



Cavanaugh - Preliminary Plan No. 120100190

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Staff Report Date: 7/3/14

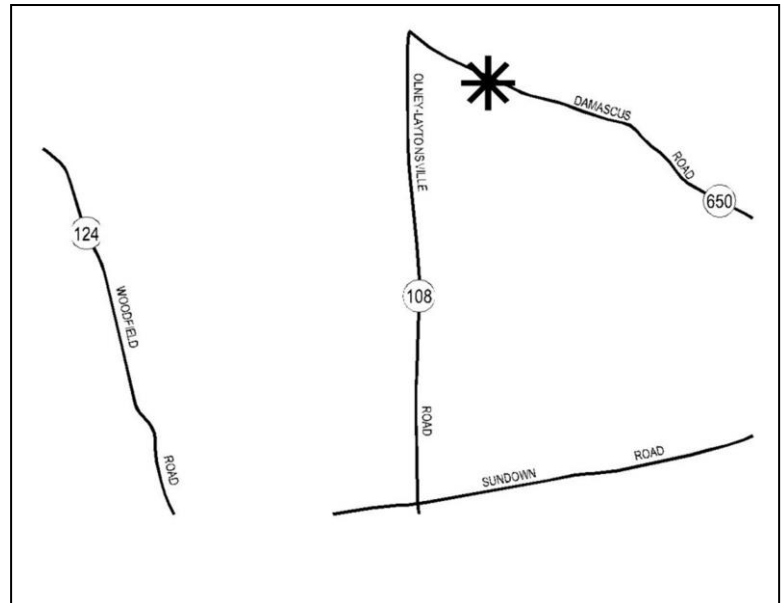
Description

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A request to combine four parcels, and subdivide the property into 14 lots, including two child-lots, a farm remainder, and two outlots; located on the south side of Damascus Road (MD 650), approximately 2,000 feet east of Olney -Laytonsville Road (MD 108); RDT Zone; 305.80 acres within the 2005 Olney Master Plan and AROS Functional Plan.

Staff Recommendation: Approval, subject to conditions.

Applicant: Cavanaugh Family, LLC
Submitted Date: May 21, 2010
Review Basis: Chapter 50, Chapter 59, and Chapter 22A



Summary

The Subject Property is a 305.8 acre farm within the Patuxent River Watershed. 14 lots, including two child lots are proposed. There are existing dwellings on the two proposed 10-acre child lots and an existing farm house and outbuildings on the largest of the proposed lots. With the exception of these three lots, the remaining lots are all 3.0 acres or less. The Zoning Ordinance Sec. 59-C-9.41.1(f)(1) (Division 4.2. Section 4.2.1.E.8.a. of the Revised Zoning Ordinance) permits child lots over 3 acres where the child lot has an existing dwelling unit and is held pursuant to a deed indicating conveyance from parent to child, and recorded before October 1, 2010.

A farm remainder of 226 acres is proposed. There is no forest clearing, and 36.9 acres of existing forest is proposed to be in a Category I Forest Conservation Easement of 65.47 acres which includes 27 acres of wetlands. Approximately 7.4 acres will be subject to afforestation. There are 6.02 acres of existing stream valley encroachment and 9.36 acres of conservation easement proposed as mitigation.

Staff recommends that the Planning Board make findings approving an over-length cul-de-sac, and waiving frontage for two child lots with existing dwellings.

RECOMMENDATION: Approval subject to the following conditions:

- 1) This Preliminary Plan is limited to 14 lots for 14 single family dwelling units, three of which are existing, a farm remainder, and two outlots.
- 2) The certified Preliminary Plan must contain the following note:
 - a. “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, and site circulation shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
- 3) The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan dated March 17, 2014, including:
 - a. Prior to any clearing, grading or demolition on the Property, the Applicant must obtain M-NCPPC approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
 - b. The Final Sediment Control Plan must be consistent with the final limits of disturbance as shown on the approved Final Forest Conservation Plan.
 - c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 - d. Prior to any clearing, grading, or demolition on the Property, the Applicant must submit financial surety for the forest planting on the Property, as specified on the approved Final Forest Conservation Plan.
 - e. Prior to any clearing, grading or demolition on the Property, the Applicant must submit a Maintenance and Management Agreement for the forest planting on the Property as shown on the approved Final Forest Conservation Plan.
 - f. Prior to any clearing, grading, or demolition on the Property, the Applicant must place a Category I Conservation Easement over all areas of forest retention, forest planting, and environmental buffers as specified on the approved Final Forest Conservation Plan. Conservation easements must be recorded in the Montgomery County Land Records.
 - g. The Applicant must install permanent Category I Forest Conservation Easement signage along the perimeter of all forest conservation easements.
 - h. All proposed septic fields must be set back a minimum of 300 feet from the main stem of the Hawlings River and a minimum of 200 feet from all tributary streams.
 - i. Environmental buffers will be subject to re-delineation in the event that a new development application is submitted for the Property in the future.
 - j. The record plat must reflect a Category I Easement over all areas of stream valley buffers and forest conservation.

- 4) The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 22, 2013, (with the exception of the latter part of Recommendation 8 recommending the establishment of private streets), and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, (with the above exception) which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 6) The Planning Board has accepted the recommendations of the Maryland State Highway Administration (“MDSHA”) in its letter dated January 10, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 8) The Planning Board has accepted the recommendations of the Montgomery County Department of Fire and Rescue Services (“MCFRS”) in its letter dated February 21, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated July 23, 2010, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 10) The Planning Board has accepted the recommendations of the MCDPS – Well and Septic Section in its memo dated June 29, 2010, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 11) The Applicant must dedicate and show on the record plat(s) all road rights-of-way to the full width mandated by the 2005 Olney Master Plan or as otherwise designated on the Preliminary Plan. These include the following:

40 feet from the existing pavement centerline along the Subject Property frontage for Damascus Road (MD 650).

Dedication of Cavanaugh Farm Lane as a 60-foot wide open section tertiary street.

- 12) The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, "To Be Constructed By _____" are excluded from this condition.
- 13) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 14) The record plats must reference that lots 13 and 14 are being created under Section 59-C-9.41.1 for the use as a one-family residence only by the child or spouse of a child of the property owner.
- 15) The Applicant must include with the submission of the record plats an affidavit to verify the availability of TDRs for the lots shown on that plat and include a note referencing the affidavit on the record plat.
- 16) The record plats must contain the following note:

"Agriculture is the preferred use in the Rural Density Transfer Zone. All agriculture operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone."
- 17) The record plat must show necessary easements.
- 18) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

SITE DESCRIPTION

The property is identified as Parcels P484, P100, P750, and P634 on Tax Map GW52 and is comprised of 305.80-acres zoned Rural Density Transfer (RDT) ("Property" or "Subject Property"). It is located approximately 2,000 feet east of Olney-Laytonsville Road on the south side of Damascus Road (MD 650); depicted in Figures 1 and 2. Low-density residential lots and open agricultural fields surround the Property. The Property has three houses, agricultural buildings, and five bee hives and is now used for hay production. The Property is located within the 2005 Olney Master Plan ("Master Plan") area.



Figure 1 - Vicinity Map

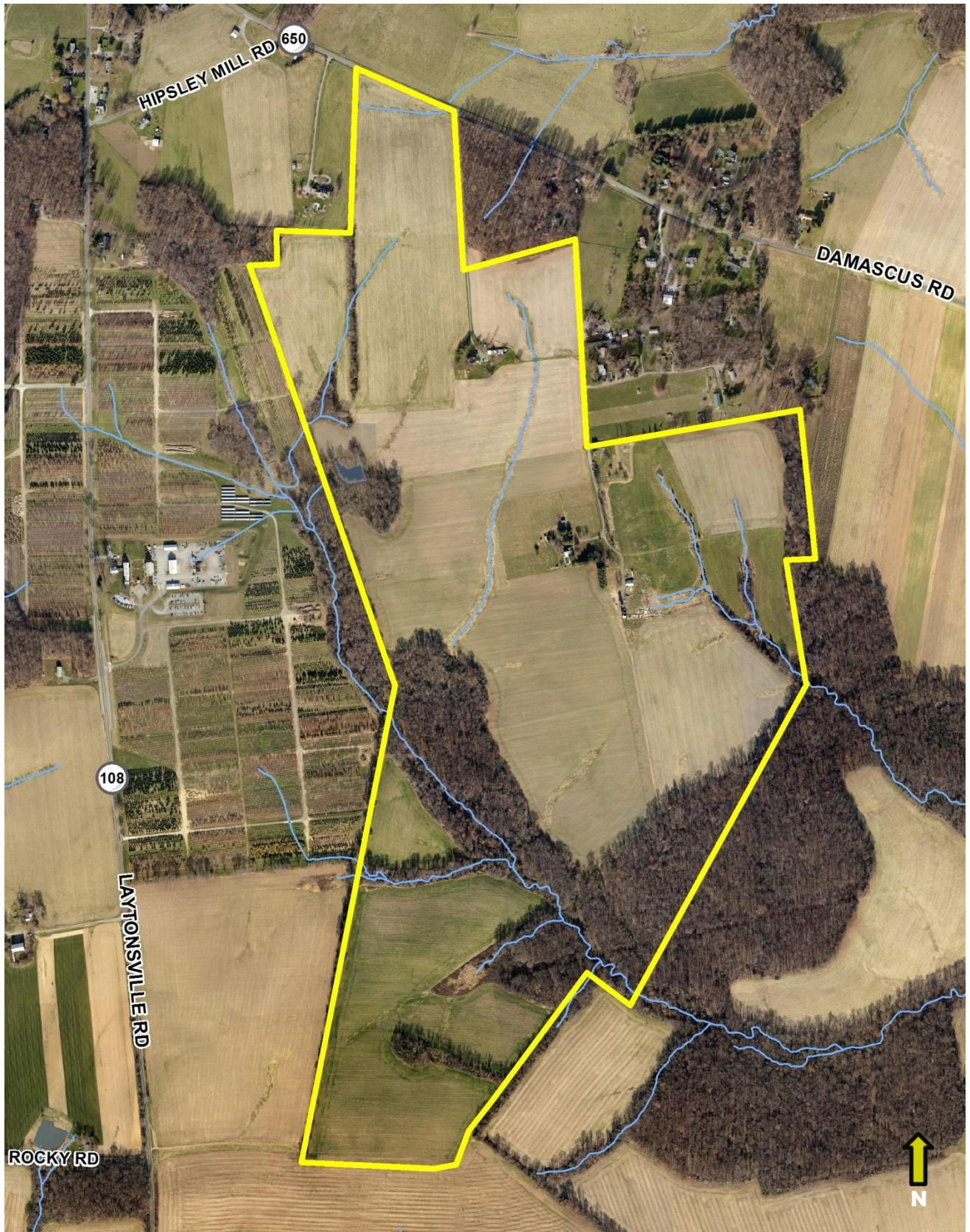
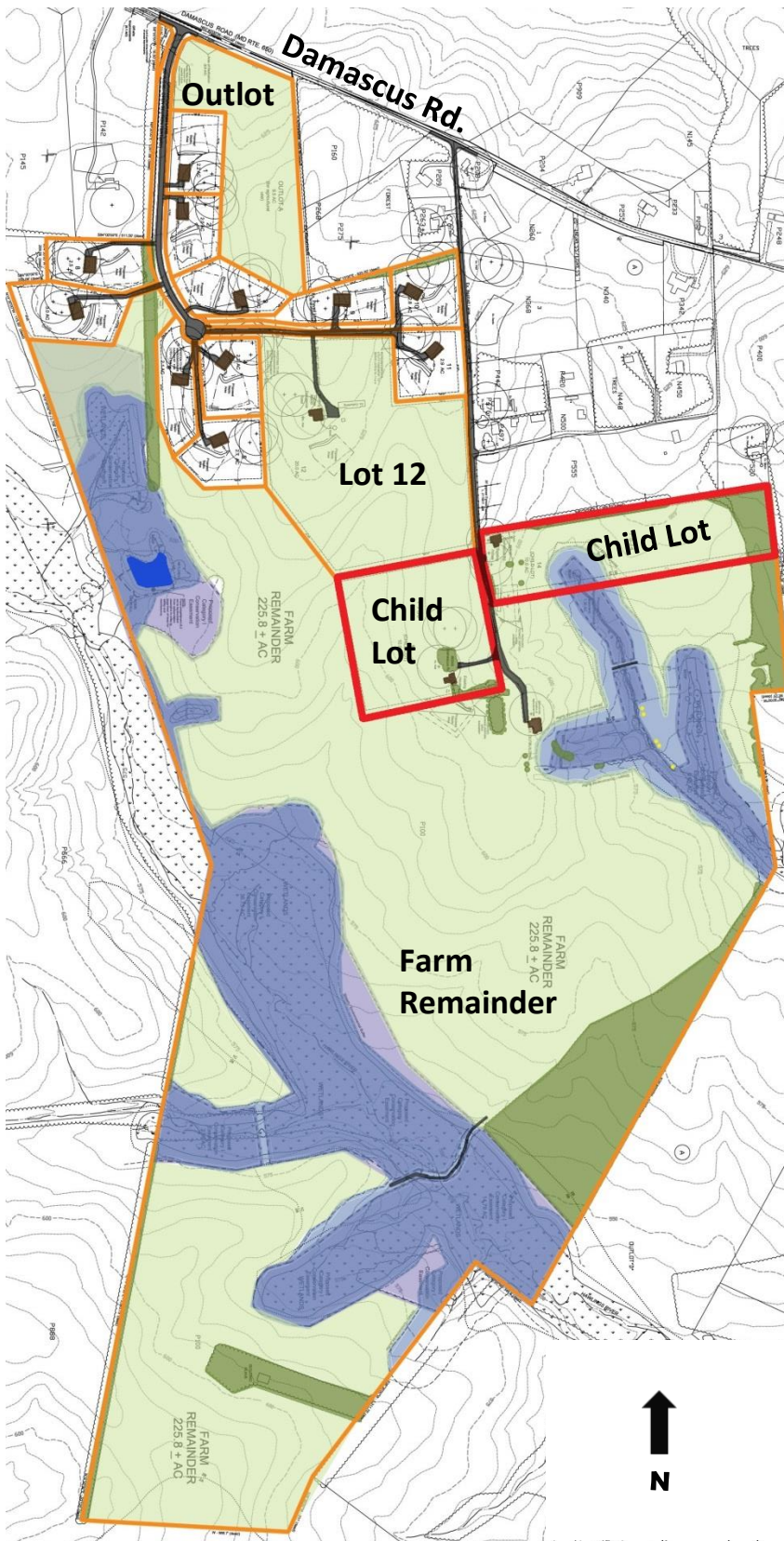


Figure 2 - The Property



PROJECT DESCRIPTION

The Cavanaugh Family, LLC (“Applicant”) proposes to combine four parcels, P484, P100, P750, and P634, and subdivide the Property under the RDT Zone standards which allow one lot per 25 acres with a minimum lot size of 40,000 square feet. The Applicant proposes to create 14 residential lots (12 lots and two child lots), a farm remainder of approximately 225.8-acres, a 9.5-acre outlot and a 0.5-acre outlot. The three existing dwellings will remain and 11 new dwellings will be constructed. All dwellings will be served by private well and septic systems as depicted in Figure 3.

Lots 13 and 14, the child lots, will continue to have access from Damascus Road via a 20-foot wide private asphalt common driveway that has an ingress/egress easement. The remaining lots will have access from Damascus Road via a new public road called Cavanaugh Farm Lane, as an open section tertiary cul-de-sac with a 60- foot wide right-of-way. Lots 1 through 8 will have direct access from Cavanaugh Farm Lane, while lots 9 through 12 will have access via a private shared driveway from Cavanaugh Farm Lane.

Lots 1 through 11 range in size from 2.0 to 3.0 acres with an average lot size of 2.4 acres. Lot 12 encloses the existing farmhouse and outbuildings and is 20 acres in size. Lots 13 and 14 are proposed child lots, and are to be converted from deeded parcels to individual lots of 10 acres each.

Figure 3 - Preliminary Plan

ANALYSIS AND FINDINGS

Conformance to the Master Plan

This Property is located in the Northern Olney area of the 2005 Olney Master Plan, which focuses on protection of sensitive environmental resources and supports agricultural preservation through the Transfer of Development Rights (TDR) program (p. 3). The Master Plan recommendations and guidance is excerpted below, with staff comments after each:

“Northern Olney is all of the area north of the Town of Brookeville. It includes a portion of the Patuxent River main stem watershed and the entirety of the Hawlings River watershed, a major tributary of the Patuxent River. ...Water from the Hawlings River combines with that from the main stem to fill the T. Howard Duckett Reservoir further downstream, outside the planning area. Both reservoirs are part of the drinking water system maintained by the Washington Suburban Sanitary Commission for service to Montgomery and adjacent counties” (p 17).

This Property is located in the Hawlings River watershed which is a tributary of the Patuxent River. The Property is within the Patuxent River Primary Management Area (“PMA”), which has certain extra requirements put in place to protect ground water that enters the drinking water supply.

“Zoning in these watersheds was specifically designed to maintain rural character by transferring the development from the area west of Georgia Avenue and concentrating it around the Town Center. The current zoning of one unit per 25 acres (RDT Zone) and the existing uses in the Patuxent and Hawlings River watersheds have provided significant protection to the area’s environmental resources, and should be maintained. There is some potential for residential development under the current zoning in the agricultural and rural open space area west of Georgia Avenue, which may affect some parcels with large tracts of forest and wetlands” (p. 18).

This Property is located west of Georgia Avenue and is considered one of the large tracts of land to be maintained by the use of Transferable Development Rights. The Applicant has a sufficient number of TDRs on the Property to develop the land for 12 residential lots and two child lots. The residential lots range in size from 2.0 acres to 3.0 acres. The original farmhouse will have a 20 acre lot, while the two child lots will each be 10-acres. The limited lot sizes and location of the development clusters will minimize disturbance to agricultural operations on the Property and will create locations for farm equipment to access the fields.

