



Priddy Property: Preliminary Plan No. 120170160

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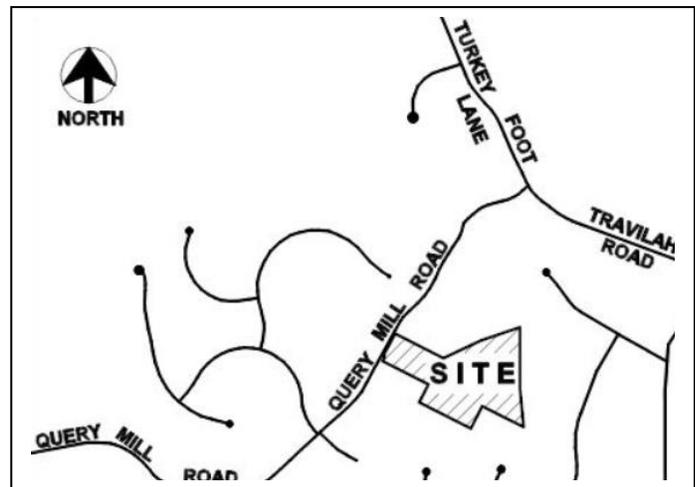
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Completed: 11/30/18

Description

Priddy Property Preliminary Plan No. 120170160:
Request to subdivide the Subject Property into eight (8) lots for 8 detached single family houses and one (1) outlot, located at 13511 Query Mill Road; 26.925 acres, RE-2; 2002 Potomac Subregion Master Plan.
Recommendation – Approval with conditions

Applicant: Carolee M Priddy Et. Al. TR
Submittal Date: February 1, 2017
Review Basis: Chapter 22A, Chapter 50



Summary

- Staff recommends Approval with conditions to the Preliminary Plan 120170160.
- The Subject Property is located in the RE-2 zone.
- Application creates eight lots for eight single-family detached homes.
- The Applicant has requested that the Application be reviewed on the Subdivision Regulation in effect after February 13, 2017.
- Staff supports the request for an overlength cul-de-sac road.
- Staff supports meeting the reforestation/afforestation requirement of 2.82 acres onsite within the unforested areas of the stream valley buffer.
- Staff recommends approval of the variance request to impact six specimen trees and to remove nine specimen trees.
- Staff has received one letter in opposition to the application.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120170160: Staff recommends approval of the Preliminary Plan subject to the following conditions:

1. This Application is limited to eight (8) lots for eight (8) single-family detached homes and one (1) outlot.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120170160, approved as part of this Preliminary Plan, including:
 - a. The Applicant must submit and obtain Staff approval of a Final Forest Conservation Plan prior to record plat.
 - b. Before demolition, clearing, or grading on the Subject Property, the Applicant must record a Category I Conservation Easement among the Montgomery County Land Records by deed. The deed must be in a form approved by the M-NCPPC Office of the General Counsel, and the Liber and Folio for the easement must be referenced on the record plat.
 - c. Final location and amount of all Variance Tree mitigation plantings will be determined at time of Final Forest Conservation Plan.
 - d. All Variance Tree mitigation plantings shall be onsite within unforested areas of the Stream Valley Buffer.
 - e. Variance Tree mitigation plantings may be reduced to one-inch caliper size if trees are planted in accordance with afforestation planting guidelines.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated November 15, 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.
4. The Planning Board accepts the recommendations of Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated January 18, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Administrative Subdivision Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. Prior to Certified Preliminary Plan, the Applicant must label the proposed tertiary residential public street to be constructed as part of the Application as “Public Street A”.
7. The record plat must include the following note: “Access to [insert street name used on record plat for Public Street A] is denied for Outlot “A””

8. The Applicant must dedicate and show on the record plat the rights-of-way for the following roads as well as construct the roads to the design standards specified in a. and b. below and as shown on the Certified Preliminary Plan:
 - a. Public Street A with a minimum of 60 feet of right-of-way must be constructed to MCDOT Road Code Modified Standard MC-2002.03: Open Section Tertiary Residential Street.
 - b. Cul-De-Sac at the end of Public Street A with a minimum of 130 feet in diameter right-of-way must be constructed to MCDOT Road Code Standard MC-222.02: Cul-De-Sac Open Section Road.
 - c. Query Mill Road with a minimum of 35 feet of right-of-way from pavement centerline. No frontage improvements are required.
9. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
10. 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 October 30, 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 – Water Resources 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 Montgomery County Department of Permitting Service (“MCDPS”) – Well and Septic Section in its letter dated August 17, 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.
12. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
13. 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 issuance of building permits. 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.”
14. Record plat must show all necessary easements.
15. The record plat must reflect all areas under common ownership.
16. 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.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The subject property consists of one platted lot identified as Lot 3 on Plat No. 5836 for Polo Club Estates filed in 1960 and two unplatted parcels identified as P905 and P899 on Tax Map ER342 (“Property” or “Subject Property”) (Figure 1). The Subject Property is located on the east side of Query Mill Road and approximately 0.5 miles south of the intersection of Turkey Foot Road and Query Mill Road. The Property is zoned RE-2 and is located in the Travilah area of the 2002 *Potomac Subregion Master Plan* (“Master Plan”).

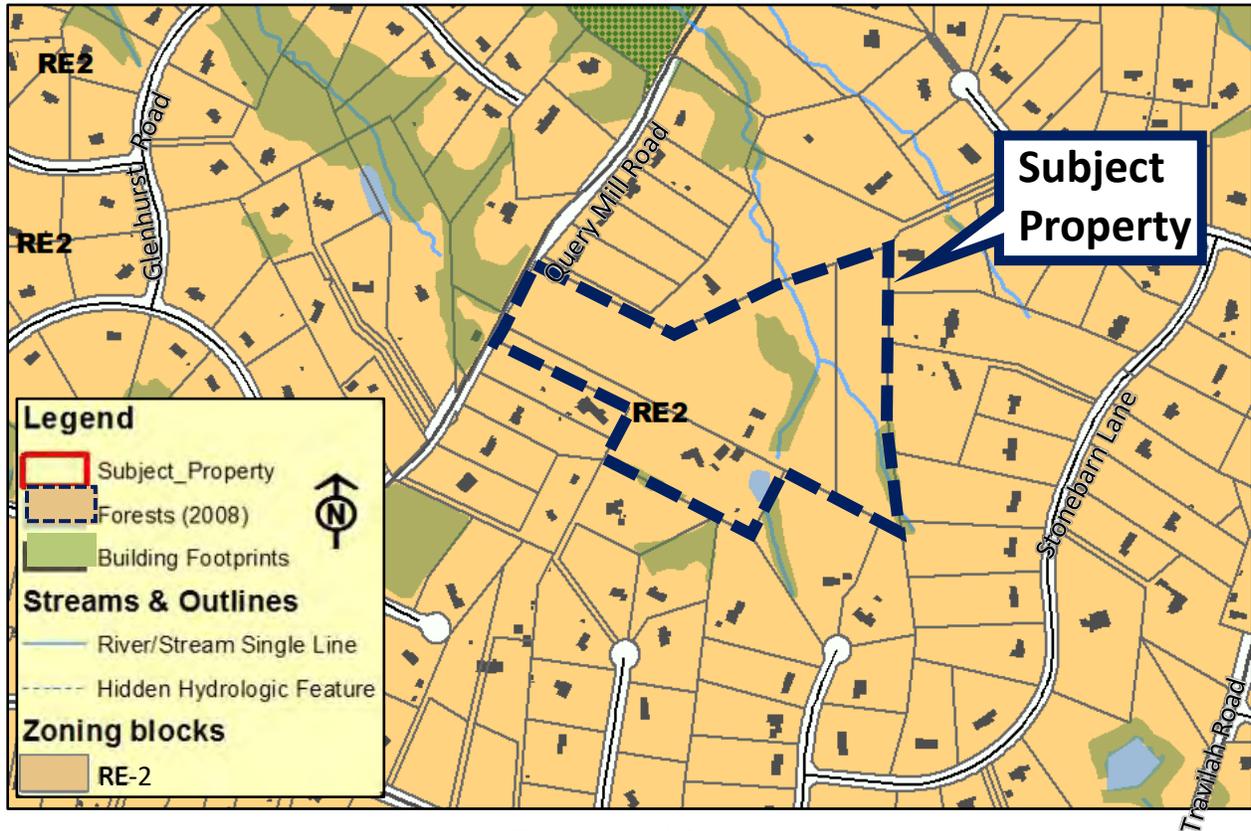


Figure 1 - Vicinity

Site Vicinity

To the north, south, east, and west of the Subject Property there are other residential neighborhoods in the RE-2 zone. Travilah Elementary is approximately one and a half miles to the northeast.

Site Analysis

As a single, platted parcel and two unrecorded parcels, the Subject Property is improved with a detached single-family home and two accessory structures with considerable open space around the structures, including existing forest cover approximately 2.7 acres. The Subject Property generally slopes and drains to the southeast to an unnamed perennial stream located near the eastern property line running parallel to the property line. In the eastern corner of the Property is a farm pond with an embankment with captures water from the stream flowing into it. The Property is located in the Potomac River Direct watershed, a Use IV-P watershed. There are documented streams and stream valley buffers on or immediately adjacent to the Subject Property but no wetlands, rare or endangered species.



Figure 2 - Aerial

SECTION 3 – APPLICATIONS AND PROPOSAL

Current Application

Preliminary Plan 120170160

The preliminary plan, No. 120170160, proposes to create eight (8) lots for eight one-family detached houses (“Preliminary Plan” or “Application”) on 26.925 acres. All eight lots will share a new tertiary residential public street (cul-de-sac) for access from Query Mill Road to each of the eight lots. The existing house on the Property will remain on one of the eight lots created by this Application.

The Application proposes to protect 2.64 acre of existing forest in a Category I Conservation Easement. All lots will utilize wells and septic systems for water and sewer service.

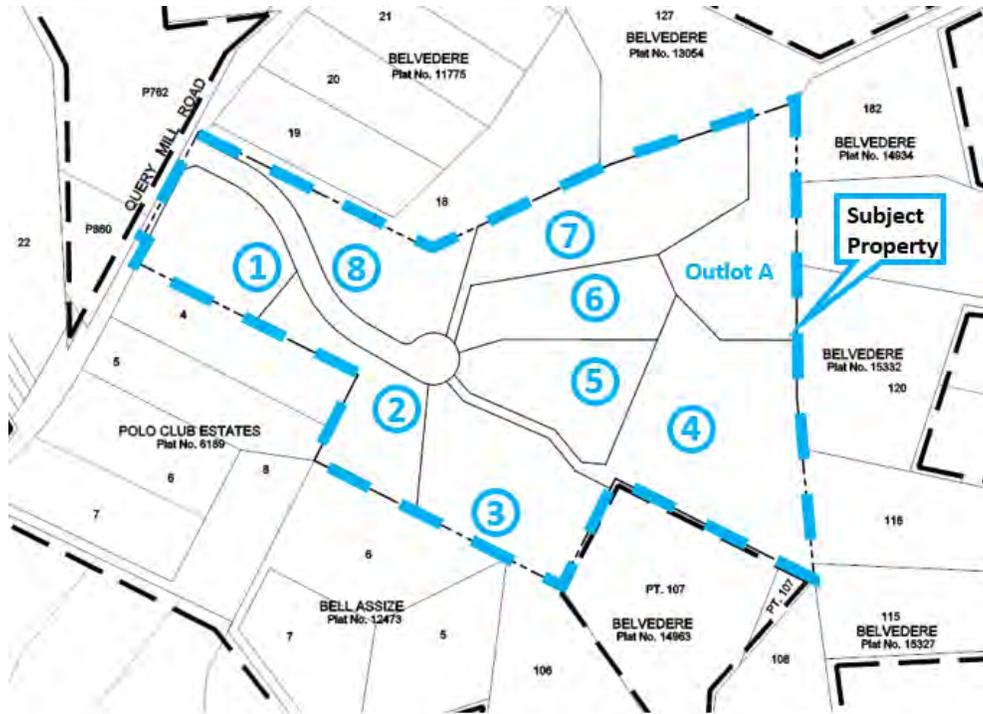


Figure 3 - Preliminary Plan



Figure 4 - Rendering of Preliminary Plan

SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120170160

1. *The Preliminary Plan substantially conforms to the Master Plan*

The Preliminary Plan substantially conforms with the recommendations of the 2002 Master Plan.

