



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

MCPB
Item #
4/16/09



MEMORANDUM

DATE: April 3, 2009

TO: Montgomery County Planning Board

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

FROM: *VB*
Neil Braunstein, Planner Coordinator (301-495-4532)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Two lots for two one-family detached dwelling units and one outlot

PROJECT NAME: Norbrook Village

CASE #: 120080220

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: Located on both sides of Ampeg Lane, 600 feet east of Old Baltimore Road

MASTER PLAN: Olney

APPLICANT: George Ondiek

ENGINEER: O'Connell and Lawrence

FILING DATE: December 21, 2007

HEARING DATE: April 16, 2009

RECOMMENDATION: Approval, including approval of a waiver pursuant to section 50-38 for non-standard right-of-way, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two dwelling units and one outlot.
- 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 applicant must dedicate and the record plat must show dedication of a 13,789 square-foot, variable width right-of-way along the property frontage for Ampeg Lane, as shown on the preliminary plan.
- 4) The record plat must show a 2,608 square-foot, variable width public improvement easement on proposed Lot 43 along the property frontage for Ampeg Lane, as shown on the preliminary plan.
- 5) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the design standards imposed by the Montgomery County Department of Transportation (MCDOT).
- 6) The record plat must reflect common ingress/egress and utility easements over the shared driveway.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management approval dated December 11, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated January 26, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The applicant must comply with the conditions of the MCDOT letter dated February 23, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) Prior to approval of the record plat, the applicant must provide to MCDOT a recorded covenant for the payment of a pro-rata share for the future construction or reconstruction of Ampeg Lane, whether built as a Montgomery County project or by a private developer under permit to MCDPS. The record plat must provide a reference to the recorded covenant.
- 11) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 12) The record plat must show necessary easements.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The subject property, shown below and in Attachment A, consists of two adjacent, separately owned pieces of land. One is an unplatted parcel measuring approximately 2.76 acres;

the other is a platted lot measuring approximately 2.27 acres. The total area of the subject property is 5.03 acres. The site is located on both sides of Ampeg Lane, approximately 600 feet east of Old Baltimore Road. The zoning on the property is RE-2. The existing lot is developed with one one-family detached dwelling, which will be retained on one of the proposed lots. A detached garage on the existing lot will be relocated to provide adequate setback from the proposed lot line and will also be retained on the proposed reconfigured lot. Surrounding properties north and east of the subject property include undeveloped properties in the RE-2 zone. Surrounding properties west of the subject property include a one-family detached residence and a church in the RE-2 zone. Surrounding properties south of the subject property include a homeowners association open space parcel and one-family detached residences in the RC zone.

The subject property is located within the Northwest Branch watershed. There are no forests, stream buffers, wetlands, or other environmentally sensitive features on the site. There are several specimen trees on the site.



PROJECT DESCRIPTION

The applicant proposes to resubdivide the subject property into two lots measuring 2 acres each. An area measuring 13,789 square feet will be dedicated for the right-of-way for Ampeg Lane. The right-of-way dedication will leave a portion of the subject property severed

from the two proposed lots on the opposite side of Ampeg Lane; this severed property will be placed in a proposed outlot measuring 29,117 square feet. The two lots will be accessed via a shared driveway from Ampeg Lane. The residences will be served by private wells. The existing residence is served by a private septic system, and the proposed residence will be served by public sewer.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney Master Plan does not specifically address the subject property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the Master Plan calls for retention of the existing RE-2 zoning. The proposed subdivision substantially conforms with the recommendations adopted in the Master Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation. The proposed lots will be similar to surrounding lots with respect to dimensions, orientation, and shape, and the proposed residences will have a similar relationship to the public street and surrounding residences as existing residences in the area. The proposed subdivision will not alter the existing pattern of development or land use, consistent with the Master Plan recommendation to maintain the existing land use.

Public Facilities

Roads and Transportation Facilities

The proposed subdivision does 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. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the proposed lots will be provided by a shared driveway from Ampeg Lane. No sidewalks exist on Ampeg Lane, and no new sidewalk is required as a condition of this application because Chapter 49 of the Montgomery County Code does not require the installation of sidewalks where the minimum lot size for a one-family detached dwelling is 25,000 square feet or greater. Despite this, the low traffic volume on this street allows safe pedestrian use of the roadway. Proposed vehicle and pedestrian access for the site will be safe and adequate.

