map showing the area of the requested growth allocation (Sheet C-3 of the Plan)
- Verification that the amount of area requested for growth allocation is accurate and equal to the amount to be deducted (Sheet C-4 of the Plan)
- A Critical Area Environmental Impact Assessment
- An exhibit titled "Criteria Offered in Support of Findings of Fact"
- Maryland Department of Natural Resources (DNR) letter indicating a determination by the Wildlife and Heritage Service that the Delmarva fox squirrel is known to occur on or in the immediate vicinity of the project site
- Maryland Department of the Environment, Wetlands and Waterways Division letter that concurred with the delineation of wetland resources indicated on the Plan and that no authorization is required from the division to construct the project as proposed.

The conceptual site development plan proposes two one-story office buildings at 8,100 sq. ft. each on Lot 20 and a 16,000 sq. ft. warehouse building and a one-story 4,025 sq. ft. office building on Lot 16 along with associated parking and loading areas, travel ways, and walkways.

Staff has verified that the amount of proposed growth allocation indicated on the conceptual site development plan is accurate and equal to the amount of growth allocation to be deducted from Talbot County's existing total allotment of growth allocation.

BACKGROUND: The Critical Area includes three types of land management designations: 1) Intensely Developed Areas (IDA), 2) Limited Development Areas (LDA), and 3) Resource Conservation Areas (RCA). In brief, intense development is directed within lands classified as IDA where residential, commercial, institutional, and/or industrial, developed land uses predominate. There is no Critical Area lot coverage limitation on development in the IDA (except when required by local zoning). However, new development must demonstrate a reduction in pollutant loadings by at least ten percent (10%) from pre-development levels to help improve the quality of stormwater runoff from developed areas that enter the Chesapeake and its tributary streams.

Development in low or moderate intensity uses that also contain areas of natural plant and animal habitats, and where the quality of runoff from these areas has not been substantially altered or impaired, is directed within lands designated as LDA. Development within the RCA is designated primarily for very low density residential, agriculture, forestry, fisheries activities, and for habitat protection. A main regulatory feature for development in the LDA and RCA is that lot coverage is generally limited to fifteen percent (15%).

Growth allocation is used when the designation of land in the Critical Area is changed from a less intense to a more intense land management designation (for example RCA to LDA or IDA). The Town was granted growth allocation equal to five percent (5%) of the RCA acreage located within the Town at the time of local Critical Area law adoption in 1985. As of this date, the Town has utilized all of its growth allocation.

Talbot County was granted a growth allocation of 2,554 acres, which also equaled five percent (5%) of the RCA acreage within the County at the time of the original Critical Area Program adoption¹.

In 1985, Talbot County provided a portion of their growth allocation to the Towns of Easton, Oxford, and St. Michaels. The County provided 155 acres of growth allocation to the Town of Easton to allow properties to be reclassified from RCA to LDA or IDA. The Town also received an additional 24 acres from the County to allow properties to be reclassified from LDA to IDA. To date, the Town has used the 155 acres granted by the County for reclassification from RCA and has 16.49 acres left for reclassification from LDA to IDA.

Chapter 190 of the County's Code (County Code) allows for a property owner, through the Town, to apply for a supplemental growth allocation if the Town has used all of its allocation. Applications are reviewed on a case-by-case basis following the procedures outlined in the County Code § 190-55.I, which includes a joint hearing by the Planning Commissions of both jurisdictions. Upon recommendations from both Commissions to their respective Councils, a joint hearing is held by the two Councils who will make their respective decisions separately. § 190-55.I of the County Code also specifies the submission and review procedures and standards for evaluation by the County. The standards for evaluation by the Town of Easton are specified in § 28-401.8.E and F of the Town Code.

OUTSTANDING ISSUES:

1. Zone Map Amendment – The Conceptual Site Plan was submitted with the application. The site plan proposes development on Lot 20 of two one-story office buildings with associated parking. Sheets C-1, C-5, C-6, and C-7 assume development on Lot 20 under the A-1 zoning district, which prohibits Office land uses. Therefore, the Conceptual Site Plan does not conform to the Town's zoning regulations; development of Lot 20 under IDA with Office uses will require a procedure for a rezoning.

ANALYSIS:

I. Criteria for Approval - § 28-401.8.F of Town Code (Zoning Code) states that for the use of Growth Allocation, the Town of Easton shall consider the factors below, followed by staff's analysis.

¹ The County has since added 5.38 acres from reclassifying property from LDA to RCA, resulting in a total growth allocation totaling 2,559.38 acres.

A. Consistency with Town of Easton's adopted comprehensive plan and whether the Growth Allocation would implement the goals and objectives of the adopted plan.

Analysis – Lot 20 is within the Town of Easton's municipal limits and within its Growth Boundary (2010 Comprehensive Plan, Growth Areas Map). Lot 20 will require a rezoning to implement the features of the Plan; the lot is planned for industrial land uses (2010 Comprehensive Plan, Future Land Use Map). The lot is located within the Talbot Commerce Park, with the subdivision established in 1997 and subsequently developed with a mix of commercial and industrial uses. The business park was annexed into the Town of Easton in 2014. The Town encourages the diversification of Easton's industrial base to nurture a healthy and diverse local economy in Easton and to revise Easton's zoning map to ensure an adequate supply of land zoned for the types of businesses the Town is seeking to attract (2010 Comprehensive Plan, Economic Development Goals and Objectives, p. 240).

B. For a map amendment or refinement involving a new LDA, whether the development is: (a) to be served by a public wastewater system or septic system that uses the best available nitrogen removal technology; (b) a completion of an existing subdivision; (c) an expansion of an existing business; or (d) to be clustered.

Analysis – This factor is not applicable.

C. For a map amendment or refinement involving a new IDA, whether the development is: (a) to be served by a public wastewater system; (b) if greater than 20 acres, to be located in a designated Priority Funding Area; and (c) to have a demonstrable economic benefit.

Analysis – The applicant proposes to consolidate the two lots in order to expand commercial and light industrial uses on the existing Lots 16 and 20. The two existing sewage disposal areas on Lots 16 and 20 will be removed. Public sewer will serve the new development. Lot 20 is less than 20 acres. Talbot Commerce Park is an established business park with a mix of industrial and commercial uses with such uses located adjacent to the lot. Lot 20 was originally created as an open space parcel for the business park. Prior to annexation of Talbot Commerce Park into the Town of Easton, the County approved a revision plat for Lot 20 in 2012 to upgrade the business park's open space to create a buildable lot. Expansion of industrial and commercial uses in Talbot Commerce Park will further business and employment diversification in the Town of Easton by attracting different types of businesses.

D. The use of existing public infrastructure, where practical.

Analysis – Lot 20 is located within the existing Talbot Commerce Park where public infrastructure exists.

E. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site.

Analysis – Lot 20 is greater than 300 feet from tidal wetland and tidal waters. The DNR letter, dated June 11, 2021 includes a determination by the Wildlife and Heritage Service that the Delmarva fox squirrel is known to occur on or in the immediate vicinity of the project site. The Delmarva fox squirrel is a species In Need of Conservation status in Maryland. Delmarva fox squirrels live in mature forest stands along streams and bays, and in small woodlots next to agricultural fields². The letter indicates that if proposed activities do not occur within the established forested areas of Lot 20, the Delmarva fox squirrel will not be impacted. Staff notes that Sheet C-5 of the Conceptual Site Plan does not include any clearing of forested area to accommodate the two proposed office buildings³. The applicant's Critical Area Environmental Impact Assessment (EIA) determined there were no Threatened or Endangered species known to occur on or near the site for plant and wildlife habitat.

F. Impacts on a priority preservation area.

Analysis – This factor is not applicable.

G. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams.

Analysis – COMAR 27.01.02.06-1 specifies the growth allocation submittal requirements to include an environmental report that demonstrates that the project has been designed and will be constructed in compliance with all requirements of the proposed Critical Area land classification. COMAR 27.01.02.06-2 specifies the contents of the report, including the method and description of proposed stormwater management, including all qualitative and quantitative management measures; and the preliminary plan for compliance with the ten percent (10%) pollutant reduction rule, including all worksheets and all supporting documentation.

The 10% pollutant worksheets are contained in the Stormwater Management (SWM) Report along with the updated conceptual stormwater management plan as shown on Sheet C-6 of the Plan. There are several micro-bioretenment areas on Lots 16 and 20. According to the report, SWM treatment must include the removal of 3.11 pounds of phosphorus per year for new development in the proposed IDA. The Plan proposes the use of micro-bioretenment systems that collect surface runoff from buildings and impervious surfaces to address SWM and pollutant reduction requirements. These systems will provide storage and treatment prior to discharge to the existing SWM pond located on Lot 20. The retention areas are sized to provide the treatment volume estimated from development. According to the report, the SWM measures will provide 3.56 pounds of phosphorus reduction per year; fourteen percent (14%) above the ten percent (10%) requirement.

In a letter dated November 14, 2022, the Engineering Department approved the sketch SWM

² https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/Delmarva_FoxSquirrel.aspx

³ The proposed new office and light industrial buildings on Lot 16 also do not impact current forested areas on that property.

plan for the purpose of growth allocation and related to quality management and the Critical Area's ten percent (10%) requirement. The Department did state that they do not have quantity management calculations to review and approve and the overall sketch SWM approval cannot be approved.

H. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

Analysis – Lots 16 and 20 are not located within a special flood hazard area.

II. Consistent with § 8-1808.1 of the Annotated Code of Maryland, § 28-401.8.E of the Town's Zoning Code lists the location requirements for a new IDA.

A. A new IDA shall only be located in an LDA or adjacent to an existing IDA

Analysis – The proposed new IDA on Lot 20 is contiguous to the existing IDA on Lot 16.

B. The new IDA shall be located in a manner that minimizes impacts to Habitat Protection Areas and in an area and manner that optimizes benefits to water quality.

Analysis – There are no Habitat Protection Areas where development is proposed. As previously stated, the Plan does not include any clearing of forested area to accommodate the two proposed office buildings that will potentially impact the Delmarva fox squirrel. The applicant's Critical Area Environmental Impact Assessment (EIA) determined there were no Threatened or Endangered species known to occur on or near the site for plant and wildlife habitat. In addition, Lot 16 does not include a Critical Area Buffer; non-tidal wetlands exist only near the edges of the property; there are no mapped or observed colonial waterbird nesting sites on the property; there are no currently mapped or active bald eagle nests observed; and there are no anadromous fish propagation waters associated with the parcel.

The proposed office buildings on Lot 20 are located outside of the existing forest cover which includes forest conservation areas and buffering from the perennial stream and nontidal wetlands. Staff notes that in the applicant's response letter to the Critical Area Commission's comments, dated October 17, 2022, Forest Protection Areas A & B are modified under their Plan in anticipation of the dedication of a strip of land, approximately .923 acres, adjacent to Goldsborough Neck Road to be dedicated to Talbot County for road widening. The modified Forest Protection Areas replaces the future dedicated forested areas.

In the case of water quality, SWM measures for development in an IDA require a reduction of pollutant loadings by at least ten percent (10%) of predevelopment levels. The 10% pollutant worksheets are contained in the Stormwater Management (SWM) Report along with the conceptual SMW plan drawings. According to the report, SWM treatment must include the removal of 3.11 pounds of phosphorus per year for new development in the proposed IDA. The Plan proposes the use of micro-bioretenion systems that collect surface runoff from buildings and impervious surfaces to address SWM and pollutant reduction requirements.

These systems will provide storage and treatment prior to discharge to the existing SWM pond located on Lot 20. The retention areas are sized to provide the treatment volume estimated from development. According to the report, the SWM measures will provide 3.56 pounds of phosphorus reduction per year; fourteen percent (14%) above the ten percent (10%) requirement.

In a letter dated November 14, 2022, the Engineering Department approved the sketch SWM plan for the purpose of growth allocation and related to quality management and the Critical Area's ten percent (10%) requirement. The Department did state that they do not have quantity management calculations to review and approve and the overall sketch SWM approval cannot be approved.

C. A new IDAs shall only be located where they minimize their impacts to the defined land uses of the RCA.

Analysis – The new IDA is at the intersection of two collector roads and impacts are minimized through a buffered forest protection area.

D. New IDA's shall be at least 20 acres in size unless they are contiguous to an existing IDA or located in an LDA.

Analysis – The proposed new IDA on Lot 20 is less than 20 acres and is contiguous to the existing IDA on Lot 16.

E. A new IDA shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters.

Analysis – Lot 20 is located outside of the 300-foot requirement.

F. The new IDA shall conform to all criteria of The Town of Easton for such areas, shall be so designated on The Town of Easton Critical Area Maps and shall constitute an amendment to this Chapter subject to review and approval by The Town of Easton Planning and Zoning Commission, the Mayor and Council and the Critical Area Commission as provided herein.

Analysis – The procedure for the change in the land use management designation for Lot 20 is following the procedures as specified in COMAR, the Town Zoning Ordinance, and the County Code. The analysis of conforming to the criteria for the location of a new IDA is outlined above.

RECOMMENDED CONDITIONS:

Staff supports the following conditions should the Town Council approve the supplemental growth allocation request:

1. The applicant shall make an application to the Town of Easton for a rezoning of Lot 20 to a zoning district that permits the proposed uses. Approval of the supplemental growth allocation

request is subject to approval of the rezoning.

2. The Conceptual Site Plan submitted with the supplemental growth allocation application is conceptual in nature and was assessed by staff for conformance to § 28-401.8.E and § 28-401.8.F of the Town Code. Approval of the supplemental growth allocation shall not infer Town of Easton site plan approval. Prior to any lot consolidation or site plan approval of Lots 16 and 20, the proposed development will be evaluated by the applicable reviewing agencies for conformance to all applicable Zoning; Subdivision; Forest Conservation; Stormwater Management; Erosion and Sediment Control; and other applicable regulations. Such review may result in modifications to the conceptual site plan.

DRAFT MOTIONS:

1. I move that the Town Council approve CC-22- 2, Supplemental Growth Allocation Request for the Lot 20 and Mr. Thomas Cohee, based on the Findings for Approval and subject to conditions of approval.

OR

2. I move that the Town Council deny CC-22-2, Supplemental Growth Allocation Request for Lot 20 and Mr. Thomas Cohee, based on the following findings.....

OR

3. I move an alternate motion.

ATTACHMENTS:

1. Supplemental Growth Allocation Application
2. Revised Letter for Growth Allocation, October 6, 2022
3. Conceptual Site Plan for Lot 16 and Lot 20, December 2019
4. Critical Area Environmental Impact Assessment, Revised October 6, 2022
5. Stormwater Management Narrative
6. Town of Easton Engineering Department Comment Letter dated November 14, 2022
7. Critical Area Commission Comment Letters dated August 25, 2022; October 6, 2022; October 24, 2022
8. MDE Letter dated September 22, 2022
9. DNR Letter dated June 11, 2021
10. Criteria Offered in Support of Findings of Fact
11. Lot 16 Deed
12. Critical Area Maps
13. Aerial Map
14. PC Public Hearing Cohee Growth Allocation Staff Report
15. PC Supplemental Item Cohee Growth Allocation
16. Cohee Growth Allocation PC Outcome Letter dated January 9, 2022

File Number: C-



Talbot County Department of Planning and Zoning
215 Bay Street, Suite 2
Easton, Maryland 21601
410-770-8030

Amendment to Official Zoning Maps Application

Office Use Only:

Application Filing Date: _____ Fee Paid: _____
Planning Commission Date: _____ H.P. Commission: _____
(If Applicable)

Applicant(s) Name: Ryan D. Showalter & Brendan S. Mullaney Email: rshowalter@mdswlaw.com

Address: 100 N. West Street, Easton, Maryland 21601

Telephone Number: (410) 820-0259 Cell Number: _____

Property Owner(s) Name: Thomas R. Cohee

Property Owner(s) Signature: _____

Address of Property: Goldsborough Neck Road, Easton, Maryland 21601

Tax Map: 25 Grid: 22 Parcel: 46 Lot: 20 Size: 8.348 ac.

Current Zoning: Agricultural (A1) / RCA Proposed Zoning: Agricultural (A1) / IDA

Proposed Use of Property: (Use Additional Sheets if Necessary): See attached narrative.

Reason Requested: See attached narrative.

I certify that all information provided on this application is true and correct. I further certify that I have read the above information and understand the process involved with Amendments to the Talbot County Official Zoning Maps.

Applicant's Signature

Date



Talbot County Department of Planning and Zoning
215 Bay Street, Suite 2
Easton, Maryland 21601
410-770-8030

Amendment to Official Zoning Maps Checklist

All below zoning map amendments may be initiated by the County Council, Planning Commission, Planning Officer, or by a person with a committed financial, contractual or proprietary interest in the property to be affected by the proposed amendment. Applications must be accompanied by 15 copies of plats drawn to scale showing the existing and proposed zoning boundaries and other information needed to locate the parcel and as defined within the specific section of the ordinance related to the proposed amendment.

- X 1. **Growth Allocation § 190-176** - The purpose of a Growth Allocation District Boundary Amendment is to create lots or parcels within the Critical Area that maximize the opportunities for clustered development that protect habitat and agricultural resources.
- 2. **Historic District Overlay Zone § 190-108** – The purpose of the Historic District Overlay Zone is to preserve the resources in the County which have historic value together with all structures, appurtenances and environmental settings.
- 3. **Buffer Management Area § 190-112** – The purpose of the Critical Area Buffer Management Areas is to allow a reduced buffer from Mean High Water for properties which demonstrate that existing patterns of residential, commercial and industrial development prevent the buffer from fulfilling its natural function.
- 4. **Change in Zoning § 190-174** – After review of the applicable findings, the Council may:
 - (a) Grant the amendment based upon a finding that there was a substantial change in the character of the neighborhood where the property is located; or
 - (b) Grant the amendment based upon the fact that there was a mistake in the existing zoning classification.
- 5. **Other Changes to Official Zoning District Map**
 Please specify your change request:

Amendment to Official Zoning Maps Findings of Fact

1. Is the proposed rezoning consistent with the purposes and intent of the Talbot County Comprehensive Plan?

See attached narrative.

