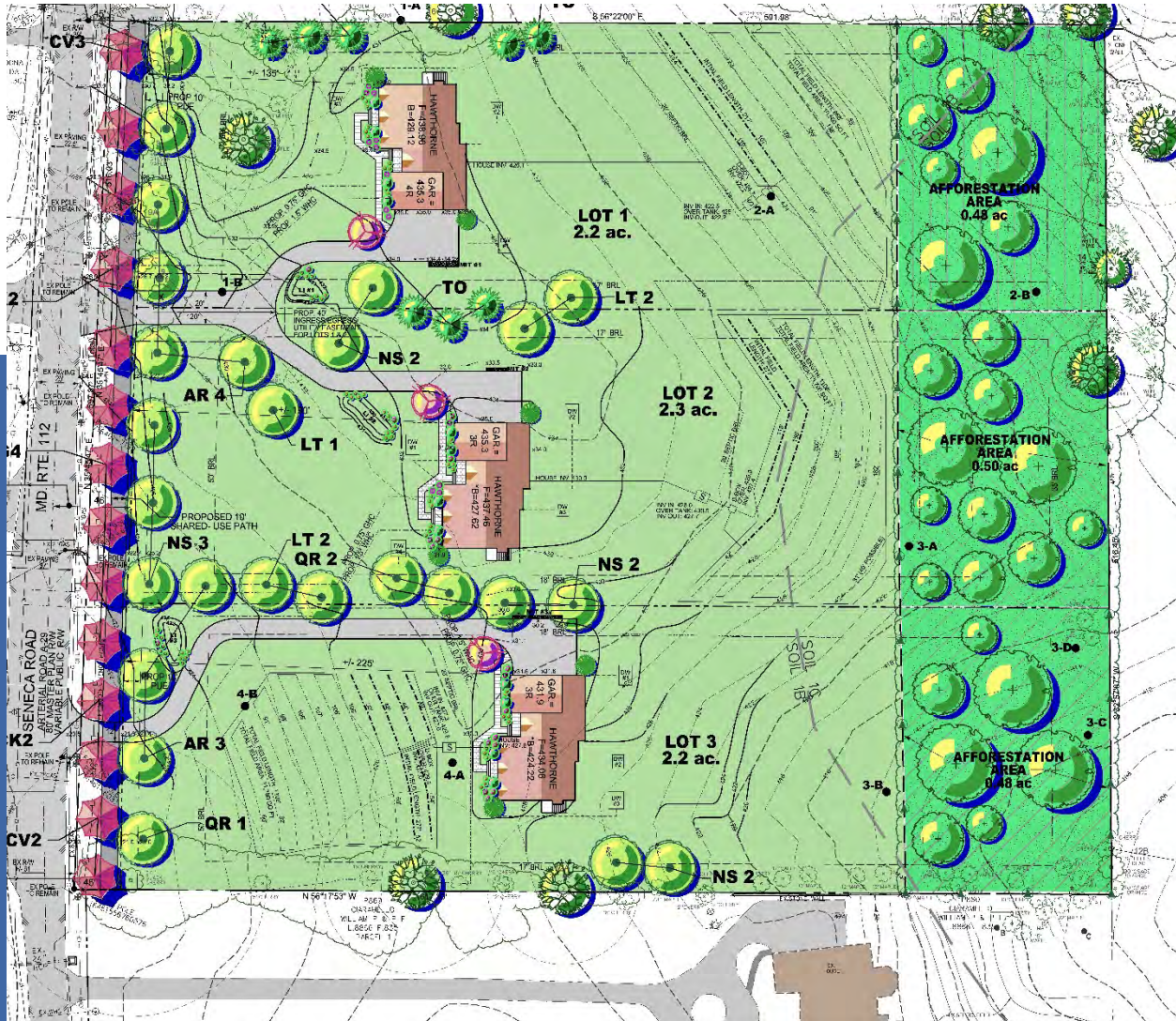


SENECA PROPERTY: PRELIMINARY PLAN NO. 120210250 AND SITE PLAN NO. 820210200



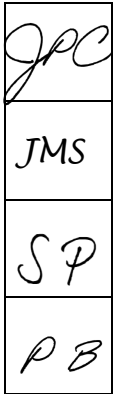
Description

Application to create three lots and construct three single-family detached homes.

PLAN TYPE: PRELIMINARY PLAN
AND SITE PLAN
COMPLETED: 1-21-2022

MCPB
Item No. 5
2-3-2022

2425 Reddie Drive
Floor 13
Wheaton, MD 20902



Jonathan Casey, Senior Planner, Upcounty Planning, Jonathan.Casey@montgomeryplanning.org, 301-495-2162

Jeffrey Server, Planner Coordinator, Upcounty Planning, Jeffrey.Server@montgomeryplanning.org, 301-495-4513

Sandra Pereira, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, 301-495-2186

Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561

LOCATION

East side of Seneca Road (MD Rt. 112),
approximately 600 feet south of
Darnestown Road (MD Rt. 28)

MASTER PLAN & ZONE

2002 Potomac Subregion Master Plan
RE-2 Zone and Rural Village Center Overlay

PROPERTY SIZE

7.17 Acres

APPLICANT

SPI Seneca LLC

ACCEPTANCE DATE

August 16, 2021

REVIEW BASIS

Chapters 50, 59, and 22A



Summary

- Staff recommends Approval with conditions.
- Site Plan is required for construction of new buildings on land in the Rural Village Center Overlay Zone.
- The Application provides a 10-foot-wide shared use path along the Property frontage on Seneca Road (MD 112).
- The Application satisfies the requirements of Chapter 22A, Forest Conservation Law, by planting 1.47 acres of forest onsite, which will be protected in a Category I Conservation Easement.
- To date, no community correspondence has been received.

SECTION 1 – RECOMMENDATIONS AND CONDITIONS

Preliminary Plan No. 120210250: Staff recommends approval with conditions of the Preliminary Plan to create three (3) lots for three single-family detached units. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:¹

General Approval

1. This Preliminary Plan is limited to three (3) lot(s) for three (3) single-family dwelling units.

Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

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 November 29, 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. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“SHA”) in its letter dated January 18, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the

¹ For the purposes of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

recommendations as set forth in the letter, which may be amended by MDSHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. Before the issuance of access permits, the Applicant must satisfy the Maryland State Highway Administration's requirements for access and improvements.
8. 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 September 21, 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.
9. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated November 24, 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.
10. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Fire Department Access and Water Supply Section in its letter dated December 17, 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.

Other Approvals

11. Before approval of a record plat or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation and bikepaths is determined through site plan review and approval.
12. If the lots or right-of-way configuration or quantities shown on this Preliminary Plan are substantially modified by a site plan amendment, the Applicant must obtain approval of a Preliminary Plan amendment, as applicable, before certification of the site plan amendment.

Environment

13. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan (“PFCP”) No.120210250, approved as part of this Preliminary Plan:

- a) Prior to the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest planting as specified on the approved 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.

Frontage Improvements

14. 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-six (46) feet from the existing pavement centerline along the Subject Property frontage for Seneca Road (MD 112).
15. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDSHA to ensure construction of a 10-foot wide sidepath with lighting and street trees, along the Property frontage on MD 112.

Record Plats

16. There shall be no clearing or grading of the site prior to recordation of plat(s).
17. The record plat must show necessary easements.
18. The record plat must reflect common ingress/egress and utility easements over all shared driveways.

Schools

19. Prior to issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from MCDPS for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:
 - a) no elementary school UPP required;
 - b) no middle school UPP required; and
 - c) 1.00 of a Tier 1 high school UPP.

Certified Preliminary Plan

20. The Applicant must include all agency approval letters, including stormwater management concept, 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, and site circulation shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

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

- a) Update the road cross-section and Preliminary Plan drawing to show a swale and pedestrian lighting along the Property frontage on MD 112.

Site Plan No. 820210150: Staff recommends approval with conditions of the Site Plan for three single-family detached dwelling units. 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:

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of three (3) single-family detached dwelling units on the Subject Property.

2. Height

The development is limited to a maximum height of 40 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

Environment

3. Forest Conservation & Tree Save

The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan (“FFCP”) No. 820210200, approved as part of this Site Plan:

- a) The FFCP must be consistent with the PFCP.
- b) 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.
- c) 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.
- d) Prior to any demolition, clearing, grading or construction, whichever comes first, 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 1.47 acres of new forest planting, variance mitigation trees, and maintenance to include invasive species management controls, credited toward meeting the requirements of the FFCP.
- e) Prior to the start of any demolition, clearing, grading or construction, whichever comes first, for this development Application, 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.
- f) Prior to any demolition, clearing, grading or construction, whichever comes first, for this development Application, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures.

- g) The Applicant must install the Afforestation plantings for Planting Areas A, B, and C, as shown on the approved FFCP, 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.
- h) The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 76.25 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.
- i) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- j) Before approval the Certified FFCP, the Applicant must revise the FFCP to reflect the increase in the offsite LOD, the revisions to the FFCP Worksheet, the increases in the size of the Category I Conservation Easements and the revised planting schedule reflective of the increase in the Net Tract Area caused by the increase in the offsite LOD.

Site Plan

4. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

5. Transportation

Prior to issuance of the second building permit, the Applicant must construct a 10-foot-wide shared use path with lighting and street trees, along the Property frontage on MD 112, as shown on the Certified Site Plan.

6. Site Plan Surety and Maintenance Agreement

Prior to issuance of any above grade building permit or sediment control permit, whichever comes first, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including plant materials. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

7. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

8. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, other agency approval letters, including Fire Access Plan, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2 - SITE DESCRIPTION

SITE LOCATION

SITE LOCATION

The Subject Property is located on the east side of Seneca Road (MD 112), approximately 600 feet south of Darnestown Road (MD 28) and consists of a 7.17-acre unrecorded parcel (P708) on Tax Map ES21 in the Residential Estate – 2 Zone (RE-2) and Rural Village Center (RVC) Overlay Zone (“Property” or “Subject Property”). The Subject Property is within the Darnestown Village Center identified by the 2002 *Potomac Subregion Master Plan* (“Master Plan”).

