



**Pre-Preliminary Plan, 720080060: Byrd Farm**

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CM

Callum Murray, Supervisor, [Callum.Murray@montgomeryplanning.org](mailto:Callum.Murray@montgomeryplanning.org), 301-495-4733

JAC John Carter, Planning Area 3 Chief, 301-495-4575

Completed: 2/16/12

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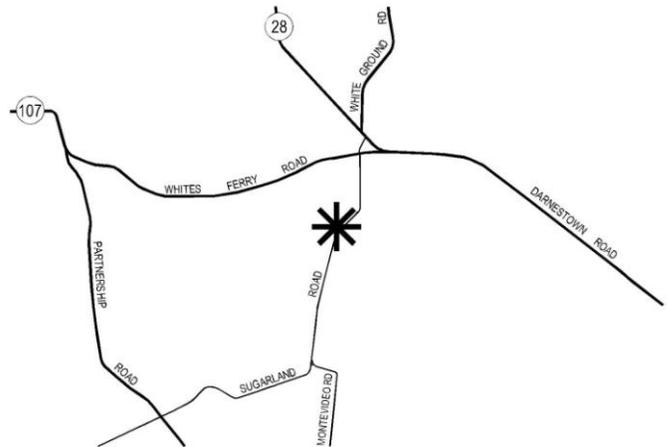
**Description**

**Pre-Preliminary Plan No. 720080060: Byrd Farm**

Two (2) lots requested, plus farm remainder; Two (2) one-family detached dwelling units, one existing to remain; located at 16310 Sugarland Road, at the southwest quadrant of the intersection of Whites Ferry Road and Sugarland Road; RDT zone; 128.25 acres, Preservation of Agriculture and Rural Open Space Master Plan.

**Staff Recommendation:** Approval with conditions.

**Applicant:** Edward Byrd  
**Date Submitted:** 10/3/07



**Summary**

This application is a request to create two lots of 12.92 and 10.57 acres respectively to accommodate two one-family detached dwelling units (one of which is existing) from a 128.25 acre parcel, and a deeded parcel of 10.57 acres, both zoned RDT. It is located on the west side of Sugarland Road, south of Whites Ferry Road, Poolesville, in the Preservation of Agriculture and Rural Open Space Master Plan Area.

