



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-095
Preliminary Plan No. 11993043C
Piney Spring
Date of Hearing: November 9, 2017

NOV 20 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 12, 1994, the Planning Board, by Opinion dated May 12, 1994, approved Preliminary Plan No. 119930430, creating 21 lots on 48.20 acres of land in the RE-2 zone, located in the southeast quadrant of Glen road and Piney Meetinghouse Road ("Subject Property"), in the Rural West Policy Area and Potomac Subregion master plan ("Master Plan") area; and

WHEREAS, on April 1, 2010, the Planning Board approved Preliminary Plan Amendment No. 11993043A (MCPB No. 10 - 40) to revise the alignment of the reciprocal ingress/egress and utility easement on Lot 15 (now Lot 22) and Lot 16, Block A; and

WHEREAS, on January 21, 2016, the Planning Board approved Preliminary Plan Amendment No. 11993043B (MCPB No. 16 - 002) to remove a total of 6,812 square feet of Category I Conservation Easement from Piney Spring, Lot 1, Block A in response to a violation of the Category I Easement Agreement; and

WHEREAS, on May 9, 2017, Sanjay Sehgal and Khalid Rahmi ("Applicant") filed an application for approval of an amendment to the previously approved preliminary plan(s) to extinguish the existing reciprocal ingress and egress easement crossing Lot 22 that serves Lot 14, shown on Record Plat No. 24111, and establish a new 20-foot-wide access point for Lot 14 on Piney Meetinghouse Road; and

WHEREAS, Applicant's application to amend the preliminary plan was designated Preliminary Plan No. 11993043C, Piney Spring ("Preliminary Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:


11/2/17

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Planning Board, dated October 27, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 9, 2017, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan Amendment No. 11993043C to extinguish the existing reciprocal ingress and egress easement crossing Lot 22 that serves Lot 14, shown on Record Plat No. 24111, and establish a new 20-foot-wide access point for Lot 14 on Piney Meetinghouse Road by adding the following conditions:¹

1. All previous conditions of approval remain in full force and effect.
2. The Applicant must submit a new record plat for Lot 14 and Lot 22. The revised ingress, egress and utility easement across Lot 22 must be shown on a new record plat for the lot with proper reference to the abandonment of the existing easement.
3. Prior to record plat, the Applicant must provide documentation from MCDPS Water Resources Section confirming that the existing stormwater management easement and access easement on Lot 22 have been abandoned.
4. The Applicant must submit a complete record plat application within 90 days of the date of mailing of the Resolution for this application.
5. The record plat must show all other necessary easements.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 24, 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 the amendments do not conflict with other conditions of the Preliminary Plan approval.

BE IT FURTHER RESOLVED that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved preliminary plan as revised by previous amendments, and all findings not specifically addressed remain in effect.

1. The Preliminary Plan substantially conforms to the master plan.

The Preliminary Plan Amendment continues to substantially conform to the 2002 Potomac Subregion Master Plan.

As part of Preliminary Plan No. 119930430, Lot 14, 22 (formerly Lot 15), and 16 were approved with a shared driveway to preserve the rural character of Piney Meetinghouse Road, which was considered part of the rural setting associated with the potential historic sites to the north and south of the Subject Property. In 1994 at the time of approval, the houses on Lot 14 and Lot 16 were located on Historic Preservation Locational Atlas and the Historic Preservation Commission had not determined if they should be designated as historic or removed. In 1996, an amendment to the Historic Preservation Master Plan: Darnestown/Travilah Historic Resources was adopted which removed the properties from the Locational Atlas. Therefore, the shared driveway is no longer needed to preserve the environmental setting of the former historic locational atlas sites.

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

The Amendment changes the access of Lot 14 to Piney Meetinghouse Road. The Property was originally platted with a shared- access easement serving Lot 14. The rationale for utilizing a shared-driveway was in part because Piney Meetinghouse Road was, and continues to be, classified as an arterial road. As outlined in MCDOT's letter, dated August 24, 2017, the definition of an arterial road changed in 2007 from being a road "...which will be used primarily for through traffic..." to "...a road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected". Based on the revised definition, MCDOT supports access to Lot 14 at the desired location and has accepted the sight distance evaluation certification for the proposed driveway. All previous findings for adequacy of public facilities remain valid.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The Amendment does not change the size, width, shape, and orientation of the approved lots. They are still appropriate for the location of the subdivision.

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

The Application continues to satisfy all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. All previous conditions of approval pertaining of the approved Final Forest Conservation Plan remain in full force and effect.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. The Applicant is requesting to abandon the existing stormwater and maintenance easement on Lot 14 as part of this Application. The stormwater easement was established as part of the original preliminary plan to house a stormwater retention pond when the lot was redeveloped. Subsequently, the stormwater management regulations were updated and the use of Environmental Site Design (ESD) is now required, rendering the existing easement for a retention pond unnecessary.

In an email dated May 16, 2017, MCDPS Water Resources Section confirmed that the easement in question was never used for stormwater management and is no longer needed to treat stormwater on-site. As conditioned, prior to record plat, the Applicant must provide documentation from MCDPS Water Resources Section confirming that the existing stormwater management easement and access easement on Lot 22 have been abandoned.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 20 2017 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, November 9, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board