



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

MCPB
Item #
9/10/09



MEMORANDUM

DATE: August 31, 2009

TO: Montgomery County Planning Board

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

FROM: Patrick Butler, Planner (301-495-4561) *P.B.*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Eleven lots for eleven one-family detached dwelling units

PROJECT NAME: Day Property

CASE #: 120090020

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: Located on the west side of Avery Road, at the intersection with
Needwood Lake Drive.

MASTER PLAN: Upper Rock Creek

APPLICANT: Mariella Day

ENGINEER: Macris, Hendricks & Glascock

ATTORNEY: Mr. Joseph Lynott

FILING DATE: August 8, 2008

HEARING DATE: September 10, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to eleven lots for eleven one-family detached dwelling units.
- 2) The applicant must comply with the conditions of approval of the preliminary forest conservation plan prior to plat recordation or Montgomery County issuance of sediment and erosion control permit(s), as appropriate.
- 3) The Category I conservation easement covering all stream valley buffers and proposed forest conservation areas must be shown on the record plat(s).
- 4) The final sediment and erosion control plans must be consistent with the final limits of disturbance as approved by MNCPPC staff in the Final Forest Conservation Plan.
- 5) The record plat must provide for dedication along the property frontage to create a right-of-way for Avery Road that is 80 feet wide as measured from the opposite right-of-way line.
- 6) The record plat must provide for dedication of right-of-way for the onsite extension of Lake Christopher Drive as a public tertiary road with a 50 foot right-of-way.
- 7) The applicant must provide an 8-foot-wide bike and pedestrian path on the west side of Avery Road along the property frontage.
- 8) The applicant must provide a 15' wide ingress/egress easement between Needwood Lake Drive, and the end of the shared driveway located on Lots 6, 7, and 8 to provide access to the park entrance for residents of this subdivision.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 16, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated January 8, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 16, 2008, unless otherwise amended. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 12) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 13) The record plat must show other necessary easements.
- 14) Proof of demolition or relocation of structures that cross proposed lot lines must be provided to MNCPPC staff prior to recording a plat.
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

(Attachement A)

The subject property, shown below, is an unplatted parcel measuring 52.3 acres within the RE-2 zone. The property is located on the west side of Avery Road approximately 500 feet south of Muncaster Mill Road at the intersection of Avery Road and Needwood Lake Drive. The

site is currently developed with a one-family residence, various farm outbuildings, and an outdoor equestrian ring. The west side of the property abuts Rock Creek Regional Park. There are no steep slopes or highly erodible soils on the Subject Property. There are two streams and four ponds on site, and the Property is located within the Upper Rock Creek watershed. The site is not located within the Upper Rock Creek Special Protection Area. The site is mostly open fields with a small 1.85 acre forest in the southwest corner of the property.



PROJECT DESCRIPTION

(Attachment B)

The applicant proposes to create eleven one-family residential lots ranging in size from 2.24 acres to 9.06 acres in size. The existing one-family residence is to be retained on one of the proposed lots. In addition, approximately 1.3 acres of property will be dedicated for the rights-of-way for Avery Road and the extension of Lake Christopher Drive to serve the subdivision. Avery Road is an Arterial Road requiring 80 feet of right-of-way, and the proposed extension of Lake Christopher Drive is a Tertiary Residential Street requiring 50 feet of right-of-way. Access to the lots will be provided by the proposed extension of Lake Christopher Drive and two shared driveways. The lots will be served by public water and private septic systems. A Category 1 Conservation Easement will be placed over all planted and retained forest as well as the stream valley buffers as shown on the forest conservation plan. There is a Special Exception for use of the outdoor riding arena on the Subject Property, which the applicant understands will no longer remain valid once the property is subdivided.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Upper Rock Creek Master Plan contains the following recommendations regarding development in the residential wedge areas of the Master Plan.

- Protect the low density residential character in the area surrounding the Subject Property;
- Preserve natural resources;
- Provide community design that is compatible with adjacent development, and offers harmonious road design, and preserves and enhances views from local roads; and
- Preserve additional open space and maintain views along local roads by locating large or conservation lots along them, and by protecting views of meadows and woodlands.

The proposed subdivision has eleven (11) lots ranging in size from 2.24 acres to 9.06 acres, which protects the low density residential character of the area surrounding the Subject Property. The applicant proposes to replant the majority of the stream valley buffers, retain 1.85 acres of forest, and establish a Category I Conservation Easement around all stream valley buffers, replanted forest, and retained forest. Thus the proposed subdivision preserves and enhances the natural resources on site. Staff finds the proposed subdivision to be compatible with adjacent development, and the proposed road design preserves and enhances views from local roads by creating only one intersection to serve the site. The applicant is proposing to replant the stream valley buffer near Avery Road, and is providing open space easements between Avery Road and the stream valley buffer, which will be forested. Thus, the proposed subdivision preserves and maintains views along local roads, and protects views of woodlands. Therefore, Staff finds the proposed subdivision will be in substantial conformance with the Upper Rock Creek Master Plan.

Public Facilities

The submitted plan proposes to extend Lake Christopher Drive for approximately 650 feet onto the Subject Property, where it will terminate in a cul-de-sac. The right-of-way for the road would also be down-graded from 60-feet to a 50-foot tertiary road. Thus, the proposed extension of Lake Christopher Drive will create an overlength cul-de-sac.

Section 50-26(b) of the Subdivision Regulations discusses cul-de-sacs and reads as follows:

Cul-de-sacs and turnarounds. The Board may approve the installation of cul-de-sacs or turnarounds when their use would produce an improved street layout because of the unusual shape, size or topography of the subdivision. The Board must not approve any other cul-de-sac or turnaround. A cul-de-sac or a street that would end in a turnaround must not be longer than 500 feet, measured on its centerline, unless, because of property shape, size, topography, large lot size, or improved street alignment, the Board approves a greater length.

Although the property fronts on Needwood Lake Drive, Staff does not recommend allowing direct automobile access to Needwood Lake Drive from the proposed subdivision. Prohibiting access to Needwood Lake Drive allows the small forest on the southwest portion of the Subject Property to be preserved, while also preventing potential encroachment into the stream valley buffer on the southwest portion of the Subject Property. Therefore, Staff prefers to keep Needwood Lake Drive solely as an entrance to Needwood Park.

Pursuant to Section 50-26(c)(2) of the Montgomery County Code, "..., proposed intersections with an arterial or major highway must be spaced no closer together than 600 feet." Due to the location of the intersections of Lake Christopher Drive with Avery Road and Needwood Lake Drive with Avery Road, the Subject Property does not have enough frontage on Avery Road to accommodate the 600 foot requirement as described above. Thus, the existing conditions of the Subject Property preclude the applicant from providing a loop road with intersections on Avery Road. Therefore, staff supports the applicant's request for a cul-de-sac of more than 500 feet, and staff finds the cul-de-sac design provides improved street alignment as required by the Subdivision Regulations.

Roads and Transportation Facilities

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. In addition, Transportation Planning has also determined the application is not subject to Policy Area Mobility Review, because the proposed subdivision is located in the Rural East Policy Area. Access to the lots will be provided by the proposed extension of Lake Christopher Drive and two shared driveways. The applicant will dedicate approximately 1.3 acres of property to create both an 80-foot-wide right-of-way along the property frontage of Avery Road and a 50-foot-wide right-of-way for the extension of Lake Christopher Drive to serve the proposed subdivision. An 8-foot-wide bike and walking path will be constructed on the west side of Avery Road along the property frontage. The proposed lots will be accessed by a combination of individual and shared driveways off of Lake Christopher Drive. A 15-foot-wide ingress and egress pedestrian easement will be located between Needwood Lake Drive and the shared driveway for Lots 6, 7, and 8. This easement is for access to the park entrance, and is solely for the use of the residents of the proposed subdivision. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

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 public water and private standard septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical and telecommunications services are also available to serve the Property.

Environment

The site is mainly open fields, and has two small streams and four ponds. There is one small area of forest on the southwest portion of the Subject Property. The four ponds are proposed to be drained, planted, and placed in a Category I Conservation Easement.

