



Marc Elrich
County Executive

Christopher R Conklin Director

February 24, 2020 2021

Mr. Jonathan Bush, Planner Coordinator Downcounty Planning Division The Maryland-National Capital Park & Planning Commission 2425 Reedie Drive,14th Floor, Wheaton, Maryland 20902

RE: Administrative Subdivision Plan No. 620210070 Franklin Property

REVISED LETTER

Dear Mr. Bush:

This letter <u>supersedes</u> the previous letter dated February 23, 2021. We have completed our review of the Administrative Subdivision Plan dated November 24, 2020. This plan was reviewed by the Development Review Committee at its meeting on December 22, 2020. We recommend approval for the plan based on 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 (DPS) 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. At the certified preliminary plan, the applicant shall provide an ultimate roadway cross section Seven locks Road on the plan and should show how the 26-ft pavement, bikeable shoulder and the sidepath will be incorporated within the 60-ft right-of-way (ROW). Per the Master Plan, the sidepath is recommended on the east side (opposite side of the subject Site) of the street and therefore, participation in its construction would not be required by the Applicant. Mr. Jonathan Bush Administrative Subdivision Plan No. 620210070 REVISED LETTER February 24, 2020 2021 Page 2

- MCDOT does not believe the County Code permits a waiver for Bicycle Master Plan improvements; therefore, to comply with the master plan, we recommend the following per Montgomery County code 49-33:
 - a) The applicant shall install the improvements along their frontage:
 - Widen the Seven locks Road pavement by 1-ft along their frontage.
 - Install 4-ft wide bikeable shoulder per the master plan.
 - Relocate the existing curb and transition back to tie into the existing curb on either side of the property.

OR

b) The applicant must participate in a pro-rata basis towards the construction of a master planned bikeable shoulder along the Seven Locks Road Street frontage. The applicant must provide an engineer's estimate for the which shall include 40% contingencies and be approved by MCDOT. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the bikeable shoulder. The payment must be made prior to the recordation of the record plat.

OR

- c) The applicant shall pay the \$16,000 per the LATR Guidelines Section IV (D). The payment must be made prior to the recordation of the record plat.
- 3. The applicant will be responsible to install the following irrespective of comment #2 along their frontage per Montgomery County code 49-33:
 - A minimum lawn panel of 6-ft wide per the ultimate condition.
 - A minimum of 5-ft sidewalk.
 - A minimum of 2-ft maintenance buffer between the sidewalk and the property line.
- 4. The plan shows steps in the ROW (which are not allowed) but Google street view does not. If there are steps in the right-of-way it should be removed prior to record plat.
- 5. Ensure driveway apron remains within the frontage.
- 6. Show existing and proposed driveways adjacent and opposite to the subject site.
- 7. Show the property line on the other side of subject property.
- 8. Recommend considering a waste collection siting as to ensure that there is a minimum 10'x4' flat area (per direction from Willie Wainer of DEP) capable of storing bins and bags without impeding ped/bike access.

Mr. Jonathan Bush Administrative Subdivision Plan No. 620210070 REVISED LETTER February 24, 2020 Page 3