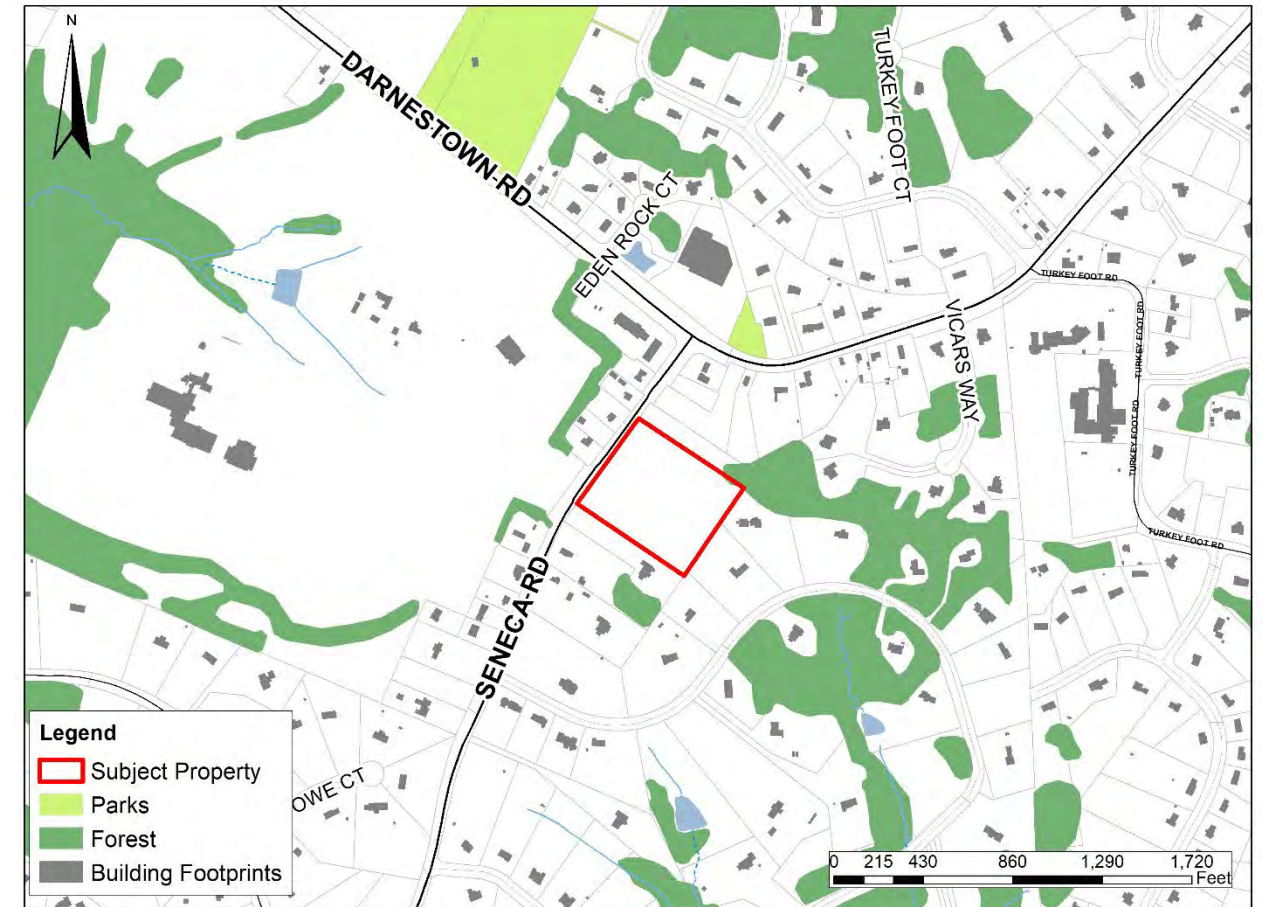


Figure 1 - Vicinity

Site Vicinity

The Property is bound on the west side by Seneca Road, and RE-2 zoned property to the south and east, all of which is developed with single-family detached units. West of Seneca Road is property with commercial uses in the CRN Zone and RVC Overlay Zone. The property to the north is an undeveloped property in the RE-2 Zone and RVC Overlay Zone. The property to the south and east are developed with single-family detached houses.

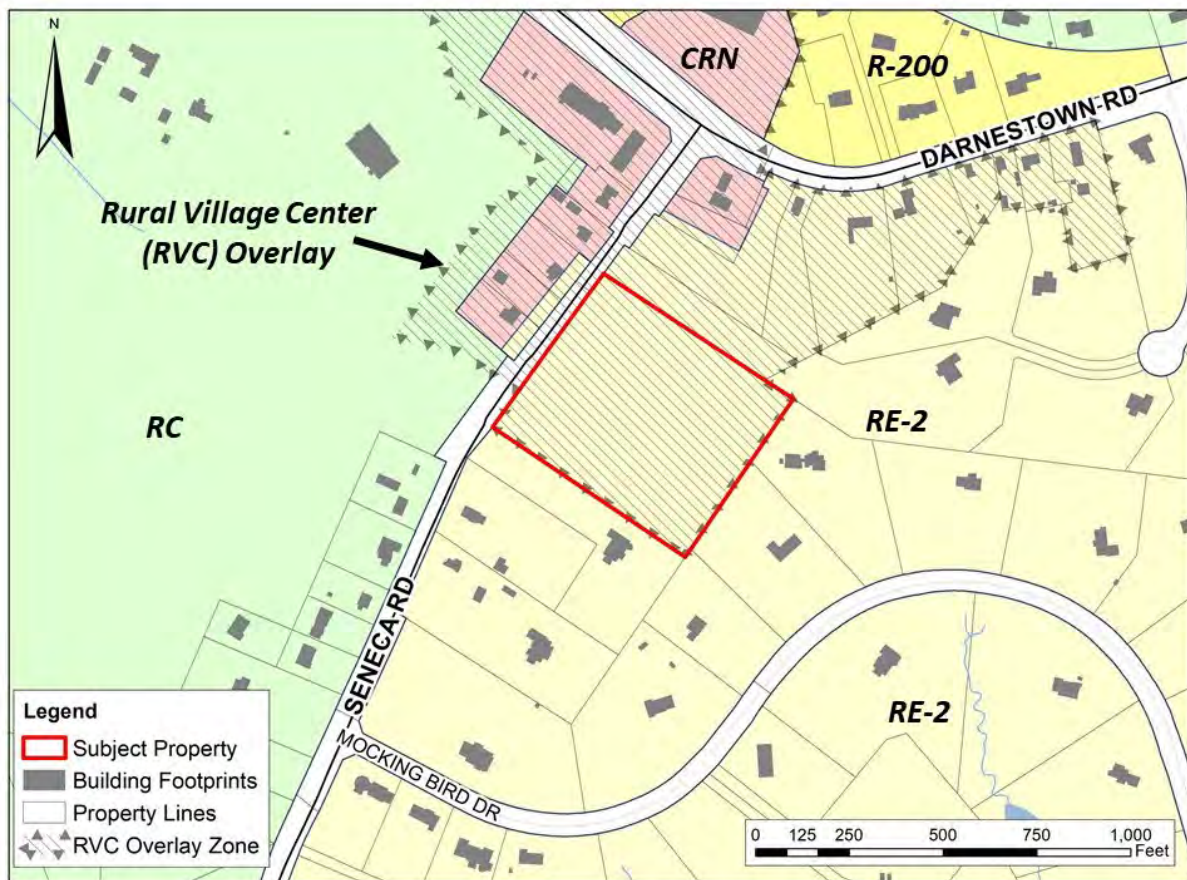


Figure 2 – Existing Zoning Map

SITE DESCRIPTION

The Property has approximately 500 feet of frontage on the east side of Seneca Road and is currently undeveloped and maintained as open lawn.

The Property is within two watersheds; the eastern portion of the Property is in the Muddy Branch watershed and the western in the Great Seneca Creek watershed, each watershed is classified as a Use Class I-P stream by the State of Maryland. The Subject Property contains no forest but does have 10 on-site trees with a diameter breast height (“DBH”) of 30” or more. The Property contains no streams, wetlands or other sensitive environmental features. There are no documented streams and stream valley buffers on or immediately adjacent to the Subject Property but no wetlands, rare or endangered species. No historic resources or cemeteries are known to exist on the Property.



Figure 3 - Aerial Map

SECTION 3 – APPLICATIONS & PROPOSAL

Proposal

[Preliminary Plan No. 120210250](#)

Preliminary Plan Application No. 120210250, Seneca Property (“Preliminary Plan”) was submitted on August 16, 2021, by SPI Seneca LLC (“Applicant”) to subdivide the Subject Property in three lots for three single-family detached dwelling units in the RE-2 zone and Rural Village Center Overlay Zone.

[Site Plan No. 820210200](#)

Site Plan Application No. 820210150, Seneca Property (“Site Plan”) was submitted on August 16, 2021, SPI Seneca LLC to allow for the construction of three single-family detached dwelling units on the Subject Property.

Collectively, the Preliminary Plan and Site Plan are referred to as the Application (“Application”) throughout this report.



Figure 4 – Site Plan Rendering

Each lot will be accessed from Seneca Road. Lots 1 and 2 will utilize a new shared driveway and a single driveway will be constructed to serve Lot 3.

The Applicant is dedicating approximately 0.29 acres (12,552 square feet) of land as right-of-way for Seneca Road construction of a 10-foot-wide shared use path along the frontage of the Subject Property. The Applicant will also be planting street trees according to the streetscape standards identified in the Master Plan.

Each lot will be served by a new connection to public water and individual on-site septic systems.

Stormwater management goals will be met utilizing environmental site design practices including micro-infiltration trenches, drywells, and landscape infiltration will be used to manage and treat stormwater on the individual lots.

Forest Conservation requirements are being met on-site by planting (afforestation) 1.47 acres of contiguous land parallel to the rear Property line of the Subject Property. The afforestation areas on each lot will be protected in a Category I Forest Conservation Easement.

SECTION 4 – ANALYSIS AND FINDINGS – PRELIMINARY PLAN NO. 120210200

FINDINGS – CHAPTER 50.4.2.D

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

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision and proposed single-unit living use, taking into account the RE-2 zoning and recommendations included in the 2002 *Potomac Subregion Master Plan* and Rural Village Center (“RVC”) Overlay Zone. Based on the RE-2 zoning, the maximum density permitted is 3 dwelling units, consistent with the proposed subdivision. Single-unit Living is a permitted use in the RE-2 zone and not a prohibited use in the RVC Overlay Zone, per Section 4.9.14.B.2.b. Per section 4.9.14.D.1.a. construction of a new building on residentially zoned property in the RVC Overlay requires Site Plan approval. Site Plan No. 820210200, which is being reviewed concurrently, satisfies this requirement. The lots were reviewed for compliance with the dimensional requirements of the RE-2 zone, including area, frontage, width, and setbacks as specified in the Zoning Ordinance. A summary of this review is included in Section 5 of this Staff Report.

As discussed in finding 2 (below), the Preliminary Plan is consistent with the following purpose of the RVC Overlay Zone in Section 4.9.14 of the Zoning Ordinance:

- 1. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.*
- 2. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.*
- 3. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.*
- 4. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.*
- 5. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.*

6. *Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.*

As shown on the Preliminary Plan, each lot can adequately accommodate the proposed one-family detached house, driveway, stormwater management facilities, conservation easements, septic systems, and public utility easements. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

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

The Preliminary Plan is consistent with the 2002 *Potomac Subregion Master Plan*, the 2018 *Bicycle Master Plan*, and the draft 2021 *Complete Streets Design Guidelines*.

2002 Potomac Subregion Master Plan

The Subject Property is located in Darnestown, the westernmost portion of the 2002 *Potomac Subregion Master Plan*. The Subject Property is within the Darnestown Rural Village Center (“Village Center”) of the Master Plan, which is described on page 98 through 103 of the Master Plan.

Land Use

The Master Plan recommended applying the RE-2/Country Inn zone to 11 acres on the east side of Seneca Drive, including on the Subject Property. (Note that the Country Inn zone was removed from the Property with the Zoning Ordinance rewrite in 2014.) The Master Plan also recommended the creation of a new overlay zone, the Rural Village Center Overlay (RVC) Overlay Zone, which was applied to all properties in the Darnestown Village Center². The overlay zone was recommended, because the combination of zoning and septic requirements that were in place at the time prohibited certain desirable uses, such as a restaurant. The new overlay zone was designed to allow compatible uses in a rural village pattern. The overlay zone was intended to “retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and low density; to create a pedestrian-friendly commercial area; and to draw on the open, green character of the surrounding area, emphasizing this character through streetscape design.”

² Due to a mapping error, the Subject Property was not included in the RVC Overlay Zone on the original Sectional Map Amendment (G-800) which was adopted in October 2002. On March 31, 2009, by District Council Resolution No.16-914 the boundary of the RVC was corrected, consistent with Map 25 on page 100 of the 2002 *Potomac Subregion Master Plan*.

