

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/

July 28, 2010

Mr. John C. Prouty
2250 Potts Point Road
Huntingtown, Maryland 20639

Re: Buttonwood Subdivision

Dear Mr. Prouty:

Thank you for your letter of June 29, 2010 regarding the above referenced subdivision. Your letter expressed concern over the Buffer establishment requirement for the existing residence on proposed Lot 5. The Buffer Regulations which became effective March 8, 2010 and can be found in COMAR 27.01.09.01 did not include any grandfathering provisions. In other words and specific to Buttonwood, there is no language that grants exemptions to the regulations for situations such as yours. Rather, COMAR 27.01.09.01-1.C requires that new lots with existing residential structures establish an area of the Buffer equivalent to the total lot coverage onsite.

In summary, and in accordance with State regulations, your application for subdivision triggers a Buffer establishment on Lot 5 in the amount of 14,732 square feet of plantings (total lot coverage stated on the plat). I hope you find this clarification helpful. If you have additional questions please feel free to contact me.

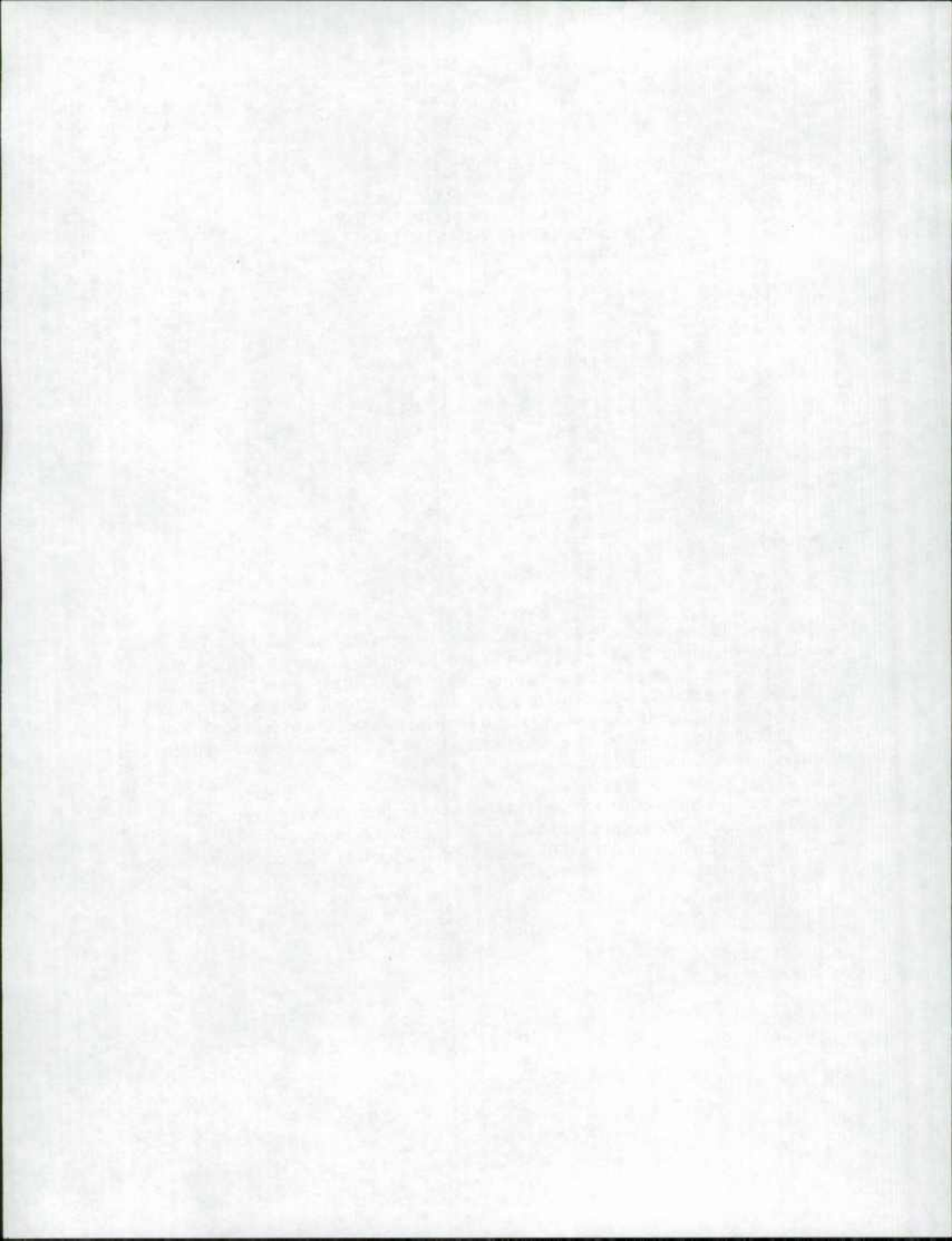
Sincerely,

A handwritten signature in black ink, appearing to read "Roby Hurley".

Roby Hurley
Natural Resources Planner

RH/jjd

CA 389-08



Martin O'Malley
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www.dnr.state.md.us/criticalarea/

May 20, 2010

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

Re: MSD-08-10-39 Buttonwood
(Tax Map 39, Parcel 4)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced final minor subdivision. Within the Critical Area, the applicant is proposing to create 3 building lots, on a 36.19 acre parcel. Lots 3 and 4 are proposed as intra-family transfer lots and lot 5 as a conventional subdivision lot. The property is located within a Resource Conservation Area (RCA) and is currently developed with one residence.

Based on the information provided, we have the following comments regarding the final plan proposal.

- 1) The applicant is required to obtain an evaluation of the property by the Department of Natural Resources' Wildlife and Heritage Service (WHS) for the presence of rare, threatened, or endangered species. If present, the applicant will be required to address recommendations for protection of the species within the context of a habitat protection plan. We would appreciate a copy of the WHS letter once received.
- 2) In reference to wetlands and density calculations, the tidal wetlands need to be deducted from the gross acreage if they are State-owned. In making this determination, the applicant may provide a field delineation of State vs. private owned wetland areas or deduct the entire acreage of all tidal wetlands from the property's acreage.
- 3) Regarding lot 5, the Buffer regulations require that the Buffer be established based on the amount of lot coverage. Please provide calculations showing that that requirement has been met.
- 4) Critical Area and Calvert Code require specific signage to delineate the Buffer. Please have appropriate language added to the Buffer Plan.

TTY for the Deaf

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

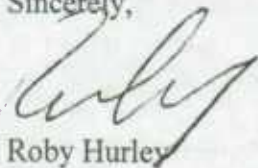


Ms. Vidotto
May 20, 2010
Page Two

- 5) The Buffer Plan, Landscape Schedule, for both lots 3 and 4 may be deficient in the number of plants, because the shrub size is not indicated. If the shrubs are small shrubs then full establishment is not accomplished. Large shrubs have a 50 sq. ft credit and small shrubs have 25. Please indicate which size shrub is being proposed.
- 6) Please provide a statement that addresses evaluation of highly erodible soils as relates to expansion of the Buffer.
- 7) The Buffer regulations require that the Buffer Management Plan (BMP) provide evidence of financial assurance to cover the planting and survivability requirements, as well as information regarding an anticipated planting date which must occur either before construction or sale of the lots. Please add this information to the plan.
- 8) The Buffer regulations require a signature of the person responsible for the planting and survival of the plantings to be included with the BMP.
- 9) The BMP needs to include language in reference to the agricultural parcels such that future conversion of those lands from agriculture to a different use results in the planting of the Buffer in accordance with Buffer establishment provisions.

Thank you for the opportunity to provide comments for this subdivision request. Please have the applicant provide a revised site plan along with a description of how each of the above concerns has been addressed. Please contact me at (410) 260-3468 if you have any questions.

Sincerely,



Roby Hurley
Natural Resources Planner

RH/jjd

CA 389-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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

August 7, 2008

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

Re: MSD-08-10-39 Buttonwood
(Tax Map 39, Parcel 4)

Dear Ms. Vidotto:

Thank you for providing information on the above referenced revised minor subdivision. Within the Critical Area, the applicant is proposing to create 3 building lots, on a 36.19 acre parcel. Lots 3 and 5 are proposed as intra-family transfer lots and lot 4 as conventional subdivision lot. The property is located within a Resource Conservation Area (RCA) and is currently developed with one residence.

Based on the information provided, we have the following comments regarding the preliminary plan proposal.

- 1) Formerly a new subdivision within the Critical Area, RCA must comply with the impervious surface area limits within the State Law and Calvert County Ordinance 8-1.04G.1.f. As you are aware the Legislature has replaced impervious surfaces with lot coverage limits. During an interim period a combination of impervious surfaces from your current regulations can apply as long as lot coverage accounting is provided. The following explanation summarizes the interim period requirements. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Calvert County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a) The approved development plan remains valid in accordance with Calvert County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Calvert County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the

TTY for the Deaf

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

Lot 5
B Mitin Per Future
- Signage
- LG Schedule Short or ID
MBMP
Sheet 2
Notes
large shrub

applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

2) Section 8-1.04G.1. of the County Code requires identification and location of environmental and natural features. Also, the applicant is required to obtain an evaluation of the property by the Department of Natural Resources' Wildlife and Heritage Service (WHS) for the presence of rare, threatened, or endangered species. If present, the applicant will be required to address recommendations for protection of the species within the context of a habitat protection plan. We would appreciate a copy of the WHS letter once received.

Not Add

3) In reference to wetlands and density calculations, the tidal wetlands need to be deducted from the gross acreage if they are State-owned. In making this determination, the applicant may provide a field delineation of State vs. private owned wetland areas or deduct the entire acreage of all tidal wetlands from the property's acreage.

Not addressed

4) Should any Buffers convert from agriculture to any other use, afforestation is required as per the County's Ordinance 8-1.08D.3.d.vi. A Buffer Management Plan should be provided at that time, and the plat should be revised to include a note referencing this requirement. It appears that lot 4 and lot 5 will require establishment.

OK

5) While the structures within the Buffer on proposed lot 4 appears to be legally non conforming in regard to their location, the boundaries of lot 4 must be large enough to insure that the building envelope can accommodate any future redevelopment outside of the 100 ft. Buffer

6) It appears that the applicant has identified Lot 3 and 5 in the Critical Area as intrafamily transfer lots. As required by the County's Code 8-1.05.H.3, "An intrafamily transfer lot may only be created for an immediate family member and that family member shall be identified on the subdivision preliminary and final plats." Please have the applicant provide this information for the proposed intrafamily transfer lots on the plat and plans. Based on the intrafamily transfers provisions in the State Law and County Code, the property is restricted from any future development potential. For clarity and tracking purposes, please provide a Development Rights Summary table on the plat describing the assignment of development rights on the parcel. The Summary should include a signature block for the family members and also a statement that this subdivision fulfills all possible development rights for this parcel.

7) There are a number of small Conservation Areas shown on the plat. Please clarify their intended purpose.

OK

8) Please be advised that Chapter 119, 2008 Laws of Maryland (formerly House Bill 1253) requires a 200 ft. Buffer from tidal waters and wetlands for subdivisions in the RCA. There is an interim relief period for this regulation that this subdivision may qualify for and I provide the following explanation. If an application for subdivision is submitted before July 1, 2008 and legally recorded by July 1, 2010 then the 200 ft. Buffer does not apply. It is important that the review time line for this subdivision is monitored and recordation be completed by July 1, 2010.

OK

Olivia Vidotto
August 7, 2008
Page 2

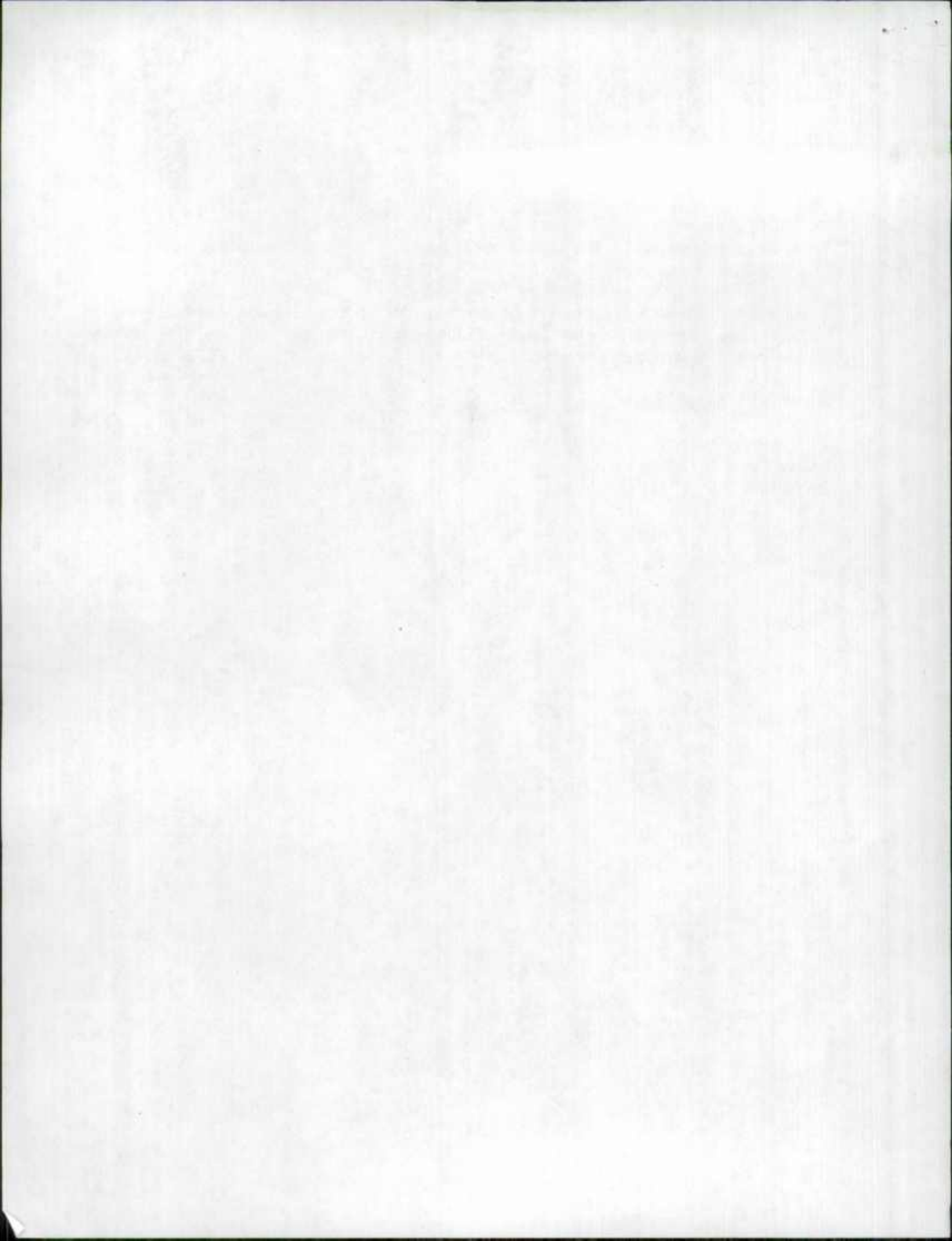
Not addressed

- 9) Please provide a statement that addresses evaluation of highly erodible soils as relates to expansion of the Buffer.

Thank you for the opportunity to provide comments for this subdivision request. Please have the applicant provide a revised site plan along with a description of how each of the above concerns has been addressed. Please contact me at (410) 260-3468 if you have any questions.

Sincerely,


Roby Hurley
Natural Resource Planner
CA 389-08



RICH AND HENDERSON, P.C
ATTORNEYS AT LAW
51 Franklin Street
P.O. Box 589
Annapolis, Maryland 21404-0589

TEL: (410) 267-5900
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Wendy Fetz

FAX: (410) 267-5901
EMAIL: thenderson@richlaw.com

April 1, 2011

VIA EMAIL AND REGULAR MAIL

Ren P. Serey
Executive Director
Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Buttonwood Subdivision
SD-08-10-39 Buttonwood, Tax Map 39, Parcel 4, Calvert County

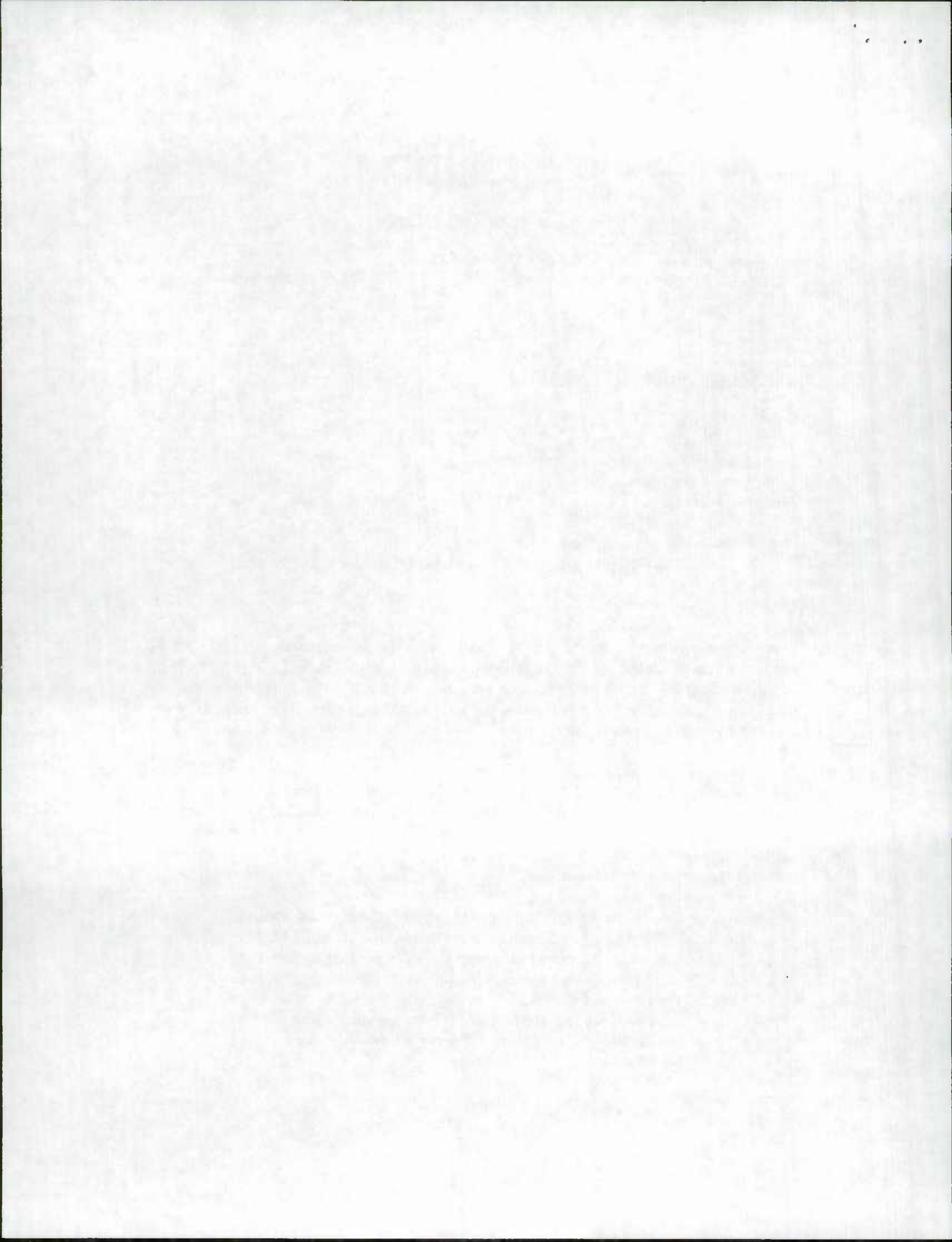
Dear Mr. Serey:

I am writing on behalf of my client, Brian Ferguson, regarding the above-captioned family subdivision project, with a particular focus on Lot 5 of that project. Mr. Ferguson believes that the imposition of the obligation to implement a buffer management plan in the Lot 5 buffer was not appropriate under the law or the facts. For the reasons explained below, we agree.

Critical Area Commission staff, in particular, Mr. Hurley, had agreed in 2008 that Lot 5 required no buffer management plan because the existing Calvert County procedures and requirements applied to the subdivision (August 7, 2008 Letter from R. Hurley to O. Vidotto attached as Exhibit 1). He identified the 2008 amendment to the Critical Area law, said that the Legislature has replaced impervious surfaces limits with lot coverage limits, and explained that:

[u]nder these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Calvert County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that:

- (a) the approved development plan remains valid in accordance with Calvert County's procedures and requirements; and



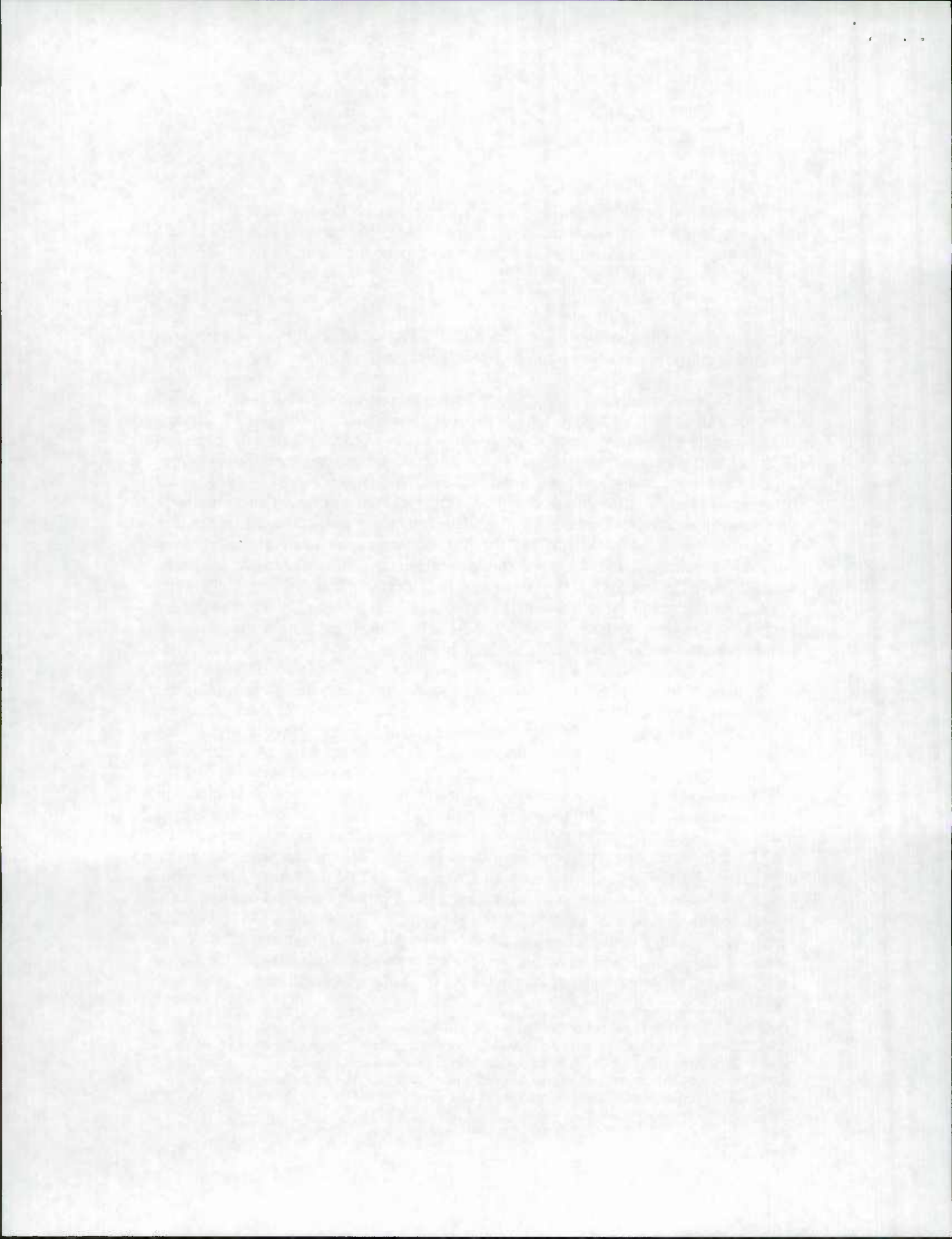
(b) by July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partial impervious area, and developed pervious surface area in the development project.

