

MSA-S-1829-4883

Comments 11/21/05
Ked

Comments 5/15/09
Ked

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 9, 2006

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD 00-08A Bresnik-Revised
(Tax Map 44, Parcel 127)

Dear Ms. Vidotto:

This letter is in response to our continuing review of the above referenced subdivision. The applicant is proposing to create two lots within the Intensely Developed Area (IDA). Proposed Lot 1 is currently undeveloped, while the proposed residue parcel is developed with a primary dwelling.

Based on the most recent plat provided, the applicant has made revisions to plat notes #12 and #13 which now adequately address the requirements for development and redevelopment within the IDA. As a result, we have no further comments on this subdivision request.

Thank you for your efforts in coordinating the review of this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerrie L. Gallo".

Kerrie L. Gallo
Natural Resource Planner
CA732-05

Cc: Stephanie Taylor, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

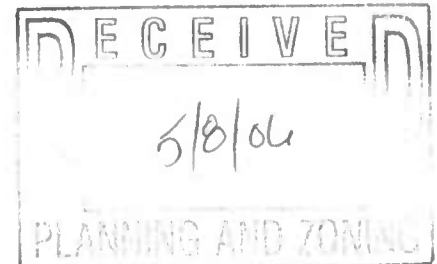


Martin G. Madden
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May 5, 2006

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD 00-08A Bresnik-Revised
(Tax Map 44, Parcel 127)

Copy to Barnett 5/8/06
to address

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. The applicant is proposing to create a two-lot subdivision on a .744-acre property. The property lies within a designated Intensely Developed Area (IDA). Proposed Lot 1 is currently undeveloped, while the proposed residue parcel is currently developed with a primary dwelling.

Based on the information provided, it appears that the applicant has addressed the majority of our previous comments. However, there is one remaining outstanding issue which has not been sufficiently addressed. Specifically, the County's zoning ordinance, Section 8-1.02.F, Criteria for Development in the IDA, contains two separate criteria germane to this subdivision. The first, that the County shall require technologies to minimize adverse impacts to water quality caused by stormwater, or in the case of new development where technologies do not reduce pollutant loadings by at least 10% below the level of pollution on the site prior to redevelopment, then offsets shall be used to reduce pollutant loadings by at least 10% of the pre-development levels, appears to be addressed in general by proposing a forested buffer strip where one does not currently exist. If the County determines that this type of offset effectively reduces pollutant loadings by 10% on either lot where new or redevelopment is proposed, this method appears to be consistent with the County's ordinance. However, plat note #12 implies that 10% compliance is considered only where redevelopment is proposed. We note that 10% rule compliance applies to both new development and redevelopment. Plat note # 12 should be refined to avoid confusion at the building permit stage.

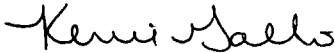
In addition, plat note #12 claims that planting of a forested buffer strip will also satisfy the criteria for development within the IDA stating, if practicable, permeable areas shall be established in vegetation. While the buffer strip plantings implemented for compliance with the 10% rule may be utilized to also meet the IDA vegetation establishment requirement where appropriate, it is not clear where the buffer

Olivia Vidotto
SD 00-08A Bresnik
May 5, 2006
Page 2

strip is intended to be located, whether new or redevelopment is intended for one or both lots, and whether this offset will sufficiently meet the establishment of vegetation criteria included as a separate and distinct provision in the County's ordinance. We recommend that plat note #12 be refined to specifically address the IDA criteria as it pertains to a specific lot where new or redevelopment is proposed.

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA732-05

Cc: Stephanie Taylor, Calvert County
Dave Brownlee, Calvert County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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November 21, 2005

Ms. Olivia Vidotto
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: MSD 00-08A Bresnik
(Tax Map 44, Parcel 127)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced minor subdivision. The applicant is proposing to create a two-lot subdivision on a .744-acre property. The property lies within a designated Intensely Developed Area (IDA). Proposed Lot 1 is currently undeveloped, while the proposed residue parcel is currently developed with a primary dwelling.

