



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

MCPB
Item #
1/15/09



MEMORANDUM

DATE: January 2, 2009

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 15 lots for 10 townhouse and 5 one-family detached dwelling units

PROJECT NAME: Martins Property
CASE #: 120070450
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-90/TDR
LOCATION: Located on the west side of Blackburn Road, 100 feet north of Burleigh Hill Court
MASTER PLAN: Fairland

APPLICANT: Tri Capital Partners
ENGINEER: Site Solutions
ATTORNEY: Holland & Knight

FILING DATE: December 5, 2006
HEARING DATE: January 15, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 15 lots for ten townhouse dwelling units and five one-family detached dwelling units.
- 2) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
- 3) The final number of TDRs as per condition #1 above will be determined at the time of site plan.
- 4) 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 MCDPS issuance of sediment and erosion control permits, as applicable. Conditions include, but are not limited to, the following:
 - a. The applicant must provide permanent tree protection fencing and signage along the northern and eastern boundaries of the Category I conservation easement.
 - b. The Final Forest Conservation Plan must include measures to remove landscape debris and trash from the conservation easement area.
- 5) Prior to submission of a site plan application, the applicant must update the May 9, 2007 noise analysis report to analyze traffic noise impacts and recommend specific noise attenuation measures for the most current proposal for the subdivision. Standard wooden fencing must not be used for noise mitigation for outdoor use areas.
- 6) Prior to submission of a site plan application, the applicant must provide noise attenuation measures to achieve an exterior level of no more than 60 dBA, Ldn for backyard areas of lots, and 45 dBA Ldn for the interior of residential dwelling units, where ultimate noise levels are found to exceed 65 dBA Ldn for any habitable story.
- 7) Prior to certification of the preliminary plan, the site data on the plan must be revised to accurately reflect the gross tract area, area previously dedicated to public right-of-way, area proposed for dedication to public right-of-way, and net tract area.
- 8) The applicant must dedicate and the record plat must show dedication of approximately 930 square feet of right-of-way along the property frontage for Blackburn Road to create a variable width right-of-way, as shown on the approved preliminary plan.
- 9) The applicant must construct all public road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes.
- 10) The applicant must construct all private streets to the widths shown on the preliminary plan, including the typical sections shown on the preliminary plan. The streets must be built to the structural standards of a tertiary road, as specified in Section 50-25(h) of the Subdivision Regulations.
- 11) The applicant must construct five-foot wide sidewalks along the proposed private street, along the Blackburn Road frontage of the subject property, and along the west side of Blackburn Road from the northwest corner of the intersection of Blackburn Road and the US 29 exit ramp to the current southern terminus of the existing sidewalk north of the subject property.
- 12) The record plat must reflect serialization and liber/folio reference for all TDRs utilized by the development.
- 13) The record plat must reflect common ingress/egress and utility easements over all shared driveways.

- 14) The record plat must reflect a public use and access easement and a utility easement over all private streets and adjacent parallel sidewalks.
- 15) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 16) The record plat must reflect a Category I conservation easement over all areas of forest conservation.
- 17) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 3, 2008.
- 18) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated November 14, 2008, unless otherwise amended.
- 19) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 20) No clearing, grading or recording of plats prior to certified site plan approval.
- 21) The record plat must show necessary easements.
- 22) 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, consists of two unplatted parcels and a portion of a third unplatted parcel, with a combined area of approximately 3.37 acres. It is located on the west side of Blackburn Road, 100 feet north of Burleigh Hill Court. The zoning on the property is R-90/TDR. A narrow strip of property extending to the north across the US 29 exit ramp that is shown on the preliminary plan as part of the site was previously dedicated to the Maryland State Highway Administration. The property is developed with two one-family detached dwellings and several small accessory structures, all of which will be removed to accommodate the proposed development. Surrounding properties to the south and east are developed with one-family detached dwellings and townhouses in the R-90/TDR zone. An exit ramp from Columbia Pike (US 29) abuts the site to the north, beyond which are undeveloped properties in the R-90 zone and one-family detached dwellings in the R-90/TDR zone. Columbia Pike (US 29) abuts the site to the west, beyond which are undeveloped properties, one-family detached dwellings, and townhouses in the R-200 zone.

The site is located within the Little Paint Branch watershed. There are no stream buffers, wetlands, or floodplains on the site. 0.27 acres of forest exists in the southwestern corner of the site. This forest stand continues off-site and is part of a larger forested area. There are six significant trees on the site. The remainder of the site is covered by mowed grass and the existing dwellings and outbuildings.



PROJECT DESCRIPTION

The applicant proposes to subdivide the existing parcels into 15 lots – ten for townhouses and five for one-family detached dwellings. In addition, a homeowners association parcel will be created that will contain the forest stand and open space. A second homeowners association parcel will be created to contain the two bioretention ponds. A third homeowners association parcel will be created to contain a private street, which will serve as access for all of the townhouses, guest parking, and one of the one-family detached dwellings. The remaining four one-family detached dwellings will be accessed via driveways from Blackburn Road, including one shared-use driveway for two of the proposed lots. The five one-family detached lots range in size from 9,035 square feet to 11,760 square feet. The application is using the optional transferable development rights (TDR) method of development. Approval of a site plan by the Planning Board is required prior to implementation of the project.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Fairland Master Plan recommends that properties in the Blackburn Road area, including the subject property, be developed with a mix of one-family detached dwellings and townhouses. The Master Plan also recommends the use of transferable development rights. The proposed subdivision complies with the recommendations adopted in the Master Plan because the application proposes a subdivision comprised of lots for both one-family detached dwellings and townhouses. The subdivision is within the allowed density established for development using optional transferable development rights. The allowable base density is 3.6 units per acre and the allowable density with TDRs is 4.6 units per acre; the proposed project density is 4.45 dwelling units per acre.

Public Facilities

Roads and Transportation Facilities

The proposed subdivision does not generate 30 or more vehicle trips during the morning or evening peak hours. Therefore, the application is not subject to Local Area Transportation Review. The application predated the effective date of the 2007 Growth Policy requirements. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the townhouse lots and to one of the five one-family detached lots (proposed Lot 5) will be provided via driveways from a proposed 20-foot wide private street. The private street will include a turn-around to serve emergency vehicles and the general public. Six guest parking spaces will also be accessed via the proposed private street. Access to the remaining four one-family detached lots will be provided via driveways from Blackburn Road. Two of those lots will be accessed via a shared driveway. Pedestrian access to the site will be enhanced with a proposed five-foot wide sidewalk along the property frontage on Blackburn Road. A recommended condition of approval would require extension of this sidewalk from the northern property line at the Columbia Pike (US 29) exit ramp, along the west side of Blackburn Road to the terminus of the existing sidewalk to the north, a distance of approximately 150 feet.

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private street 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 public sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who has 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, and a school

facilities payment is not required. Electrical, gas, and telecommunications services are also available to serve the Property.

Environment

Environmental Guidelines

The site does not contain any streams, wetlands, floodplains, or other environmentally sensitive features, and there are no environmental buffers on the site. Environmental guidelines for protection of environmentally sensitive areas, therefore, are not applicable to this subdivision.

Forest Conservation

A 0.27-acre forest stand exists on the southeastern corner of the site, and six large trees exist on the site. Five of the six large trees, including a specimen black oak and a coffee tree, are proposed to be removed. These five trees are located within the portion of the site where lots are proposed, and their loss is unavoidable. The sixth large tree, a 29-inch chestnut oak, is located within the existing forest and will be retained.

Since this site is developing under the optional method of development in a one-family residential zone (R-90/TDR), and the existing forest is less than the conservation threshold (0.62 acre), the Forest Conservation Law requires that all existing forest be retained, and on-site forest planting up to the afforestation threshold (0.47 acre) must be provided per Section 22A-12(f)(2)(C) of the County Forest Conservation Law.

The applicant proposes to retain the entire existing forest and to plant 0.20 acres of forest adjacent to the existing forest. The existing and planted forest will be placed in a Category I conservation easement and will be located within the proposed common open space adjacent to the Columbia Pike (US 29) ramp. This proposal meets the Forest Conservation Law requirement of retaining and planting all forest on-site for a one-family residential subdivision when the optional method of development is used.

Staff recommends that permanent fencing and signs be installed along those boundaries of the Category I conservation easement that are located near proposed lots or stormwater management facilities. This would ensure that homeowners will know where the conservation easement lies and will not unknowingly cut or clear trees and shrubs within the existing or planted forest areas. Staff also recommends that, as part of the required forest conservation measures that are being implemented, the applicant remove trash and landscape debris that lie within the existing forest.

Noise Attenuation

A traffic noise study, dated May 9, 2007, projects that the traffic noise impacts on the subject site will be as high as 70 dBA, Ldn for outdoor areas and 71.1 dBA, Ldn for facades of proposed homes at the second floor. The proposed lots that will be subjected to the highest

traffic noise levels are townhouse unit T10 (westernmost end unit) and detached lot 5. Other proposed lots will also be affected by adverse traffic noise levels.

Environmental Planning's noise guidelines (created June 1983) set a limit of 60 dBA, Ldn as the basic "residential noise guideline which will be applied in most areas of the County where suburban densities predominate. Maintenance of this level will protect health and substantially prevent activity interference both indoors and outdoors." If use of all feasible exterior attenuation measures cannot protect noise-sensitive rooms of proposed residential units, then the guidelines recommend that an interior noise guideline of 45 dBA, Ldn be applied. Meeting the interior noise guideline may require the developer to include extraordinary elements in the building design to attenuate traffic noise levels to acceptable levels in the interior of affected dwelling units. Examples of such building elements include: elimination of features which may cause sound to reverberate between different parts of a building, construction with masonry or other materials that transmit little sound, location of balconies and noise-sensitive rooms away from noise sources, and minimizing door and window areas facing the noise source.

At the site plan stage, staff recommends that the developer propose acoustical treatments that would reduce noise levels in both outdoor use areas and within the dwelling units to acceptable levels. The May 9, 2007 noise study should be updated at site plan to provide the following information:

- Noise study that evaluates the most current layout for the project.
- Identify how much noise attenuation will be achieved with the mitigation options proposed in the report.
- Identify the correct traffic noise guideline level that is applied to the project. The current noise study incorrectly states that the outdoor noise guideline level is 65 dBA, Ldn.
- Do not use standard wooden fencing for noise mitigation. Staff has found that wooden fencing does not provide adequate noise attenuation over time due to problems with warping and/or incorrect installation.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on January 3, 2008. The stormwater management concept includes water quality control via two biofilters and use of nonstructural practices, including porous pavers and porous concrete driveways. Onsite recharge is provided by storage below the biofilters. Channel protection is not required because the one-year post-development peak discharge is less than 2 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.

A private street is proposed to provide access to and frontage for the ten townhouse lots¹. Section 50-29(a)(2) of the Subdivision Regulations requires that lots must front on a street that has been dedicated to public use or that has acquired the status of a public street. It is staff's opinion that the proposed street meets the minimum standards necessary to make the finding that it has acquired the status of a public street. These standards, as previously applied by staff for townhouse lots, include a 20-foot pavement width, 25-foot turning radii, five-foot sidewalk width, an appropriate circulation pattern, and an appropriate paving cross-section. The road will also be placed within an easement that ensures it remains fully accessible to the public. Staff recommends, therefore, that the Planning Board find that the proposed private street has acquired the status of a public street.

The lots were reviewed for compliance with the dimensional requirements for the R-90/TDR 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 preliminary plan application predated the requirement for a pre-submission meeting. Written notice, however, was given by the applicant and staff of the plan submittal and the public hearing date. Additional notice was recently given because the application was submitted over one year ago. 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 Fairland 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

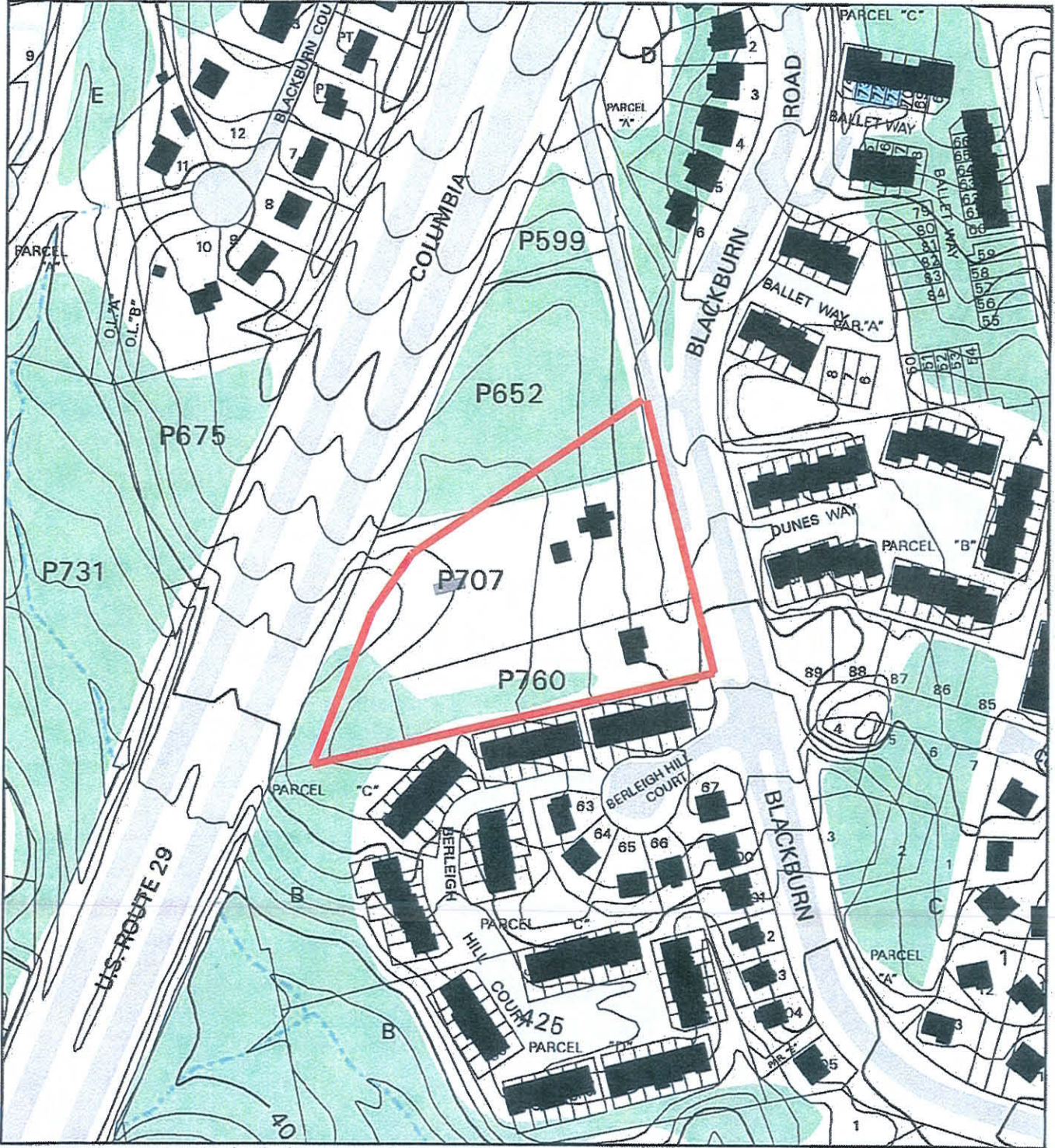
¹ The one one-family lot that will be accessed by the private street will have frontage on Blackburn Road, along with all other one-family detached lots in this proposed subdivision.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Martins Property				
Plan Number: 120070450				
Zoning: R-90/TDR				
# of Lots: 15				
# of Outlots: N/a				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	To be determined at Site Plan	1,760 sq. ft. minimum	NB	1/2/09
Lot Width	To be determined at Site Plan	22 ft. minimum	NB	1/2/09
Lot Frontage	To be determined at Site Plan	22 ft. minimum	NB	1/2/09
Setbacks				
Front	To be determined at Site Plan	Must meet minimum ¹	NB	1/2/09
Side	To be determined at Site Plan	Must meet minimum ¹	NB	1/2/09
Rear	To be determined at Site Plan	Must meet minimum ¹	NB	1/2/09
Height	To be determined at Site Plan	May not exceed maximum ¹	NB	1/2/09
Max Resid'l d.u. per Zoning	15	15	NB	1/2/09
MPDUs	N/a		NB	1/2/09
TDRs	Yes		NB	1/2/09
Site Plan Req'd?	Yes		NB	1/2/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	NB	1/2/09
Road dedication and frontage improvements		Yes	Agency letter	11/14/08
Environmental Guidelines		N/a	Staff memo	12/18/08
Forest Conservation		Yes	Staff memo	12/18/08
Master Plan Compliance		Yes	Staff comments	1/22/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	1/3/08
Water and Sewer (wssc)		Yes	Agency comments	1/22/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	1/22/07
Well and Septic		N/a	Agency memo	1/22/07
Local Area Traffic Review		N/a	Staff memo	1/22/07
Policy Area Mobility Review		N/a	Staff memo	1/22/07
Transportation Management Agreement		No	Staff memo	1/22/07
School Cluster in Moratorium?		No	NB	1/2/09
School Facilities Payment		No	NB	1/2/09
Fire and Rescue		Yes	Agency letter	11/25/08

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

MARTINS PROPERTY (120070450)



Map compiled on December 01, 2008 at 11:19 AM | Site located on base sheet no - 22ONE04

NOTICE

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

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

Key Map



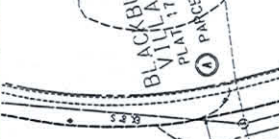
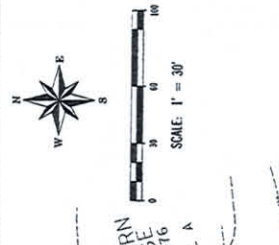
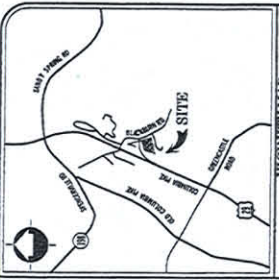
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Research & Technology Center



1 inch = 200 feet
1: 2400

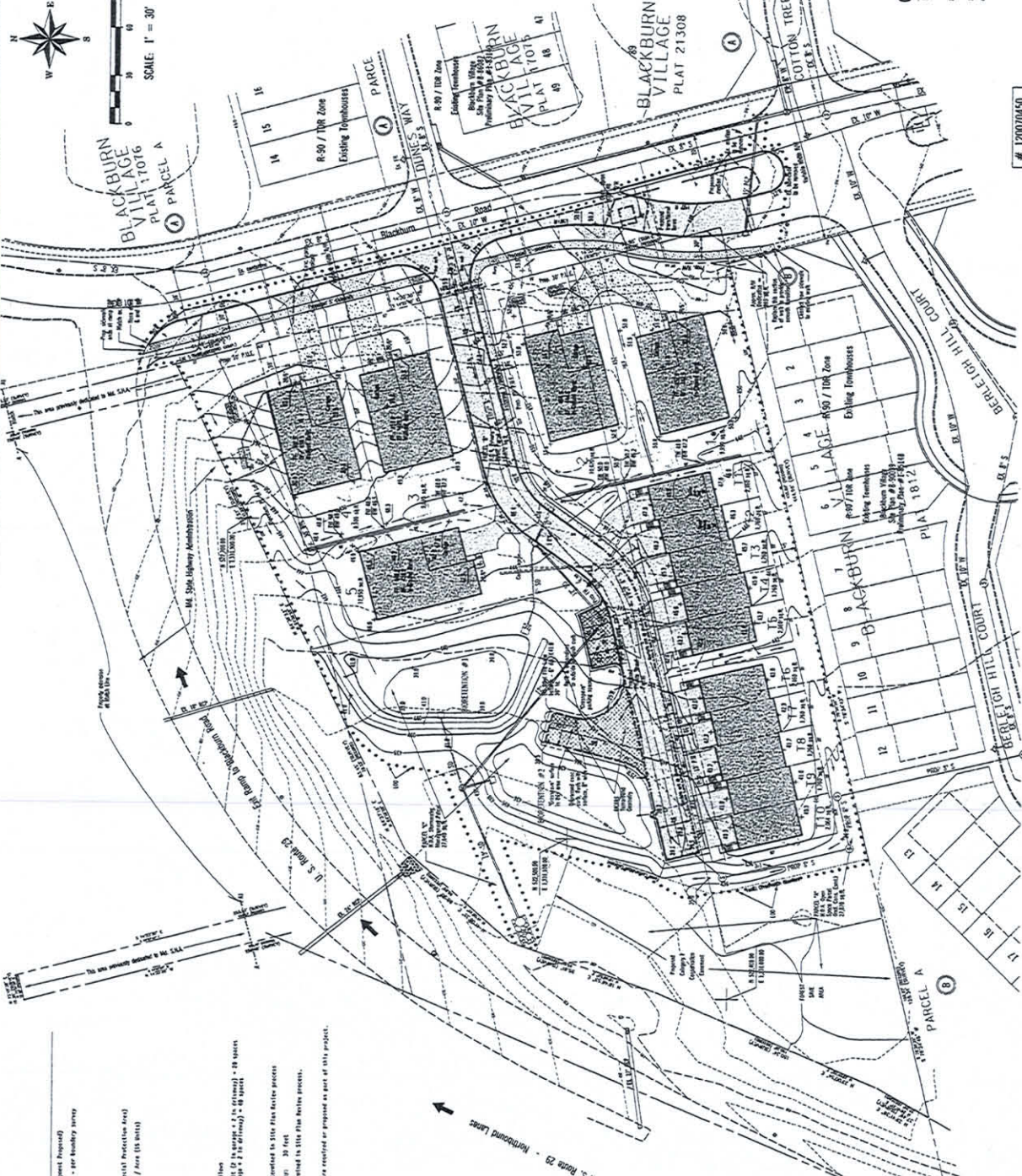


STANDARD	REQUIRE / MAXIMUM	REQUIRE / MAXIMUM
Lot Area	1.5 Acre	1.5 Acre
Lot Width	4.8 B/W/L	4.8 B/W/L
Building Height	5	5
Setback	15	15
Height	25	25
Green Area	3% of Total	3% of Total
Maximum Building Width	30	30
Maximum Building Coverage	25	25
Setbacks	5	5
Accessory Structures	Not Allowed	Not Allowed

* To be determined by Site Plan Review

Attachment B

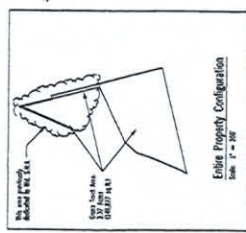
- ### General Notes
- See site plan for lot lines, building footprints, and other site-specific information. Dimensions are shown in feet and inches.
 - Dimensions shown on this site plan are approximate and are not to be used for construction purposes.
 - Dimensions shown on this site plan are approximate and are not to be used for construction purposes.
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SITE DATA

- Site area: 6.69 / 106 (Optional: include of Development Proposed)
- Lot Area: 3.35 Acres (146,237 sq. ft.) - per boundary survey
- Proposed single-family detached: 655 sq. ft.
- Area of 150 Year Floodplain: None on property
- Property is in the Existing Planning Area
- Proposed building footprint: 5,150 sq. ft. (with 150-year floodplain)
- Proposed parking: 40 spaces, 15 spaces
- Maximum Green Area Required: 7% of Total
- Green Area Proposed: 4% of Total
- 60-foot Street Right-of-Way: 30 spaces
- 60-foot Street Right-of-Way: 15 spaces

- Minimum Green Area: 7% of Total
- Proposed parking: 40 spaces, 15 spaces
- Proposed building footprint: 5,150 sq. ft. (with 150-year floodplain)
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- Proposed building footprint: 5,150 sq. ft. (with 150-year floodplain)



DATE	DESCRIPTION	BY	SCALE
12/01/2023	PRELIMINARY PLAN	J. MARTIN	1" = 30'
12/01/2023	REVISION	J. MARTIN	1" = 30'
12/01/2023	REVISION	J. MARTIN	1" = 30'
12/01/2023	REVISION	J. MARTIN	1" = 30'

PRELIMINARY PLAN
MARTINS PROPERTY
COTTAGEVILLE ELECTION DISTRICT NO. 5
MONTGOMERY COUNTY, MARYLAND

1200/0450

J. MARTIN, INC.

26415 Greenfield Drive
Baltimore, MD 21288
(410) 321-1100

NO.	DESCRIPTION	DATE
1	Issue of this plan	12/01/2023
2	Revisions per 100% contract	12/01/2023
3	Revisions per 100% contract	12/01/2023
4	Revisions per 100% contract	12/01/2023
5	Revisions per 100% contract	12/01/2023

APPLICANT:
TriCapital Partners, LLC
11140 Rockville Pike, Suite 600
North Bethesda, MD 20852
Attn: Robert Logothetis

REVISION:

SITE SOLUTIONS, INC.
26415 Greenfield Drive
Baltimore, MD 21288
(410) 321-1100
www.sitesolutions.com



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 3, 2008

Carla Reid Joyner
Director

Mr. Jeffrey Lewis
Site Solutions, Inc.
20410 Observation Drive, #205
Germantown, MD 20876

Re: Stormwater Management **CONCEPT** Request
for Martins Property
Preliminary Plan #: 1-07045
SM File #: 229842
Tract Size/Zone: 3.3 acres / R-90 / TDR
Total Concept Area: 3.3 acres
Lots/Block: Proposed Lots 1-15
Parcel(s): P760, P729, P707
Watershed: Little Paint 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 via construction of two bio filters and use of nonstructural practices, including porous pavers and porous concrete driveways; and onsite recharge via storage below the bio filters and other, nonstructural practices. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Please use a manhole flow splitter if possible so a self cleaning trash rack can be employed, or use a minimum 12-inch diameter flow split delivery pipe so a trash rack will not be needed.

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 Mark Etheridge at 240-777-6338.

Sincerely,



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

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 229842

QN -ON; Acres: 3.3
QL - ON; Acres: 3.3
Recharge is provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

November 14, 2008

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

RECEIVED
NOV 20 2008
DEVELOPMENT REVIEW

RE: Preliminary Plan #1-20070450
Martins Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on 10/6/08. This plan was reviewed by the Development Review Committee at its meeting on January 22, 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. Necessary dedication for Columbia Pike, access road and Blackburn Road in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
4. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
5. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

6. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
7. 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 DOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
8. Access and improvements along Columbia Pike (MD 29) as well as access road as required by the Maryland State Highway Administration.
9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operation Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter with Division of Highway Services, Tree Maintenance Unit at 240 777 6000.
12. 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, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Blackburn Road from the existing road centerline to improve it to primary residential roadway standards (MC-212.01) along the site frontage. We have determined that a non-crowned road as shown on the preliminary plan is acceptable.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

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Enclosures (1)

cc: Robert LoPinto, Tri Capital Partners, LLC
Alfred Blumberg, Site Solutions Inc
William Kominers, Holland & Knight
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Sam Farhadi, DOT DTEO
Corren Giles, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book