

Open Work Session

Relocation of a Forest Conservation Easement – 9115 Old Dagsboro Road, Delmar, MD

May 4, 2021

Mr. Tyler Walston with the Department of Planning, Zoning and Community Development came before Council and said he has an application from Wilkins Noble, LLC on behalf of Levin Harris for 18.9 acres of property on Old Dagsboro Road. He said the applicant is requesting permission to relocate a portion of the forest conservation easement that is located on the property. He said currently the site has an area of 16.55 acres in an FCEA (forest conservation easement area), and the applicant requests that 500 square feet of the easement be moved to expand the building envelope. He explained, since the relocation is proposed to occur offsite, the owner must relocate the easement at a 2:1 ratio, and staff recommends approval of this project since FCEA requirements will be satisfied offsite.

Mrs. Hurley asked, what is the reason for the relocation, to which Mr. Walston responded, there is a 5,000 square foot building envelope and he wants to expand it another 5,000 square feet to bump it to 10,000. Mrs. Hurley asked if he is adding an addition onto his house, to which Mr. Walston responded, he does not know if they have a house built already, but he thinks they want a pole building eventually.

Mr. Dodd asked if that will require 18 acres, to which Mr. Walston responded, no. He explained, the size of the property is 18 acres, and he is only asking for 5,000 square feet of the forest to be relocated. Mr. Dodd said he heard Mr. Walston say 2:1.

Mr. Hastings said he saw House Bill 991 during the General Assembly, which is now the Tree Solutions Now Act, which is basically a forest conservation Bill, but he does not know what Wicomico County is doing with this. He said it turns out there was an Attorney General ruling last year that all Counties have been doing this completely wrong for the past 18 years as far as these forest mitigation bankings. He said he does not know if that policy change will do anything with regards to how Wicomico operates, but he figured he would put it back to Mr. Walston. He clarified, they do not have to talk about it now if Mr. Walston does not want to, but it is something on his mind.

Mr. Walston said he can give Council some brief information on that. He explained, the concern was that existing forest was being preserved and used for mitigation banking, but, as he understands it, the new law allows that now. He said he thinks there are some sunset provisions, but it really does not change much for the County. He said a lot of their mitigation banks were existing forests, so, in talking to MACo, he recommended they keep that practice going.

Mr. Dodd said this will require a Public Hearing, which can be done on June 15 at approximately 10:00 a.m.

There was no further discussion.

Signatures on next page

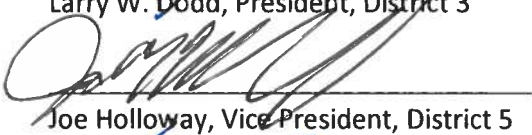
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Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



John T. Cannon, At-Large



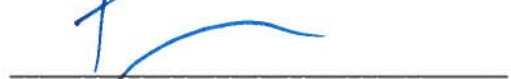
William R. McCain, At-Large



Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator