MCPB Item No.: **5** Date: 9-8-16

Goshen Estates: Preliminary Plan No. 120160100



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Staff Report Date: 8/26/16

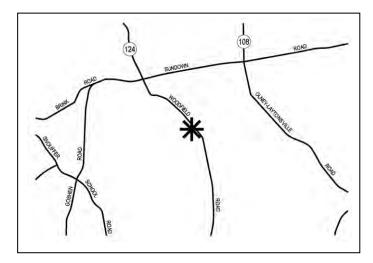
Description

Goshen Estates: Preliminary Plan No. 120160100
Request to subdivide Parcels 890 & 920 to create 5
lots for 5 detached single-family dwellings; Located on
Woodfield Road, 100 feet northwest of Cutty Sark
Way; 15.3 acres; RE-2 Zone; Preservation of
Agriculture and Rural Open Space Master Plan.

Submitted Date: 1/20/2016

Applicant: Seth Warfield / Warfield Family Partnership

Review Basis: Chapter 50, Chapter 22A



Summary

- Staff recommends approval with conditions.
- The Application includes a Chapter 22A variance for the impact to one and removal of six trees that are 30 inches or greater diameter at breast height.
- The Application is consistent with the recommendations of the Preservation of Agriculture and Rural Open Space Master Plan.
- The proposed lots meet the standards of development in the RE-2 Zone.

RECOMMENDATION: Approval subject to the following conditions:

- 1. This Preliminary Plan is limited to five lots for five, single-family detached dwelling units.
- 2. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the Certified Preliminary Plan approval or cover sheet(s).
- 3. The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120160100, approved as part of this Preliminary Plan:
 - a. A Final Forest Conservation Plan must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
 - i. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - ii. Tree protection measures must be shown on the plan for existing trees to remain.
 - b. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must record a Category I conservation easement over all areas of forest retention as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Office of Land Records by deed, and the Liber Folio for the easement must be referenced on the record plat.
 - c. Prior to the start of any clearing, grading, or demolition on the Subject Property, the Applicant must satisfy the offsite planting requirement as specified on the approved Final Forest Conservation Plan.
 - d. 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 approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 - e. The Applicant must install permanent fencing with conservation easement signage along the perimeter of the Category I conservation easements as specified on the approved Final Forest Conservation Plan or as determined by the M-NCPPC forest conservation inspector.
 - f. The Final Sediment Control Plan must be consistent with the final limits of disturbance as shown on the approved Final Forest Conservation Plan.
- 4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 11, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5. The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated April 13, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.
- 6. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.

- 7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") Water Resources Section in its stormwater management concept letter dated April 26, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.
- 8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") Well and Septic Section in its letter dated March 7, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.
- 9. The Applicant must dedicate and show on the record plat(s) all road rights-of-way to the full width mandated by the Master Plan as designated on the Preliminary Plan.
- 10. Commensurate with construction of the driveway aprons as per MDSHA Access, the Applicant must replace and reconstruct the Montgomery County Ride-On bus stop identified on the Preliminary Plan.
- 11. The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks 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) approval. 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."

- 12. The record plat must show necessary easements.
- 13. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 14. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for 85 months from the date of mailing of this Planning Board Resolution.
- 15. The Subject Property is within the Gaithersburg School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary school, middle school and high school levels at the single-family detached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

SITE DESCRIPTION

The subject property is located on Woodfield Road (MD-124), approximately 100 feet northwest of Cutty Sark Way and consists of two unplatted parcels approximately 15.3-acres in size (P890 & P920, Addition to Brooke Grove, Tax Map GU 343 & GV) in the RE-2 zone ("Property" or "Subject Property"). The Subject Property is located within P.A. 14 - Goshen Woodfield, Cedar Grove and Vicinity area (Figure C) of the Preservation of Agriculture and Rural Open Space Master Plan ("Master Plan"). The area surrounding the Subject Property is predominately developed with single-family detached houses zoned RE-2. The Property is unimproved, aside from a small concrete bus stop pad (Ride-On), on the west side of Woodfield Road, adjacent to Sunnyacres Road.

The Subject Property fronts on and has access to Woodfield Road, a public road (See Figure A). There are 14.58 acres of existing forest onsite. The Property is located within the Upper Great Seneca Creek watershed; this portion of the watershed is classified by the State of Maryland as Use Class I waters. There are no streams, wetlands, 100-year floodplains, or environmental buffers located on or adjacent to the Property. Nor are there any steep slopes, or highly erodible soils on the Property.



Figure A – Vicinity Map

PROJECT DESCRIPTION

Previous Application – Pre-Preliminary Plan No. 720150060

Prior to submitting preliminary plan application, no. 120160100, the applicant submitted Pre-Preliminary Plan, No. 720150060, which went to Development Review Committee (DRC) on March 16, 2015 for Staff level advice on the site design and general development of the subject property. Staff generally supported the Pre-Preliminary plan and provided feedback regarding frontage improvements, forest conservation, and suggested design alternatives that could help limit impacts to a number of specimen trees. Prior to submitting the preliminary plan, no. 120160100, the Applicant refined the proposed septic locations and address the majority of the comments provided at DRC.

Preliminary Plan - 120160100

Preliminary plan application No. 120160100, Goshen Estates ("Application" or "Preliminary Plan") proposes to subdivide the Subject Property into five lots for the construction of five new single-family detached homes (Figure B and Attachment A). As depicted on the Preliminary Plan, all five lots have frontage on Woodfield Road. The Applicant is installing a 20-foot-wide asphalt shared driveway to provide access to the individual homes on lots 46-49, two of which are pipe stems. A separate single 10-foot-wide asphalt driveway will be constructed off of Woodfield Road to access lot 50.

The Applicant will dedicate approximately 58,311 square feet (1.33 acres) along the Property's frontage to achieve the full right-of-way required for Woodfield Road. Each new lot will be served by an on-site private well and septic system, constructed as shown on the Preliminary Plan. Stormwater management goals will be met via the use of drywells, micro-infiltration and landscape infiltration facilities.

The Application includes a tree variance for removal of seven specimen trees, one of which is located offsite within the area being dedicated as right-of-way for Woodfield Road. The Applicant will meet the Forest Conservation requirements on-site by retaining 5.18 acres in a Category 1 Conservation Easement.

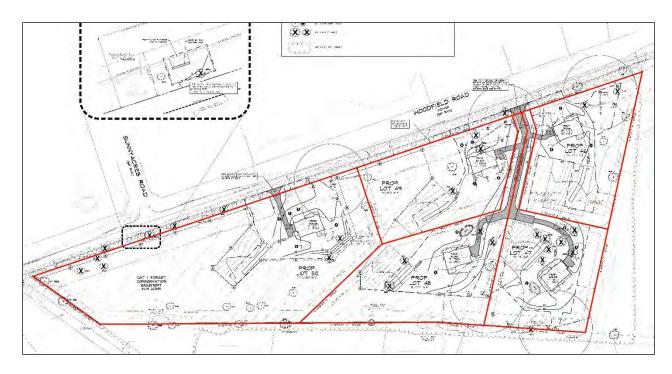


Figure B – Proposed Preliminary Plan

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

1980 Preservation of Agriculture and Rural Open Space Functional Master Plan (AROS)

The Application substantially conforms with the recommendations of the Preservation of Agricultural and Rural Open Space Master Plan in that the Application proposes to develop the Property under the RE-2 standards of development which is consistent with the zoning recommended by the AROS Master Plan.

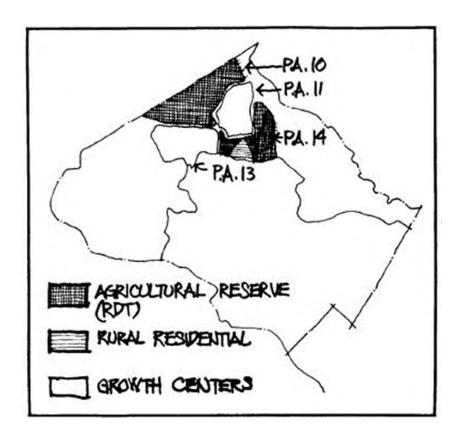


Figure C – AROS Master Plan Areas

The Master Plan confirmed an existing 7,689 acres of RE-2 zoning in this area, and acknowledged an abundance of subdivisions that have already occurred in the RE-2 zoned areas between Gaithersburg and Damascus (p. 53). The five lots as proposed are consistent with the RE-2 zoning recommended by the Master Plan and the subdivision is a continuation of the residential densities found throughout the Goshen Woodfield, Cedar Grove and Vicinity area.

Adequate Public Facilities

Roads and Transportation Facilities

Access to the lots will be adequate, safe and efficient. Each lot has frontage on Woodfield Road, identified in the AROS Master Plan and *Master Plan of Highways* as an arterial road (A-12) requiring an 80-foot wide right-of-way. The Applicant is dedicating right-of-way along their frontage of Woodfield Road to meet the right-of-way requirement, which is approximately 40 feet from the centerline of the road.

The Application has been reviewed by the MDSHA which determined that the proposed driveway locations on Woodfield Road are adequate, by transmittal letter dated April 13, 2016 (Attachment B).

There is limited pedestrian connectivity in the area surrounding the Subject Property. According to the County Road Code, the Subject Property is within the rural area which does not require sidewalks for Properties fronting on a County Road. However, the Subject Property fronts on MD-124, a State road. In

MDSHA's letter they concurred that because existing infrastructure is limited the Applicant will not be required to construct a sidewalk along the Property frontage.

There is a County Ride-On bus stop (Route 90) at the intersection of Woodfield Road and Cutty Sark Way. Route 90 provides service between Damascus to the Shady Grove Metrorail Station. As part of the Application, the southbound bus stop is being upgraded because the existing concrete pad is deteriorating and overgrown.

