



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

**MCPB**  
**Item #**  
**4/1/10**



**MEMORANDUM**

**DATE:** March 19, 2010

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Five lots for five one-family detached dwelling units, one lot for a religious institution, and one outlot

**PROJECT NAME:** Pilgrim Springs  
**CASE #:** 120100090  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** R-90  
**LOCATION:** Located in the southwest quadrant of the intersection of Briggs Road and Layhill Road (MD 182)  
**MASTER PLAN:** Glenmont Sector Plan

**APPLICANT:** Pilgrim United Church of Christ  
**ENGINEER:** Johnson Bernat Associates  
**ATTORNEY:** Holland & Knight

**FILING DATE:** September 25, 2009  
**HEARING DATE:** April 1, 2010

**RECOMMENDATION:** Approval, including a forest conservation variance pursuant to Section 22A-21(c) of the Forest Conservation Law, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five lots for five one-family detached dwelling units, one lot for a 12,763-square-foot-church, including two building additions comprising 5,610-square-feet collectively, and an outlet for dedication to the Montgomery County Department of Parks. The building additions are not approved for any new seating capacity. The church building is not approved for any weekday uses, such as, but not limited to, daycare or school uses.
- 2) The applicant must comply with the conditions of approval for the final 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. Specific conditions include the following:
  - a. Provide detailed recommendations from a certified arborist for protection of Trees 67, 69, 2, 5, and 6. If the arborist determines that Tree 5 or 6 cannot be protected, the final forest conservation plan must be revised to show the applicable trees as being removed.
  - b. If Trees 67 or 69 cannot be protected, the applicant must notify the owners of the property on which these trees are located and provide the arborist's evaluation and recommendations, and offer to remove the affected trees at the applicant's expense.
  - c. The applicant must revise the final forest conservation plan to include a supplemental planting plan for the southwestern portion of the forest conservation area, south of Lot 6.
  - d. The applicant must revise the final forest conservation plan to include root pruning along the sections of the limits of disturbance that are within forest or are adjacent to trees to be protected.
  - e. The applicant must provide permanent signs along the boundaries of the forest conservation area, as shown on the final forest conservation plan.
- 3) The applicant must dedicate and the record plat must show dedication of 60 feet of right-of-way, as measured from the opposite right-of-way line, along the property frontage for Briggs Road.
- 4) The applicant must construct all 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.
- 5) The applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of a ten-foot-wide shared-use path along the property frontage on Briggs Road, unless construction is waived by MCDPS.
- 6) The applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of a ten-foot-wide shared-use path along the frontage of Briggs Road for approximately 125 feet west from the western property boundary on Briggs Road to Acorn Hollow Lane, to satisfy Policy Area Mobility Review (PAMR) requirements.
- 7) The record plat must reflect common ingress/egress and utility easements over the shared driveway.

- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated September 4, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The applicant must dedicate to M-NCPPC the approximately 1.66-acre portion of the subject property that is identified as "Outlot A" for use as a park. The land must be dedicated to the Commission through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. At time of conveyance, the property must be free of any trash and unnatural debris.
- 10) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated February 26, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 11) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 12) The record plat must show necessary easements.
- 13) The certified preliminary plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 14) 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.

## **SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is a 4.9-acre unplatted parcel. The site is located in the southwest quadrant of the intersection of Briggs Road and Layhill Road (MD 182). The zoning on the property is R-90. The property is developed with a 7,153 square-foot church and associated parking. An existing rectory will be removed to accommodate the proposed residential development. Surrounding properties to the north, east, and west are developed with one-family detached dwellings in the R-90 zone. Glenfield Local Park is adjacent to the subject property on the south.

The subject property is located within the Northwest Branch watershed. Two wetland areas are located on the property, around which wetland buffers have been established by an approved natural resources inventory. An unnamed stream is located near the wetland areas, and it is located within an established stream buffer. A 3.32 acre forest stand also exists on the property.



**PROJECT DESCRIPTION**

The applicant proposes to subdivide the existing parcel into six lots and one outlet. Five lots are proposed to contain five new one-family detached dwellings, and one lot is proposed to contain the existing church. Two building additions are proposed, which will, in combination, contain 5,610 square-feet of new floor area. They include a 4,960-square-foot fellowship hall that is proposed to be constructed on the west side of the church, adjacent to proposed Lots 2 and 3, and a 650-square-foot office that is proposed to be constructed on the south side of the building. An outlet is proposed to contain the conservation area, but a condition is included in the staff recommendation that the outlet be dedicated to the Montgomery County Department of Parks to provide long-term protection in lieu of a conservation easement.