“Northern Olney today has approximately 6,365 acres of vacant and re-developable land. No zoning changes are recommended for Northern Olney since the current zoning and land use framework is appropriate for this area. Agriculture and rural open space in the area west of Georgia Avenue and rural open space in the area east of Georgia Avenue are the recommended primary land uses. Continued stewardship and management of agricultural lands through the agricultural protection and open space conservation programs will help maintain and improve the environmental health of this area” (p. 18).

The Applicant proposes to retain a large, contiguous area of 225.8-acres for the farm remainder. The existing hay operation will continue and the Applicant intends to incorporate more bee hives on the farm. This area contains prime farm soils, PMA buffers, Category I Conservation Easements, and is

subject to an adopted Soil and Water Conservation Plan, and a Nutrient Management Plan. The two deeded parcels proposed as lots currently are grazed by cattle and are classified as small farms. The original farm house and outbuildings will be on 20-acres and will remain as a small farm or equestrian operation. The Applicant proposes two outlots. Outlot A is 9.5-acres and part of the farm remainder. Outlot B (0.5-acres) is created for a possible future underground cistern for the subdivision.

The Preliminary Plan protects agriculture to the extent feasible and minimizes fragmentation by creating small residential lots and clustering their locations. There are access points built into the development to ensure that farmer access is retained, reducing future potential agricultural and residential conflicts.

The Cavanaugh Property, at 305 acres, is a large farm, exceeding the average size of a Montgomery County farm by 180 acres. The Property has 61 TDRs, of which 47 are eligible for transfer and 14 are residual development rights (now referred to as Building Lot Terminations (BLT)). With the exception of the farm house and child lots, the lots shown on the Preliminary Plan are the minimum sizes that can be created while still providing for on-lot septic and well requirements.

“The Patuxent River and Hawlings River watersheds are the focus of a multi-jurisdictional effort to protect the area draining to the reservoir watersheds. Montgomery County has adopted the Patuxent River watershed Functional Master Plan that delineates a Primary Management Area (PMA) limiting use within 1/4 mile from the main stem and 1/8 mile from all tributaries. In low-density zones, this area is restricted to 10 percent imperviousness...”

Recommendations:

5. Encourage application of agricultural conservation measures and best management practices” (p. 77).

The Preliminary Plan addresses this recommendation of the Master Plan by meeting all forest conservation requirements including the afforestation of certain stream valley buffers. The protection of water quality resources is fully discussed in the Environmental Section of this report.

“Two-Lane Road Policy

A network of two-lane roadways serves Northern Olney. One of the goals of the Olney Master Plan is to preserve and enhance the rural and agricultural character of the area. All roadways in the rural area should be limited to a maximum of two through travel lanes, as indicated in the tabulation of street and highway classifications. The limitation on through travel lanes is not intended to preclude the implementation of spot safety and operational improvements such as turning lanes or acceleration/deceleration lanes” (p. 95).

Damascus Road (MD 650) is classified as a Country Arterial. It is proposed to have a minimum of 80 feet of right-of-way with two lanes. The Applicant will not change the number of lanes on Damascus Road (MD 650), but 2.8-acres will be dedicated towards right-of-way. In addition, a 12-foot shoulder will be added going southbound beyond the new road and a 16-foot deceleration lane will be added northbound. Damascus Road is designated as a shared roadway/bikeway (SR-44). The M-NCPPC Staff finds that the Application substantially complies with the Olney Master Plan.

Adequate Public Facilities

Roads and Transportation Facilities

A new public road, shown on the plan as Cavanaugh Farm Lane, will serve 12 proposed lots. Four of the 12 proposed lots will have access via a private shared driveway with an ingress/egress easement from Cavanaugh Farm Lane. Cavanaugh Farm Lane will be built to open section, tertiary road standards with a 60-foot wide right-of-way. MCDOT has agreed to a reduction of right-of-way from the 74-foot wide right-of-way per Road Code standard (MC-2001.03) to the 60-foot wide right-of-way shown on the plan. At the intersection of the new road and Damascus Road, the Applicant must provide a deceleration lane and shoulder on Damascus Road (MD 650) in accordance with MDSHA¹ standards. No sidewalks are required for the Cavanaugh Farm Lane, a tertiary street, as it is in the RDT Zone. The two proposed child lots and farm remainder will continue to have access from Damascus Road by an existing private, shared asphalt driveway with an ingress/egress easement. Vehicular access for the lots will be adequate with the proposed public improvements.

Local Area Transportation Review (“LATR”) guidelines require a traffic study to be performed if the development generates 30 or more peak-hour trips. The Application is expected to generate 14 morning peak hour trips (6:30 a.m. to 9:30 a.m.) and 16 evening peak hour trips (4:00 p.m. to 7:00 p.m.), below the 30-trip threshold. Therefore, no LATR is required.

The Application was submitted prior to the 2012-2016 Subdivision Staging Policy was in effect and therefore is subject to the review under the Policy Area Mobility Review (“PAMR”). The Property is located in the Rural Policy Area where there is no PAMR mitigation requirement; therefore, the Application satisfies LATR and PAMR requirements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed lots. A well and septic system is proposed to serve each dwelling unit on each lot. Lots 13 and 14 are served by septic easements on the farm remainder, approved by MCDPS – Well and Septic Section². Gas, electrical, and telecommunication services are available to serve the proposed lots. The proposed underground cistern will be located in an easement on Outlot A. The Application was reviewed by the MCFRS, which approved the submitted plans on February 21, 2012, finding that the Application has adequate access for emergency vehicles³. Other public facilities and services, such as schools, police stations, and health services are currently operating within the standards set by the 2012 – 2016 Subdivision Staging Policy currently in effect. The Application is located in the Damascus School Cluster, which is operating at acceptable classroom levels. The Application is not subject to the School Facilities Payment⁴.

¹ Per attached letter from MDSHA dated January 10, 2012.

² See attached memo from DPS – Gene Von Gunten dated June 29, 2010.

³ See attached letter from FRS - Marie LaBaw dated February 21, 2012.

⁴ Per 2012-2016 Subdivision Staging Policy

http://www.montgomeryplanning.org/research/growth_policy/subdivision_staging_policy/2012/documents/SSPa ppendix4sc.pdf

Stormwater Management Concept

The MCDPS – Water Resource Section conditionally approved the Stormwater Management Concept for the Application by letter dated July 23, 2010. Any future development or redevelopment of Lots 12, 13, and 14 will be required to provide stormwater management to the standards that are in place at that time.⁵ Stormwater management will be accommodated by using Environmental Site Design practices. Stormwater management requirements are met as provided in Chapter 19 of the County Code.

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

NRI/FSD #420071720 was approved for this 305.80-acre Property on September 14, 2009. The Property consists of a main farm house and two additional houses that are all occupied by family members. The Property contains a farm pond, actively farmed agricultural fields, and 53.34 acres of existing forest, of which 31.7 acres is located within the 63.9 acres of environmental/stream buffers on the Property. There is an existing apiculture operation within the stream buffer on the Property, where bees are kept.

The Property is located within the Hawlings River watershed, a tributary to the Patuxent River, which is classified by the State of Maryland as Use IV waters. There is a tributary stream system of the Hawlings River located in the eastern portion of the Property. This system includes three headwater streams that originate onsite, and flow in a southeasterly direction before reaching a confluence and flowing offsite in the eastern part of the Property. There are several seeps and wetlands associated with this tributary system. The main stem of the Hawlings River flows onto the Property from the western Property line and travels through the Property in a southeasterly direction before exiting the Property. There are several tributary streams, a pond, seeps and extensive wetlands that originate on the Property and flow into the Hawlings River. There is no mapped 100-year floodplain or highly erodible soils on the Property. Steep slopes ($\geq 25\%$) exist in only a minor portion of the Property.

Patuxent River Primary Management Area

Due to the stream locations within the Property, the Patuxent River Primary Management Area (PMA) applies to the Property. The purpose of the PMA guidelines is to provide strategies to protect, preserve, and restore the Patuxent River and its drinking water supply reservoirs. Montgomery County's PMA is consistent with the PMA widths recommended in the State's Patuxent River Policy Plan, which are $\frac{1}{4}$ mile (1,320 feet) strips of land running along both sides of the Patuxent main stem and $\frac{1}{8}$ mile (660 feet) strips of land running along both sides of all tributaries. In addition, Montgomery County also recommends a PMA width of $\frac{1}{4}$ mile for the main stem of the Hawlings River. The Hawlings River is a tributary to the Patuxent River and its watershed lies almost entirely within Montgomery County. The Environmental Guidelines state that the *"preservation of prime and viable agricultural land is a goal of the Patuxent watershed primary management area as it is throughout upper Montgomery County. It is hoped that the designation of the Patuxent PMA will help achieve the delicate balance between development and agriculture while ensuring water quality"* (p. 52). The majority of the soils on the Property that underlay the existing agricultural fields are mapped as Glenelg silt loam (2B), which is a prime agricultural soil and a priority for preservation.

⁵ See attached letter from DPS – Richard Brush dated July 23, 2010.

Properties that are submitted to the M-NCPPC for subdivision or site plan review are subject to PMA requirements, and land that remains in agricultural use as part of a plan for subdivision will be subject to the recommended PMA stream buffer and transition area requirements outlined in the January 2000 Planning Board approved *Environmental Guidelines – Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”). As the number of dwelling units proposed by the Application uses the entire Property for density, the entire Property is subject to the PMA requirements. The Environmental Guidelines recommend stream buffer widths for the PMA that are consistent with its guidelines for all streams. The Environmental Guidelines also recommend that in the PMA, a minimum of 50 feet of this stream buffer be forested, and that afforestation of these areas may be necessary to achieve this.

Stream Buffer Variance Request

The Applicant has requested a variance to the stream buffer requirements per the above discussion. The “loss of stream buffer” means that these areas will not be protected in a Category I Conservation Easement. On this Property, the reduction in stream buffer width from 125 feet to 100 feet is permitted as long as there is an approved soil and water conservation plan for the Property; however, a request for a reduction to the 100-foot stream buffer requirement must be granted by the Planning Board. The Environmental Guidelines state that the “*Planning Board may grant a variance to the PMA 100-foot stream buffer requirement on agricultural portions of plans when the applicant can demonstrate to the satisfaction of staff and the Planning Board that water quality would not be degraded by agricultural activities*” (p. 53). The Applicant has requested a variance to the stream buffer requirements that totals 6.02 acres and is based on their desire to retain existing agricultural land in production, to continue a successful apiculture operation that consists of five existing honey bee hive colonies in its current location, and to maintain three existing stream crossings that are necessary to access agricultural fields.

The Environmental Guidelines include a provision for reducing the stream buffer to 100 feet for land that remains in agricultural production if there is an adopted soil and water conservation plan approved by the Montgomery County Soil Conservation District (Natural Resource Conservation Service) for the Property. The buffer may be expanded to include environmentally sensitive land features that are located beyond the 100 feet (i.e., wetlands), and a minimum of 50 feet of this reduced buffer should be forested. The purpose of the provision allowing a reduced environmental buffer is to encourage retention of agricultural uses on a portion of property proposed to be developed, and it recognizes that the land available for agricultural uses must be maximized in order for the farm to remain viable. The Applicant has provided a copy of an approved soil and water conservation plan for the Property and has reduced the buffers accordingly⁶. Per the Environmental Guidelines, the stream buffers shown on the approved NRI/FSD are a minimum of 125 feet, with expansion to include environmentally sensitive features such as wetlands. This stream buffer delineation is noted as “NRI/Stream/Environmental Buffer” on the Forest Conservation Plan (FCP). By implementing the provision that allows for the reduction of stream buffers for agricultural land that has an approved soil and water conservation plan, the buffers on the Property are reduced to 100 feet, with expansion to include environmentally sensitive features. This stream buffer delineation is noted as “100’ PMA Buffer” on the FCP, depicted in Figure 4.

⁶ See attached letter from Jim Clifford dated April 30, 2014



Figure 4 - 100' PMA Buffer

The PMA recommendations include a minimum of 50 feet of forest along all streams. The Application includes four areas, totaling 0.72 acres where this minimum will not be met. These areas include the three existing stream crossings, necessary to access the agricultural fields (0.30 acres) and the location of the existing bee hives (0.42 acres) (see Attachments p. 23, 25). The Applicant proposes to mitigate for these areas by planting 0.72 acres of forest within the stream buffers of the affected streams. This proposal allows the minimum stream crossings necessary for the continued operation of the farm to remain, the successful location of the bee colonies to remain, and the forest plantings to occur along the stream channels where these activities are located.

The Applicant provided justification for the requested stream buffer reduction in a letter from legal counsel dated April 30, 2014⁷, and in an addendum prepared by Benning & Associates⁸. M-NCPPC Staff have permitted unavoidable stream buffer encroachments on other projects through the use of a mitigation technique known as buffer averaging. Buffer averaging requires an application to increase the area of stream buffer in one area of the property to compensate for the loss of stream buffer in another area. The proposed encroachments in the stream buffer on the Property are not necessarily unavoidable; however, the Environmental Guidelines recognize the importance of preserving viable agricultural land, and through the provisions outlined therein, provide a mechanism for balancing the continued use of land in agricultural production and the need to protect water quality in the Patuxent River watershed. The Applicant proposes buffer averaging to compensate for the loss of stream buffer area that will remain in commercial agricultural production, existing apiculture, and the existing stream crossings used to access agricultural fields. According to the Environmental Guidelines, reduction in stream buffer area requires the Applicant to demonstrate that water quality will not be degraded by agricultural activities. The Applicant is proposing the following mitigation measures that are supportive of “buffer averaging”.

1. No forest clearing is proposed and 36.90 acres of existing forest will be protected in a Category I Conservation Easement.
2. A total of 65.47 acres of land will be in a Category I Conservation Easement that will protect existing forest, new forest plantings, and environmentally sensitive features, including tributary streams, the Hawlings River main stem, wetlands, seeps, springs, and an existing farm pond. The proposed easement includes 36.90 acres of forest retention, 9.15 acres of forest planting within the stream buffers, and protection of more than 27 acres of wetlands. In addition to protecting these individual resources, the easement eliminates the potential for land use activities that might result in impacts to water quality. Currently, there are no conservation easements or other forms of protection for the existing forest, wetlands, and other environmentally sensitive features on the Property.
3. The Applicant increased the area of Category I Conservation Easement to include existing agricultural land located adjacent to environmentally sensitive land that is in close proximity to the proposed development as a means of offering additional water quality protection. This area would experience a change in land use and potentially receive the greatest impact to its receiving stream. This area includes agricultural land located south of proposed Lot 7 that will no longer be farmed and will be allowed to regenerate into a natural habitat providing a greater buffer to the existing wetlands and headwater tributary to the Hawlings River.
4. The farm has a recently approved Soil Conservation Plan approved by the Natural Resource Conservation Service on July 29, 2013, which outlines specific recommendations including best

⁷ See attached letter from Jim Clifford.

⁸ See attached addendum called Justification for Approval of the Cavanaugh Property.

management practices that will be implemented to protect water quality by reducing the potential for soil erosion and nutrient leaching. The Soil Conservation Plan outlines suggestions for crop rotation, use of cover crops, pest management, nutrient management, and no-till farming.

5. The Applicant provided a Nutrient Management Plan signed by the farm operator/partner dated May 1, 2013 for the farming operation⁹. This Plan outlines specific best management practices implemented on the Property, including practicing a no-till operation, and conducting an annual analysis of soil samples to determine the appropriate nutrient application rates.
6. The Applicant provided an "Operator Nutrient Management Certificate" issued by the Maryland Department of Agriculture which certifies that the Applicant is a certified operator and entitled to write a plan exclusively for his own operation.

The following points are additional justification offered as part of the request for a reduced stream buffer.

7. Established bee hives important to the farming operation would otherwise be lost. The successful colonies of bees located adjacent to a stream in the eastern portion of the Property would be permitted to remain in their current location. The Applicant provided documentation on the specialized requirements of the bees and why it would be difficult to relocate the hives with any assurance that the operation would continue to be successful¹⁰. Staff conducted site visits and found that moving the bee hives was not feasible without causing potential damage to the bee colony. Additionally, the Applicant provided a Honey Bee Colony Registration Certificate issued by the Maryland Department of Agriculture.
8. Significant areas of viable farmland located on prime agricultural soils would remain in commercial agricultural production.
9. Access to portions of the Property currently in agricultural production would be eliminated if the existing stream crossing were not allowed to be maintained.

As mitigation for the 6.02 acres of requested stream buffer encroachment to allow the existing uses to continue, the Application proposes to expand the stream buffer in other areas to include 6.02 acres of land area as 1:1 compensation, plus an additional 3.34 acres of additional land area. The 9.36 acres of mitigation will be included in the Category I Conservation Easement.

Impervious Surfaces

The PMA consists of the stream valley buffer and the transition area. The Environmental Guidelines note that overall imperviousness within the transition area should not exceed ten percent. The Application proposes 2.06 acres of impervious surfaces within the PMA transition area, resulting in an impervious percentage of 1.3 percent.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary FCP was submitted with the Preliminary Plan¹¹. The Application includes a tract area of 305.90 acres of land which includes 0.10 acres of off-site improvements for a proposed deceleration lane along Damascus Road (MD 650). After deductions to the tract area, including 0.24 acres of land

⁹ See attached Nutrient Management Plan signed May 1, 2013.

¹⁰ See attached letter to David McKee dated March 15, 2013.

¹¹ See attached Preliminary Forest Conservation Plan sheets 1 through 6.

dedication for Damascus Road and 268.67 acres of land that will remain in agriculture production, the resulting net tract area is 36.99 acres. Per the Forest Conservation Law in agriculture and resource areas, net tract area is defined as “the portion of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities.” For this project, the 36.99-acre net tract area includes proposed Lots 1-11, the dwelling sites and septic easements for proposed Lots 12-14, where the Applicant’s family member’s homes currently exist, the public utility easement on proposed Outlot A, Outlot B, the area of proposed offsite improvements, and the portion of the proposed right-of-way for MD Route 650 that will be improved by this project. The 268.67-acre portion of the Property that will continue to be used primarily for agricultural activities is considered the “farm remainder” and is not included in the net tract area.

