



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

MCPB
ITEM #4
7/5/07



MEMORANDUM

DATE: June 25, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Development Review Division

FROM: Catherine Conlon, Subdivision Supervisor (301) 495-4542
Development Review Division *OK*

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 18 lots for 18 one-family detached residential units

PROJECT NAME: Clement East Property

CASE NO. 120060740

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: Located on the east side of Frederick Road (MD355), approximately 1,600 feet north of Little Bennett Drive

MASTER PLAN: Clarksburg Master Plan & Hyattstown Special Study Area

APPLICANT: Estates of Stephanie J. Clement

ENGINEER: Benning & Associates, Inc.

ATTORNEY: Susan Carter, Miller, Miller & Canby, Chrt'd.

FILING DATE: January 17, 2006

HEARING DATE: July 5, 2007

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to eighteen (18) lots for eighteen (18) one-family detached residential dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The applicant must install a split rail, or other appropriate fence as approved by Environmental Planning staff, along conservation easements on any lot on which a dwelling is constructed within 35 feet of the easement boundary.
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation.
- 5) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) The applicant must place the slope easement area adjoining to the I-270/Corridor City Transitway (CCT) right-of-way dedication, as shown on the preliminary plan, in reservation for a minimum of two years from the date of the Planning Board resolution.
- 7) The applicant must construct an 8 foot wide, shared use path along the MD 355 frontage of the property as shown on the preliminary plan.
- 8) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 9) Record plat to reflect all Homeowners Association ownership areas and specifically identify stormwater management parcels.
- 10) The applicant must comply with conditions of MCDPS (Well and Septic) septic approval dated November 9, 2006.
- 11) The applicant must comply with the conditions of the MCDPS stormwater management approval dated March 15, 2007.
- 12) The applicant must comply with conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated April 18, 2006, unless otherwise amended.
- 13) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and the State Highway Administration (SHA) prior to issuance of access permits.
- 14) 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.
- 15) Other necessary easements must be reflected on the record plat.

I. SITE DESCRIPTION (Attachment A – Vicinity Map)

The Clement East Property is located on the east side of Frederick Road (MD 355), approximately 1,600 feet north of Little Bennett Drive in the Clarksburg Master Plan & Hyattstown Special Study Area. Interstate I-270 runs along the western property boundary. The property is zoned RE-2 and contains a total of 53.55 acres of land. The subject property contains

two existing residential structures. The applicant is planning to remove the structure located at 25320 Frederick Road and replace it with a new single-family residence. The structure located at 25400 Frederick Road will remain in place, but a new septic system will be installed. Both the existing septic systems for the old structures will be abandoned in place.

The site is surrounded by mostly undeveloped land in low-density residential zones. The east and west side of the property are zoned RDT and the north and south sides share the same RE-2 zoning. Residential lots exist south of the property and MNCPPC's Little Bennet Regional Park confronts the property on the east side of MD 355. The entire property is in the Little Bennett Creek watershed, classified as Use I-P waters in this section. There are two onsite streams with associated stream buffers, steep slopes, and forest. The tract includes 17.3 acres of existing forest and 1.28-acres of stream buffer.

II. PROJECT DESCRIPTION (Attachment B – Preliminary Plan)

The proposed preliminary plan creates 18 lots for residential dwellings and one undeveloped outlot that will be placed in reservation for future grading associated with the Corridor Cities Transitway (CCT). The proposed lots will access Frederick Road (MD355) via a new public street, with sidewalk on one side, ending in cul-de-sac. The proposed lot sizes range from 2.0 acres to 4.4 acres. The average lot size for the site is 2.7 acres. The lots will be served by private wells and septic systems.

The project is subject to a forest conservation plan and certain tree save requirements, and proposes on-lot Category I conservation easements to protect existing forest and stream valley buffer area.

III. ANALYSIS AND FINDINGS

A. Compliance with the Clarksburg Master Plan and Hyattstown Special Study Area

The subject property is located in the transition area between Hyattstown and Clarksburg. The Master Plan recommends a "land use pattern which provides a significant amount of open space" to create a "strong rural transition" between the two areas:

The density recommended for the transition area is one unit per two acres. The intent of the density is to maintain a rural character while allowing property owners some flexibility in locating smaller lots (two acres) on better soils. It is anticipated that poor soils for septic systems will preclude an overall density of one dwelling unit per two acres.

The proposed subdivision includes lots ranging in size between 2.0 and 4.4 acres, with the majority of the lots being 2 acres in size. Approximately 28 percent of the lot area will be permanently protected open spaces that include stream valley buffer, steep slopes and forest. This subdivision creates a lower-density residential development with a significant amount of open space that provides the transition envisioned in the Clarksburg Master Plan and Hyattstown Special Study Area.

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. The plan includes construction of a new internal public street with sidewalk on one side, and construction of the master plan recommended shared use bike path along the MD 355 frontage. SHA has reviewed the proposed plan based on the projected trip distribution entering and exiting of the 18-residential lot development, and the 40 MPH posted speed limit along MD 355. They will require a 250-foot partial deceleration lane (150' lane, plus a 100' full width taper) and 250-foot partial acceleration lane (100' lane, plus a 150' full width taper) to be built for the development at the MD 355 entrance. In addition, a bypass lane will be required along MD 355 due to the number of lots being served by the access point.

The proposed preliminary plan will provide safe and adequate pedestrian and vehicular access with the required improvements.

1. Request for Over-length Cul-de-Sac

The preliminary plan includes construction of a tertiary road that will end in a cul-de-sac and be approximately 1,500 feet in length. Pursuant to section 50-26 of the Subdivision Regulations, a cul-de-sac longer than 500 feet is not permitted "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". During review of this application, staff explored the possibility of creating a looped road with two connections to MD 355 to avoid the proposed over length cul-de-sac. Such a design was ultimately rejected by the State Highway Administration because of safety concerns. Specifically, SHA does not support two access points for the following reasons: 1) lack of available sight distance; 2) steep existing grades on MD 355; and, 3) a second access would be inconsistent with established SHA access management guidelines. The only possible location for a second street connection would be at the existing vertical crest of MD 355 too close to an existing horizontal curve.