The Countywide Bikeway Functional Master Plan designated Woodfield Road as a signed shared roadway (SR-61) for bicycles between Warfield Road to Woodfield Elementary School. The necessary right-of-way for Woodfield Road is being dedicated in order to achieve the full master planned width.

Local Area Transportation Review (LATR)

The proposed development will generate fewer than thirty trips during the morning and evening peakhour. As a result, this project is exempt from the Local Area Transportation Policy Review (LATR).

Transportation Policy Area Review (TPAR)

The Property is located in the Rural West Policy Area. According to the 2012-2016 Subdivision Staging Policy (SSP), the Rural East Policy Area is exempt from the roadway test and transit test; therefore, no TPAR General District Transportation Impact Tax is required.

The proposed development satisfies Adequate Public Facilities (APF) requirements and does not necessitate further traffic analysis. As conditioned, and in consideration of the *de minimis* traffic impact, the vehicle access will be adequate to serve the proposed subdivision. The Preliminary Plan has been evaluated by Staff and the MDSHA, who support the transportation elements of the Plan. The proposed access to the Subject Property and the individual lots, as shown on the Preliminary Plan, is adequate to serve the proposed development.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. On-site well and septic systems are proposed to serve each dwelling unit. The use of individual, on-site well water service and septic systems is consistent with the existing W-6 and S-6 services categories designated for the Property. The Application has been review by MCDPS — Well and Septic Section, who determined the proposed well and septic locations are acceptable as shown on the approve well and septic plan dated March 7, 2016 (Attachment C).

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated March 3, 2016. (Attachment D).

The Application is in the Gaithersburg High School Cluster which is operating at an inadequate level (more than 105 percent utilization) at the elementary school (112.14 percent), middle school (107.5 percent) and high school (107.6 percent) level according to the current Subdivision Staging Policy. Therefore, the Applicant must make a School Facilities Payment to MCDPS at the elementary, middle, and high school

levels at the single-family detached unit rates for all units for which a building permit is issued. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code. Other public facilities and services, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

Environment

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420151710 for the Property was approved on May 28, 2015. The NRI/FSD identified all of the required environmental features on and adjacent to the property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines).

The Property is located within the Seneca Creek watershed, which is classified by the State of Maryland as Use Class I-P waters. The Property is not located within a Special Protection Area or the Patuxent River Primary Management Area. There are no streams, wetlands, 100-year floodplain or environmental buffers on or adjacent to the site. There are no highly erodible soils or steep slopes on the Property. The 15.3-acre Property contains approximately 14.58 acres of existing forest. Forty-eight trees greater than or equal to 24 inches Diameter at Breast Height (DBH) were identified on the Property, eleven of them have a DBH of 30 inches or greater, which as discussed further in this report requires a Variance for any impact.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law and Staff recommends approval of the Preliminary Forest Conservation Plan. A Preliminary FCP ("FCP") was submitted as part of the Preliminary Plan Application (Attachment E). The Application proposes to clear approximately 9.4 acres of forest for the construction of five residential lots. Four of the proposed lots (Lots 46, 47, 48, and 49) ranging in size between 2 – 2.5 acres, will be located in the southern part of the site and will utilize a shared driveway from Woodfield Road (MD-124). The fifth lot (Lot 50), is approximately 5.2 acres in size and is located more centrally within the site with its own driveway access from MD 124. The Applicant investigated an alternate location for Lot 50 that would allow for a more contiguous forest retention area; however, due to limitations on the number of lots permitted to obtain access from a shared driveway as well as suitable septic field locations on the Property, an alternate location was not identified. The proposed homes will be served by private septic systems which require forest clearing for the primary field. Also, although not physically cleared during development of the Property, the septic reserve areas must be counted as cleared for forest conservation purposes since these areas may not be protected in a conservation easement. The Application proposes to retain approximately 5.18 acres of forest on-site. This forest will be protected in a Category I conservation easement. Permanent signs will be installed along the perimeter of the conservation easement area and permanent fencing will be installed along the perimeter where it abuts existing homes to the west. The proposed conservation easement area is adjacent to an existing offsite conservation easement located northwest of the Property.

Forest Conservation Tree Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species ("Protected Trees"). Any impact to a Protected Tree, including removal or disturbance within the Tree's critical root zone ("CRZ") requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted.

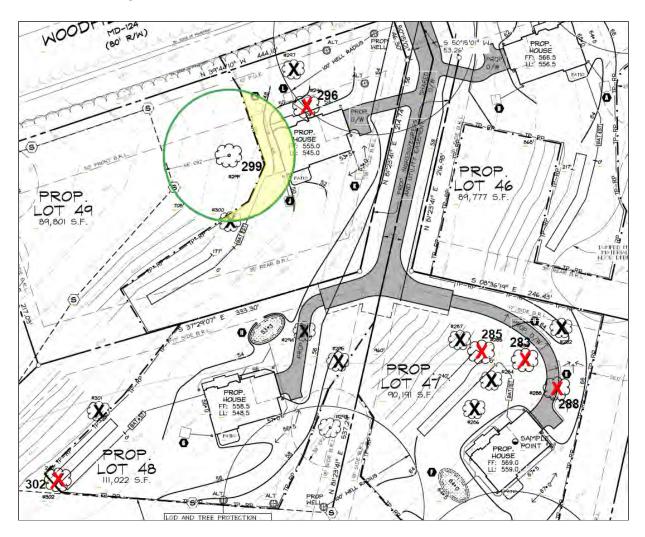


Figure D - Variance Trees

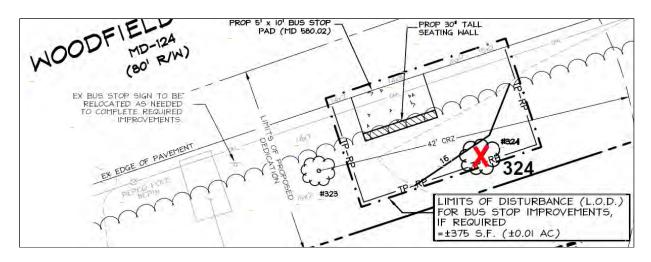


Figure E - Variance Trees

Variance Request - The Applicant submitted a variance request in a letter dated May 25, 2016, for the impacts/removal of trees (Attachment F). The Applicant proposes to remove six (6) Protected Trees that are 30 inches or greater, DBH, and to impact, but not remove, one (1) other Protected Tree that is considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be removed or affected but retained are shown graphically in Figures D and E, and listed in Tables 1 and 2.

Table 1 - Protected Trees to be removed

Tree No.	Species	DBH (Inches)	Status	
283	Red Oak	32	Good condition; interior, Lot 47 (septic field, driveway)	
285	Eastern	31	Poor condition; interior, Lot 47 (septic field)	
	Cottonwood			
288	Tuliptree	30	Fair condition; interior, Lot 47 (driveway)	
296	Tuliptree	30	Good condition; interior, Lot 49 (grading, house)	
302	Silver Maple	30	Poor condition; interior, Lot 48 (septic field)	
324	Red Oak	35	Poor condition; located within R.O.W.; proposed bus stop	
			improvements	

Table 2 - Protected Tree to be affected but retained

Tree No.	Species	DBH (Inches)	CRZ Impact	Status
299	Tuliptree	44	30%	Good condition; Lot 49 (grading, house)

<u>Unwarranted Hardship Basis</u> - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a Property. The Applicant contends that an

unwarranted hardship would be created due to the existing conditions on the Property and the development standards of the zone. The Property is almost entirely forested with Protected Trees located throughout. The layout of the Property was somewhat determined by the locations of successful septic testing and their required setbacks and spacing between septic areas, dwellings, private wells, and stormwater management facilities. Of the six trees proposed to be removed, three are in poor condition, one is in fair condition and two are in good condition. Tree No. 299 will be minimally impacted due to grading and will receive tree protection measures during construction. If the variance were not considered, the development anticipated on this Property with the density as recommended by the Master Plan could not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the preliminary forest conservation plan:

Granting of the requested variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. The Protected Trees are located throughout this forested Property and the location of the retained forest is located adjacent to an existing offsite conservation easement. The layout of the subdivision was largely determined by successful septic testing locations and the required setbacks. Granting a variance request to allow land disturbance within the developable portion of the site is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant.

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing site conditions, including the extent of forest and number and location of Protected Trees on the Property, and the development standards of the zone.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The need for a variance is a result of the existing conditions and the proposed site design and layout on the site, and not a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland or special protection area (SPA) will be impacted or removed as part of this Application. In addition, the Montgomery County

Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated April 26, 2016. The stormwater management concept incorporates Environmental Site Design standards.

<u>Mitigation for Protected Trees</u> – All of the trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the "forest clearing" calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as "forest clearing". There is some disturbance within the critical root zones of three trees; however, they will receive adequate tree protection measures. No mitigation is recommended for trees impacted but retained.

<u>County Arborist's Recommendation on the Variance</u> - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On June 2, 2016, the County Arborist provided a letter recommending that the variance be granted with mitigation (Attachment G).

<u>Variance Recommendation</u> - Staff recommends that the variance be granted, but as discussed above, without the mitigation as recommended by the County Arborist.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 26, 2016 which includes the use of drywells, micro-infiltration and landscape infiltration facilities (Attachment H).

Compliance with the Subdivision Regulations and Zoning Ordinance

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the AROS Master Plan, and for development of single-family detached homes. The lots are consistent with the large lot rural pattern envisioned by the Master Plan.

The Property consists of two unplatted parcels, Parcel 890 (10.0 acres/435,600 SF) and Parcel 920 (5.296 acres /230,693.7 SF) totally approximately 15.3-acres (666,285 Sq. Ft.) in size in the RE-2 zone. The Applicant is dedicating 58,311 Sq. Ft. along the Property frontage leaving a net tract area of 607,974 Sq. Ft. Based on the RE-2 zone development standards, the Property could be developed into six lots. The Application proposes to subdivide the Property into five lots.

