

MSA S-1829-609

— SM 604-99
VAR

Goeller, Arthur
99-1557 —

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

November 22, 1999

Ms. Christine Holmberg
Department of Planning and Zoning
P.O. Box 3000
Leonardtown, MD 20650

**RE: VAR #99-1557, Arthur Goeller
CBCAC # 604-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance for after-the-fact clearing in excess of 30% in the Critical Area.

Article III of St. Mary's County Zoning Ordinance states that in the Critical Area "Forests which have been cleared prior to an approved Environmental Permit or of forest cleared in excess of the maximum area permitted [30%] above must be replanted at three times the aerial extent of the cleared forest." In accordance with St. Mary's County Critical Area Program, staff recommend that the applicant be required to mitigate for the forest cleared at a 3:1 ratio (1.47 acres).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 CALVERT STREET, 2ND FLOOR
ANNAPOLIS, MD 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: St. Mary's Date: 11-19-99
Name of Project (site name, subdivision name, or other): Arthur Goeller
Local case number: VAAP # 99-1557
Project location/Address: 21634 Coves End Court, Breton Bay Landings

Tax map# 40 Block# 20 Lot# 2 Parcel# 217

Type of application:
(Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
Buffer Slope
Imp. Surf. Other X
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION
- OTHERS

Type of Project:
(Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT
FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS
e.g. PUD

Current Use:
(Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT
FACILITY/PIER/MARINA
- OTHERS

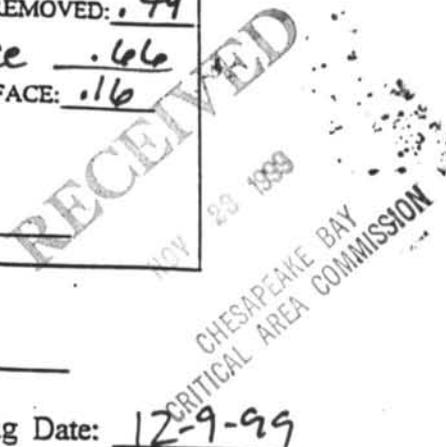
Describe Proposed use of project site: Variance request from Section 38-2.10 of the Zoning Ordinance for after-the-fact clearing in excess of 30% in the critical area

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>1.059</u>	AREA DISTURBED: <u> </u>
IDA ACRES <u> </u>	# LOTS CREATED: <u> </u>
LDA ACRES <u>1.059</u>	# DWELLING UNITS: <u> </u>
RCA ACRES <u> </u>	
AGRICULTURAL LAND: <u> </u>	
EXISTING FOREST/WOODLAND/TREES: <u>.82</u>	FOREST/WOODLAND/TREES REMOVED: <u>.49</u>
FOREST/WOODLAND/TREES CREATED: <u> </u>	Soil disturbance <u>.66</u>
EXISTING IMPERVIOUS SURFACE: <u>0-</u>	PROPOSED IMPERVIOUS SURFACE: <u>.16</u>
TOTAL IMPERVIOUS SURFACE: <u>.16</u>	
GROWTH ALLOCATION DEDUCTED: <u> </u>	
RCA to LDA: <u> </u>	RCA to IDA: <u> </u>
	LDA to IDA: <u> </u>

Local Jurisdiction Contact person: Christine Holmberg
Telephone number: 301-475-4670
Response from Commission required by: 12-2-99

Hearing Date: 12-9-99



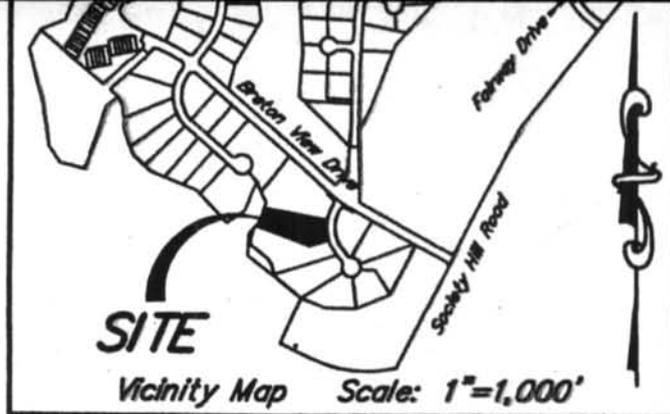
Developer : W.M. Davis Inc.
 PO Box 1210
 Leonardtown, MD 20650
 (301) 475-2755

Engineering Firm : Day & Associates
 44425 Pecan Court
 Suite 153
 California, MD 20619
 (301)863-0333

Topography : U.S.G.S.