There are 9.89 acres of stream valley buffer on the Subject Property. The outdoor equestrian ring, and stormwater management facilities encroach into the stream valley buffer. However, the Applicant proposes to plant 0.37 acres of forest above the minimum requirements to compensate for the permanent encroachment. The preliminary forest conservation plan indicates there is currently 1.85 acres of forest on site. The applicant proposes to retain all 1.85 acres of existing forest and plant 8.99 acres of forest mostly within the stream valley buffer. All retained and replanted forest will be protected in a Category I forest conservation easement. Staff finds that the application satisfies the Forest Conservation Law and the Environmental Guidelines.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 8, 2009. The stormwater management concept includes on-site water quality control and recharge via a site design which meets the Environmentally Sensitive Development Credit for multiple lot developments as outlined in 2000 MDE Stormwater Design Manual. A biofilter and surface sandfilter are proposed to provide water quality control and recharge for those areas which do not meet the above mentioned credit. Channel protection is not required because the one-year post-development peak discharge is less than or equal to two 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. The proposed size, width, shape and orientation of the lots 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 (Attachment C).

Citizen Correspondence and Issues

As of the date of this report, one citizen called with questions regarding the potential use on the proposed properties, and with questions regarding the stormwater management facilities on site. Staff directed the citizen to appropriate agencies for further explanation of potential uses allowed

and stormwater management facilities proposed. On April 21, 2008 a pre-submission meeting was held, as required, and on August 8, 2008 the applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property. As of the date of this report, no other citizen correspondence has been received.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Upper Rock Creek 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 (Attachment C). Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Preliminary Plan

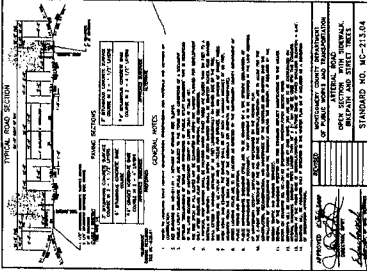
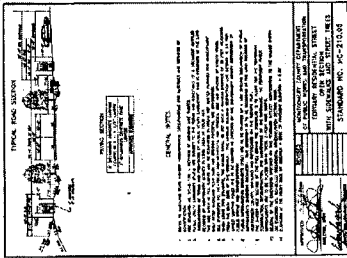
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Day Property				
Plan Number: 120090020				
Zoning: RE-2				
# of Lots: 11				
# of Outlots: 0				
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.	97,574 sq. ft. minimum	PB	2/17/09
Lot Width	150 ft.	225 ft. minimum	PB	2/17/09
Lot Frontage	25 ft.	25 ft. minimum	PB	2/17/09
Setbacks			PB	2/17/09
Front	50 ft. Min.	Must meet minimum ¹	PB	2/17/09
Side	17 ft. Min./ 35 ft. total	Must meet minimum ¹	PB	2/17/09
Rear	35 ft. Min.	Must meet minimum ¹	PB	2/17/09
Height	50 ft. Max.	May not exceed maximum ¹	PB	2/17/09
Max Resid'l d.u. per Zoning	26	11	PB	2/17/09
MPDUs	N/a	N/a	PB	2/17/09
TDRs	N/a	N/a	PB	2/17/09
Site Plan Req'd?	No	No	PB	2/17/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	PB		2/17/09
Road dedication and frontage improvements	Yes	Agency letter/ Staff Memo		9/15/08 9/16/08
Environmental Guidelines	Yes	Staff memo		2/6/09
Forest Conservation	Yes	Staff memo		2/6/09
Master Plan Compliance	Yes	PB		2/17/09
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Agency letter		1/16/09
Well and Septic	Yes	Agency comments		1/8/09
10-yr Water and Sewer Plan Compliance	Yes	Agency comments		1/8/09
Local Area Traffic Review	N/a	Staff memo		9/15/08
Policy Area Mobility Review	N/a	Staff memo		?
Transportation Management Agreement	No	Staff memo		9/15/08
School Cluster in Moratorium?	No	PB		2/17/09
School Facilities Payment	No	PB		2/17/09
Fire and Rescue	Yes	Agency letter		12/17/08

