



Preliminary Plan 120100100: Little Bennett Creek

BCB

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RAW

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Completed: 06/07/13

Description

Preliminary Plan 120100100: Little Bennett Creek

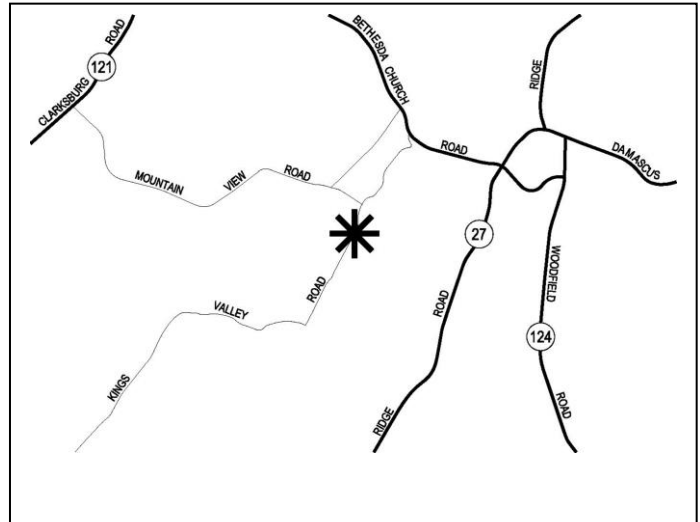
Request to create two (2) lots and 7.82 acres of parkland conveyance; located on the east side of Kings Valley Road, approximately 1,000 feet south of the intersection with Mountain View Road; 13.23 acres; RNC/TDR zone; Damascus Master Plan.

Staff Recommendation: *Approval with Conditions*

Applicant: Friend Indeed LLC – Roy Stanley

Submitted date: 11/17/2009

Review Basis: Chapter 50



Summary

Staff recommends **approval with conditions**

- Two lots with frontage on Kings Valley Road
- 7.82 acres of Parkland Conveyance to the Oak Ridge Conservation Park
- Sidewalks not required along Kings Valley Road

RECOMMENDATION: Approval subject to the following conditions:

1. This Preliminary Plan is limited to two (2) lots for two (2) dwelling units.
2. The Applicant must comply with the conditions of approval for the preliminary forest conservation plan no. 120100100, approved as part of this Preliminary Plan, subject to:
 - a. Relocate 0.29 acre planting area adjacent to the existing forest on the Open Space Parcel to enlarge the existing forest stand.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 29, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated February 12, 2010, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Well & Septic Section letter dated January 21, 2010, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well & Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
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 footprints, building heights, 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 at the time of issuance of building permits. 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.

8. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Forty two (42) feet from the existing pavement centerline along the Subject Property frontage for Kings Valley Road.
9. Record plat must show necessary easements.
10. A Rural Open Space Easement must be recorded in the Montgomery County Land Records for the 7.82 acre area designated as Rural Open Space (Open Space Parcel, as shown on the Preliminary Plan). Reference to the recorded easement is to be noted on the record plat(s).
11. The Applicant must dedicate to M-NCPPC the 7.82 acre portion of the Subject Property identified as "Open Space Parcel" on the approved Preliminary Plan for use as a conservation park per the Damascus Master Plan. The land must be dedicated to the Commission through notation on the plat and by conveyance at the time of record plat in a form of deed approved by the Office of General Counsel. At the time of conveyance, the property must be free of any trash and unnatural debris.
12. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The property is a 13.23 acre parcel, located on the east side of Kings Valley Road, approximately 1,000 feet south of Mountain View Road (“Property” or “Subject Property”)(Figure 1). The Property is identified on Tax Map FX22 as parcel 660, and is zoned RNC/TDR in the Damascus Master Plan of 2006 (“Master Plan”). The Property is currently unimproved and is mostly used for agriculture (Figure 2). There are approximately 3 acres of land on the east side of the Subject Property that is forested, and the Property is clipped in the northwest corner by the Little Bennett Creek. The Property is located in the Little Bennett Creek Watershed (Class III-p), and is generally located on a west facing hill slope, with the highest elevations on the eastern edge and lowest elevations along Kings Valley Road and Little Bennett Creek to the west and north. The Subject Property is in water and sewer categories W6 and S6 respectively. and will require onsite well and septic service.

