



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

MCPB
Item #
7/15/10



MEMORANDUM

DATE: July 2, 2010

TO: Montgomery County Planning Board

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

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

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

APPLYING FOR: Two lots for two one-family detached dwelling units

PROJECT NAME: Shirkey's Addition to Fairland Acres
CASE #: 120100110
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200 and Environmental Overlay Zone for the Upper Paint Branch Special Protection Area

LOCATION: Located on the north side of Old Briggs Chaney Road, 420 feet west of Old Columbia Pike.

MASTER PLAN: Fairland

APPLICANT: Brett Roberts
ENGINEER: Benning & Associates

FILING DATE: October 27, 2009
HEARING DATE: July 15, 2010

RECOMMENDATION: Approval of the preliminary plan and preliminary/final water quality plan subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family 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. Specific conditions include the following:
 - a. The applicant must provide permanent signs along the boundaries of the Category I conservation easement area.
 - b. The final forest conservation plan must include the following elements:
 - i. A planting plan for the entire environmental buffer area that is not currently in forest cover.
 - ii. A planting schedule for the environmental buffer area and forest bank area outside the buffer that provides for forest planting during the construction of the new one-family dwelling.
 - iii. Measures to remove wood piles in the environmental buffer.
 - iv. A tree save plan that provides adequate protection measures for two trees on adjoining Parcel N100.
- 3) The record plat must reflect a Category I conservation easement over all areas of forest retention, forest planting, and environmental buffers, including proposed and future forest banking areas as shown on the certified preliminary plan.
- 4) Prior to recording of a plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces on the subject property to no more than eight percent.
- 5) Prior to release of a building permit for the proposed one-family dwelling, the applicant must demonstrate conformance with the impervious surface limit. Any modifications to these plans that increase imperviousness will require Planning Board approval.
- 6) The applicant must satisfy MCDPS requirements prior to recordation of the plat to ensure the construction of a 182-foot long, five-foot-wide sidewalk along the south side of Old Briggs Chaney Road, from the terminus of the existing sidewalk west of the intersection with Old Columbia Pike.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management approval dated October 29, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated April 8, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 10) The record plat must show necessary easements.

- 11) 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, driveways, 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.”
- 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

The subject property, shown below and in attachment A, is a 7.12-acre part of a lot. The property is located on the north side of Old Briggs Chaney Road, 420 feet west of Old Columbia Pike. The property is in the R-200 zone and Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. The property is developed with a one-family detached dwelling. Surrounding properties are developed with one-family detached dwellings in the R-200 zone and environmental overlay zone. A fire station is located on the south side of Old Briggs Chaney Road, across from the subject property.

The site is within the Paint Branch watershed and the Upper Paint Branch Special Protection Area (SPA). The site contains 0.6 acres of forest and 2.46 acres of stream buffer area. A 0.1-acre wetland area is also located on the property.



PROJECT DESCRIPTION

The applicant proposes to resubdivide the part of a lot into two lots. Proposed Lot 1 will be 278,397 square feet (6.39 acres) in size with a pipe stem configuration, and proposed Lot 2 will be a 31,750-square-foot, rectangular lot fronting on the road. The existing one family dwelling will remain on proposed Lot 1, and one new one-family dwelling will be constructed on proposed Lot 2. Access to the lots will be via separate driveways from Old Briggs Chaney Road.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Fairland Master Plan does not specifically address the subject property. The Master Plan recommends retention of existing zoning throughout the Master Plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the Master Plan calls for retention of the existing R-200 zoning. Further, the Master Plan recommends that new development consist largely of detached dwellings in order to correct an imbalance caused by an overabundance of attached dwellings in the Master Plan area. The proposed subdivision is in conformance with the recommendations adopted in the Master Plan in

that it proposes one-family detached residential development consistent with surrounding development patterns, the current zoning designation, and the Master Plan's recommendations. The proposed lots will be similar to surrounding lots with respect to dimensions, orientation, and shape, and both residences will have a similar relationship to the public street and surrounding residences as existing residences in the area. The proposed subdivision will not alter the existing pattern of development or land use, in substantial conformance with the Master Plan recommendation to maintain the existing land use and provide detached dwellings. In addition, the preliminary plan is in substantial conformance with Master Plan recommendations to protect the environment by limiting imperviousness and disturbance of environmental buffers within the Upper Paint Branch Special Protection Area (SPA). Impervious surfaces will occupy no more than 6.8% of the site, which is within the 8% limit established for the SPA.

