



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

MCPB
Item # 9
7/22/2010



MEMORANDUM

DATE: July 9, 2010

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator *RAW* (301-495-4544)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: 21 lots and 3 outlots for up to 24 one family detached dwelling units

PROJECT NAME: Barnesville Oaks
CASE #: 120090110
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Density Transfer (RDT)
LOCATION: On the east and west sides of Peach Tree Road, bounded on the north by Whites Store Road and to the west by Beallsville Road (MD 109)

MASTER PLAN: Agricultural and Rural Open Space (AROS)

APPLICANT: Barnesville Oaks Farms, L.L.C.
ENGINEER: Benning and Associates
ATTORNEY: Miles and Stockbridge

FILING DATE: December 4, 2008
HEARING DATE: July 22, 2010

RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 21 one-family detached residential lots and 3 outlots.
- 2) The applicant must comply with all conditions of approval of the preliminary forest conservation plan prior to plat recordation or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to:
 - a. Category I conservation easements on platted portions of the Property must be shown on the record plats.
 - b. Category I conservation easements must be placed over all forest conservation areas located on the unplatted farm remainder of the property. These conservation easements must be recorded by deed in the County land records and referenced on the record plat(s) for the residential lots.
- 3) Record plat to reflect a Public Use Trail Easement (“PUTE”) through the property as shown on the preliminary plan. The PUTE must define the conditions for use of, maintenance responsibility for, and enforcement authority over the trail. Prior to record plat, the PUTE must be approved by the Commission’s Office of the General Counsel. Also prior to record plat, the applicant must file the PUTE in the land records, and identify the liber and folio on the record plat.
- 4) Prior to recordation of the plat(s), applicant must submit an affidavit to MNCPPC staff that verifies the availability of one Transferrable Development Right for each lot shown on the plat(s).
- 5) The record plat must show dedication of Peach Tree Road to a width of 70 feet (or 35 feet from centerline) to Rustic Road standards and the new internal road (Barnesville Oak Lane) as a 50 foot wide tertiary road right-of-way as shown on the approved preliminary plan.
- 6) 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. Only those roads (or portions thereof) expressly designated on the preliminary plan, “To Be Constructed By _____” are excluded from this condition.
- 7) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated September 9, 2009 and reconfirmed on May 14, 2010. 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 comply with the conditions of the MCDPS, Well and Septic Section approval dated April 16, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated June 23, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.

- 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 and driveway locations shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit approval 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) Record Plat must contain the following note: “Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery, and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.”
- 13) Record Plat must reference a recorded easement for the parent parcels indicating that density and TDRs for these lots was removed from the parent parcels.
- 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.
- 15) Other necessary easements must be shown on the record plat(s).

SITE DESCRIPTION (Figures 1 and 2)

The property (“Property” or “Subject Property”) is identified as Parcel 570 on Tax Map DU13 and is comprised of 840 acres zoned Rural Density Transfer (RDT). It is located on both the east and west sides of Peach Tree Road, bounded to the north by White Store Road and to the west by Beallsville Road (MD 109). Peach Tree Road and Beallsville Road are classified as Rustic Roads; Whites Store Road is classified as an Exceptional Rustic Road. Low density residential lots and open agricultural fields abut the site to the south. All other adjacent properties are predominantly agricultural in nature. The Property itself is assessed as agricultural and is now used for a horse farm operation, and for cattle and hay production. Peach Tree Road splits the Property from north to south, with equal portions of the site on each side of the road.

There are two primary residential homes on the property and seven other farm tenant dwellings. One of the tenant structures is identified on the Historical Atlas as the John Lynch Farm #18/8. One primary residence is on the west side of Peach Tree Road with driveway access to Beallsville Road. This home is associated with the horse farm operation on that side of the road and has two accessory tenant houses. The primary residence on the east side of Peach Tree Road has five accessory tenant houses that include the aforementioned historic resource. All of these dwelling units access Whites Store Road.

The topography of the site is rolling in nature, with 193.60 acres of forest and open agricultural fields as the predominant features on the Property. There are eight streams on-site and 19.9 acres of wetlands. The property is within the Dry Seneca Creek watershed; a Use I-P watershed.

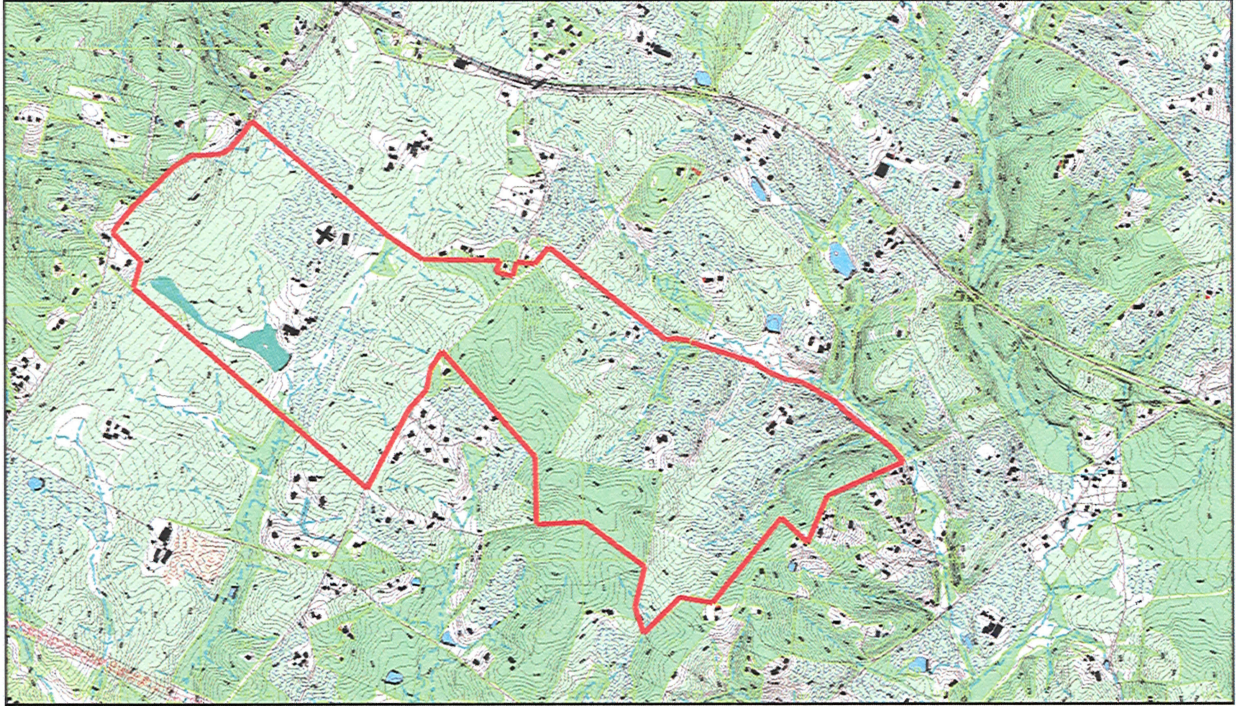


Figure 1



Figure 2

PROJECT DESCRIPTION (Figures 3 and 3a)

This application proposes to subdivide the Property under the RDT zoning standards which establish a density of one lot per 25 acres with a minimum lot size of 40,000 square feet or roughly one acre. The proposal is to create 21 new residential lots and three outlots. The outlots are being created because three proposed lots have not yet passed percolation testing. The two existing farm residences and seven associated tenant dwellings will be retained on two large farm remainders of 369.4 and 411.4 acres, respectively. The proposed lots are separated into three distinct clusters; two on the west side of Peach Tree Road, and the other located within a forested area on the east side of Peach Tree Road.