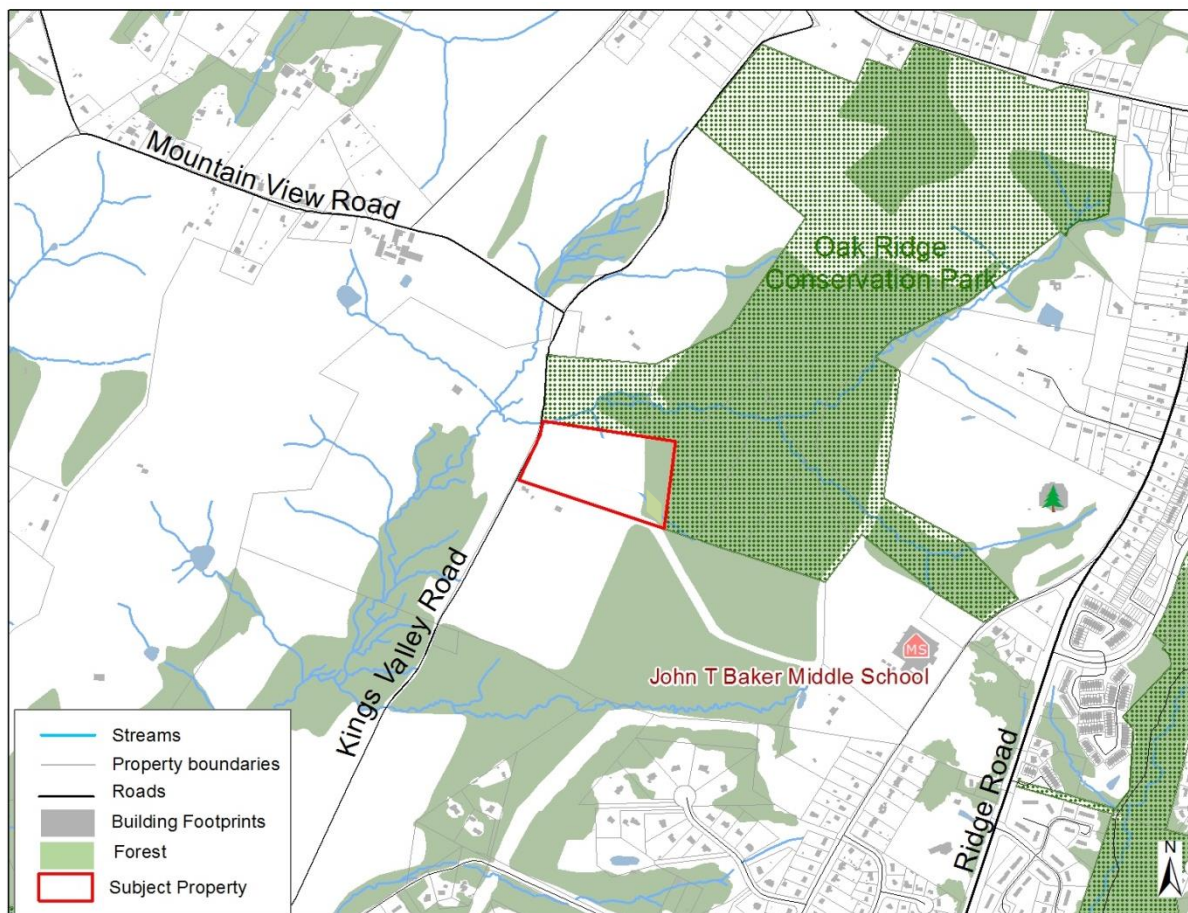


Figure 1



Figure 2

Surrounding the Property on all sides are agricultural or forested land uses. To the north and east is the Oak Ridge Conservation Park, which is mostly forested with stream valleys and uplands. To the south and east of the Property are agricultural activities, and additional forested stream valleys. The Property is surrounded to the west, north and east by land Zoned RDT, and to the south with land in the RNC/TDR Zone.

PROJECT DESCRIPTION

The current plan, designated Preliminary Plan number 120100100, Little Bennett Creek (“Preliminary Plan” or “Application”), proposes to create two lots and a 7.82 acre conveyance to Maryland National Capital Park and Planning Commission (MNCPPC) Parks Department as an expansion of the Oak Creek Conservation Park (Attachment A). The two proposed residential lots are 3.20 and 2.01 acres in size and will both be served by on site well and septic. This Application proposes 42 feet of dedication from the centerline of Kings Valley Road, which is half of the ultimate right-of-way required for the road.

ANALYSIS AND FINDINGS – Chapter 50
Conformance to the Master Plan

The Subject Property is part of the Kingstead/Leishear Properties in the 2006 Damascus Master Plan (Master Plan) depicted on page 24 and identified by the red star on Figure 3. The Kingstead/Leisher area is 138 acres, zoned RNC 0.2/TDR 0.5, which includes the 13 acres that are part of this Plan. The Master Plan sets forth multiple goals that this Application achieves, including protecting open rural vistas, clustering development in open areas to preserve tree cover, designing lots to avoid back yards along Kings Valley Road, and dedicating parkland in the headwaters of Little Bennett Creek. The Preliminary Plan achieves some of the Master Plan goals. The Application helps protect open vistas, and existing forest by establishing 7.82 acres of dedication to Parks and a total of 3.31 acres of forest retained or planted. The lot orientation also allows the fronts of houses to face Kings Valley Road.

The Master Plan also places importance on internal connectivity among new homes with sidewalks and connections to amenities and local trails. The Subject Property however is not meeting the Master Plan goals for internal sidewalk connectivity and access to amenities because the Applicant is only developing two lots as a standard method development, independent of the other properties in the Kingstead/Leishear area.

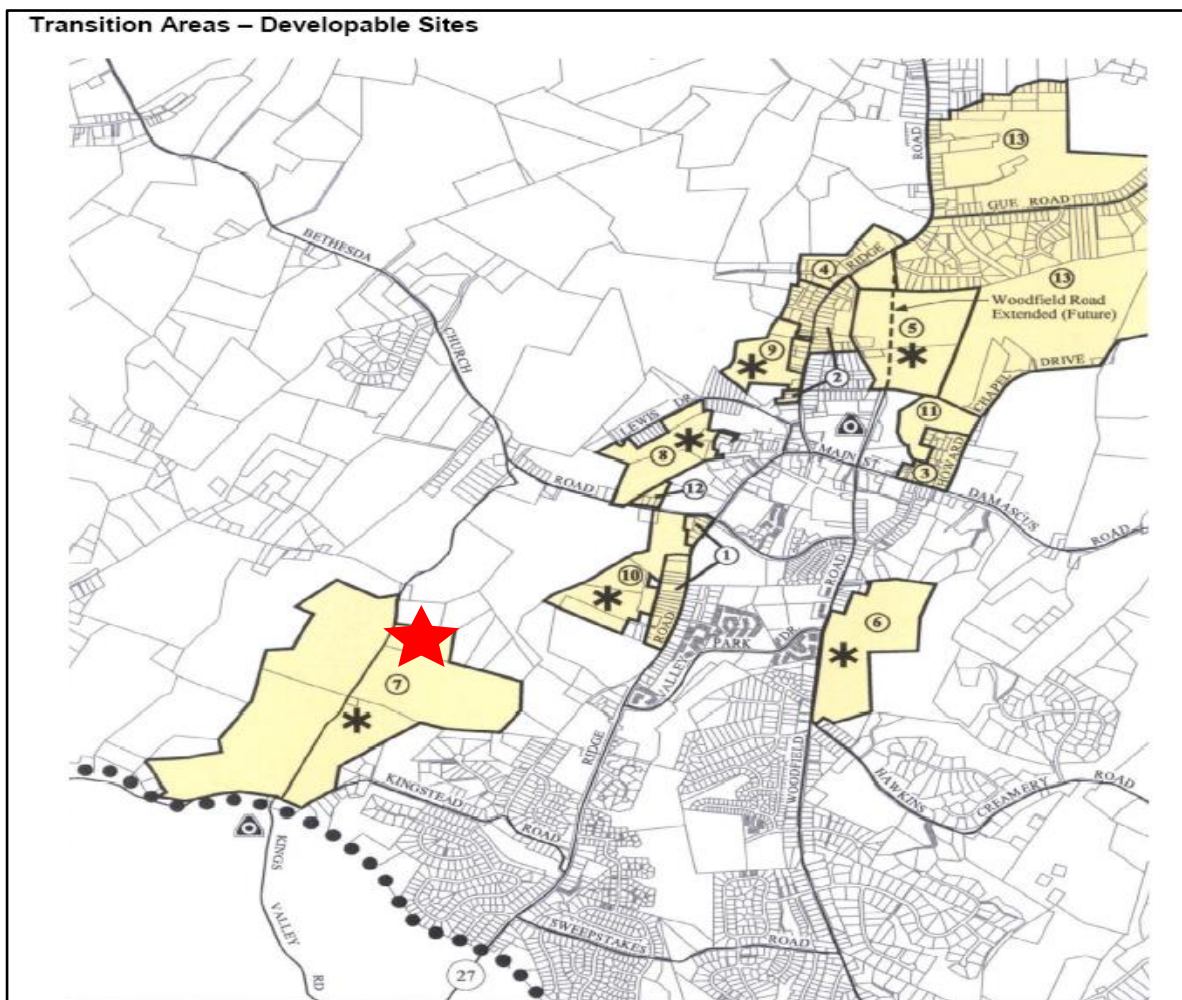


Figure 3

Public Facilities

Roads and Transportation Facilities

The proposed vehicle and pedestrian access for this Application will be safe and adequate as proposed on the Plan. 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 Property is located within the Damascus Policy Area for the Transportation Policy Area Review, and the adequacy analysis for 2013 shows both transit and roadway tests are adequate, and require no payments. The right-of-way required by MCDOT for Kings Valley Road is 84 feet, and this Preliminary Plan will provide 42 feet of dedication along its frontage. Sidewalks are not provided along the Property frontage because most of the frontage will be dedicated to Parks and MCDOT has determined sidewalks are not necessary to serve two lots (MCDOT Letter, Attachment E).

