



Ingleside, Preliminary Plan No. 120140140

RS

Ryan Sigworth AICP, Senior Planner Area 3, Ryan.Sigworth@montgomeryplanning.org, 301-495-2112

RAW

Richard Weaver, Supervisor Area 3, Richard.Weaver@montgomeryplanning.org, 301-495-4544

KRR

Kipling Reynolds, Chief Area 3

Completed: 05/18/2015

Description

Ingleside, Preliminary Plan No. 120140140

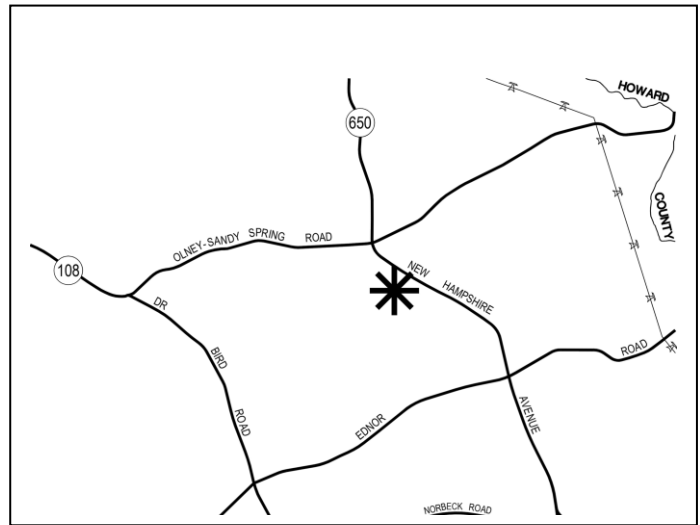
Request to create three (3) lots from one unplatted parcel; located at 17720 New Hampshire Avenue 0.20 miles south of Ashton: the property is surrounded by detached single family residential development on all sides; 6.17 acres; R-200 zone; *1998 Sandy Spring/Ashton Master Plan*.

Staff Recommendation: Approval with Conditions

Applicant: Daniel and Jacqueline McGroarty

Submittal Date: 3/13/2014

Review Basis: Chapter 50



Summary

- The Application will create one large lot for the existing house on the Property and two new lots for new detached homes.
- The Application addresses a road covenant filed in the land records requiring Crystal Spring Terrace to be constructed at the time of subdivision of the Property. This has been a very complex issue because the Applicant states that the covenant was unknown to them at the time of submittal.
- Given the limited number of lots proposed, the Applicant, Staff and MCDOT have worked to reduce the required road improvements and dedication in the spirit of context sensitive design.
- If additional lots are proposed in the future with access to the modified roadway, additional dedication and construction may be required.

RECOMMENDATION: Approval subject to the following conditions:

1. Approval is limited to three (3) lots for three residential dwelling units.
2. Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan (PFCP) No. 120140140:
 - a. Prior to Planning Board approval of the record plat, the Applicant must obtain Staff approval of a Final Forest Conservation Plan (FFCP) consistent with the approved Preliminary Forest Conservation Plan and including mitigation for the loss of a specimen tree at a ratio of approximately 1" caliper for every 4" DBH removed, using trees that are a minimum of 3" caliper size.
 - b. The Applicant must place a Category I Conservation Easement over approximately 1.5 acres of forest retention as shown on the approved forest conservation plan. The easement must be approved by the M-NCPPC Office of General Counsel and recorded by deed in the Montgomery County Land Records prior to clearing or grading. The liber and folio of the deed must be referenced on the record plat.
 - c. The limits of disturbance shown on the Final Sediment Control Plan must be consistent with the limits of disturbance shown on the FFCP.
 - d. Permanent Category I Conservation Easement signs must be placed along the perimeter of the conservation easement area.
 - e. The Applicant must comply with all tree protection and tree save measures shown on the approved PFCP. Tree save measures not specified on the FFCP may be required by the M-NCPPC forest conservation inspector.
3. The Applicant must dedicate, by record plat, the following rights-of-way:
 - a. 60 feet from the centerline along their site frontage on New Hampshire Avenue as shown on the Preliminary Plan.
 - b. 50 feet for the extension of Crystal Spring Terrace as shown on the Preliminary Plan, unless otherwise determined by the Montgomery County Department of Transportation ("MCDOT") to be unnecessary prior to recordation of the plat.
4. Prior to issuance of the use and occupancy permit for the first new residence, the Applicant must construct a 10-foot shared use path along New Hampshire Avenue as shown on the Preliminary Plan to be permitted, bonded, and constructed under a Maryland State Highway Administration ("MDSHA") access permit.
5. The Applicant must construct the extension of Crystal Spring Terrace as a privately maintained driveway within the existing 50-foot right-of-way from Crystal Spring Drive to the Property boundary and extended as temporary "T-type" turnaround located on the Subject Property. The construction within the Crystal Spring Terrace right-of-way must be to MCDOT Road Code Standard MC-2001.03: Tertiary Residential Street Modified. The modification allows for the reduction of right-of-way from 74-feet to 50-feet, no sidewalks, no street trees and lighting and a reduction in the side ditch area for storm water management.
6. All existing septic system on the Subject Property must be abandoned in accordance with Montgomery County Department of Permitting Services ("MCDPS") standards. All existing houses on the Subject Property must be connected to public sewer prior to the first Use and Occupancy Certificate for any new residence.

7. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (“MCFRS”) approval dated February 3, 2015 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 approval. These recommendations may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board accepts the recommendations of the MCDOT in a letter dated April 2, 2015 and does hereby incorporate 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.
9. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
10. The Planning Board accepts the recommendations of the MDSA in a letter dated May 1, 2014 except for comments #1 and #4. Comments #2 and #3 from the SHA letter are incorporated as conditions of the Preliminary Plan approval. The Applicant must comply with the recommendations associated with comments #2 and #3 as set forth in the letter, which may be amended by MDSA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated March 24, 2015) and does hereby incorporate 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.
12. 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.
13. Record plat must show necessary easements.
14. 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 6.17 acre parcel, located on the south side New Hampshire Avenue approximately 0.20 miles southeast of the intersection of MD 108 and MD 650 (Ashton, MD) at 17720 New Hampshire Avenue (“Property” or “Subject Property”) (Figure 1).

The Property has vehicular access to and fronts New Hampshire Avenue. A dedicated but unbuilt right-of-way for Crystal Spring Terrace abuts the northwest Property boundary. This unbuilt right-of-way connects to Crystal Spring Drive, a public street, which provides connection to New Hampshire Avenue.

The Subject Property is zoned R-200 in the *1998 Sandy Spring/Ashton Master Plan* (“Master Plan”) and identified as Parcel P863 on Tax Map JT342. The Property has one existing detached single family home built in 1856 (Figure 2) with a long gravel driveway accessing New Hampshire Avenue. While the house has unique character, it is not a designated historic resource which would require additional review by Historical Preservation Staff. In addition, there is no historic setting associated with this Property.

Surrounding the Property on all sides is detached single family housing. R-200 zoning abuts the Property on the west, east and south with RE-2 to the west and south beyond the adjacent R-200 zone. Across New Hampshire to the north are more single family residential homes in the RC zone.

The Property is located in the Northwest Branch – Right Fork Watershed (Class IV) although no streams are located on it. The Subject Property is in water category W-1. The sewer category of the Property was changed on February 17, 2015 from S-6 to S-1. An existing public sewer line bisects this Property, entering it from the west in the right-of-way for Crystal Spring Terrace. The existing house is connected to the public water system and is currently served by a septic system which is proposed to be abandoned with this Application.