Table 3 – RE-2 Zone Development Standards

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	
Minimum Lot Area	87,120 sq. ft.	89,777 sq. ft. minimum	
Minimum Lot Width at BRL	150 ft.	270 ft. minimum	
Minimum Lot Frontage	25 ft.	25 ft. minimum	
Setbacks	•		
- Front	ft. Min.	63 ft. minimum ¹	
- Side	17 ft. Min./35 ft. total	17 ft./35 ft. minimum ¹	
- Rear	50 ft. Min.	50 ft. minimum ¹	
Maximum Residential Dwelling Units	6	5	
Maximum Lot Coverage	25%	4.8% maximum	
MPDUs	Not Required	-	
TDRs	Not Required	NA	

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

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 3. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan.

Citizen Correspondence and Issues

The Application was submitted and noticed in accordance with all required procedures. Application signs were posted along the Property's frontage on Woodfield Road. The Applicant held a pre-submission meeting with the citizens on December 10, 2015 at St. Bartholomew's Episcopal Church (21611 Laytonville Road, Gaithersburg).

According to the meeting minutes (Attachment I) provided by the Applicant, 18 community members attended the meeting where the Applicant presented the Preliminary Plan and answered questions regarding, stormwater management, forest conservation, lot configuration, and buffering.

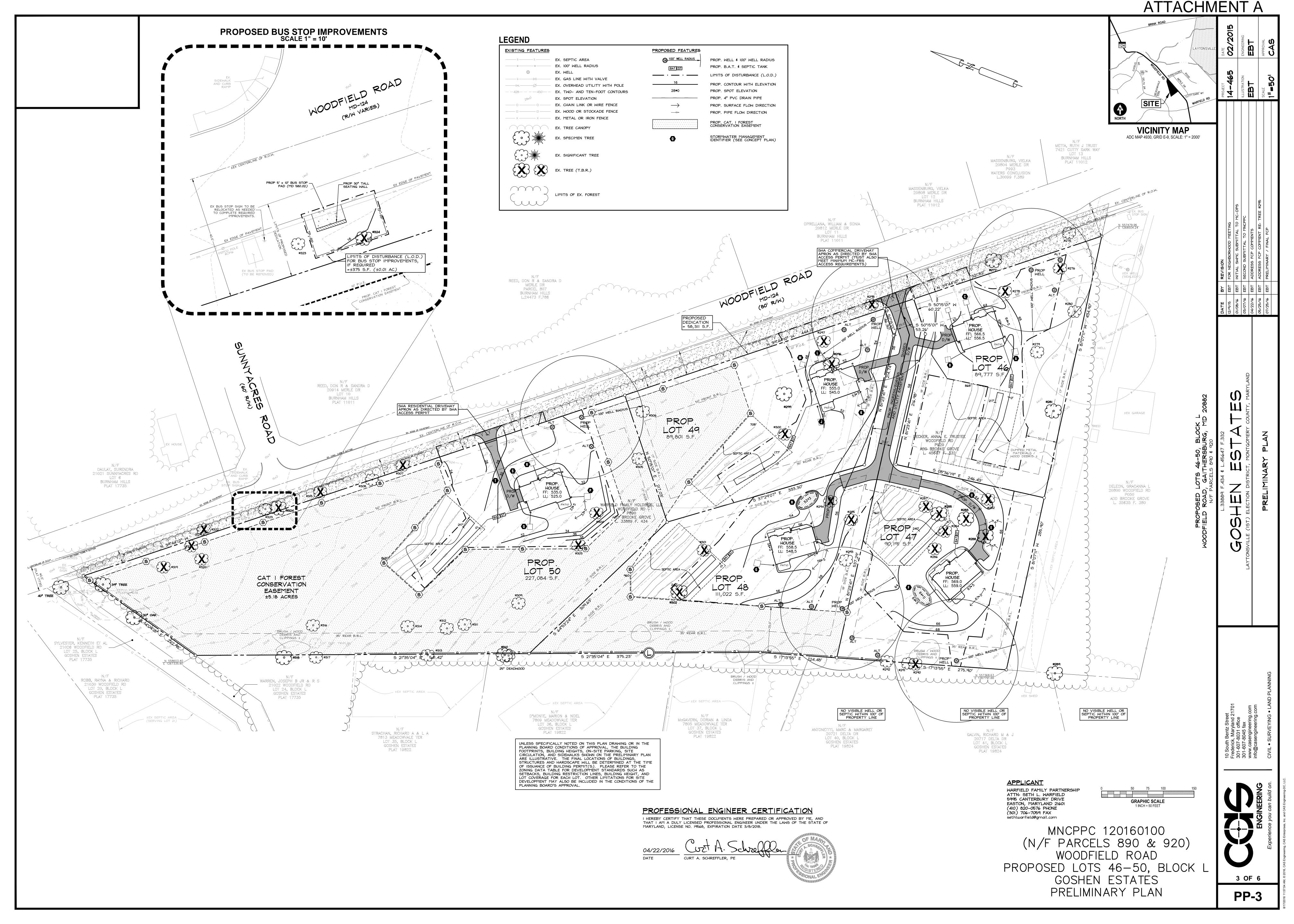
An adjoining property owner on Meadowvale Terrace expressed concerns that the loss of forest would diminish their current buffer from Woodfield Road, increase flooding and reduce current wildlife habitat. Other community members also expressed concerns about stormwater management and drainage impacts resulting from removal of forest. One community member on Woodfield Road contacted Staff to discuss existing storm surge conditions that occur at a drainage inlet on his Property. He is concerned that the proposed subdivision will further exacerbate the current drainage issues. Staff met and walked the site with him to discuss his concerns in person. Ultimately, the drainage problems on his property are due to existing conditions, but Staff will assist him if possible. As proposed, the Applicant is preserving as much forest as possible and has an approved stormwater management concept.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Agricultural and Rural Open Space Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Therefore, approval of the Application with the conditions specified above is recommended.

Attachments

- A Preliminary Plan
- B MDSHA Letter
- C MCDPS Well and Septic Letter & Plan
- D Fire and Rescue Letter
- E Final Forest Conservation Plan
- F Tree Variance Request
- G County Arborist Recommendation Letter
- H Stormwater Management Concept
- I Community Meeting Minutes





Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

April 13, 2016

Mr. Eric Tidd CAS Engineering 10 South Bentz Street Frederick MD 21701

RE: Montgomery County

MD 124

Goshen Estates

SHA Tracking No. 16APMO009XX

Mile Point: 10.02

Dear Mr. Tidd:

Thank you for the opportunity to review the plan submittal for the Goshen Estates in Montgomery County. The State Highway Administration (SHA) has reviewed the plans and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

Highway Hydraulics Comments (Provided by: Shandale Forbes):

1. We have received and reviewed your submission, which included The SHA Access Management Plan, overall drainage area map, and computations for the existing 36" CMP at Study Point A. In order for the Highway Hydraulics Division to complete a detailed review of the project, please submit a hydrologic analysis of the existing and proposed site conditions, a complete hydraulic analysis and design of existing and proposed storm drain systems, and a narrative describing stormwater management strategies and design, and

SHA Tracking No.: 16APMO009XX

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erosion/sediment control plans for the proposed project. See additional comments for details on the items needed.

- 2. Once obtained please provide documentation of the local agency's *final* review and approval of both the stormwater management and erosion/sediment control plans.
- 3. Regarding the storm drain system analysis and design (as per the *SHA Drainage Manual*), we have the following comments:
 - a. Please provide computations for storm drain flow analysis (10-year design storm) and HGL (25-year storm analysis).
- 4. Although we defer to **Montgomery County** for *final* Stormwater Management approval, due to the possible impacts to SHA right-of-way, we have the following comments:
 - a. Please provide Existing and Proposed Drainage Area Maps, including:
 - i. Land uses, soil types, natural resources (e.g. WUS, wetlands, streams, buffers, etc.), topography and planimetrics, labeled POIs and Tc Paths for each drainage area, and a legend.
 - b. Please provide a Stormwater Management Report, including:
 - i. Hydrologic Analyses for the existing and proposed site conditions, and explanation of analysis methodology (e.g. TR-55).
 - ii. Stormwater Management Analysis quantifying ESD and SWM needs.
 - iii. ESD requirements and design (2007 Stormwater Management Act and 2010 Updates), including supporting computations and documentation.
 - iv. Proposed Improvements/Mitigation (as necessary) to address stormwater quality and quantity management needs.
 - c. Please quantify the amounts of impervious surface area within SHA right-of-way that are to be added, to be removed, and to be reconstructed.
 - i. SHA requires all new impervious area within the SHA right-of-way be **directly treated** in an ESD facility. Alternatively, an equal amount of existing untreated SHA impervious area may be treated as compensation for any untreated new SHA impervious area. It is not sufficient to treat non-SHA impervious area to compensate for new SHA impervious area.
 - ii. SHA requires the implementation of an ESD and SWM design strategy that clearly demonstrates **no increase** in peak discharges to or from SHA right-of-way. Peak discharges to any existing drainage systems and culverts should not increase from pre-development conditions.
- 5. Although we defer to **Montgomery County** for *final* Erosion and Sediment Control approval, due to the possible impacts to SHA right-of-way we have the following comments:

SHA Tracking No.: 16APMO009XX

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- a. Please provide erosion and sediment control plan(s) for review.
 - i. All sediment-laden runoff should be treated prior to entering or exiting the SHA right-of-way.
 - ii. All Erosion and Sediment Control design should be per the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- 6. Once finalized, please provide a copy of the <u>signed</u> 'recordable' plat (in SHA format and on SHA border) with accompanying deed for proposed easements, SHA right-of-way dedication, 'rights to discharge', and release of existing SHA drainage easement. For any questions in regards to plat preparation please contact Mr. Jeff Bonnerwith (<u>JBonnerwith@sha.state.md.us</u>) of SHA's Office of Highway Development Plats and Survey Division.