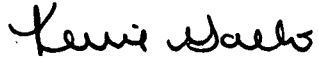
Based on the information provided, we have the following comments:

1. As the subdivision is for the purpose of creating buildable lots within the Critical Area, the applicant is required to have the property evaluated by the Department of Natural Resources' (DNR) Wildlife and Heritage Division for the presence of any rare, threatened, or endangered species. If present, the applicant will be required to address any recommendations made by DNR for the protection of the species. At this time, this office has not received notification of an evaluation of the property. Please ensure that the applicant has provided this information prior to recordation of the subdivision plat.
2. The Calvert County Zoning Ordinance requires that within the IDA, permeable areas shall be established in vegetation where practicable. As there appears to be ample opportunity to accommodate plantings on site, please have the applicant address this requirement.
3. We note that the applicant has indicated that compliance with the 10% pollutant reduction requirement will be addressed at the time of building permit application.
4. Note #17 does not appear applicable to this subdivision proposal, as Lot 3 does not appear on the plat.

Olivia Vidotto
SD 00-08A Bresnik
November 21, 2005
Page 2

Thank you for the opportunity to provide comments for this minor subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA732-05

Cc: John Swartz, Calvert County



**R.A. Barrett
& Associates, Inc.**

ENGINEERS • SURVEYORS • LAND PLANNERS

100 Jibsail Road, Suite 103, Prince Frederick, MD 20678 ♦ 410-257-2255 ♦ 301-855-5554 ♦ Fax: 410-257-3782 ♦ E-Mail: rbarrett@rabarrett.com

CA 732-05

May 30, 2006

Kerrie-due 6/14

Kerrie L Gallo, Natural Resource Planner
State of Maryland, Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

MSD 00-08A,
Bresnik Property - Revised

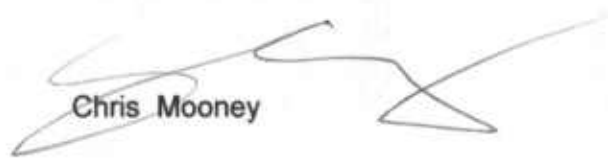
Attn. Kerrie,

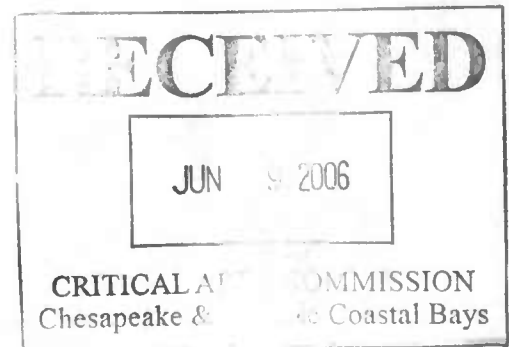
I have revised the plat as per your comments dated 5/5/06, and the Calvert County Agencies Comments dated 5/19/06. The note in question, # 12, has been revised to separate the two specific requirements of the County and State. Revised note # 12, states the 10% pollutant reductant rule, which shall be addressed at the time of building permit application using the required Stormwater Management Practices of Calvert County, a standard practice in this county is to use Dry wells at the downspouts to reduce pollutants and grass channels to treat driveways. I have also stated that with any further improvements to the Residue, this rule shall be implemented at that time.

I have added a new note, # 13, which addresses the practical planting of permeable areas within the LDA, the Calvert County Planner has asked that a note be added that this requirement shall be addressed at the time of building permit application for Lot 101-C using a planting plan at that time.

These revised notes shall clarify the separate requirements and shall avoid the confusion of when they shall be implemented. I still have no response from the County environmental and critical area planners, hopefully I will receive them with the next review. Please feel free to contact me directly if you have any questions or comments.

Respectfully,


Chris Mooney



CRITICAL AREA FORM

Please fill in the appropriate blanks or check box the appropriate answer if the property is in the Critical Area (all land within 1,000 feet of the Mean High Water Line of the Chesapeake Bay, it's tributaries or the landward boundary of an adjacent wetland is considered to be within the Critical Area).

Your application for development will not be considered complete until the following form has been filled out and submitted to the Department of Planning and Zoning.

