

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/

June 23, 2008

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0062-V – US Financial Capital Inc.

Dear Ms. Schappert:

On June 18, 2008, we received notice that the above-referenced case has been appealed and that a hearing is being held on July 29, 2008 before the County Board of Appeals. Since we have not received additional or new information regarding the requested variance before the Board, this office's position on the variance request remains the same. Please submit the following comments to the Board as part of the record.

The applicant requests a variance to allow a dwelling with less setbacks and buffer than required and to disturb slopes greater than 15%. This lot is 9,000 square feet and is located in the Limited Developed Area (LDA). The applicant proposes to construct a new dwelling unit, well, driveway, and walkway for an impervious surface amount of 2,025 square feet. This is well below the impervious surface limit for a lot of this size. This lot is encumbered almost entirely by nontidal wetlands and their 25-foot buffer. The applicant has indicated that 4,988 square feet of nontidal wetlands and buffer will be permanently impacted by this construction. The applicant also indicates that they propose to clear 50% of the site.

Provided the lot is properly grandfathered, we do not oppose this variance request for the construction of a modest dwelling and driveway on this lot. If the County determines this request, or some variation of this request can be granted, we recommend 3:1 mitigation for the area which impacts the nontidal wetlands and the 25-foot buffer. The applicant is also responsible for mitigation at a ratio determined by the County for any area cleared to build the dwelling, driveway, well, and for the cleared area of the yard. A fee in lieu may be substituted if there are no appropriate areas on site for mitigation. Additionally, permits

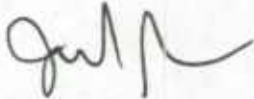
Ms. Suzanne Schappert
Page 2 of 2
6/23/2008

from MDE will also be required to impact non-tidal wetlands.

It should be noted that the footprint of the dwelling and associated development as it is shown on the wetland impact map attached to the Critical Area narrative appears to be slightly different than the dwelling footprint on the Sediment and Erosion Control plans.

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. I can be reached at 410-260-3476 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a stylized flourish at the end.

Julie Roberts
Natural Resources Planner

cc: AA 144-08

Martin O'Malley
Governor



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March 14, 2008

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0062-V – US Financial Capital Inc.

Dear Ms. Schappert:

Thank you for forwarding information on the above-referenced project. The applicant requests a variance to allow a dwelling with less setbacks and buffer than required and to disturb slopes greater than 15%. This lot is 9,000 square feet and is located in the Limited Developed Area (LDA). The applicant proposes to construct a new dwelling unit, well, driveway, and walkway for an impervious surface amount of 2,025 square feet. This is well below the impervious surface limit for a lot of this size. This lot is encumbered almost entirely by nontidal wetlands and their 25-foot buffer. The applicant has indicated that 4,988 square feet of nontidal wetlands and buffer will be permanently impacted by this construction. The applicant also indicates that they propose to clear 50% of the site.

Provided the lot is properly grandfathered, we do not oppose this variance request for the construction of a modest dwelling and driveway on this lot. If the County determines this request, or some variation of this request can be granted, we recommend 3:1 mitigation for the area which impacts the nontidal wetlands and the 25-foot buffer. The applicant is also responsible for mitigation at a ratio determined by the County for any area cleared to build the dwelling, driveway, well, and for the cleared area of the yard. A fee in lieu may be substituted if there are no appropriate areas on site for mitigation. Additionally, permits from MDE will also be required to impact non-tidal wetlands.

It should be noted that the footprint of the dwelling and associated development as it is shown on the wetland impact map attached to the Critical Area narrative appears to be slightly different than the dwelling footprint on the Sediment and Erosion Control plans.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Suzanne Schappert
Page 2 of 2
3/14/2008

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. I can be reached at 410-260-3476 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie', followed by a long horizontal flourish.

Julie Roberts
Natural Resources Planner

cc: AA 144-08

012

K.F

AA 144-08

**RE: An Appeal From A Decision Of The
Administrative Hearing Officer**

U.S. FINANCIAL CAPITAL, INC.

Petitioner

* **BEFORE THE**
*
* **COUNTY BOARD OF APPEALS**
*
* **OF ANNE ARUNDEL COUNTY**
*
* **CASE NO.: BA 33-08V**
* **(2008-0062-V)**
*
* **Hearing Date: July 29, 2008**
*

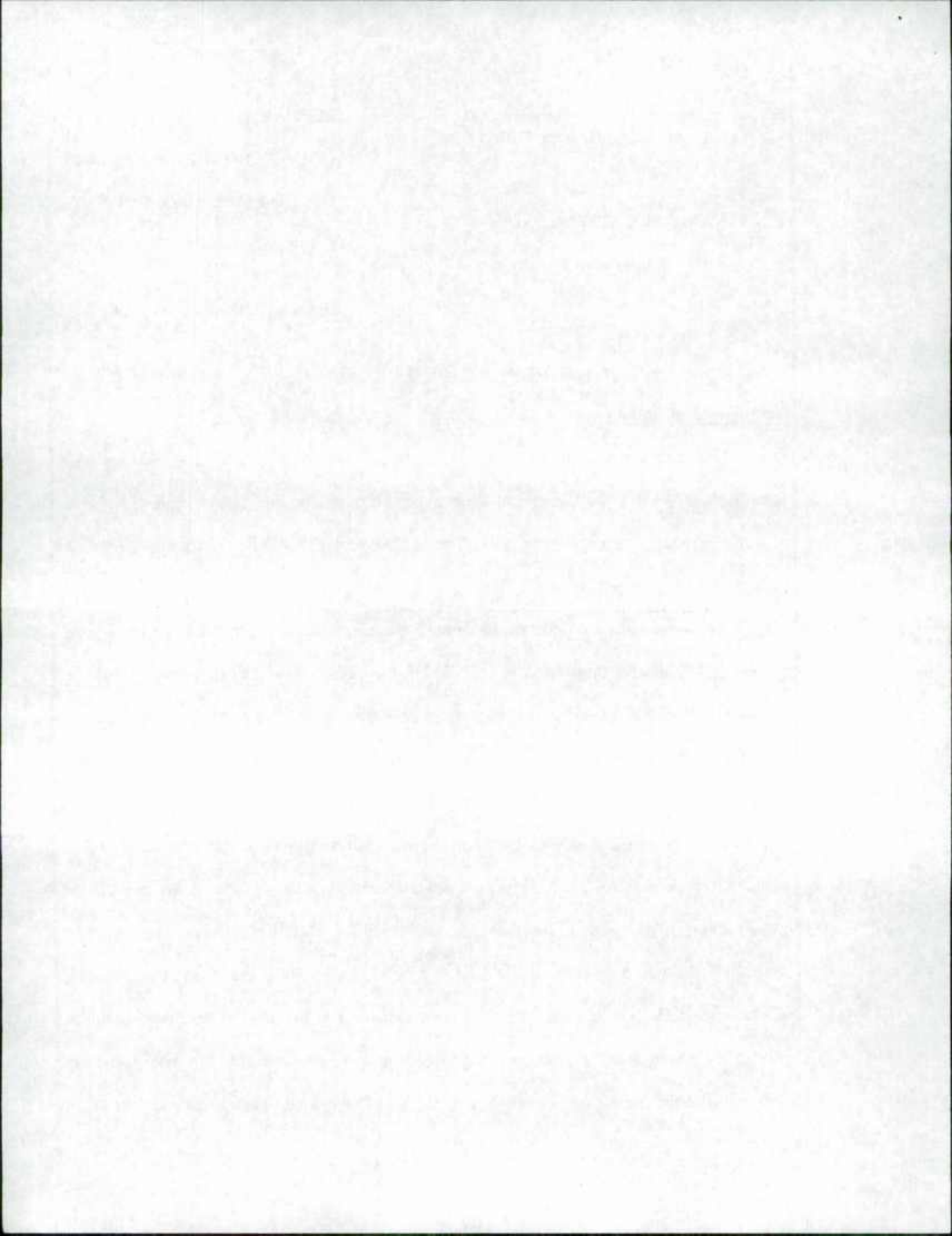
MEMORANDUM OF OPINION

Summary of Pleadings

This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the denial of a variance to allow a dwelling with less buffer than required and with disturbance to steep slopes, on property known as 1083 Poplar Tree Drive, Annapolis.

Summary of Evidence

Mr. Gary Evans testified as agent of the Petitioner. A storm water drain runs through the property. As indicated from Petitioner's Exhibit 5, the lot is vacant. The storm water drain that affects this lot and the surrounding property is more than 40 years old. A storm drain backup problem has existed for the last 30± years. Lots 10, 11, 12, 13, 14 and 15 are all significantly affected by the storm drain. Mr. Evans testified that the property variances will not affect plants or animals in their natural habitat. Furthermore, Mr. Evans testified that the variances would be required to build on this lot. The garage would be a part of the house. This desire to make the garage a part of the house is for aesthetic reasons and to reduce disturbance to the non-tidal wetlands. The two-story residence will have a footprint of 1,288 square feet. This structure would be 28 feet wide and narrower than other structures in the area. The structure will be constructed on an elevated slab on pilings over the non-tidal wetlands. The site plan is in harmony with the spirit and intent of the Critical Area Program. The storm drain and its effect



on the property were not created by the applicant. Furthermore, the development of the site will have no affect on any neighboring property. He has not seen the property after a significant storm. The property is not in the FEMA flood zone. The structure will essentially rest on pylons. The total property occuppies 9,000 square feet. Approximately 28 percent of the land will be covered by impervious surface following development. Some of the lot is zoned Open Space (3,225 square feet).

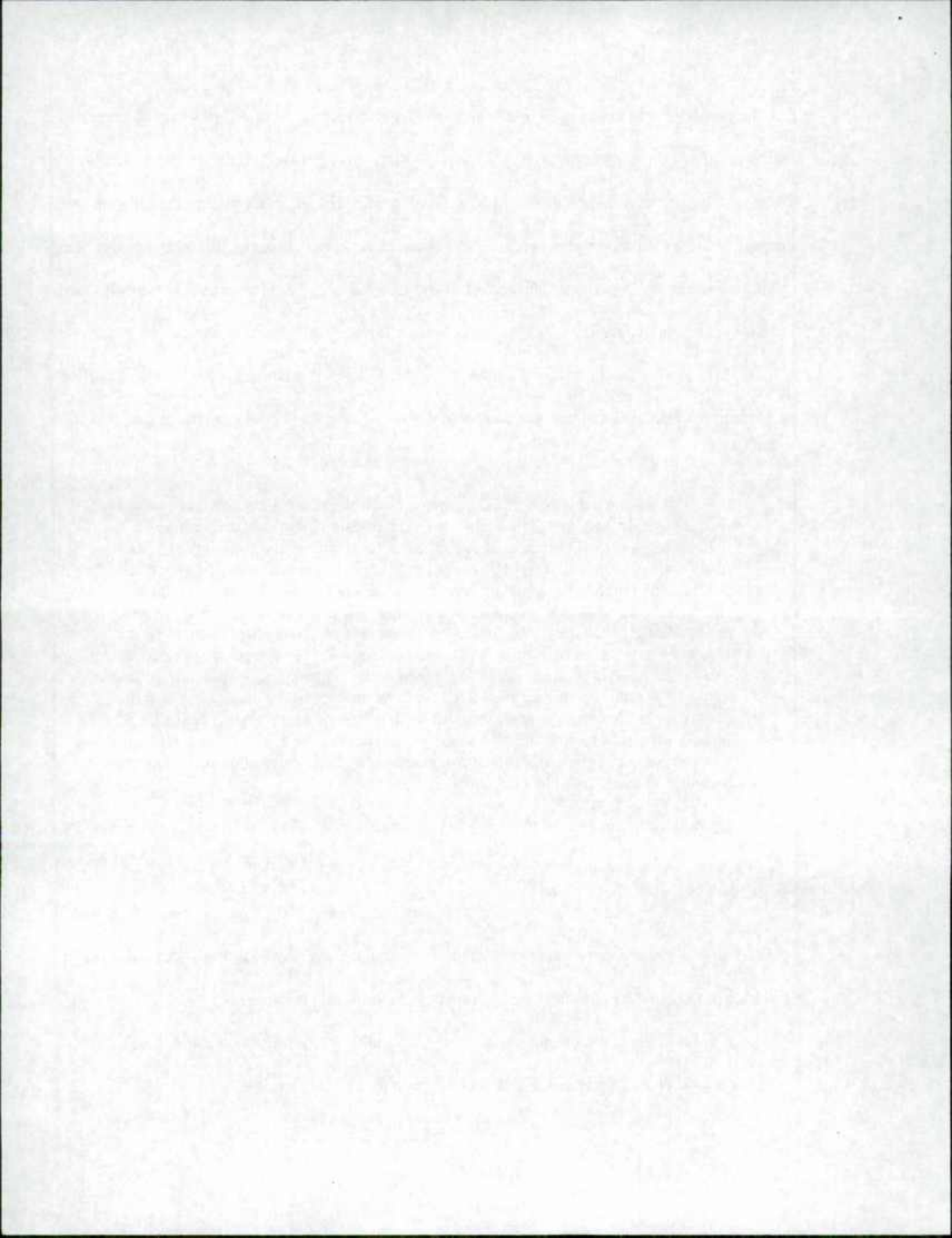
Mr. William Ethridge, a Planner with the Office of Planning and Zoning, testified regarding his findings and recommendations. Upon reciting some of the pertinent findings and conclusions into the record, Mr. Ethridge summarized as follows:

It is apparent that the existence of non-tidal wetlands and exceptional topographical issues within this property create practical difficulties and unnecessary hardships upon the applicant to develop the property without obtaining a variance. This office does not believe the granting of the request would confer upon the applicant any special privileges that would be denied to similar properties in this neighborhood or other Critical Area properties. Also, it is apparent this request is not based on conditions or circumstances that are the results of actions taken by the applicant, and does not arise from any condition relating to land or building use in any neighboring property. The granting of this variance should not adversely affect fish, wildlife or plant habitat within the county's Critical Area program and will be in harmony with the general spirit and intent of the county's Critical Area program. Based upon the standards set forth in Article 18-16-305 under which a variance may be granted, this office would recommend approval of this request.

Upon questioning, he emphasized that this variance would provide the least amount of disturbance to the wetlands.

Mr. Nick A. Demis, the owner of adjoining Lot 12, testified he has been in contact with the Office of Planning and Zoning concerning the proposed development of his lot. He plans to sell his property to the Petitioner. He is strongly in favor of this variance.

All testimony was stenographically recorded and the recording is available to be used for the preparation of a written transcript of the proceedings.

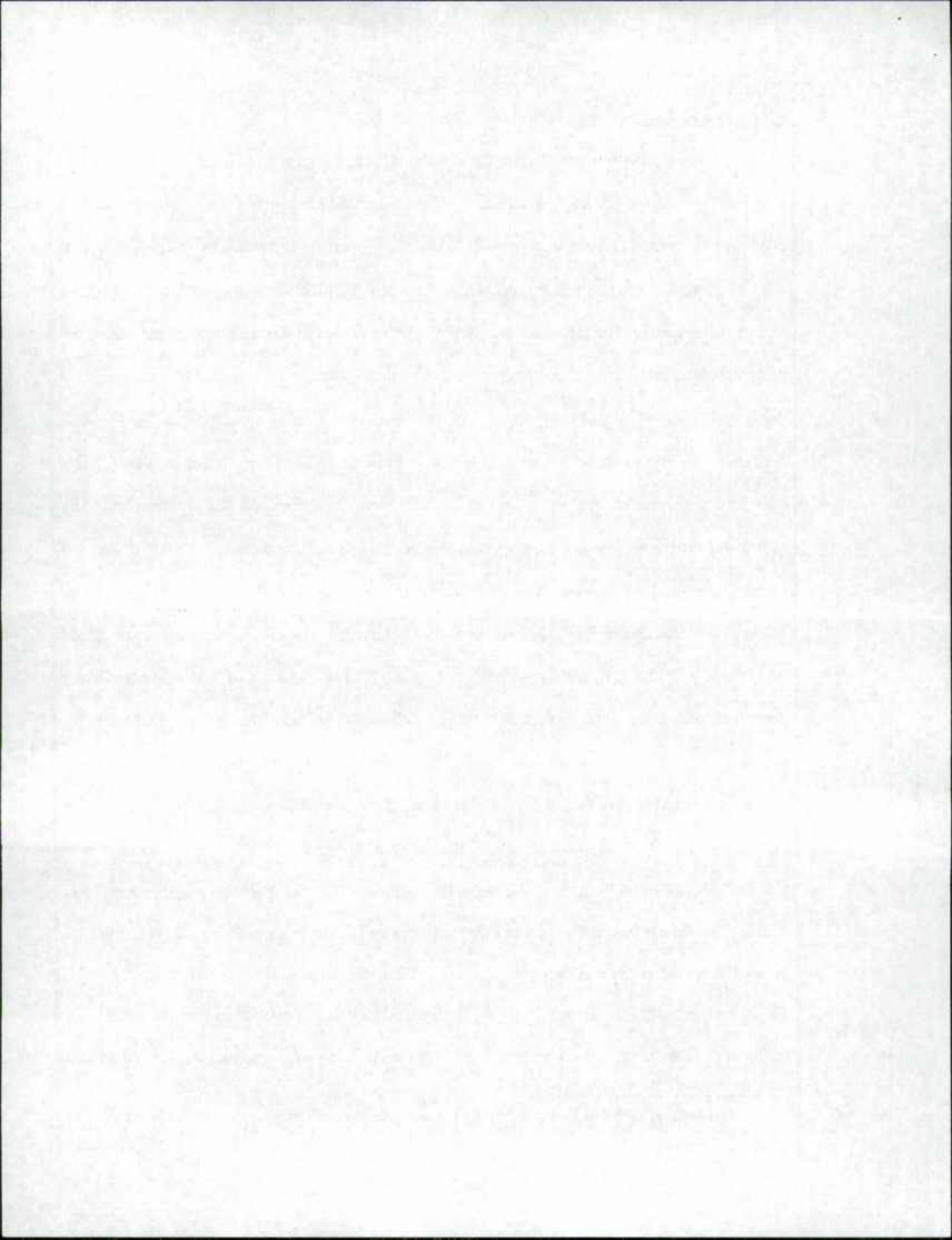


Findings and Conclusions

The subject property exceeds the minimum lot size requirement for a lot within the R5-Residential district with 9,000 square feet. It is within the Chesapeake Bay Critical Area and classified as Limited Development Area (LDA). The property is consumed by steep slopes, non-tidal wetlands and the required buffer thereto. Any new construction would disturb 5,400 square feet of the property. The proposed dwelling would be located in the steep slopes and across the buffer area to the non-tidal wetlands and the wetlands themselves, as part of the proposed decking is within 15 feet of the rear property line. The Anne Arundel County Code (the "Code") § 18-2-301(d) allows an open deck attached to a dwelling unit to project no more than 10 feet into the rear setback as long as the deck is located at least three feet from the property line. The protrusion is five feet and; therefore, no variance is needed. As proposed, the dwelling will bisect the non-tidal wetlands. The Petitioner will construct the dwelling atop pilings or pier foundations. No basement or crawl space would be installed. The Anne Arundel County Code (the "Code"), § 17-8-201 states that development in the LDA on slopes of 15% or greater is not permitted, unless the development will facilitate the stabilization of the slope. The applicant requests variances to construct the dwelling and related facilities on steep slopes. The Code further states in § 17-8-502 that a variance is required to allow disturbance in a Habitat Protection Area ("HPA"). The residence will disturb the HPA.

Development within the Chesapeake Bay Critical Area¹, being that area within 1,000 feet of the Chesapeake Bay and its tributaries, has been the subject of much legislative effort and protection by the General Assembly. The current Critical Area variance criteria are very strict. The statute requires the Board to presume that the requested development activity does not conform to the general purpose and intent of the Critical Area Program. See, Maryland

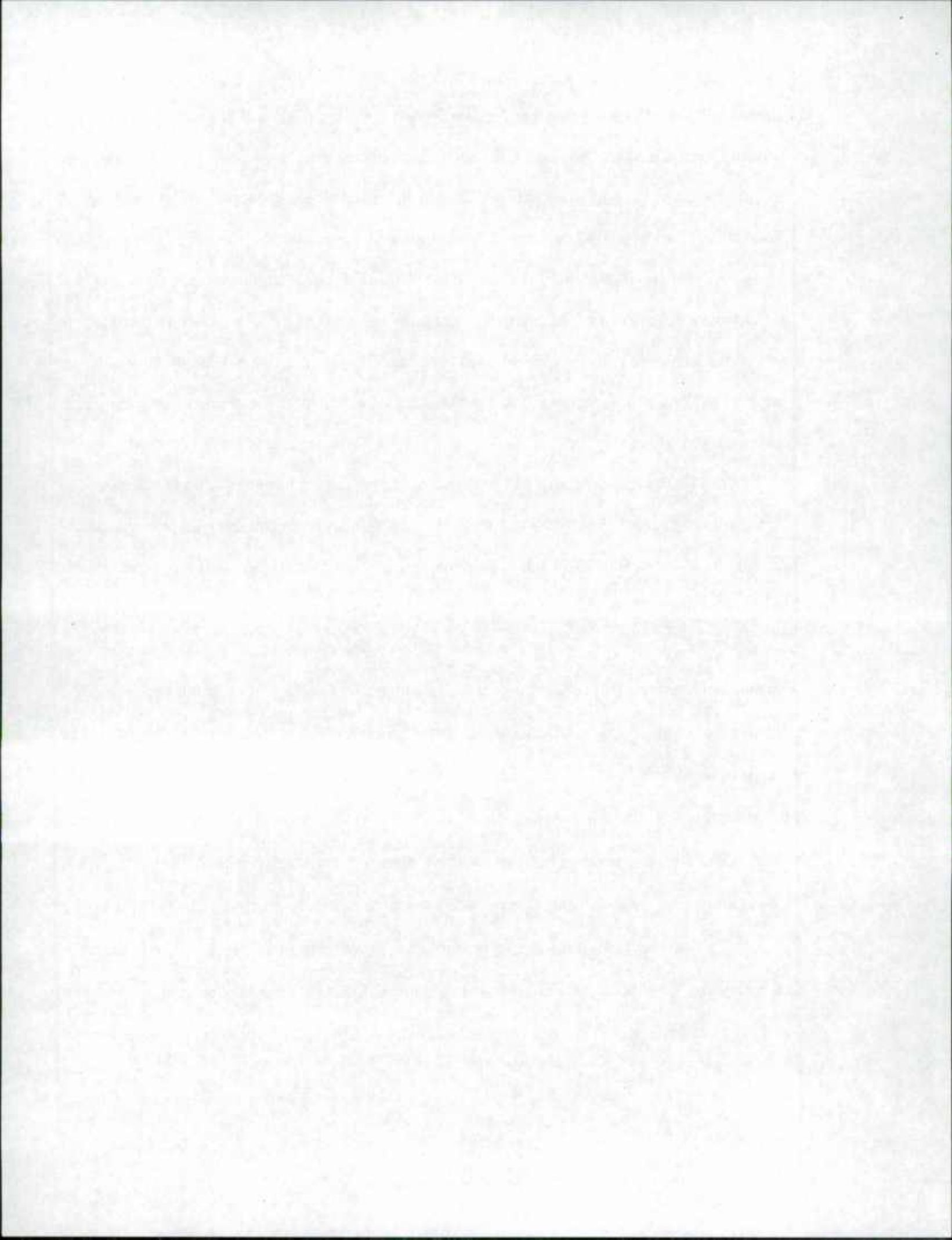
¹ See, Maryland Annotated Code, Natural Resources Article, Section 8-1808.



Annotated Code, Natural Resources Article, Section 8-1808(d)(2)(i). Additionally, “unwarranted hardship” is defined as “without a variance, an applicant would be denied a reasonable and significant use of the entire parcel or lot for which the variance is requested”. Emphasis added. To qualify for a variance to the Critical Area criteria, an applicant must meet each and every one of the variance provisions. See, id., Section 8-1808(d)(4)(ii). An applicant must also prove that if the variance were denied, the applicant would be deprived of a use or structure permitted to others in accordance with the Critical Area Program. See, id., Section 8-1808(d)(4)(iii). Given these provisions of the State criteria for the grant of a variance, the burden on an applicant seeking a variance is very high.

The State statute requires that local jurisdictions adopt a program to protect the Critical Area. Anne Arundel County’s local Critical Area variance program contains many separate criteria. See, Code § 3-1-207. Each of these individual criteria must be met. If the applicant fails to meet just one of these criteria (as applicable), the variance is required to be denied.

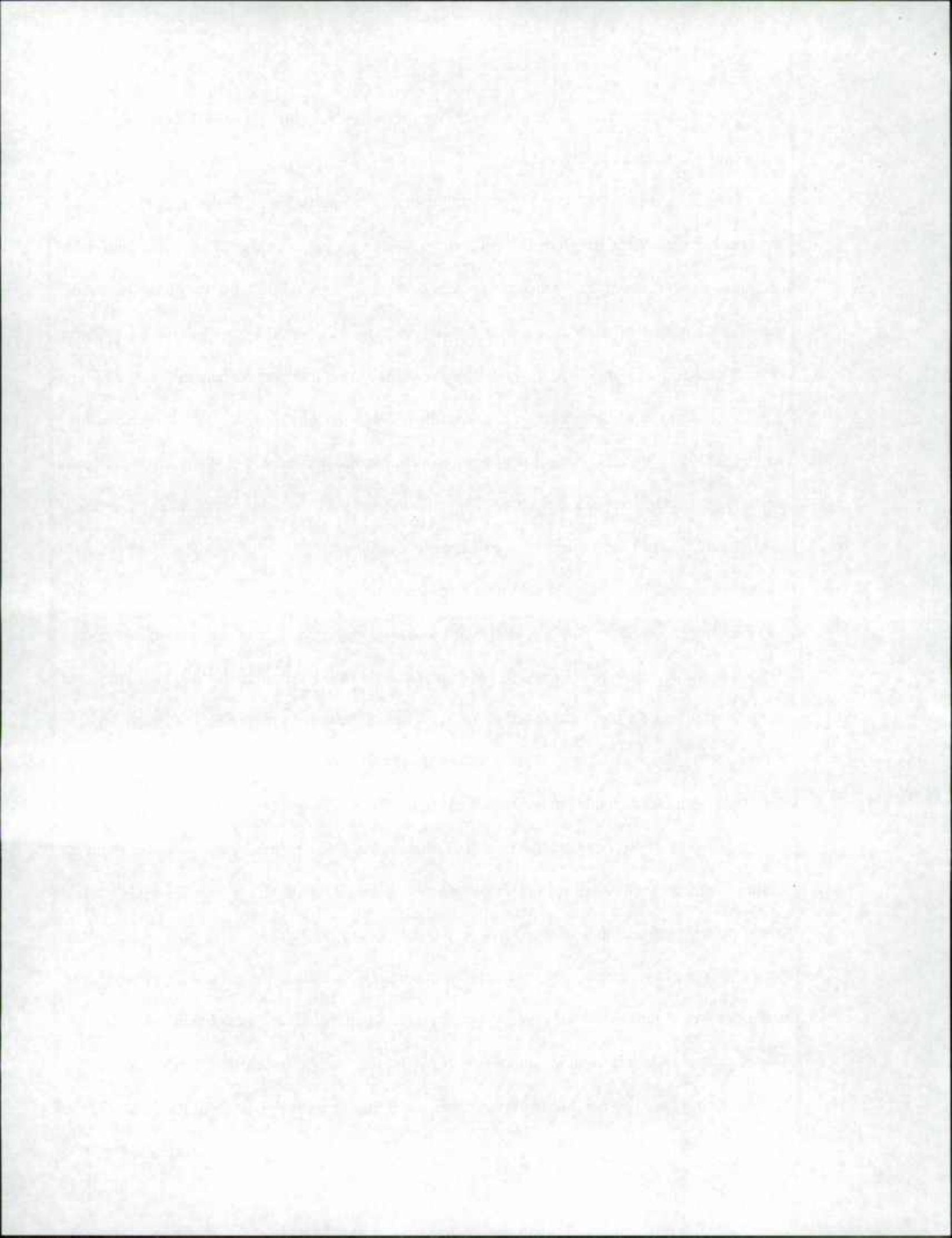
The Petitioner must show that “because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot, or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County’s critical area program would result in an unwarranted hardship.” *Id.* § 3-1-207(b)(1). The lot exceeds the minimum size for an R5-Residential zoned lot; however, the wetland, wetland buffers and steep slopes consume nearly all of the property. Also, the lot is split-zoned R5-Residential and Open Space zone such that the Open Space portion consumes approximately one third of the property along the road frontage. The property is located in an HPA. These property classifications and physical characteristics eliminate the development potential of the site without some variance to the Code criteria. *See, id.*, §3-1-207(b)(1). Therefore, we find that the



property has unique physical conditions that would cause the Petitioner to suffer an unwarranted hardship if the Code is strictly applied.

The Petitioner next must show that “[a] literal interpretation of COMAR, 27.01, Criteria for Local Critical Area Program Development or the County’s critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County.” *Id.* §3-1-207(b)(2)(i). Like other property owners in the community, the Petitioner would like to build a house on its property. Homes are a reasonable use of land within the Critical Area. If no residence can be constructed on a parcel because the lot is impacted by the restrictions of the Critical Area Program (as is the case here), then the denial of a variance to permit the same would deprive this Petitioner of rights enjoyed by other property owners in the Critical Area. The Critical Area Program permits variances to allow a reasonable and significant use of property. The denial by us of the ability of this Petitioner to construct a residence would result in an unwarranted hardship upon the Petitioner. In fact, the Petitioner seeks variances for a proposed dwelling reduced in size from the grading permit granted by the County. Thus, we find that strict application of the Critical Area law would deprive the Petitioner of the same rights enjoyed by others in the Critical Area.

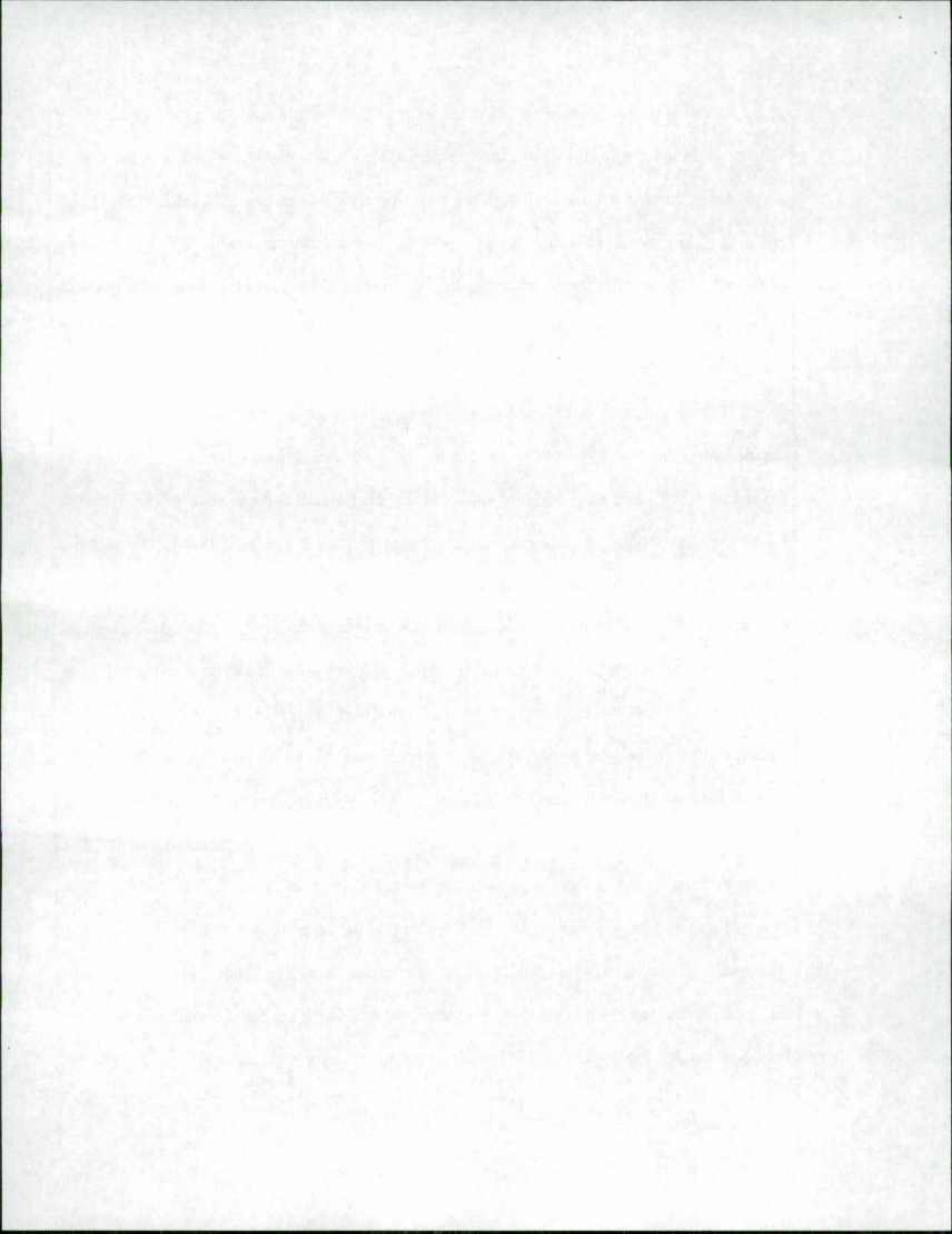
Next, the Petitioner must prove that “the granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, 27.01, the County’s critical area program to other lands or structures within the County critical area . . .” *Id.* §3-1-207(b)(3). As we previously addressed, the surrounding community is almost completely developed. The variances would permit the lot owner to construct a small home and garage and install a well. The requested variances would not confer any special privilege on the Petitioner beyond that enjoyed throughout this neighborhood and throughout non-waterfront parcels in the LDA. There



is no special privilege granted in the permission to build a minimally sized residence. The failure to grant a variance to permit the construction of a small residence (as proposed here) would result in an unwarranted hardship. The property owner needs a variance to build any structure. They are not requesting a variance to request a palatial “dream house.” The dwelling proposed will be smaller than average for the area and the 1,288 square foot footprint minimizes the permanent intrusion on this site. As described by William Ethridge, it is the size of the permanent structure that results in the most lasting impact to the Critical Area.

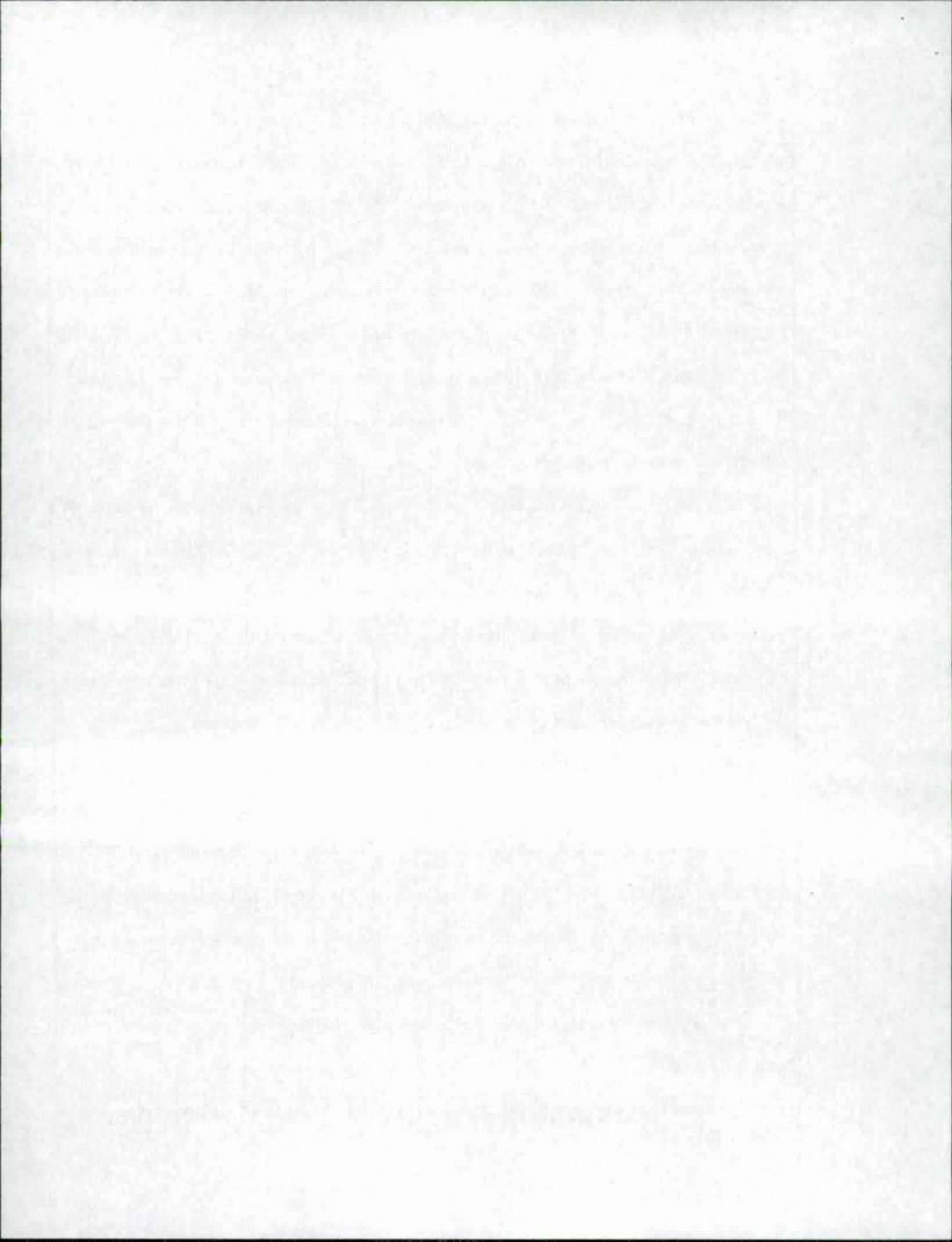
The Petitioner must establish that “[t]he variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for variances was filed, and does not arise from any condition relating to land or building use on any neighboring property.” *Id.*, §3-1-207(b)(4). The multiple variance requests are based on the conditions on the property (steep slopes and location near water and wetlands) that made development of the lot in accordance with the Code impossible. No development has taken place on the property and there are no conditions on neighboring properties that affect the Petitioner’s property. The Court of Appeals has made it abundantly clear that the creation of a parcel that is later specially impacted by land use regulations does not prohibit that parcel’s development. *See, Roesser v. Anne Arundel County*, 368 Md. 294, 793 A. 2d 545 (2002); *Stansbury v. Jones* 372 Md. 172, 812 A. 2d 312 (2002). Accordingly, we find that the need for the requested variances was created by nature, not man.

