



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

MCPB
Item #
4/10/08



MEMORANDUM

DATE: March 24, 2008

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision & Preliminary Water Quality Plan

APPLYING FOR: Resubdivision of Existing Lot 38 to accommodate 2 lots for 2 one-family detached dwelling units

PROJECT NAME: Bowie Mill Estates

CASE #: 120080160

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: On Foggy Lane, approximately 1500 feet west of Bowie Mill Road

MASTER PLAN: Upper Rock Creek

APPLICANT: Mark Sweeney

ENGINEER: CAS Engineering

FILING DATE: October 18, 2007

HEARING DATE: April 10, 2008

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family 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 record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The applicant must install permanent Category I Forest Conservation Easement (FCE) signage along the perimeter of the FCE.
- 5) The applicant must comply with the conditions of the MCDPS stormwater management Water Quality Plan approval dated January 22, 2008.
- 6) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated March 26, 2008.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated December 4, 2007, unless otherwise amended.
- 8) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 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.
- 10) Other necessary easements must be shown on the record plat.

PREVIOUS PLANNING BOARD HEARING

A pre-preliminary plan application (#720060250) for this property, "Property" or "Subject Property", was presented to the Planning Board on March 22, 2007. Staff did not object to the submission of a preliminary plan and, at the conclusion of the hearing, the Board concurred with Staff's recommendation.

SITE DESCRIPTION (Attachment A – Vicinity Map)

The Subject Property, pictured on the following page, consists of 9.28 acres in the RE-2 zone. The Property is a recorded lot, located on Foggy Lane, 1500 feet west of Bowie Mill Road in the Upper Rock Creek Master Plan area. A one-family detached residential dwelling unit currently exists on the Property with driveway access from Foggy Lane.

The project site is located within the Upper Rock Creek Special Protection Area (SPA). There is one stream that runs along the northern property line and briefly crosses the northeast corner of the Property before exiting the site and draining into an existing pond. This stream is a tributary to the North Branch of Rock Creek (Class III/III-P). There are 1.15-acres of stream buffer area on the Property. The site does not contain steep slopes or erodible soils.



PROJECT DESCRIPTION (Attachment B – Proposed Plan)

The applicant proposes to resubdivide the Subject Property and create 2 lots for 2 one-family detached dwelling units. Proposed lots 39 and 40 are each 4.64 acres in size. Proposed lot 40 is shown on the proposed plan as a pipestem lot served by a separate private driveway located not within the pipestem but near the western boundary line of lot 39. A 25-foot wide ingress/egress and utilities easement is proposed on lot 39 to accommodate the new driveway. The existing dwelling unit and driveway are to remain on lot 39. The lots are to be served by private wells and private standard septic systems.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Upper Rock Creek Master Plan does not specifically identify the subject property but does make general recommendations regarding zoning and land use. The Plan recommends RE-2 zoning be maintained. It also recommends that environmental protection measures be in place to protect the high water quality and unusually sensitive features of the Upper Rock Creek. The subdivision complies with the recommendations adopted in the Master Plan in that low-density residential development is proposed in compliance with the Environmental Guidelines for a Special Protection Area.

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. Foggy Lane is a secondary street, requiring 60 feet of right-of-way. Sixty feet of right-of-way currently exists, therefore, additional dedication is not required. Sidewalks are not required for lots in the RE-2 zone and no sidewalk currently exists on either side of Foggy Lane. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed private improvements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property. The Subject Property is not within a school moratorium area and is not subject to a School Facilities Payment.

Environment

Preliminary/Final Water Quality Plan

As part of the requirements of the Special Protection Area (SPA) law, a water quality plan must be reviewed in conjunction with a preliminary subdivision plan. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a water quality plan. MCDPS reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. MCDPS approved their portion of the water quality plan as discussed in the Stormwater Management & Sediment Control Section below. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Stormwater Management & Sediment Control

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 22, 2008 which includes the following features:

- Dry wells and rooftop disconnect are required to treat stormwater runoff from rooftops.
- The proposed driveway for Lot 40 must be cross sloped to provide non-rooftop disconnection and vegetative filtering.
- A combination of dry wells, rooftop disconnect, sheetflow to forested areas, and non-

- rooftop disconnect are counted as water quality and groundwater recharge measures.
- All disturbed areas to be topsoiled per the latest Montgomery County standards.

