



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

MCPB
ITEM #
11/08/07



MEMORANDUM

DATE: October 26, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: *NR*
Neil Braunstein, Planner Coordinator (301) 495-4532
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 6 lots for 6 one-family detached residential units

PROJECT NAME: Heller Realty East

CASE NO. 120060410

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: Located on the west of East Randolph Road, approximately 300 feet north of intersection of Tamarack Road and Randolph Road

MASTER PLAN: White Oak

APPLICANT: Heller Realty, LLC

ENGINEER: Loiderman Soltesz Associates, Inc.

FILING DATE: October 6, 2005

HEARING DATE: November 8, 2007

Staff Recommendation: Approval of the Preliminary Plan, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to six (6) lots for six (6) one-family detached residential dwelling units.
- 2) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) The applicant must dedicate, and show on the final record plat, adequate right-of-way along East Randolph Road to provide 80 feet of right-of-way from the opposite right-of-way line.
- 4) The applicant must comply with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to, the following:
 - a. The final forest conservation plan must include specific tree protection measures, as recommended by a certified arborist, for those trees on- and off-site that are shown to be protected on the preliminary forest conservation plan.
 - b. The required 0.46 acres of afforestation must be met through off-site afforestation or purchase of credits from a forest bank.
 - c. Use of forest bank credits, off-site afforestation, and/or any off-site planting plan, as needed, must be submitted for staff review and approval as part of the final forest conservation plan submission.
- 5) The applicant must submit for staff review and approval a landscape/fencing plan for visual screening between the houses on proposed Lots 1 and 6 and East Randolph Road. The plan must create a landscape buffer of predominately evergreens with mixed native deciduous hardwoods on proposed Lot 1 and a fence with appropriate landscaping on proposed Lot 6.
- 6) Acoustical treatment is required for houses on proposed Lots 1 and 6 as follows:
 - a. At the time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 dBA, Ldn.
 - b. The builder must construct the buildings in accordance with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer with a copy to MNCPPC staff.
 - c. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits for proposed Lots 1 and 6 are approved.
- 7) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 8) The record plat must reflect denial of access along East Randolph Road except for the interior public street.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated April 4, 2006.
- 10) The applicant must comply with conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated May 30, 2006, as amended by the MCDPWT letter dated July 25, 2007, unless otherwise further amended.
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).

- 12) The applicant must comply with the conditions of the Montgomery County Fire and Rescue Services (MCFRS) approval dated June 21, 2006.
- 13) 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.
- 14) The record plat must show other necessary easements.

I. SITE DESCRIPTION

The subject property consists of three unrecorded parcels (P702, 756, and P755) of land totaling 3.10 acres within the White Oak Master Plan area. The property is zoned R-90 and is located on the west side of Randolph Road, approximately 300 feet north of the intersection with Tamarack Road (Attachment A). The general area in which the property is located is predominantly residential, with open woodland on the west side of the property. The property is bordered by residential lots on all sides. The property contains one existing residential structure, which will be removed.

The site is located within the Paint Branch watershed, which is part of the Anacostia watershed that is classified as Use III-P. There are no streams, wetlands, or flood plains on the subject property.



II. PROJECT DESCRIPTION

The proposed Preliminary Plan contains six one-family detached residential dwelling units and a storm water management parcel. The proposed lots will be accessed from East Randolph Road via a new public street, with sidewalk on one side, ending in a cul-de-sac (Attachment B). The proposed lot sizes range from 12,198 to 18,156 square feet. There is one 30,997 square-foot stormwater management parcel on-site. The lots will be served by public water and sewer systems.

The project is subject to a forest conservation plan and certain tree save requirements. There are several large trees along the property line or immediately off-site that are proposed to be protected during construction.

III. ANALYSIS AND FINDINGS

A. MASTER PLAN COMPLIANCE

The White Oak Master Plan does not specifically identify the subject property for discussion, but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development and is consistent with the Zoning Ordinance development standards for the R-90 zone.

B. ADEQUATE PUBLIC FACILITIES

Roads and Transportation

The subject Preliminary Plan, consisting of six one-family detached units, will generate less than 30 total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. Therefore, Local Area Transportation Review (LATR) is not required. The proposed new cul-de-sac street and right-of-way dedication have been determined to be adequate to serve the proposed development. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Request for Waiver for Minimum intersection spacing

Section 50-26(e)(2) of the Subdivision Regulations require 600 feet of separation between intersections on arterial highways. The proposed subdivision proposes a new public street with an intersection on East Randolph Road, an arterial street, within 256 feet of the existing intersection with Smith Valley Road. The applicant, therefore, is requesting approval of a waiver of the required separation distance in accordance with section 50-38 of the Montgomery County Code, for a proposed street intersection spacing of less than 600 feet. This waiver is needed because of the unusual circumstances that exist along the property frontage.

The subject property has frontage on East Randolph Road at two places, forming approximately a 'U' shape. The northern portion of the property frontage is approximately 135 feet wide and the southern portion of the property frontage is approximately 60 feet wide. The existing topography requires the proposed street to be located in the northern frontage area on East Randolph Road, as shown on the proposed preliminary plan (Attachment B).

The locations of the two nearby existing intersections at Smith Valley Road and Tamarack Road do not allow the placement of a new street intersection anywhere on the subject property that would meet the 600-foot separation distance requirement. If the proposed street were to be moved to the southern area of property frontage to gain greater distance from Smith Valley Road, it would be less than 600 feet from Tamarack Road. The proposed intersection location on the northern portion of frontage is preferred because of the topographical constraints on the subject property. The proposed intersection location has adequate site distance and will provide safe and adequate access to the proposed lots. Thus, we support the applicant's request for a waiver and recommend approval by the Planning Board.

Request for Waiver of Sidewalk Requirements (One Side)

Section 50-26(h)(3) of the Subdivision Regulations requires sidewalks to be provided on both side of a tertiary street unless the requirement is waived by the Planning Board based upon a finding that pedestrians will be able to safely use the roadway. The subject plan proposes a new tertiary street (identified as Street A on the plan) to serve the proposed lots. The street is planned as an open-section tertiary road with 50' of right-of-way. The applicant is requesting a waiver to permit a sidewalk along only one side of the road.

Given the length of the proposed internal street and the low overall density of the project, the applicant believes, and staff agrees, that sidewalks on both sides of the street are not necessary. Limiting the sidewalk to just one side helps to reduce the overall project imperviousness. Pedestrians will be able to safely access the proposed sidewalk because it is proposed to be built to the end of the cul-de-sac, so that each lot will have direct frontage or access to the sidewalk. Staff supports the waiver and recommends Planning Board approval pursuant to Sections 50-26(e)(2) and 50-26(h)(3) of the Subdivision Regulations.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public sewage and public water systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical, gas, and telecommunications services are also available to serve the Property.

C. ENVIRONMENT

Forest Conservation

The Preliminary Forest Conservation Plan (FCP) proposes to meet the subdivision's 0.46 acre required afforestation through off-site planting or payment of a fee-in-lieu. Staff recommends that the afforestation requirement be met through either off-site planting or purchase of credits in a forest bank. Payment of a fee-in-lieu is not appropriate since there are several forest banks that are approved to sell credits. Staff agrees with the applicant that on-site forest planting is not appropriate because there is very little space that would be available on the site to plant forest. In addition, there are no high priority areas (e.g., environmental buffers) for planting forest on the site.

The Preliminary FCP also proposes to protect some on-site trees and trees on adjacent, off-site properties. Trees within an existing WSSC easement located to the south of the site, however, cannot be preserved because the sewer connection to the subject site must be located within this easement.

On the eastern edge of the proposed cul-de-sac street, the applicant does not propose to create a Public Utility Easement (PUE) or sidewalk. This is to minimize impacts to two off-site trees (24-inch silver maples) that are located on Parcel P649, which is an adjoining property. The applicant's arborist has indicated that the two trees may be protected with the proposed configuration and grading of the street. At the Final Forest Conservation Plan stage, staff recommends that the arborist identify additional protection measures for the trees; there are existing pavement areas that are near the trees that must be carefully removed before the street can be constructed. Staff supports the applicant's request to not construct the sidewalk and PUE on the eastern side of the proposed street.

The proposed Preliminary Forest Conservation Plan, with staff's recommended conditions, meets the requirements of the County Forest Conservation Law.

Noise

The outdoor traffic noise guideline for proposed residential uses in this part of the county (i.e., where suburban densities predominate) is 60 dBA, Ldn. A traffic noise impact study prepared by Douglas Koehn, Miller, Beam and Paganelli, Inc., dated March 7, 2007, indicates that the projected traffic noise level at the proposed house location for proposed Lot 1 is about 67 dBA, Ldn. The proposed house location for proposed Lot 1 is set back from East Randolph Road at approximately the same distance as the proposed house location for proposed Lot 6. The backyard areas of these two lots are partly shielded from traffic noise by the houses themselves. Staff believes that the backyard areas will marginally meet the 60 dBA, Ldn. Staff recommends that dense, evergreen landscaped plantings be required where feasible along the proposed Lot 1 and 6 lot lines, or an acoustically effective fence where space is limited in the side yard of proposed Lot 6. These measures will provide visual separation, and a perception of noise reduction for these backyard areas from roadway traffic.

The houses for proposed Lots 1 and 6 may be impacted by projected traffic noise levels that exceed the noise guideline of 45 dBA, Ldn for interior spaces of proposed houses. Therefore, staff recommends that an acoustical engineer must certify at the building permit stage that the houses are designed to achieve an interior noise guideline of no more than 45 dBA, Ldn and that the builder must commit to constructing the houses for these two lots in accordance with the recommendations of the acoustical engineer.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 4, 2006. The stormwater management concept includes on-site water quality control via construction of a sand filter with structural pretreatment and recharge via flow disconnection, dry wells, and storage below the sand filter. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

IV. COMPLIANCE WITH THE SUBDIVISION REGULATIONS AND ZONING ORDINANCE

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. Access and public facilities will be adequate to support the proposed lots and uses, and the application meets the applicable requirements. Proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision. The proposed water and sewer systems for the development have also been deemed adequate to serve the proposed units.

