



## Poplar Pointe, Preliminary Plan No. 120180080

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Staff Report Date: 11-19-2018

### Description

Request to subdivide four unplatted parcels into twelve single-family detached lots and retain one existing dwelling on one of the twelve lots; including open space and HOA parcels.

Location: 13710 Alderton Road, 150 feet north of Night Sky Drive, Silver Spring, MD, 20906;

Master Plan: 1989 *Communities of Kensington - Wheaton Master Plan*;

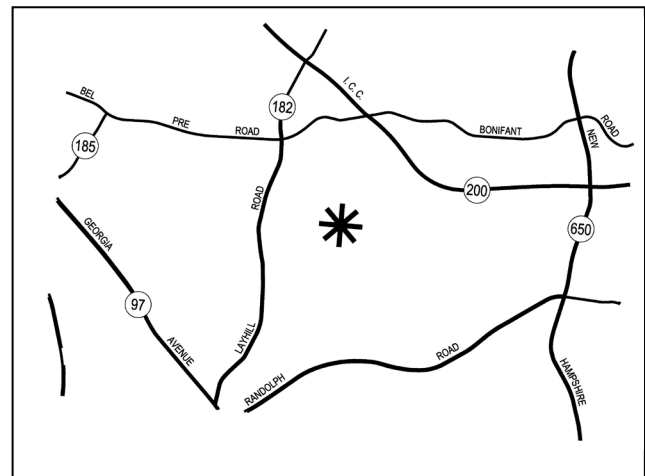
Zone: R-200;

Size: 6.28 acres;

Acceptance Date: March 8, 2018;

Applicant: Oxbridge Development at Alderton, LLC c/o Elliot Totah, Deborah Poznerzon-Tallman Trust and Martha E Barrick;

Review Basis: Chapter 50, Subdivision Regulations, Chapter 22A.



### Summary

- Staff recommends approval with conditions.
- The Applicant is utilizing the Cluster Optional Method Development to develop this Property by providing a large area of Common Open Space for active and passive recreation, as well as the preservation of onsite forest.
- This development proposes eleven new single-family detached residential units, the connection of the unbuilt segment of Alderton Road to the intersection of Night Sky Drive and Alderton Road, and a relatively large area of open space.
- The Preliminary Plan includes approval of the Preliminary Forest Conservation Plan.
- Staff received one letter of objection from a neighbor in relation to disturbance from construction, structural damage, and potential for decrease in property value.
- The Applicant will be required to submit a Site Plan as required by Section 59.4.4.2 B of the Zoning Ordinance.

## SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120180080, including the Preliminary Forest Conservation Plan (PFCP). All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

- 1) This Preliminary Plan is limited to twelve single-family detached lots, open space and HOA parcels.
- 2) The Applicant must dedicate and show on the record plat(s) sixty (60) feet from the opposite right-of-way line along the Property frontage for Alderton Road, as shown on the Certified Preliminary Plan.
- 3) In lieu of dedication of a seventy (70)-foot-wide right-of-way for Alderton Road, the Applicant must provide a seven (7)-foot-wide Public Improvement Easement, on both sides of Alderton Road along the Property frontage, as shown on the Certified Preliminary Plan.
- 4) The Applicant must provide a ten (10)-foot-wide Public Utility Easement, opposite the right-of-way and Public Improvement Easement, on each side of Alderton Road along the Property frontage, as shown on the Certified Preliminary Plan.
- 5) The Applicant must construct the unbuilt segment of Alderton Road through the Property and extend the unbuilt segment of Alderton Road approximately 140 feet south to connect to Night Sky Drive, as shown on the Certified Preliminary Plan.
- 6) Prior to recordation of the plat(s) the Applicant must satisfy the Montgomery County Department of Permitting Services (MCDPS) – Right-of-Way Permitting Section requirements to ensure the construction of five (5)-foot-wide ADA-complaint sidewalks along both sides of Alderton Road within the seven (7)-foot-wide Public Improvement Easement, as shown on the Certified Preliminary Plan.
- 7) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 8) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 9) 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.”
- 10) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 (“Covenant”). The Applicant must provide verification to Staff prior to release of the final building permit that the Applicant’s recorded HOA Documents incorporate the Covenant by reference.

- 11) The Applicant must provide a five (5)-foot-wide trail through the open space areas which will connect to Alderton Road at two points, as shown on the Certified Preliminary Plan, with final details and materials to be determined at Site Plan.
- 12) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated October 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 MCDOT may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 13) Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 14) The Planning Board accepts the recommendations of the MCDPS – Water Resources Section in its stormwater management concept letter dated October 18, 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 MCDPS may amend if the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 15) The Planning Board accepts the recommendations of the MCDPS – Fire Department Access and Water Supply Section in its letter dated August 16, 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.
- 16) The Applicant must comply with the conditions of approval of the Preliminary Forest Conservation Plan No. 120180080.
  - a. The Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Preliminary Forest Conservation Plan. The Category I Conservation Easement must be approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records by deed prior to the start of any demolition, clearing, or grading on the Subject Property, and the Book/Page for the easement must be referenced on the record plat.
  - b. At the time of Site Plan submittal, the Applicant must submit a Final Forest Conservation Plan (FFCP), consistent with the approved Preliminary Forest Conservation Plan (PFCP).
  - c. The FFCP must include detailed and specific tree protection measures for on and off-site trees affected by the Limits of Disturbance (LOD).
  - d. The FFCP must include mitigation plantings for the removal of eight (8) trees located outside of existing forest stands and subject to the variance provision. Native canopy trees must be planted totaling 79 caliper inches, with a minimum planting stock size of three (3) caliper inches. The trees must be planted on the Property, in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. All other trees subject to the variance provision are within existing forest stands and will be mitigated per Chapter 22A.
  - e. The FFCP must include a planting plan and details of any recreation facilities within the Category I Conservation Easement.

- 17) 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. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
- 18) Prior to submission of any plat, the Applicant must obtain approval of a Certified Site Plan for the Property.
- 19) No clearing or grading of the site, or recording of plats may occur prior to Certified Site Plan approval.
- 20) All necessary easements must be shown on the record plat.
- 21) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution.
- 22) Before approval of the Certified Preliminary Plan the following revisions must be made and/or information provided subject to Staff review and approval:
- a. The house on Lot 4 needs to show a minimum twelve-foot setback from adjoining Lot 24.
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## SECTION 2 - SITE DESCRIPTION AND BACKGROUND

### Site Vicinity

The Poplar Pointe Property (Property or Subject Property), outlined in red in (Figure 1), is approximately 6.28 acres in size and is located at 13710 Alderton Road, 150 feet north of Night Sky Drive. The Intercounty Connector (MD 200) and Bonifant Road are to the north, New Hampshire Avenue (MD 650) to the east, Randolph Road to the south and Layhill Road (MD 182) to the west.

The neighborhood surrounding the Property is predominately residential and comprised of single family detached houses. The neighborhood is primarily zoned R-200 and includes Middlebridge Village to the south west of the Property and the Poplar Run townhouse community to the south of the Property. Recreational facilities near the Property include the Mid-County Recreation Center, Layhill Village Local Park, the Matthew Henson Trail and Middlevale Neighborhood Park. The Property lies within the 1989 *Communities of Kensington-Wheaton Master Plan* (Master Plan).

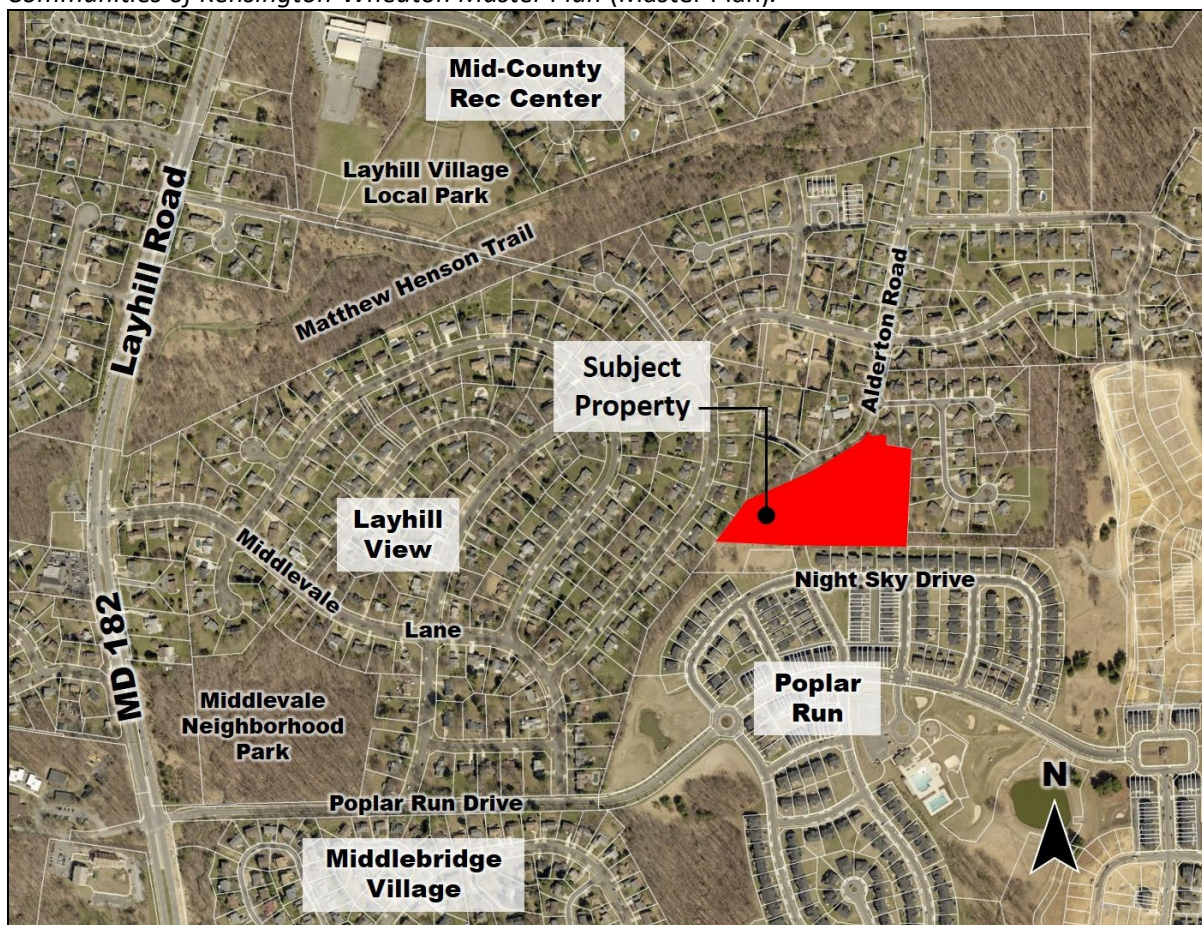


Figure 1: Aerial view of the Vicinity of the Subject Property

### Site Analysis

The Property (Figure 2) comprises Parcels 526, 582, 605 (owned by Deborah Poznerzon-Tallman Trust) and Parcel 607 (owned by Martha E Barrick, et al). Parcels 605 and 607 are both currently improved with single family detached houses. The remaining Parcels 526 and 582 are currently open space which was used historically for horses and recreation. Parcels 526, 582, 605 and 607 all front onto Alderton Road. The Property is moderately sloped, with a 1.15-acre forested area which contains a spring/seep and a



small farm pond with a buffer in the southeastern portion of the Property. The farm pond was used for irrigation and water for the animals. The Property lies in the Northwest Branch, a Use IV watershed. The current houses on the Property are served by well and septic.



Figure 2: Aerial view with Property outlined in red

### SECTION 3 - PROPOSED AMENDMENT

#### **Previous Development Proposal – Layhill View: Pre-Preliminary Plan No. 720120040**

A previous development application for this Site, designated Pre-Preliminary Plan 720120040, was reviewed by the Development Review Committee in 2012 and was ultimately not supported by staff. Chief among staff's concerns with that proposal was the proposed lotting pattern and cul-de-sac roadway alignment (Figure 3 and Attachment 1). Like the current Application, that development proposal envisioned the creation of 12 single family detached lots as well as the dedication and construction of Alderton Road to connect to Night Sky Drive. A copy of the Development Review Committee comments is attached (Attachment 2).

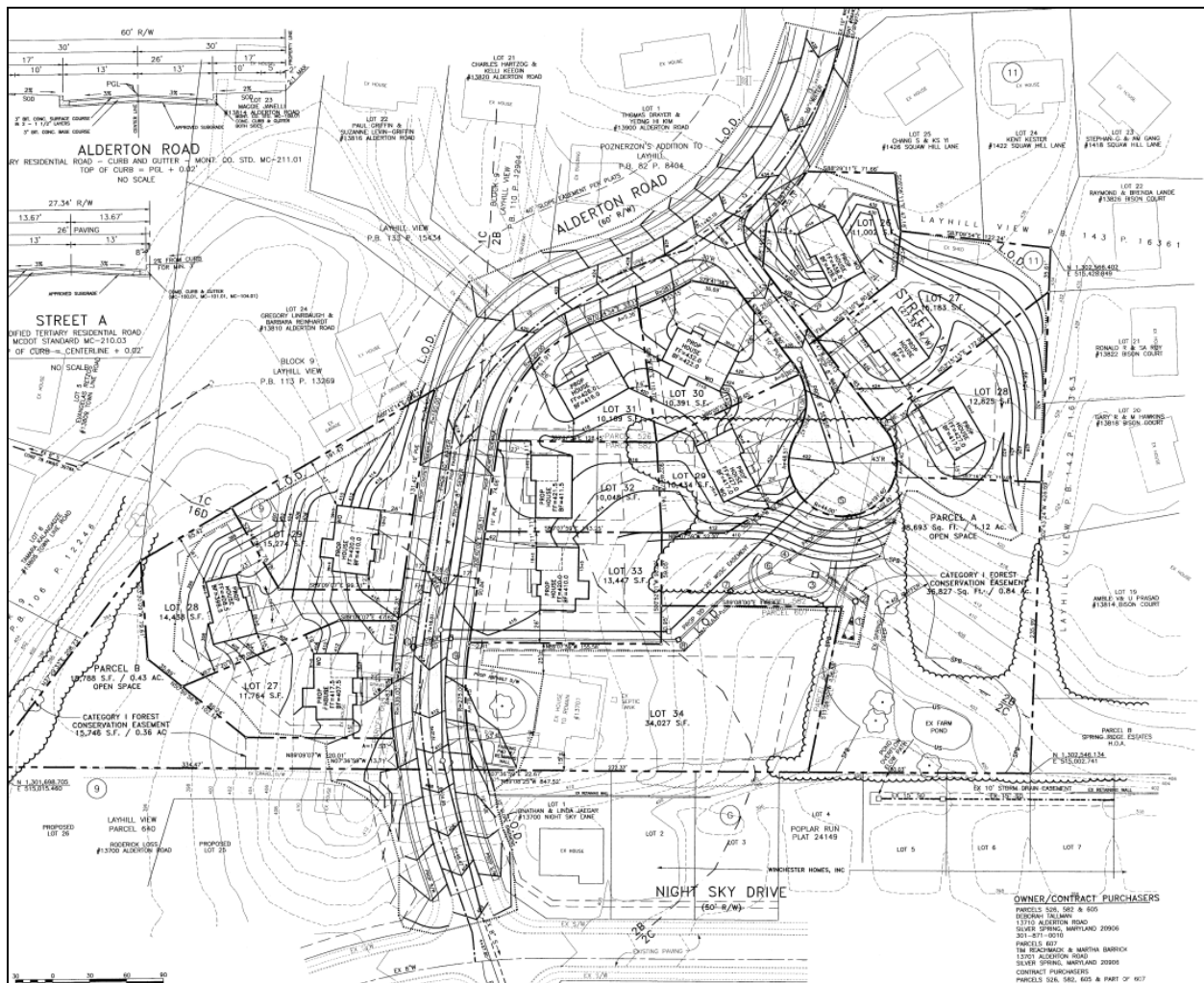


Figure 3: 2012 Pre-Preliminary Plan Proposal

## Current Proposal

The Applicant seeks to subdivide four unplatted parcels into twelve single family detached lots and retain one of the existing dwellings (Parcel 607) on one of the twelve proposed lots (Figure 4 and Attachment 3). In addition to the 12 new lots, the proposed development will include:

- Demolition of the existing dwelling on Parcel 605;
- 1.82 acres of common open space to be owned and maintained by the HOA;
- 1.76 acres of Category I Forest Conservation Easement, which includes the existing spring seep and farm pond;
- Natural surface trails throughout the forest conservation easement and common open space areas;
- Dedication and construction of Alderton Road, as shown on the Preliminary Plan;
- Sidewalks internal to the Property and along Alderton Road;

- Common ingress/egress and utility easements for the proposed houses sharing the two sets of common oval-shaped driveways (Lots 1,2,3,4,5,6,7, and 8);
- Several small landscaped /open space areas within the shared driveways;
- The 11 new lots will each have two-car garages; and
- Public parking on the east side of Alderton Road.

Staff supports the current proposal, because it addresses Staff's concerns from the 2012 Pre-Preliminary Plan. The new layout uses shared driveways rather than pipe stems and cul-de-sacs to access eight of the twelve houses, and the location lots and units have been situated in a way that preserves a larger amount of Common Open Space and Conservation Easement area, which yields a much more efficient open space network justifying the clustering of the lots.

Section 59.4.4.2 B of the Zoning Ordinance requires Site Plan approval for Optional Method Cluster Development. Therefore, the Applicant must obtain approval of a Site Plan for the Property subsequent to Preliminary Plan approval and prior to Record Plat.



Figure 4: 2018 Current Preliminary Plan Proposal

### Community Outreach

A notice regarding the proposed development was sent to all parties of record by the Applicant on March 13, 2017. The Applicant held the required pre-submission meeting on November 14, 2017 at the Mid-County Community Recreation Center, which was attended by 16 citizens. To date, Staff received one letter of objection from 13648 Night Sky Drive (Figure 5), which raised the following concerns (Attachment 4):

- The size of the proposed easement is too large and too close to the rear of their property;

- Construction activities will generate dust and dirt and may cause structural damage to their property; and
- Decrease in the value of their property.

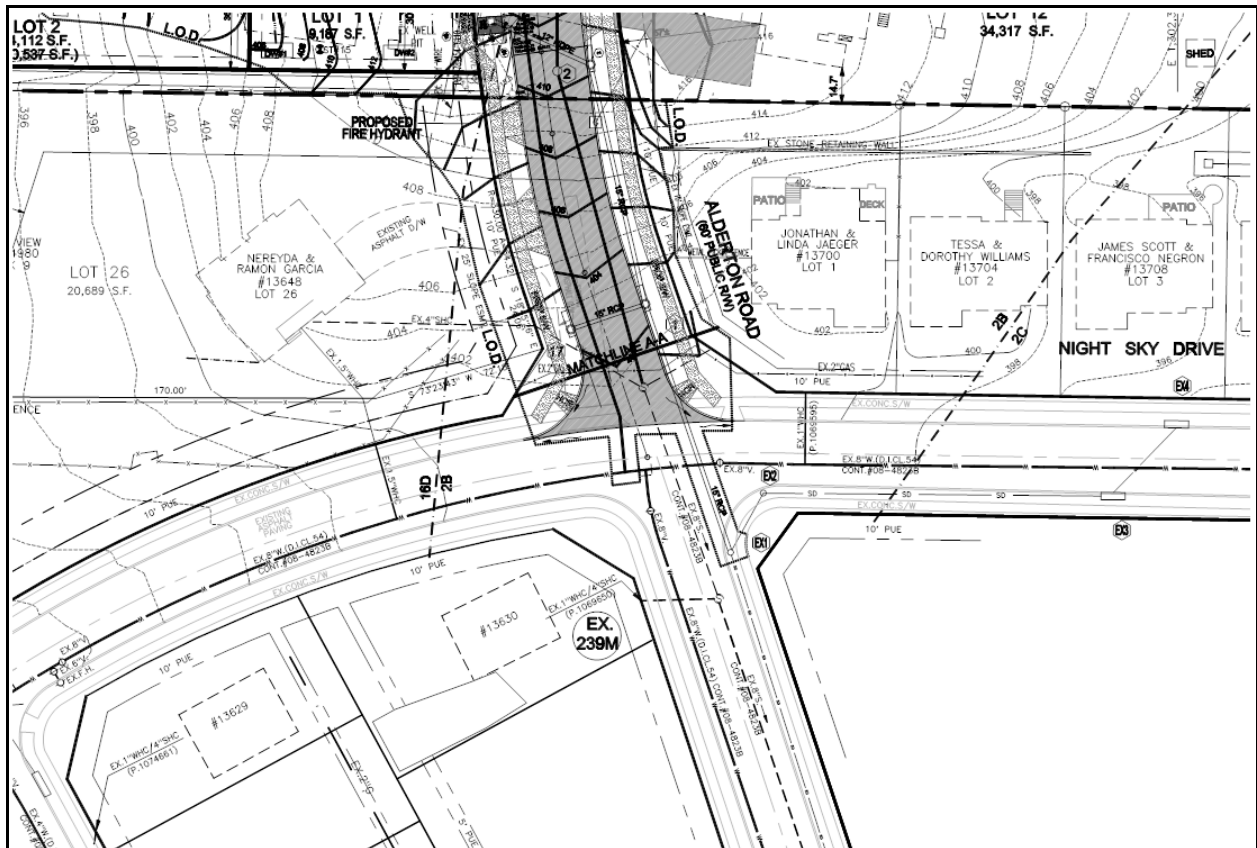


Figure 5: Location of 13648 Alderton Road (Lot 26)

The Applicant met with the resident, who wrote the letter raising the concerns summarized above, to discuss their concerns. After that meeting, the Applicant agreed to modify the design to minimize disturbance to the resident's property. The Applicant will meet with the resident once the construction drawings are complete to discuss the project schedule and impacts. The MCDPS will ensure all residential construction requirements are met to minimize and prevent dust, dirt and structural damage due to construction activities.

#### SECTION 4 - ANALYSIS AND FINDINGS

Under Section 50.4.2.D of the Montgomery County Subdivision Regulations, the Planning Board must make the following findings to approve a Preliminary Plan:

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

The size, width, shape, and orientation of the proposed lots will be appropriate for the location. The Preliminary Plan will accommodate development on the Property at an appropriate and efficient location, with generous building setbacks from Alderton Road and the adjoining properties. A significant forest conservation easement area and common open space area will occupy the southeastern section of the Property and will screen views of the single-family detached dwellings from the east and south of the Property.

The proposed lots were reviewed for compliance with the dimensional requirements for the R-200 Zone as specified in the Zoning Ordinance. The proposed lots will meet all the dimensional requirements for area, frontage, width, and setbacks in the zone and accommodate the proposed use (see Table 1 below).

<b>Table 1: Applicable Development Standards, R-200</b> <b>Section 59.4.4.7 C (Dwelling unit, one-family detached house)</b> <b>Optional Method Development -Cluster Development</b>		
	<b>Required / Allowed</b>	<b>Proposed</b>
<b>1. Site</b>		
<b>Dimensions (min)</b>		
Usable area	5 acres	6.26 acres
<b>Density (max)</b>		
Density (units/acre of usable area)	2	1.91
<b>Open Space (min)</b>		
Common open space (% of usable area)	20%	23.0%
<b>Site Coverage (max)</b>		
Site coverage	n/a	n/a
<b>2. Lot</b>		
<b>Dimensions (min)</b>		
Lot area	9,000 SF	10,000 SF
Lot width at front building line	Determined at Site Plan	Determined at Site Plan
Lot width at front lot line	25'	25'
Frontage on street or open space	Required	Provided
<b>Coverage (max)</b>		
Lot	25%	25%
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback from public street	25'	25'
Front setback from private street or open space	10'	n/a
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	n/a
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached Zone	15'	n/a
Side or rear setback	Determined at Site Plan	Determined at Site Plan



Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method	Min 12'
Rear setback, abutting property not included in application	40'	40'
Rear setback, alley	4'	n/a
<b>4. Height (in feet)</b>		
<b>Height (max)</b>		
Principal building	40'	40'
Accessory structure	25'	n/a

2. *The Preliminary Plan substantially conforms to the Master Plan;*

The proposed Preliminary Plan is located within the 1989 *Communities of Kensington-Wheaton Master Plan*. The Master Plan focused on the maintenance of the well-established low-to-medium-density residential character and encouraged the protection, stabilization and continuation of existing land use patterns. The Master Plan evaluated vacant or underutilized sites and provided land use and zoning recommendations to allow infill development consistent with its goals and objectives to protect and maintain the existing residential character. These vacant or underutilized sites were considered “*Critical Parcels and Areas*.”

The Master Plan identified the subject parcels as Critical Area #4 – Alderton Road near Atwood Road - and recommended the continuation of the existing R-200 Zone and designated the parcels as suitable for the cluster option, “*with such development assuring compatibility with the surrounding neighborhood*.”

The proposed Preliminary Plan is consistent with the land use goals and objectives of the Master Plan as it proposes the Cluster Optional Method Development to create lots consistent with the surrounding residential character. Further, the proposed subdivision allows for the preservation and planting of an environmentally-sensitive area. The proposed paths within the Forest Conservation Easement area and Common Open Space areas provide a connected trail for recreational use and enjoyment. The proposed placement of the lots provides an opportunity for additional functional open space and landscaping through the shared-driveway configuration. Therefore, with the conditions above, Staff finds the Preliminary Plan is in substantial conformance with the Master Plan.

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

Transportation

*Adequate Public Facilities Test*

The proposal generates 19 morning and 19 evening peak-hour person trips, two morning and two evening transit trips, one morning and one evening bicycle trip, and three morning and three evening pedestrian trips during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.). Under the 2016-2020 Subdivision Staging Policy, a traffic study is not required because the Project generates fewer than the 50 peak hour person trips.

The Applicant will be required to pay the updated General District Transportation Impact Tax (for building permit requests after March 31, 2017). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, as amended.

#### *Master Planned Roadway*

Alderton Road, along the Property frontage, is a secondary residential street within a 60-foot-wide public right-of-way. This street is not listed in the 1989 *Communities of Kensington-Wheaton Master Plan*, however, the segment of Alderton Road, located approximately 1,500 feet to the north, is designated as a 70-foot-wide right-of-way, primary residential street, P-15, in the 1994 *Aspen Hill Master Plan*. This northern (primary residential) portion of Alderton Road terminates on the north side of the Matthew Henson State Park. The 2018 *Planning Board Draft Master Plan of Highways and Transitways* recommends that the segment of Alderton Road south of the Matthew Henson State Park be upgraded from a secondary (60-foot-wide) road to a primary (70-foot-wide) residential street. However, only 60 feet of right-of-way is being dedicated along this Property frontage with a seven (7)-foot Public Improvement Easement (PIE) on both sides of Alderton Road, because Staff asked the Applicant to utilize the Cluster Optional Method of Development to its full potential by making the proposed lots as small and compact as possible, thus preserving more area and functionality for Common Open Space and the Category I Conservation Easement.

Furthermore, in order to cluster the lots and units around a shared driveway concept instead of a cul-de-sac while situating the proposed lots and units in a logical location, considering preservation of open space and safety with respect to public road access, it became more difficult for the Applicant to meet the required front and rear setbacks of the zone. The shape of the Property combined with the natural curvature of the public road connection create pinch points on the west and northeast sides of the Property. Thus, the Applicant proposed to provide a seven (7)-foot-wide PIE to include the sidewalk and shared-use path in lieu of the dedication, which allows superior design in terms of cluster development, preservation of open space, safe and logical placement of the proposed lots and units, while allowing the Applicant to meet the minimum setbacks of the zone. Therefore, Staff supports the Applicant's proposal for a PIE in lieu of dedication, as proposed.

#### *Master Planned Bikeway*

The 2018 *Bicycle Master Plan* recommends a sidepath on the east side of Alderton Road (Figure 6), which terminates at the Matthew Henson State Park, which is located approximately one-third (1/3) of a mile north of the Property. There is no recommended facility along the Property frontage and no other facility to connect to in the vicinity. Thus, no bike facilities are required.



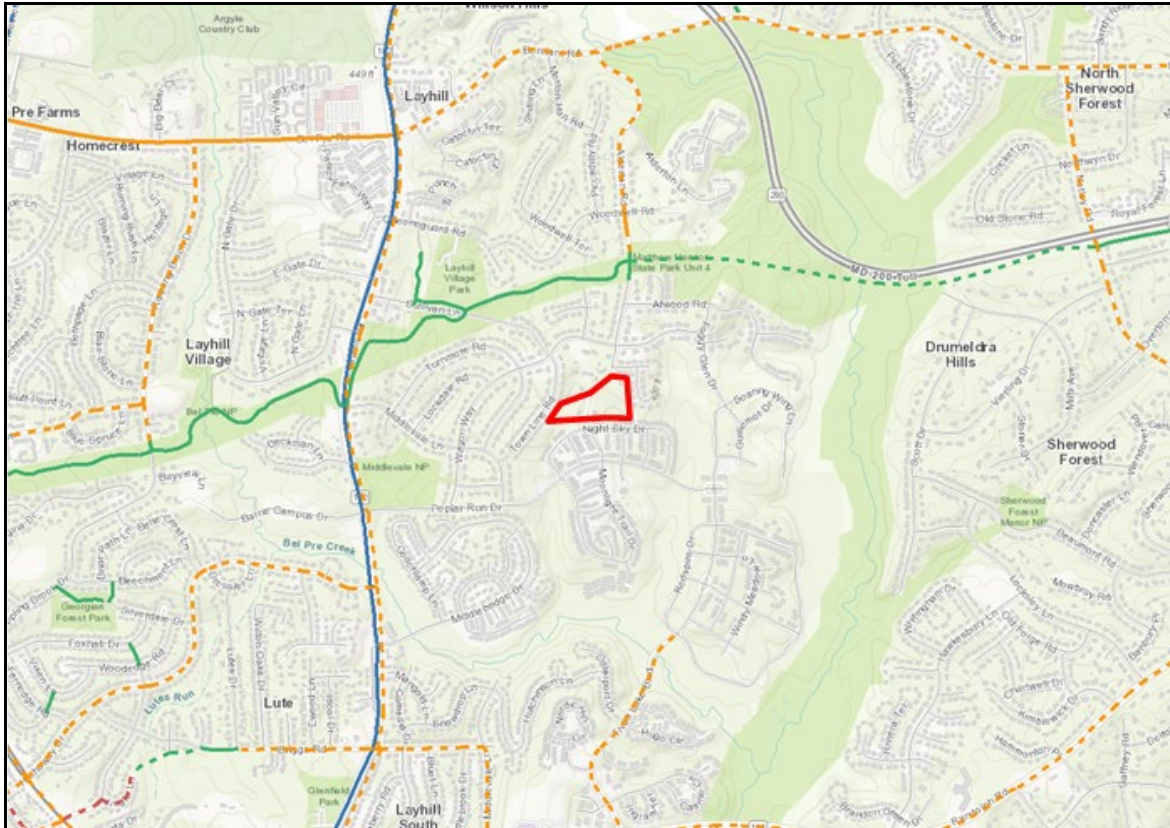


Figure 6: Extract of the 2018 Bicycle Master Plan showing the Alderton Lane and Tivoli Lake Blvd sidepaths.

### Transit

There is no transit service along Alderton Road, with the nearest service approximately one mile away as follows:

- Ride On Routes 26, 39, and 49 to the west along Layhill Road (MD 182), via Wagon Way and Middlevale Lane; and
- Ride On Route 39 to the north along Bonifant Road, via Alderton Road.

These three Ride On routes serve the following destinations:

- Ride On Route 26 operates between the Glenmont Metrorail Station and the Montgomery Mall Transit Center with 30-minute headways on weekdays and weekends;
- Ride On Route 39 operates between the Glenmont Metrorail Station and the Briggs Chaney Road Park & Ride Lot with 30-minute headways on weekdays only; and
- Ride On Route 49 operates between the Glenmont Metrorail Station and the Rockville Metrorail Station with 30-minute headways on weekdays and weekends.

### School Capacity

This Preliminary Plan is subject to the FY19 Annual School Test. The Application proposes 11 new single-family detached dwelling units and retains one existing single-family detached dwelling unit. Based on the school cluster and individual school capacity analysis, there is adequate school capacity for the amount and type of development proposed by this application.

#### *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 east region of the County.

#### *Per Unit Student Generation Rates – East Region*

	Elementary School	Middle School	High School
SF Detached	0.207	0.099	0.139
SF Attached	0.217	0.108	0.149
MF Low- to Mid-Rise	0.268	0.108	0.146
MF High-Rise	0.099	0.039	0.051

With 11 new single-family detached dwelling units, the project is estimated to generate 2 new elementary school students, 1 new middle school student, and 1 new high school student.

Type of Unit	Net New Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	11	0.207	2.277	0.099	1.089	0.139	1.529
TOTAL	11		2		1		1

#### *Cluster Adequacy Test*

The project is located in the John F. Kennedy High School Cluster within the Downcounty Consortium. The student enrollment and capacity projections from the FY19 Annual School Test for the Kennedy 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	3,159	3,164	99.8%	3,797	3,161
Middle	1,861	1,877	99.1%	2,253	1,862
High	2,171	2,221	97.7%	2,666	2,172

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 fall below the moratorium thresholds at all three school levels. Therefore, sufficient capacity exists at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

#### *Individual School Adequacy Test*

The applicable elementary and middle schools for this project are Glenallan ES and Col. E. Brooke Lee 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	
Glenallan ES	787	762	103.3 %	-25	915	872	789
Lee MS	973	1,205	80.7%	+232	1,447	1,385	974

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

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for Glenallan ES and Lee MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development.

The current houses on the Property are served by well and septic, which will be abandoned in favor of public water and sewer service for all 12 lots. This application has been reviewed by the Montgomery County Department of Permitting Services Fire Department Access and Water Supply Comments, which has determined that the Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy resolution currently in effect and will be adequate to serve the Property. Electrical, telecommunications, and gas services are also available to serve the Property.

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

##### Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #420180880) on January 29, 2018. The Property lies in the Upper Northwest Branch watershed and contains 1.15 acres of high priority forest. There is a spring-fed farm pond within the forest and 0.45 acres of partially-forested stream buffer. The stream valley buffer will be planted and protected by a Category I Conservation Easement.

##### Forest Conservation

The Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) and the Applicant has submitted a Preliminary Forest Conservation Plan (Attachment 5) in conjunction with the Preliminary Plan. There are 1.15 acres of existing isolated forest on the Property. The Applicant proposes to clear 0.25 acres of forest, retain 0.90 acres of forest and plant

0.50 acres of forest on the Property. The retained and planted forest will be on homeowner's association property and will be covered by a 1.76-acre Category I Conservation Easement. The Category I Conservation Easement will protect existing and planted forest while allowing for natural surface paths and low-impact recreational facilities. The Final Forest Conservation Plan will have full details on the proposed recreation facilities.

#### Minimum Retention

As per Sec. 22A-12(f)(2)(B) of Forest Conservation Law,

*"In a planned development or a site developed using a cluster or other optional method in a one-family residential zone, on-site forest retention must be equal the applicable conservation threshold in subsection (a)."*

The Property is subject to the minimum retention provision because R-200 is a single-family zone and the Applicant is proposing to use the cluster development optional method of development. The conservation threshold for this property is 20%, or 1.40 acres. The Applicant is retaining 0.90 acres, 0.50 acres below the requirement.

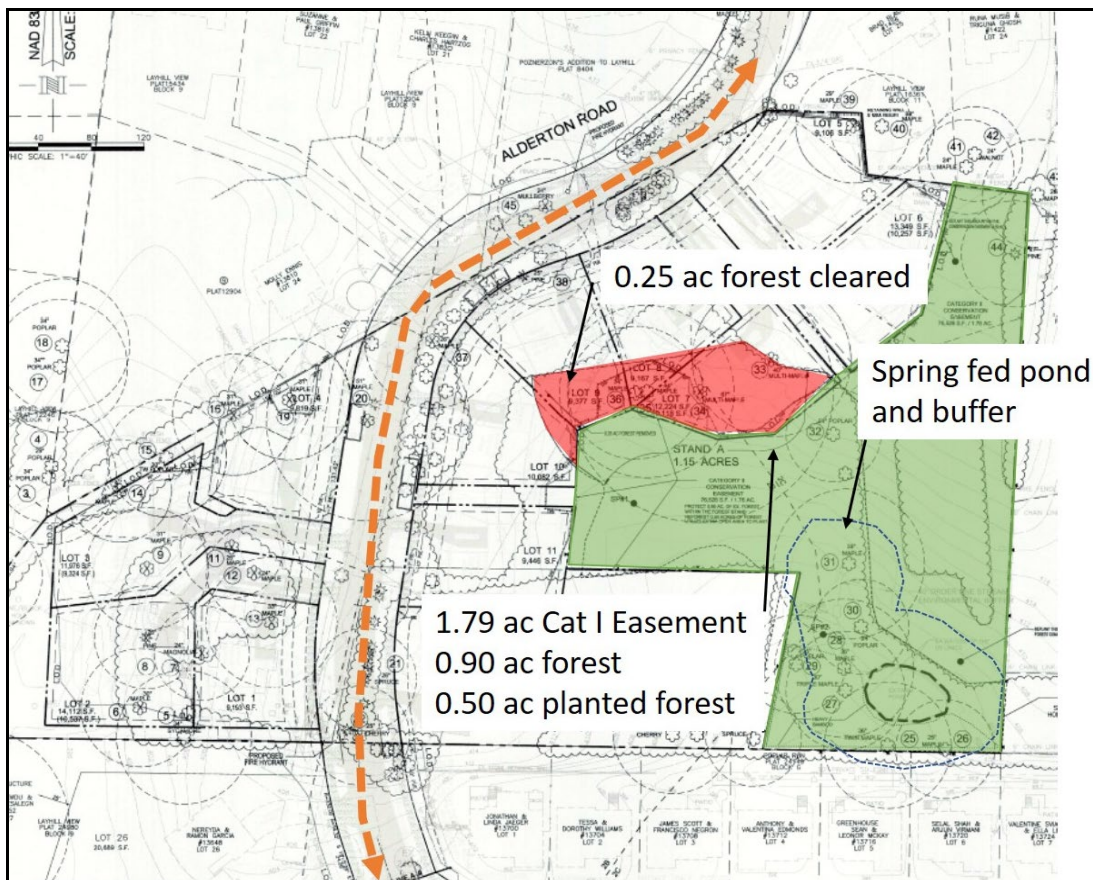


Figure 7: Constraints and Impacts

However, Sec. 22A-12(f)(3) allows flexibility in meeting this requirement.