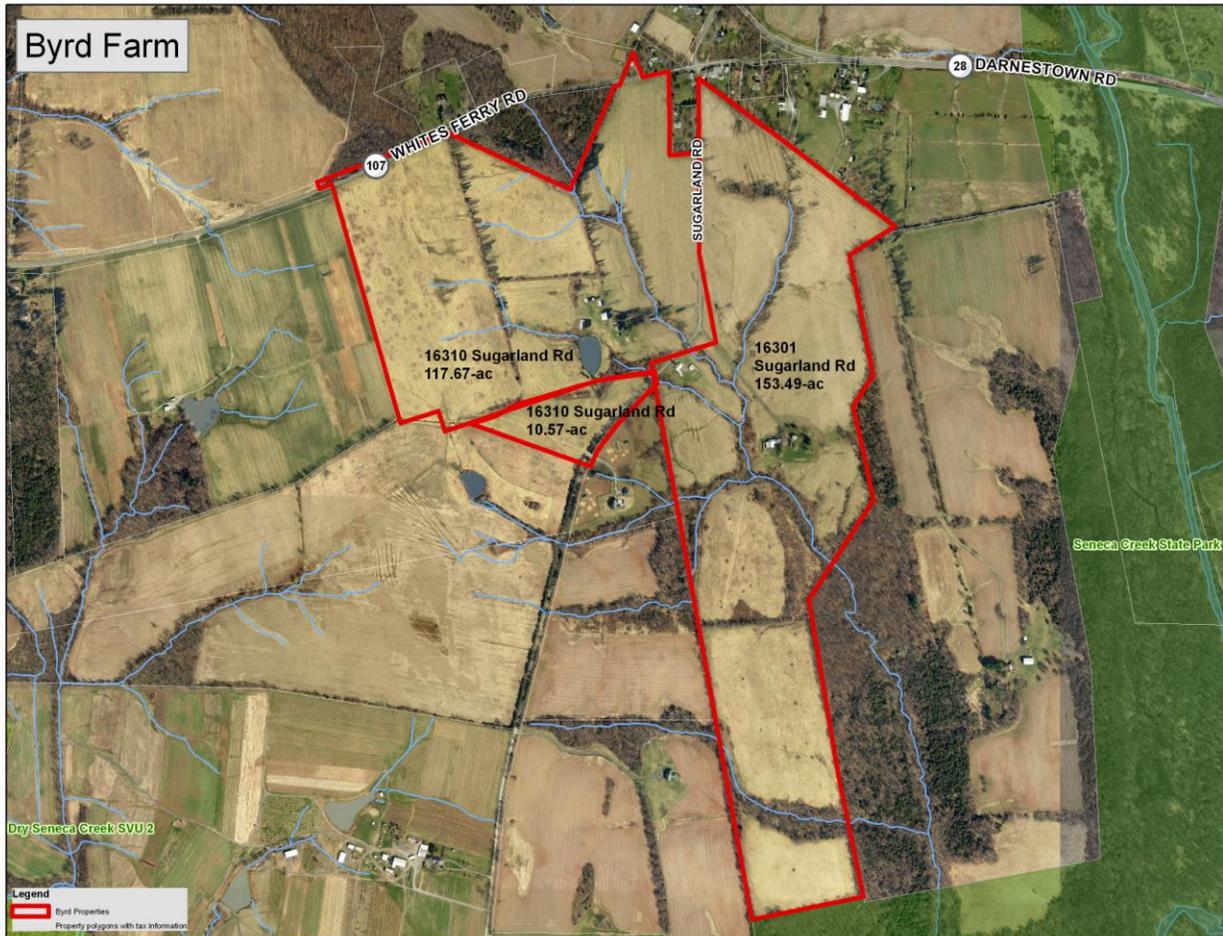
Access to the property is from Sugarland Road, an exceptional rustic road. The existing farmhouse on the parent parcel will remain and both properties will be served by wells and septic facilities. The property is encumbered by an Agriculture Easement Program (AEP) easement which allows for the two lots. As the lots average over five (5) acres, the Planning Board’s approval is required to proceed under the minor subdivision process.

**RECOMMENDATION:** Approval, subject to the following conditions:

- 1) Approval under this pre-preliminary plan is limited to two lots for two detached dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services (MCDPS), as applicable. Conditions include but are not limited to:
  - a. Approval of a final forest conservation plan that is consistent with the preliminary forest conservation plan.
  - b. Approval of a Certificate of Compliance Agreement for reforestation/afforestation requirement by the M-NCPPC staff.
  - c. Required site inspections by M-NCPPC staff consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- 3) The applicant must dedicate all road rights-of-way as shown on the approved pre-preliminary plan. Where Sugarland Road bisects Lot 1, dedication of 80 feet is required rather than the 40 feet west of the centerline indicated by the pre-preliminary plan.
- 4) The applicant must comply with the Montgomery County Department of Public Works and Transportation (MCDPW&T) conditions of approval, as stated in the staff letter of November 14, 2007. These conditions may later be amended by MCPW&T, as long as they do not conflict with other conditions of the pre-preliminary plan approval.
- 5) The applicant must comply with the MCDPS conditions of approval for well and septic, as stated in the staff memo of February 11, 2011. These conditions may later be amended by MCDPS, as long as they do not conflict with other conditions of the pre-preliminary plan approval.
- 6) The term “denied access” must be shown on the final record plat along MD 107.
- 7) The applicant must address storm water management at the sediment control stage, as per the MCDPS approval of November 8, 2007.
- 8) An easement must be recorded for the balance of the property noting that density and TDR’s have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots.

## SITE DESCRIPTION

This pre-preliminary plan application pertains to a 128.25-acre site (“Property” or “Subject Property”) at 16301 Sugarland Road and at the southwest quadrant of the intersection with Whites Ferry Road. The Property, depicted below, is zoned RDT and consists of two parcels. P610 is 117.67 acres in size and P897 (created by deed in 1987) is 10.57 acres. The larger parcel has small triangular areas that extend across Whites Ferry Road and Sugarland Road. The abutting parcel of 153.49 acres at 16301 Sugarland Road is also part of the Byrd Farm. The house at 16310 was built around 1836 and was acquired by the Byrd family around 1900. The applicant’s family has therefore owned the property for 112 years. The property at 16301 was established around 1830 and is the present residence of the Byrd family. There is a family graveyard at 16301 Sugarland Road. The topography consists of rolling cropland with eighty (80) feet between the lowest and highest contour. The site is in the Lower Great Seneca Creek watershed and the Dry Seneca Creek watershed, both Use I-P watersheds. There are 6.19 acres of forest, 1.46 acres of wetlands, and several streams and seeps throughout the property.





