Preliminary Plan No. 11998077B: Longacres Preserve

Description

Preliminary Plan No. 11998077B: Longacres Preserve

Request to subdivide Lot 10 and Outlots A, B, C to create eight (8) lots; located at the western terminus of Longacres Preserve Court approximately 1,800 feet southwest of the intersection of River Road and Longacres Preserve Court; 17.88 acres; RE-2 zone; Potomac Subregion Master Plan (2002).

Staff Recommendation: Approval with conditions

Submitted: 10/23/2012

Summary

- Resubdivides an existing lot and three outlots into eight new lots in accordance with Chapter 50-29(b)(2) Resubdivision.
- Relocates an existing Category 1 Forest Conservation Easement to accommodate right-of-way dedication.
- Extends Longacres Preserve Court as a private street to be included within a separate parcel, Parcel C, and meets the standards for an over length cul-de-sac.
- Meets the applicable standards of the RE-2 Zone for all lots.
- Complies with the seven resubdivision criteria established by Subdivision Regulation.
- Consistent with the Potomac Subregion Master Plan (2002).
RECOMMENDATION

Staff recommends approval, subject to the following conditions:

1. Approval under this Preliminary Plan is limited to eight (8) residential lots.

2. The Applicant must comply with the following conditions of approval for Final Forest Conservation Plan No. 11998077B, approved as part of this Preliminary Plan, subject to:
   a. Record plat(s) must delineate a Category I conservation easement over all areas of forest planting as shown on the approved Final Forest Conservation Plan.
   b. Permanent Category I conservation easement signs must be placed along the perimeter of the conservation easement area at the time of forest planting.
   c. A two-year maintenance and management agreement must be approved prior to acceptance of on-site planting.
   d. The Applicant must submit financial security for onsite planting prior to the start of clearing and grading.
   e. All on-site planting requirements to be completed prior to issuance of the initial sediment control permit.
   f. Limits of Disturbance shown on Sediment and Erosion Control Plan must match the Limits of Disturbance shown on the Final Forest Conservation Plan

3. The Applicant must dedicate and show on the record plat(s) dedication 35 feet from centerline of Pennyfield Lock Road.

4. Prior to issuance of the use and occupancy permit for any residential structure on any lot approved under this preliminary plan, the private street shown hereon must be substantially completed from the current terminus of Longacres Preserve Court to, and across, the entire frontage of the lot containing the residential structure. Substantial completion includes pavement base coat, utilities, stabilized shoulders and drainage swales.

5. The proposed section of Longacres Preserve Court shown on the Certified Preliminary Plan must be built to the structural standards of a tertiary residential street using Montgomery County Department of Transportation (“MCDOT”) Standard MC-2001.03. The Applicant must have an engineer certify to the Montgomery County Department of Permitting Services (“MCDPS”) and to any affected homeowners association that this private street has been designed and constructed in accordance with these standards.

6. The Planning Board has accepted the recommendations of the MCDOT in its letter dated December 27, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.

7. The Planning Board has accepted the recommendations of the MCDPS – Water Resources Section letter dated December 11, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. 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.
8. Prior to issuance of the first residential building permit, the Applicant must remove the existing driveway asphalt within the Pennyfield Lock Road right-of-way and install wooden bollards at Pennyfield Lock Road and Longacres Preserve Court to restrict future vehicular access as per Rustic Roads Advisory Committee (RRAC) letter dated April 10, 2013.

9. Prior to recordation of the record plat(s), the existing residential structure and accessory structure must be removed from the Property.

10. Record plat to reflect an ingress/egress/utility easement for driveway and utilities for existing Lot 11
   
   a. The certified Preliminary Plan must contain the following note:
   
   b. “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, driveways, 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.”

11. Record plat must show all necessary easements.

12. Record plat must reflect denied access to Pennyfield Lock Road.

13. 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 located at the western terminus of Longacres Preserve Court approximately 1,800 feet southwest of its intersection with River Road and consists of one platted lot (Lot 10) and three outlots, (Outlot A, Outlot B, and Outlot C) identified on Plat 22383 (Attachment A) totaling 17.88 acres (“Property” or “Subject Property”) (Figure 1). The Property is zoned RE-2 and is in the Potomac Subregion Master Plan (“Master Plan”). The Property abuts Pennyfield Lock Road to the south and is adjacent to Block House Point Park.

The Property is currently improved with a one family dwelling and an accessory structure as shown on Figure 2. Outlot A and Outlot C provide driveway access to the existing dwelling and the dwelling unit on abutting Lot 11 via private easement to Pennyfield Lock Road designated as a Rustic Road (R-33) by the Rustic Roads Functional Master Plan. Lot 10 is currently encumbered by a Category 1 Forest Conservation Easement. The Property contains a pond in the southernmost west corner of Lot 10, adjacent to Pennyfield Lock Road.
The Property is surrounded to the north, east and south by one-family detached houses in the RE-2 zone, on lots ranging in size from one to ten acres. Blockhouse Point Park (MNCPPC) and the C&O National Park generally abut the Property to the west. The Property is located within the Muddy Branch watershed which is designated as Use I-P. The Property does not contain any forest, wetlands, or 100-year floodplain; however the Property does include a stream, farm pond and associated Stream Valley Buffer. There is also a stream off-site, directly to the west that flows on to the Property.

![Figure 2 - Existing](image)

**PROJECT DESCRIPTION**

Preliminary Plan No. 11998077B, Longacres Preserve Phase II ("Application" or "Preliminary Plan") proposes to resubdivide the Subject Property into eight new lots (Attachment B and Figure 3). The Application represents the second phase of the Longacres Preserve Subdivision. The first phase, Phase I, was approved in 1999 (119980770) for five lots (one lot was resubdivided into two for a total of six) and established Longacres Preserve Court as a private cul-de-sac to serve those five (now six) lots and which terminates at the Subject Property’s northeastern boundary. The private cul-de-sac was to eventually be extended to serve the final development of the Subject Property and the driveway access for existing Lots 10 and 11 to Pennyfield Lock Road was to be terminated.

This Application implements the extension of Longacres Preserve Court as a private road to serve the proposed lots and to terminate in a cul-de-sac bulb. The existing house on Lot 10 and accessory
structures will be demolished prior to plat. The existing septic systems for both the existing house and that on Lot 11 will be abandoned and public water and sewer service will be extended from the current terminus of Longacres Preserve Court to all lots.

The existing driveway that serves the existing house on the Property and that on Lot 11 will be abandoned; the driveway pavement within Pennyfield Lock Road right-of-way will be removed. The Rustic Roads Advisory Committee requests that wooden posts/bollards be installed to restrict future vehicular access to and from Pennyfield Lock Road using the driveway or any opening that remains visible from Pennyfield Lock Road (Attachment C). The Applicant wishes to explore using any remaining driveway asphalt to serve as a pedestrian connection from the new private street to Pennyfield Lock Road pending coordination with the Rustic Roads Advisory Committee.

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan
The Application substantially conforms to the recommendations of the Potomac Subregion Master Plan and Rustic Roads Functional Master Plan. The Property is located within the Travilah community identified in the Master Plan as “a low-density area that acts as a transition from the higher densities of Potomac and North Potomac to lower densities in Darnestown and the natural environment of the Potomac River,” (p. 80). The Master Plan recommends public water and sewer service.
The Master Plan states that, “Sensitive areas within the Muddy Branch watershed occur primarily in the stream valleys, many of which are protected by park land.” The main stem of the Muddy Branch’s confluence with the Potomac River is located a few hundred feet west of this Property in the C&O Canal National Historical Park. The Application protects Stream Valley Buffers, forest and water quality by placing Category I easements on these sensitive resources.

At the time the Master Plan was adopted in 2002, the Property was already within the recommended sewer envelope, which the Master Plan confirms should, “Allow for the limited provision of community sewer service for the areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope,” (p. 23). The Property is in water and sewer categories W-1 and S-1, respectively, which allows it to connect to the public systems.

The Rustic Roads Advisory Committee has reviewed the Application to determine if it has any effect on the adjacent Pennyfield Lock Road. As mentioned, two existing homes on Lot 10 and Lot 11 currently have legal access to Pennyfield Lock Road via driveway. With the extension of Longacres Preserve Court, the existing driveway access point can be closed off and all new lots, and existing Lot 11, will have access to Longacres Preserve Court. The Applicant will maintain the former driveway asphalt as a pedestrian connection to Pennyfield Lock Road for the community.

**Public Facilities**

**Roads and Transportation Facilities**

**Private cul-de-sacs in the RE-2 Zone** - Pursuant to Section 59-C-1.34.1, the Planning Board may approve private cul-de-sacs in the RE-2 zone provided the road is safe and adequate for access; has sufficient width to accommodate the new dwellings; will better protect significant environmental features on and off site as compared to a public street; and has proper drainage. For this Application, the decision to extend Longacres Preserve Court as a private street was somewhat pre-determined by the prior Planning Board action on Phase I. The extension of Longacres Preserve Court as a public street is not possible as part of this Application because it would create an “orphaned” section of public right-of-way and pavement that does not intersect with another publically dedicated street. MCDOT is not able to accept maintenance of a public street that cannot be accessed from another public street and has rejected a public dedication for the proposed section of the cul-de-sac. (Attachment D).

As shown on the Application, the completion of Longacres Preserve Court as a private cul-de-sac meets the required findings necessary for the Board to approve it for the Subject Property. The pavement width of 20 feet is adequate and will provide safe access for the eight proposed lots as well as the existing home on Lot 11 and the six homes already built under Phase I. This pavement width and construction standards will meet those of a tertiary public road. The use of a tertiary street pavement standard will provide safe and adequate access for all 15 lots that will front to this road. The 45 foot wide parcel width that is proposed under this Application for the private cul-de-sac, is narrower than that which would be required if the road were designed to public standards. The narrower width allows home sites to be pulled closer to the street pavement and subsequently allows the Applicant to provide additional forest easement area to the rear of the homes located on the south side of the new cul-de-sac. Additional easement is needed to offset the forest easement area that was lost due to a requirement to provide additional dedication of Pennyfield Lock Road (35 feet from centerline). Adequate drainage of the pavement is accommodated in the swales shown along the sides of the
roadway and runoff from the swales is treated in stormwater management facilities approved by MCDPS.

**Private Streets within their own parcels** - The new section of Longacres Preserve Court will be extended from its current terminus in Phase I as a private road with a pavement width of 20 feet and drainage swales on each side of the road, to be included within a 45 foot wide parcel of land that is separate and distinct from the abutting lots. While the pavement cross section and design under this Application is the same as that already built in Phase I, the pavement for the first phase existing is not located within its own separate and distinct parcel of land. Rather, the existing section of Longacres Preserve Court, while also a private road, is located within an ingress and egress easement across privately owned lots and subject to a declaration of covenants. This does not have any significant effect on the proposal to build the remainder of Longacres Preserve Court as a private street within its own parcel.

**Overlength cul-de-sacs** - Section 50-26(b) of the Subdivision Regulations allows the Board to approve cul-de-sacs when their use would produce an improved street layout because of unusual shape, size or topography of a given property. Cul-de-sacs that exceed 500 feet in length are generally discouraged unless the Planning Board determines that the property’s shape, size, topography, large lot size, or improved street alignment dictate a longer length.

The ultimate completion of Longacres Preserve Court as a cul-de-sac was essentially predetermined by prior Planning Board action. As an improved, but substandard Rustic Road, connection to Pennyfield Lock Road with a new road intersection will not be granted. Because of the topography of the Property and the improved street alignment, there are no feasible opportunities to complete this road as anything other than a cul-de-sac and because of the inability to connect the road to another road; it will necessarily have to be a cul-de-sac that is longer than 500 feet to adequately serve the proposed lots.

Aside from its Rustic Road designation, the topography of the Subject Property along Pennyfield Lock Road is moderately steep. To preserve the slopes and to protect the forest in this location, prior Planning Board action on Phase I of Longacres Preserve, approved Category I Forest Easements to run the entire length of the southern Property line thereby creating a forested buffer and barrier to any connection of Longacres Preserve Court to Pennyfield Lock Road at any point. As part of Phase I, the Planning Board required the driveway that currently serves the homes on the Property and Lot 11 to be closed off when the Subject Property developed. Staff believes that the Property’s topography and the improved street alignments provide sufficient reason for the Planning Board to approve a cul-de-sac that is greater than 500 feet in length for this Application.

**Sidewalks** - The existing section of Longacres Preserve Court was not built with sidewalks. To be consistent with this and the rural area road standard policies, Staff does not recommend sidewalks along the new section of road. The limited number of pedestrians generated by the 15 homes along this cul-de-sac may safely use the edge of pavement or shoulder.

**Rustic Roads**

As a Rustic Road identified by the 2002 Potomac Subregion Master Plan, the right-of-way width for Pennyfield Lock Road is now 70 feet. When the Longacres Preserve Phase I development was approved prior to designation of the road as rustic, only 60 feet was required for dedication. The Applicant has complied with the current Rustic Road designation by showing additional dedication, 35 feet from the centerline of the road and with a 10 foot public utility easement (PUE) adjacent to the length of the
right-of-way. This dedication and PUE conflicted with existing Category I easements in those locations and resulted in removal and replacement of the easements. The relocation of the easements is discussed in detail in the forest conservation section of this report.

**Local Area Transportation Review**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours; therefore, the trips generated are de minimus, and not subject to Local Area Transportation Review.

**Transportation Policy Area Review**

The Property is located in the Rural West Policy Area which is exempt from the Transportation Policy Area Review.

**Other Public Facilities and Services**

All other public facilities and services including electric, telecommunication, police and health services are available and adequate to support and serve the proposed dwelling units. The Property is located in the W-1 and S-1 water and sewer service category which permits public water and sewer connection. The Application has been reviewed by Washington Suburban Sanitation Commission and has determined that there is an existing 8-inch water main and 8-inch gravity sewer main in the abutting section of Longacres Preserve Court which will be adequate to serve the Property.

The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who determined that the Property has adequate access for fire and rescue vehicles by transmittal dated, April 3, 2013 (Attachment E).

The Application is in the Thomas S. Wootton High School Cluster, which is operating at an adequate level (under 105% utilization) on all grade levels according to the current Subdivision Staging Policy. Therefore, the Applicant is not subject to a school facilities payment.

**Environment**

**Environmental Guidelines**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the 39.10 acre Subject Property was approved on March 4, 1998. The NRI/FSD was followed by a Final Forest Conservation Plan (FFCP) submitted with the Preliminary Plan #119980770 and approved on May 23, 2000 with the Phase I portion of this subdivision. A NRI/FSD is normally only valid for a period of two years unless it is recertified or followed by an approved Forest Conservation Plan. Any changes in site conditions between the NRI/FSD approval and this Application would be reflected on the revised FFCP.

The Subject Property includes a stream, an in-stream pond, and associated Stream Valley Buffer along the southwest side along Pennyfield Lock Road. Additionally there is a stream immediately offsite to west. The Stream Valley Buffer from the offsite stream flows onto the Subject Property. There is no existing forest onsite; however, there are currently Category I easements established under the prior Planning Board approval that have yet to be planted. The Subject Property is within the Muddy Branch
watershed; a Use I-P watershed. The Countywide Stream Protection Strategy rates streams in this watershed as good condition.

No encroachments into the Stream Valley Buffer are proposed with this Application and the sensitive environmental features are protected.

**Forest Conservation**

The Subject Property is covered by a previously approved FFCP. The FFCP showed no on-site forest, but based on the zone, there was a planting requirement.

![Proposed 0.27 acre Category 1 Easement (relocation)](image)

*Figure 4*

With this Application, a revised FFCP was submitted to relocate a portion of the previously approved Category I Conservation Easement that is within the required road dedication and PUE (Figure 4). Additional right-of-way dedication (35 feet from centerline) was required along Pennyfield Lock Road to meet the new Rustic Road designation (70 feet total) and a 10 foot wide PUE is required. This dedication and PUE area is shown on current record plats as an afforestation area in Category I Conservation Easement. The revised FFCP relocates 0.27 acres of Category I Conservation Easement at a 1:1 ratio from the dedication and PUE area to an area contiguous with remaining Category I Conservation Easements as shown above.

The Application meets all requirements of Chapter 22A, the Montgomery County Forest Conservation Law.
**Stormwater Management**

MCDPS approved a stormwater management concept on December 11, 2012 (Attachment F). The concept proposes to meet the required stormwater management goals via dry wells and micro-biofilter located both on lots and within a private stormwater easement to be located on Lot 18.

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

This Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections, including the resubdivision requirements as discussed below. The proposed lots size, width, shape and orientation are appropriate for the location of the subdivision in the Potomac Subregion Master Plan. The lots are suitably sized, dimensioned and located to accommodate the residential uses shown on the Preliminary Plan and allow for the orderly extension of lots along the completed Longacres Preserve Court.

The dimensional characteristics and location of the lots support the Master Plan goal to maintain low density residential development in this area. The lots are zoned RE-2 and were reviewed for compliance with the applicable dimensional requirements specified in the Zoning Ordinance. As shown in the Table 1 below, the proposed lots meet all the dimensional requirements for area, frontage, and width, and the proposed dwellings can meet setbacks.

<table>
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<th>PLAN DATA</th>
<th>Zoning Ordinance Development Standard</th>
<th>Proposed for Approval by the Preliminary Plan</th>
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<td>Minimum Lot Area</td>
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<td>87,120 sq. ft. or more</td>
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<td>Lot Width @ front building line</td>
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<td>Site Plan Required</td>
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1 Determined by MCDPS at the time of building permit.

The Application has been reviewed by other applicable county agencies, all of whom have recommend approval of the Application.
Conformance with Section 50-29(b)(2)

Statutory Review Criteria
The Subject Property includes a recorded lot, and three recorded outlots shown on a previously recorded record plat, and therefore this Application is subject to review as a “resubdivision,” which requires compliance with all seven of the resubdivision criteria as set forth in Section 50-29(b)(2) of the Subdivision Regulations. The resubdivision criteria set forth in Section 50-29(b)(2) is as follows:

Resubdivision. Lots on a plat for the Resubdivision 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 order to review and analyze the Application as a resubdivision, an appropriate resubdivision neighborhood must be established. The Applicant has proposed, and Staff agrees with the following neighborhood boundaries:

Figure 5 - Neighborhood Boundary
The neighborhood boundary proposed consists of 22 lots (Figure 5 and Attachment G) and includes all lots immediately adjacent or confronting the Subject Property, including lots with access to Longacres Preserve Court and those along the northern side of Rivers Edge Drive (“Neighborhood”). The Neighborhood provides a satisfactory sample of the lot and development patterns of the area in order to analyze lot character. All of the lots within the Neighborhood are recorded by plat and all are zoned RE-2. Unplatted parcels were excluded. A map and tabular summary of the lot analysis based on the resubdivision criteria is included in Table 2.

The Neighborhood was analysed using the noted (above) resubdivision criteria. The proposed lots are of the same character with respect to other lots within the Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2).

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Table 2 – Neighborhood Analysis for Resubdivision Ranked by Lot Size

Lot frontage:
The proposed lots will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

The lot frontages of the proposed lots range from 53 feet (Lot 16) to the widest at 476 feet (Lot 18). In the Neighborhood, one existing lot (Lot 11, Longacres Preserve) has zero frontage, and the largest frontage is 520 (Lot 3, Longacres Preserve) feet, therefore the lots are in the range and are of similar character regarding frontage.

Alignment:
The proposed lots are of the same character as existing lots in the Neighborhood with respect to alignment. The alignment of the proposed lots is generally radial or perpendicular to the street as are most of the lots in the Neighborhood.

Size (Lot):
The proposed lots sizes are in character with the size of existing lots in the Neighborhood. The range of lot sizes in the Neighborhood is between 87,120 square feet and 272,250 square feet. The smallest of the proposed lots is 87,197 square feet (Lot 19) and 96,945 square feet (Lot 16) is the largest, both of which fall within the range of lot sizes within the Neighborhood.
Shape:
The shape of the proposed lots will be in character with shapes of the existing lots in the Neighborhood. Three of the proposed lots are irregular rectangles, two are irregular polygons, two are trapezoids, and one is irregular. The Neighborhood contains a mix of lot shapes including irregular polygons, irregular rectangle, rectangular and trapezoids.

Width at Building Restriction Line:
The proposed lots will be in character with existing lots in the Neighborhood with respect to width. The range of width at the building restriction line within the Neighborhood is between 25 and 937 feet. The proposed lots will have width between 153 and 487 feet, which falls within the range of lot widths within the Neighborhood.

Area (Buildable):
The proposed lots will be of the same character as existing lots in the neighborhood with respect to buildable area. The proposed lots have buildable areas that are between 39,731 and 71,745 square feet which fall within the range of buildable areas for lots in the Neighborhood which range between 38,766 square feet and 185,480 square feet.

Suitability for Residential Use:
All lots are suitable for residential development.

COMMUNITY OUTREACH

This Application was submitted and noticed in accordance with all required procedures. Signs referencing the Application and Limited Forest Conservation Amendment where posted in two locations along the Property’s frontage with Pennyfield Lock Road. The Applicant held a pre-submission meeting at their home on July 8, 2012 at 2pm.

According to the minutes of the meeting ten people were in attendance, of which three requested to be persons of Record. Questions were raised regarding development schedule, construction access, development cost as is relates to Longacres Court and potential property damage, who will build, stormwater management and protection of the existing farm pond. According to the minutes of the meeting provided with the Application, the Applicant answered or addressed all concerns raised by the community. Subsequently, the Applicant has been negotiating the appropriate and necessary agreements to solidify the relationship between the existing home owners association and the Applicant who is acting on behalf of the new HOA. Attachment H outlines the current discussions between the two HOAs.

CONCLUSION

The proposed lots meet all requirements of the Subdivision Regulations and the Zoning Ordinance, and substantially conform to the recommendations of the Potomac Subregion 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 and utility companies, all of whom have recommended approval of the Preliminary Plan.
Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided 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 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, complies with Section 50-29(b)(2) of the Subdivision Regulations. Therefore, approval of the Application, with the conditions specified above is recommended.

Attachments

Attachment A – Plat 22383
Attachment B – Preliminary Plan 11998077B - 5.8.2014
Attachment C – Rustic Roads Advisory Committee
Attachment D – MCDOT 12.27.2012
Attachment E – Fire and Rescue
Attachment F – MCDPS Stormwater Management Concept Plan
Attachment G – Neighborhood Map - 5.8.2014
Attachment H – HOA documents
April 10, 2013

Joanne Cheok, PE
Dewberry & Davis
10003 Derekwood Lane, Suite 204
Lanham, MD 20706

Re: Longacres Preserve Phase II
Preliminary Plan No. 11998077B
Pennyfield Lock Road, rustic road

Dear Ms. Cheok:

The Rustic Roads Advisory Committee (RRAC) oversees the preservation of 97 rustic and exceptional rustic roads in Montgomery County. Our responsibilities include reviewing the classification of rustic roads and ensuring the protection of their significant features.

We are writing with comments on Longacres Preserve, Phase II, on Pennyfield Lock Road, a rustic road. In reviewing the submission, we note that the access to the proposed homes will be from Longacres Preserve Court. We also note that the frontage on Pennyfield Lock Road will be in a forest conservation easement. We are very appreciative of these efforts to reduce impacts to Pennyfield Lock Road and to protect and preserve its character.

The existing driveway is shown as being closed. We ask that the pavement of the existing driveway be removed within the right-of-way, and that the edge of the road be re-graded the minimum amount necessary to assure proper drainage (retain the existing trees flanking the driveway, if possible). If any paving will be retained outside of the right-of-way, we request that wooden posts be placed where the pavement meets the edge of the right-of-way to prevent unauthorized access to the rustic road.

Thank you for providing us with an opportunity to review this project, and for your efforts to protect the rustic road. If you have any questions regarding our comments, you may contact us through our staff coordinator, Mr. Jay Beatty in the Department of Permitting Services at 240-777-6340.
Sincerely,

Greg Deaver, Chair
Rustic Roads Advisory Committee

Committee Members:  Christopher Marston, Robert Goldberg, Marc Miller
                     Greg Glenn, Eric Spates, Angela Butler

CC:  Joshua Penn, M-NCPCC
     Jody Kline, Esq., Miller, Miller & Camby
December 27, 2012

Mr. Joshua Penn, Senior Planner
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 11998077B
Longacres Preserve – Phase II

Dear Mr. Penn:

We have completed our review of the preliminary plan dated October 16, 2012. This plan was reviewed by the Development Review Committee at its meeting on November 26, 2012. We recommend approval of the plan subject to the following comments:

1. Full width dedication of Pennyfield Lock Road, a Rustic Road, in accordance with the master plan.

2. Prior to approval of the record plat by the Department of Permitting Services (MCDPS), submit information regarding drainage toward Pennyfield Lock Rd or MD 190 (River Road), as applicable, for existing versus post-development conditions under a ten (10) year storm, noting any existing swales, bridges, culverts, or other drainage crossings.

3. Pennyfield Lock Road is classified as a Rustic Road under Section 49-79 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of that roadway. Coordination with the Rustic Roads Committee.

4. Record plat to reflect denial of access along Pennyfield Lock Road.
5. If the existing driveway to Pennyfield Lock Road is to be removed: reconstruct its junction with Pennyfield Lock Road to restore the roadway to conform to the rustic road.

6. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board’s approval of the 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. The proposed private streets must be sufficiently wide to accommodate two-way vehicular traffic. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curb line.

8. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

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. Removal of the existing driveway apron on Pennyfield Lock Road.

   B. Improvements to the public storm drain system, if required under the review discussed in comment #2.

   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.
Mr. Joshua Penn  
Preliminary Plan No. 1-1998077B  
December 27, 2012  
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Andrew Bossi, our Development Review Area Engineer for this project, at andrew.bossi@montgomerycountymd.gov or (240) 777-2197.

Sincerely,

[Signature]

Gregory M. Leck, Manager  
Development Review Team

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cc:  
Donald Franyo  Owner  
Joanne Cheok  Dewberry  
Jody Kline  Miller, Miller, & Canby  
John Carter  M-NCPPC Area 3  
Rich Weaver  M-NCPPC Area 3  
Ki Kim  M-NCPPC Area 3  
Catherine Conlon  M-NCPPC DARC  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e:  
Amy Butler Stevens  MCDPS SWFMP  
Atiq Panjshiri  MCDPS RWPR  
Henry Emery  MCDPS RWPR  
Jay Beatty  MCDPS RWPR  
Rick Brush  MCDPS WRM  
Bill Campbell  MCDPS WRM  
Marie LaBaw  MCFRS  
Andrew Bossi  MCDOT DTEO
FIRE MARSHAL COMMENTS

DATE: 03-Apr-13
TO: Tony Obuekwe - aobuekwe@Dewberry.com
Dewberry
FROM: Marie LaBaw
RE: Longacres Preserve Phase II
19980770B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 03-Apr-13. 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.
Ms. Joanne Cheok  
Dewberry  
203 Perry Parkway, Suite 1  
Gaithersburg, MD 20877  

Re: Stormwater Management CONCEPT Request for Longacres Preserve Phase 2  
Preliminary Plan #: 11998077B  
SM File #: 245611  
Tract Size/Zone: 11.8 acres/RE2  
Total Concept Area: 4.27 acres  
Lots/Block: proposed 12-19  
Parcel(s): na  
Watershed: Muddy Branch

Dear Ms. Cheok:

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 proposes to meet required stormwater management goals via drywells and a micro-biofilter.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.

2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

3. An engineered sediment control plan must be submitted for this development.

4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

5. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

6. Proposed grading will need to be modified to reduce the total drainage area directed to the proposed micro-biofilter.

7. The location of the proposed micro-biofilter may need to be shifted uphill due to the presence of rock in the proposed location.
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 William Campbell at 240-777-6345.

_Sincerely,_

[Signature]

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

RRB: tla 12/11/12

cc: C. Conlon
SM File # 245611

ESD Acres: 4.27
STRUCTURAL Acres: 0
WAIVED Acres: 0
April 23, 2014

Mr. Jonathan Casey
Area III Planning Team
M-NCPPC
8787 Georgia Avenue, 3rd Floor
Silver Spring, MD 20910

RE: Preliminary Plan No. 11998077B,
Longacres Preserve, Phase II

Dear Jonathan,

Thanks to you and to Rich for meeting with me the other day to explain to me the issues which you have identified with the resubdivision of the property referenced above. Since our meeting, I have seen emails from Joanne Cheok explaining how she proposes to address your concerns so I expect that you will receive from Joanne in the near future a revised plan.

In response to your request, I am also pleased to provide the following information about the agreement that is presently being negotiated between the existing Longacres Preserve homeowners association and the Applicant for resubdivision acting on behalf of the future homeowners of a new association to be created. The general elements of the agreement are as follows:

1. The existing Longacres Preserve homeowners association did not wish to expand in order to include the new lots that are being created by Preliminary Plan No. 11998077B. Because the relationship between the existing homeowners and the Applicant have become a bit strained over the past year as the Preliminary Plan Amendment has been processed, as separation of the two HOAs made sense to both parties.
2. The outline of the current discussions includes the following major elements:

   a. The land area that is proposed to be resubdivided, and the new lots to be created by the pending Preliminary Plan, will be deleted from the existing HOA by an amendment of the Declaration creating the original HOA.

      (1) Because vehicle access to the new lots will proceed over that part of Longacres Preserve Court that exists today, an easement for ingress and egress over that private street will be confirmed even though the new lots that it will serve will not be a part of the existing association area within which the existing street is located.

   b. The applicant will create a new homeowners association that will include the new lots that are being created by the pending Preliminary Plan.

   c. There will be a Cost Sharing Agreement that, basically, allocates 60% of the cost of the existing Longacres Preserve Court (from River Road to its present point of termination) to be borne by the new lots. The agreement also provides that the existing lots will pay for 40% of the cost for maintenance and repair of existing Longacres Preserve Court.

   d. The new HOA to be created for the new lots will have within its documents of creation an obligation on behalf of the new lots to pay for the portion of Longacres Preserve Court extended to serve the new lots, an obligation that will be exclusively the responsibility of the new lot owners.

It is expected that these negotiations will be wrapped up by early May and that representatives of the existing HOA will appear at the Planning Board’s public hearing for Phase II in support of the application.

Please call me if you have any additional questions about this matter.

Sincerely yours,

MILLER, MILLER & CANBY

Jody S. Kline

JSK/blm

cc: Rich Weaver