



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item #

2/8/07



MEMORANDUM

DATE: January 26, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RAK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: The creation of 12 lots to construct 12 one-family dwelling units, using the cluster development method.

PROJECT NAME: Athey Property

CASE #: 120061160

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC and RE-1, cluster option

LOCATION: Northwest quadrant of the intersection of Spencerville Road (MD 198) and Old Columbia Pike

MASTER PLAN: Fairland

APPLICANT: Hemingway Homes, LLC

ENGINEER: Macris, Hendricks & Glascock

FILING DATE: May 16, 2006

HEARING DATE: February 8, 2007

EXECUTIVE SUMMARY

Hemingway Homes, LLC requests approval for 12 one-family dwelling units on 12 lots in the Fairland Master Plan area of Montgomery County. The site includes land zoned RC and RE-1 and the applicant proposes to use the combined cluster development method. Environmental measures are necessary to protect the environmental features of the site, which include trees and the Patuxent River Primary Management Area. The applicant submitted waiver requests for an overlength cul-de-sac and for the minimum area of development within the RE-1 zone. Staff finds the subject property meets the subdivision regulations requirements. We, therefore, recommend the Planning Board approve this preliminary plan.

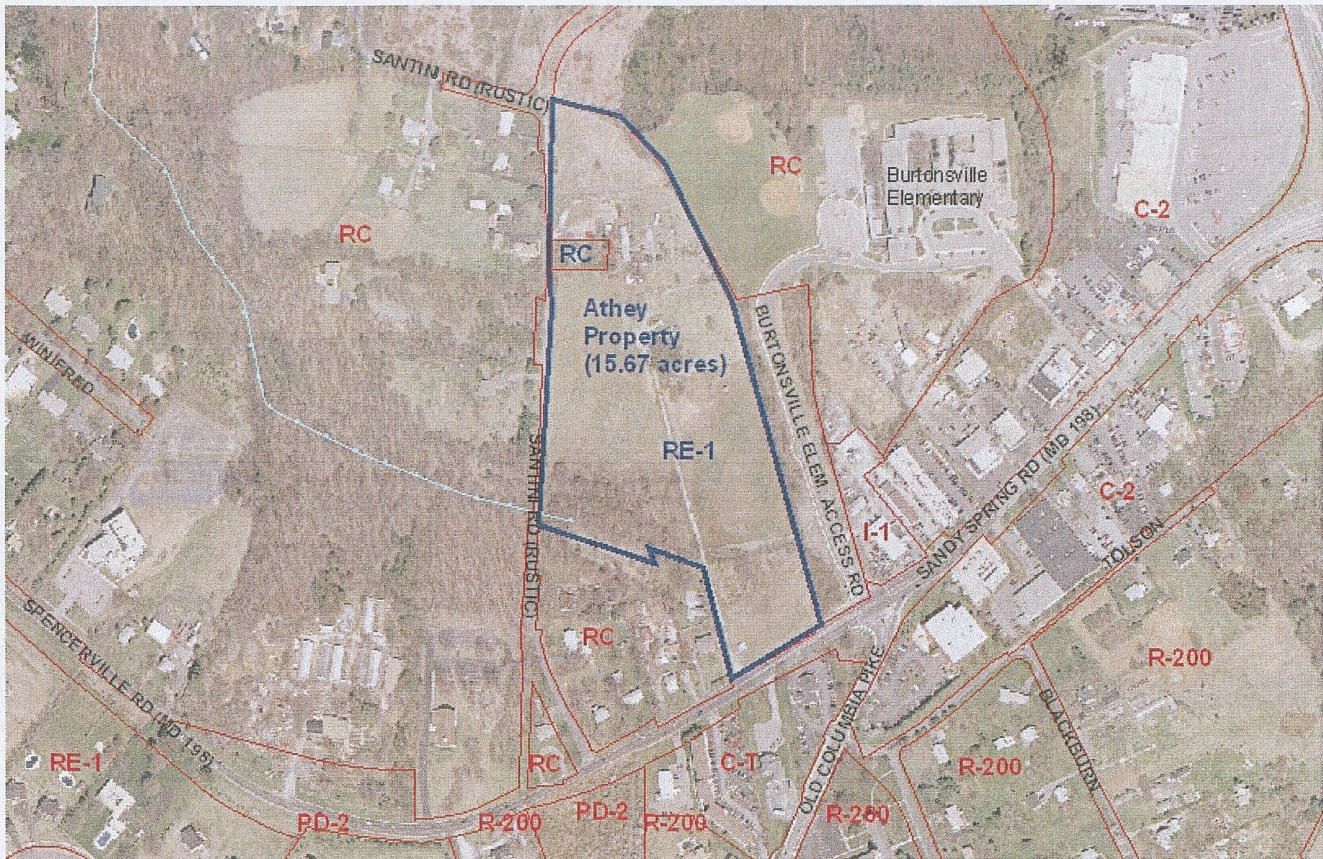
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 12 lots for 12 residential dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable. Conditions include but are not limited to the following:
 - a. Final forest conservation plan to include the following:
 - i. Permanent signs and fences to be located along the boundary of the Category I conservation easements.
 - ii. A permanent fence to be located on the boundary of HOA open space Parcel D to delineate the Category II easement around the specimen elm.
 - iii. Detailed protection measures for the 52-inch elm and 43-inch silver maple that are consistent with the certified arborist's report dated 1/11/07.
 - iv. Specific notes that require a certified arborist to implement tree protection measures before and during construction for the two specimen trees.
 - v. Recommendations by a certified arborist for tree care measures for the two specimen trees that cover a period up to at least one year after the completion of construction, and specific notes that require a certified arborist to implement the tree care measures after construction is complete.
- 3) Total impervious surfaces for the development are limited to 10 percent. Prior to record plat, applicant will enter into an agreement with the Planning Board, that documents this limitation. The agreement will prohibit the widening or reconfiguration of driveways from those shown on the approved preliminary plan. The agreement will be recorded and the driveway provision will be binding on all heirs and assigns. The record plat must reference this agreement.
- 4) Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the preliminary plan. Any modifications to this plan which increase site imperviousness may require Planning Board action.
- 5) The applicant must place a Category I conservation easement over all environmental buffers and forest conservation areas, as shown on the preliminary forest conservation plan. Easements must be shown on the record plats.
- 6) The applicant must place a Category II conservation easement over Parcel D to protect the specimen elm. Easement must be shown on the record plat.

