



Seneca Farms, Preliminary Plan No. 120170240

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Completed: 9/16/18

Description

Seneca Farms, Preliminary Plan No. 120170240:

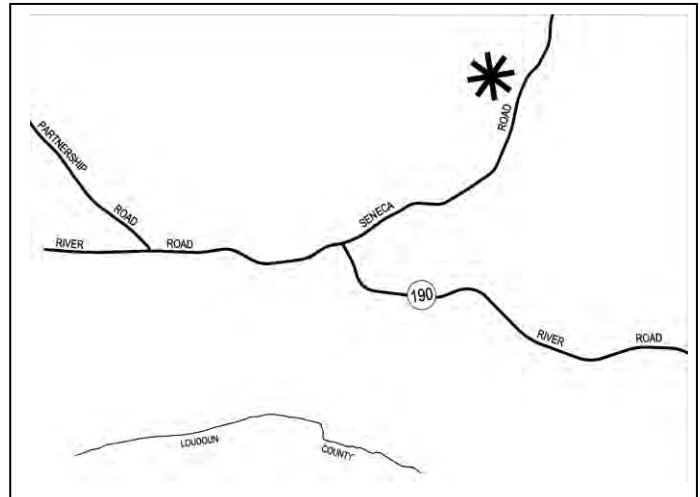
Application to create 27 lots for 27 single-family detached homes, and two outlots, located on the west side of Seneca Road (MD Rt. 112), approximately 900 feet north of Springfield Road; 136.67 acres, Rural Cluster (RC) Zone, 2002 Potomac Subregion Master Plan.

Recommendation – Approval with conditions

Applicant: Seneca Farms, LLC.

Submittal Date: June 9, 2017

Review Basis: Chapter 22A & Chapter 50



Summary

- The Application is consistent with the recommendations of the *2002 Potomac Subregion Master Plan*.
- The proposed lots meet the Rural Cluster zone development standards under the optional method of development - cluster.
- Staff supports the overlength cul-de-sac greater than 500 feet long due to the constrained site frontage on Seneca Road and environmental constraints both on the Property and adjacent properties and the inability to connect to any other existing or potential roads.
- The Applicant opposes condition 15, requiring the installation of sidewalks on the proposed cul-de-sac.
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by meeting the entire afforestation requirements on-site in a Category I Conservation Easement.
- Staff supports the Stream Buffer Variance Request to provide a pedestrian trail connection between the development and the Rural Open Space Area, where there is an existing stream crossing is used to access the agricultural field.
- Prior to record plat, a site plan is required.
- Staff has not received any community correspondence in opposition or support of the Application.

SECTION 1 – RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120170240: Staff recommends approval with conditions of the Preliminary Plan subject to the following conditions:

1. This Preliminary Plan is limited to 27 lots for 27 detached houses.
2. Include the stormwater management concept approval letter and Preliminary Plan Resolution on the certified preliminary plan cover sheet(s).
3. On the Certified Preliminary Plan, the Applicant must replace the 50-foot wide scenic easement shown on Lots 1 and 2 with a 50-foot building restriction line.
4. The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120170240, approved as part of this Preliminary Plan:
 - a. Prior to Certification of the Preliminary Plan, the Applicant must revise the Preliminary Forest Conservation Plan to modify the forest conservation data table to be consistent with the forest conservation worksheet.
 - b. Prior to Certification of the Site Plan, the Applicant must obtain M-NCPPC approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
 - c. Prior to record plat, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting, and stream valley buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded among the Montgomery County Land Records by deed prior to the start of any demolition, clearing or grading on the Subject Property. The Liber Folio of the Category I Conservation Easement must be referenced on the record plat(s).
 - d. Prior to any clearing, grading, or demolition on the Subject Property, the Applicant must provide financial surety to guarantee the forest planting on the Subject Property, as specified on the approved Final Forest Conservation Plan, in a form acceptable to the M-NCPPC Office of the General Counsel.
 - e. Prior to any clearing, grading or demolition on the Subject Property, the Applicant must submit a Maintenance and Management Agreement to Staff for the required forest planting on the Subject Property as shown on the approved Final Forest Conservation Plan. The Agreement must be in a form approved by the M-NCPPC Office of the General Counsel.
 - f. The Final Sediment and Erosion Control Plan must be consistent with the final limits of disturbance shown on the approved Final Forest Conservation Plan.
 - g. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
 - h. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector. The M-NCPPC forest conservation inspector is authorized to determine the timing of sign installation.

5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated September 12, 2018, 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.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MDSHA”) in its correspondence dated September 13, 2018, 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 MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
9. 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 December 8, 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.
10. The Planning Board accepts the recommendations of MCDPS – Well and Septic Section in its letter dated August 24, 2018, 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.
11. The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated February 8, 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 Preliminary Plan approval.
12. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Forty feet (40) from the existing pavement centerline on Seneca Road as shown on the Certified Preliminary Plan.
 - b. Seventy-four (74) feet of right of way for the new road as shown of the Certified Preliminary Plan.
13. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the Preliminary Plan, “To Be Constructed By _____” are excluded from this condition.

14. The Applicant must provide a five-foot wide shoulder for a future bike lane along the frontage of Seneca Road.
15. The Applicant must construct a five-foot wide sidewalk on both sides of the proposed new public road.
16. The record plat must show necessary easements.
17. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
18. The record plat must have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
19. Prior to recordation of the plat, the Applicant must grant to M-NCPPC a rural open space easement over no less than 60% of the net tract area of the Subject Property as shown on the Preliminary Plan and record the easement, in a form approved by the M-NCPPC Office of General Counsel, in the Montgomery County Land Records. Reference to the recorded easement must be noted on the record plat(s).
20. 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.
21. 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 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.
22. No clearing or grading of the site or recording of plats prior to certified site plan approval.
23. Final approval of the number and location of dwelling units, site circulation, sidewalks, and paths will be determined at site plan.

SECTION 2 – SITE LOCATION AND HISTORY

Site Location

The subject property is located on the west side of Seneca Road (MD 112), approximately 900 feet north of Springfield Road and consists of a 136.67-acre unrecorded parcel (P550 on Tax Maps DR563 & ER123) in the Rural Cluster (RC) Zone ("Property" or "Subject Property"). The Subject Property is approximately ¼ of a mile south of Darnestown Road within the Darnestown area identified by the 2002 Potomac Subregion Master Plan ("Master Plan").

Site Vicinity

The Property is bound on all sides by residential subdivisions in the RC zone developed with single-family detached houses. The area on the east side of Seneca Road is also predominately developed with single-family detached houses in the RC zone.

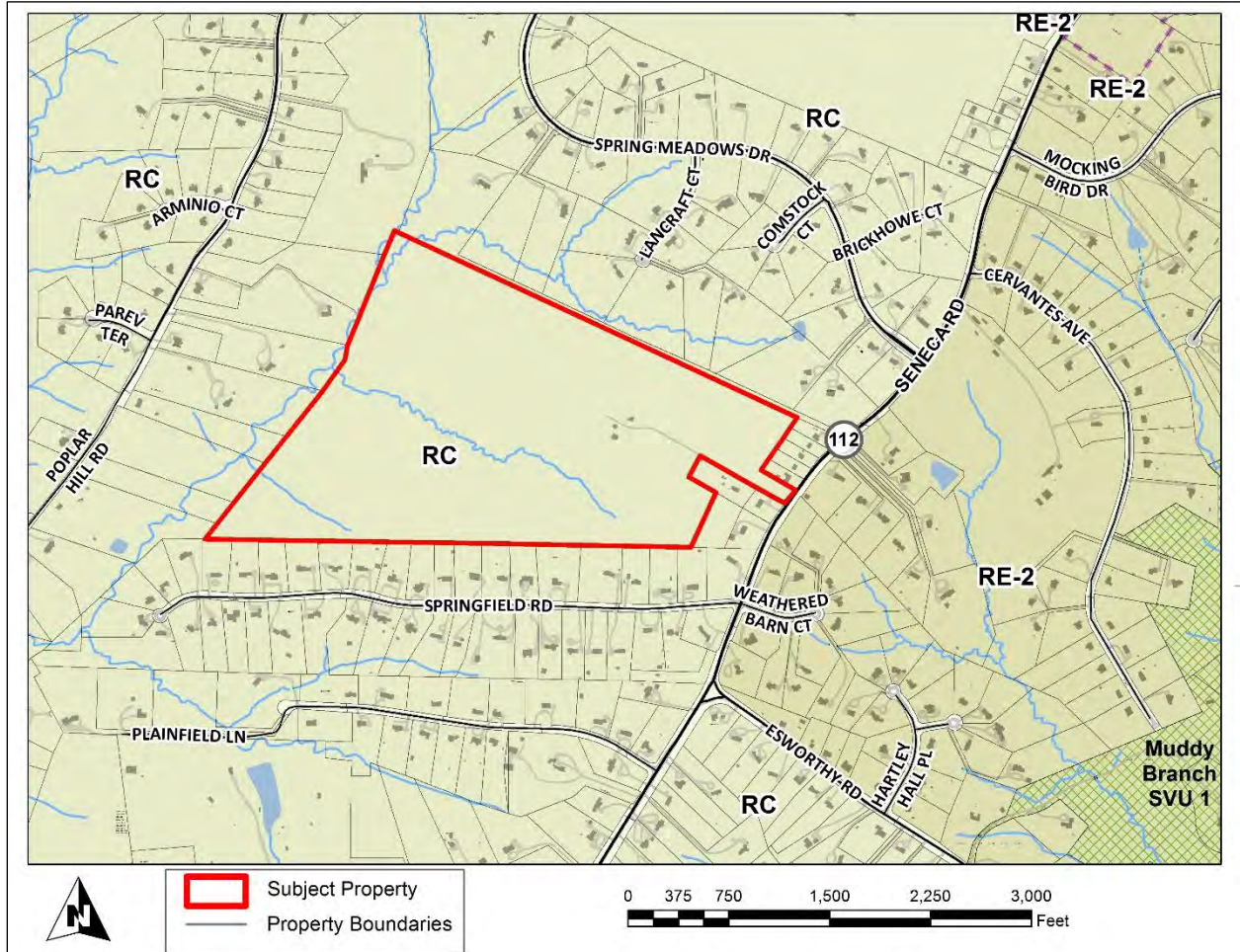


Figure 1 – Zoning Map

Site Description

The Property is currently accessed from a single driveway on Seneca Road. The Property is primarily located within the Lower Great Seneca Creek watershed, with approximately 0.42 acres of the Property at its frontage along Seneca Road draining to the Muddy Branch watershed. Both watersheds are classified by the State of Maryland as Use Class I-P waters. There are approximately 60.3 acres of forest on the Property as well as numerous specimen trees. There are three tributary streams that flow through the Property to Seneca Creek (Figure 2). The Property does contain some steep slopes and highly erodible soils, predominately in and around the stream buffer. The remainder of the Property consists of agricultural fields, the remains of a single-family farm house, outhouse, barn, and several other agricultural outbuildings.

