

CALVERTON

ADMINISTRATIVE SUBDIVISION PLAN NO. 620230140

FOREST CONSERVATION PLAN NO. F20240010

Description

Administrative Subdivision Plan and Forest Conservation Plan, to create a three-lot subdivision to allow three single-family detached dwellings units.

No. 620230140

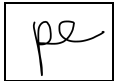
Completed: 5-31-2024

MCPB

6-13-2024

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

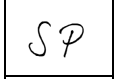
Planning Staff



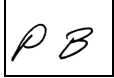
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LOCATION/ADDRESS

3100 Fairland Road

MASTER PLAN

1997 Fairland Master Plan

ZONE

R-90 (Residential 90)

PROPERTY SIZE

0.97 acres

APPLICANT

Zhixiong Shi and Xiumei Chen

ACCEPTANCE DATE

November 8, 2023

REVIEW BASIS

Chapters 22A, 50, 59



Summary

- Staff recommends approval of the Administrative Subdivision Plan and Forest Conservation Plan, with conditions.
- Per Section 50.6.1.C of the Subdivision Ordinance, subdivisions to create one to three lots for residential detached dwelling units may be reviewed and approved administratively by the Planning Director.
- However, the Application proposes a lot without frontage on a public road. Pursuant to Section 50.4.3.C.1.c of the Subdivision Ordinance, such an application must be approved by the Planning Board instead of the Planning Director.
- Staff received correspondence from an adjoining property owner raising concerns about potential off-site stormwater flooding.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

ADMINISTRATIVE SUBDIVISION PLAN 620230140

Staff recommends approval, with conditions, of Administrative Subdivision Plan No. 620230140 to create a three- (3) lot subdivision to allow three (3) single-family detached dwelling units in the R-90 zone. All site development elements shown on the latest electronic version of the Administrative Subdivision Plan No. 620230140 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 three (3) lots for three (3) single-family detached dwelling units.

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 (as defined in 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 (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Administrative Subdivision Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated April 22, 2024, 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. Before recordation of plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 15, 2024, and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with

each of the recommendations in the letter, which may be amended by MCDPS – Water Resources 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 December 7, 2023, 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

8. Before recordation of plat(s) or any demolition, clearing or grading for the Subject Property, the Applicant must receive Staff certification of this Administrative Subdivision Plan.
9. Before issuance of each building permit for a residential dwelling unit, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services for Utilization Premium Payments (UPPs) consistent with County Code and the Growth and Infrastructure Policy, as follows:
 - a. No elementary school UPP required;
 - b. No middle school UPP required; and
 - c. Required Tier 1 high school UPP per unit.

TRANSPORTATION

10. Before release of the first building permit, the Applicant must construct a six (6)-foot wide sidewalk along the Property frontage on Fairland Road and a bus stop pad at the southeast corner of the Property, as shown on the Certified Administrative Plan. The Applicant must satisfy all necessary MCDPS requirements.

RECORD PLATS

11. There shall be no clearing or grading of the Site before recordation of plat.
12. The record plat must show necessary easements.

CERTIFIED ADMINISTRATIVE SUBDIVISION PLAN

13. The Applicant must include the Administrative Subdivision Plan Resolution, and agency approval letters on the approval or cover sheet(s).
14. The certified Administrative Subdivision Plan must contain the following notes:
 - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Administrative Subdivision Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

- 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.*
15. Before submittal of the Certified Administrative Subdivision Plan, the Applicant must make the following changes:
 - a. Include the approved Fire Department Access plan in the certified set.
 - b. Ensure plans and data tables reflect those as approved by the Planning Board.

FOREST CONSERVATION PLAN F20240010

Staff recommends approval, with conditions, of Forest Conservation Plan No. F20240010, filed concurrently with Administrative Subdivision Plan No. 620230140 to create a three (3) lot subdivision to allow three (3) single-family detached dwelling units in the R-90 zone. All site development elements shown on the latest electronic version of the Preliminary/Final Forest Conservation Plan No. F20240010, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (“FFCP”). Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
4. 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 record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Anacostia River watershed or Priority Area to satisfy the reforestation requirement of 0.55 acres of mitigation credit. If no off-site forest banks exist within the Anacostia River watershed or Priority Area, then the off-site requirement may be met by purchasing 0.78 acres of mitigation credits from a mitigation bank within Montgomery County outside of the Anacostia River watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.

SECTION 2: SITE DESCRIPTION

VICINITY

The Subject Property is located at 3100 Fairland Road (“Property” or “Subject Property”), in the northeastern section of the Calverton community as identified in the 1997 *Fairland Master Plan* (“Master Plan”). The Property is located approximately 1,500 feet west of the intersection of Fairland Road and Briggs Chaney Road and approximately 1,100 feet northeast of Galway Elementary School (Figure 1).

The Property and surrounding area are zoned Residential-90 (R-90) (Figure 2), which is intended primarily for moderate density residential. As such, the area is developed primarily with single-family detached units, in addition to two places of religious assembly, a swim club, Galway Elementary School, and Calverton-Galway Local Park. The adjacent property to the east is presently used for religious assembly with a surface parking lot.



Figure 1 - Vicinity Map

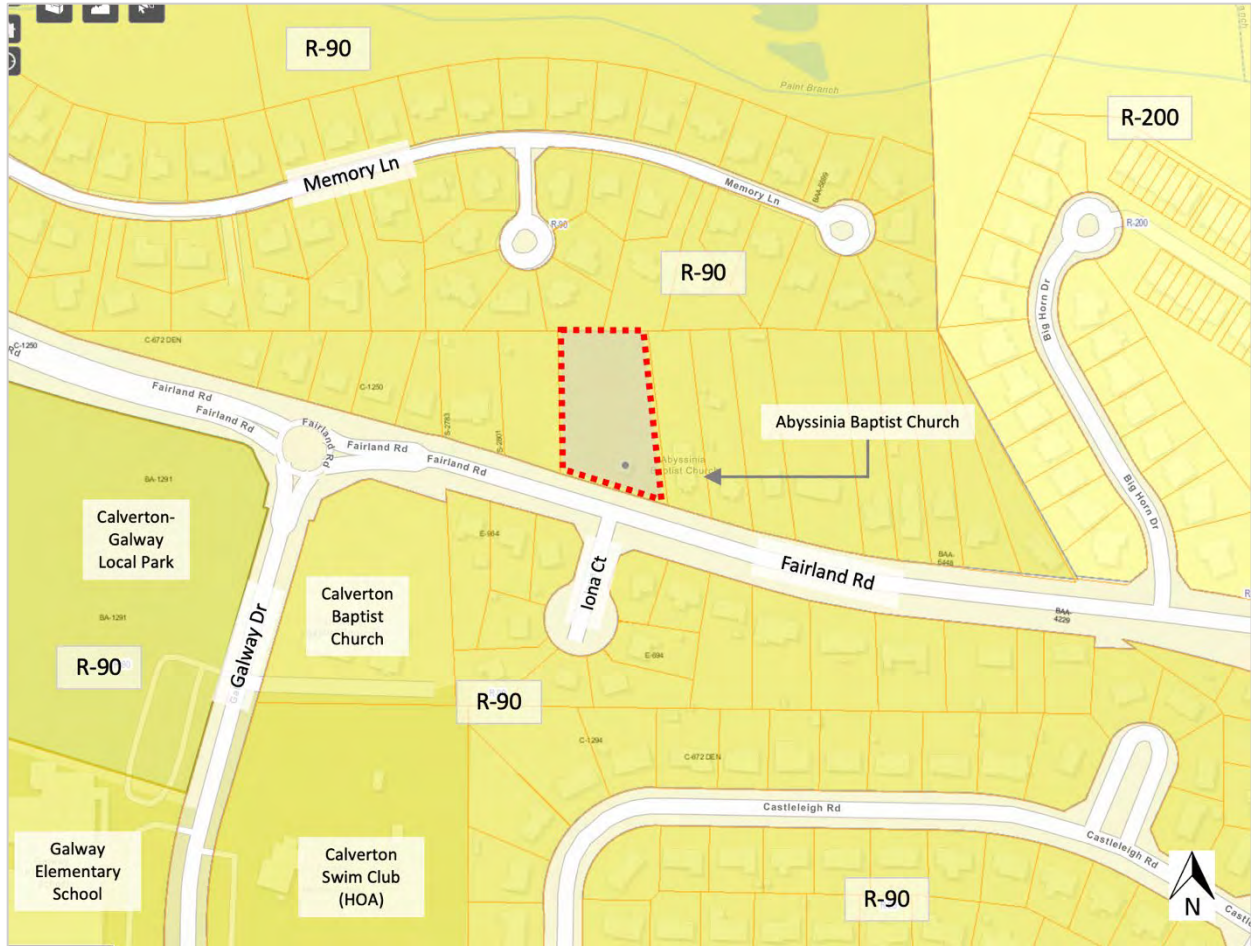


Figure 2 - Zoning Map

PROPERTY DESCRIPTION

The Property is 0.97-acres in size and is zoned R-90. Presently, there is one single-family detached dwelling unit accessed by a semi-circular driveway from Fairland Road (Figure 3). There is approximately 185 feet of frontage along Fairland Road. The site has 0.45 acres of forest located in the northern half of the Property. The Property slopes downward approximately 20 feet from the southwest corner to the northeast corner.

The Property is situated in the Little Paint Branch watershed. The Property does not contain any streams, wetlands, floodplains, stream buffers, highly erodible soils, or other sensitive environmentally features. There are three relatively minor areas where slopes exceed 25 percent. No rare, threatened or endangered species or their habitats were observed or are known to occur on the Property. No historic resources, cemeteries, or burial sites are known to exist on the Property.



Figure 3 - Subject Property

SECTION 3: PROJECT DESCRIPTION

PROPOSAL

The Applicant proposes to subdivide 0.97 acres of land into three (3) lots with access to Fairland Road (“Application”). The Applicant proposes to retain the existing single-family detached dwelling unit. The semi-circular driveway will be removed and replaced with a shared driveway to serve all three lots. Lot No. 1 will contain approximately 15,238 square feet for one new single-family detached dwelling unit and have frontage on Fairland Road; Lot 2 will contain approximately 14,982 square feet for one new single-family detached dwelling unit and will not have frontage on Fairland Road; and Lot No. 3 will contain 11,739 square feet of land with the existing single-family detached dwelling unit and will have frontage on Fairland Road.

As conditioned, the Applicant will upgrade the existing five-foot- (5 ft.) wide sidewalks to six-foot- (6 ft.) wide sidewalk along the Property’s frontage, with a six-foot- (6 ft.) wide buffer from the street per the *Complete Streets Design Guide* and will construct a new bus stop pad.

Figure 4 (below) shows the proposed configuration of the lots, vehicular access, and building restriction lines (BRL). The single-family dwelling footprints are illustrative of the design and the final location will be determined at the issuance of a building permit. Lot No. 2 has additional BRL restrictions pursuant to Section 4.3.C.1.c because the lot does not have direct frontage onto a public road.

The Final Forest Conservation Plan No. F20240100 (“FFCP”) shows approximately 0.45 acres of existing forest on the Property which is proposed to be removed. The Subject Property has a reforestation requirement of 0.55 acres within the same watershed or Priority Area and a reforestation requirement of 0.78 acres outside of the same watershed or Priority Area. The Applicant proposes to satisfy this requirement by purchasing the appropriate acreage in mitigation credits from an offsite forest bank or by providing a fee-in-lieu payment to the Forest Conservation Fund. A full analysis is provided in Section 6 of this Staff Report.

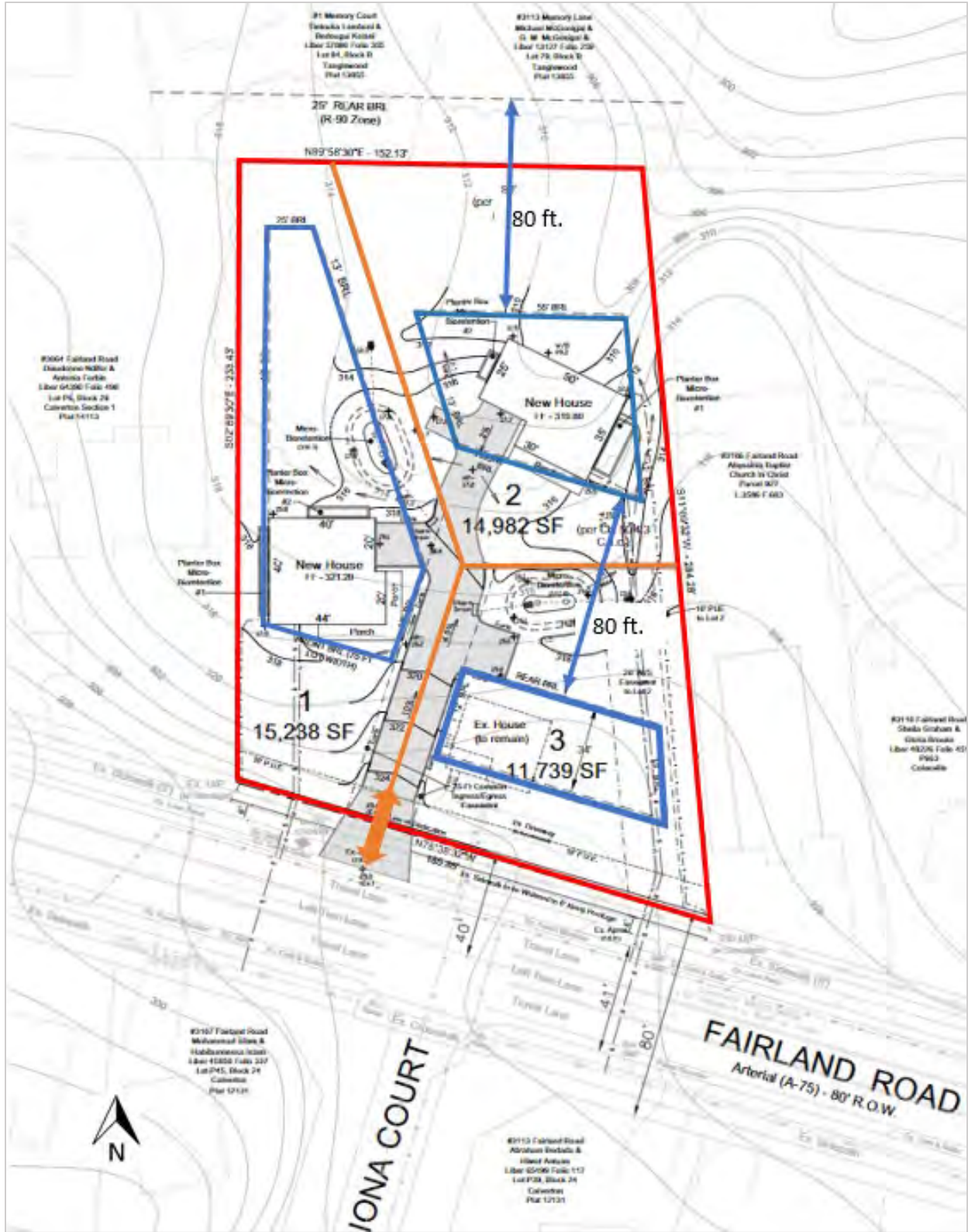


Figure 4 - Proposed Administrative Subdivision Plan No. 620230040

SECTION 4: COMMUNITY OUTREACH

A pre-submittal community meeting is not required for an Administrative Subdivision Plan; however, the Applicant must post notice signs on the Property and provide written public notice. A Notice of Application, dated September 12, 2023, was mailed by the Applicant to all required parties and a sign was posted in compliance with Section 50.6.2.B.4.

Staff received one letter from an adjacent property owner to the north at 3113 Memory Lane (Attachment E). The property owner expressed opposition to the Project over concerns about off-site flooding impacts to their property.

Staff Response

Figure 5 (below) shows the topography of the Property and immediate vicinity. Topographical contours form a swale from the southwest to northeast direction, as indicated by the blue line below. Spot elevation labels show that the Property slopes downward in the same direction from approximately 328-foot to 306-foot contour elevation. The Property does not slope downward toward 3113 Memory Lane, it slopes upward. As such, there would be no drainage impact to 3113 Memory Lane because stormwater runoff will not flow upward to higher elevations. Additionally, the Application has an approved Stormwater Management/Site Development Stormwater Management Plan, which manages stormwater runoff from the proposed development. Stormwater will be managed with two (2) bioretention facilities and four (4) micro bioretention planter boxes.

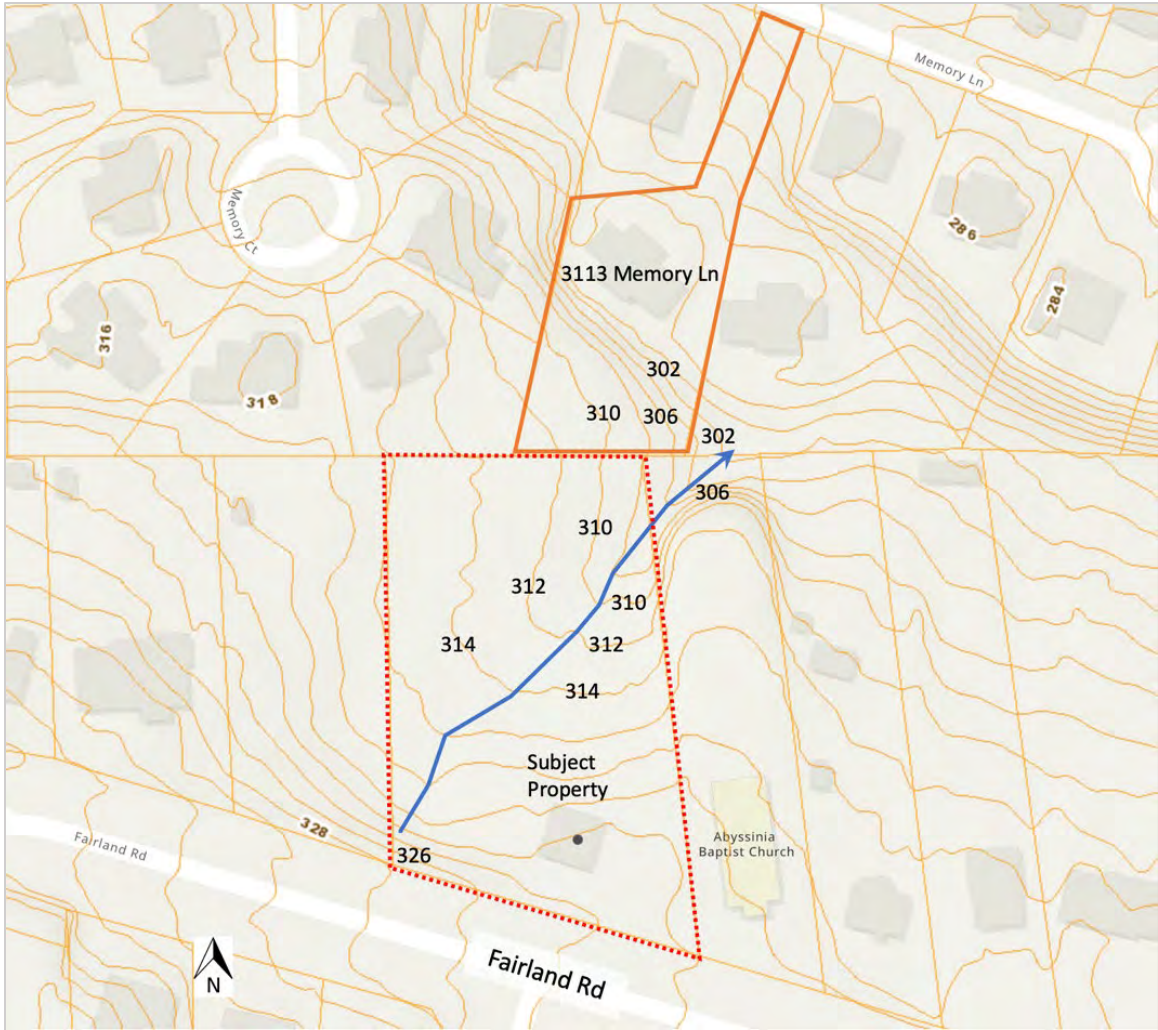


Figure 5 – Directional flow of stormwater and elevations noted

SECTION 5: ADMINISTRATIVE SUBDIVISION PLAN FINDINGS AND ANALYSIS

APPLICABILITY, SECTION 50.6.1 OF THE SUBDIVISION ORDINANCE

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

C) Subdivision for creation of certain residential lots. Up to 3 lots for detached houses may be created in any residential or rural residential zone under these procedures if:

1. The lots are approved for the standard method of development;

The Application was submitted for standard method of development in the R-90 zone.

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

The lots will not be served by water wells or septic areas. The Property is designated with W-1 and S-1 categories and will be served by public water and sewer.

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

This section of Fairland Road is classified as a Boulevard with an existing 80-foot right-of-way. Pursuant to Section 49-32 of the County Code, no additional right-of-way is required. The Applicant will coordinate with County agencies to ensure that any necessary public utility easements are shown on the plat. As conditioned, the Applicant will upgrade the existing sidewalk to a six-foot- (6 ft.) wide sidewalk along the Property's frontage and will construct a new bus stop pad.

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

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

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. The Administrative Subdivision Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned and described below in the findings section of this report.

The Application received an approved stormwater concept plan from the MCDPS, Water Resources Section on March 15, 2024, which deems the stormwater management concept as acceptable. The Application will meet stormwater management goals through the use of Environmental Site Design

(ESD) using micro-bioretenion facilities and micro-bioretenion planter boxes. The Project meets all requirements of Chapter 19.

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.

a) The block design is appropriate for the development or use contemplated.

The Project does not propose any new residential blocks. The proposed subdivision is within an existing residential neighborhood and the proposed use is residential as well.

b) The lot design is appropriate for the development or use contemplated.

The Project meets all applicable sections of the Subdivision Ordinance including the requirements under Section 50.4.3.C. (Lot Design).

Overall, the lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the building type (single-family detached dwelling units) contemplated for the Property. Lots in the vicinity are typical of those following the existing curvilinear street pattern present north of the Property: a mix of regular- and irregular-shaped lots, and flag lots (Figure 6).

Lot No. 1 and Lot No. 3 both abut Fairland Road, a public road. Lot No. 2 (situated behind Lot No. 3) does not abut a public or private road. Per Section 50.4.3.C.1.c (Lots to abut on a public or private road), the Board may approve a lot that does not abut a public or private road, where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and that appropriate separation between building envelopes can be achieved. Given the position of the tract in relation to surrounding properties, the existing right-of-way, and the sloping topography, there is no other feasible way to subdivide the Property consistent with the existing zone and allowed density.

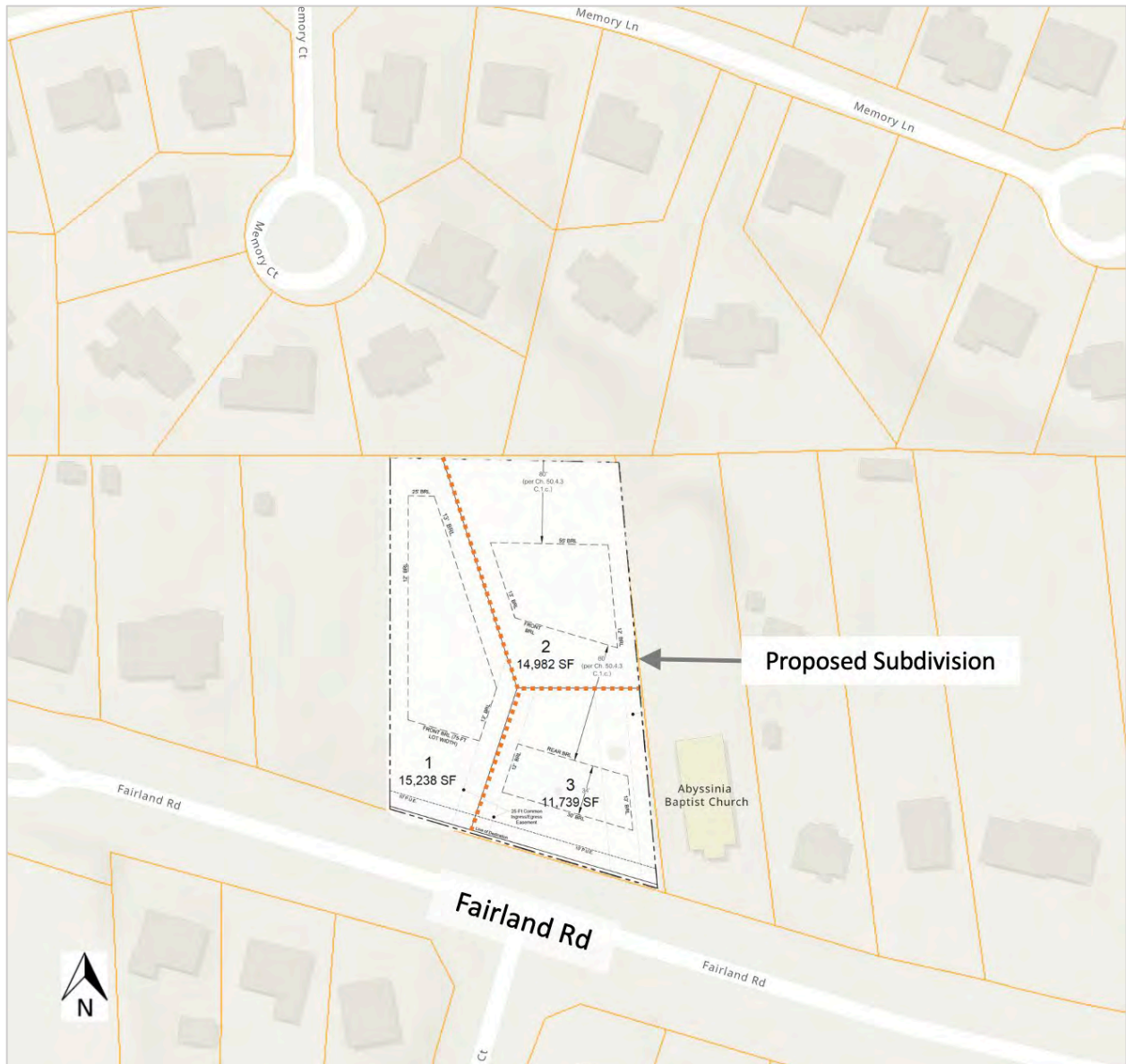


Figure 6 – Proposed subdivision and surrounding lot pattern including irregular-shaped Lots adjacent to and north of the Property

The Application satisfies the criteria of Section 50.4.3.C.1.c to approve a lot that does not abut a public or private road:

- i. **The Board must not approve more than two lots in a subdivision that do not abut a public or private road;**

The Project contains only one lot (Lot No. 2) in the subdivision that does not abut a public or private road.

- ii. ***The lots will be served by a private driveway that serves no other lots without frontage;***

Lot No. 2 is served by a private driveway and all other lots served by the shared driveway have frontage to a public road.

- iii. ***In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed lot without frontage and:***

the building envelopes of all lots that are adjacent to the rear lot line of the proposed lot without frontage; and

the building envelopes of all lots that are between the proposed lot without frontage and the road from which it is accessed;

As shown in Figure 4, the Project provides at least 80 feet of separation between the building envelope of Lot No. 2 and the adjacent rear lot line building envelopes of 1 Memory Court and 3113 Memory Lane. Additionally, the Project provides at least 80 feet separation between the building envelope of Lot No. 2 (the lot without frontage) and the building envelope of Lot No. 3 (the lot between the lot without frontage and the road).

- iv. ***All building restriction lines must be shown on the plat; and***

The proposed plat shows all building restriction lines for all lots.

- v. ***The access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to future development of adjacent lands.***

Access to all lots, including lot with no road frontage, is adequate to serve the lots for emergency vehicles and for the installation of any necessary public utilities. The Application received MCDPS Fire Department Apparatus Access and Water Supply approval on December 7, 2023, which deems emergency vehicle access as adequate. There are no additional public services necessary, and the approval would not be detrimental to the future development of adjacent land.

- c) ***The Administrative Subdivision Plan provides for required public sites and adequate open areas.***

The Property was reviewed for compliance with Section 50.4.3.D, “Public Sites and Adequate Public Facilities,” of the Subdivision Code. There are no specific Master Plan recommendations for public facilities or local recreation requirements for the Subject Property. The Project provides adequate

open areas as it meets all required building setbacks, maximum lot coverage, and minimum yard areas.

d) The Lot(s) and Use comply with the basic requirements of Chapter 59.

The proposed lots were reviewed for compliance with the dimensional requirements for the R-90 zone as specified in the Zoning Ordinance. The lots will meet all the dimensional requirements for area, frontage, and width. A summary of this review is provided in Table 1.

Table 1 – Development Standards in the R-90 Zone.

Standard	Required/ Permitted	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3
Lot size, min.	9,000 sq. ft.	15,238 sq. ft.	14,982 sq. ft.	11,739 sq. ft.
Lot width at front building restriction line (BRL), min.	75 ft.	75 ft.	99 ft.	119 ft.
Lot width at front lot line, min.	25 ft.	56 ft.	N/A ¹	129 ft.
Frontage on a public or private road	Required	Provided	No ¹	Provided
Lot coverage, max.	30%	30% (4,571 sq. ft. max.) 11% (1,680 sq. ft.) provided	30% (4,494 sq. ft. max.) 10% (1,550 sq. ft.) provided	30% (3,521 sq. ft. max.) 7% (792 sq. ft.) provided
Front setback, min.	30 ft.	30 ft.	30 ft. ²	30 ft.
Side setback, min.	8 ft.	12 ft.	12 ft.	12 ft.
Rear setback, min.	25 ft.	25 ft.	55 ft.	39 ft. ²
Building height, max.	35 ft.	35 ft.	35 ft.	35 ft.

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

The Administrative Subdivision Plan substantially conforms to the recommendations within the 1997 *Fairland Master Plan*. The Master Plan does not make specific recommendations for the Subject Property but reconfirmed the existing single family detached residential zoning throughout the Property’s vicinity. The Master Plan recommends maximizing the percentage of single-family detached units in developable residential areas (p. 28), which this Application does. The Application demonstrates conformance to the Master Plan by proposing a total of three compatible single-family

¹ Lot No. 2 is subject to Sec. 50.4.3.C.1.c (lot that does not abut a public or private road).

² Pursuant to Section 50.4.3.C.1.c, the sum of the front building restriction line of Lot 2 and the rear building restriction line of Lot 3 must be a minimum of 80 feet.

detached units in a residentially zoned and developed neighborhood. Furthermore, the proposed subdivision will advance the County’s goal of increasing housing supply in all communities.

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

Adequate public facilities exist to support and service the Property in accordance with Section 50.4.3.J of the Subdivision Regulations. As noted above, the Property is served by public water and sewer and is classified in the W-1 and S-1 categories. Public water and sewer mains currently serve the Property, which will be adequate to serve the proposed subdivision. 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 2020–2024 *Growth and Infrastructure Policy* (the “GIP”) currently in effect.

a) Roads and other Transportation Facilities

vi. **Existing Facilities**

Fairland Road is classified as an Arterial roadway with a right-of-way width of 80 feet, per applicable road design standards for as outlined in Section 49-32 of the County Code. Fairland Road does contain pedestrian and bicyclist facilities. The proposed development fronts a five-foot-wide sidewalk. On the other side of the property line on Fairland Road, there is an existing sidepath that is intended to connect to master planned bikeways on Briggs Chaney Road to the east and Columbia Pike to the west, per the 2018 *Bicycle Master Plan*. For the section of Fairland Road that fronts the Property, there are no existing designated bicycle facilities.

vii. **Planned Facilities**

Per the 2018 *Bicycle Master Plan*, no planned bicycle facilities are proposed for the section of Fairland Road fronted by the Property. As conditioned, the Applicant will upgrade the existing five-foot- (5 ft.) wide sidewalk to a six-foot- (6 ft.) wide along the frontage consistent with *Complete Streets Design Guide* recommendations. Additionally, the Applicant will upgrade the existing bus stop at the southeast corner of the Property with a five-foot by eight-foot (5 ft. x 8 ft.) concrete bus stop pad. No additional master planned improvements are required for this Application. Therefore, roads and transportation facilities are adequate to support the Application.

b) Local Area Transportation Review (LATR)

The Property is located in the Fairland/Colesville Policy Area, which is categorized as a Yellow Policy Area under the GIP. As demonstrated via the Applicant’s Traffic Exemption Statement (“TES”) dated July 3, 2023, the Application will generate fewer than 50 peak-hour person trips in the morning and evening peak hours. As a result, the Application is not subject to additional Local Area Transportation Review (“LATR”) and is exempt from completing further transportation adequacy analysis.

c) Schools

As described above, the Project proposes to subdivide the property into three lots for three single-family detached dwelling units. An existing single-family detached unit will remain, resulting in a total of two net-new single-family detached units. The Project is served by Galway Elementary School, Briggs Chaney Middle School and Paint Branch High School. Based on the fiscal year 2024 Annual School Test results, the student enrollment and capacity projections for these schools are noted in Table 2:

Table 2 – Fiscal Year 2024 Annual School Test Projection (2027-28 School Year)

School	Program Capacity	Enrollment	Utilization	Surplus/ Deficit
Galway ES	759	762	100.4%	-3
Briggs Chaney MS	927	841	90.7%	+86
Paint Branch HS	1,985	2,270	114.4%	-285

Table 3 – Fiscal Year 2024 School Test Results

School	Adequacy Status	Tier 1 Adequacy Ceiling	Tier 2 Adequacy Ceiling	Tier 3 Adequacy Ceiling
Galway ES	No UPP	82	149	263
Briggs Chaney MS	No UPP	212	272	411
Paint Branch HS	Tier 1 UPP	-	112	410

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the fiscal year 2024 Annual School Test, Galway Elementary School and Briggs Chaney Middle School do not require any UPP. However, Paint Branch High School requires a Tier 1 UPP as identified in Table 3. Based on the school capacity analysis performed, using the fiscal year 2024 Annual School Test, the Application is subject to a Tier 1 Utilization Premium Payment.

d) Other Public Facilities and Services

As discussed above, all 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.

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

The Preliminary/Final Forest Conservation Plan satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s Environmental Guidelines. Please refer to Section 6 below for the analysis and findings for the Preliminary/Final Forest Conservation Plan.

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

The Project satisfies the requirements of Chapter 19. The Project received an approved stormwater concept plan from the MCDPS, Water Resources Section on March 15, 2024. The Project will meet stormwater management goals through the use of Environmental Site Design (“ESD”) using micro-bioretenion facilities and micro-bioretenion planter boxes.

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.M.

There are no known burial sites of which the Applicant has actual notice or constructive notice or that are included in the Montgomery County Cemetery inventory and located within the subdivision boundary.

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

No other provisions apply to the Application.

SECTION 6: FOREST CONSERVATION PLAN NO. F20240100 FINDINGS AND ANALYSIS

FOREST CONSERVATION PLAN

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. No tree variance is required with this application since no trees protected under Sec. 22A-12(b)(3) of Chapter 22A will be impacted or removed. The FFCP complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

NATURAL RESOURCE INVENTORY/FOREST STAND DELINEATION PLAN

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420221000 for this Property was approved on July 13, 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is one parcel totaling 0.97 acres fronting onto Fairland Road and bordered on three sides by existing residential lots. The Subject Property is located within the Little Paint Branch watershed and classified as a Use Class I-P watershed by the State of Maryland. The NRI/FSD identified approximately 0.45 acres of forest on the Subject Property. The Property contains no specimen trees or trees protected under Sec. 22A-12(b)(3) of the Forest Conservation Law but does have five significant trees ranging in size from 24 inches up to 27 inches diameter breast height (“DBH”). There are no streams, seeps, springs, wetlands, steep slopes or other sensitive environmental features located either on or in proximity to the Property.

FOREST CONSERVATION PLAN

The Applicant has submitted Final Forest Conservation Plan No. F20240010 (“FFCP”) (Attachment B) for concurrent review with the Administrative Subdivision Plan No. 620230140. 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 R-90 and is assigned a Land Use Category of High Density Residential (“HDR”) 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 15 percent and a conservation threshold of 20 percent of the Net Tract Area.

The Net Tract Area for forest conservation purposes includes the 0.97-acre Total Tract Area plus 0.12 acres of offsite disturbance associated with this Application, for a total Net Tract area of 1.09 acres. There is a total of 0.45 acres of existing forest on the Subject Property. The Applicant is proposing to remove the entirety of the 0.45 acres of forest resulting in a total afforestation/reforestation

requirement of 0.55 acres within the Anacostia watershed or a Priority Area or 0.78 acres outside of the Anacostia watershed or Priority Area. The Applicant proposes to meet the reforestation requirement by purchasing the appropriate acreage of mitigation credits from an offsite forest bank or by paying a fee-in-lieu into the Forest Conservation Fund if no forest banks are available. The Subject Property contains no specimen trees or trees protected by Sec. 22A-12(b)(3) of the FCL, and therefore no tree variance request is required for the plan.

SECTION 7: 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 Ordinance, and the applicable requirements of Section 50.6.1.C.

The lots meet all requirements established in the Subdivision Ordinance and the Zoning Ordinance and substantially conform to the recommendations of the 1997 *Fairland Master Plan*. Access and public facilities will be adequate to serve the proposed lots, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of the Administrative Subdivision Plan and the Preliminary/Final Forest Conservation Plan with conditions.

ATTACHMENTS

Attachment A: Administrative Subdivision Plan

Attachment B: Forest Conservation Plan

Attachment C: Statement of Justification

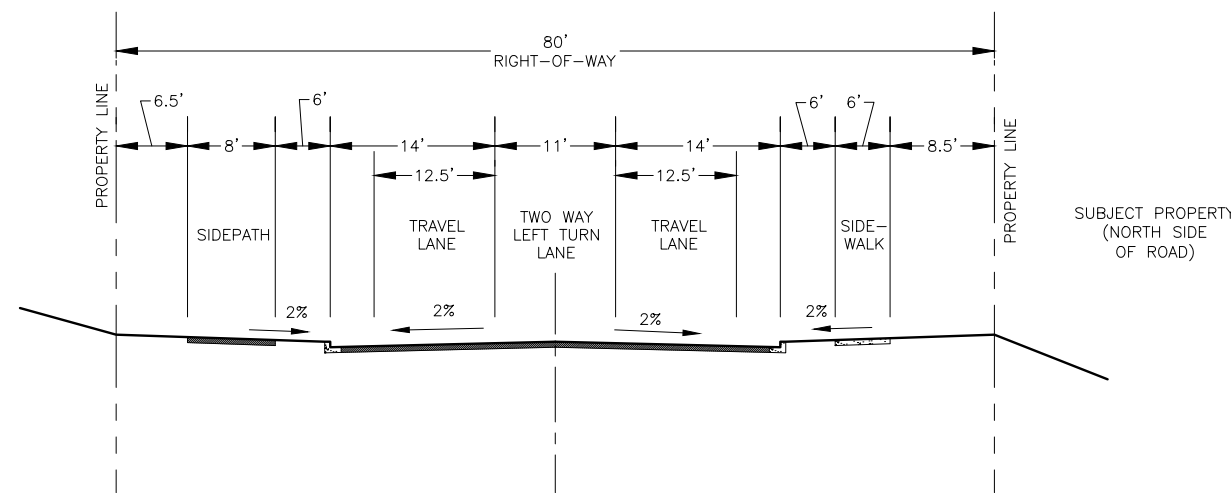
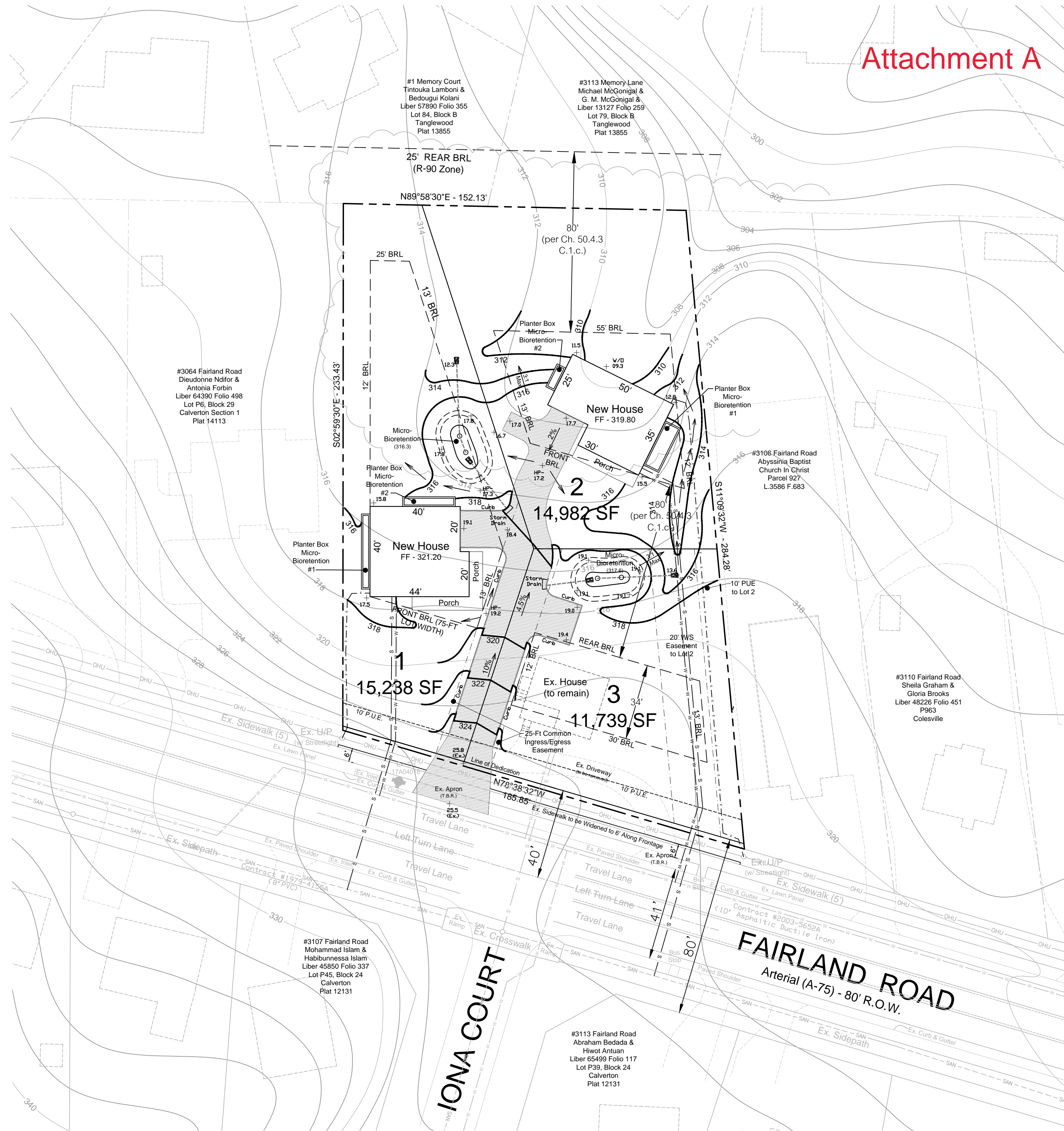
Attachment D: Agency Letters

Attachment E: Community Correspondence

Attachment A

LEGEND:

NEW DRIVEWAY	
BUILDING RESTRICTION LINE	20' BRL
CANOPY COVERAGE	
CENTERLINE	
EXISTING BUILDING	
INDEX CONTOUR (2' INTERVAL)	510
INTERMEDIATE CONTOUR	508
MICRO-BIORETENTION	MB
NEW EASEMENT	
PLANTER BOX MICRO-BIORETENTION	MB
OVERHEAD WIRES (Ex.)	OHU
PROPERTY LINE (SUBJECT)	B' 88S/185' K
PROPERTY LINE	
PROPOSED BUILDING	
SEWER CONNECTION	S
UNDERGROUND UTILITY (Electric)	E
WATER CONNECTION	W



Existing Section (not to scale)
FAIRLAND ROAD
Arterial 'A-75'

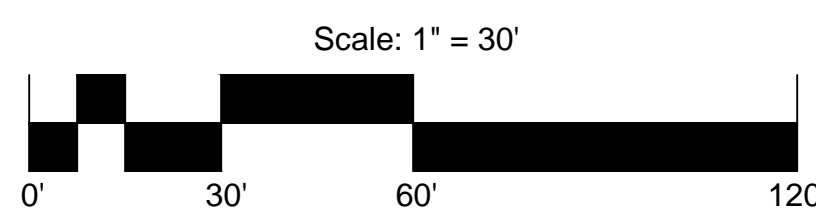
- NOTES:**
- This section as shown represents the existing conditions of Fairland Road as currently built in front of the site.
 - Fairland Road is an Arterial Road with 3 lanes as shown.
 - The Master Plan right-of-way width for Fairland Road is 80 feet. Dedication 40-feet from center is to be provided as shown on the plan.
 - The Bicycle Master Plan calls for a sidepath along the south side of Fairland Road which is existing.
 - A 5-foot sidewalk exists along the site frontage.

Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

[Signature] 05-08-2024 10-21-2024
Signature Date Exp. Date



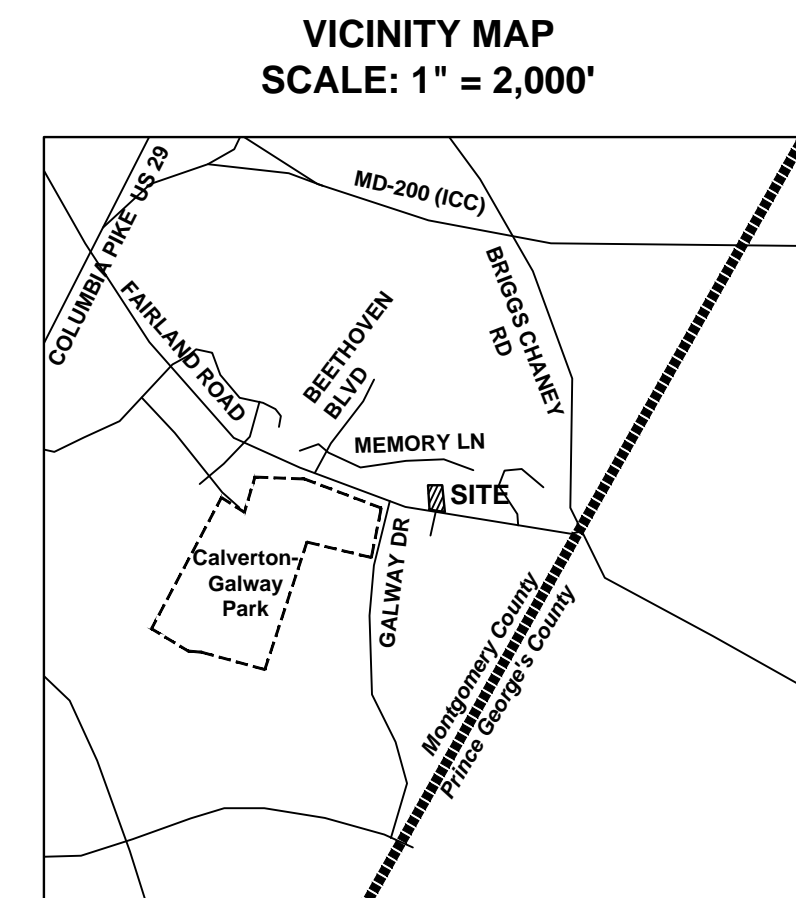
PROPERTY BOUNDARY FROM A SURVEY BY:
RAZTEC ASSOCIATES, INC.
341 W. Patrick St.
Frederick, MD 21701
(301)775-4394



- NOTES:**
- Area of property - 42,472 SF (0.97 AC)
 - Existing zoning: R-90
 - No. of lots proposed by this plan - 3
 - Method of Development Proposed - Standard
 - Area to be dedicated to streets by this plan - 0.01 Acre
 - Property is located in the Little Paint Branch watershed (Use I-P).
 - Existing sewer and water service categories: S-1, W-1
 - Lots to be served by public sewer and public water.
 - Source of Two-foot Contour Topography: M-NCPPC GIS Data Sheet 217NE04

ZONING DATA TABLE				
ZONE: R-90	Req.	Lot 1	Lot 2	Lot 3
Lot Area (min)	9,000 SF	15,238 sf	14,982 sf	11,739 sf
Lot Width at Front Building Line (min)	75'	75'	99'	119'
Lot Width at Front Lot Line (min)	25'	56'	N/A*	129'
Frontage on Street	Required	Yes; Provided	No*	Yes; Provided
Coverage (max)	30%	30% (4,571 SF max.; 1,680 SF shown)	30% (4,494 SF max.; 1,550 SF shown)	30% (3,521 SF max.; 792 SF shown)
Front Setback (min)	30'	30'	Per Plan*	30'
Side Setback (min)	8'	12'	12'	12'
Sum of Side Setbacks (min)	25'	25'	25'	25'
Rear Setback (min)	25'	25'	55*	25'
Height (max)	35'	35'	35'	35'

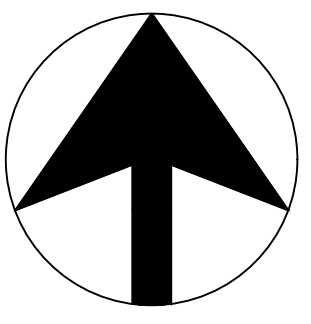
* Lot 2 is subject to the special requirements of Ch. 50.4.3.C.1.c. (lot does not abut a public road)



Prepared for:
Xiumei Chen & Zhixiong Shi
13408 Ridge Drive
Rockville, MD 20850
(240) 888-3412
jwcs13408@gmail.com

Revisions

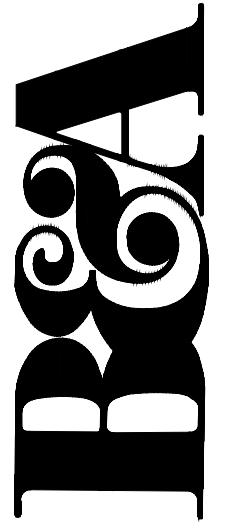
Rev. 05-08-24



date: 07/03/2023

scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



ADMINISTRATIVE SUBDIVISION PLAN
CALVERTON
(3100 Fairland Road;
P.926 - Liber 48087, folio 440)
Montgomery County, Maryland

WSSC GRID 217NE04

TAX MAP KR561

M-NCPPC FILE NO. 620230140

SHEET 3 OF 3

Attachment B

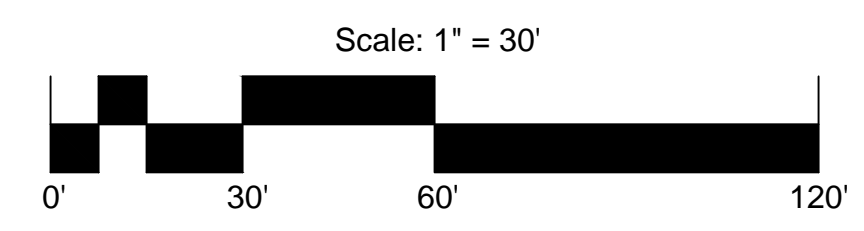
LEGEND:

BUILDING RESTRICTION LINE	12' BRL
CANOPY COVERAGE	
CENTERLINE	
CRITICAL ROOT ZONE	CRZ
EXISTING BUILDING	
FOREST TO BE CLEARED	
INDEX CONTOUR (2' INTERVAL)	510
INTERMEDIATE CONTOUR	508
LIMITS-OF-DISTURBANCE	
MICRO-BIORETENTION	MB
PLANTER BOX MICRO-BIORETENTION	
NEW LOT LINE	
PROPERTY LINE (SUBJECT)	B' & S (MS' K)
PROPERTY LINE	
PROPOSED BUILDING	
PROPOSED CONTOUR	596
ROOT PRUNING	
SEWER CONNECTION	S
SIGNIFICANT TREE	ST-1
SIGNIFICANT TREE TO BE REMOVED	ST-1
SOIL TYPE / DIVIDE	2B 1C
TREE PROTECTION FENCE / SIGNS	TPF
UNDERGROUND UTILITY (Electric)	E
WATER CONNECTION	W



FOREST CONSERVATION WORKSHEET		Within Same Watershed				
CALVERTON F20240010		4/3/2023				
NET TRACT AREA:						
A. Total tract area ...	0.97					
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ...	0.12					
C. Land dedication acres (parks, county facility, etc.) ...	0.00					
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00					
E. Area to remain in commercial agricultural production/use ...	0.00					
F. Other deductions (specify) ...	0.00					
G. Net Tract Area ...	1.09					
LAND USE CATEGORY: (from Chapter 22A-3. Definitions)						
Input the number "1" under the appropriate land use, limit to only one entry.						
ARA	CDR	MDR	IDA	HDR	MPD	CIA
0	0	0	0	1	0	0
G. Afforestation Threshold ... 15% x G =				0.16		
H. Conservation Threshold ... 20% x G =				0.22		
EXISTING FOREST COVER:						
I. Existing forest cover ...	0.45					
J. Area of forest above afforestation threshold ...	0.29					
K. Area of forest above conservation threshold ...	0.23					
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation ...	0.26					
M. Clearing permitted without mitigation ...	0.19					
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared ...	0.45					
O. Total area of forest to be retained ...	0.00					
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold ...	0.12					
Q. Reforestation for clearing below conservation threshold ...	0.44					
R. Credit for retention above conservation threshold ...	0.00					
S. Total reforestation required ...	0.55					
T. Total afforestation required ...	0.00					
U. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an Equity Focus Area (EFA). For projects within EFA, may not exceed 20% of "S") ...	0.00					
V. Total reforestation and afforestation required ...	0.55					
worksheet date 4/3/2023						
FOREST CONSERVATION WORKSHEET		Outside Same Watershed				
CALVERTON F20240010		4/3/2023				
NET TRACT AREA:						
A. Total tract area ...	0.97					
B. Additions to tract area (Off-Site Work, etc.; construction required by this plan) ...	0.12					
C. Land dedication acres (parks, county facility, etc.) ...	0.00					
D. Land dedication for roads or utilities (construction not required by this plan) ...	0.00					
E. Area to remain in commercial agricultural production/use ...	0.00					
F. Other deductions (specify) ...	0.00					
G. Net Tract Area ...	1.09					
LAND USE CATEGORY: (from Chapter 22A-3. Definitions)						
Input the number "1" under the appropriate land use, limit to only one entry.						
ARA	CDR	MDR	IDA	HDR	MPD	CIA
0	0	0	0	1	0	0
G. Afforestation Threshold ... 15% x G =				0.16		
H. Conservation Threshold ... 20% x G =				0.22		
EXISTING FOREST COVER:						
I. Existing forest cover ...	0.45					
J. Area of forest above afforestation threshold ...	0.29					
K. Area of forest above conservation threshold ...	0.23					
BREAK EVEN POINT:						
L. Forest retention above threshold with no mitigation ...	0.26					
M. Clearing permitted without mitigation ...	0.19					
PROPOSED FOREST CLEARING:						
N. Total area of forest to be cleared ...	0.45					
O. Total area of forest to be retained ...	0.00					
PLANTING REQUIREMENTS:						
P. Reforestation for clearing above conservation threshold ...	0.23					
Q. Reforestation for clearing below conservation threshold ...	0.55					
R. Credit for retention above conservation threshold ...	0.00					
S. Total reforestation required ...	0.78					
T. Total afforestation required ...	0.00					
U. Credit for landscaping (may not be used to meet reforestation requirement if project is located outside an Equity Focus Area (EFA). For projects within EFA, may not exceed 20% of "S") ...	0.00					
V. Total reforestation and afforestation required ...	0.78					
worksheet date 4/3/2023						
NOTES:						
1. There is 0.12 acre of off-site disturbance for a new driveway apron and utility work. This area is added to the total tract area.						
2. Reforestation requirement to be met off-site using forest bank credits or fee-in-lieu payment to the M-NCPPC Forest Conservation Fund.						

- NOTES:**
- Area of property - 42,472 SF (0.97 AC)
 - Existing zoning: R-90
 - No. of lots proposed by this plan - 3
 - Method of Development Proposed - Standard
 - Area to be dedicated to streets by this plan - 0.01 Acre
 - Property is located in the *Little Paint Branch* watershed (Use I-P).
 - Existing sewer and water service categories: S-1, W-1
 - Lots to be served by public sewer and public water.
 - Source of Two-foot Contour Interval Topography: M-NCPPC GIS Data Sheet 217NE04



Professional Certification:
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed landscape architect registered to practice in the State of Maryland.

Du 05-08-24 10-21-2024
Signature Date Exp. Date



PROPERTY BOUNDARY FROM A SURVEY BY:
RAZTEC ASSOCIATES, INC.
341 W. Patrick St.
Frederick, MD 21701
(301)775-4394

SIGNIFICANT / SPECIMEN TREE TABLE						
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Quercus rubra	Northern Red Oak	27.0"	Poor	Root, trunk & top damage, decay, cavities, dieback, fungi on stem	To Be Removed
ST-2	Quercus rubra	Northern Red Oak	26.0"	Poor	Root, trunk & top damage, decay, cavities, dieback, fungi on stem, V-fork	Off-Site Tree / To Be Retained; Root Pruning and Tree Protection Fencing & Directional Boring for Utilities to be Utilized
ST-3	Quercus alba	White Oak	24.0"	Poor	Root & top damage, decay, dieback, fungi present, possible fill	To Be Removed
ST-4	Quercus alba	White Oak	24.0"	Fair	Root, trunk & top damage, decay, cavities, dieback	To Be Removed
ST-5	Quercus alba	White Oak	26.0"	Good	Root & top damage, decay, dieback, large gall or something on roots	To Be Retained; Root Pruning and Tree Protection Fencing to be Utilized

DEVELOPER'S CERTIFICATE

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F20240010 including, financial bonding, forest planting, maintenance and all other application agreements.

