

Protected Wetland Area's and Owner's Responsibilities

Many Parke residential lots contain non-tidal wetland and buffer areas that have specific State restrictions with hefty fines if violated. Owners are responsible for the protection of such areas through the Deed process. When the county approved the lots – they required signs marking the protected areas. Unfortunately, many of the signs were removed by owners. Some lots were given permission to remove the protected areas in order to build the house, thereafter to be restored to the forested area. The developer sodded these areas, and owners assumed that they could remove the signs to allow the mowers to continue to mow the protected areas, which is actually a violation of the State regulations.

Although this topic has been discussed ad nauseam in Parke publications and presented during a JAVA by the MD Dept. of the Environment, owners are surprised that these restrictions exist on their property and often are violated. This article serves as a reminder or notice to all owners to check your plat maps for protected areas, abide by the regulations to avoid serious fines assessed by the MD Department of the Environment and/or the Parke Association for unapproved alterations. If alterations to these areas were performed in the past, the owner should restore the area to the original forested areas.

The restrictions of these areas are explained in short on plat maps (further on the Maryland Department of Environment website <http://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/index.aspx>). Every Parke lot plat map is available on the Parke website under “Explore the Parke;” “Plat Maps” by address. See sample attached.

Some of the plat maps state the following:

Except as expressly authorized pursuant to any permits or letters of authorization previously obtained from and issued by the U.S. Army Corps of Engineers and/or Maryland Department of the Environment (or their successors or assigns), neither the Permittees, nor any subsequent owner or owners of the Property or any portion thereof, shall undertake or cause to be undertaken any of the following within or upon the wetland buffer areas:

- A. Construct or place buildings, sheds, walkways, roads, signs or other structures on or above the ground within the wetland or buffer areas;
- B. Dump or place trash, brush soil waste or other fill material within the wetland or buffer areas, or otherwise use the ground within the wetland or buffer areas for disposal of such materials;
- C. Excavate, dredge or remove loam, peat, gravel, soil, rock or other material substance within the wetland or buffer areas;
- D. Remove or destroy trees, shrubs or other vegetation, or any other material substance within the wetland or buffer area in violation of Section 404 of the Clean Water Act* and/or the applicable provisions of the Maryland Non-tidal Wetlands Protection Act*, or
- E. Engage in any activities on the wetland or buffer areas that would violate any governmental regulation concerning drainage, flood control, water conservation, erosion control, soil control or fish or wildlife habitat preservation.

Alteration of vegetation or other substances within the wetland or buffer as required for routine maintenance of wetland or buffer areas consistent with state and federal law is permissible.

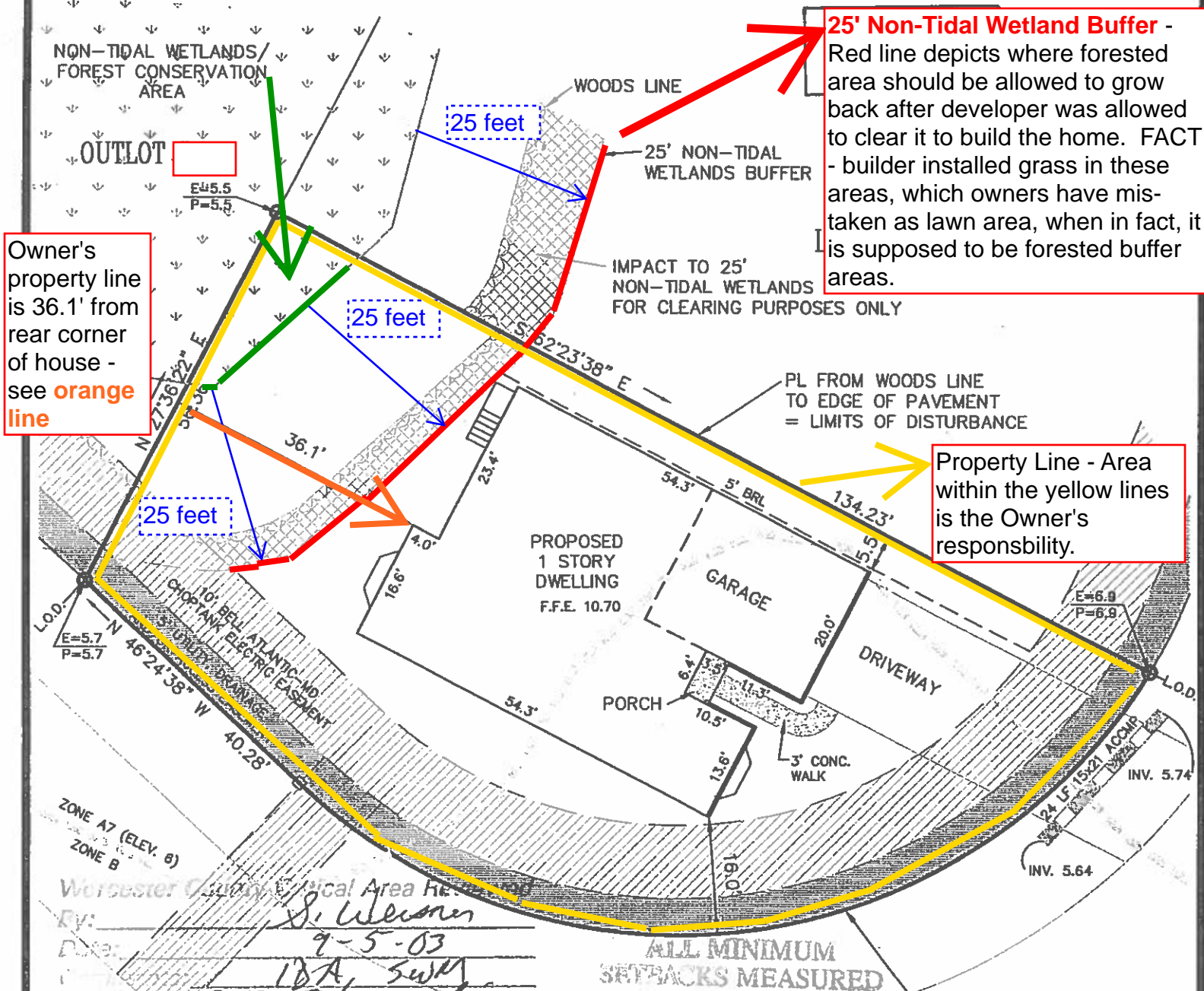
Because of the complexity of the regulations over these protected areas, it is very important that you consult with Kristi Clarke on specific alterations you would like to perform. She is the Association's contact for the Maryland Department of Environment as well as the County Departments in all of these cases. She will direct you to the appropriate agency, if needed, for your desired alterations. In some cases, the Association may have to file an application with the State on your behalf – even though the alterations are on your property.

Please note – before any exterior alterations, consult The Parke's Design Guidelines for specific requirements for the Parke Association.

Sample Plat Map for Protected Wetland and Buffer Areas

SITE PLAN: Lot # ABC PHASE 4, December 1, 2017

THE PARKE AT OCEAN PINES, SECTION 16 OF OCEAN PINES
THIRD TAX DISTRICT, WORCESTER COUNTY, MARYLAND



25' Non-Tidal Wetland Buffer - Red line depicts where forested area should be allowed to grow back after developer was allowed to clear it to build the home. FACT - builder installed grass in these areas, which owners have mistaken as lawn area, when in fact, it is supposed to be forested buffer areas.

Owner's property line is 36.1' from rear corner of house - see orange line

Property Line - Area within the yellow lines is the Owner's responsibility.

Find your Lot's Plat Map on the website. Contact Kristi Clarke, GM, for specific inquiries of your property.

Worcester County Critical Area Reg.
By: *S. Wilson*
Date: *9-5-03*
IDA, SWM
84255 complies with "10% rule"

ALL MINIMUM SETBACKS MEASURED TO FINISHED WALL CENTER

Curve Data
R=75.00
L=134.08
Tan=93.33
Δ=102°25'37"

270
9/30/13
COMMENTS: Imat P311 S16
L342 SFD w/ garage
BP# 84254 SWM/SPC# 84255

The applicant, as developer, or any subsequent landowner or permittee, shall notify all potential lot purchasers for those lots containing non-tidal wetlands and wetland buffers, of restricted activities within these wetlands and buffers, by including a description of these restricted activities within their deeds. These deed restrictions as approved by the Water Management Administration, must be recorded for all future sales of these lots or portions thereof, and read as follows.

Except as expressly authorized pursuant to any permits or letters of authorization previously obtained from and issued by the U.S. Army Corps of Engineers and/or Maryland Department of the Environment (or their successors or assigns), neither the Permittee, nor any subsequent owner or owners of the Property or any portion thereof, shall undertake or cause to be undertaken any of the following within or upon the wetland or buffer areas:

- A. Construct or place buildings, sheds, walkways, roads, signs or other structures on or above the ground within the wetland or buffer areas;
- B. Dump or place trash, brush, soil waste or other fill material within the wetland or buffer areas, or otherwise use the ground within the wetland or buffer areas for disposal of such materials;

- C. Excavate, dredge or remove loam, peat, gravel, soil, rock or other material substance within the wetland or buffer areas;
 - D. Remove or destroy trees, shrubs or other vegetation, or any other material substance within the wetland or buffer areas in violation of Section 404 of the Clean Water Act and/or the applicable provisions of the Maryland Non-tidal Wetlands Protection Act, or
 - E. Engage in any activities on the wetland or buffer areas that would violate any governmental regulation concerning drainage, flood control, water conservation, erosion control, soil control or fish or wildlife habitat preservation.
- Alteration of vegetation or other substances within the wetland or buffer as required for routine maintenance of the wetland or buffer areas consistent with state and federal law is permissible.

REFERENCE

LOT AREA = 7,899 sq. ft.
BUILDABLE AREA = 3,708 sq. ft.
L.O.D. = ±9,401 sq. ft.
AMOUNT OF FILL = ±50 cu. ft.
Based upon review of the Federal Emergency Management Agency Flood Insurance Rate Maps, panel 25 of 250, Community Panel Number 240083 0025 A with an effective date of FEBRUARY 15, 1979, the property depicted on this survey is located within ZONES B & A-7 (ELEV. 6). Site area is designated as "BMA Group A-15" on the Atlantic Coastal Bays Critical Areas Map.
JOB NO. 99-234

NOTES

GRAPHIC SCALE

Scale in Feet

- Denotes Concrete Monument
- Denotes #5 Rebar w/ Cap
- Denotes Property Line
- - - Denotes Building Restriction Line
- · - · - Denotes Easement Line
- E=7.4 Denotes Existing & Proposed Elevations
- P=7.6

CHECKED BY

SOULÉ & ASSOCIATES
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SURVEYED BY _____
DRAWN BY L.V.H.
DATE JULY 2003