Four of the residential lots are arranged in a group between the church and the proposed outlet. These lots will be accessed via a shared circular driveway from Briggs Road. One residential lot is located on the west side of the proposed outlet, adjacent to existing one-family dwellings. This lot will be accessed via an individual driveway from Briggs Road. Access to the church is proposed to remain via an existing driveway from Briggs Road. No access from Layhill Road (MD 182) exists or is proposed. A stormwater management bioretention area to serve the church is proposed in the northeast corner of the site, and a stormwater retention area to serve proposed Lots 2-5 is proposed in the center of the circular driveway.

(Attachment B -- proposed plan)

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Glenmont Sector Plan does not specifically address the subject property. The Sector Plan recommends retention of existing zoning throughout the Sector Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the Sector Plan calls for retention of the existing R-90 zoning. The proposed subdivision complies with the recommendations adopted in the Sector Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation and expansion of the existing church, a use that is permitted by right in the zone. The proposed residential lots will be similar to surrounding lots with respect to dimensions, orientation, and shape. The proposed subdivision will not alter the existing pattern of development or land use and is in substantial conformance with the Sector Plan recommendation to maintain the existing land use.

### **Public Facilities**

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

Access to the residential lots will be via a shared driveway from Briggs Road for the group of four lots located between the church and the proposed outlot, and access to the lot to be located on the west side of the proposed outlot will be via an individual driveway from Briggs Road. Access to the church will be via an existing driveway from Briggs Road. No vehicular access is proposed from Layhill Road (MD 182). Pedestrian access is proposed via a shared-use path along the property frontage on Briggs Road and an existing sidewalk on Layhill Road.

The Adequate Public Facilities (APF) test for the proposed subdivision considers only weekday peak-hour traffic associated with the residential lots proposed on the site because the proposed addition to the existing church is exempt from APF requirements per Section 50-35(k)(6) of the Subdivision Regulations. Thus, the subdivision was estimated to generate five new peak-hour trips during the weekday morning peak period and six new peak-hour trips during the weekday evening peak period, based on trip generation rates contained in the *Local Area Traffic Review/Policy Area Mobility Review Guidelines*.

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 preliminary plan is, however, required to satisfy the Policy Area Mobility Review (PAMR) test required under the current Growth Policy, and as a development located within the Kensington/Wheaton Policy Area, is required to mitigate 10% of new peak-hour trips generated by the development. With a total of five morning and six evening new peak-hour trips associated with the five one-family residential lots, the development is required to mitigate one peak-hour trip. The applicant is proposing to satisfy the PAMR requirement by constructing a

125-foot long, 10-foot wide, off-site shared-use path along the south side of Briggs Road, beyond the west end of the property frontage. The applicant is also constructing an additional 975 feet of shared-use path as part of required frontage improvements along Briggs road.

Staff finds that proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

#### Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who 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

A tributary of Northwest Branch originates on the western part of the site. The headwater stream flows south to north and continues onto off-site properties north of Briggs Road. The stream and its environmental buffer includes three seep areas, all of which are in forest cover. The site includes some moderate (15 – 25%) and steep slopes (> 25%). These areas of steeper slopes are located around the stream channel, along Layhill Road, along the eastern end of Briggs Road, and between the existing church and rectory buildings.

Proposed Lot 6 will encroach into and require clearing of about 1,640 square feet of the environmental buffer. The applicant proposes to compensate by retaining 8,100 square feet of forest outside of and adjacent to another segment of the environmental buffer. Staff believes that the proposed exchange of a small segment of environmental buffer for an adjacent upland area of comparable quality and almost five times as large is acceptable. The buffer area that would be lost is relatively small, near Briggs Road, and relatively flat. The staff recommendation includes a condition that requires the upland area proposed for protection (in exchange for the buffer encroachment) to be planted with native shrubs and small trees to enhance the forest understory.

##### Forest Conservation

The property contains approximately 3.32 acres of forest. The final forest conservation plan proposes to retain 1.61 acres and clear 1.71 acres of forest. The proposed forest retention area lies within and adjacent to the environmental buffer area. The staff recommendation includes a condition that requires the forest retention area to be dedicated to M-NCPPC as

parkland to be incorporated into the adjacent Glenfield Local Park. The forest retention area exceeds the break-even point of 1.50 acres. Therefore, there is no reforestation requirement.

### Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection. If a forest conservation plan cannot be altered to protect these trees, the applicant is required to demonstrate that it qualifies for a variance in accordance with Section 22A-21 of the Montgomery County Code to remove them. In general, the law requires the retention and protection of all trees that measure 30" DBH and greater; trees that are 75% the diameter of the county champion for that species; and rare, threatened, and endangered species. Since this subdivision will require 12 trees that are greater than 30 inches DBH to be removed, a variance is required.

In accordance with Montgomery County Code Section 22A-21(c), staff referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a written recommendation prior to acting on the request. The County Arborist has elected not to review the variance request, and the County Arborist's recommendation for the variance request is, therefore, presumed to be favorable.

Section 22A-21(e) of the County code states that the Planning Board must make findings that the applicant has met all requirements of this section before granting a variance. Section 22A-21(d) of the County code states that a variance must *not* be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Staff recommends that the Planning Board make the following findings with respect to the forest conservation variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. The 30-inch and greater (specimen) trees are scattered throughout the site within the existing forest, and as individual trees.

Five of the large trees are within the proposed area of dedication for the Briggs Road right-of-way, or within the standard 10-foot wide public utility easement (PUE) adjacent to the road right-of-way. A public shared-use path is required to be constructed

within the right-of-way, and the PUE will contain various utility lines. These elements of required infrastructure are unavoidable, and will require the clearing of the five trees.

Tree #2 is located at the front of the property adjacent to the existing parking lot. It is near the proposed location of the sediment trap and the on-site stormwater management facility for the church and parking lot. These facilities cannot be relocated. Less than two-thirds of the tree's critical root zone can be preserved with the construction of the proposed trap and stormwater management facility. Staff does not believe that the tree can be adequately protected. A certified arborist should evaluate the proposed grading for the stormwater management facility to determine if there are additional measures that could be applied to save the tree.

Six of the 30-inch and greater trees will be removed because of the proposed residential lots. Five of these six trees are within the upland area outside the environmental buffer. If these trees were required to be protected, the church would not be able to expand, and only one of the five proposed residential lots could be developed. Tree #55 is located along the portion of the environmental buffer that the applicant proposes to encroach into to create proposed Lot 6. Staff believes that the loss of Tree #55 is acceptable because the encroachment into the environmental buffer is small and because of the applicant's proposal to preserve an adjacent forested, upland area of equal or better quality that is almost five times as large as the encroachment area.

In summary, the proposed loss of trees that are 30-inches and greater DBH is due mainly to the location of these trees within areas that are typically determined to be developable, and the proposed development cannot be reasonably altered to avoid them. Staff believes that this is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance is not based on conditions or circumstances which are the result of specific actions by the applicant outside the norm of a development application allowed under the applicable zoning and associated regulations. The requested variance is based on the proposed site layout, which is designed to achieve a reasonable subdivision given an existing church that is to remain while avoiding as many trees as possible. The design also provides preservation of the majority of the site's forested environmental buffer which is contiguous to adjoining protected forest within MNCPPC parkland.

3. *Does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property in accord with zoning and subdivision requirements and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. MCDPS has approved the stormwater management concept.

The site is constrained by an existing church that is to remain and an environmental buffer. The proposed subdivision would allow the church to expand its building and retain its existing parking lot. In addition, the majority of the 1.63-acre environmental buffer and an adjoining upland forested area would be preserved. The preservation of forest that lies in the buffer and adjoining upland area would allow the most environmentally sensitive forest on the site to be preserved as part of the proposed subdivision. This retention would require that six trees that are 30-inch and greater, DBH, be lost to create residential lots on the upland portion of the site. Staff believes that the preservation of the majority of the forest in an environmental buffer provides water quality benefits that outweigh the loss of five large trees in the upland area and one large tree on the edge of the environmental buffer.

In addition, under section 22A-16(d) of the County code, "The Board or Director may treat any forest clearing in a stream buffer, wetland or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality." In this case, one 34-inch tulip poplar is proposed to be removed within the environmental buffer. The tree is located at the edge of a small section (1,640 square feet) of environmental buffer that is proposed for encroachment. However, the applicant proposes to offset the encroachment by preserving an upland forested area (8,100 square feet), which is almost five times the area of encroachment, adjacent to another section of the environmental buffer.

As a result of the above findings, staff recommends approval of the applicant's request for a variance from individual tree retention requirements of the Forest Conservation Law to remove the specified trees.

### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on September 4, 2009. The stormwater management concept includes water quality control for the church addition via construction of a biofilter. On-site recharge for the church addition is not required because that project is a redevelopment. Stormwater management for the residential lots will be provided through environmental site design practices, which include biofiltration, dry wells, and sheet flow to buffer credits.

### Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-90 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**

The applicant conducted a pre-submission community meeting on July 9, 2009. At the meeting, citizens raised concerns regarding proposed access and traffic impacts. The applicant responded to these concerns by explaining that access had been designed to minimize new driveways on Briggs Road and that the subdivision would generate few new peak-hour vehicle trips. In addition, written notice of the plan submittal and the public hearing dates was given by the applicant and staff. 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 Glenmont Sector 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, including the forest conservation variance, with the conditions specified above is recommended.

### **Attachments**

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

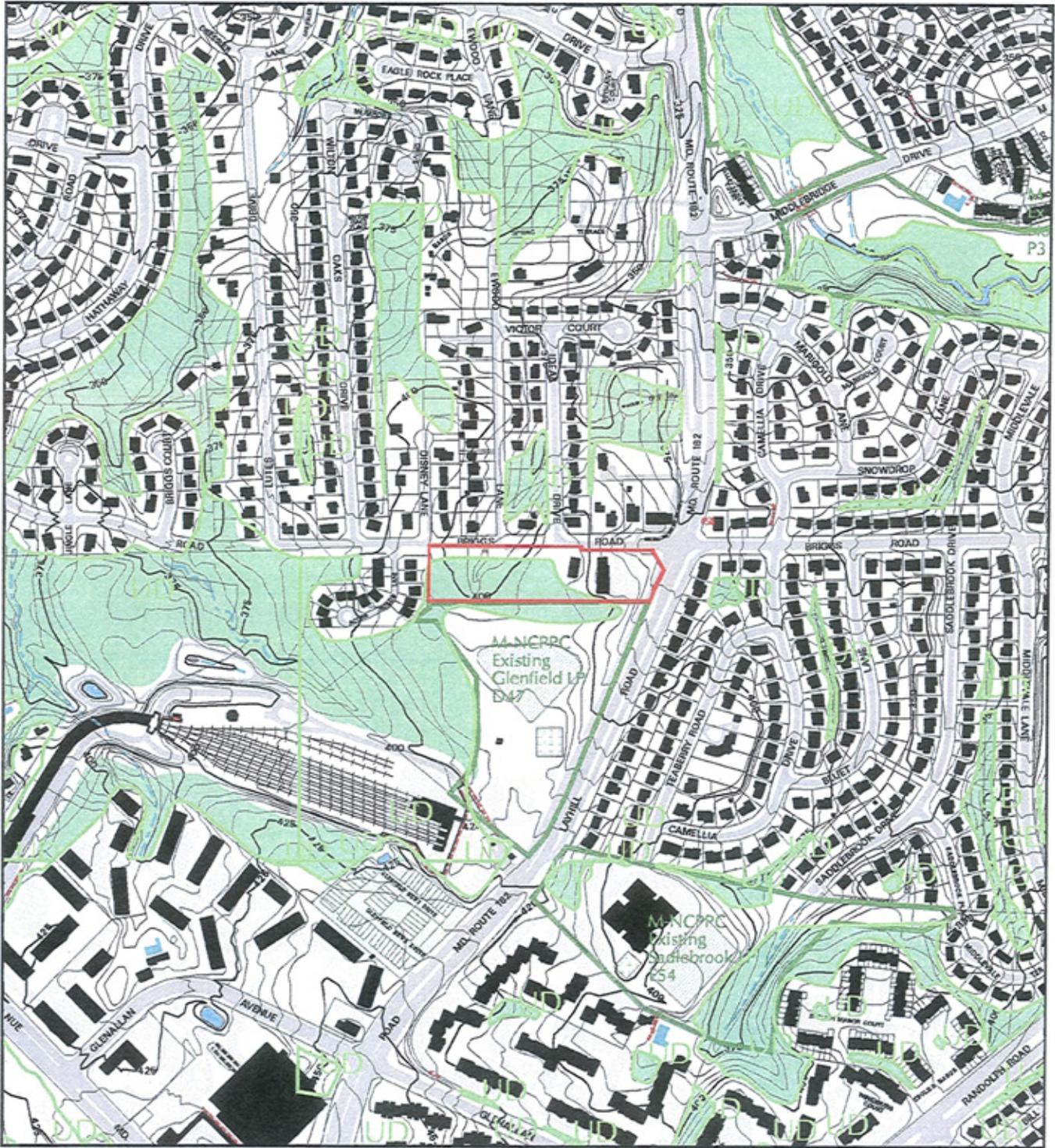
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

