



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB
Item # _____
January 18, 2007



MEMORANDUM

DATE: November 13, 2006

TO: Montgomery County Planning Board

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

FROM: Dolores M. Kinney, Senior Planner (301) 495-1321 *DK*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Parcel 328

APPLYING FOR: Four one-family detached residential lots

PROJECT NAME: Schooley Property

CASE #: 120060580

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: Located on the east side of Darnestown Road (MD 28), approximately 80 feet north of the intersection with Country Glen Court

MASTER PLAN: Potomac

APPLICANT: Nicholas D. & V. A. Petruccelli

ENGINEER: Benning & Associates

FILING DATE: November 18, 2005

HEARING DATE: January 18, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four (4) residential lots for the construction of four (4) one-family detached dwelling units.
- 2) Compliance with all conditions of approval of the preliminary forest conservation plan per the plan initialed by Environmental Planning dated November 7, 2006 and the Tree Save Plan initialed November 7, 2006. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 4) The Applicant shall dedicate additional right-of-way for Darnestown Road (MD 28) along the property frontage, for a total of 60 feet from the centerline or 120 feet from the opposite right-of-way. Dedication shall be reflected on the record plat.
- 5) Compliance with conditions of MCDPWT letter dated, March 23, 2006, unless otherwise amended.
- 6) Compliance with the conditions of the MCDPS stormwater management approval dated November 29, 2005.
- 7) The record plat shall reflect a 25-foot Public Use Trail Easement across the east side of the property and access, as set forth on the preliminary plan.
- 8) The applicant shall comply with conditions of MCDPS (Health Dept.) septic approval dated August 17, 2006.
- 9) Other necessary easements.

SITE DESCRIPTION:

Part of Parcel A ("Subject Property") is located on the east side of Darnestown Road (MD 28), approximately 80 feet north of the intersection with Country Glen Court (Figure 1 and Attachment A). Surrounded by one-family residential dwellings, the Subject Property contains 5.89 acres and is zoned R-200. A dwelling, which currently exists on the Subject Property, shall remain.



Figure 1 Schooley Property

PROJECT DESCRIPTION:

This is a preliminary plan of subdivision to create four (4) lots for the construction of four (4) one-family detached dwelling units, one of which already exists (Attachment B). Access to the site will be directly from Darnestown Road (MD 28) via a shared driveway. The proposed lots will be served by public water and public sewer.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Potomac Master Plan did not specifically address the Subject Property but highlighted parcels recommended for changes in use and/or density. The master plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped, and undeveloped land in the subregion, except for those sites recommended for change. The Subject Property is located in the Darnestown Area of the Potomac Master Plan and is not identified for change in use or density.

The master plan recommendations are designed to preserve, protect and enhance Darnestown rural and community character and to review major undeveloped sites for their potential contribute to parkland and open space. Recommendations for development patterns and density are designed to provide a transition between the suburban areas to the east and the prime agricultural areas to the west. The proposed preliminary plan is consistent with the master plan because it retains the low-density character of one-family detached zoning.

Transportation

Local Area Transportation Review

The proposed development will generate less than 30 peak hour trips. Therefore, no Local Area Transportation Review (LATR) is required. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

Environmental Guidelines

The Subject Property is in the Muddy Branch watershed, but contains no streams or environmentally sensitive areas and is not subject to the Planning Board's Environmental Guidelines.

Forest Conservation

The Applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Pursuant to Forest Conservation Section 22A-12 of the Montgomery County Code, properties must retain, plant, or mitigate up to a certain threshold (percentage) of forest. The Applicant proposes to meet the .88-acre afforestation requirement off-site. Additionally, the applicant has submitted a Tree Save Plan indicating how individual specimen trees will be protected during construction.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on November 29, 2005, which includes drywells, appropriate grading, vegetation stabilization and drainage.

Compliance with the Subdivision Regulations and Zoning Ordinance

Staff's review of Preliminary Plan #120060580, Schooley Property, indicates that the plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed lot as demonstrated on the Data Table shown in Table 1. Staff further finds that the size, width, shape, and orientation of the proposed and future lots are appropriate for the location of the subdivision. Staff has also reviewed the preliminary plan for compliance with the requirements of the R-200 zone and finds that it meets regulations as specified in the Zoning Ordinance. Building height is limited to 50 feet and will be verified by the Montgomery County Department of Permitting Services upon review of the building permit application. All applicable agencies have reviewed the plan and recommended approval (Attachment C).

Community Outreach

This plan submittal pre-dated new requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

CONCLUSION:

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the R-200 zone. Therefore, Staff recommends approval with the specific conditions.

