Summary

- Converting an existing Part of an Outlot into one (1) buildable lot and one (1) outlot. The new outlot was requested by MCDPS and is a 10-foot wide property, extending the full frontage length of Travilah Road, to avoid creating a double frontage lot.
- Buffer averaging used for the Category 1 Conservation Easement to allow for maintenance of the dam face and recreational access by the property owners.
- The Applicant has opted to be reviewed under the new rules and procedures of Chapter 50, The Subdivision Regulations, that are in effect as of February 13, 2017.
- This application is being reviewed under the 2012-2016 Subdivision Staging Policy for APF review.
- This application was granted an extension request on May 4, 2017.
**Preliminary Plan No. 120170040:** Staff recommends approval with conditions of the Preliminary Plan subject to the following conditions:

1. This Preliminary Plan is limited to one lot for one dwelling unit, and one outlot.

2. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

3. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120170040, approved as part of this Preliminary Plan, subject to the following:
   a. A Final Forest Conservation Plan must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
      i. The limits of disturbance on the Final Forest Conservation Plan must be substantially consistent with the approved Preliminary Forest Conservation Plan, subject to staff review.
      ii. Tree protection measures must be shown on the plan for existing trees to remain.
   b. Applicant must have all required site inspections performed by M-NCPPC Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
   c. The Applicant must record a Category I Conservation Easement (“Easement”) over all areas of forest retention, forest plantings and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Liber Folio for the easement must be referenced on the record plat.
   d. The Applicant must execute a two-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel prior to the start of any demolition, clearing or grading on the Property. The maintenance and management agreement is required for all forest planting areas credited toward meeting the requirements of the Forest Conservation Plan, including the reforestation of environmental buffers.
   e. The Applicant must provide financial surety to the M-NCPPC Planning Department for the 2.30 acres of new forest planting prior to the start of any demolition, clearing, or grading on the Property.
   f. The Applicant must install permanent forest conservation easement signage along the perimeter of the conservation easements in all areas, as shown on the forest conservation plan, or as amended by the M-NCPPC forest conservation inspector.
   g. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the FCP may be required by the M-NCPPC forest conservation inspector.
   h. The limits of disturbance (LOD) on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 18, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated April 20, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section in its letter dated May 18, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 13, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

9. The record plat must show necessary easements.

10. 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.

11. The certified Preliminary Plan must contain the following note:

   Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
SECTION 2 – SITE LOCATION, HISTORY, AND DESCRIPTION

Site Location

The subject property is approximately 9.77 acres and is located on the east side of Stonebarn Lane, approximately 1000 feet east of the intersection with Squires Court. The property was first recorded on plat 18856 at Outlot D, however approximately 1.5 acres was deeded to a neighboring property owner, and the property subject to this Preliminary Plan is the remaining 9.77 acres of Outlot D (“Property or Subject Property”).

Site Vicinity

Surrounding the Property on all sides are large lot, single-family detached residential development, in the RE-2 zone. Further to the southeast of the site is the Greenbriar Local Park, and approximately 1 mile to the east is Travilah Elementary School (Figure 1). The Property and its surroundings are located in the Travilah section of the Potomac Subregion Master Plan.

Figure 1 – Vicinity Map
Site Description

The Subject Property is currently undeveloped without any structures, but does have an old farm pond located in its center. The Property has two road frontages, with Stonebarn Lane located on the western side, and Travilah Road located to the east. Along the Travilah Road frontage is an existing row of mature white pine trees, presumably planted when the surrounding lots developed because this row of pine trees extends along a much longer section of Travilah Road than just the Property’s frontage. The elevation is highest in the northwestern portion of the Property, and slopes down to the pond and stream. The stream starts with the pond and continues to flow southeastward until it goes under Travilah Road. There are areas of existing vegetation around the pond and along the stream. The Property is located within the Watts Branch watershed, which is identified as a Class I-P Waters.

