

SHIVACHARAN

ADMINISTRATIVE SUBDIVISION PLAN NO. 620220060

Description

Request to create one lot for one new single-family detached dwelling unit.

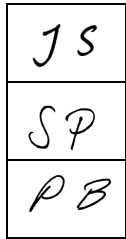
No. 620220060

Completed: 11-23-2022

ADMINISTRATIVE
APPROVAL MEMO
MCPB Item No. 11
12-8-2022

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

Planning Staff



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LOCATION/ADDRESS

17700 and 17800 Whites Ferry Road, 1,000 feet west of Morrow Road

MASTER PLAN

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

ZONE

AR

PROPERTY SIZE

25.24 acres

APPLICANT

CAS Engineering

ACCEPTANCE DATE

May 4, 2022

REVIEW BASIS

Chapters 22A and 50



Summary:

- Staff recommends approval of the Administrative Subdivision Plan, with conditions.
- Although this Application is an Administrative Subdivision Plan, typically acted on by the Planning Director, the Application requires Planning Board action because the proposed lot is larger than the 5-acre maximum within the AR zone as per Section 50.6.1.B.5.
- Meets the applicability requirements for an Administrative Subdivision Plan to create one lot for a new single-family detached dwelling unit.
- The Application includes an agricultural exemption from the requirements of Chapter 22A, Forest Conservation Law, for the portion of the Property that is remaining in agricultural production.
- The Application substantially conforms to the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* by supporting active agricultural production, retaining prime soils, and maintaining the existing rural character.
- No community correspondence has been received to date.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN 620220060

Staff recommends approval with conditions of the Administrative Subdivision Plan to create one lot for one new single-family detached dwelling unit. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620220060 as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

GENERAL APPROVAL

1. This Administrative Subdivision Plan is limited to one (1) lot for one (1) new dwelling unit for single-unit living.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

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

PLAN VALIDITY PERIOD

3. The Administrative Subdivision Plan will remain valid for three (3) years from its initiation date, per Montgomery County Code Section 50.4.2.G. Prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated July 13, 2022, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.
5. Prior to the approval of a record plat, the Applicant must receive approval of a stormwater concept plan from the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section.
6. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Well and Septic Section in its letter dated August 18, 2022, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well and Septic

Section if the amendment does not conflict with any other conditions of the Administrative Subdivision Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated June 27, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Administrative Subdivision Plan approval.

OTHER APPROVALS

8. *Clearing/Grading/Demo Condition*

Before recordation of the plat or start of any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.

ENVIRONMENT

9. Before recordation of the plat and the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
 - a. Record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers not already covered by an existing Category I Conservation Easement, as specified on the approved Preliminary and Final Forest Conservation Plan. The Category I Conservation Easement must exclude existing features that are within the environmental buffer and will remain as part of the development application, including the existing driveway and five additional feet on each side of the driveway. 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 prior to recordation of the Deed of Release of Scenic Easement for the existing Scenic Easement. The Book/Page of the existing and the new Category I Conservation Easements must be referenced on the record plat.
10. Before the start of any demolition, clearing, grading, or construction, whichever comes first, for this development application, the Applicant must:
 - a. Submit a Deed of Release of Scenic Easement for the entirety of the existing Scenic Easement recorded among the County Land Records in Liber 5594 and Folio 509, in a form approved by the M-NCPPC Office of General Counsel. The Deed of Release must be recorded in the Montgomery County Land Records. The entirety of the existing easement remains in full force and effect until the Deed of Release has been approved and recorded in the Montgomery County Land Records. The Deed of Release cannot be approved by M-NCPPC until the new Category I Conservation Easement is recorded.
 - b. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the 2.69 acres of new forest planting and maintenance, including invasive species management controls, credited towards meeting the requirements of the FCP.
 - c. Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all

d. Install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.

- ## TRANSPORTATION

- ## RECORD PLATS

- ## Easements

- ## CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

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- b. The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Administrative Subdivision Plan is required to be on-site at all times.*
- 19. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a. Show resolutions and approval letters on the certified set.*
 - b. Include the approved Fire and Rescue Access plan in the certified set.*

SECTION 2: SITE DESCRIPTION

VICINITY

Administrative Subdivision Plan No. 6220220060 is a request to consolidate properties identified as Parcel 788 and Lot 1, Tax Map CS63, and described by deed in Book 55661 Page 288; located at 17700 and 17800 White's Ferry Road and consisting of 25.24 acres, zoned AR ("Property" or "Subject Property") into one lot. The Property is within the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan* ("Master Plan") area. In all directions, the surrounding properties are all AR zoned and consist of farm properties, residences, and vacant land within the Agricultural Reserve.

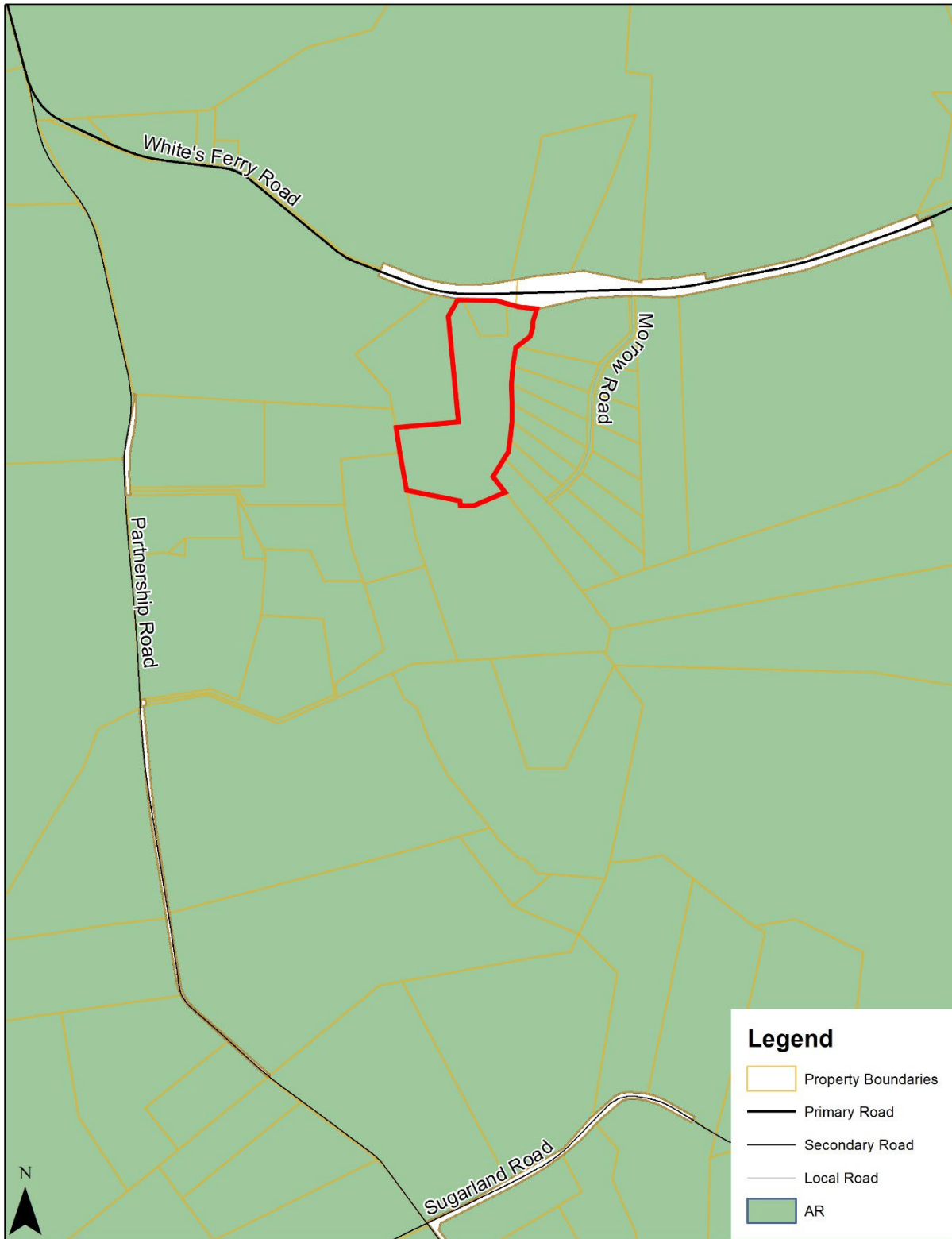


Figure 1 – Zoning Map with Subject Property (outlined in red)



Figure 2 – Aerial View of the Subject Property

PROPERTY DESCRIPTION

The Subject Property is located within the Dry Seneca Creek watershed, which is classified as Use Class I-P by the State of Maryland. The Property contains 0.85 acres of forest. There is an existing Category I Conservation Easement and Scenic Easement on the Subject Property. The Property is bounded to the east and the south by Dry Seneca Creek, with a small tributary bisecting the Property and extending to the north near Whites Ferry Road. This section of Whites Ferry Road is not currently identified as a Rustic Road. Lot 1 is vacant and substantially unmaintained, while Parcel 788 is developed with an existing single-family detached residence and supporting accessory structures, with the surrounding field grass and lawn areas largely maintained (Figure 2). The Subject Property is actively utilized for agriculture purposes. The existing residence and driveway are positioned in locations that effectively maximized the usable acreage for agriculture. Dry Seneca Creek Stream Valley Park is located to the southwest of the Subject Property.

SECTION 3: PROJECT DESCRIPTION

PREVIOUS APPROVALS

PRE-PRLEMINARY PLAN¹

Pre-Preliminary Plan No. 720110010 was approved by Planning Board Resolution MCPB No. 12-28 dated July 23, 2012 (Attachment I) for the creation of one lot as shown on Plat No. 24746. Per this Resolution, one child lot of 2.0 acres was created via the minor subdivision process outlined in the Subdivision Regulations (Chapter 50). An associated Preliminary Forest Conservation Plan was approved as part of this application. Final Forest Conservation Plan SC2008002 was approved for the 2.0-acre child lot by Staff in a memo dated January 24, 2013. This Administrative Subdivision Application and associated Final Forest Conservation Plan, if approved, supersedes the previously approved subdivision and forest conservation plan.

PROPOSAL

The Applicant proposes to create one lot, from Parcel 788 and Lot 1, on 25.24 acres. The existing structure and accessory structures will be razed to construct a new single-family detached house. The proposed septic system and reserve sand mound areas are located to the east of the proposed residence. Access to White's Ferry Road is provided by an existing single private driveway, which is to remain. The Application proposes to remove the Scenic Easement on the Property and replace it with

¹ Per Section 50.5.1.A, before a subdivider submits a preliminary plan, the subdivider may seek advice on limited aspects of a future subdivision plan from the Planning Department Staff, the Development Review Committee, or the Board as appropriate, or seek a binding decision from the Board.

an M-NCPPC standard Category I Conservation Easement, which will provide greater protections for the stream valley.

ENVIRONMENT

As required by the Forest Conservation Law, the Application includes a Preliminary/Final Forest Conservation Plan (“FCP”). Included with the FCP is a request for a tree variance for impacts to subject trees. The FCP proposes to retain the existing 0.85 acres of forest and plant the required 2.9 acres of forest onsite to satisfy the requirements of the Forest Conservation Law. All retained and planted forest and areas of stream buffer that are not encumbered by features of the development will be protected with Category I Conservation Easements. Please see the Analysis in Section 4 for an expanded explanation of the FCP.

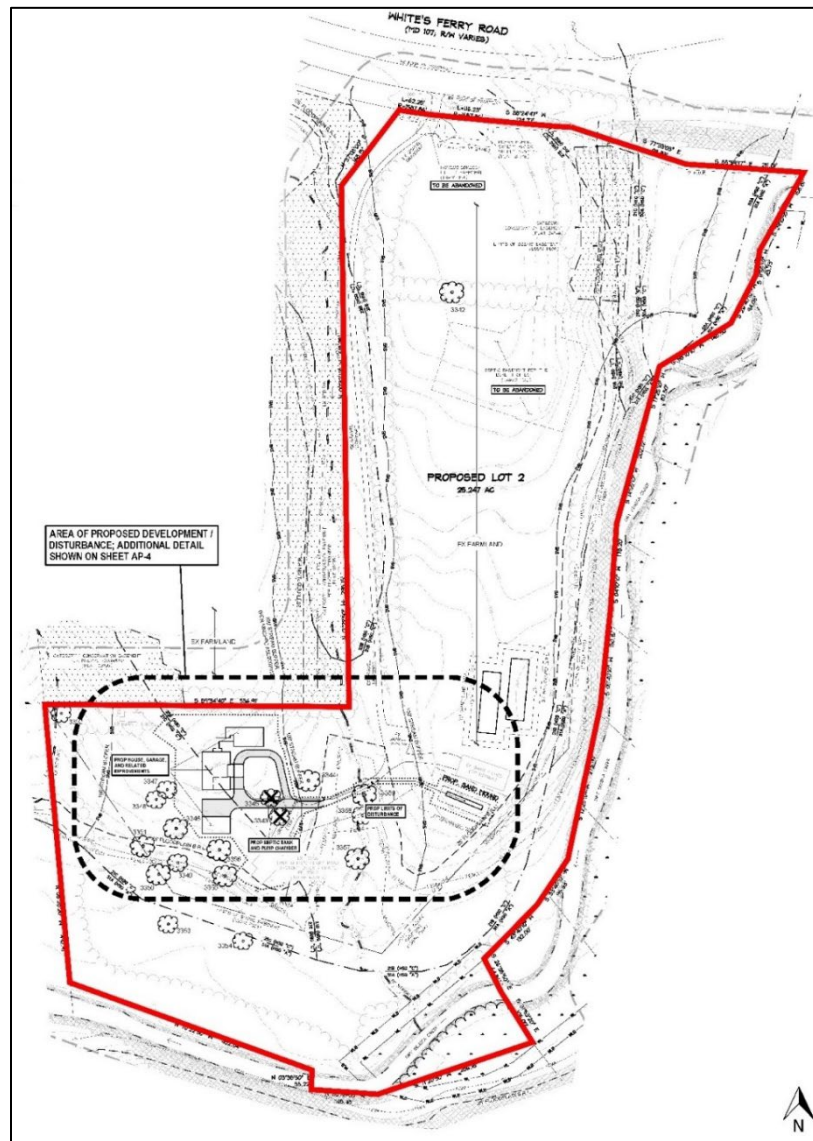


Figure 3 – Administrative Subdivision Plan

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan. However, applicants must post signs on the development site and provide written public notice. A Notice of Application was sent to all required parties by the Applicant on May 10, 2022. The notice gave the interested parties 15 days to review and comment on the contents of the Application. Due to this Application being scheduled for a public hearing before the Planning Board, a Notice of Public Hearing has also been sent to all required parties.

As of the date of this Staff Report, no correspondence has been received.

SECTION 5: FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

The Application meets the criteria for the Administrative Subdivision process per Section 50.6.1.B as demonstrated below:

B) Subdivision for creation of certain residential lots located in the Agricultural Reserve zone. Up to 5 lots for detached houses may be created under these procedures in the AR zone if:

1. written approval for a proposed well and septic area is received from the Department of Permitting Services before approval of the plat;

The Application has received written approval for a proposed well and septic area, and abandonment and removal of the existing septic facility, from the MCDPS – Well and Septic Section in the letter dated August 18, 2022 (Attachment G).

2. any required road dedications and public utility easements along the frontage of the proposed lots are shown on the record plat, and the applicant provides any required improvements;

As conditioned and discussed below, the Application provides the required road dedications and public utility easements along the frontage of the proposed lot on Whites Ferry Road, and the Applicant provides the required improvements.

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

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

- 4. a covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat for the lots;**

There is not an unplatted balance of the tract, therefore the finding is not applicable.

- 5. lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board; and**

The proposed 25.24-acre lot is greater than 5 acres, which requires Planning Board approval.

- 6. forest conservation plan approval and stormwater management and environmental protection requirements, if applicable, are satisfied before approval of the plat.**

As conditioned and discussed below in the Technical Review for Forest Conservation section, the Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A, and is compliant with the Montgomery County Planning Department's Environmental Guidelines. Additionally, as conditioned and discussed below, the Applicant must receive approval of a stormwater management concept prior to record plat.

FINDINGS REQUIRED BY SECTION 50.6.3.C, INCLUDING TECHNICAL REVIEW CRITERIA OF SECTION 50.4.3 OF THE SUBDIVISION ORDINANCE

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

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

Single-Unit Living, as defined by Section 59.3.3.1.B of the Zoning Ordinance, is a permitted use in the AR zone according to the Use Table in Section 59.3.1.6. The lot will meet all the dimensional requirements for area, frontage and width and can accommodate a building which can reasonably meet the setback requirements in the AR zone. A summary of this review is included in Table 1.

Table 1 - Development Review Table

AR Zone	Required by the Zone	Proposed for Approval
Minimum Lot Area	40,000 sq. ft.	1,099, 759 sq. ft. (25.24 acres)
Minimum Lot Frontage	25 feet	25 feet or greater
Minimum Lot Width at B.R.L.	125 feet	125 feet or greater
Maximum Lot Coverage	10%	10% or less
Minimum Setbacks (for principal structures)		
Front	50 feet	50 feet or greater
Side	20 feet	20 feet or greater
Rear	35 feet	35 feet or greater
Minimum Setbacks (for accessory structures)		
Front	50 feet	50 feet or greater
Side	15 feet	15 feet or greater
Rear	15 feet	15 feet or greater
Maximum Building Height	50 feet	50 feet or less
Site Plan Required	No	No

2. The Administrative Subdivision Plan substantially conforms to the Master Plan.

1980 Preservation of Agriculture and Rural Open Space Functional Master Plan

This Property is part of the Western Sector Recommendations and is within the northern part of the Poolesville Planning Area (page 17). The northern portion of the Poolesville Planning Area is included in the Agricultural Reserve and is consistent with agricultural preservation land use policies as expressed in this Plan. While there are no site-specific recommendations for this Property, some general recommendations are that farmland, rural open space, and residential development (rural communities and large lot development) can be compatible land-uses within the Agricultural Preservation Study Area, if appropriately located.

The 25.24-acre property is zoned AR and located on Whites Ferry Road, just outside of Poolesville. At this location it would be expected that a large lot development (1 lot) and farmland/Rural Open Spaces would be compatible. A main goal of the Plan is preservation of critical masses of farmland and rural open space. Of the approximately 25-acre property, about 7.56 acres will remain in active commercial agriculture, preserving a large area of contiguous and active farmland. The area of the Subject Property to remain in agriculture is located immediately adjacent to Whites Ferry Road (Country Connector) and will have full access for farm equipment. This Application substantially conforms to the Master Plan for the preservation of agriculture and rural open space.

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

Public facilities will be adequate to support and service the Application.

Roads and other Transportation Facilities

The transportation Adequate Public Facilities (APF) test is satisfied under the current Growth and Infrastructure Policy (“GIP”). The Property is located in the Rural West Policy Area.

Whites Ferry Road is classified as a Country Connector with approximately 120 feet of right-of-way. The Applicant is required to dedicate 60 feet of right-of-way from centerline for a total right-of-way of 120 feet along the Property’s frontage. The Bicycle Master Plan recommends bikeable shoulders along the section of Whites Ferry Road from Partnership Road (westbound) to Darnestown Road (eastbound). An existing 8-foot shoulder along the Property’s frontage meets the Bicycle Master Plan recommendation; no additional improvements are required.

Per Section 49-33 (e) of the County Code, sidewalk improvements are not required, because the Property is larger than 25,000 square feet and is located in a rural zone.

Local Area Transportation Review (LATR)

As stated in the 2022 LATR guidelines, trip generation rates for projects that contain four or fewer single-family dwelling units and generate less than five peak-hour trips are not considered. Therefore, the Applicant is not required to submit a traffic study.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lot. The Subject Property has W-6 and S-6 water and sewer service categories, respectively, and will utilize a new on-site private well and sand mound septic system. The Application has received approval from the MCDPS – Well and Septic Section in the letter dated August 18, 2022 (Attachment G).

The Application has been reviewed by the Montgomery County Department of Permitting Services, Fire Department Access and Water Supply office. The Application has received an approved Fire Access Plan based on the letter dated June 27, 2022 (Attachment F). The Fire Access Plan provides adequate access for fire protection from Whites Ferry Road.

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

Schools Adequacy Test

The Application does not produce a net increase in housing units because the Subject Property contains an existing detached house, which will be replaced by the proposed house on the new lot being created. Therefore, a School Adequacy Test is not required.

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts to subject trees. The Administrative Subdivision Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

a) Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420221300 for this Property was approved in February 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the 25.2-acre Subject Property located within the Dry Seneca Creek Watershed, which is classified as Use Class I-P by the State of Maryland. The Subject Property contains approximately 0.85 acres of forest which is comprised of two separate forest stands. A 0.55-acre forest stand located in the northern part of the Property, adjacent to Whites Ferry Road is protected by an existing Category I Conservation Easement as well as a partially overlapping Scenic Easement related to a prior subdivision application. The Scenic Easement, between the owner of the Property at that time and M-NCPPC, was recorded over a portion of the Subject Property in 1980 as a protective mechanism for the Dry Seneca Creek stream valley (Attachment C). As conditioned, this Application proposes to remove the Scenic Easement and replace it with an M-NCPPC standard Category I Conservation Easement, which will provide greater protections for the stream valley. The second forest stand is comprised of 0.30 acres of forest and located in the far southern portion of the Property, on the south side of Dry Seneca Creek. In addition, the Property contains 21 trees that have a diameter at breast height (“DBH”) of 24 inches or greater, 11 of which have a DBH of 30 inches or more.

There are two streams on or immediately adjacent to the Property. The first stream, Dry Seneca Creek, is located offsite and adjacent to the eastern Property line, and eventually meanders onsite at the southernmost part of the Subject Property. There is an expansive 100-year floodplain and stream buffer that extend onto the Property. The second stream is a tributary to Dry Seneca Creek, and it is located offsite and adjacent to the western Property line. This stream eventually flows onto the Subject Property and under the existing driveway before meeting up with Dry Seneca Creek as the southern end of the Property. There are wetlands located onsite along Dry Seneca Creek at the southern end of the Property. There are no mapped highly erodible soils; however, there are areas of steep slopes greater than 25 percent located adjacent to Dry Seneca Creek, along the eastern Property line. The Property does not contain any known rare, threatened or endangered species, and no historic resources or cemeteries are known to exist on the Property.

The Property includes areas under existing scenic easements and conservation easements associated with prior development plan approvals.

b) Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FCP”) with the current development application (Attachment D). The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned AR and is assigned a Land Use Category of Agricultural and Resource Area (“ARA”) 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 threshold of 20% and a conservation threshold of 50% of the net tract area. The net tract area of 17.69 acres is based on the 25.25-acre Property minus the 7.56 acres that will remain in agricultural production. The Applicant has provided an Agricultural Declaration of Intent for the area to remain in agricultural production. There is a total of 0.85 acres of existing forest on the Subject Property. The Application proposes to retain all existing forest; however, since the amount of forest is less than the afforestation threshold, it results in a planting requirement of 2.69 acres. The Application proposes to meet the planting requirement on-site by planting forest in two areas of the Property that are adjacent to existing forest and stream buffer and/or within unforested portions of the stream buffer. All the retained and planted forest will be protected in a Category I Conservation Easement.

The development must comply with Section 22A-12(f) of the Montgomery County Code. This section of the Code states that for developments in an ARA, at a minimum, on-site forest retention must equal 25% of the net tract area. In this case, the amount of existing forest, 0.85 acres, is less than 25% of the net tract area, 4.42 acres. Per Section 22A-12(f), if existing forest is less than the minimum required retention, all existing forest must be retained, and on-site afforestation up to the minimum standard must be provided. If existing forest is less than the applicable afforestation threshold, the afforestation threshold is the minimum on-site forest requirement. The Applicant proposes to retain all of the 0.85 acres of existing forest and plant 2.69 acres of forest, resulting in a total of 3.54 acres of forest on-site, which equals the afforestation threshold. Therefore, the Application has demonstrated compliance with this section of the Code.



Figure 4 – Preliminary / Final Forest Conservation Plan

Forest Conservation Variance Findings

Section 22A-12(b)(3) of the 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 tree; area 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 August 19, 2022 (Attachment E). The Applicant proposes to impact five (5) 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 (Table 2) and Figure 5. None of the Protected Trees are proposed to be removed and none of the trees are located within forest.

Table 2 – Protected Trees to be Impacted

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
3344	Black Locust (<i>Robinia pseudoacacia</i>)	39.5"	33%	Fair condition
3346	White Oak (<i>Quercus alba</i>)	37"	14%	Good condition
3355	White Oak (<i>Quercus alba</i>)	35"	27%	Good condition
3356	White Oak (<i>Quercus alba</i>)	34"	27%	Good condition
3359	Black Locust (<i>Robinia pseudoacacia</i>)	32"	18.7%	Fair condition

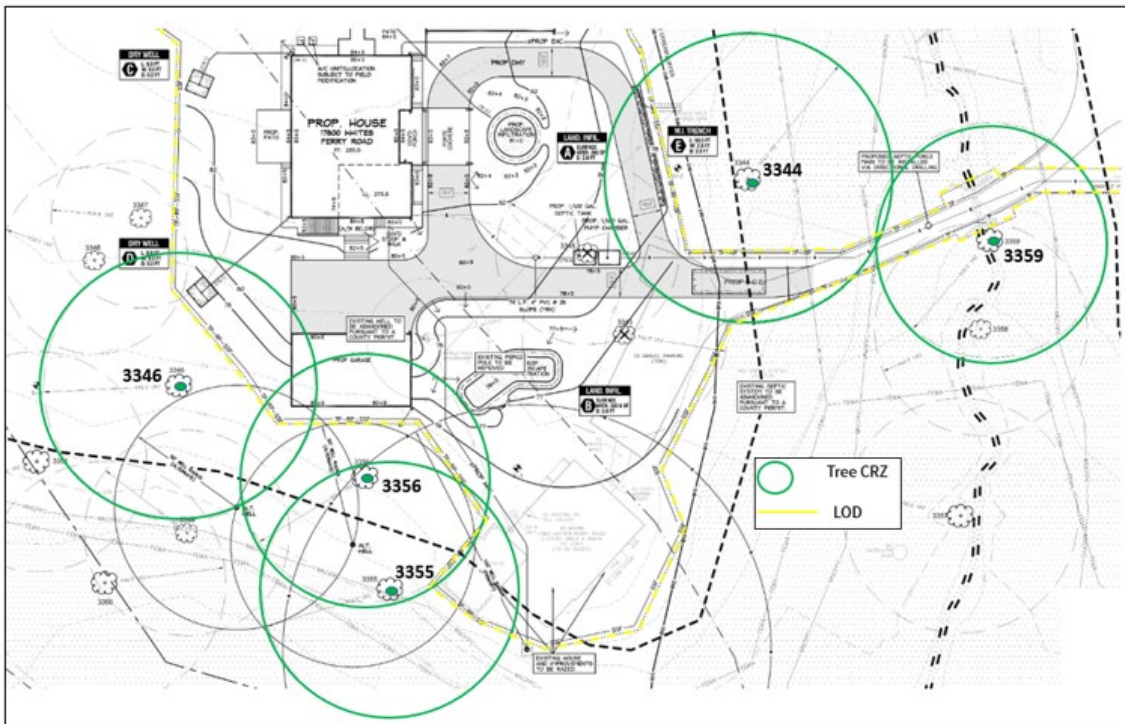


Figure 5 - Tree Variance

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered 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, which is dictated by the existing site conditions, including land in active agriculture, forest and stream buffers, and soils suitable for septic, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives. The project has been designed to avoid the removal of any Protected Trees and minimized impacts as much as possible to the five Protected Trees that require a variance. In addition, the Application proposes to maximize the area available for the existing agricultural use on the Property and to access to the proposed house via the existing driveway. The Applicant will demolish the existing house and build a new larger house in the same general vicinity, outside of the stream buffer and existing forest, and within the developable area of the Property. The inability to impact these five trees would potentially render portions of the Property undevelopable for this project. 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 one house and maximize the area available for agriculture, 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, for a variance to be granted.

- i. *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 disturbance to the specified trees is due to the development of the Property, location of the trees, and necessary site design requirements. The Property contains numerous large trees located within the developable area of the site. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Master Plan is not unique to this Applicant. The granting of this variance is not a special privilege that would be denied to other applicants.

- ii. *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 on existing site conditions and the requirements to meet development standards.

- iii. *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 the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

- iv. *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. None of the Protected Trees will be removed and the Property is not located in a Special Protection Area. The root zones of the Protected Trees will be impacted during construction, will regenerate, allowing the trees to provide the same water quality benefits that they do today. Therefore, the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There is some disturbance within the CRZ of five Protected Trees; however, they will receive adequate tree protection measures including temporary tree protection fencing during construction and root pruning, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained.

Recommendation on the Variance

The variance request to impact Protected Trees as illustrated on the FCP should be granted.

c) *Environmental Guidelines and Stream Buffer Impacts*

The southern, western and eastern Property boundaries overlap streams with associated stream buffers. This Application includes unavoidable impacts to one onsite tributary stream and stream buffers. There is an existing driveway from White's Ferry Road that provides access to the existing house and the proposed new house. This driveway is located within the stream buffer along the western edge of the Property and includes a stream crossing to reach the house. The existing driveway will remain and provide access to the new house. In addition, the Application includes the installation of a septic line that follows the alignment of the driveway, including the stream crossing, that will connect the septic tank serving the house to the sand mounds. The line will be installed through directional boring to minimize the impacts to the stream. The new house and the sand mounds are located on opposite sides of the stream, necessitating these impacts. Montgomery County Well and Septic Division acknowledged that the septic system did not meet the criteria to function successfully if located west of and on the same side of the stream as the house. Relocation of the house to the east side of the stream where the septic sand mounds are located would result in loss of more stream buffer and remove additional land on prime agricultural soils out of agricultural production. Some of the impacts to the stream and buffer currently exist, and the proposed additional impacts have been minimized as much

as possible, allowing for access to and construction of the new house with an adequate septic system to serve the house, while maximizing the land available for agriculture use.

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

As conditioned, the Applicant must receive approval of a stormwater management concept from the MCDPS – Water Resources Section prior to record plat.

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

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

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

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

SECTION 6: CONCLUSION

The Administrative Subdivision meets the requirements of Section 50.6.3.C and the technical requirements of Section 50.4.3 of the Subdivision Regulations, and the applicable requirements of Section 50.6.1.B. The lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the 1980 *Preservation of Agriculture and Rural Open Space Functional Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

ATTACHMENTS

Attachment A: Statement of Justification

Attachment B: Administrative Subdivision Plan Composite

Attachment C: Scenic Easement to be Abandoned

Attachment D: Forest Conservation Plan Composite

Attachment E: Tree Variance Request

Attachment F: MCDPS Fire Department Access and Water Supply Approval Letter, June 27, 2022

Attachment G: MCDPS Well and Septic Approval Letter, August 18, 2022

Attachment H: MCDOT Approval Letter, July 13, 2022

Attachment I: MCPB Resolution No. 12-28



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

civil • surveying • land planning

STATEMENT OF JUSTIFICATION

PROPOSED LOT 2 SHIVACHARAN

March 12, 2020

ADMINISTRATIVE SUBDIVISION PLAN APPLICATION M-NCPPC FILE No. 620220060

I. INTRODUCTION

Applicant, Mr. Bangalore Shivacharan ("Applicant"), hereby submits this Administrative Subdivision application to create a one-lot subdivision from an existing Lot (Lot 1, Jones Manor; Plat 24746) and an adjacent parcel (P788, William & Mary; L.55661 F.288). The subject property ("the property") consists of approximately 25.247 acres, located 1,000 feet west of Morrow Road in Poolesville. and is more particularly The property is currently zoned AR.

II. EXISTING CONDITIONS AND SURROUNDING AREA

Parcel 788 is currently developed with a single-family home and related accessory buildings. Areas surrounding the existing house are maintained, with field grass and lawn areas mowed regularly. Lot 1 is currently vacant and substantially unmaintained. The property is bound by Dry Seneca Creek to the east and south; to the west lies a property also owned by the applicant as well as a residential lot fronting on Partnership Road and a Montgomery County owned parcel. Properties to the north, south and west are generally expansive residential lots or farming tracts, whereas the properties directly to the east are generally improved with non-residential uses.

III. PROPOSED PRELIMINARY PLAN

The Application proposes to combine Parcel 788 and Lot 1 in order to construct a new single-family dwelling on the Property. The existing driveway apron on White's Ferry Road (MD 107) will be reused to serve the new dwelling. The Application will not generate any additional peak hour trips as the existing single-family dwelling will be razed and replaced with one (1) single-family dwelling.

IV. COMPLIANCE WITH ADMINISTRATIVE SUBDIVISION REGULATIONS

- **§50.6.1.B Subdivision for creation of certain residential lots in the AR Zone.**

Up to 5 lots for detached houses may be created under these procedures in the AR Zone if:

- 1) *Written approval for a proposed well and septic area is received from the Department of*

Permitting Services before approval of the plat;

Permit applications for a new well (permit 936463) and a new septic system (permit 936475) have been submitted to the Department of Permitting Services and are currently under review.

- 2) *Any required road dedications and associated public utility easements are shown on the plat and the applicant provides any required improvements;*

Road dedication to White's Ferry Road occurred under SHA plats 52462 and 52463 in 1990; additional road dedication is not anticipated. Public utility easements will remain or be extended as needed to cross the entire frontage of the newly created property.

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

This Application satisfies the transportation Adequate Public Facilities (APF) test under the current 2016-2020 Subdivision Staging Policy. Furthermore, a traffic study is not required as the project produces less than 50 peak hour person trips.

Private, on-site water and sewer are proposed for the property; public gas mains are not available in the immediate vicinity; public electrical service is available and currently serves the property.

- 4) *A covenant is recorded for the unplatted balance of the tract noting that density and development rights have been used for the new lots and noted on the record plat.*

There will be no unplatted remainder once the plat is recorded.

- 5) *Lots created in the AR zone through this procedure are 5 acres or less, unless approved by the Board.*

The Planning Board will need to specifically approve the proposed lot size of 25.247 acres.

- 6) *Forest conservation, stormwater management, and environmental protection requirements are satisfied before approval of the plat.*

A Forest Conservation Plan is submitted with this application for MNCPPC review; compliance with the applicable terms and conditions of that approval will be met before recordation of the plat. Stormwater Management has been satisfied under the current Water Resources Technical Policy (WRTP-5). A Stormwater Management Concept Plan has been submitted to MCDPS to further confirm this.

V. CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Director and the Development Review Committee recommend and grant approval of this Administrative Subdivision Plan. As explained in more detail above and in the plans submitted with the Application, the Application satisfies the findings that the Director must make in approving an Administrative Subdivision Plan application under Montgomery County Code Section 50.6 and the Manual of Development Review Procedures for Montgomery County, MD.



Curt A. Schreffler, PE
CURT A. SCHREFFLER, PE
08/23/2022

PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19568, expiration date 3/8/2024, and that this plan meets MCDPS criteria for building and sediment control permit applications.

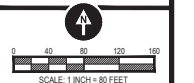
**Lot 1, Jones Manor, Plat 24746
Parcel 788, William & Mary, Liber 55661 Folio 288
Poolesville (3rd) Election District, Montgomery County, MD**

Tax Map: CS63 (222NW18)



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www.cas-dc.com



SHEET TITLE:
**Existing & Proposed
Conditions Plan**

AP-3
























EXISTING CONDITIONS PLAN / SITE LAYOUT
SCALE: 1" = 80'

SCALE: 1" = 80'

PROPOSED CONDITIONS PLAN / SITE LAYOUT

SCALE: 1" = 80'

LEGEND

- ### EXISTING FEATURES
- | | |
|---|---|
|  | Ex. Overhead Utility with Pole |
|  | Ex. Two-And-Ten-foot Contours |
|  | Ex. Spot Elevation |
|  | Ex. Chain Link or Wire Fence |
|  | Ex. Wood or Stockade Fence |
|  | Ex. Metal or Iron Fence |
|  | Ex. Retaining Wall |
|  | Ex. Subject Property Line |
|  | Ex. Adjoiner Property Line |
|  | Ex. Soil Line with Soil Types |
|  | Ex. Stream with Flow Direction |
|  | Ex. FEMA 100-Year Floodplain (a) |
|  | Ex. MNCPPC 100-Year Floodplain (z) |
|  | Ex. 25' Floodplain B.R.L. |
|  | Ex. Variable Width Stream Valley Buffer |
|  | Limit of Possible Ex. Wetlands |
|  | 25' Wetland Buffer |
|  | Ex. Canopy |
|  | Steep Slopes (>25%) |
|  | Ex. Specimen Tree |
|  | Ex. Significant Tree |
|  | Ex. On Site Forest Area (approx) |
|  | Ex. Conservation Easement
(On-site and Off-site) |

AREA OF PROPOSED DEVELOPMENT /
DISTURBANCE; ADDITIONAL DETAIL
SHOWN ON SHEET AP-4

OWNER/APPLICANT
Bangalore Shivacharan
11130 Yellow Leaf Way
Germantown, Maryland 20876
(301) 795-1655 phone
(301) 509-3676 cell
shivacharan@verizon.net

**17800 & 17700 White's Ferry Road
N/F Lot 1, Jones Manor &
Parcel 788, William & Mary
Proposed Lot 2, Shivacharan
Existing & Proposed Conditions Plan**

LIBER 5594 FOLIO 509

1980 OCT 16 AM 8:30

RE-RECORDED TO SUBMIT EXHIBIT "A"

CLERK'S OFFICE
MONTGOMERY COUNTY, MDSCENIC EASEMENT

This Deed of Easement, made this 12 day of August,
1979, by and between CHARLES O. JONES and PHYLLIS JONES, his
wife, (hereinafter called "Grantors"), and THE MARYLAND-NATIONAL
CAPITAL PARK AND PLANNING COMMISSION, (hereinafter called the
"Commission").

WITNESSETH

WHEREAS, said Grantors are the owners in fee simple of real
estate located in Montgomery County, Maryland, being land situate
in the Poolersville (3rd) Election District, more particularly
described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, the Commission is charged by Chapter 892 of the
laws of Maryland, 1975, as amended, with the acquisition,
establishment, maintenance and operation of a park system for
those parts of the Metropolitan Regional District lying within
Montgomery County, Maryland; and

WHEREAS, it has been determined by the Commission that a
scenic easement interest in the above described property owned by
the Grantors is a necessary part of said park system and is
particularly necessary as scenic protection for Dry Seneca Creek
Stream Valley; and

WHEREAS, the parties hereto have agreed that the fee simple
ownership of said property should be retained by Grantors subject
only to the hereinafter mentioned conditions and covenants
establishing this scenic easement; and

MISC. 24.00

WHEREAS, the Grantors are willing to impose upon their
property the hereinafter stated conditions, limitations and
covenants; and

WHEREAS, it is the intent of the parties that a servitude be
placed upon the hereinabove described land which establishes
perpetual control in the Commission to maintain scenic views,
natural conditions, open spaces, green areas, animal refuges and
natural habitat and flora and fauna.

MISC. 18.00
SUBTOTAL 18.00
CASH 18.00
#18350 C214 R01 T15:53
SEPT 23 80

NOW, THEREFORE, in and for the consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the Commission to the Grantors and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors do hereby grant and convey unto the Commission a scenic easement on the real property hereinbefore described of the nature and character and to the extent hereinafter expressed, to be and constitute a covenant real running with the title of the said property, to be a scenic, conservation and open space easement, the purpose of which shall be to preserve, protect and maintain the general topography and scenic character of the landscape. The restrictions, conditions and easements imposed upon the use of the said property, the acts which the Grantors, their heirs, successors and assigns covenant to refrain from doing upon said property, and the acts which they covenant to permit the commission to do upon said property shall be as follows:

1. That no use shall be made of nor shall any improvements be made on the property subject to this easement which would in any way interfere with the natural ground cover and drainage.

2. That, on said property, no tree larger than six (6) inches in diameter or thirty (30) feet in height and no mature and stable shrubs shall be cut down, removed or destroyed without the written consent of the Commission except those which are diseased or dead, and except that seedling shrubbery or seedling trees may be grubbed up or cut down in accordance with good farming practice and residential maintenance, and except that cultivated crops, including orchard fruits, may be pruned, sprayed, harvested and otherwise maintained and cultivated in accordance with good farming practice.

3. That the number of horses and/or other livestock pastured on said property shall not exceed a level consistent with sound grazing management practices as defined by the Montgomery County Agriculture Stabilization and Conservation Service. All pastured livestock shall have limited access to Dry

Seneca Creek so as not to produce any measurable decrease in water quality below that produced by natural forested area and its associated wild animal population.

4. That said property shall not be used for any professional or commercial activities except such as are permitted by law and can be and are in fact conducted from a residential dwelling without alteration of such dwelling.

5. That no advertising signs, or billboards having an area of more than two (2) feet square shall be displayed or placed upon said property.

6. That no mining or industrial activity or timber cutting shall be conducted upon said property.

7. That no dumping of ashes, trash, sawdust or other unsightly or offensive material shall be placed or permitted by the Grantors to remain upon said property except that routine assembling and disposing of livestock wastes and bedding will be permitted. Upon the written approval of the Commission and provided that said fill is covered by arable soil or humus, suitable heavy fill may be so placed as to control and prevent erosion.

8. That said property shall not be used as a site for any major public utility installations, such as but not limited to, electric generating plants, electric power transmission lines, gas generating plants, gas storage tanks, microwave relay stations, and telephone exchanges except as may be approved in writing by the Commission. Nothing in this paragraph shall, however, be deemed to prevent the construction or maintenance of, over or under the property, facilities usual to a residential neighborhood such as telephone and electric lines, water mains, sewer mains, gas mains, pipe and conduits and necessary related equipment.

9. That no alterations, excavations, grading or other changes be made to the general character and topography of the

landscape of said property without written consent thereto by the Commission.

10. That no roadway or private drive shall be constructed upon said property without the written consent of the Commission.

11. That representatives of the Commission may, by prearranged appointment, enter upon said property at reasonable hours for the purpose of making periodic inspections in order to ascertain whether there has been compliance with the restrictions, conditions and easements established herein.

12. That upon the violation of any of the restrictions, conditions, covenants and easements established herein, the Commission shall have the right to enforce such provisions by injunction or other appropriate relief in any court of competent jurisdiction.

13. That prior to the conveyance of the property described herein, a portion thereof, or any interest therein, the Commission shall have a right of first refusal to acquire the property proposed to be conveyed. If the Grantors desire to convey the property, a portion thereof, or any interest therein, with their land contiguous to it the Commission's right of first refusal shall be applicable only to the entire parcel of land the Grantors propose to convey. Grantors shall give the Commission at least 60 days written notice of a proposed conveyance. The Commission shall notify the Grantors of its intent to exercise this right of first refusal within 30 days of the receipt of written notice and shall have a reasonable time thereafter to acquire the property. If, after receiving written notice, the Commission fails to exercise this right or to notify the Grantors of its intent within the allotted time, the right of first refusal shall be extinguished. However, the Commission shall not have a right of first refusal when the Grantors propose to convey the property, a portion thereof, or any interest therein to a member of the immediate family of the Grantors, the immediate

family of the immediate family, heirs, successors and assigns of the Grantors in perpetuity.

TO HAVE AND TO HOLD unto the Commission, its successors and assigns forever, this Grant shall be binding upon the heirs and assigns of the Grantors and shall constitute a covenant real running with the title upon the above described land.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals on the date first herein before set forth.

TEST W M Laker Charles O. Jones
Charles O. Jones (Grantor)

TEST W M Laker Phyllis Jones
Phyllis Jones (Grantor)

District of Columbia
~~STATE OF MARYLAND~~
~~COUNTY OF MONTGOMERY~~

On this 12th day of August, 1978⁽⁴⁸⁾, before me,
Hilda T. Schless, the subscriber, personally appeared
CHARLES O. JONES and PHYLLIS JONES, his wife,
known to me (or satisfactorily proven) to be the persons whose
names are subscribed to the within instrument and acknowledged
that they executed the same for the purpose therein contained.

Hilda T. Schless
Notary Public

My Commission Expires: October 31, 1981

This instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Kenneth P. Barnhart
KENNETH P. BARNHART



Macris, Hendricks and Witmer, P.A.

Engineers • Surveyors
15209 Frederick Road, Suite 208, Rockville, MD 20850
Columbo Area (301) 774-0884
Washington Area (301) 340-8705

July 9, 1980

Deed Description
Dry Seneca Stream Valley Park
Scenic Easement
Unit 2 - Parcel 9
Part of Charles O. and Phyllis Jones Property

Being a parcel of land, situate in the Third Election District of Montgomery County, Maryland, being part of the land conveyed by Benoni D. Allnutt, III and Sarah T. Allnutt, his wife, to Charles O. Jones and Phyllis Jones, his wife, by Deed dated July 29, 1965, and recorded in Liber 3390 at Folio 510 among the Land Records of Montgomery County, Maryland and being more particularly described as follows:

Beginning at a point in the waters of Dry Seneca Creek on the south side of the bridge for Whites Ferry Road, Hd. Route 107, and running generally with said creek along Morrow and Torberts Subdivision, Part of William and Mary, Lots 2 to 6 included, recorded in Plat Book 31 on Plat 1947 and Lots 7 to 10 inc., recorded in Plat Book 31 on Plat 1994, then

1. South 01°00'24" West 57.72 feet to a point in the waters of said creek, then
2. South 08°30'24" West 99.04 feet to a point in the waters of said creek, then
3. South 45°15'24" West 109.77 feet to a pipe found, 0.7' above grade, then
4. South 23°29'16" West 181.39 feet to a point in the waters of Dry Seneca Creek, then
5. South 06°14'17" West 43.71 feet to a pipe found 1.8' above grade, then
6. South 21°01'20" West 94.20 feet to a point, then
7. South 52°31'19" West 148.73 feet to a pipe found bent, then
8. South 11°46'09" West 82.47 feet to a point, then
9. South 09°16'06" West 202.05 feet to a point, then
10. South 01°28'51" East 178.14 feet to a pipe found tilted, 1.0' above grade, then
11. South 00°05'02" East 150.22 feet to a pipe found, 0.2' above grade, then
12. South 06°46'01" West 273.94 feet to a point in the waters of Dry Seneca Creek, then
13. South 28°03'14" West 96.43 feet to a point, then

Exhibit A

CLERK'S NOTATION
Document submitted for record
in a condition not permitting
satisfactory photographic
reproduction.

Deed Description
 Dry Seneca Stream Valley Park, Scenic Easement
 Unit 2 - Parcel 9
 Part of Charles O. and Phyllis Jones Property
 July 9, 1980
 Page 2

14. South 38°01'16" West 131.97 feet to a pipe found, 0.2' below grade, then
15. South 32°13'34" East 64.81 feet to a 48" sycamore tree, then
16. South 37°31'05" East 104.91 feet to a pipe found at grade, then leaving the line of Lot 10 in Plat Book 31 as Plat 1994 and still running generally with Dry Seneca Creek and with the lines of Benoni D. Allnutt, III, as recorded in Liber 5460 at Folio 677
17. South 65°41'55" West 286.08 feet to a pipe found, 0.2' below grade, then
18. South 86°38'24" West 118.44 feet to a pipe found at grade, then
19. North 02°01'59" West 35.21 to a point in the waters of Dry Seneca Creek, then
20. North 76°03'19" West 452.88 feet to a pipe found bent, then leaving Dry Seneca Creek and Liber 5468 at Folio 677 and running with part of Lots 2 and 4 as recorded in Plat Book 107 as Plat 12345, "Lots 1-5 Ashgrove"
21. North 11°06'32" West 492.71 feet to a pipe found tilted, 1.9' above grade, said pipe found tilt is at at the southwest corner of the Roger B. and Martha Melvin Property, as recorded in Liber 4476 at Folio 680, then leaving Ashgrove
22. South 39°37'03" East 398.90 feet to a pin set with cap, at grade, then
23. South 79°14'22" East 382.88 feet to a pin set with cap, at grade, then
24. North 36°50'16" East 488.76 feet to a pin set with cap, 0.3' below grade, then
25. North 01°36'31" West 344.57 feet to a pin set with cap 0.3", below grade; then
26. North 08°13'56" East 166.24 feet to a pin set with cap, 0.3' below grade, then
27. North 04°53'21" East 180.60 feet to a pin set with cap, 0.2' above grade, then
28. North 29°47'05" West 122.03 feet to a pin set with cap, 0.3' below grade, then
29. North 00°10'28" West 392.29 feet to a pin set with cap, 0.1' below grade, then continuing with the last line
30. North 00°10'28" West 29.22 feet to a point; on the seventieth line of Liber 3390 at Folio 510, along White's Ferry Road, formerly Dawsonville-Poolesville Road, then with said seventieth line and said road
31. North 78°23'04" East 460.63 feet to the beginning point, containing a computed area of 473.817 square feet or 10.8773 acres, all as shown on a Plat of Survey by Macris, Hendricks and Utner, P.A. (Job #80-127), dated July, 1980.

CLERK'S NOTATION
 Document submitted for record
 in a condition not permitting
 satisfactory photographic
 reproduction.

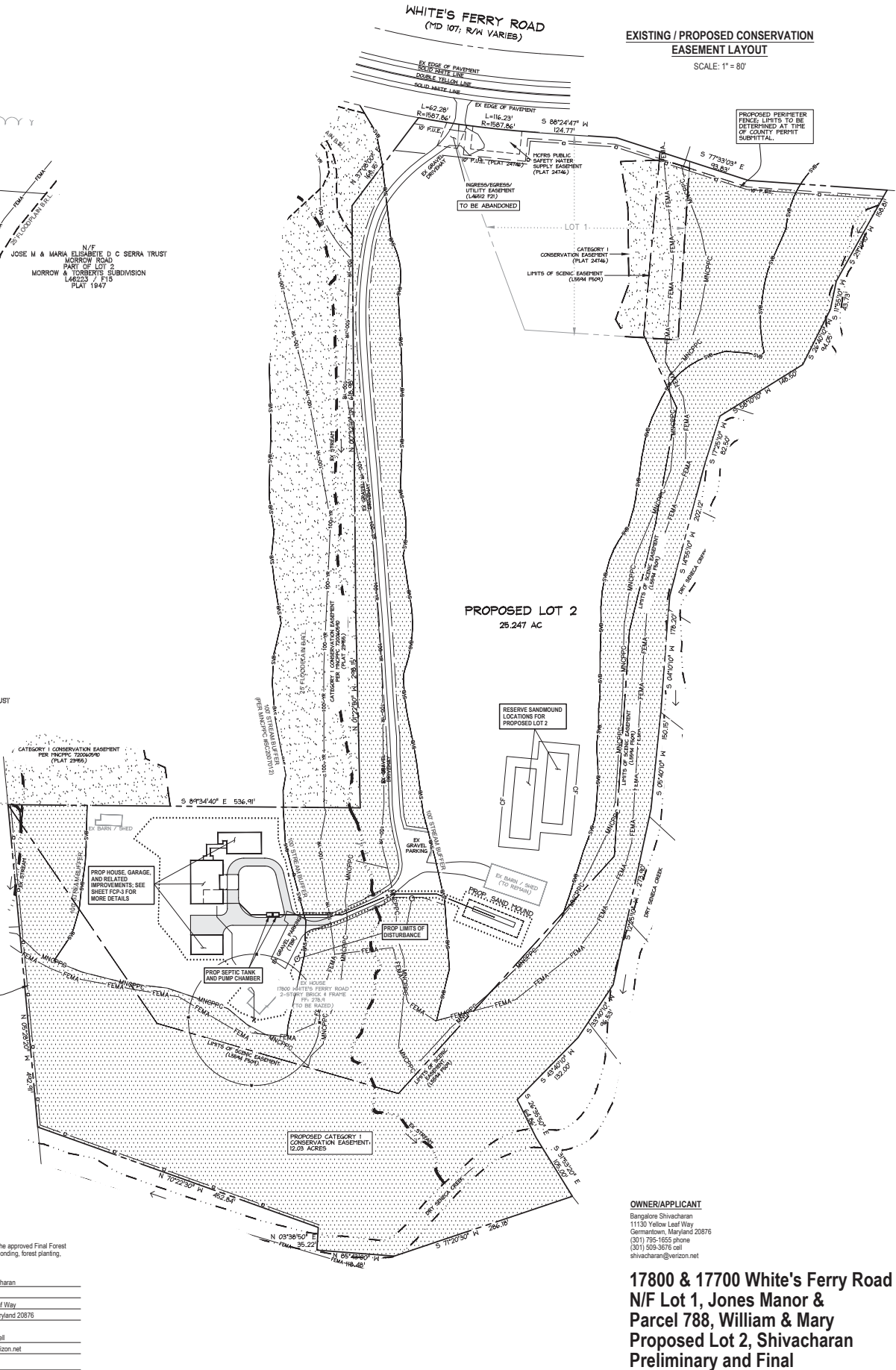
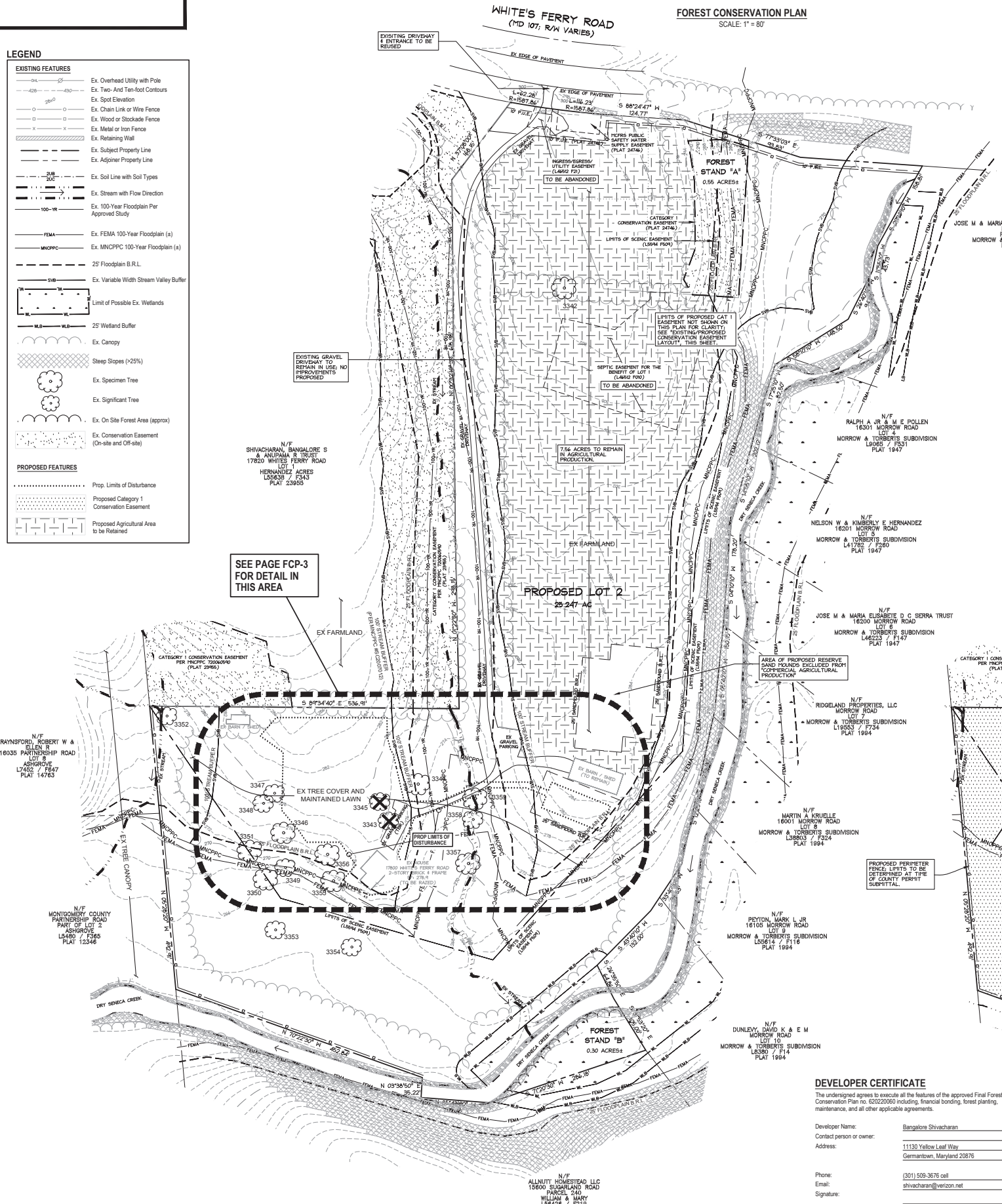
LEGEND

EXISTING FEATURES

- Ex. Overhead Utility with Pole
- Ex. Two-And-Ten-foot Contours
- Ex. Spot Elevation
- Ex. Chain Link or Wire Fence
- Ex. Wood or Stockade Fence
- Ex. Metal or Iron Fence
- Ex. Retaining Wall
- Ex. Subject Property Line
- Ex. Adjacent Property Line
- Ex. Soil Line with Soil Types
- Ex. Stream with Flow Direction
- Ex. 100-Year Floodplain Per Approved Study
- Ex. FEMA 100-Year Floodplain (s)
- Ex. MNCPPC 100-Year Floodplain (s)
- 25' Floodplain B.R.L.
- Ex. Variable Width Stream Valley Buffer
- Limit of Possible Ex. Wetlands
- 25' Wetland Buffer
- Ex. Canopy
- Ex. Specimen Tree
- Ex. Significant Tree
- Ex. On Site Forest Area (approx)
- Ex. Conservation Easement (On-site and Off-site)

PROPOSED FEATURES

- Prop. Limits of Disturbance
- Proposed Category 1 Conservation Easement
- Proposed Agricultural Area to be Retained



DEVELOPER CERTIFICATE

The undersigned agrees to execute all the features of the approved Final Forest Conservation Plan no. 620220000 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer Name: Bangalore Shivacharan
Contact person or owner: 11130 Yellow Leaf Way
Address: Germantown, Maryland 20876
Phone: (301) 509-3676 cell
Email: shivacharan@verizon.net
Signature:

OWNER/APPLICANT
Bangalore Shivacharan
11130 Yellow Leaf Way
Germantown, Maryland 20876
(301) 795-1655 phone
(301) 509-3676 cell
shivacharan@verizon.net

17800 & 17700 White's Ferry Road
N/F Lot 1, Jones Manor & Mary
Parcel 788, William & Mary
Proposed Lot 2, Shivacharan
Preliminary and Final
Forest Conservation Plan

CAS JOB NO.: 18-104
DATE: 03/2022

DATE REVISION
04/01/22 EBT: Initial Submittal to MNCPPC for Admin Subdivision Review
07/13/22 EBT: Post-DRC Submittal to MNCPPC for Admin Subdivision Review
08/23/22 EBT: Post-DRC Submittal to MNCPPC for Admin Subdivision Review
11/09/22 EBT: Post-DRC Submittal to MNCPPC for Admin Subdivision Review

QUALIFIED PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared in accordance with Maryland state and Montgomery County Forest Conservation Laws and MNCPPC Guidelines. (DNR / COMAR 08.19.06.01)
Jeffrey A. Robertson
JEFFREY A. ROBERTSON
11/09/2022
DISCLAIMER: These are living things whose viability and structural integrity are subject to a wide array of natural factors and impacts, among those impacts are genetics, climate, weather, water regime, soils, insects, and disease. As such, trees are subject to changes in health or condition very slowly over time or very abruptly. I do not take liability for these actions or other factors upon the health or structure of the trees involved in this document. This also should not be interpreted as a tree hazard evaluation as internal, structural, or aerial inspections were not performed on or upon these trees. Conditions and weaknesses may exist out of sight from the human eyes.

Lot 1, Jones Manor, Plat 24746
Parcel 788, William & Mary, Liber 55661 Folio 288
Podessville (3rd) Election District, Montgomery County, MD
17700 & 17800 Whites Ferry Road
Poolesville, Maryland 20837

Tax Map: CS63 (222NW18)

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www.cas-dc.com

0 40 80 120 160
SCALE: 1 INCH = 80 FEET

SHEET TITLE:
Preliminary and Final
Forest Conservation Plan
FCFP-2



Experience you can build on.

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

civil • surveying • land planning

August 19, 2022

M-NCP&PC
 Development Review Division
 2425 Reddie Drive, 14th Floor
 Wheaton, Maryland 20902

Attn: Down-County Reviewer

Re: **CAS Job No. 18-104**
17800 White's Ferry Road
Proposed Lot 2, Shivacharan
Forest Conservation (Chapter 22A) Variance Request Revision
MNCPPC # 620220060

Dear MNCPPC Reviewer:

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

Variance Justification

The applicant, Bangalore Shivacharan, hereby requests a specimen tree variance for the impact of specimen trees on the applicant's tract, which includes properties currently addressed as 17800 and 17700 Whites Ferry Road, Poolesville, Maryland. The total application tract is comprised of 25.247 acres, all currently zoned "AR" (Agricultural Reserve). There are limited areas of steep slopes ($\geq 25\%$) and the property includes 100-year floodplains and their associated buffers and variable width stream buffers associated with an unnamed tributary crossing the site and the Dry Seneca Creek bounding the property to the east and south. There are no steep slopes ($\geq 15\%$) on erodible soils. A limited area of forested wetlands is located in the southeast corner of the subject tract, straddling the Dry Seneca Creek. Total existing on-site forest area is 0.85 acres; 0.55 acres of which is included in an existing Category 1 Forest Conservation Easement. There are no cultural and/or historic features on the subject tract.

The disturbance proposed with this application is necessitated to support the demolition of an existing house on the property and construction of a new single-family dwelling, related site improvements and required stormwater management

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

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

The proposed development, as permitted by County Code and as intended by the applicant, necessitates unavoidable impacts to variance trees.



Development of Proposed Lot 2 accordance with established County requirements and goals of the Agricultural Reserve Masterplan requires the impact to (5) five variance trees. No trees associated with this variance request will be removed as all involve impacts to less than one-third of their respective critical root zones. These impacted variance trees will be retained through typical tree preservation techniques, such as root pruning and tree protection fencing.

Due to the random locations of variance trees on the subject property and the need to retain substantial areas of existing prime agricultural soils it is not feasible or practical to develop the property as intended or as permitted by code without a variance to impact the (5) five variance trees included in Table 1.

Table 1 - Variance Tree Data Table – Tree Impacts from Proposed Lot 2

TREE NO.	SPECIES	BOTANICAL NAME	D.B.H. (INCHES)	CONDITION	LOCATION	C.R.Z. RADIUS (FT.)	C.R.Z. AREA (S.F.)	% C.R.Z. DISTURBED	TREE VARIANCE REQUEST
3344	Black Locust	<i>Robinia pseudoacacia</i>	39.5	Fair	Onsite	59.25	1,1028.8	32.8%	C.R.Z. DIST.
3346	White Oak	<i>Quercus alba</i>	37	Good	Onsite	55.5	9,676.9	14%	C.R.Z. DIST.
3355	White Oak	<i>Quercus alba</i>	35	Good	Onsite	52.5	8,659	26.9%	C.R.Z. DIST.
3356	White Oak	<i>Quercus alba</i>	34	Good	Onsite	51	8,171.3	27%	C.R.Z. DIST.
3359	Black Locust	<i>Robinia pseudoacacia</i>	32	Fair	Onsite	48	7,238.2	18.7%	C.R.Z. DIST.

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

A requirement to avoid impacting these (5) five variance trees would prohibit the owner from maximizing the agricultural potential of the property in accordance with the Agricultural Reserve Masterplan which was created to preserve critical mass of farmland and rural open space. Constructing a new dwelling in the vicinity of the existing house, achieves that objective.

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

A Stormwater Management (SWM) Concept Plan has been submitted to the Montgomery County Department of Permitting Services. The SWM Concept Plan will ensure that water quality standards will be met in accordance with State and County criteria. All applicable stormwater management requirements will be addressed. Disturbance to or removal of any of these variance trees will not create a measurable degradation in water quality.

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

As is typical in rural areas of the County, this site relies on private, on-site well and septic systems. These systems have required setbacks for proposed structures as well as from proposed stormwater management facilities (which have additional setback requirements), which must be followed to protect from ground water contamination.



The forest conservation requirements resulting from the redevelopment of this property will be met on-site through a combination of afforestation and mitigation plantings. None of the variance trees proposed for impact are rare, threatened, or endangered, per the Maryland Nongame and Endangered Species Conservation Act.

In accordance with Section 22A-21(d) of the Forest Conservation Law, the following is a description of the minimum criteria necessary for granting a variance. The variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;

The impact of variance trees is unavoidable due to their locations on-site and with respect to the proposed development of the property and its agricultural use and reliance on private, on-site well and septic systems. It is a property owner's right to make use of planning and zoning options for development while still providing the greatest protection for variance trees and retain (or expand) on-site agricultural activities as intended within the Agricultural Reserve. No special privileges have been requested by or provided to the applicant.

2. Is based on conditions or circumstances which result from the actions by the applicant;

The requested variance is based upon the AR zoning, site topography, the use of private, on-site well and septic systems, and proposed site development as well as required best management practices for stormwater management and the recommendations set forth in the Agricultural Reserve Master Plan.

3. Is based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property;

The requested variance is based upon the AR zoning, site topography, the use of private, on-site well and septic systems, and proposed site development as well as required best management practices for stormwater management and the recommendations set forth in the Agricultural Reserve Master Plan; they are not 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 requested variance will not violate State water quality standards or cause measurable degradation in water quality. A Sediment Control and Stormwater Management (SC/SWM) Plan will be reviewed and approved by Montgomery County Department of Permitting Services in accordance with acceptable County and State practices.



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

Sincerely,

A handwritten signature in red ink, appearing to read 'Jeff'.

Jeffrey A. Robertson

Branch Manager

DNR/COMAR 08.19.06.01, Qualified Professional



Department of Permitting Services
Fire Department Access and Water Supply Comments

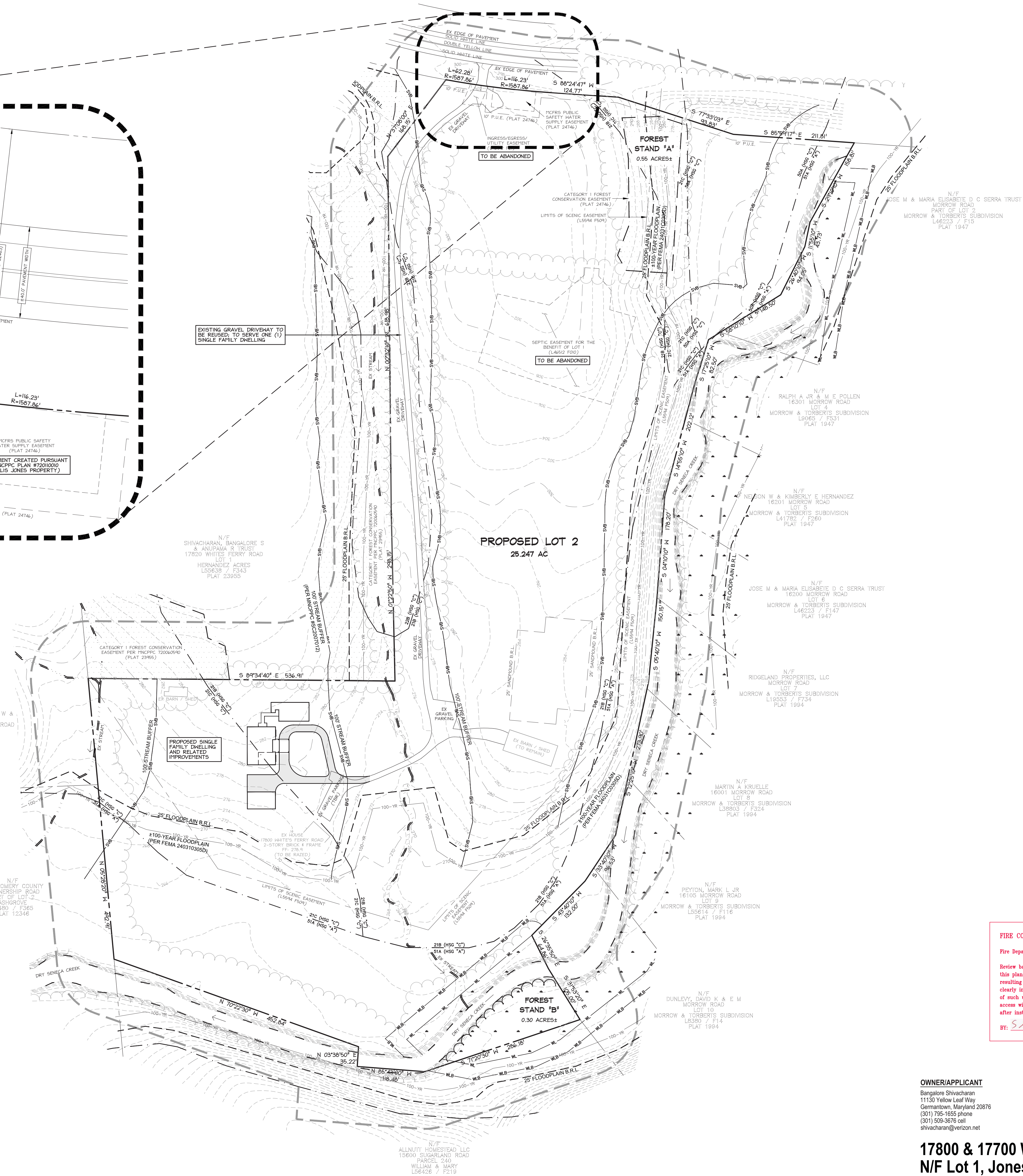
DATE: 27-Jun-22
TO: Eric Tidd - eric@casengineering.com
CAS Engineering
FROM: Marie LaBaw
RE: Shivacharan
620220060

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **23-Jun-22** .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.

***** See 12/30/2011 720110010 Phyllis Jones Property approval for easement design *****

1. Boundary information and two-foot contour data are based upon surveys performed by CAS Engineering, dated May, 2018.
2. Total lot area: Parcel 788 + Lot 1 = ±252.2 acres
3. Property is located on Tap Map C33 and WSSC 2007 Sheet 222 NW 18.
4. Property is located in the Washington County soils map number 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827



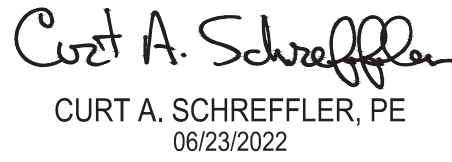
FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SAC FM: 43 DATE: 6/27/2022

**17800 & 17700 White's Ferry Road
N/F Lot 1, Jones Manor &
Parcel 788, William & Mary
Proposed Lot 2, Shivacharan
Fire Department Access Plan**

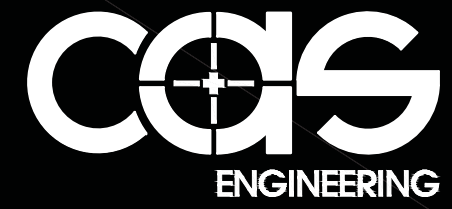
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PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 19568, expiration date 3/8/2024, and that this plan meets MCDPS criteria for building and sediment control permit applications.

**Lot 1, Jones Manor, Plat 24746
Parcel 788, William & Mary, Liber 55661 Folio 288
Poolesville (3rd) Election District, Montgomery County, MD**

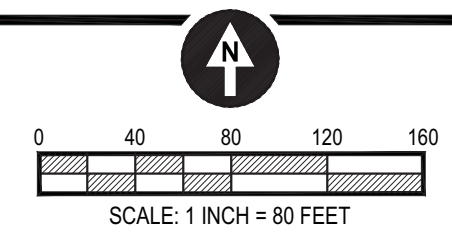
**17700 & 17800 Whites Ferry Road
Poolesville, Maryland 20837**

Tax Map: CS63 (222NW18)



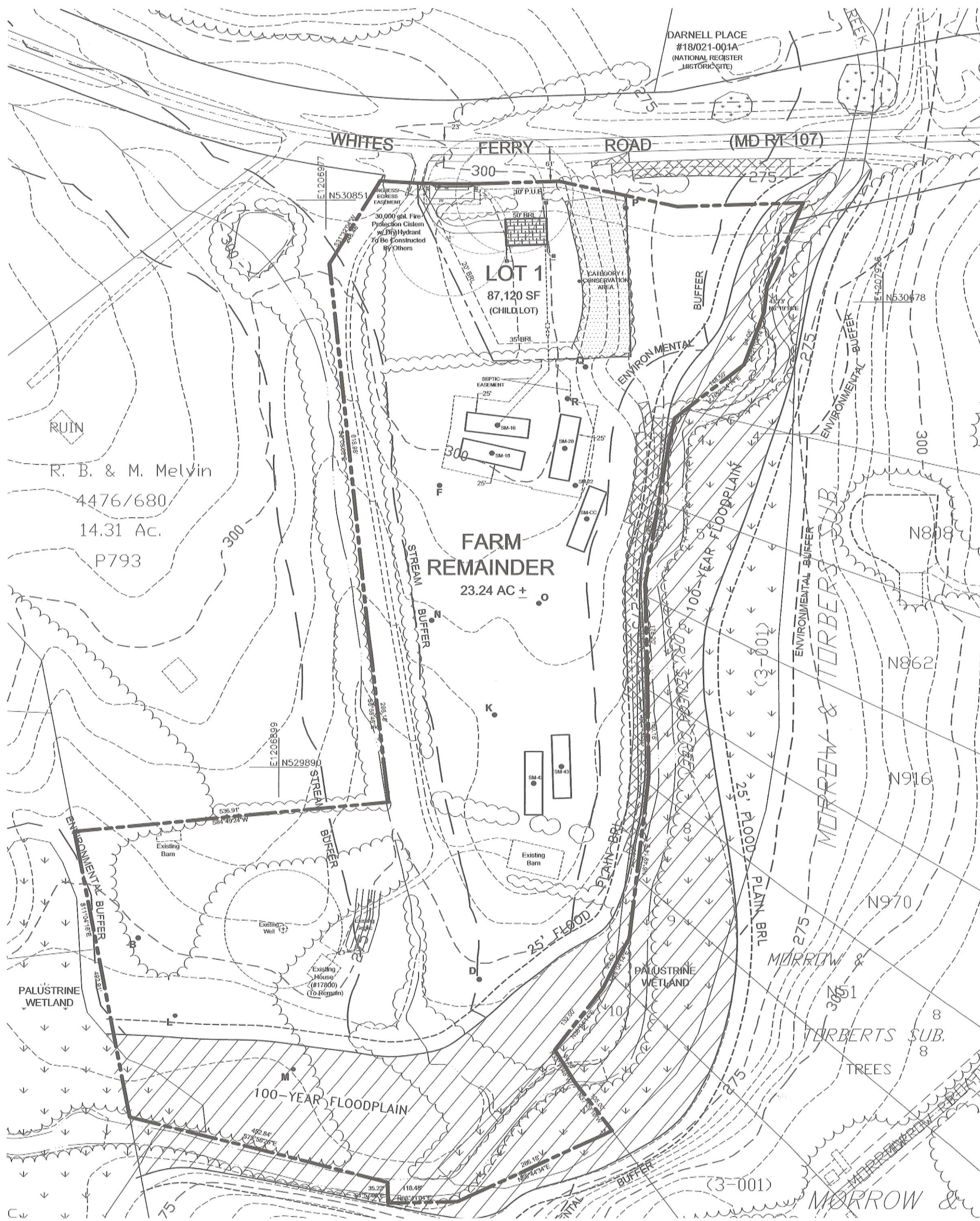
CAS ENGINEERING-MD
10 South Bentz Street
Frederick, Maryland 21701
301-607-8031 Phone
info@casengineering.com
www.casengineering.com