The southernmost cluster of five lots on the west side of Peach Tree Road utilizes a shared driveway. The lots have been located here, in part, to abut the existing lots to the south in the adjacent Woodstock Subdivision. The location of these five lots is such that they utilize an existing hedgerow on the southern border of the Subject Property to screen them from view as you travel north on Peach Tree Road. These lots have also been reduced in size to no more than three acres to minimize impact to viable agricultural land.

The northernmost cluster of three lots on the west side of Peach Tree Road is located in a small area of forest to screen them to the maximum extent possible and to minimize impact to active agricultural lands. These lots will also use a shared driveway with access to Peach Tree Road, in keeping with the opportunity to minimize curb cuts and visual impacts to this rustic road. These lots are also no greater in size than three acres.

The largest cluster of 13 lots is proposed on the east side of Peach Tree Road and they will have access via a new tertiary residential street. In the original 2008 submission of this application this street was proposed to be an overlength cul-de-sac. Staff, believing that 13 homes would be better served with two points of access requested that the road be re-designed as a through-street with two connections to Peach Tree Road. The plans were revised as now shown to propose a loop road with 13 lots and three outlots. The remaining forest that exists in this location will provide screening for the new homes. Considerable re-design of this area has occurred since the original plan submission to include not only a loop road but also a reduction of disturbance to the larger area of forest immediately to the south and east of these lots.

Within the residential components of this project, the forest conservation plan shows clearing of approximately 35.0 acres of forest and retention of 8.30 acres. To meet forest conservation requirements the applicant has elected to protect 89.6 acres in a Category I easement and to further place an additional 50.0 acres in Category I easement to be used as a forest bank. The compact nature of the residential component of this subdivision leaves 780 acres of the 840 acre Property or approximately 93% available for agriculture. The 740 acres that remain will be left unplatted and re-deeded as two distinct farms. The tenant houses will remain as accessory structures to the primary structures on those farm parcels.

The cluster with 13 lots and three outlots is a relatively large cluster when compared to other subdivisions in the RDT zoned areas of the County. This perception is perhaps amplified by the compact nature of the lots which do not exceed three acres in size. But, staff believes that

the screening provided by maintaining a perimeter of forest around the cluster will limit views of this “neighborhood” from Peach Tree Road and adjoining properties.

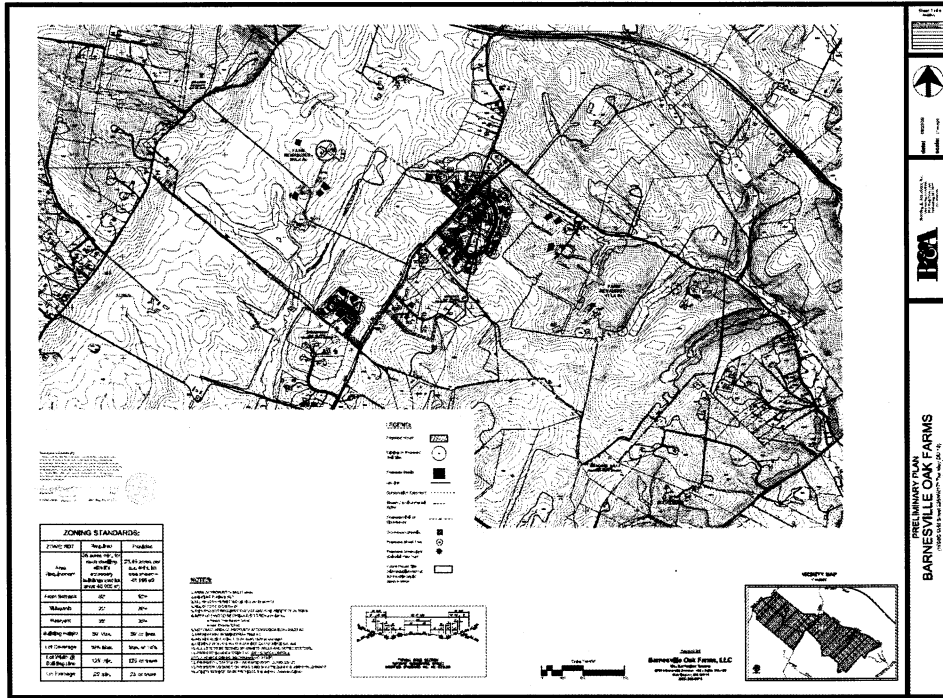


Figure 3

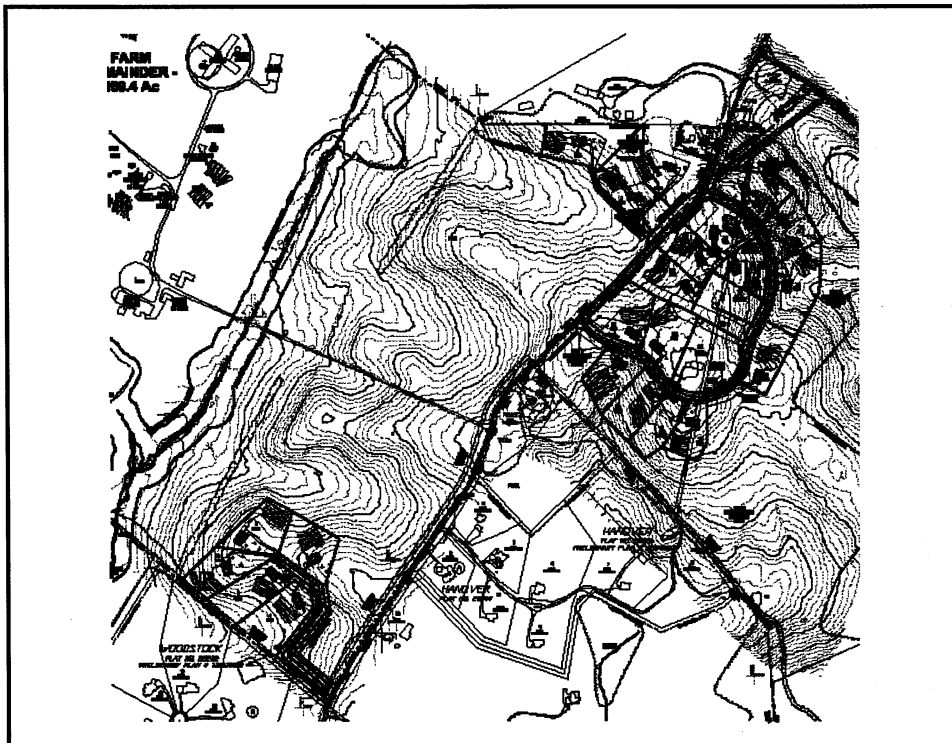


Figure 3a (Close up)

Previous Review (Figure 4)

This application was preceded by a pre-preliminary plan (719990320) that was submitted to planning staff for advice in 2000. That particular pre-preliminary showed a different lot pattern than what is proposed under this application. The pre-preliminary plan proposed to subdivide the property into 31 lots averaging 5-6 acres each. Staff discouraged this approach to subdivision, believing that it was too intrusive to Peach Tree Road, a rustic road, and that it unnecessarily spread development out into active and usable agricultural lands. Further, it required removal of a significant area of forest including one area that has the size and depth to support Forest Interior Dwelling Species (FIDS). During the review of this pre-preliminary plan, staff suggested to the applicant that it would be far more advantageous to minimize the residential footprint and to provide large areas of contiguous lands suitable for agriculture.



