



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

MCPB
Item #
4/12/07



MEMORANDUM

DATE: March 24, 2007

TO: Montgomery County Planning Board

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

FROM: Erin Grayson (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: The creation of 5 lots to accommodate 5 one-family dwelling units, using the cluster development method.

PROJECT NAME: Stern Property - Phase I

CASE #: 120061180

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2C, cluster option

LOCATION: On Bonny Brook Lane, 231 feet northwest of Heather Field Court

MASTER PLAN: Damascus

APPLICANT: Bethany Homes

ENGINEER: Benning & Associates

FILING DATE: May 16, 2006

HEARING DATE: April 12, 2007

RECOMMENDATION: Approval subject to the following conditions:

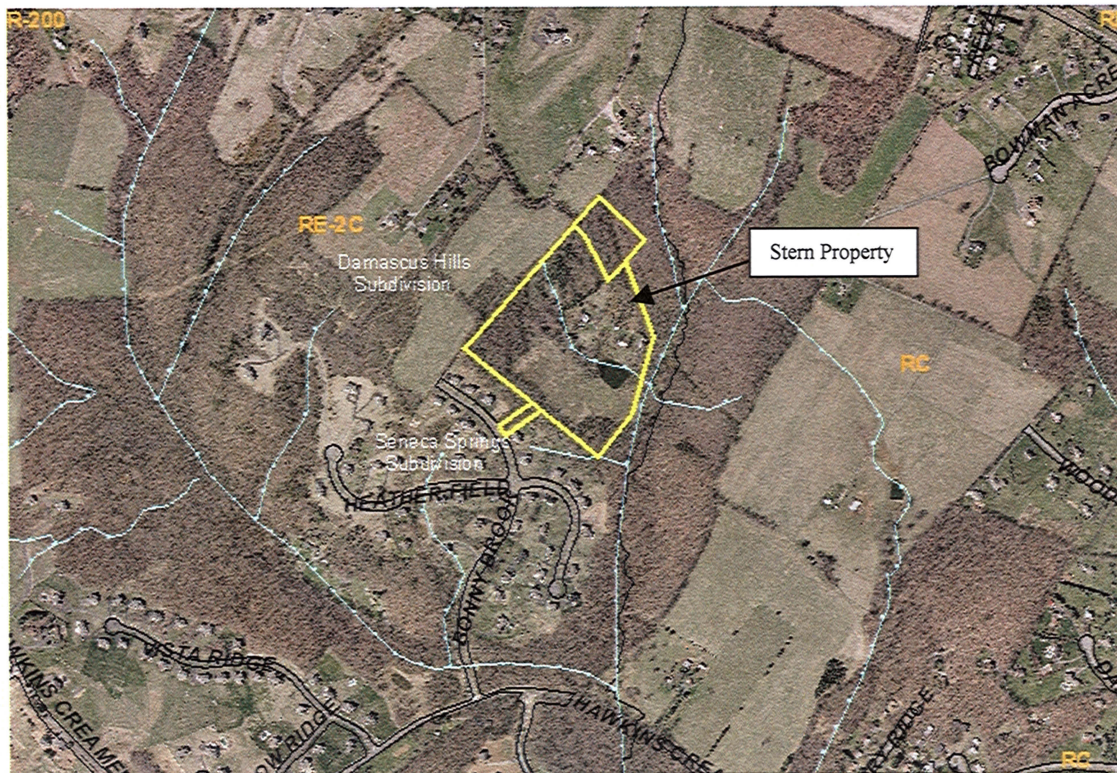
- 1) Approval under this preliminary plan is limited to 5 lots for 5 one-family residential dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as applicable.
- 3) Record plat to reflect a Category I easement over all environmental buffers and retained and planted forests.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 6) The applicant shall comply with the conditions of the MCDPS stormwater management approval dated December 8, 2006.
- 7) The applicant shall comply with conditions of MCDPS (Health Dept.) septic approval dated November 22, 2006.
- 8) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant
- 9) The applicant must provide and show on record plat a 15 foot-wide access easement for residents in the following locations: a) along the western boundary of the property beginning at the shared private driveway for access by Lots 1A, 2A and 5A to Open Space Parcel A; b) from Open Space Parcel A to Upper Great Seneca Stream Valley Park.
- 10) The applicant must provide and show on record plat a 15 foot-wide *public use* trail easement from the termination of the shared private drive on Lot 3A to Upper Great Seneca Stream Valley Park.
- 11) The applicant shall comply with conditions of MCDPWT letter dated, June 12, 2006 unless otherwise amended.
- 12) Record plat to reflect an environmental setting boundary containing the dwelling house, corn crib, bank barn, dairy barn and milk house on a single lot of at least 9.59 acres, as specified in the Damascus-Goshen Master Plan Amendment.
- 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) Other necessary easements must be shown on the record plat.

I. SITE DESCRIPTION

The Stern Property, pictured on the following page and in Attachment A (Vicinity Map), is located in the Damascus Master Plan area on Bonny Brook Lane, south of Damascus Road. The site consists of unrecorded and recorded parcels, totaling 30.03 acres. The site is zoned RE-2C. Surrounding zoning includes RC zoning east of the site and RE-2C zoning north, south and

west of the site. Upper Great Seneca Stream Valley Park, part of the M-NCPPC park system, abuts the subject property on the east. The area directly west of the site was approved for residential development on February 11, 2005 as part of Preliminary Plan #12004080, Damascus Hills. A one-family home and accessory buildings currently exist on the subject property. The home, known as “Rezin/Bowman Farm”, is listed on the locational atlas of historic resources (#11/21), but official designation is pending.