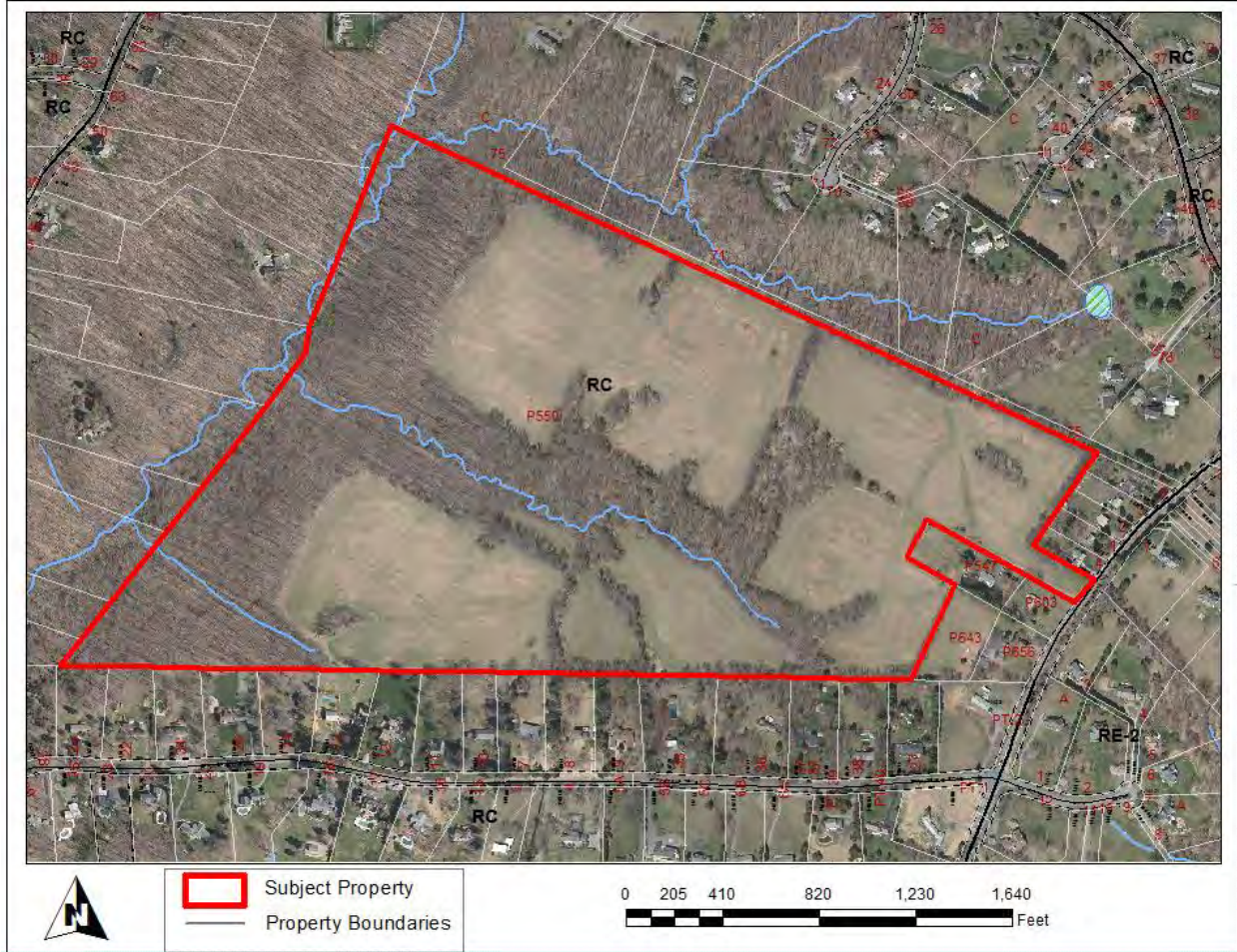


Figure 2 – Aerial View

SECTION 3 –PROPOSAL

Proposal

Seneca Farms, Preliminary Plan No. 120170240 (“Application” or “Preliminary Plan”) was submitted on June 9, 2017 requesting 27 lots and three outlots on 136.67 acres of land in the Rural Cluster Zone (Figure 3 & Attachment A). The Property has 130 feet of frontage on the west side of Seneca Road. In order to provide access to the subdivision, the Applicant is dedicating 5.14 acres of land to construct a 2,800 foot long public road. The new road will be an open section tertiary public road with 20 feet of pavement terminating in a cul-de-sac (overlength cul-de-sac). The Applicant does not propose sidewalks because the Subject Property is in a rural zone. The Applicant is dedicating approximately 5.08 acres of land for the new road and an additional 0.6 acres of land is being dedicated for MD 112. Of the 136.96 acres, 87.7 acres (64%) will be preserved as Rural Open Space. Each lot will be served by an on-site private well and septic system, constructed as shown on the Preliminary Plan. Stormwater management goals will be met utilizing environmental site design practices including bioswales to treat the roadway runoff. Drywells and microbioretention areas will be used to manage stormwater on the individual lots. Forest conservation will be met on-site by providing a Category I Forest Conservation. The Application also includes a tree variance to remove seven and impact six trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

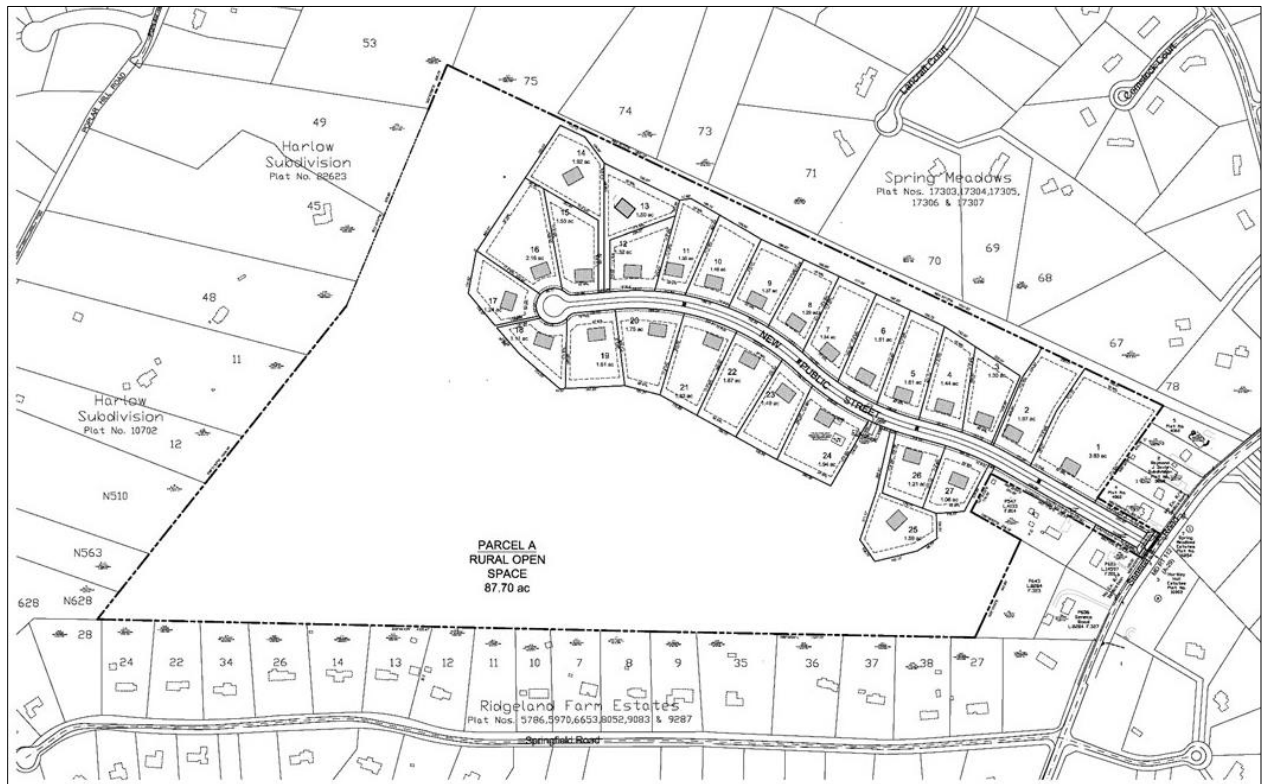


Figure 3 – Simplified Preliminary Plan (See Attachment A for detailed version)

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D & 50.4.3

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*

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

The proposed block design is appropriate for the development of single-family detached dwelling units under the optional method in the RC zone. The 27 lots will line both sides of the public street in a single tier which is very similar to the design of the two subdivisions south of the Subject Property. The proposed block is broken up by several 10-foot-wide access easements and an open lawn area that will allow pedestrians to access the rural open space.

- b. *The lot design is appropriate for the development or use contemplated*

As shown on the Preliminary Plan, the lot design is appropriate for the proposed development given the development standards of RC zone under the optional method of development. The layout of the subdivision takes advantage of the existing topography of the land, with the lots clustered on the northern half of the Property along a ridgeline, away from the existing stream and priority forest. Clustering the lots in this way results in a large contiguous open space parcel

and preservation of sensitive environmental features. The average lot size is 1.8 acres, ranging in size from 1.11 acres to 3.83 acres which is generally consistent with existing development patterns in the surrounding area. Each lot provides enough room to accommodate a well, a septic reserve area, stormwater management and a reasonably sized house. The size, width, shape, orientation and density of the proposed lots are appropriate for the location of the subdivision taking into account the recommendations included in the Master Plan.

- c. *The Preliminary Plan provides for required public sites and adequate open areas*

Master Planned Public Sites

There are no master-planned public sites on the Property.

Local Recreation

The Applicant has provided a recreation guidelines analysis (Figure 4) as part of the Preliminary Plan review to demonstrate that adequate space has been allotted to accommodate the recreational needs of the community with the proposed lot configuration. As proposed, the recreational guidelines have been satisfied with the amenities shown, including a 15,000 square foot open lawn area (active recreation), and a 1.2 mile pedestrian trail system (passive recreation) within the natural area. The recreational amenities and open areas will be analyzed further as part of the site plan review.

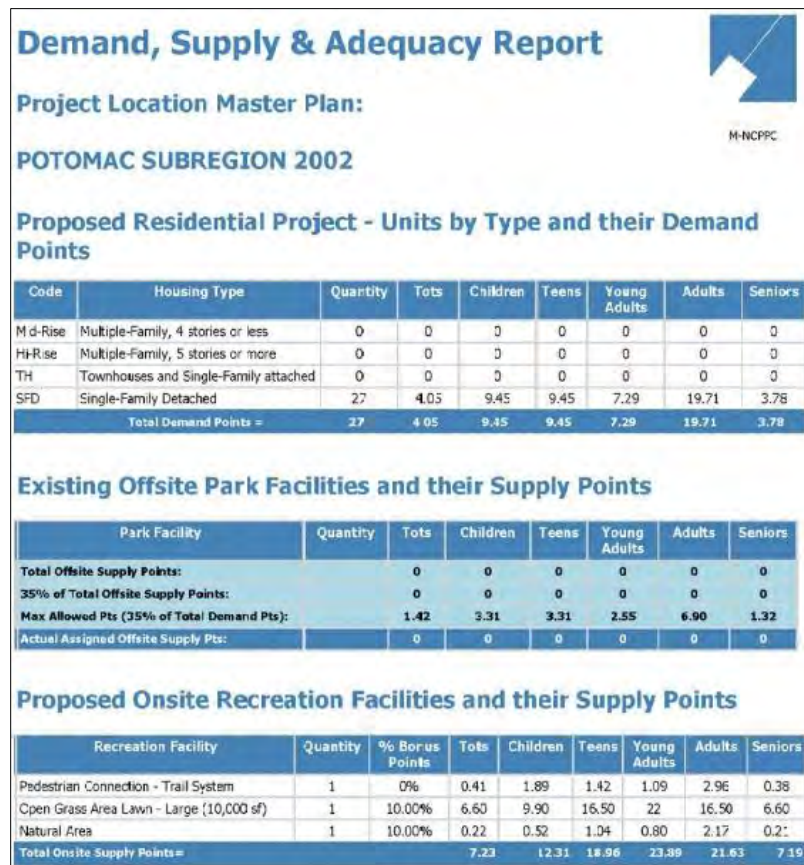


Figure 4: Recreation Guidelines

Area for public roads and associated utilities and storm drainage

In reviewing the Preliminary Plan, the relationship between the proposed subdivision and other existing, planned and platted transportation facilities was considered. As conditioned, the Applicant will dedicate an adequate amount of land to accommodate the proposed public road and right-of-way for MD-112. The necessary land required to provide pedestrian trails, stormwater management and utility easement has also been identified as part of the Preliminary Plan review.

d. *The Lots and Use comply with the basic requirements of Chapter 59*

The lots were reviewed for compliance with the dimensional requirements for the RC zone under the Optional Method - Cluster as specified in the Zoning Ordinance. The lots as proposed will accommodate a building area so that a house may meet all the dimensional requirements for area, frontage, width, and setbacks in that zone taking into account the proposed improvements. A summary of this review is included in Table 1.

Table 1: Preliminary Plan Data Table – RC Zone – Optional Method - Cluster Development

Data Table	Allowed/Required	Proposed/Provided
Gross Tract Area/Usable Area	NA	136.96 acres/136.96 acres
Dedication	NA	5.08 acres (New road)
		0.60 acres (MD 112)
Net Area?	NA	131.28 acres
Minimum lot area	40,000 SF min.	46,000 SF min.
Density (units/acre of usable area)	27 du (1 DU/5 acres)	27 du (1 DU/5 acres)
Lot width at building line	125 ft. min.	125 ft. min.
Lot width at proposed street line	25 ft. min.	25 ft. min.
Setbacks		
– Front	50 ft. min.	50 ft. min. ¹
– Side	17 ft. min./ 35 ft. total min.	17 ft. / 35 ft. total min. ¹
– Rear	30 ft. min.	30 ft. min. ¹
Lot coverage	10 % max.	10 % max. ¹
Building height	50 ft. max.	50 ft. max. ¹
Rural Open Space	60% or 82.17 acres	60% min.
Site Plan Required	Yes	Yes
MPDUs Required	No (developing on septic)	NA

¹ As determined at the time of Site Plan.