Public Facilities

Roads and Transportation Facilities

Access to the proposed lots will be provided by driveways from Old Briggs Chaney Road. There is no sidewalk along the property frontage on Old Briggs Chaney Road. The Montgomery County Road Code requires that a sidewalk be constructed along the property frontage, but staff, with the concurrence of MCDOT, recommend that the applicant construct a sidewalk on the opposite side of the street rather than along the property frontage. A new sidewalk on the opposite side of Old Briggs Chaney Road will connect with an existing sidewalk, creating a more functional pedestrian environment.

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. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

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

Planning Board Approval of Water Quality Plan

The subject property is located within the Upper Paint Branch Special Protection Area (SPA). As part of the requirements for water quality review in special protection areas, a combined preliminary and final water quality plan must be reviewed in conjunction with a preliminary plan application. Under the provision of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a water quality plan. MCDPS has reviewed and approved the elements of the preliminary and final water quality plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation requirements, and imperviousness limits have been satisfied. Staff recommends that the Planning Board find that the requirements of the water quality plan and the Forest Conservation Law have been met by the plan.

Site Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. The Environmental Overlay Zone has an 8% imperviousness limit for new projects or for redevelopment projects that have an existing imperviousness at or below 8%.

The applicant proposes an imperviousness of 6.8% for the two-lot subdivision. This is in compliance with the requirement. The final plans for the subdivision must not exceed the 8% limit set in the Environmental Overlay Zone.

Environmental Buffers

A stream, wetland, and associated environmental buffer are located on the northern portion of the property. Staff recommends that the environmental buffer be protected with a Category I conservation easement. As part of the preliminary forest conservation plan, the applicant will be retaining existing forest, as well as planting forest within the environmental buffer.

Forest Conservation

The Preliminary Forest Conservation Plan proposes to retain all of the site's existing 0.61 acres of forest. There is a 0.47-acre afforestation requirement that is proposed to be met by forest planting in the environmental buffer. The remaining 1.47-acre portion of the buffer that is currently unforested will be planted in forest. This is consistent with the Planning Board's Environmental Guidelines: The guidelines recommend that a development site in a SPA should reforest the entire environmental buffer that exists onsite, even if the reforestation exceeds the development's forest planting requirements under the Forest Conservation Law. Credits associated with the excess planting area may be created and sold to others to meet their offsite requirements.

Since the forest planting area is in the environmental buffer and is physically separated by at least 400 feet from the proposed construction on proposed Lot 2, staff believes that the forest planting should occur in the first planting season that occurs after issuance of a building permit for the construction of the new house. This would be consistent with the Environmental Guidelines recommendation that “reforestation on SPA sites is to begin as soon as possible after the issuance by MCDPS of grading permits, with appropriate phasing to allow for the construction of sediment and erosion control structures.”

Most of the northern portion of the site lies within the environmental buffer. The extreme northern portion of the property, covering 0.28 acre, lies outside the environmental buffer, but is physically separated and isolated from the developable portion of the site by the buffer. Since the 0.28-acre portion of the site is not proposed for development and adjoins both the environmental buffer on the site and a forested Category I conservation easement on a neighboring property, staff recommends that this portion of the site be protected with a Category I conservation easement. The applicant proposes to use the area as a future forest bank. Staff supports this proposal. This forest bank area should be planted in forest at the same time as the planting in the environmental buffer area. This would allow the entire conservation easement area to be planted in forest during the construction phase of the one new house in the subdivision.

The proposed clearing and grading for the new house will affect portions of the critical root zone for two relatively large trees on adjoining parcel N100: a 26.2-inch diameter at breast height (DBH) black cherry and a 24-inch DBH silver maple. The preliminary forest conservation plan shows that less than one-third of each tree’s critical root zone will be disturbed and that the trees will be retained. Staff recommends that the Final Forest Conservation Plan include specific tree preservation measures as part of a tree save plan for these two trees.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept and preliminary/final water quality plan for the project on October 29, 2009. The stormwater management concept includes channel protection and water quality control via nonstructural measures, including dry wells and disconnection credits. The project will be designed in accordance with the most recent revisions to the Maryland Department of the Environment Stormwater Management Manual.