Further review of this project will be withheld until the above comments have been addressed. We may provide additional comments once all design data including calculations have been included in the next submittal. On the submission CD, please include an electronic copy of all hydraulic reports, plans, and computations in PDF format.

District 3 Access Management Comments (Provided by: Kevin Harp):

- 1. Please complete the Access Management plan submission checklist and provide upon the next submittal.
- 2. Display the type of roadway and posted speed of MD 124.
- 3. Identify lane assignments and widths on MD 124.
- 4. Show the limit of disturbance on the plans.
- 5. Increase map scale to include greater detail on the access points to MD 124. Show width and radii of both access points on the plans.
- 6. Both access points should be in accordance with the access permit manual. Please see page 118 in appendix A (Typical open section street connection). The access permit manual may be accessed at : http://www.roads.maryland.gov/Index.aspx?PageId=393
- 7. Provide a list of the standards required for the project on the cover page using the following format:

"The following standards (construction and temporary traffic control) are required for this project (list them out as shown below):

- a. MD-xxx.xxx Name of standard
- b. MD-xxx.xxx Name of standard

For all standards referred to on the plans the contractor must go to the Book of Standards which will have the most current version. The Book of Standards can be accessed at:

SHA Tracking No.: 16APMO009XX

Page 4 of 5 4/13/2016

http://apps.roads.maryland.gov/businesswithsha/bizStdsSpecs/desManualStdPub/publicationsonline/ohd/bookstd/index.asp

All items are to be constructed in accordance with the current version of the referenced standard at the time of construction. "

- 8. The State Highway Administration requires that any right-of-way or easement donation (dedication) be platted to SHA standards. These standards may be found at http://www.roads.maryland.gov; - Business Center; - Surveyors Center; then follow the link to Developer Donation Plat Standards. Please contact Ms. Jane Heming, Chief, Records & Research Section, Office of Real Estate at 410-545-2829 or jheming@sha.state.md.us for existing right-of-way information. Note that any plats produced for the SHA shall be on NAD83/91 datum. Please contact Mr. Jeff Bonnerwith, Assistant Division Chief, Plats and Surveys Division at 410-545-8950 or jbonnerwith@sha.state.md.us for SHA-GPS control location and information. All plats must be submitted in hard copy format for review, checking and final issuance. All subdivision plats that will be showing donated area must be approved by PSD prior to recordation at the County level. The first plat submission shall come through District 3 Access Management directly to Mr. Brian Young, attention of Pranoy Choudhury. Subsequent plat submissions may be made directly to the Plats and Surveys Division. Please contact Mr. Gregory F. Cooke, Donation Plat Coordinator, Plats and Surveys Division at 410-545-5602 or gcooke@sha.state.md.us for additional information about the Donation Plat review process. Additionally, contact Jon Wedemeyer, Chief, District 3 Right-of-Way at 301-513-7470 or jwedemeyer@sha.state.md.us for information about the Donation Deed requirements and procedures.
- 9. Please provide a sight distance evaluation using the attached sight distance evaluation form. Once completed, the form should be stamped and certified by a Professional Engineer.
- 10. Ensure legend on the plans indicate all symbols and shading used. Please differentiate between the Category I Conservation Easement and proposed dedication shading.
- 11. SHA is not recommending that a sidewalk be built as part of this access permit. State Highway Administration agrees that due to the lack of existing infrastructure, a sidewalk is not necessary.

Further plan submittals should reflect the above comments. Please submit one (1) sets of revised plans, a CD containing the plans and supporting documentation in PDF format, as well as a point-by-point response to reflect the comments noted above directly to Mr. Brian Young at 9300 Kenilworth Avenue, Greenbelt, MD 20770, attention of Mr. Pranoy Choudhury. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via the SHA Access Management web page at http://www.roads.maryland.gov/pages/amd.aspx. If you have any questions or require additional

SHA Tracking No.: 16APMO009XX

Page 5 of 5 4/13/2016

information please contact Mr. Pranoy Choudhury at 301-531-7325, by using our toll free number (in Maryland only) at 1-800-749-0737 (x7325), or via email at pchoudhury@sha.state.md.us

Sincerely,

Brian W. Young District Engineer

BWY/kh

cc: John Vranish (OHD - ICD)

Shandale Forbes (SHA – HHD)

Mark Etheridge (Montgomery County – Department of Permitting Services)

Deborah Pitts (SHA – HHD)



Isiah Leggett County Executive Diane R. Schwartz Jones

Director

MEMORANDUM

March 7, 2016

TO: Cathy Conlon, Development Review

Maryland National Capital Park and Planning Commission

FROM: Gene von Gunten, R.S.