2. Is proposed rezoning compatible with existing and proposed development and land use in the surrounding area?

See attached narrative.

3. Are there available adequate public facilities for the rezoning?

See attached narrative.

4. How will the proposed rezoning effect present and future transportation patterns?

See attached narrative.

5. How will the proposed rezoning effect population change within the immediate area?

See attached narrative.

Note: All of the above must be answered in order to proceed with this application.

Amendment to Official Zoning Maps Application shall be accompanied by:

- X Statement of significance
- X Photographic documentation
- X Letter of approval from property owner
- X Copy of deeds and/or legal description of district
- X Copy of tax map, sketch plan or plat map
- X Large Scale map showing general location of property and improvements
- X Adjacent property owner list
- X Amendment to Official Zoning Maps Checklist
- X Amendment to Official Zoning Findings of Fact

§ 190-174 Amendments to Official Zoning Maps

- A. Procedures. Applications to amend the Official Zoning Maps shall be submitted and processed in accordance with the requirements of this article for County Council applications.
- B. Factors to be considered. The Council shall consider findings of fact including, but not limited to, the following when making a decision on a proposed amendment to the Official Zoning Maps:
 - 1. Consistency with the purposes and intent of the Talbot County Comprehensive Plan;
 - 2. Compatibility with existing and proposed development and land use in the surrounding area;
 - 3. Availability of public facilities;
 - 4. The effects on present and future transportation patterns; and
 - 5. The effect on population change within the immediate area.
- C. Standard for decision.
 - 1. After a review of the applicable findings, the Council may grant a zoning map amendment based upon one of the following findings:
 - (a) That there was a substantial change in the character of the neighborhood where the property is located; or
 - (b) That there was a mistake in the existing zoning classification.
 - 2. The findings given in Subsection C (1) above shall not be required to establish a floating or overlay district or to approve a comprehensive or sectional zoning map amendment.
 - 3. The fact that an application for a zoning map amendment complies with all the specific requirements and purposes set forth in this chapter shall not be deemed to create a presumption that the proposed amendment would be compatible with surrounding land uses and is not, in itself, sufficient to require approval.

GROWTH ALLOCATION APPLICATION

SUPPLEMENTAL NARRATIVE

Thomas R. Cohee
Lot 20 of Parcel 46
Goldsborough Road, Easton

Statement of Significance and Introduction

Thomas R. Cohee (“**Applicant**”) owns Lots 16 and 20 of Talbot County Tax Map 46, which are within the Town of Easton (“**Town**”) boundary. Lot 16 is currently improved by two existing commercial buildings, related storage areas, and driveways and parking areas. Applicant seeks a map amendment from the Town of Easton to convert 2.913 acres of Lot 20 (the “**Property**”) from Resource Conservation Area (“**RCA**”) to Intensely Developed Area (“**IDA**”). This approval would permit construction of two proposed commercial buildings and related improvements on the Property, as depicted by Sheet No. C-5 of the Site Development Plans submitted with this Application. As part of the development process proposed for the Property, Lots 20 and Lot 16 will be combined to create a revised Lot 16, which will be 14.904 acres in size. Section 28-501.8(C) of the Town of Easton Code permits a portion of the Property to be converted to IDA because the proposed IDA area is contiguous to existing IDA.

This Application has been prepared for and submitted to the Town of Easton but will also be considered by Talbot County. The Town does not have adequate Growth Allocation available and must therefore seek available Growth Allocation capacity for this Application from Talbot County.

Amendment to Official Zoning Maps Findings of Fact

1. *Is the proposed rezoning consistent with the purposes and intent of the Talbot County Comprehensive Plan and Easton Comprehensive Plan?*

The proposed rezoning is consistent with the purposes and intent of the Talbot County Comprehensive Plan (the “**County Plan**”). The County Plan specifically defines areas in and around existing municipalities as areas more suitable for future growth and development.¹ The Land Use Vision statement explains that the County should work with towns for harmonious transitions at their boundaries, with the resulting compact land use pattern providing sufficient urban locations for anticipated growth. The County Plan also states that most new residential, institutional, commercial, business, and industrial development should be located in Designated Growth Areas and incorporated towns.² Approval of the IDA Growth Allocation sought by this Application would ensure that a

¹ See, e.g., Talbot County Comprehensive Plan, Map 2-K (2106).

² Countywide Land Use Policies, Talbot County Comprehensive Plan, p.2-3 (2016).

parcel that is part of a commercial subdivision and within the Town's boundary is utilized for development that enhances the Town and County. Approval would permit new businesses to be relocated to the Property and to enhance the local economy.

The proposed rezoning is also consistent with the purposes and intent of the Town of Easton Comprehensive Plan (the "**Town Plan**"). The Town Future Land Use Map identifies the Property as an area for industrial development.³ Approval of the IDA Growth Allocation sought would conform with the Economic Development goals of the Town by bringing additional business tenants to the Town which will expand the economic base, and encouraging the diversification of Easton's industrial base.⁴ Approval would also ensure map amendment to permit industrial and commercial uses while providing the infrastructure necessary to attract desirable businesses and enable existing businesses to grow and prosper.

2. *Is the proposed rezoning compatible with existing and proposed development and land use in the surrounding area?*

The subdivision north east of Glebe Road and along Mary's Court is a commercial and industrial development that houses a number of businesses that are vital to the local economy. Most of the parcels along Mary's Court were improved in 2006-2008 and the commercial and industrial nature of the area is well defined. The Town Plan specifically calls for the Property to be improved for industrial use and approval of the IDA Growth Allocation sought would ensure that the Property is properly utilized. Industrial and commercial use of the Property is not only prudent but appropriate due to the nature of the surrounding parcels and uses. The proposed IDA Growth Allocation is compatible with existing and proposed development and land use in the surrounding area.

3. *Are there available adequate public facilities for the rezoning?*

The Property is served by the Town of Easton Sanitary District Subdistrict. Existing utilities are currently located along Mary's Court and public water and sewer will serve the Property following Growth Allocation approval and construction of the proposed improvements. Adequate public facilities for the rezoning exist.

4. *How will the proposed rezoning affect present and future transportation patterns?*

Existing ingress and egress to the Property is from Mary's Court. Following Growth Allocation approval and improvement of the property as proposed, the Property will continue to utilize the existing entrance from Mary's Court. No new entrances are contemplated by this Application. Development of the Property is likely to result in a minor increase in automobile traffic to and from the Property, from Glebe Road to Mary's Court.

³ Future Land Use Map, Town of Easton Comprehensive Plan, (2010).

⁴ Easton Economic Development Section, Town of Easton Comprehensive Plan, p.240 (2010).

During construction the Applicant will work with the Easton Department of Public Works to ensure that no adverse impacts to traffic patterns occur. Applicant has provided the required parking on the Property to serve employees and visitors to the site. The nature of the contemplated industrial or commercial uses on the Property is one that creates low traffic volumes. No adverse impacts to existing or proposed transportation patterns will occur as a result of approval of Growth Allocation.

5. *How will the proposed rezoning affect population change in the immediate area?*

The commercial or industrial uses that would be permitted and proposed for the Property would attract professional businesses and their employees and likely create a slight population increase in Easton and Talbot County. No undue burden to public infrastructure or services is expected as a result of development of the Property or approval of the IDA Growth Allocation sought.



July 20, 2020

Davis, Moore, Shearon & Associates, LLC

Easton Dept. of Planning & Zoning
c/o Lynn Thomas, Town Planner
14 South Harrison Street
Easton, Maryland 21601

**RE: GROWTH ALLOCATION REQUEST FOR PROPOSED COMMERCIAL
DEVELOPMENT ON THE LANDS OF LOT 16, LLC AND MR. THOMAS
COHEE, DMS & ASSOCIATES JOB #2017052**

Dear Mr. Thomas:

As permitted by the Town of Easton and Talbot County Chesapeake Bay Critical Area Ordinances and on behalf of our clients, Lot 16, LLC and Thomas R. Cohee, we wish to apply for growth allocation of 2.913 acres of land located in the Town of Easton. Lots 16 & 20 of Tax Map 25 are within the commercial subdivision known generally as Talbot Commerce Park and total 14.904 acres. Portions of the lots are located within the Critical Area. All Critical Area on Lot 16 is designated as Intensely Development Areas (IDA) and the Critical Area on Lot 20 is designated as Resource Conservation Area (RCA). The request for Growth Allocation involves a portion of the RCA designated lands with the request for growth allocation of 2.913 acres to be changed to IDA to allow for expanded commercial development similar to what currently exists on the site and in Talbot Commerce Park.

In compliance with the growth allocation submittal requirements of COMAR 27.01.02.05-1, the Applicant offers the following:

A.

1. In conjunction with the petition to be filed with the Town of Easton Council and the Talbot County Commissioners by McAllister, DeTar, Showalter & Walker LLC, agent for the Property owner, and information to be contained with the petition, we are asking your department to confirm that this project meets the standards listed in Natural Resources Article 8-1808.1(c) (1), Annotated Code of Maryland.
2. In conjunction with the petition and information contained with the petition we are asking your department to provide information and documentation to the Critical Area Commission addressing environmental, planning and economic factors for their consideration and consultation with the Natural Resources Article Section 8-1808.1(c) (3), Annotated Code of Maryland.

3. As part of the plans in support of this project we have provided a conceptual site design plan (see Sheets C-1 through C-7) for the project. This plan has been submitted to the planning department with the request to schedule the project for review before the Town and County Joint Planning Commission meeting.
4. An Environmental Features Plan has been submitted with the growth allocation petition. (See Sheet C-2).
5. We have prepared an environmental assessment for the project. In conjunction with the submitted plans, the report addresses issues related to development, impervious coverage and water quality/pollutant reduction requirements. We have prepared a stormwater management report for the entire project. The report contains calculations that address the 10% pollutant reduction requirements for the requested intensely developed area designation. This report has been submitted to the Critical Areas Commission and the Queen Anne's County Department of Public Works a part of the conceptual plan review process.
6. As part of the concept plan review process we have submitted plans for review to the Department of the Environment, Department of Natural Resources and the Corps of Engineers. In conjunction with the growth allocation, petition letters and other information from these agencies is contained herein.
7. As part of our plans we have provided a plan showing the area of the requested growth allocation. (See Sheet C-3).
8. We have calculated the area requested for growth allocation. The acreage shown on the plan (see Sheet C-3) is consistent with the acreage contained in the petition.

B. The following information is provided on the conceptual site development plan in accordance with Section 27.01.02.05-1.A(3) and (4):

1. The project name and the street addresses of each parcel can be found on sheet C-1.
2. Tax map information including the map number, block and parcel numbers are provided on sheet C-1 and throughout the entire plan set within each sheet's title block.
3. The concept site development plan is drawn at a scale of 1" = 20'.
4. The plan sheets are provided with a north arrow so that the orientation of the site and the development proposed can be determined.
5. A vicinity map is included on Sheet C-1 of the plans.

6. The existing lot lines which also happen to be the parcel's boundaries are presented on sheets C-2 through C-7.
7. The project includes Lots 16 and 20 of the Talbot Commerce Park and are accessed from the cul de sac at the end of Mary's Court. The site bounded on the south & west by other commercially developed lots within the business park, on the east by Goldsborough Neck Road and on the north by the Lands of Alison Bird Freeland Gelb, et al. Both lots are owned by Lot 16, LLC.
8. The limit of disturbance is shown on sheet C-5, of the Conceptual Site Development Plan.
9. The development envelope is confined primarily confined to open areas of the site currently maintained as lawn and meadow. See Sheet C-5 for the concept for the development.
10. The Critical Boundary extends into the site from the tidal waters of Glebe Creek. The subject parcel is partially located within the Critical Areas. The land classification and zones are displayed on sheets C-2 through C-5.
11. The 100-year flood plain boundary exists beyond the limits of the areas shown on the plans. The area of proposed development is not located within 100-year flood plain boundary as determined from Flood Insurance Rate Maps.
12. The topography shown is an excerpt from a larger grid of topography acquired from the Talbot County Department of Public Works.
13. Vegetation cover information is included on Sheets C-2 thru C-5 and can be considered nothing more than residential landscaping. There are no woodlands, streams, wetlands, critical area buffers or endangered habitats on site.
14. Existing soils on site are Othello silt loam (Ot) and Mattapex-Butlertown silt loam (MtA) and are shown on Sheet C-2. Hydric soils are also identified on Sheet C-2. There are no highly erodible soils existing on this site.
15. There are no perennial or intermittent streams on site or in the vicinity.
16. The 300-foot Critical Area buffer does not occur on or near the site.
17. There are no steep slopes, no highly erodible soils nor nontidal/tidal wetlands on-site and the 300-foot Critical Area buffer does not occur near the site. No expanded buffer is required.

18. The 300-foot buffer requirement does not apply as the site is located beyond the 300-foot buffer, yet within the 1000' Critical Area.
19. Consultation with NTW Maps and site investigations concluded the existence of no nontidal wetlands within the proposed development envelope.
20. There are no tidal wetlands located on this property.
21. Based on the review from the Department of Natural Resources and letters from various agencies there are no protected plant or wildlife habitat areas on this site.
22. Based on the review from the Department of Natural Resources and letters from various agencies there are no habitat areas related to threatened or endangered species on this site.
23. The site is not immediately adjacent to any waters inhabited by anadromous fish.
24. The existing areas of lot coverage are shown on sheet C-2 and the size of each parcel's area is listed in the Site Statistics on Sheet C-1. Proposed areas of lot coverage have been displayed on sheet C-5 and their areas tallied and compiled on sheet C-1 also.
25. Detailed construction plans dealing with the storm water, utility, septic and water plans prepared during the detailed site plan review process and will be supplied to your office during that process. Conceptual stormwater management, drainage, and utilities are graphically shown on the enclosed plan
26. No additional paths or walkways are proposed other than what is shown on sheet C-5.
27. No existing areas of mitigation occur on-site and no required mitigation areas are anticipated as no protected resources exist on-site.
- 28a. No agricultural areas, surface mines, natural parks, dredging activity or dredged material disposal areas exist on this property.
- 28b. The only easements we are aware of those to Verizon and DP&L which are shown on the plans.

COMAR Regulation 27.01.02.05-1A(5) requires an Environmental Report to accompany an application for Growth Allocation. The following information is provided on the Environmental Report required under Regulation Section 27.01.02.05-2A:

- A.**
1. The environmental report contains a description of the proposed development on Sheet 1.

2. To our knowledge the properties have not been subdivided since their creation as part of the Talbot Commerce Park development.
3. The project is currently a mix of commercial uses such as an existing contractor's office and storage yard and a commercial office building. The proposed buildings consist of two office buildings and a mixed office warehouse buildings area. Parking lots and a travel way link all proposed redevelopment. Growth Allocation is requested to change a portion of the site's Critical Area designation from RCA to IDA. The zoning of the site permits this type of development.
4. The gross area of the site is 14.4904 acres with a portion of the site located within the Critical Area. Growth Allocation is requested for the 2.913 acres to be changed from RCA to IDA.
5. The vegetative cover is provided on the Environmental Features Plan (sheet C-2) and as graphically depicted, there are no areas qualifying as forest or developed woodland within the development envelope. A scattering of trees and mowed lawn/meadow areas dominate the proposed development envelope.
6. The stormwater management systems are shown on the conceptual stormwater management plan. Detailed plans and reports will provided under separate cover to the Town of Easton Dept. of Public Works and Talbot County Soil Conservation Service during the formal site plan review process once growth allocation approval has been obtained.
7. The 10% pollutant worksheets are contained in the Stormwater Management Report. This report with Conceptual Stormwater Management Plan drawings has been submitted directly to the Critical Areas Commission and the Town of Easton Department of Public Works as part of the concept plan review process.
8. Soil erosion and sediment control measures will be defined on construction drawings during the site plan review process.
9. The requested land use designation is from limited development area (RCA) to intensely developed area (IDA). Proposed and existing lot coverage areas have been calculated and can be found on sheet C-1.
10. No forest exists, no clearing of forest is requested, and therefore, no mitigation is required.
11. No area of afforestation is required.

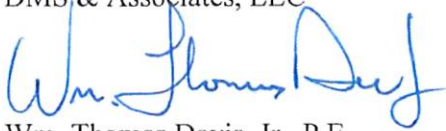
12. The zoning of the site is designated on the plan and in the report as BC-Business Commercial.
 13. There are no streams or Critical Area Buffers within the development envelope and no Buffer Management Plans area required.
 14. There are no habitat protection areas within the proposed development envelope therefore no habitat protection plan is warranted.
- B.** Section 27.01.02.05-2A(13) does not apply as stream or critical area buffers do not exist within the site development envelope. Items (1) through (7) are not applicable to the site.
- C.** This project does not require a habitat protection plan. There are no forests within the proposed development envelope. Based upon correspondence from various agencies, there are no forest interior dwelling birds, no natural heritage areas, no habitat for colonial water birds, no submerged aquatic vegetation, no adjacent streams or other bodies of water providing aquatic species nor any tidal or nontidal wetlands.

We ask that you please review this letter in conjunction with the petition, plans, environmental report and other supplemental information.

If you should have questions or need additional information please don't hesitate to call me at (443) 262-9130.