Figure 4

ANALYSIS AND FINDINGS

Conformance to the Master Plan

This property is located in the Agricultural Reserve and is controlled by the Functional Master Plan for the Preservation of Agriculture and Rural Open Space. Guidance is also provided by the Rustic Roads Functional Master Plan which designated Beallsville Road (rustic), Peach Tree Road (rustic) and Whites Store Road (exceptional rustic).

Functional Master Plan for the Preservation of Agricultural and Rural Open Space (AROS, 1980)

The AROS Plan “focuses on the preservation of farmland but it also tries to establish a policy framework that will contribute to the continuation of farming in the County” (p. i, emphasis original). This property falls within the Western Sector of the master plan area. Plan recommendations and guidance is excerpted below, with staff comments after each:

This Plan recommends...

- *Preservation of critical masses of farmland and rural open space.*
- *Applications of incentives and regulations to preserve farmland and... to encourage agricultural use of the land.*
- *Application of specific innovative preservation techniques such as the Rural Density Transfer Zone...*
- *Support of full County participation in the State Agricultural Land Preservation Program” (p. iv).*

This proposal retains a very large, contiguous mass of farmland; the existing equestrian and cattle operations are anticipated to continue. At staff’s request, the applicant has met with staff of the Montgomery County Department of Economic Development, Agricultural Services Division, and discussed the potential for placing this property into an easement program.

The critical land use issue in this Plan is the loss of productive farmland; the focus is the identification and application of land use regulations and incentives to help retain agricultural land in farming and complementary rural open space areas (p. 7).

This is the largest single farm property in the County. The proposal will result in two large farm remainders that cumulatively will continue to be the largest farm operation in the County.

Since one of the most serious threats to the Agricultural Reserve and Rural Open Space Areas is development, the recommendations focus on policies that a) stabilize land values; b) minimize development pressures; c) avoid premature and fragmented subdivision; d) protect agricultural practices; e) improve agricultural support services; f) maintain a critical mass of agricultural land; g) relate County farmland preservation efforts to those of our neighboring counties; and h) channel growth into Clarksburg, Damascus, Olney Town Center, and Poolesville as recommended in the General Plan (p. 39).

Agriculture is protected and fragmentation is minimized by the small sizes of the residential lots and the cluster locations created. The plan intentionally minimizes the spread of residential development to avoid fragmentation and to minimize the potential for conflicts between farm and non-farm properties. Further, new homes are buffered, where practical, from the agricultural areas to reduce conflicts.

For those areas designated as Agricultural Reserve, the Rural Density Transfer Zone (RDT) is recommended. These areas contain a critical mass of productive farmland worthy of protection, as well as other non-farmland uses which serve to support and define the critical mass (p. 41, emphasis original).

This property is in the Agricultural Reserve and zoned RDT. A large, viable mass of productive farmland is protected by the design of the proposed subdivision. A large critical mass of productive farmland will remain after development under the proposal.

The dominant use of the land in this 68,000 acre [Western] sector has for years been agriculture. Although agricultural pursuits in Montgomery County have shrunk greatly, this western part of the County remains a relatively undisturbed agricultural region (p. 56).

The limited lot sizes and location of clusters will minimize disturbance to agricultural operations on the property.

The additional house separation from the roadway provides the secondary benefits of opportunities for scenic setbacks and landscaping (p. 63).

Long scenic views of Sugarloaf Mountain dominate this property. Lots have been pushed away from Peach Tree Road to reduce impacts on these views and the forest that exists at the edge of the road.

Following is an excerpt from the AROS Plan that provides an example of an operational TDR program:

Sending Area

Farmer A owns 600 acres.

- 1. Parcel must be in the Agricultural Reserve*
- 2. Farmer A, owning 600 acres, his development rights are calculated at one unit per 5 acres, therefore Farmer A controls 120 development rights. $600 \div 5 = 120$ development rights.*
- 3. Farmer A wishes to develop some lots on the farm; the Rural Density Transfer Zone permits Farmer A to convert 20% of the development rights into building lots (each lot having a minimum of 40,000 sq. ft., approximately 1 acre) on the farm.*

- *120 development rights X 20% = 24 lots which may be subdivided from the 600 acre farm.*
- *120 development rights X 80% = 96 development rights that are eligible for transfer (p. 44).*

This example from the AROS Plan is directly applicable to the proposed preliminary plan and is evidence that subdivision of large farms and conversion of residual development rights was contemplated by the AROS Plan. The example indicates that a farmer is permitted to convert 20% of the development rights into building lots with a minimum lot area. It does not specify a maximum lot size, but it follows reasonably that to reduce fragmentation and preserve farmland, the lots should be the minimum size feasible. The example stems from the Master Plan's thesis that a successful preservation strategy must strike a balance which limits the economic return available from subdivision and development while retaining the value essential to the survival of the successful farming operation. The development density helps to preserve the farmland, while the equity aspect of the TDR program encourages farming.

Staff believes that the proposed preliminary plan fulfils this strategy. The farm is 840 acres, and has 168 TDRs, of which 135 are eligible for transfer and 33 are residual development rights (now referred to as BLTs). The lots shown on the plan are the minimum sizes that can be created while still providing for on-site septic and well requirements. The 24 proposed lots/outlots have an average size of 2.28 acres, ranging from 1.4 acres to 3.0 acres and the area impacted by the proposed 24 residential lots is 54.38 acres, which constitutes 6.4% of the entire property. The area of land to be dedicated to roads is 4.5 acres which brings the percentage up to 7.0%. Most of the lots are within currently forested areas; only 14.6 acres is actually removed from active agricultural operations out of a total of 570 acres. Thus the actual loss of actively farmed land has been reduced to only 2.5% of the total.

Staff notes that since the original pre-preliminary plan submission in 1999, the proposal has changed significantly by minimizing lot sizes and further clustering. Significant improvements have been made in the amount of contiguous farmland and mature upland forest to be preserved. The cluster of five lots located on the west of Peach Tree Road will impact farmland and will visibly alter the landscape. However, in striking the balance that the AROS Plan speaks of, staff has weighed these potential impacts and finds the proposal to substantially conform to the AROS plan.

Rustic Roads Functional Master Plan (RRFMP, 1996) (Figure 5)

Given that the Subject Property abuts three Rustic Roads, the Rustic Roads Functional Master Plan identifies several elements that are pertinent to the development of this property.