The purpose of the Master Plan is to protect the Subregion's natural environment and unique ecosystems, strengthen communities, maintain the transportation network, expand community facilities, and utilize historic preservation to contribute to the Subregion's unique sense of community. The Subject Property is located in the Travilah planning area of the Master Plan. The Master Plan provides no specific recommendations for the Subject Property other than to recommend the RE-2 zoning, which would continue the large lot residential appearance of the planning area.

Planning, Land Use and Buildings

The Master Plan reconfirms the zoning applied to the Subject Property. The Travilah planning area is a low-density area which acts as a transition from the higher densities of the Potomac and North Potomac planning areas to lower densities in Darnestown and the natural environment of the Potomac River.

Travilah is a more rural portion of the Subregion. The lack of community sewer systems has ensured low-density residential neighborhoods. The Application conforms to the general guidance of the Master Plan by providing a low-density residential development served by septic systems.

Transportation and Environment

The Master Plan's Transportation section identifies Query Mill Road as a Rustic Road. The Master Plan seeks to preserve the Subregion's existing character via the two-lane road policy and the rustic roads program. The Application is consistent with the guidance of the Master Plan by proposing no improvements to Query Mill Road in order to maintain its rural character and conformance to the two-lane road policy.

The environmental recommendations in the Master Plan focus on water quality protection for the watersheds in the Subregion and protecting forests as well as wetlands. The Subject Property is located in the Sandy Branch tributary to the greater Watts Branch watershed. The Preliminary Plan provides the required stormwater and water quality features to protect the watershed and preserve existing forest under Montgomery County Code. Low density residential uses in the RE-2 Zone can help maintain good water quality standards.

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

Roads and Transportation Facilities

The transportation Adequate Public Facilities (APF) test is satisfied under the 2016-2020 Subdivision Staging Policy. The Property is located in the Rural West Policy Area.

Query Mill Road is a Rustic Road requiring 70 feet of right-of-way in accordance with the *2002 Potomac Subregion Master Plan*. The Application proposes to grant 35 feet of right-of-way from the centerline of Query Mill Road. This amount of right-of-way dedication conforms to the Master Plan requirements.

Under Section 49-33(e)(1)(B), “If a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters, except any sidewalk: (B) on any roadway classified as exceptional rustic, rustic, country arterial, or country road”. Based on the classification of Query Mill Road as a Rustic Road no sidewalk, or other frontage improvement is required.

The proposed tertiary residential street to be constructed as part of the Application consists of a cul-de-sac road which is over 500 feet in length. According to Section 50.4.3(E)(2)(e)(iv) of the Subdivision Regulations:

“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;*

Construction of a through-road on the Subject Property is infeasible based on topography, environmental features, and property beyond the Applicant’s control. Construction of such a road would connect Public Street A with Stonebarn Lane by bridging across at least one, and possibly two, stream valleys with steep slopes on the Property and would require acquisition of abutting residential property to achieve appropriate right-of-way and frontage on Stonebarn Lane. Because of the topography, environmentally sensitive areas, and the characteristics of the abutting properties, constructing a through road connecting to another public street is infeasible.

- ii. the road provides access to no more than 75 dwelling units;*

The Application proposes 8 lots to be accessed by this road.

- iii. the road is properly terminated in a cul-de-sac or other turn around; and*

As proposed on the Preliminary Plan, the road will be terminated using MCDOT Road Code Standard 222.02, “Cul-de-sac for Open Section Roads”.

- 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 proposed tertiary public street is over 500 feet in length. This length will allow the road to access the wider eastern portion of the Property. Since the east side of the Property is considerably wider than the west side along Query Mill Road, the proposed lots can be better designed for the existing house to be retained and the new homes. If the road were to be shortened, it would likely result in a series of pipestem lots with long shared driveways.

In accordance with Section 49-33(e)(1)(A) of County Code, the proposed street does not require a sidewalk. Under this section, “sidewalks are not required: (A) in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;”

The smallest lot in the Application is 89,734 square feet which more than triples the minimum threshold. Furthermore, sub-part “D” of this section allows for eliminating sidewalks “on a secondary or tertiary residential street or service drives where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.” Since the only potential sidewalk segment would be along Query Mill Road, which is a Rustic Road without sidewalks currently or in the future, this standard has been satisfied.

Under Section 49-33(e)(2), “the Planning Board may require the applicant to install sidewalks, ramp, curbs, and gutters if the Board finds, as a condition of approval of a preliminary subdivision plan or site plan, that sidewalks, bikeway connections, ramps curbs, and gutters at that location are necessary to allow access:

- (A) to a sidewalk or bikeway;
- (B) to a bus or other public transit stop;
- (C) to an amenity or public facility that will be used by occupants of the site or subdivision; or
- (D) by persons with disabilities.”

In this particular case, none of these amenities, public facilities or infrastructure exist within a reasonable distance of the Subject Property. As such, based on the three sections, cited above, in Chapter 49 of County Code, Staff and other County agencies have determined that a sidewalk cannot be required at part of this Application along Query Mill Road or the proposed tertiary residential public street which will serve the lots proposed in this Application.

As a result, the Applicant has proposed and received approval from MCDOT for a Design Exception to MCDOT Road Code Standard 2002.03 (open section, tertiary road) which narrows the minimum right-of-way and removes the sidewalk requirement from both sides of this particular design standard.

Local Area Transportation Review (LATR)

A traffic study is not required to satisfy the Local Transportation Review because seven new single-family detached units generate fewer than 50 peak hour person trips.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-6 and S-6 water and sewer service categories, respectively, and will utilize on-site septic systems and water wells.

The Application was reviewed by the MCDPS, Fire Department Access and Water Supply Section, and a Fire Access Plan was approved on January 18, 2018 (Attachment 7). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy in effect at the time the Application was submitted.

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

Applicable School Test

The Application is scheduled for Planning Board review in FY19, 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.

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 southwest region of the County.

Table 1 - Per Unit Student Generation Rates – Southwest Region

	Elementary School	Middle School	High School
SF Detached	0.193	0.111	0.147
SF Attached	0.191	0.094	0.124
MF Low- to Mid-Rise	0.146	0.063	0.083
MF High-Rise	0.055	0.022	0.031

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

Table 2 – Student Generation Table

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	7	0.193	1.351	0.111	0.777	0.147	1.029
TOTAL	7		1		0		1

This project is estimated to generate one new elementary school student, no new middle school students, and one new high school student.

Cluster Adequacy Test

The project is located in the Thomas S. Wootton High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Wootton Cluster are noted in Table 3:

Table 3 – Cluster Adequacy Table

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,968	3,504	84.7%	4,205	2,969
Middle	1,315	1,521	86.5%	1,826	1,315
High	2,283	2,159	105.7%	2,591	2,284

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, there is sufficient capacity 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 Travilah ES and Robert Frost MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 4:

Table 4 – Individual School Adequacy Test

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Travilah ES	394	522	75.5%	+128	627	632	395
Frost MS	917	1,084	84.6%	+167	1,301	1,264	917

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 both Travilah ES and Robert Frost MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

School 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.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations for all eight lots are appropriate for the location of the subdivision, taking into account the design recommendations included in the Master Plan, and for the building type (single family homes) contemplated for the Property.

Outlot "A"

The Application also creates an outlot (Outlot "A") on the east side of the Property with the intent that it remain in continued agricultural use or until such a time that access could be granted that does not require modification to the Category I easements proposed on the stream valley buffers. Prior to the formal submittal of this Application, this outlot was proposed as a buildable lot and did have an approved septic percolation system. However, Staff strongly discouraged additional driveway crossing points of the stream valley to provide vehicular access to Outlot "A". As a result, this outlot will be created with the intent that it remain unbuildable and in agricultural use under the current lease agreement with an adjacent (off-site) property owner. The outlot could be transferred in ownership to another adjacent property owner for continued agricultural purposes or open space.

Staff remains concerned with the possibility that a future owner of this outlot could attempt to convert Outlot "A" into a buildable lot through the minor subdivision process and seek abandonment of a portion of Category I easement on the Property for driveway access out to Public Street "A" (potentially through proposed Lot 4). While it is understood that any abandonment of Category I forest easements would be a decision for future Planning Boards, Staff would consider any additional stream crossing as undesirable and avoidable. Staff suggests that vehicular access to Outlot A could be provided off Stonebarn Lane or some other alignment where stream crossings can be avoided.

Staff recommends that if approved, it should be noted in the Resolution following Planning Board action on this Application that the Planning Board considered the negative environmental impacts of an additional driveway stream crossing to access the area shown as Outlot "A" on the Certified Preliminary Plan and was satisfied that the outlot designation and adjacent Category I easements were sufficient to prohibit development on Outlot "A" until such time as the outlot could be converted to a record lot with alternative access which does not cross any stream.

Table 5 – Development Review Table

RE-2	Required by the Zone	Proposed for Approval
Minimum Lot Area	87,120 sq. ft. or 2 acres	Lot 1 = 2.0 acres Lot 5 = 2.2 acres Lot 2 = 2.1 acres Lot 6 = 2.0 acres Lot 3 = 3.2 acres Lot 7 = 3.7 acres Lot 4 = 5.2 acres Lot 8 = 2.2 acres
Minimum Lot Frontage	25 ft.	Lot 1 - Lot 8 = 25 ft.
Minimum Lot Width at B.R.L.	150 ft.	Lot 1 - Lot 8 = 150 ft.
Maximum Lot Coverage	25%	Lot 1 - Lot 8 = approx. 4%
Setbacks (for all lots)		
Front	50 feet	50 ft.
Side, abutting Residential	17 feet min./ 35 feet total	17 ft. or greater/35 ft. or greater
Rear, abutting Residential	35 feet	35 ft. or greater
Building Height	50 feet max.	50 ft. or lower
Site Plan Required	No	No

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

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

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420141250 for the Property was approved on December 22, 2015. The NRI/FSD identifies the environmental features and forest resources on the Property. The Subject Property consists of 26.925 acres of land located within the Potomac River Direct watershed, a Use I-P stream. The majority of the Property slopes and drains to the southeast to an unnamed perennial stream located near the eastern property line running parallel to the property line. There is a small open area of upland horse pasture in the northeast corner of the Property. There is one y-shaped stream system along the eastern portion of the Property. The 100-foot stream valley buffer (SVB) for the stream extends offsite. There is approximately 8.3 acres of SVB onsite of which 2.7 acres is forested. In addition to the streams on the Property there is an existing inline farm pond in the southeast portion of this Property on the western stream channel.

