

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/

January 20, 2010

Ms. Roxana Whitt
Calvert County Board of Appeals
150 Main Street
Prince Frederick, Maryland 20678

Re: Cooper/ASSK, LLC 09-3575

Dear Ms. Whitt,

This letter is in opposition to the requested variance by the applicant, ASSK, LLC (#09-3575). The applicant is seeking a variance to impact steep slopes and to exceed the 30% forest clearing limit. We acknowledge that the applicant made revisions to the site plan resulting in a reduction of impacts when compared to the previous plans submitted. However, the applicant has failed to demonstrate that each and every one of the strict variances standards has been met in regard to the plan of November 2009. The variance should therefore be denied.

Following implementation of the requirements from Chapter 119 of the 2008 Laws of Maryland, the following comments apply to the variance application.

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

The State law defines "unwarranted hardship" to mean (and the applicant must prove) that, without the requested variance, the applicant would be denied reasonable and significant use of **the entire parcel or lot**. The property is 1.44 acres in size and can be reasonably developed with significantly less impact to slopes and forest resources than proposed. In this case, sensitive site features do not support the additional environmental burden caused by the proposed pool and patio. The applicant can achieve reasonable and significant use of the property with a modest dwelling. The lack of a pool and associated amenities does not constitute an unwarranted hardship to the applicant. The Board should require the applicant to locate the pool outside the steep slopes and further reduce impacts to the forest stand wherever possible.

TTY for the Deaf

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



Ms. Whitt
January 22, 2010
Page Two

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

This office does not support similar variance requests to permit the type and extent of disturbances proposed to steep slopes and to forest resources, particularly as related to the request for a pool and patio. Further minimization of impacts and alterations to the site plan are necessary to reduce overall impacts to sensitive environmental resources.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

The granting of this variance would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to allow disturbances to steep slopes in order to accommodate a pool and patio confers a special privilege on the applicant that is not allowed on other lands within the jurisdiction's Critical Area.

4. *That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The request does not appear to be the result of actions by the applicants.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

The granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. Variances which permit impacts to steep slopes and the removal of trees in excess of 30% do create adverse impacts to water quality, fish, plant, and wildlife habitat. In this case, further minimization of overall impacts and elimination of the pool and patio altogether are possible and should be required by the Board.

In rendering a decision, the Board should also consider how impacts to steep slopes have been calculated in regard to how much impact is being reported. There appears to be substantial grading of steep slopes proposed which would be categorized as disturbance; however, only impervious surfaces proposed on steep slopes are listed. The Board should

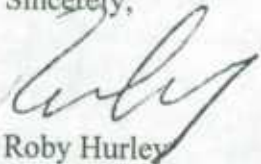
Ms. Whitt
January 22, 2010
Page Three

require an exact accounting of total disturbance to steep slopes. In addition, it appears that mitigation for forest impacts has not been correctly calculated. Clearing in excess of 30% requires mitigation of 3:1.

In summary, the applicants have failed to meet all five variance standards, therefore the variance should be denied.

Thank you for the opportunity to provide comments regarding this variance request. Please submit this letter as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3468.

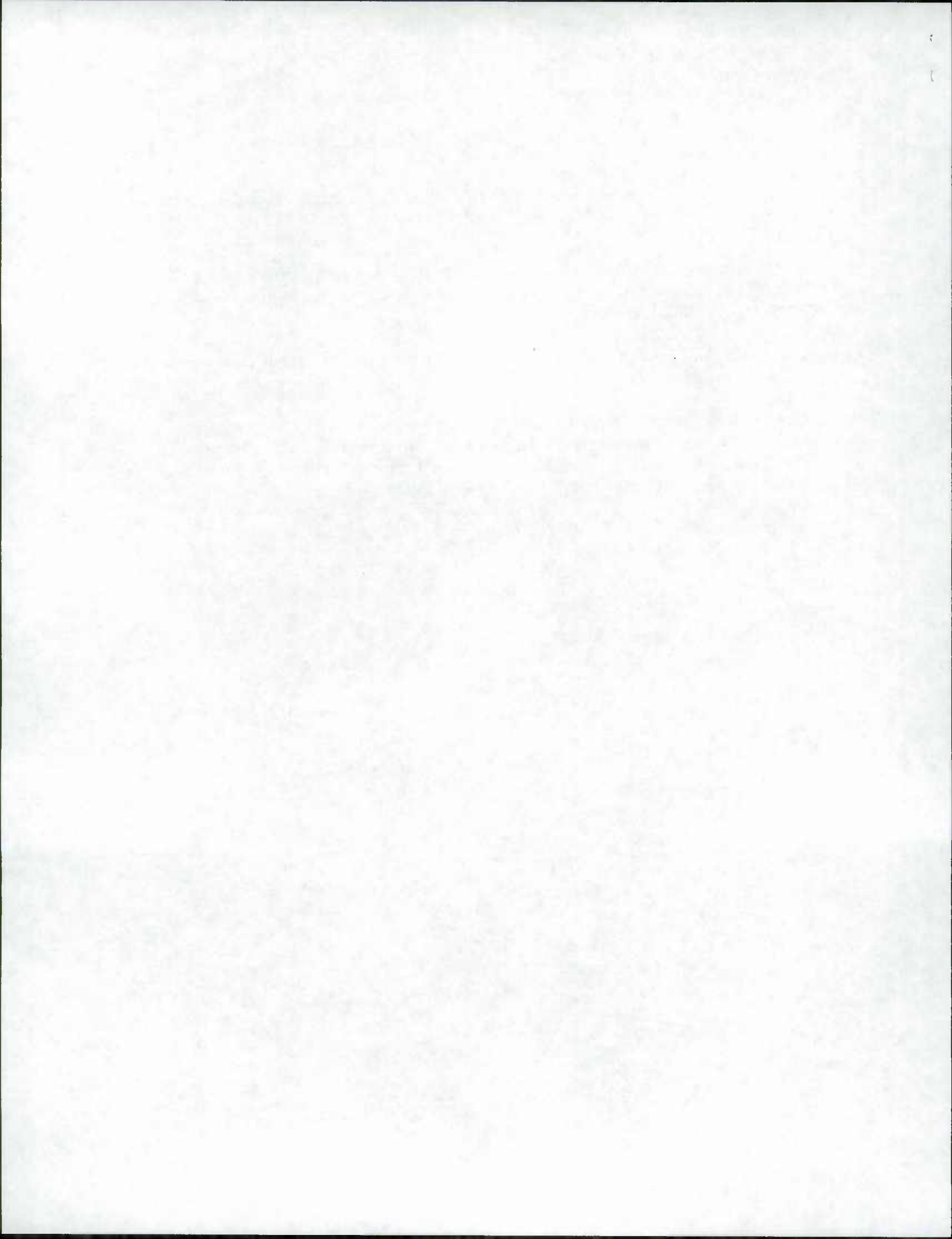
Sincerely,



Roby Hurley
Natural Resources Planner

RH/jjd

CA 611-08



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Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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May 14, 2009

Ms. Roxana Whitt
Calvert County Board of Appeals
150 Main Street
Prince Frederick, Maryland 20678

Re: Cooper/ASSK, LLC 09-3575

Dear Ms. Whitt,

Thank you for forwarding information regarding the above-referenced variance application. This application was delayed from a hearing scheduled in April 2009. The applicant proposes to construct a single family dwelling, associated infrastructure and pool on steep slopes as well as clear in excess of 30% on a 1.44 acre grandfathered lot. The property is classified as a Limited Development Area (LDA).

I have attached my letter of March 20, 2009. Because it appears that only minor details have been changed or added to the site plan and because there have been no changes in development setback and forest clearing, my letter stands.

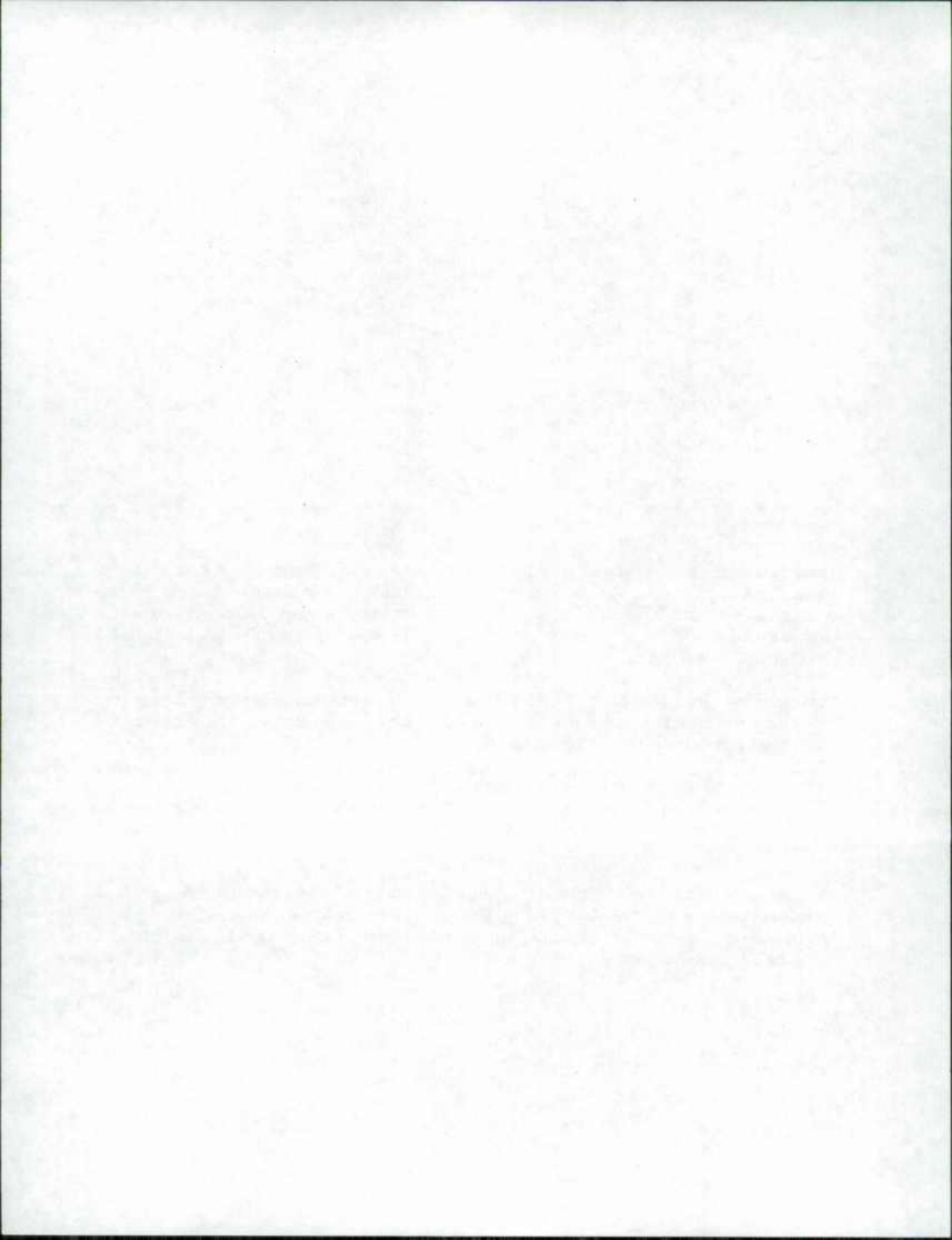
Because the applicant has failed to meet all of the County and State variance standards, this office recommends that the Board deny the applicant's request for this variance and require the applicant to locate the dwelling outside the steep slopes and forest stand to the maximum extent possible.

Thank you for the opportunity to provide comments regarding this variance request. Please include both letters within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3468.

Sincerely,

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

Roby Hurley
Natural Resources Planner
RH/jjd
CA 611-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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March 20, 2009

Ms. Roxana Whitt
Calvert County Board of Appeals
150 Main Street
Prince Frederick, Maryland 20678

Re: Cooper/ASSK, LLC 09-3575

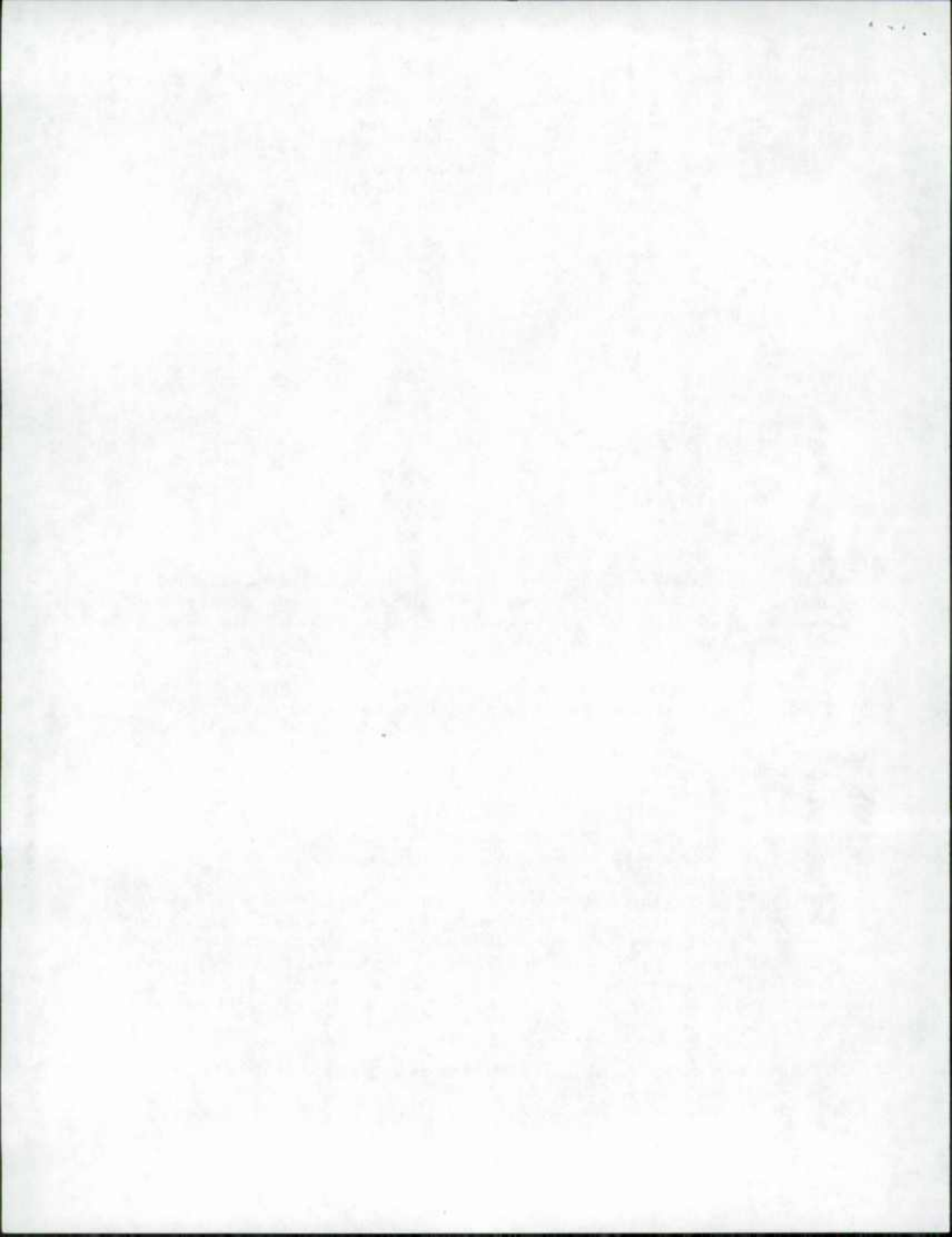
Dear Ms. Whitt,

Thank you for forwarding information regarding the above-referenced variance application. The applicant proposes to construct a single family dwelling, associated infrastructure and pool on steep slopes as well as clear in excess of 30% on a 1.44 acre grandfathered lot. The property is classified as a Limited Development Area (LDA).

Based on the information provided, this office is strongly opposed to the granting of a variance. The size and location of the proposed dwelling and pool is excessive given the forest stand location and the sensitive nature of steep slopes. The footprint of disturbance should be reduced. This office opposes granting the requested variance on this site because the applicant can construct the proposed dwelling with significantly less impact to the steep slopes and with less forest clearing.

