



Ridgeview: Preliminary Plan No. 120120010 and Site Plan No. 820120010

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Completed: 06/02/17

Description

A. Ridgeview: Preliminary Plan No. 120120010: Application to create 19 lots for 19 one-family detached dwellings located on the west side of Ridge Road, 26614 Ridge Road, approximately 250 feet north of the intersection with Beall Avenue; 22.64 acres, RNC Zone; 2006 Damascus Master Plan.

Recommendation – Approval with conditions

B. Ridgeview: Site Plan No. 820120010: Application to build 19 one-family detached dwellings, located on the west side of Ridge Road, 26614 Ridge Road, approximately 250 feet north of the intersection with Beall Avenue; 22.64 acres, RNC Zone; 2006 Damascus Master Plan.

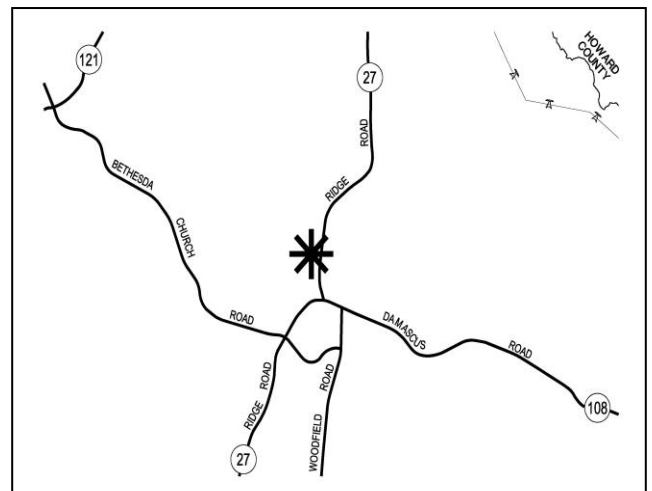
Recommendation – Approval with conditions

Applicant: Victor Loun/Roy Stanley

Acceptance Date Preliminary Plan: September 6, 2013

Acceptance Date Site Plan: September 6, 2013

Review Basis: Chapter 22A, Chapter 50, Chapter 59



Summary

- Reviewed under the Zoning Code in effect on October 29, 2014 because the Preliminary and Site Plans were submitted prior to October 30, 2014, allowed by Section 59-7.7.1.B.1. of the Zoning Ordinance.
- Developing a subdivision of 19 new single family detached homes, including the use of 10 TDR's, consistent with Master Plan recommendations.
- The use of pressure sewer is consistent with the water and sewer plan.
- The Applicant is not proposing the construction of a pump station, as recommended in the Master Plan, in large part due to the high cost and the development is not yielding as many housing units as the Master Plan's upper limit suggested was possible.
- Creating 11.58 acres of Category I Conservation Easement over stream valleys and areas of upland forest
- The Application is providing rural open space; approximately 15.23 acres (or 69 percent) of the tract area.

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Preliminary Plan No. 120120010: Staff recommends approval of the Preliminary Plan subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 19 lots for 19 one-family detached dwelling units.
- 2) Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
- 3) The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120120010, approved as part of this Preliminary Plan, unless modified by the Final Forest Conservation Plan or Final Forest Conservation Plan amendments:
 - a. The Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must record a Category I Conservation Easement over all areas of forest retention and environmental buffers as specified on the approved Preliminary/Final Forest Conservation Plan (“FCP”). The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.
 - c. The Applicant must install permanent Category I Conservation Easement signage and fencing along the perimeter of the conservation easements as specified on the approved FCP at the timing and direction of the M-NCPPC Forest Conservation Inspector (“FCI”).
 - d. The Applicant must plant the tree variance mitigation plantings in the location specified by the FCP, or at the direction of the FCI within the first planting season following the initial pre-construction meeting with the FCI.
- 4) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 18, 2017, 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 January 14, 2014, 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 Services (MCDPS) Fire Code Enforcement Section in its letter dated September 16, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 8) 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 March 17, 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.
- 9) The Applicant must dedicate and show on the record plat 50 feet of dedication from the centerline of Ridge Road along the Subject Property’s entire frontage.
- 10) The Applicant must dedicate a 67-foot wide right-of-way, for cross-section MC-2001.03 open-section tertiary, as modified by MCDOT, for the road designated as Ridgeview Place on the Preliminary Plan.
- 11) 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 design standards imposed by all applicable road codes as modified. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.
- 12) Prior to plat recordation, the Applicant must satisfy MCDPS requirements to ensure the construction of a five-foot wide sidewalk along the east side of the new tertiary public street, identified as Ridgeview Place.
- 13) The Applicant must coordinate with MDSA to construct a five-foot wide sidewalk along the Subject Property frontage of Ridge Road, as shown on the Preliminary Plan.
- 14) The Record Plat must show necessary easements.
- 15) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 16) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 17) The record plat must reflect serialization and liber/folio reference for all TDRs utilized by the development.
- 18) Final number of TDRs to be determined at the time of site plan.

- 19) Prior to plat recordation, the Applicant must grant to M-NCPPC a rural open space easement over no less than 69% of the net tract area of the Subject Property as shown on the Preliminary Plan and record the easement, in a form approved by the Office of General Counsel, in the Montgomery County Land Records. Reference to the recorded easement must be noted on the record plat(s).
- 20) The record plat must have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 21) Prior to submission of any plat, Site Plan No. 820120010 must be certified by M-NCPPC Staff.
- 22) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty one (61) months from the date of mailing of the Planning Board resolution.
- 23) 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 site plan 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."

Site Plan No. 820120010: Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC except as modified by the following conditions.¹

Conformance with Previous Approvals & Agreements

1. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 120120010.

Environment

2. Forest Conservation & Tree Save
The development must comply with the following conditions of the approved Final Forest Conservation Plan No. 820120010.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- a. A Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed before demolition, clearing, or grading, and the Liber Folio for the easement must be referenced on the record plat.
- b. The limits of disturbance (“LOD”) shown on the Final Sediment Control Plan must be consistent with the final LOD shown on the approved FFCP.
- c. The Applicant must plant the tree variance mitigation plantings by planting eight, 3” caliper trees, in the location specified by the FCP, or at the direction of the FCI within the first planting season following the initial pre-construction meeting with the FCI.
- 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 Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- e. At the pre-construction meeting, the limit of disturbance (LOD) will be relocated, at the direction of the M-NCPPC Forest Conservation Inspector, to place Tree #26 outside the limits of disturbance (LOD). This revised LOD is to be no closer to the tree than the current root prune line as shown on the FCP, and preserve as much of the critical root zone (CRZ) as possible.

Open Space, Facilities and Amenities

3. Rural Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 15.23 acres of Rural Open Space (69% of net tract area) on-site.
- b. Before the final inspection for the residential dwellings on lots 5 or 6, all public amenities within the common open space community green area on the east side of the public road, as shown on the Certified Site Plan must be completed.
- c. Before the final inspection for the 15th residential dwelling unit, all landscaping and amenities in the common open space area on the west side of the public road, as shown on the Certified Site Plan must be established.

4. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the paver path, seating walls and landscaping found on HOA property.

Density & Housing

5. Transfer of Development Rights (TDRs)

- a. The Applicant must acquire 10 TDRs for the development.
- b. The record plat(s) must reflect serialization and liber/folio reference for all TDRs used by the development.

Site Plan

6. Landscaping

The Applicant is responsible for installing all landscape material in the quantities and locations specified by the Certified Site Plan. Landscaping shall be planted as part of the completion of the common open space amenity areas.

7. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, site furniture, mailbox pad sites, retaining walls, fences, railings, paths and associated improvements within the development. The surety must be posted before issuance of the any building permit within the development.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of the development.

8. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

9. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Add plant labeled NS to the Landscape Plan Plant Schedule for the common open space.

SECTION 2 – SITE LOCATION AND ANALYSIS

Site Location

The subject property is an approximately 22.64 acre parcel, identified as parcel No. 222 on tax map FX343, located on west side of Ridge Road, approximately 250 feet north of the intersection Beall Avenue. The property is just north of the town center of Damascus and is located just south and east of the Bennett Creek Conservation Park (Figure 1).

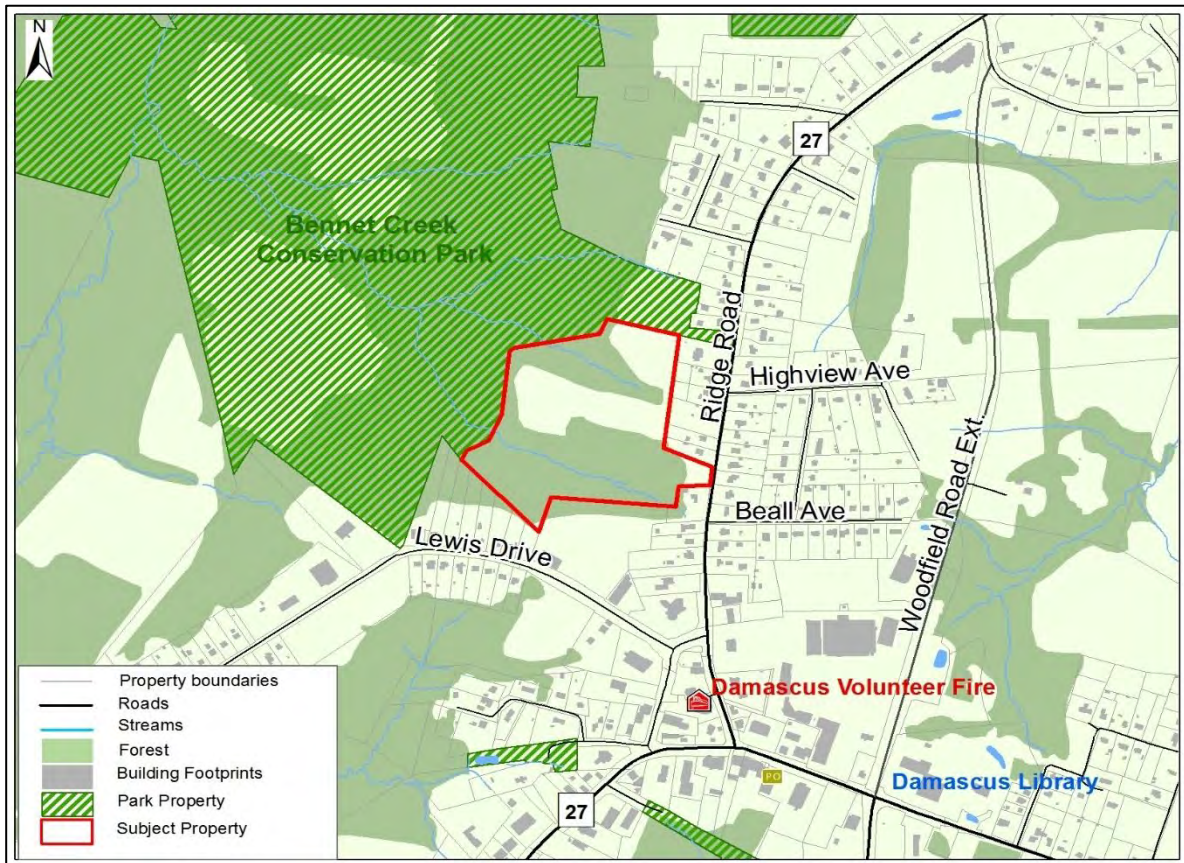


Figure 1 – Vicinity Map

Site Vicinity

The property sits on the edge of the Damascus Town Center, identified in figure two as the properties in the CRT zones. To the south are one-family detached houses located in the RE-2C and R-200 zones, and a mostly undeveloped site in the CRT zone. East and north of the property are additional one-family detached homes in the R-200 zone, and west of the property is the Bennett Creek Conservation Park, protecting hundreds of acres of woodland and meadow located in the AR zone (Figure 2).

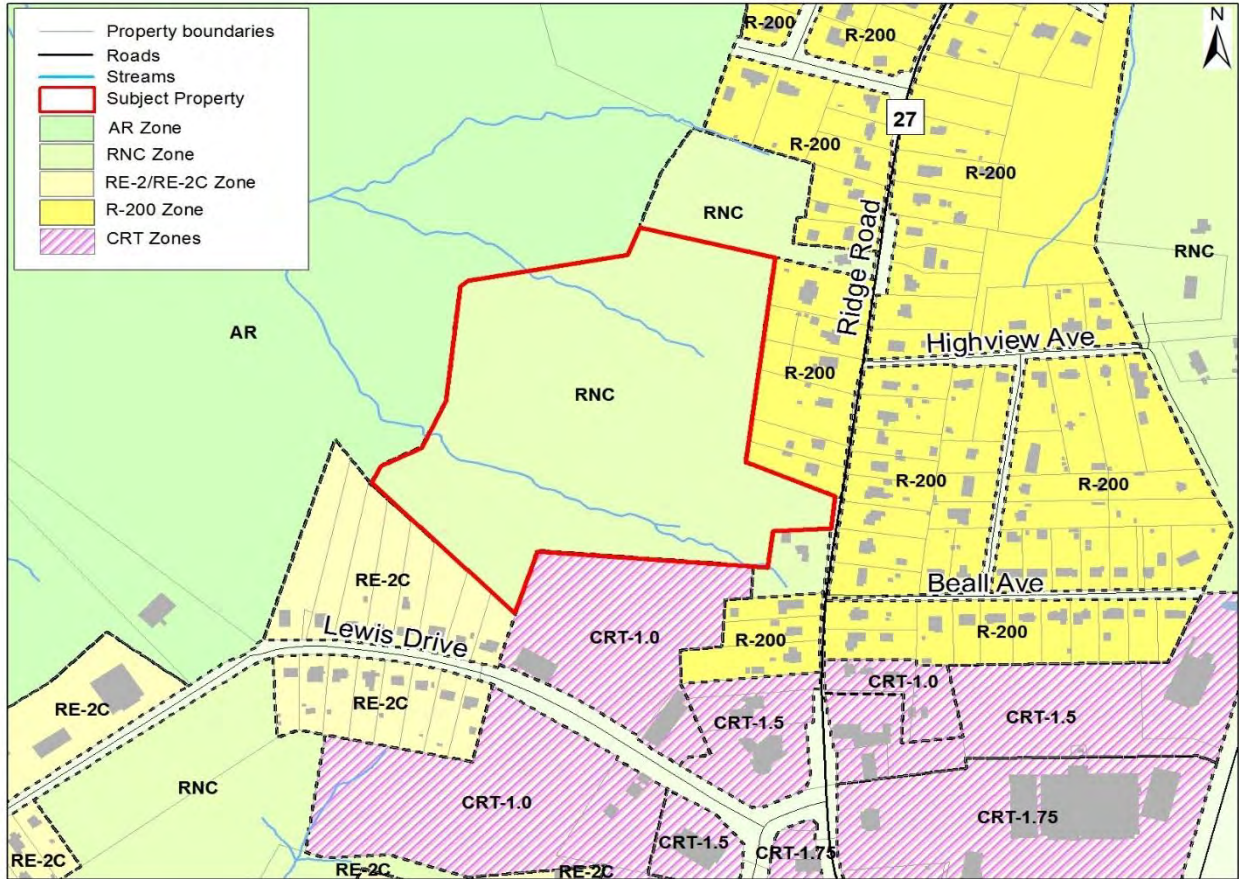


Figure 2 – Vicinity Zoning

Site Analysis

Currently the site is undeveloped and predominantly forested, with three small meadow areas that have been cleared for hay production in recent years. The forest on site totals approximately 15.8 acres which is approximately 69% of the total site. There are two stream headwaters located on the property, one in the northern portion and one in the southern portion of the site. Both flow east into the Bennett Creek Conservation Park. The associated stream valleys are very steep and there are areas of steep slope within the valleys.



Figure 3 – Site Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Preliminary Plan 120120010

Preliminary Plan, No. 120120010 proposes to subdivide the site into 19 lots for 19 one-family detached dwelling units, and to create a total of 11.58 acres of Category I Conservation Easement and 15.23 acres of Rural Open Space (“Preliminary Plan”). The Preliminary Plan utilizes 10 Transfer of Development Rights (TDRs), consistent with the Damascus Master Plan, to achieve the total density. To access the new lots, a new public tertiary street will be dedicated and constructed for public maintenance and use. The street provides access to Ridge Road and is designed to avoid impacts to the on-site stream valleys. The Preliminary Plan also creates open space parcels near the middle of the site to provide common open space for the future residents. The proposed parcels are clustered, allowing for the creation of the 15.23 acres of rural open space, which includes the 11.58 acres of Category I Conservation Easement protecting the on-site stream valley buffers and areas of existing upland forest, and an additional 3.65 acres of unforested rural open space. The Preliminary Plan is being reviewed under the Chapter 50 regulations in effect before February 13, 2017 because the Preliminary Plan was accepted prior to the February 13, 2017 effective date of the new regulations.