*Rustic Roads (left to right):
Beallsville Road, Peach Tree Road, Whites Store Road*

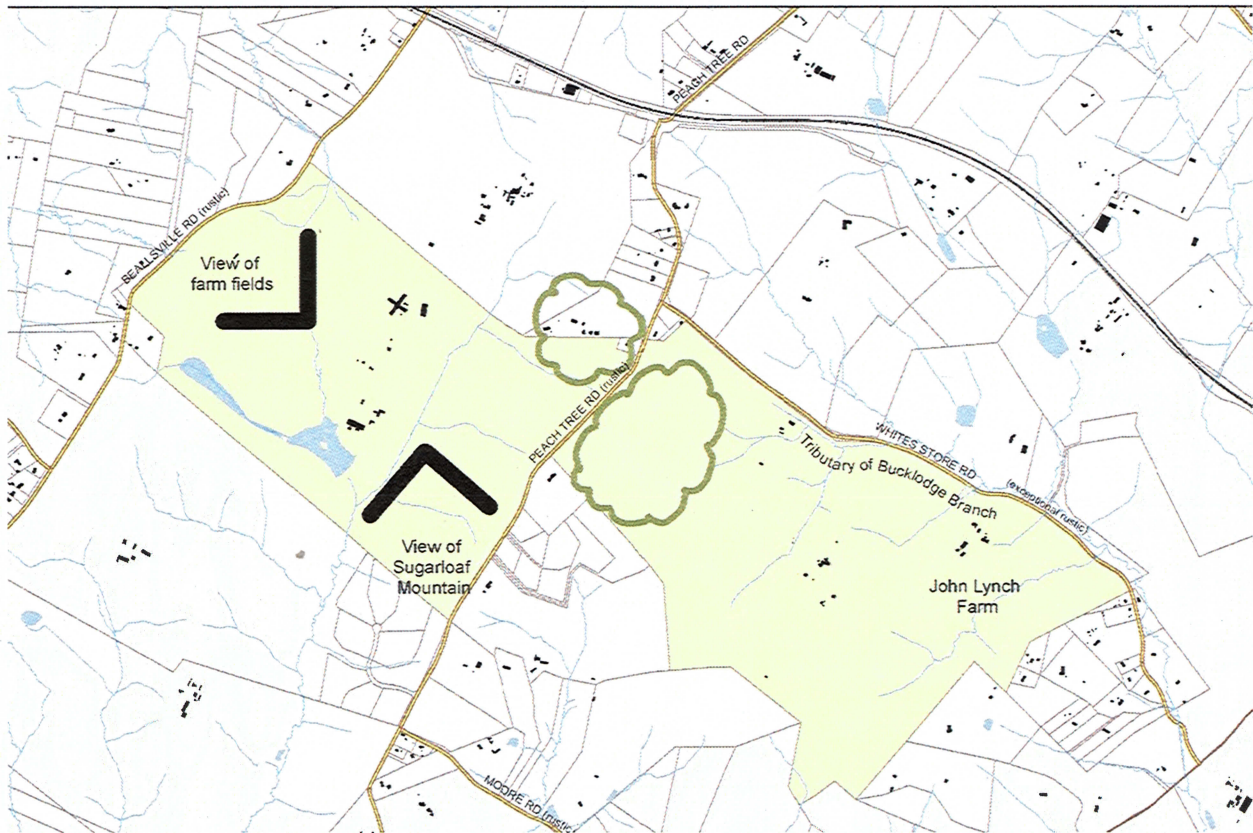


Figure 5

Beallsville Road (MD Route 109)

Beallsville Road abuts the western edge of this property for just over half a mile. This part of the farm has few trees, allowing traffic and houses on Peach Tree Road to be seen across the fields over a mile away. The RRFMP begins the description of this road (pp. 54-57) thus: “Barnesville Road, in partnership with Old Hundred Road, has outstanding vistas of farm and rural landscapes.” The map of the road in the Plan identifies a view of farm fields (see photo). The pertinent Significant Features of the road are:

- “Road alignment as it follows the contours of the land
- “Ridge road with great views.”

As the description notes, the road follows the contours of the land, which is somewhat rolling adjacent to this property. No development is proposed along Beallsville Road. If it were, constraints would include protecting the views and locating driveways or roadways with adequate site distances. Opportunities would include the close proximity of the MARC Station, the reduction in homes along Peach Tree Road, and the transfer of some trips from Peach Tree Road to Beallsville Road, which has had drainage and safety improvements.

Views of Barnesville Oak Farm from Beallsville Road



Peach Tree Road

Peach Tree Road bisects this farm and includes about eight-tenths of a mile of road frontage. Like Beallsville Road, the views on Peach Tree Road are expansive; a striking view of Sugarloaf Mountain is seen across this property while traveling northbound. The description in the RRFMP identifies the historic alignment and the tree canopies as Significant Features (pp. 128-131), and notes that “[t]he road then passes through forest near Whites Store Road” which refers to the forest on this property, and identifies the Sugarloaf Mountain view on the map.

All of the proposed lots will have access from Peach Tree Road, either from the new loop road on the east side, or from one of two shared driveways on the west side. Because of the identified views toward Sugarloaf Mountain, the proposed lots on the west side are either set

back from the road or tucked into forest; unlike some of the houses that already exist on adjacent property. On the east, the proposed lots and outlots are within the forest described in the Plan; the proposal includes at least 50 feet of conservation easement between the road and future house sites to preserve the forested roadside.

Views from Peach Tree Road



View from Peach Tree Road toward Sugarloaf Mountain



Houses placed in view on adjacent property

Whites Store Road

Approximately 1.25 miles of the northern Subject Property line abuts Whites Store Road, an exceptional rustic road. The road pavement is 16 feet wide with no center line or edge markings. The Plan describes Significant Features that include the way the “road follows a tributary of Bucklodge Branch,” which is on the farm, and a “unique view enclosed within a

small valley,” also in this location (pp. 184-185). The John Lynch Farm is a Locational Atlas site that exists on the property. It is a landmark described in the Driving Experience: “The John Lynch Farm includes a large frame farmhouse from the late 1800s and notable outbuildings, including a stone and brink springhouse near the road and a substantial bank barn.” The farmhouse within this historic site is one of the Property’s seven tenant dwellings. No new development is proposed along, or with access to, White Store Road.

Views from Whites Store Road



Rustic Roads Advisory Committee

The applicant's representatives attended several Rustic Roads Advisory Committee (RRAC) meetings and presented the latest version of the plan. Because the proposal accesses only Peach Tree Road, the committee focused there, paying particular attention to the impacts to the views and forest as compared to earlier versions of the proposal. Discussions ranged from moving some lots to Beallsville Road (views and site distances would have to be considered) to connecting the new road from Peach Tree Road to Whites Store Road (using an existing driveway or bordering a power line cut through the forest were possibilities). The current submission allows up to five houses to share a driveway at the RRAC's request to avoid additional entries. It also moves lots further out of the way of views toward Sugarloaf Mountain, and loops the new road back to Peach Tree Road to avoid any direct road connection to Whites Store Road that might have triggered road widening for safety reasons.

The proposal will have a significant impact on the character of this portion of Peach Tree Road, but protects Beallsville and Whites Store Roads. This highlights a quandary about clustering in one place to preserve another; one area receives the majority of the impact while another area benefits. In this instance, staff determined that the visual impacts of residential development on this farm are minimized by locating the lots along Peach Tree Road where existing forest and site topography can be used to limit their visibility. Staff finds this proposal generally conforms to the Rustic Roads Functional Master Plan.

Public Facilities

Roads and Transportation Facilities

A new road, shown on the plan as Barnesville Oaks Lane, will serve the 13 proposed lots and 3 outlots located on the east side of Peach Tree Road. As previously discussed, this road will be built to tertiary road standards with a 50 foot wide right-of-way. No sidewalks are required for this section of road because of its low traffic volume and because it is in the "rural area" defined in the road code. Driveway permits will be required for the two new driveway access points on the west side of Peach Tree Road. Site distance studies have been approved for all locations by MCDOT.

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. The subject site is located in the Rural West Policy Area where there is no trip mitigation requirement for PAMR according to the current Growth Policy. Transportation Planning staff has reviewed the adequacy of the proposed road system. None of the local roads will be overburdened by the additional traffic generated by this development. With the revision to the plan to provide a loop road for the thirteen lot cluster of homes, internal access to those lots will also be adequate. Sidewalks are not required in this rural area as defined by the Road Code; however, pedestrians can safely use the road shoulders in this low traffic volume area. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public and Private Facilities and Services

Staff finds that public facilities and services are available and will be adequate to serve the proposed dwelling units. Local utilities have found that their respective utility, if available, is adequate in this area to serve the proposed subdivision. The Montgomery County Department of Permitting Services (MCDPS) has approved the private wells and septic systems for all but three of the lots (11, 19, 20) which are proposed to be recorded as outlots at this time. Additionally, two of the existing tenant houses have also not passed septic percolation testing as of this date. If they cannot successfully pass percolation testing MCDPS may determine that they must be razed.

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 and that it includes an easement for a future water supply cistern that will be shown on the record plat. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. The application is not within a school moratorium area; and is not subject to payment of a School Facilities Payment.

Environment

Environmental Guidelines

The plan meets all applicable requirements for protection of environmentally sensitive areas. The Property contains streams, wetlands, and stream valley buffer. However, the Applicant proposes to continue agricultural uses on the two farm remainders where these environmental features occur. A Declaration of Intent (DOI) has been submitted by the applicant verifying the continuation of agriculture on the two farm remainders. There are no streams or environmental buffers within the area of the 24 proposed lots/outlots. A portion of the forested stream valley buffer within the farm remainders, however, will be protected with a Category I easement to meet the forest conservation requirements for the 24 lots/outlots.

Forest Conservation (Figure 6)

Staff finds that the plan meets all applicable requirements of the County Forest Conservation Law, Chapter 22A. Of the 840.13 acre farm, 780.73 acres will remain in agriculture and qualify for exemption from forest conservation requirements. After removing 1.6 acres of road dedication from the remaining 59.4 acre tract, a net tract area of 57.8 acres remains subject to the law.

Within the 57.8 acres subject to the forest conservation law the applicant is proposing to clear 35.0 acres of forest and retain 8.30 acres of forest in Category I conservation easements. Based on the forest conservation worksheet, the forest conservation requirements for the 57.8 acre net tract equals 44.80 acres. To meet this requirement, the Preliminary Forest Conservation Plan shows protection of 89.6 acres of existing forest in Category I conservation easements on the farm remainder. Since the farm remainders will remain unplatted the conservation easements

will be recorded by deed and referenced on the plat(s) for the lots.

The applicant is also proposing to place an additional 50 acres of upland forest contiguous to one of the areas of forest retention into Category I conservation easement to use as a forest mitigation bank for future credits. Overall the proposed preliminary forest conservation plan will protect 147.9 acres of forest in Category I conservation easements, including a significant forested area that is capable of supporting FIDS. Protected forest is shown in green below.

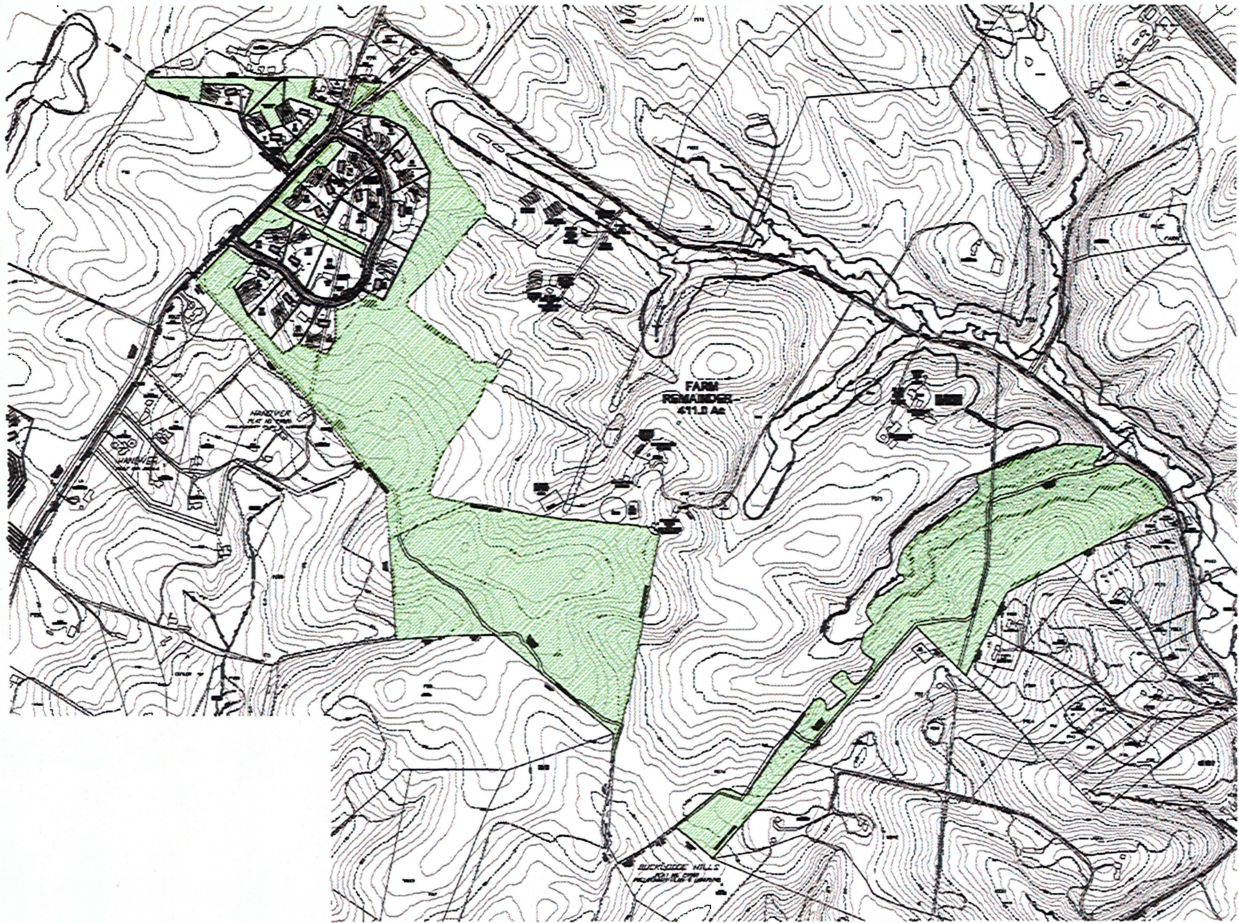


Figure 6

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on September 9, 2009 and the concept was reaffirmed on May 14, 2010. The concept plan consists of on-site water quality controls and onsite recharge via roadside swales, drywells and rooftop disconnects. Channel protection volume is not required because the one-year post development peak hour discharge is less than or equal to 2.0 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Staff finds that the roads and other public facilities are adequate to serve the proposed development. Minimal road improvements are required because of the rustic road designation; however, the road capacity is adequate to handle the additional traffic volume. The new proposed internal road will be adequate to provide access to the larger cluster of homes. The size, shape, width and orientation of the lots are appropriate for the location of the subdivision given the language in the AROS master plan which requires that agricultural opportunities are maximized. The plan adequately protects environmental resources as required and fully complies with Chapter 22A, the County Forest Conservation Law. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan

The lots were reviewed for compliance with the dimensional requirements for the RDT zone as specified in the Zoning Ordinance and found to meet all requirements. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. All lots have frontage on a publically dedicated roadway. A summary of this review is included in attached Table 2 at the end of this report.

Citizen Correspondence and Issues

Approximately 90 letters have been received thus far, and a petition with well over 200 signatures has been provided, seeking some way to preserve this farm or modify the proposal to reduce the impact of this development. Due to the large volume of correspondence and phone calls, staff has prepared a summary of the most prevalent concerns and suggestions raised. Some of the specifics may not be entirely captured; all of the community letters, whether in support or opposition, are included in the record of this application.

This is the largest single farm property in Montgomery County, and community interest and concern has been significant. The applicant's representatives held a well-attended public meeting in Poolesville, have mailed updated plans to neighbors, and have attended several Rustic Roads Advisory Committee (RRAC) meetings. Several community concerns have been addressed and some community suggestions have been incorporated into the plan. The community concerns and suggestions include:

- Non-conformity with Master Plans, loss of farms and farming
- Suburbanization, increase in conflicts between farming and residential uses
- Density or intensity of development
- Impact on rustic roads
- Loss of forest, loss of habitat
- Impact on views
- Impacts on surrounding wells
- Safety concerns about increasing traffic, especially for bicyclists and farm machinery operators
- Placing all or part of the farm into an agricultural easement program

- Inability to reach the property owner to discuss easement possibilities

Non-Conformity with Master Plans

Residents argue that the impact of this proposal will fundamentally and irreversibly change the character of this area, creating a suburban enclave within the Agricultural Reserve that will be in conflict with farming operations. Staff acknowledges that with any development activity in a low density area, the perception of impact is heightened, yet staff maintains that this subdivision layout minimizes visual and agricultural impacts.

Suburbanization

Due to the very large size of this property and the clustering of 24 lots/outlots in a concentrated area, residents argue that the appearance of a new suburban enclave will be created, inviting expectations of more typical suburban neighborhoods and amenities, rather than promoting an understanding that the area is primarily agricultural. Residents of Barnesville have also compared the number of houses in this area, including the two recently-built subdivisions, to their town and note that the total number of dwellings would be similar. However, Barnesville contains churches, public spaces and gathering places, while this section of Peach Tree Road will have nothing similar for the residents.

The clustering of the houses to preserve the bulk of the farm in two large operations has also generated comments. Proposals include creating 25-acre farm parcels that would increase the number of farmers and boost the County's farm economy. Staff notes that the AROS plan confirms that a 25-acre farm is financially viable yet it recommends 40,000 square feet as the minimum lot size in the Rural Density Transfer zone. The proposed plan reflects the property owner's desire to maintain the existing farming operation on larger, contiguous areas while utilizing the flexibility for lot size in the RDT zone to achieve allowable residential density as well.

Density and intensity of development

The majority of writers have recommended that all or part of this property be placed into an agricultural easement as a way to reduce density. Alternative designs with lots oriented to other roads or portions of the overall farm have also been proposed to reduce the intensity of the development, which is clustered into an area which has already undergone subdivision.

Comments have been received about the allowable density and the counting of the existing accessory dwellings, both tenant houses and guest houses. While the original application proposed 31 new lots in addition to the 2 farm houses and 7 tenant dwellings, the current proposal reduces the number of lots so that there will be no more than 33 total dwellings (the maximum permitted at 1 dwelling per 25 acres). The farm houses and tenant dwellings will remain on two unplatted farm remainders. The discussion of tenant structures, vis a vis density, is, therefore, not before the Planning Board at this time.

Rustic Roads

The purpose of the rustic roads program is to preserve the rustic character of certain county roads (RRFMP, p. 3); residents say that the concentration of houses on Peach Tree Road will irreparably degrade the quality of this rustic road. The applicant's engineers have sought ways to minimize the impacts and have made a number of changes at the recommendation of the Rustic Roads Advisory Committee. Staff has found the preliminary plan to be in general conformance with the Rustic Roads Functional Plan.

Views

Views of the working landscape are an integral part of the character of the Agricultural Reserve. On this property, there is a mile-long view across the farm fields from Beallsville Road to the forest adjacent to Peach Tree Road, and an outstanding vista across the fields from Peach Tree Road to Sugarloaf Mountain, about six miles away. As noted previously, the proposal has been modified to protect both views, though there will still be an impact.

Loss of Forest

Thirteen of the lots and the 3 outlots will be located in what is now mature upland forest; 35 acres of forest will be lost to development. Residents are concerned about the loss of habitat provided by this forest, which they suggest is irreplaceable given how long it would take to grow a replacement area.

A choice between loss of cropland or forest is frequently required when farms are subdivided. The answer is seldom simple and usually involves a balancing of public purposes. In this case, through onsite forest retention, Category 1 easements, and a forest bank, the applicant will be permanently retaining 147.9 acres of forest. This far exceeds the minimum acres required to meet the Forest Conservation law requirements and includes protection of area that could otherwise be cleared and converted to other agricultural uses. Staff considers this to be an excellent opportunity to protect a significant area of forest that can support Forest Interior Dwellings Species.

Traffic

All of the roads surrounding this property are rustic roads and are shared by cars, trucks, tractors, motorcycles, buses, bicycles, horses and people on foot. Concerns about the increase in traffic have focused particularly on the impact to bicyclists and farm equipment operators, as both groups often travel at less than posted speeds and sometimes take more than one travel lane. Peach Tree Road is heavily traveled by bicyclists on weekends, and an equestrian easement is proposed on the Subject Property adjacent to the road along part of its frontage. The Rustic Roads Advisory Committee has struggled with these questions, but there is currently no policy in place to help resolve these conflicts. MNCPPC and County staff have determined that the rustic and exceptionally rustic roads adjacent to this Property can safely accommodate the proposed development without the need for improvements that could affect their character.

Easement Programs

The majority of the community letters ask that all or part of this farm be placed into an agricultural easement program of some kind. Staff at the Agricultural Services Division of the Department of Economic Development has discussed the potential for easements on the property with representatives of the applicant, and the application indicates that an easement program will be considered upon approval of this plan. It is not clear that placing this property under some kind of agricultural easement will be financially feasible without some other efforts being made.

Inability to Contact the Property Owner

Community residents have repeatedly but unsuccessfully attempted to contact the property owner directly to discuss agricultural easements. This has led to considerable frustration as all matters are being handled by the owner's representatives. Questions have been raised as to whether the owner is even aware of the community concerns, the nature of what is being proposed and the agricultural easement options. Staff is aware that the owners of the property have consented to a meeting with local representatives, however; the outcome of that meeting is not known at this time.

Tenant Houses

Section 59-C-9.41 of the Montgomery County Zoning Ordinance allows certain exemptions from the one unit per twenty-five acre density cap in the RDT zone. This section reads as follows:

“Only one one-family dwelling unit per 25 acres is permitted. (See section 59-C-9.6 for permitted transferable density.) The following dwelling units on land in the RDT zone are excluded from this calculation, provided that the use remains accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

(a) A farm tenant mobile home or guest house as defined in section 59-A-2.1, title “Definitions.”

