

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

**MCPB**  
**Item #**  
**3/18/10**



**MEMORANDUM**

**DATE:** February 23, 2010

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** 2 lots for 2 one-family detached residential dwelling units

**PROJECT NAME:** Sullivan Property

**CASE #:** 120100060

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

**ZONE:** RC

**LOCATION:** On the north side of Ashton Road (MD 108), 950 feet northeast of Mink Hollow Road

**MASTER PLAN:** Sandy Spring-Ashton

**APPLICANT:** Robert E. Sullivan

**ENGINEER:** CAS Engineering

**FILING DATE:** August 28, 2009

**HEARING DATE:** March 18, 2010

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

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family detached residential dwelling units.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The record plat must reflect common ingress/egress and utility easements over the shared driveway.
- 5) The Applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated October 28, 2008. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The record plat must reference that lot 2, as shown on the preliminary plan, is being created under Section 59-C-9.73 for use as a single-family residence only by the child or spouse of a child of the property owner. Applicant to provide signed affidavit to that effect with record plat application. A note specifically identifying the child lot on the record plat must be provided.
- 7) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated October 6, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The Applicant must dedicate 40 feet of right-of-way from the centerline of Ashton Road (MD 108) along the property frontage as shown on the preliminary plan.
- 9) The Applicant must satisfy provisions for access and improvements as required by the Maryland State Highway Administration (MDSHA) prior to issuance of access permits.
- 10) Prior to approval of record plat, the Applicant must construct bikepath improvements along the Property frontage or pay a fee in lieu. If the Applicant chooses to pay a fee in lieu, a payment of \$11,500 must be made to MCDOT Annual Sidewalk Program No. 506747.
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 12) Other necessary easements must be shown on the record plat.

**PREVIOUS PLANNING BOARD HEARING**

A pre-preliminary plan for the Subject Property went before the Board on April 23, 2009. The Applicant requested the Planning Board find that a lot without street frontage for a child lot is justified. The Board approved the proposed lot frontages on the concept plan with a binding condition that the lot without frontage must be created only for the use of a child of the property owner per resolution dated June 29, 2009.



## SITE DESCRIPTION

The Subject Property, depicted below, is a 9-acre unplatted parcel in the Rural Cluster (RC) zone. The property is located on the north side of Ashton Road (MD 108), approximately 950 feet northeast of Mink Hollow Road. The subject property is currently developed with a one-family detached residence with associated accessory structures to the rear of the house and a tenant house in the northwest portion of the property. Surrounding properties are developed with one-family detached residences, also zoned RC.

The Property is located within the Patuxent River watershed and is subject to the Patuxent River Primary Management Area guidelines, including a 10% maximum impervious limit. There are no streams, wetlands, or 100-year floodplain on the property; however, a portion of the property is within an environmental buffer that is associated with two offsite tributaries located to the north and east of the property. Approximately 1.41 acres of forest exists on the property.



*Figure 1: Aerial Image*

## PROJECT DESCRIPTION

The Applicant proposes to subdivide the existing parcel into two lots, one of which will be 87,120 square feet (2.0 acres) and one of which will be 304,327 square feet (7.0 acres). Proposed lot 1 will front on Ashton Road and contain the existing one-family detached dwelling. A waiver of frontage is requested for proposed lot 2, which will contain the existing tenant house. The

existing gravel driveway is currently serving both dwellings and is proposed to remain as a shared driveway in the same location. The dwelling units are served by private standard septic systems and wells.

