



MCPB

Item No. 6

Date: 7-1-2021

Kilmain ETC (Parcel P440), Preliminary Plan No. 120200180



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Completed: 6/18/2021

Description

Application to create 9 lots for 8 new single-family detached dwelling units and one existing single-family detached dwelling unit, and two farm remainder parcels.

Location: West of Poolesville, on the northside of Whites Ferry Road (MD 107), approximately 3,000 feet southeast of Wasche Road.

Master Plan: 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan*

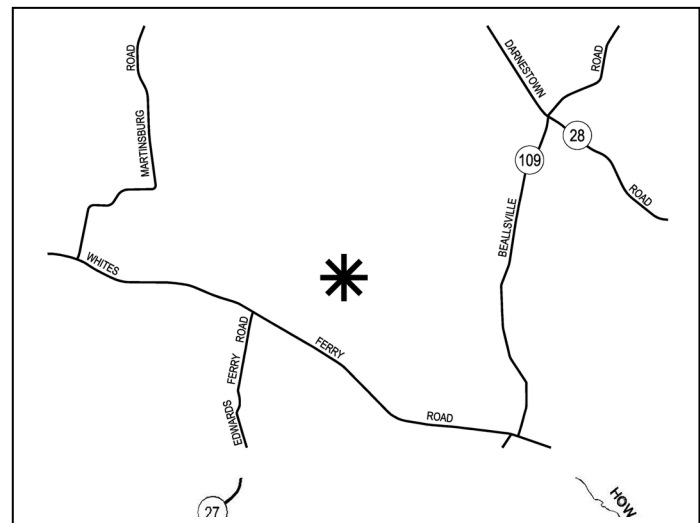
Zone: AR

Property Size: 355.35 acres

Applicant: William Rickman

Acceptance date: July 27, 2020

Review Basis: Chapters 50 and 59



Summary

- Staff recommends **approval with conditions**.
- The Application substantially conforms to the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* by having approximately 324 acres (91.5% of the total tract) remain as agricultural land and conservation area. This area is exempt from Forest Conservation requirements.
- Staff supports the Applicant's request for an extended Adequate Public Facilities validity from 5 years to 10 years to support the continuation of intergenerational farming.
- Staff supports the Applicant's request for conformance to the recommendations of the 2018 *Bicycle Master Plan* by paying a fee in lieu of \$16,000 per net new trip at the time of building permit for each lot in lieu of constructing a bikeable shoulder along the frontage of White's Ferry Road.
- Staff supports Lots 4 and 5 to contain a small segment of floodplain since the lots have sufficient safe ground outside of the floodplain in which a building can be constructed, while respecting the applicable zoning setbacks.
- Staff has not received any citizen correspondence on the Application.

Preliminary Plan No. 120200180: Staff recommends approval with conditions of the Preliminary Plan to create 9 lots in the AR zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

General Approval

1. This Preliminary Plan is limited to 9 lots for 8 new single detached dwelling units and one existing single detached dwelling unit, and two farm remainder parcels.

Adequate Public Facilities and Outside Agencies

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for one hundred and twenty (120) months from the date of mailing of this Planning Board Resolution.

Plan Validity Period

3. The Preliminary 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 Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 19, 2021, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration’s requirements for access and improvements.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 3, 2021, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
8. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated June 14, 2021, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

9. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated April 16, 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 Preliminary Plan approval.

Environment

Forest Conservation

10. The Applicant must comply with the following conditions of approval of Preliminary/Final Forest Conservation Plan 120200180, approved as part of this Preliminary 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 Final Forest Conservation Plan. 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 recordation of the plat(s) 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 Preliminary/Final Forest Conservation Plan ("FFCP"). 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 recordation of the record plat(s), the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
 - e. 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 mitigation trees and maintenance credited toward meeting the requirements of the FFCP.
 - f. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 12 caliper inches as shown on the approved FFCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
 - g. 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, the Applicant must install the variance tree mitigation plantings as shown on the FFCP.
 - h. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

Transportation

Existing Frontage Improvements

11. With the exception of the farm remainder parcels, the Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
 - a) All land necessary to accommodate forty (40) feet from the existing pavement centerline along the Subject Property frontage for White's Ferry Road.
 - b) All land necessary to accommodate thirty-five (35) feet from the centerline along the Subject Property frontage for West Hunter Road.
12. Prior to issuance of each building permit for the eight (8) new dwelling units, the Applicant must pay a fee-in-lieu of \$16,000 (sixteen thousand dollars), in lieu of constructing bikeable shoulders along the property frontage on Whites Ferry Road.

Record Plats

13. There shall be no clearing or grading of the site prior to recordation of plat(s).

Easements

14. The record plat must show necessary easements.
15. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
16. The Applicant must provide a Public Improvement Easement (PIE) along Whites Ferry Road for a future bikeable shoulder, as shown on the Certified Preliminary Plan.

Notes and Labels

17. Any record plat for the Subject Property must contain the following note:

Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.

Developments with TDR's

18. The record plat(s) must reflect serialization and book/page reference for all TDRs utilized by the development.
19. The Applicant must include with the submission of each record plat an affidavit to verify the availability of a TDR for each lot shown on that plat. Include a note referencing the affidavit on record plat.

Certified Preliminary Plan

20. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).

21. The certified Preliminary Plan must contain the following note:

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

22. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Show resolutions and approval letters on the Certified Preliminary Plan.
- b. Add a 10 years phasing/development schedule identifying development to occur within the first and second 5 years.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The Subject Property is identified as Parcel P440, on Tax Map BT63, located at 21131 Whites Ferry Road, and bound by Whites Ferry Road (MD 107) to the south, West Hunter Road to the north, in the AR Zone (“Subject Property” or “Property”) and in the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan*(AROS) (“Master Plan”).

Site Vicinity

The Subject Property is surrounded by AR zoned properties with agricultural and residential uses to the east and west, with the exception of one agricultural property along the east side of the Property which is located in the Town of Poolesville, a municipality which has its own zoning.

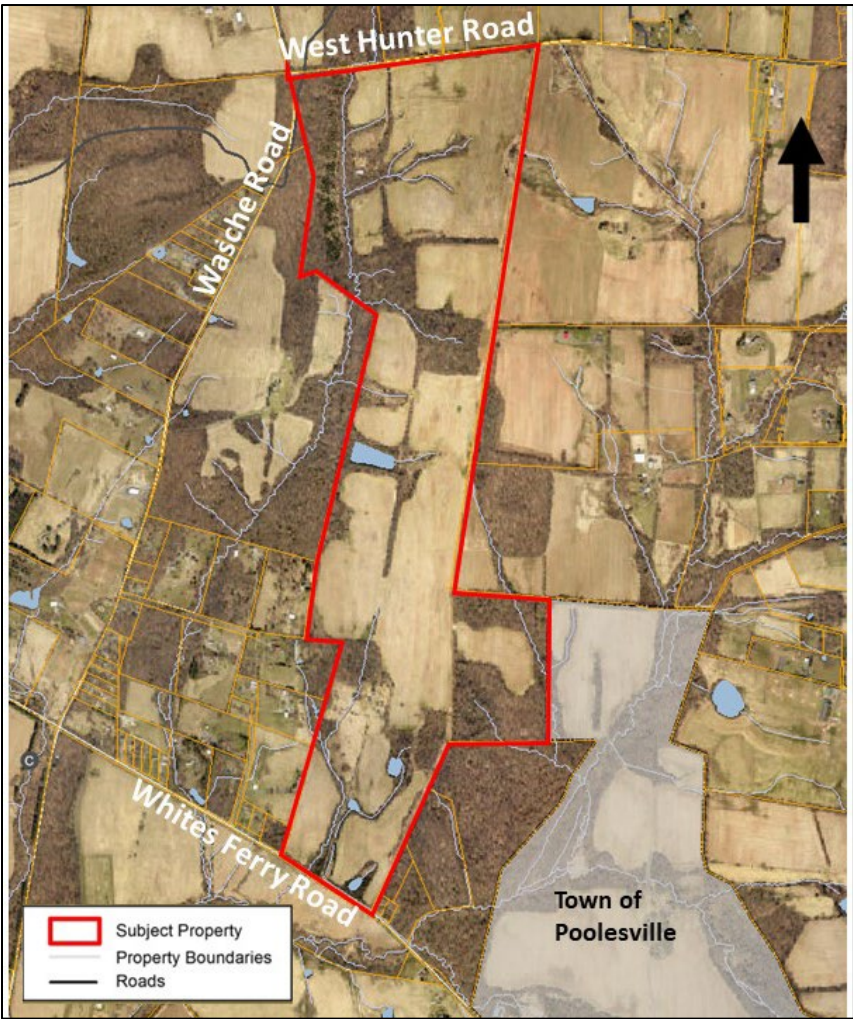


Figure 1 – Aerial Vicinity Map

Site Description

The Subject Property is an active farm improved with a single-family detached house, barn and other various agricultural structures, which are accessible from Whites Ferry Road via an existing driveway constructed of asphalt millings. The existing detached house is served by a private well and sand mound septic system. The Subject Property is encumbered by a sixty-foot wide gas pipeline right-of-way (easement) running north to south and abutting the eastern property line. A number of other right-of-way agreements with Potomac Edison for the existing facilities located on the Subject Property. The Subject Property is in water Category 6 and Sewer category 6, respectively, which permits development on private well and septic systems.

The Property is in the Quarry Branch Watershed and Broad Run Watershed, designated Use Class I-P by the State of Maryland. The Property contains 104.78 acres of high priority forest separated into numerous distinct forest stands. The Property also contains numerous other environmental features, including 26.98 acres of wetlands and 0.90 acres of steep slopes. There are no known rare, threatened, or endangered species on or within proximity of the Subject Property.

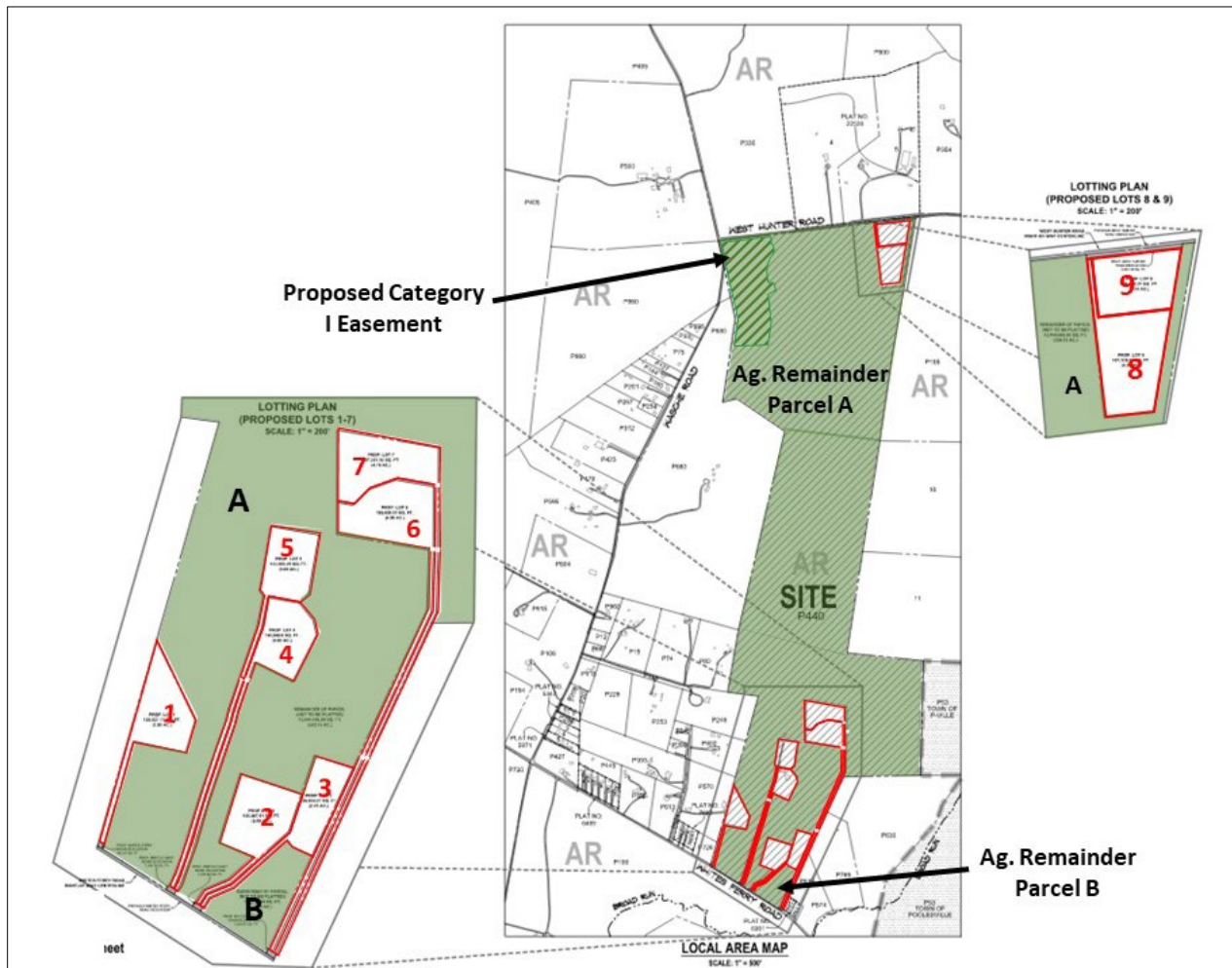


Figure 2 – Lotting and Agricultural Remainders

SECTION 3 –PROPOSAL

Proposal

Kilmain ETC (Parcel 440), Preliminary Plan No. 120200180 (“Application” or “Preliminary Plan) was submitted on July 27, 2020, to create nine lots and two agricultural remainder parcels on 355 acres of land in the AR Zone (Figure 2 & Attachment A).

The proposed lots are intended to become a family farm. The Applicants, William Rickman and Janet Ransom, who currently reside in the existing house on the Property plan to create one lot for their existing house and give the remaining eight lots to their children and grandchildren either directly or through a trust. The remainder area of the Property, which will consist of two parcels are not being platted and will remain as agricultural land (“Agricultural Remainder”) and conservation area.

The Applicant is requesting a 10-year Adequate Public Facilities (APF) period, instead of the typical 5-year validity. The Applicant justification explains that additional APF is necessary to allow time for their children and grandchildren to decide if they want to build on the family farm and to allow them to be financially ready.

Proposed Lots 1-5 range in size from 2.45 – 3.09 acres. Each lot will be served by an on-site private well and septic system (sand mound), constructed as shown on the Preliminary Plan. Due to existing soil conditions, the Applicant is constrained on the location and configuration of the proposed sand mound systems and as a result, proposed lots 6-9 will exceed 3 acres with the largest of the lots being 4.76 acres.

The existing driveway serving Lot 4 will be improved to 20-foot-wide for at least 60 feet from Whites Ferry Road (per the approved Fire Access Plan) as a shared driveway and serve Lots 5, 6 and 7. All other proposed lots will be served by new 20-foot-wide individual and/or shared driveways. Lots 2 and 3 will access Whites Ferry Road via a new 20-foot-wide shared driveway and a new single-driveway will access Lot 1. Lots 8 and 9 will access West Hunter Road via a new shared driveway. The Applicant is dedicating 0.31 acres or 13,486.74 square feet of right-of-way for Whites Ferry Road and West Hunter Road along the frontage of each lot; dedication is not required on the frontage of the Agricultural Remainder.

Stormwater management goals will be met utilizing environmental site design practices including micro-bioretenion, planter boxes, non-roof disconnects and infiltration berms. Forest conservation will be met on-site by providing a Category I Forest Conservation. The Application also includes a tree variance to impact two specimen trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

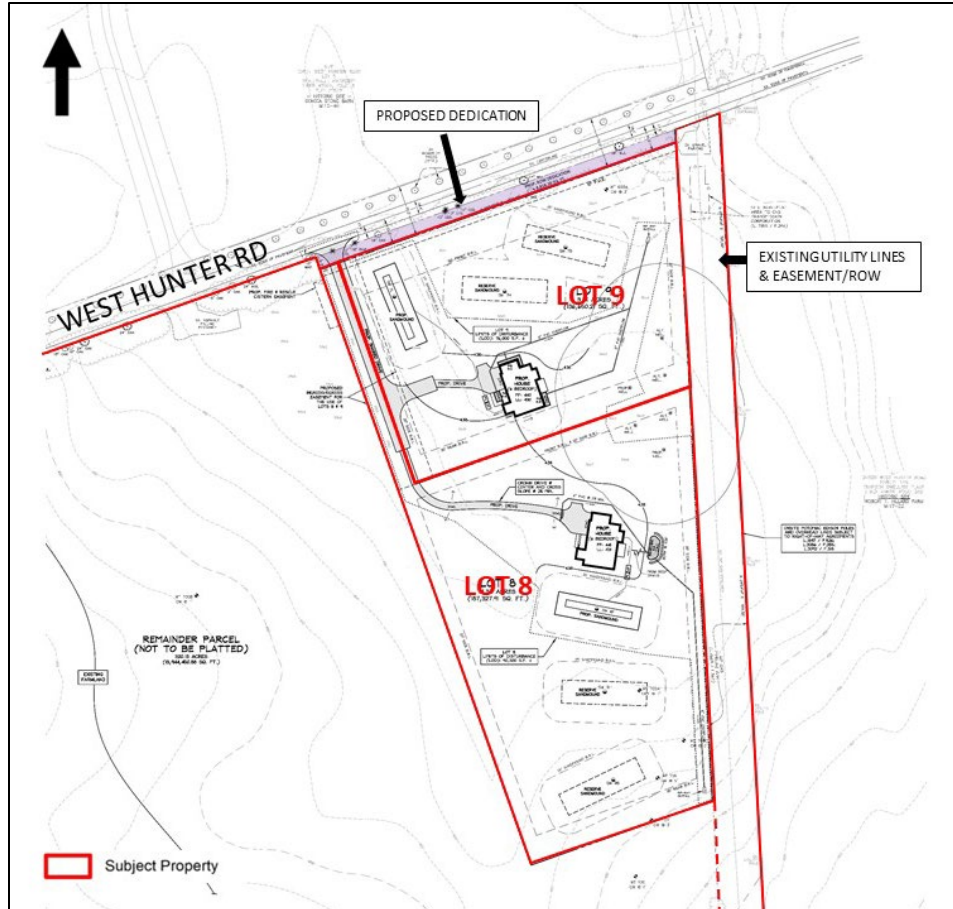


Figure 3 – Preliminary Plan (Lot 8 and 9)