- 9. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.
- Storm Drain Study: At or before the right-of-way permit stage submit the storm drain study for review and approval by DPS.
 - a. Identify the closest public storm drain system maintained by Montgomery County. Is there an increase/decrease in run off at all the study point(s) without using the reduced RCN? Provide outfall analysis of at all the study point(s).
 - i. If there is an increase in runoff from the proposed site, analyze the existing public storm drain system from the proposed connection point to a point where three (3) consecutive storm drain pipe runs can convey the proposed peak design discharge without surcharging the system per the Section 1.3.5 of the Montgomery County Drainage Design Criteria.
 - ii. If there is a decrease in runoff from the proposed site, analyze the one (1) downstream storm drainpipe of existing public storm drain system from the proposed connection point.
 - b. If the proposed subdivision drains to an existing closed section street maintained by Montgomery County, include spread computations in the impact analysis.
 - c. The applicant shall be responsible to improve the existing downstream storm drain pipe. If the existing downstream storm drain pipe maintained by Montgomery County is found to be inadequate by DPS.
- 11. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. There should not any obstructions (tree, utility pole etc.) to hinder the line of sight from the proposed access point(s).
- 12. Posting of the ROW permit bond is a prerequisite to DPS approval of the record plat. The rightof-way permit will include, but not necessarily be limited to, the following improvements:
 - a. Improvements along Seven Locks Road per Comments #2 & 3.
 - 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.
 - c. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Mr. Jonathan Bush Administrative Subdivision Plan No. 620210070 REVISED LETTER February 24, 2020 Page 4

> d. 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 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) if deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,

Deepak Somarajan

Deepak Somarajan, Engineer III

Development Review

Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Administrative Subdivision Review\620210070-Franklin Property\Letter\ 620210070-Franklin Property prelim REVISED letter

Enclosure: Sight Distance Form

cc: Sharepoint Correspondence Folder FY' 21

cc-e: Geoffrey Ciniero CMS Engineering

Katherine Mencarini MNCPPC

Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Rebecca Torma MCDOT OTP



MONTGOMERY COUNTY, MARYLAND

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Franklin Resider	Preliminary Plan N	Number: 1-
Street Name: Seven Locks Road	Master Plan Road Classification:	
Posted Speed Limit:30	mph	
Street/Driveway #1 (#6940 Seven Locks Rd. Sight Distance (feet) OK? Right 357' Yes	Street/Driveway #2 (Sight Distance (fe Right	et) OK?
Left 622' Yes	Left	
Comments:	Comments:	
GUIDELINES		
Classification or Posted Speed Sight (use higher value) in Each Tertiary - 25 mph Secondary - 30 Business - 30 Primary - 35 Arterial - 40 (45) (45) Major - 50 (55) (55)	Direction* eye height of centerline of 200' street) 6' bac or edge of tra intersecting r 325' 2.75' above t	e is measured from an 3.5' at a point on the the driveway (or side k from the face of curb aveled way of the oadway where a point he road surface is attached drawing)
ENGINEER/ SURVEYOR CERTIFICATE I hereby certify that this information is accurate and was collected in accordance with these guidelines. □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □		



Marc Elrich
County Executive

Christopher R Conklin *Director*

May 26, 2021

Ms. Katherine Mencarini, Planner Coordinator Downcounty Planning Division The Maryland-National Capital Park & Planning Commission 2425 Reedie Drive,14th Floor, Wheaton, Maryland 20902

RE: Administrative Subdivision Plan No. 620210070
Franklin Property
Request for Waiver

Dear Ms. Mencarini:

This letter is in response to the waiver request by the applicant addressed to Montgomery County Planning Board uploaded to eplans on March 14, 2021.

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Montgomery County Department of Permitting Services (MCDPS) 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.

<u>Applicants Request:</u> Concerning the bikeable shoulder-The cost estimate of the shoulder construction from MCDOT is \$357,200, which would raise the total cost of the project beyond our budget and is over half of the assessed value of the property. We were given the option of paying a fee-in-lieu of \$16,000 instead of constructing the shoulder. Assuming this fee is still an option, we are not requesting a waiver on contributing to the construction of a bike facility. We are both cyclists and are happy to support bikeable communities.

<u>MCDOT Response:</u> As mentioned in our letter dated February 24, 2021, we had recommended the following options (listed below) to comply with the master plan which still stand.

- a) The applicant shall install the improvements along their frontage:
 - Widen the Seven locks Road pavement by 1-ft along their frontage.

Office of the Director

Ms. Katherine Mencarini Administrative Subdivision Plan No. 620210070 Waiver Request Letter May 26, 2021 Page 2

- Install 4-ft wide bikeable shoulder per the master plan.
- Relocate the existing curb and transition back to tie into the existing curb on either side of the property.

