



STAFF REPORT
Planning Commission Meeting of
December 9, 2024

Project Name:	Galioto Property RESADD24-1571
Owner:	Frank M. Galioto, Jr & Lisa C. Galioto
Agent:	Little Silence Rest, Inc.
Property Info:	Tax Map 46, Parcel 291 7 th Election District 38048 Ed Brown Road, Coltons Point, MD 20626

PROPERTY DESCRIPTION:

This Project consists of 1.17 acres located in the Rural Preservation District Zone (RPD). Due to its proximity to the St. Patrick Creek, the Subject Property is located within the Limited Development Area Critical Area Overlay Zone.

BACKGROUND:

On July 17, 2024, a building permit was submitted for review and distributed to the approving agencies, which consists of the following: Dept. of Environmental Health, Soil Conservation District, and Dept. of Land Use and Growth Management.

SUMMARY OF REQUEST:

Approval of a building permit site plan using the impervious surface trading provisions provided in the St. Mary's County Zoning Ordinance Section 41.5.3.i(3) for a 467 square foot sunroom.

The Applicant is proposing a 14-foot by 28-foot sunroom with steps for a total of 467 square feet of new impervious surfaces. Additionally, the Applicant is proposing the removal of 503 square feet of old impervious surfaces (old porch, steps, and walkway) all located within the 100-foot Critical Area Buffer.

APPLICABLE REGULATIONS:

In reviewing an application and Building Permit Site Plan, LUGM staff confirm that the materials conform to the following standards of the St. Mary's County Comprehensive Zoning Ordinance:

1. Section 41.5.3. entitled “Site Development Standards.”;
2. Section 41.5.3.i(3) entitled “Impervious Surface Trading.”;
3. COMAR 27.01.02.07 entitled “Grandfathering.”; and
4. Chapter 71 entitled “Resource Protection Standards”.

ANALYSIS:

In reviewing the application and Building Permit Site Plan, LUGM Staff noted the following:

1. Section 41.5.3. entitled “Site Development Standards.” Impervious surfaces shall be limited to 15 percent of the lot area.

- 1) The lot area for this parcel is 51,152 square feet/1.17 acres, of which 15% is allowable by the Critical Area standards to be covered by impervious surfaces which is 7,672 square feet of allowable lot coverage for this parcel. Lot 500-1 of Millers Subdivision currently has 7,683 square feet of impervious surfaces, of which 2,467 square feet currently impacts the 100-foot Critical Area Buffer.

2. COMAR 27.01.02.07 entitled “Grandfathering.”

- 1) *A local jurisdiction shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single family dwelling,*

The property was subdivided as Lot 1 and Lot 2 of Millers Subdivision, Part of Lower Endfield as recorded in the St. Mary’s County Land Records at Plat Book JMM 5 page 35 on March 18, 1927.

- 2) *Land that was subdivided into recorded, legally buildable lots, where the subdivision received the local jurisdiction's final approval after December 1, 1985, provided that either development of any such land conforms to the criteria in this subtitle, or the area of the land is counted by the local jurisdiction against the growth increment permitted under Regulation .06.*

According to the Plat Book 59 page 103 with a recording date of September 30, 2005, the property was reconfigured pursuant to the Critical Area requirements at that time. Critical Area Note 2 for Lot 500-1 states “*The one-hundred foot (100’) Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Chapter 41 of the St. Mary’s County Critical Area Ordinance (Chesapeake Bay Critical Area Program).*”

As set forth in CZO § 41.5.3.i(3), in order to approve a Building Permit Site Plan, the Planning Commission must make certain findings to approve impervious surface trading within the Critical Area Buffer. To assist the Planning Commission with this determination, the following information is provided:

a. A lot that has impervious surface in the Buffer and no feasible site for the proposed construction exists outside the Buffer:

The Applicant is requesting to remove an existing 8-foot by 28-foot porch with steps and replace it with a 14-foot by 28-foot sunroom with steps. Additionally, the Applicant is proposing to remove 307 square feet of an existing walkway to the pier.

b. Existing impervious surfaces may be relocated or replaced when the replacement surfaces do not encroach closer to tidal waters:

The site plan depicts the removal of the existing walkway to the pier, porch and steps, then adding a sunroom addition with steps onto the house.

c. The replacement surfaces are located entirely outside sensitive areas (except the Buffer):

The replacement surfaces do not impact other sensitive areas, as defined in Chapter 71 of the CZO. The proposed sunroom with steps does not impact steep slopes over 15 percent, highly erodible or hydric soils.

d. All areas where surfaces are removed are planted in natural forest vegetation:

According to the Site Plan, the Applicant has provided Buffer mitigation in the amount of 950 square feet under *Plantings Provided* table on the site plan, but the mitigation is not reflected in the drawing as indicated by the symbols. It will be required to prior to the approval of the permit.

e. All required clearing and an area equivalent to the footprint of new disturbance are mitigated at a rate of two to one:

The new impervious surfaces of the sunroom with steps are 467 square feet, so 934 square feet of mitigation is required for this proposal. The Site Plan is proposing 950 square feet of mitigation to meet this requirement.

f. The total area of replacement impervious surface in the Buffer does not exceed the lesser of the area removed or 1,000 square feet:

The area of replacement surfaces is 467 square feet, while this proposal is removing 503 square feet of existing porch, steps, and walkway, which is all less than 1,000 square feet.

g. The applicant shall provide evidence in the form of a sealed survey or photograph that the impervious surfaces to be replaced existed as of March 27, 1990:

The applicant has provided a 1973 aerial map derived from the St. Mary's County GIS mapping system.