Total Disturbed Area = 0.66 Ac.
 Total Area to be Vegetatively Stabilized = 0.31 Ac.
 Earth Cut = 200 cy
 Earth Fill = 0 cy

Estimates of earthwork quantities are provided solely for the purpose of determining permitting requirements. Since final earthwork quantities are based on many variable conditions which the Engineer has no control, including variability of soils, allowable survey and construction tolerances, and compaction ratios, the Engineer cannot guarantee the accuracy of the estimates for final construction. The Owner/Developer should require the Contractor's to provide their own estimates of the quantities in their respective bids.



Critical Area Notes

1. Approximately 1.059 Acres of the Site Area lie within Maryland's Chesapeake Bay Critical Area. Any and all development activities proposed within this area are subject to Critical Area Regulations and will not be permitted until all appropriate local, state and federal agencies have conducted a thorough environmental review and have approved the development plan.
2. The one-hundred foot (100') Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.2 of the St. Mary's County Critical Area Ordinance (Chesapeake Bay Critical Area Program), part 1.3, Habitat Protection.
3. No development is permitted in Tidal or Non-tidal Wetlands or their associated buffers without approval from the appropriate local, state and federal agencies.
4. Any and all afforested or reforested areas created under the provisions of Section 38.2 of the St. Mary's County Zoning Ordinance (Chesapeake Bay Critical Area Program) and designated on this plat shall be preserved from future disturbance. All existing forest shown hereon shall remain undisturbed except as permitted under the provisions of the St. Mary's County Critical Area Ordinance.
5. Existing area of impervious surface within 100' Buffer: 0.00 ±Ac.
6. Existing area of impervious surface within 1,000' Buffer: 0.00 ±Ac.
7. Areas with slopes of 15 percent (15%) or greater: 0.01 ±Ac.
8. Existing trees or forested areas: 0.82 ±Ac.
9. Proposed impervious surfaces: 0.16 ±Ac.
10. Proposed areas of vegetation clearing: 0.49 ±Ac.
11. Afforestation Threshold Area:
 Afforestation Area Required: 0.00 ±Ac.
 Afforestation Area Provided: 0.00 ±Ac.
 Reforestation Area Required: 0.49 ±Ac.
 Reforestation Area Provided: 0.49 ±Ac.
12. Proposed area of soil disturbance: 0.66 ±Ac.
13. There are no known natural heritage areas, habitats of threatened or endangered species, or habitats of significant plants or wildlife identified within the Site Area in accordance with Section 38.2 of the St. Mary's County Critical Area Ordinance (Chesapeake Bay Critical Area Program), part 1.3, Habitat Protection Area Element.

General Notes

1. This site is located on Tax Map 40, Grid 20, P/O Parcel 217.
2. The SITE AREA = 1.059 Ac.
3. Present zoning: PDR 3.5/LDA overlay
 Adjoining properties are Zoned RFD, unless otherwise shown hereon.
4. Building Restriction Lines (B.R.L.'s) and Minimum Yard Requirements are established as per the St. Mary's County Zoning Ordinance as follows: 40' Front, 15' Side and 50' Rear. B.R.L.'s may be superseded by Critical Area Zoning Requirements.
5. Water supply shall be from a central public water system.
6. Sewage flow shall be to a central public sanitary sewer system.
7. This subdivision is in compliance with the St. Mary's County Comprehensive Water and Sewer Plan.
8. There shall be a ten (10) foot utility easement along all lot lines. These easements are to include use by the St. Mary's County Metropolitan Commission, its successors and assigns, for construction, installation, maintenance, repair, inspection, and operation of public water and sewer facilities.
9. Subject Property appears to be in the 100 Year Flood Boundary, as delineated on Flood Hazard Boundary Maps for St. Mary's County, Maryland, and distributed by the Federal Emergency Management Agency per F.L.R.M. Community Plans(s) #240064-0047 B. The 100 year flood is at elevation 6' based on NGVD 1929.
10. Hydric Soil types do not appear to be present per the Soil Survey of St. Mary's County, Maryland, as distributed by the U. S. Department of Agriculture, Soil Conservation Service, as shown hereon. The Non-tidal Wetlands, as shown hereon, are as shown on Record Plat Liber 40 at folio 38.

