

SM 192-07

Golden Beach

Variance

05-0777

51829-6770

Comments
5/1/07 KS
Response 12/24/10 MD

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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/

May 16, 2012

Ms. Kelly Palmer
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

RE: SM 192-07 Golden Beach
VAAP 10-1770

Dear Ms. Palmer:

Thank you for providing information on the referenced variance application. The applicant is proposing to construct a single family dwelling with a garage, driveway, and septic system on an existing grandfathered lot. The property is 15,000 square feet (s.f.) in size, and is designated LDA. The applicant is requesting a variance to clear 11,900 s.f. (79.3%), which exceeds the 30% clearing limit for the property.

This office does not oppose this variance request. However, we have the following comments:

1. Consistent with Chapter 24.4.2b of the St. Mary's County Comprehensive Zoning Ordinance, the applicant is required to mitigate at a rate of 3:1.
2. Consistent with COMAR 27.01.02.04, stormwater runoff may not exceed current levels or adversely affect neighboring and downstream properties as a result of the development.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter as part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Schwarzmann", with a long horizontal line extending to the right.

Danielle Schwarzmann
Natural Resources Planner
DS/jjd

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 29, 2010

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 192-07 Tri-County Builders
VAAP 10-1770**

Dear Ms. Chaillet:

Thank you for providing information on the referenced project. The applicant proposes to construct a single-family dwelling, driveway, and septic system on an existing grandfathered lot located in Golden Beach. The property is 15,000 square feet in size, and it is designated LDA. The applicant is requesting a variance to clear 11,900 square feet (79.3%), which exceeds the 30% clearing limit for the property.

This office does not oppose this variance, as the size of the dwelling is reasonable and generally consistent with the pattern of development on similar neighboring properties. If the variance request is approved, the applicant will need to provide mitigation at three-to-one as set forth in Chapter 24.4.2.b of the St. Mary's County Comprehensive Zoning Ordinance.

Due to the significant changes in natural hydrologic patterns that result when sites are cleared in excess of 30%, it is important that stormwater management practices are selected based on the soil types present on the site, and that the practices are accurately sized and located. It is recommended that County staff carefully evaluate the stormwater management plan to ensure that all proposed rooftop disconnects are correctly shown and all rain gardens are sized and located accurately.

Thank you for the opportunity to provide comments on this project. Please include this letter as part of the record for this variance. Also, pursuant to Md. Code Ann. Nat. Res. II, § 8-1808(d)(5)(i), please notify the Commission in writing of the decision in this case. Should you have any questions regarding this letter, please call me at (410) 260-3480.

Sincerely yours,

A handwritten signature in cursive script that reads "Mary R. Owens".

Mary R. Owens
Education and Conservation Coordinator



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/

May 1, 2007

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Boling Variance, 29860 Washington Road
Local Case Number 05-0777

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow an clearing of woodland above 30% in order to develop a single family dwelling with porch and attached deck. The property is 15,500 square feet in size and located with the Limited Development Area (LDA). It is currently undeveloped and has 15,000 square feet of existing forest, of which 11,500 square feet is proposed to be cleared.

Provided this lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided I have the following additional comments:

1. We recommend minimizing the amount of clearing by locating the house closer to the front building restriction line.
2. Forest mitigation should be provided at a ratio of 3:1 per St. Mary's Comprehensive Zoning Ordinance Section 72.3.3. The maximum amount possible should be accommodated on site prior to the use of the fee-in-lieu provision.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Kate Schmidt
Natural Resource Planner
SM192-07



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/

April 2, 2007

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
PO Box 653
Leonardtown, MD 20650

Re: Golden Beach
Var 05-0777

Dear Ms. Chaillet:

I have received the above-referenced variance request to construct a single family dwelling with a garage, driveway, and porch in the Golden Beach Development. The site is in the Limited Development Area (LDA) of the Critical Area. The property is 15,000 square feet in size and it is proposed to increase the total impervious area to 3,472 square feet (23%). It appears the application requires a variance since clearing beyond 30% is proposed. My comments are outlined below:

1. We recommend positioning the dwelling closer to the Building Restriction Line on the east side of the property in order to minimize clearing.
2. If the County determines that a variance can be granted, then mitigation must be performed at a 3:1 ratio for the area of clearing.
3. It appears the lot will be near the 25% impervious surface limit. We recommend the applicant reduce the initial impervious area in order to reserve impervious area for the future lot owners and any additions or improvements that may be desired in the future.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Megan J. Sines
Natural Resources Planner

cc: SM 190-07

RECEIVED
JUL 5 2012
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the application of CA1 Inc. c/o Tri-County Builders for a variance from Section 72.3.1.c of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area.

Case No. VAAP #10-1770
Tri-County Builders

ORDER

WHEREAS, Application VAAP #10-1770 – Tri-County Builders was duly filed with the St. Mary's County Board of Appeals (the "Board") by CA1 Inc. c/o Tri-County Builders (the "Applicant"), on or about May 10, 2012; and

WHEREAS, the Applicant seeks a Variance from Section 72.3.1.c of the St. Mary's County Comprehensive Zoning Ordinance (the "Ordinance"), to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area. The property contains 15,000 square feet; is zoned Residential Neighborhood Conservation District (RNC), Limited Development Area (LDA) Overlay; and is located at 29860 Washington Road, Mechanicsville, Maryland; Tax Map 5A, Grid 6, Parcel 338 (the "Property"); and

WHEREAS, after due notice, a public hearing was conducted by the Board on Thursday, June 14, 2012 in Main Meeting Room, Chesapeake Building, 41770 Baldrige Street, of the Governmental Center in Leonardtown, Maryland, at 6:30 p.m., and all persons desiring to be heard were heard, documentary evidence received, and the proceedings electronically recorded.

NOW, THEREFORE, having reviewed the testimony and evidence presented at the hearing, the following facts, findings, and decision of the Board are noted:

SUMMARY OF TESTIMONY

Yvonne Chaillet, Zoning Administrator, summarized the staff report. Barry Vukmer, for the Applicant, testified that the variance is necessary to make the lot buildable.

SUMMARY OF DOCUMENTARY EVIDENCE

The Board accepted into evidence the following exhibits:

- Exhibit No. 1 – Affidavit of Property Posting and Mailing Receipts
- Exhibit No. 2 – Staff Report

FINDINGS OF FACT

The subject property (Property) is a wooded vacant lot of 15,000 square feet and is in the Critical Area Limited Development Area (LDA) Overlay. The Property is a grandfathered lot because it was recorded in 1956, prior to the adoption of the Maryland Critical Area regulations in December 1990.

The Property will be served by a well and septic mound system. The Property is located in the Golden Beach Subdivision and is not constrained by the 100-foot Critical Area Buffer (Buffer), tidal or non-tidal wetlands, hydric or highly erodible soils, steep slopes or by the 100-year floodplain according to FIRM (Flood Insurance Rate Map) Panel #081E. The existing soil type on the Property is Mattapex Fine Sandy Loam, with zero to two percent slopes (MtA), which is neither a hydric nor highly erodible soil, according to the 1978 United States Department of Agriculture's Soil Survey of St. Mary's County.

The Applicant proposes to construct a three-bedroom house with an attached garage, porch, driveway, and walkways. The footprint of the house and attached garage will be approximately 1,800 square feet, and the total proposed lot coverage equals 2,827 square feet, or 18.8 percent of the Property. The lot coverage limit for this property is 31.25 percent, or 4,688 square feet. The existing vegetative cover on the Property is 15,000 square feet. The Applicant proposes to clear 11,900 square feet or 79.3 percent of the existing vegetation. The clearing limit for the Property is 30 percent, or 4,500 square feet of existing vegetation.

The site plan was approved by the Soil conservation District on October 29, 2010, the Health Department on December 13, 2012, and the Department of Public Works and Transportation on December 17, 2012. The Critical Area Commission does not oppose the variance request.

CONCLUSIONS OF LAW

The Board addresses the Special Standards for Granting Variances, which are set forth in Section 24.4 of the Ordinance, finding as follows:

- a. That special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship;*

The Property is relatively small at 15,000 square feet and 100 percent wooded.

For these reasons, the Board finds that special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship.