The Property contains 2.7 acres of forest which has a Retention Priority of 1 (High) due to the forest quality and its location within a stream buffer. The forest stand is dominated by Red Maple (*Acer rubrum*) and Tulip Poplar (*Liriodendron tulipifera*) with an average canopy closure of 100%. There are sixty-six (66) trees equal to or greater than 24" DBH that were identified on or within 100-feet of the property lines. Of those 66 trees, thirty-five (35) trees are 30" diameter breast height (DBH) or greater (specimen).

Environmental Guidelines

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. The Applicant was required by government regulations to address the farm pond feature onsite. When a property comes in with a development such as a Preliminary Plan of Subdivision the Applicant is required to inspect the pond, the embankment especially, for safety concerns. The pond is required to either be brought up to current safety standards or breached and restored to a natural state. The Applicant chose to breach the pond in accordance with the Maryland Department of Environment authorization (Attachment 10). The dam and the embankment are both within in the SVB and the Applicant wishes to keep the access route to proposed Lot 4 in the current location of the dam where impacts have already occurred. The Applicant has proposed buffer averaging as mitigation to help offset any SVB impacts. The Applicant proposes to leave 0.4 acres of SVB out of Category I easement for driveway access and restoration, in return the Applicant is offering 0.59 acres on proposed Lot 3 adjacent to but outside the SVB and 0.20 acres on proposed Lot 7 adjacent to but outside the SVB into Category I conservation easement, approximately a 2:1 ratio. These areas will be reforested and placed within a Category I conservation easement

Additionally, the Applicant is seeking to use a septic drainage field on Lot 7 that is on the opposite side of the stream from the proposed house on Lot 7. The drainage field itself is located in an upland open area outside of the SVB. The proposed pressure septic line will be directionally bored across the entire SVB so there will be no direct impacts from the installation of the line. The Applicant will need a temporary stream crossing for the installation of the drainage field. The temporary crossing will consist of temporary access bridge using MDE Detail H-4-1.

All the proposed impacts within the SVB have been approved and authorized by the Maryland Department of the Environment (Authorization Letter 17-NT-3357/201762062) (Attachment 10) if the development is approved by the Planning Board as proposed.

In addition to the buffer averaging discussed earlier, the Applicant proposes an additional 0.5 acres of forest planting above the forest conservation requirements and located in the SVB onsite.

Staff believes these impacts are minor in nature and are sufficiently mitigated with the Applicant's proposal and recommends approval of these SVB encroachments as part of this Application.

Buffer Averaging

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: 1) provide temporary construction access for the septic field for Lot 7, 2) *removal of the farm pond embankment*, and 3) construction and restoration of an access/ driveway for lot 4.

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 impact for the construction access for the septic field on Lot 7 is temporary in nature and will not have any permanent impacts. The removal of the farm pond embankment and restoration work is a requirement to bring the dam structure into safety compliance. The construction of an access point for Lot 7 will be done in an area already impacted that minimize additional impacts. The proposed disturbances with the stream buffer cannot be reasonably avoided.

2. *Encroachment into the buffer has been minimized.*

Staff and the Applicant worked together to revise the layout and design of the development to avoid and minimize impacts to the stream buffer to the extent practical. The resulting layout demonstrates considerable effort on the part of Staff and the Applicant to avoid and minimize impacts to the stream buffer, as recommended in the *Environmental Guidelines*.

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. No work will be conducted within wetlands, wetlands buffers, 100-year floodplain. The forest being removed is a requirement to bring the farm pond structure into compliance.

4. *The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tieouts to existing grades, slope stabilizing BMPs, etc.).*

The area of the stream buffer excluded from the conservation easement is an existing embankment of a farm pond, the removal and restoration of this area will return the majority of this area back to a natural condition.

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

Where the Applicant proposes to exclude the buffer from the Category I conservation easement approximately 0.4 acres, the Applicant will add 0.79 acres of additional land outside the SVB which will be planted and placed into Category I conservation easement

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 (PFCP) for the project was submitted with the Preliminary Plan of Subdivision application. The total net tract area for forest conservation purposes is 26.93 acres. The Property is zoned RE-2 and is considered Medium Density Residential (MDR) under the Trees Technical Manual. The PFCP worksheet shows the removal of .07 acres of forest, the retention of 2.64 acres of forest resulting in a total reforestation/afforestation requirement of 2.82

acres. The Applicant has proposed to meet the planting requirement onsite within the unforested areas of the SVB.

Forest Conservation Variance

Section 22A-12(b)(3) of 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 a 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, therefore, the Applicant has submitted a variance request for these impacts.

Variance Request

The Applicant submitted a variance request in a letter dated July 24, 2018 (Attachment 12). There are six (6) specimen sized trees, 30" or greater diameter breast height (DBH), that will be impacted by construction and nine (9) specimen trees to be removed (Table 1).

Trees ST-10, ST-12, and ST-19 are being slightly impacted by the proposed septic line for Lot 7. This alignment was chosen to reduce the number of impacted trees.

Trees ST-23 and ST-24 are being impacted by the installation of a septic line and drainage field for Lot 8. The approved septic fields limited the placement of the drainage field and impacts could not be avoided.

Tree ST-26 is being removed due to impacts from the grading and installation of the new access road for the development.

Tree ST-33 is on the existing embankment of the farm pond and will be removed from the impacts associated with the removal and restoration of the pond's outfall structure.

ST-42, ST-43, and ST-44 are being removed based upon impacts associated with the grading and installation of a new shared driveway for access to Lots 3, 4, and 5.

ST-49, ST-50, ST-51, ST-52, and ST-53 are being removed based on impacts from installation of the new road, underground utilities, storm drain facilities.

Table 6: Variance Trees to be impacted or removed

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-10	Platanus occidentalis	Sycamore	32"	Good	20%	Retain with Tree Protection
ST-12	Platanus occidentalis	Sycamore	31"	Good	5%	Retain with Tree Protection
ST-19	Platanus occidentalis	Sycamore	33"	Good	18%	Retain with Tree Protection
ST-23	Platanus occidentalis	Sycamore	40.5"	Moderate	29%	Retain with Tree Protection
ST-24	Prunus serotina	Black Cherry	34"	Moderate	25%	Retain with Tree Protection
ST-26	Pinus strobus	E. White Pine	28"	Moderate	61%	Remove
ST-33	Quercus palustris	Pin Oak	40"	Moderate	63%	Remove
ST-42	Pinus strobus	E. White Pine	32"	Moderate	64%	Remove
ST-43	Pinus strobus	E. White Pine	35"	Moderate - Poor	86%	Remove
ST-44	Pinus strobus	E. White Pine	30"	Moderate	93%	Remove
ST-49	Acer saccharinum	Silver Maple	46"	Good- Moderate	40%	Remove
ST-50	Acer saccharinum	Silver Maple	33"	Moderate	34%	Remove
ST-51	Acer saccharinum	Silver Maple	45"	Moderate	34%	Remove
ST-52	Ulmus pumila	Siberian Elm	36"	Poor	100%	Remove
ST-53	Acer saccharinum	Silver Maple	35"	Moderate	13%	Retain with Tree Protection

Unwarranted Hardship Basis

Per Section 22A-21(a), an applicant may request a variance from Chapter 22A if the applicant can demonstrate that enforcement of Chapter 22A would result in an unwarranted hardship.

In this case, the Subject Property has environmentally sensitive features (streams, steep slopes, and forest) in the eastern part of the Property which make the eastern portion of the Property less accessible. In addition, a significant portion of the Property contains streams and stream buffer areas. These areas are generally off-limits for new development. Therefore, other areas of the Property must be analyzed for new development. Of the 15 specimen trees included within this variance request, 13 are located to the west of the environmentally sensitive areas in the portion of the Property most available for new development. While the project has been carefully planned to avoid or minimize impacts where possible, complete avoidance is not practical when developing the most usable areas of the Property in accordance with the RE-2 zone.

Also, the Property has the unusual characteristic of containing an existing farm pond and pond dam within the stream valley buffer. Alternatives to address the pond dam were discussed above and all of the options result in impacts to one specimen tree. A variance is needed for any of the alternatives. The option chosen results in removal of the tree which is mitigated by removal of the pond and restoration of the area to a natural condition.

In addition, the Property contains an existing driveway which is lined with a large number of specimen trees. The peculiarity of this arrangement with the trees lined up in the southwestern corner of the Property results in the placement of a new road elsewhere to avoid most of these trees. However, since there are trees elsewhere, but in less concentration, some impacts will result from development of the Property.

Finally, the Property is of an unusual shape with a narrow area at the front (west end) of the Property which widens to a larger area to the center and further back. Proper arrangement of lots, new road, septic fields, and well sites results in a configuration that works with the unusual Property shape which impacts some of the specimen trees.

Staff has determined that impacts to variance trees for the development of this Property are unavoidable and the Property could not be reasonably developed without a Variance Request.

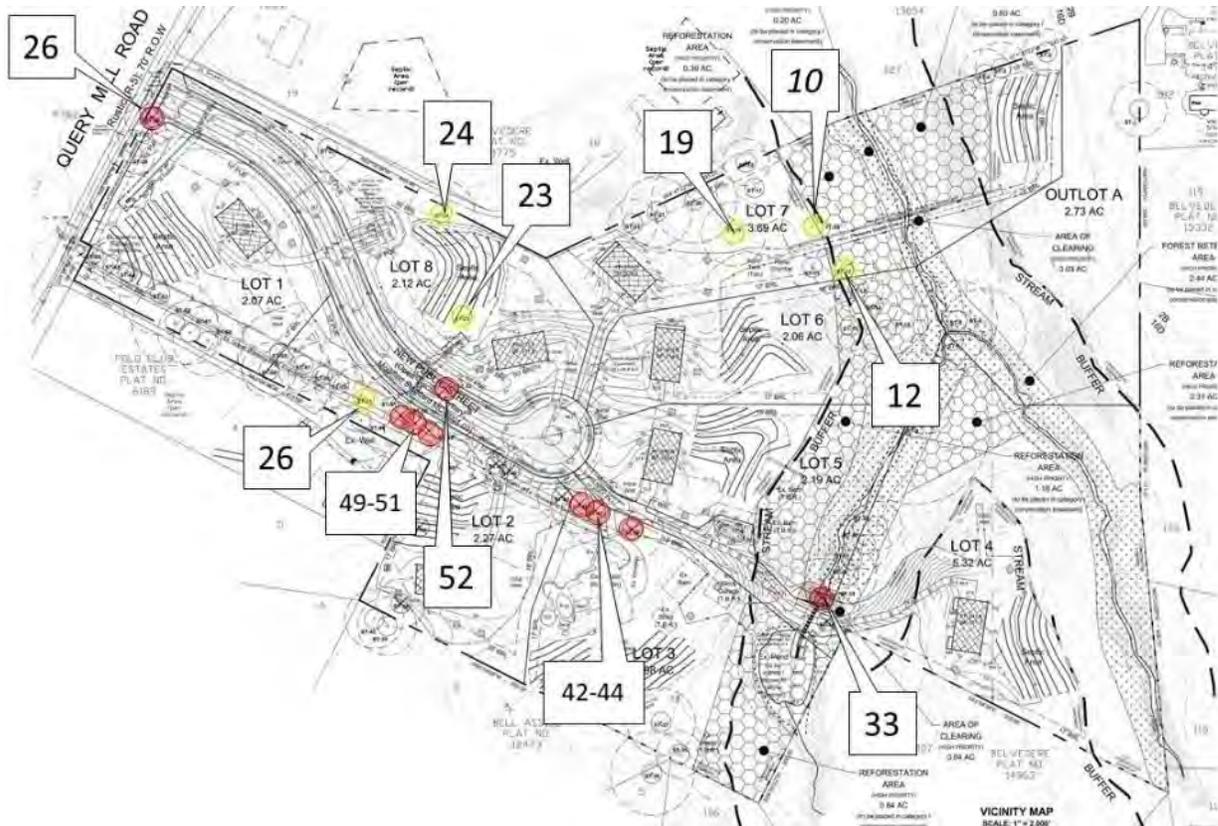


Figure 5 – Variance Tree Distribution

As a result, an unwarranted hardship would be created if a variance were not considered. Therefore, Staff concurs that the Applicant has a sufficient unwarranted hardship to justify a variance request.