There is approximately 53.34 acres of forest on the Property, all of which is located on the “farm remainder” portion of the Property (Figure 5). The plan does not propose to clear any forest and there is no forest located within the net tract area. The Application results in an afforestation forest planting requirement of 7.40 acres, which will be satisfied by planting within the environmental buffer on the “farm remainder” portion of the Property. In addition to the forest planting that is proposed to satisfy the forest conservation requirements of the project, the Applicant proposes an additional 1.75 acres of forest planting in order to comply with the recommendations of the PMA Guidelines to plant forest within 50 feet of all streams.

Staff finds that, provided Staff’s recommended conditions of approval are adopted, the proposed project is in compliance with the Montgomery County Environmental Guidelines, including the PMA Guidelines, and the Forest Conservation Law.

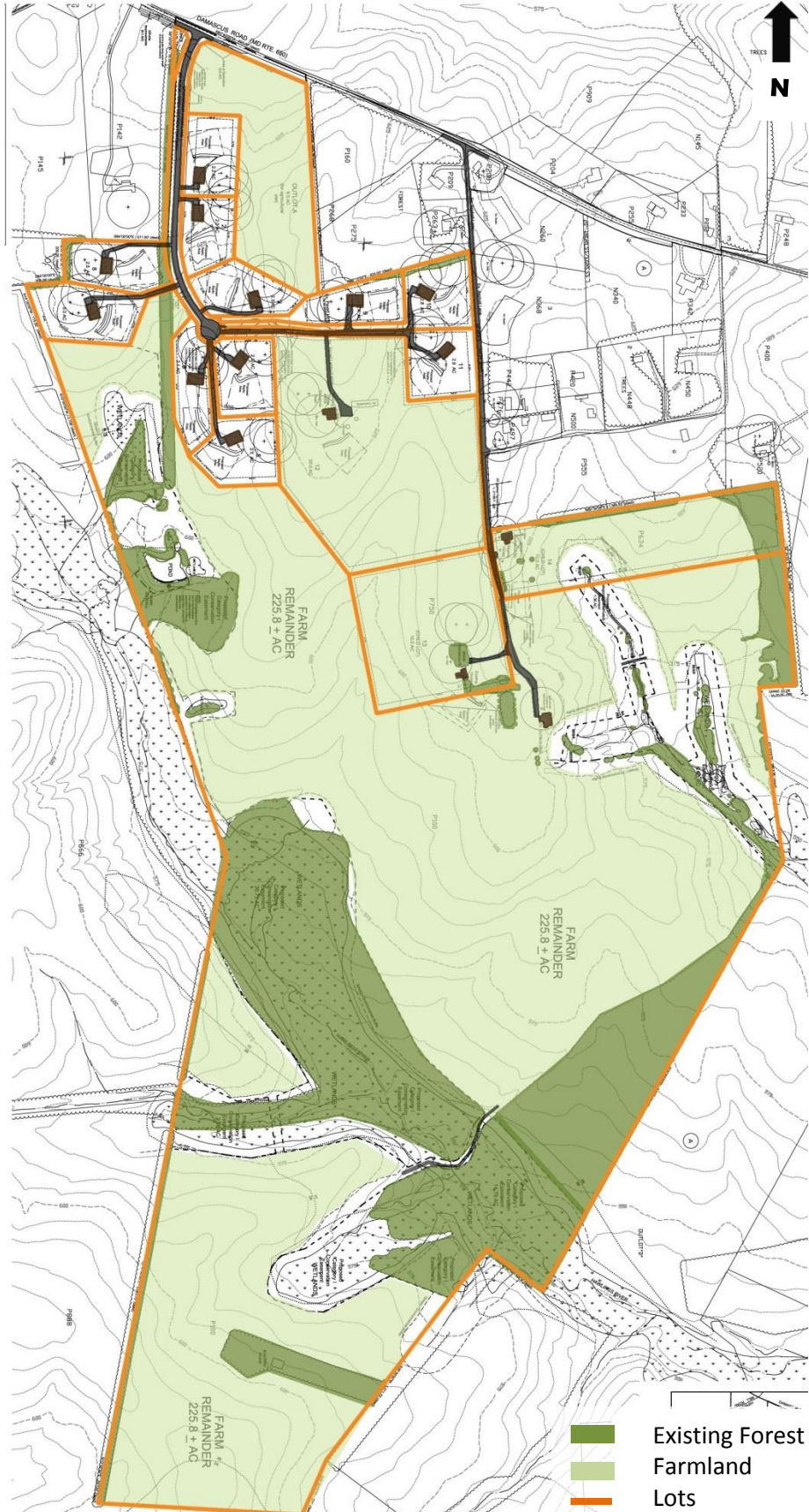


Figure 5 – Existing Forest

Compliance with the Subdivision Regulations and Zoning Ordinance

The Application was reviewed for compliance with the Montgomery County Code, Chapter 50 in the Subdivision Regulations. The Application meets all applicable sections. The proposed lots size, width, shape, and orientation are appropriate for the location of the subdivision. Based on a review of the local area development map, Figure 3, the lots are comparable in size, width, shape, and orientation to existing properties fronting on Damascus Road (MD 650) in the general area.

Staff made the following findings from the Zoning Ordinance regarding child lots.

59-C-9.41.1. Child Lots in the RDT Zone.

- (a) Applicability. A child lot above the density of one one-family dwelling unit per 25 acres is allowed in the RDT zone only if the following requirements are satisfied. ...
- (f) Provisions for existing child lots and preliminary plan applications for child lots filed before October 1, 2010.
 - (1) A child lot is permitted on a tract of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held pursuant to a deed that indicated conveyance from parent to child and was recorded before October 1, 2010, subject to the following provisions:
 - (A) one lot for every 25 acres plus one additional lot for each child lot;
 - (B) a child lot of any size;
 - (C) no limitations on ownership.

In 1974, the Property owner at that time, David and Elizabeth Cavanaugh, began gifting interest in the family farm to each of their six children. The children were collective owners of the Property, two of the six children, Rachel and Elizabeth, live on the Property. In 2002, Rachel Cavanaugh-Rouse was conveyed a 10 acre parcel and Elizabeth was conveyed her 10 acre parcel in 2005. These Properties were conveyed by deeds as child lots to the farm. The Application was filed on May 21, 2010 with deeds before the October 1, 2010 deadline. The remaining four children do not live on the farm and they do not qualify to have child lots under this legislation. The Applicant proposes to create two child lots from parcels conveyed by deed as depicted in Figure 6. These child lots can be created at any size as stated in the above provision.

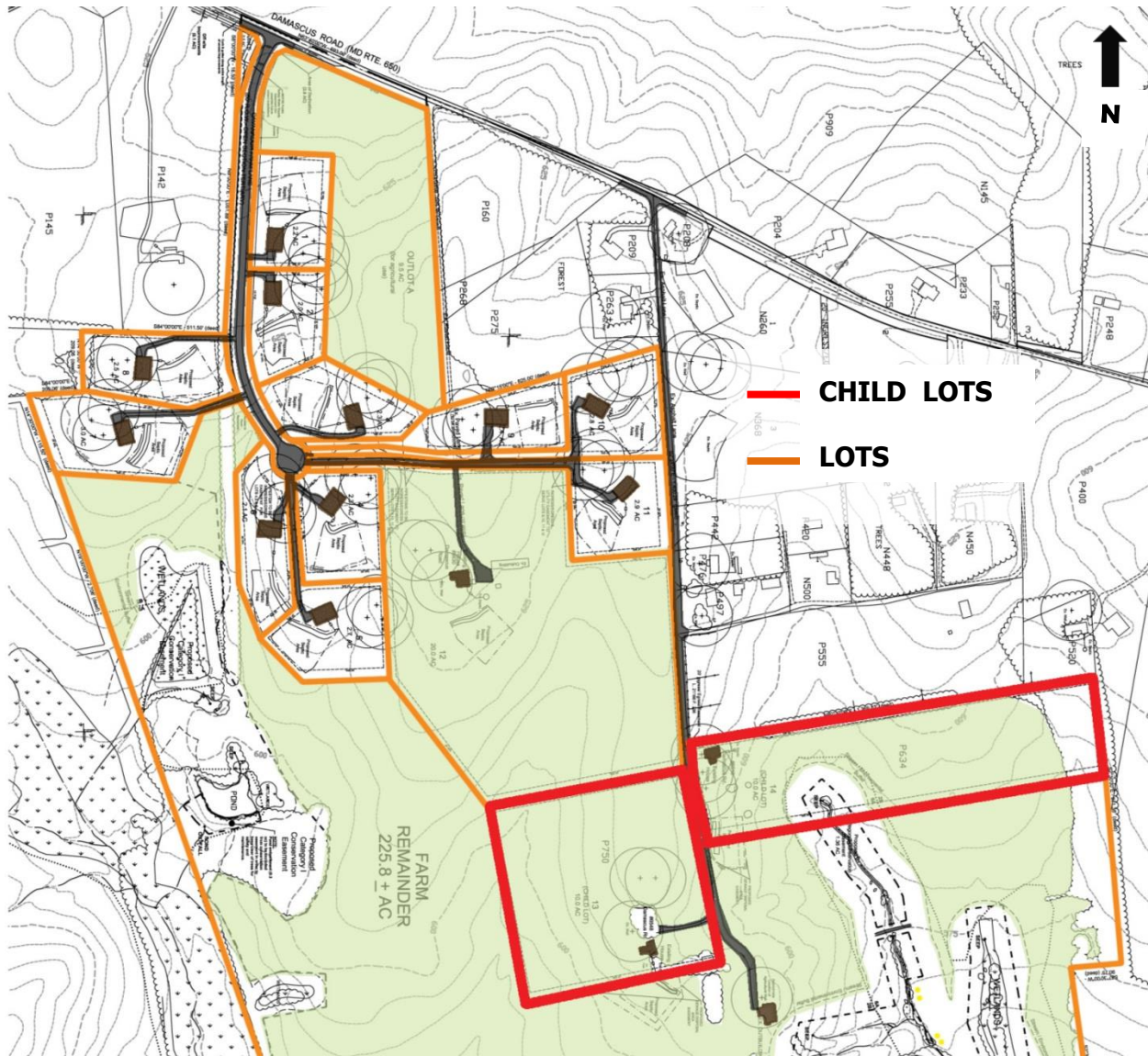


Figure 6 - Child Lots

Sec. 50-26. Roads and streets – Design Standards.

(b) Culs-de-sac and turnarounds. The Board may approve the installation of culs-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.

Finding regarding over-length cul-de-sac

The Applicant¹² proposes a new tertiary residential cul-de-sac (Cavanaugh Farm Lane) to access 12 of the 14 proposed lots on the 305.08-acre Property as depicted in Figure 7. Cavanaugh Farm Lane will be

¹² Letter dated October 13, 2011 from the Applicant’s Engineer regarding extending the length of the cul-de-sac beyond the allowance.

approximately 1,550 feet in length, 1,050 feet in excess of the design standard. The Property is oriented in a north-south direction with about 700 feet of frontage on Damascus Road (MD 650). The length of Cavanaugh Farm Lane was minimized to the extent possible while still creating adequate access to the small cluster of lots on the north side of the Property, and preserving a large contiguous tract of farmland. Given the significant distance to the nearest public street, there are no opportunities to extend the cul-de-sac in order to make it a through street, thereby avoiding a cul-de-sac entirely. To do so would fragment the agricultural fields in conflict with the goals of the Preservation of Agriculture and Rural Open Space Functional Master Plan. Staff recommends that the Planning Board approve the over-length cul-de-sac.

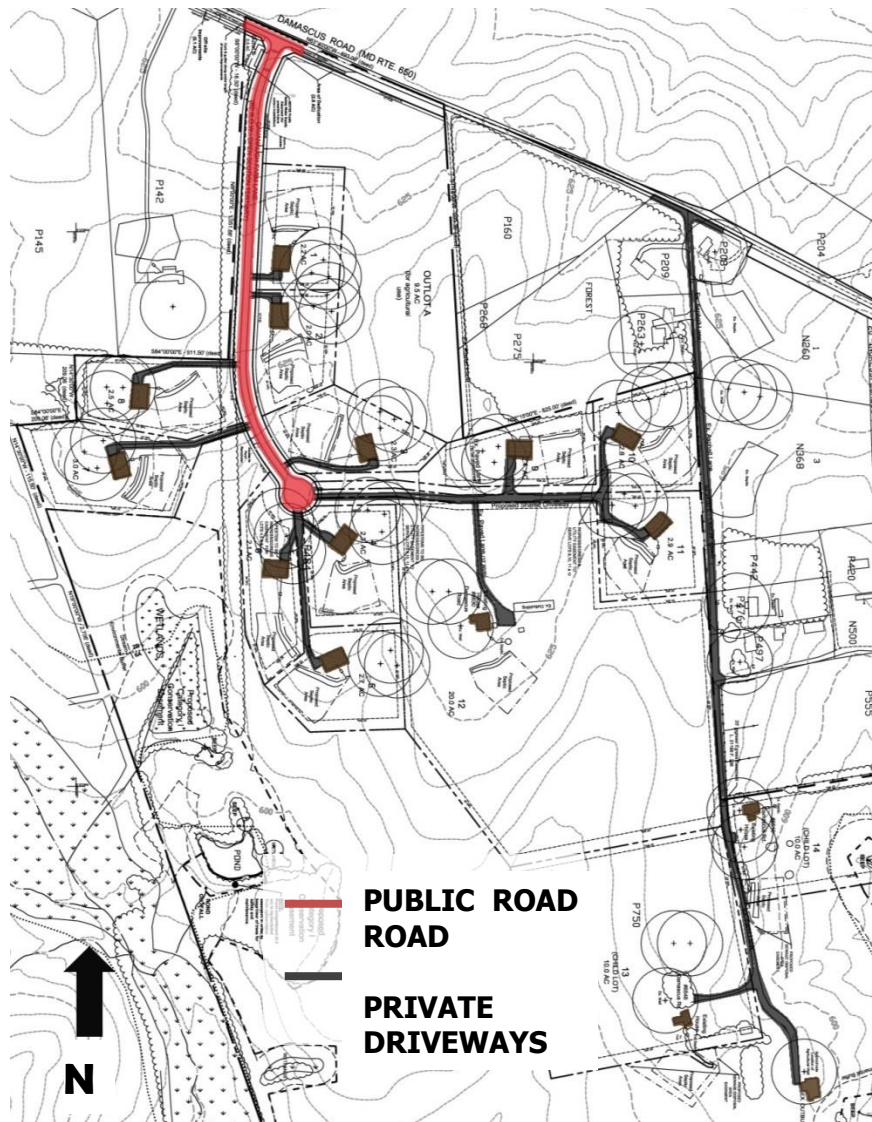


Figure 7 - Cul-de-sac Design

- (f) *Tertiary streets.* The following standards apply to any proposed tertiary street:
- (1) A tertiary street may be used only if the Planning Board approves it in a preliminary subdivision plan or site plan.
 - (2) In a site plan the Planning Board may approve a narrower than standard tertiary street if the Board finds that:

- (A) A narrower street is environmentally preferable and either improves compatibility with adjoining properties or allows better use of the parcel under consideration;

The Applicant proposes a new tertiary residential cul-de-sac called Cavanaugh Farm Lane (depicted above). The Applicant requested MCDOT to reduce the required right-of-way width from 74 feet to 60 feet. The reduction in right-of-way is requested as this subdivision will not have sidewalks since there are no sidewalk connections to be made within this rural area. The reduction in right-of-way will allow the proposed lots to be closer to the road, have shorter driveways, maintain a small acreage, and preserve large tracts of farmland.

Sec. 50-29. Lot design.

(a) *General provisions.*

- (2) Lots to Abut on Public Street. Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.....

The board may approve more than two (2) lots on private roads or driveways if such private roads and driveways are needed for the creation of new lots to be used as a one-family residence by a child of the property owner or the spouse of a child or by the parents of the property owner. This provision shall apply to only one (1) lot for each child, whether created for one (1) or both parents.

Further, this provision shall apply only upon a finding by the board that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, and the lot is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.

The Applicant's proposal shows two child lots with access from a private common driveway. These deeded pieces of property currently use this driveway to access Damascus Road (MD 650). There are four other dwelling units served by the driveway in addition to the two child lots. This driveway curves to connect to another private common driveway as depicted in Figure 8.

Finding regarding waiver of frontage

The history of the two deeded child parcels constitutes an exceptional circumstance. As they currently have dwellings, the creation of recorded lots will not add any additional traffic to the existing private driveway. The Preliminary Plan was approved by the Fire Marshall on February 12, 2012 and the access is adequate to serve the lots for emergency vehicles. Staff recommends that the Planning Board approve the two lots without frontage on a public street.