- b. That strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County;*

All grandfathered lands in the Critical Area which are relatively small in size and entirely wooded may be developed and the necessary amount of vegetation to accommodate reasonable development may be cleared.

For these reasons, the Board finds that strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County.

- c. The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County;*

All grandfathered lands in the Critical Area which are relatively small in size and entirely wooded may be developed and the necessary amount of vegetation to accommodate reasonable development may be cleared.

For these reasons, the Board finds that the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County.

- d. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

The Property is a grandfathered lot because it was recorded among the Land Records of St. Mary's County in 1956 before the County adopted Critical Area regulations. The lot is only 15,000 square feet in size and is entirely wooded.

For these reasons, the Board finds that the variance request is not based upon conditions or circumstances that are the result of actions by the applicant.

- e. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program;*

The Critical Area program recognizes grandfathered properties and the rights of property owners to develop or redevelop them. The Maryland Critical Area Commission has determined that potential adverse impacts resulting from development on these properties can be mitigated by planting trees and shrubs. Mitigation is required at a ratio of three to one per square foot of the variance granted. Mitigation is also required for the removal of any trees with a diameter greater than two inches. The required vegetation will improve plant diversity and habitat value for the site and will

improve the runoff characteristics for the Property, which will contribute to improved infiltration and reduction of non-point source pollution leaving the site in the future.

For these reasons, the Board finds that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program.

f. The variance is the minimum necessary to achieve a reasonable use of the land or structures;

A reasonable residential use of a property is a single-family dwelling, sized appropriately for the lot, water supply and sanitation, and access from the road. The Applicant has proposed to develop a fully wooded lot in this manner.

For these reasons, the Board finds that the variance is the minimum necessary to achieve a reasonable use of the land or structures.

DECISION

NOW, THEREFORE, BE IT ORDERED, that, having made a finding that the standards for Variance and the objectives of Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, and further finding, for all reasons stated herein, that the Applicant has rebutted the presumption that the specific development activity proposed by the Applicant does not conform with the general purpose and intent of Subtitle 18 of Title 8 of the Natural Resources Article of the *Annotated Code of Maryland* and regulations adopted pursuant thereto and the requirements of St. Mary's County Comprehensive Zoning Ordinance enacted pursuant thereto, the request to clear 11,900 square feet or 79.3 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area is approved, subject to the following conditions:

1. The Applicant shall provide a Planting Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance. The Planting Plan shall show which native species have been selected for planting, and where on the Property the Applicant proposes to plant the vegetation. Areas without forest vegetation must be planted first prior to paying fees-in-lieu; and
2. The Applicant shall comply with the Critical Area Planting Agreement and approved Buffer Management Plan; and
3. The proposed clearing shall not exceed 79.3 percent of the existing vegetation.

This Date: June 28, 2012

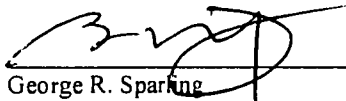

 George A. Hayden
 Chairman

Those voting in favor of the request:

Mr. Hayden, Mr. Guy, Mr. Edmonds, Mr. Payne and Mr. Moreland

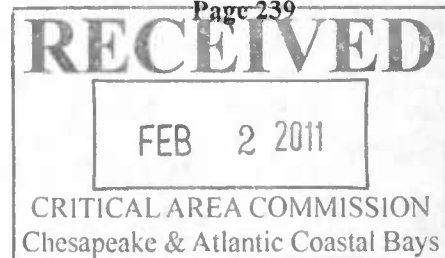
Those voting against the requested variance:

Approved as to form and legal sufficiency:



 George R. Sparring
 Attorney

192-07



ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the application of Hardy Credit Company c/o Tri-County Builders for a variance from Section 72.3.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area.

Case No. VAAP #10-1770
Tri-County Builders

ORDER

WHEREAS, Application VAAP #10-1770 – Tri-County Builders was duly filed with the St. Mary's County Board of Appeals (the "Board") by Tri-County Builders (the "Applicant"), on or about December 8, 2010; and

WHEREAS, the Applicant seeks a Variance from Section 72.3.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), as amended, (the "Ordinance"), to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area. The property contains 15,000 square feet; is zoned Residential Neighborhood Conservation District (RNC), Limited Development Area (LDA) Overlay District; and is located at 29860 Washington Road, Mechanicsville, Maryland; Tax Map 5A, Grid 6, Parcel 338 (the "Property"); and

WHEREAS, after due notice, a public hearing was conducted by the Board on Thursday, January 13, 2011 in Main Meeting Room, Chesapeake Building, 41770 Baldrige Street, of the Governmental Center in Leonardtown, Maryland, at 6:30 p.m., and all persons desiring to be heard were heard, documentary evidence received, and the proceedings electronically recorded.

NOW, THEREFORE, having reviewed the testimony and evidence presented at the hearing, the following facts, findings, and decision of the Board are noted:

SUMMARY OF TESTIMONY

Kelly Palmer, Environmental Planner, summarized the Staff Report (Exhibit No. 2).

Barry Vukmer, Chesapeake Trails Surveying, testified the applicant can not develop the property without clearing more than 30% and that the proposed house is of modest size for the surrounding neighborhood.

SUMMARY OF DOCUMENTARY EVIDENCE

The Board accepted into evidence the following exhibits:

- Exhibit No. 1 – Affidavit of Property Posting and Mailing Receipts
- Exhibit No. 2 – Staff Report

FINDINGS OF FACT

The subject property (Property) is a wooded vacant lot of 15,000 square feet and is in the Critical Area Limited Development Area (LDA) Overlay. The Property is a grandfathered lot because it was recorded in 1956, prior to the adoption of the first Comprehensive Zoning Ordinance (1974) and the Maryland Critical Area regulations in December 1985.

The Property is located in the Golden Beach Subdivision and is not constrained by the 100-Foot Critical

Area Buffer (Buffer), tidal or non-tidal wetlands, hydric or highly erodible soils, steep slopes or by the 100-year floodplain according to FIRM (Flood Insurance Rate Map) Panel #081E. The existing soil type on the Property is Mattapex Fine Sandy Loam, with zero to two percent slopes (MtA), which is neither a hydric nor highly erodible soil, according to the 1978 United States Department of Agriculture's Soil Survey of St. Mary's County.

The Applicant proposes to construct a three-bedroom house with attached garage, porch, driveway, and walkways. The Property will be served by a well and septic mound system. The total proposed lot coverage equals 2,827 square feet, or 18.8 percent of the Property. The lot coverage limit for this property is 31.25 percent, or 4,688 square feet.

The existing vegetative cover on the Property is 15,000 square feet. The Applicant proposes to clear 11,900 square feet or 79.3 percent of the existing vegetation. The clearing limit for the Property is 30 percent, or 4,500 square feet of existing vegetation. The proposed improvements will result in less than 3,000 square feet of lot coverage. A considerable portion of the clearing, nearly one-half, is necessary for the sand mound system or sewage disposal system, which is required by the Health Department.

The site plan was approved by the Soil Conservation District on October 29, 2010, the Health Department on December 13, 2010, and the Department of Public Works on December 17, 2010.

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (Commission) commented on December 29, 2010, and does not oppose the variance request (Staff Report Attachment No. 2).

CONCLUSIONS

The Board addresses the Special Standards for Granting Variances, which are set forth in Section 24.4 of the Ordinance, finding as follows:

- a. *That special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship;*

The Property is a 15,000 square-foot lot and 100 percent wooded. Clearing 30 percent of the existing woodland would be clearing 4,500 square feet. To construct a single-family house and driveway, as well as a mound system, including placement of a new well and septic tanks, would necessitate exceeding this square footage limit. The Property is so constrained by its natural features that the Applicant would be denied full and meaningful use of the Property without the requested variance.

For these reasons, the Board finds that the special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship.

- b. *That strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County;*

The proposed development is reasonable given the size and constraints of the Property. A strict interpretation of the Critical Area provisions of the Ordinance would deny the Applicant the right to develop the Property, which is an entitlement granted to all grandfathered lots of record in the Critical Area.

For these reasons, the Board finds that strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County

- c. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County;*

The granting of the variance to clear approximately 80 percent of the existing vegetation is reasonable given the size of the Property and in consideration of the proposed development. All grandfathered lands in the Critical Area, which are relatively small in size and entirely wooded, may be developed subject to variance approval to clear the necessary amount of vegetation to accommodate reasonable development.