The property includes 13.5 acres of existing forest. There is a stream and in-stream pond that bisects the property. There are 7.34 acres of stream buffer, 3.2 acres of wetlands and wetland buffers, and steep slopes on the subject property. The entire property is in the Great Seneca Creek watershed (Use Class I).



II. PROJECT DESCRIPTION

The applicant proposes to develop the subject property in 2 phases using the cluster development method. A waiver is requested by the applicant to permit the cluster on less than 50 acres. This plan addresses Phase 1 of development, which includes proposed lots 1A through 5A, Outlots B and C, and Open Space Parcel A, on 17.66 acres of the total tract area. Lot 1A is 67,300 square feet, Lot 2A is 75,900 square feet, Lot 4A is 80,266 square feet and Lot 5A is 94,309 square feet in size. Lot 3A consists of 9.59 acres in order to preserve the setting of Rezin/Bowman Farm. Open space Parcel A includes 5.66 acres. Although the subject property

includes recorded land, the plan is not considered a resubdivision because the recorded land is comprised of unbuildable outlots.

All the proposed lots are to have access from a private driveway, which will connect to Damascus Hills Lane, a private street. Lot 1A is to have frontage on Damascus Hills Lane, the applicant requests a waiver of frontage requirements for Lots 2A and 3A, and Lots 4A and 5A are to have frontage on Bonny Brook Lane. The lots are to be served by public water and private standard septic systems.

Attachment B – (Proposed Plan)

III. ANALYSIS AND FINDINGS

A. Master Plan Compliance

On page 96 of the *2006 Damascus Master Plan*, under the section entitled “Community Water and Sewer Service Recommendations”, it is made clear that the “provisions of community sewer service in the Damascus plan area is guided by the County's Water Supply and Sewerage Systems Plan, the General Plan, and prior Master Plans; as well as regional environmental policies, such as the Chesapeake Bay Initiative and the Maryland Smart Growth policies.” In addition, certain properties are specifically recommended on page 96 for community sewer service under the cluster development method. The area zoned RE-2C, which includes the proposed subdivision, is not included in this section. As a result, cluster development absent of community sewer service is acceptable in this area.

The *2006 Damascus Master Plan* also refers to prior master plans. On page 72 of the *1982 Damascus Master Plan*, bullet number 3 entitled “Woodfield Road and Route 108 Transition Area” recommends two units-per acre densities with clustering. This recommendation is supported by the “Proposed Sewer & Water Service Areas” illustration on page 103 of the *1982 Damascus Master Plan*, which indicates that this area is recommended for community water service but not for community sewer service. The proposed subdivision complies with the recommendations adopted in the *2006 Damascus Master Plan* in that clustered, low density residential development is proposed for the site and private standard septic systems are to serve the lots.

B. Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review.

On February 11, 2005, the Planning Board found that a private cul-de-sac was appropriate for development of the Damascus Hills Subdivision, directly west of the subject property. More specifically, the Board found that the private cul-de-sac complies with Section 59-C-1.34.1 of the Zoning Ordinance, which states:

“In the RE-2 zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the subdivision plan approval process, that the private cul-de-sac:

1. Provides safe and adequate access;
2. Has sufficient width to accommodate the dwelling units proposed;
3. Will better protect significant environmental features on and off site than would a public road; and
4. Has proper drainage.”

The proposed lots will have access from this private cul-de-sac via conveyance of Outlot B and subsequent construction of a shared driveway. Currently, an ingress/egress easement from Damascus Road across the Damascus Hills Subdivision provides the subject property with access to Damascus Road. Outlot B is to be conveyed prior to the time of record plat, once the easement is terminated.

C. Environment

The proposed subdivision complies with the requirements of the county Forest Conservation Law and the Planning Board’s “Environmental Guidelines”.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire Stern Property site (30.03 acres). A revised NRI/FSD was approved by Environmental Planning staff on October 19, 2006. The site includes a stream, in-stream pond, and wetlands. In total there are 7.34-acres of environmental buffers on the subject property. No encroachments into the environmental buffers are proposed with this preliminary plan of subdivision, and the entire buffer will be permanently protected in a conservation easement.

Forest Conservation

The forest conservation plan for the Stern Property applies to the entire 30.03 acres, just as the NRI/FSD applies to the entire property. All forest conservation requirements will be met in Phase I of the plan. Development of Phase II will not affect the forest conservation plan since no forest exists in this portion of the property. There are 13.5 acres of existing forest in four distinct forest stands on the subject site. Black cherry, red maple, and tulip popular trees dominate all stands. The primary distinction between the stands is the age and size of the trees in each stand and the stand location relative to environmental buffers and contiguous forests on adjacent properties. There are 5 trees that are 24 inches in diameter and greater on the subject property. All of these trees are shown as retained in the preliminary forest conservation plan.

The development utilizes an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County code. This section of the code requires minimum on-site retention, or retention and planting of forest. For this particular plan, 25 percent of the net tract, or 7.51 acres, must be in retained and/or planted forest. The preliminary

forest conservation plan indicates the removal of 5.46 acres of forest and the preservation of 8.04 acres of forest, which satisfies the Section 22A-12(f) requirements. The proposed forest clearing generates a 0.83 acre forest-planting requirement, which will be met by planting on site. All retained and planted forest will be protected under a Category I conservation easement. The preliminary forest conservation plan submitted satisfies the requirements of 22A-12(f) of the Montgomery County code through a combination of retained and planted forest, and meets all applicable requirements of the county Forest Conservation Law.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 8, 2006. The concept consists of on-site water quality control and recharge through a combination of grass swale, dry wells and disconnection.

D. Historic Preservation

The Rezin/Bowman Farm is currently listed on the locational atlas of historic resources. The house and associated outbuildings are being evaluated for official designation as part of an amendment to the historic preservation section of the Damascus Master Plan. Proposed Lot 3A is 9.59 acres in size and contains the dwelling house, corn crib, bank barn, dairy barn and milk house. Proposed Lot 3A is consistent with the Historic Preservation Commission of Montgomery County's recommendations for the site.