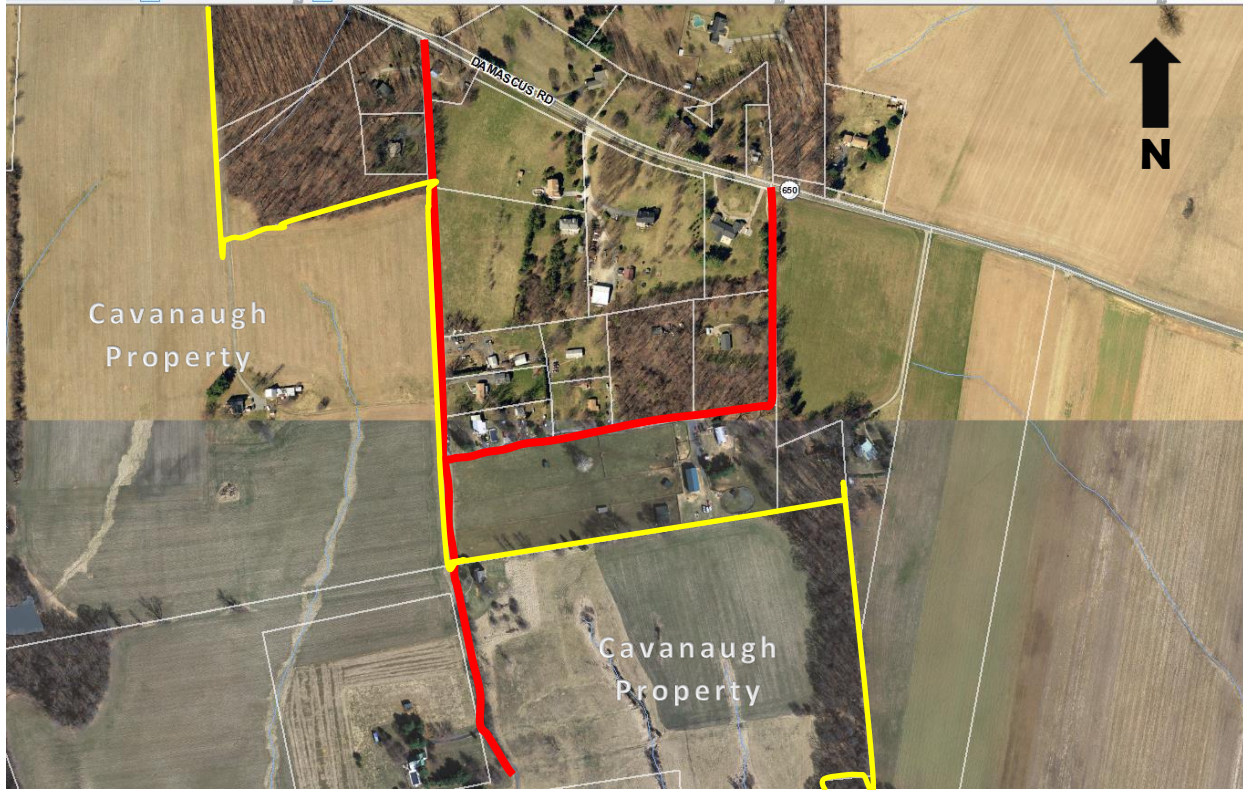


Figure 8 – Existing Access

Sec. 50-35. Preliminary subdivision plans – Approval procedure.

(e) *Wells and septic systems.* Before the Board approves a plan for lots with individual wells or septic systems, the plan must be approved by the Department of Permitting Services. The Board must review any plan that includes residential lots under the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 (Sections 9-206 and 9- 1110 of the Environment Article, and Section 1-401 and Subtitle 5 of the Land Use Article).

- (1) The official map displaying the Growth Tier areas as allowed under the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 is on the Planning Department website at <http://www.montgomeryplanning.org/development/>. The Council may amend the official map either by:
 - (A) Adopting Tiers in a General Plan Amendment; or
 - (B) An amendment under Section 50-6A.
- (6) The Board may approve a major subdivision that would be served by one or more septic systems on land located in the Tier IV area if a complete preliminary plan application was filed on or before August 31, 2012.
- (8) In this subsection:
 - (A) A major subdivision is a subdivision that would create 8 or more residential building lots; and
 - (B) A minor subdivision is a subdivision that would create 7 or fewer residential building lots.

Under the Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236) Montgomery County adopted a Growth Map that designates four Tier areas based on planned development as it relates to

sewerage and septic systems. Tier IV corresponds to areas zoned for land, agricultural, or resource protection, preservation, or conservation, or areas dominated by agricultural lands or other natural areas. The Maryland Department of Planning approved the County’s Tier Areas Map, and granted the County an exemption to the normal Tier IV development restrictions on major subdivisions (8 or more units). As this Property is within Tier IV, there are no Tier IV-related restrictions on developing the Property. This Application was filed on May 21, 2010 and qualifies as a major subdivision as the Applicant proposes 12 lots and two child lots. In the above discussion, DPS – Well and Septic Section did approve this Application per a memo dated June 29, 2010.

The proposed lots were reviewed for conformance to the Subdivision Regulations, which require that lots must be of the appropriate size, shape, width and orientation for the location of the subdivision taking into account the recommendations of the applicable master plan and for the type of development proposed or use contemplated, in order to be approved by the Planning Board. The lots proposed under this Preliminary Plan were each reviewed for a particular use; either residential use where lot dimensions are minimized, or larger lots for agricultural uses with an associated residence. The orientation of the lots and the clustering of the developed areas address the goals of the AROS Functional Plan to minimize fragmentation of the agricultural resource and to maximize agricultural opportunities.

The lots were reviewed for compliance with the dimensional requirements for the RDT Zone as specified in the Zoning Ordinance. The lots proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Lots 1 through 12 will have frontage on a new publicly dedicated roadway called Cavanaugh Farm Lane. A summary of this review is included in Table 1. The Application was reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

Table 1 - Preliminary Plan Data for RDT Zone¹³

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	40,000 sq. ft.	87,120 sq. ft. minimum
Lot Width at brl	125 ft.	125 ft. minimum
Lot Frontage	25 ft.	0 ft. for child lots
	25 ft.	25 ft. minimum
Setbacks		
Front	50 ft. Min.	Must meet minimum ¹
Side	20 ft. Min./40 ft. total	Must meet minimum ¹
Rear	35 ft. Min.	Must meet minimum ¹
Maximum Residential Dwelling Units	14	14
TDRs	14	14
Child Lot		2

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

¹³ See attached Preliminary Plan

Citizen Correspondence and Issues

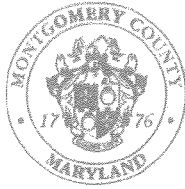
The Applicant notified adjacent and confronting property owners of the pre-submission meeting held on October 14, 2009, at Damascus Community Library. Six people attended the pre-submission meeting. Per the minutes from the pre-submission meeting, questions were posed regarding the location of the forest conservation requirements. It was suggested that the Forest Conservation area should be located near the existing pond. Mr. Allnutt indicated that he is open to continued shared use of the gravel driveway that crosses through a parcel that he owns as long as it does not affect his ability to use his property. To date, staff has not received any correspondence regarding the application.

CONCLUSION

The Application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance subject to the Board making findings approving an over-length cul-de-sac, and waiving frontage for two child lots with existing dwellings. The Preliminary Plan substantially conforms to the recommendations of the 2005 Olney Master Plan. Access and public facilities will be adequate to serve the Property, and the Application was reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Staff recommends approval of the Application with the conditions specified above.

Attachments

Attachment A – Agency Correspondence
Attachment B – Correspondence with Applicant
Attachment C – Proposed Development Plan



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 22, 2013

Ms. Katherine Holt, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #120110190
Cavanaugh Property

Dear Ms. Holt:

We have completed our review of the preliminary plan dated July 18, 2012. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on July 6, 2010. 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. Necessary dedication for future widening of Damascus Road (MD 650) in accordance with the master plan.
2. Full width dedication and construction of Cavanaugh Farm Lane as an open section tertiary street. As noted in the applicant's consultant October 11, 2011 Design Exception letter, sidewalks are not required on tertiary streets in the RDT zone. As a result, they are requesting a modification to MCDOT design standard MC-2001.03 (Tertiary Residential Street – Open Section) to reduce the right-of-way dedication to sixty (60) feet. We recommend Planning Board approval of the requested reduced right-of-way dedication.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov


Ms. Katherine Holt
Preliminary Plan No. 1-20100190, Cavanaugh Property
March 22, 2013
Page 2

6. A Public Improvements Easement may be necessary along Damascus Road (MD 650) and proposed Cavanaugh Farm Lane, in order to accommodate a possible MCFRS Public Safety Water Supply Easement for possible cistern installation. Prior to submission of the record plat, the applicant's consultant will need to coordinate with MCFRS and MCDPS to confirm the need for that facility and determine if there is sufficient easement to permit this cistern 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.
7. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
8. Our policy is to limit private common driveways to typically serve a maximum of four (4) lots. Under acceptable extenuating circumstances, we will allow that number to increase to five (5). We are concerned about the number of lots on the existing entrances on the west side of the site that currently are (and proposed) to be served by private facilities. We recommend the Planning Board require the applicant to execute appropriate documents to establish private street(s) to address this situation. We realize that implementation of the private street may need to be done over time if this applicant does not control all the land necessary to effect this recommendation.
9. 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.
10. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
11. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
12. 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.
13. Access and improvements along Damascus Road (MD 650) as required by the Maryland State Highway Administration.
14. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
15. 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:

Ms. Katherine Holt
Preliminary Plan No. 1-20100190, Cavanaugh Property
March 22, 2013
Page 3

- A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along Cavanaugh Farm Lane as a modified open section tertiary street (per comment no. 2).
- 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 Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. David Adams, our Development Review Area Engineer for this project, at david.adams@montgomerycountymd.gov or (240) 777-6000.

Sincerely,


Gregory M. Leck, Manager
Development Review Team

m:/Correspondence/FY13/Traffic/Active/120100190, Cavanaugh Property, MCDOT plan review ltr.doc

cc: Rachel Cavanaugh-Rouse, Cavanaugh Family, LLC
David McKee; Benning and Associates, Inc.
Richard Weaver; M-NCPPC Area 3
Ki Kim; MNCPPC Area 3
Scott Newill; MSHA AMD

cc-e Marie LaBaw; MCFRS
Sam Farhadi; MCDPS RWPR
Brett Linkletter; MCDOT DHS
David Adams; MCDOT DTEO

MAR 8 2012

Planning Department



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

| Beverley K. Swaim-Staley, *Secretary*
| Melinda B. Peters, *Administrator*

January 10, 2012

Mr. Patrick Perry
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

RE: Montgomery County
MD 650
Cavanaugh Property
SHA Tracking No: 11-AP-MO-065-XX
County Tracking No: 120100190
Mile Post: 24.32

Dear Mr. Perry:

Thank you for the opportunity to review the Preliminary Plan submittal, received on December 7, 2011, for the proposed Cavanaugh Property development in Montgomery County. The State Highway Administration (SHA) offers the following comments which have been updated to reflect supplemental information provided since the issuance of our December 29, 2011 letter:

1. All work on the deceleration lane and the shoulder on MD 650 must comply with MDSHA Standard 104.02-01 (Shoulder Work on a Two-Lane, Two-Way Roadway). As part of future plan submittals, please submit a traffic control plan that shows these measures.
2. All signs and pavement markings for the proposed deceleration lane and shoulder on MD 650 must comply with the latest edition of the MdMUTCD. Please submit a signing and pavement marking plan for this section of roadway. This can be on the same sheet as the traffic control plan.
3. An access permit must be obtained from this office in order to construct any improvements within SHA right-of-way. Please refer to Chapter 7.1 of the SHA Access Manual (<http://www.marylandroads.com/Index.aspx?PageId=393>) regarding general requirements for plans.

SHA offers conceptual approval of the proposed site access associated with the Cavanaugh Property Preliminary Plan #120100190. It must be emphasized that SHA's requirements for a particular site access are subject to change over time as conditions, standards, and policies may dictate. Projects that do not move promptly from concept approval into final design and permitting may be subject to new or differing SHA requirements.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Perry
Page 2

Please reference the SHA tracking number on future submissions. If you have any questions, or require additional information, please contact Mr. Eric Waltman at 410-545-5597, by using our toll free number in Maryland only at 1-800-876-4742 x5597 or via email at ewaltman@sha.state.md.us).

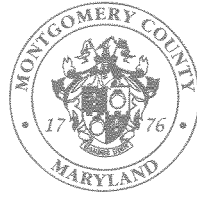
Sincerely,



for Steven Foster, Chief
Access Management Division

SDF/JWR/elw

cc: Ms. Rachel Cavanaugh-Rouse \ Owner
Cavanaugh Family, LLC, 6548 Damascus Road, Gaithersburg, MD 20882
Ms. Stephanie Taylor – SHA D3 Traffic
Mr. Scott Newill – SHA AMD – Regional Engineer



DEPARTMENT OF PERMITTING SERVICES

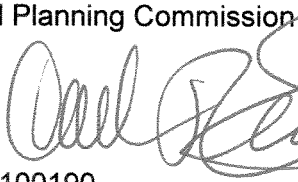
Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

June 29, 2010

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: # 120100190

Cavanaugh Property, lots 1-14

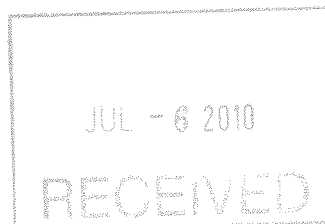
This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on June 18, 2010.

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 septic easements must be depicted on the record plat as shown on the preliminary plan.

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

cc: Surveyor
File





FIRE MARSHAL COMMENTS

DATE: 21-Feb-12
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Cavanaugh Property
120100190

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **21-Feb-12** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 23, 2010

Carla Reid
Director

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

Re: Stormwater Management **CONCEPT** Request
for Cavanaugh Property
Preliminary Plan #: N/A
SM File #: 237690
Tract Size/Zone: 305.8/RDT
Total Concept Area: 305.8ac
Lots/Block: 1-11 Proposed
Parcel(s): P750,P484,P634,P100
Watershed: Hawlings River

Dear Mr. Shiancoe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via the use of Environmental site Design (ESD).

The following **item(s)/condition(s)** will need to be addressed **during/prior to** 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. Any future development or redevelopment of lots # 12-# 14 will be required to provide stormwater management to the standards that are in place at that time.
5. A floodplain study may be required at the detail plan stage to provide floodplain limits on the remainder of the property.

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

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

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

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

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

Sincerely,



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

RRB:ta CN 237690

cc: C. Conlon
M. Pfefferle
SM File # 237690

QN - On Site; Acres: 8.0ac
QL - On Site; Acres: 8.0ac
Recharge is/is not provided

ATTORNEYS AT LAW
 Olde Towne Professional Building
 316 East Diamond Avenue
 Gaithersburg, Maryland 20877-3016

James R. Clifford, Sr. (MD, VA)
 James J. Debelius (MD)
 Jerry W. Hyatt (MD, DC)

(301) 840-2232

John W. Debelius (1926-1984)

fax (301) 975-9829

April 30, 2014

Planning Board for Montgomery County
 Maryland National Capital
 Park and Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910

Re: Cavanaugh Property (120100190)

Dear Chairman and Board Members:

Please be advised that this office represent the Cavanaugh family with regard to the subdivision of a portion of their family farm. This subdivision is to assist the heirs of this family in liquidating a portion of the farm to fund the buyout of certain family members. As often happens, some of the heirs are tied to the farm and others are not. I have been asked to convey to the Planning Board the justification for a variance of certain stream buffer requirements which would otherwise apply to the farm remainder of this property.

This farm is within the Patuxent Management Area (PMA). For purposes of comparison, if the subject subdivision was done outside of the PMA, there would be no requirement for conservation easements or forest planting other than on 14.8 acres which is already forested and would be used for forest credits. No additional conservation requirements would be required. However, since this farm is within the Patuxent Primary Management Area, the guidelines suggest the Board consider that any approvals for development on a piece of Ag land in the PMA require Best Management Practices including stream buffers on agricultural land. Therefore the current preliminary plan being presented has set aside 65.47 acres of environmentally sensitive and other areas in conservation. Included within the 65.47 acres are 9.36 acres of expanded conservation easements areas to offset other areas kept out of conservation totaling 6.02 acres.

This justification for the requested variance for the 6.02 acres is not just to preserve existing productive crop land in the Ag remainder, but also to allow for the continuation of the Owners beekeeping operation and preserve the existing stream crossings including the crossing that is the only access to the 38 acre crop field which is farmed as part of the remainder farm parcel. The expanded area of conservation easement proposed to offset the 6.02 acres tied up by this variance will provide an expanded buffer between the proposed new residential development


and nearby environmentally sensitive areas. The area being asked to be granted the setback variance is over 1500 feet from the proposed subdivision on the back side of the farm in an area that receives no drainage from the proposed development area.

We have enclosed the soil conservation plan created by Drew Stabler who has farmed this property for more than two decades. Mr. Stabler's farming operation is not a "traditional" farming operation as found outside of Montgomery County, in that he practices "no till" farming. This practice minimizes soil disturbance and allows a biomass buildup of thatch, which enriches the soil when the breakdown of the biomass releases natural nutrients back into the soil. This practice also reduces the amount of fertilizer needed and the added biomass also captures any chemicals being applied thereby minimizing any runoff into streams. This farming technique, along with the annual use of cover crops during the non-growing season, protects the soil from erosion and acts as a buffer or filter to protect the streams from silt and nutrients. Most of the negative effects from a traditional farming operation on the water quality are eliminated or at least minimized by this type of farming. "No till" farming was most likely not considered when the PMA guidelines were proposed for Ag land, but is now the rule versus the exception here in Montgomery County.

I have attached a more detailed analysis of this variance request prepared by the Land Planner, Dave McKee of Benning & Associates. Thank you for your consideration of this request.

Sincerely,

CLIFFORD, DEBELIUS & HYATT, CHTD.



JAMES R. CLIFFORD, SR., ESQ.

JRC/dlh

Enclosures

cc: Callum Murray, M-NCPPC
Mary Jo Kishter, M-NCPPC
Katherine Holt, M-NCPPC

Justification for Approval of the Cavanaugh Property (120100190):

As an addendum to the letter from James R. Clifford, Sr. to the Planning Board dated April 16, 2014, the following additional information is provided in support of the plan and the variances requested:

PRIMARY MANAGEMENT AREA - SUMMARY:

The Cavanaugh Property is subject to the Patuxent River Watershed Primary Management Area (PMA) section of the Environmental Guidelines (M-NCPPC). The guidelines provide the following recommendations for development of land within the Primary Management Area:

- overall imperviousness within the transition area should not exceed 10%
- agricultural land included in a development proposal is subject to the guidelines
- retention of agricultural uses is encouraged by a reduction in stream buffer widths to 100' for agricultural land
- reduction of stream buffer widths to 100' for agricultural land requires an adopted soil and water conservation plan approved by the Montgomery Soil Conservation District
- stream buffer widths may be extended to include environmentally sensitive land features
- a minimum 50' of the 100-foot stream buffer should be forested
- variances from the 100-foot stream buffer requirement may be granted by the Planning Board in certain cases

The Preliminary Forest Conservation Plan (PFCP) proposed for this property complies with the above as follows:

- overall impervious surfaces proposed within the PMA transition area total 1.3%
- stream buffer requirements as specified in the guidelines have been applied to the farm remainder and other areas which will remain agricultural
- a 100-foot minimum stream buffer (i.e. PMA 100-foot buffer) is proposed for agricultural portions of the property
- stream buffers within agricultural portions of the site have been extended to include wetland areas
- reforestation is proposed where the minimum 100-foot stream buffer does not contain the minimum 50 feet of existing forest
- variances are requested from the minimum requirements in the guidelines to allow for stream crossings and to allow the continuation of agricultural activities in certain areas of the property

Variances requested as shown on the PFCP are as follows:

1. The plan proposes to preserve 3 existing stream crossings to maintain access to farm fields. In addition, an area of existing bee hives located on the farm remainder is proposed to be retained. The stream crossings and bee hive area which would otherwise be forested within 50 feet of streams total 0.72 acre. To offset this reduction in forestation, other areas equal to 0.72 acre in close proximity are proposed to be reforested.

