

MAY 19 2003



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Gibian  
150074

OFFICE OF  
THE GENERAL COUNSEL

(301) 495-4646  
FAX (301) 495-2173

May 15, 2003

**VIA FACSIMILE & U.S. MAIL**

Mr. Marc Mezzanotte, P.E.  
Land Development Manager  
Mitchell & Best  
1686 E. Gude Drive,  
Rockville, MD 20850

RE: Bancroft North

Dear Mr. Mezzanotte:

This letter responds to your inquiry regarding the above-noted application, which you and Karen Carpenter, of Apex Engineering, communicated to me during a meeting on April 8, 2003, in my offices.

Your application proposes to create eight lots in the RNC zone, the largest of which, Lot No. 1, will be owned and inhabited by Mr. Gibian, the present owner of the property that is the subject of the application. Mr. Gibian presently resides in an existing single-family detached home on the property ("Existing House"). You informed me that Mr. Gibian intends to construct a new single-family detached home on Lot No. 1 at some point in the future ("New House"); and, furthermore, that he desires to inhabit the Existing House until such time as he is able to relocate to the New House upon its completion. You represented that Mr. Gibian intends to demolish the Existing House after he moves into the New House.

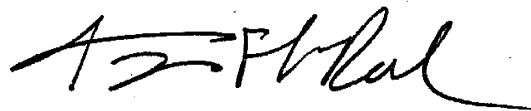
On a drawing entitled Preliminary/Site Plan, dated January 2003, you delineate an area of 18,000 square feet, within which Mr. Gibian intends to construct the New House ("Future Buildable Area"). This area can not be included in the required Rural Open Space, which is required to consist of 70% of the tract area for this application. However, the Planning Board, pursuant to Montgomery County Code § 59-C-9.573 has

the discretion to approve a minor variation in the master plan-recommended rural open space if it can make certain findings.

Taking into consideration the unique circumstances of your request, I will advise Planning Staff that they may recommend that the Board conditionally approve a minor variation in the master plan-recommended rural open space, which would temporarily reduce the minimum required open space to 67% (a percentage that Environmental Planning Staff has determined will account for the Future Buildable Area). Staff will recommend that the Planning Board condition its approval of the variation on, among other things, the construction of the New House within a specified period of time from the date of plat recordation; that the Existing House shall be demolished and the land denoted as "Buildable Area" on the Plan be returned to its natural state within a specified period of time following issuance of a Final Inspection Certificate for the New House; and, furthermore, that the Applicant shall record an amendment to the record plat, which shall reflect reversion to 70% rural open space, within a specified period of time following demolition of the Existing House and other improvements within the Buildable Area.

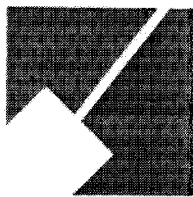
Staff recommendation is just that; the Planning Board will take a final decision on this matter following consideration of evidence presented and testimony provided after the public hearing. Finally, you should be aware that Planning Board approval of the minor variation and your preliminary and site plan applications will not guarantee that Mr. Gibian can obtain a building permit to construct the New House before demolishing the Existing House. I recommend that you contact the Montgomery County Department of Permitting Services should you require assurances on that matter. You can contact me at (301) 495-4646 should you have any questions or comments.

Sincerely,



Tariq El-Baba  
Associate General Counsel

cc: ✓ Karen V. Carpenter, RLA, Apex Engineering  
Malcolm Shaneman, Supervisor, Development Review Division  
Richard Weaver, Senior Planner  
Piera Weiss, Community-Based Planning Division



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

**Department of Park & Planning, Montgomery County, Maryland**  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

TO: Wynn Witthans, Development Review

FROM: Mark Pfefferle, Environmental Planning Division *MP*  
Dominic Quattrocchi, Environmental Planning Division

DATE: September 11, 2003

SUBJECT: Preliminary Plan 1-03058 and Site Plan 8-03024  
Bancroft North

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The Environmental Planning staff has reviewed the preliminary and site plans referenced above and recommends approval of the plans.

**Background**

The 18.23-acre property is located within the Northwest Branch a Use IV watershed near the intersection of Doctor Bird Road (MD Route 182) and Batchelors Forest Road. The site is bordered to the southeast by the Bancroft single-family subdivision. To the northeast is a farm for exotic animals. To the north and west are single-family homes and pastures. To the south is Doctor Bird Road.

The subject property is mostly open maintained lawns and fields with fences and hedgerows along the property perimeter and throughout the property. There is one existing single-family house and associated buildings on the property. The stream valley buffer for the stream on the Bancroft single-family subdivision extends onto the subject property though there are no streams on the subject property. There is an existing farm pond on the property that is considered Waters of the State of Maryland. There is no forest onsite, though there are some specimen trees located on the property.