![Figure 2 – Arial Map](image-url)
SECTION 3 – HISTORY AND PROPOSAL

History

The land that contains the Subject Property was first subdivided and recorded on Record Plat No. 16795 on January 4, 1988 as an 18.26-acre lot, identified as lot 162. In 1992, Plat No. 18856 (Attachment C) divided lot 162 into lot 194 (5 acres), Outlot D (11.12 acres, part of the subject property) and an additional two-acre remainder. Since 1992, the two-acre remainder combined with approximately 1.5 acres of Outlot D to create lot 195 to the northeast, leaving 9.77 acres remaining as Part of Outlot D, which is the subject of this Preliminary Plan.

Proposal

Preliminary Plan No. 120170040 was submitted on December 5, 2016, to create one lot for the purposes of constructing a new one-family detached dwelling (“Preliminary Plan” or “Application”). The Preliminary Plan would create one lot, approximately 9.6 acres in size for a new dwelling, and would include the existing pond and forested area (Figure 3). The Application also proposes Outlot E, approximately 0.17 acres in size, which is a 10-foot wide property, running the length of the site’s frontage with Travilah Road. This Outlot is being proposed to satisfy concerns raised by MCDPS over a dual-frontage lot, specifically future property owners needing to receive a variance for any accessory structures on the property. Outlot E would make Stonebarn Lane the only frontage, and is consistent with the existing plats which deny access to Travilah Road. The Preliminary Plan shows a possible house location west of the pond near Stonebarn Lane, with possible well, and septic locations. Category I Conservation Easements are proposed in the eastern 1/3 of the Property covering the stream valley buffer, plus additional area for buffer averaging necessary to accommodate maintenance access to both the dam face and the pond itself. This Application is also providing an easement along Stonebarn Lane for a future Montgomery County Department of Fire and Rescue water supply cistern, but is not proposing to install the cistern.
SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

1. The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.

The layout of the subdivision is appropriate considering the lot size, width, shape, and orientation, given its location, the type of development contemplated, and the requirements of Chapter 59.

a. The block design is appropriate for the development or use contemplated

The Preliminary Plan is for one lot and one outlot in an existing block with other existing lots and does not change the design of the overall block.
b. The lot design is appropriate for the development or use contemplated
   The lot design is appropriate for one, one-family detached house. The lot fronts on an existing public road, is generally aligned perpendicular to the road. The outlot is necessary to avoid creating a dual frontage lot between Stonebarn Lane and Travilah Road.

c. The Preliminary Plan provides for required public sites and adequate open areas
   The Preliminary Plan for one lot is not required to provide any public spaces or open areas, identified in any Master Plans or Recreation Guidelines. No dedication for public streets is required because the site has access to Stonebarn lane, which is already dedicated to the full 60-foot width required by the Master Plan.

d. The Lot(s) and Use comply with the basic requirements of Chapter 59
   The lot was reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage and width, and setbacks for structures can be accommodated in that zone. A summary of this review is included in Table 1.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required/Permitted</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (DU)</td>
<td>1 DU/2 acres, 4 DU max</td>
<td>1 DU total</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>2 acres</td>
<td>9.6 acres</td>
</tr>
<tr>
<td>Front setbacks</td>
<td>50 ft. min.</td>
<td>50 ft. or more</td>
</tr>
<tr>
<td>Side setbacks</td>
<td>17 ft. min., 35 ft. total</td>
<td>17 ft./35 ft. or more</td>
</tr>
<tr>
<td>Rear setbacks</td>
<td>35 ft. min.</td>
<td>500 ft. or more</td>
</tr>
<tr>
<td>Min Lot Width at Street</td>
<td>25 ft.</td>
<td>231 feet</td>
</tr>
<tr>
<td>Min Lot Width at building</td>
<td>150 ft.</td>
<td>150 ft or more</td>
</tr>
<tr>
<td>Max Lot Coverage</td>
<td>25%</td>
<td>1% as shown</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>50 ft max</td>
<td>50 ft. max</td>
</tr>
</tbody>
</table>

2. The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan

The Preliminary Plan is in substantial conformance to the 2002 Potomac Subregion Master Plan (Master Plan).