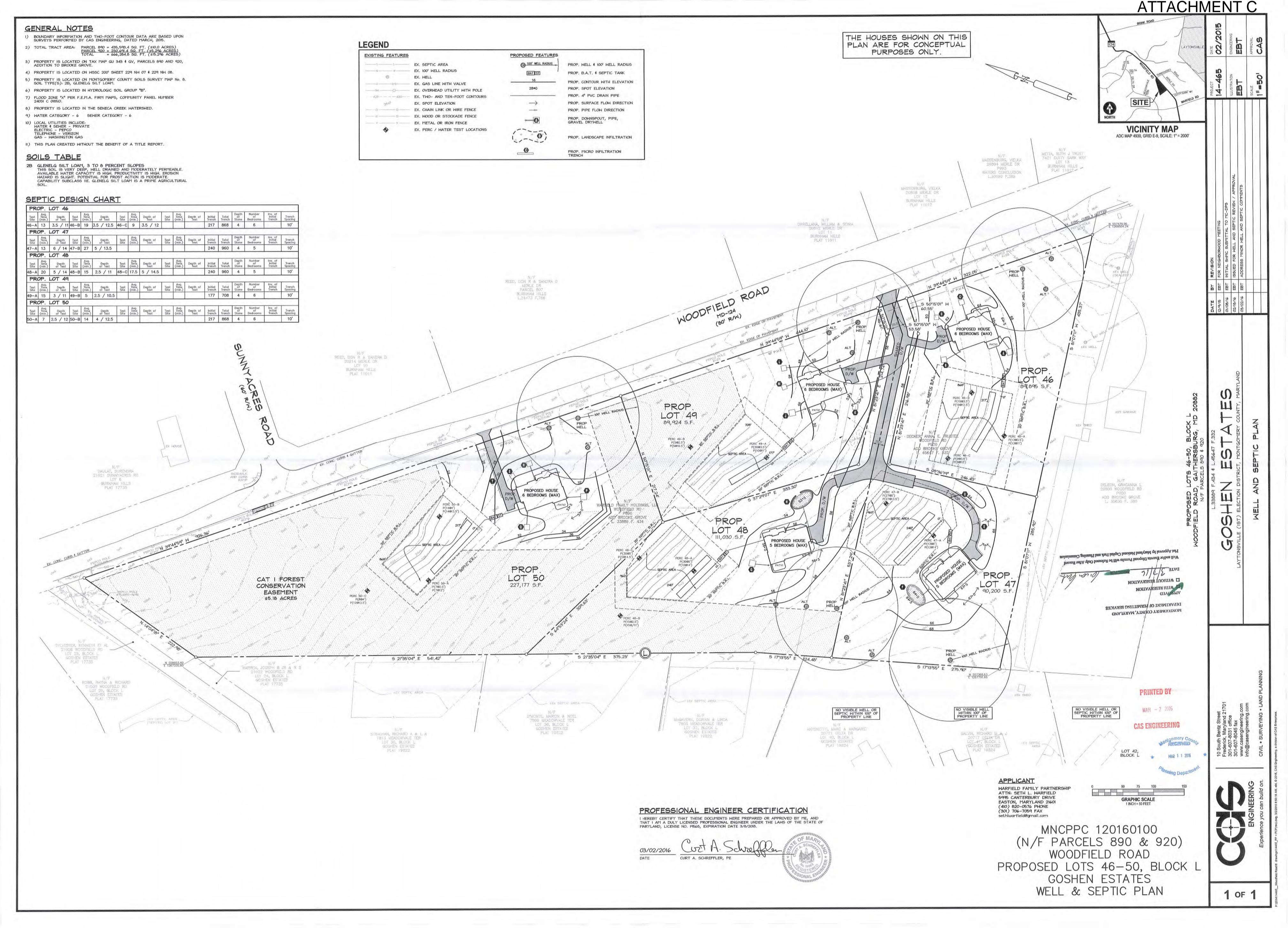
Manager, MCDPS- Well & Septic Section

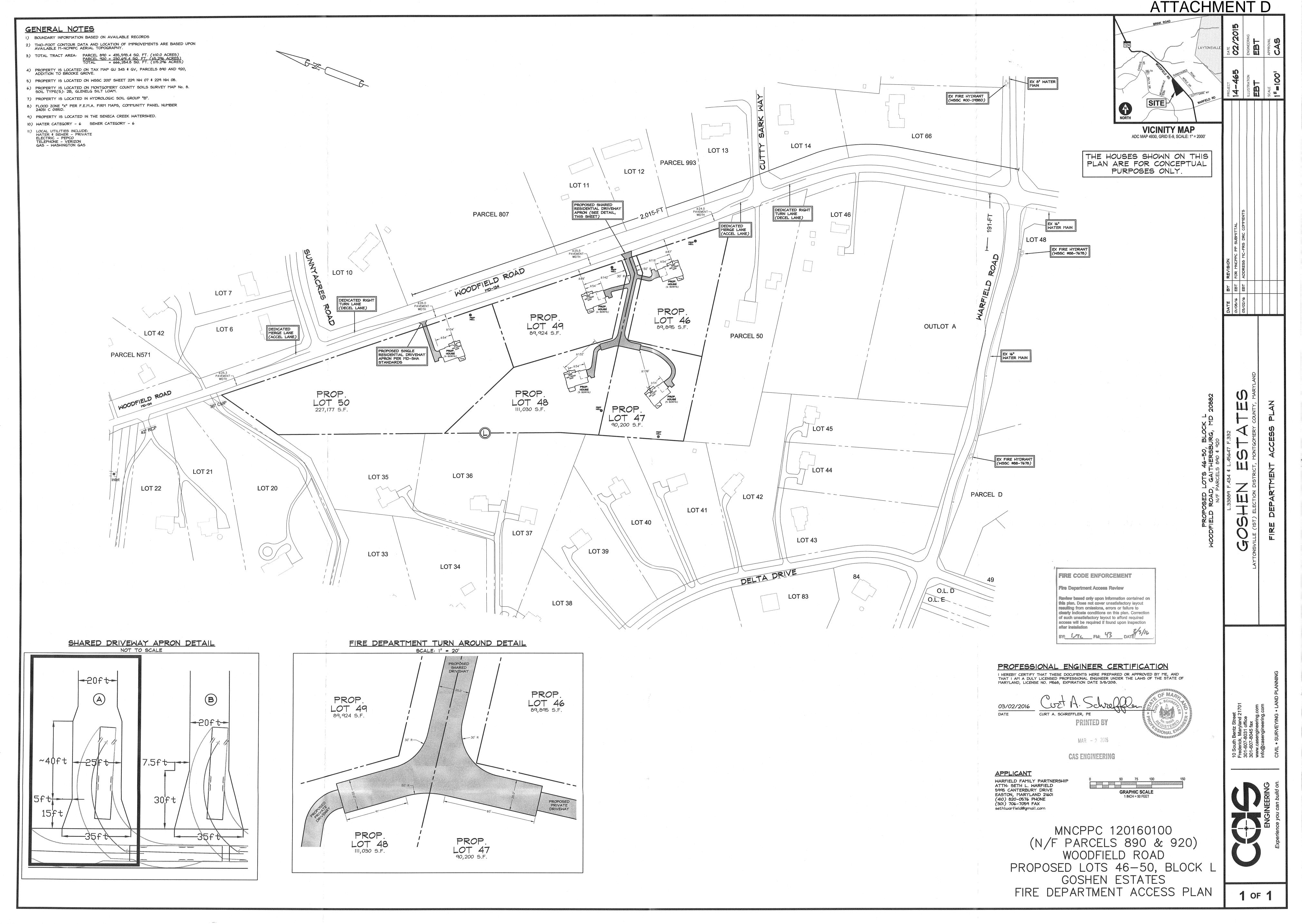
SUBJECT: Status of Preliminary Plan: #120160100, Goshen Estates, Lots 46-50

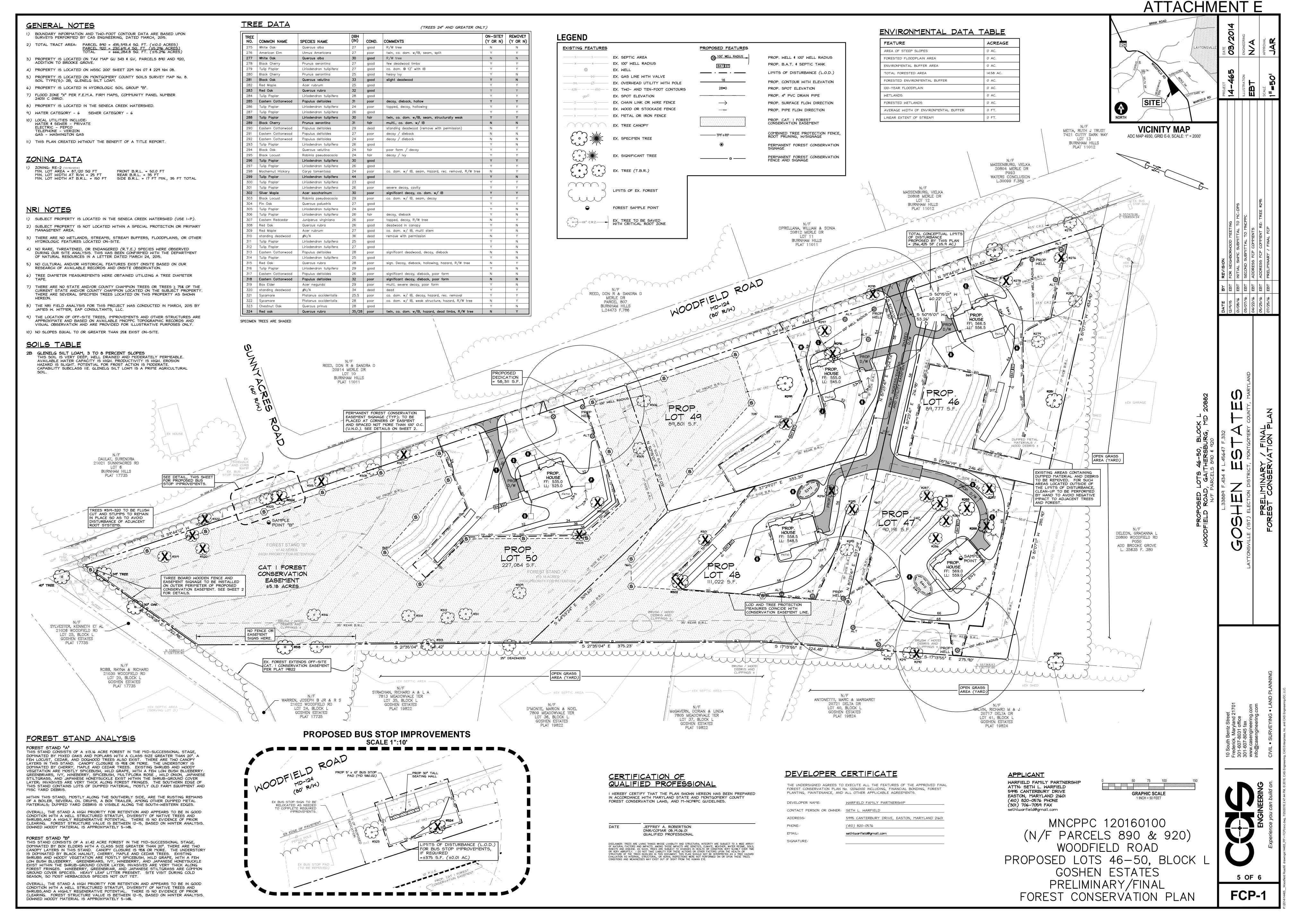
This is to notify you that the plan received in this office on March 3, 2016, is as follows:

Approved with the following reservations:

- 1. The record plat must be at the same scale as the preliminary plan.
- 2. All water wells are to be constructed prior to building permit application(s).
- 3. The septic areas shown must appear on the record plat in the same configuration and location.









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ATTACHMENT F

10 south bentz street trederick, maryland 21701 office 301.607.8031 info@casengineering.com www.casengineering.com

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May 25, 2016

M-NCP&PC Development Review Division 8787 Georgia Avenue, 2nd Floor Silver Spring, MD 20910

Attn: Planning Area 3 Reviewer

Re: Parcels 890 & 920, Woodfield Road, Gaithersburg, MD 20882

Proposed Lots 46 – 50, Block L, Goshen Estates Forest Conservation (Chapter 22A) Variance Request

MNCPPC # 120160100

Dear Planning Area 3 Reviewer:

This letter is intended to serve as the Forest Conservation Variance Request pursuant to Section 22A-21 of the Montgomery County Code. The Preliminary / Final Forest Conservation Plan is attached hereto for your review and approval.

Variance Justification

The applicant, Warfield Family Partnership, is requesting a variance for the impact to and/or removal of seven (7) specimen trees, located on or near the subject property. One (1) of the specimen trees (324) is located off-site and within the area proposed for right-of-way dedication. The remaining six (6) trees (283, 285, 288, 296, 299, and 302) are located on-site. The subject parcels (890 and 920) totaling 15.296 acres of land are comprised of 14.58 acres of forest. The parcels are zoned RE-2 and are bounded by Woodfield Road to the east and residential properties to the north, west and south. The entire property drains to the north, towards Woodfield Road. There are no streams, steep slopes, floodplains, wetlands or associated buffers on site. The property does not contain any historic structures nor is it on the Masterplan for Historic Preservation.

The property is subject to a Preliminary Plan of Subdivision of which five single-family lots are hereby proposed. A proposed Category I Forest Conservation Easement totaling 5.18 acres exceeds the minimum required on-site conservation threshold (3.82 acres).

The following charts indicate the specific amount of root zone disturbance to each of the seven (7) impacted or to be removed specimen trees.