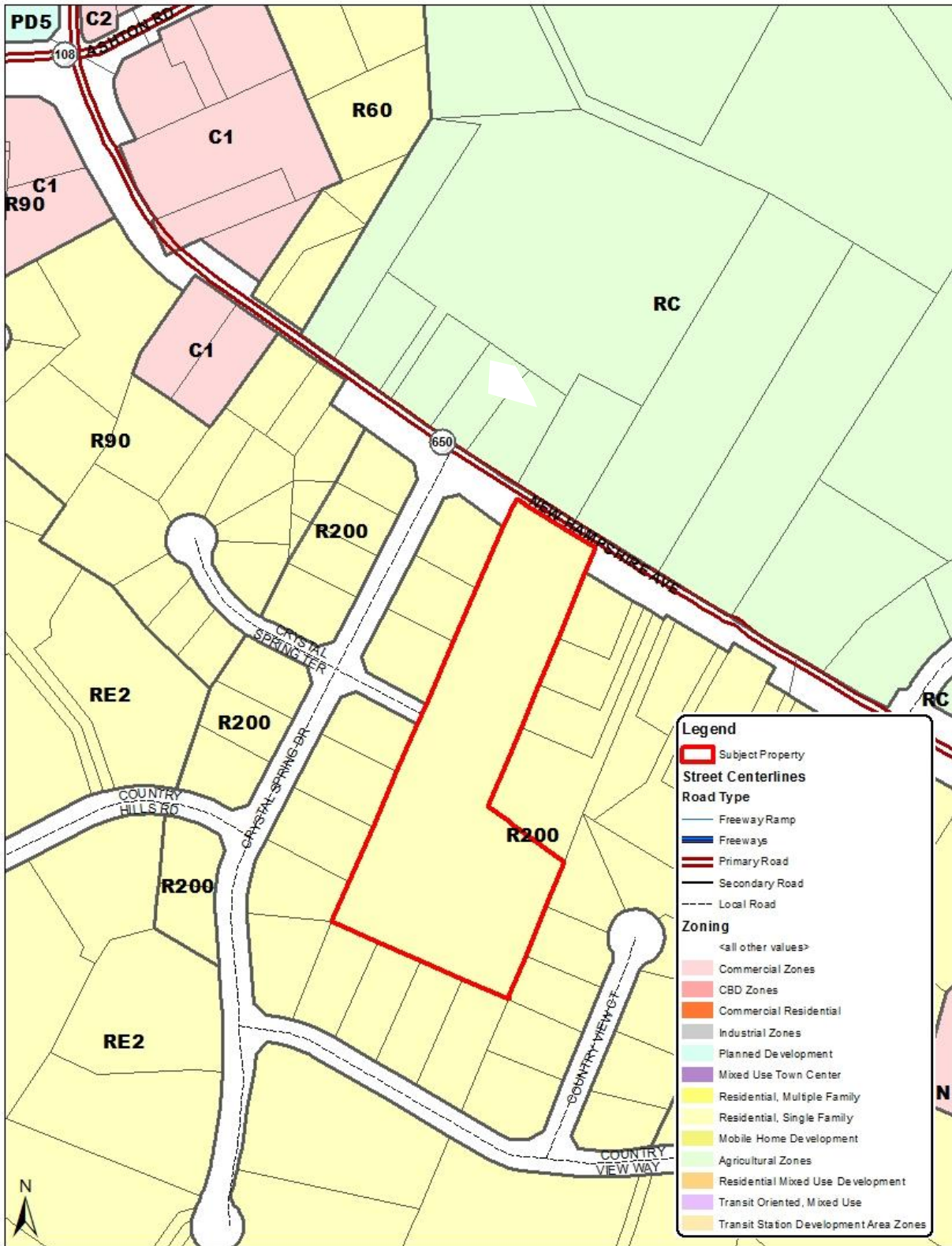


Figure 1 – Vicinity Map & Zoning Map

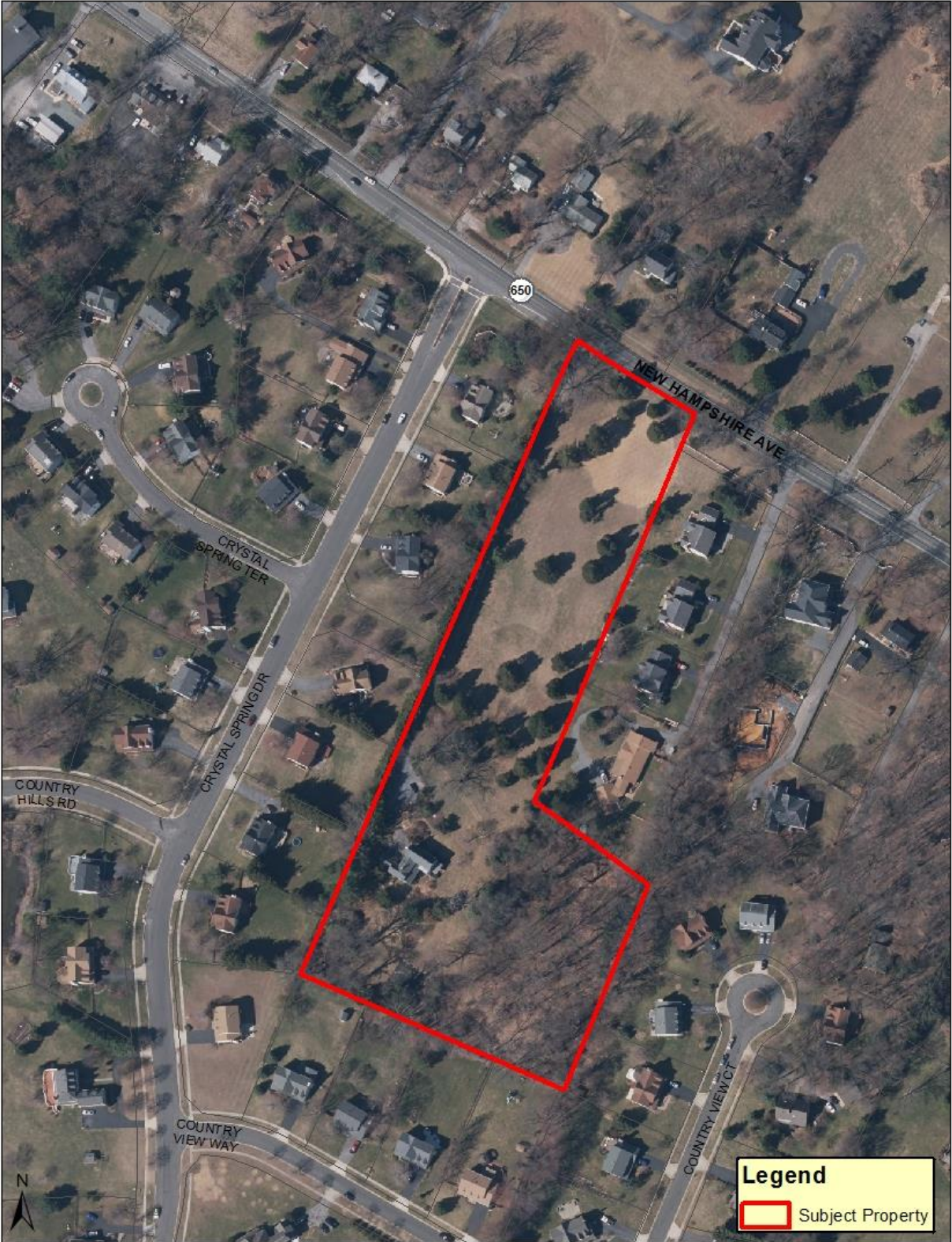


Figure 2 - Aerial

PROJECT DESCRIPTION

The plan, designated Preliminary Plan No. 120140140, Ingleside (“Preliminary Plan” or “Application”), proposes to create three (3) lots at 0.87 acres, 1.23 acres, and 3.93 acres in the R-200 zone. All three lots will be served by public water and sewer. The Application shows the recommended master plan dedication of 60 feet of right-of-way from the centerline of New Hampshire Avenue and approximately 50 feet of additional right-of-way to allow for the extension of Crystal Spring Terrace onto the Subject Property.