There was considerable evidence presented that the property is within an HPA, but not within a bog, and is not identified as a bog protection area. The Code, The Code, §3-1-207(b)(2)(ii) and (b)(6) do not apply. Furthermore, even if the property contained a bog, the Petitioner has not requested a variance to the Bog Protection Program. Therefore, we would be without jurisdiction to consider the same.



The Petitioner must also show that “[t]he granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County’s critical area or a bog protection area and will be in harmony with the general spirit and intent of the County’s critical area program or bog protection program.” *Id.*, §3-1-207(b)(5). Our review of the testimony of Mr. Gary Evans and the County revealed that there would be no adverse impact on the Critical Area ecosystems. The site plan was revised to reduce the disturbance and impact to the Critical Area. The Critical Area Commission recommended approval of a plan with greater impacts to the Critical Area. The size of the house was reduced and a mitigation plan will be followed, wherein the Petitioner will mitigate at a ratio of 3:1, the 5,400 square feet of affected area. While any development within the Critical Area results in a permanent structure there, this proposed structure is well placed on the site plan to minimize likely disturbance within the protected HPA. The Critical Area Program does not act to bar all use of the Critical Area, but rather limits uses within the buffer to those that are reasonable and significant. This house would have a 1,288 square foot footprint and would be smaller than an average home in the community. We find that the Petitioner’s reasonable proposal is “in harmony with the general spirit and intent of the County’s Critical Area program. *Id.*

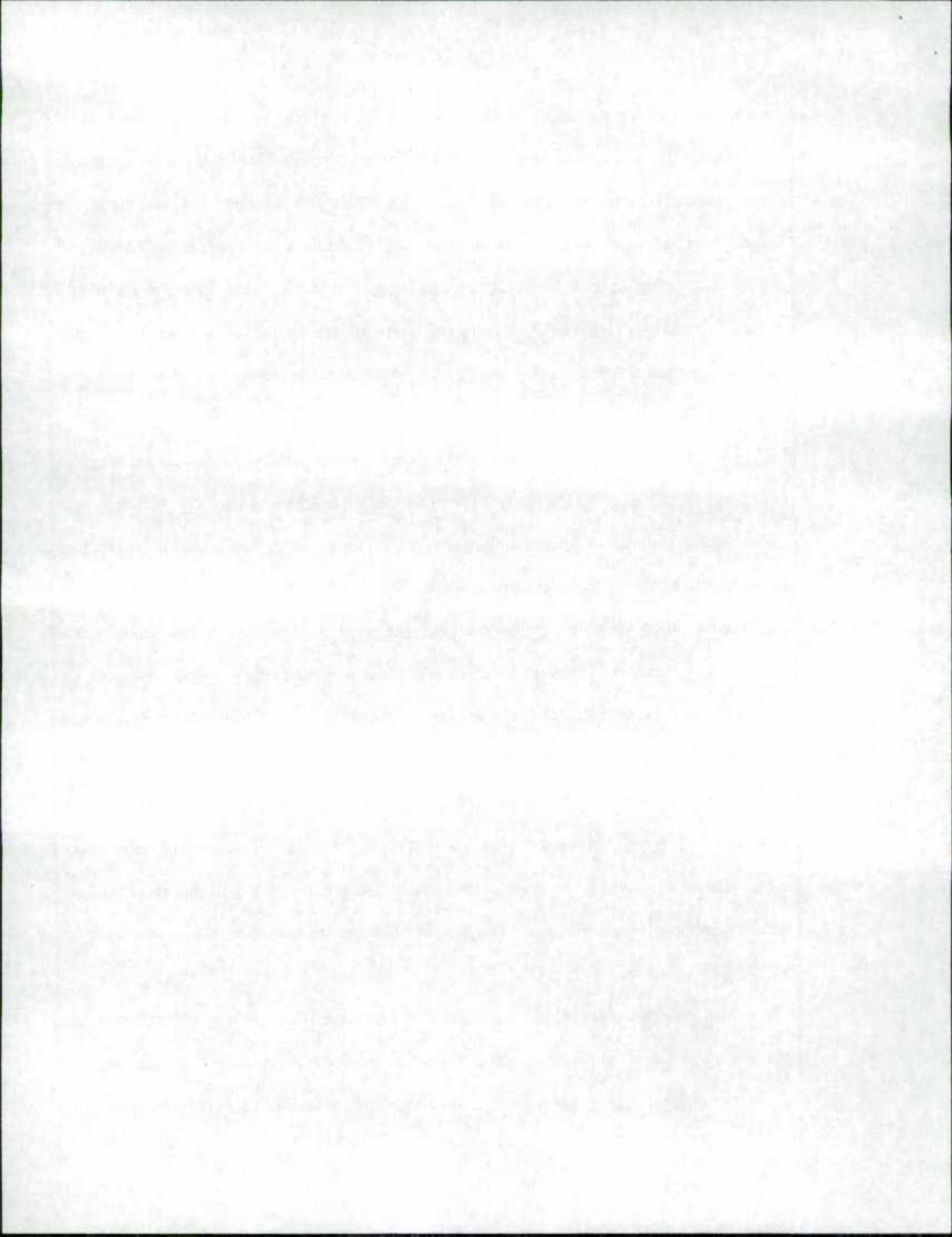
Next, the Petitioner must establish that “by competent and substantial evidence has overcome the presumption contained in the Natural Resources Article, Section 8-1808(d)(2), of the State Code.” *Id.*, §3-1-207(b)(7). Under Section 8-1808(d)(2) of the Natural Resources Article, it is presumed “that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program.” Md. Code Ann., Natural Resources §8-1808(d)(2)(i). As we previously addressed, there would not be any adverse impact on the Critical Area ecosystems



from the grant of the requested variances. A house is a permitted use on a grandfathered lot within the Critical Area. Without a variance, this property owner would be denied all reasonable use of the property. The site plan was revised to ensure that the development would impact the Critical Area as little as possible. The structure would meet the setback requirements and avoid impacts to existing, adjacent land uses as much as required by the County Code. A denial of a variance to permit the construction of this modest structure would result in an unwarranted hardship upon them. Therefore, we find that the Petitioner has overcome the presumption of the Natural Resources Article.

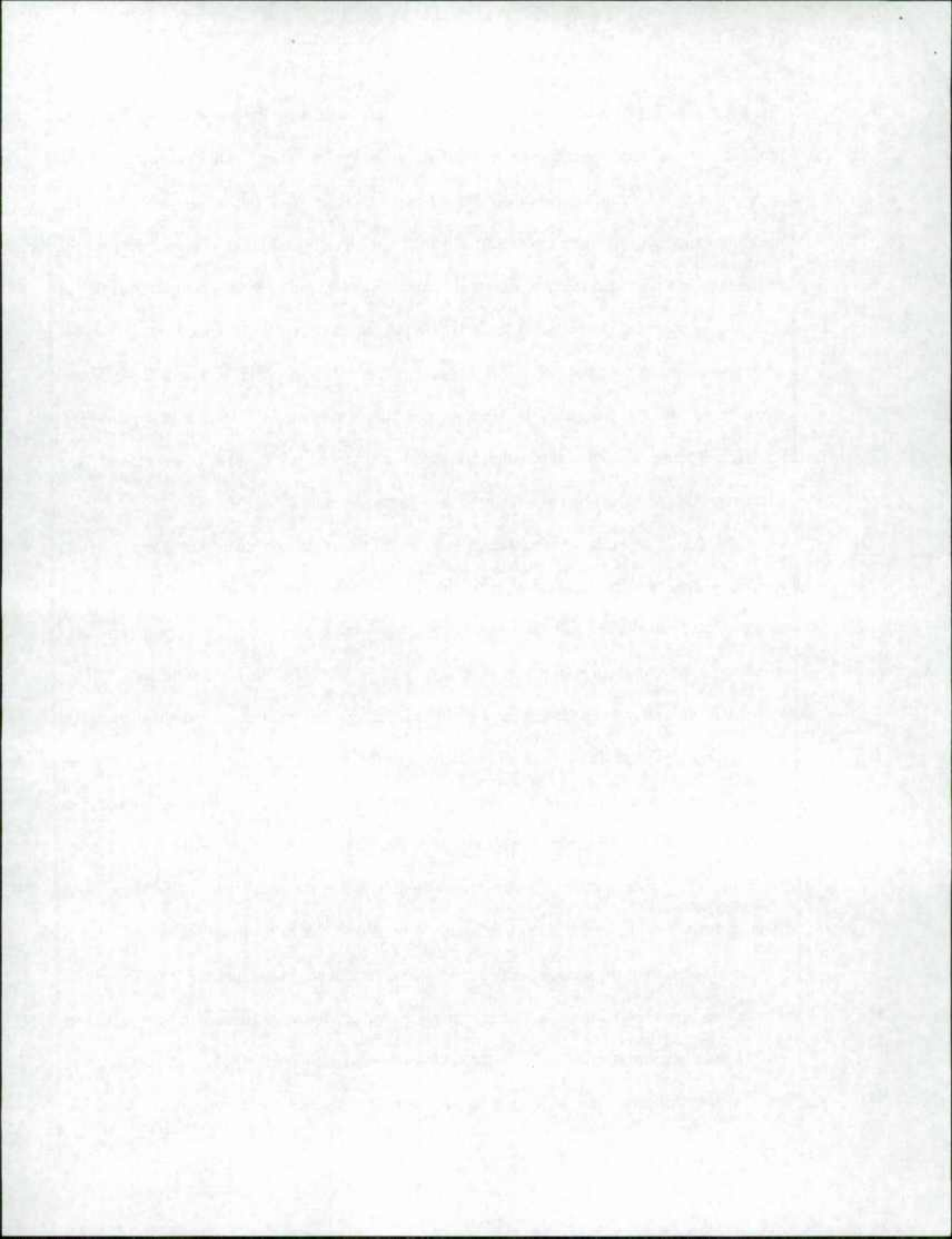
The Petitioner also must show that “the variance is the minimum variance necessary to afford relief.” Code, § 3-1-207(c)(1). The Petitioner is requesting a variance to disturb steep slopes and a variance to build within the HPA. These two variances are all or nothing propositions. Either the applicant obtains permission to disturb them or not. Since this parcel is consumed by steep slopes and within the HPA, the property cannot be put to reasonable use without these variances. The Board will, however, limit the scale of the variance to as shown on the Petitioner’s site plan. The footprint will measure 1,288 square feet and the driveway length has been reduced to minimize the disturbance to the Critical Area. The average house size in the community is 2,638 square feet. Therefore, the Petitioner’s requested dwelling will be much smaller than average. Given the footprint of 46 by 23 feet \pm , this house will have a size approximately the same as an average townhouse. Accordingly, we find that the requested variances to the wetlands and required buffers thereto are the minimum necessary, as limited by the site plan.

The Petitioner next must show that “the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located [or] substantially impair the appropriate use or development of adjacent property.” *Id.*, §3-1-207(c)(2)(i) and (ii).



The houses in the surrounding community are generally larger than the house that the Petitioner proposes to construct. The proposed dwelling, including the garage and well, would impact approximately 5,400 square feet of the lot. The house, while smaller than most other homes in the community, will not alter the essential character of the neighborhood. The character of the community is a typical, attractive, water privileged neighborhood. Neighbors in the area do not generally oppose the variance and the grant of the requested variances would not impair the appropriate use or development of neighboring property. Some neighbors will see a home, where there once was vegetation. There is no right to a view across someone else's property, however. Therefore, we find that granting the requested variances will not have any effect on the character of the neighborhood or impair the use of adjacent property.

Next, we consider whether the Petitioner adequately showed that "the granting of the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area" and "will not be contrary to acceptable clearing and replanting practices required for development in the critical area." *Id.*, §3-1-207(c)(2)(iii) and (c)(2)(iv). This property is currently vegetated and partially zoned Open Space. While some, perhaps much, of that vegetation is a tangle of vines and invasive species, the vegetation will be impacted when the site is developed. The impact to the vegetation during construction cannot be avoided, but the implementation of best management practices, as required by our Code, will not be contrary to acceptable clearing practices. Without mitigation, however, the variances would reduce forest cover and not provide for sufficient replanting in the Critical Area given the scale of the steep slopes and location of the property in relation to the non-tidal wetlands and the HPA. Therefore, we shall require the Petitioner to mitigate at a ratio of 3:1 for any disturbance on site and to reforest disturbed slopes on site. The reforestation (through mitigation) would increase the forest cover in the Critical Area. Mitigation is an acceptable practice for development within the



Critical Area. Thus, we find that granting the requested variances (as conditioned) would not reduce forest cover; in fact, the site would be improved with native species.

Lastly, the Petitioner must also show that "the granting of the variance will not be detrimental to the public welfare." *Id.* § 3-1-207(c)(2)(v). The Petitioner simply wants to improve the property. They have taken numerous steps to ensure that the development would have the least impact on the Critical Area. The footprint of the house would be small and modern storm water management will be used. We do not believe that allowing the Petitioner to construct a house will be detrimental to the public. Therefore, we find that the Petitioner has proven compliance with each of the variance criteria.

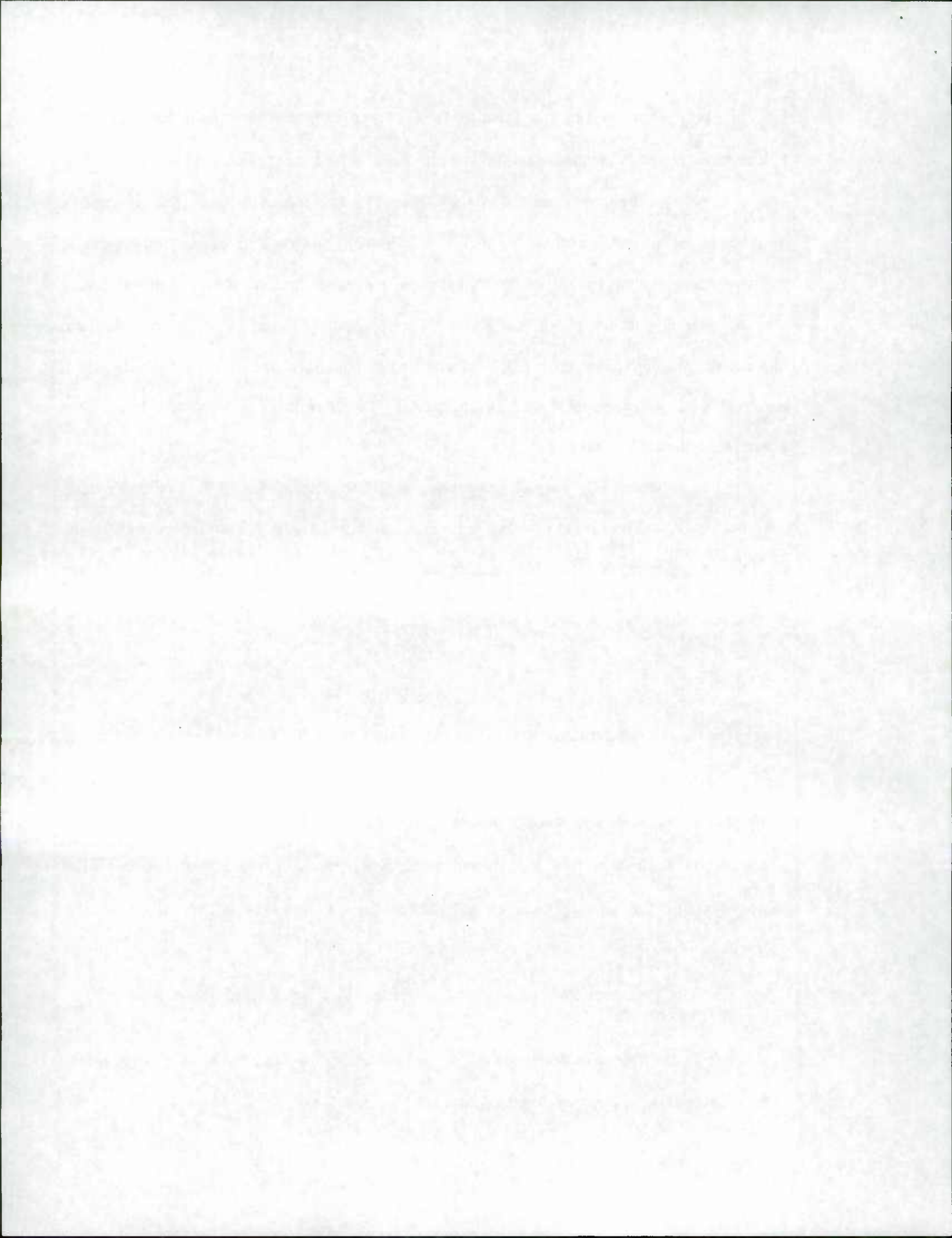
The Petitioner in the subject appeal has satisfied this Board that all the variance criteria have been met. Although the property is impacted significantly by environmental constraints, the applicants propose a reasonable use here and meet the spirit and intent of the Critical Area Program.

ORDER

For the reasons set forth in the foregoing Memorandum of Opinion, it is this 19th day of Dec., 2008, by the County Board of Appeals of Anne Arundel County, ORDERED, that the Petitioner's requests for a variance to permit development within a Habitat Protection Area, and a variance to disturb steep slopes of 15% and greater within the LDA of the Critical Area; for the construction of a single family dwelling and related facilities are hereby **GRANTED** subject to the following condition:

- 1) The Petitioner shall provide mitigation for disturbance within the Critical Area at a ratio of 3:1.

Any appeal from this decision must be in accordance with the provisions of Section 604 of the Charter of Anne Arundel County, Maryland.



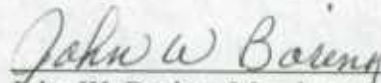
If this case is not appealed, exhibits must be claimed within 90 days of the date of this Order; otherwise, they will be discarded.

Any notice to this Board required under the Maryland Rules shall be addressed as follows: Anne Arundel County Board of Appeals, Arundel Center, P.O. Box 2700, Annapolis, Maryland 21404, ATTN: Mary M. Leavell, Clerk.


COUNTY BOARD OF APPEALS
OF ANNE ARUNDEL COUNTY



William C. Knight, III, Chairman



John W. Boring, Member




Carroll P. Hicks, Jr., Member



William Moulden, Member

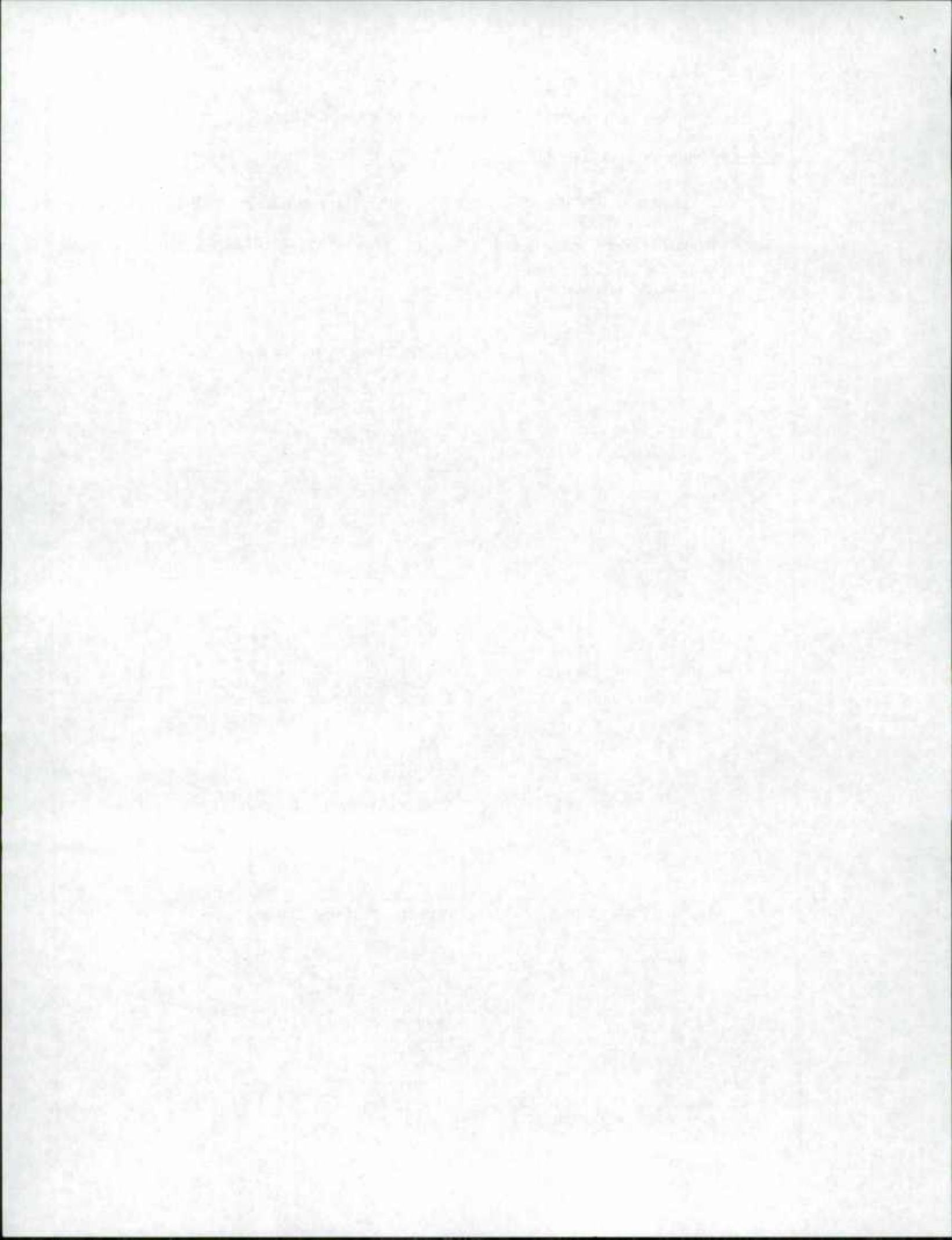


Andrew C. Pruski, Member



James E. Rzepkowski, Member

(Arnold W. McKechnie, Vice Chairman, was not present for this appeal.)





BOARD OF APPEALS
P.O. BOX 2700, 44 CALVERT ST., RM. 160
ANNAPOLIS, MARYLAND 21404
410-222-1119

June 16, 2008

NOTICE OF APPEAL HEARING

BA 33-08V
U.S. Financial Capital, Inc.

The Board of Appeals will conduct a public hearing on the above case on Tuesday, July 29, 2008, at 6:30 p.m., in the Council Chambers, First Floor, Arundel Center, 44 Calvert Street, Annapolis, Maryland.

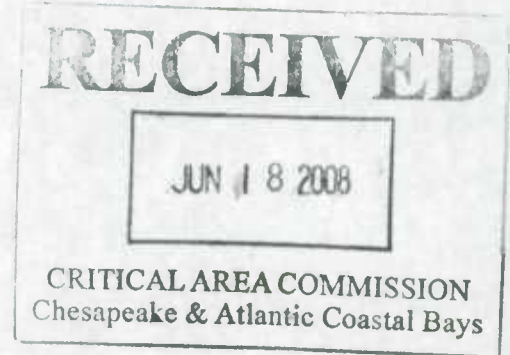
This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the denial of a variance to allow a dwelling with less buffer than required and with disturbance to steep slopes, on property known as 1083 Poplar Tree Dr., Annapolis.

Interested persons are advised to contact the Board of Appeals at 410-222-1119 to confirm that the hearing will proceed as advertised. The Board may choose to close a portion of the meeting to obtain legal advice or to discuss personnel matters as authorized by Section 10-508(a)(7) or Section 10-508(a)(1) of the Open Meetings Act.

A handwritten signature in cursive script that reads "Mary M. Leavell".

Mary M. Leavell
Clerk to the Board

cc: Property Owners
Critical Area Commission
News Media
Daniel J. Mellin, Esq.
Deborah Self
William Ethridge (2008-0062-V)
Suzanne Schappert
Stephen LeGendre
U.S. Financial Capital, Inc.



1951-52

THE ALABAMA STATE ARCHIVES
MONTGOMERY, ALABAMA

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144-08

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2008-0062-V

U.S. FINANCIAL CAPITAL, INC.

THIRD ASSESSMENT DISTRICT

DATE HEARD: APRIL 17, 2008

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

PLANNER: **WILLIAM ETHRIDGE**

DATE FILED: MAY 9th, 2008

RECEIVED

MAY 13 2008

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

308

PLEADINGS

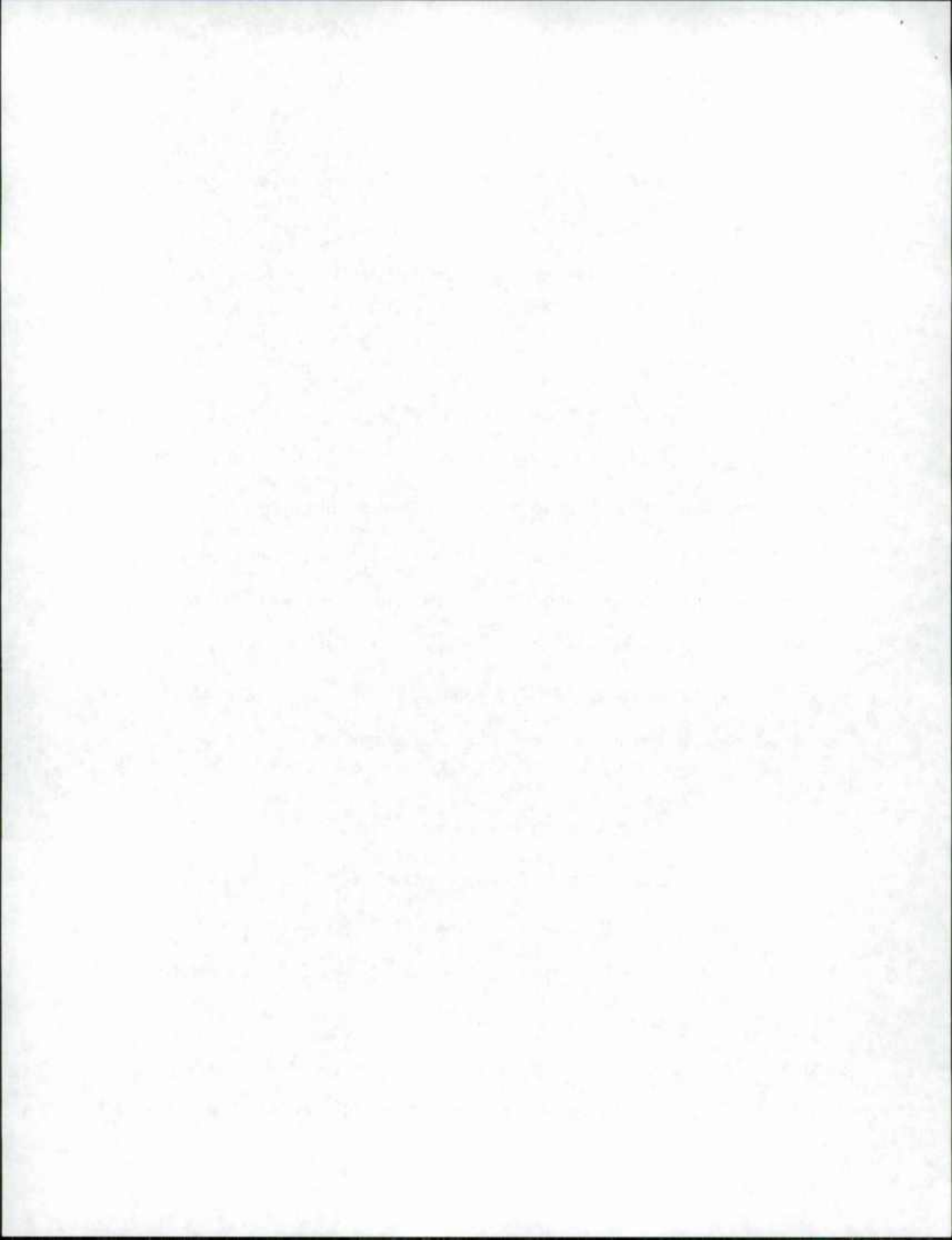
U.S. Financial Capital, Inc., the applicant, seeks a variance (2008-0062-V) to allow a dwelling with less buffer than required and with disturbance to steep slopes on property located along the south side of Poplar Tree Drive, east of Lake Claire Drive, Annapolis.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Gary Evans, the applicant's engineering consultant, testified that the property was posted on April 3, 2008. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

This case concerns property with a street address of 1083 Poplar Tree Drive, in the Cape St. Claire subdivision, Annapolis. The property comprises 9,000 square feet and is split zoned R5 Residential and OS Open Space Districts with Chesapeake Bay Critical Area designations as Limited Development Area (LDA) and Resource Conservation Area (RCA). The request is to develop the property with a single-family dwelling (46 by 28 feet) with a two-story rear deck

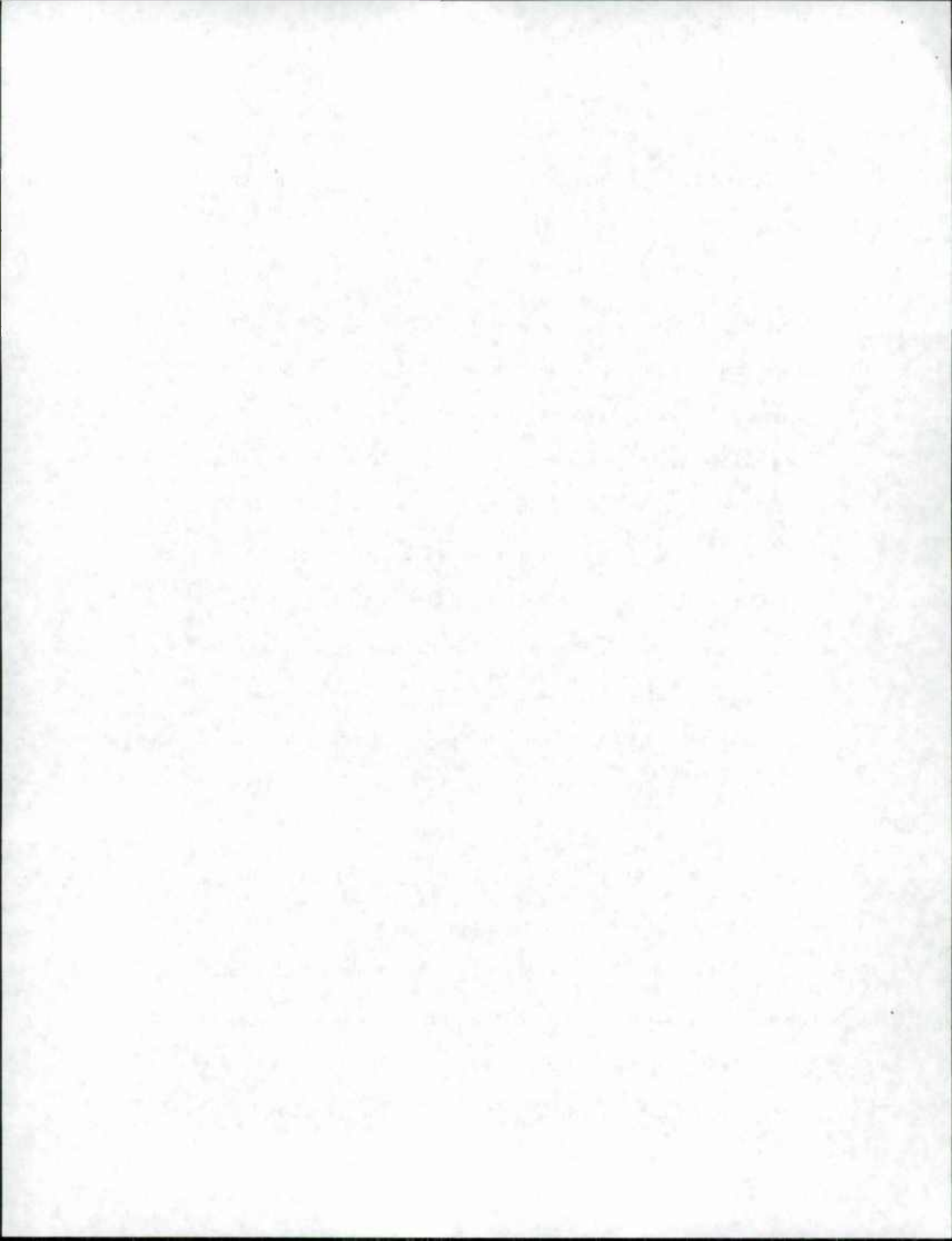


addition. The driveway and dwelling will be elevated approximately three feet above grade on pilings. The project disturbs nontidal wetlands running across the property and steep slopes in the rear yard.

Anne Arundel County Code, Article 17, Section 17-8-502 proscribes the disturbance of habitat protection areas, including nontidal wetlands. Section 17-8-201 proscribes development on steep slopes in the LDA. Accordingly, the applicant requests variances to both provisions.

William Ethridge, a planner with the Office of Planning and Zoning, testified that the property is wooded, with the frontage zoned OS and designated RCA. The grade also rises from front to rear. The improvements are raised above the nontidal wetlands; the disturbance (4,500 square feet, including path to the well) has been minimized. The witness summarized the agency comments. The Department of Health requires plan approval; the Development Division and the Chesapeake Bay Critical Area Commission require mitigation and authorization to disturb nontidal wetlands from the Maryland Department of the Environment (MDE). By way of conclusion, Mr. Ethridge supported the application.

Mr. Evans supplied a series of exhibits, including MDE authorization, site and neighborhood photographs, aerial photographs and plan and elevation drawings. The design includes an integral garage to minimize the impacts to nontidal wetlands. The slope disturbance relates to the installation of the well and is much less than the disturbed area. The applicant will provide off-site mitigation for disturbance to nontidal wetlands as required by MDE as well as stormwater



management plantings on site as required by the County.¹ Mr. Evans anticipated no change in the drainage course, especially as compared to the inadvisable alternative of filling for a standard foundation. The dwelling is reasonably sized, and comparable to other dwellings on similarly sized lots in the block. Finally, the estimated peak roof height is 28 to 30 feet.

Area residents John Walker² and Doug Bjornson opposed the application. Among other objections, the project will disturb the flow of water, mature trees will be removed and a house on pilings is not in character with the neighborhood.

Nicholas Demos, who owns an adjacent vacant property subject to the same constraints, supported the application.

I visited the site and the neighborhood. The property is heavily wooded. The topography falls from the road into the wetlands that contains standing water. The water course extends through the undeveloped property to the west and is piped under the road to undeveloped land across Lake Claire Drive. The houses across Poplar Tree Drive, to the east on the same side of the road and to the rear on the parallel street are all on higher ground. There are no other homes in the immediate area elevated above grade on pilings in wetlands.

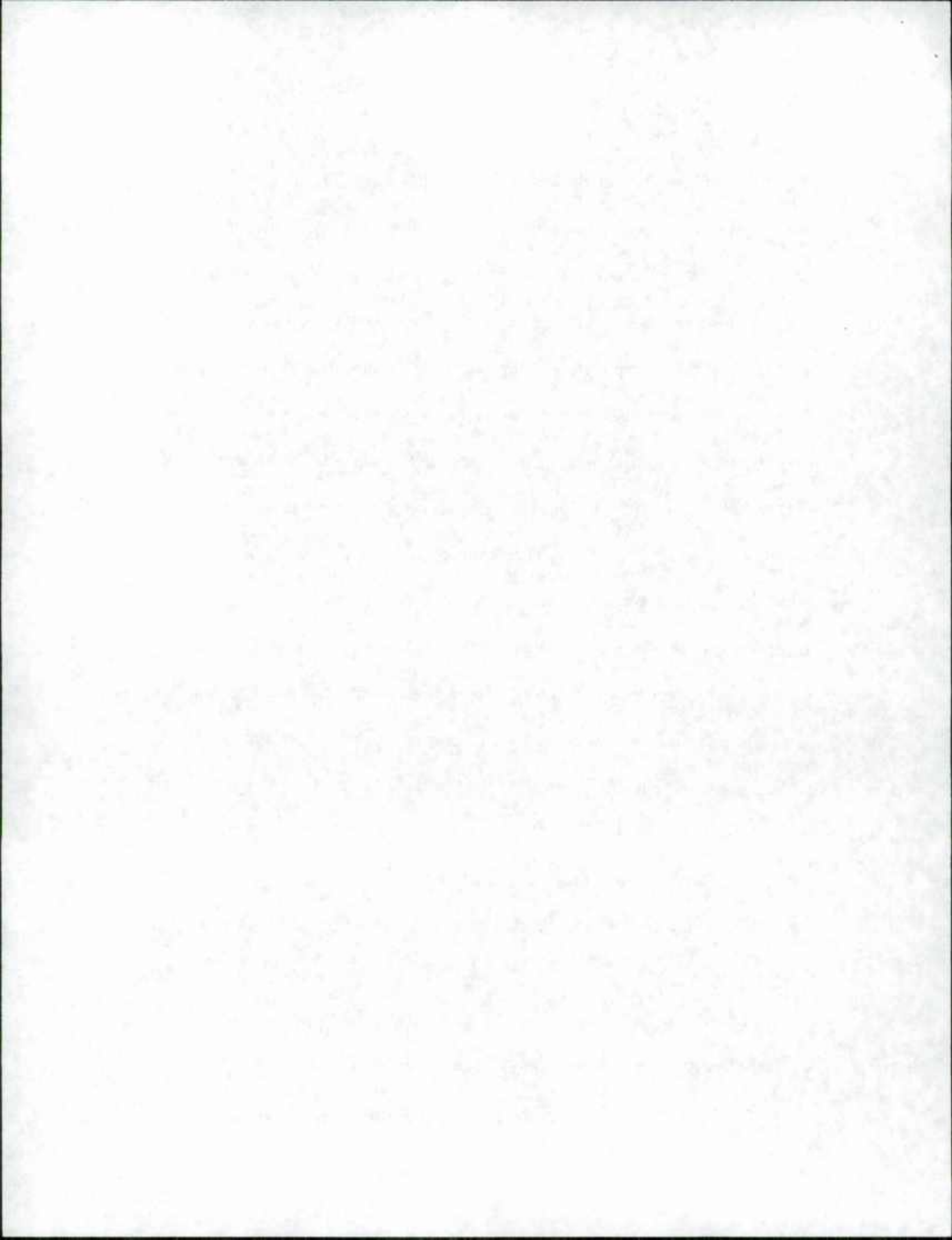
The standards for granting variances are contained in Section 18-16-305. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted only after determining that (1) due to

¹ There is also a fee for clearing.