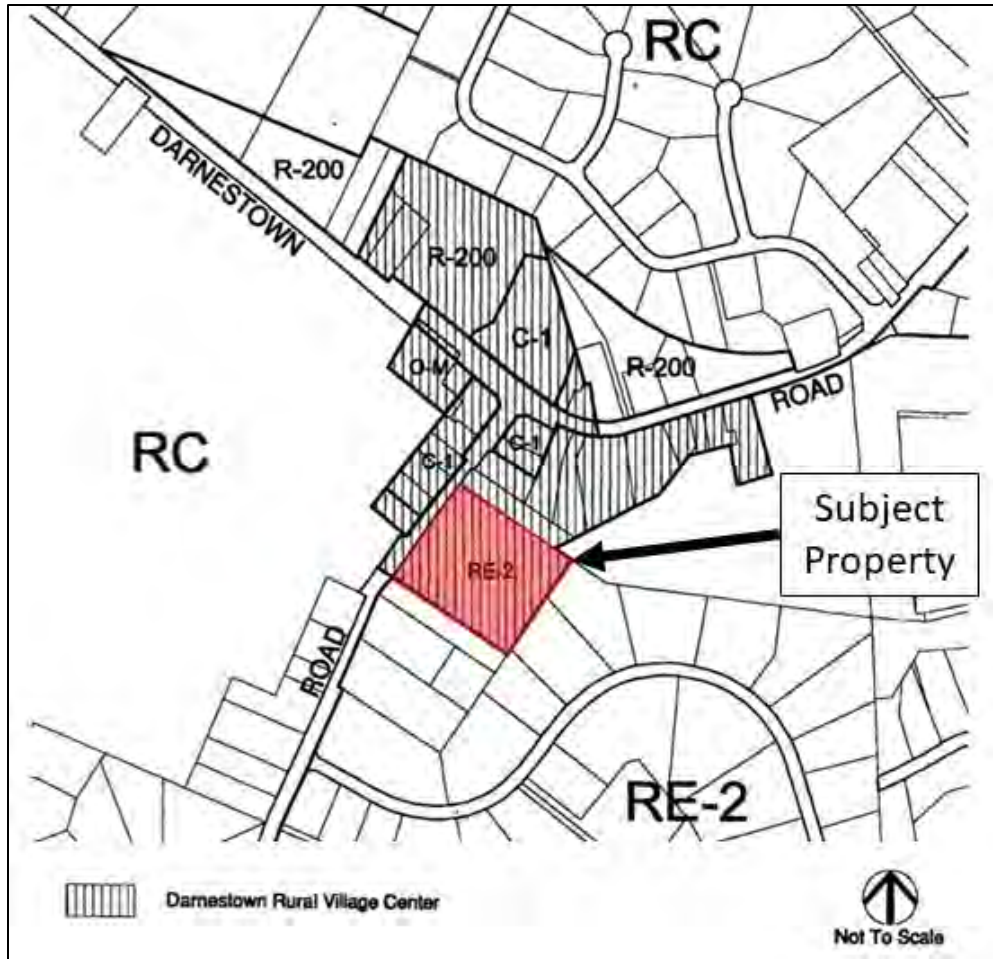


Figure 4 – Darnestown Rural Village Center Area (MP pg.100)

The Darnestown Village Concept drawing (Figure 5) on page 101 of the Master Plan does not show the Subject Property. The Property appears to have been added to the Rural Village Center to allow it to be used for the septic fields to serve the commercial property just to the north where a country inn/restaurant was envisioned. This Property is referred to in the Master Plan as “residential”, so while most of the intent of the overlay zone was to provide a “pedestrian-friendly rural village center, consisting primarily of retail uses,” this Property was never intended to be used for anything other than residential uses or to provide a septic area adjacent to a commercial use. However, the overall goal of providing a pedestrian-friendly environment and “green character” apply here as well as to the other parts of the Village Center.

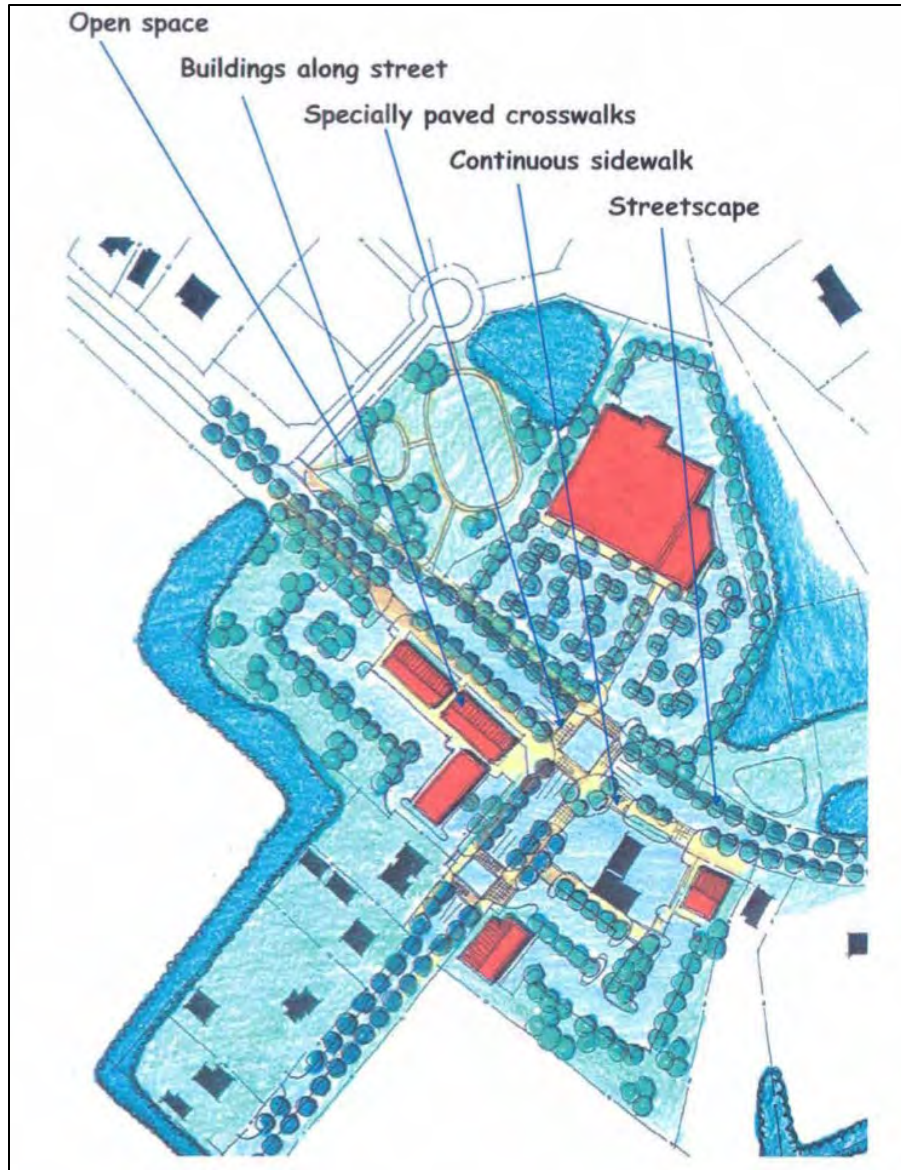


Figure 5 – Darnestown Village Center Concept

While not all of the Master Plan recommendations for the Village Center apply to this residential property, the Application meets the following design principle envisioned by the Master Plan:

- *Provide green frontage to development with extensive planting and streetscaping, and green buffers between commercial and residential development.*
- *Provide an attractive, rural village center at Darnestown and Seneca Roads that is pedestrian oriented and compatible with the adjacent areas.*
- *Locate buildings along Darnestown and Seneca Roads to create a strong street definition; provide parking in the rear.*
- *Provide continuous "Main Street" development along Darnestown and Seneca Roads within the village center.*

- *Design streets that include traffic calming features such as specially paved crosswalks, that minimize curb cuts and that include sidewalks, providing continuous pedestrian and bicycle circulation.*

The Application includes three approximately 2-acre residential lots accessed via two new driveways to Seneca Road. A 10-foot wide shared use path along the entire Property frontage, parallel to the road, will provide future pedestrian and bicycle connections to the Village Center. Curb cuts have been minimized along the frontage by providing a shared driveway for two of the lots and providing ample separation from the second driveway to the south.

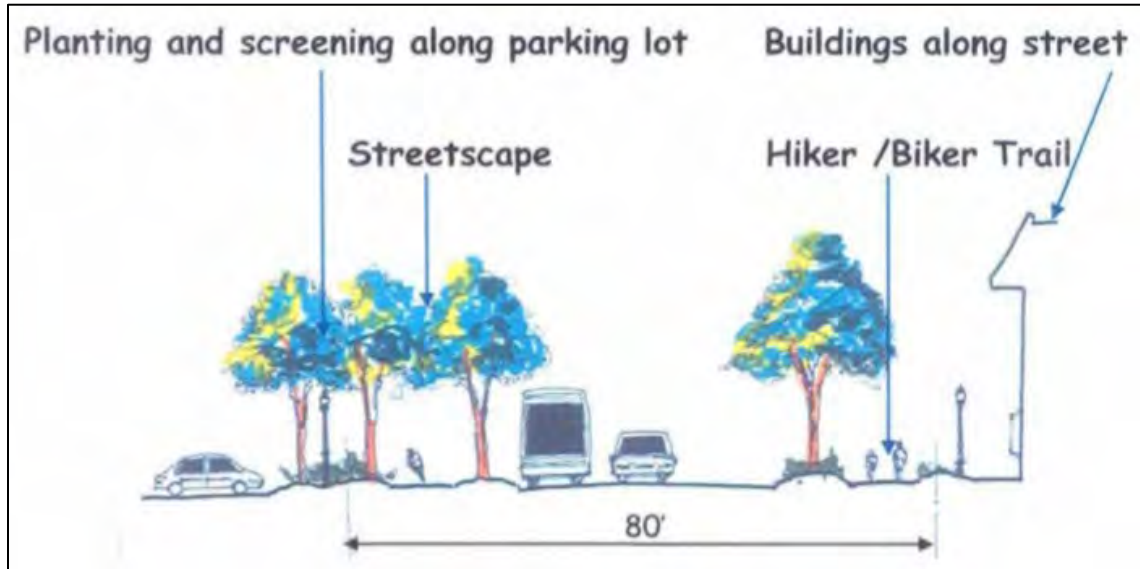


Figure 6 – Master Plan Proposed Streetscape – Seneca Road (curb and gutter)

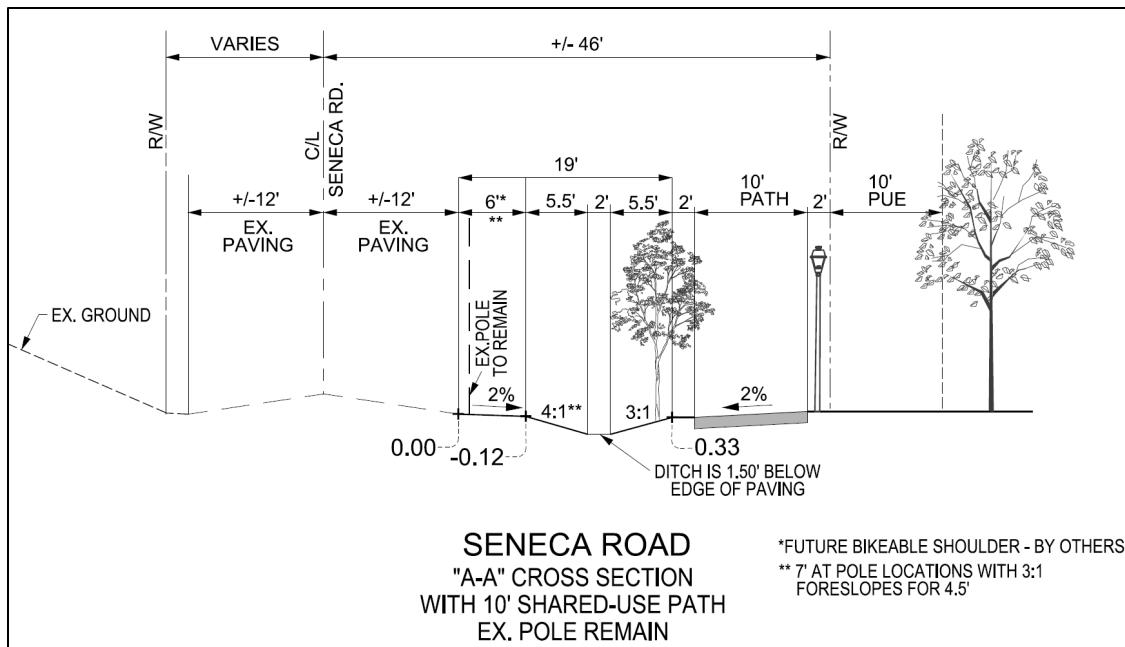


Figure 7 – Proposed Cross Section (Open section)

Robust streetscaping is being provided along the Property frontage. Figure 7 (above), from the Master Plan, depicts the proposed streetscape in the commercial area. The Application has continued the streetscape, as envisioned the Master Plan (depicted in Figure 8 (above)) with a row of fringe trees and dogwoods in the right-of-way (where there are existing overhead power lines) separating the road and shared use path. Along the front of each lot, on the east side of the path, a row of shade trees will be planted, including Green Mountain Sugar Maples, Red Woods, and Black Gums. The houses are setback in a compatible manner, stepping back from Seneca Road moving south, providing a transitioning from the core of the Village Center towards the existing single-family detached unit to the south. This siting of the homes is important for the character of the neighborhood, so the front setback of the houses step back accordingly with the house on Lot 1 at approximately 148 feet, Lot 2 at approximately 184 feet, Lot 3 at approximately 220 feet and the existing house to the south at approximately 410 feet.