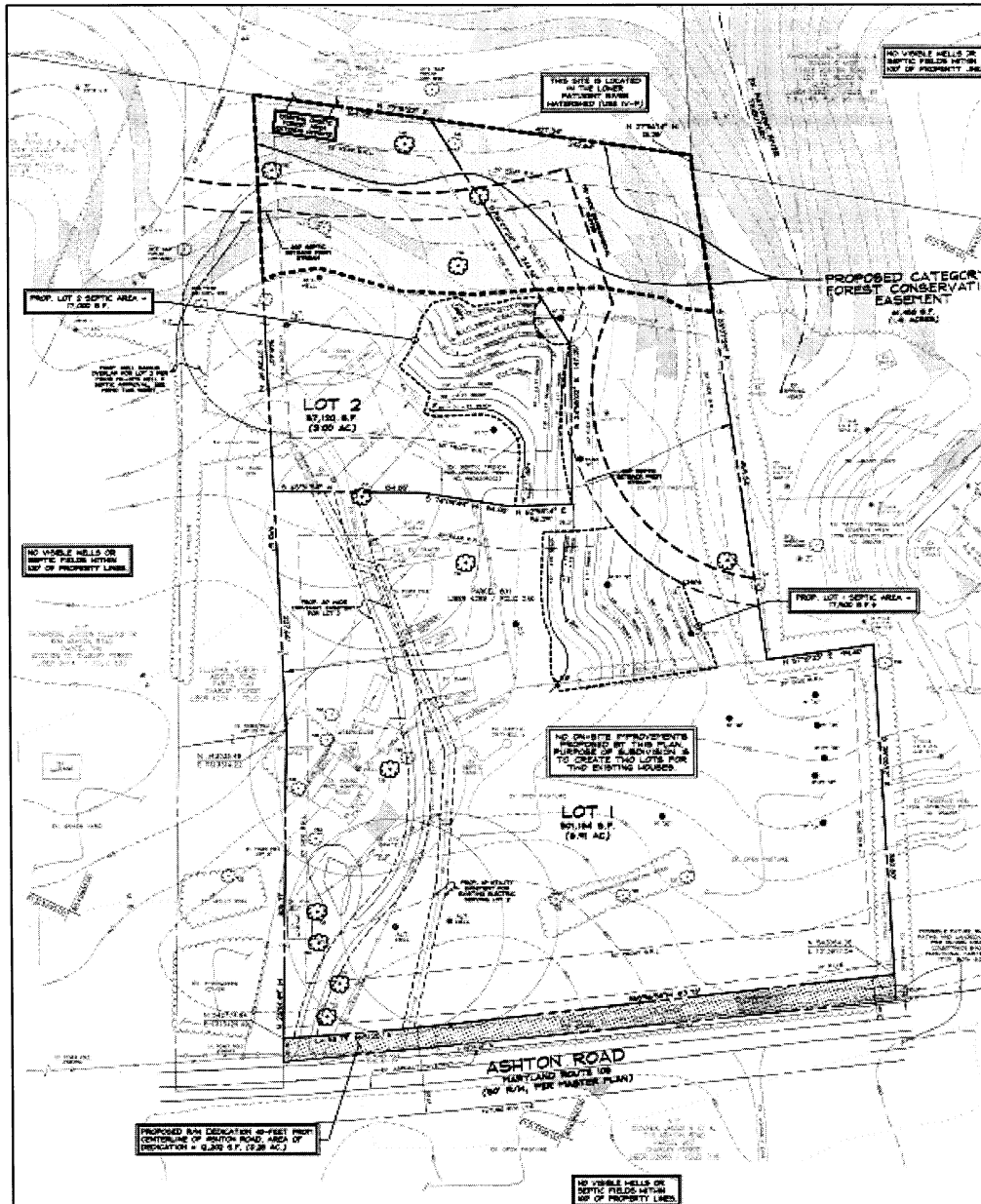


Figure 2: Preliminary Plan

## **ANALYSIS AND FINDINGS**

### **Substantial Master Plan conformance**

The Subject Property is part of the Rural/Open Space area identified in the *1998 Approved and Adopted Sandy Spring-Ashton Master Plan*. The objective for this area is to maintain a low-density land use pattern to protect farmland and other open space. On page 39 of the plan, the writers state that “The few remaining farms in this area are interspersed with subdivisions and development pressures are mounting. Unlike Olney, where the Agriculture Reserve was established to protect large areas of working farms, this area has never been considered part of the County’s critical mass of farm-land. This plan envisions continuation of small farms along with some residential development.” The preliminary plan application complies with these recommendations in that a child lot of the smallest possible size is configured to have minimal impacts on current agricultural operations on the site.