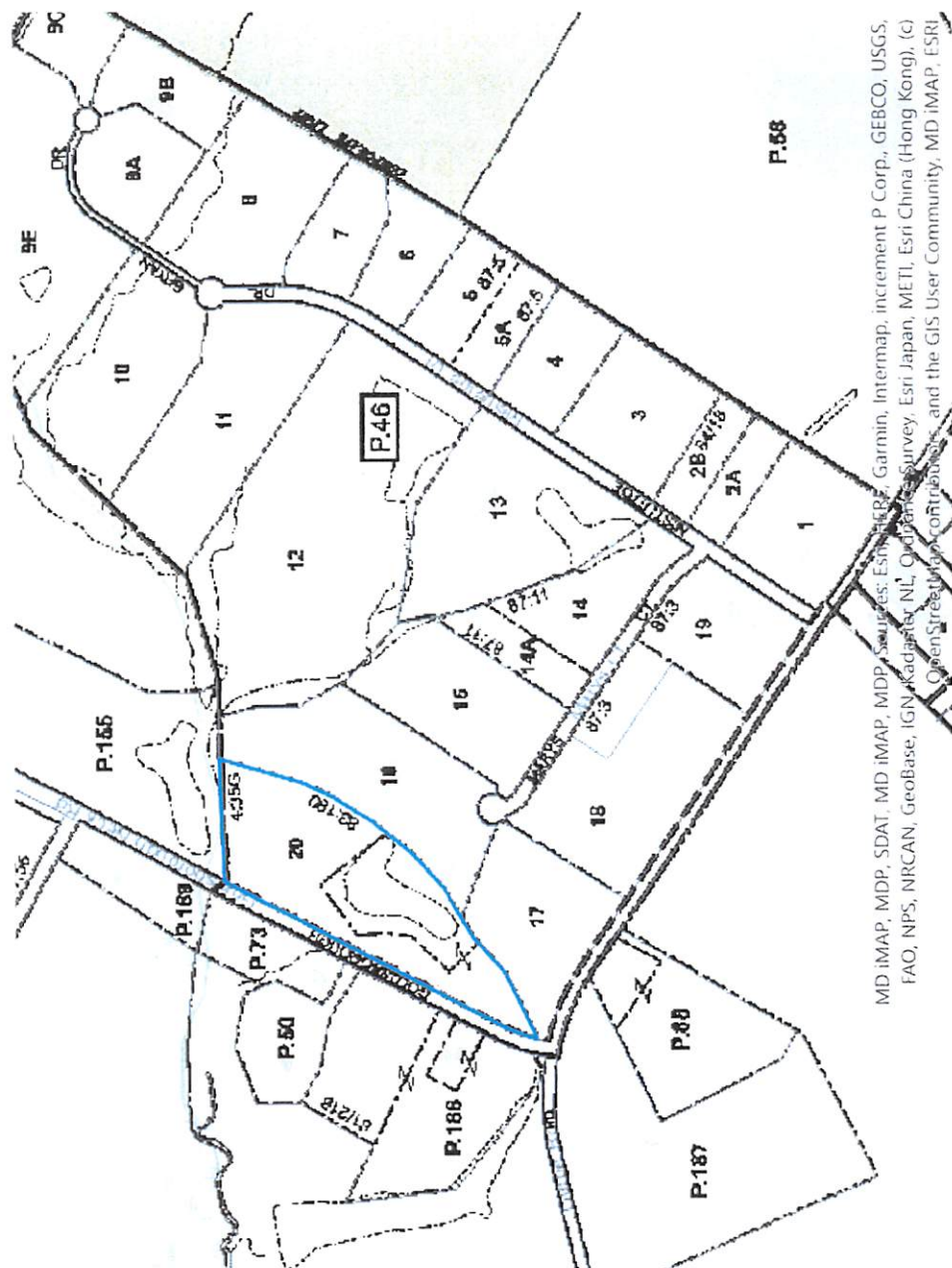
Sincerely,

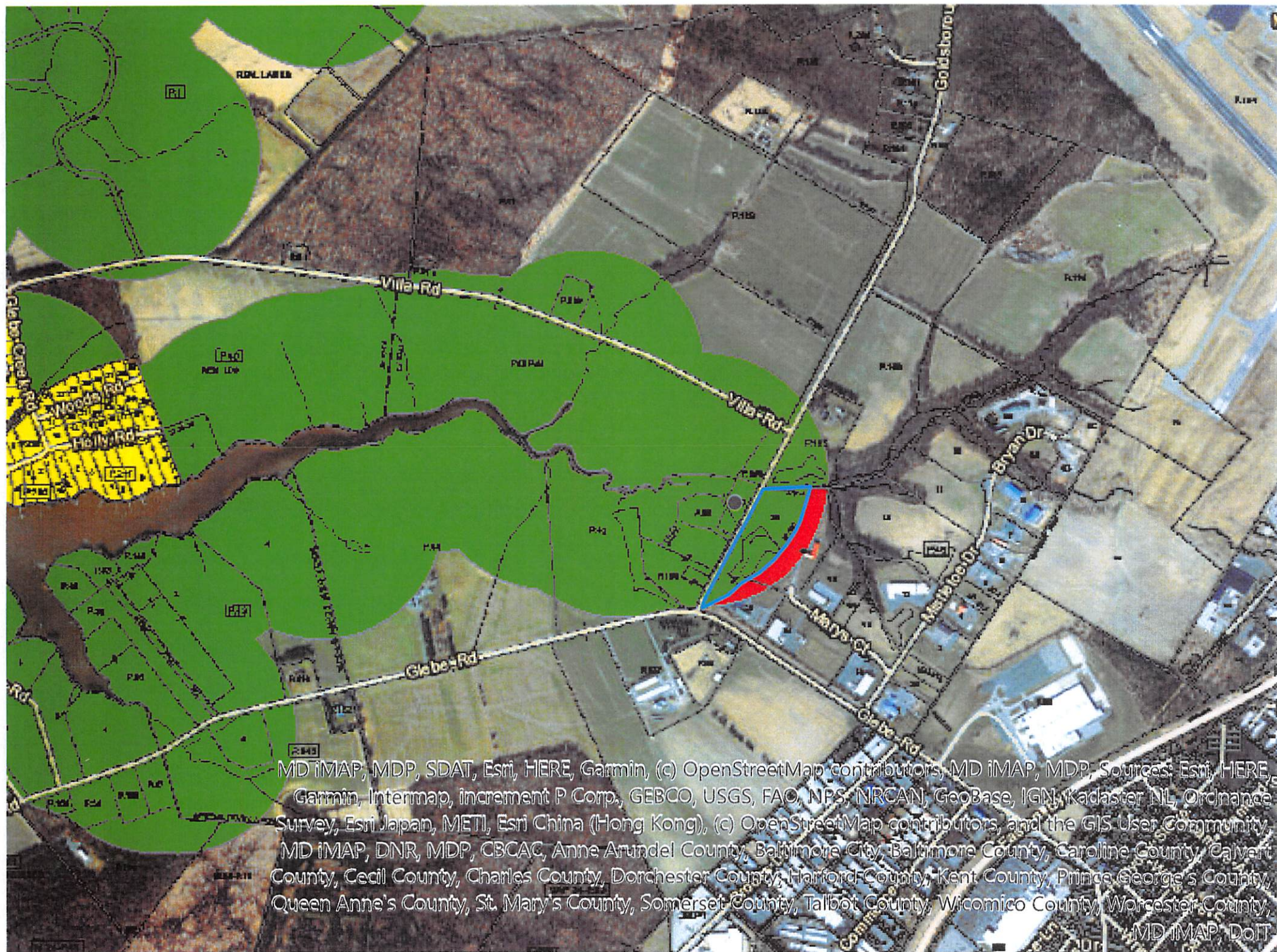
DMS & Associates, LLC

A handwritten signature in blue ink, appearing to read "Wm. Thomas Davis, Jr.", is written over the typed name.

Wm. Thomas Davis, Jr., P.E.

Enclosure





MD IMAP, MDP, SDAT, Esri, HERE, Garmin, (c) OpenStreetMap contributors, MD IMAP, MDP, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, MD IMAP, DNR, MDP, CBCAC, Anne Arundel County, Baltimore City, Baltimore County, Caroline County, Calvert County, Cecil County, Charles County, Dorchester County, Harford County, Kent County, Prince George's County, Queen Anne's County, St. Mary's County, Somerset County, Talbot County, Wicomico County, Worcester County, MD IMAP, DoIT

**CRITICAL AREA
ENVIRONMENTAL IMPACT ASSESSMENT**

**Talbot Commerce Park
In the Town of Easton
Thomas R. Cohee
28580 Marys Court
Easton, Maryland 21601**

TALBOT COUNTY

**28580 Court
Tax Map 0025
Grid 22
Parcels: 0046 Lots 16 & 20**

**M. Stark McLaughlin
Environmental Planner – Forester
Fink, Whitten & Associates, LLC
113 East Dover Street -C
Easton, MD 21601
410-822-8484
March 12, 2020**

TABLE OF CONTENTS

Introduction

Natural Resources Inventory

Environmental Factors Management Plans

Summary, Conclusions and Recommendations

Attachments

State of MD, MERLIN Environmental Map / Critical Area

State of MD, MERLIN Environmental Map / Nontidal Wetlands

NRCS Soil Survey Map with legend

Introduction

A. Statutory Requirements: The Talbot County Code and Town of Easton, Critical Area requires several factors be considered in the planning for land development or subdivision activities in the Chesapeake Bay Critical Area. The purpose of this Environmental Assessment is:

- 1.) To summarize an inventory of the Natural Resources that affect or may be impacted by this subdivision; and*
- 2.) To propose design and resource management techniques that avoid, protect, minimize, enhance, manage or otherwise mitigate impacts to these Natural Resources.*

This Assessment includes those portions of the site both within the Critical Area and non-Critical Areas lands. The parcels contain Critical Area acreage of 3.505 (IDA) Lot 16 and 8.348 acres (RCA) for a total of 11.853 acres. Out of the Critical Area remaining lands equal 3.050 acres. This assessment is designed for compliance with the protection and management of the Natural Resource and Land Use factors and issues found in the Easton and Talbot County Code.

B. Project Summary: This project represents a revision of the Critical Area Designation from RCA on Lot 20 to LDA as a growth allocation. The northern boundary of Lot 20 is located 700' +/- from the tidal waters of Glebe Creek. The purpose of this project is to obtain approval for an addition to one of the existing office buildings and construction of 4 new office buildings, 2 in the BC zoning and 2 in the A1 zoning district.

C. Project Location: The project is located at 28580 Marys Court Easton, Maryland 201601 The site is designated as Tax Map 0025 Parcel 0046, Lots 16 and 20.

D. Project Site Description: The site is located at the end of Marys Court in the Talbot Commerce Park, in the Town of Easton. The site consists of 2 existing lots (16 and 20) th are to be combined into one new lot. The site is zoned -A1 (Agricultural District) and BC (Business Commercial) The A1 zone is located entirely within the Critical Area and designated as RCA (Resource Conservation). Existing Lot 20 is vacant and has the regional stormwater management pond located on site. Lot 16 is the current location of 2 existing office buildings and associated parking.

Natural Resources Inventory:

A. Soils: There are several soil types mapped on the project site. Those soils having a "K" factor greater than 0.35, indicating potential for erosion are marked with a (*) in the table below. Mapped hydric soils on the site are marked as (**). There is no evidence of "farmed wetland" indicators on the site. The soils inventory is summarized on the table below. *No highly erodible soils with slopes greater than 15% are located within the proposed lots. Highly*

Erodible Soils are defined as soils with slopes greater than 15% or soils with a "K" value greater than 0.35 and slopes greater than 5%. No slopes greater than 15% are located on soils listed or "K" values and slopes greater than 5% are located on the sites. Soils on open ground listed as highly erodible by the USDA Soils Conservation Service Talbot County are present within the remaining acres but the slopes do not exceed 5% therefore the criteria for highly erodible soils is not met for those soils.

() "K" factor greater than 0.35*

CsA Crosiadore silt loam, 0 to 2 percent slopes

MtcA Mattapex silt loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

MtcB Mattapex silt loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain

WocA Woodstown loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

WocB Woodstown loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain

**Zk Zekiah silt loam, frequently flooded 0.7 4.6%

Totals for Area of Interest 14.9 100.0%

*(**) Hydric soils*

B. Tidal Wetlands: No Tidal Wetlands exist on the site.

C. Non-tidal Wetlands: Non-tidal wetlands exist only near the edges of the stream course and are buffered by existing protected forest cover. No nontidal wetland impacts are resulting from the proposed development activities. (Lot 16 = 0.228 acres Lot 20 = 0.225 acres.)

D. Tributary Streams: The site has two mapped streams. An intermittent drainage area is located on the east side of the site located within the wooded area along the property line. The channel is comprised of a flat nontidal wetland and originates within the woodland drainage to the north. The second stream is a perennial flowing from the north to the channel and is well defined by several meandering and changing flats leading to the out fall into Glebe Creek. Woodland Stream Buffers comprise 1.133 acres of the site.

E. Forest: (4.25 acres) The forested portions of the site are comprised of a mix of mature hardwoods and planted loblolly pine, red bud and eastern red cedars. Mature red oaks, yellow poplar, sweet gums, red maples and holly comprise the interior of the forested areas and black locust, black cherry, black walnut, sassafras and persimmons dominate the outer edges.

F. Plant and Wildlife Habitat: A search of the DNR Heritage Data Base determined that no Threatened, Endangered or Species of State or Federal concern are known to occur near the site.

Environmental Factors Management Plans

In accordance with the Talbot County Code, Article VI, Sections §190-133 thru §190-145, the creation of the new lots avoid, protects, enhances, manages and/or otherwise mitigates impacts to environmental and land use factors as follows:

§190-133 Agricultural Uses- No agricultural lands exist on the site.

§190-134 Forest Activities- Forest and tree removal or harvest activities are currently limited to the salvage of downed trees which fall into the open acres of the site.. Tree removals are restricted in Critical Areas, individual trees may be removed with a Forest Preservation and Buffer Management Plan any removals will be mitigated for at prescribed ratios. Additional forest plantings have been established past for the requirements of the Forest Conservation Plan. No tree removals are proposed or required for this site development. The site is currently 28.5% forested.

§190-135 Stormwater- The proposed lots will be developed in accordance with the “2000 Maryland Stormwater Design Manual”, Environmentally Sensitive Development Criteria (Chapter 5 – Stormwater Credits for Innovative Site Planning). Deviation from these criteria shall require approval from the Talbot County Department of Public works prior to any development activities.

§190-136 Lot Coverage- Total lot coverage Zone A-1 = 4.5% (0.372 acres) Zone BC = 18.4% (1.207 acres)

§190-137 Tributary Stream Management- Perennial tributary streams are located within the proposed lot is too remain protected by existing forest buffers.

§190-138 Habitat Protection Areas, Habitat Protection Plans-

A review of the available information regarding the presence of rare, threatened and endangered species, historic sites, and critical habitats (DNR Merlin). Indicate no official State or Federal records for listed plant or animal species within the delineated area. This site adjoins and area that may contain habitat for Forest Interior Nesting Birds (FIDS). Current design criteria do consider this habitat and the guidelines for protection. No forest clearing or disturbances are proposed.

§190-139 Shoreline Development Buffer- No shoreline exists on this site.

§190-140 Nontidal Wetlands- Nontidal wetlands are associated with the forest edge of the drainage outlets on the site. These wetlands are protected with a minimum 25' buffer. No nontidal wetlands are located within the existing development activities.

§190-141 Threatened and Endangered Species; Species in Need of Conservation- The Department of Natural Resources website identified no Threatened and Endangered Species on the Lots. The proposed development activities do not occur within the forested portions of the site.

§190-142 Plant and Wildlife Habitat Areas- Glebe Creek is mapped as historic waterfowl staging areas. There are no mapped or observed colonial water bird nesting sites on this property or adjoining the farms. There are not currently mapped or active bald eagle nests observed on or near the farm. Except for the forested Buffer fringe, there is no riparian forest and no forest areas used for breeding area by Forest Interior Dwelling Birds (FIDS). The size and composition of the forest on this site does not provide adequate habitat for FIDS. The site does adjoin though disconnected by roads larger blocks of forest lands. There are no mapped or

observed Natural Heritage Areas on the farm. Except for the non-tidal wetland protection proposals discussed previously, there is no other known plant or wildlife habitat area on the farm. There are no mapped Natural Heritage Areas.

§190-143 Anadromous Fish Propagation Waters- There are no Anadromous Fish Propagation Waters associated with the parcel. Glebe Creek is not mapped as an Anadromous Fish Propagation Water. Regardless, this project is limited to lots with ample buffering of development impacts to the waters of the State.

§190-144 Shoreline Stabilization Measures- No shoreline stabilization measures are proposed or needed.

§190-145 Erosion and Sediment Control- All development activities for individual lot improvements will require separate Erosion and Sediment Control plans approved by the Talbot County Soil Conservation District with related NPDES-NOI approvals as required. Talbot Public Works approval of Storm water Plans will be coordinated with these approvals for overall water quality. The disturbance of the site will be limited to the installation office space, parking and driveways. The final actual area of the limits of disturbance will be on the individual required Erosion and Sediment Control plans.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The revisions to this property, combining and revising lines of division, and changing the zoning designation will have no significant habitat protection issues. When the buffers and protective setback measures shown on the plat are adhered to, and if best management practices for sediment control and storm water management are utilized and enforced, development activities related to the future development of these lots with related driveways and potential buildings as proposed should not cause undue impact to sensitive areas.