Waiver of Standard Cross-Sections

Ampeg Lane is proposed to be dedicated and constructed by the applicant with a non-standard cross-section. This is necessary in order to allow the paved road and the right-of-way to

conform to the existing curves in a section of the right-of-way that was dedicated with the approval of an earlier preliminary plan on an adjacent property and to allow the proposed lots to achieve the two-acre minimum lot size required by the RE-2 zone.

Ampeg Lane has a dedicated right-of-way width of 60 feet over much of its approximately 1,000-foot length. When the lot adjacent to the subject property on the west was created, the subdivider dedicated right-of-way for Ampeg Lane in an arc, instead of in a straight line, in order to provide the required two acres of land for the new lot. Although the roadway was not constructed within that dedicated section, it was anticipated that it would be once future subdivision occurred. The current application now proposes to dedicate right-of-way in a continuation of the same arc and to construct the road. But the right-of-way is proposed to vary in width, instead of being uniformly 60 feet wide. The right-of-way is proposed to be approximately 40 feet wide at its narrowest point, with the differential between the proposed right-of-way width and 60 feet being provided in a variable width public improvement easement. The combined width of the public improvement easement and the public street right-of-way is always 60 feet along the frontage of the subject property. The purpose is to ensure that both of the lots that are now proposed have the required two-acre lot area. The paved street will be 20 feet wide and will be entirely within the existing and proposed public right-of-way and not within the proposed public improvement easement. The easement will accommodate grading for the road. The paved road cannot be shifted away from the front property line of the proposed lots, i.e., closer to the center of the road right-of-way, because such a shift would create sharp curves that do not meet construction standards and may not be safe.

Section 50-25(b) of the Subdivision Regulations requires that preliminary plans provide for the continuation of existing roads in accordance with the Road Construction Code (Chapter 49 of the Montgomery County Code), unless the Planning Board determines otherwise. In this case, staff recommends that the Planning Board determine that Ampeg Lane be continued with the proposed variable width right-of-way instead of the sixty-foot-wide right-of-way specified in Chapter 49, because practical difficulties exist that prevent provision of the full right-of-way.

Staff is persuaded that practical difficulties exist in this case that prevent full compliance with the requirement to dedicate a standard width right-of-way (60 feet in this case), because earlier subdivisions on Ampeg Lane to the west and east of the subject property established segments of the right-of-way with which the proposed right-of-way segment must now be tied. As a consequence the northern edge of the right-of-way is fixed at certain points and the right-of-way cannot be expanded in that direction. Further dedication on the south side of the right of way is also not possible, because dedication of the full 60-foot-wide right-of-way would not leave sufficient land area on the subject property to create two lots that meet the two-acre minimum lot size of the RE-2, as discussed above. Further, the need to tie the proposed paving in with the existing street paving while meeting the centerline turning radii requirements prevents the paved street from being constructed in the center of the right-of-way.

The Montgomery County Department of Transportation (MCDOT) has recommended approval of this preliminary plan with the proposed non-standard right-of-way. Also, the Montgomery County Fire and Rescue Service has approved the proposed street design.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by private wells. The existing residence is served by a private septic system, and the proposed residence will be served by public sewer. The subject property is in an area that is served by public sewer, but MCDPS has allowed the existing house to continue to use its septic system. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical and telecommunications services are also available to serve the Property.

Environment

The site does not contain any streams, wetlands, floodplains, or other environmentally sensitive features, and there are no environmental buffers on the site. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this subdivision.

There is no forest on the site, but the property is subject to the Forest Conservation Law. An afforestation requirement of approximately one acre will be met off-site. There are seven specimen trees measuring 30 inches or larger diameter at breast height (DBH) and six large trees measuring between 24 and 30 inches DBH. One of these trees is proposed to be removed. Appropriate tree protection measures for the remaining trees will be determined during the final review of the forest conservation plan.

The MCDPS Stormwater Management Section approved the stormwater management concept on December 11, 2008. The stormwater management concept includes water quality control and recharge via nonstructural methods. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

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 lots were reviewed for compliance with the dimensional requirements for the RE-2 zone 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.

