



Wright Property - Preliminary Plan No. 120160330



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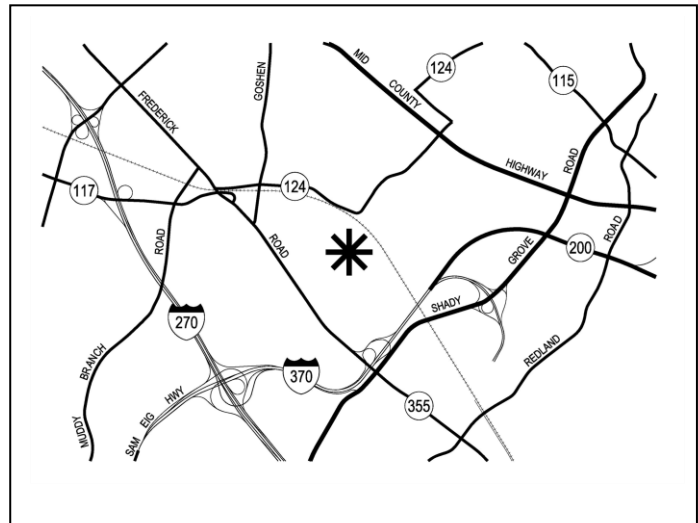


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Completed: 7/10/17

Description

- Request to resubdivide three (3) lots and three (3) parts of lots into six (6) lots for five (5) new single-family detached units, and one existing house to remain;
- On 3.68 acres in the R-200 Zone;
- located at 203 Central Avenue in Gaithersburg within the 2010 *Great Seneca Science Corridor Master Plan*;
- Applicant: Warren W. Wright;
- Acceptance Date: 6/24/2016;
- Review Basis: Chapter 50, Chapter 59, Chapter 22A.



Summary

- Staff recommends approval with conditions.
- Application has been reviewed under the Subdivision Regulations effective prior to February 13, 2017.
- Planning Board must approve two (2) of the six lots to be on a private driveway without street frontage, Section 50-29(a)(2). Staff supports this request.
- Planning Board must make a finding for Private Road (Parcel A).
- Staff recommends approval of the Applicant's tree variance request.
- No additional right-of-way dedication is required.
- Staff has received one email of opposition regarding this Application.

The Muddy Branch stream is located along the frontage of the Property, which required Staff to take a sensitive approach and place a high priority on minimizing environmental impacts to the stream-valley buffer associated with this development. This sensitive approach has resulted in: an environmentally sensitive lot design, which includes two lots without frontage; a covenant agreement with MCDOT regarding future road improvements to Central Avenue; carefully located stormwater management facilities; converting the existing access to a private road, and providing the minimum width necessary for adequate emergency access; and relocating an existing driveway out of environmentally sensitive/impacted areas. Overall, the plan addressed Staff's concerns to minimize the environmental impacts to the stream and the associated stream-valley buffer. Thus, allowing Staff to recommend approval for this Preliminary Plan.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of the Preliminary Plan No. 120160330 and associated Preliminary Forest Conservation Plan subject to the following conditions:

1. This Preliminary Plan is limited to six (6) residential lots and one parcel for a private road.
2. Staff recommends approval of the Preliminary Forest Conservation Plan, subject to the following conditions:
 - a. Prior to issuance of a Sediment Control Permit from the Department of Permitting Services, the Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department. The Final Forest Conservation Plan (FFCP) must be substantially consistent with the approved Preliminary Forest Conservation Plan.
 - b. Prior to demolition, clearing, or grading, the Applicant must record a Category I Conservation Easement in the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
 - c. Prior to any land disturbing activities occurring onsite, the Applicant must obtain a financial security agreement reviewed and approved by M-NCPPC Associate General Counsel Office for the planting requirements specified on the FFCP.
 - d. The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
 - f. Prior to any clearing and grading occurring on site, the Applicant must record a certificate of compliance for the purchase of off-site mitigation credit from an approved forest mitigation bank in the land records.
3. The Applicant must submit an amended variance request for approval prior to the submission of the Final Forest Conservation Plan (FFCP). The amended variance request and FFCP will address the following items:
 - a. Change the status of tree ST-13 to approve for removal, but employ tree save measures in an effort to save the tree.
 - b. Retain the approval for removal of ST-1, but reconfigure the stormwater management facility to reduce grading impacts to save the tree.
 - c. Correct the variance to remove the note regarding the prior removal of ST-5.
 - d. Provide documentation regarding the prior removal of ST-4 and ST-6.
4. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated December 2, 2016, and hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDOT may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Applicant must provide Private Road within Parcel A, including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary

improvements as required by the Preliminary Plan within the delineated private road area (collectively, the "Private Road"), subject to the following conditions:

- a. The record plat must show the Private Road in a separate parcel.
 - b. The Private Road must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads.
 - c. Prior to issuance of building permit, the Applicant must deliver to the Planning Department, with a copy to Montgomery County Department of Permitting Services (MCDPS), certification by a professional engineer licensed in the State of Maryland that the Private Road has been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Preliminary Plan or a subsequent Site Plan, and that the road has been designed for safe use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.
 - d. Private Road must be built to Road Standard MC- 2001.02 as modified by this Preliminary Plan.
 - e. Private Road must terminate in a hammer-head within the Private Road parcel.
7. The Applicant must execute and record a declaration of covenants for the Central Avenue frontage improvements to upgrade the road to primary residential street standards including a 5-foot-wide sidewalk within the environmental constrained portion of the Central Avenue right-of-way, subject to MCDOT review and approval, before issuance of first building permit. The covenant must be shown on the record plat.
8. Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a 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, 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 Private Road Parcel A.
 - c. Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - d. The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement including all relevant conditions.
9. The Planning Board has accepted the recommendations of the MCDPS - Fire Department Access and Water Supply Section in its letter dated March 20, 2017, and hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the Montgomery County Fire and Rescue Service (MCFRS) may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
10. The Planning Board has accepted the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated May 25, 2017, and hereby incorporates the recommendations as conditions of the Preliminary Plan approval. The

Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS – Water Resources Section may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.

11. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
12. The record plat must show necessary easements.
13. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
14. 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 hardscapes will be determined at the time of issuance of the building permits. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
15. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

SECTION 2 – SITE LOCATION, HISTORY, AND DESCRIPTION

Site Location

The Property is located on the northwest side of Central Avenue, approximately one-half mile east of South Fredrick Avenue (route 355). It is near the Washington Grove MARC Station to the east, Washington Grove Elementary School to the south, and the Gaithersburg City limits to the north. The Property is zoned R-200 and is in the *2010 Great Seneca Science Corridor Master Plan* area.

Site Vicinity

The Property is in a neighborhood comprised of single-family detached houses. The surrounding zoning is R-200 and R-90. Directly to the southwest of the Property is a recently completed resubdivision that has six (6) lots with six (6) single-family detached houses. The City of Gaithersburg is to the northwest of the Property and the properties consist of similar lot sizes. Approximately east of the Property is one (1) single-family house on 3.7 acres; and to the southeast are two (2) single-family detached houses on approximately 1 acre lots.

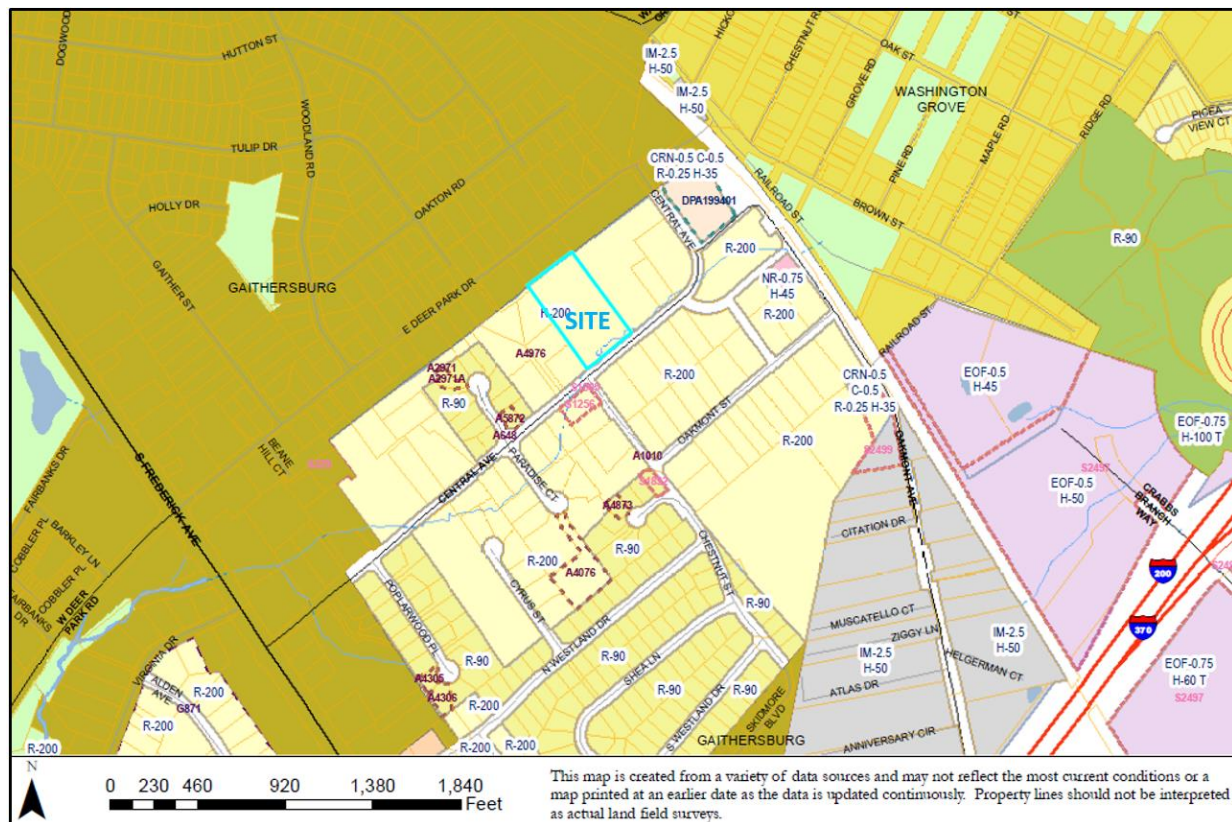


Figure 1: Vicinity Map

Site Description

The Property consists of three (3) lots and three (3) parts of lots on 3.68 acres, with one access onto the Property to serve an existing single-family house, which is to remain. The site slopes from northwest to southeast to a stream that crosses the front of the Property parallel to Central Avenue. The only available access to the Property is a driveway that crosses the stream to connect the Property to Central

Avenue. There is approximately 371 linear feet of stream channel on the site, along with approximately 1.02 acres of stream buffer. The stream drains to the Muddy Branch, which is a Maryland State Use Class I-P stream. There are approximately 0.26 acres of 100-year floodplain and 0.08 acres of wetlands associated with the stream channel. The site contains 2.56 acres of forest, and includes many specimen-size trees.

