

MCPB Item No. Date: 09-19-13

# Preliminary Plan No. 120070480: Ancient Oak West

- BCB Benjamin Berbert, Senior Planner Area 3, Benjamin.berbert@montgomeryplanning.org, 301-495-4644
- Richard Weaver, Supervisor Area 3, <u>Richard.weaver@montgomeryplanning.org</u>, 301-495-4544
- J4C John Carter, Chief Area 3, John.carter@montgomeryplanning.org, 301-495-4575

Completed: 09/05/13

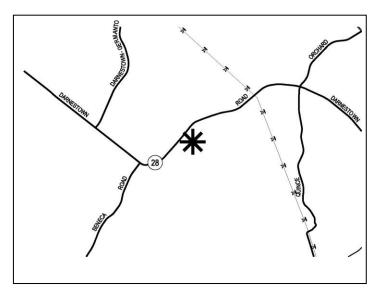
# Description

# Preliminary Plan No. 120070480: Ancient Oak West

Request to create three (3) lots from an existing undeveloped 3 acre recorded lot; located at the south-east corner of the intersection of Darnestown Road and Chestnut Oak Drive, 3 acres, R-200 Zone, Potomac Subregion Master Plan

Staff recommendation: Approval with conditions

Applicant: Yukon & Jing Huang Submitted: 12/14/2006



## Summary

The Staff Report includes:

- Re-subdivision analysis from Chapter 50-29(b)(2) for three lots
- Community concern over the compatibility of a three lot subdivision
- Forest conservation plan with 1.42 acres of off-site mitigation
- Sidewalks are required however Applicant is seeking a waiver with MCDPS

STAFF RECOMMENDATION: Approval subject to the following conditions:

- 1. This Preliminary Plan is limited to three lots for three dwelling units.
- 2. The Applicant must comply with the following conditions of approval for the preliminary forest conservation plan no. 120070480, approved as part of this Preliminary Plan.
  - a. A Final Forest Conservation Plan must be approved prior to recordation of the plat and address the following conditions:
    - i. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
  - b. Prior to land disturbing activates, the Applicant must obtain Staff approval of a Certificate of Compliance Agreement for the offsite planting requirement.
- 3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated September 15, 2010 and reconfirmed on June 04, 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 Maryland State Highway Administration ("MDSHA") in its letter dated January 18, 2007, 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 MDSHA 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") – Water Resources Section in its stormwater management concept letter dated October 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.
- 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. Record plat must show necessary easements.
- 9. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eightyfive (85) months from the date of mailing of the Planning Board resolution.

#### SITE DESCRIPTION

The property, identified as Lot 1, Block B, Plat One, Ancient Oak West (Plat 7576)(Attachment A), is located in the southeastern corner of the intersection of Darnestown Road (MD 28) and Chestnut Oak Drive ("Property" or "Subject Property"). The Property is three acres in size, zoned R-200 and located within the 2002 Potomac Subregion Master Plan (Figure 1). Currently the Property is unimproved and almost completely tree covered. There are no sensitive environmental features on the Property, and the topography slopes moderately from the highest elevation along Darnestown Road in the west down towards the lowest elevation in the east. The Property is located in the Muddy Branch Watershed which is a Use I-P watershed (Figure 2).

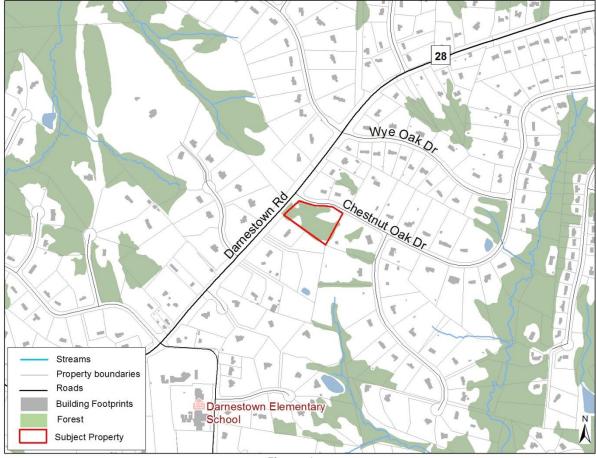


Figure 1

The Subject Property is surrounded on all sides by one-family detached houses. The zoning on the southeast side of Darnestown Road is R-200, while the zoning on the northwest side of Darnestown Road is a combination of RE-2 and RC zones. The Property is approximately 1/3 of a mile to the northeast of Darnestown Elementary School and 2/3 of a mile east of the intersection of Darnestown Road and Seneca Road. All of the adjacent and confronting properties on either side of Darnestown Road are in sewer service category S-6, making them ineligible for public sewer service. However, properties with frontage along Darnestown Road, including the Subject Property are in the W-1 water category and have access to a water main located under Darnestown Road (Figure 3).



Figure 2

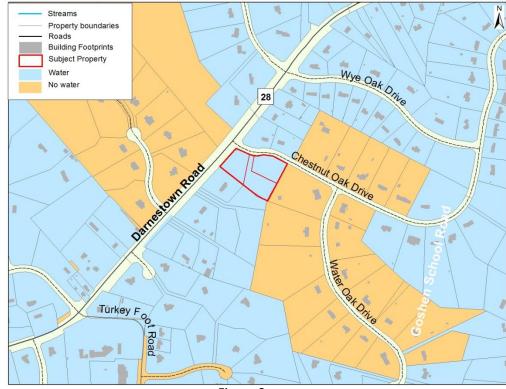


Figure 3

#### **PROJECT DESCRIPTION**

The Preliminary Plan No #120070480: Ancient Oak West ("Application" or "Preliminary Plan") proposes to subdivide the existing three acre recorded lot into three (3) lots of approximately one acre each (Attachment B and Figure 4). The Applicant proposes a shared driveway creating just one new access point on Chestnut Oak Drive. The new lots will have use public water but will require on-site private septic systems. Although forest conservation requirements are proposed to be provided off-site, the Application establishes limits of disturbance that would protect some tree cover on each lot during construction.