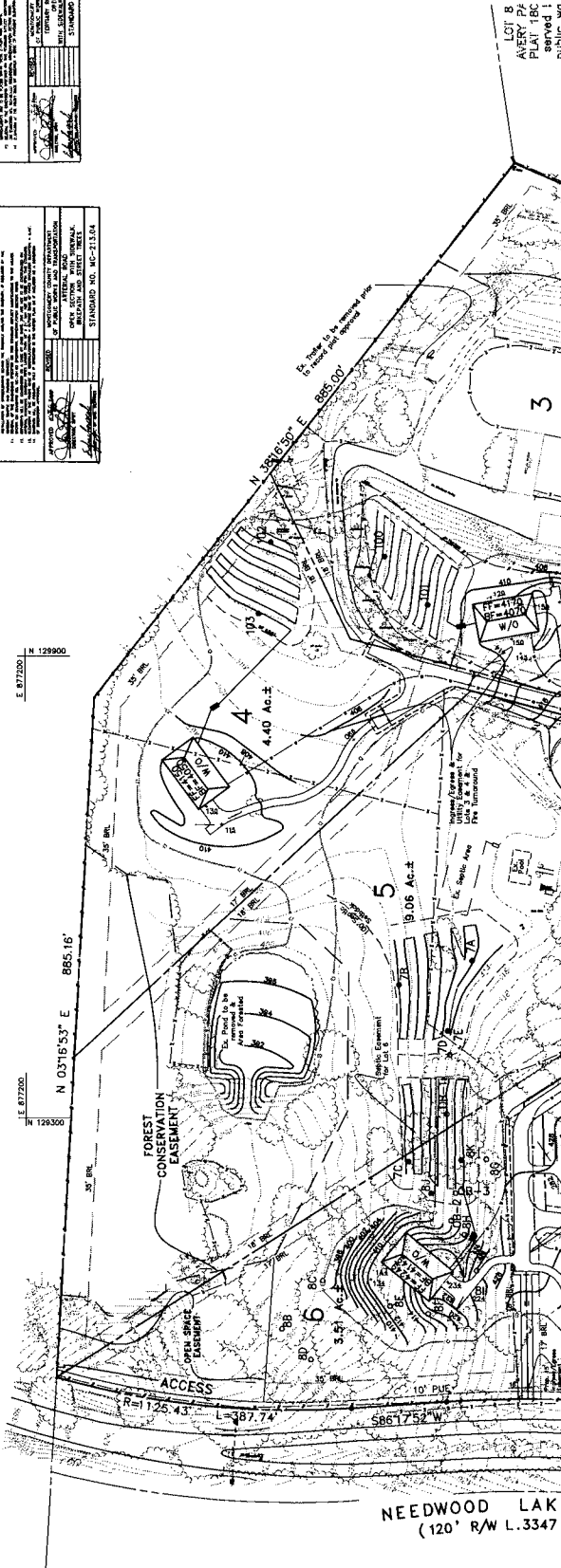
1 As determined by MCDPS at the time of building permit.





81-NCP&PC
L3036 F.700

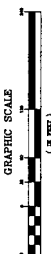
N 0°16'53" E 885.16'
E 87°25'0" N 129.300



NEEDWOOD LAKE DRIVE
(120' R/W L.3347 F.262)

