

Briggs Chaney Estates: Administrative Subdivision Plan No. 620180060

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Completed: 7/13/18

Description

Briggs Chaney Estates: Administrative Subdivision

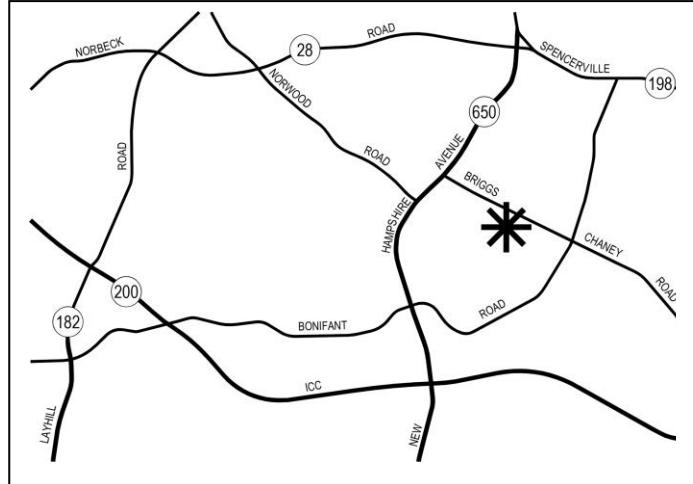
Plan No. 620180060: Request to create one lot for one one-family detached unit; located at 1105 Briggs Chaney Road; 4.71 acres; RE-2C and Upper Paint Branch Overlay zones; 1997 Cloverly Master Plan.

Recommendation – Approval with conditions

Applicant: Joseph and Susan Brule

Submittal Date: March 23, 2018

Review Basis: Chapter 50 and 59



Summary

- Staff recommends **Approval with conditions**.
- Although this application is an Administrative Subdivision Plan, it includes a Preliminary and Final Water Quality Plan that requires Planning Board action per Section 19-65 of the County Code.
- Meets the applicability requirements for Administrative Subdivision Plan to create one lot for one one-family detached house.
- Meets requirements of Chapter 22A, Forest Conservation Law.
- Meets requirements of Chapter 19 for Water Quality Plan, including stormwater management.
- Meets requirements of Chapter 59, Zoning Ordinance, including Section 4.9.19, Upper Paint Branch Overlay Zone.
- Substantially conforms to the 1997 Cloverly Master Plan.

ADMINISTRATIVE SUBDIVISION PLANS

Chapter 50, Section 6.1.C of the County Code permits the subdivision of land through an administrative subdivision plan instead of a preliminary plan of subdivision for up to 3 lots for detached houses permitted in any residential zone. In accordance with the required findings in Chapter 50, Section 6.1.C., the necessary technical requirements of these applications must be reviewed under Section 50.4.3.

Under Section 50.6.3.B, the Planning Director must act upon the application, in writing, or may require that the application be acted upon by the Planning Board. Since this Application includes a Special Protection Area Water Quality Plan which requires action by the Planning Board per Section 19-65 of the County Code, the Administrative Subdivision and Preliminary and Final Water Quality Plan will be reviewed and acted upon by the Planning Board together.

A pre-submittal community meeting with the community/public/parties of record is not required. However, applicants must post signs on the development site and provide public notice that the application has been filed under Section 50.00.01.04 of the Administrative Procedures for Subdivision Plan Review.

On March 23, 2018, Joseph and Susan Brule (“Applicant”) filed an administrative subdivision plan designated Administrative Subdivision Plan No. 620180060 (“Administrative Subdivision Plan” or “Application”), (Attachment A). The Application would create one lot on 4.71 acres of land in the RE-2C zone and Upper Paint Branch Overlay Zone, located at 1105 Briggs Chaney Road (“Property” or “Subject Property”), in the Cloverly Policy Area and 1997 *Cloverly Master Plan* (“Master Plan”) area.

A notice of the Application was sent to all required parties by the Applicant on March 26, 2018. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Staff did not receive any correspondence regarding the Application.

RECOMMENDATION: Approval subject to the following conditions:

1. This Administrative Subdivision Plan is limited to one (1) lot for one (1) one-family detached dwelling unit.
2. Prior to recordation of the record plat, the Applicant must obtain approval from the Montgomery County Department of Environmental Protection (“MCDEP”), including the requested sewer category change from S-5 to S-1.
3. The Applicant must construct a 5-foot wide sidewalk with a 17-foot buffer on Briggs Chaney Road along the frontage of the Subject Property, subject to permitting by the Montgomery County Department of Permitting Services (“MCDPS”). Alternatively, MCDPS may waive the requirement to build the sidewalk.
4. Prior to certification of the Administrative Subdivision Plan, the Applicant must revise the plans to include a 5-foot wide sidewalk with a 17-foot buffer on Briggs Chaney Road along the frontage of the Subject Property unless the requirement is waived by MCDPS.

5. The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan ("FCP") No. 620180060, approved as part of this Administrative Subdivision Plan, including:
 - a. Prior to Certification of the Administrative Subdivision Plan, the Applicant must revise the FCP to:
 - i. Demonstrate how the afforestation requirement will be met. If any portion of the afforestation requirement will be met off-site, prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record an M-NCPCC approved Certificate of Compliance to use an M-NCPCC approved off-site forest bank to satisfy the portion of the afforestation requirement that is not being met on the Property.
 - ii. Correct the deed reference on the drawing.
 - iii. For the planting that will occur onsite, the afforestation plant stock sizes must be revised to a minimum of 1-inch caliper trees and shrubs with a height of 18-24". The quantities of trees must be adjusted accordingly per Chapter 22A.00.01.08(E)(3)(c) of the Forest Conservation Regulations.
 - iv. Revise the limits of disturbance to include the water and sewer house connections, and any proposed off-site disturbance.
 - b. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FCP.
 - c. Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record a Category I Conservation Easement over all areas of forest planting as shown on the approved FCP. The Category I Conservation Easements (to be approved by the M-NCPCC Office of General Counsel) must be recorded among the Montgomery County Land Records by deed and the Liber/Folio of the Category I Conservation Easement must be referenced on the record plat.
 - d. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must provide financial surety to the M-NCPCC Planning Department for the on-site forest planting areas.
 - e. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must submit for review and approval a five-year Maintenance and Management Agreement for the forest planting areas. The Agreement (to be approved by the M-NCPCC Office of the General Counsel) must be recorded among the Montgomery County Land Records.
 - f. Forest planting must begin within the first planting season after issuance of the first grading permit.
 - g. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement, or as determined by the M-NCPCC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
 - h. The Applicant must comply with all tree protection and tree save measures shown on the approved Forest Conservation Plan. Tree save measures not specified on the approved Forest Conservation Plan may be required by the M-NCPCC forest conservation inspector.
6. The Applicant must comply with the conditions of approval for the Preliminary/Final Water Quality Plan including:

- a. Prior to certification of the Administrative Subdivision Plan, the Applicant must submit a revised Impervious Surface Plan to include all on-site and off-site impervious surfaces, both existing to remain and proposed as part of this Application, using the methodology illustrated in the *Environmental Guidelines*. The Impervious Surface Plan must demonstrate compliance with the 8.0 percent impervious surface limit.
 - b. Prior to recordation of the plat, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8.0 percent.
 - c. Prior to release of building permits, the Applicant must demonstrate conformance with the impervious surface limit.
 - d. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Service's Preliminary/Final Water Quality Plan approval dated March 6, 2018, unless otherwise amended by MCDPS, provided the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated June 28, 2018, and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section in its letter dated June 26, 2018, 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 Administrative Subdivision Plan approval.
9. The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated March 6, 2018, and hereby incorporates them as conditions of the Administrative Subdivision 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 Administrative Subdivision Plan approval.
10. The record plat must show all necessary easements.
11. The Adequate Public Facility ("APF") review for the Administrative Subdivision Plan will remain valid for sixty-one (61) months from the date of mailing of this Memorandum.
12. The Certified Administrative Subdivision 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 Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

PROPERTY and VICINITY DESCRIPTION

The Property is located at 1105 Briggs Chaney Road, identified as Parcel No. 508, Bealls Manor (Figures 1 and 2). The Property consists of 4.71 acres of land in the RE-2C zone and the Upper Paint Branch Overlay Zone. The Property is located within the Cloverly Policy Area and the 1997 *Cloverly Master Plan* area. The Property is currently undeveloped, with approximately 1.45 acres of fruit trees planted as an orchard, and the remainder of the Property is maintained grass. Surrounding properties consist of single family detached homes of varying size on lots ranging from 0.5 to 3 acres, and M-NCPPC park land to the south.

The Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. The Property is located within the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Overlay Zone, where impervious surface for new development is limited to 8 percent. The Property does not contain any forest, streams, wetlands, 100-year floodplains, stream buffers, highly erodible soils, or slopes greater than 25 percent. There are no trees greater than 24 inches in diameter at breast height (DBH) located on the Property.

Figure 1 – Vicinity

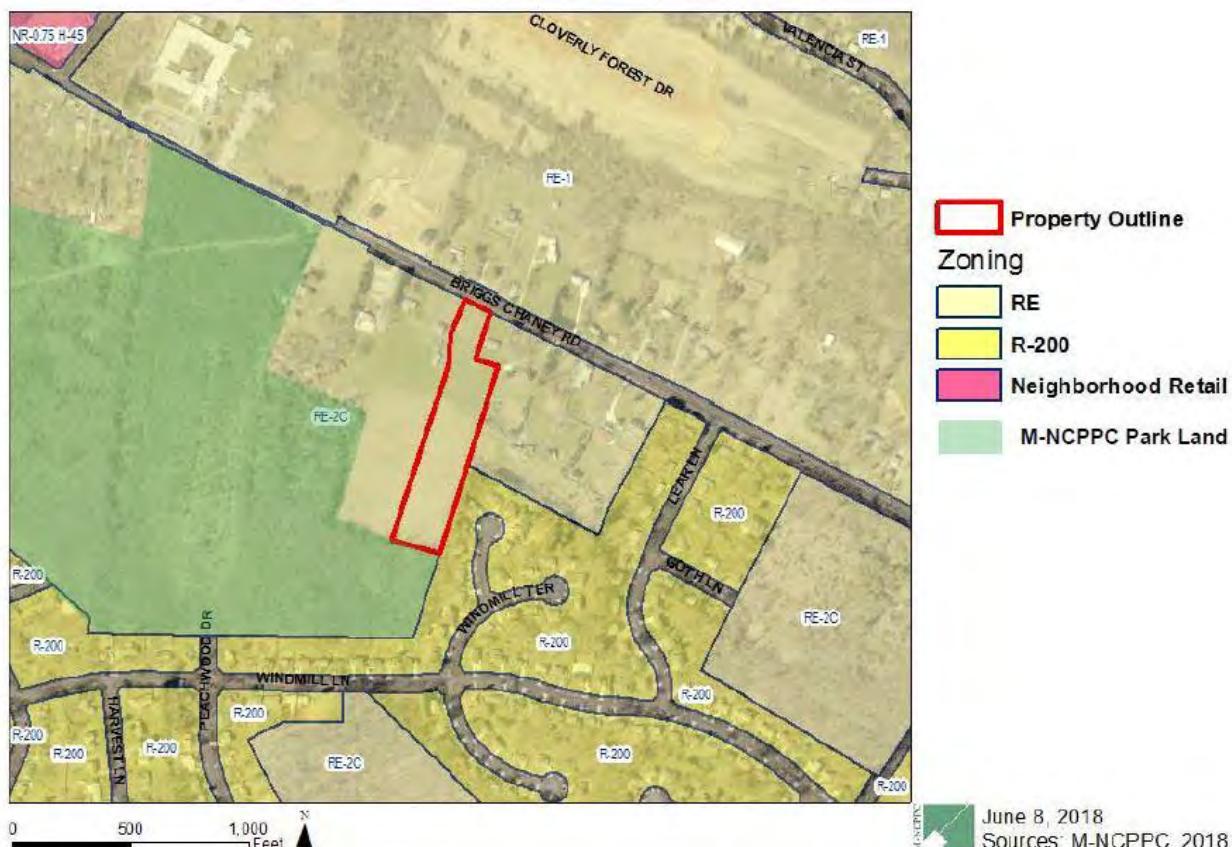


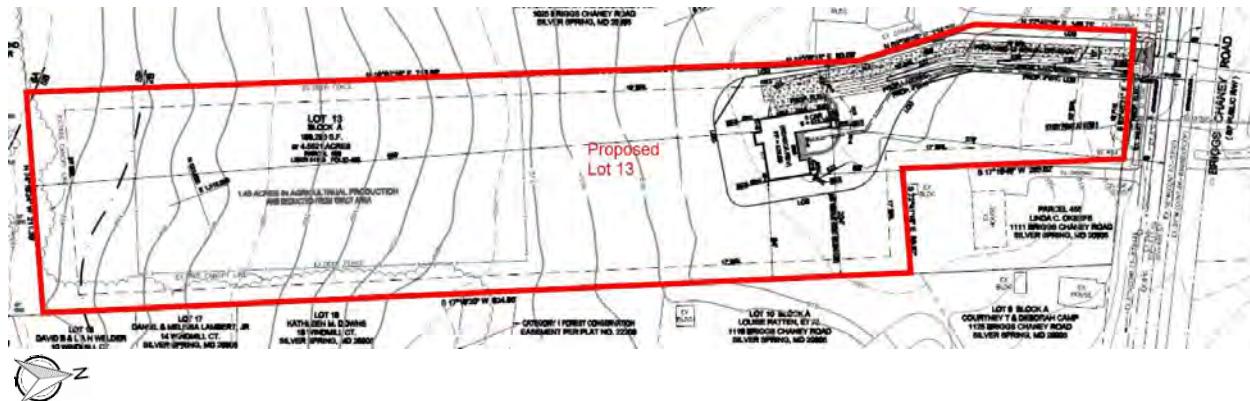
Figure 2 – Aerial View



PROJECT DESCRIPTION

The Application proposes to subdivide the 4.71-acre Property into one lot (Figure 3). The Property will contain one single family detached house to be used for the Applicant's personal residence. The Application proposes a Category I Conservation Easement on-site to protect the 0.62 acres of forest planting required by the Forest Conservation Law. As conditioned, prior to certification of the Administrative Subdivision Plan, the Forest Conservation Plan must be revised, resulting in some of the planting requirement being met via fee-in-lieu or off-site at a M-NCPPC approved forest conservation bank, in which case the acreage of the on-site planting and conservation easement will be reduced. The FCP currently shows two areas of forest planting on-site. A 0.46-acre planting area is in the rear of the Property and adjacent to M-NCPPC park land forest. A proposed 0.16-acre (7,078 square feet) planting area does not meet the definition of forest as it is less than 10,000 square feet in size and is not contiguous with adjacent protected forest; therefore, the FCP will be revised to meet this planting requirement elsewhere.

Figure 3 - Administrative Subdivision Plan



ANALYSIS AND FINDINGS - CHAPTER 50

Applicability - Section 6.1.C

1. *The lots are approved for standard method development.*
The lot is approved for standard method development in the RE-2C zone.
2. *Written approval for any proposed well and septic area is received from the MCDPS, Well and Septic Section before approval of the plat.*
The lot is classified as W-1 and S-5 and will be served by public water and sewer. A sewer category change has been filed with the Montgomery County Department of Environmental Protection and is scheduled for a public hearing in August (Attachment B). Public water and sewer mains are available within Briggs Chaney Road.
3. *Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements.*
There is no required dedication and a 10' PUE will be shown on the record plat. As conditioned and discussed below, the Applicant will construct a 5-foot wide sidewalk with a 17-foot buffer on Briggs Chaney Road along the frontage of the Subject Property, subject to permitting by the Montgomery County Department of Permitting Services ("MCDPS"). Alternatively, MCDPS may waive the requirement to build the sidewalk.
4. *The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat.*
As conditioned and discussed below, the requirements for adequate public facilities have been met.
5. *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*
 - a. The Application is subject to the requirements of Chapter 22A. As conditioned and discussed in the findings below, the Forest Conservation requirements of Chapter 22A have been satisfied.

- b. As conditioned and discussed in the findings below, the Application has received approval from MCDPS for the Preliminary and Final Water Quality Plan, including a stormwater management concept plan.
- c. As conditioned and discussed in the findings below, the requirements of the Upper Paint Branch Overlay Zone, including limits on impervious surfaces have been met.

Technical Review – Section 4.3

1. *The layout of the subdivision, including size, width, shape, orientation and density 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, Sections 50.4.3.B, 50.4.3.C, and 50.4.3.E.*

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, the environmental constraints, and the building type (single family home) contemplated for the Subject Property. The proposed lot is essentially a mirror image of those already platted in the same block.

The lot was reviewed for compliance with the dimensional requirements for the RE-2C zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage and width, and can accommodate a building which can reasonably meet the setback requirements in that zone. A summary of this review is included in Table 1. The Administrative Subdivision Plan has been reviewed by other applicable County agencies, all of which have recommended approval.

Table 1 – Development Standards Table

RE-2C	Required by the Zone	Proposed for Approval
Minimum Lot Area	87,120 sq. ft. (2 acres)	+/- 198,290 sq. ft. (4.5521 acres)
Minimum Lot Frontage	25 feet	25 feet min.
Minimum Lot Width at B.R.L.	150 feet	150 feet min.
Maximum Density	0.5	0.22
Maximum Lot Coverage	25%	25% or less
Min. Setbacks		
Front	50 feet	50 feet min.
Side	17 feet	17 feet min.
Sum of side setbacks	35 feet	35 feet min.
Rear	35 feet	35 feet min.
Max. Building Height	50 feet	50 feet max.
Site Plan Required	No	No

2. *The Administrative Subdivision Plan substantially conforms to the master plan*

Planning staff (“Staff”) finds that the Application substantially complies with the *1997 Cloverly Master Plan* (“Master Plan”). The Application for one, one-family, detached residence on a +/- 4.5-acre lot is consistent with the Land Use Plan which identifies the Property as “single-family residential” (Page 19, Figure 10). The Application is consistent with the Master Plan’s recommendations for “Suburban Communities”, by retaining the existing RE-2C zone on the Property, and low-density residential use (Page 28).

Briggs Chaney Road is identified in the Master Plan as A-86, a two-lane arterial road, with an eighty-foot right-of-way, and an existing, rural streetscape (Page 43). Page 49 of the Master Plan details the many ways that the Plan seeks “to preserve as many elements of the rural character as possible while maintaining or improving the safety of the roadway system.” The Master Plan notes that improvements along Briggs Chaney Road should not extend paving southward beyond the existing pavement edge to minimize impacts on existing homes and avoid the removal of trees.

The 2018 Master Plan of Highways and Transitways confirms the Briggs Chaney Road classification as an arterial road requiring 80 feet of right-of-way from New Hampshire Avenue to the Paint Branch. The Subject Property previously dedicated 40 feet of right-of-way from centerline along its frontage; total frontage right-of-way meets the 80 feet total required of the 2018 Master Plan. As such, no additional dedication is necessary.

The *Cloverly Master Plan* identifies Bikeway EB-10, an existing Class II bikeway along Briggs Chaney Road. A paved, bikeable shoulder exists along the north and south sides of Briggs Chaney Road, serving as the bikeway, therefore no additional bicycle facilities or improvements are necessary.

The Property is within the W-1 and S-5 water and sewer categories. In accordance with the recommendations in the Master Plan, the Property is seeking a sewer category change to S-1. Page 92 of the Master Plan recommends the provision of community sewer service to areas zoned RE-2C, particularly along Norwood and Briggs Chaney Roads because of the “mix of large parcels suitable for cluster development and smaller properties with minimal potential for subdivision and/or cluster development.” Because of the proximity of the smaller sites to areas of higher-density development, the Master Plan recommends providing community sewer service where it is “found to be logical, economical, and environmentally acceptable.” Based on correspondence from the Montgomery County Department of Environmental Protection, Water and Wastewater Policy Group, the request for a sewer category change appears to be logical and supportable (Attachment B). The site is adjacent to other properties with sewer category S-1. A gravity-fed sewer pipe runs along Briggs Chaney Road adjacent to the site. The sewer category change must be approved before the record plat is recorded.

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

Roads and Transportation Facilities

The transportation Adequate Public Facilities test is satisfied under the current 2016-2020 Subdivision Staging Policy. The Property is located in the Cloverly Policy Area.

A sight-distance analysis was completed and access to the site is found to be safe. The Application depicts the driveway access point to be directly across from the driveway on the opposite side of the road for roadway efficiency and to increase the buffer with the adjacent driveway to the north.

Pedestrian and Bicycle Facilities

As conditioned, the Applicant will construct a sidewalk along the frontage of the site along Briggs Chaney Road, which is classified as an arterial road. While a sidewalk along this section of the road has not been built, nor is it identified in the *Cloverly Master Plan*, the Streets and Roads Code requires sidewalk construction along arterial roads that are not within rural zones. The Applicant may pursue a waiver of this requirement with MCDPS. Per the 2018 Bicycle Master Plan Planning Board Draft, a separated bikeway is planned for the opposite (north) side of Briggs Chaney Road but is outside the scope of this project.

Local Area Transportation Review (LATR)

A traffic study is not required to satisfy the APF's LATR test because the one new single-family detached unit does not generate 50 or more person trips during the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property has W-1 and S-5 water and sewer service categories, respectively, and proposes to utilize public water and sewer. A sewer category change request has been filed with MCDEP. Public water and sewer mains are available within Briggs Chaney Road.

The Application was reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply office. A Fire Access Plan was approved on June 26, 2018 (Attachment C). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

Schools

With a net of one new single family detached dwelling unit, the proposed project falls within the de minimis (three units or less) exemption. Therefore, the project is exempt from any applicable residential development moratoria and it is unnecessary to test the project's estimated impact on school enrollment. Nevertheless, below is additional information about the schools and school cluster that serve the application property.

Cluster Information

The project is located in the Paint Branch High School Cluster, which is part of the Northeast Consortium of schools. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for the Paint Branch Cluster are noted in the following table:

Table 2 – Proposed Student Generation Rates Per School Level

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold
	Enrollment	Program Capacity	% Utilization	
Elementary	2,603	2,439	106.7%	2,927
Middle	1,213	1,282	94.6%	1,539
High	2,189	2,020	108.4%	2,425

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. Current projections for the cluster fall well within the threshold at each school level, therefore the cluster service area remains open to new residential development.

Individual School Information

The home elementary school for this project is Cloverly ES and the home middle school is Briggs Chaney MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3 – Proposed Student Generation Rates Per School Level

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds	
	Enrollment	Program Capacity	% Utilization	Seat Deficit	120% Utilization	Seat Deficit
Cloverly ES	504	444	113.5%	-60	533	554
Briggs Chaney MS	956	918	104.1%	-38	1,102	1,098

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds both thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. Current projections for both Cloverly ES and Briggs Chaney MS fall well within the thresholds, therefore both service areas remain open to new residential development.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420170600 for the Property was approved on February 13, 2017. The NRI/FSD identifies the environmental features and forest resources on the Property. The 4.57-acre Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. The Property is located within the Upper Paint Branch Special Protection Area and the Upper Paint Branch Overlay Zone, where impervious surface for new development is limited to 8 percent. The Property does not contain any forest, streams, wetlands, 100-year floodplains, stream buffers, highly erodible soils, or slopes greater than 25 percent. There is a 1.45-acre orchard on the Property that has been planted in fruit trees. There are no trees greater than 24 inches in diameter at breast height (DBH) located on the Property. Twelve trees greater than 24 inches DBH were identified on the adjacent M-NCPPC park property to the south.

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law, Chapter 22A of the County Code, a Preliminary and Final Forest Conservation Plan for the project was submitted with the Administrative Subdivision Plan Application (Attachment D). The total net tract area for forest conservation purposes is 3.12 acres, which excludes the 1.45-acre orchard, an agricultural activity exempt from the requirements of the Forest Conservation Law. As required by Section 22A.11.01.13 of the Forest Conservation Regulations, the Applicant has provided an Agricultural Declaration of Intent as part of their Application (Attachment E). The Property is zoned RE-2C and is considered Medium Density Residential (MDR) under the *Trees Technical Manual*.

Since there is no forest on the Property, there will be no forest removal, and the result is an afforestation requirement of 0.62 acres. The Applicant has proposed to meet the afforestation requirement by planting 0.46 acres of forest in the rear of the Property, adjacent to existing forest on M-NCPPC park land. The Applicant has proposed to meet the remaining 0.16-acre planting requirement on-site, in the northeastern corner of the Property. This planting area does not meet the minimum criteria of 10,000 square feet (0.23 acres), and it would create an isolated stand of trees as it is not adjacent to any existing protected forest or conservation easements.