Owners Name: <u>RANDOLF J. BREBNIK</u> Telephone: _____
Address: <u>14119 LAKE SCENE TR., HOUSTON, TX 77059</u>
Location of Property to be developed <u>14250 S. SOLOMONS ISLAND RD.</u>

Tax Map#: 44B Parcel #: 127 Lot#: 101A Grid#: _____

1. Tax ID #: 01-128817

2. Subdivision Name: RANDOLF J. BREBNIK PROPERTY (LOT 101A AVONDALE)

3. Property is designated: Intensely Developed (IDA)
 Limited Developed (LDA)
 Resource Conservation (RCA)

To find out what your property is designated, consult the Critical Area Map in the Department of Planning and Zoning.

4. Type of development being proposed. Check all that apply.

Residential Redevelopment Commercial
 Industrial Mixed

5. Project category

Existing Lot Subdivision which creates buildable lots
 Site Plan Subdivision which does not create buildable lots

6. Total acreage of property: 0.744 Ac. ±

RECEIVED

NOV 3 2005

CRITICAL AREA COMMISSION

7. Total acreage of property within the Critical Area

IDA 0.744 A + LDA _____ RCA _____

8. Total acreage being disturbed within the Critical Area 0 Ac.

SUBDIVISION

9. Number of lots to be created in the Critical Area

1 lot +
BUCKLE RESERVE

10. Number of dwelling units to be created in the Critical Area

11. Minimum lot size in the Critical Area

12. Maximum lot size in the Critical Area

13. Average lot size in the Critical Area

14. Linear length of waterfront in feet of original parcel

15. Is this an intrafamily transfer?

16. If a subdivision, is cluster development being used?

If yes, how many acres of open space will be created by the clustering?

17. If a subdivision, how many acres of recreation area will be provided?

1
10,575 sq
10,575 sq
10,575 sq
N/A

Yes No
 Yes No

GROWTH ALLOCATION

18. Is use of the growth allocation necessary

Yes No

19. How many acres of growth allocation are you requesting?

20. Are all non-water dependent uses more than 300 feet from the water?

Yes No

STAFF USE ONLY

21. Number of acres of growth allocation approved _____

WETLANDS

22. Identify wetlands (tidal and non-tidal rivers, bays, streams, marshlands, swamps, bogs, etc.), hydric soils and highly erodible soils on plat.

23. Is site adjacent to or does it include within its boundary any tidal waters or wetlands or non-tidal streams that are tributaries to tidalwaters? Yes No

If yes, identify wetland buffer on plat according to section 8-2.03A (Floodplain), 8-2.05A, C and D (Wetlands) of the Zoning Ordinance.

24. Is site adjacent to or does it include within its boundary any non-tidal waters or wetlands? Yes No
If yes, identify wetland buffer on plat according to section 8-2.05D (Wetland Buffer)

25. Is any disturbance to the buffer proposed? Yes No
If yes, then either a Buffer Management Permit or a variance may be necessary

FOREST LAND / BUFFER

26. Is site within a Buffer Exempt area? Yes No
If yes, what is the shortest distance between mean high water and any existing structure on adjacent lots or parcels? _____

27. Is the following shown on plat? Yes No

Identify vegetated areas (marshes, forests) on plat.

- a. How many acres of site are covered by forest? 0.014 Ac.
b. How many acres of forest are proposed for clearing? 0
c. How many acres of forest will be replanted on site? 0 (LDA and RCA only).

A maximum of 30% of the forest can be removed though replantings and/or Fees-in-Lieu shall be required.