## PROJECT DESCRIPTION

This applicant requests approval to create two lots of 12.92 and 10.57 acres respectively to accommodate two one-family detached dwelling units (one of which is existing) via the minor subdivision process outlined in Section 50-35A(a)(8) of the Subdivision Regulations. 153 acres of 16301 Sugarland Road and 103 acres of 16310 Sugarland Road were placed into the Montgomery County Agricultural Easement Program (AEP) on August 8, 2007. The Montgomery County Division of Agricultural Services structured the easement to maintain two large agricultural operations with the ability to locate a future dwelling to support a farming operation. Wells and septic areas are proposed to serve the dwelling units. The existing dwelling is currently served by a well and sand mound. The well and septic systems were approved by the Department of Permitting Services Well and Septic Section on February 11, 2011.



During review, staff examined whether it was possible to reduce the size of the two lots, and decided that it was neither practical nor appropriate, for several reasons. The pre-preliminary plan holds the boundary of P897 as the boundary of Lot 2. Hedgerows act as natural and physical boundaries between P897 and the larger Byrd property and it is reasonable to use these features to demarcate the lots. Secondly, P897 (proposed Lot 2) includes a plethora of features – a septic area and easement for the abutting Sweeney property to the southwest, an approved in-ground septic area for the proposed dwelling, a fire protection cistern easement, an existing point of access approved by the Rustic Roads Advisory Committee, a suitable area for the proposed dwelling at a higher grade and away from the two set-aside septic areas, a stream and stream buffer including forest, and locations for well sites. Together, these features take up a considerable portion of the property.

Lot 1 has similar circumstances. It is excepted from the AEP easement, has an existing house and outbuildings, a farm pond, two separate Category 1 Conservation Easement Areas, an environmental buffer area, an existing point of access and an existing sand mound septic area and well areas. The lot appears appropriate as the setting for the existing house.

Montgomery County has an agricultural preservation easement, recorded in the land records at Liber 34689/Folio 519 (Property ID 03-0034700) consisting of 117.67 acres, of which 13.5 acres were saved and excepted from the easement (Lot 1). Prior to recordation, the property had a total of four (4) TDRs remaining. Upon recordation of the easement, 3 TDRs have been retained with the property and one (1) TDR conveyed to Montgomery County. Within Exhibit A of this recorded easement, there is a section which stipulates conditions of use regarding the retained TDRs. This section states:

“One (1) TDR retained for an existing residential unit as part of the aforementioned 13.5 acre saving and excepting exclusion.”

This TDR is retained for Lot 1. The TDR for Lot 2 was retained by the Byrd family during a conveyance to their neighbor Sweeney of 179.41 acres, a transaction that created P879 by deed in a configuration that is now the proposed Lot 2.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The pre-preliminary plan is required to be in compliance with two Functional Master Plans - Preservation of Agriculture and Rural Open Space (AROS), and Rustic Roads.

The Functional Master Plan for the Preservation of Agriculture and Rural Open Space (AROS) contains goals and objectives for the preservation of critical masses of farmland and rural open space in the county. The plan contains the following language:

The Foreword, reads, in part: “[t]his 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” (emphasis added).

“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” (emphasis added). (pg. 8)

“Farmland and open space are irreplaceable and valuable natural resources, and should be protected” (emphasis added). (pg. 25)

“It is in the public interest to preserve farmland. Farmland preservation not only involves the preservation of individual farms, productive soils and a way of life, but it meets a variety of national, regional, state, and local objectives. The need to protect farming in a County that already provides for a balanced series of growth alternatives can be justified in seven broad public purpose areas:

- A. Control of Public Costs and Prevention of Urban Sprawl
- B. Adherence to County Growth Management Systems
- C. Preservation of Regional Food Supplies
- D. Energy conservation
- E. Protection of the Environment
- F. Maintenance of Open Space
- G. Preservation of Rural Life-Styles” (pg.27)

