Washington County
MARYLAND
DEPARTMENT OF PLANNING & ZONING
COMPREHENSIVE PLANNING | LAND PRESERVATION | FOREST CONSERVATION | GIS

MEMORANDUM

TO: Washington County Planning Commission

FROM: Travis Allen, Comprehensive Planner

DATE: February 7, 2022

RE: Forest Conservation Easement Relocation Request (S-21-054)

Attached you will find documentation for a request to convert a .25-acre portion of the existing 1.11-acre forest easement encumbering 17000 Bivens Lane into a $3,843.36 payment into the County's Forest Conservation Fund. The request to vacate a portion of the forest easement is principally being driven by the relocation of the current septic area at the direction of the Washington County Health Department.

Enclosed for your review of the applicant's request is the revised subdivision plat which shows the portion of the existing forest easement to be vacated with the relocation of the septic area. In addition, correspondence with the Washington County Soil Conservation District is provided regarding the existence of an intermittent stream that was noted during the preliminary stages of the replat. Information on the rationale for the proposed location for the septic area will be shared at the meeting.

If you have questions or comments regarding this request, please contact me using the information provided below.

Travis Allen
Comprehensive Planner
tallen@washco-md.net

From: Allen, Travis M.
To: Elmer Weibley; Dee; Mark Kendle
Cc: ed@fsa-md.com; Baker, Jill; Eckard, Debra S.
Subject: RE: Christopher & Dusky A Rankin - Bivens Estate - Lot 21 (S-21-054)
Date: Wednesday, January 26, 2022 12:54:42 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png

Elmer,

Thank you for your prompt and detailed reply. We will include your response in the agenda materials provided to the Planning Commission for this item.

Travis Allen
Comprehensive Planner
100 West Washington Street , Suite 2600
Hagerstown, MD 21740
P: (240) 313-2432
tallen@washco-md.net

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From: Elmer Weibley <elmer@conservationplace.com>
Sent: Wednesday, January 26, 2022 12:50 PM
To: Allen, Travis M. <tallen@washco-md.net>; Dee <dee@conservationplace.com>; Mark Kendle <Mark@conservationplace.com>
Cc: ed@fsa-md.com
Subject: Christopher & Dusky A Rankin - Bivens Estate - Lot 21 (S-21-054)

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caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Travis, Thanks for your inquiry regarding the above referenced Replat.

After our initial review and further discussion with the consulting engineer, Ed Schrieber from Frederick Seibert and Associates, coupled with a field visit it was clear to us that the intermittent stream shown on the Washington County Soil Survey has been impacted by upstream development to such a degree that we should only consider the area in question located below the existing SWM pond. This area has no evidence of persistent or intermittent flow of any significance and the drainage area has been so altered by the SWM pond that the "intermittent stream" actually does not flow as indicated by the topography depicted on the plat.

With these factors in mind the "intermittent stream" falls below the thresholds that would require a stream buffer we consider for drainage area and evidence of persistent flow for the Funkstown soil unit mapped for the area. We also considered that the Health Department allowed the relocated septic reserve area under their criteria and as you know they pay particular attention to proximity to streams.

It is our recommendation to the Planning Commission that no stream buffer should be required for this site.

Elmer Weibley, CPESC

District Manager

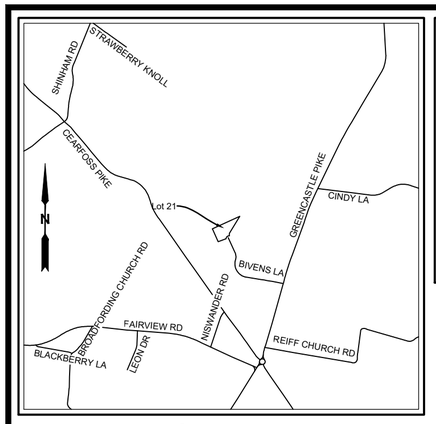
1260 Maryland Avenue, Suite 101

Hagerstown, MD 21740

301-797-6821 Ext. 3 (Office)

301-988-6647 (Cell)

Everywhere is walking distance if you have the time..-- Steven Wright



VICINITY MAP
SCALE 1"=2000'

SENSITIVE AREA NOTICE

The stream buffers shown hereon are established pursuant to the requirements of the Washington County Subdivision Ordinance Article IV, Section 409. In an effort to preserve or improve water quality, the property owner is required to establish and thereafter maintain in perpetuity vegetative ground cover in accordance with urban best management practices recommended by the Washington County Soil Conservation District. No permanent structures or construction are permitted within the stream buffer except those designed to improve water quality or flow as approved by the Washington County Planning Commission in accordance with all applicable regulations, laws, and policies. No septic systems shall be constructed within the buffer nor shall any reserve area be established within the buffer.