28. 15% or greater of the site covered with forest? Yes No

(LDA & RCA only) 15% of the site shall be maintained or planted in trees and this fact shall be recorded with the record plat. How many acres will be replanted? 0

29. Does the site have slopes greater than or equal to 15% Yes No

(LDA & RCA only) Slopes greater than or equal to 15% shall be shaded on the plat and development shall be prohibited in these areas (section 8-2.07 Steep Slopes)

NOTES:

1. A perpetual easement is provided for the widening, future widening and/or construction and maintenance of the area adjacent to the right-of-way lines of the public roadways shown hereon in accordance with the RD-4, typical road sections per the Calvert County Road Ordinance and Design Standards as currently amended and in effect at the time of approval for recordation of this plat. This easement shall include all storm drainage structures and appurtenances, excavation and construction of driveway entrances and approach roads, street intersections, gutters, swale ditches, berm ditches, flumes and any other construction applicable to said widening, all as shown on the plat of subdivision.
2. This plat prepared without benefit of a title report.
3. This subdivision proposes 1 Lot & Residue, on 0.74 Acres of land more or less, within the Solomons Town Center, Subdistrict C-6, in which the maximum density for residential uses shall average no more than one unit per acre unless Transfer Development Rights (TDR's) are purchased. The purchase of Five (5) TDR's is required for each dwelling unit over 1 dwelling unit per acre. A maximum of 7 units per acre is permitted with the purchase of TDR's. Lot 101-C shall be considered the 2nd unit per acre and will require the purchase of 5 TDR's. The 5 TDR's for this plat were acquired under the Development Option Agreement recorded among the Land Records of Calvert County in Liber K.P.S. Folio _____.
4. Within the Solomons Subdistrict C-6, the height of structures is limited to 2 stories plus a habitable roof, with a 6/12 to 12/12 pitch, but not to exceed 36' in total height.
5. All proposed structures on Lot 101-C including but not necessarily limited to dwellings, accessory structures, signage, lighting, and fencing are subject to review and approval by the Solomon's Architectural Committee prior to the issuance of building permits.
6. Lot 101-C is the second of three lot exemption's permitted under the Adequate Public Facilities Ordinance (APFO).
7. The developer/contractor shall notify the Historic District Commission if during construction, any archaeological artifacts are discovered on site.
8. This plat of subdivision is located within the Critical Area, IDA zone and that site development of the lots are subject to meeting the Critical Area Regulations.
9. There are no non-tidal wetlands, tidal wetlands, or associated buffers on site, or directly adjacent to. As stated in the Wetlands Waiver granted for this site.
10. No conservation areas exist within this plat of subdivision.
11. As per Article 8-3.02.B of the Calvert County Zoning Ordinance, this subdivision is exempt from meeting Forest Conservation Requirements.
12. As per Article 8-1.02.F.2.b & c, redevelopment & new development shall reduce the pollutant loadings by at least 10% below the level of pollution on the site prior to redevelopment. This requirement shall be addressed at time of building permit application when the size and placement of the improvements have been determined for Lot 101-C. If any further improvements are made to the residue, this requirement shall be implemented at that time.
13. As per Article 8-1.03.F.3, if practicable, permeable areas shall be established in vegetation, and whenever possible, redevelopment shall reduce existing levels of pollution. A planting plan for Lot 101-C shall be provided as part of the Building Permit Application Process.
14. No 100 year Flood Plain Areas exist within this plat of subdivision as per F.E.M.A. Map 240011 0034C.
15. No residential construction shall be permitted within the 100 year flood plain area.
16. Lot 101-C is subject to Stormwater Management to be addressed at the time of building permit application.
17. Total Widening Strip Area = 0.034 Acres
Total Lot Area = 0.710 Acres
Total Platted Area = 0.744 Acres

COORDINATES

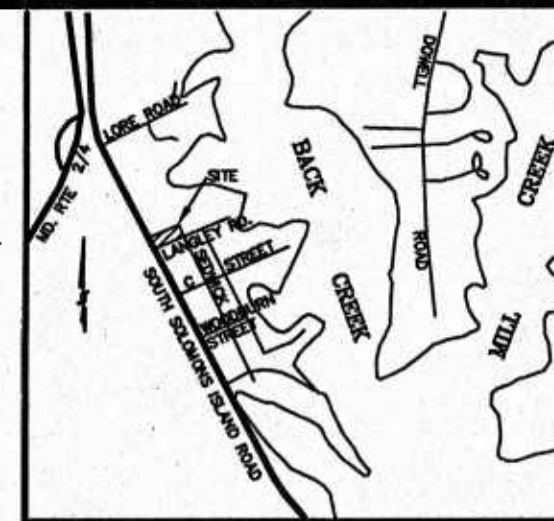
No.	NORTH	EAST
1	5145.7071	7963.1715
2	5208.5089	5159.3643
3	5065.8505	5205.7168
4	5003.0487	5009.5240

SIGHT DISTANCE CERTIFICATION

I hereby certify that the driveway entrance locations exist along the lot frontages that meet or exceed the stopping sight distance requirements of the Calvert County Road Ordinance.