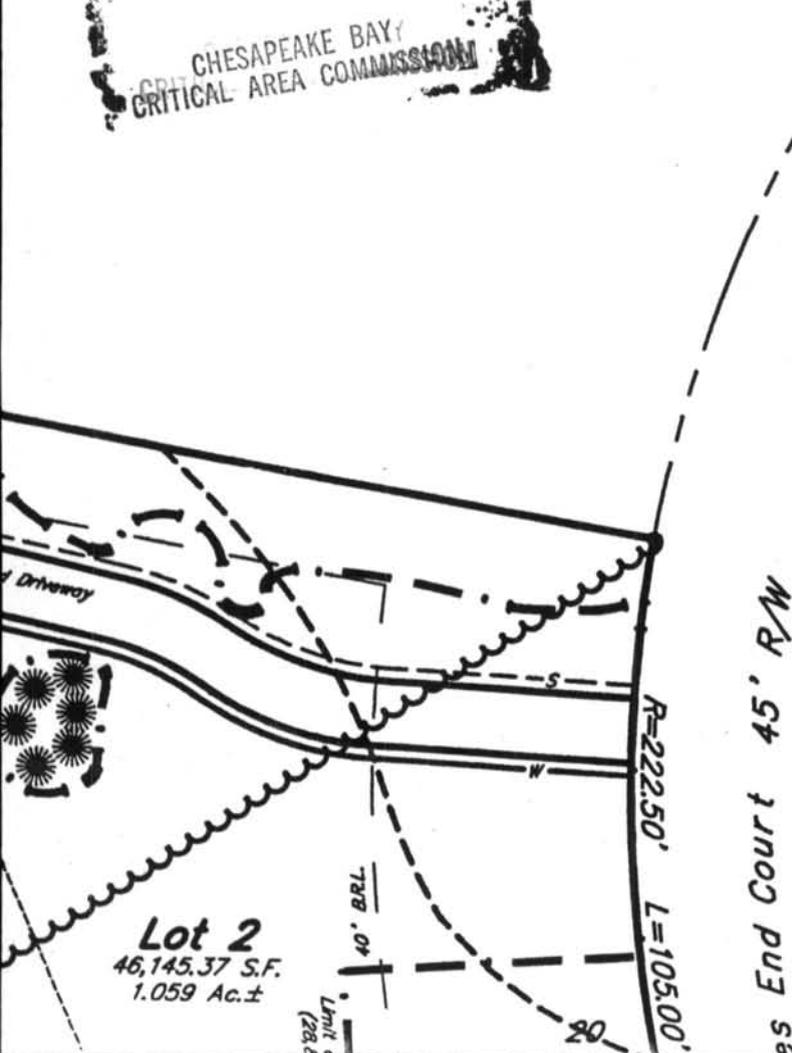
At the time of development, if impacts to any wetlands or their associated buffers are proposed, then field delineation of the proposed impacted wetlands will be required prior to said development. No development is permitted in Tidal or Non-tidal Wetlands or their associated buffers without approval from the appropriate local, state and federal agencies.

mitigation
 tree
 (planting)

RECEIVED

NOV 23 1999

CRITICAL AREA COMMISSION



on this plot shall be preserved in:
 All existing forest shown herein as
 as per Ordinance under the provisions of
 Areas Overlaid
 5. Existing area of impervious surface will
 6. Existing area of impervious surface will
 7. Areas with slopes of 15 percent (1:2)
 8. Existing trees or forested areas
 9. Proposed impervious surfaces
 10. Proposed areas of vegetation de-
 11. Afforestation Threshold Area
 Afforestation Area Required
 Reforestation Area Required
 Reforestation Area Provided
 12. Proposed area of soil disturbance
 13. There are no known natural heritage
 endangered species, or habitats c
 identified within the Site Area in acc
 St. Mary's County Critical Area Ord
 Area Program), part 13, Habitat /