For these reasons, the Board finds that the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County.

- d. *The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

The Property is a grandfathered lot and only 15,000 square feet in size and is entirely wooded. A large percentage of the existing woodland must be cleared in order to construct a modest size house, driveway, well and septic mound system.

For these reasons, the Board finds that the variance request is not based on conditions or circumstances that are the result of actions by the Applicant.

- e. *The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program;*

The Critical Area program recognizes grandfathered properties and the rights of property owners to develop or redevelop them. The Maryland Critical Area Commission has determined the potential adverse impacts resulting from development on these properties can be mitigated by planting trees and shrubs. Mitigation is required at a ratio of three to one per square foot of the variance granted. Mitigation is also required for the removal of any trees with a diameter greater than two inches. The required vegetation will improve plant diversity and habitat value for the site and will improve the runoff characteristics for the Property, which will contribute to improved infiltration and reduction of non-point source pollution leaving the site in the future.

The required mitigation will offset any adverse impacts to work quality, fish, wildlife, or plant habitat.

For these reasons, the Board finds that the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program.

- f. *The variance is the minimum necessary to achieve a reasonable use of the land or structures;*

A reasonable residential use of a property is a single-family dwelling, sized appropriately for the lot, water supply and sanitation, and access from the road. The Applicant has proposed to develop a fully wooded lot in this manner.

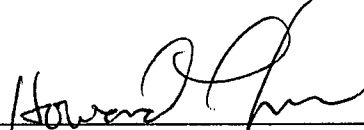
For these reasons, the Board finds that the variance is the minimum necessary to achieve a reasonable use of the land.

DECISION

NOW, THEREFORE, BE IT ORDERED, that, having made a finding that the standards for granting a Variance in the Critical Area and the objectives of Section 72.3.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the request to clear more than 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances in the Critical Area is approved, subject to the following conditions:

1. The Applicant shall provide a Planting Plan prior to the issuance of the building permit, which shows the required 3:1 mitigation per square foot of the variance granted pursuant to Section 24.4.2.b of the Ordinance. The Planting Plan shall show which native species have been selected for planting, and where on the Property the Applicant proposes to plant the vegetation. Areas without forest vegetation must be planted first prior to paying fees-in-lieu; and
2. The Applicant shall comply with the critical Area Planting Agreement and approved Buffer Management Plan; and
3. The proposed clearing shall not exceed 79.3 percent of the existing vegetation.

This Date: January 27, 2011



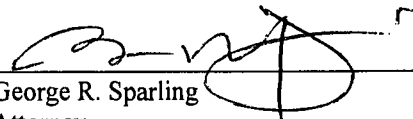
Howard Thompson
Chairman

Those voting in favor of the request:

Mr. Thompson, Mr. Guy, Mr. Edmonds, Mr. Miedzinski and Ms. Neale

Those voting against the requested variance:

Approved as to form and legal sufficiency:



George R. Sparling
Attorney

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the application of James E. Johnson, Jr. for a variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances.

Case No. VAAP #05-0777
James Johnson

ORDER

WHEREAS, Application VAAP #05-0777 – James Johnson was duly filed with the St. Mary's County Board of Appeals (the "Board") by James E. Johnson, Jr. (the "Applicant"), on or about May 25, 2007; and

WHEREAS, the Applicant seeks a Variance from Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), as amended, (the "Ordinance"), to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling and appurtenances. The property contains 15,000 square feet; is zoned Residential Neighborhood Conservation District (RCN), Limited Development Area Overlay District (LDA); and is located at 29860 Washington Road, Mechanicsville, Maryland; Tax Map 5A, Block 06, Parcel 338 (the "Property"); and

WHEREAS, after due notice, a public hearing was conducted by the Board on Thursday, June 14, 2007 in Room 14 of the Governmental Center in Leonardtown, Maryland, at 6:30 p.m., and all persons desiring to be heard were heard, documentary evidence received, and the proceedings electronically recorded.

NOW, THEREFORE, having reviewed the testimony and evidence presented at the hearing, the following facts, findings, and decision of the Board are noted:

FACTS

The subject property (Property) is a grandfathered lot because it was recorded in 1955 prior to the adoption of the Maryland Critical Area regulations in December 1985. The Property is 100 percent wooded, and in order to construct the proposed two-story single-family dwelling and appurtenances, it will be necessary to clear 11,500 square feet or 77 percent of the vegetative cover.

The proposed two-story dwelling, including an attached garage and porch, will be modest in size at 2,272 square feet. The amount of impervious surface on the Property following construction of the house and driveway will be 3,328 square feet or 22.2 percent of the Property, which is well under the allowable amount of 31.25 percent on a grandfathered lot of this size in the LDA.

The site plan has been reviewed and approved by the Health Department and the Soil Conservation District (SCD). SCD has also approved a standard erosion and sediment control plan.

The Maryland Critical Area Commission does not oppose this variance request to clear in excess of 30 percent of the existing woodland. The Commission recommends mitigation at a ratio three to one (3:1) per square foot of the variance granted, pursuant to Section 24.4.2.b of the Ordinance.

If the variance is granted, the Applicant must comply with Section 24.8 of the Ordinance pertaining to lapse of variance. Variances shall lapse one year from the date of the grant of the variance by the Board of Appeals.

FINDINGS

The Board addresses the Special Standards for Granting Variances in the Critical Area, which are set forth in Section 24.4 of the Ordinance, finding as follows:

- a. *That special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in unwarranted hardship;*

The Property is relatively small in size at 15,000 square feet and is entirely wooded. In order to construct a modest sized house, sand mound system and well, the Applicant must clear more than the allowable amount of 30 percent of the existing woodland. Staff has determined that the proposal to clear 77 percent of the existing woodland is a reasonable request and in keeping with the spirit and intent of Section 72.3.1.c of the Ordinance to conserve developed woodland to the greatest extent possible.

Staff finds that special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of the Ordinance would result in unwarranted hardship.

- b. *That strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County;*

The Applicant plans to construct a modest-sized house and sand mound system. The Property is entirely forested, resulting in the need to clear more than 30 percent of the existing vegetation. A strict interpretation of the Ordinance would preclude development of the Property and would deprive the Applicant of rights commonly enjoyed by other property owners in the LDA.

- c. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County;*

The purpose of the variance is to allow construction of a single-family dwelling and appurtenances for use by the homeowner. Other property owners facing similar topographic constraints on grandfathered lots can obtain variances to develop their properties. Staff finds that the granting of a variance will not confer upon the Applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area of St. Mary's County.

- d. *The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

The variance request is based on the fact that the Property is a grandfathered lot, small in size, and is entirely wooded. The proposed development for a modest size single-family dwelling is a reasonable request and requires clearing in excess of 30 percent of the existing woodland. Staff finds that the variance request is not based upon conditions or circumstances that are the result of actions by the Applicant.

- e. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program;*

The existing vegetative cover on the Property is 15,000 square feet or 100 percent of the Property. The Applicant intends to clear 11,500 square feet or 77 percent of the existing woodland.

Staff finds that if the variance is granted, a Critical Area Planting Agreement and Planting Plan will be necessary to alleviate any impacts to water quality due to the creation of new impervious surface. The Planting Agreement requires mitigation at a ratio of three to one (3:1) per square foot of the variance granted for disturbance in the Critical Area in accordance with Section 24.4.2.b of the Ordinance.

The plantings required to mitigate for clearing of 77 percent of the existing vegetation

will improve plant diversity and habitat value for the Property and will improve the runoff characteristics for the Property, which contributes to improved infiltration and reduction of non-point source pollution leaving the site.

For these reasons, staff finds that the granting of a variance to clear in excess of 30 percent of the existing vegetation to construct a single-family dwelling will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of a variance will be in harmony with the general spirit and intent of the Critical Area program

f. The variance is the minimum necessary to achieve a reasonable use of the land or structures;

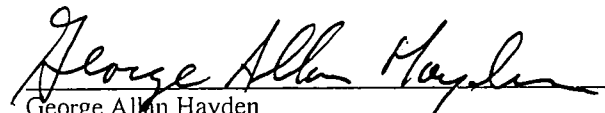
The proposed dwelling is modest in size and, together with its appurtenances, will result in 22.2 percent of impervious cover, which is under the limit of 31.25 percent of the Property. The proposed clearing is for construction of the house, driveway, porch and sand mound system and will be offset by a planting agreement.