CAS ENGINEERING-DC, LLC
4836 MacArthur Boulevard, NW, 2nd Floor
Washington, DC 20007
202-393-7200 Phone
info@cas-dc.com
www.cas-dc.com



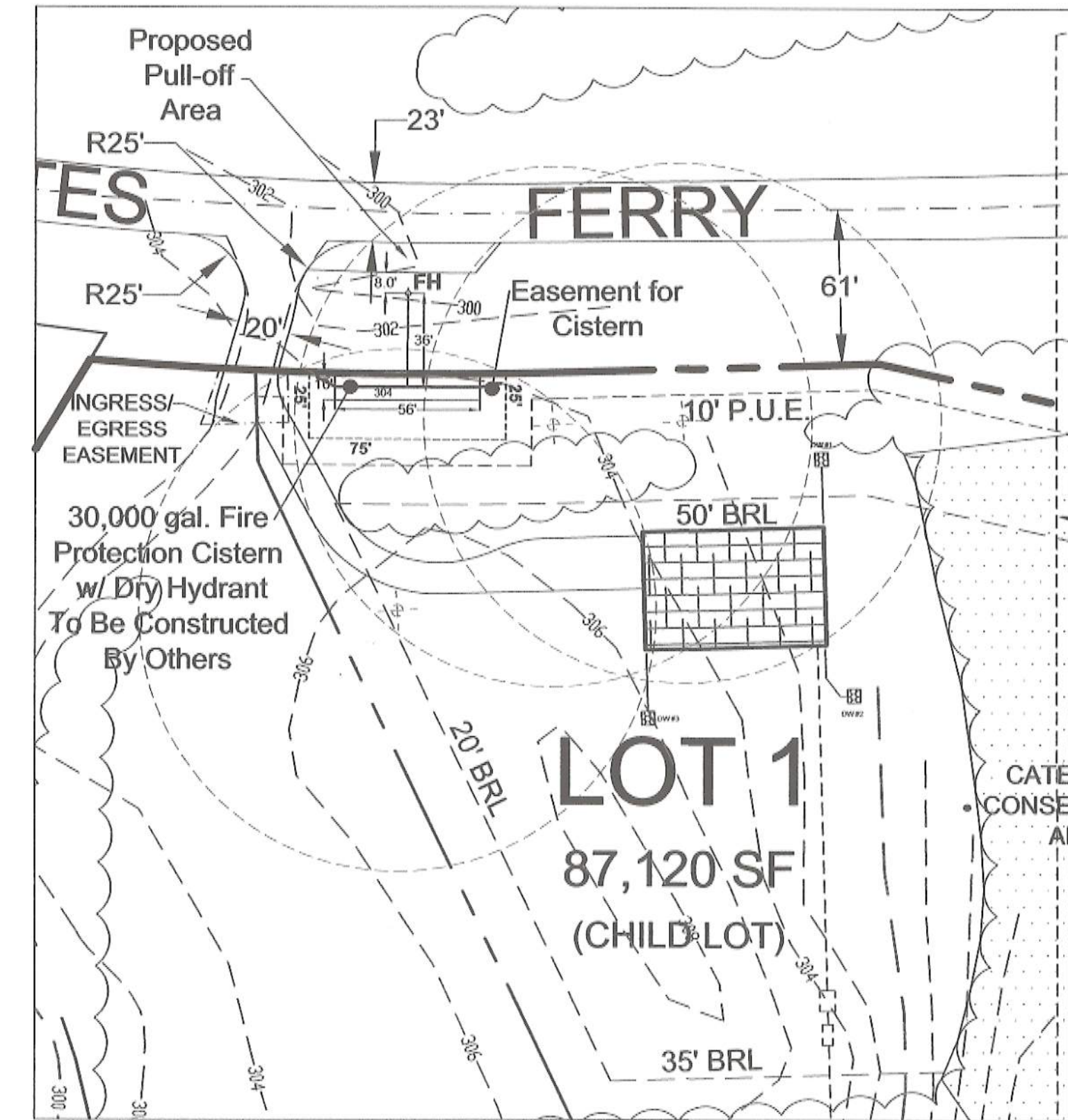
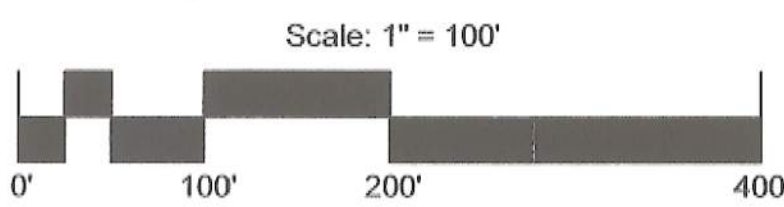
SHEET TITLE:
**Fire Department
Access Plan**

AP-6



PROFESSIONAL CERTIFICATION:
I hereby certify that this plan has been prepared under my supervision and that the plan has been designed to meet the requirements of Executive Regulation 29-08 AM (Fire Department Apparatus Access and Water Supply) to my best knowledge and belief.

Signature: *Thomas A. Maddox* Date: 12-16-11



DETAIL VIEW : TWO-FOOT CONTOUR INTERVAL TOPOGRAPHY
1" = 50'

FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

- The purpose of this plan is to address requirements of Executive Regulation 29-08AM (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
- Proposed lot to be accessed by shared driveways for approximately 66'.
- Proposed shared driveway to be improved as shown on the plan to meet Fire Department Access requirements. The improvements include a widening of the existing driveway apron area to provide minimum turning radii (25 feet interior radius).
- The existing farm lane is to be paved with an all-weather surface (bituminous asphalt) at a width of 20 feet minimum for the entire length of the **Fire Department Apparatus Access**.
- The paved all-weather Fire Department Access lane must be constructed to meet load-bearing requirements for Fire Department apparatus. The existing driveway may serve as a base for the improved access lane subject to the recommendations of a geotechnical engineer prior to final construction. Amendments to the existing base may be needed to meet load-bearing requirements. Alternatively, the new paved driveway may be constructed to meet MCDOT tertiary road standards (MC 210.01). Final certification that the driveway meets load-bearing requirements of MCFRS to be provided prior to issuance of Use & Occupancy permit.
- Water supply requirement to be met by providing on-site easement for a 30,000 gallon Fire Protection Cistern with Dry Hydrant. Materials and installation to be provided by Montgomery County Fire and Rescue.

- FRICION LOSS CALCULATIONS-**
- Static Head (Hydrant Elev. = 301.9) - (Drop Tube Invert Elev. = 291.4) = 10.50'
 - Friction Head -
Drop Tube Length: 49.1'
90° Ell: 2 x 19.92' = 39.84'
Total = 88.94'
88.94 l.f. 6" Galv. Pipe x 0.0086 l.f. = 0.8'
 - Total Head = 11.3'

TANK ELEVATION TABLE	
ELEVATION	DESCRIPTION
304.1	EXISTING GRADE AT PROPOSED TANK SITE
304.0	PROPOSED CONCRETE SLAB ELEVATION
301.9	PROPOSED DRAFT PIPE CENTERLINE ELEVATION
301.0	PROPOSED TOP OF TANK ELEVATION
291.0	PROPOSED BOTTOM OF TANK ELEVATION
290.1	PROPOSED BOTTOM OF EXCAVATION ELEVATION

- NOTES:**
- AREA OF PROPERTY - 25.24 ACRES
 - EXISTING ZONING - RDT
 - NUMBER OF LOTS SHOWN - 1 child lot (in accordance with Section 59-C-9.74(b)(4)) & FARM REMAINDER
 - AVERAGE LOT SIZE SHOWN - 2.00 ACRES
 - SITE TO BE SERVED BY WELL & ON-SITE SEPTIC SYSTEMS
 - EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
 - LOCATED IN DRY SENECA CREEK WATERSHED
 - DEVELOPMENT STANDARDS:
Frontyards - 50'
Sideyards - 20'
Rearyards - 35'
Minimum Lot size - 40,000 sf
 - PROPERTY LOCATED ON TAX MAP CS63; WSSC GRID SHEET 222NW18
 - UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Allegheny Power

ZONING STANDARDS:		
ZONE: RDT	Req.	Prov.
Lot Size	40,000 sf	87,120 sf
Front Setback	50'	50' or more
Sideyards	20'	20' or more
Rearyard	35'	35' or more
Building Height	50' Max.	50' or less
Lot Coverage	25% Max.	4%
Lot Width @ Building Line	150'	303'
Frontage	150'	303'

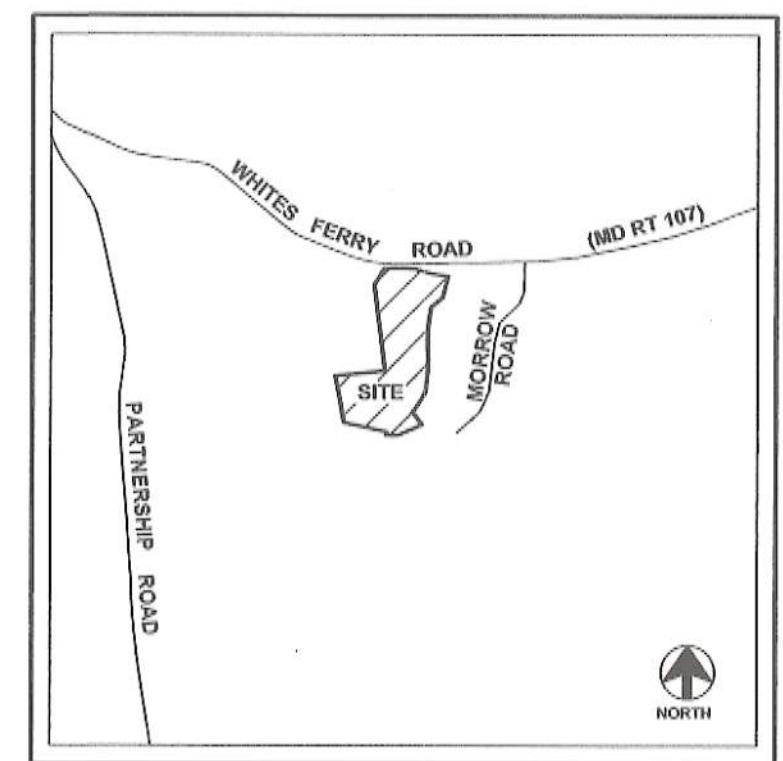
- NOTES:**
- SOURCE OF APPROXIMATE WETLANDS LOCATION-NATIONAL WETLANDS INVENTORY (NOT A FIELD DELINEATION).
 - SOURCE OF 100 YEAR FLOODPLAIN DATA: JON SHIANCOE, P.E. JAS ENGINEERING & DESIGN, LLC 5105 MOUNT OAKS SANCTUARY DRIVE BOWIE, MARYLAND 20720 301-262-1630
 - SOURCE OF FIVE FOOT CONTOUR INTERVAL TOPOGRAPHY: M-NCP&C SHEET 222NW18
 - SOURCE OF TWO FOOT CONTOUR INTERVAL TOPOGRAPHY: THOMAS A. MADDOX, PROFESSIONAL LAND SURVEYOR 8933 SHADY GROVE COURT GAITHERSBURG, MARYLAND 20877 301-984-5804

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

5/16 43 12/30/11

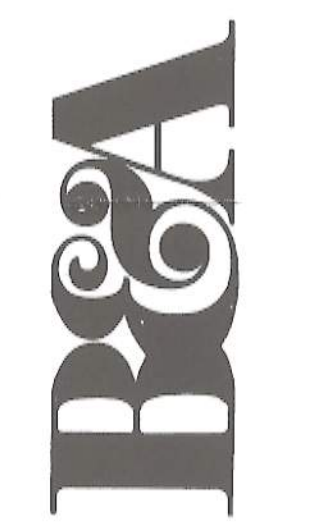
PREPARED FOR:
Phyllis Jones
17800 WHITES FERRY ROAD
POOLESVILLE, MARYLAND 20837
301-519-0161

VICINITY MAP
SCALE: 1" = 2,000'



date: 09/09/11
scale: 1" = 100'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-6240



FIRE DEPARTMENT ACCESS PLAN
PHYLLIS JONES PROPERTY
Montgomery County, Maryland

"MINOR SUBDIVISION"



DEPARTMENT OF PERMITTING SERVICES


Marc Elrich
County Executive

Mitra Pedoeem
Director

MEMORANDUM

August 18, 2022

TO: Jeffrey M. Server
Development Review
Maryland National Capital Park and Planning Commission

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

SUBJECT: Status of Administrative Subdivision: Shivacharan Residence
17800 Whites Ferry Road
620220060

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on July 7, 2020

Approved with the following reservations:

1. The record plat must show the wells and sand mound septic reserve areas as it is shown on this plan.
2. The existing well and septic system is to be properly abandoned prior to approval of record plat and issuance of any permits.
3. This lot is approved for sand mounds. Prior to approval of any permit for the lot, all sand mound areas must be fenced with a 4-foot high orange construction fencing which must remain in place until all construction has been completed.
4. Any physical disturbance or compaction of a sand mound site could render that site non-functional and therefore negate this approval.

5. Forest conservation easements established subsequent to this approval must meet all minimum well and septic setback requirements:
 - a. 5 feet from all septic areas
 - b. 25 feet from all sand mounds
 - c. 10 feet from all well sites
6. Stream Valley Buffers established subsequent to this approval, must not encroach within the septic area boundaries. Sewage disposal areas require a separation distance of 100 feet from all streams.

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

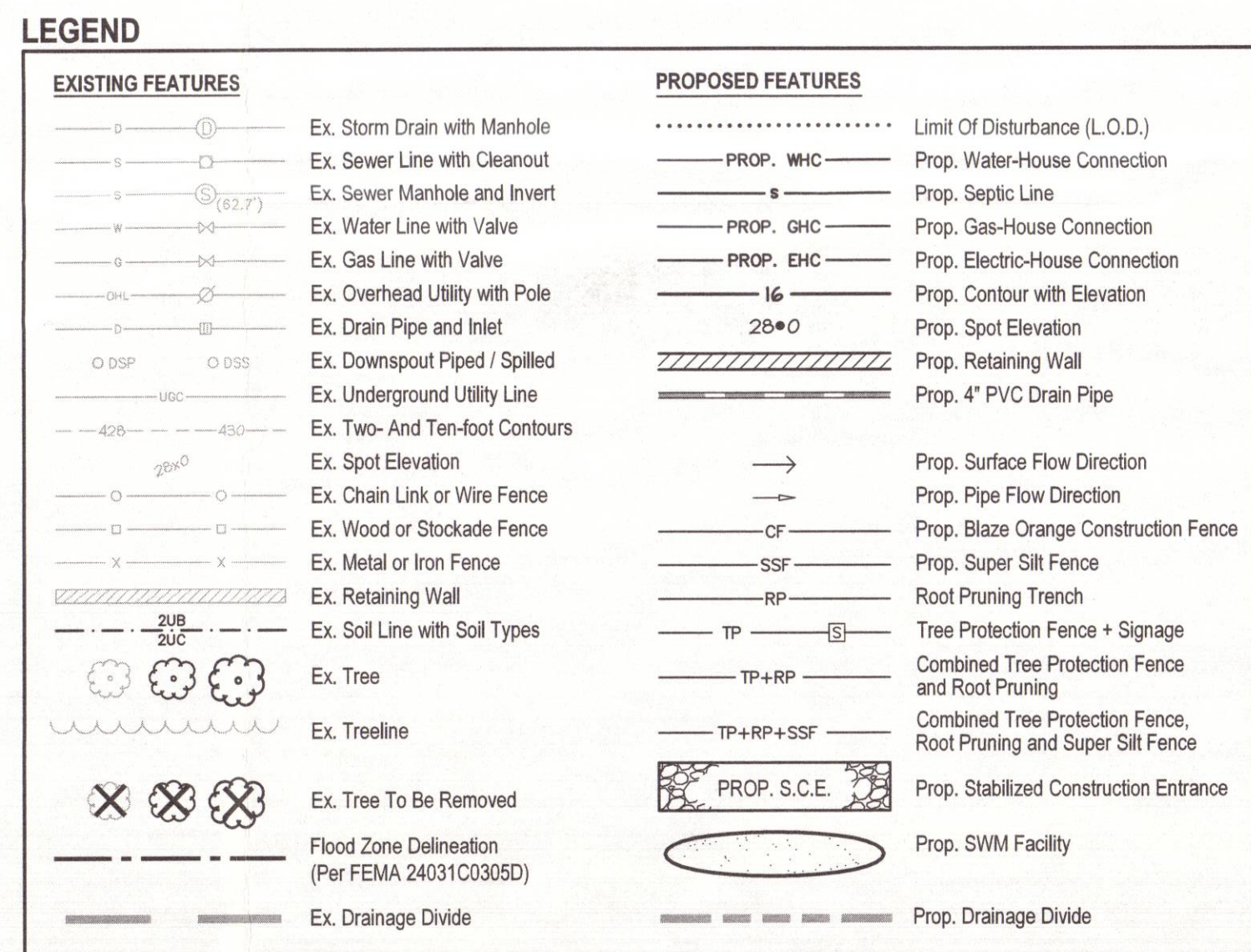
1. Boundary information and two-foot contour data are based upon surveys performed by CAS Geoprocessing, dated May, 2018
2. Property lot area = Parcel 789 is 23.35 acres
3. Property is located on Tax Map C-53 and WSCC 2007 Sheet 222 NW 1/4
4. Soil type(s): 21B, 21M, 21P, 21L, 21H, HSG "C"
21C, 21M, 21P, 21L, 21H, HSG "B"
22D, 22R, 22S, 22L, 22H, HSG "C"
50A, 50B, 50C, 50D, 50E, HSG "C"
51A, 50Aomwvle-Mohr Silt Loam, HSG "C/D"
5. Source: National Resource Conservation Service (NRCS) Soil Data Mart, a part of the National Soil Information System (NASIS)
6. Flood zone: "V" and "X" per F.E.M.A. Flood Maps, Community Panel Number 200130300D.
7. Property is located in the Dry Swine Creek Watershed.
8. Water Category - 6 Dry Swine Category - 6
9. Local utilities include:
Water / Sewer - private (on-site)
Electric - PEPCO
Telephone - Verizon
Gas - not available
9. This plan was created without the benefit of a wetland report.