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

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 three lots (Attachment C). The neighborhood includes all of the platted lots in the RE-2 zone on Ampeg Lane. All the lots share a single point of access on Ampeg Lane. The designated neighborhood contains only three lots and does not provide an adequate sample of the lot and development pattern of the area, but no other neighborhood lots are available for comparison. Consequently, the analysis also includes typical lots that would be created by the RE-2 zone standards in a typical subdivision. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

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 lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage:

In a neighborhood of 3 lots, lot frontages range from 225 feet to 358 feet. One existing lot has a frontage of 225 feet, one lot has a frontage of 271 feet, and one lot has a frontage of 358 feet. Proposed Lot 43 has a frontage of 194 feet, and proposed Lot 44 has a frontage of 205 feet. All of the existing and proposed lots have frontages that are significantly wider than the 25-foot minimum required in the RE-2 zone. While the proposed lots will have the smallest frontages in the neighborhood, the proposed lots do not have substantially smaller frontages, and, in the case of existing Lot 42, the angled lot line of the lot creates a larger frontage than would have been created with a standard

rectangular lot. Finally, with only three existing lots in the neighborhood with which to compare, a high degree of statistical correlation between the lots is difficult to achieve. The frontages of the proposed lots are, however, of the same character as typical lots created using RE-2 standards. Therefore, staff recommends that the Planning Board find that a statistically high correlation between the proposed lots and the existing lots is not necessary to find that the lots are of the same character, and that **the proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment:

Two of the three existing lots in the neighborhood are perpendicular in alignment, and the remaining one is a corner lot. The two proposed lots are perpendicular in alignment. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size:

The lots in the delineated neighborhood range from 87,120 square feet to 198,801 square feet. One existing lot is 87,120 square feet, one is 98,498 square feet, and one is 198,801 square feet. Proposed Lot 43 is 87,190 square feet in size and Proposed Lot 44 is 87,120 square feet in size. Although proposed Lot 44 will be tied with an existing lot for the smallest size and proposed lot 43 will have the second smallest size, staff believes that the size criterion is less critical in large lot zones than it is in small lot zones, because the proposed areas are more than adequate to accommodate houses and yards and provide the open, rural character that is expected in the RE-2 zone. Finally, with only three existing lots in the neighborhood with which to compare, a high degree of statistical correlation between the lots is difficult to achieve. The sizes of the proposed lots are, however, of the same character as typical lots created using RE-2 standards. Therefore, staff recommends that the Planning Board find that a statistically high correlation between the proposed lots and the existing lots is not necessary to find that the lots are of the same character, and that **the proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area.**

Shape:

Two of the existing lots in the neighborhood are slightly irregularly shaped, and one is rectangular. One of the proposed lots is slightly irregularly shaped and one is rectangular. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

Width:

The lots in the delineated neighborhood range from 209 feet to 318 feet in width. One lot is 209 feet wide, one is 271 feet wide, and one is 318 feet wide. Proposed Lot 43 has a width of 189 feet and Proposed Lot 44 has a width of 205 feet. All of the existing and proposed lots are significantly wider than the minimum lot width required by the RE-2 zone. While the proposed lots will have the smallest widths in the neighborhood, the proposed lots do not have substantially smaller widths, and, in the case of existing Lot 42, the angled lot line of the existing lot creates a wider lot than would have been created

with a standard rectangular lot. Finally, with only three existing lots in the neighborhood with which to compare, a high degree of statistical correlation between the lots is difficult to achieve. The widths of the proposed lots are, however, of the same character as typical lots created using RE-2 standards. Therefore, staff recommends that the Planning Board find that a statistically high correlation between the proposed lots and the existing lots is not necessary to find that the lots are of the same character, and that **the proposed lots will be of the same character as existing lots in the neighborhood with respect to width.**

Area:

The lots in the delineated neighborhood range from 56,207 square feet to 137,893 square feet in buildable area. One existing lot has a buildable area of 56,207 square feet, one lot has a buildable area of 65,767 square feet, and one lot has a buildable area of 137,893 square feet. Proposed Lot 43 has a buildable area of 55,170 square feet and Proposed Lot 44 has a buildable area of 57,816 square feet. Although proposed Lot 43 has a buildable area that is smaller than that of the smallest existing lot and proposed Lot 44 would also have an area near the lower end of the range, staff believes that the area criterion, as a measure of developable area within a lot, is less critical in large lot zones than it is in small lot zones, because the proposed useable areas are larger than one acre on each of the lots and are more than adequate to accommodate houses and yards. Finally, with only three existing lots in the neighborhood with which to compare, a high degree of statistical correlation between the lots is difficult to achieve. The areas of the proposed lots are, however, of the same character as typical lots created using RE-2 standards. Therefore, staff recommends that the Planning Board find that a statistically high correlation between the proposed lots and the existing lots is not necessary to find that the lots are of the same character, and that **the proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area.**

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

Citizen Correspondence and Issues

The applicant conducted a pre-submission community meeting on December 4, 2007 and December 19, 2007. No concerns were raised by citizens at the meeting. In addition, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

