MCPB
ITEM #
7/10/08

MEMORANDUM

DATE: June 27, 2008

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Development Review Division

Catherine Conlon
Development Review Division

FROM: Richard A. Weaver, Coordinator
Development Review Division (301) 495-4544

REVIEW TYPE: Preliminary plan of subdivision
APPLYING FOR: 2 lots for 2 one-family detached residential dwelling units

PROJECT NAME: South Glen Road – Verma Property
CASE #: 120060660
REVIEW BASIS: Chapter 50, the Montgomery County Subdivision Regulations

ZONE: RE-2
LOCATION: Located on the east side of South Glen Road, approximately 3,750 feet north of its intersection with Edison Road

MASTER PLAN: Potomac
APPLICANT: Dr. Divya Verma
ENGINEER: Macris, Hendricks and Glascock.

FILING DATE: December 22, 2005
HEARING DATE: May 31, 2007 and July 10, 2008

STAFF RECOMMENDATION: Approval, subject to the following conditions:

1) Approval under this Preliminary Plan is limited to a maximum of 2 lots for 2 one family detached residential dwelling units.
2) Should the existing house be removed prior to recordation of the plat, the record plat must show a straightened common lot line between the two proposed lots.
3) The applicant must comply with the conditions of the preliminary forest conservation plan. Conditions are as follows:
   a) A final forest conservation plan must be submitted consistent with Section 109.B. and approved by staff prior to any clearing or grading on the site.
   b) A tree save plan must be developed for any tree impacted by widening of the two entranceways and be incorporated into the final forest conservation plan.
   c) All retained forest and planting areas to be protected with a Category I easement.
   d) Note on plat to state, "A revised forest conservation plan will be required prior to demolition of existing house on Lot 1."
4) The applicant must comply with the conditions of the MCDPS stormwater management concept approval dated January 4, 2007.
5) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) approval dated March 24, 2007, unless otherwise amended by MCDPWT.
6) The applicant must dedicate road right-of-way for South Glen Road along the property frontage to the full width mandated by the Potomac Subregion Master Plan unless otherwise designated on the Preliminary Plan.
7) The record plat must reflect an ingress/egress and utilities easement over the shared driveway.
8) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for five (5) years or sixty (60) months from the date of mailing of the Planning Board opinion.
9) Other necessary easements will be shown on the record plat.

I. PREVIOUS PLANNING BOARD ACTION

The application for the subject property was originally brought before Planning Board at a public hearing on May 31, 2007. At the hearing the Board considered a presentation from staff, the applicant, and concerned citizens, and discussed issues relating to a garage that existed on the property at the time. That garage crossed onto a neighbor's property and a special exception to allow an accessory apartment in the living space above that garage had also been submitted. The Planning Board was not comfortable with a recommendation to approve a preliminary plan that included such a non-conforming structure and suggested that more information was needed from the Board of Appeals and the Department of Permitting Services. The garage has since been removed and there is now no pending or anticipated special exception use on the property.

II. SITE DESCRIPTION (Attachment A)

The subject property, identified as Parcel 335, is an unplatted parcel of land containing 4.22 acres in the RE-2 zone. The property is located on the east side of South Glen Road,

approximately 13,750 feet north of its intersection with Edison Road (Attachment A). South Glen Road is a designated exceptional rustic road in this section. The site contains an existing residential dwelling. Surrounding land uses are one-family detached residential dwellings in the RE-2 zone. The Kilgour Branch Stream Valley Park is located near the northeastern property boundary, but the property does not abut parkland. The Kilgour Branch is a tributary to the Watts Branch (a Use I stream). The existing access to the site is via a circular driveway from South Glen Road. A third gravel driveway access point along the southern boundary of the site provides access to the rear of the house. Public water and sewer serve the site.

The subject property slopes away from South Glen Road to a low point to the rear of the existing home where there is a defined swale. A pond is located in the swale and will remain on the property. The swale eventually turns into a stream well off the northern boundary of the property. The site does contain 0.90 acres of forest that is contiguous to a small protected forest on an adjacent lot. There are also numerous scattered individual trees, of which some are specimen in size.

III. PROJECT DESCRIPTION (Attachment B)

This is an application for a preliminary plan of subdivision to create two residential dwellings (Attachment B). The proposal includes retention of the existing dwelling and creating a second lot for construction of a new dwelling. The new lots continue to have access from South Glen Road via a shared driveway that will maintain its two access points but will be widened to meet Fire and Rescue requirements. Grass pavers, or Grasscrete, will be used in the areas that are widened as requested by the Rustic Roads Advisory Committee. The third gravel driveway access point will be permanently closed off. The modification to the driveway entrance should not result in the removal of any trees, however, if trees will be affected, a tree save plan will be required as part of the final forest conservation plan. This driveway entrance design reflects the comments of the Rustic Roads Committee and is intended to help maintain the rustic character of Glen Mill Road.

Possible Removal of Existing House

The preliminary plan presented to the Planning Board shows a lot line dividing the two lots that allows the existing house to be maintained on the property. The lot alignment is somewhat unconventional, however, both lots meet all requirements of the Zoning Ordinance and Subdivision Regulations as discussed below. The applicant is undecided as to whether the house will remain. Should the house be removed prior to recordation of the plat, the dividing lot line could be straightened to a more conventional nature which staff believes would be preferable. Staff has reviewed both lot line alignments and finds that either alignment is supportable but have included a condition (condition #2) that would require the more conventional alignment if possible.

IV. ANALYSIS AND FINDINGS

A. Compliance with the Master Plan

The Approved and Adopted 2002 Potomac Subregion Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development consistent with the Zoning Ordinance development standards for the RE-2 zone.

Rustic Roads Functional Master Plan

The 2002 Master Plan designates the section of South Glen Road from Glen Road to Deepglen Road, including the frontage of the subject property, as an exceptional rustic road. Such designation is intended to protect the rustic character of the road and its associated vegetation. According to the Approved and Adopted 1996 Rustic Roads Functional Master Plan, the rustic roads designation is not intended to affect the use of adjoining land except in the design of access to the subdivision. It is also not intended to prevent needed improvements to adjoining land uses or the roads and bridges themselves. For the subject application, it has been determined that trees can likely be protected to accommodate widening of the existing driveways to satisfy the access requirements for fire and rescue vehicles and the future residents of the proposed houses. The driveway widening will require some re-grading of the embankment next to the roadway. To minimize the visual impact of the widening, grass pavers will be used instead of asphalt. The proposed plan has been reviewed and conceptually approved by DPWT, DPS and the Rustic Roads Advisory Committee. Therefore, the proposed plan has been found to adequately protect the rustic character of Glen Mill Road.

B. Public Facilities

Transportation

The proposed driveway will provide safe and adequate vehicle and pedestrian access to the site with the proposed improvements. Sidewalks are not required along this rustic road. The proposed development is not required to undergo Local Area Traffic Review (LATR) since it generates far fewer than 30 peak-hour vehicle trips. The application was submitted prior to January 1, 2008; therefore, it is not subject to PAMR requirements.

Other Public Facilities and Services

The site will be served by public water and sewer. Sewer will be extended from an existing manhole to the rear of the property and water will be brought in from South Glen Road. WSSC and DEP have verified that local capacity of the system is adequate to serve the development. 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 currently operating within the standards set by the Growth Policy Resolution currently in effect. The application is not within a school moratorium area and is not subject to payment of School Facilities Payment.

C. Environment

The subject property contains no streams, wetlands or floodplain. Approximately 1.14 acres of forest are located onsite, approximately 0.90 acres of which are located in the northeast corner of the property.

Environmental Buffers

Other than the small amount of existing forest, the subject property does not contain environmentally sensitive areas and there are no environmental buffers.

Forest Conservation

The proposed plan satisfies the requirements of Montgomery County Code, Chapter 22A for forest conservation. The application included a preliminary forest conservation and proposes to protect certain forest and trees during construction of the property, and includes long-term protection of the 1.14 acres of forest on-site, including protected forest and replanted areas. A tree save plan will be required to determine if and what protection measures may be needed for trees near the driveway locations.

Stormwater Management

The MCDPS Stormwater Management Section confirmed their approval of the stormwater management concept for the project on January 4, 2007. The proposed stormwater management plan provides on-site water quality control and onsite recharge via nonstructural methods. Water quantity control is not required because the one-year post development peak discharge is less than 2 cubic feet per second.

D. Conformance to the Subdivision Regulations and Zoning Ordinance

The lots as shown on Attachment "B" were reviewed for compliance with the dimensional requirements specified in Chapter 59, the Zoning Ordinance, for the RE-2 zone and, as proposed, will meet all applicable dimensional requirements for area, frontage, and width in that zone. A summary of this review is included in attached Table 1.

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations.

Section 50-29(a)(1) Findings

Staff also reviewed the proposed subdivision for compliance with Section 50-29(a)(1) of the Subdivision Regulations, which states:

> *"Lot Dimensions. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision taking into account the recommendations included in the*

applicable master plan, and for the type of development or use contemplated in order to be approved by the Board."

The proposed lots comply with this section of the Subdivision Regulations. The lots are appropriately located within the subdivision with respect to their size, shape, width and orientation.

V. ISSUES and CITIZEN CORRESPONDENCE

An adjacent property had submitted a letter dated March 21, 2007, (Attachment C), requesting resolution to the encroachment issue and the ability of three residences to be placed on the four acre property, suggesting a belief that the garage and homes each constitute a single family structure. The garage has since been removed. The neighbor's letter also questions the loss of "old growth woods" and loss of mature trees. There is a proposed sewer line that is to be brought into the site along the eastern border to serve a recently approved subdivision to the south; the applicant would tie into that new sewer line. To access the new sewer, two separate sewer house connections will need to be run from the new homes to the sewer line. The forest conservation plan requires that one of the sewer house connections be tunneled through the root zones of the existing forest to the rear of the homes in an attempt to minimize impact to the trees. The second sewer house connection will be trenched in by conventional means through an open area and that area will then be afforested. There are no stream buffers or other environmentally sensitive areas on the property.

VI. CONCLUSION

Staff's review of Preliminary Plan #120060660, South Glen Road - Verma, indicates that the plan complies with Chapters 50 and 59 of the Montgomery County Code. The proposed plan conforms to the Potomac Master Plan recommendation for residential development in the RE-2 zone. Public facilities will be adequate to support and service the area of the proposed subdivision, and the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The application has also been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application is recommended with the conditions specified above.

ATTACHMENTS:

Attachment A - Vicinity Map
Attachment B - Proposed Preliminary Plan
Attachment C - Citizen Correspondence
Attachment D - Referenced Agency and Staff Correspondence

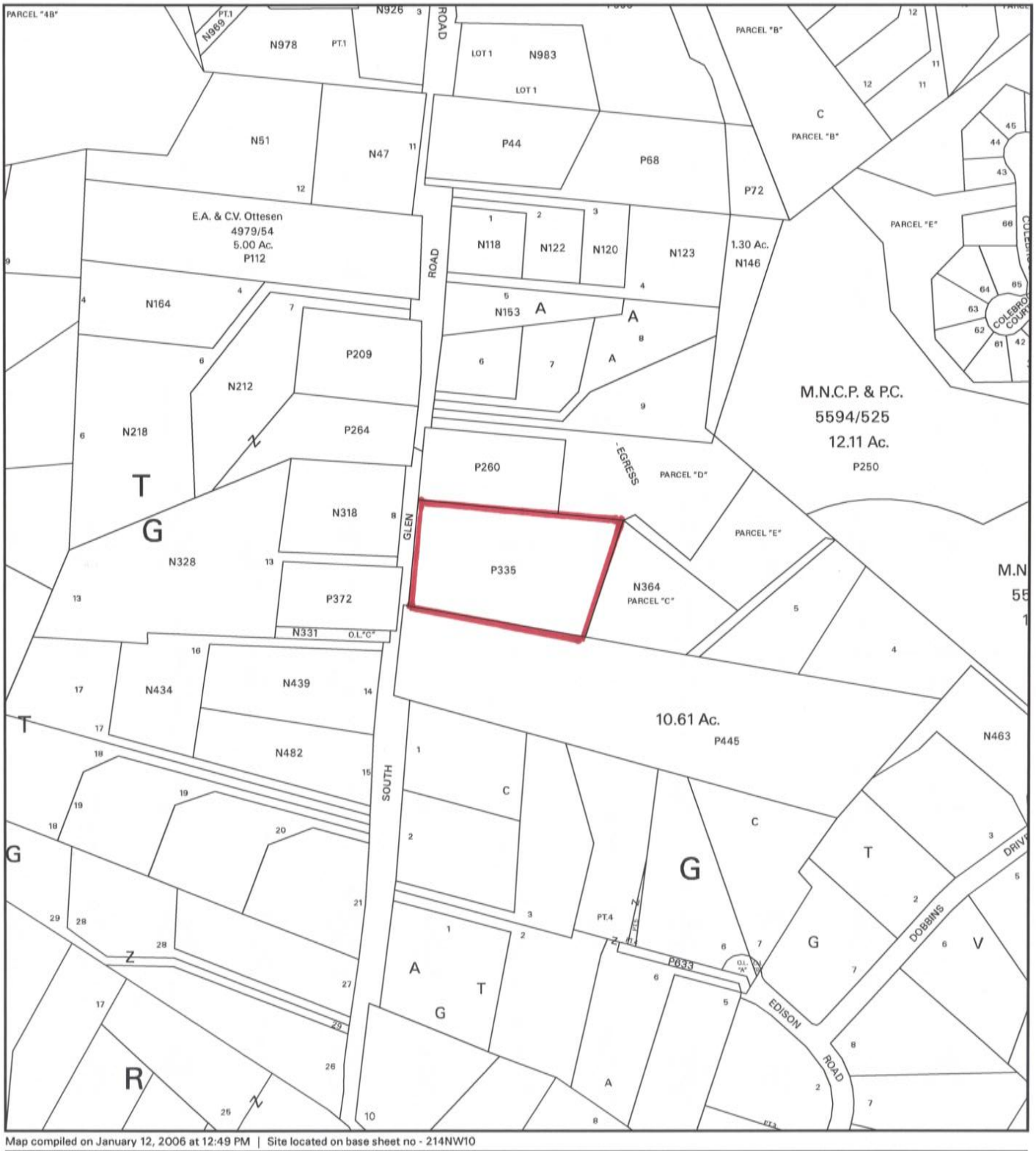
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: South Glen Road - Verma				
Plan Number: 120060660				
Zoning: RE-2				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: One Family Residential				
PLAN DATA	**Zoning Ordinance Development Standard**	**Proposed for Approval the Preliminary Plan**	**Verified**	**Date**
Minimum Lot Area	87,120 sq.ft.	87,379q.ft. is minimum proposed	RAW	5/21/07
Lot Width	150 ft.	150 ft. is minimum proposed	RAW	"
Lot Frontage	25 ft.	130 ft. is minimum proposed	RAW	"
Setbacks				
Front	50 ft. Min.	Must meet minimum[1]	RAW	"
Side	17ft. Min./ 35 ft. total	Must meet minimum[1]	RAW	"
Rear	35 ft. Min.	Must meet minimum[1]	RAW	"
Height	50 ft. Max.	May not exceed maximum[1]	RAW	"
Max Resid'l d.u. or Comm'l s.f. per Zoning	2	2	RAW	"
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street			RAW	5/21/07
Road dedication and frontage improvements			RAW	"
Environmental Guidelines			EP Memo	3/30/07
Forest Conservation			EP Memo	3/30/07
Master Plan Compliance			RAW	5/21/07
Other (i.e., parks, historic preservation)			N/A	
ADEQUATE PUBLIC FACILITIES				
Stormwater Management			Agency Letter	1/4/06
Water and Sewer (WSSC)			Agency Letter	1/23/06
10-yr Water and Sewer Plan Compliance			Agency Letter	1/23/06
Well and Septic			N/A	
Local Area Traffic Review			N/A	
Fire and Rescue			Agency Letter	1/23/06
Other (i.e., schools)			RAW	5/21/07

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

S GLEN ROAD - VERMA PROPERTY (120060660)

Attachment "A"



Map compiled on January 12, 2006 at 12:49 PM | Site located on base sheet no - 214NW10

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

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Research & Technology Center

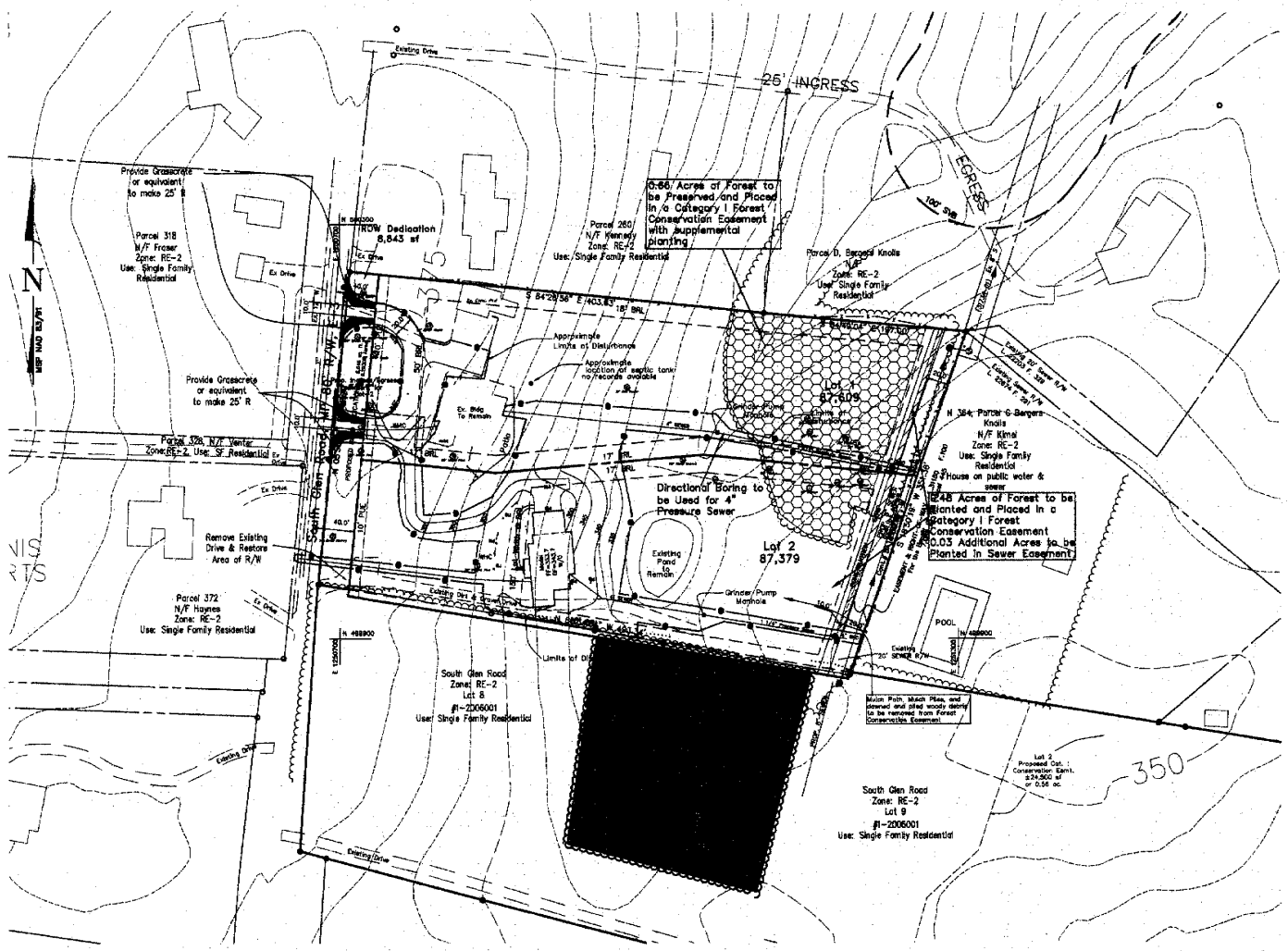
0 400

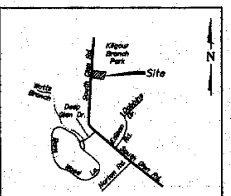
1 inch = 400 feet
1 : 4800

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

Attachment B

(2)





VICINITY MAP
SCALE 1" = 2,000'

NOTES

1. Boundary from deeds and plats recorded among the Land Records of Montgomery County, Maryland.
2. Topography from M-NCP&PC 5 Foot Contour Interval.
3. The property is zoned RE-2 (Residential, single family)
4. Water and sewer category: W-1 & S-3 respectively. Existing wells and septic systems to be properly sealed.
5. Number of lots proposed by this plan: 2 Lots, with the existing house to remain.
6. Proposed land use is single family detached residential units.
7. This site is within the Potomac Planning Area # 29
8. This site drains to Kilgour Branch in the Watts Watershed (Class-I). There are no mapped FEMA or M-NCPPC 100-Year floodplain that reference this site. An approximated floodplain based on 5 feet depth of 100-Year flooding is shown. Approximately 38 acres drains to the northeast corner of the site.
9. A Natural Resources Inventory Map/Forest Stand Delineation Plan has been approved by M-NCP&PC Environmental Planning Division, Reference No. 4-05239.
10. Lot lines and lot areas are scaled for informational purposes only and are subject to change upon final plat computations.
11. Servicing utility companies are:
    Water and Sewer: WSSC
    Electric: PEPCO
    Telephone: Verizon
    Natural Gas: Washington Gas
12. Existing house to be connected to public sewer prior to issuance of a building permit for Lot 2.

DEVELOPMENT STANDARDS (RE-2)
(Chapter 59-C-1.32)

	Required/Permitted	Proposed for Approval
Density of development:	1 du/2 ac. (2 d.u/a)	.42 du/2 ac. (3 d.u/a)
Net Lot Area (59-C-1.323(a)):	87,120 s.f. min.	87,120 s.f. min.
Lot Width (59-C-1.323(b)):		
-At Street Line:	25 ft. min.	25 ft. min.
-At Front BRL:	150 ft. min.	150 ft. min.
Setback From Street (59-C-1.323(c)):	50 ft. min.	50 ft. min.
Yard Requirements (59-C-1.323(d)):		
-side yard:	17 ft. min. one side	17 ft. min. one side
	35 ft total	35 ft total
-rear yard:	35 ft. min. total	35 ft. min. total
Building Height (59-C-1.327):	50 ft. max.	50 ft. max.
Building Coverage (59-C-1.328):	25% max.	25% max.

AREA TABULATION

Gross Tract Area	185,839 sf or 4.22 acres
Street Dedication	58,841 sf or 0.30 acres
Net Tract Area	174,998 sf or 4.02 acres

TAX MAP FQ 341 WSSC 214 NW 10

SURVEYOR'S CERTIFICATE

I certify to the best of my knowledge and belief that the boundary shown hereon is correct based on existing deeds and plats recorded among the Land Records of Montgomery County, Maryland, subject to change upon completion of a final survey. Topography from sources noted hereon.

5/28/2008
Date

Barry E. Hoyle
Macris, Hendricks, & Glascock, P.A.
By: Barry E. Hoyle
Professional Land Surveyor
Maryland Reg. No. 21138

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

NO.	DATE	DESCRIPTION	BY
9	05.19.08	Remove Bldg. over PL	Dac
8	06.06.07	Corrected existing SW	Dac
7	05.10.07	Added FC easement	Dac
6	05.03.07	Revised Dwy's per Sarah Navid	Dac
5	04.05.07	Added Note #12	JCG
4	04.05.07	Added ex. drives across street	JCG
3	10.09.06	Flipped Hse.& DW Lot-2	Dac
2	07.21.06	Rev. D/W & SHC's	Dac
1	07.05.06	Rev D/W	MJW

PREPARED FOR:
Dr. Divya Verma
7525 Greenway Center Drive
Greenbelt, Md 20770
(301) 345-1100

PRELIMINARY PLAN OF SUBDIVISION
PARCEL 335 & PART OF PARCEL 445

S Glen Road - Verma Property

L.26282 F. 352, L.31096 F.552
10TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A.
Engineers • Planners
Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland
20886-1279
Phone 301.670.0840
Fax 301.948.0693
www.mhgpa.com

Proj. Mgr.	Designer
JCG	MJW
Date	Scale
10-21-05	1"=50'
Project No.	Sheet
03.288.10	1 of 1

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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David A. Pordy+
David D. Freishtat
Martin P. Schaffer
Christopher C. Roberts
Edward M. Hanson, Jr.
David M. Kochanski
Robert B. Canter
Daniel S. Krakower
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Samuel M. Spiritos+
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Worthington H. Talcott, Jr.+
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Morton A. Faller
Alan S. Tilles
James M. Hoffman
Michael V. Nakamura
Jay M. Eisenberg+

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Glenn C. Etelson
Karl J. Protil, Jr.+
Timothy Dugan+
Kim Viti Fiorentino
Sean P. Sherman+
Gregory D. Grant+
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William C. Davis, III
Michael L. Kabik
Scott D. Museles
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Christine M. Sorge
Jeffrey W. Rubin
Simon M. Nadler

Karl W. I
Mimi L.
Glenn W
Bruce A.
Jeremy W. Schulman
William F. Askinazi
Matthew M. Moore+
Jeannie Eun Cho
David S. Wachen
Stephen A. Metz
Patrick J. Howley
Jacob A. Ginsberg
Debra S. Friedman•
Eric J. von Vorys
Heather L. Howard+
Hong Suk "Paul" Chung
Carmen J. Morgan•
Kristin E. Draper•
Heather L. Spurrier•
Melissa G. Bernstein•
Patricia Teck

Kristen Munger•+
Leslie E. Gallagher•
Anne Marie Vassallo•
Matthew D. Alegi•
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Melanie A. Keegan•
Chanoch D. Kanovsky
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David E. Weisman
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Deborah L. Moran
Scott D. Field

Special Counsel
Philip R. Hochberg°

Retired
Karl L. Ecker

Maryland and D.C. except as noted:
+ Virginia also ° D.C. only
• Maryland only
•D.C. and VA only

Attachment "C"

Writer's Direct Dial Number:

(301) 230-5219
kkennedy@srgpe.com

March 21, 2007

Rose Krasnow, Chief of Development Review
Rick Weaver, Development Review
The Montgomery County Planning Board
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Proposed Preliminary Plan of Subdivision, Application No. 120060660
Parcel 335 and Part of Parcel 445 (the "Verma Property")

Dear Ms. Krasnow and Mr. Weaver:

As you know from my 1/8/07 correspondence, my wife Elena and I own the property immediately north along South Glen Road (parcel 260, a.k.a. 11251 South Glen Road) in relation to the above-referenced Verma Property. Again, we received a copy of the Proposed Preliminary Plan dated 10/21/05, but have not otherwise been kept apprised of Dr. Verma's proposed subdivision and site development plan.

Our concerns regarding this proposed plan remain unresolved. In order of priority, they are as follows:

(i) the encroaching (both as to the BRL and common property line) garage and non-conforming apartment above (no special exception, as required in RE-2). Dr. Verma's plan fails to include any proposed resolution regarding this non-conforming use/encroaching structure. Is it to remain? Is it to be brought into compliance? Please advise.

(ii) the as-planned Limits of Disturbance ("LOD") for the as-planned sewer extension/ lateral -- which is proposed to serve both the existing Verma residence (characterized as "to remain") and the proposed new residence on the newly (to be) subdivided 2 acre lot. As planned, that proposed utility extension would cut

through old growth woods, as well as the (proposed?) Category 1 Conservation Easement. Note: the area to be transected by the proposed sewer extension/ lateral(s) is a streambed which appears to serve as part of the Watts Branch watershed. As relative new-comers to the Glen, we are obviously interested in maintaining the wooded, rural nature of the area and would very much urge restraint in granting approval to any plan that proposes to needlessly cut mature trees and/or impact the referenced drainage area as part of any proposed subdivision and/or development.

Also, in this/our ***1 residence per 2-acre zone*** (RE-2), we will rightly insist on that standard being strictly adhered to. In short, the non-conforming apartment in the encroaching garage building (a *de facto* second residence, *albeit* non-conforming) should be carefully scrutinized. *Query*: should that non-conforming structure be required to be either made compliant or eliminated, as a condition of any approval? Clearly it should not be allowed to continue as a *de facto* third "residence" on this 4-acre (two (2) residence, maximum) site, the currently proposed subdivision notwithstanding.[1]

Clearly none of my several developer clients would be permitted to go forward with any such subdivision/site development plan without dealing with these several problems, endemic to the encroaching/non-conforming structure. Also, I should think that the environmental sensitivity of the Glen justifies even a greater level of scrutiny in regard to any such development, whether in regard to proposed (excessive) clearing of mature forest or otherwise. That obviously includes close scrutiny over any proposed second/third (?) residence construction planned for the would-be subdivided lot for which this plan is proposed, including all applicable development standards for same.

We want to be able to support our neighbor's plan. However, unless and until these real concerns for us are properly resolved, we feel reluctantly compelled to vigorously oppose this proposed subdivision and site development. In order to assure that our concerns are heard and properly factored into any proposed approvals for the Verma Property, please keep me apprised in regard to scheduling for any future action on this proposed development.

---

[1] Whether Dr. Verma is currently renting out the apartment above the garage is unknown. However, whether that has been the case in the past, it clearly should not be allowed to recur and/or continue. Otherwise, Dr. Verma's as-planned subdivision and development plan would, *de facto*, envision 3 residences (2 conforming and 1 non-conforming) to be unlawfully operated/constructed on this (2 residences maximum) 4-acre parcel in RE-2.

Thank you for your time in consideration of this matter and for the courtesy of your earliest reply.

Best regards.

Very truly yours,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By: Kevin P. Kennedy
Kevin P. Kennedy

cc: Tim Dugan, Esq.
KPK/ts
G:\32\south glen.wpd

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman
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Martin Levine
Worthington H. Talcott, Jr.+
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Heather L. Howard+
Stephen A. Metz
Hong Suk "Paul" Chung
Patrick J. Howley
Carmen J. Morgan•
Kristin E. Draper•
Heather L. Spurrier•
Melissa G. Bernstein
Patricia Teck

Jacob A. Ginsberg
John D. Sadler
Marc E. Pasekoff
Erin J. Ashbarry
Alexis H. Peters•
Meredith S. Abrams
Kristen Munger•
Leslie E. Gallagher•
Michael T. Ebaugh
Anne Marie Vassallo•
Matthew D. Alegi•
Joann J. Wang•+
Christopher W. Poverman
Chanoch D. Kanovsky
Thomas A. Gravely
Rebekah L. Bina•
William F. Gibson+
William B. Schroeder+
Mary Clare H. Kimber•

Of Counsel
Larry N. Gandal
Jeffrey A. Shane
Richard P. Meyer•
Larry A. Gordon•
David E. Weisman
Lawrence Eisenberg
Deborah L. Moran
Scott D. Field

Special Counsel
Philip R. Hochberg°

Retired
Karl L. Ecker

Maryland and D.C. except as noted:
+ Virginia also ° D.C. only
• Maryland only

Writer's Direct Dial Number:
(301) 230-5219
kkennedy@srgpe.com

January 8, 2007

Rose Krasnow, Chief of Development Review
Rick Weaver, Development Review
The Montgomery County Planning Board
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Proposed Preliminary Plan of Subdivision, Application No. _____
Parcel 335 and Part of Parcel 445 (the "Verma Property")

Dear Ms. Krasnow and Mr. Weaver:

My wife Elena and I own the property immediately north along South Glen Road (parcel 260, a.k.a. 11251 South Glen Road) in relation to the above-referenced Verma Property. We received a copy of the Proposed Preliminary Plan dated 10/21/05, but have not otherwise been kept apprised of Dr. Verma's proposed subdivision and site development plan.

Our concerns regarding this plan are several. In order to assure that our concerns are heard and properly factored into any proposed approvals for the Verma Property, please keep me apprised in regard to scheduling for any future action on this proposed development.

Thank you for your time in consideration of this matter and for the courtesy of your earliest reply.

Best regards.

Very truly yours,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By: _____
Kevin P. Kennedy

KPK/ts
G:\32\south glen-V2.wpd

Attachment "D"

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

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning Division MP

DATE: March 28, 2007

SUBJECT: Preliminary Plan 120060660
South Glen Road – Verma Property

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. A category I conservation easement must include all retained and planted forests.

Background

The 4.22-acre property is located on Glen Road approximately 200 feet north of Pitt Ford Drive. There are 0.66-acres of existing forest on the subject site. There is a pond but no streams, slopes between 15 and 25 percent, and highly erodible soils onsite. The property slopes down from Glen Road to the middle of the property and then up to the eastern property line. Currently, there is one existing single-family residence and detached garage on the subject property. The address of the property is 11221 Glen Road in Potomac and is located along an exceptionally rustic road. The entire property is in the Watts Branch watershed, a Use I water.

Environmental Guidelines

The subject site has two approved Natural Resource Inventory/Forest Stand Delineations (NRI/FSD). The first NRI/FSD, #42005329E was approved on June 1, 2005 for sediment control permit 216225. Plan #42005329E was a request for an exemption from submitting a forest conservation plan. The applicant submitted a declaration of intent indicating that approximately 10,000 square feet of forest would be removed. In the fall of 2006, the applicant submitted a second NRI/FSD, #420060460. The second NRI/FSD indicates 0.66-acres of forest, meaning that the applicant removed approximately 0.24 acres of forest as allowed by #42005329E. NRI/FSD #420060460 was approved on December 8, 2005. Since the Declaration of Intent for the first NRI/FSD is still in effect, the submission of a preliminary forest conservation plan invalidates the exemption and requires the applicant to account for all the forest on site as shown in plan #420065239E. Therefore, the amount of forest used for forest conservation plan purposes is 0.90 acres as shown in NRI/FSD 42005329E

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and not the current 0.66-acres.

There are no environmental buffers on the property, though there is a pond that temporarily holds water and was dry on previous site visits. The pond is located approximately half way between the western and eastern property lines. The property slopes up from the pond in both the east and west directions. The property does include slopes between 15 and 25 percent and highly erodible soils.

Forest Conservation

As previously discussed, for purposes of the forest conservation plan there is 0.90-acres of existing forest onsite. The existing forest onsite is located on the northeastern part of the subject site and is dominated by tulip poplar and black cherry trees. The forest conservation plan shows the removal of 0.24-acres of existing forest, which was permitted by NRI/FSD 42005329E and the retention of 0.66-acres of forest. The applicant will supplement the existing forest by planting an additional 0.48-acres of trees to create a 1.14-acre forest conservation easement at the back and on the upslope side of the property. This proposed easement is connected to another forest conservation easement directly to the south of this property. This offsite easement was established by preliminary plan 120060010.

There are numerous trees 24 inches and greater in diameter within the existing forest stand and along Glen Road. The plan shows two trees 24-inches and greater for removal. One tree is directly behind the location of the proposed new house and the other is near the existing pond.

RECOMMENDATION

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

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

March 24, 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 #1-20060660
South Glen Road, Verma Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 12/21/05. This plan was reviewed by the Development Review Committee at its meeting on 1/23/06. 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. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways on the preliminary plan.

2. Necessary dedication for South Glen Road in accordance with the master plan.

3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

4. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.

5. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. If access will be from a roadway included on the Rustic Roads Program, stake and pavement mark the proposed driveway location(s) for our evaluation of the impact on the Rustic Road features.

6. Please coordinate with Department of Fire and Rescue about their requirements for access.

7. 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. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.

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.

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,

S. Farhadi

Sam Farhadi, P.E., Senior Planning Specialist
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/ 1-20060660, S Glen Road, Verma.doc
Enclosures (1)

cc: Divya Verma
Michael Watkins, Macris Hendricks & Glascock
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

January 4, 2006

Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management ***CONCEPT*** Request
for South Glen Road - Verma Property
SM File #: 222698
Tract Size/Zone: 4.02 acres/RE-2
Total Concept Area: 4.02 acres
Parcel(s): 355 & part 445
Watershed: Watts Branch

Dear Mr. Wilde:

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 onsite recharge via nonstructural methods. 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 Nadine Vurdelja Piontka at 240-777-6334.

Sincerely,

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

RRB:dm CN222698

cc: C. Conlon
S. Federline
SM File # 222698

QN -onsite; Acres: 4.02
QL - onsite; Acres: 4.02
Recharge is provided