



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

MCPB
Item #
3/5/09



MEMORANDUM

DATE: February 20, 2009

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 1 lot for 1 one-family detached dwelling unit

PROJECT NAME: Helmsdale Road

CASE #: 120070220

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: The west side of Helmsdale Road at the intersection of Helmsdale Road and Selkirk Drive

MASTER PLAN: Bethesda-Chevy Chase

APPLICANT: Ayman Farouqi

ENGINEER: Macris, Hendricks & Glascock, P.A.

FILING DATE: October 9, 2006

HEARING DATE: March 5, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for 1 existing one-family detached residential dwelling unit.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The Applicant must install boundary posts to permanently delineate the forest conservation easement areas and construct a split rail fence, or approved equivalent, at the back and sides of the proposed garage (along the easement boundary) to further delineate and protect the conservation easements from future homeowner encroachment.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated November 27, 2006. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 7) The record plat must reflect dedication of approximately 15,682 square feet to MNCPPC for park purposes as shown on the preliminary plan.
- 8) 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 resolution.
- 9) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION (Attachment A – vicinity map)

The Subject Property, pictured on the following page and in Attachment A, is located in the Bethesda-Chevy Chase Master Plan area on the west side of Helmsdale Road at the intersection of Helmsdale Road and Selkirk Drive. The Property, totaling 1.84 gross acres, includes a lot recorded in 1962 and an adjacent unrecorded parcel. Booze Creek and MNCPPC park property are located directly to the west and north of the site. Recorded R-200 zoned lots are located south of the site and across Helmsdale Road to the east. A one-family detached dwelling unit currently exists on the Property.

In total, 1.04 acres of the Property fall within the stream valley buffer for Booze Creek which flows along the boundary of the Subject Property. There are 1.04 acres of existing forest on the site, primarily located on the unrecorded parcel. The existing house was constructed partially within the Booze Creek stream valley buffer years ago. A 25-foot floodplain building restriction line is also located on the Property but beyond the existing house. The 1.04 acres of forest on the Property are classified as high priority. There are 14 trees 24 inches in diameter and greater on the site, five of which are 30" or greater in diameter. The site is not within a Special Protection Area or Primary Management Area.



PROJECT DESCRIPTION (Attachment B – proposed plan)

The applicant proposes to resubdivide the Subject Property to create 1 lot from the recorded lot and unrecorded parcel that will be 64,442 square feet in size after dedication of approximately 15,682 square feet to MNCPPC for park purposes. The existing house and driveway, located on proposed Lot 8, are to remain. The new lot size can accommodate a proposed garage addition adjacent to the existing structure, on the north side, that will comply with the applicable side yard setback of the zone. A 35-foot wide easement area will be located in the middle of the new lot to accommodate overlapping rights-of-way, including 15 feet for WSSC, 30 feet for storm drain maintenance and 35 feet for a Maryland Department of Environmental Protection (DEP) access for stream restoration activities. A Category I conservation easement is also proposed on the lot. Access to the existing house will remain as a circular driveway off Helmsdale Road.

ANALYSIS AND FINDINGS

Master Plan Compliance

The subject property is located within the Approved and Adopted Bethesda-Chevy Chase Master Plan area. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the R-200 residential zoning as adopted. The existing residential pattern in the area

is characterized by rectangular lots on primarily connected streets with access from River Road. The lots are oriented to minimally impact existing natural areas. The proposed plan includes a lot with rectangular alignment to the street and protects environmentally sensitive features on the site through conservation easements and parkland dedication. The proposed plan furthers the implicit goals of the Bethesda-Chevy Chase Master Plan for this area.

Public Facilities

Roads and Transportation Facilities

There are no new vehicle trips generated by this lot during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Policy Area Mobility Review is also not required. Additional right-of-way dedication for Helmsdale Road along the property frontage is also not required.

Sidewalks are required for development in the R-200 zone, but because they currently do not exist along Helmsdale Road the requirement may be waived and a fee-in-lieu paid instead at the discretion of MCDOT. A private driveway will continue to serve the lot and provide for adequate guest parking and pedestrians can safely use the road. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the existing dwelling unit. The subject property is served by existing public water and sewer house connections. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) who have determined that the Property has adequate access for emergency vehicles. Although the local elementary school is operating between 105-120% of capacity, a School Facilities Payment is not required because the house is existing.

Environment

The site includes 2 different soil types; neither is classified as hydric or highly erodible. The on-site forest is dominated by sycamore, cottonwood and tulip trees up to 39 inches in diameter at breast height. Today, the forest understory is dominated by invasive species as a result of past clearing activities and no replanting. The adjacent stream has a number of erosion and stability issues which are being addressed in the spring of 2009 during the implementation of Montgomery County Department of Environmental Protection stream restoration plans.