The applicant is proposing to construct six new single-family houses and associated infrastructure, and a replacement house for the existing single-family house. The property is zoned RNC, Rural Neighborhood Cluster.

**Forest Conservation**

The property does not contain any forest. The existing vegetation includes hedgerows, mowed lawn, and invasive trees, shrubs, and vines. There are specimen trees on the property; however, they are mainly around the existing home. Some specimen trees will be removed

through the development of the site, but the specimen trees are outside of environmental buffers. The applicant is utilizing an optional method of development therefore the project must meet the appropriate threshold on-site. Since no forest exists on the property, the applicant has an afforestation requirement of 3.65 acres. The applicant will meet the afforestation threshold on-site by planting forest on-site.

#### Waters of the State of Maryland

The stream valley buffer for the stream on the Bancroft single-family subdivision extends onto the subject property though there are no streams on the subject property. There is an existing farm pond of approximately 12,000 square feet on the property. This pond is considered Waters of the State of Maryland. The applicant is proposing to drain the existing farm pond by removing a portion of the embankment. After draining the pond, the applicant will create a shallow, meandering channel through the bottom of the pond and will replant the area with wetland shrub and tree species. The applicant has submitted an application to the Maryland Department of the Environment to impact jurisdictional waters. The State of Maryland has recommended against draining and filling the pond but does not oppose the draining of the pond and creating a sinuous channel within the limits of the old pond as proposed.

The pond is located in the headwaters of Use IV stream and the Environmental Guidelines recommends environmental buffers of 40 feet around ponds in this type of stream. Based on a sketch drawing date September 11, 2003, the applicant will provide a minimum 65-foot buffer from the channel to the nearest lot line. This entire area will be afforested and protected by a forest conservation easement.



**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
 1800 Washington Boulevard • Baltimore MD 21230  
 410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.  
 Governor

Water Management Administration  
 Wetlands and Waterways Program  
 Phone: 410-537-3768  
 Fax: 410-537-3751

Kendi P. Philbrick  
 Acting Secretary

Michael S. Steele  
 Lt. Governor

July 29, 2003

McCarthy and Associates, Inc.  
 Attn: Michael Klebasko  
 14458 Old Mill Road, #201  
 Upper Marlboro, Maryland 20772

Application Number: 03-NT-0195/200363618  
 Project: Mitchell & Best Homebuilders, LLC - Bancroft North;  
 Montgomery County

Dear Mr. Klebasko:

The Nontidal Wetlands and Waterways Division of the Water Management Administration has reviewed your application for an activity in a floodplain, waterway, nontidal wetland or buffer. We are pleased to inform you that your activity conditionally qualifies for a Letter of Authorization (LOA). The project also qualifies for authorization by the U.S. Army Corps of Engineers under Category I of the Maryland State Programmatic General Permit (MDSPGP2). The conditions of the MDSPGP2 will be issued with the LOA.

Before the Letter of Authorization can be issued, the following will be required:

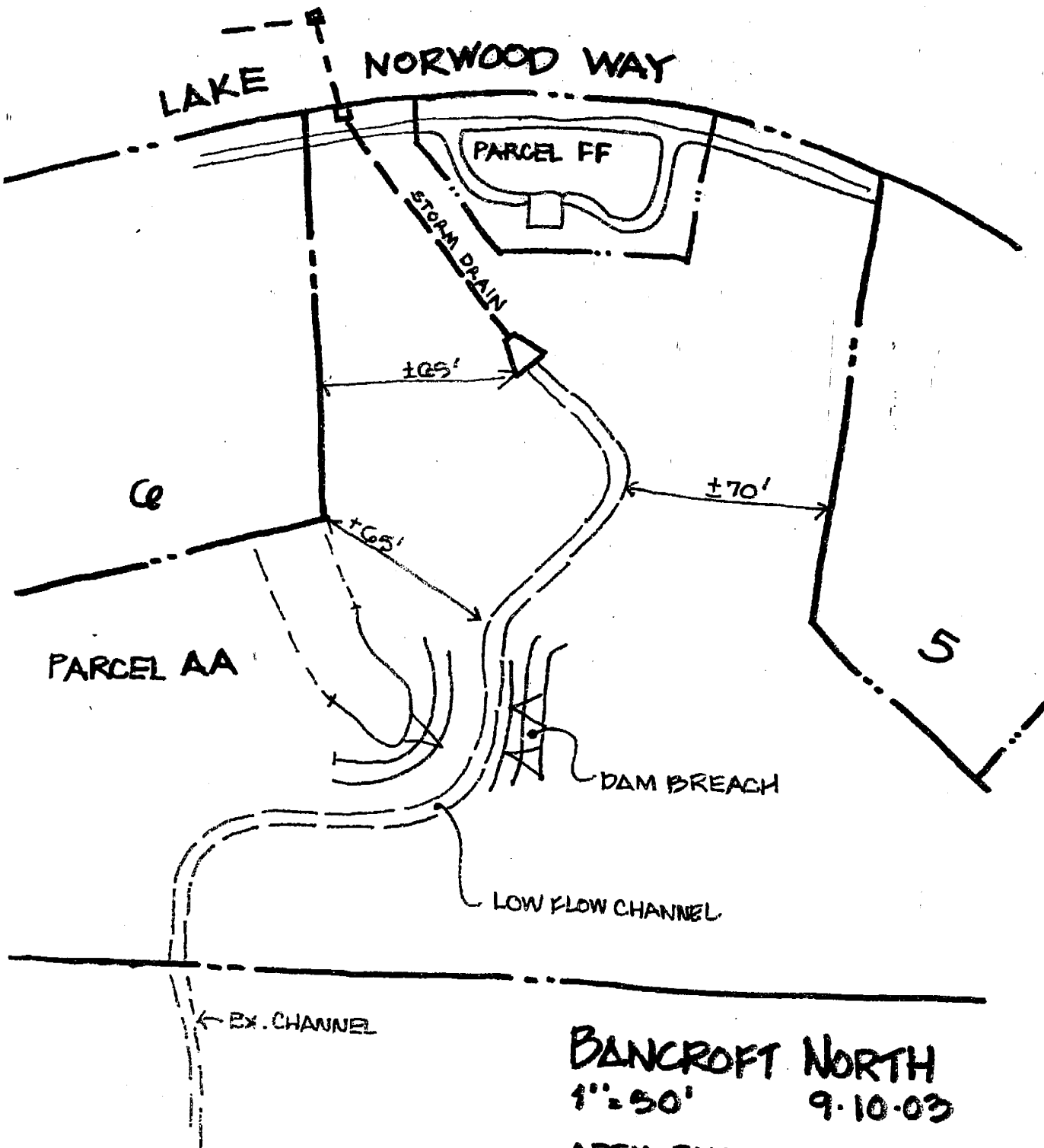
- 1) Please provide two copies of the final, approved erosion and sediment control and construction plans. The plans must include a vicinity map, approved wetland boundaries, the 25-foot nontidal wetlands buffer, stream channels and the limits of disturbance for all proposed activities on the site. Final plans must also include a planting plan to establish wetland vegetation within the breached pond to offset the wetland fringe of the pond to be drained.

Please send the Division two copies of the plans with the information above included on them. Once the above information is provided to the Division, and it is determined to be sufficient, a Letter of Authorization will be promptly issued that authorizes you to conduct the activity provided that the conditions noted on the plans and additional conditions and best management practices which will be a part of the Letter of Authorization are met.

If you have any questions regarding this letter, please call me at the above number. Please have your application tracking number available when you call.

Sincerely,

Robert P. Cooper  
 Chief, Southern Region  
 Nontidal Wetlands and Waterways Division



**BANCROFT NORTH**  
1"=50' 9.10.03  
APEX ENGINEERING



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

April 11, 2003

Robert C. Hubbard  
Director

Ms. Michelle Coleman  
Apex Engineering  
15850 Crabbs Branch Way, Suite 200  
Rockville, MD 20855

Re: **Revised Stormwater Management CONCEPT**  
Request for Bancroft North  
Preliminary Plan #: Pending  
SM File #: 207159  
Tract Size/Zone: 18.23 acres / RNC  
Total Concept Area: 18.23 acres  
Lots/Block: N/A  
Parcel(s): P907  
Watershed: Northwest Branch

Dear Ms. Coleman:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via nonstructural measures; and onsite recharge via grass swales. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. This concept is for eight proposed lots.
5. The existing driveway can not be located within the proposed forest conservation easement. Either remove the driveway, or exclude it from the proposed easement.
6. This stormwater management concept approval supercedes the previous approval dated March 5, 2003.

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

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



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

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mce

cc: M. Shaneman  
S. Federline  
SM File # 207159

QN -ON; Acres: 5.9  
QL - ON; Acres: 5.9  
Recharge is provided



**Witthans, Wynn**

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**From:** Marc Mezzanotte [mmezzanotte@Mitchellbest.com]  
**Sent:** Thursday, September 11, 2003 12:10 PM  
**To:** Witthans, Wynn  
**Cc:** 'Karen Carpenter'  
**Subject:** Bancroft North - Turn Around

Wynn,

Captain Greg Ruff of Montgomery County - Sandy Spring Fire Dept. called me this morning and gave me a verbal okay on our turn around and said he would be faxing me a memo tomorrow.

Thanks,

Marc A. Mezzanotte, P.E.  
Land Development Manager

Mitchell & Best  
1686 E. Gude Drive, Rockville, Maryland 20850  
301-762-9511 Ext. 2410  
301-762-3954 fax, 240-876-2936 mobile