Off-Site Specimen Tree Data

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
324	Red Oak	Quercus rubra	35/28 in.	52.5 feet	8,659 s.f.	15%	Poor (Remove)

10-VAR-120160100.docx



On-Site Specimen Tree Data

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
283	Red Oak	Quercus rubra	32 in.	48.0 feet	7,238 s.f.	100%	Good (Remove)
285	Eastern Cottonwood	Populus deltoides	31 in.	46.5 feet	6,792 s.f.	100%	Poor (Remove)
288	Tulip Poplar	Liriodendron tulipifera	30 in.	45.0 feet	6,361 s.f.	100%	Fair (Remove)
296	Tulip Poplar	Liriodendron tulipifera	30 in.	45.0 feet	6,361 s.f.	100%	Good (Remove)
299	Tulip Poplar	Liriodendron tulipifera	44 in.	66.0 feet	13,684 s.f.	30%	Good (Save)
302	Silver Maple	Acer saccharinum	30 in.	45.0 feet	6,361 s.f.	100%	Poor (Remove)

In accordance with Section 22A-21(b) of the Forest Conservation Law, the following is a description of the application requirements:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The subject parcels contain a total tract area of 15.296 acres, of which 14.58 acres of forest exists. In order to develop the property for residential use, successful septic testing was required. Proposed lot layouts as well as locations for proposed houses, on-site wells and stormwater management facilities are all dependent upon the locations of the approved septic fields and their required setbacks. Development of well and septic properties on large forested lots, generally result in unavoidable impacts to trees. To the extent practicable, proposed improvements are located in an effort to protect larger amounts of contiguous forest, unfortunately at the expense of several specimen trees.

Impact / Removal Information

Tree No.	Location	Reason For Removal / Impact
324	R.O.W.	Tree is located in area proposed for public R.O.W. dedication and is currently in poor condition and hazardous to passing traffic; additionally, an upgraded bus stop (required by this plan) and grading will further impact tree; as a safety measure, its removal is proposed.
283	Lot 47	Tree located between approved septic field and proposed driveway. Collective impact of installation of initial septic trenches, driveway construction and grading for stormwater management prohibit retention.
285	Lot 47	Tree located in approved septic field; removal required to install initial septic system.
288	Lot 47	Tree located within proposed driveway; proposed grading (cut) and installation of stormwater management facilities and driveway necessitate its removal.
296	Lot 49	Tree located within 10-feet of proposed house; removal necessitated by on-site grading and construction of proposed house and stormwater management facilities.
299	Lot 49	Tree impacted by proposed house, stormwater management and on-site grading. Proposed improvements located such that Tree #299 is retained; 70% of critical root zone is protected.
302	Lot 48	Tree located in approved septic field; removal required to install initial septic system.



2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.

In "rural" areas of Montgomery County where public water and sewerage facilities are not currently available (or planned), the establishment of septic areas suitable for a private septic system and as many as three replacement systems has been required by the County's Well and Septic Department. Even well intentioned initial septic testing locations may not eliminate potential impacts to specimen trees. Additionally, slow test results often require larger systems.

3. Verify that State water quality standards will not be avoided or that a measurable degradation in water quality will not occur as a result of the granting of the variance.

A Stormwater Management (SWM) Concept Plan has been submitted to the Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality standards will be met in accordance with State and County criteria. All applicable stormwater management requirements have been addressed. Disturbance to any of these specimen trees will not create a measurable degradation in water quality. The subject trees are not located near streams, wetlands, floodplains, or associated buffers.

4. Provide any other information appropriate to support the request.

The forest conservation requirements resulting from the proposed development of this property will be met through the retention of 5.18-acres of on-site forest and through either the purchase of 0.99-acres of an off-site forest easement or a fee-in-lieu payment. The subject trees are not rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act. There are no proposed impacts to existing specimen trees on adjacent, privately owned property. Of the six trees proposed for removal, three are in "poor" condition (285, 302, 324) and a fourth is listed in "fair" condition (288), but is considered structurally weak.

Residential developments on private water and sewer systems generally require more land disturbance than similar developments served by public facilities due to required setbacks and spacing between septic areas, dwellings, private wells, and stormwater management systems.

To the extent practicable, the proposed development has been designed to create on-site forest conservation exceeding the minimum thresholds while providing long-term protection adjacent to a previously established forest conservation easement located at 7813 Meadowvale Terrace (Lot 35, Block L, Goshen Estates; Plat 19822). A minimum width of 75-feet is proposed for the forest conservation easement. Additionally, the proposed limits of disturbance will be located 50-feet from the adjacent property to the south and west to allow for the retention of perimeter trees.

The property is not part of a historic site nor does it contain any historic structures.

Should you have any questions or require any additional information, please do not hesitate to contact me.



Sincerely,

Jeffrey A. Robertson Senior Project Manager DNR/COMAR 08.19.06.01, Qualified Professional

cc:



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett County Executive

Lisa Feldt Director

June 2, 2016

Casey Anderson, Chair Montgomery County Planning Board Maryland National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910

RE: Goshen Estates, ePlan 120160100, NRI/FSD application accepted on 3/27/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states 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.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

- 1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance <u>can be granted</u> under this criterion.
- 2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



Casey Anderson June 2, 2016 Page 2

variance <u>can be granted</u> under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

- 3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
- 4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Laura Miller County Arborist

2 Yhila

cc:



Isiah Leggett

County Executive

Diane R. Schwartz Jones Director

April 26, 2016

Mr. Eric Tidd, P.E. CAS Engineering 10 South Bentz Street Frederick, MD. 21701

Re: COMBINED STORMWATER MANAGEMENT

CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN

Request for Goshen Estates Preliminary Plan #: 120160100

SM File #: 281505

Tract Size/Zone: 15.3 Ac / RE-2 Total Concept Area: 15.3 Ac. Lots/Block: 5 Proposed Lots Parcel(s): 890 and 920

Watershed: Great Seneca Creek

Dear Mr. Tidd:

Based on a review by the Department of Permitting Services Review Staff, the Combined Stormwater Management Concept/Site Development Stormwater Management Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of drywell, micro-infiltration and landscape infiltration facilities.

The following **items** will need to be addressed **during** the final stormwater management design plan stage:

- A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 2. An engineered sediment control plan must be submitted for this development.
- All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
- Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY

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

240-773-3556 TTY

Mr. Eric Tidd, P.E. April 26, 2016 Page 2 of 2

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

Mark C. Etheridge, Manager Water Resources Section

Division of Land Development Services

MCE: CN281505 Goshen Estates.mjg

cc:

C. Conlon

SM File # 281505

ESD Acres:

15

STRUCTURAL Acres:

0

WAIVED Acres:

0

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January 8, 2016

The M-NCP&PC Development Review Division 8787 Georgia Avenue Silver Spring, MD 20910

Re:

CAS Job No. 14-465

Woodfield Road, Gaithersburg, MD 20854

Preliminary Plan Application 120160100 (Goshen Estates)

Public Meeting Declaration

To Whom It May Concern:

I met with the citizens and community organizations that responded to the mailed invitations and signs regarding the Preliminary Plan Application for "Goshen Estates" (Woodfield Road). The meeting was held at St. Bartholomew's Episcopal Church, 21611 Laytonsville Road, Gaithersburg at 7pm on December 10, 2015.

Eric B. Fidd, PE Senior Project Manager CAS Engineering 10 South Bentz, Street Frederick, MD 21701 Date

Notarization:

JAMES M. OCHS

Notary (Print Name)

MES

PUBLIC

MAY 15, 2019

01/08/16

Date

Commission Expires

Signature

PRE-SUBMITTIAL CITIZENS MEETING

You are invited to attend a pre-submittal citizens meeting to discuss a proposed subdivision application for **Parcel 890 and Parcel 920 located on Woodfield Road.**

The intent of the subdivision application is to create five (5) lots from two (2) existing parcels.

PURPOSE OF MEETING:

To explain the proposed project and the subdivision process.

When: Thursday, December 10, 2015 at 7:00 pm Where: 21611 Laytonsville Road, Gaithersburg

For additional information please contact:

CAS Engineering at 301-607-8031 or by email at info@casengineering.com

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For additional information please contact:

CAS Engineering at 301-607-8031 or by email at info@casengineering.com



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10 south bentz street
frederick, maryland 21701

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10 south bentz street frederick, maryland 21701

Stanley Knotts Belle Chase Civic Assn. 19808 Falling Spring Court Laytonsville, MD 20882

Michael Potter Collingwood Homeowners Assn. P.O. Box 506 26221 Ridge Road Damascus, MD 20872

Manager
East Village Homes Corporation
10120 Apple Ridge Road
Montgomery Village, MD 20886

Patrick Smith Goshen Community Assn. 8831 Warfield Road Gaithersburg, MD 20882

Robert Goldberg Greater Goshen Civic Assn.(The) 21404 Davis Mill road Germantown, MD 20876

Terri Anderson Hadley Farms Community Assn. 3414 Morningwood Drive Olney, MD 20832

John Luke Montgomery County Air Park 7940 Airpark Road Gaithersburg, MD 20879

Matthew Losak Mont. County Renters Alliance Inc. 1001 Spring Street #316 Silver Spring, MD 20910

John Driscoll Mont. Village Foundation Inc. HOA 10120 Apple Ridge Road Montgomery Village, MD 20886

Warren Simonsen Rosewood Estates Homeowners 7315 Rosewood Manor Ln. Gaithersburg, MD 20882 David Stein Clarksburg Village Forum P O Box 1435 Clarksburg, MD 20871

Chair East County Citizens Advisory Board 3300 Briggs Chaney Road Silver Spring, MD 20904

Manager Eastgate Homes Corporation 10120 Apple Ridge Road Montgomery Village, MD 20886

Board of Directors Greater Goshen Civic Assn.(The) PO Box 2025 Gaithersburg, MD 20886

Kathleen Sentkowski Greater Goshen Civic Assn.(The) 9821 Wightman Road Gaithersburg, MD 20879

Shep Bostin Manor Ridge Homeowners Assn.Inc. 7556 Augustine Way Gaithersburg, MD 20879

Carol Ann Barth Montgomery County Civic Federation 10602 Lockridge Drive Silver Spring, MD 20901

Joan Fidler Montgomery County Taxpayers League 7400 Pyle Road Bethesda, MD 20817

Dave Humpton Mont. Village Foundation Inc. HOA 10120 Apple Ridge Road Montgomery Village, MD 20886