Since a looped road is not an option for the proposed subdivision, a Board finding to permit the over-length cul-de-sac is needed. In staff's opinion, the road design is justified because of onsite and offsite topography that prevents adequate site distance from being achieved, and because of the large lot size within the development that extends the length of the road. Staff therefore recommends that the Planning Board find that the over-length cul-de-sac is acceptable.

2. Request for Waiver of Sidewalk Requirements (One Side)

Section 50-26(h)(3) of the Subdivision Regulations requires sidewalks to be provided on both side of a tertiary street unless the requirement is waived by the Planning Board based upon a finding that pedestrians will be able to safely use the roadway. The subject plan proposes a new tertiary street (identified as Street A on the plan) to serve the

proposed lots. The street is planned as an open-section tertiary road with 50' of right-of-way. The applicant is requesting a waiver to permit a sidewalk along only one side of the road.

Given the length of the proposed internal street and the low overall density of the project, the applicant believes, and staff agrees, that sidewalks on both sides of the street are not necessary. Pedestrians will be able to safely cross the internal road to access the proposed sidewalk. Therefore, staff recommends that the Planning approve a waiver for sidewalk on one side of the street pursuant to section 50-26(h)(3) of the Subdivision Regulations.

3. I-270 and Corridor Cities Transitway Right-of Way

The subject property has approximately 450 linear feet of frontage along the Interstate 270 right-of-way for which additional dedication is needed for road widening and the eventual construction of the Corridor Cities Transitway (CCT). In addition, the current design plans for the CCT anticipate the need for a grading easement adjoining the dedication area. The proposed preliminary plan reflects dedication of an additional 100 feet of right-of-way along I-270, and creation of an outlot that provides an additional 140-foot wide area to be placed in reservation for the slope easement. The plan complies with the recommendations of the Master Plan, and the CCT design plans, for right-of-way and easements.

C. Environment

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the subject site and approved by Environmental Planning staff on December 22, 2005. The NRI/FSD identifies two streams on the property; one bisecting the property from east to west, and another that borders the southern boundary of the property. Both streams are tributaries to the Wildcat Branch within the Little Bennett Watershed (Use Class I-P in this section). The property includes approximately 17.3-acres of existing forest. The NRI/FSD shows the location of steep slopes and highly erodible soils. The steep slopes are mainly parallel to I-270 but some are also present along the other parts of the development.

1. Environmental Buffers

There are environmental buffers associated with each stream on the site that in total encompass 1.28-acres of the subject property. The subject property contains areas of steep slopes (greater the 25%), and slopes greater than 15% on erodible soils. Except for a small areas behind Lots 5 and 6, all of the steep slopes are located within the stream valley buffers. The plan protects all stream buffers and steep slopes in conservation easements and there are no encroachments proposed.

2. Forest Conservation

There are 17.66 acres of existing forest on this portion of the property, including 3.65-acres that lie within the dedication/reservation area along I-270. For forest conservation purposes, the dedication/reservation area is excluded from the net tract area and the forest conservation law applies to the remaining tract and the associated 14.01-acres of forest. The on-site forest is co-dominated by Tulip Poplar (*Liriodendron tulipifera*) and Sycamore (*Plantanus occidentalis*). Virginia Scrub Pine, Eastern Red Cedar, White Oak, and Red Maple make up the balance of other native hardwoods present on-site. There are twelve (12) trees 24 inches in diameter and greater on the subject property and four (4) trees 30 inches in diameter and greater.

The proposed plan meets all requirements of the forest conservation law (Chapter 22A of the Montgomery County Code). The preliminary forest conservation plan indicates the removal of 0.9 acres of forest and the preservation of 13.03 acres of forest. All retained forest will be protected in a Category I forest conservation easement. There are no planting requirements associated with this plan because the applicant is meeting the break-even point on site. In addition, all non-forested environmental/stream buffers will be included within the Category I forest conservation easement. The preliminary forest conservation plan submitted by the applicant designates these areas for natural regeneration.

Under the RE-2 development standards the minimum side and rear yard set backs for a building are 17 and 35 feet, respectively. The preliminary forest conservation plan does not show any house footprints within 30 feet of the stream valley buffer; however, the plan shows 80 x 40 foot rectangular boxes. The Planning Board, through the approval of the preliminary plan of subdivision, establishes the building envelope and not the building location. The builder has the flexibility to locate the residence anywhere within the building envelope including at the environmental buffer. If the builder constructs the house, or any house feature at or near the environmental buffer this would provide an inadequate backyard space and encourage the homeowner to enter the conservation easement area to create a useable backyard space. In order to delineate the conservation easements further protect these areas if houses are too closely located to them, Environmental Planning staff is recommending a condition requiring the applicant to construct a split rail, or other type of fence as may be approved by staff, at the back of any lot in which the residence is constructed within 35 feet of any conservation easement.

3. Noise Analysis

The applicant submitted a noise analysis on February 21, 2007. The noise analysis shows no homes within the 65dBA contour and no impact to proposed homes from noise generated by MD 355 or I-270. Therefore, no special exterior or interior noise mitigation is warranted.

4. Stormwater Management

MCDPS approved a stormwater management concept for the subject property on March 15, 2007. The concept consists of onsite water quality control and onsite recharge

via use of bio filters and other non-structural measures. Channel protection volume storage is not required because the one-year post development peak discharge will be less than or equal to 2.0 cubic feet per second.