5-30-06
Date

Randy A. Barrett
Randy A. Barrett

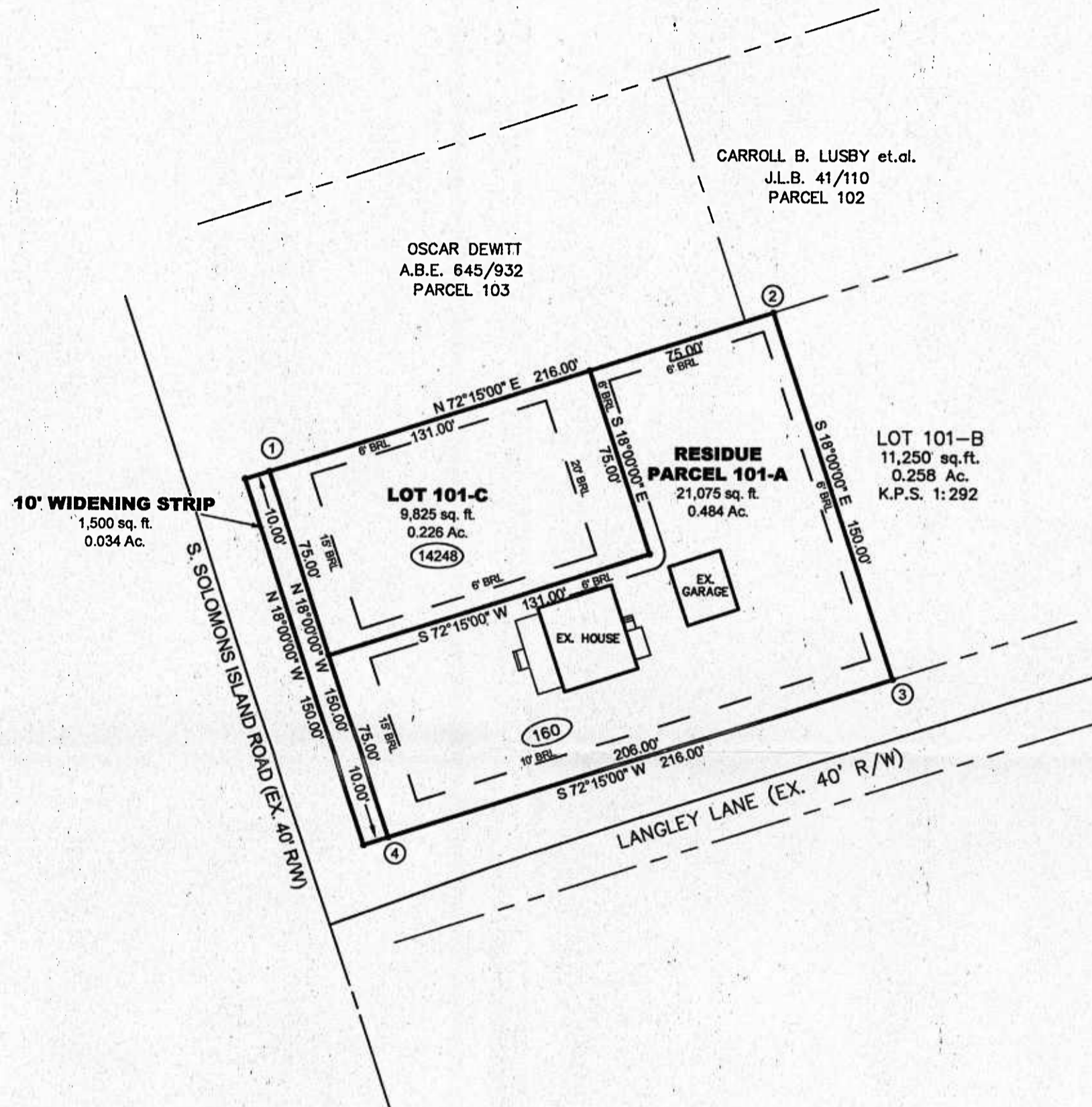


VICINITY MAP SCALE 1"=2000'
TAX MAP 44B PARCEL 127

TAX I.D.: 01-128817

LEGEND

- DENOTES BUILDING RESTRICTION LINE
- DENOTES ASSIGNED PREMISE ADDRESS



SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown herein is correct: that it is a subdivision of part of the land conveyed by The Parsonage Trustees of the Solomons Charge of the Methodist Church to Randolph J. Bresnik by deed dated June 27, 1998 and recorded among the land records of Calvert County, Maryland in Liber B.J.S. 1068 at Folio 352. Permanent monuments and metal rods have been set as required by Article VII, Calvert County Subdivision Regulations and Article 21, 3-108, Annotated Code of Maryland. This survey is classified as a Suburban Survey in accordance with the State of Maryland Minimum Standards of Practice, Table 09.13.06.03A, Classifications of Surveys.

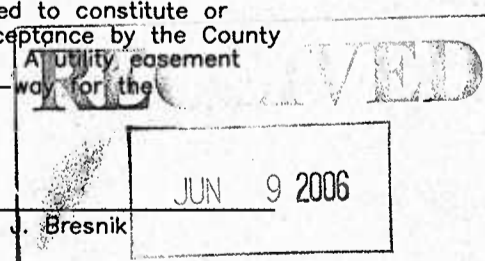
5-30-06
Date

Randy A. Barrett
Randy A. Barrett

OWNERS CERTIFICATE

We, the undersigned owners and all parties having proprietary interest in this property hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets, alleys, walks, and other areas as specified. The streets, roads, open spaces and public sites shown hereon and the