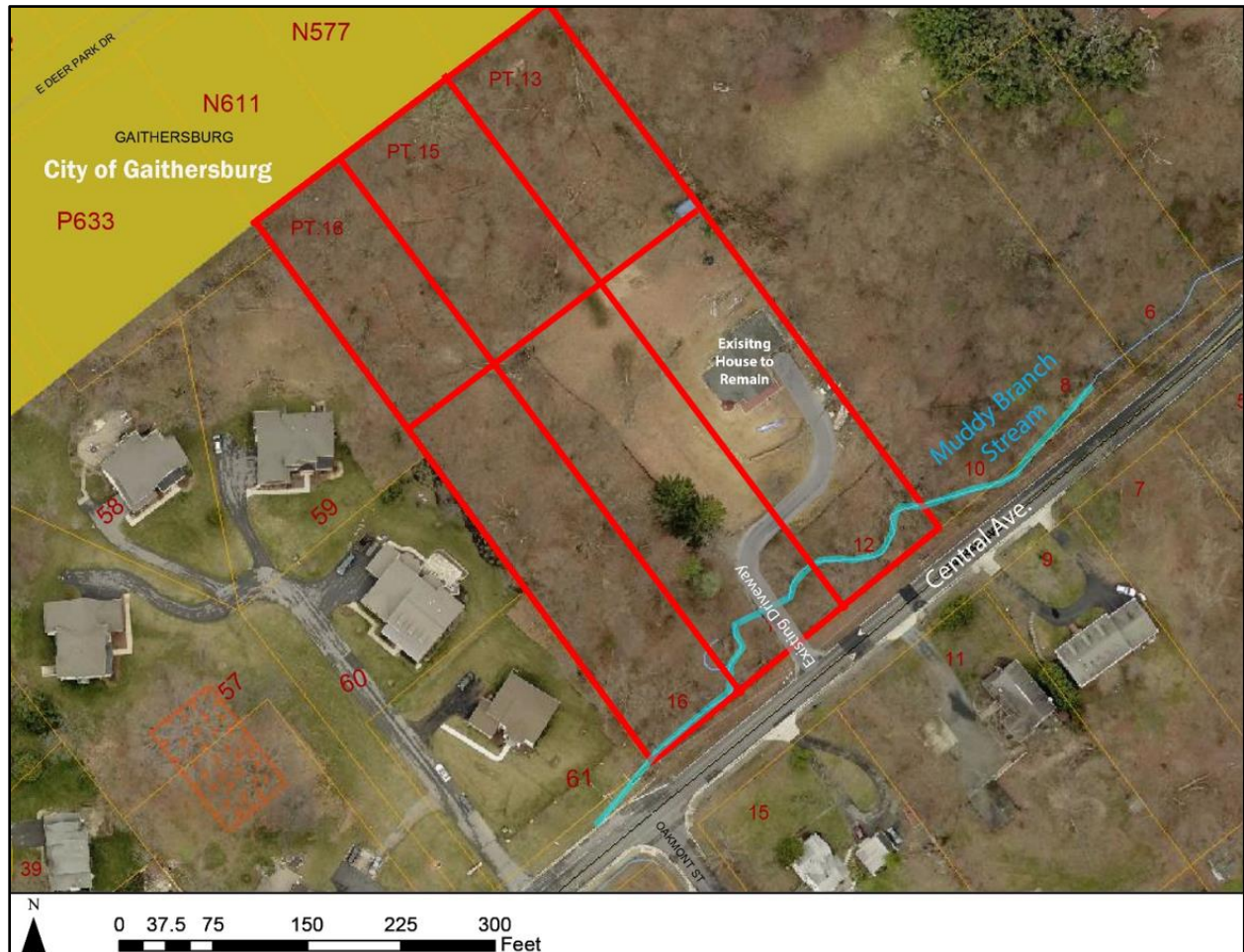


Figure 2: Site Map

SECTION 3 –PROPOSAL

Proposal

The Applicant proposes to resubdivide three (3) lots and three (3) parts of lots to create six (6) lots, which will accommodate five (5) new single-family detached residential houses and retain the existing single-family house (Preliminary Plan – Attachment 1). The R-200 Zone allows for a maximum density of 2.18 dwelling units/ acres; the proposed plan will achieve a density of 1.63 units per acre. Proposed Lots 1 through 4 are approximately 0.5 acres each; and proposed Lots 5 and 6 will be 0.78 acres and 0.74 acres, respectively. Proposed Parcel A is 0.25 acres and will contain a 20-foot wide private road within a 50-foot right-of-way. All six lots and Parcel A are generally rectangular in shape. Lots 5 and 6 will have frontage on Central Avenue; Lots 3 and 4 will have frontage on the terminus of the private road, and Lots 1 and 2 will not have frontage and will share the same shared private driveway as Lots 3 and 4. A hammer-head will be provided and terminate the end of the private road on Parcel A. This will create a clear transition regarding access, circulation, and maintenance between the private road and the private driveway. In order to limit the impacts to the environmentally sensitive areas along Central Avenue, the Applicant has agreed to enter into a covenant for future construction with MCDOT, in lieu of providing the standard frontage improvements typically required of a subdivision that abuts a public road. This project will be served by public water and sewer from Washington Suburban Sanitary Commission.

To limit encroachment into the stream buffer, the Applicant proposes to maintain the existing driveway onto Central Avenue, but will improve the driveway into a private road and shared driveway to serve the proposed lots. It will also improve the existing culvert; provide stormwater manage facilities; and relocate the driveway to the existing house out of the stream valley buffer. Approximately 0.61 acres will be placed in a Category 1 Forest Conservation Easement to meet forest conservation requirements and further protect the stream and associated buffer.

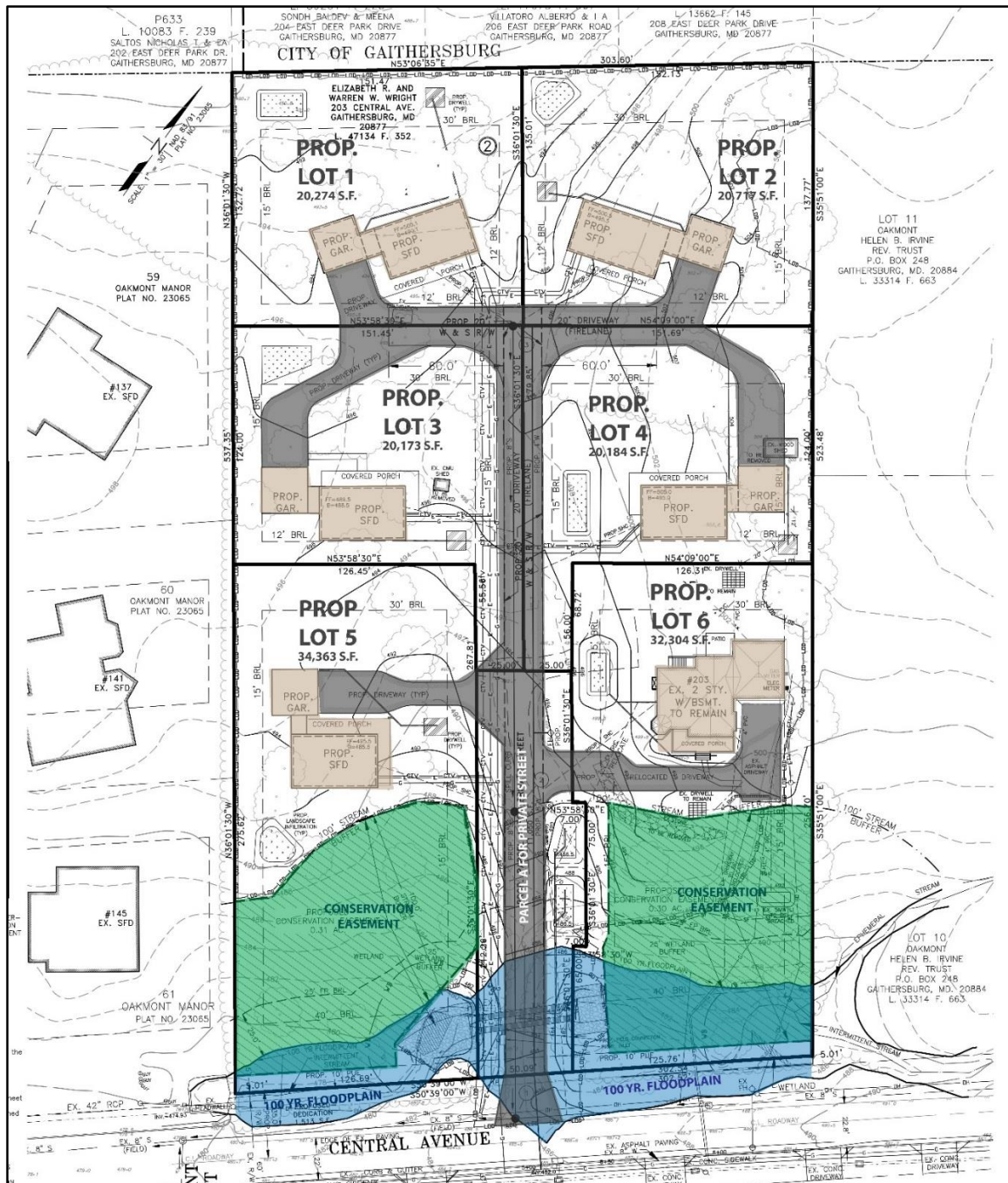


Figure 3: Proposed Preliminary Plan (Attachment 1)

SECTION 4 – ANALYSIS AND FINDINGS

1. The Preliminary Plan substantially conforms to the Master Plan. The Application is in substantial conformance with the objectives and recommendations of the Great Seneca Science Corridor Master Plan.

The Property is located within the Oakmont district of the 2010 *Great Seneca Science Corridor Master Plan*. The Master Plan does not specifically address the Property. It states, “*these primarily residential communities have little development potential and the stable residential areas should be preserved*” (pg. 70). It also recommended the area be zoned R-200 and to “*preserve and create connections following Muddy Branch parallel to Central Avenue*” (pg. 71). The proposed resubdivision preserves the residential character of the existing neighborhood by providing comparable single-family houses, meets the requirement of the R-200 Zone, minimizes impacts to the Muddy Branch stream by improving the existing access point and providing a conservation easement, and a County CIP sidewalk project was recently installed on the south side of Central Avenue, which created a safe pedestrian connection parallel to Central Avenue. Therefore, the Preliminary Plan is in conformance with the Master Plan.