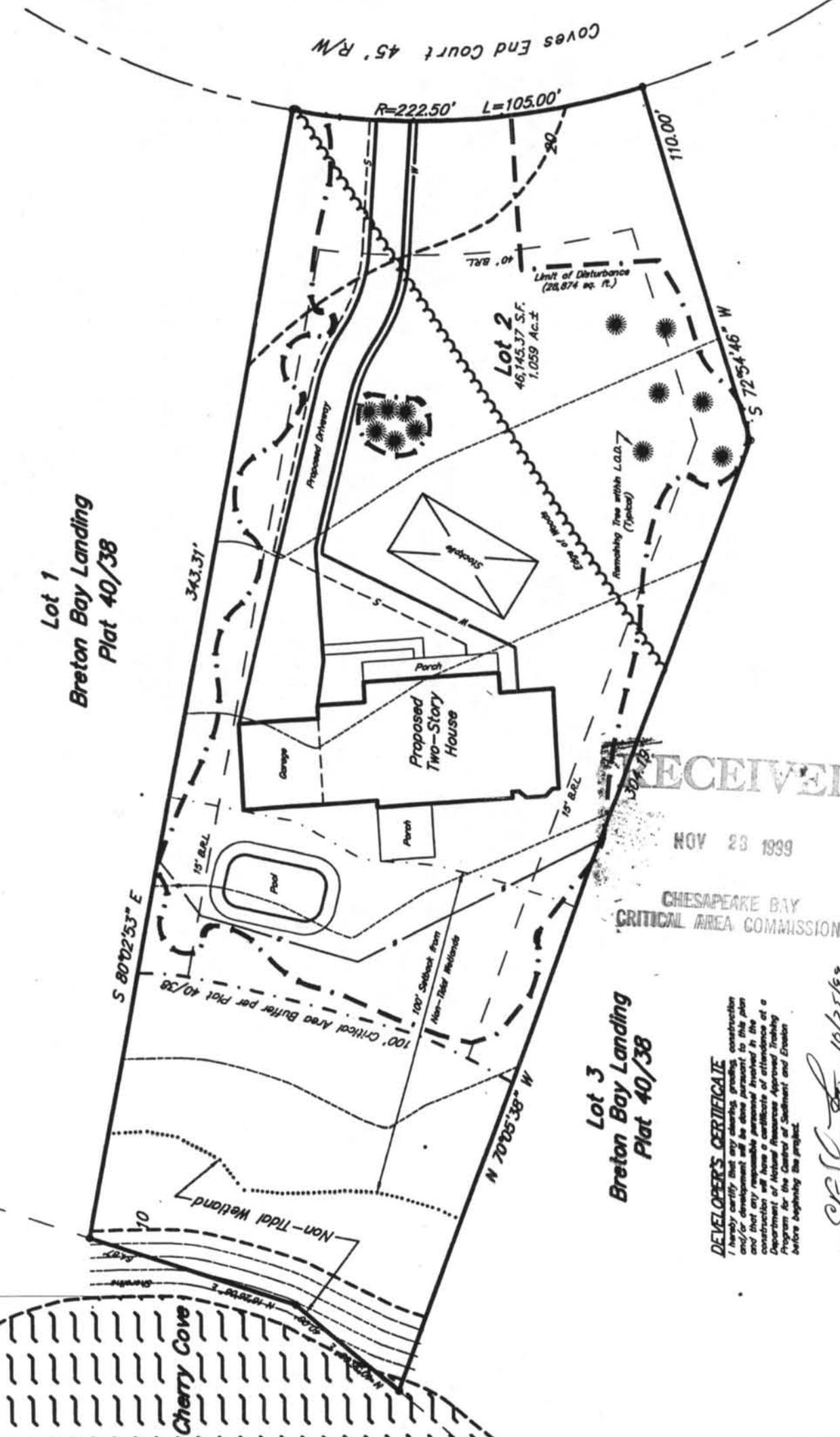
General Notes

- This site is located on Tax Map 4
- The SITE AREA = 1,059 Ac.
- Present zoning: PDR 3.5/LDA one
Adjacency properties are Zoned R90,
- Building Restriction Line (B.R.L.) is
as established on per the S.C. Ac
as follows: 40' Front, 15' Side o
superceded by Critical Area Zone
Water supply shall be from a car
5. The association is in compliance
7. This shall be the (10) foot width
8. These elements are to include use of
Commissar, its accessories and any
multi-tenancy, repair, inspection, o
and sewer facilities.
9. Subject Property appears to be in
as delineated on Flood Hazard Bank
Maryland, and distributed by the Fy
Agency, per F.I.R.M. Community Plan
The 100 year flood is at least
Hydro Soil uses do not appear to be
St. Mary's County Maryland, as defini
of Agriculture, Soil Conservation
The Non-Tidal Wetlands, as show
Record Plat Liber 40 of folio 38
- All the time of development, if any
associated buffers are proposed,
proposed impacted wetlands will be re
No development is permitted in Tidal
associated buffers without approval of
and Federal agencies.

6" Tall Trees @ 400 sq. ft. per tree
 (●) 32 trees = 12,800 sq. ft.
 (○) 20 Proposed and 12 Existing
 Shrubs @ 200 sq. ft. per shrub
 (⊙) 43 shrubs = 8,600 sq. ft.

Lot 1
Breton Bay Landing
Plat 40/38

Lot 3
Breton Bay Landing
Plat 40/38



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 CHESAPEAKE BAY
 CRITICAL AREA COMMISSION

DEVELOPER'S CERTIFICATE
 I hereby certify that any clearing, grading, construction
 and/or development will be done pursuant to this plan
 and that any responsible personnel involved in the
 construction will have a certificate of attendance at a
 Department of Natural Resources Approved Training
 Program for the Control of Sediment and Erosion
 before beginning the project.

CRS
 R. M. Davis Inc. 10/21/99
 Date

Surveyor's Certificate
 I hereby certify that this plan has been prepared in
 accordance with the 1984 Maryland Standards and
 Specifications for Soil Erosion and Sediment Control
 and the "Drainage and Sediment Control Ordinance of
 St. Mary's County" to the best of my knowledge,
 information and belief.
 10-25-99
 Larry D. Cox, Registered Land Surveyor
 Maryland Certificate No. 9888

ADDRESS: 21634 Cooves L

Critical Area Si
&
Sediment & Erosion
Lot 2
Breton Bay Lc

Day & Associates, Inc.

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