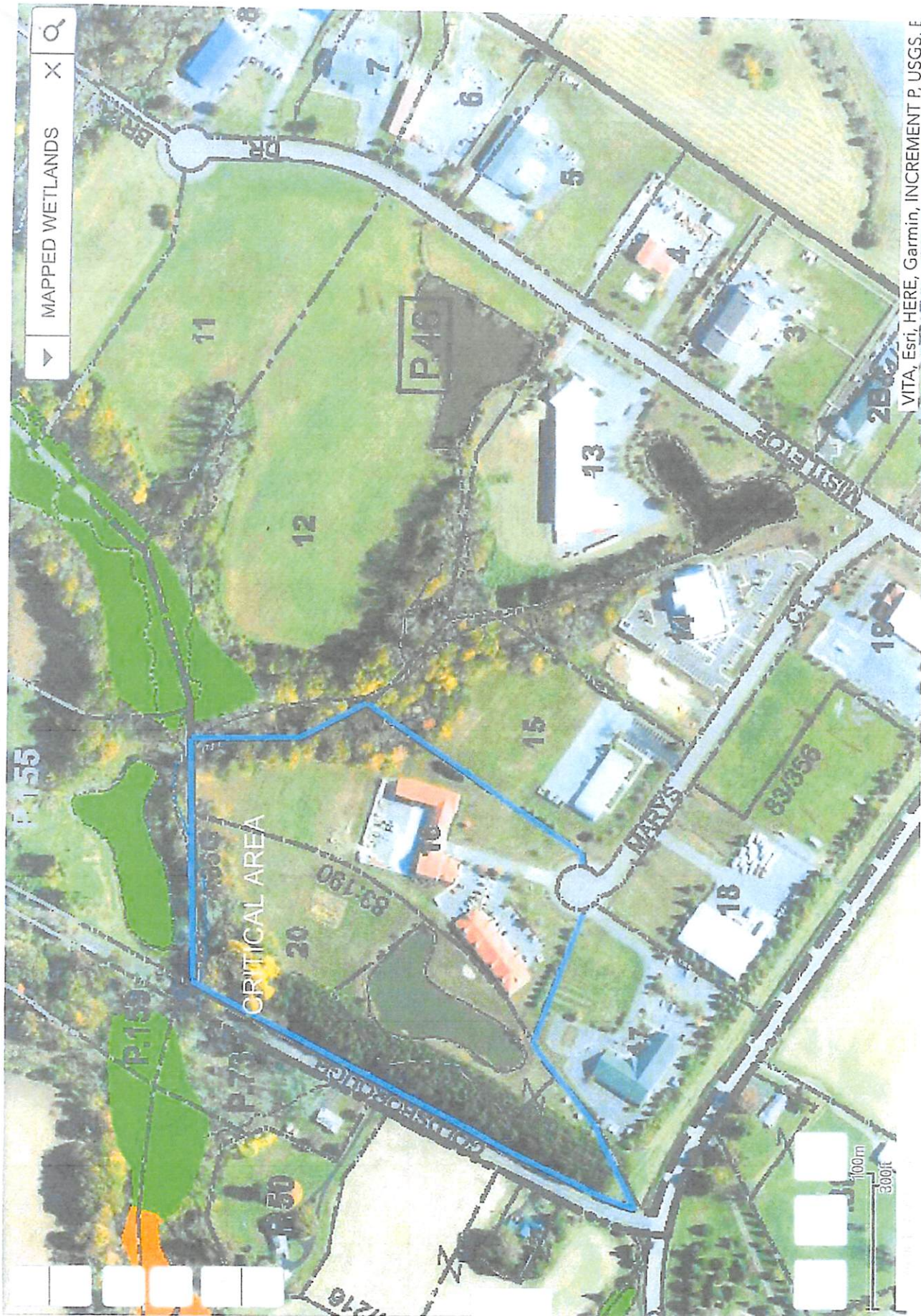
ATTACHMENTS

State of MD, MERLIN Environmental Map / Critical Area

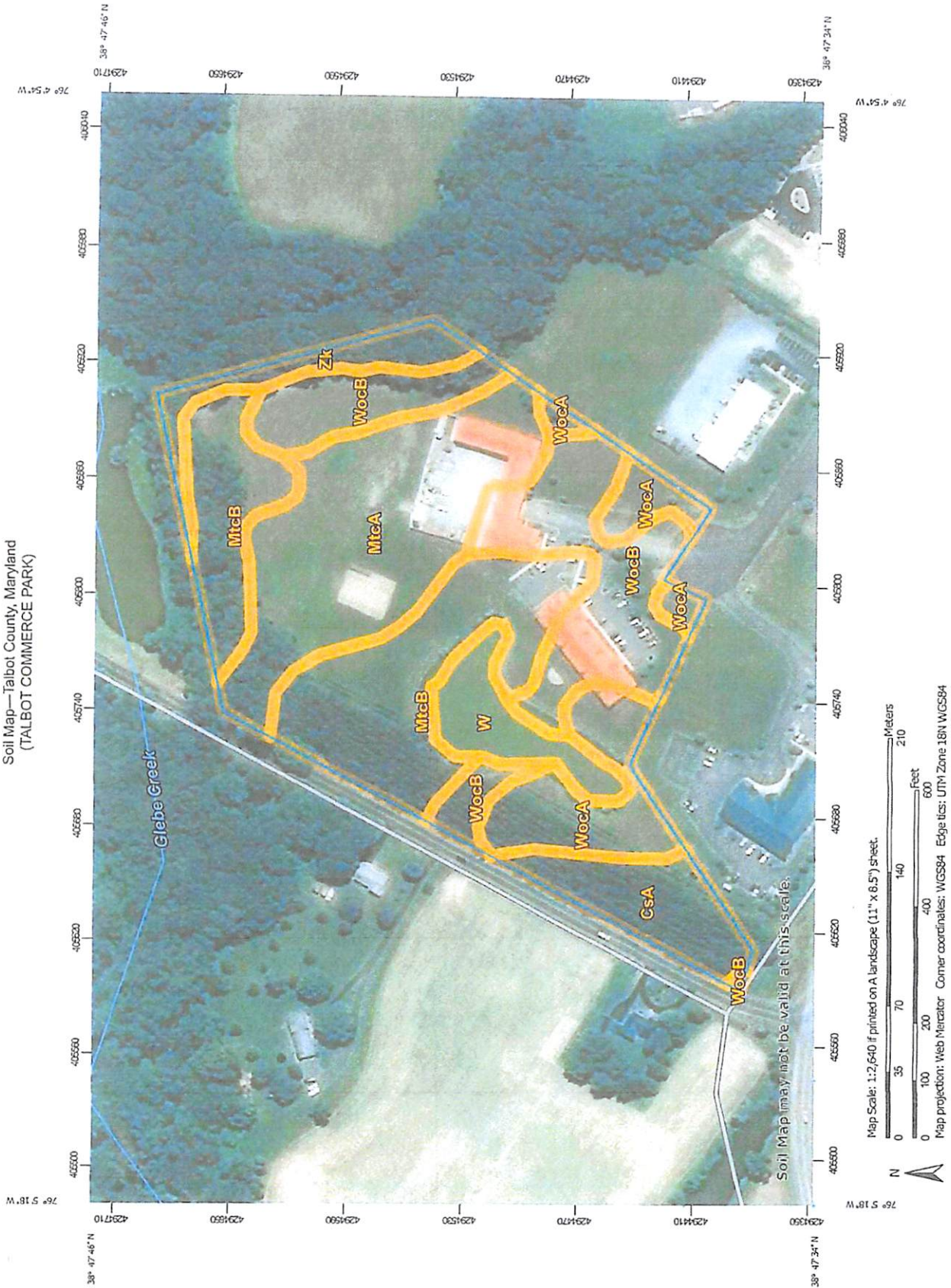
State of MD, MERLIN Environmental Map / Nontidal Wetlands

NRCS Soil Survey Map with legend





Soil Map—Talbot County, Maryland
(TALBOT COMMERCE PARK)



Soil Map—Talbot County, Maryland
(TALBOT COMMERCE PARK)

MAP LEGEND

Area of Interest (AOI)		Spoil Area
Area of Interest (AOI)		Stony Spot
Soils		Very Stony Spot
Soil Map Unit Polygons		Wet Spot
Soil Map Unit Lines		Other
Soil Map Unit Points		Special Line Features
Special Point Features		
Blowout	Water Features	Streams and Canals
Borrow Pit	Transportation	
Clay Spot	Rails	
Closed Depression	Interstate Highways	
Gravel Pit	US Routes	
Gravelly Spot	Major Roads	
Landfill	Local Roads	
Lava Flow	Background	
Marsh or swamp	Aerial Photography	
Mine or Quarry		
Miscellaneous Water		
Perennial Water		
Rock Outcrop		
Saline Spot		
Sandy Spot		
Severely Eroded Spot		
Sinkhole		
Slide or Slip		
Sodic Spot		

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Talbot County, Maryland
Survey Area Data: Version 16, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 16, 2014—Oct 20, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

3/12/2020
Page 2 of 3

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CsA	Crosiadore silt loam, 0 to 2 percent slopes	1.0	7.0%
MtcA	Mattapex silt loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	3.5	23.8%
MtcB	Mattapex silt loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain	3.7	24.9%
W	Water	0.8	5.7%
WocA	Woodstown loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain	1.7	11.6%
WocB	Woodstown loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain	3.3	22.4%
Zk	Zekiah silt loam, frequently flooded	0.7	4.6%
Totals for Area of Interest		14.9	100.0%





October 6, 2022

Davis, Moore, Shearon & Associates, LLC

Easton Dept. of Planning & Zoning
c/o Lynn Thomas, Town Planner
14 South Harrison Street
Easton, Maryland 21601

**RE: REVISED LETTER RELATED TO GROWTH ALLOCATION REQUEST FOR
PROPOSED COMMERCIAL DEVELOPMENT ON THE LANDS OF LOT 16,
LLC AND MR. THOMAS COHEE**

Dear Mr. Thomas:

As permitted by the Town of Easton and Talbot County Chesapeake Bay Critical Area Ordinances and on behalf of our clients, Lot 16, LLC and Thomas R. Cohee, we wish to apply for growth allocation of 8.348 acres of land located in the Town of Easton. Lots 16 & 20 of Tax Map 25 are within the commercial subdivision known generally as Talbot Commerce Park and totals 14.904 acres. Portions of the lots are located within the Critical Area. All Critical Area on Lot 16 is designated as Intensely Development Areas (IDA) and the Critical Area on Lot 20 is designated as Resource Conservation Area (RCA). The request for Growth Allocation involves a portion of the RCA designated lands with the request for growth allocation of 8.348 acres to be changed to IDA to allow for expanded commercial development similar to what currently exists on the site and in Talbot Commerce Park as wells as road improvements to Goldsborough Neck Road.

In compliance with the growth allocation submittal requirements of COMAR 27.01.02.05-1, the Applicant offers the following:

A.

1. In conjunction with the petition to be filed with the Town of Easton Council and the Talbot County Commissioners by McAllister, DeTar, Showalter & Walker LLC, agent for the Property owner, and information to be contained with the petition, we are asking your department to confirm that this project meets the standards listed in Natural Resources Article 8-1808.1(c) (1), Annotated Code of Maryland.
2. In conjunction with the petition and information contained with the petition we are asking your department to provide information and documentation to the Critical Area Commission addressing environmental, planning and economic factors for their consideration and consultation with the Natural Resources Article Section 8-1808.1(c) (3), Annotated Code of Maryland.

3. As part of the plans in support of this project we have provided a conceptual site design plan (see Sheets C-1 through C-7) for the project. This plan has been submitted to the planning department with the request to schedule the project for review before the Town and County Joint Planning Commission meeting.
4. An Environmental Features Plan has been submitted with the growth allocation petition. (See Sheet C-2).
5. We have prepared an environmental assessment for the project. In conjunction with the submitted plans, the report addresses issues related to development, impervious coverage and water quality/pollutant reduction requirements. We have prepared a stormwater management report for the entire project. The report contains calculations that address the 10% pollutant reduction requirements for the requested intensely developed area designation. This report has been submitted to the Critical Areas Commission and the Town of Easton Public Works as part of the conceptual plan review process.
6. As part of the concept plan review process we have submitted plans for review to the Department of the Environment, Department of Natural Resources and the Corps of Engineers. In conjunction with the growth allocation, petition letters and other information from these agencies is contained herein.
7. As part of our plans we have provided a plan showing the area of the requested growth allocation. (See Sheet C-3).
8. We have calculated the area requested for growth allocation. The acreage shown on the plan (see Sheet C-3) is consistent with the acreage contained in the petition.

B. The following information is provided on the conceptual site development plan in accordance with Section 27.01.02.05-1.A(3) and (4):

1. The project name and the street addresses of each parcel can be found on sheet C-1.
2. Tax map information including the map number, block and parcel numbers are provided on sheet C-1 and throughout the entire plan set within each sheet's title block.
3. The concept site development plan is drawn at a scale of 1" = 50'.
4. The plan sheets are provided with a north arrow so that the orientation of the site and the development proposed can be determined.
5. A vicinity map is included on Sheet C-1 of the plans.
6. The existing lot lines which also happen to be the parcel's boundaries are presented on sheets C-2 through C-7.

7. The project includes Lots 16 and 20 of the Talbot Commerce Park and are accessed from the cul de sac at the end of Mary's Court. The site bounded on the south & west by other commercially developed lots within the business park, on the east by Goldsborough Neck Road and on the north by the Lands of Alison Bird Freeland Gelb, et al. The lots are owned by Thomas Cohee & Lot 16, LLC. It is anticipated that the lots would be combined into one resulting lot of record.
8. The limit of disturbance is shown on sheet C-5, of the Conceptual Site Development Plan.
9. The development envelope is primarily confined to open areas of the site currently maintained as lawn and meadow. See Sheet C-5 for the concept for the development.
10. The Critical Boundary extends into the site from the tidal waters of Glebe Creek. The subject parcel is partially located within the Critical Areas. The land classification and zones are displayed on sheets C-2 through C-5.
11. The 100-year flood plain boundary exists beyond the limits of the areas shown on the plans. The area of proposed development is not located within 100-year flood plain boundary as determined from Flood Insurance Rate Maps.
12. The topography shown is an excerpt from a larger grid of topography acquired from the Talbot County Department of Public Works.
13. Vegetation cover information is included on Sheets C-2 thru C-5 and can be considered nothing more than residential landscaping. There are no woodlands, streams, wetlands, critical area buffers or endangered habitats on the portion of site to be developed.
14. Existing soils on site are Othello silt loam (Ot) and Mattapex-Butlertown silt loam (MtA) and are shown on Sheet C-2. Hydric soils are also identified on Sheet C-2. There are no highly erodible soils existing on this site.
15. There are no perennial or intermittent streams on site however there exists a perennial stream located on adjacent properties on the north and east boundaries of the site. The 100' stream buffer has been graphically depicted from the top of the bank of the stream.
16. The 300-foot Critical Area buffer does not occur on or near the site.
17. There are no steep slopes, no highly erodible soils nor nontidal/tidal wetlands on-site and the 300-foot Critical Area buffer does not occur near the site. No expanded buffer is required.

18. The 300-foot buffer requirement does not apply as the site is located beyond the 300-foot buffer, yet within the 1000' Critical Area.
19. Consultation with NTW Maps and site investigations concluded the existence of no nontidal wetlands within the proposed development envelope. See letter from the MDE dated 9-22-22.
20. There are no tidal wetlands located on this property.
21. Based on the review from the Department of Natural Resources and letters from various agencies there are no protected plant or wildlife habitat areas on this site.
22. Based on the review from the Department of Natural Resources and letters from various agencies there are no habitat areas related to threatened or endangered species on this site.
23. The site is not immediately adjacent to any waters inhabited by anadromous fish.
24. The existing areas of lot coverage are shown on sheet C-2 and the size of each parcel's area is listed in the Site Statistics on Sheet C-1. Proposed areas of lot coverage have been displayed on sheet C-5 and their areas tallied and compiled on sheet C-1 also.
25. Detailed construction plans dealing with the storm water, utility, septic and water plans prepared during the detailed site plan review process and will be supplied to your office during that process. Conceptual stormwater management, drainage, and utilities are graphically shown on the enclosed plan
26. No additional paths or walkways are proposed other than what is shown on sheet C-5.
27. No existing areas of mitigation occur on-site and no required mitigation areas are anticipated as no protected resources are proposed to be disturbed.
- 28a. No agricultural areas, surface mines, natural parks, dredging activity or dredged material disposal areas exist on this property.
- 28b. The only easements we are aware of those to Verizon and DP&L which are shown on the plans.

COMAR Regulation 27.01.02.05-1A(5) requires an Environmental Report to accompany an application for Growth Allocation. The following information is provided on the Environmental Report required under Regulation Section 27.01.02.05-2A:

A.

1. The environmental report contains a description of the proposed development.
2. To our knowledge the properties have not been subdivided since their creation as part of the Talbot Commerce Park development.
3. The project is currently a mix of commercial uses such as an existing contractor's office and storage yard and a commercial office building. The proposed buildings consists of two office buildings and a mixed office warehouse buildings area. Parking lots and a travel way link all proposed redevelopment. Growth Allocation is requested to change a portion of the site's Critical Area designation from RCA to IDA. The zoning of the site permits this type of development.
4. The gross area of the site is 14.4904 acres with a portion of the site located within the Critical Area. Growth Allocation is requested for the 8.348 acres to be changed from RCA to IDA.
5. The vegetative cover is provided on the Environmental Features Plan (sheet C-2) and as graphically depicted, there are no areas qualifying as forest or developed woodland within the development envelope. A scattering of trees and mowed lawn/meadow areas dominate the proposed development envelope.
6. The stormwater management systems are shown on the conceptual stormwater management plan. Detailed plans and reports will be provided under separate cover to the Town of Easton Dept. of Public Works and Talbot County Soil Conservation Service during the formal site plan review process once growth allocation approval has been obtained.
7. The 10% pollutant worksheets are contained in the Stormwater Management Report. This report with Conceptual Stormwater Management Plan drawings has been submitted directly to the Critical Areas Commission and the Town of Easton Department of Public Works as part of the concept plan review process.
8. Soil erosion and sediment control measures will be defined on construction drawings during the site plan review process.
9. The requested land use designation is from limited development area (RCA) to intensely developed area (IDA). Proposed and existing lot coverage areas have been calculated and can be found on sheet C-1.
10. No forest exists within the area of proposed development, no clearing of forest is requested, and therefore, no mitigation is required.