“Since farmland preservation serves a series of public purposes, Montgomery County must commit itself to the preservation of farmland...In the absence of a specific preservation effort, farmland will continue to be converted to residential, commercial, and industrial uses.” (pg. 31)

The property falls within the Agricultural Reserve area described in the AROS plan. The plan describes the Reserve as an area that “includes the majority of the remaining working farms, as well as other land uses that will serve to define and support those working farms” (p. 38), and as areas that “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). The plan recommends RDT zoning and transfer of development density to help preserve farmland and agricultural uses in these areas. The purpose clause of the RDT zone also speaks to this intent:

“The intent of this zone is to promote agriculture as the primary land use \* \* \*. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to designated receiving areas. \* \* \* Agriculture is the preferred use in the Rural Density Transfer zone.”

The pre-preliminary plan is designed to minimize lot size to the extent feasible, minimize fragmentation of the property, and maximize the viable farmland. With the exception of the two proposed lots, virtually all of the remaining farmland is encumbered by an AEP agricultural easement, in order to maintain a viable agricultural operation. The pre-preliminary plan meets the intent of Section 59-C-9.23 and substantially conforms with the AROS Master Plan and the purpose of the RDT zone.

The approved and adopted Functional Master Plan for Rustic Roads classifies Sugarland Road as an exceptional rustic road in this vicinity because the road has historic value, outstanding rural views of farm land, and natural features. The road appears on an 1837 map, and the section bisecting the Byrd Farm was surveyed in 1856. The road connected the village of Dawsonville with the Seneca mills near the Potomac River.

The pre-preliminary plan for the two lots was submitted for review by the Rustic Roads Advisory Committee of October 23, 2010. One lot was proposed to serve the existing house located at 16310 Sugarland Road and the other to serve a new residence. No change was proposed to the existing driveways or points of access to Sugarland Road for the lots. On November 8, 2010, the staff coordinator to the Rustic Roads Advisory Committee stated:

“The right of way for Sugarland Road is 80 feet rather than 70 feet because it is exceptional rustic. Where the road goes through the property, you will need to dedicate the full 80 feet rather than just 40 feet from centerline.

The driveway is fine and we recommend leaving it gravel.”

Staff finds that the pre-preliminary plan is in compliance with the Rustic Roads Functional Master Plan.

### Sand Mounds

The Planning Board has taken a position in the past that the AROS Master Plan does not support the use of sand mounds to facilitate residential development. The Board has assessed the use of sand mounds in the RDT zone on a case by case basis. In this instance, Lot 1 is served by an existing sand mound constructed in 2006 while Lot 1 is proposed to be served by septic fields approved by MCDPS in February 2011.

## **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50 ("Subdivision Regulations") and Chapter 59 ("Zoning Ordinance"). Access and public facilities will be adequate to support the proposed lot and use, and the lots meet the dimensional requirements for area, frontage, width and setbacks in the RDT zone.

### **Section 50-35(8) requirements**

The proposed lot is to be platted pursuant to Section 50-35A(a)(8) of the Subdivision Regulations. This section establishes the ability to plat up to five (5) lots in the RDT zone through the minor subdivision process after Planning Staff or Planning Board approval of a pre-preliminary plan. Applications for minor subdivision under Section 50-35A(a)(8) must meet the following criteria:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lot(s) must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDR's have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots;
- d. Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

With regards to provision (a), the septic facilities were approved by the Department of Permitting Services, Well and Septic Section, on February 11, 2011. For provision (b), where Sugarland Road bisects Lot 1, dedication of 80 feet is required rather than the 40 feet west of the centerline indicated by the pre-preliminary plan. Item (c) is a condition of approval. At 12.92 acres (Lot 1) and 10.57 acres (Lot 2), the proposed lots exceed an average of 5 acres and require Planning Board approval in order to satisfy provision (d). Staff finds that it is neither feasible nor appropriate to reduce the lot sizes to 5 acres or less. Finally, a preliminary forest conservation plan was approved by Environmental Planning Staff on October 19, 2009, and the pre-preliminary plan meets all applicable requirements for protection of environmentally sensitive areas.

## **Public Facilities**

### **Roads and Transportation Facilities**

The proposed lots and farm remainder 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 right-of-way for Sugarland Road is 80 feet rather than 70 feet because it is classified as an exceptional rustic road. Where the road bisects Lot 1, dedication of the full 80 feet is required rather than the 40 feet west of the centerline indicated by the pre-preliminary plan. Both lots use existing points of access and a sidewalk is not required along the property frontage. The staff coordinator for the Rustic Roads Advisory Committee approved the existing driveway access for a new dwelling on Lot 1 on November 30, 2010. Vehicle and pedestrian access for the subdivision will be safe and adequate.

### **Other Public Facilities and Services**

Other public facilities and services are available and will be adequate to serve the proposed lot. A well and septic system is proposed to serve the new dwelling unit. Gas, electrical and telecommunications services are available to serve the Property. The application has been reviewed by the Montgomery County Fire and Rescue Service who believe that Sugarland Road should be widened to 20 feet. This exceptional rustic road varies in width and has an average width of 16 feet. Staff strongly disagrees with the viewpoint of the Fire and Rescue Service and will attempt to resolve the issue prior to record plat. Other public facilities and services, such as schools, police stations, 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**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420070610 for the site was approved on February 15, 2007. The NRI/FSD identifies the environmental constraints and forest resources on the property. The pre-preliminary plan has very limited environmental impacts. A preliminary forest conservation plan was approved by Environmental Planning Staff on October 19, 2009, and the pre-preliminary plan meets all applicable requirements for protection of environmentally sensitive areas. If the application is approved and proceeds to the building permit stage, the applicant will be required to address storm water management at the sediment and erosion control permit stage.

## **CITIZEN CORRESPONDENCE AND ISSUES**

The applicant notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. To date, staff has not received any responses.

## **CONCLUSION**

The proposed pre-preliminary plan meets the requirements established in the Subdivision Regulations, complies with Section 59-C-9.23. of the Zoning Ordinance, and complies with the recommendations of the Master Plan for Preservation of Agriculture and Rural Open Space and the Rustic Roads Functional Master Plan.

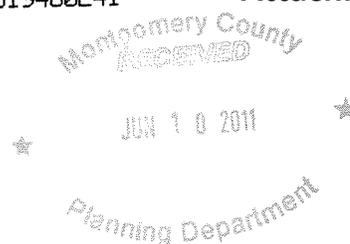
**Attachments**

Attachment A – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Byrd Farm</b>				
<b>Plan Number: 720080060</b>				
<b>Zoning: RDT</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Pre-Preliminary Plan</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	40,000 sq. ft.	10.97 acres	CM	2/14/12
Lot Width	125 ft.	550 ft. is minimum proposed	CM	2/14/12
Lot Frontage	25 ft.	550 ft. is minimum proposed	CM	2/14/12
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	CM	2/14/12
Side	20 ft. Min./40 ft. total	Must meet minimum <sup>1</sup>	CM	2/14/12
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	CM	2/14/12
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	CM	2/14/12
Lot Coverage	10% Max.	May not exceed maximum	CM	2/14/12
Max Residential d.u. per Zoning	4 dwelling units	2 dwelling units	CM	2/14/12
MPDUs	No		CM	2/14/12
TDRs	Yes	4 available, 2 used	CM	2/14/12
Site Plan Req'd?	No		CM	2/14/12
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	CM	2/14/12
Road dedication and frontage improvements		Yes	Agency letter	11/14/07
Forest Conservation		Yes	Staff memo	10/19/09
Master Plan Compliance		Yes	Staff Report	2/13/12
Other (i.e., parks, historic preservation)				

ADEQUATE PUBLIC FACILITIES			
Stormwater Management	At sediment control stage	Agency memo	11/08/07
Water and Sewer (WSSC)	N/a		
10-yr Water and Sewer Plan Compliance	N/a		
Well and Septic	Yes	Agency memo	2/11/11
Local Area Traffic Review	N/a		
Policy Area Mobility Review	N/a		
Transportation Management Agreement	No		
School Cluster in Moratorium?	No		
School Facilities Payment	No		



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid  
Director

MEMORANDUM

February 11, 2011

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

FROM: Carla Reid, Director  
Department of Permitting Services

SUBJECT: Status of Pre-Application Plan: Byrd Farm

7-20080060

This is to notify you that the Well & Septic Section of MCDPS has approved the subject plan submitted to our office on February 3, 2011.

Approved with the following reservations:

1. The record plat must be at the same scale as the Pre-Application plan, or submit an enlargement of the plat to match the Pre-Application plan.
2. The approved sand mound sites must be protected from physical disturbance and compaction of the soil. Prior to the issuance of any permits, the sand mound sites must be fenced using 4-foot high "orange construction fencing".
3. Any physical disturbance or compaction of a sandmound site could render that site non-functional and therefore negate this approval.

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

cc: Benning & Associates  
File



Isiah Leggett  
County Executive

DEPARTMENT OF PERMITTING SERVICES

Carla Reid  
Director

Project Name: Byrd Farm  
Pre-Preliminary Plan #: 720080060  
Applicant: Edward Byrd  
Engineer: Benning & Associates, Inc.  
Zone: RDT  
Number of Lots (Acres): 2 lots, 128.5 ac.  
Zoning Reviewer: Laura Bradshaw

Development Standards on Submitted Plan(s):

Standard	Required	Proposed
Front:	50'	50'
Rear:	20'	20'
Sides:	35'	35'
Height:	50'	50'

- Plan(s) meets zoning requirements.  
 Plan(s) meets zoning requirements, but see comments below.  
 Plan(s) do not meet zoning requirements. See comments below.

Comments: No comments at this time.

**\*\*Note-**When applying for a building permit please identify both the BRL approved on the certified site plan and the dimensions from the structure to the property lines on all four sides.

Mark Beall: (240) 777-6298 or Laura Bradshaw: (240) 777-6296  
255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4166.

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: November 8, 2007

MEMO TO: Catherine Conlon, Supervisor for  
Development Review Committee, MNCPPC

FROM: David Kuykendall, Senior Permitting Services Specialist  
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review  
Preliminary Plan Pre-720080060 ; Byrd Farm  
Subdivision Review Meeting November 13, 2007 SWM File # N/A

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- On-site:  CPv  WQv  Both  
 CPv < 2cfs, not required  
 Waiver:  CPv  WQv  Both  
 On-site/Joint Use  Central (Regional): waived to  
 Existing                      Concept:  Approved Date,  
 Other

**Type Proposed:**

- Infiltration  Retention  Surface Detention  Wetland  Sand Filter  
 Separator Sand Filter  Underground Detention  Non Structural Practices  Other

**FLOODPLAIN STATUS:** 100-Year Floodplain On-Site  Yes  No  Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:  
 Source of the 100-Year Floodplain is acceptable.  
 Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.  
 Dam Breach Analysis  Approved  Under Review  
 100 yr. floodplain study  Approved  Under Review

**SUBMISSION ADEQUACY COMMENTS:**

- Downstream notification is required.  
 The following additional information is required for review: \_\_\_\_\_

**RECOMMENDATIONS:**

- Approve  as submitted  with conditions (see approval letter).  
 Incomplete; recommend not scheduling for Planning Board at this time.  
 Hold for outcome of the SWM Concept review.  
 Comments/Recommendations: Address stormwater management at time of sediment control permit. A floodplain study may be required prior to Record Plat

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll:DRC.3/03



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

November 12, 2007

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

Re: Montgomery County  
Byrd Farm  
File #: 7-20080120  
MD 107 - General File

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the pre-preliminary plan application for the Byrd Farm development. We offer the following comments:

- Access to Lot 1 is from a County or municipality-maintained road (Sugarland Road) and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation.
- Access to Lot 2 should be shown directly to Sugarland Road also, and not to MD 107 (Whites Ferry Road). The term "denied access" should be shown on the final record plat along MD 107.

If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,

Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/gfc/jab

- cc: Mr. Edward Byrd / 16301 Sugarland Road, Poolesville, MD 20837  
Mr. David McKee / Benning & Associates, Inc. / 8933 Shady Grove Ct, Gaithersburg, MD 20877  
Mr. Richard Weaver / M-NCPPC  
Mr. Shahriar Etemadi / M-NCPPC  
Mr. Sam Farhadi / Montgomery County DPW&T  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*  
Mr. Augustine Rebish *sent via e-mail*

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



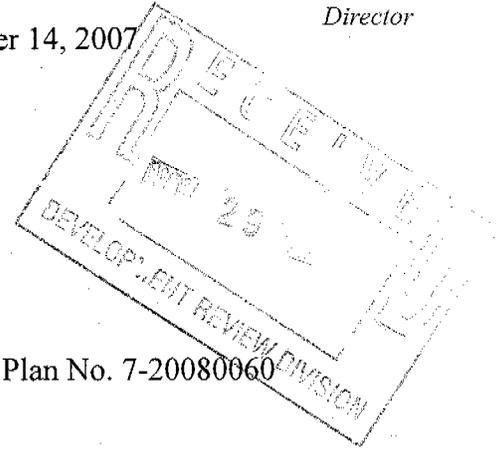
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

November 14, 2007

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



RE: Pre-Preliminary Plan No. 7-20080060  
Byrd Farm

Dear Ms. Conlon:

We have completed our review of the above-referenced pre-preliminary plan. Since there will be no preliminary plan, we recommend addressing the following items prior to recordation of the record plat and submitting an updated plan along with appropriate supporting information:

1. Necessary dedication for Whites Ferry Road and Sugarland Road in accordance with the Master Plan.
2. Provide storm drainage and/or flood plain studies, with computations. Analyze the capacity of the existing public storm drain system and the impact of the additional runoff.
3. Necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line. Also show revertible and perpetual easements.
4. Wells and septic systems cannot be located within the right of way or easements.
5. Sugarland Road is classified as a "exceptional rustic" under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the existing topographic features, including man-made improvements and vegetation.

Since access will be from a road included in the Rustic Roads Program, we will need to inspect the impact of the subdivision on the rustic road. Stake and pavement mark the proposed driveway location(s) and contact Ms. Sarah Navid of Department of Permitting Services for a the field check.

6. Submit a completed, executed MCDPWT Sight Distances Evaluation certification form for our review and approval.

**Division of Operations**

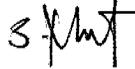
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Ms. Catherine Conlon  
Pre-Preliminary Plan No. 7-20080060  
Date November 14, 2007  
Page 2

7. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. Access and improvements along Whites Ferry Road (MD 107) as required by the Maryland State Highway Administration.
10. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

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

Sincerely,



Sam Farhadi, P.E.  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/pre-preliminary plans/ 7-20080060, Byrd Farm.doc

cc: Edward Byrd  
David McKee, Benning & Associates  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
John Borkowski, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book

## Murray, Callum

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**From:** David McKee <dmckee@benninglandplan.com>  
**Sent:** Monday, February 13, 2012 5:30 PM  
**To:** Murray, Callum  
**Subject:** Byrd Property

Callum,

See below for back-and-forth on Byrd and other projects with Sarah Navid. Her last comments indicate an OK from the RRAC from their meeting on 11/23/10 as noted a couple of messages down.

Thanks,  
Dave

**David W. McKee**  
Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
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-----Original Message-----

**From:** Navid, Sarah <Sarah.Navid@montgomerycountymd.gov>  
**To:** Benning & Associates, Inc. <benninglandplan@aol.com>  
**Sent:** Tue, Nov 30, 2010 10:25 am  
**Subject:** RE: Lewis Property 7-200502820

Hi Patrick,

Here is a summary:

Byrd Property – Sugarland Road

The right of way for Sugarland Road is 80 feet rather than 70 because it is exceptional rustic. Where the road goes thru the property you will need to dedicate the full 80 feet rather than just 40 feet from centerline.

The driveway is fine and we recommend leaving it gravel.

Lewis Property – Peach Tree Road

The committee would like the new driveways staked to check in the field. Can you let me know when this is done?

Thanks, Sarah

-----Original Message-----

**From:** Benning & Associates, Inc. [<mailto:benninglandplan@aol.com>]  
**Sent:** Tuesday, November 30, 2010 9:21 AM

**From:** Penn, Joshua <Joshua.Penn@mncppc-mc.org>  
**To:** Benning & Associates, Inc. <benninglandplan@aol.com>  
**Subject:** Byrd Farm 720080060 and SC2009024  
**Date:** Mon, Oct 19, 2009 10:51 am

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Josh,

I have reviewed the submitted preliminary FCP for the Byrd Farm. The PFCP looks fine and I have no comments on the PFCP. I have written a memo recommending approval of the Minor Subdivision to Development Review. Once the Minor Subdivision has been approved I will stamp and officially approve the PFCP.

If you have any questions please feel free to contact me.

Josh Penn  
Senior Planner  
Environmental Planning division