² Mr. Walker supplied a petition in opposition to the application.

unique physical conditions, peculiar to the lot, a strict implementation of the program would result in an unwarranted hardship to the applicant; (2) a literal interpretation of the program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicant any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicant and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The law is well settled that the applicant must prove that all of the variance standards are satisfied. The relief must be denied if the evidence is wanting for even a single criterion.

Upon review of the facts and circumstances, I am compelled to deny the relief. While some of the variance standards are satisfied, others are not. Considering first the subsection (b) criteria, there is sufficient proof that a literal application of the program will deprive the applicant of the right to develop a single-family dwelling, which is a right in common enjoyment by other properties



in similar areas of the Critical Area; and conversely, the grant of some relief will not confer on the applicant a special privilege denied by the program to other lands in the Critical Area. I further find that the need for some relief does not result from the actions of the applicant or from land use on neighboring property.

However, I do not believe that the applicant has established that the granting of the variance will not adversely impact Critical Area assets and harmonizes with the general spirit and intent of the program. Even accepting Mr. Evans' assertion that the construction of the elevated driveway and dwelling will not alter the drainage course, the disturbance is excessive. Nor does it matter that the impact is less than the impact of a standard foundation for the same improvements.

The application of the subsection (c)(1) criterion of minimization is necessarily subjective. But, given the extreme sensitivity of the lot, the applicant is held to a higher standard of proof than merely showing that the dwelling is comparable in size to other dwellings on similarly sized lots. Nor is there any right to the amenity of a garage, especially when the access to the garage requires an elevated driveway on pilings. Even accepting that the granting of the variance will not alter the essential character of the residential neighborhood or substantially impair the use or development of adjacent property, the granting of the relief is nonetheless detrimental to the public welfare.

Because the applicant has not met its burden of proof, the denial of the variance does not deny reasonable use and is not an unwarranted hardship.




ORDER

PURSUANT to the application of U.S. Financial Capital, petitioning for a variance to allow a dwelling with less buffer than required and with disturbance to steep slopes, and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 9th day of May, 2008,

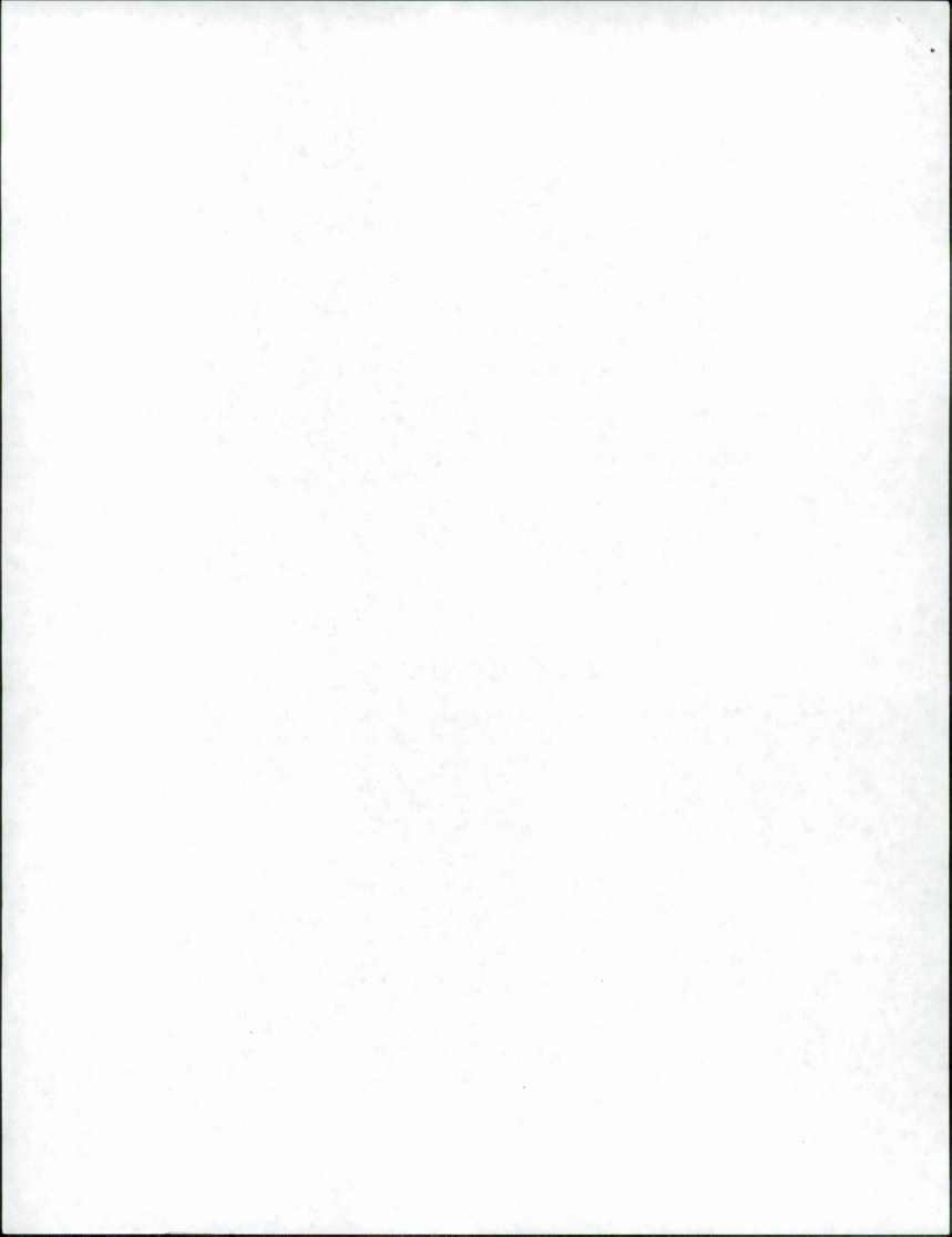
ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request is **denied**.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.



AA 144-08

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2013-0261-V

**US FINANCIAL CAPITAL, INC.,
THE SANFORD COMPANIES**

THIRD ASSESSMENT DISTRICT

DATE HEARD: JANUARY 23, 2014

ORDERED BY:

**DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER**

PLANNER: SARA ANZELMO

DATE FILED: FEBRUARY 6, 2014

100

PLEADINGS

US Financial Capital, Inc., The Sanford Companies, the applicant, seeks a variance (2013-0261-V) to allow an extension in time for the implementation and completion of a previously-approved variance on property located along the south side of Poplar Tree Drive, east of Lake Claire Road, Annapolis.

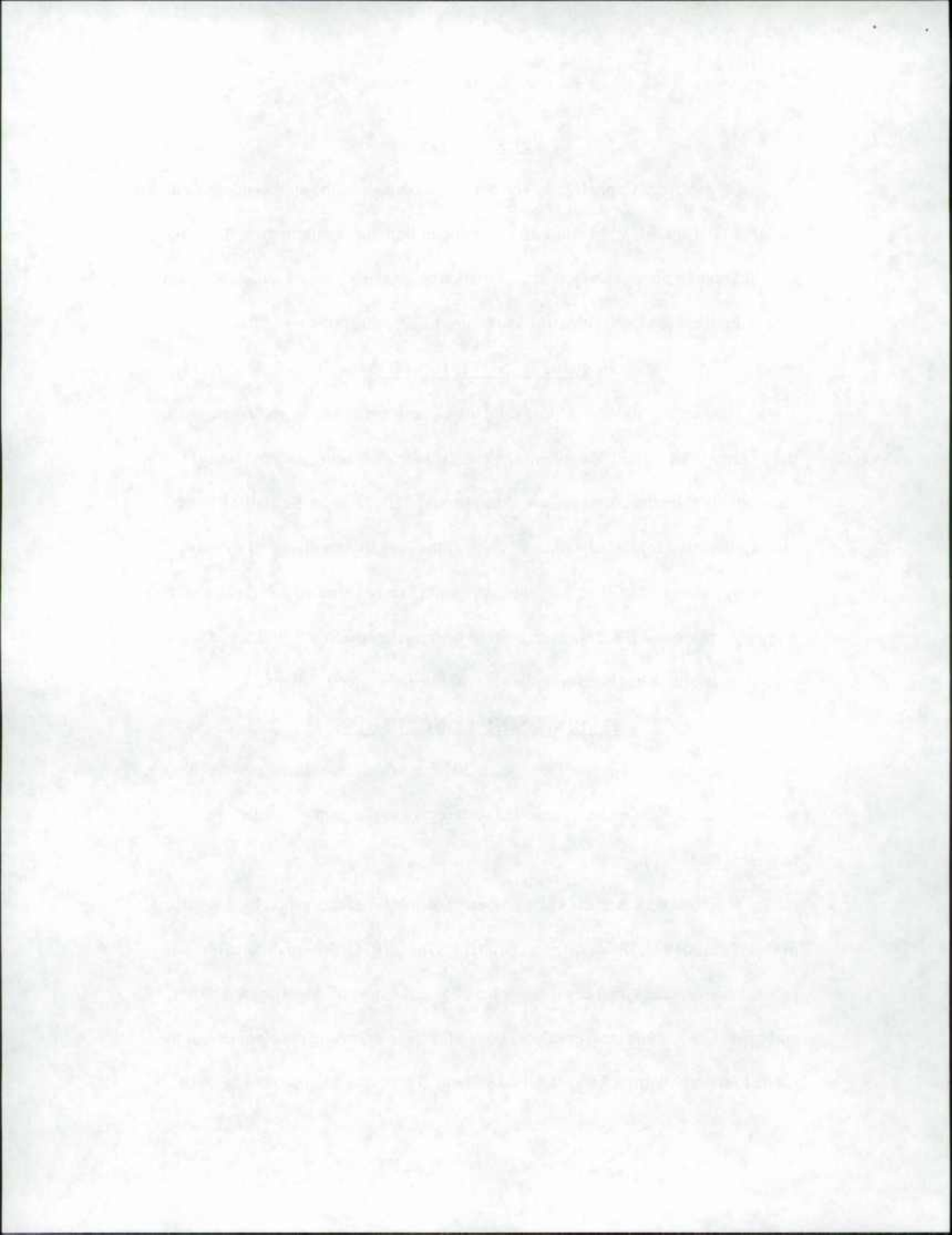
PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Gary Evans testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

A hearing was held on January 23, 2014, in which the witnesses were sworn and the following was presented with regard to the proposed relief requested by the applicant.

This case concerns the same property the subject of a decision by this office in Case No. 2010-0138-V (August 26, 2010). The 2010 Order conditionally granted critical area variances to disturb 5,805 square feet of the expanded buffer and to disturb 567 square feet of nontidal wetlands to allow the development of the subject property with a single-family dwelling. There was no appeal. The 2010



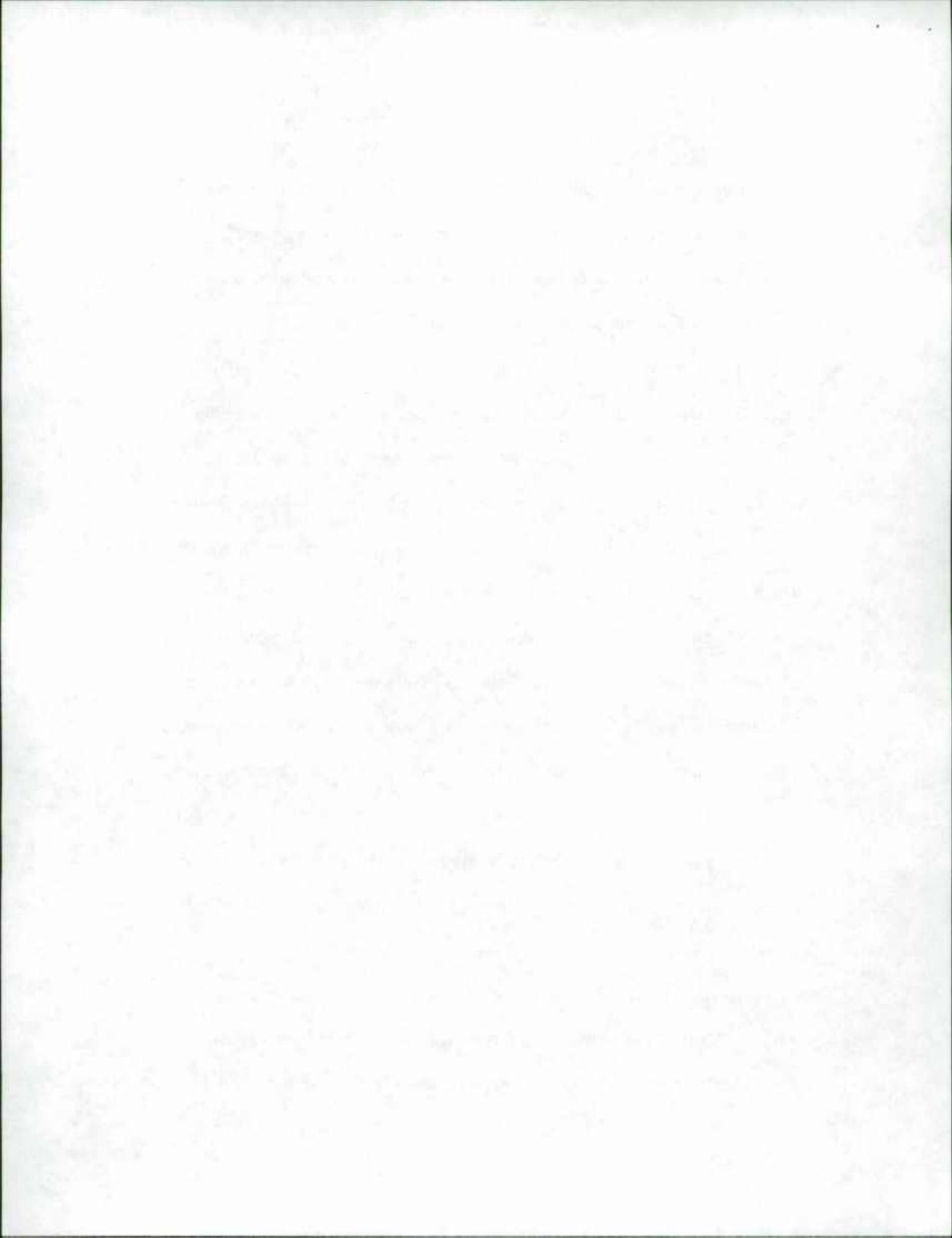
variances were to expire on February 26, 2012. However, the applicant timely filed an application to extend the time period for an additional 18 months and, in Case No. 2012-0028-V (April 17, 2012), a further extension was granted.

The applicant is back again, having timely filed this application to extend the time to obtain a building permit and other authorizations.

Sara Anzelmo, a planner with the Office of Planning and Zoning (OPZ), testified in favor of granting the requested variance. The applicant's letter of explanation submitted with the new time extension application states that the applicant has been addressing agency comments and has recently been working to modify the fees due, which has delayed the project's approval and permit issuance. The letter states that the Forest Fee is over \$30,000.

The Office of Law commented that the property has an outstanding critical area violation, and there is a pending case in Circuit Court. As such, any variance must be conditioned on the criteria set forth in § 18-16-305(d), effective December 12, 2013 with the passing of Bill 76-13. The Office provided documentation from the Office of Inspection and Permits describing the active violation (case #E-2013-307) for grading without a permit in a wetland and a wetland buffer, which stemmed from a complaint made on June 7, 2013 for tree clearing in the critical area (LDA) without a permit.

The Development Division (Critical Area Team) also cited the criteria set forth in § 18-16-305(d) and added that subsection (e) stipulates that any critical area variance granted shall lapse by operation of law if the conditions are not



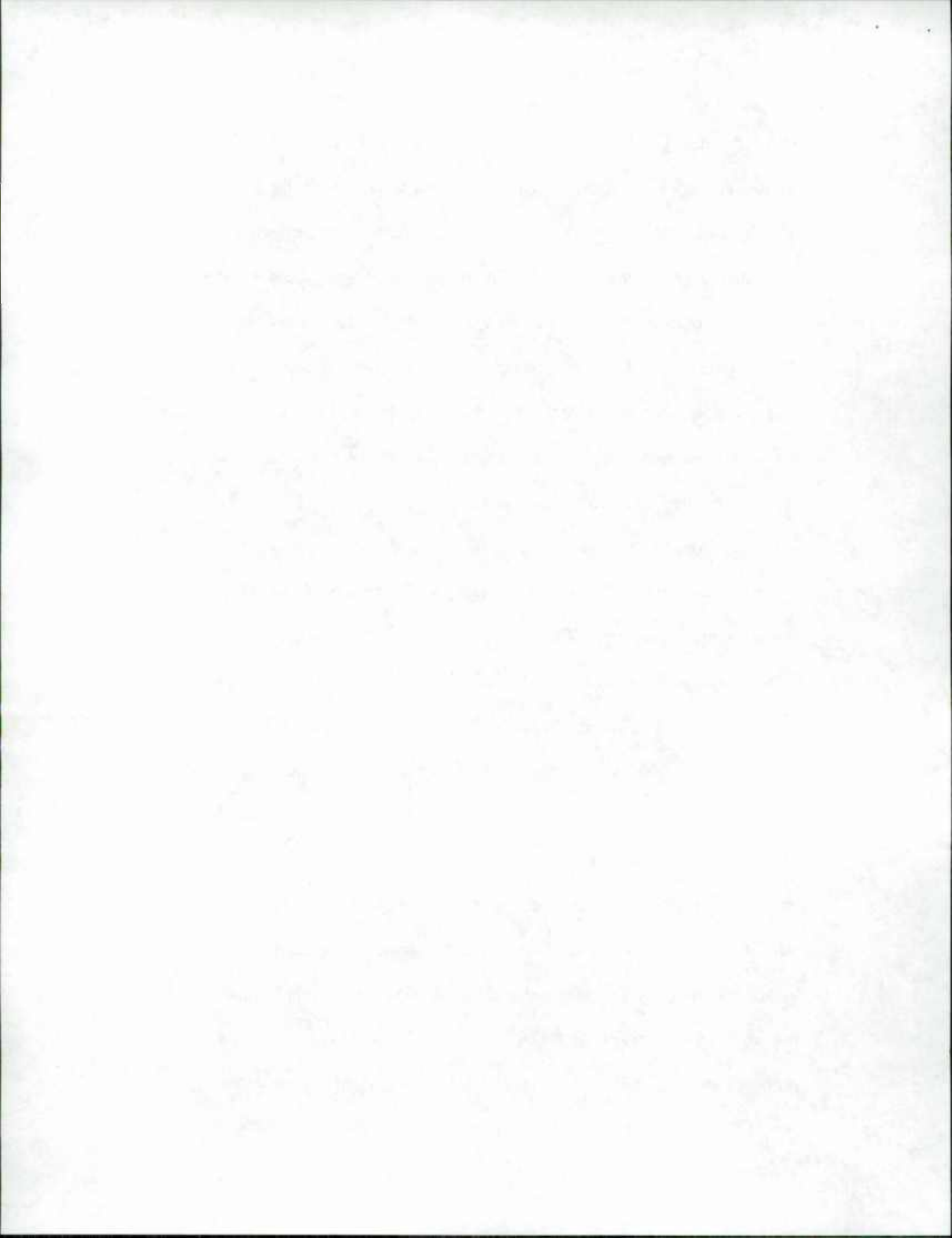
satisfied within 90 days of the date of the decision or as extended. The Division advised that any MDE authorizations expired and/or required for the additional unauthorized clearing in the nontidal wetlands buffer must be obtained and submitted for review and approval during the permitting process and that the Department of Inspections and Permits would prefer that the violation (E-2013-307) be resolved via the permit process before an extension is granted.

The Department of Health does not have an approved plan for this project, but has no objection to the variance request as long as a plan is submitted and approved by the Department.

Ms. Anzelmo testified that while this is the second request for a time extension, County records confirm that the applicant appears to be working towards obtaining a permit. The applicant is requesting an extension of eighteen months which is not considered to be excessive and is believed to be the minimum variance necessary to afford relief.

Based upon the standards set forth under § 18-16-305 under which a variance may be granted, Ms. Anzelmo testified that OPZ recommends approval of the requested variance.

The applicant was represented at the hearing by Daniel Mellin, Esquire, who offered testimony through Gary Evans, the applicant's representative, that events have unfolded that have prevented the applicant from completing the necessary approvals to obtain the building permit it needs to construct the proposed dwelling on the subject property. An identical dwelling is under

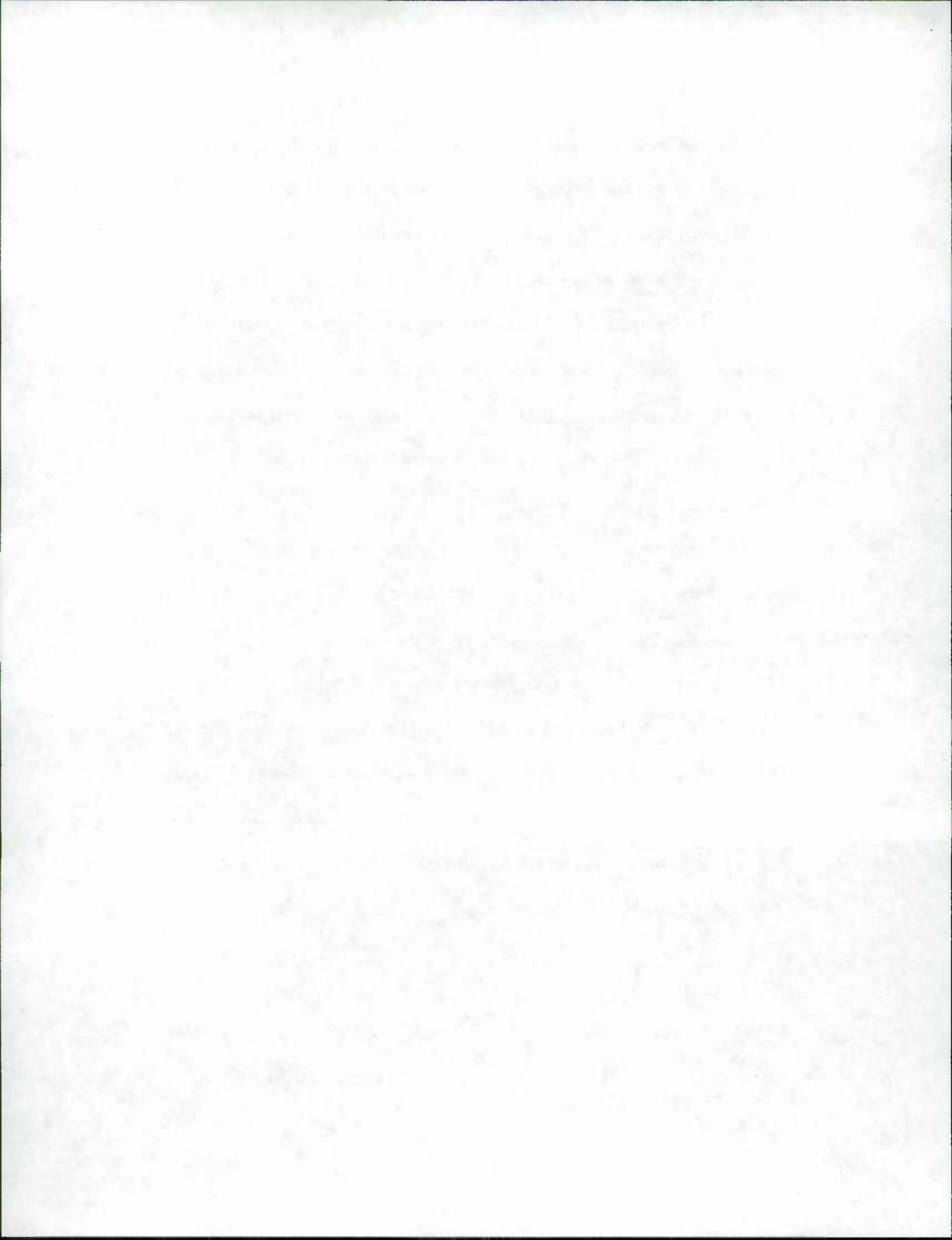


construction on the lot immediately to the east. However, Bill 93-12 and other legislative and regulatory changes have delayed the approval of the engineering documents submitted by the applicant. (See Applicant's Exhibit 2, a time-line showing the applicant's efforts since the original variance was granted in 2010.) In addition, a good-faith gesture to a neighboring property owner to the north of the subject property, i.e., cutting-down a very large poplar tree on the subject property that was deteriorating and threatening the neighbor's house, resulted in legal action against the applicant that has prevented the applicant from going forward until the litigation is resolved.¹

The applicant believes that the delays they have encountered will be resolved within six months, if not sooner, but request that they be given 18 months to make sure they have enough time to complete the work.

Although the failure to move forward is not considered exceptional circumstances, failure to extend the variance would work an unnecessary hardship on the applicant. Good cause has been shown for the delay in obtaining a building permit. Furthermore, this is the minimum necessary to afford relief. Therefore, I will grant the extension. The approval incorporates the same conditions appended to the Order in Case No. 2010-0138-V.

¹ "No good deed goes unpunished," particularly where the necessary and required approvals were not obtained to drop the tree.

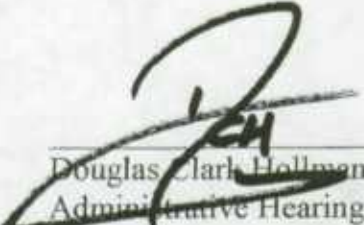


ORDER

PURSUANT to the application of US Financial Capital, Inc., The Sanford Companies, petitioning for a variance to allow an extension in time for the implementation and completion of a previously approved variance; and

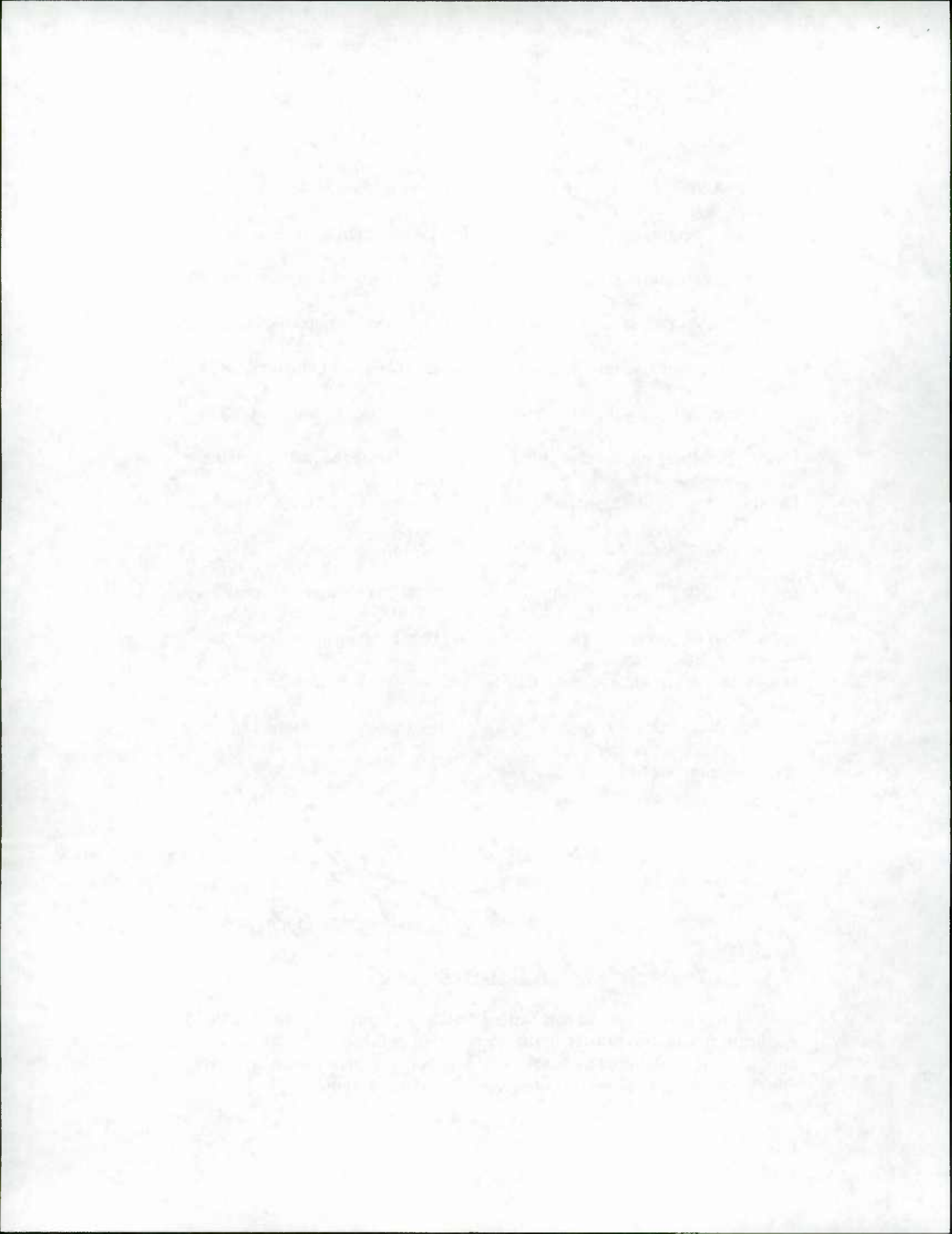
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **6th day of February, 2014**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted** a variance to extend the time to obtain a building permit until August 6, 2015, with completion in accordance with the permit, subject to the conditions contained in the Order granted by this Office in Case No. 2010-0138-V which are that the applicant shall comply with any instructions and necessary approvals from the Permit Application Center, the Department of Health, and/or the Critical Area Commission, including but not limited to any direction regarding the use of nitrogen removal system technology and mitigation plantings.


Douglas Clark Hollmann
Administrative Hearing Officer

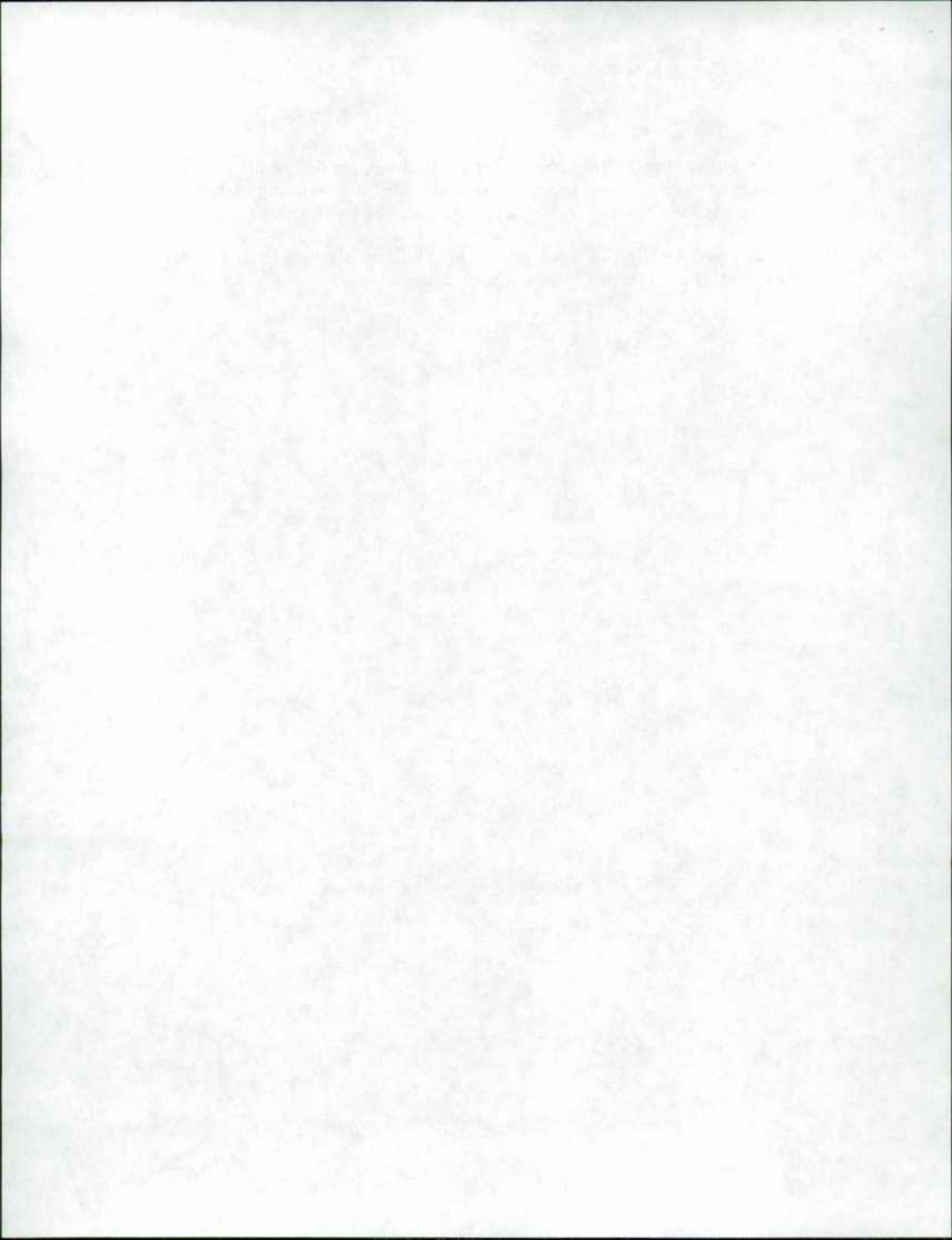
NOTICE TO APPLICANT

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.



Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.



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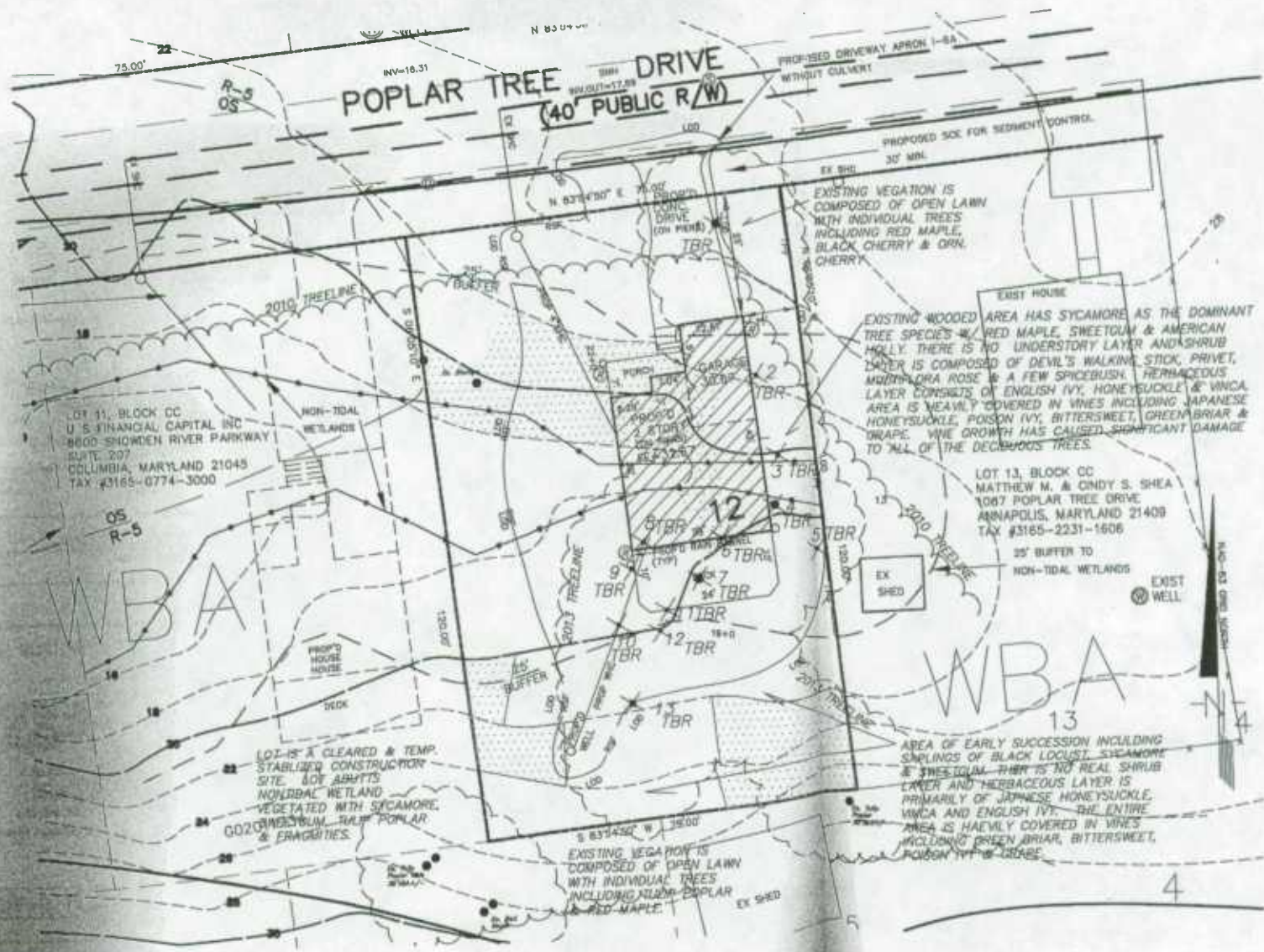
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8	American Holly	4", 6"
9	Red Maple	18.0"
10	American Holly	1", 3", 3.5", 7.5"
11	Allanhus	7.5"
12	Sycamore	4.0"
13	Black Cherry	11.5"

MITIGATION FOR DISTURBANCE PLANTING PLAN

SCALE: 1" = 20'

FEE-IN-LIEU: 5,749sf ©
 *Per Critical Area Buffer
 Effective Date March 8,



CRITICAL AREA NARRATIVE

THIS IS AN UNDEVELOPED R-5 OS, CRITICAL OVERLAP ENTIRELY WITHIN THE EXP. PORTION OF A NONTIDAL 1 OF STEEP SLOPES. APPROX CLEAR WITH 2 LARGE STU LOT IS LIGHTLY WOODED. INCLUDE SYCAMORE (dam), CHERRY, SWEETGUM, AME IS NO UNDERSTORY AND DEVIL'S WALKING STICK S THE GROUND LAYER IS C IVY, POISON IVY, JAPANES GREENBRIAR & GRAPE. I EXTENSIVE DAMAGE TO AL

SC	
MAP UNIT DESCRIPTION	
WBA	Widewater, 0 to 2 per

SOURCE: 2013 USDA Natu
 Web Soil Survey.

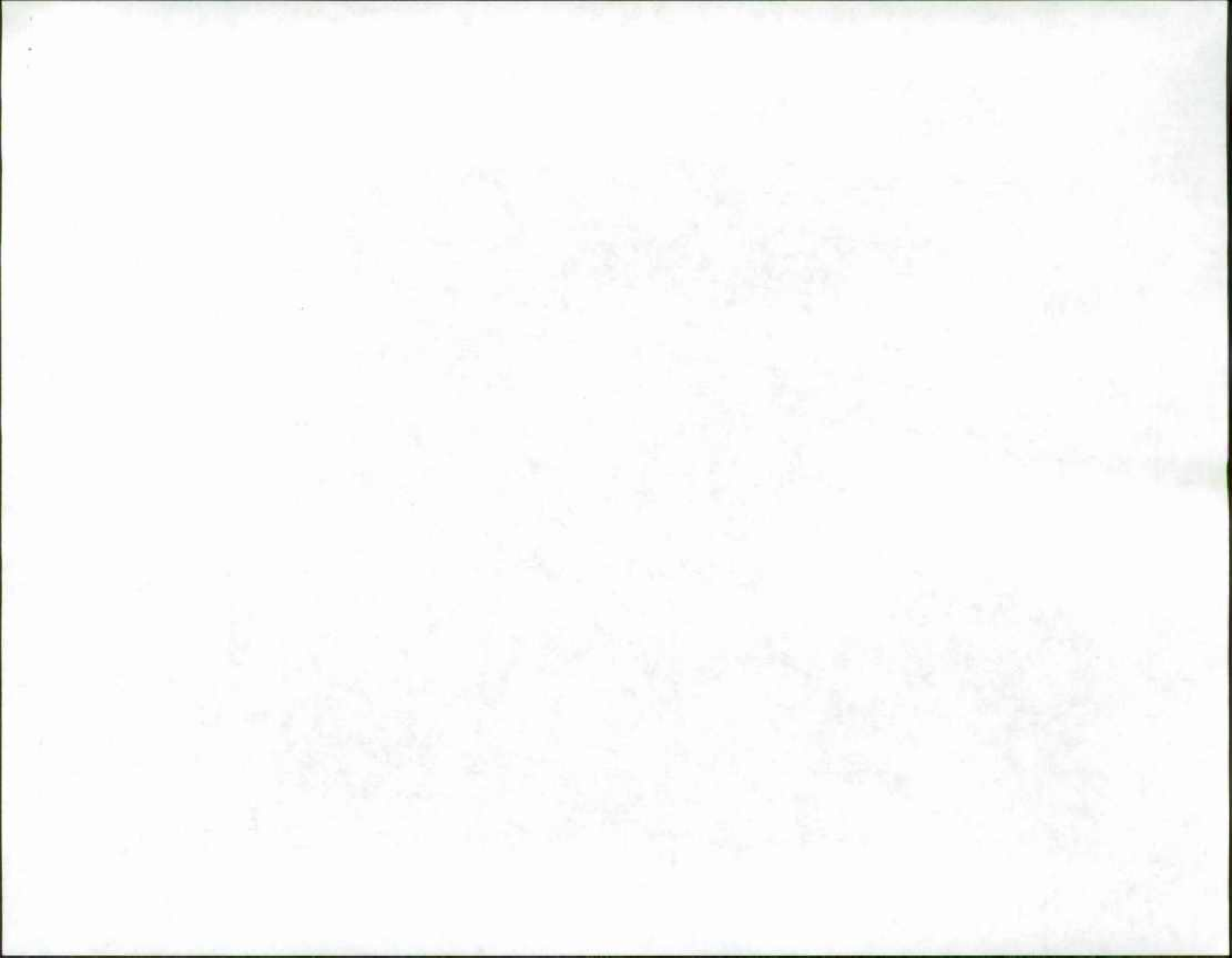
INSPECTION AGREEMENT

THE SANFORD COMPAN
 GRANT PERMISSION TO
 AT APPROPRIATE TIME
 1085 POPLAR TREE D
 TAX MAP 40, PARCEL
 THIRD DISTRICT.

OWNER

BUFFER MANAGEMENT

THIS MAJOR BUFFER I
 APPROVED FOR CON
 THE PROVISIONS OF C



ED BROWN & ASSOCIATES, INC.

EDWARD A. BROWN L.S.
President

DOUGLAS D. BOURQUIN
Vice President

Land Surveyors - Planners

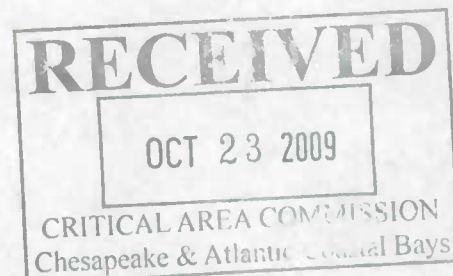
PLAZA ONE BUILDING
1511 Ritchie Hwy
Suite 301
Arnold, MD 21012

Phone 410-757-2002

Fax 410-757-2011

September 23, 2009

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401



ATTENTION: Larry Tom, Officer
RE: 1083 Poplar Tree Drive
TAX #: 3165-0774-3000

Dar Mr. Tom:

The purpose of this letter is to request a Modification to the Buffer/Habitat Protection requirements of Article 17, Sect 8-502 and Sect 9-301.

The project is a Platted Lot in Cape Saint Claire. The proposal to construct a SFD is being reviewed under B 02175167 and G 02011734. A Variance to construct the proposed new house in the on-site non-tidal wetland was approved by the County Board of Appeals on December 19, 2008, under case #: BA-33-08V, which was an Appeal taken on Administrative Hearing Case #: 2008-0062-V. The State of Maryland Department of Environment has also issue their approval under #: 06-NT-0191/200663712 dated October 31, 2006.

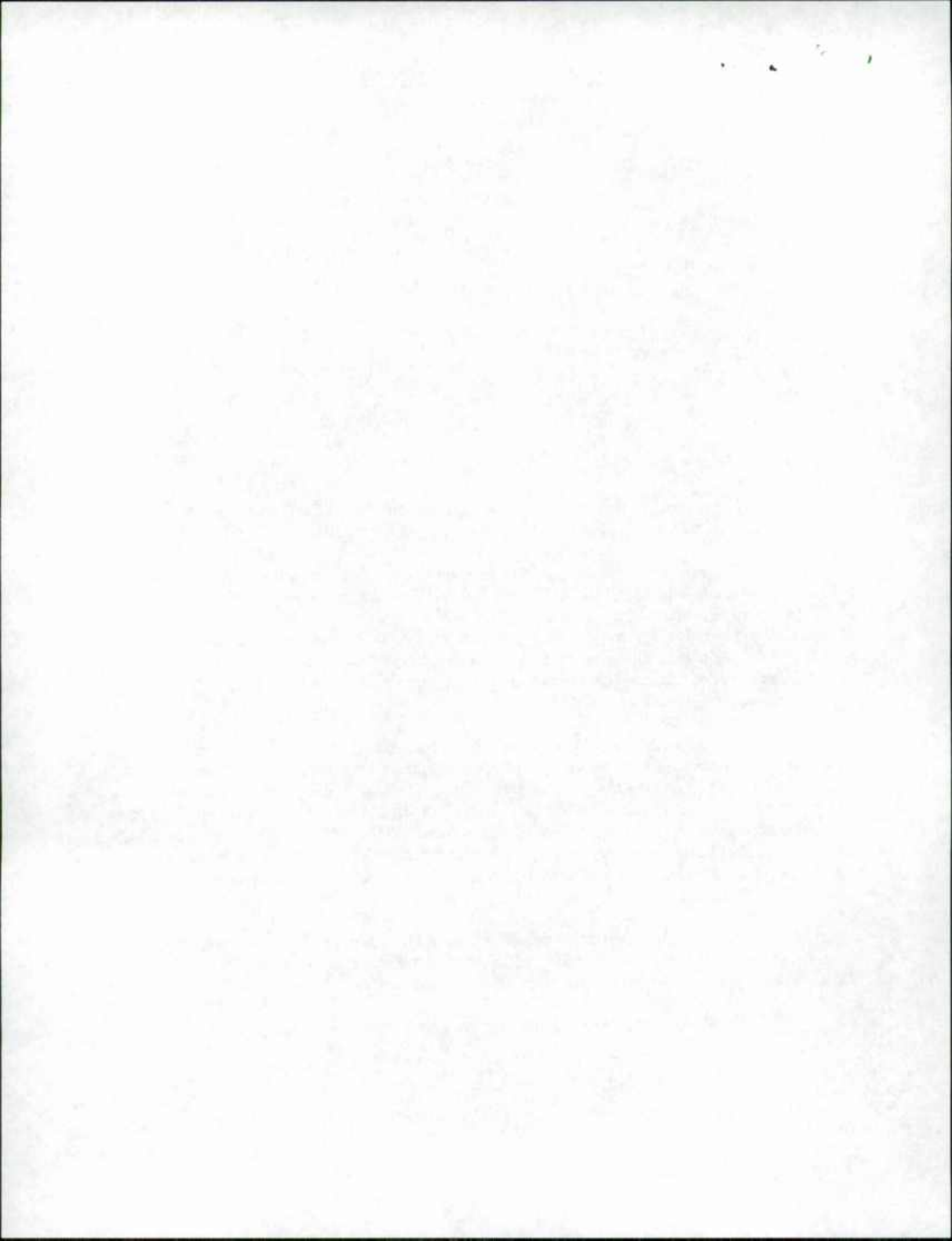
The subject site Lot 11, Block CC, Cape Saint Claire is situated near Annapolis and development is constrained by multiple zones, features and regulations. The site is entirely located in the LDA Critical Area. The front "third" of the property is zoned Open Space and the rear "two thirds" is zoned R-5. In addition to that, nearly 90% of the property is impacted by non-tidal wetlands and their 25 foot buffer. Development of this site cannot occur without impacts to the wetlands/buffers. The proposed structures have been situated on the property so as to minimize the impacts to the existing environmental features. Please refer to the attached Plans.

Based on the information provided here and based on the Site Plan attached, we request that you approve this modification request made necessary by the fact that the subject property is nearly all non-tidal wetlands and buffers.

Please contact us with any questions or comments. Thank you.

Sincerely,


Douglas D. Bourquin





MODIFICATION APPLICATION

MODIFICATION APPLICATION: (Following information to be completed by the applicant TYPEWRITTEN OR PRINTED)

Date: 9.23.09
Applicant's Name: SANFORD COMPANY/U.S. FINANCIAL CAPITAL, INC.
Applicant's Address: 8600 SNOWDEN RIVER PARKWAY
SUITE # 207
COLUMBIA, MD. 21045
Applicant's Phone Number: 410.953.0222 GARY EVANS

As part of the development review process certain modifications have been requested and the following information is provided.

Modification Types: (Indicate the type and number of modifications requested)

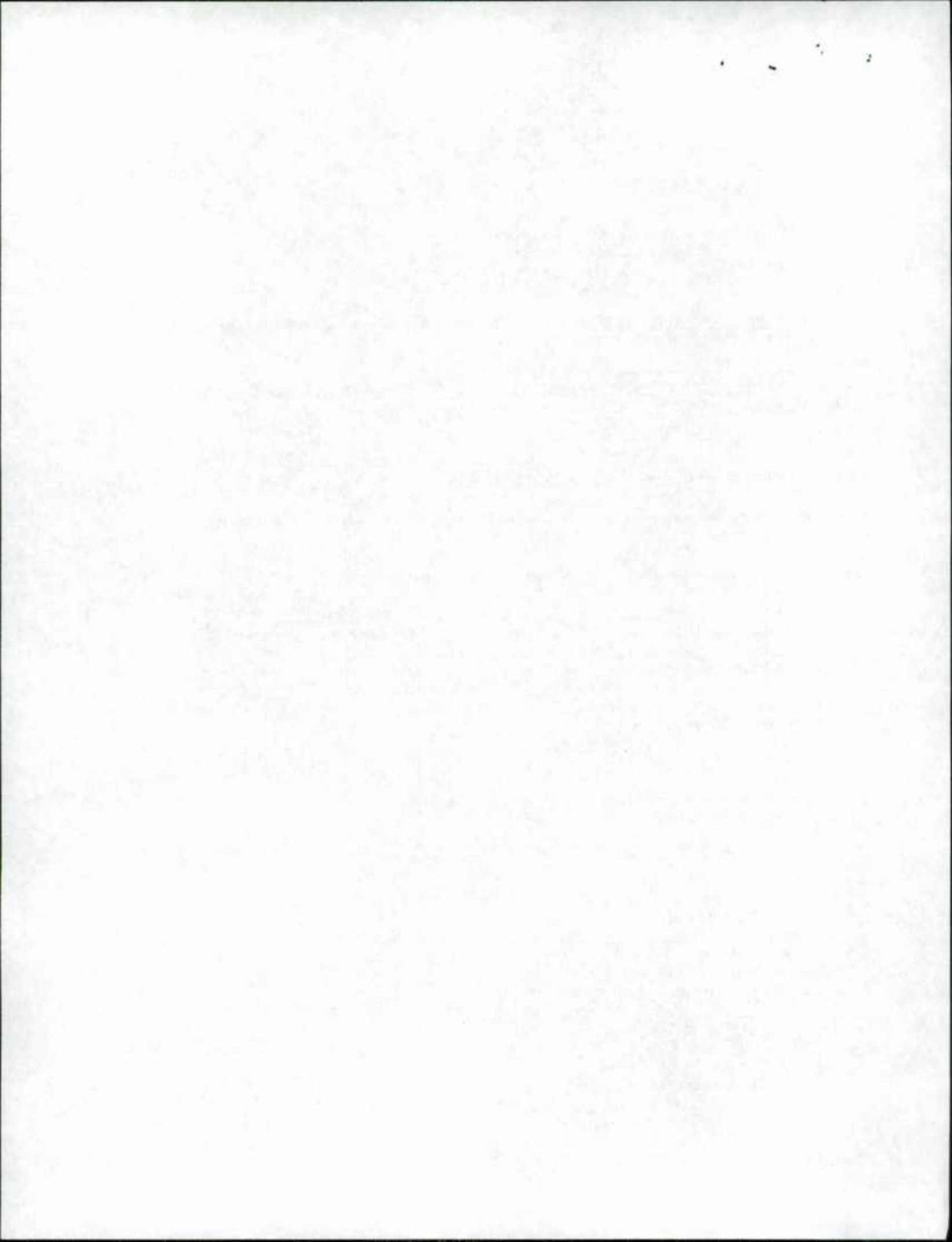
Process: Major, Sketch Minor, Amended Plat Other illegal parcels
 Subdivision Standards: Road improvements, Water extension, Sewer extension,
 Recreation area, Street trees, Lot size, Lot ratio, Lot density PUD Setbacks
 Design Manual Standards: Cul de sac, Right of way width, Pavement width,
 Sight distance, Road radius, Road intersection spacing
 Environmental: Steep Slopes, Specimen Trees, Wetland Impacts, Buffers
 Storm Water Management:
 Flood Plain:
 Other:(specify) _____

Development Types: (check one and complete appropriate information)

Major Subdivision:
Name: _____
Subdivision No. S _____ Project No. P _____
 Minor Subdivision:
Name: _____ Subdivision No. MS _____
 Site Development Plan:
Name: _____ Site Plan No. C _____
 Grading Permit #G 02011734
 Building Permit #B 02175167
 Tax Account #: (reqd. for sketch modifications)
3.165.0774.3000

Location: N SE W side of POPLAR TREE DRIVE Street 160' ± feet
N SE W of LAKE DRIVE Street (closest intersecting street)
Tax Map 40 Block 5 Parcel 27
Tax Assessment District THIRD Councilmanic District 5TH
Size of Tract (Acreage) 0.21 AC.
(Circle appropriate directions)

APPLICANT SHOULD REVIEW FEE COSTS ON NEXT PAGE AND SUBMIT ACCORDINGLY



Detailed Description of Each Modification Request:

ART. 17. SECT. 8-502
ART. 17. SECT. 9-301

THE PROPERTY CONTAINS AN AREA OF N.T. WETLANDS. A VARIANCE WAS APPROVED VIA B.A. 33-08Y (OAH # 2008-0062-V). THE MDE/USACOE APPROVAL WAS GRANTED UNDER 66-NT-0191/2006-63712.

SIGNATURE: [Signature] FOR GARY EVANS DATE 9.23.09
(APPLICANT/AGENT)

(Following to be completed by Office of Planning and Zoning)

MODIFICATION NUMBER(S): _____ DATE _____

If Meeting Required – Meeting Date/Time: _____

For more information, contact:

- _____ South Team at 410.222.7960
- _____ North Team at 410.222.7458
- _____ Regional Team at 410.222.7485
- _____ Critical Area Team at 410-222-7960

Washington and 301 access line: 301.970.8250 ext. South 7960, North 7458, Regional 7485

Written justification and studies submitted: Yes _____ No _____

FEE SCHEDULE: (EFFECTIVE May 12, 2005)

Modification
(Can be combined except for those below) @ \$250= _____

AOE:

Signs: \$30.00 @ 30. = _____

Postage: 1st class rate * 2 * #of property owners .39 = _____

Flood Plains @ \$250= _____

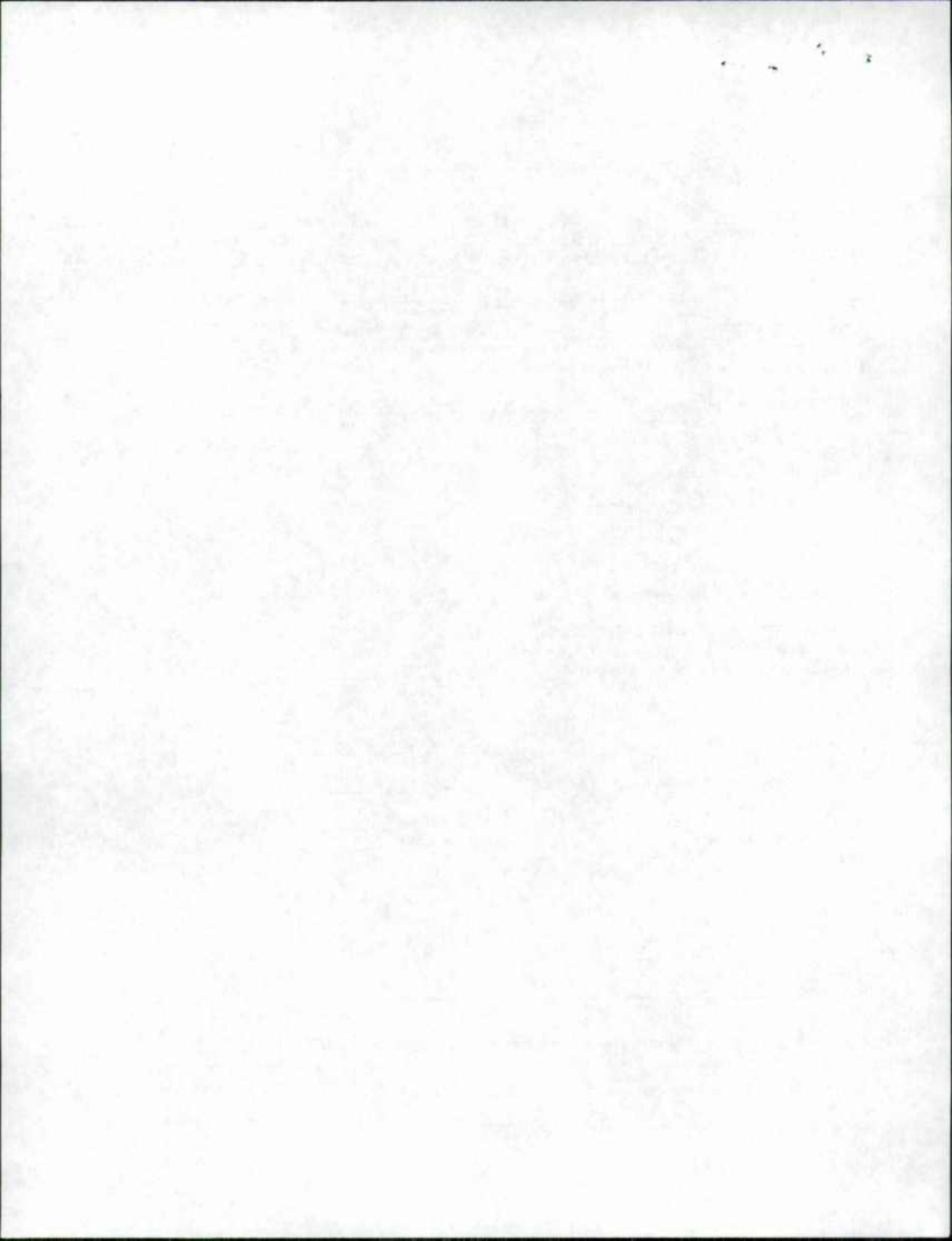
Storm Water Management @ \$250= _____

Other fees: _____

Subtotal \$ _____
Total \$ _____

Signature: _____

Applicant responsible for submittal of ad to newspaper (local) and payment - proof reqd.)



**U.S.FINANCIAL CAPITAL, INC.
8600 SNOWDEN RIVER PARKWAY, SUITE 207
COLUMBIA, MARYLAND 21045
410.953.0222
410.953.0223 FACSIMILE**

Via Hand Delivery

February 27, 2008

**Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401**

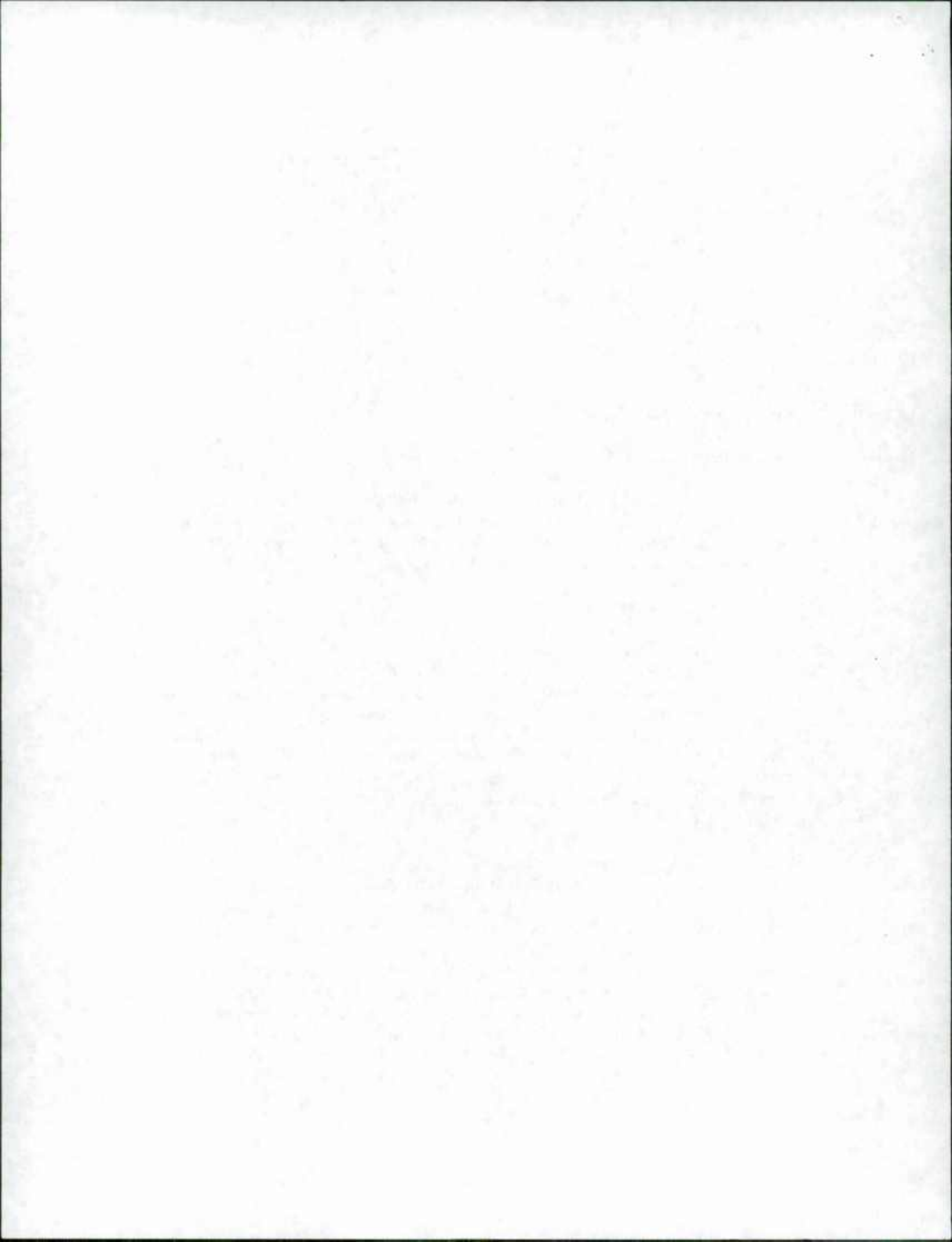
**Re: Lot 11, Block "C-C" Cape St. Claire, Annapolis, Maryland 21409
Request for Variances, to develop within non-tidal wetlands, wetland buffers,
slightly disturb 15% slopes to install utilities, and to develop within a designated
habitat protection area located with the LDA Chesapeake Bay**

Dear Planning and Zoning:

The enclosed submittal represents our request for Variances to continue the permit process and develop lot 11, Block C-C with one single family detached dwelling, well, driveway, walks and storm water management facilities consisting of plantings. The site is zoned R5, LDA critical area and is defined within the county code as a build able lot. The subject site is vacant and is contains non-tidal wetlands. The grading permit approval process accounts for mitigation of clearing with reforestation options and implementation of the storm water management plan mitigates for new paved surfaces, thus developing the site as anticipated by the general development plan causes little adverse impacts to the community.

The subject property is designated as 1083 Poplar Tree Drive, Annapolis, Maryland 21409. This platted lot has an area of 9,000 square feet. The lots are located on the south side of Poplar Tree Drive 163 feet east of Lake Claire Drive, The streets are improved with public sewer, drains and utility services are existing.

The development proposal consist of building one detached dwelling, well, drive and walks disturbing 5,400 square feet of the site. Installation of plantings will provide the required storm water management for new impervious coverage of properties located within the Chesapeake Bay Critical Area. Due to high groundwater plantings is the only viable method of storm water management.

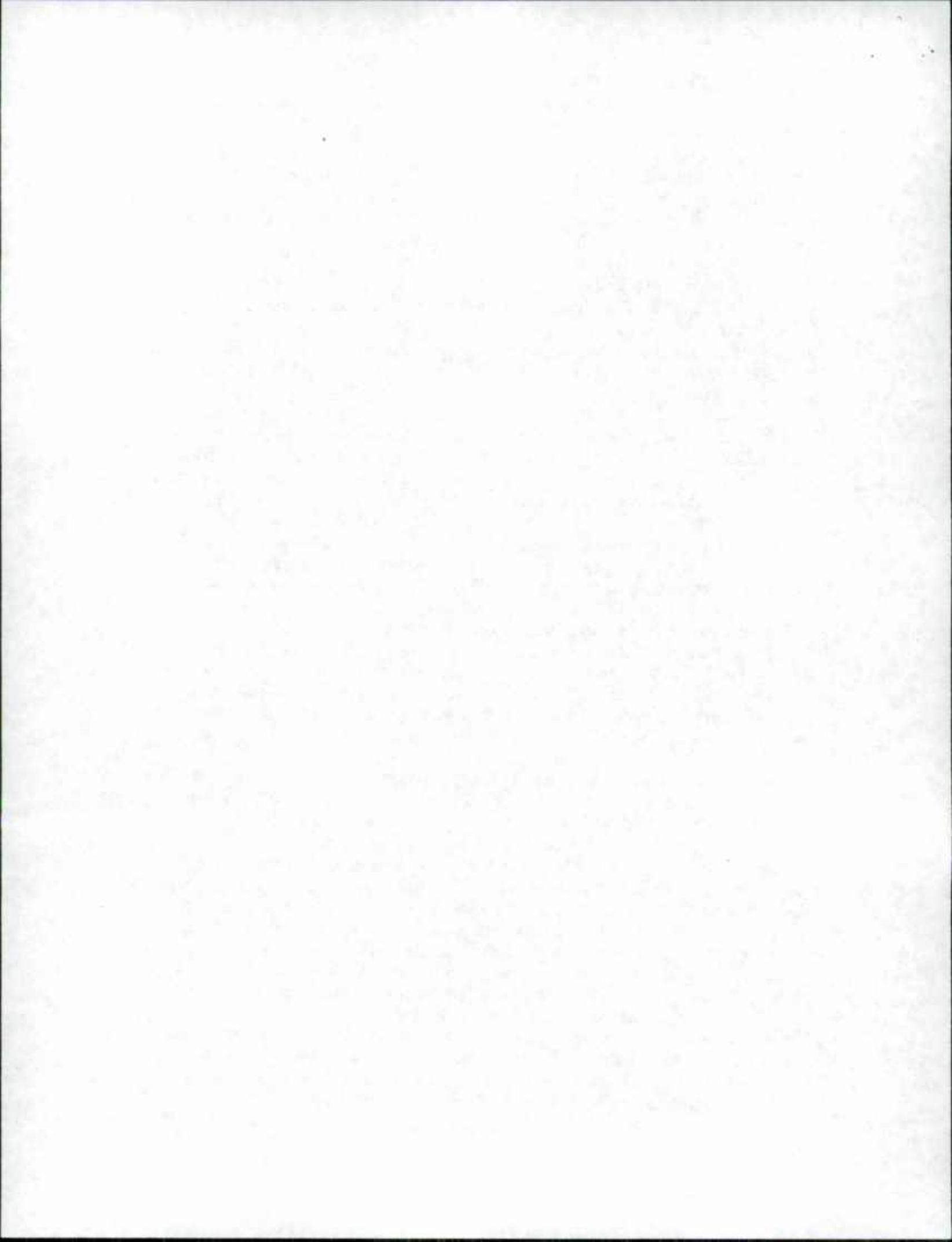


We selected a dwelling that is smaller than one proposed under the pending grading permit G02011734 as the new model better minimized impacts and provided a more consistent dwelling and uses with the street. The dwelling is being designed to provide that no basement or crawl space be installed; the dwelling except the garage is elevated above the existing ground on pilings or pier foundations.

The disturbance is designated as 5,400 Square Feet, which is slightly over the base minimum, that area reflects a travel path to drill the well and does not include altering the grades and will be restored and regenerated after the well connection to the proposed dwelling. The Cape Saint Claire Improvement Association requires a minimum side yard of 10 feet, 3 feet greater than the current county code, so a slightly higher area is within that requirement.

A variance to 17-8-502 is necessary in order to allow disturbance in a Habitat Protection Area. This area is a historically platted and improved residential area. As you can see from the site plans all the lots to the north and east are improved with established homes on cleared and graded lots. It is clear that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this Article. Because there are exceptional topographical conditions peculiar to and inherent in this particular lot there is no reasonable possibility of developing the lots in strict conformance with this Article. Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the Applicant to develop the lots. Because of these unique physical conditions on this lot the Applicant will suffer an "unwarranted hardship" meaning that, without a variance, the Applicant will be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. Denial of the variance will deprive the Applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the Critical Area Program within the critical area of the County.

The granting of the variance will not confer on the Applicant any special privilege that would be denied by COMAR, 27.01, the County's critical area program to other lands or structures within the County critical area. The variance request is not based on conditions or circumstances that are the result of actions by the Applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance will not adversely impact fish, wildlife, or plant habitat within County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's Critical Area Program or bog protection program. The variance requested is the minimum variance necessary to afford relief, the granting of the variance will not (i) alter the essential character of the neighborhood or district in which the lot is located; (ii) substantially impair the appropriate use or development of adjacent property, (iii) reduce forest cover in the limited development and resource conservation areas of the critical area, (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor (v) be detrimental to public welfare.



Please favorably review and approve this variance application so that this project may be completed.

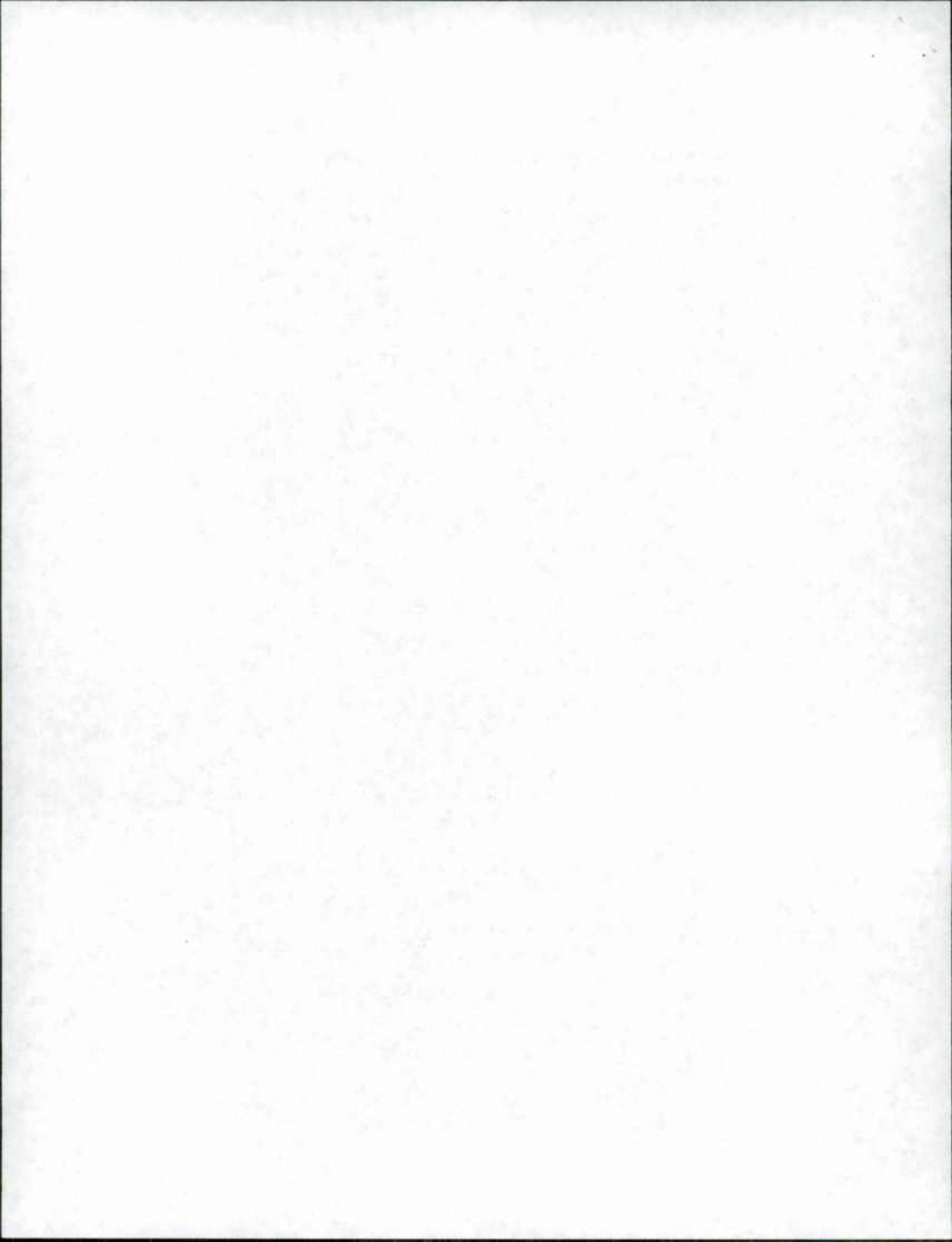
If you have any questions regarding this application please contact me at 410.953.0222

Sincerely



Gary M. Evans

cc: Daniel J. Mellin, Esq.
Gerard T. McDonough, Esq.
USFC File # 1056



SHORT FORM CRITICAL AREA REPORT

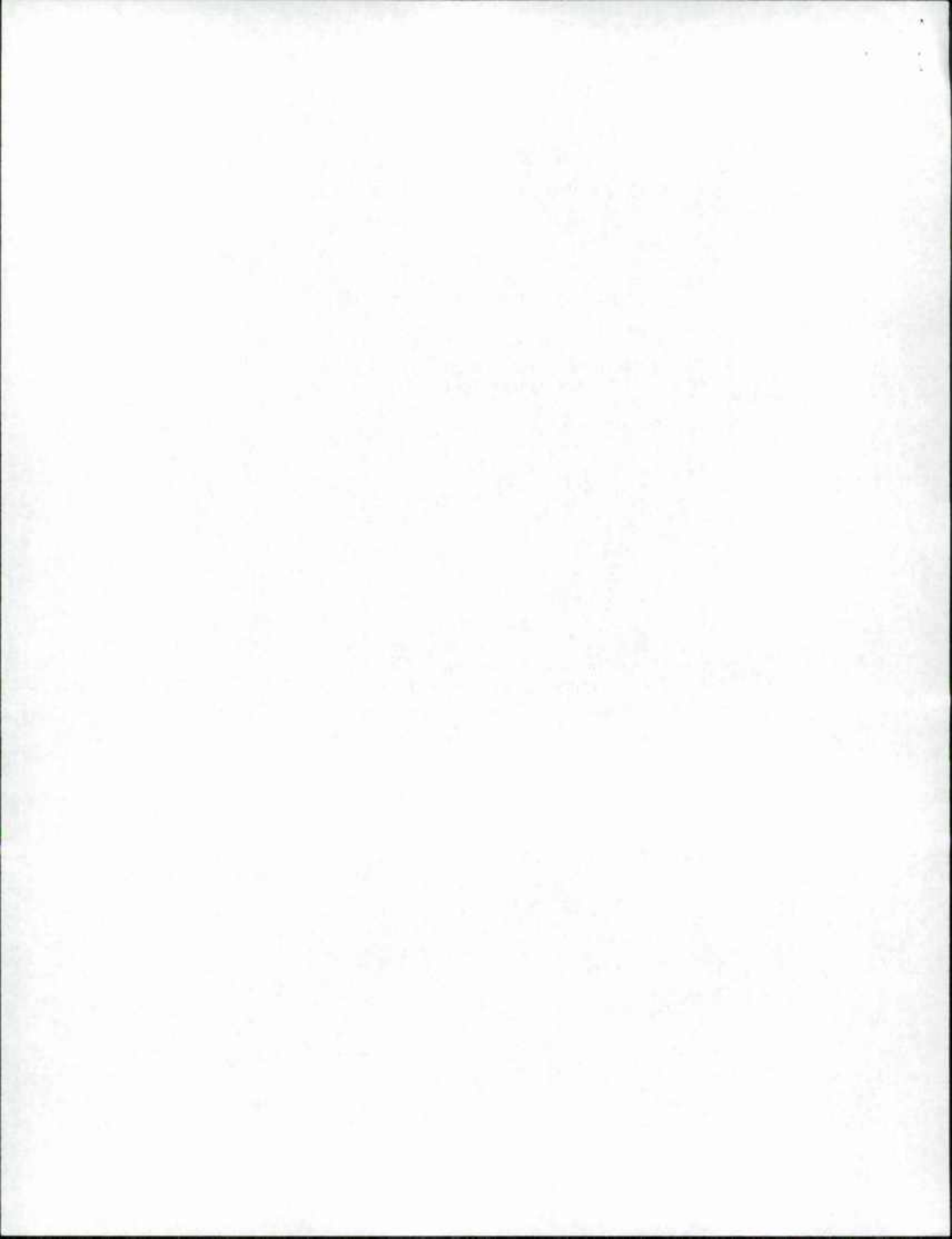
FOR

A NEW SINGLE FAMILY DWELLING

**LOTS 11, BLOCK CC "CAPE ST. CLAIRE"
ANNAPOLIS, MARYLAND 21409**

Applicant:

**US Financial Capital, Inc.
8600 Snowden River Parkway, Suite 207
Columbia, Maryland 21045
410.953.0222**



CRITICAL AREA COMMISSION
 FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: ANNE ARUNDEL COUNTY

Date: 1/28/08

Tax Map #	Parcel #	Block #	Lot #	Section
40	27	CC	11	

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Tax ID: 03-165-07743990

Project Name (site name, subdivision name, or other) | LOT 11, CAPE ST. CLAIRE 1083 POPLAR TREE

Project location/Address | 1083 POPLAR TREE DRIVE

City | ANNAPOLIS | Zip | 21409

Local case number | _____

Applicant: Last name | EVANS | First name | GARY

Company | U. S. FINANCIAL CAPITAL, INC.

Application Type (check all that apply):

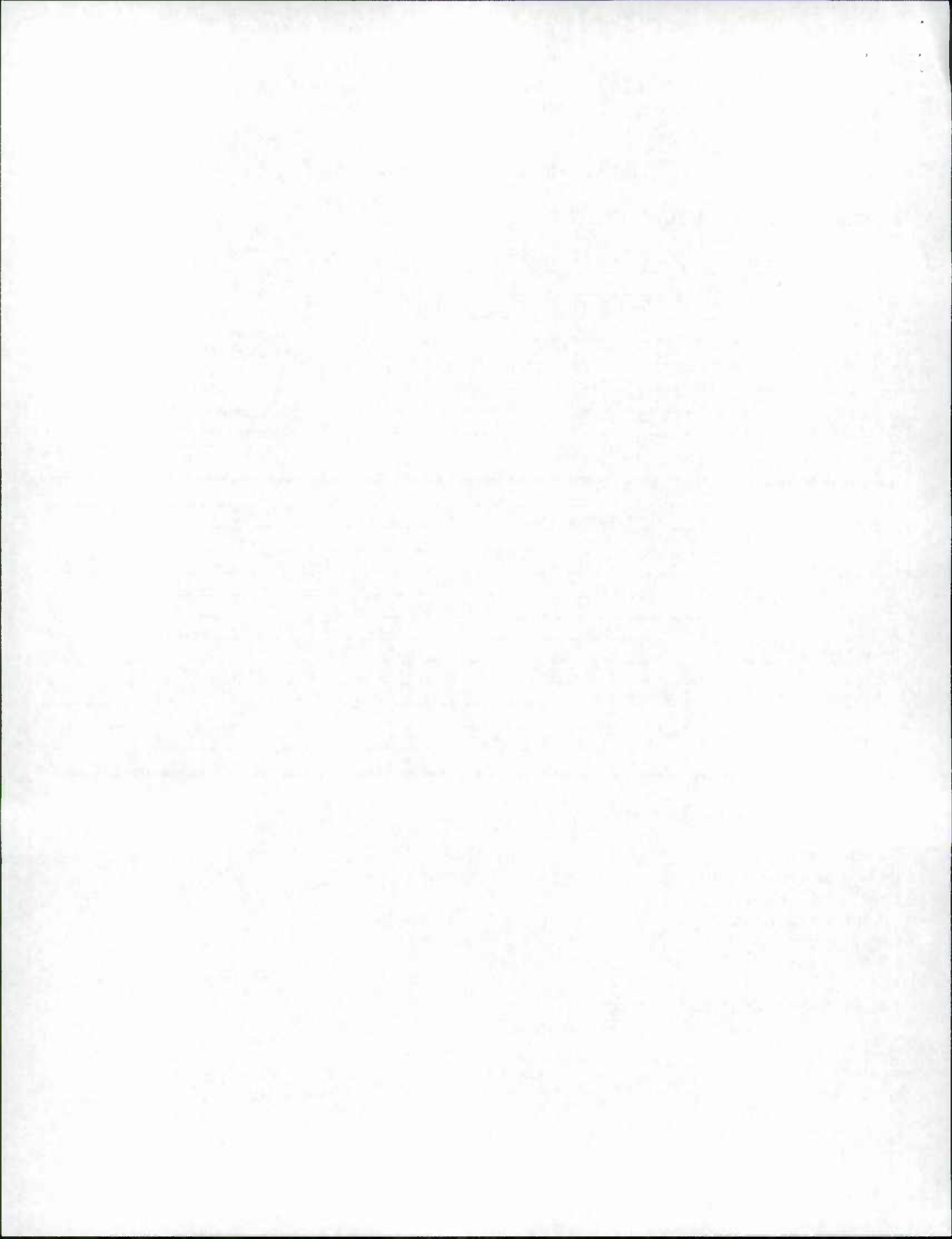
- | | |
|---|--|
| Building Permit <input checked="" type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input checked="" type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input checked="" type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____



SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

SINGLE FAMILY DWELLING.

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area	0.206	9,000
RCA Area		
Total Area	0.21	9,000 -

Total Disturbed Area Acres Sq Ft

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		9,000	Existing Impervious Surface		0
Created Forest/Woodland/Trees		0	New Impervious Surface		2,025
Removed Forest/Woodland/Trees		4,500	Removed Impervious Surface		0
			Total Impervious Surface		2,025

VARIANCE INFORMATION (Check all that apply)

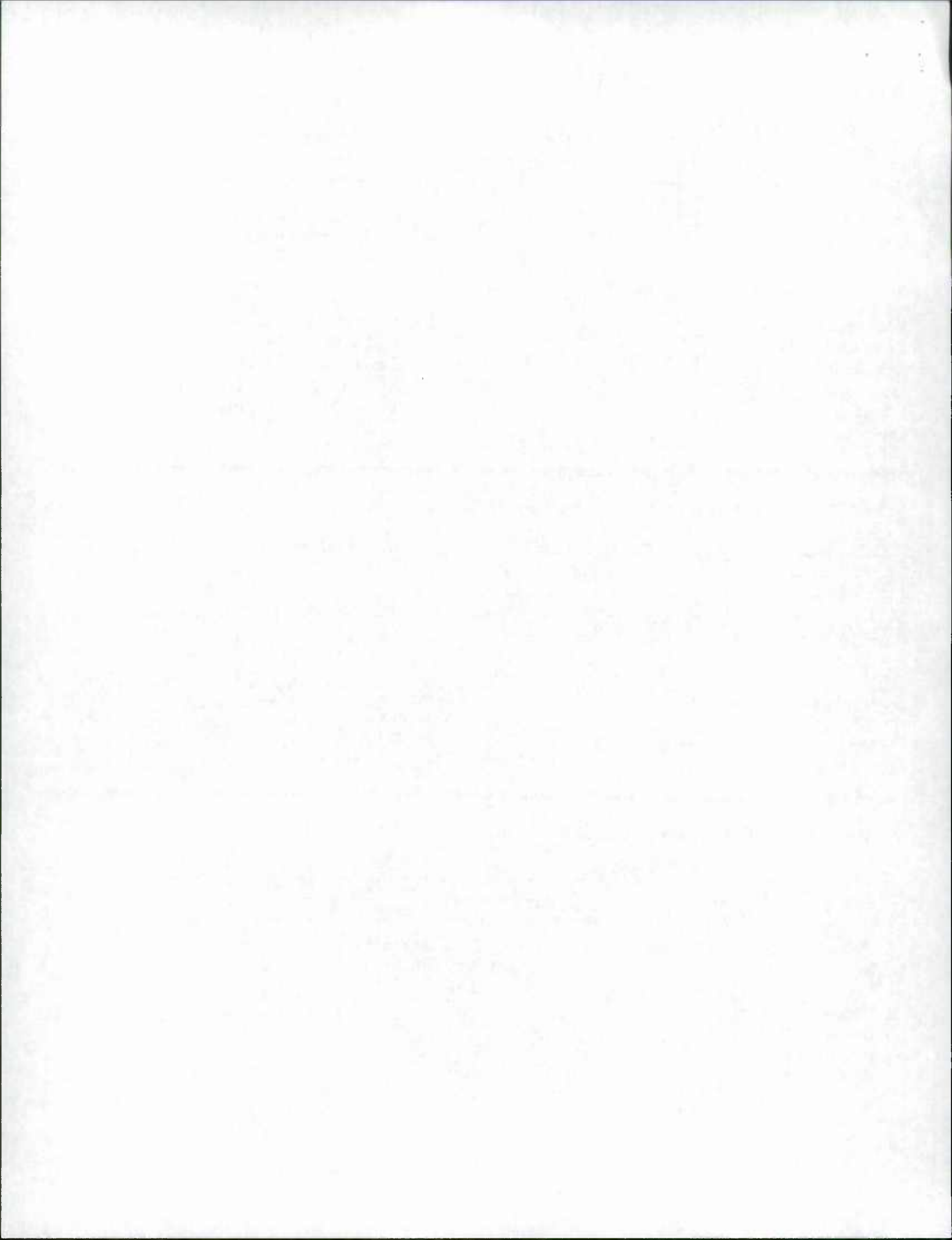
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Impervious Surface
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes 15%
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other



Opening summary:

The applicant proposes to construct a single family dwelling in accordance with the current zoning, zoning requirements and community covenants on a platted lot 11, Block CC of Cape St. Claire. The applicant was noticed in a December 27, 2007 comment letter from the Anne Arundel County Permit application Center that pending grading permit site plans requires a variance to the critical area requirements to construct a dwelling within the wetlands.

Permit Summary:

The site plan is designed and reviewed under grading permit G02011734.

No building permit has been applied for to date.

The wetland impacts are permitted under 06-NT-0191 (revision in process due to smaller house model)

Permit 200663712, valid until October 31, 2009

Site Tabulations:

Lot area is 9,000 SF

Disturbed Area: 5,400 SF

Wetland disturbance as permitted is 1854 square feet of non tidal wetland and 3134 square feet of non tidal wetland buffer

Access:

Lot 11 has 75 feet of frontage on a 40 foot wide public right of way (Poplar Tree Drive) the road is improved with paving. The road is open section, no curb and gutters and an existing public storm drain system manages the conveyance of storm water runoff past this lot.

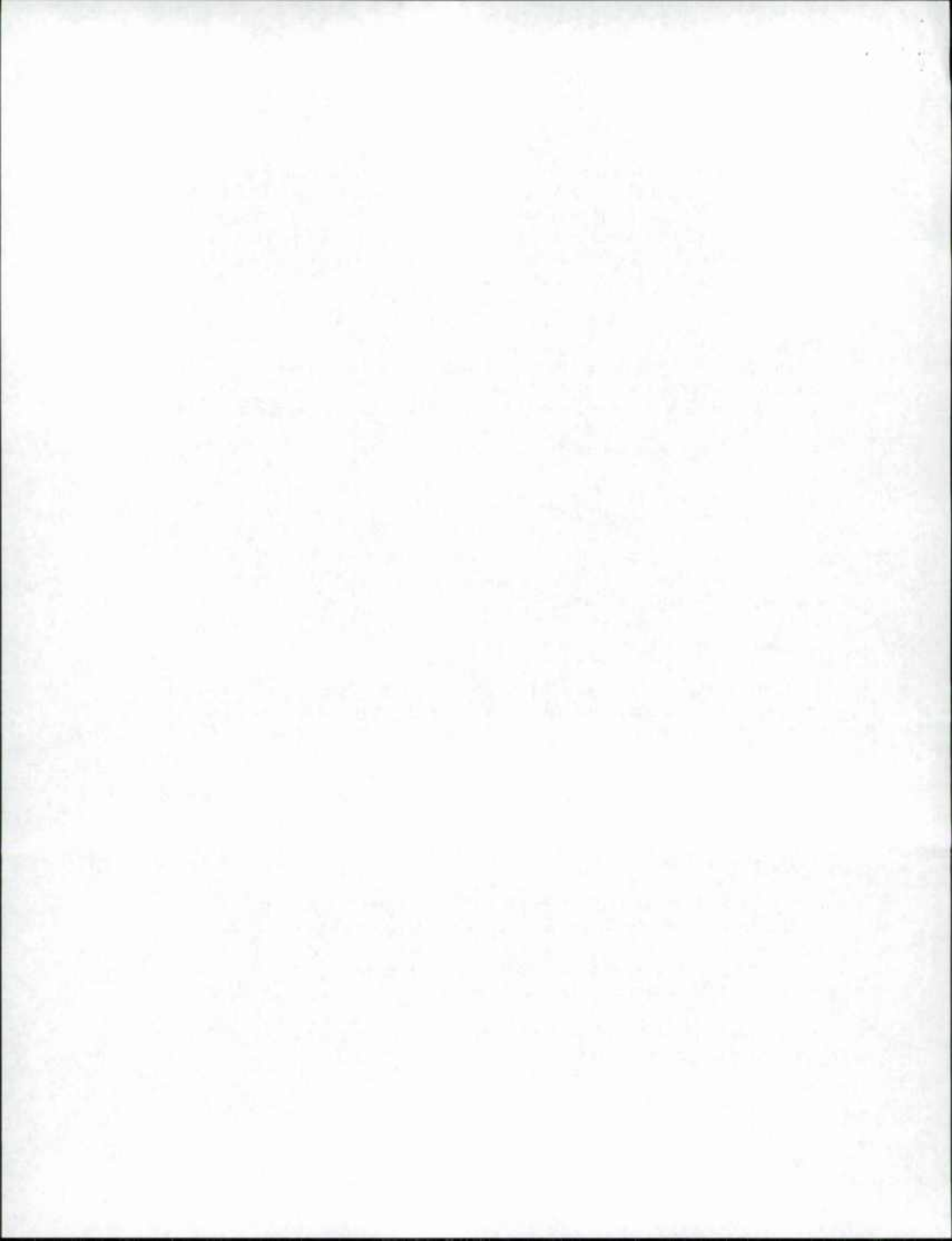
The applicant proposes to install a county acceptable paved driveway apron to access the lot from the existing street.

Existing Conditions:

Lot 11, Block CC is vacant and is currently used for off-street parking of neighbor's vehicles, watercraft, trailers and yard waste composting near the edge of the street.

The lot is wooded with a mix of trees, poplar and sycamore, under story trees, poison sumac, poison ivy, and a heavy stand of sticker bush

The soil is ErB, CoC2, Mt. Mixed alluvial land is likely the primary soils, out falling on downstream lot and culvert.



Proposed Developed Conditions:

The applicant proposes to construct an appropriate single family dwelling, well, driveway, lead walks and install planting onsite to mitigate for required storm water management. Due to site constraints other planting mitigation, if required will be subject to review prior to issuance of grading and building permits and likely will be made by a fee payment or other method. The wetland and buffer impacts have already been paid.

Utilities:

The lot is served by public sewer and the record drawings reflect stub for connection to that sewer main, water will be provided by a drilled well. Electric, phone and cable services are located within Poplar Tree Drive and available for connection upon application by the builder.

Minimization Techniques:

The applicant has selected a house of a lesser footprint than approved under the grading permit, that permit will be modified to the current variance site plan. The lower level or basement area is being eliminated for a stilt or piling foundation, allowing for the unobstructed flows of runoff from the adjacent upstream lot. Only the garage area located within the house will be compacted fill, or may even be installed as a slab above ground. The disturbance limits are the minimum necessary to construct the house drill the well and connect the access and utility connections.

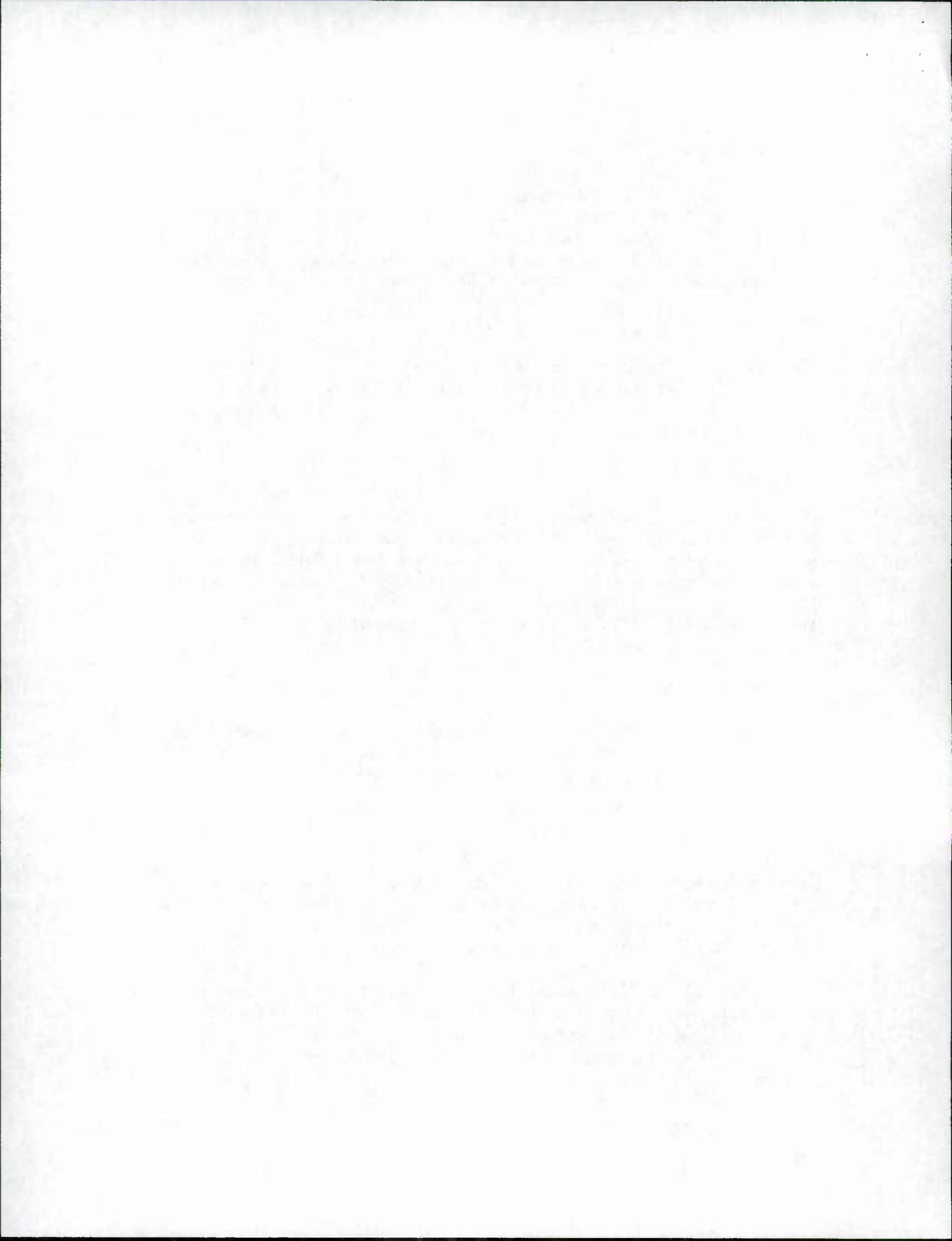
Topographical Data:

The enclosed site plan is based on field run elevations and locates some on-site area that are 15% or greater. It appears from the development plan that steep slopes are located within the disturbed area but not graded, only traversed for drilling the well and installing the foundation.

Endangered Species:

There are no rare, threatened or endangered species on this site. There are also no Anadromous fish, proration waters, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forest, natural heritage areas and or plant and wildlife habitats of local significance on this lot.

The lot is situated east of Lake Claire Drive, whereas that improved drive created a separation of environmental features from those found west or inside the Lake Claire drive area. The properties surrounding this lot are developed and drained via a closed pipe drainage system and storage and composting activities keep this lot free of wildlife habitats.





**Environmental Systems
Analysis, Inc.**

esa

48 Maryland Avenue, Suite 400, Annapolis, Maryland 21401 Annapolis: (410) 267-0495 Baltimore: (410) 269-1304 Washington (301) 261-1454

Maryland Department of the Environment	Date: 10/3/06	Job #: 06-12
Water Management Administration	Attention: Judy Broersma-Cole	
Regulatory Services Coordination Office	RE: Cape St. Claire	
1800 Washington Blvd., Suite 430	1083 Poplar Tree Drive	
Baltimore MD 21230		

WE ARE SENDING YOU THE FOLLOWING MATERIALS VIA

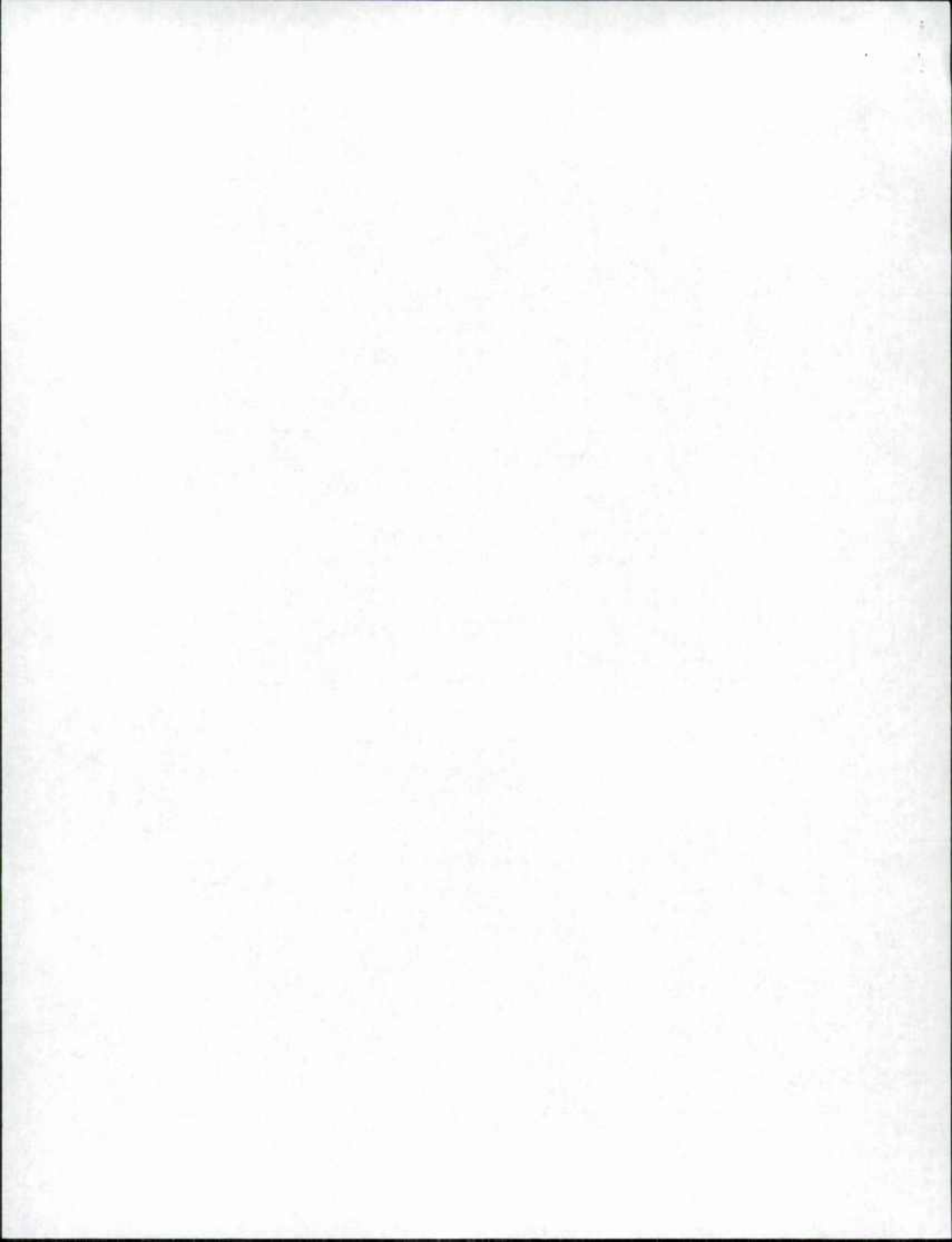
Original Drawings Prints Plans Application Specifications Report
 Copy of Letter Change Order CD Other

Copies	No.	Description
1		Vicinity Map
1		Mitigation Contract and Original Notification of Purchase
1		Wetland Impact Map

THESE ARE SUBMITTED AS CHECKED BELOW:

For Approval As Requested For Review & Comment For Bids Due
 Approved as Submitted Approved as Noted Returned for Corrections For Your Use
 Prints returned After Loan

REMARKS: cc: w/enclosures Bruce Jaffe, The Sanford Companies
Signed: Ben Carr
Sent by: JNM





esa

October 2, 2006

Ms. Judy Broersma-Cole
Maryland Department of the Environment
Water Management Administration
Regulatory Services Coordination Office
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230

RE: 06-NT-0191/200663712
1083 Poplar Tree Drive, AA County

Ms. Broersma-Cole:

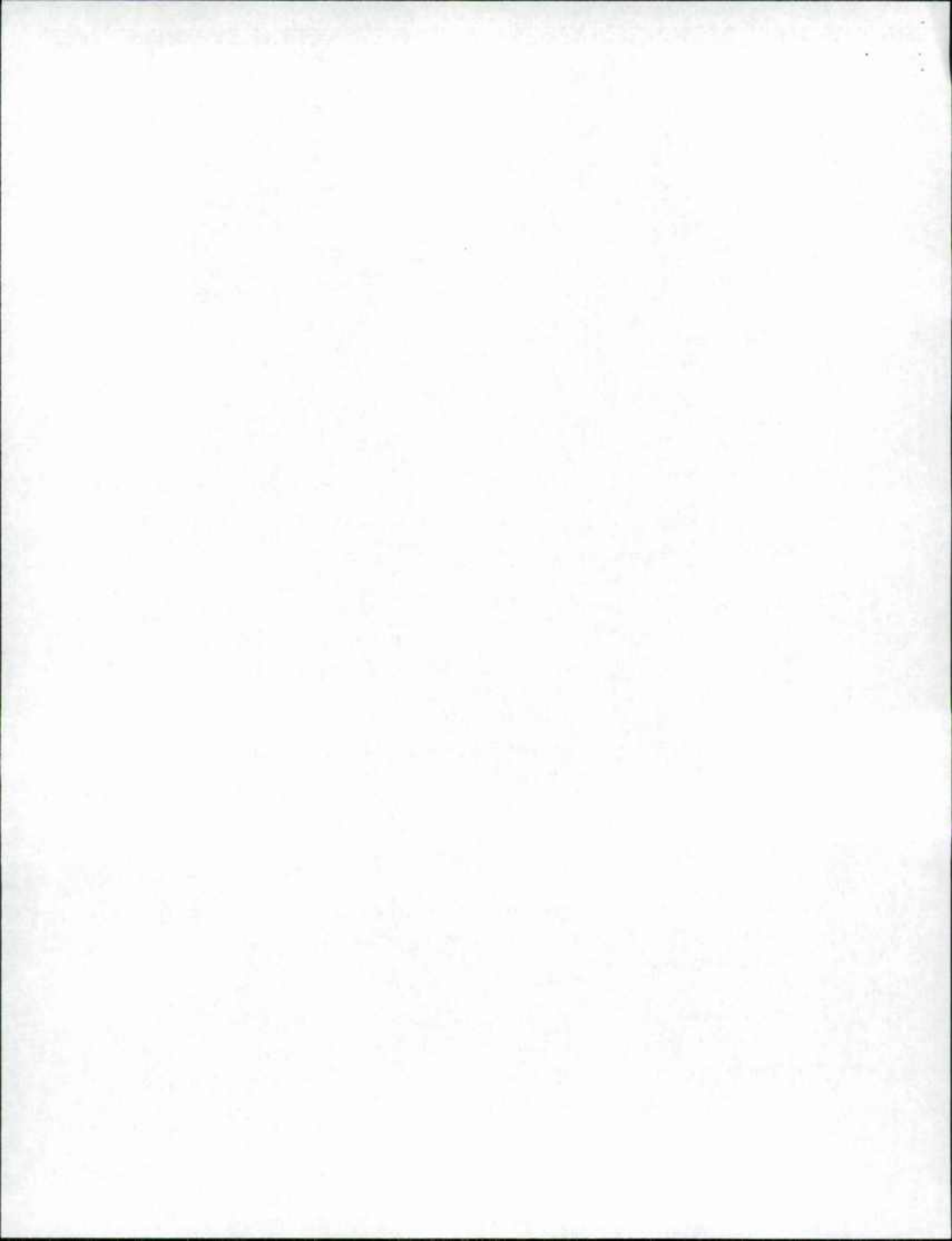
In response to your letter dated June 7, 2006, concerning the Poplar Tree Drive wetland application, I have prepared the following response based on your comments.

"1. A legible vicinity map on 8 1/2 x 11-inch paper. The vicinity map provided with the application is too small and dark to read."

A larger vicinity map from ADC has been included in the attachments with this document showing the site location.

"2. A phase I mitigation plan for permanent losses to nontidal wetlands located within the CBCA. According to our interpretation of the vicinity map, the project is located within the CBCA. Please contact our mitigation section if you have any questions."

A two to one compensation was required for the wetlands impacted in the CBCA. Wetland credits were purchased from the South County Wetland Preserve and the contract is included with this document as an attachment. The contract has been forwarded to the mitigation division



MDE Response
Poplar Tree Drive
October 2, 2006
Page 2 of 2

on two separate occasions, most recently on September 22nd, 2006.

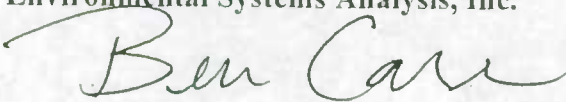
“3. A legend of the planting plan. The Division will only approve site appropriate. AA County native plantings in regulated areas.”

The included wetland impact map now shows a legend for the planting plan, defining both plant symbols. GM indicates where red maple, *Acer rubrum*, will be planted and SB shows where spicebush, *Lindera benzoin*, are to be placed. Both of these species are native to the Anne Arundel County CBCA and are on the county approved planting list.

I trust that this additional information is sufficient to allow MDE to move forward with the requested revision of this wetland permit. If you have any questions or require any additional information, please contact this office at your convenience. Thank you for your assistance with this project.

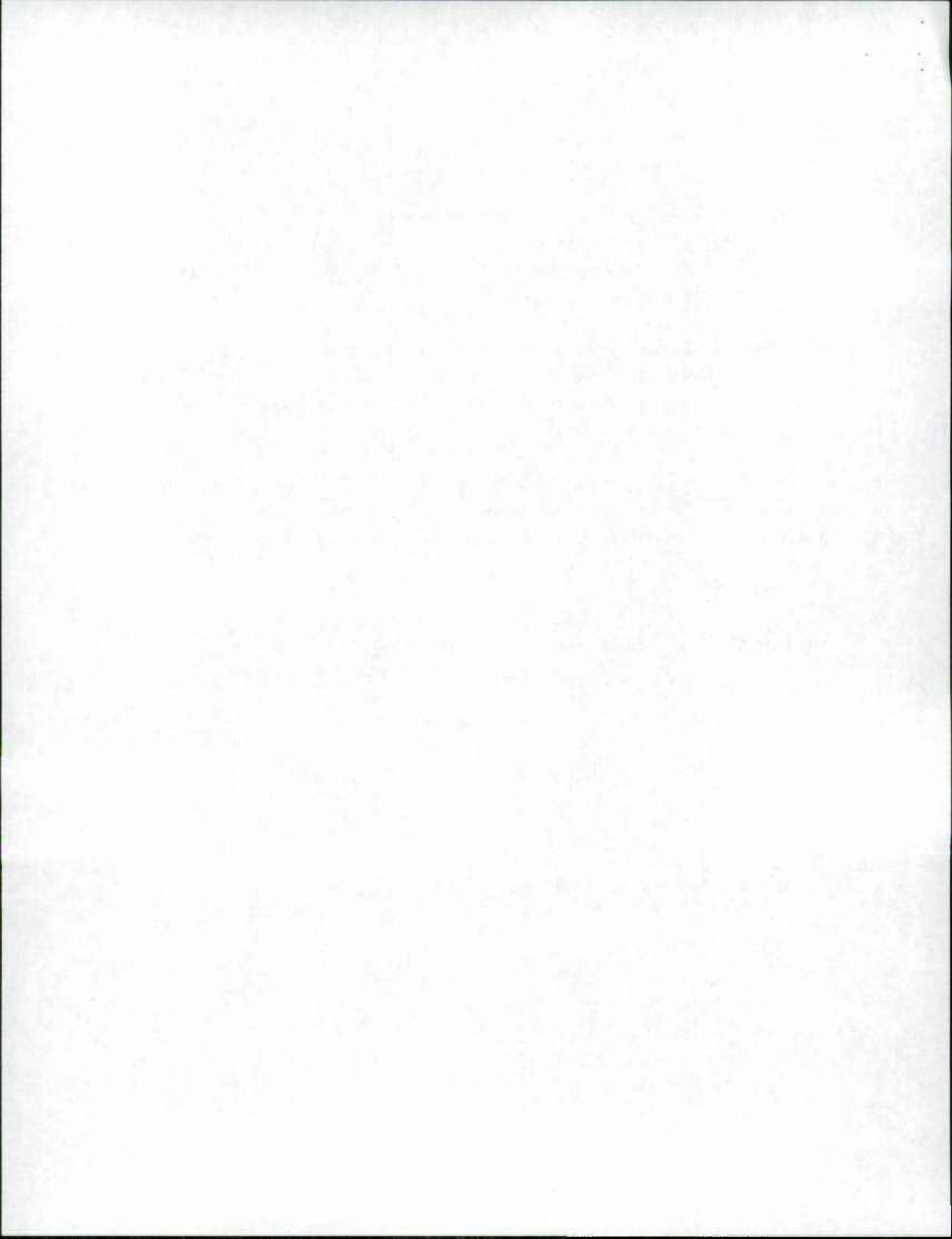
Sincerely,

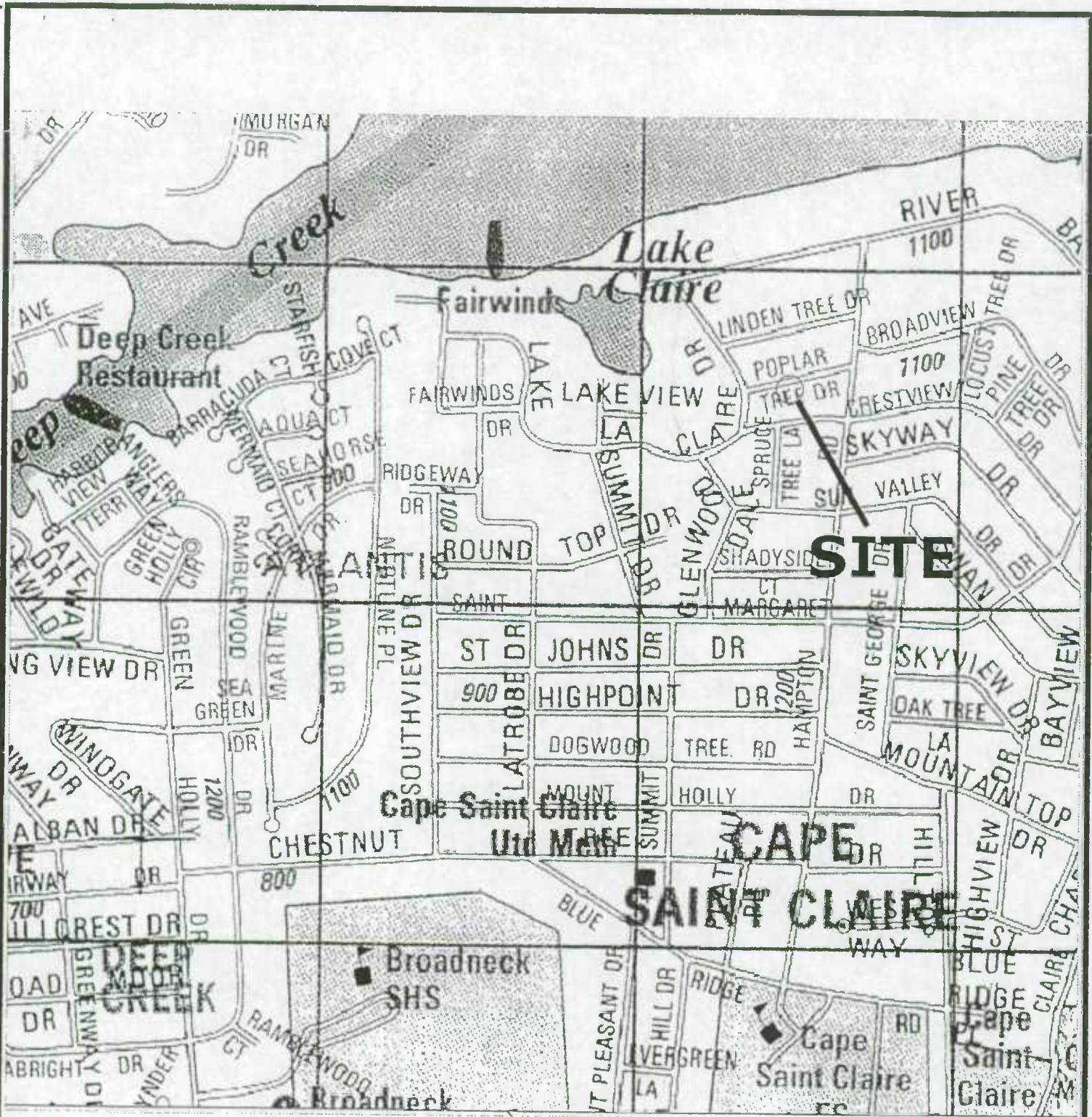
Environmental Systems Analysis, Inc.



