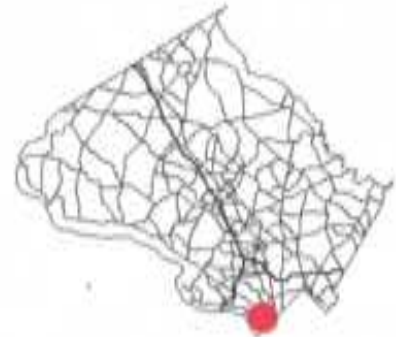




MONTGOMERY COUNTY PLANNING DEPARTMENT  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB .  
Item #  
3/20/08



**MEMORANDUM**

**DATE:** March 7, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** *NB*  
Neil Braunstein, Planner Coordinator (301-495-4532)  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Two lots for two one-family detached dwelling units

**PROJECT NAME:** Sellar Property

**CASE #:** 120080120

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-60

**LOCATION:** Located on the south side of Newport Avenue, 500 feet west of River Road (MD 190).

**MASTER PLAN:** Bethesda/Chevy Chase

**APPLICANT:** Peter and Nancy Sellar

**ENGINEER:** Site Solutions

**ATTORNEY:** Knopf & Brown

**FILING DATE:** September 25, 2007

**HEARING DATE:** March 20, 2008

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units
- 2) The applicant must submit a final tree save plan for staff review and approval, that proposes specific and detailed tree protection measures prior to any demolition, clearing, or grading on the subject property. An ISA-certified arborist must prepare the final tree save plan, with particular focus on the following areas:
  - a. Recommendations and protection measures for trees on neighboring properties.
  - b. Guidance for revisions to the proposed grading and the proposed limits of disturbance (LOD) to better protect healthy trees.
  - c. Recommendations and proper methods for eradication of the bamboo stand on the southeastern edge of the property. A written proffer must be made to extend the bamboo eradication effort onto the adjoining lot to the southeast.
- 3) The record plat must provide for dedication of approximately 2,266 square feet of right-of-way to create a right-of-way for Newport Avenue that varies from 67 feet to 70 feet in width, as measured from the opposite right-of-way line.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 3, 2008.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated February 11, 2008, unless otherwise amended.
- 6) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 7) Before any building permit is issued, the applicable school facilities payment required by the 2007-2009 Growth Policy must be paid to MCDPS.
- 8) The record plat must show necessary easements.
- 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 resolution.

**SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is an unplatted parcel measuring 0.5 acres within the R-60 zone. The property is located on the south side of Newport Avenue, approximately 500 feet west of River Road (MD 190). The site is currently developed with a one-family residence, which is proposed to be removed to accommodate the subdivision. Properties surrounding the site to the north, south, east, and west are developed with one-family residences and are zoned R-60.

The site is located within the Little Falls watershed. No environmental features exist on the site other than several specimen trees, which are mostly concentrated near the rear lot line.



## PROJECT DESCRIPTION

The applicant proposes to create two one-family residential lots, 9,831 square feet and 9,625 square feet in size, respectively. In addition, approximately 2,266 square feet of property will be dedicated to the right-of-way for Newport Avenue, to create a 67-foot-wide right-of-way along the property frontage.

Because the property is 117.5 feet wide, the applicant is proposing to create an angled side lot line to meet the 60-foot lot width requirement of the R-60 zone. Lot width is measured at the front building line. By creating an angled side lot line and placing one of the proposed houses slightly forward of the other, the required 60-foot lot width can be achieved for both lots. This lot configuration was presented to the Planning Board for its advice in 2007 as a pre-preliminary plan, and the Planning Board indicated its acceptance of the proposed configuration.

Access to the lots will be provided by driveways on Newport Avenue. The lots will be served by public water and sewer systems.

(Attachment B – proposed plan)

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Bethesda/Chevy Chase Master Plan does not specifically identify the subject property. The master plan recommends retention of existing zoning throughout the master plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the master plan calls for retention of the existing R-60 zoning. In the Land Use and Zoning section of the plan, the property and surrounding development is identified as suitable for one-family detached housing. The proposed subdivision complies with the recommendations adopted in the Bethesda/Chevy Chase Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood and the current zoning designation.

### **Public Facilities**

#### **Roads and Transportation Facilities**

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. In addition, the proposed lots do not generate more than three new vehicle trips during the morning or evening peak-hours. Therefore, the application also is not subject to Policy Area Mobility Review.

Proposed access to the lots will be via driveways from Newport Avenue. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

#### **Other Public Facilities and Services**

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is not within a school moratorium area, but a school facilities payment must be made prior to issuance of building permits on the lots. Electrical and telecommunications services are also available to serve the Property.

### **Environment**

The site does not include any streams, wetlands, or floodplains and there is no environmental buffer on the property. There is also no forest on-site and this property is exempt from submitting a forest conservation plan. A tree save plan was required to be submitted as part of this preliminary plan.