Address Assignments

Lot 1 - 17000 Bivens Lane

Note: Each address is based on the entrance as shown on this plat. If the driveway is constructed at a different location from that shown hereon, the address listed above may VOID and the owner/developer of the lot must reapply to the Planning Commission for a new address assignment.

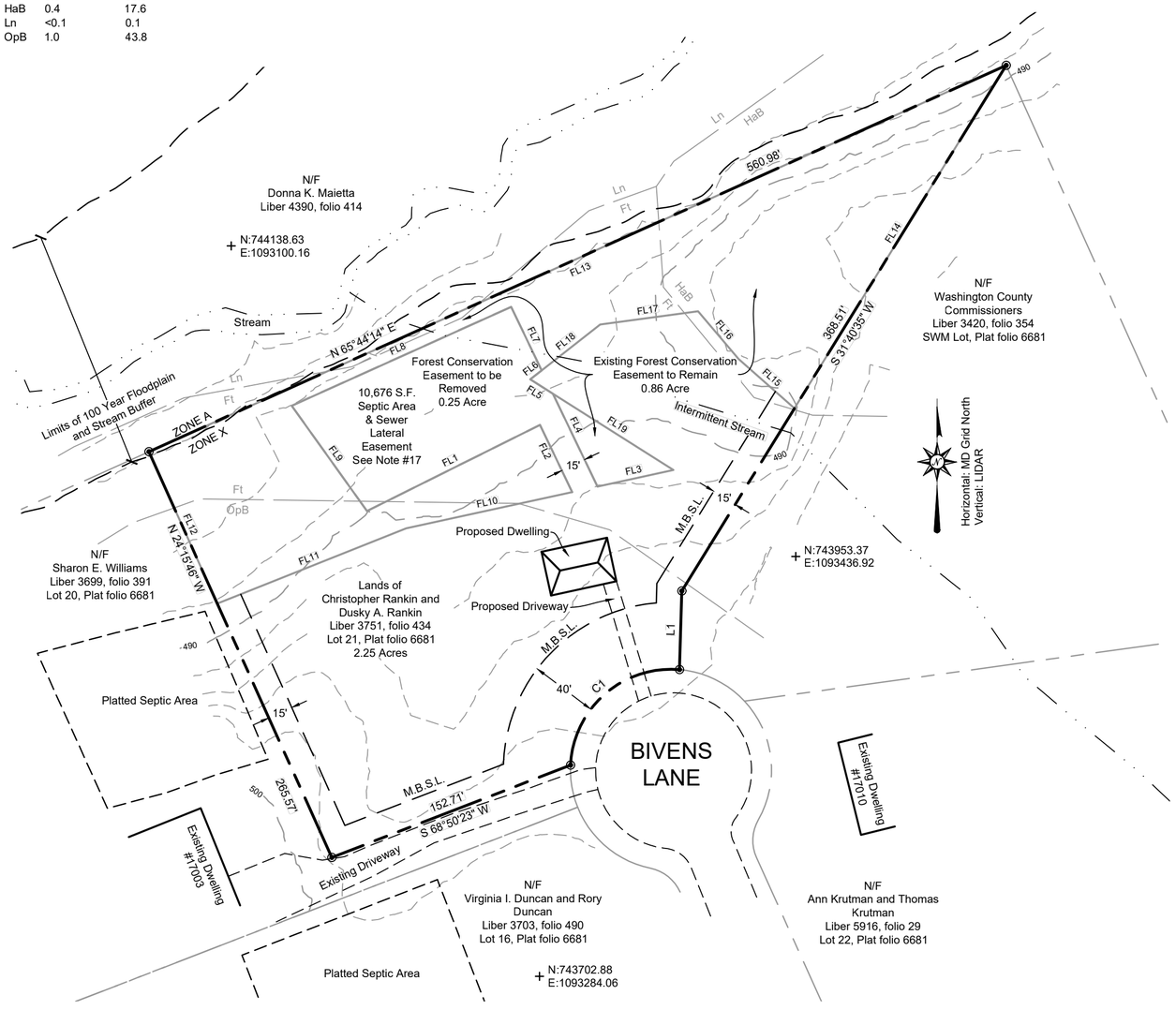
CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	60.00'	96.44'	92°05'48"	S 48°43'46" W	86.39'

LINE	BEARING	DISTANCE
L1	S 01°45'13" W	46.92'

