



**PLANNING COMMISSION
STAFF MEMORANDUM**

TO: Planning Commission
FROM: Carolyn V. Sunderland *[Signature]*
DATE: April 14, 2010 (Planning Commission Meeting Date of April 21, 2010)
SUBJECT: SD 88-15, Gray's Estates, P/O Lot 8A (1.225 acres)

Background:

Grays Estates subdivision is located on Fifth Street Extended, across from Ridge View Drive, in Owings. The development consists of 25.95 acres and was originally approved as an 11-lot conventional subdivision under SD 78-31, recorded at ABE 1/314. At that time, the property was zoned R-1, but presently zoned RD. Lot 8 was subsequently resubdivided into two separate lots (Lots 8-A and 8-B) under SD 88-15, recorded at ABE 464/838. Lot 8-A consisted of 2.233 acres and supported an existing residential dwelling. The house extended over the front building restriction line but was considered a pre-existing situation and is not at issue. In 2006, Lot 8-A was subdivided by deed making Lot 8-A presently 1.225 acres in size. Lot 8-A still conforms to the lot area requirements of both the R-1 and RD zoning. The northwest corner of the 1.225 acre area consists of recorded Conservation Area (steep slopes of 25% or greater). The applicant currently has a home occupation permit for an office on Lot 8-A.

Discussion:

A letter was received from R.A. Barrett & Associates, applicant's engineer, dated March 24, 2010 requesting permission to grade a portion of the recorded steep slopes located on the 1.225 acre area of Lot 8A (see attached). This request is based upon a note included on the recorded plat stating, "... steep slopes (25% or greater) may not be developed, unless the developer receives the approval of the Planning Commission with the recommendation from the appropriate County Agencies."

The total area within the Limit of Disturbance (LOD) is 3,920 square feet. The purpose of the proposed grading is to remove pre-existing debris and to stabilize the existing erosion problem within the conservation area thereby increasing the useable yard area. The engineer submitted the required documentation, including a Conceptual Grading Plan, prepared over a recent aerial showing both pre and post topography. The Conceptual Grading Plan was sent to the appropriate review agencies and comments were received as indicated below:

Environmental Planner: 04-08-10
Soil Conservation District: 03-30-10
Dept. of Public Works, Engineering: 04-13-10

Recommendation:

Based upon the review of the proposed Conceptual Grading Plan and the submitted review Agency comments, staff recommends to the Planning Commission that the proposed grading on the 1.225 acre area of Lot 8-A be approved with the following conditions:

- 1) Clearing and/or grading of Lot 8-A be restricted to the area within the delineated Limit of Disturbance (LOD) shown on the Conceptual Grading Plan. It shall include removal of existing debris and stabilization of existing eroding areas.
- 2) Prior to commencement of any disturbance of the steep slopes, a permit must be obtained from the County's Inspection & Permit Office that complies with the Conceptual Grading Plan and any conditions of its approval.
- 3) Upgrade the existing "Super Silt" fence to an earthen dike with a stone outlet structure with "Super Silt" fence backing.
- 4) The 1.225 acre area of Lot 8-A shall be replatted to remove only that portion of the steep slopes approved for disturbance as shown on the Conceptual Grading Plan and as conditioned by the Planning Commission.
- 5) A copy of the Planning Commission Approval Letter, approved Conceptual Grading Plan and the recorded Replatting (Condition 4 above) for the 1.225 acre area of Lot 8-A, shall be submitted with the required permit application.

Attachment (1)

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**J.A. Barrett
& Associates, Inc.**

ENGINEERS • SURVEYORS • LAND PLANNERS

100 Jibsail Drive, Suite 103 Prince Frederick Md. 20678 ♦ 410-257-2255 ♦ 301-855-5554 ♦ Fax: 410-257-3782 ♦ E-Mail: rabarrett.com

March 24, 2010

Calvert County P & Z
Attn: Mr. Robert Cohn,
Mrs. Carolyn Sunderland
Re: Grading of Conservation Areas, P/O Lot 8A Gray's Estates

Dear Mr. Cohn & Mrs. Sunderland,

This letter shall serve as a formal request on behalf of our client to obtain permission from the Planning Commission to grade within existing "platted" Conservation Areas. As noted on the recorded plat (A.B.E. 464/838), the Conservation Areas may not be developed unless the developer receives the approval of the Planning Commission with recommendations from the appropriate County Agencies.








The grading within these conservation areas will incorporate the removal of debris that existed prior to my client's ownership, this will also include the stabilization of an existing erosion problem within these conservation areas.

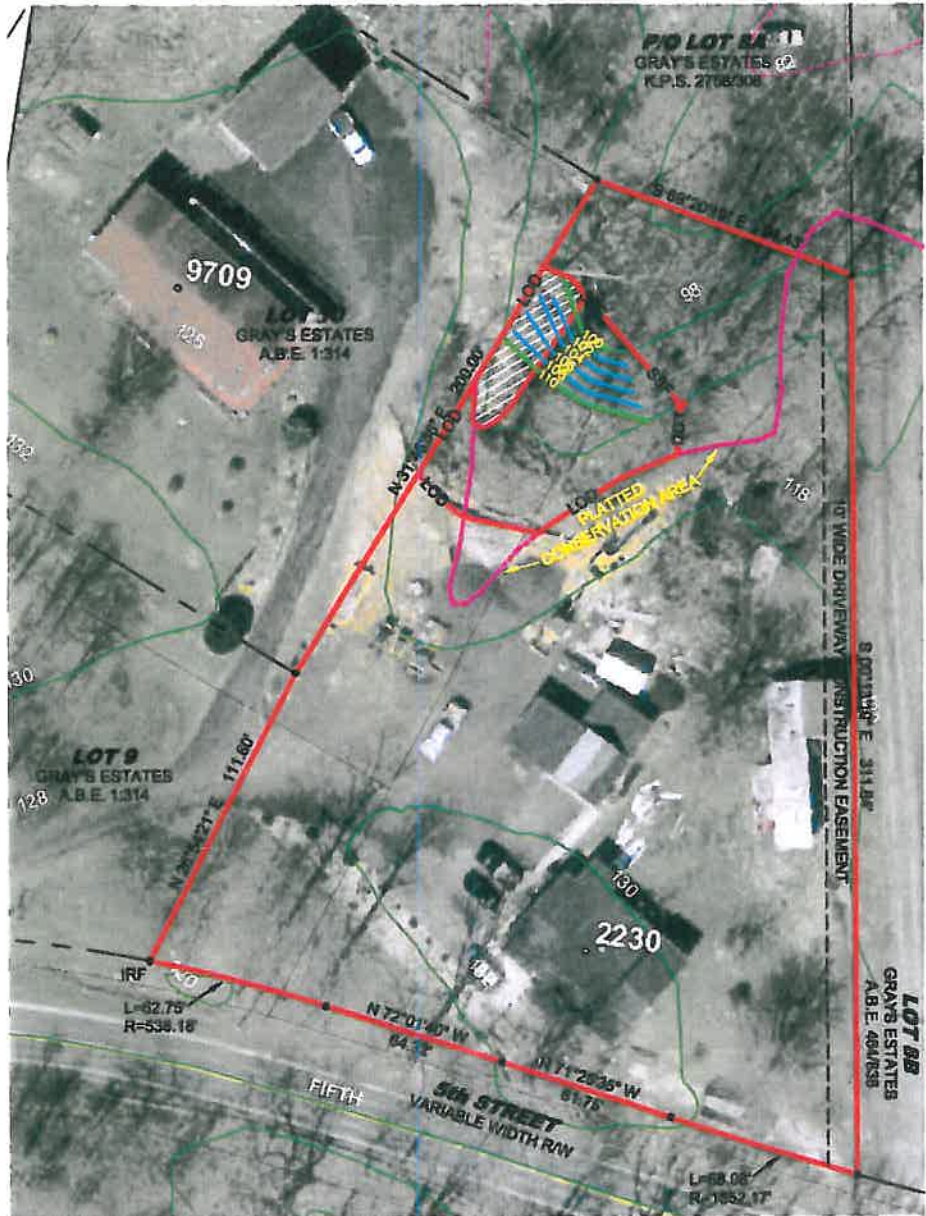
Please review this request, and place this project on the next available agenda for the Planning Commission Meeting. This office has provided all necessary documentation to Planning & Zoning for review/approval prior to the next available meeting. Feel free to contact me directly if there are any questions or comments

Respectfully,


Chris J. Mooney
Project Manager

LEGEND

-  Denotes conservation areas (as per A.B.E. 464/838)
-  Denotes conservation areas (as per Current County Topography)
-  Denotes 10' easement for driveway construction (as per A.B.E. 464/838)
-  Denotes Building Restriction Line
-  Denotes Area Filled without permits approximately 907 Sq.Ft.
-  Denotes Area of Proposed Fill 3,920 Sq.Ft.
-  Denotes Proposed Grading



PRELIMINARY GRADING PLAN FOR THE
REPLATTING OF P/O LOT 8A
GRAY'S ESTATES
LOCATED ON 5th STREET IN OWINGS
3rd ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

 **R.A. BARRETT & ASSOCIATES, INC.**
ENGINEERS & SURVEYORS
100 JIBSAIL DR., SUITE 103
PRINCE FREDERICK, MD 20676
410-267-2266 301-866-6664 FAX: 410-267-3782

DATE 03/23/10
SCALE 1" = 50'
DRAWN BY C.J.M.
DRAWING # CC36808P CON
JOB # 13977

REPLATTING

PROPERTY OWNER: RODELL L. BERRY
PROPERTY DEED REFERENCE: K.P.S. 2756/312
SUBDIVISION NAME: GRAY'S ESTATES
SUBDIVISION PLAT REFERENCE: A.B.E. 464/838
PURPOSE OF PLAT: TO REVISE THE CONSERVATION AREAS PREVIOUSLY PLATTED ON PART OF LOT 8A, GRAY'S ESTATES
ELECTION DISTRICT 03 TAX MAP# 07 PARCEL# 458 TAX ID #: 03-115976

PLANNING COMMISSION APPROVAL FOR RECORDING
Exempt from Calvert County Subdivision Regulation.

Date Robert S. Cohn, Secretary
Planning Commission

CERTIFICATE BY THE HEALTH OFFICER
The replatting satisfies the requirements of the Maryland Department of the Environment Regulation 26.04.02 allowing the construction of individual water systems and individual sewerage systems for homes and other establishments, and it is in conformance with the current County Water and Sewerage Plan for Water Planning Category W-6 and Sewerage Planning Category S-6.

Date David L. Rogers, County Health Officer

CERTIFICATE BY THE OWNER
The undersigned owners and all parties having proprietary interest in this property hereby adopt this plan (replattng), establish the minimum building restriction lines and dedicate the streets, alleys, walks, and other areas as specified. A utility easement is established 10 feet in width binding on all rights-of-way for the installation and maintenance of public utilities.

Date Witness Signature: _____
Print Name: **RODELL L. BERRY**

CERTIFICATE BY REGISTERED SURVEYOR
I hereby certify that the plan shown herein is correct; that it is a replatting of part of the land conveyed by **Randolph Berry, Jr. & Rodell L. Berry** to **Rodell L. Berry** by deed dated **May 8, 2006**, and recorded in **Liber K.P.S. 2756** of **Folio 312**, Calvert County, Maryland.
3-23-10
Date Randy A. Barrett
Randy A. Barrett Seal
Seal
STATE OF MARYLAND
RANDY ALAN BARRETT
REGISTERED
No. 11001
PROFESSIONAL LAND SURVEYOR