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.

Variance Findings

Staff has made the following determinations based upon the required findings in the review of the variance request and the Forest Conservation Plan:

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

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 Applicant to develop the Property in a manner appropriate for the RE-2 zone. All of the surrounding properties which are also zoned RE-2 have already been subdivided and developed. Therefore, 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 requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing Property conditions and necessary design requirements of this preliminary plan application.

3. *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 existing conditions and not as 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. The Application proposes mitigation for the removal of these trees by planting twenty-four (24) larger caliper trees on-site. The 24 mitigation trees will eventually provide more shade and more groundwater uptake than what the existing trees currently provide. Therefore, Staff concurs that the project will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision

There are 9 trees proposed for removal in this variance request resulting in a total of 285.0 inches of DBH being removed. For removal of specimen trees associated with a variance request, Staff recommends mitigation for the tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 71.25 inches of replanted trees. In this case, Staff recommends the Variance Tree mitigation plantings be done onsite within unforested areas of the SVB. If the planting is in accordance with afforestation planting guidelines Staff recommends the caliper inch be reduced to one-inch and planted at a density of 100 trees per acre. Final location and sizes will be determined at the time of the Final FCP

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 of the date of this staff report, Staff had not received any correspondence from the County Arborist regarding this variance request.

Variance Recommendation

Staff recommends approval of the variance request.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on October 30, 2018 (Attachment 11). The Application will meet stormwater management goals via drywells, microbioretention, microbioretention planter boxes, and non-rooftop disconnect.

SECTION 5: CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Subject Property's frontage. A pre-submission meeting was held at 51 Monroe Street in Rockville, MD on October 13, 2018.

As of the date of this report, Staff has received one letter in opposition (Attachment 13) to this Application. The concerns stated in the letter are focused primarily on environment and traffic.

Environmental Concerns

Environmental concerns focus on the following components of the Application: a) draining the pond, b) crossing the stream valley for single septic system, c) stormwater runoff, d) impacts to specimen trees, and e) water quality. Many of the concerns discussed in the letter are related to regulatory responsibilities of other County agencies which beyond the Planning Board's authority.

The breaching of the dam and the resulting draining of the pond has been approved by the Maryland Department of Environment (Attachment 10). In the long term, private dams can become safety issues because they frequently lack maintenance. In most cases, they are recommended for removal.

DPS Well & Septic has approved all well and septic locations and the designs for all lots (Attachment 9). The Application proposes to directionally bore under the entire stream valley from edge to edge, which is a minimally invasive technique with minimal impacts and disturbances to environmentally sensitive resources. This technique contrasts with the more traditional "trenching" technique, which causes far greater impacts and disturbance to environmentally sensitive resources. Additionally, aside from a temporary stream crossing to allow construction equipment to build the septic field, there will be no permanent disturbance in the stream valley area. This technique has been approved by DPS and the Planning Board multiple times on other applications.

The stormwater controls and water quality are the responsibility of the Water Resources section of DPS (Attachment 11). Since this Property currently has little to no stormwater controls, the implementation of modern stormwater standards will very likely improve stormwater runoff originating from the Subject Property.

As discussed in this Staff Report, the Application meets all the requirements of Chapter 22A of County Code as well as meets the findings for the granting of a tree variance to allow the removal of the specified trees in order to develop the Property as proposed.

Traffic Concerns

The letter is concerned about the amount of traffic on Query Mill Road and the poor state of its maintenance. This Application doesn't approach the traffic generation level to require a traffic study or any type of traffic mitigation. Furthermore, as the citizen letter points out, Query Mill Road is a Rustic Road, which limits the amount of improvements permitted to the road in accordance with the 2002 *Potomac Subregion Master Plan* and the *Rustic Roads Master Plan*. In any case, maintenance of the Rustic Road is allowed and conducted by MCDOT, and Staff has forwarded this citizen letter to MCDOT.

SECTION 6: CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations, Forest Conservation Law in Chapter 22A, and the proposed use substantially conforms to the recommendations of *2002 Potomac Subregion Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan with the conditions provided. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS

Attachment 1 – Statement of Justification

Attachment 2 – Preliminary Plan

Attachment 3 – Preliminary Forest Conservation Plan

Attachment 4 – Record Plat No. 5826

Attachment 5 – Applicant’s request to be reviewed under current Subdivision Regulations

Attachment 6 – Rustic Road Advisory Committee Approval, October 30, 2017

Attachment 7 – MCDPS, Fire Department Access and Water Supply Section, January 18, 2018

Attachment 8 – MCDOT Approval Letter, November 15, 2018

Attachment 9 – DPS Well and Septic Approval, August 17, 2018

Attachment 10 – Maryland Department of Environmental Letter, March 12, 2018

Attachment 11 – DPS Stormwater Concept Approval, October 30, 2018

Attachment 12 – Citizen Correspondence

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
(301) 948-0241 fax

July 24, 2018

Mr. Richard Weaver, Area 3 Chief
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Statement of Justification for Priddy Property (MNCPPC #120170160)

Dear Mr. Weaver,

This statement accompanies a Preliminary Plan Application for the subject property. The property located along Query Mill Road in the area of North Potomac consists of 26.925 acres of land which is zoned RE-2. A total of 8 single-family residential lots including one for the existing home are proposed for this site.

The existing residence, located at 13511 Query Mill Road, is located on a previously recorded lot, Lot 3 of Polo Club Estates. The subject lot was the only lot recorded on plat number 5836 in February of 1960. Lot 3 comprises 5.593 acres of the 26.925 acres included in the subject application. The remainder of the property is made up of two unrecorded deed parcels, P905 and P899.

The required findings of Chapter 50.4.2.D for approval of a Preliminary Plan are as follows:

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;

The proposed lots have been planned to meet the area and dimensional requirements of the RE-2 zone. Minimum lot size, lot width, frontage, setbacks, and lot coverage are adhered to with this application and no waivers are being requested. After accounting for road dedication, the average lot size of the 8 proposed lots is 2.82 acres.

A new public street is planned for access to each of the 8 lots. The type of street proposed (open section tertiary residential street) is consistent with the setting of the property in a rural area. Similar to other nearby developments in the RE-2 zone, the

new street is planned to end in a cul-de-sac. Since all of the properties surrounding the site have already been subdivided and developed, there is no need to consider extending the street to any surrounding property.

the preliminary plan substantially conforms to the master plan;

The property is located within the limits of the *Potomac Subregion Master Plan* as approved and adopted in 2002. The Master Plan makes no specific recommendations for the property other than to retain the RE-2 zoning which was in place at that time. The application to subdivide 26.925 acres of land area into 8 single-family residential lots in accordance with the RE-2 zone substantially conforms to the recommendations of the Master Plan.

public facilities will be adequate to support and service the area of the subdivision;

The subject property will be accessed by way of Query Mill Road which has been declared to be a *Rustic* road according to the applicable Master Plan. Dedication 35 feet from the center of the road will be provided but no improvements along Query Mill Road are anticipated given its *Rustic* status. A new public road (open section tertiary residential) is proposed to be constructed within the subject property to provide access and frontage to each of the lots. The new road has been designed to be in accordance with County Standard MC-2001.03 with certain modifications including the elimination of sidewalks along both sides and a reduction in overall right-of-way width due to the removal of the sidewalks. The new road is proposed to end in a cul-de-sac in accordance with County Standard MC-222.02.

Emergency vehicle ingress and egress is accounted for in the design of the subdivision. The new road will be 20 feet in width in accordance with County standards and will terminate in a cul-de-sac with a paved diameter of 90 feet. A MCFRS Public Safety Water Supply Easement and turnaround area is provided on the plan for the installation of a fire protection cistern by the developer.

Other public facilities including schools, police stations, and fire houses service the area where the property is located and are adequate to meet the needs of the proposed new lots.

all Forest Conservation Law, Chapter 22A requirements are satisfied;

The Preliminary Forest Conservation Plan submitted with the application addresses all requirements of the Forest Conservation Law including preservation of existing forest, afforestation and reforestation on-site, and protection of individual trees to the greatest extent practical. The subject property includes streams, an existing pond within the stream valley buffer, limited forest cover, and many large individual trees within and outside forested areas.

Nearly all of the existing forest on the property will be retained and an additional 3.32 acres of new forest will be added to the site within and adjacent to stream valley buffer (SVB) areas. Additional areas encompassing unforested stream valley buffers will be placed in category I conservation easements for protection and to allow for natural regeneration. Altogether, 8.91 acres of land area (33% of the property) is to be placed in a category one conservation easement.

The 8.91 acres includes an additional 0.7 acre of area on lots 3 and 7 outside of the SVB to offset proposed SVB encroachments for reconstruction of an existing stream crossing to Lot 4 and for installation of a septic line crossing on Lot 7. These encroachments which total 0.49 acre are also to be offset by additional forest planting of 0.5 acre (part of the total 3.32 acres) which is above and beyond what is required by the FC worksheet.

In addition to the above, the existing farm pond which is currently located within the SVB is proposed to be drained and returned to a natural condition with plantings. Removal of the pond and replacement of the existing pond dam and outfall with a more suitable crossing will be a significant environmental improvement from the current condition.

all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied;

Stormwater management for the project is to be addressed by utilizing Environmental Site Design (ESD) practices. These practices are to include bio-swales for collecting and infiltrating runoff from the new road, and drywells and micro-bioretenion areas for houses and driveways. A post-development 100-year floodplain delineation has been reviewed and approved by MCDPS and the 100-floodplain area and building restriction line are shown on the Preliminary Plan. In addition, for the proposed work in the 100-year floodplain area to remove the existing pond and to reconstruct the existing stream crossing, a Letter of Authorization has been obtained from the Maryland Department of the Environment.

In addition, the following specific technical requirements of Chapter 50.4.3 are addressed with the submitted application:

Lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of development or use contemplated, considering the recommendations of the master plan and the applicable requirements of Chapter 59. The dimensions of a lot must be able to accommodate any proposed building and other infrastructure deemed necessary to serve the lot, including but not limited to any accessory structure, stormwater management, parking, access drive, and off-street service.

As demonstrated on the Preliminary Plan, each of the 8 lots is appropriate for the type of development and use proposed and can accommodate the expected improvements. The proposed lots have been planned to meet the area and dimensional requirements of the RE-2 zone. Minimum lot size, lot width, frontage, setbacks, and lot coverage are adhered to with this application and no waivers are being requested.

Every lot must abut on a public or private road. A public road must be dedicated or donated to public use or have acquired the status of a public road under Chapter 49.

The Preliminary Plan proposes to dedicate a new public road and each of the 8 lots is planned to abut this new road.

A tract in a preliminary plan application must be divided to not preclude future road openings and further logical subdivision of adjacent land.

Since all adjacent lands abutting the subject property have already been subdivided and developed, the subject application does not preclude future road openings or logical subdivision of adjacent land.

The subdivider must design and construct the roads, alleys, bicycle facilities, sidewalks, and pedestrian ways with drainage, street trees, and other integral facilities in each new subdivision as required by the appropriate transportation or permitting agency.

The proposed new road is planned to be constructed as an open section tertiary residential street but with modifications including the elimination of sidewalks along both sides. The following request is made for the removal of sidewalks along both sides of the new road:

Request to Modify MC-2001.03 to eliminate sidewalks along both sides of the road:

Per Section 49-33(e) of the County Code, sidewalks along a public road are not required:

- *on a tertiary residential street if the Planning Board finds that a sidewalk is unnecessary for pedestrian movement*
- *on a tertiary residential street where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments*

Regarding pedestrian movement, given the nature of this subdivision with large lots in a rural setting and along a rustic road (Query Mill Road), sidewalks are unnecessary along the new public street. The roadway pavement and adjoining shoulder will serve to provide for pedestrian movements within the property as is the case for other similar properties developed nearby. In addition, sidewalks do not exist along Query Mill Road or other nearby subdivisions and so there is no potential to connect to sidewalk segments outside of the property. Constructing sidewalks along this self-contained new interior street would add unnecessary impervious surface and an unnecessary burden on the County for maintenance.

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 Preliminary Plan proposes a new road which terminates on-site in a cul-de-sac. The road is planned to be approximately 936 feet in length. A through road is not feasible in this circumstance because all abutting properties are already developed and further subdivision is not likely. None of the abutting properties were planned to connect with a road on the subject property. In addition, the subject property includes environmentally sensitive areas in the eastern portion of the site and extension of a new public road into these areas would be harmful to the environment.

In addition to the above, since the proposed new road is planned to be longer than 500 feet, the following is a request for approval of an over-length road:

Request for an Over Length Road:

The new road is proposed to be approximately 936 feet in length and will end in a standard cul-de-sac per MC-222.02. Because the proposed roadway ending in a cul-de-sac is longer than 500 feet, approval of an over-length road is requested. The configuration of the property with only one point of access with limited frontage makes it impractical to provide an alternative means of ingress and egress. Furthermore, all of the properties which surround this site are developed and no provisions for connecting to adjoining subdivisions exist.

Roads must be laid out to intersect as nearly as possible at right angles. The Board must not approve a proposed intersection of new roads at an angle of less than 70 degrees.

The proposed new road is planned to intersect with Query Mill Road at a 90 degree angle.

In all public and private primary, secondary and tertiary residential streets and culs-de-sac, the alignment must be designed so that all deflections in horizontal alignment are accomplished through segments of circular curves properly incorporated into the design. The minimum permitted centerline radii must be: 100 feet for Tertiary roads.

The minimum centerline radii for the proposed new road is 300 feet.

In a preliminary plan or administrative subdivision plan application containing lots fronting on an existing State, County, or municipally maintained road, the subdivider must provide any additional required right-of-way dedication and reasonable improvement to the road in front of the subdivision, including sidewalks and bicycle facilities, as required by Master Plan, the Road Design and Construction Code or by a municipality, whichever applies.

In accordance with the Master Plan, right-of-way dedication 35 feet from the center of Query Mill Road is proposed to be provided. Improvements along the frontage of the property are not proposed to be provided because Query Mill Road is a *Rustic* road and the existing features including tree and topographic conditions are to remain.

CONCLUSION

The Preliminary Plan Application as presented is consistent with the requirements and recommendations of the Master Plan and is in compliance with all zoning and subdivision standards for development within the RE-2 zone. Based upon the information provided, we respectfully request approval of this application.

Sincerely,



David W. McKee

Rev. 07/24/18	
Rev. 09/20/18	



date: 12/9/16
scale: 1" = 60'

Bemling & Associates, Inc.
Land Planning Consultants
8913 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



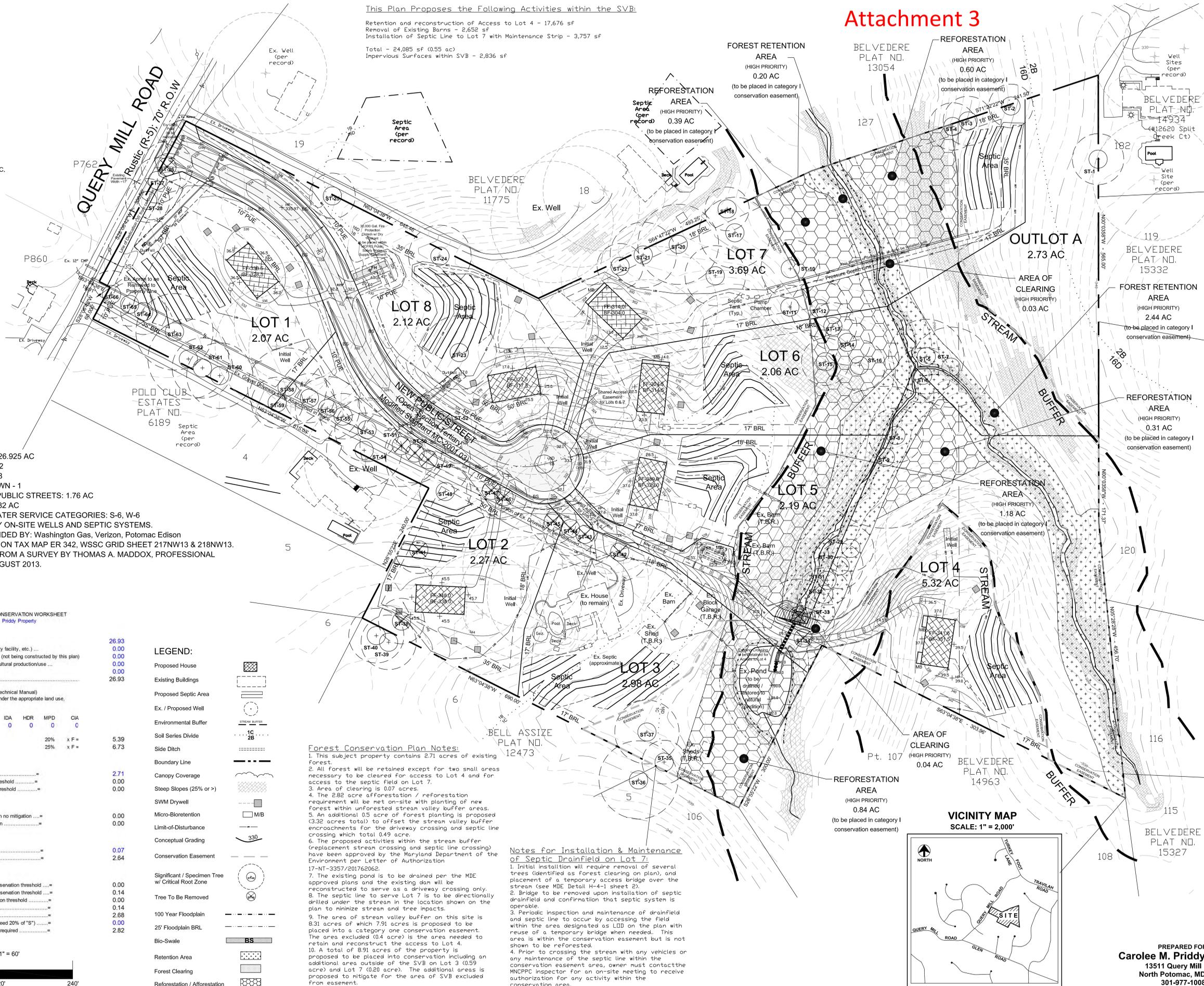
PRELIMINARY FOREST CONSERVATION PLAN
PRIDDY PROPERTY
Lot 3 of Polo Club Estates & P905, P899
Montgomery County, Maryland

PREPARED FOR:
Carolee M. Priddy Et Al TR
13511 Query Mill Road
North Potomac, MD 20878
301-977-1008

Attachment 3

This Plan Proposes the Following Activities within the SVB:

- Retention and reconstruction of Access to Lot 4 - 17,676 sf
- Removal of Existing Barns - 2,652 sf
- Installation of Septic Line to Lot 7 with Maintenance Strip - 3,757 sf
- Total - 24,085 sf (0.55 ac)
- Impervious Surfaces within SVB - 2,936 sf



Source of Two-Foot Contour
Interval Topography:
POTOMAC AERIAL SURVEYS INC.
1319 Bucheimer Road
Frederick, MD 21701
(301)698-9944

NOTES:

1. AREA OF PROPERTY - 26.925 AC
2. EXISTING ZONING: RE-2
3. NO. OF LOTS SHOWN: 8
4. NO. OF OUTLOTS SHOWN - 1
5. AREA DEDICATED TO PUBLIC STREETS: 1.76 AC
6. AVERAGE LOT SIZE: 2.82 AC
7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
8. SITE TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS.
9. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Potomac Edison
10. PROPERTY LOCATED ON TAX MAP ER 342, WSSC GRID SHEET 217NW13 & 218NW13.
11. BOUNDARY SHOWN FROM A SURVEY BY THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR, AUGUST 2013.

FOREST CONSERVATION WORKSHEET
Priddy Property

NET TRACT AREA:

A. Total tract area ...	26.93
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	26.93

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
0	1	0	0	0	0

G. Afforestation Threshold ...	20%	X F =	5.39
H. Conservation Threshold ...	25%	X F =	6.73

EXISTING FOREST COVER:

I. Existing forest cover	2.71
J. Area of forest above afforestation threshold	0.00
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	0.07
O. Total area of forest to be retained	2.64

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.14
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.14
T. Total reforestation required	2.68
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	2.82

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
- Micro-Bioretenation
- Limit-of-Disturbance
- Conceptual Grading
- Conservation Easement
- Significant / Specimen Tree w/ Critical Root Zone
- Tree To Be Removed
- 100 Year Floodplain
- 25' Floodplain BRL
- Bio-Swale
- Retention Area
- Forest Clearing
- Reforestation / Afforestation

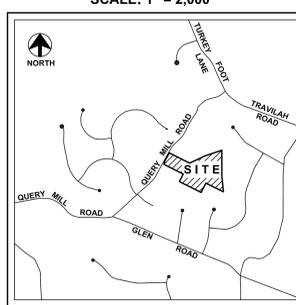
Forest Conservation Plan Notes:

1. This subject property contains 2.71 acres of existing forest.
2. All forest will be retained except for two small areas necessary to be cleared for access to Lot 4 and for access to the septic field on Lot 7.
3. Area of clearing is 0.07 acres.
4. The 2.82 acre afforestation / reforestation requirement will be met on-site with planting of new forest within unafforested stream valley buffer areas.
5. An additional 0.5 acre of forest planting is proposed (3.32 acres total) to offset the stream valley buffer encroachments for the driveway crossing and septic line crossing which total 0.49 acre.
6. The proposed activities within the stream buffer (replacement stream crossing and septic line crossing) have been approved by the Maryland Department of the Environment per Letter of Authorization 17-NI-3357/201762062.
7. The existing pond is to be drained per the MDE approved plans and the existing dam will be reconstructed to serve as a driveway crossing only.
8. The septic line to serve Lot 7 is to be directionally drilled under the stream in the location shown on the plan to minimize stream and tree impacts.
9. The area of stream valley buffer on this site is 8.31 acres of which 7.91 acres is proposed to be placed into a category I conservation easement. The area excluded (0.4 acre) is the area needed to retain and reconstruct the access to Lot 4.
10. A total of 8.91 acres of the property is proposed to be placed into conservation including an additional area outside of the SVB on Lot 3 (0.59 acre) and Lot 7 (0.20 acre). The additional areas is proposed to mitigate for the area of SVB excluded from easement.