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 requirements for resubdivision 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 R-200 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.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of nine lots (Attachment C). The neighborhood includes lots on Old Briggs Chaney Road, Briggs Chaney Road, and Duvall Road. All the lots share access on these three streets. The designated neighborhood provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage:

In a neighborhood of nine lots, lot frontages range from 0 feet (no frontage) to 182 feet. Not including the lot with no frontage, the smallest frontage in the neighborhood is 25 feet. Three of the lots have frontages of less than 90 feet, three lots have frontages between 90 and 100 feet, and the remaining three lots have frontages between than 121 feet and 182 feet. Proposed Lot 1 has a frontage of 50 feet, and proposed Lot 2 has a frontage of 125 feet. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment:

All nine of the existing lots in the neighborhood are perpendicular in alignment. Both of the proposed lots are also perpendicular in alignment. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size:

The lots in the delineated neighborhood range from 20,718 square feet to 243,936 square feet. Five of the lots are smaller than 50,000 square feet, three are between 50,000 and 90,000 square feet, and one is larger than 240,000 square feet. Proposed Lot 1 is 277,074 square feet in size and proposed Lot 2 is 31,122 square feet in size. While proposed Lot 2 is well within the size range of existing neighborhood lots, proposed Lot 1 will be the largest lot in the neighborhood. Creation of the largest lot in the neighborhood is unavoidable because the subject property is itself currently the largest lot in the neighborhood, and additional lots that would further reduce the size of proposed Lot 1 cannot be created because of limited street frontage and environmental constraints. The location of the existing dwelling on proposed Lot 1 prevents allocating more land to the rear of proposed Lot 2, which would have reduced the size of proposed Lot 1. However, because the existing lot is being reduced in size and the resultant lot will more closely match the character of existing lots, staff recommends that the Planning Board find that **the proposed lot sizes are in character with the size of existing lots in the neighborhood.**

Shape:

Five of the existing lots in the neighborhood are rectangular, and the remaining four are pipestem lots. One proposed lot is rectangular and one is a pipestem lot. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

Width:

The lots in the delineated neighborhood range from 100 feet to 450 feet in width. Three of the lots have widths of 100 feet, three lots have widths between 100 and 200 feet, two have widths between 200 and 250 feet and the remaining lot has a width of 450 feet. Proposed Lot 1 has a width of 228 feet and proposed Lot 2 has a width of 132 feet. **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

Area:

The lots in the delineated neighborhood range from 2,154 square feet to 185,791 square feet in buildable area. Three of the lots have a buildable area less than 10,000 square feet, three are between 15,000 and 20,000 square feet, two are between 30,000 and 50,000 square feet and one is over 180,000 square feet. Proposed Lot 1 has a buildable area of 229,719 square feet and proposed Lot 2 has a buildable area of 18,243 square feet. While proposed Lot 2 is well within the area range of existing neighborhood lots, proposed Lot 1 will have the largest buildable area in the neighborhood. Creation of the lot with the largest buildable area in the neighborhood is unavoidable because the subject property itself currently has the largest buildable area in the neighborhood, and additional

lots that would further reduce the buildable area of proposed Lot 1 cannot be created because of limited street frontage and environmental constraints. The location of the existing dwelling on proposed Lot 1 prevents allocating more land to the rear of proposed Lot 2, which would have reduced the size of proposed Lot 1. However, because the area of the existing lot is being reduced in size and the resultant lot will more closely match the character of existing lots, staff recommends that the Planning Board find that **the proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues

The applicant conducted a pre-submission community meeting on August 11, 2009. No concerns were raised at the meeting. 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

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Fairland Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application, including a preliminary/final water quality plan, with the conditions specified above is recommended.

Attachments

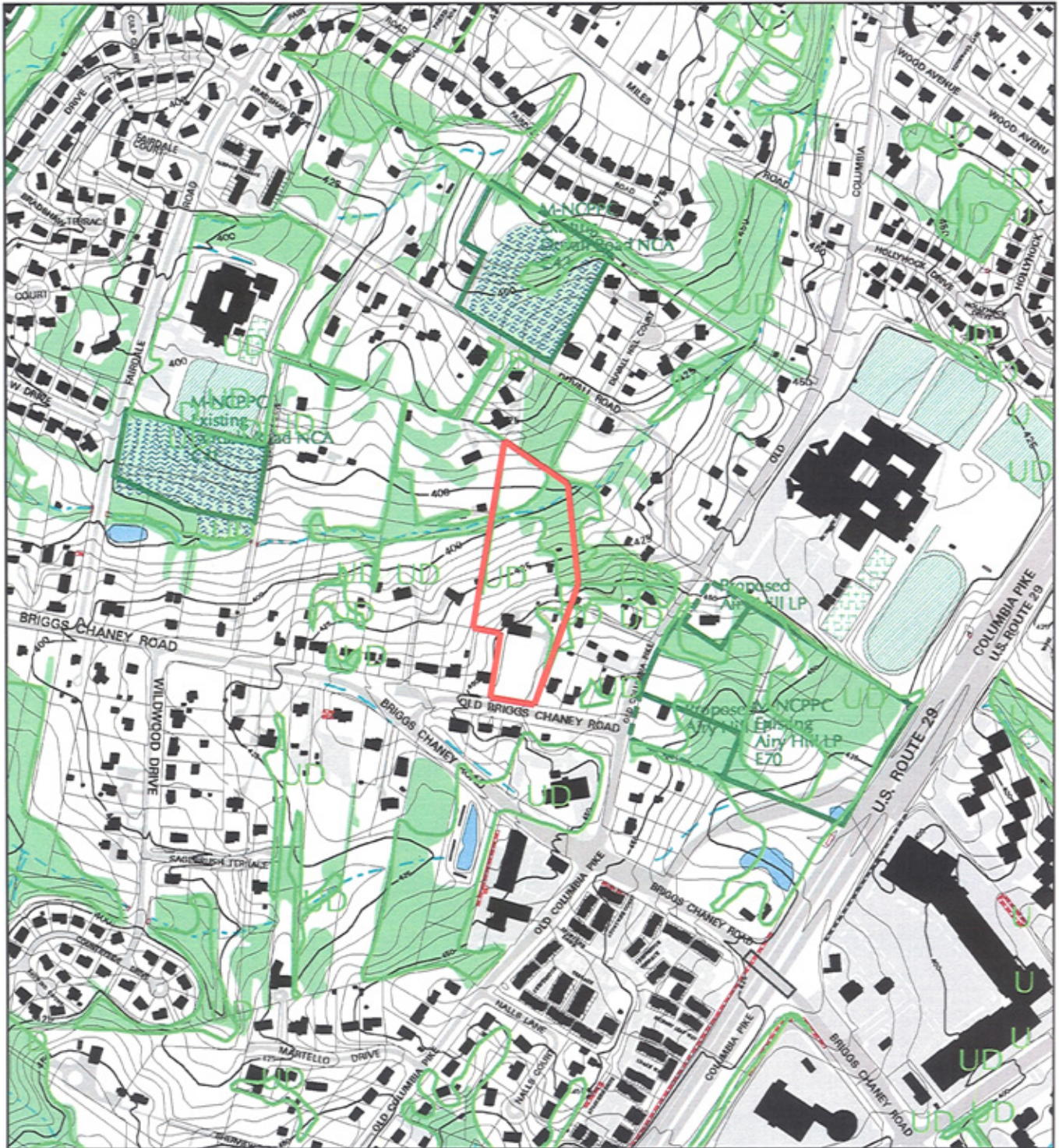
- Attachment A – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Resubdivision Neighborhood Map
- Attachment D – Resubdivision Data Table
- Attachment E – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

| Plan Name: Shirkey's Addition to Fairland Acres | | | | |
|---|--|--|-----------------|-------------|
| Plan Number: 120100110 | | | | |
| Zoning: R-200, Environmental Overlay Zone for the Upper Paint Branch Special Protection Area | | | | |
| # of Lots: 2 | | | | |
| # of Outlots: N/a | | | | |
| Dev. Type: Residential | | | | |
| PLAN DATA | Zoning Ordinance Development Standard | Proposed for Approval by the Preliminary Plan | Verified | Date |
| Minimum Lot Area | 20,000 sq. ft. | 31,750 sq. ft. minimum | NB | 7/2/10 |
| Lot Width | 100 ft. | 132 ft. minimum | NB | 7/2/10 |
| Lot Frontage | 25 ft. | 50 ft. minimum | NB | 7/2/10 |
| Setbacks | | | | |
| Front | 40 ft. Min. | Must meet minimum ¹ | NB | 7/2/10 |
| Side | 12 ft. Min./25 ft. total | Must meet minimum ¹ | NB | 7/2/10 |
| Rear | 30 ft. Min. | Must meet minimum ¹ | NB | 7/2/10 |
| Height | 50 ft. Max. | May not exceed maximum ¹ | NB | 7/2/10 |
| Maximum impervious surface | 8% | 8% | NB | 7/2/10 |
| Max Resid'l d.u. per Zoning | 15 | 2 | NB | 7/2/10 |
| MPDUs | N/a | | NB | 7/2/10 |
| TDRs | N/a | | NB | 7/2/10 |
| Site Plan Req'd? | No | | NB | 7/2/10 |
| FINDINGS | | | | |
| <i>SUBDIVISION</i> | | | | |
| Lot frontage on Public Street | | Yes | NB | 7/2/10 |
| Road dedication and frontage improvements | | Yes | Agency letter | 4/8/10 |
| Environmental Guidelines | | Yes or N/a | Staff memo | |
| Forest Conservation | | Yes or Exempt | Staff memo | |
| Master Plan Compliance | | Yes | Staff memo | 11/16/09 |
| <i>ADEQUATE PUBLIC FACILITIES</i> | | | | |
| Stormwater Management | | Yes or exempt | Agency letter | 10/29/09 |
| Water and Sewer (WSSC) | | Yes | Agency comments | 12/7/09 |
| 10-yr Water and Sewer Plan Compliance | | Yes | Agency comments | 12/7/09 |
| Well and Septic | | N/a | Agency letter | 12/7/09 |
| Local Area Traffic Review | | N/a | Staff memo | 12/7/09 |
| Policy Area Mobility Review | | N/a | Staff memo | 12/7/09 |
| Transportation Management Agreement | | No | Staff memo | 12/7/09 |
| School Cluster in Moratorium? | | No | NB | 7/2/10 |
| School Facilities Payment | | No | NB | 7/2/10 |
| Fire and Rescue | | Yes | Agency letter | 5/13/10 |

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

SHIRKEY'S ADDITION TO FAIRLAND ACRES (120100110)



Map compiled on November 05, 2009 at 12:50 PM | Site located on base sheet no - 219NE03

NOTICE

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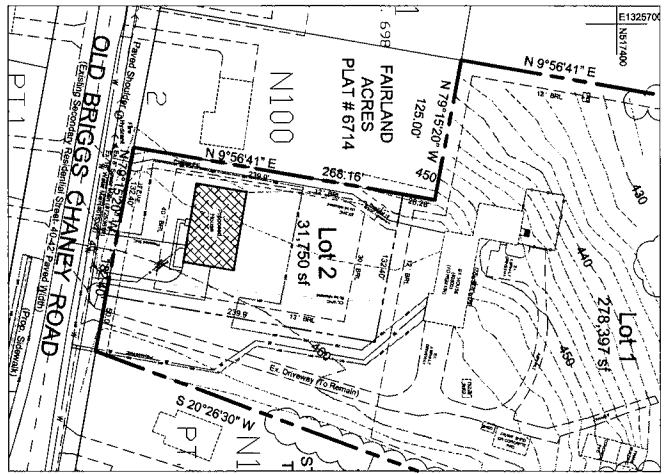
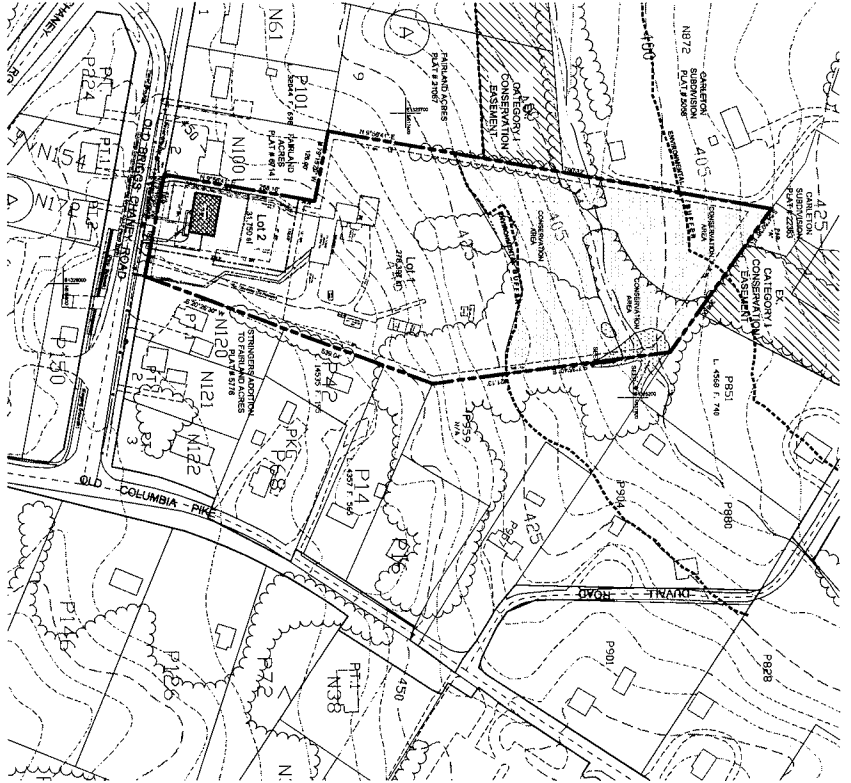
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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

Key Map



1 inch = 600 feet
1 : 7200



DETAIL VIEW: 1" = 50'

Scale: 1" = 100'

0 100' 200' 400'

LEGEND:

House Location: [Symbol]

Existing Contour: [Symbol]

P.U.E.: [Symbol]

B.R.L.: [Symbol]

Lot Line: [Symbol]

Water Line: [Symbol]

Sanitary Line: [Symbol]

L.O.D.: [Symbol]

NOTE:

2. CONTOUR INTERVAL TOPOGRAPHY SHOWN IN DETAIL VIEW OBTAINED FROM A FIELD SURVEY COMPLETED BY THOMAS A. MADDOX, P.L.S.

BOUNDARY CERTIFICATION:

I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original plan as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Maryland.

Signature: _____ Date: _____

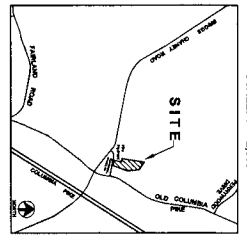
ZONING STANDARDS:

| ZONE: R-200 | Req. | Prov. | Lot 1 | Lot 2 |
|---|---------------------|-------------|-------------|-------|
| Lot Size | 20,000 sf | 276,397 sf | 31,750 sf | |
| Front Setback | 40' | 282' | 60' | |
| Sideways | 12' min., 25' total | 12' or more | 12' or more | |
| Rearyard | 30' | 30' or more | 30' or more | |
| Building Height | 50' Max. | 50' or less | 50' or less | |
| Lot Coverage | 25% Max. | 1.4% | 9.9% | |
| Lot Width @ Building Line | 100' | 229.0' | 132.4' | |
| Frontage | 25' | 50' | 132.4' | |
| Impervious Surface Coverage (Both Lots) | 8% Max. | 5.0%* | 1.8%* | |

NOTES:

1. ZONING: R-200
2. EXISTING ZONING: R-200
3. NUMBER OF LOTS PROPOSED: 2
4. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
6. LOCATION OF MAIN TRUNK WATER SERVICES (UPPER MAIN TRUNK (SMA) & UTILITIES TO BE PROVIDED BY Washington Gas, Verizon, PECCO

PREPARED FOR:
Brett Roberts
 2890 Old Briggs Chaney Road
 Silver Spring, MD 20905
 202-346-2892



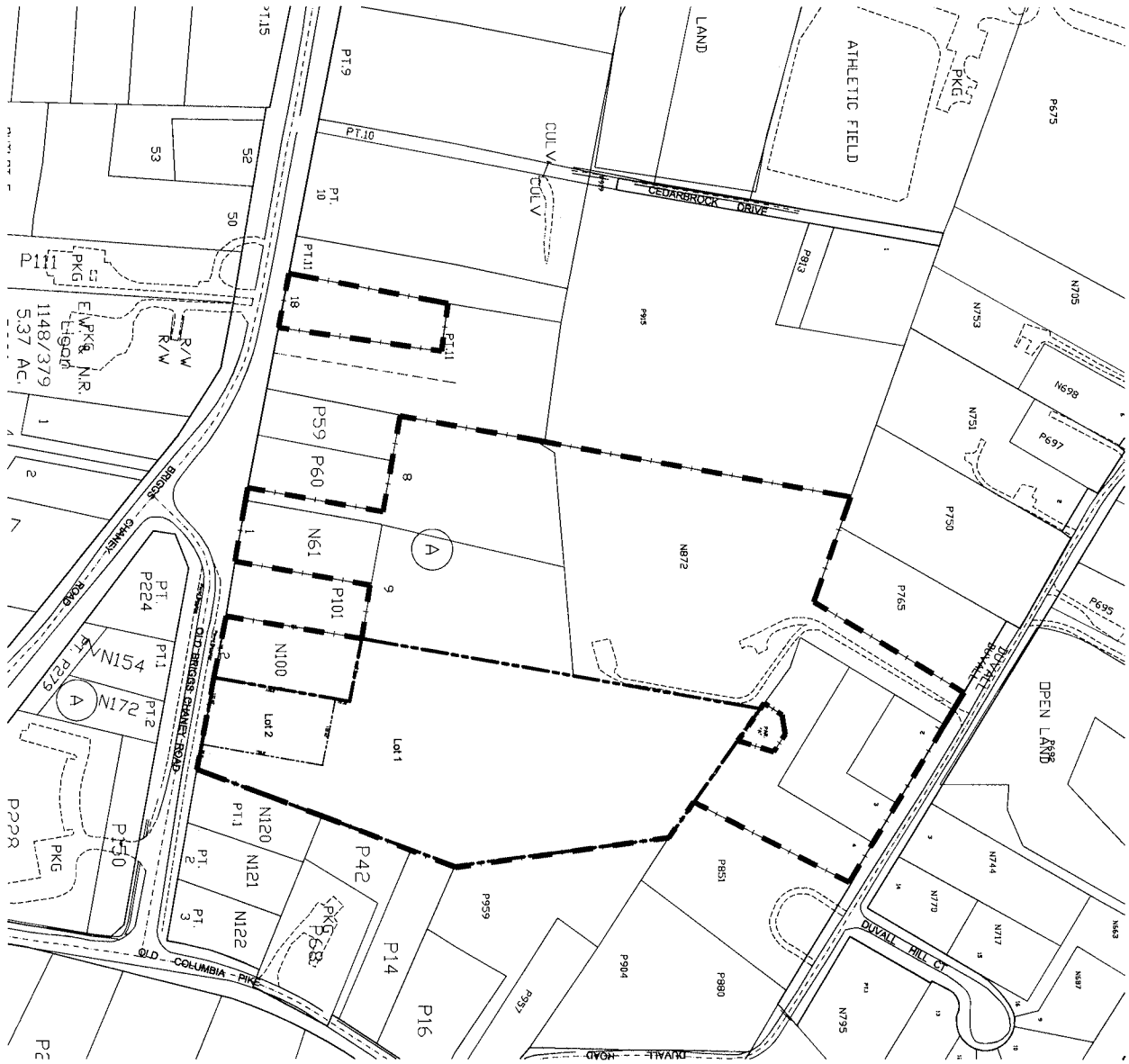
PRELIMINARY PLAN
SHIRKEY'S ADDITION TO FAIRLAND ACRES
 Montgomery County, Maryland