Staff finds that the variance to clear in excess 30 percent of the existing woodland is the minimum necessary to achieve a reasonable use of the Property.

DECISION

NOW, THEREFORE, BE IT ORDERED, that, having made a finding that the standards for Variance and the objectives of Section 72.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the variance to clear in excess of 30 percent of the existing woodland is **approved**, with the recommended condition to adhere to the Critical Area Planting Agreement and the initial and secondary mound system be switched.

This Date: July 12, 2007

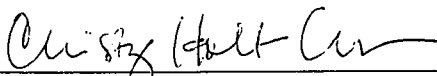

George Allan Hayden
Chairman

Those voting in favor of the request:

Mr. Edmonds, Mr. Hayden, Mr. Miedzinski and Ms. Scriber

Those voting against the requested variance:

Approved as to form and legal sufficiency:


Christy Holt Chesser
County Attorney

Board of Appeals
St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive
P. O. Box 653
Leonardtown, Md. 20650

May 4, 2012

RE: CAI Inc
29860 Washington Road
Golden Beach Subdivision
Tax Map 5A Grid 6 p/o Parcel 338 Lot 671 Section 2
Permit #10-1770

Dear Board of Appeals Members:

We request your consideration of our application for a variance on the referenced site. We are requesting a variance from section 72.3.1.c.2 to clear more than 30% of an existing lot within the Maryland Critical Area. A single family dwelling is proposed along with clearing for a driveway and mound system for sewage disposal area and newly required areas to be cleared for stormwater management.

In asking for the above variance, we would appreciate your consideration of the following as they apply to granting a variance in the Critical Area.

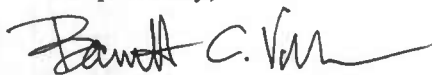
- A. This lot, recorded in 1955, is part of a recorded subdivision which existed prior to the adoption of the critical areas ordinance which established that clearing is limited to 30 percent of the existing forest. If the critical areas ordinance had not been established the proposed improvements would have met all the requirements of the zoning ordinance, and would have been permitted. Strict enforcement of the Critical Area Provision of the Ordinance will result in unwarranted hardship to the owner of this property.
- B. When looking at the neighboring properties, there are numerous houses with similar floor plans and similar clearing limits, many of which were actually having cleared more during development. Our request for a modest 3 bedroom single family dwelling with an attached garage with septic and driveway to support. In meeting the zoning ordinance setbacks and the St. Mary's County Health Department requirements it would be impossible to build on this lot

RECEIVED
MAY 10 2012

without clearing more than 30 percent of the forest. Literal interpretation of the critical area program would deprive the owner of the right to construct a home on the property, thus depriving them of rights commonly enjoyed by the adjoining property owners.

- C. The granting of this variance will not confer any special privilege, but simply allow the owner to construct a single-family residence similar to existing homes in the neighborhood.
- D. This variance request is a direct result of the adoption of the critical area ordinance after the establishment of this lot, and was not a result of action by the applicant.
- E. The total area of clearing on this lot is 11,900 square feet, a minimal amount that has been reduced as much as possible as required for construction. The granting of these variances will have no adverse impact on the fish, wildlife, or plant habitat within the critical area, and that the granting of this ordinance will be in harmony with the general spirit and intent of the Critical Area Program. With the planting plan that will be established as part of the critical areas approval this lot natural regeneration of forest will offset the initial clearing.
- F. The proposed improvements are minimal. Granting this waiver would allow the owner to achieve a reasonable use of his land, constructing a single family dwelling similar to others in the neighborhood.

Respectfully,



Barrett Vukmer, Maryland Professional Land Surveyor #21138

Chesapeake Trails Surveying, LLC

Managing Member

RECEIVED

MAY 10 2011

St. Mary's County
Land Use & Growth Management

Board of Appeals
St. Mary's County
Department of Land Use and Growth Management
23150 Leonard Hall Drive
P. O. Box 653
Leonardtwn, Md. 20650

June 25, 2009

RECEIVED

DEC 07 2010

St. Mary's County
Land Use & Growth Management

RE: Hardy Credit Company Property
29860 Washington Road
Golden Beach Subdivision
Tax Map 5A Grid 6 p/o Parcel 338 Lot 671 Section 2
Permit #10-1770

Dear Board of Appeals Members:

We request your consideration of our application for a variance on the referenced site. We are requesting a variance from section 72.3.1.c.2 to clear more than 30% of an existing lot within the Maryland Critical Area. A single family dwelling is proposed along with clearing for a driveway and mound system for sewage disposal area and newly required areas to be cleared for stormwater management.

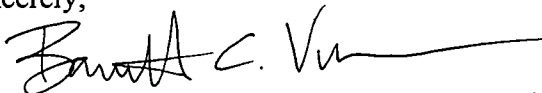
In asking for the above variance, we would appreciate your consideration of the following as they apply to granting a variance in the Critical Area.

- A. This lot, recorded in 1955, is part of a recorded subdivision which existed prior to the adoption of the critical areas ordinance which established that clearing is limited to 30 percent of the existing forest. If the critical areas ordinance had not been established the proposed improvements would have met all the requirements of the zoning ordinance, and would have been permitted. Strict enforcement of the Critical Area Provision of the Ordinance will result in unwarranted hardship to the owner of this property.
- B. When looking at the neighboring properties, there are numerous houses with similar floor plans and similar clearing limits, many of which were actually having cleared more during development. Our request for a modest 3 bedroom single family dwelling with an attached garage with septic and driveway to support. In meeting the zoning ordinance setbacks and the St. Mary's County Health Department requirements it would be impossible to build on this lot

without clearing more than 30 percent of the forest. Literal interpretation of the critical area program would deprive the owner of the right to construct a home on the property, thus depriving them of rights commonly enjoyed by the adjoining property owners.

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 - F. The proposed improvements are minimal. Granting this waiver would allow the owner to achieve a reasonable use of his land, constructing a single family dwelling similar to others in the neighborhood.
-

Sincerely,

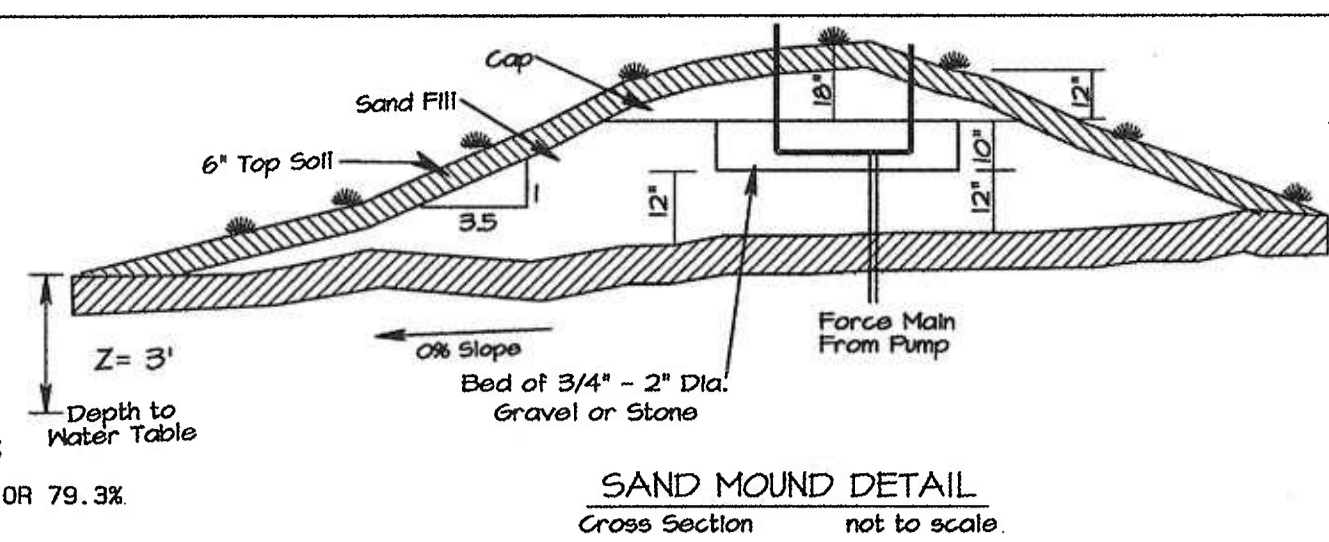


Barrett Vukmer, Maryland Professional Land Surveyor #21138

Chesapeake Trails Surveying, LLC

Managing Member

CRITICAL AREAS CALCULATIONS
 LOT AREA = 15000 SQ. FT.
 COVERAGE ALLOWED AT 31.25%
 = 4687.5 SQ. FT.
PROPOSED LOT COVERAGE
 HOUSE & GARAGE = 1628 S.F.
 DECK = 605 S.F.
 STOOD/WALK PORCH = 250 S.F.
TOTAL PROPOSED LOT COVERAGE
 = 2822670 S.F. OR 18.8%
PROPOSED CLEARING
 = 11,900 S.F. OF 15,000 OR 79.3%