### **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 including the provisions for a lot without frontage, 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 RC 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, including the provisions for a 2-acre child lot, as discussed below. 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.

### **Exempted Lots and Parcels in the Rural Cluster Zone**

The Applicant proposes to create proposed lot 2 as a child lot. This lot is 2 acres in size, which is 3 acres less than the minimum lot size required in the RC zone. A lot created for a one-family residence to be used by a child of the property owner is exempt from the area and dimensional requirements of the RC zone under Section 59-C-9.73(b)(4) of the Zoning Ordinance but subject to the requirements of the previous zone, provided that the property owner can establish that he had legal title on or before the approval date of the most recent sectional map amendment that included the lot. The previous zoning in this case was a 2-acre zone.

This provision applies to only one such lot for each child of the property owner. The Applicant provided a deed demonstrating ownership of the parcel prior to the sectional map amendment and a birth certificate for the child for whom the lot is intended.

### **Street Frontage**

The Applicant proposes to record the lot for the child of the property owner as a lot without frontage. Section 50-29(a)(2) of the Subdivision Regulations requires lots to abut on a street that



has been dedicated to public use or that has acquired the status of a public road, however, in exceptional circumstances, the Planning Board may approve not more than two lots on a private driveway if access is adequate to serve the lot(s) for emergency vehicles, for installation of public utilities, and the lot(s) are accessible for other public services and not detrimental to future subdivision of adjacent lands. In this instance, staff finds that circumstances do exist that justify a lot without frontage. Due to the location of the existing house on proposed lot 1, a pipestem along the western property line to proposed lot 2 is impractical because there is not enough distance between the house and the property line. Alternatively, a pipestem along the eastern property line would create an ownership line that could inhibit agricultural use on the Property if the lot were to be sold, and it also results in an odd lot configuration. In staff's opinion, the better alternative is to create a lot without frontage that retains access via an easement on lot 1.

The Board supported creation of a lot without frontage as a part of the pre-preliminary plan application. The Board found the proposed ingress/egress and utilities easement on the driveway will allow for the installation of public utilities and the proposed lot without frontage will not adversely affect the future subdivision of adjacent properties. Furthermore, by approval letter dated December 15, 2009, the Montgomery County Department of Fire and Rescue determined the proposed private driveway will be adequate for emergency vehicles and other public services.

## **Public Facilities**

### **Roads and Transportation Facilities**

Proposed lot 1 fronts on Ashton Road (MD 108), an arterial road requiring 80 feet of right-of-way. As delineated on the preliminary plan, the Applicant is dedicating right-of-way along the property frontage to provide 40 feet of right-of-way from the centerline. The Countywide Bikeways Functional Master Plan recommends a shared use path on the north side of MD 108. Because a path is not currently present within the Property vicinity, the Applicant is required to either construct it or pay a fee-in-lieu for the path along the Property frontage. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements. The addition of one new lot generates less than 3 new peak-hour vehicle trips, so the application is not subject to either Local Area Transportation or Policy Area Mobility reviews.

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

The two lots will be served by private, standard septic systems and wells. A 10-foot public utility easement has been provided along the frontage of both lots to accommodate any necessary installation of electrical and telecommunication services. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Area schools are operating at adequate levels; therefore, the Subject Property is not within a school moratorium area and no facilities payment is required. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the lots.

## **Environment**

### **Environmental Guidelines**

The site's topography includes steep slopes (>25%) and an area of steep slopes on highly erodible soils (15-25%). The Property contains approximately 1.41 acres of forest. There are 13 specimen trees and 13 large trees greater than 24 inches in diameter at breast height on the Property. A variance is not required, however, because no trees will be removed. The Property is located within the Patuxent River watershed, and the entire site is located within the Patuxent River Primary Management Area (PMA). The PMA buffer includes all area within 1,320 feet of the Patuxent mainstream and 660 feet of all tributaries. The land area in the PMA that is not within the environmental buffer is managed as a transition area. The majority of the Subject Property is located in the transition area, and no construction activities are proposed within the environmental buffer on the site. The PMA guidelines recommend that the imperviousness within the transition area not exceed 10%. The plan proposes approximately 6.8% imperviousness within the transition area. In addition, the PMA guidelines recommend a minimum 200-foot septic setback requirement from all tributaries to the Patuxent River. This plan is in compliance with the Montgomery County Environmental Guidelines and the Patuxent River PMA Guidelines.

### **Forest Conservation**

The forest on the Property is comprised of one, high priority forest stand located in the northern portion, toward the rear of the Property. A portion of the environmental buffer is included within the forest stand. There is no land disturbing activity proposed on the site and the final forest conservation plan proposes to retain all of the forest on-site and all of the significant and specimen trees. All of the forest will be protected in a 1.41-acre Category I conservation easement. A portion of the environmental buffer included in proposed lot 1 will remain in commercial agricultural production, and will not be protected in a conservation easement. That portion of the environmental buffer is currently used as pasture. There is no forest planting required on the site.

### **Stormwater Management**

The Applicant requested relief from the requirement to submit a stormwater management concept plan from the MCDPS Stormwater Management Section via letter dated June 24, 2009. This request was approved on June 25, 2009 because no new development is proposed as part of this preliminary plan application.

### **Citizen Correspondence and Issues**

As of the date of this report, no citizen concerns have been brought to Staff's attention regarding the proposed subdivision. On July 6, 2009 a pre-submission meeting was held, as required, and on August 28, 2009, the Applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Sandy Spring-Ashton 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 – Pre-Preliminary Plan Resolution

Attachment B – Agency Correspondence



Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Sullivan Property</b>				
<b>Plan Number: 120100060</b>				
<b>Zoning: RC</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	5 acres	6.91 acres, 2 acres <sup>1</sup>	EG	2/23/10
Lot Width	300 ft.	567 ft.	EG	2/23/10
Lot Frontage	300 ft.	567 ft.	EG	2/23/10
Setbacks				
Front	50 ft. Min.	Existing structures <sup>2</sup>	EG	2/23/10
Side	20 ft. Min./40 ft. total	Existing structures <sup>2</sup>	EG	2/23/10
Rear	35 ft. Min.	Existing structures <sup>2</sup>	EG	2/23/10
Height	50 ft. Max.	Existing structures <sup>2</sup>	EG	2/23/10
Lot Coverage	10%		EG	2/23/10
MPDUs	N/a		EG	2/23/10
TDRs	No		EG	2/23/10
Site Plan Req'd?	No		EG	2/23/10
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	2/23/10
Road dedication and frontage improvements		Yes	Agency letter	10/6/09
Environmental Guidelines		Yes	Staff memo	2/17/10
Forest Conservation		Yes	Staff memo	2/17/10
Master Plan Compliance		Yes	Staff memo	2/17/10
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		exempt	Agency confirmation	6/25/09
Water and Sewer (WSSC)		N/a	EG	2/23/10
10-yr Water and Sewer Plan Compliance		N/a	EG	2/23/10
Well and Septic		Yes	Agency letter	10/28/08
Local Area Traffic Review		N/a	Staff memo	10/5/09
Policy Area Mobility Review		N/a	Staff memo	10/5/09
Transportation Management Agreement		No	Staff memo	10/5/09
School Cluster in Moratorium?		No	EG	2/23/10
School Facilities Payment		No	EG	2/23/10
Fire and Rescue		Yes	Agency letter	12/15/09
Other (i.e., schools)				

<sup>1</sup> Lot 2 is exempt from the area and dimensional requirements of the RC zone per Section 59-C-9.73(b)(4) of the Zoning Ordinance because it is a child lot.

<sup>2</sup> No building permits required at this time, future building permits must meet minimum, as determined by MCDPS at the time of building permit.



COPY

**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 29 2009

**MCPB No. 09-64**  
**Pre-Preliminary Plan No. 720080150**  
**Sullivan Property**  
**Date of Hearing: April 23, 2009**

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review pre-preliminary plan applications; and

WHEREAS, on February 20, 2008 Robert E. Sullivan ("Applicant"), filed a pre-preliminary plan application, including a Concept Plan, for Planning Board approval, pursuant to the provisions of Section 50-33A of the Subdivision Regulations for a property in the RC zone; and

WHEREAS, the Concept Plan depicted a subdivision of property that would create two lots on 9.0 acres of land located on the north side of Ashton Road (MD 108), approximately 950 feet northeast of Mink Hollow Road ("Property" or "Subject Property"), in the Sandy Spring-Ashton Master Plan area ("Master Plan"); and

WHEREAS, the Applicant requested a decision by the Planning Board on the following matter:

- 1) A finding pursuant to Section 50-29(b)(2) of the Subdivision Regulations that a lot without street frontage for the child of the property owner is justified.

WHEREAS, Applicant's pre-preliminary plan application was designated Pre-Preliminary Plan No. 720080150, Sullivan Property ("Pre-Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated April 8, 2009 and revised on April 16, 2009, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

Approved as to  
Legal Sufficiency:

*Christina Sorensen for DR 6/12/09*

8787 Georgia Avenue, N.C. Sprig, Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on April 23, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 23, 2009, the Planning Board approved the proposed lot frontages shown on the Concept Plan subject to the condition set forth in the Staff Report, on motion of Commissioner Robinson; seconded by Commissioner Presley; with a vote of 4-0, Commissioners Cryor, Hanson, Presley and Robinson voting in favor; Commissioner Alfandre being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board determines that the street frontages shown on the Pre-Preliminary Plan No. 720080150 for the creation of two one-family residential lots on 9.0 acres of land located on the north side of Ashton Road (MD 108), approximately 950 feet northeast of Mink Hollow Road ("Property" or "Subject Property"), in the Sandy Spring-Ashton Master Plan area ("Master Plan") are acceptable, subject to the following condition:

- 1) The lot without frontage must be created for the use of the child of the property owner.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the above condition, that:

1. *There are exceptional circumstances which apply to this Property that justify creation of a lot without frontage on a public street.*

The Pre-Preliminary Plan proposes to subdivide a 9.0 acre unplatted parcel into a 7.0 acre lot, "Proposed Lot 1" and a 2.0 acre lot, "Proposed Lot 2", for the child of the property owner per Section 59-C-9.73(b)(4).

The Applicant proposes to record the 2.0 acre lot for the child of the property owner as a lot without frontage. Section 50-29(a)(2) of the Subdivision Regulations requires lots to abut on a street that has been dedicated to public use or that has acquired the status of a public road, however, in exceptional circumstances, the Planning Board may approve not more than two lots on a private driveway if access is adequate to serve the lot(s) for emergency vehicles, for installation of public utilities, and the lot(s) are accessible for other public

services and not detrimental to future subdivision of adjacent lands. Due to the location of the existing house on Proposed Lot 1, a pipestem along the western property line to Proposed Lot 2 is impractical because there is not enough distance between the house and the property line. Alternatively, a pipestem along the eastern property line would create an ownership line that could inhibit agricultural use on the Property if the lot were to be sold, and it results in an odd lot configuration. The Planning Board finds the better alternative is to create a lot without frontage that retains access via a recorded easement on Proposed Lot 1.

By approval letter dated March 26, 2009, the Montgomery County Department of Fire and Rescue determined the proposed private driveway will be adequate for emergency vehicles and other public services. An ingress/egress and utilities easement on the driveway will allow for the installation of public utilities. The proposed lot without frontage will not adversely affect the future subdivision of adjacent properties. Therefore, The Planning Board finds creation of a lot without frontage is justified and supports submission of a preliminary plan that includes a lot without frontage for the child of the property owner.