The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the R-90 zone. The lots as proposed will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment C for agency correspondence).

V. CITIZEN CORRESPONDENCE AND ISSUES

Written notice of the application, and this public hearing, was given to adjacent and confronting property owners, and local civic and homeowners associations. Correspondence was received from an adjacent property owner in October, 2005. The property owner, Ms. Shirley Fisher, raised concerns regarding the proposed use of a utility easement on her property by WSSC to serve the proposed subdivision. Specifically, she stated that she had not granted approval for the use of her property. However, the applicant has provided documentation that in 2003, Ms. Fisher granted the easement to WSSC for the purpose of installation, maintenance, repair, and operation of water and sanitary sewer mains. Based on the information at staff's disposal, it appears that the subdivision can be appropriately served by the WSSC easement across Ms. Fisher's property. (Attachment D)

VI. CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the White Oak 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. Therefore, approval of the application with the conditions specified above is recommended.

Attachments:

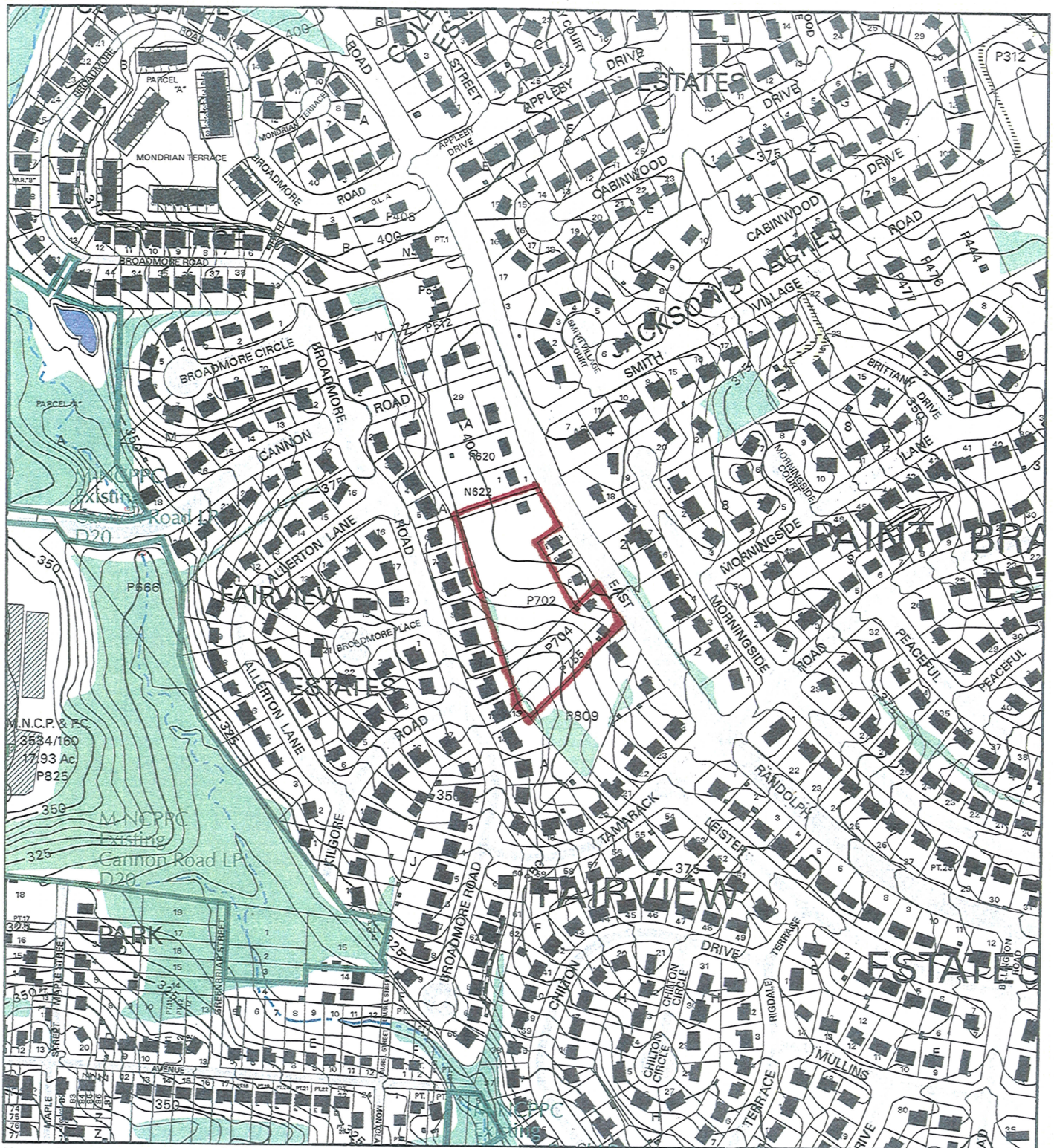
- Attachment A – Site Vicinity Map
- Attachment B – Preliminary Plan
- Attachment C – Agency Correspondence
- Attachment D – Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Heller Realty East				
Plan Number: 120060410				
Zoning: R-90				
# of Lots: 6				
# of Outlots: 0				
Dev. Type: one-family detached residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq. ft.	12,198 sq. ft. minimum	NB	7/30/07
Lot Width	75 ft.	75 ft. minimum	NB	7/30/07
Lot Frontage	25 ft.	25 ft. minimum	NB	7/30/07
Setbacks				
Front	30 ft. Min.	Must meet minimum ¹	NB	7/30/07
Side	8ft. Min./25 ft. total	Must meet minimum ¹	NB	7/30/07
Rear	25 ft. Min.	Must meet minimum ¹	NB	7/30/07
Height	35 ft. Max.	May not exceed maximum ¹	NB	7/30/07
Max Resid'l d.u. per Zoning	12	6	NB	7/30/07
MPDUs	N/a		NB	7/30/07
TDRs	N/a		NB	7/30/07
Site Plan Req'd?	No		NB	7/30/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		NB	7/30/07
Road dedication and frontage improvements	Yes	Agency letter		5/30/06
Environmental Guidelines	Yes or N/a	Staff memo		7/30/07
Forest Conservation	Yes or Exempt	Staff memo		7/30/07
Master Plan Compliance	Yes	Staff memo		7/2/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Agency letter		4/4/06
Water and Sewer (WSSC)	Yes	Agency comments		11/7/05
Well and Septic	N/a	NB		11/7/05
Local Area Traffic Review	N/a	NB		10/4/07
Fire and Rescue	Yes	Agency letter		6/21/06

¹ As determined by MCDPS at the time of building permit.

HELLER REALTY EAST (1-20060410)



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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.

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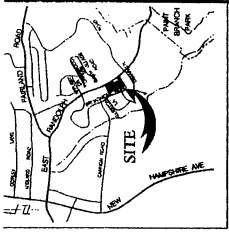


Research & Technology Center

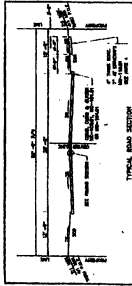
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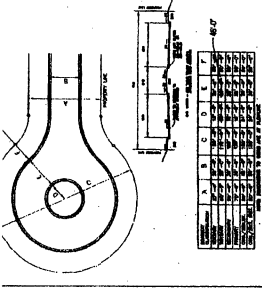
VICINITY MAP
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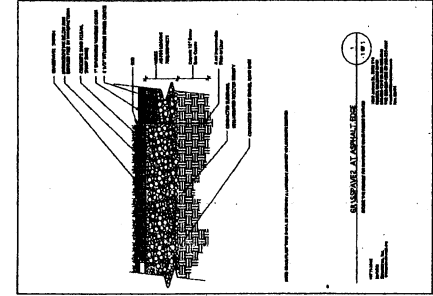
TYPICAL CROSS SECTION

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STANDARD NO. MC-210.02



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AERIAL PHOTO AT AVERAGE ELEVATION

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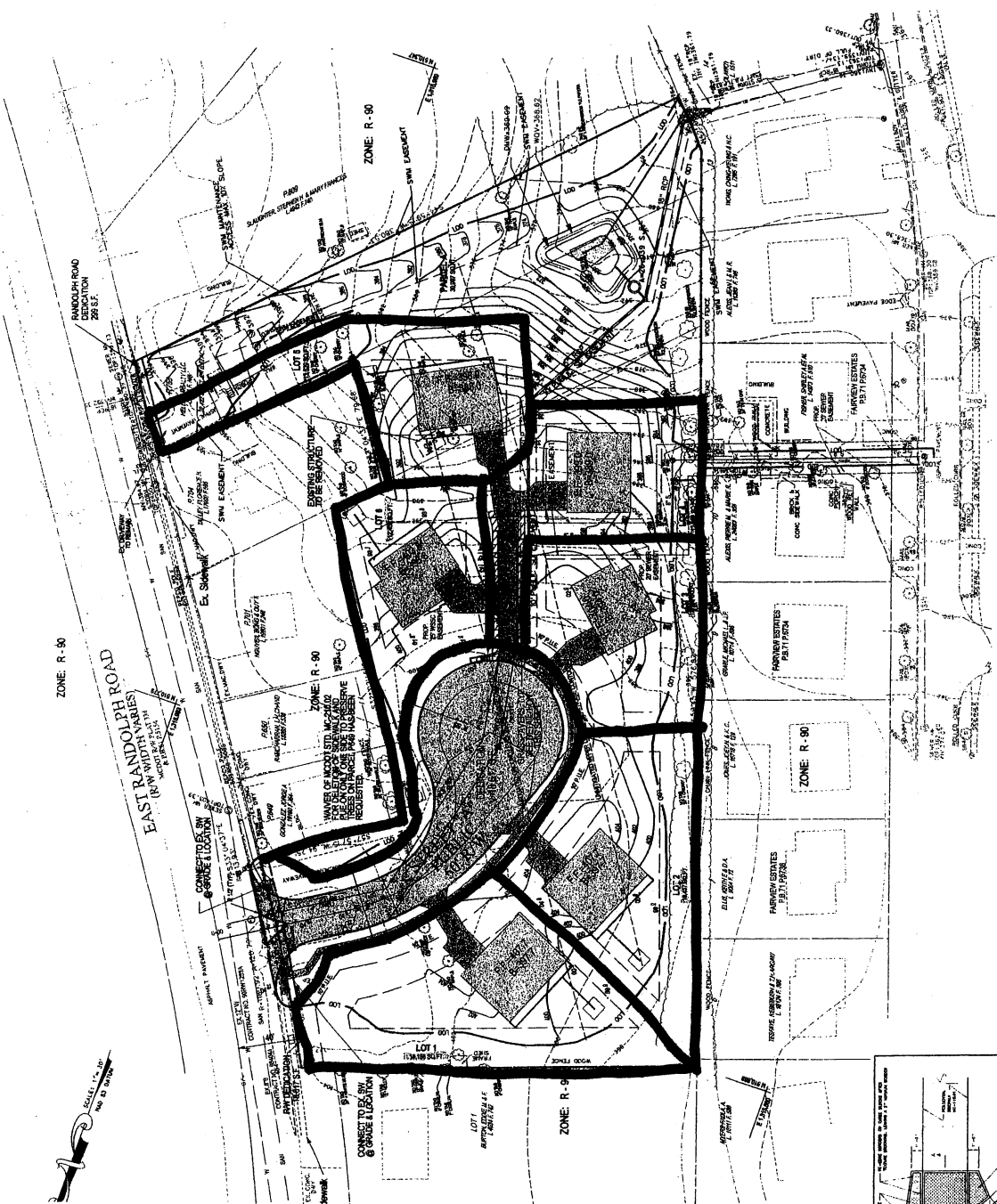
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PLANNING DEPARTMENT
Having reviewed the application for a preliminary plat, the Planning Department hereby certifies that the same complies with the provisions of the Subdivision Map Act, Chapter 221, of the Maryland Code, and the rules and regulations of the Department of Transportation, and that the same is hereby approved for filing with the Department of Transportation for their review and approval.