- 7) Record Plat shall reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 8) Record plat to have the following note: "The land contained hereon is within an approved cluster development, and subdivision or resubdivision is not permitted after the property is developed."
- 7) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 8) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 9) The applicant must remove the existing driveway and culvert, including those segments that are within open space Parcel A and the environmental buffer. Plans for the driveway and culvert removal, including timing and details for restoration of the land, must be included in the final forest conservation plan.
- 10) The applicant shall comply with the conditions of the MCDPS stormwater management approval dated August 22, 2006.
- 11) The applicant shall comply with conditions of MCDPWT letter dated June 9, 2006, unless otherwise amended
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 13) Other necessary easements will be included on the record plat.

I. SITE DESCRIPTION

The Athey Property, pictured on the following page and in Attachment A (Vicinity Map), consists of 15.67 acres in the RE-1 (15.43 acres) and RC (0.24 acre) zones. The site includes three unrecorded parcels, 879, 935 and 128. The subject property is located in the northwest quadrant of the intersection of Spencerville Road (MD 198) and Old Columbia Pike. Surrounding uses include residential to the west and south, Burtonsville Elementary School and industrial uses east of the site and commercial to the south across MD 198. Currently, two one-family wood frame homes and associated buildings exist on the site. The property lies within the Patuxent River Watershed (Use Class I-P in this section). There is a stream with associated wetlands along the southern portion of the property. The site includes 0.97 acre of forest and 0.66 acre of wetlands.



II. PROJECT DESCRIPTION

The applicant proposes to remove the existing one-family home and outbuildings to create 12 lots ranging in size from 15,000 to 27,000 square feet. Access to the site is proposed via a new tertiary residential roadway from the existing Burtonville Elementary School Access Road. The existing road is designed to become a secondary street that will eventually be extended to connect to Burtonville Shopping Center to the east. The new internal road will be within a 50-foot right-of-way, extending 632 feet in length, and terminating in a cul-de-sac. The application dedicates 0.79 acres for roadways and 9.15 acres of the site to open space. The application complies with the impervious cap of 10%. The applicant is requesting a waiver for an over-length cul-de-sac, and a waiver of the minimum acreage requirement for cluster development in the RE-1 zone (Attachment B – Proposed Development Plan).

III. ANALYSIS AND FINDINGS

A. Master Plan Compliance

The Fairland Master Plan specifically identifies the subject property as Area 33 in the Burtonville section of the plan. Recommendations include:

◆ *Rezone both parcels from RC to RE-1 to provide a transition from the industrial and commercial uses to the east and the rural cluster development to the west. The RE-1 development is to be separated from existing industrial and commercial development by a public right-of-way for a secondary street that will provide access to the Burtonsville Elementary School and will connect to the recommended rear access road that will provide access to the north side of the commercial area. Public water and sewer is recommended for these two parcels in order to encourage a subdivision design incorporating the recommended transition and public access.*

Parcels 935 and 128, totaling 15.43 acres of the subject property, were rezoned RE-1 in 1997. Parcel 879, 0.24 acres in size, remained in the RC zone since the property owner at the time did not wish to change the zoning classification of the parcel. The proposed RE-1 subdivision establishes an appropriate transition from the industrial and commercial uses to the east and the lower-density rural cluster development to the north and west. The existing Burtonsville Elementary School Access Road is the first part of the required secondary street that will eventually connect to the proposed rear access road for the commercial area, known as Burtonsville Access Road. The applicant has applied for a water and sewer service category change from S-6, W-6 to S-3, W-3, which was conditionally approved on November 2, 2006.

◆ *Establish a public right-of-way, at the time of platting, on the east side of Parcel 21 for a secondary road to provide access for new development and the elementary school.*

Since the recommended access road to the Elementary School has been completed, such establishment and/or dedication are not necessary.

◆ *Consider southwest corner for special exception uses (including day-care or pre-school) with access to the new street.*

The applicant originally proposed a day care center in this portion of the site, however, the daycare center was eliminated because existing environmental and rustic road features of Santini Road would be jeopardized.

◆ *Cluster option to incorporate large farmstead lot and common open space with single-family detached lots.*

The applicant has applied for approval of this subdivision under the cluster option of development. Three open space parcels, Parcel A of 4.76 acres, Parcel C of 3.14 acres and Parcel D of 0.40 acres in size are proposed on the site. Parcel A will contain a 4.64 acre Category I conservation easement. Parcel C will contain a 2.52 acre Category I conservation easement and Parcel D will contain a 0.32 acre Category II conservation easement.

The proposed subdivision complies with the recommendations adopted in the Fairland Master Plan. The subject property will be separated from the commercial and industrial area of Burtonsville, will provide significant open space and will protect the sensitive environmental features of the site through the cluster development method.

B. Transportation

On May 10, 2006 Macris, Hendricks & Glascock submitted a traffic statement which concluded that the proposed development will generate 12 morning peak hour trips and 14 evening peak hour trips. The application is not subject to Local Area Transportation Review because it does not generate 30 or more vehicle trips in the peak-hours.

A 4-foot wide sidewalk is proposed along the north side of the proposed tertiary street and around the cul-de-sac to the edge of lot 2. Access to the site is provided from Burtonsville Elementary School Access Road, which connects to MD 198 east of the subject property. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

C. Environment

1) Forest Conservation

The proposed preliminary forest conservation plan (PFCP), with modifications as recommended in the conditions of this report, meets the requirements of the County Forest Conservation Law. There is 0.97 acre of existing forest which lies within the environmental buffer area. The PFCP proposes to retain most of it (0.94 acres). Approximately 0.03-acre (1,307 square feet) is proposed to be cleared to locate a stormwater management facility outfall. The PFCP proposes to plant 5.53 acres of forest. Planting areas are within environmental buffer and common open space on the north and east sides of the subdivision. Forest planting and retention areas will be protected under conservation easements.

Section 22A-12 (f)(2)(B) of the Montgomery County Forest Conservation Law states that in a development using a cluster option in a “one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a).” In addition, section 22A-12(f)(2)(C) states that “if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), then the afforestation threshold is the minimum on-site forest requirement.” The combined 6.47 acres of forest retention and planting exceeds the onsite forest requirement of 3.23 acres.

2) Tree Save

The plan also provides protection of the two onsite specimen trees. A specimen silver maple, located next to the Santini Road right-of-way, is proposed to remain on a private lot. The existing house, which sits within the tree’s critical root zone, will be removed using specific protection measures to minimize damage.

A specimen American Elm located in the center of the site is proposed to be protected with a Category II conservation easement in common open space. The disturbance within the critical root zone of this tree resulting from the construction of Street A will be minimized by the use of a low retaining wall.

3) Environmental Buffers

There are 3.58 acres of environmental buffer on the site. They will lie within common open space and be protected under a Category I conservation easement. An existing culvert under a driveway in the environmental buffer will be removed and the land restored. The plan meets requirements for protection of the environmental buffers.

