



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

MCPB
Item #
7/15/10



MEMORANDUM

DATE: July 5, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor
Development Review Division (Build)

FROM: Patrick Butler, Planner (301-495-4561) *P.B.*
Development Review Division (Build)

REVIEW TYPE: Preliminary Plan of Subdivision and Preliminary/Final Water Quality Plan

APPLYING FOR: Four lots for three new one family detached dwelling units and one existing dwelling to remain.

PROJECT NAME: Piedmont Road
CASE #: 120090330
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: On the south side of Piedmont Road approximately 350 feet east of the intersection with Grand Elm Street

MASTER PLAN: Clarksburg
APPLICANT: Dale Hayman and Jean Hulse-Hayman
ENGINEER: Macris, Hendricks & Glascock, P.A.

FILING DATE: May 19, 2009
HEARING DATE: July 15, 2010

RECOMMENDATION: Approval of the preliminary plan and associated preliminary/final Water Quality Plan, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four one-family detached residential lots.
- 2) The Applicant must comply with the conditions of approval for the preliminary forest conservation plan prior to recording of a plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit, as applicable.
- 3) The Applicant must obtain staff approval of the final forest conservation plan in accordance with Forest Conservation Regulations, Section 109-B prior to any land clearing activities.
- 4) The record plat must provide for dedication along the entire property frontage on Piedmont Road of 30 feet from centerline as indicated on the preliminary plan.
- 5) The Applicant must comply with the conditions of the MCDPS stormwater management section approval letter dated May 15, 2009. These conditions may be amended by MCDPS, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated January 25, 2010. These conditions may be amended by MCDOT, as long as the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The record plat must reflect creation of a Category I conservation easement over all forest conservation and stream buffer areas as shown on the preliminary plan.
- 8) The Applicant must satisfy provisions for access and improvements as required by the MCDOT prior to issuance of an access permit.
- 9) The certified Preliminary Plan must contain the following note: "The building footprints shown on the Preliminary Plan are illustrative. Final building locations and associated driveways and parking will be determined during the building permit review process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 10) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 11) The record plat must show other necessary easements.
- 12) 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 (Attachment A – Vicinity Map)

The Subject Property, as shown below and in Attachment A, consists of approximately 3.6 acres in the R-200/TDR zone. The Property is an unrecorded parcel located on the south side of Piedmont Road approximately 350 feet east of its intersection with Grand Elm Street in the Clarksburg Master Plan area and in the Clarksburg Special Protection Area (SPA). A one-family detached residential dwelling unit currently exists on the Property with driveway access from