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. Taking into consideration staff's rationale with respect to the frontage, width, and area criteria, as set forth above, the two proposed lots are 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 lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Olney 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

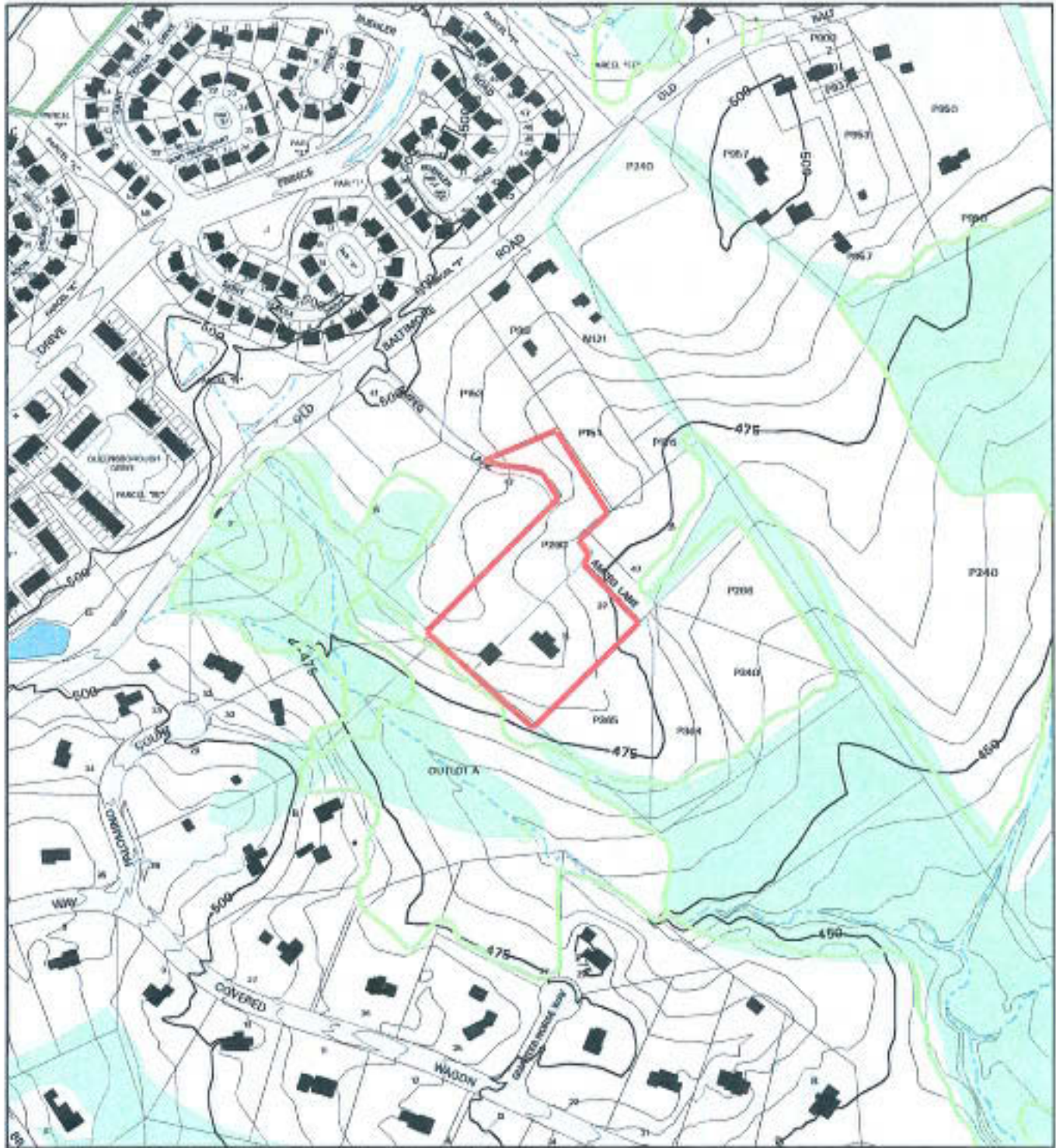
- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Resubdivision Neighborhood Map
- Attachment D – Resubdivision Data Table
- Attachment E – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Norbrook Village				
Plan Number: 120080220				
Zoning: RE-2				
# of Lots: 2				
# of Outlots: 1				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq. ft.	87,120 sq. ft. minimum		3/20/09
Lot Width	150 ft.	188 ft. minimum		3/20/09
Lot Frontage	25 ft.	194 ft. minimum		3/20/09
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹		3/20/09
Side	17 ft. Min./35 ft. total	Must meet minimum ¹		3/20/09
Rear	35 ft. Min.	Must meet minimum ¹		3/20/09
Height	50 ft. Max.	May not exceed maximum ¹		3/20/09
Max Resid'l d.u. per Zoning	2	2		3/20/09
MPDUs	N/a			3/20/09
TDRs	N/a			3/20/09
Site Plan Req'd?	No			3/20/09
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes		3/20/09
Road dedication and frontage improvements		Yes	Agency letter	2/23/09
Environmental Guidelines		N/a	Staff memo	12/30/08
Forest Conservation		Yes	Staff memo	12/30/08
Master Plan Compliance		Yes	Staff memo	12/05/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	12/11/08
Water and Sewer (WSSC)		Yes	Agency comments	1/28/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	1/28/08
Well and Septic		Yes	Agency letter	1/26/09
Local Area Traffic Review		N/a	Staff memo	1/28/08
Policy Area Mobility Review		N/a	Staff memo	1/28/08
Transportation Management Agreement		No	Staff memo	1/28/08
School Cluster in Moratorium?		No		3/20/09
School Facilities Payment		No		3/20/09
Fire and Rescue		Yes	Agency letter	1/23/09

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

NORBROOK VILLAGE (120080220)



Map compiled on January 07, 2008 at 12:53 PM | Site located on base sheet no - 223NW03

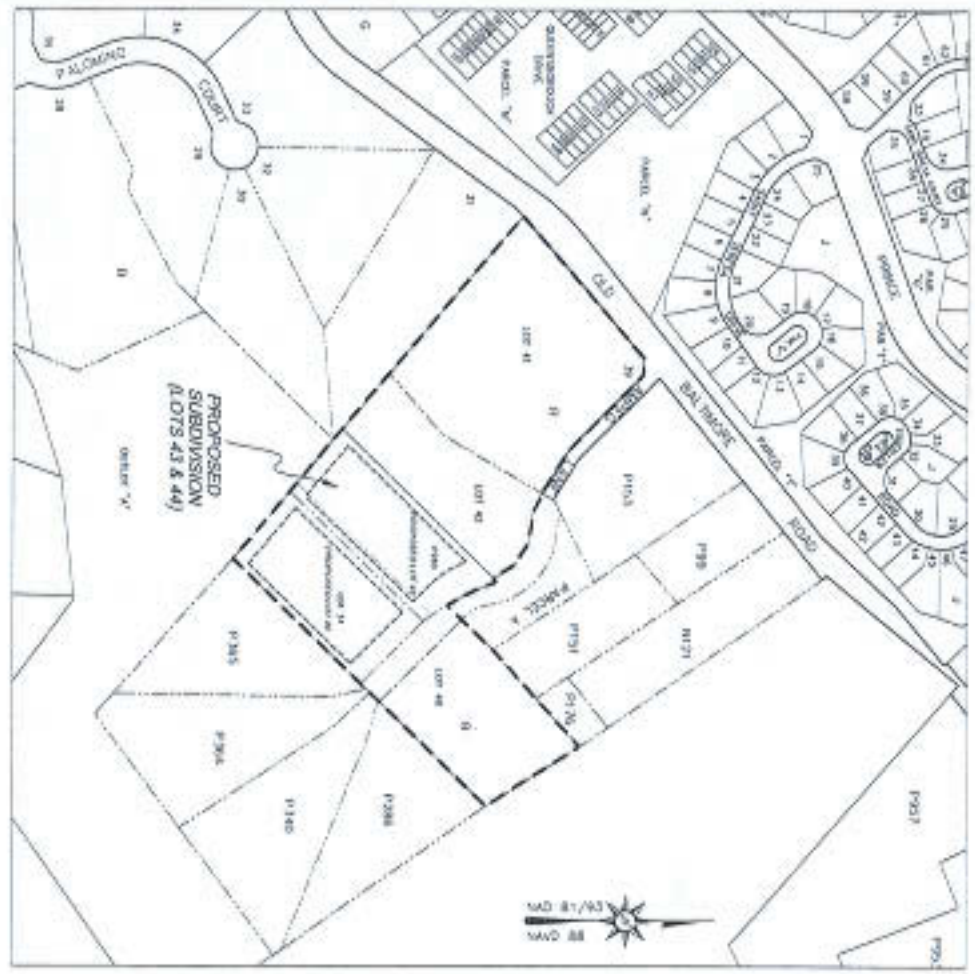
NOTICE

The placements, 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 1:4400 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 another time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. Copyright 1999





SUBDIVISION COMPATIBILITY ANALYSIS - SUBDIVISION OF LAND CH. 50-29.(b)(1)(3)

ADJACENT BLOCK	LOT	PARCEL	PLAT NO.	PROPERTY	ADJACENT	SIZE	SHAPE	NOTES	RECORD
1	43	---	20130	137' & 140' & 141' LAND	PROPOSED LOT 43	67,128 SF	RECTANGULAR	207' & 130' & 131'	94,197 SF
2	44	---	20131	137' & 140' & 141' LAND	PROPOSED LOT 44	67,128 SF	RECTANGULAR	207' & 130' & 131'	94,197 SF
3	---	---	---	---	---	---	---	---	---
4	---	---	---	---	---	---	---	---	---
5	---	---	---	---	---	---	---	---	---
6	---	---	---	---	---	---	---	---	---
7	---	---	---	---	---	---	---	---	---
8	---	---	---	---	---	---	---	---	---
9	---	---	---	---	---	---	---	---	---
10	---	---	---	---	---	---	---	---	---
11	---	---	---	---	---	---	---	---	---
12	---	---	---	---	---	---	---	---	---
13	---	---	---	---	---	---	---	---	---
14	---	---	---	---	---	---	---	---	---

SUBJECT PROPERTIES ARE SIMILARLY SUITABLE FOR RESIDENTIAL USE AS COMPARED TO THE NEARBY PROPERTIES



VICINITY MAP
SCALE: 1" = 2000'
COPYRIGHT AND THE MAP DESIGN-
PERMITTED USE NUMBER 20807156

DRAWN:
Gordon Smith
ACSB CONSULTING LLC
5145 S. GARDNER AVENUE, SUITE 200
DALLAS, TEXAS 75243
Phone: (972) 442-5158

ENGINEERS:
O'CONNELL & LAWRENCE, INC.
17005 GARDNER AVENUE, SUITE 200
DALLAS, TEXAS 75243
CONTACT: JENNIFER TRENKLE
Phone: (972) 974-1510



Resubdivision Criteria for Norbrook Village

Attachment D

Lot #	Block	Frontage (ft.)	Alignment	Size (ac.)	Shape	Width (ft.)	Area (ac.)
40	B	271	perpendicular	98,498	rectangular	271	65,767
41	B	358	corner	198,801	irregular	318	137,893
42	B	225	perpendicular	87,120	irregular	209	56,207
43	B	194	perpendicular	87,190	irregular	189	55,170
44	B	205	perpendicular	87,120	rectangular	205	57,816



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 11, 2008

Carla Reid
Director

Ms. Jen Tereyla
O'Connell & Lawrence, Inc.
14901 Georgia Avenue, Suite 302
Olney, MD 20832

Re: **Revised Stormwater Management CONCEPT**
Request for Norbrook Village
Preliminary Plan #: 120080220
SM File #: 232470
Tract Size/Zone: 4 acres / RE-2
Total Concept Area: 2 acres
Lots/Block: Proposed Lots 43, 44/B
Parcel(s): N/A
Watershed: Northwest Branch

Dear Ms. Tereyla:

Based on a review by the Department of Permitting Services Review Staff, the revised 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 nonstructural 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. Water quality control for the fire access road from approximate sta. 0+00 – 4+00 should be provided via cross sloping the paved area to achieve the non rooftop disconnection credit. The remainder of the access road may be treated via grass channel credit.
5. Water quality control for the house construction on proposed lot 43 must be via disconnection credits.
6. This stormwater concept approval is for house construction on proposed lot 43 and construction of fire department access only. Any future improvements to proposed lot 44 or to the right-of-way will require a separate stormwater management concept.
7. This stormwater concept approval supersedes the approval granted on November 14, 2007.

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 Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mca

cc: C. Conlon
S. Federline
SM File # 232470

QN -ON; Acres: 2
QL - ON; Acres: 2
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

January 26, 2009

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

FROM: Carla Reid, Director *Carla Reid*
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 120080220,

Norbrook Village, Lots 43 & 44

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on January 21, 2009.

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. Lot 43 must be served by Public Sewer.

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

cc:
Surveyor
File



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

February 23, 2009

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 #1-20080220
Norbrook Village

Dear Ms. Conlon:

We have completed our review of the revised preliminary plan dated January 28, 2009. The original preliminary plan for this site was reviewed by the Development Review Committee at its meeting on January 28, 2008. 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. Dedicate right-of-way as necessary for a secondary residential roadway.

The applicant's plan also proposes to grant a Public Improvements Easement along a small portion of proposed Lot 43 (in lieu of dedicating the full width right-of-way) in order to achieve the minimum lot area needed in this zone under the Zoning Ordinance. We support Planning Board approval of this request, subject to the applicant executing and recording a Declaration of Public Easements form (a sample document is available on the Department of Permitting Services' website at: <http://permittingservices.montgomerycountymd.gov/permitting/docs/PJE.pdf>). The deed reference for this document is to be reflected on the record plat.

If any stormwater management measures are proposed to be located within the limits of this Public Improvements Easement, the applicant may need to modify that document accordingly.

2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Wells and septic systems cannot be located within the right of way nor revertible (construction or slope) or perpetual (Public Improvements or drainage) easements.
4. The applicant's plan proposes widening existing Ampeg Lane, for a Fire Department Access Road, along a portion of Parcel 153. Prior to the issuance of the grading permit, the applicant will need to have obtained the necessary construction easement from the owner of Parcel 153.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20080220
February 23, 2009
Page 2

5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. 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.
7. 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. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
8. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Ampeg Lane, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operation Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter of our Division of Highway Services, Tree Maintenance Unit. Mr. Linkletter may also be contacted at 240-777-6000.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along Ampeg Lane as a secondary residential street between Old Baltimore Road and the proposed temporary turnaround.

If the applicant is unable to obtain a construction easement from the owner of Parcel 153, provide temporary improvements to Ampeg Lane between Old Baltimore Road and the western property line of proposed Parcel A as necessary for emergency vehicle access.

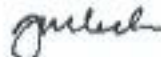
We have reviewed and accepted a modified three (3) feet flat bottom road side ditch for storm water management purposes (please see the aforementioned preliminary plan for details).

Ms. Catherine Conlon
Preliminary Plan No. 1-20080220
February 23, 2009
Page 3

- 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 Division.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi or Ms. Dewa Salihi at (240) 777-2197.

Sincerely,



Gregory, M. Leck, P.E., Manager
Development Review Team

m:\subdivision\fhue01\preliminary plans\1-20080220, Norbrook Village, gml revs.doc

Enclosure

cc: George Ondiek
Jennifer Tereyla, P.E.; O'Connell & Lawrence, Inc.
Neil Braunstein; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TPD
Marie LaBaw, P.E.; MCFRS
Richard R. Brush; DPS WRPR
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Sam Farhadi; DOT DTEO
Dewa Salihi; DOT DTEO
Preliminary Plan Folder
Preliminary Plans Note Book