4) Patuxent River Primary Management Area (PMA)

The majority of the site (about 12.79 acres) is within the Patuxent River Primary Management Area (PMA). The PMA is land next to a stream within the Patuxent River watershed as defined by the Patuxent River Watershed Functional Master Plan. The PMA is ¼ mile (1,320 feet) from the mainstem of the Patuxent or Hawlings River and 1/8 mile (660 feet) from all other streams in the watershed.

The Environmental Guidelines recommend an imperviousness limit of 10 percent for new development in the Patuxent PMA. There are two ways that this limit may be calculated: 1) total imperviousness within the transition area (the part of a PMA that lies outside an environmental buffer), or 2) average imperviousness over the entire site to “maintain community character, achieve compatibility, and/or accomplish master plan goals”.

The application calculates imperviousness over the entire site. This is appropriate for this property because the plan meets the Fairland Master Plan goals for a transitional development between higher- and lower-density land uses, and protects large areas of open space. The proposed layout concentrates most of the proposed lots and associated impervious surfaces within the PMA transition area, and achieves an overall imperviousness of 10 percent over the subdivision as a whole.

5) Stormwater Management

The MCDPS Stormwater Management Section approved a stormwater management concept for the project on August 22, 2006, which includes on-site water quality control and onsite recharge via the use of a surface sand filter and non structural measures. Parcel B is proposed for stormwater management use, with access provided from the proposed tertiary street.

D. Compliance with the Subdivision Regulations and Zoning Ordinance

Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone, cluster option (Sec. 59-C-1.5) as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment D – Agency Correspondence).

1) Combined Cluster Development

The plan proposes a combined cluster development under the existing RC and RE-1 zones. Section 59-C-1.526(b) of the Montgomery County Zoning Ordinance outlines 5 rules for combined cluster development in different zones:

- (1)The tracts to be combined must share a common boundary sufficient to provide a unified development which will achieve the purposes of cluster development.
- (2)The total area of the combined tracts must meet the largest minimum area requirement for cluster development found in the zoning classifications of the individual tracts.
- (3)No uses are permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified.
- (4)The total number of dwelling units in the combined development must not exceed the total permitted if the component areas of the combined tracts were developed separately.
- (5)The amount of green area in the combined development must not be less than the total amount required if the component area of the combined tracts were developed separately.

The two tract areas share a common boundary that provides for unified development. The RC-zoned tract is bound on 3 sides by the remaining RE-1 zoned area. The minimum area for cluster development is 50 acres in the RE-1 zone and not specified in the RC zone. The total tract area is less than 50 acres, but the application qualifies for a waiver of this requirement as discussed in section 2, below. The proposed lots will accommodate single-family dwellings, which is a permitted use in both the RC and RE-1 zones. The density under the cluster option of development in the RC zone is 1 dwelling unit per 5 acres and in the RE-1 zone it is 1 dwelling unit per acre. Because the RC zoned portion of the site is small, the density requirement is not applicable. The overall proposed density is 12 units on 15.43 acres, which is below the maximum density allowed in the RE-1 zone under the cluster option of development. Approximately 60% of the site will be dedicated open space. The proposed plan meets the requirements for combined cluster development.

2) Waiver Requests

As previously mentioned, the applicant has submitted two waiver requests. The first is to permit an over length cul-de-sac. Per Section 50-26(d) of the Subdivision Regulations, a cul-de-sac should not be longer than 500 feet unless the Planning Board finds that a greater length is justified by reason of property shape, size, topography; large lot size, or improved street alignment. Street A, as proposed, will be an over-length cul-de-sac. For this application, the applicant states, and staff agrees, that an over-length cul-de-sac is justified because it minimizes disturbance of environmental features on the property and does not result in a curb cut on existing Santini Road, a rustic road on the western boundary. The proposed access utilizes a

county maintained secondary road that intersects Spencerville Road (MD 198) at a signalized intersection. The proposed roadway configuration has been approved by Montgomery County Fire and Rescue Service for adequate ingress and egress for fire and rescue vehicles.

The second waiver request is for Section 59-C-1.532 of the Zoning Ordinance, which establishes 50 acres as the minimum size of a site using the cluster development method in the RE-1 zone. But footnote 6 of this section states: "This minimum area requirement may be waived by the Planning Board upon a finding that the cluster development is more desirable for environmental reasons." A significant environmental benefit of the proposed cluster plan is more afforestation planting on common open space. The applicant is required to plant only 2.32 acres of forest under the forest conservation law, but proposes to plant 5.53 acres. The plan also protects environmentally-sensitive area (i.e., environmental buffer) within common open space instead of on private lots.

A concept for a non-cluster subdivision submitted for comparison purposes demonstrates that a standard RE-1 subdivision reduces the amount of land available for forest planting and places it within residential lots. In addition, afforestation areas and environmental buffers would be located on private lots (as opposed to common open space in the cluster subdivision). It is staff's experience that when afforestation areas or environmental buffers are on private lots, encroachments into these environmentally-sensitive areas are more likely to occur (e.g., mowing of planted trees and shrubs, construction of structures, etc.), even with Category I conservation easements recorded over the afforestation and environmental buffer areas. Staff, therefore, believes the proposed cluster subdivision is better for environmental reasons than a non-cluster development on this site.

(Attachment C – Applicant's Justification for Waivers)

E. Citizen Correspondence and Issues

On May 30, 2006, the applicant held a meeting on the proposed project at a local restaurant in Burtonsville, Maryland. Attendees included 6 adjacent neighborhood association members, homeowners and other associated or interested parties. Attendees inquired about a variety of issues, including storm water management, water and sewer service, rustic road protection and the cost and quality of the proposed single-family homes. The applicant answered questions and received support for the project at the conclusion of the meeting. MNCPPC has not received any letters of concern regarding the subject property as of the date of this report. Citizen concerns appear to have been adequately addressed by the proposed plan.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Fairland Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. So approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Development Plan

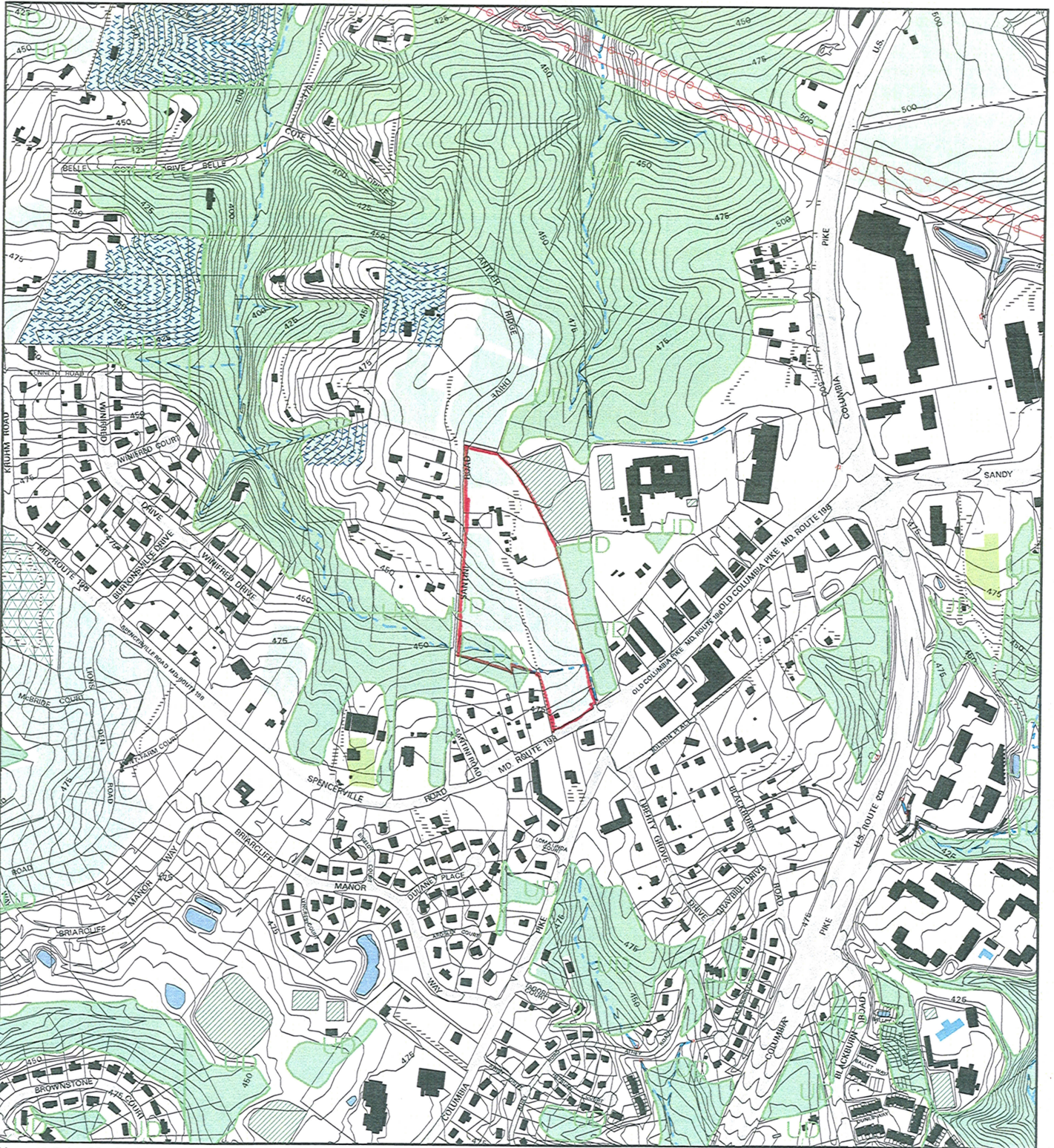
Attachment C – Applicant’s Justification for Waivers

Attachment D – Agency Correspondence Referenced in Conditions

TABLE 1: Plan Checklist and Data Table

Plan Name: Athey Property				
Plan Number: 120061160				
Zoning: RC, RE-1 (standards in table reflect RE-1 cluster requirements)				
# of Lots: 12				
# of Outlots: 0				
Dev. Type: Cluster				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	15,000 sf	15,252 sf is min. proposed	EG	1/26/07
Lot Width	N/A	N/A	EG	1/26/07
Lot Frontage	25 ft.	Must meet minimum	EG	1/26/07
Setbacks				1/26/07
Front	40 ft. Min.	Must meet minimum	EG	1/26/07
Side	15 ft. Min., except that a side yard adjoining a boundary of subdivision must not be less than that required for the adjoining zone.	Must meet minimum	EG	1/26/07
Rear	50ft. Min. from boundary of subdivision	Must meet minimum	EG	1/26/07
Height	50 ft. Max.	May not exceed max	EG	1/26/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	15 dwelling units	12 dwelling units	EG	1/26/07
Impervious Surfaces	10% Max.	May not exceed max	EG	1/26/07
TDRs	N/A		EG	1/26/07
Site Plan Req'd?	No		EG	1/26/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		EG	1/26/07
Road dedication and frontage improvements	Yes		Agency letter	6/9/06
Environmental Guidelines	Yes		Staff memo	1/19/07
Forest Conservation	Yes		Staff memo	1/19/07
Master Plan Compliance	Yes		EG	
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	8/22/06
Water and Sewer (WSSC)	Yes		Agency Comments	11/2/06
Well and Septic	N/A			
Local Area Traffic Review	N/A		Staff memo	6/5/06
Fire and Rescue	Yes		Agency letter	8/29/06

ATHEY PROPERTY (120061160)



Map compiled on May 24, 2006 at 2:23 PM | Site located on base sheet no - 221NE04

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Key Map

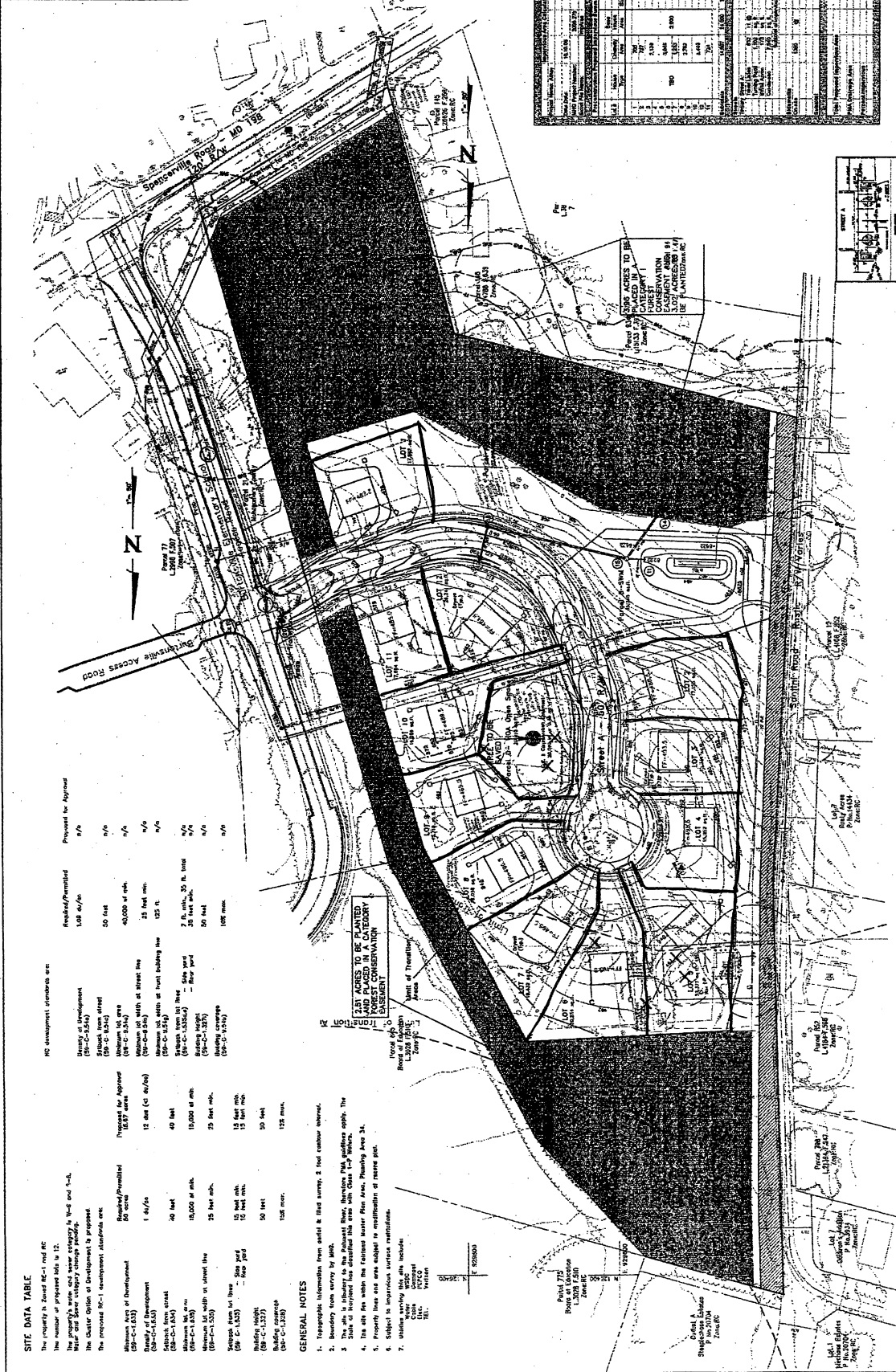
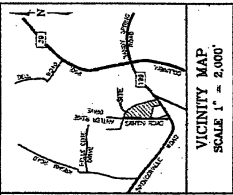


Research & Technology Center



1 inch = 800 feet
1 : 9600

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



Lot No.	Area (sq. ft.)	Area (Acres)	Proposed Use	Setback (ft.)	Other Notes
1	1,200	0.027	Residential	10	
2	1,500	0.034	Residential	10	
3	1,800	0.041	Residential	10	
4	2,100	0.048	Residential	10	
5	2,400	0.055	Residential	10	
6	2,700	0.062	Residential	10	
7	3,000	0.069	Residential	10	
8	3,300	0.076	Residential	10	
9	3,600	0.083	Residential	10	
10	3,900	0.090	Residential	10	
11	4,200	0.097	Residential	10	
12	4,500	0.104	Residential	10	
13	4,800	0.111	Residential	10	
14	5,100	0.118	Residential	10	
15	5,400	0.125	Residential	10	
16	5,700	0.132	Residential	10	
17	6,000	0.139	Residential	10	
18	6,300	0.146	Residential	10	
19	6,600	0.153	Residential	10	
20	6,900	0.160	Residential	10	
21	7,200	0.167	Residential	10	
22	7,500	0.174	Residential	10	
23	7,800	0.181	Residential	10	
24	8,100	0.188	Residential	10	
25	8,400	0.195	Residential	10	
26	8,700	0.202	Residential	10	
27	9,000	0.209	Residential	10	
28	9,300	0.216	Residential	10	
29	9,600	0.223	Residential	10	
30	9,900	0.230	Residential	10	
31	10,200	0.237	Residential	10	
32	10,500	0.244	Residential	10	
33	10,800	0.251	Residential	10	
34	11,100	0.258	Residential	10	
35	11,400	0.265	Residential	10	
36	11,700	0.272	Residential	10	
37	12,000	0.279	Residential	10	
38	12,300	0.286	Residential	10	
39	12,600	0.293	Residential	10	
40	12,900	0.300	Residential	10	
41	13,200	0.307	Residential	10	
42	13,500	0.314	Residential	10	
43	13,800	0.321	Residential	10	
44	14,100	0.328	Residential	10	
45	14,400	0.335	Residential	10	
46	14,700	0.342	Residential	10	
47	15,000	0.349	Residential	10	
48	15,300	0.356	Residential	10	
49	15,600	0.363	Residential	10	
50	15,900	0.370	Residential	10	
51	16,200	0.377	Residential	10	
52	16,500	0.384	Residential	10	
53	16,800	0.391	Residential	10	
54	17,100	0.398	Residential	10	
55	17,400	0.405	Residential	10	
56	17,700	0.412	Residential	10	
57	18,000	0.419	Residential	10	
58	18,300	0.426	Residential	10	
59	18,600	0.433	Residential	10	
60	18,900	0.440	Residential	10	
61	19,200	0.447	Residential	10	
62	19,500	0.454	Residential	10	
63	19,800	0.461	Residential	10	
64	20,100	0.468	Residential	10	
65	20,400	0.475	Residential	10	
66	20,700	0.482	Residential	10	
67	21,000	0.489	Residential	10	
68	21,300	0.496	Residential	10	
69	21,600	0.503	Residential	10	
70	21,900	0.510	Residential	10	
71	22,200	0.517	Residential	10	
72	22,500	0.524	Residential	10	
73	22,800	0.531	Residential	10	
74	23,100	0.538	Residential	10	
75	23,400	0.545	Residential	10	
76	23,700	0.552	Residential	10	
77	24,000	0.559	Residential	10	
78	24,300	0.566	Residential	10	
79	24,600	0.573	Residential	10	
80	24,900	0.580	Residential	10	
81	25,200	0.587	Residential	10	
82	25,500	0.594	Residential	10	
83	25,800	0.601	Residential	10	
84	26,100	0.608	Residential	10	
85	26,400	0.615	Residential	10	
86	26,700	0.622	Residential	10	
87	27,000	0.629	Residential	10	
88	27,300	0.636	Residential	10	
89	27,600	0.643	Residential	10	
90	27,900	0.650	Residential	10	
91	28,200	0.657	Residential	10	
92	28,500	0.664	Residential	10	
93	28,800	0.671	Residential	10	
94	29,100	0.678	Residential	10	
95	29,400	0.685	Residential	10	
96	29,700	0.692	Residential	10	
97	30,000	0.699	Residential	10	
98	30,300	0.706	Residential	10	
99	30,600	0.713	Residential	10	
100	30,900	0.720	Residential	10	