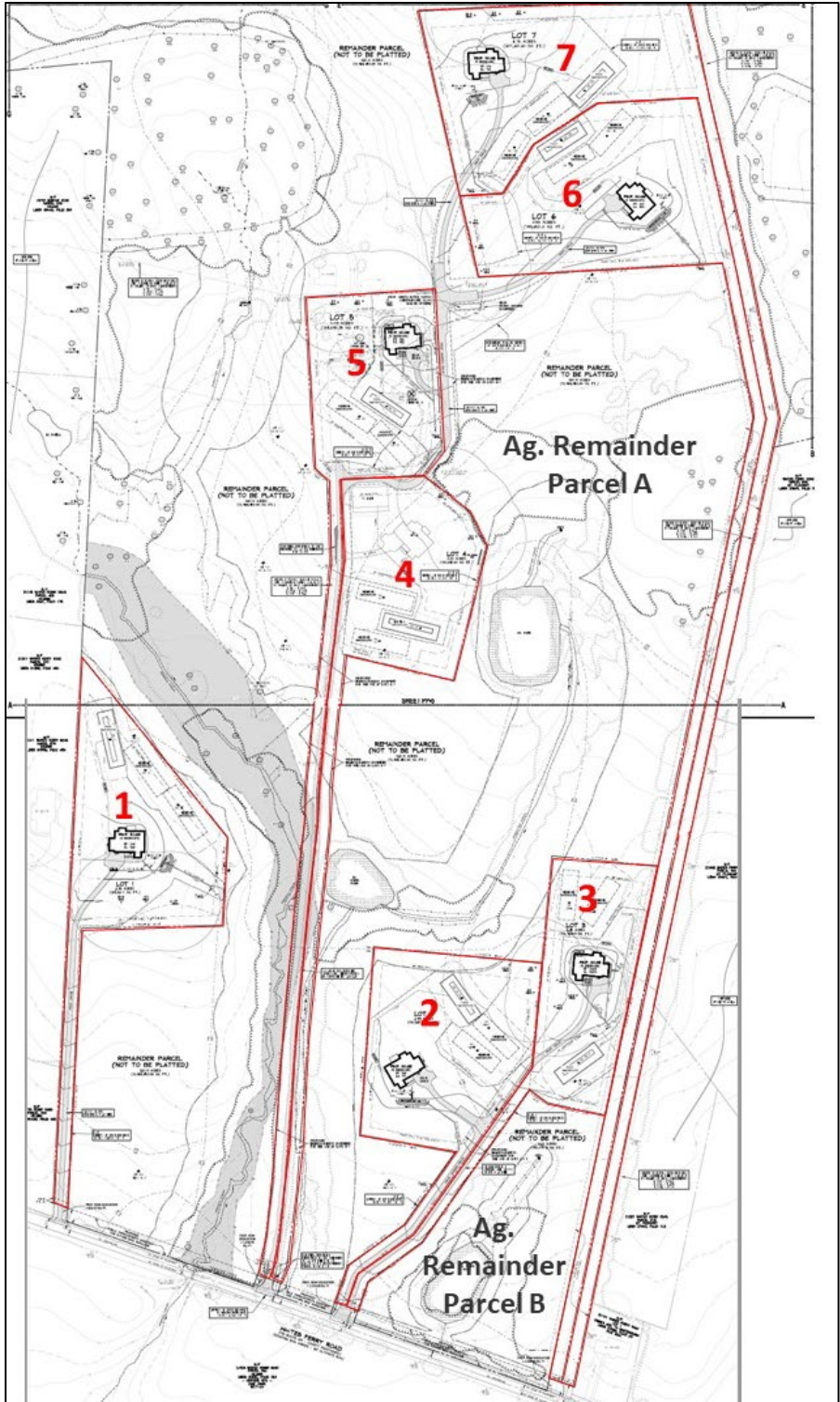


Figure 4 – Preliminary Plan (Lots 1-7)

SECTION 4 – ANALYSIS AND FINDINGS, 50.4.2.D

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 Preliminary Plan meets all applicable sections of the Subdivision Code. The proposed lot size, width, shape, and orientation are appropriate for the location of the subdivision, taking into account the recommendations of the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan*, and the intent of the AR zone, to preserve and support agriculture. In this case, by permitting single family detached dwelling units for member of the family, it promotes the continuation of intergenerational transfer of farmed property.

The Planning Board has historically sought to reduce the size of new residential lots in the AR zone to be the minimum necessary to accommodate the house and an on-site well and septic, in order to maximize agricultural opportunities elsewhere on farmed properties. Generally, that has resulted in lots that are under three acres in size. Proposed lots 6-9 will exceed 3 acres with the largest of the lots being 4.76 acres, which is the minimum land area necessary to accommodate the proposed sand mounds, a well, stormwater management and a suitable house location while respecting the setbacks in the AR zone.

The location and shape (flag lots) of the proposed lots is largely the result of the soil conditions. The two main factors include the ability of the soil to percolate and the desire to preserve as much contiguous land containing prime agricultural soils. Due to the soil conditions, the proposed houses have been located on flag lots where the soils are suitable to support sand mound systems.

The lots were reviewed for compliance with the dimensional requirements for the AR zone as specified in the Zoning Ordinance. The Applicant has provided documentation to verify that an adequate number of Transfer Development Rights (TDRs) remain on the Property to record the proposed subdivision. In 1980, the Property was approximately 355.36 acres when the Property was rezoned RDT (now AR). The 355-acre Property was granted 71 TDRs (1 TDR per 5 acres). To date 61 TDRs have been sold, leaving 10 available TDRs.

This Application requires 9 TDRs, which will be recorded during the recorded plat process. 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.

Table 1 – Development Standards in the AR Zone

Standard	Required/Permitted	Proposed
Max. Density	1 unit/25 acres	1 unit/39.44 acres - 9 DU total (1 existing)
Minimum lot size	40,000 sq ft	40,000 sq ft or larger
Min. lot width at front building line	125 ft.	125 ft. or more
Min lot width at front lot line	25 ft.	25 ft. or more

Front setbacks	50 ft. min.	50 ft. or more
Side setbacks	20 ft. min.	20 ft. ft. or more
Rear setbacks	35 ft. min.	35 ft. or more
Max Lot Coverage	10%	Not to exceed 10%
Max Building Height	50 ft.	50 ft.
TDR Required	9	9 min. available

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

The Preliminary Plan substantially conforms to the recommendations within the 1980 Preservation of Agriculture and Rural Open Space (AROS) Functional Master Plan.

1980 Preservation of Agriculture and Rural Open Space Functional Master Plan (AROS)

The AROS Plan, which makes recommendations for land in the AR Zone, has as its primary objectives the preservation of farmland and the creation of policies that encourage the continuation of farming and associated activities. This objective has generally been implemented by encouraging preservation of large contiguous blocks of farmable land when subdivision occurs. This proposal creates nine lots and 2 remainder parcels. The parent tract is approximately 355 acres off which approximately 91.5% will remain in agriculture and 8.5% will become residential lots.

1996 Rustic Roads Functional Master Plan and 2018 Master Plan of Highways and Transitways.

The Subject Property is located at 21131 Whites Ferry Road and has frontage on three public roads: West Hunter Road, Whites Ferry Road and Wasche Road.

The 2018 *Master Plan of Highways and Transitways* and 1996 *Rustic Function Master Plan* identify West Hunter Road (R-44) as a 2-lane Rustic Road with a 70 foot wide right-of-way between Wasche Road and Darnestown Road; Wasche Road (R-43) is identified as 2-lane Rustic Road with a 70 foot ROW between Martinsburg Road and Whites Ferry Road. Whites Ferry Road (CA-35) is identified by the 2018 *Master Plan of Highways and Transitways* as a 2-lane Country Arterial with an 80-foot right-of-way between Wasche Road and the western boundary of Poolesville.

No access is proposed to Wasche Road as part of this Application. Lot 8 and 9 will access West Hunter Road via 20-foot-wide shared driveway, located approximately 550 feet west of the northeast property line. The 1996 *Rustic Road Functional Master Plan* states that the significant features of West Hunter Road in this location are open fields with tree hedgerows lining both sides (north and south).

The new driveway and house locations are located to preserve the existing viewshed and minimize tree or hedge row clearing required to construct the driveway. As such, the new driveway will not adversely affect the views described in the Rustic Road Functional Master Plan and is consistent with the intent of the Rustic Roads Master Plan.

The Rustic Roads Advisory Committee (“RRAC”) has reviewed the Application to determine if it has any effect on West Hunter Road. In a letter dated April 22, 2021, (Attachment B) the RRAC determined that the committee generally supports the Application. The Application has also been reviewed by the MCDOT (Attachment C), who determined that the new driveways have adequate site distance as shown on the Preliminary Plan.

2018 Bicycle Master Plan

The 2018 Bicycle Master Plan recommends a 6-foot-wide bikeable shoulder along Whites Ferry Road. Constructing a 6 foot wide bikeable shoulder along approximately 1,100 linear feet of Property frontage on Whites Ferry Road would require significant grading, relocation of a farm pond, realignment of at least one stream, significant impact to a wetland, reconstruction of a 48-inch box culvert and headwall and the removal of existing forest. If constructed, the shoulder would not connect to any existing bikeable shoulders, nor is there a CIP project indicating construction of the remaining bikeable shoulder in this area. Due to the site constraints, Staff supports the Applicant's request to pay a fee in lieu of constructing the bikeable shoulder.

As conditioned, in order to meet the Applicant's responsibility to conform with the 2018 *Bicycle Master Plan* requirements, the Applicant is making a contribution in the amount of \$16,000 per net new vehicle trip to the MCDOT Annual Bikeway Capital Improvements Program based on the monetized value of vehicle trips set forth in the 2017 LATR guidelines (Page 42). The 2017 LATR Guidelines sets a monetized value of non-auto facilities at \$16,000 per net new vehicle trip. The Subject Property is developed with a single detached house, and this subdivision, if approved, will generate 8 net new vehicle trips during the peak hour, resulting in a total fee of \$128,000. Typically, in-lieu payments are paid in a lump sum; however, the Applicant has requested that they be able to pay the fee individually at the time of permit. The request is based on the long-term vision of this inter-generational farm and the non-commercial nature of this development with limited funding upfront. Staff supports the Applicant's request since not all family members are prepared to build at this time. Additionally, the Applicant is requesting an APF validity longer than the normal 5 years.

The Applicant is not constructing the bikeable shoulder as part of this Application, and dedication is not required along the frontage of the farm remainder parcels. However, to accommodate the future construction of the path, where dedication is not being provided, the Applicant is providing a Public Improvement Easement with an equivalent width that will accommodate the future construction if funded as part of a Capital Improvement Project.

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

Request for Extended Adequate Public Facilities Validity Period

The Applicant is requesting additional time for the Adequate Public Facilities (APF) validity period. The normal validity period under the Section 4.3.J.5 of the Subdivision Regulations is 5 years; however, the Planning Board can approve up to 10 years.

The Applicant requests extending this time to 10 years (120 months) due to the unique nature of the subdivision. As required by Section 4.3.J.5.b, the Applicant has submitted a development schedule (phasing plan) showing the minimum percentage of the project the Applicant expects to complete within 5 years after the Preliminary Plan is approved.

To allow the extended validity period, the Planning Board "must find that the size or complexity of the subdivision warrant the extended validity period and would not be adverse to the public interest. The Board must condition a validity period longer than the specified minimum on adherence to the proposed development schedule or phasing plan, and may impose other improvements or mitigation

conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.”

The Applicant’s Statement of Justification (Attachment D), provides that the 10-year validity period is necessary to plan for the future of agricultural production on the farm. At this time, one of the lots is being created for Applicant’s existing home and two family members are prepared to build on two of the proposed lots in the next couple years. The remaining six lots are intended to be developed by the Applicant’s children and grandchildren, some of whom are not at an age to make a final determination on if they want to live on the farm and some of whom aren’t yet financially able to build new homes.

The transportation Adequate Public Facilities test is satisfied under the 2020-2024 Growth and Infrastructure Policy. The Property is located in the Rural East Policy Area.

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan. The existing driveway, that serves Lots 4, 5, 6 and 7, will be improved to 20-foot-wide for at least 60 feet from Whites Ferry Road. All other proposed lots will be served by new 20 ft. wide individual driveways and/or shared driveways. Access to the proposed subdivision will be to/from Whites Ferry Road via one shared driveway that will serve Lots 4, 5, 6, and 7; one shared driveway that will serve Lots 2 and 3; and 1 private driveway that will serve Lot 1. Access along West Hunter Road will be provided via a shared driveway that serves Lot 8 and 9. As part of this Application, the Applicant is dedicating approximately 13,386 square feet of right-of-way, including approximately 4,568 square feet along Whites Ferry Road and 8,818 square feet on West Hunter Road.

b. Local Area Transportation Review (LATR)

The estimated impact of the proposed 9 lot subdivision is 7 AM and 10 PM peak-hour person trips shown in Table 2. As a result, this Application is exempted from additional Local Area Transportation Policy Review (LATR) because the proposed land use generates fewer than 50 peak-hour person trips. The Applicant included a Transportation Statement as part of this Application (Attachment E).

Table 2: Site Vehicle Trip Generation

Use	Application	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing (Credit) Single Family (ITE 210)	1 unit	0	1	1	1	0	1
Proposed: Single Family (ITE 210)	8 units	1	5	6	5	3	8
Net New Vehicle Trips				(5)			(7)
Total Peak Hour Person Trips				7			10

Transportation access is safe and adequate for the proposed use. As conditioned, this Preliminary Plan is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the Agricultural and Rural Open Space Master Plan.

c. Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property has W-6 and S-6 water and sewer service categories, respectively, and will utilize a new on-site private well and sand mound system, consistent with the current service categories.

Percolation testing performed on the Subject Property concluded that much of the land, outside of the prime agricultural soils do not adequately percolate and aren't suitable to support new conventional septic systems. Sand mound systems are being proposed in lieu of traditional septic leach fields because this area has a high-water table, approximately 4 feet below the surface. The Application has been reviewed by MCDPS – Well and Septic Section, who determined the proposed well and septic locations are acceptable as shown on the approved well and septic plan dated June 14, 2021 (Attachment F).

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply Section, who determined that the Property has adequate access for fire and rescue vehicles. The Application has received an approved Fire Access Plan based on the letter dated April 16, 2021 (Attachment G).

Electric served is provided by Potomac Edison, and Verizon is the telephone service provider. Natural gas is not available in this area.

Overview and Applicable School Test

Preliminary Plan application #120200180 for 21131 Whites Ferry Road is scheduled to come before the Planning Board for review on July 1, 2021. Therefore, the FY22 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this application. The Application proposes 8 new single family detached units.

School Adequacy Test

The Property is served by Poolesville ES, John Poole MS and Poolesville HS. Based on the FY22 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 3: Applicable FY2022 School Adequacy.

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Poolesville ES	539	513	95.2%	+26	No UPP	111	134	215
John Poole MS	468	406	86.8%	+62	No UPP	188	213	232
Poolesville HS	1,508	1,373	91.0%	+135	No UPP	315	437	663

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. Under the FY22 Annual School Test, development approved within these school service areas are not automatically subject to Utilization Premium Payments as identified in Table 3. However, if the application is estimated to generate more students than the identified ceilings, then partial payments may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the Application, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 8 units that are not age-restricted, the Application is estimated to generate the following number of students based on the Subject Property’s location within a Turnover Impact Area:

Table 4: Estimated Student Enrollment Impacts.

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	8	0.185	1.480	0.108	0.864	0.154	1.232
SF Attached	0	0.225	0.000	0.123	0.000	0.159	0.000
MF Low-rise	0	0.107	0.000	0.058	0.000	0.070	0.000
MF High-rise	0	0.051	0.000	0.024	0.000	0.030	0.000
TOTALS	8		1		0		1

As shown in Table 4, on average, this Application is estimated to generate one elementary school student, zero middle school students and one high school student. These estimates do not exceed the adequacy ceilings in Table 3, therefore no partial Utilization Premium Payments are required.

Analysis Conclusion and Condition of Approval

Based on the school capacity analysis performed, using the updated FY2022 Annual School Test, this Application is not subject to a Utilization Premium Payment. Therefore, no UPP condition is required.

Other utilities, public facilities and services, such as, police stations, firehouses and health services are currently operating within the standards set by 2020-2024 Growth and Infrastructure Policy. The Application can be adequately served by all other public facilities and services.

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

a. Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420201300 for this Property was approved in May 2020. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the site to be a total of 355.36 acres of which 104.78 acres are high priority existing forest separated into nineteen (19) distinct

forest stands. The site also contains ten (10) perennial and intermittent streams, three (3) springs, floodplains, 26.98 acres of wetlands separated into thirteen (13) wetlands and 80.56 acres of stream/environmental buffers. The majority of the Subject Property is within the Broad Run Watershed with approximately 0.61 acres of the far northwest corner of the Subject Property in the Quarry Branch Watershed. The Subject Property contains approximately 0.45 acres of steep slopes located in small isolated pockets along the forested stream channels of the perennial streams.

b. Forest Conservation Plan

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

This Subject Property is 355.36 acres in size in the AR Zone. The AR Zone is assigned a Land Use Category of Agricultural Resource Area as defined in Section 22A-3 of the FCL and in the Land Use Table of the Trees Technical Manual. This results in an afforestation requirement of 20% and a conservation threshold of 50% of the Net Tract Area.

The Application has a tract area of 355.36 acres. The Applicant is agriculturally exempting off 323.76 acres which will be kept in active commercial agriculture and is covered with an Agricultural Document of Intent (Attachment H). The FFCP shows a total Net Tract Area of 33.42 acres. This results in a net tract area of 33.42 acres for the nine (9) proposed lots and includes additions of 2.10 acres for offsite work associated with this Application. There is a total of 104.76 acres of forest on the Subject Property, but only 0.18 acres of forest on the Net Tract Area. The Applicant proposes to remove the 0.18 acres and retain 0.00 acres of forest. This results in a reforestation requirement on the FFCP Worksheet of 6.86 acres. However, under Section 22A-12(f)(2)(A) the onsite forest retention with the AR Zone must equal 25% of the Net Tract Area. The Net Tract Area for FFCP purposes is 33.42 acres, so the onsite forest retention requirement is 8.36 acres. The Applicant is unable to save this amount of forest within the Net Tract Area, so this requirement must be taken offsite at a 2:1 rate. The Applicant is proposing to save and place within a Category I Conservation Easement, 16.72 acre of existing forest on the overall Subject Property.

A driveway currently exists from White's Ferry Road that allows access to the existing house on the Property. This driveway will also be used for access to the proposed Lots 4, 5, 6 and 7. No new construction is proposed for the length of the driveway from White's Ferry Road to the existing house except for the widening of the driveway at the entry point on White's Ferry Road. This widening of the driveway at the entry point is required by Montgomery County Fire and Rescue Fire Access Plan to allow access by fire trucks. This existing driveway is approximately 1,465 feet long and runs back to the existing house. Beyond the house, the driveway will be constructed to provide access to Lots 4, 5, 6 and 7. The existing portion of the driveway runs through approximately 1,030 feet of stream buffer and approximately 350 feet of floodplain on its way back to the existing house. The Environmental Guidelines allow certain encroachments into stream buffers with mitigation measures. Since this driveway encroachment is seen as necessary access to the existing house and Lots 4, 5, 6 and 7, and it is not being altered, then the stream buffer encroachment is allowed, but must be mitigated by saving additional stream buffer at a 2:1 rate elsewhere on the Subject Property. The Applicant is proposing to mitigate for the stream buffer encroachment by placing 2.84 acres of stream buffer on the agriculturally exempted

portion of the Subject Property in a Category I Conservation Easement. The encroachment into the floodplain is also allowed since the driveway is not an erected building which would impede the flow of water within the floodplain.

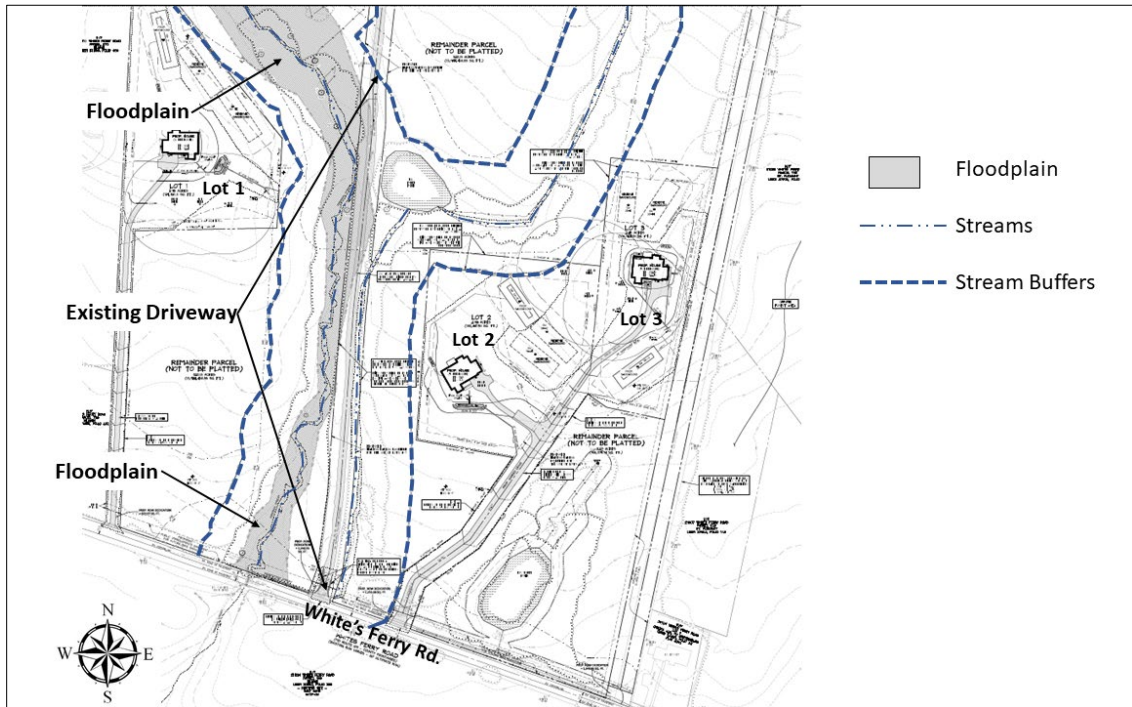


Figure 5 – Existing access driveway in stream buffer and floodplain

c. Forest Conservation Tree Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise such resources must be left in an undisturbed condition. 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. The law requires 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.

Variance Request - The Applicant submitted a variance request in a letter dated April 23, 2021 (Attachment I). The Applicant proposes to remove one (1) tree and impact an additional one (1) tree that are 30 inches or greater DBH and that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Both Protected Trees are located on

Lot 5.

Table 5: Protected Trees to be impacted or removed on Lot 5

Tree Number	Species	DBH Inches	% CRZ Impacts	Notes & Status
1	Sugar Maple (<i>Acer saccharum</i>)	43"	100%	To be removed. Good condition.
2	Sugar Maple (<i>Acer saccharum</i>)	30"	15%	To be saved. Good condition.

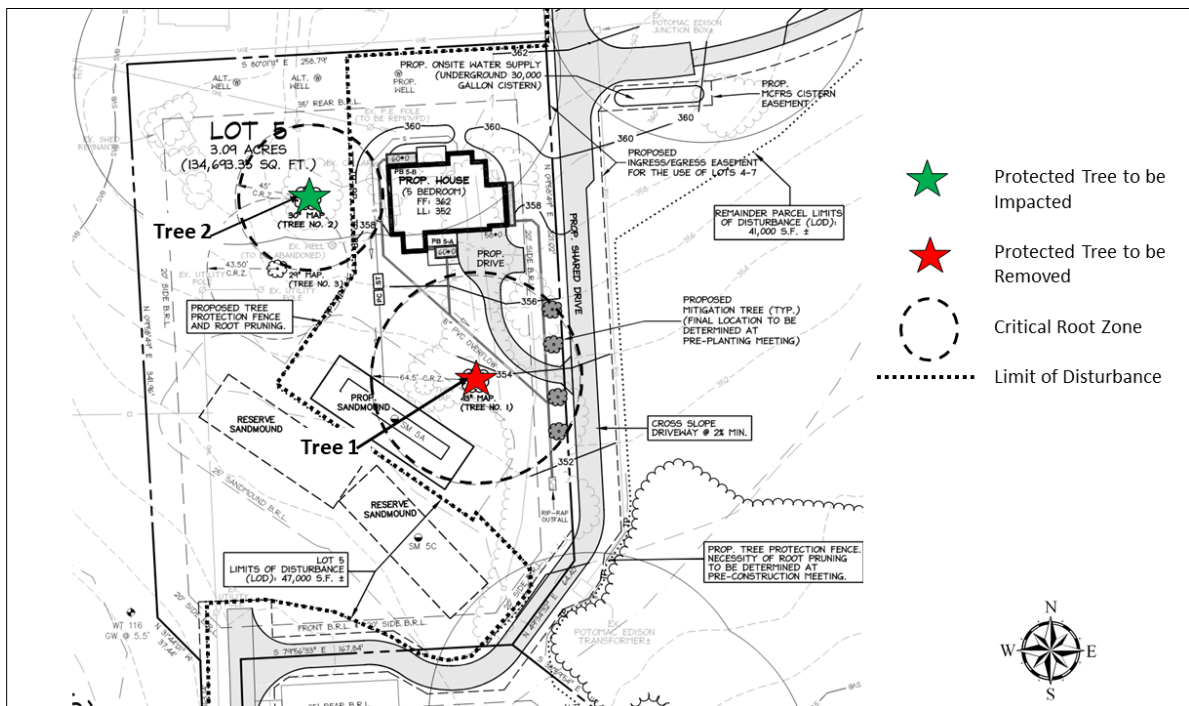


Figure 6 – Protected Trees to be Impacted or Removed

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property and the conditions of the subject trees. The 2 trees requested to be impacted or removed are located within the developable area of the site on Lot 5 and the inability to remove these trees would potentially render this lot undevelopable. The Applicant has strived to place the proposed development in the existing farm fields and to minimize impacts to existing forests, wetlands, streams and other sensitive environmental features on the Subject Property. The placement of Lot 5 is no exception. Lot 5 is located in an open farm field between two forest stands and a stream with its associated stream buffer. The main septic sand mound and the two reserve sand mounds were carefully located and approved by DPS Well and Septic. Even with the care taken to reduce overall

development impacts to the site and Lot 5, the impacts to these two Protected Trees could not be avoided. Therefore, 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, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed forest conservation plan:

Variance Findings - Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the impacts or removal of the two trees is due to the location of the trees and necessary site design requirement. The location of the entry driveway and house were dictated by the location of the proposed sand mound septic system, wells and the stream buffer. The CRZ of this tree will be impacted by the initial sand mound septic system and is near the reserve sand mound locations. This Property was thoroughly tested for acceptable septic areas, but adequate test results were not obtained other areas of the Property. The Applicant proposes removal of Tree #1 with mitigation. Therefore, 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 site conditions and necessary design requirements of this project.

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 specimen tree being removed is not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of this tree by planting larger caliper trees on-site. Therefore, Staff concurs that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provision - There is 1 tree proposed for removal in this variance request, Tree 1, resulting in a total of 43 inches of DBH being removed. This tree being remove is located outside an existing forest stand on the Subject Property. It has been M-NCPPC policy to require mitigation for Protected Trees that are removed and located outside of any forest stand, but not to require mitigation for specimen trees removed within forest stands since the removal of the forest stand is compensated for through the Forest Conservation

Worksheet. For the removal of Tree 1 the Applicant has proposed to provide mitigation for the specimen tree loss by replacing the total number of DBH removed with ¼ of the amount of inches replanted. This results in a total mitigation of 10.75 inches of replanted trees. In this case, the Applicant proposes to plant four 3” caliper overstory trees native to the Piedmont Region of Maryland on Lot 5 outside of any rights-of-way and outside of any utility easements. Additionally, no mitigation is required for trees that are impacted, but retained.

Variance Recommendation - Staff recommends approval of the variance request.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines. Therefore, Staff recommends approval of the Preliminary/Final Forest Conservation Plan with the conditions cited in this Staff Report.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on March 3, 2021 (Attachment J). The Application will meet stormwater management goals through a variety of techniques including micro bioretention, planter boxes, non-roof disconnects, and infiltration berms.

In a letter dated April 20, 2021, MCDPS accepted the Applicants Floodplain Study (Attachment K) and recommended that Planning Board approve the proposed lots after considering the following. Lot 4 and 5 will contain a small segment of floodplain, and per the Montgomery County Regulation 19.45.01.04 A1, recording lots “in a floodplain” is prohibited, however, Chapter 50 Section 4.3.K.2.b.iv. gives the Planning Board the authority to allow lots to contain floodplain because the lots do contain sufficient safe ground outside of the floodplain in which a building can be constructed, while respecting the applicable zoning setbacks.

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 physical evidence or records that the Subject Property contains any burial site.

S

SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan was held on February 19, 2020 at 21131 White Ferry Road. At the meeting, the Applicant’s engineer presented the Application and fielded questions from the 24 community members in attendance. As of the date of this staff report, no correspondence has been received regarding the Application.

SECTION 7– CONCLUSION

The proposed lots meet all of the requirements established in the Subdivision Regulations, Zoning Ordinance, and conform to the recommendations of the AROS Master Plan. Access to the lots is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plans. Therefore, Staff recommends approval of the Application, with the conditions as specified.

Attachments

Attachment A – Preliminary Plan
Attachment B – RRAC Letter
Attachment C – MCDOT Letter
Attachment D – Statement of Justification
Attachment E – Transportation Statement
Attachment F – Well & Septic Letter
Attachment G – Fire Department Access and Water Supply Section Letter
Attachment H – Agricultural Document of Intent
Attachment I – Tree Variance Request
Attachment J – Stormwater Management Letter
Attachment K – Floodplain Study Letter

PRELIMINARY PLAN Attachment A

KILMAIN ETC (PARCEL P440) / 21131 WHITES FERRY ROAD M-NCP&PC No. 120200180

PRELIMINARY PLAN NOTE: Unless explicitly noted on this Preliminary Plan or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, sidewalks, and other proposed features are for illustrative purposes only. The final locations of the proposed improvements will be determined at the time of building permit issuance. Please refer to the Zoning Data Table for development standards such as setbacks, building restriction lines, building height, and lot coverage. Other site development limitations may be included in the conditions of the planning board or planning staff approvals.

GENERAL NOTES

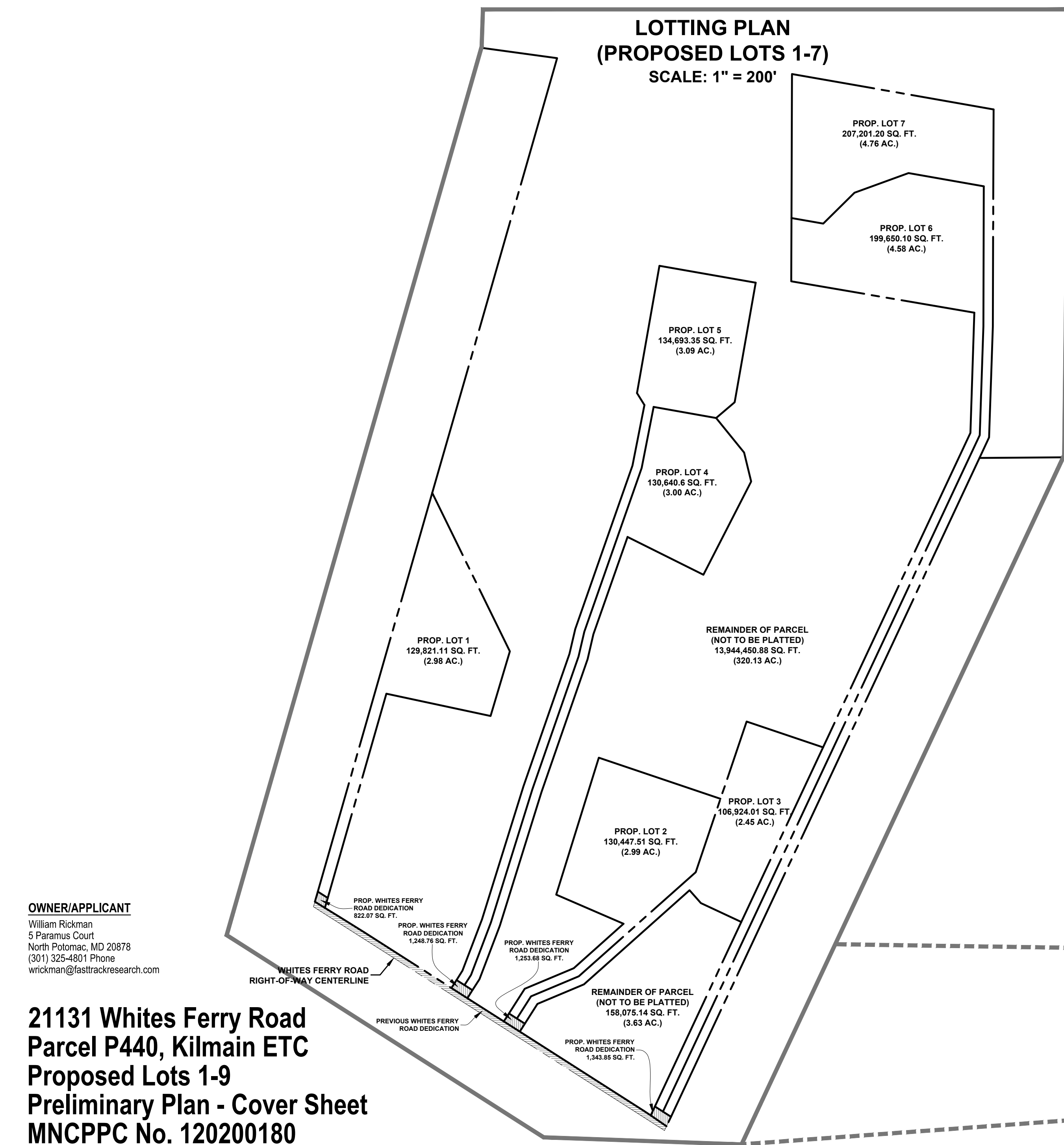
- Boundary information and two-foot contour data are based on surveys performed by CAS Engineering, dated January, 2020. Two-foot contour data not within the delineated "Limits of CAS Engineering Survey" is based upon MNCPPC aerial photography.
- Total parcel area: Parcel P440 = 355.36 Acres (As Surveyed)
- Property is located on Tax Maps BT & BU and WSSC 2007 Sheet 225 NW 21 & 226 NW 21.
- See "Soils Table" on sheet PP-15 for on-site soils information.
- Flood zone "X" per F.E.M.A. Firm Maps, Community Panel Number Z4031C0139D, 24031C0140D & 24031C0141D.
- Property is located in the Quarry Branch Watershed & Broad Run Watershed.
- Water Category - 6, Sewer Category - 6
- Local utilities include:
Water / Sewer - Private On-site Well & Septic Systems
Electric - Potomac Edison
Telephone - Verizon
Gas - N/A

SITE / ZONING DATA - AR ZONE

Gross Site Area (as surveyed) 15,470,307.78 Sq. Ft. (355.36 Acres)
Proposed Dedication 13,486.74 Sq. Ft. (0.31 Acres)
Parcel area to remain in agricultural use 14,102,526.02 Sq. Ft. (323.76 Acres)
Net Tract Area 1,363,355.00 Sq. Ft. (31.29 Acres)
Existing # of Units 1 Unit
Proposed # of Units 8 Units
Total # of Units 9 Units

AR	REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4	PROVIDED	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9
LOT AREA	40,000 S.F.	129,821 S.F. 2.98 AC.	130,448 S.F. 2.99 AC.	106,904 S.F. 2.45 AC.	130,041 S.F. 3.00 AC.	134,093 S.F. 3.09 AC.	199,650 S.F. 4.58 AC.	207,203 S.F. 4.76 AC.	187,327 S.F. 4.30 AC.	136,620 S.F. 3.14 AC.	131,440 S.F. 3.03 AC.
DENSITY	1 DU / 25 ACRES	1 DU / 40 ACRES +/-									
LOT WIDTH AT FRONT											
LOT LINE / FRONT BUILDING LINE	25' / 125'	31' / 312'	25' / 238'	25' / 180'	25' / 372'	25' / 222'	25' / 510'	25' / 325'	25' / 400'	482' / 467'	482' / 467'
LOT COVERAGE	10% (MAXIMUM)	2.5% (1)	2.5% (1)	3.1% (1)	3.1% (1)	3.5% (1)	3.5% (1)	3.7% (1)	3.8% (1)	3.4% (1)	3.4% (1)
FRONT SETBACK	50' MIN.	>50' (2)	>50' (2)	>50' (2)	>50' (2)	>50' (2)	>50' (2)	50'	>50' (2)	50'	50'
SIDE SETBACK	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.	20' MIN.
REAR SETBACK	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.	35' MIN.
PROPOSED USE	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL	SINGLE FAMILY RESIDENTIAL

(1) SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURAL AND SITE DESIGNS
(2) PIPESTEM LOT, FRONT SETBACK SET AT 20' SIDE SETBACK ON WHERE LOT WIDTH IS 125'