After Preliminary Plan, a Site Plan is required because the Application is Optional Method – Cluster. As part of the Site Plan, the Applicant will be required to demonstrate, in detail, how the design of the proposed subdivision meets the intent of the zone through details such as building materials, façade and landscaping.

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

The Subject Property is located in Darnestown, the westernmost portion of the 2002 *Potomac Subregion Master Plan*. It is in the semi-rural lower reach of the Seneca Creek Valley (page 94). The Master Plan makes recommendations for this area that are “designed to preserve, protect and enhance Darnestown’s unique residential and community character and to review major undeveloped sites for their potential to contribute to park land and open space.” The Master Plan calls for development patterns and density that provide a transition between the suburban areas to the east and the prime agriculture area to the west (page 94).

The proposed Seneca Farms community will develop under the standards of the Rural Cluster Zone (Optional Method Cluster), which requires that 60 percent of the subdivision be devoted to rural open space. The Preliminary Plan shows an area that slightly exceeds the 60 percent requirement which largely consists of wooded stream valleys and open pastures. This open space meets the recommendations of the Master Plan by protecting environmentally sensitive areas and providing additional open space in this largely rural section of the county. It will also contribute to the pattern of rural residential development interspersed with open space that contributes to the rural character of this part of Darnestown. As proposed, the Preliminary Plan substantially conforms to the recommendations within the Master Plan.

The Property is located on Seneca Road approximately 900 feet northeast of Springfield Road in the Darnestown/Potomac Area. Seneca Road is an Arterial Road (A-29) with two lanes and a master planned right-of-way of 80 feet. The Applicant proposes to dedicate 40 feet from the centerline of the road to comply with the Master Planned right-of-way width.

The 2005 Countywide Bikeways Functional Master Plan recommended bike lanes along Seneca Road and the 2018 Draft Bicycle Master Plan recommends bikeable shoulders. (The Planning Department’s old definition of bike lanes on arterial roads such as Seneca Road is very similar to our current definition of bikeable shoulders.) The Applicant is proposing to comply with these requirements by widening the roadway pavement for a five-foot wide shoulder along their frontage of Seneca Road. Insufficient Property frontage makes construction of a usable shoulder infeasible.

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

a. Roads and Other Transportation Facilities

Vehicular access is adequate to serve the proposed lots. However, Staff finds that pedestrian access is not adequate as shown on the Preliminary Plan. As conditioned, the Applicant is required to provide 5-foot wide sidewalks on both sides of the overlength cul-de-sac to provide adequate pedestrian circulation. While sidewalks are not typically required in this rural area with large lots, Staff makes an argument later in this report that sidewalks will be essential for safe pedestrian movement along this overlength cul-de-sac.

i. *Existing Facilities*

There are no existing bike facilities in the area of the Subject Property, no sidewalks along Seneca Road or other nearby residential streets, and there are no public transit routes that serve Seneca Road or the Subject Property.

ii. *Proposed public transportation infrastructure*

Access to the 27 single-family dwelling units will be provided by a new public open-section Tertiary Residential Street within a 74-foot wide dedicated right-of-way. The Applicant is proposing to eliminate sidewalks from the approved county roadway section (Standard MC-2001.03) for this Application since sidewalks are not required in the RC Zone. Staff and MCDOT (Attachment B) do not support removing the sidewalks from the public road because pedestrian safety along the new road could be compromised and pedestrian connectivity within the community would be inadequate. As conditioned, sidewalks on both sides of the road will improve pedestrian safety and connectivity within the subdivision along the road, and between the units and the pedestrian trail system that is being provided in the rural open space. The proposed network of pedestrian trails through the rural open space includes a loop trail of approximately 1.2 miles and two other access points to natural areas for passive recreation. Without sidewalks, Staff believes that the finding for safe, adequate and efficient pedestrian circulation will be difficult to achieve at the time of Site Plan. Further, the grant of an overlength cul-de-sac comes with a tradeoff of increased traffic speeds along the extended straight roadway length thereby increasing the need for a safe haven for pedestrians and young bicyclists. A discussion of the overlength cul-de-sac follows:

Chapter 50.4.3.E.2.e in the County Subdivision Code states the following:

The Board must not approve any road that does not connect to another road at its beginning and end, unless a determination is made that:

- i. a through road is infeasible due to a property's unusual shape, size, topography, environmentally sensitive areas, or the characteristics of abutting property;*
- ii. the road provides access to no more than 75 dwelling units;*
- iii. the road is properly terminated in a cul-de-sac or other turnaround; and*
- iv. the road is less than 500 feet in length, measured along its centerline to the nearest through street, unless the Board determines that a longer length is necessary because of the unusual shape, size, topography, or environmentally sensitive areas of the subdivision.*

The configuration of Property with limited frontage makes it infeasible to provide two points of access to adjacent roadways. All of the surrounding properties are developed and platted; none of the adjacent developments' roads were planned to extend or connect to the Subject Property. Road extensions to adjacent properties would require highly improbable acquisition of developed lots. Furthermore, given the unique natural features of the Property, any connection to adjacent property would require crossing environmentally sensitive features including riparian forest, streams and wetlands with considerable cost to construct bridges. Similarly, the Planning Board must also determine that a non-through road with a length longer than 500 feet is necessary because of any of the already stated reasons. This finding applies to this project as the new road is approximately 2,800 feet. Staff supports the proposed road configuration (non-through road and greater than 500 feet) due to the constrained site frontage on Seneca Road and environmental constraints both on the Property and adjacent properties.

Due to the length of this new public road, MCDOT is requiring the Applicant to install traffic calming measures, construct speed humps at a minimum 500 feet apart. Also, as requested

by Staff, the Applicant has worked with the abutting Property owners along Seneca Road to provide access to those properties off of the new public road. In order to provide access to the existing homes that abut the proposed road three outlots will be created and conveyed to the owners of the existing homes. The house on P547 (14505 Seneca Road) is currently accessed via driveway within proposed Outlot B and C. As part of this Application, the existing driveway will be removed and new access to the proposed road will be established for P547 and P603 (14511 Seneca Road). While the existing driveway access to 14431 Seneca Road on the north and 14511 Seneca Road to the south are to remain, the alternative driveway access to the new public road will improve safety for these homes should the residents choose to use the new driveways.

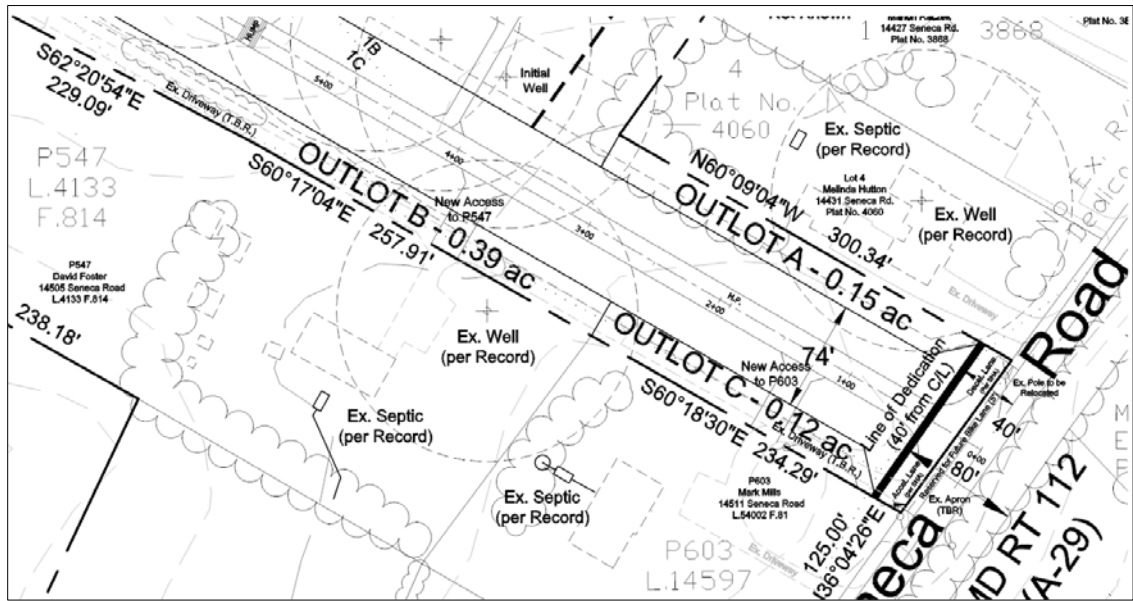


Figure 5: Outlots A-C

MDSHA Improvements

The Maryland State Highway Administration is requiring the Applicant to construct at least partial acceleration and deceleration lanes to connect Seneca Road to the proposed road per their Access Manual guidelines. While the Applicant is conforming to the extent that they can, the limited frontage of the Property means that the length of the accel/decel lanes not are not as long as normal (approximately 60 feet from centerline on either side, or 45 feet from the start of the curb assuming the MDSHA requested 30-foot public roadway entrance). In correspondence received on September 13, 2018, MDSHA accepted the modified accel/decel lanes (Attachment C). Staff will continue to work with the Applicant and MDSHA at Site Plan to see if they have any additional recommendations.

b. Local Area Transportation Review (LATR)

The Preliminary Plan was reviewed using the 2016-2020 Subdivision Staging Policy and associated 2017 Local Area Transportation Review Guidelines. The Application would generate 45 AM and 49 PM weekday peak hour person trips based on the ITE Trip Generation Manual, 9th Edition and adjusted for the Rural West policy area. Because the Application will generate less than 50-person trips, the LATR test is satisfied and a full traffic study is not required.

c. Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. On-site well and septic systems are proposed to serve each dwelling unit. The use of an on-site well and septic system is consistent with the existing W-6 and S-6 services categories designated for the Property. The Application has been reviewed by MCDPS – Well and Septic Section, which determined the proposed well and septic locations are acceptable as shown on the approved well and septic plan dated August 24, 2018 (Attachment D).

The Application has been reviewed by the MCDPS, Fire Code Enforcement Section, which determined that the Property has adequate access for fire and rescue vehicles as shown on the approved Fire Department Access Plan dated February 8, 2018 (Attachment E). All other public facilities and services are available and will be adequate to serve the existing and proposed building.

Overview and Applicable School Test

The Preliminary Plan Application is scheduled to come before the Planning Board for review on September 27, 2018, therefore the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018. The Application proposes development of 27 single family detached dwelling units on land with no existing dwelling units.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The subject property is located in the upcounty region of the County.

Per Unit Student Generation Rates – Upcounty Region

	Elementary School	Middle School	High School
SF Detached	0.214	0.123	0.168
SF Attached	0.251	0.116	0.151
MF Low- to Mid-Rise	0.204	0.074	0.099
MF High-Rise	0.074	0.031	0.037

With a net of 27 single family detached units, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	27	0.214	5.778	0.123	3.321	0.168	4.536
TOTAL	27		5		3		4

This project is estimated to generate 5 new elementary school students, 3 new middle school students, and 4 new high school students.

Cluster Adequacy Test

The project is located in the Northwest High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Northwest Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	3,955	3,894	101.6%	4,673	3,960
Middle	2,143	2,300	93.2%	2,761	2,146
High	2,423 ¹	2,241	108.1%	2,690	2,427

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. As indicated in the last column, the projected enrollment plus the estimated impact of this Application falls below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this Application.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Darnestown ES and Lakelands Park MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Darnestown ES	288	471	61.1%	+183	566	581	293
Lakelands Park MS	1,158	1,147	101.0%	-11	1,377	1,327	1,161

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.

¹ The projected cluster high school enrollment of 2,626 has been modified to reflect the estimated impact of a future boundary change that will reassign students from Northwest HS to Seneca Valley HS upon completion of the programmed revitalization/expansion project at Seneca Valley HS in September 2020.

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. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Darnestown ES and Lakelands Park MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this Application.

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this Application.

4. *The Subject Property is in compliance with all of the applicable requirements of the Forest Conservation Law including the tree variance.*

a. Environmental Guidelines

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420151280 for the Property was approved on May 26, 2017. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 60.3 acres of forest, including approximately 29.5 acres of forested stream valley buffer. Three tributary streams to Seneca Creek flow through the Property. The largest of the streams flows across the northwestern corner of the site and continues off-site in a southwestern direction along the western property boundary. The other two streams are first order streams that flow into the larger stream when they exit the site at the western property boundary. One of the streams originates off-site on an adjacent property located near the southeastern portion of the site. This stream flows in a western direction through on-site forest in the center of the Property before exiting the Property at the western property boundary. The third stream originates on-site within forest located in the southwestern portion of the Property. This stream flows in a western direction before exiting the Property at the western property boundary. In addition, there is a fourth stream that flows along the northern property boundary and while this stream is located off-site, portions of the associated stream buffer are located on the Property. There are no wetlands or 100-year floodplain on the Property. The Property includes highly erodible soils of the Brinklow-Blocktown channery silt loam association and steep slopes adjacent to the stream buffers. There are 77 trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, 38 of which are 30" DBH and greater.