CONCLUSION:

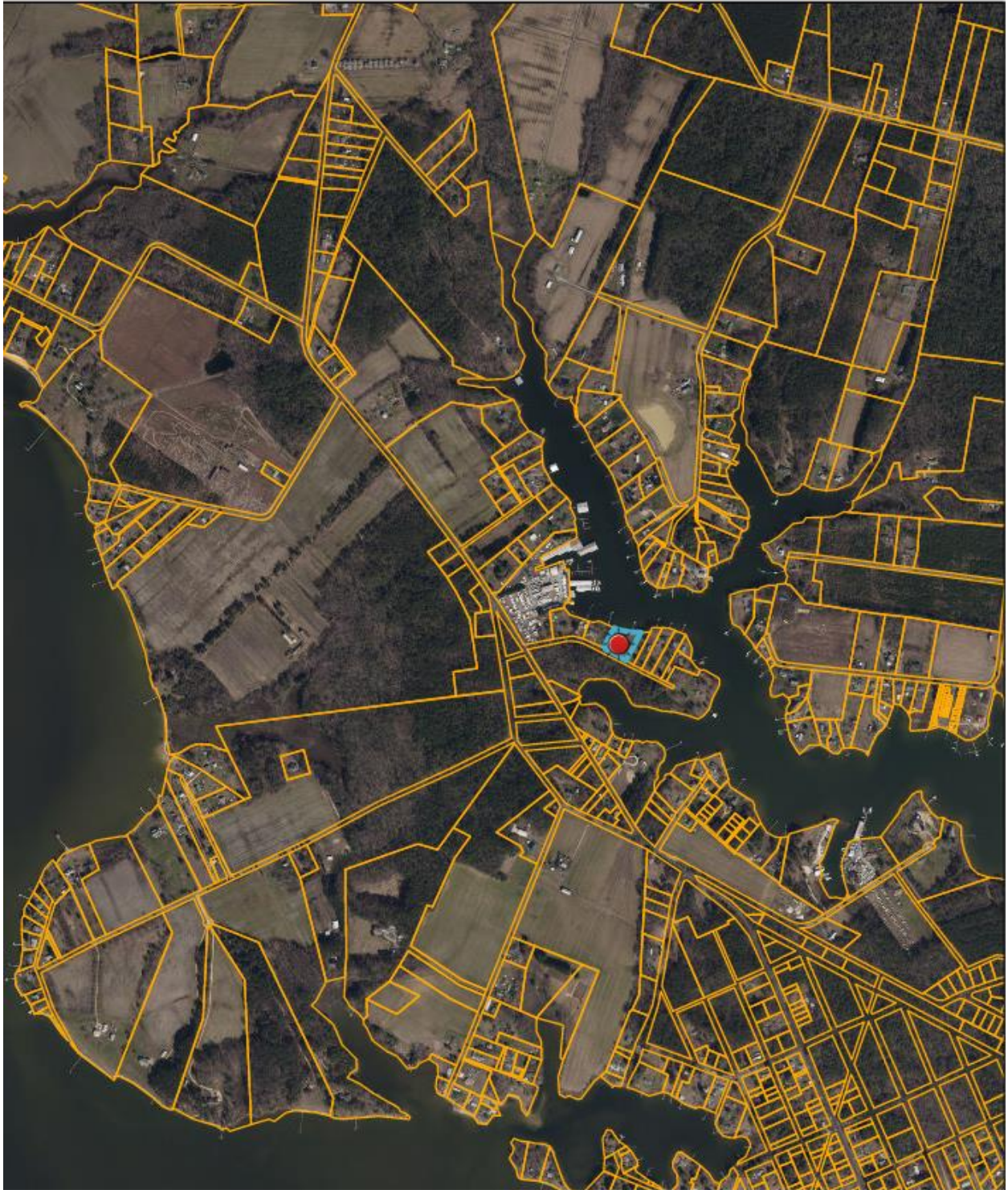
Based upon a thorough review of the application and Building Permit Site Plan, the proposed development appears to meet the requirements set forth, aside from depicting the placement of the proposed mitigation plantings, in the applicable sections of the Comprehensive Zoning Ordinance.

Below is a draft of the Motion for consideration by the Planning Commission:

In the matter of BUILDING PERMIT SITE PLAN # 24-1571 the Galioto Property, having accepted the staff report and having made a finding that the criteria of Section 41.5.3.i(3)(b) for impervious surface trading, I move that allowance for impervious surface trading be DENIED / APPROVED.