The preliminary tree save plan shows large and specimen trees, as well as smaller trees on the subject and adjacent properties. There are two large or specimen trees on-site, and this plan proposes to remove both. There are three large or specimen trees in the Newport Avenue right-of-way, and this plan also proposes to remove all three. Trees on adjacent properties have not been shown and no protective measures have been proposed beyond the use of existing chain link fences as tree protection fences.

Because the plans show only preliminary locations for land disturbing activities, detailed and specific tree protection measures cannot be proposed at this time. A final tree save plan with detailed and specific recommendations and protection measures must be submitted prior to any land disturbing activities including demolition, clearing, and grading.

There is a large stand of bamboo on the southeast boundary that has spread to the adjacent property. Bamboo is an exotic invasive plant that is extremely difficult to eradicate once it is established. As a matter of policy, staff recommends the removal of this plant from all subject properties under review.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 3, 2008. The stormwater management concept includes on-site water quality control and recharge via drywells for the rooftop area and the use of pervious concrete for the driveways. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

### **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. 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-60 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 whom have recommended approval of the plan.

### **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 date. As of the date of this report, no citizen letters have been received.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the 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 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 Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Sellar Property</b>				
<b>Plan Number: 120080120</b>				
<b>Zoning: R-60</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Residential</b>				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 sq. ft.	9,625 sq. ft. minimum	NB	3/7/08
Lot Width	60 ft.	60 ft. minimum	NB	3/7/08
Lot Frontage	25 ft.	50 ft. minimum	NB	3/7/08
Setbacks				
Front	25 ft. Min.	Must meet minimum <sup>1</sup>	NB	3/7/08
Side	8 ft. Min./ 18 ft. total	Must meet minimum <sup>1</sup>	NB	3/7/08
Rear	20 ft. Min.	Must meet minimum <sup>1</sup>	NB	3/7/08
Height	35 ft. Max.	May not exceed maximum <sup>1</sup>	NB	3/7/08
Max Resid'l d.u. per Zoning	2	2	NB	3/7/08
MPDUs	N/a		NB	3/7/08
TDRs	N/a		NB	3/7/08
Site Plan Req'd?	No		NB	3/7/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		NB	3/7/08
Road dedication and frontage improvements	Yes		Agency letter	2/11/08
Environmental Guidelines	N/a		Staff memo	2/21/08
Forest Conservation	Exempt		Staff memo	2/21/08
Master Plan Compliance	Yes		NB	3/7/08
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		Agency letter	1/3/08
Water and Sewer (WSSC)	Yes		Agency comments	11/13/07
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	11/13/07
Local Area Traffic Review	N/a		Staff memo	11/13/07
Policy Area Mobility Review	N/a		Staff memo	11/13/07
Transportation Management Agreement	No		Staff memo	11/13/07
School Cluster in Moratorium?	No		NB	3/7/08
School Facilities Payment	Yes		NB	3/7/08
Fire and Rescue	Yes		Agency letter	12/14/07

<sup>1</sup> As determined by MCDPS at the time of building permit.



SELLAR PROPERTY (120080120)



Map compiled on September 25, 2007 at 4:18 PM | Site located on base sheet no - 2077W025

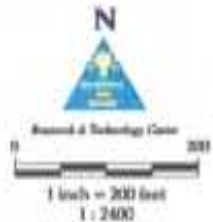
NOTICE

The planometric, 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.