LINE	BEARING	DISTANCE
FL1	N 63°32'34" E	115.29'
FL2	S 25°39'55" E	44.42'
FL3	S 77°41'20" W	46.41'
FL4	N 25°39'55" W	61.46'
FL5	N 57°41'44" W	15.98'
FL6	N 51°55'58" E	8.68'
FL7	N 25°39'55" W	42.09'
FL8	S 65°44'14" W	143.57'
FL9	S 35°32'30" E	77.23'
FL10	S 77°41'20" W	101.39'
FL11	S 68°15'12" W	121.29'
FL12	N 24°15'46" W	99.41
FL13	N 65°44'14" E	560.98'
FL14	S 31°40'35" W	240.50'
FL15	N 48°34'02" W	44.46'
FL16	N 40°21'37" W	37.39'
FL17	S 82°16'21" W	58.87'
FL18	S 51°55'58" W	44.35'
FL19	S 57°41'44" E	85.14'

Soil Table

Soil	Area (Ac.)	%
Ft	0.9	38.5
HaB	0.4	17.6
Ln	<0.1	0.1
OpB	1.0	43.8



GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

Owner:
Christopher Rankin and Dusky A. Rankin
9759 Redamar Drive
Hagerstown MD 21740

Dedication for Individuals

I/we do hereby certify, for ourselves and our personal representatives, heirs and assigns, that I/we are the legal and true owner(s) of the property shown and described on this plat and that I/we hereby adopt the plan of subdivision shown hereon, hereby establish the minimum building restriction lines shown hereon, hereby dedicate to public use all utility and drainage easement areas and all alley, street, and road rights of way designated on this plat, hereby agree to keep open all spaces and recreation areas shown hereon and hereby agree that said dedication shall not impose and responsibility on the Board of County Commissioners of Washington County regarding the subjects of such dedications until legal acceptance thereof by said Board, and I/we hereby reserve the fee simple title to the land underlying said easements, rights of way, open spaces and recreation areas and with regard to said easements and rights of way, hereby agree to convey the same to said Board for the use of said Washington County, without consideration, upon the legal acceptance of said easements and/or rights of way by said Board.
This deed and agreement of dedication shall be binding upon my/our grantees, assigns, successors, heirs, and personal representatives.
There are no suites, actions at law, leases, liens, mortgages, trusts, easements, or rights of way affecting the property included on this plan of subdivision except the following: _____

and all parties having an interest therein have here unto affixed their signatures, indicating their assent to this plan of subdivision.
I/We do hereby assent to this plan of subdivision.

Witness our hands and seals this 16 day of NOVEMBER, 2021.

_____(Seal)
Owner: Christopher Rankin

Dusky A. Rankin
_____(Seal)
Owner: Dusky A. Rankin

_____
Witness

Interim Facilities Provision Certification

In compliance with C.O.M.A.R. 26.03.01.05 B.(1) and (2), the individual water supply and individual sewer systems are hereby permitted on a temporary interim basis. Future lot owners are advised that the individual systems serving the lot(s) indicated on this plat are of a temporary interim nature and that connection to a future community system shall be made within one (1) year or less after the system become available.

_____(Seal)
Owner: Christopher Rankin

Dusky A. Rankin
_____(Seal)
Owner: Dusky A. Rankin

Certificate of Approval of Individual Water Supply and Individual Sewage System

I hereby certify that the minimum ownership area complies with the minimum width and minimum area requirements specified in C.O.M.A.R. 26.04.03.03. Such minimum ownership shall remain equal to the minimum width and minimum area set forth in C.O.M.A.R. 26.04.03.A (2) until community sewerage and water have been made available. Not more than one principle building may be erected or constructed on a lot or lots contained in the minimum ownership areas established by C.O.M.A.R. 26.04.03.A (2) until community sewerage has been made available.

Date:_____ _____
County Health Officer

Land Surveyor's Certification

I hereby certify that the plan shown hereon is correct; that it is a subdivision of part of the lands conveyed by Ovidiu Scumpieru and Larisa Scumpieru, to Christopher Rankin and Dusky A. Chilcote, by deed dated September 24, 2009, and recorded in the Land Records of Washington County, Maryland in Liber No. 3751, folio 434; and that stones marked ☐ and/or bars marked ○ have been placed as indicated.
I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed Professional Land Surveyor under the Laws of the State of Maryland, License No. LS-10731 Expiration Date 1/16/2022.