Master-Planned Roadways, Bikeway, and Transitway

In accordance with the 2010 *Great Seneca Science Corridor Master Plan*, 2005 *Countywide Bikeways Functional Master Plan*, and 2013 *Countywide Transit Corridors Functional Master Plan*, the master-planned designated roadway and bikeway are as follows: Central Avenue is designated as a two-lane primary residential street, P-9, with a 70-foot-wide right-of-way and no bikeway. Although the existing right-of-way is only 60 feet from the opposite right-of-way line along the Property frontage, there is currently 35 feet from the centerline to the Property line. Therefore, no additional right-of-way dedication is required.

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

Public Transit Service

No transit service is available along Central Avenue; Nearby Frederick Avenue has Ride On routes 55 and 59, both of which operate with 20-minute headways on weekdays and weekends. Ride On route 55 operates between the Rockville Metrorail Station and the Germantown Transit Center, and Ride On route 59 operates between the Rockville Metrorail Station and the Montgomery Village Center.

Pedestrian Facilities

There is no sidewalk along the Property frontage of Central Avenue. As discussed in more detail below, Staff agrees that the Applicant should not provide a sidewalk along the frontage due to unique environmental constraints of the site.

Also, a five-foot-wide sidewalk (with no green panel) currently exists on the opposite side of Central Avenue. This existing sidewalk was built as part of MCDOT’s CIP No. 0506747, Central Avenue/Oakmont Avenue Sidewalk Project that was constructed in 2010 to provide safe pedestrian access along Central Avenue and Oakmont Avenue between Frederick Avenue (MD 355) and the Washington Grove

Elementary School. The sidewalk was constructed on the south side of Central Avenue because of environmental and utility constraints on the north side of Central Avenue.

Private Road

Parcel A proposes a 50-foot right-of-way with 20-feet of paving. The Applicant is required to construct the private road to Montgomery County Road Code Standard MC- 2001.02, as modified. In addition to the street design, there will be a hammer-head that will terminate the private road before connecting to the private driveway. The hammer-head will allow for a clear transition regarding access, circulation, and maintenance between the private road and the private driveway.

Adequate Public Facilities

The transportation APF test was reviewed under the 2012-2016 Subdivision Staging Policy, because the Preliminary Plan was filed before January 1, 2017.

Local Area Transportation Review (LATR)

The proposed five new and six total single-family detached units generate five new/six total AM peak-hour trips and six new/seven total PM peak-hour trips within the weekday AM peak-period (6:30 to 9:30 a.m.) and PM peak-period (4:00 to 7:00 p.m.), respectively. A traffic study was not required because the total site-generated peak-hour trips are fewer than 30 vehicular trips. Thus, the LATR test is satisfied.

Transportation Policy Area Review (TPAR)

For the applicable TPAR test (prior to November 15, 2016), the roadway test was adequate, but the transit test was inadequate for the Derwood Policy Area. Before January 1, 2017, the Applicant would have made a TPAR mitigation payment equal to 25 percent of the General District Transportation Impact Tax for the five new single-family detached units. However, under the 2016-2020 Subdivision Staging Policy, as of March 1, 2017, the development impact tax is required instead the TPAR payment. The timing and amount of the development impact tax payment will be determined by MCDPS per Chapter 52 of the Montgomery County Code, as amended.

Schools Test/Payment

Since this Preliminary Plan will not be acted on by the Planning Board until after July 1, 2017, the 2016-2020 Subdivision Staging Policy and FY2018 Annual School Test apply. The Property is in the Gaithersburg High School Cluster and the Washington Grove Elementary School area, and both are adequate under the FY2018 Annual School Test. Therefore, the Applicant will be required to pay the current School Impact Tax on all applicable residential units. MCDPS will determine the amount and timing of the payment.

Other Public Facilities

The proposed development will be served by public water and sewer systems. Fire and Rescue has reviewed the application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the project. Electric, gas and telecommunications services will also be available and adequate.

Covenant for Future Construction in Lieu of Standard Frontage Improvements

Section 50-24(b) of the Montgomery County Subdivision Regulations requires, “reasonable improvement to the road in front of such lots necessary to serve the needs of such subdivision for access and traffic as required by the road construction code, and including the provision of sidewalks.” Due to the environmental constraints related to the stream running along the edge of the right-of-way along Central Avenue, MCDOT and Staff are recommending the Planning Board accept a covenant for future construction of Central Avenue and any associated sidewalk improvement in lieu of the standard frontage improvements that would typically be required per Section 50-24(b) and the County Road Code. Requiring the standard frontage improvements would require further encroachment into the stream and stream valley buffer.

Staff agrees that the Applicant should not provide a sidewalk along the frontage due to unique environmental constraints of the site, and that doing so would potentially create an unsafe condition along this segment of Central Avenue. This would be the only segment of sidewalk along the north side of Central Avenue, and would likely require reconfiguration of an accel/decel lane and culvert to the west, and would create a sidewalk the ends abruptly in the stream valley buffer to the east with nowhere to cross Central Avenue safely. As stated above, a sidewalk was recently installed on the south side of Central Avenue as part of a County CIP project. Instead, MCDOT and Staff agree that the Applicant should enter into a covenant for future construction for improvements to Central Avenue, so that Central Avenue may be widened/improved if the County deems it necessary as part of a more comprehensive study of Central Avenue in the future. This covenant is also required to be shown on the record plat.

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations including the need for a finding of two (2) lots fronting on a private road that has attained the status of a public road and two (2) lots without frontage under Section 50-29(a)(2), and the resubdivision analysis required under Section 50-29(b)(2), which are discussed in detail below. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision, taking into account the recommendations for maintaining a stable residential area in the Master Plan and for the building type (single-family houses) contemplated for the Property. The proposed lots were reviewed for compliance with the dimensional requirements for the R-200 Zone as specified in the Zoning Ordinance. If granted the required findings for frontage, the proposed lots will meet all the dimensional requirements for area and frontage and can accommodate a building which can reasonably meet the width and setback requirements in this zone. A summary of this review is included in Table 1.

Table 1: Development Standards in the R-200 Zone

Standard	Required/Permitted	Proposed
Maximum Density	2.18 units / 1 acre	1.63 units/ 1 acre
Minimum lot size	20,000 sq. ft.	Lot 1 - 20,274 sq. ft. Lot 2 - 20,717 sq. ft. Lot 3 - 20,184 sq. ft. Lot 4 – 34,363 sq. ft. Lot 6 – 32,304 sq. ft. Parcel A – 11,050 sq. ft.*
Front setbacks	40 ft. min.	40 ft. or more
Side setbacks	12 ft. min., 25 ft. total	12 ft./ 25 ft. or more
Rear setbacks	30 ft. min.	30 ft. or more
Min Lot Width at Front	25 ft.	25 ft. or more
Max Lot Coverage	25%	not to exceed 25%
Max Building Height	50 ft. max	50 ft. max
Site Plan Required	No	No
MPDUs Required	No	No

**Parcel A is not comparable in size to the other lots because it only serves a private right-of-way and not residential structures.*

Lot Frontage on a Private Road and Lots Without Frontage (Section 50-29.a.2)

Lot Frontage on a Private Road

Section 50-29(a)(2) of the Subdivision Regulations requires that all lots shall abut on a road which has been dedicated to public use or which has acquired the status of a public road. The Applicant proposes two (2) lots to front on a public road (Lots 5 and 6), two (2) lots to front on a private road (Lots 3 and 4), and two (2) lots are proposed without road frontage (Lots 1 and 2). Therefore, if the Planning Board approves the Preliminary Plan, it must also find that the proposed private road has acquired the status of a public road. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

For this subdivision, the proposed private road meets the minimum standards necessary to make the finding that it has attained the status of a public road, and will serve as frontage for Lots 3 and 4. The private road will be constructed to the minimum public road structural standards, will have a minimum 20-foot pavement width and adequate turning radii where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private road will be located within a separate private road parcel, with a covenant and easement that ensures they are adequately maintained and remain fully accessible to the public.

Lots Without Frontage

The Applicant proposes two (2) lots without street frontage (Lots 1 and 2). Per Section 50-29(a)(2), the Planning Board may approve up to two lots on a private road if the lots provide adequate access for service by emergency vehicles, the installation of public utilities, access for other public services, and the proposed lots are not detrimental to future subdivision of adjacent lands.

Proposed Lots 1 and 2 meet the above requirements. Proposed Lots 1-4 will be served by a driveway that connects to a private road (parcel A). This driveway will have a common use and access easement placed over it for the benefit of proposed Lots 1-4, and will have a minimum of 20-foot pavement width and adequate turnaround where needed for emergency access. The proposed layout allows adequate service by emergency vehicles, installation of public utilities, and allows access for other public services. The proposed lots without frontage will not be detrimental to future subdivision and adjacent lands because the adjacent land to the north of the Property is already developed with existing one-family detached housing and is located within the City of Gaithersburg.

Resubdivision Criteria: Conformance with Section 50-29(b)(2)

Statutory Review Criteria

To approve an application for resubdivision, the Planning Board must find that each of the proposed lots comply with all seven of the resubdivision criteria set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

“Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.”

Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate resubdivision neighborhood (Neighborhood) for evaluating the Application (Figure 4/Attachment 2). For this Neighborhood, which consists of 35 lots, the analyzed lots include only properties that are recorded by plat in the R-200 Zone, are adjacent to the Subject Property, and are within a reasonable distance from the Subject Property, to provide an adequate sampling of comparable lots.