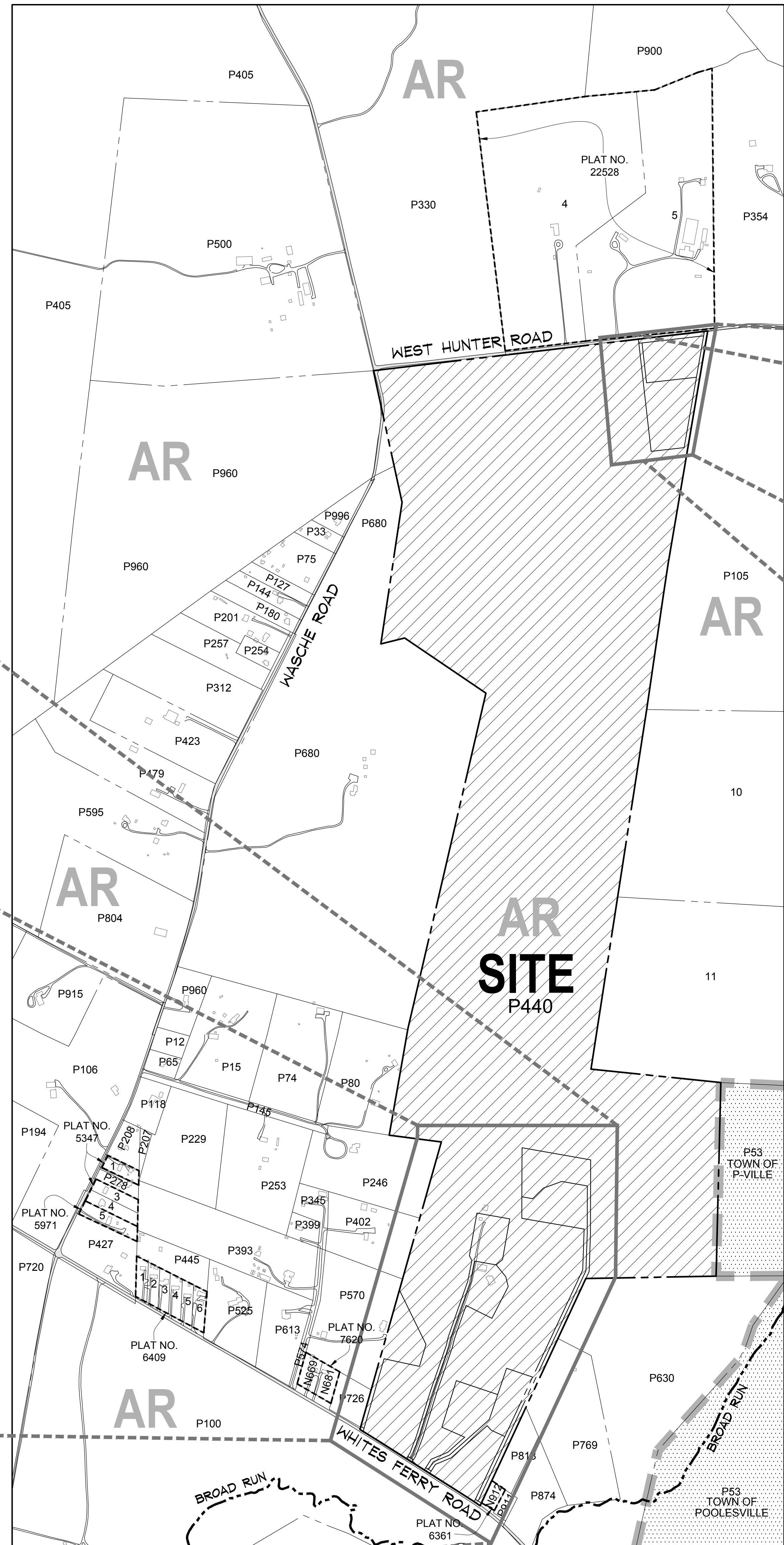


OWNER/APPLICANT
William Rickman
5 Paramus Court
North Potomac, MD 20878
(301) 325-8011 Phone
wrickman@lastrackresearch.com

**21131 Whites Ferry Road
Parcel P440, Kilmain ETC
Proposed Lots 1-9
Preliminary Plan - Cover Sheet
MNCPPC No. 120200180**

SOILS TABLE

SYMBOL	SOIL	HYDRIC	PRIME FARMLAND	HIGHLY ERODIBLE	SERPENTINITE
198	BUCKS SILT LOAM, 0-3E	NO	YES	NO	NO
199	BUCKS SILT LOAM, 3-8E	NO	YES	NO	NO
200	WHITESVILLE SANDY LOAM, 3-8E	NO	YES	NO	NO
205	WHITESVILLE SANDY LOAM, 8-15E	NO	NO	NO	NO
214	PHENIX SILT LOAM, 0-3E	NO	YES	NO	NO
216	PHENIX SILT LOAM, 3-8E	NO	YES	NO	NO
217	PHENIX SILT LOAM, 8-15E	NO	NO	NO	NO
223	READINGTON SILT LOAM, 0-3E	NO	NO	NO	NO
228	READINGTON SILT LOAM, 3-8E	NO	NO	NO	NO
234	CRISTON SILT LOAM, 0-3E	YES	NO	NO	NO
242	MONTALTO SILT LOAM, 8-15E	NO	NO	NO	NO
240	MONTALTO SILT LOAM, 15-25E	NO	NO	NO	NO
258	MONTALTO SILT LOAM, 2-5E	NO	YES	NO	NO
284	WATCHUNG SILT CLAY LOAM, 0-3E	YES	NO	NO	NO
274	WHITESVILLE-MELVIN SILT LOAM, 0-2E	NO	NO	NO	NO
51A	COODRUS SILT LOAM, 0-3E	YES	NO	NO	NO
56A	WELLSVILLE SILT LOAM, 0-3E	YES	NO	NO	NO
448	CRICOM AND BUCKS, 2-5E, 3-8E	NO	NO	NO	NO





RUSTIC ROADS ADVISORY COMMITTEE



April 22, 2021

Jared Carhart
CAS Engineering
10 South Bentz Street
Frederick, MD 21701

Re: Administrative Subdivision Plan No. 120200180, 21131 Whites Ferry Road, Parcel P440, Kilmain

Dear Mr. Carhart:

Thank you for joining the Committee at our February 25 (virtual) meeting. The Committee reviewed the revised plan for this property of nine lots, 3 acres per lot, on a property containing 355 acres. Lots eight and nine are to be dedicated off West Hunter Road (rustic). The affected portion of Whites Ferry Road is not rustic, and Wasche Road (rustic) is not affected as it will be put into a Category 1 Forest Conservation Easement.

The driveway apron on West Hunter Road is to be 20' wide with 26' flare aprons due to the width of the West Hunter Road at 18'4". Tree mitigation will be provided on a one-for-one basis as there are plans to remove five to six trees. A Fire and Rescue cistern easement will be located 30 to 40 feet back from the road along the driveway rather than along the road.

The Committee voted to approve the plan as reviewed at this meeting, with the provision that if there is an opportunity to reduce the size of the driveway apron in the future prior to construction, the applicant will do so.

Thank you for submitting this project to the Committee for review. If you have any questions, you may reach our committee through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov.

Sincerely,

Laura Van Etten
Rustic Roads Advisory Committee

Committee Members: Robert J. Tworkowski, Dan Seamans,
Robert Wilbur, Lonnie Luther, Kamran Sadeghi,
N. Anne Davies, Leslie Saville (M-NCPPC)



cc: Jonathon Casey, M-NCPPC



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

May 19, 2021

Mr. Jonathan Casey, Senior Planner
Up-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Preliminary Plan No. 120200180
Kilmain

Dear Mr. Casey:

We have completed our review of the administrative plan uploaded to Eplans on April 23, 2021. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on August 18, 2020. 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 Montgomery County 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. The applicant shall comply with the December 2018 Bicycle Master Plan which requires bikeable shoulders along the Whites Ferry Road frontage.
2. The Rustic Roads Advisory Committee (RRAC) reviewed the plan, met with the applicant and engineer February 25, 2021, and issued conditions regarding West Hunter Road in its letter dated April 22, 2021. The applicant will be required to comply with these conditions which concern driveway width, tree mitigation and the location of a Fire and Rescue cistern easement. A copy of the RRAC letter is included with this letter.
3. Provide forty (40) feet of dedication from the centerline of Whites Ferry Road along the site frontage.

Office of the Director

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www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

4. Provide thirty-five (35) feet of dedication from the centerline of West Hunter Road along the site frontage.

Standard Plan Review Comments

5. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to any downstream public storm drain system for this plan.
6. The sight distance study is acceptable, and a copy of the certification is included with this letter.
7. Relocation of utilities along Whites Ferry Road to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. 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 plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Jonathan Casey
Preliminary Plan No. 120200180
May 19, 2021
Page 3

Enclosures (2)

Rustic Roads Advisory Committee (RRAC) letter – 04/22/21
Sight distance certification

Sharepoint/transportation/director's office/development review/WhelanW/120200180 Kilmain - MCDOT Review Letter
051921docx

cc: Plan letters notebook

cc-e:	Jared Sims Carhart	CAS Engineering
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCDPS FRS
	Darcy Buckley	MCDOT/RRAC



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STATEMENT OF JUSTIFICATION

KILMAIN ETC (PARCEL P440)

PROPOSED LOTS 1-9

April 23, 2021

**PRELIMINARY PLAN APPLICATION
M-NCPPC FILE No. 120200180**

I. INTRODUCTION

Applicants, William Rickman and Janet Ransom (“Applicants”), hereby submits this Preliminary Plan Application for approval of a nine-lot subdivision to be used as a family farm. The subject property consists of Parcel P440, Kilmain ETC, as recorded by deed in Book 57087 / Page 56. The property is zoned AR.

II. EXISTING CONDITIONS AND SURROUNDING AREA

The subject property proposed for development is approximately 355 acres of land which is currently improved with a single-family home, asphalt driveway, and various agricultural structures used as accessories to the on-site farming activities. The subject property is roughly 1.75 miles long and spans from the north side of Whites Ferry Road (MD-107) to the south side of West Hunter Road. The subject property is bounded by AR-zoned residential properties to the east and west (one of the properties along the east side of the property is located in the Town of Poolesville). Easements / Agreements on the property include a sixty-foot wide gas pipeline right-of-way and multiple right-of-way agreements with Potomac Edison for the facilities located on-site. Environmental and hydrologic features exist on the property including multiple forest stands, streams, wetlands and ponds. The majority of these features are within a variable width environmental buffer which covers a large portion of the property. The existing house is served by well & septic (sandmound system) and vehicular ingress/egress is provided via an asphalt millings driveway from Whites Ferry Road.

III. PROPOSED PRELIMINARY PLAN

This application proposes nine (9) single-family residential lots that are intended to become a family farm. The intent of the Applicants (who currently reside in the existing house on-site) is to give the 8 other lots to their children and grandchildren either directly or through a trust. The existing house is to remain and will be located on proposed Lot 4. The remainder area of the subdivision will consist of two (2) parcels. These parcels will not be platted and will remain as agricultural land or forest conversation area. Proposed Lots 1-5 will range in size from 2.45 – 3.09 acres. Proposed lots 6-9 will exceed 3 acres with the largest of the lots being 4.76 acres. See below for justification of lot sizes exceeding 3 acres. Public water and sewer is not available therefore all of the proposed lots will be served by well and sandmound



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systems. The existing entrance on Whites Ferry Road will remain and be extended to serve proposed Lots 4-7. All other proposed lots will be served by new individual driveways or shared driveways. In total there will be three (3) access points from Whites Ferry Road and one (1) access point from West Hunter Road. Existing land outside of the proposed lot areas will remain as farmland or be placed within (1) a proposed Category 1 Forest Conservation Easement, (2) an Ingress/Egress easement serving Lots 4-7, or (3) a proposed Public Improvement Easement for the future installation of a bikeable shoulder. Although a Public Improvement Easement is proposed as a part of this subdivision, no sidewalk or bike paths are proposed at this time. See more below on this matter.

A pre-submittal meeting was held on February 18, 2020 at the subject property to explain the development review process and to discuss the preliminary plan. Pre-submittal Meeting Minutes are included as part of this application.

IV. COMPLIANCE WITH SUBDIVISION REGULATIONS

- **§ 50.4.2.D.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.***

Proposed Lots 1-9 are located within the AR Zone and are being developed under the standard method. The layout of the subdivision includes 9 residential lots and 2 remainder parcels that will remain as farmland and not be platted. The 9 lots consists of 8 pipestem lots (Lots 1-8) and 1 rectangular shaped lot (Lot 9). The lot sizes range from 2.45 acres to 4.76 acres. Proposed Lots 5-9 exceed 3 acres in size which is the recommended maximum lot size in the AR zone. The exceedance of 3 acres for these lots is unavoidable due to the requirement to propose 3 well sites and 3 sandmound sites on each lot. Well and septic easements cannot be utilized as they are not permitted for new subdivision. Additionally, Lots 6 & 7 are the largest of the proposed lots due to the length of the pipestem area needed to provide frontage. If the pipestem area were to be excluded from the lot area calculation the net lot area would be less than or equal to 3 acres.

- **§ 50.4.2.D.2 *The preliminary plan substantially conforms to the master plan***

The Functional Master Plan for the Preservation of Agriculture and Rural Open Space in Montgomery County focuses primarily on the preservation of farmland. The existing parcel is approximately 355 acres in size of which roughly 91.5% will remain for agricultural use or forest conservation. The remaining land use will consist of the 9 residential lots, ingress/egress easements or public improvement easements.

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

Public facilities including transportation, police, and fire and health services are adequate to support the proposed development. This Application satisfies the transportation Adequate Public Facilities (APF) test under the current 2016-2020 Subdivision Staging Policy. Furthermore, a traffic study is not required as the project produces less than 50 peak hour person trips. All major utilities, including well and sandmound systems, necessary to service the lots are immediately available on-site or within the Whites Ferry and West Hunter right-of-ways. Although the residences will generate some schoolchildren, the Poolesville School Cluster, in which the Property lies, has sufficient capacity to accommodate the minimal increase in



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students generated by the Application.

Additionally, two of the Applicants' children are ready to build homes on the property as soon as the final plat is filed. Other children and grandchildren are not yet in a financial position to follow suit. The applicants request an Adequate Public Facilities validity period of 15 years to give their children and grandchildren time to develop the financial means to build on the property.

- **§ 50.4.2.D.4 All Forest Conservation Law, Chapter 22A requirements are satisfied**

A forest conservation plan has been prepared with this application proposing a Category 1 Conservation Easement over existing off-site forest located in agricultural land exempt from the Forest Conservation Law. An agricultural declaration of intent has been filed with this application. The provided amount of Category 1 Conservation Easement area has been provided in accordance with Chapter 22A of the Montgomery County Code.

- **§50.4.2.D.5 All Stormwater Management, water quality plan, and floodplain requirements of the subdivision is satisfied**

Stormwater Management has been provided to meet full Montgomery County requirements via planter box micro-bioretenion devices, non-rooftop disconnects and infiltration berms. A Stormwater Management Concept Plan has been approved by MCDPS to further confirm this. Additionally, a Floodplain Study has been approved by MCDPS confirming the extent of the on-site 100-year floodplain.

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

Per the 2018 Bicycle Master Plan the property frontage along Whites Ferry Road is highlighted to have a 6-ft wide bikeable shoulder. Staff has informed the Applicants that the Department supports a fee-in-lieu option for the bikeable shoulder proposed in the Bike Master Plan, for at least two reasons. First, SHA and MCDOT have raised safety concerns about building small sections of transportation facilities on a project-by-project basis, which can create safety issues. Second, in this case MCDOT estimates the cost of installing a bikeable shoulder along the property's Whites Ferry Road frontage at over \$3 million. The Whites Ferry frontage is roughly 1,100 linear feet. The cost of building a bikeable shoulder in this location would be increased by the need to remove a forest stand, drain a wetlands area, relocate a farm pond, realign at least one stream, perform significant grading work, and reconstruct a 48-inch box culvert and headwall. It is clear that \$3 million would be a grossly disproportionate cost to impose on this small subdivision project, which the applicants are pursuing so they can give portions of the land to their children and grandchildren to build homes on the property.

As suggested by staff during a virtual meeting on December 1, 2020, in lieu of building a bikeable shoulder the Applicants propose to make a payment in an amount equal to the number of peak-hour trips expected from the proposed subdivision multiplied by \$16,000. A nine-lot subdivision on a property with one existing house has a net trip generation of eight trips, for a total fee of \$128,000. The Applicants further propose to make this payment over time, as the family compound is built out. The Applicants hope that family members will build four to five houses over the next five to seven years, but only two of their children are currently in a position to build. Due to financial constraints, it is not clear when and whether the Applicants' other three children or their grandchildren will be able to build on the remaining



Experience you can build on.

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10 south bentz street
frederick, maryland 21701
office 301.607.8031
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lots. The Applicants do not have a ready source of funds to make the fee-in-lieu payment, on top of the impact taxes and other costs incurred in connection with subdividing the property. Accordingly, the Applicants propose to make a payment of \$16,000 upon issuance of each building permit. This will allow the fee in lieu payments to be financed as part of each home-building project, and will ensure that the County receives each payment before each house is built.

V. CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Planning Board grant approval of this Preliminary Plan. As explained in more detail above and by the plans submitted with the Application, the Application satisfies the findings that the Planning Board must make in approving a Preliminary Plan application under Montgomery County Code Section 50.4 and the Manual of Development Review Procedures for Montgomery County, MD.



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

Local Area Transportation Review

TRANSPORTATION IMPACT STUDY SCOPE OF WORK AGREEMENT

Contact Information				
Transportation Consultant (company, contact name, email, and phone number)	CAS Engineering Attn: Jared Carhart 10 South Bentz Street Frederick, MD 21701 (301) 703-2346 jcarhart@casengineering.com			
Name of Applicant / Developer	William Rickman			
Project Information <i>Include Tables/Graphics, As Needed</i>				
Project Name (include plan no. if known)	Kilmain ETC (Parcel P440), MNCPPC 120200180			
Project Location (include address if known)	21131 Whites Ferry Road, Poolesville, MD 20837			
Policy Area(s) (subdivision staging policy map)	Rural West	Master Plan(s) / Sector Plan Area(s)	Agricultural & Rural Open Space	
Application Type(s)	<input checked="" type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Sketch/Concept/Pre-Preliminary (Optional)	<input type="checkbox"/> Amendment
	<input type="checkbox"/> Conditional Use (formerly special exception)	<input type="checkbox"/> Local Map Amendment	<input type="checkbox"/> APF at Building Permit	<input type="checkbox"/> Other:
Project Description & Previous Approvals (proposed land uses, zoning, no. of units, square footage, construction phasing, prior approvals and proposals, existing uses, site operations, year built, status of Adequate Public Facilities [APF], other relevant info)	A 9-lot subdivision is proposed. The subject property proposed for development is a 355 acre parcel with an existing single family home. Applicable zoning for this property is AR. Development of the property proposes retaining the existing house and construction of 8 new single family homes. The amount of new traffic generated will be minimal and therefore does not necessitate the need for a traffic study. An exemption is hereby requested for this development.			
1.Site Access (proposed access location(s), existing/adjacent/opposite curb cuts, interparcel connections, access configurations and restrictions, internal circulation, private roads, parking/loading areas, other relevant info)	Access to the proposed subdivision will be to/from Whites Ferry Road and West Hunter Road via a single private driveway and three shared driveways.			