PRELIMINARY SUBDIVISION PLAN
 LOTS 1 - 12, Parcels A, B, C & D
Athey Property
 Parcels 935, 879 & 128
 5TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 F.M.H.G. Metrics, Henshilde & Glasscock, P.A.
 Engineers, Planners, Surveyors
 1200 Rockville Pike, Suite 200
 Rockville, MD 20850
 Tel: 301-228-4101
 Fax: 301-228-4101

NO.	DATE	DESCRIPTION	BY
1	12/23/09	PRELIMINARY SUBDIVISION PLAN	BP
2	1/15/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
3	2/10/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
4	3/10/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
5	4/10/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
6	5/10/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
7	6/10/10	REVISED PRELIMINARY SUBDIVISION PLAN	BP
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PREPARED FOR
 Hemingway Homes
 4838 Hampden Lane #326
 Bethesda, MD 20814
 PH: 301-228-1100
 FAX: 301-228-4101

AREA TABLE

Green Tract Area	Green Tract Area
08,737 sq. ft. or 0.201 acres	08,737 sq. ft. or 0.201 acres
3,075 sq. ft. or 0.070 acres	3,075 sq. ft. or 0.070 acres
3,075 sq. ft. or 0.070 acres	3,075 sq. ft. or 0.070 acres
04,800 sq. ft. or 0.110 acres	04,800 sq. ft. or 0.110 acres
30,250 sq. ft. or 0.694 acres	30,250 sq. ft. or 0.694 acres
13,335 sq. ft. or 0.305 acres	13,335 sq. ft. or 0.305 acres
20,000 sq. ft. or 0.458 acres	20,000 sq. ft. or 0.458 acres
10,000 sq. ft. or 0.229 acres	10,000 sq. ft. or 0.229 acres
10,000 sq. ft. or 0.229 acres	10,000 sq. ft. or 0.229 acres
10,000 sq. ft. or 0.229 acres	10,000 sq. ft. or 0.229 acres
10,000 sq. ft. or 0.229 acres	10,000 sq. ft. or 0.229 acres

September 21, 2006

Rich Weaver
Maryland National Capital Park
And Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Athey Property
MNCPPC # 1-20061160
MHG Job #2005-275.20

Dear Mr. Weaver,

We are requesting a waiver of §50-26(d), an over length cul-de-sac. Chapter 50-26(d) allows waiver of this section based on the following:

"...unless, by reason of property shape, size, topography, large lot size, or improved street alignment,"

We feel that granting the waiver is appropriate for the following reasons:

Shape

The property's shape is somewhat irregular, resulting in a longer street than would normally be necessary. There is frontage to public streets on the property's eastern, western and southern boundaries; however, the frontage to the west is along a Rustic Road (Santini Road) and the frontage to the south is along Maryland Route 198 (Spencerville Road), where there are few acceptable points of access. Therefore, in addition to the irregular shape of the property, the need for an over length cul-de-sac is exacerbated by the lack of satisfactory access the south and west.

Topography

There is some relief to this property. The highest point on the property is approximately 492 ft. and the lowest spot is around 456 ft.. If access to the site were determined solely by topography, Santini Road would be an ideal point of entry. In reality, however, Santini Road's status as a Rustic Road makes it a less than desirable point of entry to the property, and even if Santini Road was utilized, use of a cul-de-sac would most likely still be warranted. So, although the current site design utilizes an over length cul-de-sac, this feature has been used to protect the aesthetic appeal and unique qualities of Santini Road.

Large Lot Size

The property is zoned RE-1, with a small portion zoned RC. Standard method of development requires 1 acre lot sizes. The applicant proposes to utilize the Cluster method which reduces the lot size to 15,000 square feet minimum. 15,000 is still a modest sized lot that requires a significant amount of frontage to accommodate a proportionally sized dwelling. The road length used to accommodate this significant amount of frontage is increased further by the significant area of the site that is dedicated towards open space and conservation easements. It should be noted that these conservation areas have been strategically placed to maximize the ecological attributes of the site, and in doing so, have resulted in the need for an over length cul-de-sac. Any decrease in the length of the proposed road would compromise preservation efforts on this site.

Improved Street Alignment

The proposed alignment has several benefits. The proposed access does not disturb Santini Road, a Rustic Road. Additionally, access will be to a county maintained road that is signalized at the intersection of Spencerville Road. The purpose of the Cluster development option is advanced by allowing more area that would have been right-of-way for a through-street to be encumbered in a conservation easement.

It should be noted that the over length cul-de-sac is necessary to implement the area master plan and any waiver granted will still allow safe and adequate traffic circulation.

Regards,



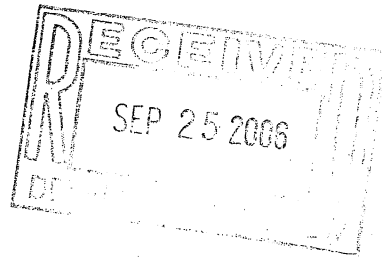
Hans Baumann

Planner

Macris, Hendricks, & Glascock, P.A.

September 21, 2006

Rich Weaver
Development Review Division
Maryland National Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Athey Property
Preliminary Plan of Subdivision
MHG Project No. 05-275

Dear Mr. Weaver:

We are hereby requesting a Planning Board Waiver of section 59-C-1.532, Minimum Area of Development. The 15.67 acre subject property is located in the Burtonsville area of Montgomery County. The property is located in the Fairland Master Plan, planning area 34.

Page 71 of the Fairland Master Plan describes the decisions surrounding the change of zoning from RC to RE-1. It reasons that an RE-1 zoning would "provide a transition from the industrial and commercial uses to the east and the rural cluster development to the west." (Fairland Master Plan 1997, 71). In theory, such a transition is indeed desirable. However, in the context of this site, the perceived zoning conflict between commercial/industrial uses and the proposed residential area is mitigated by a variety of factors, most notably the distance between the aforementioned non-residential uses and the location of the proposed cluster development. An RE-1 zoning with no cluster development would not provide an adequate buffer to potentially conflicting uses, as the standard density of development would require 40,000 sq. ft. housing lots to be more proximate to these conflicting uses than would smaller, clustered lots oriented away from undesirable adjacent uses. Furthermore, a clustered development would be more compatible with existing residential uses to the west of the site than would a misconceived RE-1 "transition area".

A cluster development also requires that forest conservation requirements be met on-site. In addition to providing ecological and aesthetic value, strategically placed stands of trees and open space would provide a more adequate transition area than the standard RE-1 zoning on this site would normally allow. In the proposed development, 12 lots would be created and 56% of the site would remain preserved. Clustering lots also has the added benefit of protecting the rural qualities of Santini Road (a Rustic Road) through minimizing the area of disturbance caused by construction. Conservation easements would protect environmentally sensitive areas on the property, something that would not be required in a standard RE-1 development. Additionally, this is an efficient way to place the ecologically beneficial aspects of the landscape (such as

specimen trees) in areas that cannot be affected by the potentially destructive whims of a homeowner.