mention thereof in deeds are for the purpose of description only and recording of the Final Plat shall not be deemed to constitute or effect an acceptance by the County Commissioners. Acceptance by the County may be accomplished by a subsequent appropriate act. A utility easement is established 10 feet in width binding on all rights-of-way for the installation and maintenance of public utilities.

Date _____ Witness _____ Randolph J. Bresnik

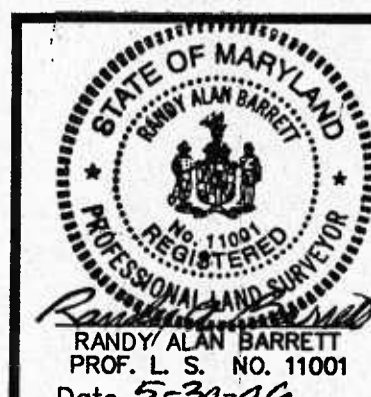


PLANNING AND ZONING CASE NUMBER MSD 00-08A-44

HEALTH OFFICER'S CERTIFICATION

The Calvert County Comprehensive Water & Sewer Plan specifies this area as Water Planning Category W-1, and Sewer Planning Category S-1. It is served by an existing community water and sewerage system.

HEALTH DEPARTMENT
Date _____
Health Officer _____
Dir. Env. Health _____
Sanitarian _____



R.A. BARRETT & ASSOCIATES, INC.
ENGINEERS & SURVEYORS
100 JIBSAIL DR., SUITE 103
PRINCE FREDERICK, MD 20678
410-257-2255 301-855-5554 FAX: 410-257-3782

RANDOLPH J. BRESNIK PROP.
LOT 101-C, RESIDUE OF PARCEL 101-A, & 10' WIDENING STRIP
AVONDALE SUBDIVISION
LOCATED IN SOLOMONS, MARYLAND
FIRST ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

DATE	05/30/06
SCALE	1"= 50'
DRAWN BY	C.J.M.
DRAWING #	CC2005BRESNIK
FILE #	CC2005
JOB #	08418