1. **Zoning:** AR
Minimum Lot Area = 40,000 sf. Front B.R.L. = 50 ft.
Minimum Lot Width at R/W = 25 ft. Rear B.R.L. = 35 ft.
Minimum Lot Width at B.R.L. = 125 ft. Side B.R.L. = 20 ft.

This plan is hereby submitted for the procurement of well and septic services for a proposed single family dwelling.

1. The property shall be served by private well and sand/gravel septic systems only.
2. The septic areas are approved for a four (4) bedroom house.
3. The sand/gravel septic bed restriction lines (SBRL) are subject to change with Montgomery County Department of Permitting Services approval.
4. Stream Valley Buffers established subsequent to this approval, must not encroach within the septic area boundaries. Sewage disposal areas require a separation on 10 feet from all streams.
5. Any easements established subsequent to this approval must meet all minimum well and septic setback requirements:
 - 25 feet from sand/gravels
 - 10 feet from all well sites

- 10 feet from all well sites
- 6) Existing septic ^{possibly} well needs to be abandoned prior to record plat ^{approval}.
- 7) Existing house needs to be demolished prior to approval of any permits.



Spd Sound Test	Depth (inches)	Results (Pass/Fail)	Spd Sound Test	Depth (inches)	Results (Pass/Fail)
SM 24	20	SLOW - FAIL	SM 22	17	34 MIN/N - PASS
SM 26	16	SLOW - FAIL	SM 13	20	SLOW - FAIL
SM AA	20	SLOW - FAIL	SM 20	17	44 MIN/N - PASS
SM BB	N.T. - located in swale		SM 16	16	40 MIN/N - PASS
SM CC	14	60 MIN/N - PASS	SM 18	17	60 MIN/N - PASS
SM 39	N.T. - rock @ 21"		SM 17	N.T. - rock @ 16"	
SM 37	N.T. - located in swale		SM 15	N.T. - rock @ 15"	
SM 35	N.T. - located in swale		SM 8	N.T. - rock @ 16"	
SM 32	N.T. - located in swale		SM 15	N.T. @ 17"	
SM 30	N.T. @ 15"		SM 14	N.T. @ 16"	
SM 40	N.T. @ 16"		N.T. - rock @ 14"		
SM 41	N.T. @ 15"		SM 3	N.T. - rock @ 14"	
SM 42	16	44 MIN/N - PASS	SM 4	N.T. - rock @ 20"	
SM 27	N.T. - rock @ 14"		SM 1	N.T. - rock @ 14"	
SM 24	N.T. - rock @ 21"		SM 7	N.T. - rock @ 17"	
SM 25	N.T. - rock @ 20"		SM 5	N.T. - located in driveway	
SM 26	N.T. - rock @ 14"		SM 9	N.T. - @ 14"	
SM 34	N.T. - rock @ 16"		SM 1	N.T. - @ 15"	
SM 33	N.T. - located in swale		SM 12	N.T. - @ 14"	
SM 31	N.T. - located in swale		SM 14	N.T. - @ 14"	
SM 38	N.T. - located in swale		SM 47	N.T. - rock @ 12"	
SM 43	16	60 MIN/N - PASS	SM 48	18	SLOW - FAIL
SM 31	N.T. @ 17"		SM 49	18	48 MIN/N - PASS
SM 29	N.T. @ 15"				

Water Test Site	Remarks
M	Water @ 4.67'
L	Dry @ 6.33'
B	Dry @ 7'
D	Dry @ 8.25'
K	Dry @ 8'
O	Dry @ 7'
R	Dry @ 7.5'
Q	Dry @ 3'
P	Dry @ 5.5'
F	Dry @ 5'
N	Dry @ 7'

SANDMOUNDS (NON-EASEMENT): The sandmound species(ies) shown on this plan are intended for the removal and burial of the soil to the level of the existing ground surface. Sandmounds are to be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the species approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Sandmound site(s) must be maintained with an approved vegetation cover such as grass, wild flowers, or weedy groundcover (e.g., clover or shrubs) and, if necessary, a coarse sand mulch. The sandmounds must be planted with trees no less than 10 feet in diameter at breast height. The trees must be planted and maintained so that the sandmounds need to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain. Vehicle traffic from mound sites is to be limited to mowing equipment only.

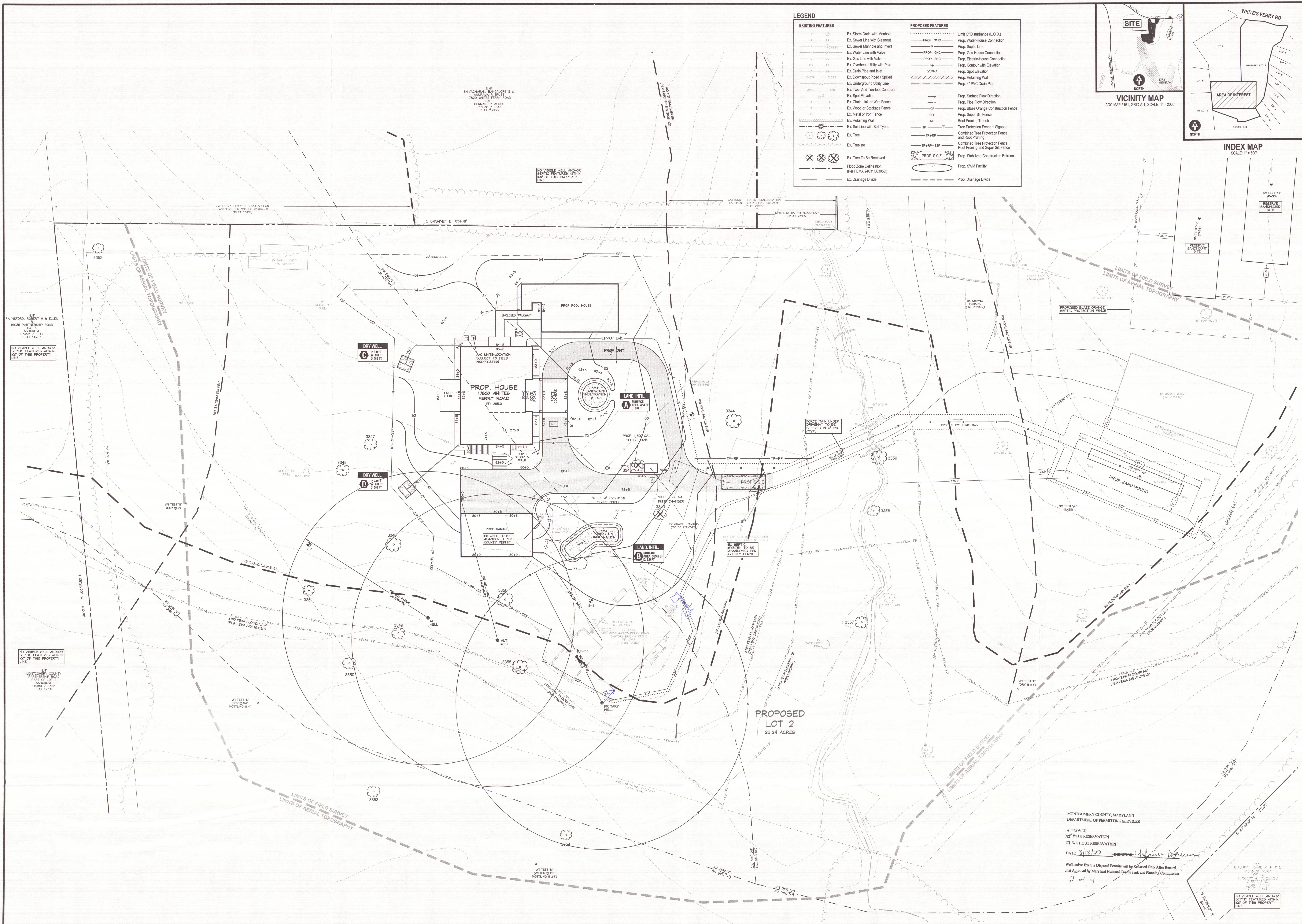
SANDMOUNDS ON FARM LAND: Sandmound (reserve) sites located on agricultural land may continue to be farmed using typical best management practices, including tillage.

SANDMOUND PROTECTIVE FENCING: All approved sandmound sites shall be sufficiently protected from grading or other disturbance through the installation of orange tree protection fencing (or other approved material) around the 25' SBRL perimeter of each sandmound site by the developer. Installation of the protective fencing must be completed by the developer and inspected by the Well and Septic Section (MCDPS) prior to approval of any permits for the lots.

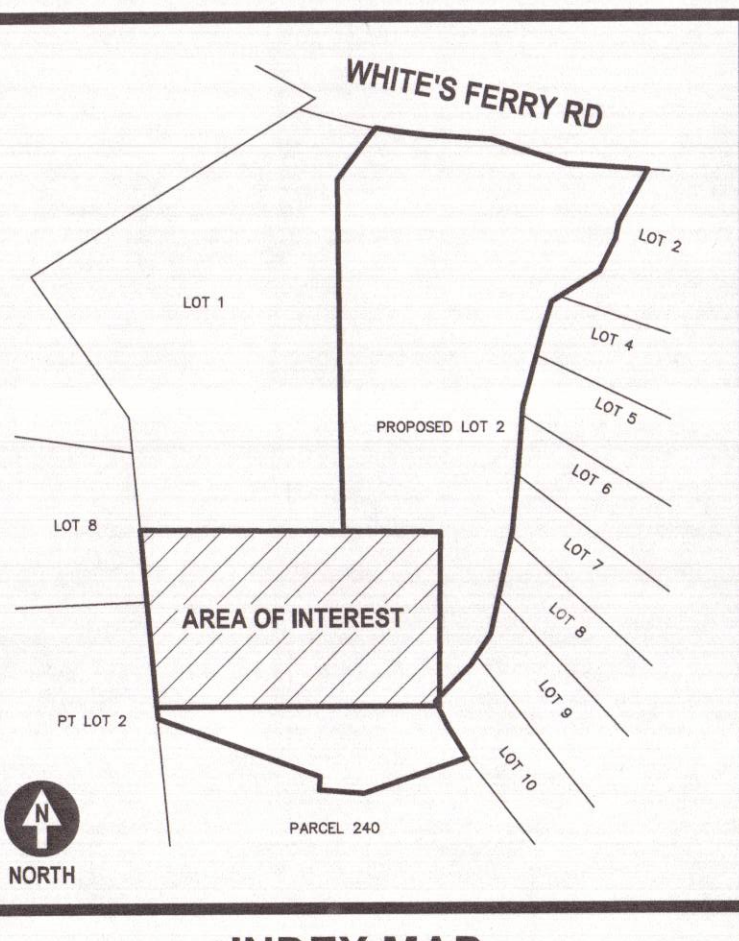
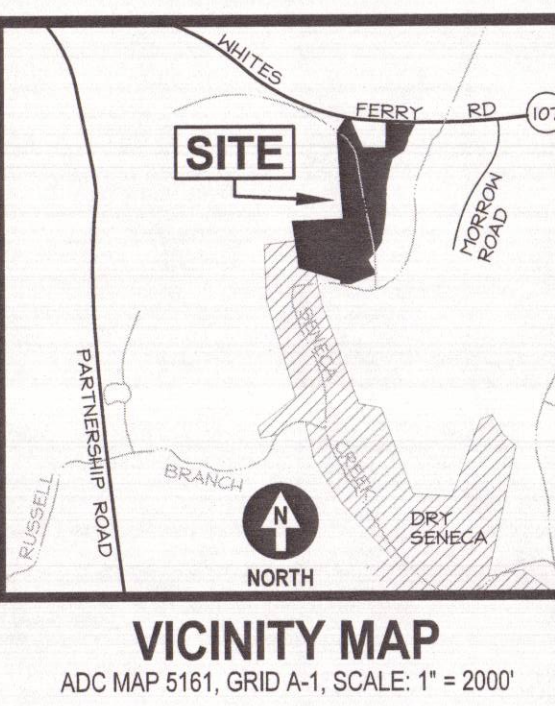
THIS PLAN IS FOR
SANDMOUND AND WELL
PERMIT ISSUANCE AND
APPROVAL ONLY

OWNER/APPLICANT
Bangalore Shivscharan
11130 Yellow Leaf Way
Germantown, Maryland 20874
(301) 795-1655 phone
(301) 509-3676 cell
shivscharan@verizon.net

17800 Whites Ferry Road
N/F Parcel 788 & Lot 1
Proposed Lot 2, Shivacharan
Well and Septic Site Plan
Well Permit #: 936463
Septic Permit #: 936475



LEGEND	
EXISTING FEATURES	PROPOSED FEATURES
Ex. Storm Drain with Manhole	Level Of Disturbance (L.O.D.)
Ex. Sewer Line with Cleanout	Prop. Water-House Connection
Ex. Sewer Manhole and Invert	Prop. Septic Line
Ex. Water Line with Valve	Prop. Gas-House Connection
Ex. Gas Line with Valve	Prop. Electro-House Connection
Ex. Overhead Utility with Pole	Prop. Contour with Elevation
Ex. Drain Pipe and Inlet	Prop. Spot Elevation
Ex. Downspout Piped / Spilled	Prop. Retaining Wall
Ex. Underground Utility Line	Prop. 4" PVC Drain Pipe
Ex. Two-And Ten-Foot Contour	Prop. Surface Flow Direction
Ex. Spot Elevation	Prop. Pipe Flow Direction
Ex. Chain Link or Wire Fence	Prop. Blast Orange Construction Fence
Ex. Wood or Sheds/Fence	Prop. Super Silt Fence
Ex. Metal or Iron Fence	Prop. Super Silt Fence
Ex. Retaining Wall	Prop. Root Pruning Trench
Ex. Soil Line with Soil Types	Prop. Tree Protection Fence + Signage
Ex. Tree	Prop. Combined Tree Protection Fence and Root Pruning
Ex. Tree To Be Removed	Prop. Combined Tree Protection Fence, Root Pruning and Super Silt Fence
Flood Zone Delineation (Per FEMA 243(C)3005)	Prop. Stabilized Construction Entrance
Ex. Drainage Divide	Prop. SIMM Facility
	Prop. Drainage Divide



CAS JOB NO.: 18-104
DATE: 02/2021

DATE	REVISION
01/13/22	EST. Submitted to MCQPS for Well & Septic Plan Review
04/23/22	EST. Resubmitted to MCQPS for Well & Septic Plan Review
07/07/22	EST. Resubmitted to MCQPS for Well & Septic Plan Review

JARED M. CARHART, PE
PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 17171, expiration date 06/07/2023, and that this plan meets MDQS criteria for public project applications.

N/F Parcel 788 (Book 55661 Page 288) & Lot 1 (Plat 24746)
Proposed Lot 2, Shivacharan
Pooleville (Grd) Election District, Montgomery County, MD
17800 Whites Ferry Road
Pooleville, Maryland 20837

THIS PLAN IS FOR
SANDMOUND AND WELL
PERMIT ISSUANCE AND
APPROVAL ONLY

OWNER/APPLICANT
Bangalore Shivacharan
11135 Yellow Leaf Way
Germantown, Maryland 20876
(301) 765-1655 phone
(301) 929-3676 cell
shivacharan@verizon.net

17800 Whites Ferry Road
N/F Parcel 788 & Lot 1
Proposed Lot 2, Shivacharan
Well and Septic Site Plan
Well Permit #: 936463
Septic Permit #: 936475