*"If the Planning Board or Planning Director, as appropriate, finds that forest retention required in this subsection is not possible, the applicant must provide the maximum possible on-site retention in combination with on-site reforestation and afforestation, not including landscaping."*



In this case, the Property is constrained by the spring-fed pond and associated environmental buffer and the alignment of and need to connect Alderton Road. There is no way to connect Alderton Road while retaining the existing house, except through the current alignment. These requirements shape the form of the proposed development by limiting the development area.

Given the constraints associated with developing the Property, the Applicant is clearing 0.25 acres of forest but planting 0.50 acres of forest. Staff recommends that the Planning Board find that, when all of the site constraints are considered, it is not possible for the Applicant to develop the property without clearing 0.25 acres of forest.

#### Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ) requires a variance. The 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. The law requires a variance to impact trees that: measure 30 inches or greater diameter at breast height (DBH); are part of a historic site or designated with a 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.

The Applicant submitted a variance request to remove eight trees and to impact, but not remove, six trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

#### *Unwarranted Hardship for Variance Tree Impacts*

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state will result in unwarranted hardship. The requested variance is necessary due to the need to construct a segment of public road between two existing roads and the infill nature of this development. The site is constrained by existing development on all sides, which limits flexibility in grading. In addition, the development has been designed to minimize forest impacts.

#### *Variance Tree Tables*

##### Removals

ID	Species	Size	Condition	Impacts
#6	Silver maple	30"	Good	Impacts from proposed building construction and grading.
#9	Silver maple	31"	Good	Impacts from proposed building construction.
#13	Red maple	33"	Good	Impacts from proposed building construction and associated grading.
#16	Red maple	31"	Good	Impacts from grading and retaining wall.
#19	Red maple	31"	Good	Impacts from grading/fill.
#20	Silver maple	51"	Good	Impacts from Alderton Road connection and associated infrastructure.

#33	Silver maple	40"	Fair	Impacts from proposed building construction.
#34	Silver maple	67"	Fair	Impacts from proposed building construction.

#### Impacts

ID	Species	Size	Condition	Impact %	Impacts
#3	Tulip polar	34"	Fair/Good	2%	Impacts from grading.
#5	Sycamore	34"	Good	33%	Impacts from grading.
#15	Tulip poplar	30"	Fair/Good	35%	Impacts from grading and fill.
#35	Silver maple	44"	Good	45%	Impacts from grading and fill.
#36	Silver maple	34"	Good	40%	Impacts from grading and fill.
#40	Red maple	33"	Good	10%	Impacts from grading.

#### Variance Findings

Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, Staff finds:

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

Granting this variance will not confer a special privilege on the Applicant as disturbance of the specified trees is a result of the need to connect two segments of existing road and build housing at the density recommended in the Master Plan. Disturbance has been minimized to retain the existing forest. The size and configuration of the Property preclude alternative site designs that would allow the variance trees to remain undisturbed.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances that are the result of actions by the Applicant. The variance is necessary due to the constraints of Property size, the two existing segments of road that will connect, and the need to retain existing forest.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the location of trees and the proposed development and not a result of land or building use on a neighboring property. The impact to the trees is the minimum disturbance necessary to connect the two road segments and build clustered housing.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The Applicant will plant 79" caliper inches of native shade trees to replace the form and function of the variance trees proposed for removal. In addition, the Property will be developed in accordance with the Maryland Department of the Environment criteria for stormwater management.

#### *Mitigation for Trees Subject to the Variance Provisions*

The Applicant is requesting a variance to remove eight trees. The eight trees (listed in the removal table above) will be mitigated at a rate of 1" caliper per 4" DBH removed, using a minimum 3" caliper native shade tree. The Applicant will plant 79" caliper inches of native shade trees, which will be shown on the Final Forest Conservation Plan.

#### *County Arborist's Recommendation of 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 variance request was sent to the arborist on March 28, 2018, and we have not received a response as of the date of this report.

#### *Variance Recommendation*

Based on the analysis above, Staff recommends that the variance be granted.

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

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on October 18, 2018. The concept proposes to meet required stormwater management goals using walled microbioretention in the road right-of-way and drywells on residential lots. The requirements of Chapter 19 for stormwater management are satisfied.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.*

There are no other applicable provisions to the Property

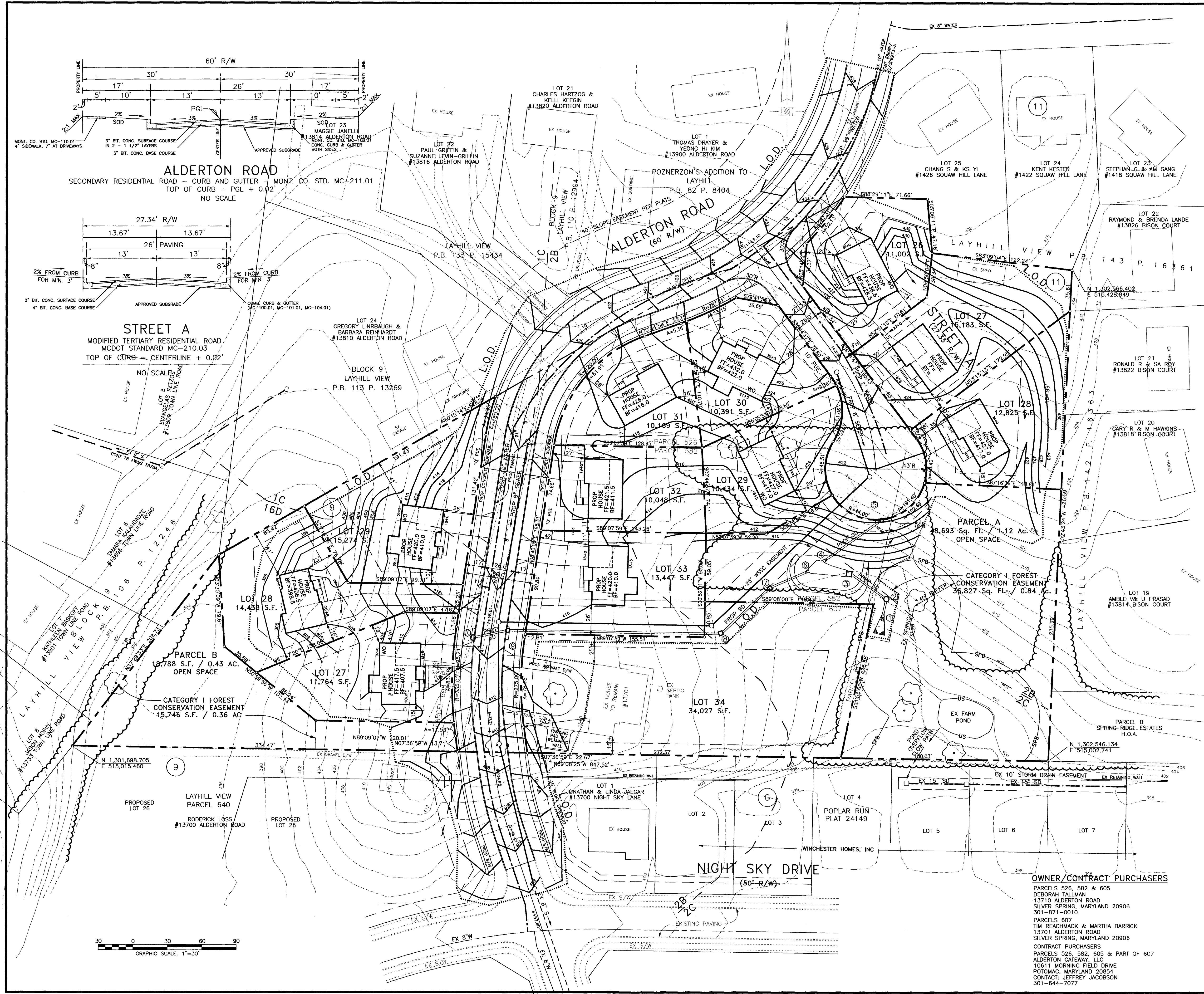
## **CONCLUSION**

This Application will meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed lots, the use conforms with the Master Plan and the general requirements of Chapter 50, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the application (Attachments 6, 7 and 8). Staff recommends approval of this Preliminary Plan No. 120180080, with the conditions listed at the beginning of the Staff Report.

#### **Attachments:**

1. 2012 Proposal – Layhill View: Pre-Application No. 720120040 – Plan
2. 2012 Proposal – Development Review Committee recommendation document
3. Current 2018 Proposal – Preliminary Plan
4. Letter of objection from a resident dated March 17, 2018
5. Preliminary Forest Conservation Plan
6. MCDPS Fire Department Access and Water Supply Section letter dated August 16, 2018
7. MCDPS Water Resources Section Letter dated October 18, 2018
8. MCDOT letter dated October 24, 2018





## GENERAL NOTES

- THIS SITE IS LOCATED ON TAX MAP JR-122.
  - THIS SITE IS LOCATED ON WSSC 200 SHEET 218-NW-02.
  - THIS SITE IS LOCATED ON ADC MAP 5166 GRID E-7.
  - THIS SITE IS LOCATED IN ELECTION DISTRICT 13.
  - THIS SITE IS LOCATED IN THE NORTHWEST BRANCH USE CLASS IV WATERSHED.
  - WSSC SERVICE CATEGORIES: S-1, W-1
  - SITE IS TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
  - LEGAL DESCRIPTIONS
- | PARCEL No. | TAX ID   | LIBER/FOLIO | ADDRESS           |
|------------|----------|-------------|-------------------|
| 526        | 01793606 | 18612/593   | 13931 ALBERTON RD |
| 582        | 00958146 | 15322/489   | 13703 ALBERTON RD |
| 605        | 00965368 | 6548/05     | 13710 ALBERTON RD |
| 607        | 00958168 | 13598/292   | 13701 ALBERTON RD |
- SOIL TYPES ARE 1C, 2B, 2C, 16D AS SHOWN ON THE MONTGOMERY COUNTY SOIL MAP, SHEET 20.
  - UTILITY COMPANIES  
ELECTRIC: PEPCO  
TELEPHONE: VERIZON  
GAS: WASHINGTON GAS  
CATV: COMCAST
  - WATER/SEWER: WSSC
  - STORMWATER MANAGEMENT TO BE PROVIDED ON-SITE TO MEET THE ESD REQUIREMENTS TO THE MEP.
  - DISTURBED AREA = 222,600 S.F. / 5.11 AC.

## LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMIT OF DISTURBANCE
- SOIL DELINEATION LINE
- ROOF TOP DISCONNECT FLOW PATH
- TREE LINE
- EXISTING OVERHEAD LINES
- EXISTING WATER LINES
- EXISTING SEWER LINES
- EXISTING STORM DRAIN
- EXISTING UNDERGROUND GAS LINES
- EXISTING UNDERGROUND ELECTRICAL LINES
- EXISTING UNDERGROUND TELEPHONE / CABLE LINES
- EXISTING WOOD FENCE
- EXISTING WIRE FENCE
- EXISTING RAIL FENCE
- PROPOSED SPOT GRADES
- PROPOSED DRY WELLS
- SOIL BORING
- DEDICATION AREA

## DEVELOPMENT DATA

	REQUIRED	PROPOSED/MIN.
ZONING:	R-200	R-200 CLUSTER OPTION
MINIMUM AREA	10,000 S.F.	10,048 S.F.
MIN LOT WIDTH		75 FEET
MIN LOT SETBACK FROM STREET		25 FEET
SETBACK FROM ADJACENT LOT		10 FEET
ONE SIDE	20 FEET	20 FEET
SUM OF SIDES	20 FEET	20 FEET
REAR AT BOUNDARY	NONE	30 FEET
REAR AT SUBDIVISION	40 FEET	40 FEET
DENSITY (LOTS/AC)	2.0	1.91

## SITE DATA

LOT AREA	168,478 S.F. / 3.8676 AC
PARCELS A & B (OPEN SPACE)	67,481 S.F. / 1.5492 AC
STREET DEDICATION	37,459 S.F. / 0.8600 AC
GROSS TRACT AREA	273,418 S.F. / 6.2768 AC

## ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY SHOWN HEREON IS CORRECT BASED ON EXISTING DEEDS AND PLATS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. SUBJECT TO CHANGE UPON FINAL SURVEY TOPOGRAPHY FROM SOURCES NOTED.