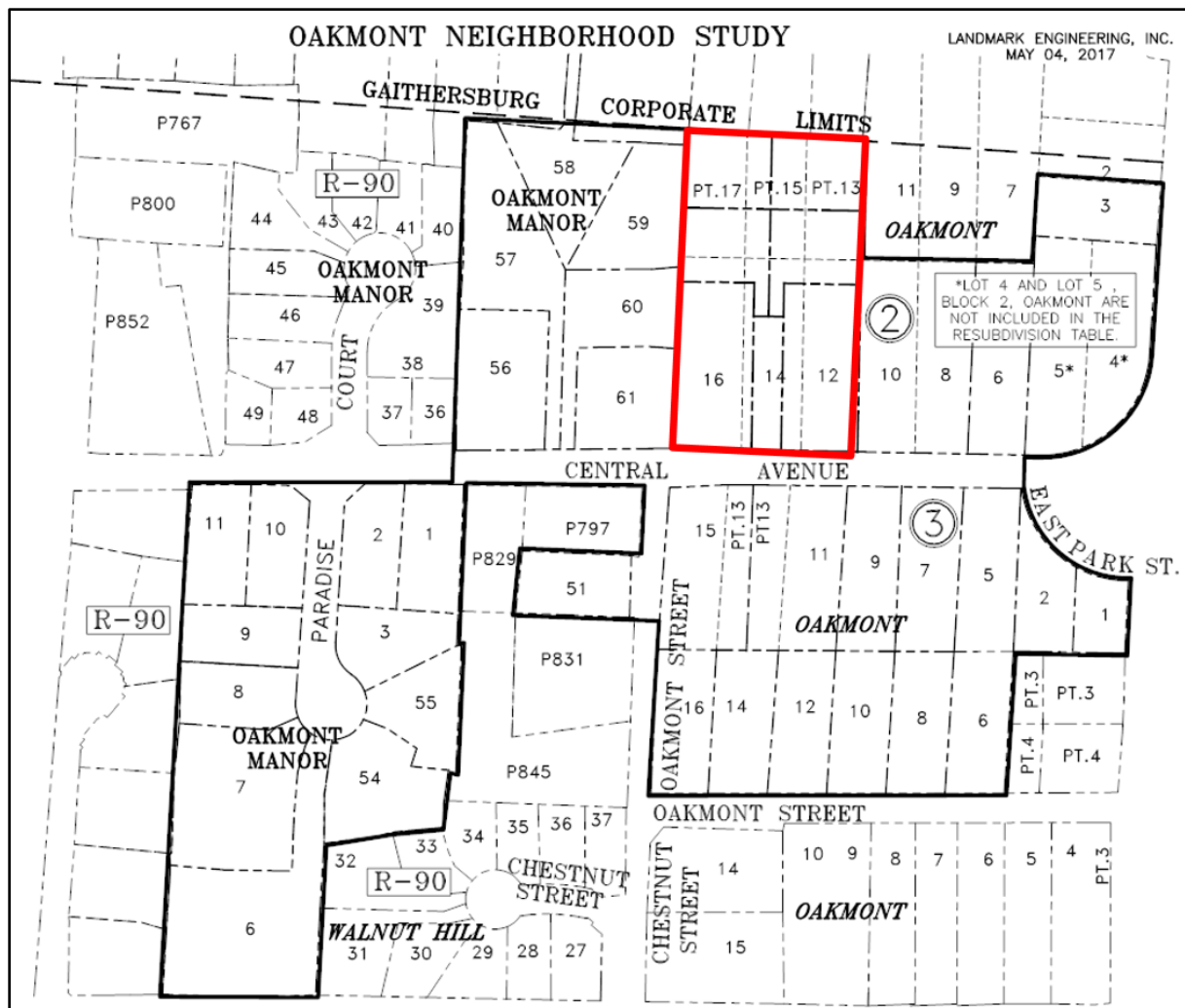


Figure 4: Resubdivision Neighborhood (Attachment 2)

Analysis - Comparison of Proposed Lots' Character to Existing Neighborhood Character

In performing the analysis, the resubdivision criteria were applied to the Neighborhood. The proposed lots are of the same character, with respect to the seven resubdivision criteria, as other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the resubdivision data table (Attachment 3), and graphic documentation (Figure 4/Attachment 2) support this conclusion:

Frontage:

The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage. In the defined Neighborhood, lot frontage ranges from 0 feet to 213 feet. Lots 1 and 2 will have 0 feet of frontage, Lots 3 and 4 will have 25 feet of frontage, and Lots 5 and 6 will have approximately 126 feet of frontage. Therefore, the proposed lots are within this range.

Alignment:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to the alignment criterion. The alignment of the proposed lots is perpendicular. Lots in the

Neighborhood are a mix of perpendicular, angular, and pipestem alignments. Specially, the Neighborhood contains five (5) angular and thirty (30) perpendicular alignments.

Size:

The proposed lot sizes are of the same character as the existing lots in the Neighborhood. The six (6) lot sizes proposed range from 20,184 square feet to 34,363 square feet. The range of lot sizes in the Neighborhood is between 20,000 and 61,400 square feet. The proposed lots are within the range of lot sizes in the Neighborhood.

Shape:

The shape of the proposed lots are of the same character with shapes of the existing lots in the Neighborhood. The proposed lots consist of four (4) rectangular and two (2) pipestems in shape. The Neighborhood contains a mix of lot shapes including pipestem, rectangular, and irregular shapes.

Width:

The proposed lots are of similar character as existing lots in the Neighborhood with respect to lot width. The lot widths for all six lots proposed is 112 feet. The range of lot widths within the Neighborhood is between 100 and 254 feet. The lot width is within the range of existing lot widths in the Neighborhood.

Area:

The proposed lots are of the same character as the existing lots in the Neighborhood with respect to buildable area. The buildable area of lots in the Neighborhood ranges from 3,850 square feet to 43,202 square feet. The buildable area of the proposed six lots (including the environment buffer on Lots 5 and 6) range from 9,610 to 21,557 square-feet. The proposed lots' buildable areas are within the range of existing lots' buildable areas in the Neighborhood.

Suitability for Residential Use:

The existing and proposed lots are zoned residential and the land will be further developed for residential use. Therefore, the proposed lots are in character with the Neighborhood.

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

Staff approved a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) for this site on June 23, 2015. The site slopes from northwest to southeast to a stream that crosses the front of the Property parallel to Central Avenue. The only available access to the Property is a driveway that crosses the stream to connect the Property to Central Avenue. There is 371 linear feet of stream channel on the site, along with 1.02 acres of stream buffer. The stream drains to the Muddy Branch, which is a Maryland State Use Class I-P stream. There are also 0.26 acres of 100-year floodplain and 0.08 acres of wetlands associated with the stream channel. The site contains 2.56 acres of forest, and includes many specimen-size trees.

Preliminary Forest Conservation Plan

The Preliminary Forest Conservation Plan (Attachment 4) shows that 2.14 acres of forest are to be cleared for construction of houses, driveways, and stormwater management facilities. Based on the forest removed, net tract area, zoning, and 0.42 acres of forest retention, the total reforestation and afforestation requirement is 1.07 acres. The applicant proposes to fulfill the planting requirement by

planting 0.19 acres on site and 0.88 acres of off-site forest banking. The on-site planting area must be placed in a Category I Forest Conservation Easement.

Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the 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 code. The code requires no impact to trees that: measure 30 inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; 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.

Variance Request

The applicant submitted a variance request on March 27, 2017 because the plan would create an impact to the CRZ of nine trees that are considered high priority for retention under Section 22A-12(b) of the County code. Eight of these trees will be removed; the ninth tree will be saved. A copy of the variance request letter, specifying the amount of critical root zone disturbance for the trees to be saved, is appended to this letter.

The shape of the parcel is long and thin. Subdividing the parcel into building lots allowed by zoning, combined with the required access road, utilities, stormwater management, and grading needed to create building sites causes substantial impacts to critical root zones of most of the specimen trees on the site. The specimen trees are all part of the forest being removed to create the building lots. Preserving the forest outside the stream buffer would preclude development of the site.

Staff believes that denial of the variance would constitute a hardship to the applicant. This finding must be met when determining whether or not to consider a variance for the project. Based on this finding, Staff finds that a variance can be considered.

Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board for a variance to be granted. Staff has made the following determinations in reviewing the requested variance:

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

Impacts to specimen trees are a result of the shape of the site and the constraints that result from the requirements for infrastructure needed to support the development, and development is consistent with the zoning. Staff has determined that the impacts to the trees subject to the variance requirement cannot be avoided. 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 requested variance is not based on conditions or circumstances which are the result of actions by the applicant, but on engineering and site constraints.

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 a result of land or building use on a neighboring property.

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

The specimen trees being removed are part of an on-site forest that will be replaced in part by planting new on-site forest within the newly established stream buffer, thereby enhancing the ability of the buffer to protect water quality. Therefore, the project will not violate State water quality standards or cause a 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 referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On July 6, 2017, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment 5).

Variance Recommendation

Staff recommends that the approval of the variance be granted.

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 MCDPS Water Resources Section issued a letter accepting the stormwater management concept for the site on March 7, 2017. The stormwater management concept proposes to meet required stormwater management goals via Environmental Site Design (ESD) to the maximum extent practicable (MEP) with the use of dry wells, landscape infiltration, and micro-bioretenment structures.

SECTION 5 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. The applicant held a pre-submission meeting for the Preliminary Plan on August 10, 2015 at the Gaithersburg Library (18330 Montgomery Village Avenue). There were discussions between the applicants and the seven participants. There was a question regarding stream crossings for driveways and any frontage improvements. The Applicant expressed that no additional crossing of the stream would occur, and that they would use the existing driveway as access to all proposed lots to minimize impacts to the stream and the associated buffer. Also, no sidewalk would be provided on the Property due to the recently constructed one on the opposite/south side of Central Avenue. Other questions pertained to water service and sewage treatment, which all proposed lots will be served by public water and sewer.

On January 10, 2017, a nearby resident emailed Staff and expressed concerns about impacts of development on the stream, stormwater management, the potential loss of wildlife, and access to the Property. Staff responded with an explanation to the resident's concerns via email (Attachment 6) and have not received any additional comments.