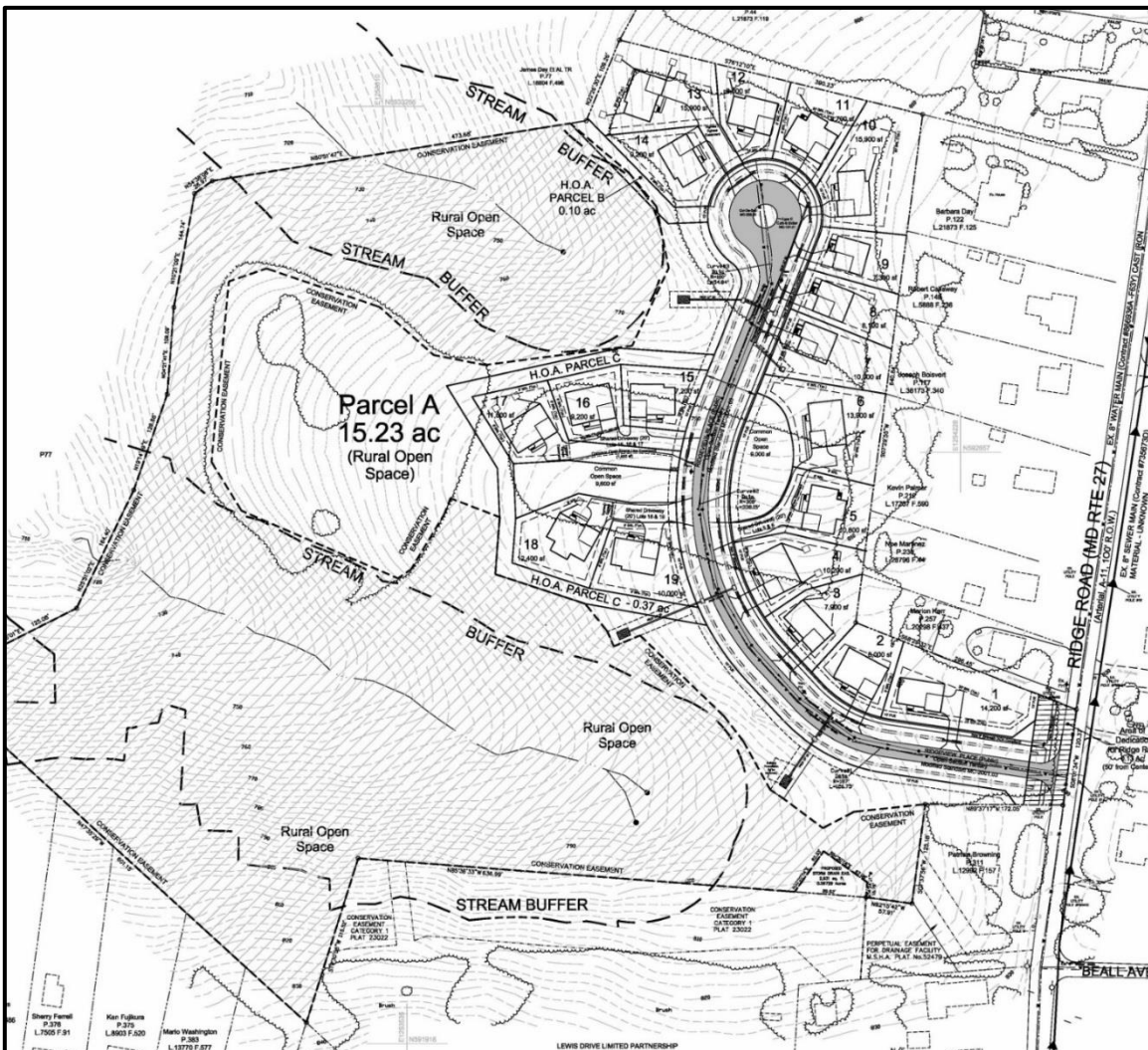


Figure 4 – Preliminary Plan

Site Plan 820120010

Site Plan, No. 820120010, proposes constructing 19 one-family attached dwellings on the subject property along a new tertiary residential street ("Site Plan"). Included on the Site Plan are two areas of common open space, which are centrally located within the community providing green lawn areas that are able to accommodate active recreation. The western open space continues into an informal clearing that will be part of HOA property, and the eastern open space is more formal with a paved path and a long, curved seating wall. There will be landscaping provided in and around these amenity areas, and the two open spaces are connected across the street with an ADA accessible crossing. The new public street will include a sidewalk on one side, street trees on both, and street lighting consistent with the requirements of MCDOT and MCDPS. The Site Plan was reviewed for conformance to Chapter 59, the Zoning Ordinance that was in effect on October 29, 2014 because the Site Plan was submitted prior to the date of the current Zoning Code, and the grandfathering provisions of Section 59.7.7.1.B allow an Applicant to proceed through any other required application in the process under the standards in effect when the original submittal is made.



Figure 5 – Rendered Site Plan

SECTION 4 – ANALYSIS AND FINDINGS PRELIMINARY PLAN 120120010

1. The Preliminary Plan substantially conforms to the Master Plan.

The subject property is located within the boundaries of the 2006 Damascus Master Plan (“Master Plan”). The Proposed Land Use Plan map from the Master Plan shows this site as a Rural Transition, which allows densities of one dwelling per five acres, but also identifies the site as a possible TDR receiving area allowing the density to increase as high as one dwelling per acre (Figure 6).

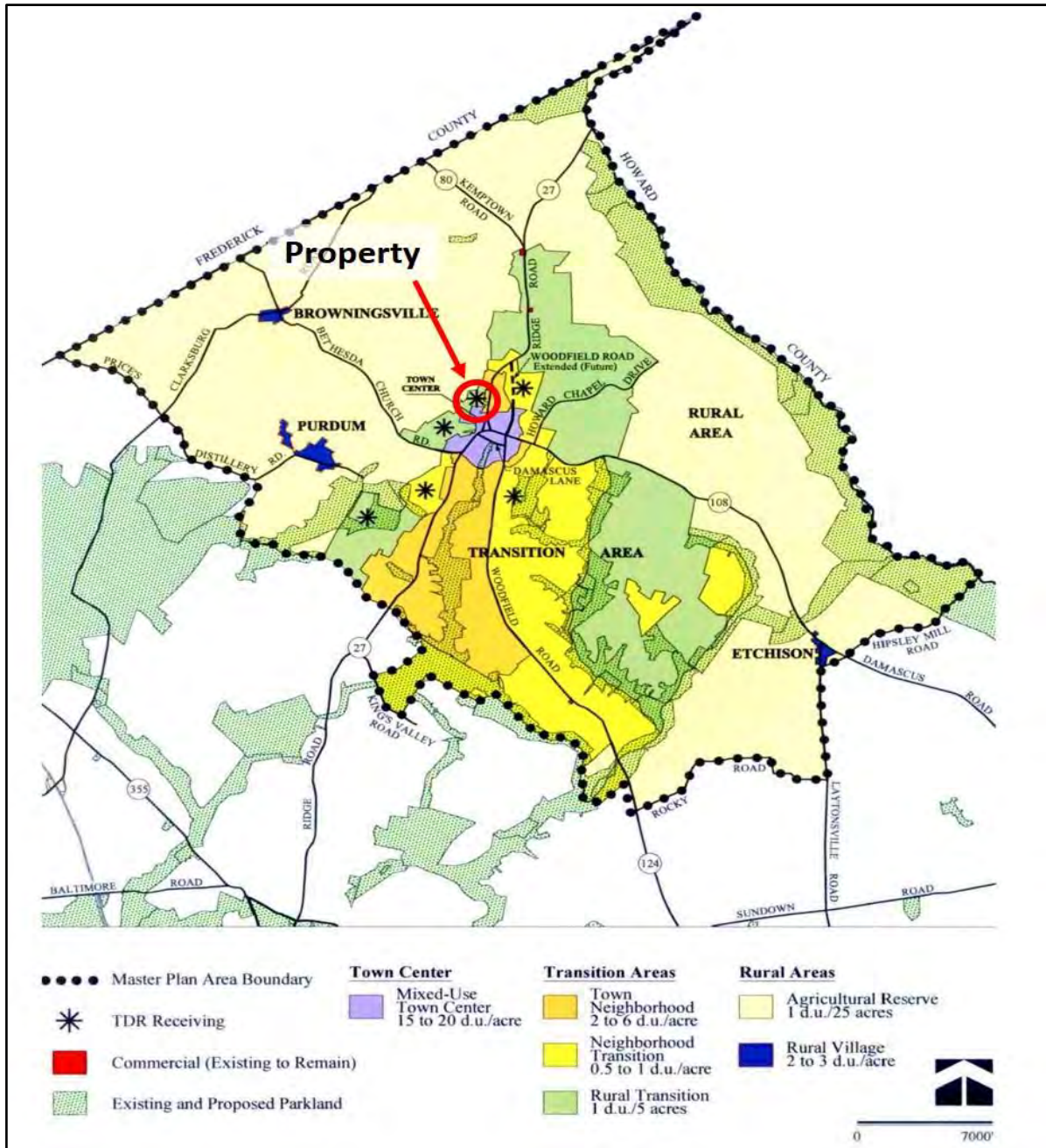


Figure 6 – Land Use Plan (source: Damascus MP, Page 12)

The Property is part of the Stanley/Leisher-Day Properties, identified as a “9” in the Master Plan and in the map of developable transition area properties (Figure 7). The subject property is the larger, Stanley/Leisher property; the adjacent Day property located immediately to the north of the subject property was recently purchased by the Parks department for addition to the Bennett Creek Conservation Park.

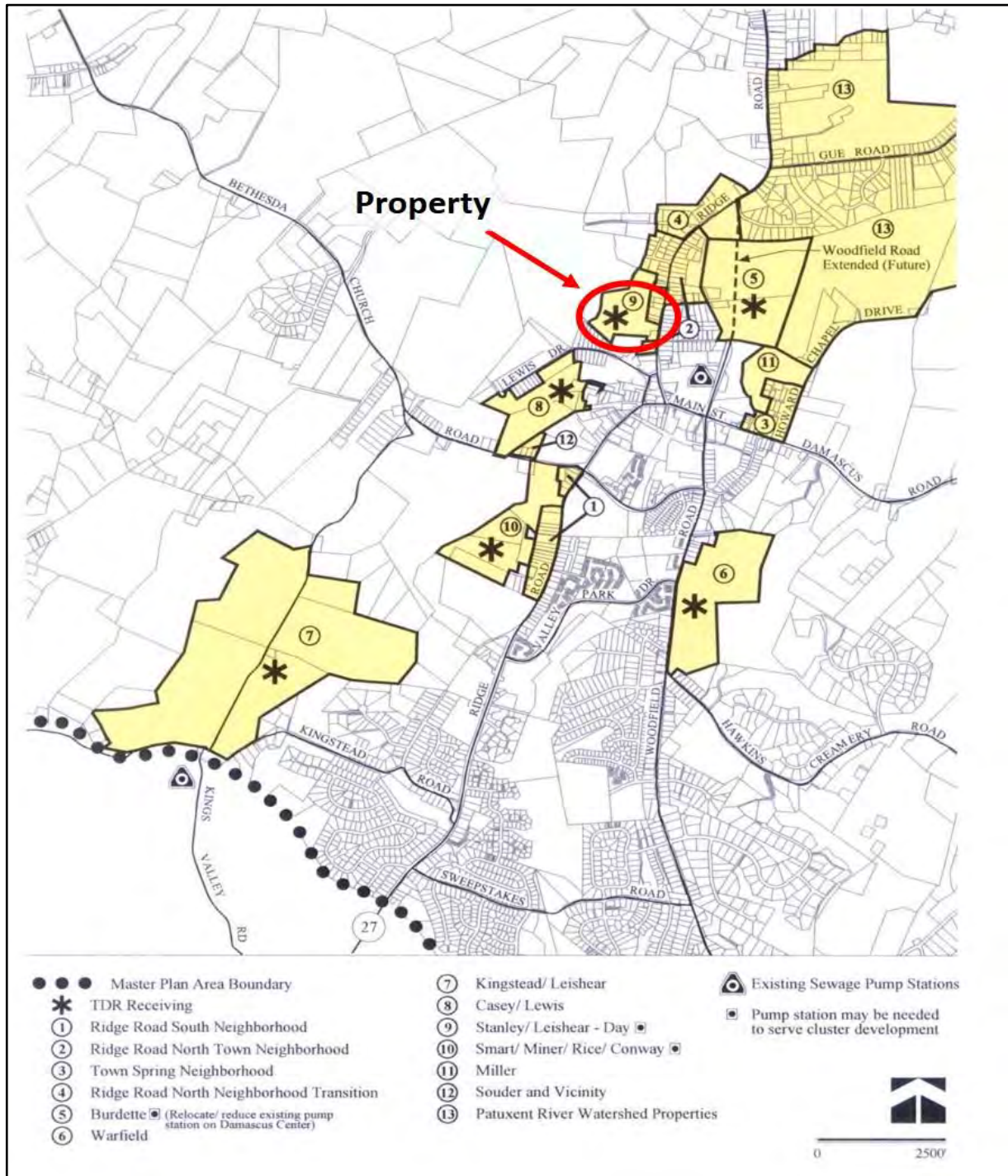


Figure 7 – Transition Properties (source: Damascus Master Plan, page 24)

Land Use

The Preliminary Plan substantially conforms with the land use recommendations of the Master Plan. The Master Plan provides specific development guidance for the Stanley/Leisher-Day Properties on page 34. The Master Plan recommends the RNC Zone, at a density of 0.2 units per acre for standard method development projects, up to 0.4 units per acre for optional method development projects using community sewer, and a density of up to 1 unit per acre, if using TDRs. The RNC Zone was recommended because it provided the flexibility to increase density on a property near the town center while also creating an opportunity to protect the Bennett Creek Watershed with rural open space. The Preliminary Plan proposes a total of 19 units on approximately 22.64 acres, which is an approximate density of 0.84 units per acre. In addition, this density is within the range envisioned by the Master Plan as the Applicant is providing both community sewer and is providing TDRs. In addition, the Preliminary Plan provides for 69% of the total site to be placed in Rural Open Space, exceeding the 65% minimum required by the Zone.

Additional development guidance on page 34 of the Master Plan relevant to land use includes the following:

- *Comply with the guidance for cluster development in this chapter and the recommendations for community water and sewer service in the Implementation Chapter (list on page 25 of the Master Plan).*
 - *Minimize impervious surfaces through environmentally sensitive site design techniques...*

The Preliminary Plan is minimizing impervious surfaces through the use of small lots and by clustering them on the eastern portion of the property, where it is closest to Ridge Road, which minimizes the length of the access road and private driveways. In addition, the Preliminary Plan is requesting a design modification from MCDOT for the new street to allow sidewalks only on one side of the street, where the majority of the lots are proposed.
 - *Provide stormwater management controls utilizing environmentally sensitive design techniques...*

The Preliminary Plan has an approved stormwater concept plan which proposes using dry wells and bio-infiltration to meet stormwater goals.
 - *Design to allow views of protected open space and vistas of surrounding rural areas.*

The proposed layout provides multiple opportunities to view the Rural Open Space on the property, including as you enter the site from Ridge Road, from the more formalized viewshed created by the lot orientation around the common open space, and again around the west side of the cul-de-sac.
 - *Protect sensitive environmental features, minimizing development impacts.*

The location of the street and lots keeps development out of the stream valley areas and minimizes grading and forest clearing.
 - *Create a defined “edge” clearly separating the developed neighborhood from the rural open space that is preserved.*

The subdivision has a clear edge between the developed portion of the site and the Rural Open Space, most clearly defined by placing most of the lots on the east side of

the new street, with the exception of one cluster of lots on an upland area in the middle of the site.

- *Provide internal and external connections for easy non-vehicular access using trails, sidewalks and bicycle paths*

The Preliminary Plan shows a sidewalk as part of the frontage of Ridge Road. Off-site connections of that sidewalk are not possible at this time because of limited existing off-site right-of-way. The design of the site does not prohibit future natural surface trails from extending off-site into adjacent park or developed lands.

- *Replicate the scale, design and pattern of historic small town residential neighborhoods.*

The design of this subdivision maintains a traditional neighborhood character of lining homes up that are oriented toward the street, and creating formal green gathering areas near the center of the property.

- *Locate a minimum of three-fourths of the lots in the clustered small lot portion of the development...*

All of the proposed lots are in a continuous developed area, concentrated on only the eastern 31% of the site.

- *Single-family housing should be the primary development typed used...*

The only development type permitted in this Preliminary Plan is single-family detached housing.

- *Establish and designate open space area to include in the Legacy Open Space program either through conservation easements or dedication...*

The Preliminary Plan creates approximately 15.23 acres of Rural Open Space, much of which is protected by Category I Conservation Easement, consistent with the areas not included in the water and sewerable area.

Environment

The Preliminary Plan is in substantial conformance with the various environmental recommendations found within the Master Plan. The Environmental chapter of the Master Plan places a strong emphasis on protecting existing hydrology and forest resources on properties with stream headwaters including prioritizing forest protection and development clustering on these properties. The property is in the Bennett Creek watershed which has additional recommendations for protecting upland forest resources including possible inclusion with the Legacy Open Space program and the protection of forest resources through conservation easements. In addition, there are specific recommendations for the Stanley/Leishear-Day properties that mirror the general desire to use cluster development to minimize imperviousness and protect the identified Legacy Open Space forest resource. The Preliminary Plan is meeting these environmental goals by proposing a cluster development that protects approximately 15.23 acres as rural open space (69% of the total tract), including 11.65 acres of forest saved and placed in a Category I Conservation Easement.

There is also a specific recommendation on page 34 of the Master Plan for a pump station to be located on this property to both serve the planned on-site cluster development, and to potentially

serve an area of failing septic systems located north of the subject property. While initial plans submitted in 2013 included a pump station, subsequent detailed engineering studies deemed the pump station to be financial infeasible for a 19-lot subdivision. The Master Plan had anticipated that as many as 32 dwelling units could be built as part of the Stanley/Leisher-Day Properties, however environmental constraints on the subject property and the park acquisition of the Day property has greatly reduced that total. The proposed development, as well as any future failing septic systems, can all use individual grinder pumps and pressure sewer to pump into the existing gravity main located under Ridge Road. Correspondence between WSSC and Montgomery County Department of Environment concur that while a regional solution is almost always preferred, the pressure sewer option is acceptable to both agencies (Attachment D). The Preliminary Plan therefore is proposing all 19 lots share a new pressure sewer line that will connect to the existing sewer infrastructure under Ridge Road, and Staff finds this acceptable considering the financial limitations and outside agency correspondence.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

The property has a short area of frontage along Ridge Road (MD 27) and will construct a new public street from Ridge Road onto the site. Each lot has access either directly to the new street, or to a shared driveway. Ridge Road is an existing state road, classified as an Arterial road with a required 100 feet of total dedication, two travel lanes, and an on-road bikeway. As part of the Preliminary Plan, the Applicant is dedicating approximately 0.13 acres to achieve the full 50 feet from centerline across the site frontage.