E. 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. The application complies with all applicable sections, as further discussed below. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision. A summary of the dimensional requirements of the RE-2C zone and compliance to those standards 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.

1) Lots without Public Street Frontage

The application includes two lots without street frontage as required in Section 50-29(a)(2) of the Subdivision Regulations, for Lots 2A and 3A. Section 50-29(a)(2) states:

"Lots to Abut on Public Street. Except as otherwise provided in the zoning ordinance, every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. In exceptional circumstances, the board may approve not more than two lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands."

The applicant's justification for lots without frontage cites the land-locked nature of the property and subsequent limited access points that make it difficult to provide direct street frontage for Lots 2A and 3A. Staff has reviewed the situation and agrees that public street frontage to the subject lots is not possible without crossing the on-site stream. Such a crossing would be undesirable from an environmental perspective and would encroach on the historic setting of the existing house. Therefore, staff supports two lots without frontage and finds the proposed driveway will provide adequate access and the public facilities will be adequate to support the proposed lots and uses on the proposed lots, including Lots 2A and 3A.

Attachment C – (Applicant's Justification for Waivers)

2) Community Water and Sewer

Sec. 59-C-1.522 of the Zoning Ordinance states:

"No land shall be subdivided under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems. The only exception to this requirement is the RE-2C zone where land that is not served by community sewer may be subdivided under this method if it meets all of the following conditions:

- (a) An approved and adopted master plan or sector plan specifically recommends cluster development with community water but not community sewer.
- (b) The resulting development will be connected to community water.
- (c) The resulting development meets all of the requirements for individual sewerage systems outlined in the most recent county comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79 on individual water supply and sewage disposal systems."

As previously discussed, the proposed plan complies with the recommendations adopted in the 1982 and 2006 master plans for Damascus. Community water service has been conditionally approved upon Planning Board approval of the plan. The Montgomery County Department of Permitting Services Well and Septic Division approved the septic field locations for the proposed lots on November 22, 2006.

3) Open Space

Sec. 59-C-1.524 of the Zoning Ordinance states:

"Common Open Space. The preliminary or site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan."

The applicant has allocated 5.66 acres for open space, shown as Open Space Parcel "A" on the plan. Access for Lots 1A, 2A and 5A to Open Space Parcel A is provided by a public use trail easement along the western boundary of the property, beginning at the shared private

driveway. A public use trail easement is provided from Open Space Parcel A to Park, as well as from the termination of the shared private drive on Lot 3A to the park.

4) Minimum Area of Development

Section 59-C-1.532 of the Zoning Ordinance stipulates that for cluster development in the RE-2C zone the minimum area of development is 50 acres. The subject property contains 30.03 acres. Section 59-C-1.526(a), however, states that for the combining of 2 or more cluster developments in the same zone, "The planning board may waive the minimum areas specified in subsection 59-C-1.532 if the tract abuts an existing cluster development in the same zone and approval of the proposed subdivision will make possible a compatible extension thereof." The applicant believes, and staff agrees, that since the subject property abuts two other cluster developments in the same zone, Section 59-C-1.526(a) applies. The proposed subdivision will provide a compatible extension of the Damascus Hills and the Seneca Springs subdivisions.

Environmental Planning also supports development of the subject property under the cluster method. The proposed plan indicates an average lot size of approximately 1.4 acres (not including the lot for the existing house). The minimum lot size permitted under the RE-2C zone is 25,000 square feet. Although the minimum is desirable in a cluster development, this size is impossible to achieve on lots containing septic fields and reserve septic fields, but sincere efforts were made to reduce lot sizes. The smaller lot sizes allow for forest retention on Lot 3A and on Open Space Parcel A. Open Space Parcel A is entirely forested and includes environmental buffers and steep slopes that will be permanently protected in a conservation easement. The applicant has met the forest conservation threshold on site, which is required under cluster development.

Attachment C – (Applicant's Justification for Waivers)

Attachment D – (Agency Correspondence).

E. Citizen Correspondence and Issues

Proposed requirements for pre-submission meetings prior to plan submissions do not apply to the Stern Property preliminary plan. This plan was distributed to adjacent and confronting property owners and to local civic associations in conformance with the procedures in place at the time of the submission. As of the date of this report, no citizen concerns regarding this application have been brought to the attention of M-NCPPC staff.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Damascus 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 – Vicinity Map