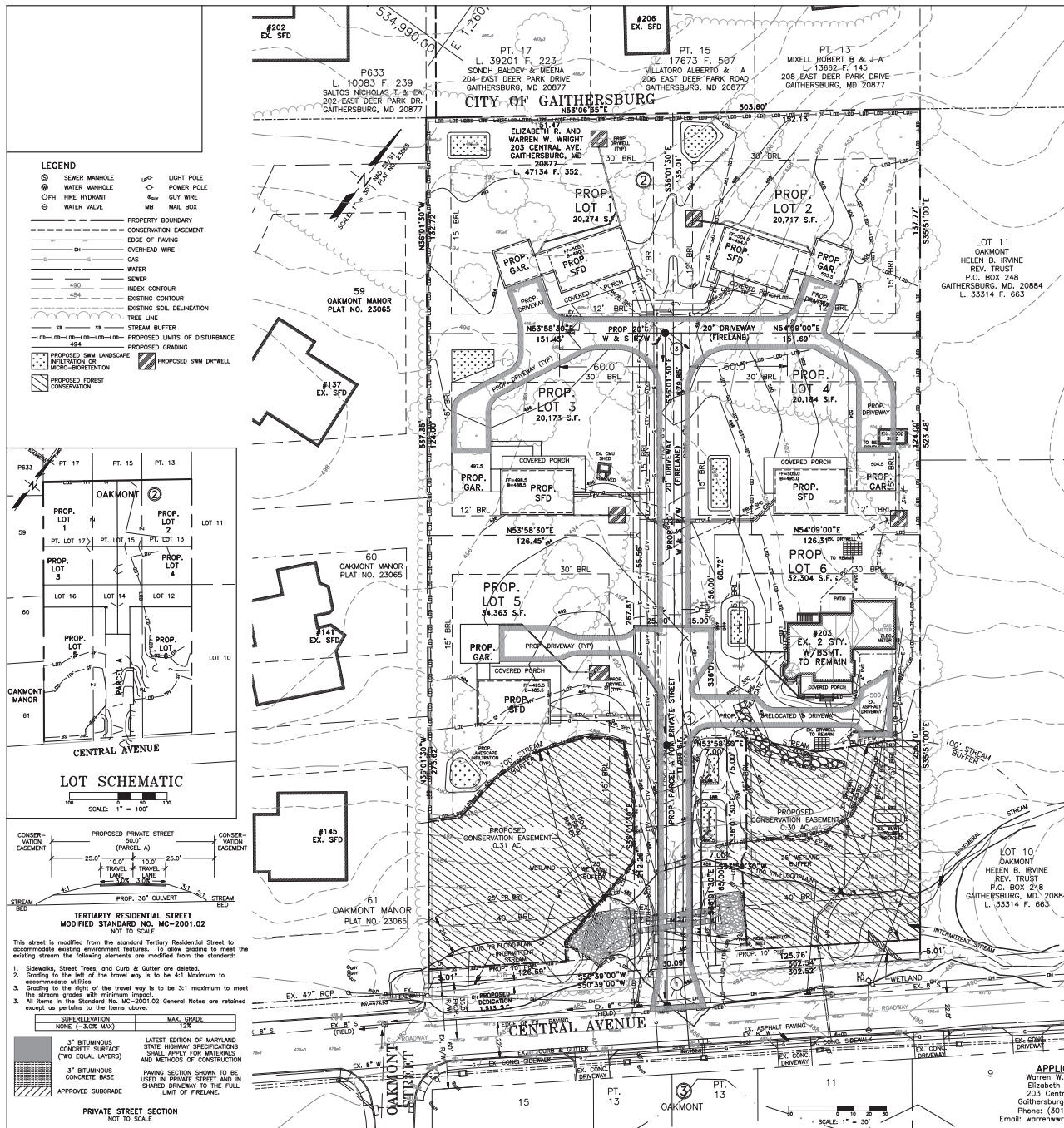
SECTION 6 – CONCLUSION

The proposed lots meet all the requirements established in the Subdivision Regulations and the Zoning Ordinance, and conform to the recommendations of the *Great Seneca Science Corridor Master Plan*. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans (Attachment 7). Therefore, Staff recommends approval of the Application with the conditions and analysis included in this report.

Attachments

Attachment 1 – Preliminary Plan
Attachment 2 – Resubdivision Neighborhood
Attachment 3 – Resubdivision Data Table
Attachment 4 – Preliminary Forest Conservation Plan
Attachment 5 – County Arborist Variance Approval Letter
Attachment 6 – Correspondence with Resident
Attachment 7 - Agency Correspondence

ATTACHMENT 1



- ### GENERAL NOTES
- Total Area = 160,578 SQ. FT. or 3.68636 ACRES. Existing Zoning is R-200.
 - The Site lies in Montgomery County Tax Assessment Map Book Page FT561.
 - The Property is Recorded in Liber 47134 at Folio 352. Current Owner on Record: Tax Account No. 09-00770108 Warren W. and Elizabeth R. Wright 203 Central Avenue Gaithersburg, MD 20877
 - This Site has an approved NRI/FSD #420152110, dated June 23, 2015.
 - No Rare, Threatened or Endangered Plant or Animal Species were observed on the Site.
 - The Site lies within the Muddy Branch Watershed.
 - The Stormwater Management Concept (SM File # 281928) for this project was approved March 7, 2017.
 - This Site contains a 100-YR Flood Plain. A flood plain study was prepared by Landmark Engineering, Inc. and is under review by MC-DPS.
 - The Property is shown on WSSC 200' Sheet 223 NW 09.
 - Proposed Lot 6 will retain the existing SFD. It is served by public water and public sewer. Current Water Category is W-1 and Sewer Category is S-1. All of the remaining proposed lots will be served by public water and sewer.
 - Vertical Datum is based on NGVD 1929.
 - Horizontal Datum is based on NAD 83/91.
 - Boundary and Topography is from field survey performed by Landmark Engineering, Inc. in July 2013.
 - This property is not considered historical and is not in the Master Plan for Historical Preservation.
 - Utilities shown on this plan are from records provided by the utility companies. This information was supplemented by field evidence of utility location where available.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN OF SUBDIVISION WAS PREPARED IN ACCORDANCE WITH SECTION 50-34 OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS; THAT THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD SURVEY BY LANDMARK ENGINEERING, INC. DATED JULY 2013, AND THAT IT REPRESENTS LOTS NUMBERED 12, 14, 16, PARTS OF LOTS 13, 15 AND 17, BLOCK 2, OAKMONT AS RECORDED IN A DEED DATED JUNE 18, 2013 IN LIBER 47134 AT FOLIO 352 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND AND THAT THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON THE SAME AFORESAID FIELD SURVEYS.

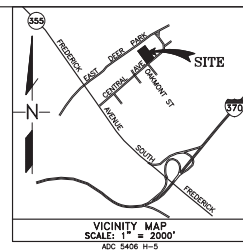
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11124, EXPIRATION DATE: OCTOBER 3, 2018.

CHARLES T. GRIMSLEY, P.E.
PROFESSIONAL ENGINEER
MARYLAND REGISTRATION NO. 11124

DATE

NOTE:

Conceptual Building Footprint and Site Development are for illustrative purposes shown with Limits of Disturbance Line.



TABULAR SUMMARY

Zoning Use	R-200 Residential	Required	Proposed
Description	Minimum Lot Area	20,000 sq ft	*SEE SITE TABULATION*
At Front BRL	100 feet	> 100 feet	
At Street	25 feet	MIN. 25 feet	
Minimum Setbacks	From Street	40 feet or E.B.L.	> 100 feet
One Side/Sum of Both	12 feet/25 feet*	12 feet/25 feet*	
Rear	30 feet	> 30 feet	
Maximum Building Height	30 feet	< 30 feet	
Maximum Coverage	25 percent	< 25 percent	

* Additional setback shown may be required for Fire Code building separation.

SITE TABULATION

TOTAL SITE AREA = 3.68636 Ac. or 160,578 S.F.

SITE ZONING IS R-200

EXISTING LOTS: 3 plus 3 Parts of Lots

PROPOSED LOTS: 6

PROPOSED PARCELS: 1

PROPOSED LOT AREAS:

LOT 1	20,274 S.F. or 0.46543 Ac.
LOT 2	20,717 S.F. or 0.47560 Ac.
LOT 3	20,173 S.F. or 0.46311 Ac.
LOT 4	20,184 S.F. or 0.46336 Ac.
LOT 5	34,363 S.F. or 0.78896 Ac.
LOT 6	32,304 S.F. or 0.74160 Ac.
PARCEL A	11,050 S.F. or 0.25367 Ac.

PROPOSED DEDICATION = 1,513 S.F. or 0.03473 Ac.

SITE UTILITIES

W.S.S.C.	PEPCO
WASHINGTON GAS	
VERIZON	
COMCAST	

M-NCPP PRELIMINARY PLAN NO. 120160330	TAX MAP: FT561	WSSC SHEET: 223NW09	NRI/FSD NO: 420152110
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PRELIMINARY PLAN OF SUBDIVISION

WRIGHT PROPERTY

PROPOSED LOTS 1-6 AND PARCEL A

OAKMONT

A RESUBDIVISION OF LOTS 12, 14 & 16 AND PART OF LOTS 13, 15 & 17, BLOCK 2, OAKMONT GAITHERSBURG ELECTION DISTRICT NO. 9 MONTGOMERY COUNTY, MARYLAND

LANDMARK ENGINEERING, INC.

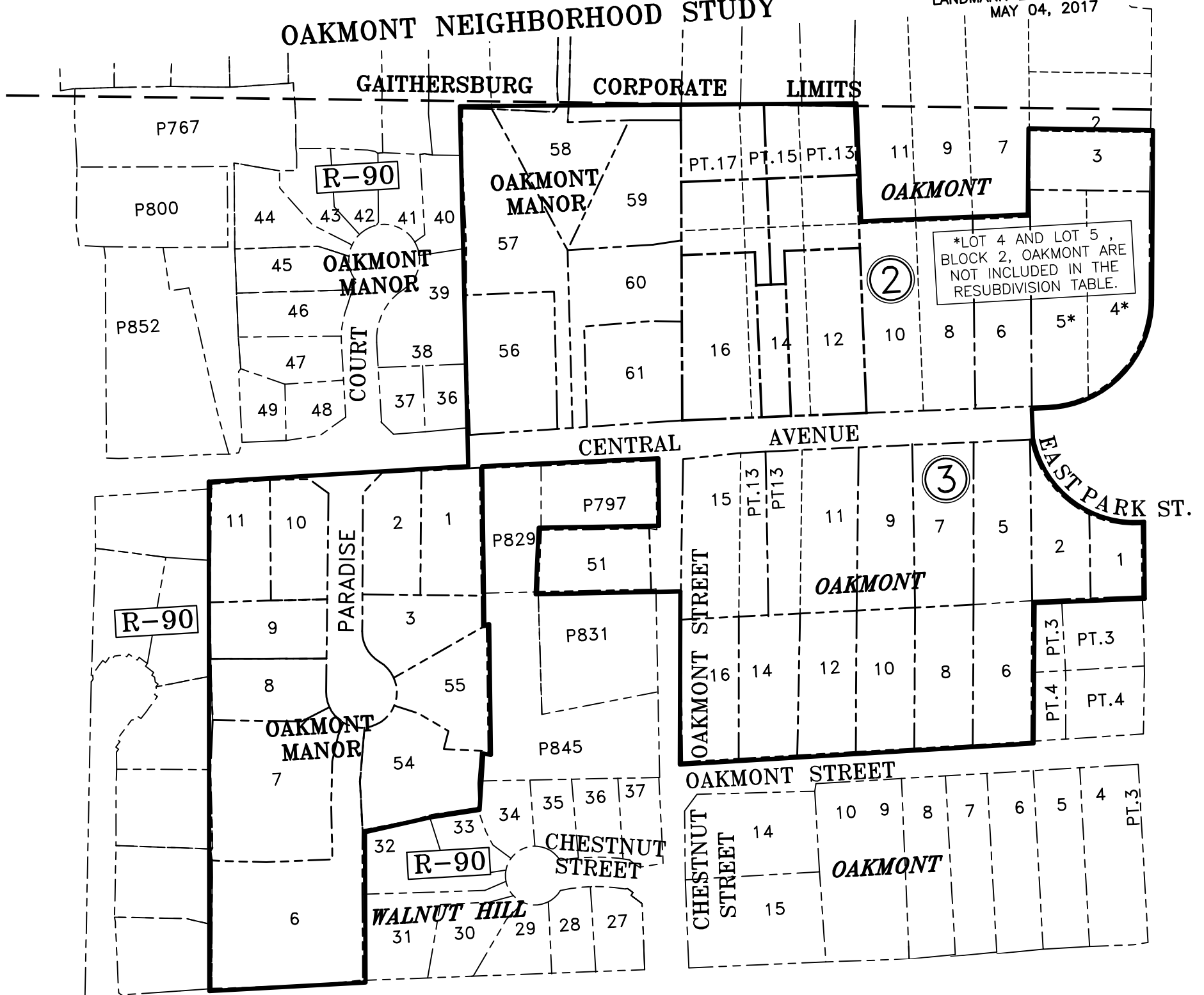
8110 EXECUTIVE BLVD. SUITE 110 PHONE: (301) 230-5881
ROCKVILLE, MARYLAND 20855 FAX: (301) 230-5884

CONSULTING ENGINEERS PLANNERS SURVEYORS

DATE: JULY 10, 2017

FIGURE 1 OF 1

LANDMARK ENGINEERING, INC.
MAY 04, 2017



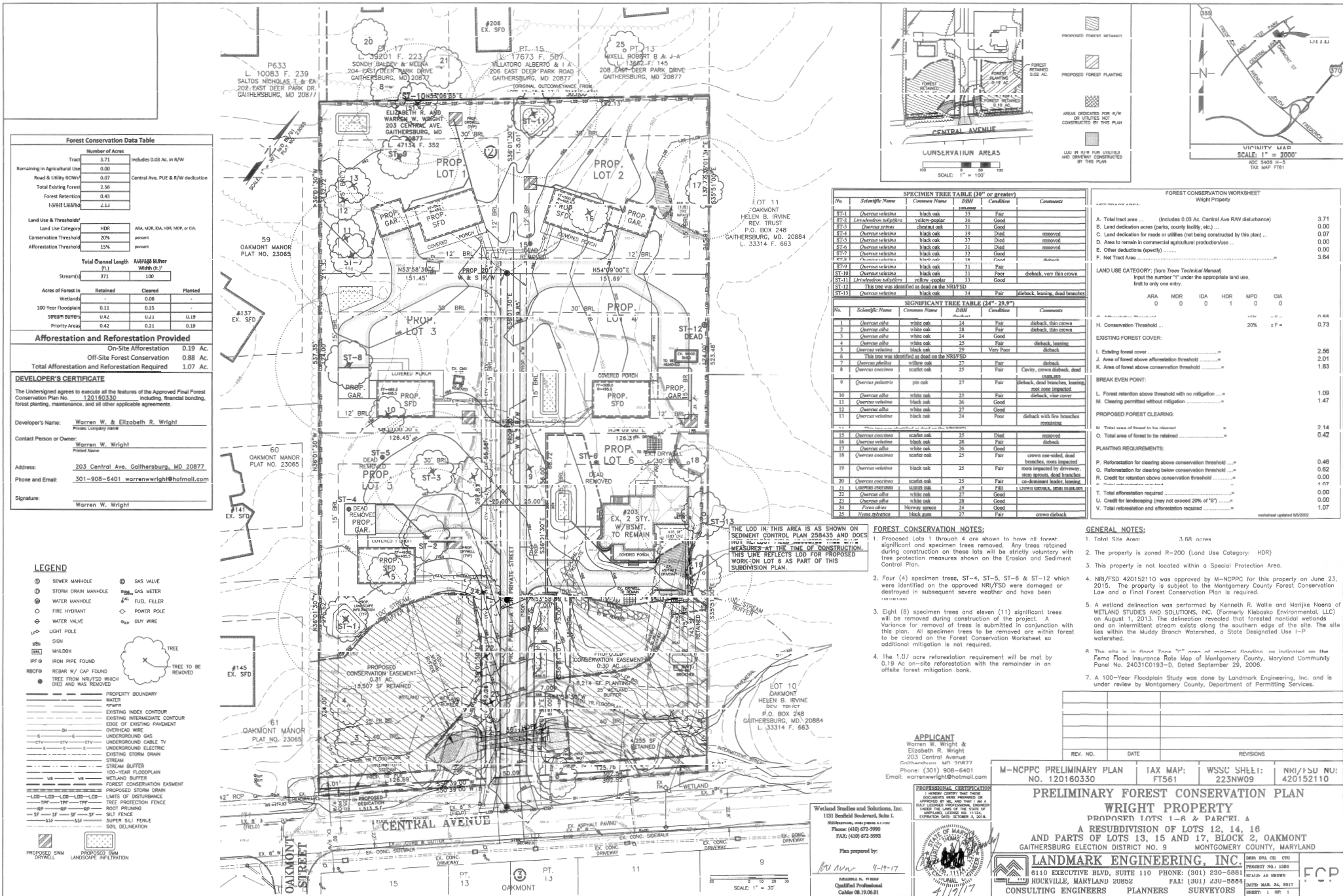
ATTACHMENT 3

Landmark Engineering, Inc.
05/04/2017

Neighborhood Analysis for Proposed Resubdivision of Lots 12, 14 & 16 and Parts of Lots 13, 15 & 17, Block 2 Oakmont									
All properties in study are currently zoned R-200									
Lot #/Block	Origin	Frontage	Alignment	Size (1)	Shape	Width (2)	Area (3) Including the Buffer	Area (3) Excluding the Buffer	Street Name
OAKMONT PROPOSED SUBDIVISION LOTS									
Prop.1/2	Resub	0	Perpendicular	20,275	Rectangular	151.45	11,618	11,618	Central Avenue
Prop.2/2	Resub	0	Perpendicular	20,718	Rectangular	151.73	11,974	11,974	Central Avenue
Prop.3/2	Resub	25	Perpendicular	20,182	Pipestem	151.45	9,610	9,610	Central Avenue
Prop.4/2	Resub	25	Perpendicular	20,188	Pipestem	151.37	9,613	9,613	Central Avenue
Prop.5/2	Resub	126.66	Perpendicular	34,526	Rectangular	126.7	21,557	11,928	Central Avenue
Prop.5/2	Resub	125.78	Perpendicular	33,057	Rectangular	125.89	20,303	10,616	Central Avenue
OAKMONT EXISTING SUBDIVISION LOTS									
3 / 2	Sub	100	Perpendicular	20,000	Rectangular	100	9,750	9,750	Central Avenue
6 / 2	Sub	100	Perpendicular	32,600	Irregular	100	19,200	19,200	Central Avenue
8 / 2	Sub	100	Perpendicular	32,600	Rectangular	100	19,200	19,200	Central Avenue
10 / 2	Sub	100	Perpendicular	32,600	Rectangular	100	19,200	19,200	Central Avenue
1 / 3	Sub	107.3	Perpendicular	12,489	Irregular	105	3,850	3,850	East Park Street
2 / 3	Sub	162.3	Perpendicular	21,360	Irregular	151.5	8,320	8,320	East Park Street
5 / 3	Sub	100	Perpendicular	28,500	Rectangular	100	16,125	16,125	Central Avenue
6 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street
7 / 3	Sub	100	Perpendicular	28,500	Rectangular	100	16,125	16,125	Central Avenue
8 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street
9 / 3	Sub	100	Perpendicular	28,500	Rectangular	100	16,125	16,125	Central Avenue
10 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street
11 / 3	Sub	100	Perpendicular	28,500	Rectangular	100	16,125	16,125	Central Avenue
12 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street
14 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street
15 / 3	Sub	100	Perpendicular	28,500	Rectangular	100	16,125	16,125	Central Avenue
16 / 3	Sub	100	Perpendicular	22,800	Rectangular	100	11,850	11,850	Oakmont Street

Neighborhood Analysis for Proposed Resubdivision of Lots 12, 14 & 16 and Parts of Lots 13, 15 & 17, Block 2 Oakmont									
All properties in study are currently zoned R-200									
Lot #/Block	Origin	Frontage	Alignment	Size (1)	Shape	Width (2)	Area (3) Including the Buffer	Area (3) Excluding the Buffer	Street Name
OAKMONT MANOR EXISTING SUBDIVISION LOTS									
1	Sub	104.12	Perpendicular	20,004	Rectangular	104.12	9,145	9,145	Central Avenue
2	Sub	212.99	Perpendicular	20,039	Irregular	100.03	4,543	3,696	Central Avenue
3	Sub	154.83	Angled	30,269	Irregular	136.21	9,545	9,545	Central Avenue
6	Sub	25.79	Pipestem	52,827	Pipestem	253.87	25,849	25,849	Central Avenue
7	Sub	39.51	Angled	61,400	Irregular	101.06	43,566	43,566	Central Avenue
8	Sub	82.41	Perpendicular	20,243	Irregular	103.08	10,166	10,166	Central Avenue
9	Sub	102.25	Perpendicular	20,000	Rectangular	101.25	9,794	9,794	Primrose Court
10	Sub	142.93	Perpendicular	20,000	Irregular	100.12	6,356	6,356	Primrose Court
11	Sub	100.12	Perpendicular	20,071	Rectangular	100.12	9,819	9,819	Primrose Court
51	Sub	105.21	Perpendicular	20,000	Rectangular	105.21	9,633	9,633	Oakmont Street
54	Resub	79.12	Angled	20,001	Irregular	125.43	18,727	18,727	Primrose Court
55	Resub	48.53	Angled	33,516	Irregular	105.23	8,273	8,273	Primrose Court
56	Sub	149.56	Perpendicular	35,000	Rectangular	149.7	20,418	20,418	Central Avenue
57	Sub	25.01	Perpendicular	45,673	Pipestem	175.54	24,706	24,706	Central Avenue
58	Sub	20	Perpendicular	29,783	Pipestem	219.89	10,982	10,982	Central Avenue
59	Sub	0	Perpendicular	30,000	Trapezoid	174.94	15,921	15,921	Central Avenue
60	Sub	25.01	Perpendicular	30,000	Pipestem	191.31	10,729	10,729	Central Avenue
61	Sub	160.27	Perpendicular	27,500	Rectangular	161.42	13,647	13,647	Central Avenue

ATTACHMENT 4



ATTACHMENT 5



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

July 6, 2017

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

RE: Wright Property, ePlan 8120160330, NRI/FSD application accepted on 5/18/2015

Dear Mr. Anderson:

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

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

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

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

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

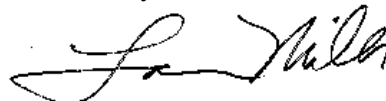
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon meeting 'conditions of approval' pertaining to variance trees recommended by Planning staff. Specifically, every effort should be made to retain trees ST-1 and ST-13. Additionally, the applicant should mitigate for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', with a stylized flourish at the end.