Exhibit 1, p. 1. The above-referenced subdivision plan satisfied all these requirements and consequently, Mr. Hurley proposed no changes to the Lot 5 buffer.

Yet, the Commission staff changed its position at the eleventh hour, by email from Mr. Hurley to Mr. Oliff on June 15, 2010.¹ It informed Mr. Ferguson's advisors and Calvert County officials that the subdivision was subject to the regulations adopted in 2010 for buffer management, and said that those regulations required "an additional 14,732 sq. ft. of plantings, must be planted in the Buffer, unless it is fully forested, which it appears it is not." (Attached as Exhibit 2) Mr. Ferguson was forced either to accept the change in position and agree to a buffer management plan for Lot 5 or risk not having a subdivision recorded by the July 1, 2010 deadline for grandfathering of projects from the 2008 amendments and its implementing regulations. Under protest Mr. Ferguson agreed to have Collinson, Oliff and Associates, Inc., identify plantings in the Lot 5 buffer in the drawings submitted to Calvert County. Sheet 2 of 3, Major Buffer Management Plan, Lots 3 through 5, June 24, 2010 Lot Revision Drawings. The revised drawing identifies 10,584 square feet of buffer establishment.

It appears that all this occurred without an adequate understanding or comprehension by the Critical Area staff of the facts or the law. John C. Prouty, Esquire, appropriately described the situation in a letter dated June 29, 2010 to Mr. Hurley (Exhibit 3). He explained that the family subdivision carved out four new lots from the property, leaving Lot 5 on which the existing residence and associated buildings sit. The subdivision application did not seek approval to alter or expand the existing residence or associated structures or to perform any work on Lot 5. Mr. Prouty made it clear that even if the new Critical Area buffer management regulations applied to the subdivision, Lot 5 would fall in the category of "new lot with an existing dwelling unit" category which only required a buffer "based on total lot coverage." COMAR 27.01.09.01-1C. Mr. Prouty pointed out the existing forested buffer on Lot 5 is nearly two and one-half times the existing lot coverage (as did Mr. Oliff in his June 10, 2010 email to Mr. Roby), and therefore, no planting or mitigation was required in the buffer. He explained that even if the new buffer management regulations were to apply that the existing forested buffer on Lot 5 more than adequately accommodated the buffer required under these new

¹ Mr. Roby's email responded to Mr. Oliff's June 10, 2010 handwritten response to question #3 in a May 27, 2010 letter to Ms. Olivia Vidotto in the Calvert County Department of Planning and Zoning from Mr. Hurley. Mr. Oliff had explained that "Lot 5 contains 3.88 acres within the Critical Area. The existing lot coverage area is 14,732 square feet or 9% of the portion of the lot within the Critical Area. The existing established forested area within the buffer on Lot 5 is 1.01 acres or 26% of the lot within the Critical Area."

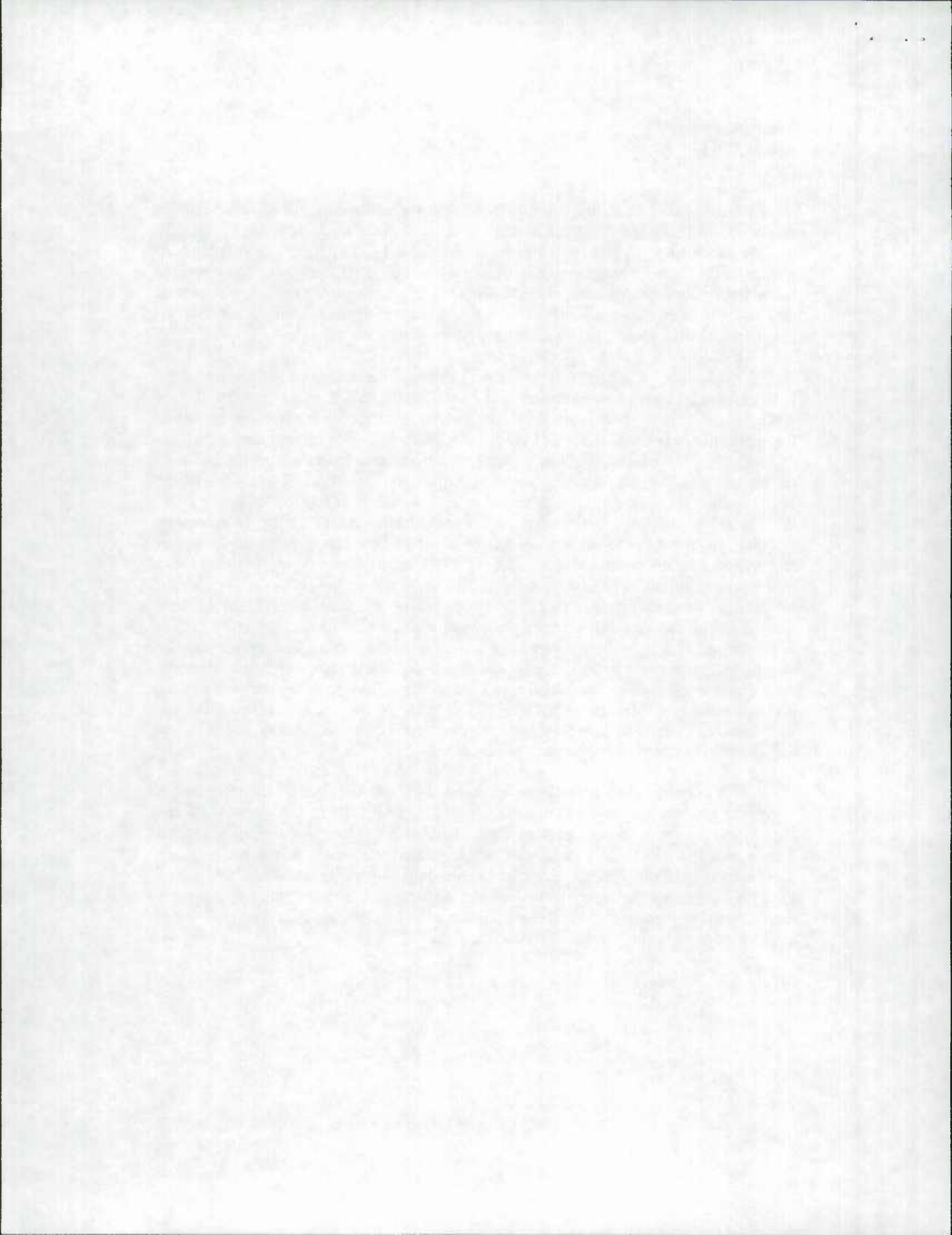


Ren P. Serey
April 1, 2011
Page 3

regulations based on "total lot coverage". Mr. Hurley's July 28, 2010 response ignores that point. Instead he repeats what he had informed Mr. Oliff in the June 15, 2010 email, that the subdivision triggered a buffer requirement for 14,732 square feet of additional planting. That is not what the table in COMAR 27.01.09.01-1C requires. The reference to the buffer being "fully forested" in the regulation is a trigger for the requirements of the "following table" to apply. It does not preclude counting the existing forest or shrub cover on the buffer toward the buffer establishment requirement.

Regardless, as a matter of law, the 2010 regulations adopted to implement the buffer establishment requirements imposed by the 2008 amendment to the Critical Area law clearly did not apply to projects such as the above-referenced subdivision, i.e. where the application was submitted prior to October 1, 2008. The provisions state "at the time of application, if the buffer is not fully forested...an applicant shall establish the buffer to the extent required in the following table." COMAR 27.01.09.01-1C. Clearly at the time of the application for the above-referenced project, which was prior to October 1, 2008, this regulation did not exist nor was there any requirement or ability to determine anything about the buffer in the context of a yet to be adopted regulation. It was inappropriate for either the Calvert County officials or Mr. Hurley to retroactively apply the buffer establishment provisions to the subdivision let alone to Lot 5. The subdivision involved no structural change to a house or appurtenant structures that had been in place for years or to the lot. Whether the perception was accurate or not, my client felt an implied threat that if he did not capitulate and agree to the buffer management plan for planting in the buffer for Lot 5 and post a bond, that the development plan would be denied and not recorded by the July 1, 2010 deadline (which if passed would have imposed a 200 foot buffer instead of the 100 foot buffer on the project). If his perception was correct, Commission staff inappropriately coerced Mr. Ferguson and the law demands that the coerced requirement be rescinded.


The purpose of this letter, however, is not to debate the law and facts. Rather it is to request a meeting by and among Brian Ferguson, John Oliff of Collinson, Oliff and Associates, Inc., with you and the appropriate Critical Area Commission staff to resolve what appears to me to be a failure to communicate. He wants to resolve it before commencement of the planting season and before initiating any legal action. We see no need for lawyers (including me) to attend the meeting. Please keep in mind that there cannot be many properties in the same predicament as Mr. Ferguson's, which means that any resolution of the matter would set no precedent.



Ren P. Serey
April 1, 2011
Page 4

Please call if you have any questions. My secretary will call to help facilitate meeting dates.

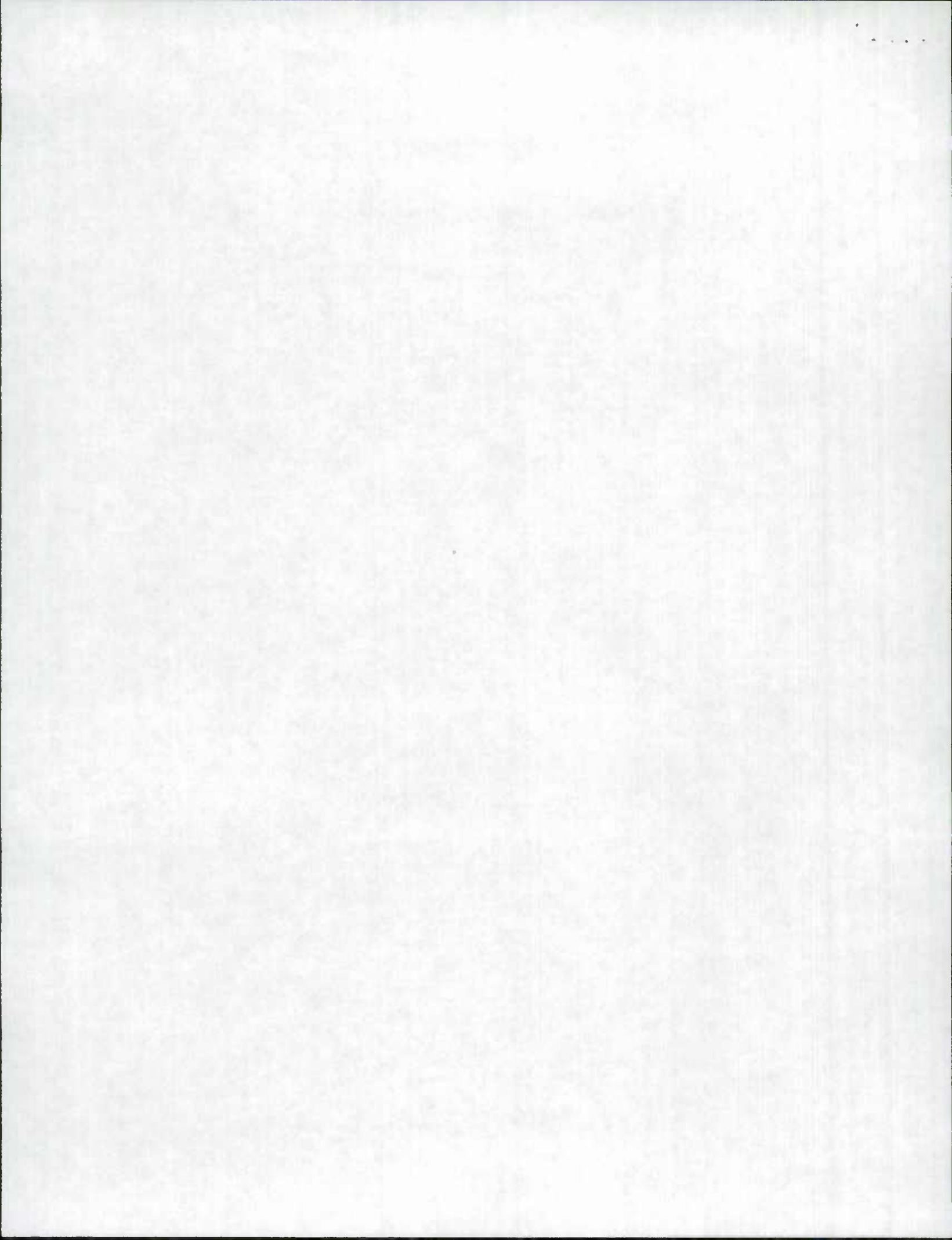
Very truly yours,



Timothy R. Henderson

Enclosures

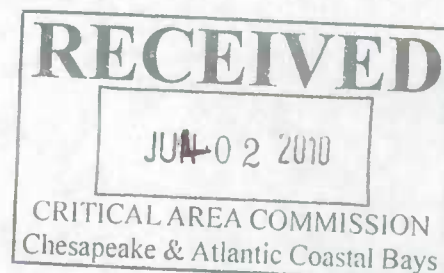
cc: Roby Hurley
John Oliff
Brian Ferguson



John C. Prouty
Attorney at Law
2250 Potts Point Road
Huntingtown, Maryland 20639

Tel: 410-535-0977 & 301-855-9270
Fax: 410-535-0977

June 29, 2010



Roby Hurley
State Natural Resources Planner
State of Maryland
Critical Area Commission
1804 West Street, Suite 200
Annapolis, Maryland 21401

Re: MSD-08-10-39 Buttonwood
Tax Map 39, Parcel 4, Calvert County

Dear Mr. Hurley;

I am writing on behalf of my client, Brian Ferguson, regarding the above-captioned family subdivision project, with a particular focus on Lot 5 of that project.

This family subdivision is being undertaken at this time as a key component of the broader Ferguson family's estate planning process. Lot 5, in particular, is being created around the long-existing residence on the property. This dwelling has been the "primary residence" of Brian Ferguson for well over a decade now. This home has been in their family going back to 1950 and it is Mr. Ferguson's sincere intention for it to remain his primary residence ad infinitum. In preparing the Buffer Management Plan for the project, Mr. Ferguson's engineer, John Oliff of Collinson, Oliff and Associates, provided information demonstrating that the existing forested buffer was nearly two and one half times the existing lot coverage area. At the time of that submittal (June 25, 2008) it not only fully complied with but easily exceeded the requirement for a new lot with an existing dwelling unit. You apparently concurred at that time.

Subsequently, you contacted Mr. Oliff and indicated that your initial interpretation was incorrect, and that you would be recommending that the January of 2010 COMAR standards would retroactively apply to this particular lot review.

In reviewing COMAR Section 27.01.09.01-1, it is apparent that different buffer standards are required for different categories of development. Any new lot requires that the applicant "fully establish the buffer." However, for a new lot with an existing dwelling unit, the standard

Roby Hurley
June 29, 2010
Page 2

is to "establish the buffer based on total lot coverage." This was the applicant's initial proposal and we contend that the provisions have been more than fully met.

Understandably, Mr. Ferguson is deeply concerned by this recent requirement; all he has done is draw a simple line around his residence; he has not engaged in any new activity and has maintained this property with utmost care and respect for the environment for all these many years.

Therefore, I am requesting a detailed explanation of why this standard was retroactively imposed on this existing residence. In the event that this standard was incorrectly applied, I would respectfully request that the Buffer Management plan be amended to exempt Lot 5 from establishing any additional buffer area.

I look forward to your prompt response.

Very truly yours,


John C. Prouty

1

10/11/19

10/11/19

10/11/19

Hurley, Roby

Buttonwood + Starkey
Granted this exemption

From: Hurley, Roby
Sent: Monday, August 12, 2013 2:03 PM
To: 'Brownlee, David C.'
Cc: Swartz, John D.; Vidotto, Olivia G.; Finamore, Christine K.; Sunderland, Carolyn V.; John Oliff (joliff@coainc.com); Cook, Mary Beth; Hipski, Yolanda A.; Kelly, Nick
Subject: RE: Starkey Farm - MSD 08-11-29

...because "at the time of application" the Buffer regulations were not in effect.

Thanks Dave.

Roby Hurley
Natural Resources Planner
Critical Area Commission
1804 West St. S-100
Annapolis, MD 21401
410/260-3468
443/534-3665 (cell)
FAX 410/974-5338

-----Original Message-----

From: Brownlee, David C. [mailto:brownldc@co.cal.md.us]
Sent: Monday, August 12, 2013 1:34 PM
To: Hurley, Roby
Cc: Swartz, John D.; Vidotto, Olivia G.; Finamore, Christine K.; Sunderland, Carolyn V.; John Oliff (joliff@coainc.com); Cook, Mary Beth; Hipski, Yolanda A.; Kelly, Nick
Subject: RE: Starkey Farm - MSD 08-11-29

As per our discussion today and consistent with how the Buttonwood Subdivision was handled, the following notes will be added to the record plat:

The single lot formed around the existing development will not have to establish the buffer as part of the subdivision but any new development on this lot will require compliance with all of the Critical Area regulations including buffer establishment and mitigation when required.

Any new lots will be required to completely establish the 200' buffer or any portion of the buffer that is not already forested.

The existing and established buffer shall remain perpetually forested for habitat and water quality benefits.

Is there anything I missed?

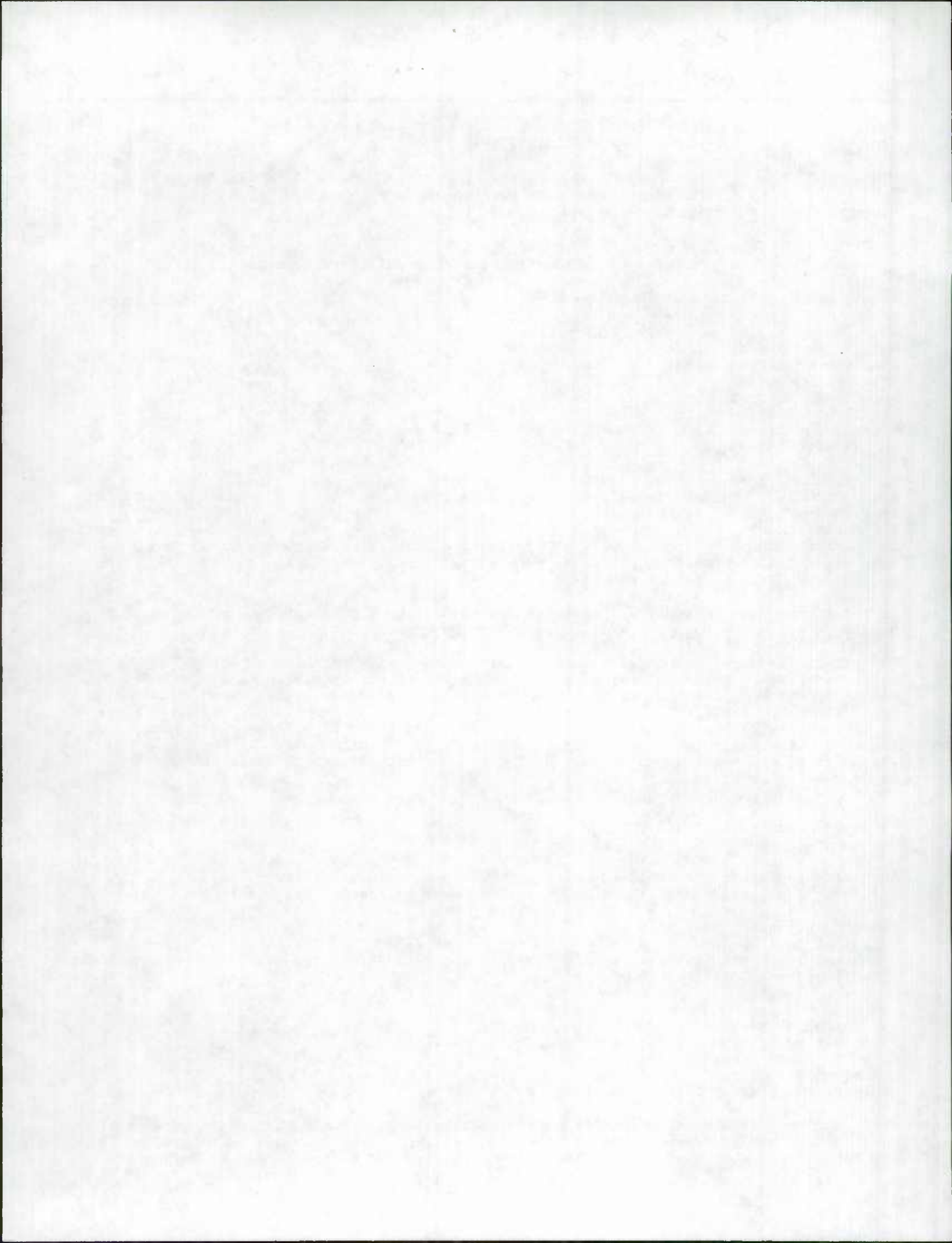
<http://survey.constantcontact.com/survey/a07e6mf9ptyh9blpkbr/start>
We appreciate your feedback! Please, take our customer satisfaction survey

David C. Brownlee, PhD, AICP
Principal Environmental Planner
Department of Community Planning and Building 150 Main Street Prince Frederick, MD 20678
410-535-1600 ext. 2338

-----Original Message-----

From: Hurley, Roby [mailto:rhurley@dnr.state.md.us]
Sent: Monday, August 12, 2013 8:28 AM
To: Brownlee, David C.
Subject: FW: Starkey Farm - MSD 08-11-29

Hi I need your recollection on this Buffer Management Plan subject, please. We will try to meet on this today after our Dominion meeting. We may have followed a Buttonwood policy but John Oliff recalls using some 15% forest cover in the Buffer type rule. My notes are