a. Land Use
   The Master Plan recognizes and affirms the general area as a green wedge with low-density residential development, and reconfirmed all existing residential zoning within the Master Plan boundary unless specifically changed. The Property is located within the Travilah portion of the Master Plan (Figure 4), which is described on Page 80 as “a transition from the higher densities of Potomac and North Potomac, to lower densities in Darnestown and the natural environment of the Potomac River.” This part of the Potomac Subregion is meant to be reliant on septic systems to ensure the more rural character, and lists RE-2 as one of the preferred zones for the area. There are no specific recommendations for this Property in the Master Plan, and no recommendations to change the zoning to anything other than RE-2, therefore Staff finds this Application in
conformance with the Master Plan by proposing one lot for a one-family detached dwelling consistent with the residential estate zone.

Figure 4 – Master Plan Communities (p. 5)

b. Environment
The Master Plan does not identify this Property in a watershed or resource area intended for extra protection, however the Master Plan does provide general water resource and wetland recommendations including maintaining and protecting stream buffer and forest areas, clustering, and appropriately locating stormwater management facilities. The large size of this Property provides the opportunity to locate the proposed dwelling and all associated impacts
away from the pond and stream valley, and the Preliminary Plan protects these features with Category I conservation easements.

3. **Public Facilities will be adequate to support and service the area of the subdivision**

This Application was submitted prior to January 1, 2017 and was therefore reviewed under the 2012-2016 Subdivision Staging Policy for adequate public facilities review.

a. **Roads and Other Transportation Facilities**

Transportation access is adequate to serve the proposed development by this Preliminary Plan.

i. **Existing Facilities**

The Property will take access from Stonebarn Lane, an existing tertiary open-section residential street with 20 feet of paving and no existing sidewalks within a 60-foot right-of-way.

ii. **Proposed public transportation infrastructure**

In coordination between MNCPPC and MCDOT staff, it was determined that no additional improvements are required to Stonebarn Lane.

b. **Local Area Transportation Review (LATR)**

The Application only proposes one new lot, which generates under 30 new peak hour vehicle trips, therefore the Application does not need to submit a full traffic study and satisfies the LATR guidelines.

c. **Transportation Policy Area Review (TPAR)**

The Property is located in the Rural West Policy Area according to the 2012-2016 Subdivision Staging Policy LATR and TPAR Guidelines, which was exempt from the Roadway and Transit tests. Therefore, the Application is adequate under TPAR.

d. **Other Public Facilities and Services**

Other public facilities and services are adequate to meet the demands of this Preliminary Plan. The Application is providing on-lot private wells and sewer system as approved by MCDPS Well and Septic (Attachment H). The MCDPS Fire Department Access and Water Supply Section has also recommended approval of the Application (Attachment E). Electricity and telecommunications are available for the Property, and the police and health services are operating within the standards set by the Subdivision Staging Policy. This Application was reviewed under the school adequacy of the 2012-2016 subdivision staging policies FY2017 test. The property is located in the Wootton High School cluster which was not in a payment or building moratorium area therefore no payment would have been required.
4. **All Forest Conservation Law, Chapter 22A requirements are satisfied**

**Environmental Guidelines**

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) #420151260 for the Property was approved on March 16, 2015. The NRI/FSD identified all the required environmental features on and adjacent to the Property, as further described in the *Environmental Guidelines for Management of Development in Montgomery County*. The NRI/FSD identified a perennial stream, wetlands, in-stream farm pond (man-made), steep slopes and slopes with highly erodible soils. In addition, the NRI/FSD also identified a high priority existing forest stand of 1.07 acres along the stream and pond at the south end of the Property.

**Buffer Averaging**

The Preliminary Forest Conservation Plan (“PFCP”) proposes areas of Category I Forest Conservation Easement (“FCE”) around the pond that differs from the approved stream valley buffer (“SVB”) shown on the NRI/FSD. In this case, the Applicant has requested that the SVB not being enforced with Category I FCE along the northwest and southwest sides of the existing pond. The southwest side is the dam embankment and must be unencumbered to allow for future maintenance and dam safety; which is consistent with past practice. The northwest side of the pond faces the proposed house and the Applicant has requested this area remain open to provide recreational and aesthetic access to the pond. Staff agrees with the Applicant’s requests to leave a portion of the pond outside of Category I FCE with on-site compensation, and recommends no mitigation for the lack of a FCE on southwest side since it is the pond embankment and will need routine maintenance.

The *Environmental Guidelines, Section V-A1* provides the option for buffer compensation to offset buffer encroachment, reviewed on a case-by-case basis. One method of compensation is “buffer averaging,” which permanently protects environmentally comparable on-site areas outside the delineated stream buffer in exchange for the allowance of encroachment elsewhere in the delineated buffer. To approve the use of buffer averaging, the following five criteria must be met:

1. **Reasonable alternative for avoidance of the buffer are not available;**

   The portion of the SVB being left out of FCE for maintenance of the dam and for recreational and aesthetic access to the pond cannot be reasonably avoided, since the entire pond is surrounded by a 25-foot wide SVB. No reasonable means of access can therefore be provided without omitting a portion from the FCE.

2. **Encroachment into the buffer has been minimized;**

   The Applicant has limited access to approximately 150 feet along one side of the pond, which faces the rear of the proposed single-family detached house, and to the dam face which needs to be maintained free and vegetation. No construction or clearing activities are proposed at this time, however the Applicant wishes flexibility to maintain the view shed and access to the pond in the future.
3. **Existing sensitive areas have been avoided (forest, wetlands and their state-designated buffers, floodplain, steep slopes, habitat for rare, endangered, and threatened species and their associated buffers);**

   The locations that would not be placed in conservation easement is part of a 25-foot wide wetland buffer that would be adjacent to any pond. Other than being within the buffer, the areas do not contain any other sensitive environmental features.

4. **The proposed use is consistent with the preferred use of the buffer;**

   The area of the SVB not being placed in the FCE predominantly an open grassed area with some existing tree cover. This area will likely continue to be unimproved but maintained, and as such, will continue to function in the same manner as it does currently.

5. **The plan design provides compensation for the loss of buffer function;**

   The Applicant proposes to use stream buffer averaging to compensate for the amount of SVB not being protected with FCE, by increasing the area of FCE outside of and adjacent to the SVBs on the northeast side of the existing farm pond adjacent to wetlands. The area of SVB not included in the proposed FCE is approximately 8,300 square feet. As compensation, the Applicant proposes to place 8,300 square feet of additional land outside of, but adjacent to, the SVB into FCE on the Subject Property. This additional area will be planted with new forest to supplement existing vegetation (approximately 6,500 SF of planting).

Staff supports the use of buffer averaging proposed by the Applicant, with the included additional FCE area and supplemental forest planting.
Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County code. An PFCP has been submitted for review as part of this Application (Attachment B). Based on the total tract area of this parcel (9.77 ac.), the Land Use Category (Medium Density Residential), and the existing 1.07 acres of forest, the Forest Conservation Worksheet results in a planting requirement of 1.86 acres. The Application meets the requirements of the forest conservation plan by retaining all 0.58 acres of existing high priority forest and planting an additional 1.86 acres onsite, in addition to the 8,300 square feet of buffer averaging plantings.

All retained forest, planted forest both inside and outside of the SVB, wetland areas, and SVB areas not otherwise discussed prior, will be placed into a Category I Conservation Easement, consistent with that shown on the PFCP. As stated earlier, the SVB on the southwest side of the pond will remain outside of any conservation easement to allow periodic maintenance to be performed on this structure, and the SVB on the northwest side of the pond will remain outside of any conservation easement for the owners recreational and aesthetic access and will be mitigated for on-site.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS water resources division on April 20, 2017 (Attachment F). The Application will meet stormwater management goals through a variety of techniques including the use of landscape infiltration and drywells.

SECTION 6– CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting notice was sent and a pre-submission meeting for the Preliminary Plan was held on October 5, 2016 at Quince Orchard High school. As of the writing of this report, Staff has not received any correspondence from the community involving this Application.

SECTION 7– CONCLUSION

The proposed lots meet all of the requirements established in the Subdivision Regulations and the Zoning Ordinance, and conform to the recommendations of the Potomac 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. Therefore, staff recommends approval of the Application, with the conditions as specified.
Attachments

Attachment A – Preliminary Plan
Attachment B – Preliminary FCP
Attachment C – Plat No 18856
Attachment D – MCDOT Memo
Attachment E – Fire & Rescue Memo
Attachment F – Stormwater Management Memo
Attachment G – Extension Request
Attachment H – Well and Septic
May 18, 2017

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

RE: Preliminary Plan No. 120170140
Rothbard Property

Dear Mr. Berbert:

We have completed our review of the preliminary plan dated April 19, 2017. A previous plan reviewed by the Development Review Committee at its meeting on December 27, 2016. We recommend approval of the plan subject to the following comments:

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

1. Necessary dedication for future widening of Travilah Road in accordance with the master plan.

2. Retain the necessary slope and drainage easements along Travilah Road and Stonebarn Lane, as well as the existing “Bridle Easement” along the Travilah Road site frontage.

3. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.

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
4. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.

5. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.

6. Record plat to reflect denial of access along Travilah Road.

7. 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.

8. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Rebecca Torma, our Development Review Area Senior Planning Specialist for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,

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

Sharepoint/director’s office/development review/Rebecca/developments/ Potomac subregion/rothbard/120170140 rothbard prelim lan ltr.doc

Enclosure

cc: Michael Rothbard Owner
    David Albamonte Landmark Engineering, Inc.
    Charles T. Grimsley Landmark Engineering, Inc.
    Preliminary Plan folder
    Preliminary Plan letters notebook

cc-e: Sam Farhadi MCDPS RWPR
      Rebecca Torma MCDOT OTP
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Belvedere

Preliminary Plan Number: 1-20170140

Street Name: Stonebarn Lane

Master Plan Road Classification: Secondary Residential

Posted Speed Limit: 25 mph

Street/Driveway #1 (Stonebarn Lane)

Sight Distance (feet) OK?
Right 365' ✔
Left 365' ✔

Comments:

Street/Driveway #2

Sight Distance (feet) OK?
Right
Left

Comments:

GUIDELINES

No Posted Speed Limit

Classification or Posted Speed (use higher value)

Required Sight Distance in Each Direction* (in feet)

Tertiary - 25 mph
Secondary - 30
Business - 30
Primary - 35
Arterial - 40
(45)
Major - 50
(55)

150'
200'
200'
250'
325'
400'
475'
550'

*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)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

Charles T. Grimsley

Signature Charles T. Grimsley
P.E. 11124 expires Oct. 3, 2018

PLS/P.E. MD Reg. No.

Montgomery County Review:

☑ Approved
☐ Disapproved:
By: Rebecca L. (Signature)
Date: 5/17/17

Form Reformatted:
March, 2000
DATE: 13-Mar-17
TO: Charles Grimsley - landmarkctg@aol.com
   Landmark Engineering
FROM: Marie LaBaw
RE: Rothbard Property
     120170140

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 13-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.

*** Applicant to submit easement document prior to record plat ***
April 20, 2017

Mr. Charles T. Grimsley
Landmark Engineering
6110 Executive Boulevard, Suite 110
Rickville, MD 20852

Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Rothbard Property
Preliminary Plan #: 120170140
SM File #: 282334
Tract Size/Zone: 9.77 acres
Total Concept Area: 9.77 acres
Parcel(s): N327
Watershed: Watts Branch, Potomac River

Dear Mr. Grimsley:

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 landscape infiltration and a drywell.

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

1. An engineered sediment control plan will be required for this project.

2. 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.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.
If you have any questions regarding these actions, please feel free to contact Jean Kapusnick, P.E., at 240-777-6345.