As conditioned, the FCP must be revised prior to certification of the Administrative Subdivision Plan to demonstrate where the 0.16 acres of forest planting will be met, either by expanding the 0.46 acres planting area in the rear of the Property, or at an off-site location, such as an M-NCPPC approved forest bank. All planted forest on the Property will be protected in a Category I conservation easement. No trees subject to the Tree Variance provision of the Forest Conservation Law will be impacted by this Application.

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 Administrative Subdivision Plan received an approved Preliminary/Final Water Quality Plan from the MCDPS, Water Resources Section on March 6, 2018 (Attachment F). The Application will meet stormwater management goals via the use of dry wells and a grass swale.

SPECIAL PROTECTION AREA PRELIMINARY/FINAL WATER QUALITY PLAN

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this Administrative Subdivision Plan. Under the provision of the law, MCDPS, the Planning Board, and MCDEP have different responsibilities in the review of a Water Quality Plan.

MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in their March 6, 2018 letter. MCDEP has reviewed the Water Quality Plan and will require payment of a stream monitoring fee and a Best Management Practices (BMP) monitoring fee. MCDEP's requirements are incorporated into the Preliminary/Final Water Quality Plan approval memo provided by MCDPS. As part of this Application, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site impermeability limits have been satisfied.

Planning Board Special Protection Area Review Elements

Environmental Buffer Protection

The Property does not contain any environmental buffers.

Forest Conservation and Planting Requirements

This Property meets all applicable requirements of Chapter 22A of the County Code. There is no existing forest on the Property. As part of the FCP, the Application proposes to meet the 0.62 acres of planting required either completely on-site or through a combination of on-site planting and off-site credit. The on-site planting will be located adjacent to existing forest on adjacent M-NCPPC parkland and will be protected in a Category I conservation easement.

Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Upper Paint Branch Overlay Zone. As per Chapter 59, Section 4.9.19, imperviousness for the Application may not exceed 8.0 percent. The Application includes the creation of one lot for one single family residence. The 137,437 square foot (3.16 acres) tract area for impervious surface calculations is the result of deducting 63,162 square feet (1.45 acres) of agricultural land in use as an orchard and including 2,309 square feet (0.05 acres) of offsite right-of-way that will be improved with a driveway apron and a 5-foot sidewalk along Briggs Chaney Road. The Application proposes 8,963 square feet of impervious surfaces on the Property and 817 square feet of impervious surfaces within the Briggs Chaney Road right-of-way. The impervious surface calculations include an additional 611 square feet of existing impervious surfaces (concrete swale) within the Briggs Chaney Road right-of-way. The Application as proposed includes a total of 10,391 square feet of impervious surfaces over a 137,437 square foot net tract area, resulting in 7.6% imperviousness, as depicted on the Impervious Surface Plan (Attachment G).

Montgomery County Department of Permitting Service Special Protection Area Review Elements

MCDPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview. These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- Site Performance Goals

As part of the Water Quality Plan, the following performance goals were established for the site: minimize storm flow runoff increases and minimize sediment loading.

- Stormwater Management Concept

The approved stormwater management concept plan utilizes various ESD practices including dry wells and a grass swale.

- Sediment and Erosion Control

Super silt fence will be required for this Application. MCDPS will require a more detailed review of sediment control measures prior to issuance of a sediment control permit.

Staff finds that, as conditioned, the Preliminary/Final Water Quality Plan submitted with this Administrative Subdivision Plan satisfies the SPA requirements and meets the imperviousness limits established in the Upper Paint Branch Overlay Zone.

CITIZEN CORRESPONDENCE

Staff has not received any correspondence from citizens regarding this Application.

CONCLUSION

The Administrative Subdivision Plan meets the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.C. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 1997 *Cloverly Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the Application.

This Administrative Subdivision Plan will remain valid for 36 months from its Initiation Date (as defined under Section 50.4.2.G of the Subdivision Code), by which time a plat must be recorded among the Montgomery County Land Records, or a request for extension must be filed under Section 50.4.2.H.

ATTACHMENTS

Attachment A – Administrative Subdivision Plan

Attachment B – MCDEP Correspondence (email) regarding sewer category change, June 26, 2018