MCDPS is requiring an engineered sediment control plan for this project. MCDPS will require the use of super silt fence for sediment control measures.

Environmental Buffers

Environmental Planning staff approved the Natural Resource Inventory/Forest Stand Delineation for the site on April 13, 2006. The stream running along the northern property line is protected by an expanded stream valley buffer of 150-feet as recommended in the Environmental Guidelines. The Subject Property contains a total of 1.15 acres of stream valley buffer area. The preliminary plan of subdivision does not indicate any encroachment into the environmental buffers.

Forest Conservation

There are 3.06 acres of existing forest on the Property. The on-site forest consists of various hardwood species and a few dispersed pines. Nineteen trees that are 24 inches at diameter at breast height or greater are located throughout proposed lot 40. Of these 19 trees, 6 are in good condition with the rest in poor to fair condition. Six of these trees lie within the proposed limits of disturbance for the proposed new residential structure and will be removed.

The preliminary forest conservation plan indicates the removal of 1.06 acres of forest and the preservation of 2.00 acres of forest. All retained forest will be protected in a Category I forest conservation easement. In addition, 0.65-acre of non-forested environmental/stream buffers will be planted per the requirements of the Environmental Guidelines for development within SPAs and will be included within the Category I forest conservation easement.

Site Imperviousness

The Upper Rock Creek SPA has an eight percent (8%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Rock Creek SPA. The site imperviousness limit is only applicable to projects that are connected to a public sewer system. The lots will be served by on-site septic systems and, as a result, the impervious cap of 8% does not apply to this development.

The preliminary plan satisfies the requirements necessary for Preliminary Water Quality Plan approval by the Planning Board. Furthermore, the preliminary plan meets all applicable requirements for protection of environmentally sensitive areas as specified in the Environmental Guidelines.

Compliance with the Subdivision Regulations and Zoning Ordinance (Attachment C – Agency Correspondence)

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. 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 RE-2 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.

Conformance with Section 50-29(b)(2) (Attachment D – Neighborhood Map & Resubdivision Data Table)

A. Statutory Review Criteria

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

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

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “Neighborhood” for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 13 lots. The Neighborhood includes lots along Foggy Lane adjacent to and confronting the Subject Property and lots located to the rear of the subject property that will be visually impacted by the proposed resubdivision. All the lots share the same zoning classification as the Subject Property. The designated Neighborhood provides an adequate sample of the lot and development pattern of the area.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: In the designated Neighborhood, lot frontage ranges from 41 feet to 499 feet. Proposed lot 39 has 511 feet of frontage on Foggy Lane and proposed Lot 40 has 42 feet of frontage on Foggy Lane. While proposed lot 39 will have the largest frontage in the Neighborhood, the lot as it currently exists has the greatest frontage in the Neighborhood. **Resubdivision brings the subject property closer to the Neighborhood range and, therefore, the two lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment: In terms of alignment, 7 lots in the Neighborhood are perpendicular and the remaining 6 are radial. The proposed lots are both perpendicular in alignment. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size: Lot sizes in the Neighborhood range from 99,617 square feet to 448,179 square feet. Proposed lot 39 is 202,136 square feet and proposed lot 40 is 202,040 square feet. **The proposed lot sizes are in character with the size of existing lots in the neighborhood.**

Shape: With respect to shape, 7 lots in the delineated Neighborhood are irregular, 4 lots are trapezoidal, 1 lot is rectangular and 1 lot is a pipestem. Proposed lot 39 is irregular and proposed lot 40 is pipestem in shape. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

Width: Lot widths in the Neighborhood range from 150 feet to 467 feet. Proposed lot 40 has a lot width of 150 feet. Proposed lot 39 has a lot width of 475 feet, the largest in the neighborhood. Much like the frontage measurement, the lot as it currently exists has the greatest width in the Neighborhood and resubdivision brings the subject property closer to the neighborhood range. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

Area: When evaluating buildable area, lots in the Neighborhood range from 67,049 square feet to 374,463 square feet in buildable area. The two proposed lots fall within this range at 146,533 square feet for lot 39 and 141,689 square feet for lot 40. **The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues (Attachment E – Citizen Correspondence)