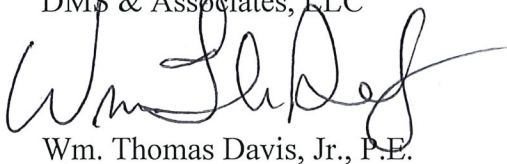
11. No area of afforestation is required.
 12. The zoning of the site is designated on the plan and in the report as BC-Business Commercial.
 13. There are no streams or Critical Area Buffers within the development envelope and no Buffer Management Plans area required. The 100' stream buffer from a perennial stream located on adjacent properties has been designated.
 14. There are no habitat protection areas within the proposed development envelope therefore no habitat protection plan is warranted.
- B.** Section 27.01.02.05-2A(13) does not apply as stream or critical area buffers do not exist within the site development envelope. Items (1) through (7) are not applicable to the site.
- C.** This project does not require a habitat protection plan. There are no forests within the proposed development envelope. Based upon correspondence from various agencies, there are no forest interior dwelling birds, no natural heritage areas, no habitat for colonial water birds, no submerged aquatic vegetation, no adjacent streams or other bodies of water providing aquatic species nor any tidal or nontidal wetlands.

We ask that you please review this letter in conjunction with the petition, plans, environmental report and other supplemental information.

If you should have questions or need additional information please don't hesitate to call me at (443) 262-9130.

Sincerely,

DMS & Associates, LLC



Wm. Thomas Davis, Jr., P.E.

Enclosures

CONCEPTUAL SITE PLAN FOR LOT 16 AND LOT 20 IN

TALBOT COMMERCE PARK

FIRST ELECTION DISTRICT, TALBOT COUNTY, MD.

PREPARED FOR : THOMAS R. COHEE

SITE STATISTICS

LOT 16 (EXISTING)	
ZONED – BC	
CURRENT USE – INDUSTRIAL	
PROPOSED USE – INDUSTRIAL/COMMERCIAL	
GROSS AREA	= 6.556 ac.± (285,570 sq. ft.±)
CRITICAL AREA (IDA)	= 3.505 ac.± (152,695 sq. ft.±)
NON-CRITICAL AREA	= 3.050 ac.± (132,875 sq. ft.±)
AREA WITHIN 100 Yr. FLOOD PLAIN	= 0.000 ac.±
AREA WITHIN RESOURCE PROTECTION	= 1.165 ac.±
NONTIDAL WETLANDS	= 0.003 ac.±
STREAM BUFFER	= 0.316 ac.±
WOODLANDS (excludes wetlands & stream buffer)	= 0.846 ac.±

LOT 20 (EXISTING)	
ZONED – A-1	
CURRENT USE – COMMERCIAL	
PROPOSED USE – COMMERCIAL	
GROSS AREA	= 8.348 ac.± (363,652 sq. ft.±)
CRITICAL AREA (RCA)	= 8.348 ac.± (363,652 sq. ft.±)
NON-CRITICAL AREA	= 0.000 ac.± (0,000 sq. ft.±)
AREA WITHIN 100 Yr. FLOOD PLAIN	= 0.000 ac.±
AREA WITHIN RESOURCE PROTECTION	= 3.200 ac.±
NONTIDAL WETLANDS	= 0.225 ac.±
STREAM BUFFER	= 0.817 ac.±
WOODLANDS (excludes wetlands & stream buffer)	= 2.158 ac.±

LOT 16 (AFTER LOT LINE ADJUSTMENT, ROAD DEDICATION AND GROWTH ALLOCATION)	
CURRENT USE – INDUSTRIAL	
PROPOSED USE – INDUSTRIAL/COMMERCIAL	
GROSS AREA	= 14.066 ac.± (612,711 sq. ft.±)
CRITICAL AREA (IDA)	= 11.016 ac.± (479,836 sq. ft.±)
NON-CRITICAL AREA	= 3.050 ac.± (132,875 sq. ft.±)
ZONE A-1	= 7.501 ac.± (327,141 sq. ft.±)
ZONE BC	= 6.556 ac.± (285,570 sq. ft.±)
AREA WITHIN 100 Yr. FLOOD PLAIN	= 0.000 ac.±
AREA WITHIN RESOURCE PROTECTION	= 3.762 ac.±
NONTIDAL WETLANDS	= 0.226 ac.±
STREAM BUFFER	= 0.866 ac.±
WOODLANDS (excludes wetlands & stream buffer)	= 2.670 ac.±

ZONE A-1	
MAXIMUM LOT COVERAGE (ALLOWED) (10%)	= 0.742 ac.± (32,343 sq. ft.±)
LOT COVERAGE (EXISTING) (0.0%)	= 0.000 ac.± (0,000 sq. ft.±)
LOT COVERAGE TO BE REMOVED (EXISTING)	= 0.000 ac.± (0,000 sq. ft.±)
LOT COVERAGE (PROPOSED)	= 0.372 ac.± (16,200 sq. ft.±)
LOT COVERAGE (TOTAL) (5.0%)	= 0.372 ac.± (16,200 sq. ft.±)
ZONE BC	
MAXIMUM LOT COVERAGE (ALLOWED) (50%)	= 3.278 ac.± (142,785 sq. ft.±)
LOT COVERAGE (EXISTING) (9.2%)	= 0.600 ac.± (26,136 sq. ft.±)
LOT COVERAGE TO BE REMOVED (EXISTING)	= 0.000 ac.± (0,000 sq. ft.±)
LOT COVERAGE (PROPOSED)	= 0.607 ac.± (26,439 sq. ft.±)
LOT COVERAGE (TOTAL) (18.4%)	= 1.207 ac.± (52,575 sq. ft.±)

PARKING REQUIREMENTS

REQUIRED PARKING PER SECTION 28-1001.3(36)(46):	
EXISTING – BUILDING "A"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 12,000 sq. ft. = 48 SPACES	
PARKING (REQUIRED) = 48 SPACES	
EXISTING – BUILDING "B"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 1,536 sq. ft. = 6 SPACES	
1 space/300 sq. ft. of FLOOR AREA (REPAIR) X 3,000 sq. ft. = 10 SPACES	
PARKING (REQUIRED) = 16 SPACES	
EXISTING – BUILDING "C"	
1 space/2000 sq. ft. of FLOOR AREA (STORAGE) X 9,600 sq. ft. = 4 SPACES	
PARKING (REQUIRED) = 5 SPACES	

TOTAL PARKING (REQUIRED) = 69 SPACES (3 HANDICAP ACCESSIBLE)	
TOTAL PARKING (PROVIDED) = 60 SPACES (2 HANDICAP ACCESSIBLE)	

PROPOSED – BUILDING "A" ADDITION	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 6,414 sq. ft. = 25.7 SPACES	
PARKING (REQUIRED) = 25.7 SPACES	
PROPOSED – BUILDING "D"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 4,025 sq. ft. = 16.1 SPACES	
PARKING (REQUIRED) = 16.1 SPACES	
PROPOSED – BUILDING "E"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 3,200 sq. ft. = 12.8 SPACES	
1 space/2000 sq. ft. of FLOOR AREA (WAREHOUSE) X 12,800 sq. ft. = 6.4 SPACES	
PARKING (REQUIRED) = 19.2 SPACES	
PROPOSED – BUILDING "F"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 8,100 sq. ft. = 32.4 SPACES	
PARKING (REQUIRED) = 33.4 SPACES	
PROPOSED – BUILDING "G"	
1 space/250 sq. ft. of FLOOR AREA (OFFICE) X 8,100 sq. ft. = 32.4 SPACES	
PARKING (REQUIRED) = 33.4 SPACES	

TOTAL PARKING (REQUIRED) = 126 SPACES (5 HANDICAP ACCESSIBLE)	
TOTAL PARKING (PROVIDED) = 109 SPACES (6 HANDICAP ACCESSIBLE)	

OFF-STREET LOADING REQUIREMENTS

REQUIRED LOADING PER SECTION 28-1002.1 – PROPOSED BUILDING "E"	
1 space/4000 sq. ft. + 1 additional space for each 10,000 sq. ft. of FLOOR AREA or major fraction thereof FLOOR AREA (WAREHOUSE) X 12,800 sq. ft. = 2 SPACES	
PARKING (REQUIRED) = 2 SPACES	
PARKING (PROVIDED) = 2 SPACES	

APPROVED:

TALBOT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

NOTE: TALBOT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

1. ANY CLEARING, GRADING, CONSTRUCTION OR DEVELOPMENT, OR ALL OF THESE, WILL BE DONE PURSUANT TO THIS PLAN. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGES MADE ON THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

2. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.

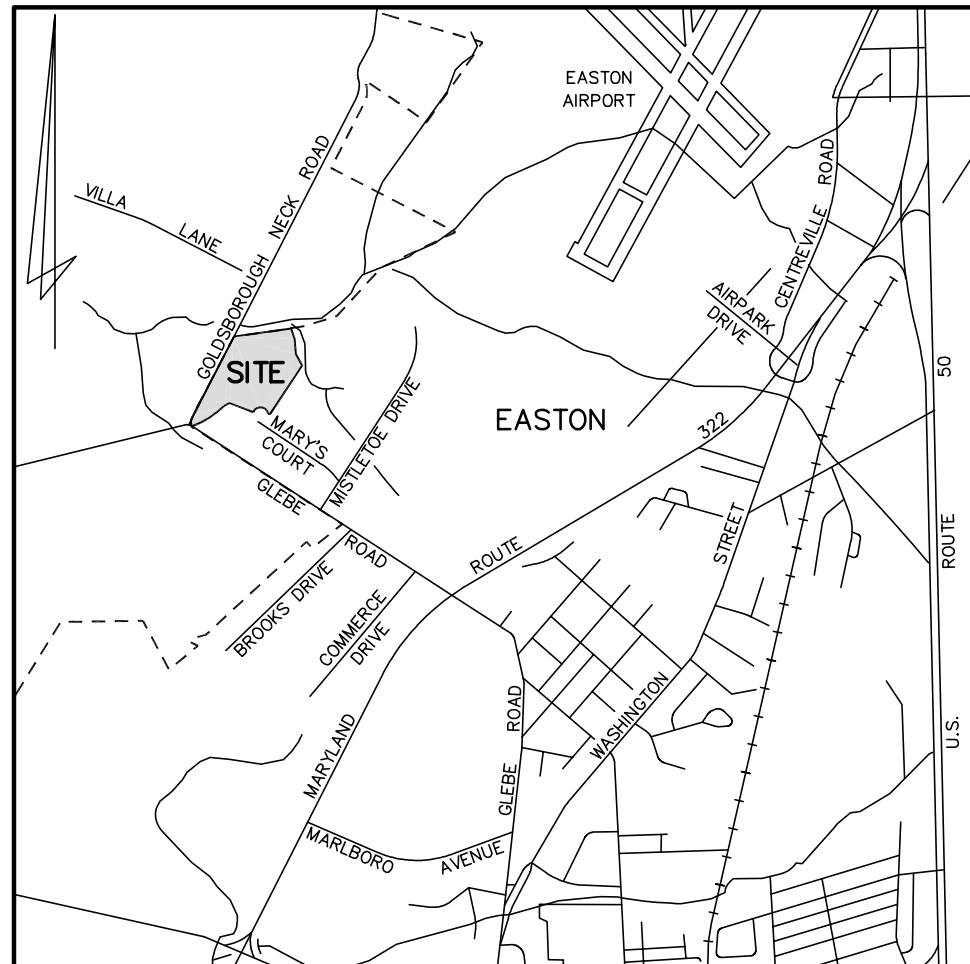
THOMAS R. COHEE _____ DATE _____
SIGNATURE

28580 MARYS COURT, EASTON, MARYLAND 21601
ADDRESS

1-410-822- _____
PHONE NO.

NOTES

- PROPERTY SITE ADDRESS FOR BOTH LOTS:
28580 MARYS COURT
EASTON, MARYLAND 21601
- PROPERTY LINE INFORMATION SHOWN HEREON FOR LOT 16 IS TAKEN FROM A PLAT ENTITLED "REVISION PLAT, LOT 20, OF THE LANDS OF THOMAS R. COHEE" PREPARED BY FINK, WHITTEN & ASSOCIATES, LLC IN JUNE, 2011 AND RECORDED IN PLAT CABINET 83/190. PROPERTY LINE INFORMATION SHOWN HEREON FOR LOT 20 IS TAKEN FROM A PLAT ENTITLED "FINAL PLAT FOR TALBOT COMMERCE PARK" PREPARED BY LANE ENGINEERING, INC. IN SEPTEMBER, 1997 AND PRECORDED IN PLAT CABINET 4/35G.
- FOR DEED REFERENCE, SEE LIBER 1486, FOLIO 221 (LOT 16) AND LIBER 1384, FOLIO 218 (LOT 20).
- CURRENT ZONING CLASSIFICATION FOR LOT 16 IS "BC" BUSINESS COMMERCIAL DISTRICT AND FOR LOT 20 "A-1" AGRICULTURAL DISTRICT.
- THE CHESAPEAKE BAY CRITICAL AREA IS TAKEN FROM THE WEBSITE: <http://www.esrgc.org>. LOT 16 IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION – IDA. LOT 20 IS ENTIRELY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION – RCA. GROWTH ALLOCATION FOR LOT 20 IS BEING REQUESTED TO IDA. THE NORTHERN BOUNDARY OF LOT 20 IS LOCATED 700'± FROM THE TIDAL WATERS OF GLEBE CREEK.
- SITE IS NOT LOCATED WITHIN 100 YEAR FLOOD PLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY No. 24041C0187D. (ZONE "X") (UNSHADED) EFFECTIVE, JULY 20, 2016.
- SOILS SHOWN ON SITE ARE SCALED FROM MAPS LOCATED AT THE FOLLOWING WEBSITE, <http://websoilsurvey.nrcs.usda.gov> FOR TALBOT COUNTY SOILS ONSITE CONSIST OF: "Csa" CROSIADORE LOAM, "MtcA & MtcB" MATTAPEX SILT LOAM, "WocA & WocB" WOODSTOWN SANDY LOAM AND "Zk" ZEKIAH SILT LOAM. "Zk" IS A HYDRIC SOIL.
- EXISTING IMPROVEMENTS SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY BY FINK, WHITTEN & ASSOCIATES, LLC IN NOVEMBER, 2019. HORIZONTAL DATUM IS BASED ON NAVD 83/91.
- PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL AND PUBLIC WATER WILL BE UTILIZED FOR POTABLE WATER SUPPLY. THE SITE IS SERVED BY THE TOWN OF EASTON SANITARY DISTRICT SUBDISTRICT " - " LOCATED IN THE TOWN OF EASTON. ALL EXISTING WELLS MUST BE PROPERLY ABANDONED AND SEALED BY A LICENSED WELL DRILLER PRIOR TO ANY GRADING OR DEMOLITION ACTIVITIES.
- NONTIDAL WETLANDS, PERENNIAL STREAM AND WOODLANDS SHOWN HEREON ARE TAKEN FROM THE BEST AVAILABLE INFORMATION. NO OTHER NATURAL RESOURCE (ie...STEEP SLOPES, EROSION HAZARD AREAS, ENDANGERED SPECIES OR HABITAT, etc..) EXIST ON THE SITE.
- NO HISTORIC STRUCTURES EXISTING ON THE PROPERTIES.
- THE EXISTING CONTOURS SHOWN HEREON ARE TAKEN FROM AERIAL TOPOGRAPHY FLOWN IN THE FALL OF 201... VERTICAL DAUM IS NAVD 1988.
- NO NONCONFORMITIES ARE BEING CREATED AS PART OF THIS CONCEPT PLAN.
- THE SITE'S WATER QUALITY IS PROPOSED TO BE ADDRESS BY APPLYING ENVIRONMENTAL SITE DESIGN (ESD) CREDITS TO THE MAXIMUM EXTENT POSSIBLE (MEP). SEE ACCOMPANYING CONCEPTUAL STORMWATER MANAGEMENT REPORT.
- SITE PROPOSED SETBACKS:
A-1 ZONE DEVELOPMENT STANDARDS [SECTION 28-101.2(D)(F)]:
FRONT = 50'
REAR = 8'
SIDE = 8'
MAXIMUM BUILDING HEIGHT:
PRINCIPAL = 35' (ALLOWED)
PRINCIPAL = >35' (PROPOSED)
BC ZONE DEVELOPMENT STANDARDS [SECTION 28-408.2(D)(F)]:
FRONT = 40'
REAR = 30'
SIDE = 10'
MAXIMUM BUILDING HEIGHT:
PRINCIPAL = 35' (ALLOWED)
PRINCIPAL = >35' (PROPOSED)



VICINITY MAP

SCALE 1" = 2000'

TABLE OF CONTENTS

SHEET C-1	–	TITLE SHEET
SHEET C-2	–	EXISTING CONDITIONS AND ENVIRONMENTAL FEATURES PLAN
SHEET C-3	–	EXISTING CONDITIONS AND DEMOLITION PLAN
SHEET C-4	–	GROWTH ALLOCATION PLAN
SHEET C-5	–	CONCEPTUAL SITE DEVELOPMENT PLAN
SHEET C-6	–	CONCEPTUAL STORMWATER MANAGEMENT PLAN
SHEET C-7	–	CONCEPTUAL LANDSCAPE PLAN