Preliminary Plan Data Table and Checklist**TABLE 1**

Plan Name: Schooley Property				
Plan Number: 120060580				
Zoning: R-200				
# of Lots: 4				
# of Outlots: 0				
Dev. Type: 4 one-family detached dwelling units				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq.ft.	47,000 sq.ft. is minimum proposed	<i>DmL</i>	Nov. 13, 2006
Lot Width	100 ft.	Meets minimum	<i>DmL</i>	Nov. 13, 2006
Lot Frontage	25 ft.	Meets minimum		Nov. 13, 2006
Setbacks				
Front	40 ft. Min.	Must meet minimum	<i>DmL</i>	Nov. 13, 2006
Side	12 ft. Min./ 25 ft. total	Must meet minimum	<i>DmL</i>	Nov. 13, 2006
Rear	30 ft. Min.	Must meet minimum	<i>DmL</i>	Nov. 13, 2006
Height	50 ft. Max.	May not exceed maximum	<i>DmL</i>	Nov. 13, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	12 dwelling units	4 units	<i>DmL</i>	Nov. 13, 2006
Site Plan Req'd?	No	--	<i>DmL</i>	Nov. 13, 2006
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		<i>DmL</i>	Nov. 13, 2006
Road dedication and frontage improvements	Yes		SHA DPWT Memo	Dec. 16, 2005 March 23, 2006
Environmental Guidelines	Yes		Environmental Memo	Nov. 7, 2006
Forest Conservation	Yes		Environmental Memo	Nov. 7, 2006
Master Plan Compliance	Yes		<i>DmL</i>	Nov. 13, 2006
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		DPS Memo	Nov. 1 2006
Water and Sewer (WSSC)	Yes		WSSC	Dec. 19, 2005
Well and Septic	Yes		DPS	August 17, 2006
Local Area Traffic Review	N/A		<i>DmL</i>	
Fire and Rescue	Yes		MCFRS	Sept. 29, 2006

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Referenced Agency Correspondence

SCHOOLEY PROPERTY (120060580)



Map compiled on December 07, 2005 at 11:12 AM | Site located on base sheet no - 220NW13

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.

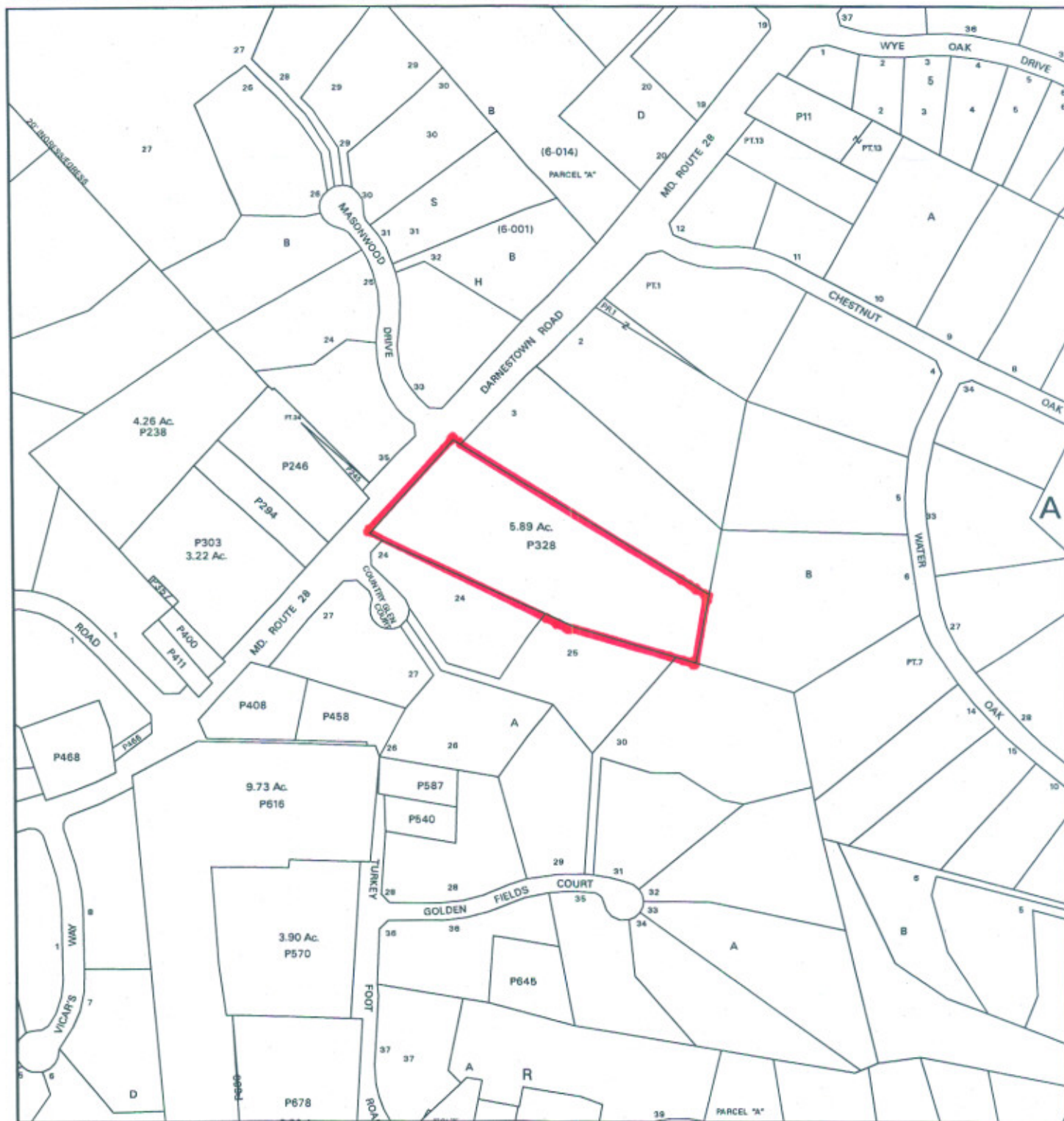
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area 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