Developer's Name: **Xiumei Chen & Zhixiong Shi**
Print Company Name

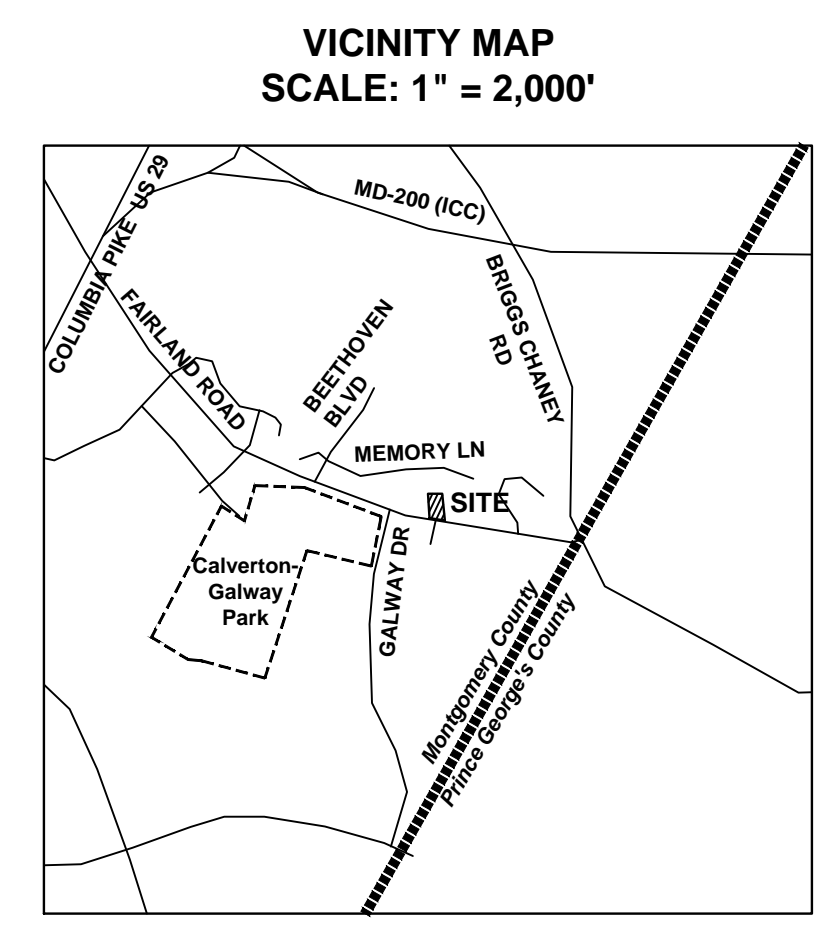
Contact Person or Owner: **Xiumei Chen & Zhixiong Shi**
Print Name

Address: 13408 Ridge Drive Rockville, MD 20850

Phone # and Email: (240) 888-3412

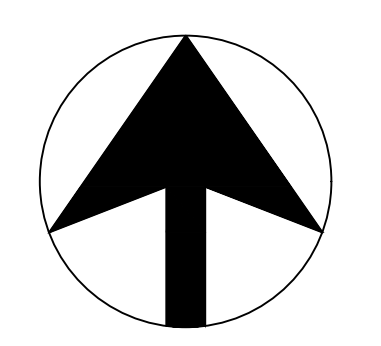
Signature: _____

Prepared for:
Xiumei Chen & Zhixiong Shi
13408 Ridge Drive
Rockville, MD 20850
(240) 888-3412
jwcs13408@gmail.com



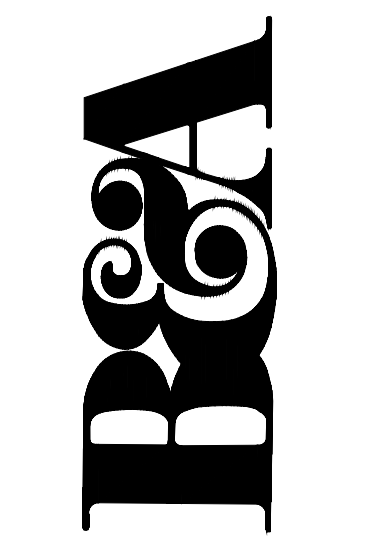
Revisions

Rev. 05-08-24	



date: 07/03/2023
scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



PRELIMINARY / FINAL FOREST CONSERVATION PLAN
CALVERTON
(3100 Fairland Road;
P.926 - Liber 48087, folio 440)
Montgomery County, Maryland

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240

August 1, 2023 (Revised 12-1-23)

Mr. Patrick Butler, Chief
Upcounty Planning Area
Montgomery County Planning Department
2425 Reedie Drive, Floor 13
Wheaton, MD 20902

Re: Statement of Justification for Calverton;
Administrative Subdivision Plan #620230140

Dear Mr. Butler,

This statement accompanies an Administrative Subdivision Plan Application for the subject property. The property located at 3100 Fairland Road lies within the limits of the Fairland Master Plan area. The property consists of 0.97 acre of land which is zoned R-90. The applicant proposes to subdivide the property into 3 building lots for single-family residences. The existing home on the property will be retained on one of the lots.

Regarding the required findings of Chapter 50.4.2.D for approval of an Administrative Subdivision Plan, please note the following:

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 proposed lots will meet or exceed the area and dimensional requirements of the R-90 zone. Minimum lot size, lot width, setbacks, and coverage are all adhered to with this application.

Lot 2 is proposed without frontage on a public street. Therefore, the requirements of Chapter 50.4.3.C.1.c. apply to Lot 2. Chapter 50.4.3.C.1.c. states “*the Board must not approve lots that do not abut a public or private road, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved*”. The subject property has 185 feet of frontage along Fairland Road but is oriented towards the road at an angle other than perpendicular. The width of the property to be used when arranging building lots is approximately 152 feet. In addition, there is an existing home on the property which is in the front portion of the site and in the center. The owner wishes to

retain the existing house on one of the lots. The only practical way of subdividing the property while retaining the existing home is to include a lot without frontage.

Chapter 50.4.3.C.1.c. includes the following provisions –

- i. *the Board must not approve more than two lots in a subdivision that do not abut a public or private road;*
 - only one lot without frontage is proposed
- ii. *the lots will be served by a private driveway that serves no other lots without frontage;*
 - a private driveway will be used to access all 3 lots; only lot 2 is without frontage
- iii. *in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed lot without frontage and:*
 - (a) *the building envelopes of all lots that are adjacent to the rear lot line of the proposed lot without frontage; and*
 - (b) *the building envelopes of all lots that are between the proposed lot without frontage and the road from which it is accessed;*
 - a separation of at least 80 feet between building envelopes is provided for on the plan in accordance with (a) and (b)
- iii. *the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot;*
 - the proposed building envelopes for all 3 lots are appropriately located on each of the lots
- iv. *all building restriction lines must be shown on the plat; and*
 - the building restriction lines shown on the plan will be included on the final record plat
- v. *the access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to future development of adjacent lands.*
 - the plan includes measures to provide adequate access for emergency vehicles and for installation of utilities

- the lots are easily accessible from Fairland Road for other public services
- the proposed configuration of lots has no bearing on the future development of adjacent lands (adjacent properties to the north are subdivided lots)

the preliminary plan substantially conforms to the master plan;

The property is located within the limits of the *Fairland Master Plan* as approved and adopted in 1997. The property is within the Calverton community identified in the 1997 Master Plan (pages 33, 36-38). The 1997 Master Plan reconfirmed the existing R-90 zoning in place at that time for the property and surrounding areas. No specific recommendations for the subject property were made. The Administrative Subdivision Plan conforms to the Master Plan by proposing the creation of single-family residential lots which are consistent with the current R-90 zoning.

The 1997 Master Plan recommended that Fairland Road be retained as an arterial road with an 80-foot right-of-way (page 93). Fairland Road was subsequently improved in the Master Plan area around 2010 to 3-lane roadway with a center turning lane. A bikepath was also built along the south side of the road and sidewalk was constructed along the north side. The Administrative Subdivision Plan conforms to the Master Plan by providing dedication 40-feet from the centerline of the roadway to achieve an ultimate right-of-way of 80 feet.

The Master Plan recommends the protection of remaining forest and expansion of forest cover “where possible and practicable” (page 140). However, the Master Plan goes on to provide 4 recommendations in support of the objective to protect and expand forest. None of the recommendations pertain to this small, upload property which is surrounded by single-family homes and development. The subject property contains only a small area of isolated forest (0.45 acre). Furthermore, it is generally not practicable or appropriate to place forest easements on small R-90 zoned lots due to the expectation of conflicts between easement areas and homeowner’s use of yard areas. Taking all of the above into account, the proposed subdivision plan places an area of existing tree canopy in category two conservation easement along the northern boundary to preserve trees and minimize site disturbance and to provide a buffer between single-family homes to the north and the subject property.

public facilities will be adequate to support and service the area of the subdivision;

The subject property is located along Fairland Road which is a County-maintained *arterial* roadway. A new shared driveway will connect the proposed lots to the public roadway system starting with Fairland Road.

The property is in sewer service category S-1 and water service category W-1. WSSC water and sewer mains are present along the frontage of the site which and public water and sewer will be provided. Other utilities for telecommunications and electrical power are available adjacent to the site.

Water supply for fire protection is available from WSSC fire hydrants located within proximity to the site. Public facilities including schools, police stations, and fire houses

service the area where the property is located and are adequate to meet the needs of the proposed new lots and one additional home.

all Forest Conservation Law, Chapter 22A requirements are satisfied;

A Preliminary / Final Forest Conservation Plan has been submitted for concurrent review with the Administrative Subdivision application. The plan identifies that the 0.45 acre of forest which currently exists on the property will be cleared for development of the 2 new homesites on lots 1 and 3. The plan also identifies that a reforestation requirement is to be met off-site using forest bank credits or by paying a fee to the Forest Conservation Fund. There are no specimen trees impacted by the plan. With the provisions detailed on the FCP, the requirements of Chapter 22A are satisfied.

all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied;

Stormwater management for the project is to be addressed by utilizing Environmental Site Design (ESD) practices. Specifically, micro-bioretenion areas are proposed to be utilized to address stormwater management runoff created by new impervious areas. There are no floodplains on the subject property and the property is not within an area which requires the submission of a water quality plan. A stormwater management concept plan has been submitted to the Water Resources Section of MCDPS for review and approval (DPS File #289894).

CONCLUSION

The Administrative Subdivision Plan application as presented is consistent with the requirements and recommendations of all applicable master plans and complies with the appropriate zoning and subdivision standards for development within the R-90 zone. Based upon the information provided, we respectfully request approval of this application.