Laura Miller
County Arborist

cc: Steve Findley, Planner Coordinator

ATTACHMENT 6

From: Leftwich, Troy
Sent: Monday, January 23, 2017 9:03 AM
To: 'ROBERT BREWER' <brewer000@verizon.net>
Cc: Afzal, Khalid <Khalid.Afzal@montgomeryplanning.org>; Butler, Patrick <Patrick.Butler@montgomeryplanning.org>; Findley, Steve <Steve.Findley@montgomeryplanning.org>
Subject: RE: Wright Property-203 Central Ave

Mr. Brewer,

I appreciate your concerns and can address a few at this time. The following are the responses to your questions:

1. Impact of development on the stream fronting the property:

The development will have an impact on the stream. Our Environmental Guidelines for Environmental Management of Development in Montgomery County (Montgomery County Department of Park and Planning, January 2000) and Forest Conservation Law (Chapter 22A of the County Code) give us some tools to work with to reduce the impacts. The Environmental Guidelines require establishment of a stream buffer to protect the stream, and the Forest Conservation Law establishes a reforestation requirement that will be used in part to vegetate the stream buffer to enhance its ability to protect water quality. The Environmental Guidelines do permit crossing the stream buffer for access such as driveways, as well as required infrastructure to serve development. Montgomery County Planning Department staff have worked with the applicant to move the driveway serving the existing house to reduce impact on the stream buffer, and have worked with the Montgomery County Department of Transportation to reduce required frontage improvements along Central Avenue to preserve such stream buffer as exists on the Central Avenue side of the stream.

2. Stormwater management:

The stormwater management concept plan approval authority rests with the Montgomery County Department of Permitting Services (MCDPS), but the Planning Department must find that the plan is in conformance with the Environmental Guidelines. The Guidelines specify that stormwater controls are to be located outside the stream buffers to the extent possible. Planning staff have been coordinating with MCDPS reviewers to ensure that stormwater runoff for the development lots is treated on-site before being discharged to the stream.

3. Loss of trees:

A much of the property outside the stream buffer will be cleared for construction of the proposed houses. While the loss of mature trees is regrettable, it is permitted under the County's development review process. Montgomery County's Forest Conservation Law (Chapter 22A) does require mitigation for forest removed. Approval of a Forest Conservation Plan will be required as part of the development approval. The amount of mitigation will be determined based on the zoning and the amount of forest removed. Any required mitigation that cannot be accommodated on site will be mitigated either through planting or preserving forest in an approved off-site forest bank or by payment of a fee-in-lieu that will be used for other afforestation/reforestation projects in the County, or a combination of off-site banking and fee-in-lieu payment.

4. Loss of wildlife habitat:

Unfortunately, the habitat lost here will be lost permanently. Part of the development review process does require checking to see if the Maryland Department of Natural Resources (DNR) has any records of occurrences of Rare, Threatened, or Endangered species of plants or animals on or near the site. None have been reported here. The animals living here will be displaced. Most will move when site disturbance begins, and find homes in parks and protected stream valleys nearby.

5. The property will maintain the existing access driveway to serve the development. However, it will be developed as a public road and meet the County's Road Code and Fire & Rescue standards.

I will ensure your concerns are a part of the record and keep you informed as the plan moves forward through the review process. You will also have the opportunity to state your concerns at the Planning Board Hearing (date is TBD). Please feel free to contact me at any time.

Thanks,

Troy Leftwich

Senior Planner, Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue Silver Spring, MD 20910
301.495.4553
troy.leftwich@montgomeryplanning.org

From: ROBERT BREWER [<mailto:brewer000@verizon.net>]
Sent: Tuesday, January 10, 2017 7:23 AM
To: Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Subject: Re: Wright Property-203 Central Ave

Sir- thank you for your call this morning, regarding the subject property and it's development status.

I have lived at # 205 East Deerpark Dr since 1995 , and am familiar with the site. I would like to add my comments regarding the potential development, please see below-

There is a stream running along the south side of the property/ north of Central Ave.

I am concerned about the impact the building/ development will have on the stream, as I imagine several utility crossings will need be done in order to serve the proposed lots.

Also, however ingress/ egress will be provided to the lots, it will cross the stream at least once.

Finally, in regards to the stream, I am concerned with how storm water will be routed from the lots in an effective manner.

I estimate that approximately, 200 mature tree's would have to be taken down in order to build on this site, what measures are being considered to offset this loss of the tree's?.

In regards to how traffic will enter/ exit the lots, it has been my experience living near this site, that traffic routinely goes over the posted speed limit, and due to the curve (on Central Ave, at the "SE" corner of the property) with its' limited site distance, I feel this would add a hazard to drivers and be equally dangerous to those driving in or out of the proposed lots.

I am also concerned about the well being of the current wildlife that lives in or near this property. Currently, Deer, Raccoons, Fox's, Possums , a variety of birds including Hawks and other animals use this as a part of their habitat. If this property is developed, this habitat would be greatly diminished with no place for many of these animals to move to .

In closing, the potential for added traffic, impact on the stream and wildlife and a negative impact on the scenic character of this neighborhood should all be taken in to consideration, before approving any building here.

Please keep me up to date on any developments, hearings etc, I appreciate your consideration.

Sincerely

Bob Brewer

205 East Deerpark Dr
Gaithersburg,MD 20877

From: "Leftwich, Troy" <Troy.Leftwich@montgomeryplanning.org>
To: "brewer000@verizon.net" <brewer000@verizon.net>
Cc: "Afzal, Khalid" <khalid.afzal@montgomeryplanning.org>; "Butler, Patrick" <patrick.butler@montgomeryplanning.org>
Sent: Monday, January 9, 2017 9:27 AM
Subject: Wright Property-203 Central Ave

Mr. Brewer,

Per our discussion, we again apologize for the late response and feel free to send me your concerns regarding this project. Please let me know if you have any further questions.

Thanks,

Troy Leftwich

Senior Planner, Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue Silver Spring, MD 20910
301.495.4553
troy.leftwich@montgomeryplanning.org

ATTACHMENT 6

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Sent: Monday, January 23, 2017 9:03 AM
To: 'ROBERT BREWER' <brewer000@verizon.net>
Cc: Afzal, Khalid <Khalid.Afzal@montgomeryplanning.org>; Butler, Patrick <Patrick.Butler@montgomeryplanning.org>; Findley, Steve <Steve.Findley@montgomeryplanning.org>
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The stormwater management concept plan approval authority rests with the Montgomery County Department of Permitting Services (MCDPS), but the Planning Department must find that the plan is in conformance with the Environmental Guidelines. The Guidelines specify that stormwater controls are to be located outside the stream buffers to the extent possible. Planning staff have been coordinating with MCDPS reviewers to ensure that stormwater runoff for the development lots is treated on-site before being discharged to the stream.

3. Loss of trees:

A much of the property outside the stream buffer will be cleared for construction of the proposed houses. While the loss of mature trees is regrettable, it is permitted under the County's development review process. Montgomery County's Forest Conservation Law (Chapter 22A) does require mitigation for forest removed. Approval of a Forest Conservation Plan will be required as part of the development approval. The amount of mitigation will be determined based on the zoning and the amount of forest removed. Any required mitigation that cannot be accommodated on site will be mitigated either through planting or preserving forest in an approved off-site forest bank or by payment of a fee-in-lieu that will be used for other afforestation/reforestation projects in the County, or a combination of off-site banking and fee-in-lieu payment.

4. Loss of wildlife habitat:

Unfortunately, the habitat lost here will be lost permanently. Part of the development review process does require checking to see if the Maryland Department of Natural Resources (DNR) has any records of occurrences of Rare, Threatened, or Endangered species of plants or animals on or near the site. None have been reported here. The animals living here will be displaced. Most will move when site disturbance begins, and find homes in parks and protected stream valleys nearby.

5. The property will maintain the existing access driveway to serve the development. However, it will be developed as a public road and meet the County's Road Code and Fire & Rescue standards.

I will ensure your concerns are a part of the record and keep you informed as the plan moves forward through the review process. You will also have the opportunity to state your concerns at the Planning Board Hearing (date is TBD). Please feel free to contact me at any time.

Thanks,

Troy Leftwich

Senior Planner, Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue Silver Spring, MD 20910
301.495.4553
troy.leftwich@montgomeryplanning.org

From: ROBERT BREWER [<mailto:brewer000@verizon.net>]
Sent: Tuesday, January 10, 2017 7:23 AM
To: Leftwich, Troy <Troy.Leftwich@montgomeryplanning.org>
Subject: Re: Wright Property-203 Central Ave

Sir- thank you for your call this morning, regarding the subject property and it's development status.

I have lived at # 205 East Deerpark Dr since 1995 , and am familiar with the site. I would like to add my comments regarding the potential development, please see below-

There is a stream running along the south side of the property/ north of Central Ave.

I am concerned about the impact the building/ development will have on the stream, as I imagine several utility crossings will need be done in order to serve the proposed lots.

Also, however ingress/ egress will be provided to the lots, it will cross the stream at least once.

Finally, in regards to the stream, I am concerned with how storm water will be routed from the lots in an effective manner.

I estimate that approximately, 200 mature tree's would have to be taken down in order to build on this site, what measures are being considered to offset this loss of the tree's?.

In regards to how traffic will enter/ exit the lots, it has been my experience living near this site, that traffic routinely goes over the posted speed limit, and due to the curve (on Central Ave, at the "SE" corner of the property) with its' limited site distance, I feel this would add a hazard to drivers and be equally dangerous to those driving in or out of the proposed lots.

I am also concerned about the well being of the current wildlife that lives in or near this property. Currently, Deer, Raccoons, Fox's, Possums , a variety of birds including Hawks and other animals use this as a part of their habitat. If this property is developed, this habitat would be greatly diminished with no place for many of these animals to move to .

In closing, the potential for added traffic, impact on the stream and wildlife and a negative impact on the scenic character of this neighborhood should all be taken in to consideration, before approving any building here.

Please keep me up to date on any developments, hearings etc, I appreciate your consideration.

Sincerely

Bob Brewer

205 East Deerpark Dr
Gaithersburg,MD 20877

From: "Leftwich, Troy" <Troy.Leftwich@montgomeryplanning.org>
To: "brewer000@verizon.net" <brewer000@verizon.net>
Cc: "Afzal, Khalid" <khalid.afzal@montgomeryplanning.org>; "Butler, Patrick" <patrick.butler@montgomeryplanning.org>
Sent: Monday, January 9, 2017 9:27 AM
Subject: Wright Property-203 Central Ave

Mr. Brewer,

Per our discussion, we again apologize for the late response and feel free to send me your concerns regarding this project. Please let me know if you have any further questions.

Thanks,

Troy Leftwich

Senior Planner, Area 2 Planning Division
Montgomery County Planning Department
8787 Georgia Avenue Silver Spring, MD 20910
301.495.4553
troy.leftwich@montgomeryplanning.org

ATTACHMENT 7



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

May 25, 2017

Mr. Charles Grimsley
Landmark Engineering
6110 Executive Blvd, Suite 110
Rockville, MD 20852

Re: Floodplain Study for Wright Property
Floodplain Study Number: 281929
Address: 203 Central Ave., Gaithersburg
Property Description: 6 Lot Subdivision
Watershed: Muddy Branch

Dear Charles:

The Department of Permitting Services (DPS) has reviewed the 100-year floodplain study dated April 14, 2017 for the above referenced Delineation Study and found it acceptable. This approval is only for the hydrologic and hydraulic determination of the floodplain elevations and conveyance; it does not address or imply constructability or acceptable environmental impact. The environmental benefits of a floodplain are protected under Montgomery County Regulation Sec. 22A-12.b 2A and that review of environmental impact is done under Maryland National Capital Park & Planning's Forest Conservation Plan. The limits of this delineation are effective once all construction is complete per approved sediment control and floodplain district permits have been released.