Stream Buffer Variance Request

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* (January 2000) ("Environmental Guidelines"), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allows for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible.

The Application proposes to impact the stream buffer to provide a pedestrian access from the proposed development to the proposed Rural Open Space Area. There is an existing stream crossing

at this location that was used to access the agricultural field on the south side of the stream. The Application proposes to maintain this stream crossing to support a proposed natural surface pedestrian trail connection to the proposed Rural Open Space. This impact is highlighted below on Figure 6.

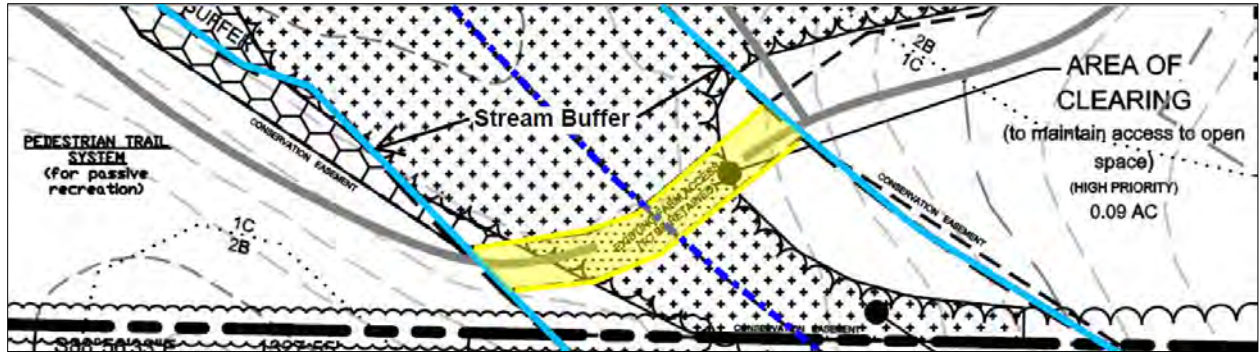


Figure 6. Stream Valley Buffer Encroachment (Yellow Area = 0.09 acres)

Section IV-A1(e) of the Environmental Guidelines includes five factors for consideration when evaluating proposed stream buffer encroachments:

1. *Reasonable alternatives for avoidance of the buffer are not available.*
The proposed disturbance within the stream buffer cannot be reasonably avoided. The proposed development is surrounded on three sides by stream valley. The development has made use of the cluster option to protect the majority of the stream valley. The proposed Rural Open Space is located in the southern portion of the Property, on the south side of the stream valley that crosses through the site. Staff believes that it is important to provide the new community with a stable access point where residents may cross the stream to enjoy the open space and believe this location is the most suitable.
2. *Encroachment into the buffer has been minimized.*
The Application limits the access across the stream to a pedestrian trail that is located at an existing stream crossing previously used to access agricultural fields. The Application has minimized the impacts to the stream buffer by using this existing stream crossing location and proposing only a pedestrian crossing as part of a trail system.
3. *Existing sensitive areas have been avoided (forest, wetlands and their state designated buffers, floodplain, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).*
The impacts to existing sensitive areas have been avoided to the greatest extent possible. There are no wetlands, 100-year floodplain, steep slopes, or known habitat for rare, threatened, and endangered species in the location of the proposed encroachment. The majority of the stream buffer will be protected in a Category I conservation easement, with the exception of this pedestrian stream crossing.
4. *The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tie-outs to existing grades, slope stabilizing BMPs, etc.).*

The area of the stream buffer where the pedestrian crossing is proposed and excluded from the conservation easement is an existing stream crossing. The proposed encroachment is minimal and this area will likely continue to function in the same manner as it does currently.

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

The proposed pedestrian crossing will not result in the loss of buffer function because there is an existing crossing in this location utilized to access agricultural fields. Where the Applicant proposes to maintain a stream crossing and exclude 0.09 acres of the buffer from the Category I conservation easement, Staff believes that the current functions provided within the buffer will remain. The proposed natural surface pedestrian trail will minimally impact the stream buffer. The Application proposes to reforest currently unforested portions of the stream buffer and provide additional protection through conservation easements, which will serve to enhance the overall functions of the stream buffer on the Property.

Therefore, Staff supports the Applicant's Stream Buffer Variance Request because encroachment has been minimized as much as possible, the encroachment will not result in a loss of buffer function and the development has taken advantage of the cluster method of development in order to preserve the majority of the environmentally sensitive land on the Property.

b. 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 Forest Conservation Plan ("FCP") for the project was submitted with the Preliminary Plan (Attachment F). The net tract area for forest conservation is 136.96 acres. The FCP includes 60.32 acres of existing forest located within and adjacent to the stream valley buffers. The Application proposes to retain 54.88 acres and remove 5.44 acres of forest. The retained forest will be protected in a Category I conservation easement. The proposed forest clearing generates a reforestation requirement of 10.88 acres. The Applicant proposes to meet the planting requirement on-site by planting forest in unforested portions of the stream buffer and areas immediately adjacent to stream buffers and existing forest to be retained. All of the retained and planted forest will be protected in Category I Conservation Easement.

The development is located in an agricultural and resource area and therefore must comply with Section 22A-12(f) of the Montgomery County Code. This section of the Code states that for developments in an agricultural and resource area, at a minimum, on-site forest retention must equal 25% of the net tract area. The Application proposes to retain 54.88 acres of on-site forest, or 40% of the 136.96-acre net tract area. Therefore, the Application has demonstrated compliance with this section of the Code.

c. Forest Conservation Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or

endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted, and mitigation be required.

Variance Request - The Applicant submitted a variance request in a letter dated August 1, 2018, for the impacts/removal of trees (Attachment G). The Applicant wishes to obtain a variance to remove seven (7) Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be removed are provided in Table 2 and shown graphically in Figures 7-8. The Applicant also proposes to impact, but not remove, six (6) Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be affected but retained are listed in Table 3 and shown graphically in Figures 8-10.

Table 2 - Protected Trees to be removed

Tree No.	Common Name	Botanical Name	Size (DBH)	Tree Condition	Location/Impacts
ST-4	Silver Maple	<i>Acer saccharinum</i>	36.6 inch	Moderate	Existing old homestead demolition; home construction
ST-5	Sycamore	<i>Platanus occidentalis</i>	34 inch	Moderate	New road, utility and home construction
ST-6	Silver Maple	<i>Acer saccharinum</i>	42 inch	Moderate	New road and home construction
ST-9	Silver Maple	<i>Acer saccharinum</i>	36 inch	Moderate – Poor	New road and home construction
ST-14	Red Maple	<i>Acer rubrum</i>	36 inch	Poor	Existing old homestead demolition, new road and home construction
ST-18	Tuliptree	<i>Liriodendron tulipifera</i>	42 inch	Poor	Septic field and SWM construction
ST-28	Tuliptree	<i>Liriodendron tulipifera</i>	34.7 inch	Moderate - Poor	Septic field construction

Table 3 - Protected Trees to be affected but retained

Tree No.	Common Name	Botanical Name	Size (DBH)	CRZ Impact	Tree Condition	Location
ST-1	Silver Maple	<i>Acer saccharinum</i>	45 inch	31%	Moderate	Offsite, access road construction
ST-2	Silver Maple	<i>Acer saccharinum</i>	40 inch	4%	Moderate	Offsite, access road construction
ST-15	Tuliptree	<i>Liriodendron tulipifera</i>	42.7 inch	10%	Poor	Septic field construction
ST-22	Tuliptree	<i>Liriodendron tulipifera</i>	32 inch	10%	Moderate – Poor	Septic field construction
ST-49	White Oak	<i>Quercus alba</i>	32.4 inch	10%	Moderate	Septic field construction
ST-75	Black Walnut	<i>Juglans nigra</i>	41.5 inch	28%	Moderate	Offsite, access road and utility construction

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the development requirements for the Property.



Figure 7: Variance Trees (4-6, 9 & 14) to be removed

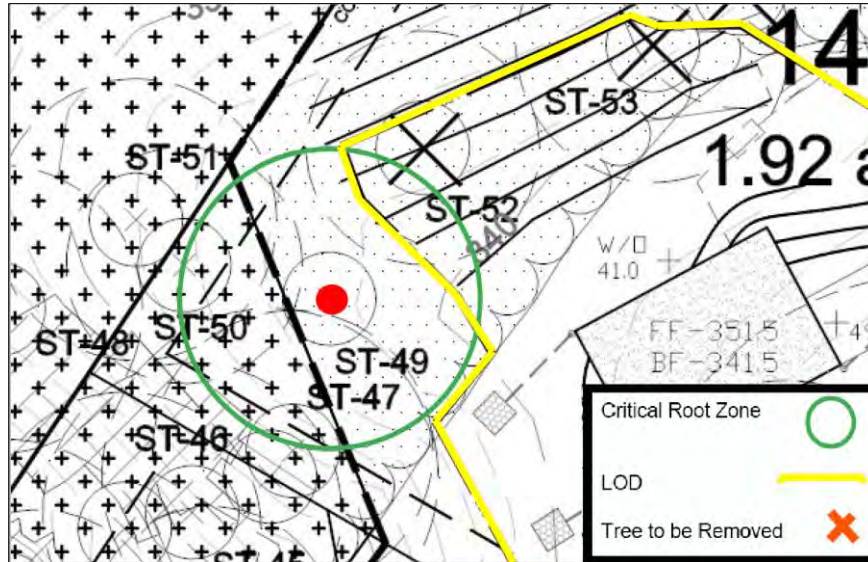


Figure 10: Variance Tree (49) to be impacted

The Property was previously in use for agriculture production and consists of agricultural fields and forest. Approximately 44% of the Property is forested. In addition, there are several streams and their associated buffers located on and immediately adjacent to the Property. The Applicant is utilizing the cluster method of development resulting in retention of 90% of the existing forest and protection of stream valley buffers. The development has been concentrated in the already disturbed, open agricultural fields along a rather narrow ridgeline deemed most appropriate for development purposes as opposed to the surrounding stream valleys. The Protected Trees are located within and on properties immediately adjacent to the Property. Three of the Protected Trees (ST-1, ST-2, and ST-75) are located on adjacent properties to the north and south, near the narrow frontage of the Property along Seneca Road. In order to provide an access road into the Property for any development application, these three Protected Trees would be impacted. The development is designed to avoid impacting environmentally sensitive areas, resulting in a layout located in the northern portion of the Property, in the areas already disturbed by previous agriculture use. The Protected Trees are located throughout the Property, including the primary developable area of the Property. Two of the Protected Trees (ST-4 and ST-14) are located near the existing ruins from an old homestead. These trees will be impacted as part of the removal of the ruins as well as the new development. The remaining trees subject to the variance request will be impacted by grading necessary to construct the one road designed to access the lots, the required stormwater management facilities to treat the development, and grading for the proposed homes and associated septic fields. The existing conditions are such that any application to develop this Property for the recommended use and density would result in the need for a tree variance. Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible. The number and location of the Protected Trees within the developable portions of the Property, and the development requirements create an unwarranted hardship. If the variance were not considered, the development anticipated on this Property would not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan:

Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. Protected Trees are located in the developable area of the Property, including along the narrow frontage along Seneca Road and the unforested areas outside of the stream buffers. In order to access the Property to develop it, a road will be constructed through this narrow frontage, resulting in impacts to Protected Trees. Additional Protected Trees that are located within the open, developable area of the Property will be impacted by the proposed construction. The development is utilizing the cluster method to avoid and minimize impacts to stream buffers and forest. The development requires construction of one road to access the lots, removal of the ruins of an existing homestead, and grading associated with required utilities, stormwater management, and septic fields to serve the development. There is no community sewer service to the Property, resulting in additional grading to provide septic fields for each lot. The requested removal of and impacts to Protected Trees are due to required improvements that would be necessary under any application for development of the Property, and disturbance within the anticipated developable area of the site. Any development considered for this Property would be faced with the same considerations. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

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

The variance will not violate State water quality standards or cause measurable degradation in water quality. None of the Protected Trees proposed for removal are located within the stream buffer. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter

dated December 8, 2017 (Attachment H). The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees – The seven trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the “forest clearing” calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as “forest clearing”, and the reforestation requirement of 10.88 acres will be met on-site, mitigating the functions provided by the loss of these trees. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist’s Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist as part of the review process. The County Arborist recommended that the variance be granted with mitigation in a letter dated July 12, 2018 (Attachment I).

