



MCPB

Item No.:

Date: 6-10-21

Hardings Subdivision, Lot 55, Administrative Subdivision Plan No. 620210110 with Preliminary/Final Water Quality Plan

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Completed: 5/28/21

Description

Request to create one (1) lot for a Single-Unit Living dwelling

Location: on the south side of Sagebrush Terrace, approximately 400 feet east of Wildwood Drive

Acreage: 2.60 acres

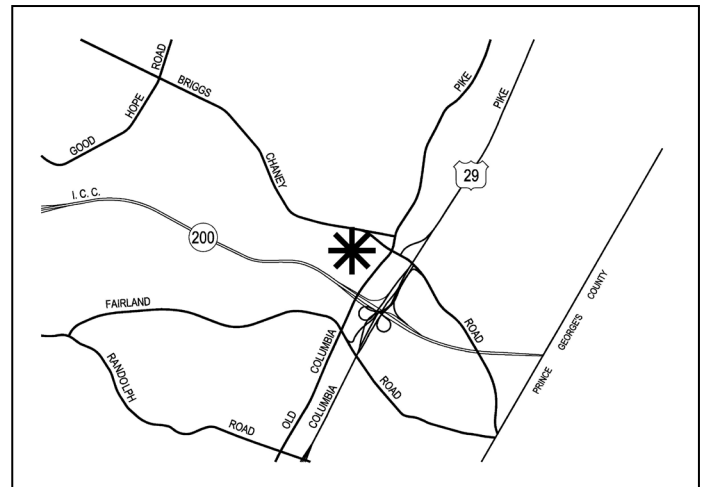
Zone: R-200

Master Plan: 1997 Fairland Master Plan

Applicant: Joseph and Sin Kim

Accepted Date: January 7, 2021

Review Basis: Chapter 50, 22A, 19



Summary

- Staff recommends **approval with conditions** of the Administrative Subdivision Plan and the Preliminary/Final Water Quality Plan.
- The Application creates a building envelope at the front of the property while preserving over 2 acres of forest and wetlands in a Category 1 Conservation Easement on the remainder of the property.
- Impervious surfaces are limited to no more than 8 percent of the Application consistent with the requirements of the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Overlay Zone.
- Meets requirements of Chapter 22A, Forest Conservation Law and Chapter 19, Stormwater Management
- Meets requirements of Chapter 59, Zoning Ordinance.
- Substantially conforms to the 1997 Fairland Master Plan.
- Staff has received one community correspondence letter expressing concerns about this application.

SECTION 1 - RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN NO. 620210110: Staff recommends approval of the Administrative Subdivision Plan and the Preliminary/Final Water Quality Plan based on documents submitted in ePlans on May 21, 2020 and subject to the following conditions:

- 1) This Administrative Subdivision Plan is limited to one (1) lot for one (1) Single-Unit Living dwelling.
- 2) The Applicant must comply with the following conditions of approval for Preliminary/Final Forest Conservation Plan 620210110, approved as part of this Administrative Subdivision Plan:
 - a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
 - c. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the record plat.
 - d. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 0.24 acres of new forest planting and maintenance credited toward meeting the requirements of the FCP.
 - e. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - f. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must install the permanent conservation easement fencing along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - g. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as necessary per the direction of the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the on-site stream and wetlands and sensitive nature of this watershed. The use of herbicides should be avoided where possible.
 - h. The Applicant must install the Afforestation/Reforestation plantings as shown on the approved FCP, within the first planting season following the release of the first Sediment

and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- i. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- 3) Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8 percent of the Application within the Upper Paint Branch Overlay Zone and as shown on the Impervious Surface Exhibit on the approved Preliminary/Final Forest Conservation Plan. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.
- 4) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 5, 2021, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Administrative Subdivision Plan approval.
- 5) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its Combined Preliminary/Final Water Quality Plan letter dated May 5, 2021, and hereby incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
- 6) The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated May 6, 2021, and 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 amendment does not conflict with other conditions of Administrative Subdivision Plan approval.
- 7) Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
- 8) The record plat must show all necessary easements.
- 9) The Administrative Subdivision Plan will remain valid for 36 months from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

- 10) Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from MCDPS for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:
 - a. no elementary school UPP required;
 - b. no middle school UPP required; and
 - c. a Tier 1 high school UPP per unit.
- 11) The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
- 12) The Certified Administrative Subdivision Plan must contain the following note:

“Unless specifically noted on this plan drawing or in the conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s) approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of approval.”

SECTION 2 – SITE DESCRIPTION

Administrative Subdivision Plan No. 620210110 is a request to subdivide a property identified as Outlot A, Outlot B, and Outlot D, Hardings Subdivision on Plat #17260 located 2605, 2607, and 2609 Sagebrush Terrace consisting of 2.60 acres, zoned R-200 ("Property" or "Subject Property") into one lot.

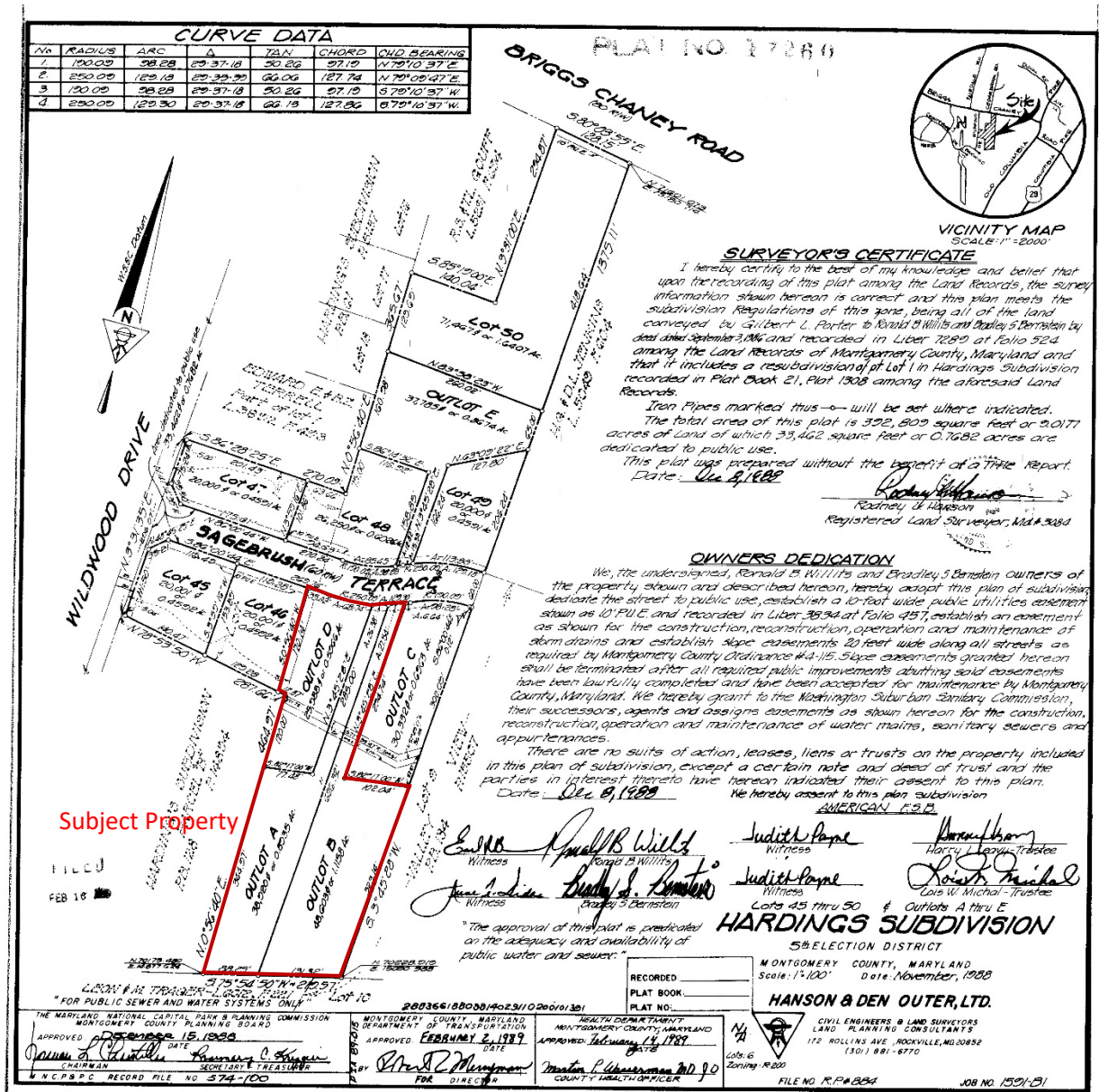


Figure 1 – Hardings Subdivision Plat No. 17260

The Property is within the 1997 Fairland Master Plan area ("Master Plan"). As depicted in the figures below, the Property is undeveloped with no structures. Surrounding properties are one family detached dwellings conforming to the R-200 zoning.

The Property is located in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III-P waters. The entire property is located within the Upper Paint Branch Special Protection

Area (SPA) and the Upper Paint Branch Overlay Zone, which limits impervious surfaces to 8 percent. There are three tributary streams and an associated wetland system on the Property. The majority of the Property is within the stream and wetland buffers associated with these features and it is mostly forested. There is approximately 2.5 acres of forest onsite and six trees ≥ 30 inches Diameter at Breast Height (DBH) on or immediately adjacent to the Property.