A zoning ordinance cannot predict the innumerable conditions which affect the context of development. Within the context of this development, a cluster style of development is the ideal design solution and should be recognized as such by granting a Planning Board Waiver of section 59-C-1.532, Minimum Area of Development.

If you have any questions or need additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Hans Baumann", with a long horizontal flourish extending to the right.

Hans Baumann
Planner

Macris, Hendricks, & Glascock, P.A.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

January 19, 2007

MEMORANDUM

TO: Richard Weaver, Planner Coordinator, Development Review Division

FROM: Candy Bunnag, ^{CB}Planner Coordinator,
Environmental Planning,
Countywide Planning Division

SUBJECT: Preliminary Plan No. 120061160, Athey Property

RECOMMENDATIONS

Staff recommends approval of the preliminary subdivision plan with the following conditions:

1. Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent.
2. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the preliminary plan. Any modifications to this plan which increases site imperviousness may require Planning Board action.
3. The applicant must provide a HOA document that prohibits the widening or reconfiguration of driveways from those shown on the approved preliminary plan.
4. The applicant must place a Category I conservation easement over those areas that are environmental buffers or are used for forest retention or forest planting, as shown on the preliminary forest conservation plan. Easements must be shown on the record plats.
5. The applicant must remove the existing driveway and culvert, including those segments that are within open space Parcel A and the environmental buffer. Plans for the driveway and culvert removal and restoration of the land must be included with the final forest conservation plan.
6. The applicant must place a Category II conservation easement over Parcel D to protect the specimen elm. Easement must be shown on the record plat.
7. The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the

recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s). Conditions include but are not limited to the following:

- a. Final forest conservation plan to include the following:
 - i. Detailed forest planting plan and notes.
 - ii. Permanent signs and fences to be located along the boundary of the Category I conservation easements.
 - iii. A permanent fence to be located on the boundary of HOA open space Parcel D.
 - iv. Detailed protection measures for the 52-inch elm and 43-inch silver maple that is consistent with the certified arborist's report dated 1/11/07.
 - v. Specific notes that require a certified arborist to implement tree protection measures before and during construction for the two specimen trees.
 - vi. Recommendations by a certified arborist for tree care measures for the two specimen trees that covers up to at least one year after the completion of construction and specific notes that require a certified arborist to implement the tree care measures after construction is complete.

SITE DESCRIPTION

The 15.68-acre site lies within the Patuxent River watershed. There is a stream and associated wetlands and environmental buffer along the southern portion of the property. The property lies within a Use I-P watershed. Part of the environmental buffer is in forest cover. There are two houses and associated buildings on the site. There are two specimen trees on the site: a 52-inch American elm and a 43-inch silver maple.

ANALYSIS AND FINDINGS

Cluster Development on Sites Less than 50 Acres

Section 59-C-1.532 of the zoning ordinance establishes 50 acres as the minimum size of a site for a cluster development in the RE-1 zone. However, footnote 6 of this section of the zoning ordinance states: "This minimum area requirement may be waived by the planning board upon a finding that the cluster development is more desirable for environmental reasons."

The applicant has submitted a request to waive the minimum area requirement for cluster. In addition, a concept of a non-cluster subdivision was also submitted to compare to the proposed cluster subdivision. Staff finds that a significant environmental benefit of the proposed cluster plan is afforestation on common open space that greatly exceeds the required Forest Conservation Law requirements. The applicant proposes to plant 5.53 acres of forest, but is required to plant only 2.32 acres under the law. Another

environmental benefit is the placement of the site's environmentally-sensitive area (i.e., environmental buffer) within common open space instead of on individual, private lots.

Compared to the cluster subdivision, the non-cluster subdivision layout would have less land available for forest planting because land is needed to create lots that meet the minimum size of the RE-1 zone. Unlike the cluster proposal, a non-cluster plan would not be able to create a sizable afforestation area. In addition, afforestation areas and environmental buffers would be located on private lots (as opposed to common open space in the cluster subdivision). It is staff's experience that when afforestation areas or environmental buffers are on private lots, there is more likelihood that encroachments into these environmentally-sensitive areas will occur (e.g., mowing of planted trees and shrubs, construction of structures, etc.) even with Category I conservation easements recorded over the afforestation and environmental buffer areas. Staff, therefore, believes the proposed cluster subdivision is better for environmental reasons than a non-cluster one for this site.

Forest Conservation

There is 0.97 acre of existing forest on the site. The forest lies within the environmental buffer area. The preliminary forest conservation plan proposes to retain the majority (0.94 acre) of the forest. About 0.03 acre (1307 square feet) of forest is proposed to be cleared to locate a stormwater management facility outfall within the environmental buffer. The preliminary forest conservation plan also proposes to plant 5.53 acres of forest. This is proposed to occur within the environmental buffer and within common open space on the north and east sides of the subdivision. Forest planting areas and forest retention areas are proposed to be protected under conservation easements.

Section 22A-12 (f)(2)(B) of the Montgomery County Forest Conservation Law states that in a development using a cluster option in a "one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a)." In addition, Section 22A-12(f)(2)(C) states that "if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), then the afforestation threshold is the minimum on-site forest requirement."

The existing forest (0.97 acre) is less than the afforestation threshold of 3.23 acres for the site. Therefore, the minimum on-site forest requirement is the afforestation threshold of 3.23 acres. The preliminary forest conservation plan proposes 5.53 acres of forest planting and 0.94 acre of forest retention. The combined forest retention and planting exceeds the on-site forest requirement of 3.23 acres.

Section 22A-12 (f)(3) of the County Forest Conservation Law states that "if the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-

site retention in combination with on-site reforestation and afforestation, not including landscaping.” Staff finds that the proposed 0.03 acre (1307 square feet) of forest clearing for the location of a stormwater management facility outfall should be allowed because it is very small and it is unavoidable. In addition, the preliminary forest conservation plan provides for forest planting on the site that greatly exceeds the on-site forest requirement of 3.23 acres.

The preliminary forest conservation plan also provides protection of the two specimen trees on the site. The specimen silver maple is located next to the Santini Road right-of-way and is proposed to be on a private lot. The existing house that is within its critical root zone is proposed to be removed using specific protection measures to minimize damage to the maple.

The specimen American elm is located in the center of the site. Since large American elms are unusual in Montgomery County, this tree is proposed to be located under a Category II conservation easement within common open space. It is in good health and has good form. Street A’s public utility easement is located within the elm’s critical root zone. To minimize land disturbance associated with the construction of Street A within the critical root zone, the applicant proposes a retaining wall along the section of Street A’s public utility easement that would be located within the elm’s critical root zone. In addition, there is no sidewalk proposed within the critical root zone.