2. The plan proposes reductions from the minimum 100-foot stream buffer for the stream crossings, bee hives, and other areas which are currently used for agricultural activities. These areas which total 6.02 acres are proposed to be excluded from placement into a Category I Conservation Easement. To offset the areas excluded from being placed in a conservation easement, other areas outside of the minimum stream buffers are proposed to be placed into easement. These other areas provide extra forest retention, protection of environmentally sensitive wetland areas, and new areas set aside for natural regeneration. The total amount of expanded conservation easement areas total 9.36 acres. These areas exceed the areas excluded from the minimum 100-foot buffer by 3.34 acres.

Requirements for Justification of Requested Variances:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

1. The property is an active farm with areas of highly productive cropland. A significant portion of the farm contains prime agricultural soils. In addition, the owners have a bee keeping operation on the farm and certain remote agricultural areas of the property can only be accessed by crossing streams and buffer areas. Full enforcement of the 100 foot stream buffer in all areas would require removal or relocation of the bee keeping operation, would remove several acres of land from agricultural production, and would eliminate access to a large part of the farm.

2. All of the areas which are the subject of the variance are far removed from the proposed development with the closest more than 1,500 feet away. Lots have been kept small to minimize loss of farmland and no forest will be cleared. Full enforcement of stream buffer requirements on the farm remainder would severely impact agricultural and bee keeping operations. Given that the farm remainder represents the major portion of the subject property, enforcement of stream buffers in all areas of the farm remainder would severely affect the agricultural viability of the farm.

3. Granting of the requested variances will not result in the degradation of water quality on the property. Conversely, this project as planned will result in more than 65 acres of conservation easement on the farm remainder including more than 36 acres of forest retention, 8.43 acres of new forest planting near streams, and an additional 19 acres of environmental buffer to be left to naturally regenerate. Currently, there are no protections on the property for any of the existing forest. Furthermore, the proposed development of 11 new homes and a public street are far removed from the areas which are the subject of the variance request. The nearest proposed homesite is more than 1,500 feet away from the closest variance location. The areas which are the subject of the variance request are areas which are currently farmed, are stream crossings already in place, or are areas used for the bee keeping operation. No new activities are planned which would impact water quality.

4. To offset the areas proposed to be left out of stream buffer / conservation (6.02 acres), other areas which do not fall within required stream buffers are proposed to be placed into conservation easement. These extra areas total 9.36 acres. Furthermore, a large portion of this extra conservation is located in close proximity to the proposed new development at the headwaters area of a stream which originates on-site. Most of the development drains to this area of the site so enhanced protection of the stream and nearby wetlands in this area provides greater environmental benefit when compared to the area of the requested variances more than 1,500 feet away. No part of the proposed development drains to the areas of the proposed variances.

In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

1. Approval of the requested variance so that agricultural and bee keeping operations can continue on an active farm does not confer a special privilege in an area that is zoned to encourage agriculture as the primary use.

2. The variances requested are not the result of any actions by the applicant. The applicant has requested to subdivide a portion of the property in accordance with zoning and subdivision regulations and the variances are needed to support on-going agricultural activities on the large farm remainder.

3. Neighboring properties have no bearing on the variances requested for this property.

4. As noted above, no new activities within the areas proposed for variances are planned. Only the continuation of existing activities is requested and new protections will result in enhancement of water quality on the property.

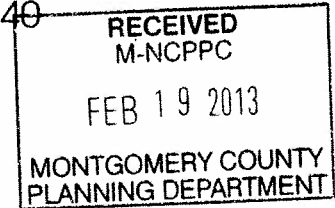


Benning & Associates, Inc.
Land Planning Consultants

8933 Shady Grove Court
Gaithersburg, Md. 20877
(301) 948-0240

October 13, 2011 (Resubmitted 2-18-13)

Mr. Richard Weaver, Coordinator
Area 3
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



Re: Cavanaugh Property (120100190) – Waiver of Overlength Cul-de-sac

Dear Mr. Weaver,

We are writing to request a waiver of Section 50-26(d) of the Montgomery County Code which limits the length of a cul-de-sac to 500 feet. Section 50-26(d) limits the length of a cul-de-sac to 500 feet “unless, by reason of property shape, size, topography, large lot size, or improved street alignment, the Board may find a greater length to be justified”. The subject property is a large property (more than 300 acres) and is located within the Agricultural Reserve area of the County. The plan for the property includes a new tertiary residential street (Cavanaugh Farm Lane) for access to 12 of the 14 lots proposed for the project. The new street which ends in a cul-de-sac in the property is planned to be approximately 1,550 feet in length.

The subject property is large as stated above but has very limited street frontage along existing roads. The only frontage, along the northern boundary of the property abutting New Hampshire Avenue, is less than 700 feet in length. Furthermore, the shape of the property away from New Hampshire Avenue is narrow for a distance of about 1,000 feet. The overall property is elongated in shape in a north-south direction and most of the site is far removed from the road. For this reason, most of the lots proposed for the project are more than 1,000 feet away from the road and it is necessary to extend the proposed new road into the property for a significant distance in order to provide suitable access to the lots. Given the shape of the property and the limited frontage, an alternative arrangement with a shorter road and/or a loop road which reconnects to New Hampshire Avenue is not possible or appropriate.

For the reasons stated above, we respectfully request a waiver from Section 50-26(d). Please contact me with any questions or if any further information is needed.

Sincerely,

David W. McKee

CLIFFORD, DEBELIUS, BONIFANT,
FITZPATRICK & HYATT, CHTD.

ATTACHMENT B

ATTORNEYS AT LAW

Olde Towne Professional Building
316 East Diamond Avenue
Gaithersburg, Maryland 20877-3016

James R. Clifford, Sr. (MD, VA)

James J. Debelius (MD)

James A. Bonifant (MD)

E. Joseph Fitzpatrick, Jr. (MD, DC)

Jerry W. Hyatt (MD, DC, WV)

(301) 840-2232

fax (301) 975-9829

John W. Debelius (1926-1984)

December 19, 2011

Richard Weaver
Development Review
Maryland National-Capital
Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Cavanaugh Property

Dear Rich:

Dave McKee asked me to address the questions forwarded to him on November 1, 2011 regarding the Cavanaugh Property.

As you may recall, I was actively involved in the creation of the modification of the Child Lot Legislation, specifically, Section 59C.9.41.1. In the process of this rewrite, the Cavanaugh property was front and center and provided the substance for subsection 59-C-9.41.1(f). This subsection was specifically created to deal with the Cavanaugh's and other that may have similar circumstances Section 59-C-9.41.1(f)(1) is the Cavanaugh exception and reads as follows:

"A child lot is permitted on a tract of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held pursuant to a deed that indicates conveyance from Parent to Child was recorded before October 1, 2010, subject to the following provisions:

- (A) One lot for every 25 acres plus one additional lot for each child lot;*
- (B) A child lot of any size*
- (C) No limitations on ownership"*

In 1974, David and Elizabeth Cavanaugh, through an estate planning trust, began gifting interest in the family farm to their children. Rachel and her sister Elizabeth were partial owners of the Farm in 1981, and each had been living in existing houses on the farm for some time. In 2002, Rachel was conveyed the 10 acres she had been residing on for more than thirty years and in 2005 Elizabeth was conveyed the parcel she had been living on for more than thirty years.

These deeds were recorded to memorialize transfers which had essentially already occurred. The transfers were, in the purest sense, Child Lots which were intended to keep members of the family on the farm and actively involved in its management. As stated earlier, the rewrite of the Child Lot legislation was an attempt to address this set of not uncommon circumstances. Please note that the legislation includes a child lot of any size and intends child lots to be bonus lots over and above the lots allowed by the zone.

Only Rachel and Elizabeth are the beneficiaries of these Child Lots. None of the other children qualify under this legislation since there were no other existing homes or dedicated lots to convey to them.

I hope this helps in your analysis of the Cavanaugh plat. Please contact Callum Murray for verification of the legislative history cited above.

Sincerely,

CLIFFORD, DEBELIUS, BONIFANT
FITZPATRICK & HYATT, CHTD.



JAMES R. CLIFFORD, SR., ESQ.

JRC/dlh

cc: Rachel Cavanaugh Rouse

NUTRIENT MANAGEMENT PLAN

ATTACHMENT B

For
Sunny Ridge Farm

Prepared by **W. Drew Stabler (owner/ operator)**
5925 Damascus Rd. • Laytonsville, MD 20882
301-253-6733

BRIEF DESCRIPTION OF OPERATION: Sunny Ridge Farm (SRF) is a partnership operating approx. 1800 managed acres, consisting of cattle, grain and hay. Along with managing their ground, we also provide custom farming services for neighboring farmers. Sunny Ridge Farm is a strictly no-till operation. The majority of wheat planted by SRF is now following beans and is applied using a no-till drill. SRF has devoted 750 acres of the current crop year to the "Save the Bay" cover crop program and manages all properties to the highest level of conservation. Special consideration is given to minimizing the over use of fertilizer, water pollution and eroding land.

DATE OF PLAN: March 1, 2013

DURATION OF PLAN: Winter 2013 – Winter 2014

SOIL SAMPLING AND TESTING: Soil samples were taken by Bill English of Brookside Laboratories and then analyzed by Brookside Laboratories. Soil samples are taken yearly, allowing Sunny Ridge Farm to stay on top of nutrient needs each year.

BASIS OF RECOMMENDATIONS: Sunny Ridge Farm applies any animal waste collected, back onto the ground from which the cattle are maintained and use commercial fertilizers as recommended by soil test. All recommendations were nitrogen and phosphorus-based. Sunny Ridge Farm primarily utilizes Triple P as its phosphorus fertilizer source.

MANURE INFORMATION: Sunny Ridge Farm obtains a yearly manure sample, to be used for recommendations. Any manure collected is spread back onto pasture ground that is currently occupied and in cattle rotation. All manure is contained and spread on the Bryan property (5925 Damascus RD) and not disposed of or spread on any other farming property managed by Sunny Ridge Farm. Animal manure quantity was estimated with the use of the Univ. of MD Manure Generation Worksheet. Manure samples are taken by Bill English of Brookside Laboratories and also analyzed by Brookside Laboratories..

SOURCE OF YIELD GOAL INFORMATION: All yield goals are obtained from historical yield goals, recorded with the help of scales and GPS yield collecting equipment.

BEST MANAGEMENT PRACTICES: Sunny Ridge Farm has a Soil Conservation Water Quality Plan and is implementing it as time and resources allow.

RECORD KEEPING REQUIREMENTS: The Water Quality Improvement Act requires that producers keep records on fertilizer usage. Consult the model form and directions included in the record keeping section of this plan for the type of information required.

Signature W. Drew Stabler - Partner

Date 5-1-13

March 15, 2013

David W. McKee
Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Explanation Regarding Operation Bee Hives and Farming Operation as Requested by Mary Jo Kishter, Senior Planner, Area 3 Maryland-National Capital Park & Planning Commission

Dear David:

I am writing the letter to provide the further explanation regarding the location of the bee hives and my cattle operation on the Windcrest Farm in the hopes that we can allay any concerns that may be developing. After reading this information, if you feel further explanation or information is required please let me know.

Let me explain, we have begun this modest farm operation consistent with the hopes of Montgomery County that the northern part of this county retain sections for an agricultural purpose. While there are six members of the Cavanaugh family, we have strived to keep these goals as a factor for consideration. Rachel and I have been long time members of this community and are avid supporters of maintain organic and natural operations. We have not taken these measures lightly but have read, taken courses to ensure our efforts are both environmentally and agriculturally sound. Indeed, I have found the County Department of Agricultural extremely knowledgeable and helpful in solving farm issues. With this as a backdrop let me just explain how we arrived at our decisions with respect to the farming of bees and our cattle operation.

With respect to the operation of our bee farming, the reason that I wish to keep my bees where they are is because it is the text book perfect location. The hives are shaded by the cedar trees on the western exposure keeping the bees cool in the evening hours, the hill behind them protect the bees in the winter, we live in a very windy area but it is always calm in that space. The hive entrance faces the east and with no interfering trees heats the hive in the early morning encouraging early forging. The springs are really just moist ground and provide the bees with fresh spring water without the danger of drowning. My apiary is in a pasture within a two mile range to allow forging mostly the massive tree covered area of the Putuxant wildlife area so there exposure to industrial farm chemicals is at a minimum. There are several other beekeepers in the area and my hives always out produce them, it is not from my personal skill but because I endeavor to maximize environmentally and agriculturally sound environment.

In the right hands, and if left alone, I believe the hives as placed can be one of the best producing sites in the county. Under our stewardship this meadow ecosystem is in pristine condition with

tremendous biodiversity. As small as the moving water is, it supports minnows of leopard frogs, tree frogs and many other signs of a healthy environment.

With respect to the cattle operation that we have, Windcrest Farm has a long history with cattle. Not to many years ago it supported a herd of ninety dairy cattle and seventy Limousine Black Angus cross cattle. To the best of my knowledge there was no significant loss of biodiversity. The stream ran clear and the kids would always catch tadpoles and crawfish. We have a small herd of horned Irish Dexter cattle. Dexter cattle were near extinction twenty years ago and are the smallest cattle in the world. Our farm plan is to establish a pasture based rotational grassing operation to provide Purebred Dexter cattle to sell as well as an occasional steer for the local market. This approach is considered by many to be the most environmentally responsible form of agricultural.

I am a certified Maryland farm operator and a licensed beekeeper. We have a current nutrient management plan on file and I have followed all of the BMP's recommended. I have a current soil test which shows that I need a seventy pound per acre increase in nitrogen which as much as I hate to it will come in the form of commercial fertilizer. We do not spread manure and try to stay as close as possible to the Department of Agriculture guidelines and use them as a reliable source for assistance.

I do hope that my explanations here have been of assistance. Should we need to provide further information I would be more than willing to join you in presenting the issue to the Department of Agricultural for assessment and recommendations. I have found them extremely knowledgeable and helpful in solving farm issues.

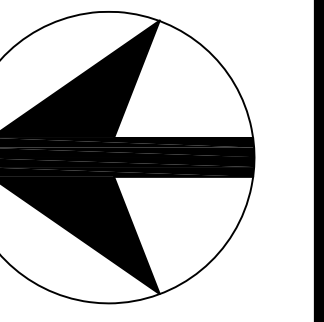
Rachel and Charles Cavanaugh-Rouse

The reasons I wish to keep my bees where they are is because it is the text book perfect location, the hives are shaded by the cedar trees on the western exposure keeping the bees cool in the evening hours , the hill behind them protect the bees in the winter, we live in a very windy area but it is always calm in that space. The hive entrance faces the east and with no interfering trees heat the hive in the early morning encouraging early forging. , the springs are really just moist ground and provide the bees with fresh spring water without the danger of drowning. My apiary is in a pasture and the two mile range of there forging is mostly the massive tree covered area of the Putuxant wildlife area so there exposure to industrial farm chemicals is at a minimum. There are several other beekeepers in the area and my hives always out produce them, it is not from my personal skill. In the right hands and if left alone I believe this would be one of the best producing sites in the county. Under our stewardship this meadow ecosystem is in pristine condition with tremendous biodiversity, As small as the moving water is it supports minnows leopard frogs tree frogs and many other signs of a healthy environment. While I do not understand the need to change It is no longer my call.

Windcrest Farm has a long history with cattle. , Not to many years ago it supported a heard of ninety dairy cattle and seventy Limousine Black Angus cross cattle To the best of my knowledge there was no significant loss of biodiversity. The stream ran clear ad the kids would always catch tadpoles and crawfish. We have a small heard of horned Irish Dexter cattle. . Dexter cattle were near extinction twenty years ago and are the smallest cattle in the world. Our farm plan is to establish a pasture based rotational grassing operation to provide Purebred Dexter cattle to sell as well as an occasional steer for the local market. This approach is considered by many to be the most environmentally responsible form of agricultural.