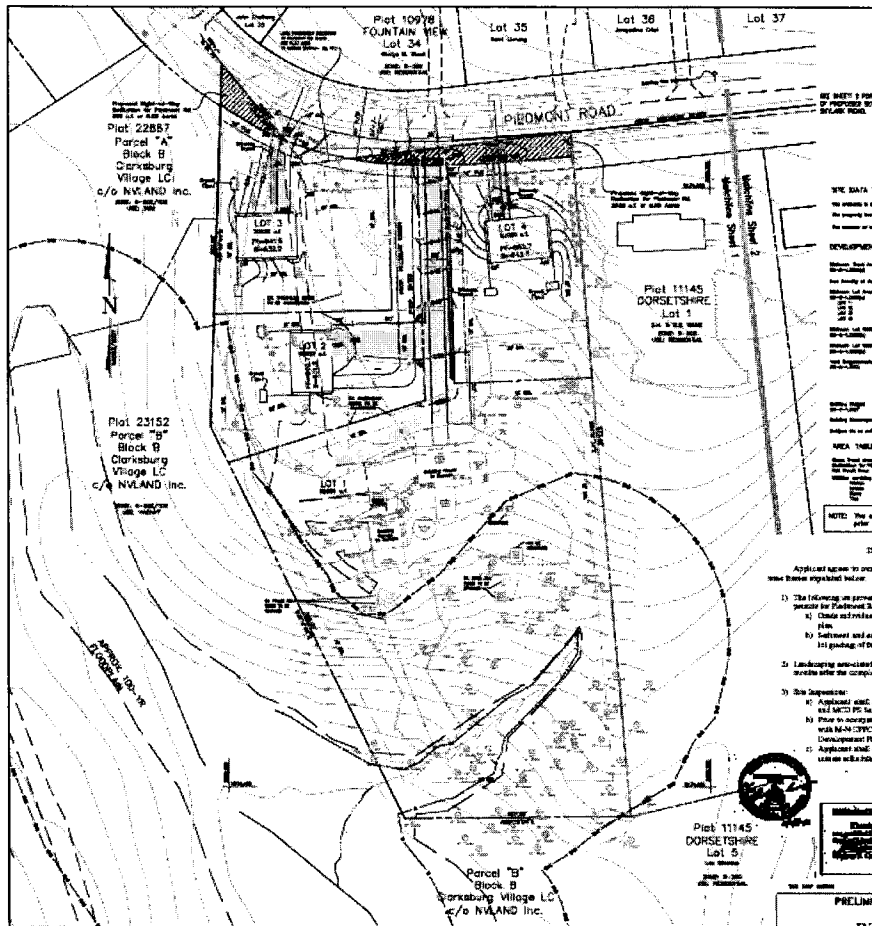
Piedmont Road. The land confronting the subject property to the north is zoned RDT, to the east is zoned PD4, and to the west is zoned R-200 and R-200/TDR. The surrounding area can be described as residential, with primarily one-family detached dwelling units, and some one-family attached units west of Snowden Farm Parkway.

The Subject Property drains from north to the south and west into a tributary of the Upper Little Seneca Creek. The topography of the Property slopes from Piedmont Road toward the south and west of the site. There are 1.43 acres of forest and 0.13 acre of wetlands on this site. The site also contains 1.32 acres of stream buffer. The subject property contains a small pocket of steep slopes toward the rear of the site within the existing forested stream buffer.



PROJECT DESCRIPTION (Attachment B – Proposed Plan)

The applicant proposes to subdivide the Subject Property, as shown below and in attachment B, and create three lots for three new one-family detached dwelling units, with the existing one-family detached unit to remain on a fourth lot. The application is not utilizing the TDR option for development. The proposed lots are 92,081 square feet, 20,822 square feet, 20,050 square feet, and 20,030 square feet in size. The proposed lots will be served by public water and public sewer. The applicant is proposing to retain the existing dwelling on the 92,081 square foot lot.



ANALYSIS AND FINDINGS

Conformance with the Master Plan

The plan substantially conforms to the primary land use provision of the applicable Newcut Road Neighborhood planning subarea of the Approved and Adopted, June 1994 Clarksburg Master Plan which calls for a residential land use designation of 2 to 4 units per acre for the site and the immediate surrounding area. The proposed plan includes a total of 4 residential single family detached lots, with 3 new units and retention of the existing house. With the 4 units proposed, the 3.6 acre (156, 611 sq. ft.) site results in a density of 0.9 residential units per acre, which is well under the designated range provided by the master plan. The property is zoned R-200/ TDR 3 consistent with the zoning designation in the 1994 Clarksburg Master Plan (MP, p. 97, Fig. 38). In this case, the narrow width of the Subject Property, steep slopes, and stream valley buffers limit the ability to achieve more density as anticipated by the Master Plan. Therefore, the plan as proposed will use the Standard method of development and, therefore, must conform to applicable zoning and subdivision regulations of this section of the Zoning Ordinance.