Benjamin Carr
Biologist

Encl.: Vicinity Map
Mitigation Contract and original notification of purchase
Wetland Impact Map
CC w/ enclosures: Mr. Bruce Jaffe, The Sanford Companies





PREPARED FOR:

Bruce Jaffe
 Guilford I Limited Partnership
 11628 Log Jump Trail
 Ellicott City, MD 21042

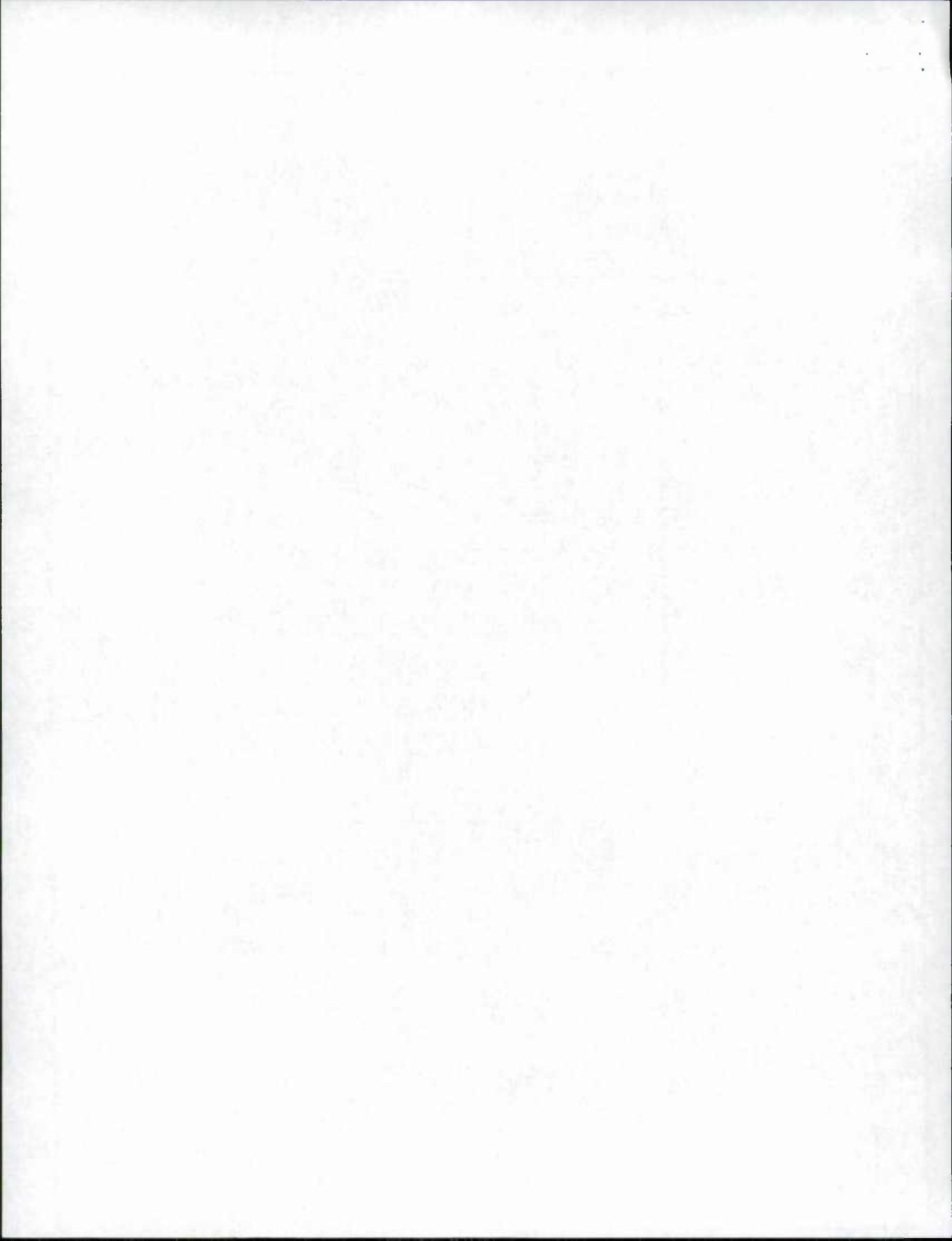


Environmental
 Systems
 Analysis, Inc.
 48 Maryland Avenue
 Annapolis, Maryland 21401
 (410)267-0495 F: (410)267-0496
 www.esatoday.com

VICINITY MAP

Cape St. Claire

Anne Arundel County, Maryland
 SCALE: NO SCALE ESA JOB #06-12
 DATE: 04.27.06 SHEET: 1 of 1



**SOUTH COUNTY WETLAND PRESERVE
CONSOLIDATED OFF-SITE WETLAND MITIGATION AREA**

AGREEMENT OF SALE

Agreement of Sale for Wetland Mitigation Credits ("Agreement") between Bruce Jaffe (Developer) and William S. Magenau (Land Owner) to satisfy all wetland mitigation requirements for:

U.S. Army Corps of Engineers Permit No. 200663712
MDE Wetlands and Waterways Authorization No. 06-NT-0191

I, Bruce Jaffe (Developer), located at 8600 Snowden River Pkwy, Suites 206 & 207, Columbia, MD 21045, hereby enter into an agreement with William S. Magenau (Land Owner), who is the owner of property located along Deale Beach Road, Deale, Maryland 20751 and is further described in a deed recorded at book 7340 page 317 as:

BEING KNOWN AND DESIGNATED as all that parcel of ground referred to as "Reserved Parcel" containing 37.3580 acres as shown on a plat entitled "Minor Subdivision Family Conveyance Parcels 1 & 2 of the ROBERT C. MILLIGAN PROPERTY". Said plat recorded among the Land Records of Anne Arundel County, Maryland in Plat Book 135, page 34.

BEING the same parcel of ground which by deed dated June 12, 1989 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 4874, folio 53 was granted and conveyed by Robert C. Milligan, Thomas S. Milligan and Michael R. Milligan unto Robert C. Milligan, the Grantors herein".

It is understood by both parties that all Federal and State of Maryland wetlands mitigation requirements pertaining to Maryland Department of the Environment Nontidal Wetlands and Waterways Authorization No. 06-NT-0191 and U.S. Army Corps Permit 200663712, described as property located at 1083 Poplar Tree Drive, Annapolis, Maryland, further identified as Lot 11, Block 5 in the Cape St. Claire Subdivision, will be provided for at the above property owned by William S. Magenau.

It is understood by both parties that this Agreement calls for the creation of 3,708 square feet (1,854 sq. ft. at 2:1) of replacement forested wetland area will be accomplished at the South County Wetland Preserve site. William S. Magenau shall assume full responsibility for construction, planting, monitoring and remediation as may be required to meet Federal and State mitigation standards.

Bruce Jaffe (Developer) agrees to pay \$ 4,264.20 (four thousand two hundred and sixty-four dollars and twenty cents) to William S. Magenau for the said creation of 3,708 square feet of forested nontidal wetland area, on the land described above, to satisfy the condition of the above referenced Federal and State authorizations.

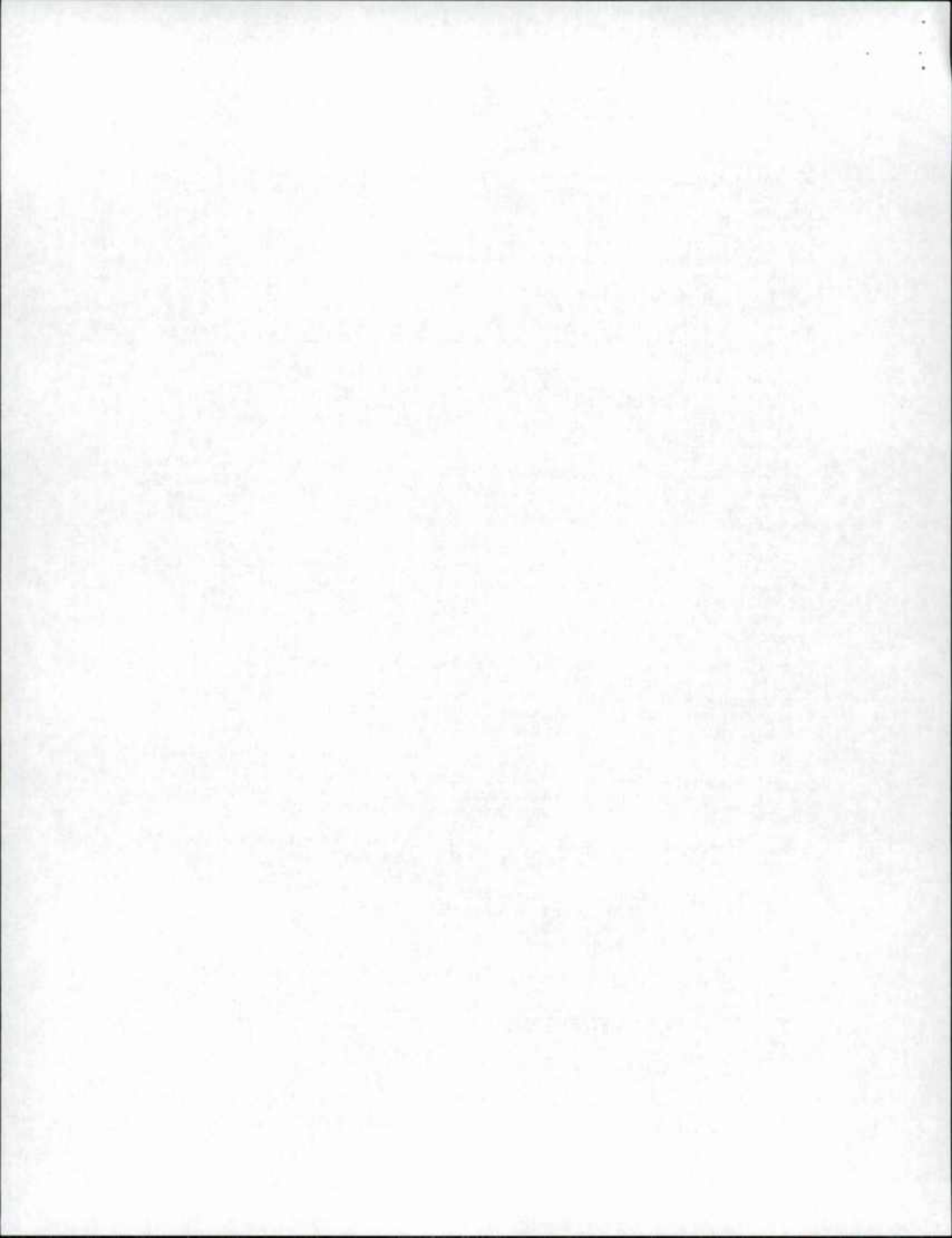
The original (signed copy) of the agreement shall be forwarded, with a check made out in the above amount and payable to **WILLIAM S. MAGENAU** to:

Christopher Consultants
7172 Columbia Gateway Drive, Suite 100
Columbia, Maryland 21046
Attn: Kevin Hedge

A copy of the agreement signed by both parties will be returned for your records.

DEVELOPER: Bruce Jaffe APPLICANT, Bruce Jaffe LANDOWNER: William S. Magenau
William S. Magenau

DATE: 07/24/06 DATE: 8.28.06

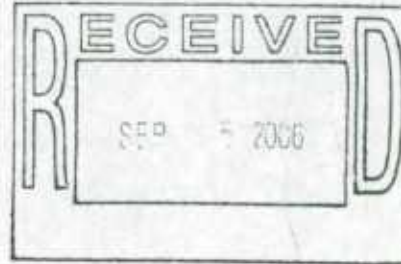




christopher consultants
engineering · surveying · land planning

August 30, 2006

Mr. George Beston
Wetlands Mitigation Section
Maryland Department of the Environment
Water Management Administration
1800 Washington Boulevard
Suite 430
Baltimore, Maryland 21230-1708



Re: South County Wetland Preserve
ccl project #055100.00

Dear Mr. Beston:

William S. Magenau (property owner) by executing the enclosed Developer/Landover Agreement has accepted responsibility for creating and maintaining 3,708 square feet of forested wetland area on the subject property. The mitigation will be accomplished on behalf of Bruce Jaffe (applicant) under the provisions set forth by Maryland Department of the Environment permit number 06-NT-0191 and Corps of Engineers permit number 200663712. The total wetland mitigation used in Stage 2 is now 13,676 square feet. Please update your tally sheet and forward a copy to me via e-mail. Feel free to call me with any questions.

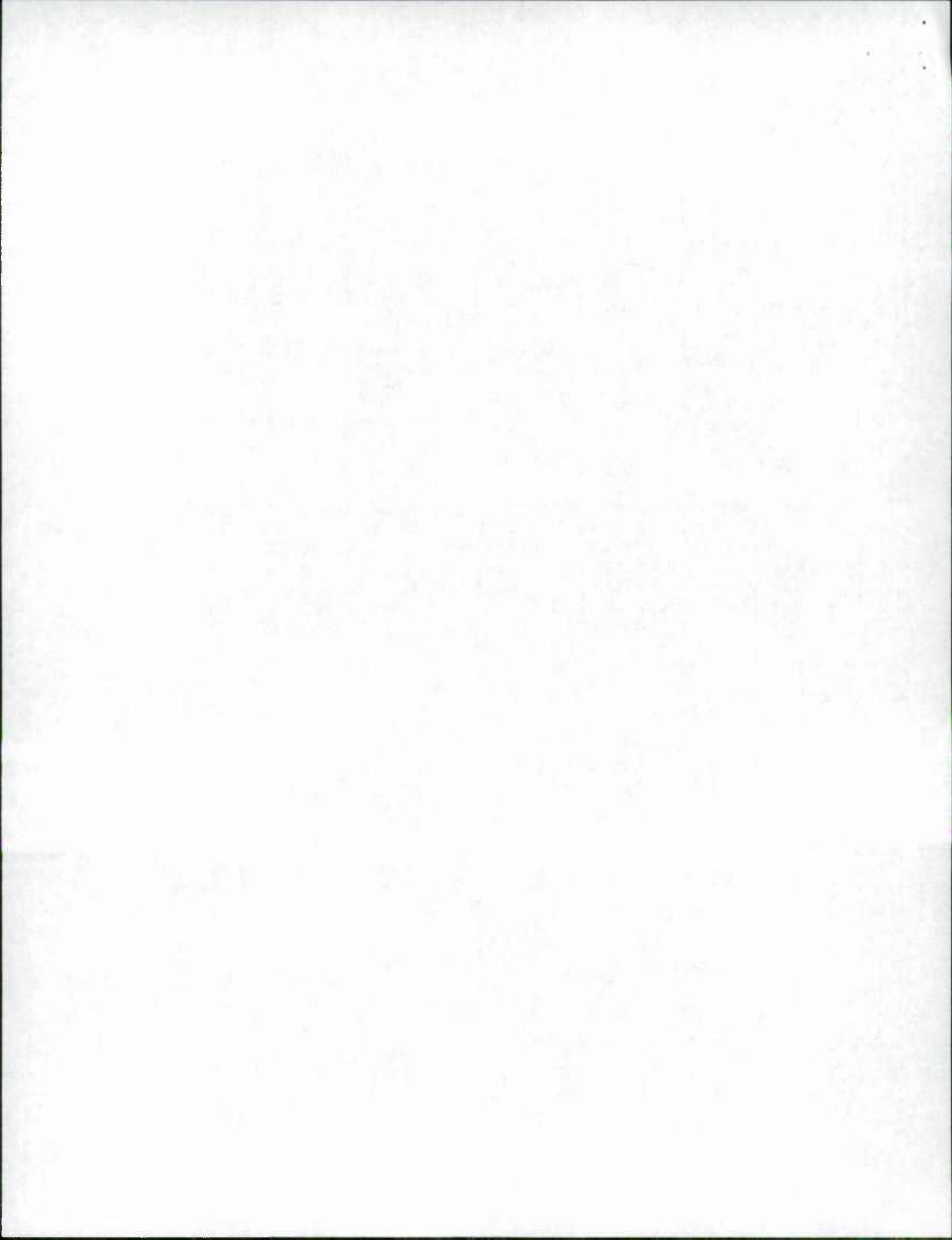
Sincerely,

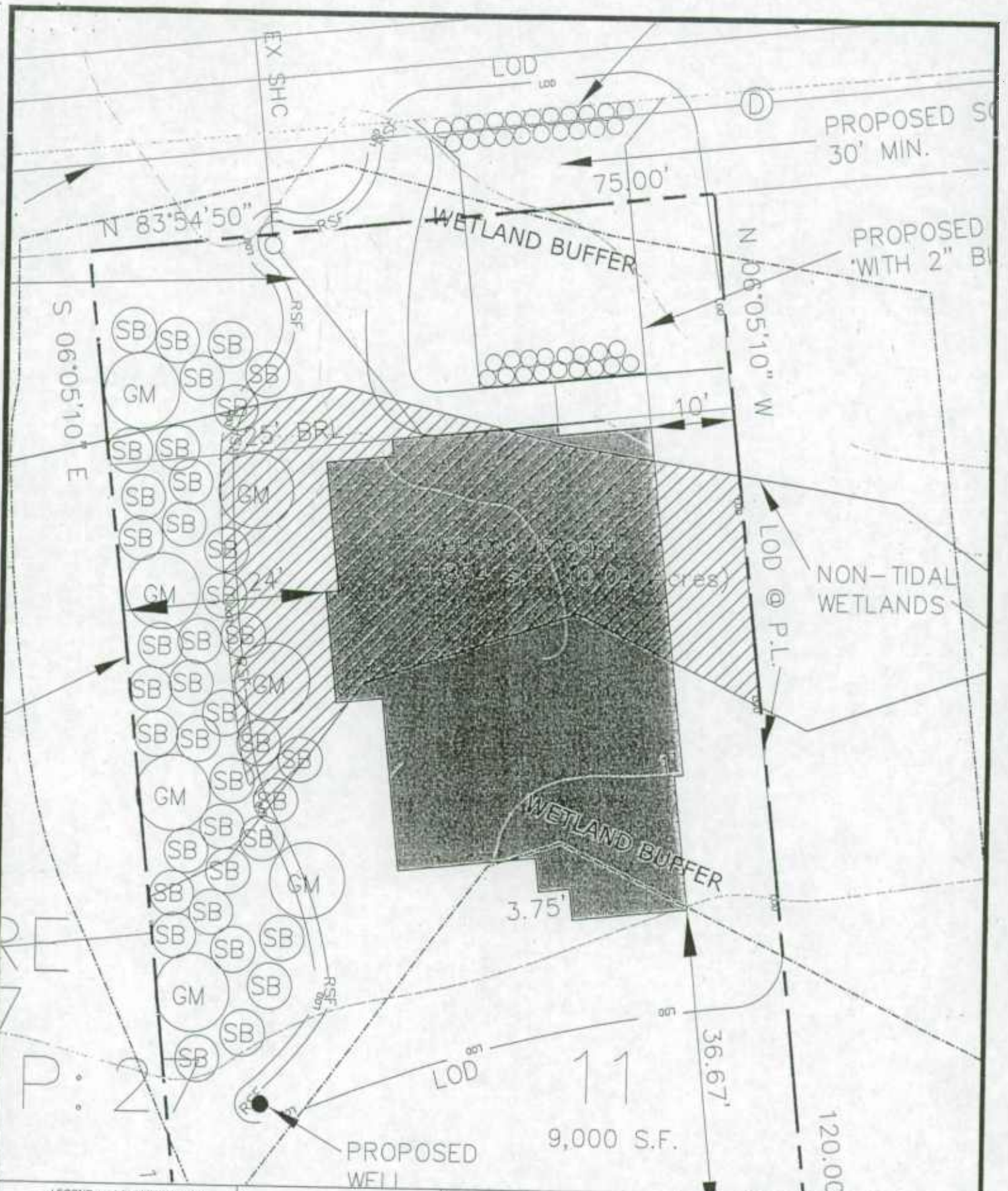
Kevin E. Hedge, PWS, AICP
Project Manager – Environmental Section

Enclosure

KEH/kms

cc: William S. Magenau
Ben Carr, ESA, Inc.





LEGEND and PLANTING PLAN

- Property Boundary
- Proposed Wetland Impact (1,854 S.F., 0.04 acres)
- LDD - Limit of Disturbance
- Wetland Boundary
- Wetland Buffer
- Red Maple, Silver Redstart
- SB - Spice Bush, Loblolly Bayberry

PREPARED FOR:

Bruce Jaffe
Gullford I Limited Partnership
 11628 Log Jump Trail
 Ellicott City, MD 21042



Environmental Systems Analysis, Inc.
 48 Maryland Avenue
 Annapolis, Maryland 21401
 (410)287-0490 F: (410)287-0498
 www.esatoday.com

WETLAND IMPACT MAP

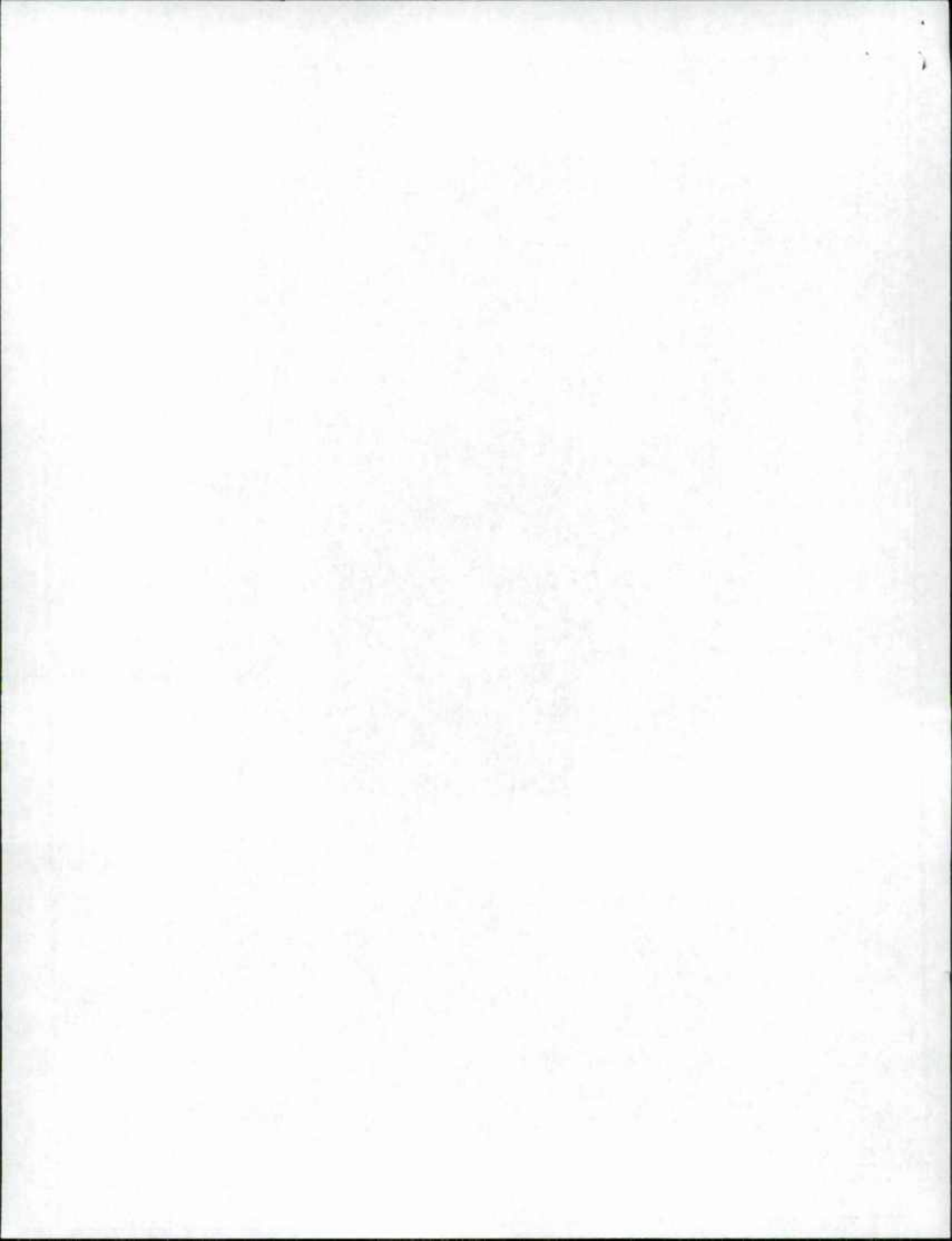
Cape St. Claire

Anne Arundel County, Maryland

SCALE: 1"=15'

DATE: 04.27.06

SHEET: 1 of 3



DETAILS AND SPECIFICATIONS FOR VEGETATIVE ESTABLISHMENT

Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site.

- Permanent Seeding
 - Soil Tests: Lime and fertilizer will be applied per soil test results for sites greater than 5 acres. Soil tests will be done at completion of initial rough grading or as recommended by the sediment control inspector. Rates and methods will be provided by the grading inspector as well as the contractor.
 - Occurrence of acid sulfate soils (grayish black color) will require covering with a minimum of 12 inches of clean soil with 6 inches minimum covering of top soil. No stockpiling of material is allowed. If needed, soil tests should be done before and after a 6 week incubation period to allow oxidation of the material.
 - The minimum soil conditions required for permanent vegetative establishment are:
 - Soil pH shall be between 6.0 and 7.0.
 - Soluble salts shall be less than 500 parts per million (ppm).
 - The soil shall contain less than 40% clay but enough fine grained material (>30% all plus clay) to provide the capacity to hold a moderate amount of moisture. An exception is if loess or silt loess is to be planted, then a sandy soil (<30% all plus clay) would be acceptable.
 - Soil shall contain 1.0% minimum organic matter by weight.
 - Soil must contain sufficient pore space to allow adequate root penetration.
 - If these conditions cannot be met by soils on site, adding topsoil is required in accordance with Section 21 Standard and Specification for Topsoil or amendments made as recommended by a certified agronomist.

Seeded Preparation: Area to be seeded shall be loose and friable to a depth of at least 3 inches. The top layer shall be loosened by raking, disking or other acceptable means before seeding occurs. For sites less than 5 acres, apply 100 pounds dolomitic limestone and 21 pounds of 10-10-10 fertilizer per 1,000 square feet. Harrow or disk lime and fertilizer into the soil to a depth of at least 3 inches on slopes flatter than 3:1.

Seeding: Apply 5-6 pounds per 1,000 square feet of tall fescue between February 1 and April 30 or between August 15 and October 31. Apply seed uniformly on moist firm seedbed with a cyclone seeder, cut/packer seeder or hydroseeder (slurry includes seeds and fertilizer, recommended on steep slopes only). Maximum seed depth should be 1/4 inch in clayey soils and 1/2 inch in sandy soils when using other than the hydroseeder method. Irrigate after seeding to support adequate growth until vegetation is firmly established. If other seed mixes are to be used, select from Table 25, entitled "Permanent Seeding For Low Maintenance Areas" from the current Standards and Specifications for Soil Erosion and Sediment Control. Mixes suitable for this area are 1, 3 and 5-7. Mixes 5-7 are suitable in non-movable situations.

Mulching: Mulch shall be applied to all seeded areas immediately after seeding. During the time periods when seeding is not permitted, mulch shall be applied immediately after grading.

Mulch shall be unrotted, unchopped, small grain straw applied at a rate of 2 tons per acre or 90 pounds per 1,000 square feet (2 boies). If a mulch anchoring tool is used, use a minimum depth of 2 boies. This is the most effective method for securing mulch, however, it is limited to relatively flat areas where equipment can operate safely.

Securing Straw Mulch: Straw mulch shall be secured immediately following mulch application to minimize movement by wind or water. The following methods are permitted:

- Use a mulch anchoring tool which is designed to punch and anchor mulch into the soil surface to a minimum depth of 2 boies. This is the most effective method for securing mulch, however, it is limited to relatively flat areas where equipment can operate safely.
- Wood cellulose fiber may be used for anchoring straw. Apply the fiber under at a net dry weight of 750 pounds per acre. If mixed with water, use 50 pounds of wood cellulose fiber per 100 gallons of water.
- Liquid binders may be used. Apply at higher rates at the edges where wind catches mulch, such as in valleys and on crests of slopes. The remainder of the area should appear uniform after binder application. Binders listed in the 1994 Standards and Specifications for Soil Erosion and Sediment Control or approved equal shall be applied at rates recommended by the manufacturer.
- Lightweight plastic netting may be used to secure mulch. The netting will be stapled to the ground according to manufacturer's recommendations.

Temporary Seeding:

- Lime: 100 pounds of dolomitic limestone per 1,000 square feet. Fertilizer: 15 pounds of 10-10-10 per 1,000 square feet.
- Seed: Perennial rye - 0.82 pounds per 1,000 square feet (February 1, through April 30 or August 15 through November 1). Millet - 0.82 pounds per 1,000 square feet (May 1 through August 15). Same as 1 D and E Above.

No fills may be placed on frozen ground. All fill to be placed in approximately horizontal layers, each layer having a loose thickness of not more than 8 inches. All fill in roadway and parking areas is to be classified Type 2 as per Anne Arundel County Code - Article 21, Section 2-308, and compacted to 90% density; compaction to be determined by ASTM D-1557-66T (Modified Proctor). Any fill within the building area is to be compacted to a minimum of 95% density as determined by methods previously mentioned. Fill for pond embankments shall be compacted as per MD-378 Construction Specifications. All other fills shall be compacted sufficiently so as to be stable and prevent erosion and slippage.

Permanent Sod:

- Installation of sod should follow permanent seeding dates. Seeded preparation for sod shall be as noted in section (B) above. Permanent sod is to be tall fescue, sterile approved sod; lime and fertilizer per permanent seeding specifications and lightly irrigate soil prior to laying sod. Sod is to be laid on the contour with all ends tightly abutting. Joints are to be staggered between rows. Water and roll or tamp tool to insure positive root contact with the soil. All slopes steeper than 3:1, as shown, are to be permanently sodded or protected with an approved erosion control netting. Additional watering for establishment may be required. Sod is not to be installed on frozen ground. Sod shall not be harvested or transported when moisture content (dry or wet) and/or extreme temperature may adversely affect its survival. In the absence of adequate rainfall, irrigation should be performed to insure established sod.

Mining Operations:

- Sediment control plans for mining operations must include the following seeding dates and mixtures:
 - For seeding dates of: February 1 through April 30 and August 15 through October 31, use seed mixture of tall fescue at the rate of 2 pounds per 1,000 square feet and ericaceae limestone at the minimum rate of 0.5 pounds per 1,000 square feet.
 - For seeding dates of: May 1 through August 15, use seed mixture of tall fescue at the rate of 2 pounds per 1,000 square feet and ericaceae limestone at the minimum rate of 0.5 pounds per 1,000 square feet.

Topsoil shall be applied as per the Standard and Specifications for Topsoil from the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.

- NOTE: Use of this information does not preclude meeting all of the requirements of the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- NOTE: Projects within 4 miles of the BWI Airport will need to adhere to Maryland Aviation Administration's seeding specifications restrictions.

SCOPE OF WORK

This plan is intended to provide sediment control during the grading of the Lot(s) and the construction of the House(s). Measures have been taken to prevent sediment from leaving the site.

PLAT NOTE

The plot has been recorded in the Land records of Anne Arundel County, Maryland in Plat Book: 21 Page: 47

SITE ANALYSIS:

A. Zoning	R-5 & O.S.
B. Predominant Soil Type:	WBA "C SOILS"
C. Total Area of Site:	9,000 s.f. 0.207 ac.
D. Disturbed Area:	5,400 s.f. 0.12 ac.

QUANTITIES:

A. Cut	120 c.y.
B. Fill	120 c.y.
C. Area to be vegetatively stabilized:	355 s.y. 0.07 ac.
D. Area of Mechanical Stabilization:	245 s.y. 0.05 ac.

STANDARD RESPONSIBILITY NOTES

(We) certify that:

- All development and construction will be done in accordance with the sediment and erosion control plan, and further, authorizes the right of entry for periodic on-site evaluation by the Anne Arundel Soil Conservation District Board of Supervisors or their authorized agents.
 - Any responsible personnel involved in the construction project will have a certificate of attendance from the Maryland Department of the Environment's approved training program for the control of sediment and erosion before beginning the project.
 - Responsible personnel on site: **S. BRUCE JAFFE**
- The appropriate enclosures will be constructed and maintained on sediment basins included in this plan. Such structures will be in compliance with Anne Arundel County code.
- The developer is responsible for the acquisition of all easements, rights and/or rights-of-way that may be required for the sediment and erosion control practices, stormwater management practices and the discharge of stormwater onto or across adjacent or downstream properties included in this plan. It is also responsible for the acquisition of all easements, rights and/or rights-of-way that may be required for grading and/or work on adjacent properties included in this plan.
- Initial soil disturbance or redistribution, permanent stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site. It is also responsible for the acquisition of all easements, rights and/or rights-of-way that may be required for grading and/or work on adjacent properties included in this plan.
- The sediment control approvals on this plan extend only to areas and practices identified as proposed work.
- The approval of this plan for sediment and erosion control does not relieve the developer/contractor from complying with Federal/State or County requirements pertaining to environmental issues.
- The developer must request that the Sediment Control Inspector approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and the ordinance.
- All material shall be taken to a site with an approved sediment and erosion control plan.
- On all sites with disturbed areas in excess of 2 acres, approval of the sediment and erosion control plan shall be required on completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. This will require first phase inspections. Other building or grading inspection approvals may not be authorized until the initial approval by the sediment and erosion control inspector is given.
- Approval shall be requested on final stabilization of all sites with disturbed areas in excess of 2 acres before removal of controls.
- Existing topography must be field verified by responsible personnel to the satisfaction of the sediment control inspector prior to commencing work.

Signature of Developer/Owner: *S. Bruce Jaffe* Date: *7-25-07*
 Name: **S. BRUCE JAFFE** Title: **OWNER**
 Company: **US FINANCIAL CAPITAL INC**
 Address: **11628 LOG JUMP TRAIL**
ELLICOTT CITY, MD 21042
 Telephone: **410-953-0222**

STANDARD AND SPECIFICATIONS FOR TOPSOIL

DEFINITION: Placement of topsoil over a prepared subsoil prior to establishment of permanent vegetation.
PURPOSE: To provide a suitable soil medium for vegetative growth. Soils of concern have low moisture content, low nutrient levels, low pH, material toxic to plants, and/or unacceptable soil gradation.
CONDITIONS WHERE PRACTICE APPLIES:

- This practice is recommended for sites of 2:1 or flatter slopes where:
 - The texture of the exposed subsoil or rooting material is not adequate to produce vegetative growth.
 - The soil material is so shallow that the rooting zone is not deep enough to support plants or furnish continuing supplies of moisture and plant nutrients.
 - The original soil to be vegetated contains material toxic to plant growth.
 - The soil is so acidic that treatment with limestone is not feasible.

For the purpose of these Standards and Specifications, areas having slopes steeper than 2:1 require special consideration and design for adequate stabilization. Areas having slopes steeper than 2:1 shall have the appropriate stabilization shown on the plans.

Construction and Materials Specifications

- Topsoil salvaged from the existing site may be provided that it meets the standards as set forth in these specifications. Typically, the depth of topsoil to be salvaged for a given soil type can be found in the representative soil profile sections in the Soil Survey published by USDA-SCS in cooperation with Maryland Agricultural Experiment Station.
- Topsoil Specifications-Soil to be used as topsoil must meet the following:
 - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand. Other soils may be used if recommended by an agronomist or soil scientist and approved by the appropriate approval authority. Regardless, topsoil shall not be a mixture of contrasting textures, subsoils and shall contain less than 1% by volume of chert, stones, slag, clumps, fragments, gravel, sticks, roots, trash, or other materials larger than 1 1/2" in diameter.
 - Topsoil must be free of plants or plant parts such as bermuda grass, quackgrass, Johnsongrass, nutgrass, poison ivy, thistle, or others as specified.
 - Alternative for Permanent Seeding- Instead of applying the full amounts of lime and commercial fertilizer, composted sludge and amendments may be applied as specified below:
 - Composted sludge material for use as a soil conditioner for sites having disturbed areas over 5 acres shall be tested to prescribe amendments and for sites having disturbed areas under 5 acres shall conform to the following requirements:
 - Composted sludge shall be supplied by, or originate from, a person or persons that are permitted (at the time of application of the compost) by the Maryland Department of the Environment under COMAR 26.04.06.
 - Composted sludge shall contain at least 1 percent nitrogen, 1.5 percent phosphorus, and 0.2 percent potassium and have a pH of 7.0 to 8.0. If compost does not meet these requirements, the appropriate constituents must be added to meet the requirements prior to use.
 - Composted sludge shall be applied at a rate of 1 ton/1,000 square feet.
 - Composted sludge shall be amended with a potassium fertilizer applied at the rate of 4 lb/1,000 square feet, and 1/3 the normal lime application rate.

