

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

September 22, 2008

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

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

Re: Variance File #08-0767 – Ferat Variance Request

Dear Ms. Chaillet:

Thank you for submitting the materials for the above referenced variance request. The applicant proposes to remove an existing house and to construct a new house, partially within the expanded Critical Area Buffer. Under the County Zoning Ordinance, only structures that are water dependent facilities may be located in the Buffer. The applicant is requesting a variance because the proposal does not comply with the County Ordinance. The applicant proposes 2,385 square feet of new impervious surface in the expanded Buffer. The majority of the new house is outside of the Buffer. However, the proposed approximately 900 square foot two story garage/living space, driveway and rain garden are within the expanded Buffer. Providing the lot is properly grandfathered, this office does not oppose a variance; however, in order to meet the standards and receive a variance it is recommended that the impacts be further minimized as explained below.

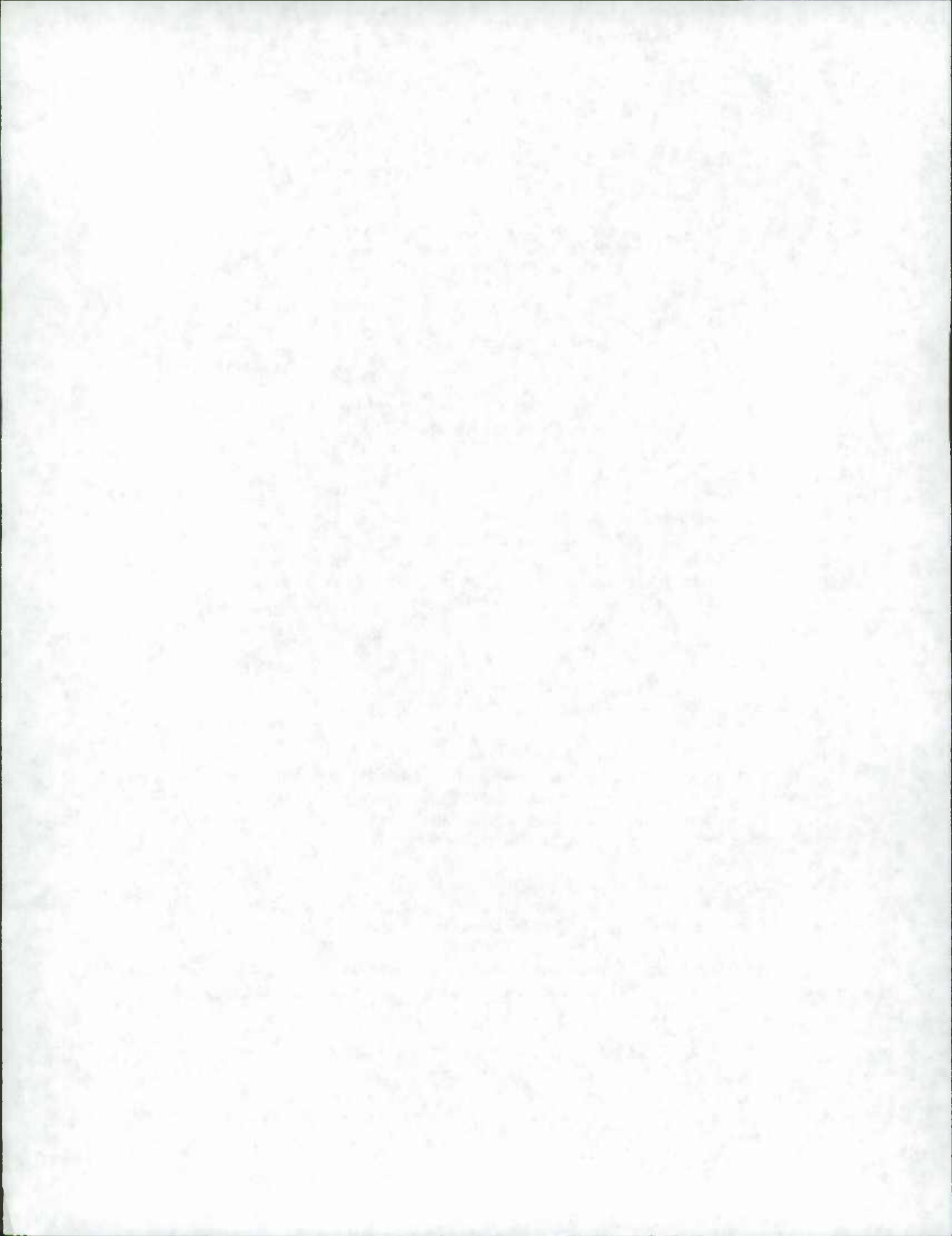
1. In light of the Buffer regulations and the adverse environmental impacts of placing structures within the Critical Area Buffer, the new structures must be moved as far as practicable from the waterway and reduced in size to the extent practicable. It appears that there are options for further minimizing the impacts. For example, it appears that the garage could be attached to the house, reduced in size and placed outside of the Buffer.
2. Mitigation in the form of Buffer plantings must be provided at a ratio of 3:1 for the area of disturbance in the Buffer. The plantings should occur between the new development and the shoreline. The Buffer area between the house and the water should not be lawn or grass.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson  
Natural Resource Planner  
cc: SM 507-08



## ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the application of George and Pauline Calevas/Elaine Ferat for a variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01) to add new impervious surface in the Critical Area Buffer and variance from Section 41.5.3.i (3)(b) to trade more than 1,000 square feet of impervious surface in the Critical Area Buffer to replace an existing single-family dwelling and appurtenances.

Case No. VAAP #08-0767  
The Tech Group (Calevas/Ferat)

RECEIVED  
OCT 28 2008CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays**ORDER**

**WHEREAS**, Application VAAP #08-0767 – The Tech Group (Calevas/Ferat) was duly filed with the St. Mary's County Board of Appeals (the "Board") by Tom and Kathi Roberts (the "Applicants"), on or about August 14, 2008; and

**WHEREAS**, the Applicants seek a Variance from Section 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance (Z02-01), as amended, (the "Ordinance"), to add new impervious surface in the Critical Area Buffer and from Section 41.5.3.i (3)(b) to trade more than 1,000 square feet of impervious surface in the Critical Area Buffer to replace an existing single-family dwelling and appurtenances. The property contains 35,351 square feet; is zoned Residential, Low Density District (RL), Intensely Developed Area (IDA) Overlay; and is located at 45008 Lighthouse Road, Piney Point, Maryland; Tax Map 65, Grid 16, Parcel 225 (the "Property"); and

**WHEREAS**, after due notice, a public hearing was conducted by the Board on Thursday, October 9, 2008 in Main Meeting Room, Chesapeake Building, 41770 Baldrige Street, of the Governmental Center in Leonardtown, Maryland, at 6:30 p.m., and all persons desiring to be heard were heard, documentary evidence received, and the proceedings electronically recorded.

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

**FACTS**

The subject property (Property) is a waterfront lot in the Tolson Subdivision situated between Piney Point Creek to the north and the Potomac River to the south. The Property is a grandfathered lot because it was recorded prior to the adoption of the Maryland Critical Area regulations in December 1985. The Property is constrained by the Critical Area Buffer (Buffer), tidal wetlands, and hydric soils. The Property is entirely within the 100-year floodplain AE-4' and AE-5" according to FIRM (Flood Insurance Rate Map) Panel #319E.

As the Property contains tidal wetlands all calculations used in the review use the Property's fastland. Fastland is calculated by subtracting the area of the lot which is tidal wetlands from the lot area. The resulting fastland equals 31,800 square feet.

The Property contains a single-family dwelling which was constructed in 1971, walkways, driveway, deck, and shed. The total amount of existing lot coverage is 3,968 square feet or 12.5 percent of the Property's fastland and 2,729 square feet of the total lot coverage lies within the expanded buffer. The Applicants propose to remove all existing lot coverage on the Property and redevelop by constructing a replacement single-family dwelling with a deck, 2 covered decks, detached garage, and track driveway which will be served by an existing well and sewer hook up. The proposed lot coverage equals 4,484 square feet, or 14.1 percent of the Property, of which 2,385 square feet are proposed within the expanded Buffer. Though the overall amount of lot coverage was increased, the amount of lot coverage in the Buffer will be reduced by 344 square feet. The Property is IDA overlay and therefore there is no lot coverage limit imposed by Critical Area Law.



The existing vegetative cover on the Property is 3,600 square feet or 11.3 percent of the Property. The Applicants propose to clear 400 square feet (1 tree) or 12.6 percent of the vegetation on the lot.

The existing soil types on the Property are Tidal Marsh (Tm) and Beach (Be), which are hydric soils according to the 1978 United States Department of Agriculture's Soil Survey of St. Mary's County. The Buffer is expanded from a minimum 100 feet to 200 feet due to the presence of hydric soils on the site.

The site plan was approved by the Health Department on September 9, 2008 and approved by the Soil Conservation District on September 2, 2008. Comments were received from the Maryland Critical Area Commission (Commission) on September 29, 2008. The Maryland Critical Area Commission does not oppose the granting of the variance. The Commission recommends that mitigation plantings be required at a rate of three to one for the disturbance to the Buffer and that plantings should be placed between the proposed structures and mean high water (MHW). Also, the Commission recommends that all proposed structures, notably the detached garage, be located as far from the waterway and reduced in size to the greatest extent possible.

Staff recommends that mitigation be calculated at a rate of 3:1 per square foot of the disturbance to the Buffer which equals 26,907 square feet of native vegetation to be planted on site to aid in the reestablishment of a vegetated Buffer. What cannot be planted on site will be mitigated as fee-in-lieu. Additionally, stormwater management review and approval to meet '10 percent rule' requirements will increase the benefits to water quality from the stormwater leaving the Property. The proposed single family dwelling should be move back six feet and the detached garage should be repositioned no more than 10 feet from the proposed single family dwelling to increase the distance of lot coverage in the Buffer from Piney Point Creek, dependent on Health Department Approval.

The Applicants must comply with Section 24.8 of the Ordinance pertaining to lapse of variance. Variances shall lapse one year from the date of the grant of the variance by the Board of Appeals.

#### FINDINGS

The Board addresses the Special Standards for Granting Variances, which are set forth in Section 71.8.3 of the Ordinance, finding as follows:

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

The Property is bordered on the north side by the Potomac River and on the south side by Piney Point Creek which causes the Property to have Buffer constraints from both directions. The entire property is also located on hydric soils, expanding the minimum 100 foot Buffer an additional 100 feet, leaving only a 40 foot by 100 foot area of the property that lies within the two Buffers which is further reduced by zoning setbacks.

For these reasons, the Board finds that if the Applicant were not allowed to trade more than 1,000 square feet of lot coverage in the Buffer or to place new lot coverage in the Buffer, the Applicants would be caused unwarranted hardship.

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

A strict interpretation of the Critical Area provisions would prohibit new development in the Critical Area Buffer on a grandfathered lot, which would deny the Applicants the right to build a new house with appurtenances. Other property owners of grandfathered lots and parcels have the right to develop as long as maximum conformance to the regulations is attempted.

For these reasons, the Board finds that the Applicants have met the standard subject to repositioning the house and detached garage.

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

All property owners of grandfathered lots and parcels in the IDA have the right to develop their properties. When a property is nearly entirely constrained by the Buffer, as this property is, the owner has the right to seek relief through the variance process.

For these reasons, the Board finds the granting of the variances to add impervious surface in the Critical Area Buffer and to trade more than 1,000 square feet of impervious surface in the Buffer will not confer a special privilege upon the Applicants.

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

The variance request is not the result of actions by the Applicants but of the adoption of the Critical Area regulations and expansion of the Buffer. The Property was recorded and improvements were located within 200 feet of tidal waters prior to the adoption of the Critical Area regulations.

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

The Applicant will be required to implement sediment control measures during construction and to mitigate for the new impervious surface and for any clearing.

The Board finds that a Critical Area Planting Agreement and Buffer Management Plan will be necessary to alleviate any impacts to water quality due to the creation of impervious surface and clearing of vegetation in the Buffer. The Board believes the required plantings will assist in improving and maintaining the functions of the Buffer. The Board finds that at a minimum, the Applicant shall be required to establish a 100 foot Buffer on the Creek side of the property.

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

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

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

Nearly the entire lot is constrained by the expanded Buffer. The proposed development is entirely outside of the first 100 feet of the Buffer and may not result in any vegetative clearing in the Buffer. Additionally, the Applicants propose to reduce the overall square feet of lot coverage in the Buffer by 344 square feet. The new impervious surface can be offset by planting vegetation nearby and by implementing other best management practices.

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



DECISION

**NOW, THEREFORE, BE IT ORDERED**, that, having made a finding that the standards for a Variance in the Critical Area and the objectives of Section 41.5.3.i and 71.8.3 of the St. Mary's County Comprehensive Zoning Ordinance have been met, the variance to trade more than 1,000 square feet of impervious surface in the Critical Area Buffer and to add impervious surface to the Critical Area Buffer is **approved**, subject to (1) adherence to the Critical Area Planting Agreement and Buffer Management Plan; (2) storm water management that satisfies the '10 percent rule'; and (3) relocation of the detached accessory structure 10 feet toward the front property line, with the further condition that the applicant provide n amended site plan.

This Date:           October 23, 2008

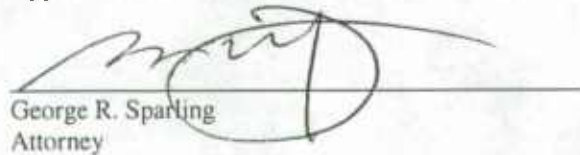
  
George Allan Hayden  
Chairman

Those voting in favor of the request:

Mr. Payne, Mr. Edmonds, Mr. Hayden, Mr. Miedzinski and Ms. Neale

Those voting against the requested variance:

Approved as to form and legal sufficiency:

  
George R. Sparling  
Attorney



**CRITICAL AREA PLANTING AGREEMENT**

THIS AGREEMENT, made this TWENTY SECOND day of JANUARY, 2009, by and between GEORGE A. & PAULINE S. CALEVAS & ELAINE C. FERAT hereafter referred to as "applicant" and St. Mary's County, Maryland, hereinafter the "County". The parties have expressly entered into this agreement to protect and preserve the fish, plant, and wildlife habitats, to improve the water quality, and to mitigate the adverse impacts of development in the designated area(s) pursuant to the St. Mary's County Chesapeake Bay Critical Area Program a/k/a IDA Overlay Zone and located at TM 65, GRID 16, PARCEL 225, LOTS 17&18, TOLSON SUBDIVISION. The parties herein agree to the conservation measures listed below in accordance with the St. Mary's County Zoning Ordinance; Title 9, Natural Resources Article, and with all applicable county, state, and federal laws and regulations for conservation of the natural resources within St. Mary's County.

**WITNESSETH:**

The Applicant seeks approval of the Critical Area Planting Agreement submitted and attached hereto as CAPA 08-0767 that consists of the following elements:

1. Site Plan with Critical Area Inventory.
2. Planting Plan for 23,421 square feet as three to one mitigation for 7,807 square feet of disturbance to the Buffer as required in accordance with the St. Mary's County Zoning Ordinance Sections 72.3.3; Title 9, Natural Resources Article, and with all applicable county, state, and federal laws and regulations for conservation of the natural resources within St. Mary's County.
3. Erosion and Sediment Control Plan or signed waiver.
4. Stormwater Management Plan or signed waiver.
5. Health Department Permission slip.

The County seeks to ensure that adequate conservation measures are performed under the terms of this agreement by the Applicant for the installation, maintenance, and preservation of the natural environment in St. Mary's County.

**IN CONSIDERATION** of the mutual promises of the parties and the following terms and conditions, and in further consideration of this Critical Area Planting Agreement, CAPA 08-0767 and other applicable plans as enumerated herein and the issuance of permits for the work proposed to be done by the Applicant, the parties agree as follows:

1. A cash bond, surety bond or letter of credit will be posted in the sum of Twenty Three Thousand Six Dollars (\$23,600) to the County, under the terms of this agreement, if the required plantings are not complete and inspected by final inspection or the date indicated in Section 2.B of this agreement, whichever occurs first. This bond shall be held by the County for one (1) year after the completion of the project to insure that the Applicant is in compliance with the terms of the Planting Plan. The Office of Land Use and Growth Management shall complete a final inspection of the site and certify that the Applicant has completed all conservation measures enumerated in the Critical Area Planting Agreement.
2. The Applicant agrees to mitigate the adverse impact of development incurred by the proposed project by including the following elements in the Planting Plan:
  - A) Plant the following IN ACCORDANCE WITH THE APPROVED PLANTING PLAN:

\*Though the Planting Plan illustrates more vegetation, below are the minimum to be planted:

- i. TWENTY FOUR (24), SIX-foot (6') tall, one-and-a-half inch (1.5") in diameter, b. and b. nursery stock trees (species to be native to the Coastal Plain in Maryland & SALT TOLERANT); and
- ii. SIX (6), twelve-foot (6') tall, one-and-a-half inch (1.5") in diameter, b. and b. nursery stock trees (species to be native to the Coastal Plain in Maryland & SALT TOLERANT); and

P.O. Box 653 ♦ Governmental Center ♦ 23115 Leonard Hall Drive, Leonardtown, MD 20650  
[www.co.saint-marys.md.us](http://www.co.saint-marys.md.us)



- iii. **FORTY SIX (46)**, three (3) gallon nursery stock shrubs (species to be native to the Coastal Plain in Maryland & SALT TOLERANT); and
  - iv. **THIRTY SIX (36)**, nursery stock grasses (species to be native to the Coastal Plain in Maryland & SALT TOLERANT).
- B) Required plantings shall be installed by **November 30, 2009** or prior to the issuance of a Certificate of Occupancy whichever comes first. Upon completion of the planting the applicant shall notify the Office of Planning and Zoning for an inspection.
- C) A 60% survival rate after one (1) year after the inspection must be guaranteed by the undersigned, this agreement includes replanting after one year if necessary to achieve the survival rate.
- D) ALL vegetation MUST be installed as noted above and/or as indicated on the approved Planting Plan.**
3. In the event that the conservation measures, as practiced in the field are inadequate, the County shall require revisions to the Critical Area Planting Agreement before any further work may be done on the project. The County may issue a stop work order, where appropriate, to insure that the conservation measures of the Applicant are in conformity with the approved terms of this Agreement.
  4. If there are any deficiencies at the time of the final inspection, a stop work order will be posted and no further work shall be done nor shall a Certificate of Occupancy be issued on the project until such deficiencies are corrected to the terms of this Agreement.
  5. In the event the Applicant breaches the Critical Area Planting Agreement, the Applicant shall forfeit any bonds. The bonds shall be used by the County to restore the property. If the bonds are insufficient to pay the costs of restoration, the County shall place a lien against said property for all monies due and owing to the County.
  6. The County shall have the right to enter upon the land and inspect at any time during the project. The County shall further have the right to enter upon the land and restore the property with the bond deposited with the County by the Applicant, should the Applicant fail to complete the project.
  7. It is expressly agreed by all parties that it is the purpose and intent of this agreement to insure the installation, maintenance, and performance of conservation measures provided for by the approved plans or revisions or modifications thereof, in the designated Critical Area Program or on a specific project approved herein. The parties further agree that this Critical Area Planting Agreement shall be governed and construed by the laws of the State of Maryland.

IN WITNESS, the parties have caused this agreement to be executed.

\_\_\_\_\_  
WITNESS OF ATTEST

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
WITNESS OF ATTEST

*Jennifer B. Ballard*  
Jennifer B. Ballard for the  
Environmental Review Team

Subscribed and sworn to me in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, a notary for the County of \_\_\_\_\_, State of Maryland,

\_\_\_\_\_  
(Signature, Notary) My commission expires \_\_\_\_\_.



August 5, 2008

Board of Appeals  
Department of Land Use and Growth Management  
St. Mary's County  
Leonardtown, Maryland 20650

**RE: Variance for Building Application #08-0767**

Dear Members of the Board of Appeals:

In accordance with relevant requirements, my family and I submit this letter with related documentation and photographs in support of our request for a variance to replace the current house at 45008 Lighthouse Rd. in Piney Point.

My uncle George Calevas and his wife Pauline purchased this property in 1971, at which time they erected a Sears pre-manufactured home which remains to this day. My aunt and uncle have been unable to enjoy Piney Point for the last several years in light of their advanced ages of 95 and 91 respectively; they have therefore kindly passed the Piney Point torch to the Ferat family -- myself, my husband, and my two sons.

While the current house served my aunt and uncle well for over three decades, it has held up as long as a pre-manufactured house possibly could. Notwithstanding its deteriorating condition, this two-bedroom structure is simply too small to accommodate our large family. Both of my sons are married with a child each (and more on the way). While Piney Point will not be our primary residence, it will be used on a frequent basis, year round, given that we all live in Maryland within a 90-minute drive. Additionally, the proposed site plan will allow us the opportunity to comfortably entertain friends and extended family on a regular basis, which we plan to do frequently.

The proposed garage will be used predominantly as storage for cars, a fishing boat, gardening equipment and other accessories. While we did attempt to design a plan to incorporate a garage into the house, we found that our lot was simply too narrow. Given the length of lot, we feel that adding a detached garage behind the house is the most efficient use of space. The second floor of the garage will be used for storage and for additional sleeping quarters for overflow guests. While the upper floor will include a bathroom, it will not include a kitchen and will not constitute a separate residence. We realize that this ancillary structure encroaches on the 200' buffer but we believe that the incremental environmental improvements to our site, as detailed below, outweigh the effects of this encroachment.

**RECEIVED**

AUG 28 2008

CRITICAL AREA COMMISSION

We have worked with DLUGM reviewer Jennifer Ballard over the course of the last several months to come up with what we believe is a reasonable site plan, from both our perspective as well as from the perspective of the Critical Area Commission. We have planned our build to ensure that we achieve real reductions in total impervious surfaces within the buffer, and additional BPM's to offset an overall increase in site size outside the buffer. We are proposing a number of non-structural BPM's to reduce the effect our plan will have on storm water drainage. The following are some of the highlights of our proposed plan:

- We will remove all existing concrete walkways around the current house, the large concrete driveway and the concrete landings in front and back and replace with grass.
- We will build a 100 sq ft **rain garden** to drain storm water from the accessory garage structure.
- We will use a **pervious paver system** for the new driveway and garage landing to ensure significant improvements in storm water drainage.
- We will make use of **rain barrel(s)** to conserve drainage from the main house rooftop. Accumulated water will be used to water our lawn, shrubs and gardens as needed.
- While our original plan called for the detached garage to be farther back towards the Piney Point Creek, we have amended the location, based on Ms. Ballard's recommendation, to bring it closer to the house and away from the wetlands. This change in garage location will enable us to preserve 7 of the 8 trees in the back of the house.
- We have placed the main house footprint in such a position as to preserve, to the extent possible, the pine tree located outside the buffer.
- We propose to plant native wetlands grasses along the creek shoreline to further positively impact the bay environment.
- The current site is devoid of any flora other than existing trees. In addition to trees and wetlands grass as noted above, we intend to invest significant resources in landscaping including the planting of indigenous flowers and shrubbery around the house and garage (currently not shown on site plan).

*Our proposed plan will have the following effect (as noted in the attached storm water plan):*

- *Reduction of impervious surfaces within the Critical Area buffer by 344 sq. ft or 13%.*
- *Offsets of 1,056 sq. ft against a total increase of 526 sq. ft in impervious surface on total site.*



In addition to the information above, we address below the specific points raised in Customer Assistance Guide #43:

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

Despite the considerable depth of our lot, the water line and consequent 200' buffer on both sides of the property result in a fairly narrow band of possible construction site outside the buffer. Given this limitation, we are not able to fit our proposed build entirely outside the buffer. Despite our encroachment on the buffer, however, we believe that our plan evidences significant mitigating factors to improve the environment.

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

Lighthouse Road has seen its share of new construction in the last decade. Many of the properties thereon include large homes with adjacent ancillary garage and living spaces. As seen in the attached photos, many of these structures are within the 200' buffer. We understand that the existence of these neighboring structures within the buffer should not automatically result in the approval of our own plan; however, we do believe that our proposed plan is in line with, if not more environmentally friendly than, other similarly situated neighbors.

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

We do not believe that the granting of this variance would confer any special privilege that would be denied to other lands within the Critical Area. In fact, we believe that the approval of the variance would be consistent with other similarly situated property owners on Lighthouse Road.

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

Our request for variance is the direct result of the application of relevant law and in no way is based upon the result of our own actions.

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

We believe that the granting of this variance will have a positive effect on the environment given the overall improvements our plan exhibits over the existing site. In addition to improving storm drainage through the elimination of concrete walkways and driveways, we will install a large rain garden, make use of water barrels, and will plant indigenous grasses and trees near Piney Point Creek as mitigation. Overall, our plan will result in a 10% reduction in impervious surface within the buffer and an overall reduction of approximately 8%, when non-structural BMPs are taken into account. We believe that these improvements do indeed comply with the spirit, intent and purpose of the Critical Area Program.

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

As noted above, our current plan as presented to you has gone through a number of iterations over the last eight months. Changes to our plan have been made in consultation with Jennifer Ballard from DLUGM and were made with every effort to comply with the letter and spirit of the Critical Area regulations. We believe that this plan is the minimum necessary to achieve a reasonable use of our land.

We hope you find that our request for variance is reasonable and will result in both structural and environmental improvements to the current site. We would also like to note that we plan to hire a local builder for the completion of our entire site, further aiding the local economy. Should you have any questions, comments or recommendations, please do not hesitate to contact my son or me.

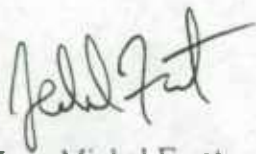


Variance Letter  
8/6/08  
Page 5 of 5

Sincerely,

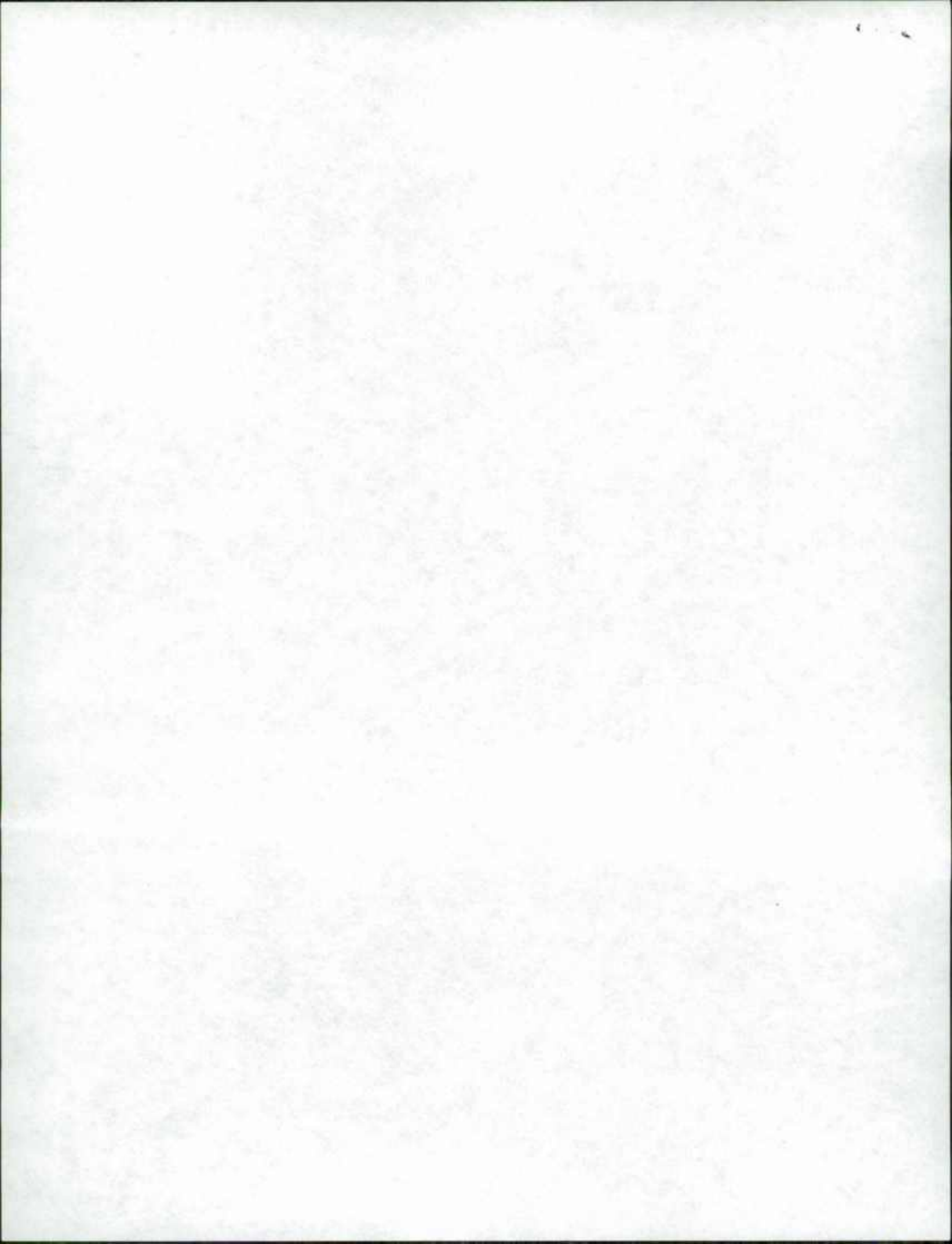


Elaine C. Ferat  
Power of Attorney for George A. and Pauline S. Calevas  
5704 Massachusetts Avenue  
Bethesda, MD 20816  
[ecferat@comcast.net](mailto:ecferat@comcast.net)



Jean-Michel Ferat  
[jferat@mac.com](mailto:jferat@mac.com)

Attachments: Residential Quality Management Plan  
Photographs





## Residential Water Quality Management Plan

Application #08-0767

Elaine Ferat, George Calevas and Pauline Calevas

45008 Lighthouse Road, Piney Point

### Narrative:

**Description of Work:** Removal and current structure including house, large concrete driveway, concrete walkway and concrete shed. Construction of new single-family house and detached garage as replacement.

<b>Total Site Area:</b>	.81 acre or approx. 35,280 sq. ft
<b>Total Disturbed Area:</b>	12,586 sq. ft
<b>Total Forest Area Before Construction:</b>	9 trees, 3,600 sq. ft
<b>Total Forest Area After Construction:</b>	8 Trees + 10 shrubs, 5,200 sq. ft
<b>Existing Impervious Area inside buffer:</b>	2,729 sq. ft
<b>Existing Impervious Area outside buffer:</b>	1,229 sq. ft
<b>Total Existing Impervious Area:</b>	3,958 sq. ft
<b>Proposed Impervious Area inside buffer:</b>	2,385 sq. ft
<b>Proposed Impervious Area outside buffer:</b>	2,099 sq. ft
<b>Total Proposed Impervious Area:</b>	4,484 sq. ft

### Non-Structural BPM's

- Rain garden (approx 100 sq. ft) for water runoff from garage structure
- Rain barrel(s) for storage of water runoff from main house
- Two Track driveway with Permeable Pavers (50% pervious)
- Permeable pavers for ramp area to garage bays (50% pervious)
- Plant 10 additional native wetland grasses at Piney Point Creek shore

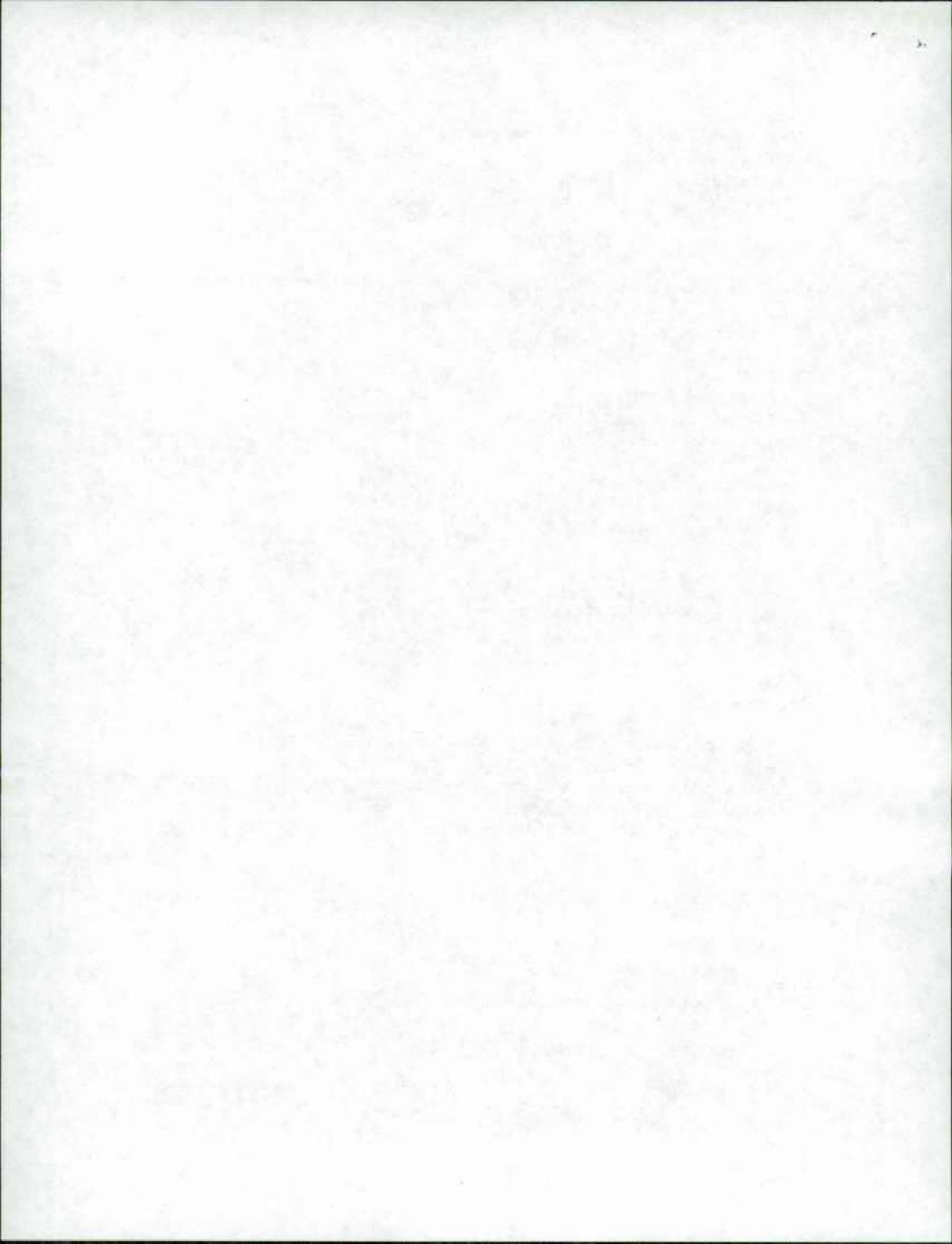
### Rain Garden Sizing Information

**Impervious Area treated:** 448 sq ft (1/2 of roof top area via one downspout)

**20% of treated area (for sandy soil):** 90 to 100 sq feet

### Rain Barrel Coverage Information

**Impervious Area treated:** 1,134 sq ft (1/2 of main roof top area via two downspouts)





**Storm Water Improvements to Current Site**

*Within 200' buffer*

Existing Impervious Area inside buffer:	2,729 sq. ft	
Proposed Impervious Area inside buffer:	<u>2,385 sq. ft</u>	
<b>Reduction to total Impervious Surface inside buffer</b>	<b><u>(344) sq. ft</u></b>	<b>(12.6%)</b>

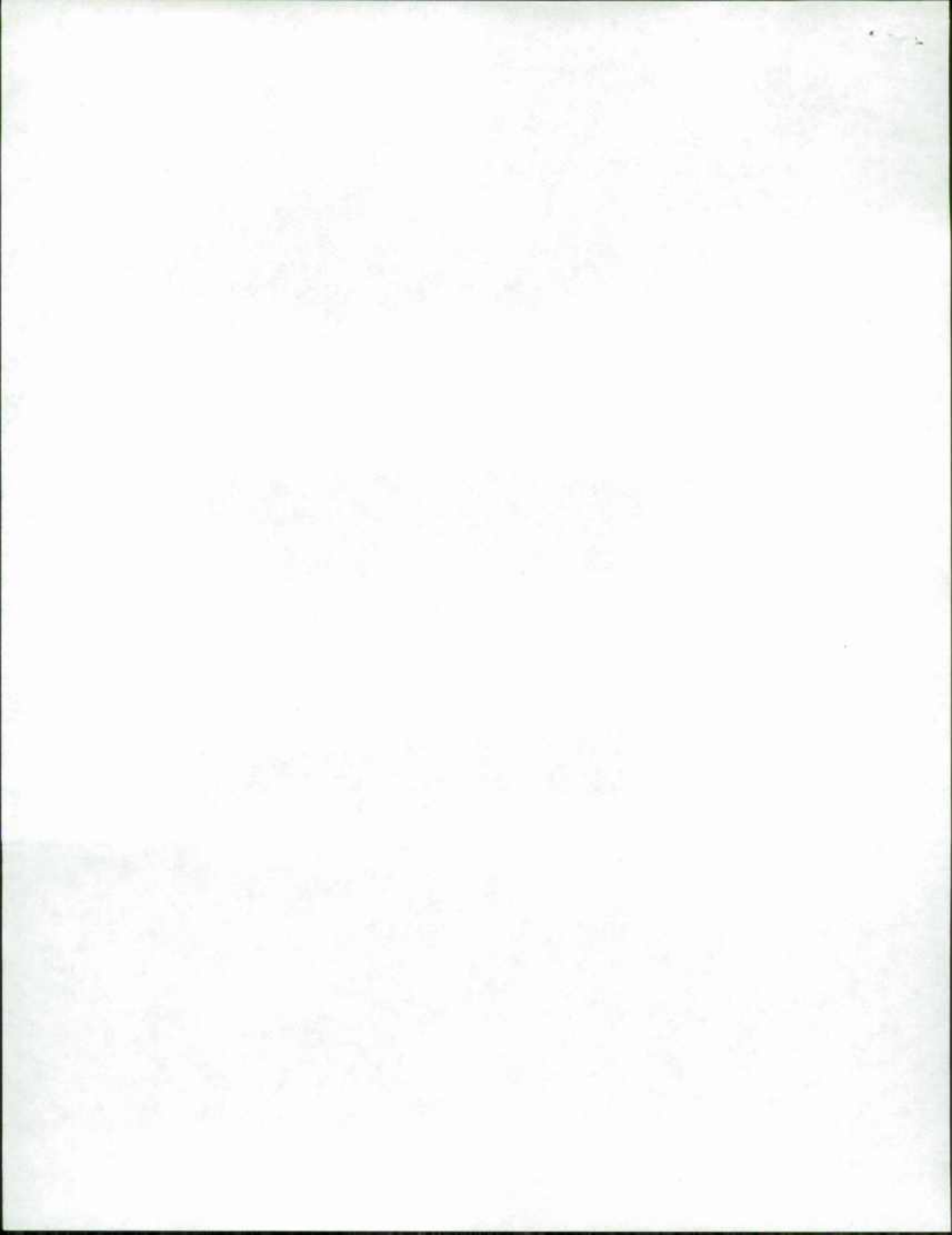
*Total Site*

Total Existing Impervious Area:	3,958 sq. ft	
Total Proposed Impervious Area:	<u>4,484 sq. ft</u>	
<b>Increase to total Impervious Surface:</b>	<b><u>526 sq. ft</u></b>	<b>19.1%</b>

Total area treated through reforestation and non-structural BPM's

* Rain Garden	(448) sq. ft	
* Water Barrells	<u>(1,134) sq. ft</u>	
	<u>(1,582) sq. ft.</u>	

<b>Excess Gains through Offset over required amount</b>	<b><u>(1,056) sq. ft</u></b>	<b>(26.6%)</b>
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FRONT OF EXISTING  
STRUCTURE



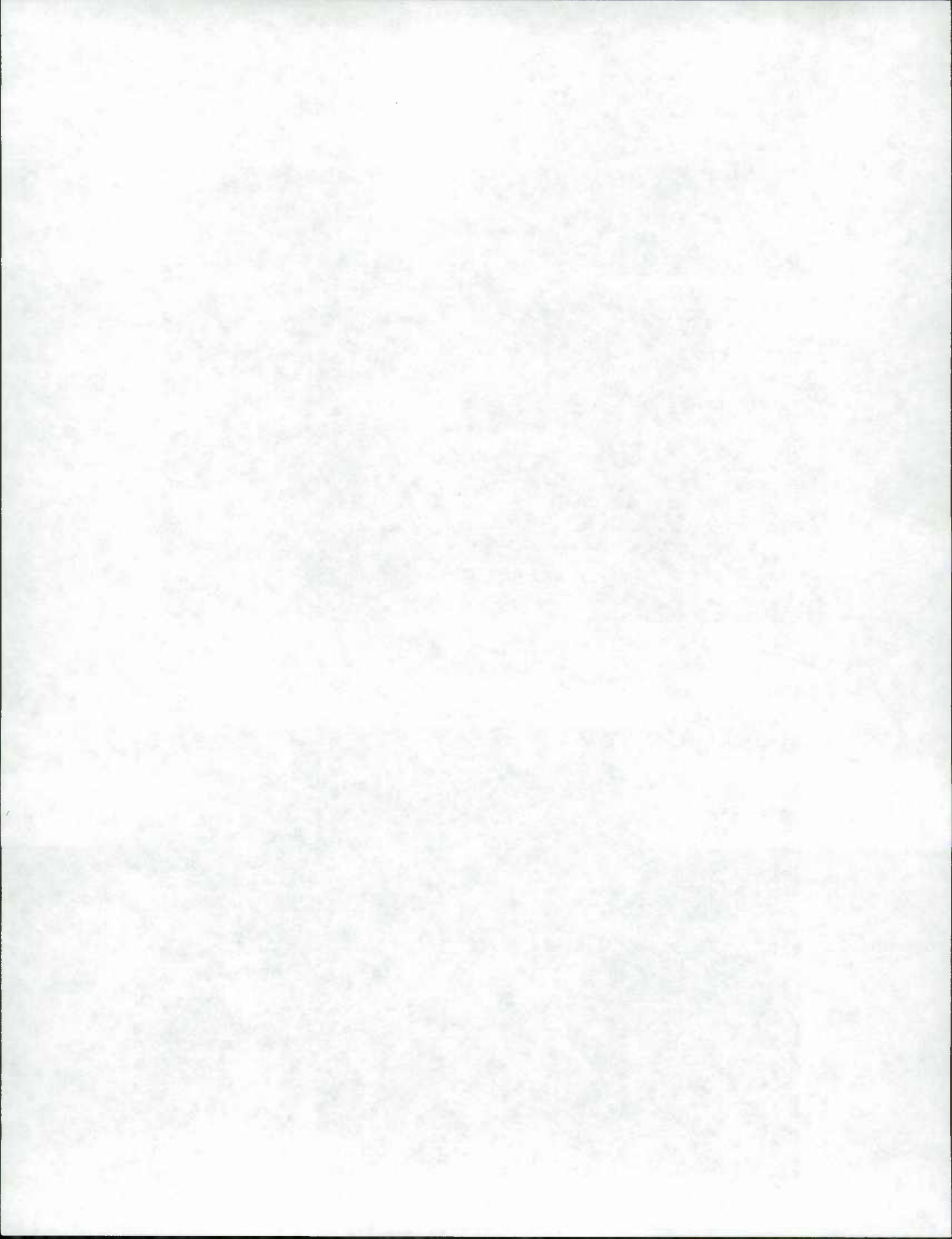
All concrete to  
be removed



Tree to  
be retained

shed to  
be removed





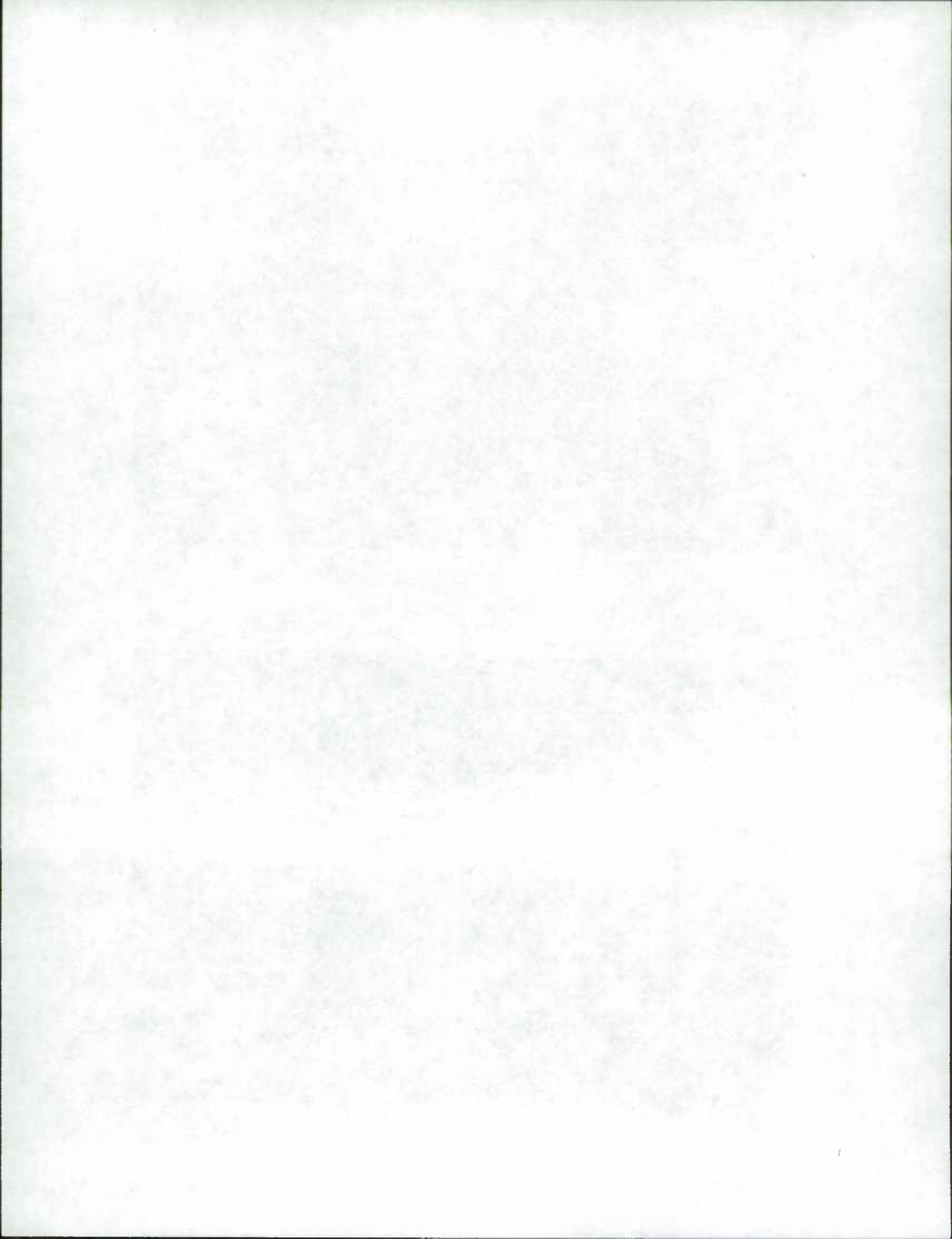
REAR OF HOUSE



Damaged structures  
to be removed

SHED







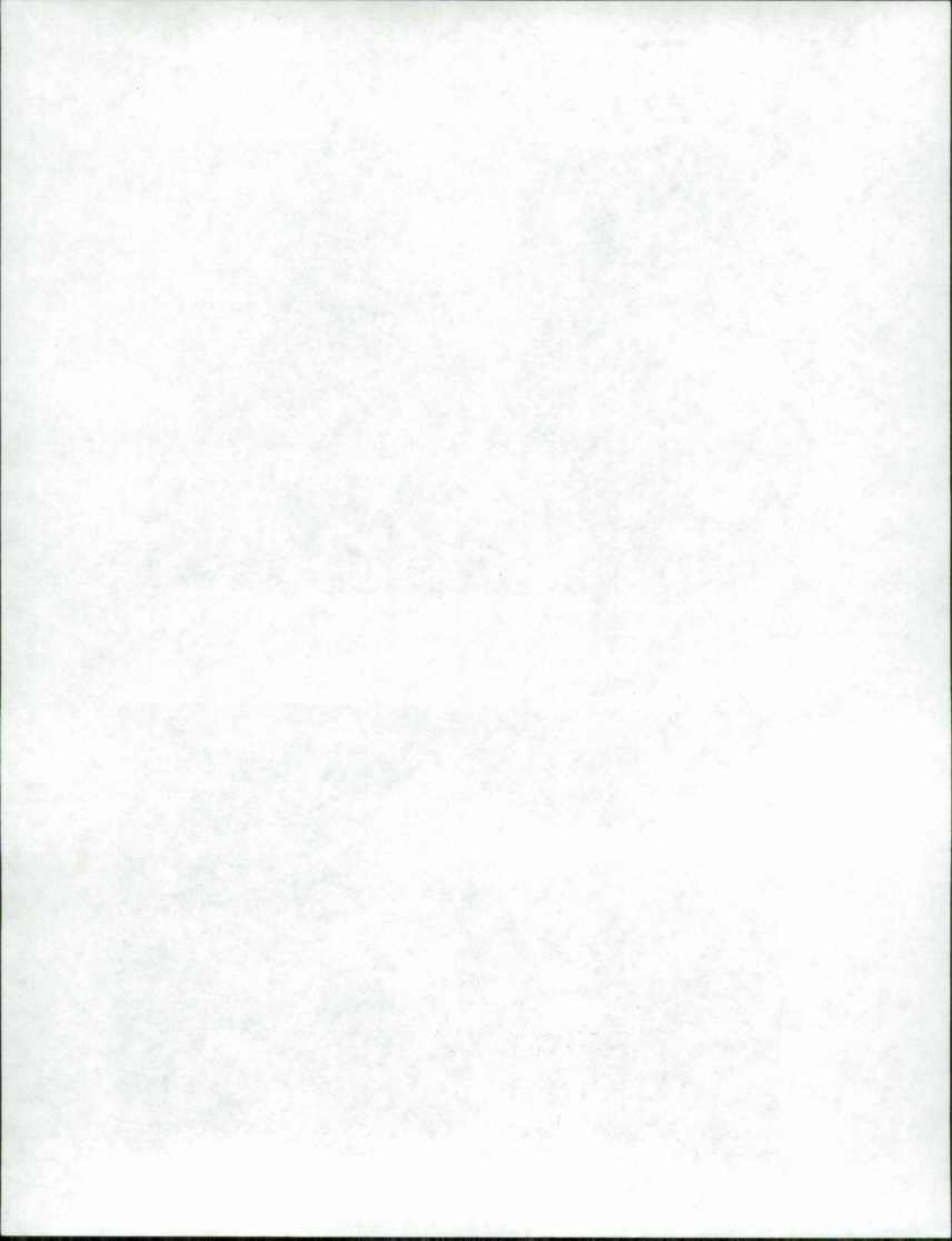


Neighbor  
ancillary  
structure  
in Buffer

Trees to  
be retained



Neighbor #2  
ancillary  
structure  
in Buffer





08-0767 Ferat  
2007 Ortho Scale - 1":60'  
JBB 8/25/2008  
Constrained by:  
Hydric Soil, Wetlands  
Floodplain

Edge of Tidal Wetlands

100' Buffer

Expanded Buffer

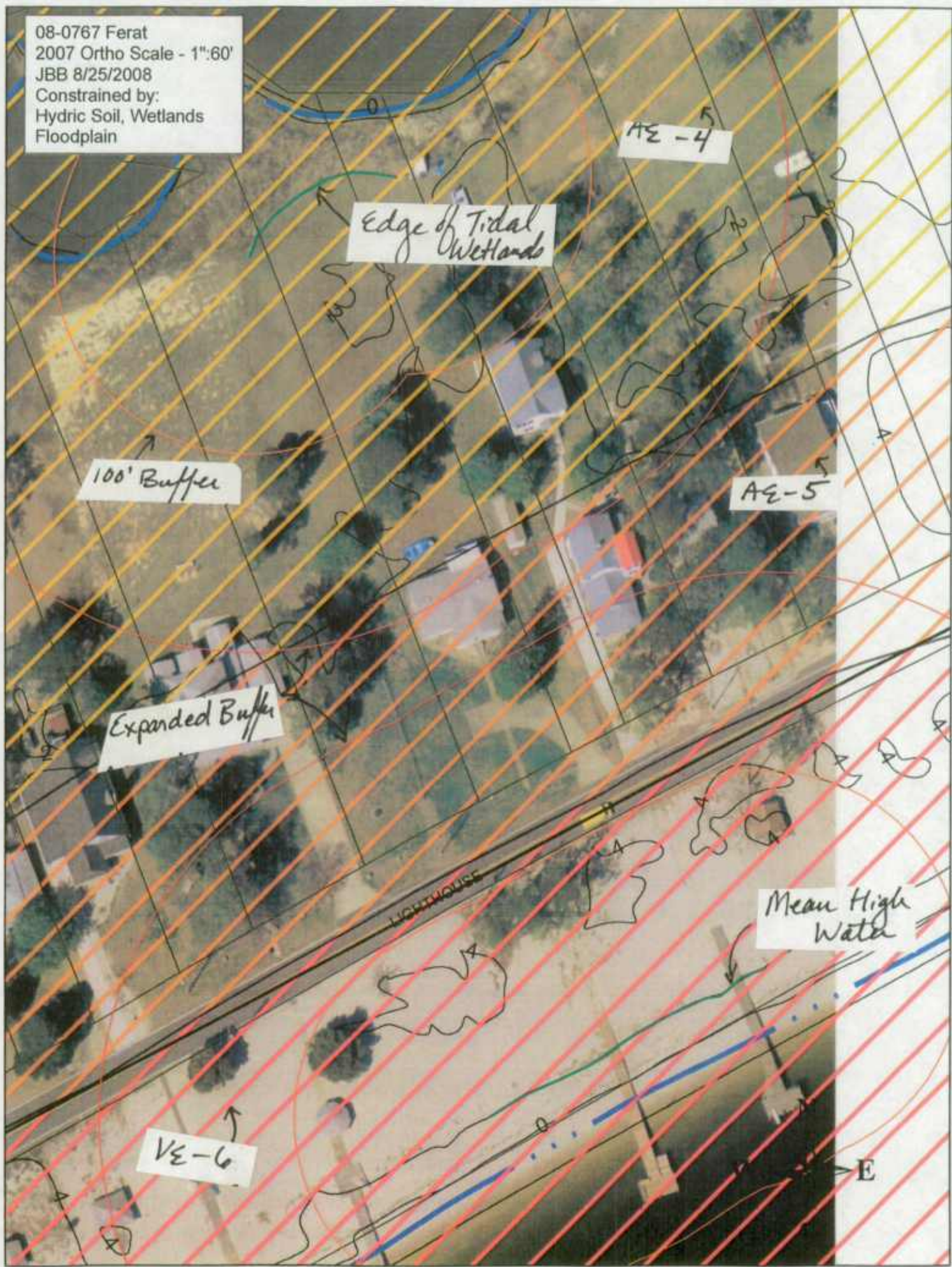
AE-4

AE-5

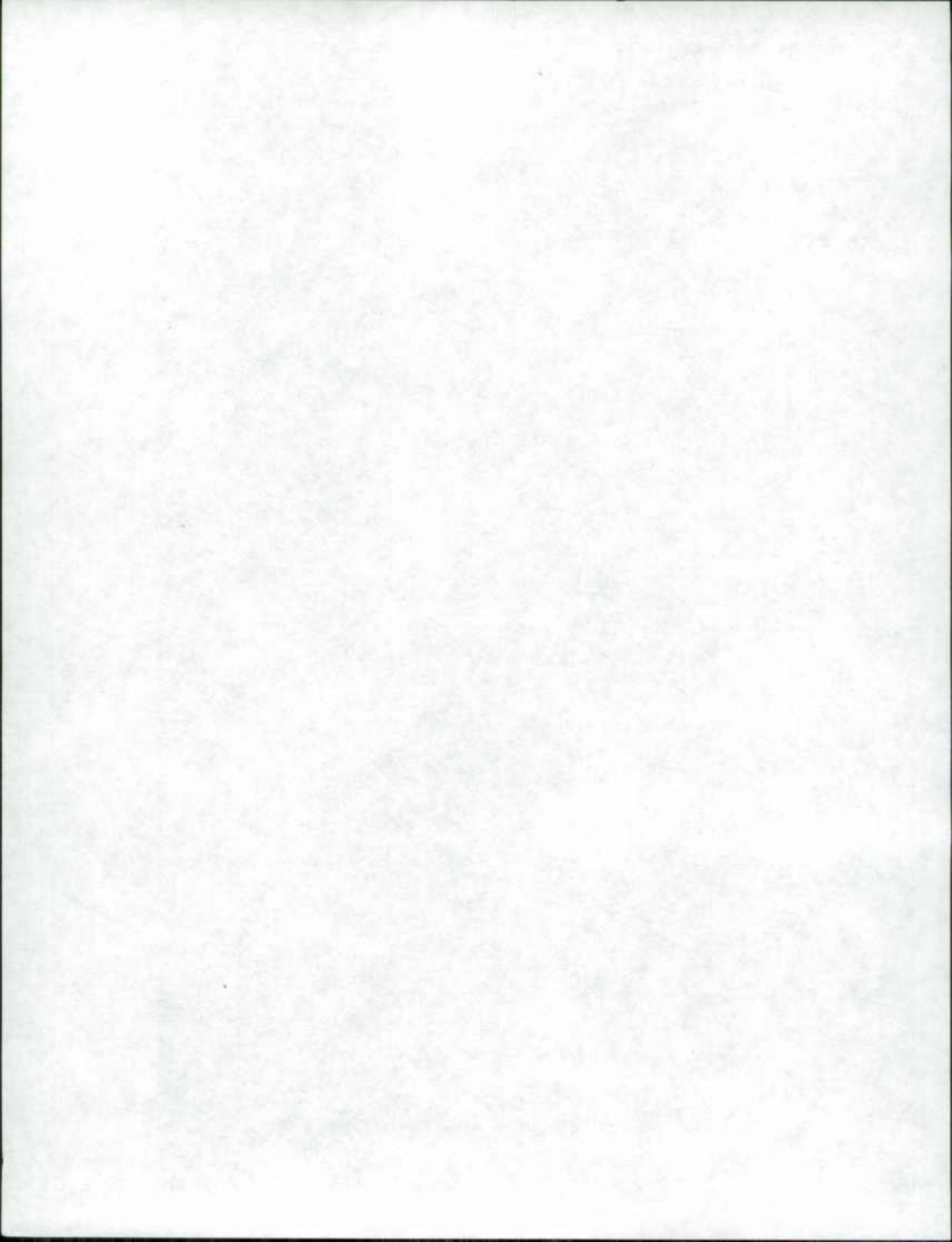
Mean High Water

VE-6

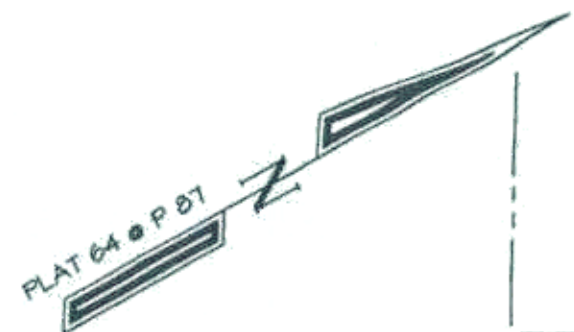
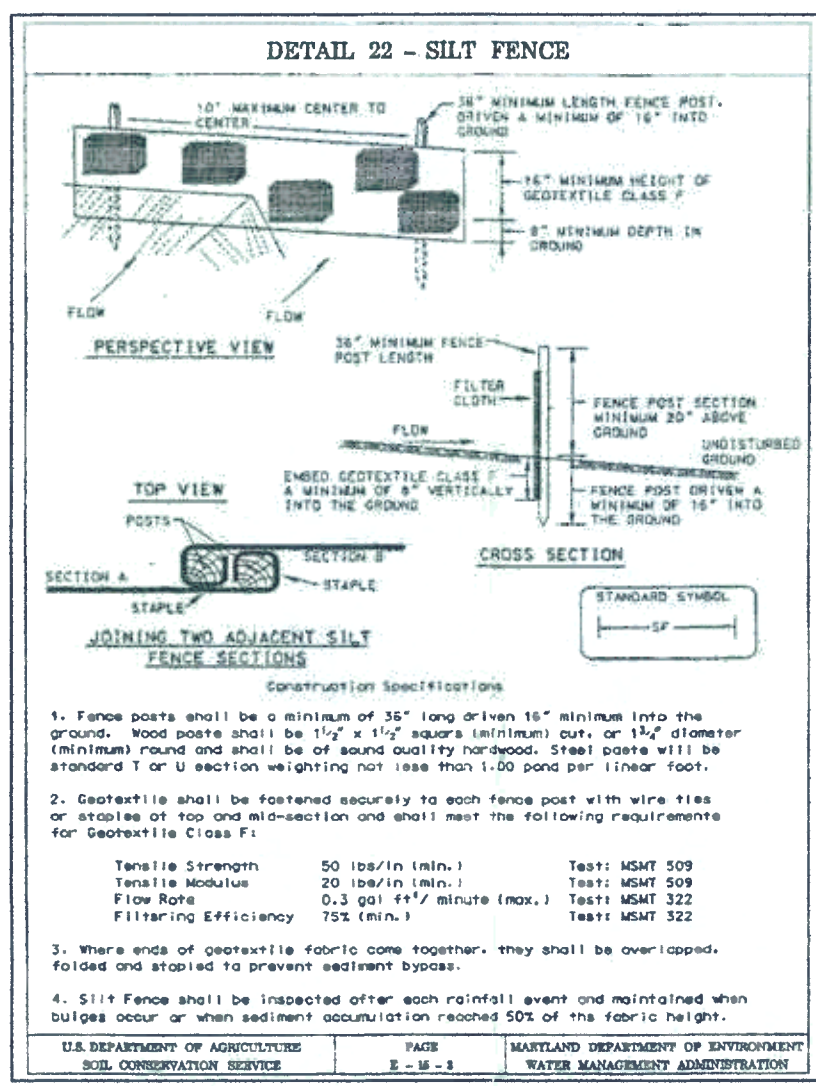
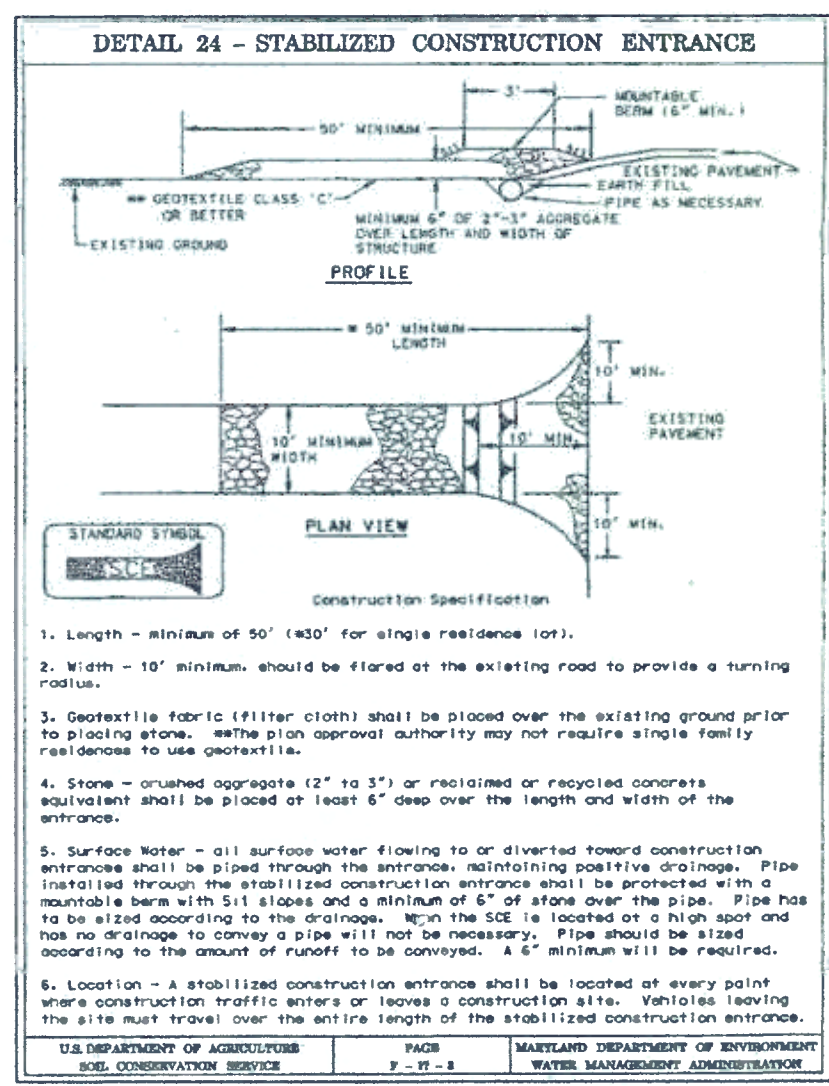
E











**CRITICAL AREA CALCULATIONS**

LOT 500-14 AREA (FASTLAND): 31,476 s.f. = 0.73 AC.  
IMPERVIOUS ALLOWED: 5,445 s.f. = 0.13 AC.

EXISTING IMPERVIOUS (OUT OF BUFFER): 0 s.f.

Category	Area (s.f.)
EXISTING IMPERVIOUS (IN BUFFER)	2,214 s.f.
HOUSE	44 s.f.
STOOP	26 s.f.
STEPS	26 s.f.
WALKS	82 s.f.
CONG. PAD	19 s.f.
CARPORF	204 s.f.
PEA-GRAVEL	2,556 s.f.
DRIVE	2,246 s.f.

TOTAL EXISTING IMPERVIOUS: 7,006 s.f. = 0.16 AC. = 24.4 %

TOTAL EXISTING HOODS = 6,000 s.f. = 0.14 AC.  
PROPOSED CLEARING = 400 s.f. = 0.01 AC. = 6.7 %

**CRITICAL AREA CALCULATIONS**

LOT 500-14 AREA (FASTLAND): 31,476 s.f. = 0.73 AC.  
IMPERVIOUS ALLOWED: 5,445 s.f. = 0.13 AC.

PROPOSED IMPERVIOUS (OUT OF BUFFER): 0 s.f.

Category	Area (s.f.)
PROPOSED IMPERVIOUS (IN BUFFER)	3,664 s.f.
HOUSE	320 s.f.
DECK	43 s.f.
PORCH	19 s.f.
STAIRS	2,201 s.f.
WALK	112 s.f.

TOTAL PROPOSED IMPERVIOUS: 6,125 s.f. = 0.14 AC. = 14.2 %

**CRITICAL AREA PLANTING PLAN**

MITIGATION CALCULATIONS (PLANTING REQUIREMENTS)

MITIG. TREE RATIO	MITIG. AREA	PLANTING REQUIRED
< 20%	1:1	0 s.f.
< 30%	2:1	0 s.f.
> 30%	3:1	400 s.f. 1,200 s.f.
TOTAL	400 s.f.	1,200 s.f.
TOTAL PROVIDED =	1,200 s.f.	

CANOPY TREES @ 400 S.F. EACH (2" CALIFER - 20' x 20' SPACING)

SYMBOL	NAME	QTY.
Acacia	ACACIA (RED MAPLE)	3
Pinus	PINUS TAEDA (LOBLOLLY PINE)	00
TOTALS	AREA = 1,200 s.f.	3

The trees and bushes listed above may be substituted with approved equivalents from the "Native Plants for Wildlife Habitat and Conservation Landscaping - Maryland, Coastal Plain," published by the U.S. Fish and Wildlife Service, or as approved by the St. Mary's County Department of Land Use & Growth Management.

**CRITICAL AREA - EXISTING CONDITIONS TABLE**

LOT #	LOT AREA	EXISTING IMPERVIOUS SURFACE WITHIN THE EXPANDED 100' BUFFER	SLOPES 15% OR GREATER	EXISTING FOREST	EXISTING IMPERVIOUS SURFACE OUT OF THE EXPANDED 100' BUFFER	AREA WITHIN CRITICAL AREA	AREA OUT OF CRITICAL AREA	IMPERVIOUS SURFACE ALLOWED
500-14	0.73 AC.	7,006 s.f.	4,382 s.f.	0.14 AC.	0 s.f.	0.73 AC.	0 AC.	7,006 s.f.

**NOTE:**  
ENTIRE SITE LIES WITHIN THE HYDRIC SOILS TYPE Fs (FALLSINGTON SANDY LOAM).

**NOTE:**  
ENTIRE SITE IS IN THE EXPANDED CRITICAL AREA BUFFER

**UTILITY INSTALLATION NOTE:**  
ALL TRENCHES OR HOLES CREATED FOR UTILITY INSTALLATION SHALL BE BACKFILLED, COMPACTED, AND STABILIZED AT THE END OF EACH WORK DAY. EXCAVATED TRENCH MATERIAL SHALL BE PLACED ON THE HIGH SIDE OF THE TRENCH OR HOLE. NO MORE TRENCH/HOLE SHALL BE OPENED THAN CAN BE STABILIZED THE SAME DAY. IF AN AREA MUST BE LEFT UNSTABILIZED OVERNIGHT, SILT FENCE WILL BE PLACED IMMEDIATELY DOWNSTREAM OF ALL DISTURBED AREAS AND STOCKPILES, AND APPROPRIATE SAFETY MEASURES WILL BE INSTALLED AS REQUIRED.

**GENERAL NOTES**

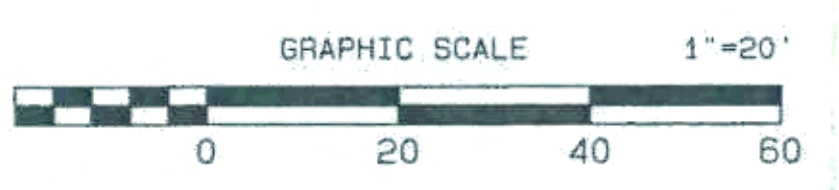
- Subject property is located on Tax Map 56 at Block 02 as Parcel 92, also known as Lot 500-14, Riverside Subdivision.
- Subject lot is to be served by an existing individual deep well drilled to an approved confined aquifer and an existing individual septic system for sewage disposal.
- Unless otherwise shown hereon, there are no proposed or existing wells or sewerage systems within 100' of the proposed wells and sewerage systems.
- This lot is in compliance with the St. Mary's County Comprehensive Water and Sewerage Plan. Water Category = M-N-P-S, Sewer Category = S-RSD.
- This lot contains an area of at least 20,000 square feet, not including Rights-of-Way (existing or proposed) 50 year flood plains, and grades of 25% or greater.
- This plot was prepared without the benefit of a Title Report which may show additional conveyances, easements, covenants, rights-of-way or building restrictions lines not shown hereon.
- Unless otherwise shown, property lines, topography and perc tests were taken from deeds and plots of record and do not represent a survey by this firm.
- Subject property will be graded so as to drain surface water away from foundation walls. The grade away from foundation walls will fall a minimum of six inches (6") within the first ten feet (10'). Contours and spot shots shown hereon are referenced to an assumed datum.

**LEGEND**

- PROPERTY LINE
- PROPERTY LINE JOINING 100 YEAR FLOODPLAIN
- 2' CONTOUR (FIELD RUN)
- 10' CONTOUR (FIELD RUN)
- LIMIT OF DISTURBANCE
- PROPOSED SILT FENCE
- STEEP SLOPES (25% - )
- STEEP SLOPES (15% - 25%)

**CRITICAL AREA NOTES**

- Site meets 15% minimum forest cover requirements.
- Proposed development meets forest clearing limitations.
- Proposed development meets impervious surface limitations.



ST. MARY'S SOIL CONSERVATION DISTRICT APPROVED 20  
ATTEST  
Reviewed for St. Mary's S.C.D. and meets Technical Requirements  
Date  
Signature  
U. S. Soil Conservation Service

ST. MARY'S COUNTY HEALTH DEPARTMENT APPROVAL  
SANITARIAN  
DATE  
ENVIRONMENTAL HEALTH DIRECTOR  
DATE

OWNER: EDWARD & NANCY BRINGFIELD  
PO BOX 131  
LEONARDTOWN, MD 20650  
301-481-5026

DEVELOPER: ROSE HILL BUILDERS, INC.  
4650 PORTO BELLO CT  
DRYDEN, MD 20630  
301-342-0606

SCD INFORMATION  
LISH Case File No.: 08-1380  
Total Disturbed Area: 0.30 Acres  
Site Impervious Area: 0.18 Acres  
Area to be Vegetatively Stabilized:  
Earthwork Quantities:  
08-1380  
0.30 Acres  
0.18 Acres  
0.12 Acres  
Cut: 150 cu  
Fill: 150 cu

APPLICANT: LITTLE SILENCES REST, INC.  
P.O. BOX 2340 - LEONARDTOWN, MD 20650  
PHONE: 301-475-2236 FAX: 301-475-3720

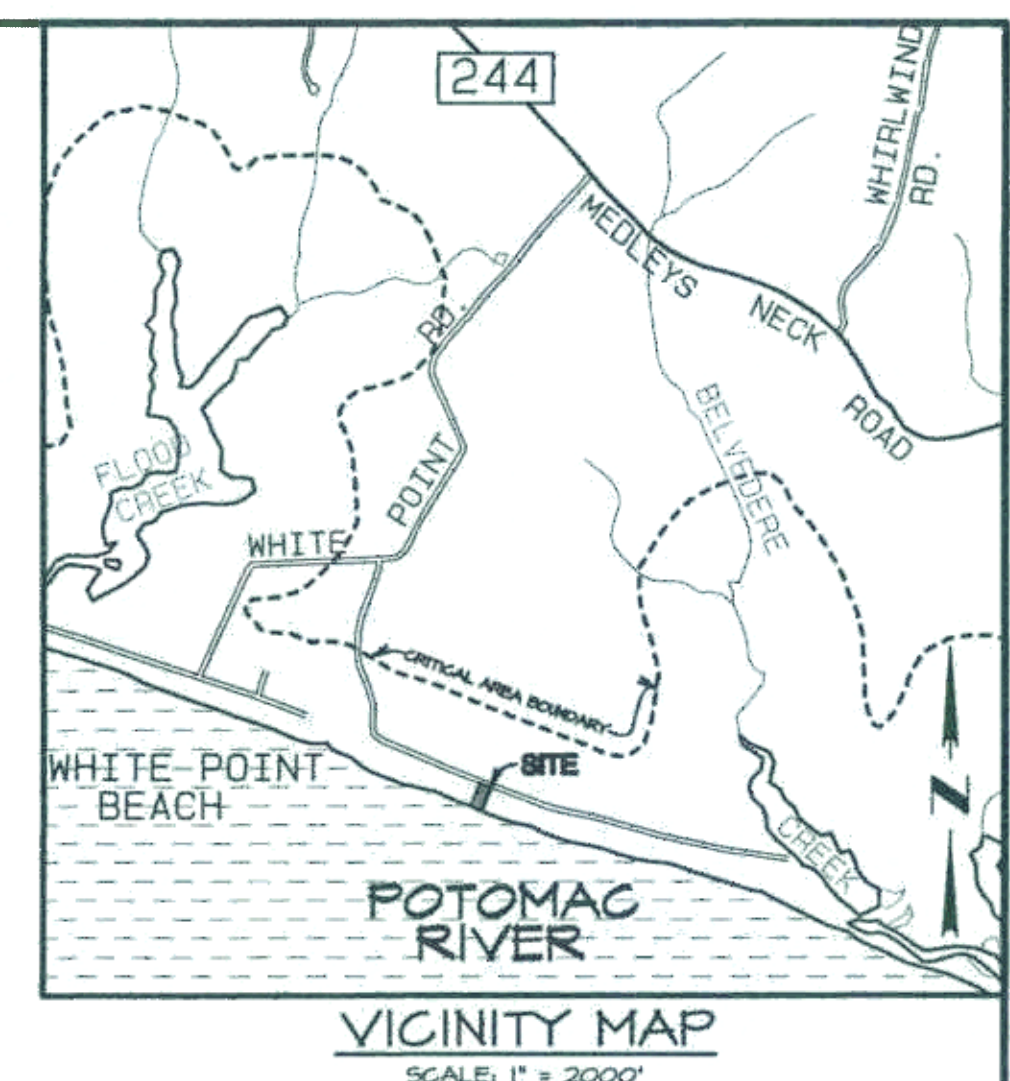
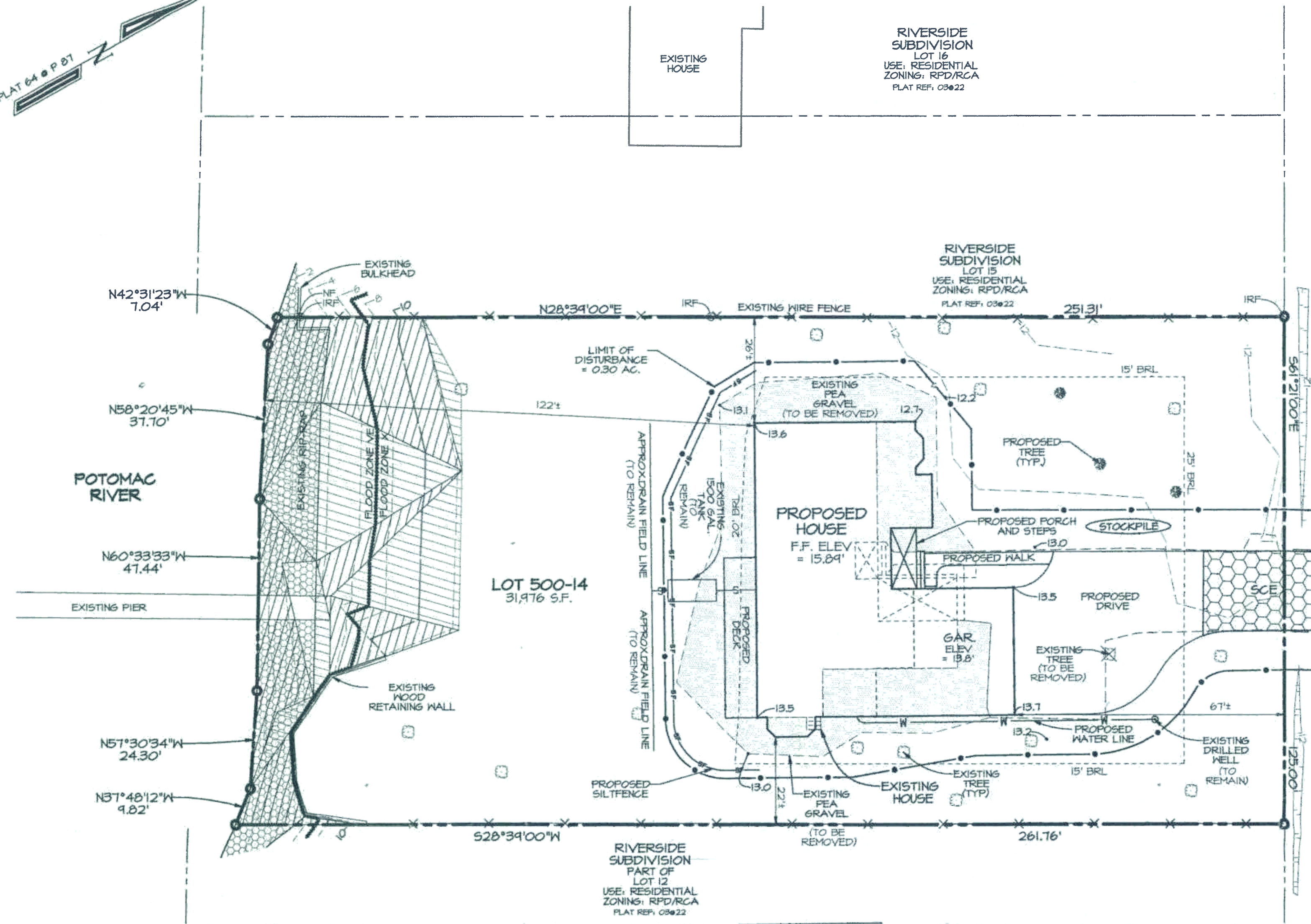
1650 COURT HOUSE DRIVE - SUITE 101 - P.O. BOX 2340  
LEONARDTOWN, MD 20650  
PHONE: (301) 475-2236 - FAX: (301) 475-3720

DATE 06/04/08  
DRAWN 0054-07  
CHECKED MDRAKE  
REVISIONS 01/30/08  
WPH

**CRITICAL AREA RENOVATION & ADDITION BUILDING PERMIT**

LOT 500-14  
RIVERSIDE SUBDIVISION  
THIRD ELECTION DISTRICT  
ST. MARY'S COUNTY, MARYLAND  
FOR: ROSE HILL BUILDERS

ZONING #: 08-1380



**SOIL CONSERVATION GENERAL NOTES**

- The Contractor shall notify MDE, Environment Division at telephone number 410-531-3510 at least 48 hours prior to commencing clearing or grading activities. The Contractor may mail Notice to MDE, Sediment and Stormwater Administration, 1500 Washington Blvd, Suite 440, Baltimore, MD 21204-1108.
- Approval of the Inspection Agency shall be requested upon completion for installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading.
- Approval shall be requested upon final stabilization of all sites before removal of sediment controls.
- Specifications for erosion control practices shall be the "1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL" by the Maryland Department of the Environment.
- Site is exempt from Forest Conservation Requirements per Section 75.2.2.b of the St. Mary's County Comprehensive Zoning Ordinance (CZO) 02-01 (Site is governed by CZO 02-01 Chapter 41 - Critical Area Regulations).
- Graded/land site is exempt from Stormwater Management Requirements.

**TEMPORARY & PERMANENT STABILIZATION**

- Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within:
  - Seven (7) calendar days for all perimeter controls, dikes, anchors, ditches, perimeter slopes and all slopes greater than 3 horizontal to 1 vertical (3:1) and
  - Fourteen (14) days for all disturbed or graded areas in the project site.
- Temporary Seeding Schedule:

Species*	lb/acre	lb/1,000 sf	Planting Depth (ft)	4/30	6/14	11/20
Barnyard	122	2.80	1/4-1/2	x	-	-
Oats	46	2.21	1/4-1/2	x	-	-
Rye	140	3.22	1/4-1/2	x	-	x
Barely/Rye						
Foxtail Millet	150	3.45	1/4-1/2	x	x	x
- Permanent Seeding Schedule:

Species*	Minimum Seeding Rate lb/acre	Planting Depth (ft)	Recommended application dates
Tall fescue 75%			03/01 - 05/15
Canada bluegrass 10%			08/15 - 11/15
KY bluegrass 10%			08/15 - 11/15
red top 5%	150	3.40	1/4-1/2
Meeping lovegrass 17%	4	0.01	03/01 - 05/15
Sericoid lespedeza 83%	20	0.46	05/16 - 08/14

Fertilizer application rates: 10-20-20; N 90 lbs/ac or 2.0 lbs/1,000 SF \*  
P2O5 115 lbs/ac or 4.0 lbs/1,000 SF \*  
K2O 115 lbs/ac or 4.0 lbs/1,000 SF \*  
Line application rates: 2 tons/ac. or 100 lbs/1,000 SF \*

\* Other mixes may be used as recommended by the Soil Conservation Service.  
\*\* Soil preparation shall comply with Section 6 20.0 # 5 21.0 of the 1994 MD STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.

**SEQUENCE OF CONSTRUCTION**

- Contractor shall arrange a Pre-Construction Meeting with the St. Mary's Soil Conservation District (301-475-8402) at least 3 days in advance of disturbance of any land on site. 1 to 2 days
- Clear and grub those areas necessary for the installation of the perimeter control devices. Install perimeter control devices concurrently with clearing and grading. 1 to 2 days
- Request approval of perimeter control devices by inspecting authority prior to other land disturbance or grading. 2 days +/-
- Clear, grub and rough grade the remainder of the site. 2 to 3 days
- Construct house foundations and appurtenances. 3 to 6 months
- Final grading, landscaping & permanent stabilization of site with a minimum 2 inches topsoil, seed, and mulch. 1 to 2 days
- Remove sediment control devices upon MDE inspector's approval. 2 days +/-

**CONSULTANT'S CERTIFICATION**

I hereby certify that, to the best of my knowledge and belief, these plans have been designed in accordance with approved erosion and sediment control ordinances, regulations, standards and criteria.

William P. Higg  
Professional Land Surveyor  
MD, Registration # 10808

7-30-08 Date

**OWNER'S/DEVELOPER'S CERTIFICATION**

Any clearing, grading, construction or development, or all of these, will be done pursuant to this plan, and that all responsible personnel involved in the construction project will have a "Certificate of Training" from a Maryland Department of the Environment approved training program before beginning the project.

Edward N. Ehrnfeldt, Jr.  
Authorized Representative

7-30-08 Date