The new public street providing access to the proposed lots is planned as an open-section tertiary street, following MC-2001.03 but modified to only provide sidewalks on one side of the street. The new street will be in a new 67-foot wide right-of-way and include a 20-foot wide roadway, increased width side ditches and a five-foot wide sidewalk on one side of the street.

Over-length cul-de-sac

Section 50-26(b) of the Subdivision Regulations gives the Planning Board the ability to approve a cul-de-sac where it would improve the street layout because of a properties unusual shape, size or topography. The section however states *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.* The new public street proposed by the Preliminary Plan is slightly over 1,000 feet in length. Staff finds that this is justifiable because the developable portion of the site is highly constrained into a linear shape by topography and Master Plan recommendations, and access to existing public roads is limited to the southeastern corner of the property. A cul-de-sac of this length is the only practical way to provide access to these lots without negatively impacting the open space, environmental sensitive resources, or greatly reducing the total number of lots.

Local Area Transportation Review (LATR)

This Application was submitted prior to January 1, 2017 and is therefore reviewed under the LATR guidelines in effect in 2016. The Preliminary Plan was analyzed based on the creation of 19 new single-family detached dwellings on the property with the peak-hour generation estimation for the Preliminary Plan based on trip generation rates included in the M-NCPPC's LATR & TPAR Guidelines. Based on the provided traffic statement, the Site would generate a total of 18 new

peak-hour trips during the weekday morning peak period and 21 new peak-hour trips during the weekday evening peak period. Since neither peak period exceeded 30 new vehicle trips during a peak hour, the Preliminary Plan is not required to submit a traffic study to satisfy the LATR guidelines.

Transportation Policy Area Review (TPAR)

The Property is located in the Damascus Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Damascus Policy Area is adequate for both the roadway and transit test; therefore no additional payment of the General District Transportation Impact Tax is required. In addition, any building permits pulled on or after March 1, 2017 no longer are required to pay TPAR payments and instead pay the new impact tax rate as determined by the County.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The property was approved for the W3 and S3 categories for water and sewer by MCDEP administrative action AD 20142 on February 17, 2015 (Attachment E) with the only condition that the development on the lot be clustered within the sewerable area identified by the Master Plan. The Application proposes to cluster all dwellings within the Master Planned sewer area, and will be serviced by public water and a pressure sewer. The Application has also been reviewed by the Montgomery County Fire and Rescue Services who have determined that the Application provides adequate access for fire and emergency vehicles (Attachment F). Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Application can be adequately served.

The Application was reviewed under the school capacity test that took effect July 1, 2016. The site is located in the Damascus School Cluster which was not in a capacity payment or moratorium therefore school capacity is considered adequate. Nonetheless, any building permits pulled on or after March 1, 2017 are required instead to pay the new higher impact tax rate as determined by the County.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision taking into account the design recommendations included in the Master Plan and the surrounding development and topography. The Master Plan provides clear direction to cluster development away from the stream valley buffers and forested resources which this Application does. Providing all one-family detached dwelling lots is also compatible with the existing character of development for this part of Damascus which is predominantly one-family detached housing fronting public streets.

The lots were reviewed for compliance with the dimensional requirements for the RNC Zone in the October 29, 2014 zoning ordinance. The lots as proposed will meet all the dimensional requirements for area and frontage, and can accommodate a dwelling that will meet the width and setback requirements of the zone. A detailed summary of this review is included in Table 1 as part of the

concurrent Site Plan review in this Staff Report. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420131750 for this Property was approved in May 2013. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the site to be a total of 22.66 acres of which 15.80 acres are existing forest separated into three forest stands distinguished by dominate species mix. The remainder of the site is open fields with a small lawn area along Ridge Road. The site contains two intermittent streams with three springs that feed these streams. One stream exists in the northern third of the property with a spring feeding it and the second stream is in the southern third with two springs feeding it. Each stream area and its associated buffer are completely forested, have numerous trees greater than 24 inches diameter breast height (“DBH”) and slopes greater than 25%. Each stream flows generally to the west-northwest and both eventually drain into Bennett Creek, a Use I-P watershed.

Forest Conservation Law

The Application meets all applicable requirements of the county Forest Conservation Law. The Forest Conservation Plan (“FCP”) contains a 22.66 net tract area, including a total of 15.8 acres of existing forest. This site is zoned RNC which is assigned a Land Use Category of Medium Density Residential Development in the Land Use Table of the Environmental Guidelines. This results in an afforestation threshold of 20% and a conservation threshold of 25% for the net tract area of the project site.

Minimum Onsite Retention

This project is using the optional method of development, and under the Montgomery County Forest Conservation Law (“FCL”), Section 22A-12(f) of the FCL states there are special provisions for minimum retention, reforestation and afforestation on any site developed under a cluster or other optional method of development in a one-family residential zone. Such developments must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement. Forest retention should be maximized where possible. This site is being developed under an optional method and is located within a one-family residential zone, RNC. As such, 22A-12(f) would be applicable to this development site.

22A-12(f)(2)(B) states, in part, that *“In a planned development or a site development using a cluster or other optional method of development in a one-family residential zone, on-site forest retention must equal the applicable conservation threshold in subsection (a).”* And in 22A-12(f)(2)(C), *“On a site covered by this subsection, if existing forest is less than the minimum required retention, all existing forest must be retained and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold in subsection (a), the afforestation threshold is the minimum on-site forest requirement.”*

Under the applicable sections of 22A-12(f)(2)(B) the Applicant’s minimum on-site forest retention must be at least equal to the applicable conservation threshold, which is 25% of the net tract area. Under this section of the FCL the Applicant would be required to retain at least 5.66 acres of existing on-site forest. The Applicant has proposed to retain 11.58 acres of existing forest and

place this into a Category I Conservation Easement. As such, the Applicant has met all of the requirements under 22A-12(f) of the FCL.

Tree Variance

The FCP proposes to remove 4.22 acres of existing forest, mostly in the center of the site. When entering this clearing into the Forest Conservation worksheet, no afforestation/reforestation is required for this site. The conservation threshold for the site is 7.69 acres, and the FCP proposes to save an additional 3.47 acres for a total of 11.65 acres. This will be retained in a Category I Conservation Easement.

Forest Conservation Tree Variance

Section 22A-12(b)(3) of the 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, Diameter at Breast Height (DBH) (“Protected Tree”); are part of a historic site or designated with an historic structure; are designated as a 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. Any impact to a Protected Tree, including removal or disturbance within the Protected Tree’s critical root zone (CRZ) requires a variance. An applicant 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. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

Variance Request

On February 8, 2017, the Applicant requested a variance for removal of twelve (12) and impacts to six (6) Protected Trees (Attachment H).

Unwarranted Hardship

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of their property. In this case, the unwarranted hardship is caused by the land use and environmental recommendations in the June 2006 Damascus Master Plan which recommends the clustering of small lots close to Ridge Road for this property which constrains development to the eastern third of the property with access to Ridge Road through the small frontage area of the property. This property contains a total of sixteen Protected Trees, twelve of which are located within this developable area and three additional Protected Trees are located off-site, but adjacent to the developable area. Without consideration of the variance request, Staff concurs there would be an unwarranted hardship considering the Master Plan development envelope and recommended densities.

Variance Findings

The Planning Board must make findings that the Application has met all requirements of section 22A-21 of the County Code before granting the variance. Staff has made the following determination on the required findings for granting the 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 removal of the 12 trees is due to the location of the trees, master plan recommendations and necessary site design requirements. The Applicant proposes mitigation for the removal of two of the twelve trees. The removal of the other ten trees do not need mitigation since they are within a defined forest. Therefore, Staff finds 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 variance is not based on conditions or circumstances which are the result of the action by the Applicant, but rather on the existing site conditions and the Master Plan recommendations. There are no feasible options to eliminate impacts to the Protected Trees based upon the limited development area in the Master Plan.

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

The requested variance is not related in any way to a condition on an adjacent, 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. The specimen trees being removed are not located within a stream buffer. The Application proposes mitigation for the removal of the two specimen trees located outside of the existing forest by planting five 3" caliper trees on-site. Therefore, Staff finds that the project will not violate State water quality standards or cause measurable degradation in water quality.

County Arborist's Recommendation on the Variance

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 for a recommendation prior to acting on the request. A request was forwarded to the County Arborist on March 28, 2017. As of the date of this Staff Report, no response was received, and under Section 22A-19(c), if a recommendation on a variance is not submitted to the Planning Board within 30 days of referral, the recommendation is presumed to be favorable.

Mitigation for Trees Subject to the Variance Provision

There are a total of twelve specimen trees proposed to be removed on this property. Only two of these trees are located outside of the existing on-site forest that is also proposed to be removed. Staff's policy has been to require mitigation only for those specimen trees being removed that are outside of any forest because the FCP worksheet specifies compensation for the forest including the specimen trees in it. The Applicant proposes mitigation for the following two specimen trees; ST-4 (30" DBH) and ST-5 (38" DBH), which are outside of the existing forest. For removal of specimen trees outside of a forest that are associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. In this case, the total amount of DBH being removed is 68". This results in a required replacement of at least 17 caliper inches. The Applicant has proffered to plant a total of eight, 3" caliper trees for a total of 24 caliper inches of mitigation, which will be overstory trees native to the Piedmont Region of Maryland, located on the property within an unforested portion of the proposed Category I Conservation Easement.

Variance Recommendation

Staff recommends that the variance be granted with mitigation. The submitted FCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on March 17, 2016 (Attachment I). The Application will meet stormwater management goals through the use of bio-swales and dry-wells.

SECTION 5 – ANALYSIS AND FINDINGS CHAPTER 59 D 3.4(C) - SITE PLAN NO. 820120010

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, a schematic development plan certified by the Hearing Examiner or a project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan is not subject to an urban renewal plan approved under Chapter 56.

The Subject Property is approximately 22.64 acres in size and is zoned RNC. The Application was reviewed under the provisions of Section 59-C-9.58 for developments in the RNC Zone that include TDR's. Sub-Section 9.58 provides for the review of standards found in sub-section 9.57 with additional requirements unique to utilizing TDRs. The following table, Table 1, shows the Application complying with the development standards for the optional method RNC zone.

Table 1

Zoning Data Table: RNC with TDRs Section 59-C-9.57 and 59-C-9.58		
<u>Development Standard</u>	<u>Required</u>	<u>Provided</u>
59-C-9.574 Optional method of development		
Minimum Tract Area	10 acres	22.64 acres
Maximum Density ²		
Base Density	0.4 units/acre (9 DU)	
Density With TDRs	1 unit/acre (22 DU)	19 DU
TDRs		
Max TDRs allowed	(22 - 9) = 13	
Minimum TDRs required	2/3 of 13 = 9 TDRs	10 TDRs (= 19 - 9) ³
Minimum Lot Area	4,000 sq. ft.	7,200 sq. ft. minimum
Minimum front setback	15 ft.	15 ft.
Minimum yard (if provided)		
Adjacent to other Optional Method	8 ft. for side	8 ft.
Not Adjacent to Optional Method	30 ft. for side and rear	Side N/A, 30 ft. for rear
Minimum frontage	25 ft.	25 ft.
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage	35%	35%

² Per Master Pan, Page 34.

³ Per Section 59-C-9.584, any increase in density above the density applicable to the standard method of development must be based on a ratio of one single-family dwelling unit for each TDR.

Zoning Data Table: RNC with TDRs Section 59-C-9.57 and 59-C-9.58		
<u>Development Standard</u>	<u>Required</u>	<u>Provided</u>
Accessory Structure Setbacks		
Side and Rear	5 ft.	5 ft.
From any street	60 ft.	60 ft.
Common Open Space	Required	18,600 sq. ft. provided
Rural Open Space	65% of tract (14.7 acres)	69% of tract (15.23 acres)
Parking		
One-family detached	2 spaces/unit : 38 total	38 (garage and driveway)

Common and Rural Open Spaces

A major tenant of the RNC zone is the provision of rural open space. Developments must provide a minimum of 65% rural open space, and this space should be contiguous and must meet the goals of the applicable Master Plan. Rural open space may be managed and maintained through various non-structural means including meadow or woodland management and agriculture or left passive. Finally, the land must be placed in a restrictive easement identifying the open space area. This Application is providing a total of 69% rural open space (15.23 acres out of 22.6 acres), in a contiguous HOA parcel that is located in the western 2/3 of the site (figure 8), which was identified in the Master Plan as a priority for Legacy Open Space and must be left as open space as a condition of the water and sewer category change affecting the property. The Applicant proposes a Category I Conservation Easement over all forested areas within the rural open space, with the existing unforested portions to remain as meadow or be allowed to naturally regenerate, dependent on the desires of the future community residents.

Based on Section 59-C-9.574(e), development applications with 10 or more dwelling units must provide an unspecified amount of land as common open space that is intended to be used for the enjoyment of future residents, must be located in a central location, and must not count towards the requirements of the rural open space. This Application proposes two areas of common open space; an approximately 9,000 sq. ft. Community Green that includes a seating wall, a paver path and landscaping, and a 9,600 square foot Lawn that provides a maintained view and entry from the developed portion of the property into the rural open space areas (figure 9). Both are located in the center of the developed portion of the site, and are connected to each other and to the greater development by sidewalks.

Diversity of Lot and House sizes

The optional method of development requires the Planning Board to find that an application has achieved a diversity of lot sizes, that in part ensure compatibility with existing development and is consistent with the intent of the zone. The Planning Board should also encourage a diversity of home sizes in situations where such diversity would help with compatibility. The Application contains lots that range in size between 7,200 square feet and 15,900 square feet. Although this range is less than what has been seen in some other RNC zoned developments, for compatibility reasons, staff finds the range provided is adequate. The developable area of the site is constrained into the eastern edge by environmental features, and that border is shared by six larger parcels, each developed with a one-family detached dwelling. Lots much smaller than those proposed would be out of character for the area, and lots much larger than those proposed would reduce area available to rural open space without having much impact on the built environment. The diversity in lot sizes is adequate enough to likely create a diversity in housing sizes, as the larger lots can accommodate a substantially larger home than the smaller lots can, once considering all required setbacks.

Additional Provisions of 59-C-9.58

Section 59-C-9.58 includes specific provisions and approval procedures unique to RNC zoned properties utilizing TDRs.

General Provisions, 9.584.2

The general provisions for developing RNC zoned properties with TDR's include the creation, transfer and extinguishment of a development right by means of official documents including easements and released recorded and approved by the Planning Board, the recordation of the development rights in the land records, ensuring total density does not exceed the maximum RNC density allowed by Chapter 59 or the associated Master Plan, and provisions for how to calculate MPDU's. This Application contains the standard conditions associated with TDR creation and documentation, will not exceed the RNC Zone or Master Plan recommended densities, and does not contain enough total dwelling units to require MPDU's based on Chapter 25A of the Montgomery County Code.

Approval Procedures 9.584.3

The approval procedures for a development proposed on RNC Zoned property utilizing TDRs must ensure the general provisions are met, must initialize the request to use TDR's through a Preliminary Plan of Subdivision, and must have a site plan review consistent with Chapter 59. As stated above, this Application is in compliance with the general provisions of section 59.C.9.58, there is an accompanying Preliminary Plan review, Plan No. 120120010 which requests the use of TDR's, and the Application contains a site plan review consistent with the requirements of Chapter 59.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Location of Buildings and Structures

The location of buildings and structures is adequate, safe and efficient. The lot pattern allows for building placement that is adequate and efficient at achieving the Master Plan and zoning requirements for clustering and open space protection. The building placement also achieves

compatibility with surrounding existing residential uses with similar building spacing and yard sizes. The building pattern will both frame the public street, and also frames both of the common open space areas with the dwellings fronting on these spaces. The seating walls located in the community green are located a safe distance from the road, and serve both a practical purpose as seating and an aesthetic purpose framing the edge of the open space.

Location of Open Spaces, Landscaping and Recreation Facilities

Open Spaces

The location of the open spaces is safe, adequate and efficient. The Site Plan includes two types of open space; common open space and rural open space. The rural open space is a requirement of the RNC zone, needing to comprise at least 65% of a site, and should be located in a contiguous space protecting natural and scenic resources. The rural open space on the site is approximately 69% of the total tract, and protects a large amount of existing forest and stream valley buffer areas on the site. Future residents will have passive access to the rural open space from multiple locations along the public road and through the common open space area. The common open space is required for RNC zoned developments with more than 10 dwelling units and should be located in a centralized location. The Site Plan includes two separate but adjacent areas of common open space. One is a more formal 9,000 square foot community green that has an open central area, with decorative trees, a path and seating located around the exterior. The second common open space is a 9,600 square foot lawn which co-serves as a visual and physical connection to the rural open space. Both spaces are readily accessible to all of the lots and have high visibility from the road and from the proposed dwellings.

Recreation Facilities

The Location and quantity of recreation facilities provided is safe, adequate and efficient. The Site Plan is providing for a total of 19 one-family dwelling units, which is fewer than the 25 which would trigger the requirements of the 1992 Montgomery County Recreation Guidelines. The recreation guidelines do however encourage the creation of recreation opportunities on smaller projects, and the Site Plan, through the common open space requirements, has provided opportunities for sitting, gathering and informal play space which is centrally located and easily accessible.