[Signature]
PLANNING DEPARTMENT

MISCELLANEOUS NOTE
The applicant has provided a copy of the preliminary plat to the Department of Transportation for their review and approval. The Department of Transportation has reviewed the preliminary plat and has determined that it complies with the provisions of the Subdivision Map Act, Chapter 221, of the Maryland Code, and the rules and regulations of the Department of Transportation. The Department of Transportation has approved the preliminary plat for filing with the Department of Transportation for their review and approval.

[Signature]
MISCELLANEOUS NOTE

APPLICANT/TOWNER
HELLER REALTY, LLC
6464 WISCONSIN AVE, SUITE 705
BETHESDA, MD 20814
CONTACT: ISRAEL HELLER
TEL: (301) 654-0218
FAX: (301) 654-5174

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| Rockville
Frederick
Pawnee
Lanham
Chattahoochee | | /VILLE OFFICE
Road Drive, Suite 100
Chattahoochee
48-2759 & 201-846-9067 | | MISS UTILITY NOTE
This document is a copy of the original document. It is not a legal document. It is not a contract. It is not a warranty. It is not a guarantee. It is not a statement of fact. It is not a statement of opinion. It is not a statement of intent. It is not a statement of belief. It is not a statement of knowledge. It is not a statement of understanding. It is not a statement of agreement. It is not a statement of consent. It is not a statement of approval. It is not a statement of disapproval. It is not a statement of objection. It is not a statement of protest. It is not a statement of dissent. It is not a statement of disagreement. It is not a statement of conflict. It is not a statement of dispute. It is not a statement of controversy. It is not a statement of litigation. It is not a statement of judgment. It is not a statement of decision. It is not a statement of action. It is not a statement of inaction. It is not a statement of result. It is not a statement of outcome. 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DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

April 4, 2006

Robert C. Hubbard
Director

Mr. Saeyin Oh
Loiederman Soltesz Associates, Inc.
1390 Piccard Drive, Suite 100
Rockville, MD 20850

Re: **Revised Stormwater Management CONCEPT**
Request for Heller Property
Preliminary Plan #: 1-06041
SM File #: 212597
Tract Size/Zone: 3.1 acres / R-90
Total Concept Area: 3.1 acres
Lots/Block: N/A
Parcel(s): 702, P704, 755
Watershed: Paint Branch

Dear Mr. Oh:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of a Montgomery County Sand Filter (MCSF) with structural pretreatment and onsite recharge via flow disconnection, dry wells, and storage below the sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Additional groundwater recharge is proposed as an offset for the waiver of the open section roadway requirement.
5. This stormwater concept approval supercedes the previous approval.

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way



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

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush", written over the word "Sincerely,".