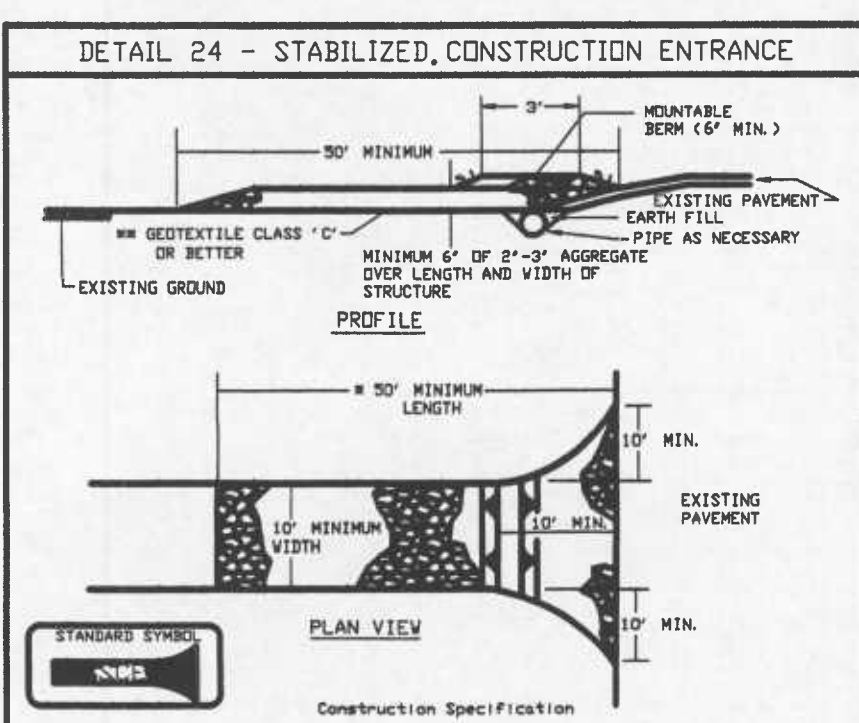
Reference: Guideline Specifications, Soil Preparation and Sodding, MD-VA, Pub. #1 Cooperative Extension Service, University of Maryland and Virginia Polytechnic Institutes, Revised 1973.

DEVELOPMENT AND CONSTRUCTION SCHEDULE

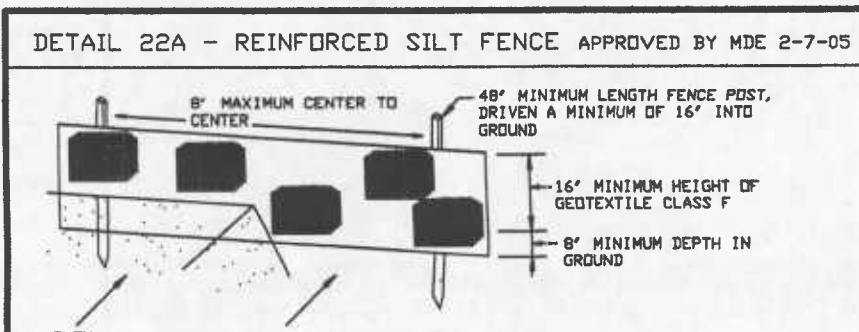
- PRE-CONSTRUCTION MEETING: NOTIFY THE DEPARTMENT OF INSPECTIONS AND PERMITS AT LEAST 48 HOURS BEFORE COMMENCING WORK. WORK MAY NOT COMMENCE UNTIL THE PERMITTEE OR THE RESPONSIBLE PERSONNEL HAVE MET ON SITE WITH THE SEDIMENT AND EROSION CONTROL INSPECTOR TO REVIEW THE APPROVED PLANS. **48 HOURS**
- INSTALL ALL TEMPORARY EROSION CONTROL MEASURES SUCH AS REINFORCED SILT FENCE, STABILIZED CONSTRUCTION ENTRANCE, CONTACT INSPECTIONS AND PERMITS FOR "PHASE ONE" INSPECTION. **2 DAYS**
- ROUGH GRADE LIMIT OF DISTURBANCE. **2 WEEKS**
- EXCAVATE FOR AND CONSTRUCT FOUNDATION. BUILDING CONSTRUCTION MAY NOT PROCEED PAST THE GROUND FLOOR UNTIL ALL REMAINING DISTURBED AREAS HAVE BEEN PERMANENTLY OR TEMPORARILY STABILIZED DURING BUILDING CONSTRUCTION BEYOND THE GROUND FLOOR. ALL DISTURBED AREAS MUST BE STABILIZED AT THE END OF EACH BUSINESS DAY. **20 DAYS**
- CONSTRUCT HOUSE, WATER WELL, PUBLIC SEWER SYSTEM AND DRIVEWAY AND MAINTAIN SEDIMENT CONTROL MEASURES. **5 MONTHS**
- INSTALL THE REQUIRED STORMWATER MANAGEMENT PLANTINGS INSPECT BY COUNTY AND ENGINEER OF RECORD. **2 DAYS**
- FINAL CLEANUP, STABILIZATION AND REMOVAL OF REMAINING SEDIMENT CONTROL MEASURES WITH INSPECTOR'S APPROVAL. **5 DAYS**

GENERAL NOTES

- AGENCY NOTIFICATION: Anne Arundel County Department of Inspection and permits (410-222-7780) 48 hours before starting work.
- MAINTENANCE OF SOIL EROSION CONTROL PROCEDURES:
 - All damage to the soil and erosion methods shown on this plan shall be repaired at the end of each day work.
 - The contractor is to maintain these Sediment and Erosion Control Structures as specified on each detail.
- GENERAL EROSION CONTROL PROCEDURES:
 - Soil to be placed on all areas shown and on graded area with slopes greater than 3 to 1.
 - All downspouts are to be carried to the toe of fill slopes.
 - Spill blocks are to be provided at all downspouts not discharging on a paved surface.
 - All excess material (if any) shall be removed to a site approved by the Anne Arundel Soil Conservation District (410-222-7822).
 - Cut and fill quantities provided under site analysis do not represent bid quantities. These quantities do not distinguish between topsoil, structural fill or embankment material, nor do they reflect consideration of underdraining or removal of unsuitable material. The contractor shall familiarize himself with site conditions which may affect the work.



- Length - minimum of 50' (30' for single residence lot).
- Width - 10' minimum, should be flared at the existing road to provide a turning radius.
- Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. After plan approval, authority may not require single family residences to use geotextile.
- Stone - crushed aggregate (2" to 3") or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
- Surface Water - all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a portable berm with 5:1 slopes and a minimum 4" of stone over the pipe. Pipe has to be sized according to the drainage. When the SCS is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
- Location - A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.



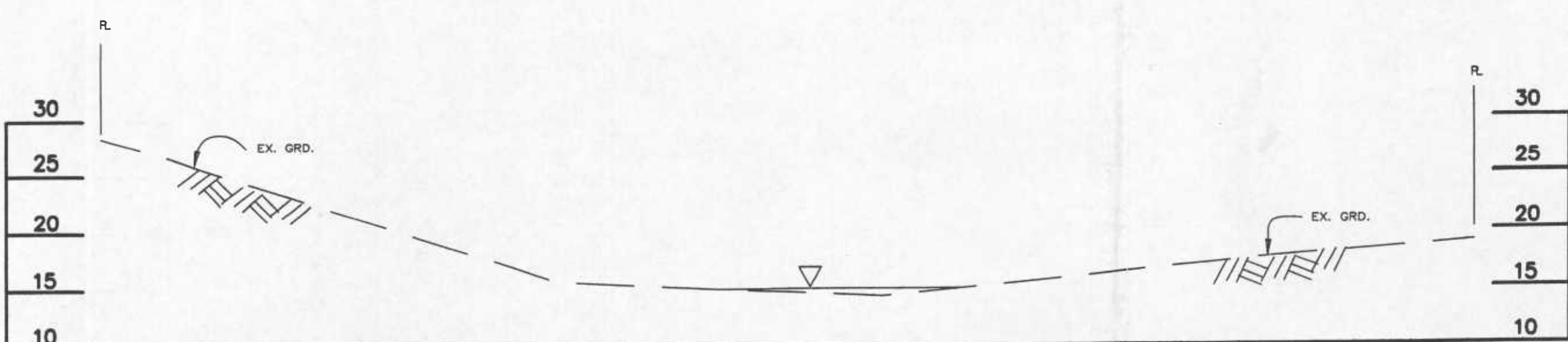
- Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand. Other soils may be used if recommended by an agronomist or soil scientist and approved by the appropriate approval authority. Regardless, topsoil shall not be a mixture of contrasting textures, subsoils and shall contain less than 1% by volume of chert, stones, slag, clumps, fragments, gravel, sticks, roots, trash, or other materials larger than 1 1/2" in diameter.
- Topsoil must be free of plants or plant parts such as bermuda grass, quackgrass, Johnsongrass, nutgrass, poison ivy, thistle, or others as specified.
- Alternative for Permanent Seeding- Instead of applying the full amounts of lime and commercial fertilizer, composted sludge and amendments may be applied as specified below:
 - Composted sludge material for use as a soil conditioner for sites having disturbed areas over 5 acres shall be tested to prescribe amendments and for sites having disturbed areas under 5 acres shall conform to the following requirements:
 - Composted sludge shall be supplied by, or originate from, a person or persons that are permitted (at the time of application of the compost) by the Maryland Department of the Environment under COMAR 26.04.06.
 - Composted sludge shall contain at least 1 percent nitrogen, 1.5 percent phosphorus, and 0.2 percent potassium and have a pH of 7.0 to 8.0. If compost does not meet these requirements, the appropriate constituents must be added to meet the requirements prior to use.
 - Composted sludge shall be applied at a rate of 1 ton/1,000 square feet.
 - Composted sludge shall be amended with a potassium fertilizer applied at the rate of 4 lb/1,000 square feet, and 1/3 the normal lime application rate.

Reference: Guideline Specifications, Soil Preparation and Sodding, MD-VA, Pub. #1 Cooperative Extension Service, University of Maryland and Virginia Polytechnic Institutes, Revised 1973.



DRAINAGE CALCULATIONS
 D.A. = 0.207 AC.
 C = 0.45 (SAND, R-5 ZONING)
 I10 = 6.1
 Q10 = 0.568 C.F.S.

DRAINAGE AREA MAP
 SCALE: 1" = 100'
 ANNE ARUNDEL CO. TOPOGRAPHY MAP 1115



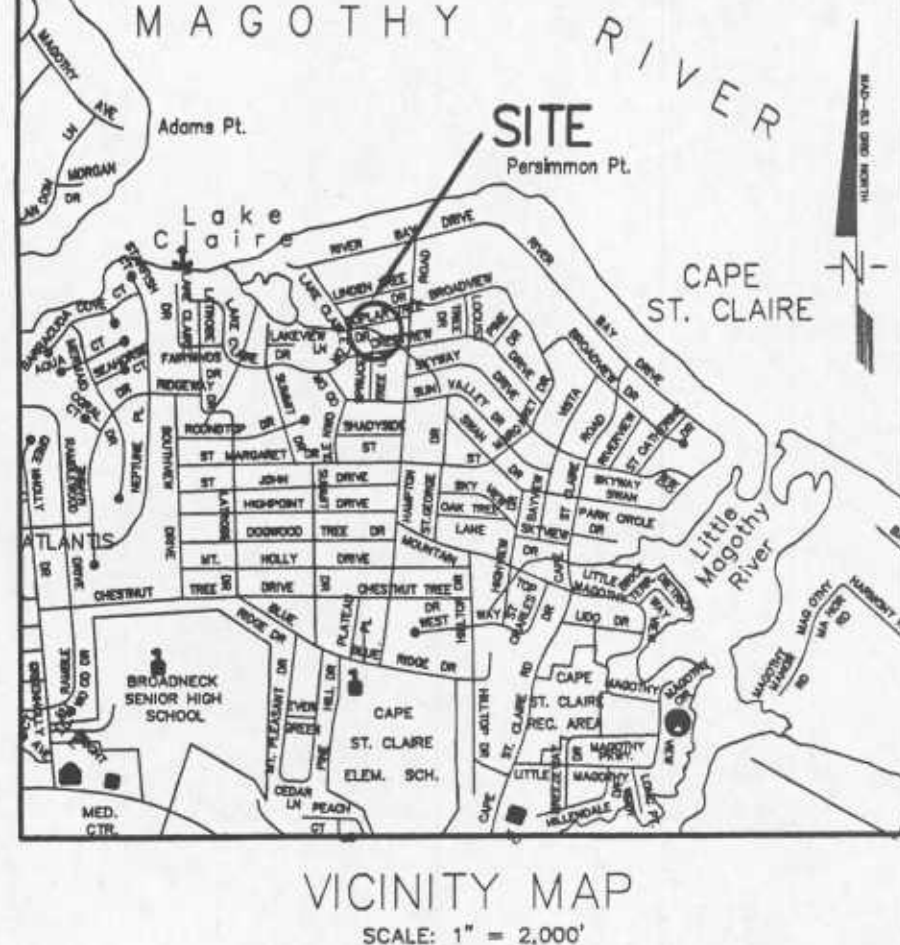
OUTFALL X-SECTION B-B (SEE PLAN VIEW SHEET 2 OF 2)
 SCALE: 1" = 10'
 Q10 = 5.3 CFS (FOR 2.18 AC D.A.)
 cf = LESS THAN 0.45"
 V = LESS THAN 2.13 fps (NON EROSION)
 n = 0.05

LEGEND

- EXISTING GRADE ----- 110.0
- PROPOSED GRADE ----- 110.8
- EXISTING ELEVATION ----- 110.8
- PROPOSED ELEVATION ----- 110x8
- REINFORCED SILT FENCE ----- RSF
- LIMIT OF DISTURBANCE ----- LOD
- STABILIZED CONSTRUCTION ENTRANCE ----- S.C.E.
- STOCK PILE ----- SP



ED BROWN & ASSOCIATES, INC.
 LAND SURVEYORS - LAND PLANNERS
 DEVELOPMENT CONSULTANTS
 PLAZA ONE BUILDING
 1511 RITCHIE HWY, SUITE 301
 ARNOLD, MARYLAND 21012
 PHONE 410-757-2002, FAX 410-757-2011
 Email: edbrownassoc@comcast.net



GENERAL NOTES:

- THIS SITE CONSISTS OF .207 ACRES. = 9000 SQUARE FEET.
- EXISTING ZONING: R-5 / O.S.
- EXISTING USE: VACANT
- PROPOSED USE: SINGLE FAMILY DWELLING
- PROPERTY ADDRESS: 1083 POPLAR TREE DRIVE ANNAPOLIS MD 21401
- OWNER: US FINANCIAL CAPITAL INC 11628 LOG JUMP TRAIL ELLICOTT CITY MD 21042
- DEVELOPER: US FINANCIAL CAPITAL INC 11628 LOG JUMP TRAIL ELLICOTT CITY MD 21042
- NO PROPERTY LINE SURVEY HAS BEEN MADE AT THIS TIME.
- THE EXISTING UTILITIES HAVE NOT BEEN FIELD VERIFIED AT THIS TIME. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF THE EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY GRADE ACTIVITY.
- TWO OFFSTREET PARKING SPACES REQUIRED AND PROVIDED.

Anne Arundel Soil Conservation District
 Sediment and Erosion Control Approval

District Official: _____ Date: _____

AASCD# _____ SMALL POND(S)# _____

Reviewed for technical adequacy by
 USDA, Natural Resource Conservation Service

SHEET 1 of 2

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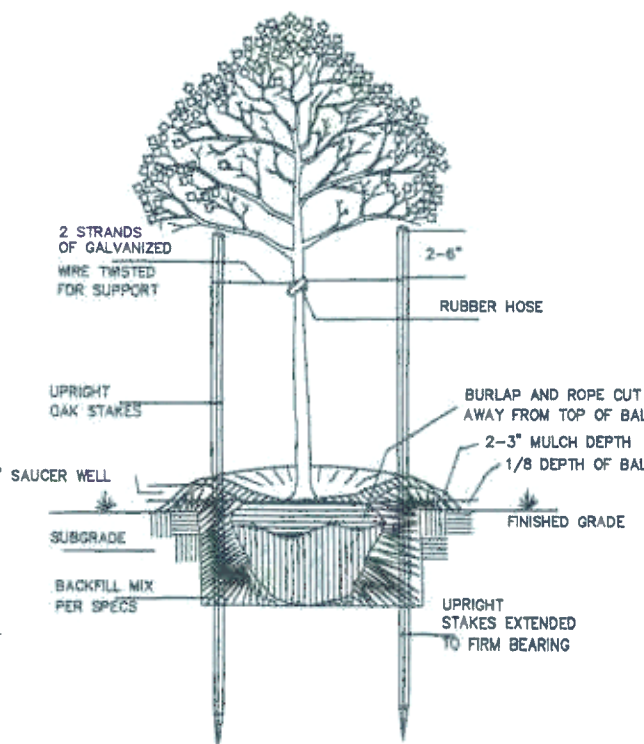
GRADING & SEDIMENT CONTROL PLAN

CAPE ST CLAIRE
 LOT 11 BLOCK CC
 1083 POPLAR TREE DR

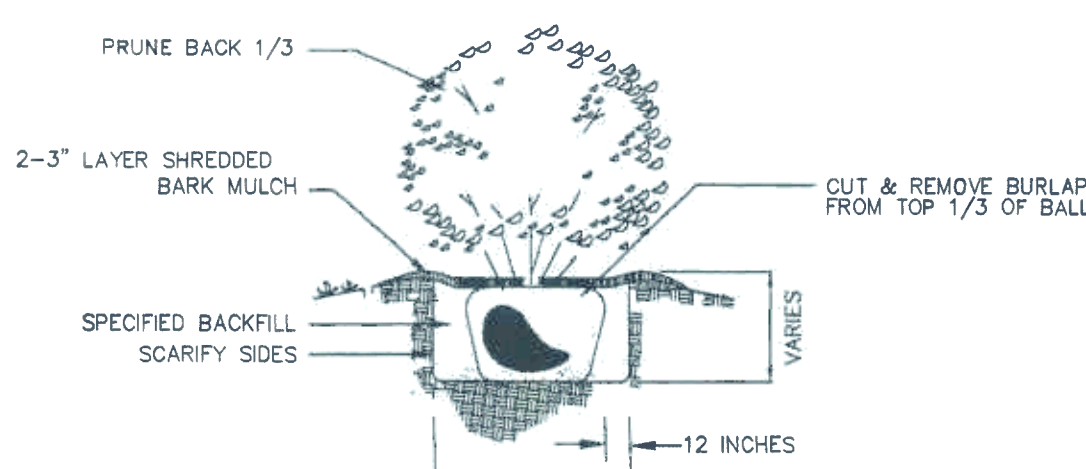
ANNE ARUNDEL COUNTY, MARYLAND
 FEBRUARY, 2008
 PARCEL 27

TAX MAP 40 BLOCK 5
 G.P. NO. G02011734:
 ZONING: R-5 ZIPCODE: 21409

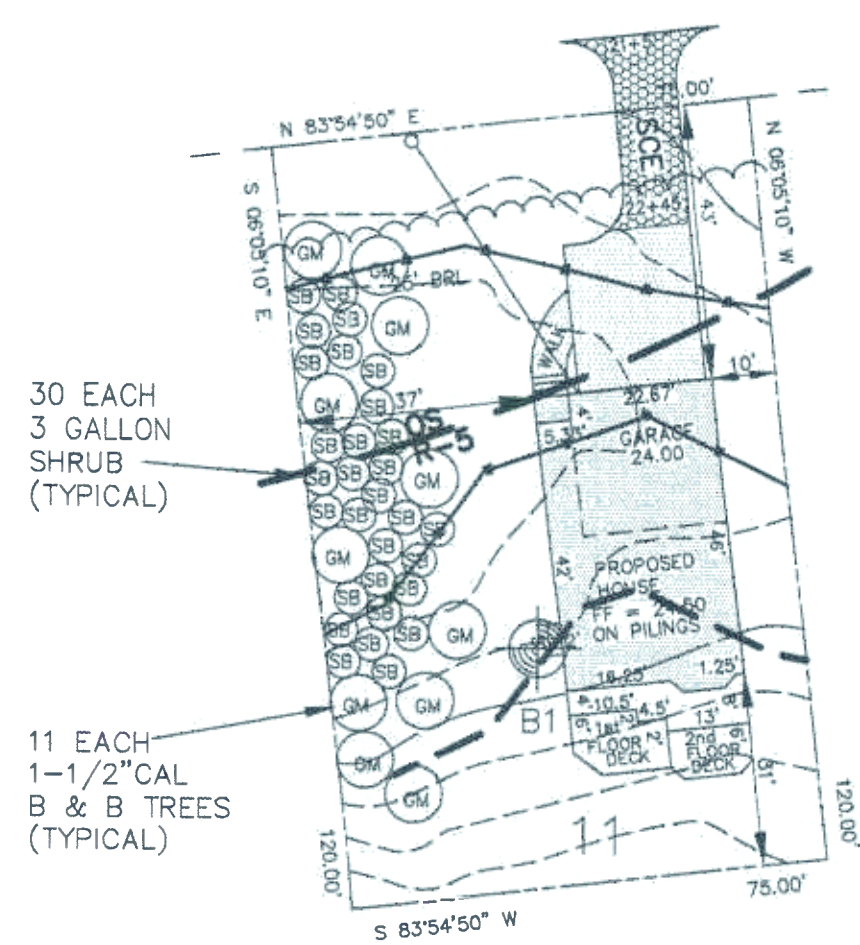
Minimum Sizing Criterion	Symbol	Drainage Area	Volume Required After Credit	Volume Provided	SWM Practice	Notes
Water Quality Volume	(WQv)	.207Ac.	190	190	N/A	PLANTINGS HAVE BEEN PROVIDED DUE TO SITE CONDITIONS
Recharge Volume	(Rev)	0.05Ac.	27	27	N/A	PLANTINGS HAVE BEEN PROVIDED DUE TO SITE CONDITIONS
Channel Protection	(CpV)	N/A	0	0	N/A	1 YR. POST DEVELOPMENT PEAK DISCHARGE < 2 c.f.s.
Overbank Flood Protection	(OpFD)	N/A	0	0	N/A	NOT REQUIRED SITE DISTURBANCE IS LESS THEN 15,000 SQUARE FEET
Extreme Flood	(Of)	N/A	0	0	N/A	NOT REQUIRED SITE DISTURBANCE IS LESS THEN 15,000 SQUARE FEET



DECIDUOUS TREE PLANTING DETAIL FOR 2.5" CALIPER TREES & SMALLER



DETAIL - SHRUB PLANTING
NOT TO SCALE



S.W.M. PLANTING PLAN
SCALE: 1" = 30'

PLANTING SPECIFICATIONS

COMMON NAME: OCTOBER GLORY MAPLE
BOTANICAL NAME: ACER RUBRUM
1-1/2" CAL
2-3 GALLON CONT. 18"-24" HGT.

PLANTINGS NOTE FOR SWM

This site has vegetative outfall. We will use plantings for swm at a rate of 1 tree or 3 shrubs per 100 s.f. of impervious. Total plantings required - 2,025 s.f./100 = 21 plantings, 21 plantings provided. Mitigation required for addition plantings = 7 x 100 = 700 x \$1.80 = \$1,260.00

CRITICAL AREA CALCULATIONS

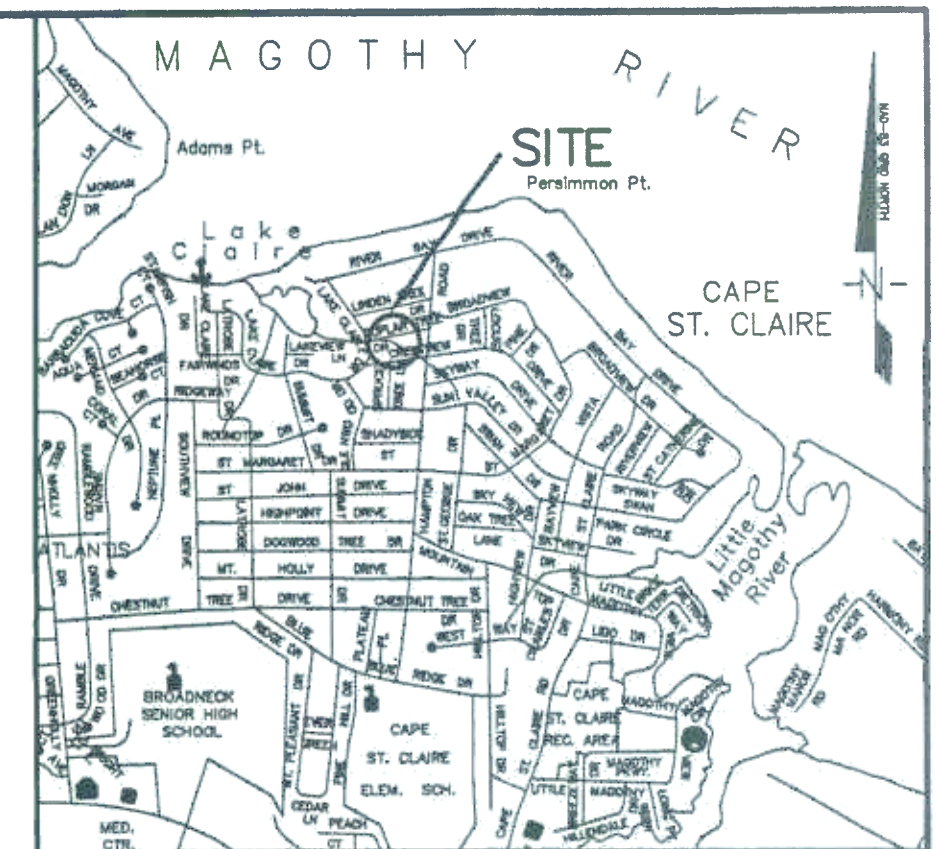
1. THIS SITE LIES MOSTLY WITHIN THE LDA DESIGNATION OF THE CRITICAL AREA (THE N.W. CORNER IS RCA)
2. TOTAL SITE AREA: 0.207 AC. = 9,000 S.F.
3. TOTAL WOODLAND AREA: 8,053 S.F. = 89.47% OF SITE
4. TOTAL WOODLAND AREA TO BE REMOVED: 4,500 S.F. (56%)
5. TOTAL WOODLAND AREA TO BE REPLANTED = 0 S.F.
6. TOTAL FEE FOR CLEARING: \$1.20 X 4,500 = \$5,400.00
7. TOTAL IMPERVIOUS AREA ALLOWED: 31.25% = 2,812 S.F.
8. TOTAL IMPERVIOUS AREA PROPOSED: HOUSE: 1,295 S.F.
DRIVE: 630 S.F.
SIDEWALK: 100 S.F.
TOTAL: 2,025 S.F. OR 22.5%

PLANTINGS NOTE FOR SWM

1. THE RECHARGE VOLUME FOR THE 0.05 ACRES OF IMPERVIOUS AREA ARE TREATED BY PROVIDING PLANTINGS AT THE PERIMETER OF THE PROPERTY. PLANTINGS WERE USE IN THIS APPLICATION DUE TO A WATER TABLE OF 1.5 FEET.
2. THE WATER QUALITY VOLUME FOR THE 0.207 ACRES OF SITE AREA IS TREATED BY PROVIDING PLANTINGS. PLANTINGS WERE USE IN THIS APPLICATION DUE TO A WATER TABLE OF 1.5 FEET.
3. THE CHANNEL PROTECTION VOLUME IS NOT REQUIRED FOR THIS SITE BASE ON THE POST DEVELOPMENT PEAK DISCHARGE IS LESS THAN 2 C.F.S.
4. OVERBANK FLOOD PROTECTION VOLUME NOT REQUIRED BASED ON THE AMOUNT OF DISTURBANCE AND NO SIGNS OF EROSION ARE PRESENT.
5. EXTREME FLOOD IS NOT REQUIRED BASED ON THE AMOUNT OF DISTURBANCE AND NO SIGNS OF EROSION ARE PRESENT.

STOCKPILE AREA NOTE:

NO STOCKPILE AREA HAS BEEN PROVIDED ON THIS SITE DUE TO SITE CONSTRAINTS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE EXCESS SOIL FROM THIS SITE TO AN INSPECTOR APPROVED LOCATION.



VICINITY MAP
SCALE: 1" = 2,000'

GENERAL NOTES:

- THIS SITE CONSISTS OF .207 ACRES. = 9000 SQUARE FEET.
- EXISTING ZONING RS.
- SETBACKS: FRONT: 25', SIDE: 7' COMB. 20' REAR: 20'
- EXISTING USE: VACANT
- PROPOSED USE: SINGLE FAMILY DWELLING
- PROPERTY ADDRESS: 1083 POPLAR TREE DRIVE
- OWNER: US FINANCIAL CAPITAL INC
11628 LOG JUMP TRAIL
ELLCOTT CITY MD. 21042
- DEVELOPER: US FINANCIAL CAPITAL INC
11628 LOG JUMP TRAIL
ELLCOTT CITY MD. 21042
- NO PROPERTY LINE SURVEY HAS BEEN MADE AT THIS TIME.
- THE EXISTING UTILITIES HAVE NOT BEEN FIELD VERIFIED AT THIS TIME. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF THE EXISTING UTILITIES PRIOR TO COMMENCEMENT OF ANY GRADING ACTIVITY.
- TWO OFFSTREET PARKING SPACES REQUIRED AND PROVIDED.

WATER QUALITY AND RECHARGE CALCULATIONS

Site Area	0.207 Acres	9000 sq. ft.
Impervious Area	0.05 Acres	2,025 sq. ft.

Site Area Table

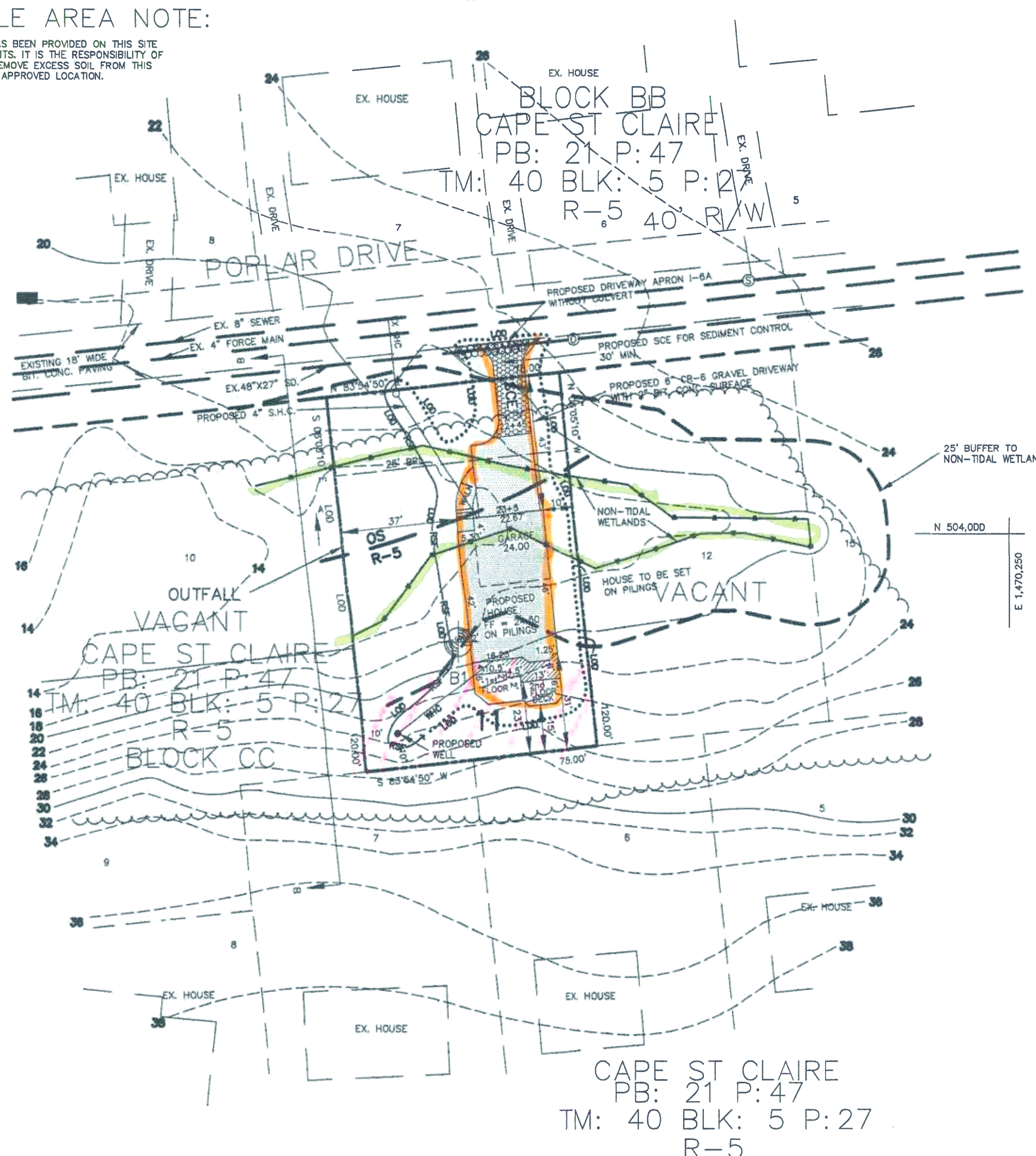
HSG	Acres	S=	S x A =
HSG A	0 Acres	0.42	0
HSG B	0 Acres	0.29	0
HSG C	.207 Acres	0.14	0.03
HSG D	0 Acres	0.08	0
Total	.207 Acres		Total = 0.02898

Avg. HSG = 0.14
 Precipitation Depth P = 1.00
 Percent Impervious = 22.5
 Compute WQv = $\frac{(P)(Rv)(A)}{12}$
 $Rv = 0.05 + (0.009) = 0.2525$
 $WQv = 0.0044 \text{ ac. ft.} = 190 \text{ cu. ft.}$

Impervious Table

HSG	Acres	S=	S x A =
HSG A	0 Acres	0.42	0
HSG B	0 Acres	0.29	0
HSG C	.061 Acres	0.14	0.01
HSG D	0 Acres	0.08	0
Total	.061 Acres		Total = 0.01

Avg. HSG = 0.14
 Compute Rev = $\frac{(s)(Rv)(A)}{12}$
 $Rev = 0.0006 \text{ ac. ft.} = 27 \text{ cu. ft.}$



NOTE: THE PROPOSED HOUSE & DRIVEWAY WILL BE BUILT ON PILINGS ABOVE GRADE SO AS TO NOT IMPEDE THE FLOW OF DRAINAGE

PLAN
SCALE: 1" = 30'

LEGEND

EXISTING GRADE	---
PROPOSED GRADE	---
EXISTING ELEVATION	110.8
PROPOSED ELEVATION	110x8
REINFORCED SILT FENCE	RSF
LIMIT OF DISTURBANCE	LOD
STABILIZED CONSTRUCTION ENTRANCE	S.C.E.
STOCK PILE	SP

OUTFALL STATEMENT:

A FIELD INVESTIGATION OF THE OUTFALL WAS PERFORMED ON SEPTEMBER 8, 2008 BY M.A.F. AND ASSOCIATES, LLC. THIS SITE OUTFALL IS AT THE POINT THE RUNOFF LEAVES THE SITE AT THE WESTERN PROPERTY LINE. THE PROPOSED HOUSE IS TO BE CONSTRUCTED ON PILINGS SO NOT TO REGRADE THE SITE OUTFALL. NO EROSION OR FLOODING ARE PRESENT AND ARE ANTICIPATED TO OCCUR FROM THIS PROPOSED DEVELOPMENT.



PROFESSIONAL CERTIFICATION: I, EDWARD A. BROWN CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 10714, EXPIRATION DATE JANUARY 4, 2010

ED BROWN & ASSOCIATES, INC.
 LAND SURVEYORS - LAND PLANNERS
 DEVELOPMENT CONSULTANTS
 PLAZA ONE BUILDING
 1511 RITCHIE HWY, SUITE 301
 ARNOLD, MARYLAND 21012
 PHONE 410-757-2002, FAX 410-757-2011
 Email: edbrownassoc@comcast.net

GRADING & SEDIMENT CONTROL PLAN

CAPE ST CLAIRE
 LOT 11 BLOCK CC
 1083 POPLAR TREE DR

3rd DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
 SCALE: AS SHOWN FEBRUARY, 2008
 TAX MAP 40 BLOCK 5 PARCEL 27
 G.P. NO.: G02011734
 ZONING: R-5 ZIP CODE: 21409

DETAILS AND SPECIFICATIONS FOR VEGETATIVE ESTABLISHMENT

Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for other disturbed or graded areas on the project site.