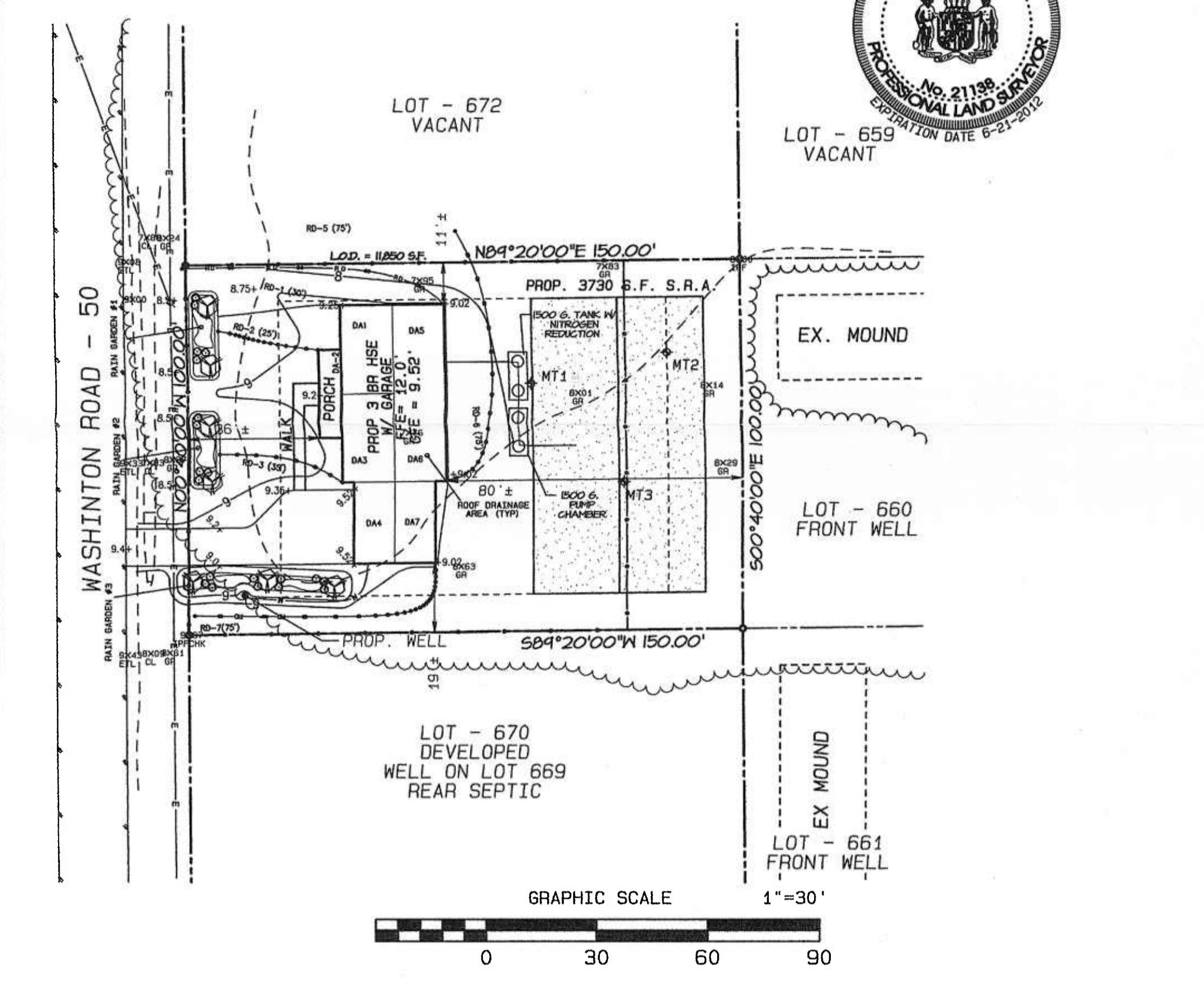
CAUTION

The owner and site contractors should pay special attention to "Construction Procedures" note 5.4.1 and 5.4.4 on sheet 2 of 2 for instructions concerning preparation of the sewage disposal area and tree removal and General Notes 5 and 10 for construction timing and potential damage to septic reserve area.