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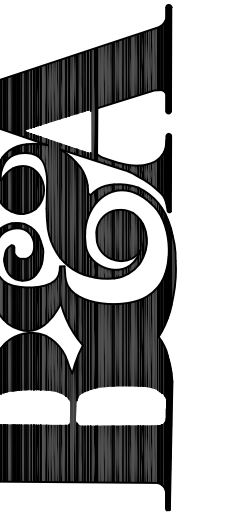
If you have any issues with our operation I would be more than willing to join you in presenting the issue to the Dept of Agricultural for accesment and recommendations . I have found them extremely knowledgeable and helpful in solving farm issues Rachel and Charles CavanaughRouse



date: 5/10/10

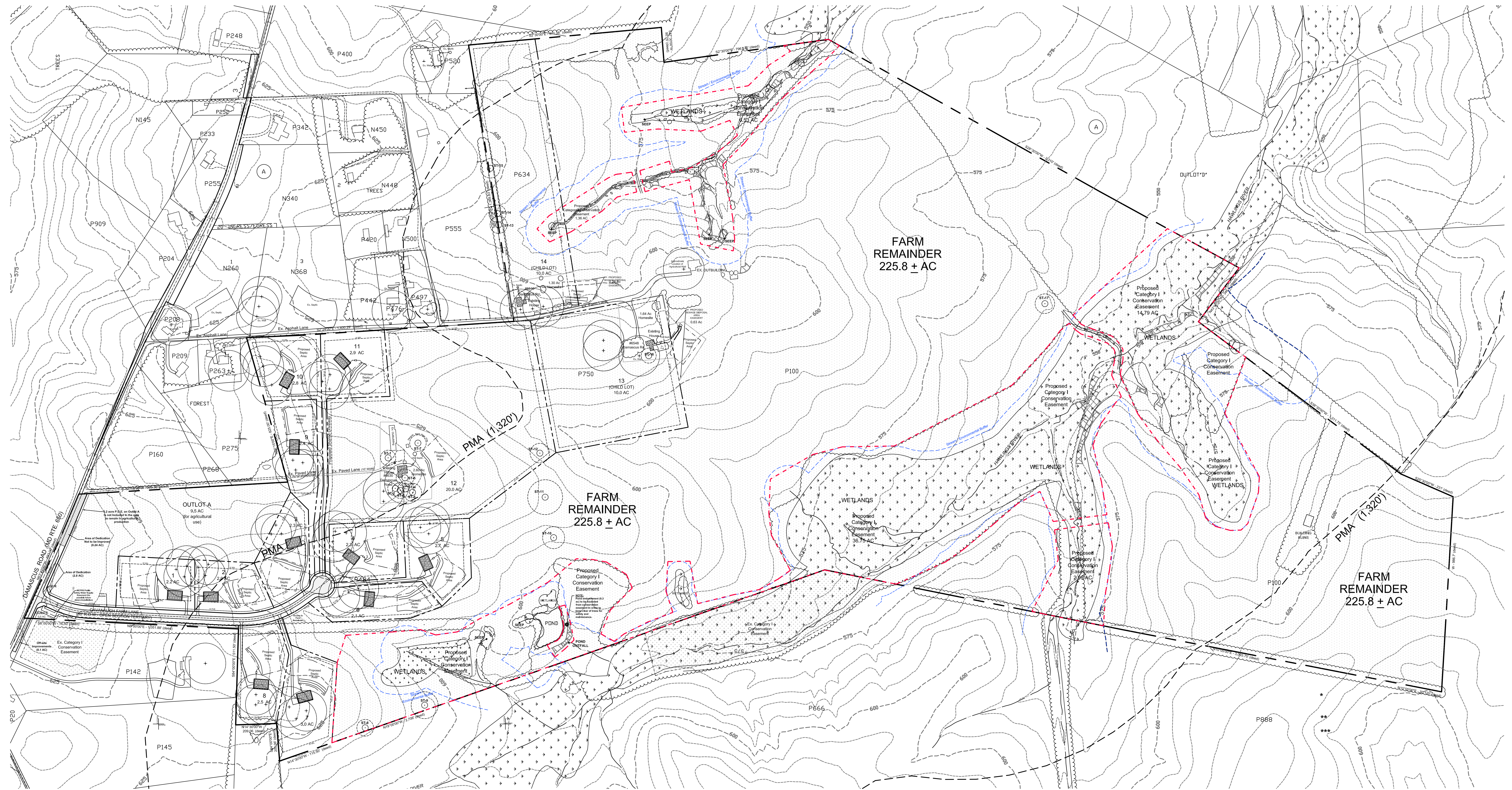
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Benning & Associates, Inc.
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10000 Rockville Pike, Suite 200
Gaithersburg, MD 20877
(301)948-0240



PRELIMINARY FOREST CONSERVATION PLAN
(COVER PAGE)

CAVANAUGH PROPERTY
Montgomery County, Maryland



PFPC NOTES:
1. A TOTAL OF 65.47 ACRES WILL BE PLACED INTO A CATEGORY I CONSERVATION EASEMENT TO SATISFY THE FOREST CONSERVATION AND PATUXENT MANAGEMENT AREA REQUIREMENTS.

2. THE 65.47 ACRES OF CONSERVATION EASEMENT INCLUDES: 36.90 ACRES OF FOREST RETENTION, 8.39 ACRES OF PMA AFFORESTATION TO REFOREST AREAS WITHIN 50' OF STREAMS, 0.72 ACRES OF MITIGATION PLANTING (see note 4), THE 0.38 ACRE EXISTING POND, AND 19.08 ACRES OF ADDITIONAL ENVIRONMENTAL BUFFER AREAS CURRENTLY NOT FORESTED.

3. AFFORESTATION REQUIREMENT OF 7.40 ACRES AS NOTED ON FCP WORKSHEET TO BE SATISFIED BY 7.40 ACRES OF THE 8.39 ACRE PMA AFFORESTATION PLANTING.

4. PORTIONS OF THE UNFORESTED AREAS WITHIN 50' OF STREAM WILL NOT BE PLANTED TO ALLOW FOR FARM ACCESS AND TO MAINTAIN AN AREA FOR APICULTURE. THESE AREAS ARE MITIGATED WITH AN EQUAL AREA OF EXTRA PLANTING (0.72 ACRES) NEARBY.

5. THIS PLAN REQUESTS A VARIANCE FROM THE PMA 100' STREAM BUFFER REQUIREMENT IN CERTAIN AREAS OF THE PROPERTY (INCLUDING EXISTING STREAM CROSSINGS) SO THAT ON-GOING AGRICULTURAL ACTIVITIES CAN CONTINUE. THE VARIANCE AREAS TOTAL 6.02 ACRES. THESE AREAS ARE OFFSET BY EXPANSION OF CONSERVATION EASEMENTS ELSEWHERE TOTALING 9.36 ACRES. THE TOTAL AREA OF PROPOSED CONSERVATION EASEMENT ON THE FARM REMAINDER (65.47 ACRES) EXCEEDS THE REQUIRED AREA OF STREAM / ENVIRONMENTAL BUFFER AND 100' PMA BUFFER (62.13 ACRES) BY 3.34 ACRES.

6. FARM REMAINDER TO REMAIN IN COMMERCIAL AGRICULTURAL PRODUCTION. IN ADDITION, LOTS 12, 13, 14 AND OUTLOT A TO REMAIN IN COMMERCIAL AGRICULTURAL PRODUCTION. THE TOTAL AREA OF AGRICULTURAL PRODUCTION WHICH EXCLUDES HOMESITE AREAS, SEPTIC FIELDS, AND UTILITY EASEMENTS IS 268.67 ACRES. THIS AREA IS EXCLUDED FROM THE NET TRACT AREA FOR FOREST CONSERVATION PURPOSES.

7. IN THE EVENT THAT A NEW PLAN IS SUBMITTED FOR THIS PROPERTY IN THE FUTURE, STREAM / ENVIRONMENTAL BUFFERS WILL BE REQUIRED TO MEET THE STANDARDS IN PLACE AT THE TIME OF PLAN SUBMITTAL.

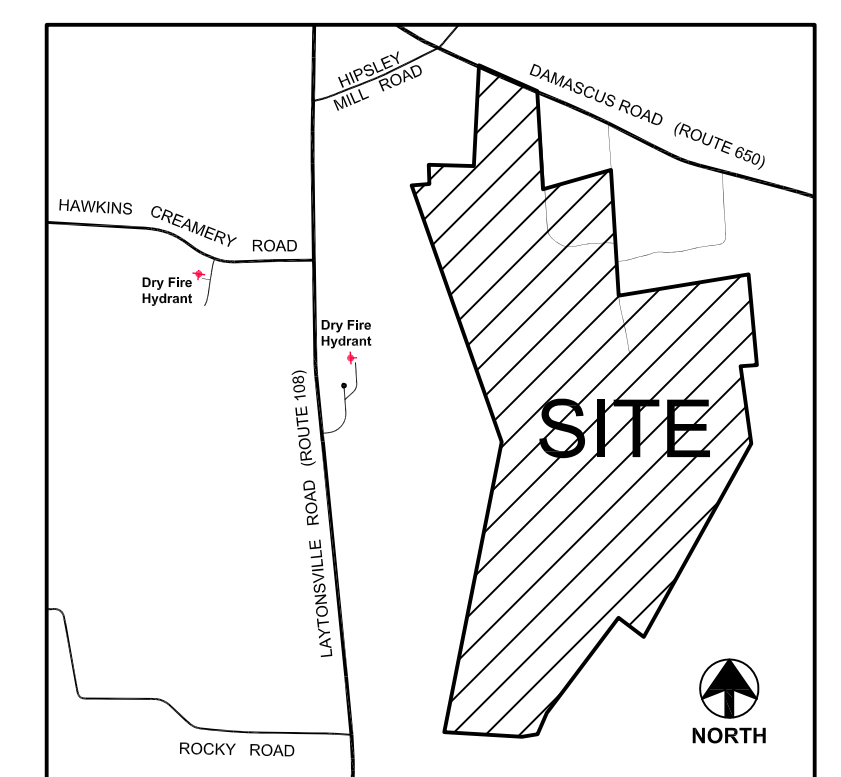
LEGEND:

- WETLANDS
- SLOPES > 25%
- TREE COVER
- NRI STREAM / ENVIRONMENTAL BUFFER
- SIGNIFICANT TREE
- CRITICAL ROOT ZONE
- AREA TO REMAIN IN COMMERCIAL AGRICULTURAL PRODUCTION
- R.O.W. NOT IMPROVED FOR PROJECT
- PROPOSED CATEGORY I EASEMENT

NOTES:

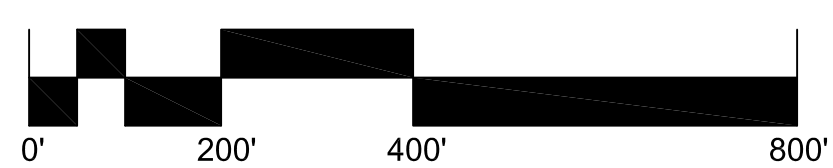
1. AREA OF PROPERTY - 305.8 ac
2. EXISTING ZONING - RDT
3. NUMBER OF LOTS PERMITTED - 12 + child lots (in accordance with Section 59-C-9.74(b)(4))
4. NUMBER OF LOTS SHOWN - 14 (including 2 child lots)
5. AREA DEDICATED TO PUBLIC STREET - 2.8 AC
6. SITE TO BE SERVED BY INDIVIDUAL WELLS & ON-SITE SEPTIC SYSTEMS
7. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-6, S-6
8. UTILITY SERVICE BY: VERIZON, ALLEGHENY POWER, WASHINGTON GAS
9. PROPERTY LOCATED IN THE HAWLINGS RIVER WATERSHED
10. PROPERTY LOCATED ON TAX MAP GW52; WSSC GRID SHEET 232NW06
11. THIS PROPERTY IS SUBJECT TO THE PATUXENT RIVER PRIMARY MANAGEMENT AREA GUIDELINES.

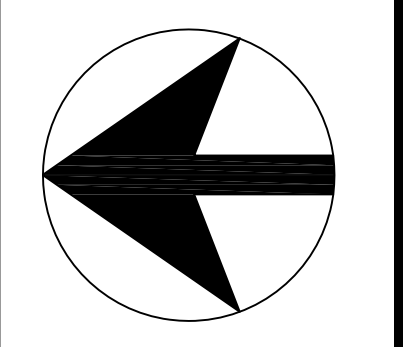
VICINITY MAP
1" = 2000'



OWNER:
CAVANAUGH FAMILY, LLC
c/o RACHEL CAVANAUGH-ROUSE
6548 DAMASCUS ROAD
GAITHERSBURG, MARYLAND 20882
301-253-4112

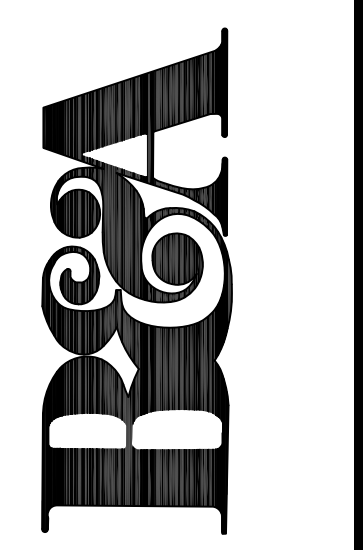
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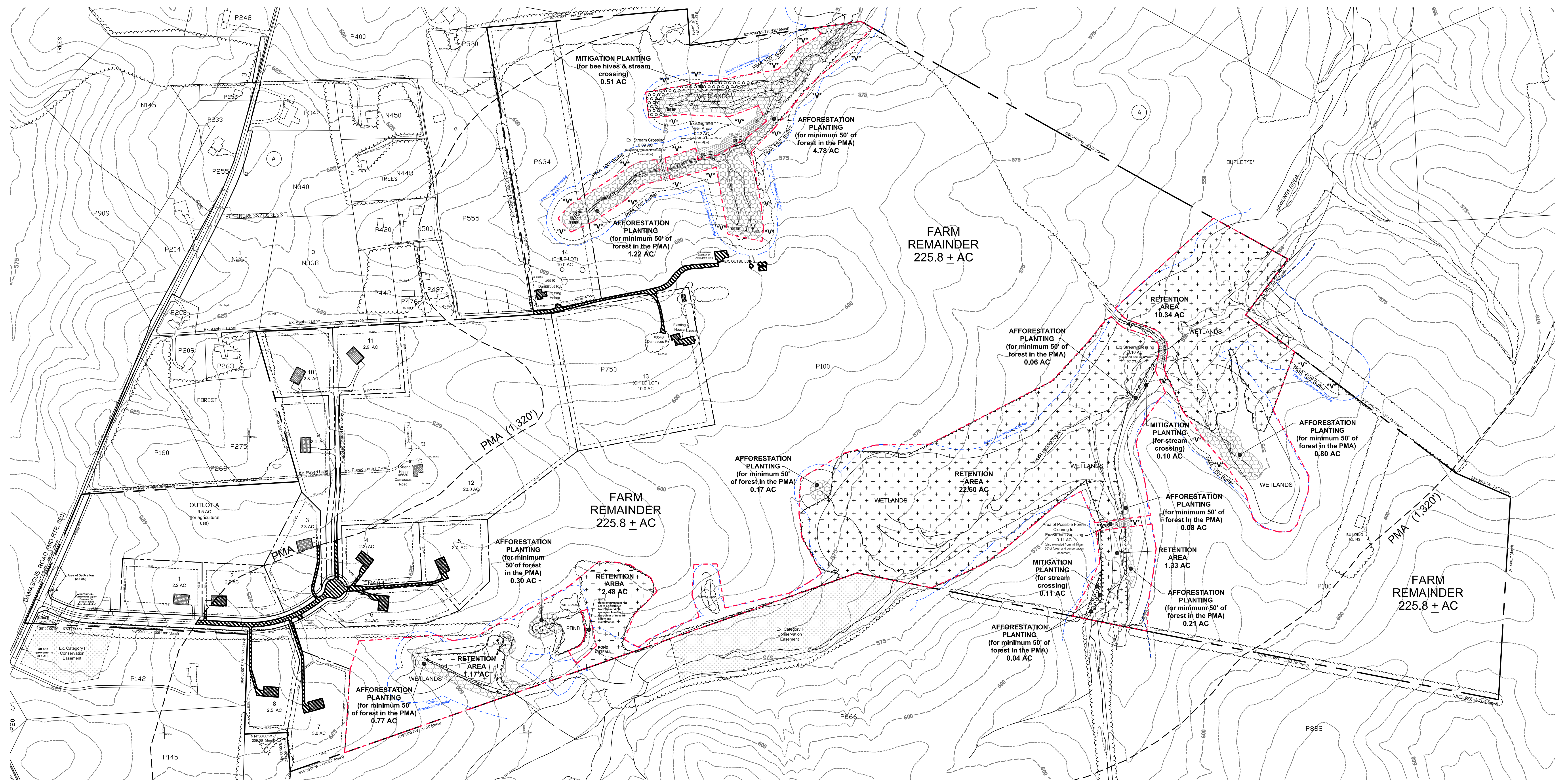


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Benning & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 (301) 944-0240



PRELIMINARY FOREST CONSERVATION PLAN
(PMA COMPLIANCE)
CAVANAUGH PROPERTY
 Montgomery County, Maryland



PRIMARY MANAGEMENT AREA - SUMMARY:

The Cavanaugh Property is subject to the Patuxent River Watershed Primary Management Area (PMA) section of the Environmental Guidelines (M-NCPPC). The guidelines provide the following recommendations for development of land within the Primary Management Area:

- overall imperviousness within the transition area should not exceed 10%
- agricultural land included in a development proposal is subject to the guidelines
- retention of agricultural uses in encouraged by a reduction in stream buffer widths to 100' for agricultural land
- reduction of stream buffer widths to 100' for agricultural land requires an adopted soil and water conservation plan approved by the Montgomery Soil Conservation District
- stream buffer widths may be extended to include environmentally sensitive land features
- a minimum 50' of the 100-foot stream buffer should be forested
- variances from the 100-foot stream buffer requirement may be granted by the Planning Board in certain cases

The Preliminary Forest Conservation Plan (PFCP) proposed for this property complies with the above as follows:

- overall impervious surfaces proposed within the PMA transition area total 1.3%
- stream buffer requirements as specified in the guidelines have been applied to the farm remainder and other areas which will remain agricultural
- a 100-foot minimum stream buffer (i.e. PMA 100-foot buffer) is proposed for agricultural portions of the property
- stream buffers within agricultural portions of the site have been extended to include wetland areas
- reforestation is proposed where the minimum 100-foot stream buffer does not contain the minimum 50 feet of existing forest
- variances are requested from the minimum requirements in the guidelines to allow for stream crossings and to allow the continuation of agricultural activities in certain areas of the property

Variances requested as shown on this PFCP are as follows:

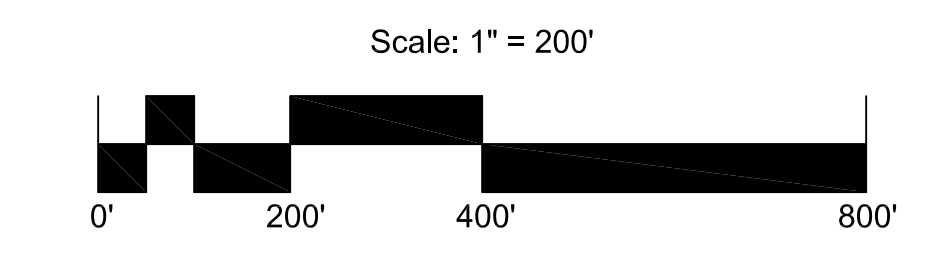
1. The plan proposes to preserve 3 existing stream crossings to maintain access to farm fields. In addition, an area of existing bee hives located on the farm remainder is proposed to be retained. The stream crossings and bee hive area which would otherwise be forested within 50 feet of streams total 0.72 acre.
2. To offset this reduction in forestation, other areas equal to 0.72 acre in close proximity are proposed to be reforested.
3. The plan proposes reductions from the minimum 100-foot stream buffer for the stream crossings, bee hives, and other areas which are currently used for agricultural activities. These areas which total 6.02 acres are proposed to be excluded from placement into a Category I Conservation Easement.
4. To offset the areas excluded from being placed in a conservation easement, other areas outside of the minimum stream buffers are proposed to be placed into easement. These other areas provide extra forest retention, protection of environmentally sensitive wetland areas, and new areas set aside for natural regeneration. The total amount of expanded conservation easement areas total 9.36 acres. These areas exceed the areas excluded from the minimum 100-foot buffer by 3.34 acres.