Dana Rawlings Rural Alliance 12649 Molesworth Dr Kemptown, MD 21771 Ilene Lillian Clarksburg Village Forum 23045 Turtle Rock Terrace Clarksburg, MD 20871

Manager East Village Homes Corporation 10120 Apple Ridge Road Montgomery Village, MD 20886

Gerald Donegan Eastgate Homes Corporation 20408 Hancock Bridge Place Montgomery Village, MD 20886

Charles Tilford Greater Goshen Civic Assn.(The) P O Box 2025 Gaithersburg, MD 20886

Barbara White Greater Laytonsville Area Citizens P.O. Box 5128 Laytonsville, MD 20882

Laurie Galfond Manor Ridge Homeowners Assn.Inc. 20506 Addenbrook Way Gaithersburg, MD 20879

Hermoine Freeman Mont. County Renters Alliance Inc. 1001 Spring Street #316 Silver Spring, MD 20910

Judith Christensen Montgomery Preservation, Inc. 6 Walker Avenue Gaithersburg, MD 20877

Julius Cinque Northern Montgomery County Alliance 22300 Slidell Road Boyds, MD 20841

Jim Fary Sierra Club – Mont. County Group 2836 Blue Spruce Lane Silver Spring, MD 20906-3166

ATTACHMENT I

Cathy Buit **Charles Oland** Shyam Kannan Town of Laytonsville Town of Laytonsville Washington Metro Area Transit P.O. Box 5158 P.O. Box 5158 Authority Laytonsville, MD 20882 Laytonsville, MD 20882 600 Fifth Street NW Washington, MD 20001 MS. GRACANNA L. DELEON MR. RICHARD GALVIN MR./MS. MARC ANTONETTI 20800 WOODFIELD ROAD 20717 DELTA DRIVE 20721 DELTA DRIVE GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 MR./MS. DORIAN McGAVERN MR./MS. MARION D'MONTE MR./MS. RICHARD STRACHAN 7809 MEADOWVALE TER. 7805 MEADOWVALE TER. 7813 MEADOWVALE TER. GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 MR./MS. JOSEPH WARREN MS. SURENDRA DAULAT MR./MS. DON REED 21022 WOODFIELD ROAD 21021 SUNNYACRES RD 20914 MERLE DR GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 MR./MS. WILLIAM OPRELLANA MS. VIELKA MASSENBURG MS. RUTH METTA TRUSTEE 20812 MERLE DR 20914 MERLE DR 7421 CUTTY SARK WY GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 GAITHERSBURG, MD 20882 LAYTONSVILLE ELEMENTARY SCHOOL GAITHERSBURG MIDDLE SCHOOL M-NCP&PC D.A.R.C. 21401 LAYTONSVILLE RD 8787 GEORGIA AVENUE 2 TEACHERS WAY SILVER SPRING, MD 20910 LAYTONSVILLE, MD 20882 GAITHERSBURG, MD 20877 Attn: 120160100 GAITHERSBURG HIGH SCHOOL GAITHERSBURG PUBLIC LIBRARY SETH WARFIELD

GAITHERSBURG HIGH SCHOOL 101 EDUCATION BLVD GAITHERSBURG, MD 20877 GAITHERSBURG PUBLIC LIBRARY 18330 MONTGOMERY VILLAGE AVE GAITHERSBURG, MD 20877 SETH WARFIELD 5995 CANTERBURY DRIVE EASTON, MD 21601

CAS ENGINEERING 10 SOUTH BENTZ STREET FREDERICK, MD 21701

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trederick, maryland 21701 office 301,607,8031 info@casengineering.com www.casengineering.com

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MEETING NOTES

PROJECT: Woodfield Road, MNCPPC PP #120160100

PROJECT NO: CAS 14-465 DATE: 12/10/2015

LOCATION: 21611 Laytonsville Road (St. Bartholomew's Episcopal Church)

ATTENDEES: Eric Tidd - CAS Engineering

Community members (see attached attendance sheet)

DISCUSSION:

Eric Tidd from CAS Engineering welcomed all of the neighborhood visitors and gave a brief introduction of the proposed subdivision. The project proposes a 5-lot subdivision of two parcels of land, totaling just over 15 acres. The property is completely unimproved and forested. Well and septic testing was completed earlier in 2015 and will support houses of up to 5 or 6 bedrooms. Stormwater management is proposed for all 5 lots and will capture the required runoff volume from proposed impervious surfaces. It was also noted that the comments the Community submitted during the Pre-Application phase were reviewed and the plan adjusted to provide a buffer between the proposed development and the adjoining properties to the south and west.

At this time the floor was opened up for questions and/or comments from the Community.

(Community) – How will stormwater management be addressed and how will it impact current conditions? There is currently a severe drainage problem along Woodfield Road, beyond the limits of the site. The existing driveway culvert at 21038 Woodfield Road outfalls across the front yard of 1 and 2 Delta Court with extreme ferocity several times a year; it is a regular occurrence for the upstream side of the culvert to back up and overtop the driveway and spill onto Woodfield Road. The conditions exist with the subject property completely forested; changes to the site would only seem to worsen the problem.

There is also flooding that occurs with limits of the site. For example, flooding occurs behind the property of Rick and Lynn Strachan (7813 Meadowvale Terrace). The removal of so much forest associated with this development will further exacerbate this problem. The forest provides a natural buffer against flooding. This needs to be seriously considered. 12 acres of forest is being removed just to put up a few homes. This development will negatively



impact habitat for animals, flood and noise buffers, and an important part of why we all moved into this neighborhood. Some owners even paid "premium lot" fees because of the proximity to this forest.¹

(Eric Tidd) – Stormwater management will be provided on each lot through the use of gravel drywells and/or landscape infiltration facilities based on approved infiltration testing. Landscape infiltration devices are proposed on some lots versus other due to space constraints. Some of the proposed stormwater management devices will be oversized in accordance with the County and State guidelines to account for areas that cannot be readily treated. We are unable to comment on the drainage conditions regarding the existing culvert beyond the subject property, but will be sure to pass along these comments to the appropriate authorities, whether that is the County or the State (since Woodfield Road is a State Road).

(Community) – How likely is your plan to change once this (Preliminary Plan) process is completed, with reference to house locations, lot sizes, stormwater management, etc.?

Is it possible to work with the developer or your engineering firm as this project moves forward or to possibly reduce the scope of this project? For example, it is absolutely necessary to construct 5 houses? Removal of a house from the project would help preserve a larger buffer of forest. This is a very important issue for the members of our community.²

(Eric Tidd) - The houses footprints, locations, configurations are preliminary in nature. The purpose of this plan is to justify to the reviewing agencies that these lots are suitable for development. While there may be some minor changes in lot configurations, substantially the plans will remain the same due to locations of approved septic fields and well locations and the proposed shared driveway, common to four of the five proposed lots. My client is the owner, not the developer; once the subdivision process is completed the property will be transferred. At the time of development, regardless of the final house and driveway layout, the developer will be required to provide adequate stormwater management and abide by all applicable zoning laws.

(Community) - How big will the houses be?

(Eric Tidd) – House sizes will be dependent both on allowable lot coverage permitted in the RE-2 zone and as well as the approved septic testing. Completed testing has yielded

¹ Linda and Dorian McGavern, 7805 Meadowvale Terr. per email received 12/19/15

² Linda and Dorian McGavern, 7805 Meadowvale Terr. per email received 12/19/15, paraphrased.



capacity for 5-6 bedrooms on each lot.

(Community) – We appreciate your efforts to address concerns brought up in the earlier phases (ie, providing a forest buffer between the properties), but are there opportunities to protect additional forest on site? Does any agency specifically address the loss of habitat for the foxes, deer, etc?

Again, maximal forest conservation is a very important issue to the members of our community. Habitat will be lost for red tail foxes, deer, falcons, 4 different species of woodpeckers, bats, song birds, etc. These animals come onto our properties from the forest weekly, which to us resembles a nature preserve. Removal of 12 acres of forest will undoubtedly change this dynamic. We are in essence losing one of the primary reasons why we moved to this location. We want to work with you to preserve as much forest as possible.³

(Eric Tidd) – There may be additional opportunities to protect additional forest, we will review this further. Although we are sure the agencies understand the loss of forest means the loss of animal habitat, unless there is some evidence of endangered wildlife (or plants) in the area we are unaware if their plan reviews specifically address these issues; for the record, no endangered plant species were located in our environmental study, nor did the Maryland Department of Natural Resources have any records of endangered plant or wildlife in the area.

(Community) – We would like to see the forest buffer along the rear of Lot 47 extended closer to what is proposed along the rear of Lot 48.

It would be best to make the buffer as large as possible. Even now a partial line of site opens to Woodfield Road in the winter. This is with 15 acres in place and hundreds of feet from our houses to the road. Can you imagine what it will look like when there is only 75 feet, or even worse, 30 feet of trees left as a buffer? Woodfield is a heavily trafficked road, and we all moved to this area to avoid the unsightly view of traffic. We are proposing that the forest buffer be greater than 75 feet.⁴

(Eric Tidd) – We will review and make increases where we can while still maintaining necessary setbacks/buffers between the house, stormwater management, and well and septic features.

³ Linda and Dorian McGavern, 7805 Meadowvale Terr. per email received 12/19/15

Linda and Dorian McGavern, 7805 Meadowvale Terr. per email received 12/19/15



(Community) - Will this development have covenants?

(Eric Tidd) – While not a County requirement, if desired, they would be up to the developer.

(Community) - Are you proposing sidewalk, curb and gutter along Woodfield Road?

(Eric Tidd) – At this time, we are not proposing any improvements within the Woodfield Road Right of Way with the exception of the improvements to the existing bus stop.

(Community) – How will we know that the meeting minutes accurately convey our messages to the reviewing agencies? Can we see them before they are submitted?