GENERAL NOTES

- THIS LOT IS TO BE SERVED BY AN INDIVIDUAL MOUND SEWAGE DISPOSAL SYSTEM. SEWAGE DISPOSAL SYSTEM IS TO BE CONSTRUCTED PER APPROVED SAND MOUND DESIGN. DESIGN OF THIS SYSTEM IS BASED ON A 3 BEDROOM DWELLING OR 500 GPD, 1.50 GPD (12) LADING RATE. THIS SITE PLAN APPROVED ON CORRESPONDS TO THE SAND MOUND PACKAGE PREPARED BY CHESAPEAKE TRAILS SURVEYING, L.L.C. AND APPROVED ON 04/23/10.
- THIS SITE IS TO BE SERVED BY AN INDIVIDUAL MOUND SEWAGE DISPOSAL SYSTEM. THIS SITE PLAN APPROVED ON CORRESPONDS TO AN APPROVED SANITARIAN AND SEWERAGE PLAN.
- THIS PLAN IS IN COMPLIANCE WITH THE STATE OF MARYLAND COMPREHENSIVE WATER AND SEWERAGE PLAN.
- ALL WORK TO BE PERFORMED IN ACCORDANCE WITH APPLICABLE REGULATIONS OF THE ST. MARY'S COUNTY HEALTH DEPARTMENT AND "DESIGN AND CONSTRUCTION MANUAL FOR SAND MOUND SYSTEMS" DATED NOVEMBER 1987. THE CONTRACTOR THAT IS RESPONSIBLE FOR THE WORK SHOWN ON THIS PLAN SHALL BE CERTIFIED BY MARYLAND DEPARTMENT OF ENVIRONMENT TO INSTALL SAND MOUND SYSTEMS.
- CONSTRUCTION OF THE SAND MOUND MAY NOT BE PERMITTED AFTER THE SOIL MOISTURE HAS REACHED A POINT WHERE THE SOIL WITHIN THE UPPER 10 INCHES FORMS A RIBBON WHEN ROLLED IN THE HAND. THIS DATE USUALLY OCCURS IN EARLY NOVEMBER WITH THE ARRIVAL OF WET WEATHER. IF WET CONDITIONS PERSIST, CONSTRUCTION MAY NOT OCCUR FROM NOVEMBER TO APRIL, HOWEVER, GIVEN THE VARIABILITY OF WEATHER PATTERNS, DETERMINATIONS FOR INSTALLATIONS DURING THIS PERIOD MAY BE EVALUATED ON A CASE BY CASE BASIS.
- CONTACT "MISS UTILITY" AT 1.800.257.7777 AT LEAST FORTY-EIGHT HOURS PRIOR TO ANY WORK ON THE PROJECT. UTILITIES NOT COVERED BY "MISS UTILITY" ARE TO BE CONTACTED SEPARATELY.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASUREMENTS TO ASSURE PROPER FABRICATIONS AND INSTALLATION OF THE WORK SHOWN.
- INFORMATION SHOWN ON THE CONTRACT DRAWINGS RELATING TO BOUNDARY AND EXISTING CONDITIONS AND LOCATIONS OF EXISTING STRUCTURES, UTILITIES, OR OTHER SITE IMPROVEMENTS HAS BEEN COMPILED FROM AVAILABLE INFORMATION, RECORD MAPS AND FIELD LOCATION SURVEYS AND IS NOT GUARANTEED CORRECT. THE LOCATIONS AND ELEVATIONS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. IF ANY CONFLICTS EXIST BETWEEN ACTUAL FIELD CONDITIONS AND THE PLAN, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY FOR RESOLUTION.
- ANY DAMAGES TO SERVICE ROADS, PAVEMENT AREAS, TREES, LANDSCAPE ITEMS, UTILITIES OR OTHER FACILITIES SHALL BE REPAIRED BY THE CONTRACTOR. ALL DISTURBED AREAS SHALL BE RESTORED TO KIND AND TO A CONDITION EQUAL OR BETTER THAN THAT WHICH EXISTED PRIOR TO CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
- THIS HEALTH DEPARTMENT APPROVAL CERTIFIES THAT THIS LOT IS IN CONFORMANCE WITH PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE; HOWEVER, THIS IS SUBJECT TO CHANGE IN SUCH LAWS AND REGULATIONS. CHANGES IN TOPOGRAPHY OR SITE DESIGNATIONS MAY VOID THIS APPROVAL. THE DESIGNATED PERC AREA IS THE ONLY PERC AREA APPROVED BY THE ST. MARY'S COUNTY HEALTH DEPARTMENT FOR SEWAGE DISPOSAL PURPOSES. THE APPROVED LOT INCLUDES AN AREA OF AT LEAST 10,000 SQUARE FEET FOR SEWAGE DISPOSAL PURPOSES AS REQUIRED BY CURRENT MARYLAND STATE HEALTH DEPARTMENT LAW. IMPROVEMENTS OF ANY NATURE, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF OTHER UTILITY LINES IN THIS AREA MAY VOID THE APPROVAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK SHOWN ON THIS PLAN SHALL BE CERTIFIED BY MARYLAND DEPARTMENT OF ENVIRONMENT FOR SUCH PURPOSES. THE OWNER SHOULD CONTACT ST. MARY'S COUNTY HEALTH DEPARTMENT, OFFICE OF ENVIRONMENTAL HEALTH.
- OBSTRUCTIONS (I.E., GRADING, TREE STUMP REMOVAL, EXTENSIVE TRAFFIC, ETC.) OF ANY PORTION OF THE SEWAGE RESERVE AREA NOT PERMITTED AND MAY COMPROMISE THE CONSTRUCTION OF THE SAND MOUND. THE BUILDING PERMITS SHALL BE ISSUED BY THE HEALTH DEPARTMENT CAN BE VOIDED FOR A DISTURBANCE OF THIS TYPE.
- UNLESS OTHERWISE SHOWN, THERE ARE NO KNOWN HELIX OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPOSED WELL AND SEPTIC SYSTEM.
- THIS LOT AND SAND MOUND CONSTRUCTION PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTION LINES NOT SHOWN HEREIN.

Grading Note:
 The site shall be graded so that there is a 6 inch drop within the first 10 feet away from the foundation all sides of the house to insure that the surface water drains away from the house.



GENERAL PERMIT NOTES

UTILIZATION OF ENVIRONMENTAL SITE DESIGN CREDITS: All erosion and sediment control measures shall be in place prior to any earthwork, and all measures shall be maintained until disturbed areas are stabilized. All erosion control measures shall be inspected and repaired at the end of each work day.

CONTROL OF CONSTRUCTION EQUIPMENT AND VEHICLES: All construction equipment shall enter and leave the site via the construction entrance. No vehicles are allowed beyond the limits of disturbance.

EVALUATION AND APPROPRIATE LIMITATION OF SITE CLEARING: No clearing is to be done on the entire site area in order to construct the appropriate ESD devices.

EVALUATION AND DESIGNATION OF SITE AREA FOR PHASING OR SEQUENCING: The total disturbed area is 0.28 acres and will be constructed in a single phase.

IDENTIFICATION OF SOILS AT HIGH RISK FOR EROSION AND ADVANCED STABILIZATION TECHNIQUES TO BE USED: No highly erodible soils have been identified on this site.

IDENTIFICATION OF STEEP SLOPES AND DESIGNATION OF LIMITATIONS ON CLEARING THEM: No steep slopes have been identified on the site.

EVALUATION AND DESIGNATION OF STABILIZATION REQUIREMENTS AND TIME LIMITS AND RESTRICTIONS TO BE APPLIED TO THE EXPOSED SOIL: Following initial soil disturbance on this site, stabilization shall be done as follows:
 A) Seven calendar days for all perimeter controls, dikes, swales, ditches, perimeter slopes and all slopes greater than 3:1 horizontal to 1:1 vertical (2:1 and 3:1).
 B) Fourteen days as to all disturbed or graded areas in the project site.

All areas are to be stabilized with a minimum of 2" of top soil seed and mulch.

PERMEABLE SOIL
 RAIN GARDEN SOIL SHALL BE A SANDY SOIL CONFORMING TO UNIFIED SOILS CLASSIFICATION SYSTEM FOR ONE OF THE FOLLOWING:
 ML (MEDIUM SILTS, VERY FINE SANDS, SILTY OR CLAYEY FINE SANDS)
 SM (FINE SANDS, SAND-SILT MIXTURES)
 SC (CLAYEY SANDS, SAND CLAY MIXTURES)

PERMEABLE SOIL GROUP FOR THIS SITE IS C. IN ACCORDANCE WITH THE DESIGN MANUAL. RAIN GARDENS INSTALLED IN C SOILS SOIL AMENDMENTS SHOULD BE CONSIDERED. IN THIS REGARD, THE DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION HAS REQUIRED THIS PRACTICE.

SOIL AMENDMENTS**
 SOIL AMENDMENTS HELP TO PROVIDE WATER QUALITY BENEFITS NOT ONLY BY INCREASING THE INFILTRATION CAPACITY OF THE SOIL BUT ALSO BY:
 - FILTERING AND BREAKING DOWN POTENTIAL POLLUTANTS.
 - IMPROVING AND DEGRADING POLLUTANTS BY HOLDING POTENTIAL POLLUTANTS IN PLACE SO THAT SOIL MICROBES CAN DEGRADATE THEM.
 - PROVIDING ADEQUATE PROTECTION TO UNDERWATER RESOURCES, ESPECIALLY FRESH WATER METAL CONTAMINATION.
 - REDUCING THE NEED FOR FERTILIZERS, PESTICIDES AND IRRIGATION BY SUPPLYING MORE NUTRIENTS AND A SLOW RELEASE OF THEM TO PLANTS.
 - HOLDING MORE RECHARGEABLE ON-SITE DEGRADABLE RUNOFF AND PROVIDING INCREASED SOIL MOISTURE AND INFILTRATION CAPACITY.
 - INCREASING SOIL STABILITY, LEADING TO LESS POTENTIAL EROSION.
 - REDUCING HEAVY METAL CONTAMINATION.
 - REDUCING HEAVY METAL POLLUTION BY MAINTAINING RUNOFF IN THE SOIL AND ON SITE LONGER.

APPLICATION
 DEPTH SOIL AMENDMENT TO EXTEND 1 FOOT BELOW RAIN GARDEN (BELOW THE PERMEABLE SOIL SECTION).
 CONTRACTOR IS TO:
 - USE COMPOST WITH AN ORGANIC CONTENT OF 40-60%.
 - MIX SOIL AT A RATIO OF 50% OF EXISTING SOIL TO COMPOST.
 - IF THE SOIL PH IS BELOW 6.0, THE ADDITION OF POLYALITE IS RECOMMENDED WITH APPLICATION RATES IN THE RANGE OF 50 TO 100 POUNDS PER 1000 SQUARE FEET.

STORMWATER MANAGEMENT NARRATIVE
 This Stormwater Management plan is for the construction of a single family residence. Stormwater management for this site has been evaluated using Environmental Site Design to the Maximum Extent Practicable.

NATURAL RESOURCE PROTECTION AND ENHANCEMENT: The site is open space/grass. There are no significant natural resources on the site. I.e., no wetlands, streams, flood plains or steep slopes. The site conditions are generally a result of clearing and grading for the subdivision.