Landscaping and Lighting

The location of the proposed landscaping and lighting is safe, adequate and efficient. Most of the planting material includes street trees, which is regulated by MCDPS on the public street. The two common open spaces (Community Green and Lawn) however do provide some landscape material which is regulated through the Site Plan. The Community Green uses the sidewalk and street trees to define its western border, and has a row of flowering small trees that will define the eastern edge. This provides a clear boundary between the open space and the private lots without having to wall the space off with structures. The proposed Lawn similarly uses these small trees to delineate the northern and southern borders of the Lawn from the shared driveways. In the western portion of the Lawn, closer to the rural open space, a couple of canopy and understory trees will be planted to provide some shade and some visual interest. All of the proposed lighting is in the public right-of-way for the new street and is ultimately regulated by MCDPS at the time of road construction.

Pedestrian and Vehicular Circulation

Pedestrian Circulation

The location and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. The Application proposes a five-foot wide sidewalk to be located on the east side of the new public street, which is consistent with where all but five of the new lots will have frontage from. The five lots located on the west side of the street are in one clustered area around the common open space and a fully accessible street crossing will be provided. Staff finds it appropriate to only build the sidewalk on the one side of the street because of the low traffic volumes, the location of the majority of the dwellings, and the reduced environmental impact to the rural open space. Additionally, the Site Plan shows a new sidewalk section along the frontage with Ridge Road, consistent with the Preliminary Plan.

Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. Access to all lots is provided on a single new tertiary residential street with a cul-de-sac, as modified by MCDOT and described in the Preliminary Plan portion of this report. Tertiary streets are adequate for 19 new dwellings, and the road width is adequate for personal and emergency vehicles. The use as a single cul-de-sac is also discussed in the Preliminary Plan section of this report, and is supported by Staff because alternative layouts increase impacts to the rural open space or reduce the total number of lots that can be accommodated. M-NCPPC

MC Department of Parks has recently purchased the undeveloped property to the north of the subject property, ending the need to provide vehicle access to the property to the north.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The proposed use and structures are compatible with other uses, site plans, existing, and proposed development on adjacent properties. To the south and west of the developable portion of this site are environmental buffers and rural open space, providing large buffered space between adjacent developable properties and park properties. To the north is a recently acquired park property with no immediate intention to provide active park uses. East of the proposed lots are existing single family detached dwellings that are oriented with their fronts toward Ridge Road and their rear yards toward the subject property. The lots in this Application are similar with their fronts along a new public street and their rear yards then being adjacent to the existing rear yards. This relationship of rear yards to rear yards, along with the provided setbacks and the similar housing types makes the proposed development compatible with existing development.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Site Plan meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The Site Plan was reviewed concurrently with the Preliminary Plan, and the analysis for the environmental resources, forest conservation law, and stormwater management is presented under the environmental finding for Preliminary Plans located on pages 19-22 of this report. The Site Plan makes no changes to the findings made with the Preliminary Plan and Staff recommends approval of the Final Forest Conservation Plan.

SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on May 1, 2013 at the Damascus Community Library. Because of the duration of time between the initial application submittal and the Planning Board hearing, the Applicant provided an updated noticing list for adjacent and surrounding property owners and civic associations earlier this year. As of the date of this Staff Report, Staff has received no correspondence with the community regarding the Preliminary or Site Plan.

SECTION 7 – CONCLUSION

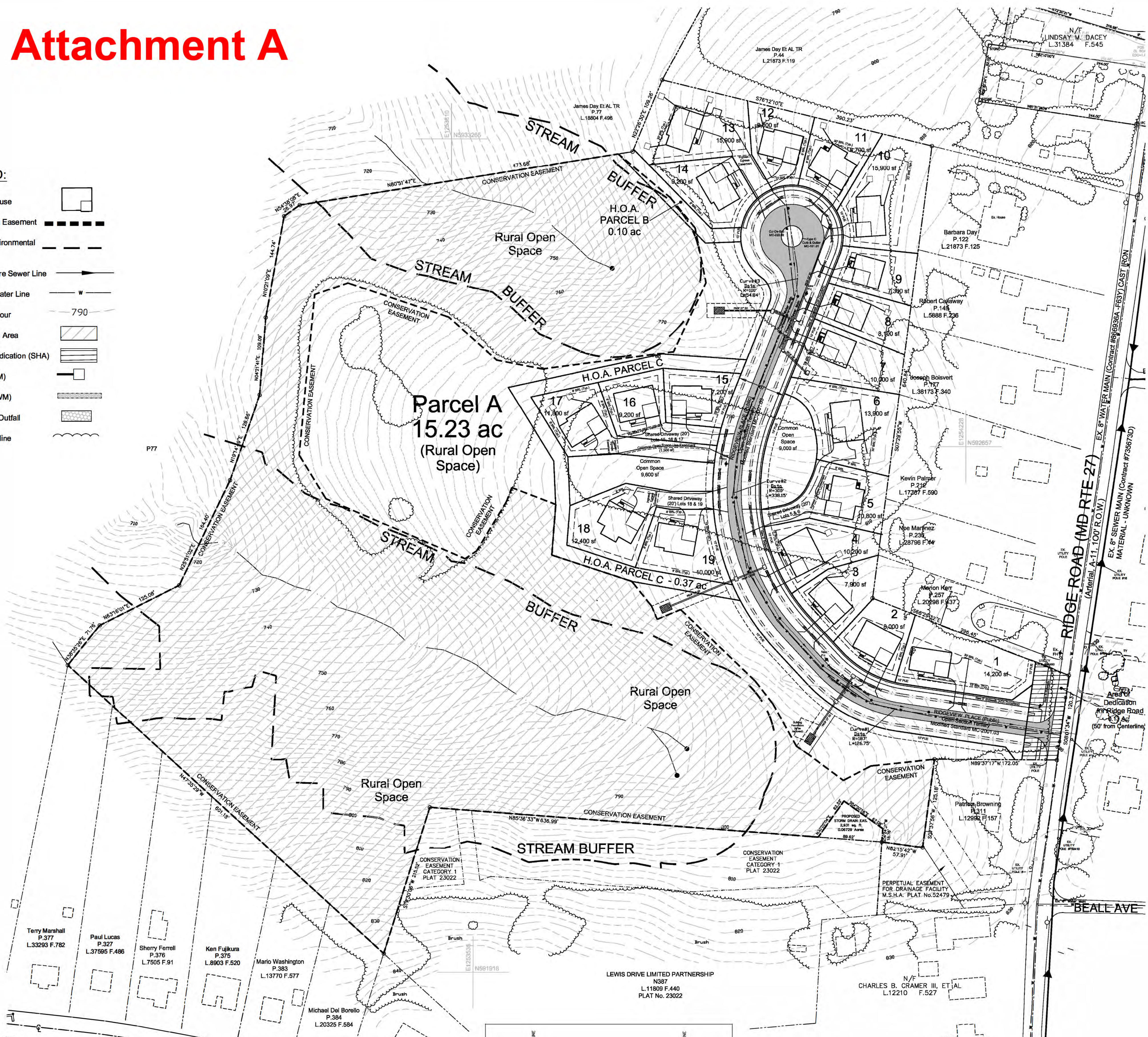
The proposed lots and associated dwellings meet all requirements established in the Subdivision Regulations and the requirements and findings of the Zoning Ordinance. The Application is also substantially conforming to the recommendations of the 2006 Damascus Master Plan. Access and public facilities will be adequate to serve the proposed Application, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plans. Therefore, approval of the Preliminary Plan and Site Plan with the conditions specified at the beginning of the Staff Report is recommended.

Attachments

- A – Preliminary Plan
- B – Site Plan
- C – Final FCP
- D – Pump Station Correspondence
- E – Water & Sewer Category Change
- F – Fire and Rescue Letter
- G – MCDOT Letter
- H – Tree Variance
- I – Stormwater Letter

Attachment A

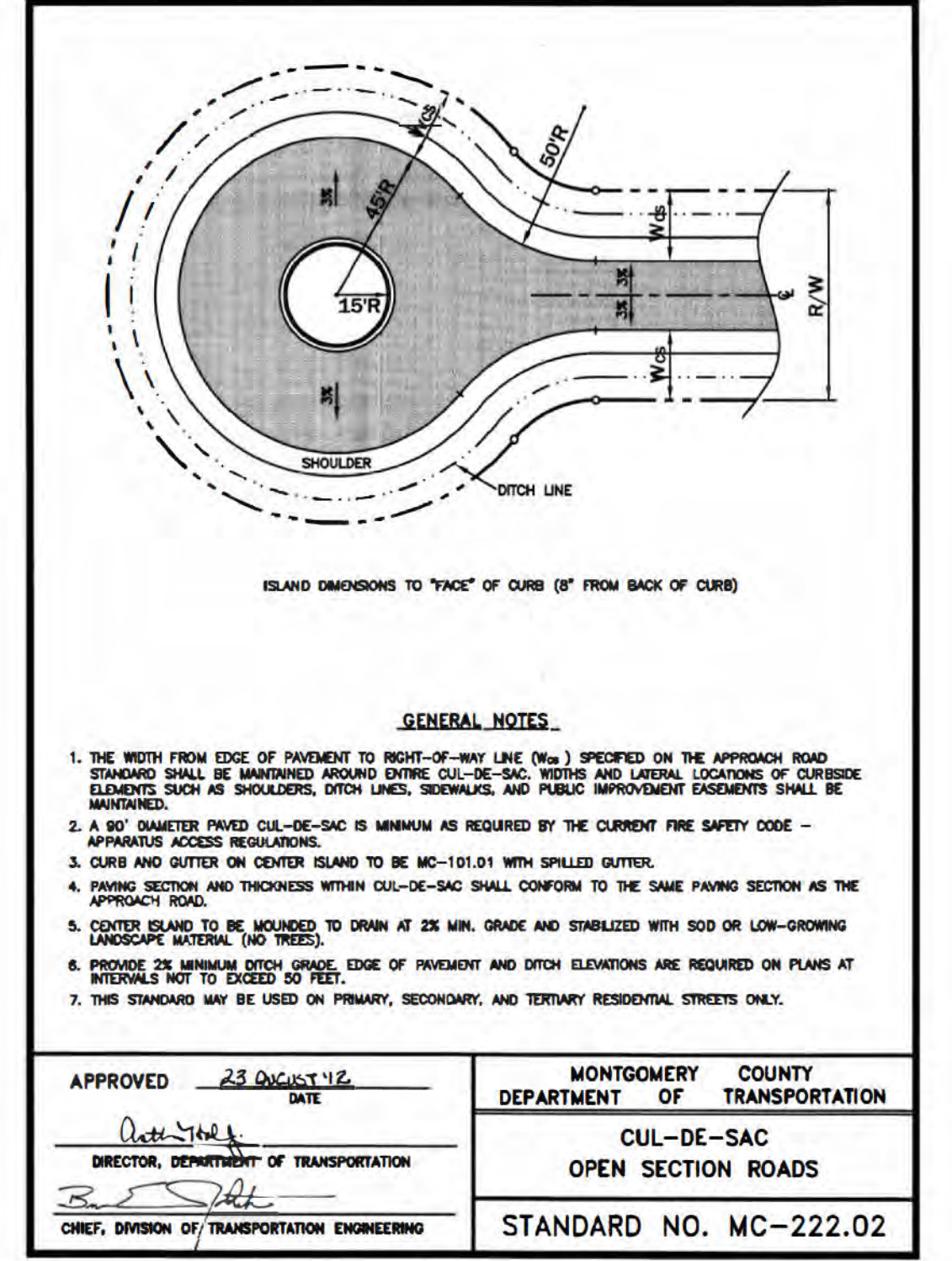
- LEGEND:**
- Proposed House
 - Conservation Easement
 - Stream / Environmental Buffer
 - Prop. Pressure Sewer Line
 - Ex. / Prop. Water Line
 - Existing Contour
 - Conservation Area
 - Proposed Dedication (SHA)
 - Drywell (SWM)
 - Bioswale (SWM)
 - Storm Drain Outfall
 - Existing Treeline



- GENERAL NOTES:**
- Total Area of Parcel - 986,386 sf (22.644 ac.)
 - Existing Zoning - RNC/TRD
 - Method of Development Proposed - Optional Method w/ TDR's (RNC 1.0)
 - Proposed Density - 19 DU
 - Area of Land to be Dedicated to State Road - 0.13 ac.
 - Net Tract Area - 22.514 ac
 - Rural Open Space Required - 65% of 22.514 ac. = 14.634 ac
 - Rural Open Space Shown - 15.23 ac
 - All Lots to be served by Public Water & Sewer.
 - Existing Water Service Category: W-3; Existing Sewer Service Category: S-3
 - Boundary & Topographic Survey provided by: Harris, Smariga & Associates, Inc. of Frederick, Maryland
 - Property located within Bennett Creek Watershed.
 - Development is exempt from meeting the adequacy test for recreation (less than 25 single-family homes).

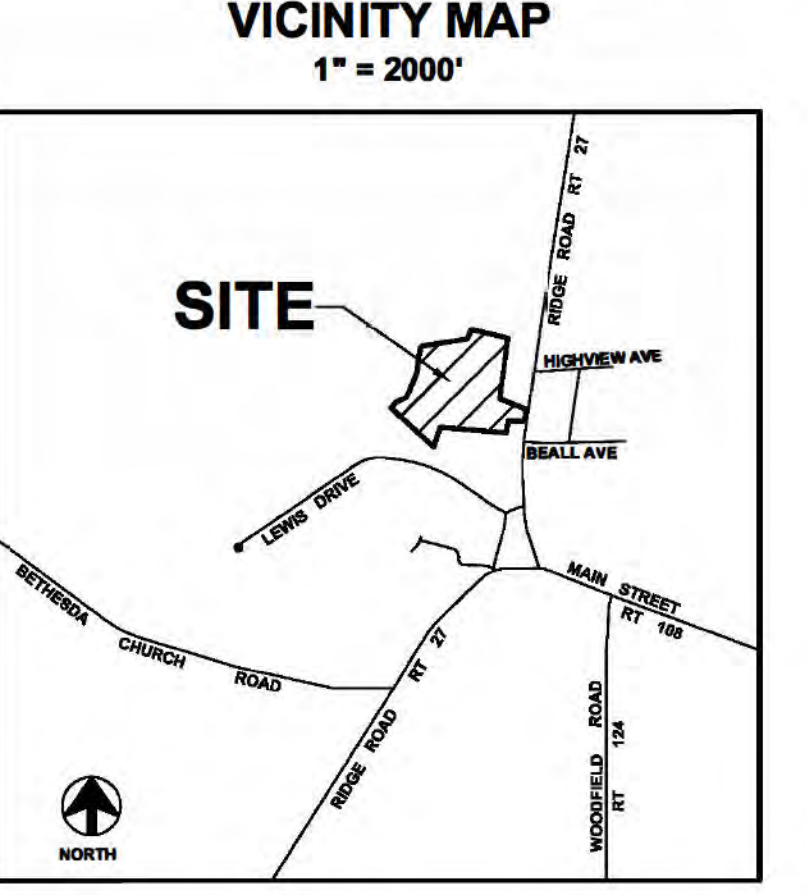
DATA TABLE: RNC ZONE
(one-family detached)

Development Standard	Required / Permitted	Provided
Gross Tract	10 acres	22.644 acres
Base Density	0.4 du / acre (9 du)	9 du
Max. Density with TDR's	1.0 du / acre (22 du)	19 du
Min. 2/3 TDR's	13 x 2/3 = 9 TDR's	10 TDR's
MPDU's	0	0
Minimum Lot Area	4,000 sf	7,200 sf
Minimum Lot Width at Street	25 ft	25 ft
Front Setback	15 ft	15 ft
From Adjoining Lot	0 ft (8 ft if provided)	8 ft
From abutting lot not developed under Optional Method	Equal to Setback Required for Adjoining Lot (30 ft if rear)	30 ft
Max. Building Height	35 ft	35 ft
Max. Lot Coverage	35%	35%
Rural Open Space	65%	69%



APPROVED: *[Signature]* DATE: 2/23/2012
 DIRECTOR, DEPARTMENT OF TRANSPORTATION
 CHIEF, DIVISION OF TRANSPORTATION ENGINEERING

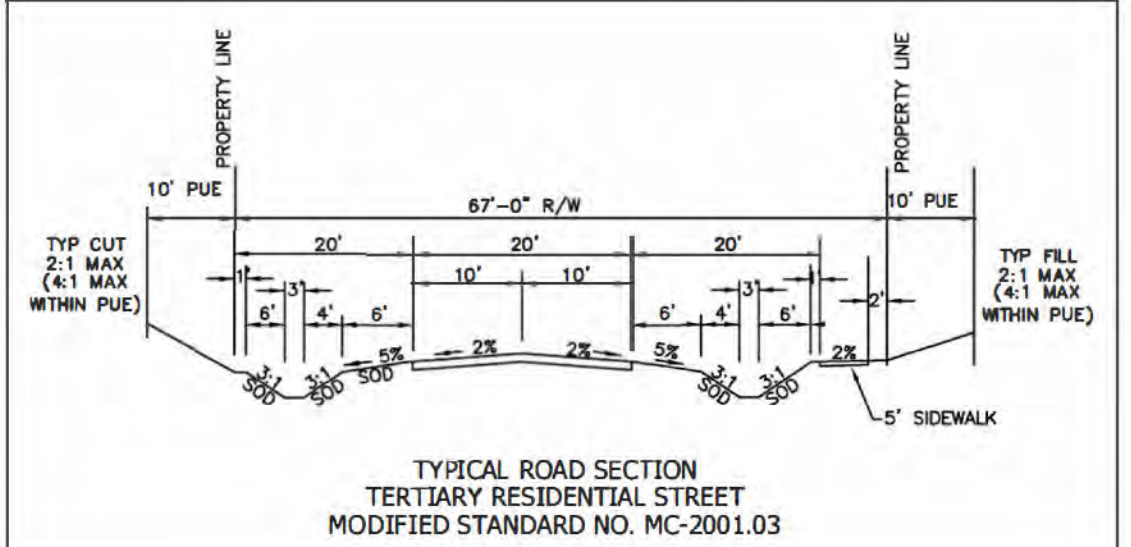
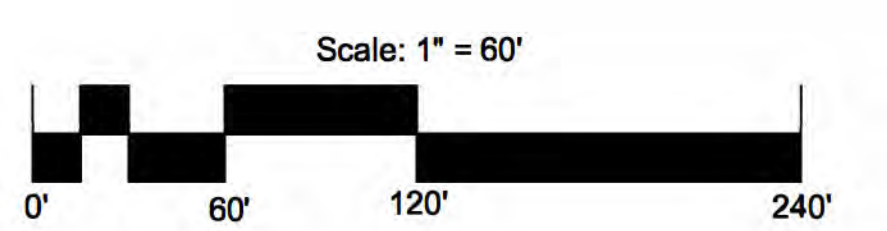
MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
 CUL-DE-SAC OPEN SECTION ROADS
 STANDARD NO. MC-222.02