(Eric Tidd) – If you have provided your email address on the sign in sheet, we will forward a copy of the meeting minutes out prior to our formal submittal. ⁵

Eric thanks the Community members for sharing their thoughts and comments.

After the conclusion of the meeting, some neighbors offered suggestions for possible drainage improvements within the proposed forest conservation area location on proposed Lot 50. It was mentioned to them that disturbances within forest conservation areas was prohibited but coordination of these improvements, if determined to be necessary, could be done between the reviewing agencies.

Minutes compiled by Eric Tidd (CAS Engineering)

Email responses were received from two of the individuals present at the meeting and are attached hereto.



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office 301.607.8031 info@casengineering.com www.casengineering.com

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Sign-in Sheet

Pre-submittal Meeting for Parcels 890 & 920, Woodfield Road
Preliminary Plan Application 120160100
CAS Job No. 14-465

Meeting Date: 12 16 Zois

Meeting Time: 1:00 Pm

Name	Role / Title	Contact Information	Party of Record (Yes or No)
ERIC TIDO	ENGINEER	ERIC @ CASENGINEERING. Com	
anna Decker	APPLICANT		
Kelth Decker	Applicant	Keith Dacker, Sr, Dayton Md 301 989	
Stanley Swoulf	1	21111 Woodfield Rd Gaithersby	g md
RICHARDALAURIE		2 DELTA CT GAITHERSBURG AD 2	882
BILLINGSLEY		RICHARD LAURIE ONERISON, NET	
LIUC STRICKEN	0.0	CATTONOVILLE MD 20882	@ HANGIWOOD.COM
ROPERTA WALLEN		21022 WOODFIELD RD LAYTANSVILLE MD 20882	EMPORIA@ AOL.COM
Toe WARREN		n n	
Linda McGavern	neighby	7805 mendowence Ter Grithershure my 20882	hotmail. Com
Agnes Trower	neighbor	agnes870@comcost.net 20725 Delta Dr 20882	
Emil: marion, dmo	nteashearman.	7809 Meadowvale Ter	
Voel + Marion D'Mont	* Neighbor		
D. C.	neighbor	Caytonsvillem & 20882 Caytonsvillem & 20882	e grail



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Sign-in Sheet

Pre-submittal Meeting for Parcels 890 & 920, Woodfield Road Preliminary Plan Application 120160100 CAS Job No. 14-465

Meeting Date: 12 10 2013

Meeting Time: 7:00Pu

Name	Role / Title	Contact Information		Party of Record (Yes or No)
Rich + Rayna Robb Jack McCerthy	h neighbor	21030 Woodfield Rd Garthers bury 20882	vieh	robb6128 Vahoo.c
	0		-	mccorthy@
Jack McCarthy	neighbor	Gaitherbury, UND 2008	-2	gmart.e
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toaul autoMatisha	21	20918 Melle Re	Sandix	eed @ MSN, cor
So dra Reed	,,,	G him MD 2088	-	
1		21026 Wood Juld Rd.		
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Neighborhood Meeting Attendance List (MNCPPC 120160100) /10/15 at 7pm at 21611 Laytonsville Road (St. Bartholomew's Episcopal Church)

	Held 12/	Held 12/10/15 at 7pm at 21611 Laytonsville Road (St. Bartholomew's Episcopal Church)	le Road (St. Bartholome	w's Episcopa	al Church)
Role / Title	Name	Address	City	State	Zip Email
Engineer, CAS Engineering	Eric Tidd	10 South Bentz St	Frederick	MD	21701 eric@casengineering.com
Applicant	Keith & Anna Decker	5232 Ilex Way	Dayton	MD	21036 kedecker6@verizon.net
Neighbor	Stanley Snouffer	21111 Woodfield Road	Gaithersburg	MD	20882
Neighbor	Richard & Laurie Billingsley	2 Delta Court	Gaithersburg	MD	20882 richardlaurie@verizon.net
Neighbor	Rick Strachan	7813 Meadowvale Terrace	Laytonsville	MD	20882 rstrachan@hanleywood.com
Neighbor	Roberta & Joe Warren	21022 Woodfield Road	Gaithersburg	MD	20882 emporia@aol.com
Neighbor	Linda McGavern	7805 Meadowvale Terrace	Laytonsville	MD	20882 lindaroo2@gmail.com
Neighbor	Agnes Trower	20725 Delta Drive	Gaithersburg	MD	20882 agnes870@comcast.net
Neighbor	Noel & Marion D'Monte	7809 Meadowvale Terrace	Laytonsville	MD	20882 marion.dmonte@shearman.com
Neighbor	Rich Galvin	20717 Dalta Drive	Laytonsville	MD	20882 richgalvin1@gmail.com
Neighbor	Rich & Rayna Robb	21030 Woodfield Road	Gaithersburg	MD	20882 richrobb612@yahoo.com
Neighbor	Jack McCarthy	21034 Woodfield Road	Gaithersburg	MD	20882 jandsmccarthy@gmail.com
Neighbor	Joao-Paulo & Natasha Fernandı 1 Delta Court	ndi 1 Delta Court	Gaithersburg	MD	20882 portomar@aol.com
Neighbor	Sandra Reed	20914 Merle Dr	Gaithersburg	MD	20882 sandireed@msn.com
Neighbor	Kenny Sylvester	21026 Woodfield Road	Gaithersburg	md	20882
Neighbor	Kenny Sylvester	2102	6 Woodfield Road		

Eric Tidd

From: Strachan, Rick <Rstrachan@hanleywood.com>

Sent: Friday, December 18, 2015 4:25 PM

To: Eric Tidd

Subject: RE: Minutes from 12/10 Neighborhood Meeting

Hi Eric,

Thanks for sending these minutes along. I believe you've covered everything discussed during the meeting.

At the end of your minutes, you mention a conversation at the conclusion of the meeting regarding some neighbors interests in drainage improvements within the Forest Conservation area. As my lot sits directly behind the Forest Conservation area at the back of Lot 50, I would be very concerned is something was done in this area. As you properly indicated, it should be prohibited anyways, but I just wanted to raise my concern. I would hope if there were any further discussion on this, that I would have the opportunity to participate.

Thank you,

Rick

Rick Strachan
President, Contractor Group
Hanley Wood Media, Inc.
rstrachan@hanleywood.com

One Thomas Circle NW Washington, D.C. 20005 Direct Line 202-736-3332 Mobile 202-297-1279

From: Eric Tidd [mailto:eric@casengineering.com]
Sent: Monday, December 14, 2015 10:04 AM

To: Eric B Tidd, P.E.

Subject: Minutes from 12/10 Neighborhood Meeting

All.

Pursuant to your requests, please find the attached minutes from the Neighborhood Meeting held at 21611 Laytonsville Road (St. Bartholomew's Church) on December 10. Please review and let me know if you believe I neglected to include a specific comment. I would appreciate your responses no later than next Monday 12/21.

As I mentioned at the meeting, once our plans have been formally submitted to Maryland National Capitol Park and Planning Commission (MNCPPC), you will all receive a copy of the submitted plan and a pamphlet of how to continue to participate in the process.

To the neighbors along Woodfield Road, north of the subject property who mentioned specific issues with existing storm drain systems, I am still working on contact names/numbers and will forward when available.

Hope you all have a wonderful holiday season.

Thanks.

Eric B. Tidd, P.E. Senior Project Manager

CAS ENGINEERING

10 South Bentz St, Frederick, MD 21701

Office: 301.703.2342 | Mobile: 301.471.9460 | Fax: 301.607.8045

www.casengineering.com

Eric Tidd

From: Linda McGavern <lindaroo2@hotmail.com>
Sent: Wednesday, December 23, 2015 12:08 PM

To: Eric Tidd

Cc: Dorian McGavern

Subject: RE: Minutes from 12/10 Neighborhood Meeting

Hi Eric,

Thank you for incorporating our comments into the minutes. We appreciate the opportunity to voice our concerns to you and the appropriate agencies and we hope to be able to continue to work with your firm on this important matter.

Wishing you a joyful holiday season and a wonderful new year,

Linda and Dorian McGavern

From: eric@casengineering.com
To: lindaroo2@hotmail.com

CC: mcgad1@hotmail.com; eric@casengineering.com Subject: RE: Minutes from 12/10 Neighborhood Meeting

Date: Wed, 23 Dec 2015 07:42:15 -0500

Linda,

We've added your comments as you requested and will be including your email with our future submission to ensure that your direct comments are received by the appropriate agencies.

Thanks.

Eric B. Tidd, P.E.Senior Project Manager

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From: Linda McGavern [mailto:lindaroo2@hotmail.com]

Sent: Sunday, December 20, 2015 9:48 PM

To: Eric Tidd

Cc: Dorian McGavern

Subject: RE: Minutes from 12/10 Neighborhood Meeting

Dear Eric,

Thanks for the minutes. The document you provided includes the major topics covered in the community meeting; however, some of the details and breadth of the issues are missing. I have added comments in the attached PDF. They appear as digital sticky notes next to some of the specific questions. We would like to continue working with you as this development project moves forward. The issues raised in the meeting minutes are very important to us. Can you send us the final version of the meeting minutes when they are complete?

Happy holidays,

Linda & Dorian McGavern 7805 Meadowvale Terrace

From: eric@casengineering.com
To: eric@casengineering.com

Subject: Minutes from 12/10 Neighborhood Meeting

Date: Mon, 14 Dec 2015 10:04:09 -0500

All,

Pursuant to your requests, please find the attached minutes from the Neighborhood Meeting held at 21611 Laytonsville Road (St. Bartholomew's Church) on December 10. Please review and let me know if you believe I neglected to include a specific comment. I would appreciate your responses no later than next Monday 12/21.

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Hope you all have a wonderful holiday season.

Thanks.

Eric B. Tidd, P.E. Senior Project Manager CAS ENGINEERING

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