Of special concern is the amount of forest clearing which appears to be 58%. This amount of clearing far exceeds the 30% clearing limit in the law and is excessive and avoidable. The Calvert County Ordinance gives the Board of Appeals authority to grant variances for clearing in excess of 30% provided that a mitigation plan at 3:1 is required. (8-1.03G.1.e.iv) If the County Board of Appeals has not advertised for a variance for this level of clearing they may need to re-advertise. Calculations provided by the consultant indicate 1:1 mitigation or 17,489 sq. ft. will be provided. However, 3:1 mitigation equals 52,494 sq. ft., and is required. The Calvert County Zoning Ordinance requires mitigation to be planted on either buffers, steep slopes or eroding areas. Not all of the proposed mitigation is located on the required areas. The 100 ft cliff buffer is available for mitigation forest establishment.

The following is an analysis of the requested variance for this project in the context of Calvert County's variance standards.



Disturbance to Steep Slopes and Clearing in excess of 30%

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets **each** one of the County's variance standards. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. In order to grant a variance, the Board of Appeals must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

Relevant Variance Standards

11-1.01.B6.c-the variance is the minimum adjustment necessary to afford relief from the regulations

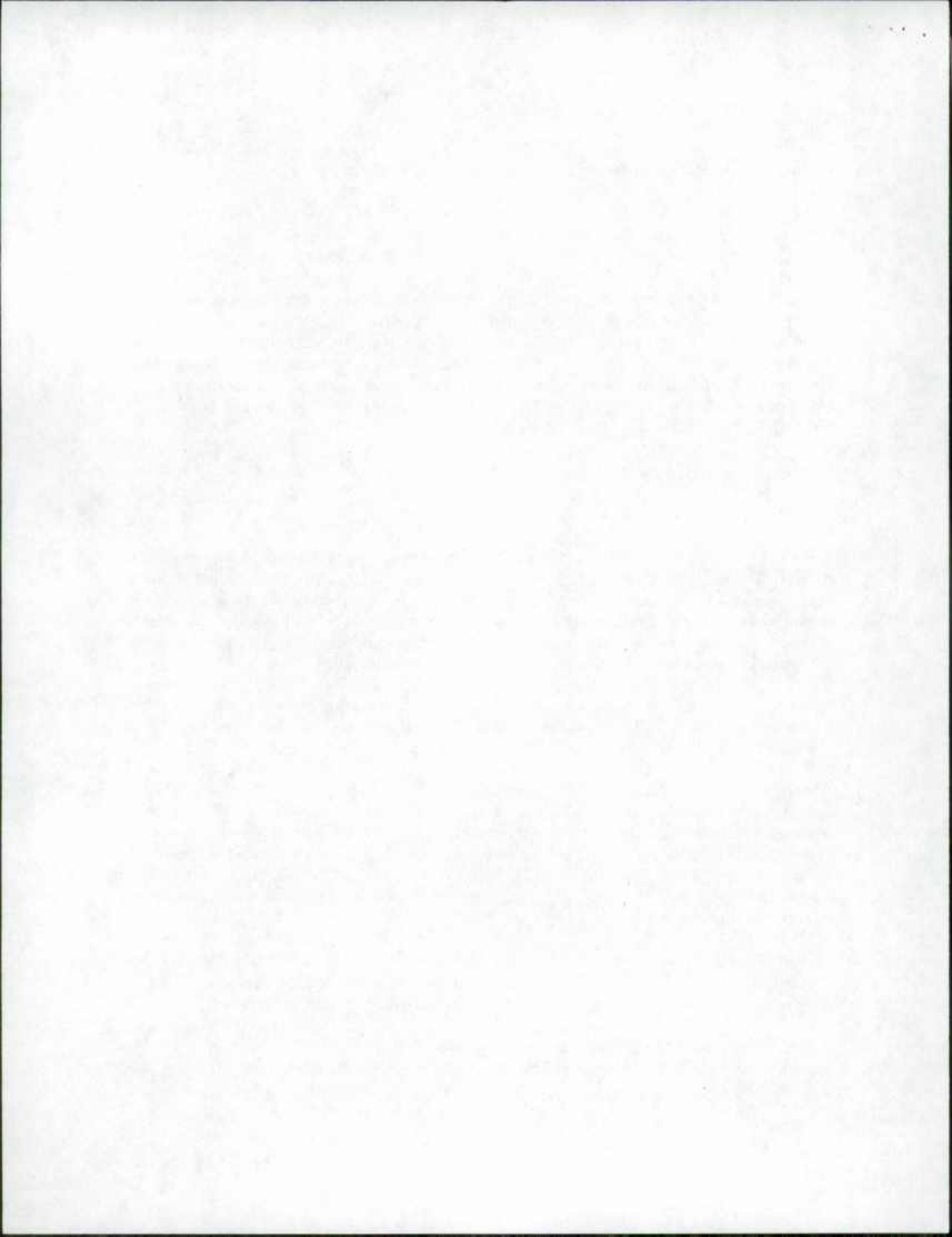
The size of the proposed dwelling, given its position on steep slopes is excessive and should be reduced. The location of the dwelling and the pool, which is centrally located on the steep slopes, does not reduce the impacts to both steep slopes and forests. Specifically, additional minimization of impacts to the steep slopes is possible and should be required. The requested variance is not the minimum adjustment necessary to afford relief from the regulations because the applicant can clearly build a house with a smaller footprint on this lot.

11-1.01.B6.d-special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship

Elimination of the proposed pool and minimization of the dwelling footprint would reduce impacts to the Critical Area and still allow the applicant reasonable and significant use of the property. While there are areas of steep slopes encumbering this property in places, the applicant could construct a dwelling so as to at least partially locate the proposed dwelling outside of the steep slopes and reduce forest clearing. The applicant has not demonstrated that an unwarranted hardship exists because reasonable and significant use of property is possible without the excess of impacts proposed.

11-1.01.B6.e-a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County

A literal interpretation of Calvert County's regulation of steep slopes will not deprive the applicant of a right commonly enjoyed by other properties in similar areas. This office does not support variances for development on steep slopes where the proposed development can be



constructed in conformance with the law. The applicant has not shown that construction of a dwelling on steep slopes and with excessive forest clearing is a right commonly enjoyed by any property in the Critical Area, or a right enjoyed by other properties in similar areas within the Calvert County Critical Area.

11-1.01.B6.f-the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support a similar variance request to disturb steep slopes where evidence has not been provided to show that it is necessary in order to locate a habitable dwelling. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the requested variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

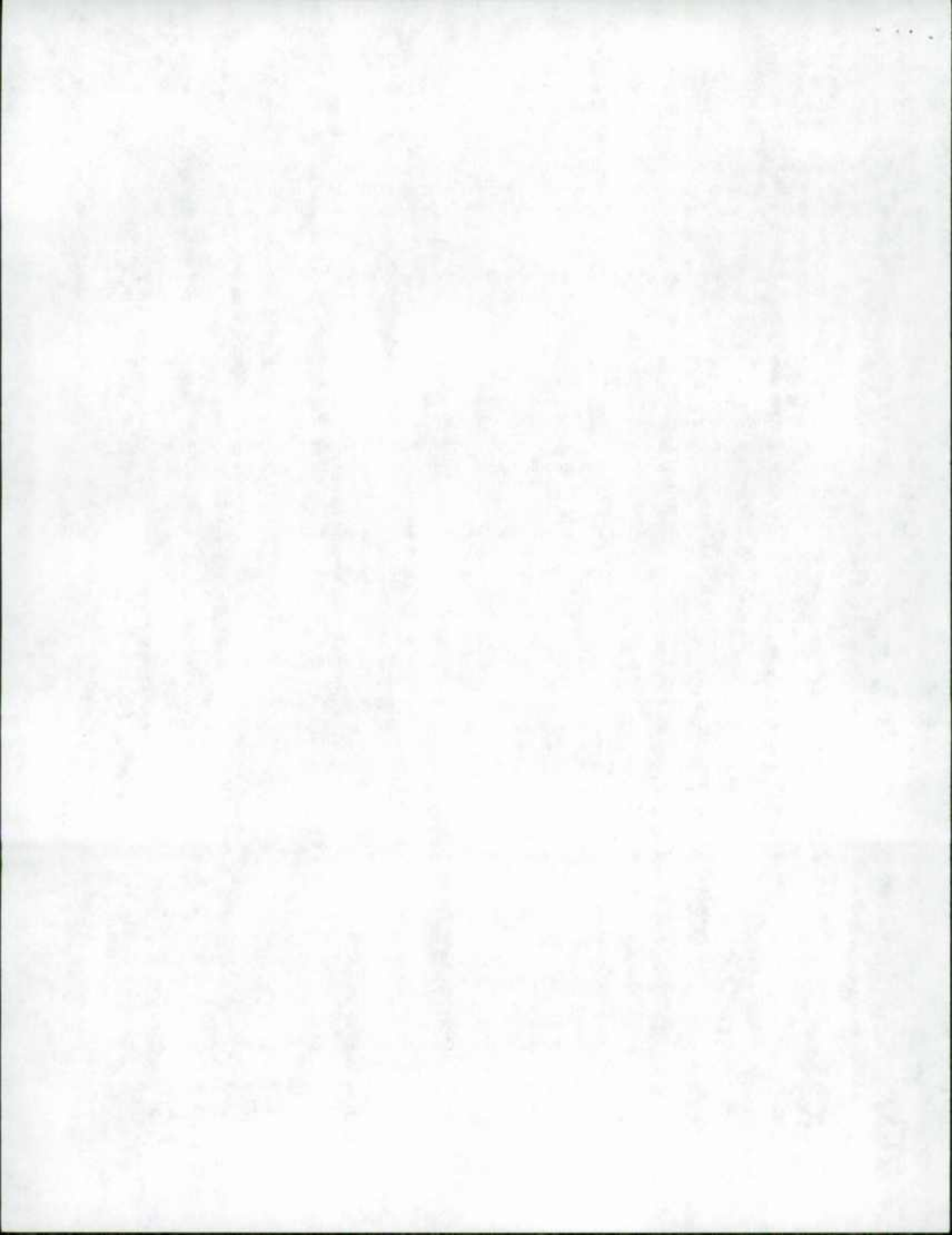
11-1.01.B6.g-the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Appeals may consider that fact; and

The variance request is based upon the actions of the applicant. It appears that the applicant has chosen to locate the proposed house such that it will create disturbance to steep slopes and excessive forest clearing, and consequently, the applicant has created the need for the variance. The applicant has not shown any reason that the proposed house could not be constructed partially outside of the steep slopes and without a variance for clearing.

11-1.01.B6.h-the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

In contrast with the above standard, granting the requested variances is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposed dwelling footprint within the forest stand and on steep slopes reduces habitat and increases the opportunity for erosion, thus impacting water quality. In addition, the footprint of disturbance as proposed is excessive given the site's environmental constraints.

This letter has addressed five of the relevant variance standards. Based on the information provided, none of the variance standards are met. The County and the State law provide that in order to grant a variance, the applicant must meet and satisfy each and every variance standard. This applicant has failed to meet all of the County standards. Because the applicant has failed to



Cooper/ASSK
CA 611-08
March 20, 2009
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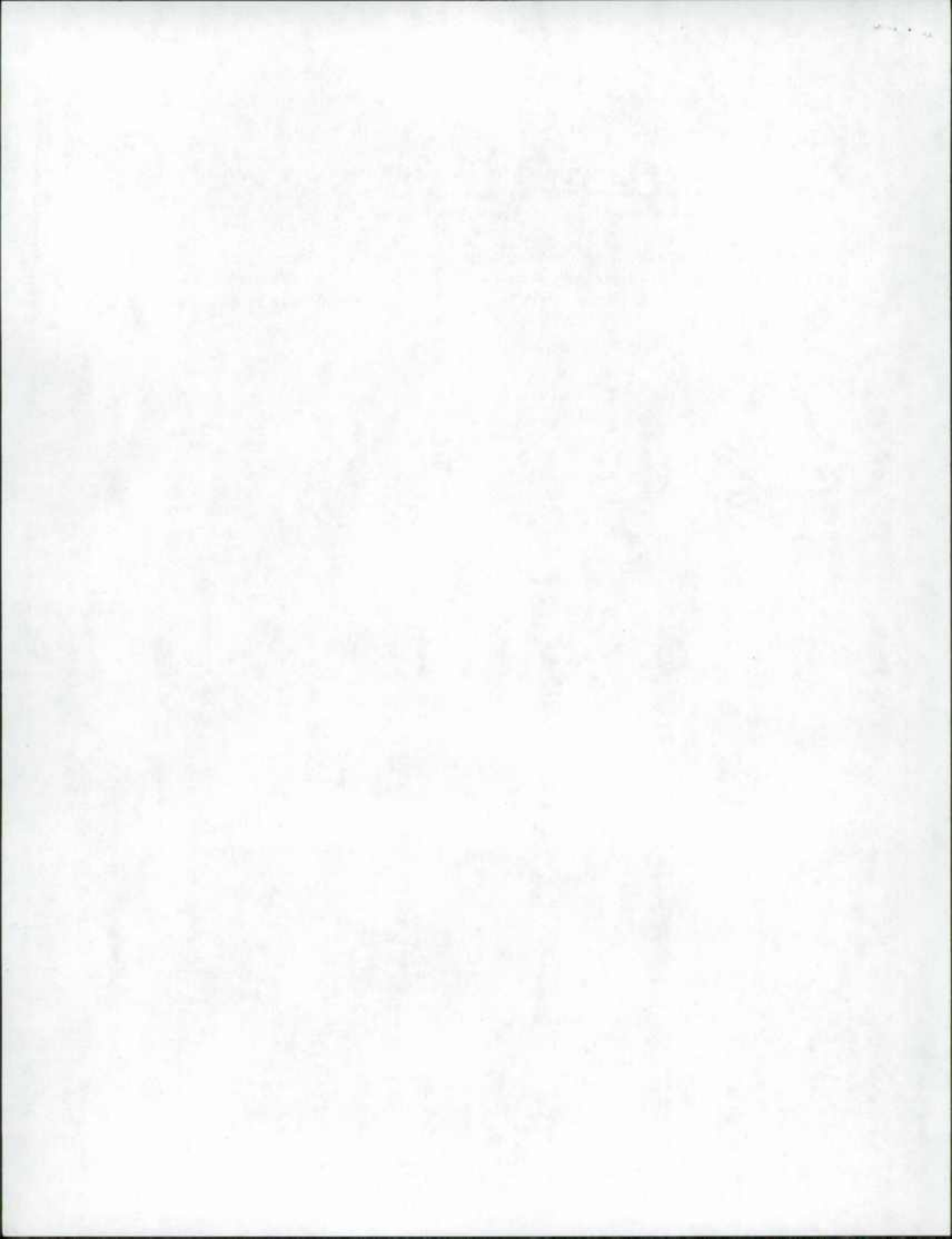
meet all of the County and State variance standards, this office recommends that the Board deny the applicant's request for this variance and require the applicant to locate the dwelling outside the steep slopes and forest stand to the maximum extent possible.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3468.

Sincerely,



Roby Hurley
Natural Resources Planner
CA 611-08



Martin O'Malley
Governor

Anthony G. Brown
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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/

November 13, 2008

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Cooper Building Permit 80691

Dear Mr. Swartz

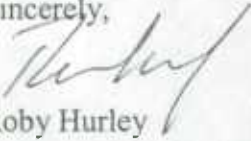
Thank you for forwarding information regarding the above-referenced building and grading application. The applicant proposes to construct a single family dwelling, associated infrastructure and pool on a 1.44 acre grandfathered lot. The property is within the Critical Area and it is classified as a Limited Development Area (LDA). In review, I offer the following comments:

1. It appears that this application was filed by October 1, 2008 and therefore may qualify to be grandfathered under the County's impervious surface area limits and policies in place prior to July 1, 2008. If the applicant intends for this project to be grandfathered in this sense, please note that Chapter 119 of the 2008 Laws of Maryland requires the applicant to submit a lot coverage plan to the County for review and approval by July 1, 2010. I call your attention to the plan note regarding perviousness of decks. This area is now considered lot coverage due to the gravel underneath. Alternatively, the applicant can apply the current lot coverage limits and policies. The site plan should be amended to reflect the intent of the applicant in regard to the impervious surface area/lot coverage requirements.
2. The grading application indicates that there are steep slopes in excess of 15%. On the plan, a 100-foot cliff Buffer is identified but there is no indication as to whether the expanded Buffer has been calculated.
3. Of special concern is the amount of forest clearing which appears to be in excess of the 30% threshold for permitted clearing. The Calvert County Ordinance requires Board of Appeals approval for this amount of clearing along with a plan for 3:1 mitigation.
4. The Building Restriction Line (BRL) is located inside of the 100 ft. Cliff Buffer and should be moved out, particularly since the line falls within a platted conservation area.
5. Please note that COMAR 27.01.02.04.C.3.c requires 80% of the forest area retained to be placed in a conservation easement or other protective mechanism. Please have the applicant address how this requirement will be met.