Environmental Guidelines

The applicant submitted a Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) and received approval of the NRI/FSD on August 8, 2006. The NRI/FSD was recertified on February 21, 2008. There is a perennial stream with a mostly forested buffer located on the Property. The site is generally flat although moderately sloping towards the stream. Some steep benches occur along the floodplain boundary and at the eroded stream banks. The forest is

classified as high priority for retention. The site is not within a Special Protection Area or Primary Management Area.

In total, there are 1.04 acres of environmental buffers on the Subject Property comprised entirely of stream valley buffer. The existing development encroaches into parts of the buffer and the proposed plan includes further encroachments to incorporate a new garage. Furthermore, a recent addition on the rear of the existing house has been constructed within the stream valley buffer since the time of the original NRI/FSD approval. The plan proposes to compensate for the proposed and recently created onsite encroachments by providing an on-site Category I conservation easement outside the Stream Valley Buffer at a 2:1 ratio. With this compensation, the plan meets all applicable requirements for protection of environmentally sensitive areas.

Forest Conservation

This property is subject to Chapter 22A of the Montgomery County Forest Conservation Law and a Forest Conservation Plan has been submitted for approval. The net tract area for the project contains 1.84 acres, which includes 1.04 acres of existing forest. The plan proposes the retention of 1.01 acres of forest and the removal of 0.03 acres. As previously noted, understory clearing has been conducted within this forest which must be mitigated. The plan accounts for this mitigation by providing restoration plantings and an associated invasive species management plan and, afterward, maintaining the previously disturbed areas as natural forest. With these measures, the plan meets all applicable requirements of the county Forest Conservation Law.

Tree Save

A tree save plan is not required, but there are 14 large or specimen trees within the subject site. The proposed plan includes the removal of one of these trees, a 29" tulip tree near the proposed garage. Standard tree protection measures such as root pruning, a temporary tree protection fence and signs will be used to protect the forest areas and individual trees during construction.

Stormwater Management

In correspondence dated May 7, 2008, the MCDPS Stormwater Management Section confirmed that a stormwater management concept is not required for the proposed subdivision.

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. The application meets all applicable sections, including the requirements for resubdivision as discussed below. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lot 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.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation (Attachment C – neighborhood map)

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “Neighborhood” for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 20 lots. The Neighborhood includes lots fronting the River Road access Road and Helmsdale Road, located along the primary access route to the Subject Property. The designated Neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D – resubdivision data table.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lot will have the largest frontage and width in the delineated Neighborhood and the second largest size. But in staff’s opinion the lot will still be in character with other lots because so much of its area will remain undevelopable. In its current configuration, the Property is a lot, and an adjacent unrecorded parcel that is largely undevelopable because of environmental constraints. Combining these two pieces of land together will not change the existing character at all because the developable part of the resulting lot will remain the same. For these reasons, Staff finds the proposed lot is of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood and the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Size:

The lots in the Neighborhood range in size from 20,000 square feet to 112,820 square feet. The largest lot is a recorded parcel that contains a religious institution. Taking this into account, the proposed lot will be the largest lot for residential use in the neighborhood at 64,442 square feet, followed by an existing lot of 49,980 square feet. Nonetheless, staff finds the size of the proposed lot will not be out of character with the existing lots in the neighborhood because most of the lot will be unbuildable due to

environmental constraints. The actual developable area of the proposed lot is only slightly larger than the 28,811 square foot existing lot that is being resubdivided. From the neighborhood perspective, the character of the lot and its existing residence will not change by adding the unbuildable area to it. For this reason, **the proposed lot is in character with the size of existing lots in the neighborhood with respect to the size criterion.**

Frontage:

In the 20 lot Neighborhood, lot frontages range from 80 feet to 420.24 feet. While the proposed lot will have 470 feet of frontage, only 225 feet of frontage corresponds to the developable area and will continue to be perceived as frontage from the road. This 225' frontage is in the neighborhood range and **the proposed lot will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Width:

Lot widths at the building restriction line for lots in the Neighborhood range from 100 feet to 420 feet. The proposed lot will have the largest width in the Neighborhood at 455 feet, but because more than half of it remains undevelopable, **the proposed lot will be in character with existing lots in the Neighborhood with respect to width.**

Area:

Buildable area calculations for lots in the Neighborhood range from 6,749 square feet to 74,982 square feet (for the existing religious institution). After the religious institution, the largest buildable area in the Neighborhood is 25,626 square feet. The proposed lot will have a buildable area of 12,624 square feet after accounting for all the easements on the property that prohibit construction. **The proposed lot will be of the same character as other lots in the Neighborhood with respect to buildable area.**

Alignment:

Six lots in the Neighborhood are corner lots and the remaining 16 lots are perpendicular in terms of alignment. The proposed lot has a perpendicular alignment to Helmsdale Road. **The proposed lot is of the same character as existing lots in the Neighborhood with respect to the alignment criterion.**

Shape:

All lots in the Neighborhood are rectangularly-shaped and the proposed lot will be rectangular in shape as well. **The shape of the proposed lot will be in character with shapes of the existing lots.**

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

Alternative Resubdivision

Although for the reasons stated above staff finds that the proposed lot is in character with other lots in the Neighborhood, if the Board disagrees with that analysis, the applicant's objective to construct a garage might be met with an alternative plan. The applicant could create a lot which falls within the Neighborhood range for all of the resubdivision criteria by combining only a very small portion of the existing unrecorded parcel with the lot. For the remainder of the parcel, the applicant could create two outlots: one to provide MNCPPC parkland dedication; and a second for the unbuildable portion of the parcel that is encumbered by a Category I forest conservation easement. The existing lot being resubdivided, at 28,811 square feet, is already larger than most of the lots in the Neighborhood which are between 20,000 and 23,500 square feet. And the lot resulting from this alternative resubdivision would continue to be, but it would be at the middle of the Neighborhood range instead of above it..

Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners and community associations of the plan submission, as required. The submission date of this preliminary plan preceded the requirement for pre-submission meetings with interested parties. As of the date of this report no citizen concerns have been brought to the attention of MNCPPC staff.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the proposed lot is of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Bethesda-Chevy Chase 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

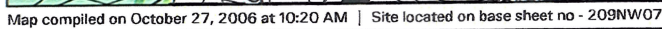
- Attachment A – vicinity development map
- Attachment B – proposed development plan
- Attachment C – resubdivision neighborhood map & data table
- Attachment D – agency correspondence

Table 1: Preliminary Plan Data Table and Checklist

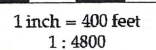
Plan Name: Helmsdale Road				
Plan Number: 120070220				
Zoning: R-200				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Standard, Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	64,442 sq. ft. is minimum proposed	EG	2/4/09
Lot Width	100 ft.	Must meet minimum ¹	EG	2/4/09
Lot Frontage	25 ft.	Must meet minimum ¹	EG	2/4/09
Setbacks				
Front	15 ft. Min.	Must meet minimum ¹	EG	2/4/09
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	EG	2/4/09
Rear	30 ft. Min.	Must meet minimum ¹	EG	2/4/09
Height	50 ft. Max.	May not exceed maximum ¹	EG	2/4/09
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit ²	1 dwelling unit	EG	2/4/09
MPDUs	No		EG	2/4/09
TDRs	No		EG	2/4/09
Site Plan Req'd?	No		EG	2/4/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	2/4/09
Road dedication and frontage improvements		Yes	Agency letter	11/27/06
Environmental Guidelines		Yes	Staff memo	2/6/09
Forest Conservation		Yes	Staff memo	2/6/09
Master Plan Compliance		Yes	EG	2/4/09
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		exempt	Agency memo	5/7/08
Water and Sewer (WSSC)		Yes	Agency comments	11/6/06
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	11/6/06
Well and Septic		N/a	EG	2/4/09
Local Area Traffic Review		N/a	Staff memo	11/6/06
Policy Area Mobility Review		N/a	Staff memo	11/6/06
Transportation Management Agreement		No	Staff memo	11/6/06
School Cluster in Moratorium?		No	EG	2/4/09
School Facilities Payment		Yes	EG	2/4/09
Fire and Rescue		Yes	Agency letter	6/6/08
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.

² Up to 3 lots could be created based on total acreage of the Property, however, due to environmental constraints one dwelling unit is the maximum that could be built on this property.