ATTACHMENTS: **Attachment 1 – Location Map**
 Attachment 2 – Land Use Map
 Attachment 3 – Zoning Map
 Attachment 4 – Sensitive Areas Map
 Attachment 5 – Site Plan
 Attachment 6 – Plat Book JMM 5 page 35
 Attachment 7 – Plat Book 59 page 103
 Attachment 8 – Applicant’s 1973 aerial map
 Attachment 9 – Applicant’s response to IS Trading

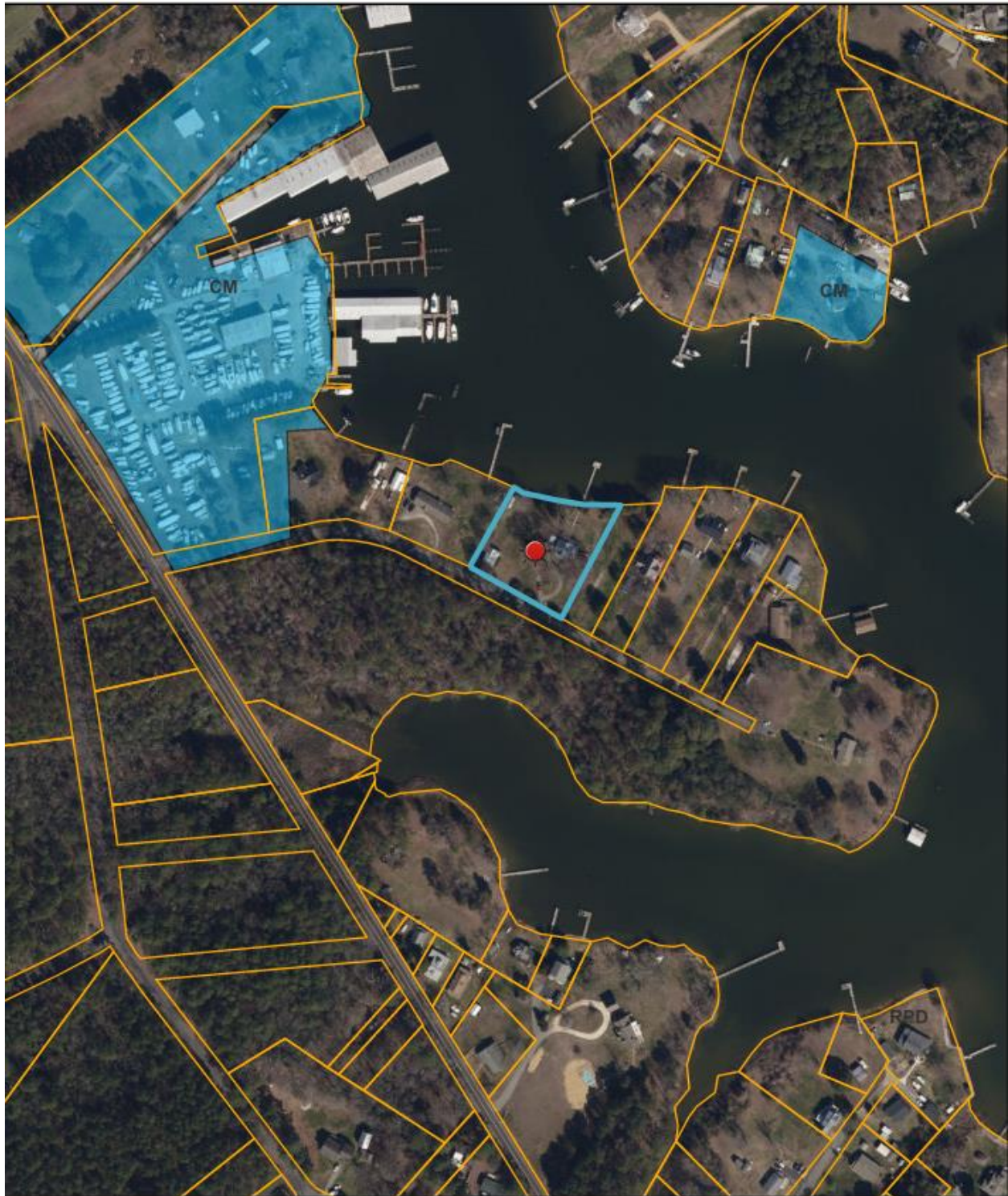
LOCATION



LAND USE Rural Preservation



ZONING Rural Preservation District

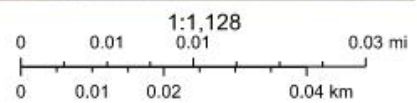


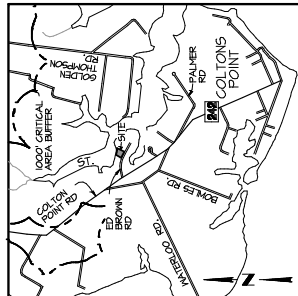
SENSITIVE AREAS



11/22/2024, 2:20:40 PM

- | | |
|----------------------------------|----------------------------|
| Property Boundaries | Resource Conservation Area |
| Critical Area (Adopted May 2021) | Critical Area 100ft Buffer |
| Limited Development Area | Slopes Greater than 15% |





VICINITY MAP
SCALE: 1" = 2000'

SCALE: 1" = 2000'

HEALTH DEPARTMENT GENERAL NOTES

T

- [illegible]

GENERAL NOTES

1. Subject property appears to be within the City of Brevard district.
2. The plat was prepared without the benefit of a Title Report which may show additional consequences, easements, covenants, rights-of-way or building restrictions that not shown hereon.
3. The plat is based on recent aerial photography and does not represent a survey by the firm. Subject property will be graded so as to create surface water flow from the subject property to the adjacent property.
4. The proposed plat is in violation of the subdivision rules that call for a return of this property to the City of Brevard.

SOURCE NOTES

[illegible]

CRITICAL AREA CALCULATIONS

[illegible]

BUFFER ESTABLISHMENT PLANTING PLAN

IMPERVIOUS SURFACE TRADING
MITIGATION REQUIRED = 467 sf @ 2.1 = 934 sf

- Per CHM 2141.00-1.2 up to 30% of received plantings may be large shrubs, 20% may be small shrubs, and 10% may be herbaceous perennials. A single species may not exceed 20% of the total planting requirement.