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



SCHOOLEY PROPERTY (120060580)



Map compiled on December 07, 2005 at 11:15 AM | Site located on base sheet no - 220NW13

NOTICE

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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



AGENCY CORRESPONDENCE



**DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION**

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

March 23, 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 #1-20060580
Schooley Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 11/16/06. This plan was reviewed by the Development Review Committee at its meeting on 12/19/05. 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 and sidewalks.
2. Necessary dedication for Darnestown Road (MD 28) in accordance with the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
5. 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.
6. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.



Division of Operations

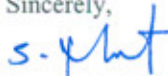
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-20060580
Date March 23, 2006
Page 2

7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
8. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
9. Access and improvements along Darnestown Road (MD 28) as required by the Maryland State Highway Administration.
10. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
11. Please coordinate with Department of Fire and Rescue about their requirements for access.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. 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.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

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
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/1-20060580, Schooley Property .doc

Enclosures ()

cc: David McKee, Benning and Associates
Nicholas D. & V.A. Petrucci
James Clifford
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

December 16, 2005

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

Re: Montgomery County
Schooley Property
MD 28 (east side)
File No. 1-20060580
Mile Post: 13.68

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan application for the Schooley Property development. We offer the following comments:

- Proposed access for this four-lot residential development is from MD 28. The developer must apply for a residential access permit from SHA's District #3 Utilities Office at 301-513-7350.
- Right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require right-of-way dedications and changes to access controls be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division at 410-545-8860 for additional information. For questions regarding the plat review process, please contact Mr. Andrews at dandrews@sha.state.md.us.

If additional information is required from SHA, please contact Raymond Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,


Steven D. Foster, Chief

Engineering Access Permits Division

SDF/rbb

cc: Mr. Nicholas & V.A. Petrucci \ 13608 Darnestown Road, Gaithersburg, MD 20878
Benning & Associates, Inc. \ 8933 Shady Grove Court, Gaithersburg, MD 20877
Mr. Richard Weaver \ M-NCPPC
Mr. Darrell Mobley *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

November 1 2006

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

Re: Stormwater Management **CONCEPT** Request
for Schooley Property
Preliminary Plan #: 1-20060508
SM File #: 221996
Tract Size/Zone: 5.89 acres/R-200
Total Concept Area: 5.89 acres
Lots/Block:
Parcel(s): P328
Watershed: Muddy 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 stormwater management concept consists of on-site water quality control and onsite recharge via non-structural methods. 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 **conditions** 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. The velocities within the swale along the driveway must be designed to be non erosive.

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 Nadine Vurdelja Piontka at 240-777-6334.

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 CN221996

cc: C. Conlon
S. Federline
SM File # 221996

QN -onsite; Acres: 5.9
QL - onsite; Acres: 5.9
Recharge is provided



FIRE MARSHAL COMMENTS

DATE: 9-29-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240.777.2436
RE: SCHOOLEY PROPERTY #120060580

1. **PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 9-29-06. 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.

cc: Department of Permitting Services



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

August 17, 2006

TO: Ms. Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-20060580, Schooley Property, 4 lots

This is to notify you that the status of the plan received in this office on July 21, 2005, is as follows:

Approved with the following reservations:

The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.

For lot 2: The existing water well and the existing septic system must be properly abandoned and sealed.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Owner
Surveyor
File







**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning 

FROM: Josh Penn, Environmental Planning 

DATE: December 6, 2006

SUBJECT: **Preliminary Plan # 120060580 - Schooley Property**

RECOMMENDATION

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following conditions:

1) Compliance with all conditions of approval of the preliminary forest conservation plan per the plan initialed by Environmental Planning dated December 6, 2006 and the Tree Save Plan initialed November 7, 2006. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

- a) Required site inspections by M-NCPPC enforcement staff per Section 110 of the Forest Conservation Regulations.

DISCUSSION

The Schooley property is a 5.89-acre site north of the intersection of Turkey Foot Road and Darnestown Road. The site is in the Muddy Branch watershed, a Use I-P watershed. There are no forests or streams on the property. The property is zoned R-200.

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4-05174 for this site was approved on November 16, 2005. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The 5.89-acre site includes no stream buffers or forest.

Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under Forest Conservation Section 22A-12 of the Montgomery County Code properties must retain, plant, or mitigate up to a certain threshold (percentage) of forest. The applicant proposes to meet the .88-acre afforestation requirement off-site.

Additionally the applicant has submitted a Tree Save Plan indicating how individual specimen trees will be protected during construction.

STAFF RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan. The plan complies with Section 22A of the Montgomery County Code and the M-NCPPC Environmental Guidelines.

SDF:JP: