



## MEMORANDUM

**DATE:** September 21, 2006

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RAK*  
Development Review Division  
Cathy Conlon, Supervisor *CC*  
Development Review Division

**FROM:** Richard Weaver, Planner Coordinator (301) 495-4544 *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** 2 lots for 2 one-family detached residential units

**PROJECT NAME:** Brookmont  
**CASE NO.** 120060430  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-60

**LOCATION:** Located on Silverwood Lane, approximately 100 feet east of Maryland Avenue

**MASTER PLAN:** Bethesda-Chevy Chase

**APPLICANT:** Ellison Corporation  
**ENGINEER:** Witmer Associates, LLC

**FILING DATE:** November 10, 2005  
**HEARING DATE:** October 12, 2006

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**RECOMMENDATION:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) lots for two (2) one-family detached residential dwelling units.
- 2) Compliance with the approved tree save plan prior to any demolition, clearing, or grading on the subject property
- 3) The record plat shall reflect the appropriate corner truncation, as shown on the plan, at the corner of Silverwood Lane and the right-of-way identified as Columbia Drive.
- 4) Compliance with the conditions of the MCDPS stormwater management approval dated May 31, 2006.
- 5) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval.
- 6) Compliance with conditions of the MCDPWT approval dated May 30, 2006, unless otherwise amended.
- 7) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 8) Other necessary easements.

**SITE DESCRIPTION** (Attachment A – Vicinity Map)

The 0.44-acre property consists of one unrecorded parcel (P986) located on Silverwood Lane, approximately 100 feet east of Maryland Avenue in the Bethesda Chevy Chase Master Plan area, Palisades sector plan (Attachment A). The property is zoned R-60 and occupied by one existing residential structure which will be removed. The site is surrounded by one-family detached residential development also in the R-60 zone. This property is adjacent to MNCPPC's Brookmont Neighborhood Park.

The site is located within the Little Falls watershed, which is classified as Use I/I-P. There are no environmental features on the property except for specimen trees. There are no streams, flood plains or wetlands within 200 feet of this site.

**PROJECT DESCRIPTION** (Attachment B – Preliminary Plan)

The Preliminary Plan is a request to subdivide the existing parcel into two lots, each of which will be eligible for construction of a one-family detached residential dwelling unit. The proposed lot sizes are 8,000 and 11,400 square feet. The subject property will be served by Silverwood Lane which is currently an unimproved gravel street. As part of this application MCDPWT is requiring improvements to Silverwood Lane that will bring it up to County standards as a 20 ft. wide paved road with sidewalks. Access for the two units will be by individual driveways to Silverwood Lane.

There are two specimen trees on the property, one, a 30-inch Red Maple will be removed; the other, a 59-inch Sycamore will be retained. Attempts will also be made to protect and retain



off-site trees in close proximity to the property line of the subject property. Details of the Tree Save Plan are discussed in the Environmental section of this report.

## **ANALYSIS**

### **Master Plan Compliance**

The Bethesda-Chevy Chase Master Plan does not specifically mention the subject property, but does give general guidance and recommendations to maintain the medium density, residential character of the area. The proposed plan is in compliance with the master plan recommendations.

### **Transportation**

The consultant for the proposed development provided a traffic statement dated October 7, 2005), which documented that the development would generate less than 30 peak hour trips. Based on this trip generation a full traffic study is not required. Staff has also evaluated vehicle and pedestrian access for the subdivision. In conjunction with the proposed public improvements required by MCDPWT, access will be safe and adequate to the site.

### **Environment**

#### **Environmental Buffers**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

#### **Forest Conservation**

There is no forest on this property and this site is exempt from Forest Conservation Law, as a Small Property. The exemption letter noted that a Tree Save Plan was required at Preliminary Plan and Environmental Planning staff confirmed this upon receipt of the Preliminary Plan. There are currently two specimen trees on this property, - a 30" red maple and a 59" sycamore. This plan will necessitate the removal of the 30" red maple, as it is too close to the proposed construction to be saved. The 59" sycamore is well outside the limits of disturbance and will not be affected by this plan.