Notes for Installation & Maintenance of Septic Drainfield on Lot 7:

1. Initial installation will require removal of several trees (identified as forest clearing on plan), and placement of a temporary access bridge over the stream (see MDE Detail H-4-1 sheet 2).
2. Bridge to be removed upon installation of septic drainfield and confirmation that septic system is operable.
3. Periodic inspection and maintenance of drainfield and septic line to occur by accessing the field within the area designated as LID on the plan with reuse of a temporary bridge when needed. This area is within the conservation easement but is not shown to be reforested.
4. Prior to crossing the stream with any vehicles or any maintenance of the septic line within the conservation easement area, owner must contact the MNCPPC inspector for an on-site meeting to receive authorization for any activity within the conservation area.

VICINITY MAP
SCALE: 1" = 2,000'



PLAT No 5836

Attachment 4

OWNERS' DEDICATION

We, J. Frank Stallone and Rose Marie Stallone, his wife, owners of the property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the 20' widening of Query Mill Road to public use. There are no suits of action, leases, liens or deeds of trusts on the property shown hereon.

Date: Feb. 8, 1960

Raymond S. Staurabauer
WITNESS TO BOTH

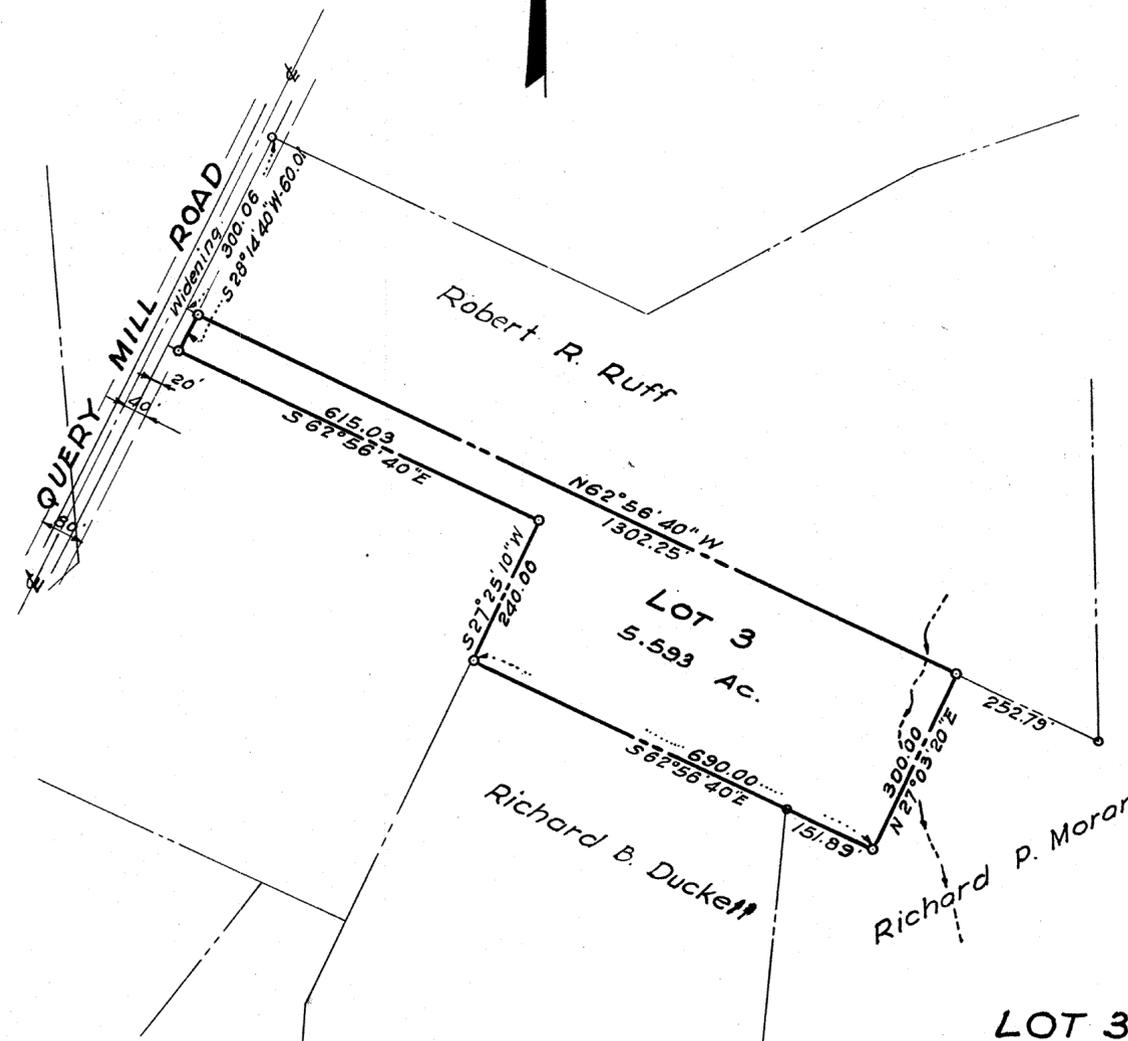
J. Frank Stallone
J. FRANK STALLONE
Rose Marie Stallone
ROSE MARIE STALLONE

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct; that it is a subdivision of all the lands conveyed by Richard P. Moran, et ux., to J. Frank Stallone and Rose Marie Stallone, his wife, by deed dated Aug. 31, 1959 and recorded among the Land Records of Montgomery County, Maryland at Liber 2648 at Liber 414; and that iron pipes marked thus \ominus are in place where shown hereon.

Date Feb. 8, 1960

R. K. Maddox
R.K. MADDOX, COUNTY SURVEYOR
REG. LAND SURVEYOR MD. #528



1200.20 \pm dedicated for widening of Query Mill Road.

FILED
FEB 26 1960

POLO CLUB ESTATES

DARNESTOWN DISTRICT
MONTGOMERY COUNTY, MARYLAND.

Scale: 1" = 200'

February, 1960

R.K. Maddox
County Surveyor
Rockville, Maryland

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

APPROVED February 17, 1960

Louis A. Mansell ACT. CHAIRMAN
John F. Kildner SECRETARY-TREASURER

M- N.C.P. & P.C. RECORD FILE NO. 174-6

Maryland State Archives
1
2
3
4
5
6

MONTGOMERY COUNTY CIRCUIT COURT (Subdivision Plats, MO) Plat 5836, MSA_S1249_13652. Data available 1960/02/26. Printed 12/22/2016.

From: David McKee
To: [Sigworth, Ryan](#)
Cc: [Weaver, Richard](#); [Gus B. Bauman](#)
Subject: Priddy Property (120170160)
Date: Friday, February 10, 2017 11:06:05 AM

Ryan,

Per our discussion this morning, we agreed that because the application for this project was deemed to be complete prior to the effective date of the new Subdivision Regulations (Chapter 50) we have the option of being considered under the old Regs or the new Regs. I am writing to request that this project be reviewed under the new regulations which become effective on Monday, February 13th.

Please let me know if you have any questions or concerns regarding this request.

Thank you,
Dave

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



RUSTIC ROADS ADVISORY COMMITTEE

October 30, 2017

David W. McKee
Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877

RE: Priddy Property (MNCPPC 120170160), Query Mill Road, Rustic

Dear Mr. McKee:

During its May 23rd, 2017 meeting, you presented information concerning a proposal to subdivide Lot 3 of Polo Club Estates (an existing horse farm at 13511 Query Mill Road) into seven residential lots to the Rustic Roads Advisory Committee (the committee). You informed the committee that the project will require the installation of a public road entrance on to Query Mill Road to replace an existing driveway entrance and was intentionally designed to minimize impacts to existing trees along Query Mill Road and to Query Mill Road itself.

The committee has deliberated upon this project and determined that, as proposed, the project is likely to cause minimal impact to the character of Query Mill Road. Consequently, the committee voted unanimously to recommend approval of this project, if the layout and grading remain consistent with that shown on the Preliminary Plan for Lot 3 of Polo Club Estates (dated 12/9/2016 and prepared by Benning and Associates), and if the layout does not require grading or clearing modifications during later reviews.

Thank you for presenting this project to our committee. Please note that we will need to review any substantive revisions to 07-PREL-120170160 to evaluate their potential impact to Query Mill Road. Please submit them to our staff coordinator, Michael Knapp, at 240-777-6335 or Michael.Knapp@montgomerycountymd.gov, and we will review them at our next scheduled meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Tworkowski".

Robert Tworkowski, Chair
Rustic Roads Advisory Committee

Committee Members: Todd Greenstone, Thomas Hartsock, Sarah Navid, Jane Thompson, Christopher Marston

Cc: Casey Anderson, Chair, Montgomery County Planning Board
Ryan Sigworth, M-NCPPC
Leslie Saville, M-NCPPC



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

DATE: 18-Jan-18
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Priddy Property
120170160

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **18-Jan-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.

***** Water supply to be installed and operational before first use and occupancy permit is issued



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

November 15, 2018

Ryan Sigworth, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120170160
Priddy Property

Dear Mr. Sigworth:

We have completed our review of the preliminary plan uploaded to eplans on September 21, 2018. A previous plan was reviewed by the Development Review Committee at its meeting on February 21, 2017. We recommend approval of the plan subject to the following comments:

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

Significant Plan Review Comments

1. Waiver from the Montgomery County Planning Board to delete sidewalks on a tertiary classification roadway per County Code 49-33.e.
2. Waiver from the Montgomery County Planning Board for overlength cul-de-sac per County Code 50-4.3.E.2.e.
3. Prior to DPS approval of the record plat, the applicant will need to submit an updated Sight Distances Evaluation certification form, for the proposed public road, which indicates or removal of the mailbox has been completed to achieve a minimum of 250 feet of sight distance in each direction.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178

FAX

www.montgomerycountymd.gov

4. Traffic calming may be required by MCDOT to be installed by the applicant since the road is almost 1,000 feet long.

Standard Plan Review Comments

5. Full width dedication of Query Mill Road in accordance with the master plan.
6. Full width dedication and construction of all interior public streets.
7. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
8. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
9. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
10. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
11. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
12. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
13. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
14. Provide a ten (10) foot wide Public Utility Easement (PUE) along all proposed street frontages.
15. No PUE is required on any Rustic Road, unless required by MNCPPC as part of DRC and removal of Rustic Road designation.
16. Relocation of utilities along existing roads to accommodate the required roadway

improvements shall be the responsibility of the applicant.

17. In any private development project, prohibit the use of CMP or CMP Arches for any road that will be transferred to Montgomery County for maintenance.
18. In all underground utility installations, install identification tape or other "toning" device approximately 2' above the utility.
19. If the proposed development will alter any existing street lights, replacement of signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
20. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
21. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
22. 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, shoulders, side drainage ditches and appurtenances, and street trees along the new public street.

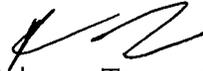
NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.