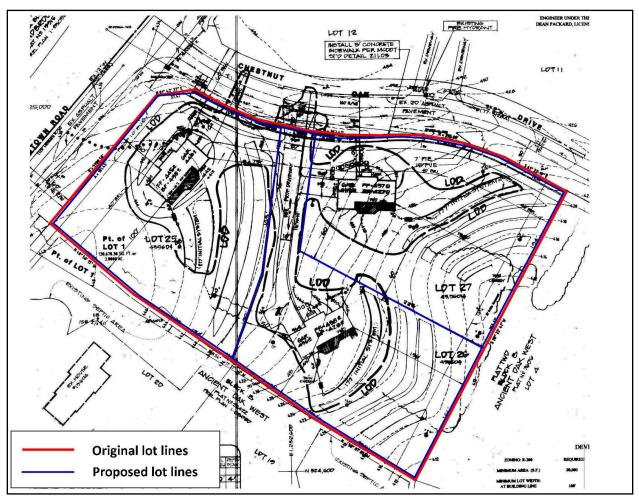


Figure 4

#### **ANALYSIS AND FINDINGS – Chapter 50**

#### Conformance to the Master Plan

The Application substantially conforms to the recommendations set forth in the Potomac Subregion Master Plan ("Master Plan"). This Property is located in the Darnestown Triangle and Vicinity section of the Master Plan area, which is discussed on pages 96-98. The Master Plan recommends retaining the existing R-200 Zoning and allows for limited access to public water service, and generally prohibits public

sewer service except for public health reasons. The purpose of making specific recommendations of public water and sewer extensions in the Darnestown Triangle was to create an area with a variety of lot sizes that would vary in size depending on the area required for a septic system, wells and well arcs on a given property. This variety of lot sizes is envisioned to create a transition from higher densities to the east of the Darnestown Triangle, which do have sewer service, to the lower densities to the west. This Application is for three, one acre lots, which are larger than the minimum 20,000 square foot lot size for the R-200 Zone, have access to public water, and can be adequately served by on-site septic systems. In this instance, the lot size is directly related to the area required by MCDPS to accommodate the septic tank, initial septic trench and reserve septic trench fields on each proposed lot. The Master Plan makes specific recommendations on which properties should have access to public water and sewer services, and Staff believes this was done in part to create a diversity of lot sizes in the surrounding area. Developing the Subject Property with lots using public water and on site private sewer meet the intensions of the Master Plan.

The Master Plan identifies Darnestown Road as a Major Highway, intended to be two lanes wide with 120 feet of right-of-way. The road and Master Plan right-of-way width already exists therefore, no further dedication is necessary. The Master Plan also identifies this section of Darnestown Road as bikeway designation PB-1, which calls for a Class I off road bike path. The Master Plan describes this off-road bike path as an extension of the existing Darnestown Road bike path located east of the Main Street traffic signal into the Kentlands, located on the opposite side of Darnestown Road as DB-16, *dual bikeway*, with a mix of on and off road sections. The MCDOT approval letter (Attachment E) leaves the determination up to Park and Planning whether additional improvements are needed or if the existing pavement width can accommodate bicycling. As seen with Figure 5, there are existing wide shoulders along both sides of Darnestown Road to accommodate bicycling along the Property's frontage. Staff does not believe any additional bicycle improvements are warranted to conform with the Master Plan.

#### **Public Facilities**

#### **Roads and Transportation Facilities**

The proposed vehicle and pedestrian access for the subdivision will be adequate for the three proposed lots. All Master Planed rights-of-way have been dedicated for both Darnestown Road and Chestnut Oak Drive where they front the Subject Property. 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 in the Rural West Policy area and is exempt from roadway and transportation tests under the TPAR guidelines. There are existing bicycle facilities located on Darnestown Road which the Property has access to. Currently, MCDOT is requiring that a sidewalk be constructed along the Property frontage with Chestnut Oak Drive and the sidewalk is shown on the Preliminary Plan; however the Applicant is seeking a MCDPS sidewalk waiver from this requirement. Staff does not object to waiving sidewalks in this location because the Application proposes only three lots which would generate minimal pedestrian activity. There also are no existing sidewalks in the vicinity and there are few opportunities for new developments to contribute to any meaningful connection or completion of a sidewalk system.



Figure 5 – credit Google Street View

## Other Public Facilities and Services

All other public facilities and services are available and will be adequate to serve the proposed use. Public water is available to the Property and will serve the three proposed lots. The Subject Property is not planned for public sewer service and each lot has been approved to provide for on-site septic treatment by the MCDPS - Well & Septic Section (Attachment H). Other services including natural gas, electric, and telecommunications are available to the Property. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the submitted Fire Access Plans adequately provide fire and emergency access to the proposed lots. (Attachment D). Other public facilities and services, and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is located within the Northwest High School Cluster, which as of July 1, 2013, does not require any school facility payments.

#### Environment

#### **Environmental Guidelines**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420082240 for the Property was originally approved on January 18, 2006 and was recertified on January 9, 2012. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property contains 1.48 acres forest, no trees between 24" and 30" diameter at breast (DBH), or trees 30 inches and greater DBH on the Property. However, there are two specimen trees offsite to the southwest, both of these trees are not impacted by the proposed plan. The site's topography is sloping from west to east, with the highpoint in the west corner along Darnestown Road. There are no streams, wetlands, or environmental buffers on the Subject Property.