MAINTENANCE OF NATURAL FLOW PATTERNS: The site in its current condition sheet flow around the entire lot with slopes less than 2:08. The runoff is then directed to the property lines.

REDUCTION OF IMPERVIOUS AREAS THROUGH BETTER SITE DESIGN, ALTERNATIVE SURFACES, AND NON STRUCTURAL PRACTICES: The site has been designed such that all impervious surfaces will be directed to ESD devices. Impervious areas have been limited to the extent practical.

INTEGRATION OF EROSION AND SEDIMENT CONTROLS INTO THE STORMWATER STRATEGY: Sediment control will be accomplished by placing 3:1 fence around the perimeter of the site to ensure sediment laden runoff does not leave the site.

IMPLEMENTATION OF ESD PLANNING TECHNIQUES AND PRACTICES TO THE MEP: The criteria for sizing ESD practices are based on capturing and retaining enough rainfall so that the runoff leaving the site is reducing to a level equivalent to what good condition forested site has 0.06 inches of impervious cover or 48.0% of the site. According to ESD criteria, the rainfall amount to be treated to provide ESD volume is 1.00 inches. The total ESD volume required for the total site is 892 of

ESD credits are proposed for this site: 6 Rooftop Disconnect Credits and 1 Non-Rooftop Disconnect Credit has been taken for this site. 3 Rain Gardens have been designed for this site.

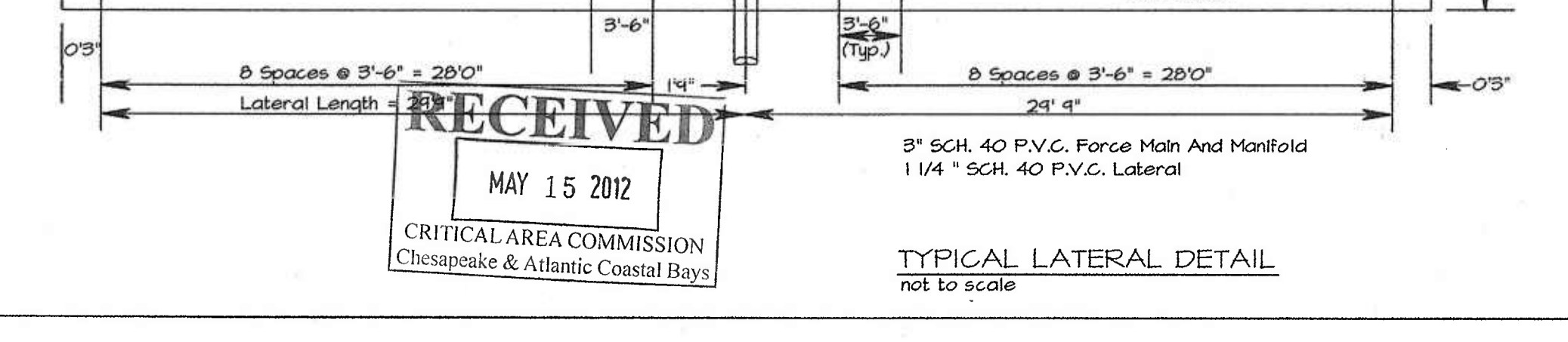
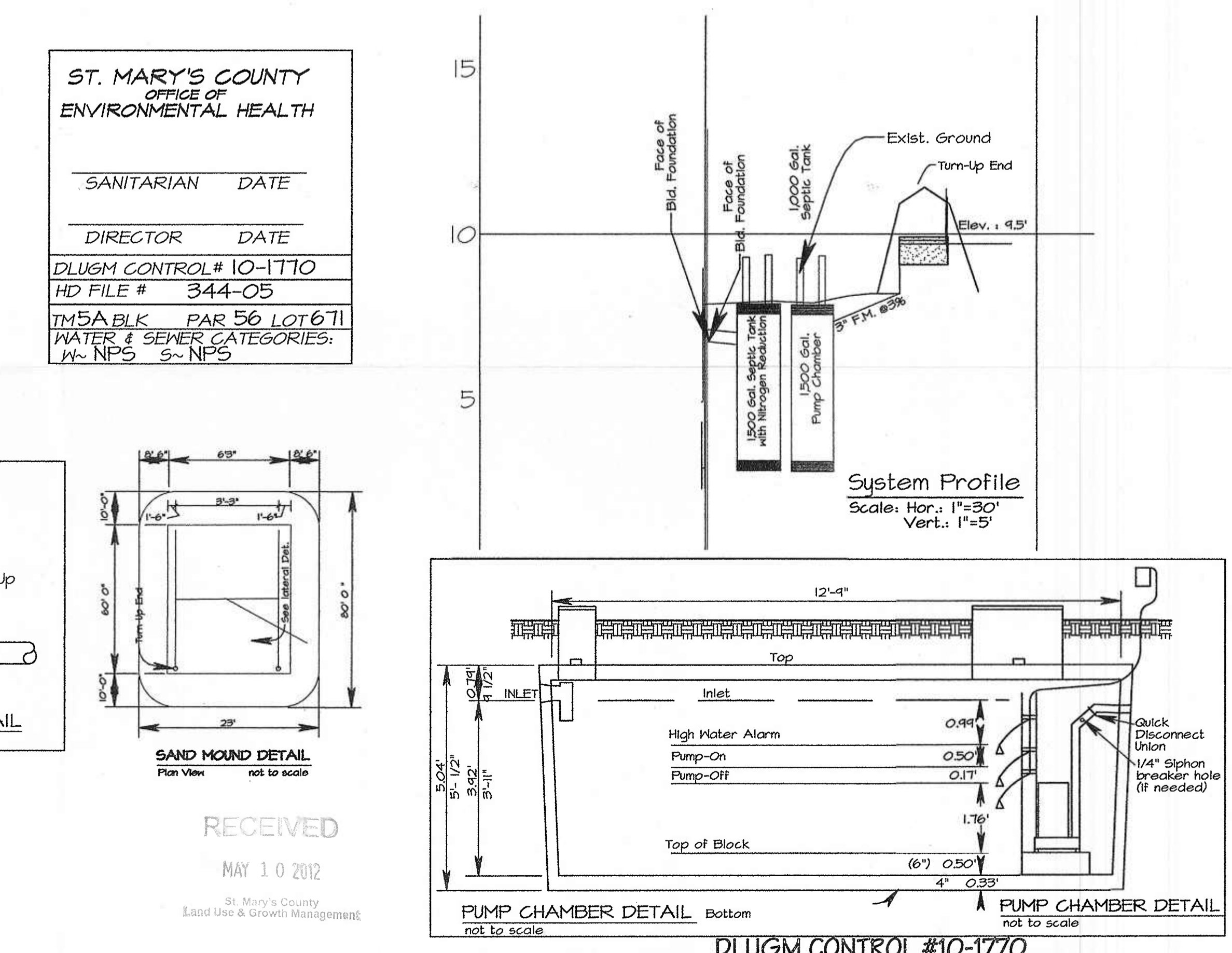
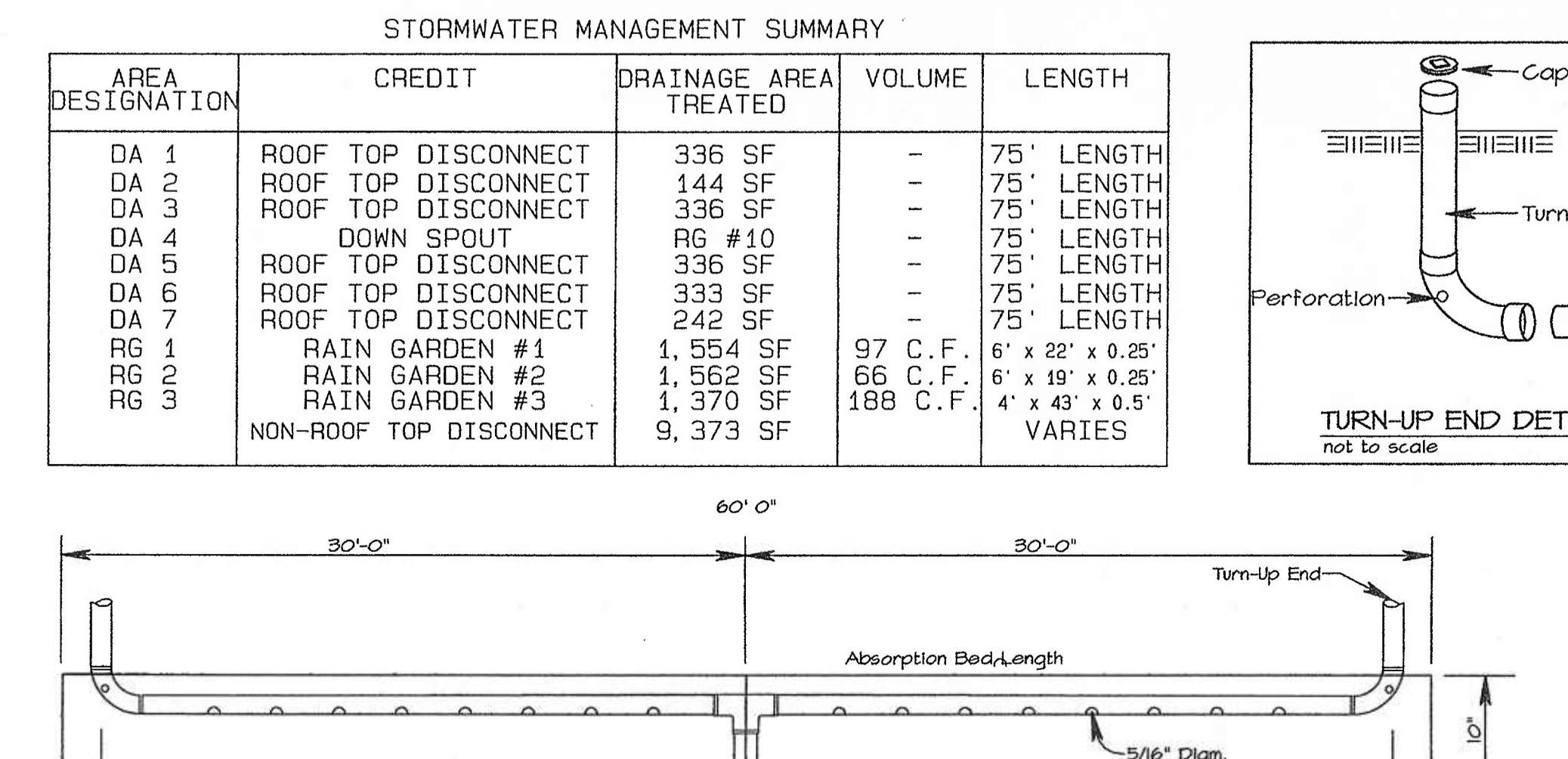
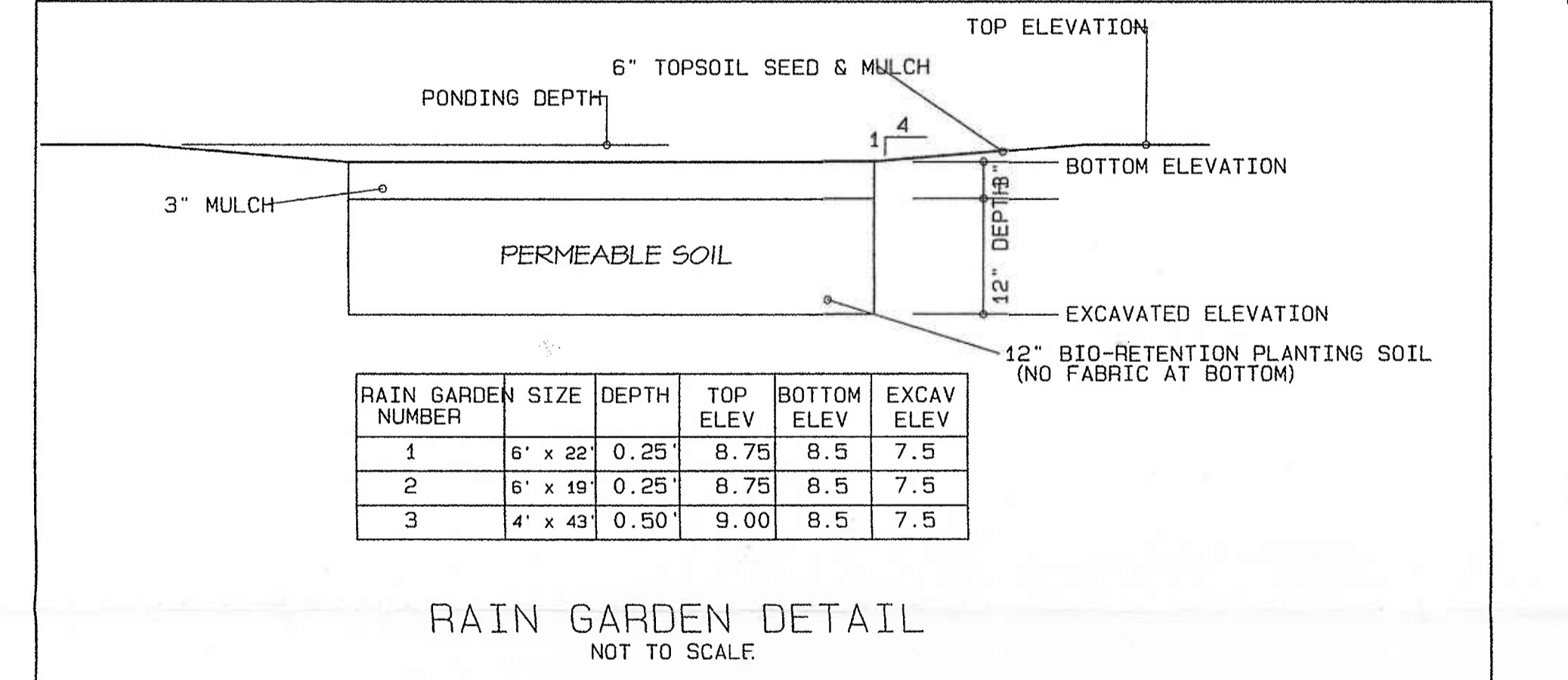
Adequate Outfall:
 By addressing the ESD requirements and maintaining sheet flow to the property line adequate outfall is assured.