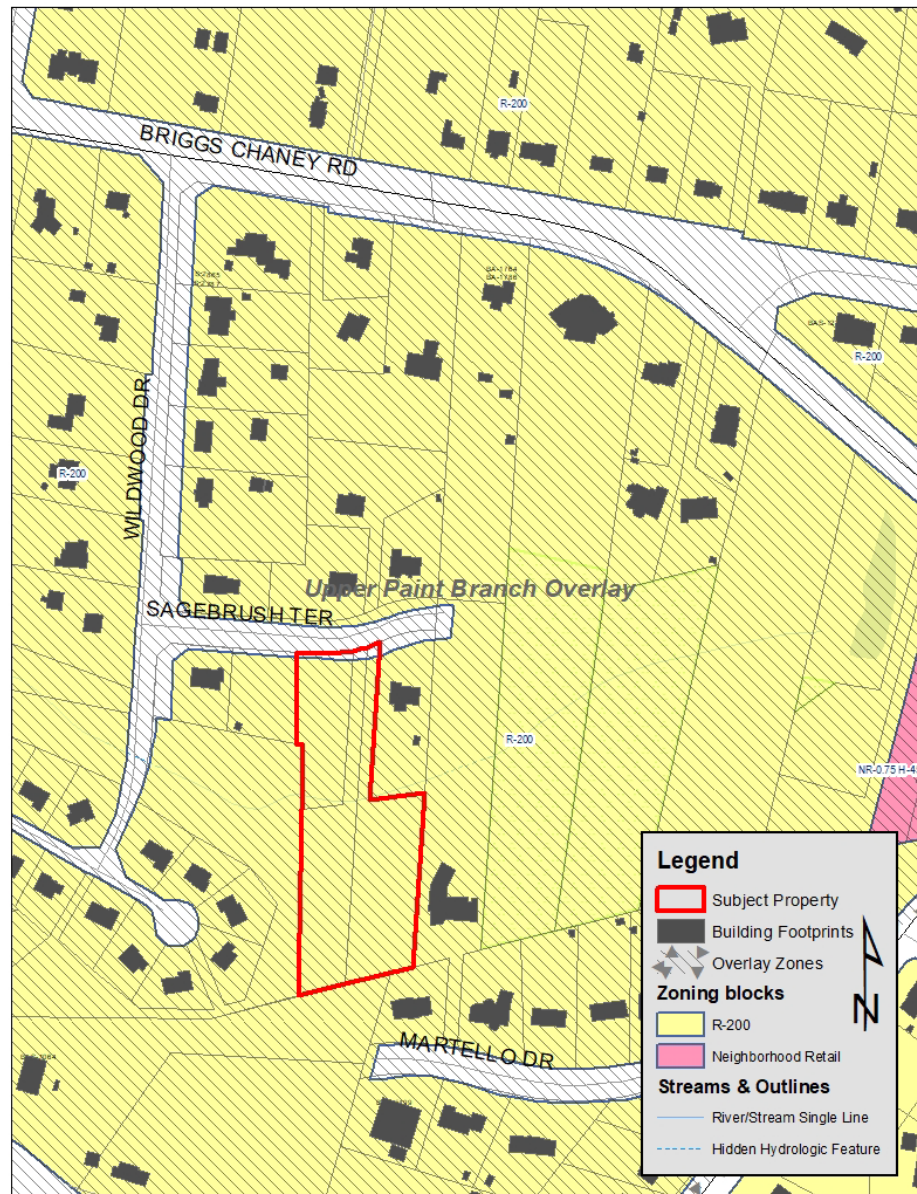


Figure 2 – Vicinity

PREVIOUS APPROVALS

Preliminary Plan No. 119880980

This 1988 preliminary plan approved six lots and five outlots, including the Subject Property, for one-family detached structures on 8.97 acres in the R-200. This approval resulted in Plat #17260. (Figure 1)

Preliminary Plan No. 119970330

In 1997, a preliminary plan, which covered the Subject Property and a portion of preliminary plan #119880980, proposed to create three lots on 2.60 acres in the R-200 zone. However, this preliminary plan application was not acted upon by the Planning Board.

Preliminary Plan No. 11997033A

In 2003, an revision to the 1997 application was approved for one lot on 2.60 acres in the R-200 zone. However, this approval was never platted and expired once the validity period ended.



Figure 3 - Aerial

SECTION 3 - PROJECT DESCRIPTION

The Application proposes to create one (1) lot from three platted outlots totaling 2.60-acres to accommodate one (1) Single-Unit Living dwelling with an access driveway to Sagebrush Terrace. This Application aggregates three platted outlots into one buildable lot. These outlots were created in the late 1980s because the property was considered unbuildable due to environmental constraints and possibly a lack of sewer access at that time. Given the significant environmental constraints of each outlot, they are not buildable individually. However, in aggregate they can produce a single buildable lot which produces an adequate building area while protecting the existing environmental features of the Property.

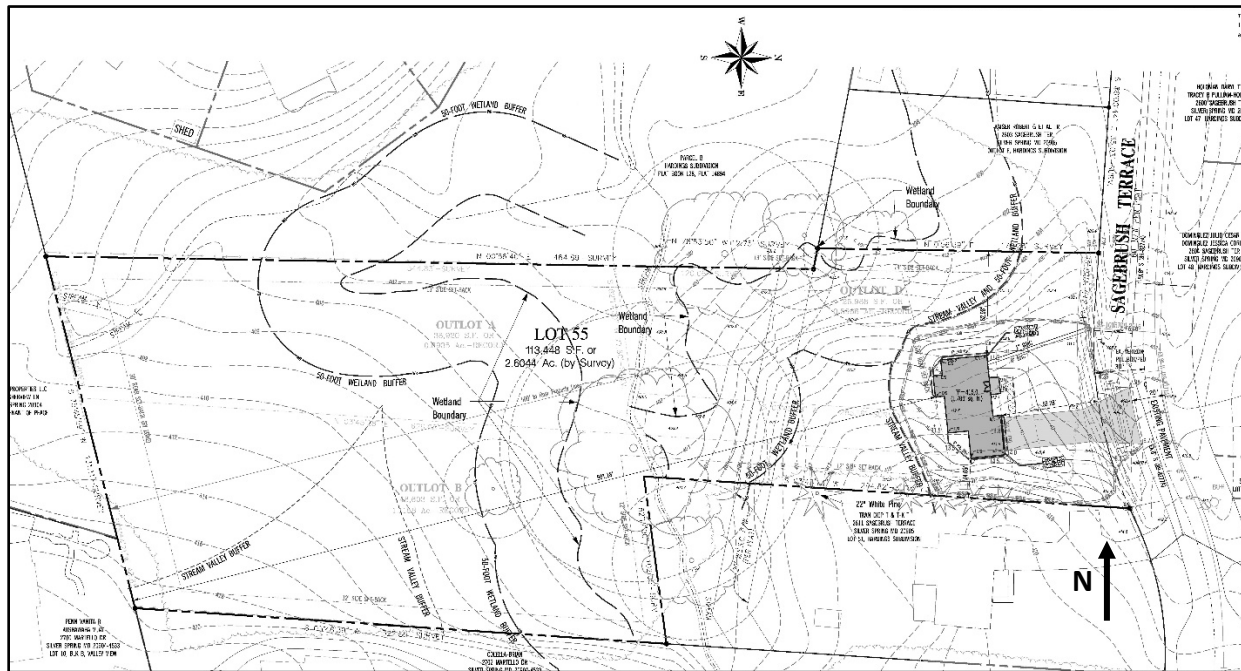


Figure 4 – Administrative Subdivision Plan

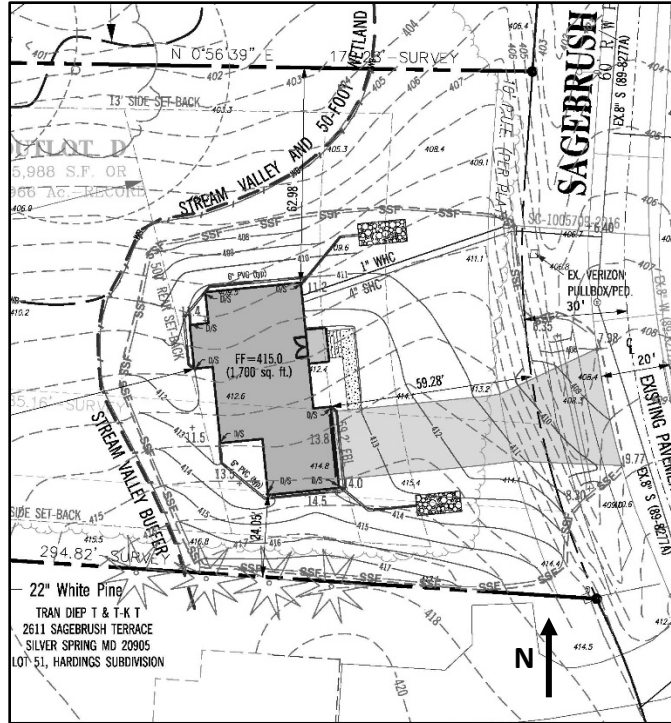


Figure 5 – Buildable area of Administrative Subdivision Plan

SECTION 4 - ANALYSIS AND FINDINGS – Chapter 50

Applicability, Section 6.1.C

1. **The lots are approved for standard method development.**

The lot was submitted and is approved for standard method development in the R-200 zone.

2. **Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and Septic Section before approval of the plat.**

The lot proposes connection to public water and sewer. This finding does not apply to this Application.

3. **Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements.**

The Administrative Subdivision Plan proposes no additional right-of-way dedication. The existing right-of-way granted by Plat No. 17260 along Sagebrush Terrace meets the minimum 60 ft. right-of-way for a secondary residential roadway. As a result, no additional right-of-way dedication is necessary. Since the proposed lot is located in an environmental overlay zone, the Application is not required to construct a sidewalk along the frontage of Sagebrush Terrace in accordance with

Section 49-33(e) of Montgomery County Code. Furthermore, the 2018 *Bicycle Master Plan* does not recommend any bicycle improvements to Sagebrush Terrace.

4. The requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat.

As conditioned and discussed below, the requirements for adequate public facilities have been met.

5. Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.

- a. The Application is subject to the requirements of Chapter 22A. As conditioned and discussed below in the Technical Review for Forest Conservation section, the Application satisfies forest conservation requirements.
- b. The Application has received an approval of the SPA Water Quality Plan from the Montgomery County Department of Permitting Services, dated May 5, 2021, which achieves stormwater management requirements via micro bioretention.
- c. The Subject Property is located within the Upper Paint Branch SPA and Upper Paint Branch Overlay Zone which limits impervious surfaces to 8 percent. As conditioned and discussed below in the Technical Review for the Forest Conservation and Water Quality Plan sections, the Application satisfies the requirements of the SPA as outlined in the Environmental Guidelines.

Technical Review, Section 4.3

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

The Administrative Subdivision Plan meets all applicable sections of the Subdivision Regulations. The proposed lot size, width, shape and orientation is appropriate for the location of the subdivision, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and for the building type (Single-Unit Living) contemplated for the Property.