CAS
ENGINEERING

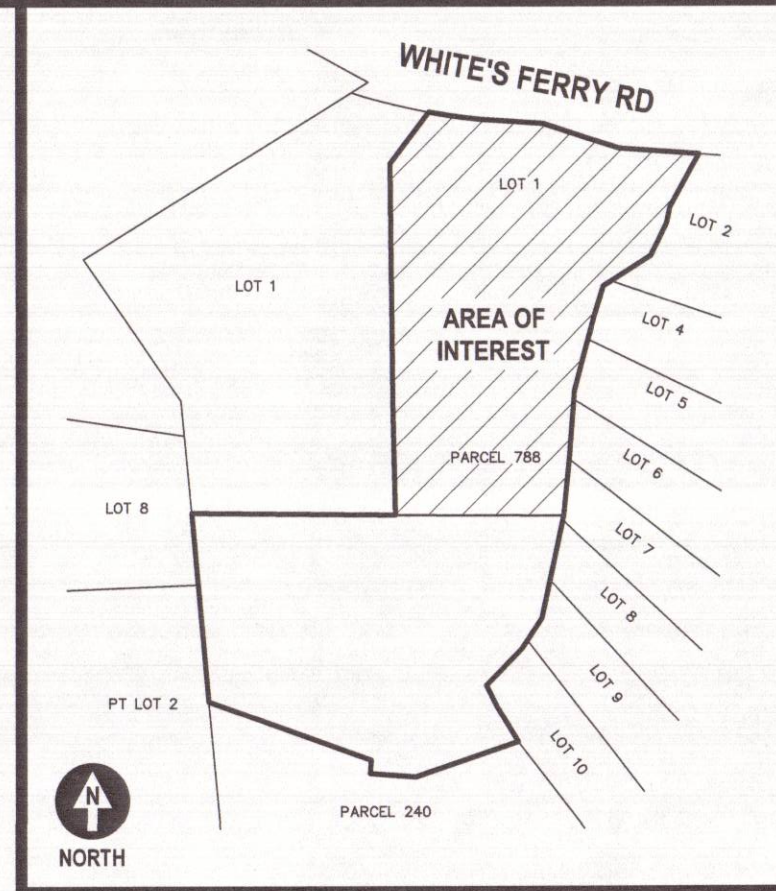
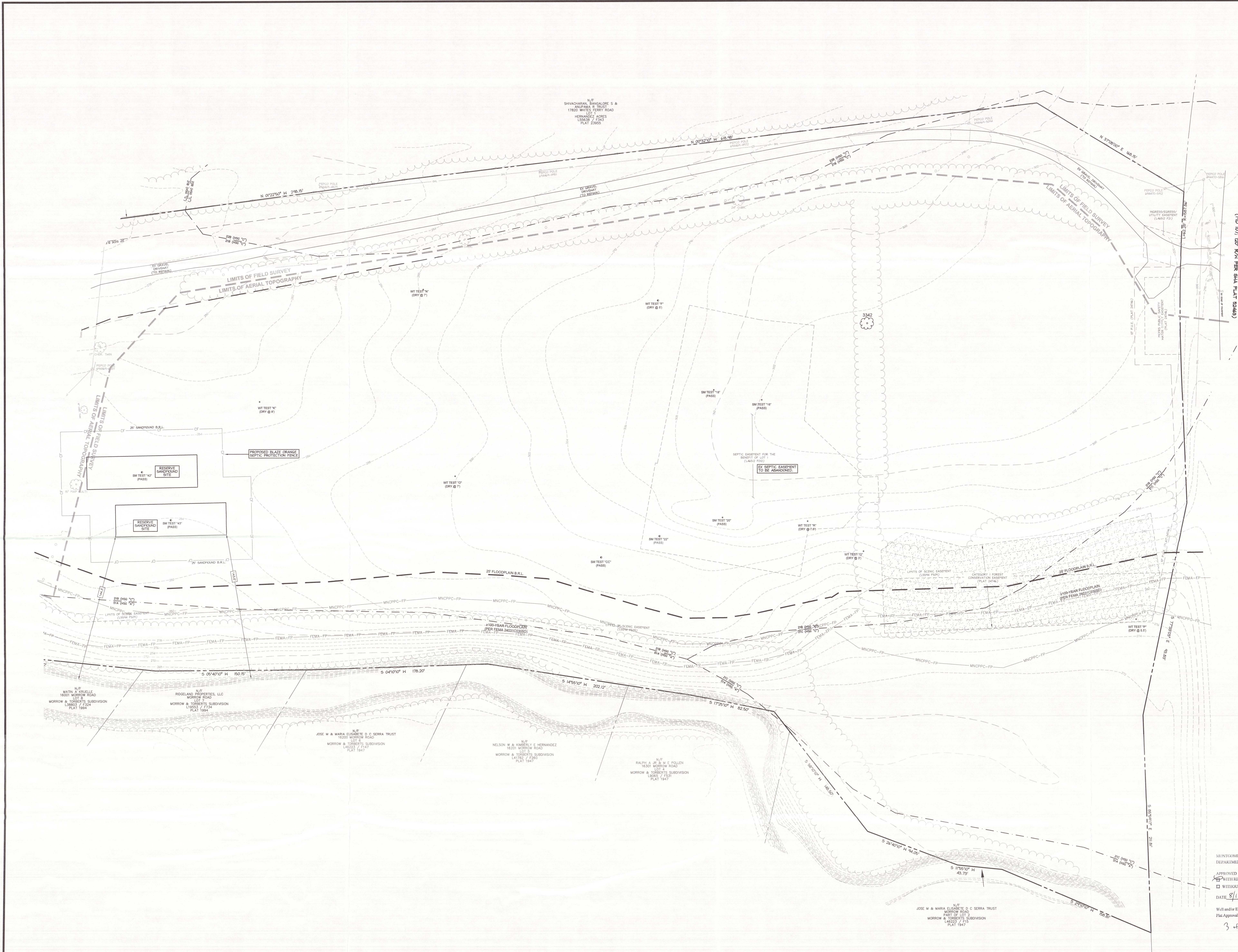
CAS ENGINEERING-MD
10 South Bantz Street
Frederick, Maryland 21701
301-407-4031 Phone
info@casengineering.com
www.casengineering.com

CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, NW, Suite 401
Washington, DC 20005
202-363-7200 Phone
info@cas-dc.com
www.cas-dc.com


DATE: 3/18/22
APPROVED: [Signature]
WITHOUT RESERVATION
DATE: 3/18/22
2 of 4

WELL AND SEPTIC SYSTEMS
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
APPROVED: [Signature]
WITHOUT RESERVATION
DATE: 3/18/22
2 of 4

WELL AND SEPTIC SYSTEMS
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
APPROVED: [Signature]
WITHOUT RESERVATION
DATE: 3/18/22
2 of 4



CAS JOB NO.:		18-104
DATE:		02/20/21
DATE	REVISION	BY
07/13/22	001	SHIVACHARAN
07/13/22 EBT - Submitted to MC-CPS for IMA & Septic Plan Submittal Review		
04/25/22	002	SHIVACHARAN
04/25/22 EBT - Resubmitted to MC-CPS for IMA & Septic Plan Review		
07/07/22	003	SHIVACHARAN
07/07/22 Resubmitted to MC-CPS for IMA & Septic Plan Review		



The seal is circular with a double border. The outer border contains the text "STATE OF MARYLAND" at the top and "PROFESSIONAL ENGINEER" at the bottom. Inside the seal, the text "JARED M. CARHART, PE" is written in a large, stylized script. Below the name, "LICENSE NO. 10151" is printed in a smaller font. The seal is partially overlaid by a signature that appears to be "J.M. Carhart".

JARED M. CARHART, PE
07/07/2022

PROFESSIONAL ENGINEER CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 10151, expiration date 06/07/2023, and that this plan meets MC-CPS criteria for septic permit applications.

JARED M. CARHART, PE
07/07/2022
PROFESSIONAL ENGINEER CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 15157, expiration date 06/07/2023, and that this plan meets MDPS criteria for public health applications.

N/F Parcel 788 (Book 55661 Page 288) & Lot 1 (Plat 24746)
Proposed Lot 2, Shivacharan
Poolsville 3rd Election District, Montgomery County, MD
17800 Whites Ferry Road
Poolsville, Maryland 20837

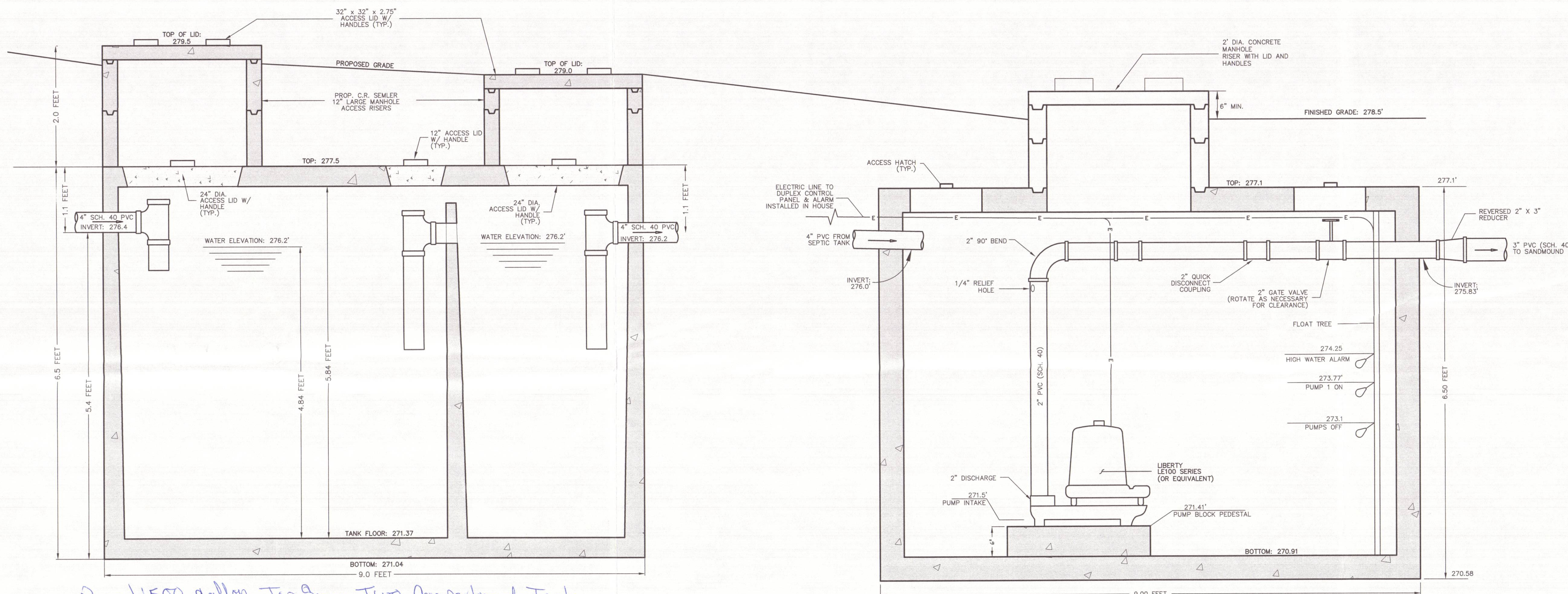
MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES
APPROVED
☒ WITH RESERVATION
☐ WITHOUT RESERVATION
DATE: 8/18/22
Wells and Easement Diagrams Permit will be Released Only After Record
Plan Approved by Maryland National Capital Park and Planning Commission

OWNER/APPLICANT
Bangalore Shivacharan
11135 Yellow Leaf Way
Germantown, Maryland 20876
(301) 756-1465 phone
(301) 509-3876 cell
shivacharan@verizon.net

THIS PLAN IS FOR
SANDBOUND AND WELL
PERMIT ISSUANCE AND
APPROVAL ONLY
17800 Whites Ferry Road
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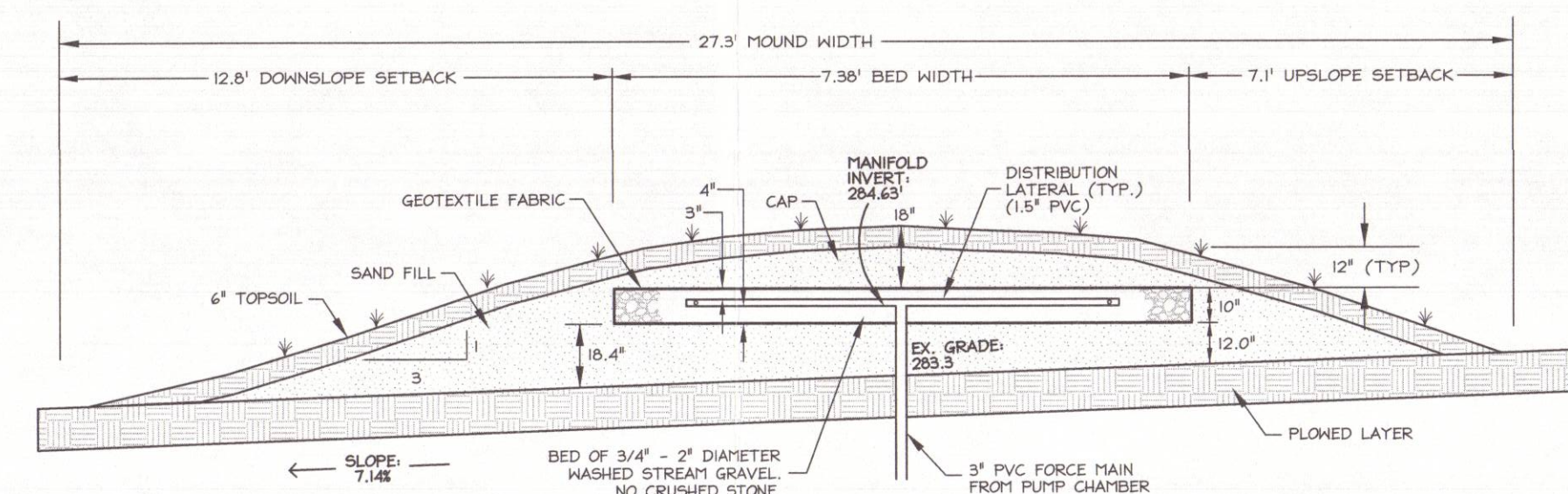
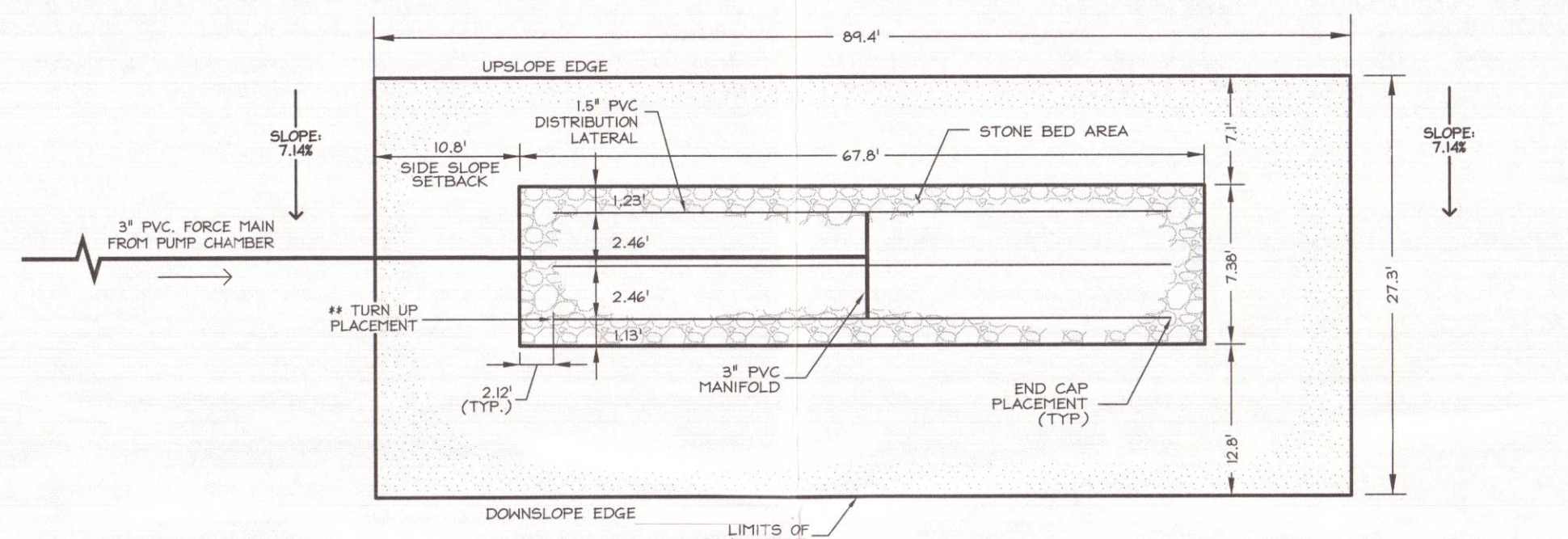
CAS
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CAS ENGINEERING-MD
10 South Brent Street
Frederick, Maryland 21701
301-467-0011 Phone
info@cas-engineering.com
www.cas-engineering.com
CAS ENGINEERING-DC, LLC
1001 Connecticut Avenue, N.W., Suite 401
Washington, DC 20036
202-352-7200 Phone
info@cas-dc.com
www.cas-dc.com
SHEET TITLE:
Well and Septic Site Plan
3 of 4

PROPOSED SEPTIC TANK AND PUMP CHAMBER LAYOUT
NOT TO SCALE

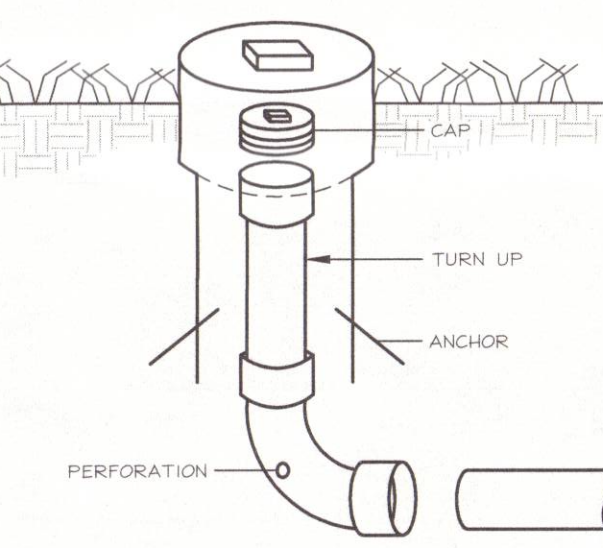
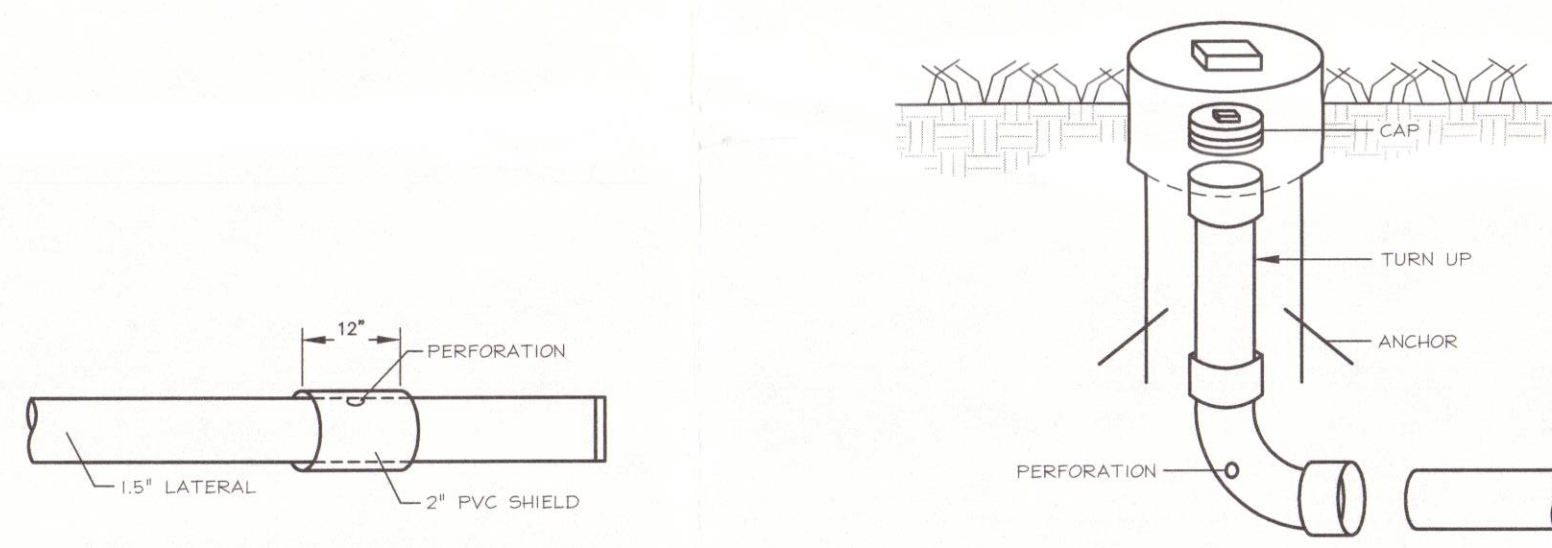


Proposed 1500 gallon Top Seam Two Compartment Tank
(C.R. Semler - Tank)