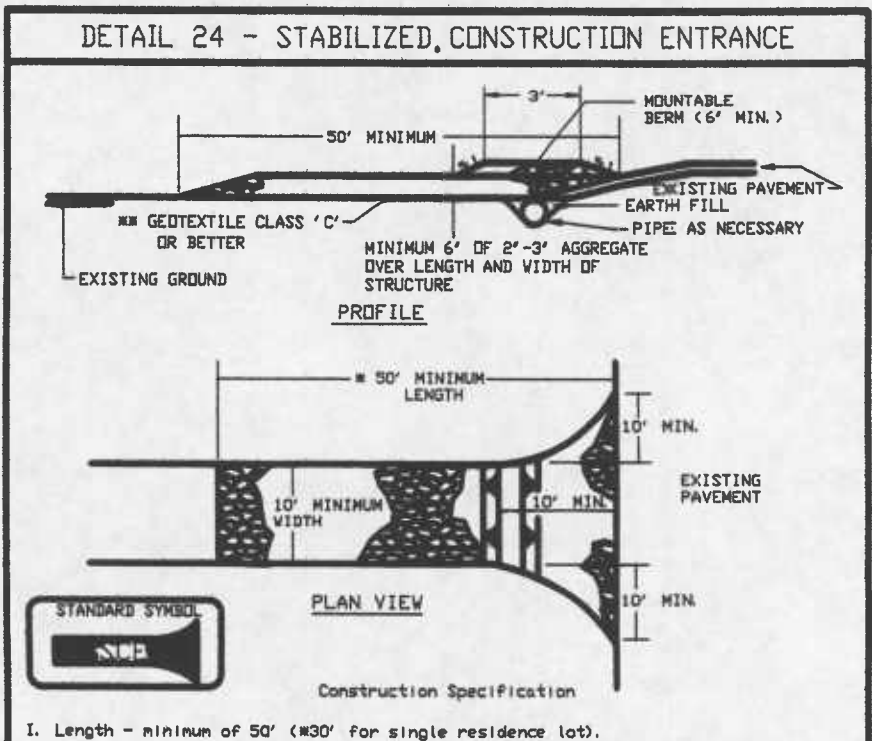
- Permanent Seeding**
 - Soil Tests: Lime and fertilizer will be applied per soil tests results for sites greater than 5 acres. Soil tests will be done at completion of initial rough grading or as recommended by the sediment control inspector. Rates and analyses will be provided to the grading inspector as well as the contractor.
 - Occurrence of acid sulfate soils (grayish black color) will require covering with a minimum of 12 inches of clean soil with 6 inches minimum depth of top soil. No stockpiling of material is allowed. If needed, soil tests should be done before and after a 6 week incubation period to allow oxidation of sulfates.
- The minimum soil conditions required for permanent vegetative establishment are:
 - Soil pH shall be between 6.0 and 7.0.
 - Suitable soils shall be less than 500 parts per million (ppm).
 - The soil shall contain less than 40% clay but enough fine grained material (>30% all plus clay) to provide the capacity to hold a moderate amount of moisture. An exception is for loess or areas impervious to be planted, then a sandy soil (CDE) will be acceptable.
 - Soil shall contain 1.5% minimum organic matter by weight.
 - Soil must contain sufficient pore space to permit adequate root penetration.
 - If these conditions cannot be met by soils on site, adding topsoil is required in accordance with Section 21 Standard and Specification for Topsoil or amendments made as recommended by a certified agronomist.
- Seeded Preparation:** Area to be seeded shall be loose and friable to a depth of at least 3 inches. The top layer shall be loosened by raking, disking or other acceptable means before seeding occurs. For sites less than 5 acres, apply 100 pounds dolomitic limestone and 21 pounds of 10-10-10 fertilizer per 1,000 square feet. Harrow or disk lime and fertilizer into the soil to a depth of at least 3 inches on slopes flatter than 3:1.
- Seeding:** Apply 5-6 pounds per 1,000 square feet of tall fescue between February 1 and April 30 or between August 15 and October 31. Apply seed uniformly on a moist firm seedbed with a cylinder or rotary spreader, cultipacker seeder or hydroseeder (slurry includes seeds and fertilizer; recommended on steep slopes only). Maximum seed depth shall be 1/4 inch in clayey soils and 1/2 inch in sandy soils when using other than the hydroseeder method. Irrigate where necessary to support adequate growth until vegetation is firmly established. Other seed mixes are to be used, select from Table 25, entitled "Permanent Seeding For Low Maintenance Areas" from the current Standards and Specifications for Soil Erosion and Sediment Control. Mixes suitable for this area are 1, 3 and 5-7. Mixes 5-7 are suitable in non-movable situations.
- Mulching:** Mulch shall be applied to all seeded areas immediately after seeding. During the time periods when seeding is not permitted, mulch shall be applied immediately after grading.
 - Mulch shall be unrotted, unchopped, small grain straw applied at a rate of 2 tons per acre or 90 pounds per 1,000 square feet (2 bales). If a mulch anchoring tool is used, apply 2.5 tons per acre. Mulch materials shall be relatively free of all kinds of weeds and shall be completely free of prohibited noxious weeds. Spread mulch uniformly, mechanically or by hand, to a depth of 1-2 inches.
- Securing Straw Mulch:** Straw mulch shall be secured immediately following mulch application to minimize movement by wind or water. The following methods are permitted:
 - Use a mulch anchoring tool which is designed to punch and anchor mulch into the soil surface to a minimum depth of 2 inches. This is the most effective method for securing mulch, however, it is limited to relatively flat areas where equipment can operate safely.
 - Wood cellulose fiber may be used for anchoring straw. Apply the fiber binder at a net dry weight of 750 pounds per acre. If mixed with water, use 50 pounds of wood cellulose fiber per 100 gallons of water.
 - Liquid binders may be used. Apply at higher rates at the edges where wind catches mulch, such as in valleys and on crests of slopes. The remainder of the area should appear uniform after binder application. Binders listed in the 1994 Standards and Specification for Soil Erosion and Sediment Control or approved equid shall be applied at rates recommended by the manufacturer.
 - Lightweight plastic netting may be used to secure mulch. The netting will be staked to the ground according to manufacturers recommendations.

STANDARD RESPONSIBILITY NOTES

- Agency Notification: All development and construction will be done in accordance with this sediment and erosion control plan, and further, authorize the right of entry for periodic on-site evaluation by the Anne Arundel Soil Conservation District Board of Supervisors or their authorized agents.
- Any responsible personnel involved in the construction project will have a certificate of attendance from the Maryland Department of the Environment's approved training program for the control of sediment and erosion before beginning the project. Responsible personnel on site: S. BRUCE JAFFE
- The appropriate enclosure will be constructed and maintained on sediment basins included in this plan. Such structure(s) will be in compliance with Anne Arundel County code.
- The developer is responsible for the acquisition of all easements, rights and/or rights-of-way that may be required for the sediment and erosion control practices, stormwater management practices and the discharge of stormwater on or across adjacent or downstream properties included in this plan. He is also responsible for the acquisition of all easements, rights and/or right-of-way that may be required for grading and/or work on adjacent properties included in the plan.
- Initial soil disturbance or redistribution, permanent stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site. Temporary stabilization of the surface of perimeter controls, dikes, swales, ditches, and perimeter slopes may be allowed at the discretion of the sediment control inspector.
- The sediment control practices on this plan extend only to areas and practices identified as proposed work.
- The approval of this plan for sediment and erosion control does not relieve the developer/contractor from complying with Federal/State or County requirements pertaining to environmental issues.
- The developer must request that the Sediment Control Inspector approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and the ordinance.
- All material shall be taken to a site with an approved sediment and erosion control plan.
- On sites with disturbed areas in excess of two acres, approval of the sediment and erosion control inspector shall be required on completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. This will require first phase inspections. Other building or grading inspection approvals may not be authorized until the initial approval by the sediment and erosion control inspector is given.
- Approval shall be required on final stabilization of all sites with disturbed areas in excess of 2 acres before commencement of work.
- Existing topography must be field verified by responsible personnel to the satisfaction of the sediment control inspector prior to commencing work.

GENERAL NOTES

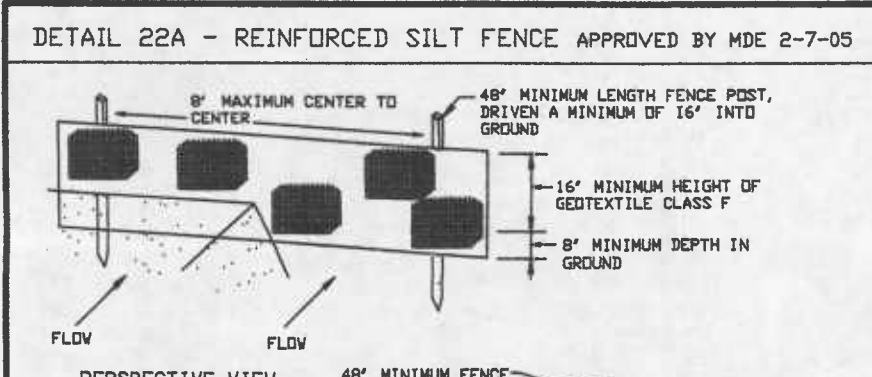
- AGENCY NOTIFICATION:** Anne Arundel County Department of Inspection and permits (410-222-7780) 48 hours before starting work. MAINTENANCE OF SOIL EROSION CONTROL PROCEDURES: 1. All damage to the soil and erosion methods shown on this plan shall be repaired at the end of each work day. 2. The contractor is to maintain these Sediment and Erosion Control Structures as specified on each detail.
- GENERAL EROSION CONTROL PROCEDURES:** 1. Sediment to be placed on all areas shown and on graded area with slopes greater than 3:1. 2. All downspouts are to be carried to the toe of fill slopes. 3. Splash blocks are to be provided at all downspout risers discharging on a paved surface. 4. All excess material (if any) shall be removed to a site approved by the Anne Arundel Soil Conservation District (410-222-7222). 5. Cut and fill quantities provided under site analysis do not represent bid quantities. These quantities do not distinguish between topsoil, structural fill or embankment material, nor do they reflect consideration of undercutting or removal of unsuitable material. The contractor shall familiarize himself with site conditions which may affect the work.



- Length - minimum of 50' (400' for single residence lot).
- Width - 10' minimum, should be flared at the existing road to provide a turning radius.
- Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. The plan approval authority may require single family residences to use geotextile.
- Stone - crushed aggregate (2" to 3") or reclaimed or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
- Surface water - all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a mountable berm with 5:1 slopes and a minimum of 6" of stone over the pipe. Pipe has to be sized according to the drainage. When the SDE is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
- Location - A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.

STANDARD AND SPECIFICATIONS FOR TOPSOIL

- DEFINITION:** Placement of topsoil over a prepared subsoil prior to establishment of permanent vegetation.
- PURPOSE:** To provide a suitable soil medium for vegetative growth. Soils of concern have low moisture content, low nutrient levels, low pH, materials toxic to plants, and/or unacceptable soil gradation.
- CONDITIONS WHERE PRACTICE APPLIES:**
- This practice is recommended for sites of 2:1 or flatter slopes where:
 - The texture of the exposed subsoil / parent material is not adequate to produce vegetative growth.
 - The soil material is so shallow that the rooting zone is not deep enough to support plants or furnish continuing supplies of moisture and plant nutrients.
 - The original soil to be vegetated contains material toxic to plant growth.
 - The soil is so acidic that treatment with limestone is not feasible.
 - For the purpose of these Standards and Specifications, areas having slopes steeper than 2:1 require special consideration and design for adequate stabilization. Areas having slopes steeper than 2:1 shall have the appropriate stabilization shown on the plan.
- Construction and Materials Specifications:**
- Topsoil salvaged from the existing site may be used provided that it meets the standards set forth in these specifications. Typically, the depth of topsoil to be salvaged for a given soil type can be found in the representative soil profile section in the Soil Survey published by USDA-SCS in cooperation with Maryland Agricultural Experimental Station.
 - Topsoil Specifications—Soil to be used as topsoil must meet the following:
 - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand. Other soils may be used if recommended by an agronomist or soil scientist and approved by the appropriate approval authority. Regardless, topsoil shall not be a mixture of contrasting textured subsoils and shall contain less the 5% by volume of chert, stones, slag, coarse fragments, gravel, sticks, roots, trash, or other materials larger than 1 1/2" in diameter.
 - Topsoil must be free of plants or plant parts such as bermuda grass, quackgrass, Johnsongrass, nutgrass, poison ivy, thistle, or others as specified. Alternative for Permanent Seeding— Instead of applying the full amounts of lime and commercial fertilizer, composted sludge and amendments may be applied as specified below.
 - Composted Sludge Material for use as a soil conditioner for sites having disturbed areas over 5 acres shall be tested to prescribe amendments and for sites having disturbed areas over 5 acres shall conform to the following requirements:
 - Composted sludge shall be applied by, or originate from, a person or persons that are permitted (at the time of acquisition of the compost) by the Maryland Department of the Environment under COMAR 26.04.06.
 - Composted sludge shall contain at least 1 percent nitrogen, 1.5 percent phosphorus, and 0.2 percent potassium and have a pH of 7.0 to 8.0. If compost does not meet these requirements, the appropriate constituents must be added to meet the requirements prior to use.
 - Composted sludge shall be applied at a rate of 1 ton/1,000 square feet.
 - Composted sludge shall be amended with a potassium fertilizer applied at the rate of 4 lb/1,000 square feet, and 1/3 the normal lime application rate.
- Reference: Guideline Specifications, Soil Preparation and Sodding, MD-VA, Pub. #1, Cooperative Extension Service, University of Maryland and Virginia Polytechnic Institute, Revised 1973.



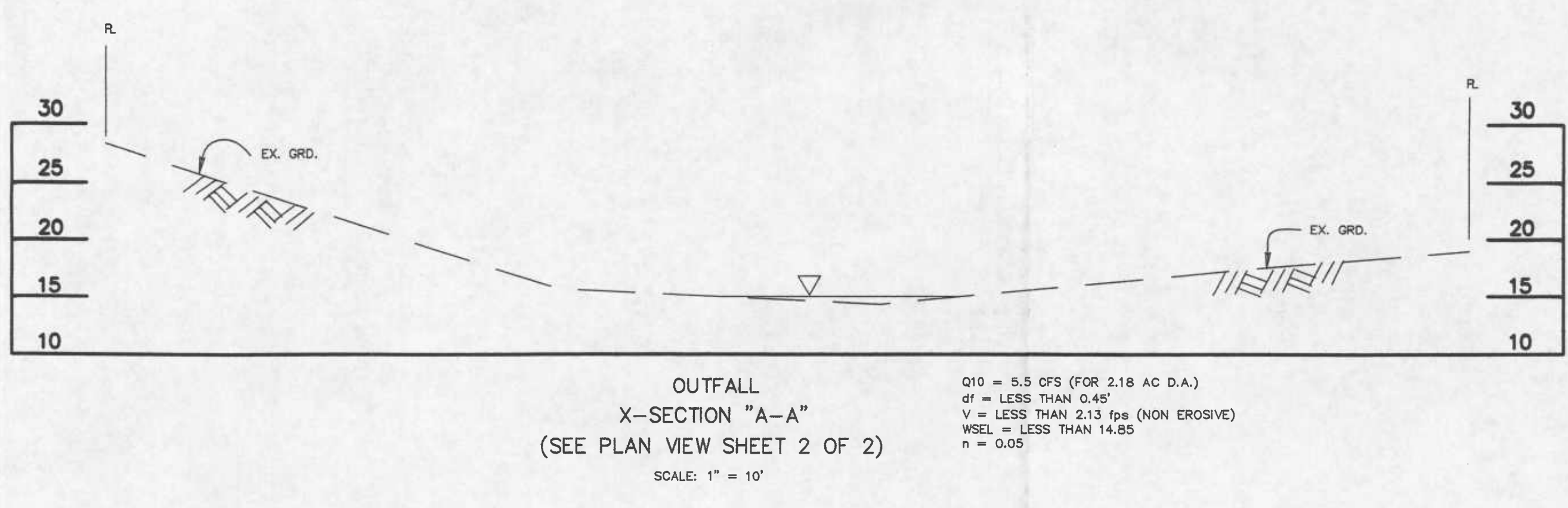
- Mesh fence post shall be a minimum of 48" long driven 16" minimum into the ground. Post shall be staggered 7' or 8' section by section, not less than 1.50 pound per linear foot.
 - Geotextile shall be fastened securely to each fence post with wire tie or zip tie at top and mid section and shall meet the following requirements for geotextile class F:

Tensile Strength	90 lbs/in. (min.)	Test: MHT 509
Tensile Modulus	20 lbs/in. (min.)	Test: MHT 509
Flow Rate	0.2 gal (14.7 min. max.)	Test: MHT 382
Filtering Efficiency	75% (min.)	Test: MHT 382
 - Where ends of geotextile fabric come together, they shall be overlapped, folded and wired tied or zip tied to prevent sludge passage.
 - Silt Fence shall be inspected after each rainfall event and maintained when bulges occur or when sediment accumulation reached 50% of the fabric height.
- ANNE ARUNDEL SOIL CONSERVATION DISTRICT PAGE 4-2-38 MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION



DRAINAGE CALCULATIONS
 D.A. = 0.207 AC.
 C = 0.45 (SAND, R-5 ZONING)
 I10 = 6.1
 Q10 = 0.568 C.F.S.

DRAINAGE AREA MAP
 SCALE: 1" = 10'
 ANNE ARUNDEL CO. TOPOGRAPHY MAP #115



OUTFALL X-SECTION "A-A"
 (SEE PLAN VIEW SHEET 2 OF 2)
 SCALE: 1" = 10'

Q10 = 5.5 CFS (FOR 2.18 AC D.A.)
 Q1 = LESS THAN 0.45'
 V = LESS THAN 2.13 FPS (NON EROSION)
 WSEL = LESS THAN 14.85
 n = 0.05

SCOPE OF WORK

This plan is intended to provide sediment control during the grading of the Lot(s) and the construction of the House(s). Measures have been taken to prevent sediment from leaving the site.

PLAT NOTE

The plot has been recorded in the Land records of Anne Arundel County, Maryland in Plat Book: 21 Page: 47

SITE ANALYSIS:

- | | |
|---------------------------|----------------------|
| A. Zoning | R-5 & O.S. |
| B. Predominant Soil Type: | WBA "C SOILS" |
| C. Total Area of Site: | 9,000 s.f. 0.207 ac. |
| D. Disturbed Area: | 5,301 s.f. 0.12 ac. |

QUANTITIES:

- | | |
|--|------------------------|
| A. Cut | 120 c.y. |
| B. Fill | 150 c.y. Waste 70 c.y. |
| C. Area to be vegetatively stabilized: | 374 s.y. 0.08 ac. |
| D. Area of Mechanical Stabilization: | 215 s.y. 0.04 ac. |

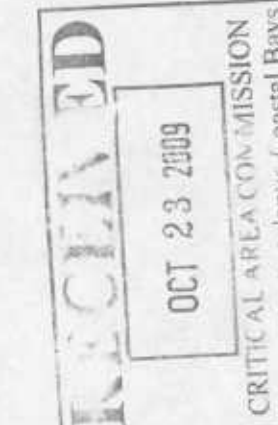
DEVELOPMENT AND CONSTRUCTION SCHEDULE

- PRE-CONSTRUCTION MEETING: NOTIFY THE DEPARTMENT OF INSPECTIONS AND PERMITS AT LEAST 48 HOURS BEFORE COMMENCING WORK. WORK MAY NOT COMMENCE UNTIL THE PERMITTEE OR THE RESPONSIBLE PERSONNEL HAVE MET ON SITE WITH THE SEDIMENT AND EROSION CONTROL INSPECTOR TO REVIEW THE APPROVED PLANS. 48 HOURS
- INSTALL ALL TEMPORARY EROSION CONTROL MEASURES SUCH AS REINFORCED SILT FENCE, STABILIZED CONSTRUCTION ENTRANCE, CONTACT INSPECTIONS AND PERMITS FOR "PHASE ONE" INSPECTION. 2 DAYS
- ROUGH GRADE LIMIT OF DISTURBANCE. 2 WEEKS
- EXCAVATE FOR AND CONSTRUCT FOUNDATION. BUILDING CONSTRUCTION MAY NOT PROCEED PAST THE GROUND FLOOR UNTIL ALL REMAINING DISTURBED AREAS HAVE BEEN PERMANENTLY OR TEMPORARILY STABILIZED DURING BUILDING CONSTRUCTION BEYOND THE GROUND FLOOR, ALL DISTURBED AREAS MUST BE STABILIZED AT THE END OF EACH BUSINESS DAY. 20 DAYS
- CONSTRUCT HOUSE, WATER WELL, PUBLIC SEWER SYSTEM AND DRIVEWAY AND MAINTAIN SEDIMENT CONTROL MEASURES. 5 MONTHS
- INSTALL THE REQUIRED STORMWATER MANAGEMENT PLANTINGS INSPECT BY COUNTY AND ENGINEER OF RECORD. 2 DAYS
- FINAL CLEANUP, STABILIZATION AND REMOVAL OF REMAINING SEDIMENT CONTROL MEASURES WITH INSPECTOR'S APPROVAL. 5 DAYS

LEGEND

- EXISTING GRADE -----110-----
- PROPOSED GRADE -----110.8-----
- EXISTING ELEVATION -----110.8-----
- PROPOSED ELEVATION -----110x8-----
- REINFORCED SILT FENCE -----RSF-----RSF-----
- LIMIT OF DISTURBANCE -----LOD-----
- STABILIZED CONSTRUCTION ENTRANCE -----S.C.E.-----
- STOCK PILE -----SP-----

ED BROWN & ASSOCIATES, INC.
 LAND SURVEYORS - LAND PLANNERS
 DEVELOPMENT CONSULTANTS
 PLAZA ONE BUILDING
 1511 RITCHIE HWY, SUITE 301
 ARNOLD, MARYLAND 21012
 PHONE 410-757-2002, FAX 410-757-2011
 Email: edbrownassoc@comcast.net



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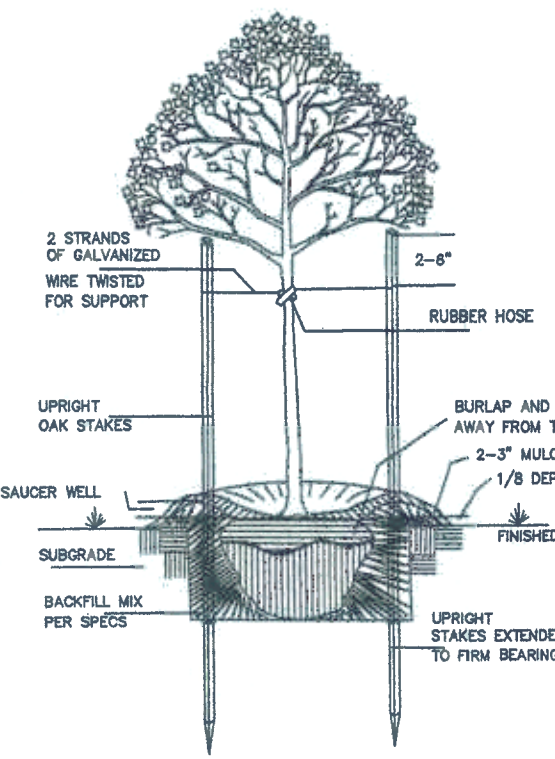
SHEET 1 of 2

GRADING & SEDIMENT CONTROL PLAN

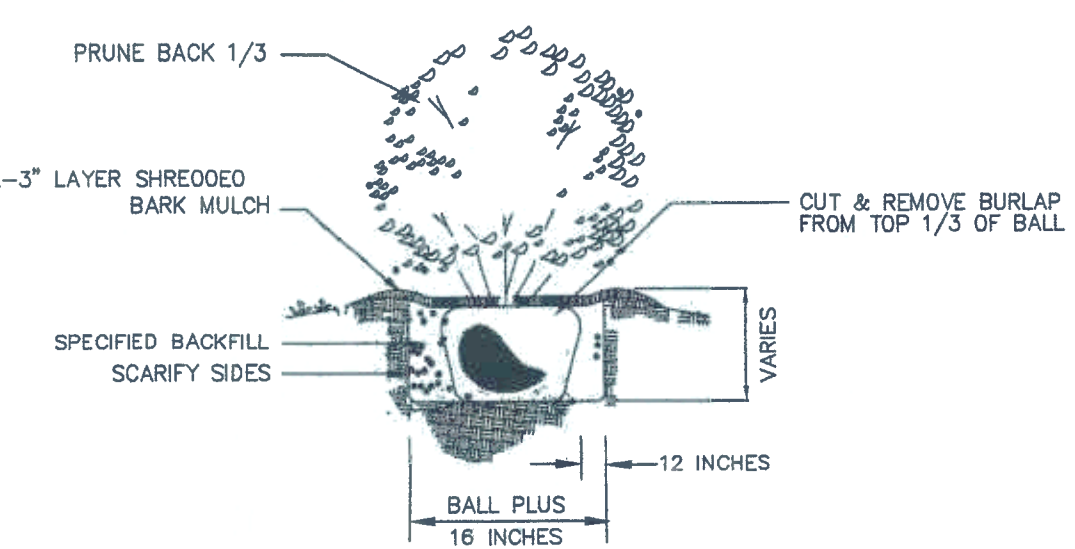
CAPE ST. CLAIRE
 LOT 11 BLOCK CC
 1083 POPLAR TREE DR

3rd DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
 SCALE: AS SHOWN SEPTEMBER, 2009
 TAX MAP 40 BLOCK 5 PARCEL 27
 G.P. NO. G02011734: ZONING: R-5 ZIP CODE: 21409

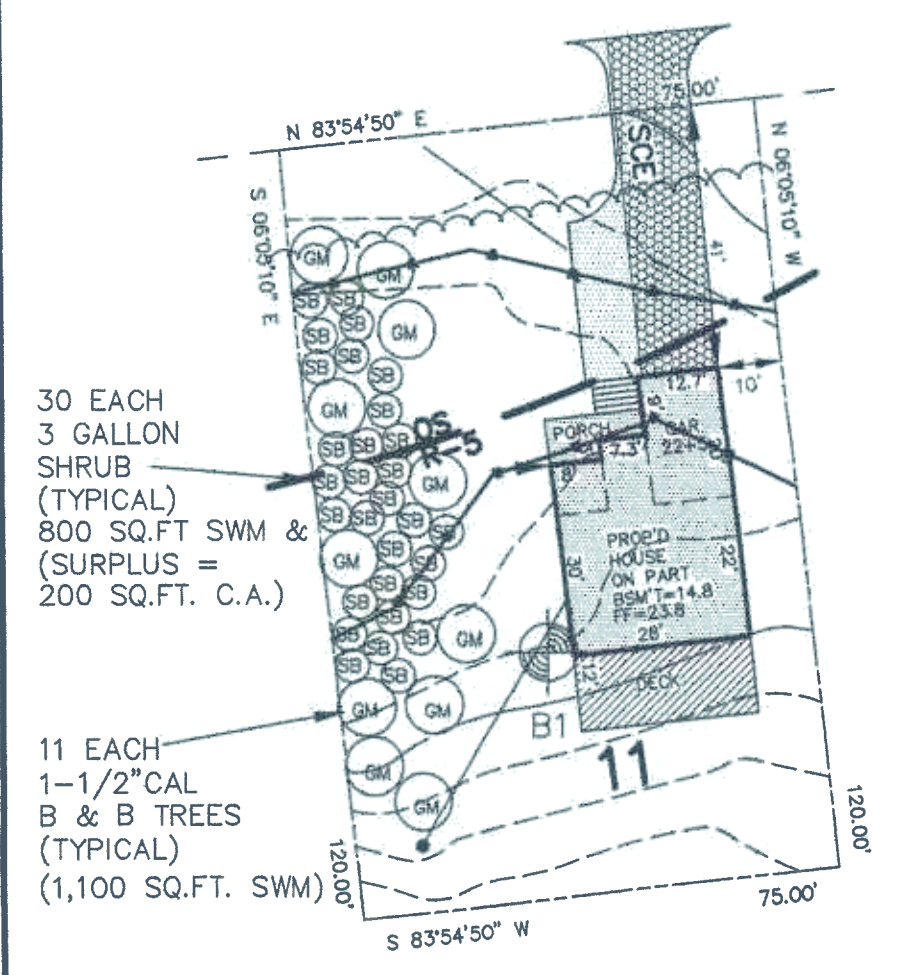
Minimum Sizing Criteria	Symbol	Drainage Area	Volume Required cu.ft.	Volume Req. After Credit cu.ft.	Volume Provided cu.ft.	SWM Practice	Notes
Water Quality Volume	(WQv)	.207Ac.	182	182	182	N/A	PLANTINGS HAVE BEEN PROVIDED PROVIDED DUE TO SITE CONDITIONS SUCH AS HIGH GROUND WATER
Recharge Volume	(Rev)	0.05Ac.	26	26	26	N/A	PLANTINGS HAVE BEEN PROVIDED PROVIDED DUE TO SITE CONDITIONS SUCH AS HIGH GROUND WATER
Channel Protection	(CpV)	N/A	0	0	0	N/A	1 YR. POST DEVELOPMENT PEAK DISCHARGE < 2 c.f.s.
Overbank Flood Protection	(Qp10)	N/A	0	0	0	N/A	NOT REQUIRED SITE DISTURBANCE IS LESS THEN 15,000 SQUARE FEET
Extreme Flood	(Qf)	N/A	0	0	0	N/A	NOT REQUIRED SITE DISTURBANCE IS LESS THEN 15,000 SQUARE FEET



DECIDUOUS TREE PLANTING DETAIL FOR 2.5" CALIPER TREES & SMALLER



DETAIL - SHRUB PLANTING
NOT TO SCALE



S.W.M. PLANTING PLAN
SCALE: 1" = 30'

0
MOIST FINE SILTY SAND
USDA: LOAMY SAND
USC: SM
H2O @ 1.5'
MOIST FINE SILTY SAND
USDA: LOAMY SAND
USC: SM
3'
B-1
N.T.S.

PLANTING SPECIFICATIONS

TOTAL QTY 11 TREES (+)
COMMON NAME OCTOBER GLORY MAPLE
BOTANICAL NAME ACER RUBRUM
1-1/2"-2" CAL.

TOTAL QTY 30 SHRUBS (SB)
COMMON NAME SPICEBUSH
BOTANICAL NAME LINDERA BENZOIN
2-3 GALLON CONT. 18"-24" HGT.

THE 1,900 SQ.FT. OF SWM PLANTING CONSISTS OF 11 TREES @ 100 SQ.FT. EACH (1,100) AND 24 SHRUBS @ 100 SQ.FT./EACH 3 SHRUBS (800)

CRITICAL AREA CALCULATIONS

- THIS SITE LIES MOSTLY WITHIN THE LDA DESIGNATION OF THE CRITICAL AREA (THE N.W. CORNER IS RCA)
- TOTAL SITE AREA: 0.207 AC. = 9,000 S.F.
- TOTAL WOODLAND AREA: 8,053 S.F. = 89.47% OF SITE
- TOTAL WOODLAND AREA TO BE REMOVED: 3,900 S.F. (48%)
- TOTAL WOODLAND AREA TO BE REPLANTED = 200 S.F.
- TOTAL FEE FOR CLEARING: \$1.20 X 3,700 = \$4,440.00
- TOTAL IMPERVIOUS AREA ALLOWED: 31.25% = 2,812 S.F.
- TOTAL IMPERVIOUS AREA PROPOSED: HOUSE: 1,290 S.F. DRIVE: 600 S.F. TOTAL: 1,890 S.F. OR 21%
- DISTURBANCE TO NON-TIDAL WETLANDS = 1,080 SQ.FT.
- DISTURBANCE TO NON-TIDAL WETLAND BUFFER = 2,376 SQ.FT.

SWM NOTE:

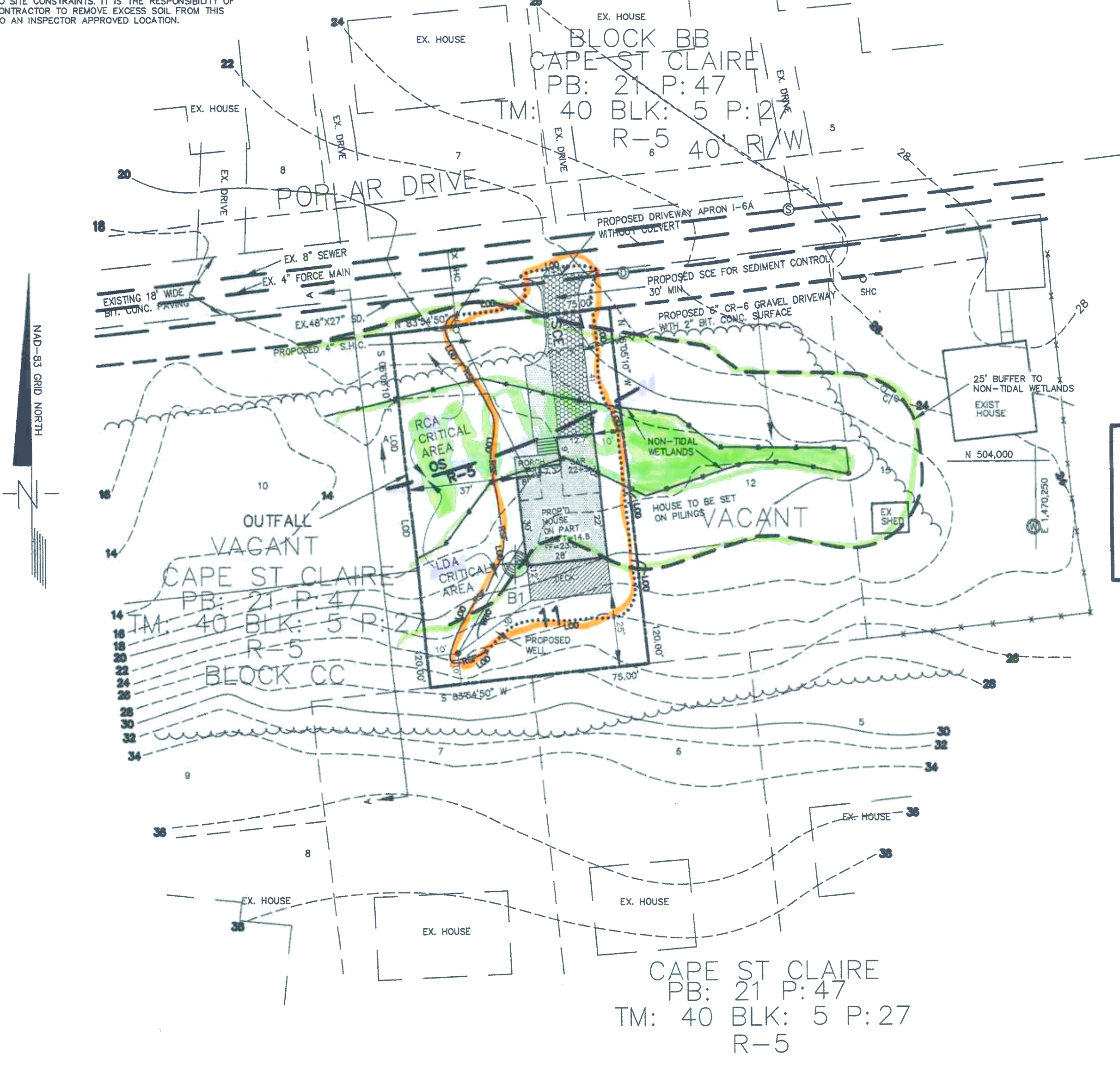
- THE RECHARGE VOLUME FOR THE 0.05 ACRES OF IMPERVIOUS AREA ARE TREATED BY PROVIDING PLANTINGS AT THE PERIMETER OF THE PROPERTY. PLANTINGS WERE USE IN THIS APPLICATION DUE TO A WATER TABLE OF 1.5 FEET.
- THE WATER QUALITY VOLUME FOR THE 0.207 ACRES OF SITE AREA IS TREATED BY PROVIDING PLANTINGS. PLANTINGS WERE USE IN THIS APPLICATION DUE TO A WATER TABLE OF 1.5 FEET.
- THE CHANNEL PROTECTION VOLUME IS NOT REQUIRED FOR THIS SITE BASE ON THE POST DEVELOPMENT PEAK DISCHARGE IS LESS THAN 2 C.F.S.
- OVERBANK FLOOD PROTECTION VOLUME NOT REQUIRED BASED ON THE AMOUNT OF DISTURBANCE AND NO SIGNS OF EROSION ARE PRESENT.
- EXTREME FLOOD IS NOT REQUIRED BASED ON THE AMOUNT OF DISTURBANCE AND NO SIGNS OF EROSION ARE PRESENT.

PLANTINGS NOTE FOR SWM

This site has vegetative outfall. We will use plantings for swm at a rate of 1 tree or 3 shrubs per 100 s.f. of impervious. Total plantings required - 1,890 s.f./100 = 19 plantings, 21 plantings provided. Mitigation required for addition plantings = 200 x \$1.80 = \$360.00

STOCKPILE AREA NOTE:

NO STOCKPILE AREA HAS BEEN PROVIDED ON THIS SITE DUE TO SITE CONSTRAINTS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REMOVE EXCESS SOIL FROM THIS SITE TO AN INSPECTOR APPROVED LOCATION.



PLAN
SCALE: 1" = 30'

LEGEND

EXISTING GRADE	-----110-----
PROPOSED GRADE	-----110-----
EXISTING ELEVATION	110.8
PROPOSED ELEVATION	110x8
REINFORCED SILT FENCE	---RSF---RSF---
LIMIT OF DISTURBANCE	-----LOD-----
STABILIZED CONSTRUCTION ENTRANCE	[Symbol]
STOCK PILE	[Symbol]

OUTFALL STATEMENT:

A FIELD INVESTIGATION OF THE OUTFALL WAS PERFORMED ON SEPTEMBER 6, 2009 BY M.A.F. AND ASSOCIATES LLC. THIS SITE OUTFALL IS AT THE POINT THE RUNOFF LEAVES THE SITE AT THE WESTERN PROPERTY LINE. THE PROPOSED HOUSE IS TO BE CONSTRUCTED ON PILINGS SO NOT TO REDUCE THE SITE OUTFALL. NO EROSION OR FLOODING ARE PRESENT AND ARE ANTICIPATED TO OCCUR FROM THIS PROPOSED DEVELOPMENT.

WATER QUALITY AND RECHARGE CALCULATIONS

Site Area	0.207 Acres	9000 sq. ft.
Impervious Area	0.04 Acres	1,935 sq. ft.

Site Area Table

HSG	Area	S	S x A
HSG A	0 Acres	0.42	0
HSG B	0 Acres	0.29	0
HSG C	.207 Acres	0.14	0.03
HSG D	0 Acres	0.08	0
Total	.207 Acres		Total = 0.02898

Avg. HSG = 0.14
Precipitation Depth P = 1.00
Percent Impervious = 21
Compute WQv = $WQv = \frac{P(Rv)(A)}{12}$
 $Rv = 0.05 + (0.009)I = 0.239$
 $WQv = 0.0042 \text{ ac. ft.} = 182 \text{ cu. ft.}$

Impervious Table

HSG	Area	S	S x A
HSG A	0 Acres	0.42	0
HSG B	0 Acres	0.29	0
HSG C	.061 Acres	0.14	0.01
HSG D	0 Acres	0.08	0
Total	.061 Acres		Total = 0.01

Avg. HSG = 0.14
Compute Rev = $Rev = \frac{(s)(Rv)(A)}{12}$
 $Rev = 0.0006 \text{ ac. ft.} = 26 \text{ cu. ft.}$

CPv COMPUTATIONS

- WE OFFER THE FOLLOWING COMPUTATIONS IN ACCORDANCE WITH APPENDIX D-11 OF THE STATE MANUAL
- THE TIME OF CONCENTRATION IS 0.17 HOURS OR AROUND 10 MINUTES.
 - THE ONE-YEAR POST-DEVELOPMENT RUN-OFF DEPTH IN INCHES (Qa) IS 1.47
 - $I_a = 200 / 87 - 2 = 0.2988$
 - $I_a / P = 0.2988 / 2.7 = 0.1107$
 - $Q_u = 800$
 - $A = 0.21 / 640 = 0.0003$
 - ONE YEAR POST-DEVELOPMENT PEAK DISCHARGE:
 $q_1 = q_u \times A \times Q_a = 800 \times 0.0003 \times 1.47 = 0.39 \text{ CFS (CPv OR QP1)}$
 - SINCE QP1 IS LESS THAN 2.0 CFS, NO CPv IS REQUIRED.

G02011734

SHEET 2 of 2

GRADING & SEDIMENT CONTROL PLAN

CAPE ST CLAIRE
LOT 11 BLOCK CC
1083 POPLAR TREE DR

RECEIVED
OCT 23 2009

ED BROWN & ASSOCIATES, INC.
LAND SURVEYORS - LAND PLANNERS
DEVELOPMENT CONSULTANTS
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