Table 1 – Development Review Table

<i>R-200</i>	Required by the standards of the R-200 Zone	Proposed for Approval
Minimum Lot Area	20,000 sq. ft.	113,256 sq. ft. (2.60 acres)
Minimum Lot Frontage	25 feet	25 feet or greater
Minimum Lot Width at B.R.L.	100 feet	100 feet or more
Maximum Lot Coverage	25%	25% or less ¹
Min. Setbacks (for all lots)		

¹ The requirements of the SPA will limit impervious surfaces including the building footprint to 8% or less

R-200	Required by the standards of the R-200 Zone	Proposed for Approval
Front	40 ft.	40 feet or more
Side street setback	15 ft.	15 feet or more
Side	12 feet (Sum of side setbacks is 25 ft.)	12 or more (sum of side setback 25 feet or more)
Rear	30 ft.	30 feet or greater
Building Height	50 ft. max.	50 feet or lower
Site Plan Required	No	No

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

The Administrative Subdivision Plan substantially conforms to the 1997 *Fairland Master Plan*. The Subject Property is located in Low/Moderate Density plan concept plan on Page 17 of the Master Plan. The Master Plan does not specifically identify the Subject Property nor does it make any specific recommendation. One of the objectives of the Master Plan is to increase housing options. To achieve this, the Master Plan recommends that development ‘maximize the percentage of single-family detached units in developable areas’ (Page 28). The Master Plan makes this recommendation because detached single-family units make up the smallest percentage of the three housing types identified in the Master Plan. The Application propose one lot for a Single Living Unit. Thus, the Application, given its limited scope, does contribute to the Master Plan’s objective to increase single-family detached housing. Finally, the 2018 Bicycle Master Plan recommends no improvements to Sagebrush Terrace. As a result, no frontage improvements are proposed.

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

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

Roads and Transportation Facilities

Sagebrush Terrace is a secondary residential street that is not specifically identified in the Master Plan. Since the 1997 *Fairland Master Plan* does not specifically identify Sagebrush Terraces’ right-of-way, per section 49-32 (d)(4) a secondary residential street must have a minimum 60 ft. right-of-way. Furthermore, the 60 ft. of existing right-of-way granted by Plat No. 17260 also validates dedication adequacy. Therefore, no additional right-of-way dedication on Sagebrush Terrace is necessary.

The Subject Property consists of approximately 150 feet of frontage along Sagebrush Terrace and is located in the Fairland/Colesville Policy Area. The 2018 *Bicycle Master Plan* does not recommend any bicycle improvements along Sagebrush Terrace. Since Sagebrush Terrace fronts on a public street, the Applicant would generally be required to install sidewalks along the Subject Property frontage. However, the Subject Property is located in the Upper Branch Overlay which limits impervious surfaces to 8 percent. Also, in the vicinity of Sagebrush Terrace, there are no existing sidewalks for potential connectivity. In these instances, under Section 49-33(e) of Montgomery County Code waives the installation of sidewalks at the discretion of the Planning Board and/or the Department of Permitting Services as outlined below:

Section 49-33 Road construction requirements

(e) (1) 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:

- (C) on a tertiary residential street, or in an environmentally sensitive area with limits on the amount of impervious surface allowed, if in either case the Planning Board finds that a sidewalk is unnecessary for pedestrian movement; or
- (D) on a secondary or tertiary residential street or service drive where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.

Local Area Transportation Review (LATR)

The estimated impact of the proposed single-family detached residence is one (1) AM and one (1) PM peak-hour person trips. As a result, this Application is exempted from additional Local Area Transportation Review (LATR) because the proposed land use generates fewer than 50 peak-hour person trips. The Applicant included a Transportation Exemption Statement as part of this Application.

Transportation access is safe and adequate for the proposed use. This plan is consistent with the *2018 Bicycle Master Plan*, the *1997 Fairland Master plan* and satisfies the Adequate Public Facilities (APF) test under the 2016 - 2020 Subdivision Staging Policy.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property has W-1 and S-1 water and sewer service categories, respectively, and will utilize public water and sewer services.

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply office. The Application has received an approved Fire Access Plan based in the letter dated May 6, 2021 (Attachment 6).

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.

School Adequacy Test

The Application is served by Fairland ES, Benjamin Banneker MS and James Hubert Blake HS. Based on the FY2021 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 2. Applicable FY2021 School Adequacy

School	Projected School Totals, 2024				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Fairland ES	648	608	93.8%	+40	No UPP	125	170	267
Benjamin Banneker MS	824	838	101.7%	-14	No UPP	112	151	275
James Hubert Blake HS	1,743	1,954	112.1%	-211	Tier 1 UPP		138	400

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. If an application is estimated to generate more students than the identified ceilings, then payments at multiple tiers will be required.

Based on the school capacity analysis performed, using the FY2021 Annual School Test, there are adequate school facilities to support this project at the elementary and middle school levels, but not at the high school level. Therefore, the Applicant is required to make a Tier 1 high school Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy.

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

The Subject Property is subject to Chapter 22A of the County code.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420201700 for the Property was approved on August 21, 2020. The NRI/FSD identifies the environmental features and forest resources on the Property. The 2.60-acre Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III-P waters. The Property is located within the Upper Paint Branch SPA. There are three tributary streams and an associated wetland system located in the southwest corner and central portions of the Property. Approximately eighty percent of the Property is within the stream and wetland buffers associated with these features and it is mostly forested. There is approximately 2.5 acres of forest onsite and six trees ≥ 30 inches Diameter at Breast Height (DBH) on or immediately adjacent to the Property. No significant trees between 24 – 29.9 inches DBH were identified.

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, a Preliminary and Final Forest Conservation Plan (FCP) for the Application was submitted with the Administrative Subdivision Plan Application (Attachment 3). The total net tract area for forest conservation purposes is 2.63 acres, which includes the 2.60-acre Property and 0.03 acres of offsite disturbance. The Property is zoned R-200 and is considered High Density Residential (HDR) under the *Trees Technical Manual*.

The Application proposes to remove approximately 0.30 acres of forest and retain 2.22 acres of forest. While this does not result in a planting requirement under the Forest Conservation Law, the Application includes 0.24 acres of forest planting within the stream buffer to meet the *Environmental Guidelines* requirement that all stream buffers located within a SPA must be reforested. The Application proposes to protect the retain and planted forest as well as the stream and wetland buffers with a Category I conservation easement. The Application does not propose disturbance to any of the trees subject to the Tree Variance provision of the Forest Conservation Law, so a Tree Variance is not required.

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

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this Administrative Subdivision Plan since this

Property proposes land disturbance within the Upper Paint Branch SPA. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS), the Planning Board, and the Montgomery County Department of Environmental Protection (MCDEP) have different responsibilities in the review of the Water Quality Plan.

MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in their May 5, 2021 letter (Attachment 5). The Application will meet stormwater management goals through the use micro bioretention. MCDEP has reviewed the Water Quality Plan and will require payment of a stream monitoring fee and Best Management Practices monitoring fee. MCDEP's requirements are incorporated into the Preliminary/Final Water Quality Plan approval letter provided by MCDPS. As part of this Application, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation requirements, and site imperviousness limits have been satisfied.

Planning Board Special Protection Area Review Elements

Environmental Buffer Protection

The Application does not propose any disturbance within the environmental buffers and the buffers will be protected with a Category I conservation easement.

Forest Conservation Planting Requirements

As discussed previously in this report, this Application meets all applicable requirements of Chapter 22A of the County Code. The Application proposes to remove 0.30 acres and retain 2.22 acres of forest. There is no forest planting requirement under the Forest Conservation Law; however, the Application proposes to reforest 0.24 acres of unforested environmental buffer to meet SPA requirements outlined in the *Environmental Guidelines* that all environmental buffers be reforested. The retained and planted forest will also be protected with a Category I conservation easement.

Imperviousness

Impervious surface restrictions for development applications in the Upper Paint Branch SPA are set forth in the Upper Paint Branch Overlay Zone. As per Chapter 59, Section 4.9.19, imperviousness is restricted to a maximum of 8 percent of the tract of any application for development. The Application includes the creation of one lot for a single-unit living dwelling and access driveway. The Application proposes 3,724 square feet of impervious surfaces within the 113,448 square foot Property, resulting in 3.3 percent imperviousness, as depicted on the Impervious Area Exhibit included on the FCP (Figure 6). The Application demonstrates conformance with the impervious surface limits of the Overlay Zone by proposing a level of imperviousness below 8 percent.

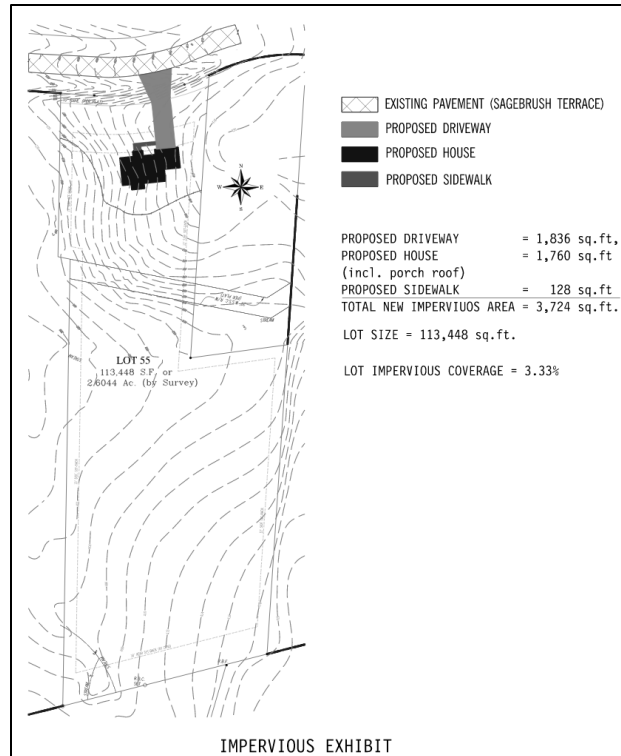


Figure 6 - Impervious Surface Exhibit

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.*

There is no evidence, actual notice, or constructive notice of a burial site on the Subject Property. The Subject Property is not included in the Montgomery County Inventory.

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

There are no other applicable provisions specific to the Property that are necessary for approval.

SECTION 5 – COMMUNITY CORRESPONDENCE

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.

As of the date of this report, Staff has received one community correspondence (Attachment 8) regarding this Application. The correspondence received expressed concerns about potential building types, environmental concerns related to the Special Protection Area and the preservation of trees, and stormwater. In reviewing the citizen correspondence, Staff has concluded that the Application as proposed and the implementation of all applicable code requirements adequately addresses the concerns raised in the correspondence. The letter does applaud the aggregation of these three separate outlots.

SECTION 6 – CONCLUSION

The Administrative Subdivision Plan and Final Water Quality Plan meets the technical requirements of Section 50.4.3 of the Subdivision Regulations, the applicable requirements of Section 50.6.1.C, Forest Conservation Law in Chapter 22A, the Montgomery County Planning Department's Environmental Guidelines, and the stormwater requirements of Chapter 19. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 1997 *Fairland Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan.