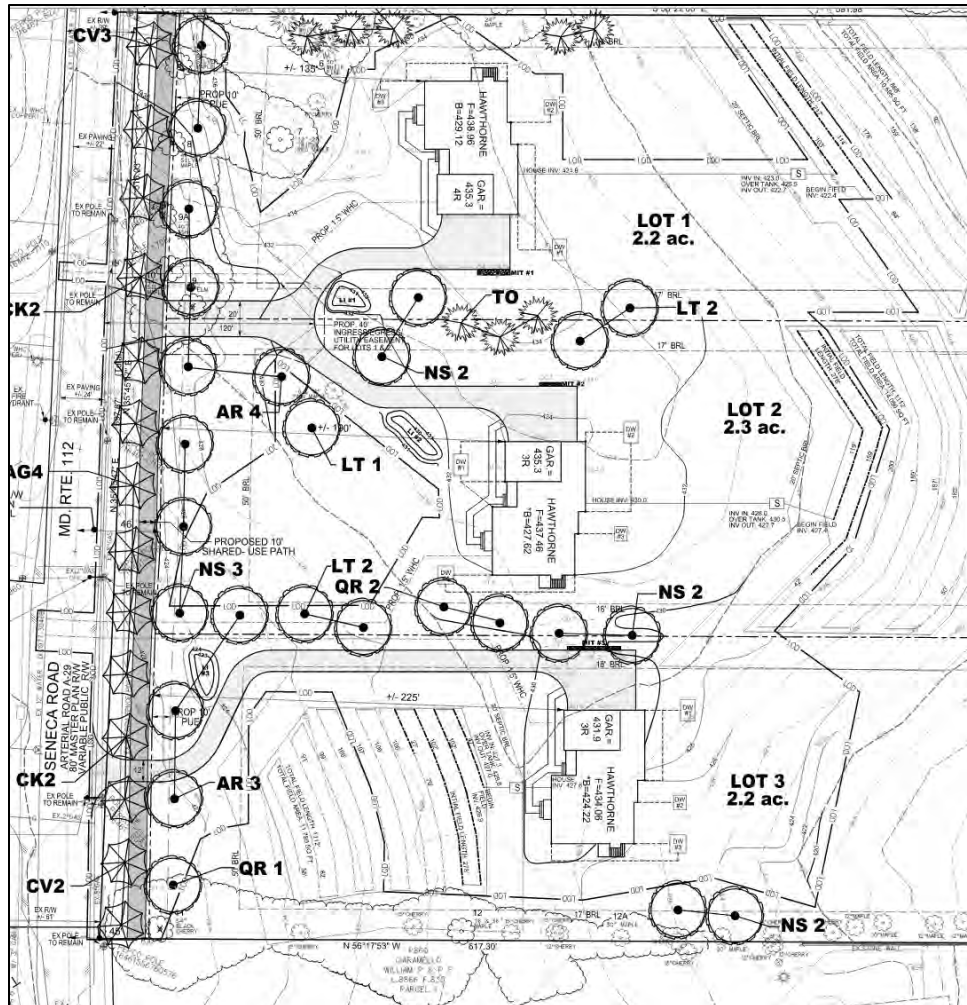


Figure 8 - Landscape Plan

2018 Master Plan of Highways and Transitways

The Property is located on Seneca Road approximately 900 feet northeast of Springfield Road in the Darnestown/Potomac Area. The 2018 *Master Plan of Highways and Transitways* identifies Seneca Road as an Arterial Road (A-29) with two lanes and a master planned right-of-way of 80 feet. As conditioned, the Applicant is dedicating a total of 46 feet from the centerline of the road; 40 feet to comply with the Master Planned right-of-way width and 6 additional feet necessary to accommodate the proposed shared use path.

2018 Bicycle Master Plan and draft 2021 Complete Streets Design Guide

The 2018 *Bicycle Master Plan (BMP)* recommends bikeable shoulders along Seneca Road; currently the road has no shoulders through this section. Seneca Road is identified as a Country Connector in the draft 2021 *Complete Streets Design Guide*.

The Applicant is constructing a 10-ft. wide shared use path along the frontage of the Subject Property on Seneca Road, which is approximately 500 feet in length, instead of constructing the Bicycle Master Planned bikeable shoulders. The Applicant is dedicating enough right-of-way to reserve 8 feet of right-of-way for future construction of a bikeable shoulder. This is supported by Staff, MDSHA and MCDOT as the shared use path would provide both bike and pedestrian access across the frontage, improving neighborhood accessibility given the location in central Darnestown, a mixed-use community. Constructing a shared use path as opposed to a bikeable shoulder is listed as an acceptable alternative along a Country Connector in the *Draft Complete Streets Design Guide*. Based on the *Complete Streets Design Guidelines* any development or redevelopment of the properties to the north and south of the Subject Property will require the continuation of the proposed shared use path. Additionally, constructing approximately 500 linear feet of bikeable shoulders along the Property frontage would require relocation of eighty (8) utility poles, the cost of which is disproportionate to the scale and impact of the proposed three (3) lot subdivision. Constructing the proposed shared use path eliminates the need to relocate the existing utility poles, however, it does require six feet of additional right-of-way, in excess of what is recommended by the BMP. Accordingly, the Applicant is required to dedicate 46 feet of right-of-way to construct the shared use path in substantial conformance with the applicable Master Plan.

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

a) Roads and Other Transportation Facilities

The Application provides frontage improvements on Seneca Road in accordance with the Master Plan Highways and Bicycle Master Plan, as discussed above. The proposed lots will be accessed via a 20 foot wide shared driveway, to serve Lot 1 and 2 and a single driveway serving Lot 3.

The Application has been evaluated by MDSHA, which supports the transportation elements of the Preliminary Plan as indicated in correspondence dated January 18, 2021 (Attachment A). As conditioned, the proposed vehicular and pedestrian access for the lots will be adequate with the proposed public improvements.

b) Local Area Transportation Review (LATR)

The Applicant submitted a transportation exemption statement, dated June 29, 2021, showing that three single-family detached units is estimated to generate 50 or fewer additional peak-hour person trips (Attachment B), therefore, the Application is exempt from review under the 2021 *LATR Guidelines*. The Property is located within the Rural West Policy Area and the Application satisfied the Adequate Public Facilities (APF) test under the 2020-2024 *Growth and Infrastructure Policy*.

c) School Adequacy

Overview and Applicable School Test

The Application located at 14124 Seneca Road, is scheduled to come before the Planning Board in February 2022. 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. This Application proposes 3 single-family detached units.

School Adequacy Test

The Application is served by Darnestown ES, Lakelands MS and Northwest 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 1 – 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
Darnestown ES	432	336	77.8%	+96	No UPP	181	198	248
Lakelands Park MS	1,131	1,094	96.7%	+37	No UPP	163	264	433
Northwest HS	2,286	2,597	113.6%	-311	Tier 1 UPP		147	490

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, Darnestown ES and Lakelands MS do not require any UPP. However, development approved within the Northwest HS service area for this Application is subject to a Tier 1 UPP as identified in Table 1.** If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, 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 3 units that are not age-restricted, the proposed Application is estimated to generate the following number of students based on the Subject Property's location within a Turnover Impact Area:

Table 2 – 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	3	0.185	0.555	0.108	0.324	0.154	0.462
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	3		0		0		0

As shown in Table 2, on average, this Application is estimated to generate no elementary school students, no middle school students and no high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 1; therefore, no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for the 3 single-family detached units in this Site Plan, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:

- a. no elementary school UPP required;
- b. no middle school UPP required; and
- c. a Tier 1 high school UPP per unit.

Montgomery County may modify the per unit UPP rates prior to payment of any required UPPs. The Applicant must pay the above UPPs to MCDPS based on the rates in effect at the time of payment.

d) Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. Each lot will be served by an on-site septic system and new public water service. To serve each lot, a new waterline will tie into the existing 12-inch diameter water main in the Seneca Road right-of-way, which is adequately sized to serve the proposed dwellings. A

new septic system will be installed on each lot. The use of public water and individual septic is consistent with the existing W-1 and S-6 services categories designated for the Property. The Application has been reviewed by the MCDPS Well and Septic Section, which determined the proposed septic locations are acceptable as shown on the approved septic plan dated November 24, 2021 (Attachment C).

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section who determined that the Property has adequate access for fire and rescue as shown on the approved Fire Department Access Plan dated December 17, 2021 (Attachment D).

Electric and telecommunications services are available and adequate to serve the proposed lots. Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the *2020-2024 Growth and Infrastructure Policy*. The Application can be adequately served by all applicable public facilities and services.

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

a) Environmental Guidelines

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420211460 for this Property was approved in March 2021. 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 7.17 acres located within both the Muddy Branch the Great Seneca Creek watersheds, each watershed is classified as a Use Class I-P stream by the State of Maryland. The Subject Property contains no forest but does have 10 onsite trees with a diameter breast height (“DBH”) of 30” or more. The Property contains no streams, wetlands or other sensitive environmental features.

b) Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FFCP”) with the current Development Plan Applications under plan numbers 120210250 and 820210200. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned RE-2 and is assigned a Land Use Category of Medium Density Residential (“MDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“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 25% of the Net Tract Area.

The FFCP shows a total Net Tract Area of 7.33 acres for the Subject Property. This includes the net tract of 7.17 acres plus 0.16 acres for offsite work associated with this Application. There is a total of 0.0 acres of forest on the Subject Property. This results in an afforestation requirement of 1.47 acres. The Applicant proposes to satisfy this requirement by providing 1.47 acres of onsite afforestation plantings and protecting this planted forest with a Category I Conservation Easement (Figure 9). It has been Planning Board policy not to place conservation easements on properties that are 2.0 acres or less in size since this practice has led to encroachments into the conservation easements and violation proceedings. However, in this case, placing Category I Conservation Easements on these individual lots is acceptable for multiple reasons.

First, the lots exceed the minimum lot size specified by the Planning Board. In addition, the distance between the proposed homes and the conservation easement are in excess of 190-feet which provides a property owner enough space to have unfettered use of the area behind their house without encroaching into the conservation easement. The areas behind the homes on Lots 1 and 2 contain the properties septic fields which will preclude moving the location of the home closer to the conservation easement and also limits the construction of any structures in the area near the conservation easement. The home on Lot 3 is 190 feet from the proposed conservation easement and the location of the building is restricted by the concurrent Site Plan. In addition, permanent Category I Forest Conservation signage is being installed along the perimeter of the afforestation area to deter accidental encroachments. Finally, the Category I Conservation Easement proposed for this development connects to a larger existing Category I Conservation Easement located offsite on a neighboring property in the northeast corner of the Subject Property. For these reasons, in this specific situation, placing Category I Conservation Easement on these lots is acceptable. As discussed above, this easement area is appropriate for these lots.

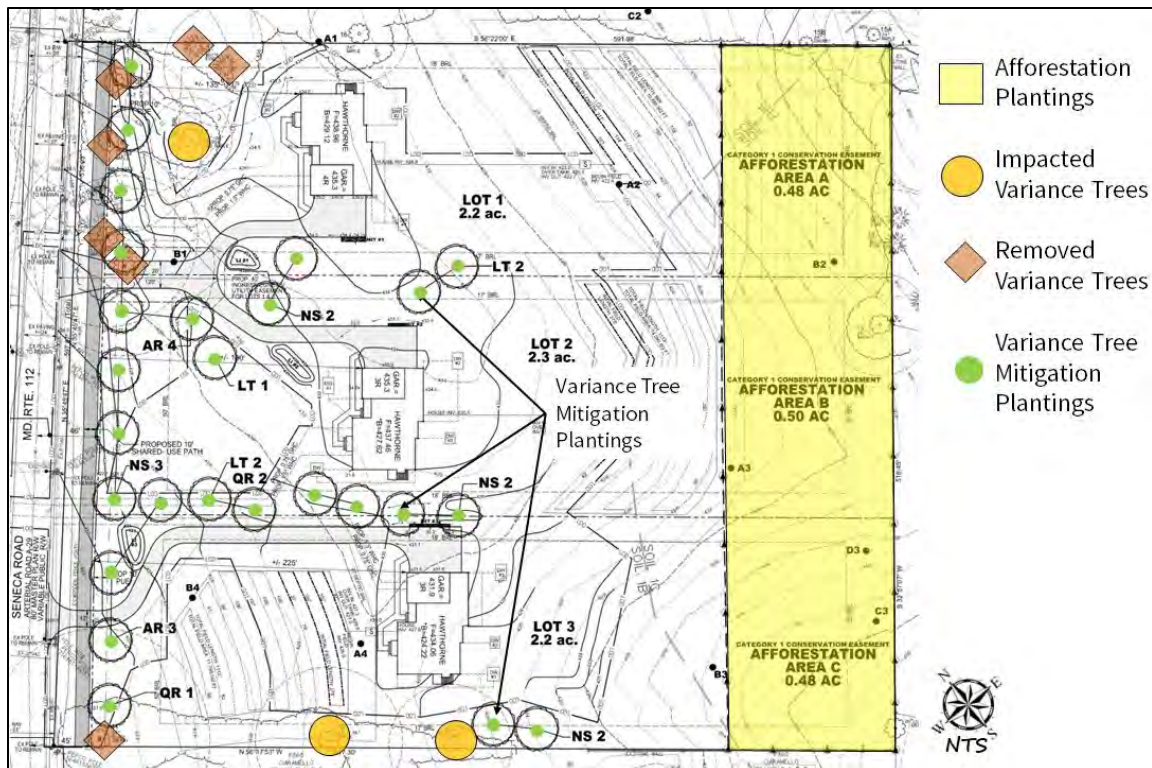


Figure 9 – Variance Trees

Forest Conservation 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 June 25, 2021 and revised on September 22, 2021 (Attachment E). The Applicant proposes to impact three (3) trees and remove seven (7) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Tables 3 and 4).