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submittal, as required. MNCPPC sent notice regarding plan submission to these parties on October 23, 2007 and sent notice of the Planning Board Hearing on April 7, 2008. At

the pre-preliminary plan stage, an adjacent neighbor on lot 37 immediately to the east of the Subject Property expressed concern that the pond on lot 37 may be impacted by erosion if trees are cleared for construction of the proposed house. Apparently some illegal clearing on another lot had taken place in the past that adversely affected the pond. In Staff's opinion, such impacts should not occur with the proposed development. The limit of disturbance on lot 40 is approximately 270 feet from the pond. During installation of the septic field, sediment control fencing will be required to be maintained along that limit. Given the forested area that will remain between the clearing and the pond, and the fact that the slope of the intervening land is generally 10% or less, soil would not likely be transported to the pond in the event the sediment control failed. A combination of dry wells, rooftop disconnect, sheetflow to forested areas, and non-rooftop disconnect will control runoff from the new rooftop and driveway.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots also meet all other requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Upper Rock Creek Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map

Attachment B – Proposed Plan

Attachment C – Agency Correspondence

Attachment D – Neighborhood Map & Resubdivision Data Table

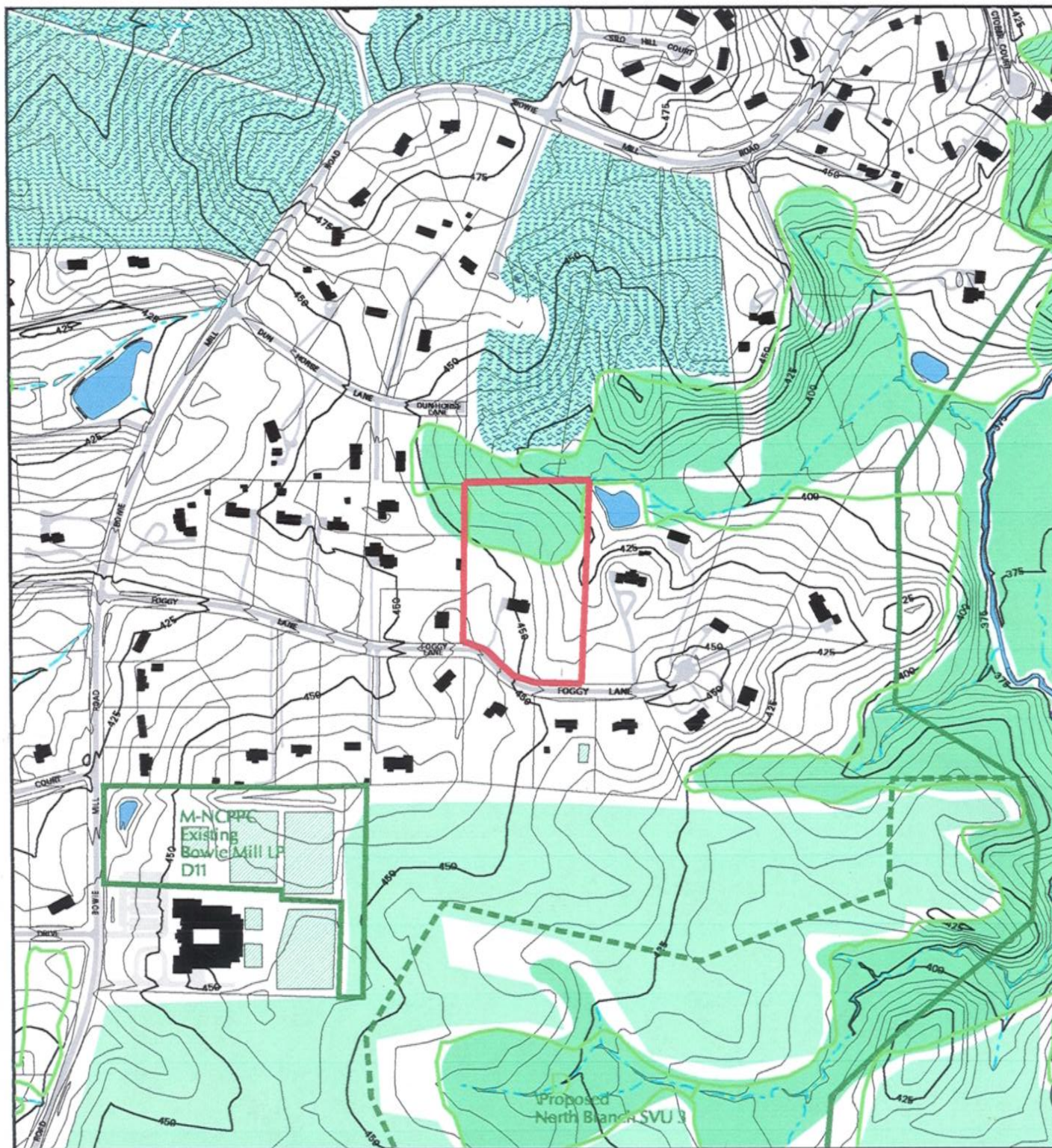
Attachment E – Citizen Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Bowie Mill Estates				
Plan Number: 120080160				
Zoning: RE-2				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq. ft.	202,040 sq. ft. is minimum proposed	EG	3/25/08
Lot Width	150 ft.	150 ft. is minimum proposed	EG	3/25/08
Lot Frontage	25 ft.	42 ft. is minimum proposed	EG	3/25/08
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	EG	3/25/08
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	EG	3/25/08
Rear	35 ft. Min.	Must meet minimum ¹	EG	3/25/08
Height	50 ft. Max.	May not exceed maximum ¹	EG	3/25/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	4 dwelling units	2 dwelling units	EG	3/25/08
MPDUs	No		EG	3/25/08
TDRs	No		EG	3/25/08
Site Plan Req'd?	No		EG	3/25/08
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	3/25/08
Road dedication and frontage improvements		N/a	Agency letter	12/4/07
Environmental Guidelines		Yes	Staff memo	3/18/08
Forest Conservation		Yes	Staff memo	3/18/08
Master Plan Compliance		Yes	EG	3/25/08
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	1/22/08
Water and Sewer (WSSC)		N/a	EG	3/25/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/3/07
Well and Septic		Yes	Agency letter	3/26/08
Local Area Traffic Review		N/a	Staff memo	12/3/07
Policy Area Mobility Review		N/a	Staff memo	12/3/07
Transportation Management Agreement		No	Staff memo	12/3/07
School Cluster in Moratorium?		No	EG	3/25/08
School Facilities Payment		No	EG	3/25/08
Fire and Rescue		Yes	Agency letter	2/27/08