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

[Signature] Date: 2/23/2012 Exp. Date: 2/23/18

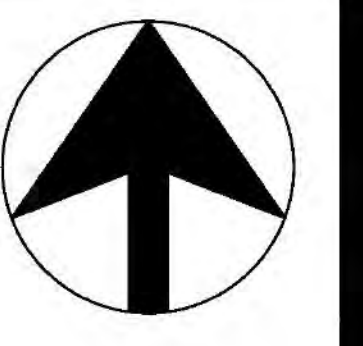
STATE OF MARYLAND
 PROFESSIONAL SURVEYOR
 No. 10380
 Exp. 02/23/2018



Note:
 The building footprint(s) shown on the Preliminary Plan are illustrative. Final building locations will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

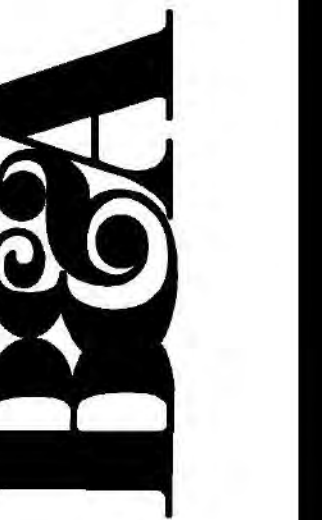
Prepared for:
Friend Indeed, LLC
 Roy Stanley
 PO Box 577
 Damascus, Maryland 20872
 (301) 253-0575

Rev. 07-30-16
Rev. 10-28-16
Rev. 02-08-17



date: 06/10/13
 scale: 1" = 60'

Beming & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 (301) 948-6240

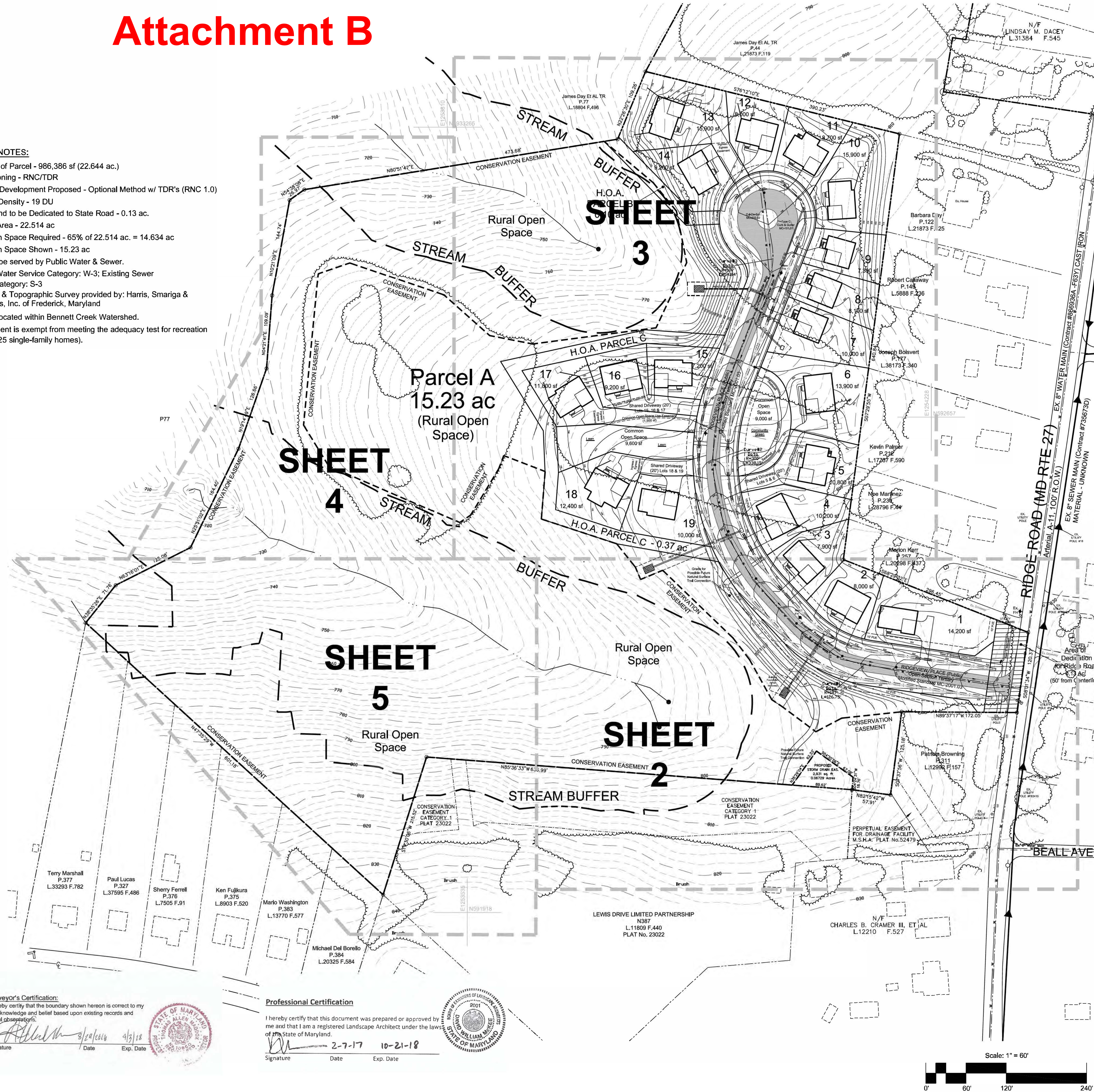


PRELIMINARY PLAN
RIDGEVIEW
 (Parcel 222; Tax Map FX43)
 Montgomery County, Maryland

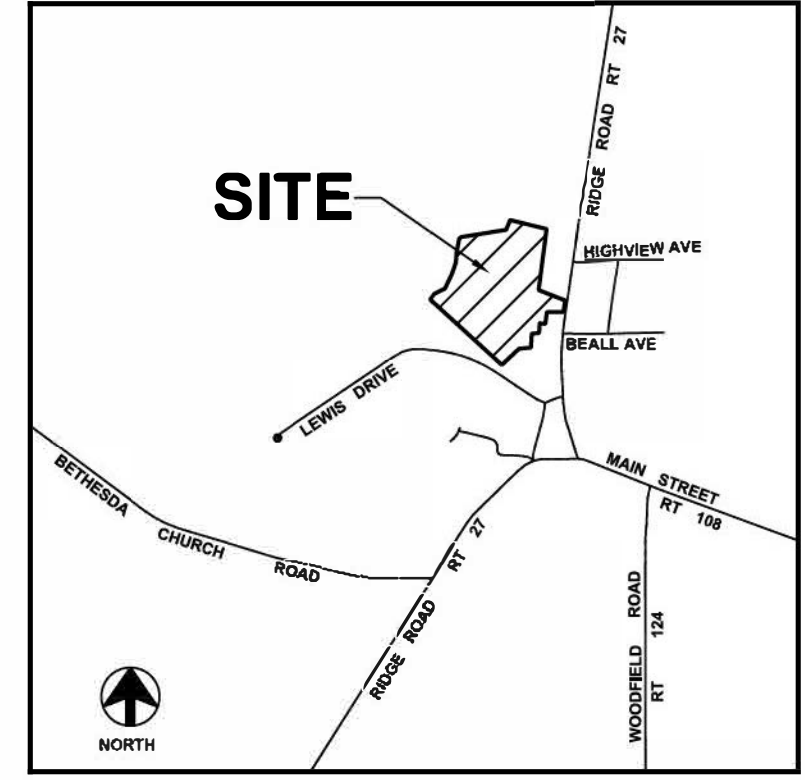
Attachment B

GENERAL NOTES:

- Total Area of Parcel - 986,386 sf (22.644 ac.)
- Existing Zoning - RNC/TDR
- Method of Development Proposed - Optional Method w/ TDR's (RNC 1.0)
- Proposed Density - 19 DU
- Area of Land to be Dedicated to State Road - 0.13 ac.
- Net Tract Area - 22.514 ac
- Rural Open Space Required - 65% of 22.514 ac. = 14.634 ac
- Rural Open Space Shown - 15.23 ac
- All Lots to be served by Public Water & Sewer.
- Existing Water Service Category: W-3; Existing Sewer Service Category: S-3
- Boundary & Topographic Survey provided by: Harris, Smariga & Associates, Inc. of Frederick, Maryland
- Property located within Bennett Creek Watershed.
- Development is exempt from meeting the adequacy test for recreation (less than 25 single-family homes).



Prepared for:
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DATA TABLE: RNC ZONE
 (one-family detached)

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Min. 2/3 TDR's	13 x 2/3 = 9 TDR's	10 TDR's
MPDU's	0	0
Minimum Lot Area	4,000 sf	7,200 sf
Minimum Lot Width at Street	25 ft	25 ft
Front Setback	15 ft	15 ft
From Adjoining Lot	0 ft (8 ft if provided)	8 ft
From abutting lot not developed under Optional Method	Equal to Setback Required for Adjoining Lot (30 ft if rear)	30 ft
Max. Building Height	35 ft	35 ft
Max. Lot Coverage	35%	35%
Rural Open Space	65%	69%

LEGEND:

- Proposed House
- Conservation Easement
- Stream / Environmental Buffer
- Prop. Pressure Sewer Line
- Ex. / Prop. Water Line
- Existing Contour
- Proposed Contour
- Conservation Area
- Proposed Dedication (SHA)
- Drywell (SWM)
- Bioswale (SWM)
- Storm Drain Outfall
- Existing Treeline

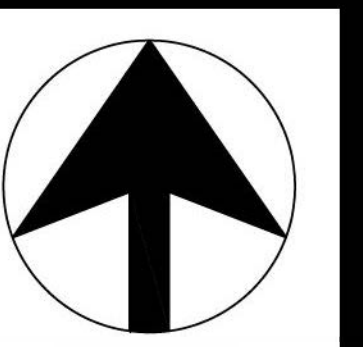
DEVELOPER'S CERTIFICATE
 The undersigned agrees to execute all the features of the Site Plan Approval No. **820120010**, including Approval Conditions, Development Program, and Certified Site Plan.
 Developer's Name: **Friend Indeed, LLC** Company
Roy Stanley Contact Person
 Address: **PO Box 577 Damascus, MD 20872**
 Phone: **301-253-0575**
 Signature: _____

Surveyor's Certification:
 I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.
 Signature: _____ Date: 2/20/18 Exp. Date: 4/3/18

Professional Certification
 I hereby certify that this document was prepared or approved by me and that I am a registered Landscape Architect under the laws of the State of Maryland.
 Signature: _____ Date: 2-7-17 Exp. Date: 10-21-18

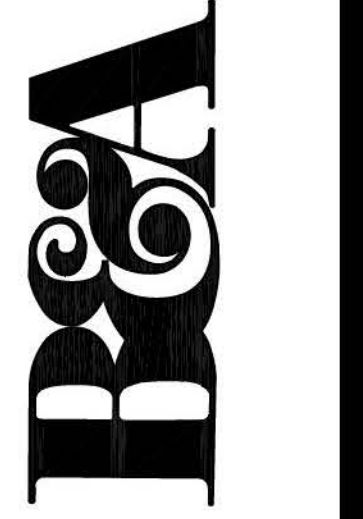
Sheet 1 of 5
 Revisions

Rev. 7-30-16
Rev. 10-28-16
Rev. 02-08-17
Rev. 04-04-17

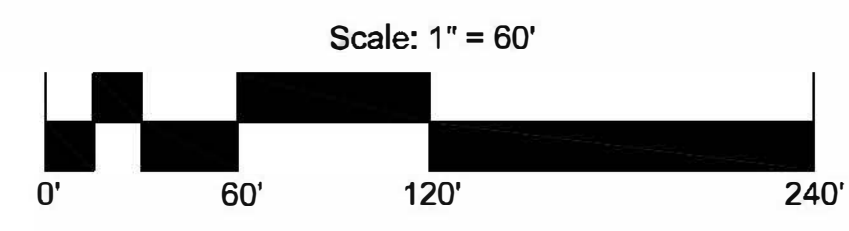


date: 06/10/13
 scale: 1" = 60'

Berling & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, MD 20878
 (301) 946-0240



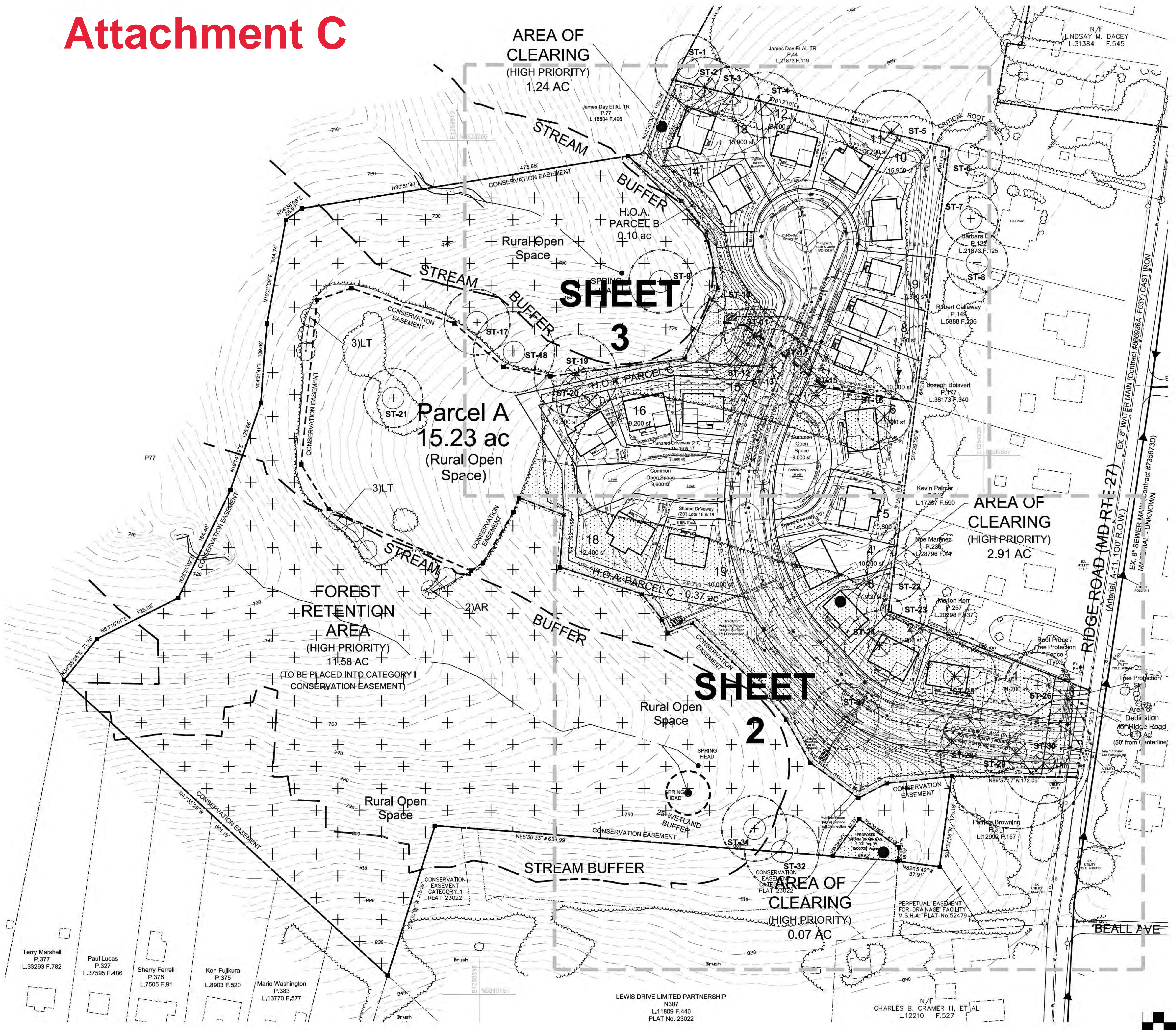
SITE PLAN COVER SHEET
RIDGEVIEW
 (Parcel 222; Tax Map FX43)
 Montgomery County, Maryland