Table 3 – Protected Trees to be impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status
7	Red Maple (<i>Acer rubrum</i>)	30"	20%	Fair condition.
12	Red Maple (<i>Acer rubrum</i>)	36"	26%	Good condition.
12A	Red Maple (<i>Acer rubrum</i>)	30"	17%	Good condition.

Table 4 – Protected Trees to be removed

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
4	White Pine (<i>Pinus strobus</i>)	33"	n/a	Fair condition. Tree in decline, may become hazard tree.
5	Silver Maple (<i>Acer saccharinum</i>)	54"	n/a	Fair condition. Located in construction zone and adjacent to proposed shared use path.
6	White Pine (<i>Pinus strobus</i>)	30"	n/a	Fair condition. Tree in decline, may become hazard tree.
8	Silver Maple (<i>Acer saccharinum</i>)	46"	n/a	Fair condition. Located in construction zone and adjacent to proposed shared use path.
9	Slippery Elm (<i>Ulmus rubra</i>)	44"	n/a	Fair condition. Located in construction zone and adjacent to proposed shared use path.
10	Silver Maple (<i>Acer saccharinum</i>)	44"	n/a	Fair condition. Located in construction zone and adjacent to proposed shared use path.
11	Black Cherry (<i>Prunus serotina</i>)	54"	n/a	Fair condition. Located in construction zone and adjacent to proposed shared use path.

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, Montgomery County agency requirements, and the conditions of the subject trees. The 7 trees requested to be removed are located within the developable area of the Property with 5 of these trees located immediately adjacent to the required 10-ft Shared Use Path. The

remaining 2 trees are in a state of decline and would become hazard trees to the proposed house on Lot 1. The inability to remove these trees would potentially render portions of the site undevelopable for this project and pose a safety hazard to the proposed house on Lot 1. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for three single family homes, which is a reasonable and significant use of the Property.

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.

Variance Findings

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 removal of the seven trees is due to the location of the trees and necessary site design requirement. The Applicant proposes removal of the trees 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 Application, including street frontage improvements.

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 trees being removed are not located within a stream buffer, wetland or special protection area. The Application proposes mitigation for the removal of these seven trees by planting larger caliper trees on-site. Therefore,

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 are 7 Protected Trees proposed for removal in this variance request, resulting in a total of 305.0 inches of DBH being removed. These 7 trees being removed are isolated trees located primarily along the Property frontage with Seneca Road with 2 of these trees, Trees #4 and #6, located near Seneca Road, but along the northern Property line. Five of these 7 trees will have significant impacts to their CRZs with the required frontage improvements along Seneca Road. The remaining two trees, Trees #4 and #6, are in a state of decline and will have impacts to their CRZs due to grading and construction. These two trees may become hazard trees in the future given their close proximity to the proposed house on Lot 1 and it is prudent to remove those trees now.

To compensate for the removal of these 7 trees, the Applicant has proposed to provide mitigation for the Protected tree loss by replacing the total number of DBH removed with $\frac{1}{4}$ of the amount of inches replanted. This results in a total mitigation of 76.25 inches of replanted trees. In this case, the Applicant proposes to plant 26 3" caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. Eleven (11) of the mitigation trees will be planted parallel to the shared use path and the remaining fifteen (15) trees will be planted throughout the proposed lots. No mitigation is required for trees that are impacted but retained. As conditioned, the mitigation trees will be protected as part of a 5-year maintenance and management agreement.

Variance Recommendation

Staff recommends approval of the variance request.

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 the MCDPS Water Resources Section on September 21, 2021 (Attachment F). Stormwater management goals will be met utilizing environmental site design practices including micro-infiltration trenches, drywells, and landscape infiltration will be used to manage and treat stormwater on the individual lots.

SECTION 5 – ANALYSIS AND FINDINGS - SITE PLAN NO. 820210200

FINDINGS – CHAPTER 59.7.3.4.E

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The Approval of the Site Plan findings will only apply to the Subject Property being reviewed as part of this Application.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a) *satisfies any previous approval that applies to the site;*

This Site Plan application is being reviewed concurrently with Preliminary Plan No. 120210250 for the Subject Property.

- b) *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable since there are no development plans or schematic development plans associated with the Subject Property.

- c) *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable because the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d) *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

The Site Plan satisfies the use standards, development standards, and general requirements for single-unit living in the Residential Estate – 2 Zone (RE-2), under the Standard Method Development in Division 4.4.4 and RVC Overlay Zone under Section 4.9.14 of the Zoning Ordinance.

Use and Development Standards

The Application proposes to construct three single-family detached dwelling units on three lots, a permitted use in the RE-2 Zone and the RVC Overlay Zone. As demonstrated in Table 5 below, the Application meets the general requirements and development standards of the RVC Overlay Zone and RE-2 zone, under the standard method of development.

The following table, Table 5, shows the Application's conformance to the development standards of the zones.

Table 5 – Data Table for the RE-2 Zone, Standard Method of Development

Data Table	Allowed/Required	Proposed
Gross Tract Area/Usable Area	NA	7.17 acres
Dedication (MD 112)	NA	0.29 acres
Net Area	NA	6.88 acres
Minimum lot area	2 acres	2.2 acres min.
Density (units/acre of usable area)	3 units (1 DU/2 acres)	3 units (1 DU/2 acres)
Lot width at front building line	150 ft. min.	150 ft. min.
Lot width at front lot line	25 ft. min.	25 ft. min.
Principal Building Setbacks		
– Front	50 ft. min.	50 ft. min. 220 ft. max.
– Side	17 ft. / 35 ft. total min.	17 ft. / 35 ft. total min.
– Rear	35 ft. min.	310 ft. min.
Principle Building Height	50 ft. max.	40 ft. max.
MPDUs Required	NA	NA

The Site Plan conforms to the intent and purpose of the Rural Village Center Overlay zone as discussed above in the Preliminary Plan findings. The RVC Overlay Zone does not provide any additional requirements or development standards beyond those of the RE-2 Zone. In order to be compatible with the neighborhood, the future houses cannot be further than 220 feet (Lot 3) from the front lot line.

Division 6 – General Development Standards

i. Division 6.1. Site Access

Site access is safe, adequate, and efficient to serve the proposed development.

Existing Facilities

There are no existing bike facilities in the area of the Subject Property, no sidewalks along Seneca Road or other nearby residential streets, and there are no public transit routes that serve Seneca Road or the Subject Property.

Proposed Access

Access to the three single-family dwelling units will be provided via a new shared driveway for two of the houses and single driveway directly accessing Seneca Road.

Proposed Public Transportation Infrastructure

The Applicant will construct a 10-ft. wide shared use path along the frontage of the Subject Property on Seneca Road, identified as a Country Connector in the *Complete Streets Design Guide*. This is the preferred frontage improvement, instead of bikeable shoulders, because the shared use path would provide both bike and pedestrian access across the frontage, improving neighborhood accessibility for many more people given the location in central Darnestown, a mixed-use community. The use of a shared use path, as opposed to a bikeable shoulder, is listed as an acceptable alternative along a Country Connector in the *Complete Streets Design Guide*. Additionally, the construction of 500 feet of shared use path is reasonable as it relates to the impact of the proposed project.

ii. Division 6.2. Parking, Queuing, and Loading

Two off-street parking spaces are required for each single-unit dwelling. The Application meets the parking requirements on the individual lots. The proposed house models include detached houses with garage parking for 2 to 3 vehicles and additional parking can be accommodated in each driveway.

iii. Division 6.3. Open Space and Recreation

The Application does not require any open space or recreational amenities. The three proposed single-family detached dwelling units are located on 2-acre lots, which provide ample yard space for residents.

iv. Division 6.4. General Landscaping and Outdoor Lighting

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4. The Application includes a variety of landscaping throughout the Property, primarily along Seneca Road, with landscaping between the proposed lots and the adjacent properties. The existing cobra-head light fixtures, mounted on the utility poles, will remain at their current locations, providing illumination on Seneca Road. Five new pedestrian scale light fixtures are being added along the east side of the shared use path, which will provide adequate illumination for pedestrians and cyclists. The Applicant has submitted a photometric plan verifying that illumination levels will be safe and adequate.



Figure 10 – Rendered Landscape Plan

The Application provides plantings along Seneca Road, within front yards, between lots and adjacent properties, and within the afforestation areas at the rear of the lots. The landscape plan includes street trees and ornamentals along Seneca Road, which will replace existing trees as necessary, if disturbed during construction. It includes ornamental trees in front yards and in between driveways, which help to scale down the dwelling units while providing shade and aesthetic value. Evergreen trees along the sides of the properties efficiently screen a portion of the driveways and narrow the perceived widths. The proposed landscaping and lighting are safe, adequate, and efficient.

v. Division 6.5. Screening Requirements

The Zoning Ordinance does not require screening between the proposed development and adjacent properties.

3. satisfies the applicable requirements of:

a) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The Site 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 September 21, 2021 (Attachment F). The Application will meet stormwater management goals via micro-infiltration trenches, drywells, and landscape infiltration. The application of these approaches will provide for full environmental site design (ESD) to the maximum extent practicable (MEP).

b) Chapter 22A, Forest Conservation.

The proposed Site Plan meets all requirements of the Forest Conservation Law. Please refer to the environmental section above in the Preliminary Plan findings for details.

4. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

The proposed layout is safe, adequate, and efficient by providing well-integrated parking, circulation, and building massing. The three proposed residences are staggered with the fronts of the houses facing out to Seneca Drive. The lot and house layout provides an even distribution of housing units along Seneca Drive, with building separation consistent with the neighboring properties. With the proposed shared-use path, the Application provides well-integrated circulation patterns for both pedestrians and bikers.

5. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

The Site Plan is consistent with the 2002 *Potomac Subregion Master Plan*, the 2018 *Bicycle Master Plan*, and the draft 2021 *Complete Streets Design Guide*. Please refer to the Preliminary Plan finding on Master Plan Conformance above for details.

6. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The Application will be served by adequate public services and facilities, including schools, health services, police and fire protection, electric, telecommunications, public roads, storm drainage, and other public facilities, as determined as part of the Preliminary Plan approval process and are

currently operating within the standards set by the *Growth and Infrastructure Policy* currently in effect.

7. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

The Subject Property, and surrounding properties, are zoned RE-2, a Residential zone and RVC Overlay Zone. The Site Plan is consistent with the goals of the RVC Overlay Zone to “provide green frontage to development with extensive planting and streetscaping” and to “provide an attractive, rural village center at Darnestown and Seneca Roads that is pedestrian oriented and compatible with the adjacent areas.” The Subject Property is being developed with single-family detached houses, which by nature of the use will be compatible with the existing single-family residential detached communities surrounding the Property.