Variance Recommendation – Staff recommends that the variance be granted with no additional mitigation as described above.

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 Section on December 8, 2017 (Attachment H). The Application will meet stormwater management goals through a variety of techniques including drywells, micro-bioretenion facilities, bio-swales, rain gardens and micro-infiltration trenches.

SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES

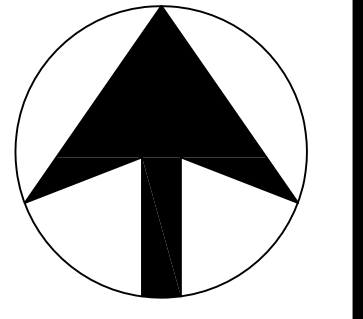
The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan was held on December 20, 2016 at the Darnestown Presbyterian Church to which 12 community members attended. The Applicant presented the Preliminary Plan and answered questions about Application. According to the meeting minutes (Attachment J) the Applicant addressed those questions.

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 *2002 Potomac Subregion 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.

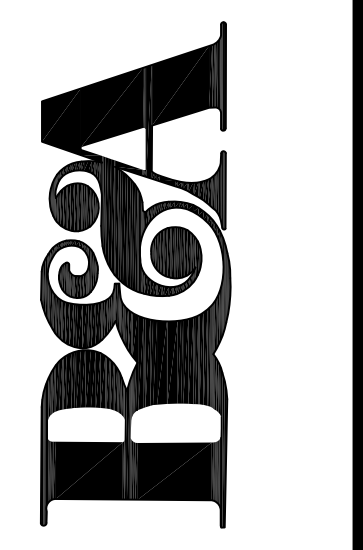
Attachments

Attachment A – Preliminary Plan
Attachment B – MCDOT
Attachment C – MDSHA
Attachment D – MCDPS Well & Septic
Attachment E – MCDPS Fire
Attachment F – Forest Conservation Plan
Attachment G – Variance Request
Attachment H – MCDPS Stormwater Management
Attachment I – County Arborist
Attachment J – Meeting Minutes

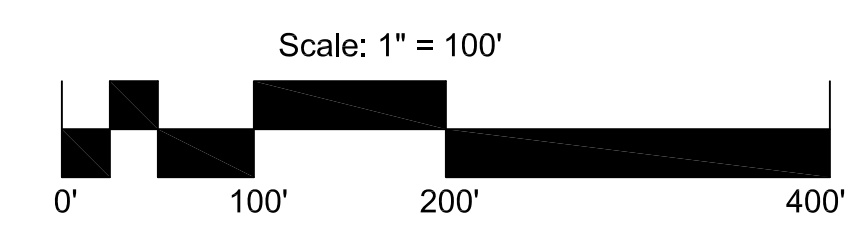


date: 02-17-17
scale: As Noted

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-0240

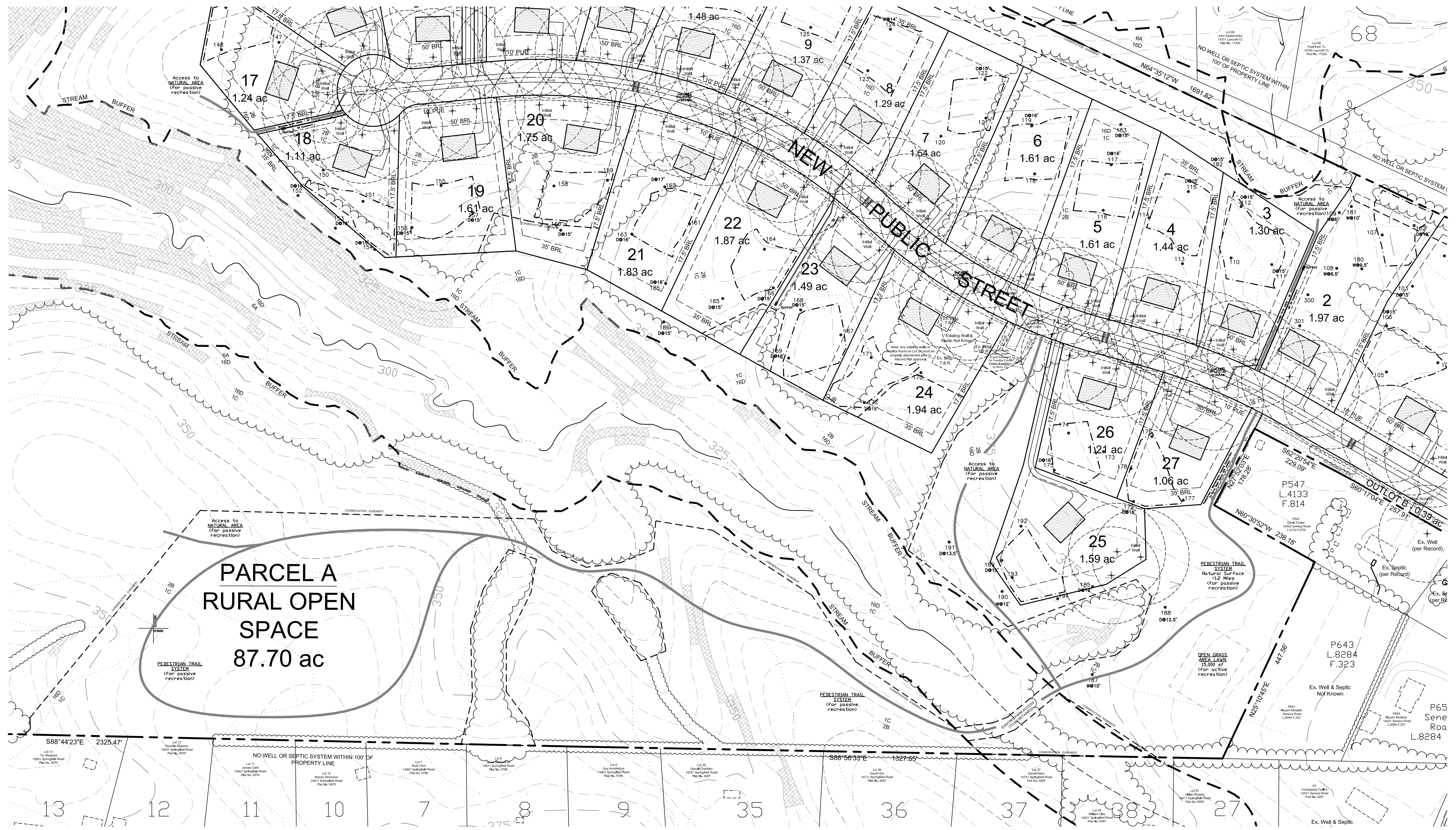


Preliminary Plan / Rural Open Space & Recreation
(M-NCPPC File #120170240)
SENECA FARMS
Montgomery County, Maryland



LEGEND:

- Proposed House with Proposed Garage
- Existing Buildings
- Proposed Septic
- Proposed Well/Existing Well
- Environmental Buffer
- Soil Series Divide
- Stream
- Canopy Coverage
- Percolation / Water Table Test Location
- Proposed Conservation Easement
- Steep Slopes (25% or >)
- Property Boundary
- Proposed Lot Line
- Building Restriction Line (BRL)
- Proposed Easement
- Existing Contour
- Proposed Storm Drain
- Centerline of Ex. / New Road
- Centerline Station of New Road
- New Pedestrian Trail
- Speed Hump



Recreation Notes:
Proposed recreation facilities on-site include the following:

- Pedestrian Trail System
- Natural Area (4 connections)
- Open Grass Area - Lawn (Large)

DETAIL VIEW: OPEN SPACE / RECREATION AREAS
1"=100'

Demand, Supply & Adequacy Report

Project Location Master Plan:
POTOMAC SUBREGION 2002

Proposed Residential Project - Units by Type and their Demand Points

Code	Housing Type	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Mid-Rise	Multiple-Family, 4 stories or less	0	0	0	0	0	0	0
Hi-Rise	Multiple-Family, 5 stories or more	0	0	0	0	0	0	0
TH	Townhouses and Single-Family attached	0	0	0	0	0	0	0
SFD	Single-Family Detached	27	4.05	9.45	9.45	7.29	19.71	3.78
Total Demand Points =		27	4.05	9.45	9.45	7.29	19.71	3.78

Existing Offsite Park Facilities and their Supply Points

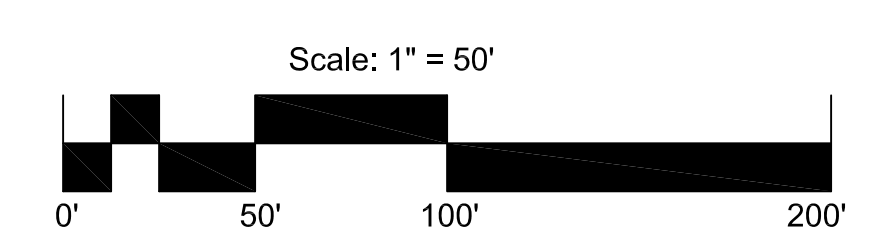
Park Facility	Quantity	Tots	Children	Teens	Young Adults	Adults	Seniors
Total Offsite Supply Points:	0	0	0	0	0	0	0
35% of Total Offsite Supply Points:	0	0	0	0	0	0	0
Max Allowed Pts (35% of Total Demand Pts):	1.42	3.31	3.31	3.55	6.90	1.32	0
Actual Assigned Offsite Supply Pts:	0	0	0	0	0	0	0

Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Pedestrian Connection - Trail System	1	0%	0.41	1.89	1.42	1.09	2.96	0.38
Open Grass Area - Lawn - Large (10,000 sf)	1	10.00%	6.62	9.90	15.50	22	16.50	6.62
Natural Area	1	10.00%	0.22	0.52	1.04	0.80	2.17	0.21
Total Onsite Supply Points =	3	10.00%	7.23	12.31	18.96	23.89	21.63	7.19

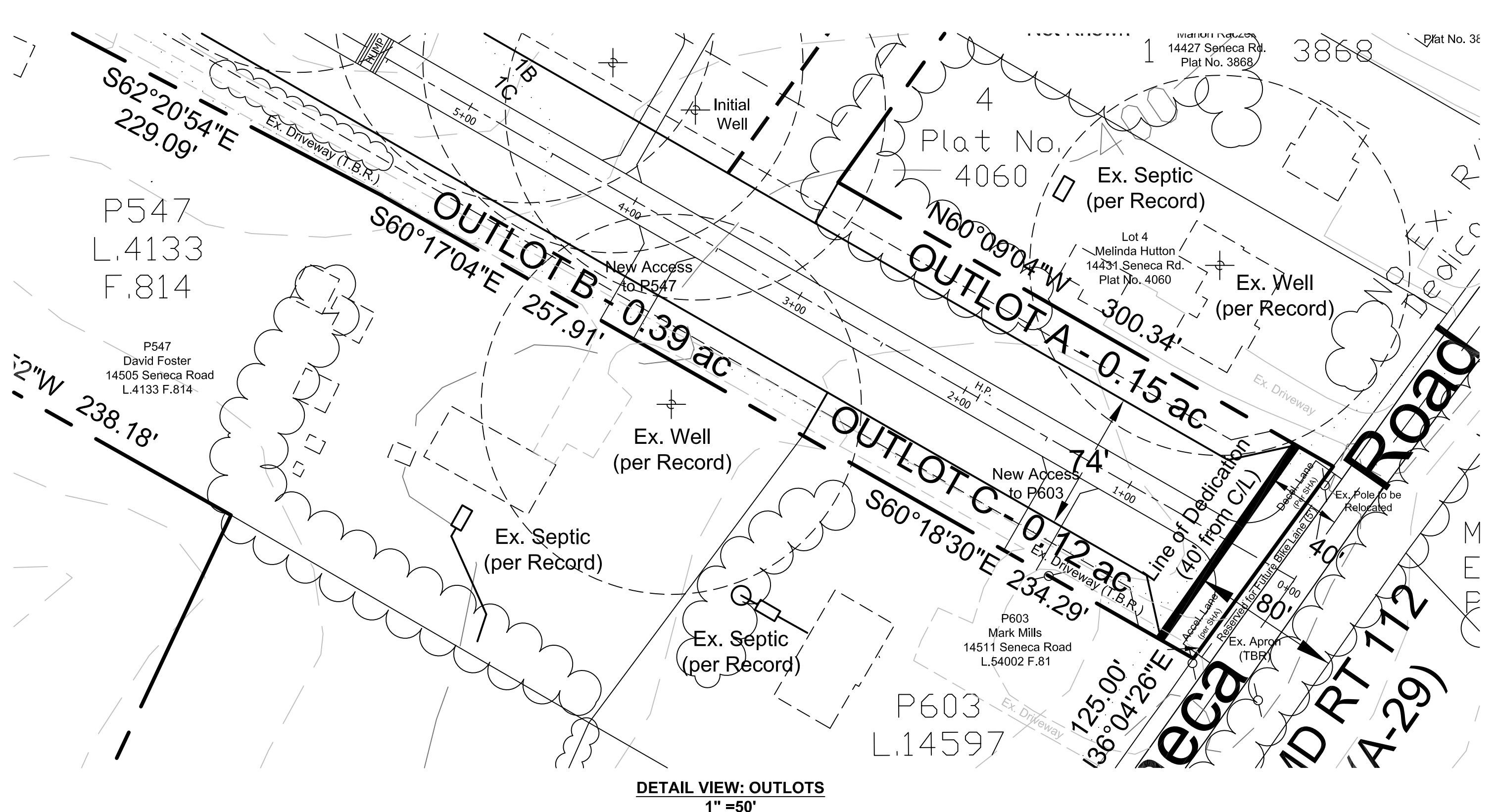
Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	4.05	0	7.23	7.23	Adequate
Children	9.45	0	12.31	12.31	Adequate
Teens	9.45	0	18.96	18.96	Adequate
Young Adults	7.29	0	23.89	23.89	Adequate
Adults	19.71	0	21.63	21.63	Adequate
Seniors	3.78	0	7.19	7.19	Adequate



Disposition of Outlots:

1. Outlot A is to be conveyed to owner of 14431 Seneca Road (Melinda Hutton) as agreed to in a letter dated 2/28/18. Developer to install a driveway apron from the new road across Outlot A to the property line of 14431 Seneca Road at a location to be determined. Direct driveway access from #14431 to Seneca Road is to be retained.
2. Outlot B is to be conveyed to owner of 14505 Seneca Road (David & Mary Foster) as agreed to in a letter dated 3/2/18. Developer to install a driveway apron from the new road as shown on the plan for access to the home at 14505 Seneca Road.
3. Outlot C is to be conveyed to the owner of 14511 Seneca Road upon acceptance. Developer to install a driveway apron from the new road as shown on the plan. Direct driveway access from #14511 to Seneca Road is to be retained.



DETAIL VIEW: OUTLOTS
1"=50'



Isiah Leggett
County Executive

Al R. Roshdieh
Director

DEPARTMENT OF TRANSPORTATION

September 12, 2018

Mr. Jonathan Casey, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120170240
Design Exception Package
Seneca Farms

Dear Mr. Casey:

We have completed our review of the revised preliminary plan uploaded on August 2, 2018 and the Design Exception Package dated June 15, 2018. A previous plan was reviewed by the Development Review Committee at its July 25, 2017, meeting. We appreciate the cooperation and additional information provided by the applicant and their consultant. We recommend conditional approval of the plan subject to the following comments which are to be resolved prior to Certified Preliminary Plan:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Design Exception Package

1. **Modify MCDOT Standard. No. MC-2001.03 to eliminate sidewalk on both sides of the street.** MCDOT Standard No. MC-2001.03 is an open-section, tertiary road with a 74-foot right-of-way, two 10-foot travel lanes and sidewalks on both sides of the street. The applicant proposes a modification to the standard to eliminate the sidewalks on both sides of the street. Per Section 49-33(e) of the Montgomery County Code, sidewalks along a public road are not required:

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

- (A) *In front of a lot that is larger than 25,000 square feet for a single-family detached dwelling unit in a rural zone;*
- (B) *On any roadway classified as exceptional rustic, rustic, country arterial, or country road;*
- (C) *On a tertiary residential street if the Planning Board finds that a sidewalk is unnecessary for pedestrian movement; or*
- (D) *On a tertiary residential street where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.*

MCDOT Response: MCDOT supports Planning staff's recommendation to keep the sidewalks on both sides of the street. Planning staff has stated that sidewalks on both sides of the road will improve pedestrian safety and connectivity within the subdivision. Sidewalks are necessary for safe pedestrian movement along the road, and adequate connectivity between the homes and the pedestrian trail system that is being provided in the rural open space.

Design Exception Needed but not Requested

2. **The proposed use of an open-section vs. closed section street.** The applicant is proposing MCDOT Standard No. MC-2001.03 open-section, tertiary street rather than MCDOT Standard No. MC-2001.02 closed-section, tertiary street.

MCDOT Response: Section 49-32(a) states *"If the Board, in approving a subdivision or site plan, finds that a waiver from any applicable design standard is necessary to promote context-sensitive design of a specific road, the Executive or Executive's designee must adopt the Board's recommendation ..."* Also, Section 49-33(a) states *"If alternative standards and specifications are allowed in Section 49-32, any one alternative may be selected by the applicant for permit, subject to the approval of the Director of Permitting Services..."* MCDOT recommends the Planning Board **approve** the request to use MCDOT Standard No. MC-2001.03 open-section, tertiary street.

Significant Preliminary Plan Comments

1. The proposed, residential street is longer than 1,000 feet. Therefore, in accordance with Section 49-30 of the Montgomery County Code, the applicant will need to install traffic calming measures.

2. Preliminary Plan Review Comments

3. We defer to the Maryland State Highway Administration for all access and improvements to Seneca Road (MD 112).

4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
6. Wells and septic systems cannot be located within the right-of-way or the slope and drainage easements.
7. Relocation of utilities along the existing road to accommodate required roadway improvements, if necessary, is the responsibility of the applicant.
8. The storm drain study is acceptable. No improvements to the downstream system are required by this development.
9. 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. Street grading, paving, sidewalks, traffic calming measures, storm drainage & appurtenances, and street trees along the internal, public street.

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

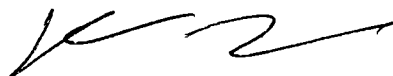
- B. Relocation of utilities along the existing road to accommodate the required roadway improvements shall be the responsibility of the applicant.
- C. Storm drain easement(s) are required prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the DPS and a recorded Maintenance and Liability Agreement.
- D. Provide permanent monuments and property line markers as required by Section 50-24(e) of the Subdivision Regulations.
- E. 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.

Mr. Jonathan Casey
120170240 Seneca Farms
Preliminary Plan Review
September 12, 2018
Page 4

- F. The developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. The developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Whelan, our Development Review Engineer for this project, at william.whelan@montgomerycountymd.gov.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

cc: Kathy Jamison, Seneca Farms LLC
David McKee, Benning & Associates
Letters notebook

cc-e: Sandra Pereira, M-NCP&PC Area 3
Laura Hodgson, M-NCP&PC Area 3
Kwesi Woodroffe, MDSHA-District 3
Sam Farhadi, MCDOT RWPR

Casey, Jonathan

From: David McKee <dmckee@benninglandplan.com>
Sent: Thursday, September 13, 2018 8:59 AM
To: kwoodroffe
Cc: Jim Clifford; Casey, Jonathan; Hodgson, Laura; Erica Rigby; Derek Gunn
Subject: Re: Seneca Farms (MNCPPC 120170240)

Thank you Kwesi!

Thanks,
Dave

David W. McKee
Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
(301)948-0241 fax

On Wed, Sep 12, 2018 at 1:48 PM, Kwesi Woodroffe <kwoodroffe@sha.state.md.us> wrote:

My apologies for not responding sooner.

In light of the narrow right of way width for the subject proposed development, I am okay with the reduced accel./decel. lanes shown, pending a more thorough review of detailed engineering plans. At that time, a final decision will be made on the required frontage improvements.

Kwesi Woodroffe

Maryland Department of Transportation

State Highway Administration

District 3 Access Management

Regional Engineer

9300 Kenilworth Avenue, Greenbelt, MD

301-513-7347

KWoodroffe@sha.state.md.us

From: David McKee <dmckee@benninglandplan.com>
Sent: Wednesday, September 12, 2018 1:39 PM
To: Kwesi Woodroffe <kwoodroffe@sha.state.md.us>
Cc: Jim Clifford <JClifford@debelius.com>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>
Subject: Seneca Farms (MNCPPC 120170240)

Kwesi,

The Preliminary Plan for this project is scheduled to go before the Planning Board on 9/27. Jonathan Casey (copied here) from MNCPPC is preparing his report to be presented to the Board. He asked me to contact you to obtain your feedback about what we have proposed for the intersection of the new road with Seneca Road.

Your only official comment on this project provided in Eplans in 2017 referred back to the attached letter from 2015. We understand that our next step with SHA is to submit a roadway improvement plan to the District 3 office for permit review. This will occur after the Preliminary Plan is approved.

The current plan (attached) proposes limited acceleration and deceleration lanes across the site frontage. The State does not own right-of-way on either side of the subject property and so we are unable to propose additional lanes at this time. This is similar to the project in Damascus (Ridgeview) where we met on-site recently to discuss the same circumstance. Ridgeview is at the Record Plat / permit stage and we came to an agreement with you for limited frontage improvements based upon the available right-of-way.

Please take a look at the attached plans which are also available through Eplans at the MNCPPC portal. Jonathan is requesting acknowledgement from you that SHA can accept the reduced lanes due to the limited frontage. An email response from you on this matter would be greatly appreciated as soon as possible so that Jonathan can complete his report.

Thanks,

Dave

David W. McKee

Benning & Associates, Inc.

Land Planning Consultants

8933 Shady Grove Court

Gaithersburg, MD 20877

(301)948-0240

(301)948-0241 fax



DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett
County Executive

Diane Schwartz Jones
Director

MEMORANDUM

August 24th, 2018

TO: Neil Braunstein
Development Review
Maryland National Capital Park and Planning Commission

FROM: Heidi Benham, Manager 
Well and Septic Section
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: Seneca Farms
120170240

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on August 17th, 2018.

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. The record plat must show the septic reserve areas as it is shown on this plan.
3. Any existing wells or septic systems found on lot 24 must be properly abandoned prior to record plat approval.

If you have any questions, please contact Heidi Benham at (240) 777-6318.



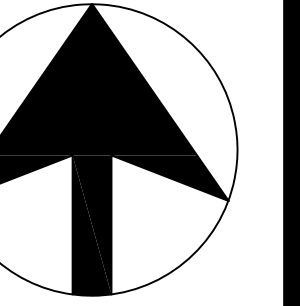
Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 08-Feb-18
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Seneca Farms
120170240

PLAN APPROVED

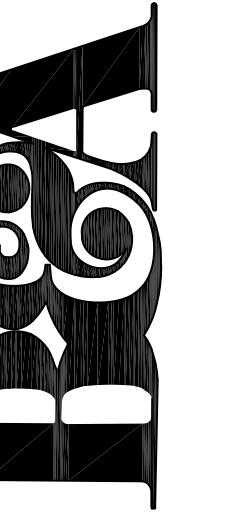
1. Review based only upon information contained on the plan submitted **08-Feb-18** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Rev. 8/01/18

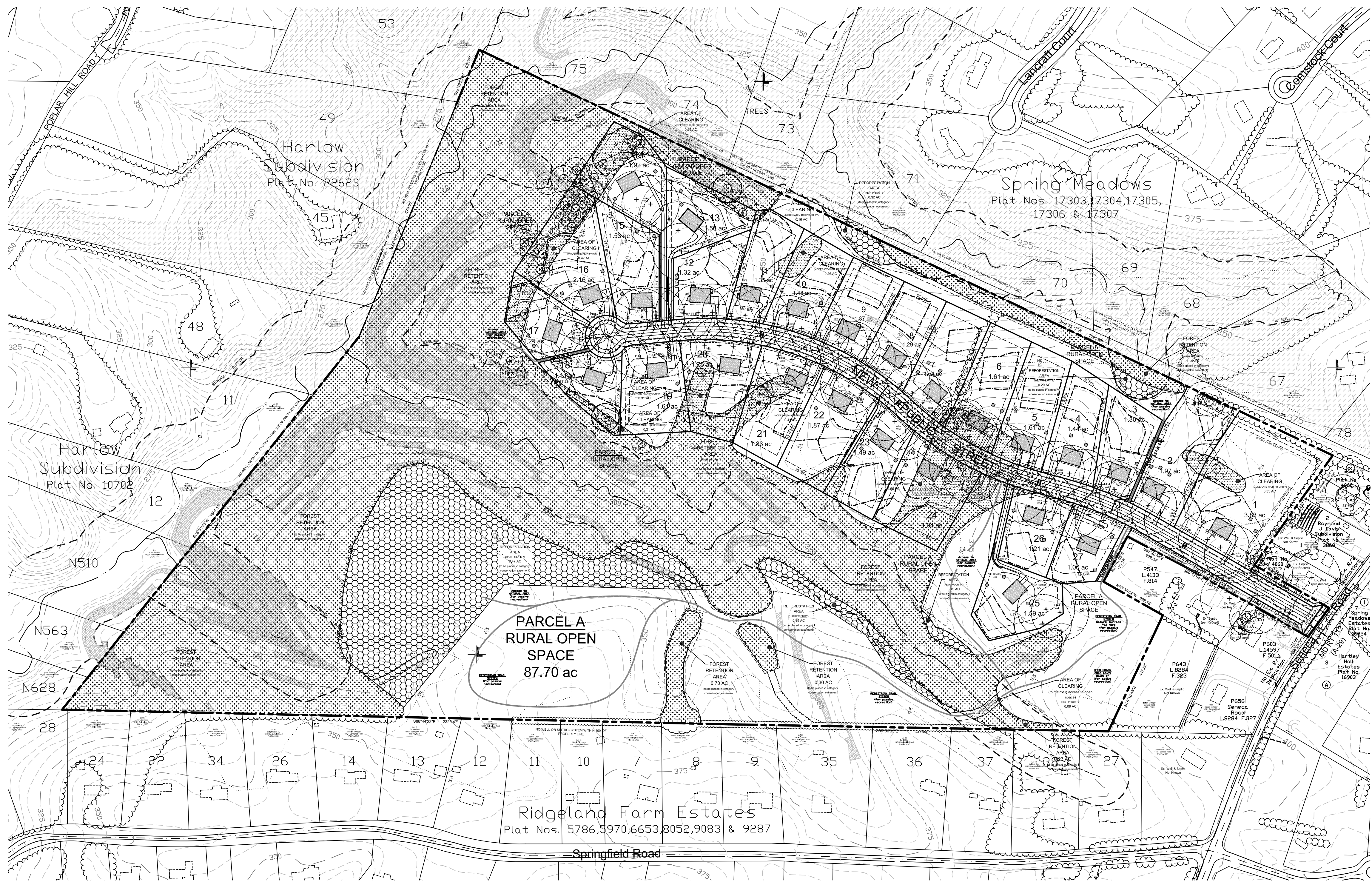


date: 02-17-17
scale: 1" = 200'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-6246



Preliminary Forest Conservation Plan
SENECA FARMS
Montgomery County, Maryland



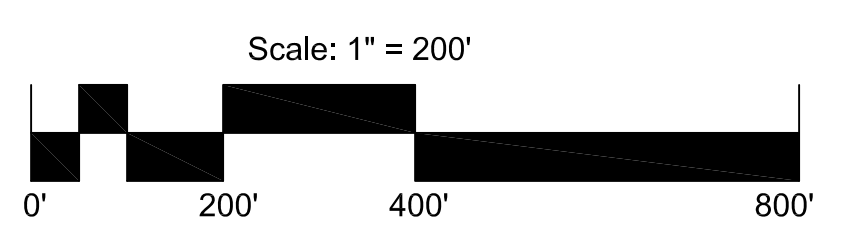
- NOTES:
- Total area of project - 136.96 ac
 - Total number of lots permitted in the RC Zone - 27
 - No. of lots proposed by this plan - 27
 - No. of proposed outlots - 3
 - Method of Development Proposed - Cluster
 - Area to be dedicated to streets by this plan - 5.14 ac
 - New public street is open-section tertiary with 74' of right-of-way width and 20' of pavement.
 - Total rural open space required (@60%) - 82.17 ac
 - Rural open space shown - 87.70 ac (Parcel A)
 - Property is located in the Lower Great Seneca Creek watershed and the Muddy Branch watershed. Both watersheds are Use Class I-P.
 - Existing sewer and water service categories: S-6, W-6
 - Lots to be served by on-site wells and septic systems.
 - Lots of Ridgeland Farm Estates Subdivision abutting property have existing well and septic beyond 100' from proposed lots.
 - Any existing wells or septic systems found on Lot 24 must be properly abandoned prior to record plat approval.
 - Utilities as available: Washington Gas, Verizon, Potomac Edison
 - Boundary survey by: Thomas A. Maddox, Professional Land Surveyor; February 2017.
 - The subject property is not located in a Special Protection Area.
 - Property is located on WSSC Grid Sheets 219MW14 & 219NW15; Tax Maps DR563 & ER123.
 - This project will be developed in one stage.

LEGEND:

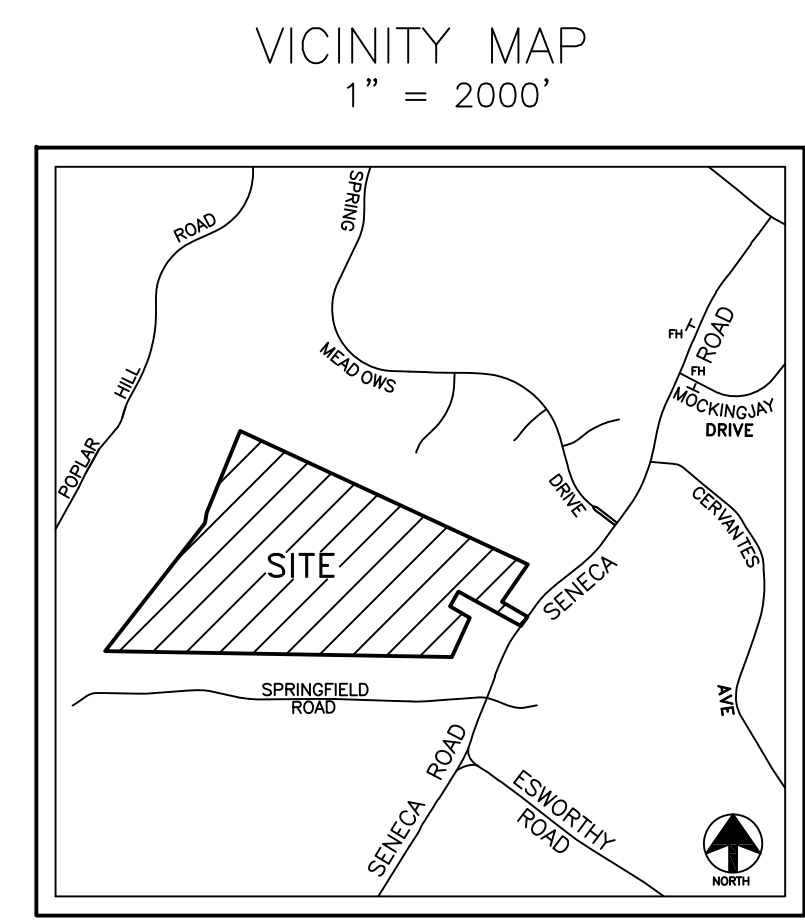
- Proposed House
- Existing Buildings
- Proposed Septic Area
- Ex. / Proposed Well
- Environmental Buffer
- Soil Series Divide
- Side Ditch
- Boundary Line
- Canopy Coverage
- Steep Slopes (25% or >)
- SWM Drywell
- Microbioretention
- Limit-of-Disturbance
- Conceptual Grading
- Forest Retention Area
- Forest Clearing
- Reforestation / Afforestation
- Significant / Specimen Tree w/ Critical Root Zone
- Tree To Be Removed
- Category I Forest Conservation Easement
- Ex. Off-Site Conservation Easement Area
- Speed Hump

FOREST CONSERVATION WORKSHEET
Seneca Farms

NET TRACT AREA:						
A. Total tract area ...					136.96	
B. Land dedication acres (parks, county facility, etc.) ...					0.00	
C. Land dedication for roads or utilities (not being constructed by this plan) ...					0.00	
D. Area to remain in commercial agricultural production/use ...					0.00	
E. Other deductions (specify) ...					0.00	
F. Net Tract Area ...					136.96	
LAND USE CATEGORY: (from Trees Technical Manual)						
Input the number "1" under the appropriate land use, limit to only one entry.						
	ARA	MDR	IDA	HDR	MPD	CIA
	1.00	0.00	0.00	0.00	0.00	0.00
G. Afforestation Threshold ...					0.20 x F =	27.39
H. Conservation Threshold ...					0.50 x F =	68.48
EXISTING FOREST COVER:						
I. Existing forest cover ...						60.32
J. Area of forest above afforestation threshold ...						32.93
K. Area of forest above conservation threshold ...						0.00
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation ...						0.00
M. Clearing permitted without mitigation ...						0.00
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared ...						5.44
O. Total area of forest to be retained ...						54.88
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold ...						0.00
Q. Reforestation for clearing below conservation threshold ...						10.88
R. Credit for retention above conservation threshold ...						0.00
S. Total reforestation required ...						10.88
T. Total afforestation required ...						0.00
U. Credit for landscaping (may not exceed 20% of "S") ...						0.00
V. Total reforestation and afforestation required ...						10.88



Source of Topography
The five-foot contour interval topography shown hereon was obtained from the Montgomery County Planning Department.



PREPARED FOR:
Seneca Farms, LLC
6028 Dickerson Road
Dickerson, MD 20842
(301) 831-1024

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 Phone: 301-948-0240
 Fax: 301-948-0241
 E-mail: dmckee@benninglandplan.com

To: Mr. Richard Weaver, Area 3 Chief / M-NCPPC
 From: David W. McKee
 Date: Revised 08/01/18
 Re: Seneca Farms (120170240)

Dear Mr. Weaver,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, I am writing to request a variance from provisions of Chapter 22 as it applies to this project. Specifically, a variance is required in order to impact or remove several trees which are 30 inches or greater in diameter.

The trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project. A total of 13 trees which measure 30 inches or greater are proposed to be removed or impacted. The trees requiring a variance are as follows:

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-1	Acer saccharinum	Silver Maple	45"	Moderate	31%	Retain (Off-site)
ST-2	Acer saccharinum	Silver Maple	40"	Moderate	4%	Retain (Off-site)
ST-4	Acer saccharinum	Silver Maple	36.6"	Moderate	100%	Remove
ST-5	Platanus occidentalis	Sycamore	34"	Moderate	100%	Remove
ST-6	Acer saccharinum	Silver Maple	42"	Moderate	100%	Remove

ST-9	Acer saccharinum	Silver Maple	36"	Moderate-Poor	100%	Remove
ST-14	Acer rubrum	Red Maple	36"	Poor	100%	Remove
ST-15	Liriodendron tulipifera	Tulip Poplar	42.7"	Poor	10%	Retain / Monitor
ST-18	Liriodendron tulipifera	Tulip Poplar	42"	Poor	40%	Remove
ST-22	Liriodendron tulipifera	Tulip Poplar	32"	Moderate-Poor	10%	Retain
ST-28	Liriodendron tulipifera	Tulip Poplar	34.7"	Moderate-Poor	42%	Remove
ST-49	Quercus alba	White Oak	32.4"	Moderate	10%	Retain
ST-75	Juglans nigra	Black Walnut	41.5"	Moderate	28%	Retain (Off-site)

The subject property is proposed to be developed using the cluster option of the RC zone. By using the cluster option, the majority of existing forest and specimen trees will be retained in open space areas and conservation easements. Most of the area to be developed is open land which has been farmed where no tree impacts or forest clearing will occur. The impacts which are proposed to occur are along the edge of farm fields where large trees exist, in the area of the former homestead where ruins of an old farmhouse and barns still exist, and the area near Seneca Road where the only possible access to the site impacts trees on neighboring properties which are in close proximity to boundary lines. No neighbor trees are proposed to be removed.

Specific impacts the each of the 13 trees included in this variance request are as follows:

ST-1, a 45" Silver Maple, is located off-site on an adjoining property near Seneca Road. The tree will be impacted by grading and construction of a new public road. Impacts to this tree cannot be avoided if the site is to be developed. Since grading within the CRZ of this tree is limited and since utilities can be installed by directional boring within the root zone, the tree is proposed to be retained.

ST-2, a 40" Silver Maple, is located on the adjoining property near Seneca Road and near ST-1. The tree will be impacted by grading and construction of a new public road. However, the impacts are very slight and the tree is shown to be retained.

ST-4, a 36.6" Silver Maple, is located on the property in the area of the old homestead. The tree will be severely impacted demolition of the existing buildings nearby and by new home construction. The tree is proposed to be removed.

ST-5, a 34" Sycamore, will be impacted by construction of a new road and adjacent public utilities, demolition of old buildings, and grading for a new home. The tree is proposed to be removed due to the severity of impacts and poor condition.