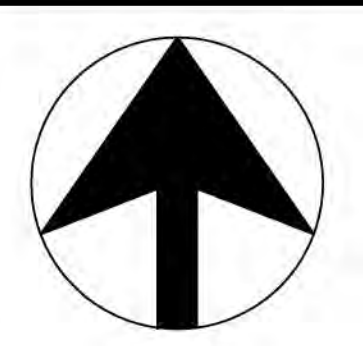
Attachment C

Sheet 1 of 4
Revisions

Rev. 7-30-16
Rev. 10-28-16
Rev. 02-08-17
Rev. 04-04-17



- LEGEND:**
- Proposed House
 - Conservation Easement
 - Stream / Environmental Buffer
 - Prop. Pressure Sewer Line
 - Ex. / Prop. Water Line
 - Existing Contour
 - Proposed Contour
 - Conservation Area
 - Proposed Dedication (SHA)
 - Drywell (SWM)
 - Bioswale (SWM)
 - Storm Drain Outfall
 - Existing Treeline
 - Significant Tree
 - Critical Root Zone
 - Tree to be Removed
 - Forest Retention
 - Forest Clearing
 - Tree Protection Fence
 - Tree Protection Sign
 - Super Silt Fence
 - Root Prune
 - Limit-of-Disturbance
 - Permanent Conservation Easement Post / Sign
 - Mitigation Tree Planting
 - Forest Conservation Easement Fence (Permanent)



date: 06/10/13
scale: 1" = 60'

Benning & Associates, Inc.
1851 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240



DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Conservation Plan No. 00120010, including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: **Friend Indeed, LLC**
Printed Company Name

Contact Person or Owner: **Roy Stanley**
Printed Name

Address: **PO Box 577 Damascus, MD 20872**

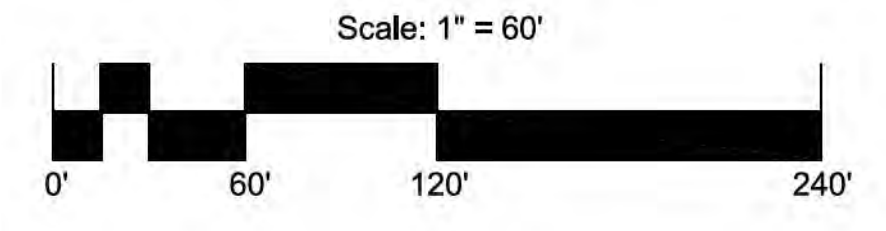
Phone and Email: **301-253-0575 restanley@comcast.net**

Signature: _____

Professional Certification
I hereby certify that this document was prepared or approved by me and that I am a registered Landscape Architect under the laws of the State of Maryland.
Signature: **2-7-17** Date: **10-21-18** Exp. Date

Prepared for:
Friend Indeed, LLC
Roy Stanley
PO Box 577
Damascus, Maryland 20872
(301) 253-0575

VICINITY MAP
1" = 2000'



FINAL FOREST CONSERVATION PLAN																						
ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF FOREST CLEARED	ACREAGE OF TOTAL FOREST RETENTION	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
22.64 AC	0.00 AC	0.00 AC	15.80 AC	3.91 AC	11.89 AC	MEDIUM DENSITY RESIDENTIAL	25% = 5.66 AC	20% = 4.53 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	8.30 AC	0.00 AC	0.00 AC	8.30 AC	0.00 AC	0.00 AC	1,400'	150'

PRELIMINARY / FINAL FOREST CONSERVATION PLAN
RIDGEVIEW
 (Parcel 222; Tax Map FX43)
Montgomery County, Maryland

Attachment D

From: Soukup, Alan
To: ["Atencio, Art"](#)
Cc: [Lake, Dave](#)
Subject: RE: Leishear Property - WSSCR 14-DAM-01A
Date: Monday, August 04, 2014 4:27:00 PM

8/4/14

Hello Art –

In general terms, DEP would prefer to see a “regional” solution to the need for sewage pumping systems, with a single, central pumping station and force main serving many properties.

However, given the cost of such a WWPS as compared to the number of dwelling units served and provided that the system satisfies WSSC’s pumping system standards, DEP does not object to the use of individual grinder pumps and low-pressure sewers for the Leishear property.

Please note that if WSSC agrees to the grinder pump/low-pressure sewer system in this case, I would appreciate receiving a revision to the comments previously provided for WSSCR 14-DAM-01A.

If you have any further questions concerning DEP’s position on this matter, do not hesitate to contact me.

Best regards - Alan
Alan Soukup, Sr. Planner
Water & Wastewater Policy Group - Director's Office
Montgomery Co. Dept. of Environmental Protection
Suite 120, 255 Rockville Pike
Rockville MD 20850-4166
240-777-7716 - fax: 240-777-7715
alan.soukup@montgomerycountymd.gov
www.montgomerycountymd.gov/waterworks

From: Atencio, Art [<mailto:Art.Atencio@wsscwater.com>]
Sent: Friday, July 18, 2014 10:33 AM
To: Soukup, Alan
Cc: Chicca, Ray; Cullinan, Christopher V; Lake, Dave; Shen, David
Subject: RE: Leishear Property - WSSCR 14-DAM-01A

Allan,

The pump station, if selected, will be in accordance with WSSC guidelines for low flow station, DG-08.

In response to your questions:

1. We do not have a lot of cost data on this station, but the station and force main could be \$1,000,000 or more. As you indicated the station and force main would be eligible for some amount of SDC credits.
2. I can't answer your second question. Obviously there are other considerations.

In view of the Master Plan recommendation, would DEP have any objections if we decide to go with individual grinder pumps?

art

Please note my new email address is art.atencio@wsscwater.com.

Art Atencio
Project Manager
Development Services Group

Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707
art.atencio@wsscwater.com

From: Soukup, Alan [<mailto:Alan.Soukup@montgomerycountymd.gov>]

Sent: Wednesday, July 16, 2014 1:29 PM

To: Atencio, Art

Cc: Chicca, Ray; Cullinan, Christopher V; David Lake

Subject: RE: Leishear Property - WSCCR 14-DAM-01A

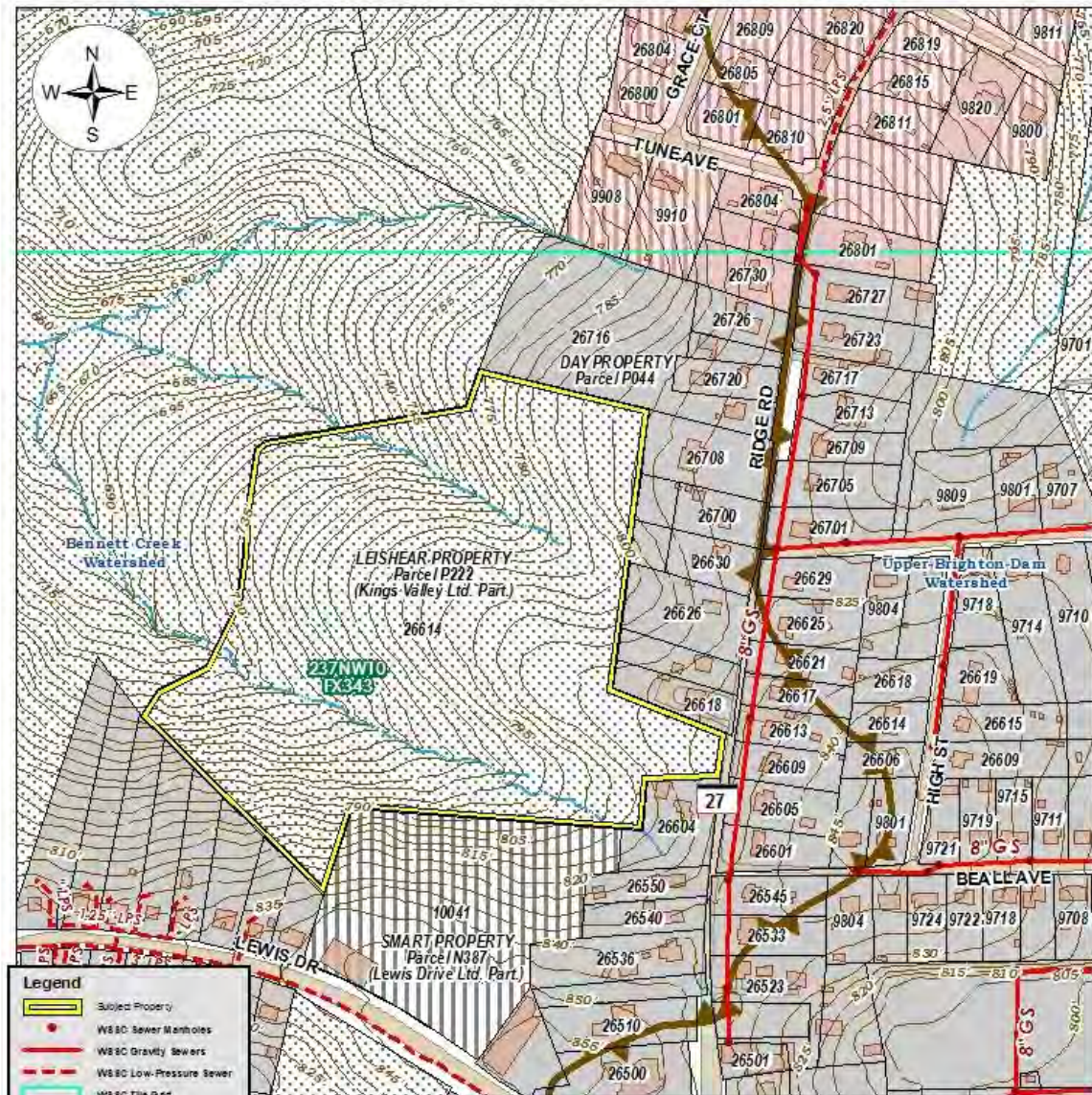
7/15/14

Hello Art –

I recall the master plan's intent to use a central pumping system here, which was crafted during more of a "perfect world" view of this area. Since then, of a possible 32 dwelling units on approx. 32 acres:

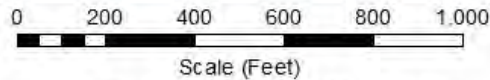
- The owners of the Day property (3.9 ac., 4 d.u.), between the Leishear site and the Tune Ave. area, have apparently decided not to participate in the current planned subdivision.
- Neither is the Smart property (6.2 ac., 6 d.u.) involved in the planned subdivision.
- On the 22.6-acre Leishear site, some development density has been lost due to environmental and site layout constraints, leaving about 19 lots.

**Sewer Service Area Categories Map: General Inquiries/Research Projects
Day, Leishear & Smart Properties - Damascus**



Legend

- Subject Property
- W&SC Sewer Manholes
- W&SC Gravity Sewers
- W&SC Low-Pressure Sewer
- W&SC Tile Grid
- Major Watersheds
- ~ Topography (5 ft. o.l.)
- Existing Parkland
- Tune Avenue Study Area
- S-1
- S-2
- S-3
- S-4
- S-5
- S-6
- S-7



Scale (Feet)
Montgomery County, Maryland
Draft 2014 Comprehensive Water Supply
and Sewerage Systems Plan



DEP-WWPG

7/16/14

My understanding of WSSC's CIP financing mechanisms is that the developers of the Leishear site cannot rely on future financial participation in the WWPS and force main by the owners of the Day and Smart properties until they move forward to development. Neither can any contribution be applied to the project from possible future service to properties in the Tune Avenue area that would connect to this central pumping system.

My assumption here is that this WWPS would fall under WSSC's new requirements for small capacity pumping stations. (That could be wrong; please let me know if it is.)

The first question I have on this issue concerns the developer's estimate for the WWPS and force main. Is the \$1,000,000 cost estimate reasonable and consistent with WSSC's expectations? If it is reasonable estimate, then the developer would have to recoup approximately \$53,000 per lot (not considering an adjustment for an SDC credit) to pay for these facilities.

My second question is, does WSSC see that as a reasonable cost per property for a central pumping station system, especially as compared to individual grinder pumps for a low-pressure system?

If Leishear goes forward with a low-pressure/grinder pump system, then it's likely that the Tune Avenue area would go back to earlier plans for a L-P/GP system of its own. Given that the Day property is not participating at this time, that outcome may be the way Tune Avenue will have to be served some day. I generally agree with WSSC's concern about grinder pump proliferation. However, the alternatives to grinder pump systems have to be economically viable for proposed development. In that regard, I would appreciate your feedback on my questions above.

Thanks - Alan

Alan Soukup, Sr. Planner
Water & Wastewater Policy Group - Director's Office
Montgomery Co. Dept. of Environmental Protection
Suite 120, 255 Rockville Pike
Rockville MD 20850-4166
240-777-7716 - fax: 240-777-7715
alan.soukup@montgomerycountymd.gov
www.montgomerycountymd.gov/waterworks

From: Atencio, Art [<mailto:Art.Atencio@wsscwater.com>]
Sent: Monday, July 14, 2014 4:56 PM
To: Soukup, Alan
Cc: Chicca, Ray
Subject: RE: Leishear Property - WSSCR 14-DAM-01A

Alan,

We have completed our review of the Leishear Property SPF and we are indicating that a central pumping facility will be required. We are currently waiting for the engineer to make some drafting corrections on the Water and Sewer Sketch Plan before issuing the Letter of Findings. However the applicant has indicated that a \$1 million dollar central pump station is economically infeasible for 19 lots and is requesting that we reconsider using grinder pumps with a pressure sewer system for this development. Part of our decision to go with the central pump station is due to the Damascus master plan recommendation for a central facility to serve this property plus have capacity for approximately 13 other upstream properties currently on septic.

We will be meeting with the applicant and we will consider any additional information he may offer as to the infeasibility of the pump station. Since the outcome may be grinder pumps to a pressure sewer system, which would eliminate the potential benefit to any other properties, I wanted to get your input.

Thanks,

art

Please note my new email address is art.atencio@wsscwater.com.

Art Atencio
Project Manager
Development Services Group

Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, MD 20707
art.atencio@wsscwater.com
(301) 206-8816

From: Soukup, Alan [<mailto:Alan.Soukup@montgomerycountymd.gov>]
Sent: Friday, July 11, 2014 2:01 PM
To: Atencio, Art
Subject: RE: Leishear Property - WSSCR 14-DAM-01A

7/11/14

Hello Art –

Sorry it's taken me a while to get back to you on this. Your current W-6 and S-6 water and sewer categories are correct. The owner has filed a request for a category change to W-3 and S-3, WSSCR 14-DAM-01A. I am currently working on a schedule for an administrative hearing for this request.

Please let me know if you need any additional information from me on this site.

Thanks - Alan

Alan Soukup, Sr. Planner
Water & Wastewater Policy Group - Director's Office
Montgomery Co. Dept. of Environmental Protection
Suite 120, 255 Rockville Pike
Rockville MD 20850-4166
240-777-7716 - fax: 240-777-7715
alan.soukup@montgomerycountymd.gov
www.montgomerycountymd.gov/waterworks

From: Atencio, Art [<mailto:Art.Atencio@wsscwater.com>]

Sent: Wednesday, July 02, 2014 3:09 PM

To: Soukup, Alan

Subject: Leishear Property

Alan,

We are performing a review of the Leishear Property in Damascus , Parcel 222, tax map FX43, 19 prop lots on 22.6 acres, along Ridge Road opposite Beall Avenue. What is the current water and sewer service category? Our GIS shows W-6 and S-6.

Thanks,

Art

Please note my new email address is art.atencio@wsscwater.com.

Art Atencio

Project Manager

Development Services Group

Washington Suburban Sanitary Commission

14501 Sweitzer Lane

Laurel, MD 20707

art.atencio@wsscwater.com

(301) 206-8816

Attachment E



MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Comprehensive Water Supply and Sewerage Systems Plan Amendments Administrative Delegation Action 2014-2 Water/Sewer Service Area Category Change Requests

CHRONOLOGY

Interagency Notices of First Public Hearing:.....	December 5, 2015
First Public Hearing:	January 6, 2015
Published Notice of Second Public Hearing:	January 14, 2015
Second Public Hearing:.....	January 27, 2015
Public Hearing Record Closed:.....	February 10, 2015
DEP Administrative Approval Action:.....	February 17, 2015
MDE Review Completed:	_____

BACKGROUND

Authority: Under the Annotated Code of Maryland, Section 9-501, *et seq.*, the Maryland Department of the Environment (MDE) has charged the Montgomery County Council, as the governing body for Montgomery County, with adopting and amending a comprehensive plan for the provision of adequate water supply and sewerage systems within the county. As part of the staging element of *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* (CWSP), the Council has designated water and sewer service area categories for all properties within the county. Requests to change the water and/or sewer service area categories designated in the Plan constitute proposed amendments to that Plan.

In the adopted CWSP, the County Council has delegated to the Director of the Department of Environmental Protection (DEP), through an administrative process, the authority to approve certain amendments to the Plan, including water and sewer category changes. To qualify for administrative consideration, Plan amendments must satisfy the specific requirements of the policies established by the Council in the CWSP, Chapter 1, Section V.F. Administrative Delegation.

Proposed Plan Amendments: DEP staff considered fifteen proposed amendments for approval or restricted approval by the administrative delegation process. The proposed amendments were reviewed by the following agencies, as appropriate: the Washington Suburban Sanitary Commission (WSSC), the Maryland - National Park and Planning Commission (M-NCPPC), and the Montgomery County Department of Permitting Services - Well and Septic Section (DPS). The amendments were also referred to the County Council-members for their review and concurrence.