PMA IMPERVIOUS AREAS:

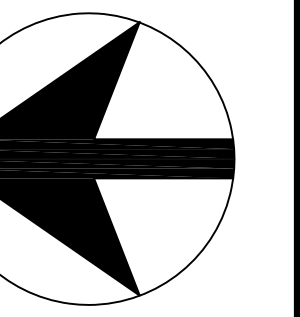
TOTAL IMPERVIOUS AREA WITHIN PMA:	89,920 sf (2.06 ACRES)
TRANSITION AREA WITH 100' PMA BUFFER:	158.26 ACRES
PERCENT IMPERVIOUS:	2.06 ACRES / 158.26 ACRES = 1.3 % IMPERVIOUS

LEGEND:

WETLANDS	
TREE COVER	
IMPERVIOUS AREAS	
NRI STREAM / ENVIRONMENTAL BUFFER	
100' PMA BUFFER	
PROPOSED CATEGORY I EASEMENT	
FOREST RETENTION AREA	
PMA AFFORESTATION (50' MIN.)	
AREA EXCLUDED FROM MINIMUM 50' OF FOREST	
MITIGATION PLANTING	
VARIANCE AREAS	



Revisions
Rev. 3/10/14

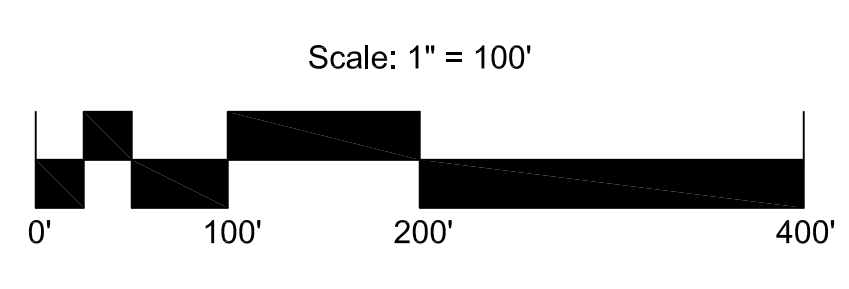


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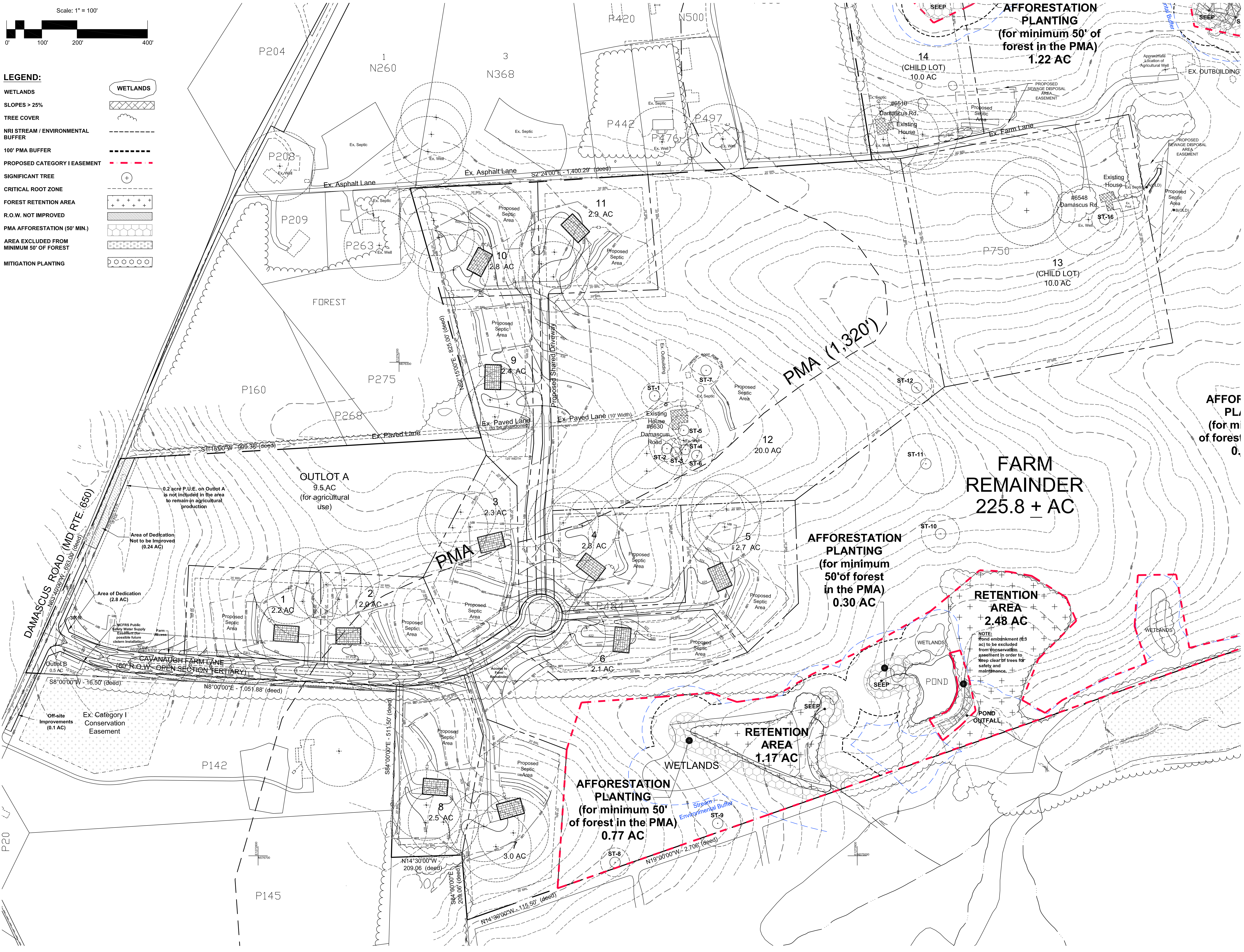
Banning & Associates, Inc.
Lead Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)984-0240



PRELIMINARY FOREST CONSERVATION PLAN
(PROPOSED LOTS)
CAVANAUGH PROPERTY
Montgomery County, Maryland



- LEGEND:**
- WETLANDS
 - SLOPES > 25%
 - TREE COVER
 - NRI STREAM / ENVIRONMENTAL BUFFER
 - 100' PMA BUFFER
 - PROPOSED CATEGORY I EASEMENT
 - SIGNIFICANT TREE
 - CRITICAL ROOT ZONE
 - FOREST RETENTION AREA
 - R.O.W. NOT IMPROVED
 - PMA AFFORESTATION (50' MIN.)
 - AREA EXCLUDED FROM MINIMUM 50' OF FOREST
 - MITIGATION PLANTING



FARM REMAINDER
225.8 + AC

AFFORESTATION PLANTING
(for minimum 50' of forest in the PMA)
0.30 AC

AFFORESTATION PLANTING
(for minimum 50' of forest in the PMA)
0.77 AC

RETENTION AREA
1.17 AC

RETENTION AREA
2.48 AC

AFFORESTATION PLANTING
(for minimum 50' of forest in the PMA)
1.22 AC

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NOTE:
Pond embankment (0.3 ac) to be excluded from riparian easement in order to keep clear of trees for safety and maintenance.

OUTLOT A
9.5 AC
(for agricultural use)

0.2 acre P.U.E. on Outlot A is not included in the area to remain in agricultural production

Area of Dedication Not to be Improved (0.24 AC)

Area of Dedication (2.8 AC)

MCPS Public Safety Water Supply Tank will have possible future cistern installation

Outlet B 0.5 AC

Off-site Improvements (0.1 AC)

Ex. Category I Conservation Easement

POND

POND OFFFALL

WETLANDS

WETLANDS

SEEP

SEEP

SEEP

SEEP

SEEP

SEEP

SEEP

SEEP

SEEP

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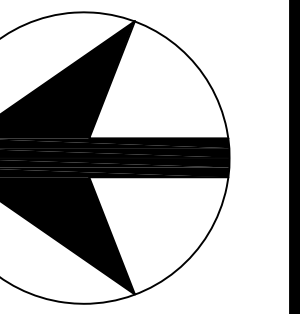
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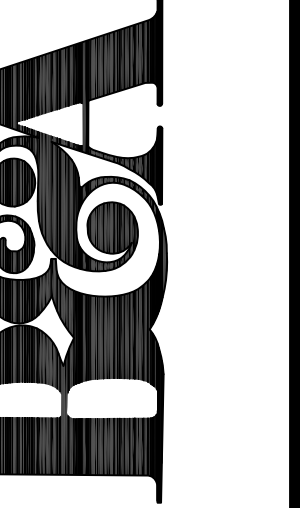
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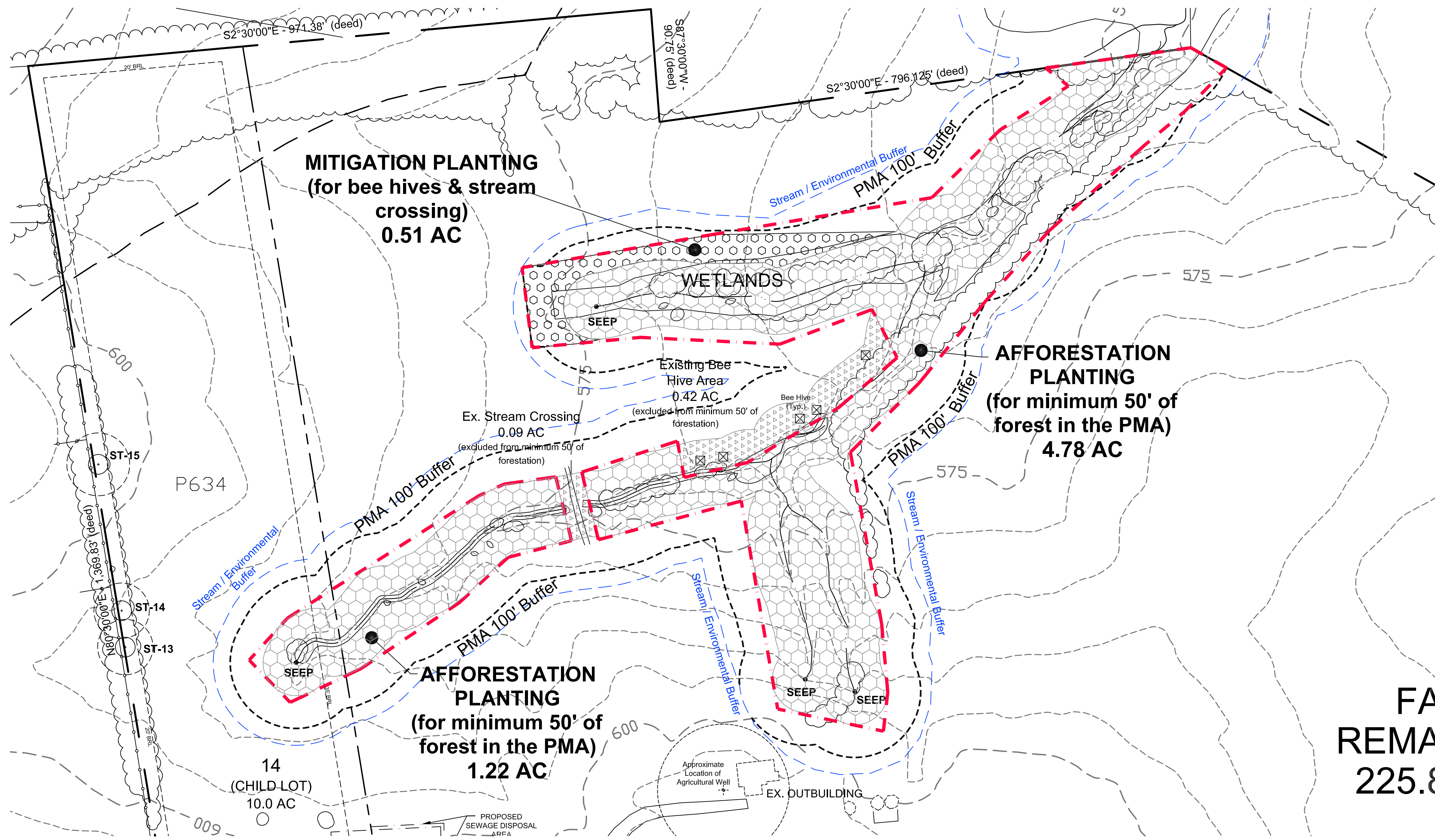


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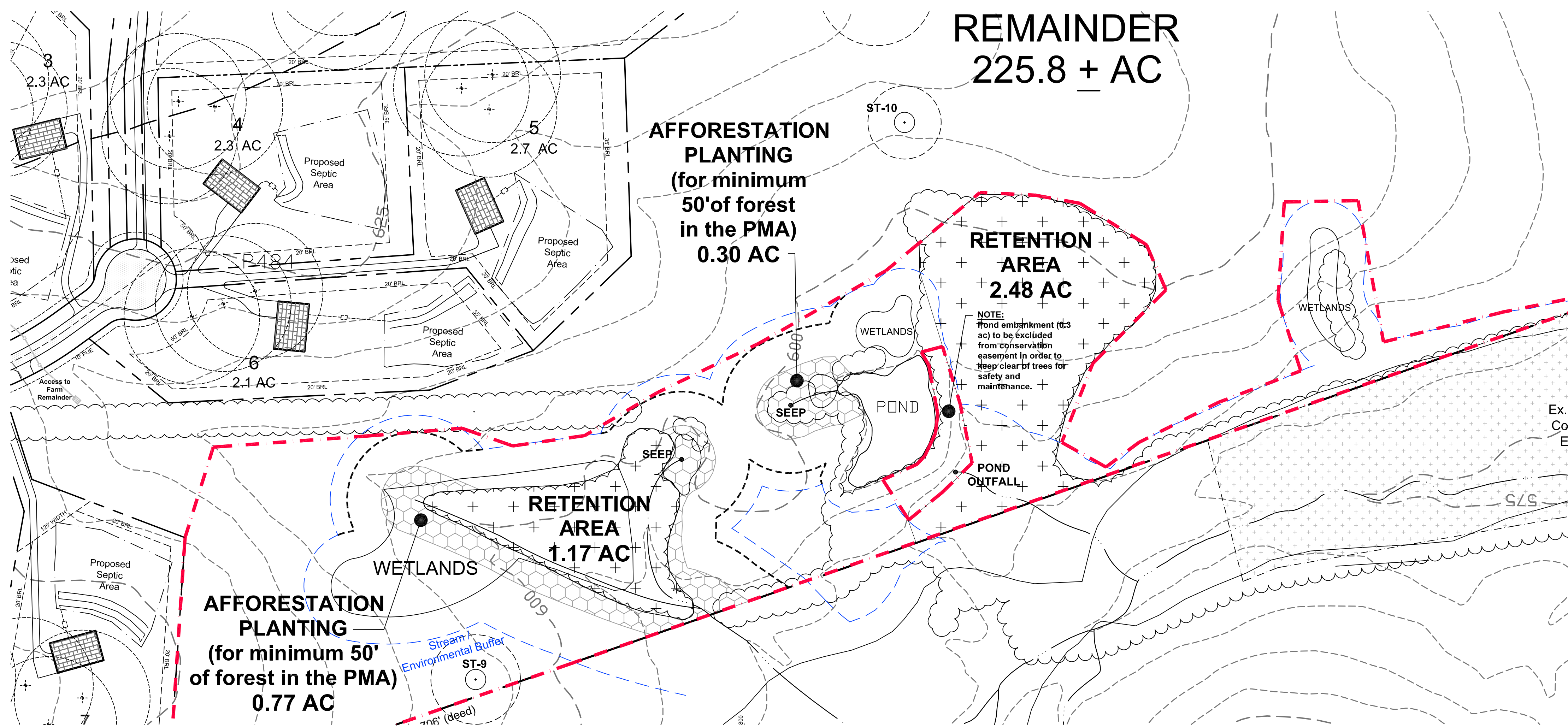
Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gallensburg, MD 20877
(301) 948-0240



PRELIMINARY FOREST CONSERVATION PLAN
(FARM REMAINDER)
CAVANAUGH PROPERTY
Montgomery County, Maryland



DETAIL VIEW 1: FARM REMAINDER
1"=100'



DETAIL VIEW 2: FARM REMAINDER
1"=100'

LEGEND:

- WETLANDS
- SLOPES > 25%
- TREE COVER
- NRI STREAM / ENVIRONMENTAL BUFFER
- 100' PMA BUFFER
- PROPOSED CATEGORY I EASEMENT
- SIGNIFICANT TREE
- CRITICAL ROOT ZONE
- FOREST RETENTION AREA
- R.O.W. NOT IMPROVED
- PMA AFFORESTATION (50' MIN.)
- AREA EXCLUDED FROM MINIMUM 50' OF FOREST
- MITIGATION PLANTING

FOREST CONSERVATION WORKSHEET
Cavanaugh Property

NET TRACT AREA:

A. Total tract area ...	305.90
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.24
D. Area to remain in commercial agricultural production/use ...	268.67
E. Other deductions (specify)	0.00
F. Net Tract Area	36.99

LAND USE CATEGORY: (from *Trees Technical Manual*)

Input the number "1" under the appropriate land use, limit to only one entry.

