



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

MCPB
Item # 8
6/7/07



MEMORANDUM

DATE: ~~May 17, 2007~~ Revised May 31, 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: Subdivision of 2 unrecorded parcels into 1 lot for 4,821 square feet of commercial office and retail uses

PROJECT NAME: Dzyak Property

CASE #: 120050670

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: C-1

LOCATION: On Barnesville Road (MD 107), 1000 feet Northwest of Clarksburg Road (MD 121)

MASTER PLAN: Boyds

APPLICANT: William R. Dzyak

ENGINEER: CAS Engineering

FILING DATE: January 24, 2005

HEARING DATE: June 7, 2007

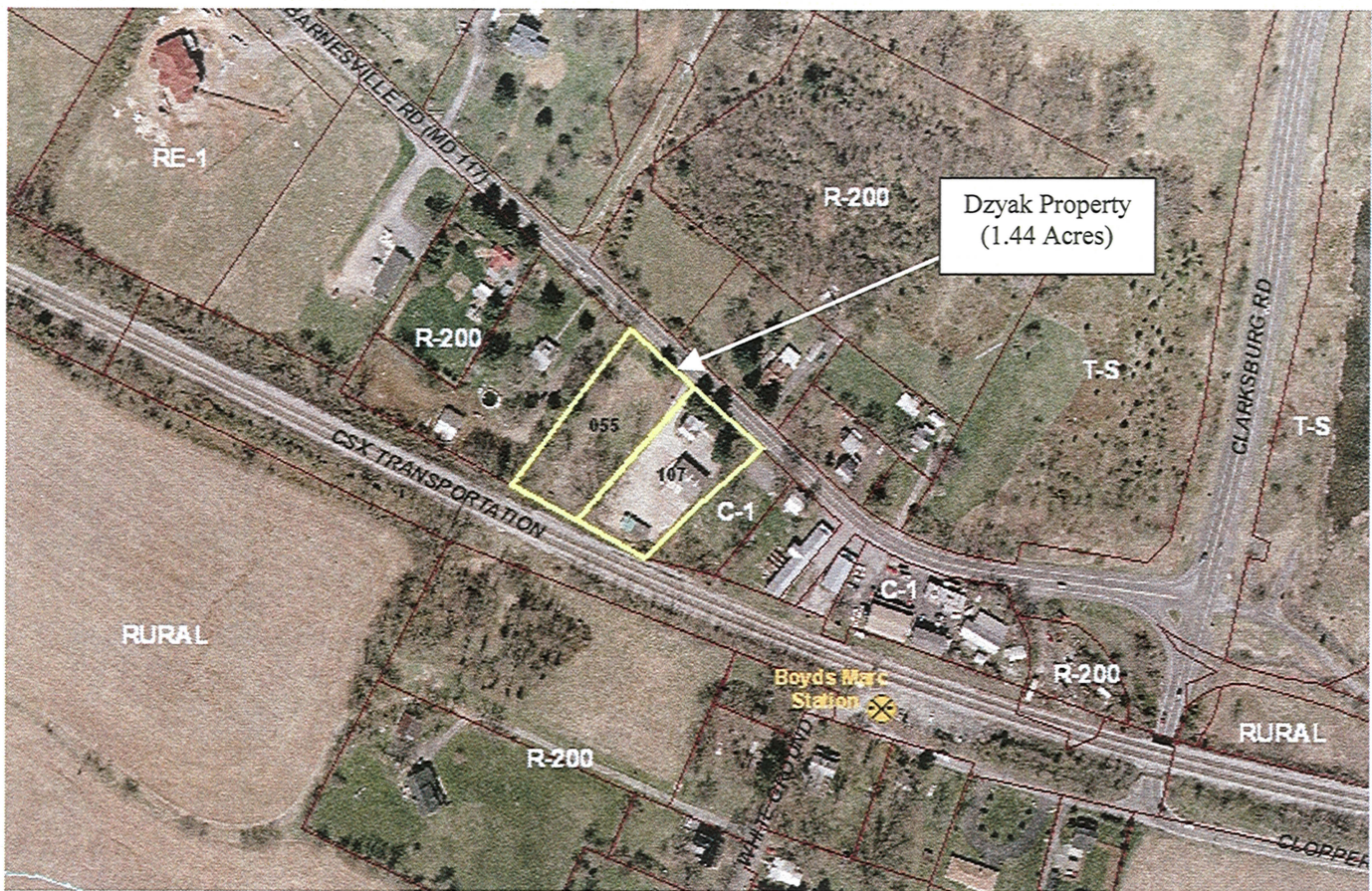
RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2,871 square feet of office space, and 1,950 square feet of retail.
- 2) Record plat to reflect dedication of 40 feet of right-of-way for Barnesville Road (MD 107) along the property frontage.
- 3) Record plat to reflect the environmental setting designated by the Historic Preservation Commission (HPC) and any other requirements of the HPC.
- 4) Any proposed construction, alteration of existing structures, or grading within the boundary of the Boyd's Historic District will require review and approval through the Historic Preservation Commission's Historic Area Work Permit process.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval letter dated July 12, 2006.
- 6) The applicant must comply with conditions of MCDPS (Health Dept.) septic approval dated March 2, 2007.
- 7) Access and improvements for Barnesville Road (MD 107) as required to be approved by Maryland State Highway Association (SHA) prior to issuance of access permits.
- 8) The applicant must comply with the SHA letter dated May 25, 2007.
- 9) 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.
- 13) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The subject property, pictured on the following page and in Attachment A (Vicinity Map), consists of Parcels 107 and 55 in the Master Plan Historic District of Boyds. Parcel 55 is 34,303 square feet in size and Parcel 107 is 28,352 square feet, for a total of 1.44 acres. The subject property is located 1000 feet northwest of the intersection of Barnesville Road (MD 117) and Clarksburg Road (MD 121). The property is zoned C-1 and adjacent zoning includes C-1 east of the site, and R-200 west, north and to the south across the CSX Transportation Railroad tracks. The site contains an existing 2-story historic wood frame house, located at 15130 Barnesville Road.

The subject property is located in the Little Seneca Watershed. Existing onsite environmental features include specimen trees and steep slopes along the southern boundary of the property.



PROJECT DESCRIPTION

The applicant proposes to combine Parcels 55 and 107 into one lot, 1.27 acres in size, to accommodate two additional commercial structures. The existing historic wood frame house contains 671 square feet of office space. The applicant intends to continue office use in the historic building. In addition to the existing use, the applicant seeks to construct a 2,200 square foot 1-story office building as well as a 1,950 square foot 2-story retail building. A parking lot with 28 parking spaces is proposed to serve the existing historic structure and two proposed buildings. Entry to the parking lot will be provided from Barnesville Road. An existing brick driveway and concrete area are to be removed. Two septic fields are proposed to accommodate the 3 buildings. In order to buffer the property from steep slopes on the southern portion and the CSX rail tracks located nine feet south of the property, the applicant proposes construction of a retaining wall along the southern lot line of the two parcels. Sixty percent of the site will consist of green area.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Boyds Master Plan identifies Parcel 107 and Parcel 55 as part of the historic district of Boyds. The historic building on Parcel 107 is considered a primary historic resource, for it was constructed between 1850 and 1935. The subject property is in the heart of the commercial area of Boyds, located along Barnesville Road between the intersection of Clarksburg Road and the B&O Railroad underpass. The plan recommends, "grouping all of the commercial facilities in close proximity will tend to strengthen and revitalize the whole commercial center of Boyds" and citizens of Boyds desire additional facilities that would provide convenience goods and services at the local scale. The proposed development of Parcels 55 and 107 will increase the availability of goods and services to residents of Boyds within an area identified as appropriate for commercial use. Moreover, the existing historic building will not be altered. The subdivision, as it is proposed, complies with the recommendations adopted in the Master Plan.

Historic Preservation

The Boyds Historic District is a significant resource within Montgomery County because of its cohesive grouping of residential, religious, and commercial structures that are characteristic of a 19th century agricultural town. Founded by Col. James A. Boyd, the town was conveniently located along the B & O railroad for farmers who were transporting produce for shipment. As a result, railroad workers constructed many of the first dwellings in Boyds.

The design, setting, and building materials of the existing buildings in the district have not changed significantly since their original construction. The Boyds Historic District, from its original mill era buildings to its eventual B & O railroad era buildings, very much recalls a sense of place circa 1900 as a rural Maryland agricultural community.

The subject property contains a c1890 dwelling currently utilized as an office, which has been completely rehabilitated by the applicant. The house is a three-bay, cross-gable, frame farmhouse with Victorian detailing. The first story is decorated with a wrap-around front porch with a cut-out picket balustrade, while the second story fashions bargeboard in the gable end, and a box cornice. A two-story gable ell projects from the building's east elevation.

On October 11, 2006, the Montgomery County Historic Preservation Commission reviewed the preliminary plan for the Dzyak Property. The Commission found the proposed improvements acceptable and is recommending approval of the plan with condition #4 specified on page 2 of this report.

Transportation

A traffic statement was prepared by Street Traffic Studies, Ltd. on May 12, 2006. The study concluded that the proposed development will generate 12 morning peak hour trips and 26 evening peak hour trips. The application is not subject to Local Area Transportation Review since the proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours.

The application includes dedication of forty feet of right-of-way from the centerline for Barnesville Road. Installation of a sidewalk along the road was discussed in great detail because

of the commercial zoning of the property and proximity to the Boyds Marc Train Station. In order to preserve the historic district of Boyds, however, such a sidewalk is not supported by the Historic Preservation Commission and, therefore, is not being required by the MNCPPC Transportation Planning staff and SHA.

A 28-space parking lot in the southeast corner of the property is proposed to accommodate customer and employee parking. Access to the lot will be provided from Barnesville Road via a 20 foot-wide access drive. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

The site does not contain any environmentally sensitive areas. The plan is exempt from county Forest Conservation Law since the tract is less than 1.5 acres in size and is not subject to a tree save plan. The site is not within a Special Protection Area.

On July 12, 2006 The MCDPS Stormwater Management Section approved the stormwater management concept for the project, which includes on-site water quality control and onsite recharge via an infiltration trench. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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. 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 proposed subdivision was reviewed for compliance with the dimensional requirements for the C-1 zone as specified in the Zoning Ordinance. The lot 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 whom have recommended approval of the plan (see Attachment D for agency correspondence).

Citizen Correspondence and Issues

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. As a result of significant changes made to the original preliminary plan, adjacent and confronting property owners were sent copies of the most recently revised plan on May 2, 2007. On April 30, 2007, a letter was sent from Jane Nicholson, the adjacent property owner to the west of the Dzyak Property. In her letter, Ms. Nicholson expressed concern over previous tree removal by the applicant, the location of proposed septic fields next to her existing well, and stormwater runoff from the Dzyak Property onto her front and side yard. The applicant met with Ms. Nicholson to discuss these issues. Previous tree removal on the site has been dealt with by

MNCPPC inspectors under a separate enforcement action. Staff spoke with Ms. Nicholson by telephone and explained that the proposed septic field locations meet county standards because they do not encroach within 100 feet of her well. Staff referred Ms. Nicholson to Gene VonGunten with MCDPS well and septic section for any additional questions regarding the septic fields. Staff also explained the stormwater management concept for the site, including the fact that the proposed infiltration trench is not intended to serve as a pond, and relayed that the concept had been determined to be adequate by MCDPS.

CONCLUSION

The two proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Boyds 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

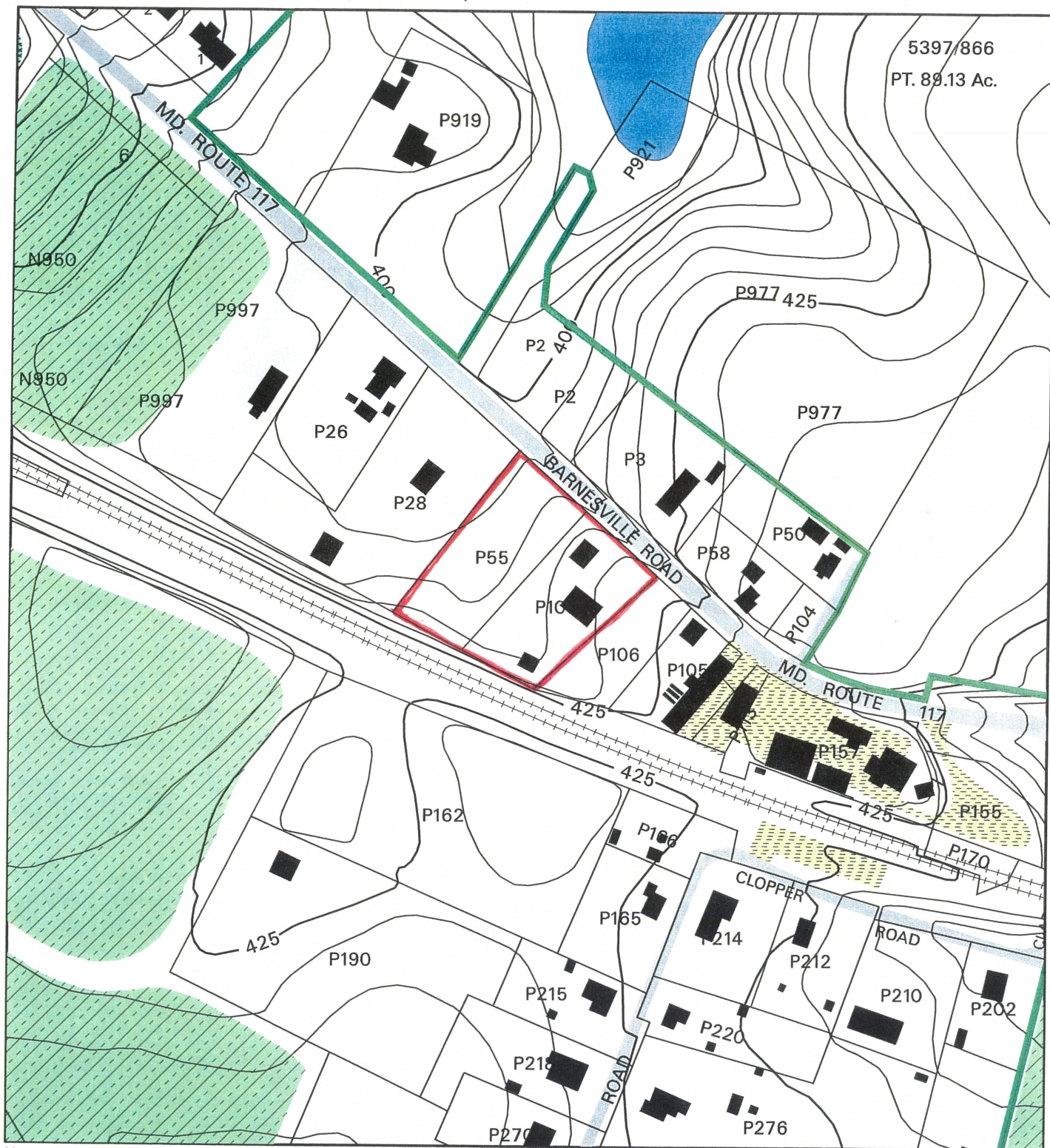
Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan
Attachment C – Agency Correspondence
Attachment D – Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Dzyak Property				
Plan Number: 120050670				
Zoning: C-1				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval the Preliminary Plan	Verified	Date
Minimum Lot Area	Not specified	1.27 acres is minimum proposed	EA	5/17/07
Lot Width	Not specified	242 ft. is minimum proposed	EA	5/17/07
Lot Frontage	Not specified	242 ft. is minimum proposed	EA	5/17/07
Setbacks				
Front	10 ft. Min.	Must meet minimum ¹	EA	5/17/07
Side	Not specified	Must meet minimum ¹	EA	5/17/07
Rear	Not specified	Must meet minimum ¹	EA	5/17/07
Height	30 ft. Max.	May not exceed maximum ¹	EA	5/17/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	Not specified	4,821 sf is proposed	EA	5/17/07
Green Area	10% Min.	60% is proposed	EA	5/17/07
Parking	25 spaces Min.	28 spaces are proposed	EA	5/17/07
Site Plan Req'd?	No		EA	5/17/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		EA	5/17/07
Road dedication and frontage improvements	Yes		Staff memo	2/28/2005
Environmental Guidelines	N/a		Staff memo	2/25/2005
Forest Conservation	Exempt		Staff memo	2/28/2005
Master Plan Compliance	Yes		EA	5/17/07
Historic Preservation	Yes		Agency letter	5/10/2007
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	7/12/2006
Water and Sewer (WSSC)	N/a		EA	5/17/07
10-yr Water and Sewer Plan Compliance	N/a		EA	5/17/07
Well and Septic	Yes		Agency letter	3/2/2007
Local Area Traffic Review	N/a		Staff memo	2/28/2005
Fire and Rescue	Yes		Agency letter	2/12/2007
Other (i.e., schools)				

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

DZYAK PROPERTY (1-05067)



Map compiled on February 15, 2005 at 12:02 PM | Site located on base sheet no - 227NW15

NOTICE

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

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

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

Key Map



Research & Technology Center

0 200

1 inch = 200 feet
 1 : 2400



HISTORIC PRESERVATION COMMISSION

Ike Leggett
County Executive

Jef Fuller
Chairman

May 10, 2007

MAY 14

Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Hanson:

On Wednesday, October 11, 2006, the Montgomery County Historic Preservation Commission (HPC) reviewed a preliminary plan (#1-05067) for the creation of Lot 1 from Parcels 107 and 55 located at 15130/15134 Barnesville Road within the Boyds *Master Plan* Historic District. The property currently contains a c1890 dwelling being utilized as an office, which has been completely rehabilitated by the applicant. The house is a three-bay, cross-gable, frame farmhouse with Victorian detailing. The first story is decorated with a wrap-around front porch with a cut-out picket balustrade, while the second fashions bargeboard in the gable end, and a box cornice. A two-story gable ell projects from the building's east elevation.

The Boyds Historic District is a significant resource within Montgomery County because of its cohesive grouping of residential, religious, and commercial structures that are characteristic of a 19th century agricultural town. Founded by Col. James A. Boyd, the town was conveniently located for farmers along the B & O railroad who were transporting produce for shipment. As a result, railroad workers constructed many of the first dwellings in Boyds.

The design, setting, and building materials of the existing buildings in the district have not changed significantly since their original construction. The Boyds Historic District, from its originally mill era buildings to eventually B & O railroad era buildings, recalls a sense of place, circa 1900, as a rural Maryland agricultural community.

The HPC is recommending that the Planning Board support this proposed plan with the following Historic Preservation related condition:

Any proposed construction, alterations of existing structures, or grading within the boundary of the Boyd's Historic District will require review and approval through the Historic Preservation Commission's Historic Area Work Permit process.

If you have any questions, please feel free to contact Michele Oaks in the Historic Preservation Office.

Sincerely,

Jef Fuller, Chairman
Historic Preservation Commission



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*



John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

May 25, 2007

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

Re: Montgomery County
Dzyak Property
MD 117
Mile Post: 4.80

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates your patience concerning the complex issues associated with the Dzyak property development. We are pleased to provide a decision concerning the SHA recommendation on this development.

This response is intended to outline our position on the proposed 2,200 square foot office building and 1,950 square foot retail building with access from Barnesville Road (MD 117) in the Village of Boyds. As you know, there has been significant discussion regarding the proposed sidewalk has taken place since SHA's March 7, 2007 letter. We have no objection to inclusion of the Dzyak Property development on the next available M-NCPPC Planning Board agenda.

The following comments and chronology are offered for background purposes:

- SHA approved the developer's Traffic Impact Statement in a September 15, 2006 letter with the condition that the developer constructs partial acceleration and deceleration lanes to support the proposed MD 117 entrance.
- The Montgomery County Historic Preservation Commission (HPC) raised objections to the required acceleration and deceleration lanes, as well as the proposed sidewalk, in a November 16, 2006 letter. This appeal was based primarily on HPC's finding that MD 117 is within the Boyds Historic District.
- SHA considered the HPC appeal, completed the necessary design variance forms and notified HPC in a December 18, 2006 letter that SHA would agree to HPC's request and waive the otherwise warranted auxiliary lanes. The sidewalk was requirement that was upheld because M-NCPPC initially recommended sidewalk and because it was very unclear why sidewalk would adversely affect the Historic District.

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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



- SHA conditionally approved the proposed MD 117 entrance location in a March 7, 2007 letter to CAS Engineering. The entrance location received final approval by email on March 18, 2007 to CAS Engineering because the entrance location was shifted far enough west to achieve minimally acceptable sight distance.
- The M-NCPPC Transportation Planning Office recommended that the developer extend the required sidewalk along a paper street to the existing Boyds MARC train station in an April 24, 2007 memorandum to HPC. This extension would provide better pedestrian mobility, and function for the sidewalk.
- It is our understanding that the HPC conditionally approved the proposed office/retail development. One condition requires the developer to construct a 3-foot wide meandering and paved footpath, instead of conventional sidewalk. SHA's American with Disabilities Act (ADA) coordinator reviewed this proposal. The 3-foot wide sidewalk is substandard by SHA's normal practices, primarily because a 5 foot width is typically required except where a situation may require special treatment for a limited distance.
- Since that approval of the 3-foot wide sidewalk path, SHA was notified that the Maryland Historic Trust (MHT) would consider this sidewalk an adverse impact.
- The developer is required to dedicate 7,190 square feet of right-of-way along the development MD 117 frontage to SHA to satisfy the County's Master Plan requirements. Right-of-way dedication typically facilitates future roadway improvements either by the developer or by SHA.
- The SHA conducted a review of the development and sidewalk requirement through our Project Planning Division Historic and Cultural Resources Section. They are in agreement with the conclusions reached by HPC and MHT. This includes the auxiliary lanes and sidewalk within the MD 117 right-of-way, which would also be within the historic district and, therefore be considered an adverse impact.

The SHA has looked at this development and the complex safety and development issues objectively and continued to advocate the MD 117 improvements because of the proposed development activity. SHA routinely requires access related roadway improvements including pedestrian and cyclist accommodation within the right of way as part of the development and access permit process. These efforts generally support SHA's primary goal to provide a safe highway system for all roadway facility users.

In conclusion, the issues for this development are quite complex with conflicting needs that must be balanced. To this end, the SHA agrees that the proposed sidewalk can be deleted from the current plans. Given the proposed uses on this development and from a safety

Ms. Catherine Conlon
Page Three

perspective, a four-foot wide shoulder would be appropriate along the property frontage due to the increased traffic volume to the site. The SHA understands that this shoulder may potentially be considered an adverse impact to the historic district. The SHA recommends that the development be allowed to proceed forward with approval based upon the addition of the four foot wide shoulder with a stipulation that for HPC and MHT concurrence. Roadside safety and historic resources are both very important elements. Therefore, the existing shoulder may remain with appropriate entrance treatments in the event that HPC or MHT determines this shoulder is considered an adverse impact.

If you have any questions, please feel contact me at 410-545-5601, toll free at 800-876-4742 or via email at sfoster1@sha.state.md.us.

Sincerely,



Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: CAS Engineering , 108 West Ridgeville Boulevard, Mt. Airy, Maryland 21771
Mr. Shahriar Etemadi, M-NCPPC
Ms. Michele Oaks, Historic Preservation Commission
8787 Georgia Ave, Silver Spring, Maryland 20910
Dr. Julie Schablitsky
Mr. Jeffrey Wentz
Ms. Kate Mazzara
Mr. Augustine Rebish

**DEPARTMENT OF PERMITTING SERVICES**


Isiah Leggett
County Executive

Reginald Jetter
Acting Director

MEMORANDUM

March 2, 2007

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

FROM: Reginald Jetter, Acting Director
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan: #1-20050670, Dzyak Property, 1 lot

This is to notify you that the status of the plan received in this office on March 1, 2007, 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. Prior to the issuance of a building permit, a septic system covenant must be recorded with the Land Records of Montgomery County – to establish limitations on the future use of the property as it relates to septic system capacity.
4. A Groundwater Appropriations Permit (GAP) must be obtained from the MD Dept. of the Environment (MDE).
5. All existing wells and septic systems to be properly abandoned and sealed.

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

cc: Owner
Surveyor
File



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

TO: SITE INSPECTOR, Development Review Division

SUBJECT: Project Name 15130 + 15134 Barnesville Road
Date Recd January 4, 2005
NRI/FSD # 4-05045E

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:

Small Property

- ☒ Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;
- ☐ 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 is not subject to a Tree Save Plan.

- ☐ Tree protection measures are required; sediment control permit should not be released until MNCPPC staff has approved the Tree Save Plan.
- ☐ MNCPPC inspector must be contacted for pre-construction inspection of tree protection measures and authorization to begin any tree clearing.

This property is not within a Special Protection Area*.

* Properties within a Special Protection Area (SPA) may be required to submit a Preliminary Water Quality Plan. Contact Leo Galanko at MCDPS for information regarding the requirements (240-777-6242).

Signature: 
Mark Pfefferle, Environmental Planning

Date: 1-18-05

cc: James Witmar, for the applicant (Fax 301-607-8045)

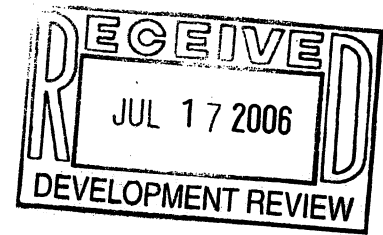


FIRE MARSHAL COMMENTS

DATE: FEBRUARY 12, 2007
TO: JIM OCHS, CAS ENGINEERING
FROM: MARIE LABAW
RE: DZYAK PROPERTY 1-05067

PLAN APPROVED provided the following conditions are met:

1. The size and location of the storage tank as well as a method of connection to the dry hydrant must be approved prior to issuance of any building permits.
-
1. Review based only upon information contained on the plan submitted **02-09-07**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
 2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

July 12, 2006

Mr. Jim Witmer
CAS Engineering
108 W. Ridgeville Boulevard, Suite 101
Mount Airy, MD 21771

Re: Stormwater Management **CONCEPT** Request
for revision to Dzyak Property
Preliminary Plan #: 1-05067
SM File #: 214920
Tract Size/Zone: 1.44 acres/Commercial
Total Concept Area: .55 acres
Lots/Block: NA
Parcel(s): 55 & 107
Watershed: Little Seneca Creek

Dear Mr. Witmer:

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 an infiltration trench. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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 William Campbell at 240-777-6345.

Sincerely,



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

RRB:dm

cc: C. Conlon
S. Federline
SM File # 214920

QN - less than 2cfs; Acres: .55
QL - onsite; Acres: .55
Recharge is provided

Maryland-National Capital Park
And Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

*Chairman
Montgomery County
Planning Board -
for your information*

Subdivision Office
Development Review Division

Re: 15130 & 15134 Barnesville Road
Boys, MD 20841
Dzyak Property

RECEIVED
0570
MAY 15 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Gentlemen:

I am in receipt of the preliminary plan filed on May 2, 2007, with the Montgomery County Planning Board for the above referenced property. My interest is that my property adjoins that of the Dzyak's.

After professional review of the 'preliminary plan', I have some questions I would appreciate being addressed before any public hearing is scheduled.

At this time, storm water from the Dzyak property floods my property every time it rains. I understand from the news last night that we've had only 1/4 inch of rain this month of May, today is the first day in a long time that my driveway doesn't have a puddle of runoff water from the Dzyak property. And yet this 'preliminary plan' calls for the limits of disturbance to be right along our adjoining property line - and it calls for the Dzyak property to be two (2) feet higher than my property. After all this fancy legwork - I'm still to be flooded by storm water runoff from their property?

I will remind everyone concerned with the decisions of what is to be allowed on this property that we are in the Historical District of Boys. With that in mind, I see a proposed infiltration trench to be built right along Barnesville Road. How lovely! The beautiful lake across the street and a mud pond along the road. Is this pond to be a dry pond? Typically, these ponds collect trash - who will put on boots and clean this unsightly mess? I don't see a fence around this pond, surely one is planned for the safety of the children and animals in the area. Again, with a fence surrounding this pond - what a lovely sight along the main road in town down historic Boys.

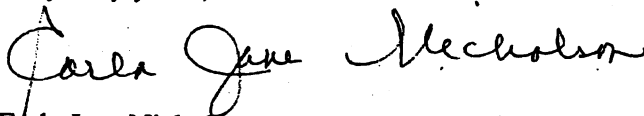
A huge consideration of mine is - my 30 foot hand dug well approximately 65 feet from a 'proposed' septic field on the Dzyak property. One issue I find extremely interesting on this 'preliminary plan' is a one hundred foot radius circle is clearly drawn from the Dzyak property well to the proposed 1,500 gallon septic tank and is therefore farther from the proposed septic fields than one hundred feet. The same kind of circle is drawn from my well, with a line forced to one hundred feet! Was this not supposed to be seen by anyone in the decision making process? It clearly makes me very angry. How

many times do I have to say that I have one well and it is 30 feet deep and it is less than 60 feet from the adjoining property line? Am I stupid – or is it just hoped that I'm that stupid? From this 'preliminary plan' my professional expert cannot determine the direction in which the septic field is draining. Could it be what it looks like, and it is draining directly toward my property which sits lower than theirs?

I also see no discussion of hours of operation to these proposed businesses that could be built right beside my residence. A lot is planned on a very small area encompassing a total of 1.27 acres. I see nothing about a buffer between the properties, just the limit of disturbance coming to the property line. I sincerely hope a buffer is planned. Apparently, the total building height is to be less than 30 feet. I will be looking forward to a fence, and trees at least 30 feet tall.

Thank you for taking time to read my very real concerns. I would appreciate hearing from the person in charge the Montgomery County Planning Board before this 'preliminary plan' goes any farther.

Very truly yours,



Earla Jane Nicholson

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B.C.C. Chairman
Montgomery County
Planning Board