IV. COMPLIANCE WITH THE SUBDIVISION REGULATIONS AND ZONING ORDINANCE

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

The lots were reviewed for compliance with the dimensional requirements specified in the Zoning Ordinance for the RE-2 zone. The lots as proposed will meet all applicable dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1.

V. CITIZEN CORRESPONDENCE AND ISSUES

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

VI. CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Clarksburg Master Plan and Hyattstown Special Study Area. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments:

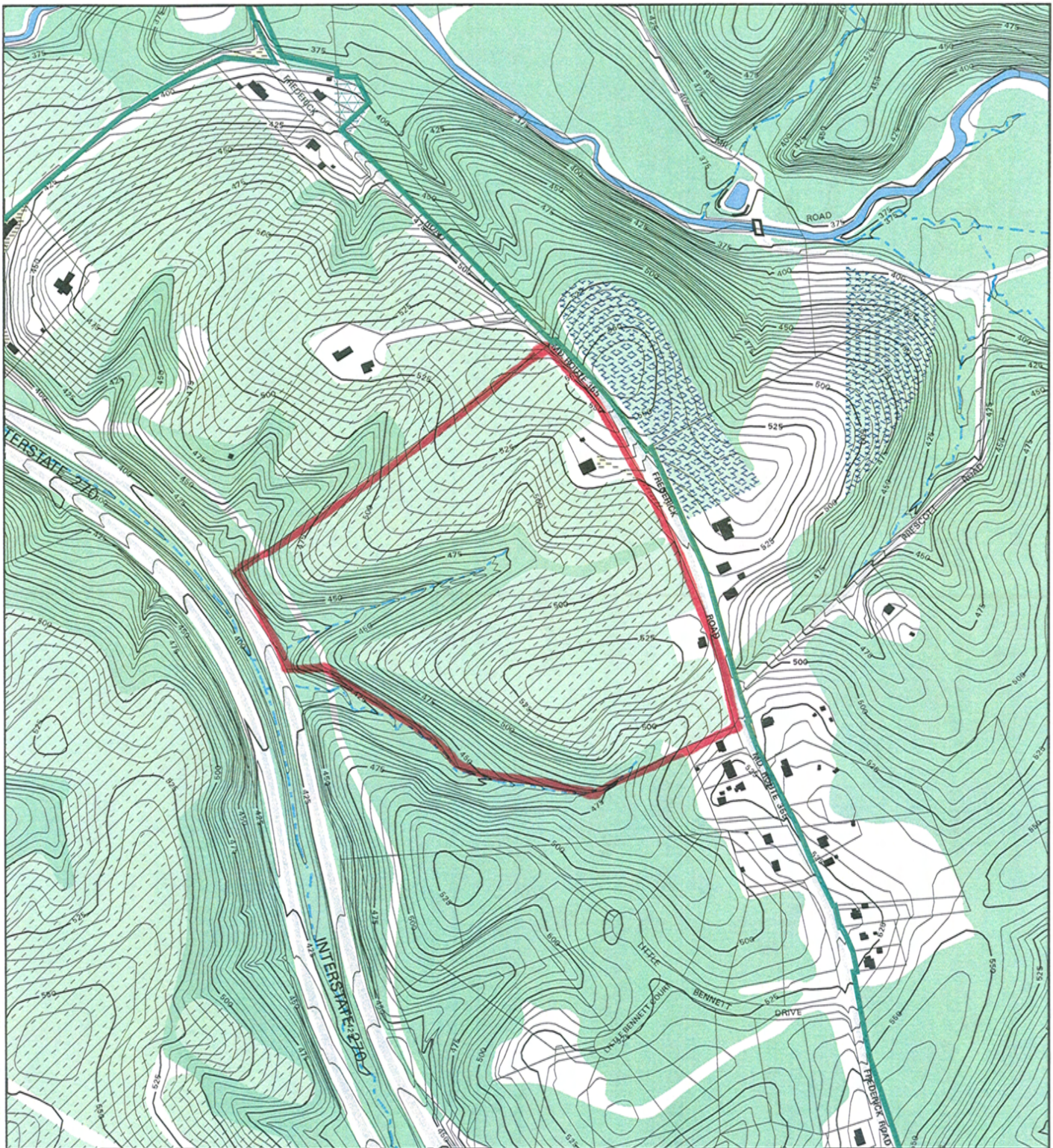
Attachment A – Site Vicinity Map
Attachment B – Preliminary Plan
Attachment C – Agency Correspondence

TABLE 1. Preliminary Plan Data Table and Checklist

Plan Name: Clement East				
Plan Number: 120060740				
Zoning: RE-2				
# of Lots: 18				
# of Outlots: 0				
Dev. Type:				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	2.0	2 acres is minimum proposed	CAC	06/15/07
Lot Width	150	All lots meet minimum	CAC	06/15/07
Lot Frontage	25	All lots meet minimum	CAC	06/15/07
Setbacks		Must meet min. ¹		
Front	50 ft. Min.	Must meet min. ¹	CAC	06/15/07
Side	17 ft. Min./35 ft. total	Must meet min. ¹	CAC	06/15/07
Rear	35 ft. Min.	Must meet min. ¹	CAC	06/15/07
Height	50 ft. Max.	May not exceed maximum	CAC	06/15/07
Max Resid'l d.u.	26 lots	18 lots	CAC	06/15/07
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No		CAC	06/15/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		CAC	06/15/07
Road dedication and frontage improvements	Yes		DPWT/SHA memos	4/18/06 & 2/27/06
Environmental Guidelines	Yes		EP memo	6/15/07
Forest Conservation	Yes		EP memo	6/15/07
Master Plan Compliance	Yes		CB memo	2/13/07
Other (i.e., parks, historic preservation)	N/A			
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	03/15/07
Water and Sewer (WSSC)	N/A		N/A	
Water and Sewer Plan Compliance	N/A		N/A	
Well and Septic	Yes		DPS memo	11/9/06
Local Area Traffic Review	N/A		N/A	
Fire and Rescue	Yes		Agency letter	3/30/07