The proposed lots will exceed the minimum required lot area of 20,000 square feet. The largest lot will allow preservation of the stream valley buffer and protection of steep slopes in the southern portion of the Subject Property. The proposed application has been reviewed by

jurisdictional agencies, and it has been determined that the proposed use will not adversely impact environmental, land use and zoning, transportation, or community facilities as identified by the Plan. The proposed application would create three lots that are consistent with the zoning, density, and residential use identified by the master plan. Therefore, the proposed application substantially conforms to the Clarksburg Master Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Also, the Subject Property is located in the Clarksburg Policy Area; therefore, the application is not subject to Policy Area Mobility Review. Piedmont Road is a country road, requiring 60 feet of right-of-way. The applicant must dedicate approximately 3,628 square feet of property (thirty feet from centerline) to create a 60-foot-wide right-of-way along the property frontage of Piedmont Road. The Applicant proposes to construct two houses that will each have their own private driveway from Piedmont Road. The current access driveway to the existing house will be widened and shared with one other lot. Since Piedmont Road along the property frontage is designated as a country road, sidewalk construction along the road is not necessary per Chapter 49 of the County Code. Therefore, with the proposed improvements to Piedmont Road vehicular and pedestrian access for this subdivision will be safe and adequate.

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 private well and septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical and telecommunications services are also available to serve the Property.

Environment

Environmental Guidelines

The approved Natural Resources Inventory/Forest Stand Delineation indicates that there are 1.43 acres of forest and 0.13 acre of wetlands with 0.12 acres of wetlands being forested on this site. The site also contains 1.32 acres of stream buffer with 1.08 acres being forested. The subject property contains a small pocket of steep slopes toward the rear of the site within the existing forested stream buffer.

The topography of the property slopes from Piedmont Road toward the south and west of the site. The high point of the site is located in the northeast corner adjacent to Piedmont Road and slopes away to the west/southwest at an approximate 8% grade and slopes to the south at an

approximate 10% slope. Small pockets of steep slopes exist within the stream buffer.

The site drains from north to the south and west into a tributary of the Upper Little Seneca Creek. This portion of the Little Seneca Creek is designated as Use IV-P waters and is listed in excellent condition on the Department of Environmental Protection's County Stream Protection Strategy (CSPS) website.

Staff finds the proposed plan to be in compliance with the Environmental Guidelines, particularly Chapter V – Guidelines for Special Protection Areas, because the stream valley buffers and steep slopes will be replanted, and these sensitive areas being protected by a Category I Conservation Easement.

Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. The forest conservation plan indicates that the applicant will remove 0.35 acres of the 1.43 acres of existing forest on-site. There is no reforestation requirement since this forest removal is below the threshold that would require forest mitigation. However, since the site lies within the Clarksburg Special Protection Area all unforested on-site stream buffers must be planted as per Montgomery County Code Sect. 19-64(a) and M-NCPPC's Environmental Guidelines (Jan. 2000). This results in an afforestation requirement of 0.23 acres.

Forest Conservation Variance

Section 1607(c) of the Natural Resources Article, MD Annotated Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the Montgomery County Code. The law requires no impact to, and the retention and protection to the greatest extent possible, of all trees that measure 30" diameter at breast height (DBH) or greater; any tree designated as the county champion tree; trees with a DBH 75% or greater than the diameter of the current State champion for that species; trees associated with a historical site or structure; and rare, threatened and endangered species,. Since this project did not obtain approval of a Preliminary Forest Conservation Plan (PFCP) prior to October 1, 2009 and the applicant is proposing to affect/impact two (2) trees, the applicant must request a variance.

In accordance with Montgomery County Code, Section 22A-21(c) the Planning Board 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 30 days to comment. In this case, the variance request was referred to the Montgomery County Arborist on November 9, 2009. The County Arborist responded to the variance request on November 19, 2009 by stating that their office had no recommendations.

In accordance with Section 22A-21(e), Environmental Planning staff recommends a finding by the Planning Board that the Applicant has met all criteria required to grant the variance.

In accordance with Section 22A-21(e), Environmental Planning staff recommends a finding by the Planning Board that the Applicant has met all criteria required to grant the variance.

- 1). *Will 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 loss of certain large trees, and need for a variance, is often a necessary and unavoidable consequence of development and redevelopment to realize master plan objectives, housing goals, and the application of other land use policies and regulations affecting site development. Staff consistently applies a review of reasonable and feasible avoidance and minimization options to each unique site situation. Therefore, staff believes that granting this variance is not 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.*

The requested variance is based on site layout and design for a small residential development within an R-200 zone. The site layout and design necessitates the removal of the 2 trees for the proposed homes. The preliminary plan provides clustering of the proposed lots and reduces the amount of disturbance that may have occurred under the standard method of development.

- 3). *Arises 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 and not as a result of land or building use on a neighboring property.

- 4). *Will 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. The subject property is located within the upper reaches of the Little Seneca Creek watershed which has a use IV-P designation. Use IV-P have water quality standards that, if met, make them suitable for water contact recreation, recreational trout fishing and public water supply. Readily available information on Total Maximum Daily Loads (TMDLs) from MDE and EPA indicate that there is no approved sediment or other TMDLs established for Little Seneca Creek or this portion of the Great Seneca Creek watershed.

The 2 trees in question are located in an upland area outside of the existing forest and isolated from the stream buffer. Therefore, removal of the 2 specimen trees does not directly impact stream temperature or stream quality. The subject property is being designed under new stormwater management regulations required by the Stormwater

Management Act of 2007. Disturbance of the site is to be limited as much as possible by constructing the lots one at a time. If only one lot is developed at a time the use of double super silt fence will be required for sediment control. However, if more than one lot is developed at one time the use of super silt fence, sediment traps and earth dikes will be required.

Staff finds that the development impacts will not cause measurable degradation in water quality because: 1) the removal of the requested trees will not directly impact the stream; 2) there are no stated TMDLs for this portion of the Little Seneca Creek; and 3) additional soil erosion and sediment control measures will be used during construction which include the use of double super silt fence and requiring dry wells to be sized to treat 125% of runoff.

As a result of the above findings, staff recommends approval of the applicant's request for a variance from Forest Conservation Law to remove or otherwise impact specimen (and/or certain other specified) trees on-site. The variance approval is assumed into the Planning Board's approval of the final forest conservation plan.

Preliminary/Final Water Quality Plan Approval

The applicant has submitted a preliminary/final water quality plan for review by both Montgomery County Department of Permitting Services (DPS) and M-NCPPC. As part of the requirements of the Special Protection Area (SPA) law, a SPA Water Quality Plan must be reviewed in conjunction with a preliminary plan¹. Under the provision of the law, DPS and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and conditionally approved the elements of the preliminary/final water quality plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, site imperviousness minimization goals and SPA forest conservation and planting requirements have been satisfied.

Site Imperviousness

There is no overlay zone or master plan recommendation that sets an impervious cap for developments in this portion of the Clarksburg Special Protection Area. However, Section 19-63(a)(4) of the County SPA Law requires a plan to minimize impervious area for a proposed project.

In reviews of imperviousness for other projects in this SPA, Environmental Planning compares a proposed project's imperviousness with the range of expected imperviousness that would result in a typical development allowed in the underlying zoning of the property. Staff uses studies that have calculated countywide impervious surface averages for different zones as the basis for comparison. Staff also assesses the proposed development to look for ways to attempt to reduce

¹ Section 19-62 (b) of the Montgomery County Code states that "...the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing land disturbing activity on privately owned property: (1) who is required by law to obtain approval of a ...preliminary plan of subdivision...."

the amount of impervious surfaces in the subdivision consistent with the SPA and the new SWM Environmental Site Design (ESD) requirements.

According to the preliminary/final water quality plan and the preliminary forest conservation plan dated December 23, 2009, the applicant proposes approximately 0.34 acres (14,751 square feet) acres of impervious surface on the 3.93 acre property. This represents a proposed total impervious surface coverage of approximately 9 percent (0.34 acres/3.93 acres) for the site. The R-200 zone has a countywide average of 22 percent to 29 percent impervious surface. This project falls well below the countywide average.

Staff's calculations of impervious surfaces closely follows the methodology applied by the State Department of Natural Resources (MD DNR) in Maryland's Critical Areas, and reflects the consensus definition of County agencies. Specific to this project, staff counts all pavement, rooftop, and pedestrian surfaces as impervious, including the proposed porous surfaces used for motor vehicle parking or driving. Although considered impervious, staff does acknowledge and support the use of alternative surfaces and methods, where appropriate, to mitigate the effects of imperviousness and to meet stormwater management requirements. It is important to note, however, that although traditional stormwater management is based on infiltration and runoff volume calculations, overall watershed protection and Environmental Site Design (ESD) (now required by new State regulations) are based on additional considerations including minimizing grading, soil compaction and imperviousness, and maximizing protection of natural vegetated areas.

Expanded and Accelerated Forest Conservation

Forest has been protected, and reforestation/landscaping will be planted on the site to meet all forest conservation requirements onsite. Priority areas for planting exist onsite and are adjacent to off-site existing forest protected by a Category I conservation easement on the Clarksburg Village development. Expanded and accelerated forest conservation is required per the Environmental Guidelines for SPAs.

For the reasons discussed above and as conditioned by this staff report, the proposed development satisfies the requirements and meets the intents of the Environmental Guidelines, Forest Conservation Law, and the Preliminary/Final Water Quality Plan.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept and preliminary water quality plan for the project on May 15, 2009. The stormwater management concept consists of on-site water quality control and onsite recharge via non-structural measures that include drywells, and disconnections for rooftops and non-rooftop areas. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The proposed lots will meet the dimensional requirements for area, frontage, width, and setbacks in that zone (See Table 1 below). The application has been reviewed by other applicable county agencies (Attachment C – Agency Correspondence), all of whom have recommended approval of the plan.

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 January 8, 2009 a pre-submission meeting was held, as required, and on May 19, 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 the application substantially conforms with the recommendations of the Clarksburg Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Map
Attachment B – Proposed Plan
Attachment C – Agency Correspondence

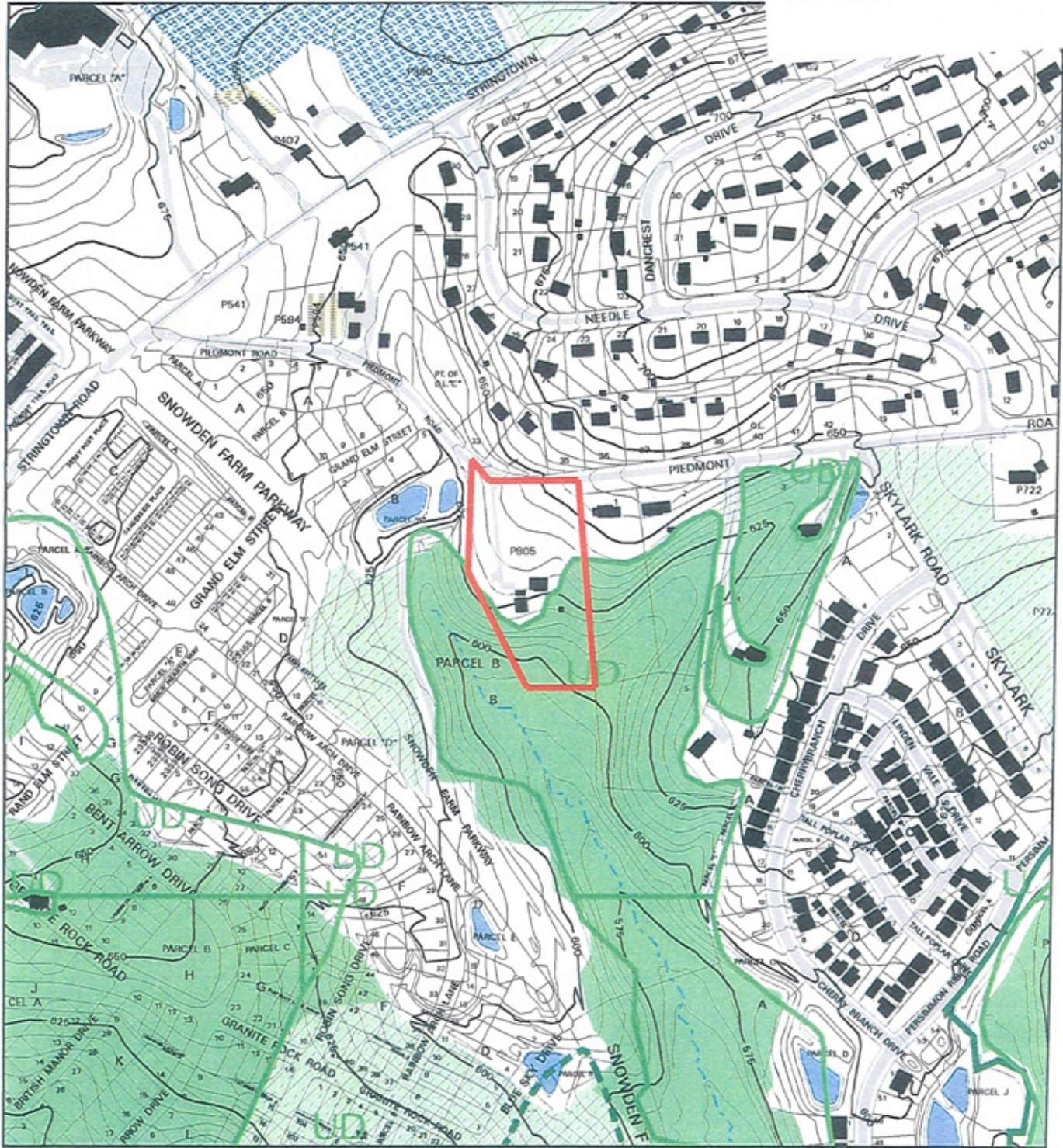
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Piedmont Road				
Plan Number: 120090330				
Zoning: R-200				
# of Lots: 3				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000 sq. ft.	20,030 sq. ft. is minimum proposed	<i>PB</i>	6/29/10
Lot Width	100 ft.	Proposed lot widths are over 100 ft.	<i>PB</i>	6/29/10
Lot Frontage	25 ft.	25 ft. is minimum proposed	<i>PB</i>	6/29/10
Setbacks				
Front	40 ft. Min.	Must meet minimum ¹	<i>PB</i>	6/29/10
Side	12 ft. Min./25 ft. total	Must meet minimum ¹	<i>PB</i>	6/29/10
Rear	30 ft. Min.	Must meet minimum ¹	<i>PB</i>	6/29/10
Height	50 ft. Max.	May not exceed maximum ¹	<i>PB</i>	6/29/10
Max Resid'l d.u. or Comm'l s.f. per Zoning	7 dwelling units	4 dwelling units	<i>PB</i>	6/29/10
MPDUs	No		<i>PB</i>	6/29/10
TDRs	No		<i>PB</i>	6/29/10
Site Plan Req'd?	No		<i>PB</i>	6/29/10
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	<i>PB</i>	6/29/10
Road dedication and frontage improvements		Yes	Agency letter	1/25/10
Environmental Guidelines		Yes	Staff memo	6/23/10
Forest Conservation		Yes	Staff memo	6/23/10
Master Plan Compliance		Yes	Staff memo	12/28/09
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	5/15/09
Water and Sewer (WSSC)		Yes	Agency Comments	6/22/09
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	5/15/09
Well and Septic		N/A	Agency comments	6/22/09
Local Area Traffic Review		No	Staff memo	6/22/09
Policy Area Mobility Review		No	Staff memo	6/22/09
Transportation Management Agreement		No	Staff memo	6/22/09
School Cluster in Moratorium?		No	<i>PB</i>	6/29/09
School Facilities Payment		No	<i>PB</i>	6/29/09
Fire and Rescue		Yes	Agency letter	3/2/10

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

PIEDMONT ROAD (120090330)

Attachment A



Map compiled on May 28, 2009 at 9:07 AM | Site located on base sheet no - 233NW12

NOTICE

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

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

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

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 2707 Georgia Avenue - Silver Spring, Maryland 20910-1700

Key Map



Research & Technology Center

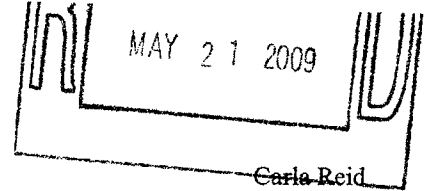


1 inch = 400 feet
 1 : 4800

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DEPARTMENT OF PERMITTING SERVICES



Carla Reid
Director

Isiah Leggett
County Executive

May 15, 2009

Mr. Kenneth Jones
Macris, Hendricks and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Preliminary/Final Water Quality Plan**
for Piedmont Road Property
SM File #: 235727
Tract Size/Zone: 3.59 Ac/R-200/TDR3
Parcel: P805
Watershed: Little Seneca Creek

SPECIAL PROTECTION AREA

Dear Mr. Jones:

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

Site Description: The proposed development will consist of one existing and three new single family houses on 3.59 acres. The site is located on Piedmont Road which is within the Clarksburg Special Protection Area.

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

Sediment Control: Disturbance of the site is to be limited as much as possible. If the lots are to be built one at a time, the use of a double row of super silt fence will be acceptable for sediment control. If more that one lot is under construction at the same time, a sediment trap with earth dikes will likely be required. The need for a sediment trap will be based on the overall amount of disturbance that's proposed on the initial sediment control plan submittal. An engineered sediment control plan is required for this development.

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

1. Due to the lack of redundancy the dry wells must be sized to treat 1.25" of runoff over the contributing impervious area.

Kenneth Jones
May 14, 2009
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2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. Revise the location of the driveway drywell on proposed lot #3 so that it's not located in a fill slope.
4. Demonstrate safe conveyance of the runoff/overflows from the shared driveway and associated drywell around the existing house. This may require additional grading on the lot with the existing house and/or an overdrain pipe from the driveway drywell.
5. Provide a geotechnical report with a minimum of one hand auger for each proposed lot that identifies soil type, general anticipated infiltration capacity and depth to groundwater and/or bedrock.

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required. Note that monitoring is not required for this site.

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

Sincerely,



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

RRB:CN234972

cc: D. Johnsen (MNCPPC-EP)
C. Conlon (MNCPPC-DR)
R. Gauza (MCDEP)
L. Galanko
SM File # 235727

Qn not required; Acres: 3.59
QI on-site ; Acres: 3.59
Recharge provided



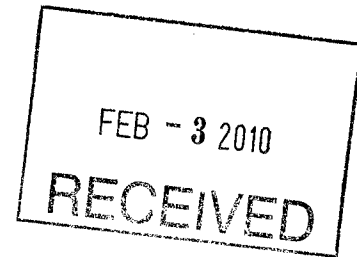
DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 25, 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 #1-20090330
Piedmont Road

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed and sealed on January 18, 2010. The original preliminary plan for this site was reviewed by the Development Review Committee at its meeting on June 22, 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 Piedmont 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. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
5. 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) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations

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

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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 should 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 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct a sidewalk extension to connect with the existing sidewalk on Grand Elm Street.
8. 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 Mr. Brett Linkletter with Division of Highway Services, Tree Maintenance Unit. Mr. Linkletter may be contacted at (301) 840-2283.
9. 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. Construct six (6) foot wide sod shoulder across the site frontage. Provide positive drainage away from Piedmont Road pavement.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Division.

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 (240) 777-2197.

Sincerely,



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



Ms. Catherine Conlon
Preliminary Plan No. 1-20090330
January 25, 2010
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m:/subdivision/farhas01/preliminary plans/ 1-20090330, Piedmont Road.doc

Enclosures (2)

cc: Dale and Jean Hayman
Ray Burns, Macris, Hendricks & Glascock
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Dan Sanayi, DOT TEO
Fred Lees, DOT TEO
Bruce Mangum, DOT TEO
Sam Farhadi, DOT TEO
Preliminary Plan Folder
Preliminary Plans Note Book





FIRE MARSHAL COMMENTS

DATE: 02-Mar-10
TO: Ray Burns
Macris, Hendricks & Glascock
FROM: Marie LaBaw
RE: Piedmont Road
120090330

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **19-Jan-10**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.