MATCH LINE SEE SHEET 1 OF 2

MATCH LINE SEE SHEET 1 OF 2



THE MAP OF 885 & 886

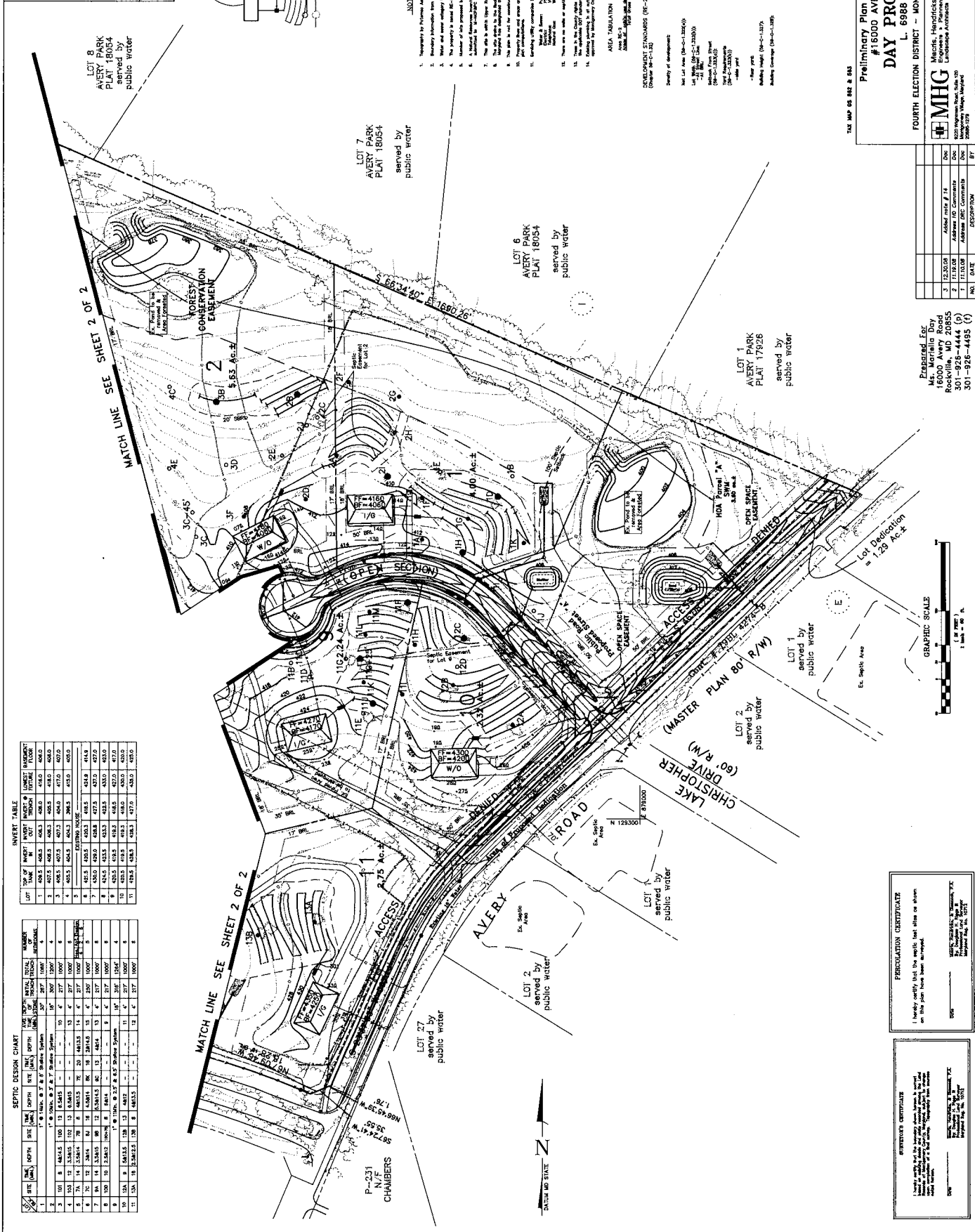
Preliminary Plan of Subdivision
16000 AVERY ROAD
DAY PROPEL
L 6988 F.396

FOURTH ELECTION DISTRICT - MONTGOMERY

McCluskey, Hendricks & Glaser
Engineers & Planners
10000 Highway 100, Suite 100
Dayton, Ohio 45424
Phone: 937-233-1177

NO.	DATE	DESCRIPTION
1	08/07/09	Subdivision of 16000 Avery Road
2	12/25/08	Address 16000 Avery Road
3	11/15/08	Address 16000 Avery Road
4	11/15/08	Address 16000 Avery Road

10



LOT	TOP OF TANK	INVERT				BAGMENT FLOOR
		INVERT IN	INVERT OUT	INVERT IN	INVERT OUT	
1	408.5	408.5	408.3	408.0	416.0	406.0
2	407.5	407.5	408.3	408.5	418.0	408.0
3	408.5	407.5	407.3	404.0	417.0	407.0
4	403.5	404.5	404.3	398.5	415.0	406.0
5		EXISTING NOSE				
6	421.5	420.5	420.3	419.5	431.0	414.0
7	430.0	429.0	428.8	427.5	437.0	427.0
8	424.5	423.5	423.3	422.5	430.0	423.0
9	420.5	419.5	419.3	418.5	427.0	422.0
10	422.5	419.5	419.3	418.0	430.0	420.0
11	428.5	428.5	428.3	427.0	435.0	425.0

[illegible]

SES

1. Topography by Polyconic Azimuthal
2. Boundary information from record
3. Water and sewer utility (1-1/2 in)
4. The property is zoned RC-2. The
5. Number of lots proposed is 2.
6. A National Resource Inventory Map
7. The site is within Urban Area
8. The site is in the Bank Creek
9. The plan is not for construction as
10. Property lines and areas are subject
11. Surrounding utility companies include

EA TABULATION

DEVELOPMENT STANDARDS (RE-2)
(Compare 50-C-1.123)

Density of development:

Net Lot Area (50-C-1.123(c)):

Lot Width (50-C-1.123(d)):

Lot Depth (50-C-1.123(e)):

Setback From Street
- At 100' Lot Line
- At 50'

Yard Requirements
(50-C-1.123(f))

-side yard

-rear yard

Building Height (50-C-1.123(g))

Building Coverage (50-C-1.325)2

100

Preliminary Plan of Subdivision

#16000 AVERY ROAD
DAY PROPERTY
L- 6988 F.396

FOURTH ELECTION

ADDITIONAL COMMENTS:

STYVE

CHINA

20 Wegman Road, Suite 120
Beltsville Village, Maryland

800-1279

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DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 16, 2009

Carla Reid
Director

Mr. Steven L. Wilde
Macris, Hendricks and Glascock
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Day Property
Preliminary Plan #: Not Assigned
SM File #: 233240
Tract Size/Zone: 52.3 Ac./ RE-2
Total Concept Area: 52.3 Ac.
Lots/Block: 11 Proposed Lots
Parcel: 100
Watershed: Upper Rock Creek

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and recharge via a site design which meets the Environmentally Sensitive Development Credit for multiple lot developments as outlined in 2000 MDE Stormwater Design Manual. A biofilter and surface sandfilter are proposed to provide water quality control and recharge for those areas (Area 1a and 6a) which do not meet the above mentioned credit. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs for the roadway and connected impervious areas.

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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. As discussed with Mike Geier of my staff, the proposed sandfilter location and grading will be adjusted to avoid any impacts within the stream valley buffer. A geotechnical evaluation will also have to be provided at the location for the proposed sandfilter at the detailed plan stage.

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.

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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 Mike Geier at 240-777-6342.

Sincerely,



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

RRB:dm CN233240 Day Property.mjg.doc

cc: C. Conlon
M. Pfefferle
SM File # 233240

QN -onsite; Acres: 52
QL - onsite; Acres: 52
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

MEMORANDUM

January 8, 2009

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: # 120090020,

Day Property, lots 1-11

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on December 31, 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. The record plat must show the septic system easements as they are shown on this plan.
3. Prior to approval of the Record Plat, all plumbing fixtures must be removed from the outbuildings on Lot 3; and all plumbing drains permanently blocked with cement grout.

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

cc:
Surveyor
File



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

September 16, 2008

RECEIVED
SEP 18 2008
DEVELOPMENT REVIEW
Arthur Holmes, Jr.
Director

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 #1-20090020
Day Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 08/08/08. This plan was reviewed by the Development Review Committee at its meeting on September 15, 2009. 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 clearly all existing planimetric and topographic details specifically storm drainage and driveways adjacent and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.
 2. Right of way dedication for Avery Road in accordance with the Master Plan and Needwood Lake Drive as necessary.
 3. Full width dedication and construction of the interior public street per tertiary residential roadway standards (MC-210.05).
 4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 5. 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.
 6. Septic systems cannot be located within the right of way nor slope or drainage easements.
 7. The plan should provide horizontal alignment for the interior public street.
 8. A Public Improvements Easement may be necessary along Avery Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.

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

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9. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
10. Record plat to reflect denial of access along Avery Road except for the proposed public street.
11. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
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. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
13. 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 along Avery Road according to associated DOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
14. 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.
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. Access and improvements along Needwood Lake Drive as required by the MNCPPC.
17. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
18. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our 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.
19. 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 Brett Linkletter with Division of Highway Services, Tree Maintenance Unit at 240 777 6000.
20. 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 internal public street per tertiary roadway standard (MC-210.05).
 - B. Street grading, paving, shoulders, sidewalk and handicap ramps, side drainage ditches and appurtenances and street trees along Avery Road to improve it to arterial roadway standard (MC-213.04).
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

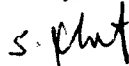
Ms. Catherine Conlon
Preliminary Plan No. 1-20090020
Date September 16, 2008

• Page 3

- D. 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.
- E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- F. 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 me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Division

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Enclosures (2)

cc: Mariella Day
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Preliminary Plan Folder
Preliminary Plans Note Book