ATTACHMENTS

Attachment 1 – Statement of Justification

Attachment 2 – Administrative Subdivision Plan

Attachment 3 – Forest Conservation Plan

Attachment 4 – MCDOT Approval Letter, April 5, 2021

Attachment 5 – DPS Water Quality Plan Approval Letter, May 5, 2021

Attachment 6 – Montgomery County Department of Permitting Services, Fire Department Access and Water Supply, May 6, 2021

Attachment 7 – Planning Board Opinion for Preliminary Plan No. 11997933A

Attachment 8 – Citizen Correspondence

Planning Area Three – Montgomery County Planning Department
The Maryland-National Capital Park & Planning Commission

Property:	Oultots A, B, & D, Hardings Subdivision
Tax Map:	KR24
Property Address:	2605, 2607, and 2609 Sagebrush Terrace, Silver Spring, MD
Zoning:	R-200
Planning Area:	Fairland (M-NCPPC Planning Area 34)
Owner / Applicant:	Joseph and Sin Kim
Date:	November 2020

STATEMENT OF JUSTIFICATION IN SUPPORT OF ADMINISTRATIVE SUBDIVISION PLAN #620210110

Pursuant to the Manual of Development Review Procedures, the Applicants, Joseph, and Sin Kim, hereby submit this Statement of Justification setting forth the facts and reasons in support of Planning Board approval of the Proposed Administrative Subdivision Application #620210110. The purpose of this application is to create a single, subdivided, buildable lot for the construction of a single-family detached home on the subject property.

Introduction

This subdivision application proposes the creation of one lot from three existing outlots for a single-family home on 2.61 acres in the R-200 zone. The subject properties are currently platted as Outlots A, B & D, Hardings Subdivision Plat #17260.

The Administrative Subdivision Plan is being filed pursuant to criteria for subdivision of property in Section 50.6.1.C of the Subdivision Regulations (being also Chapter 50 of the Montgomery County Code, 2017) and the development standards applicable to property classified in the R-200 zone. This proposed subdivision plan provides a form of development consistent with the approved and adopted 1997 Fairland Master Plan.

Development History

The subject property was created by deed on January 21, 1993 (L.11047 / F.112) as three Outlots (A, B & C). These properties are known as Outlots A, B, & C, Hardings Subdivision.

The Subject Property

The subject property is comprised of three lots, Outlot A contains 0.8935 acres or 38,920 square feet of land, Outlot B contains 1.1158 acres or 48,488 square feet of land, and Outlot D contains 0.5966 acres or 25,988 square feet of land. In combination the three Outlots contain 2.6059 acres or 139,465 total square feet of land. The property is located on the south side of Sagebrush Terrace, approximately 400 feet east of Wildwood Drive, the nearest cross street.

The property does not contain any structures or improvements.

Master Plan Compliance

The proposed subdivision of the subject property into one lot is in full compliance with the objectives and general land use recommendations of the 1997 Cloverly Subregion master plan. The recommended zoning in the master plan for this property is R-200, maintaining the existing zoning classification.

Standards for Approval

Section 50.6.1.C of the Subdivision Regulations sets forth the findings the Planning Director must confirm in approving an administrative subdivision plan for the creation of up to three lots for detached houses in any residential zone. The following explains compliance with the required findings:

1. *the lots are approved for standard method development;*

Per the submitted plan and as indicated in the application, the proposed lot complies with the R-200 zone standard method development standards of Section 59.4.4.7.B of the Montgomery County Zoning Ordinance.

2. *Written approval for any proposed well and septic area is received from the Department of Permitting Services, Well and septic Section before approval of the plat;*

The lots are served by public water and sewer infrastructure.

3. *any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;*

Sagebrush Terrace is a constructed road with several houses along its short length. A 10-foot P.U.E. was established along the lot frontage by previous plat.

4. *the requirements for adequate public facilities under Section 4.3.J are satisfied before approval of the plat; and*

According to the current Subdivision Staging Policy (SSP), the subject property is in the Cloverly Policy Area, a "Yellow" classification. Since this application will generate less than 50 peak-hour person trips (adding 1 lot) this subdivision is exempt from Local Area Transportation Review (LATR) under the SSP. Therefore, roads and transportation facilities are adequate to support this subdivision application.

There are adequate public school facilities to support this application. Schools serving this proposed subdivision are James Hubert Blake High School, Benjamin Banneker Middle School, and Fairland Elementary School. None of these schools are currently in a moratorium for school capacity. This is confirmed by the results of the FY 2018 schools test data.

Fire and Rescue protection is located approximately 1.0 mile north and east of the subject property at 13900 Old Columbia Pike Burtonsville. with Station 15.

5. *forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

This subdivision application complies with forest conservation, stormwater management and environmental protection requirements. A forest conservation plan has been designed and submitted with the application in accordance with Chapter 22A of the County Code. All criteria for forest conservation approval have been met. A Water Quality Inventory Plan has been submitted to MCDPS Water Resources Section for review and approval. The Plan requires that the lot will provide stormwater treatment using Environmental Site Design (ESD) to the Maximum Extent Possible (MEP). A Natural Resources Inventory / Forest Stand Delineation (NRI/FSD) was submitted and approved prior to submission of this Administrative Subdivision Plan.

Conclusion

On behalf of the Applicants, Joseph and Sin Kim, the undersigned certifies that the information set forth in this Statement of Justification is true, complete, and correct to the best of her knowledge, information and belief, and hereby requests that the subject application be approved as submitted. Thus, the Applicant respectfully requests that the Planning Director grant approval of this application, which will permit the creation of a single lot in the R-200 zone.

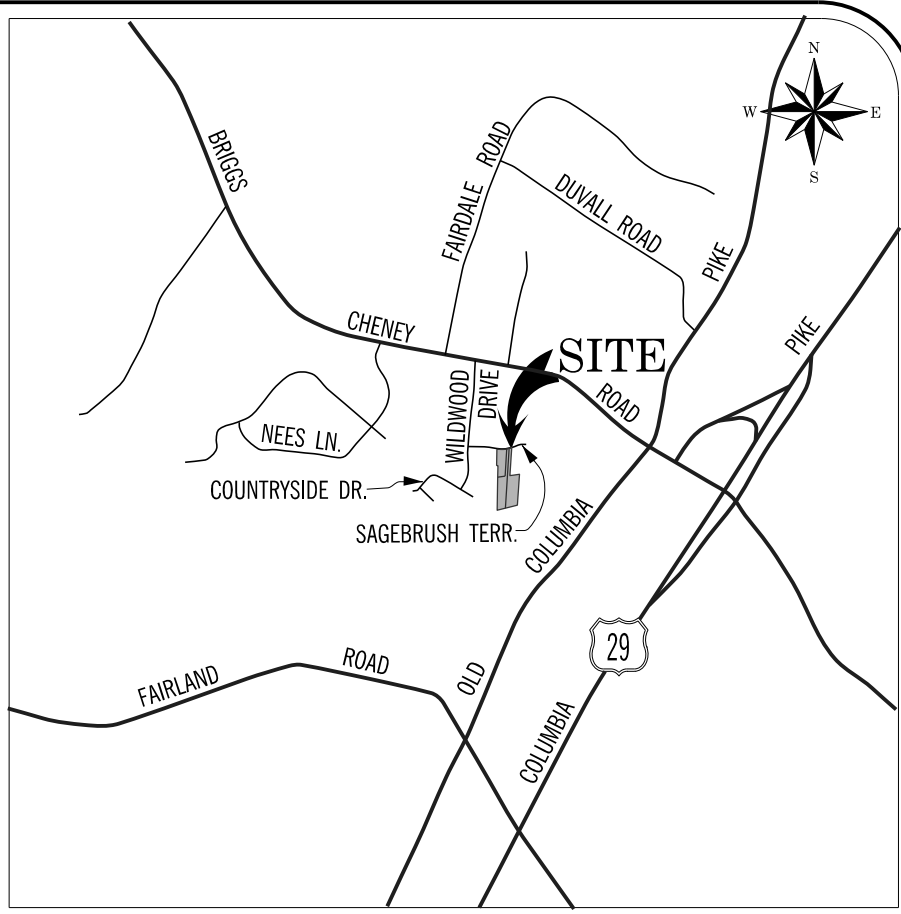
SITE SOLUTIONS, INC.

Michael Devine, Principal

Attachment 2

R-200 Zone Development Standards - Standard Method

STANDARD	REQUIRED / PERMITTED	APPROVED
Minimum Lot Area	20,000 sf	20,000 sf or more
Minimum Lot Frontage	25 feet	25 feet or more
Minimum Lot Frontage at B.R.L.	100 feet	100 feet or more
Maximum Lot Coverage:	25%	25% or less
Minimum Front Setback	40 feet	40 feet or more
Minimum Side Setbacks	12 feet (25' min. Sum)	12 feet or more (25' min. Sum)
Minimum Rear Setback	30 feet	500 feet
Minimum setbacks for Accessory Structure	65 feet - front 12 feet - side 7 feet - rear	65 or more feet - front 12 or more feet - side 7 or more feet - rear
Max. Building Height	50 feet	50 feet or less
Max. Accessory Building Height	35 feet	35 feet or less



VICINITY MAP
SCALE: 1"=2000'

Legend	
	Existing Contours - 2-Foot Interval
	Proposed Contours - 2-Foot Interval
	Proposed Limit of Disturbance (L.O.D.)
	Existing House Footprint
	Proposed House Footprints
	Subject Property Boundary
	Existing Tree Locations
	Proposed Walks
	Proposed Drywells for SWM
	Trees to be Removed - See Forest Conservation Plan for detailed information

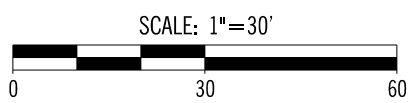
General Notes

- Boundary data indicated on this drawing are from a field survey by Snider & Associates, 2019.
- Topography shown hereon is from a field survey by Snider & Associates, and from M-NCPPC GIS data.
- Water Category: W-1
- Sewer Category: S-1
- Soil Type 2C - Glenelg (Hydro Group B).
- All wells and septic fields within 100 feet of Property lines are shown.