#### Forest Conservation

A preliminary forest conservation plan (PFCP) (Attachment C) was submitted for review as part of the Application. The Application shows a limits of disturbance (LOD) that avoids environmental features and the critical root zones of off-site significant trees, however the fragmentation of forest requires accounting for 1.48 acres of forest clearing and no forest retention. The PFCP worksheet generates a 1.42 acre planting requirement, which the Applicant proposes to meet in entirety through an off-site mitigation bank or Fee-In-Lieu.

## Stormwater Management

The MCDPS – Water Resources Section sent a letter approving the proposed stormwater management concept for the Property on October 12, 2010 (Attachment G). The concept proposes Environmental Site Design technology that meets the current stormwater requirements pursuant to Chapter 19 of the County Code.

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

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the requirements for re-subdivision as discussed below. For reasons discussed in the Master Plan section of this report, the proposed lots size, width, shape and orientation are appropriate for the location of the subdivision given the recommendations in the Darnestown Triangle section of the Potomac Subregion Master Plan. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

The lots were reviewed for compliance with the dimensional requirements for the R-200 Zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, and width, and new homes can meet the setbacks in that zone. A summary of this review is included in Table 1 below.

Plan Data	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan			
Minimum Lot Area (sq. ft.)	20,000	43, 560 minimum			
Lot Width	100 ft.	100 ft. or more			
Lot Frontage	25 ft.	38 ft. or more			
Setbacks *					
Front	40 ft. Min.	40 ft. or more			
Side (one side/combined)	12 ft./25 ft.	12 ft./25 ft. or more			
Rear	30 ft. Min.	30 ft. or more			
Maximum Residential Dwelling Units based on Zoning	6 at minimum lot size	3			
MPDUs		0			
TDRs		0			
Site Plan Required	No	No			

# Table 1: Preliminary Plan Data Zoning Table

\* Setbacks are ultimately determined by MCDPS at the time of building permit.

#### Conformance with Section 50-29(b)(2) – Re-subdivision

#### **Statutory Review Criteria**

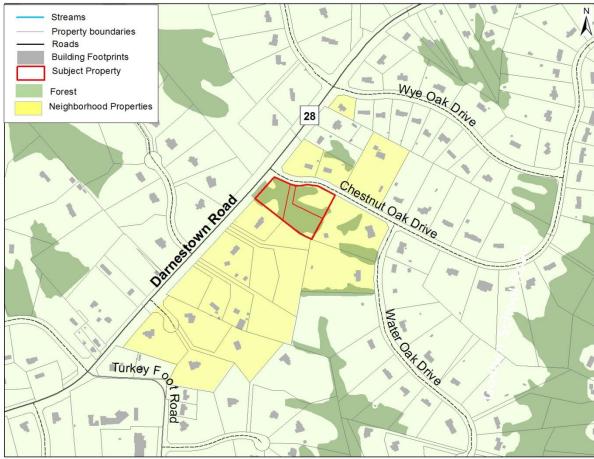
In order to approve an application for re-subdivision, proposed lots must be of the same character as other lots within the block, neighborhood or subdivision. To determine character, the Planning Board must analyze and find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

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

#### **Neighborhood Delineation**

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate neighborhood for evaluating the Application. In this instance, the neighborhood agreed to by Staff and the Applicant consists of 19 lots (Figure 6) ("Neighborhood"). All properties included in the Neighborhood are zoned R-200, and all properties are recorded lots, i.e., shown on a record plat. The Neighborhood includes adjoining properties on the southeast side of Darnestown Road and along Chestnut Oak and Water Oak Drives, as well as recorded lots with frontage on Darnestown Road further to the north and south of the Property. All lots within the Neighborhood are on public water, or were approved using public water except for the three lots to the east of the Subject Property which rely on private wells. None of the lots in the Neighborhood have access to public sewer and must rely on private septic systems.

In developing the Neighborhood with the Applicant, Staff considered what has historically been considered when developing neighborhoods for previous resubdivision cases, including the primary route in which one would typically travel to and from the Subject Property, as well as any lot that directly abuts the Subject Property. Therefore, all recorded lots abutting Darnestown Road, from Wye Oak Drive to the north and Turkey Foot Road to the south, are included in the Neighborhood, as well as the two lots on Water Oak Drive and the two lots on Chestnut Oak Drive. The lots along Darnestown Road are smaller in size because they have access to public water, whereas the lots on Chestnut and Water Oak Drives are not eligible for public water service; hence and tend to be larger in order to accommodate well arcs. The Neighborhood does not include unplatted parcels which explain the non-included properties along Darnestown Road. Staff believes the designated Neighborhood follows the accepted practice for establishing re-subdivision neighborhoods and provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment J.



#### **Analysis**

Figure 6

# Comparison of the Character of Proposed Lots to Existing

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

# Frontage:

The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage. The proposed frontages fall within the range of existing lots within the Neighborhood. The range in frontage is between 25 feet for many of the flag lots, to 298 feet. The proposed lot frontages are 286 feet, 199 feet and 38 feet.

# Alignment:

The proposed lots are of the same character as existing lots in the Neighborhood with respect to the alignment criterion. Two of the proposed lots are angular in alignment and one is perpendicular. The alignments of the other lots in the Neighborhood are a mix of angular, perpendicular and radial in nature.

#### Size:

The proposed lot sizes are in character with the size of existing lots in the Neighborhood. The sizes of lots in the Neighborhood range between 24,290 square feet and 145,887 square feet. All three proposed lots are 43,560 square feet. The proposed lots fall toward the lower end of the range of existing lot sizes within the Neighborhood but are not the smallest.

# Shape:

The shapes of the proposed lots will be in character with shapes of the existing lots in the Neighborhood. Two of the proposed lots will be an irregular in shape and one will be a pipestem lot. The existing lots in the Neighborhood are various shapes including irregular, pipestem and rectangular.