Attachment B – Proposed Development Plan

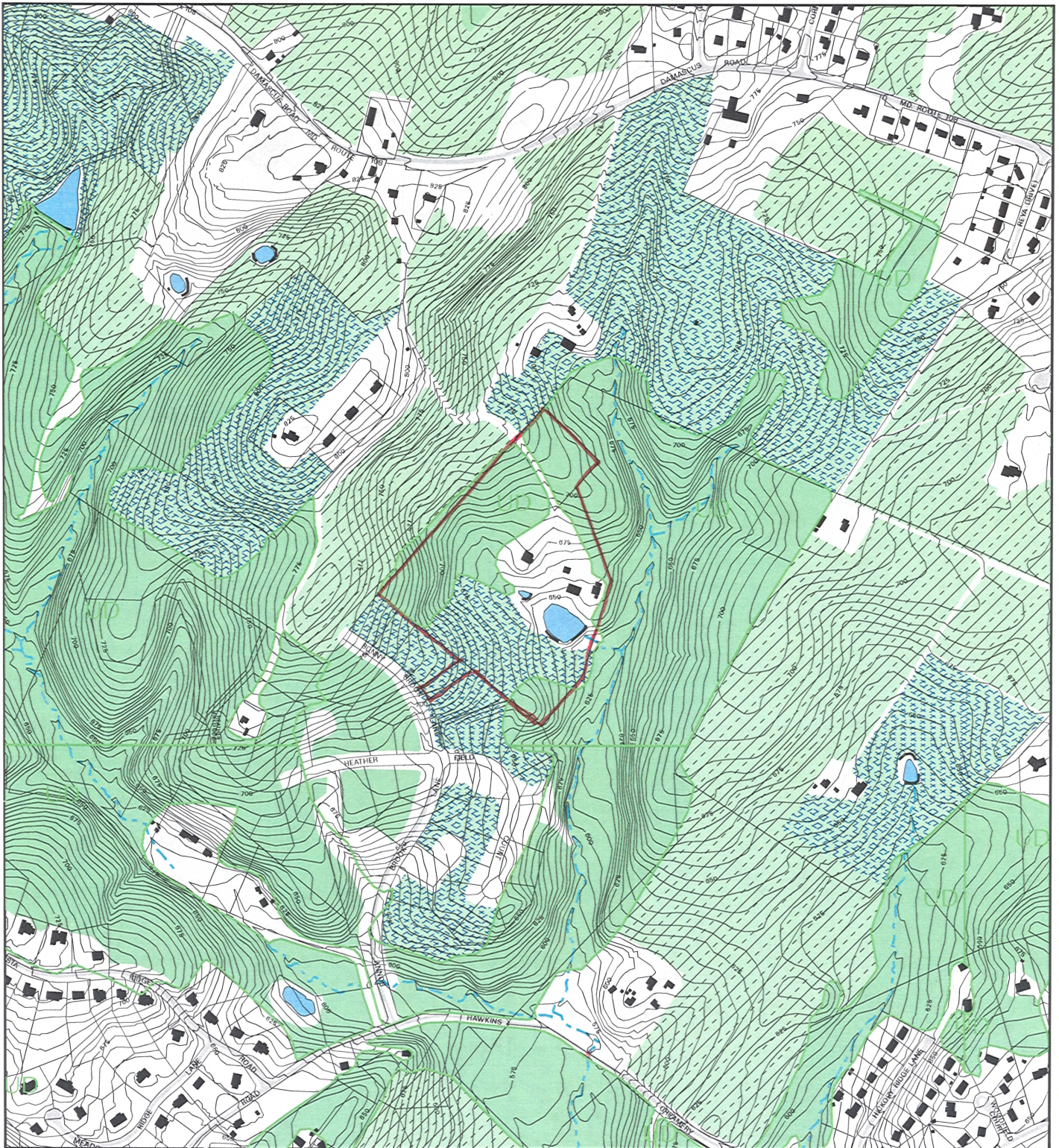
Attachment C – Applicant’s Justification for Waivers

Attachment D – Agency Correspondence

TABLE 1: Plan Checklist and Data Table

Plan Name: Stern Property				
Plan Number: 12001180				
Zoning: RE-2C				
# of Lots: 5				
# of Outlots: 2				
Dev. Type: Cluster				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	25,000 sq. ft.	67,300 sq. ft. is minimum proposed	EG	3/29/07
Lot Width	25 ft.	Must meet minimum	EG	3/29/07
Lot Frontage	25 ft.	Must meet minimum	EG	3/29/07
Setbacks				
Front	40 ft. Min.	Must meet minimum	EG	3/29/07
Side	15 ft. Min., except that a side yard adjoining a boundary of subdivision must not be less than that required for the adjoining zone.	Must meet minimum	EG	3/29/07
Rear	50 ft. Min. from boundary of subdiv.	Must meet minimum	EG	3/29/07
Height	50 ft. Max.	May not exceed maximum	EG	3/29/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	0.4 d.u. per acre	12 dwelling units	EG	3/29/07
TDRs	N/A		EG	3/29/07
Site Plan Req'd?	No		EG	3/29/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street				
Road dedication and frontage improvements	Yes	Agency letter		6/12/06
Environmental Guidelines	Yes	Staff memo		3/21/07
Forest Conservation	Yes	Staff memo		3/21/07
Master Plan Compliance	Yes	Staff memo		3/8/07
Stormwater Management	Yes	Agency letter		12/8/06
ADEQUATE PUBLIC FACILITIES				
Water and Sewer (WSSC)	Yes	Agency Comments		EG
Well and Septic	Yes	Agency Letter		11/22/06
Local Area Traffic Review	N/A	Staff memo		6/5/06
Fire and Rescue	Yes	Agency letter		9/29/06
Historic Preservation	Yes	Agency letter		6/4/06

STERN PROPERTY (120061180)



Map compiled on May 25, 2006 at 8:54 AM | Site located on base sheet no - 236NW09

NOTICE

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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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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



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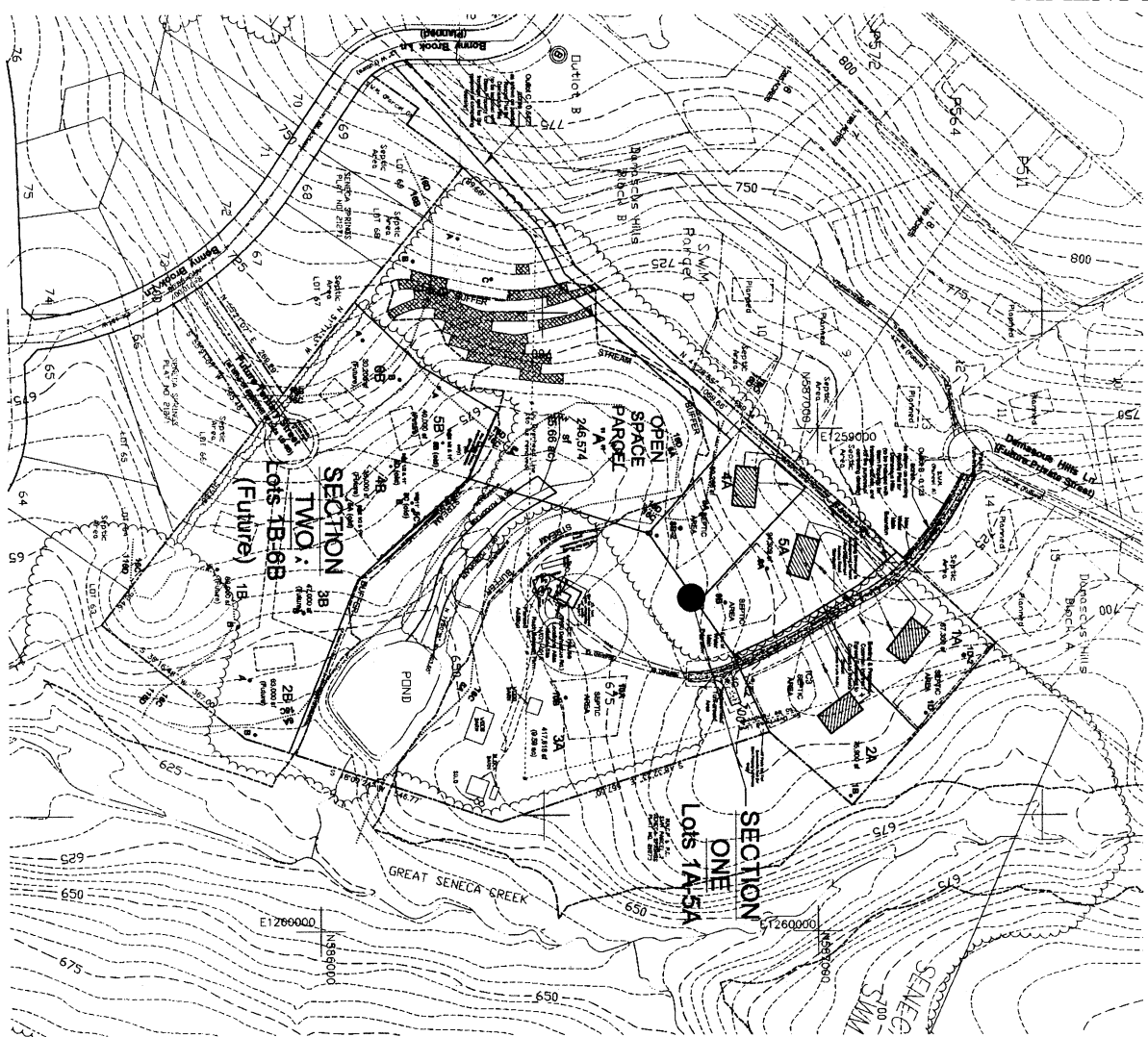
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3425 SHADY LANE
GLENWOOD, MARYLAND 21739
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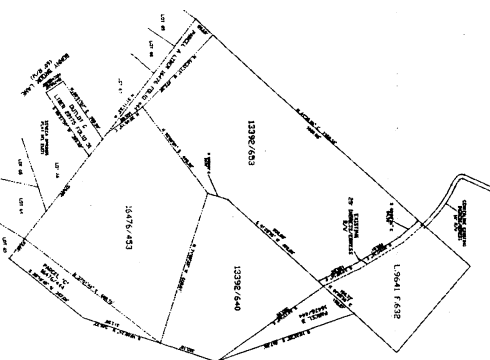
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ZONING STANDARDS:		
ZONE/RE-2C	Req.	Pro.v.
Minimum Area	50 acres	30,034 ac*
Density	0.4 du/ac	0.399 du/ac
Minimum Net Lot Area	25,000 SF	67,300 SF
Min. Lot Width	25'	0'*
Setback from Street	40'	40'+
Setbacks from Other Lot Lines	15'	15'+
Min. Rear Setback from any Boundary	50'	50'+

*waiver requested from minimum area requirement to accommodate with Section 50-29(e)(2) of the Subdivision Regulations. The proposed project is a competitive extension of the existing development.

**waiver of street frontage requirement requested for lots 2A and 3A as permitted in Section 50-29(e)(2) of the Subdivision Regulations.



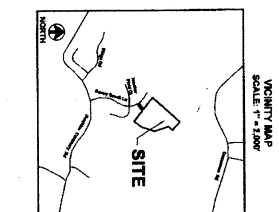
PROJECT AREA:

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ADDITIONAL AREA TO BE CONVEYED FROM DIAMOND HILLS:

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- Lot 99: 13,292 S.W. 433 - 0.0000 ac
- Lot 100: 13,292 S.W. 433 - 0.0000 ac



- NOTES:**
1. AREA OF PROPERTY - 30.034 ACRES
 2. EXISTING ZONING - RE-2C
 3. METHOD OF DEVELOPMENT PROPOSED - CLUSTER
 4. MINIMUM LOT SIZE PERMITTED (Owner) - 25,000 SF
 5. MINIMUM LOT SIZE PERMITTED (Public) - 25,000 SF
 6. SITE TO BE SERVED BY PUBLIC WATER / ON-SITE SEPTIC SYSTEMS
 7. EXISTING SEWER & WATER SERVICE CATEGORIES: S-5, W-5
 8. APPLICATION FOR CATEGORY CHANGE PENDING FOR PUBLIC WATER (W-3)
 9. LOCATED IN GREAT SENECA CREEK WATERSHED / ZSWNWS
 10. UTILITY SERVICE TO BE PROVIDED BY: VICTORIAN, WSSC, Potomac Edison

STERN PROPERTY: Request for waiver of Street Frontage Requirement

Section 50-29(a)(2) of the Subdivision Regulations requires all lots to “abut on a street or road which has been dedicated to public use”. However, the Regulations go on to say “in exceptional circumstances, the board may approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands”. Although the subject property was originally a “land-locked” property with access only by means of a private farm lane through an adjacent property, direct access to a public street and to a private street (as permitted by Section 59-C-1.527 in the RE2C zone) has been made possible through the careful planning of adjacent subdivision developments. Even so, it is still difficult to provide direct frontage on a street for two of the lots (lots 2A and 3A) given the location of those lots relative to the surrounding properties. As such, a waiver of the requirement to provide street frontage to lots 2A and 3A is requested.

The common use driveway to serve as the means of access to the two lots follows the same alignment as the old existing farm lane leading to the existing house in the property. The house, identified as a historic resource by the County, will remain along with other outbuildings located on proposed lot 3A. The use of the old driveway alignment enhances the arrival to the historic house. The driveway which connects directly to the planned private street on the adjacent Damascus Hills subdivision will be improved as necessary to meet Fire Department Access Lane requirements which generally means 20’ of unobstructed width and a suitable dead-end road turn-around. The plans calls for the improvements to the driveway to make the access to lots 2A and 3A and other lots using the driveway safe and adequate. Access to utilities is also provided. In addition, there are no adjacent properties with the potential for subdivision and so the planning of this property has no detrimental on the “future subdivision of adjacent lands”.

For the above stated reasons, a waiver from the street frontage requirement is requested for two lots on the Stern Property.

STERN PROPERTY: Request for waiver of Minimum Area Requirement

Section 59-C-1.532 of the Montgomery County Zoning Ordinance requires a minimum land area of 50 acres for developments in the RE2C zone utilizing the cluster option. The subject property consists of just more than 30 acres of land zoned RE2C and is proposed to be developed into single-family lots using the cluster option of the zone. As such, a waiver of the 50 acre requirement is requested.

The subject property immediately abuts two other cluster development projects located within the same zone. Section 59-C-1.526(a) of the Zoning Ordinance states that “the Planning Board may waive the minimum areas specified in Subsection 59-C-1.532 if the tract abuts an existing cluster development in the same zone and the proposed subdivision will make a compatible extension thereof”. The existing Seneca Springs development (lots fronting on Bonny Brook Lane) was planned to allow for the development of the Stern Property through the creation of an outlot (Outlot C) which provides land for a new street to serve proposed lots 1B-6B. The proposed future lots are similar in size and character to lots in the Seneca Springs subdivision. In addition, a Preliminary Plan was approved recently for Damascus Hills (1-04080) located to the west of the Stern Property. A private street (as permitted by 59-C-1.527) was established to serve RE2C cluster lots for Damascus Hills and for additional anticipated lots on the Stern Property. An existing private driveway will extend from the private street into the Stern Property to provide access to proposed lots 1A-5A. The proposed lots adjacent to the Damascus Hills subdivision are very similar in size and character to lots approved for Damascus Hills.

Section 59-C-1.532 also allows the Board to waive the minimum area requirement “upon a finding that cluster development is more desirable for environmental reasons”. The Stern Property as planned allows for the creation of an open space parcel to provide extra protection to very environmentally sensitive features of the property. The open space parcel includes steep slope areas adjacent to an existing stream, wetland seep areas leading to the stream, and most of the existing forest on the property. Also, by clustering lots on the property, the existing historic resource as shown on proposed lot 3A gains a larger environmental setting than would be possible under standard development.

For the above stated reasons, a waiver from the minimum land area is requested.

**DEPARTMENT OF PERMITTING SERVICES**

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

November 22, 2006

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

FROM: *RCH*
Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-20061180, Stern Property, Lots 1A-5A

This is to notify you that the status of the plan received in this office on November 16, 2006, is as follows:

Approved with the following reservations:

1. 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.
2. All existing buildings to appear on the record plat.
3. Public water service is required.

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

cc:
Surveyor
File



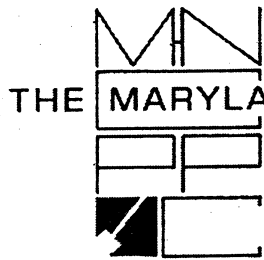
FIRE MARSHAL COMMENTS

DATE: 9-29-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240.777.2436
RE: STERN PROPERTY #120061180

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



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

June 4, 2006

MEMORANDUM

TO: Cathy Conlon, Supervisor
Development Review Division

FROM: Michele Oaks, Senior Planner
Historic Preservation Section

SUBJECT: Review of Subdivision Plans – DRC Meeting, June 5, 2006

The following subdivision plans affect historic properties:

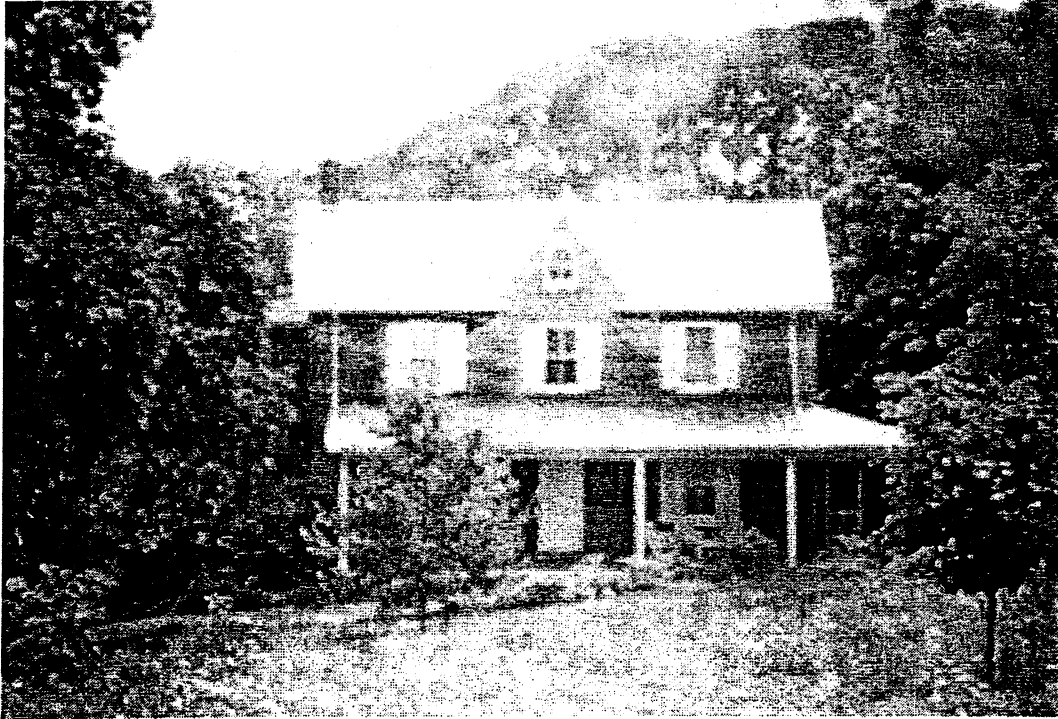
120061180 Stern Property: This entire parcel includes the environmental setting for a Locational Atlas Historic Resource identified as the Rezin Bowman Farm (#11/21). This farm is one of the resources being evaluated for designation under the Damascus Master Plan Amendment. The Historic Preservation Commission and the Planning Board has recommended in favor of its designation. This amendment has been forwarded to the County Council for their evaluation.

This plan as currently submitted addresses the recommended environmental setting requirements outlined in the Master Plan's Preliminary Draft Amendment (see attachment #1). This includes a reduced setting which includes the retainment of the existing driveway, house, outbuildings and landscape features on one parcel of land, which will convey the rural context of this resource. Staff strongly supports the current environmental setting of 9.9 acres.

The applicants have received approval from historic preservation staff for a significant addition onto the historic dwelling (see attachment #2).

We have reviewed the following subdivision plans and found them not to directly impact any Locational Atlas or Master Plan historic resources:

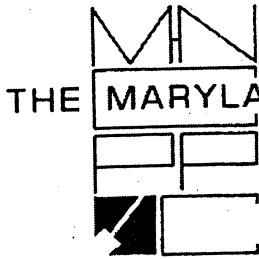
120061140	Fairland Road
720060580	Chevy Chase, Lot 36A
120061160	Athey Property
120061150	Boland campus Development
120061100	Stanmore
720060570	Congressional Forest Estates
120061190	Miller Property
120061120	Glen Echo Heights
120061130	Nehouse Property
120061170	Causey Property
120061110	Jackson's Acres
12000087A	Montgomery County Conference Center

Resources Recommended for Designation on the *Master Plan for Historic Preservation***11/21 Rezin Bowman Farm, 9190 Main Street**

The Rezin Bowman Farm was established at the headwaters of Great Seneca Creek. The farmstead is significant for its collection of buildings that represent an evolution of construction. By 1850, Aden Bowman (1787-1868) owned 520 acres of land and resided on this farm. He built the bank barn sometime after he acquired this land in 1827. Typical of successful farmers of the era, he grew a principal crop of tobacco, had diverse livestock, and grew corn, oats and wheat. His son, Rezin H. inherited the farm that he maintained through the century. The center cross gable dwelling represents a house type that was popular in Montgomery County from the post Civil War era through the early 20th century. Claude Burdette continued the farm by introducing dairy cows, housed in the 16-cow dairy barn built by 1939.

CRITERIA: 1a, 1c, 2a and 2d.

ENVIRONMENTAL SETTING: 25.86 acres (P915). A reduced setting shall include the dwelling house, corn crib, bank barn, dairy barn and milk house. The house faces north and the vista of the house from the northwest driveway approach is a significant feature. The environmental setting should include a reasonable buffer so the physical attributes herein described convey the rural context of this resource. The property may include a cemetery, described in Aden's 1868 will.



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

November 15, 2005

Reggie Jetter
Department of Permitting Services
255 Rockville Pike
Rockville, Maryland 20850

RE: Major addition construction at 9190 Damascus Road, Damascus
Locational Atlas Resource #11/21 Rezin Bowman House and Cemetery

Mr. Jetter:

I am writing you this letter in response to my review of the construction drawings for the above-referenced project. As the attached drawings indicate, the property owners would like to construct a major addition onto the existing historic house. As this addition does not alter any of the historic fabric on the original massing of the house, we do not consider this project a substantial alteration and recommend that it not require formal review by the Historic Preservation Commission.

Please accept this letter as our formal recommendation for this applicant to proceed with the building permitting process without further review by the Historic Preservation Commission. If you have any additional questions, please do not hesitate to contact me. Thank you so much for your continued support of our program and your assistance in this matter.

Sincerely,

Michele Oaks, Senior Planner
M-NCPPC
Historic Preservation Office

Cc: Gwen Wright, Supervisor, HPO



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

MEMORANDUM

TO: Erin Grayson, Senior Planner, Development Review
Cathy Conlon, Supervisor, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning Division *MP*

DATE: March 21, 2007

SUBJECT: Preliminary Plan 12006118
Stern Property

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

1. Compliance with the conditions of approval of the preliminary forest conservation plan.
2. A category I conservation easement must include all stream buffers, wetlands and wetland buffers, environmental buffers, and retained and planted forests.

Background

The 30.03-acre property is located near the existing terminus of Bonny Brook Lane outside of Damascus and includes 13.5-acres of existing forest. There is a stream and in-stream pond that bisects the property. There is 7.34 acres of stream buffer, 3.2-acres of wetlands and wetland buffers, and steep slopes on the subject property. Currently, there is one existing single-family residence, and associated out buildings, on the subject property and the plan is to retain this structure. The entire property is in the Great Seneca Creek watershed, a Use I water.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on April 6, 2006. The applicant submitted a revised NRI/FSD and Environmental Planning staff approved that plan on October 19, 2006. The revised NRI/FSD was submitted because the original NRI/FSD and the preliminary forest conservation plan submitted were not consistent in terms of tract size and acreage of existing forest. The site includes a stream, in-stream pond, and wetlands. In total there are 7.34-acres of environmental buffers on the subject property. No encroachments into the environmental buffers are proposed with this preliminary plan of subdivision.

Forest Conservation

There are 13.5-acres of existing forest in four distinct forest stands on the subject site. Black cherry, red maple, and tulip popular trees dominate all stands. The primary distinction between the stands is the age and size of the trees in each stand and the stand location relative environmental buffers and contiguous forests on adjacent properties. There are 5 trees 24 inches in diameter and greater on the subject property. All trees 24 inches in diameter and greater are shown as retained in the preliminary forest conservation plan.

The development is proposing to utilize an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County code. This section of the code requires developments utilizing an optional method of development to either retain or plant a certain percentage of the net tract area in forest on site. For this particular plan, 25 percent of the net tract must be in retained forest or planted to meet the 25 percent threshold. The preliminary forest conservation plan indicates the removal of 5.46 acres of forest and the preservation of 8.04 acres of forest. This generates a 0.83-acre forest-planting requirement, which will be met by planting on site.

All retained and planted forest will be protected in a category I conservation easement. The preliminary forest conservation plan submitted satisfies the requirements of 22A-12(f) of the Montgomery County code through a combination of retained and planted forest.

Cluster Justification

The applicant is proposing to develop the property as a cluster development and requires an environmental justification for the cluster because the property is less than 50 acres in size. Environmental Planning supports this cluster development plan. The plan submitted indicates an average lot size of approximately 1.4 acres (not including the lot for the existing house). The minimum lot size permitted under the RE2C zone is 25,000 square feet. This size is impossible to achieve on septic lots because of the need for primary and backup septic fields. Environmental Planning believes sincere efforts were made to minimize lot sizes especially since the average lot size is less than 2 acres. The smaller lot size for this septic plan allows for forest retention in an open space parcel and on the one large lot. The 5.66-acre open space parcel proposed for this subdivision is entirely forested and includes environmental buffers and steep slopes that will be permanently protected in a conservation easement. The cluster development requires the application to meet the forest conservation threshold on site, which this plan does.

RECOMMENDATION

Environmental Planning recommends approval of the preliminary plan of subdivision with the conditions stated above.



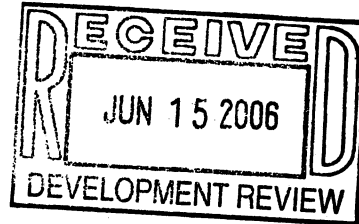
DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

June 12, 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 #1-20061180
Stern Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 05/11/06. This plan was reviewed by the Development Review Committee at its meeting on 06/05/06. 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/label 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.
Also show where existing common driveway (future private Damascus Hills Lane) ties to on the preliminary plan and clarify who will build the private road.
2. Necessary dedication for Bonny Brook Lane 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. We did not receive conceptual road profiles for the new public street. As a result, we are unable to offer any comments at this point.
6. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.



Division of Operations

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

7. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
8. Show the locations of the future lots driveways on the preliminary plan.
9. Prior to approval of the record plat by the Department of Permitting Services, submit a completed, executed and sealed DPWT Sight Distances Evaluation certification form, for the existing lot 7B, for our review and approval.
10. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
11. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
12. 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.
13. 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.
14. Access and along Damascus Road (MD 108) as required by the Maryland State Highway Administration.
15. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
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. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
20. 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

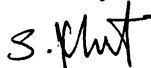
Ms. Catherine Conlon
Preliminary Plan No. 1-20061180
Date June 12, 2006
Page 3

following improvements:

- A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along interior public street ending in a cul-de-sac.
- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. 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.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. 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

m:/subdivision/farhas01/preliminary plans/ 1-20061180, Stern Property.doc

Enclosures ()

cc: David Bernstein, Bethany Homes
David McKee, Benning & Associates
James Brennan, Reed Smith
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

December 8, 2006

Shahriar Amiri
Acting Director

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

Re: Stormwater Management **CONCEPT** Request
for Stern Property/Damascus Hills
Preliminary Plan #: 120061180
SM File #: 226159
Tract Size/Zone: 30.03 acres/RE 2C
Total Concept Area: 30.03 acres
Lots/Block:
Parcel(s):
Watershed: Great Seneca Creek

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 recharge via a combination of a grass swale, dry wells, and disconnection. 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. Provide the design to bring the existing farm pond up to meet current MD – 378 standards for review and 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.

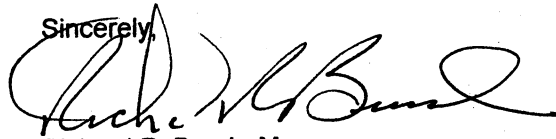
This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically 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 Blair Lough at 240-777-6335.

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 bli

cc: C. Conlon
S. Federline
SM File # 226159

QN -not required; Acres: 30.03
QL - on-site; Acres: 30.03
Recharge is provided