OR

b) The applicant must participate in a pro-rata basis towards the construction of a master planned bikeable shoulder along the Seven Locks Road Street frontage. The applicant must provide an engineer's estimate for the which shall include 40% contingencies and be approved by MCDOT. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the bikeable shoulder. The payment must be made prior to the recordation of the record plat.

OR

c) The applicant shall pay the \$16,000 per the LATR Guidelines Section IV (D). The payment must be made prior to the recordation of the record plat.

Based on the waiver request the applicant has chosen option C listed above. MCDOT agrees to this option.

Applicants Request: Concerning the sidewalk-We would like to request a waiver on the requirement of building a sidewalk. Chapter 50-9.3 states that to grant a waiver, the Board must find that "due to practical difficulty or unusual circumstances of a plan, the application of a specific requirement of the Chapter is not needed to ensure the public health, safety, and general welfare." The unusual circumstance in our case is that there are no sidewalks on this side of this section of Seven Locks Road for over half a mile in either direction, no plans nor dedicated budget to build other sidewalks nearby, and seemingly no means by the County to make similar requirements or collect related fees from hypothetical future projects on other nearby properties. The sidewalk, if built, would therefore be indefinitely isolated and essentially useless, and possibly unsafe to use.

<u>MCDOT Response:</u> Based on our reading of the County Code, MCDOT does not believe the County Code Section 49-33 permits a waiver for sidewalks. The code states when a waiver can be given, and this property does not meet any of the requirements. As mentioned in our letter dated February 24, 2021, the applicant will be responsible to install the following:

- A minimum lawn panel of 6-ft wide per the ultimate condition.
- A minimum of 5-ft sidewalk.

Ms. Katherine Mencarini Administrative Subdivision Plan No. 620210070 Waiver Request Letter May 26, 2021 Page 3

• A minimum of 2-ft maintenance buffer between the sidewalk and the property line.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team Engineer for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,

Deepak Somarajan, Engineer III

Deepak Somarajan

Development Review

Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Administrative Subdivision Review\620210070-Franklin Property\Letter\ 620210070-Franklin Property Waiver Request letter

cc: Sharepoint Correspondence Folder FY' 21

cc-e: Stephanie Dickel MNCPPC

Atiq Panjshiri MCDPS RWPR Sam Farhadi MCDPS RWPR Rebecca Torma MCDOT OTP

MONTGOMERY COUNAttachment OF Exemption Memo 42021028E1& Type Save Plan THE MARY LAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION



October 19, 2020

Emily Franklin and Ross Miller 6940 Seven Locks Road Cabin John, MD 20818

Re: Forest Conservation Exemption Request, Simplified NRI/FSD and Tree Save Plan No.: 42021028E

Property Name: 6940 Seven Locks Road (Carderock Parcel P609)

Action Taken: Confirmed and Approved

Dear Emily Franklin and Ross Miller:

On October 1, 2020 Montgomery County Planning Department Staff accepted for review a Simplified Natural Resource Inventory / Forest Stand Delineation "Simplified NRI/FSD" and a Tree Save Plan for 6940 Seven Locks Road (Carderock Parcel P609). The Tree Save Plan and Simplified NRI/FSD are part of Chapter 22A(n) forest conservation exemption request for a minor subdivision. The Forest Conservation Exemption plan number for the project is 42021028E.

The forest conservation exemption review is complete. The development on the proposed Lot is a single-family house and accessory structures. The property is not within a Special Protection Area. No forest or specimen trees are to be cleared. The submitted Tree Save Plan shows protection measures at the limits of disturbance to prevent impact to specimen trees.