B&A Benning & Associates, Inc.
 Land Planning & Consulting
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 (301) 948-6246

date: 10/26/09
 scale: 1" = 100'



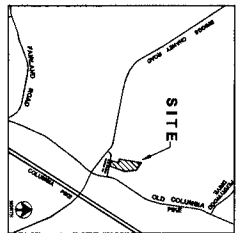
Sheet 1 of 1
 REG. 327110



Resubdivision Criteria: Old Bridges Cheney Road

| Lot # | Frontage | Alignment | Size (S.F.) | Shape | Width | Area (S.F.) | Suitability |
|-------|----------|-----------|-------------|-----------|---------|-------------|-------------|
| 1 | 120' | Standard | 31,122 | Regular | 132' | 18,424 | R-200 |
| 2 | 111.14' | Irregular | 30,712 | Irregular | 111.14' | 7,424 | R-200 |
| 3 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 4 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 5 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 6 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 7 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 8 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 9 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 10 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 11 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 12 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 13 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 14 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 15 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 16 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 17 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |
| 18 | 102' | Standard | 30,862 | Regular | 102' | 7,905 | R-200 |

PREPARED FOR:
Brett Roberts
 2800 Old Bridges Cheney Road
 Silver Spring, MD 20908
 301-584-2802



NEIGHBORHOOD MAP
SHIRKEY'S ADDITION TO FAIRLAND ACRES
 Montgomery County, Maryland

B&A
 Benning & Associates, Inc.
 Land Planning Consultants
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 (301)948-0260

date: 10/26/09
 scale: 1" = 100'



Sheet 1 of 1
 Rev: 5/1/10

| Lot# | Frontage | Alignment | Size | Shape | Width | Buildable Area | |
|------|----------|---------------|---------|-----------|-------|----------------|--------------|
| 2 | 182 | perpendicular | 20,718 | rectangle | 182 | 2,154 | |
| 18 | 100 | perpendicular | 30,000 | rectangle | 100 | 17,250 | |
| 2 | 125 | perpendicular | 31,122 | rectangle | 132 | 18,243 | Proposed Lot |
| N61 | 121 | perpendicular | 32,234 | rectangle | 121 | 18,935 | |
| N100 | 125 | perpendicular | 33,517 | rectangle | 125 | 19,812 | |
| 3 | 90 | perpendicular | 38,111 | pipestem | 100 | 3,743 | |
| 4 | 90 | perpendicular | 58,968 | pipestem | 100 | 7,906 | |
| 8 | 25 | perpendicular | 81,456 | pipestem | 215 | 36,997 | |
| 9 | 0 | perpendicular | 86,359 | rectangle | 231 | 46,476 | |
| N872 | 77 | perpendicular | 243,936 | pipestem | 450 | 185,791 | |
| 1 | 50 | perpendicular | 277,074 | pipestem | 228 | 229,719 | Proposed Lot |



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

April 8, 2010

Arthur Holmes, Jr.
Director

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. 1-20100110
Shirkey's Addition to Fairland Acres

Dear Ms. Conlon:

We have completed review of the above referenced preliminary plan signed January 27, 2010. This plan was reviewed by the Development Review Committee at its meeting on December 7, 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. We have accepted the applicant's storm drain capacity and impact analysis. No capacity improvements to the County maintained storm drain system will be required of this applicant.
2. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a sight distances evaluation certification for the driveway for lot 2 to this office for approval.