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 212597

QN - ON; Acres: 3.1
QL - ON; Acres: 3.1
Recharge is provided



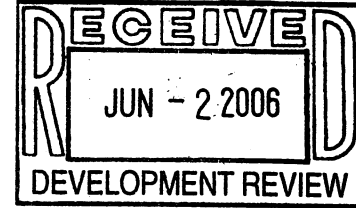
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 30, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-20060410
Heller Realty East

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 10/5/05. This plan was reviewed by the Development Review Committee at its meeting on 11/7/05. We recommend approval of the plan subject to the following comments:

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

1. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for East Randolph Road in accordance with the master plan.
3. Full width dedication and construction of the interior public street.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
6. This plan utilizes the modified tertiary section for the interior public street. Therefore applicant must voluntarily provide a site plan that shows all details associated with the street and adequacy of it to accommodate all required utilities and amenities.
7. Public Improvements Easements will be required along all Modified Tertiary classification roadways. The Declaration of Public Improvements Easement document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030


8. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant.
Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.
9. The plan should provide a horizontal alignment for the proposed interior street.
10. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public street unless the applicant is able to obtain a waiver from the appropriate government agency.
11. Show the locations of the proposed driveways on the preliminary plan.
12. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
13. Record plat to reflect denial of access along East Randolph Street except for the interior public street.
14. Revise the preliminary plan to show adjacent intersections. Need a waiver from the Montgomery County Planning Board for a reduction in the minimum intersection spacing along an arterial (or major) classification roadway.
15. Geometrics for the intersection of the interior public street and East Randolph Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
18. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
19. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along the interior public street.
 - B. Construct a cul-de-sac at the end of the interior public street.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060410
Date May 30, 2006
Page 3

- C. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 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.
- F. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division Of Operations

Enclosures (1)

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cc: Jagdish Mandavia, Loiederman Soltescz Associates
M. Hutt, Learch, Early & Brewer
Israel Heller, Heller Properties LLC
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



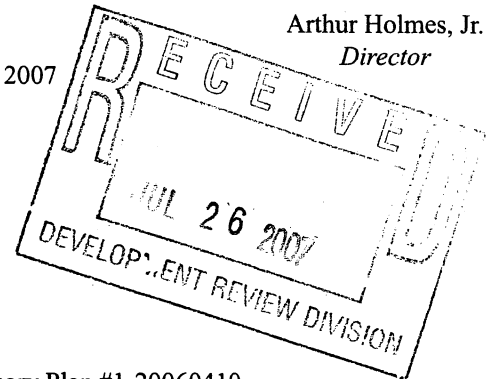
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

July 25, 2007

Arthur Holmes, Jr.
Director

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan #1-20060410
Heller Realty East, Revised

Dear Ms. Conlon:

As requested, we have reconsidered the comments in our May 30, 2006 letter due to receiving an updated preliminary plan dated 07/14/07 and some supplemental information from the applicant. As a result, we wish to modify the following conditions of our prior approval for the above preliminary plan as follows (all conditions of that letter that are not mentioned herewith remain in effect as stated):

Conditions 1,6,7,8,9,11 and 19C are to be eliminated.

Condition 3 is to be modified as:

“Full width dedication and construction of the interior public street and cul-de-sac as per tertiary residential roadway standards (MC-210.02 and MC-222.01).”

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,

Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

Enclosures ()

m:/subdivision/farhas01/subdivision/1-20060410, Heller Realty East_revised.doc

cc: Jagdish Mandavia, Loiederman Soltesz Associates
M. Hutt, Learch, Early & Brewer
Israel Heller, Heller Properties LLC
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book

Division of Operations



FIRE MARSHAL COMMENTS

DATE: 6-21-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *HELLER REALITY EAST 31-20060410. SEE NOTE BELOW*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 6-21-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Note- Please contact the Office of Fire Code Enforcement to establish the private road as a fire lane prior to occupying Lots 4, 5, or 6. The applicant must ensure that a process is in place to maintain this private road for Fire Department access. This process must be in place prior to occupying Lots 4, 5, or 6.

10/12/05

RE: HELLER

PLAN # 120060410

DEVELOPMENT REVIEW DIV.
M&C PNC

8787 GEORGIA AVE.

SILVER SPRING, MD. 20910

TO JAGDISH MANDAVIA, P.E.
LOEDERMAN ASSOC'S PNC,

I RECEIVED YOUR PLAN FOR
THE PROPERTY BEHIND
BROADMORE ROAD.

CONSENT HAS NOT BEEN
GIVEN BY THE CO-OWNER
OF 12903 BROADMORE. ALSO
THE REST OF THE PROPERTY
OWNERS ON BROADMORE ROAD
DO NOT APPROVE OF THIS
EITHER. ONE NEIGHBOR ALSO

HAS NOT BEEN SATISFIED.

MAUREEN FISHER (CO-OWNER)
DOES NOT COMPREHEND - READ -
WRITE - ETC. ALSO MR. R.A. FISHER
IS AN OWNER IN ABSENTIA.
MR. HELLER KNEW THIS AND HE,
THEREFORE, DOES NOT OWN ANY
PART OF MY PROPERTY.

SINCERELY,

Shirley A. Fisher
I HAVE POWER OF ATTORNEY
IF YOU WISH TO SEE IT.