Plan Notes

- Gross Tract Area: 2.602 Acres (113,511 sq.ft.) - Per Boundary Survey, 11/2019
- Zoning: R-200
- Proposed Standard Method Development per Sec. 59.4.4.7.8 of the Zoning Ordinance
- Number of Lots Proposed: 1
- Description: This is a subdivision of Outlots A, B, & D, Hardings Subdivision.
- Watershed: Upper Paint Branch - State Water Use III
- Planning Area: Fairland (M-NCPPC PA 34)
- Public Utilities to Serve the Proposed Lots: WSSC, PEPCO, Verizon, Washington Gas
- WSSC Grid: 218ME03 Tax Map: KR24

IMPERVIOUS AREA TOTAL = 4245 sq.ft.
COMBINED LOT SIZE = 113,511 sq.ft.
IMPERVIOUS COVERAGE = 3.74%



620210110

SITE SOLUTIONS, INC.
PO Box 1783
Clarksburg, Maryland 20871
(301) 540-7990 www.ssimagaryland.com
Planning · Landscape Architecture · Engineering

OWNER:
SIN & JOSEPH KIM
813 FAIRWAY AVENUE
CATONSVILLE, MD 21228
PHONE: (240) 515-0915
ATTN: c/o KAREN KIM
EMAIL: Karensvanakim@gmail.com

NOTICE:
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Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-02-2021



ADMINISTRATIVE SUBDIVISION PLAN
LOT 55 - HARDINGS SUBDIVISION
2605 Sagebrush Terrace, Silver Spring, MD 20905
Tax Map # KR24 - WSSC Base Map # 218NE03
BURTONSVILLE ELECTION DISTRICT #5, MONTGOMERY COUNTY, MARYLAND
Formerly know as HARDINGS SUBDIVISION - OUTLOTS A, B, & D

MID	SCALE	1" = 30'
DESIGN	JSL	2 OF 4
CHECKED	SHEET	
3/1/2021	2181	D-
PLOT DATE	PROJ. No.	

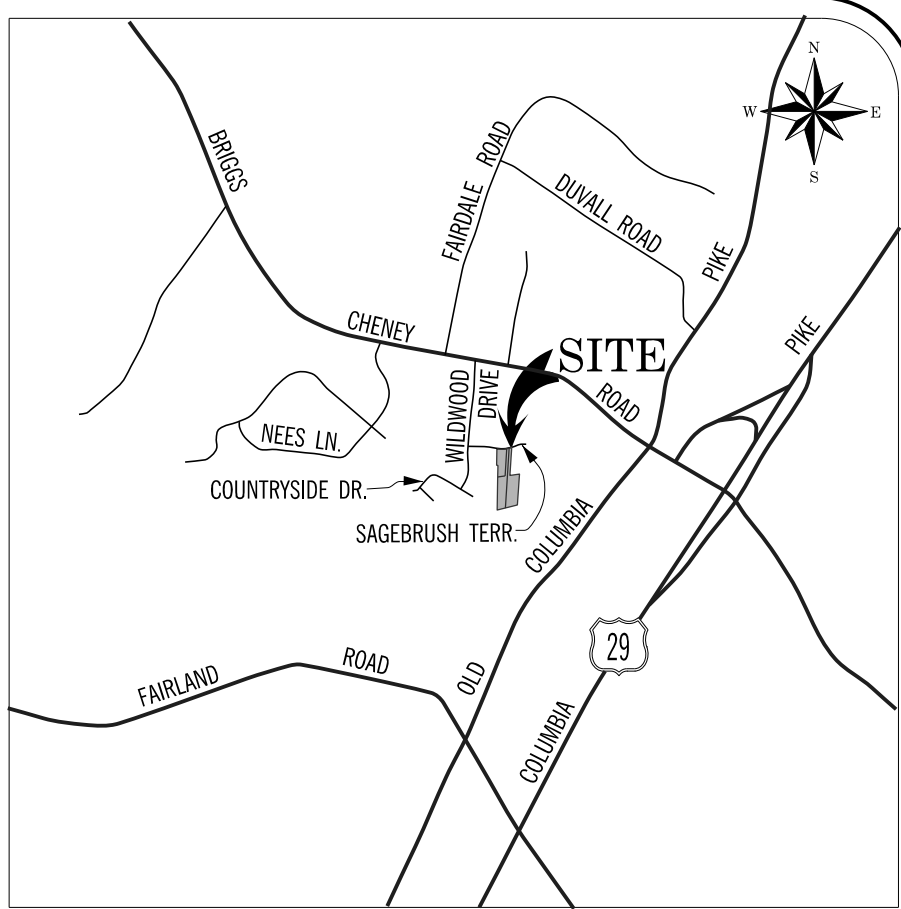
Attachment 3

TREE PLANTING NOTE

The Environmental Guidelines require all environmental buffers to be Reforested. There are two (2) existing areas shown on this plan which show gaps in the Canopy Cover. The two areas combine for a total area of 10,460 sq. ft. which must be planted to satisfy this requirement. These two areas are shown here and the planting schedule and detail appear on Sheet 4 of this plan.

PLAN NOTES

- Gross Tract Area: 2.604 Acres (113,448 sq.ft.) - Per Boundary Survey
- Area of Proposed R/W's and Easements: 0
- Area of Off-Site L.O.D.: 0.025 Ac. (1,100 s.f. in ROW)
- Net Tract Area: 2.629 Ac.
- Project lies within the Upper Paint Branch Special Protection Area
- Proposed Impervious Area = 2.75% on lot.
- Zoning: R-200
- Planning Area: Fairland (M-NCPPC Planning Area 34)
- Area of Existing Forest Cover: 2.52 Ac. (109,770 sq.ft.)
- Proposed Area of Forest Save: 2.22 Ac. (96,703 sq.ft.)
- Forest Save Area to be placed in a Category I Conservation Easement. Forest and trees outside of the L.O.D. will not be cleared as part of this plan, but are included in the forest clearing calculations.



VICINITY MAP
SCALE: 1"=200'

LEGEND

	Proposed Category I Conservation Easement, Forest Plant and Forest Save Area
	Proposed Forest Clear Area
	Existing Contours - 2-Foot Interval
	Proposed Limit of Disturbance (L.O.D.)
	Specimen Trees to be Removed (No Trees Identified)
	Significant Trees to be Removed (No Trees Identified)
	Specimen Tree Symbol & Identification Number
	Significant Tree Symbol & Identification Number
	Specimen Tree Critical Root Zone - CRZ
	Significant Tree Critical Root Zone - CRZ
	Tree Protection Fence - May use Super-Silt Fence as substitute if Approved by Inspector
	Proposed Conservation Easement Marker Posts
	Stream Valley Buffer
	Proposed Drywell Locations
	Split Rail Fence

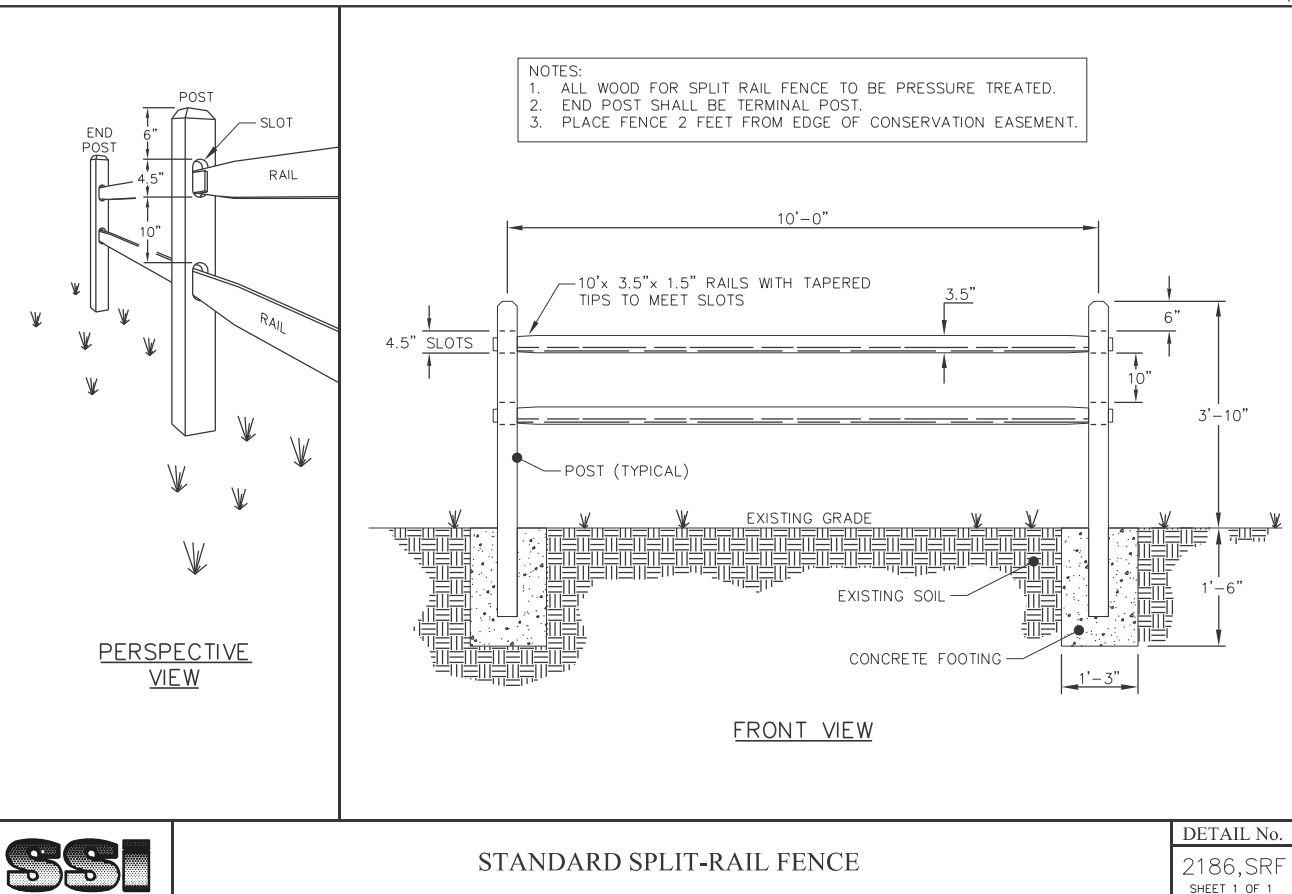
DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 620210110 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: N/A
Printed Company Name
Contact Person or Owner: Karen Kim
Printed Name
Address: 813 Fairway Avenue, Catonsville, MD 21228
Phone and Email: (240) 515-0915 - karenSusanakim@gmail.com
Signature: [Signature]

10-FCP-620210110

SCALE: 1"=30'



SSI

STANDARD SPLIT-RAIL FENCE

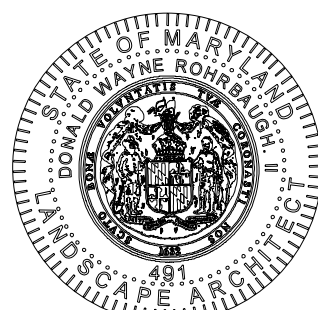
DETAIL No.
2186, SRF
Sheet 1 of 1

SITE SOLUTIONS, INC.
PO Box 1783
Clarksburg, Maryland 20871
(301) 540-7990 www.ssmaryland.com
Planning • Landscape Architecture • Engineering

OWNER:
SIN & JOSEPH KIM
813 FAIRWAY AVENUE
CATONSVILLE, MD 21228
PHONE: (240) 515-0915
ATTN: c/o KAREN KIM
EMAIL: KarenSusanakim@gmail.com

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Professional Certification
Donald W. Rohrbaugh, II
Md. Reg. Landscape Architect #491
Date



PRELIMINARY/FINAL FOREST CONSERVATION PLAN
LOT 55 - HARDINGS SUBDIVISION
2605 Sagebrush Terrace, Silver Spring, MD 20905
Tax Map # KR24 - WSSC Base Map # 218NE03
BURTONSVILLE ELECTION DISTRICT #5, MONTGOMERY COUNTY, MARYLAND
Formerly known as HARDINGS SUBDIVISION - OUTLOTS A, B, & D

MID	1" = 30'
DESIGN	SCALE
JSL	3 OF 4
CHECKED	SHEET
3/31/2021	2181
PLOT DATE	PROJ. No.
	D-



Attachment 4

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

April 5, 2021

Mr. Ryan Sigworth, Senior Planner
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr.
Wheaton, MD 20902

RE: Administrative Plan No. 620210110
Hardings Subdivision Lot 55

Dear Mr. Sigworth,

We have completed our review of the Administrative subdivision Plan with a date of March 24, 2021 in e-plans. A previous plan was reviewed by the Development Review Committee at its February 2, 2021 meeting. We recommend approval for the plan based to the following comments:

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

Significant Plan Review Comment

1. Sagebrush Terrace is classified as a Secondary Residential Street with 2 travel lanes. The minimum right-of-way (ROW) per Montgomery County Standard NO. MC-2002.01 for secondary streets is 60-feet. The existing ROW on Sagebrush Terrace per plat #19385 is 60-feet. Thus, additional dedication is not required.
2. The proposed driveway shall conform to Montgomery County Standard MC-301.01.

Office of the Director

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

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

3. **Sight Distance:** A Copy of the accepted Sight Distance Evaluation certification is enclosed for your information and reference.
4. **Storm Drain:** The storm drain analysis was reviewed and is acceptable to MCDOT. The drainage area to twin 48-inch culverts at Wildwood Drive is approximately 100 acres with approximately 320 cfs capacity. The proposed flow increase of this family single home on 4.49 acres is 0.54 cfs or an increase of 0.18%. Due to the small increase in impervious area to the entire drainage area no increase to the twin culverts is expected. Therefore, no improvements are needed to the downstream public storm drain system for this plan.
5. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
6. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - a. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.
 - b. Erosion and sediment control measures as required by Montgomery County Code 19-10(02) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this Administrative Subdivision plan. If you have any questions or comments regarding this letter, please contact myself for this project at brenda.pardo@montgomerycountymd.gov or (240) 777-7170.

Sincerely,

Brenda M. Pardo

Brenda M. Pardo, Engineer III
Development Review Team
Office of Transportation Policy

Mr. Ryan Sigworth
Administrative Plan No. 620210110
April 5, 2021
Page 3

SharePoint\Transportation\Director's Office\Development Review\Brenda\Administrative Subdivision\AS20210110 Hardings
Subdivision\Letter\620210110-Hardings Subdivision-DOT Administrative Letter_4.5.21

cc: Letters notebook

cc-e:	Mike Devine	Site Solutions, Inc.
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Rebecca Torma	MCDOT OTP



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

May 5, 2021

Mr. Michael Devine
Site Solutions, Inc.
P O Box 1783
Clarksburg, Maryland 20871

Re: **COMBINED PRELIMINARY AND FINAL
WATER QUALITY PLAN/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
2605 Sagebrush Terrace
Preliminary Plan #: N/A
SM File #: 287061
Tract Size/Zone: 2.6 acres/R-200
Total Concept Area: 0.33 acres
Lots/Block: Outlots A, B and D
Parcel(s): NA
Watershed: Upper Paint Branch SPA

Dear Mr. Devine:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary and Final Water Quality Plan for the above-mentioned site is **acceptable**. The Preliminary and Final Water Quality Plan proposes to meet required stormwater management goals via micro bioretention. This approval is for elements of the Water Quality Plan of which DPS has lead agency responsibility and does not include limits on imperviousness or buffer encroachments.

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. Direct as much of the proposed driveway as possible to the proposed micro bioretention structure.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**. Stream monitoring and BMP monitoring fees will be required per the Special Protection Area regulations.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The Water Quality Plan 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



2425 Reedy Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311
www.montgomerycountymd.gov/permittingervices

Mr. Michael Divine
May 5, 2021
Page 2 of 2

Way unless specifically approved on the Water Quality Plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,

Mark Etheridge

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

MCE: lmg

cc: N. Braunstein
SM File # 287061

ESD: Required/Provided 334 cf / 343 cf
PE: Target/Achieved: 1.0"/1.03"
STRUCTURAL: 0 cf
WAIVED: 0 ac.