LEGEND

	PROPERTY LINE
	ZONING LINE
	EXISTING CONTOUR
	SOILS LINE AND TYPE
	EXISTING EDGE OF WOODLANDS
	EXISTING TREE
	EXISTING TREE TO BE REMOVED
	EXISTING FENCE
	EXISTING UTILITY POLE WITH OVERHEAD UTILITY LINE
	EXISTING LIGHT POLE
	EXISTING WELL
	EXISTING GAS LINE
	EXISTING HANDICAP ACCESSIBLE PARKING SPACE
	PROPOSED HANDICAP ACCESSIBLE PARKING SPACE

OWNER (LOT 16)

LOT 16, LLC
c/o THOMAS R. COHEE
28580 MARYS COURT
EASTON, MARYLAND 21601
PHONE No. 1-443-496-0804

OWNER (LOT 20)

THOMAS R. COHEE
28580 MARYS COURT
EASTON, MARYLAND 21601
PHONE No. 1-443-496-0804

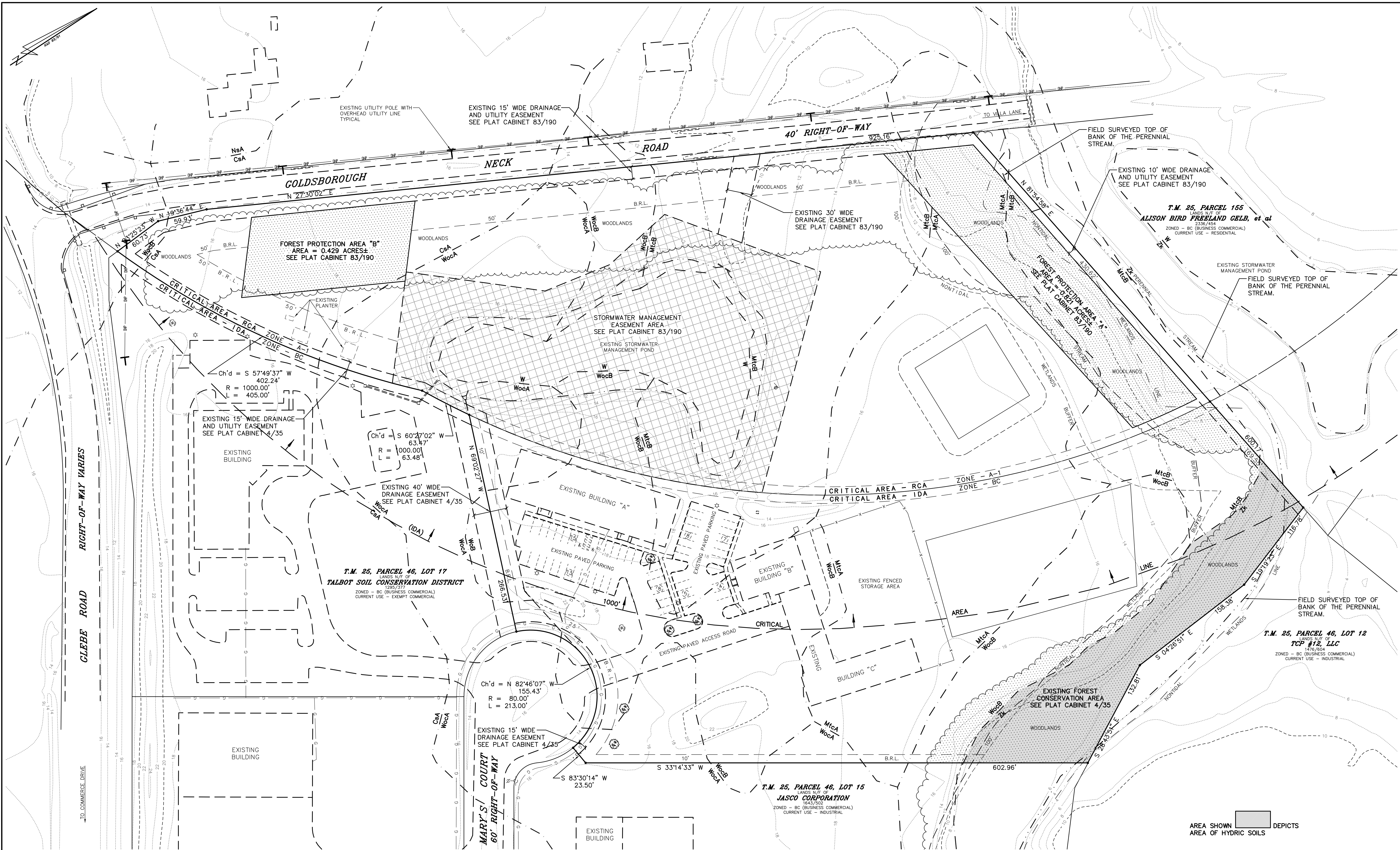
ENGINEER

DMS & ASSOCIATES, LLC
c/o WILLIAM THOMAS DAVIS, Jr.
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

SURVEYOR:

FINK, WHITTEN & ASSOCIATES, LLC
c/o STEVE WHITTEN
108 DORCHESTER AVENUE
CAMBRIDGE, MARYLAND 21613
PHONE No. 1-410-228-8885

TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS	PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A SELF-LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 17660	DAVIS, MOORE, SHEARON & ASSOCIATES, LLC ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148	DATE 6-22-20 3-22-22 10-6-22	REVISION PER COMMENTS REVISED DEDICATION AREA REVISED STREAM BUFFER	TITLE SHEET ON LOTS 16 AND 20 IN TALBOT COMMERCE PARK IN THE TOWN OF EASTON TAX MAP – 25, GRID – 22, PARCEL – 46, LOTS – 16 & 20 FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND PREPARED FOR : LOT 16 LLC	DATE DECEMBER '19	SCALE AS SHOWN
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT						JOB No. 2017052	DRAWN BY WJM
							FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
							SHEET No. – C-1	
							CADD FILE – 17052-G1	



GRAPHIC SCALE

1 inch = 50 ft.

SITE STATISTICS

GROSS AREA	= 14,904 ac.± (649,222 sq. ft.±)
CRITICAL AREA (IDA)	= 11,854 ac.± (516,347 sq. ft.±)
NON-CRITICAL AREA	= 3,050 ac.± (132,875 sq. ft.±)
ZONE A-1	= 8,348 ac.± (363,652 sq. ft.±)
ZONE BC	= 6,556 ac.± (285,570 sq. ft.±)
AREA WITHIN 100 Yr. FLOOD PLAIN	= 0.000 ac.±
AREA WITHIN RESOURCE PROTECTION	= 4.365 ac.±
NONTIDAL WETLANDS	= 0.228 ac.±
STREAM BUFFER	= 1.133 ac.±
WOODLANDS (excludes wetlands & stream buffer)	= 3.004 ac.±

TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 17660

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
17660
Wm. Thomas Duff
3-22-22
DATE SEAL

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
6-22-20	PER COMMENTS
3-22-22	REVISED DEDICATION AREA
10-6-22	REVISED STREAM BUFFER

EXISTING CONDITIONS AND ENVIRONMENTAL FEATURES PLAN

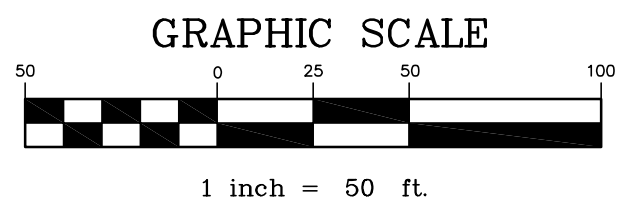
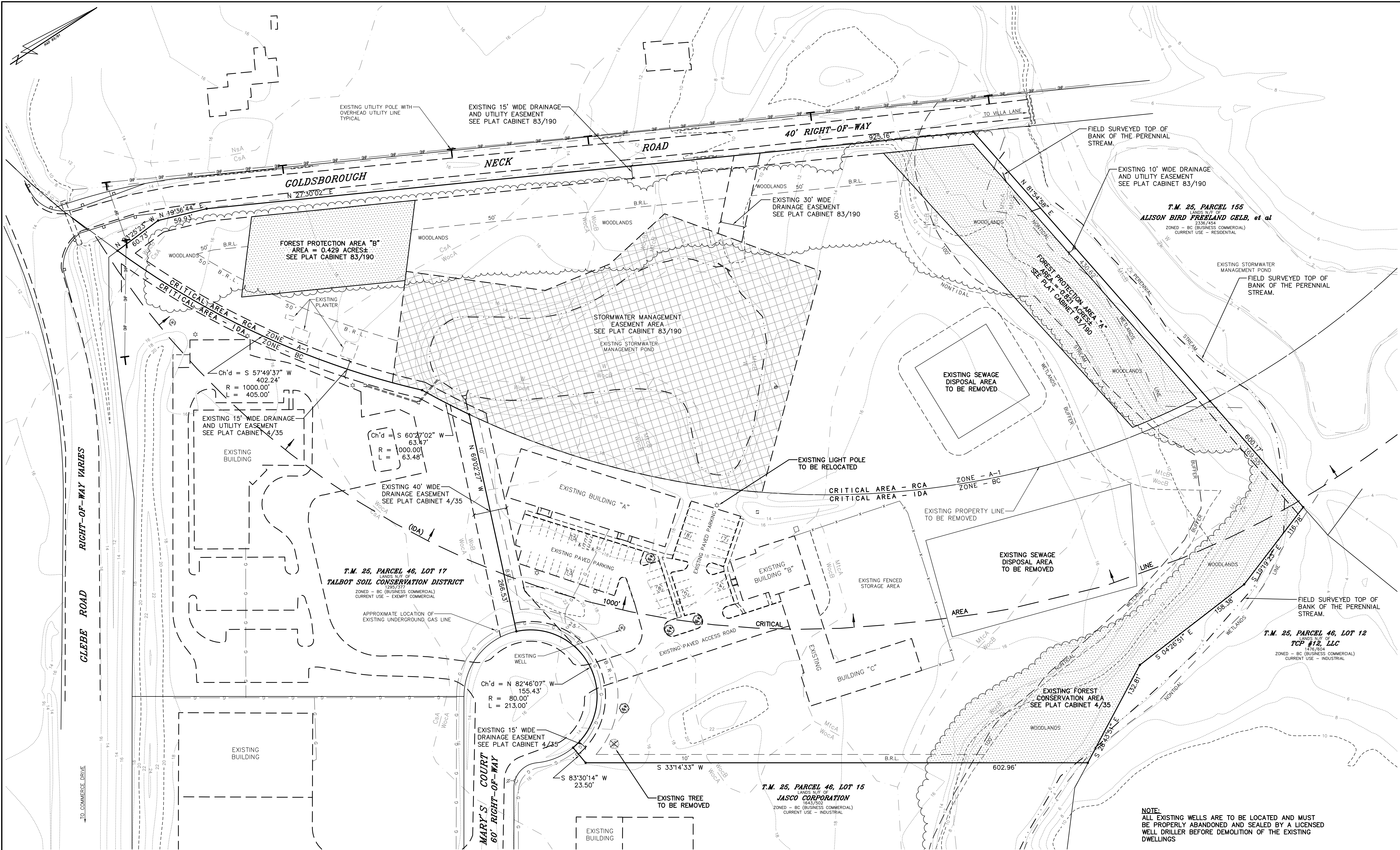
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON

TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20

FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND

PREPARED FOR : LOT 16 LLC

DATE	SCALE
DECEMBER '19	1" = 50'
JOB No. 2017052	DRAWN BY WJM
FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
SHEET No. - C-2	
CADD FILE - 17052-G2	



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TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT

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No. 17660

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
17660
Wm. Thomas Duff
3-22-22
DATE SEAL

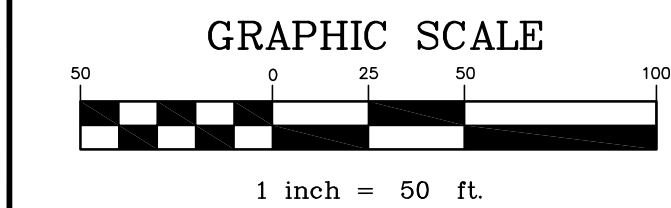
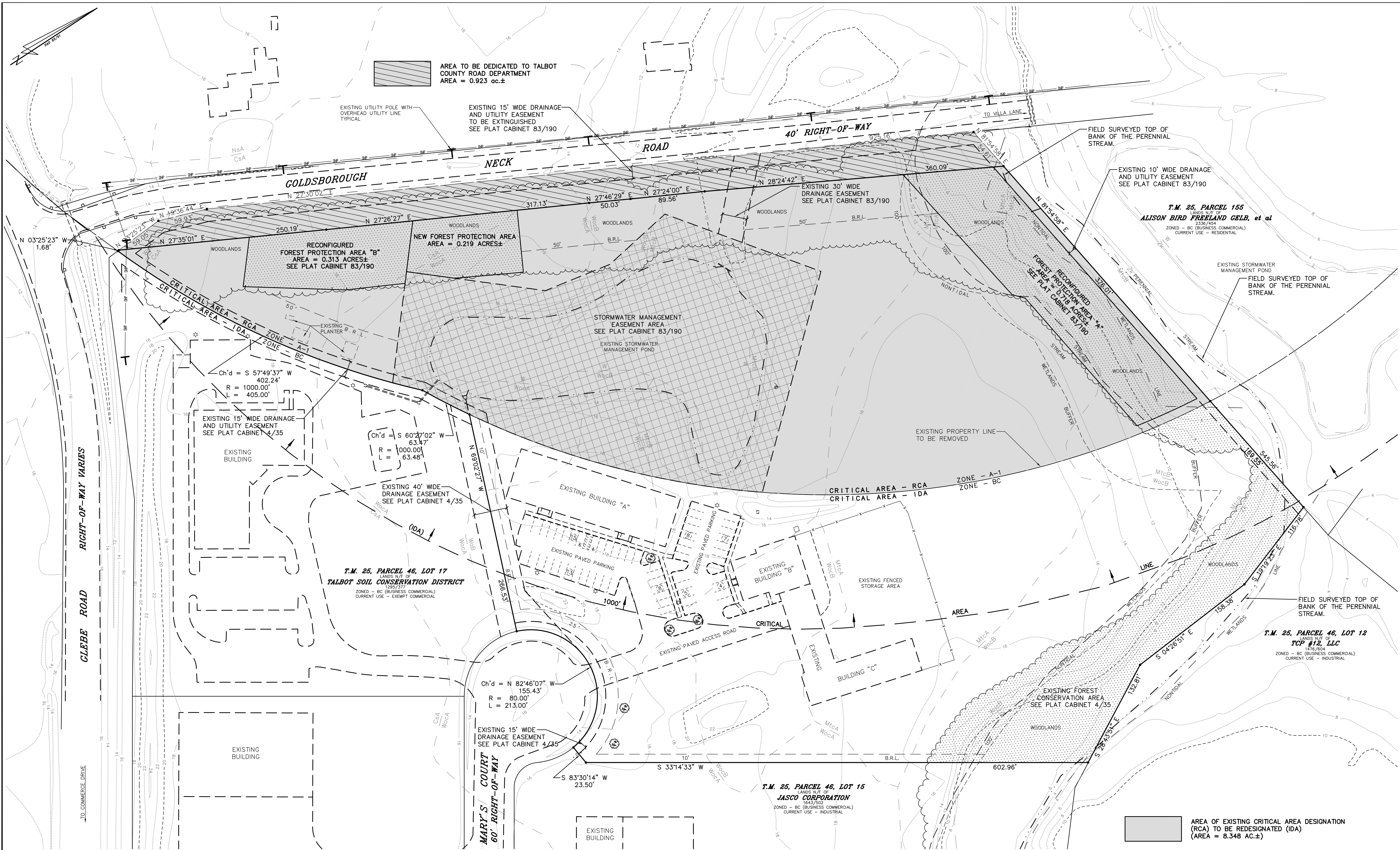
DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
6-22-20	PER COMMENTS
6-22-20	REVISED DEDICATION AREA
10-6-22	REVISED STREAM BUFFER

EXISTING CONDITIONS AND DEMOLITION PLAN
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON
TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR : LOT 16 LLC

DATE DECEMBER '19	SCALE 1" = 50'
JOB No. 2017052	DRAWN BY WJM
FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
SHEET No. - C-3	
CADD FILE - 17052-G3	

NOTE:
ALL EXISTING WELLS ARE TO BE LOCATED AND MUST
BE PROPERLY ABANDONED AND SEALED BY A LICENSED
WELL DRILLER BEFORE DEMOLITION OF THE EXISTING
DWELLINGS



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TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT

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No. 17660

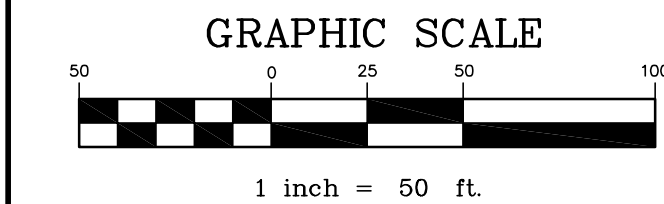
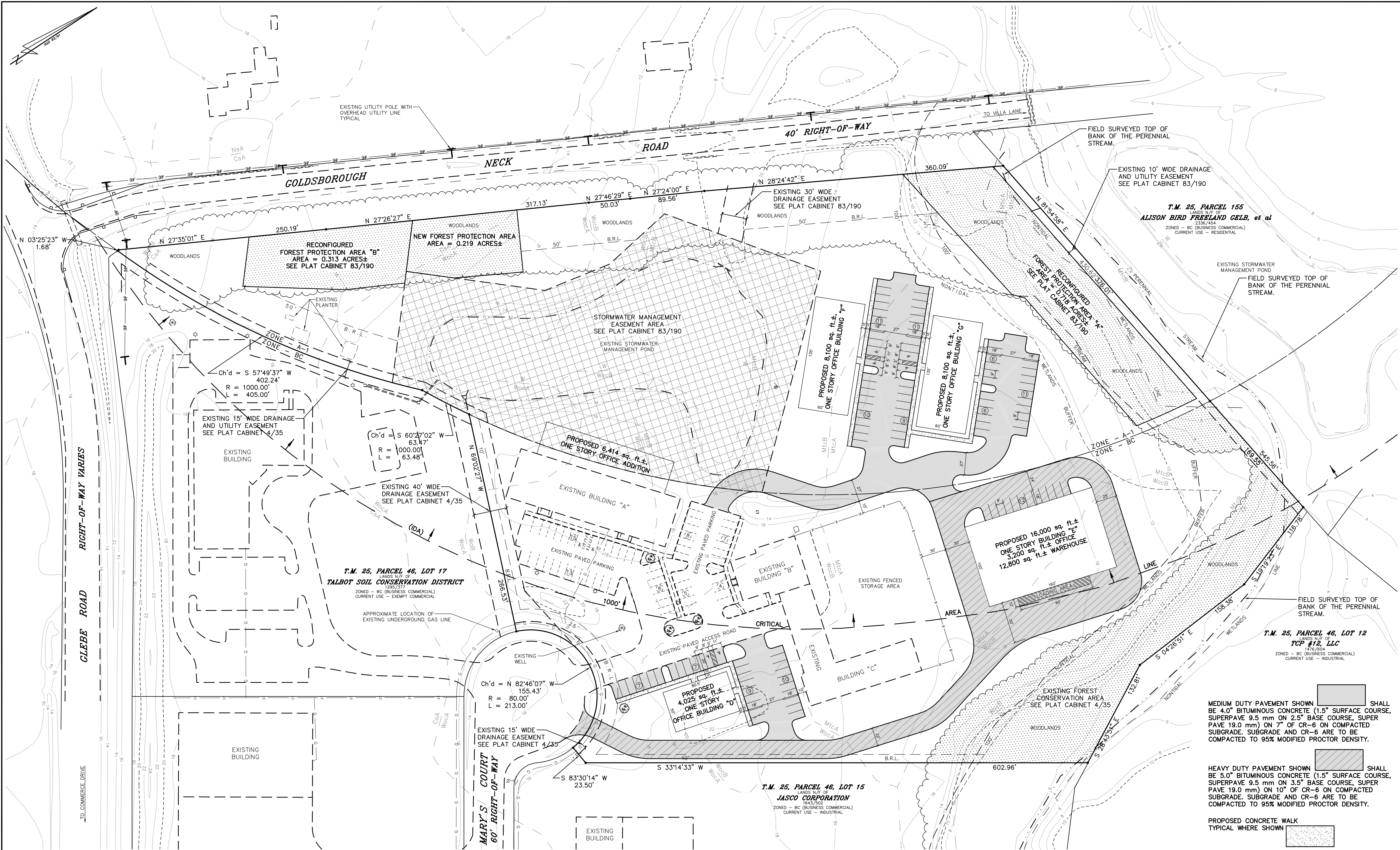
STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
Wm. Thomas Duff
3-22-22
DATE SEAL

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE : 1-443-262-9130
FAX : 1-443-262-9148

DATE	REVISION
6-22-20	PER COMMENTS
3-22-22	REVISED DEDICATION AREA
4-26-22	REVISED GROWTH ALLOCATION
10-6-22	REVISED STREAM BUFFER

GROWTH ALLOCATION PLAN
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON
TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR : LOT 16 LLC

DATE	SCALE
DECEMBER '19	1" = 50'
JOB No.	DRAWN BY
2017052	WJM
FOLDER Ref.	DESIGNED BY
25-2017052	WTD, Jr.
SHEET No. - C-4	
CADD FILE - 17052-G4	



L.O.D. -- DENOTES LIMITS OF DISTURBANCE

TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT

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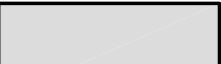
STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
Wm. James Duff
3-22-22
DATE SEAL

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
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P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE: 1-443-262-9130
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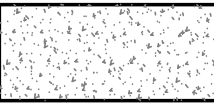
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3-22-22	REVISED DEDICATION AREA
10-6-22	REVISED STREAM BUFFER

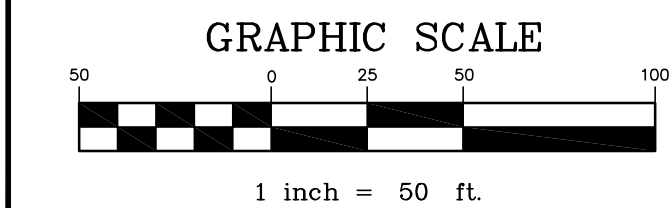
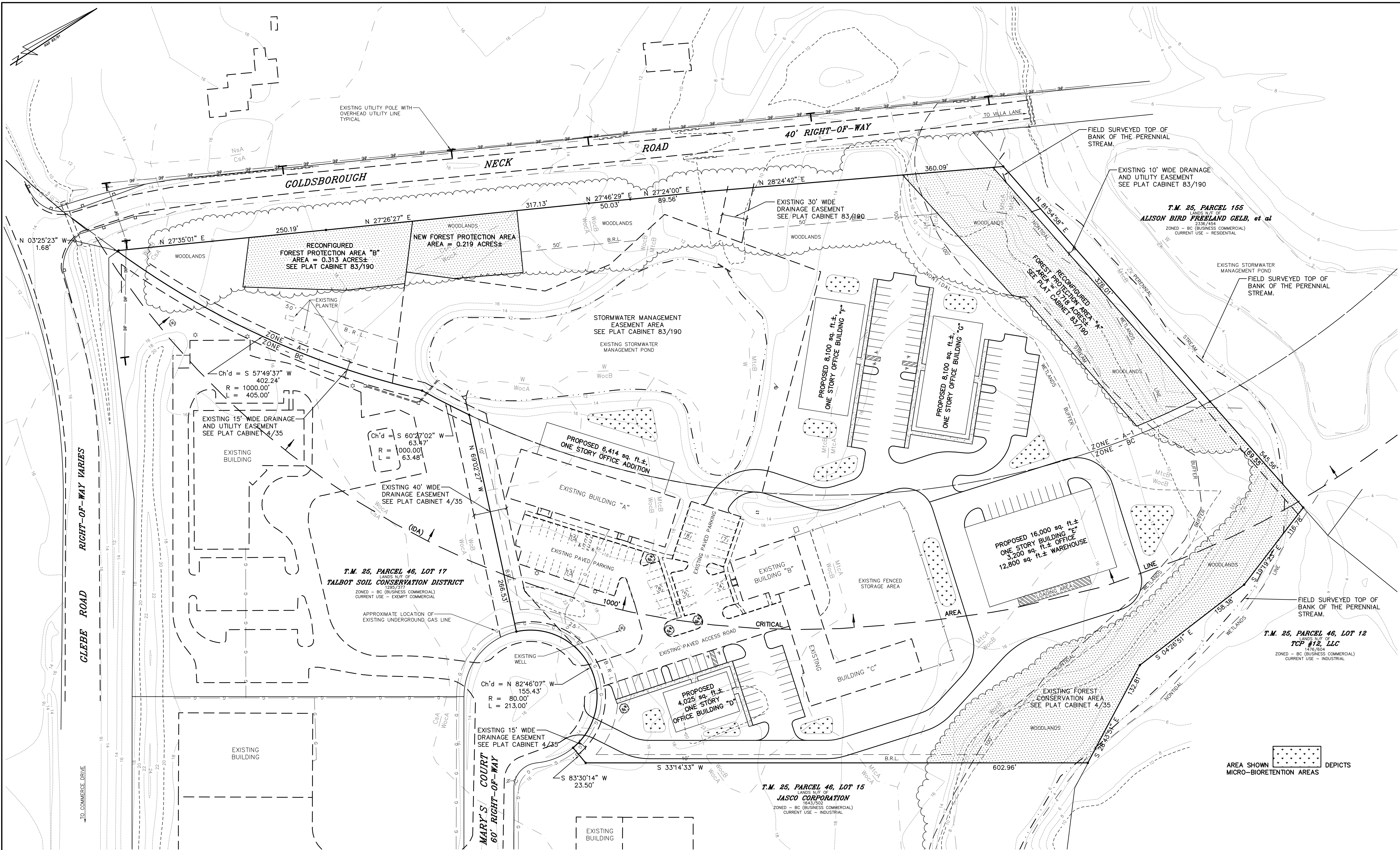
CONCEPTUAL SITE DEVELOPMENT PLAN
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON
TAX MAP -- 25, GRID -- 22, PARCEL -- 46, LOTS -- 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR : LOT 16 LLC

DATE DECEMBER '19	SCALE 1" = 50'
JOB No. 2017052	DRAWN BY WJM
FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
SHEET No. -- C-5	
CADD FILE -- 17052-G5	

MEDIUM DUTY PAVEMENT SHOWN  SHALL BE 4.0" BITUMINOUS CONCRETE (1.5" SURFACE COURSE, SUPERPAVE 9.5 mm ON 2.5" BASE COURSE, SUPERPAVE 19.0 mm) ON 7" OF CR-6 ON COMPACTED SUBGRADE. SUBGRADE AND CR-6 ARE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.

HEAVY DUTY PAVEMENT SHOWN  SHALL BE 5.0" BITUMINOUS CONCRETE (1.5" SURFACE COURSE, SUPERPAVE 9.5 mm ON 3.5" BASE COURSE, SUPERPAVE 19.0 mm) ON 10" OF CR-6 ON COMPACTED SUBGRADE. SUBGRADE AND CR-6 ARE TO BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.

PROPOSED CONCRETE WALK
TYPICAL WHERE SHOWN 



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TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT

PROFESSIONAL CERTIFICATION
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ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
No. 17660

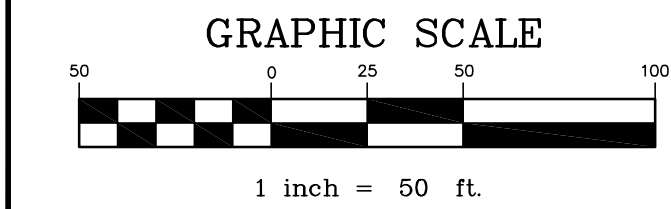
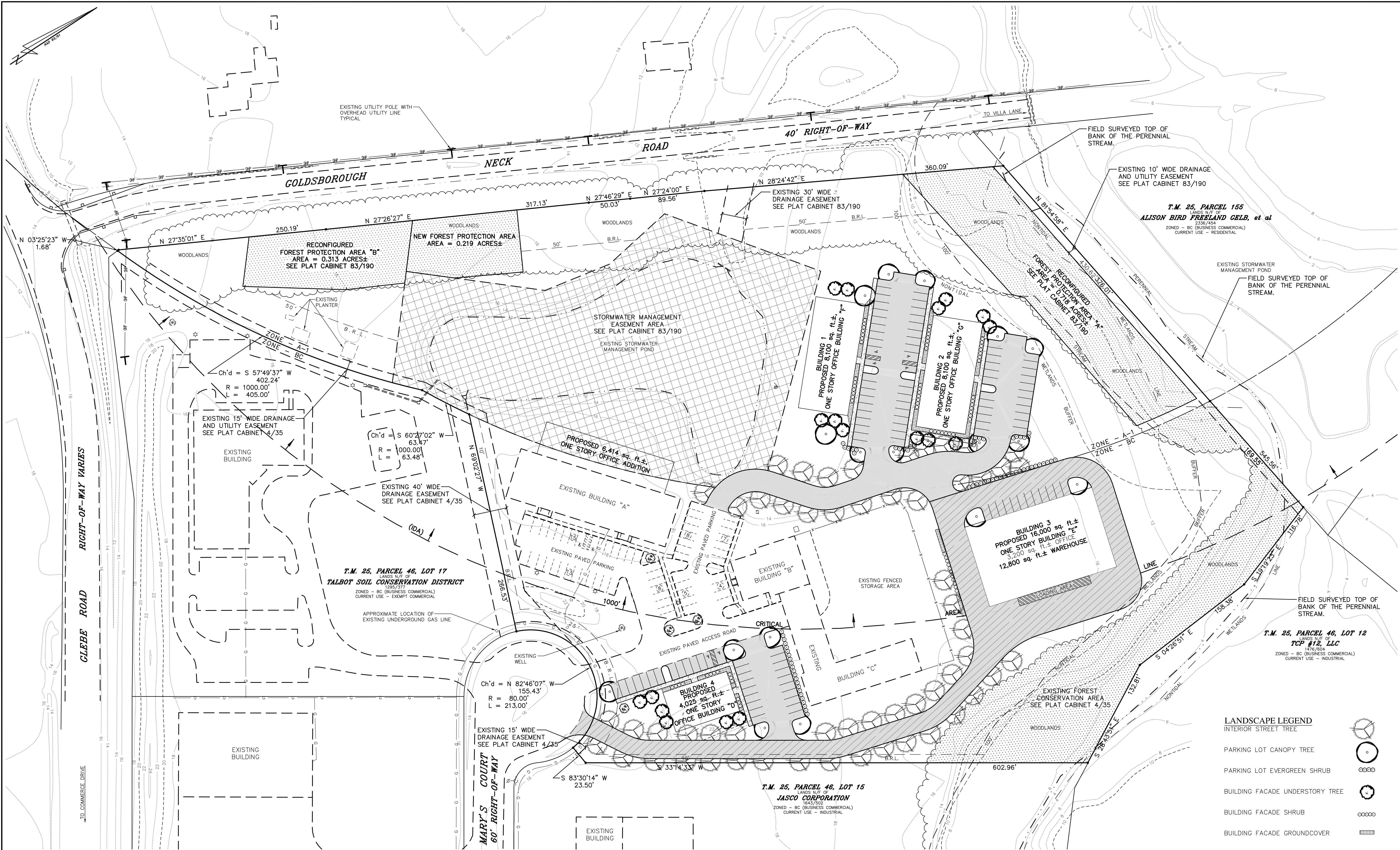
STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
17660
Wm. Thomas Duff
3-22-22
DATE SEAL

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
ENGINEERING, DRAFTING/DESIGN,
ENVIRONMENTAL SERVICES & SURVEYING
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE: 1-443-262-9130
FAX: 1-443-262-9148

DATE	REVISION
6-22-20	PER COMMENTS
3-22-22	REVISED DEDICATION AREA
10-6-22	REVISED STREAM BUFFER

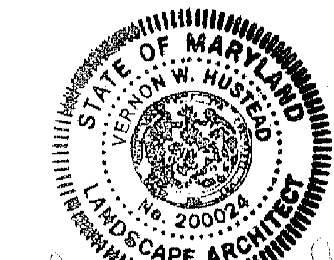
CONCEPTUAL STORMWATER MANAGEMENT PLAN
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON
TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR : LOT 16 LLC

DATE	SCALE
DECEMBER '19	1" = 50'
JOB No.	DRAWN BY
2017052	WJM
FOLDER Ref.	DESIGNED BY
25-2017052	WTD, Jr.
SHEET No. - C-6	
CADD FILE - 17052-G6	



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TOWN OF EASTON ENGINEER	TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS
TOWN OF EASTON	TALBOT SOIL CONSERVATION DISTRICT



3-22-22
DATE SEAL

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
HUSTEAD Landscape Architecture, LLC
120 Bay Meadows Lane Stevensville, MD. 21666
Phone : 443.988.2294
E-mail: Vhustead@Husteadla.com Web: www.Husteadla.com

DATE	REVISION
6-22-20	PER COMMENTS
3-22-22	REVISED DEDICATION AREA
10-6-22	REVISED STREAM BUFFER

CONCEPTUAL LANDSCAPE PLAN
ON LOTS 16 AND 20 IN
TALBOT COMMERCE PARK
IN THE TOWN OF EASTON
TAX MAP - 25, GRID - 22, PARCEL - 46, LOTS - 16 & 20
FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND
PREPARED FOR : LOT 16 LLC

DATE DECEMBER '19	SCALE 1" = 50'
JOB No. 2017052	DRAWN BY WJM
FOLDER Ref. 25-2017052	DESIGNED BY WTD, Jr.
SHEET No. - C-7	
CADD FILE - 17052-G7	

**CRITICAL AREA
ENVIRONMENTAL IMPACT ASSESSMENT**

Talbot Commerce Park
In the Town of Easton
Thomas R. Cohee
28580 Marys Court
Easton, Maryland 21601

TALBOT COUNTY

28580 Court
Tax Map 0025
Grid 22
Parcels: 0046 Lots 16 & 20

**M. Stark McLaughlin
Environmental Planner – Forester
Fink, Whitten & Associates, LLC
113 East Dover Street -C
Easton, MD 21601
410-822-8484**

March 12, 2020

Revised October 6, 2022

TABLE OF CONTENTS

Introduction

Natural Resources Inventory

Environmental Factors Management Plans

Summary, Conclusions and Recommendations

Attachments - None

Introduction

A. Statutory Requirements: The Talbot County Code and Town of Easton, Critical Area requires several factors be considered in the planning for land development or subdivision activities in the Chesapeake Bay Critical Area. The purpose of this Environmental Assessment is:

- 1.) To summarize an inventory of the Natural Resources that affect or may be impacted by this subdivision; and*
- 2.) To propose design and resource management techniques that avoid, protect, minimize, enhance, manage or otherwise mitigate impacts to these Natural Resources.*

This Assessment includes those portions of the site both within the Critical Area and non-Critical Areas lands. The parcels contain Critical Area acreage of 3.505 (IDA) Lot 16 and 8.348 acres (RCA) for a total of 11.853 acres. Out of the Critical Area remaining lands equal 3.050 acres. This assessment is designed for compliance with the protection and management of the Natural Resource and Land Use factors and issues found in the Easton and Talbot County Code.