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

BOWIE MILL ESTATES (120080160)



Map compiled on November 07, 2007 at 4:17 PM | Site located on base sheet no - 224NW05

NOTICE

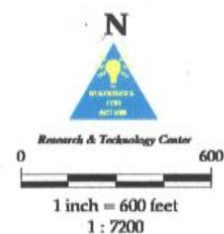
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from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

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3700

Key Map



SENIOR CATEGORY - 6 SENIOR CATEGORY - 6

BOUNDARY INFORMATION HAS ON A SURVEY PREPARED BY CASS
ENGINEERING, DATED MAY, 2007
TOPOGRAPHIC INFORMATION BASED A SURVEY PERFORMED BY
CASS ENGINEERING, DATED MAY, 2007. MISC BENCHMARKS USED
FOR VERTICAL DATUM. ADDITIONAL TOPOGRAPHIC INFORMATION
DERIVED FROM NAIP-6E MAPS.
PROPERTY SHOWN ON TAX MAP #1 122, LOT 30, BOONE TWP.
STATES

PROPERTY SHOWN ON M23C SHEET 223 NW 06 & 224 NW 05,
PROPERTY SHOWN ON M23COTTERY COUNTY SOILS SURVEY T14P
2S, 14 S, 17E(S), 22S, 02, 7E,
FLOOD ZONE 4' PER FEMA, FIRM MAPS, COMMUNITY PANEL NO.
50004 G50 6

LOCAL UTILITIES INCLUDE:
WATER & SEWER - PRIVATE WELL AND SEPTIC
ELECTRIC - PECO
TELEPHONE - VERIZON
GAS - N/A

THE PROPOSED HOUSE
SHOWN ON THIS PLAN
IS FOR CONCEPTUAL
PURPOSES ONLY!

NET SERVICE AREA = 14,642.7 SF

HPT LOT AREA = LOT 39 + LOT 40
 = 202,013.56 + 203,040.49 = 404,177.59
 HPT LOT AREA = 404,177.59

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NET I EFFICIENCY = LPP AREA / NET LOT AREA
= 14,542.7 / 404.77
= 0.0464

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NET 8 REPERVENS - 4.00

OTHER CERTIFY THAT THE PERCOLATION AND WATER TABLE TESTS SHOWN THIS " " OR " " HAVE BEEN FIELD LOCATED AND ARE ACCURATELY SHOWN HEREON.

[illegible]

RVE	LENGTH	RAD US	CURVED BEARING	DELTA ANGLE
C1	226.50'	227.52	N 68°10'55" W	52.00°-00'
C2	180.00'	57.00	N 63°07'56" W	54.00°-00'

GROSS SITE AREA	404,177.11 S.F.
PROPOSED DEDICATION	N/A
NET TRACT AREA	404,177.0 S.F.

[illegible]

MARK SWEENEY
6615 FOGGY LAKE
ROCKVILLE, MARYLAND 2086

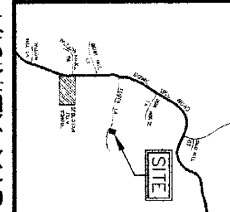
EXISTING FEATURE

[illegible]

PERCOLATION TEST RESULTS & SEPTIC DESIGN SPECIFICATIONS					
Area	Flow	Rate	C.O.D.	Septic tank	

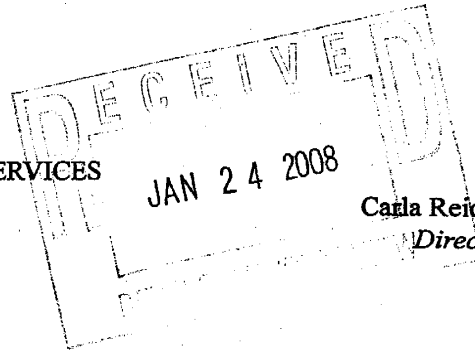
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DATE: 11/19/2000





DEPARTMENT OF PERMITTING SERVICES



Isiah Leggett
County Executive

Carla Reid Joyner
Director

January 22, 2008

Mr. Jeff Robertson
CAS Engineering
108 West Ridgeville Boulevard, Suite 101
Mount Airy, Maryland 21771

Re: **Preliminary/Final Water Quality Plan**
for Bowie Mill Estates-Lots 39/40
SM File #: 232439
Tract Size/Zone: 9.28 Ac/RE-2
Watershed: Upper Rock Creek

SPECIAL PROTECTION AREA

Dear Mr. Robertson:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is 9.28 acres in size and is located on the Foggy Lane. This area is within the Upper Rock Creek Special Protection Area. The development will consist of one existing and one proposed single family detached dwelling units.

Stormwater Management: Control of the channel protection storm is not required because the one-year post development peak discharge is less than 2.0 cubic feet per second. Quality control and recharge will be provided via non-structural measures that include dry wells and rooftop and non-rooftop disconnections.

Sediment Control: Disturbance of the site is to be limited as much as possible. The use of super silt fence will be acceptable for sediment control. The use of silt fence is acceptable for very limited areas of disturbance. The disturbed area is to be permanently stabilized as soon as possible after the initial disturbance. An engineered sediment control plan is required for this development.

Conditions of Approval: The following condition must be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the detailed plan review stage.

1. The proposed driveway for lot 40 must be cross sloped to provide non-rooftop disconnection and vegetative filtering.

2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

Payment of the stream monitoring fee is required prior to the approval of the sediment control plan. The stream monitoring fee computation is to be submitted for verification during the stormwater management/sediment control review process.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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. Note that monitoring is not required for this site.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240)777-6242.

Sincerely,



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

RRB:CN232439

cc: D. Johnsen (MNCPPC-EP)
C. Conlon (MNCPPC-DR)
L. Galanko
R. Gauza (MCDEP)
SM File # 232439

Qn not required; Acres: 9.28
QI on-site; Acres: 9.28
Recharge provided

03/04/2008 16:50 13016078045
12/05/07 WED 10:48 FAX 2407772080

CAS ENGINEERING

PAGE 04/05

002

TRAFFIC ENGR



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

December 4, 2007

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 #1-20080160
Bowie Mill Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 10/18/07. This plan was reviewed by the Development Review Committee at its meeting on 12/3/07. 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 Foggy Lane 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. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. 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.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. 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.