LANDSCAPE SCHEDULE

SHADE TREE(S)

| SYMBOL | QTY. | BOTANICAL NAME | COMMON NAME | SIZE | REMARKS |
|--------|------|---|---|---|---|
| ORNA | 7 | BETULA NIGRA | RIVER BIRCH | 12" - 14" | B&B |
| DECS | 20 | MORELLA PENNSYLVANICA LINDERA BENZOIN ILEX VERTICILLIA ILEX GLABRA | NORTHERN BAYBERRY SPICEBUSH WINTERBERRY INKBERRY | 12" - 15" 3 GAL. 18" - 24" 12" - 15" | #3 CAN CONTAINER CONTAINER CONTAINER |
| GRAS | | ADROPOGON VIRGINICUS CAREX STRICTA | BROOMSEDGE TUSSOCK SEDGE | 3 GAL. 3 GAL. | CONTAINER CONTAINER |

NOTE: OWNER MAY SUBSTITUTE PLANT SPECIES AS DESIRED.



CHESAPEAKE TRAILS SURVEYING, LLC
 COURT SQUARE BUILDING
 22660 WASHINGTON STREET
 P. O. BOX 957
 LEONARDTOWN, MD 20650
 301-475-5900 FAX 301-475-9335

CRITICAL AREAS BUILDING PERMIT PLAT STORMWATER MANAGEMENT PLAN & SAND MOUND DESIGN FOR LOT 671, GOLDEN BEACH SECT. 2 FIFTH ELECTION DISTRICT SAINT MARY'S COUNTY, MARYLAND TRI COUNTY BUILDER'S INC

RECEIVED MAY 10 2012

RECEIVED MAY 15 2012
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

DATE 10-18-2010
JOB # 10-062
FOLDER MSB
SCALE 1" = 30'
DRAWN VUKMER
CHECKED VUKMER
REVISED 10 & 06N 12-30-10
SCALE