

Open Work Session

Hidden Pond Subdivision Forest Conservation and Open Space Easement Modifications

December 5, 2017

Mr. Tyler Walston, Environmental Planner, and Mr. Brock Parker of Parker and Associates, Inc., came before Council. Mr. Walston said he asked Mr. Parker to come before Council and explain this plat because it is pretty well nuanced, so he is going to let him speak. He said if Council has any forest conservation questions, he will be glad to answer those. Mr. Parker said Parker and Associates are the original surveyors and planners of this subdivision, and back in 2009 or 2010, this project started off as it appears today. He said the project stagnated when the economy did, so it has now just started taking off. He said the roads are in, and several houses are being built. He said, as development progresses, things in the community change, and things in the development parameters of the environment change as well. He said this is a very complicated plat with several different things going on with it, and primarily the reason they are here before Council is the relocation and the elimination of some forest conservation easements on the property. He said he thinks it is probably relevant to explain exactly what is going on with the plat, and how a little tiny pebble turned into a large snowball that is this plat they are looking at. He said it started with lot 1-A in the corner, and the way that lot was originally configured, the house was situated directly on Walnut Tree Road. He said the owner of that property caught wind that there was a large poultry operation being developed across the street, and he then wanted the ability to build farther back off the road so he would not be sitting right on top of that. He said, therefore, they are proposing to restructure the shape of his lot. He said the first area in the pink, lot 1-A, outlines where this new lot will be. He said the location where this new lot is being proposed is smack dab in the middle of a forest conservation easement that was established on the record plat. He said they are trying to jiggle that forestry area, eliminate some, and add some, to balance out the original forest conservation requirements for that lot so the owner can have a more amenable building lot. He said the second action on the plat is over on the right side where there is a little backwards D in the area. He said that was a forest conservation area that was established around where the lot lines were supposed to be, which was brought in with a ditch that was not built in accordance with the plan. He said that property line was then wiggled to go straight into some forest conservation area, and it had to be eliminated and restructured. He said the bigger bulk of this area is the removal of a forest conservation mitigation bank. He said, when the developers of the project originally developed this property, they exceeded their forest conservation requirements by conserving, or by proposing to plant, an additional acreage of trees on the site, in addition to what their subdivision required them to do. He said their thought back then was that they had so much development being planned, they were going to sell these easements, or utilize them on their future projects. He said, given the fact that development has pretty much stagnated in this area, they then decided they want to remove that forest conservation bank and return the property back into agricultural production. He said, at the end of the day, they are removing and moving around some lot lines, restructuring the shape of some of the lots, and also moving and relocating some forest conservation areas, but they are also reducing the total amount of forest conservation acreage they are providing, simply because it is not required as part of the subdivision that was originally proposed, but it is just a fact of the economy, and those easements are never going to sell. He said the property owner would rather return that back to agricultural production. Mr. Joe Holloway asked if what they did back in 2009 was more forest conservation than what was needed, probably because there was land they could not build on anyway, to which Mr. Parker responded, yes. Mr. Parker said, just to pick a number, there were ten acres of forest conservation required for the subdivision, they had 25 acres of open space, so they just put it all on forest conservation easement and said they would plant the additional 15 acres. He said it never got planted,

and they figured those extra 15 acres, and, again, he is making up numbers, they could use on their next few projects they were developing, which never really happened. He said the forest conservation areas were never planted, the easements never sold, and there is no demand for those easements, so they would like to return that back to agricultural production. He said no development rights are tapped for this property. Mr. Cannon asked Mr. Walston what they are looking at from here on out, to which Mr. Walston responded, the next step is the Public Hearing to release the easement. He said his staff has recommended Council approve it, just because it is set up as a bank, and nothing has been sold in the bank. He believes 19.3 acres is what was required for the development, and that has been preserved on the plat, so they are good with it. Mr. Parker said there is something else he failed to mention. He then said, the plat reviewer for Wicomico County has insisted that all property owners in this development sign off on this plat in recognition of the fact that they bought a lot that had a forest conservation area, and now it is being reverted back to farmland, and they have all agreed to sign the plat at the end of the day. There was no further discussion.



John T. Cannon, President

Absent
Larry W. Dodd, Vice President, District 3



Ernest F. Davis, District 1



Marc Kilmer, District 2




John B. Hall, District 4



Joe Holloway, District 5



Matt Holloway, At-Large



Laura Hurley, Council Administrator