#### Width:

The proposed lots will be in character with existing lots in the Neighborhood with respect to width. The range of width at building line in the Neighborhood is between 100 feet and 327 feet. The proposed lot width at building line falls within the range of widths within the Neighborhood at 260, 208 and 150 feet.

#### Area:

The proposed lots will be of the same character as existing lots in the Neighborhood with respect to buildable area. In the Neighborhood the variation in buildable area available is between 8,970 square feet and 102,728 square feet. The proposed lots fall toward the lower end of the range of existing lot buildable areas within the Neighborhood at 19,042 square feet, 19,826 square feet and 21,320 square feet.

#### Suitability for Residential Use:

The existing lots in the Neighborhood and the proposed lots by this Application are zoned R-200 and are recorded lots suitable for residential use.

#### CITIZEN CORRESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. The Application was originally submitted in 2007, prior to the Planning Department requiring presubmission meetings; however a letter of notice was sent out to all adjacent property owners dated December 12, 2006 as part of the initial submission. Subsequently, a notice was sent out to adjacent property owners and civic groups June 3, 2013, to inform surrounding property owners that this Application was still active and actively pursuing a Planning Board Date.

Staff to date has received five pieces of written correspondence. Four of the letters (from three households) were adjoining property owners, and the final letter was from the Architectural Review Committee within the Ancient Oak West community. Staff has also received one phone call regarding the Application from a Darnestown civic association, speaking against this Application for re-subdivision. The primary concern is the Application as proposed will negatively change the community character and does not meet the criteria for re-subdivision. Most of the lots within the Ancient Oak West community are larger residential lots, many at 2-3 acres in size, and the Preliminary Plan proposes three, one acre lots. The correspondence also stresses that the Subject Property is at the entrance to the community and needed special treatment.

Staff acknowledges the community-raised concerns but does not feel the proposed subdivision would be out of character for the area, and the provided Neighborhood analysis confirms this. Staff looked beyond the analyzed Neighborhood to see the lot pattern over a broader area, including the other entrance to the Ancient Oak community along Wye Oak Drive (as labeled on Attachment K). Our assessment shows a continuation of the lot pattern found in the analyzed Neighborhood, that smaller lots have been created near and adjoining Darnestown Road, that have access to public water. The provision of public water for an individual lot negates the need to drill private wells for water supply. For new development, three potential well locations must be approved for each proposed lot and each well head must have a 100 foot radius setback in which no septic system, either on-lot or off-site, may be located for purposes of public health protection. In addition, MCDPS requires that new wells be located upslope of any proposed or existing septic system. The setback and well location restrictions typically result in a lot that must be larger in size than would be possible if that same lot had a public water line connection (and certainly larger than if sewer was available). Staff also considered the Plat (Attachment A) that first recorded the Subject Property. The other lots recorded as part of the original plat all had frontages on Darnestown Road, access to public water, and have been subdivided further. It is Staff's opinion that this Application furthers the existing community pattern of locating smaller lots along Darnestown Road with public water, and preserving larger lots as one travels away (east) from Darnestown Road into areas that rely on private wells.

#### CONCLUSION

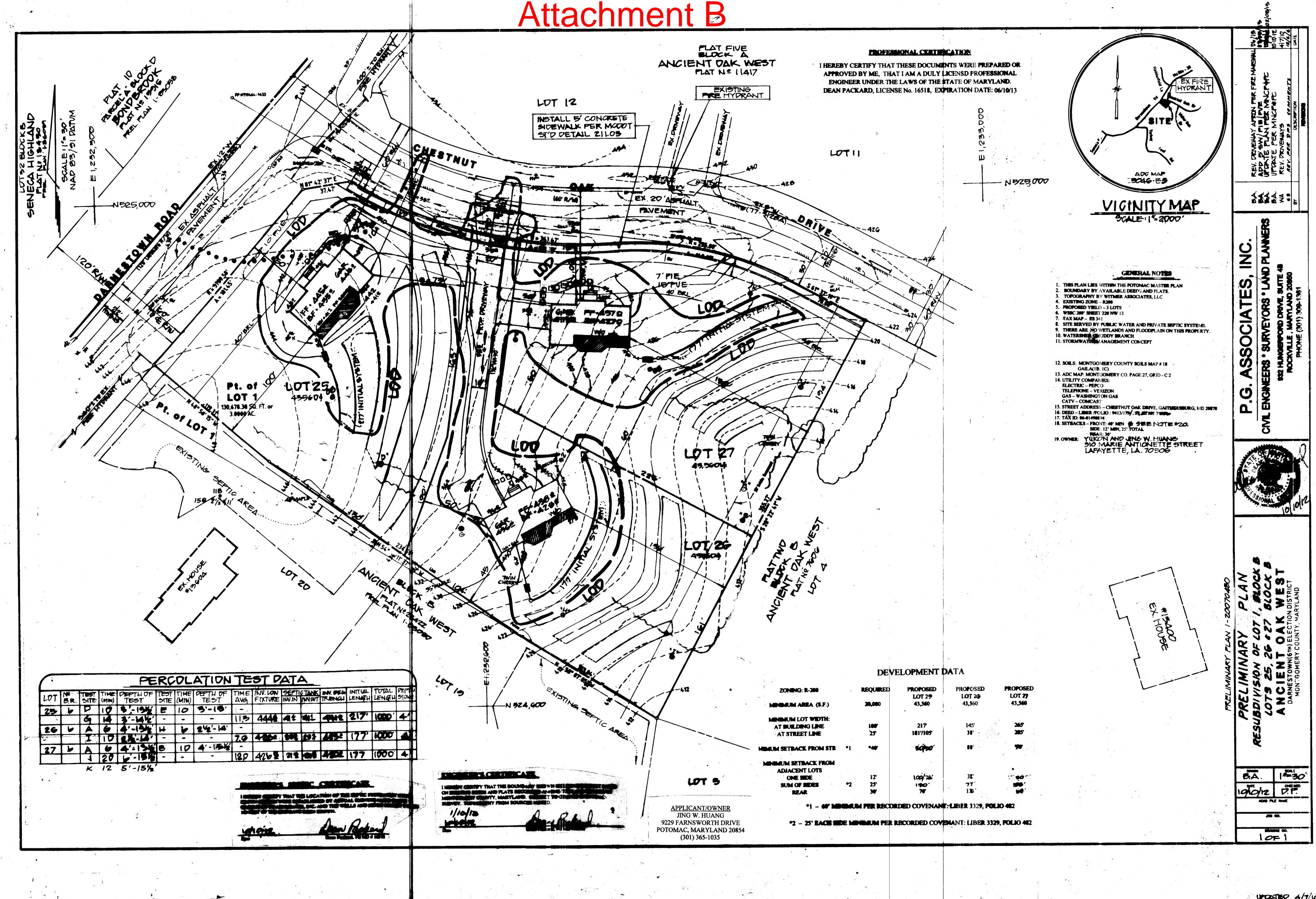
The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Potomac Subregion Master Plan. Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which re-subdivided lots must comply: street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the three proposed lots are of the same character as the existing lots in the defined Neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. 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 Application. Staff recommends approval of the Application with the conditions specified above.

#### Attachments

- Attachment A Plat 7576
- Attachment B Preliminary Plan
- Attachment C PFCP
- Attachment D Fire Marshal Approval
- Attachment E MCDOT Letter & reconfirmation
- Attachment F MDSHA Letter
- Attachment G MCDPS Stormwater
- Attachment H MCDPS Well & Septic
- Attachment J Resubdivision Analysis Table
- Attachment K Lot pattern map

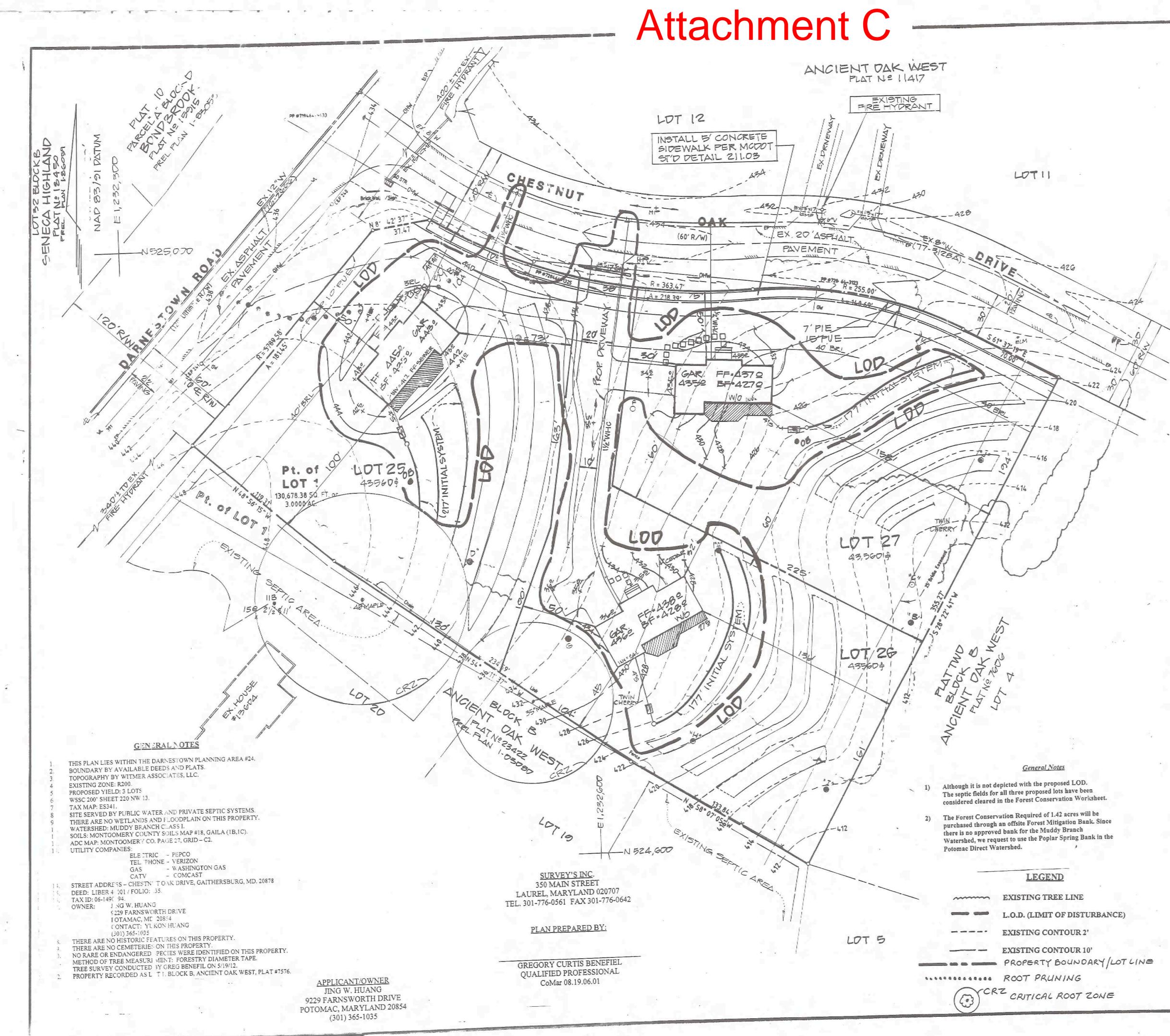


անցեռեսեսեռեսեսեսեներեներենեն



÷.

# Attachment B



						03/02/12 17/10/17 11/10/17 12/10/17 12/1/10 12/6/6
E1,233,000	-	- the last	ADC MC	ITE (1)		ADD 5'SW/ PIE, PUE, UPDATE FER MNCP4PC UPDATE PER MNCP4PC IIPPATE PER MNCT4PC REV. PER DNCT4PC REV. PER DNCT4PC REV. PER DS COMMENTS DESCRIPTION REV. PER DPS COMMENTS
OF THIS DEVEL ACREAGE OF TOTAL I ACREAGE OF FOREST ACREAGE OF TOTAL I LAND USE CATEGORY AFFORESTATIO	REMAINING IN A ND UTILITY LL NOT BE IMPI OPMENT APPLI EXISTING FORE: RETENTION FOREST CLEARE AND CONSERV ON THRESHOLD IE FOREST CON RETAINED WIT CLEARED WITH RETAINED WITH	A TABLI AGRICUL ROVED A CATION ST 2D ATION/ S FROM S SERVATI HIN WETI HIN WETI HIN WETI HIN 100 Y HIN 100 Y HIN 100 Y HIN STRE HIN PRIOI IN PRIOI OF STRE.	E TURAL USE SECTION ION LAW LANDS LA	PLAIN LAIN LAIN S	A P 3 0 AC. 0 0 AC. 0 0 AC. 0.00 AC. 1.48 AC. 1.48 AC. 1.48 AC. 1.48 AC. HDR 0.00 AC. 0.00 AC.	P.G. ASSOCIATES, INC. CIVIL ENGINEERS * SURVEYORS * LAND PLANNERS B32 HUNGERFORD DRIVE, SUITE 4B ROCKVILLE, MARYLAND 20850 PHONE (301) 309-1361 BY BY
NET TRACT AREA: A. Total tract area B. Land dedication acres (parks, county fac C. Land dedication for roads or utilities (not	NSERVATION WOR Ancient Oak West lity, etc.) being constructed by production/use lica/ Manual) the appropriate land i	this plan)		5-Aug-02 3.00 0.00 0.00 0.00 0.00 3.00		ODSERVATION Plan - BLOCK B AK WEST CTION DISTRICT ITY. MARYLAND

# Attachment D



# FIRE MARSHAL COMMENTS

DATE:	01-Jul-10
TO:	Dean Packard - pgai@verizon.net P.G. Associates, Inc
FROM:	Marie LaBaw
RE:	Ancient Oak West 120070480

# PLAN APPROVED

- 1. Review based only upon information contained on the plan submitted **18-Jun-10** .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	
h Leggett ty Executive	September 15, 2010 2 2010	Arthur Holmes, Jr. Director
Ms. Catherine Conlon, Subdivision Supervisor Development Review Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue		

RE:

Preliminary Plan #1-20070480 Ancient Oak West

Dear Ms. Conlon:

Silver Spring, Maryland 20910-3760

Isiah Leggett County Executive

> We have completed our review of the preliminary plan revised on April 7, 2010. This preliminary plan was reviewed by the Development Review Committee at its meeting on January 22, 2007. 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.

- Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the 1. building restriction line.
- 2. A Public Improvements Easement may be necessary along Chestnut Oak Drive, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
- Wells and septic systems cannot be located within the right of way nor slope or drainage easements. 3.
- The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation 4. certification form is enclosed for your information and reference.
- In accordance with Section 49-33(e) of the Montgomery County Code, sidewalks are required to serve the 5. proposed subdivision. Sidewalks are to be provided along the site frontage according to associated DOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
- Darnestown Road is identified as "DB-16" (dual bikeway) in the 2005 Countywide Bikeway Master Plan. 6. We are requesting your agency and Maryland State Highway Administration to determine if the existing pavement widenings satisfy this facility. If not, we recommend the Montgomery County Planning Board require the applicant to construct the appropriate improvements to implement this bicycle facility along the site frontage on Darnestown Road.
- 7. Access and improvements along Darnestown Road (MD 28) as required by the Maryland State Highway Administration.

**Division of Traffic Engineering and Operations** 

Ms. Catherine Conlon Preliminary Plan No. 1-20070480 Date September 15, 2010 Page 2

- 8. 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 Operation Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
- 9. 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 Division of Highway Services, Tree Maintenance Section. Mr. Linkletter may be contacted at (240) 777-7651.
- 10. 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. Construct five (5) foot wide concrete sidewalk along the site frontage on Chestnut Oak Drive according to the standard MC 211.03.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi, our Development Review Area Engineer for this vicinity at (240) 777-2197 or sam.farhadi@montgomerycountymd.gov.

Sincerely,

guild

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

m:/subdivision/farhas01/preliminary plans/ 1-20070480, Ancient Oak West.doc

Enclosures (2)

- cc: John Roberts Dean Packard, PG Associates Corren Giles, MSHA EAPD Shahriar Etemadi; M-NCPPC TP Preliminary Plan Folder Preliminary Plans Note Book
- cc-e: Sarah Navid; DPS RWPR Henry Emery; DPS RWPR Gail Tait-Nouri, MCDOT DTE Brett Linkletter, MCDOT DHS Dan Sanayi, MCDOT DTEO Sam Farhadi, MCDOT DTEO

From: Leck, Gregory [mailto:Greg.Leck@montgomerycountymd.gov]
Sent: Tuesday, June 04, 2013 11:08 AM
To: Dean Packard; Berbert, Benjamin
Cc: snewill@sha.state.md.us; Panjshiri, Atiq
Subject: RE: Ancient Oak West - 120070480 - DOT review of 1/10/13 amended plan

Good mornin Dean & Ben – I have completed our review of the amended plan that we received from PG Associates on March 25, 2013 for the 3 lot subdivision proposed on the southeast corner of Darnestown Road (MD 28) and Chestnut Oak Drive.

# This email is being provided in lieu of a formal amended review comments letter; please include it in the Preliminary Plan Staff Report and all subsequent submissions to MCDPS and MSHA.

We had previously provided a conditional plan approval letter dated September 15, 2010, which addressed a revised plan that was dated April 7, 2010. All previous review comments remain applicable unless amended below.

It appears that the current plan satisfies the intent of our September 15, 2010 letter. We offer a few minor comments on the current plan:

- The September 15, 2010 letter indicated the Sight Distances Study had been accepted. Our file included separate sight distance certification forms for 3 driveways; the current plan proposes one private common driveway off Chestnut Oak Drive. If the plan is approved in that configuration, the record plat will need to reflect a reciprocal access and utilities easement for that driveway. We recommend the homeowners documents clearly establish each property owner's rights, maintenance responsibilities, and liability over the common driveway. DPS will also need an updated Sight Distances Evaluation Certification for the single entrance at the time of record plat.
- Comment no. 7 of our September 15, 2010 letter identified Darnestown Road as dual bikeway "DB-16" and requested coordination with M-NCPPC and MSHA to determine if pavement widening is necessary to implement that improvement. If that coordination has not yet been completed, it needs to be done prior to approval of the record plat.

Thank you for your cooperation and patience. If you have any questions regarding this response, please contact me at your earliest convenience.

Greg

Greg Leck, Manager Development Review Team Division of Traffic Engineering and Operations Montgomery County Department of Transportation

100 Edison Park Drive, 4th floor Gaithersburg, Maryland 20878

greg.leck@montgomerycountymd.gov office: 240-777-2197 fax: 240-777-2080

# Attachment F

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



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

Maryland Department of Transportation

January 18, 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 Ancient Oak West File #: 1-20070480 MD 28 – General File

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan application for the Ancient Oak West development. We offer the following comments:

- Right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that the right-of-way dedications be platted using SHA standards. These plats must be submitted in hard copy format for review and final issuance. Please contact Mr. Dan Andrews of the Plats and Surveys Division at 410-545-8975 for additional information. You may also e-mail Mr. Andrews at dandrews@sha.state.md.us.
- The term "denied access" should be placed on the final plat along MD 28 (Darnestown Road) for Lot 21 of the site.
- Proposed access to this site is from a County-maintained road and is subject to the permit process and requirements of the Montgomery County Department of Public Works and Transportation.

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

Ms. Catherine Conlon Page 2

If you have any questions or require additional information, please contact Raymond Burns at 410-545-5592 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/rbb/jab

cc: Mr. John Roberts / 2813 Rosemary Lane, Falls Church, VA 22042
 Mr. Dean Packard / PG Associates, Inc. / 932 Hungerford Drive, #4B, Rockville, MD 20855
 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
 Mr. Dan Andrews sent via e-mail

10/10/2010 22:24





#### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett County Executive

Carla Reid Director

October 12, 2010

Mr. Dean Packard P.E. PG Associates, Inc. 16220 Frederick Road, Suite 300 Gaithersburg, MD 20877

> Re: Stormwater Management CONCEPT Request for Ancient Oak West Preliminary Plan #: 120070480 SM File #: 2229364 Tract Size/Zone: 3 acres/R200 Total Concept Area: 3 acres Lots/Block: 21,22,23/B Parcel(s): NA Watershed: Muddy Branch

Dear Mr. Packard:

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 Environmentally Sensitive Design which meets the current Stormwater requirements

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

- 1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
- 2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
- 3. An engineered sediment control plan must be submitted for this development.

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.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY www.montgomerycountymd.gov



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

Sinceraly UN h.,

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

RRB:tla

. . . .

cc: C. Conlon M. Pfefferle SM File # 229364

QN -onsite; Acres: 3 QL - onsite; Acres: 3 Recharge is provided Attachment H



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett County Executive



# MEMORANDUM

October 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: Ancient Oak West 1-20070480

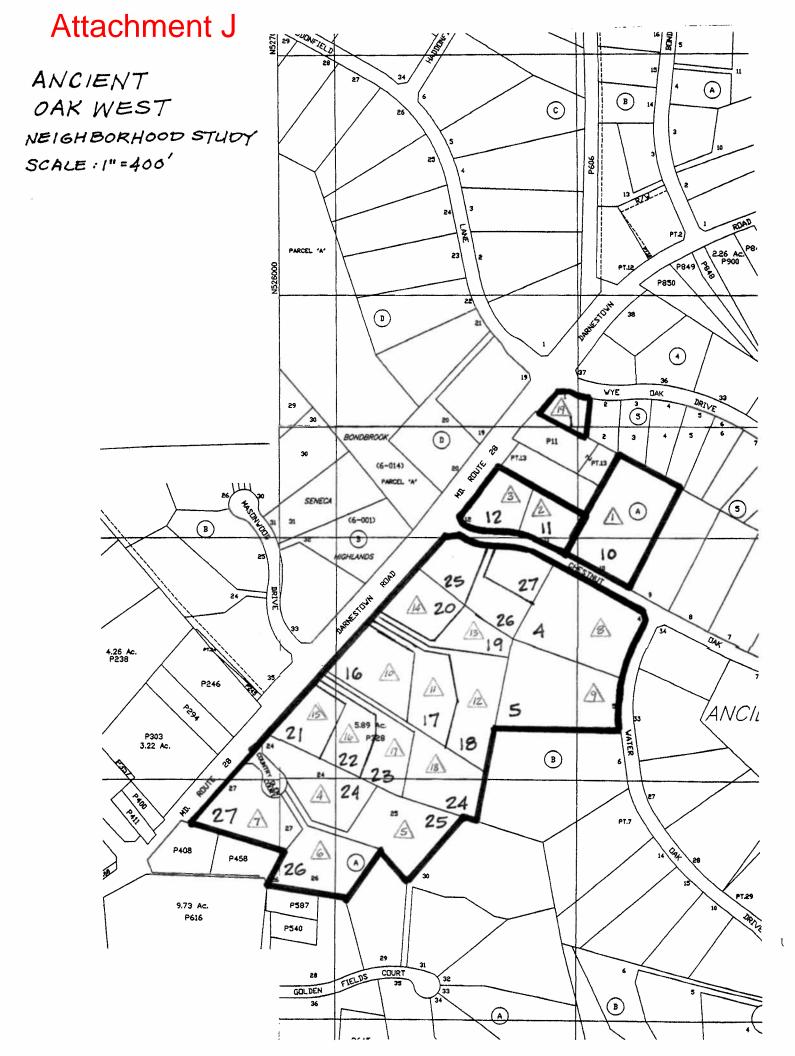
This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on January 22, 2007

Approved with the following reservations:

- 1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
- 2. The record plat must show the septic reserve areas as they are shown on this plan.
- 3. The record plat must show the septic system easements as they are shown on this plan.

If you have any questions, please contact John Hancock at (240) 777-6318.

cc: Surveyor File



Subdivision	Blk	Lot #	Street Address	Size (s.f.)	Alignment	Shape	Frontage	Width at BRL	Buildable Area
				Min. Required =20,000 s.f.			$\begin{array}{l} \text{Min. Reqd.} \\ = 25' \end{array}$	Min. Required = 100'	(s.f.)
Ancient Oak West	A	10	13405 Chestnut Oak Dr.	138,949	Perpendicular	lrregular	298'	298'	102,728 s.f.
Ancient Oak West	A	11	13409 Chestnut Oak Dr.	42,264	Perpendicular	Irregular	214'	224'	18,890 s f
Ancient Oak West	A	12	13413 Chestnut Oak Dr.	50,069	Corner	Irregular	271'/245'	228'	20,720 s f
Rollinmead	A	24	15200 Country Glen Ct.	87,120	Corner	Irregular	66'/181'	100"	50,283 s f
Rollinmead	A	25	15208 Country Glen Ct.	100,188	Pipestem	Irregular	25'	246'	66,880 s.f.
Rollinmead	А	26	15204 Country Glen Ct.	92,915	Pipestem	Irregular	25'	290'	68,360 s.f.
Rollinmead	А	27	15201 Country Glen Ct.	87,187	Corner	Irregular	240'/342'	327''	49,350 s.f.
Ancient Oak West	В	4	13400 Chestnut Oak Dr.	143,221	Corner	Irregular	256'/412'	250'/405'	84,598 s.f.
Ancient Oak West	В	5	15208 Water Oak Dr.	145,887	Perpendicular	Irregular	220'	225'	100,980 s.f.
Ancient Oak West	В	16	13612 Darnestown Rd.	81,152	Perpendicular	Irregular	255'	230'	35,572 s.f.
Ancient Oak West	В	17	13610 Darnestown Rd.	66,952	Pipestem	Irregular	25'	170'	44,872 s.f.
Ancient Oak West	В	18	13608 Darnestown Rd.	94,787	Pipestem	Irregular	25'	220'	60,664 s.f.
Ancient Oak West	В	19	13606 Darnestown Rd.	45,259	Pipestem	Irregular	25'	160'	26,970 s.f.
Ancient Oak West	В	20	13604 Darnestown Rd.	54,973	Perpendicular	lrregular	239'	210'	17,825 s.f.
Ancient Oak West	В	21	13706 Darnestown Rd.	51,618	Perpendicular	Irregular	274'	294'	30,000 s.f.
Ancient Oak West	В	22	13704 Darnestown Rd.	48,830	Pipestem	lrregular	25'	236'	30,065 s.f.
Ancient Oak West	В	23	12702 Darnestown Rd.	54,754	Pipestem	Irregular	25'	275'	32,500 s.f.
Ancient Oak West	В	24	13700 Darnestown Rd.	91,127	Pipestem	Irregular	25'	285'	59,343 s.f.
Ancient Oak West	1	5	13324 Wye Oak Dr.	24,290	Corner	Irregular	107'/113'	100'/110'	8,970 s f
				Avg = 79,027  s.f. Min = 24,290 s.f. Max = 145,887 s.f.			Avg. = 137' Min = 25' Max = 298'	Avg. = 229' Min = 100' Max = 327'	Avg. = 47,872 s.f. Min = 8,970 s.f. Max =102,728 s.f.

Resubdivision Table: Ancient Oak West, Lots 25 - 27, Block B

Ì.

Proposed Lots	Blk	Lot	Street Address	Size (s.f.)	Alignment	Shape	Frontage	Width at BRL	Buildable Area
Ancient Oak West	В	25	Chestnut Oak Dr.	43,560	Corner	lrregular	199'/123'	215'	19,126 s.f.
Ancient Oak West	В	26	Chestnut Oak Dr.	43,560	Pipestem	Irregular	38'	150'	19,042 s.f.
Ancient Oak West	В	27	Chestnut Oak Dr.	43,560	Perpendicular	Irregular	286'	260'	21,310 s.f.
				Avg. = 43,560 s.f. Min = 43,560 s.f. Max = 43,560 s.f.			Avg. = 174' Min =38' Max = 286'	Avg. = 208' Min = 150' Max = 260'	Avg. = 19,826 s.f. Min = 19,042 s.f. Max = 21,310 s.f.

яЩ.