Division of Operations

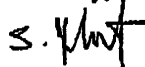
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20080160
Date December 4, 2007
Page 2

8. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

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.
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhad01/preliminary plans/1-20080160, Bowie Mill Estates.doc

Enclosures (1)

cc: Mark Sweeney
Jeff Robertson, CAS Engineering
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Preliminary Plan Folder
Preliminary Plans Note Book



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid Joyner
Director

M E M O R A N D U M

March 26, 2008

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

FROM: Carla Reid, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 1-20080160,

Bowie Mill Estates, Lots 39 & 40

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on September 14, 2007.

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 must appear on the Record Plat.

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

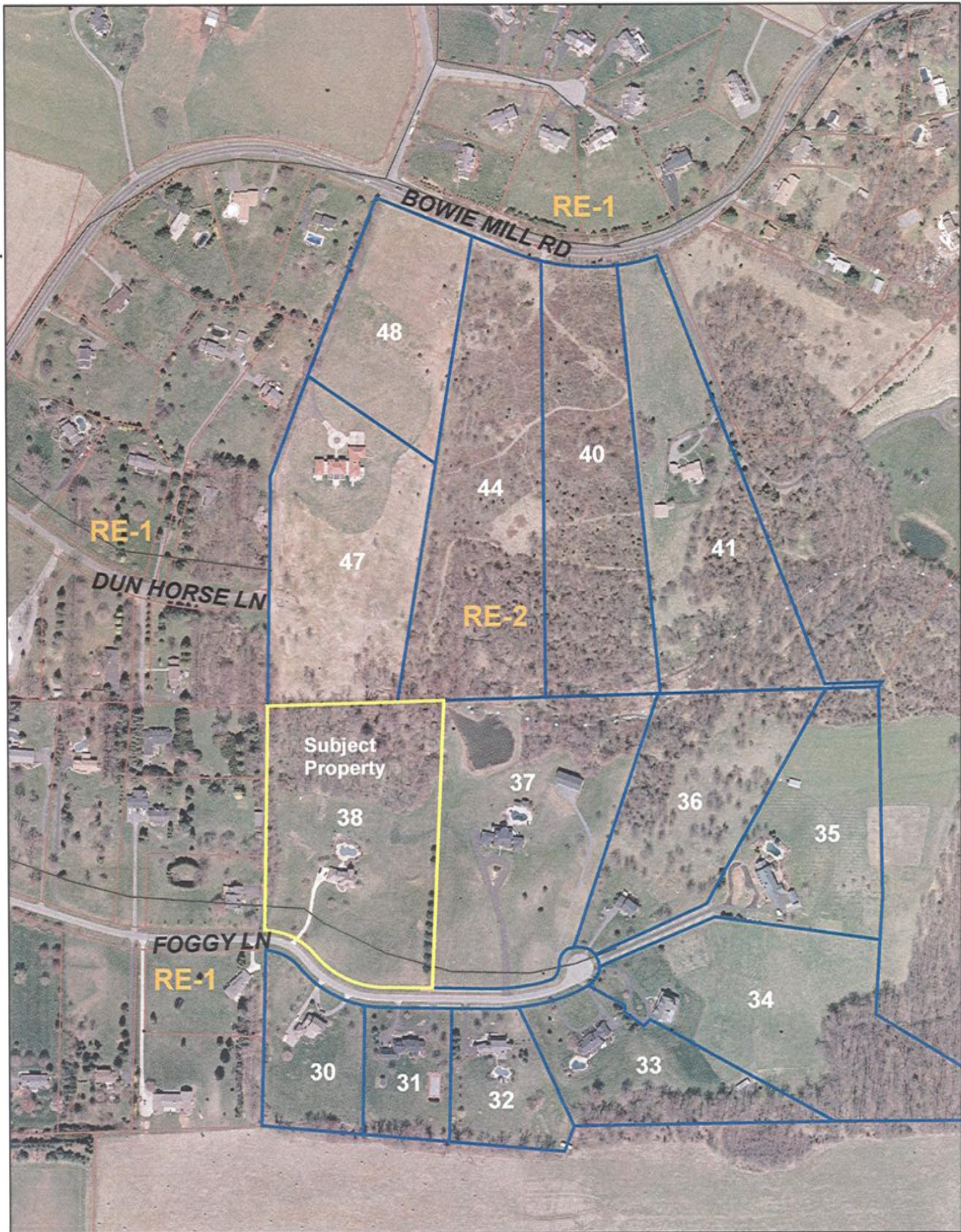
cc:

Surveyor
File

Attn: C. Conlon J.A.R.
Gub
MCDPS
3-27-08

Bowie Mill Estates 120080160
Resubdivision Neighborhood Map

ATTACHMENT D



Legend

 Subject Property

 Resubdivision Neighborhood

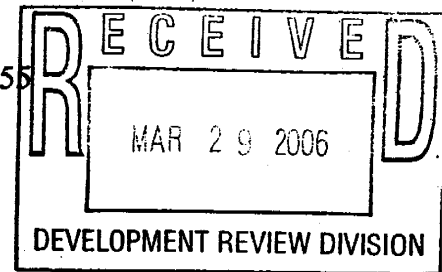
120080160 Bowie Mill Estates Resubdivision Data Table

Lot #	Lot Size	Frontage	Alignment	Lot Shape	Width	Buildable Area
40	202,040	42	perpendicular	pipestem	150	141,689
39	202,136	511	perpendicular	irregular	475	146,533
48	231,184	310	perpendicular	irregular	316	173,454
47	374,028	60	perpendicular	irregular	388	317,463
44	427,337	215	perpendicular	trapezoidal	232	362,767
41	393,742	120	perpendicular	trapezoidal	150	333,384
40	359,891	226	radial	trapezoidal	220	289,396
37	448,179	499	radial	trapezoidal	467	374,463
36	297,950	63	radial	irregular	150	246,690
35	267,051	41	radial	pipestem	150	198,951
34	404,373	68	radial	irregular	452	325,270
33	194,726	218	radial	irregular	248	140,046
32	123,588	200	perpendicular	irregular	224	88,302
31	99,617	260	perpendicular	rectangular	259	67,049
30	132,409	352	perpendicular	irregular	342	91,604

Notes

1. All lot statistics taken from available record plats.
2. Longest front property line used for frontage calculation on corner lots.
3. A 50' Front Building Restriction Line (per RE-2 zone) was assumed for buildable lot calculations.
4. Lot width measured at Front Building Restriction Line.

5607 Foggy Lane
Derwood, MD 20855
March 15, 2006



Ms. Catherine Conlon
M-NCPPC Department of Park and Planning
Subdivision Office
Development Review Division
8787 Georgia Ave
Silver Spring, MD 20910

Dear Ms. Conlon,

We are writing to inform you of our environmental concerns regarding File#7-20060250. We are the adjacent property and have a pond (see map) that would be negatively impacted if the "*possible forest conservation easements*" and the "*stream buffer*" on the survey we received in the mail from CAS Engineering are not actually implemented. We are hereby requesting that these actually be implemented. Our pond is stocked with fish and was negatively impacted when a similar project was initiated on Bowie Mill Road (Lot 45 on the map). The homeowner of Lot 45 removed *all* the trees in the rear of his property, (adjacent to the present Lot 40), and as a result, significant soil erosion occurred and significantly impacted our pond. The homeowner was fined and obliged to pay for the dredging of the pond, due to the excess sediment that was deposited in the pond when the trees were cut. Obviously, this did not restore the wooded conservation area that backed up our property.

We are concerned that the same may occur with the present planned subdivision. The property in File#7-20060250 is much closer than the Bowie Mill property (Lot 45) and would undoubtedly have a negative effect on both the pond and the wooded area if the forest conservations easements are not respected. We strongly request that the environmental measures foreseen and suggested on the map we received be actually implemented and enforced.

Please contact us if you need any further information from us.

Thank you.

Sincerely

Dr. and Mrs. Georges L. Chahine

P.S. Our fears are further compounded by another subdivision letter we just received for Lot 44, File No. 720060490