4/11/12  
Date  
Dean Packard, PE  
MD #16518

## PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE No. 16518, EXPIRATION DATE: 06/10/13.

4/12/12  
Date  
Dean Packard, P.E.

P.G. ASSOCIATES, INC.

CIVIL ENGINEERS \* SURVEYORS \* LAND PLANNERS

16220 FREDERICK ROAD, SUITE 300  
GAITHERSBURG, MARYLAND 20877  
PHONE (301) 208-0250

PRE-APPLICATION CONCEPT PLAN  
PROPOSED LOTS 27 thru 29 - BLOCK 9  
and LOTS 26 thru 34 - BLOCK 11

L A Y H I L L V I E W

BEING ALL OF PARCELS 526, 582, 605 & 607  
WHEATON ELECTION DISTRICT No. 13 MONTGOMERY COUNTY, MARYLAND

SCALE

1"=40'

CHECKED

DATE

03-16-12

ACAD FILE NAME

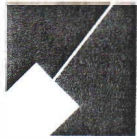
JOB NO.

DRAWING NO.

SHEET 1 of 1



## ATTACHMENT 2



### MONTGOMERY COUNTY PLANNING DEPARTMENT THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

#### DRC

Date: May 21, 2012  
Project: **720120040 Layhill View**  
Subject: Pre-Preliminary Review Comments  
Reviewer: Stephanie Dickel, Senior Planner  
301-495-4527  
[Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org)

#### Subdivision

- A) Staff does not support the configuration of the lots and proposed cul-de-sac location as shown.
- B) The shape and size of this parcel may prohibit the use of the optional method of development.
- C) The site does not appear to contain enough open space to justify the clustering of lots, see Master Plan and Environmental comments below.
- D) The standard method of development may be more appropriate for the site with the use of pipe stems to preserve the forest.

#### Environment

- A) Based on the information provided by the applicant, the gross tract area of the Subject Property is 6.2 acres in size and contains 1.11 acres of forest. Therefore, based on the R-200 zoning, high density residential land use (HDR), this site has a 20% forest conservation threshold and 15% afforestation threshold under Chapter 22A-12(a). Using the 20% forest conservation threshold of 1.24 acres and the 15% afforestation threshold of 0.93 acre, the Pre-Application Concept Plan does not meet Chapter 22A-12(f)(2)(B), which states that a site development using a cluster or other optional method of development in a one-family residential zone would require on-site forest retention equal to the applicable conservation threshold in subsection (a). Therefore, because the existing forest on-site is less than the 20% forest conservation threshold of 1.24 acres, all forest on-site would have to be retained.
- B) The Pre-Application Concept Plan depicts a spring/seep and existing farm pond with a 40-foot buffer in the southeastern portion of the site. This site currently does not have an approved NRI/FSD that was field verified by planning staff. If this feature is determined to be an intermittent or perennial stream by staff, a stream valley buffer consistent with the environmental guidelines will be placed on this feature.
- C) In addition to on-site preservation of forest, a variance application will be required. Variance requests often require on site mitigation and should be discussed when the FCP is submitted.
- D) Justification stating that no reasonable alternatives are present on-site for the placement of a stormwater outfall in the wetland buffer would be required.

### Master Plan

The proposed use is within the approved 1989 Master Plan for the communities of Kensington-Wheaton. On page 28, the Plan takes a strong stand for the protection of residential communities, and states the following as its goals for land use and zoning:

- To protect and stabilize the extent, location, and character of existing residential and commercial land uses.
- To maintain the well -established low- to medium – density residential character which prevails over most of the planning area.
- To ensure that zoning and land use recommendations for sites which have a potential for future development are consistent with the goals of land use stabilization and compatibility with nearby existing development.
- To preserve the identity of residential areas along major highways corridors, to soften the impact of major highways on adjacent homes and to strengthen the distinction between commercial and residential uses.

The Master Plan includes a list of key properties (Table 4-1, p. 43), with specific recommendations for each. Parcels 526, 582, and 605 on Alderton Road (near Atwood Road) are included as list item #4. The Plan designates these parcels “as suitable for the cluster option all or any of these parcels, with such development assuring compatibility with the surrounding neighborhood” (p. 51). By extending the character and density of the surrounding residential neighborhood with a cluster type development, the proposed subdivision is compatible with the goals and recommendations of the Master Plan.

### Neighborhood Compatibility

The Zoning Ordinance states the purpose of the cluster method of development is to “provide an optional method of development that encourages the provision of community open space for active or passive recreation, as well as the preservation of trees” (§59-C-1.51).

The optional method allows for the creation of lots of various shapes and sizes, smaller than the minimum permitted in a conventional subdivision, to allow the development to take full advantage of existing topography and other natural features. Adjacent subdivisions were developed in this manner, making the proposal for this group of properties compatible with the surrounding neighborhood in terms of lot size and type of development. The development also includes open space areas, as required by the cluster option. However, there are concerns about the open space provided, and whether its location (particularly Parcel B) makes it less than ideal for "active or passive recreation" (§59-C-1.51). Also, the development as proposed appears to oppose the purpose of the optional method intent of tree protection with cut and fill as extensive as shown.

### Transportation

(Attached)



## MCDOT DRC Notes for May 21, 2012

720120040 Layhill View

MCDOT Reviewer: Andrew Bossi

[andrew.bossi@montgomerycountymd.gov](mailto:andrew.bossi@montgomerycountymd.gov),

240-777-2197

1. At preliminary plan stage, submit sight distances certification forms for all proposed entrances, downstream storm drain capacity and impact analyses, stormwater management concept plan, show aprons for existing and proposed driveways adjacent and opposite the site, show utility impacts, include vertical profiles, pay applicable DOT review fees, etc.
2. Need to confirm the proposed typical sections – secondary residential street. Unless Alderton was previously built under permit using the old MCDOT road standards, the plan should reflect using the new Context Sensitive Road Design Standards.
3. Justify the reduced width for Street A (classified as a tertiary residential street). If this reduced width is not justified it must comply with typical CSRD standards (such as MC-2001.01). Note that a site plan is required for reduced width tertiary residential streets.
4. **The constructed portion of Alderton Road south of the site does not reflect what is shown per plan. While the running tangent of Alderton appears to align properly, the roadway curves just before Night Sky Dr. Furthermore, take note of the grade change – presently approximately a 13-ft variation over a 90-ft distance.**
5. Curb & gutter is not allowed in Class IV watersheds unless a permit is acquired from DPS for curb & gutter in an environmentally-sensitive watershed [per §49-33(l)]
6. Grant necessary revertible and perpetual easements.
7. R/W line on the tax map differs from that shown on the plan.
8. We support the proposed off-site sidewalk extensions.
9. **Note that several property owners have covenants to contribute toward construction of Alderton Road. Confirmed covenants for Lot 1 and Lot 24.**
10. Correct the spelling of "Squaw Hill Lane" on the vicinity map.

5' sidewalk → 15' PUG (if kept street A)

pepco – underground poles

WSSC – mains needed to be extended  
possibly more easements

Zoning – rear setback 10' feet  
Not none



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Arthur Holmes, Jr.  
*Director*

October 15, 2012

Ms. Stephanie Dickel, Senior Planner  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Pre-Preliminary Plan No. 7-20120040  
Layhill View

Dear Ms. Dickel:

This letter is to confirm our comments at the May 21, 2012, meeting of the Development Review Committee. We have completed our review of the above-referenced pre-preliminary plan. The following comments are tentatively set forth for the subsequent submission of a preliminary plan:

1. Prior to submission of the preliminary plan package to the M-NCPPC, the applicant will be required to pay a fee to Montgomery County for the Department of Transportation's review of the transportation-related elements of the project, in accordance with Executive Regulation No. 28-06AM. That executive regulation and the application form can be viewed at: [http://www.montgomerycountymd.gov/content/dot/traffic/develop\\_review.asp](http://www.montgomerycountymd.gov/content/dot/traffic/develop_review.asp)
2. Full width dedication and construction of Alderton Road in accordance with the master plan as well as and Street A, if proposed to be County-maintained.
3. Confirm the proposed typical sections with regards to the Alderton Rd (classified as a secondary residential street). Unless Alderton Rd was previously built under permit using the old MCDOT road standards, the plan should reflect using the new Context Sensitive Road Design (CSRD) Standards.
4. Justify the reduced width for Street A (classified as a tertiary residential street). If this reduced width is not justified it must comply with typical CSRD standards (such as MC-2001.01). Note that a site plan is required for reduced width tertiary residential streets.

**Division of Traffic Engineering and Operations**

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100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)



5. The plan does not reflect the portion of Alderton Road that currently exists south of the site. While the running tangent of Alderton appears to align properly, the roadway curves immediately before reaching Night Sky Dr. Furthermore, take note of the grade change – presently approximately a 13-ft variation over a 90-ft distance. Clarify how the roads will align and who will perform the off-site construction.
6. Submit storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff. If the proposed subdivision is adjacent to a closed section street, include spread computations in the impact analysis.
7. Grade establishments for all new public streets. Tentative profiles are to be submitted with the preliminary plan.
8. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
9. Wells and septic systems cannot be located within the right of way or easements. Revise the plan if necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
10. Show aprons for existing and proposed driveways within and adjacent to the site.
11. Submit a completed, executed MCDOT Sight Distances Evaluation certification form for our review and approval. Sight distance evaluation shall consider both horizontal and vertical profiles.
12. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
13. Applicant shall be responsible for relocation of utilities along existing roads to accommodate the required roadway improvements.
14. The right-of-way line on the tax map differs from that shown on the plan.
15. We support the proposed off-site sidewalk extensions.
16. Note that several property owners have covenants to contribute toward construction of Alderton Road. Confirmed covenants for Lot 1 and Lot 24.
17. Correct the spelling of “Squaw Hill Lane” on the vicinity map.

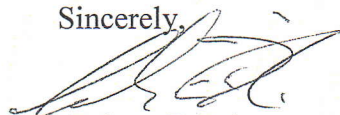
Ms. Stephanie Dickel  
Pre-Preliminary Plan No. 7-20120040  
October 15, 2012  
Page 3

18. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to the following improvements:

- A. Improvements to the public right of way, if any are required, will be determined at the preliminary plan stage based on a review of the additional information requested earlier in this letter.
- B. Construct paving and storm drainage in all new dedications.
- C. Enclosed storm drainage and/or engineered channel in all drainage easements.
- D. Erosion and sediment control measures.
- E. Underground utility lines.
- F. Street lights.
- G. Street trees.
- H. Permanent monuments and property line markers.

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact me at (240) 777-2197 or [andrew.bossi@montgomerycountymd.gov](mailto:andrew.bossi@montgomerycountymd.gov).

Sincerely,



Andrew Bossi  
Senior Planning Specialist  
Development Review Team

M:\Correspondence\FY13\Traffic\Active\720120040, Layhill View, pre-prelim ltr.doc

cc: Dean Packard, PG Associates, 16220 Frederick Rd, Suite 300, Gaithersburg, MD 20877  
Deborah Tallman 13710 Alderton Rd, Silver Spring, MD 20906  
Henry Emery MCDPS-RWPR  
Greg Leck MCDOT-DTEO  
Pre-Preliminary Folder  
Pre-Preliminary Notebook



**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: May 14, 2012

MEMO TO: Catherine Conlon, Supervisor for  
Development Review Committee, MNCPPC

FROM: William Campbell, Senior Permitting Services Specialist  
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review  
Preliminary Plan Pre 720120040 ; Layhill View  
Subdivision Review Meeting May 21, 2012 SWM File # NA  
DPS Reviewer NA

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- ☐ On-site: ☐ CPv ☐ WQv ☐ Both ☐ ESD
- ☐ CPv < 2cfs, not required
- ☐ Waiver: ☐ CPv ☐ WQv ☐ Both ☐ ESD
- ☐ On-site/Joint Use ☐ Central (Regional): waived to  
☐ Existing Concept: ☐ Approved Date,
- ☐ Other

**Type Proposed:**

- ☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter
- ☐ Separator Sand Filter ☐ Underground Detention ☐ Non Structural Practices ☐ Other

**FLOODPLAIN STATUS:** 100-Year Floodplain On-Site ☐ Yes ☐ No ☒ Possibly

- ☐ Provide the source of the 100-Year Floodplain Delineation for approval:
- ☐ Source of the 100-Year Floodplain is acceptable.
- ☒ Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
- ☐ Dam Breach Analysis ☐ Approved ☐ Under Review
- ☐ 100 yr. floodplain study ☐ Approved ☐ Under Review

**SUBMISSION ADEQUACY COMMENTS:**

- ☐ Downstream notification is required.
- ☐ The following additional information is required for review: \_\_\_\_\_

**RECOMMENDATIONS:**

- ☐ Approve ☐ as submitted ☐ with conditions (see approval letter).
- ☐ Incomplete; recommend not scheduling for Planning Board at this time.
- ☐ Hold for outcome of the SWM Concept review.
- ☒ Comments/Recommendations: At preliminary plan stage, submit a storm water concept, provide the drainage area to the existing pond along with a report from a professional engineer as to it's condition. A geotechnical report and borings will be required for the proposed drywells.



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## FIRE MARSHAL COMMENTS

---

**DATE:** 21-May-12  
**TO:** Dean Packard - pgai@verizon.net  
P.G. Associates, Inc  
**FROM:** Marie LaBaw  
**RE:** Layhill View  
1720061080 720120040

---

### PLAN NOT APPROVED based on the following comments:

- 1) Minimum allowable radius of a cul-de-sac is 45 ft
  - 2) Dimension pavement width of Night Wing Drive
  - 3) Show fire department water supply
- 

The following are provided for the benefit of the applicant:

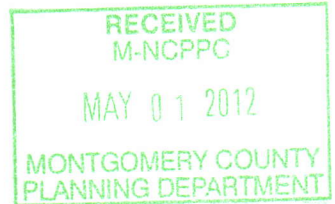
1. Show compliance with NFPA 1 (2006), Section 18.2.3.2 Access To Building.
  - a. Recommendation: Indicate all Fire Department Access Roads.
  - b. Recommendation: Designate all curb to curb widths of all FD Access Roads.
  - c. Fire Department access roads shall extend to within 50' of a side hinged door that provides access to the entire interior of the building.
  - d. One and two family dwellings protected by an NFPA 13D sprinkler system shall be within 150' of a Fire Department access road.
  - e. All FD Access Roads require 20 foot unobstructed width.
  - f. Common driveways are considered fire department access roads for the length they are shared by more than one structure.
  - g. Minimum road width for parking on a FD Access Road: 1 Side – 28 Feet, 2 Sides - 36 Feet.
  - h. Fire Department access roads must be capable of supporting 85,000 lbs.
2. Show compliance with NFPA 1 (2006), Section 18.2.3.4.4 Dead Ends.
  - a. Dead-end fire department access roads in excess of 150 ft (46 m) in length shall be provided with approved provisions for the turning around of fire apparatus.
  - b. Cul-de-sac type turn-arounds must be 90 ft in diameter with no obstructions in the center.
  - c. Hammerhead type turn-arounds must be 60 ft on each leg and meet other requirements for fire department access roads.
3. In accordance with NFPA 1 (2006), Section 18.2.3.4.3 Turning Radius.
  - a. Turns in FD Access Roads shall be constructed with a minimum radius of 7.6 m (25 ft) at the inside curb line and a minimum radius of 15.2 m (50 ft) at the outside curb line.
  - b. Recommendation: Designate all radii of all turns on fire department access roads.
  - c. FD Access Roads connecting to roadways shall be provided with curb cuts extending at least 0.6 m (2 ft) beyond each edge of the fire lane.
4. NFPA 1141 (2003), Section 5.4.5: The angle of approach and departure for any means of access shall not exceed 8 degrees.
5. Provide locations of Fire Hydrants.





Distribution Engineering, Maryland Division  
201 West Gude Drive  
Rockville, Maryland 20850  
Telephone: 301-670-8700  
Fax: 301-670-8718

April 26, 2012



Subject: Layhill View

In response to your request to review Layhill View Subdivision, we offer the following comments.

Pepco have an existing overhead pole line and equipment that feeds electrical service to the area. Therefore, the customer will be responsible for the cost to relocate and rearrange these facilities and to grant necessary easements.

Should you have any questions regarding this matter, please contact me at [amohammed@pepco.com](mailto:amohammed@pepco.com)

Sincerely,

Anwar Mohammed  
Engineer.  
Distribution Engineering-Maryland

PG Associates, Inc.  
16220 Frederick Road, Suite 300  
Gaithersburg, MD 20877  
(301) 208-0250  
(301) 208-1270 fax  
[pgai@verizon.net](mailto:pgai@verizon.net)

LAYHILL VIEW  
LOTS 27 - 29, BLOCK 9 & LOTS 26 - 35, BLOCK 11

TRAFFIC STATEMENT

An existing house exists on Parcel 607 and shall remain undisturbed.  
An existing house exists on Parcel 605 which shall be demolished.

The proposed 12 lot subdivision shall involve changing the trip count by increasing the dwelling count by ten.

AM PEAK

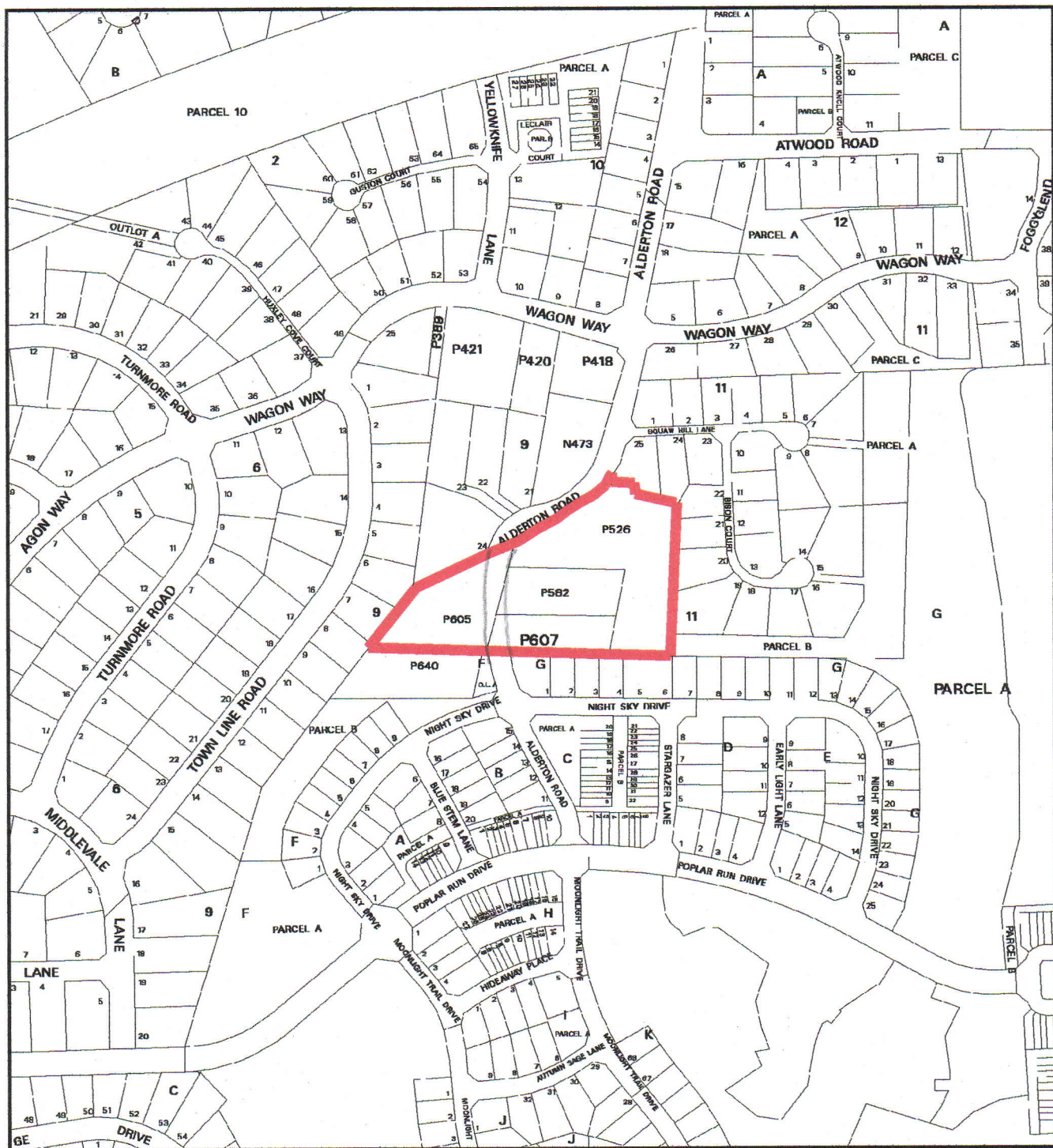
$$10 \times 0.95 = 9.5 \text{ trips}$$

PM PEAK

$$10 \times 1.11 = 11.1 \text{ trips}$$

Dean Packard, PE

# LAYHILL VIEW (720120040)



Map compiled on April 20, 2012 at 9:57 AM | Site located on base sheet no - 218NW02

## NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended. - Copyright 1998

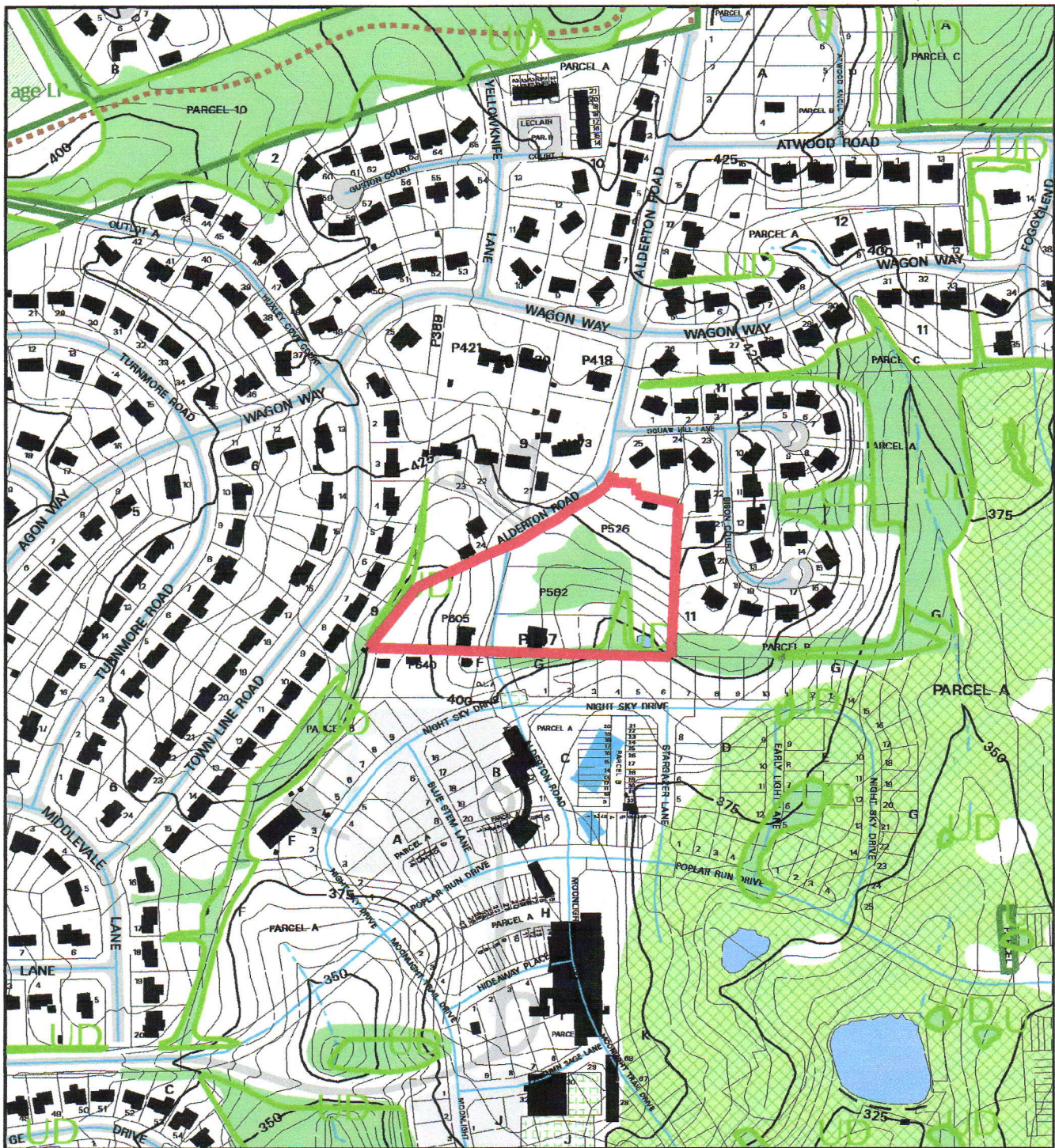
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map