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Property is located in the W-6/S-6 water and sewer service categories and therefore will be utilizing on-site wells and septic systems. The Department of Permitting Services – Well and Septic reviewed the Application and issued a letter of approval on January 21, 2010 (Attachment C). The Application was also reviewed by the Montgomery County Fire Marshal's office, and was approved on December 30, 2011 (Attachment D). Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Application is located in the Damascus school cluster, which is not identified as a school moratorium area; and is not subject to a School Facilities Payment.

Environment

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420130030 for this property was approved on July 30, 2012. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The property contains 3.02 acres forest. The forest is relatively young for there are only two trees 30 inches and greater diameter at breast (DBH) onsite and no trees between 24 inches and 30 inches DBH, therefore the forest is comprised of trees less than 24 inches DBH. The site's topography is gently sloping downhill from east to west. A portion of an offsite stream meanders onto the northwest corner of the subject site. The NRI/FSD identifies stream buffers along the northwest and northeast corners of the property for the on and off-site streams. The stream buffer on the northwestern corner is unforested but the stream buffer on the northeastern corner is completely forested.

The property is within the Little Bennett Creek watershed; a Use III-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this section of the watershed as good overall condition.

Forest Conservation

The order to calculate the forest conservation requirements applicants must consider the size of the property, the amount of existing forest, the amount of forest to removed and retained, and the land use category. The land use category identifies the percentage of land that should be protected on site or the amount of forest that must be planted. In general, larger lot developments have a greater percentage of land that should be forested. Developments in the RNC zone can fall into either, Agricultural Resource Area (ARA) or Medium Density Residential (MDR) land use category. The ARA land use category applies when a RNC zoned property proposed to be developed by the standard method

and the MDR land use category is used when a site is proposed to be developed under an optional method of development, such as cluster. This project is proposed as a standard method of development and therefore the ARA land use category is the appropriate land use category for calculating the forest conservation requirements.

The forest conservation plan (FCP) (Attachment B) proposes no forest clearing and 3.02 acres forest retention; however, there is a 0.29 acre planting requirement. Section 22A-12(f) of the County code requires all agricultural and resource areas to have 25 percent of the net tract area in forest. Since the forest is less than 25% of the net tract, the applicant must plant forest to achieve the requirement. Therefore, the applicant must plant the additional acreage.

The applicant proposes to meet the planting requirement on-site within the unforested portion of the stream buffer on the northwestern corner of the property. Unforested stream buffers are the highest priority for on-site planting, however in this particular case with the entire area being dedicated to MNCPPC parks and the small amount of planting required a small isolated pocket of forest would be created. Staff recommends that the 0.29 acre planting requirement be moved so that it is located adjacent to the existing onsite forest onsite. Section 22A-12(e) of the County code identifies priority planting areas as “stream buffer areas, connections between and additions to forested areas, critical habitat areas, topographically unstable areas, and lands use and road buffers.” Even though the planting is not within a stream buffer the location requested by staff is still a priority planting area according the County code. In addition, the likelihood of planting adjacent to an existing forest versus creating an isolated forest has a greater chance to succeed as a naturally regenerating forest.

All areas of retained forest, planted forest, and stream buffers are within the portion of the site to be dedicated to MNCPPC Parks and therefore a Category I conservation easement is not required.

Stormwater

The MCDPS Stormwater Management Section accepted a stormwater management concept for the Application on February 12, 2010. The stormwater management concept consists on on-site water quality control and onsite recharge through the use of environmental site design techniques.

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 and is found to meet all applicable sections. The proposed lot size, width, shape and orientation are found to be appropriate for the location of the subdivision, as a standard method development plan, within the Master Plan.

The lots were reviewed for compliance with the dimensional requirements for the RNC/TDR zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and open space, and future dwellings can meet setbacks required in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. A sign referencing the proposed modification was posted along the Property frontage with Kings Valley

Road. A presubmission meeting was held at the Damascus Community Library on July 07, 2009 at 6:30 pm. Two people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, no major questions were raised at the meeting. Staff to date has received no citizen comments or correspondence regarding the Application.

CONCLUSION

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

Attachments

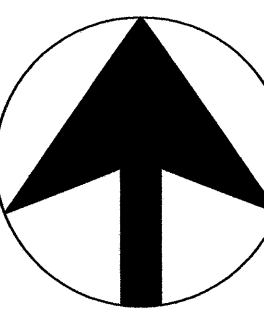
Attachment A –Preliminary Plan
Attachment B – Preliminary FCP
Attachment C – Well & Septic Approval
Attachment D – Fire Marshal Approval
Attachment E – MCDOT Approval
Attachment F – DPS Stormwater

Table 1: Preliminary Plan Data Table for the RNC/TDR Zone

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	25,000 sq. ft. min.	2 Acre minimum
Lot Width at frontage	25 ft. min.	25 ft. or more
Lot Width at building	100 ft. min.	181 ft. or more
Setbacks		
Front	40 ft. Min.	Must meet minimum ¹
Side	15 ft. Min.	Must meet minimum ¹
Rear	35 ft. Min.	Must meet minimum ¹
Lot Coverage	10% Max.	3.6% or less
Rural Open Space	60%	60% or more
MPDUs	n/a	n/a
TDRs	n/a	n/a
Site Plan Required	No	No

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

Attachment A

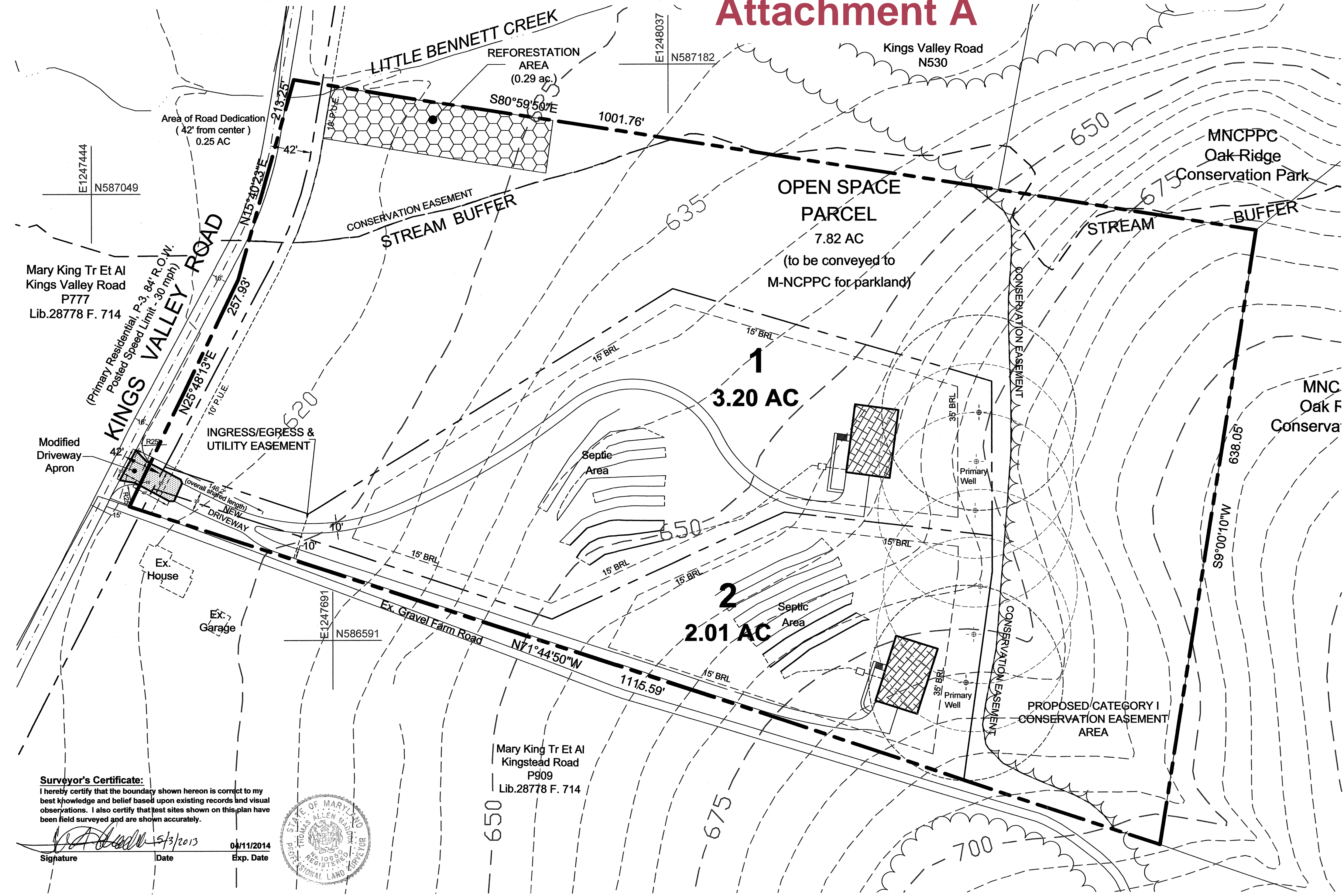
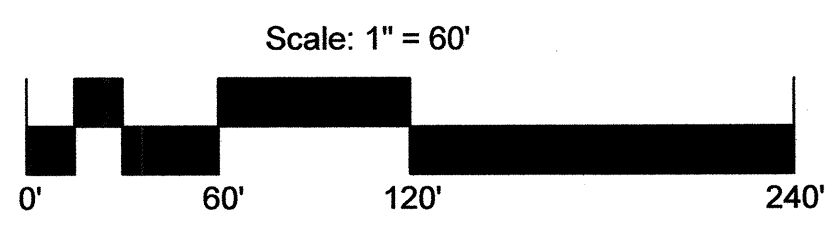


date: 11/04/10
scale: 1" = 60'

ZONING STANDARDS:		
ZONE: RNC/TDR	Req.	Prov.
Lot Size	25,000 sf	2.0 AC or larger
Front Setback	40'	665' or more
Sidyard	15'	47' or more
Rearyard	35'	45' or more
Building Height	35' Max.	35' or less
Lot Coverage	10% Max.	3.6% or less
Lot Width @ Building Line	100'	181' or more
Open Space	60%	60%
Frontage	25'	25'

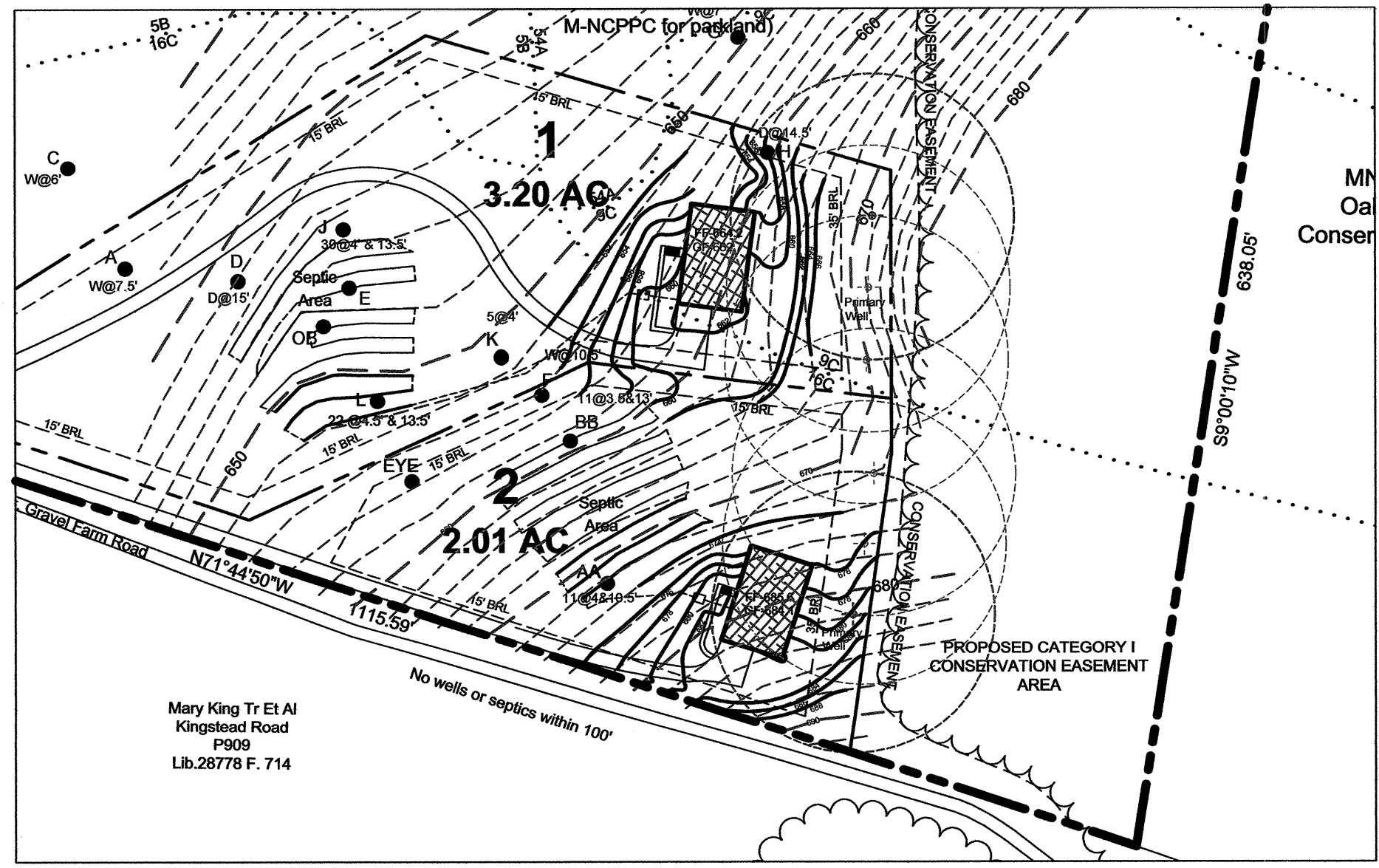
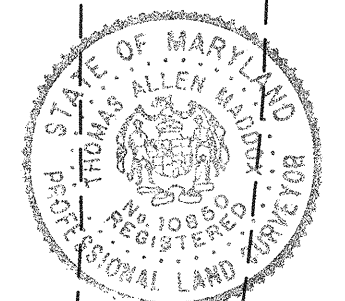
LEGEND:

- Proposed House
- Proposed Well Site
- Proposed Septic
- Lot Line
- Conservation Easement
- Stream / Environmental Buffer
- Proposed Limit of Disturbance
- Stormwater Drywells



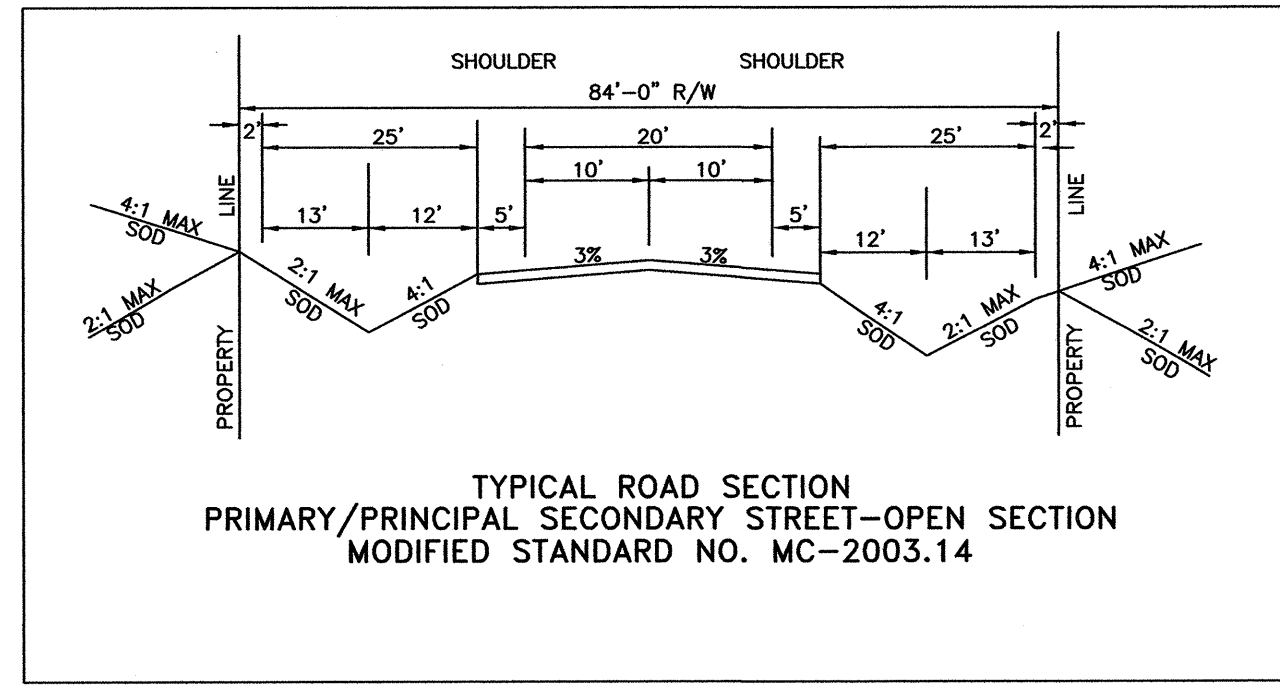
Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations. I also certify that test sites shown on this plan have been field surveyed and are shown accurately.

Signature: [Signature] Date: 5/3/2013 Exp. Date: 04/11/2014



SEPTIC DETAIL
1" = 100'

- NOTES:**
1. AREA OF PROPERTY - 13.23 AC.
 2. AREA DEDICATED TO PUBLIC ROAD - 0.20 AC.
 3. NET TRACT AREA - 13.03
 4. EXISTING ZONING: RNC/TDR
 5. NO. OF LOTS PERMITTED - 2
 6. NO. OF LOTS SHOWN - 2
 7. OPEN SPACE REQUIRED - (@ 60% OF 13.04 AC) - 7.8 AC.
 8. OPEN SPACE PROVIDED - 7.82 AC.
 9. OPEN SPACE PARCEL INCLUDING ALL AREAS TO BE PLACED WITHIN CONSERVATION EASEMENT TO BE CONVEYED TO M-NCPPC FOR PARKLAND.
 10. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
 11. SITE TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS
 12. LOCATED IN LITTLE BENNETT CREEK WATERSHED (CLASS III-P)
 13. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Potomac Edison
 14. PROPERTY INCLUDED IN DAMASCUS MASTER PLAN

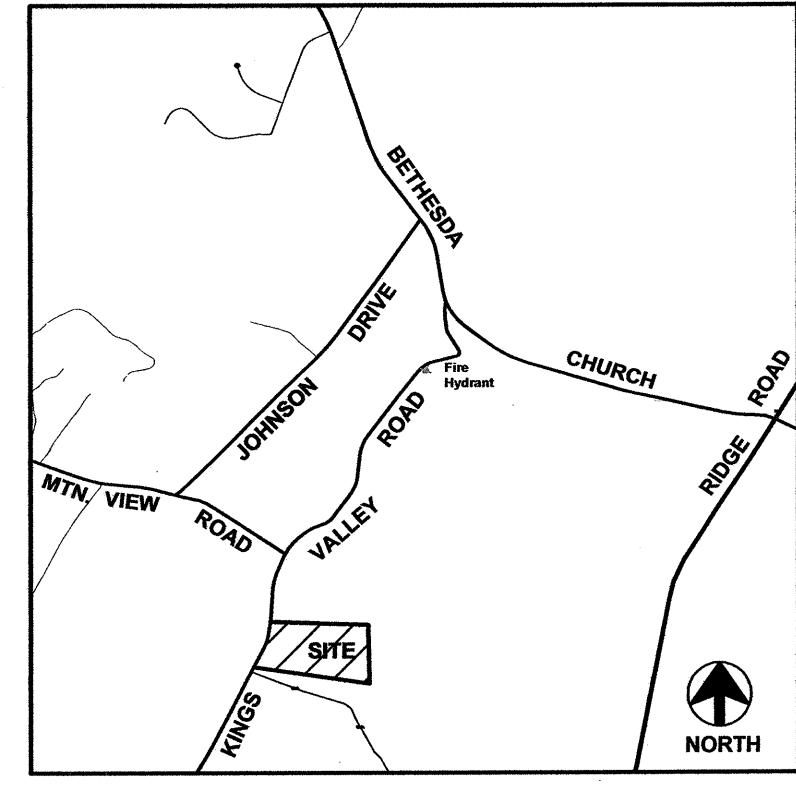


SEWAGE DISPOSAL SYSTEM DESIGN DATA: *																		
LOT	# Bedrms.	Test Site	Time (min.)	Depths	Test Site	Time (min.)	Depths	Test Site	Time (min.)	Depths	Ave. Rate	Inv. Low Fixture	Inv. In	Inv. Out	Inv. Beg.	Length Initial	Depth of Stone	Total Length
1	4	L	22	4.5 & 13.5'	J	30	4 & 13.5'	---	---	---	26	661.3	657.8	657.5	646.9	282'	4'	1,128'
2	4	AA	11	4 & 10.5'	BB	11	3.5' & 13'	---	---	---	11	680.8	678.3	678.0	670.5	316'	2'	1,284'

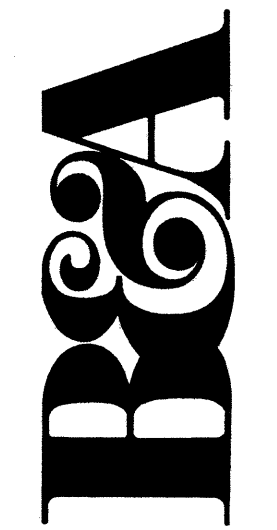
*WATER TABLE AND PERCOLATION TESTS SHOWN ON PLAN, INCLUDING "AA" AND "BB", COMPLETED UNDER PREVIOUS SINGLE-LOT APPLICATION FOR 26507 KINGS VALLEY ROAD. SEPTIC AREA SHOWN FOR LOT 2 WAS PREVIOUSLY APPROVED.

Prepared for:
FRIEND INDEED, LLC
C/O ROY STANLEY
P. O. Box 577
Damascus, MD 20872
(301) 253-0575

VICINITY MAP
SCALE: 1" = 2,000'

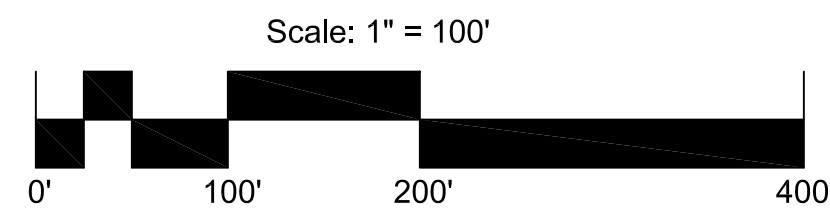
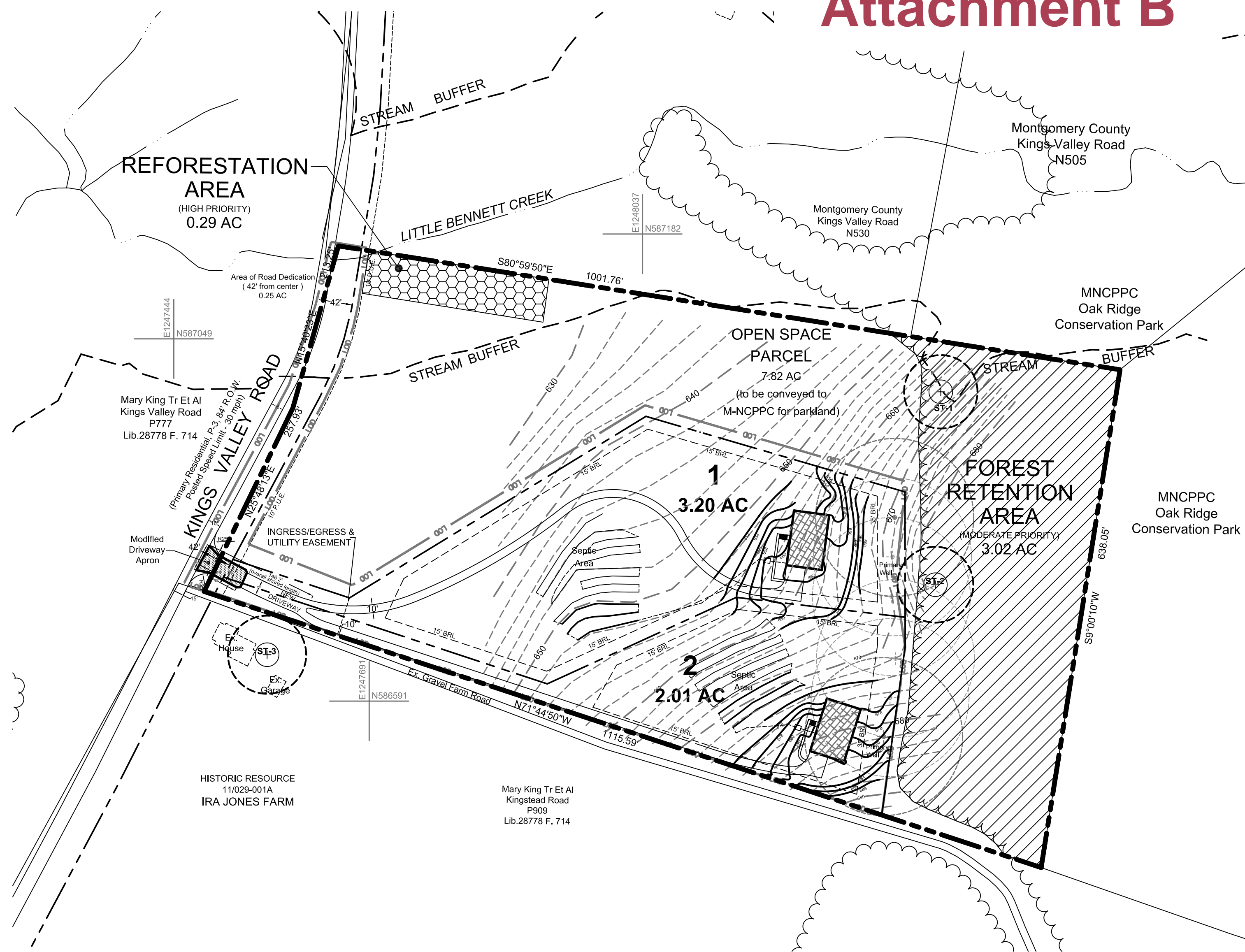


Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 948-0240



PRELIMINARY PLAN
LITTLE BENNETT CREEK
(Parcel 660; Tax Map FX 22)
Montgomery County, Maryland

Attachment B



FOREST CONSERVATION WORKSHEET
LITTLE BENNETT CREEK

NET TRACT AREA:

A. Total tract area ...	13.23
B. Land dedication (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D. Area to remain in commercial agricultural production/use ...	0.00
E. Other deductions (specify) ...	0.00
F. Net Tract Area	13.23

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

ARA	MDR	IDA	HDR	MPD	CIA
1.00	0.00	0.00	0.00	0.00	0.00

G. Afforestation Threshold ... 0.20 x F = 2.65
H. Conservation Threshold ... 0.50 x F = 6.62

EXISTING FOREST COVER:

I. Existing forest cover	3.02
J. Area of forest above afforestation threshold	0.37
K. Area of forest above conservation threshold	0.00

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation	0.00
M. Clearing permitted without mitigation	0.00

PROPOSED FOREST CLEARING:

N. Total area of forest to be cleared	0.00
O. Total area of forest to be retained	3.02

PLANTING REQUIREMENTS:

P. Reforestation for clearing above conservation threshold	0.00
Q. Reforestation for clearing below conservation threshold	0.00
R. Credit for retention above conservation threshold	0.00
S. Total reforestation required	0.00
T. Total afforestation required	0.00
U. Credit for landscaping (may not exceed 20% of "S")	0.00
V. Total reforestation and afforestation required	0.00

An area of 0.29 acres of planting is provided to meet the overall requirement of 25% on-site forest retention in the agricultural and resource area. The net tract area is 13.23 acres and only 3.02 acres of forest exists on-site.

NOTES:

1. AREA OF PROPERTY - 13.23 acres
2. AREA DEDICATED TO PUBLIC ROAD - 0.20 ac
3. EXISTING ZONING: RNC/TDR
4. NO. OF LOTS PERMITTED IN THE RNC/TDR ZONE - 2
5. METHOD OF DEVELOPMENT - STANDARD
6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
7. SITE TO BE SERVED BY ON-SITE WELLS AND SEPTIC SYSTEMS
8. LOCATED IN LITTLE BENNETT CREEK WATERSHED (CLASS III-P)
9. DEVELOPMENT STANDARDS:
 - Frontyard - 40'
 - Sidyard - 15' min.
 - Rearyard - 35'
 - Minimum Lot Size - 25,000 sq. ft.
10. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Potomac Edison

NOTE:
ALL AREAS OF FOREST RETENTION, FOREST PLANTING AND STREAM VALLEY BUFFER ARE WITHIN AREA OF DEDICATION TO PARK LANDS

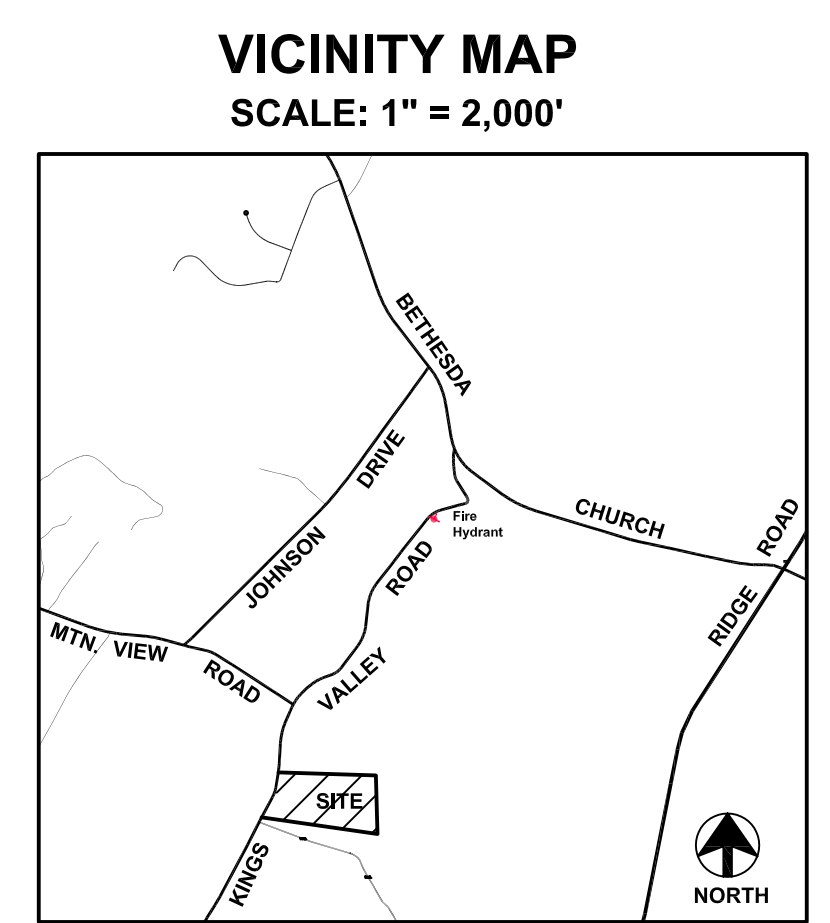
LEGEND:

- RETENTION AREA TO BE PLACED IN CONSERVATION
- FOREST / TREE COVER
- STREAM BUFFER
- SIGNIFICANT TREE
- CRITICAL ROOT ZONE
- PLANTING AREA

PRELIMINARY FOREST CONSERVATION PLAN																					
ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER-LINEAR FEET	STREAM BUFFER-AVERAGE WIDTH
13.23 AC	0.00 AC	0.00 AC	3.02 AC	3.02 AC	AGRICULTURAL RESOURCES AREA	50% = 6.62 AC	20% = 2.65 AC	0.00 AC	0.0 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	0.09 AC	0.0 AC	0.29AC	0.09 AC	0.00 AC	0.00 AC	610'	150'