LONG-TERM PROTECTION PLAN

The plantings will be planted or a bond will be posted prior to occupancy.

- The estimated planting cost is \$129.00, based on the estimated cost of \$1.00 per square foot of planting. At the end of the 3-year monitoring period for planted landscape stock, all of the plants that did not survive will be replaced. If the survival rate of the landscape stock is 60%, then 40% of the plants that were planted will need to be replaced. The same logic applies to the native plantings. If the survival rate of the native plantings is 60%, then 40% of the native plantings will need to be replaced. At the end of the 3-year monitoring period for native regeneration areas, there are no additional costs associated with the native regeneration areas. If the survival rate of the native regeneration areas is 60%, then 40% of the native regeneration areas will need to be replaced.

[illegible]

PLANNING PROVIDED • \$50

MAINTENANCE PLAN

NATURAL REGENERATION

- [illegible]



GRAPHIC SCALE 1"=20'

- LEGEND**
- | | |
|--|--------------------------|
| | PROPERTY LINE |
| | PROPERTY LINE ADJOINING |
| | BUILDING SETBACK LINE |
| | ACCESSIBILITY EASMT. |
| | CRITICAL AREA BUFFER |
| | 100 YEAR FLOODPLAIN |
| | SOLTS TYPE DIVISION LINE |
| | LIMIT OF EXISTING FOREST |
| | EXISTING 2' CORRIDOR |
| | EXISTING 10' CORRIDOR |
| | LIMIT OF PRESERVATION |

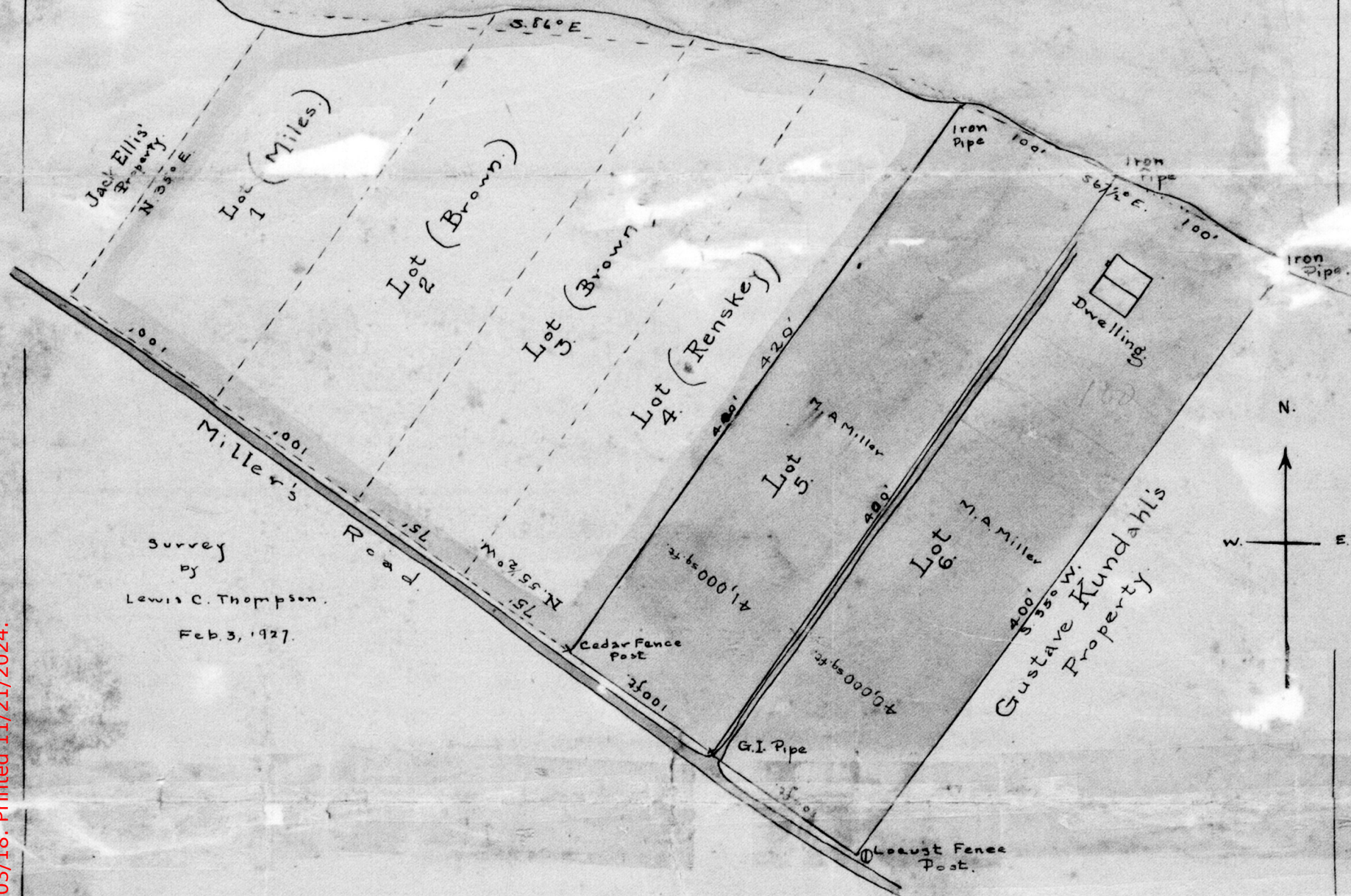
ST. MARY'S COUNTY HEALTH DEPARTMENT APPROVAL BLOCK	DATE	DATE
REVISIONS		

RS

LITTLE SILENCES REST, INC.
41660 COUNTY HOUSE DRIVE • SUITE 101 • P.O. BOX 2840
LEADERSVILLE, MD 21768
PHONE: (410) 478-2840 • WWW.LSREST.COM