ST-6, a 42" Silver Maple, is located within the limits of a new lot and within the footprint of a future planned home. Alternative house placement on this lot was considered but the tree would still be impacted by grading required to construct the new road. Due to the severity of impacts, the tree is proposed to be removed.

ST-9, a 36" Silver Maple, is located within the limits of a new lot and within the footprint of a future planned home. Alternative house placement on this lot was considered but the tree would still be impacted by grading required to construct the new road. Due to the severity of impacts, the tree is proposed to be removed.

ST-14, a 36" Red Maple in poor condition, is located in the area of the old homestead and in close proximity to the location of the new public street. The tree will be severely impacted by construction activities for the road, demolition of nearby buildings, and new home construction. The tree is proposed to be removed.

ST-15, a 42.7" Tulip Poplar in poor condition, is located in natural drainage-way which is currently forested. The tree will receive minor impacts from the installation of a new septic system drainfield. The tree is proposed to be retained but should be monitored due to its poor condition.

ST-18, a 42" Tulip Poplar in poor condition, is located in close proximity to a new planned home. The tree will be impacted by minor grading and installation of a septic system and stormwater drywell. The tree is proposed to be removed due to its poor condition and close proximity to the new home.

ST-22, a 30.3" Tulip Poplar, is located along the edge of existing forest within the limits of a new lot. The tree will receive minor impacts from the installation of a new septic system drainfield. The tree is proposed to be retained.

ST-28, a 34.7" Tulip Poplar, is located along the edge of existing forest within the limits of a proposed new lot. The tree will be severely impacted by the installation of new septic trenches. The tree is proposed to be removed.

ST-49, a 32.4" White Oak, is located along the edge of existing forest within the limits of a proposed new lot. The tree will receive minor impacts from the installation of a new septic system drainfield. The tree is proposed to be retained.

ST-75, a 41.5" Black Walnut, is located off-site on an adjoining property near Seneca Road. The tree will be impacted by grading and construction of a new public road and utilities. Since grading within the CRZ of this tree is limited and since utilities can be installed by directional boring within the root zone, the tree is proposed to be retained.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardships should the variance not be approved. The property has limited frontage and one point of access. Impacts to several trees located on adjoining properties cannot be avoided. If the variance was not approved for impacts to these trees, the property could not be developed. In addition, the site has large areas of forest and environmentally sensitive areas and these areas contain mature forest and many specimen trees. Development of the site has been carefully planned to avoid these area but developing only the northern portion of the site most accessible from the road. This area is mostly upland open farmland. However, large trees in the area of the old farm homestead and along forest edges are within the upland area. Impacts to these trees are necessary to avoid developing other areas of the site.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. As noted above, this site cannot be developed without the requested variance. The property has been planned to meet all zoning, Master Plan, and site specific conditions including the protection of environmentally sensitive areas and the majority of forest on the site.

The granting of a variance to remove specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. On the contrary, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area for retention of forest and protection of environmentally sensitive areas. Furthermore, the project has been planned to comply with the latest State and County stormwater management requirements. The project will provide environmental site design (ESD) techniques as called for in the Master Plan.

In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

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

4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the RC zone.

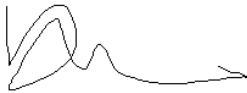
This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The property is unimproved and is only proposed to be developed in accordance with zoning regulations.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area for protection of streams an forest. Environmental site design (ESD) techniques will be utilized for the areas to be developed.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. McKee', with a stylized flourish at the end.

David W. McKee



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

December 8, 2017

Mr. David McKee
Benning & Associates, Inc.
8933 Shady Grove Ct.
Gaithersburg, Maryland 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Seneca Farms
Preliminary Plan #: 120170240
SM File #: 282740
Tract Size/Zone: 136.96 Ac. /RC
Total Concept Area: 136.96 Ac.
Lots/Block: 27 lots and 2 outlots proposed
Parcel: P550
Watershed: Great Seneca Creek

Dear: Mr. McKee

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 ESD practices which include drywells, micro-bioretenion facilities, bio-swales, rain gardens and micro-infiltration trenches.

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. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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

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



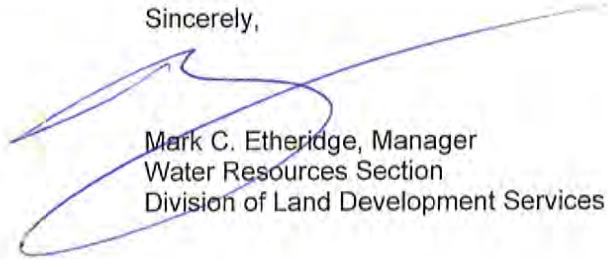
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. David McKee
December 8, 2017
Page 2 of 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 Mike Geier at 240-777-6342.

Sincerely,



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

MCE: CN282740 Seneca Farms.mjg

cc: N. Braunstein
SM File # 282740

ESD: Required/Provided Varies cf. / Varies cf.
PE: Target/Achieved: 1.0"/1.0 for lots, 1.6"/1.6 for R.O.W.
STRUCTURAL: 0 cf.
WAIVED: 0 ac.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Patty Bubar
Acting Director

July 12, 2018

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

RE: Seneca Farms, ePlan 120170240, NRI/FSD application accepted on 2/14/2017

Dear Mr. Anderson:

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

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

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

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

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

Mr. Anderson
July 12, 2018
Page 2 of 2

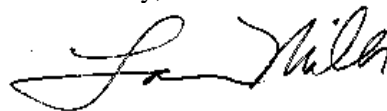
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

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

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

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

Sincerely,



Laura Miller
County Arborist

cc: Mary Jo Kisther, Senior Planner

MINUTES OF THE PRE-SUBMISSION COMMUNITY MEETING

SENECA FARMS

Tuesday, December 20, 2016

The following is a summary of the pre-submission community meeting held on the evening of Tuesday, December 20, 2016. The meeting was held in the fellowship hall of the Darnestown Presbyterian Church located at 15120 Turkey Foot Road in Darnestown. The meeting was held in connection with a proposed application for Preliminary Plan of Subdivision for the property known as Seneca Farms located along Seneca Road in the area of Darnestown.

1. The meeting started at approximately 7:00 pm.
2. Representatives in attendance on behalf of the applicant included:
 - a. James R. Clifford, Sr. (project attorney)
 - b. David McKee of Benning & Associates (land planner)
3. In addition, 12 community members attended the meeting according to the sign-in sheet.
4. The meeting progressed as follows:
 - a. Mr. Clifford opened the meeting by explaining the meeting is part of the process of submitting a plan to subdivide property. Mr. Clifford also stated that an earlier meeting had been held on the 22nd of September, 2016 with members of the Darnestown Civic Association and invitees to that meeting. Mr. Clifford explained that some changes to the plan has occurred since the September meeting in response to comments from adjoining property owners in attendance. A proposed lot located in the northeast corner of the site was taken off the plan and moved and a scenic easement was added to the plan for the benefit of adjoining neighbors.
 - b. Mr. Clifford went on to describe what was being proposed on the plan. Lot sizes were discussed along with the requirement for a large area of permanent open space. Access to the site was talked about in relationship to adjoining properties along Seneca Road.

- c. The purpose and use of the open space area was discussed including the possibility of trails in the open space.
5. The following is a summary of questions / comments brought forth at the meeting by those in attendance:
 - a) Mr. Clifford asked the owner of P547 in attendance if she would want to abandon her existing driveway currently on the subject property and connect to the new road. The neighbor did not indicate a preference.
 - the plan has been prepared to indicate abandonment of the old driveway and use of the new road for access to P547
 - b) There were questions about the use of septic systems on the property. Some neighbors questioned whether the soil was suitable for septic based upon rumors about failed percolation tests in the past.
 - in response to this question, it was explained that soils tests have been conducted by the County's Well & Septic office on each of the lots and the results were very good except for one area on one lot where high a high water table was found; the plan was adjusted in response to the findings on this one lot; Mr. McKee explained that the soils here were much better than most other areas around the County based upon his 25+ years of experience with septic projects
 - c) Neighbors expressed concern that 27 new wells would affect the wells on their properties.
 - neighbors were directed to discuss their concerns with the County's Well & Septic Section of MCDPS; it was explained that the new wells likely be installed deeper than older wells; neighbors did not indicate having problems with wells running dry
 - d) The DCA would like trails in the open space for the local public at-large. Members of the DCA mentioned that they would walk the property and make suggestions on where trails could be located. The matter of not being able to walk from the area to Darnestown Road was discussed since there are no sidewalks along Seneca Road. Some members of the community mentioned the desire to

walk from Springfield Road south of the site through the property to Spring Meadows in order to ultimately reach the commercial area of Darnestown.

- Mr. McKee subsequently attempted to meet community members at the site to walk the property but the meeting was canceled due to inclement weather; community members later walked the property and a map showing proposed trails in the open space was provided for discussion; this matter is still being discussed but the applicant is open to providing access for trails on the site
- e) Regarding the open space, questions about the types of activities allowed were discussed.
- It was discussed that this could be up to the community but the area would most likely be for passive recreation and protection of forest and streams. No motorized vehicles would be allowed and any trails would be public use trails intended for the 27 lots and neighbors in the immediate area.
- f) Access to the site and concerns with sight distance were discussed since all 27 lots would be using the same point of access from Seneca Road.
- Mr. McKee mentioned that the sight distance would be checked and any improvements as directed by the State would be accomplished to provide safe and adequate access to and from the site; the matter of acceleration and deceleration was discussed but opportunities for this are limited by the small area of frontage and lack of dedicated right-of-way in front of adjoining properties
- g) The relationship of proposed lot sizes to larger lots in Spring Meadows was discussed.
- The standards of the Rural Cluster zone were explained including the provision of smaller lots if a large area of open space is provided. The use of cluster in this case with smaller lots provided for the protection of on-site streams and forest within a common open space parcel

6. At the meeting, there were no specific objections raised to the planned subdivision development. Neighbors in attendance seemed mostly interested in finding out what was being planned and did not voice support or objection to the project.
7. The meeting was adjourned at approximately 8:00 pm.

Minutes submitted by:
David McKee, Benning & Associates

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241
E-mail: dmckee@benninglandplan.com

To: Neighboring Property Owner or Other Interested Party
From: David W. McKee
Date: 12/9/16
Re: Notice of Pre-Submission Meeting for Seneca Farms

To whom it may concern:

You are hereby invited to attend a pre-submission meeting to be held in the Fellowship Hall of the Darnestown Presbyterian Church located at 15120 Turkey Foot Road, Darnestown, Maryland on the 20th of December from 7:00 pm to 8:00 pm. The purpose of the meeting is to explain the proposed project, answer questions, and to notify attendees of their right to participate in the review process.

The subject property consists of approximately 136.67 acres of land which is zoned RC. This property is proposed for subdivision into twenty-seven (27) lots. As an interested party, you will receive a notice and copy of the plan when the subdivision application has been filed, and you will receive a notice from the Maryland National Capital Park & Planning Commission when a public hearing has been scheduled.

A map showing the location of the proposed project is enclosed for your reference. If you have any questions related to this matter, please feel free to give me a call. Please RSVP to my office at (301)948-0240 if you plan to attend the pre-submission meeting.

Sincerely,

David W. McKee

SIGN IN SHEET: (Name, Address, Etc.)

Henry F. Mohan (Long & Foster) 4733 Bethesda Avenue, Bethesda

Ruth Choi 14901 Springfield Road

Priscilla Rippeon 14931 Springfield Road

Jay Wallace 15211 Springfield Road

Mike McConnell 14419 Seneca Road

Cliff & Lorice Frost 14706 Spring Meadow Drive

Melinda Hutton 14431 Seneca Road

C.O. Collins 14601 Springfield Road

Mark Mills 14511 Seneca Road

David Hsu & C. Metcalf 14711 Springfield Road

Mary Foster 14505 Seneca Road

Ursula Kattner 15211 Springfield Road

Seneca Farms - Pre-Submission Meeting 12/20/16

SIGN IN SHEET: (Name, Address, Etc.)

Henry Mahan	- Long + Foster
RUTH CHOI	- Springfield Rd resident
Priscilla Rippeon	Springfield Rd.
JAY WALLACE	SPRINGFIELD RD
Mike Maxwell	Seneca Rd.
Cliff + Lorice Frost	Spring Meadows Dr.
Melinda Hutton	14431 Seneca Rd
C.O. Cozzins.	14601 SPRINGFIELD RD.
Mark Mills	14511 Seneca Rd.
David Hsu / C. Metcalf	14111 Springfield Rd
Mary Foster	14505 Seneca Rd.
Ursula Kattner	Springfield Rd