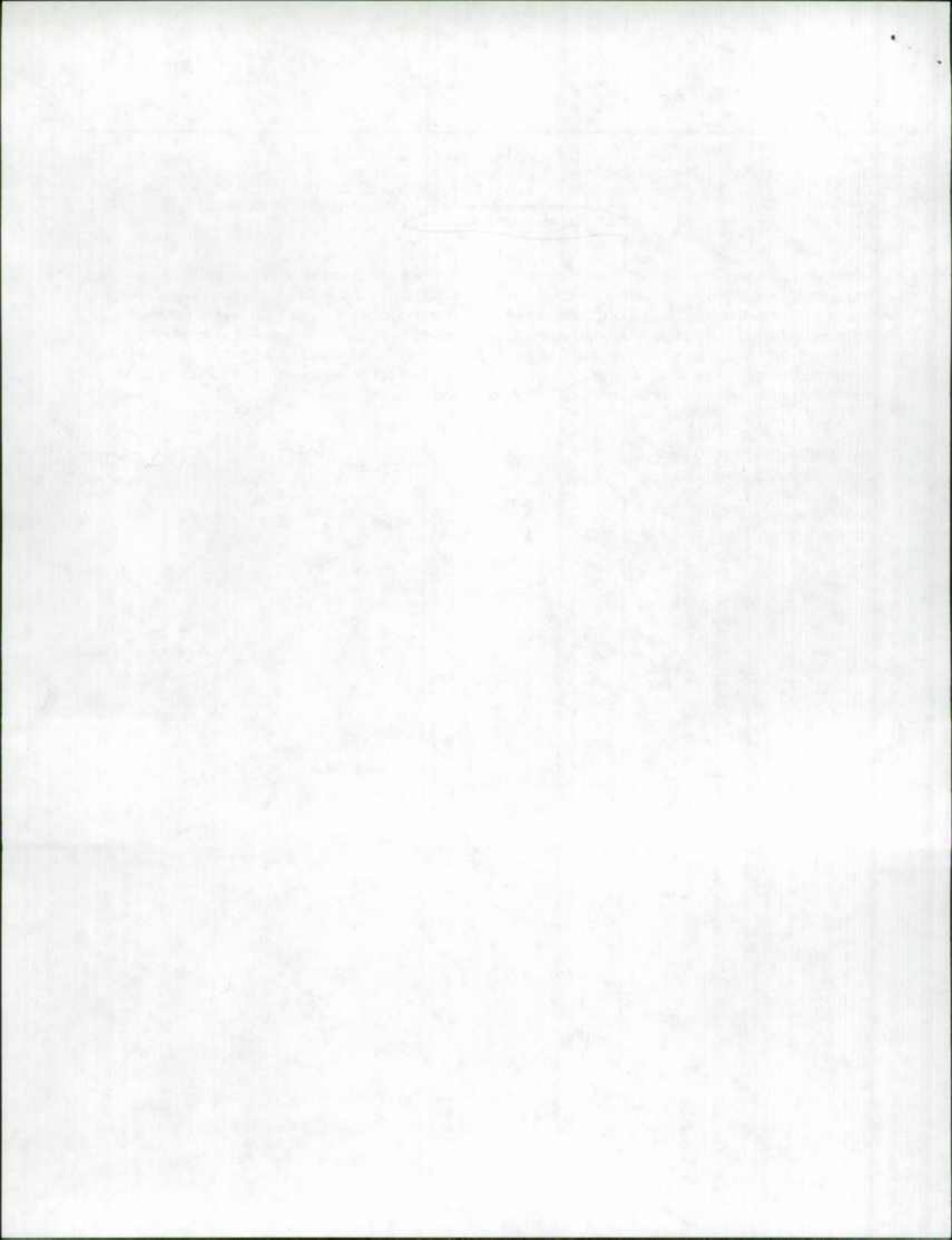


John Oliff

From: Brownlee, David C. [brownldc@co.cal.md.us]
Sent: Monday, December 19, 2011 11:42 AM
To: Hipski, Yolanda A.; Sunderland, Carolyn V.; Vidotto, Olivia G.
Cc: Swartz, John D.; Cook, Mary Beth; Hurley, Roby; John Oliff (joliff@coainc.com); Harris, Tay E.
Subject: SD-08-10-39 Buttonwood Subdivision

As this application was received prior to the State adoption of the new Buffer Establishment Regulations, the new Buffer Establishment Regulations do not apply. The County Critical Area regulations that existed at the time of application, do require buffer establishment for new lots. Since no new development is proposed on Lot 5, Lot 5 would not require buffer establishment at this time. All newly created lots would require buffer establishment. The submitted and approved Buffer Management Plan will remain approved, though the plantings shown on Lot 5, will not be required to be planted (John Swartz has added an appropriate note on the approved buffer management plan exempting Lot 5). If other subdivisions meet these same conditions, they will be reviewed in a like manner.

David C. Brownlee, PhD, AICP
Principal Environmental Planner
Department of Planning and Zoning
150 Main Street
Prince Frederick, MD 20678
410-535-1600 ext. 2338



COLLINSON, OLIFF & ASSOCIATES, INC.

SURVEYORS • ENGINEERS • LAND PLANNERS

P.O. Box 2209 • Prince Frederick, Maryland 20678
410-535-3101 • 301-855-1599 • FAX 410-535-3103

June 15, 2012

Mr. Roby Hurley
Natural Resources Planner
State of Maryland
Critical Area Commission
1804 West Street, Suite 100
Annapolis, Md. 21401

Re: MSD 08-11-29

Dear Mr. Hurley:

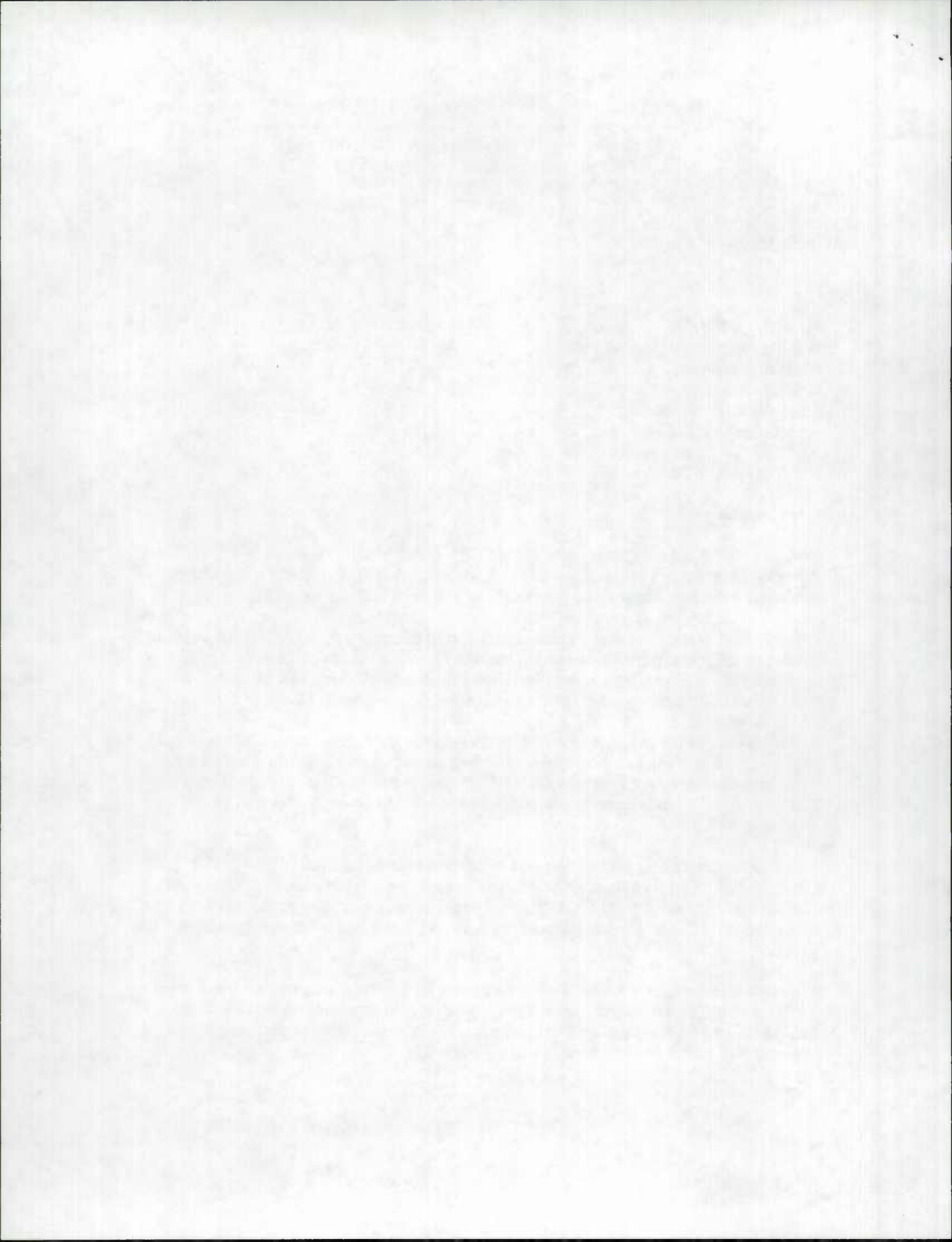
In April of 2009 we addressed your letter to Ms. Olivia Vidotto dated June 15, 2008 and provided point by point responses to the 12 comments. I am attaching a copy of my response letter and the revised plan I sent to you via email at that time.

Our intention at the time was to obtain final approval prior to July 1, 2010 but we were unable to meet that goal. We intend to continue with the review process and obtain approval for the 2 acre lot around the existing house (shown as Lot 4 on the previous plan, now Lot 2), however we will not be pursuing approval of Lot 3.

Since we did not record prior to July 1, 2010 we are now subject to the 200' buffer requirements. It is unclear how this should be addressed as the existing house and other improvements are located within 200' of the shoreline. One option is to plat the 200' buffer and include appropriate notes on the plat dealing with changes to the improvements.

The application for this subdivision was submitted prior to adoption of the Buffer Establishment Regulations and they should not apply as in the case of Buttonwood Subdivision (Calvert Co. MSD 08-10-39). I am attaching a copy of an email from David Brownlee which addresses this issue. I believe this is the last outstanding case with this situation.

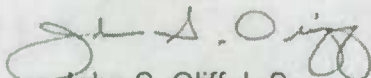
We have field located the trees on the proposed lot and have determined there is 14,444 s.f. or 16.58% tree cover on the lot. The lot coverage (impervious area) is 12,762 s.f. or 14.65%. I am including an excerpt of the amended preliminary plan showing tree cover and impervious areas on the lot.



With this information I believe the proposed lot is in compliance with Critical Area Regulations and can be approved.

Please let me know if you need additional information.

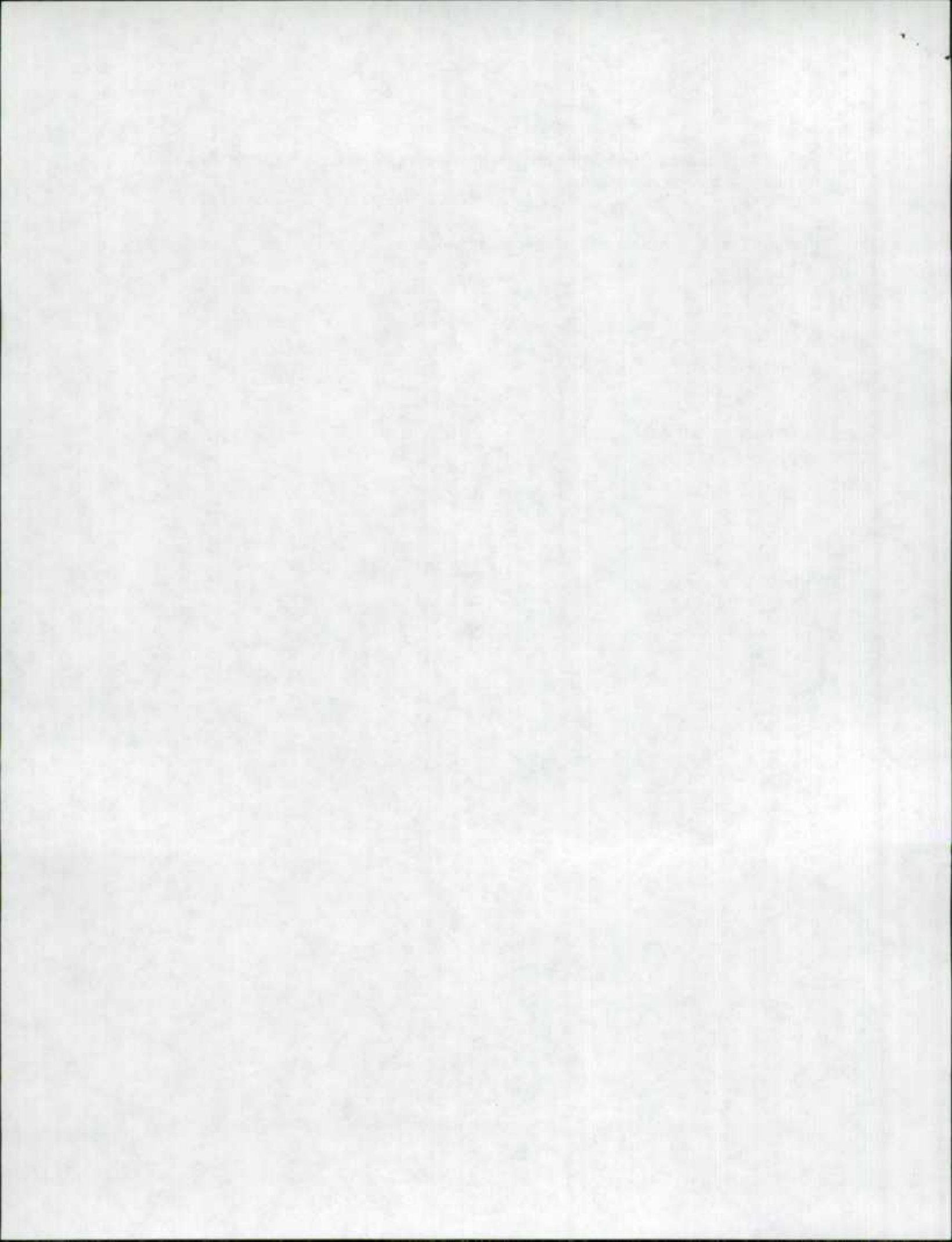
Sincerely,



John S. Oliff, L.S.

C: Olivia Vidotto, P&Z

Enc.



389-08

Hurley, Roby

From: Hurley, Roby
Sent: Tuesday, June 15, 2010 10:34 AM
To: 'John Oliff'; 'Vidotto, Olivia G.'
Subject: RE: Buttonwood - MSD 08-10-39

Hi, I have reviewed the e-mail submittal and it is all ok except #3 and 4. For #3 an additional 14,732 sq. ft. of plantings must be planted in the Buffer, unless it is fully forested, which it appears it is not. Sorry if this was not clear before. For #4 add the word "building" before the word permit on note #4.

Roby Hurley
Natural Resources Planner
Critical Area Commission
1804 West St. S-100
Annapolis, MD 21401
410/260-3468
FAX 410/974-5338

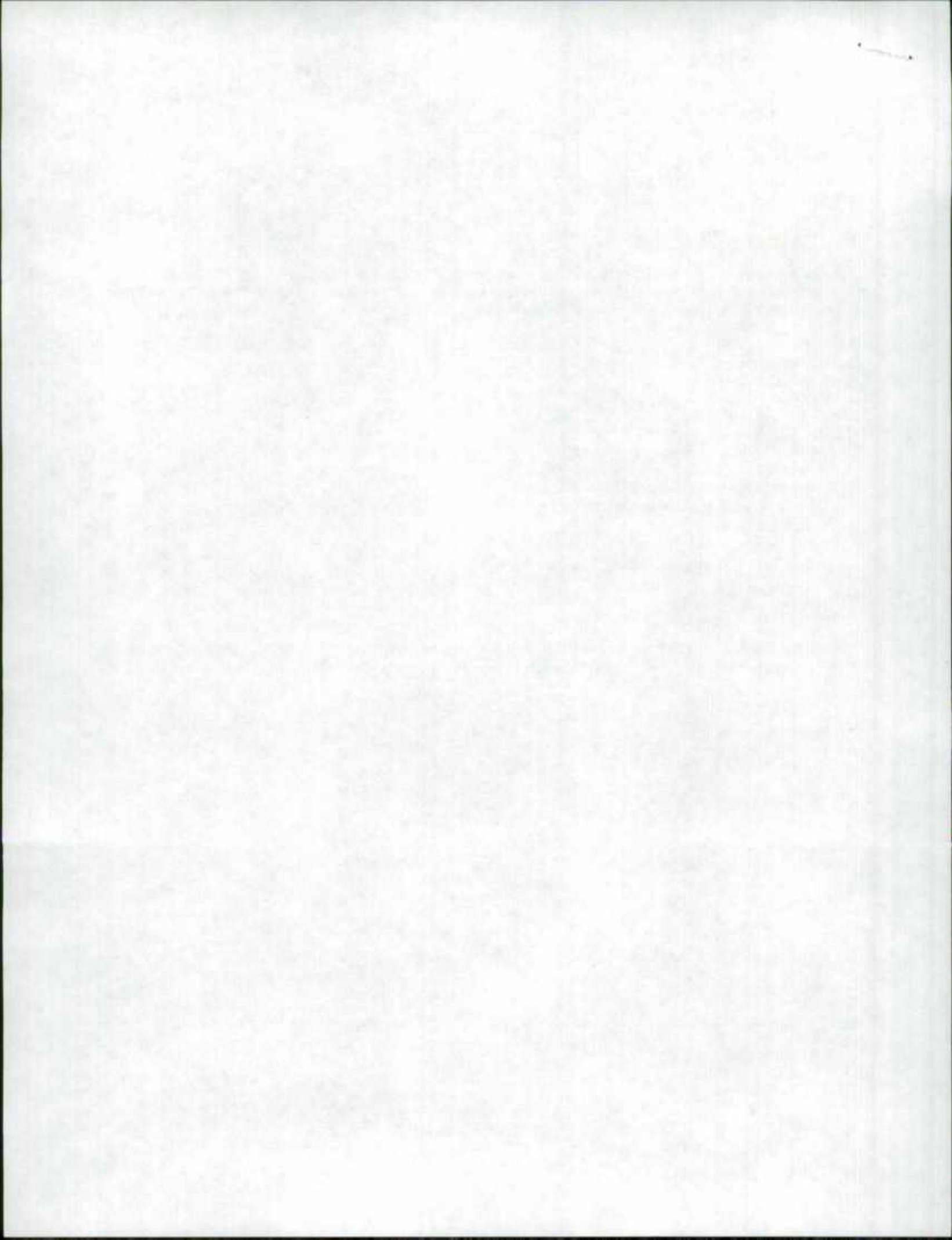
-----Original Message-----

From: John Oliff [mailto:joliff@coainc.com]
Sent: Thursday, June 10, 2010 5:01 PM
To: Hurley, Roby
Cc: Vidotto, Olivia G.
Subject: Buttonwood - MSD 08-10-39

Roby,

Attached is a copy of your review letter with our hand written comments, the final plats and the BMP. Olivia asked me to forward this to you in the interest of time. We look forward to your comments.

Thanks,
John



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1304 West Street, Suite 109, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea

Handwritten notes:
MARGARET G. McHALE
REN SERCY
[Illegible handwritten notes]

May 20, 2010

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

MAY 27 2010
[Stamp]

Re: MSD-08-10-39 Buttonwood
(Tax Map 39, Parcel 4)

Dear Ms. Vidotto:

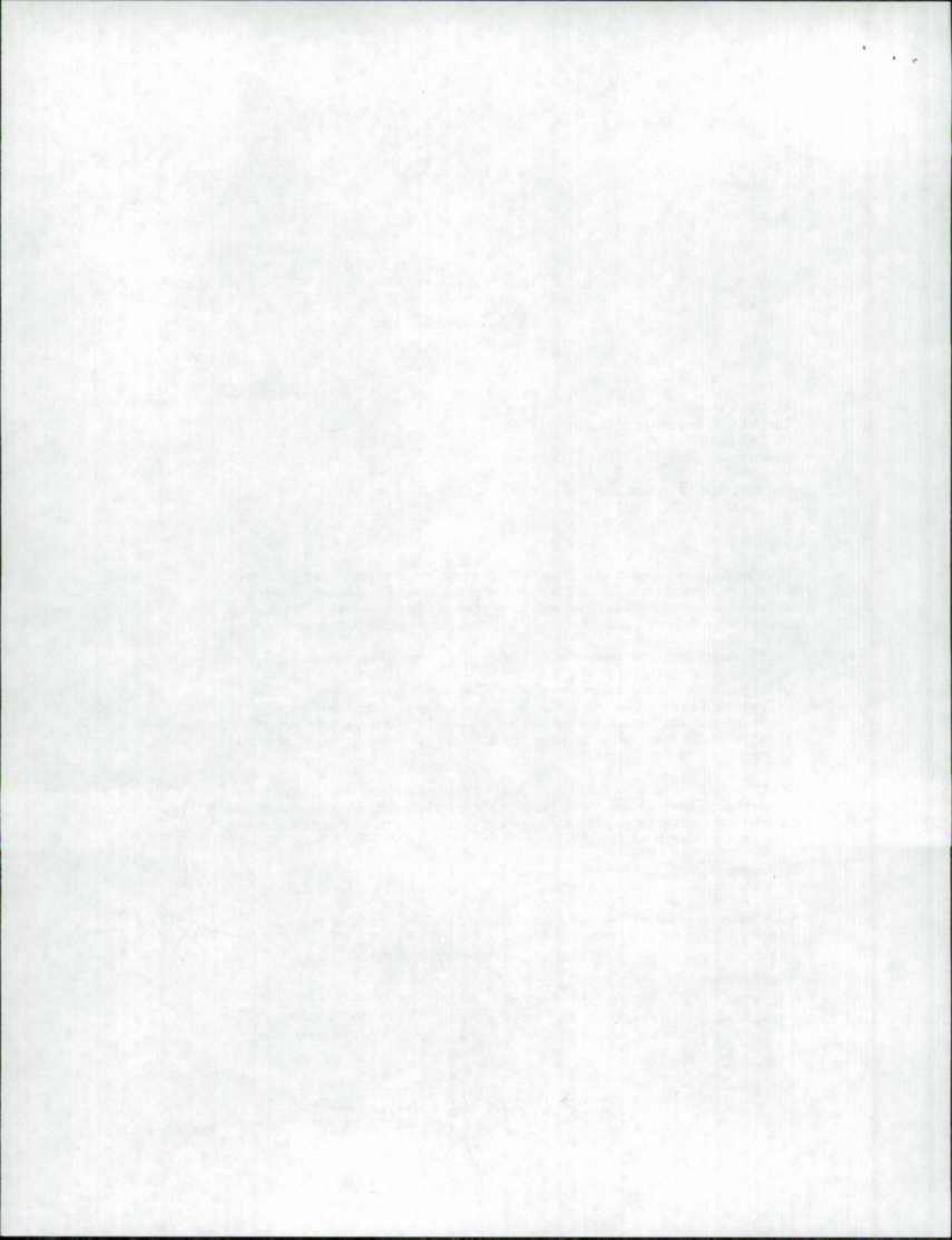
Thank you for providing information on the above referenced final minor subdivision. Within the Critical Area, the applicant is proposing to create 3 building lots, on a 36.19 acre parcel. Lots 3 and 4 are proposed as intra-family transfer lots and lot 5 as a conventional subdivision lot. The property is located within a Resource Conservation Area (RCA) and is currently developed with one residence.

Based on the information provided, we have the following comments regarding the final plan proposal.