The proposed houses have a footprint of approximately 50 feet by 70 feet, with sideloaded three-car garages. The houses will be three stories with a maximum height of 40 feet tall. The three proposed houses are to be the same model and configuration. The homes feature a stone base with horizontal lap siding, and gabled roofs, replete with dormers, and composition shingles. The homes also feature accented front entries with small semi-covered porches to the side along the front elevation. As discussed in the Preliminary Plan, the houses are setback in a compatible manner, incorporating a staggered placement offset from Seneca Road, as well as providing a transition from the core of the Village Center towards the existing single-family residences located to the south.



Figure 11 – Architectural Front Exterior Elevation, Typical for Proposed Dwelling Units

8. on a property in all other zones, is compatible with existing and approved or pending adjacent development.

Not applicable, this finding does not apply to this Application.

9. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

10. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

SECTION 5 – COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A virtual pre-submission meeting for the Application was held on March 30, 2021. Correspondence has not been received as of the date of this report.

SECTION 6 – CONCLUSION

The Application meets all development standards and findings established in the Zoning Ordinance for development of three detached dwelling units in the RE-2 Zone and RVC Overlay Zone. Access, open space, and public facilities will be safe, adequate and efficient to serve the proposed lots and the use conforms with the 2002 *Potomac Subregion Master Plan* and the general requirements of Chapter 59. 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. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan and Site Plan. Staff recommends approval of the Preliminary Plan and Site Plan, with the conditions as enumerated in the Staff Report.

ATTACHMENTS

Attachment A – MDSHA Correspondence

Attachment B – Transportation Exemption Statement

Attachment C – MCDPS – Well and Septic Section letter
Attachment D – MCDPS – Fire Access and Water Supply
Attachment E – Tree Variance Request Letter
Attachment F – MCDPS – Water Resources Section – Stormwater Management Concept
Attachment G – MCDOT Letter

From: [Kwesi Woodroffe](#)
To: [Casey, Jonathan](#)
Cc: [Server, Jeffrey](#); [Pereira, Sandra](#)
Subject: RE: Rendering
Date: Wednesday, January 19, 2022 9:45:43 AM
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)

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

Jonathan,

A Design Request will need to be completed and we will need more detailed lighting plans for review. An MOU will also be required for the maintenance of the lights in the state right of way.

Kwesi

From: Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>
Sent: Wednesday, January 19, 2022 8:53 AM
To: Kwesi Woodroffe <KWoodroffe@mdot.maryland.gov>
Cc: Server, Jeffrey <Jeffrey.Server@montgomeryplanning.org>; Pereira, Sandra <sandra.pereira@montgomeryplanning.org>
Subject: FW: Rendering

Hi Kwesi,

FYI – The applicant is adding 5 lights east of the shared use path within the ROW (see attached L&L plan). They aren't shown on the cross-section you approved, but they will be shown on the Certified Preliminary and Site Plan. Please let me know if you have any objection.

Thank you,



Jonathan Casey
Senior Planner | Upcounty Division

Montgomery County Planning Department
2425 Reedie Drive, 13th Floor, Wheaton, MD 20902
jonathan.casey@montgomeryplanning.org
o: 301-495-2162



From: Brandon Fritz <BrandonFritz@kimengineering.com>

Sent: Tuesday, January 18, 2022 4:21 PM

To: Server, Jeffrey <Jeffrey.Server@montgomeryplanning.org>; Karen Carpenter <karencarpenter@kimengineering.com>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>

Cc: Marty Mitchell <mmitchell@mitchellbest.com>

Subject: RE: Rendering

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

Hi Jeff,

Attached is the revised lighting plan. We added 5 lights along the backside of the path. Please let us know if you have any questions.

Thank you,

Brandon J. Fritz, PE
Branch Manager



MBE/DBE/SWaM

www.KimEngineering.com

We have a new office in Montgomery County!

Please note our new address:

1390 Piccard Drive

Suite 340

Rockville, MD 20850

Office: (240) 614-7678

Direct: (240) 614-7623

From: Server, Jeffrey <Jeffrey.Server@montgomeryplanning.org>

Sent: Tuesday, January 18, 2022 11:08 AM

To: Karen Carpenter <karencarpenter@kimengineering.com>; Casey, Jonathan <Jonathan.Casey@montgomeryplanning.org>

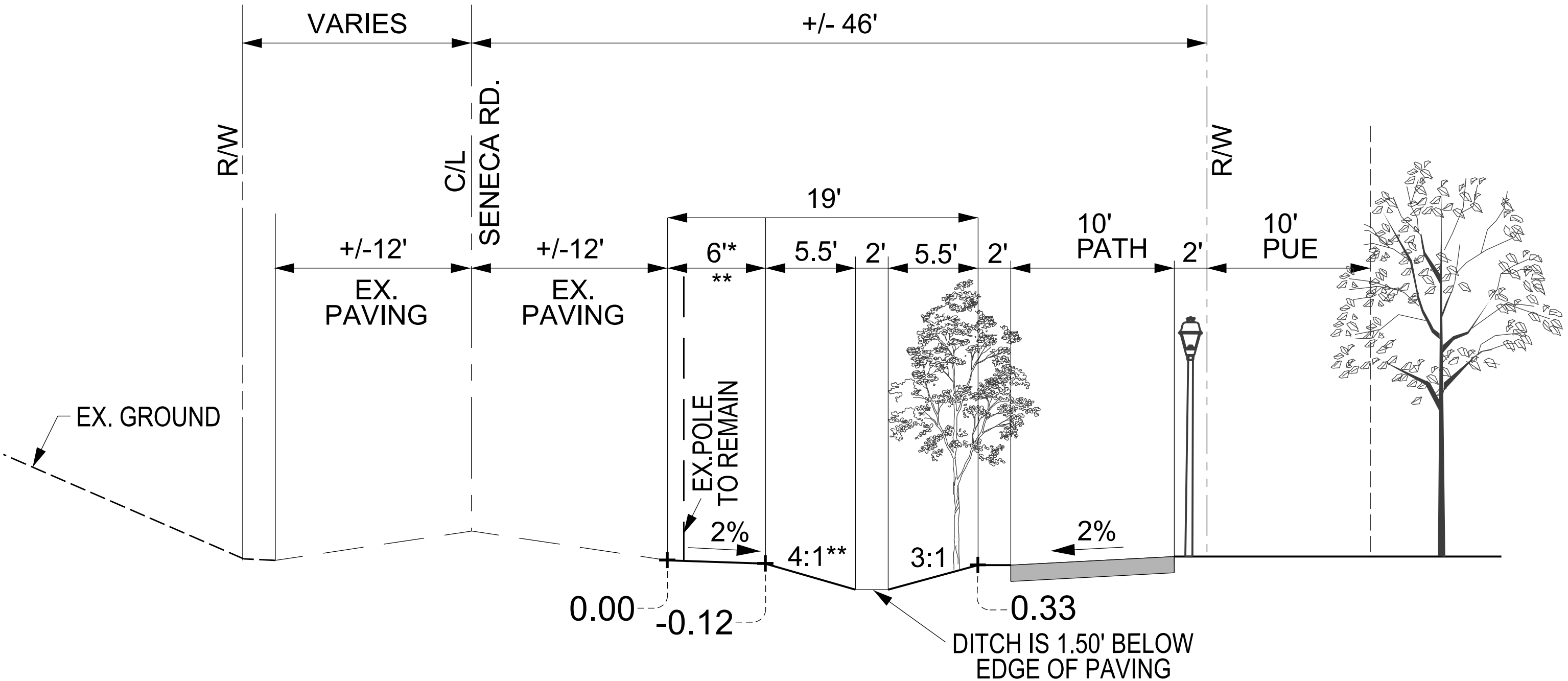
Cc: Brandon Fritz <BrandonFritz@kimengineering.com>; Marty Mitchell <mmitchell@mitchellbest.com>

Subject: RE: Rendering

Hi Karen,

Many thanks for the quick reply and efforts.

Cheers,
Jeff



SENECA ROAD
"A-A" CROSS SECTION
WITH 10' SHARED-USE PATH
EX. POLE REMAIN

N.T.S.

PROPOSED BY THIS PLAN

*FUTURE BIKEABLE SHOULDER - BY OTHERS
** 7' AT POLE LOCATIONS WITH 3:1
FORESLOPES FOR 4.5'



June 29, 2021

Mr. Patrick Butler, Upcounty Planning Chief
Montgomery County Planning Department
M-NCPPC
2425 Reddie Drive
Wheaton, MD 20902

Re: Seneca Property
Preliminary Plan No.
Detailed Site Plan No.
Transportation Exemption Statement

Dear Mr. Butler,

Plans for the subject property, which is within Policy Area 30 – Rural West are being submitted for a Preliminary Subdivision and Detailed Site Plan review. As part of this process, we are requesting a Local Area Transportation Review.

The subject parcel, P708, is shown on the Montgomery County Tax Map ES21. The total area of the parcel is 7.17 acres. The property is zoned RE-2 and a combined Preliminary/ Site Plan is being submitted to develop three (3) single family lots.

Attached, please find the Transportation Impact Study Scope of Work Agreement. This project will generate 2.55 AM and 2.97 PM trips per current trip generation rates.

Based on a total trip generation of 49 or fewer, we are herby requesting a transportation Study Exemption.

Sincerely,
Kim Engineering

A handwritten signature in black ink that reads "Brandon J. Fritz".

Brandon J. Fritz, PE
Senior Project Manager

CC: Mr. Marty Mitchell
Ms. Rebecca Torma – Montgomery County Department of Transportation
Ms. Karen Carpenter – Kim Engineering



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

Local Area Transportation Review

TRANSPORTATION IMPACT STUDY SCOPE OF WORK AGREEMENT

Updated Winter 2021

Scoping Approval - Prior to initiating a Local Area Transportation Review study or supplemental traffic study, scoping *must be approved* by relevant agencies, including the Planning Department, the Montgomery County Department of Transportation, and the State Highway Administration (where relevant). It is the responsibility of the Applicant to obtain approval, which is demonstrated below via signature or electronic signature of the relevant agency representatives. Generally, the Applicant should anticipate a turnaround time of ten (10) business days for form review. Substantially large projects may require additional time and/or may warrant a scoping meeting.

Montgomery County Planning Department

Name (print): _____ Signature: _____ Date: _____

Montgomery County Department of Transportation

Name (print): _____ Signature: _____ Date: _____

State Highway Administration (where relevant)

Name (print): _____ Signature: _____ Date: _____

Applicant Contact Information

Transportation Consultant (company, contact name, email, and phone number)	Kim Engineering Brandon J. Fritz, PE brandonfritz@kimengineering.com, 240-542-4238
Name of Applicant / Developer	SPI Seneca LLC

Project Information

Include Tables/Graphics, As Needed

Project Name (include plan no. if known)	Seneca Property			
Project Location (include address if known)	14124 Seneca Road, Germantown, MD 20874			
Policy Area(s) (subdivision staging policy map)	30 - Rural West	Master Plan(s) / Sector Plan Area(s)	Potomac Subregion 2002	
Application Type(s)	<input checked="" type="checkbox"/> Preliminary Plan	<input checked="" 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)	Three (3) single family lots in existing RE-2 zone NRI/FSD # 420211460 approved 3/18/2021		
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)	Lots 1 and 2 will share a driveway while lot 3 will have its own. Both driveways will access Seneca Road, MD 112.		
2.Transportation Analysis Requirement	<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.
3.Project-based Transportation Demand Management Plan Required (see Chapter 42, Articles I and II)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (In Transportation Management District [TMD])	<input type="checkbox"/> Amend Existing TMAg
4.Established Transportation Management District (TMD)?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes TMD Name: _____	
Transportation Impact Study Assumptions <i>Include Tables/Graphics, As Needed</i>			
5.Study Years / Phases	Existing Year:	Phases / Build-out Year(s):	
6.Study Periods	<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: _____		

7.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)	# 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>				
	1)		7)		
	2)		8)		
	3)		9)		
	4)		10)		
	5)		11)		
	6)		attach more rows if necessary		
8.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 5.52	Vehicle Trips* (Auto Driver)	Transit Trips*	Walking Trips* (non-motorized + transit)	Bicycling Trips* (non-motorized)
	<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>				
9.Trip Reductions (include justification and supporting documentation for internal capture, pass-by, diverted, Transportation Demand Management)					
10.Trip Distribution % (include a map of the proposed project in addition to a list or table)					
11.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)					
12.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)					