The established 100-Year Floodplain and its associated 25 ft. Floodplain Buffer must be shown on any associated sediment control plan and record plats. Any disturbance within 25 feet of an approved 100-year floodplain requires a Floodplain District Permit.

This project has been noted to have the following impacts on the existing Floodplain:

(+) Gross Gain of Floodplain:

71 sq. ft. of land placed into Floodplain By
154 cubic yards of CUT in Floodplain

(-) Gross Loss of Floodplain:

48 sq. ft. of land removed from Floodplain By
135 cubic yards of FILL in Floodplain

Net Change in Floodplain (from above subtotals):

23 sq. ft. of Floodplain gain (+) / loss (-) By
19 cubic yards of change in Floodplain Storage gain (+) / loss (-)

The total area to be disturbed within the existing 100-yr Floodplain as shown on these plans has been determined to be 6,009 square feet.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Charles Grimsley
May 25, 2017
Page 2 of 2

A copy of this approval letter must be placed on the first page of any required Floodplain District Permit associated with this Study.

If you need any additional information, feel free to contact Bill Musico of this office at 240-777-6340.

Sincerely,



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

FP Study File No.: 281929
Preliminary Plan No.: 120160330
SWM File No.: 281928

WJM

cc: Mark Pfefferle - MNCPPC
Bill Musico – DPS
Brian Jeeves - DPS



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www.montgomerycountymd.gov/permittingservices



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 7, 2017

Charles Grimsley, PE
Landmark Engineering, Inc.
6110 Executive Blvd. Ste. 110
Rockville, MD 20852

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN**
Request for **Wright Property**
Concept Plan #: #520160050
SM File #: 281928
Tract Size/Zone: 3.68
Total Concept Area: 3.68
Lots/Block: 12-17 Block 2
Watershed: Muddy Branch

Dear Charles:

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 proposes to meet required stormwater management goals via Dry Wells, Landscape Infiltration and Microbioretention practices.

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

1. The proposed development is not compliant with Montgomery County Regulations. Proposed project includes development of private residential lots within a floodplain. Per Development Regulation 19.45.01.04 A1, *In order to prevent excessive damage to buildings and structures, all new residential development (defined to include the subdivision of land) is prohibited in the One Hundred Year floodplain.* The Planning Board may provide an exemption to this requirement per Montgomery County Code Sec. 50-32(e)(2)(f) ; *Floodplain, or unsafe land to be platted as a part of a lot in which there is sufficient safe ground to erect a building or dwelling within the required setbacks of the zoning classification.*
 - o This issue of subdivision compliance to county floodplain regulations was identified during the projects preliminary submission meeting held at the Department of Permitting Services on April 15th 2016 with project engineer.
 - o The current plan of development for this project includes a Private Parcel separate from the six residential lots for use as a Private Residential Street and Culvert. The private parcel is necessary to provide required frontage, but could also be utilized to avoid conflict of subdividing floodplain into residential lots. The current development plan has parts of this Culvert and the Floodplain on private residential lots 5 & 6.

- Placing floodplains on residential lots can encourage development in those areas to the detriment of floodplain natural resources. If the Culvert and Floodplain were included within the proposed private parcel along with the private street, the most common floodplain restriction of fencing in a floodplain would be minimized and the burden of maintaining both would be clearly shared by all six residents. Lots 5 & 6 would still be the largest lots of the proposed subdivision with over 34,000 sf. and 26,000 sf. respectively after this transfer of land and would maintain required setbacks.
 - The Floodplain Delineation Study No 281929 is currently under review by DPS. This delineation of the 100yr floodplain does put all Stormwater Management practices outside the limits of the 100yr floodplain.
2. Parcel A is a private parcel that is to be collectively owned by the subdivision to provide access to the subdivision across the stream fronting the development. Required stormwater treatment for the Parcel is provided on the Parcel by 2 Microbioretention facilities MB-A.1 & MB-A.2 by treating some runoff from Lot 1. While this type of offset credit is typically not acceptable, this SWM practice is acceptable in this instance because Lot 1 receives no SWM credit for MB-A.1 or 2.
 3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

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

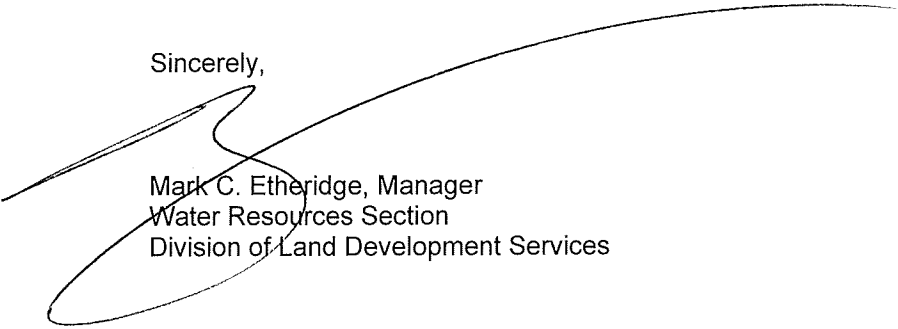
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

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

Mr. Charles Grimsley, PS
March 7, 2017
Page 3 of 3

If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,



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

MCE: me WJM

cc: C. Conlon
SM File # 281928

ESD Acres:	3.68
STRUCTURAL Acres:	0.0
WAIVED Acres:	0.0



Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 20-Mar-17
TO: Charles Grimsley - landmarktg@aol.com
Landmark Engineering
FROM: Marie LaBaw
RE: Wright Property
120160330

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **20-Mar-17**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF TRANSPORTATION


Isiah Leggett
County Executive

Al R. Roshdiah
Director

December 2, 2016

Mr. Troy Leftwich, Senior Planner
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan Letter
Preliminary Plan No. 120160330
Wright Property


Dear Mr. Leftwich:

We have completed our review of the Preliminary Plan – most recently dated June 15, 2016 and the Design Exception Package dated September 20, 2016. This plan was reviewed by the Development Review Committee at its meeting on July 25, 2016. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to 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:

We have completed our review of Design Exception request dated September 20, 2016:

1. Proposed Modification to context sensitive standard MC-2003.10 and the following elements to be waived as part of this development.
 - a. Elimination of sidewalk and buffer.
 - b. Permission to retain shoulders in natural state.

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

- c. Use 10-foot lanes. The Context Sensitive Standard Road Design Standards suggest 10-foot travel lanes are appropriate when adjacent to a shoulder.
- d. Elimination of curb and gutter.
- e. Use of 4-foot shoulders for Primary open section roadway.

Response: Per the Great Seneca Science Corridor (GSSC) Master Plan, Central Avenue is classified as a Primary Residential Street. The requested Design Exceptions are not consistent with the intent of the GSSC Master Plan. At the same time, we realize that existing improvements constructed at different times by various private and public parties along other sections of Central Avenue do not conform with the Master Plan vision either.

Therefore, requiring the applicant to construct frontage improvements along this environmentally sensitive, mid-block site now would be unfortunate – if those improvements turned out to be inconsistent with a future capital project or right-of-way construction permit. For these reasons, we recommend the applicant be allowed to execute and record a Declaration of Covenants (for Road Improvements) under which the future residents of this subdivision will be obliged to fund the cost of those frontage improvements if included in a future CIP project or by private developer under a right-of-way construction permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

- f. Replacement of the Residential Road Intersection MC-220.01 with the Fire and Rescue Service approved driveway entrance.

Response: MCDOT recommend approval of the applicants request for the waiver to replace the Residential Road Intersection standard MC-220.01 with the driveway entrance approved by Department of Permitting Services-Fire Department Access.

PRELIMINARY PLAN COMMENTS:

1. Necessary dedication from the centerline of Central Avenue in accordance with the Great Seneca Science Corridor Master Plan.

2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a pro-rata share for the future construction or reconstruction of Central Avenue, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
4. The sight distances studies have been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Coordinate with the appropriate public utility company representatives to determine the requirement for Public Utilities Easements along Central Avenue.
6. The applicant must pay the TPAR mitigation payment that is equivalent to 25% of the Transportation Impact Tax prior to issuance of the building permit.
7. Private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Department of Permitting Services (Fire Department Access) and the Planning Board during their review of the preliminary plan.
8. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, any private storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. Relocation of utilities along existing roads to accommodate any required roadway improvements shall be the responsibility of the applicant.

Mr. Troy Leftwich
Preliminary Plan No. 120160330
December 2, 2016
Page 4

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

M:\Subdivision\Deepak\Preliminary Plan\Wright Property\Letter\ 120160330 Wright Property-111616 MCDOT FINAL plan ltr.docx

Attachment: Approved Sight Distance Certification Form.

cc: Warren W Wright Wright Property
Charles T. Grimsley Landmark Engineering Inc.
David Albamonte Landmark Engineering Inc.
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Patrick Butler M-NCPPC Area 2
Khalid Afzal M-NCPPC Area 2
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LaBaw MCDPS Fire Dept. Access
Dan Sanayi MCDOT DTEO
Chris Conklin MCDOT OTP
Deepak Somarajan MCDOT OTP



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Oakmont Preliminary Plan Number: 1-20160330

Street Name: Central Avenue Master Plan Road Classification: Primary
Per Great Seneca Science Corridor Master Plan

Posted Speed Limit: 30 mph

Street/Driveway #1 (Private Street) Street/Driveway #2 (_____)
Parcel A

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>508</u>	<u>Y</u>	Right _____	_____
Left <u>455</u>	<u>Y</u>	Left _____	_____

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*	Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)
Tertiary - 25 mph	150'	
Secondary - 30	200'	
Business - 30	200'	
Primary - 35	250'	
Arterial - 40	325'	
(45)	400'	
Major - 50	475'	
(55)	550'	

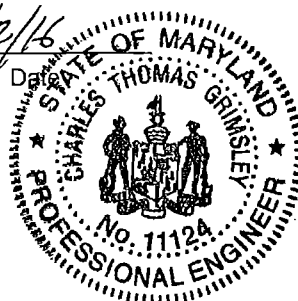
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Charles T. Grimsley 6/2/16
 Signature
 Charles T. Grimsley, P.E.
 11124

PLS/P.E. MD Reg. No.



Montgomery County Review:

☒ Approved

☐ Disapproved:

By: _____

Date: 12/2/16

Form Reformatted:
March, 2000