BE IT FURTHER RESOLVED, that this Pre-Preliminary Plan binding review will remain valid for 90 days from the date of the Planning Board's action at the public hearing. The Applicant must file a preliminary plan application for the proposed subdivision within 90 days of the action of the Board on the Pre-Preliminary Plan. Otherwise, the Pre-Preliminary Plan approval will expire, unless it is extended by action of the Planning Board; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board, and that the date of this Resolution is JUN 29 2009 (which is the date that this Resolution is mailed to all parties of record); and

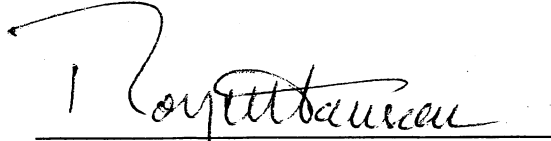
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by

Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, and Cryor voting in favor of the motion, and Commissioner Presley absent, at its regular meeting held on Thursday, June 18, 2009, in Silver Spring, Maryland.



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Royce Hanson, Chairman  
Montgomery County Planning Board





## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

October 6, 2009

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 #1-20100060  
Sullivan Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August, 2009. This plan was reviewed by the Development Review Committee at its meeting on October 5, 2009. 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 Ashton Road (MD 108) in accordance with the Master Plan.
2. Access and improvements along Ashton Road (MD 108) as required by the Maryland State Highway Administration.
3. Record Plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
4. We recommend a class I bikeway on the north side of Ashton Road (MD 108) (SP-37 per the Countywide Bikeways Functional Master Plan).

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Dewa Salihi at (240) 777-2173.

Sincerely,

Gregory M. Leck, P.E., Manager  
Development Review Team

**Division of Traffic Engineering and Operations**

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100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Customer Service 240-777-6000 • Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
trafficops@montgomerycountymd.gov

**Ms. Catherine Conlon**  
**Preliminary Plan No. 1-20100060**  
**October 6, 2009**  
**Page 2**

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**cc: Robert Sullivan**  
**David Landsman, CAS Engineering**  
**Shahriar Etemadi; M-NCPPC TP**  
**Corren Giles, MSHA**  
**Joseph Y. Cheung; DPS RWPPR**  
**Sarah Navid; DPS RWPPR**  
**Henry Emery; DPS RWPPR**  
**Dewa Salihi, DOT TEO**  
**Preliminary Plan Folder**  
**Preliminary Plans Note Book**



**ENGINEERING**

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June 24, 2009

Montgomery County  
Department of Permitting Services  
Water Resources Section  
255 Rockville Pike, Suite 201E  
Rockville, MD 20850

Attn: Mr. Rick Brush

Re: **CAS Job No. 07-200**  
**Proposed Lots 1 & 2**  
**Sullivan Property**  
**SWM Waiver Request**

Dear Mr. Brush:

We are preparing to submit for review a Preliminary Plan to create two lots from the existing parcel at 620 Ashton Road. Presently, there are a main house and a tenant house on the property. The intent of the Preliminary Plan is to create two separate lots for the two dwellings. There are no development activities proposed at this time. **We would like to formally request relief from the requirement to provide a stormwater management concept plan.**

A copy of the approved Pre-Application Concept Plan (M-NCP&PC File No. 7-20080150) has been enclosed for your records (signature pending). Also attached is a copy of your department's approval comments on the Pre-Application Concept Plan. These comments required a Stormwater Management Concept at Preliminary Plan and were based on a previous plan intending to create three lots with new construction of a single family dwelling. As the project scope has changed to involve no development activities and to only contain the creation of two lots rather than the three previously proposed, we believe that we qualify for an exemption from providing a stormwater management plan. If you concur with this letter stating that no Stormwater Management Concept is required please sign below where indicated.

If you have any questions, or need any additional information, please don't hesitate to call.

Sincerely,

David C. Landsman  
Project Engineer

  
Curt A. Schreffler, P.E.  
President

Richard R. Brush  
Manager, Dept. of Permitting Services  
Water Resources Section

6/24/2009  
Date

6/25/09  
Date