



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

MCPB
Item #
3/17/11



MEMORANDUM

DATE: March 4, 2011

TO: Montgomery County Planning Board

VIA: John Carter, Chief *SAC*
 Area 3

FROM: Richard A. Weaver, Coordinator (301-495-4544) *RAW*
 Area 3

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One (1) Lot for one (1) one family residential dwelling unit

PROJECT NAME: Cedar Knolls Farm

CASE #: 120100050

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Cluster (RC)

LOCATION: In the northwest corner of the intersection of Haw Lane and Ednor Road.

MASTER PLAN: Sandy Spring - Ashton

APPLICANT: Joseph Smoot

ENGINEER: Benning and Associates

FILING DATE: September 9, 2009

HEARING DATE: March 17, 2011

Approval signatures

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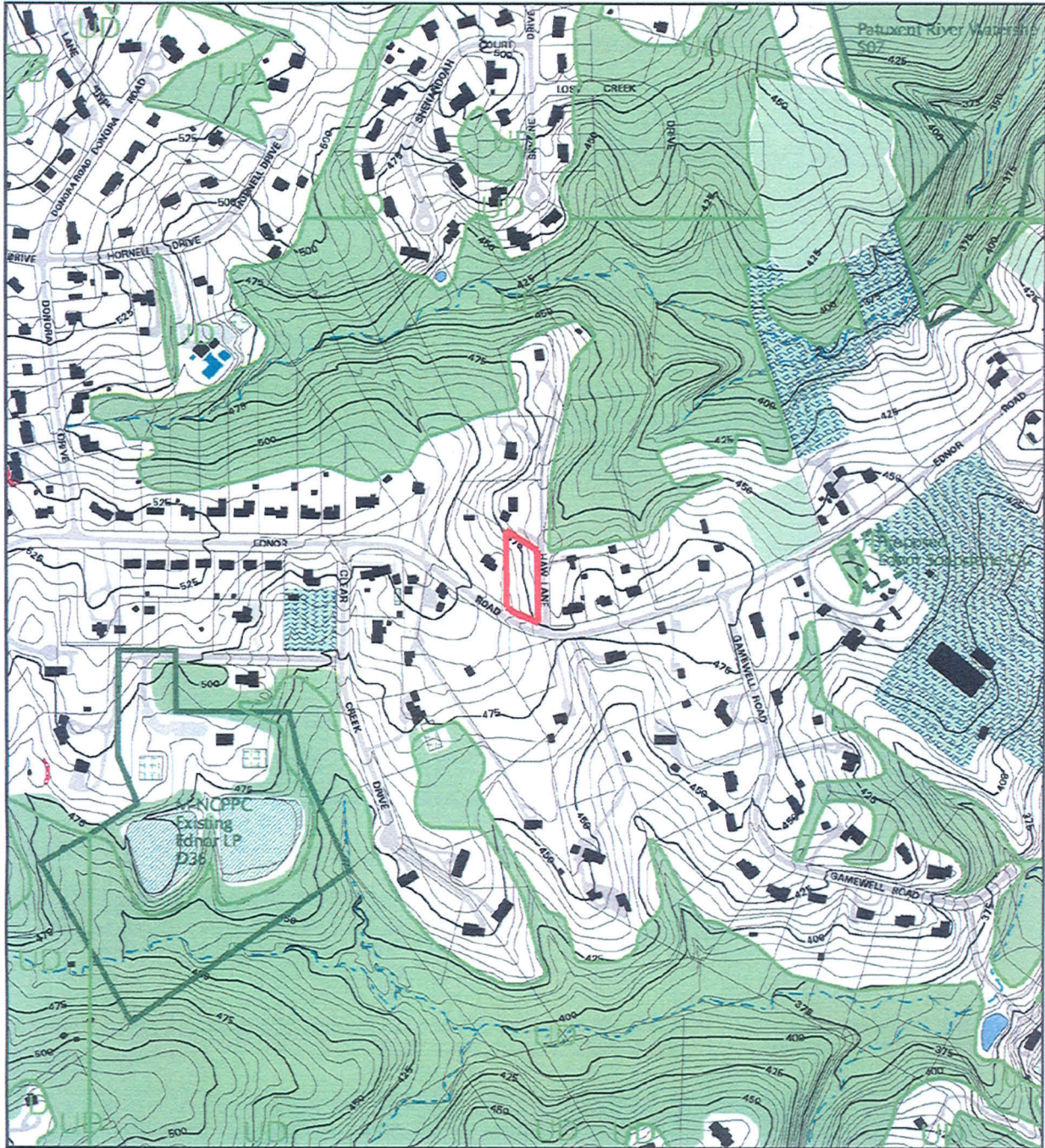
RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one residential lot.
- 2) The record plat must show dedication along Ednor Lane 40 feet from centerline as shown on the preliminary plan drawing.
- 3) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated July 22, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 4) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated October 13, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 13, 2010. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 7) 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 footprint, building height, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined during the building permit.
- 8) A note on the record plat to read, "Access Denied to Ednor Road" along Ednor Road frontage.
- 9) The record plat must show necessary easements.

SITE DESCRIPTION

The subject property, depicted below, is a 1.1 acre unplatted parcel identified as P395 on Tax Map KT11 ("Property" or "Subject Property") and located in the Rural Cluster (RC) zone. The Property is currently vacant. Surrounding properties are developed with one-family detached residences, also zoned RC.

The Property is within the Patuxent River watershed a Use I-P watershed. The site slopes moderately from west to east. There are no streams, wetlands, forests or 100-year floodplains on the Property.

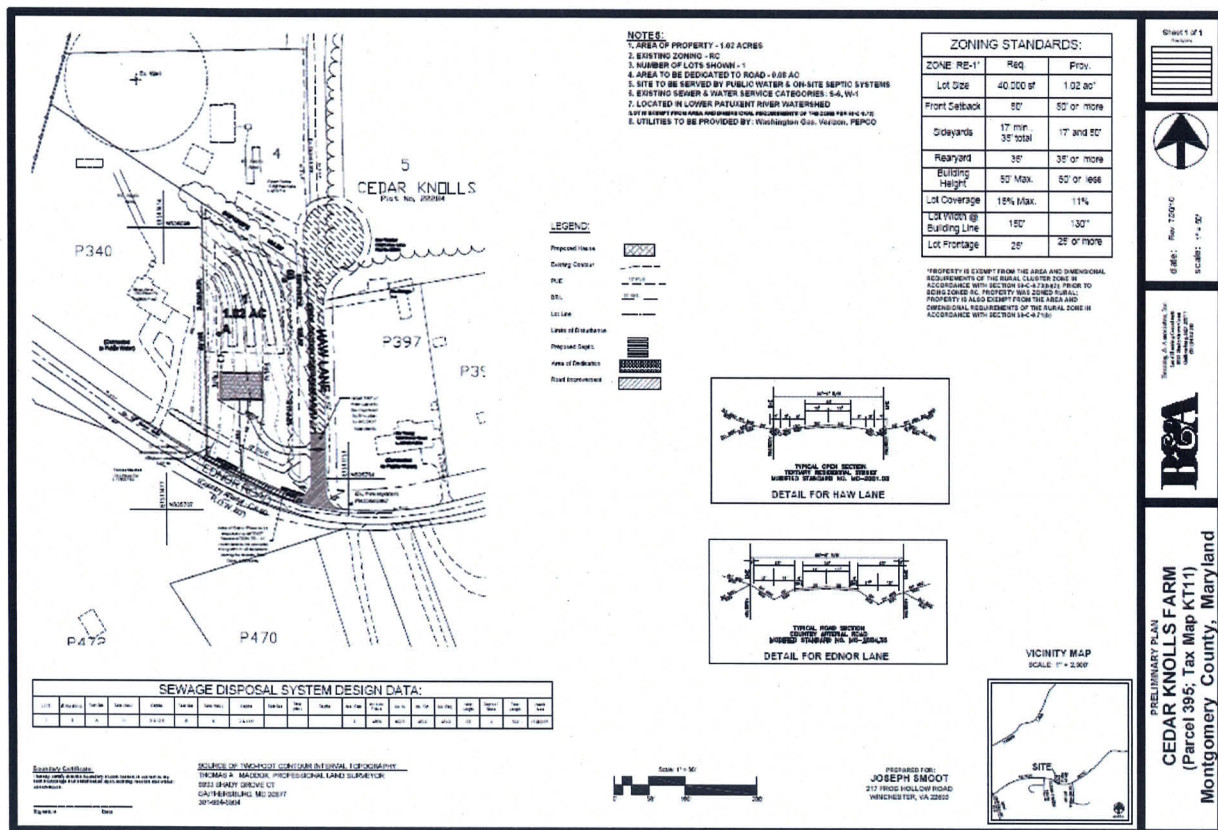


PROJECT DESCRIPTION

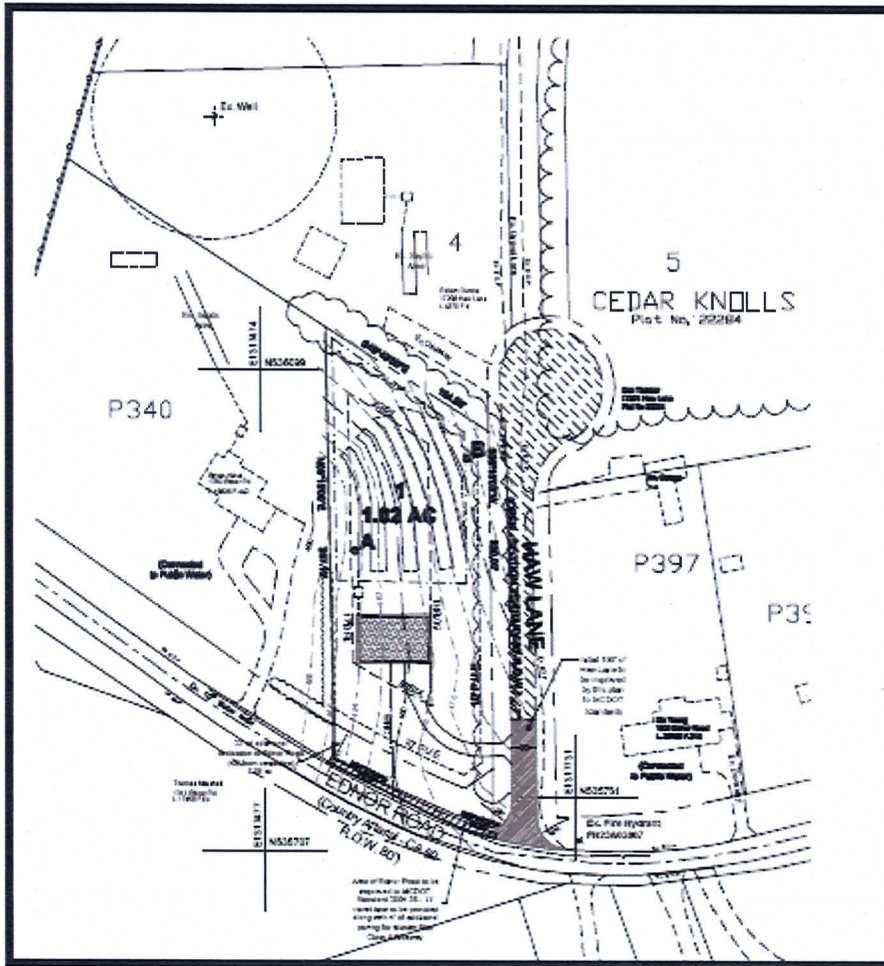
The Applicant proposes to record the existing parcel as one lot which is a prerequisite for issuance of a building permit. A small area of dedication (0.08 acres) for road right-of-way will be required along the Property frontage with Ednor Road. After dedication the resulting lot will be 1.02 acres. Access to the new lot is required to be from Haw Lane, therefore; the applicant is required to improve 100 linear feet of Haw Lane from Ednor Road north to the proposed

driveway location. The pavement will be expanded to 20 feet. On Ednor Road, the Applicant is required to provide an additional 4 feet of pavement within the newly dedicated right-of-way to bring that road up to standards and to accommodate a Class II bikeway as per the Olney Master Plan.

As discussed in the Environmental section of this report, the lot is exempt from the Montgomery County Forest Conservation Law. Stormwater management will be required in accordance with the approved stormwater management concept. Public water is currently located in Ednor Road and the lot will have access to that line; no sewer exists in the area so the lot will use a private septic system.



Preliminary Plan Drawing



Close Up Preliminary Plan Drawing

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The Sandy Spring-Ashton Master Plan “Master Plan” does not make specific recommendations on the Subject Property; however, it does designate the area that contains the Property as the *Rural/Open Space Area*. Within the *Rural/Open Space Area* the Master Plan recognizes that a few farms remain but that they are interspersed with subdivisions and that development pressures are mounting. The Plan recommends a continuation of low-density land use patterns to protect farmland and other rural open space. The Master Plan goes on to suggest that this area has never been considered part of the County’s critical mass of farmland but recommends a continuation of the low density zoning as a means to allow small farms to continue “along with some residential development.” This parcel is not currently farmed nor does it comprise any part of the remaining agricultural resource that may be left in this part of the planning area. It is located in an area along a major transportation route that is mostly residential in character but with a rural flavor. The large lot nature of this property will continue the patterns that have developed along Ednor Road.

The Master Plan also does not recommend that sewers be extended into this area. As stated above, the lot will use a private septic system which has been approved by the Montgomery County Department of Permitting Services (MCDPS).

The Master Plan also discusses Ednor Road and recommends that it be designated as a Country Arterial with a right-of-way of 80 feet but continuing as a two lane road. The Master Plan recommends that any safety improvements to Ednor Road be designed to maintain any roadside trees that help maintain the rural character. The Master Plan also recommends an on-street, Class II “signed” bikepath for this portion of Ednor Road. As part of this approval, the Montgomery County Department of Transportation will require an additional 4 feet of pavement on the north side of Ednor Road along the Property frontage to accommodate lane widening and the bikeway. No trees will need to be removed for the widening.

The preliminary plan allows residential development in an area that the Master Plan recognizes to have the potential for some residential development. It utilizes septic because the Master Plan does not recommend extension of public sewer into this low density area. The Applicant will also be required to provide additional pavement along Ednor Road to accommodate a Master Plan bikepath but no trees will need to be removed in order to do so. Staff finds that the preliminary plan substantially conforms with the recommendations of the Sandy Spring-Ashton Master Plan.

Public Facilities

Roads and Transportation Facilities

The creation of one new lot generates less than 3 new peak-hour vehicle trips, so the application is not subject to either Local Area Transportation or Policy Area Mobility reviews.

The dedication of Ednor Road right-of-way 40 feet from centerline and the requirement to add 4 feet of pavement will allow for a full width travel lane and a future signed bikepath. The bikepath can also be used by pedestrians. Staff finds that there will be adequate vehicular and pedestrian circulation for the new lot.

Other Public Facilities and Services

Staff finds that all other public facilities and services needed to accommodate the new lot are available and will be adequate. The private septic system has been approved by MCDPS in a letter dated October 13, 2009. Water service is available and adequate according to the Washington Suburban Sanitary Commission. Verizon and Pepco have also found that they can adequately provide their respective services to the lot.

The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently 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 a School Facilities Payment.

Environment

Environmental Guidelines

There are no streams, wetlands or 100 year floodplains on the Subject Property. While it is in the Patuxent River Watershed, none of the Property is within the Patuxent Primary Management Area and it is not subject to the imperviousness limitations. The Plan complies with the Planning Board adopted, *Environmental Guidelines*.

Forest Conservation

Forest Conservation Plan Exemption #420080390E was granted for the Subject Property on September 19, 2007. The Property contains no forest or any significant or specimen trees. Based on these factors and that the Property is less than 1.5 acres in size, it qualified for the exemption. The Property will not need a Tree Variance because it is exempt from the Forest Conservation Law.

Stormwater Management

The preliminary plan complies with the MCDPS requirements for stormwater management. The approved stormwater management concept for the project consists of on-site water quality controls using non-structural recharge methods. Channel protection is not required because the one year post development peak discharge is less than or equal to 2.0 cubic feet per second. The concept approval was granted on July 22, 2009.

Compliance with the Subdivision Regulations

Staff finds that this application complies with all applicable sections of the Montgomery County Subdivision Regulations. All public services required to serve the lot have been determined to be adequate. Public utility agencies have all recommended approval of the application. Roads and pedestrian facilities will be adequate to serve the new lot. The lot size, shape, width and orientation are appropriate given the character of other lots in the neighborhood and with respect to the Master Plan's recommendation that low density residential uses be maintained.

Compliance with the Zoning Ordinance

The Subject Property was created as a 1.1 acre parcel by a deed recorded on April 27, 1971. At the time it was recorded the Property was classified Rural Residential (R-R), a zone which was re-codified (renamed) in 1973 to become the R-200 zone along with other zones in the County. The R-200 zone and the R-R zone carried the same area and dimensional requirements; both allow lots to be as small as 20,000 square feet and both have the same setbacks, width and frontage requirements. The Subject Property met all minimum requirements for the R-R and R-

200 zones and was otherwise a developable piece of land under the development regulations in effect at that time

The Subject Property was rezoned from the R-200 zone (half-acre) to the Rural zone (5 acre) on August 20, 1974 by Sectional Map Amendment F926. The Rural zone was the County's first "Agricultural Zone". When this zone was implemented, the Zoning Ordinance recognized that certain properties had development potential under the previous zoning classification and that a down zoning should not necessarily preclude future development of those properties. Therefore, the Rural zone, and all subsequent Agricultural zones, was created with a grandfathering provision. The grandfathering provision generally recognizes that properties that were developable under previous standards, but that no longer meet the minimum standards for the zone can be platted, and have development on them.

Sectional Map Amendment G-293 again rezoned the Subject Property from the Rural zone to the current RC zone on May 5, 1981. The Rural Cluster zone also included a grandfathering provision once again recognizing the previously developable properties created in conformance with the minimum requirements of the previous zone, could continue to have development potential. The Subject Property at 1.1 acres does not meet the minimum standards for the Rural Cluster zone or the Rural zone but staff finds that it does qualify for the grandfathering provision found in each of those zones as discussed below.

Grandfathering

The grandfathering provision for the Rural Cluster zone is found in the current version of the Zoning Ordinance under Section 59-C-9.71(b). This section reads as follows:

59-C-9.73 Exempted lots and parcels – Rural Cluster zone and Low Density Rural Cluster Development Zone

- (b) The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Cluster zone or Low Density Rural Cluster Zone.
 - (2) A lot created by deed executed on or before the approval date of the most recent sectional map amendment or local map amendment that included the lot.

Because Section 59-C-9.73 refers back to the requirement of the zone applicable to the property prior to their classification in the Rural Cluster Zone, one must read Section 50-C-9.71 regarding the Rural zone provisions.

59-C-9.71 Exempted lots and parcels - Rural zone

The following lots are exempt from the area and dimensional requirements of section 59-C-9.4, but they must comply with the requirements of the zone applicable to them prior to their classification in the Rural zone.

(b) A lot created by deed on or before June 4, 1974.

As stated above, the grandfathering provision allows a mechanism for pre-existing parcels to be platted, with Planning Board approval, even though they no longer meet the minimum size required by the new zoning.

Therefore staff finds that the proposed lot qualifies for the grandfathering provisions of both the Rural Cluster zone and the Rural zone. Section 59-C-9.73(b)(2) of the Rural Cluster zone permits application of the Rural zone development standards to the property, and section 50-C-9.71(b) of the Rural zone permits application of the standards of the R-200 zone. This application of the grandfather provisions of the agricultural zones effectively permits a *double jump* back to the area and dimensional requirements that were in effect at the time that the Property was created by deed. This *double jump* process, as it has been referred to by staff, has historically been the Planning Boards' interpretation of these provisions in other similar cases. This interpretation recognizes that if a property was created, by plat or deed, in conformance with the zoning standards extant at the time of creation, there is a process to record them by plat. The proposed lot meets the area and dimensional requirement of the R-200 zone. A summary of this review is included in attached Table 1.

Citizen Correspondence and Issues

The application was correctly noticed and distributed in accordance with the procedures adopted in the Development Manual. The Applicant held a pre-submission meeting with interested citizens at the Olney Library on June 23rd of 2009. According to the minutes of that meeting, all issues were adequately discussed. Since the submission of the plan, and as of the date of drafting this staff memorandum, no correspondence has been received by staff or submitted to the plan file. Staff finds that citizen concerns have been adequately addressed by the proposed plan and plan review process.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Sandy Spring-Ashton Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Cedar Knolls Farm				
Plan Number: 12010050				
Zoning: Rural Cluster grandfathered to Rural Residential (R-200)				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	20,000	44,431 sq. ft. minimum	RAW	2/4/11
Lot Width	100 ft.	130 ft. minimum	RAW	2/4/11
Lot Frontage	25 ft.	130 ft. minimum	RAW	2/4/11
Setbacks				2/4/11
Front	25 ft. Min.	Must meet minimum ¹	RAW	2/4/11
Side	12ft. Min./25 ft. total	Must meet minimum ¹	RAW	2/4/11
Rear	30ft. Min.	Must meet minimum ¹	RAW	2/4/11
Height	50 ft. Max.	May not exceed maximum ¹	RAW	2/4/11
Max Resid'l d.u. or Comm'l s.f. per Zoning	1	1	RAW	2/4/11
MPDUs	No		RAW	2/4/11
TDRs	No		RAW	2/4/11
Site Plan Req'd?	No		RAW	2/4/11
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RAW	2/4/11
Road dedication and frontage improvements		Yes	Agency letter	9/13/10
Environmental Guidelines		Yes	Staff memo	1/5/10
Forest Conservation		Exempt	Staff memo	1/5/10
Master Plan Compliance		Yes	RAW	2/4/11
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	7/22/09
Water and Sewer (WSSC)		Yes	Agency comments	10/26/09
10-yr Water and Sewer Plan Compliance		Yes or N/a	Agency comments	10/26/09
Well and Septic		Yes	Agency letter	10/13/09
Local Area Traffic Review		N/a	RAW	2/4/11
Policy Area Mobility Review		N/a	RAW	2/4/11
Transportation Management Agreement		No	RAW	2/4/11
School Cluster in Moratorium?		No	RAW	2/4/11
School Facilities Payment		No	RAW	2/4/11
Fire and Rescue		Yes	Agency letter	11/2/10

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



Attachment "A"

DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

September 13, 2010

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

RE: Preliminary Plan No. 1-20100050
Cedar Knolls Farm

Dear Ms. Conlon:

We have completed review of the updated version of the above referenced preliminary plan that was signed on July 28, 2010. This project was reviewed by the Development Review Committee at its meeting on October 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. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
2. The sight distance study has been accepted. A copy of the accepted sight distances evaluation certification form is enclosed for your information and reference.
3. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
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 Section. Mr. Linkletter may be contacted 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.
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:

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

- A. Reconstruct Haw Lane full width from its intersection with Ednor Road to a point approximately 100 feet north of Ednor Road per the open section tertiary road modified standard MC 210.05. Improvements to include twenty (20) feet of pavement, sod shoulders, drainage swales, and street trees. Shoulder and/or side ditch improvements on the east side of that right-of-way may need to be modified if the applicant is unable to confirm the existence of a slope easement along P 397.
- B. Widen Ednor Road from the existing centerline along site frontage per the open section country arterial roadway Context Sensitive Road Design Standard modified Standard 2004.35 to include eleven (11) feet of pavement, four (4) foot shoulder, and drainage swale. Mill and overlay may be required to implement the proposed widening.
- C. Enclosed storm drainage and/or engineered channel (in accordance with the DOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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 240-777-2197.

Sincerely,



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

Enclosures (2)

M:\subdivision\SALIH\DOT\Preliminary Plans\1-20100050 Cedar Knolls Farm\1-20100050 Cedar Knolls Farm.doc

cc: Joseph Smoot
David McKee; Benning & Associates
Preliminary Plan Folder
Preliminary Plans Note Book

cc-e: Shahriar Etemadi; M-NCPPC TP
Henry Emery; MCDPS RWPR
Sarah Navid; MCDPS RWPR
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
Dewa Salihi, MCDOT DTEO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: CEDAR KNOLLS FARM Preliminary Plan Number: 1-

Street Name: HAW LANE Master Plan Road Classification: TERTIARY

Posted Speed Limit: NOT POSTED mph

Street/Driveway #1 (_____) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 65' *
 Left 180' ✓

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: * HAW LANE IS UNIMPROVED, AND HAS A TERMINUS TO THE LEFT. RIGHT SIGHT DISTANCE OF 65' IS SUFFICIENT.

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

[Handwritten Signature]

Signature

PLS # 10850

PLS/P.E. MD Reg. No.

9/2/2010

Date



Montgomery County Review:

Approved

Disapproved:

By: [Handwritten Signature]

Date: 9/13/10



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

MEMORANDUM

TO: Erin Grayson, Development Review
VIA: Stephen Federline, Master Planner, Environmental Planning
FROM: Mary Jo Kishter, Senior Planner, Environmental Planning
DATE: January 5, 2010
SUBJECT: Preliminary Plan #120100050 - Cedar Knolls Farm

RECOMMENDATION

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision without conditions.

BACKGROUND

Cedar Knolls Farm is existing parcel 395. The 1.02-acre site is located at 1312 Ednor Road, on the west side of Haw Lane, in Silver Spring. The property is zoned RC and is currently undeveloped. This application is for the creation of one lot. This property is exempt from submitting a forest conservation plan.

Environmental Guidelines

The Natural Resource Inventory/Forest Conservation Plan Exemption, #42008039E for this property was granted on September 19, 2007. This property does not contain any streams, wetlands, 100-year floodplain, steep slopes, or environmental buffers. A small area of highly erodible soils exists in the northwest corner of the property. There is no forest and there are no significant or specimen trees on the property. The property contains smaller, scattered trees and shrubs. The property is located in the Patuxent River watershed, which is designated as Use IV-P waters. The property is located outside of the Patuxent River Primary Management Area (PMA). The PMA includes the area within 1,320 feet of the Patuxent mainstream and 660 feet of all tributaries. This plan is in compliance with the Montgomery County Environmental Guidelines.

Forest Conservation

This property is exempt from submitting a forest conservation plan per Chapter 22A-5(s)(1), because the property is less than 1.5 acres, does not contain any existing forest, specimen or champion trees, and the afforestation requirement would not exceed 10,000 square feet. The exemption, 42008039E was granted on September 19, 2007. Since a forest conservation plan is not required for this property, a variance for tree removal is not required. In addition, this property does not contain any trees that would require a variance for removal if it were subject to these requirements.

SUMMARY

Environmental Planning recommends approval of the Preliminary Plan of Subdivision without conditions. It is exempt from forest conservation.



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

September 19, 2007

Joseph Smoot
4513 Pine Valley Court
Middletown, MD 21769

Dear Mr. Smoot:

This letter is to inform you that your request for an exemption from submitting a forest conservation plan 42008039E, Cedar Knolls Farm, is approved. Any changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If there are any subsequent modifications planned to the approved plan, a separate amendment must be submitted to M-NCPPC for review and approval prior to those activities occurring.

If you have any questions regarding these actions, please feel free to contact me at 301-495-4546 or joshua.penn@mncppc-mc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "JP", with a long horizontal flourish extending to the right.

Josh Penn, Senior Planner

Cc: NRI/FSD 42008039E
Josh Maisel, 301-948-0241



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 22, 2009

Carla Reid
Director

Mr. Pete Staley
Benning & Associates, Inc.
8933 Shady Grove Court
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Cedar Knolls Farm
Preliminary Plan #: N/A
SM File #: 236098
Tract Size/Zone: 1.02/RC
Total Concept Area: 1.02ac
Lots/Block: N/A
Parcel(s): 395
Watershed: Lower Patuxent

Dear Mr. Staley:

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 the use of non structural measures. 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 **item(s)/condition(s)** will need to be addressed **during/prior to** 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.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



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

RRB:dm CN 236098

cc: C. Conlon
M. Pfefferle
SM File # 236098

QN - On Site; Acres: 1.02ac
QL - On Site; Acres: 1.02ac
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

October 13, 2009

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: # 120100050,

Cedar Knolls Farm, Lot 1

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on October 8, 2009.

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. Public water must be provided.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc:
Surveyor
File