¹ As determined by MCDPS at the time of building permit

CLEMENT EAST PROPERTY (120060740)



Map compiled on February 01, 2006 at 11:03 AM | Site located on base sheet no - 235NW15

NOTICE

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
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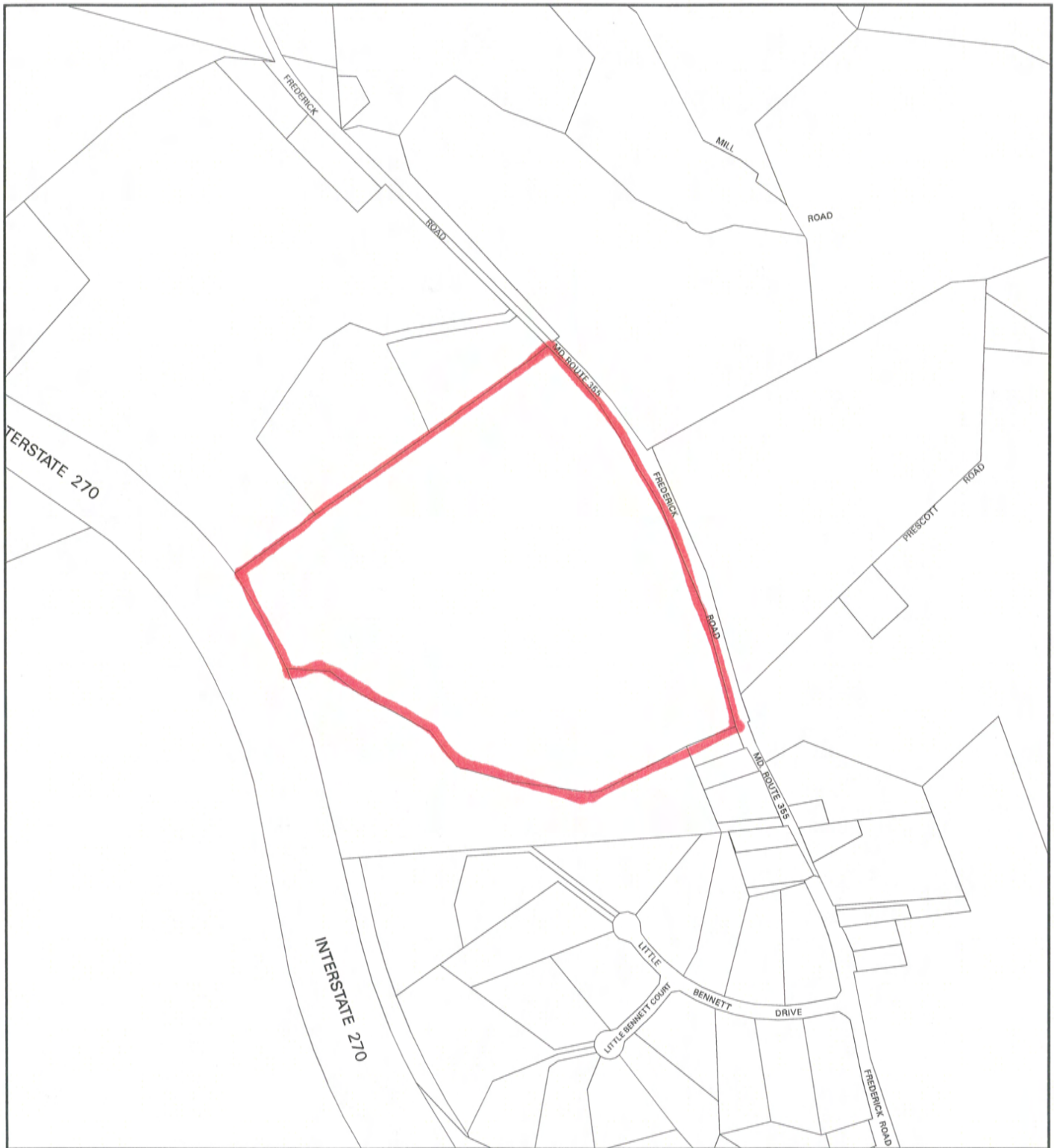


Research & Technology Center

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1 inch = 600 feet
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CLEMENT EAST PROPERTY (120060740)



Map compiled on February 01, 2006 at 11:07 AM | Site located on base sheet no - 235NW15

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



Research & Technology Center
0 600

1 inch = 600 feet
1 : 7200

2

scale: 1" = 100'

date: Rev 7/28/06



B&A

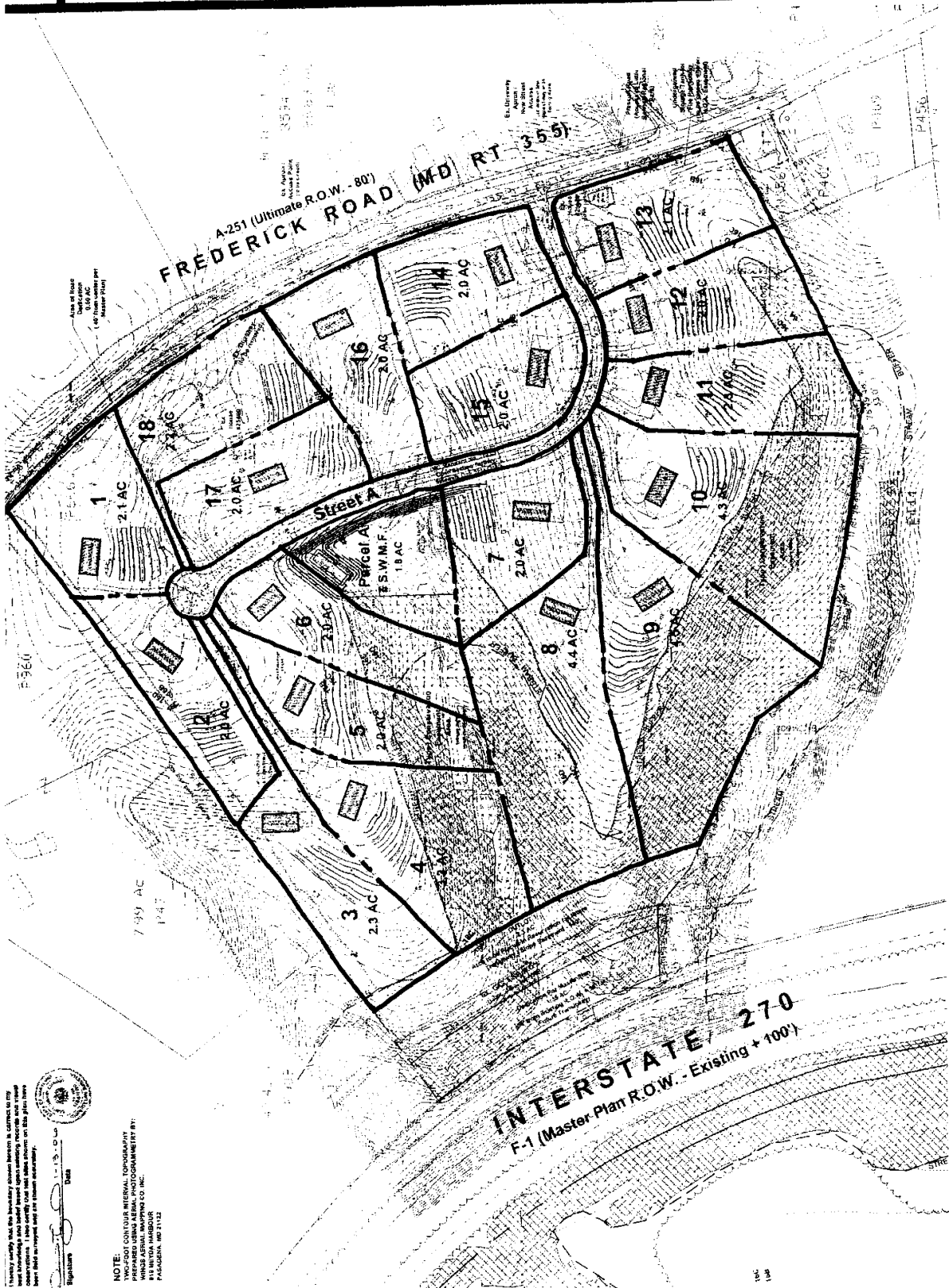
Bentley & Associates, Inc.

10000 Rockville Pike, Suite 200
Rockville, MD 20850
Tel: 301-761-1000
Fax: 301-761-1001

PRELIMINARY PLAN

CLEMENT EAST PROPERTY

Montgomery County, Maryland

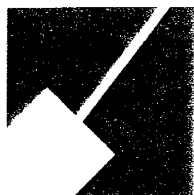


SEWAGE DISPOSAL SYSTEM - DESIGN DATA:

Lot No.	Area (Ac)	Population	Peak Day Flow (MGD)	Peak Hour Flow (MGD)	Design Flow (MGD)	Design Capacity (MGD)
1	2.1	100	0.001	0.001	0.001	0.001
2	2.0	100	0.001	0.001	0.001	0.001
3	2.3	110	0.001	0.001	0.001	0.001
4	2.0	100	0.001	0.001	0.001	0.001
5	2.0	100	0.001	0.001	0.001	0.001
6	2.0	100	0.001	0.001	0.001	0.001
7	2.0	100	0.001	0.001	0.001	0.001
8	4.4	220	0.002	0.002	0.002	0.002
9	1.0	50	0.0005	0.0005	0.0005	0.0005
10	4.3	215	0.002	0.002	0.002	0.002
11	2.0	100	0.001	0.001	0.001	0.001
12	2.0	100	0.001	0.001	0.001	0.001
13	2.0	100	0.001	0.001	0.001	0.001
14	2.0	100	0.001	0.001	0.001	0.001
15	2.0	100	0.001	0.001	0.001	0.001
16	2.0	100	0.001	0.001	0.001	0.001
17	2.0	100	0.001	0.001	0.001	0.001
18	2.1	100	0.001	0.001	0.001	0.001
Total	33.8	1670	0.012	0.012	0.012	0.012

ATTACHMENT C

AGENCY CORRESPONDENCE



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

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

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning
Mark Pfefferle, Master Planner, Environmental Planning *mp*

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning Division *DJ*

DATE: June 15, 2007

SUBJECT: Preliminary Plan 120060740
Clement East

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. Install split rail fence or fencing approved by Environmental Planning on lots where any home is constructed within 35 feet of an environmental buffer.

BACKGROUND

The 53.55-acre property is located between I-270 to the west and Frederick Road (MD 355) to the east, 0.5 miles south of Old Hundred Road (MD 109) northwest of the intersection of MD 355 and Prescott Road. This site is located directly across MD 355 from Little Bennett Regional Park and includes 17.3-acres of existing forest. There is one stream that bisects the property from east to west and another stream that borders the southern boundary of the property. Both streams are tributaries to the Wildcat Branch within the Little Bennett Watershed. There are 1.28 acres of stream buffer on the subject property. Currently, there are two residences on the subject property. The applicant is planning to remove the structure located at 25320 Frederick Road and replace with a new single-family residence. The structure located at 25400 Frederick Road will remain in place, but a new septic system will be installed and the septic field relocated to within Lot 18. Both of the septic systems for the old structures will be abandoned in place.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on December 22, 2005. There is one stream that bisects the property from east to west and another stream that borders the southern boundary of the property. Both streams are tributaries to the Wildcat Branch within the Little Bennett Watershed (Class IP). There are environmental buffers associated with each stream on the site. In total there are 1.28-acres of stream valley buffers on the subject property. The subject property contains areas of steep slopes; slopes greater the 25% and slopes greater than 15% on erodible soils. However, except for a small portion behind Lots 5 and 6 all of the steep slopes are located within the stream valley buffers. The preliminary plan of subdivision does not indicate any encroachment into the environmental buffers.

Forest Conservation

There are 17.66 acres of existing forest on this portion of the property. 3.65-acres of this total have been removed for dedication to MD State Highway Administration (SHA) along I-270 leaving a net total of 14.01-acres of forest on-site. 1.35-acres are for right-of-way (R.O.W.) for I-270 and the remaining 2.3-acres are to be placed in reservation for a future Corridor Cities Transitway (CCT). The on-site forest is co-dominated by Tulip Poplar (*Liriodendron tulipifera*) and Sycamore (*Plantanus occidentalis*). Virginia Scrub Pine, Eastern Red Cedar, White Oak, and Red Maple make up the balance of other native hardwoods present on-site. There are twelve (12) trees 24 inches in diameter and greater on the subject property and four (4) trees 30 inches in diameter and greater.

The preliminary forest conservation plan indicates the removal of 0.9 acres of forest and the preservation of 13.03 acres of forest. All retained forest will be protected in a category I forest conservation easement. There are no planting requirements associated with this plan because the applicant is meeting the break-even point on site. In addition, all non-forested environmental/stream buffers will be included within the Category I forest conservation easement. The preliminary forest conservation plan submitted by the applicant designates these areas for natural regeneration.

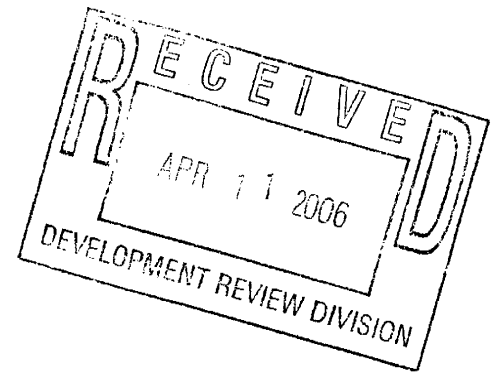
Under the RE-2 development standards the minimum side and rear yard set back for a building is 17 and 35 feet respectively. The preliminary forest conservation plan does not show any house footprints within 30 feet of the stream valley buffer; however, the plan shows 80 x 40 foot rectangular boxes. The Planning Board, through the approval of the preliminary plan of subdivision, establishes the building envelope and not the building location. The builder has the flexibility to locate the residence anywhere within the building envelope including at the environmental buffer. If the builder constructs the house, or any house feature at or near the environmental buffer this would provide an inadequate backyard space and encourage the homeowner to enter the conservation easement area to create a useable backyard space. In order to delineate the forest conservation easement and protect the trees from construction staff and future homeowner encroachment, Environmental Planning requests a preliminary plan condition requiring the applicant to construct a split rail fence, or any fence approved by Environmental Planning staff, at the back of any lot in which the residence is constructed within 35 feet of any environmental buffer. The approved buffer fencing should be installed as part of the tree protection fencing.

Noise Analysis

The applicant submitted a noise analysis on February 21, 2007. The noise analysis shows no homes within the 65dBA contour and no impact to proposed homes from noise generated by MD 355 or I-270. Therefore, no special exterior or interior noise mitigation is warranted.

RECOMMENDATION

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

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

April 3, 2006

MEMORANDUM

To: Cathy Conlon, Supervisor
Development Review

From: Tom Autrey, Supervisor *HA*
Transportation Planning

Subject: Corridor Cities Transitway Right-of-Way
Application Number 120060740 – Clement East

The purpose of this memo is to document the basis for a recommendation to protect the planned alignment of the Corridor Cities Transitway (CCT) that is located adjacent to the subject property.

BACKGROUND

The applicant submitted a Preliminary Plan of subdivision on January 17, 2006. The parcel in question is located on the east side Frederick Road, approximately 1,600 feet north of Little Bennett Drive. An estimated 450 feet of the parcel is adjacent to I-270 and the planned alignment of the CCT. It is that segment that is the focus of this memo.

APPLICABLE PLANS AND STUDIES**Clarksburg Master Plan (June 1994)**

The Clarksburg Master Plan (page 112) notes:

“Between MD 121 and the Frederick County line, this Plan recommends that I-270 be widened to no more than six travel lanes within the existing variable right-of-way plus 50 feet (plus an additional 50 feet north of Comus Road to allow for the transitway).”

Table 7 (page 114) notes a maximum recommended number of travel lanes as six and the minimum right-of way width as “existing plus 100 feet” for the segment of I-270 between Comus Road and the Frederick County line.¹

Shady Grove – Clarksburg Transitway Study 2 Final Report (November 1997)

Michael Baker Jr. Inc. conducted this study, under contract to the Montgomery County Department of Public Works and Transportation.

Under a section entitled “Design Criteria,” this study notes (page 12) a general (right-of-way) requirement in the case of an “Edge Transitway” to be “50 feet plus roadway right-of-way.” In addition, the study states:

“Where the land shown to be needed for the Transitway exceeds master plan width, the proposed right-of-way includes slope easements and cut/fill allowances to be provided by the property owner at the time of subdivision approval. With the provision of slope easements, the private property adjacent to the Transitway can be subdivided and developed in conformance with the zoning classification. No permanent structures would be permitted within the slope easement.”

The plan and profile sheets developed as part of this study show a distance of 50 feet from the transitway centerline to what appears to be the I-270 right-of-way and an additional 190 feet as being required from the transitway centerline to a point on the subject site.²

RECOMMENDATION

The Clarksburg Transitway Study 2 Final Report documents a need for a total of 240 feet east of the I-270 right-of-way for the transitway. This area is comprised of 190 feet from the transitway centerline plus an estimated 50 feet from the I-270 right-of-way to the transitway centerline.

The Master Plan acknowledges a variable right-of-way along I-270 and calls for a minimum right-of-way width beyond the existing right-of-way of 50 feet plus 50 feet for the transitway.

As a result, the recommendation is to require a dedication of 75 feet, and a slope easement consisting of the balance of the 240 feet identified in the Shady Grove - Clarksburg Transitway Study 2 Final Report. The easement would therefore be 165 feet wide. The dedication of 75 feet assumes the Master Plan recommendation of 50 feet consists of 50 feet total and therefore 25 feet (50%) is attributable to each side of I-270 with an additional 50 feet being required on the side (east) of the transitway alignment.

¹ Footnotes in Table 7 describe the number of travel lanes as meaning “...the number of planned travel lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel” and minimum right-of-way width as something that “may be increased at time of subdivision on the basis of more detailed engineering studies.”

² Shady Grove – Clarksburg Transitway Study 2, November 1997, Conceptual Plan and Profile Sheets (August 1997), Sheet 23, Station 600.

Maryland State Highway Administration Review

Please note that the applicant has also forwarded a set of plans to State Highway Administration (SHA) for review in the context of the on-going I-270 / US 15 Multi-Modal Study and recently initiated Environmental Analysis. Mr. Russ Walto, the SHA Project Manager, has informed me that his office has completed his review. I expect to pick-up the drawings and related SHA narrative on April 11, 2006 at a meeting of the I-270 project team meeting and will provide you with a copy.

Applicability of Shady Grove – Clarksburg Transitway Study 2 Final Report

It should be noted that the CCT segment of the I-270 / US 15 Multi-Modal Study extends from the Shady Grove CCT Station area to the proposed CCT COMSAT Station area, south of the subject site. Both Department of Public Works and Transportation and the Maryland Transit Administration have been consulted regarding the applicability of the Clarksburg Transitway Study 2 Final Report in determining right-of-way requirements at subdivision for the CCT along segments north of the COMSAT station area and both agencies are in agreement that the study is applicable and should be used as a starting point in identifying needs and protecting the alignment.

Please do not hesitate to contact me with any questions.

TA:gw

cc: Shahriar Etemadi
Ki Kim
Leslie Saville
Sue Edwards

mmo to Conlon re CCT ROW 120060740



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

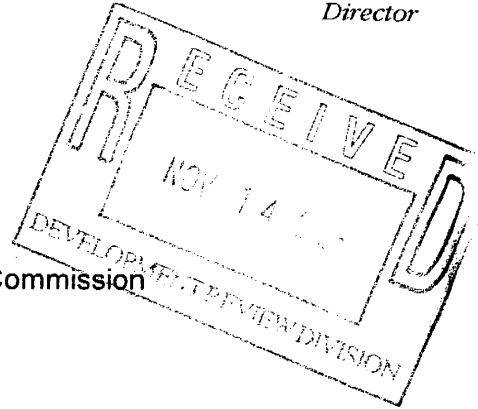
MEMORANDUM

November 9, 2006

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

FROM: Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-20060740, Clement East Property, Lots
1-18 (inclusive)



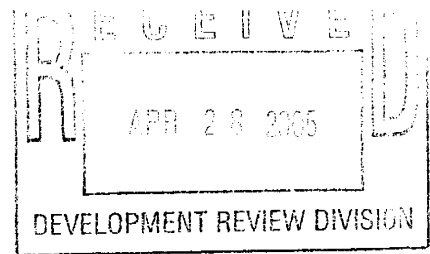
This is to notify you that the status of the plan received in this office on November 6, 2006, is as follows:

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 easements to be depicted on the record plat as they are shown on the preliminary plan.
3. The existing wells and septic systems on lots 13, 17, and 18 are to be properly abandoned and sealed prior to the approval of the record plat.
4. All existing buildings to appear on the record plat.

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

cc: Owner
Surveyor
File



Douglas M. Duncan
County Executive

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Arthur Holmes, Jr.
Director

April 18, 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 #1-20060740
Clement East Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 1/13/06. This plan was reviewed by the Development Review Committee at its meeting on 2/13/06. 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. Label all existing planimetric and topographic details specifically paving and storm drainage as well as existing rights of way on both sides of the road and easements on the preliminary plan.
2. Necessary dedication for Frederick Road and I-270 in accordance with the master plan.
3. Full width dedication and construction of the interior public street as open section tertiary residential roadway.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
6. The plan should provide a horizontal alignment for the interior public street which satisfies the design speed.
7. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.



Division of Operations

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

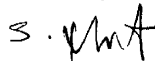
8. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s). ←
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, 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.
10. 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.
11. 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.
12. Access and improvements along Frederick Road (MD 355) and I-270 as required by the Maryland State Highway Administration.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. 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.
15. 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.
- 16. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
17. Applicant should coordinate all aspects of their development proposal with the Maryland Transit Administration (MTA) with regard to the Corridor Cities Transitway (CCT). MTA is the proper current source for all such information as alignment, right-of-way widths, station locations, etc., of the CCT. Please contact Gary Erenrich directly (240-777-7156) if have any questions or need further detail than the above statement.
18. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders and handicap ramps, side drainage ditches and appurtenances, and street trees along the interior public street as per open section tertiary residential roadway standards.

Ms. Catherine Conlon
Preliminary Plan No. 1-20060740
Date April 18, 2006
Page 3

- B. Construct a cul-de-sac at the end of interior public street.
- C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- D. 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.
- E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- F. 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/ 1-20060740, Clement East Property.doc

Enclosures ()

cc: Lewis R. Schumann
David McKee, Benning & Associates
Susan Carter, Miller, Miller & Canby
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burn, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book



FIRE MARSHAL COMMENTS

DATE: MAY 30, 2007
TO: PATRICK CASTONGUAY, BENNING & ASSOCIATES, INC.
FROM: MARIE LAHAW
RE: CLEMENT EAST PROPERTY 1-20060740

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 05-17-07. 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.

cc: Department of Permitting Services
MNCPPC-MC



DEPARTMENT OF PERMITTING SERVICES

March 15, 2007

Isiah Leggett
County Executive

Carla Reid Joyner
Director

MAR 19 2007

Mr. Raymond Norris, P.E.
Maddox Engineers & Surveyors
100 Park Avenue
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Clement Property East
Preliminary Plan #: Pending
SM File #: 223208
Tract Size/Zone: 62.5/RE2C
Total Concept Area: 62.5ac
Lots/Block: Proposed 1-18
Parcel(s): P666
Watershed: Little Bennett

Dear Mr. Norris:

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 the use of bio filters and non structural measures. 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 impervious surfaces located on lots must be treated by non structural measures.

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.



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

September 8, 2006

Mr. Stephen G. Petersen, P.E.
Street Traffic Studies, Ltd.
16626 S. Westland Drive
Gaithersburg, MD 20877

Re: Montgomery County
Clement East Property
Traffic Statement Review
MD 355 (Frederick Road)
Mile Post: 25.60

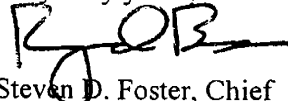
Dear Mr. Petersen:

The State Highway Administration (SHA) appreciates the opportunity to review the traffic statement and preliminary plan for the proposed Clement East property located in the Goshen (Rural) Policy Area of Montgomery County. We offer the following comments:

- We find the estimated trip generation acceptable for the proposed development, based on the trip generation rates supplied from the *Local Area Transportation Review Guidelines*. Likewise, we agree with the estimated trip distribution of traffic determined by an observed directional split of traffic at the nearby MD 355/MD 121 intersection.
- Based on the projected trip distribution entering and exiting of the 18-residential lot development and the 40 MPH posted speed limit along MD 355, SHA will require a 250' partial deceleration lane (150' lane, plus a 100' full width taper) and a 250' partial acceleration lane (100' lane, plus a 150' full width taper) to be built for the development along MD 355. In addition, a bypass lane will be required along MD 355 due to the number of lots being served by the access point. Please provide plans showing these required auxiliary lanes for review by this office.
- All previous comments made by this office in our February 27th letter to M-NCPPC are still applicable for the review of this development.

If you have any questions, please contact Raymond Burns at 410-545-5592 or by using our toll free number in Maryland only at 1-800-876-4742.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb/jab

cc: Benning & Associates / 8933 Shady Grove Court, Gaithersburg, MD 20877
Ms. Catherine Conlon / M-NCPPC
Mr. Sam Farhadi / MCDPWT
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Ted Beeghly *sent via e-mail*

My telephone number/toll-free number is _____

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

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

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



Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*
DEVELOPMENT REVIEW DIVISION

February 27, 2006

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
Clement East Property
File No. 1-20060740
MD 355 (west side)
Mile Post: 25.70

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan application for the proposed 18-lot residential development. We offer the following comments:

- One Tertiary Street connection with MD 355 is proposed near the Southern limit of this existing 53.55 acre property.
- The developer/applicant must submit a sight distance evaluation on SHA worksheets.
- The geometry of the proposed street connection with MD 355 must be revised to provide a minimum width of 24' with 30' turning radii.
- The developer/applicant must submit trip generation and trip distribution numbers to SHA for review. SHA should be in a position to determine whether acceleration, deceleration and/or left-turn lanes are warranted after reviewing the requested trip generation numbers.
- An 8' bike/pedestrian path along the MD 355 frontage should be added to the plans according to M-NCPPC requirements.
- Truncations and right-of-way dedications need to be in accordance with the Master Plan of Highways. **Right-of-way dedication along I-270 will also be necessary to facilitate a future transit way.** SHA will require that right-of-way dedications be platted using SHA standards. Please contact Dan Andrews of the Plats and Surveys Division @ 410-545-8975 for additional information. You may also e-mail Mr. Andrews at dandrews@sha.state.md.us.

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

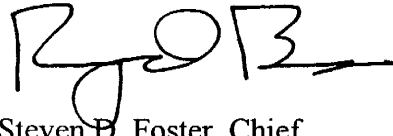
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

Ms. Catherine Conlon
Page Two

As requested during the February 13, 2006 Development Review Committee meeting, SHA has considered the proposal for the Tertiary Street to connect with MD 355 in two locations, instead of the currently proposed cul-de-sac. Recently, Ray Burns walked the entire MD 355 frontage and took sight distance measurements. The only possible location for a second street connection is at the existing vertical crest of MD 355. As depicted by the attached photographs, the existing MD 355 vertical crest is also located along an existing horizontal curve. Please note the existing cut-slope embankments and lack of shoulders. We measured only 300' of sight distance to the North and only 390' of sight distance to the South. The sight distance could be improved somewhat by significant grading/cutting of the embankment. It is very unlikely that the required 560' of sight distance could be achieved in both directions along MD 355, however. In conclusion, SHA does **not** support this proposal for a second MD 355 access point for the following reasons: 1) lack of available sight distance, 2) steep existing grades on MD 355 and 3) inconsistent with established access management guidelines.

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,


for Steven B. Foster, Chief
Engineering Access Permits Division

SDF/rbb
Attachments

cc: Benning & Associates, Inc. \ 8933 Shady Grove Court, Gaithersburg, MD 20877
Lewis Schumann \ Miller, Miller & Canby, 200-B Monroe St., Rockville 20850
Mr. Richard Weaver \ M-NCPPC
Mr. Gregory Leck \ Montgomery County DPW&T
Mr. Jeff Wentz *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*