<p>2. Transportation Analysis Requirement</p>	<input type="checkbox"/> Transportation Impact Study Generates <u>50 or more</u> total weekday peak hour person trips (vehicular, transit, bicycle, and/or pedestrian) with no reductions other than a credit for existing developments over 12 years old, <u>AND</u> is outside of the White Flint and White Oak Policy Areas. Fill out remainder of this form and include in transportation impact study appendix.		<input checked="" type="checkbox"/> Transportation Study Exemption Statement Generates <u>49 or fewer</u> total weekday peak hour person trips (vehicular, transit, bicycle, and/or pedestrian) with no reductions other than a credit for existing developments over 12 years old, <u>OR</u> within White Flint and White Oak Policy Areas. Fill out PAR and trip generation sections below, and include with exemption statement.												
<p>3. Policy Area Review (PAR) Only for projects filed before 1/1/17</p>	<input type="checkbox"/> TPAR (1/1/13 – 12/31/16) 0, 25, 50%: _____ 0% _____ (TPAR = Transportation Policy Area Review)	<input type="checkbox"/> PAMR (11/15/07 - 12/31/12) 0-50%: _____ (PAMR = Policy Area Mobility Review)	<input checked="" type="checkbox"/> Exempt (no square footage increase or fewer than 3 new trips) or 1/1/17 or later) <input type="checkbox"/> No PAR (7/1/03 – 11/14/07) <input type="checkbox"/> PATR (before 6/30/03) (PATR = Policy Area Transportation Review)												
<p>4. Transportation Mitigation Agreement (TMAg) Required?</p>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (25+ Employees and in Transportation Management District [TMD])	<input type="checkbox"/> Amend Existing TMAg												
<p>5. Established Transportation Management District (TMD)?</p>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes TMD Name: _____													
Transportation Impact Study Assumptions <i>Include Tables/Graphics, As Needed</i>															
<p>6. Study Years / Phases</p>	Existing Year: _____		Phases / Build-out Year(s): _____												
<p>7. Study Periods</p>	<input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> Mid-day <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday <input type="checkbox"/> Other: _____														
<p>8. Study Intersections (For projects generating 50 or more person trips, list all signalized & significant unsignalized intersections, and site driveways traffic counts must be collected within 12-months of completed and accepted application)</p>	# of tiers of intersections to study (refer current LATR Guidelines): _____ <i>For the purpose of determining the number of tiers of study intersections, trip calculation for the subject site should also include nearby unbuilt properties in common ownership. No trip reductions should be taken in this calculation other than a credit for existing developments over 12 years old.</i> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1)</td> <td style="width: 50%;">7)</td> </tr> <tr> <td>2)</td> <td>8)</td> </tr> <tr> <td>3)</td> <td>9)</td> </tr> <tr> <td>4)</td> <td>10)</td> </tr> <tr> <td>5)</td> <td>11)</td> </tr> <tr> <td>6)</td> <td>add more rows if necessary</td> </tr> </table>			1)	7)	2)	8)	3)	9)	4)	10)	5)	11)	6)	add more rows if necessary
1)	7)														
2)	8)														
3)	9)														
4)	10)														
5)	11)														
6)	add more rows if necessary														

9.Trip Generation (clearly cite sources and methodology including use of average rates vs. equation; include trip generation for existing site, current approvals, proposed uses, and net changes)	Total Person Trips AM: 7 PM: 9 (see table below)	Vehicle Trips* (Auto Driver) N/A	Transit Trips* N/A	Walking Trips* (non-motorized + transit) N/A	Bicycling Trips* (non-motorized) N/A
<i>* Only required if total peak hour person trips are 50 or more in either the AM or PM peak hour. Sum of all vehicle, transit, and non-motorized trips shall be the equivalent of total person trips. Use table at the end of the form to show all calculations and assumptions for mode breakout.</i>					
10.Trip Reductions (include justification and supporting documentation for internal capture, pass-by, diverted, Transportation Demand Management)	N/A				
11.Trip Distribution % (include a map of the proposed project in addition to a list or table)	N/A				
12.Pipeline Developments to be considered as background traffic (include name, plan #, land uses, and sizes for approved but unbuilt developments or concurrently pending applications; info can be obtained from the M-NCPPC Pipeline website: - website is updated quarterly)	N/A				
13.Pipeline Transportation Projects to be considered as background condition (fully funded for construction in County Capital Improvement Program, State Consolidated Transportation Program, developer projects, etc. within the next 6 years)	N/A				

Preliminary Mitigation Analysis		<i>*Refer to the LATR Guidelines for details on how to mitigate</i>	
14.Vehicular Analysis	<input type="checkbox"/> Vehicular Analysis Anticipated (Vehicular mitigation to be determined after study)	<ul style="list-style-type: none"> • TEST: HCM Analysis is required to be provided for all intersections analyzed in studies for: 1) "Red & Orange" policy areas, and 2) intersections with a CLV of more than 1,350 in "Yellow & Green" policy areas. 3) CLV analysis required for all intersections regardless of policy area. CLV assessment and signal timing worksheets are to be included in the study appendix. • MITIGATION: Required if HCM delay analyses exceed policy area standard 	
15.Pedestrian Analysis	<input type="checkbox"/> Pedestrian Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more pedestrian peak hour trips, mitigation of surrounding pedestrian conditions is required • MITIGATION: Required if ADA non-compliance issues within 500 foot radius of site boundary and if pedestrian crosswalk delay at LATR intersections within 500 feet of site boundary is lower than Level of Service (LOS) D 	
16.Bicycle Analysis	<input type="checkbox"/> Bicycle Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more bicycle peak hour trips and is within 0.25 miles of an existing educational institution or existing/planned bikeshare station, mitigation of surrounding bicycle conditions is required • MITIGATION: Required to make improvements to provide a low Level of Traffic Stress to any existing similar facility within 750 feet of the site boundary; Alternatively, project may provide a master planned improvement that provides an equivalent improvement in the level of traffic stress for cyclists 	
17.Transit Analysis	<input type="checkbox"/> Transit Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more transit peak hour trips and the peak load of bus routes at bus stops within 1,000 feet of site boundary exceeds (or is worse than) peak load of LOS D (1.25 transit riders per seat during the peak period in the peak direction), mitigation of transit conditions is required • MITIGATION: Required to provide or fund improvements that would mitigate the trips exceeding the standard that are attributable to the development 	
Additional Analysis or Software Required	<input type="checkbox"/> Queuing Analysis <input type="checkbox"/> Signal Warrant Analysis <input type="checkbox"/> Weaving/Merge Analysis	<input type="checkbox"/> Accident Analysis <input type="checkbox"/> Synchro <input type="checkbox"/> SIDRA	<input type="checkbox"/> VISSIM <input type="checkbox"/> CORSIM <input type="checkbox"/> Other _____

M-NCPPC Clarifications

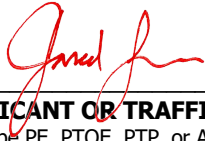
- Transportation impact study will comply with all other requirements of the LATR Guidelines not listed on this form.
- If physical improvements are proposed as mitigation, the transportation impact study will demonstrate feasibility with regards to right-of-way and utility relocation (at a minimum).
- In the event that the development proposal significantly changes after this transportation impact study scope has been agreed to, the Applicant will work with M-NCPPC staff to amend the scope to accurately reflect the new proposal.
- A receipt from MCDOT showing that the transportation impact study review fee has been paid will be provided to M-NCPPC DARC at the time the development application is submitted.
- Minimum of seven paper copies (more if near the County line or an incorporated City) and two PDF copies of the transportation impact study and appendices will be provided.

Additional Assumptions / Special Circumstances for Discussion

Site Trip Generation Estimate Worksheet				
Step 1: Vehicle Trips				
ITE Land use Code	210 (Single Family Detached Housing)			
Development Size	9 units (1 Ex. / 8 New)			
ITE trip generation estimate formula/rate* AM	0.75 x 9	Total AM Vehicle Trips	6.75	
ITE Trip generation estimate formula/rate* PM	1.00 x 9	Total PM Vehicle Trips	9.00	
Step 2: Policy Area Conversion				
Policy Area # & Name		Trip Adjustment Factor	_____%	
Applied Policy Area Adjusted Value AM				
Applied Policy Area Adjusted Value PM				
Step 3: Mode Split				
			AM	PM
Auto Driver	_____%	Results		
Auto Passenger	_____%	Results		
Transit	_____%	Results		
Walking (transit + non-motorized)	_____%	Results		
Bicycling (non-motorized)	_____%	Results		

Complete one of these tables for EACH use included in the application. Enter results into "Transportation Impacts Analysis" section of the form.

AGREED



APPLICANT OR TRAFFIC CONSULTANT SIGNATURE
(Must be PE, PTOE, PTP, or AICP unless exempt from traffic study)

05/18/2020
DATE

Jared Carhart, PE
PRINT NAME

CAS Engineering
COMPANY

M-NCPPC STAFF SIGNATURE

DATE

PRINT NAME

Please include a signed copy of this document and accompanying graphics with submitted traffic study or statement.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

MEMORANDUM
June 14, 2021

TO: Jonathan Casey
Development Review
Maryland National Capital Park and Planning Commission

FROM: Megan C. Wilhelm, LEHS 
Well and Septic Section
Department of Permitting Services

SUBJECT: Status of Preliminary Plan : 21131 Whites Ferry Road
Kilmain ETC, Parcel P440 (lots 1-9)
120200180

This is to notify you that the Well & Septic Section of MCDPS approved the Preliminary plan received in this office on June 1, 2021.

Approved with the following reservations:

- 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. The record plat must show the wells and sand mound septic reserve areas as they are shown on this plan.
- All lots to use sand mounds. Prior to approval of any permits for the lots, all sand mound areas must be fenced with 4-foot high orange construction fencing around the 25' SBRL which must remain in place until all construction has been completed.
- Any physical disturbance or compaction of a sand mound site could render that site non-functional and therefore negate this approval.
- Existing well on Lot 5 is to be abandoned prior to record plat approval.
- Sandmound systems located on Lots 1, 5, 6, & 7 have 25' SBRL's encroaching over their respective property lines. Sandmound easements are to be recorded for the

encroachment areas in an agreement between the neighboring property owners prior to the approval of the record plat.

- Sandmound systems located on Lots 2, 3, 4, 5, and 9 have 25' SRBL's located within the ingress/egress easement areas. These areas are to be protected and are prohibited from any land disturbance. The ingress/egress easements are to be recorded in an agreement prior to the approval of the record plat. Within that agreement will be exhibits further detailing the prohibited sandmound areas located within the ingress/egress easements.
- Lot 2 will need a water line easement agreement prior to record plat approval.
- Overhead electric lines must be relocated outside of sandmound areas prior to record plat approval.

If you have any questions, please contact Megan Wilhelm at 240-777-6271.

Cc: CAS Engineering



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

DATE: 16-Apr-21
TO: Curt Schreffler - curt@casengineering
CAS Engineering
FROM: Marie LaBaw
RE: Kilmain Etc, Lots 1-9
120200180

PLAN APPROVED

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

***** On-site water supply installed along Whites Ferry driveway and water supply easement on West Hunter Road *****

***** On-site water supply shall be reviewed, approved, and installed under a DPS Fire Protection Systems permit prior to occupancy of any new units on the Whites Ferry driveway*****

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: SML FM: 43 DATE: 4/16/2021

April 16, 2021

S. Marie LaBaw Ph.D, PE
Fire Department Access and Water Supply
Department of Permitting Services
2425 Reddie Drive, 7th Floor
Wheaton, Maryland 20902
By email to: Marie.LaBaw@montgomerycountymd.gov


Re: Kilmain property, Preliminary Plan 120200180


Dear Ms. LaBaw:

Please accept this letter as our acknowledgement that as the applicants in Preliminary Plan Case No. 120200180, we will be required as a condition of approval to install a cistern on our property meeting the specifications established by your office. The purpose of this cistern is to ensure an adequate supply of water for use in the event of an emergency. We further acknowledge that we will be required to execute a document granting the County an easement over a portion of our property, so that if we fail to install or properly maintain the cistern, the County has the ability to come onto the property to install and maintain the cistern. The easement will also grant the County the right to enter the property to conduct training exercises involving the cistern three to four times per year, with advance notice to us.

Thank you very much for your assistance with this project. We are looking forward to the final approvals that will allow us to provide homesites on our property for our children and grandchildren.

Sincerely yours,


William J. Rickman, PhD.


Janet H. Ransom, PhD.

*** On-site water supply installed along Whites Ferry driveway and water supply easement on West Hunter Road ***

*** On-site water supply shall be reviewed, approved, and installed under a DPS Fire Protection Systems permit prior to occupancy of any new units on the Whites Ferry driveway*** - SML 4/16/21

GENERAL NOTES

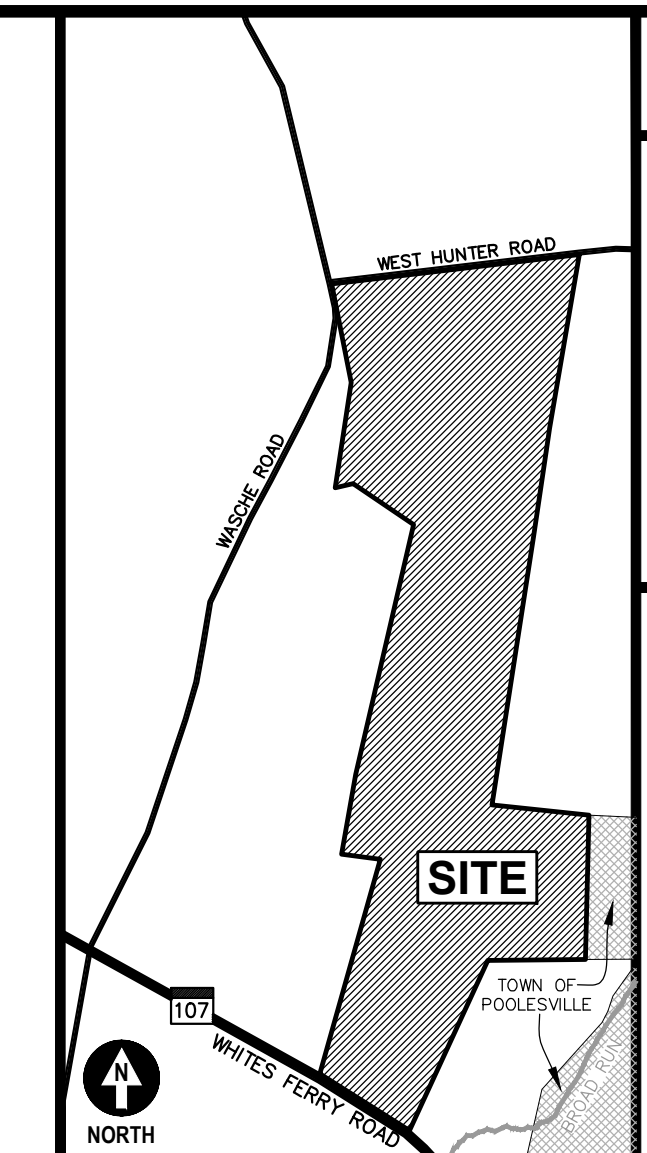
- Boundary information and two-foot contour data are based upon surveys performed by CAS Engineering, dated January, 2020. Two-foot contour data not within the delineated "Limits of CAS Engineering Survey" is based upon MNCPPC aerial topography.
- Total parcel area: Parcel P440 = 355.36 Acres (As Surveyed)
- Property is located on Tax Maps BT & BU and WSSC 2007 Sheet 225 NW 21 & 226 NW 21.
- See "Soils Table" on sheet PP-15 for on-site soils information.
- Flood zone "X" per F.E.M.A. Firm Maps, Community Panel Number Z4031C0139D, Z4031C0140D & Z4031C0141D.
- Property is located in the Quarry Branch Watershed & Broad Run Watershed.
- Water Category - 6, Sewer Category - 6
- Local utilities include:
Water / Sewer - Private On-site Well & Septic Systems
Electric - Potomac Edison
Telephone - Verizon
Gas - N/A

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES

- The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
- The subject property is located in a rural area where public water supply facilities do not exist. The property is more than 1 mile from the nearest public water supply.
- Public Safety Water Supply Easements are being provided in two (2) locations on the subject property for the immediate installation of a fire protection system by the property owner and the possible / future installation of another fire protection system by Montgomery County.

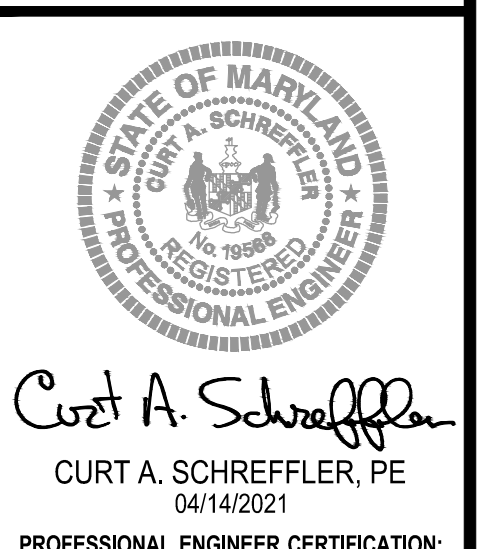


FIRE DEPARTMENT ACCESS & WATER SUPPLY PLAN KILMAIN ETC (PARCEL P440) 21131 WHITES FERRY ROAD MNCPPC No. 120200180



VICINITY MAP
ADC MAP 5043, SCALE: 1" = 2000'

CAS JOB NO.:	17-656
DATE:	02/2020
DATE	REVISION
06/15/20	JSC: Submit to ePlans for Pre-screen Approval
01/28/21	JSC: Resubmit to MNCPPC for 2nd DPC review
04/14/21	JSC: FDAP Submitted for Approval to MCDPS-FRS



PROFESSIONAL ENGINEER 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. 19986, expiration date 3/31/2022, and that this plan meets MCDPS criteria for building and sediment control permit applications.