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



Helmsdale Road Resubdivision Neighborhood



Helmsdale Road Resubdivision Data Table

Lot/Block	Frontage	Size	Buildable Area	Width (at BRL)	Shape	Alignment
8/B (Proposed Lot)	470.00	64,442	12,624	455	Rectangular	Perpendicular
1/C	80	21,591	6818	99.85	Rectangular	Corner
2/C	100	20,000	9750	100	Rectangular	Perpendicular
3/C	100	20,000	9750	100	Rectangular	Perpendicular
4/C	100	20,000	9750	100	Rectangular	Perpendicular
5/C	100	20,000	9750	100	Rectangular	Perpendicular
6/C	120	22,492	10964	120	Rectangular	Perpendicular
7/C	129.64	22,336	7787	152.89	Rectangular	Corner
7/A	110	21,319	10569	110	Rectangular	Perpendicular
8/A	99.8	23,756	9458	124.46	Rectangular	Corner
10/A	245	49,980	25626	265	Rectangular	Corner
N219/A	420.24	112,820	74982	419.97	Rectangular	Perpendicular
14/A	116.73	20,222	9443	116.73	Rectangular	Perpendicular
15/A	150.18	40,089	22103	135.44	Rectangular	Perpendicular
2/B	130	21,304	9699	130	Rectangular	Perpendicular
3/B	110	20,720	9891	110	Rectangular	Perpendicular
4/B	100	20,980	10299	100	Rectangular	Perpendicular
5/B	100	22,000	11100	100	Rectangular	Perpendicular
6/B	100	23,371	7887	117.23	Rectangular	Corner
1/10	104.17	20,001	6749	131.84	Rectangular	Corner
13/A	135.44	20,316	8835	135.44	Rectangular	Perpendicular

11/09/06 THU 09:46 FAX 2407772080

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ATTACHMENT D



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

November 7, 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 #1-20070220
Helmsdale Road

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 10/06/06. This plan was reviewed by the Development Review Committee at its meeting on 11/06/06. 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 storm drainage, driveways adjacent, on and opposite the site on the preliminary plan.
2. Necessary dedication for Helmsdale Road.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. 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 streets according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.



Division of Operations

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

11/09/06 THU 09:47 FAX 2407772080

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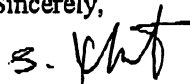
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Ms. Catherine Conlon
Preliminary Plan No. 1-20070220
Date November 7, 2006
Page 2

6. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to build a cul-de-sac along the frontage on Helmsdale Road, whenever a building permit is sought in the future. The deed reference for this document is to be provided on the record plat.

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

m:/subdivision/farhas01/preliminary plans/ 1-20070220, Helmsdale Road.doc

Enclosures (1)

cc: Ayman Farouqi / Sam Kheir, Target Development Corp.
Hans Baumann, Macris, Hendricks & Glascock
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

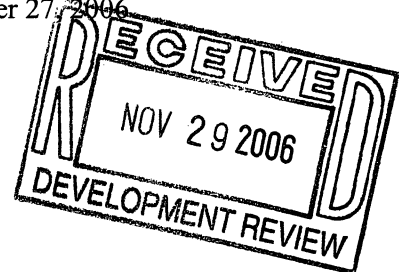


DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

November 27, 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 #1-20070220
Helmsdale Road

Dear Ms. Conlon:

We wish to modify condition number 6 of our approval letter dated November 7, 2006 for the above preliminary plan as follows (all other conditions of that letter remain in effect as stated):

"The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to build a sidewalk along the frontage on Helmsdale Road, whenever a building permit is sought in the future. The deed reference for this document is to be provided on the record plat."

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

m:/subdivision/farhas01/preliminary plans/ 1-20070220, Helmsdale Road_revised.doc

cc: Ayman Farouqi / Sam Kheir, Target Development Corp.
Hans Baumann, Macris, Hendricks & Glascock
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



Division of Operations

Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Surveyors • Landscape Architects

9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279

Phone 301.670.0840
Fax 301.948.0693

www.mhgpa.com



September 22, 2006

RECEIVED

001 23 1006

Mr. Richard R. Brush, Manager
Department of Permitting Services
Water Resources Section
255 Rockville Pike
Rockville, MD 20850

Re: Helmsdale Road
MHG Project No. 2004.151

Dear Mr. Brush:

On behalf of our client, Target Development Corporation, we hereby request concurrence from your Department, that the proposed subdivision is exempt from proving on-site stormwater management and does not require a formal stormwater management concept application. A Preliminary Plan of Subdivision is being filed to combine existing Lot 7, Block B and existing Parcel 162 into a single lot, proposed Lot 8, Block B. A new building or building addition is not proposed as part of the subdivision process. We believe that the proposed project is exempt from the stormwater management requirements under Section 19-31 (c): any development not associated with the construction of a new residential or commercial building if the development does not disturb more than 5,000 square feet of land area.

For your use, we have included a Preliminary Plan, a Stormwater Management Concept Application and a copy of the NRI/FSD. If you concur with our interpretation, please indicate by signing below. If you have any questions, suggested changes, or require any additional information, please give us a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. D. Roser', is written over a horizontal line.

Scott D. Roser, P.E.

Stormwater management or a stormwater management concept is not required for the proposed subdivision. Exemption approved by the Division of Permitting Services.

Signed: A handwritten signature in black ink, appearing to read 'Richard R. Brush', is written over a horizontal line.

Date: 9/27/06

Title: Manager