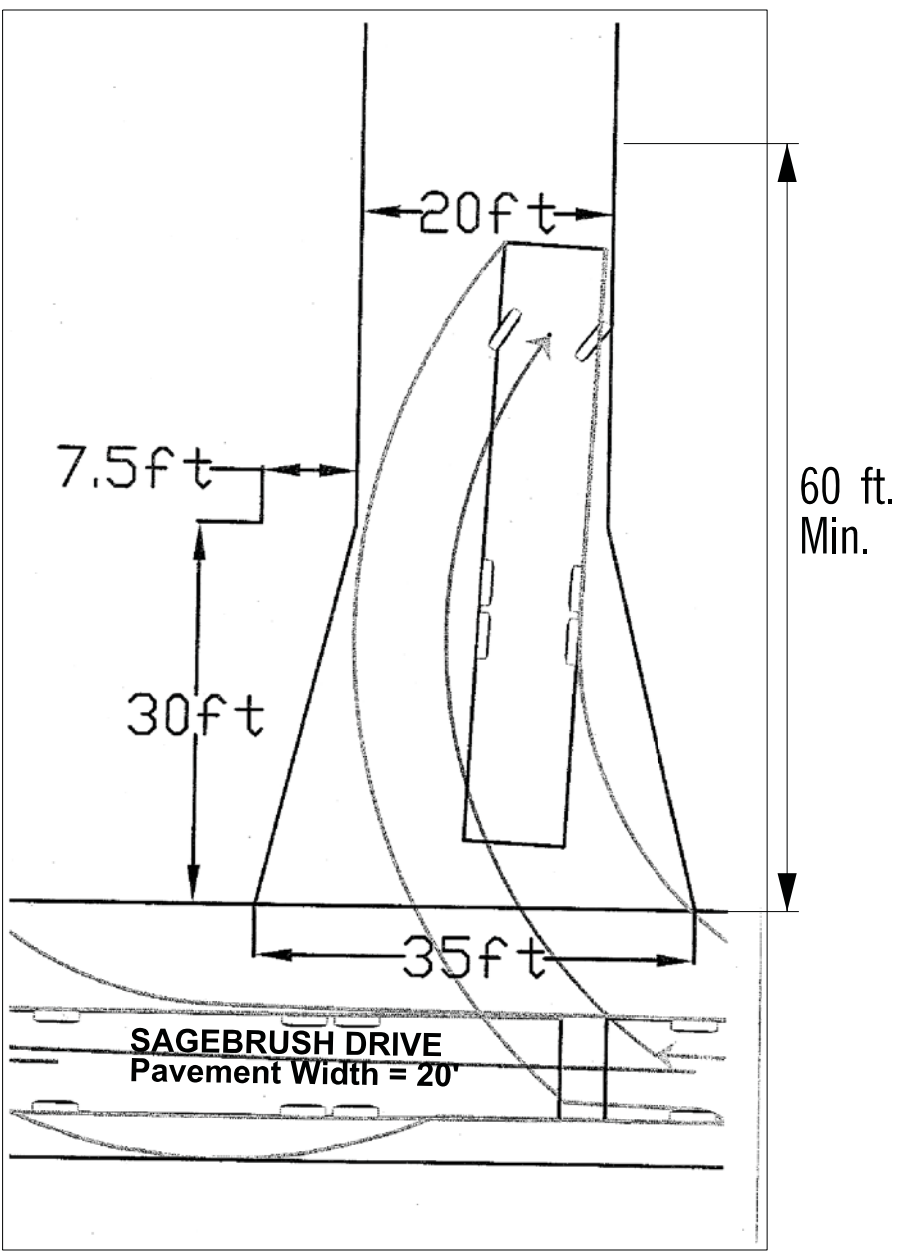
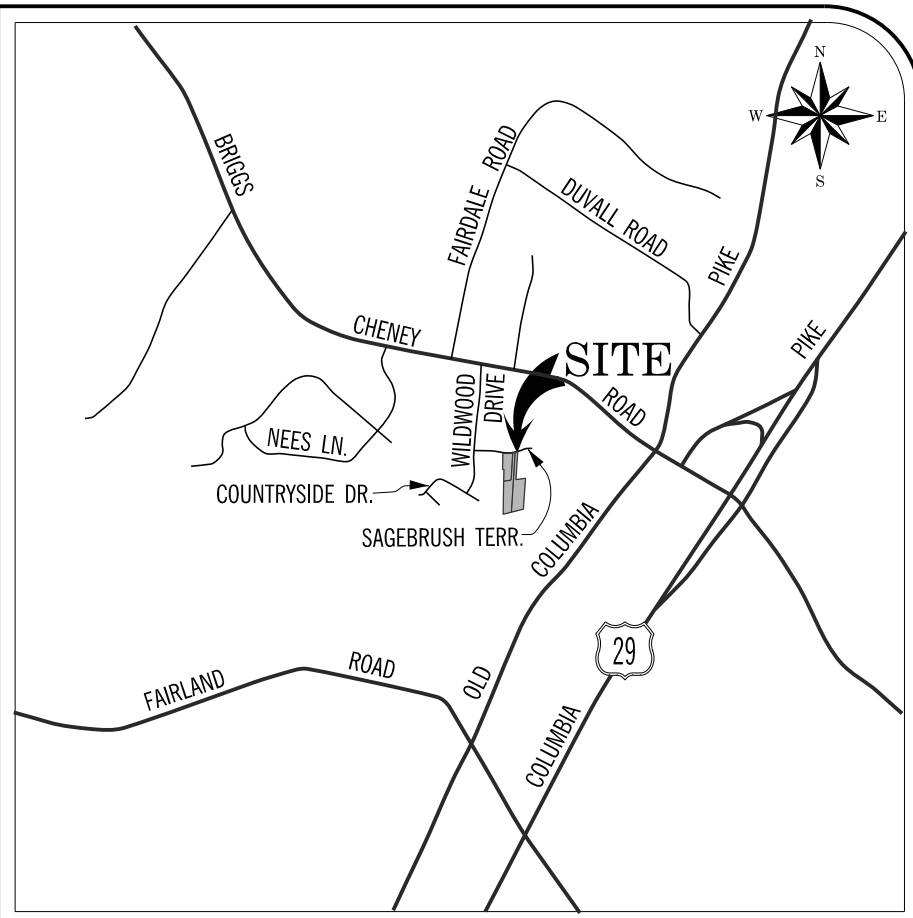
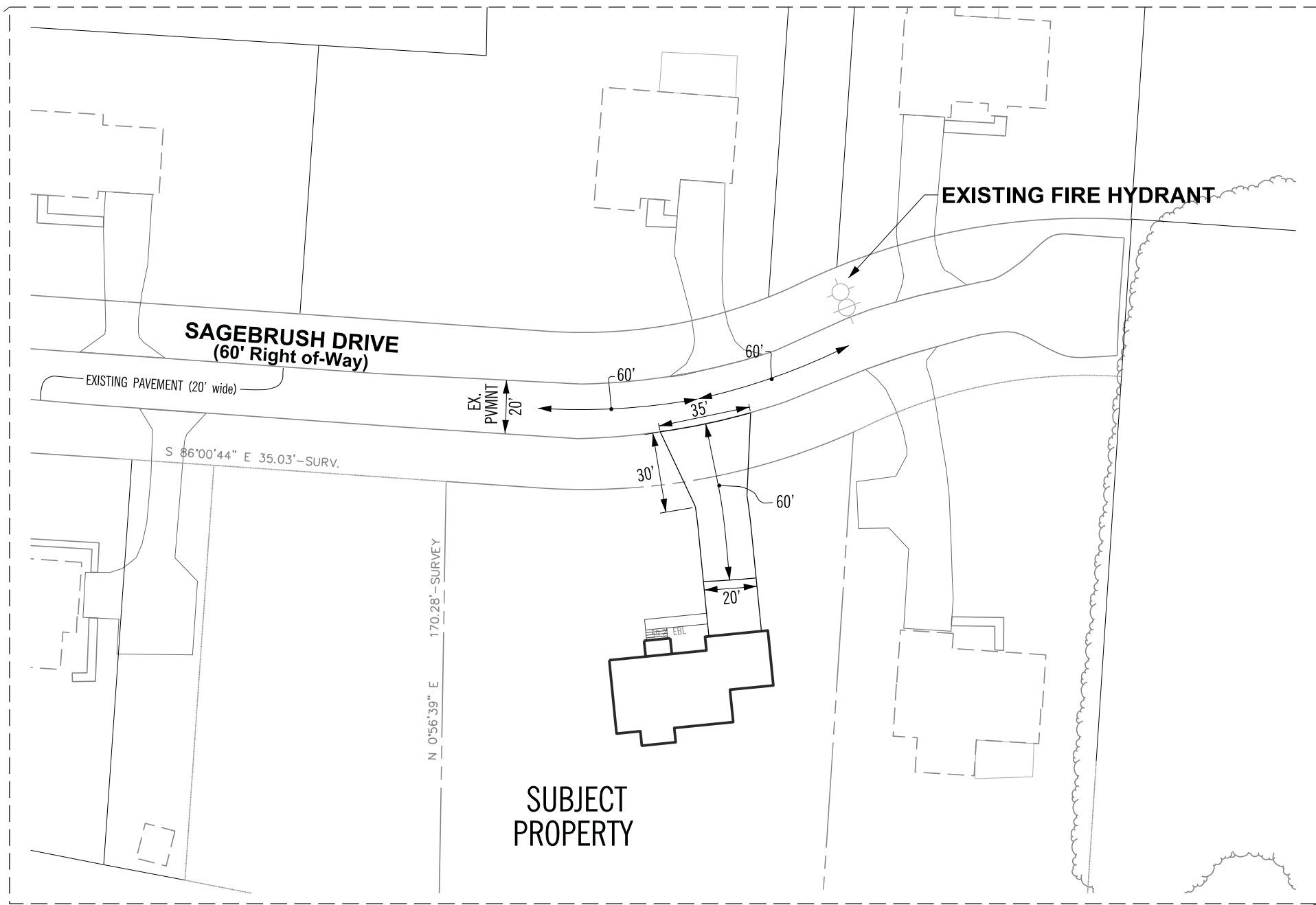
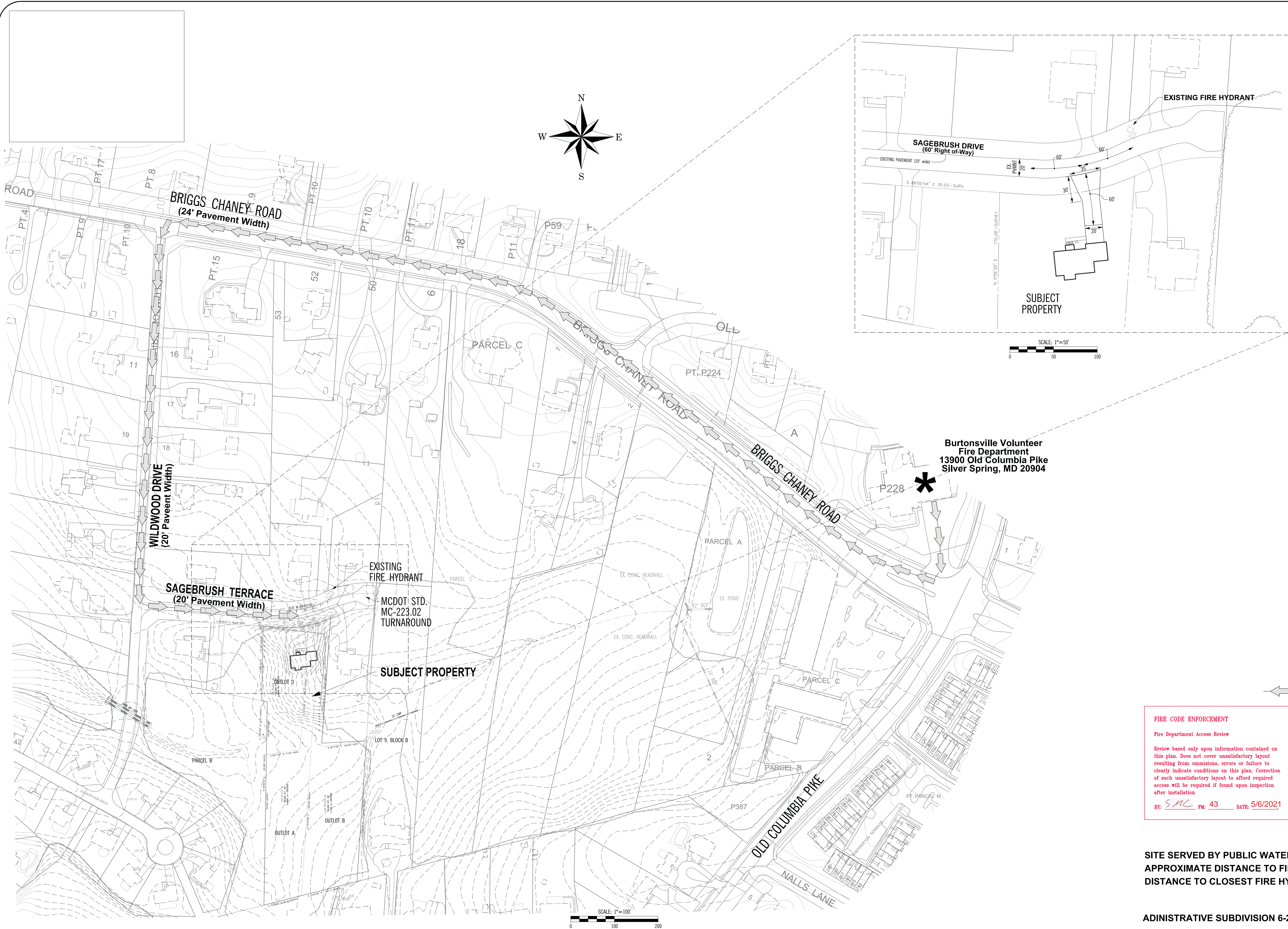


**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 06-May-21
TO: Mike Devine
Site Solutions, Inc.
FROM: Marie LaBaw
RE: Hardings Subdivision Lot 55
620210110

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **06-May-21**. 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.



FIRE DEPARTMENT ACCESS LEGEND

- FIRE DEPARTMENT LOCATION
- FIRE & EMS ACCESS PATH
- EXISTING FIRE HYDRANT LOCATION
- PROPOSED HOUSE
- EXISTING HOUSE

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: SAC FM: 43 DATE: 5/6/2021

SITE SERVED BY PUBLIC WATER (CAT. W-1)
APPROXIMATE DISTANCE TO FIRE DEPT. - 0.6 MILES
DISTANCE TO CLOSEST FIRE HYDRANT: < 150 ft.

ADINISTRATIVE SUBDIVISION 6-20210110

NOT FOR CONSTRUCTION

SITE SOLUTIONS, INC.
PO Box 1783
Clarksburg, Maryland 20871
(301) 540-7990 www.ss Maryland.com
Planning · Landscape Architecture · Engineering

OWNER:
SIN & JOSEPH KIM
813 FAIRWAY AVENUE
CATONSVILLE, MD 21228
PHONE: (240) 515-0915
ATTN: c/o KAREN KIM
EMAIL: Karensvanakim@gmail.com

NO	REVISION	DATE

NOTICE:
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Professional Certification, I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19156, Expiration 06-02-2021



FIRE DEPARTMENT ACCESS PLAN
HARDINGS SUBDIVISION - OUTLOTS A, B & D
2605, 2607 & 2609 Sagebrush Terrace, Silver Spring, MD 20905
Tax Map # KR24 - WSSC Base Map # 218NE03
BURTONSVILLE ELECTION DISTRICT #5
MONTGOMERY COUNTY, MARYLAND

MUD DESIGN	1" = 100'
CHECKED	1 OF 1
2/4/2021	SHEET
PLOT DATE	2181
PROJ. No.	D-



Date Mailed: December 16, 2003
Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Robinson with a vote of 3-0;
Comms. Berlage, Bryant, and Perdue voting
in favor with Comms. Perdue absent and
Wellington temporarily absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-97033A

NAME OF PLAN: HARDINGS SUBDIVISION AND SPECIAL PROTECTION AREA (SPA)
WATER QUALITY PLAN

On 7/31/03, DUSTIN ENTERPRISE INC. submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 1 lot on 2.6 acres of land. The application was designated Preliminary Plan 1-97033A. On 11/20/03, Preliminary Plan 1-97033A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-97033A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-97033A.