**Proposed Lots 1-9, Kilmain ETC
Parcel P440, Kilmain ETC**
 Poolesville (3rd) Election District, Montgomery County, MD
**21131 Whites Ferry Road
Poolesville, Maryland 20837**

OWNER/APPLICANT
William Richman
5 Parnassus Court
North Potomac, MD 20878
(301) 325-4801 Phone
wricolman@fasttrackresearch.com

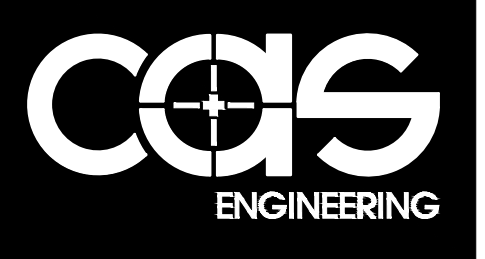
**21131 Whites Ferry Road
Parcel P440, Kilmain ETC
Proposed Lots 1-9
Fire Department Access & Water Supply Plan
MNCPPC No. 120200180**

UTILITY INFORMATION

EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND MUST BE FIELD VERIFIED. UTILITY LOCATIONS ARE BASED UPON AVAILABLE RECORDS AND ARE SHOWN TO THE BEST OF OUR ABILITY.

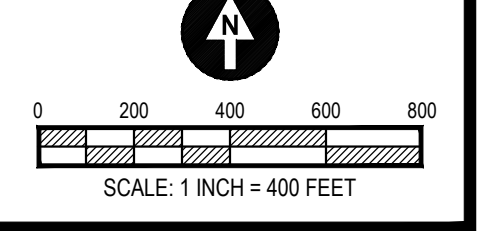
UTILITY CO.	REQUEST DATE	BY	INFO. RECEIVED	PLAN REVISED	BY
PLAT	01/02/2018	SNF	01/03/2018	NO FACILITIES	JSC
COMCAST	01/02/2018	SNF	01/03/2018	NO FACILITIES	JSC
WIS	01/02/2018	SNF	01/03/2018	NO FACILITIES	JSC
POST. EDI.	01/02/2018	SNF	01/03/2018	0/A FACILITIES	JSC
VERIZON	01/02/2018	SNF	01/03/2018	NO FACILITIES	JSC
WASH. GAS	01/02/2018	SNF	01/03/2018	NO FACILITIES	JSC
W.S.S.C.					
SEWER CONTRACT DRAWING	N/A (SEPTIC)				
WATER CONTRACT DRAWING	N/A (WELL)				
HOUSE-CONNECTION PLUMBING CARGO	N/A				

MISS UTILITY
FOR LOCATION OF UTILITIES, CALL "MISS UTILITY" AT 1-800-252-7777, OR LOG ON TO WWW.MISSUTILITY.NET/CTIC 48 HOURS IN ADVANCE OF ANY WORK IN THIS MOUNTAIN. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED EXCAVATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 30A OF THE MONTGOMERY COUNTY CODE.



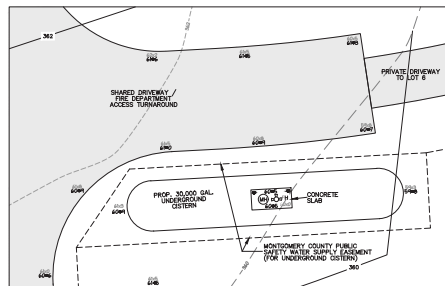
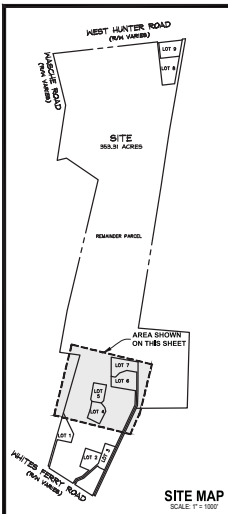
CAS ENGINEERING-MD
10 South Davis Street
Frederick, Maryland 21701
301-607-6031 Phone
info@casengineering.com
www.casengineering.com

CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20036
202-393-7200 Phone
info@cas-dc.com
www.cas-dc.com



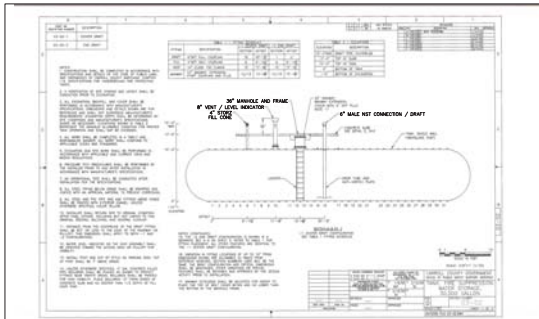
SHEET TITLE:
**Fire Department
Access &
Water Supply Plan**

FDAP-1

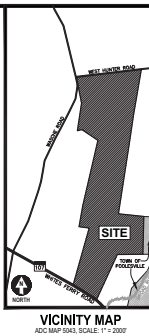
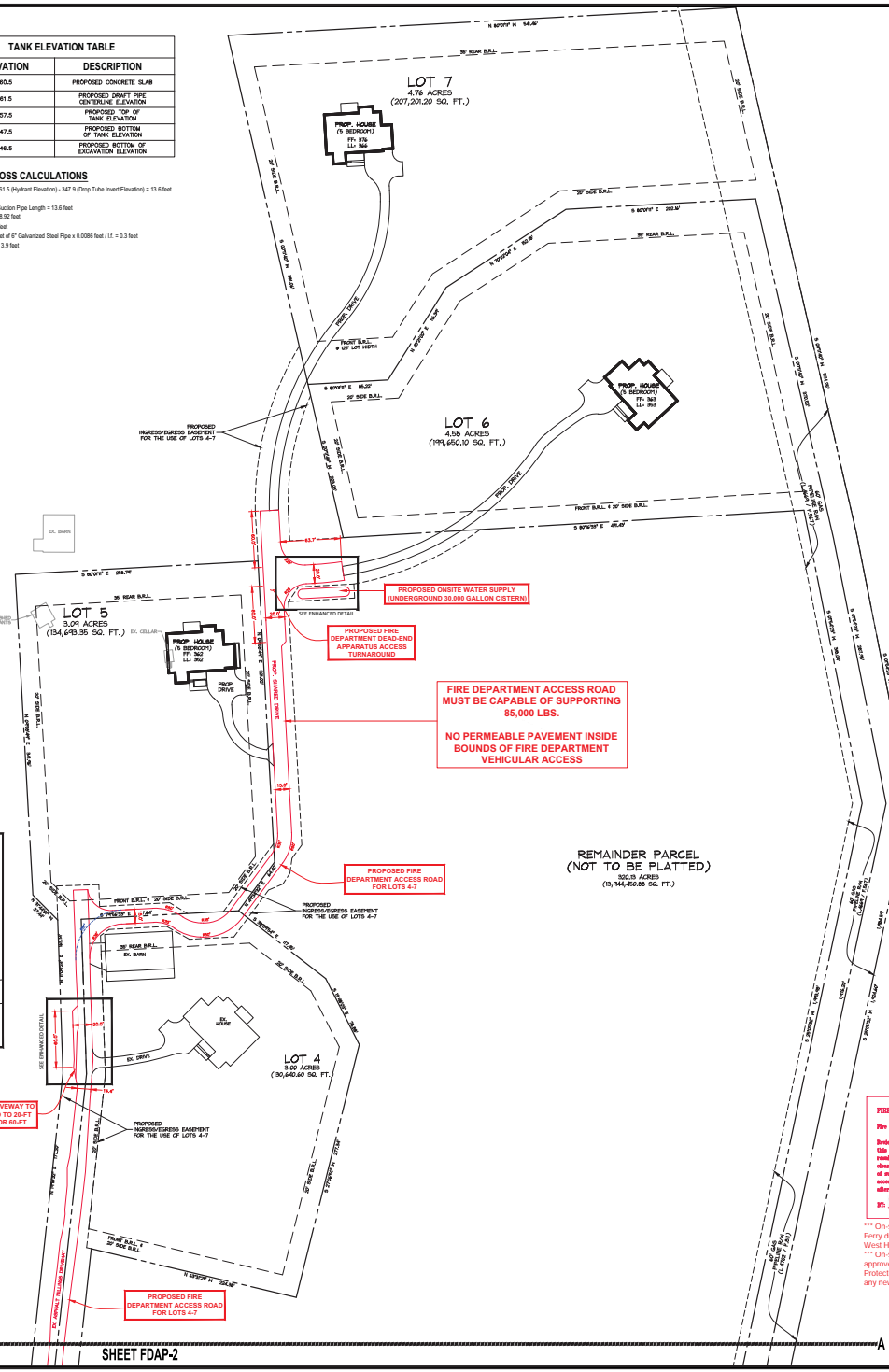
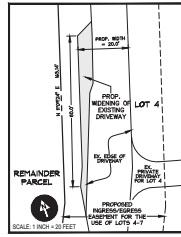


TANK ELEVATION TABLE	
ELEVATION	DESCRIPTION
360.5	PROPOSED CONCRETE SLAB
361.5	PROPOSED DRAFT PIPE CONTINUING ELEVATION
357.5	PROPOSED TOP OF TANK ELEVATION
347.5	PROPOSED BOTTOM OF TANK ELEVATION
348.5	PROPOSED BOTTOM OF EXCAVATION ELEVATION

- FRICITION LOSS CALCULATIONS**
- Static Head: 301.5 (Hydrant Elevation) - 347.5 (Cistern Inlet Elevation) = 13.0 feet
 - Friction Head:
 - Drop Tank & Section Pipe Length = 13.5 feet
 - 90° Elbow = 15.92 feet
 - Total = 32.52 feet
 - 32.52 Head x 1.1 = 35.77 feet
 - Total Head = 13.0 feet



REMAINDER PARCEL (NOT TO BE PLATTED)
302.0 ACRES (8,144,600.00 SQ. FT.)



CAS JOB NO: 17-656
DATE: 02/20/20
DATE REVISION
01/10/20 JSC. Supplemental to Plan for Fire Protection System
01/10/20 JSC. Supplemental to MDCPS for 2nd
01/10/20 JSC. Supplemental to MDCPS for 2nd
01/10/20 JSC. Supplemental to MDCPS for 2nd

Curt A. Slagter
CURT A. SCHREFFLER, PE
04434201

PROFESSIONAL ENGINEER 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. 19543. EXPIRES ON 03/31/2022 and that the above documents comply with the building and professional engineering regulations.

LEGEND

- Ex. 1/4 Prop. Property Line
- Prop. Fire Department Access w/ Turning Radius
- Ex. 100-Year Floodplain Area

OWNER/APPLICANT

18 Park Center
P Parkview Court
North Potomac, MD 20878
(301) 352-4801 Phone
westland@westlandresearch.com

21131 Whites Ferry Road Parcel P440, Kilmain ETC Proposed Lots 1-9 Fire Department Access & Water Supply Plan MNCPPC No. 120200180

21318 N/W FERRY ROAD
PARCEL 403
KILMAIN
LIBER 5391, FOLIO 175

21311 N/W FERRY ROAD
PARCEL 404
KILMAIN
LIBER 5166, FOLIO 140

FIRE CODE ENFORCEMENT

Fire Department Access Route

Driver based only open submissions restricted on this plan. There are some mandatory layout resulting from submission, access or failure to identify submitter conditions on this plan. Issuance of such mandatory layout is subject to review and approval. All items will be reviewed if final open submission after submission.

By: *[Signature]* On: 4/16/2021

*** On-site water supply installed along Whites Ferry driveway and water supply easement on West Hunter Road ***
*** On-site water supply shall be reviewed, approved, and installed under a DPS Fire Protection Systems permit prior to occupancy of any new units on the Whites Ferry driveway ***

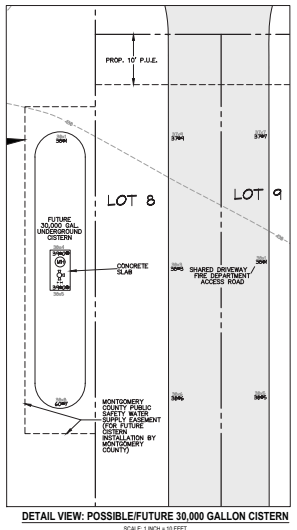
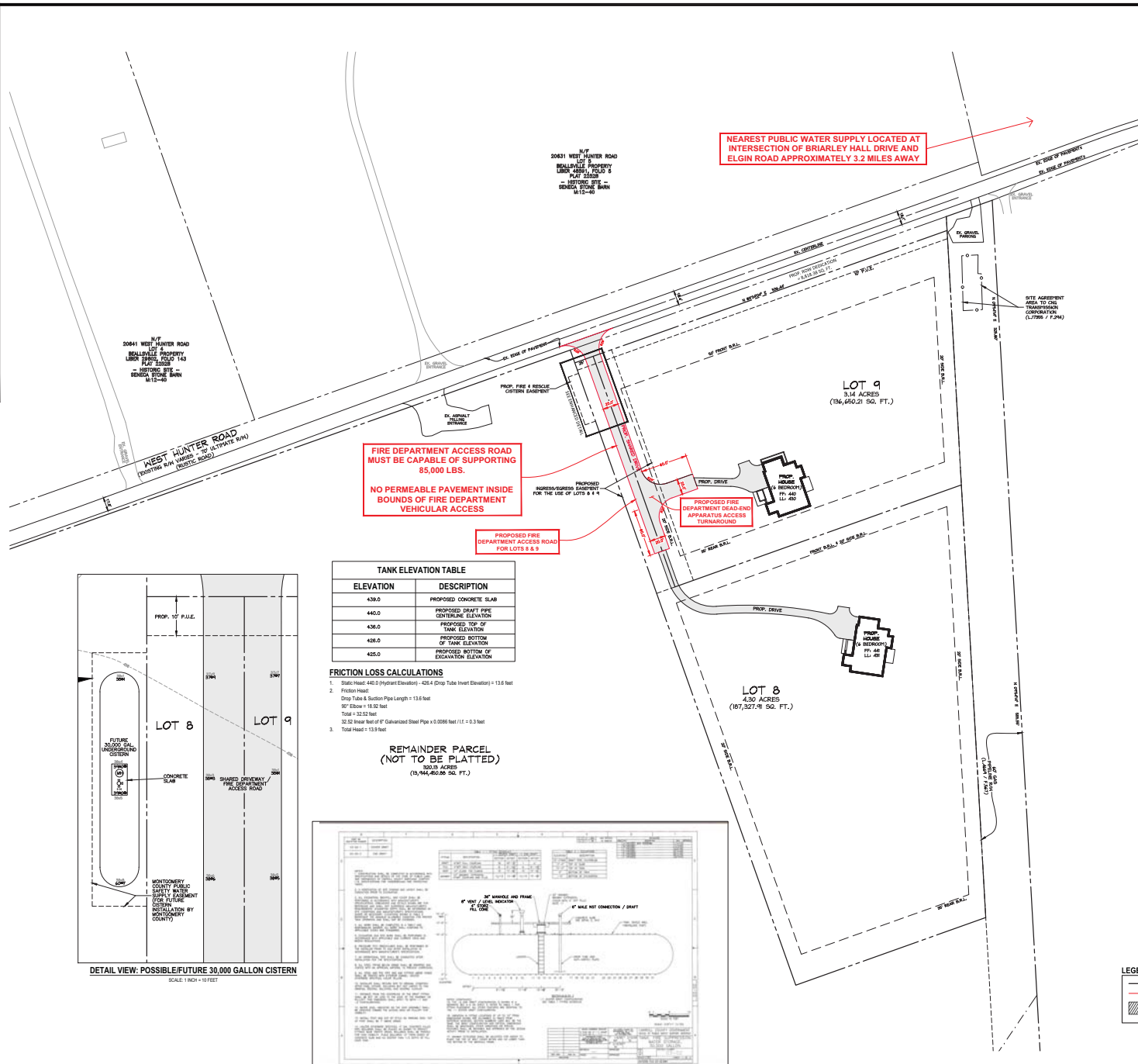
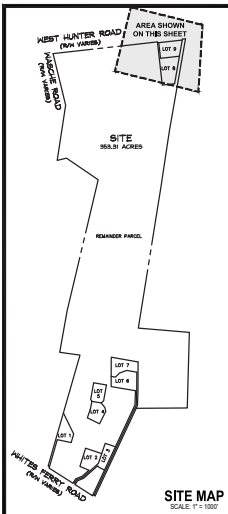
Proposed Lots 1-9, Kilmain ETC Parcel P440, Kilmain ETC
Poolsville (301) Election District, Montgomery County, MD
21131 Whites Ferry Road
Poolsville, Maryland 20837

CAS ENGINEERING

CAS ENGINEERING-MD
35 South Bond Street
Frederick, Maryland 21701
301-463-8231 Phone
info@casengineering.com
www.casengineering.com

CAS ENGINEERING-DC, LLC
1021 Connecticut Avenue, N.W., Suite 601
Washington, DC 20036
202-393-7200 Phone
info@cas-llc.com
www.cas-llc.com

SHEET TITLE: Fire Department Access & Water Supply Plan
FDAP-3

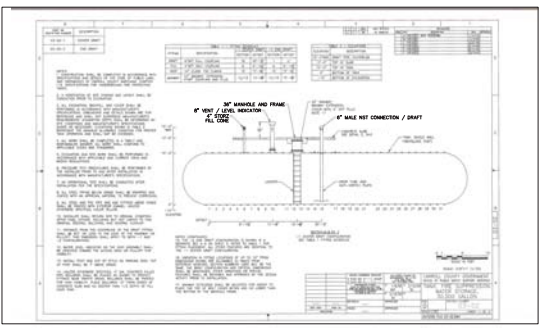


TANK ELEVATION TABLE

ELEVATION	DESCRIPTION
438.0	PROPOSED CONCRETE SLAB
440.0	PROPOSED DRAIN PIPE CENTERLINE ELEVATION
436.0	PROPOSED TOP OF TANK ELEVATION
426.0	PROPOSED BOTTOM OF TANK ELEVATION
425.0	PROPOSED BOTTOM OF EXCAVATION ELEVATION

- FRICTION LOSS CALCULATIONS**
- Static Head: 440.0 (Hydrant Elevation) - 424.4 (Cistern Tank Invert Elevation) = 15.6 feet
 - Friction Head:
 - Drop Tube & Suction Pipe Length = 13.6 feet
 - 90° Elbow = 16.50 feet
 - Total = 30.10 feet
 - 32.50 Invert feet of 6" Galvanized Steel Pipe = 0.0096 feet / 1.1' = 0.3 feet
 - Total Head = 15.9 feet

REMAINDER PARCEL (NOT TO BE PLATTED)
30.00 ACRES
(79,944,460.88 SQ. FT.)



SAMPLE TANK DETAIL
NOT TO SCALE

CAS JOB NO.: 17-656
DATE: 02/20/20

DATE: REVISION
09/10/20 2020: SCHEMATIC DESIGN FOR PROVISION
11/05/2020 2020: REVISIONS TO MNCPPC PER 2019
04/14/2021 2021: MNCPPC APPROVAL PER 2019
04/14/2021 2021: MNCPPC APPROVAL PER 2019

PROFESSIONAL ENGINEER CERTIFICATION
I hereby certify that the design and drawings 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. 19545, expires on 02/20/2022, and that the design meets MNCPPC criteria for building and installation of fire alarm systems.