# LAYHILL VIEW (720120040)



Map compiled on April 20, 2012 at 10:12 AM | Site located on base sheet no - 218NW02

## NOTICE

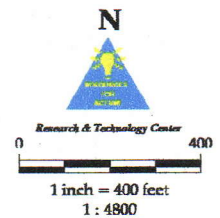
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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700

Key Map



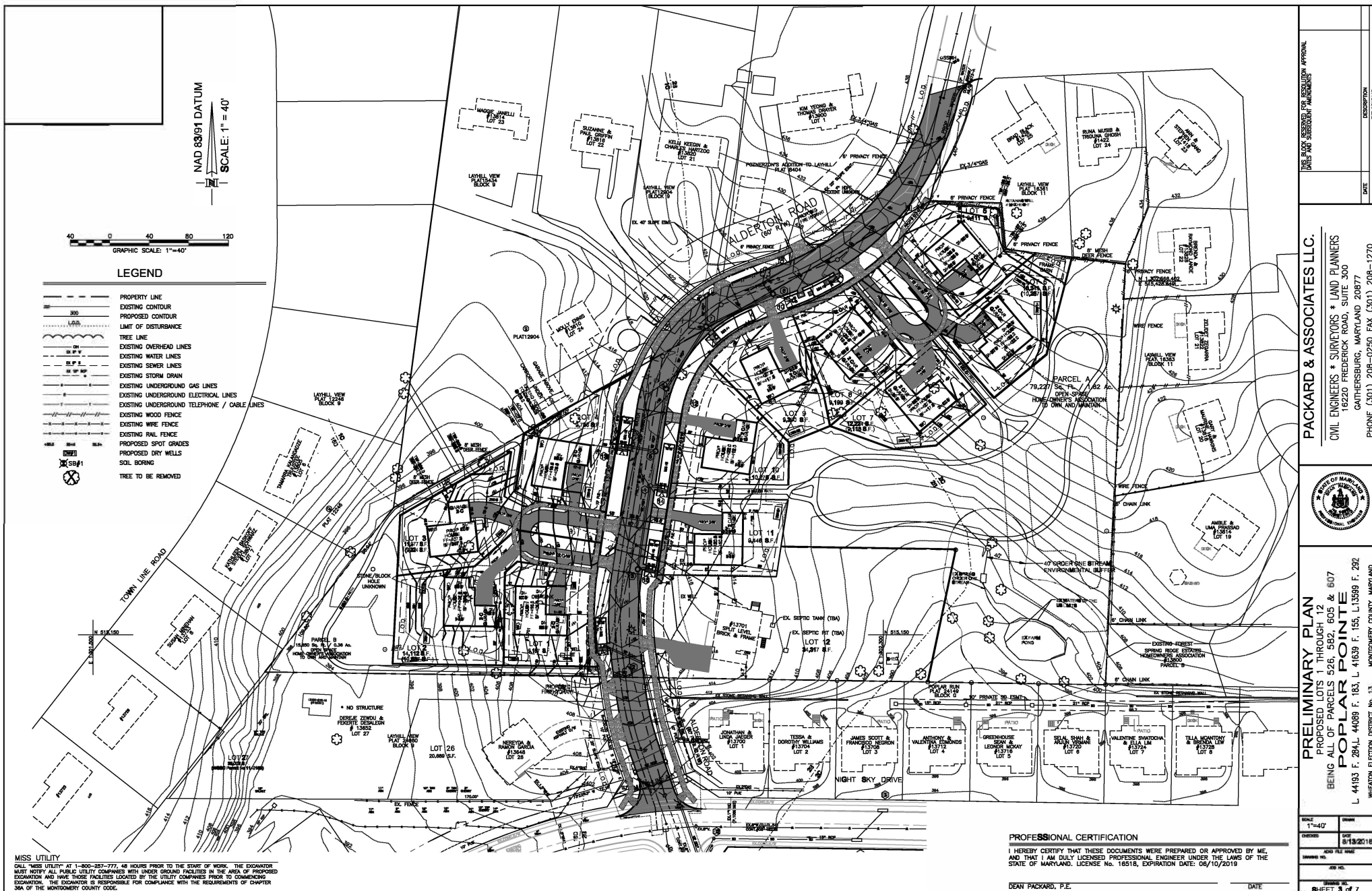


[illegible]

1 inch = 170 feet  
1 : 2040

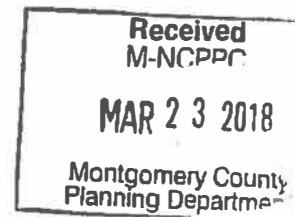


## ATTACHMENT 3



## ATTACHMENT 4

**Ramon E. Garcia**  
13648 Night Sky Drive  
Silver Spring, MD 20906



March 17, 2018

Development Application and Regulatory Coordination Division (DARC)  
M-NPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**RE: Plan Number 120180080, Poplar Pointe**

Dear M-NCPPC,

This letter is to voice my concern that the size of the proposed easement is too large and will be too close to the rear of my home and I fear the construction activity will cause my home to intake excessive amount of dust and dirt at a minimum and at a maximum structural damage and decrease in the value of my property.

Please explore situating the entrance to the project through Night Sky Drive or making the easement smaller so that it is not so close to my property.

I can be reached at 240-432-4946 if you have any questions or comments.

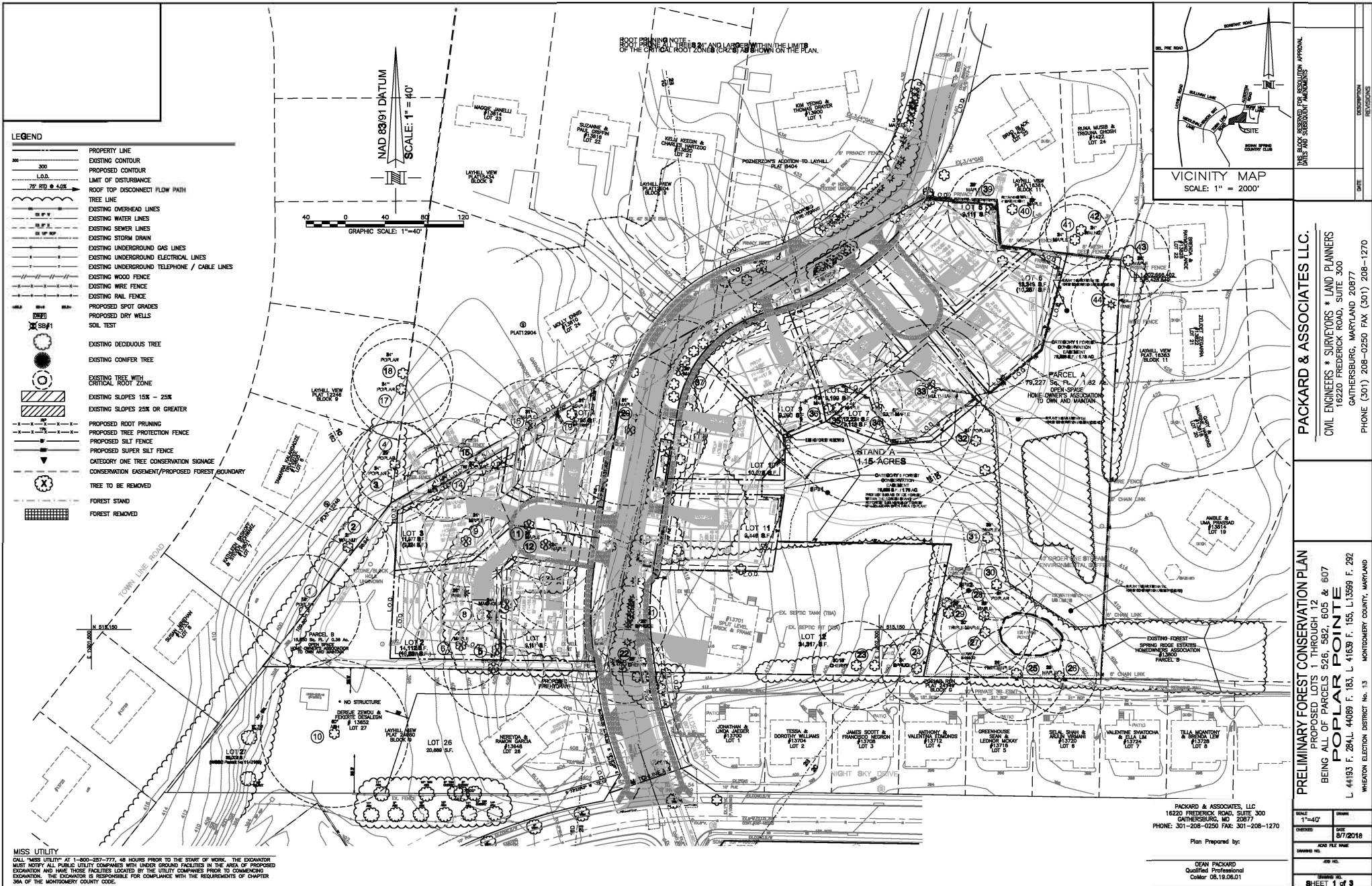
Sincerely,

A handwritten signature in black ink, appearing to read "Ramon E. Garcia".