- b. Construct a cul-de-sac at the end of the new public street.
- c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- d. 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.
- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. 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 myself for this project at rebecca.torma-kim@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

Sharepoint/transportation/director's office/development review/Rebecca/developments/Potomac subregion/120170160 Priddy property DOT ltr.docx

cc: Carolee Priddy, Owner
David McKee, Benning and Associates
Chris Van Alstyne, M-NCPPC Area 3
Letters notebook

cc-e: Sam Farhadi, MCDPS RWPR
Chris Van Alstyne, M-NCPPC Area 3



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane Schwartz Jones
Director

MEMORANDUM

August 17th, 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: Priddy Property
Lot 3 of Polo Club Estates & P905, P899
120170160

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on August 7th, 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.

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

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 17-NT-3357/201762062
EFFECTIVE DATE: March 12, 2018
EXPIRATION DATE: March 12, 2023
AUTHORIZED PERSON: Carolee M. Priddy
13511 Query Mill Road
North Potomac, Maryland 20878



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS OF AUTHORIZATIONS, Carolee M. Priddy (AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON March 12, 2018 ("APPROVED PLAN") AND PREPARED BY JAS Engineering & Design, LLC AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

Construction of a proposed driveway to access Lot 4. The project will permanently impact 85 linear feet (340 square feet) of stream and 7,000 square feet of 100-year floodplain. The project will temporarily impact 400 square feet of emergent nontidal wetland, 700 square feet of 25-foot nontidal wetland buffer, 85 linear feet (340 square feet) of stream, and 1,450 square feet of 100-year floodplain. The project is located at 13511 Query Mill Road, North Potomac, Montgomery County.

MD Grid Coordinates N 156466 x E 376878

A handwritten signature in blue ink that reads "Denise M. Keehner for".

Denise M. Keehner
Program Manager
Wetlands and Waterways Program

Attachments: Conditions of Authorization
MDSPGP-5 CAT A-e(9)

cc: WSA, Compliance Program w/ file
Jon Shianoe, JAS Engineering & Design, LLC
David McKee, Benning & Associates, Inc.

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term:** Authorized Person shall initiate authorized activities in waterways, including streams and the 100-year floodplain, within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. [Annotated Code of Maryland, Environment Article 5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article 5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article 5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington Counties, Authorized Person shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery and Prince George's Counties, Authorized Person shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, and St. Mary's Counties, Authorized Person shall call 410-537-3510. For Caroline, Cecil, Dorchester, Harford, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Authorized Person shall call 410-901-4020. If Authorization is for a project that is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Authorized Person shall obtain approval from the Montgomery Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.

13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Muddy Branch is a Use I waterway; in-stream work may not be conducted from March 1st through June 15th, inclusive, of any year.
16. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

FEDERALLY MANDATED STATE AUTHORIZATIONS

The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit, Regional General Permit for Chesapeake Bay Total Maximum Daily Load (TMDL) Activities and non-suspended Nationwide Permits. In addition, as applicable, this Authorization constitutes the State's concurrence with the Applicant's certification that the activities authorized herein are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Activities in the following counties are not subject to the Maryland Coastal Zone Management requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and has granted authorization under the Maryland State Programmatic General Permit (MDSPGP-5), as a Category A activity. The terms and conditions of the MDSPGP-5 as outlined in the enclosed attachment, should be followed when performing the authorized work.

**BEST MANAGEMENT PRACTICES FOR WORKING IN
NONTIDAL WETLANDS, WETLAND BUFFERS,
WATERWAYS AND 100-YEAR FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (*Lolium multiflorum*), Millet (*Setaria italica*), Barley (*Hordeum* sp.), Oats (*Uniola* sp.), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:

Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

October 30, 2018

Mr. David McKee
Benning and Associates
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Priddy Property
Preliminary Plan #: 120170160
SM File #: 282504
Tract Size/Zone: 26.925 ac
Total Concept Area: 26.925 ac
Lots/Block: 3
Parcel(s): 905, 899
Watershed: Potomac Direct

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 drywells, microbioretention, microbioretention planter boxes, and non-rooftop disconnect.

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.

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

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.



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

Mr. David McKee
October 30, 2018
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Jean Kapusnick, PE and jean.kapusnick@montgomerycountymd.gov or 240-777-6345.

Sincerely,



JEAN KAPUSNICK FOR

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

MCE: jak

cc: N. Braunstein
SM File # 282504

ESD: Required/Provided 4,935 cf / 5,532 cf (individual lot ESD requirement met on each of 8 lots)
PE: Target/Achieved: 1.0"/>1.0"
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.

Benning & Associates, Inc.

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

To: Mr. Richard Weaver, Area 3 Chief / MNCPPC
From: David W. McKee
Date: July 24, 2018
Re: Request for Tree Variance - Priddy Property (120170160)

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 of specimen-size for their species.

The subject property is proposed to be subdivided into 8 single-family residential lots in accordance with the RE-2 zone. The property consists of 26.925 acres of mostly open land and is improved with an existing residence, horse barns, and a long driveway from Query Mill Road. The property is mostly open field which has been used as horse pasture. The proposed development is to include a new public road for access to the 8 lots.

The property and immediate adjacent area includes a total of 66 trees which have been measured to have a diameter-at-breast-height (dbh) of at least a 24". Of these, 35 are specimen-size for their species (30" with the exception of *Pinus strobus* which is 28"). Since the 35 trees are scattered about the site and development with standard RE-2 zoning requires using most of the property (as opposed to cluster development), certain impacts to specimen trees cannot be avoided. Installation of a new public road, 7 new homes, septic fields, stormwater management facilities, and driveways results in necessary impacts.

Although certain impacts cannot be entirely avoided, the locations of specimen trees and other large trees were considered in the overall design of the project. Most of the specimen trees located on the site are located along the existing gravel driveway (within proposed lots 1 and 2), within the forested area of the stream valley buffer, or in an open area identified as proposed Lot 7 on plans. The following specific design measures were taken to avoid or minimize impacts and to mitigate when necessary:

- The new public street was kept to the north side of the property for the first ~600 feet to avoid impacting a large collection of significant and specimen trees located along the existing driveway. Of the 35 specimen trees on the site, 16 are located along the driveway. These trees were all planted by the Priddy family over the years and have

grown to be quite large. By placing the new road to the north edge of the site, the majority of the trees along the driveway will not be impacted and can be retained.

- Portions of the existing driveway, which is gravel, are to be abandoned in-place to avoid unnecessary disturbance and damage to the root zones of specimen trees and other large trees.
- The arrangement of the new home and associated uses on proposed Lot 7 was planned to avoid tree impacts. Lot 7 contains 5 specimen trees and other large trees outside of the stream valley buffer and all are shown to be retained.
- The design for the pressure septic line planned for Lot 7 was carefully arranged to minimize tree and other environmentally sensitive area impacts. Because of the number of specimen trees in the area of Lot 7, some impacts were unavoidable but no specimen or other large trees are shown to be removed.
- To mitigate for the loss of one specimen tree located within the stream valley buffer, the existing farm pond located nearby and within the stream buffer is planned to be drained and restored to a natural condition with planting.

The specimen trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project. A total of 15 specimen trees are proposed to be removed or impacted as follows:

SPECIMEN TREE CHART						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	%CRZ IMPACTED	Status
ST-10	Platanus occidentalis	Sycamore	32"	Good	20%	Retain with Tree Protection
ST-12	Platanus occidentalis	Sycamore	31"	Good	5%	Retain with Tree Protection
ST-19	Platanus occidentalis	Sycamore	33"	Good	18%	Retain with Tree Protection
ST-23	Platanus occidentalis	Sycamore	40.5"	Moderate	29%	Retain with Tree Protection
ST-24	Prunus serotina	Black Cherry	34"	Moderate	25%	Retain with Tree Protection
ST-26	Pinus strobus	E. White Pine	28"	Moderate	61%	Remove
ST-33	Quercus palustris	Pin Oak	40"	Moderate	63%	Remove

ST-42	Pinus strobus	E. White Pine	32"	Moderate	64%	Remove
ST-43	Pinus strobus	E. White Pine	35"	Moderate - Poor	86%	Remove
ST-44	Pinus strobus	E. White Pine	30"	Moderate	93%	Remove
ST-49	Acer saccharinum	Silver Maple	46"	Good-Moderate	40%	Remove

ST-50	Acer saccharinum	Silver Maple	33"	Moderate	34%	Remove
ST-51	Acer saccharinum	Silver Maple	45"	Moderate	34%	Remove
ST-52	Ulmus pumila	Siberian Elm	36"	Poor	100%	Remove
ST-53	Acer saccharinum	Silver Maple	35"	Moderate	13%	Retain with Tree Protection

Specific impacts the each of the 15 trees are as follows:

ST-10, a 32" Sycamore, is located within the limits of proposed Lot 7. The tree will receive minor impacts from the installation of the pressure septic line. Alternative placement of the septic line was considered but this would result in more severe impacts to other specimen trees because of the number of specimen trees in this area. Since the septic line is proposed to be installed using directional boring equipment including the portion which crosses through the CRZ of this tree, the impacts will be very minor. The tree is shown to be retained.

ST-12, a 31" Sycamore, is located within the limits of proposed Lot 7. The tree will receive minor impacts from the installation of the pressure septic line. Alternative placement of the septic line was considered but this would result in more severe impacts to other specimen trees because of the number of specimen trees in this area. Since the septic line is proposed to be installed using directional boring equipment including the portion which crosses through the CRZ of this tree, the impacts will be very minor. The tree is shown to be retained.

ST-19, a 33" Sycamore, is located within the limits of Lot 7. The tree will be impacted by trenching and installation of a gravity septic line from the new house to the septic tank on the lot. The septic line was kept as far from the trunk of the tree as possible while still maintaining a gravity connection. The impacts are minor and the tree is shown to be retained.

ST-23, a 40.5" Sycamore, is located in the center of proposed Lot 8. The tree will be impacted by grading, installation of a storm drain outfall, and the installation of a septic drainfield. An alternative design for placement of the storm drain outfall was considered but this would have resulted in even more fill in the area and additional impacts to the tree. Instead, careful placement of the proposed new home, septic line, and outfall will minimize impacts. Due to the limited impacts, the tree is proposed to be retained.

ST-24, a 34" Black Cherry, is located along the northern boundary line and within the limits of Lot 8. The tree will be impacted by installation of a septic line and septic drainfield. Alternative locations for the septic drainfield on this lot are not feasible due to topography. Swales on either side of the proposed drainfield limit where the septic area can be placed. Due to the limited impacts, the tree is proposed to be retained.

ST-26, a 28" Eastern White Pine is located along Query Mill Road near the planned new road entrance into the site. The tree will be severely impacted by grading and construction of the new road entrance. Alternatives for placement of the new road to avoid impacts to this tree would result in impacts to many more specimen trees located along the existing driveway or would result in bisection of the front portion of the property. Due to the severity of impacts, the tree is planned to be removed.

ST-33, a 40" Pin Oak is located at the base of the existing pond dam with its root zone intertwined with the dam. The tree will be impacted by removal of the existing pond outfall structure and restoration of the area with a new drainage culvert. Alternatives were considered including leaving the existing pond and pond dam in place, filling the pond and relocating the stream crossing further away from the tree, and draining the pond and installing a new driveway crossing. Leaving the pond in place would require reconstruction of the dam and dam outfall resulting in too much damage to the tree for it to be retained. Filling the pond was determined to be infeasible due to stability concerns and also the need to remove the existing pond dam with further damage to the tree. The alternative of draining the pond and reconstructing a new driveway crossing was determined to be the best of all options. Draining the pond allows the area above the crossing to return to a natural condition with restorative planting. Although ST-33 is planned to be removed, removal of the pond within the stream valley buffer and restoration of the area with planting of forest and other appropriate materials will serve as mitigation for removal of the tree.