There are currently nine dwellings and a wide variety of other farm structures on the property. According to the submission, four dwellings are occupied by farm families, three are occupied by non-farm families, and two are unoccupied, as detailed in Table 1 below.

The proposal retains the existing nine dwellings on the two farm remainders and adds 21 new lots and three outlots. Issues have been raised regarding density and the accessory dwellings on this property, specifically, as to whether the tenant structures must be counted toward the full density of the project. Rather than resolving this issue as part of this application, the applicant reduced the number of lots from 33 to 24 which accounts for the nine existing residential structures, including the seven tenant homes. Therefore, this issue is not before the Planning Board as part of this preliminary plan although testimony may be received on the issue.

As additional background, the Vision Division prepared an expanded discussion of the tenant house/density issue which is included for the Board’s information as Attachment A of this staff report.

Table 1

Description	Location (from Peach Tree Road)	Notes (septic approved unless otherwise noted)
Main house	East	Unoccupied
Guest House	East	Unoccupied
Future main house	West	Farm family occupies
Tenant dwelling T-1	West	Farm family occupies
Tenant dwelling T-2	West	Non-farm family occupies; built prior to 1958.
2 barns, 2 sheds, 1 indoor riding rink, 5 unidentified structures	West	
Tenant dwelling T-3	East	Needs septic approval Farm family occupies.
Tenant dwelling T-4	East	Needs septic approval Non-farm family occupies; built prior to 1958.
Tenant dwelling T-5	East	Must separate septic from office. Non-farm family occupies; built prior to 1958.
Farm office	East	Must separate septic from T-5.
Tenant dwelling T-6	East	John Lynch Farm (Locational Atlas 18/6). Farm family occupies; built prior to 1958.
7 farm buildings and 5 unidentified structures	East	

Water Withdrawal

A concern about the potential impact that the proposed wells may have on existing local wells was raised to staff and prompted us to have a telephone conversation with Maryland Department of the Environment (MDE) staff to understand how the State would address this. The State has issued Groundwater Appropriation Permits for the subdivision wells. Residents have asked if a study was done to determine the impact to the local well water supply. Staff learned that for withdrawal rates of less than 10,000 gallons per day, no study is required. When asked about how this subdivision may impact local wells, a formula was provided that predicts the water budget. Each proposed home, on average, withdraws 216 gallons per day from the aquifer for residential use. That equates to 7,128 gallons per day for the thirty three dwellings. The recharge rate from normal precipitation is 300 gallons per day/per acre. With 840 acres at 300 gallons per day, the recharge to the aquifer is 252,000 gallons per day of recharge. MDE confirmed that water was plentiful for the proposed 24 lot/outlot subdivision as well as the existing local wells.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the AROS Master

Plan. Access and public and private 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 – Vision Division Report

Attachment B – Referenced Agency Approval Letters

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Barnesville Oaks				
Plan Number: 120090110				
Zoning: RDT				
# of Lots: 21				
# of Outlots: 3				
Dev. Type: Residential/Agricultural				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	1.4 acres . minimum	RW	
Lot Width	150 ft.	150 ft. minimum	RW	
Lot Frontage	25 ft.	25 ft. minimum	RW	
Setbacks			RW	
Front	50 ft. Min.	Must meet minimum ¹	RW	
Side	20 ft. Min./40 ft. total	Must meet minimum ¹	RW	
Rear	35 ft. Min.	Must meet minimum ¹	RW	
Height	50 ft. Max.	May not exceed maximum ¹	RW	
Max Resid'l d.u. per Zoning	33 units	21 lots, 3 outlots and two farm remainders	RW	
MPDUs	n/a		RW	
TDRs	Available	Available	RW	
Site Plan Req'd?	No	No	RW	
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	
Road dedication and frontage improvements		Yes	Agency letter	
Environmental Guidelines		Yes	Staff memo	
Forest Conservation		Yes	Staff memo	
Master Plan Compliance		Yes	Staff memo	
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	
Water and Sewer (WSSC)		N/a	RW	
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	
Well and Septic		Yes	Agency letter	
Local Area Traffic Review		N/a	Staff memo	
Policy Area Mobility Review		N/a	Staff memo	
Transportation Management Agreement		No	RW	
School Cluster in Moratorium?		No	RW	
School Facilities Payment		No	RW	
Fire and Rescue		Yes	Agency letter	
Other (i.e., schools)				

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

Density and intensity of development

The majority of writers have recommended that all or part of this property be placed into an agricultural easement as a way to reduce density. Alternative designs have also been proposed to reduce the intensity of the development, which is clustered into an area that has already undergone subdivision.

Comments have been received about the allowable density and the counting of the existing accessory dwellings, both tenant houses and guest houses. The current proposal reduces the number of lots so that there will be no more than 33 dwellings, so this issue is not before the Planning Board with this application. However, the community is concerned that more development could be proposed on this farm in the future.

Because of these concerns, the applicant's attorney has performed background research and submitted substantial material about tenant dwelling provisions in the RDT zone; he has indicated his belief that the tenant dwellings should not be counted as part of the density of this proposal. Residents strongly disagree.

As initially proposed by the applicant, tenant and guest houses were not included in density calculations. In 1999, when the pre-preliminary plan for this property was filed, 33 lots (three large and 30 smaller lots) were shown; if all percs were successful and the accessory dwellings all retained, that plan would have resulted in 39 dwellings. In 2008, when this preliminary plan was filed, 33 lots were again shown (two large and 31 smaller lots), which would have resulted in 40 dwellings. The current plan proposes 21 lots, three outlots, and two farm remainders; when all percs are completed, this plan will result in 33 dwellings.

The allowed density in the RDT zone is described as follows in the Zoning Ordinance under 59-C-9.41:

Only one one-family dwelling unit per 25 acres is permitted. (See section 59-C-9.6 for permitted transferable density.) The following dwelling units on land in the RDT zone are excluded from this calculation, provided that the use remains accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

- (a) A farm tenant dwelling, farm tenant mobile home or guest house as defined in section 59-A-2.1, title "Definitions."*
- (b) An accessory apartment or accessory dwelling regulated by the special exception provisions of division 59-G-1 and 59-G-2.*

Footnote 8, which applies to farm tenant dwellings, farm tenant mobile homes and guest houses, repeats part of the provision above and adds exclusions for dwellings in existence prior to June 1, 1958:

A farm tenant dwelling, farm tenant mobile home, or guest house... is excluded from the density calculations... provided that these uses remain accessory to a farm. Once the property is subdivided, such dwellings would no longer comply with these definitions or with this exclusion. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a non-farm family without obtaining a special exception as an accessory dwelling, provided that the dwelling meets all applicable health and safety regulations.

Separately listed for the RDT zone, an "Accessory dwelling for agricultural workers" is also permitted, subject to Footnote 42:

Only for workers actively engaged on a full-time or part-time basis in managing or maintaining a lawful agricultural use that is under the control of the owner or operator of property on which the accessory dwelling is located. An accessory dwelling for use by agricultural workers is permitted in addition to a main dwelling (59-C-9.3).

These exclusions and footnotes are not found in the original text of the RDT zone that appears as Appendix A of the AROS plan.