Attachment C - MCDPS Fire Access and Water Supply Approval, June 26, 2018

Attachment D - Forest Conservation Plan

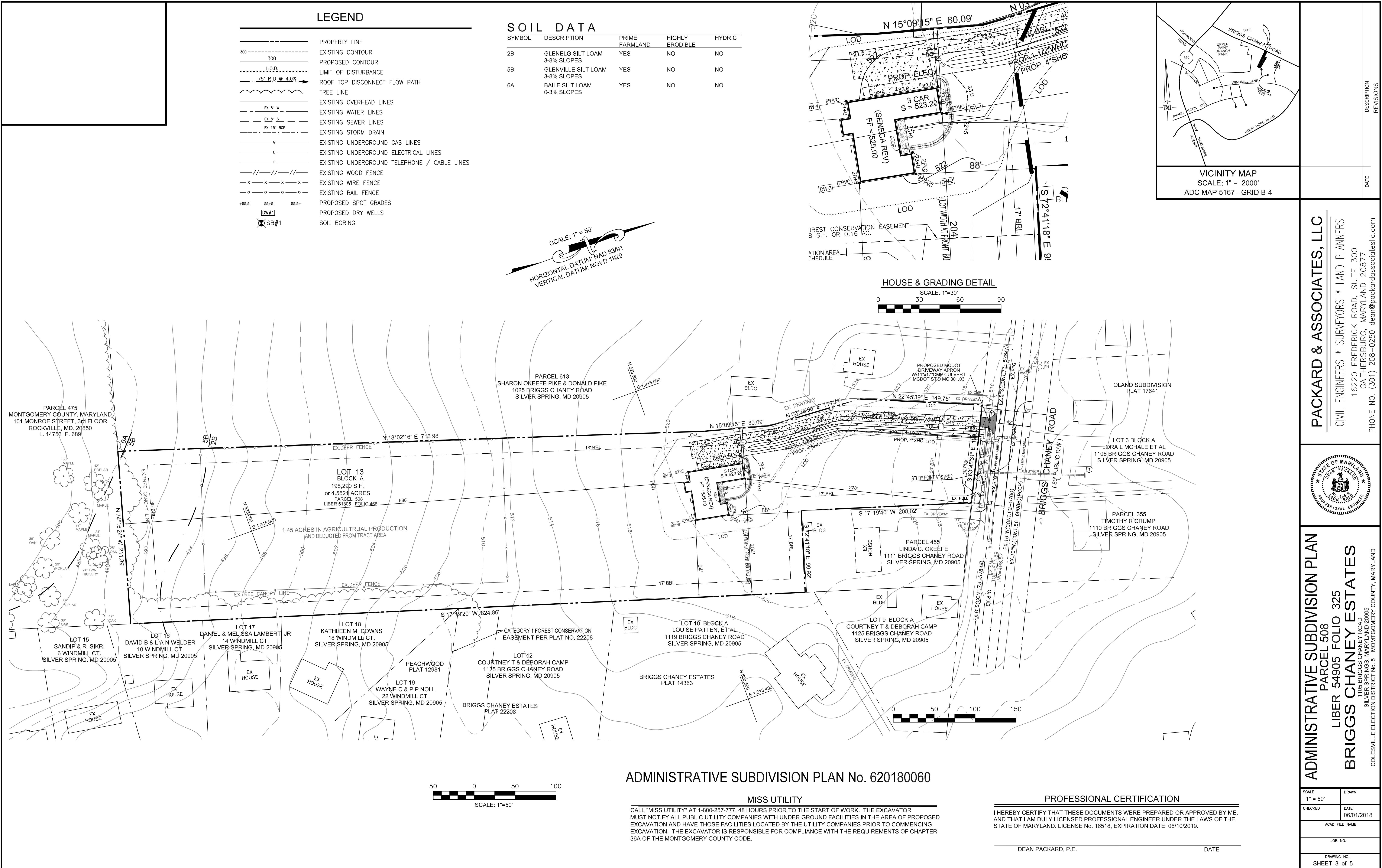
Attachment E – Agricultural Declaration of Intent, June 8, 2018

Attachment F - MCDPS Water Quality Plan/Stormwater Concept Approval Letter, March 6, 2018

Attachment G – WQP Impervious Surface Plan

Attachment H – MCDOT Approval Letter, June 28, 2018

ATTACHMENT A



ATTACHMENT B

From: Dizelos, George <George.Dizelos@montgomerycountymd.gov>
Sent: Tuesday, June 26, 2018 2:14 PM
To: Kishter, Mary Jo
Subject: RE: 620180060/Briggs Chaney Estates

Hi Mary Jo,

This property is part of our FY2018 quarter 3 group. We are anticipating a public hearing for some time in early August. Once this takes place the category change is preliminarily approved, we inform owners that they make proceed with their plans at their own risk, as they wait for the Maryland Department of the Environment to concur with our findings. This process can take an additional 60 days.

It is rare that MDE would not concur and therefore we allow applicants to proceed as if the category change is finalized, however we must include that warning.

Please let me know if you have any additional questions,

Thank You,

George Dizelos
Environmental Planner III
Water & Wastewater Policy Group
Montgomery Co. Dept. of Environmental Protection
Suite 120, 255 Rockville Pike
Rockville MD 20850-4166
240-777-7755
george.dizelos@montgomerycountymd.gov



Working together for a cleaner, greener
economically vibrant community

From: Kishter, Mary Jo [mailto:maryjo.kishter@montgomeryplanning.org]

Sent: Tuesday, June 26, 2018 2:01 PM

To: Dizelos, George <George.Dizelos@montgomerycountymd.gov>

Subject: RE: 620180060/Briggs Chaney Estates

George,

We are preparing the staff report for this project. Can you fill me in on the status of your review? Has the sewer category change been granted? Thanks for your help.

Mary Jo

Mary Jo Kishter
M-NCPPC, Area 3 Division
8787 Georgia Ave., Silver Spring, Maryland 20910
(301) 495-4701
www.montgomeryplanning.org