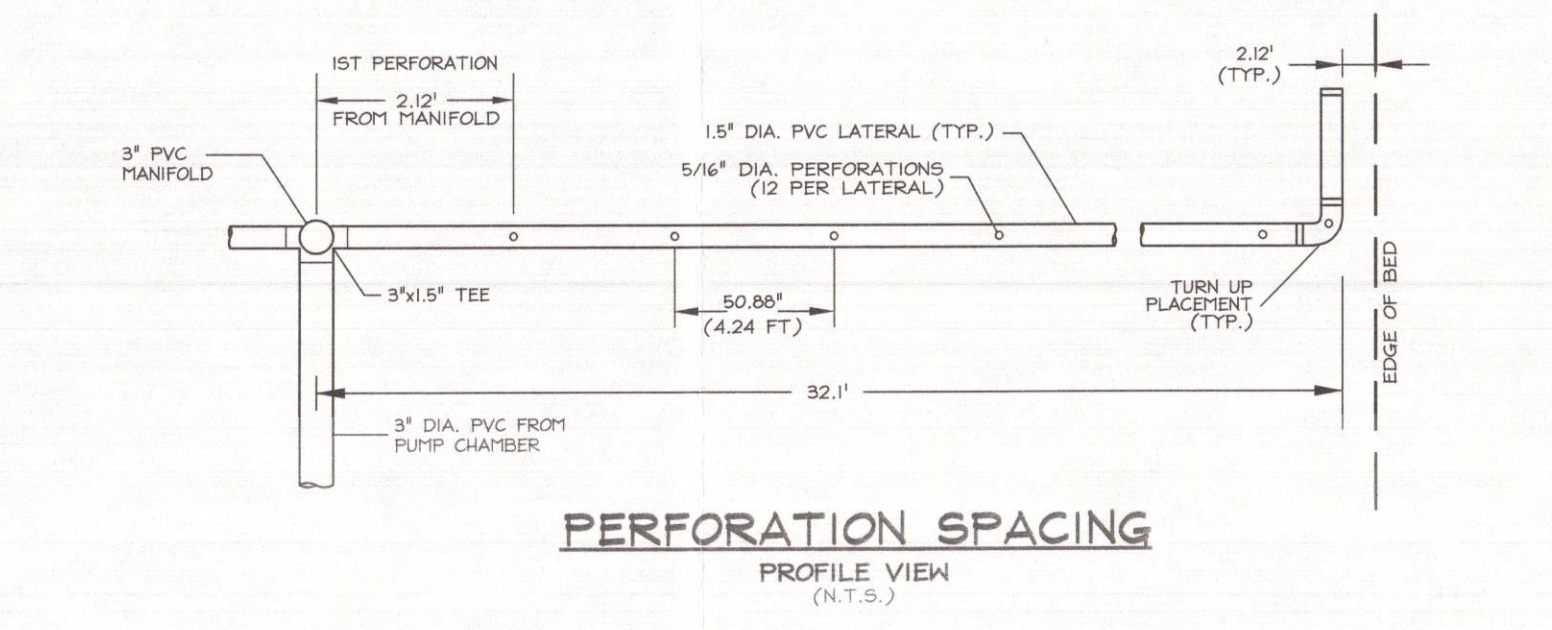
Proposed 1500 gallon Top Seam Pump Chamber
(C.R. Semler - tank)



SAND MOUND 49 SEPTIC ABSORPTION SYSTEM
SECTION VIEW (N.T.S.)



1. LARGER DIAMETER PIPE BROUGHT TO GRADE SURROUNDING LATERAL TO PROVIDE ACCESS AND PROTECTION.
2. LARGER DIAMETER CAP CAN TERMINATE 2 INCHES BELOW FINAL GRADE AT OWNERS OPTION.
3. TURN UPS TO BE LOCATED AT ALL LATERAL ENDS.



SAND MOUND DESIGN COMPUTATIONS			
Number of Bedrooms =	4	Design Flow = 600 gal/day	7.14%
Water Table Depth =	5.0 ft	Existing Slope at Sandmound Location =	0.83%
Downslope correction factor =	1.27	Upslope correction factor =	0.83%
Percolation rate =	48	Design infiltration rate =	1.20 gal/sd
SAND MOUND DIMENSIONS			
Absorption bed R ² (A ²) =	500 sf	Design flow = 600 gal/day	7.14%
Bed width (A) =	23.8 ft	Existing Slope at Sandmound Location =	0.83%
Bed length (B) =	67.8 ft	Upslope correction factor =	0.83%
Linear Loading Rate =	8.8	Design infiltration rate =	1.20 gal/sd
Upslope sand fill depth (D) = 48 in. - 2 in. =	46 in.	Design infiltration rate =	1.20 gal/sd
Downslope sand fill depth (D) = 124 in. (4 ft) =	124 in.	Design infiltration rate =	1.20 gal/sd
Cap + topsoil at bed center (E) =	18 in.	Design infiltration rate =	1.20 gal/sd
Cap + topsoil at bed edge (C) =	12 in.	Design infiltration rate =	1.20 gal/sd
Sidewalk setback (R) = (0.5 x D) + (3 x 3) =	10.8 ft	Design infiltration rate =	1.20 gal/sd
Upslope setback (I) = (22 in. x D) x 3 x upslope correction factor =	7.1 ft	Design infiltration rate =	1.20 gal/sd
Downslope setback (I) = (22 in. x D) x 3 x downslope correction factor =	12.8 ft	Design infiltration rate =	1.20 gal/sd
Total width of mound (W) = (22 in. x D) + 1 + 1 =	27.3 ft	Design infiltration rate =	1.20 gal/sd
Total length of mound (L) = 128 ft + R + I =	148.9 ft	Design infiltration rate =	1.20 gal/sd
CHECK BASAL AREA REQUIREMENTS			
Design Infiltration Rate =	1.20 gal/sd	Design flow = 600 gal/day	7.14%
Basal area Required =	1200 sf	Existing Slope at Sandmound Location =	0.83%
Basal area provided (L x W) =	1368 sf	Upslope correction factor =	0.83%
Basal area provided > basal area required?	YES	Design infiltration rate =	1.20 gal/sd
PRESSURE DISTRIBUTION NETWORK FOR CENTER FEED NETWORK			
LATERALS, PERFORATIONS, AND SPACING:			
Number of Laterals =	3	Design flow = 600 gal/day	7.14%
Distance between laterals =	24.6 ft	Existing Slope at Sandmound Location =	0.83%
No. of Perforations per Lateral =	10	Upslope correction factor =	0.83%
Spacing Between Perforations =	4.94 ft	Design infiltration rate =	1.20 gal/sd
Distance from laterals to long edge of absorption bed =	1.23 ft	Existing Slope at Sandmound Location =	0.83%
Distance from laterals to short edge of absorption bed =	2.42 ft	Upslope correction factor =	0.83%
Diameter of Perforations 5/16" Diameter perforations are recommended		Design infiltration rate =	1.20 gal/sd

PUMP CHAMBER SIZING			
Design Flow = 1.6 cfs	100 gal	Design flow = 600 gal/day	7.14%
Total Length of Laterals =	189 ft	Existing Slope at Sandmound Location =	0.83%
Volume of Laterals =	20.0 gal	Upslope correction factor =	0.83%
Total Length of Force Main + Manifold =	337.0 ft	Design infiltration rate =	1.20 gal/sd
Volume of Force Main + manifold =	133.0 gal	Existing Slope at Sandmound Location =	0.83%
Total Volume = (force main + manifold volume) + (5 x volume laterals) =	230.0 gal	Upslope correction factor =	0.83%
230.0 gal > 100.0 gal, so use	230.0 gal	Design infiltration rate =	1.20 gal/sd
PUMP CHAMBER SIZING			
DETERMINE THE REQUIRED PUMP CHAMBER SIZE:			
The pump chamber must have the capacity to accommodate a pump position on a six-inch floor, one down volume, and one day's design flow storage capacity above the high water alarm.			
One-day storage capacity + one down = 1/2 day =	1,130.0 gal	Design flow = 600 gal/day	7.14%
TOTAL DESIGN HEAD AND PUMP SPECIFICATION SIZING			
DETERMINE THE REQUIRED FLOW:			
Required flow = 0.68 cfs	Design flow = 600 gal/day	Existing Slope at Sandmound Location =	0.83%
DETERMINE TOTAL DESIGN HEAD:			
Static Head = 11.5 ft	Design flow = 600 gal/day	Upslope correction factor =	0.83%
PVC Pipe and Fittings	No. of Fittings	Design flow = 600 gal/day	7.14%
2" PVC (Pump Chamber)	1	Existing Slope at Sandmound Location =	0.83%
Quick Disconnect (2")	1	Upslope correction factor =	0.83%
Check Valve (2")	0	Design infiltration rate =	1.20 gal/sd
90 deg Bend (2")	1	Existing Slope at Sandmound Location =	0.83%
Wye Connection (2")	0	Upslope correction factor =	0.83%
Gate Valve (2")	1	Design infiltration rate =	1.20 gal/sd
2" PVC Pipe (Manifold + Force Main)	1	Existing Slope at Sandmound Location =	0.83%
2.5" x 2" Tee	1	Upslope correction factor =	0.83%
22.5 deg Bend (2")	3	Design infiltration rate =	1.20 gal/sd
45 deg Bend (2")	1	Existing Slope at Sandmound Location =	0.83%
90 deg Bend (2")	1	Upslope correction factor =	0.83%
90 deg Side Tee (2")	1	Design infiltration rate =	1.20 gal/sd
Friction Loss per 100 ft (2" pvc)	3.98	Existing Slope at Sandmound Location =	0.83%

6/30/2022

90 deg Side Tee (2")

I

150 ft

150 ft

Friction Loss per 100 ft (2" pvc) $\text{Janss 4 ft pipe} = 3.98$

Friction Loss per 100 ft (2" pvc) $\text{Janss 4 ft pipe} = 3.98$

Friction Head = 5.16 ft

Friction Head = 5.16 ft $\text{Design flow} = 600 \text{ gal/day}$ $\text{Design infiltration rate} = 1.20 \text{ gal/sd}$ $\text{Design flow} = 600 \text{ gal/day}$ $\text{Design infiltration rate} = 1.20 \text{ gal/sd}$

Total design head = 18.69 ft $\text{Design flow} = 600 \text{ gal/day}$ $\text{Design infiltration rate} = 1.20 \text{ gal/sd}$

DETERMINE THE PUMP REQUIREMENTS:

Effluent pump must be capable of providing: 60.46 gal / min at 18.69 ft of head

Use the following Pump Model: Liberty LFP Series (per approved equal)

PUMP CHAMBER ELEVATIONS AND FLOAT SWITCH ADJUSTMENTS

SEPTIC TANK

Invert Elevation from Septic Tank =

279.50

(check elevation to grade elevation: 377)

Invert Elevation from House =

276.49

(check elevation to grade elevation: 377)

Invert Out Elevation to Pump Chamber =

276.20

(check elevation to grade elevation: 377)

PUMP CHAMBER:

Grav In Elevation over Pump Chamber =

278.50

(verify)

Grav In Elevation from Septic Tank =

276.00

(verify min 2ft drop from septic tank)

High Water Alarm Elevation =

274.25

(verify min 1 foot above bottom - check elevation to septic tank)

High Water Alarm Elevation from ground =

277.27

Pump (1) On Elevation =

276.75

(verify elevation + 1 ft)

Pump Off Elevation =

273.10

(check elevation above tank + 1 ft)

Pump Inlet Inside Elevation =

271.50

(check elevation to inside float elevation: 377)

Pump Block Pedestal Elevation =

271.43

(check elevation to inside float elevation: 377)

Pump Chamber Inside Floor Elevation =

270.91

(check elevation to chamber base: 377)

Pump Chamber Base Elevation =

270.58

(check elevation to outside float elevation: 377)

Invert Out Elevation to septic field =

275.85

(check elevation to inside float elevation: 377)



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieh
Director

July 13, 2022

Mr. Jeffrey Server, Senior Planner
UpCounty Planning Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Dr.
Wheaton, MD 20902

RE: Administrative Subdivision Plan No. 620220060
Shivacharan

Dear Mr. Server:

We have completed our review of the Administrative subdivision Plan with a date of May 19, 2022 on e-plans. This plan was reviewed by the Development Review Committee at its meeting on May 24, 2022. We recommend approval for the plan based to the following comments:

Significant Plan Review Comment

1. All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
2. Whites Ferry Road (MD 107) is classified as a Rustic Road (CA-35) with 2 travel lanes and 120-foot right-of-way. We defer to Maryland State Highway MDSHA for any improvements along Whites Ferry Road (MD 107).
 - a. We defer to MDSHA for the sight distance study along Whites Ferry Road (MD107).
 - b. We defer to MDSHA for storm drain study along Whites Ferry Road (MD 107). The proposed storm drain does not appear to drain onto a county-maintained storm drain system.

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

Mr. Jeffrey Server
Administrative Subdivision Plan No. 620220060
July 11, 2022
Page 2

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

Sincerely,

Brenda M. Pardo

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

SharePoint\Transportation\Director's Office\Development Review\Brenda\Administrative Subdivision\AS620220060
Shivacharan\Letter\ 620220060-Shivacharan-MCDOT Subdivision Letter_7.13.22

cc: Correspondence folder FY 2023

cc-e:	Eric Tidd	CAS Engineering, Inc.
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Terry	MCDOT DTEO
	Rebecca Torma	MCDOT OTP



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

JUL 23 2012

MCPB No. 12-28
Pre-Preliminary Plan No. 720110010
Phyllis Jones Property
Date of Hearing: March 1, 2012

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 10, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan applications; and

WHEREAS, on August 3, 2011, Phyllis Jones ("Applicant"), filed an application for approval of a pre-preliminary plan of subdivision of property that would create one child lot of 2.0 acres via the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations on 25.24 acres of land in the RDT zone, located at 17800 Whites Ferry Road, Poolesville, 500 feet west of Morrow Road, ("Subject Property"), in the Preservation of Agriculture and Rural Open Space Master Plan area ("Master Plan"); and

WHEREAS, Applicant's pre-preliminary plan application was designated Pre-Preliminary Plan No. 720110010 Phyllis Jones Property ("Pre-Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 16, 2012, (revised February 23, 2012), setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on March 1, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 1, 2012, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Wells-Harley, and Presley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves

Approved as to
Legal Sufficiency:

Christina Sorrento 6/28/12

8787 Georgia Avenue, Suite 200, Poolesville, Maryland 20854

Chairman's Office: 301.495.4606

Fax: 301.495.1320

www.MCParkandPlanning.org

E-Mail: mcp-chairman@mncppc.org

Pre-Preliminary Plan No. 720110010 to create one child lot on the Subject Property subject to the following conditions:¹

- 1) Approval under this Pre-Preliminary Plan is limited to one lot for one detached dwelling unit.
- 2) The Applicant must comply with the conditions of approval for the final forest conservation plan prior to recording of plats or issuance of sediment erosion control permits. Any easements must be shown on the record plat.
- 3) The Applicant must comply with the Montgomery County Department of Permitting Services ("MCDPS") conditions of approval for well and septic, as stated in the MCDPS staff memo of January 20, 2012. These conditions may later be amended by MCDPS, as long as they do not conflict with the Pre-Preliminary Plan.
- 4) The record plat must reflect common ingress and utility easements over the shared driveway.
- 5) The Applicant must address stormwater management at the sediment control stage, as per the MCDPS approval of August 31, 2011.
- 6) An easement must be recorded for the balance of the property noting that a TDR has been utilized for the child lot. Reference to this easement must be reflected on the record plat.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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

The Pre-Preliminary Plan is designed to minimize lot size, minimize fragmentation of the property, and maximize the viable farmland. Since the Pre-Preliminary Plan preserves and promotes agriculture, it substantially conforms to the Master Plan.

¹ For the purpose 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.

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

The approved lot and farm remainder do not generate 30 or more vehicle trips during the morning or evening peak-hours. The Application is not subject to Local Area Transportation Review. Additional right-of-way dedication is not required for Whites Ferry Road and a sidewalk is not required along the property frontage. Access to the new dwelling is approved as an extension of the existing driveway and additional access points from Whites Ferry Road are not required. Vehicle and pedestrian access for the subdivision will be safe and adequate.

Other public facilities and services are available and will be adequate to serve the approved lot. A well and sand mound septic system is approved by the Department of Permitting Services to serve the new dwelling unit on the child lot and to serve as a back-up field for the existing house on the approved farm remainder. Gas, electrical and telecommunications services are available to serve the Property. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, fire houses, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is not within a school moratorium area and is not subject to a School Facilities Payment.

3. The size, width, shape, and orientation of the approved lot is appropriate for the location of the subdivision.

The approved lot is 2.0 acres and is no larger than the minimum area necessary for approval of well and septic, as per Section 59-C-9.41.1 of the Zoning Ordinance. The width, shape and orientation of the lot are all appropriate for its location.

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

A. Forest Conservation

A Preliminary Forest Conservation Plan was deemed acceptable by Staff and a Final Forest Conservation Plan will be approved prior to record plat.

5. All stormwater management requirements shall be met as provided in Chapter 19, article II, title "storm water management," Section 19-20 through 19-35.

When the Application proceeds to building permit, the Applicant will be required to address stormwater management at the sediment and erosion control permit stage.

6. *The Application complies with Montgomery County Code applicable subdivision requirements under Section 50-35A(a)(8) and density requirements under Section 59-C-9.41.1.*

The Subject Property meets all the subdivision requirements applicable in RDT zones under Section 50-35A(a)(8) because:

- A. The MCDPS, Well and Septic Section approved the septic area on January 12, 2012;
- B. No additional right-of-way dedication is required for Whites Ferry Road along the property frontage road because existing right-of-way for the road is adequate;
- C. Recording an easement noting the density and utilization of TDR's on the Subject Property's plat is a condition of its approval;
- D. The approved Subject Property meets the size requirements for subdivision in an RDT zone because it is only 2.0 acres; and
- E. The Final Forest Conservation Plan will be approved by Staff prior to record plat.

The Subject Property also meets the density requirements applicable in RDT zones under Section 59-C-9.41.1., for having a child lot above the density of one one-family dwelling unit per 25 acres because the Applicant:

- A. Recorded title to the Property before January 7, 1981;
- B. Personally applied for approval to create the Subject Property; and
- C. Retains a development right for each lot.

BE IT FURTHER RESOLVED, that this Pre-Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Pre-Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 23 2012 (which is the date that this Resolution is mailed to all parties of record); and

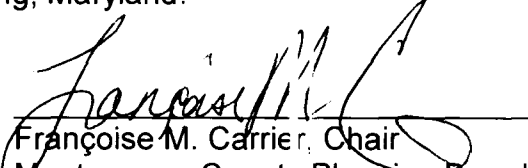
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, July 12, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board

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