The project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(n) because the only development on the resulting Lot is a single family dwelling unit or an accessory structure and the development does not result in the cutting, clearing or grading of: (A) more than 20,000 square feet of forest, (B) any forest in a stream buffer, (C) any forest on property located in a Special Protection Area which must submit a water quality plan, (D) any specimen or champion tree, or (E) any tree or forest that is subject to a previously approved forest conservation plan or tree save plan.

Forest Conservation Exemption Request No. 42021028E for 6940 Seven Locks Road (Carderock Parcel P609) is confirmed. The Simplified NRI/FSD and Tree Save Plan submitted for the project are approved.

Any changes from the approved Simplified NRI/FSD and Tree Save Plan may constitute grounds to rescind or amend any approval actions taken.

Sincerely.

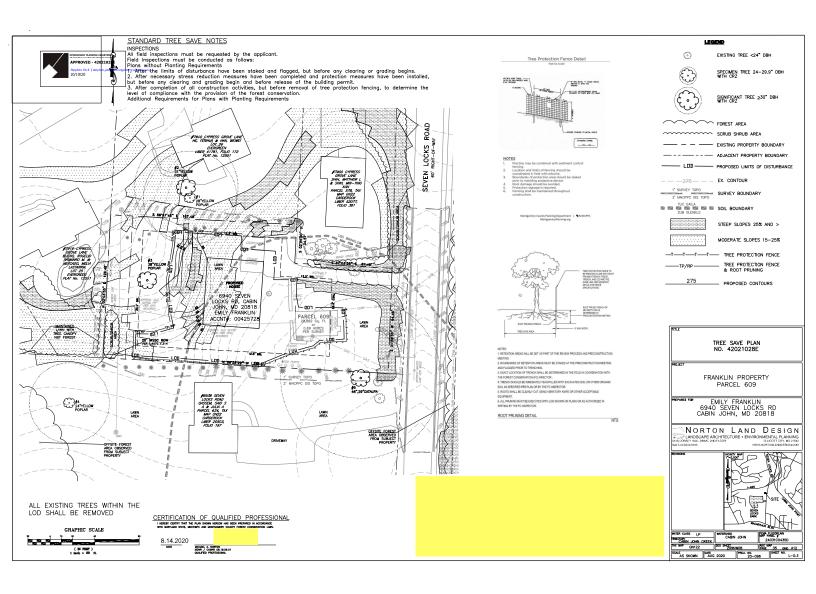
Stephen Peck

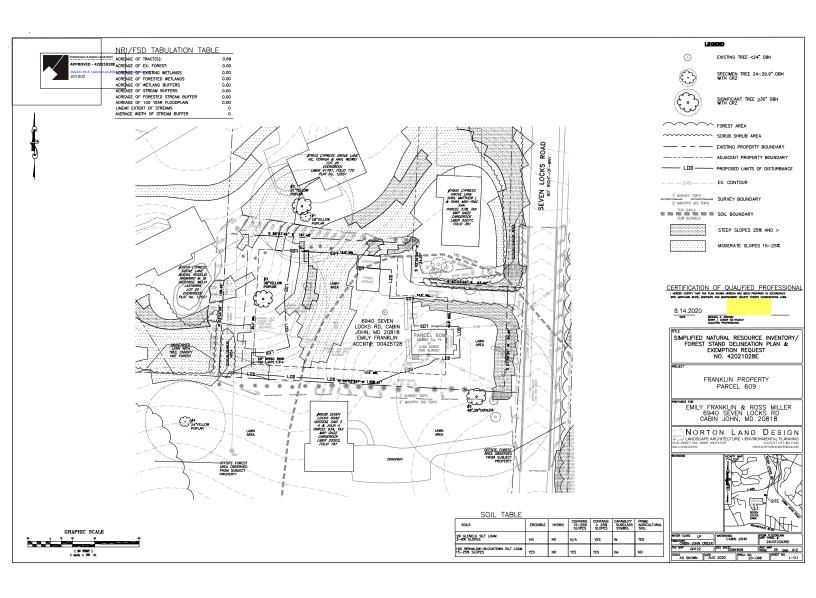
Senior Planner and Inspector

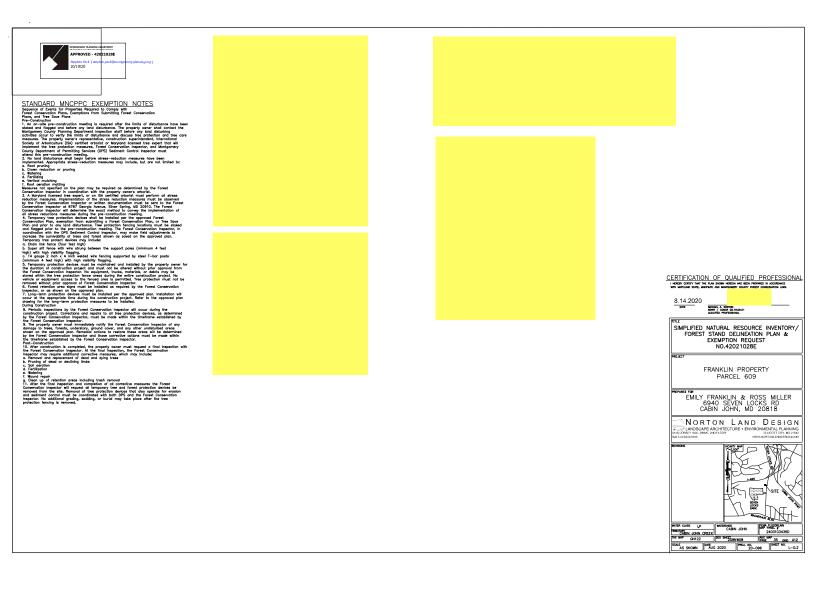
Intake and Regulatory Coordination

M-NCPPC- Montgomery County Planning Department

CC: Michael Norton, Norton Land Design







From: MCP-InfoCounter

To: MCP-Chair; Bush, Jonathan

 Subject:
 RE: Franklin Property Plan#620210070

 Date:
 Monday, May 24, 2021 3:03:17 PM

Attachments: image006.png

image007.png image008.png image009.png image010.png

Thank you Catherine! With this email, I am forwarding this correspondence to the lead reviewer, Jonathan Bush, for response.