PUBLIC HEARING PROCESS

Public Hearing Notification: In accordance with State regulations, on December 5, 2014, DEP notified on the appropriate County and State agencies of the public hearing, scheduled for January 6, 2015, and provided the staff recommendations for each proposed amendment. However, DEP was not able to place a published notice for this hearing in accordance with State regulations. This, and inclement weather conditions on January 6, 2015, prompted DEP to schedule a second hearing for January 27, 2015. The County provided a published notice of the second administrative hearing on January 14, 2015, in *The Gazette*, a newspaper of general, local circulation, satisfying the State's notification requirements. This notice provided a link to the DEP website on which all pertinent documents were placed prior to that date. DEP also provided a mailed or e-mailed notice for both hearings to the following: each property owner/applicant, local civic association leaders, attorneys or engineers (as requested by the property owner), and adjacent and confronting property owners.

Public Hearing Testimony and Interagency Recommendations: On behalf of DEP Acting Director Fariba Kassiri, DEP senior planner Alan Soukup presided over the public hearing held on January 6, 2015, on the fifteen amendments proposed for administrative approval. On behalf of DEP Director Lisa Feldt, Mr. Soukup also presided over the subsequent hearing held on January 27, 2015. A summary of hearing comments provided to DEP and other testimony received by DEP is provided below.

- WSSCR 14-APH-01A (O'Connor Family Trust): Dick Witmer, representing the applicant, attended the second hearing. He presented comments about the proposed subdivision process for the category change site, but had no objection to the staff recommendation for the approval of category S-3.

- WSSCCR 14-CLO-03A (McGroarty): The applicants have proposed to provide sewer for an existing house on the site via an existing WSSC sewer easement across an adjacent property to Crystal Spring Drive. WSSC staff have advised that while the existing easement can be used for a WSSC sewer main extension, it cannot be used for the private, off-site sewer hookup proposed by the applicants.
- WSSCCR 14-DAM-01A (Kings Valley Ltd. Part.): The M-NCPPC staff report commented that approval for W-3 and S-3 should apply only to the area of the site shown in the planned sewer service envelope in the Damascus Master Plan. DEP staff explained that the designation of the entire site as W-3 and S-3 is only an interim measure. Residential lots on the site are expected to stay within the planned sewer envelope. When available for DEP's mapping service area category tools, these lots will retain W-3 and S-3, while undeveloped, open space parts of the subdivision will revert to W-6 and S-6. The end result will follow the master plan's recommendations.
- WSSCCR 14-DNT-01A (Coffman): The M-NCPPC staff report commented that the sewer main extension along Jones Lane, as proposed by the applicants, has the potential to open up sewer service to properties outside the planned sewer service envelope on the west side of the street. The report suggested a realignment of this main to the rear of the proposed lots fronting Jones Lane. M-NCPPC staff also acknowledged that this concern will be addressed in the subdivision process for the site and does not need to be a requirement for the approval of category S-3 under this action.
- WSSCCR 14-POT-02A (Gross): Robert and Melchora Alexander, owners of an adjacent property at 9206 Belmart Rd., attended the first hearing and explained that they own half of the former riding trail easement between their property and 10800 Alloway Dr. When the easement was abandoned, each adjacent owner gained rights to half of that property. If the applicants choose to pursue off-site water and sewer hookups to access the mains along Belmart Rd. via the former easement, they may need to negotiate with two owners, not just one. The Alexanders did not oppose the approval of category S-3 under this action. While this may affect the route the applicants pursue for public service, the alignment chosen does not affect the recommendation to approve category S-3.
- WSSCCR 14-TRV-03A (Hannibal Farms): Keith Rosenberg, representing the applicant, attended the first hearing and expressed support for the DEP staff recommendation to approve category W-3.
- WSSCCR 14-TRV-04A (Patel): On Tuesday, January 13, 2015, Ken Giunta, president of the Hunting Hills Estates Homeowners Association (HOA) provided to DEP a copy of correspondence previously provided to M-NCPPC staff. This correspondence advised that the HOA membership had voted down the proposed three-lot subdivision for this property, as provided for under the HOA's rules. While this decision would affect the proposed subdivision of the property, it does not have a direct affect on the water category change process, which is not dependent on the proposed subdivision plan.

On January 8, 2015, the Planning Board met to consider M-NCPPC staff recommendations for the fifteen requests included in the AD 2014-2 administrative delegation packet. The Board concurred with the M-NCPPC staff recommendations for all the included requests, which were in agreement with DEP's staff recommendations. DEP received formal notification of the Board's action in a letter dated January 9, 2015.

On February 10, 2015, the Council's senior legislative analyst, Keith Levchenko, reported to DEP that, following the circulation among the Council members of the administrative packet and the notes on public testimony, no Council members had questions on or objections to the proposed administrative approval of all fifteen requests.

DEP closed the public hearing record on February 10, 2015. Summary information, which includes all interagency recommendations and all testimony for the proposed amendments, is on file with DEP.

Damascus Planning Area

WSSCR 14-DAM-01A: Kings Valley Limited Partnership

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> • 26600 Block, Ridge Road, Damascus • Parcel P222, Very Good (acct. no. 00933966) • Map tile: WSSC – 237NW10; MD – FX43 • West side of Ridge Rd. (MD 27), opposite and north of Beall Ave. • RNC/TDR Zone; 22.66 ac. • Damascus Planning Area Damascus Master Plan (2006) • Middle Great Seneca Creek Watershed (MDE Use I) • <u>Existing use</u>: unimproved <u>Proposed use</u>: 19-lot single-family subdivision; plan nos. 120120010 & 820120010, "Ridgeview" 	<p>Existing – Proposed – Service Area Categories</p> <p>W-6 W-3 S-6 S-3</p> <p>Administrative Action</p> <p>Approve W-3 and S-3, with both water and sewer service restricted only to a Planning Board-approved project using the RNC Zone optional cluster development method. Administrative policy V.F.1.a.: Consistent with Existing Plans.</p> <p><i>Note: Initial category mapping for this request will place the entirety of the subject site in W-3 and S-3, restricted as detailed above. Once the subdivision lots are recorded and included in the County's GIS property layer, DEP will designate the residential lots as W-3 and S-3 and restore categories W-6 and S-6 for undeveloped open space areas on the site.</i></p>

Darnestown Planning Area

WSSCR 14-DNT-01A: Cindy and Ralph Coffman

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification
<ul style="list-style-type: none"> • 12710 High Meadow Road and 14411 Jones Lane, North Potomac • Property Data – <i>See the table below</i> • Map tile: WSSC –219NW13; MD –ER43 • North side of Warfield Rd. southeast of Miracle Dr. • R-200 & RE-2 Zones; 8.17 acres total • Darnestown Planning Area Potomac Subregion Master Plan (2002) • Muddy Branch Watershed (MDE Use I) • <u>Existing use</u>: one single-family house <u>Proposed use</u>: 8-lot single-family residential subdivision; plan no. 120140180 "Potomac Chase - 12710 High Meadow Road" 	<p>Existing – Proposed – Service Area Categories</p> <p>W-6 W-1 S-6 S-1</p> <p>Administrative Action</p> <p>Approve W-3 and S-3. Administrative policy V.F.1.a.: Consistent with Existing Plans.</p>

<u>Property Information:</u>			
Address	Property I.D. (Acct. No.)	Zoning	Acreage
• 12710 High Meadow Rd.	Parcel P614, Triple Trouble, etc (00403130)	R-200 & RE-2	6.71 ac.
• 14411 Jones La.	Lot 116, Block D, Potomac Chase (02876013)	R-200	1.46 ac.

WSSCR 14-TRV-03A: Hannibal Farms, Inc. (continued)

^A Property Information			
Address	Property Description	Tax Acct. No.	Acreage
12001 Glen Rd.....	Parcel P124, Beallmount Etc.....	00387392.....	8.01 ac.
6 Hannibal Ct.	Lot 18, Hannibal Farms	03090358.....	2.08 ac.
7 Hannibal Ct.	Lot 11, Hannibal Farms	03090280.....	2.00 ac.
10 Hannibal Ct.	Lot 17, Hannibal Farms	03090347.....	2.00 ac.
11 Hannibal Ct.	Lot 12, Hannibal Farms	03090291.....	2.00 ac.
13 Hannibal Ct.	Lot 13, Hannibal Farms	03090303.....	2.00 ac.
14 Hannibal Ct.	Lot 16, Hannibal Farms	03090336.....	2.05 ac.
18 Hannibal Ct.	Lot 15, Hannibal Farms	03090325.....	2.00 ac.
22 Hannibal Ct.	Lot 14, Hannibal Farms	03090314.....	2.00 ac.
12500 Hannibal Way	Lot 19, Hannibal Farms	03090245.....	2.02 ac.
12501 Hannibal Way	Lot 1, Hannibal Farms	03090212.....	2.00 ac.
12505 Hannibal Way	Lot 2, Hannibal Farms	03090223.....	2.00 ac.
12506 Hannibal Way	Lot 10, Hannibal Farms	03090234.....	2.00 ac.
12510 Hannibal Way	Lot 9, Hannibal Farms	03090278.....	2.01 ac.
12514 Hannibal Way	Lot 8, Hannibal Farms	03090267.....	2.06 ac.
12518 Hannibal Way	Lot 7, Hannibal Farms	03090256.....	2.17 ac.

WSSCR 14-TRV-04A: Mani Patel

Property Information and Location Property Development	Applicant's Request: Administrative Action and Policy Justification						
<ul style="list-style-type: none"> • 13525 Hunting Hill Way. North Potomac • Lot 6, Block 1, Hunting Hill Farm (acct. no. 02753708) • Map tile: WSSC – 218NW12; MD – ER52 • Northeast corner, intersection of Hunting Hill Way and Riding Fields Road • RE-2 Zone; 8.02 acres • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: one single-family house (built: 1991) • <u>Proposed use</u>: 3-lot residential resubdivision 	Service Area Categories: <table border="1"> <thead> <tr> <th>Existing</th> <th>Requested</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-6 (No Change)</td> </tr> </tbody> </table>	Existing	Requested	W-6	W-3	S-6	S-6 (No Change)
	Existing	Requested					
	W-6	W-3					
S-6	S-6 (No Change)						
	Administrative Action Approve W-3. Administrative policy V.F.1.a.: Consistent with Existing Plans.						

Now therefore be it resolved by the Director of the Montgomery County Department of Environmental Protection that the amendments described above for inclusion in the County's *Comprehensive Water Supply and Sewerage Systems Plan* are approved. DEP will revise the water and sewer category maps in the County's geographic information system (GIS) database to include these amendments, and they will be shown as part of the next interim or triennial service area map update.

Approved



Lisa Feldt, Director
 Montgomery County Department of Environmental Protection

M-NCPPC DEVELOPMENT REVIEW COMMITTEE UPDATE

Plans no. 120120010 & 820120010, "Ridgeview": The proposed use of public water and sewer service for this project is consistent with the approved, restricted W-3 and S-3 water and sewer categories granted by this action.

Plan no. 120140180 "Potomac Chase - 12710 High Meadow Road": The proposed use of public water and sewer service for this project is consistent with the approved W-3 and S-3 water and sewer categories granted by this action.

NOTIFICATION OF DEP ACTION

DEP will submit notification of the Director's action to MDE for that agency's review. MDE has 90 days to comment on the administrative approvals granted. DEP will also notify each applicant, appropriate county government agencies, and other interested parties of the Director's action. A list of agencies that will receive a copy of this summary of action follows:

Distribution: Interagency

Jay G. Sakai, Director, Water Mgt. Admin., MDE
George Ieventhal, Montgomery County Council
Keith Levchenko, Montgomery County Council
Diane Schwartz-Jones, Director, DPS
Gene von Gunten, Well & Septic Section, DPS
Casey Anderson, Planning Board
John Carter & Katherine Nelson, Area 3 Planning Team, M-NCPPC
Pam Dunn, Functional Planning Team, M-NCPPC

Cathy Conlon, Development Applications and Regulatory Coordination Team, M-NCPPC
Geoffery Mason, Parks Planning Div., M-NCPPC
Jerry Johnson, General Manager, WSSC
Mike Harmer & Dave Shen, Development Services Group, WSSC
Luis Tapia, Service Applications Group, WSSC
Pearl Walker, Assessments Group, WSSC

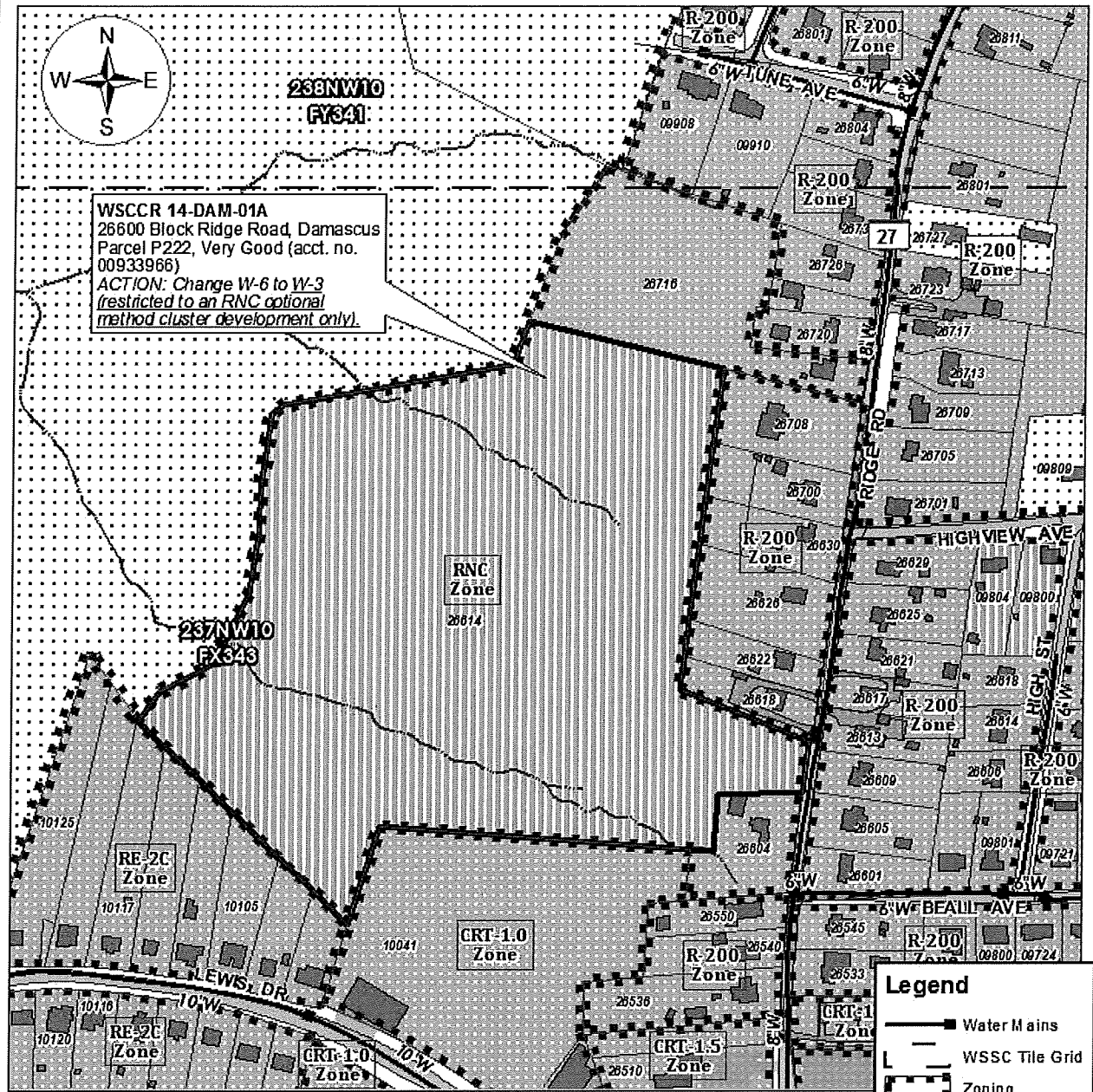
Distribution: Property Owners Listed Above/Other Interested Parties/Public Interest Groups

Attachments – Service Area Category Designations (see page 12)
Amendment Service Area Category Mapping (see pages 13 - 30)