Date: Nov. 14, 2021

Professional Land Surveyor

General Notes

1. 10,000 square feet is hereby reserved for sewage disposal. No permanent physical objects are permitted in this area.
2. There is a 10 ft. wide drainage and utilities easement along all front lot lines and an 8 ft. wide drainage and utilities easement along all side and rear lot lines hereby reserved unless otherwise shown hereon.
3. Bearings, distances and coordinates are based on MD Grid NAD83.
4. Soil types are as shown hereon.
5. Minimum Building Setbacks: front yard-40'; side yard-15'; rear yard-50'. Minimum Building Setback Lines are based on the current Washington County Zoning Ordinance. Accessory structures may be constructed in accordance with Section 4.10 and Section 23.5 (b). Accessory Structures are not permitted without the placement of the principal permitted structure. Zoned A(R) - Agricultural (Rural).
6. Total upstream watershed affecting this subdivision: is less than 400 Acres.
7. A portion of this parcel does lie in the 100 year flood plain per FEMA Flood Insurance Rate Map, Community Panel No. 24043C0110D dated August 15, 2017, Flood Zone A.
8. Contours based on Washington County Aerial Topography and boundary is based on a field survey performed by FSA, Inc on March 30, 2021.
9. There are no streams, steep slopes and other related buffers, or habitat of threatened or endangered species as required to be shown by Sections 306, 307 and 314 of the Washington County Subdivision Ordinance and Section 4.21 (C&D) of the Washington County Zoning Ordinance. This subdivision is not within 1000' of the Appalachian Trail.
10. No other wells or septics lie within 100 feet of the Lot Lines.
11. All grading on each lot, done either before or after the construction of a dwelling or their appurtenances, shall be the full responsibility of the lot owner.
12. No permanent structures (fences, sheds, play equipment, retaining walls, etc.) shall be permitted within any storm drainage easement, either shown or described, on the Final Plat of Subdivision.
13. This plat has been reviewed and approved per the A(R) Zoning District. Any development/construction shall be in accordance with the Washington County Zoning Ordinance currently being enforced.
14. This plat was prepared without the benefit of a title report and therefore may not indicate all encumbrances on this property.
15. Any development must comply with the Washington County Stormwater Management, Grading, Soil Erosion and Sediment Control Ordinance.
16. The stream shown hereon on the lands now or formerly of Donna Maietta (Liber 4390, folio 414) is subject to a 24' stream buffer based on <6% slopes. The stream buffer shown hereon on Lot 21 is greater than required due to the 100 year floodplain. Said intermittent stream shown hereon has a drainage area of less than 100 acres and does not meet the requirements for a stream buffer as set forth in the Washington County Subdivision Ordinance. Said drainage area has been further investigated by the Soil Conservation District and determined that existing conditions, such as the Forest Conservation Easement and the 100 year floodplain in the vicinity, do not warrant a buffer across Lot 21.
17. Due to the new septic area being within an existing forest conservation area, Payment in Lieu of Forestation (PIL) is the requested method of mitigation. 10,676 S.F. of forest will be removed from the existing FCE requiring PIL at the rate of $0.36/S.F., which will require a payment of $3,843.36.
18. Public water supplied by the City of Hagerstown. Septic is private on-site.
19. The purpose of this replat is to reconfigure the 10,000 S.F. septic reserve area and the forest conservation easement.

Certificate of Approval

FINAL APPROVAL GRANTED

DATE: _____

By:_____

Washington County Planning Commission
Final Approval good for one hundred eighty (180) days from above date

PLAT NO _____
DATE
WASHINGTON COUNTY

STATE OF MARYLAND
FREDERICK MARK FREDERICK
LS 10731
REGISTERED PROFESSIONAL LAND SURVEYOR

Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional under the laws of the State of: Maryland, License # 10731, Expiration Date 1.16.2022.

FSA
FREDERICK, SEIBERT & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS
fsa-inc.com
128 SOUTH POTOMAC STREET HAGERSTOWN, MD 21740 301.791.3060
20 WEST BALTIMORE STREET GREENCASTLE, PA 17225 717.597.1007
506 SOUTH HANOVER STREET CARLISLE, PA 17013 717.701.0111
5311 SPRING ROAD SHERMANS DALE, PA 17090 717.587.3660

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Preliminary/Final Replat of Subdivision
OF
Lot 21
Bivens Estate
FOR
Christopher Rankin and Dusky A. Rankin
SITUATE AT 17000 BIVENS LANE, HAGERSTOWN
WASHINGTON COUNTY, MARYLAND

PROJECT NO.	1966.21
DWN BY: BMD/LEJ	DATE: 7.13.2021
PRJ. MANAGER: EJS	EMAIL: ESchreiber@fsa-inc.com
13-030227	23-6-524
SCALE	1" = 60'

SHEET TITLE
PRELIMINARY/FINAL REPLAT OF SUBDIVISION

S-21-054
SHEET 01 OF 01

P:\SHARED FOLDERS\PROJECTS\1966.21\DWG\1966.21 REPLAT.DWG 12/20/2021