



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

**MCPB**  
**Item #**  
**9/11/08**



**MEMORANDUM**

**DATE:** August 10, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Catherine Conlon, Subdivision Supervisor *CK*  
Development Review Division

**FROM:** Erin Grayson, Senior Planner (301-495-4598) *EA*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** The creation of 7 lots, 1 open space parcel and 1 outlot to accommodate 7 one-family dwelling units, using the cluster development method.

**PROJECT NAME:** Stern Property  
**CASE #:** 120061180  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2C, cluster option  
**LOCATION:** On Bonny Brook Lane, 231 feet northwest of Heather Field Court  
**MASTER PLAN:** Damascus

**APPLICANT:** Bethany Homes  
**ENGINEER:** Benning & Associates

**FILING DATE:** May 16, 2006  
**HEARING DATE:** September 11, 2008

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 7 lots for 7 one-family detached residential dwelling units, 1 outlot and 1 open space parcel.
- 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 Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as applicable.
- 3) Record plat to reflect a Category I easement over all environmental buffers and retained and planted forest areas.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Record plat to have the following note in reference to the lots and open space parcel: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 6) The applicant shall comply with the conditions of the MCDPS stormwater management approval dated December 8, 2006.
- 7) The applicant shall comply with conditions of MCDPS (Health Dept.) septic approval dated March 25, 2008.
- 8) 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.
- 9) The applicant must provide, and show on record plat, a 15 foot-wide access easement for residents in the following locations: a) along the western boundary of the property to Open Space Parcel A; and b) from Open Space Parcel A to Upper Great Seneca Stream Valley Park, as shown on the preliminary plan.
- 10) The applicant must provide, and show on record plat, a 15 foot-wide public use trail easement from the termination of the shared private drive on proposed Lot 3A to Upper Great Seneca Stream Valley Park, as shown on the preliminary plan.
- 11) The applicant must comply with conditions of the Montgomery County Department of Transportation (MCDOT) letter dated June 12, 2006 unless otherwise amended.
- 12) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s) and Maryland State Highway Administration (MDSHA) prior to issuance of access permits.
- 13) The applicant must comply with conditions of the MDSHA letter dated August 26, 2008 unless otherwise amended.
- 14) Record plat to reflect an environmental setting boundary for the historic resource containing the dwelling house, corn crib, bank barn, dairy barn and milk house on a single lot of at least 9.59 acres, as specified in the Damascus-Goshen Master Plan Amendment.
- 15) The approved environmental setting boundary and historic resource number and name must be clearly identified on the record plat.
- 16) If Locational Atlas Resource #11/21, Rezin/Bowman Farm, should be designated to the Master Plan for Historic Preservation the final record plat must include a note that states "Any new construction and/or site modification within the established environmental

setting are subject to the review and approval of the Montgomery County Historic Preservation Committee”.

- 17) 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.
- 18) Other necessary easements must be shown on the record plat.

## I. SITE DESCRIPTION (Attachment A – vicinity map)

The Stern Property, pictured below and in Attachment A (Vicinity Map), is located in the Damascus Master Plan area on Bonny Brook Lane, south of Damascus Road. The site consists of unrecorded and recorded parcels and a recorded outlot, totaling 29.26 acres. The site is zoned RE-2C. Surrounding zoning includes RC zoning east of the site and RE-2C north, south and west of the site. Upper Great Seneca Stream Valley Park, part of the M-NCPPC park system, abuts the subject property on the east. The area directly west of the site was approved for residential development on February 11, 2005 as part of Preliminary Plan #120040800, Damascus Hills.

A one-family home and accessory buildings currently exist on the subject property. The home, known as “Rezin/Bowman Farm”, is listed on the *Locational Atlas and Index of Historic Sites* (#11/21), but official historic designation is pending.

The property includes 13.36 acres of existing forest. There is a stream and in-stream pond that bisects the property. There are 7.34 acres of stream buffer, 3.2 acres of wetlands and wetland



buffers, and steep slopes on the subject property. The entire property is in the Great Seneca Creek watershed (Use Class I).