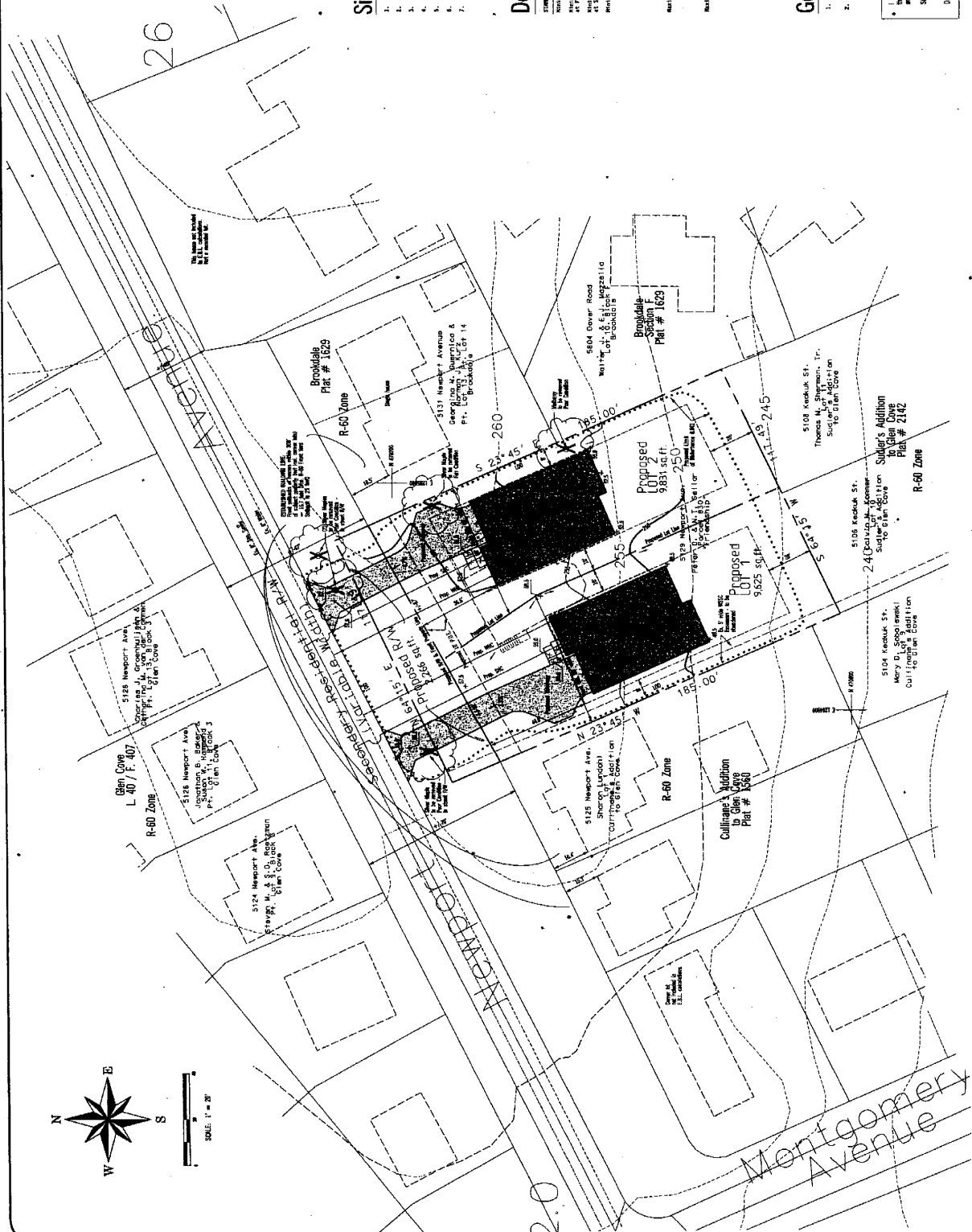
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Platonic features were compiled from 1:14,000 scale aerial photography using stereo photogrammetric methods.

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 1999

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
2007 Design: Simon | Silver Spring, Maryland 20902-5700





[illegible]



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

January 3, 2008

Carla Reid Joyner  
Director

Mr. Jeffrey Lewis  
Site Solutions, Inc.  
2041 Observation Drive, Suite 205  
Germantown, MD 20876

Re: Stormwater Management **CONCEPT** Request  
for Sellar Property, Part of Friendship  
Preliminary Plan #:  
SM File #: 232318  
Tract Size/Zone: 0.50 Acres / R-60  
Total Concept Area: 0.50 Acres  
Lots/Block:  
Parcel(s): p830  
Watershed: Cabin John Branch

Dear Mr. Lewis:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and recharge via drywells for rooftop area and the use of pervious concrete for driveways. 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.

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 Ellen Rader at 240-777-6336.

Sincerely,



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

RRB:dm CN232318.Sellar.EBR

cc: C. Conlon  
S. Federline  
SM File # 232318

QN -on-site; Acres: 0.5  
QL - On-site; Acres: 0.5  
Recharge is provided



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

February 11, 2008

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 #1-20080120  
Sellar Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 1/29/08. This plan was reviewed by the Development Review Committee at its meeting on November 13, 2007. 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. Right of way dedication for Newport Ave as necessary.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. A Public Improvements Easement may be necessary along Newport Ave, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.
4. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)



5. The sight distances study has **not** been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification to DPS for approval. The revised form will need to reflect the sight distance when bush/tree trimming and/or removal has been completed to achieve a minimum of two hundred (200) feet of sight distance in each direction.

Tree removal/trimming along existing public rights of way is to be coordinated with the State Forester's Office of the Maryland Department of Natural Resources. They may be contacted at (301) 854-6060.

Please note if after trimming/removal of the bush/tree, enough sight distance (as it was mentioned above) is not achieved, the driveway locations should be adjusted.  
If adjusting the location of driveways along the site frontage does not result in sufficient site distance, the proposed site access will **not** be acceptable to MCDPWT.

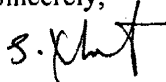
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
8. 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.
9. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
10. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along Newport Ave from the existing paving centerline as per secondary residential roadway standards (STD MC- 211.03).
  - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20080120  
Date February 11, 2008  
Page 3

- D. 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](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20080120, Sellar Property.doc

Enclosures ()

cc: Peter and Nancy Sellar  
Alfred Blumberg, Site Solutions Inc.  
Norman Knopf, Knopf & Brown  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Preliminary Plan Folder  
Preliminary Plans Note Book