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 26-Jun-18

TO: Dean Packard - pgai@verizon.net
P.G. Associates, Inc

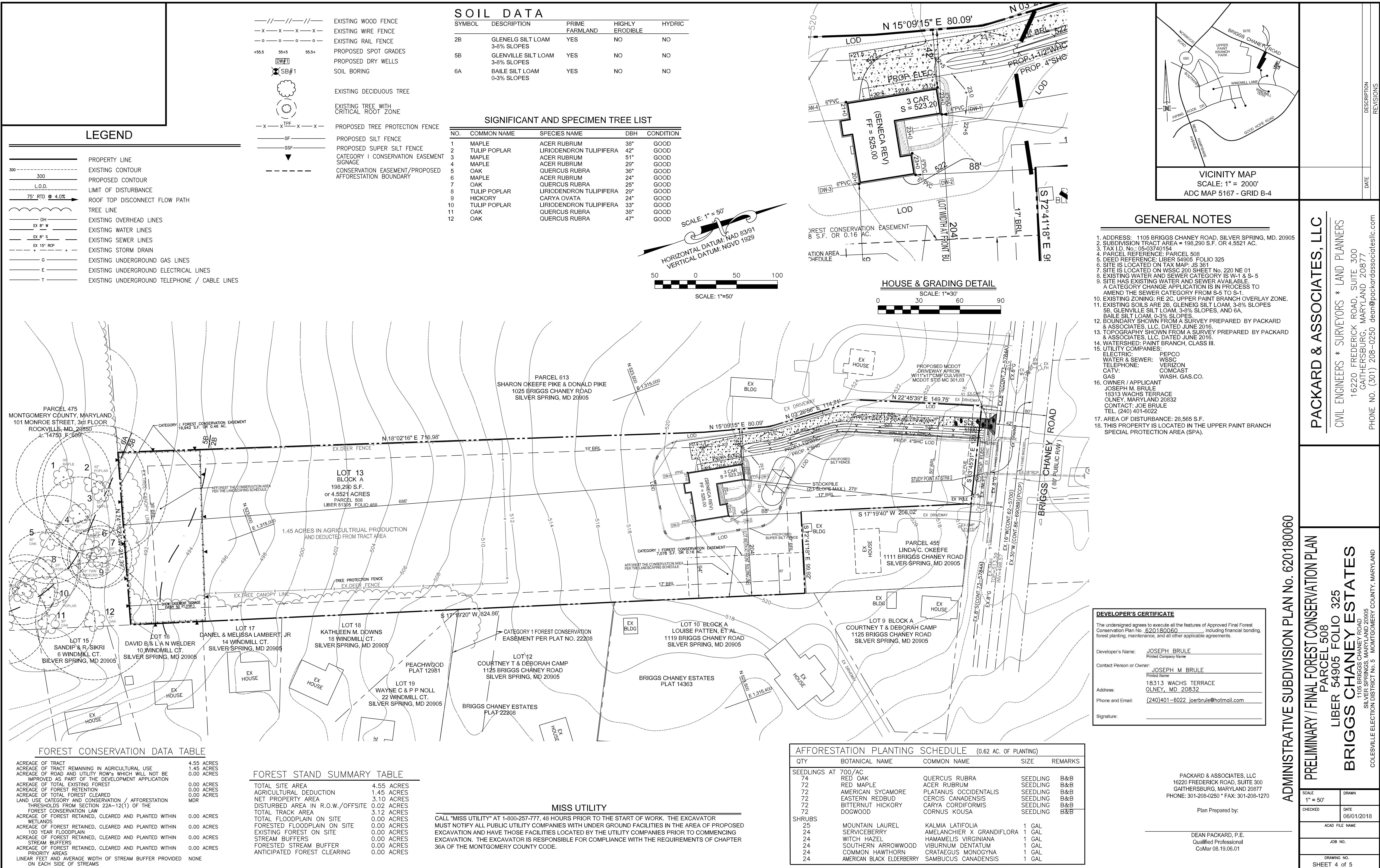
FROM: Marie LaBaw

RE: Briggs Chaney Estates - Lot 13 Block A
620180060

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 26-Jun-18 .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.

ATTACHMENT D



Agricultural Declaration of Intent
Affirming Exemption from Article II of the
Montgomery County Forest Conservation Law

I (we), Joseph Brule ("Owner") of real property located at 1105 Briggs Chaney Road, Silver Spring and as described as Parcel 508 (ID #05-03740154) hereby declare my (our) intention to continue and/or place into commercial agricultural use the above property, in accordance with the provisions of Section 22A-5(b) of the Montgomery County Forest Conservation Law for a period of at least five (5) consecutive full taxable years following this date.

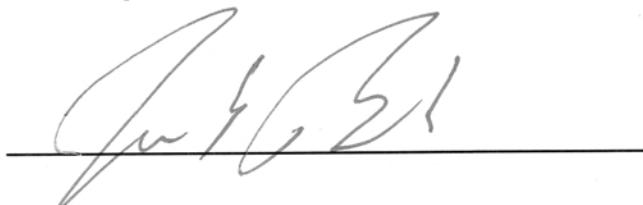
This declaration affirms that this property meets the requirements to be exempt from Article II of the Montgomery County Forest Conservation Law, in that:

- (a) The agricultural activity is exempt from the platting requirements under Section 50-9 of the Montgomery County code, and
- (b) The agricultural activity is not required to obtain a sediment control permit under Section 19-2 of the Montgomery County code.

If the land does not remain in commercial agricultural use, the Owner must notify the Montgomery County Planning Department, a part of the Maryland-National Capital Park and Planning Commission. If the Owner makes application for or performs an activity regulated under the Montgomery County Forest Conservation Law, on all or part of the parcel within the five (5) year period, the Planning Department may require the Owner to meet the forest conservation threshold established in the county law, and may also assess a noncompliance fee for forested areas cut as part of the agricultural exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms or statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature of owner(s):



Printed name of owner:

Joseph Brule

Date:

08-JUN-2018

NOTARY STATEMENT

State of Maryland

County of Anne Arundel

On this 8th day of June, 2018, before me, the undersigned individual, personally appeared Joseph Brule, who acknowledged to be the Owner and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

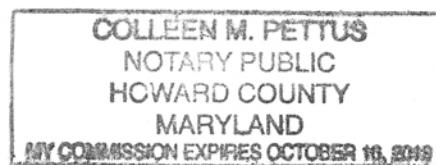


SEAL



Colleen M. Pettus
Signature of notary public

My commission expires October 16, 2018



February 2017



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 6, 2018

Mr. Dean Packard
Packard and Associates, LLC
16220 Frederick Road, Suite 300
Gaithersburg, Maryland 20877

Re: **COMBINED PRELIMINARY AND FINAL
WATER QUALITY/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Briggs Chaney Estates
Preliminary Plan #: 1201800060
SM File #: 283647
Tract Size/Zone: 4.55 acres/RE-2C
Total Concept Area: 4.55 acres
Lots/Block: N/A
Parcel(s): 508
Watershed: Upper Paint Branch Special
Protection Area

Dear Mr. Packard

Based on a review by the Department of Permitting Services Review Staff, the Preliminary and Final Water Quality Plan for the above-mentioned site is **acceptable**. The Water Quality Plan proposes to meet required stormwater management goals via dry wells and a grass swale.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. Direct as much or the driveway as possible to the proposed grass swale.

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

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

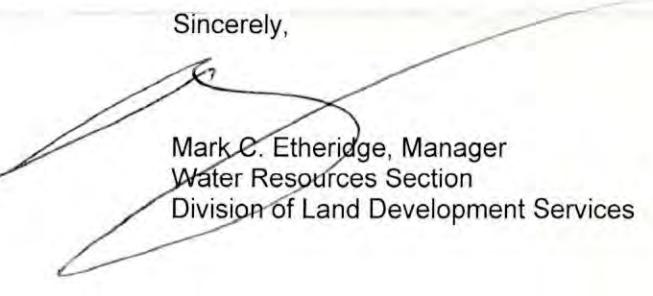
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. A stream monitoring fee for the site area and a BMP monitoring fee for the disturbed area is required.

Dean Packard
March 6, 2018
Page 2

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 Leo Galanko at 240-777-6242

Sincerely,

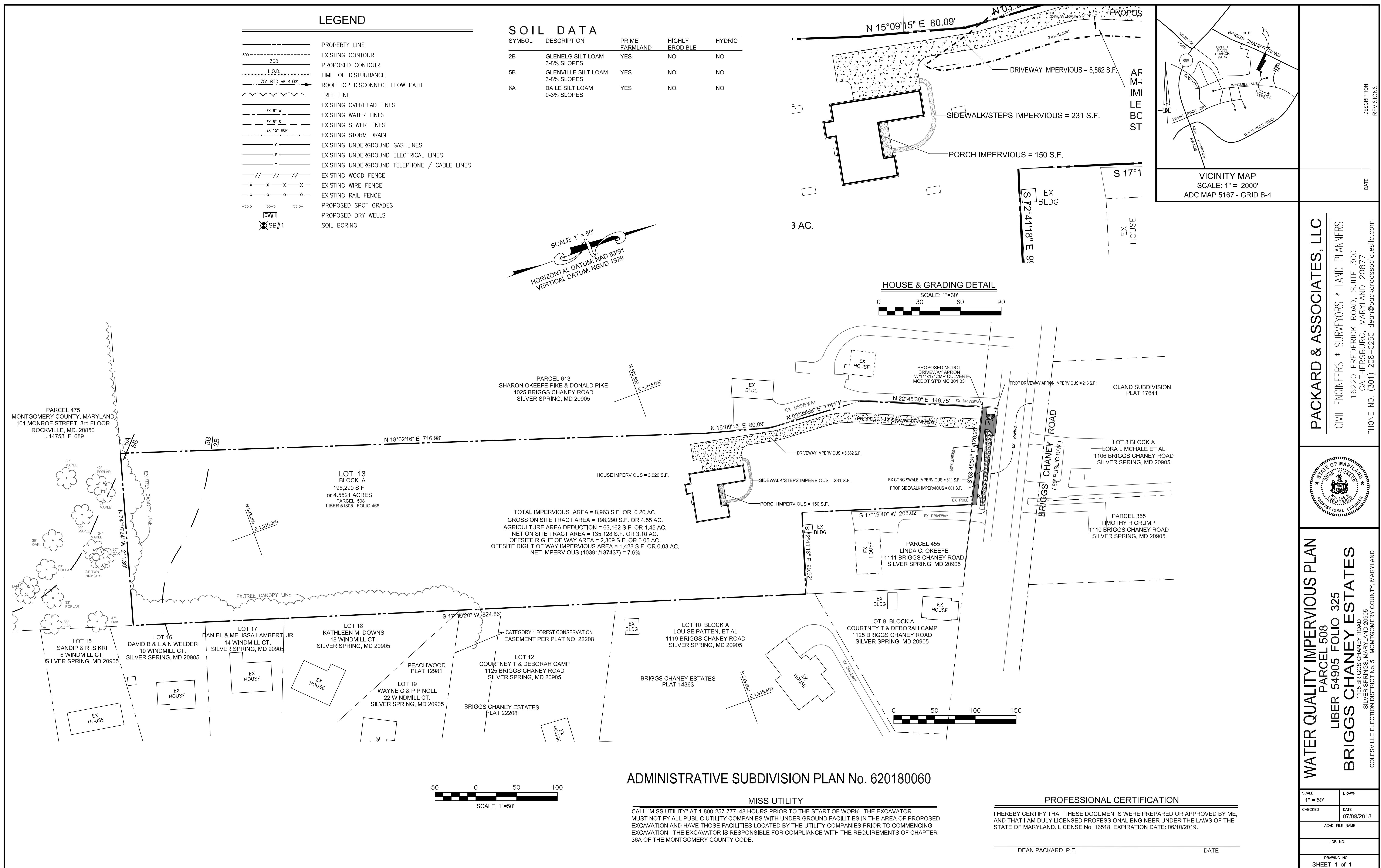


Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: lmg

cc: N. Braunstein
SM File # 283647

ESD: Required/Provided 814 cf / 822 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL: 0 cf
WAIVED: 0 ac.





Isiah Leggett
*County
 Executive*

DEPARTMENT OF TRANSPORTATION

Al R. Roshdieleh
Director

June 28, 2018

Ms. Mary Jo Kishter, Senior Planner
 Area 3 Planning Division
 The Maryland-National Capital
 Park & Planning Commission
 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760

RE: Administrative Plan No. 120180060
 Briggs Chaney Estates

Dear Ms. Kishter:

We have completed our review of the administrative plan dated June 1, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on April 10, 2018. 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. This letter and all other correspondence from this department should be included in the package.

1. Full width dedication of Briggs Chaney Road in accordance with the master plan.
2. Submit storm drain study and site plan prior to submission of the record plat. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same.
3. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
4. Provide a ten (10) foot wide Public Utility Easement (PUE) along the existing street frontage.

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

Ms. Mary Jo Kishter
Administrative Plan No. 120180060
June 28, 2018
Page 2

5. Relocation of utilities along the existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
6. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Driveway apron along Briggs Chaney Road.

NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- b. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- c. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact myself for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Rebecca Torma, Acting Manager
Development Review Team
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/620180060 Briggs Chaney Estates.docx

Enclosure

CC: Joseph Brule, Owner
Dean Packard, Packard and Associates, LLC
Preliminary Plan letters notebook

cc-e: Sam Farhadi, MCDPS RWPR



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Briggs Chaney Estates Preliminary Plan Number: 61-20180060

Street Name: Briggs Chaney Road

Master Plan Road
Classification: Arterial (80' dedication)

Posted Speed Limit: 30 mph

Street/Driveway #1 (Driveway)

Street/Driveway #2 (_____)

Sight Distance (feet)	OK?
Right <u>1400'</u>	<u>✓</u>
Left <u>1600'</u>	<u>✓</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments:

Comments:

GUIDELINES

Classification or Posted Speed
(use higher value)

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

Required
Sight Distance
in Each Direction*

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

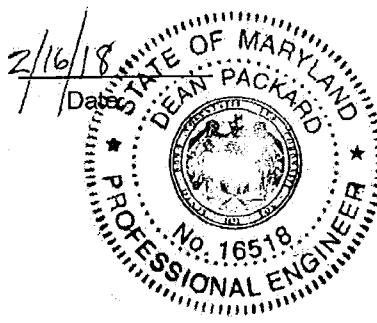
ENGINEER/ SURVEYOR CERTIFICATE

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

Signature

16518

PLS/P.E. MD Reg. No.



Montgomery County Review:

Approved

Disapproved:

By: RJ

Date: 10/27/18

Form Reformatted:
March, 2000