Ramon E. Garcia

cc: Dean Packard, Packard & Associates, LLC

# ATTACHMENT 5





## ATTACHMENT 6



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

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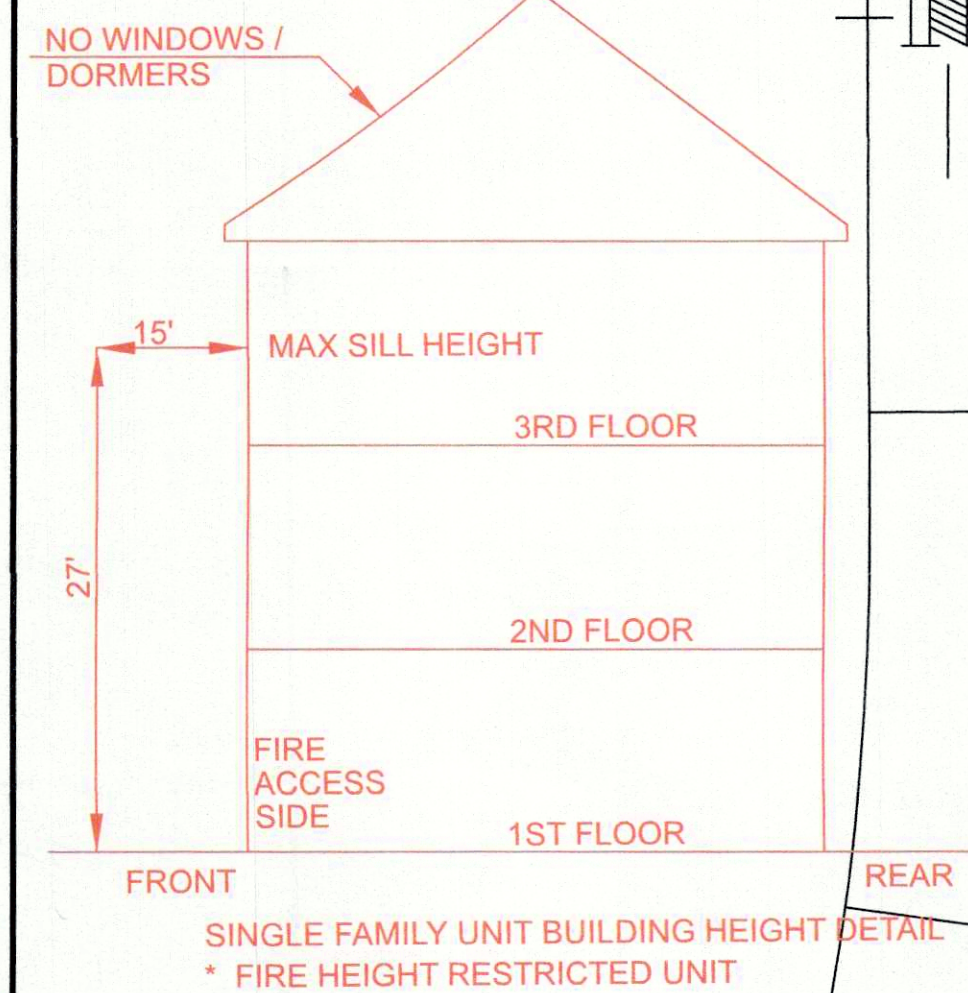
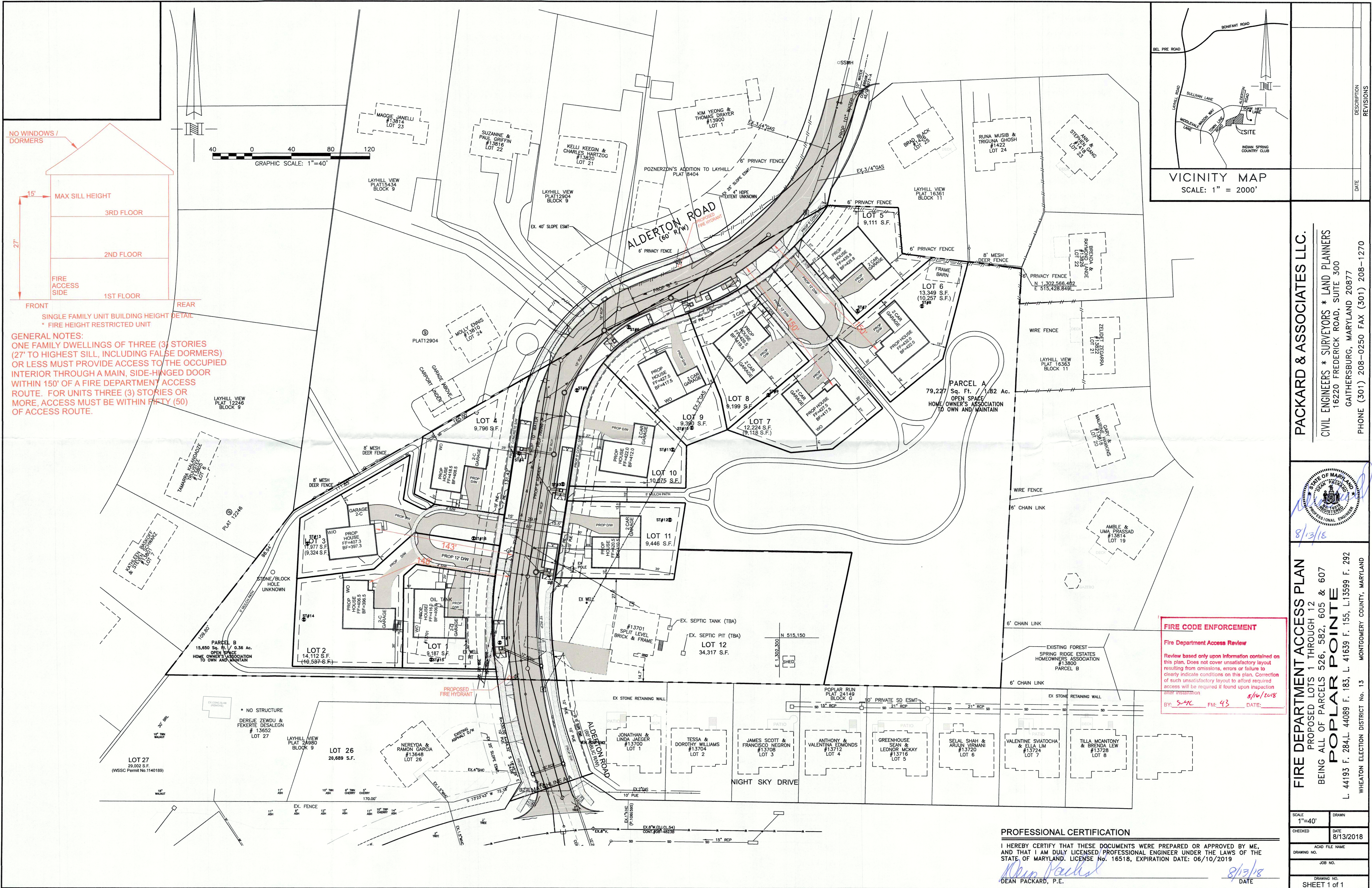
**DATE:** 16-Aug-18  
**TO:** Dean Packard - pgai@verizon.net  
P.G. Associates, Inc  
**FROM:** Marie LaBaw  
**RE:** Poplar Points  
120180080

---

#### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **16-Aug-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.





GENERAL NOTES:  
ONE FAMILY DWELLINGS OF THREE (3) STORIES (27' TO HIGHEST SILL, INCLUDING FALSE DORMERS) OR LESS MUST PROVIDE ACCESS TO THE OCCUPIED INTERIOR THROUGH A MAIN, SIDE-HINGED DOOR WITHIN 150' OF A FIRE DEPARTMENT ACCESS ROUTE. FOR UNITS THREE (3) STORIES OR MORE, ACCESS MUST BE WITHIN FIFTY (50) OF ACCESS ROUTE.

**FIRE CODE ENFORCEMENT**  
**Fire Department Access Review**  
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
BY: S-4C FM: 43 DATE: 8/16/2018

**PROFESSIONAL CERTIFICATION**  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 16518, EXPIRATION DATE: 06/10/2019  
*Dean Packard*  
DEAN PACKARD, P.E. DATE: 8/13/18

PACKARD & ASSOCIATES LLC.	
CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS 16220 FREDERICK ROAD, SUITE 300 GAITHERSBURG, MARYLAND 20877 PHONE (301) 208-0250 FAX (301) 208-1270	
8/13/18	
<b>FIRE DEPARTMENT ACCESS PLAN</b> PROPOSED LOTS 1 THROUGH 12 BEING ALL OF PARCELS 526, 582, 605 & 607 <b>POPLAR POINTE</b> L. 44193 F. 284.L. 44089 F. 183, L. 41639 F. 155, L.13599 F. 292 WHEATON ELECTION DISTRICT No. 13 MONTGOMERY COUNTY, MARYLAND	
SCALE: 1"=40'	DRAWN
CHECKED	DATE: 8/13/2018
ACAD FILE NAME	
JOB NO.	
DRAWING NO.	
SHEET 1 of 1	





## ATTACHMENT 7

### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

October 18, 2018

Mr. Dean Packard, PE  
PG Associates LLC  
16220 Frederick Road, Suite 300  
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER  
MANAGEMENT CONCEPT/SITE  
DEVELOPMENT STORMWATER  
MANAGEMENT PLAN** Request for Poplar  
Pointe  
Preliminary Plan #: 120180080  
SM File #: 283561  
Tract Size/Zone: 6.27  
Total Concept Area: 4.13  
Parcel(s): 526, 582, 605, 607  
Watershed: Northwest Branch

Dear Mr. Packard:

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 Walled Microbioretention in the road right-of-way (ROW) and Drywells on residential lots.

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. Unless otherwise approved the maximum drop in a micro-bioretenention facility in the right-of-way will be 18" preferred and 24" maximum.
5. The walled microbioretention facilities in the road ROW must receive approval from the Office of Transportation Policy – Development Review Team and the Department of Permitting Services - ROW Section prior to the detail stormwater management plan approval. The approval of this concept is not meant to imply acceptance of any specific of aspects or details of these microbioretention facilities only that it is DPS opinion that these facilities may provide the required treatment given our current understanding of ROW section requirements and limitations. A detailed review of the items below will occur at final engineering and must be coordinated between the Right-of-Way and Water Resources Sections for micro-bioretenention facilities located within the modified typical section:
  - A. Location of street trees and street lights;
  - B. Minimum distance and slope from face of curb to exterior face of wall of any MB facility adjacent to a travel lane;


- C. Minimum distance and slope from face of curb to exterior face of wall of any MB facility adjacent to parking;
  - D. Minimum distance and slope from a driveway to the exterior face of any MB facility;
  - E. Minimum distance and slope from edge of sidewalk to exterior face of wall of any MB facility;
  - F. Location, height and material of any barriers, such as fences and guardrails, associated with safe placement of MB facilities;
  - G. Maximum interior depth from top of wall to surface (top of planting media) of any MB facility;
  - H. Acceptable material and construction technique for walls (design will be reviewed at final engineering.
- 6. All proposed dry wells must meet MC DPS design standards including drainage area limitations, size, and setbacks.
  - 7. This approval is dependent on adequate capacity in the downstream public storm drain systems. If at the time of final engineering adequacy cannot be demonstrated, the applicant may be required to revise the concept to demonstrate on-site 10-year control.

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

This 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 me at 240-777-6340.

Sincerely,



Bill Musico PE, Plan Review  
Water Resources Section  
Division of Land Development Services

WJM

cc: N. Braunstein  
SM File # 283561



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
*County Executive*

Al R. Roshdieh  
*Director*

October 24, 2018

Ms. Rhoda Hersson-Ringskog, Senior Planner  
Area 2 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120180080  
Design Exception Package  
Poplar Pointe

Dear Ms. Hersson-Ringskog:

We have completed our review of the revised preliminary plan uploaded to eplans on August 8, 2018, and the Design Exception Package dated August 27, 2018. A previous plan was reviewed by the Development Review Committee at its April 10, 2018 meeting. We recommend approval of the plan subject to the following comments:

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

**Design Exception Package**

1. **Modify MCDOT Standard. No. MC-2002.02 – Secondary Residential Street, parking on one side.** The applicant is proposing to locate a portion of the sidewalk, on both sides of the street, outside the right-of-way in a seven-foot wide Public Improvement Easement (P.I.E.). This is to accommodate the stormwater management facilities for the road in the right-of-way. These facilities will require the tree lawn panel to be between 15 and 15.5 feet. Since the sidewalk is outside the right-of-way, the Public Utility Easement (P.U.E.) will increase from 10 to 17 feet.

**MCDOT Response:** MCDOT **approves** this modification.

Office of the Director



**Significant Plan Review Comments**

1. On the certified Preliminary Plan, show the following:
  - a. The applicant will need to verify that the sight distances of the revised driveway locations on the latest plan, uploaded August 14, 2018, are adequate.
  - b. Typical sections for all roadways, including those approved per the design exceptions, should be shown on the certified preliminary plan.
2. The applicant shall be responsible to coordinate with the applicable, adjacent property owners, per existing covenants, to contribute to the costs of Alderton Road construction.
3. We support the proposed sidewalk extension along Alderton Road to the existing sidewalk on Night Sky Drive per Montgomery County Code, Chapter 49-33(e).

**Preliminary Plan Review Comments**

4. The applicant shall be responsible for full width dedication of Alderton Road.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
6. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
7. Assure that sidewalks and ramps, in particular, at the transition points into and out of the right-of-way and at driveways, are Americans with Disabilities Act (ADA) compliant.
8. The sight distance certification for the Alderton Road intersection at Night Sky Drive is acceptable. An approved copy is included with this letter.
9. Relocation of utilities along the existing road to accommodate required roadway improvements, if necessary, is the responsibility of the applicant.
10. The storm drain study is acceptable. No improvements to the downstream system are required by this development.
11. If the proposed development will alter any existing street lights, signing and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at 240-777-2190 or [yazdan.sanayi@montgomerycountymd.gov](mailto:yazdan.sanayi@montgomerycountymd.gov) for proper executing procedures. All costs associated with such relocations is the responsibility of the applicant.

12. At or before the permit stage, please coordinate with Mr. Wayne Miller or our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Mr. Miller can be contacted at [wayne.miller@montgomerycountymd.gov](mailto:wayne.miller@montgomerycountymd.gov) or 240-777-5800.
13. 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, storm drainage & appurtenances, and street trees along Alderton Road.

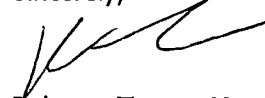
**\*NOTE: The Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

- 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) for as long as deemed necessary by the DPS.
- 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.

Ms. Rhoda Hersson-Ringskog  
120180080 Poplar Pointe  
Preliminary Plan Review  
October 24, 2018  
Page 4

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](mailto:william.whelan@montgomerycountymd.gov).

Sincerely,



Rebecca Torma, Manager  
Development Review Team  
Office of Transportation Policy

cc: Elliot Totah, Oxbridge Development  
Dean Packard, Packard and Associates  
Letters notebook

cc-e: Sam Farhadi, MCDOT RWPR  
Dan Sanayi, MCDOT DTEO  
Wayne Miller, MCDOT DTS



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: POPLAR POINTE Preliminary Plan Number: 1-20180080

Street Name: ALDERTON ROAD Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 ( Street Intx ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
Right 400' ✓  
Left 960' ✓

Sight Distance (feet) OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: At Intersection  
with Night Sky Drive

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

\*Source: AASHTO

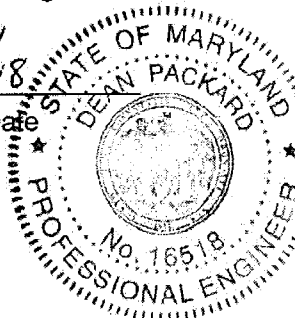
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

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

16518  
Signature

10/25/18  
Date



**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: W. J. W.

Date: 10/25/18

PLS/P.E. MD Reg. No.