



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

MCPB
Item # _____
April 12, 2007



MEMORANDUM

DATE: March 30, 2007

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, Resubdivision of Existing Lot 4
and Parcel A, Block B Taylor Subdivision

APPLYING FOR: Two one-family detached residential lots

PROJECT NAME: Taylor Subdivision

CASE #: 120060550

REVIEW BASIS: Chapter 50, including Sec. 50-29 (b)(2) and Sec. 50-26(h)(2),
Montgomery County Subdivision Regulations

ZONE: R-90

LOCATION: Located on the south side of Arnet Lane, approximately 440 feet
east of the intersection with Wilson Lane

MASTER PLAN: Bethesda Chevy Chase Master Plan

APPLICANT: Arnet Lane Partners, LLC

ENGINEER: Dewberry

FILING DATE: November 9, 2005

HEARING DATE: April 12, 2007

STAFF RECOMMENDATION: Approval pursuant to Chapter 50 of the Montgomery County Code, including a waiver of Section 50-26(h)(2) pursuant to Section 50-38, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential lots.
- 2) The proposed development must comply with the tree save recommendations included in the “*Tree Preservation Report: Residences at Arnet Lane, Bethesda, Maryland*” by The Care Of Trees Consultants, dated July 20, 2006.
- 3) No demolition, clearing, or grading may occur prior to approval of the Final Tree Save Plan, and completion of required inspections per Section 110 (*Inspections*) of the Forest Conservation Regulations.
- 4) Final Tree Save Plan must incorporate report recommendations on the plan drawing, include an original signature of an ISA Certified Arborist, and show consistency with DPS’ final sediment and erosion control plan.
- 5) The Applicant’s engineer must submit a plan drawing to Environmental Planning Staff which demonstrates and certifies that stormwater run-off leaving the site can be safely conveyed to an approved publicly maintained drainage system. This condition must be addressed prior to DPS’ release of the sediment and erosion control permit for the site.
- 6) The Applicant must comply with conditions of MCDPWT letter dated February 14, 2006, unless otherwise amended.
- 7) Record plat to provide for dedication of 5,007 square feet of right-of-way for Arnet Lane as shown on the preliminary plan.
- 8) Record plat to reflect common ingress/egress easements over all shared driveways.
- 9) The Applicant must comply with the conditions of approval of the MCDPS stormwater management approval dated October 28, 2005, unless otherwise amended.
- 10) 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.
- 11) Other necessary easements must be shown on the record plat.

I. SITE DESCRIPTION:

Lot 4 and Part of Parcel A, the “Subject Property”, is part of the Taylor Subdivision, which was recorded in 1946. The property is located in the Cabin John Creek watershed on the south side of Arnet Lane, approximately 440 feet east of the intersection with Wilson Lane as shown in Attachment A and outlined in yellow in Figure #1. The property contains 0.89 acres and is zoned R-90. A one-family detached residential dwelling currently exists on the Subject Property, which will be removed. The surrounding uses are primarily one-family detached residential dwellings. The property does not contain forests, streams or stream valley buffers. Access to the site is currently from Arnet Lane.



Figure #1 Taylor Subdivision

II. PROJECT DESCRIPTION:

This is an application for a preliminary plan to create two (2) residential lots, for the construction of two (2) one-family detached dwelling units (Attachment B). Access to the site will continue to be directly from Arnet Lane via private driveways. The proposed lots will be served by public water and public sewer.

III. ANALYSIS AND FINDINGS

A. Master Plan Compliance

The Bethesda Chevy Chase 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 existing zoning as adopted and maintain the low-to-medium density residential character. The master plan supports new and infill development that preserves and maintains the integrity of the existing neighborhoods. This preliminary plan includes two (2) one-family detached units, one that replaces an existing dwelling. The proposed resubdivision complies with

the recommendations adopted in the master plan in that it is a request for residential development.

B. Transportation

Local Area Transportation Review

The Subject Property will generate less than 30 peak hour trips and does not require a Local Area Transportation Review (LATR). Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

1. Over Length Cul-de-Sac

Pursuant to Section 50-26 (d) of the Subdivision Regulations, the Board may approve the use of a cul-de-sac when an improved street layout will result because of the unusual shape, size or topography of the subdivision. Unrestricted use of cul-de-sacs shall not be permitted. A cul-de-sac shall not be longer than five hundred (500) feet, measured on its centerline, unless, by reason of property shape, size, topography, large lot size, or improved street alignment, the Board may find a greater length to be justified.

The Subject Property is located on Arnet Lane approximately 440 feet east of the intersection with Wilson Lane. The existing Arnet Lane provides access to and terminates at the Subject Property. In conjunction with the development of the Subject Property, a cul-de-sac configuration is required by the Department of Public Works and Transportation (DPWT) at the terminus of Arnet Lane to create a proper turn-around. The cul-de-sac extends onto and provides access for the Subject Property. The proposed length of the cul-de-sac is approximately 530 feet. Since the cul-de-sac configuration is required as the only option for proper termination of the road, it is justified in that it improves the street alignment and access.

2. Reduced Width Tertiary

Pursuant to Section 50-26 (h) of the Subdivision Regulations, the standard right-of-way width of a tertiary street is fifty (50) feet. However, an applicant may voluntarily submit to site plan review and at that stage the Planning Board may approve a lesser width if it can be demonstrated that: (1) this lesser width is environmentally better; or allows better use of the parcel under consideration. In no case shall the right-of-way be less than twenty-seven (27) feet four (4) inches for two-way traffic and twenty-one (21) feet four (4) inches for one-way traffic.

Due to limitations of the site, the Applicant is requesting a reduced width tertiary for the cul-de-sac. The Applicant contends that a modified width will allow better use of the site and minimize the impervious surface. Arnet Lane is classified as a tertiary street which requires a right-of-way width of fifty (50) feet. The bulb of the cul-de-sac, which

is proposed on the Subject Property, will have a right-of-way width of 45 feet with a full diameter of 90 feet.

Several trees are located at the southern edge of the property which are subject to a tree save plan. The reduced width tertiary will allow placement of the dwellings on the property in a manner which will accommodate the retention of these trees. Otherwise, the full width tertiary of the cul-de-sac will require the dwellings to be placed further south on the property which would be detrimental to the survival of these trees. As such, the reduced width tertiary will enhance the environmental features of the site.

The right-of-way improvements associated with the cul-de-sac include a 21-foot public use easement to accommodate a sidewalk and an 11-foot public improvement easement, as required by the DPWT. These, along with other improvements for the Subject Property, will provide the infrastructure needed for the development of the site. The bulb of the cul-de-sac occupies approximately one-fourth of the property which will limit the location of the proposed dwellings within the building envelope. Given the limitations of the site, and the fact that this property is being required to provide all of the cul-de-sac, the reduced width tertiary minimizes the of land area associated with the road while providing adequate area to accommodate the dwellings. The use of the reduced width tertiary will allow better use of the Subject Property.

C. Requested Waiver of Site Plan

The Applicant is requesting a waiver of site plan review as it applies to the subject preliminary plan. Under Section 50-38 of the Subdivision Regulations, the Board may grant a waiver from subdivision requirements upon the determination that practical difficulties or unusual circumstances exists that prevent full compliance with the regulations. In this case, the Applicant is requesting a waiver of site plan as required by Section 50-26 (h)(2), for a reduced width tertiary street. Without a reduced width tertiary, the cul-de-sac would need full dedication and require acquisition of additional land area from other properties which are not included in the subdivision.

The general purpose of site plan approval is to ensure that development of a site complies with the zoning provisions, to determine compatibility and spatial relationships of structures and uses, to determine adequate circulation, open space, grading and location of public utilities and services, and to protect environmental features. These features have been identified on the preliminary plan, as applicable, and have been reviewed and recommended for approval. Furthermore, Staff has consulted with the site plan review staff to determine whether a site plan will provide more information, which will be useful in the development of the site. It was determined that site plan review relevant to this preliminary plan would prove to be no additional benefit. Staff supports the request for a waiver of the site plan.

D. Environment

Environmental Guidelines

There are no streams, wetlands, floodplains or environmental buffers on the property.

Forest Conservation

This site is exempt from the Forest Conservation Law per #4-04286E as a "Small Property" (less than 1.0 acre in size). Staff has approved a tree save plan for individual trees. Adherence to this plan is required by the conditions.

Stormwater Management

On October 28, 2005, the MCDPS Stormwater Management Section approved the stormwater management concept for the project, which includes drywells, appropriate grading, vegetation stabilization, and drainage, which will be directed away from existing retaining walls.

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. The application meets all applicable sections, including the requirements for resubdivision, as discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

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

Conformance with 50-29B(2)

a.) Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

b.) Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. The applicant has proposed and staff agrees with a neighborhood of 14 lots for analysis purposes as shown in Attachment C and outlined in red in Figure #2. The neighborhood is appropriate because it includes lots along Arnet Lane, and the lots on Wheaton Croft Court that abut the Subject Property. The neighborhood excludes parcels and parts of lots. The neighborhood delineation provides an adequate sample that exemplifies the lot and development pattern of the area.

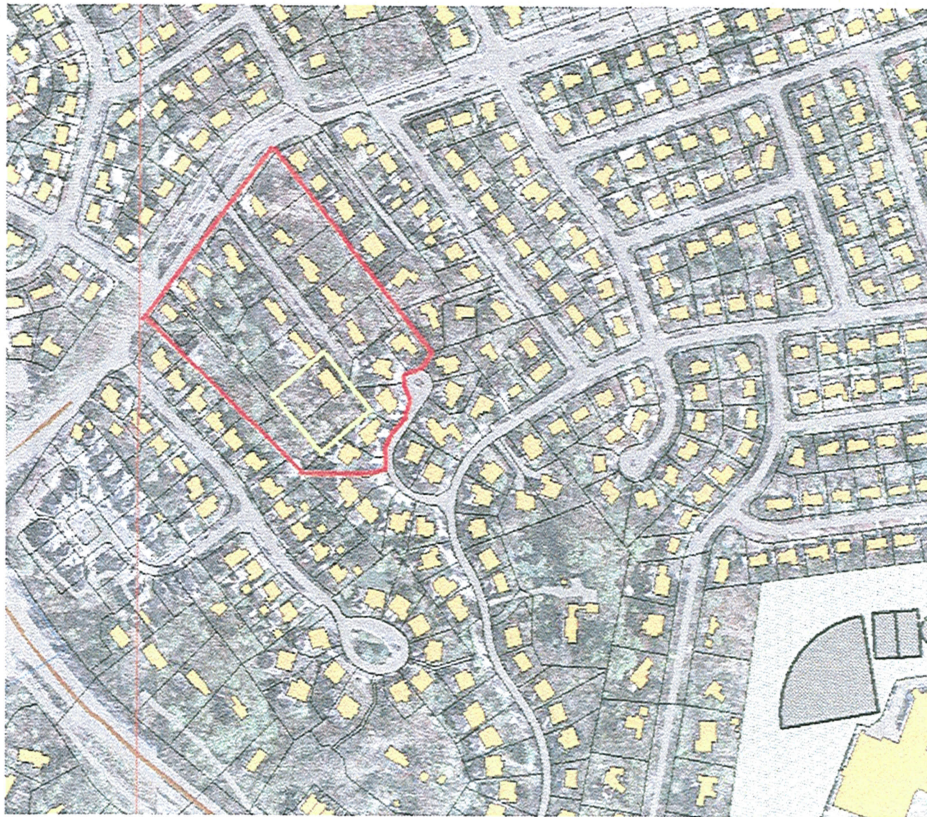


Figure #2 Taylor Neighborhood Delineation Map

c.) Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As set forth below, the attached tabular summary (Attachment D) and graphical documentation support this conclusion:

Frontage: In a neighborhood of 14 lots, lot frontages range from 25.48 feet to 137.36 feet. The proposed lots have frontages of 61 feet and 123 feet. **Therefore, the proposed lot will be consistent in character with other lots in the neighborhood.**

Area: In a neighborhood of 14 lots, lot buildable areas range from 3,479 square feet to 16,734 square feet. The proposed lots have areas of 5,694 and 10,369 square feet. **The proposed resubdivision will be consistent in character with the existing lots in the neighborhood with respect to buildable area.**

Lot Size: The lot sizes in the delineated neighborhood range from 10,042 square feet to 30,119 square feet. The proposed lots will have lot sizes of 14,428 square feet and 19,516 square feet. **Therefore, the lot size of the proposed lots will be of the same character as the existing lots in the neighborhood.**

Lot Width: The lot widths in the existing neighborhood range from 47.54 feet to 116.70 feet. The proposed lots have widths of 112 and 142 feet. Lot 6 will have the greatest width, and is at the highest end of the range of lot widths in the neighborhood. The width of the lot is measured at the front of the dwelling. The proposed dwelling on Lot 6 is depicted on the plan to be placed horizontally on the lot due to the irregular lot shape. This placement of the dwelling creates a greater width, but is not out of character with the other lots in the existing neighborhood. **As such, Lot 5 and Lot 6 will be in character with the existing lots in the neighborhood.**

Shape: The existing lots in the neighborhood consist of one (1) pipestem shaped lot, seven (7) irregularly shaped lots and six (6) rectangular shaped lots. **The plan proposes two irregular lots, which will be consistent in character with the existing lots in the neighborhood.**

Alignment: There is one (1) angular lot in the neighborhood, two (2) corner lots, three (3) radial lots and eight (8) perpendicular lots in the neighborhood. **The plan proposes two (2) radial lots, which will be in character with the other lots in the neighborhood.**

Suitability: The existing lots and the proposed lots are suitable for residential in use.

F. Citizen Correspondence and Issues

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. The Development Review Division (DRD) received a citizen letter expressing concerns pertaining to drainage; limit of disturbance proximity to, and impact on, retaining walls; and privacy trees and other vegetation. The plan was revised to address these concerns, which are described in detail below.

Drainage

The citizen contends that the grading plan will permit significantly greater amounts of water run-off towards the pool on the adjacent Lot 11, Block E.

The proposed grading for the site has been done in a manner that redirects water run-off away from the adjacent swimming pool on Lot 11. The grading shown on the Tree Save Plan shows both a graded swale and piped drainage pickup along the lot line.

Limit of Disturbance Proximity To, and Impact On, Retaining Walls

The limit of disturbance is extremely close to the property lines adjacent to Lots 9 and 10. In particular, it appears to abut the retaining wall at the back of Lot 10. In the citizen letter, the owners of these properties request that their properties not be disturbed by the construction and, if damage to retaining walls or other structures is unavoidable, that they be restored or replaced during the process. The citizens are suggesting that the final limit of disturbance should be moved at least an additional 6 feet from the adjacent Lots 9 and 10.

The limit of disturbance for the site is entirely on the Subject Property. The property must be graded in a manner to direct water run-off away from the swimming pool on the adjacent Lot 11. According to the engineer for the preliminary plan, there is no anticipated disturbance or construction-related impact to retaining walls located on the existing Lots 9 and 10.

Privacy, Trees and Vegetation

Retain existing trees and non-invasive understory where feasible for its screening and aesthetic value between the proposed development and the existing Lots 9, 10 and 11.

All large trees will be lost as a result of this subdivision, due to necessary

displacement by construction of the cul-de-sac, homes, and side entry garages. Some of the existing trees are in poor to fair health which has been magnified by significant growth of invasives on the property. However, a Final Tree Save Plan will be required for review and approval by Environmental Planning prior to development of the site to determine tree save measures for one 16-inch popular tree, two 15-inch cherry trees and one 12-inch pine.

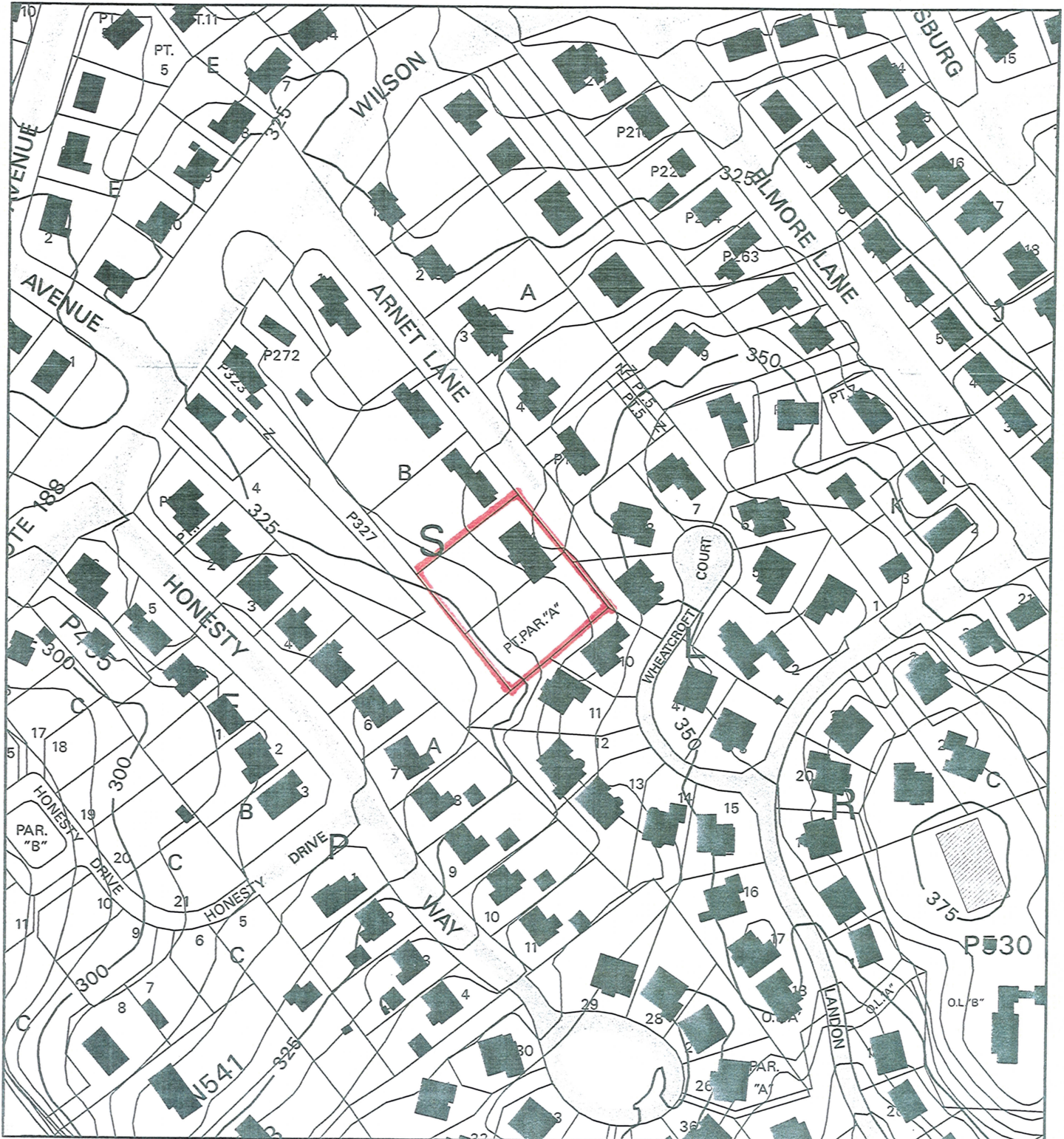
CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots also meet all other requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Bethesda Chevy Chase 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 which have recommended approval of the plan. The requested waiver of the site plan is justified based on the discussion above. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A	Vicinity Development Map
Attachment B	Proposed Development Plan
Attachment C	Neighborhood Delineation Map
Attachment D	Tabular Summary
Attachment E	Data Table
Attachment F	Correspondence

TAYLOR SUBDIVISION, LOTS 5 & 6, BLK.B (120060550)



Map compiled on November 28, 2005 at 2:43 PM | Site located on base sheet no - 209NW06

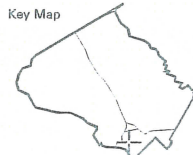
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Key Map



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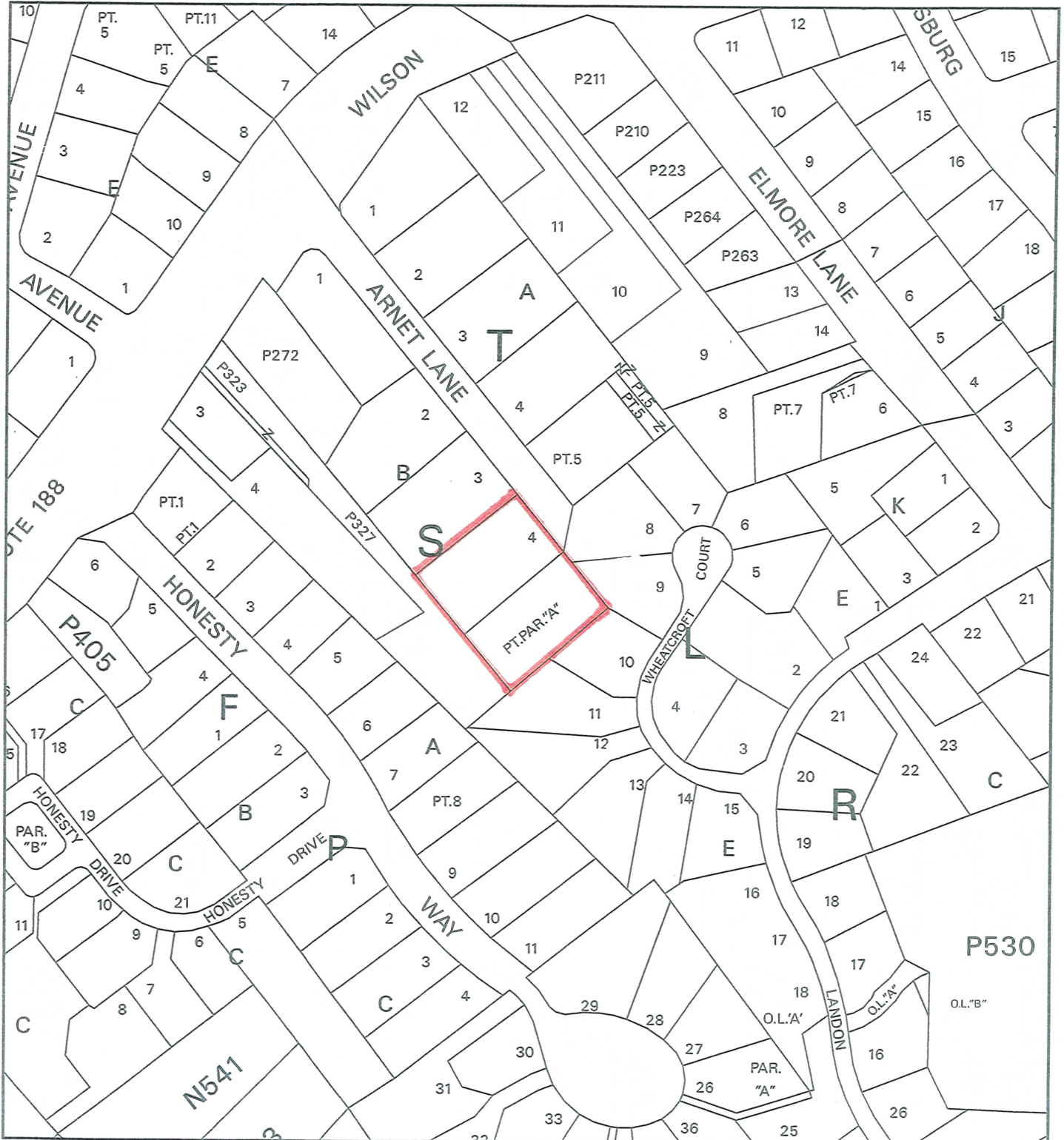


Research & Technology Center

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1 inch = 200 feet
1 : 2400

TAYLOR SUBDIVISION, LOTS 5 & 6, BLK.B (120060550)



Map compiled on November 28, 2005 at 2:40 PM | Site located on base sheet no - 209NW06

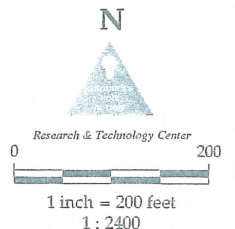
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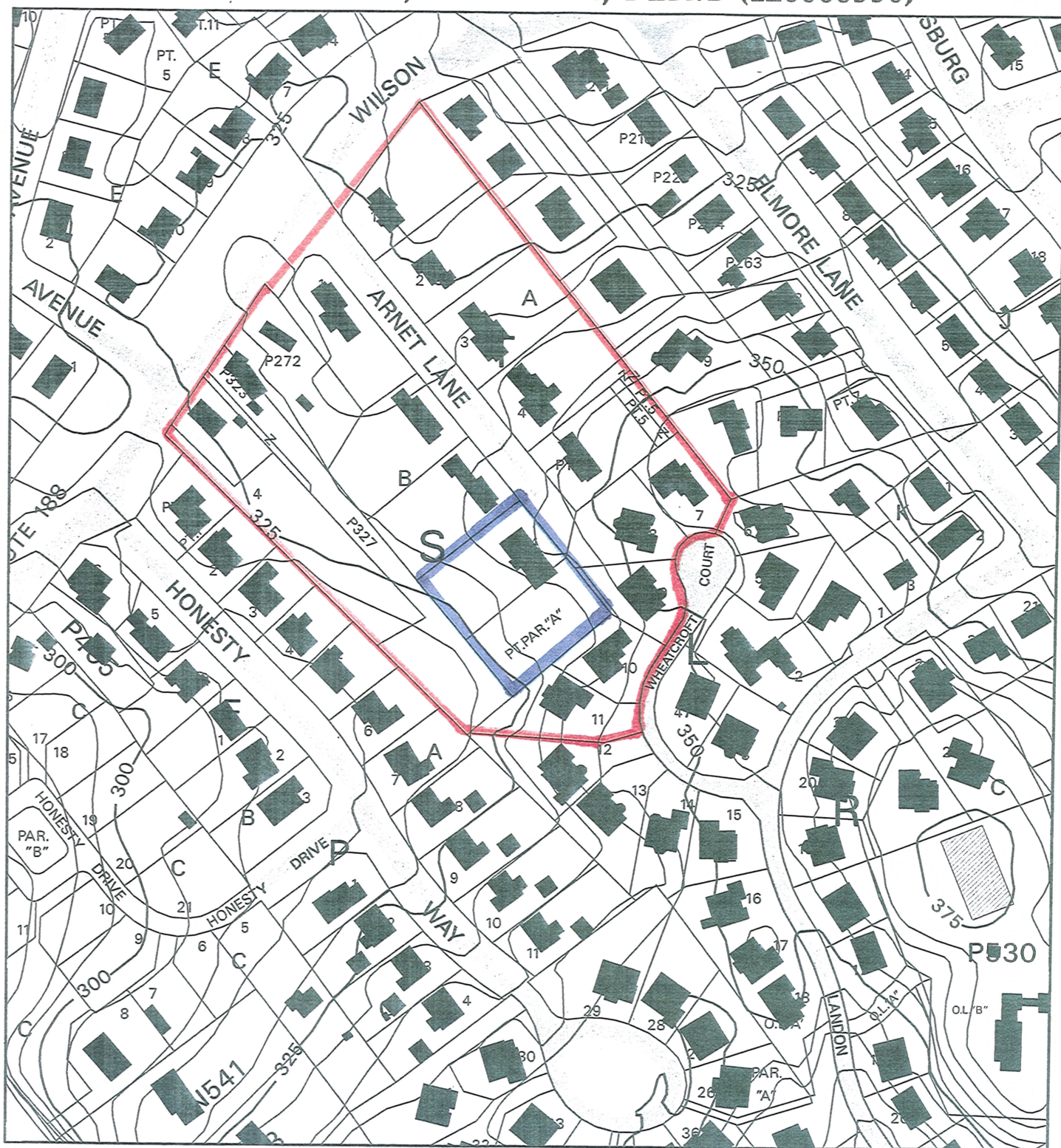
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760



TAYLOR SUBDIVISION, LOTS 5 & 6, BLK.B (120060550)



Map compiled on November 28, 2005 at 2:43 PM | Site located on base sheet no - 209NW06

NOTICE

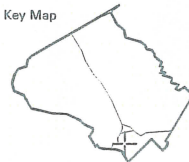
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



Research & Technology Center

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1 inch = 200 feet
 1 : 2400

ATTACHMENT D

Taylor Resubdivision							
Lot	Block	Frontage	Alignment	Size	Shape	Width	Area
11	E	37.28	Angular	14,326	Irregular	47.54	6,060
1	A	82.79	Corner	20,004	Irregular	93.85	7,700
1	B	85.37	Corner	18,365	Rectangular	93.87	5,423
2	A	111.11	Perpendicular	20,000	Rectangular	111.11	10,764
3	A	111.11	Perpendicular	20,000	Rectangular	111.11	10,764
4	A	111.11	Perpendicular	20,000	Rectangular	111.11	10,764
2	B	116.70	Perpendicular	20,010	Irregular	116.70	11,007
3	B	110.00	Perpendicular	20,214	Rectangular	110.00	10,944
10	E	88.38	Perpendicular	10,565	Irregular	104.22	3,479
4		25.48	Perpendicular	30,119	Pipestem	95.94	16,734
3		79.70	Perpendicular	10,042	Rectangular	78.25	3,842
8	E	33.90	Radial	14,234	Irregular	67.50	6,642
7	E	44.70	Radial	11,277	Irregular	82.76	4,893
9	E	137.36	Radial	11,426	Irregular	107.93	3,988
Proposed Lots							
5	B	123.00	Perpendicular	14,428	Irregular	112	5,694
6	B	61.00	Perpendicular	19,516	Rectangular	142	10,369

Preliminary Plan Data Table and Checklist

Plan Name: Taylor Subdivision				
Plan Number: 120060550				
Zoning: R-90				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: 2 one-family detached dwelling units				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	9,000 sq.ft.	14,428 sq.ft. is minimum proposed	<i>DMH</i>	Sept. 21, 2006
Lot Width	75 ft.	Must meet minimum	<i>DMH</i>	Sept. 21, 2006
Lot Frontage	25 ft.	Must meet minimum	<i>DMH</i>	Sept. 21, 2006
Setbacks				
Front	30 ft. Min.	Must meet minimum	<i>DMH</i>	Sept. 21, 2006
Side	8 ft. Min./ 25 ft. total	Must meet minimum	<i>DMH</i>	Sept. 21, 2006
Rear	30 ft. Min.	Must meet minimum	<i>DMH</i>	Sept. 21, 2006
Height	35 ft. Max.	May not exceed maximum	<i>DMH</i>	Sept. 21, 2006
Max Resid'l d.u. per Zoning	3 dwelling units	2 dwelling units	<i>DMH</i>	Sept. 21, 2006
Site Plan Req'd?	No	No		Sept. 21, 2006
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		<i>DMH</i>	Sept. 21, 2006
Road dedication and frontage improvements	Yes		DPWT	February 14, 2006
Environmental Guidelines	Yes		Environmental Planning Memo	Sept. 20, 2006
Forest Conservation	Exempt		Environmental Planning Memo	Sept. 20, 2006
Master Plan Compliance				Sept. 21, 2006
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		DPS Memo	October 28, 2005
Water and Sewer (WSSC)	Yes		WSSC memo	December 5, 2005
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		MCDFRS	April 4, 2006

CORRESPONDENCE

Sally Moskowitz
7624 Wheatcroft Court
Bethesda, Maryland 20817
(301) 320-4113

Date: Monday, December 05, 2005

Fax To: Ms. Delores Kinney
Developmental Review Division
Of the Department of Park and Planning
Montgomery County, MD

Fax No: 301-495-1306

Fax From: Mr. and Mrs. Melvin Moskowitz / 7624 Wheatcroft Ct.
Mr. and Mrs. Ziad Idriss/ 7620 Wheatcroft Ct.
Mr. and Mrs. Richard Wilhelm/ 7616 Wheatcroft Ct.

Re: Taylor Subdivision, Lots 5 and 6, Block B
Plan # 120060550
Zoning: R-90
Location: Arnet Lane 440 Feet East of Wilson Lane

Cover plus 4 pages

December 4, 2005

Maryland-National Capital Park and Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring MD 20910

Dear Sir:

We are writing to express our concerns regarding the upcoming development area cited in the Preliminary Plan Number 120060550 forwarded to us by Dewberry & Davis, LLC, which is presumably supporting the planning process. We, the undersigned own the three houses (Lots 9, 10 and 11, Block E on Wheatcroft Court) adjacent to this development. The plan addresses the Taylor Subdivision, Lots 5 and 6, Block B, currently zoned as R-90, and located on Arnett Lane, 440 feet east of Wilson Lane.

None of us opposes the redevelopment of this land, and we would look forward to welcoming the new residents to the neighborhood. This notwithstanding, we have some concerns and questions relating to the plan as it currently exists:

- Drainage. It appears that the grading plan will direct significantly greater amounts of run off water toward the storm drainage system located toward the rear of the residential swimming pool in Lot 11, Block E. The current owner of that property is concerned, unless provisions to the contrary are made (not currently visible in the plan), that this water will overwhelm the current drainage system and dump water into the pool, destroying its chemical balance and contaminating it for swimming after heavy rains. We would appreciate knowing the water runoff accommodation plan.
- Line of Disturbance Proximity and Impact on Retaining Walls. The line of demolition is extremely close to the property lines adjacent to Lots 9 and 10. In particular, it appears to abut the retaining wall at the back of Lot 10. The owners of these properties request that their properties not be disturbed by the construction and, if damage to retaining walls or other structures is unavoidable, that they be restored or replaced during the process. We would appreciate moving the line of disturbance an additional 6 feet from the adjacent Lots 9 and 10.
- Privacy, Trees and Vegetation. There is a balance between the screening and nuisance aspects of the network of trees and vegetation which currently exists on the property being developed near the property lines of Lots 9, 10 and 11. The trees and vegetation are generally not maintained, in some cases

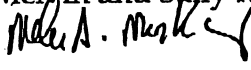
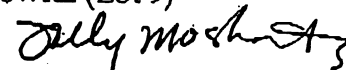
overhang or aggressively invade our properties, drop debris and leaves onto all three properties and into the pool on Lot 11. In one instance in the past, a tree from the property being developed fell onto the house on Lot 10, causing considerable damage. On the other hand, these trees and vegetation provide screening that, if removed, would negatively impact the privacy of property owners on both sides of the property line. For this reason, we request that the developers plan include provisions which retain the screening value of that which we have now, but that the trees and ground cover vegetation be well maintained and the plan, including fencing if used, possess aesthetic properties consistent with the neighborhood.

We would value a discussion with the developer on the points raised above. Additionally, we further request that we be advised of any changes to the plan as it moves forward. Our remaining concern is that the construction work be scheduled such that noise from the construction site is limited to weekdays and normal working hours. As one would expect in any neighborhood, we ask that we not be subjected to construction disturbances on the weekends and weekdays during very early morning and evening hours.


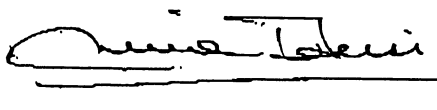
We look forward to moving forward together in the spirit of cooperation and coordination.

Very truly yours,


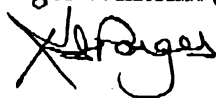
Melvin and Sally Moskowitz (Lot 9) :

Ziad and Nina Idriss (Lot 10)

Richard and Shelly Porges Wilhelm (Lot 11)

Copy to:

Mr. and Mrs. Melvin Moskowitz
7624 Wheatcroft Court
Bethesda MD 20817

Dr and Mrs. Ziad Idriss
7620 Wheatcroft Court
Bethesda MD 20817

Mr. Richard and Ms Shelly Porges Wilhelm
7616 Wheatcroft Court
Bethesda MD 20817

Arnett Partners LLC
Mr. Richard Smith
Mr. Jerry Moyer
6705 Persimmon Tree Road
Bethesda MD 20817

October 5, 2006

Catherine A. Conlon
The Maryland-National Capital Park and
Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Preliminary Subdivision Plan
120060550, Waiver of Overlength
Tertiary Cul-De-Sac; Waiver of Sidewalk

Dear Ms. Conlon:

The purpose of this letter is to request a waiver per Section 50-38 of the Montgomery County Code to the following sections of the County Code:

- 50-26(d): cul-de-sac longer than 500 feet.
- 50-26(h)(3): sidewalks on a tertiary street.

(Also see the accompanying letter requesting use of a reduced-width tertiary cul-de-sac and waiver of site plan.)

1. *Section 50-26(d): A cul-de-sac shall not be longer than five hundred (500) feet, measured on its centerline, unless by reason of property shape, size, topography, large lot size, or improved street alignment, the Board may find a greater length to be justified.*

The subject property is served by Arnet Lane. When the cul-de-sac "bulb" is added at the end of this street, as requested by MCDPW&T, the street length along the centerline to the end of the bulb will be approximately 580 feet. The existing dead end street is approximately 500 feet long. The road improvement will increase its length beyond the 500-foot maximum. Because the subject property is located in an area bordered on all sides by developed property, with existing Arnet Lane fronting the subject property on the north, the only access is Arnet Lane.

Accordingly, a waiver of length is justified for Arnet Lane to provide access to the subject property.

2. *Section 50-26(h)(3): Sidewalks must be provided on both sides of a tertiary street unless the Planning Board waives the requirement for one or both sides of the street, based upon a finding that pedestrians will be able to safely use the roadway.*

The proposed cul-de-sac, required by MCDPW&T, at the end of Arnet Lane is proposed to fit within a narrow opening of the subject property where the property fronts on Arnet Lane. If a sidewalk is provided on the cul-de-sac, there is not adequate room for the required 10-foot-wide public utility easement (PUE). To provide the cul-de-sac with a PUE requires that the requirement for a sidewalk around the cul-de-sac be waived. (See enclosed copy of Preliminary Plan.)

Ms. Catherine A. Conlon
RE: Preliminary Subdivision Plan
Waiver of Overlength
Tertiary Cul-De-Sac; Waiver of Sidewalk

October 5, 2006

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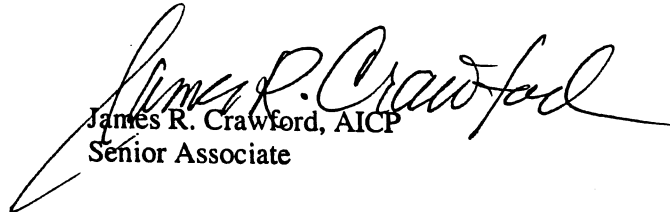
Existing Arnet Lane is an open-section road approximately 16 feet wide with no sidewalks. The road was built about 1950. Nine houses front on Arnet Lane including one on the subject property. This house is proposed to be removed and two houses would be built on the subject property. The maximum number of houses, therefore, fronting on the road would be ten. Arnet Lane carries and will carry minimal traffic. There is no sidewalk on the road as noted and there is no capital improvements project to provide a sidewalk. A sidewalk on the cul-de-sac would not connect to any pedestrian facility. Provision of a sidewalk in the existing road is not planned. A sidewalk on the cul-de-sac "bulb" is not needed for pedestrian traffic.

Given minimal traffic on the road pedestrian use of Arnet Lane would be safe. This, coupled with the need to provide a 10-foot-wide PUE in a constrained area justifies the sidewalk waiver in this case.

If you have any questions on this request, or need additional information, please contact us.

Very truly yours,

DEWBERRY & DAVIS LLC


James R. Crawford, AICP
Senior Associate

Enclosure

JRC:mdb

MNCPPC.Catherine Conlon.Preliminary Subdivision Plan 120060550 waiver of overlength tertiary cul-de-sac waiver of sidewalk

cc: Dolores Kinney, MNCPPC staff
Jerry Moyer, Arnet Lane Partners, LLC
Richard Smith, Arnet Lane Partners, LLC

October 5, 2006

Catherine A. Conlon
The Maryland-National Capital Park and
Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Preliminary Subdivision Plan
120060550, Use of Reduced-Width
Tertiary Cul-De-Sac; Waiver of Site Plan

Dear Ms. Conlon:

The purpose of this letter is to request use of a reduced-width tertiary cul-de-sac as provided in Section 50-26(h) of the Montgomery County Code. Additionally, we request a waiver per Section 50-38 of the Montgomery County Code to Section 50-26(h) of the Montgomery County Code which requires site plan review for a reduced-width tertiary street right-of-way. (Also see the accompanying letter requesting waiver of over length cul-de-sac and waiver of sidewalk.)

Background on the street is as follows:

- MCDPW&T requested, at the December 2, 2005, Development Review Committee meeting, that Arnet Lane end in a cul-de-sac. Currently Arnet Lane comes to a dead-end at the subject property.)
- Due to the subject property's narrow frontage on Arnet Lane, a modified cul-de-sac is proposed with a 45-foot radius to back of curb. The back of curb is proposed as the right-of-way line of the street. This cul-de-sac standard is shown as a detail on the preliminary plan and is a modification to Montgomery County Department of Transportation Standard MC-222.01.
- Use of this reduced standard results in the following environmental benefits which would not be possible with the standard 60-foot radius cul-de-sac.
 - The reduced-width cul-de-sac will not extend as far into the subject property as the standard cul-de-sac resulting in less impervious area.
 - The reduced-width cul-de-sac permits the line of disturbance on the western portion of the proposed lots to be setback from 5 feet to 45 feet from the adjacent property line of the Burdick property. (This would not be possible with the standard cul-de-sac.) This permits the following onsite trees to be retained: 16-inch poplar, two 15-inch cherry trees, and a 12-inch pine.

In light of this information, we request approval of a reduced-width tertiary cul-de-sac for the subject property.

Ms. Catherine A. Conlon

RE: Preliminary Subdivision Plan
120060550, Waiver for Reduced-Width
Tertiary Cul-De-Sac

October 5, 2006

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Waiver of the site plan requirement is requested for the following reasons:

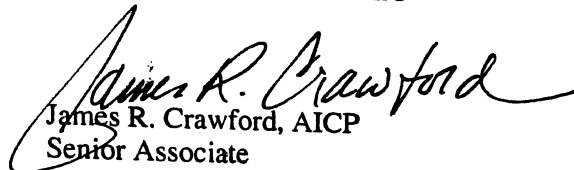
- The reduced-width tertiary cul-de-sac is the only public street standard feasible for this site because of the small site size which cannot accommodate a standard cul-de-sac and two lots. Site plan review would not be productive with regard to cul-de-sac alternatives.
- Due to MNCPPC's heavy site plan review workload, it would not be in the public interest to assign staff to perform a site plan review of this project when subdivision review is adequate to evaluate development of the site.

Accordingly, we request that site plan review be waived for this property.

If you have any questions on this request, or need additional information, please contact us.

Very truly yours,

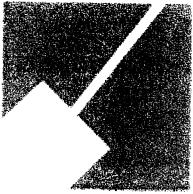
DEWBERRY & DAVIS LLC


James R. Crawford, AICP
Senior Associate

JRC:mdb

MNCPPC.Catherine Conlon.Preliminary Subdivision Plan 120060550 use of reduced-width tertiary cul-de-sac

cc: Dolores Kinney, MNCPPC staff
Jerry Moyer, Arnet Lane Partners, LLC
Richard Smith, Arnet Lane Partners, LLC




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

MEMORANDUM

TO: Cathy Conlon, Development Review

FROM: Stephen Federline, Environmental Planning 

DATE: October 4, 2006

SUBJECT: Preliminary Plan 120060550 (#1-06055)– Taylor Subdivision- Lots #5 and 6 – Block B

RECOMMENDATION

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

- 1) The proposed development must comply with the tree save recommendations included in the “*Tree Preservation Report: Residences at Arnet Lane, Bethesda, Maryland*” by “The Care Of Trees” Consultants dated July 20, 2006. No demolition, clearing, or grading may occur prior to approval of the Final Tree Save Plan, and completion of required inspections per Section 110 (*Inspections*) of the Forest Conservation Regulations.
 - a. Final Tree Save Plan must incorporate report recommendations on the plan drawing, include an original signature of an ISA Certified Arborist, and show consistency with DPS’ final sediment and erosion control plan.
- 2) The Applicant’s engineer must demonstrate and certify that storm water runoff leaving the site can be safely conveyed to an approved publicly-maintained drainage system. This condition must be addressed prior to DPS’ release of the sediment and erosion control permit for the site.

BACKGROUND

The 0.89-acre property is located at the end of Arnet Lane off Wilson Lane in Bethesda in the Use 1 Cabin John Creek watershed. There is one single-family home on the property. The plan proposes removal of the residence, and replacement with two lots and a public cul-de-sac for Arnet Lane. No environmental concerns are evident, although there are a few significant trees (24” to 29”) on the property to be evaluated for protection.

Forest Conservation

This site is exempt from the Forest Conservation Law per #4-04286E as a “Small Property” (less than 1.0 acre in size). The attached exemption approval letter dated 4/23/04 is conditioned on Tree Save Plan approval, which is required per the condition above. All large trees will be lost as a result of this subdivision, either by necessary displacement by construction of the cul-de-sac, homes, and side entry garages, and/or as a result of poor to fair tree

health which has been magnified by significant growth of invasives on the property. However, staff believes a tighter grading of development on Lot #6, facilitated by elimination of one or both side entry garages, would reduce extra grading, imperviousness, and runoff, and best protect some smaller trees along Lots # 9 and 10. A home designed with a front facing, or side entry garage facing the front door, may fit the lot better in this circumstance, and reduce imperviousness.

Environmental Buffers

The site does not include any streams, wetlands, floodplains, or any evidence of environmental buffers on the property. Isolated graded steep slopes with 25% or greater exist at the rear of Parcel A, and onto adjoining properties which may be of concern for stability and runoff conveyance.

Drainage Concerns

The southern corner of the subject property naturally drains towards a low-lying swimming pool on adjoining Lot #11. The grading shown on the Tree Save Plan shows both a graded swale and piped drainage pickup along the lot line to bypass the pool, but the discharge point crosses the backyards of other lots before making its way to a public storm drain system. The Applicant's engineer must formally address this drainage issue prior to DPS' release of the final sediment and erosion control plan.

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ATTACHMENT: Forest Conservation Exemption Letter dated 4/23/04

cc: Ellen Rader, DPS (re: SM file # 220980: concept approved 10/28/2005)

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION RECOMMENDATIONS**

TO: Plan enforcement staff, Development Review Division

SUBJECT: Project Name Taylor Subdivision Date Recd 3/31/04
NRI/FSD # 4-04286E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

X Small Property

X Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

Note: Tree Save Plan, including preservation and/or replanting of individual trees is required in lieu of a FCP where trees are impacted. Forest within any priority area on-site must be preserved.

NOTE: Per section 22A-6(b) of the Forest Conservation Law, Tree Save Plans may be substituted for Forest Conservation Plans on properties where the proposed development is exempt from Forest Conservation except that it involves clearing of specimen or champion trees.

This property will be subject to a Tree Save Plan.

- X** Tree protection measures are required; sediment control permit should not be released until MNCPPC staff has approved the Tree Save Plan.
- X** MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.
- X** **Tree-save plan will be required for M-NCPPC review and approval at the time of preliminary plan review.**

This property is not within a Special Protection Area.

Comments: Staff has not conducted a field review of this site as part of the review of the forest conservation exemption application. Field evaluation of the trees on this site will occur at the time of preliminary plan review.

Signature: Candy Bunnag 
, Environmental Planning

Date: 4/23/04

cc: Boubacar Amadou, Dewberry and Davis (fax: 301-258-7607)



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

October 28, 2005

Ms. Joanne Cheek, P.E.
Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, Maryland 20817

120060550
Re: Stormwater Management **CONCEPT** Request
for Taylor Subdivision
SM File #: 220980
Tract Size/Zone: 0.89 Acre / R-90
Total Concept Area: 0.89 acre
Lots/Block: Proposed Lots 4,5/B
Parcel(s):
Watershed: Cabin John Creek

Dear Ms. Cheek:

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 drywells for the rooftops. Porous pavers or pavement will be used for driveways. The cul-de-sac drains along a non-standard open section roadway. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

Please submit a revised stormwater management concept for water quantity and water quality control for review and approval. All submissions must be accompanied by a resubmittal application. The revised submission must incorporate the following items:

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. The drainage path along Arnet Road to the storm drain grates along Wilson Lane is to be stabilized as needed.
5. The pooling of drainage in front of 6700 Arnet Lane near Wilson Lane is to be alleviated via grading or a yard inlet that will drain to the nearby storm drain grate.
6. Drainage from proposed Lot 5 is to be directed away from the existing retaining wall along Lot 3.