## **II. PROJECT DESCRIPTION (Attachment B – proposed plan)**

The applicant proposes to develop the subject property using the cluster development method. As discussed below, a waiver is requested by the applicant to permit the cluster on less than 50 acres. This plan includes 6 lots for new dwellings (shown as lots 1B-6B); a lot for the existing structure (shown as lot 3A); an Outlot in anticipation of further subdivision; and two parcels for Open Space and stormwater management. The six clustered lots range in size from 28,000 square feet to 78,600 square feet. The lot for the historic structure consists of 9.7 acres in order to preserve the setting of Rezin/Bowman Farm. Open space Parcel A includes 5.66 acres. The Outlot is located on the northern portion of the site. Although the subject property includes recorded land, the plan is not considered a resubdivision because the recorded land is comprised of unbuildable recorded parcels and a recorded outlot created to accommodate future road construction.

Lots 1B-6B will have frontage on and access to Bonny Brook Court, a tertiary residential street terminating in a cul-de-sac at the southern boundary of the Stern Property. Lot 3A will have frontage on Bonny Brook Court but currently has access to MD 108 via a 16 feet-wide ingress/egress easement that extends along Damascus Hills Lane (a private street), then through recorded lots in the Damascus Hills Subdivision out to MD 108. The outlot is being requested because there is currently insufficient access for additional lots via the existing ingress/egress easement. As proposed, the outlot is configured with frontage on Bonny Brook Court via a pipestem along the perimeter of the Property. The outlot will remain unbuildable subject to further subdivision that includes suitable access for any proposed lots. Access to the Open Space Parcel is provided via a 15 feet-wide public use trail easement. The currently proposed lots are to be served by public water and private standard septic systems.

## **III. ANALYSIS AND FINDINGS**

### **A. Master Plan Compliance**

On page 96 of the *2006 Damascus Master Plan*, under the section entitled “Community Water and Sewer Service Recommendations”, it is made clear that the "provisions of community sewer service in the Damascus plan area is guided by the County's Water Supply and Sewerage Systems Plan, the General Plan, and prior Master Plans; as well as regional environmental policies, such as the Chesapeake Bay Initiative and the Maryland Smart Growth policies." In addition, certain properties are specifically recommended on page 96 for community sewer service under the cluster development method. The area zoned RE-2C, which includes the proposed subdivision, is not included in this section. As a result, cluster development absent of community sewer service is acceptable in this area.

The *2006 Damascus Master Plan* also refers to prior master plans. On page 72 of the *1982 Damascus Master Plan*, bullet number 3 entitled “Woodfield Road and Route 108 Transition

Area” recommends two units-per acre densities with clustering. This recommendation is supported by the “Proposed Sewer & Water Service Areas” illustration on page 103 of the *1982 Damascus Master Plan*, which indicates that this area is recommended for community water service but not for community sewer service. The proposed subdivision complies with the recommendations adopted in the *2006 Damascus Master Plan* in that clustered, low density residential development is proposed for the site and private standard septic systems are to serve the lots.

**B. Cluster Provisions** (Attachment C – applicant’s justification for waiver)

**1) Community Water and Sewer**

Sec. 59-C-1.522 of the Zoning Ordinance states:

“No land shall be subdivided under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems. The only exception to this requirement is the RE-2C zone where land that is not served by community sewer may be subdivided under this method if it meets all of the following conditions:

- (a) An approved and adopted master plan or sector plan specifically recommends cluster development with community water but not community sewer.
- (b) The resulting development will be connected to community water.
- (c) The resulting development meets all of the requirements for individual sewerage systems outlined in the most recent county comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79 on individual water supply and sewage disposal systems.”

As previously discussed, the proposed plan complies with the recommendations adopted in the 1982 and 2006 master plans for Damascus. Community water service has been conditionally approved upon Planning Board approval of the plan. The Montgomery County Department of Permitting Services Well and Septic Division approved the septic field locations for the proposed lots on March 25, 2008.

**2) Open Space**

Sec. 59-C-1.524 of the Zoning Ordinance states:

“Common Open Space. The preliminary or site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.”

The applicant has allocated 5.66 acres for open space, shown as Open Space Parcel “A” on the plan. Access for any future lots created from the proposed outlot, and for lot 1B, to Open Space Parcel A is provided via a 15 foot-wide public use trail easement along the western boundary of the property and access for all other lots is provided via a 15 foot-wide public use trail easement



at the southern boundary of the historic lot Upper Great Seneca Stream Valley Park. The proposed open space satisfies the purpose of the cluster zone in that it provides a community space for passive recreation and it preserves existing forest and trees.

### 3) Minimum Area of Development

Section 59-C-1.532 of the Zoning Ordinance stipulates that for cluster development in the RE-2C zone the minimum area of development is 50 acres. The subject property contains 29.26 acres. Section 59-C-1.526(a), however, states that if 2 or more adjacent tracts are approved for cluster developments in the same zone, "The planning board may waive the minimum areas specified in subsection 59-C-1.532 if the tract abuts an existing cluster development in the same zone and approval of the proposed subdivision will make possible a compatible extension thereof." The applicant believes, and staff agrees, that since the subject property abuts two other cluster developments in the same zone, Section 59-C-1.526(a) applies. The proposed subdivision will provide a compatible extension of the Damascus Hills and the Seneca Springs subdivisions.

Environmental Planning also supports development of the subject property under the cluster method. The proposed plan indicates an average lot size of approximately 1.3 acres (not including the lot for the existing house). The minimum lot size permitted under the RE-2C zone is 25,000 square feet. Although the minimum is desirable in a cluster development, this size is impossible to achieve on lots containing septic fields and reserve septic fields, but sincere efforts were made to reduce lot sizes. The smaller lot sizes allow for forest retention on Lot 3A and on Open Space Parcel A. Open Space Parcel A is entirely forested and includes environmental buffers and steep slopes that will be permanently protected in a conservation easement. The applicant has met the forest conservation threshold on site, which is required under cluster development.

### C. Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. This application pre-dates Policy Area Mobility (PAMR) requirements and PAMR requirements are not currently applicable to the Damascus policy area at this time.

Bonny Brook Court is proposed to be an open section tertiary street with 50 feet of right-of-way. Sidewalks are not required.

### D. Environment

The proposed subdivision complies with the requirements of the county Forest Conservation Law and the Planning Board's "Environmental Guidelines".

#### Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire Stern Property site and was approved by Environmental Planning staff on October 19, 2006. The site includes a stream, in-stream pond, and wetlands. In total there are 7.34-acres of

environmental buffers on the subject property. No encroachments into the environmental buffers are proposed with this preliminary plan of subdivision.

### Forest Conservation

There are 13.36 acres of existing forest in four distinct forest stands on the subject site. Black cherry, red maple, and tulip poplar trees dominate all stands. The primary distinction between the stands is the age and size of the trees in each stand and the stand location relative to environmental buffers and contiguous forests on adjacent properties. There are 5 trees that are 24 inches in diameter and greater on the subject property. All of these trees are shown as retained in the preliminary forest conservation plan.

The development utilizes an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County code. This section of the code requires minimum on-site retention, or retention and planting of forest. For this particular plan, 25 percent of the net tract, or 7.32 acres, must be in retained and/or planted forest. The preliminary forest conservation plan indicates the removal of 4.69 acres of forest and the preservation of 8.67 acres of forest, which satisfies the Section 22A-12(f) requirements. The project is below the break-even point for forest clearing and, therefore, has no planting requirement. All retained forest will be protected in a Category I forest conservation easement. The preliminary forest conservation plan submitted satisfies the requirements of 22A-12(f) of the Montgomery County code through protection of retained forest, and meets all applicable requirements of the county Forest Conservation Law.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on March 11, 2008. The concept consists of on-site water quality control and recharge through a combination of dry wells, porous pavement and a surface sand filter.

### **E. Historic Preservation**

The Rezin/Bowman Farm is currently listed on the *Locational Atlas and Index of Historic Sites*. The house and associated outbuildings are being evaluated for official designation as part of an amendment to the *Master Plan for Historic Preservation*. Proposed Lot 3A is 9.7 acres in size and contains the dwelling house, corn crib, bank barn, dairy barn, milk house and pond. Historic Preservation staff finds that removal and/or modification of the existing pond, if necessary, would not impact the environmental setting of the historic resource. Proposed Lot 3A is consistent with the Historic Preservation Commission of Montgomery County's recommendations for the site.

### **F. Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Access and public facilities will be adequate to support the proposed lots and uses. The lots were reviewed for compliance with the dimensional requirements for the RE-2C zone as specified in the Zoning Ordinance. The lots as proposed will meet all the requirements for area, frontage, width, and setbacks in that zone and all requirements for cluster development as previously discussed. A summary of this review is included in

attached Table 1. The proposed open space meets the purpose and intent of the cluster zone by providing community space for the proposed lots and any additional lots that may be created from the proposed outlot. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

**G. Citizen Correspondence and Issues**

Requirements for pre-submission meetings prior to plan submissions do not apply to the Stern Property preliminary plan. This plan was distributed to adjacent and confronting property owners and to local civic associations in conformance with the procedures in place at the time of the submission. As of the date of this report, no citizen concerns regarding this application have been brought to the attention of M-NCPPC staff.

**IV. CONCLUSION (Attachment D –agency correspondence).**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Damascus 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. Therefore, 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 waiver
- Attachment D – agency correspondence

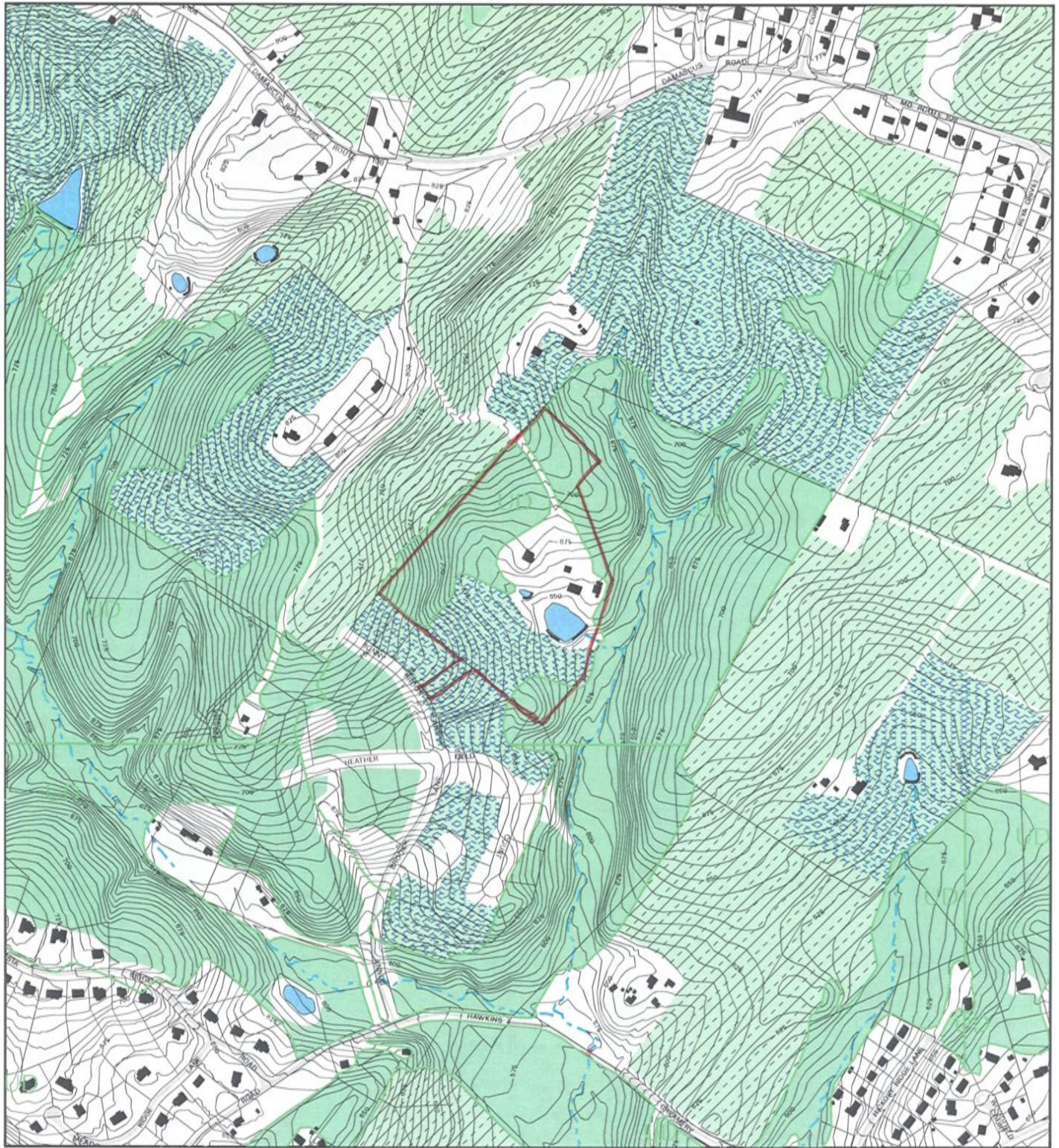


TABLE 1: Plan Checklist and Data Table

<b>Plan Name: Stern Property</b>				
<b>Plan Number: 12001180</b>				
<b>Zoning: RE-2C</b>				
<b># of Lots: 7</b>				
<b># of Outlots: 1</b>				
<b>Dev. Type: Cluster</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval on the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	25,000 sq. ft.	28,000 sq. ft. is minimum proposed	EG	8/10/08
Lot Width	25 ft.	Must meet minimum	EG	8/10/08
Lot Frontage	25 ft.	Must meet minimum	EG	8/10/08
Setbacks				
Front	40 ft. Min.	Must meet minimum	EG	8/10/08
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	8/10/08
Rear	50 ft. Min. from boundary of subdiv.	Must meet minimum	EG	8/10/08
Height	50 ft. Max.	May not exceed maximum	EG	8/10/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	0.4 d.u. per acre	7 dwelling units	EG	8/10/08
TDRs	N/A		EG	8/10/08
Site Plan Req'd?	No		EG	8/10/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street				
Road dedication and frontage improvements	Yes		Agency letters	6/12/06,8/26/08
Environmental Guidelines	Yes		Staff memo	8/19/08
Forest Conservation	Yes		Staff memo	8/19/08
Master Plan Compliance	Yes		Staff memo	3/8/07
Stormwater Management	Yes		Agency letter	3/11/06
<b>ADEQUATE PUBLIC FACILITIES</b>				
Water and Sewer (WSSC)	Yes		Agency Comments	6/25/06
Well and Septic	Yes		Agency Letter	3/25/08
Local Area Traffic Review	N/A		Staff memo	6/5/06
Fire and Rescue	Yes		Agency letter	9/29/06
Historic Preservation	Yes		Agency letter	7/15/08



# STERN PROPERTY (120061180)



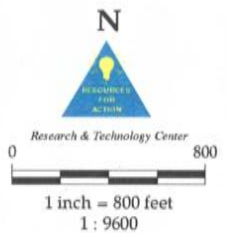
Map compiled on May 25, 2006 at 8:54 AM | Site located on base sheet no - 236NW09

## NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998







**STERN PROPERTY: Request for waiver of Minimum Area Requirement**

Section 59-C-1.532 of the Montgomery County Zoning Ordinance requires a minimum land area of 50 acres for developments in the RE2C zone utilizing the cluster option. The subject property consists of just more than 30 acres of land zoned RE2C and is proposed to be developed into single-family lots using the cluster option of the zone. As such, a waiver of the 50 acre requirement is requested.

The subject property immediately abuts two other cluster development projects located within the same zone. Section 59-C-1.526(a) of the Zoning Ordinance states that “the Planning Board may waive the minimum areas specified in Subsection 59-C-1.532 if the tract abuts an existing cluster development in the same zone and the proposed subdivision will make a compatible extension thereof”. The existing Seneca Springs development (lots fronting on Bonny Brook Lane) was planned to allow for the development of the Stern Property through the creation of an outlot (Outlot C) which provides land for a new street to serve proposed lots 1B-6B. The proposed future lots are similar in size and character to lots in the Seneca Springs subdivision. In addition, a Preliminary Plan was approved recently for Damascus Hills (1-04080) located to the west of the Stern Property. A private street (as permitted by 59-C-1.527) was established to serve RE2C cluster lots for Damascus Hills and for additional anticipated lots on the Stern Property. An existing private driveway will extend from the private street into the Stern Property to provide access to proposed lots 1A-5A. The proposed lots adjacent to the Damascus Hills subdivision are very similar in size and character to lots approved for Damascus Hills.

Section 59-C-1.532 also allows the Board to waive the minimum area requirement “upon a finding that cluster development is more desirable for environmental reasons”. The Stern Property as planned allows for the creation of an open space parcel to provide extra protection to very environmentally sensitive features of the property. The open space parcel includes steep slope areas adjacent to an existing stream, wetland seep areas leading to the stream, and most of the existing forest on the property. Also, by clustering lots on the property, the existing historic resource as shown on proposed lot 3A gains a larger environmental setting than would be possible under standard development.

For the above stated reasons, a waiver from the minimum land area is requested.



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

## MEMORANDUM

March 25, 2008

TO: Cathy Conlon, Development Review,  
Maryland National Capital Park and Planning Commission

FROM: Carla Reid, Director   
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 1-20061180,

Stern Property, Lots 1A-5A; 1B-6B

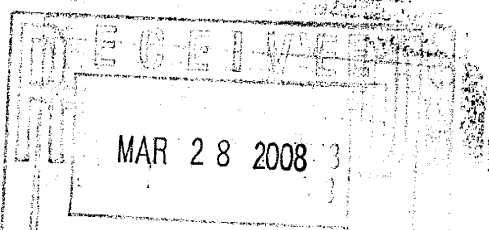
This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on March 14, 2008.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. Public water must be provided.
3. All existing buildings to appear on the record plat.
4. Lot 6B will require grade changes (fill), or an effluent pump system, to use the proposed septic area.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Surveyor  
File





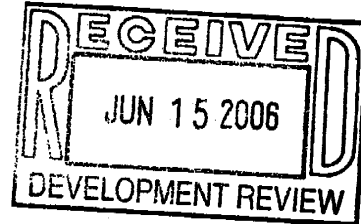
DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

June 12, 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 #1-20061180  
Stern Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 05/11/06. 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, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.  
Also show where existing common driveway (future private Damascus Hills Lane) ties to on the preliminary plan and clarify who will build the private road.
2. Necessary dedication for Bonny Brook Lane in accordance with the Master Plan.
3. Full width dedication and construction of the interior public street.
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. 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 establishments for new public streets 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



7. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
8. Show the locations of the future lots driveways on the preliminary plan.
9. 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 the existing lot 7B, for our review and approval.
10. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
11. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
12. 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.
13. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
14. Access and along Damascus Road (MD 108) as required by the Maryland State Highway Administration.
15. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, 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.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. 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.
18. 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.
19. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
20. 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

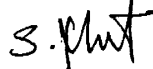
Ms. Catherine Conlon  
Preliminary Plan No. 1-20061180  
Date June 12, 2006  
Page 3

following improvements:

- A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along interior public street ending in a cul-de-sac.
- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. 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.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. 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](mailto: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

m:/subdivision/farhas01/preliminary plans/ 1-20061180, Stern Property.doc

Enclosures 0

cc: David Bernstein, Bethany Homes  
David McKee, Benning & Associates  
James Brennan, Reed Smith  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Raymond Burns, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

August 26, 2008

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

Re: Montgomery County  
Stern Property  
DRC File No. 120060180  
MD 108 (Damascus Road)  
Mile Post: 1.136

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the plans for the Stern Property development. Upon discussions with the engineer and MNCPPC staff it is my understanding that only the existing house will be using the existing access that connects to MD 108 and the outlots will not be developed at this time.

Based on the access usage staying consistent with existing conditions, the SHA has no objections to this project moving forward. Once another lot is to be developed and will be accessing the driveway, the existing access to MD 108 will need to be closed and the properties will need to use Stanley Hills Way.

If you have any questions or require additional information, please contact Ms. Corren V. Giles at (410) 545-5595, toll free at (800) 876-4742, or via email at [cgiles@sha.state.md.us](mailto:cgiles@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/cvg

Cc: Mr. Shahriar Etemadi / M-NCPPC  
Mr. Sam Farhadi / Montgomery County DPW&T  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*  
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

March 11, 2008

Carla Reid Joyner  
Director

Mr. Jon Shiancoe  
JAS Engineering Design  
5105 Mount Oaks Sanctuary Drive  
Bowie, MD 20720

Re: Stormwater Management **CONCEPT** Request  
for Stern Property  
Preliminary Plan #: TBA  
SM File #: 233074  
Tract Size/Zone: 25.7 acres/ RE 2-C  
Total Concept Area: 2.23 acres  
Lots/Block:  
Parcel(s):  
Watershed: GSC

Dear Mr. Shiancoe:

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 quality control and recharge via a combination of drywells, porous pavement, and a surface sand filter. 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 **conditions** 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. Move the under drain for the surface sand filter to outlet on the opposite side away from the storm drain outlet.
5. The existing farm pond will either need to be retrofit to be meet Maryland 378 Pond standards or safely breached. Please submit a design that incorporates the method chosen. This submission must be made upon first submittal of the sediment control stormwater management design for either this phase or the first phase (Approved SM Concept #226159).
6. Provide a driveway apron so ease of access can be achieved for maintenance of the sand filter.

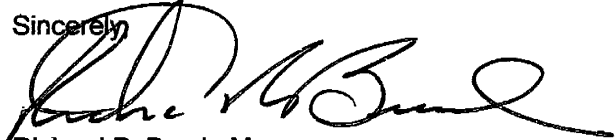
This list may not be all-inclusive and may change based on available information at the time.

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 Blair Lough at 240-777-6335.

Sincerely,



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

RRB:dm bli

cc: C. Conlon  
S. Federline  
SM File # 233074

QN —not required; Acres: 2.23  
QL — on ; Acres: 2.23  
Recharge is/is not provided