| <b>Plan Name: Pilgrim Springs</b>           |                                       |   |                 |          |
|---|---------------------------------------|---|-----------------|----------|
| <b>Plan Number: 120100090</b>               |                                       |   |                 |          |
| <b>Zoning: R-90</b>                         |                                       |   |                 |          |
| <b># of Lots: 6</b>                         |                                       |   |                 |          |
| <b># of Outlots: 1</b>                      |                                       |   |                 |          |
| <b>Dev. Type: Residential/Institutional</b> |                                       |   |                 |          |
| PLAN DATA                                   | Zoning Ordinance Development Standard | Proposed for Approval by the Preliminary Plan | Verified        | Date     |
| Minimum Lot Area                            | 9,000 sq. ft.                         | 9,011 sq. ft. minimum                         | NB              | 3/19/10  |
| Lot Width                                   | 75 ft.                                | 75 ft. minimum                                | NB              | 3/19/10  |
| Lot Frontage                                | 25 ft.                                | 30 ft. minimum                                | NB              | 3/19/10  |
| Setbacks                                    |                                       |   |                 |          |
| Front                                       | 30 ft. Min.                           | Must meet minimum <sup>1</sup>                | NB              | 3/19/10  |
| Side  | 8 ft. Min./25 ft. total               | Must meet minimum <sup>1</sup>                | NB              | 3/19/10  |
| Rear  | 25 ft. Min.                           | Must meet minimum <sup>1</sup>                | NB              | 3/19/10  |
| Height                                      | 35 ft. Max.                           | May not exceed maximum <sup>1</sup>           | NB              | 3/19/10  |
| Max Resid'l d.u. per Zoning                 | 22                                    | 5   | NB              | 3/19/10  |
| MPDUs                                       | N/a                                   |   | NB              | 3/19/10  |
| TDRs  | N/a                                   |   | NB              | 3/19/10  |
| Site Plan Req'd?                            | No                                    |   | NB              | 3/19/10  |
| <b>FINDINGS</b>                             |                                       |   |                 |          |
| <b>SUBDIVISION</b>                          |                                       |   |                 |          |
| Lot frontage on Public Street               |                                       | Yes   | NB              | 3/19/10  |
| Road dedication and frontage improvements   |                                       | Yes   | Agency letter   | 2/26/10  |
| Environmental Guidelines                    |                                       | Yes or N/a                                    | Staff memo      |          |
| Forest Conservation                         |                                       | Yes or Exempt                                 | Staff memo      |          |
| Master Plan Compliance                      |                                       | Yes   | Staff memo      | 11/16/09 |
| <b>ADEQUATE PUBLIC FACILITIES</b>           |                                       |   |                 |          |
| Stormwater Management                       |                                       | Yes   | Agency letter   | 9/4/09   |
| Water and Sewer (WSSC)                      |                                       | Yes   | Agency comments | 11/16/09 |
| 10-yr Water and Sewer Plan Compliance       |                                       | Yes   | Agency comments | 11/16/09 |
| Well and Septic                             |                                       | N/a   | Agency letter   | 11/16/09 |
| Local Area Traffic Review                   |                                       | N/a   | Staff memo      | 3/4/10   |
| Policy Area Mobility Review                 |                                       | Yes   | Staff memo      | 3/4/10   |
| Transportation Management Agreement         |                                       | No  | Staff memo      | 3/4/10   |
| School Cluster in Moratorium?               |                                       | No  | NB              | 3/19/10  |
| School Facilities Payment                   |                                       | No  | NB              | 3/19/10  |
| Fire and Rescue                             |                                       | Yes   | Agency letter   | 2/26/10  |

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

**PILGRIM SPRINGS (120100090)**



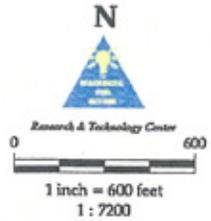
Map compiled on October 15, 2009 at 3:00 PM | Site located on base sheet no - 217NW02

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Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

September 4, 2009

Carla Reid  
Director

Mr. Andrew Bradshaw  
Johnson Bernat & Associates, Inc.  
1395 Piccard Drive, Suite 350  
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request  
for Pilgrim United Church of Christ  
Preliminary Plan #: Pending  
SM File #: 234652  
Tract Size/Zone: 4.93 acres / R-90  
Total Concept Area: 4.93 acres  
Lots/Block: N/A  
Parcel(s): 712  
Watershed: Northwest Branch

Dear Mr. Bradshaw:

Based on a review by the Department of Permitting Services Review Staff, the **revised** stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and for the church addition via construction of a biofilter. Onsite recharge for the church addition is not required because that project is redevelopment.

The western portion of the site is proposed to be subdivided into residential lots. Stormwater management for this portion of the project will be provided through ESD practiced which include biofiltration, dry wells, and sheet flow to buffer credits.

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. Due to the nature and extent of the proposed church additions, a conditional waiver of the Channel Protection requirement is hereby granted. The condition requires that the applicant provide full water quality control for the existing church and parking lot, as shown on the approved stormwater concept plan. Currently these areas are uncontrolled. The proposed construction will yield approximately 8,560 square feet (approximately 0.2 acres) of new building roof and pedestrian area, while the water quality facility will be sized to treat approximately 0.63 acres which includes the existing parking lot. Use Montgomery County Biofiltration design guidelines.

5. Stormwater management for the proposed single family subdivision will be provided via ESD. Bio filtration will be provided for the common driveway, rather than the proposed Submerged Gravel Wetland. It is unlikely the proposed gravel wetland can be sustained, and its location with respect to the proposed development is undesirable.

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  
M. Pfeffeler  
SM File # 234652

QN - ON; Acres: 5  
QL - ON; Acres: 5  
Recharge is provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

February 26, 2010

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 No. 1-20100090  
Pilgrim Springs

Dear Ms. Conlon:

We have completed review of the above referenced preliminary plan signed and dated January 21, 2010. This plan was reviewed by the Development Review Committee at its meeting on November 16, 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. Right of way dedication for Briggs Road as necessary to accommodate the proposed improvements.
2. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
3. The sight distance study has been accepted. A copy of the approved sight distance form is enclosed for your information and reference.
4. The conceptual profile for Briggs Road is acceptable to this office. The grade establishment will need to be approved by the Department of Permitting Services (MCDPS) prior to record plat.

Note: typical sections on the final profile should be flipped to correspond with increasing stationing.

5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.

**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

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.
7. 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.
8. We recommend the Montgomery County Planning Board Require the applicant to extend the proposed shared use path along Briggs Road from the western property line to Acorn Hollow Lane.
9. Access and improvements along Layhill Road (MD 182) as required by the Maryland State Highway Administration.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.), please contact Mr. Bruce Mangum of our Traffic Management Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. If the proposed development will alter any existing County maintained street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Trees in the County rights of way – spacing and species to be in accordance with the applicable DOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter with the Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.
14. 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. The typical sections on Briggs Road shall consist of the following:

From Layhill Road to Ideal Lane:  
From the centerline of the 60' foot wide right-of-way provide on the south side of the right-of-way 13 feet of pavement, curb and gutter, 5 foot planting strip, 10' foot bituminous concrete shared use path, and a 2 foot buffer

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**From Ideal Lane to Disney Lane:**

From the centerline of the 60' foot wide right-of-way provide on the south side of the right-of-way 13 feet of pavement, curb and gutter, 5 foot planting strip, 10' foot bituminous concrete shared use path, and a 2 foot buffer.

On the north side right-of-way, widen and transition the edge of pavement as necessary to achieve a 36 foot section at Ideal Lane and a 21 foot wide section at Disney Lane, with concrete curb and gutter (including the curb returns at Disney and Ideal Lanes).

- B. Install handicap ramps where appropriate, enclosed storm drain and appurtenances, and plant street trees along Briggs Road site frontage.
- C. Replace the existing CMP culvert crossing Briggs Road with RCP and provide a stabilized, non-erosive velocity outfall. Culvert analysis must be submitted to MCDPS for review.
- D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.
- E. 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 MCDPS 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 MCDPS.

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

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Enclosures (2)

cc: Nancy Fey, Pilgrim United Church of Christ  
Andrew Bradshaw, Johnson Bernat Associates  
Patricia A. Harris, Holland & Knight LLP  
Joseph Y. Cheung; DPS RWPPR  
Henry Emery; DPS RWPPR  
Sarah Navid; DPS RWPPR

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Neil Braunstein; M-NCPPC DRD  
Shahriar Etemadi; M-NCPPC TPD  
Dan Sanayi, DOT TEO  
Bruce Mangum, DOT TEO  
Dewa Salihi, DOT TEO  
Preliminary Plan Folder  
Preliminary Plans Note Book