VICINITY MAP
SCALE: 1" = 100'

NEAREST PUBLIC WATER SUPPLY LOCATED AT INTERSECTION OF BRIARLEY HALL DRIVE AND ELGIN ROAD APPROXIMATELY 3.2 MILES AWAY

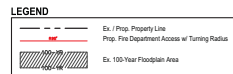
FIRE DEPARTMENT ACCESS ROAD MUST BE CAPABLE OF SUPPORTING 85,000 LBS.
NO PERMEABLE PAVEMENT INSIDE BOUNDS OF FIRE DEPARTMENT VEHICULAR ACCESS

PROPOSED FIRE DEPARTMENT ACCESS ROAD FOR LOTS 8 & 9

PROPOSED FIRE DEPARTMENT DEAD-END APPARATUS ACCESS TURNAROUND

FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information submitted on this plan. There are no mandatory requirements from minimum, errors or failure to identify indicate conditions on this plan. Compliance of such mandatory layout to attend required review will be required if based upon inspection after installation.
BY: [Signature] PE-43 DATE: 4/16/2021

On-site water supply installed along Whites Ferry driveway and water supply easement on West Hunter Road.
On-site water supply shall be reviewed, approved, and installed under a DPS Fire Protection Systems permit prior to occupancy of any new units on the Whites Ferry driveway.



OWNER/APPLICANT
Evan Korman
21131 Whites Ferry Road
Parcel P440, Kilmain ETC
Proposed Lots 1-9
Fire Department Access & Water Supply Plan
MNCPPC No. 120200180

Proposed Lots 1-9, Kilmain ETC
Parcel P440, Kilmain ETC
Poolesville, (30) Election District, Montgomery County, MD
21131 Whites Ferry Road
Poolesville, Maryland 20837

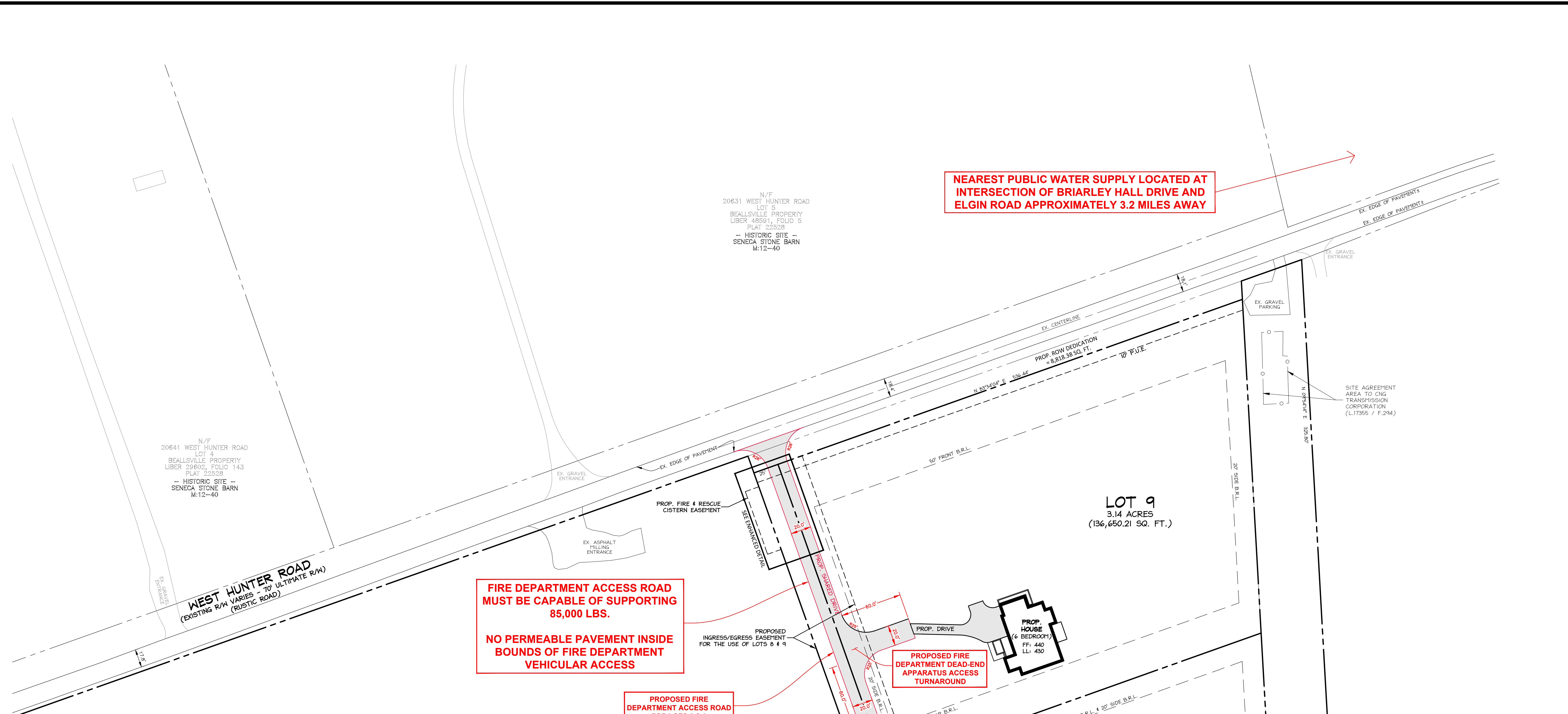
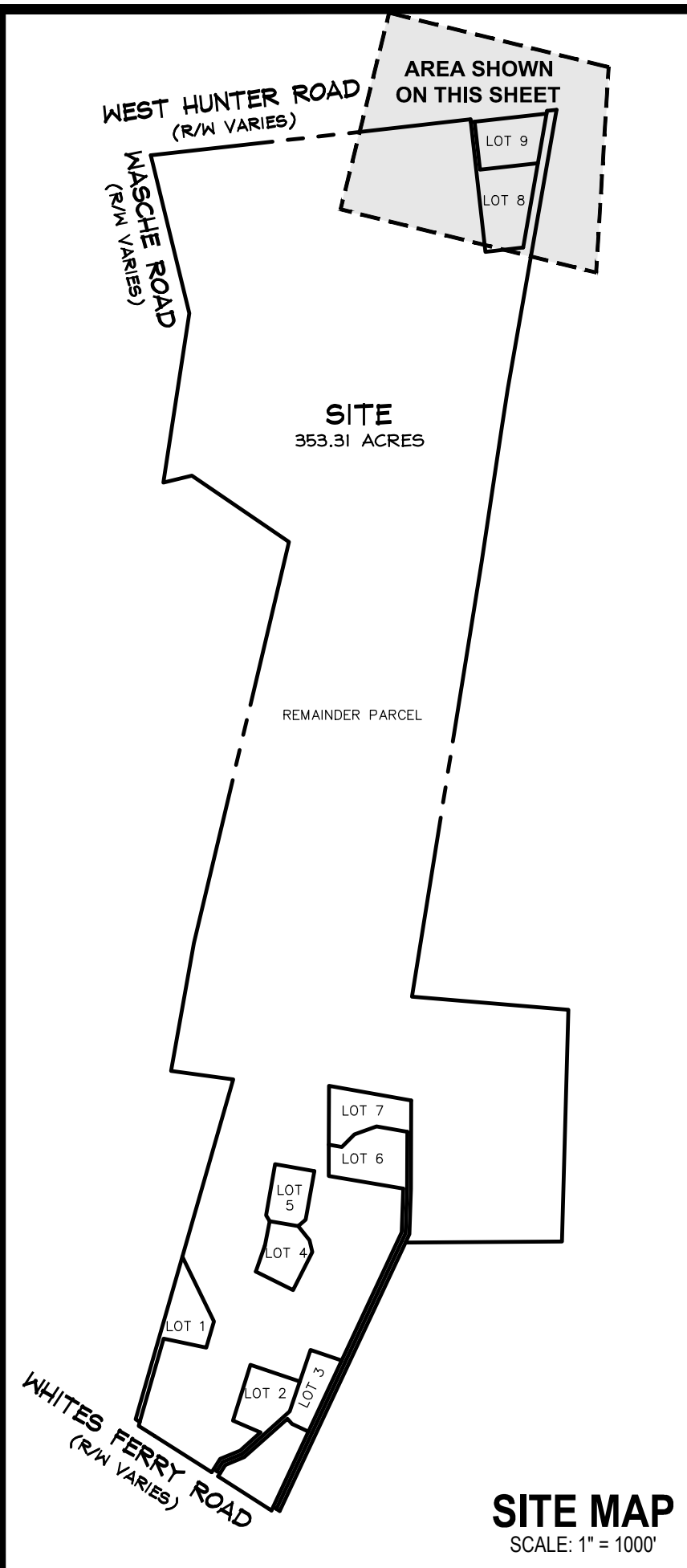
CAS ENGINEERING
CAS ENGINEERING-MD
15 South Bond Street
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CAS ENGINEERING-DC, LLC
1031 Connecticut Avenue, N.W., Suite 401
Washington, DC 20036
202-383-7200 Phone
info@cas-engineering.com
www.cas-engineering.com

SCALE: 1" = 16 FEET

SHEET TITLE:
Fire Department Access & Water Supply Plan

FDAP-4

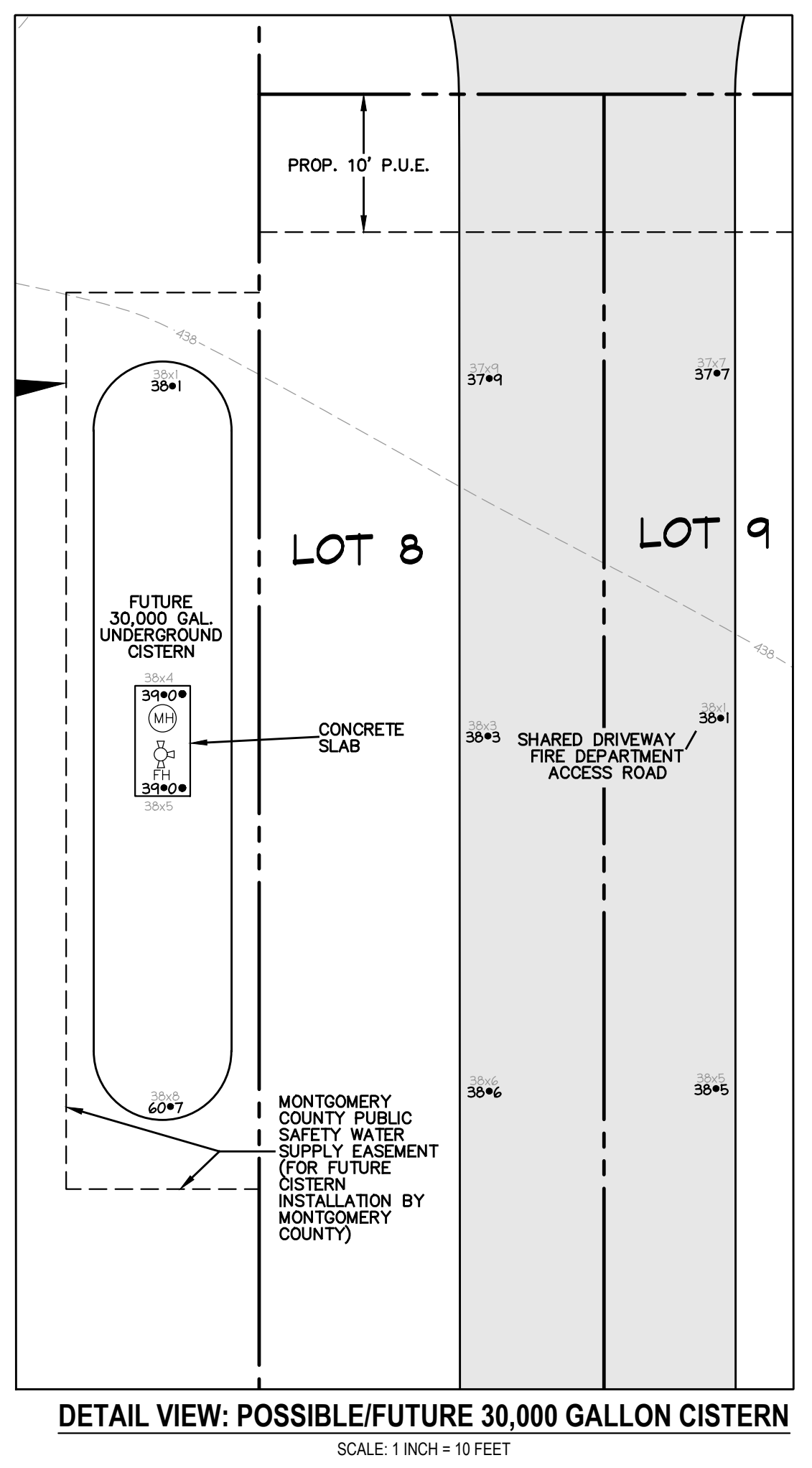
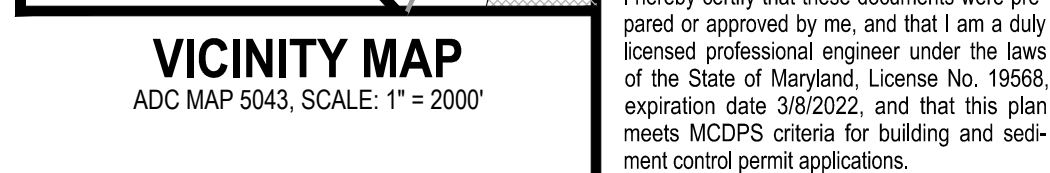


CAS JOB NO.: 17-656
DATE: 02/2020

DATE	REVISION
06/15/20	JSC: Submit to ePlans for Pre-screen Approval
01/28/21	JSC: Resubmit to MNCPPC for 2nd DPC Review
04/14/21	JSC: FDAP Submitted for Approval to MCDPS-FRS

CURT A. SCHREFFLER, PE
04/14/2021

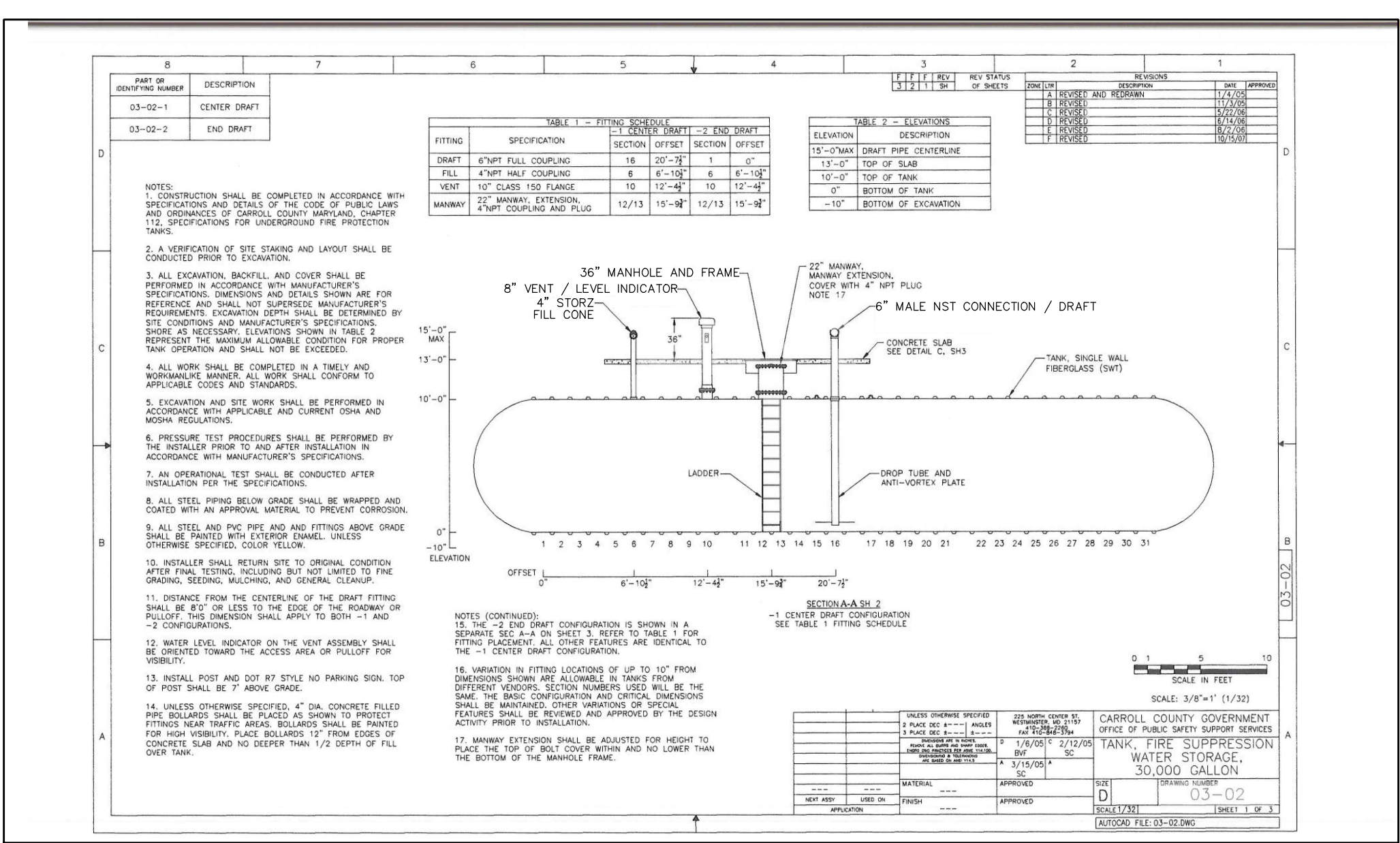
PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19968, expiration date 3/31/2022, and that this plan meets MCDPS criteria for building and sediment control permit applications.



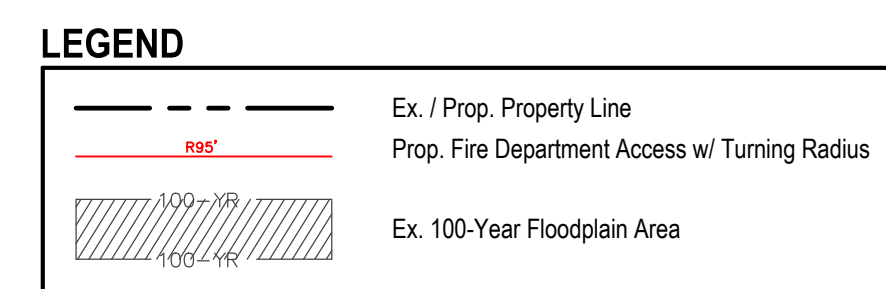
TANK ELEVATION TABLE	
ELEVATION	DESCRIPTION
439.0	PROPOSED CONCRETE SLAB
440.0	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
436.0	PROPOSED TOP OF TANK ELEVATION
426.0	PROPOSED BOTTOM OF TANK ELEVATION
425.0	PROPOSED BOTTOM OF EXCAVATION ELEVATION

- FRICION LOSS CALCULATIONS**
- Static Head: 440.0 (Hydrant Elevation) - 426.4 (Drop Tube Invert Elevation) = 13.6 feet
 - Friction Head:
Drop Tube & Suction Pipe Length = 13.6 feet
90° Elbow = 18.92 feet
Total = 32.52 feet
 - 32.52 linear feet of 6" Galvanized Steel Pipe x 0.0086 feet / L.F. = 0.3 feet
 - Total Head = 13.9 feet

REMAINDER PARCEL (NOT TO BE PLATTED)
320.15 ACRES
(19,944,450.00 SQ. FT.)