- 1) The applicant is required to obtain an evaluation of the property by the Department of Natural Resources' Wildlife and Heritage Service (WHS) for the presence of rare, threatened, or endangered species. If present, the applicant will be required to address recommendations for protection of the species within the context of a habitat protection plan. We would appreciate a copy of the WHS letter once received.
 - 2) In reference to wetlands and density calculations, the tidal wetlands need to be deducted from the gross acreage if they are State-owned. In making this determination, the applicant may provide a field delineation of State vs. private owned wetland areas or deduct the entire acreage of all tidal wetlands from the property's acreage. *No tidal wetlands are included in the platted area.*
 - 3) Regarding lot 5, the Buffer regulations require that the Buffer be established based on the amount of lot coverage. Please provide calculations showing that that requirement has been met. *
 - 4) Critical Area and Calvert Code require specific signage to delineate the Buffer. Please have appropriate language added to the Buffer Plan. *see note 4, E.M.P.*
- * Lot 5 contains 3.88 acres within the Critical Area. The existing lot coverage area is 14,732 square feet or 9% of the portion of the lot within the Critical Area. The existing established forested area within the buffer on Lot 5 is 1.01 acres or 26% of the lot within the Critical Area.

Handwritten notes:
OK
OK NO
→ Defer until "Bldg" permit
add

Handwritten note:
→ Needs to show where + 14,732 sq ft of New Plantings will take place

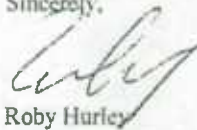


Ms. Vidotto
May 20, 2010
Page Two

- 5) The Buffer Plan, Landscape Schedule, for both lots 3 and 4 may be deficient in the number of plants, because the shrub size is not indicated. If the shrubs are small shrubs then full establishment is not accomplished. Large shrubs have a 50 sq. ft credit and small shrubs have 25. Please indicate which size shrub is being proposed. **THE PLANTING CLUSTER OPTION WAS UTILIZED WITH ONLY LARGE SHRUBS.** *ok*
- 6) Please provide a statement that addresses evaluation of highly erodible soils as relates to expansion of the Buffer. *The Calvert County Soil Survey does not indicate the presence of highly erodible soils within the Critical Area lots.* *ok*
- 7) The Buffer regulations require that the Buffer Management Plan (BMP) provide evidence of financial assurance to cover the planting and survivability requirements, as well as information regarding an anticipated planting date which must occur either before construction or sale of the lots. Please add this information to the plan. **SEE NOTE 6 ON BUFFER MANAGEMENT PLAN.** *ok*
- 8) The Buffer regulations require a signature of the person responsible for the planting and survival of the plantings to be included with the BMP. **ADDED SIGNATURE LINE TO BMP.** *ok*
- 9) The BMP needs to include language in reference to the agricultural parcels such that future conversion of those lands from agriculture to a different use results in the planting of the Buffer in accordance with Buffer establishment provisions. **SEE NOTE 5 ON BUFFER MANAGEMENT PLAN.** *ok*

Thank you for the opportunity to provide comments for this subdivision request. Please have the applicant provide a revised site plan along with a description of how each of the above concerns has been addressed. Please contact me at (410) 260-3468 if you have any questions.

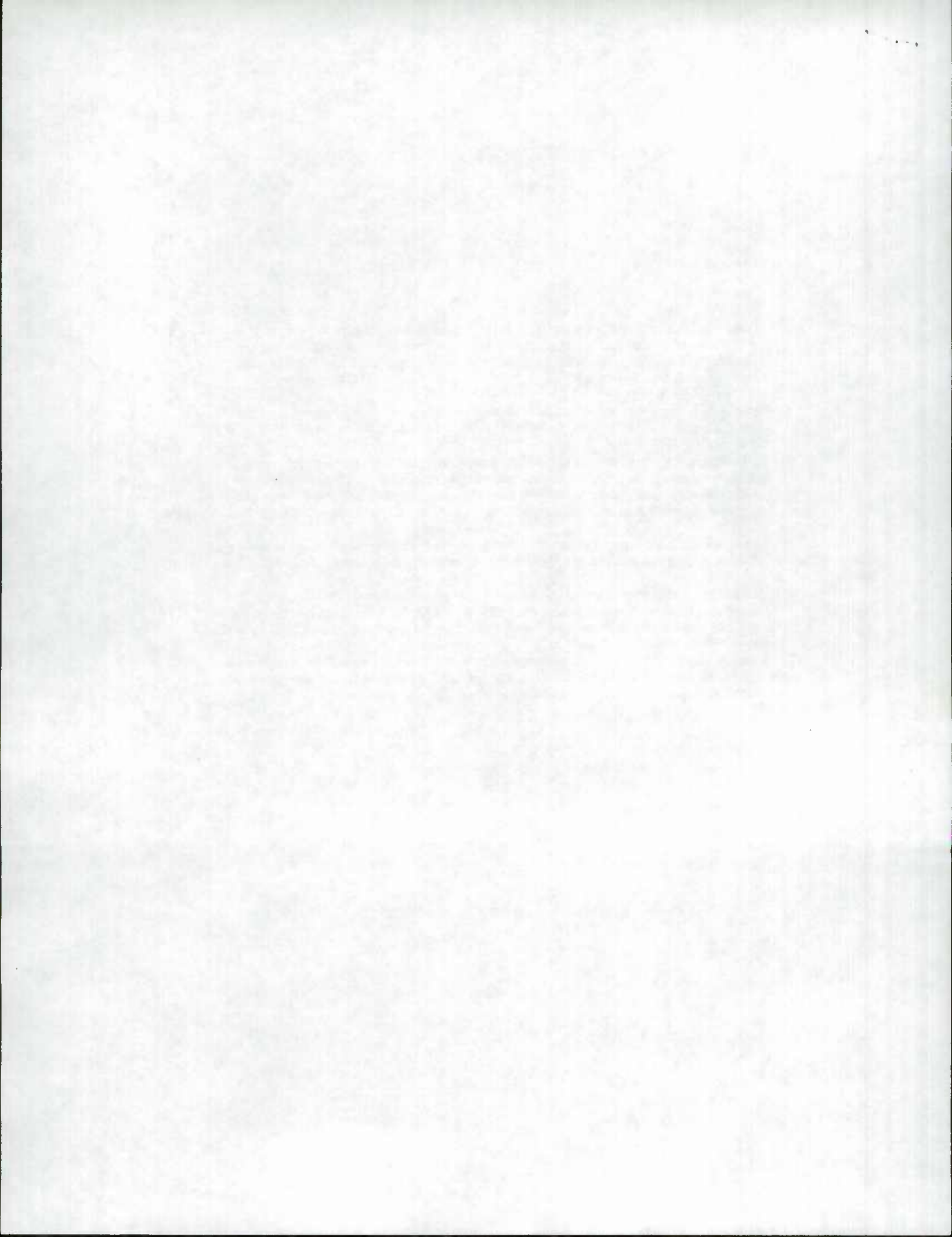
Sincerely,

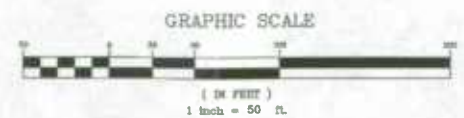
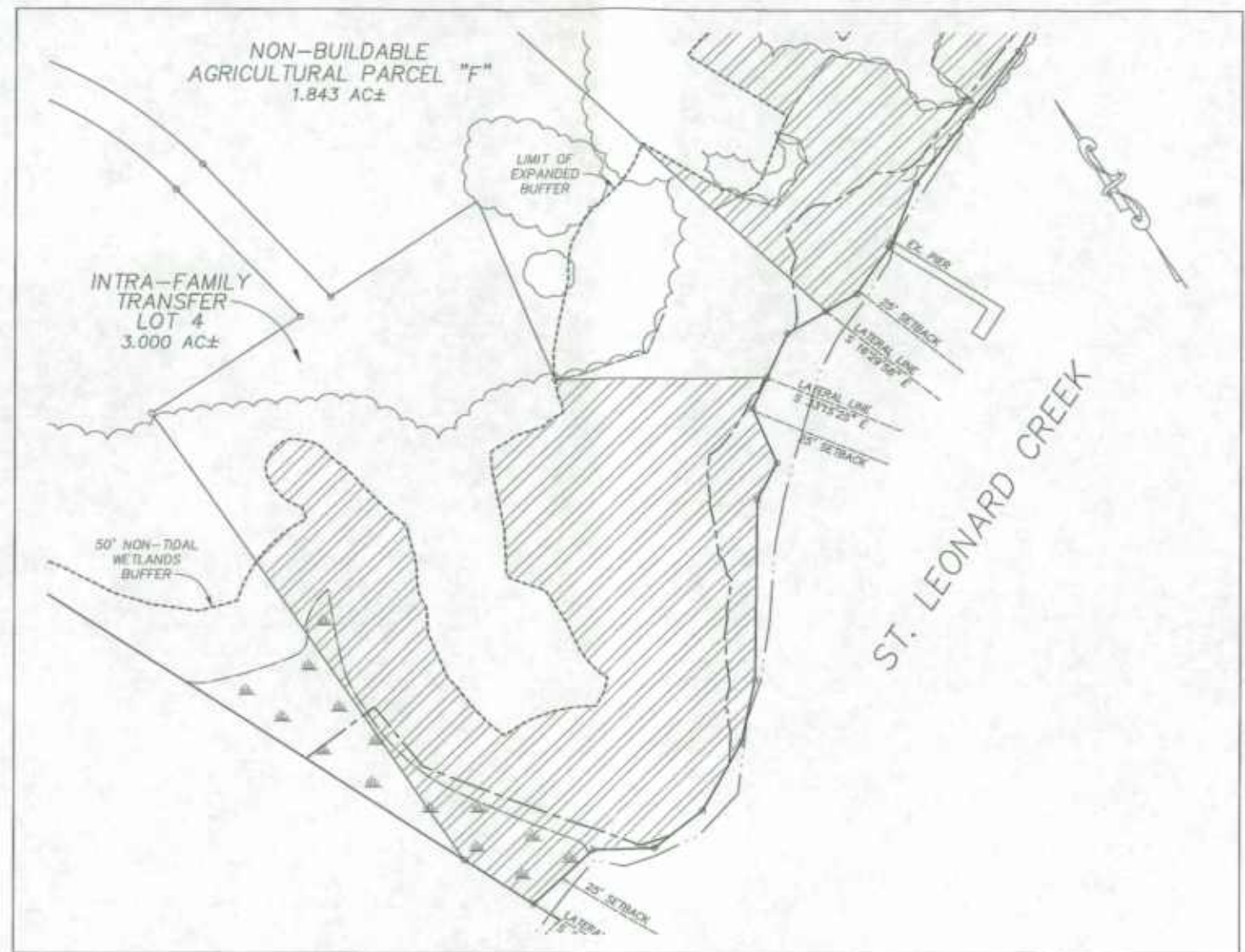


Roby Hurley
Natural Resources Planner

RH/jjd

CA 389-08

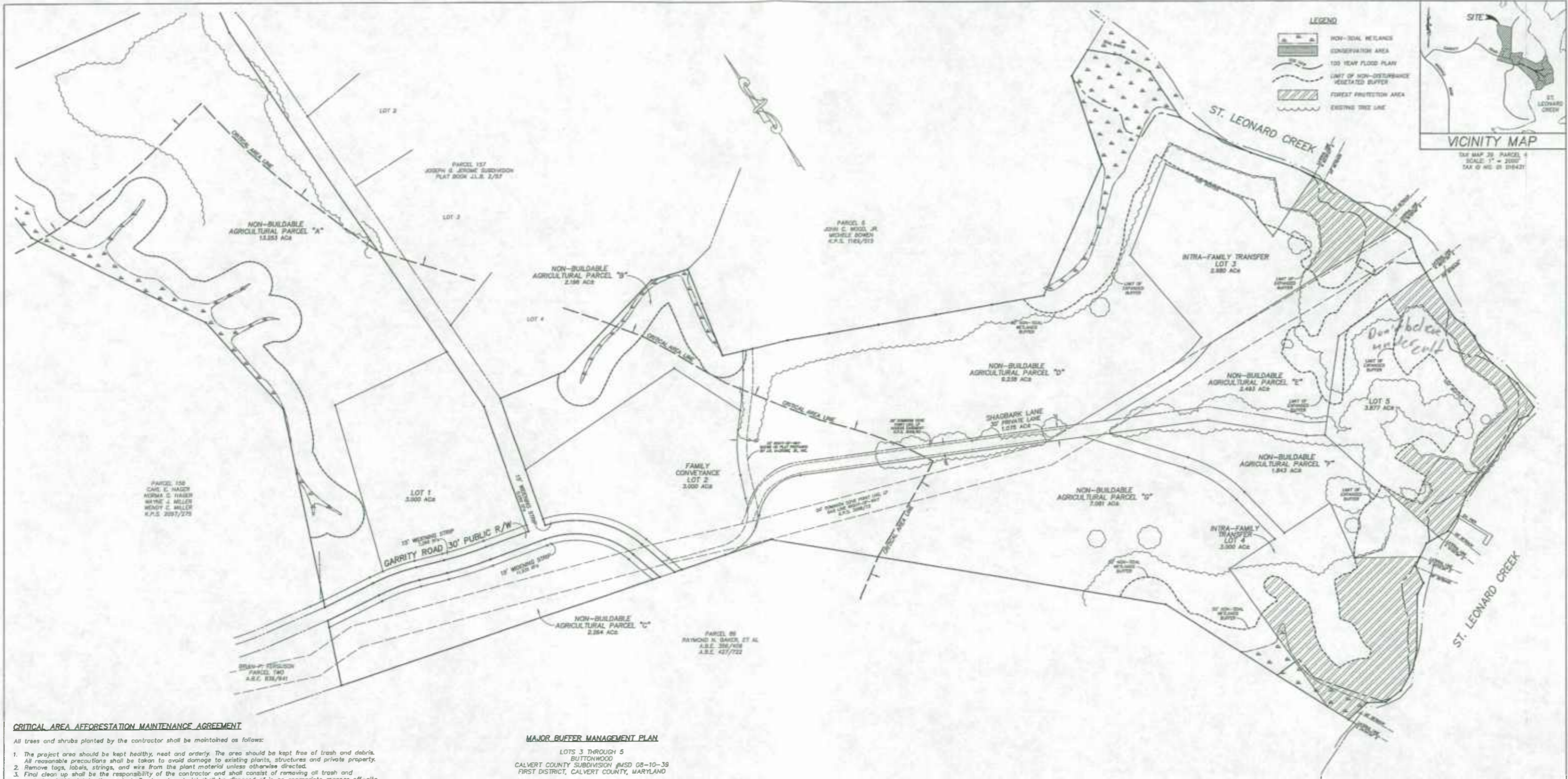




- NOTES**
1. EXISTING CANOPY WITHIN BUFFER OF LOT 4: 71,766 SF± OR 1.65 ACRES (29% COVERAGE)
 2. NO ADDITIONAL PLANTINGS ARE REQUIRED FOR LOT 4.

MAJOR BUFFER MANAGEMENT PLAN
 LOTS 3 THROUGH 5
BUTTONWOOD
 LOCATED IN ST. LEONARD
 FIRST DISTRICT, CALVERT COUNTY, MARYLAND
 PLANNING AND ZONING CASE NO. MSD 08-10-39

<p>COLLINSON, CLIFF & ASSOCIATES, INC. Surveyors • Engineers Land Planners 110 MAIN STREET PRINCE FREDERICK, MARYLAND 20678 410-625-3101 • 301-855-1588 • FAX 410-625-3103</p>	DATE: APRIL 2010 SCALE: AS SHOWN JOB NO: 1-7139 DRAWN BY: WC PLAN NO: TM39 01 APPROVED: JSD
	DATE: 6/9/10 REVISION: CAC COMMENTS
	DATE: 6/17/10 REVISION: CAC COMMENTS
	DATE: 6/22/10 REVISION: CAC COMMENTS



CRITICAL AREA AFFORESTATION MAINTENANCE AGREEMENT

All trees and shrubs planted by the contractor shall be maintained as follows:

1. The project area should be kept healthy, neat and orderly. The area should be kept free of trash and debris. All reasonable precautions shall be taken to avoid damage to existing plants, structures and private property.
2. Remove logs, limbs, strings, and wire from the plant material unless otherwise directed.
3. Final clean up shall be the responsibility of the contractor and shall consist of removing all trash and materials incidental to the project. Trash and material shall be disposed of in an appropriate manner off-site.
4. Regularly water plants every few days initially and then once a week depending on soil conditions and rainfall. Weekly to monthly watering should continue as necessary. Trees need 1 inch of water per week during the growing season when there is no rainfall. It is the contractor's responsibility to supply water if there is none available on site. Any associated costs shall be the responsibility of the contractor.
5. Periodic inspection shall be made by the contractor for any evidence of disease or damage. Pests should be managed using integrated pest management (IPM) principles.
6. The Planning & Zoning Department (P&Z) shall be permitted to enter the property to make other periodic inspections as deemed necessary.
7. The contractor shall maintain a 2 year maintenance agreement from the time of initial inspection on all plants. A minimum of 100% of the total number of plants is required to survive at the end of the maintenance period.
8. Any plant material that is 25% dead or more shall be considered dead and must be replaced at no charge. A tree will be considered dead when the main leader has died back, or 25% of the crown is dead.
9. The periodic care and replacement shall begin after the initial planting bond and inspection and approval of the installation of all the plants and continue for 2 years. Planning and Zoning inspections shall be made within 30 days of written notification from the contractor.
10. Plant replacement shall be performed in accordance with the contract specification.
11. The planting bond shall be released if, after the maintenance period, the survival rate is satisfactory.

As part of the maintenance agreement, invasive species will be controlled as follows:

1. Monitor twice annually for invasive species of plants.
2. No clearing of vegetation shall be permitted without Planning & Zoning authorization.
3. Treat, in place, all vine growth. Even if the vines are indigenous, they can put stress on existing trees and shrubs.
4. Treat, in place, all invasive plant species using an accepted systemic herbicide. Invasive species to be treated shall be agreed upon and marked in the field. Herbicide shall only be applied by an applicator licensed through the Maryland Department of Agriculture.
5. Leave dying trees. This will build microhabitats that will help encourage and maintain healthy plant growth.
6. Leave woody material and other organics such as leaves in place for the nutrient regeneration and moisture.
7. No vehicles or heavy equipment shall be permitted in planted areas.
8. No storage of anything except plant material shall be permitted in afforestation areas.

MAJOR BUFFER MANAGEMENT PLAN

LOTS 3 THROUGH 5
 BUTTONWOOD
 CALVERT COUNTY SUBDIVISION #MSD 08-10-39
 FIRST DISTRICT, CALVERT COUNTY, MARYLAND

This plan is intended to address the requirements for a Major Buffer Management Plan, as specified in COMAR 27.01.08.01 until Calvert County Zoning Ordinance Section 8 Amendments have been addressed. Specifically, it will describe the measures that will be taken to minimize impacts to plant and wildlife habitat within the buffer.

Major Buffer Management Plan

1. Minimization of the removal of vegetation: Disturbance to the buffer is for establishment of the non-forested portion of the buffer for the creation of Lots 3-5. No other disturbance to the buffer is proposed except for possible future riparian access in accordance with the Calvert County Zoning Ordinance.
2. Plant and wildlife habitat protection: To protect plant and wildlife habitat, the proposed impervious surfaces (lot coverage) will not be above the maximum allowed per the Calvert County Zoning Ordinance. The proposed septic systems will utilize a pre-treatment unit to produce safer effluent being released into the environment, with reduced nitrogen and phosphorus levels.
3. Reduction of the runoff of pollutants: To reduce the runoff of pollutants and control the adverse impacts associated with increased storm water runoff, stormwater management for all proposed lot coverage will be designed in accordance with regulation in effect at the time of building permit application.
4. Required afforestation including a planting plan: A Planting Plan showing areas to be afforested on site, including number and type of shrubs, has been provided for review.
5. Protection of the area during development activities: Sediment and erosion control measures will be installed in accordance with the Erosion and Sediment Control Ordinance of Calvert County and the latest version of Maryland Standards and Specifications for Soil Erosion and Sediment Control. These requirements and procedures have been established to provide a protective transition from initial site disturbance until implementation of permanent stabilization and storm water management facilities.