Maureen K. Fisher
Shirley Fisher
12903 Broadmore Rd
Colesville, MD 20904-3114



ATTORNEYS

MARTIN J. HUTT
DIRECT 301.657.0170
FAX 301.347.1774
MJHUTT@LERCHEARLY.COM

October 25, 2005

Delores Kinney, Senior Planner
Montgomery County Planning Board
Development Review Division
8787 Georgia Avenue
Silver Spring, Maryland 20910


Re: Preliminary Plan of Subdivision 1-20060410

Dear Ms. Kinney:

We represent Heller Realty East, the applicant in the above referenced matter. Thank you for forwarding to Mr. Heller the written correspondence your office received from Ms. Shirley A. Fisher, dated October 12, 2005 in reference to the above preliminary plan of subdivision application. Ms. Fisher's written letter is referring to an easement and right of way granted to WSSC by Ms. Shirley Fisher and Ms. Maureen Fisher, her daughter over their property dated November 22, 2003. This easement and right of way agreement was obtained by Mr. Heller in connection with the proposed preliminary plan of subdivision. A copy of the recorded easement with the notarized signatures and initials of both Ms. Shirley Fisher and Ms. Maureen on each page of the easement agreement and exhibits is enclosed.

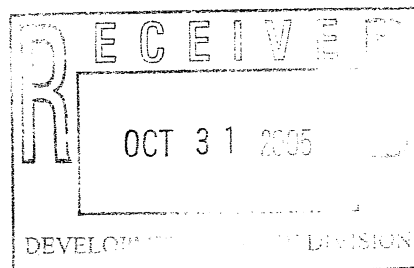
If Planning Board staff has any other questions regarding this easement agreement, please call me.

Very truly yours,


Martin J. Hutt

MJH:mc

cc: Izzy Heller



548853

F

Property Address: 12903 Broadmore Road, Silver Spring
Montgomery County, Maryland 20904

Grantor: Shirley A. Fisher and Maureen Fisher

Grantee: Washington Suburban Sanitary Commission

Parcel Identification Number: 05-032-00340874

Title Insurer: N/A

MONTGOMERY COUNTY, MD
APPROVED BY MA

AUG 7 - 2004

\$ NA RECORDATION TAX PAID
\$ NA TRANSFER TAX PAID

Contract No. _____

THIS RIGHT OF WAY

Made this 13th day of November in the year two thousand three, by and between

SHIRLEY A. FISHER AND MAUREEN FISHER, party of the first part and the
WASHINGTON SUBURBAN SANITARY COMMISSION, a public corporation of the State of
Maryland, organized and existing under the laws of the said State, party of the second part.

Witnesseth: That in consideration of the sum of One Dollar (\$1.00) to it in hand paid by the party of the second party, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, the easement and right of way hereinafter described for the installation, construction, reconstruction, maintenance, repair, operation and inspection of the water mains, sanitary sewers and appurtenances thereto, including service connections within said easement and right of way, together with the right of ingress and egress along and over said right of way, for any and all of such purposes; the said right of way and easement being described as follows:

SEE ATTACHED SCHEDULE "A"

To have and to hold said easement and right of way for the water mains, sanitary sewers and appurtenances thereto, including service connections above described or mentioned and hereby intended to be granted and conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the only proper use, benefit and behoof forever of the said Washington Suburban Sanitary Commission, its successors and assigns.

IMP FD SURE	20.00
RECORDING FEE	20.00
TOTAL	40.00
REST 1007	Rcpt # 22189
FOR ER	Blk # 582
MS 02: 2004	03:11 PM

And the party of the first part, for itself, its successors and assigns, covenants and agrees with the party of the second part, its successors and assigns, as follows: **FIRST:** that it will obtain the written consent of the Commission before it erects or permits to be erected any building or structure, or before it fills or excavates within the above described easement and right of way. **SECOND:** that the party of the second part, its successors and assigns, shall at all times have right of ingress and egress over said easement and right of way for the purpose of installing, constructing, reconstruction, maintaining, repairing, operating and inspecting the sanitary sewers and appurtenances thereto, including service connections within said easement and right of way, said ingress and egress to be along the line herein designated and along such other lines as the party of the first part may designate. **THIRD:** that it will warrant specially the easement and right of way hereby granted and will execute such further assurances thereof as may be requisite. **FOURTH:** that it has the right to grant the easement and right of way.

IN TESTIMONY WHEREOF the said Shirley A. Fisher and Maureen Fisher have caused these present to be signed the day and year first hereinabove written.

PLEASE RETURN TO:

LERCH, EARLY & BREWER

3 Bethesda Metro Center, Suite 380

Bethesda, Maryland 20814-5367

Attn: Judith A. Hill

File 75168.001 / MJH

2004 AUG -2 PM 3:16

MONTGOMERY CO. MD
CLERKS OFFICE

Shirley A. Fisher
Shirley A. Fisher

Maureen Fisher
Maureen Fisher

Maureen Fisher

STATE OF MARYLAND

COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 13th day of Nov, 2003, before me, the subscriber, a Notary Public, in and for the County aforesaid, personally appeared SHIRLEY A. FISHER, known to me or satisfactorily proved to be the person whose name is set forth in the within instrument, and did further acknowledge that she executed the foregoing instrument for the purposes therein contained.

WITNESS My Hand and Official Seal.