The sight distances study has been accepted for the existing driveway location (lot 1). A copy of the accepted sight distances evaluation certification form is enclosed for your information and reference.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. In accordance with Section 49-35 (e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. We recommend the applicant extend the existing concrete sidewalk on the opposite side of Old Briggs Chaney Road for a length greater than or equal to the width of the plan's site frontage.
5. 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 MCDOT Division of Highway Services, Tree Maintenance Unit at (240) 777-7651.
6. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of the MCDOT 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.

Division of Traffic Engineering and Operations

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

Ms. Catherine Conlon
Preliminary Plan No. 1-20100110
April 8, 2010
Page 2

7. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Extend the existing concrete sidewalk on the opposite side of Old Briggs Chaney Road for a length greater than or equal to the width of this plan's site frontage, as stated in item 5 above, and delineated on the preliminary plan.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Ms. Dewa Salihi at 240-777-2173 or dewa.salihi@montgomerycountymd.gov.

Sincerely,



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

Enclosures (2)

cc: Brett Roberts
Patrick Perry, Benning & Associates
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Brett Linkletter; DOT DHS
Dan Sanayi; DOT DTEO
Dewa Salihi, DOT DTEO
Preliminary Plan Folder
Preliminary Plans Note Book



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

October 29, 2009

Carla Reid
Director

Mr. Patrick T. Perry
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: **Preliminary/Final Water Quality Plan**
for Shirkey's Addition to Fairland Acres
SM File #: 236619
Tract Size/Zone: 7.12 acres / R-200
Total Concept Area: 0.73 acres
Lots/Blocks: N/A
Parcel: 44
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Perry:

Based on a review by the Department of Permitting Services, the Preliminary/Final Water Quality Plan (PFWQP) 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 valley buffer encroachments.

Site Description: The site is located at 2800 Old Briggs Chaney Rd. This proposal is for subdivision of the existing property into two lots, with construction of one single family home proposed on the smaller lot (Shown as Lot 2 on the PFWQP). The existing home will remain on the other, larger lot (Shown as Lot 1 on the PFWQP). This site is tributary to the Mainstem of the Upper Paint Branch. This watershed has been designated as a Special Protection Area.

Stormwater Management: Channel protection and water quality control will be provided via nonstructural measures, including dry wells and disconnection credits. The project must be designed in accordance with the most recent revisions to the MDE Stormwater Management Manual.

Sediment Control: Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance. Immediate stabilization is to be emphasized. This includes disturbance associated with the installation of the utility connections.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary and Final Water Quality Plan. They are as follows:

1. **Maintain Stream Base Flow.** This will be accomplished primarily by maximizing groundwater recharge through the use sheet flow to treat runoff, and by limiting impervious areas.
2. **Maintain Natural Onsite Stream Channels.** The stream channel on the larger of the two proposed lots, and appears to be relatively stable. No development is proposed on this larger lot at present. Additional stream assessment may be required if development is proposed on this larger lot at some time in the future.
3. **Minimize Storm Flow Runoff Increases.**
4. **Minimize Sediment Loading.** This may be accomplished through such measures as minimizing disturbed areas, immediate stabilization of disturbed areas, and use of Super Silt Fence at a minimum for sediment control.

Monitoring: Stormwater monitoring is not required for this project.

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. No disturbance is allowed on the larger lot under this Preliminary/Final Water Quality Plan Approval. Any proposed disturbance on the larger lot, shown as Lot 1 on the PFWQP, will be addressed separately.
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling. **Topsoiling will be considered as part of the required redundant stormwater management practices for this project.**
3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
4. A copy of this approval letter must be placed on the detailed sediment control / stormwater management plans.

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 Water Quality Plan requirements.

Mr. Patrick T. Perry
October 29, 2009
Page Three

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:dpm:CN232578

cc: C. Conlon (MNCPPC-DR)
C. Bunnag (MNCPPC-ED)
R. Gauza (MCDEP)
SM File # 236619

Qn: on-site 0.73 ac.
Ql: on-site 0.73 ac.
Recharge is provided on-site