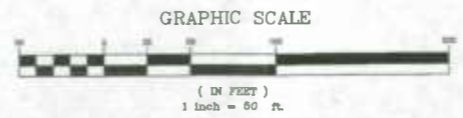
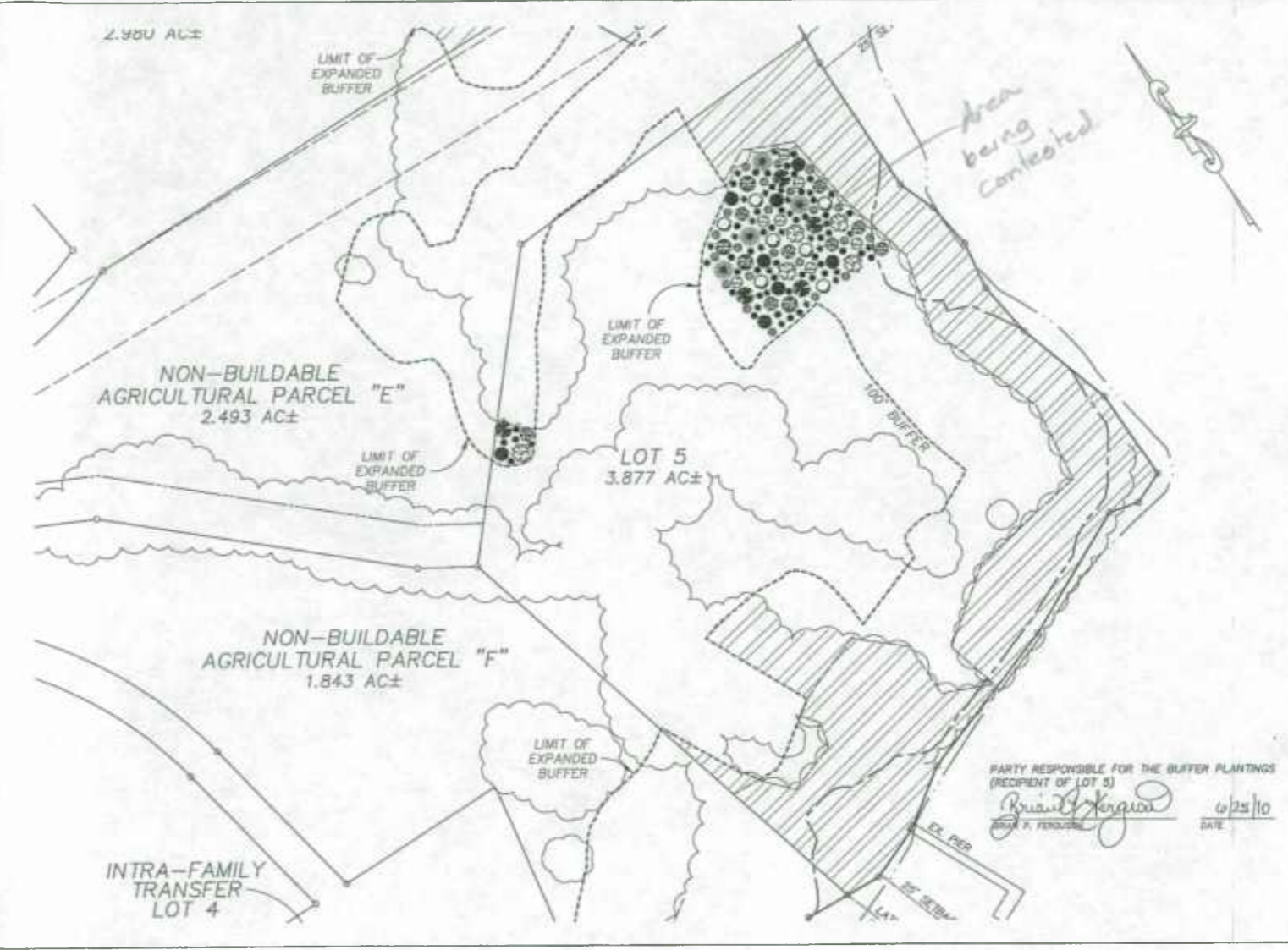
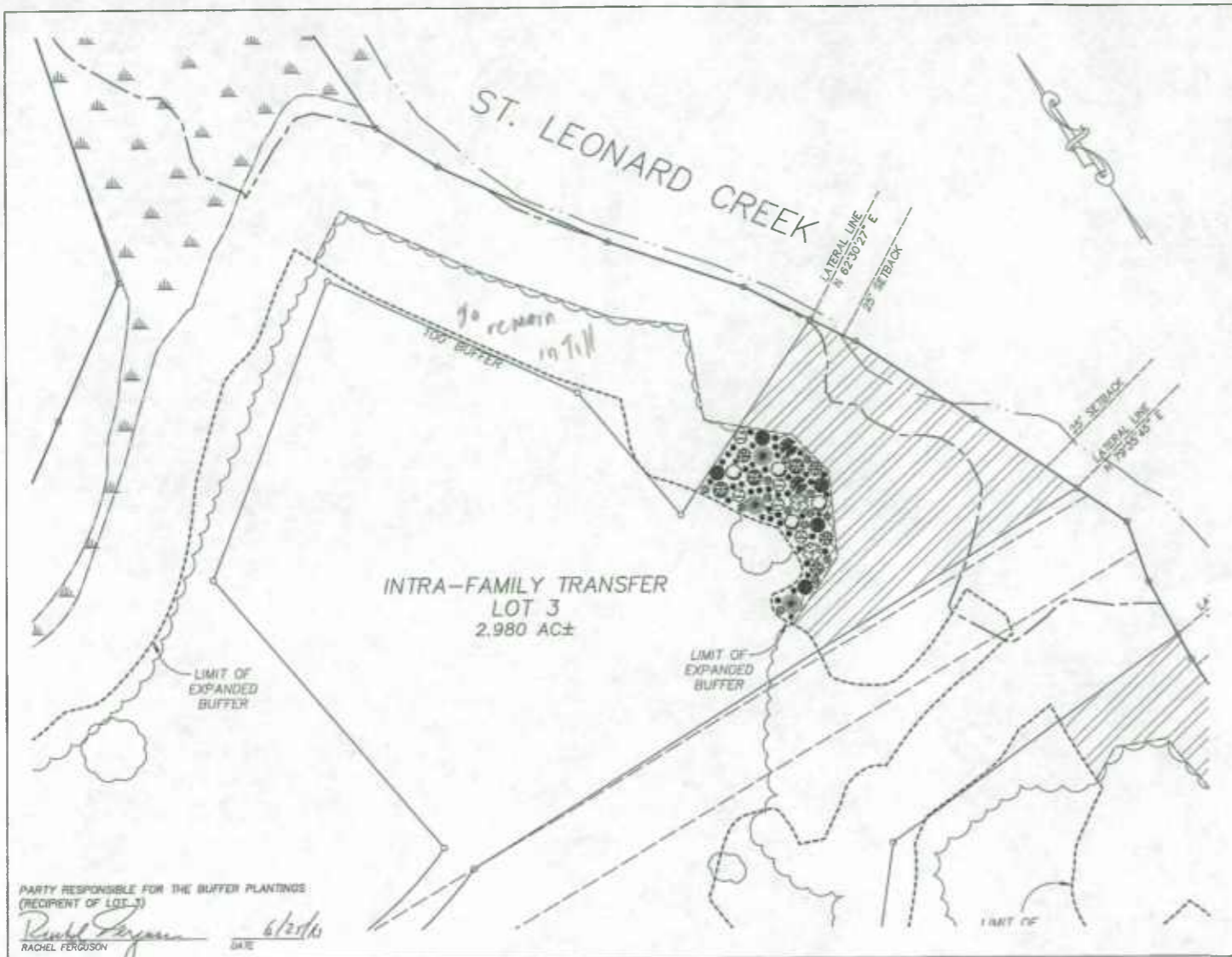
NOTES

1. ALL TREE/SHRUB SPECIES ARE TO BE SELECTED FROM THE CALVERT COUNTY NATIVE PLANT LIST.
2. THE PROPOSED PLANTINGS ARE LOCATED WITHIN THE 100' BUFFER. THESE AREAS ARE TO REMAIN NO-CUT/NO-CLEAR IN PERPETUITY.
3. SEE SHEETS 2 THROUGH 3 FOR SPECIFIC PLANT TYPES.
4. PERMANENT SIGNS MUST BE POSTED DELINEATING THE UPLAND BOUNDARY OF THE 100-FOOT CRITICAL AREA BUFFER AT A RATIO OF AT LEAST ONE SIGN PER LOT OR PER 200 LINEAR FEET OF SHORELINE, WHICHEVER IS APPLICABLE. EACH SIGN SHALL BE AT LEAST 11 INCHES IN WIDTH AND 15 INCHES IN HEIGHT, PLACED AT A HEIGHT OF 4.5 FEET, BUT NOT ATTACHED TO A TREE, AND CLEARLY STATE "CRITICAL AREA BUFFER - NO CLEARING OR DISTURBANCE PERMITTED." THE SIGNAGE REQUIREMENT IS DEFERRED UNTIL PERMIT AS THE LAND IS PROPOSED TO REMAIN AGRICULTURAL FOR SOME PERIOD OF TIME.
5. NON-BUILDABLE AGRICULTURAL PARCELS LOCATED WITHIN THE CRITICAL AREA SHALL BE SUBJECT TO BUFFER ESTABLISHMENT PROVISIONS IF CONVERTED FROM AN AGRICULTURAL USE.
6. THE CRITICAL AREA AFFORESTATION (BUFFER PLANTINGS) AND REQUIRED BONDING FOR LOTS 3 AND 4 SHALL BE ADDRESSED AS PART OF THE GRADING/BUILDING PERMIT APPLICATION FOR EACH LOT.

MAJOR BUFFER MANAGEMENT PLAN
LOTS 3 THROUGH 5
BUTTONWOOD
 LOCATED IN ST. LEONARD
 FIRST DISTRICT, CALVERT COUNTY, MARYLAND
 PLANNING AND ZONING CASE NO. MSD 08-10-39

Rec'd from John Oliff 12/16/11

	COLLINSON, OLIFF & ASSOCIATES, INC. Surveyors • Engineers Land Planners 110 MAIN STREET PRINCE FREDERICK, MARYLAND 20678 410-535-3101 • 301-855-1599 • FAX 410-535-3103		DATE: APRIL 2010 JOB NO.: 1-7136 FLOW REF.: TM39 G1	SCALE: 1" = 100' DRAWN BY: WC APPROVED: JSD
	DATE: 6/9/10 REVISION: CAC COMMENTS		DATE: 6/27/10 REVISION: CAC COMMENTS	
	DATE: 6/24/10 REVISION: LOT REVISIONS			



LANDSCAPE SCHEDULE LOT 3
6,112 SQ. FT. OF BUFFER ESTABLISHMENT

SYMBOL	REF	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE, ROOT PREPARATION	SPACING
CANOPY TREES						
●	NO	2 ea.	<i>Salix glauca</i>	WILLOW OAK	2" CAL., (2' min. height) S&B	AS SHOWN
●	AC	2 ea.	<i>Juniperus virginiana</i>	EASTERN RED CEDAR	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	RA	2 ea.	<i>Acer rubrum</i>	RED MAPLE	2" CAL., (2' min. height) S&B	AS SHOWN
●	DP	2 ea.	<i>Liriodendron tulipifera</i>	TULIP POPLAR	2" CAL., (2' min. height) S&B	AS SHOWN
UNDERSTORY TREES						
●	AM	3 ea.	<i>Ilex opaca</i>	AMERICAN HOLLY	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	CP	3 ea.	<i>Cornus canadensis</i>	EASTERN HOBNAIL	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	FD	4 ea.	<i>Cornus Florida</i>	FLORIDIAN DOGWOOD	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	P	4 ea.	<i>Syringa virginiana</i>	PETUNIA	3/4" CAL. (2' min. height) S&B	AS SHOWN
SHRUBS/SCREENING						
●	SP	12 ea.	<i>Ilex glabra</i>	WAXMYRTLE	CONTAINER	AS SHOWN
●	SP	12 ea.	<i>Ilex verticillata</i>	WINTERBERRY	1 GAL. CONT.	7' OC
●	SP	12 ea.	<i>Rhododendron maximum</i>	RHODODENDRON	1 GAL. CONT.	7' OC
●	SP	12 ea.	<i>Rhododendron sp.</i>	ADALEX (IN THE & SHRUBS)	1 SHIRT CONT.	4' OC

LANDSCAPE NOTES
1) LANDSCAPE MATERIAL TYPES MAY BE SUBSTITUTED FROM THE LANDSCAPE SCHEDULE WITH PLANTING LIST WITH THE APPROVAL OF THE COUNTY PLANNING AND ZONING DEPARTMENT.

LANDSCAPE SCHEDULE LOT 5
10,584 SQ. FT. OF BUFFER ESTABLISHMENT

SYMBOL	REF	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE, ROOT PREPARATION	SPACING
CANOPY TREES						
●	NO	4 ea.	<i>Salix glauca</i>	WILLOW OAK	2" CAL., (2' min. height) S&B	AS SHOWN
●	AC	4 ea.	<i>Juniperus virginiana</i>	EASTERN RED CEDAR	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	RA	4 ea.	<i>Acer rubrum</i>	RED MAPLE	2" CAL., (2' min. height) S&B	AS SHOWN
●	DP	4 ea.	<i>Liriodendron tulipifera</i>	TULIP POPLAR	2" CAL., (2' min. height) S&B	AS SHOWN
UNDERSTORY TREES						
●	AM	7 ea.	<i>Ilex opaca</i>	AMERICAN HOLLY	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	CP	7 ea.	<i>Cornus canadensis</i>	EASTERN HOBNAIL	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	FD	7 ea.	<i>Cornus Florida</i>	FLORIDIAN DOGWOOD	3/4" CAL. (2' min. height) S&B	AS SHOWN
●	P	7 ea.	<i>Syringa virginiana</i>	PETUNIA	3/4" CAL. (2' min. height) S&B	AS SHOWN
SHRUBS/SCREENING						
●	SP	22 ea.	<i>Ilex glabra</i>	WAXMYRTLE	CONTAINER	AS SHOWN
●	SP	22 ea.	<i>Ilex verticillata</i>	WINTERBERRY	1 GAL. CONT.	7' OC
●	SP	22 ea.	<i>Rhododendron maximum</i>	RHODODENDRON	1 GAL. CONT.	7' OC
●	SP	22 ea.	<i>Rhododendron sp.</i>	ADALEX (IN THE & SHRUBS)	1 SHIRT CONT.	4' OC

LANDSCAPE NOTES
1) LANDSCAPE MATERIAL TYPES MAY BE SUBSTITUTED FROM THE LANDSCAPE SCHEDULE WITH PLANTING LIST WITH THE APPROVAL OF THE COUNTY PLANNING AND ZONING DEPARTMENT.

MAJOR BUFFER MANAGEMENT PLAN
LOTS 3 THROUGH 5
BUTTONWOOD
LOCATED IN ST. LEONARD
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
PLANNING AND ZONING CASE NO. MSD 08-10-39

COA COLLINSON, OLFF & ASSOCIATES, INC.
Surveyors • Engineers
Land Planners
110 MAIN STREET
PRINCE FREDERICK, MARYLAND 20678
410-535-3101 • 301-855-1599 • FAX 410-535-3103

DATE	REVISION	SCALE
APRIL 2010	AS SHOWN	
JOB NO. 1-7136	DRAWN BY WC	
FLOOR REF. TM39 G1	APPROVED JSO	
DATE	REVISION	
8/9/10	CAC COMMENTS	
8/17/10	CAC COMMENTS	
8/24/10	LOT REVISIONS	

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	123.45	115.00	61.3015°	68.42'	N 75°28'57" E	117.60'
C2	139.53	110.00	72°40'40"	80.92'	N 81°02'10" E	130.39'
C3	180.48	300.00	28°44'10"	78.85'	S 23°08'16" E	148.89'
C4	137.92	275.00	28°44'10"	70.44'	N 23°08'16" W	136.48'

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS AND ALL PARTIES HAVING PROPRIETARY INTEREST IN THIS PROPERTY HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKS AND OTHER AREAS AS SPECIFIED. THE STREETS, ROADS, OPEN SPACES AND PUBLIC SITES SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND RECORDING OF THE FINAL PLAN SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY COMMISSIONERS. ACCEPTANCE BY THE COUNTY MAY BE ACCOMPLISHED BY A SUBSEQUENT APPROPRIATE ACT.

A UTILITY EASEMENT IS ESTABLISHED TEN FEET IN WIDTH, BINDING ON ALL RIGHT-OF-WAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES. ALL UTILITIES INCLUDING GAS, ELECTRIC AND COMMUNICATION SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION ORDER NO. 60316. THE TELEPHONE COMPANY MAY REQUIRE A PRE-CONSTRUCTION REFUNDABLE DEPOSIT IN ACCORDANCE WITH PARAGRAPH 7 OF THAT ORDER.

WE HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-106, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, 1974 EDITION, AS CURRENTLY AMENDED, AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SETTING OF MARKERS, HAVE BEEN MET.

DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: BRIAN P. FERGUSON
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: CLARE M. CAPPS
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: R. MICHAEL FERGUSON
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: MARY JANE F. GRIFFIN

HEALTH OFFICER'S CERTIFICATION

THIS SUBDIVISION SATISFIES THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03 ALLOWING FOR INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS IN THE SUBDIVISION OF LAND SERVING SINGLE FAMILY DWELLINGS ONLY AND IT IS IN CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN FOR WATER PLANNING CATEGORY WE AND SEWERAGE PLANNING CATEGORY SE.

THIS HEALTH DEPARTMENT APPROVAL CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN CONFORMANCE WITH PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE. HOWEVER, THIS APPROVAL IS SUBJECT TO CHANGES IN SUCH LAWS AND REGULATIONS. CHANGES IN TOPOGRAPHY OR SITE DESIGNATIONS MAY VOID THIS APPROVAL. THE DESIGNATED PERIC AREA IS THE ONLY PERIC AREA APPROVED BY THE CALVERT COUNTY HEALTH DEPARTMENT FOR SEWAGE DISPOSAL PURPOSES. THE APPROVED LOT INCLUDES AN APPROVED AREA OF AT LEAST 10,000 SQUARE FEET FOR SEWAGE DISPOSAL PURPOSES AS REQUIRED BY CURRENT MARYLAND DEPARTMENT OF THE ENVIRONMENT LAWS. IMPROVEMENTS IN ANY NATURE, INCLUDING, BUT NOT LIMITED TO THE INSTALLATION OF OTHER UTILITY LINES IN THIS AREA, MAY RENDER THE LOT UNDEVELOPABLE. TO DETERMINE THE EXACT AREA OF THE LOT APPROVED FOR SUCH PURPOSES, YOU SHALL CONTACT THE CALVERT COUNTY HEALTH DEPARTMENT, OFFICE OF ENVIRONMENTAL HEALTH.

HEALTH DEPARTMENT
 6-25-10
 David L. Rogers
 HEALTH OFFICER
 Paul J. Madala
 DIRECTOR OF ENVIRONMENTAL HEALTH
 SANTARMIAN

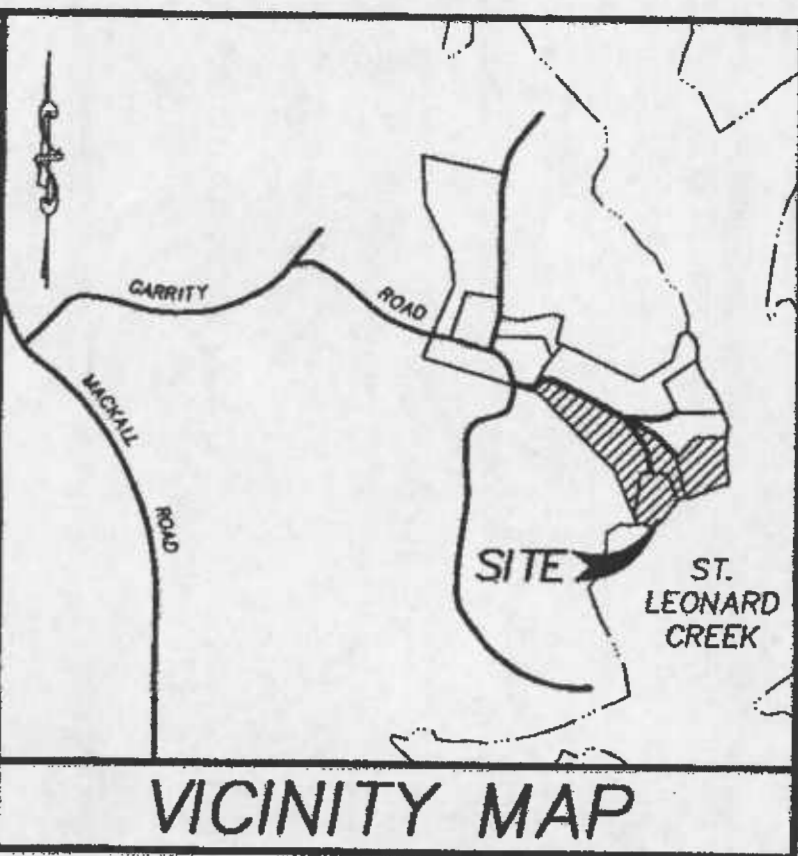
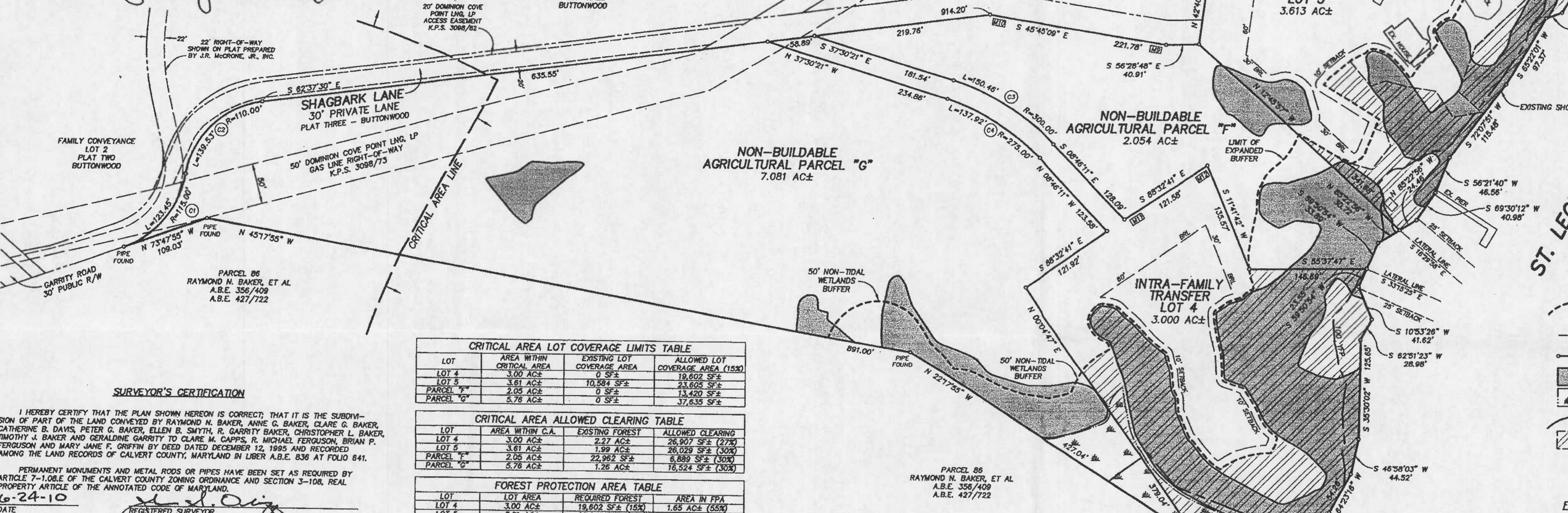
CRITICAL AREA DEVELOPMENT RIGHTS SUMMARY

Parcel 4 acreage in the Critical Area is 35.16 acres.
 Critical Area development rights on Parcel 4 equals three lots.
 The Calvert County Code 81.09H.2.b, "A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots shall be Intra-family transfer lots and shall be recorded as such. Lots 3 and 4 are in the Critical Area and are Intra-family transfer lots and their creation extinguishes two Critical Area development rights. Lot 5 is in the Critical Area and its creation extinguishes one Critical Area development right. The creation of Lots 3 through 5 by this subdivision extinguishes three of the three development rights available to Parcel 4. There are no remaining development rights associated with the Critical Area portion of Parcel 4."

CRITICAL AREA INTRA-FAMILY CONVEYANCE AFFIDAVIT

WE BRIAN P. FERGUSON, CLARE M. CAPPS, R. MICHAEL FERGUSON AND MARY JANE F. GRIFFIN, THE OWNERS OF THE PROPERTY SHOWN HEREON, DO HEREBY ASSURE THE LOT BEING CREATED AS INTRA-FAMILY TRANSFER LOT 4, BUTTONWOOD, TO QUINN FERGUSON, SON OF R. MICHAEL FERGUSON.
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: BRIAN P. FERGUSON
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: CLARE M. CAPPS
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: R. MICHAEL FERGUSON
 DATE: 6/25/10
 WITNESS: [Signatures]
 OWNER: MARY JANE F. GRIFFIN

Notary Public
 Kimberly K. Mooney
 Calvert County
 My Commission Expires on 12/3/2012



TAX MAP 39 PARCEL 4
 SCALE: 1" = 2000'
 TAX ID NO. 01 016431

NO.	NORTH	EAST
MR	272374.85	1458002.17
M10	272528.80	1458843.30
M11	272223.13	1458836.71
M12	272220.05	1458858.25

Received for Record June 30 2010
 10:56 AM
 Recorded in Liber KPS No. 196
 Form 196
 RECORDS OF CALVERT CO.
 EXAMINED PER
 [Signature]
 It is to Certify that the taxes on proper description within have been paid to and including 09/24/2010
 Calvert County Treasurer

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS THE SUBDIVISION OF PART OF THE LAND CONVEYED BY RAYMOND N. BAKER, ANNE G. BAKER, CLARE G. BAKER, CATHERINE B. BAKER, PETER G. BAKER, ELLEN B. SNEYTH, R. GARRITY BAKER, CHRISTOPHER L. BAKER, TIMOTHY A. BAKER AND GERALDINE GARRITY TO CLARE M. CAPPS, R. MICHAEL FERGUSON, BRIAN P. FERGUSON AND MARY JANE F. GRIFFIN BY DEED DATED DECEMBER 12, 1985 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER A.B.E. 836 AT FOLIO 841.