Kenneth J. Darby
Notary Public

My Commission Expires 9/1/07

Kenneth J. Darby
Notary Public For The
State of Maryland
Prince George's County
My Commission Expires 09/01/07

STATE OF MARYLAND

COUNTY OF MONTGOMERY

I HERBBY CERTIFY that on this 13th day of Nov, 2003, before me, the subscriber, a Notary Public, in and for the County aforesaid, personally appeared MAUREEN FISHER, known to me or satisfactorily proved to be the person whose name is set forth in the within instrument, and did further acknowledge that she executed the foregoing instrument for the purposes therein contained.

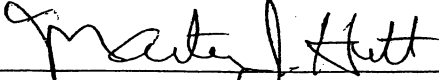
WITNESS My Hand and Official Seal.

Kenneth J. Darby
Notary Public

My Commission Expires 9/1/07

Kenneth J. Darby
Notary Public For The
State of Maryland
Prince George's County
My Commission Expires 09/01/07

I HEREBY CERTIFY that this instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Martin J. Hutt, Attorney

After Recordation, Please Return To:

Judith A. Hill, Paralegal
Lerch, Early & Brewer, Chartered
3 Bethesda Metro Center, Suite 380
Bethesda, Maryland 20814
301-986-1300
[File No. 75168.001\MJH]

SCHEDULE "A"**DESCRIPTION OF A RIGHT OF WAY FOR
A SANITARY SEWER AND APPURTENANCES**

SHIRLEY A. FISHER and MAUREEN FISHER, OWNERS
12903 BROADMORE ROAD
SILVER SPRING, MARYLAND 20904-3114
TO
WASHINGTON SUBURBAN SANITARY COMMISSION
14501 SWEITZER LANE
LAUREL, MARYLAND 20707

Being a strip or parcel of land hereinafter described, in, through, over and across the property acquired by the owner from ROBERT A. FISHER AND SHIRLEY A. FISHER by deed dated June 2, 1997, and recorded among the Land Records of Montgomery County, Maryland, in Liber 14973 at Folio 510, said property also being Lot 11, Block A, as shown on a subdivision record plat entitled "BLOCK J AND, PART OF BLOCKS A,B,F,K&L FAIRVIEW ESTATES", and recorded among the aforesaid Land Records in Plat Book 71 as Plat 6734, and being more particularly described as follows:

Said strip or parcel of land containing 1,480 square feet or 0.0340 of an acre of land as shown on Schedule "B" attached hereto and made a part hereof by this reference.

INFORMATION FOR RECORDING

<u>Lot/Parcel</u>	<u>Tax I.D. No.</u>	<u>Premise Address</u>	<u>Plat Ref.</u>
Lot 11, Block A	05-032-00340874	12903 Broadview Rd.	P.B.71 P.6734

GRANTOR: SEE ABOVE

GRANTEE: SEE ABOVE

TITLE INSURER: N/A

Handwritten signature/initials
m f

**BROADMORE
PLACE**
(60' R/W)
P.B.71 P.6734

SCALE: 1"=30'
PLAT DATUM
P.B.71 P.6734

BROADMORE ROAD
(60' R/W)
P.B.71 P.6734

LOT 1



LOT 2

I hereby certify to the Washington Suburban Sanitary Commission, that to the best of my knowledge, information and belief, the information shown hereon is correct and was obtained from available records.

NETH L. DYE
Property Line Surveyor
Land Registration No. 556



Civil Engineering Land Planning Land Surveying Environmental Sciences
www.lsassociates.net

1390 Piccard Drive Rockville, Maryland 20850 301-948-2750 Fax: 301-948-9067

FAIRVIEW ESTATES
P.B.71 P.6734

LOT 8

LOT 9

LOT 10

RIGHT-OF-WAY FOR A SANITARY
SEWER AND APPURTENANCES
1,480 SQ. FT. OR 0.0340 AC.

N71°10'37"E 120.00' PLAT LINE

N18°49'23"W 75.00' PLAT LINE

S18°49'23"E 75.00' PLAT LINE

LOT 11

PROPERTY OF
SHIRLEY A. FISHER &
MAUREEN FISHER
L.14973 F.510



LOT 12

HELLER REALTY LLC
L.24186 F.263

A-

BROADMORE PLACE
(60' R/W)
P.B.71 P.6734

BROADMORE ROAD
(60' R/W)
P.B.71 P.6734

KILGORE ROAD
(60' R/W)
P.B.71 P.6734



**Loiederman
Soltesz Associates, Inc.**

Civil Engineering Land Planning Land Surveying Environmental Sciences
1390 Piccard Drive, Suite 100 Rockville, Maryland 20850 301-948-2750 Fax: 301-948-9067
www.loiesociates.net

2798 064
LOT 8

FAIRVIEW ESTATES
P.B.71 P.6734

LOT 9

LOT 10
**PIERRE M. ALEXIS &
MARIE R. ALEXIS**
L.24063 F.356

LOT 11
**SHIRLEY A. FISHER &
MAUREEN FISHER**
L.14973 F.510

LOT 12

LOT 13

**EXHIBIT SHOWING
SANITARY SEWER OUTFALL
FOR THE PROPERTY OF
HELLER REALTY LLC**

LIBER 24186 FOLIO 263
COLESVILLE (5th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=30' DATE: OCTOBER, 2003

HELLER REALTY LLC
L.24186 F.263