Staff finds that the proposed preliminary forest conservation plan, with modifications as recommended in staff’s conditions, meets the requirements of the County Forest Conservation Law.

Environmental Buffers

There are about 3.58 acres of environmental buffer on the site. The environmental buffers will lie within common open space and will be protected with a Category I conservation easement. Staff finds the proposed protection of the environmental buffers to be acceptable.

The preliminary forest conservation plan shows the proposed driveway to be removed. Staff recommends that the removal of the driveway should also include the removal of the existing culvert under the driveway in the environmental buffer and restoration of the land within the buffer.

Patuxent River Primary Management Area (PMA)

The majority (about 12.79 acres) of the site is within the Patuxent River Primary Management Area (PMA). The PMA is land next to a stream within the Patuxent River watershed that is defined by the Patuxent River Watershed Functional Master Plan. The PMA is ¼ mile (1320 feet) from the mainstem of the Patuxent or Hawlings River and 1/8 mile (660 feet) from all other streams in the watershed. The Environmental Guidelines recommends an imperviousness limit of 10 percent for new development. There are two

ways that the guidelines define the calculation of the imperviousness limit: One way is to calculate the imperviousness within the part of a PMA that is not an environmental buffer area. (The part of a PMA that lies outside an environmental buffer is identified as a transition area). The Environmental Guidelines also allows a project's imperviousness to be averaged over the entire site in order to "maintain community character, achieve compatibility, and/or accomplish master plan goals".

The preliminary plan proposes an imperviousness of 10 percent over the entire site. Staff believes calculating the imperviousness over the entire site is appropriate for this property. Most of the subject site is zoned RE-1, except for a small portion which is zoned RC. This site has higher density zoning than the surrounding properties to the north and west, which are zoned RC. The Fairland Master Plan recommends that the subject site provide a subdivision that transitions from the industrial and commercial uses to the east and the rural cluster (RC) development to the west. The proposed RE-1 subdivision provides a cluster subdivision which is consistent with the master plan recommendations. The cluster allows the proposed residential lots and impervious surfaces to be located away from the environmental buffer and provides relatively large open spaces for forest planting on the north and south sides of the site. This layout concentrates most of the proposed lots and associated impervious surfaces within the PMA transition area on the site, and achieves an imperviousness of 10 percent over the subdivision as a whole.

To meet the 10 percent imperviousness over the entire subdivision, the preliminary plan proposes variable-width instead of single-width driveways for some of the lots. It is staff's experience that variable-width driveways are often reconfigured by homeowners to become single-width driveways. To discourage the reconfiguration of driveways and increases in impervious surfaces, staff recommends that the HOA documents are set up to prohibit the expansion or reconfiguration of driveways that would result in increased impervious surfaces.

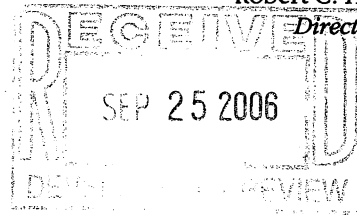


DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

August 22, 2006

Robert C. Hubbard
Director



Mr. Kenneth Jones
Macris, Hendricks, and Glascock
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Athey Property
Preliminary Plan #: Pending
SM File #: 226132
Tract Size/Zone: 15.56/RE-1
Total Concept Area: 15.56ac
Lots/Block: 12 Proposed
Parcel(s): P935, P879, P128
Watershed: Lower Patuxent

Dear Mr. Jones:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of a surface sand filter and non structural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following items will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. A Montgomery County Flood plain study will be required at the detailed plan stage for this project.
5. Dry wells will be required on all proposed lots.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way



unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN 226132

cc: C. Conlon
S. Federline
SM File # 226132

QN - On Site; Acres: 5.5ac
QL - On Site; Acres: 5.5ac
Recharge is provided



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 9, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20061160
Athey Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 05/15/06. This plan was reviewed by the Development Review Committee at its meeting on 06/05/06. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
1. Show/label all existing planimetric and topographic details specifically paving, sidewalks and/or bikeways as well as existing rights of way (for surrounding roads including Burtonsville Elementary School Access Road) and easements on the preliminary plan. Also show the location of future Burtonsville Access Road on the preliminary plan.
 2. Necessary dedication for Spencerville Road, Santini Road and Burtonsville Elementary School Access Road in accordance with the Master Plan.
 3. Full width dedication and construction of street "A" as an open section tertiary residential roadway terminating in a cul-de-sac. This Road is to be aligned with Burtonsville Access Road.
 4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 5. We did not receive conceptual road profiles for the new public street "A". As a result, we are unable to offer any comments at this point.
 6. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishment for the public street "A" from DPS.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-20061160
Date June 9, 2006
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7. A Public Improvements Easement may be necessary along Street "A" and open section part of Burtonsville Elementary School Access Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
8. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development one hundred (100) year storm runoff on same.
9. The plan should provide a horizontal alignment for the public street "A" which satisfies the design speed.
10. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DPWT Sight Distances Evaluation certification form, for Street "A" for our review and approval.
12. Since Santini Road is included on the Rustic Roads Program, every effort must be made to preserve the significant features within the right of way of that roadway. Therefore the SWM facility access from Santini Road is not acceptable.
13. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
14. Record plat to reflect denial of access along Santini Road.
15. Waiver from the Montgomery County Planning Board for overlength cul-de-sac.
16. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
17. Waiver from the Montgomery County Planning Board to delete sidewalk(s) on (one side of) a tertiary classification roadway.
18. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public street "A", along Spencerville Road and Burtonsville Elementary School Access Road, unless the applicant is able to obtain a waiver from the appropriate government agency.
19. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct a leadwalk to connect Santini Road and public Street "A" (the preferable location on Santini Road would be at the existing driveway on proposed lot#5).

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20. The owner will be required to submit a recorded covenant for the operation and maintenance of storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
21. Access and improvements along Spencerville Road (MD 198) as required by the Maryland State Highway Administration.
22. Geometrics for the intersection of Street "A" and Burtonsville Elementary School Access Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
23. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
24. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
25. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
26. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
27. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along public Street "A" terminating in a cul-de-sac.
 - B. Re-construct five (5) foot wide concrete sidewalk along Burtonsville Elementary School Access Road. Refer to item#7 above for the open section segment.
 - C. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - F. Developer shall ensure final and proper completion and installation of all utility lines underground, for all

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new road construction.

- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

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Enclosures ()

cc: Noah Cantor, Hemingway Homes-Bethesda
Michael Watkins, Macris, Hendricks & Glascock
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book