13. Vision Zero Statement	<ul style="list-style-type: none"> • Trigger: All LATR studies for a site that generates 50 or more weekday peak hour person trips must develop a Vision Zero Statement. • Requirements: The Vision Zero Statement consists of four components: <ol style="list-style-type: none"> 1. Review High Injury Network segments: Document any segments on the High Injury Network (HIN) that are within a certain distance of the site frontage. 2. Assess proximate safety issues: Review the crash history for all segments and crossings within a certain distance of the site frontage. 3. Review traffic speeds: Conduct speed studies within a certain distance from the site frontage. 4. Describe site access: Address the safety issues identified in steps 1 through 3 and describe how site circulation promotes safety, outlining how safe access will be provided to the site. <p>The applicant should refer to the <i>LATR Guidelines</i> to determine the applicable scoping distance pertaining to steps 1 through 3 and requirements pertaining to steps 1 through 4.</p>
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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: The motor vehicle adequacy test will not be applied in "Red" policy areas and these areas will not be subject to LATR motor vehicle mitigation requirements. If the plan generates 50 or more weekday peak hour person trips, HCM Analysis is required to be provided for all intersections analyzed in studies for: 1) "Orange" policy areas, and 2) intersections with a CLV of more than 1,350 in "Yellow & Green" policy areas. 3) With the exception of intersections located within "Red" policy areas, 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: The applicant must mitigate its impact on vehicle delay or down to the applicable policy area standard, whichever is less.
15. Pedestrian Analysis	<input type="checkbox"/> Pedestrian Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more weekday peak hour person trips, mitigation of surrounding pedestrian conditions is required. MITIGATION: Mitigation consists of three components: <ol style="list-style-type: none"> (1) Pedestrian Level of Comfort (PLOC). Pedestrian system adequacy is defined by providing a "Somewhat Comfortable" or "Very Comfortable PLOC score on streets and intersections for roads classified as Primary Residential or higher within a certain walkshed from the site. (2) Street Lighting. The applicant must evaluate existing street lighting based on MCDOT standards along roadways and paths from the development within a certain walkshed from the site frontage. Where standards are not met, the applicant must upgrade the street lighting to meet the applicable standard. (3) ADA Compliance. The applicant must fix ADA noncompliance issues within a certain walkshed from the site frontage equivalent to half the walkshed specified in

	<p>the required scoping distance.</p> <p>The applicant should refer to the <i>LATR Guidelines</i> to determine the applicable scoping walkshed distance requirement for each component described above.</p>		
16. Bicycle Analysis	<input type="checkbox"/> Bicycle Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more peak hour weekday person trips mitigation of surrounding bicycle conditions is required • MITIGATION: Required to ensure a low Level of Traffic Stress (LTS-2) on all existing transportation rights-of-way within a certain distance of the site frontage ; Alternatively, the project may provide a master planned improvement that provides an equivalent improvement in the level of traffic stress for cyclists within a certain distance of the site frontage. <p>The applicant should refer to the <i>LATR Guidelines</i> to determine the applicable scoping distance requirement.</p>	
17. Bus Transit Analysis	<input type="checkbox"/> Transit Mitigation Anticipated	<ul style="list-style-type: none"> • TEST: If the plan generates 50 or more peak hour person trips mitigation of surrounding transit conditions is required. Projects located within "Green" policy areas are exempt from the bus transit adequacy test. • MITIGATION: Required to ensure that there are bus shelters outfitted with realtime traveler information displays and other standard amenities, along with a safe, efficient, and accessible path between the site and a bus stop, at a certain number of bus stops within a certain distance from the site. <p>The applicant should refer to the <i>LATR Guidelines</i> to determine the applicable number of bus stop and scoping distance requirement.</p>	
Additional Analysis or Software Required	<div> <input type="checkbox"/> Queuing Analysis <input type="checkbox"/> Accident Analysis <input type="checkbox"/> VISSIM </div> <div> <input type="checkbox"/> Signal Warrant Analysis <input type="checkbox"/> Synchro <input type="checkbox"/> CORSIM </div> <div> <input type="checkbox"/> Weaving/Merge Analysis <input type="checkbox"/> SIDRA <input type="checkbox"/> Other _____ </div>		
M-NCPPC Clarifications		Additional Assumptions & Special Circumstances for Discussion	
<ul style="list-style-type: none"> • 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). • If 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. 			

Site Trip Generation Estimate Worksheet				
Step 1: Vehicle Trips				
ITE Land use Code	210			
Development Size	3 DU			
ITE trip generation estimate formula/rate* AM	0.85	Total AM Vehicle Trips	2.55	
ITE Trip generation estimate formula/rate* PM	0.99	Total PM Vehicle Trips	2.97	
Step 2: Policy Area Conversion				
Policy Area # & Name	30-Rural West	Trip Adjustment Factor	100 %	
Applied Policy Area Adjusted Value AM	2.55			
Applied Policy Area Adjusted Value PM	2.97			
Step 3: Mode Split				
			AM	PM
Auto Driver	64.8 %	Results	1.65	1.92
Auto Passenger	28.2 %	Results	0.72	0.83
Transit	1.8 %	Results	0.05	0.05
Walking (transit + non-motorized)	7.0 %	Results	0.18	0.21
Bicycling (non-motorized)	5.2 %	Results	0.13	0.15

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



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

M E M O R A N D U M

November 24th, 2021

TO: Jonathan Casey, Senior Planner
Upcounty Division
Maryland National Capital Park and Planning Commission

FROM: Heidi Benham, Manager *HB*
Well and Septic Section
Department of Permitting Services

SUBJECT: Status of Site Plan/Preliminary Plan: Seneca Property, P708
Prelim. Plan – 120210250
Site Plan - 820210200

This is to notify you that the Well & Septic Section of MCDPS approved the plan received by this office on November 24th, 2021.

Approved with the following reservations:

1. The record plat must show the proposed septic reserve areas as they are shown on this plan.

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

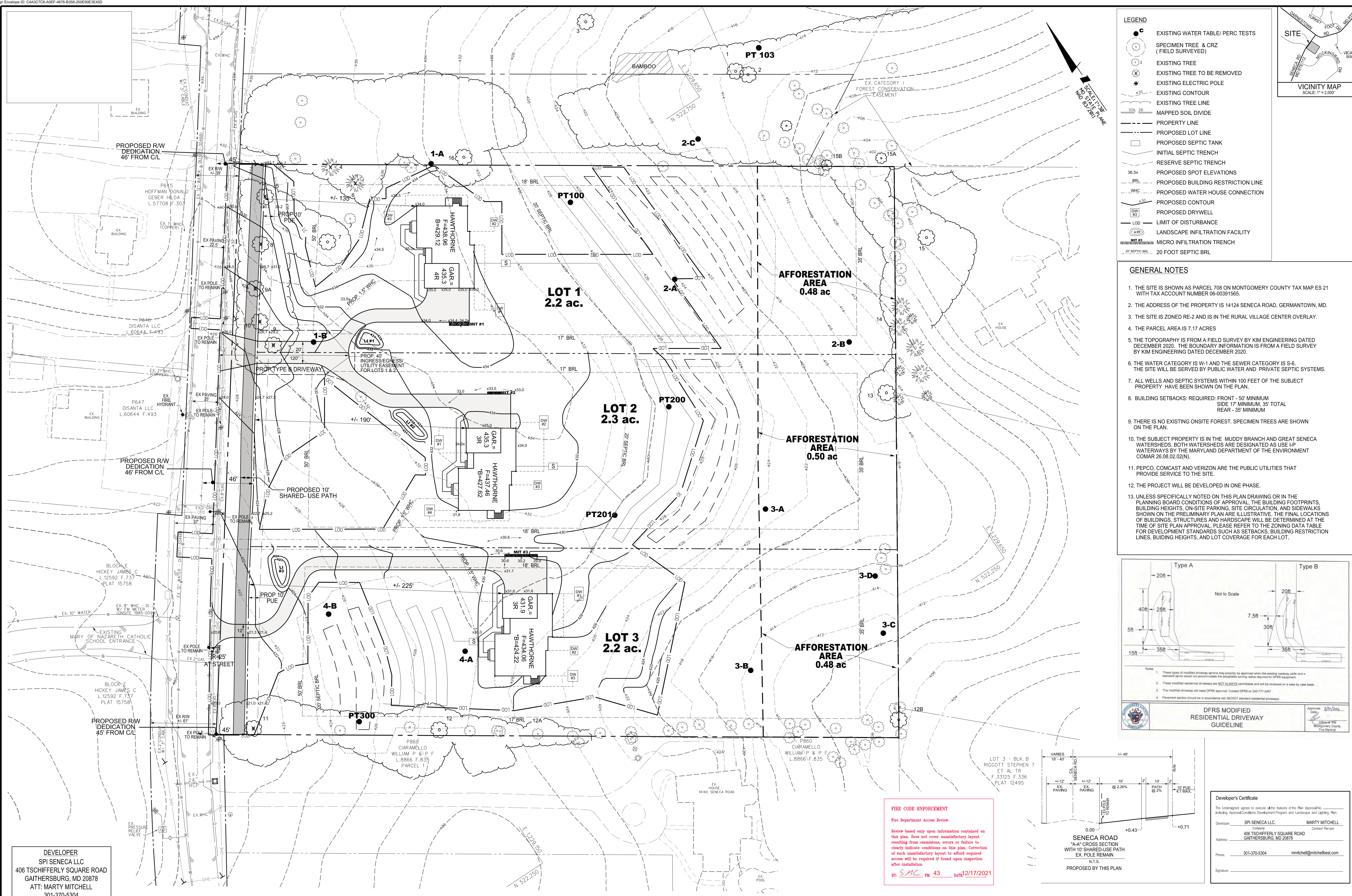


Department of Permitting Services
Fire Department Access and Water Supply Comments

DATE: 17-Dec-21
TO: Brandon Fritz - BrandonFritz@kimengineering.co
Kim Engineering, Inc
FROM: Marie LaBaw
RE: Seneca Property P708
120210250

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **17-Dec-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.



Kim Engineering, Inc.
MBE/DBE/SWaM
1390 Piccard Drive, Suite 340, Rockville, MD 20850
(240) 614-7678
www.KimEngineering.com
Baltimore, MD - Beltsville, MD - Rockville, MD - Sterling, VA
Civil Engineering - Land Surveying - Geotechnical Engineering

NO.	REVISION	BY	DATE

DATE	JUNE 2021
JOB NO.	1283
DESIGNED	KVC
TECHNICIAN	HN
CHECKED	KVC

GRAPHIC SCALE 1"=30'	
0	30
15	60

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
License No. 26286, Expiration Date: 6/21/2023

MISS UTILITY
Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. 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.

NOT FOR CONSTRUCTION

PRELIMINARY PLAN NO. 120210250

FIRE DEPARTMENT ACCESS PLAN

FIRE DEPARTMENT ACCESS PLAN

SENECA PROPERTY P 708
DANESTOWN (6TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SHEET 1 OF 1
SCALE 1" = 30'



June 25, 2021

Revised September 22, 2021

Reviewer

MNCPPC

8787 Georgia Avenue

Silver Spring, MD 20910

Re: Seneca Property

Forest Conservation Plan-Variance Request

Preliminary Plan No.:120210250

Site Plan No.:820210200

Kim No. 1283

Dear Reviewer:

On behalf of the property owner, SPI Seneca LLC, Kim Engineering, Inc. is requesting a variance for the impact to the critical root zone of 4 on site specimen trees and to remove 6 on site specimen trees, all 30 inches or greater in dbh, as required under Section 22A-21 of Montgomery County's Forest Conservation Law. The impact of these trees is necessary in association with the development of the above referred property, which is located in Germantown, MD.

The property is 7.17 acres and does not contain any forest. The significant and specimen trees were identified and shown on the approved NRI/FSD. The site is bordered on the east and south by existing residential communities. Seneca Road runs along the site's western boundary. To the north is undeveloped residential property. The Forest Conservation plan proposes 1.48 acres of afforestation planting and that all forest conservation requirements will be met on site.

The specimen trees identified in this variance request for critical root zone impact or removal are shown on the FFCP. The trees and/or their critical root zones to be impacted are located within the limits of disturbance and have impacts to their critical root zone.

These trees are located along the Seneca Road frontage. The site design is constrained by the requirement to provide a multi-use path along Seneca Road.

Efforts were made to protect the existing specimen trees whenever possible.

The following is a description of the specimen trees proposed to be saved, with impacts to their critical root zone areas.