There are three trees on the adjacent property, lot 74, which will be affected by the proposed subdivision. There is a double-stemmed 19"/22" red maple and 24" red maple that will be seriously impacted by construction. Due to the size of the proposed lots, the location of the trees on the property line, and the degree to which the critical root zones are already impacted due to previous development on the adjacent property, Environmental Planning staff does not feel these trees should be retained, even with the protection measures proposed by the applicant. However, since the trees are on adjacent property, the property owner was notified of the impacts to the trees and given the option of having the trees retained and protected as much as possible or having the trees removed at time of construction. As of 9/28/2006, no response has been



received to this proposal. A 15" elm that is also on the property line, but will not be seriously impacted by construction. The disturbance to these offsite trees' critical root zones is unavoidable for the development of this property.

#### Stormwater management

The MCDPS, Stormwater Management Section approved the stormwater management concept in a letter dated May 31, 2006. Due to the low intensity nature of this development, MCDPS issued a waiver of on-site water quality controls and channel protection measures. The plan complies with the Executive Regulations regarding stormwater management facilities.

#### Park Impacts

There are no impacts to adjacent parkland and the limit of disturbance is approximately 80' away from the park property.

#### Compliance with the Subdivision Regulations and Zoning Ordinance

Preliminary Plan #120060430, Brookmont, is in substantial compliance with the Montgomery County Subdivision Regulations. The proposed preliminary plan will be served by public facilities that are adequate to support and service the area of the proposed subdivision. Further, the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision. The environmental protection aspects of the property have been reviewed and are being protected in accordance with County laws and regulations.

The proposed lots have been reviewed for conformance to the R-60 zoning standards within Section 59-C-1.32 of the Zoning Ordinance. The proposed lots will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The plan meets all applicable requirements for protection of the environmentally sensitive areas or features.

#### **CITIZEN'S CONCERN (Attachment C)**

This application predated any formal requirements for meetings between the applicant and interested parties, however, written notice of the application and the public hearing date were given to adjacent property owners and the local civic associations in the neighborhood. Mr. Keith Roberts, the Vice President of the Brookmont Civic League had raised concerns via email regarding the setback case and height requirements, especially in light of the recent ZTA 03-27 changes. The proposed lots do conform to the dimensional requirements of the R-60 zone as noted in the Summary Date Table. The Montgomery County Department of Permitting Services has authority for the enforcement the setbacks and height limitations in their review of the building permits and plan drawings when they are eventually submitted.

The Brookmont Civic League's Land Use and Development Committee also raised concerns regarding the drainage and sewerage from the property to the adjacent parkland. Staff



had forwarded the neighbors and civic league's concerns to the applicant's engineer, Witmer Associates, Inc. In a letter dated June 20, 2006, Mr. Witmer responded to the League's concerns. Staff and the applicant visited the site and noticed some erosion on the M-NCPPC ball field, not directly caused by the Subject Property. Staff has forwarded a copy of the previously mentioned transmittals to the Regional Manager for the Brookmont Park to investigate the erosion problem. The citizen concerns have been adequately addressed by the proposed plan as explained in this section.

## **CONCLUSION**

Staff finds that the plan is consistent with the recommendations of the Bethesda Chevy Chase Master Plan to maintain the existing residential character and meets all necessary requirements of the Subdivision Regulations. This plan has been reviewed by all applicable agencies, and they have recommended approval. Therefore, staff finds that the plan meets the requirements of the Subdivision Regulations and the Zoning Ordinance, as summarized in Table 1, and recommends approval with the specified conditions above.

### **Attachments:**

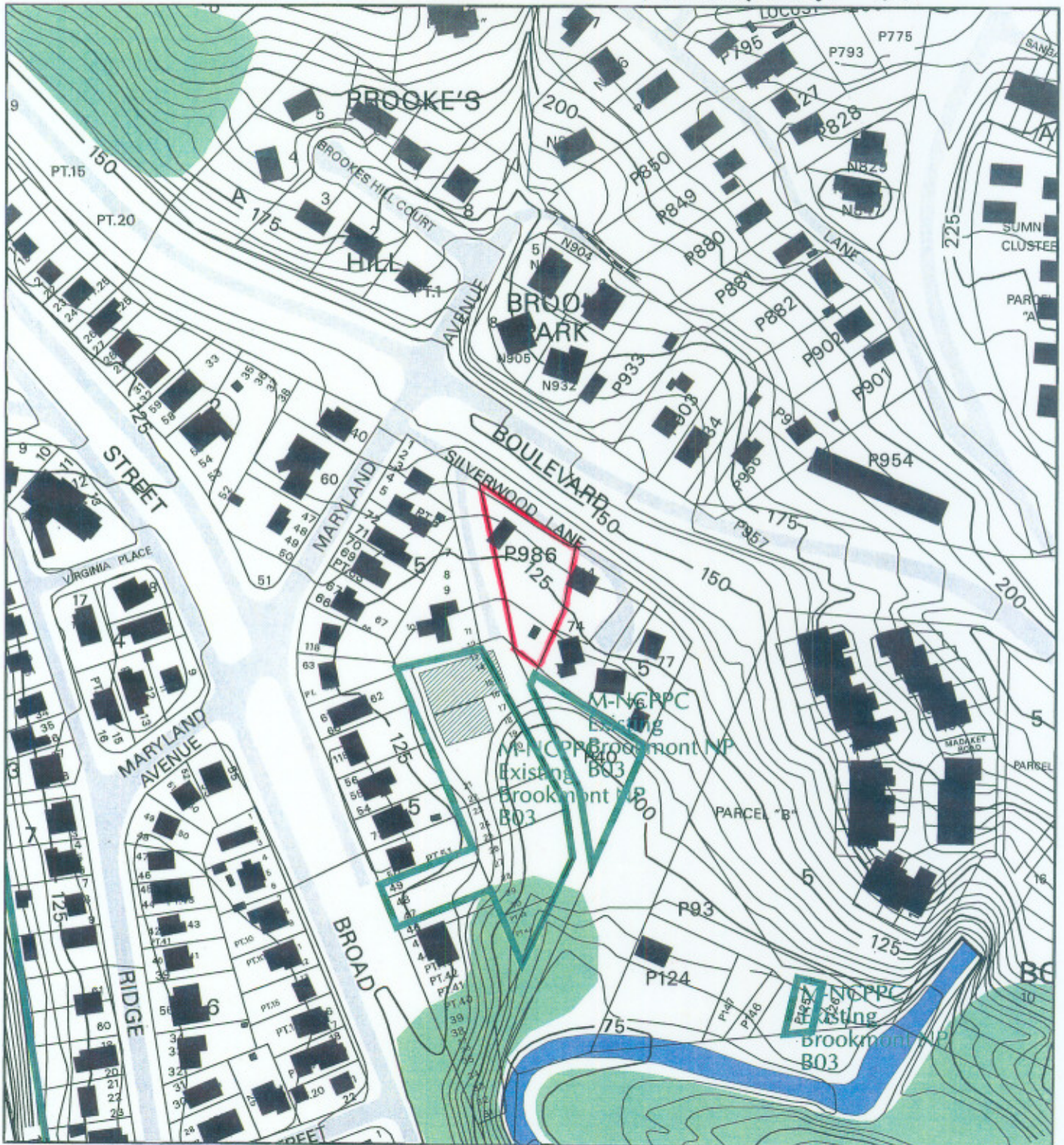
- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Citizen Correspondence

TABLE 1. Preliminary Plan Data Table and Checklist

Plan Name: Brookmont				
Plan Number: 120060430				
Zoning: R-60				
# of Lots: 2				
# of Outlots:				
Dev. Type:				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000	8,000 sq. ft. is minimum proposed	RW	9/07/06
Lot Width	60 ft.	Meets minimum	RW	9/07/06
Lot Frontage	25 ft.	Meets minimum	RW	
Setbacks		Must meet min. <sup>1</sup>	RW	
Front	25 ft. Min.	Must meet min. <sup>1</sup>	RW	9/07/06
Side	8 ft. Min./18 ft. total	Must meet min. <sup>1</sup>	RW	9/07/06
Rear	20 ft. Min.	Must meet min. <sup>1</sup>	RW	9/07/06
Height	35 ft. Max.	May not exceed <sup>1</sup> maximum	RW	9/07/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	3	2	RW	9/07/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			9/07/06
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		RW	9/28/06
Road dedication and frontage improvements	Yes		Agency letter	5/30/06
Environmental Guidelines	Yes		EP memo	8/29/06
Forest Conservation	Yes		EP memo	8/29/06
Master Plan Compliance	Yes		RW	9/28/06
Other (i.e., parks, historic preservation)	N/A			
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		Agency letter	9/07/06
Water and Sewer (WSSC)	Yes		Agency letter	11/7/05
Water and Sewer Plan Compliance	Yes		Agency letter	11/7/05
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		Agency letter	4/21/06
Other (i.e., schools)	N/A			

<sup>1</sup> As determined by MCDPS at the time of building permit





Map compiled on October 27, 2005 at 10:10 AM | Site located on base sheet no - 206NW06

## NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. • Copyright 1998

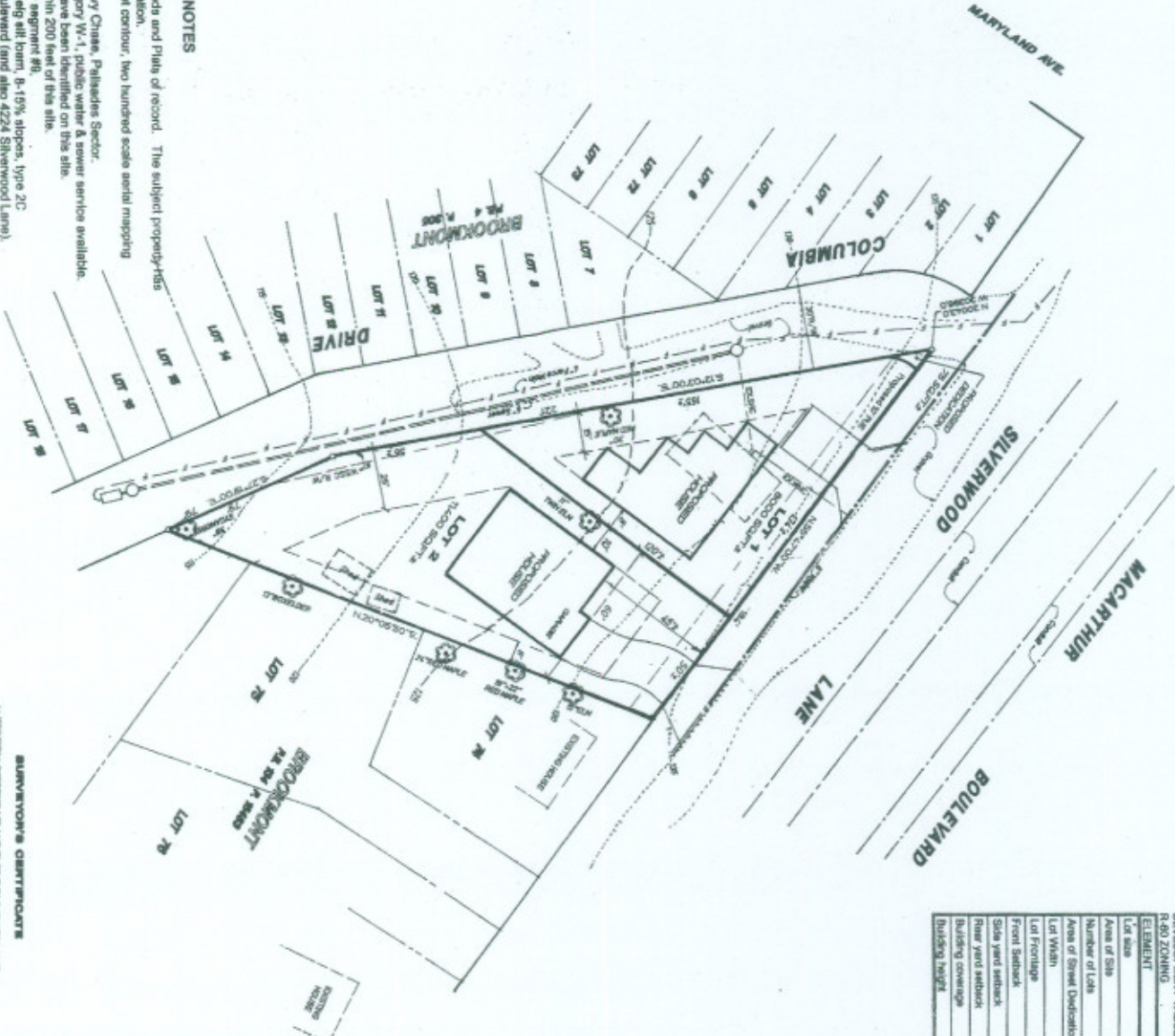
Key Map





**DEVELOPMENT TABULATION**

ELEMENT	REQUIRED/PERMITTED	PROPOSED
Lot Area	6,000 s.f. min.	8,000 s.f.
Area of Site	-	19,400 s.f.
Number of Lots	-	2
Area of Street Dedication	-	75 s.f.
Lot Width	60' min. @ S.R.L.	60' @ S.R.L.
Lot Frontage	20' min.	57' (Lot 2)
Front Setback	20' min. or E.R.L.	25' (no E.R.L.)
Side yard setback	8' min., 18' total of both	8' & 10'
Rear yard setback	20' min.	20' min.
Building coverage	35% max.	< 35%
Building height	35' max.	35' max.



## GENERAL NOTES

1. Boundary, as shown, has been compiled from Deeds and Plats of record. The subject property has not been included in a previous subdivision application.
2. Topography, as shown, is from MNC28APC five foot contour. Two hundred scale aerial mapping sheets 209 NW 5 and 6.
3. Site is located in Planning Area 35, Bethesda Chevy Chase, Potomac Sector.
4. Site classified in sewer category S-1 & water category W-1, public water & sewer service available.
5. There are no historic or cultural resources which have been identified on the site.
6. There are no streams, flood plains or wetlands within 200 feet of this site.
7. Site is located in Little Falls Watershed, hydrologic segment #9.
8. Site located on County Soil Map sheet # 27, Glenelig all town, 8-15% slopes, type 2C.
9. Address of existing dwelling is 6402 MacArthur Boulevard (and also 4224 Silverwood Lane).
10. Tax I.D. No. 07-00430998.
11. The boundary, boundary details, lot dimensions and sizes, as shown, have been scaled and are subject to revision after completion of final surveys at Subdivision Record Plat.
12. The footprint, sizes and locations of the houses and driveways, as shown, are schematic and have been shown for graphical purposes only and are subject to change and approval at the time of construction permitting.
13. The location of proposed utilities, as shown, are approximate and have been shown for informational purposes. Exact locations to be established at the time of permitting and construction.

TITLE PRINT NAME

APR 7, 2006

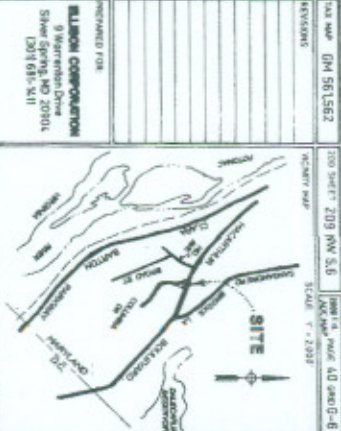
WITNER ASSOCIATES

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY AND DIMENSIONS OF THE PROPOSED LOTS SHOWN AND NOTED HEREON IS CORRECT.

DATE 4/20/06

JOHN L. WITNER  
REGISTERED PROFESSIONAL SURVEYOR  
STATE OF MARYLAND  
NO. 10001



REVISED  
PRELIMINARY PLAN OF SUBDIVISION

TAX PARCEL 066  
BROOKMONT

BETHESDA (TAX) SELECTION DISTRICT  
MONTGOMERY COUNTY MARYLAND

WITNER ASSOCIATES, LLC  
Land Surveying, Land Planning & Design  
301 308 4420 FAX 301 308 5003 E-mail: wass@witner.com

SCALE 1" = 30'

DATE APRIL 2006

PROJ. NO. 53178.1

SHEET NO. 1 of 1



Conlon, Catherine

Attachment "C"

**From:** Keith Roberts [kdrmail@yahoo.com]  
**Sent:** Monday, November 28, 2005 10:48 AM  
**To:** Conlon, Catherine  
**Subject:** Proposed Brookmont Development - File Number 1-20060430

Dear Ms. Conlon:

I am writing on behalf of the Brookmont Civic League in regards to a proposed subdivision plan in our neighborhood, file number 1-20060430.