The applicant's attorney argues that the tenant dwellings and guest house will remain accessory to the farm, thus they should continue to be excluded from the density calculations. Background information includes a discussion of tenant houses as affordable housing in the Agricultural Reserve; the RDT zone contains no requirement for moderately priced dwelling units (MPDUs).

In response, residents note that the Zoning Ordinance states, "Once the farm is subdivided, such dwellings would no longer comply with these definitions or this exclusion." Residents argue that, following the applicant's case, a three-acre subdivided property with a horse might reasonably be called a farm, and it would thus be eligible to have any number of tenant dwellings. Having tenant dwellings that don't count toward density after the farm has been subdivided would result in this clause becoming purposeless and meaningless. Calling tenant housing "affordable housing" and allowing them in excess of density without any base requirement rewards properties with increased density while undermining the MPDU program. Additionally, having accessory dwellings that are occupied by non-farm families or guests is unrelated to farming; it is simply excess density.

As noted above, this information is provided as background for testimony that may be presented; no decision about the inclusion or exclusion of the accessory dwellings in density calculation is required by this submission.

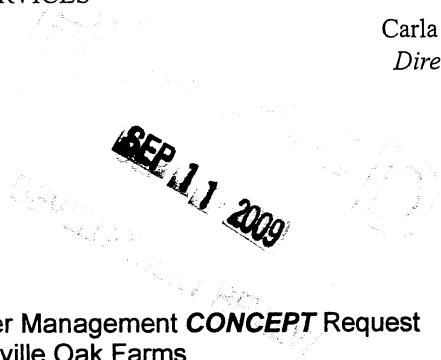


DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

September 9, 2009



Mr. Jon Shiancoe
JAS Engineering and Design
5105 Mount Oaks Sanctuary Drive
Bowie, MD 20720

Re: Stormwater Management **CONCEPT** Request
for Barnesville Oak Farms
Preliminary Plan #: 120090110
SM File #: 234607
Tract Size/Zone: 840.13 acres/ RDT
Total Concept Area: 119.3 acres
Lots/Block: NA
Parcel(s): P579
Watershed: Dry Seneca and Little Seneca

Dear Mr. Shiancoe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via roadside swales, drywells and rooftop disconnect. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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.

Maryland Department of the Environment regulations require all final sediment control and stormwater management plans approved on or after May 4, 2010 must comply with the most recent changes to the Maryland Stormwater Design Manual. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. After that date, previously approved stormwater management concept plans are no longer valid unless they have been designed to the new standards or have been reconfirmed by the Department of Permitting Services.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,



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

RRB:dm

cc: C. Conlon
M. Pfefferle
SM File # 234607

QN -less than 2cfs; Acres: 119.3
QL - onsite; Acres: 119.3
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

May 14, 2010

Mr. Jon Shiancoe, P.E.
JAS Engineering, LLC
5105 Mount Oaks Sanctuary Drive
Bowie, MD 20720

Re: Stormwater Management **CONCEPT
RECONFIRMATION** Barnesville Oak
Farms
SWM Concept #: 234607

Dear Mr. Shiancoe:

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated September 9, 2009 is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,

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

RRB:dm

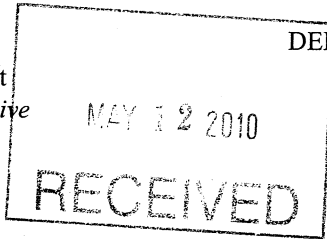
cc: SM File #: 234607



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive


Carla Reid Joyner
Director



MEMORANDUM

April 16, 2010

TO: Cathy Conlon, Development Review
Maryland National Capital Park and Planning Commission

FROM: Carla Reid, Director 
Department of Permitting Services

SUBJECT: Status of Preliminary Plan for Well and Septic: Barnesville Oak Farms
1-20090110

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on April 15, 2010

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. The record plat must show the septic reserve areas as they are shown on this plan.
3. Prior to DPS approval of the Record Plat, the existing septic system serving the farm office and the tenant dwelling (T5) shall be replaced with separate systems in the designated approved septic reserve areas. Separate septic system permits shall be required. The existing septic system must be pumped by a licensed scavenger, crushed and backfilled.
4. Outlots 11, 19 & 20 are not buildable lots at this time. Before these outlots can be converted to buildable lots testing is needed to establish an approvable septic reserve area to serve each lot.
5. Tenant house T3 and tenant house T4 shall be razed prior to approval of the record plat by DPS Well & Septic unless an approvable septic reserve area is established to serve tenant house T3 and an approvable septic reserve area is established to serve tenant house T4.

If you have any questions, please contact Kim Beall at (240) 777-6315.

cc: Benning & Associates
File

5



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 23, 2009

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

RECEIVED
JUL 06 2009
DEVELOPMENT REVIEW

RE: Preliminary Plan #1-20090110
Barnesville Oak Farms

Dear Ms. Conlon:

We have completed our review of the above referenced preliminary plan dated May 8, 2009. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on January 26, 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 along Beallsville Road (MD 109), Peach Tree Road, and Whites Store Road in accordance with the Master Plan.
2. Full width dedication and construction of Barnesville Oak Lane as a modified open section tertiary street.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
5. Access and improvements along Beallsville Road (MD 109) as required by the Maryland State Highway Administration.

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

(6)

6. The record plat is to include a reciprocal ingress, egress and public utilities easement to serve the lots accessed by the private common driveways.
7. Wells and septic systems cannot be located within the right of way or within slope or drainage easements.
8. Relocation of utilities along existing roads to accommodate the new driveway entrances will be the responsibility of the applicant.
9. Provide documentation confirming abandonment of the existing C&P right of way prior to record plat.
10. Enclosed storm drainage and/or engineered channels for Barnesville Oak Lane shall be designed in accordance with the Montgomery County Department of Transportation Storm Drain Design Criteria.
11. Storm drain easements shall be sized prior to approval of the record plat. No fences will be permitted within the storm drain easements without a revocable permit from the Montgomery County Department of Permitting services and a recorded Maintenance and Liability Agreement.
12. Developer shall provide street lights in accordance with the specifications, requirements and standards prescribed by the Division of Traffic Engineering and Operations.
13. The sight distance studies have been accepted. Copies of the approved sight distance forms are enclosed for your information and reference.
14. The drainage study has been accepted.
15. We have accepted the applicant's justification and request to allow five (5) lots to be served by a private common driveway. We support Planning Board approval of this proposal, subject to the preparation of Maintenance and Liability Agreement(s) to identify the obligations and rights of the future property owners.
16. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi, Manager of our Traffic Engineering Design and Operations Section, at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but necessarily be limited to, the following improvements:

Ms. Catherine Conlon
Preliminary Plan No. 1-20090110
June 23, 2009
Page 3

- A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along Barnesville Oak Lane as a modified open section tertiary road.
- 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 DPS.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Division of Traffic Engineering and Operations.

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

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Enclosures (5)

M:\sub\LAD\1-20090110, Barnesville Oak Farms, gml revs

cc: Katharine Sexton, Barnesville Oak Farms, LLC
Charles R. Player, Jr., Malsama Corporation
David McKee; Benning & Associates, Inc.
Corren V. Giles; MSHA EAPD
Richard Weaver; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TPD
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Preliminary Plan Folder
Preliminary Plans Notebook