ADS:ads/

R:\Programs\Water_and_Sewer\actions-AD\2014\AD2014-2\soa\SOA_2014-2--draft.docx

WSSCR 14-DAM-01A (Kings Valley Ltd. Part.): Water Service Area Categories Map

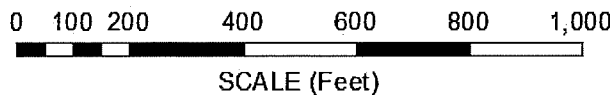


Damascus Planning Area



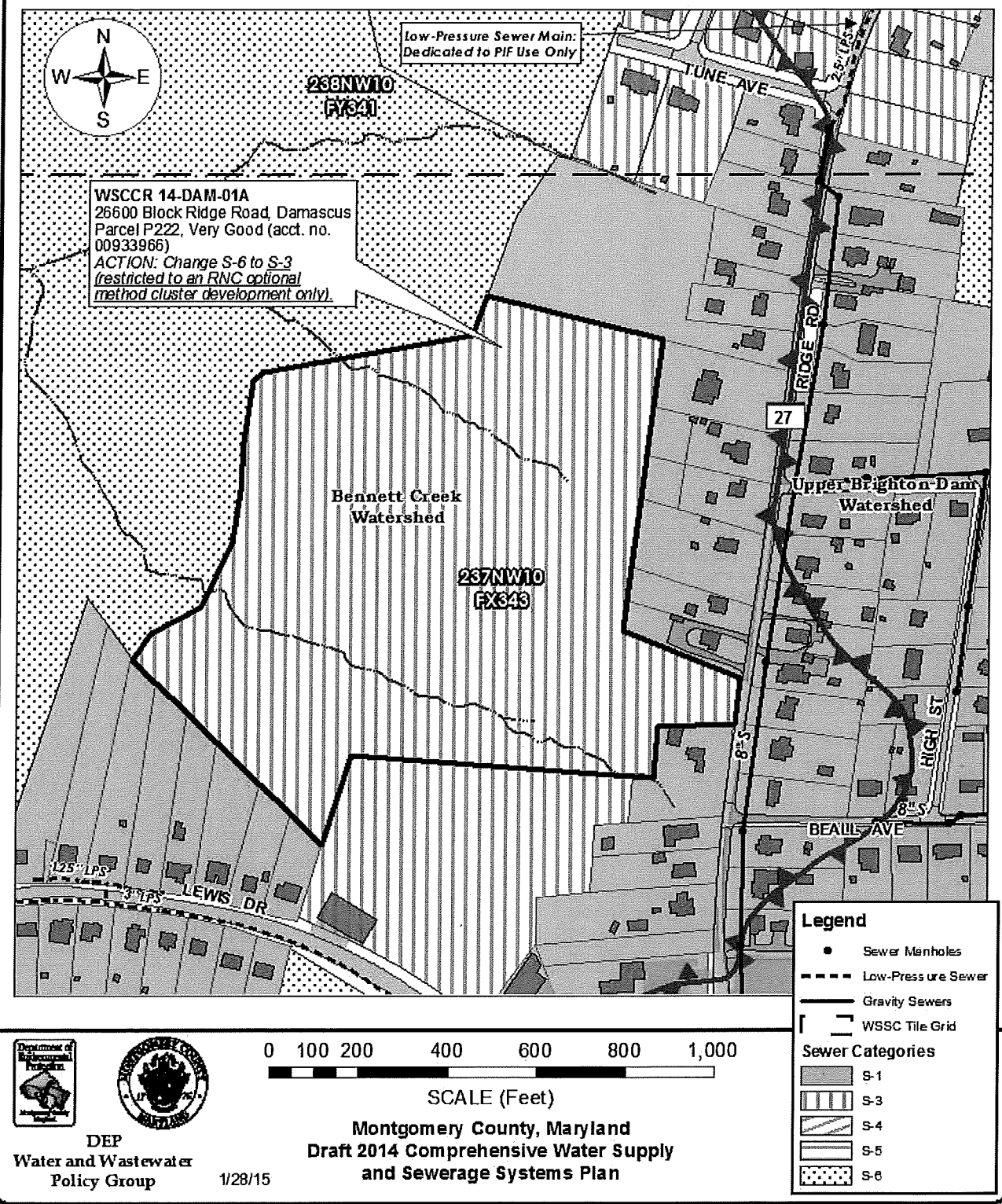
DEP
 Water and Wastewater
 Policy Group

1/28/15



Montgomery County, Maryland
 Draft 2013 Comprehensive Water Supply
 and Sewerage Systems Plan

Sewer Service Area Categories Map: WSSCR 14-DAM-01A (Kings Valley Ltd. Part.)



DEP
 Water and Wastewater
 Policy Group
 1/28/15

Montgomery County, Maryland
 Draft 2014 Comprehensive Water Supply
 and Sewerage Systems Plan

Attachment F



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 16-Sep-16
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Ridgeview
120120010 820120010

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **16-Sep-16** .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.

Attachment G



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

April 18, 2017

Mr. Benjamin Berbert, Planner Coordinator
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan & Design Exception Letter
Preliminary Plan No. 120120010
Ridgeview

Ben:
Dear Mr. Berbert:

We have completed our review of the Design Exception Package dated August 15, 2016 and Preliminary Plan dated July 30, 2016 (Revision Date). Please see below for our comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services 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.

DESIGN EXCEPTION PACKAGE COMMENTS:

1. Eliminate Sidewalk along the western side of proposed Ridgeview Place

The applicant requested a waiver from MCDOT to eliminate sidewalk along the western side of new proposed Ridgeview Place. A sidewalk along the entire length of wester side of the road is not needed given the very limited number of lots on this side. Eliminating the sidewalk on one side of the road, reduces the impervious surfaces near the Bennett Creek headwaters by approximately 5,000 square feet.

2. Reduce the overall width of the right-of-way from seventy-four (74)-ft. to sixty-seven (67)-ft. (made possible with the absence of sidewalk).

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

The applicant requested a waiver from MCDOT to reduce the overall width of the right-of-way of Ridgeview Place from seventy-four (74)-ft. to sixty-seven (67)-ft. The right-of-way width can be reduced to result in an improved open section road and site layout by reducing impact on the nearby forested steep slopes. The reduced width is possible with a waiver of the five (5)-ft. sidewalk on one side and the associated two (2)-ft. buffer.

Response: Since proposed Ridgeview Terrace is classified as a Tertiary Street, we defer to the Planning Board for the finding that the sidewalk along the western side of the roadway is unnecessary for pedestrian movement and the reduction in right-of-way width of Ridgeview Terrace from seventy-four (74) ft. to sixty-seven (67)-ft.

That said, we recommend **approval** of the elimination of sidewalk on the western side of the proposed Ridgeview Terrace and reduction in the right-of-way width of Ridgeview Terrace from seventy-four (74)-ft. to sixty-seven (67)-ft. per the following considerations:

- A. In the 2006 Damascus Master Plan, the subject site is listed as “Stanley/Leishear-Day” property under the Transition Area.
 - The Master plan recommends the following Development Guidance for the Transition Area Cluster Development:
 - Minimize impervious surfaces through environmentally sensitive site design techniques (for example, the use of shared driveways, pervious pavement, and narrow roads that still meet safety requirements).
 - Protect sensitive environmental features, minimizing development impact.
 - Provide stormwater management controls utilizing environmentally sensitive design techniques that avoid concentrating stormwater runoff into high quantity flows, with a preference for on-lot quantity and quality treatment options (or alternatives that provide similar environmental benefits) and disconnected imperviousness design techniques, infiltration of runoff, and open section roadways.
 - Provide internal and external connections for easy non-vehicular access using trails, sidewalks, and bicycle paths.
 - The Master also recommends the following Development Guidance for the Stanley/Leishear-Day property:
 - Address environmental constraints and topographic limitations. Environmental constraints and other Master Plan elements, including land use recommendations for

avoiding stream valley disturbance to provide sewer, may limit the actual development potential of this area.

- Avoid disturbance to slopes that exceed 15 percent. Development must be planned to maximize the open space and preserve sensitive natural areas.
- B. The subject property falls within the Bennett Creek watershed; a Use I stream with good water quality and habitat condition and the impervious area is reduced by not constructing the sidewalk on the western side of Ridgeview Terrace and minimizes the limits the disturbance.
- C. There are only five (5) proposed lots on the western side of Ridgeview Terrace. In our opinion a sidewalk is not necessary along the western side of Ridgeview Terrace due to the limited number of lots.
- D. The forested steep slopes adjacent to the stream buffer would be impacted if the right-of-way is to be extended to construct the sidewalk on the western side of Ridgeview Terrace.

3. Modification to the standard cross section MC-2001.03 to allow for increase in the width of the flat bottom ditch.

The applicant also requested a waiver from MCDOT to modify the standard cross section MC-2001.03 to allow for increase in the width of the flat bottom ditch. To address the stormwater requirements for the new street, it was necessary to widen the bottom of each side ditch to three (3)-ft. The standard two (2)-ft. bottom was not enough to meet the requirements and if this standard was held additional stormwater management measures would be needed elsewhere on-site resulting in more forest clearing and site disturbance.

Response: We recommend approval of the modification of the standard cross section MC-2001.03 to allow increase in flat bottom ditch per the following:

The roadway cross section shall include the following and should be shown on the certified preliminary plan:

- One (1)-foot maintenance strip.
- Five (5)- foot sidewalk.
- One (1)- foot buffer.
- Fourteen (14)- foot wide SWM swale with three (3) ft. flat bottom and 3:1 side slopes
- Six (6)- foot green panel with 12:1 slope.
- Two (2)- Ten (10)-foot travel lanes.

- Six (6)- foot green panel with 12:1 slope.
- Fourteen (14)- foot wide SWM swale with three (3) ft. flat bottom and 3:1 side slopes

PRELIMINARY PLAN COMMENTS:

1. Access, improvements and sight distances approval along Ridge Road (MD 27) as required by the Maryland State Highway Administration (MDSHA).
2. Dedicate right-of-way in accordance with the master plan for Ridge Road, designated an Arterial Road.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The roadway cross section for Ridgeview Terrace shall include the following and should be shown on the certified preliminary plan per the dimensions in our response to Design Exception #3.:
 5. Preliminary Street Profile for Ridgeview Place Drawing:
 - The Plan view shows sidewalk in the open space area in front of Lots 15 to 18 but the Preliminary Plan does not show any sidewalk at this location. Please revise the plan to be consistent.
 - Show the roadway centerline on the Plan view.
 - The roadway cross section shall be revised per the Response #3 of the Design Exception Comments.
6. Storm Drain Analysis:
 - The Downstream Storm Drain Analysis drawing with computation dated September 5, 2016 was approved by Montgomery County Department of Transportation (MCDOT). No off-site improvements are needed to the existing downstream public storm drain system by this applicant.
 - The portion of the site draining to Ridge Road (MD 27) or any storm drain/inlet relocations along Ridge Road (MD 27) shall be approved by MDSHA.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

8. 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 DPS Right-of-Way Plan Review Section.
9. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along Ridgeview Court shall be per Response # 3 of the Design Exception Comments.
 - * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
 - 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 MCDOT 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 Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Gregory M. Leck, Manager
Development Review
Office of Transportation Policy

Mr. Benjamin Berbert
Preliminary Plan No. 120120010
April 18, 2017
Page 6

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\Ridgeview\Design Exception\ 120120010 Ridgeview-MCDOT Prelim-Design Exception ltr

cc: Victor Loun Kings Valley, LTD Partnership
Roy Stanley Stanley Enterprises
David McKee Benning & Associates, Inc.
James R Clifford, Sr Clifford Debelius Boynton & Hyatt, chtd.
Kwesi Woodroffe MDSHA District 3
Richard Weaver M-NCPPC Area 3
Laura Hodgson M-NCPPC Area 3
Jon Shiancoe JAS Engineering & Design, LLC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-c: Mark Etheridge MCDPS WRM
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire
Mark Terry MCDOT DTEO
Deepak Somarajan MCDOT OTP

Attachment H

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: dmckee@benninglandplan.com

To: Ms. Kipling Reynolds, Area 3 Chief / M-NCPPC
From: David W. McKee
Date: February 8, 2017
Re: Request for Tree Variance - Ridgeview (120120010 & 820120010)

Dear Ms. Reynolds,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, I am writing to request a variance from provisions of Chapter 22 as it applies to this project. Specifically, a variance is required in order to impact or remove several trees which are 30 inches or greater in diameter.

The trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project. A total of 15 trees which measure 30 inches or greater are proposed to be removed or impacted. The trees requiring a variance are as follows:

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-1	Quercus coccinea	Scarlet Oak	30"	Poor / Dead	11% (minor grading)	Retain (Off-site)
ST-4	Quercus rubra	Northern Red Oak	30"	Good	51% (grading, drywell)	Remove
ST-5	Morus alba	White Mulberry	38"	Moderate	50% (major grading)	Remove
ST-6	Acer saccharinum	Silver Maple	31"	Moderate	9% (minor grading)	Retain (Off-site)
ST-10	Liriodendron tulipifera	Tulip Poplar	30" / 31"	Poor	28% (fill, silt fence, outfall)	Remove

ST-13	Acer rubrum	Red Maple	35"	Good	100% (new road)	Remove
ST-19	Quercus coccinea	Scarlet Oak	38"	Poor-Dead	21% (drywells, silt fence)	Remove
ST-20	Quercus prinus	Chestnut Oak	30.3"	Moderate	75% (silt fence, house, drywells)	Remove
ST-23	Ulmus americana	American Elm	32.1"	Poor	56% (lot grading)	Off-Site / Remove with Permission
ST-24	Prunus serotina	Black Cherry	32"	Poor	100% (house)	Remove
ST-25	Acer negundo	Boxelder	38"	Poor	100% (new house)	Remove
ST-26	Platanus occidentalis	Sycamore	30"	Moderate	15% (lot grading, sidewalk)	Retain
ST-27	Quercus coccinea	Scarlet Oak	30.1"	Poor	100% (road)	Remove
ST-29	Acer saccharinum	Silver Maple	69"	Dead	62% (new road)	Remove
ST-30	Platanus occidentalis	Sycamore	37"	Moderate-Poor	61% (new road)	Remove

The subject property is proposed to be developed using the optional method of the RNC/TDR zone. The subject zone and Master Plan requirement applicable to this property have led to the layout of the site with development clustered in the eastern portion of the property. Much of the western portion of the site contains forest including forested stream buffer areas and steep slopes. The layout of this site is driven by these conditions and by the Master Plan recommendations specific to the property. In order to develop the site in accordance with the Master Plan, certain impacts to specimen trees are unavoidable.

Specific impacts the each of the 15 trees included in this variance request are as follows:

ST-1, a 30" Scarlet Oak, is located off-site to the north of the subject property. Only minor grading within the CRZ of this tree is proposed. The tree is in poor condition but because it is located off-site it is proposed to be retained.

ST-4, a 30" Red Oak, is located along the northern boundary of the site in close proximity to the house on proposed Lot 12. The tree will be impacted by grading for lots 11 and 12 and by the installation of a drywell for one of the new homes. The tree is proposed to be removed due to the severity of impact and the location of this tree near a new home.

ST-5, a 38" White Mulberry, is located along the common northern boundary line with the adjacent parcel. This tree will be impacted by a sharp cut below the tree necessary for the construction of houses on lots 10 and 11. The tree is proposed to be removed due to the severity of the impacts and the location of the tree relative to the proposed house on Lot 11.

ST-6, a 31" Silver Maple located off-site, will receive only slight impacts from minor grading within the CRZ. The tree is proposed to be retained since the tree is off-site and the impacts are not severe.

ST-10, a 30/31" Tulip Poplar in poor condition, will be impacted by an area of fill for the new road, a permanent storm drain outfall within the CRZ, and sediment control devices including super silt fence within the CRZ. Due to the severity of impacts and the condition of the tree, the tree is proposed to be removed.

ST-13, a 35" Red Maple, is located in an area planned for the new public road. The tree must be removed to allow for the construction of the road.

ST-19, a 38" Chestnut Oak in moderate condition, will be impacted by the installation of drywells for one of the homes and by silt fence needed to contain disturbances in the eastern part of the site. The tree is proposed to be removed due to its poor condition and proximity to a new home planned for Lot 17.

ST-20, a 30.3" Scarlet Oak in moderate condition will be impacted by the construction of two new homes, lot grading, installation of sediment control devices, and installation of stormwater drywells. Due to the severity of impacts, the tree is proposed to be removed.

ST-23, a 32.1" American Elm in poor condition is located along the common property line with a neighbor. The tree contains has grown around remnants of an old fence. The tree will be impacted by lot grading and is proposed to be removed. Permission from the adjacent property owner will be obtained prior to removal.

ST-24, a 32" Black Cherry in poor condition will be impacted by the construction of a new home. Removal of the tree is necessary to construct the home.

ST-25, a 38" Boxelder in poor condition, is located within the footprint of the new home planned for Lot 1. The tree must be removed to allow for construction of the new home.

ST-26, a 30" Sycamore in poor moderate, is within the limits of proposed Lot 1 near Ridge Road. The tree will receive only minor impacts from grading and is proposed to be retained.

ST-27, a 30.1" Scarlet Oak in poor condition, is located within the path of the planned new road. The tree must be removed in order to build the road.

ST-29, a 69" Silver Maple which is dead, is located in the path of the new road providing access to all of the lots. The dead tree must be removed to allow for construction of the new road.

ST-30, a 37" Sycamore, is also located in the path of the new road providing access to all of the lots. The tree must be removed to allow for construction of the new road.

Requirements for Justification of Variance:

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.

There are special conditions peculiar to the property which would cause unwarranted hardships should the variance not be approved. The subject property has environmentally sensitive features (streams, steep slopes, and forest) in the western part of the site which are to be protected as part of a large open space area according to the Master Plan. Only the eastern portion of the site is available to be developed and this area contains certain specimen trees which will be impacted by development of this area. A variance is needed to develop the site in accordance with the Master Plan.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. As noted above, this site cannot be developed without the requested variance. The property has been planned to meet all zoning, Master Plan, and site specific conditions including the protection of environmentally sensitive areas and the majority of forest on the site.

The granting of a variance to remove specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. On the contrary, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area for retention of forest and protection of environmentally sensitive areas. Furthermore, the project has been planned to comply with the latest State and County stormwater management requirements. The project will provide environmental site design (ESD) techniques as called for in the Master Plan.

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.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the zone and as recommended in the Master Plan.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The property is unimproved and is only proposed to be developed in accordance with zoning and Master Plan requirements.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area for protection of streams and forest. Environmental site design (ESD) techniques will be utilized for the areas to be developed.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized flourish at the end.

David W. McKee

Attachment I



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 17, 2016

Mr. Jon Shiancoe
JAS Engineering & Design
5105mount Oaks Sanctuary Drive
Bowie, MD 20702

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for Ridgeview
Preliminary Plan #: 120120010
SM File #: 238207
Tract Size/Zone: 22.6/RNC/TDR
Total Concept Area: 8ac
Lots/Block: 19 Proposed
Parcel(s): 222
Watershed: Bennett Creek

Dear Mr. Shiancoe:

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 bio-swales and drywells.

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

1. 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.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for 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.
5. Safe conveyance through the site must be demonstrated during the detailed plan stage.

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

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

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

Mr. Jon Shiancoe
March 17, 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 Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: TEW

cc: C. Conlon
SM File # 238207

ESD Acres:	8 ac
STRUCTURAL Acres:	N/A
WAIVED Acres:	N/A