Mr. Swartz
November 12, 2008
Page Two

Thank you for the opportunity to provide comments. Please feel free to contact me at (410) 260-3468 if you have any questions.

Sincerely,



Roby Hurley
Natural Resource Planner
CA 611-08

**CALVERT COUNTY BOARD OF APPEALS
ORDER**

Case No. 09-3575

Public Hearing June 4, 2009 & February 4, 2010

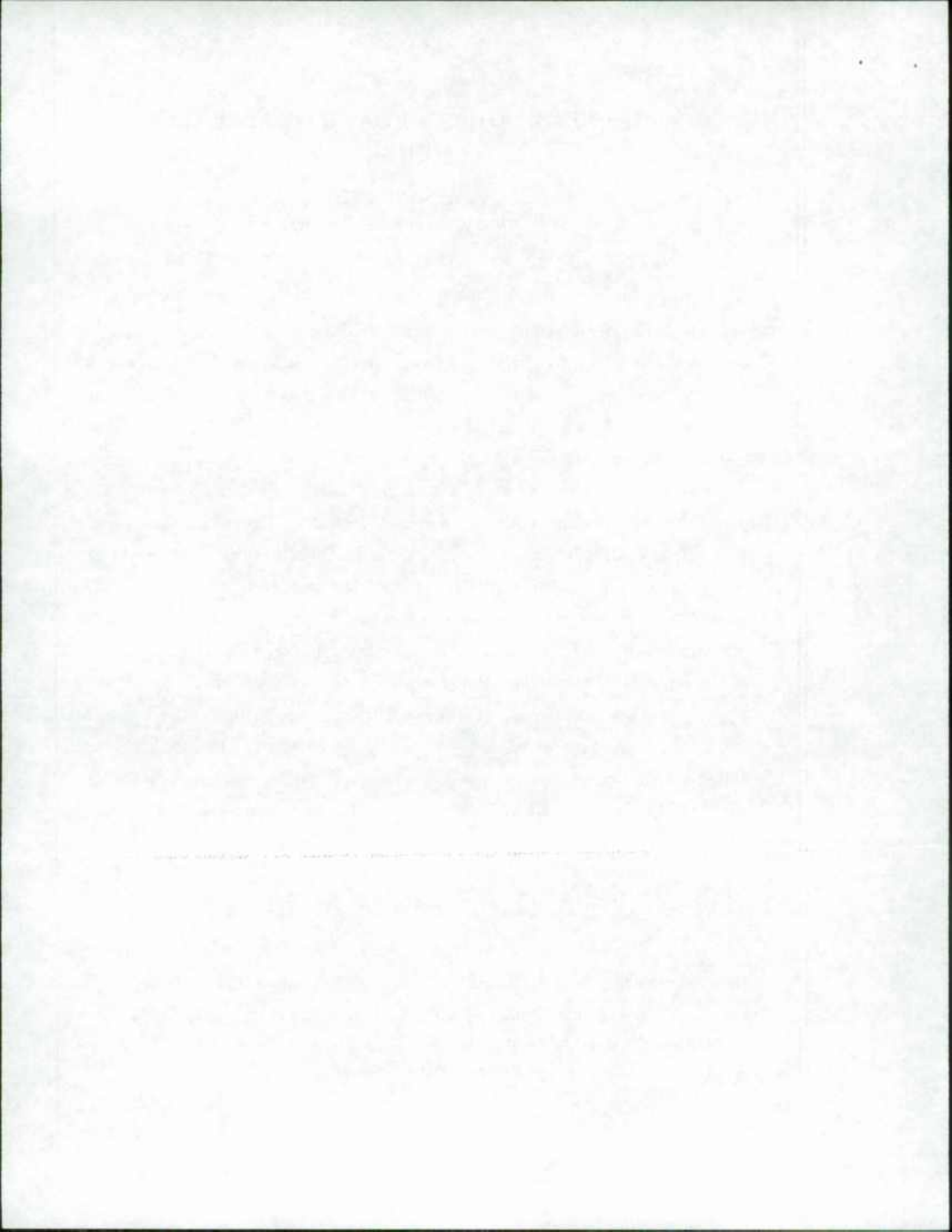
Kathy Bailey from R. A. Barrett & Associates has applied on behalf of the property owner ASSK, LLC for a variance in the steep slope requirement and a variance to clear more than 30% of the subject property for construction of a single family dwelling, pool, deck, garage, well and septic system. The property is located at 3159 Holland Cliffs Road, Huntingtown (Tax Map 17, Parcel 184, Lot 6B, Holland Cliff Shores) and is zoned RD Residential District.

The case was presented June 4, 2009 before Board of Appeals members Mr. Michael Reber, Chairman; Dr. Walter Boynton, Vice Chairman; and Mr. Michael Redshaw, Member; (the Board). Mr. Carlton Green, Esquire, served as the Board's Counsel. Mr. Steve Cooper and Mrs. Anna Lisa Cooper from ASSK, LLC and Mrs. Kathy Bailey from R. A. Barrett & Associates were present and testified at the hearing. The Board deferred action at the June hearing pending a site visit and requested the applicants consider an alternative design for the proposed construction that would minimize impacts to the steep slopes and clearing.

The case was again presented February 4, 2010 before Board of Appeals members Mr. Michael Reber, Chairman; Mr. Michael Redshaw, Member; and Mrs. Lisa Sanders, Member, (the Board). Mr. Carlton Green, Esquire, served as the Board's Counsel. Mr. Steve Cooper from ASSK, LLC and Mrs. Kathy Bailey from R.A. Barrett & Associates were present and testified at the hearing.

AUTHORITY OF THE BOARD OF APPEALS

The jurisdiction of the Board of Appeals is based on Article 66B of the Annotated Code of Maryland, as amended. Article 11 Section 1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section 8-1 of the Ordinance.



TESTIMONY & EVIDENCE PRESENTED

1. The following Applicant's Exhibits were entered into the record at the June 2009 hearing:
 - Exhibit No. 1 – Application
 - Exhibit No. 2 – Plat Submitted With Application
 - Exhibit No. 3 – Packet of Information
 - Exhibit No. 4 – Affidavit of Sign Posting
2. A Staff Report dated May 24, 2009, prepared by Roxana Whitt, Board of Appeals Administrator, was entered into the record at the June 2009 hearing and marked Staff Exhibit No. 1.
3. The following person testified at the June 2009 hearing:
 - Francis McLellan, 3157 Holland Cliffs Road, P. O. Box 1212, Huntingtown, MD 20639
4. The following correspondence was entered into the record at the June 2009 hearing:
 - Letter dated May 14, 2009 to Roxana Whitt from Roby Hurley, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
 - Letter dated March 20, 2009 to Roxana Whitt from Roby Hurley, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
 - Board of Appeals Review Comments for BOA Case 09-3575, from John Knopp, Project Engineer, Calvert County Department of Public Works, for 05-18-09
 - Memo dated April 29, 2009 to Roxana Whitt/Pam Helic, from Geoff Westbrook, Calvert Soil Conservation District, RE: Appeals Case No. 09-3575
 - Memo dated May 21, 2009 to Pam Helic from John Swartz, Department of Planning & Zoning, Rc Case No. 09-3575, Steven Cooper
5. The following Applicant's Exhibits were entered into the record at the February 2010 Hearing:
 - Exhibit No. 5 – Revised Plat
 - Exhibit No. 6 – Affidavit of Sign Posting

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6. A revised Staff Report dated January 20, 2010, prepared by Roxana Whitt, Board of Appeals Administrator, was entered into the record at the February 4, 2010 hearing and marked Staff Exhibit No. 2.
7. The following correspondence was entered into the record at the February 2010 hearing:
 - Letter dated January 20, 2010 to Roxana Whitt from Roby Hurley, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
 - Board of Appeals Review Comments for BOA Case 09-3575, from John Knopp, Project Engineer, Calvert County Department of Public Works, for February 4, 2010
 - Memo dated January 20, 2010 to Roxana Whitt/Pam Helie, from Geoff Westbrook, Calvert Soil Conservation District, RE: Appeals Case No. 09-3575

FINDINGS OF FACT & CONCLUSIONS

Based on the application, site visit, and testimony and evidence presented at the hearings the Board makes the following Findings of Fact and Conclusions pursuant to Article 11-1.01.B of the Calvert County Zoning Ordinance:

1. The Board finds the case was properly advertised, the property was posted, and affected property owners were notified in accordance with the Board's Rules of Procedure.
2. The Board verified the general findings of fact included in the Staff Report for this case, and those findings are hereby incorporated as Findings of Fact by the Board:
 - The property consists of 1.44 acres and is situated between Holland Cliffs Road and the Patuxent River. A ~420-foot pipe-stem section of the lot leads from the roadfront to the buildable area of the property. The upper portion of the buildable area is a relatively level knoll. Beyond the knoll, the terrain falls quite steeply (~20% grade) westward until it reaches a grass plateau that lies just inside the cliff face along the River. The steep hillside and cliff face are wooded.
 - The 100-foot waterfront buffer encompasses the cliff face and a small portion of the grass plateau. The buffer is expanded by 25 feet to protect the erodible soils in that area.
 - The applicant proposes construction of a house with an attached pool, deck and garage. The overall house/pool/deck dimensions are ~72' X 55'. The proposed garage is ~24' x 30'.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 351

LECTURE 10

STATISTICAL MECHANICS

ENTROPY

AND THE SECOND LAW

OF THERMODYNAMICS

LECTURER: JOHN H. COLEMAN

LECTURE 10

STATISTICAL MECHANICS

ENTROPY

AND THE SECOND LAW

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LECTURER: JOHN H. COLEMAN

LECTURE 10

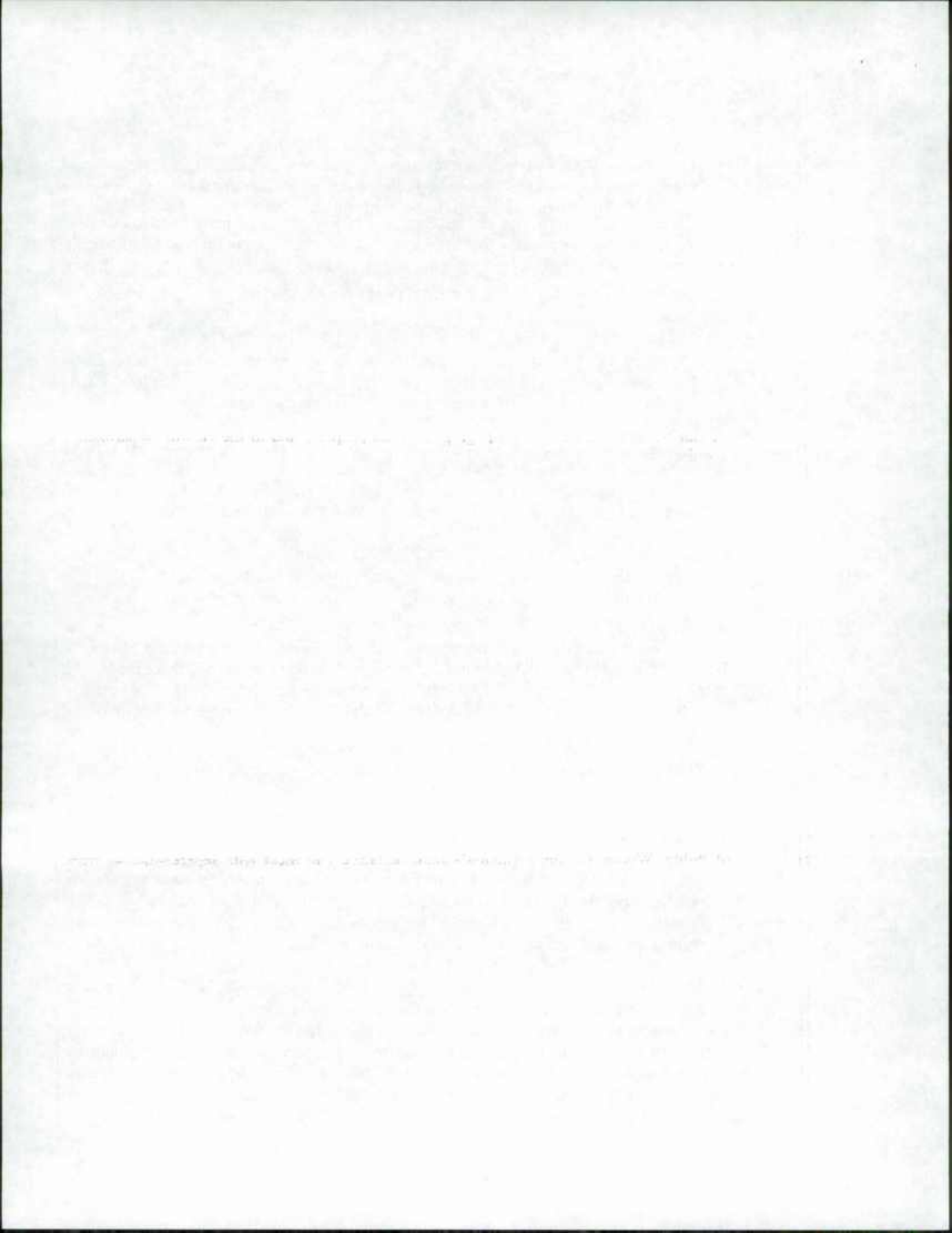
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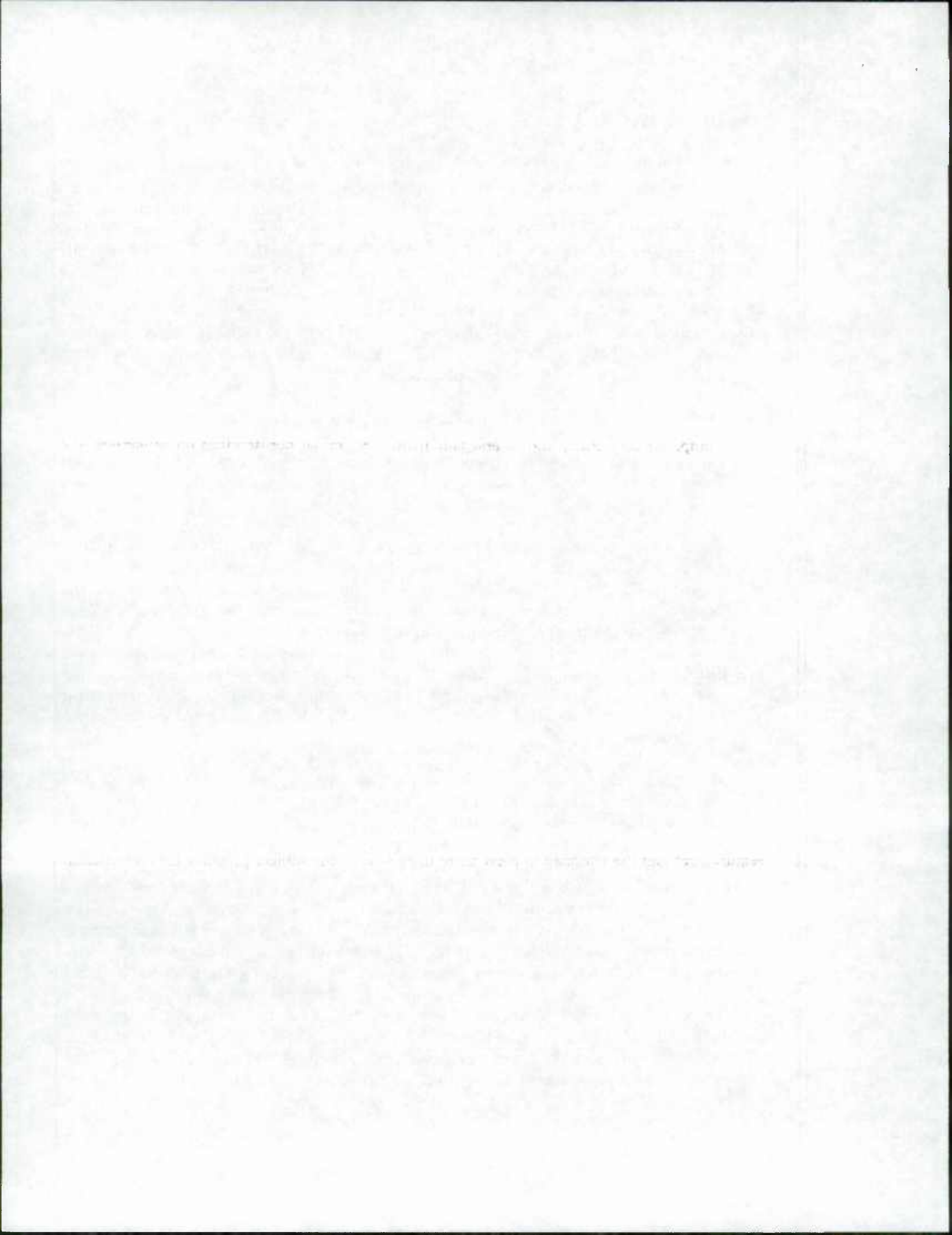
OF THERMODYNAMICS

- The proposed house/deck/pool construction and the stormwater management units impact the steep slopes descending to the grass plateau, necessitating variance approval. The proposed garage is situated on more level ground. The proposed septic system is also located on level ground.
- The proposed construction does not impact the 100-foot or expanded buffer. It also does not impact the protected cliff setback area, and does not impact the platted Conservation Area.
- The adjoining properties are residentially developed. The development proposed for the subject property is similar to development throughout the Holland Cliffs community, and on waterfront lots in the Critical Area in general.
- Forested area onsite is .74 acre. The proposed construction impacts .26 acre of woodland, or 36% of the onsite forest. A variance is required to impact more than 30% of onsite forest. If the entire lot were wooded (1.44 acres) the proportion of woodland cleared would be 18.3% and a variance would not be required.
- Total lot coverage proposed is 9406 s.f. The lot coverage limit is 9409 s.f. More than half (5296 s.f.) of the lot coverage results from the lengthy driveway. This is an unavoidable circumstance that results from the shape of the lot. Proposed impervious surfaces located on steep slopes total 574 s.f.
- Proposed stormwater management is a French drain located on the waterfront side of the house. This device must be located on virgin soil, with minimal over-top grading, and in slopes of less than 15%. The grading on the west side of the proposed development is necessary to accommodate the device.
- Proposed sediment and erosion control is super-silt fence on the waterfront side, with silt fence around the remaining development perimeter. The Department of Public Works has recommended an earth dike and stone outlet structure rather than silt fence on the lower side of the development to provide for additional stormwater control.
- The septic system includes a denitrification unit and has one primary and two replacement drainfields. It is located on level ground near the front portion of the property, some 350+ feet from the shoreline and at an elevation at least 90 feet above mean high water. The well is located in the northwest corner of the development envelope.
- The development includes impacts to steep slopes and clearing more than the allowed 30% threshold. All clearing and grading for the construction are at least 250 feet from the waterfront. The plateau between the shoreline and the development prevents stormwater from discharging directly to the Patuxent River from the development. If the entire property were wooded, the proposed clearing would constitute 18.3% of the lot area and no variance would be required. Because the



property is only 51% wooded, the proposed 11,484 s.f. of clearing amounts to removal of 36% of the woodland present, and a variance is required.

3. The Board finds there are special circumstances related to this property based on its steep slopes and overall topography that limit available locations for the proposed construction and that prohibit the applicant from developing the property in accordance with Critical Area regulations. The Board further finds the proposed house has been resized and relocated to minimize impacts to the property. Based on these findings of fact the Board concludes denial of the requested variances would deny the property owner reasonable and significant use of the property and that a literal enforcement of the Critical Area program would result in unwarranted hardship.
4. The Board finds the difficulties noted on the property arise from the special circumstances related to the topography of the property and to the Health Department's required location for the proposed septic system. Based on these findings of fact the Board concludes the difficulties that prompt the variance requests do not result from actions by the applicant.
5. The Board notes the proposed construction is not located within the 100' waterfront or expanded buffers. The Board finds that houses such as that proposed in this case are common throughout Calvert County, both within and outside the Critical Area. The Board finds it has previously granted variances for similar structures in the Critical Area both before and after the 2002 amendments to the Critical Area legislation where it has been shown that there are no reasonable alternatives. Based on these findings of fact the Board concludes the ability to construct a house such as that proposed in this case is not a special privilege that is routinely denied to other properties in the Critical Area, but a right that has been permitted to others in accordance with the provisions of the Critical Area program.
6. The Board finds: (1) minor modifications to the proposed stormwater management plan are required; however, the overall plan has been deemed adequate by the Department of Public Works; (2) minor modification to the proposed sediment and erosion control plan are required to meet the requirements of the Soil Conservation District and Department of Public Works; (3) the applicant's representative will meet with representatives from the Department of Public Work and the Soil Conservation District to make modifications to the stormwater management and sediment and erosion control plans as required; (4) a French drain, which will be installed on the property to provide stormwater management, necessitates the grading on steep slopes; (5) no clearing will be done within 250' of the waterfront; (6) a mitigation plan for addressing the effects of the proposed clearing includes planting 29 trees between the project site and the waterfront, which will improve habitat protection; and (7) the septic system includes a denitrification unit. Based on these findings of fact the Board concludes the measures set forth above will minimize impacts to surrounding waters and protected habitats and that granting the requested variances will not adversely affect water quality or adversely impact fish, wildlife or plant habitat.

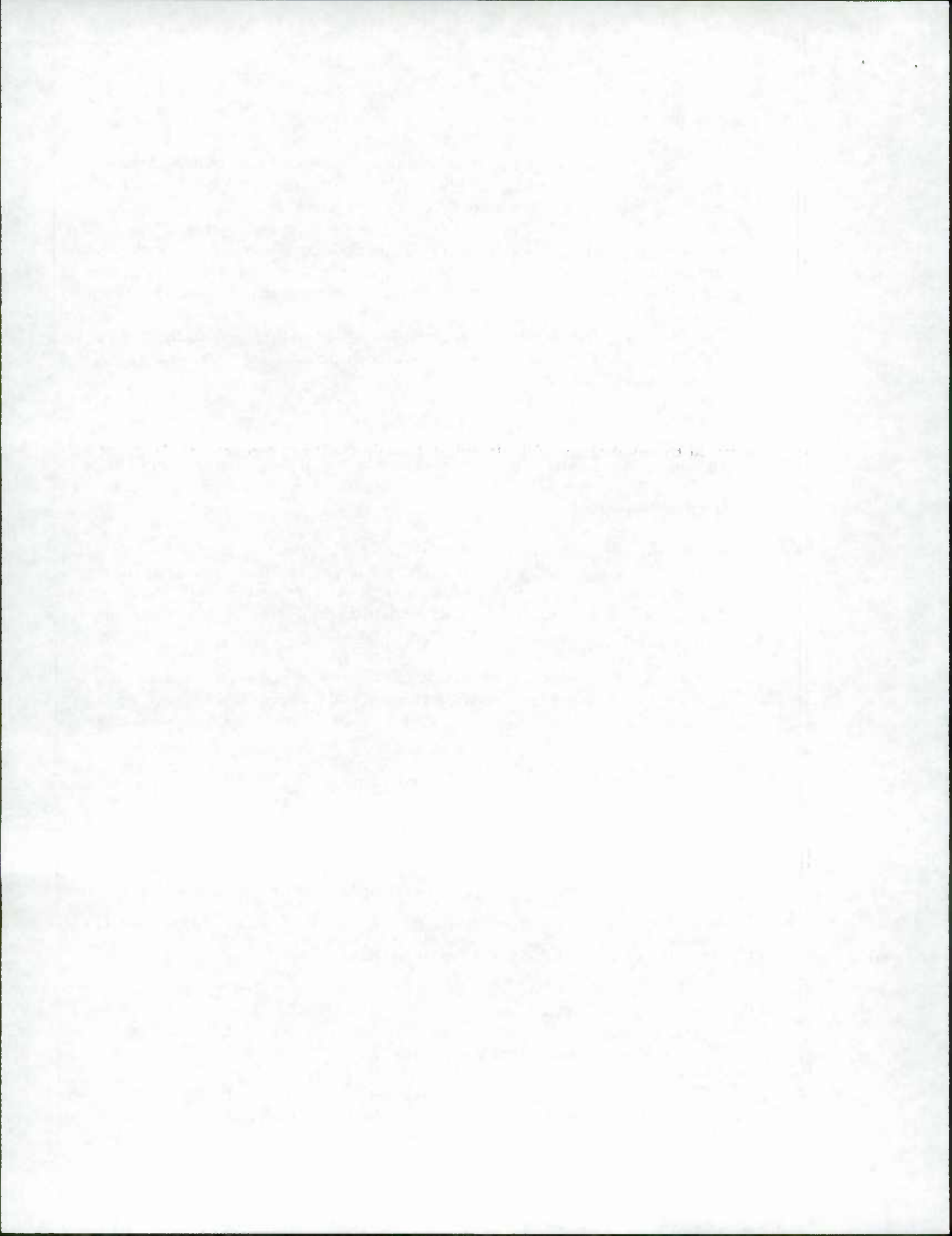


7. The Board finds the proposed structure is of reasonable size for its intended use and for the property. The Board finds modifications to the structure as proposed by the applicant minimize intrusion into the steep slopes and result in a reduction in the percentage of forest clearing required. The Board further finds the structure is optimally positioned on the property and cannot reasonably be positioned in a manner that would allow lesser variances. The Board notes the Critical Area Commission's objection to the location of the pool as proposed; however, there are no clearing and grading impacts to the property resulting directly from pool construction. The hillside grading results from the required placement of the stormwater management facility. Based on these findings of fact the Board concludes the requested variances are the minimum adjustment necessary to afford relief from the regulations.
8. The Board finds the Zoning Ordinance, which is adopted to implement the Comprehensive Plan, allows and anticipates residential construction on properties that are zoned for residential uses, as is the case with this property. Based on this finding of fact the Board concludes the requested variances will not adversely affect the Comprehensive Plan.
9. The Board finds the proposed construction will not conflict with or infringe on the rights of adjoining or neighboring properties because these properties are similarly developed with residential uses. The Board further finds the applicants propose to mitigate impacts from the proposed construction. Based on these findings of fact the Board concludes the variances will not result in injury to the public interest.
10. Finally, the Board concludes, based on the findings of fact set forth above, that the applicant has overcome the presumption of non-conformance with the purpose and intent of the Critical Area law.

ORDER

It is hereby ordered, by a unanimous decision, that the variance in the steep slope requirement and the variance to clear more than 30% of the subject property for construction of a single family dwelling, pool, garage, well and septic system as requested by Kathy Bailey from R. A. Barrett & Associates on behalf of the property owner ASSK, LLC be **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All permits and approvals required by the Calvert County Zoning Ordinance and the Department of Planning and Zoning and those required by any other departments, agencies, commissions, boards or entities, in accordance with County, State and Federal law, must be obtained before commencing the development activity approved by this Order.
2. In accordance with Section 11-1.02.C.3 of the Calvert County Zoning Ordinance any violation of conditions imposed by the Board of Appeals shall be considered a



violation of the Zoning Ordinance and subject to the enforcement provisions of Section 1-7.

APPEALS

In accordance with Section 6 of the Calvert County Board of Appeals Rules of Procedure, "any party to a case may apply for a reconsideration of the Board's decision no later than 15 days from the date of the Board's Order."

In accordance with Section 11-1.07 of the Calvert County Zoning Ordinance, Board of Appeals decisions may be appealed to the Circuit Court of Calvert County by (1) any person aggrieved by any decision of the Board of Appeals or (2) any taxpayer, or (3) any officer, department, board or bureau of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200, as amended from time to time, within 30 days of the Board of Appeals Order.

Entered: March 5 2010
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman

RECEIVED
MAR 8 2010
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

**Calvert County Board
of Appeals**

Memo

To: Roby Hurley, Critical Area Commission

From: Pam Helie, Clerk to the Board of Appeals

CC: Roxana Whitt, BOA

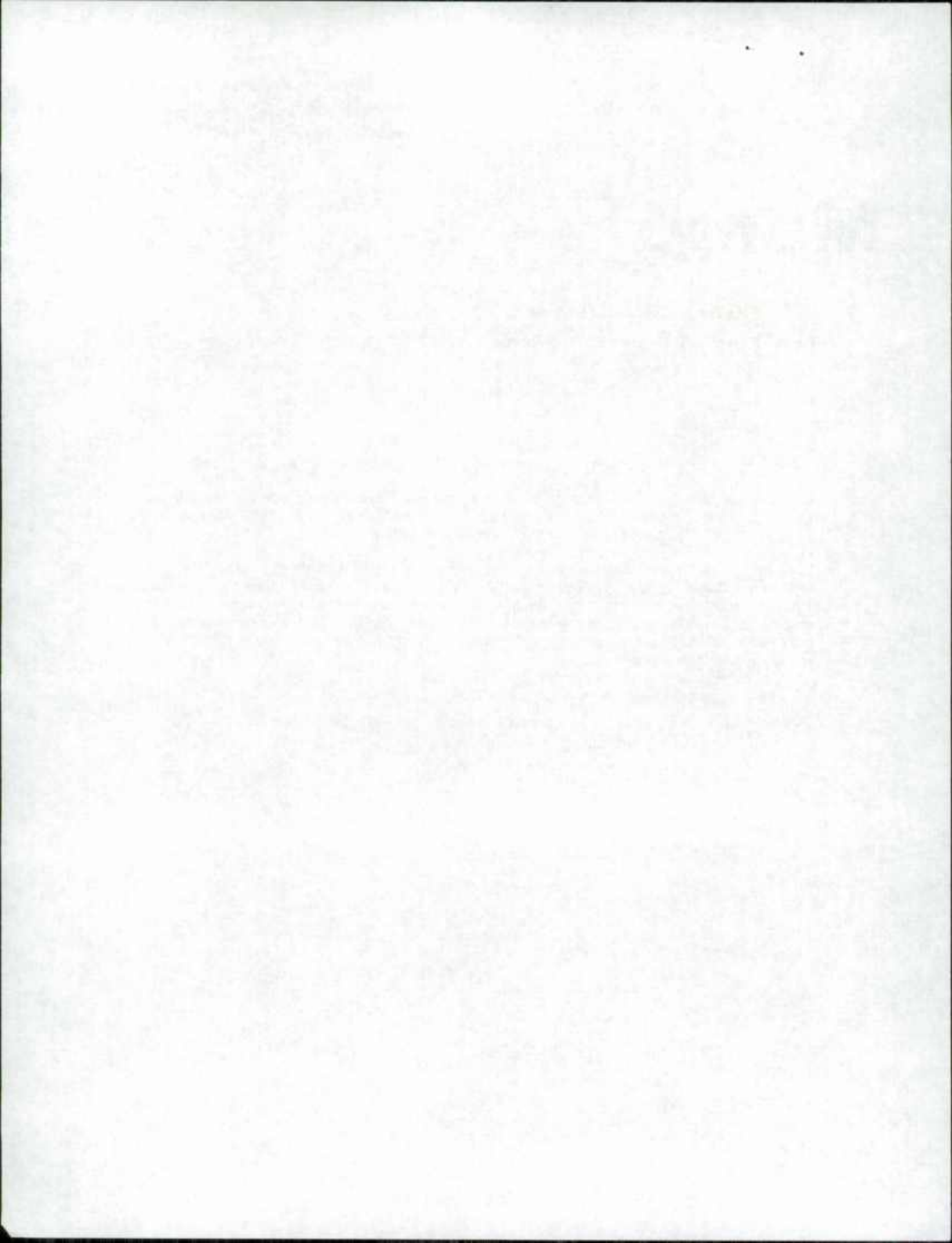
Date: January 4, 2010

Re: Board of Appeals Case for Review

The case set forth below is scheduled to come before the Calvert County Board of Appeals on Thursday, February 4, 2010 at 1:00 P.M. Please review the enclosed information for this case and provide comments to Roxana Whitt by Tuesday, January 19, 2010.

Case No. 09-3575(Previously Deferred) : Kathy Bailey from R. A. Barrett & Associates has applied on behalf of the property owner ASSK, LLC for a variance in the steep slope requirement and a variance to clear more than 30% of the subject property for construction of a single-family dwelling, pool, deck, garage, well and septic system. The property is located at 3159 Holland Cliffs Road, Huntingtown (Tax Map 17, Parcel 184, Lot 6B, Holland Cliff Shores) and is zoned RD Residential District.

If you have any questions I can be reached at 410/535-1600, extension 2559.



LEGAL NOTICE
PUBLIC HEARING

 DRAFT

The Calvert County Board of Appeals has scheduled the following cases for public hearing at the times listed below on **Thursday, February 4, 2010** in the Commissioners' Hearing Room, Courthouse, 175 Main Street, Prince Frederick, Maryland. For additional information, please contact the Board of Appeals at (410)535-2348 or (301)855-1243, ext. 2335.

CASES SCHEDULED FOR 9:00 A.M.:

Case No. 10-3614: Les Breckenridge, President, Solomons Nursing Center, Inc. has applied for an expansion of a non-conforming use, a Nursing Home. The property is located at 13325 Dowell Road, Dowell (Tax Map 44, Parcel 50) in the Solomons Town Center/D-3 District.

Case No. 09-3585(Previously Deferred): Cristina & William Johnston have applied for a Decision on an Alleged Error made by the Department of Planning and Zoning in its decision that certain structures and activities on the subject property are not grandfathered, non-conforming uses; that expansion of these non-conforming uses is not allowed; that variances are required for the construction activities on the property; and for whatever action the Board might take to further proceedings on issues therein. The property is located at 3458 Holland Cliffs Road, Huntingtown (Tax Map 17, Parcel 73, Section 2, Lots 27 & 28 Holland Cliff Shores) and is zoned RD Residential District.

CASES SCHEDULED FOR 1:00 P.M.:

Case No. 10-3615: Rich McGill from McGill Engineering, Inc. has applied on behalf of the property owner Hinton Properties, LLC for a special exception for indoor commercial amusements and athletic courts. The property is located at 4210 Old Town Road, Huntingtown (Tax Map 18, Parcel 76) in the Huntingtown Town Center/Neighborhood District.

Case No. 09-3575(Previously Deferred) : Kathy Bailey from R. A. Barrett & Associates has applied on behalf of the property owner ASSK, LLC for a variance in the steep slope requirement and a variance to clear more than 30% of the subject property for construction of a single-family dwelling, pool, deck, garage, well and septic system. The property is located at 3159 Holland Cliffs Road, Huntingtown (Tax Map 17, Parcel 184, Lot 6B, Holland Cliff Shores) and is zoned RD Residential District.

Case No. 10-3616: Solomons Two LLC & V. Charles Donnelly have applied for Decisions on Alleged Errors made by the Acting Planning Commission Director when determining: (1) that the revision of the approved site plan (SPR 06-39 Harbor Center) to change the currently approved commercial artist's studio to a residential duplex is an increase in the intensity of use and therefore a modification; and (2) that the residential duplex as proposed does not meet the definition of duplex. The property is located at 14554 S. Solomons Island Road (Tax Map 46A, Parcel 32, Lot 15-R) in the Solomons Town Center/C-1 District.

 DRAFT

77-20

DRAFT



R.A. Barrett & Associates, Inc.

ENGINEERS • SURVEYORS • LAND PLANNERS

100 Jibsail Drive, Suite 103
 Prince Frederick, MD 20678
 Phone: 410.257.2255 • 301.855.5554
 Fax: 410.257.3782
 rabarrett@rabarrett.com

LETTER OF TRANSMITTAL

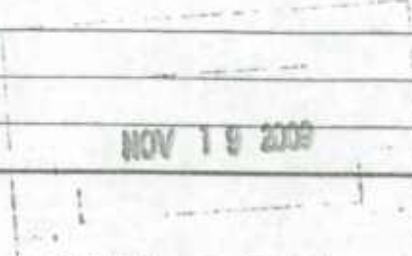
TO CC P/z / Board of Appeals

DATE	11/19/09	JOB NO	12340
ATTENTION	Pam Helie / Roxanna		
RE	Lots B, Holland Cliff Shores		
	BOA Case #		
	09-3575		

GENTLEMEN:

- WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change order _____

COPIES	DATE	NO	DESCRIPTION
11		1	Revised Site Plan to be used for Site visit + Appl to BOA of Appeals



THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

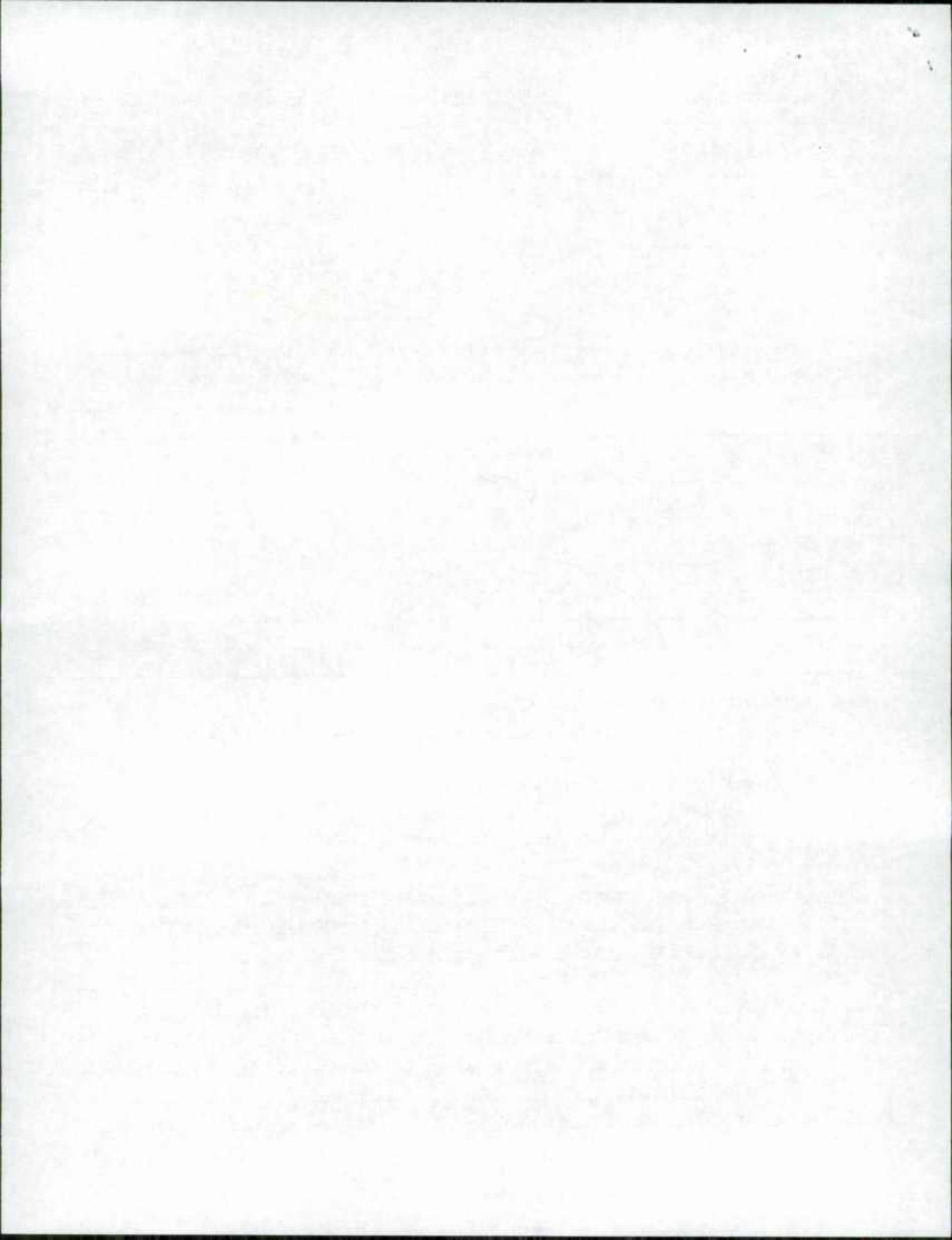
* Lot was re-perked - new septic design
 * House moved forward as much as setbacks for septic + adjacent well will allow.

* Houses reduced in size from 5046 sf to 3,038 sf
 * Minimal amount of grading, no subwalls required -
 * A drop in amount of impervious surface on steep slopes 4,989 sf to 574 sf
 * A reduction of tree clearing 17,480 sf to 11,484 sf or 35.7% ^{for 54.5%}

COPY TO _____

SIGNED: Kathy Bailey

If enclosures are not as noted, kindly notify us at once





**CALVERT COUNTY
BOARD OF APPEALS**

150 Main Street
Prince Frederick, Maryland 20678
Phone: (410) 535-2348 (301) 855-1243
Fax: (410) 414-3092

June 10, 2009

Steve & Anna Lisa Cooper
5932 Rockhold Drive
Deale, MD 20751

Subject: Board of Appeals Case No. 09-3575 – Property Located at 3159 Holland Cliffs Road
Huntingtown, MD 20639

Dear Mr. and Mrs. Cooper:

This is to confirm the action taken by the Board of Appeals at its Thursday, June 4, 2009 hearing regarding your request for a variance in the steep slope requirement and a variance to clear more than 30% of the subject property for construction of a single-family dwelling, pool, deck, garage, well and septic system. As you know, action was deferred pending a site visit by the Board. The Board requested that you stake the corners of the revised dwelling location prior to its visit. Please notify me when the staking is completed. Once the Board has completed its site visit your case will be scheduled for the next available Board hearing.

The Board also requests that you consider an alternative design that would minimize impacts to steep slopes and clearing, as a finding that the proposal represents the minimum adjustment necessary is required for variance approval.

In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision. Cases that have been deferred for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee.

If you have any questions I can be reached at 410/535-1600, extension 2559.

Sincerely,

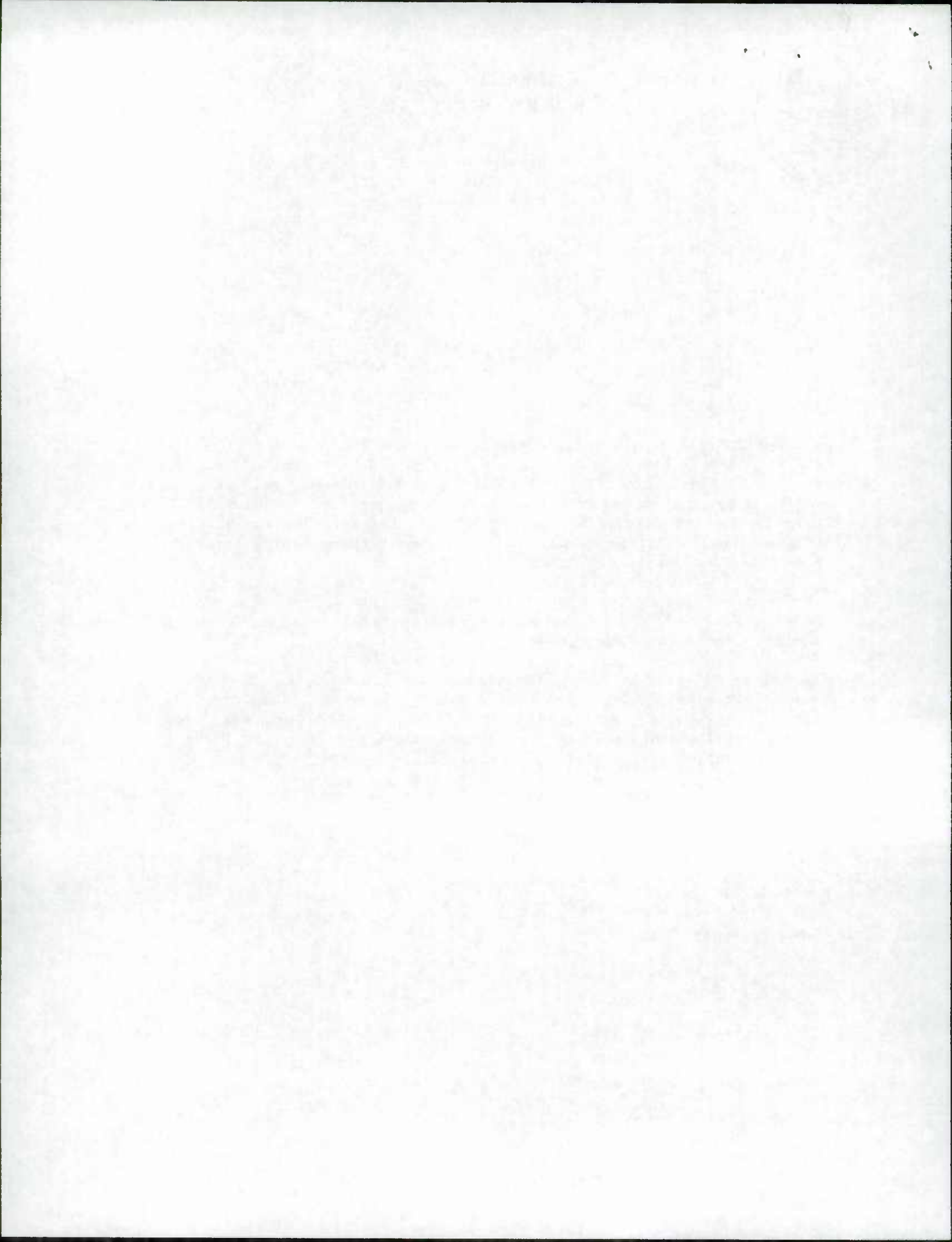
A handwritten signature in cursive script that reads "Pamela P. Helie".

Pamela P. Helie
Clerk to the Board

Cc: Kathy Bailey, R.A. Barrett & Associates
Francis McLellan

Mailing Address: 175 Main Street, Prince Frederick, Maryland 20678

Maryland Relay for Impaired Hearing or Speech 1-800-735-2258



CAC

611-08

CALVERT COUNTY BOARD OF APPEALS

(P&Z USE ONLY)
FEES: PER FEE SCHEDULE
Date Filed: <u>2/17/09</u>
Fees Paid: <u>8300</u>
Receipt No.: <u>1583</u>
Rec'd By: <u>ph</u>
Case No.: <u>09-3575</u>

BOARD OF APPEALS
 EXHIBIT NO. _____
 SUBMITTED BY [Signature]

150 Main St.
 Prince Frederick, MD 20678
 410-535-2348 * 301-855-1243
 TDD 800-735-2258

APPLICATION FOR APPEAL

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE BOARD OF APPEALS PLANNER THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. 17 Parcel 184 Block _____ Section 1 Lot 6B
 Tax ID No. 02-103370 Property Zoning Classification RD
 Property Address 3159 Holland Cliffs Road
 Has subject property ever been before the Board of Appeals? _____ (yes) (no)
 If yes, give Case No. and date: _____

PROPERTY OWNER(S):

PRINTED NAME(s): Steve Cooper for Assoc. LLC
 MAILING ADDRESS: 5932 Rockhold Dr. Deale MD 20751

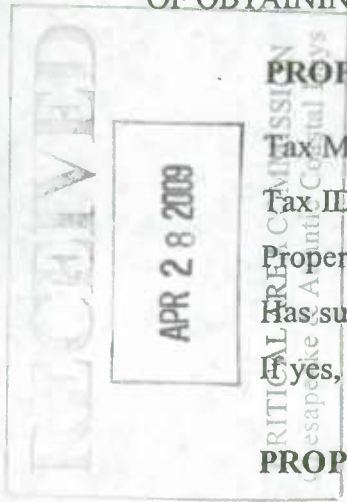
TELEPHONE: HOME: _____ WORK 410-414-5032 CELL 301-674-8116
 EMAIL ADDRESS _____

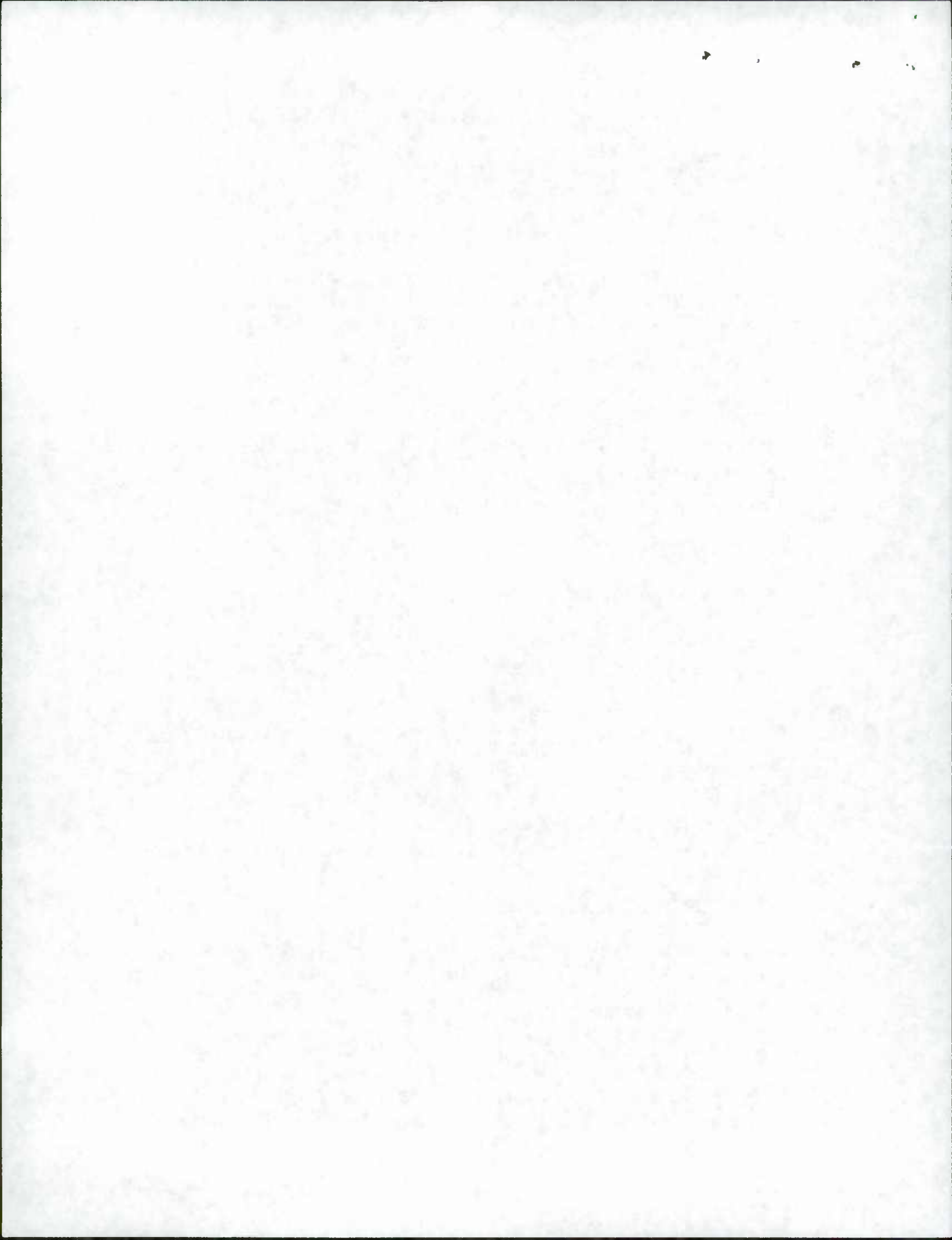
x [Signature] 2.5.09 x [Signature] 2.5.09
 Owner's Signature and Date Co-Owner's Signature and Date

APPLICANT (if different from owner):

PRINTED NAME: Kathy Bailey for R.A. Barrett + Assoc
 MAILING ADDRESS: 100 Jabsail Dr. Suite 103, PF MD 20678
 TELEPHONE NUMBER: 410-257-2255
 EMAIL ADDRESS Kbailey@rabarrett.com

[Signature] 2.5.09
 Applicant's Signature and Date Co-Applicant's Signature and Date





PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

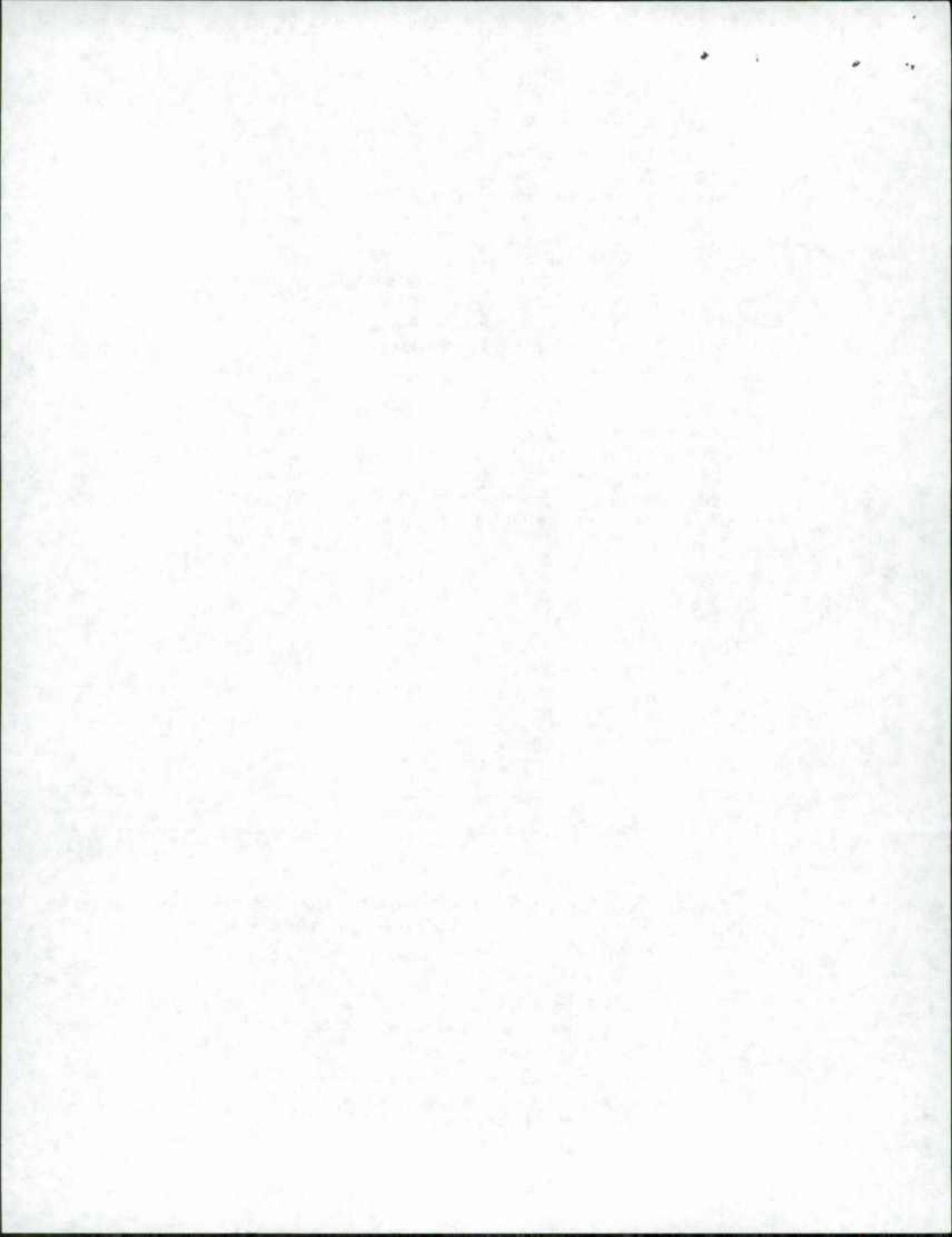
- Variance Multiple Variances
- Revision to a Previously Approved Variance
- Special Exception
- To Extend Time Limit on a Special Exception
- Revision/Modification of a Special Exception
- Expansion or Revision of a Non-Conforming Use
- Reconsideration of Previous Decision by Board
- Re-Schedule a Case Previously Postponed
- Decision on an Alleged Error made by _____

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

Construction of single family dwelling in slopes in
excess of 25% + clearing of trees in excess of
30%.

DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)

1. HEAD NORTH ON MAIN ST/MD-765 0.3 MI
2. SLIGHT RIGHT AT MD-2/MD-4/SOLOMONS ISLAND RD N 5.1 MI
3. TURN LEFT AT OLD TOWN ROAD 56 FT
4. CONTINUE ON MD-524/OLD TOWN RD 0.2 MI
5. TURN LEFT AT HUNTINGTOWN RD/MD-521 1.3 MI
CONTINUE TO FOLLOW HUNTINGTOWN RD
6. TURN LEFT AT HOLLAND CLIFFS RD 2.5 MI
DESTINATION WILL BE ON THE RIGHT



AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS ALL ADJACENT STREETS AND/OR RIGHTS OF WAY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR CASE.

Name: ("See attached" - I can email you list)
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

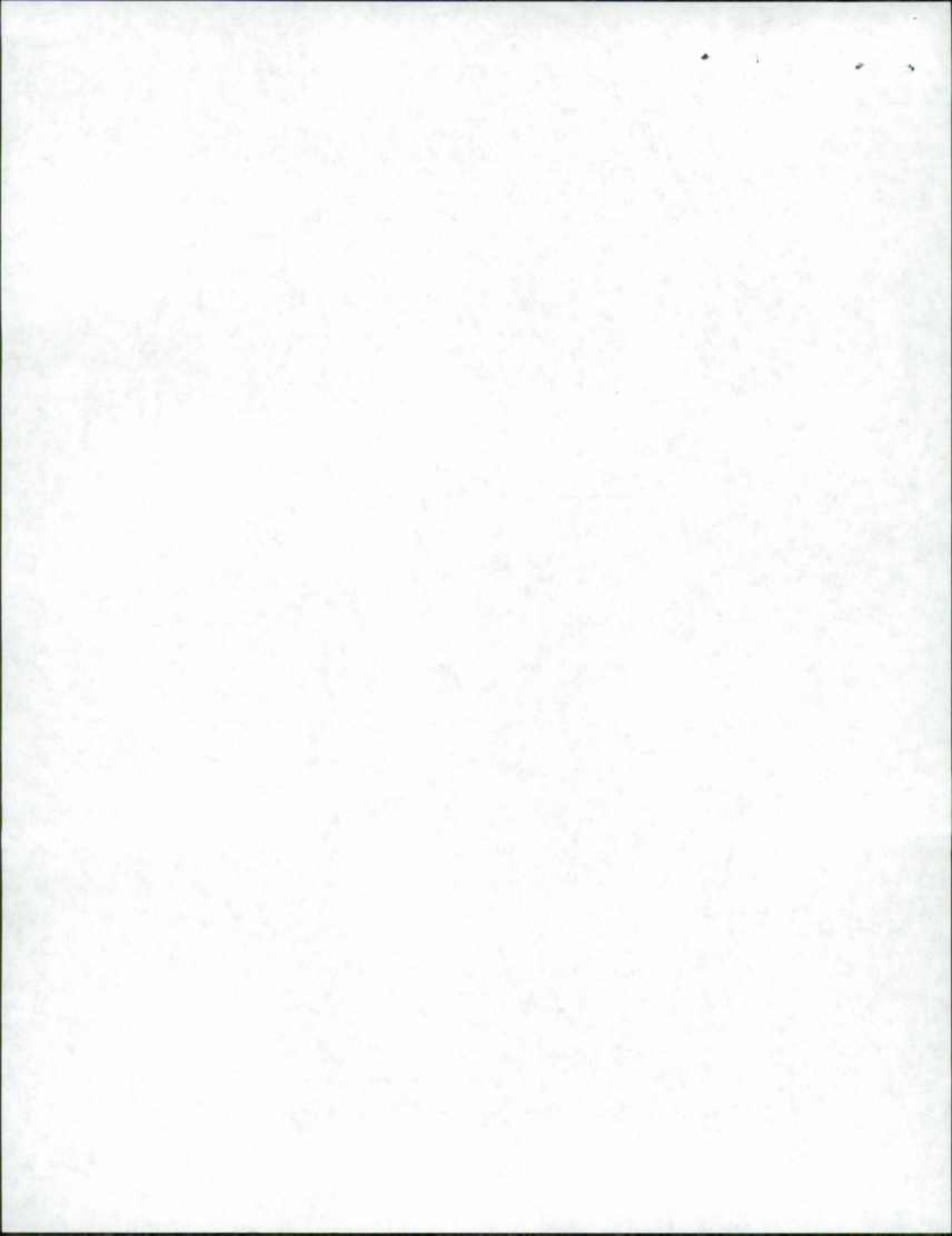
Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name: _____
Address: _____



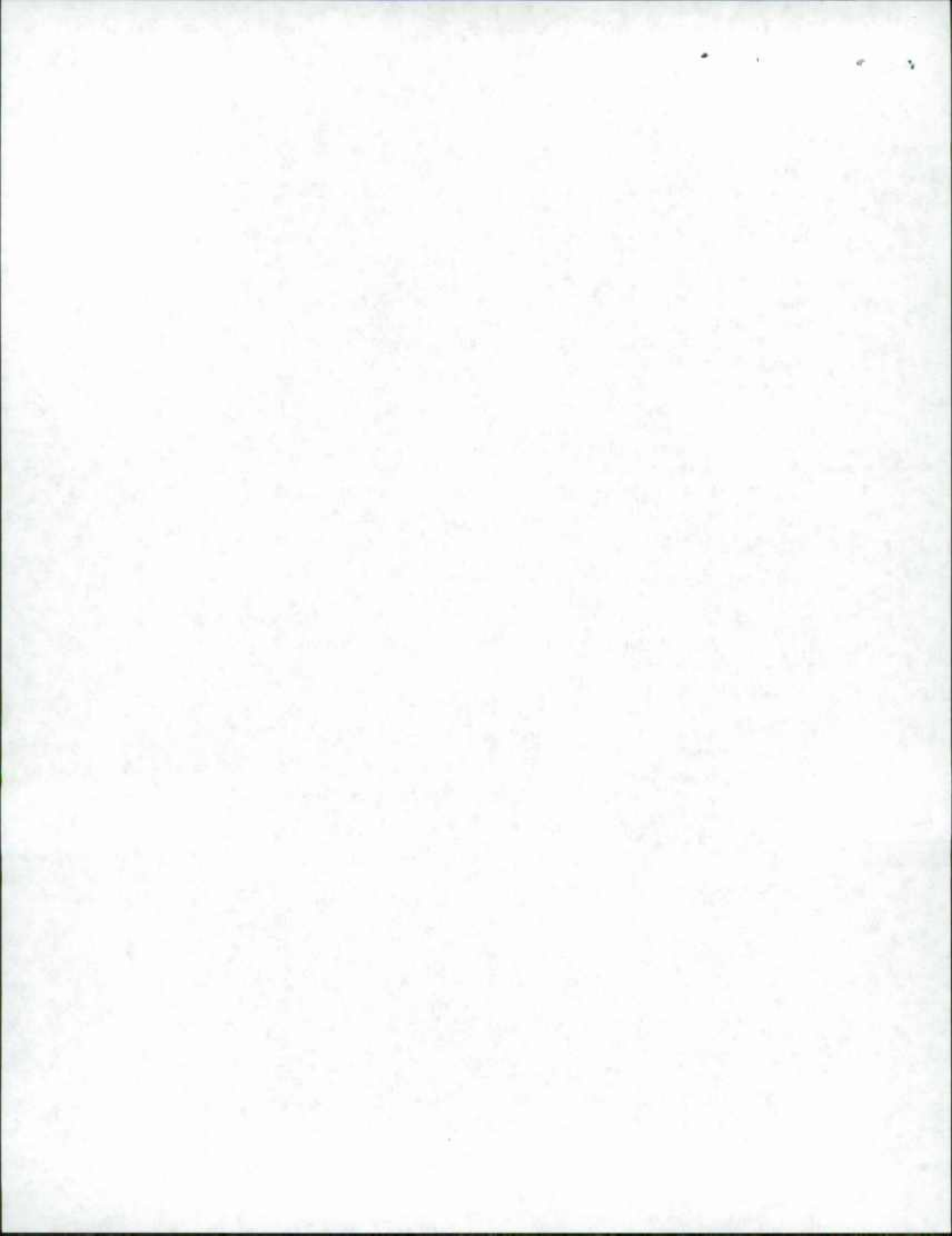
FRANCIS X. & ELLEN A. MCLELLAN
MAILING ADDRESS:3157 HOLLAND CLIFFS ROAD
PO BOX 1212
HUNTINGTOWN MD 20639-1212
LEGAL: TAX MAP 17, PARCEL 184, LOT 6A SEC 1 HUNTINGTOWN 20639
3157 HOLLAND CLIFFS RD
HOLLAND CLIFF SHORES

KATHI EILEEN EARL
MAILING ADDRESS:3161 HOLLAND CLIFFS RD
HUNTINGTOWN MD 20639-9717
LEGAL: TAX MAP 17, PARCEL 184, LOT 6C SEC 1 HUNTINGTOWN 20639
3161 HOLLAND CLIFFS RD
HOLLAND CLIFF SHORES

ROBERT W. & LORI R. FRANCISCO, 3RD
MAILING ADDRESS:3158 HOLLAND CLIFFS RD
HUNTINGTOWN MD 20639-9727
LEGAL: TAX MAP 17, PARCEL 172, LOT 14A SEC 1 HUNTINGTOWN 20639
3158 HOLLAND CLIFFS RD
HOLLAND CLIFF SHORES

ANTHONY S & ASTRID M. ADRIANI
MAILING ADDRESS:3152 HOLLAND CLIFFS RD
HUNTINGTOWN MD 20639-9727
LEGAL: TAX MAP 17, PARCEL 172, LOT 14D SEC 1 HUNTINGTOWN 20639
3152 HOLLAND CLIFFS RD
HOLLAND CLIFF SHORES

CASPER E. & KIMBERLY P. BRADBURY, JR
MAILING ADDRESS:3171 HOLLAND CLIFFS RD
HUNTINGTOWN MD 20639-9717
LEGAL: TAX MAP 17, PARCEL 143, LOT 7A SEC 1 HUNTINGTOWN 20639
3167 HOLLAND CLIFFS RD
HOLLAND CLIFF SHORES



BOARD OF APPEALS
PROJECT REFERRAL FORM



RECEIVED
2-209

The purpose of the preliminary project review is to determine the Board of Appeals action necessary for completion of the project you propose. You must have this form completed by the appropriate Planning and Zoning staff member before filing your application for review by the Board of Appeals.

Property Owner Steven Cooper
 Property Address 3159 Holland Cliffs Rd
 Property Location: Tax Map 17 Parcel 184 Lot 6B Section Plat
 Project Description Construct dwelling, pool and garage
 Zoning LD1A Permit No.(s) AP 80692 + 80692

The project described above requires the following Board of Appeals actions, in accordance with the Zoning Ordinance sections noted:

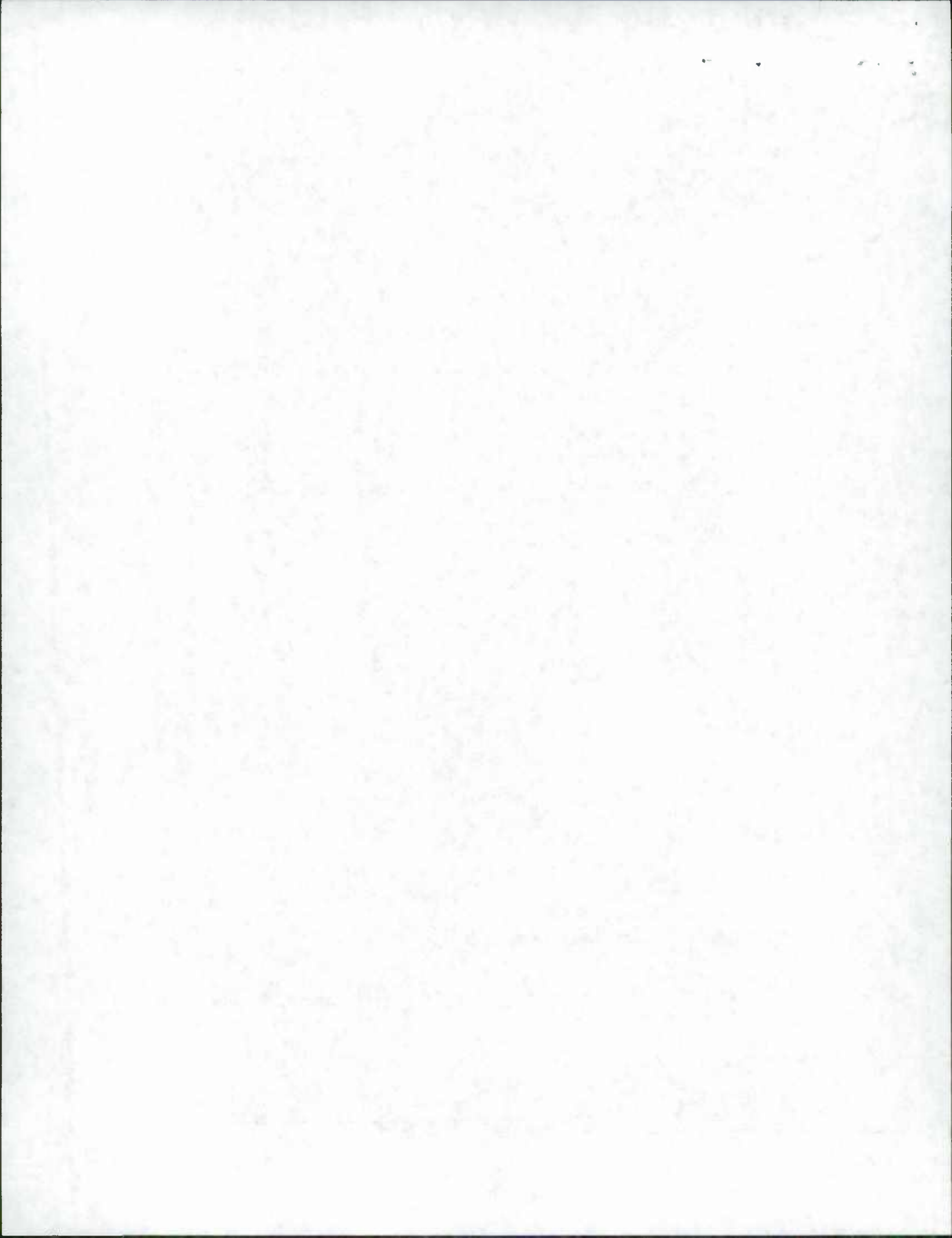
Specific Board of Appeals Action Required	Zoning Ordinance Section
Variance to grade steep slopes	8-1.04.G.1.e
Variance to clear 730%	8-1.04.G.3.c

This project was reviewed by the undersigned staff member:

John Swartz 12/01/08
 Name Date

Project Referral Approved by:

Mary Beth Cook 12/2/08
 Zoning Officer/Planning Commission Administrator Date



*Letter
100 BPL in K.B.
For Cover - Joints BUN open
Letter Plan
100 50' B (Asked) should be 100'
Letter John*

Calvert County Critical Area Form

If your property is located within the Critical area (land within 1,000 feet of the mean high water line of the Chesapeake Bay, Patuxent River, or their tributaries, or the landward boundary of tidal wetlands or heads of tide), please complete the following information. Supplying this information is required and will greatly expedite the processing time of your permit.

Date: 10/20/08

Tax ID #: 02-103370

Tax Map #	Parcel #	Block #	Lot #	Section
17	184		6B	1

Project Name/Location: AP 80692 & 80691
 Address: 3159 Hollans Cliff Rd Huntingtown MD 26639

Applicant's Information:

Last Name: Stellor First Name: Cooper
 Phone: 301-889-0112 Email: 1BSK@COMCAST.NET
 Address: 5932 Rockhows Dr. Deltic MD 20751

Agent's Information:

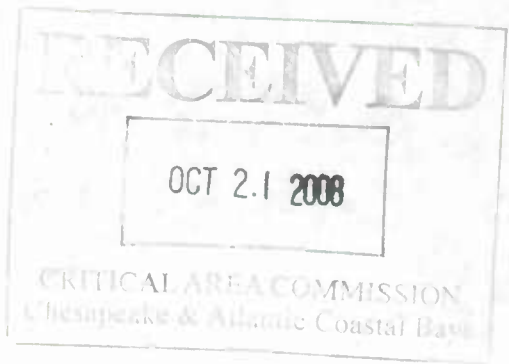
Last Name: _____ First Name: _____
 Phone: _____ Email: _____
 Address: _____

Application Type (check all that apply):

Building Permit	<input checked="" type="checkbox"/>	Grading Exemption	<input type="checkbox"/>	Variance	<input type="checkbox"/>
Buffer Cutting Permit	<input type="checkbox"/>	Grading Permit	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Specify:	
Clearing Outside of Buffer	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>		

Describe Proposed Project:

SFD - Clearing > 15,000 ft requires Commission review



1805

If the property has an IDA designation, then Section 8-1.03 of the Zoning Ordinance needs to be addressed. The 10% reduction in pollution requirements must be met.

Attach a plat showing structures, water dependent facilities (piers, revetments, etc.), impervious surfaces, waterways, streams, wetlands; forest protection areas and areas to be planted. In general, clearing or cutting of existing vegetation (not lawns) requires mitigation.

Variations are required for any proposed activity that would not be allowed by the Zoning Ordinance such as building non-water-dependent structures in the 100 ft or extended Critical Area Buffer, Building on slope > 15%, or exceeding the clearing or impervious surface limits.

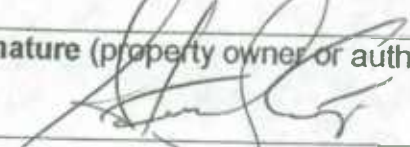
Addition information required for water dependent structures is given below.

The scaled drawings/plats submitted with the building permit application must include the following:

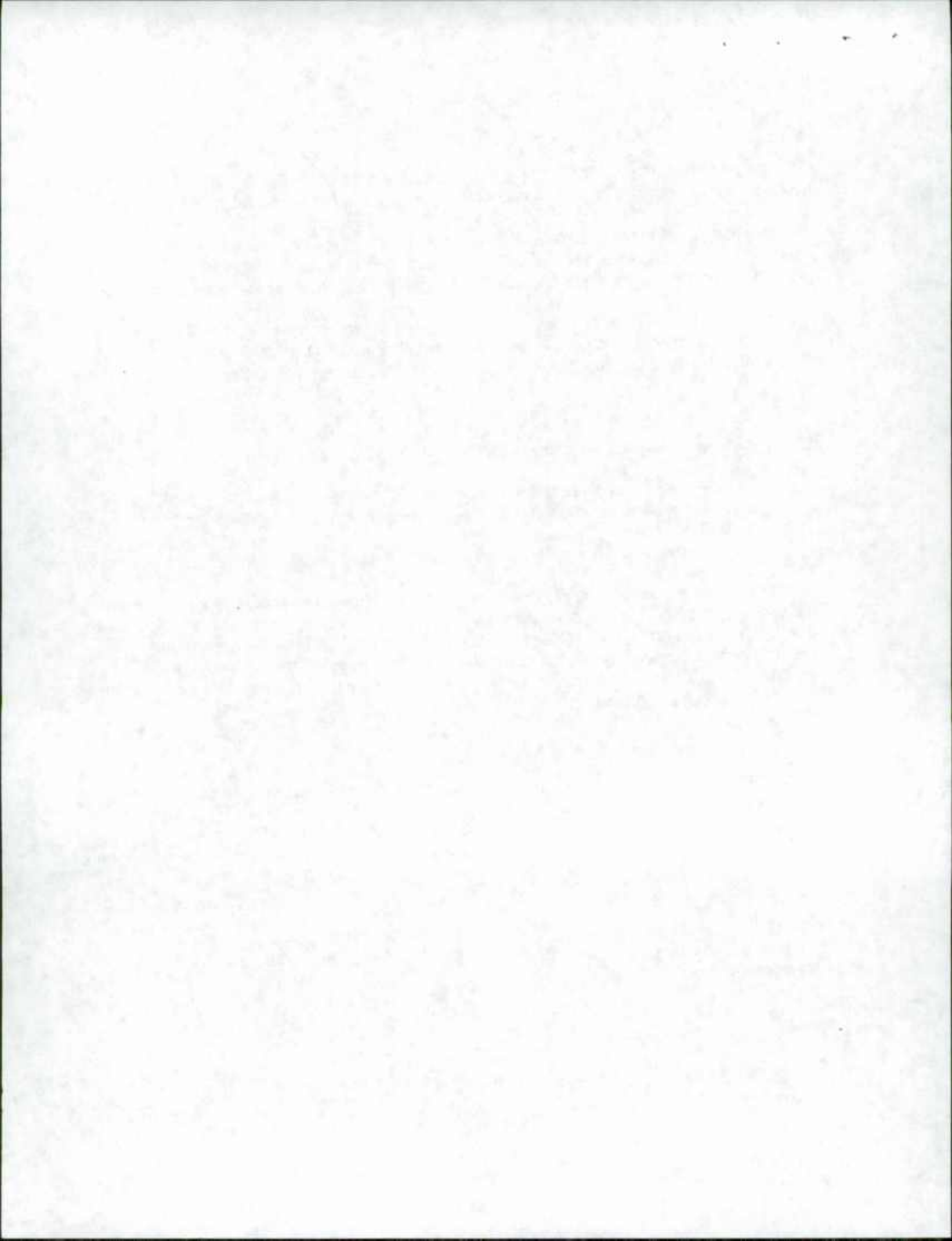
- A. Existing and proposed water dependent facilities,
- B. Lateral lines and adjacent property shorelines (must stay 25ft from each lateral line) and
- C. Harbor line if applicable (See Harbor Line Map in Office of Planning and Zoning).

Proposed activities below mean high water, in tidal or nontidal wetlands, or within 25' of a wetland require review and approval from Maryland Department of the Environment, the Army Corp of Engineers and Calvert County. A copy of all federal and state permits or letters of exemption must accompany permit applications to the County. For all proposed water dependent structures, a building permit is required. If the activity requires ground disturbance in the 100 ft. buffer, a grading permit is required.

I hereby certify that I have the authority to make this application and the information given is correct.

Date: 10/1/08	Signature (property owner or authorized agent): 
-------------------------	--

See the Calvert County Zoning Ordinance (Article 8-1) for additional information and requirements.



NOTES

LOT AREA = 1.44 AC. OR 62,726
 DISTURBED AREA = 23,767 SQ. FT.
 TOPOGRAPHY = FIELD RUN TOPO-2009
 SOIL TYPE = SEE SHEET 4

PROPOSED HOUSE ELEVATION
 FIRST FLOOR = 104.5'
 BASEMENT = 95.5'
 GARAGE = 102.5'

CRITICAL AREA: LDA: LIMITED DEVELOPMENT AREA
 FEMA #240011 0011B: ZONED "C" & A8
 CATEGORY "3" CLIFF SETBACKS

CRITICAL AREA OVERLAY: LDA
 LOT COVERAGE LIMIT: 1.44 AC. OR 62,726 SQ. FT. X 15% = 9,409 SQ. FT.

EXISTING LOT COVERAGE: 0- SQ. FT.
 LOT COVERAGE PROPOSED:
 HOUSE: 2,207 SQ. FT.
 GARAGE: 876 SQ. FT.
 POOL, PATIO AND RETAINING WALL: 1,027 SQ. FT.
 DRIVEWAY: 5,296 SQ. FT.
 TOTAL LOT COVERAGE: 9,406 SQ. FT.

UNCOVERED DECKS SHALL BE CONSIDERED PERVIOUS IF GAPS ARE PLACED BETWEEN BOARDS AND 6" OF GRAVEL IS PLACED UNDERNEATH.

FORESTED AREA REQUIREMENTS:
 1.44 AC. OR 62,726 SQ. FT. X 15% = 9,409 SQ. FT.
 FORESTED AREA EXISTING: 32,082 SQ. FT.
 FORESTED AREA TO BE REMOVED: 11,484 SQ. FT. OR 36% OF THE EXISTING FOREST.
 FORESTED AREA REMAINING: 17,367 SQ. FT.

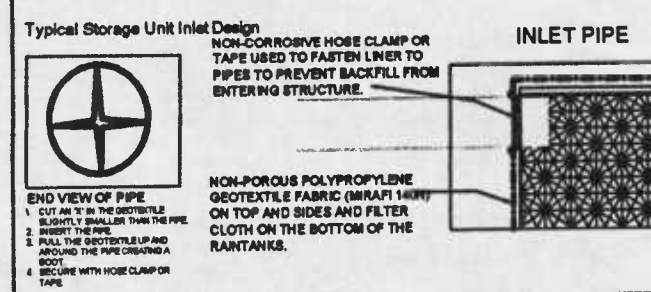
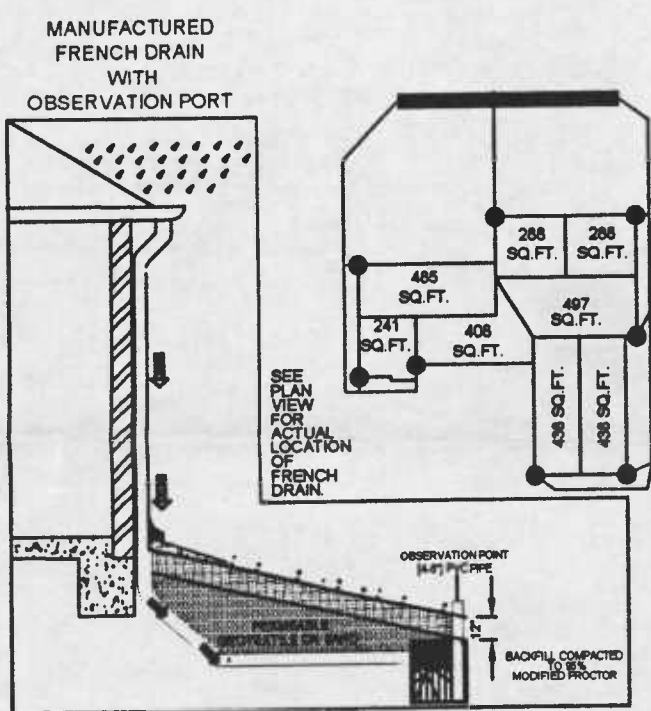
DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION.

THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE AND FEDERAL REQUIREMENTS FOR WETLANDS FILLING AND OR WETLANDS BUFFER DISTURBANCE.

SECTION 8-1.04.G.10 CALVERT COUNTY ZONING ORDINANCE:
 THE FOLLOWING REGULATIONS APPLY FOR DEVELOPMENT OF SLOPES GREATER THAN 15% AND HIGHLY ERODIBLE SOILS:

- A. SUPER SILT FENCE SHALL BE INSTALLED AND MAINTAINED AROUND THE DISTURBED AREA UNTIL GRADING IS STABILIZED WITH VEGETATIVE COVER.
- B. AFTER FINAL GRADING, EROSION CONTROL MATTING OR SOD SHALL BE INSTALLED OVER THE ENTIRE AREA OF DISTURBED SOIL.
- C. STORMWATER MANAGEMENT MEASURES SHALL BE CONSISTENT WITH THE REQUIREMENTS OF THE CALVERT COUNTY STORMWATER MANAGEMENT ORDINANCE. (CHAPTER 123 OF THE CODE OF CALVERT COUNTY).

STORMWATER MANAGEMENT -
 5,296 SQ. FT. OF DRIVEWAY SHALL BE TREATED VIA A VEGETATIVE BUFFER. THE DRIVEWAY SHALL BE GRADED TO ALLOW FLOW TOWARDS THE VEGETATIVE BUFFER.
 3,052 SQ. FT. OF ROOFTOP SHALL BE TREATED VIA A FRENCH DRAIN. 7,114 SQ. FT. IS TO BE TREATED VIA FRENCH DRAIN.
 -THE RAIN TANKS SHALL BE DOUBLE STACKED TO CREATE A FRENCH DRAIN.
 -THE TOP AND SIDES OF THE FRENCH DRAIN SHALL BE WRAPPED WITH A NON-POROUS POLYPROPYLENE GEOTEXTILE FABRIC AND THE BOTTOM SHALL BE WRAPPED WITH FILTER CLOTH.
 -THE FRENCH DRAINS SHALL BE A MINIMUM OF 10' FROM FOUNDATION, 25' FROM ALL WELLS AND SEPTIC AREAS.
 -A MINIMUM OF 500 SQ. FT. OF ROOFTOP PER EACH DOWNSPOUT. ALL DOWNSPOUTS MAY BE CONNECTED DIRECTLY TO THE FRENCH DRAIN OR STORAGE UNIT VIA 4" SCHEDULE 35 SOLID PVC WITH A MINIMUM OF 1" GROUND COVER. HOWEVER, A BUILDER MAY DECIDE TO COMBINE ALL DOWNSPOUTS TO A 6" DRAIN TILE AND THEN CONNECT TO THE FRENCH DRAIN.
 -LOT SHALL BE GRADED SO AS TO ALLOW ALL DRAINAGE TO BE DIRECTED TO THE FRENCH DRAIN.



Design for:	LOT 6B	SQ. FT.	
SQUARE FOOT OF ROOFTOP	3083	SQ. FT.	
TOTAL ROOFTOP TO BE TREATED	6166	SQ. FT.	
VOLUME OF STORAGE REQUIRED	498	CU. FT.	
VOLUME OF STORAGE PROVIDED	987	CU. FT.	
TOTAL STORAGE REQUIRED	987	CU. FT.	
TOTAL STORAGE PROVIDED	987	CU. FT.	
STORAGE UNIT SIZE	UNIT VOLUME	STORAGE VOLUME	
SINGLE	4.44	4.22	
# OF SINGLE TO BE INSTALLED	234	STORAGE UNITS	
SINGLE UNIT'S MEASUREMENTS	WIDTH	LENGTH	HEIGHT
	1.3383	2.2478	1.4764
NUMBER OF UNITS	24	24	24
MEASUREMENTS OF FRENCH DRAIN	4.0	58.4	4.4
	FEET	FEET	FEET

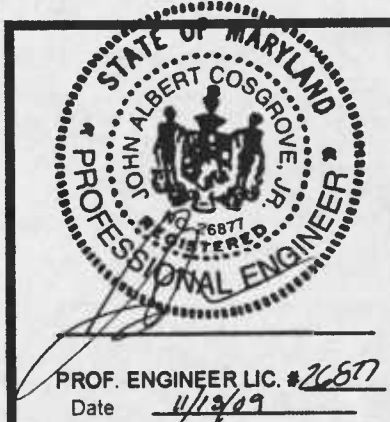
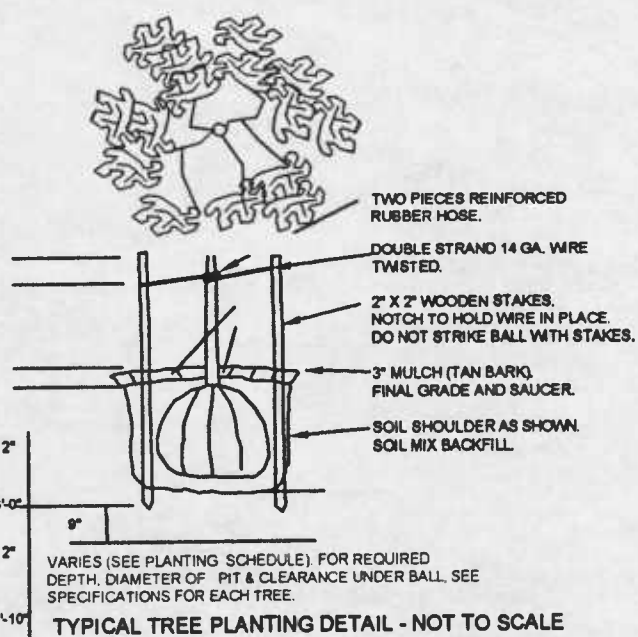
TREE PLANTING SCHEDULE

- 11,484 SQ. FT. OF FORESTED AREA TO BE REMOVED.
- 1 TREE OR 3 SHRUBS FOR EVERY 400 SQ. FT. OF FORESTED AREA REMOVED.
- 11,484/400 = 29 TREES OR 87 SHRUBS.

PROVIDED 29 TREES - TO BE DETERMINED BY LANDSCAPER AND PROPERTY OWNER PRIOR TO BOARD OF APPEALS HEARING. NATIVE TREES/SHRUBS SHALL BE PLANTED AS FOUND ON THE WEBSITE: [HTTP://WWW.DNR.STATE.MD.US/CRITICALAREA/TREES.HTML](http://www.dnr.state.md.us/criticalarea/trees.html).

NOTES

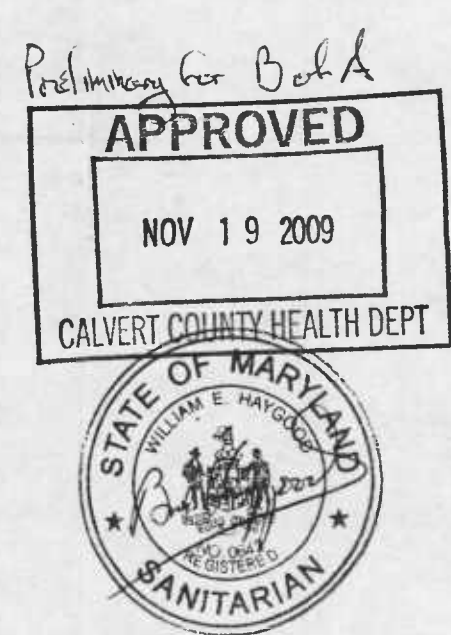
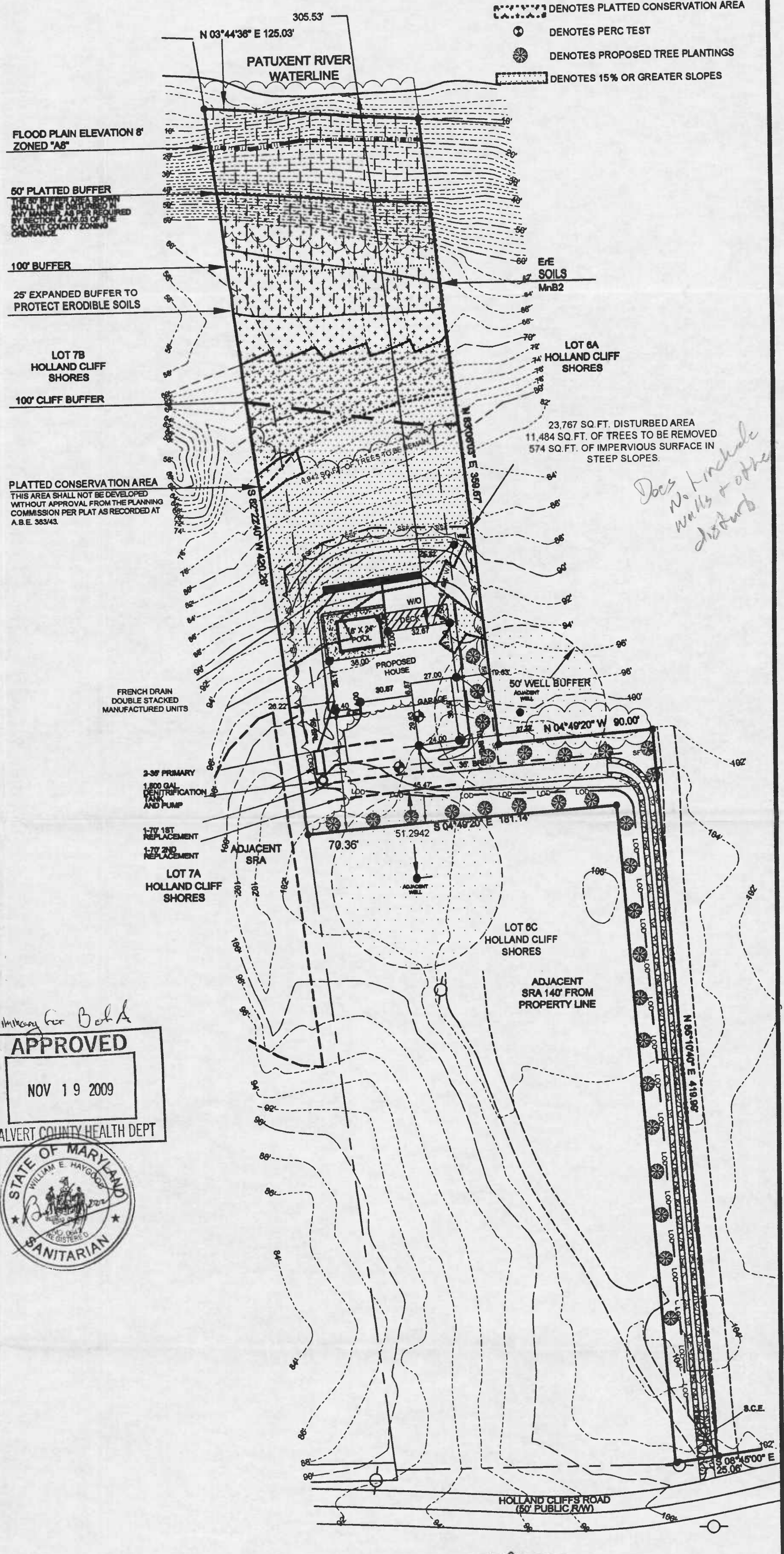
- 1.) ALL WORK SHALL BE PER THE "SPECIFICATIONS FOR TREE SAPLING STOCK AND INSTALLATION PROCEDURES" OF THE RURAL DESIGN MANUAL, APPROVED BY THE CALVERT COUNTY PLANNING COMMISSION ON SEPTEMBER 18, 1996.
- 2.) PLANT MATERIALS ARE TO BE INSTALLED A MINIMUM OF FIVE FEET BEHIND THE RIGHT-OF-WAY PROPERTY LINE.
- 3.) LOCATIONS OF THE PLANT MATERIAL MAY BE ADJUSTED IN THE FIELD TO ACCOMMODATE DRIVEWAYS, STORM DRAINS AND UTILITIES.
- 4.) ANY SUBSTITUTION IN SPECIFIED PLANT MATERIAL MUST BE APPROVED BY PLANNING & ZONING PRIOR TO INSTALLATION.
- 5.) STREET TREES ARE TO BE BONDED WITH THE PUBLIC WORKS AGREEMENT.



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SITE PLAN		DATE NOV. 2009
LOT 6B, SECTION 1		SCALE 1"=50'
HOLLAND CLIFF SHORES		DRAWN BY KAB
LOCATED IN HUNTINGTOWN		DRAWING # CC2008-BPP
2ND DISTRICT, CALVERT COUNTY, MARYLAND		FILE # JOB # 12340

- LEGEND**
- SF — DENOTES SILT FENCE
 - 90F — DENOTES SUPER SILT FENCE
 - LEO — DENOTES LIMIT OF DISTURBANCE
 - BR — DENOTES BUILDING RESTRICTION LINES
 - F — DENOTES FLOOD PLAIN
 - — DENOTES 50' PLATTED BUFFER
 - — DENOTES 100' BUFFER & EXPANDED BUFFER
 - — DENOTES CLIFF SETBACK
 - — DENOTES PLATTED CONSERVATION AREA
 - ⊙ DENOTES PERC TEST
 - ⊙ DENOTES PROPOSED TREE PLANTINGS
 - — DENOTES 15% OR GREATER SLOPES



FAX MAP: 17 PARCEL 184
 TAX I.D.#: 02-103370
 3159 HOLLAND CLIFFS ROAD
 RSP-7-23-08 HD RSP 3/08 FRT