B. Project Summary: This project represents a revision of the Critical Area Designation from RCA on Lot 20 to IDA as a growth allocation. The northern boundary of Lot 20 is located 700' +/- from the tidal waters of Glebe Creek. The purpose of this project is to obtain approval for an addition to one of the existing office buildings and construction of 4 new office buildings, 2 in the BC zoning and 2 in the A1 zoning district.

C. Project Location: The project is located at 28580 Marys Court Easton, Maryland 201601 The site is designated as Tax Map 0025 Parcel 0046, Lots 16 and 20.

D. Project Site Description: The site is located at the end of Marys Court in the Talbot Commerce Park, in the Town of Easton. The site consists of 2 existing lots (16 and 20) that are to be combined into one new lot. The site is zoned -A1 (Agricultural District) and BC (Business Commercial) The A1 zone is located entirely within the Critical Area and designated as RCA (Resource Conservation). Existing Lot 20 is vacant and has the regional stormwater management pond located on site. Lot 16 is the current location of 2 existing office buildings and associated parking.

Natural Resources Inventory:

A. Soils: There are several soil types mapped on the project site. Those soils having a “K” factor greater than 0.35, indicating potential for erosion are marked with a (*) in the table below. Mapped hydric soils on the site are marked as (**). There is no evidence of “farmed wetland” indicators on the site. The soils inventory is summarized on the table below. *No highly erodible soils with slopes greater than 15% are located within the proposed lots. **Highly***

Erodible Soils are defined as soils with slopes greater than 15% or soils with a “K”value greater than 0.35 and slopes greater than 5%. No slopes greater than 15% are located on soils listed or “K” values and slopes greater than 5% are located on the sites. Soils on open ground listed as highly erodible by the USDA Soils Conservation Service Talbot County are present within the remaining acres but the slopes do not exceed 5% therefore the criteria for highly erodible soils is not met for those soils.

(*) “K” factor greater than 0.35

CsA Crosiadore silt loam, 0 to 2 percent slopes

MtcA Mattapex silt loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

MtcB Mattapex silt loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain

WocA Woodstown loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

WocB Woodstown loam, 2 to 5 percent slopes, Mid-Atlantic Coastal Plain

**Zk Zekiah silt loam, frequently flooded 0.7 4.6%

Totals for Area of Interest 14.9 100.0%

(**) Hydric soils

B. Tidal Wetlands: No Tidal Wetlands exist on the site.

C. Non-tidal Wetlands: Non-tidal wetlands exist only near the edges of the stream course and are buffered by existing protected forest cover. No nontidal wetland impacts are resulting from the proposed development activities. (Lot 16 = 0.228 acres Lot 20 = 0.225 acres.)

D. Tributary Streams: The site has two mapped streams. An intermittent drainage area is located on the east side of the site located within the wooded area along the property line. The channel is comprised of a flat nontidal wetland and originates within the woodland drainage to the north. The second stream is a perennial flowing from the north to the channel and is well defined by several meandering and changing flats leading to the out fall into Glebe Creek. Woodland Stream Buffers comprise 1.133 acres of the site.

E. Forest: (4.25 acres) The forested portions of the site are comprised of a mix of mature hardwoods and planted loblolly pine, red bud and eastern red cedars. Mature red oaks, yellow poplar, sweet gums, red maples and holly comprise the interior of the forested areas and black locust, black cherry, black walnut, sassafras and persimmons dominate the outer edges.

F. Plant and Wildlife Habitat: A search of the DNR Heritage Data Base determined that no Threatened, Endangered or Species of State or Federal concern are known to occur near the site.

Environmental Factors Management Plans

In accordance with the Talbot County Code, Article VI, Sections §190-133 thru §190-145, the creation of the new lots avoid, protects, enhances, manages and/or otherwise mitigates impacts to environmental and land use factors as follows:

§190-133 Agricultural Uses- No agricultural lands exist on the site.

§190-134 Forest Activities- Forest and tree removal or harvest activities are currently limited to the salvage of downed trees which fall into the open acres of the site.. Tree removals are restricted in Critical Areas, individual trees may be removed with a Forest Preservation and Buffer Management Plan any removals will be mitigated for at prescribed ratios. Additional forest plantings have been established past for the requirements of the Forest Conservation Plan. No tree removals are proposed or required for this site development. The site is currently 28.5% forested.

§190-135 Stormwater- The proposed lots will be developed in accordance with the “2000 Maryland Stormwater Design Manual”, Environmentally Sensitive Development Criteria (Chapter 5 – Stormwater Credits for Innovative Site Planning). Deviation from these criteria shall require approval from the Talbot County Department of Public works prior to any development activities.

§190-136 Lot Coverage- Total lot coverage Zone A-1 = 4.5% (0.372 acres) Zone BC = 18.4% (1.207 acres)

§190-137 Tributary Stream Management- Perennial tributary streams are located within the proposed lot is too remain protected by existing forest buffers.

§190-138 Habitat Protection Areas, Habitat Protection Plans-

A review of the available information regarding the presence of rare, threatened and endangered species, historic sites, and critical habitats (DNR Merlin). Indicate no official State or Federal records for listed plant or animal species within the delineated area. This site adjoins and area that may contain habitat for Forest Interior Nesting Birds (FIDS). Current design criteria do consider this habitat and the guidelines for protection. No forest clearing or disturbances are proposed.

§190-139 Shoreline Development Buffer- No shoreline exists on this site.

§190-140 Nontidal Wetlands- Nontidal wetlands are associated with the forest edge of the drainage outlets on the site. These wetlands are protected with a minimum 25’ buffer. No nontidal wetlands are located within the existing development activities.

§190-141 Threatened and Endangered Species; Species in Need of Conservation- The Department of Natural Resources website identified no Threatened and Endangered Species on the Lots. The proposed development activities do not occur within the forested portions of the site.

§190-142 Plant and Wildlife Habitat Areas- Glebe Creek is mapped as historic waterfowl staging areas. There are no mapped or observed colonial water bird nesting sites on this property or adjoining the farms. There are not currently mapped or active bald eagle nests observed on or near the farm. Except for the forested Buffer fringe, there is no riparian forest and no forest areas used for breeding area by Forest Interior Dwelling Birds (FIDS). The size and composition of the forest on this site does not provide adequate habitat for FIDS. The site does adjoin though disconnected by roads larger blocks of forest lands. There are no mapped or

observed Natural Heritage Areas on the farm. Except for the non-tidal wetland protection proposals discussed previously, there is no other known plant or wildlife habitat area on the farm. There are no mapped Natural Heritage Areas.

§190-143 Anadromous Fish Propagation Waters- There are no Anadromous Fish Propagation Waters associated with the parcel. Glebe Creek is not mapped as an Anadromous Fish Propagation Water. Regardless, this project is limited to lots with ample buffering of development impacts to the waters of the State.

§190-144 Shoreline Stabilization Measures- No shoreline stabilization measures are proposed or needed.

§190-145 Erosion and Sediment Control- All development activities for individual lot improvements will require separate Erosion and Sediment Control plans approved by the Talbot County Soil Conservation District with related NPDES-NOI approvals as required. Talbot Public Works approval of Storm water Plans will be coordinated with these approvals for overall water quality. The disturbance of the site will be limited to the installation office space, parking and driveways. The final actual area of the limits of disturbance will be on the individual required Erosion and Sediment Control plans.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The revisions to this property, combining and revising lines of division, and changing the zoning designation will have no significant habitat protection issues. When the buffers and protective setback measures shown on the plat are adhered to, and if best management practices for sediment control and storm water management are utilized and enforced, development activities related to the future development of these lots with related driveways and potential buildings as proposed should not cause undue impact to sensitive areas.

ATTACHMENTS

none

APG Media of Chesapeake, LLC
29088 Airpark Drive
Easton, MD 21601

12/13/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID: 1001355	Creation Date: 12/13/23
	Ad Date: 12/17/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3041939
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 293
	Lines: 35
Telephone: (410) 822-2525	Agate Lines: 114
Email:	Depth: 4.75
Description: Supplemental Growth	Inserts: 4
	Blind Box:

Other Charges:	\$0.00	Total:	\$332.50
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	4.75	Amount Due:	\$332.50

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	12/17/23	12/27/23	2	\$332.50

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

TOWN OF EASTON
 NOTICE OF PUBLIC HEARING
 SUPPLEMENTAL GROWTH ALLOCATION
 THOMAS R. COHEE
 28580 MARYS COURT

The Council of the Town of Easton will hold a public hearing on Tuesday, January 02, 2024 at 5:35 P.M. in the Council Meeting Room, 14 South Harrison Street. The purpose of this hearing is to discuss the request of Ryan D. Showalter & Brendan S. Mulaney on behalf of Thomas R. Cohee (Applicant) for a proposed Critical Area reclassification of property located at 28580 Marys Court, also known as Tax Map 25, Parcel 46, Lot 20.

More specifically, the Applicant is seeking Town Council approval of supplemental growth allocation to reclassify approximately 8.348 acres of land located in the Critical Area, currently designated as Resource Conservation Area, to Intensely Developed Area. The request by the applicant is to allow for an expansion of commercial development on Lot 20 consistent with the development in Talbot Commerce Park. The Applicant received a favorable recommendation by the Town of Easton Planning Commission to the Town Council for the supplemental growth allocation request along with recommended conditions, at their November 17, 2022 meeting.

The public is hereby invited to comment on this application. Such comments may be either submitted in writing at any time prior to the Hearing, or made in person at the Hearing. Copies of the application are on file in the office of the Town Planner and are available for public inspection during normal business hours.

Persons wishing to attend or participate in the public hearing who require special accommodations or assistance because of a disability should contact the Town Clerk, Kathy Ruf at the Town Office, telephone number (410) 822-2525 during normal business hours by December 26, 2023.

Kathy M. Ruf
 Town Clerk
 3041939 SD 12/17,12/27/2023

AMENDED ORDINANCE NO. 802

AN ORDINANCE OF THE TOWN OF EASTON AMENDING
CHAPTER 5 OF THE EASTON TOWN CODE REGARDING
BICYCLES AND SIMILAR DEVICES

INTRODUCED BY _____

WHEREAS, Chapter 5 of the Easton Town Code contains provisions regarding bicycles, skateboards and scooters; and

WHEREAS, many of the provisions are outdated and don't represent current practices; and

WHEREAS, the Town Council wishes to amend the provisions of Chapter 5 of the Easton Town Code.

NOW, THEREFORE, the Town of Easton hereby ordains that:

Section 1. The recitals set forth above are incorporated herein by reference and made a part of this Ordinance.

Section 2. Chapter 5 of the Town Code is repealed and reenacted with amendments to read as shown on the attached Exhibit A.

Section 3. In accordance with Article II Section 9 of the Easton Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Mayor or passage of this ordinance by the Council over the Mayor's veto.

Curry	-
Abbatiello	-
Montgomery	-
Davis	-
Gunsallus	-

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this _____ day of _____, 2023.

Frank Gunsallus, Town Council President

Delivered to the Mayor by me this _____ day of _____, 2023.

Kathy M. Ruf, Town Clerk

APPROVED:

Date: _____

Megan J. M. Cook, Mayor

EFFECTIVE DATE: _____, 2023

EXHIBIT A

Chapter 5 Bicycles, ~~and other Similar Devices~~ ***Roller Skates,***

Skateboards and Scooters

~~Section 5-1. Inspections, permit cards and license tags; fees; expiration.~~

~~Every operator of a bicycle within the corporate limits of the Town shall be required to submit his or her machine, on or before the first day of April of each year, for inspection as to brakes, tires, wheels, frame, handlebars, and such other inspection as may be required; said inspection shall be made under the supervision of the Police Department, and if said examination is satisfactory, said operator shall be given a Permit Card, bearing an identifying number, certifying that said bicycle has been satisfactorily inspected. All of said Permit Cards shall expire on the last day of March in each year, after which time all bicycles are subject to the annual examination and issuance of a new Permit Card. No person shall operate any bicycle in the Town without having first obtained such Permit Card. A License Tag, bearing the same number as the permit card, shall be attached to each bicycle, and shall remain thereon constantly. Such operator of a bicycle in the Town shall be required to pay a fee of Twenty-five Cents (\$.25) annually, at the time such Permit Card and License Tag are issued. (Ordinance 201, passed 6/24/91.)~~

~~Section 5-2. Suspension of registration; removal of license tags.~~

~~The Chief of police, or some reliable person or persons designated by him, shall have the authority to suspend the registration of and remove the license tag from any bicycle operated contrary to any applicable State law or town ordinance, such suspension and removal to continue for a period not to exceed ten days. (Ordinance 60 effective 3/1/1965)~~

Section 5-~~3~~**1**. Manner or riding generally.

Persons riding bicycles or motor scooters in the Town of Easton shall comply with the Maryland Rules of the Road for bicycles and play vehicles set forth in Title 21 of the Transportation Article of the Maryland Annotated Code or corresponding future provision thereof, except with respect to riding on sidewalks which is set forth in Section 5-2 and 5-3 below. It shall be unlawful for any person riding on any bicycle on any of the streets of the town to coast upon such bicycle in a negligent manner, and the operator of any such bicycle is required to keep his feet on the pedals and his hands upon the handles of such vehicle so as to have the same under proper control and management to avoid accidents. (Ordinance 519 aka E-34, effective 5/7/1967, Ordinance 802, effective _____))

Section 5-4.2. Riding on sidewalks prohibited *with exception*.

It shall be unlawful for any person to ride a bicycle upon any of the sidewalks within the limits of the Town, ***unless the person is 13 years old or under. No person shall operate a bicycle in a reckless or negligent manner on any public sidewalk or trail. No person shall ride a bicycle on a public sidewalk or trail without exercising due care for the safety of other persons using the sidewalk or trail. No person shall fail to exercise full control over the bicycle. While on a public sidewalk or trail, a person operating a bicycle must yield the right of way to any pedestrian and, when feasible, audibly alert the pedestrian that they are passing.*** (Ordinance 10 effective 1/1/1941, Ordinance 802, effective _____)

~~Section 5-5. Brakes and warning devices.~~

~~Every bicycle while in use on the streets of the town shall be provided with effective brakes and with a suitable bell, horn or other device capable of giving a signal audible for a distance of at least one hundred feet; except that no bicycle shall be equipped with any siren or whistle. (Ordinance 519 aka E-34, effective 5/7/1967)~~

~~Section 5-6. Lamps required.~~

~~(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from fifty to three hundred feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. (Ordinance 519 aka E-34, effective 5/7/1967)~~

~~(B) It shall be unlawful for any person at nighttime to operate a bicycle along the streets of the town unless said bicycle is properly equipped with such lamps and reflectors as require herein. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-7. Passengers~~

~~It shall be unlawful for the operator of any bicycle upon the streets of the town to carry any other person or persons upon the said bicycle. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-8. Riding abreast.~~

~~It shall be unlawful for any person to proceed along the streets of the town abreast of more than one other bicycle proceeding in the same direction. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-9. Clinging to Vehicles.~~

~~It shall be unlawful for any person while riding a bicycle to hand onto any other vehicle while the same is in motion. (Ordinance 60, effective 3/1/1965)~~

~~Section 5-10. Speeding.~~

~~No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1967 Code by Ordinance 519, aka E-34, effective 5/7/1967)~~

Section 5-44 **3.** Operation of skateboards, and scooters *and skates* prohibited.

~~(A) Except as provided in subsection (D) hereof, it shall be unlawful for any person to ride, propel, push, or otherwise operate a skateboard or scooter on any public way, street, alley, sidewalk, parking lot, or other public property (except for public skateboard or scooter facilities and publicly sponsored or authorized skateboard or scooter events) within the corporate boundaries of the town.~~

~~(B) Any person violating the provisions of subsection (A) hereof shall be guilty of a municipal infraction and, any provision of this code to the contrary notwithstanding, shall be subject to a fine of Five Dollars (\$5.00) for a first offense and Ten Dollars (\$10.00) for each subsequent offense.~~

~~(C) *No person shall roller skate or ride a skateboard or scooter in a reckless or negligent manner on any public sidewalk or trail. No person shall ride a skateboard, scooter or roller skate on a public sidewalk or trail without exercising due care for the safety of other persons using the sidewalk. No person shall fail to exercise control while operating roller skates, a skateboard or scooter on public sidewalk or trail. (Ordinance 802, effective _____)*~~

Section 5-4. Enforcement.

The provisions of this section shall be enforced by the police department. Any violation of any provision of this Chapter shall be a municipal infraction punishable as set forth in Section 1-8 of the Town Code. In addition, the bicycle, skateboard, scooter or roller skates may be impounded by the police officer. Upon payment of the fine, the impounded item may be reclaimed by the offender or, where the offender is a minor, his parent or guardian. If an impounded skateboard or roller

skates have not been reclaimed from impoundment within thirty (30) days from the date of offense, then the impounded item shall be deemed abandoned and shall be disposed of in the same manner as abandoned bicycles.

In the event that any law enforcement officer of the Town of Easton observes any minor child operating a *bicycle*, skateboard or scooter in *a manner that is unsafe and/or dangerous in* violation of the provisions of this *Chapter* ~~section~~, the law enforcement officer *shall be authorized to impound a bicycle, skateboard or scooter under the provisions of this section whether or not he or she issues a citation for a violation of this section.* ~~may confiscate the skateboard or scooter operated by that minor child and shall return the skateboard or scooter only to that minor's parent or guardian. The law enforcement officer shall be authorized to confiscate a skateboard or scooter under the provisions of this subsection whether or not he or she issues a citation for a violation of this section.~~

~~(D) Nothing in this section shall prohibit any person 12 years or under from operating a non-motorized scooter on the streets, alleys, or sidewalk of the town. (Ordinance 152 effective 7-31-88, historical reference 146, Ordinance 802, effective _____)~~

(Language to be deleted from the existing Ordinance is indicated in ~~striketrough~~ format and language to added is indicated by ***bold italics*** text)