Approval, Subject to the Following Conditions:

- 1) Approval of the preliminary and final water quality plan for the Upper Paint Branch SPA with the following conditions:
 - a. Compliance with DPS' conditions of approval of the SPA water quality plan per letter dated 7/16/98, which includes stormwater management approval;
 - b. Prior to plat recordation, record covenant placing a Category I conservation easement over the entirety of adjacent Outlots "A" and "B" which will allow the future use of these properties for off-site forest planting;
 - c. Prior to plat recordation, applicant to enter into an agreement with the Planning Board to limit impervious surface to no more than 10% as shown on the preliminary plan;
 - d. Prior to release of building permit applicant to demonstrate conformance to impervious surface limits as shown on the preliminary plan. Any modifications to this plan which increase site imperviousness may require Planning Board action;
 - e. Record Plat to reflect a 20 foot wetland buffer in Category I conservation easement on west side of proposed lot, and over all area located behind the rear of the house at a distance of 40 feet and greater, as depicted on July 2003 preliminary plan.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.

- 3) Access and improvements as required by MCDPWT prior to recordation of plat.
- 4) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval.
- 5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 6) Other necessary easements.

Adjacent Owners
Hardings Subdivision
MNCP&PC File #1-97033

K. Wayne & S. A. Reed
2604 Sagebrush Terrace
Silver Spring, MD 20905-4526

Jung Hyun Kim
2607 Briggs Chaney Road
Silver Spring, MD 20905-4509

August H & P. T. Wessels
2612 Sagebrush Terrace
Silver Spring, MD 20905

Dieps T & T-K-T Tran
2611 Sagebrush Terrace
Silver Spring, MD 20905

Margret G. Khuc, et al
2700 Martello Drive
Silver Spring, MD. 20905-4533

Leon Trager
7709 Brickyard Road
Potomac, MD 20854-4818

Hardings Run Homeowners Assc'n.
P.O. Box 714
Silver Spring, MD. 20866

Marsha J. & R. G. Kaiser
P.O. Box 861
Silver Spring, MD. 20866-0861

Witmer Associates, LLC
354-A Hungerford Drive
Rockville, MD 20850

Dustful Enterprises, Inc.
7881-A Beechcraft Ave
Gaithersburg, MD 20879

Charles Shyab
Ashlev Place at Tanglewood HOA
3004 Mozart Drive
Silver Spring, MD 20904

Robert McFadden
Tanglewood Homeowners Recreation
2824 Schubert Dr.
Silver Spring, MD 20904

John Huzway
ALARM
15431 Johnson Road
Silver Spring, MD 20904

Marjorie Ligelis
Ashlev Place at Tanglewood HOA
15956 Alameda Drive
Bowie, MD 20716

Alan Seifert
Fairland Park Association. Inc.
One Bank Street #301
Gaithersburg, MD 20878

Mr. Ed O'Hara
Cloverly/Fairland/White Oak CAC
12510 Prosperity Drive, #150
Silver Spring, MD 20904

Ruchita Patel
Greencastle Lakes Community Assn.
One Bank Street, #301
Gaithersburg, MD 20878-1504

Kathleen McKenna
Fairland Park Association. Inc.
13233 Copland Court
Colesville, MD 20904

Mr. Stuart Rochester
Cloverly/Fairland/White Oak CAC
2901 Greencastle Road
Burtonsville, MD 20866

Israel Putnam
Greencastle Lakes Community Assn.
3784 Angelton Court
Burtonsville, MD 20866

Patrick Ryan
Oakvale Estates
2438 Hidden Valley Lane
Silver Spring, MD 20904

Ms. Barbara Foresti
Cloverly/Fairland/White Oak CAC
301 Willington Drive
Silver Spring, MD 20904

Secretary
Greencastle Lakes Community Assn.
3737 Greencastle Road
Burtonsville, MD 20866

Jim Donley
Fairland Acres Homeowners Assn.
14605 Locustwood Lane
Silver Spring, MD 20905

Stew Dr. Saphier
BURT
2901 Friendlywood Way
Burtonsville, MD 20866

Carol Allen
Avonshire Homeowners Assn.
9160 Red Branch Rd., Suite E-6
Columbia, MD 21045

Richard Troxel
Briggs Chaney-Countryside Cit. Assn.
13909 Pond View Road
Silver Spring, MD 20905

Quentin Remein
Cloverly/Fairland/White Oak CAC
205 Bryants Nursery Rd
Silver Spring, MD 20905

Patrick Zilliacus
Avonshire Homeowners Assn.
2931 Shepperton Terrace
Silver Spring, MD 20904

Stuart Rochester
Columbia Road Citizens Assn.
2901 Greencastle Road
Burtonsville, MD 20866

George Sauer
Citizens for a Better Montgomery
8307 Post Oak Road
Potomac, MD 20854

Craig Wilson
Tanglewood Homeowners Recreation Assn.
P.O. Box 39
Germantown, MD 20875

Shelley Porter
BURT
3307 Lyncrest Court
Burtonsville, MD 20866

Cary Lamari
Montgomery County Civic Federation
15411 Bailey's Lane
Silver Spring, MD 20906

Bob Brunelle
Tanglewood Homeowners Recreation
P.O. Box 39
Germantown, MD 20875

Al Caponiti
West Fairland Citizens Assn.
13724 Creekside Dr
Silver Spring, MD 20904

Julius Cinque
Northern Montgomery County Alliance
223 Slidell Road
Boyd's, MD 20841

Timothy McGrath
TROT
P.O. Box 190
Dickerson, MD 20842

Jim Fary
Sierra Club - Montgomery County Group
2812 Blue Spruce Lane
Silver Spring, MD 20906

Pedro Porro
Spanish Speaking People of Montgomery
5729 Bradley Boulevard
Bethesda, MD 20814

Neal Fitzpatrick
Audubon Naturalist Society
8940 Jones Mill Road
Chevy Chase, MD 20815

Guy Turenne
Trout Unlimited
4261 Charley Forest St.
Olney, MD 20832

DUMMY RECORD

----, --- ----

Lois Sherman
Montgomery Inter County Connector
14800 Pebblestone Drive
Silver Spring, MD 20905

DUMMY RECORD

----, --- ----

Marvin Weinman
Montgomery County Taxpayers League
P.O. Box 826
Rockville, MD 20848-0826

Dolores Milmo
Audubon Naturalist Society
8940 Jones Mill Rd
Chevy Chase, MD 20815

President
Seniors Organized for Change (SOC)
6125 Montrose Road
Rockville, MD 20852

Tom Reinheimer
Marylanders for a Second Crossing
19008 Jamieson Drive
Germantown, MD 20874

Wayne Goldstein
Montgomery Preservation, Inc.
3009 Jennings Road
Kensington, MD 20895

Luis Guitierrez
Hispanic Alliance of Montgomery County
9805 Meadowcroft Lane
Gaithersburg, MD 20886

Robert and Marsha Kaiser
2601 Sagebrush Terrace (home)
2603 Sagebrush Terrace (outlot)
Silver Spring, MD 20905-4525

(301) 388 – 0513 (Home)
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January 12, 2021

Development Applications and Regulatory Coordination Division
Montgomery County Planning Department, MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Plan Number 620210110
Hardings Subdivision, Outlots A, B, and D
2605 Sagebrush Terrace, Silver Spring, MD 20905

JAN 27 2021

Montgomery County
Planning Department

Dear Sir or Madam:


We are the homeowners at 2601 Sagebrush Terrace, and the owners of Outlot C at 2603 Sagebrush Terrace, Silver Spring, MD 20905. We have reviewed the proposed site plan referenced above, and have the following comments:

1. We applaud the combination of Outlots A, B and D into a single lot for one (1) single family home.
2. We do not support any approval for multi-family units, including "grandparent" apartments or separate units, on this property.
3. This property is in the boundary of the Paint Branch Special area, and wetlands noted on the site plan drain directly enter the (unnamed) stream to the south of the property, which flow west and in turn enters the Paint Branch after flowing through the Countryside neighborhood park and pond. The site plan should not be granted any exceptions to regulations and policies designed to protect the Paint Branch.
4. The site plan should require maximum preservation of existing trees, on the property, particularly a large pin oak tree and a medium size pin oak or maple tree directly to the west of Outlot D along the property line with Outlot C, and the larger of the several cherry trees at the northwest corner of Outlot D.
5. The site plan should prohibit any development of or impinging upon Outlot A and Outlot B.
6. The site plan does not show the proposed location of a driveway or parking surfaces. These should be shown as they affect surface water runoff, per #7 below.
7. Drainage is a concern, as our Outlot C (2603 Sagebrush Ter.) and property at 2601 Sagebrush experience significant surface water flow during and following even minor rainfalls (approximately one (1) inch or greater).
 - a. Runoff to the west of the proposed structure needs addressed to alleviate any addition to water flows that would add to existing surface water flows noted above. Runoff to the south would enter the wetland / stream area and be of lesser concern.
 - b. Protect the trees
 - c. While we see two french drains on the site plan, one to the southwest and one to the north of the proposed structure, these would appear insufficient to address this runoff issue, and do not address paved surfaces. Final plans should numerically demonstrate their adequacy to address the points in the letter.

- d. The proposed site plan shows an eight (8) to ten (10) foot downward slope to be constructed on the west side of the proposed structure.
 - i. There should be a means to capture any surface water flow at the base of this area and direct it to an additional drywell or enlarge the proposed drywell at the southwest corner of the proposed structure, or create a water garden to retain runoff on-site, all with appropriate contours.
 - ii. The final plan should show the location and size of the proposed driveway and any parking area. The driveway should be located on the eastern portion of the property.
 - iii. The driveway and any parking areas should be minimized in size to reduce surface water runoff, and accordingly the garage should be of the "front entry" type (not side entry) and no additional paved areas should be provided for parking.
 - iv. The driveway and any parking areas should be of permeable paving or similar construction, consistent with the need to minimize surface water runoff and alleviate additional degradation of Paint Branch.
- e. All other County regulations apply, including set-back and height requirements for R-200 zoning.

Thank you for the opportunity to provide input on the proposed site plan.


Robert G Kaiser


Marsha J Kaiser