Table 1, below, lists the specimen trees as they are identified on the Forest Conservation Plan and provides their impacts and proposed tree care methods.

ON/OFF SITE SPECIMEN TREE LIST							
NUMBER	COMMON NAME	SCIENTIFIC NAME	DBH (inches)	CONDITION	SPECIMEN TREE	RECOMMENDATION	CRZ DISTURBED/%
4	WHITE PINE	PINUS STROBUS	33	FAIR	X	REMOVE	8%
5	SILVER MAPLE	ACER SACCHARINUM	54	FAIR	X	REMOVE	100%
6	WHITE PINE	PINUS STROBUS	30	FAIR	X	REMOVE	20%
7	RED MAPLE	ACER RUBRUM	12,20, 30	FAIR	X	SAVE, ROOT PRUNE	20%
8	SILVER MAPLE	ACER SACCHARINUM	46	FAIR	X	REMOVE	100%
9	ELM	ULMUS RUBRA	44	FAIR	X	REMOVE	100%
10	SILVER MAPLE	ACER SACCHARINUM	44	FAIR	X	REMOVE	100%
11	BLACK CHERRY	PRUNUS SEROTINA	54	FAIR	X	REMOVE	26%
12	RED MAPLE	ACER RUBRUM	TWIN 18 & 36	GOOD	X	SAVE, ROOT PRUNE	26%
12A	RED MAPLE	ACER RUBRUM	30	GOOD	X	SAVE, ROOT PRUNE	17%

Tree 4

Trees 4 is located within proposed lot 1. This tree is a 33-inch White Pine and is in fair condition. The proposed shared use path is sited along the Seneca Road frontage and cannot be adjusted in a meaningful way to further minimize impact to the critical root zone. The plan proposes 8% impact to the critical root zone of this tree. The tree has many broken limbs and would be a hazard if the tree were retained.

**Tree 5**

Tree 5 is an existing 54-inch Silver Maple located on proposed Lot 1 just outside of the proposed PUE. This tree is in fair condition. The proposed shared use path is sited along the Seneca Road frontage and cannot be adjusted in a meaningful way to further minimize impact to the critical root zone. In addition, the utility installation in the PUE will negatively impact the tree. The plan proposes 100% impact to the critical root zone of this tree. The impact is too large to save this tree

Tree 6

Tree 6 is a 30-inch White Pine in fair condition which is located on the north side of Lot 1. The critical root zone will be impacted by the lot grading and the proposed drywell. The house location and dry well cannot be adjusted in a meaningful way to save the tree. 20% of the critical root zone will be impacted. The tree has many broken limbs and would be a hazard if the tree were retained.

Tree 7

Tree 7 is a triple 12, 20 & 30-inch Red Maple in fair condition located in the front yard of proposed Lot 1. Approximately 20% of its critical root zone will be impacted. The 20% CRZ impact has been minimized. The proposed houses and the drywells located nearby, have been adjusted to minimize the critical root zone impacts to allow the tree to remain but a variance is required. Root pruning is proposed to offset these impacts.

Tree 8

Tree 8 is a 46-inch Silver Maple in fair condition located at the front lot line of Lot 1, in the proposed PUE and adjacent to the Seneca Road right of way dedication. This tree is proposed to be removed. 100% of its critical root zone will be impacted by grading for the shared use path and utility installation. The proposed shared use path is sited along the Seneca Road frontage and cannot be adjusted in a meaningful way to further minimize impact to the critical root zone.

Tree 9

Tree 9 is a 44-inch Elm in fair condition located in the front yard of proposed Lot 1 adjacent to the proposed PUE and will be removed. 100% of its critical root zone will be impacted by the PUE, the shared use path and its required grading. The proposed shared use path is sited along the Seneca Road frontage and cannot be adjusted in a meaningful way to further minimize impact to the critical root zone.

Tree 9A

Tree 9A is a 40-inch Ash and is dead. The tree is located in the front yard of proposed Lot 1 adjacent to the proposed PUE. The dead tree will be removed and does not require a variance.

Tree 10

Tree 10 is a 44-inch Silver Maple in fair condition located on the proposed street right of way dedication line adjacent to the proposed shared use path. 100% of its critical root zone will be impacted by the PUE, the shared use path and its required grading. The proposed shared use path is sited along the Seneca Road frontage and cannot be adjusted in a meaningful way to further minimize impact to the critical root zone.

Tree 11

Tree 11 is a 54-inch Black Cherry in fair condition. This tree is all located at the southwestern lot corner of proposed Lot 3, adjacent to the proposed right of way dedication. Approximately 26% of the CRZ will be impacted by the grading that is required to build the shared use path and the installation of utilities in the PUE. While the grading is minor, the excavation for the path subgrade and paving and utility installation will significantly impact the tree which is in fair condition. The PUE and shared use path cannot be adjusted to mitigate the effects to the tree, therefore, this tree is proposed to be removed.

Tree 12

Tree 12 is a twin 18 and 36-inch Red Maple in good condition located along the southern property line of proposed Lot 3. Approximately 26% of the CRZ will be impacted by proposed lot grading and the installation of the initial trench of the septic system. The proposed house and septic system have been sited to minimize impact to this tree. Proposed root pruning will help to save this tree. This tree is proposed to be saved, but the impacts to the CRZ will require a variance.

Tree 12A

Tree 12A is a 30-inch Red Maple in good condition located along the southern lot line of proposed Lot 3. Approximately 17% of its critical root zone will be impacted. The 17% CRZ impact has been minimized. The proposed houses and the drywells, located nearby, have been adjusted to minimize the critical root zone impacts to allow the trees to remain. Root pruning is proposed to offset these impacts. This tree is proposed to be saved, but the impacts to the CRZ will require a variance.

Section 22A-21 (b) lists the criteria for granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

1. *Describe the special conditions peculiar to the property which would cause the unwarranted hardship.*
The subject property consists of one parcel with a gross area of 7.17 acres and is rectangular in shape. It is located on the east side Seneca Road, a state highway. The property is currently unimproved and maintained a grass field. Leaving the property in an undisturbed state would result in an unwarranted hardship, denying the applicant reasonable and significant use of their property. The applicant is proposing to locate a shared use path along the Seneca Road frontage. This path is required by the master plan.
2. *Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas.*
As described above, the property is zoned RE-2, located in a suburban area. Three new single family homes on 2 acre lots are proposed in keeping with the existing zoning. The inability to disturb any of the critical root zones of the existing trees would cause the property to be undevelopable as recommended by the master plan. Efforts have been undertaken during the design phase to limit the grading and disturbance within the critical root zone areas of the trees subject to the variance request. Considering the size and configuration of the property and the requirement meet forest conservation requirements on-site, the six trees that are proposed to be removed are located immediately adjacent to Seneca Road. These trees are located close to the area of proposed street dedication and the proposed shared use path and PUE. The shared use path and PUE cannot be adjusted in a meaningful



way to avoid impacts to the critical root zones. The same criteria has been applied to similar projects where CRZ disturbance is unavoidable. Therefore, the potential inability to impact the critical root zones of the existing specimen trees would create a significant disadvantage for the applicant that deprives the applicant of the opportunities afforded to the neighboring or similar properties that have not experienced this unique review and approval process.

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

The critical root zones of the specimen trees that are proposed to be impacted are not within a stream buffer, wetland or a special protection area. Kim Engineering has prepared a Stormwater Management Concept which is under review by the Montgomery County Department of Permitting Services. That concept proposes to address stormwater management requirements through Environmental Site Design, by providing dry wells and non-rooftop disconnection, therefore State water quality standards will not be violated or a measurable degradation in water quality will not occur as a result of the granting of the variance request.

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

Please note that the impact to the specimen trees has been limited to impacts from the proposed shared use path and PUE along Seneca Road and grading required for septic installation and house siting. The forest conservation requirements are being met on site.

Also note that the applicant is proposing to plant 21 new 3-inch caliper trees on the property to offset the loss of the 6 specimen trees. These trees will provide shade and aesthetic benefit to the property and the community. These trees will also help to improve water quality at the site by reducing runoff and erosion, providing shade to reduce the temperature of the runoff and promote overland filtering, evapotranspiration and infiltration.

Thank you for your consideration of this Tree Variance request. In summary, we believe that the information provided in this letter justifies the variance to impact the critical root zone of three (3) specimen trees that are to be preserved and the removal of seven (7) specimen trees. The removal of the variance trees will be mitigated by planting 26 – 3 inch caliper trees.

Sincerely,

A handwritten signature in blue ink that reads "Karen V. Carpenter".

Karen V. Carpenter, RLA
Senior Project Manager
Kim Engineering, Inc.

cc: Marty Mitchell -SPI Seneca LLC



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Mitra Pedoeem
Director

September 21, 2021

Mr. Joshua Kim, EIT
Kim Engineering, Inc.
1390 Piccard Drive, Suite 340
Rockville, MD 20850

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
14124 Seneca Road
Preliminary Plan #: 120210250
Site Plan #: 820210200
SM File #: 287193
Tract Size/Zone: 312,023 sq ft/RE-2
Total Concept Area: 166,348 sq ft
Parcel(s): 708 to be subdivided into 3 lots and
ROW dedication for MD 112 (Seneca Road)
Watershed: Muddy Branch/I
Great Seneca/I

Dear Mr. Kim:

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 micro-infiltration trenches, drywells, and landscape infiltration. Full treatment must be met on each lot and for each individual watershed.

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

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



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

Mr. Joshua Kim, EIT
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5. Treatment of vehicular areas must be maximized prior to utilizing compensation in measures treating roof areas.
6. Surface fed environmental site development measures other than rain gardens can be considered at final engineering if all DPS guidance is followed.
7. 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 Mary Fertig at 240-777-6202 or at mary.fertig@montgomerycountymd.gov.

Sincerely,

Mark Etheridge

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

MCE: mmf

cc: N. Braunstein
SM File # 287193

Lot 1

ESD: Required/Provided 217 cf / 238 cf Great Seneca

ESD: Required/Provided 496 cf/ 549 cf Muddy Branch

PE: Target/Achieved: 1.0"/1.0"

STRUCTURAL: n/a

WAIVED: n/a



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

Mr. Joshua Kim, EIT
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Lot 2

ESD: Required/Provided 523 cf / 676 cf Great Seneca

ESD: Required/Provided 290 cf/ 352 cf Muddy Branch

PE: Target/Achieved: 1.0"/1.0"

STRUCTURAL: n/a

WAIVED: n/a

Lot 3

ESD: Required/Provided 304 cf / 323 cf Great Seneca

ESD: Required/Provided 526 cf/ 556 cf

PE: Target/Achieved: 1.0"/1.0"

STRUCTURAL: n/a

WAIVED: n/a



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



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

November 29, 2021

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

RE: Preliminary Plan No. 120210250
Seneca Property
Revised Letter

Dear Mr. Casey:

This letter supersedes our previous letter dated November 19, 2021. We have completed our review of the administrative plan uploaded to Eplans on October 20, 2021. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on September 14, 2021. 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.

General Comments

1. The subject property has street frontage along Seneca Road (MD 112), which is maintained by Maryland State Highway Administration (MSHA). Therefore, MCDOT does not have any jurisdiction, and per Montgomery County Code Chapter 50 Section 4.2, MCDOT shall provide recommendation for the attention of the concerned agencies.

Significant Plan Review Comments

2. We recommend that the applicant comply with the December 2018 Bicycle Master Plan.

Office of the Director

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

Located one block west of the Rockville Metro Station

Standard Plan Review Comments

3. Dedicate necessary right-of-way along the Seneca Road (MD 112) frontage.
4. We defer to MSHA for all access and improvements to Seneca Road (MD 112).
5. We defer to MSHA for sight distance along Seneca Road (MD 112).
6. The storm drain study was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream, County-maintained storm drain system for this plan. The portion of the site draining to Seneca Road (MD 112) shall be reviewed and approved by MSHA.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

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

Sharepoint/transportation/director's office/development review/WhelanW/120210250 Seneca Property - MCDOT Review Letter REVISED 112921.docx

cc: Correspondence folder FY 2022

cc-e:	Brandon Fritz	Kim Engineering
	Kwesi Woodroffe	MSHA
	Katherine Mencarini	MNCP&PC
	Sam Farhadi	MCDPS RWPR
	Marie LaBaw	MCFRS