Sincerely,

[Signature]

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

MCE: jak

cc: C. Conlon
SM File # 282334

ESD Acres: 1.0 ac
STRUCTURAL Acres: 0.0 ac
WAIVED Acres: 0.0 ac
Rothbard Property: Preliminary Plan No. 120170140

Benjamin Berbert, Planner Coordinator, Area 3, Benjamin.Berbert@Montgomeryplanning.org 301-495-4644
Sandra Pereira, Acting Supervisor, Area 3, Sandra.Pereira@Montgomeryplanning.org 301-495-2186
Richard Weaver, Acting Chief, Area 3, Richard.Weaver@Montgomeryplanning.org 301-495-4544

Description

Rothbard Property 120170140:
Request to extend the regulatory review period by up to four months, to July 27, 2017; to convert an existing outlot into a buildable lot for one, one-family detached dwelling, located on the east side of Stonebarn Lane, approximately 1000 feet east of the intersection with Squires court; 9.77 acres, RE-2 zone; Potomac Subregion Master Plan.

Applicant: Michael Rothbard
Submittal Date: December 5, 2016
Review Basis: Chapter 22A, Chapter 50

Summary

Section 50.4.2.E of the Subdivision Regulations establishes the hearing date for a Preliminary Plan application and states that:

“the Board must schedule a public hearing to begin within 120 days after the date the Director accepts an application. The Director may postpone the public hearing by up to 30 days once without Planning Board approval. The Director or applicant may request one or more extension beyond the original 30 days with Planning Board approval. The Board must notice the public hearing and indicate the new hearing date on the Board’s agenda”.

The Rothbard Property Preliminary Plan application was accepted on December 5, 2016, which established a Planning Board date no later than March 30, 2017. Although the acceptance date is before the effective date of the current Subdivision Regulations, the Preliminary Plan will be heard by the Board after the effective date of the new regulations, and the Applicant has requested to be reviewed under the new regulations. Based on a December 5, 2016 acceptance, the Board hearing should have been on March 30th. The Applicant is still working with various DRC agencies to respond to DRC comments, and needs additional time to make their final plan submissions to Staff. Staff and the Applicant have agreed to a request for an extension of four months, so the Preliminary Plan will be before the Board no later than July 27th, 2017.

Staff recommends approval of this extension request.

Attachment A: Applicant’s extension request
Plan Name: Rothbard Property

Plan No. 120170140

This is a request for extension of:  
☑ Preliminary Plan  
☐ Project Plan  
☐ Sketch Plan  
☐ Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 3/30/2017

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:
☐ Owner, ☑ Owner's Representative, ☐ Staff (check applicable.)

David Albamonte  
Name  
Landmark Engineering, Inc.  
Affiliation/Organization  
6110 Executive Blvd, Suite 110  
Street Address  
Rockville  
City  
MD  
State  
20852  
Zip Code  
(301) 230-5881  
Telephone Number  
(301) 230-5884  
Fax Number  
landmarkctg@aol.com  
E-mail

We are requesting an extension for 4 months until 7/27/2017

Describe the nature of the extension request. Provide a separate sheet if necessary.

Landmark Engineering, Inc on behalf of the Rothbard family has been working with the various DRC review agencies to address DRC comments. Completing these revisions and receiving favorable recommendations from the agencies has taken longer than the 120 days alloted. We the applicant expect to have final plans submitted to review staff in the coming weeks and anticipate being ready for a Planning Board date no later than the end of July, 2017.

Signature of Person Requesting the Extension

[Signature]

Date
Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from __________________________

until __________________________.

Signature ________________________________________________________________________________ Date __________

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on __________________________and approved an extension for more than 30 days of the Planning Board public hearing date from __________________________ until __________________________.
MEMORANDUM

May 18, 2017

TO: Cathy Conlon, Development Review,
   Maryland National Capital Park and Planning Commission
FROM: Gene von Gunten, Manager - Well & Septic Section
       Department of Permitting Services
SUBJECT: Status of Preliminary Plan: #120170140

       Rothbard Property, proposed lot A

This is to notify you that the Well & Septic Section of MCDPS approved the plan
received in this office on May 15, 2017.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or
   submit an enlargement of the plat to match the preliminary plan.

2. This lot to utilize an individual water well; and individual on-site (septic)
   sewage disposal system.

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

CC: Surveyor
    File