SAMPLE TANK DETAIL
NOT TO SCALE



OWNER/APPLICANT
William Richman
5 Paranus Court
North Potomac, MD 20878
(301) 325-8011 Phone
wricom@fasttrackresearch.com

**21131 Whites Ferry Road
Parcel P440, Kilmain ETC
Proposed Lots 1-9
Fire Department Access &
Water Supply Plan
MNCPPC No. 120200180**

**Proposed Lots 1-9, Kilmain ETC
Parcel P440, Kilmain ETC**
Poolesville (3rd) Election District, Montgomery County, MD

**21131 Whites Ferry Road
Poolesville, Maryland 20837**

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www.casengineering.com

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Washington, DC 20036
202-393-7200 Phone
info@cas-dc.com
www.cas-dc.com

**SHEET TITLE:
Fire Department
Access &
Water Supply Plan**

FDAP-4

Agricultural Declaration of Intent
Affirming Exemption from Article II of the
Montgomery County Forest Conservation Law

I (we), William Rickman & Janet Ransom ("Owner") of real property located at 21131 Whites Ferry Road, Poolesville, MD 20837 and as described as Parcel 440, Kilmain ETC hereby declare my (our) intention to continue and/or place into commercial agricultural use the above property, in accordance with the provisions of Section 22A-5(b) of the Montgomery County Forest Conservation Law for a period of at least five (5) consecutive full taxable years following this date.

This declaration affirms that this property meets the requirements to be exempt from Article II of the Montgomery County Forest Conservation Law, in that:

- (a) The agricultural activity is not required to obtain a sediment control permit under Section 19-2 of the Montgomery County code.
- (b) The Agricultural support buildings and related activities are built using best management practices.

If the land does not remain in commercial agricultural use, the Owner must notify the Montgomery County Planning Department, a part of the Maryland-National Capital Park and Planning Commission. If the Owner makes application for or performs an activity regulated under the Montgomery County Forest Conservation Law, on all or part of the parcel within the five (5) year period, the Planning Department may require the Owner to meet the forest conservation threshold established in the county law, and may also assess a noncompliance fee for forested areas cut as part of the agricultural exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms or statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature of owner(s): Will J. Rick / Janet H. Ransom

Printed name of owner: William J. Rickman / Janet Ransom

Date: April 23, 2021

NOTARY STATEMENT

State of Maryland

County of Montgomery

On this 23 day of April, 2021, before me, the undersigned individual, personally appeared William Rickman / Janet H. Ransom, who acknowledged to be the Owners and that as such being authorized to do so, executed the foregoing instrument for the purposes therein contained.

SEAL

Takisha Ann Brown
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES October 28, 2023

Takisha A. Brown
Signature of notary public

My commission expires October 28th 2023



Experience you can build on.

corporate office
 10 south bentz street
 frederick, maryland 21701
 office 301.607.8031
 info@casengineering.com
 www.casengineering.com

civil • surveying • land planning

April 23, 2021

M-NCP&PC
 2425 Reddie Drive, Floor 13
 Wheaton, MD 20902
 Upcounty Planning Division

Attn: Doug Johnsen

Re: **CAS Job No.17-656**
21131 Whites Ferry Road, Poolesville, MD 20837
Proposed Lots 1-9 (N/F Parcel 440), Kilmain ETC
Forest Conservation (Chapter 22A) Variance Request
MNCPPC # 120200180

Dear Mr. Johnsen:

This letter is intended to serve as the Forest Conservation Variance Request pursuant to Section 22A-21 of the Montgomery County Code. The Preliminary / Final Forest Conservation Plan is attached hereto for your review and approval.

Variance Justification

The Applicants, William Rickman and Janet Ransom, are requesting a variance for the impact to one (1) specimen tree (Tree No. 2) and the removal of one (1) specimen tree (Tree No. 1) located within the property known as Parcel 440, Kilmain ETC. The subject property is located at 21131 Whites Ferry Road and is comprised of approximately 355 acres of land. It is improved with a single-family home, asphalt millings driveway and various agricultural structures used as accessories to the on-site farming activities. An environmental buffer totaling 80.56 acres is located throughout the subject property and comprises of multiple forest stands, streams, wetlands, a 100-year floodplain and steep slopes. There are a number of specimen and significant trees located within the environmental buffer, but are not located near the proposed development areas on the subject property.

The subject property is roughly 1.75 miles long and spans from the north side of Whites Ferry Road (MD-107) to the south side of West Hunter Road. The subject property is zoned AR and is bounded by other AR-zoned residential properties to east and west (one of the properties along the east side of the subject property is located in the Town of Poolesville). Easements/Agreements on the property include a sixty-foot wide gas pipeline right-of-way and multiple right-of-way agreements with Potomac Edison for the facilities located on-site. The property does not contain any historic structures nor is it on the Master Plan for Historic Preservation.

The development proposes nine (9) single-family residential lots that are intended to become a family farm. The existing house is to remain and will be located on proposed Lot 4. The remainder area of the subdivision will consist of two (2) parcels. These parcels will not be platted and will remain as agricultural land or forest conversation area. Proposed Lots 1-5 will range in size from 2.45 – 3.09 acres. Proposed lots 6-9 will exceed 3



acres with the largest of the lots being 4.76 acres. Public water and sewer is not available therefore all of the proposed lots will be served by well and sandmound systems. The existing entrance on Whites Ferry Road will remain and be extended to serve proposed Lots 4-7. All other proposed lots will be served by new individual driveways or shared driveways. In total there will be three (3) access points from Whites Ferry Road and one (1) access point from West Hunter Road. Existing land outside of the proposed lot areas will remain as farmland or be placed within (1) a proposed Category 1 Forest Conservation Easement, (2) an Ingress/Egress easement serving Lots 4-7, or (3) a proposed Public Improvement Easement for the future installation of a bikeable shoulder. Although a Public Improvement Easement is proposed as a part of this subdivision, no sidewalk or bike paths are proposed at this time.

This development is subject to a Preliminary Plan. Afforestation requirements total 16.72 acres. A Category 1 Forest Conservation easement is proposed over 16.72 acres of existing forest in the northeast corner of the subject property. Additionally, four (4) 3" caliper trees will be planted on proposed Lot 5 as mitigation for the removal of one (1) specimen tree.

Multiple specimen trees exist within the forest stands and environmental buffers located on the subject property. Only two (2) specimen trees exist within the proposed development areas on the subject property. Consequently, these two (2) specimen trees will be impacted. The following charts include those two (2) affected trees and their respective amount of root zone disturbance for each tree.

On-Site Specimen Tree Data

Tree No.	Common Name	Botanical Name	D.B.H.	C.R.Z. Radius	C.R.Z. Area	% C.R.Z. Area Disturbed	Condition
1	Sugar Maple	<i>Acer saccharum</i>	43 in.	64.5 feet	13,070 s.f.	100%	Good (Remove)
2	Sugar Maple	<i>Acer saccharum</i>	30 in.	45 feet	6,362 s.f.	80%	Good (Save)

In accordance with Section 22A-21(b) of the Forest Conservation Law, the following is a description of the application requirements:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The subject property has a total tract area of 355 acres and contains a single-family home, driveway, septic system, and other appurtenances associated with agricultural uses. The property consists of primarily farmland along with 80.56 acres of an environmental buffer containing both significant and specimen trees. Residential development of the subject property was predicated upon successful completion of septic testing, lot layouts, locations for proposed houses, private wells and stormwater management facilities. Specific separations between buildings, septic areas, wells and stormwater management facilities must be considered. Well and septic developments where priority trees exist randomly in and around the site, generally result in unavoidable impacts to these trees. To the extent practicable, proposed improvements have been positioned in an effort to protect as many healthy individual significant and specimen trees as possible. More specifically, the following specimen tree will be impacted:

- **Tree 1 (Proposed for removal):**
This tree is located in close proximity to approved septic sand mound systems and sand mound reserve systems. This property was thoroughly tested for acceptable septic areas but adequate test results were not obtained in other areas of the property.
- **Tree 2 (Proposed to be protected):**
This tree is in good condition. The proposed limits of disturbance has been positioned to minimize impacts to this tree. Although this tree is close proximity to the house site for Proposed Lot 5, less than 33% of its root zone will be impacted by the grading and construction of the home.

2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.*

In “rural” areas of Montgomery County where public water and sewerage facilities are not currently available (or planned), the establishment of septic areas suitable for private septic systems along with primary and alternate well sites are required by the County’s Well and Septic Section. Carefully planned septic testing locations, while intended to reduce or eliminate impacts to existing priority trees, ultimately depend upon acceptable testing results. Slow or failing initial test results often require larger systems or new testing locations altogether. Septic testing for this property was initially performed in the open field areas away from trees but due to poor soil conditions and shallow bedrock, testing needed to be performed elsewhere on-site. As testing progressed, passing test rates were achieved near the above mentioned specimen tree and its respective critical root zone (Tree 1).

Saving this tree would require preserving a substantial amount of their critical root zones and would greatly diminish, if not eliminate the development of the proposed lot 5.

The removal of one (1) existing specimen tree is mitigated by the proposed planting of four (4) 3” caliper diameter breast height (DBH) native trees to be planted onsite. The proposed mitigation rate is based on a 4:1 ratio of DBH removed to caliper inches planted. The one (1) tree totals 43 inches (DBH). The proposed four (4) trees total 12 inches of new caliper. The locations of the mitigation trees are within the disturbed area of the project where currently there is either existing open space or where existing tree canopy will be lost due to development.

3. *Verify that State water quality standards will not be avoided or that a measurable degradation in water quality will not occur as a result of the granting of the variance.*

A Stormwater Management (SWM) Concept Plan has been approved by Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality standards will be met in accordance with State and County criteria. All applicable stormwater management requirements have been addressed. Disturbance to or the removal of these specimen trees will not create a measurable degradation in water quality. The subject trees impacted or to be removed are not located within the on-site streams, wetlands, floodplains, or associated buffers. The proposed development of this property will minimize runoff leaving the site by means of grading and installation of Best Management Practices that will capture and infiltrate rainwater into the ground.



4. *Provide any other information appropriate to support the request.*

The forest conservation requirements for the proposed development total 16.72 acres. A Category I Forest Conservation Easement is proposed to encompass 16.72 acres of existing forest. Furthermore, four (4) native trees are proposed as mitigation (at a rate of every 4" DBH removed: 1" caliper to be planted) for the removal of tree 1. None of the subject trees either proposed for removal or to be impacted are rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act.

Residential developments involving private water and sewer systems generally require more land disturbance than their counter-parts in areas served by public facilities. These on-site facilities also necessitate separation requirements between septic areas, dwellings, private wells, and stormwater management systems. The entire development program should be considered relative to impacts to specimen trees. The impact to or the removal of randomly located specimen trees is unavoidable in this particular instance.

To the extent practicable, the proposed development has been designed to centrally locate all the necessary elements within open fields away from forest and standalone specimen trees.

The property is not part of a historic site nor does it contain any historic structures.

In accordance with Section 22A-21(d) of the Forest Conservation Law, the following is a description of the minimum criteria necessary for granting a variance. A variance may not be granted unless the following conditions are achieved. Granting the variance...

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

Granting the variance will not confer a special privilege as the removal and/or disturbance of the specimen trees noted above is the minimum necessary in order to redevelop the property under AR zoning, to meet State and County stormwater management requirements, to provide on-site well and septic systems and to ensure proper surface drainage across the lots. Furthermore, the loss of certain trees and the need for a variance is often necessary and unavoidable in order to develop single-family homes containing private well and septic systems on similar sized residential lots containing randomly located specimen trees.

2. *Is not based on conditions or circumstances which result from 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 variance is necessitated by well & septic criteria. The applicant has made efforts to focus development in the open areas of the property away from the environmental features on the property.

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 not a result of land or building use, either permitted or non-confirming on a neighboring property. Uses on neighboring properties have no effect on the requested variance.

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



The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The proposed development plans will minimize runoff leaving the site by means of grading and installation of Best Management Practices which capture and infiltrate rainwater into the ground. The specimen trees being removed or impacted are not within a stream buffer or a special protection area. A Stormwater Management (SWM) Concept Plan is approved by the Montgomery County Department of Permitting Services. Furthermore, trees proposed as mitigation will provide shade, water uptake, and water retention. The proposed establishment of a forest conservation easement over existing forest ensures the forest will remain and will protect and enhance the existing streams onsite.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

Jared Carhart, PE
Senior Project Manager



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

March 3, 2021

Mr. Jared Carhart
CAS Engineering
10 South Bentz Street
Frederick, Maryland 21701

Re: **COMBINED STORMWATER
MANAGEMENT CONCEPT/SITE
DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for 21131 Whites Ferry
Preliminary Plan #: 12200180
SM File #: 286111
Tract Size/Zone: 355.36 ac
Total Concept Area: 29.80 ac
Lots/Block: Lots 1-9
Parcel(s): 440
Watershed: Broad Run

Dear Mr. Carhart:

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 microbioretention, planter box, non-roof disconnect, and infiltration berm SWM practices.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. The proposed development is not compliant with Montgomery County Regulations. Proposed project includes development of private residential lots within a floodplain. Per Development Regulation 19.45.01.04 A1, *In order to prevent excessive damage to buildings and structures, all new residential development (defined to include the subdivision of land) is prohibited in the One Hundred Year floodplain.* The Planning Board may provide an exemption to this requirement per Montgomery County Code Sec. 50-32(e)(2)(f) ; *Floodplain, or unsafe land to be platted as a part of a lot in which there is sufficient safe ground to erect a building or dwelling within the required setbacks of the zoning classification.*

The proposed development leaves the floodplain on the remainder of the of the existing parcel and not on any of the new proposed lots. Since the floodplain in not being located on any of the newly created lots, the Department of Permitting Services does not object to the subdivision of this land and recommends the planning board permit the subdivision.

2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.



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

Mr. Jared Carhart
March 3, 2021
Page 2 of 2

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**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Bill Musico at 240-777-6340.

Sincerely,

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

MCE: WJM

cc: N. Braunstein
SM File # 286111

Lot 1
ESD: Required/Provided 1,267.5 C.F. / 1,335.5 cf
PE: Target/Achieved: 1.0 IN. / 1.05 IN

Lot 2
ESD: Required/Provided 1,352.2 C.F. / 1,354.5 C.F.
PE: Target/Achieved: 1.0 IN. / 1.0 IN

Lot 3
ESD: Required/Provided 1,255.4 C.F. / 1,258.8 C.F.
PE: Target/Achieved: 1.0 IN. / 1.0 IN.

Lot 4
ESD: Required/Provided 292.6 C.F. / 609.0 C.F.
PE: Target/Achieved: 1.4 IN. / 2.91 IN.

STRUCTURAL: 0.00 cf
WAIVED: 0.00 cf

Lot 5
ESD: Required/Provided 737.2 C.F. / 746.2 C.F.
PE: Target/Achieved: 1.0 IN. / 1.01 IN.

Lot 6
ESD: Required/Provided 820.0 C.F. / 834.8 C.F.
PE: Target/Achieved: 1.0 IN. / 1.01 IN.

Remainder of Parcel
ESD: Required/Provided 990.8 C.F. / 1,088.2 C.F.
PE: Target/Achieved: 1.0 IN. / 1.10 IN.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoem
Director

April 20, 2021

Mr. Jared Carhart
CAS Engineering
10 South Bentz Street,
Frederick, Maryland 21701

Re: Floodplain Study for Rickman Property
Floodplain Study Number: 286729
Approximate Address: 21131 WHITES FERRY
Property Description: Subdivision
Watershed: Broad Run & Horsepen Branch

Dear Mr. Carhart:

The Department of Permitting Services (DPS) has reviewed the 100-year floodplain study dated April 7th, 2021, for the above-referenced site and found it acceptable. This approval is only for the hydrologic and hydraulic determination of the floodplain elevations and conveyance; it does not address or imply constructability or acceptable environmental impact. The environmental benefits of a floodplain are protected under Montgomery County Regulation Sec. 22A-12.b 2A and that review of environmental impact is done under Maryland National Capital Park & Planning's Forest Conservation Plan. The limits of this delineation are effective once all construction is complete per approved sediment control and floodplain district permits have been released.

While this project proposes new residential lots in a floodplain, which is specifically prohibited per Montgomery County Regulation 19.45.01.04 A1, there does not appear to be a reasonable alternative without the subdivision of floodplain land. The Department of Permitting Services recommends the Board allow the platted lot to contain floodplain or unsafe land when there is sufficient safe ground to erect a building within the required setbacks of the zoning classification. Per Chapter 50.4. Section 4.3. K. 2. b. iv Restriction on Floodplain or unsafe land on a lot.

This delineation does not change the existing floodplain and does not adversely affect any neighboring properties. The established 100-Year Floodplain and its associated 25 ft. Floodplain Buffer must be shown on any associated sediment control plan and record plats. Any disturbance within 25 feet of an approved 100-year floodplain requires a Floodplain District Permit.

This project has been noted to have the following impacts on the existing Floodplain:

(+) Gross Gain of Floodplain:

0 cubic yards of earth removed (CUT) below the existing 100yr WSEL

0 sq. ft. of land previously outside floodplain, but now within the floodplain



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(-) Gross Loss of Floodplain:

0 cubic yards of earth added (FILL) below the existing 100yr WSEL

0 sq. ft. of land previously within floodplain, but now outside the floodplain

Net Change in Floodplain (from above subtotals):

0 cubic yards of change in Floodplain Storage gain (+) / loss (-)

0 sq. ft. of Floodplain gain (+) / loss (-)

A copy of this approval letter must be placed on the first page of any required Floodplain District Permit associated with this Study.

If you need any additional information, feel free to contact Bill Musico of this office at 240-777-6340.

Sincerely,

Mark Etheridge

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

FP Study File No.: 286729

WJM

cc: Braunstein, Neil - MNCPPC <neil.braunstein@montgomeryplanning.org>
Robert Kronenberg - MNCPPC <robert.kronenberg@montgomeryplanning.org>
Bill Musico – DPS
Brian Jeeves – DPS



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