



Regulatory Review Extension Request for Seneca Farms: Preliminary Plan No. 120170240

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Staff Report Date: 4/19/18

Description

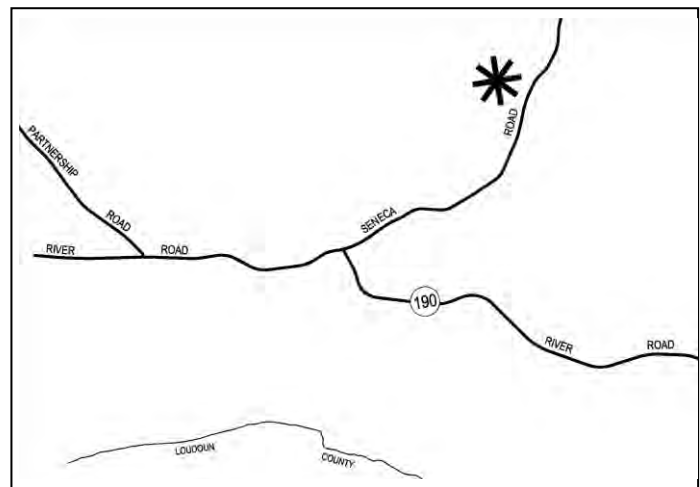
**Seneca Farms: Preliminary Plan No. 120170240**

Requesting to extend the regulatory review period for an additional 5 months until 10/2/2018; an Application to create 27 lots for 27 detached one-family dwellings; located on the west side of Seneca Road (MD 112), approximately 900 feet northeast of Springfield Road; 136.67 acres; RC Zone; Potomac Subregion Master Plan.

**Applicant:** Seneca Farms, LLC.

**Submittal Date:** June 9, 2017

**Review Basis:** Chapter 22A & Chapter 50



Summary

Section 50.4.1.E of the Subdivision Regulations establishes the review procedures 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 Board approval. The Director or applicant may request one or more extensions beyond the original 30 days with Board approval. The Board must notice the public hearing and indicate the new hearing date on the Board’s agenda. An application that was filled before February 13, 2017 is not subject to the subsection.”

The Seneca Farms Preliminary Plan application was accepted on June 9, 2017, which established a Planning Board date no later than October 7, 2017. The Director approved a 1-month extension to postpone the hearing until November 2, 2017. The Planning Board approved an additional 3-month extension until February 2, 2018, and a subsequent 3-month extension until May 2, 2018. The Applicant is now requesting an additional 5-month extension to finalize plans after completing negotiations with neighboring property owners regarding access to the planned street (Attachment A). Granting the extension establishes a Planning Board date no later than October 2, 2018.

Staff recommends **approval** of this extension request.

Attachment A: Extension request



**Montgomery County Planning Department**  
 Maryland-National Capital Park and Planning Commission

Effective: December 5, 2014

8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550  
 Fax 301.495.1306

**REGULATORY PLAN EXTENSION REQUEST**

Request #1       Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

**Plan Name:** Seneca Farms      **Plan No.** 120170240

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

The Plan is tentatively scheduled for a Planning Board public hearing on: 5/2/18

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 W. McKee      Benning & Associates, Inc.  
 Name      Affiliation/Organization  
 8933 Shady Grove Court  
 Street Address  
 Gaithersburg      MD      20877  
 City      State      Zip Code  
 (301) 948-0240      (301) 948-0241      dmckee@benninglandplan.com  
 Telephone Number ext.      Fax Number      E-mail

We are requesting an extension for 5 months until 10/2/18

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

We are in the process of resubmitting final plans to MNCPPC for approval. Comments have been addressed and approvals are in-hand from MCDPS (stormwater concept, well & septic). However, negotiations with neighboring property owners regarding access to the planned street took longer than expected. Agreements are now in-hand (attached) which allow us to move forward. Although we plan for this project to be presented to the Planning Board by July, an extension of 5 months is requested in the event that the hearing cannot be scheduled before the August recess to avoid the need for any additional extensions.

**Signature of Person Requesting the Extension**

  
 \_\_\_\_\_  
 Signature

4-17-18  
 \_\_\_\_\_  
 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 \_\_\_\_\_.

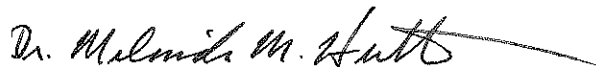
Dr. Melinda M. Hutton  
14431 Seneca Rd  
Germantown, MD 20874  
28 February 2018

James R. Clifford  
Clifford, Debelius, Boynton & Hyatt, CHTD  
Attorneys at Law  
316 East Diamond Ave  
Gaithersburg, MD 20877

Dear Mr Clifford:

As a follow-up to your letters of 10 January and 23 February 2018, I agree to assume title to Outlot A as reflected in the plat provided to me by you. I understand the lot is adjacent to my property at 14431 Seneca Rd, Germantown MD 20874, and is 22 feet wide by 260 feet long on which the developer of Seneca Farms, LLC will install a driveway apron (minimum of 10 ft with 7-foot wings on each side) off the subdivision's new road. I understand this does not impact my property on Seneca Rd, nor my current driveway and access to Seneca Rd. I also understand the assumption of title to Outlot A, use of the subdivision's new road and the associated driveway apron to my property at 14431 Seneca Rd, Germantown MD 20874 will occur at no cost to me.

Sincerely,

A handwritten signature in cursive script that reads "Dr. Melinda M. Hutton". The signature is written in black ink and includes a long, sweeping horizontal line extending to the right.

Dr. Melinda M. Hutton

March 2, 2018

James R. Clifford, Sr., Esquire  
Clifford, Debelius, Boynton & Hyatt, CHTD.  
316 East Diamond Avenue  
Gaithersburg, MD 20877

Dear Mr. Clifford,

I am writing to you in response to your letter of February 23, 2018 requesting my response concerning the assumption of title to Outlot B. After consideration, I have decided to allow the Seneca Farm developer to install a driveway apron for access to my driveway from the new subdivision's road. In addition, I will assume the title to Outlot B, which lies adjacent to my property. I understand that Outlot B measures 27 feet wide and 480 feet long.

Let me know if you have further questions or need any further information.

Sincerely,

*David and Mary Foster*

David and Mary Foster  
14505 Seneca Road  
Germantown, MD 20874  
(301) 926-0784