PERMANENT MONUMENTS AND METAL RODS OR PIPES HAVE BEEN SET AS REQUIRED BY ARTICLE 7-1.06 OF THE CALVERT COUNTY ZONING ORDINANCE AND SECTION 3-106, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
 G-24-10
 DATE: 6-24-2010
 REGISTERED SURVEYOR

CRITICAL AREA LOT COVERAGE LIMITS TABLE			
LOT	AREA WITHIN CRITICAL AREA	EXISTING LOT COVERAGE AREA	ALLOWED LOT COVERAGE AREA (15%)
LOT 4	3.00 AC±	0 SF±	19,602 SF±
LOT 5	3.61 AC±	10,824 SF±	23,605 SF±
PARCEL "F"	2.05 AC±	0 SF±	13,450 SF±
PARCEL "G"	7.76 AC±	0 SF±	37,635 SF±

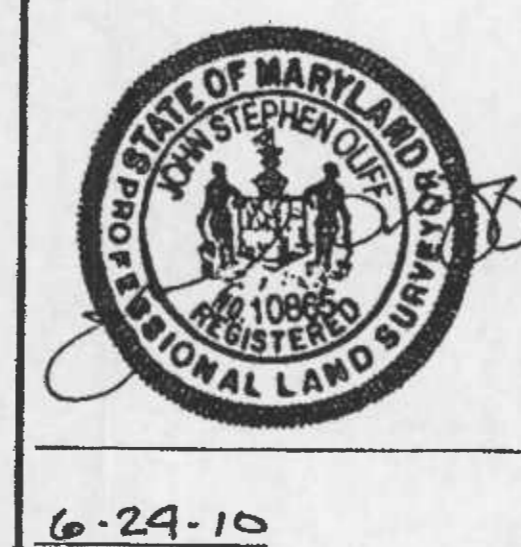
CRITICAL AREA ALLOWED CLEARING TABLE			
LOT	AREA WITHIN C.A.	EXISTING FOREST	ALLOWED CLEARING
LOT 4	3.00 AC±	2.27 AC±	26,307 SF± (72%)
LOT 5	3.61 AC±	1.99 AC±	28,029 SF± (30%)
PARCEL "F"	2.05 AC±	22,962 SF±	6,889 SF± (30%)
PARCEL "G"	7.76 AC±	1.26 AC±	16,524 SF± (30%)

FOREST PROTECTION AREA TABLE			
LOT	LOT AREA	REQUIRED FOREST	AREA IN FPA
LOT 4	3.00 AC±	19,602 SF± (15%)	1.65 AC± (55%)
LOT 5	3.61 AC±	23,605 SF± (15%)	1.01 AC± (28%)

- NOTES**
- Lot 5 is exempt from stormwater management per Section 123.3.2.C of the Calvert County Stormwater Management Ordinance until such time as improvements are proposed on the lot. Stormwater management for Intra-family Transfer Lot 4 shall be addressed upon building permit application.
 - Conservation Areas: These land areas include, but are not limited to, improperly drained soils, adverse soil formations, steep slopes (20% or greater, 15% or greater in the Critical Area) and erodible soils. A minimum 10' setback must be provided adjacent to the conservation area. These land areas shall not be developed unless it cannot be avoided and the applicant develops adequate methods to solve the problems created by disturbing unsuitable land conditions and these methods receive the approval of the Planning Commission, with recommendations from the appropriate County agencies. No structures, grading or clearing shall be permitted on existing steep slopes or within 10 feet of the steep slopes.
 - A minimum buffer zone of 50 feet of undisturbed natural vegetation shall be maintained from the boundaries of the non-tidal wetlands landward. In the case of tidal waters and wetlands, the buffer shall be a minimum of 100 feet. These buffer areas shall remain undisturbed in perpetuity and to serve for water quality benefits. When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed 10 feet beyond the edge of the buffer. The issuance of County permits or approval placed 10 feet beyond the edge of the buffer. No structures, grading or clearing shall be permitted on existing steep slopes or within 10 feet of the steep slopes.
 - 100 Year Flood Plain: Uses restricted to those permitted within the Flood Plain District. No residential construction is permitted within the 100 year flood plain.
 - There are no perennial or intermittent streams or associated buffers within the platted area shown hereon.
 - If archaeological materials are discovered during site work, the contractor for development shall cease work and contact the Historic Preservation Planner at the Department of Planning and Zoning immediately, so that the remains/findings may be evaluated and the information recorded in the interest of documenting the heritage of Calvert County.
 - At a minimum, buildings shall be arranged to avoid facing the front of a house onto the rear of another.
 - A perpetual covenant shall be included in the deeds for Lots 1 through 5 that, "within Form Communities, farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right."
 - This plot was prepared without benefit of a title report.
 - In accordance with Article 5-2.01.C.3 of the Calvert County Zoning Ordinance, clustering is not required in the Critical Area and subdivisions that are limited to no more than five lots. By this subdivision, the owner is restricting Parcel 4 to five lots or less in perpetuity. Consequently, this subdivision, in its entirety, is exempt from meeting the cluster requirements.
 - Per Article 7-1.05.F.2.b of the Calvert County Zoning Ordinance, if the owner voluntarily restricts the maximum number of lots to no more than five (including existing residences), then all five lots are exempt from the Adequate Public Facilities Ordinance (APFO). Consequently, Lots 1 through 5 use the five permitted APFO exemptions permitted Parcel 4. No further subdivision for residential development shall be permitted on the 35.82 acres (Parcel 4) included in the subdivision in perpetuity.

- A portion of Parcel 4 (50.8 acres) is included within a Calvert County Agricultural Preservation District (APD 04-14). This APD was recorded on June 17, 2004 (K.P.S. 2227/822). The Certification of Development Options for Transferred Development Rights (TDR's) was recorded on September 7, 2004 (K.P.S. 2282/448). TDR's were subsequently sold and covenants were recorded over the APD for permanent preservation on July 31, 2008 (K.P.S. 3187/212). Per Article 5-1.02.B.3, APD's consisting of at least 50 acres, but not more than 75 acres, are permitted two lots in addition to a house on the residue. On September 8, 2008, the Calvert County Agricultural Preservation Board (APAB) approved the creation of three lots within APD 04-14 and seven Agricultural Parcels. Five TDR's were previously deducted from the TDR calculations under the recorded Development Option Agreement for the one dwelling included in APD 04-14 (now on Lot 5). Consequently, five TDR's must also be applied for the creation of each of the two additional lots approved by the APAB for a total of ten TDR's. The ten TDR's must be retired from the applicant's inventory or otherwise applied, and certified by the Rural Preservation Planner prior to final plat approval. Lot 5 and Intra-family Transfer Lots 3 and 4 are the three lots permitted within the Critical Area portion of Parcel 4.
- Non-buildable Agricultural Parcels "A" through "G" created by this subdivision can not be subsequently combined with any other lot or parcel (by deed or plat). Non-buildable Agricultural Parcels "A" through "G" are non-buildable for residential purposes in perpetuity, and Zoning Ordinance and/or other laws that the property owner obtains approval from the Calvert County Planning Commission or its designee. Agricultural activities shall be allowed as permitted under Article 3-1 of the Calvert County Zoning Ordinance.
- A portion of Parcel 4 (35.16 acres) is located within the Critical Area, Resource Conservation District (RCA). Per Article 8-1.02.B.2.b of the Calvert County Zoning Ordinance, parcels which contain 12 acres or more, but less than 60 acres within the RCA, may be subdivided into three lots (one conventional and two Intra-family Transfer lots). Intra-family Transfer Lots 3 & 4 and Lot 5 are the three lots permitted within the Critical Area portion of Parcel 4.
- Intra-family Transfer Lots 3 and 4 may only be created for immediate family members. The deeds for Intra-family Transfer Lots 3 & 4 shall identify the family members to receive the lots and contain a covenant that specifies the lots are subject to the provisions of Article 8.05.H.3.a-e of the Calvert County Zoning Ordinance. An Intra-family Transfer lot may not be subsequently conveyed to any person other than an immediate family member, except as provided under Article 8-1.05.H.4 and the number of Intra-family Transfer lots shall be limited to one per family member.
- Neither the individual lots, nor the total acreage within the Critical Area portion of the subdivision, may exceed the 15% impervious surface (or lot coverage) threshold.
- The lateral lines shown hereon are in accordance with Article 9-5.01 of the Calvert County Zoning Ordinance.
- Should any parcels convert from agriculture to any other use, afforestation is required per Article 8-1.02.D.3.1.4 of the Calvert County Zoning Ordinance.
- The 100' Critical Area Buffer has been expanded hereon to include contiguous steep slopes (15% or greater).
- Shogbark Lane shall be private, non-owned and maintained and shall not be petitionable to the County for County ownership or for County maintenance. The road standard shall be 16' wide gravel where possible, but may be reduced in areas where the trees lining the existing driveway will not allow the full 16' width. The improvements shall be required with the building permit application for Lot 3 or 4, whichever comes first. The lot owners shall be responsible for providing for road maintenance, including snow removal and repairs, as well as other improvements and road services normally provided by the County.

NUMBER OF LOTS SHOWN ON THIS PLAT	
NO. OF CONVENTIONAL LOTS	2
NO. OF NEW LOTS	0
NO. OF RECEIVING AREA LOTS	0
NO. OF FAMILY CONVEYANCE LOTS	0
TOTAL NO. OF NEW LOTS	2
TOTAL NO. OF REVISED LOTS	0
ACREAGE TABULATIONS FOR THIS PLAT	
ACREAGE OF NEW LOTS	8,613 AC±
ACREAGE OF REVISED LOTS	0 AC±
ACREAGE OF OPEN SPACE	0 AC±
ACREAGE OF RECREATION AREA	0 AC±
ACREAGE OF PUBLIC RIGHT-OF-WAYS	0 AC±
ACREAGE OF PRIVATE LANES	0 AC±
ACREAGE OF WINDING STRIPS	0 AC±
ACREAGE OF OUTLOTS	0 AC±
ACREAGE OF RECEIVING PARCELS	0 AC±
ACREAGE OF AGRICULTURAL PARCELS	9,135 AC±
TOTAL ACREAGE SHOWN ON THIS PLAT	15,748 AC±
APFO INFORMATION FOR THIS PLAT	
APFO EXEMPT LOTS ON THIS PLAT	2



COLLINSON, OLIFF & ASSOCIATES, INC.
 Surveyors • Engineers
 Land Planners
 110 MAIN STREET
 PRINCE FREDERICK, MARYLAND 20678
 410-535-3101 • 301-855-1599 • FAX 410-535-3103

DATE	SCALE
JUNE 2010	1" = 100'
JOB NO.	DRAWN BY
1-7136	SH
F.L.D.R. REF.	APPROVED
TM39 G1	USO
DATE	REVISION

39-26C

Final recorded

HEALTH OFFICER'S CERTIFICATION

THIS SUBDIVISION SATISFIES THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.D.4.D.3 ALLOWING FOR INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS IN THE SUBDIVISION OF LAND SERVING SINGLE FAMILY DWELLINGS ONLY, AND IT IS IN CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN FOR WATER PLANNING CATEGORY W6 AND SEWERAGE PLANNING CATEGORY S6.

THIS HEALTH DEPARTMENT APPROVAL CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN CONFORMANCE WITH PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE. HOWEVER, THIS APPROVAL IS SUBJECT TO CHANGES IN SUCH LAWS AND REGULATIONS. CHANGES IN TOPOGRAPHY OR SITE DESIGNATIONS MAY VOID THIS APPROVAL. THE DESIGNATED PERC AREA IS THE ONLY PERC AREA APPROVED BY THE CALVERT COUNTY HEALTH DEPARTMENT FOR SEWAGE DISPOSAL PURPOSES. THE APPROVED LOT INCLUDES AN AREA OF AT LEAST 10,000 SQUARE FEET FOR SEWAGE DISPOSAL PURPOSES AS REQUIRED BY CURRENT MARYLAND DEPARTMENT OF THE ENVIRONMENT LAW. IMPROVEMENTS OF ANY NATURE, INCLUDING, BUT NOT LIMITED TO THE INSTALLATION OF OTHER UTILITY LINES IN THIS AREA, MAY RENDER THE LOT UNDEVELOPABLE. TO DETERMINE THE EXACT AREA OF THE LOT APPROVED FOR SUCH PURPOSES, YOU SHALL CONTACT THE CALVERT COUNTY HEALTH DEPARTMENT, OFFICE OF ENVIRONMENTAL HEALTH.

HEALTH DEPARTMENT	
DATE	
HEALTH OFFICER	
DIRECTOR OF ENVIRONMENTAL HEALTH	
SANTARIAN	

SIGHT DISTANCE CERTIFICATION

I HEREBY CERTIFY THAT A LOCATION EXISTS ALONG THE GARRITY ROAD FRONTAGE OF LOT 1 THAT MEETS OR EXCEEDS THE REQUIREMENTS OF THE CALVERT COUNTY ROAD SPECIFICATION PLATE RD-9.

DATE _____ REGISTERED SURVEYOR _____

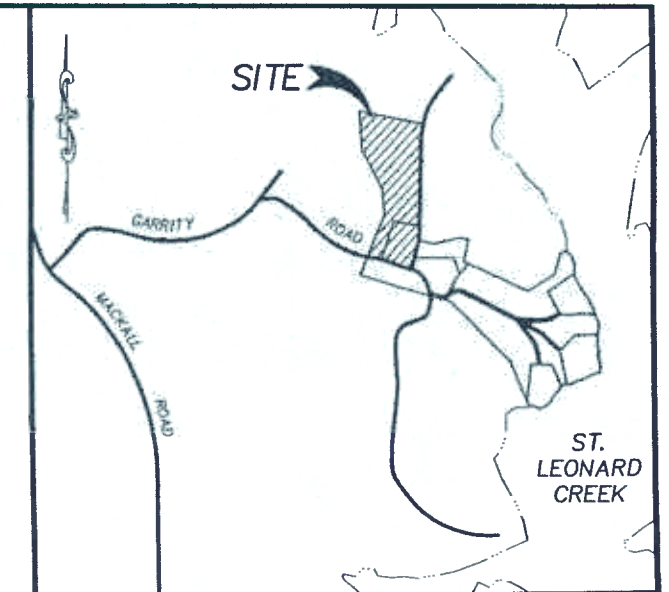


SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS THE SUBDIVISION OF PART OF THE LAND CONVEYED BY RAYMOND N. BAKER, ANNE G. BAKER, CLARE M. BAKER, CATHERINE B. DAVIS, PETER G. BAKER, ELLEN B. SMYTH, R. GARRITY BAKER, CHRISTOPHER L. BAKER, TIMOTHY J. BAKER AND GERALDINE GARRITY TO CLARE M. CAPPS, R. MICHAEL FERGUSON, BRIAN P. FERGUSON AND MARY JANE F. GRIFFIN BY DEED DATED DECEMBER 12, 1995 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER A.B.E. 836 AT FOLIO 641.

PERMANENT MONUMENTS AND METAL RODS OR PIPES HAVE BEEN SET AS REQUIRED BY ARTICLE 7-1.08.E OF THE CALVERT COUNTY ZONING ORDINANCE AND SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

DATE _____ REGISTERED SURVEYOR _____

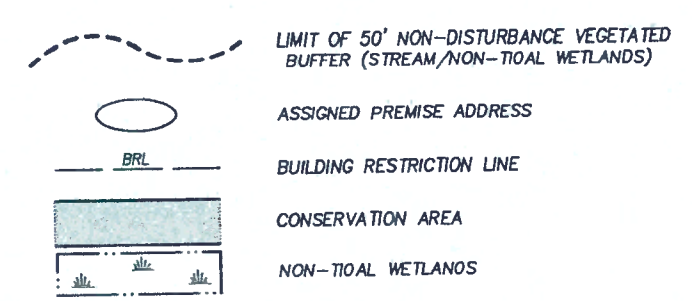


VICINITY MAP

TAX MAP 39 PARCEL 4
SCALE: 1" = 200'
TAX ID NO. 01 016431

COORDINATES		
NO.	NORTH	EAST
M1	273678.52	1457271.21
M2	273634.74	1457542.55
M3	273484.67	1457639.65
M4	273211.96	1457463.88

LEGEND



OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS AND ALL PARTIES HAVING PROPRIETARY INTEREST IN THIS PROPERTY HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKS AND OTHER AREAS AS SPECIFIED. THE STREETS, ROADS, OPEN SPACES AND PUBLIC SITES SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND RECORDING OF THE FINAL PLAT SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY COMMISSIONERS. ACCEPTANCE BY THE COUNTY MAY BE ACCOMPLISHED BY A SUBSEQUENT APPROPRIATE ACT.

A UTILITY EASEMENT IS ESTABLISHED TEN FEET IN WIDTH, BINDING ON ALL RIGHT-OF-WAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES. ALL UTILITIES INCLUDING GAS, ELECTRIC AND COMMUNICATION SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION ORDER NO. 6D316. THE TELEPHONE COMPANY MAY REQUIRE A PRE-CONSTRUCTION REFUNDABLE DEPOSIT IN ACCORDANCE WITH PARAGRAPH 7 OF THAT ORDER.

WE HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, 1974 EDITION, AS CURRENTLY AMENDED, AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS, HAVE BEEN MET.

DATE _____	WITNESS _____	OWNER: BRIAN P. FERGUSON P.O. BOX 30 ST. LEONARD, MD 20685
DATE _____	WITNESS _____	OWNER: CLARE M. CAPPS
DATE _____	WITNESS _____	OWNER: R. MICHAEL FERGUSON
DATE _____	WITNESS _____	OWNER: MARY JANE F. GRIFFIN

APPROVED FOR RECORDING
FOR THE PLANNING COMMISSION

DATE _____ CAROLYN V. SUNDERLAND, ACTING SECRETARY

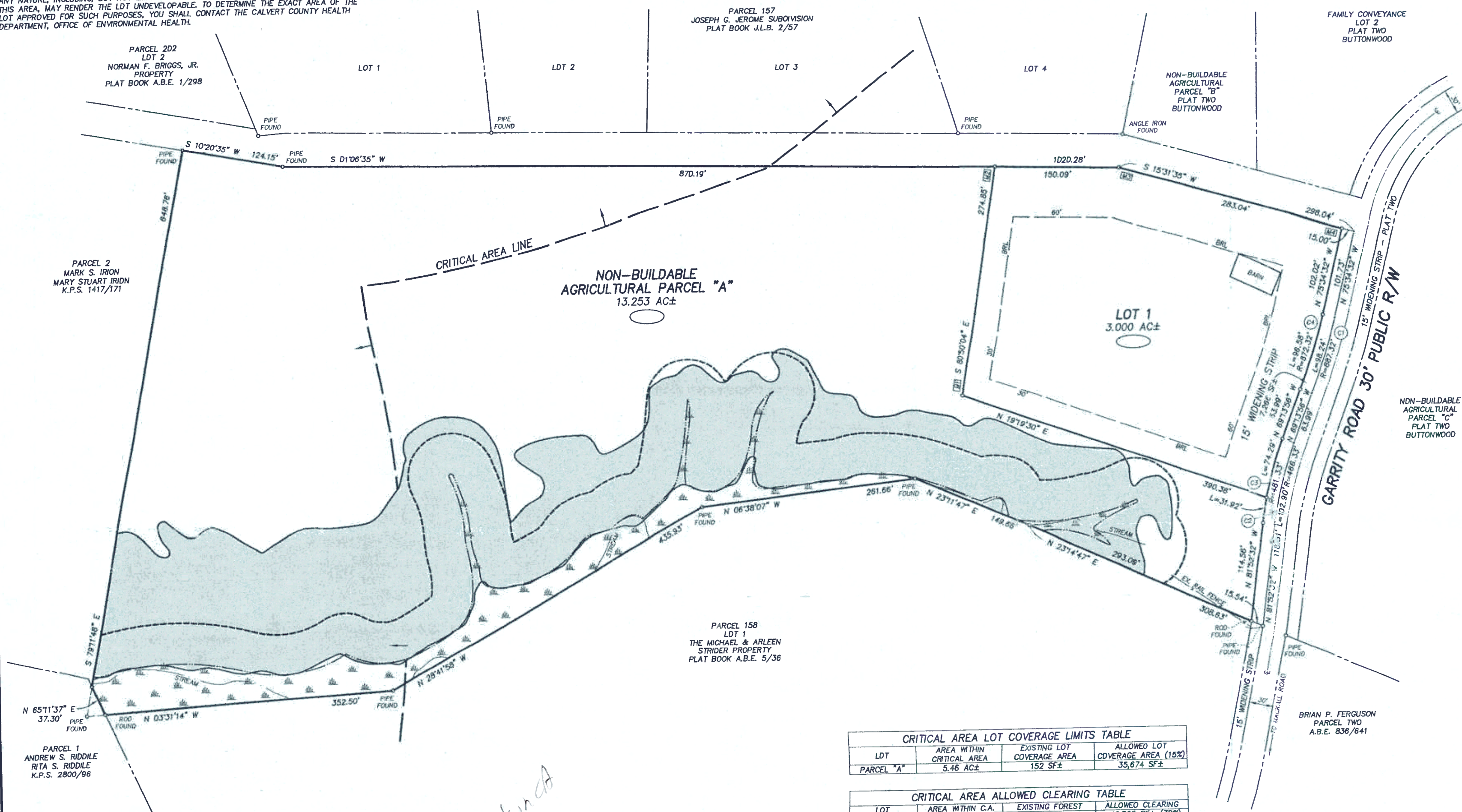
PLAT ONE

LOT 1 AND NON-BUILDABLE AGRICULTURAL
PARCEL "A"

BUTTONWOOD

LOCATED IN ST. LEONARD
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
PLANNING AND ZONING CASE NO. MSD 08-10-39

18x64 recordable 5/22



CRITICAL AREA LOT COVERAGE LIMITS TABLE			
LOT	AREA WITHIN CRITICAL AREA	EXISTING LOT COVERAGE AREA	ALLOWED LOT COVERAGE AREA (15%)
PARCEL "A"	5.46 AC±	152 SF±	35,674 SF±

CRITICAL AREA ALLOWED CLEARING TABLE			
LOT	AREA WITHIN C.A.	EXISTING FOREST	ALLOWED CLEARING
PARCEL "A"	5.46 AC±	3.22 AC±	42,069 SF± (30%)

CRITICAL AREA DEVELOPMENT RIGHTS SUMMARY

Parcel 4 acreage in the Critical Area is 35.16 acres±.
Critical Area development rights on Parcel 4 equals three lots.
Per Calvert County Code 8.1.D5H.2.b, "A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots shall be intrafamily transfer lots and shall be recorded as such."
Lots 3 and 4 are in the Critical Area and are intrafamily transfer lots and their creation extinguishes two Critical Area development rights.
Lot 5 is in the Critical Area and its creation extinguishes one Critical Area development right.
The creation of Lots 3 through 5 by this subdivision extinguishes three of the three development rights available to Parcel 4.
There are no remaining development rights associated with the Critical Area portion of Parcel 4.

NUMBER OF LOTS SHOWN ON THIS PLAT	
NO. OF CONVENTIONAL LOTS	1
NO. OF TDR LOTS	0
NO. OF RECEIVING AREA LOTS	0
NO. OF FAMILY CONVEYANCE LOTS	1
TOTAL NO. OF NEW LOTS	1
TOTAL NO. OF REVISED LOTS	0
ACREAGE TABULATIONS FOR THIS PLAT	
ACREAGE OF NEW LOTS	3.000 AC±
ACREAGE OF REVISED LOTS	0 AC±
ACREAGE OF OPEN SPACE	0 AC±
ACREAGE OF RECREATION AREA	0 AC±
ACREAGE OF PUBLIC RIGHT-OF-WAYS	0 AC±
ACREAGE OF PRIVATE LANS	0 AC±
ACREAGE OF WIDENING STRIPS	0.167 AC±
ACREAGE OF OUTLOTS	0 AC±
ACREAGE OF REVERTIBLE PARCELS	0 AC±
ACREAGE OF AGRICULTURAL PARCELS	13.253 AC±
TOTAL ACREAGE SHOWN ON THIS PLAT	16.420 AC±
APFO INFORMATION FOR THIS PLAT	
APFO EXEMPT LOTS ON THIS PLAT	1

- NOTES**
- Stormwater management for Lot 1 shall be addressed upon building permit application.
 - Conservation Areas: These land areas include, but are not limited to, improperly drained soils, adverse soil formations, steep slopes (25% or greater, 15% or greater in the Critical Area) and erodible soils. A minimum 10' setback must be provided adjacent to the conservation area. These land areas shall not be developed unless it cannot be avoided and the applicant develops adequate methods to solve the problems created by disturbing unsuitable land conditions and these methods receive the approval of the Planning Commission, with recommendations from the appropriate County agencies. No structures, grading or clearing shall be permitted on existing steep slopes or within 10 feet of the steep slopes.
 - A minimum buffer zone of 50 feet of undisturbed natural vegetation shall be maintained from the boundaries of the non-tidal wetlands landward. In the case of tidal waters and wetlands, the buffer shall be a minimum of 100 feet. These buffer areas shall remain undisturbed in perpetuity and to serve for water quality benefits. When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed 10 feet beyond the edge of the buffer. The issuance of County permits or approval is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR, the Federal Water Pollution Control Act or the Rivers and Harbors Act.
 - There is no 100 Year Flood Plain within the platted area shown hereon.
 - Streams and stream buffers are to be left undisturbed in perpetuity and to serve for water quality benefits. No building or grading shall occur on SE or EE soils within 100 feet of perennial or intermittent streams.
 - If archaeological materials are discovered during site work, the contractor for development shall cease work and contact the Historic Preservation Planner at the Department of Planning and Zoning immediately, so that the remains/findings may be evaluated and the information recorded in the interest of documenting the heritage of Calvert County.
 - At a minimum, buildings shall be arranged to avoid facing the front of a house onto the rear of another.
 - Within Farm Communities, farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.
 - This plat was prepared without benefit of a title report.

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	95.24'	587.33'	06°20'36"	49.17° N 72°24'14" W	98.19'
C2	102.90'	456.33'	12°38'36"	51.66° N 75°33'14" W	102.70'
C3	106.21'	481.33'	12°38'36"	53.32° S 75°33'14" E	106.00'
C4	96.58'	872.32'	06°20'36"	48.34° S 72°24'14" E	96.53'

C
O
A

COLLINSON, OLIFF & ASSOCIATES, INC.

Surveyors • Engineers
Land Planners

110 MAIN STREET
PRINCE FREDERICK, MARYLAND 20678

410-535-3101 • 301-855-1599 • FAX 410-535-3103

DATE	SCALE
MAR. 2010	1" = 100'
JOB NO.	DRAWN BY
1-7136	SH
FDR REF.	APPROVED
TM39-G1	JSO
DATE	REVISION
APR 27 2010	

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bay

NOTES

- Family Conveyance Lot 2 is exempt from stormwater management per Section 123.3.2.C of the Calvert County Stormwater Management Ordinance until such time or improvements are proposed on the lot.
- Conservation Areas: These land areas include, but are not limited to, improperly drained soils, adverse soil formations, steep slopes (25% or greater, 15% or greater in the Critical Area) and erodible soils. A minimum 10' setback must be provided adjacent to the conservation area. These land areas shall not be developed unless it cannot be avoided and the applicant develops adequate measures to solve the problems created by disturbing unsuitable land conditions and these methods receive the approval of the Planning Commission, with recommendations from the appropriate County agencies. No structure, grading or clearing shall be permitted on existing steep slopes or within 10 feet of the steep slopes.
- A minimum buffer zone of 50 feet of undisturbed natural vegetation shall be maintained from the boundaries of the non-tidal wetlands landward. In the case of tidal waters and wetlands, the buffer shall be a minimum of 100 feet. These buffer areas shall remain undisturbed in perpetuity and to serve for water quality benefits. When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed 10 feet beyond the edge of the buffer. The issuance of County permits or approval is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR, the Federal Water Pollution Control Act or the Rivers and Harbors Act.
- There is no 100 Year Flood Plain within the platted area shown hereon.
- There are no perennial or intermittent streams or associated buffers within the platted area shown hereon.
- If archaeological materials are discovered during site work, the contractor for development shall cease work and contact the Historic Preservation Planner at the Department of Planning and Zoning immediately, so that the remains/findings may be evaluated and the information recorded in the interest of documenting the heritage of Calvert County.
- At a minimum, buildings shall be arranged to avoid facing the front of a house onto the rear of another.
- Within Farm Communities, farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.
- This plot was prepared without benefit of a title report.
- Family Conveyance Lot 2 is subject to the terms of the Declaration of Intent for the intra-family transfer exemption of the Forest Conservation Program and may not be transferred to a person other than a family member for a period of five years from the recording date of the lot, except as specified in that agreement. Clearing of forest is limited to 30,000 square feet. A copy of the notated Declaration of Intent can be found in the subdivision file MSD 08-10-39 at the Calvert County Department of Planning and Zoning.
- In accordance with Article 5-2.01.C.3 of the Calvert County Zoning Ordinance, clustering is not required in the Critical Area and subdivisions that are limited to no more than five lots. The owner is restricting Parcel 4 to five lots or less in perpetuity. Consequently, this subdivision, in its entirety, is exempt from meeting the cluster requirements.
- Per Article 7-1.05.F.2.b of the Calvert County Zoning Ordinance, if the owner voluntarily restricts the maximum number of lots to no more than five (including existing residences), then all five lots are exempt from the Adequate Public Facilities Ordinance (APFO). Consequently, Lots 1 through 5 use the five permitted APFO exemptions permitted Parcel 4.
- A portion of this site (Parcel 4) is included within a Calvert County Agricultural Preservation District (APD 04-14). This APD was recorded on June 17, 2004 (K.P.S. 2221/625). The Certification of Development Options for Transferred Development Rights (TDR's) was recorded on September 7, 2004 (K.P.S. 2282/448). TDR's were subsequently sold and covenants were recorded over the APD for permanent preservation on July 31, 2008 (K.P.S. 3187/212). On September 8, 2009, the Calvert County Agricultural Preservation Board approved the creation of three lots within APD 04-14 and seven agricultural parcels.
- Lot 1 (shown on Plat One) and Family Conveyance Lot 2 are located on the portion of Parcel 4 that is outside of APD 04-14 and the Critical Area. Lot 1 uses the one conventional density lot derived from the portion of Parcel 4 outside of APD 04-14 and Family Conveyance Lot 2 is designated as the Family Conveyance lot permitted the applicant under Article 5-1.02.D.6 of the Calvert County Zoning Ordinance. Lot 1 and Family Conveyance Lot 2 use the two 3-acre lot (sized) exceptions of the parent tract (Parcel 4) and are the only lots that may be created on the portion of Parcel 4 that is outside of APD 04-14.
- Non-buildable Agricultural Parcels "A" through "G" created by this subdivision can not be subsequently combined with any other lot or parcel (by deed or plat). Non-buildable Agricultural Parcels "A" through "G" are non-buildable for residential, commercial or industrial purposes, unless otherwise permitted by the Calvert County Zoning Ordinance and/or until such time that the property owner obtains final approval from the Calvert County Planning Commission or its designee, as a buildable lot/parcel.
- Family Conveyance Lot 2 is restricted to access via Garry Road or it may access Shagbark Lane (shown on Plat Three). Non-buildable Agricultural Parcel "B" is restricted to access via Shagbark Lane.
- Neither the individual lots, nor the total acreage within the Critical Area portion of the subdivision, may exceed the 15% impervious surface (or lot coverage) threshold, whichever applies.
- Any deed for a Family Conveyance lot shall contain a covenant stating that the lot is created subject to the provisions of Article 5-1.02.D.6.a-e of the Calvert County Zoning Ordinance.
- A lot created under Article 5-1.02.D.6 may not be conveyed subsequently to any person other than a family member of lineal descent or ascent, unless five Transferred Development Rights are applied prior to transfer of the lot. This provision shall be in effect for a period of seven years after the lot is recorded.

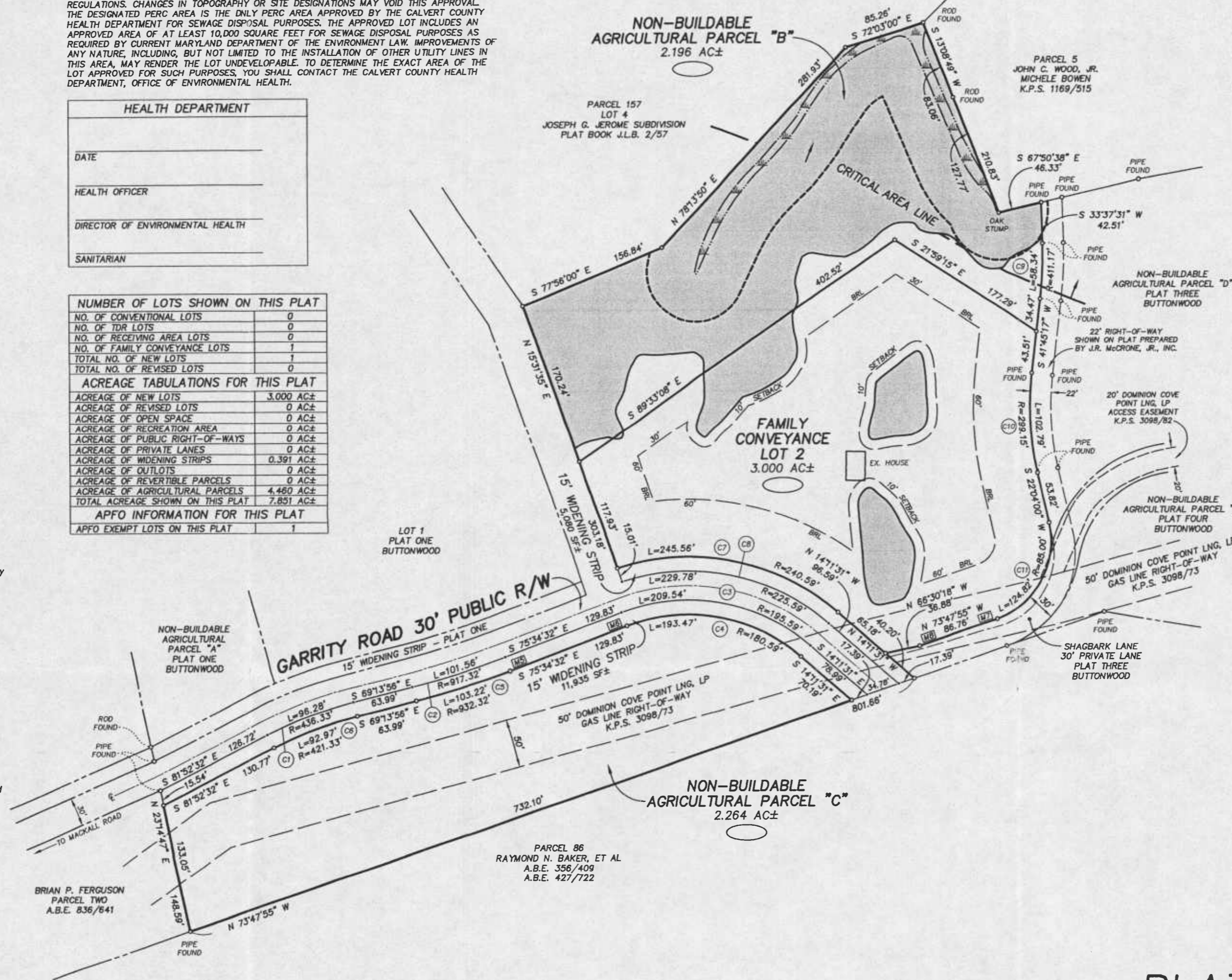
HEALTH OFFICER'S CERTIFICATION

THIS SUBDIVISION SATISFIES THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03 ALLOWING FOR INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS IN THE SUBDIVISION OF LAND SERVING SINGLE FAMILY DWELLINGS ONLY, AND IT IS IN CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN FOR WATER PLANNING CATEGORY W6 AND SEWERAGE PLANNING CATEGORY S6.

THIS HEALTH DEPARTMENT APPROVAL CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN CONFORMANCE WITH PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE, HOWEVER, THIS APPROVAL IS SUBJECT TO CHANGES IN SUCH LAWS AND REGULATIONS. CHANGES IN TOPOGRAPHY OR SITE DESIGNATIONS MAY VOID THIS APPROVAL. THE DESIGNATED PERC AREA IS THE ONLY PERC AREA APPROVED BY THE CALVERT COUNTY HEALTH DEPARTMENT FOR SEWAGE DISPOSAL PURPOSES. THE APPROVED LOT INCLUDES AN APPROVED AREA OF AT LEAST 10,000 SQUARE FEET FOR SEWAGE DISPOSAL PURPOSES AS REQUIRED BY CURRENT MARYLAND DEPARTMENT OF THE ENVIRONMENT LAWS. IMPROVEMENTS OF ANY NATURE, INCLUDING, BUT NOT LIMITED TO THE INSTALLATION OF OTHER UTILITY LINES IN THIS AREA, MAY RENDER THE LOT UNDEVELOPABLE. TO DETERMINE THE EXACT AREA OF THE LOT APPROVED FOR SUCH PURPOSES, YOU SHALL CONTACT THE CALVERT COUNTY HEALTH DEPARTMENT, OFFICE OF ENVIRONMENTAL HEALTH.

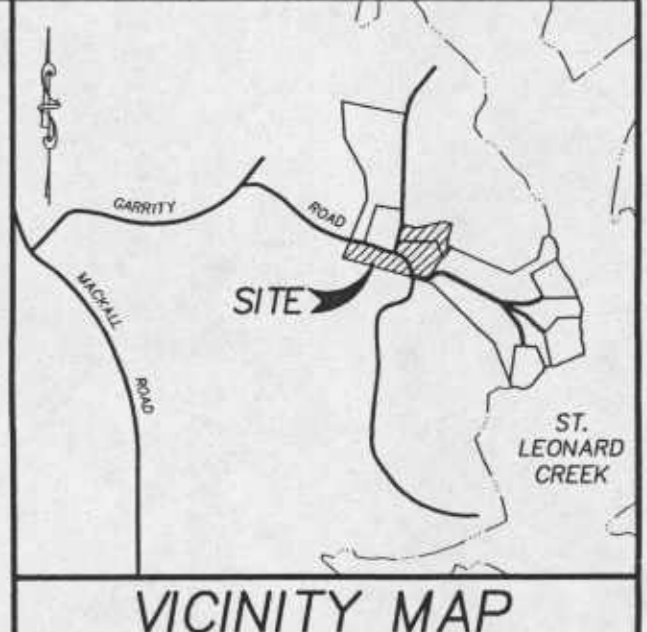
HEALTH DEPARTMENT	
DATE	
HEALTH OFFICER	
DIRECTOR OF ENVIRONMENTAL HEALTH	
SANITARIAN	

NUMBER OF LOTS SHOWN ON THIS PLAT	
NO. OF CONVENTIONAL LOTS	0
NO. OF TDR LOTS	0
NO. OF RECEIVING AREA LOTS	0
NO. OF FAMILY CONVEYANCE LOTS	1
TOTAL NO. OF NEW LOTS	1
TOTAL NO. OF REVISED LOTS	0
ACREAGE TABULATIONS FOR THIS PLAT	
ACREAGE OF NEW LOTS	3.000 AC±
ACREAGE OF REVISED LOTS	0 AC±
ACREAGE OF OPEN SPACE	0 AC±
ACREAGE OF RECREATION AREA	0 AC±
ACREAGE OF PUBLIC RIGHT-OF-WAYS	0 AC±
ACREAGE OF PRIVATE LANES	0 AC±
ACREAGE OF WIDENING STRIPS	0.391 AC±
ACREAGE OF OUTLOTS	0 AC±
ACREAGE OF REVERTIBLE PARCELS	0 AC±
ACREAGE OF AGRICULTURAL PARCELS	4.460 AC±
TOTAL ACREAGE SHOWN ON THIS PLAT	7.851 AC±
APFO INFORMATION FOR THIS PLAT	
APFO EXEMPT LOTS ON THIS PLAT	1



CRITICAL AREA LOT COVERAGE LIMITS TABLE			
LOT	AREA WITHIN CRITICAL AREA	EXISTING LOT COVERAGE AREA	ALLOWED LOT COVERAGE AREA (15%)
PARCEL "B"	34,085 SF±	0 SF±	5,113 SF±

CRITICAL AREA ALLOWED CLEARING TABLE			
LOT	AREA WITHIN C.A.	EXISTING FOREST	ALLOWED CLEARING
PARCEL "B"	34,085 SF±	34,085 SF±	8,485 SF± (25%)



VICINITY MAP
TAX MAP 39 PARCEL 4
SCALE: 1" = 200'
TAX ID NO. 01 016431

LEGEND

- 50' NON-DISTURBANCE VEGETATED BUFFER (NON-TIDAL WETLANDS)
- BUILDING RESTRICTION LINE
- ASSIGNED PREMISE ADDRESS
- CONSERVATION AREA
- NON-TIDAL WETLANDS

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS AND ALL PARTIES HAVING PROPRIETARY INTEREST IN THIS PROPERTY HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKS AND OTHER AREAS AS SPECIFIED, THE STREETS, ROADS, OPEN SPACES AND PUBLIC SITES SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND RECORDING OF THE FINAL PLAT SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY COMMISSIONERS. ACCEPTANCE BY THE COUNTY MAY BE ACCOMPLISHED BY A SUBSEQUENT APPROPRIATE ACT.

A UTILITY EASEMENT IS ESTABLISHED TEN FEET IN WIDTH, BINDING ON ALL RIGHT-OF-WAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES. ALL UTILITIES INCLUDING GAS, ELECTRIC AND COMMUNICATION SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION ORDER NO. 80316. THE TELEPHONE COMPANY MAY REQUIRE A PRE-CONSTRUCTION REFUNDABLE DEPOSIT IN ACCORDANCE WITH PARAGRAPH 7 OF THAT ORDER.

WE HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, 1974 EDITION, AS CURRENTLY AMENDED, AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS, HAVE BEEN MET.

DATE	WITNESS	OWNER: BRIAN P. FERGUSON P.O. BOX 30 ST. LEONARD, MD 20685
DATE	WITNESS	OWNER: CLARE M. CAPPS
DATE	WITNESS	OWNER: R. MICHAEL FERGUSON
DATE	WITNESS	OWNER: MARY JANE F. GRIFFIN
APPROVED FOR RECORDING FOR THE PLANNING COMMISSION		
DATE	CAROLYN V. SUNDERLAND, ACTING SECRETARY	

SIGHT DISTANCE CERTIFICATION

I HEREBY CERTIFY THAT A LOCATION EXISTS ALONG THE GARRITY ROAD FRONTAGE OF FAMILY CONVEYANCE LOT 2 THAT MEETS OR EXCEEDS THE REQUIREMENTS OF THE CALVERT COUNTY ROAD SPECIFICATION PLATE RD-9.

DATE _____ REGISTERED SURVEYOR _____

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS THE SUBDIVISION OF PART OF THE LAND CONVEYED BY RAYMOND N. BAKER, ANNE C. BAKER, CLARE G. BAKER, CATHERINE B. DAVIS, PETER C. BAKER, ELLEN B. SMYTH, R. GARRITY BAKER, CHRISTOPHER L. BAKER, TIMOTHY J. BAKER AND CERALDINE GARRITY TO CLARE M. CAPPS, R. MICHAEL FERGUSON, BRIAN P. FERGUSON AND MARY JANE F. GRIFFIN BY DEED DATED DECEMBER 12, 1995 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER A.B.E. 836 AT FOLIO 641.

PERMANENT MONUMENTS AND METAL RODS OR PIPES HAVE BEEN SET AS REQUIRED BY ARTICLE 7-1.08.E OF THE CALVERT COUNTY ZONING ORDINANCE AND SECTION 3-108, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

DATE _____ REGISTERED SURVEYOR _____

CURVE DATA					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING
C1	96.28'	436.33'	12°38'36"	48.34'	S 75°33'14" E 96.09'
C2	101.96'	917.32'	06°20'36"	50.83'	S 72°24'14" E 101.91'
C3	209.54'	195.59'	61°23'01"	116.10'	N 44°33'01" W 192.67'
C4	193.47'	180.59'	61°23'01"	107.19'	N 44°53'01" W 184.35'
C5	103.22'	932.32'	06°20'36"	51.66'	N 72°24'14" W 103.17'
C6	92.97'	421.33'	12°38'36"	46.68'	N 75°33'14" W 92.79'
C7	245.96'	240.59'	58°28'45"	136.69'	S 43°25'53" E 235.04'
C8	229.78'	223.59'	58°21'33"	125.97'	N 43°25'17" W 219.97'
C9	58.34'	411.17'	08°07'46"	29.22'	S 37°41'24" W 58.29'
C10	102.79'	292.15'	19°41'17"	51.91'	S 31°54'38" W 102.29'
C11	124.82'	85.00'	84°08'05"	76.72'	S 64°08'02" W 113.90'

CRITICAL AREA DEVELOPMENT RIGHTS SUMMARY

Parcel 4 acreage in the Critical Area is 35.16 acres±.

Critical Area development rights on Parcel 4 equals three lots.

Per Calvert County Code 8.1.05H.2.b, "A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots shall be intrafamily transfer lots and shall be recorded as such.

Lots 3 and 4 are in the Critical Area and are intrafamily transfer lots and their creation extinguishes two Critical Area development rights.

Lot 5 is in the Critical Area and its creation extinguishes one Critical Area development right.

The creation of Lots 3 through 5 by this subdivision extinguishes three of the three development rights available to Parcel 4.

There are no remaining development rights associated with the Critical Area portion of Parcel 4.

FAMILY CONVEYANCE AFFIDAVIT

WE, BRIAN P. FERGUSON, CLARE M. CAPPS, R. MICHAEL FERGUSON AND MARY JANE F. GRIFFIN, THE OWNERS OF THE PROPERTY SHOWN HEREON, DO HEREBY ASSIGN THE LOT BEING CREATED AS FAMILY CONVEYANCE LOT 2, BUTTONWOOD, TO CHRISTOPHER CAPPS, SON OF CLARE M. CAPPS, IN ACCORDANCE WITH ARTICLES 5-1.02.D.6 AND 7-1.06.11-13 OF THE CALVERT COUNTY ZONING ORDINANCE.

DATE	WITNESS	OWNER: BRIAN P. FERGUSON
DATE	WITNESS	OWNER: CLARE M. CAPPS
DATE	WITNESS	OWNER: R. MICHAEL FERGUSON
DATE	WITNESS	OWNER: MARY JANE F. GRIFFIN

NOTARY SIGNATURE AND SEAL _____ DATE _____

COORDINATES		
NO.	NORTH	EAST
M5	273179.26	1457350.13
M6	273146.92	1457475.87
M7	272928.92	1457797.24
M8	272953.12	1457713.93

PLAT TWO *Not in CA*

FAMILY CONVEYANCE LOT 2 AND NON-BUILDABLE AGRICULTURAL PARCELS "B" & "C"

BUTTONWOOD

LOCATED IN ST. LEONARD FIRST DISTRICT, CALVERT COUNTY, MARYLAND

PLANNING AND ZONING CASE NO. MSD 08-10-39

COLLINSON, OLIFF & ASSOCIATES, INC.

Surveyors • Engineers
Land Planners

110 MAIN STREET
PRINCE FREDERICK, MARYLAND 20678

410-535-3101 • 301-855-1599 • FAX 410-535-3103

DATE	MAR. 2010	SCALE	1" = 100'
JOB NO.	1-7136	DRAWN BY	SH
ELDR. REF.	TM 39-G2	APPROVED	VSQ
DATE	APR 27 2010	REVISION	
CRITICAL AREA COMMISSION Chesapeake & Atlantic Coastal Bays			

NOTES

- Stormwater management for Lot 3 shall be addressed upon building permit application.
- Conservation Areas: These land areas include, but are not limited to, improperly drained soils, adverse soil formations, steep slopes (25% or greater, 15% or greater in the Critical Area) and erodible soils. A minimum 10' setback must be provided adjacent to the conservation area. These land areas shall not be developed unless it cannot be avoided and the applicant develops adequate methods to solve the problems created by disturbing unsuitable land conditions and these methods receive the approval of the Planning Commission, with recommendations from the appropriate County agencies. No structure, grading or clearing shall be permitted on existing steep slopes or within 10 feet of the steep slopes.
- A minimum buffer zone of 50 feet of undisturbed natural vegetation shall be maintained from the boundaries of the non-tidal wetlands landward. In the case of tidal waters and wetlands, the buffer shall be a minimum of 100 feet. These buffer areas shall remain undisturbed in perpetuity and to serve for water quality benefits. When any disturbance is proposed within 100 feet of the edge of the wetland buffer, protective snow fencing shall be placed 10 feet beyond the edge of the buffer. The issuance of County permits or approval is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR, the Federal Water Pollution Control Act or the Rivers and Harbors Act.
- 100 Year Flood Plain: Uses restricted to those permitted within the Flood Plain District. No residential construction is permitted within the 100 year flood plain.
- There are no perennial or intermittent streams or associated buffers within the platted area shown hereon.
- If archaeological materials are discovered during site work, the contractor for development shall cease work and contact the Historic Preservation Planner at the Department of Planning and Zoning immediately, so that the remains/findings may be evaluated and the information recorded in the interest of documenting the heritage of Calvert County.
- At a minimum, buildings shall be arranged to avoid facing the front of a house and the rear of another.
- Within Farm Communities, farming practices that may conflict with residential use activities will be occurring on adjacent lands and are permitted by right.
- This plat was prepared without benefit of a title report.
- In accordance with Article 5-2.01.C.3 of the Calvert County Zoning Ordinance, clustering is not required in the Critical Area and subdivisions that are limited to no more than five lots. The owner is restricting Parcel 4 to five lots or less in perpetuity. Consequently, this subdivision, in its entirety, is exempt from meeting the cluster requirements.
- Per Article 7-1.05.F.2.b of the Calvert County Zoning Ordinance, if the owner voluntarily restricts the maximum number of lots to no more than five (including existing residences), then all five lots are exempt from the Adequate Public Facilities Ordinance (APFO). Consequently, Lots 1 through 5 use the five permitted APFO exemptions permitted Parcel 4.
- A portion of this site (Parcel 4) is included within a Calvert County Agricultural Preservation District (APD 04-14). This APD was recorded on June 17, 2004 (K.P.S. 2221/625). The Certification of Development Options for Transferred Development Rights (TDR's) was recorded on September 7, 2004 (K.P.S. 2282/448). TDR's were subsequently sold and covenants were recorded over the APD for permanent preservation on July 31, 2008 (K.P.S. 3187/212). On September 8, 2009, the Calvert County Agricultural Preservation Board (APAB) approved the creation of three lots within APD 04-14 and seven agricultural parcels. Five TDR's were previously deducted from the TDR calculations under the recorded Development Option Agreement for the one dwelling included in APD 04-14. Consequently, five TDR's must also be applied for the creation of the two additional lots approved by the APAB for a total of ten TDR's. The ten TDR's must be retired from the applicant's inventory or otherwise applied, and certified by the Rural Preservation Planner prior to final plat approval.
- Non-buildable Agricultural Parcel "A" through "G" created by this subdivision can not be subsequently combined with any other lot or parcel (by deed or plot). Non-buildable Agricultural Parcels "A" through "G" are non-buildable for residential, commercial or industrial purposes, unless otherwise permitted by the Calvert County Zoning Ordinance and/or until such time that the property owner obtains final approval from the Calvert County Planning Commission or its designee, as a buildable lot/parcel.
- A portion of Parcel 4 (35.16 acres) is located within the Critical Area, Resource Conservation District (RCA). Per Article 8-1.05.H.2.b of the Calvert County Zoning Ordinance, parcels which contain 12 acres or more, but less than 60 acres within the RCA, may be divided into three lots (one conventional and two Intra-family Transfer lots). Intra-family Transfer Lots 3 & 4 and Lot 5 are the three lots permitted within the Critical Area portion of Parcel 4.
- Intra-family Transfer Lots 3 and 4 may only be created for immediate family members. The deeds for Intra-family Transfer Lots 3 & 4 shall identify the family members to receive the lots and contain a covenant that specifies the lots are subject to the provisions of Article 8.05.H.3.c of the Calvert County Zoning Ordinance. An Intra-family Transfer lot may not be subsequently conveyed to any person other than an immediate family member, except as provided under Article 8-1.05.H.4 and the number of Intra-family Transfer lots shall be limited to one per family member.
- Neither the individual lots, nor the total acreage within the Critical Area portion of the subdivision, may exceed the 15% impervious surfaces (or lot coverage) threshold, whichever applies.
- The lateral lines shown hereon are in accordance with Article 9-5.01 of the Calvert County Zoning Ordinance.
- Should any buffers convert from agricultural to any other use, afforestation is required per Article 8-1.08.D.3.d.vi of the Calvert County Zoning Ordinance.
- The 100' Critical Area Buffer has been expanded hereon to include contiguous steep slopes (15% or greater).
- Shagbark Lane shall be private, non-county owned and maintained and shall not be petitionable to the County for county ownership or for County maintenance. The road standard shall be 16' wide gravel where possible, but may be reduced in areas where the trees lining the existing driveway will not allow the full 16' width. The improvements shall be required with this building permit application for Lot 3 or 4, whichever comes first. The lot owners shall be responsible for providing for road maintenance, including snow removal and repairs, as well as other improvements and road services normally provided by the County.
- The afforestation (buffer plantings) and required bonding for Lots 3 and 4 shall be addressed as part of the building permit application for each lot and subsequent to planting, the buffer and forest protection areas shall be deemed no-cut/no-clear areas.

HEALTH DEPARTMENT

DATE _____

HEALTH OFFICER _____

DIRECTOR OF ENVIRONMENTAL HEALTH _____

SANITARIAN _____

HEALTH OFFICER'S CERTIFICATION

THIS SUBDIVISION SATISFIES THE REQUIREMENTS OF THE MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03 ALLOWING FOR INDIVIDUAL WATER SYSTEMS AND INDIVIDUAL SEWERAGE SYSTEMS IN THE SUBDIVISION OF LAND SERVING SINGLE FAMILY DWELLINGS ONLY, AND IT IS IN CONFORMANCE WITH THE CURRENT COUNTY WATER AND SEWERAGE PLAN FOR WATER PLANNING CATEGORY W6 AND SEWERAGE PLANNING CATEGORY S6.

THIS HEALTH DEPARTMENT APPROVAL CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN CONFORMANCE WITH PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE, HOWEVER, THIS APPROVAL IS SUBJECT TO CHANGES IN SUCH LAWS AND REGULATIONS. CHANGES IN TOPOGRAPHY OR SITE DESIGNATIONS MAY VOID THIS APPROVAL. THE DESIGNATED PERC AREA IS THE ONLY PERC AREA APPROVED BY THE CALVERT COUNTY HEALTH DEPARTMENT FOR SEWAGE DISPOSAL PURPOSES. THE APPROVED LOT INCLUDES AN APPROVED AREA OF AT LEAST 10,000 SQUARE FEET FOR SEWAGE DISPOSAL PURPOSES AS REQUIRED BY CURRENT MARYLAND DEPARTMENT OF THE ENVIRONMENT LAW. IMPROVEMENTS OF ANY NATURE, INCLUDING, BUT NOT LIMITED TO THE INSTALLATION OF OTHER UTILITY LINES IN THIS AREA, MAY RENDER THE LOT UNDEVELOPABLE. TO DETERMINE THE EXACT AREA OF THE LOT APPROVED FOR SUCH PURPOSES, YOU SHALL CONTACT THE CALVERT COUNTY HEALTH DEPARTMENT, OFFICE OF ENVIRONMENTAL HEALTH.

CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	124.82'	85.00'	84°08'05"	76.72'	N 64°08'02" E	113.90'
C2	102.79'	299.15'	19°41'17"	51.91'	N 31°54'38" E	102.29'
C3	58.34'	411.17'	08°07'48"	29.29'	N 37°47'24" E	58.29'
C4	139.53'	110.00'	72°40'40"	80.92'	S 81°02'10" W	130.36'
C5	123.45'	115.00'	61°30'15"	68.42'	S 75°26'57" W	117.60'
C6	177.59'	140.00'	72°40'40"	102.99'	N 81°02'10" E	165.92'
C7	219.24'	275.00'	45°40'45"	115.82'	N 70°47'39" E	213.48'
C8	233.06'	300.00'	44°30'39"	122.77'	S 71°22'42" W	227.24'

OWNER'S CERTIFICATION

WE, THE UNDERSIGNED OWNERS AND ALL PARTIES HAVING PROPRIETARY INTEREST IN THIS PROPERTY HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKS AND OTHER AREAS AS SPECIFIED. THE STREETS, ROADS, OPEN SPACES AND PUBLIC SITES SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND RECORDING OF THE FINAL PLAT SHALL NOT BE DEEMED TO CONSTITUTE OR EFFECT AN ACCEPTANCE BY THE COUNTY COMMISSIONERS. ACCEPTANCE BY THE COUNTY MAY BE ACCOMPLISHED BY A SUBSEQUENT APPROPRIATE ACT.

A UTILITY EASEMENT IS ESTABLISHED TEN FEET IN WIDTH, BINDING ON ALL RIGHT-OF-WAYS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES. ALL UTILITIES INCLUDING GAS, ELECTRIC AND COMMUNICATION SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE PUBLIC SERVICE COMMISSION ORDER NO. 80316. THE TELEPHONE COMPANY MAY REQUIRE A PRE-CONSTRUCTION REFUNDABLE DEPOSIT IN ACCORDANCE WITH PARAGRAPH 7 OF THAT ORDER.

WE HEREBY CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE, THE REQUIREMENTS OF SECTION 3-10B, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, 1974 EDITION, AS CURRENTLY AMENDED, AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS, HAVE BEEN MET.

DATE _____ WITNESS _____ OWNER: BRIAN P. FERGUSON
P.O. BOX 30
ST. LEONARD, MD 20685

DATE _____ WITNESS _____ OWNER: CLARE M. CAPPS

DATE _____ WITNESS _____ OWNER: R. MICHAEL FERGUSON

DATE _____ WITNESS _____ OWNER: MARY JANE F. GRIFFIN

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS THE SUBDIVISION OF PART OF THE LAND CONVEYED BY RAYMOND N. BAKER, ANNE G. BAKER, CLARE M. BAKER, CATHERINE B. DAVIS, PETER G. BAKER, ELLEN B. SMYTH, R. GARRITY BAKER, CHRISTOPHER L. BAKER, TIMOTHY L. BAKER AND GERALDINE GARRITY TO CLARE M. CAPPS, R. MICHAEL FERGUSON, BRIAN P. FERGUSON AND MARY JANE F. GRIFFIN BY DEED DATED DECEMBER 12, 1995 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER A.B.E. 636 AT FOLIO 641.

PERMANENT MONUMENTS AND METAL RODS OR PIPES HAVE BEEN SET AS REQUIRED BY ARTICLE 7-1.08.E OF THE CALVERT COUNTY ZONING ORDINANCE AND SECTION 3-10B, REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

DATE _____ REGISTERED SURVEYOR _____

CRITICAL AREA LOT COVERAGE LIMITS TABLE			
LOT	AREA WITHIN CRITICAL AREA	EXISTING LOT COVERAGE AREA	ALLOWED LOT COVERAGE AREA (15%)
LOT 3	3.00 AC±	0 SF±	19,602 SF±
PARCEL "D"	3.25 AC±	850 SF±	44,841 SF± (15%)
PARCEL "E"	3.25 AC±	0 SF±	21,295 SF±

*5,275 SF OF ALLOWED LOT COVERAGE WAS SUBTRACTED FROM PARCEL "D" TO COMPENSATE FOR THE ROADWAY WITHIN SHAGBARK LANE

CRITICAL AREA ALLOWED CLEARING TABLE			
LOT	AREA WITHIN C.A.	EXISTING FOREST	ALLOWED CLEARING
LOT 3	3.00 AC±	31,454 SF±	1,916 SF± (6%)
PARCEL "D"	7.67 AC±	2.89 AC±	37,774 SF± (30%)
PARCEL "E"	3.25 AC±	1.45 AC±	18,984 SF± (30%)

FOREST PROTECTION AREA TABLE			
LOT	FOREST AREA	REQUIRED FOREST	AREA IN FPA
LOT 3	3.00 AC±	19,602 SF± (15%)	28,538 SF± (23%)

- LEGEND**
- LIMIT OF CRITICAL AREA NON-DISTURBANCE VEGETATED BUFFER
 - BUILDING RESTRICTION LINE
 - ASSIGNED PREMISE ADDRESS
 - CONSERVATION AREA
 - NON-TIDAL WETLANDS
 - 100 YEAR FLOOD PLAIN
 - FOREST PROTECTION AREA

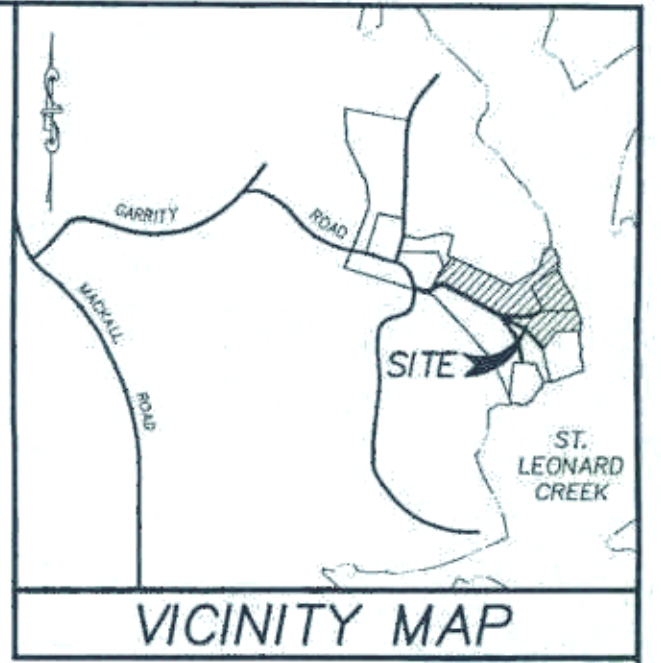
SIGHT DISTANCE CERTIFICATION

I HEREBY CERTIFY THAT THE SIGHT DISTANCE AT THE ENTRANCE OF SHAGBARK LANE ONTO GARRITY ROAD MEETS OR EXCEEDS THE REQUIREMENTS OF THE CALVERT COUNTY ROAD SPECIFICATION PLATE RD-9.

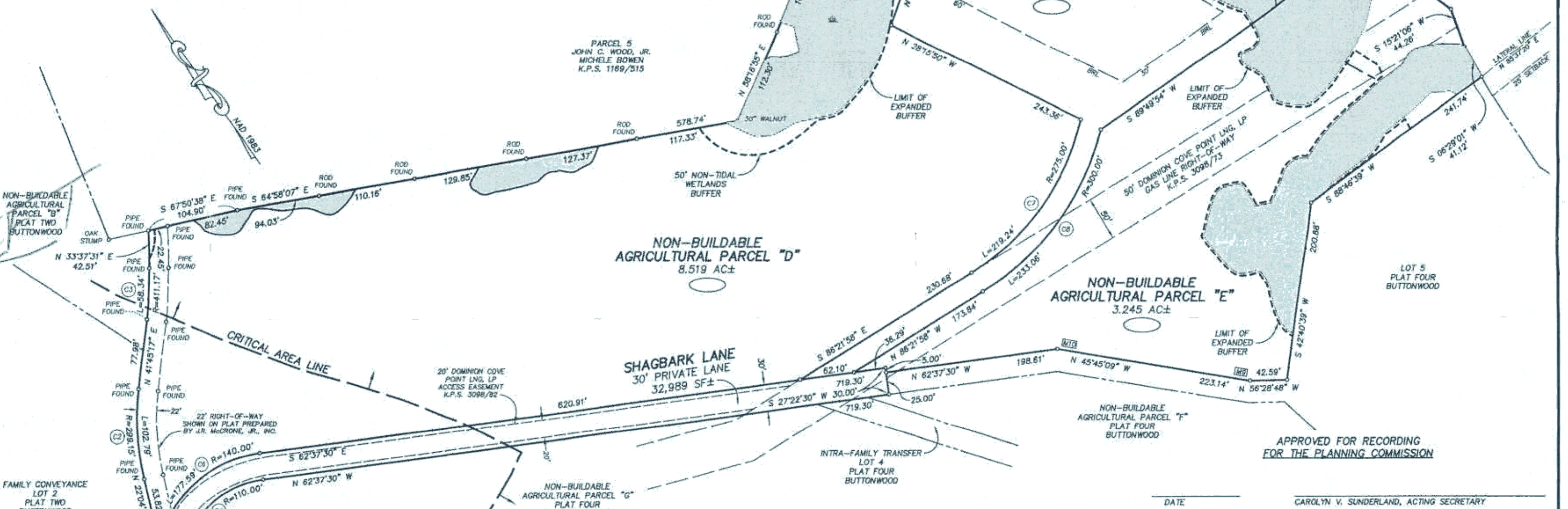
DATE _____ REGISTERED SURVEYOR _____

COORDINATES

NO.	NORTH	EAST
M7	272928.92	1457797.24
M8	272953.12	1457713.93
M9	272394.40	1458017.93
M10	272550.10	1458668.09



TAX MAP 39 PARCEL 4
SCALE: 1" = 2000'
TAX ID NO. 01 016431



CRITICAL AREA DEVELOPMENT RIGHTS SUMMARY

Parcel 4 acreage in the Critical Area is 35.16 acres±.
Critical Area development rights on Parcel 4 equals three lots.
Per Calvert County Code 8.1.05.H.2.b, "A parcel that is 12 acres or more and less than 60 acres in size may be subdivided into three lots. Two of the lots shall be intrafamily transfer lots and shall be recorded as such."
Lots 3 and 4 are in the Critical Area and are intrafamily transfer lots and their creation extinguishes two Critical Area development rights.
Lot 5 is in the Critical Area and its creation extinguishes one Critical Area development right.
The creation of Lots 3 through 5 by this subdivision extinguishes three of the three development rights available to Parcel 4.
There are no remaining development rights associated with the Critical Area portion of Parcel 4.

NUMBER OF LOTS SHOWN ON THIS PLAT	
NO. OF CONVENTIONAL LOTS	1
NO. OF TDR LOTS	0
NO. OF RECEIVING AREA LOTS	0
NO. OF FAMILY CONVEYANCE LOTS	0
TOTAL NO. OF NEW LOTS	1
TOTAL NO. OF REVISED LOTS	0

ACREAGE TABULATIONS FOR THIS PLAT	
ACREAGE OF NEW LOTS	3.000 AC±
ACREAGE OF REVISED LOTS	0 AC±
ACREAGE OF OPEN SPACE	0 AC±
ACREAGE OF RECREATION AREA	0 AC±
ACREAGE OF PUBLIC RIGHT-OF-WAYS	0 AC±
ACREAGE OF PRIVATE LANES	0.787 AC±
ACREAGE OF WIDENING STRIPS	0 AC±
ACREAGE OF OUTLOTS	0 AC±
ACREAGE OF REVERTIBLE PARCELS	0 AC±
ACREAGE OF AGRICULTURAL PARCELS	11.764 AC±
TOTAL ACREAGE SHOWN ON THIS PLAT	15.521 AC±

APFO INFORMATION FOR THIS PLAT	
APFO EXEMPT LOTS ON THIS PLAT	1



COLLINSON, OLIFF & ASSOCIATES, INC.

Surveyors • Engineers
Land Planners

110 MAIN STREET
PRINCE FREDERICK, MARYLAND 20678

410-535-3101 • 301-855-1599 • FAX 410-535-3103

PLAT THREE

INTRA-FAMILY TRANSFER LOT 3, SHAGBARK LANE AND
NON-BUILDABLE AGRICULTURAL PARCELS "D" & "E"

BUTTONWOOD

LOCATED IN ST. LEONARD
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
PLANNING AND ZONING CASE NO. MSD 08-10-39

DATE	SCALE
MAR. 2010	1" = 100'
JOB NO.	DRAWN BY
1-7136	SH
PLAT REF.	APPROVED
FM 39 C1	150
DATE	REVISION
APR 27 2010	

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

CRITICAL AREA INTRA-FAMILY CONVEYANCE AFFIDAVIT

WE, BRIAN P. FERGUSON, CLARE M. CAPPS, R. MICHAEL FERGUSON AND MARY JANE F. GRIFFIN, THE OWNERS OF THE PROPERTY SHOWN HEREON, DO HEREBY ASSIGN THE LOT BEING CREATED AS INTRA-FAMILY TRANSFER LOT 3, BUTTONWOOD, TO RACHEL FERGUSON, DAUGHTER OF R. MICHAEL FERGUSON.

DATE _____ WITNESS _____ OWNER: BRIAN P. FERGUSON

DATE _____ WITNESS _____ OWNER: CLARE M. CAPPS

DATE _____ WITNESS _____ OWNER: R. MICHAEL FERGUSON

DATE _____ WITNESS _____ OWNER: MARY JANE F. GRIFFIN

NOTARY SIGNATURE AND SEAL _____ DATE _____