SIGNIFICANT TREE CHART

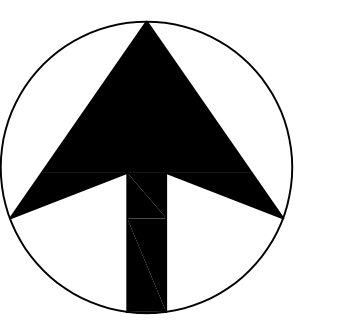
TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS
ST-1	Quercus alba	White Oak	31"	Moderate	Dieback, dead limbs w/ith decay
ST-2	Quercus coccinea	Scarlet Oak	32"/29"/21"	Moderate-Poor	Multi-stem, dead leader w/ith decay, borer damage, dieback, included bark
ST-3	Acer rubrum	Red Maple	33" (Approximate)	Good	Off-site



Prepared for:
FRIEND INDEED, LLC
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(301) 253-0575

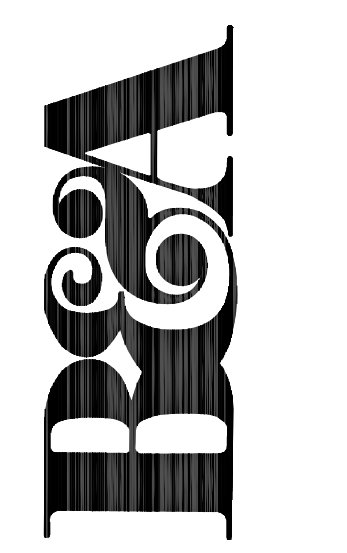
Sheet 1 of 1
Revisions

01 / 17 / 2012
03 / 13 / 2013
05 / 02 / 2013
05 / 22 / 2013



date: 11/11/09
scale: 1" = 100'

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PRELIMINARY FOREST CONSERVATION PLAN
LITTLE BENNETT CREEK
 (Parcel 660; Tax Map FX 22)
Montgomery County, Maryland

Attachment C



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

January 21, 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: # 120100100

Little Bennett Creek, Lots 1 & 2

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on January 5, 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.

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

cc:
Surveyor
File

Attachment D



FIRE MARSHAL COMMENTS

DATE: 30-Dec-11
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Little Bennett Creek
120100100

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **30-Dec-11** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Attachment E



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

January 29, 2013

Mr. Benjamin Berbert, Senior Planner
Area Three Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120100100
Little Bennett Creek

Ben
Dear Mr. Berbert:

We have completed our review of the amended preliminary plan dated November 4, 2010. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on January 19, 2010. 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 the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for future widening of Kings Valley Road to achieve an ultimate eighty four (84) foot wide right-of-way per MCDOT Design Standard No. MC-2003.14 ("Primary/Principal Secondary Residential Street – Open Section").
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. The consultant's storm drain study has been accepted. We note that the nearby (previously existing) fifteen (15) inch corrugated metal pipe has been replaced with a thirty six (36) inch corrugated metal pipe.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by the proposed private common driveway.

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

6. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
7. We have had a number of discussions with the applicant and M-NCPPC staff regarding our comment at the Development Review Committee to construct a sidewalk across the site frontage of Kings Valley Road.

Our comment was a result of the data provided in the Zoning Standards table provided on this preliminary plan. That table indicates the minimum lot size in the RNC/TDR zone is 25,000 square feet. Under Section 49-33 (e) of the County Code, sidewalks are not required if the minimum net lot area for a one-family detached dwelling unit in that zone exceeds 25,000 square feet. However, it also states that sidewalks must be installed on any primary or higher classification road.

On January 18, 2013, we received an email from Mr. William Gries of the M-NCPPC Department of Parks/Park Development Division confirming staff's desire to accept the proposed 7.82 acre open space parcel. The message indicated that that area is a logical addition to the Park Department's Oak Ridge Conservation Park. Hence, most of the site frontage will become a Park Open Space area – and not private property.

Concluding that a sidewalk is not needed to serve the two 2-3 acre lots proposed on this plan – but recognizing that a sidewalk may be needed at a future date along this primary classification road – we recommend requiring the applicant to construct a modified version of the aforementioned Standard MC-2003.14 in a way that retains the current rural character of the road while protecting the ability to implement the sidewalk if needed in the future. We recommend the applicant be required to provide the following improvements across the site frontage:

- Grade and sod the roadway shoulder at 2% cross-slope to a point fifteen (15) feet from the centerline, per Standard MC-2003.14 – while maintaining the existing pavement width
 - Grade and construct sod shoulder and flat bottom side ditch in accordance with Standard MC-2003.14
 - Grade and construct sod shelf [for potential future five (5) foot wide sidewalk] and two (2) foot wide maintenance panel in accordance with Standard MC-2003.14
 - Plant street trees
 - Transition back to existing ground as necessary at each end of the site
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
 9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Mr. Benjamin Berbert
Preliminary Plan No. 120100100
January 29, 2013
Page 3

10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
 11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Improvements across the Kings Valley Road site frontage as discussed in comment no. 7
- * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
- B. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - 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 MCDOT 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 Mr. Andrew Bossi, our new Development Review Area Engineer for this area of the County at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/Correspondence/FY13/Traffic/Active/120100100, Little Bennett Creek.doc

Enclosures (2)

Mr. Benjamin Berbert
Preliminary Plan No. 120100100
January 29, 2013
Page 4

cc: Roy Stanley; Friend Indeed. LLC
David McKee; Benning & Associates, Inc.
Joshua O. Maisel; Benning & Associates, Inc.
James Clifford
William Gries; M-NCPPC Park Development
Ki Kim; M-NCPPC Area 3 Planning Division
Catherine Conlon; M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadhi; MCDPS RWPR
Henry Emery; MCDPS RWPR
Richard Earp; MCDOT DTE
Brett Linkletter; MCDOT DHS
Dan Sanayi; MCDOT DTEO
Andrew Bossi; MCDOT DTEO



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Little Bennett ^{CREEK} EARTH Preliminary Plan Number: 1-20100100

Street Name: Kings Valley Road Master Plan Road Classification: Primary

Posted Speed Limit: 25 mph

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

Sight Distance (feet) OK?
 Right 300'
 Left 450'

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

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'

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)

*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature] 11/11/09
 Signature Date

MD PLS # 10850
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>[Signature]</u>
Date:	<u>1/29/2013</u>



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

February 12, 2010

Carla Reid
Director

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

Re: Stormwater Management **CONCEPT** Request
for Little Bennett Creek
Preliminary Plan #: 120100100
SM File #: 236830
Tract Size/Zone: 13.3/RNC
Total Concept Area: 5.5ac
Lots/Block: 1&2 Proposed
Parcel(s): 660
Watershed: Little Bennett Creek

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 environmental site design techniques.

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.
4. Safe bypass of the off site water around the proposed house locations will be required at the detailed plan stage.

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 236830

cc: C. Conlon
M. Pfefferle
SM File # 236830

QN - On Site; Acres: 5.5ac
QL - On Site; Acres: 5.5ac
Recharge is provided