Sincerely,



David W. McKee



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

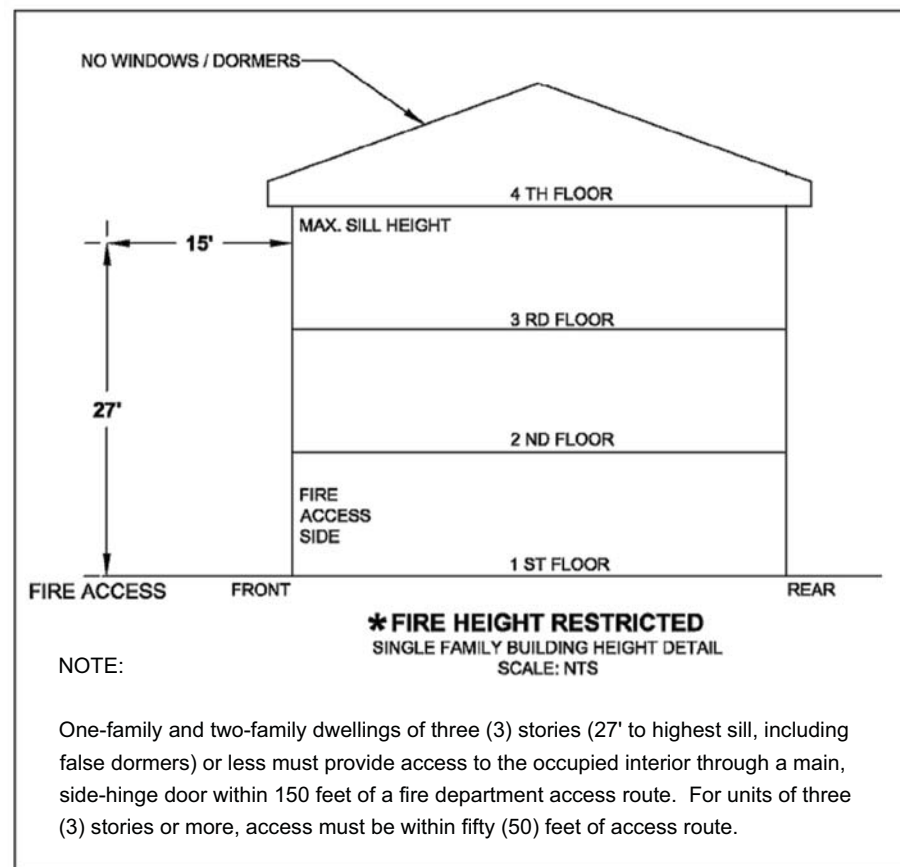
DATE: 07-Dec-23
TO: David McKee
Benning and Associates
FROM: Marie LaBaw
RE: Calverton
620230140

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **05-Dec-23**. 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.

LEGEND:

AREA OF DEDICATION	
BUILDING RESTRICTION LINE	
CANOPY COVERAGE	
CAT. II EASEMENT	
CENTERLINE	
EXISTING BUILDING	
INDEX CONTOUR (2' INTERVAL)	
INTERMEDIATE CONTOUR	
MICRO-BIORETENTION	
PLANTER BOX MICRO-BIORETENTION	
OVERHEAD WIRES (EX.)	
PROPERTY LINE (SUBJECT)	
PROPERTY LINE	
PROPOSED BUILDING	
SEWER CONNECTION	
UNDERGROUND UTILITY (Electric)	
WATER CONNECTION	
MAIN SIDE HINGE DOOR	
DFRS MODIFIED RESIDENTIAL DRIVEWAY (TYPE B) / FD ACCESS LANE	



NOTES:

- Area of property - 42,472 SF (0.97 AC)
- Existing zoning: R-90
- No. of lots proposed by this plan - 3
- Method of Development Proposed - Standard
- Area to be dedicated to streets by this plan - 0.01 Acre
- Property is located in the *Little Paint Branch* watershed (Use I-P).
- Existing sewer and water service categories: S-1, W-1
- Lots to be served by public sewer and public water.
- Source of Two-foot Contour Interval Topography: M-NCPPC GIS Data Sheet 217NE04

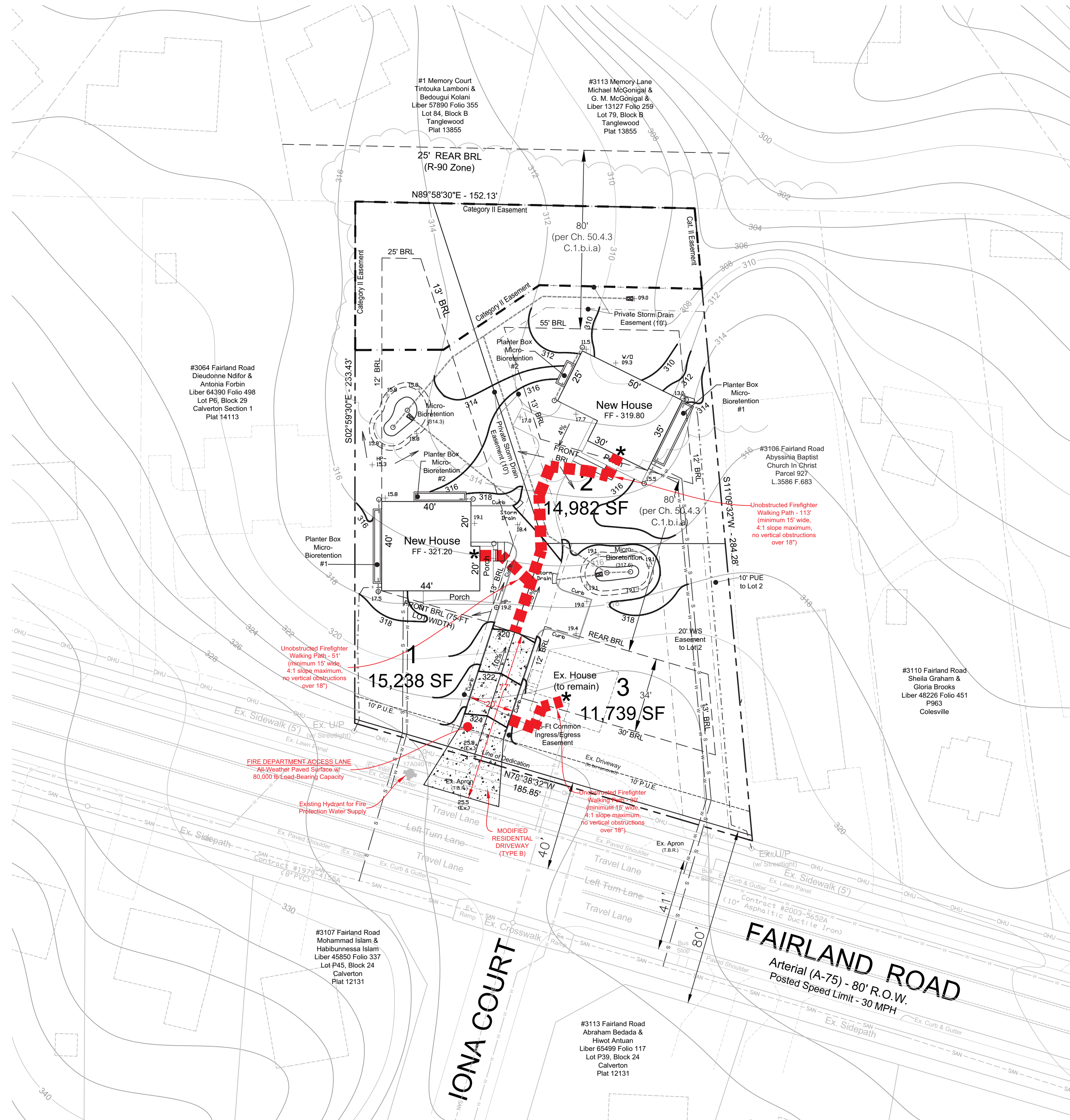
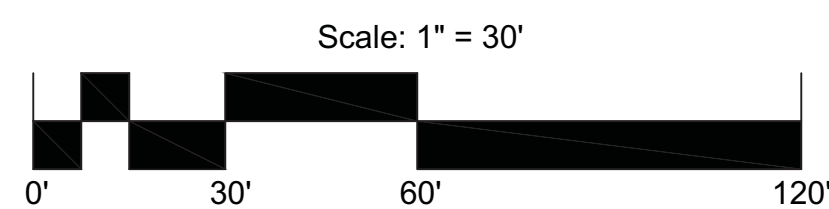
Professional Certification:

I hereby certify that this Fire Department Apparatus Access Plan has been prepared in accordance with the requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) to the best of my knowledge.

Signature: Date: 11-30-2023



PROPERTY BOUNDARY FROM A SURVEY BY:
RAZTEC ASSOCIATES, INC.
341 W. Patrick St.
Frederick, MD 21701
(301)775-4394

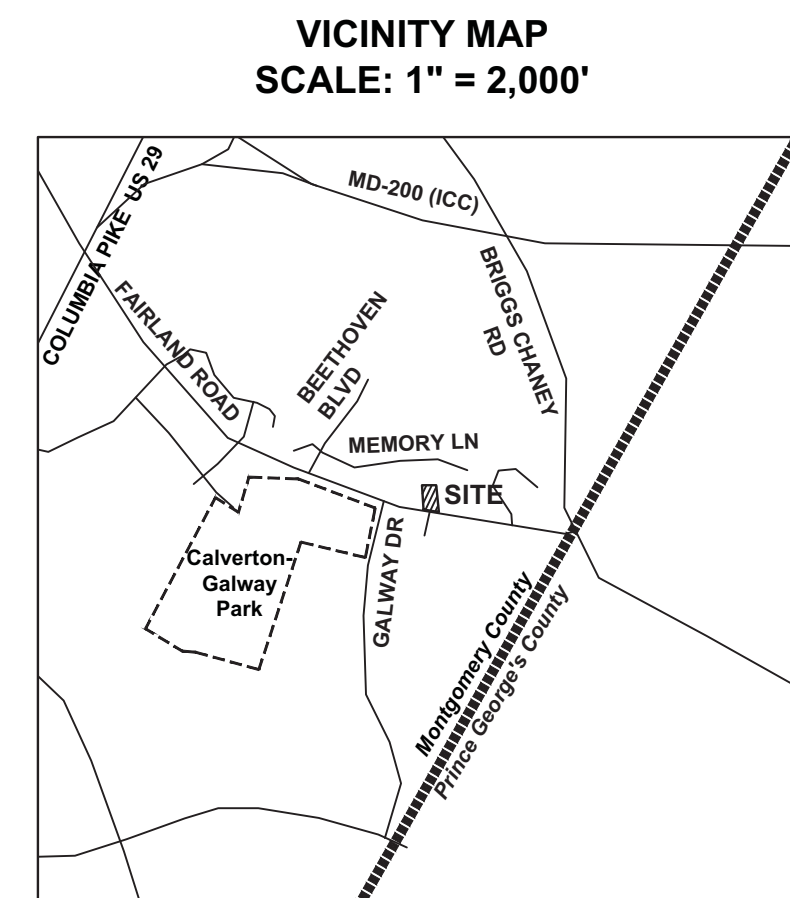
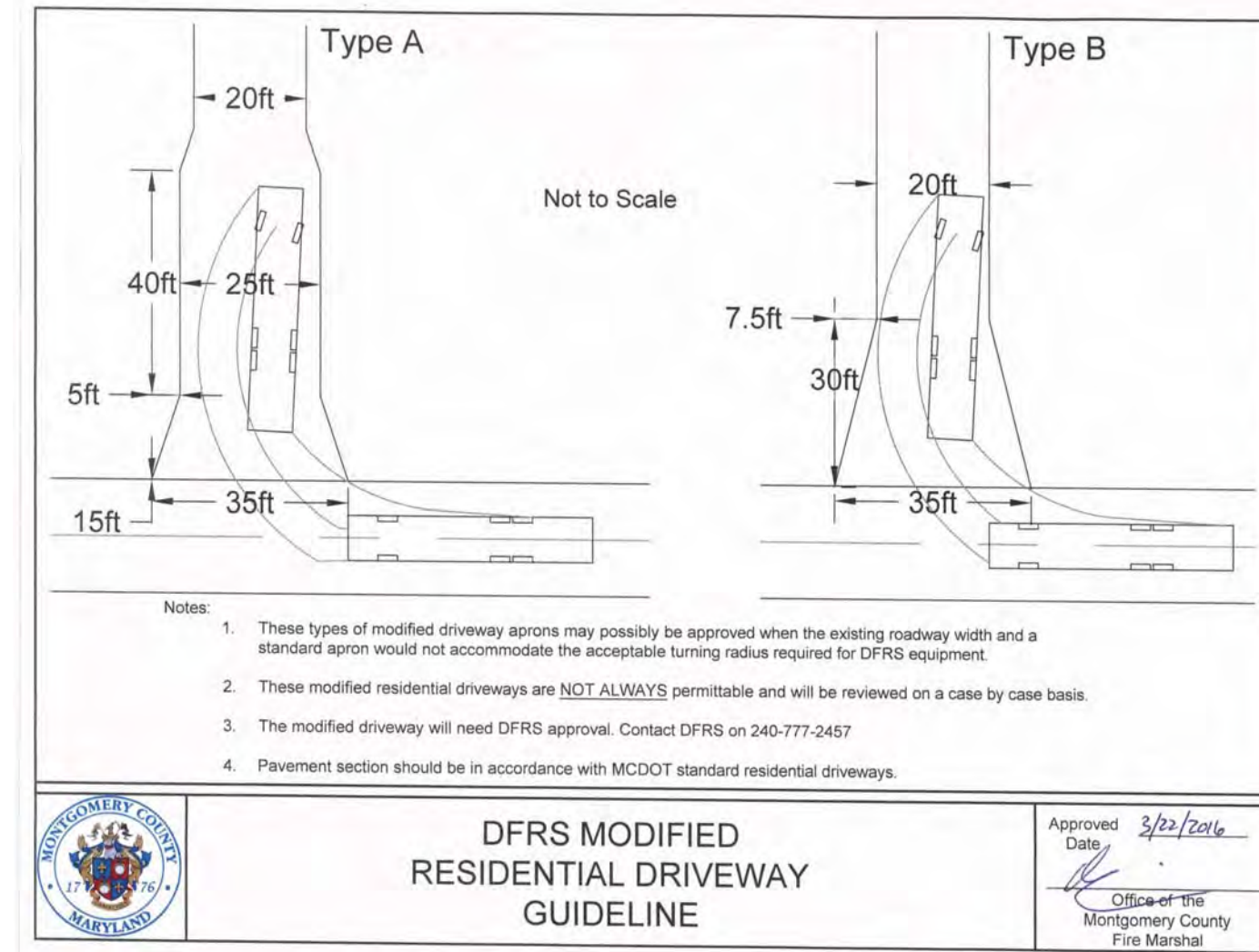


FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

- The purpose of this plan is to address requirements of Executive Regulation 8-16 (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
- The proposed lots are to utilize a shared driveway. A modified apron is proposed for the shared access.
- For water supply, an existing WSSC fire hydrant is located along the frontage of the property near the western boundary along the north side of Fairland Road.
- The height restriction (see detail on this plan) applies to the proposed houses on each lot based upon the building restriction lines (BRL's) shown on this plan (less than 15 feet). If BRL's are all revised to a minimum of 15 feet, the applicant can submit an amendment to this plan to have the height restriction removed.
- The posted speed limit along Fairland Road is 30 mph.

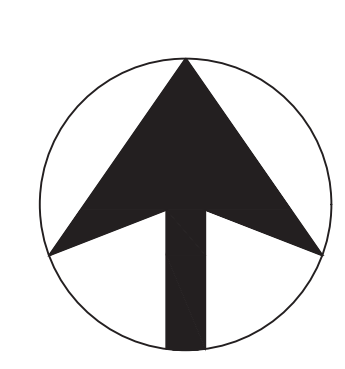
FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: S.M.C. PM: 43 DATE: 12/7/2023

Prepared for:
Xiumei Chen & Zhixiong Shi
13408 Ridge Drive
Rockville, MD 20850
(240) 888-3412
jwcs13408@gmail.com



Revisions

Rev. 11-30-23



date: 07/03/2023
scale: 1" = 30'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240



ADMINISTRATIVE SUBDIVISION PLAN
CALVERTON
(3100 Fairland Road;
P.926 - Liber 48087, folio 440)
Montgomery County, Maryland



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher Conklin
Director

April 22, 2024

Mr. Phillip Estes, Planner II
Down-County Division
The Maryland-National Capital
Park & Planning Commission
2425 Reedie Drive
Wheaton, Maryland 20902

RE: Administrative Plan No. 620230140
Calverton

Dear Mr. Estes:

We have completed our review of the administrative plan uploaded to Eplans on December 26, 2023. A previous version of this plan was reviewed by the Development Review Committee (DRC) at its meeting on September 26, 2023. We recommend approval of the plan subject to the following comments:

Significant Plan Review Comments

1. The applicant will be required to upgrade the existing bus stop with a **5' x 8' concrete pad at the southeast corner of the Fairland Road property frontage**. Show the proposed concrete pad on the Certified Plan.
2. The applicant will be required to upgrade the existing sidewalk with a **6' wide sidewalk along the Fairland Road property frontage**. Show the proposed sidewalk on the Certified Plan.
3. **Fairland Road is classified as a Boulevard with an 80' right-of-way per the 2023 Masterplan of Highways and Transitways. The applicant shall dedicate 40' from the centerline.**

Standard Plan Review Comments

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

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

included in the package.

5. The storm drain analysis was reviewed and is acceptable to MCDOT. No improvements are needed to the downstream public storm drain system for this plan.
6. The sight distance study has been accepted. A copy of the accepted Sight Distance Evaluation certification form is enclosed for your information and reference.
7. Trees in the County rights-of-way – spacing and species are to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
8. Erosion and sediment control measures as required by Montgomery County Code 50-35(j) and on-site stormwater management, where applicable, shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
9. Posting of a right-of-way permit bond is a prerequisite to DPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
 - A. Curb, sidewalk, and street trees along Fairland Road.
 - B. **5' x 8' concrete pad on Fairland Road.**
 - C. Permanent monuments and property line markers, as required by Section 50-4.3(G) of the Subdivision Regulations.

Thank you for the opportunity to review this administrative plan. If you have any questions or comments regarding this letter, please contact me at william.whelan@montgomerycountymd.gov or (240) 777-2173.

Sincerely,

William Whelan

William Whelan
Development Review Team
Office of Transportation Policy

Mr. Phillip Estes
Administrative Plan No. 620230140
April 22, 2024
Page 3

Enclosures (1)

Sight Distances

Sharepoint/**transportation/director's office/development review**/WhelanW/620230140 Calverton - MCDOT Review Letter
042224.docx

cc: Sharepoint Correspondence 2024

cc-e: David McKee	Benning & Associates
Richard Brockmeyer	MNCP&PC
Sam Farhadi	MCDPS RWPR
Marie LaBaw	MCFRS



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Rabbiah Sabbakhan
Director

March 15, 2024

Mr. Dave McKee
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
Calverton 3100 Fairland Road
Preliminary Plan #: 620230140
SM File #: 289894
Tract Size/Zone: 0.97 ac
Total Concept Area: 1.06 ac
Lots 1-3
Parcel: 926
Watershed: Little Paint Branch

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via ESD to the MEP using 2 Micro Bioretention facilities and 4 Micro Bioretention planter boxes.

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

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

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this



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

Mr. Dave McKee
March 15, 2024
Page 2 of 2

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Joel Karpas at 240-777-6206.

Sincerely,

Mark Etheridge

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

cc: Neil Braunstein
SM File # 289894

Lot 1

ESD: Required/Provided 548 cf / 549 cf
PE: Target/Achieved: 1.0"/1.0"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Lot 2

ESD: Required/Provided 328 cf / 329 cf
PE: Target/Achieved: 1.2"/1.2"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

Lot 3

ESD: Required/Provided 239 cf / 240 cf
PE: Target/Achieved: 1.6"/1.6"
STRUCTURAL: 0 cf
WAIVED: 0 cf.

3113 Memory Lane
Silver Spring, MD 20904
5 September 2023

Maryland National Capital Park & Planning Commission
2425 Readie Drive
Wheaton, MD 20902

Re: Stormwater Management Concept Plan for Calverton
(3100 Fairland Road)
M-NCPPC Plan 620230140
DPS Plan Number 289894
Forest Conservation Plan F20240010

To the Honorable Members of the Commission:

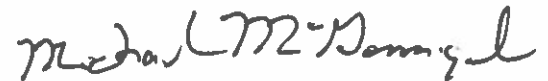
We write to express our disapproval of the plan referenced above. We are the owners of one of the properties immediately to the rear of 3100 Fairland Road. We first learned of this plan by a letter from Mr. David W. McKee of Benning & Associates, Inc., a copy of which is enclosed.

Our property has been prone to flooding ever since we purchased our home in 1994. Our home is set on the slope of a hill. Whenever there is a heavy rainstorm, the excess water flows down from Fairland Road, through the parcel at 3100 Fairland Road, into our back yard, and then toward our house. At times, our sump pump cannot keep up with the flow and our basement is covered by an inch or more of water. On one occasion in 2003, following a sudden melt-off of snow, our basement was inundated with three feet of water and all our belongings down there were destroyed.

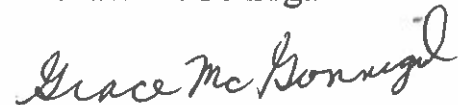
The proposal to build two additional houses on the parcel at 3100 Fairland Road will make this problem far worse. Once that land is further built up, far more rain water will be diverted on to our property. Mr. McKee's plan calls for installation of two micro-bioretenion facilities between our property and the two new houses that Mr. McKee's clients propose to erect. It appears that the purpose of the two micro-bioretenion facilities is not to divert the stormwater, but rather to remove impurities from it. The excess run-off created by this proposed development will still end up in our basement.

Unless and until this problem is adequately addressed, the proposal should be rejected.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGonnigal". The signature is fluid and cursive, with the first name being the most prominent.

Michael McGonnigal

A handwritten signature in black ink, appearing to read "Grace McGonnigal". The signature is cursive and matches the style of the signature above.

Grace McGonnigal

Cc:
David W. McKee
Xiumei Chen
Zhixiong Shi
Tintouka Lambini
Bedougui Kolani

Benning & Associates, Inc.

8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
dmckee@benninglandplan.com

August 23, 2023

Michael T. McGonnigal & Grace M. McGonnigal
3113 Memory Lane
Silver Spring, MD 20904-6858

Re: Stormwater Management Concept Plan
for Calverton (3100 Fairland Road); M-
NCPPC Plan 620230140; DPS Plan
Number 289894

To whom it may concern:

In accordance with Montgomery County Executive Regulation 702AM, this letter is to notify you of the above referenced application to the Montgomery County Department of Permitting Services (DPS). This application is for approval of a stormwater management concept plan, which may or may not be a part of a preliminary plan of subdivision. Copies of the preliminary plan (if applicable) and the proposed stormwater management concept plan are enclosed.

The stormwater management concept plan will be acted upon by DPS prior to action by the Montgomery County Planning Board on the Preliminary Plan of Subdivision (if applicable), or prior to the review of detailed development plans. The stormwater management concept plan illustrates how the applicant proposes to meet stormwater management standards as set forth by the Maryland Department of the Environment and by DPS. DPS review of the stormwater management concept plan is for the purpose of stormwater management compliance only. You, as an adjacent/downstream landowner, may provide in writing to DPS any information which you feel is pertinent to the proposed stormwater management concept plan review, and which you think should influence action taken by DPS when determining stormwater runoff requirements.

Written comments must be addressed to:

Mark C. Etheridge, Manager
Montgomery County Department of Permitting Services
Water Resources Section
2425 Reedie Drive, 7th Fl.
Wheaton, MD 20902

Comments must be delivered within three weeks of receipt of this notice which has been sent by Certified Mail. Comments received from landowners will be considered in the review of the stormwater management concept plan.

Sincerely,



David W. McKee

Enclosures (Stormwater Management Concept Plan)