We received notice of this plan in early November, comprising only a form letter from the Development Review Division, dated October 31, and a small schematic of the proposed subdivision. We have not received any notices of reviews or hearings.

Property owners adjacent to the parcel, as well as other residents of Silverwood Lane have raised concerns, which we share, as to whether the proposed dwelling meet setback and height requirements, especially in light of the recent ZTA 03-27 changes. The proposal, in the best light, barely meets permissible limits.

Our Civic League's land use and development committee also has concerns about the drainage and sewerage on the property. Currently, there is a single, small house on the parcel. The property is an acutely triangular patch of land with graveled roads on two sides. The smaller of the two roads angles steeply downwards to the Brookmont Park and playground where our community already has serious drainage and erosion problems. The outfield of our ball park, for example, turns into a swamp for days at a time because the drainage channel at its perimeter fills with silt within months of being dredged.

We would like more information about this proposal as well as a sense of the DRC's opinions concerning it. If there are reviews or hearings scheduled, we would like to be notified of them.

Thank you for your assistance. We look forward to working with you, as we have in the past.

Sincerely,

Keith Roberts  
Vice President, Brookmont Civic League  
Chair, Land Use and Development Committee  
kdr@writeme.com  
(301) 263-0701 - home  
(240) 447-2881 - mobile



**WITMER ASSOCIATES, LLC**

Land Surveying, Land Planning & Design  
98-A Church Street  
Rockville, MD 20850  
Tele: (301) 309-8600 Fax: (301) 309-8603  
e-mail: witmer@wans.net

**MEMORANDUM**

<b>To:</b>	<u>Keith Roberts, Vice President</u>	<b>Date:</b>	<u>June 20, 2006</u>
	<u>Brookmont Civic League</u>	<b>Re:</b>	<u>Proposed Brookmont Subdivision</u>
<b>cc:</b>	<u>Ellison Corporation</u>		<u>MNCP&amp;PC File #1-20060430</u>
	<u>Catherine Conlon, MNCP&amp;PC</u>	<b>Sent</b>	
<b>From:</b>	<u>Dick Witmer</u>	<b>Via:</b>	<u>e-mail</u>

**REMARKS:**

I am contacting you at the request of the, Ellison Corporation, the applicant in the referenced subdivision, to respond to your communication to Ms. Catherine Conlon, Supervisor, Development Review, MNCP&PC.

Over the past several months, we have revised the original proposal and have been coordinating review of the new plan with various regulatory review agencies. The MNCP&PC has asked the developer to respond to your referenced, November 28, 2005, communication to Ms Conlon.

Attached is a copy of the revised development layout.

In response to your question related to the proposed houses, it is normal not to have specific house plans with the detail you reference until there is an approval and all of the development related issues are established. But, you should be assured that the proposed houses and development of the property will conform to all zoning setbacks, height, building coverage and use requirements.

Concerning your drainage, erosion and sewerage concerns, we have visited the site with Amy Lindsey, of the MNCP&PC, Environmental Planning staff. Based on our observations the existing drainage problems with the community's ball field, down grade of this site, are the result of several factors. None of which it appears this site has any liability for except to develop responsibly in conformance with all runoff and sediment control regulations as required by Montgomery County Code.

The only erosion observed in the vicinity of the ballfield was at the outfall of the ball field's enclosed drainage system where the pipe and pipe outfall are failing and in need of maintenance and repair.

Sewer for the proposed homes will be connected to the existing public sewer main in the Columbia Drive.

If you have issues or concerns you would like to discuss, do not hesitate to contact either myself, contact info as noted above, or the developer, Carey Hoobler, at (301) 370 -5438.

Thank you.