ST-42, a 32" Eastern White Pine is located near the existing home on proposed Lot 3. The tree will be impacted by the installation of a new shared driveway for access to lots 3, 4 and 5. Due to the severity of impacts and characteristics of the species, the tree is proposed to be removed.

ST-43, a 35" Eastern White Pine is located near the existing home on proposed Lot 3. The tree will be impacted by the installation of a new shared driveway for access to lots 3, 4 and 5. Due to the severity of impacts and characteristics of the species, the tree is proposed to be removed.

ST-44, a 30" Eastern White Pine is located near the existing home on proposed Lot 3. The tree will be impacted by the installation of a new shared driveway for access to lots 3, 4 and 5. Due to the severity of impacts and characteristics of the species, the tree is proposed to be removed.

ST-49, a 46" Silver Maple is located near the planned new road and within the limits of Lot 2. Construction of the new road, underground utilities, and storm drain features will severely impact the tree. There are no alternatives available for placement of the portion of road which impacts this tree (and nearby trees ST-50 and ST-51). The necessary planimetrics of lot size and shape, septic field placement, house placement, and road design coupled with the dimensions of the overall property boundary result in the arrangement shown on plans. The tree is in a location where all of these factors come together. Alternative arrangements would result in impacts to other specimen trees currently planned to be retained (ST-23) or the loss of a proposed homesite. Due to the severity of impacts, this tree is planned to be removed.

ST-50, a 33" Silver Maple is located near the planned new road and within the limits of Lot 2. Construction of the new road, underground utilities, and storm drain features will severely impact the tree. There are no alternatives available for placement of the portion of road which impacts this tree (and nearby trees ST-49 and ST-51). The necessary planimetrics of lot size and shape, septic field placement, house placement, and road design coupled with the dimensions of the overall property boundary result in the arrangement shown on plans. The tree is in a location where all of these factors come together. Alternative arrangements would result in impacts to other specimen trees currently planned to be retained (ST-23) or the loss of a proposed homesite. Due to the severity of impacts, this tree is planned to be removed.

ST-51, a 45" Silver Maple is located near the planned new road and within the limits of Lot 2. Construction of the new road, underground utilities, and storm drain features will severely impact the tree. There are no alternatives available for placement of the portion of road which impacts this tree (and nearby trees ST-49 and ST-50). The necessary planimetrics of lot size and shape, septic field placement, house placement, and road design coupled with the dimensions of the overall property boundary result in the arrangement shown on plans. The tree is in a location where all of these factors come together. Alternative arrangements would result in impacts to other specimen trees currently planned to be retained (ST-23) or the loss of a proposed homesite. Due to the severity of impacts, this tree is planned to be removed.

ST-52, a 36" Siberian Elm in poor condition is located within the right-of-way of the planned new road. There are no alternatives available for placement of the portion of road which impacts this tree. The necessary planimetrics of lot size and shape, septic field placement, house placement, and road design coupled with the dimensions of the overall property boundary result in the arrangement shown on plans. The tree is in a location where all of these factors come together. Alternative arrangements would result in impacts to other specimen trees currently planned to be retained (ST-23 or the many trees located along the existing driveway) or the loss of a proposed homesite. Due to the severity of impacts, this tree is planned to be removed.

ST-53, a 35" Silver Maple is located near the planned new road and within the limits of Lot 2. Construction of the new road and underground utilities will cause only minor impacts to the tree. 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.

1) There are special conditions peculiar to the property which would cause unwarranted hardships should the variance not be approved. The subject property has environmentally sensitive features (streams, steep slopes, and forest) in the eastern part of the site which make the eastern portion of the property less accessible. In addition, a significant portion of the site contains streams and stream buffer areas. These areas are generally off-limits for new development. Therefore, other areas of the site must be looked at for new development. Of the 15 specimen trees included within this variance request, 13 are located to the west of the environmentally sensitive areas in the portion of the site most available for new development. While the project has been carefully planned to avoid or minimize impacts where possible (see list of design measures taken above), complete avoidance is not practical when developing the most usable areas of the property in accordance with the RE-2 zone.

Also, the property has the unusual characteristic of containing an existing farm pond and pond dam within the stream valley buffer. Alternatives to address the pond dam matter were discussed above and all of the options result in impacts to one specimen tree. A variance is needed for any of the alternatives. The option chosen results in removal of the tree which is mitigated by removal of the pond and restoration of the area to a natural condition.

In addition, the property contains an existing driveway which is lined with a large number of specimen trees. The peculiarity of this arrangement with the trees lined up in the southwestern corner of the site results in the placement of a new road elsewhere to avoid most of these trees. However, since there are trees elsewhere but in less concentration, some impacts will result from development of the site.

Finally, the property is of an unusual shape with a narrow area at the front (west end) of the site which widens to a larger area to the center and further back. Proper arrangement of lots, new road, septic fields, and well sites results in a certain configuration which impacts some of the specimen trees. Certain measures (as noted above) were taken to avoid as many impacts as possible.

2) Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. The property is zoned RE-2 and is surrounded by land which has already been subdivided and developed in accordance with RE-2 zoning. The property has been planned to meet all zoning, Master Plan, and site specific conditions including the protection of environmentally sensitive areas to the greatest extent practical, restoration of environmentally sensitive areas to a natural condition, and the preservation of the majority of forest on the site. However, the site contains many specimen trees in areas of the site which are suitable for development and certain impacts cannot

entirely be avoided. The variance is needed to allow the site to be developed in accordance with the zoning.

3) 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. The project has been planned to mitigate for any impacts which might affect water quality. While one specimen tree (ST-33) located within the stream valley buffer is shown to be removed, this is offset by the draining of the existing pond within the buffer area and the restoration of the pond and adjoining areas with planting to restore the area to a natural condition. The proposed planting within the environmental buffer area will result in the improvement of water quality from what currently exists.

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 RE-2 zone. All of the surrounding properties which are also zoned RE-2 have already been subdivided and developed.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The property has been a farm and residence for the owners for many years. The applicant has not taken any actions other than to submit plans and other documents to request approval of a subdivision in accordance with current zoning.

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. Neighboring properties and their uses do not factor into this variance request.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As noted above, the project has been planned to mitigate for any impacts which might affect water quality. While one specimen tree (ST-33) located within the stream valley buffer is shown to be removed, this is offset by the draining of the existing pond within the buffer area and the restoration of the pond and adjoining areas with planting to restore the area to a natural condition. The proposed planting within the environmental buffer area will result in the improvement of water quality from what currently exists.

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 long horizontal flourish extending to the right.

David W. McKee

From: Alderson, Ralph
To: [Sigworth, Ryan](#)
Subject: Preliminary Plan 120170160
Date: Friday, August 31, 2018 12:54:16 PM

Dr. Ralph Alderson
13601 Query Mill Road
North Potomac, MD 20878

Ryan Sigworth; Lead Reviewer
Development Applications & Regulatory Coordination Division
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

August 31, 2018

Dear Mr Sigworth,

I am contacting you in reference to the proposed building project MNCPPC File #120170160. Although at first review the proposal appears well thought out, there are a number of critical defects which if allowed to go unchecked could have severe impacts on the local environment and infrastructure.

1. The revised plan includes draining the pond. Currently, the pond feeds a stream that runs year-round and supports a stable aquatic environment. How will the springs that feed the pond be channeled to ensure that the drainage of the pond will have minimal effect on downstream ecosystems?
2. In Lot 7, the revised plan is to pump raw sewage across the stream that feeds into the Muddy Branch a few hundred yards downstream to sand fields in Lot A. How will the integrity of this system be monitored? What happens if there is a power failure? Looks like the pipe is to be placed under the stream which means extensive excavations and potential silting issues for the stream and Muddy Branch.

3. Placement of the septic fields for Lot 8 appear very close to my well. What are the regulations on the positioning of sand fields to pre-existing wells?
4. No contingency has been made to handle the increased run-off that will occur from Lots 7 and 8 along the edge of Lot 7 and my property. Currently, heavy rains produce a temporary stream that has eroded the soil along that property line. This has resulted in the loss of approximately 4-6 inches of topsoil and the undermining and destabilization of some of the root systems of the trees in that area. Currently during heavy rains, the run-off still floods my back yard on its way to the creek. Once lawns are established this run off will only increase. Additional berms and catch pools need to be considered at the rear of Lot 8 and along the border of Lot 7. Furthermore, the proposed removal of trees ST21 and ST22 will only compound the problem and should not be allowed.
5. Negative impact on a large percentage of the specimen trees on the property: Placement of the houses on lots # 1, 8 and 9 will impact the root systems of numerous specimen trees. This is a critical factor as there are very few specimen trees or trees in general on the Priddy property. The proposed placement of the house on Lot #9 would result in the loss of one of the largest specimen trees on the property, and one of the few that sits within the area most prone to storm water run-off.
6. Negative impact on streams that feed into the Muddy Branch, Potomac and Chesapeake watershed: One of the streams that drains some of the runoff from the Priddy property also runs through my property and is subject to frequent flooding causing serious erosion issues along the stream. As we are quite close to the Muddy Branch this erosion is causing the deposition of silt into this tributary relatively close to its entrance into the Potomac. Virtually all the lots with the exception of the one along Query Mill will require extensive grading and/or digging into hillsides, to provide a level housing site. The impact of anticipated exposed soils on the water runoff from the property needs to be more fully considered. Currently, the runoff from the proposed Lots #8 and 9 cause flooding onto my property after heavy and or frequent rains. I am currently attempting to install control measures for this problem. However, the additional runoff from the proposed project would undoubtedly

overwhelm the limited control measures that are possible for me to install. Finally in respect to the run-off, the existing plan includes an extensive new roadway without providing the details of how the run-off is going to be handled. The second stream running through the property may also be negatively affected by silting in a similar manner if increased storm water and silt debris is drained off to the stream running to the south side of the property (where a bridge and long driveways are proposed).

7. Negative impact of additional septic fields on the current nitrogen load of the local water shed:

A majority of the new septic fields lie within close proximity of the stream that I mentioned above. Currently the waterway is healthy supporting a wide population of aquatic life. The addition of so many septic fields in such a small drainage area could very well negatively impact the nitrogen balance in the local stream as well as in the Muddy Branch that the stream feeds into.

8. Negative impact of additional wells on the stability of the water aquifer and water quality:

As the Priddy development plan qualifies as a 'Major Development' the impact of so many new wells on the local aquifer that we all draw our water from needs to be examined. I would like to have information on the current water quality in this area, how it has changed in the last ten years and what assessment has been made as to the stability of the aquifer.

9. Negative impact on Query Mill (QM) Road: QM is listed as a 'rustic' road, and is a narrow, hilly road with tight blind curves. It has no shoulder, with the roadside frequently abutting large trees and telephone poles, and no provision for the control of storm water run-off. Furthermore, it is rapidly deteriorating, containing numerous potholes, fragmenting edges and two single lane bridges that are prone to flooding. In the immediate future, the additional traffic load of road-building and construction related heavy equipment transiting the road will dramatically hasten its disrepair. Recently built developments along and accessed from Query Mill Road have already created an excess of vehicular traffic for this quality of roadway; the proposed development will exacerbate this problem. As I mentioned above, it is unclear how the run-off from the extensive new roadway in the proposed

development will be handled; channeling it back onto QM is not a solution.

I appreciated the time and energy that you have put and will put into the review of this plan. I will be contacting you in the near future to discuss these very important failings in the current Priddy Development Plan.

Sincerely,

Ralph Alderson

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