MF



Meghan Flynn

Planner | Information Desk

Montgomery County Planning Department 2425 Reedie Dr, Wheaton MD 20902 Info-Counter@montgomeryplanning.org

Main: (301) 495-4610 | Hours: 9am-3:30pm M-F

From: MCP-Chair <mcp-chair@mncppc-mc.org>

Sent: Monday, May 24, 2021 10:25 AM

To: MCP-InfoCounter < MCP-InfoCounter@mncppc-mc.org>

Subject: FW: Franklin Property Plan#620210070

FYI—please see below.

From: Essam Qassem < qasseme157@gmail.com>

Sent: Sunday, May 23, 2021 2:22 PM

To: MCP-Chair < mcp-chair@mncppc-mc.org > **Subject:** Franklin Property Plan#620210070

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Hello,

Our names are Said and Julia Qassem who live in 6938 Cypress Grove Lane Cabin John MD, 20818 (address we are registered as in your documents). We are writing in regards to the Franklin Property Plan Number 620210070. It is to our understanding that the request to build on this lot was denied unless a sidewalk and bike path were to be constructed.

This request does not seem appropriate as our property (which is directly next door) does not have a sidewalk or bike path on the property. Additionally, the houses going up Seven Locks Road; many of

them brand new constructions, did not have sidewalks or bike paths as part of their construction. It is for these reasons that we do not believe it to be fair or necessary for the owners of 6940 Seven Locks Road to build a few ft of sidewalk and bike path when none of the other properties on the street meet this requirement.

Respectfully,

Said and Julia Qassem