LUGM No.:
CRITICAL AREA BUILDING PERMIT PLAT
LOT 500-1
TAX MAP 46 GRID 17 PARCEL 241
MILLER SUBDIVISION
PLAT REF: 54@103
7TH ELECTION DISTRICT - ST. MARY'S COUNTY, MARYLAND
FOR FRANK GALIOTO
SHEET 1 OF

ST. PATRICK'S CREEK



Survey
by
Lewis C. Thompson.
Feb. 3, 1927.

÷ MILLER'S SUBDIVISION ÷
PART
of
LOWER ENDFIELD.

Beginning for the whole tract at a locust post at the south west corner of GUSTAVE KUNDAHL'S land and running along the north side of Miller Road N. 55½° W. 550 ft. to a locust post, a boundary of the property of ANDREW J. ELLIS then along the wire fence, N. 35° E. on said land to the shore of ST. PATRICK'S CREEK to an iron pipe boundary; thence along the shore of the creek S. 86° E. 350 feet and S. 67½° E. 200 feet to an iron pipe a boundary for this tract on the land of GUSTAVE KUNDAHL; then along the fence on said land, S. 35° W. 400 feet to the place of beginning.

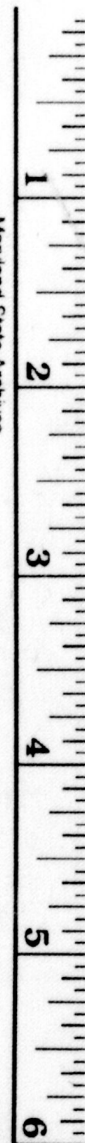
Beginning for Lot No. 5 Being a part of "LOWER ENDFIELD" lying in MILLER'S SUBDIVISION at the southeast corner of JOSEPH RENSKEY'S Lot, and running with said Lot, N. 35° E. 420 feet to the shore of ST. PATRICK'S CREEK to an iron pipe, then along the shore of said creek, S. 67½° E. 100 feet to an iron pipe, at the northwest corner of Lot No. 6; thence along the north side of the road leading to the dwelling on lot No. 6 S. 35° W. 400 feet to a galvanized iron pipe driven on the north side of the road; then N. 55½° W. to the point of beginning. Containing 41,000 sq. feet.

Beginning for lot No. 6, a part of "LOWER ENDFIELD" lying in MILLER'S SUBDIVISION at a locust fence post at the southwest corner of GUSTAVE KUNDAHL'S land and running along the north side of Miller's Road, N. 55½° W. 100 feet to the iron pipe driven on the north side of the road leading to the dwellings on the property being described, then N. 35° E. 400 feet along the said road to an iron pipe on the shore of ST. PATRICK'S CREEK; following the shore of said creek N. 67½° E. 100 feet to an iron pipe a boundary of this tract and the property of GUSTAVE KUNDAHL; thence running with the KUNDAHL property; S. 35° W 400 feet to the place of beginning. Containing 40,000 sq. feet.

Surveyed February 3, 1927

Lewis C. Thompson.
Surveyor

1120005
Lewis C. Thompson No. 65, Folio 35



Received this 18th
day of March 1927
at 2:00 o'clock P. M., for
record, and same day re-
corded in Liber. I. M. M.
No. 5 folio 35
one of the Deed records of
St. Mary's County and ex-
amined per me.
Geo. M. Mattingly
Redg. \$1.00 Rd. Clerk

MSA C5U2222-590
P1688660

TOMES ENDLIED

BY

WITNESSED

Critical Area Notes Lot 500-1

- Approximately 1.17 Acres of the Site Area lie within Maryland's Chesapeake Bay Critical Area. Any and all development activities proposed within this area are subject to Critical Area Regulations and will not be permitted until all appropriate local, state and federal agencies have conducted a thorough environmental review and have approved the development plan.
- The one-hundred foot (100') Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Chapter 41 of the St. Mary's County Critical Area Ordinance (Chesapeake Bay Critical Area Program).
- No development is permitted in Tidal or tidal Wetlands or their associated buffers without approval from the appropriate local, state and federal agencies.
- Any and all afforested or reforested areas created under the provisions of Chapter 41 of the St. Mary's County Comprehensive Zoning Ordinance (Chesapeake Bay Critical Area Program) and designated on this plat shall be preserved from future disturbance. All existing forest shown hereon shall remain undisturbed except as permitted under the provisions of the St. Mary's County Critical Area Ordinance.
- Existing area of impervious surface within 100' Buffer: 2,046 Sq. Ft.
- Existing area of impervious surface within 1,000' Boundary: 1,688 Sq. Ft.
- Areas with slopes of 15 percent (15%) or greater: 0.00 Sq. Ft.
- Existing trees or forested areas: 8,800 Sq. Ft.
- There are no known natural heritage areas, habitats of threatened or endangered species, or habitats of significant plants or wildlife identified within the Site Area in accordance with Chapter 41 of the St. Mary's County Critical Area Ordinance (Chesapeake Bay Critical Area Program).

N/F Joseph Payne
EWA 947 Folio 590
Zoned RPD/LDA
Use: Residential

St. Patrick Creek

Ed Brown Road 30' R/W

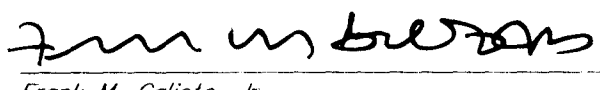
Owner's Certificate

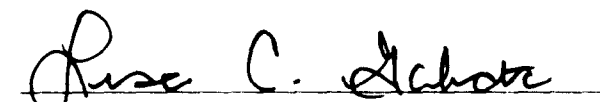
We, Frank M. Galioto, Jr. and Lisa C. Galioto, owners of the property shown hereon and described in the Surveyors Certificate affixed hereto, hereby adopt this Boundary Line Adjustment Plat upon its approval by all required agencies.

There are no pending suits or actions at law, leases, liens, mortgages or deeds of trust affecting this Boundary Line Adjustment Plat except as noted or shown hereon (See Mortgage Reference, if applicable). All parties in interest thereto have indicated their assent to this plan of Boundary Line Adjustment Plat.

We further establish the minimum building restriction lines as required by the St. Mary's County Zoning Ordinance and dedicate the streets, walkways, easements, rights-of-way and other improvements, where applicable, to public use.

We hereby grant unto the St. Mary's County Metropolitan Commission, its successors and assigns, a right of ingress and egress over, and a perpetual easement in, the 10 foot water line, and/or sewer line easement (along all lot lines), as well as others that may be shown herein, for construction, installation, maintenance, repair, inspection, and operation of any public water and sewer facilities, should such facilities ever be installed. The requirements of Section 3-108 of the ANNOTATED CODE OF MARYLAND (Real Property Article) as far as it concerns the making of the plat and setting of the markers required therein have been or will be complied with to the best of our knowledge, information and belief.

 7/30/05
Frank M. Galioto, Jr. Date

 7/30/05
Lisa C. Galioto Date

*Recording of this Boundary Line Adjustment Plat will expand existing lots of record by 26,002 square feet and will not result in additional building sites or increase in density or intensity beyond the current land use shown hereon.

Department of Land Use
and Growth Management

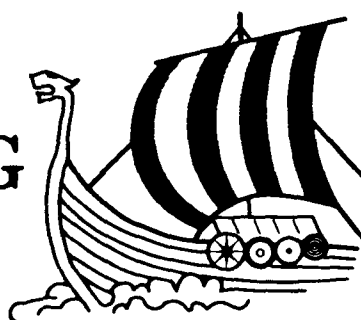
Date


Director

P.C. Chairman

5.	07/25/05	Department of Public Works	FAB
4.	07/15/05	Department of Public Works	FAB
3.	06/01/05	Department of Public Works	FAB
2.	05/05/05	Land Use & Growth Management	FAB
1.	04/11/05	Per Health Department	FAB
No.	Date	Description	By
REVISION			

NOKLEBY
SURVEYING
INCORPORATED



46925-B Shangri-La Drive, S.
Lexington Park, Maryland 20653
Phone: (301) 862-3135 * FAX: (301) 862-4360

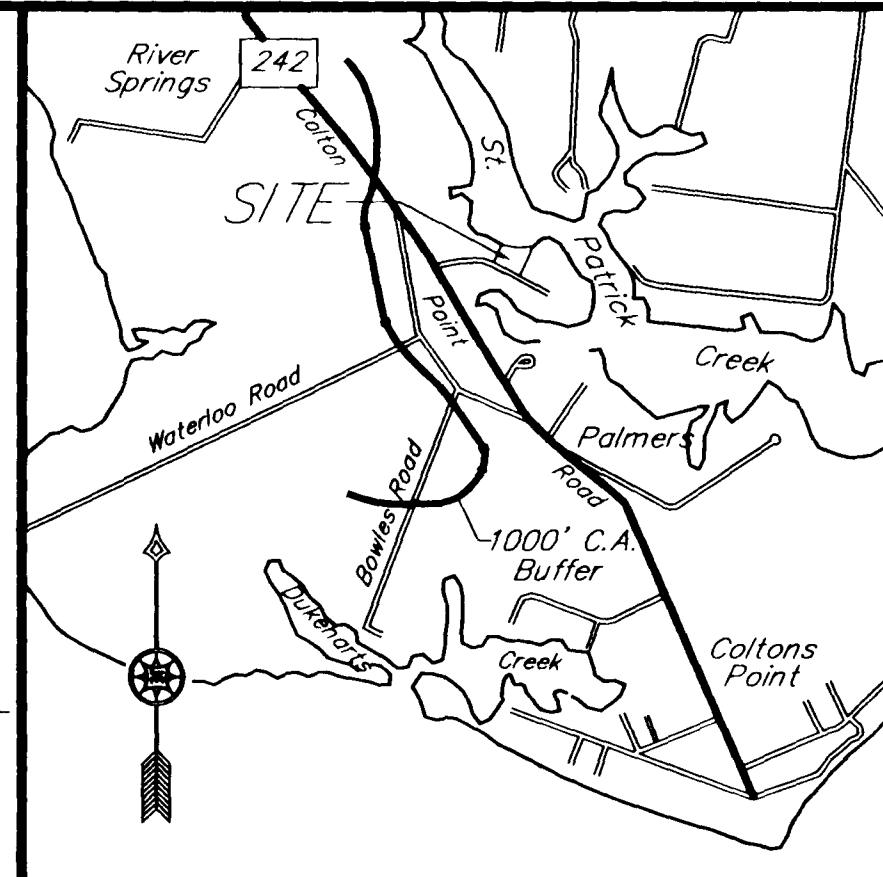
Land Use and Growth Management Control Number: 05-142-006

Boundary Line Adjustment Plat

Lots 1, 2, & 3 Miller Subdivision
To create Lot 500-1
For Frank M. Galioto, Jr.
Seventh Election District
St. Mary's County, Maryland

Contract #	46-17-291	Drawing:	46291RP	Chkd by:	JTN	Dwn. by:	FAB
Date:	03/16/05	Scale:	1" = 30'	Page	1	of	1

msa ssa 1252-8376
p113464



Vicinity Map - Scale: 1" = 2000'

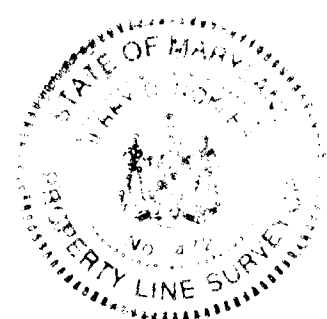
General Notes

- This site is located on Tax Map 46, Grid 17, Parcel 291.
- The SITE AREA = 1.68 Ac.±
- Present zoning: RPD/LDA
- Adjoining properties are Zoned RPD/LDA, unless otherwise shown herein.
- Building Restriction Lines (BRL's) and Minimum Yard Requirements are established as per the St. Mary's County Zoning Ordinance as follows: 25' Front, 15' Side and 100' Rear, a 20' setback is also required in addition the 100' C.A. Buffer.
- Water supply (existing) from individual deep drilled well to an approved confined aquifer.
- Sewage flow (existing) to an individual septic system.
- There shall be a ten (10) foot utility easement along all lot lines. These easements are to include use by the St. Mary's County Metropolitan Commission, its successors and assigns, for construction, installation, maintenance, repair, inspection, and operation of public water and sewer facilities, should such facilities ever be installed.
- No restrictions affecting this site are known, subject to title search.
- Areas established for resource protection on this site, in accordance with required protection levels, must remain in undisturbed open space and undeveloped.
- There are no existing nonconforming structures in accordance with Chapter 52.4 of the St. Mary's County Zoning Ordinance.
- Present Sewer Category: NPS (No Planned Service)
- Present Water Category: NPS (No Planned Service)
- There are no additional plans to develop this property by the landowner at this time.
- Premise addresses are shown as thus: XXXXX
- Prior to issuance of a building permit for Lot 500-1 shown hereon, Stormwater Management and overlot grading shall be provided in accordance with The Stormwater Management, Grading, Erosion and Sediment Control Ordinance 02-12.
- Lot 3 shown hereon is a legal parcel of record, recorded in 1927 with no change via this plat. It is exempt from Stormwater Management and overlot grading.
- Subject Property appears to be in the 100 Year Flood Boundary, as delineated on Flood Hazard Boundary Maps for St. Mary's County, Maryland, and distributed by the Federal Emergency Management Agency, per F.I.R.M. Community Panel #2403700257E. The 100 year flood is at elevation 6' based on NGVD 1929. No improvement shall be made in the floodplain easement shown hereon without specific authorization from St. Mary's County.
- Hydric Soil types do not appear to be present per the Soil Survey of St. Mary's County, Maryland, as distributed by the U. S. Department of Agriculture, Soil Conservation Service. There are no known Tidal or Non-Tidal Wetlands per the State of Maryland Wetland Features Maps.
- Ed Brown Road shown hereon has a prescriptive easement.

Surveyor's Certificate

I hereby certify, to the best of my knowledge, information and belief, that the plat shown hereon is correct and conforms to the specifications; that this is a Boundary Line Adjustment of all of the lands conveyed unto Frank M. Galioto, Jr. and Lisa C. Galioto from John William Quade, Jr. by deed dated 11/27/02 as recorded among the Land Records of St. Mary's County, Maryland in Liber 1889 Folio 783. The requirements of Section 3-108 of the ANNOTATED CODE OF MARYLAND (Real Property Article) as far as it concerns the making of the plat and setting of the markers required therein have been or will be complied with to the best of my knowledge, information and belief. This plat was prepared without the benefit of a title report which could reveal additional conveyances, easements, rights-of-way and building restriction lines not shown hereon.

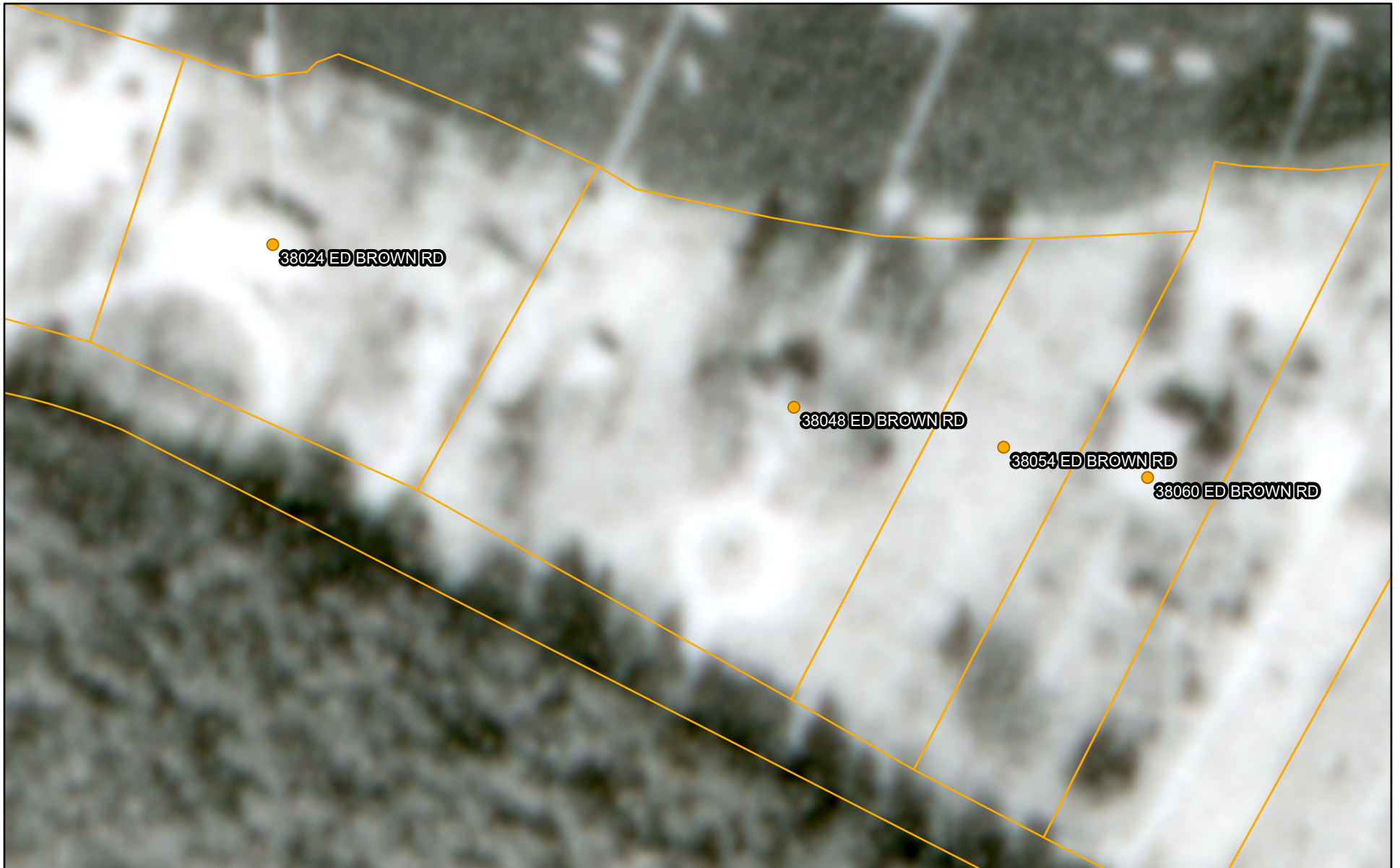
 8-9-2005
Jerry D. Nokleby, Property Line Surveyor
Maryland Certificate No. 472 Date



PLAT ARCHIVES
TOTAL
Rep# 3MB2 Rpt # 26147
EWA CSS EID # 5163
Ser 30+ 2005 01:10 PM

59 103

ArcGIS Web Map



10/11/2024, 9:42:30 AM

Address Points  Property Boundaries
 Existing

1:1,128
0 0.01 0.01 0.03 mi
0 0.01 0.02 0.04 km



**LAND SURVEYING
PLANNING**
ENGINEERING * PERMITS
ENVIRONMENTAL SERVICES

LITTLE SILENCES REST, INC.

41650 COURT HOUSE DRIVE - SUITE 101 - P.O. BOX 2340 - LEONARDTOWN, MARYLAND 20650 - PHONE: (301) 475-2236 - WWW.LSRCORP.COM

October 11, 2024

TO: Director of Land Use and Growth Management
23150 Leonard Hall Drive
P.O. Box 653
Leonardtown, Maryland 20650

RE: Lot 500-1, Miller Subdivision
Permit Number # 24-1571
Impervious Surface Trading Request

Dear Director;

On behalf of the owners of the above referenced property; we are requesting a planning commission hearing to trade impervious surfaces on the subject property.

For your consideration of our request, I would like to offer the following information to address the general standards for impervious surface trading.

- (1) This is a grandfathered parcel or lot that exceeds impervious surface limits.
- (2) The replacement surfaces do not encroach closer to tidal waters, wetlands, or tributary streams than the surfaces they replace and are located outside of sensitive areas.
- (3) All areas where surfaces are removed will be planted in natural forest vegetation.
- (4) All required clearing and the footprint of new disturbance is mitigated at a rate of 2:1 (2 square feet for each square foot of surface added or vegetation removed).

Attached is an aerial photograph from 1973 which shows the proposed removed impervious surface.

I trust that the information provided will assist you in making a determination on our request. Should you have any questions, or require additional information, please feel free to contact me.

Sincerely,

Steve Vaughan
Professional Land Surveyor
Little Silences Rest, Inc.