	ARA	MDR	IDA	HDR	MPD	CIA	
	0.00	1.00	0.00	0.00	0.00	0.00	
G. Afforestation Threshold ...					0.20 x F =		7.40
H. Conservation Threshold ...					0.25 x F =		9.25

EXISTING FOREST COVER:

I. Existing forest cover	0.00
J. Area of forest above afforestation threshold	0.00
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	0.00

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	7.40
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	7.40

* TOTAL TRACT AREA INCLUDES 0.1 AC FOR OFF-SITE IMPROVEMENTS

**AGRICULTURE PRODUCTION INCLUDES:

FARM REMAINDER:	224.91 Ac.
OUTLOT A:	9.3 Ac.
LOT 12:	17.40 Ac.
LOT 13:	8.36 Ac.
LOT 14:	8.7 Ac.
TOTAL Ag AREA:	268.67 Ac.

***NET TRACT AREA INCLUDES:

OFF-SITE IMPROVEMENTS:	0.10 Ac.
LOTS 1-11:	27.20 Ac.
LOT 12 HOMESITE:	2.60 Ac.
LOT 13 HOMESITE:	1.64 Ac.
LOT 13 SEPTIC EASEMENT:	0.63 Ac.
LOT 14 HOMESITE:	1.30 Ac.
LOT 14 SEPTIC EASEMENT:	0.26 Ac.
P.U.E. ON OUTLOT A:	0.20 Ac.
OUTLOT B:	0.50 Ac.
R.O.W. TO BE IMPROVED:	2.56 Ac.
TOTAL NET TRACT AREA:	36.99 Ac.

Agricultural Declaration of Intent

I (we), Cavanaugh Family, LLC, the Owner of real property located at 6500, 6510, 6548 & 6630 Damariscus Road Galhamburg, MD 20882 and as described as Cavanaugh Property-Lots 12, 13, 14 & Farm Remainder hereby declare my (our) intention to continue and/or place into commercial agricultural use the above property, in accordance with the provisions of Section 22A-5(b) of the Montgomery County Forest Conservation Law and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.

This declaration affirms that this property meets the exemption provisions of the Forest Conservation Law. If the land does not remain in agricultural use, the Owner must notify the Maryland-National Capital Park and Planning Commission. If the Owner makes application for an activity regulated under the Forest Conservation Law, on all or part of the parcel within the five (5) year period, the County may require the Owner to meet the forest conservation threshold established in the county law, an may also assess a noncompliance fee for forested areas cut as part of the agricultural exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms or statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Rachel Cavanaugh Rose
Applicant Signature(s)

NOTARY STATEMENT

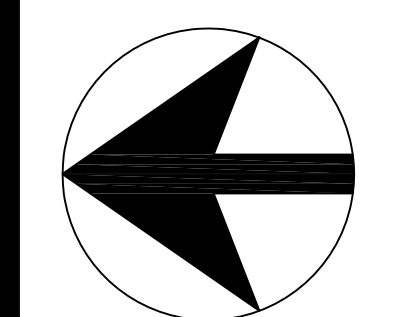
State of Maryland, Montgomery County to wit:

I hereby certify, that on this 15 day of October, 2013, before the subscriber, a Notary Public of the State of Maryland, in and for Montgomery County, personally appeared Rachel Cavanaugh Rose, and acknowledged the foregoing Declaration of Intent to be his/her/their act.

[Notary Seal] *Jean A Ziegler*
Signature of notary public
Name of notary public My commission expires 7-18-15

Sheet 6 of 6
Revisions

Rev. 3/10/14



date: 5/10/10
scale: 1" = 200'

Bemming & Associates, Inc.
Land Planning Consultants
10000 Greenleaf Road
Galhamburg, MD 20877
(301)944-0240



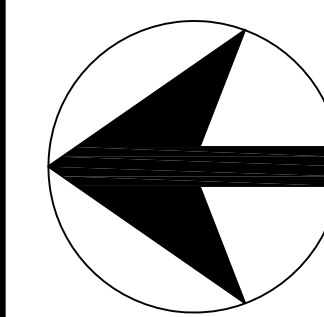
PRELIMINARY FOREST CONSERVATION PLAN
CAVANAUGH PROPERTY
Montgomery County, Maryland

SIGNIFICANT TREE CHART

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Prunus serotina	Black Cherry	25.0"	Moderate	Multi-stemmed, dead limbs w/ th decay in canopy, Creeping Euonymus on trunk	Not impacted by proposed development
ST-2	Pinus strobus	White Pine	24.5"	Good		Not impacted by proposed development
ST-3	Pinus strobus	White Pine	26.0"	Good		Not impacted by proposed development
ST-4	Pinus strobus	White Pine	26.5"	Good		Not impacted by proposed development
ST-5	Quercus coccinea	Scarlet Oak	28.0"	Moderate	Broken limbs in canopy	Not impacted by proposed development
ST-6	Acer rubrum	Red Maple	20.6"	Good-Moderate	Multi-stemmed, broken limbs w/ th dieback in canopy	Not impacted by proposed development
ST-7	Acer rubrum	Red Maple	27.0"	Moderate	Wounds on trunk, broken limbs w/ th decay in canopy, borer damage, circling roots	Not impacted by proposed development
ST-8	Acer rubrum	Red Maple	27.4"	Good-Moderate	Multi-stemmed, broken limbs w/ th dieback in canopy, w/ slow release in canopy, grinding roots	Not impacted by proposed development
ST-9	Nyssa sylvatica	Black Gum	44.0"	Poor-Dead	Broken leader, dead limbs in canopy, w/ wounds on trunk w/ th missing bark	Not impacted by proposed development
ST-10	Liriodendron tulipifera	Tulip Poplar	36.0"	Poor	Platan ky on trunk, Creeping Euonymus on trunk, dead limbs w/ th decay in canopy	Not impacted by proposed development
ST-11	Liriodendron tulipifera	Tulip Poplar	57.0"	Poor	Multi-stemmed, large vertical crack on trunk, large wound w/ th decay, Japanese Honeylocust and Grapewine on trunk	Not impacted by proposed development
ST-12	Robinia pseudoacacia	Black Locust	32.0"	Moderate-Poor	Creeping Euonymus on trunk, multi-stemmed, broken leader, dead limbs w/ th decay in canopy	Not impacted by proposed development
ST-13	Acer rubrum	Red Maple	28.0"	Moderate	Large wound w/ th cavity on trunk	Not impacted by proposed development
ST-14	Acer rubrum	Red Maple	28.0"	Moderate	Multi-stemmed, broken limbs w/ th decay in canopy, conks on trunk	Not impacted by proposed development
ST-15	Quercus coccinea	Scarlet Oak	31.8"	Moderate-Poor	Water sprouts, galls on trunk, cavity w/ th decay on trunk	Not impacted by proposed development
ST-16	Pinus strobus	White Pine	24.6"	Good		Not impacted by proposed development
ST-17	Liriodendron tulipifera	Tulip Poplar	32.0"	Moderate-Poor	Lost central leader, compartmentalized wounds on trunk, dead limbs w/ th decay in canopy	Not impacted by proposed development

PRELIMINARY FOREST CONSERVATION PLAN

ACREAGE OF TRACT	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF ROAD AND UTILITY R.O.W. TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST	ACREAGE OF TOTAL FOREST RETENTION (OFF-SITE)	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER LINEAR FEET	STREAM BUFFER AVERAGE WIDTH
305.9 ac	266.67 AC	0.24 AC	0.0 AC	0.0 AC	36.90 AC	MEDIUM DENSITY RESIDENTIAL AREA	25% = 9.25 AC	20% = 7.40 AC	25.0 AC	0.0 AC	2.9 AC	0.0 AC	0.0 AC	0.0 AC	31.43 AC	0.0 AC	6.39 AC	31.43 AC	0.0 AC	8.39 AC	2,500'	125'

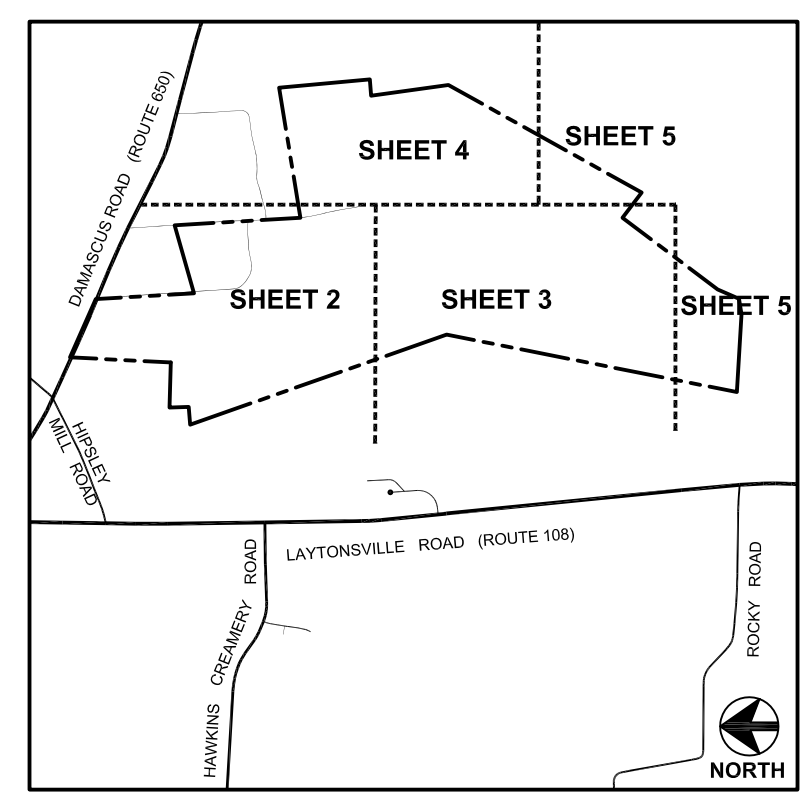


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Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



PRELIMINARY PLAN
CAVANAUGH PROPERTY
Montgomery County, Maryland



COMPOSITE KEY
1" = 2000'

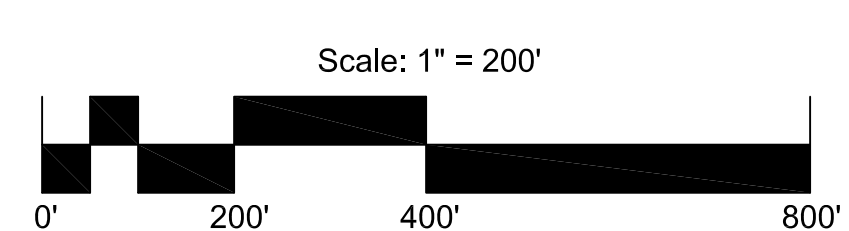
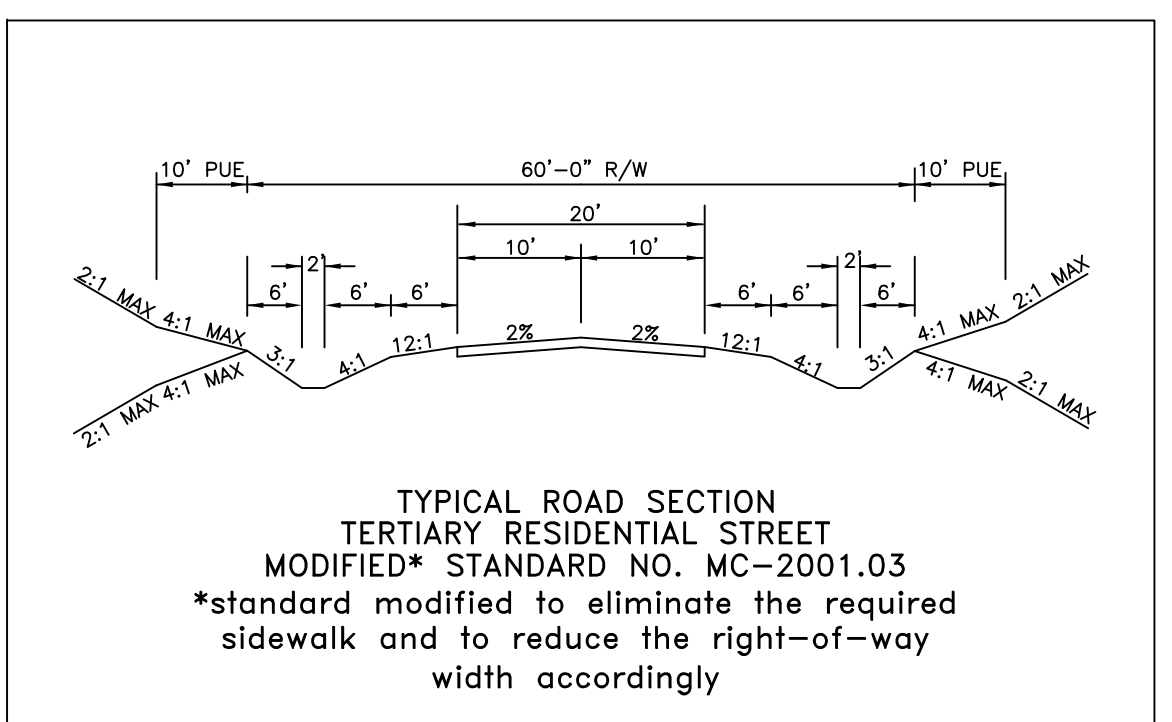
DEVELOPMENT STANDARDS:

ZONE: RDT	Req.	Prov.
Lot Size	40,000 sf	87,120 sf or more
Density	1 d.u. / 25 ac	1 d.u. / 21.8 ac*
Front Setback	50'	50' or more
Sideyards	20' min., 40' total	20' or more
Rearyard	35'	35' or more
Building Height	50' Max.	50' or less
Lot Coverage	10% Max.	2%
Lot Width @ Building Line	125'	125' or more
Frontage	25'	25' or more

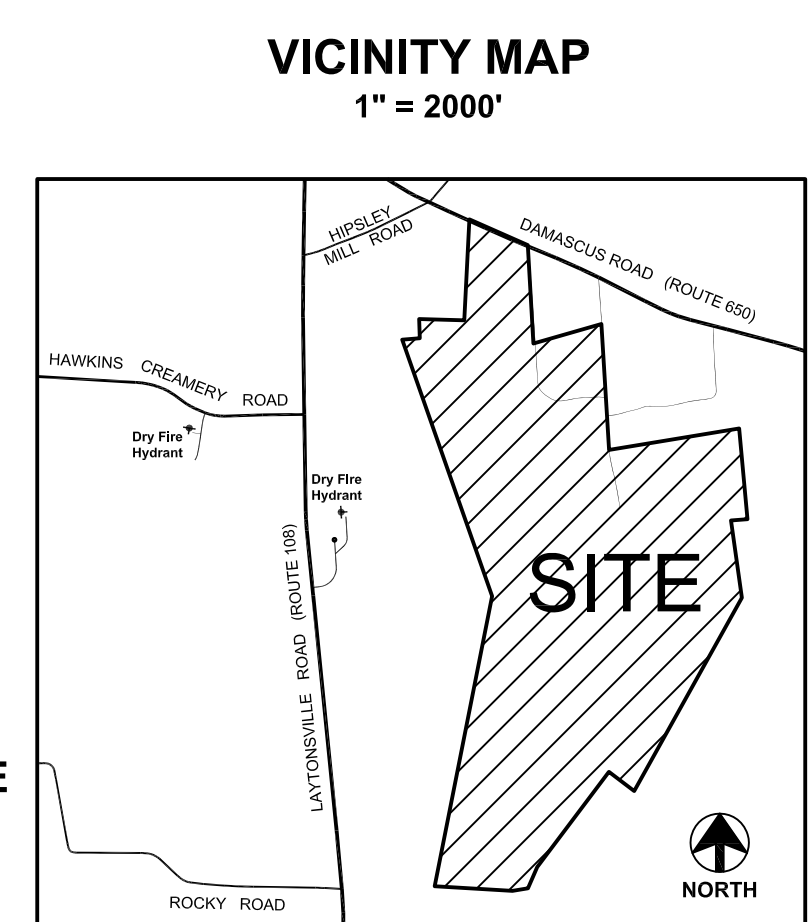
- NOTES:**
1. AREA OF PROPERTY - 305.8 ac
 2. EXISTING ZONING - RDT
 3. NUMBER OF LOTS PERMITTED - 12 + child lots (in accordance with Section 59-C-9.74(b)(4))
 4. NUMBER OF LOTS SHOWN - 14 (including 2 child lots)
 5. AREA DEDICATED TO PUBLIC STREET - 2.8 AC
 6. SITE TO BE SERVED BY INDIVIDUAL WELLS & ON-SITE SEPTIC SYSTEMS
 7. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-6, S-6
 8. UTILITY SERVICE BY: VERIZON, ALLEGHENY POWER, WASHINGTON GAS
 9. PROPERTY LOCATED IN THE HAWLING RIVER WATERSHED
 10. PROPERTY LOCATED ON TAX MAP GW52; WSSC GRID SHEET 232NW06

Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.

Signature: *[Signature]* Date: 5/19/2012 Exp. Date: 4/11/2014



- LEGEND:**
- Existing House
 - Proposed Homesite
 - Proposed Septic
 - Well Site
 - Soil Types
 - Environmental Buffer
 - Forest / Tree Cover
 - Wetlands
 - Conservation Easement
 - Ingress/Egress/Utility Easement
 - Proposed Storm Drain



OWNER:
CAVANAUGH FAMILY, LLC
c/o RACHEL CAVANAUGH-ROUSE
6548 DAMASCUS ROAD
GAITHERSBURG, MARYLAND 20882
301-253-4112

* due to child lots