The existing residential structure will remain and be located on proposed Lot 3 at 3.93 acres. Lot 1 at 0.87 acres, will have frontage along New Hampshire Avenue and will use a portion of the existing driveway, to access New Hampshire Avenue at the current driveway location in the northwest corner of the Property. Lots 2 at 1.23 acres will share access to the new T-turnaround extension of Crystal Spring Terrace with Lot 3.

During Staff review of this Application, associated land records research revealed that the previous owner of the Subject Property entered into a street covenant (Attachment 3) with Montgomery County. In 1989, a record plat was recorded for the Spring Lawn Farm (Plat No. 17556) subdivision directly to the west of the Subject Property for approximately 30 lots.

This plat included a right-of-way extending Crystal Spring Terrace to the western boundary of the Subject Property (Figure 3). Documents associated with Preliminary Plan No. 1-87218, which would eventually become the Spring Lawn Farm subdivision, indicate the previous owners of the Subject Property, James and Helen O’Connor, did not want to see the Crystal Spring Terrace pavement extended to their property boundary and requested a row of evergreen tree screening in this location. Records also indicate the O’Connors did not object to the platting on the right-of-way but did object to actually paving the right-of-way. Instead, the O’Connors would pay to construct the street when and if the Subject Property developed. Ordinarily, the developer of Spring Lawn Farm would have constructed all of the public streets in the subdivision. MCDOT and the O’Connors both agreed to allow the stub section of Crystal Spring Terrace to remain unconstructed. In return for this concession, MCDOT required the O’Connors to enter into a covenant agreement with Montgomery County requiring the O’Connors as well as their heirs, personal representatives, successors, and assigns to construct the unbuilt portion of Crystal Spring Terrace in the event the Subject Property was subdivided in accordance with Chapter 50 of Montgomery County Code. In 2013, the Applicant purchased the Subject Property from the O’Connor estate. This Application, submitted in 2014, requires some action on the covenant held by MCDOT.



Figure 3 – Close Up of unbuilt right-of-way

The original submittal of the Preliminary Plan showed access for all 3 lots using a relocated shared driveway coming off of New Hampshire. At the DRC Meeting held on May 5, 2014, Staff, including MCDOT, provided a copy of this covenant to the Applicant and their representatives. Given this legal encumbrance on the Property filed of record 25 years ago, Staff informed the Applicant that their Application must propose access from the existing right-of-way in the adjacent Spring Lawn Farm subdivision. Furthermore, Staff informed the Applicant that failure to meet the terms of the covenant would result in a Staff recommendation of denial.

Over the course of multiple meetings, the Applicant opted to revise their plans and submit a design exception to MCDOT for a new public street located in the existing right-of-way in order to meet the terms of the covenant. The Applicant does not want to construct a full cul-de-sac because of the expense given the minimal amount of lots the Application is requesting and the amount of land it would consume. However, the Property does have remaining density available for possible resubdivision in the future. In theory, the R-200 zoning on the Subject Project would allow 13 lots, however, due to the shape of the Property, required roads and forest conservation requirements, the maximum lot yield would be considerably less. It is possible that the Subject Property could yield five or six lots using a cul-de-sac to terminate and provide lot frontage along Crystal Spring Terrace.

This Application proposes only 3 lots: one for Applicant, one for their daughter and family, and one lot for future sale. Therefore, the termination of Crystal Spring Terrace in a T-turnaround as shown on the Preliminary Plan is only acceptable under the development shown on the current Application. As a result of the compromise, Staff advises the Applicant that additional lots through future subdivision on the Subject Property may warrant additional dedication and road construction to accommodate new lots.

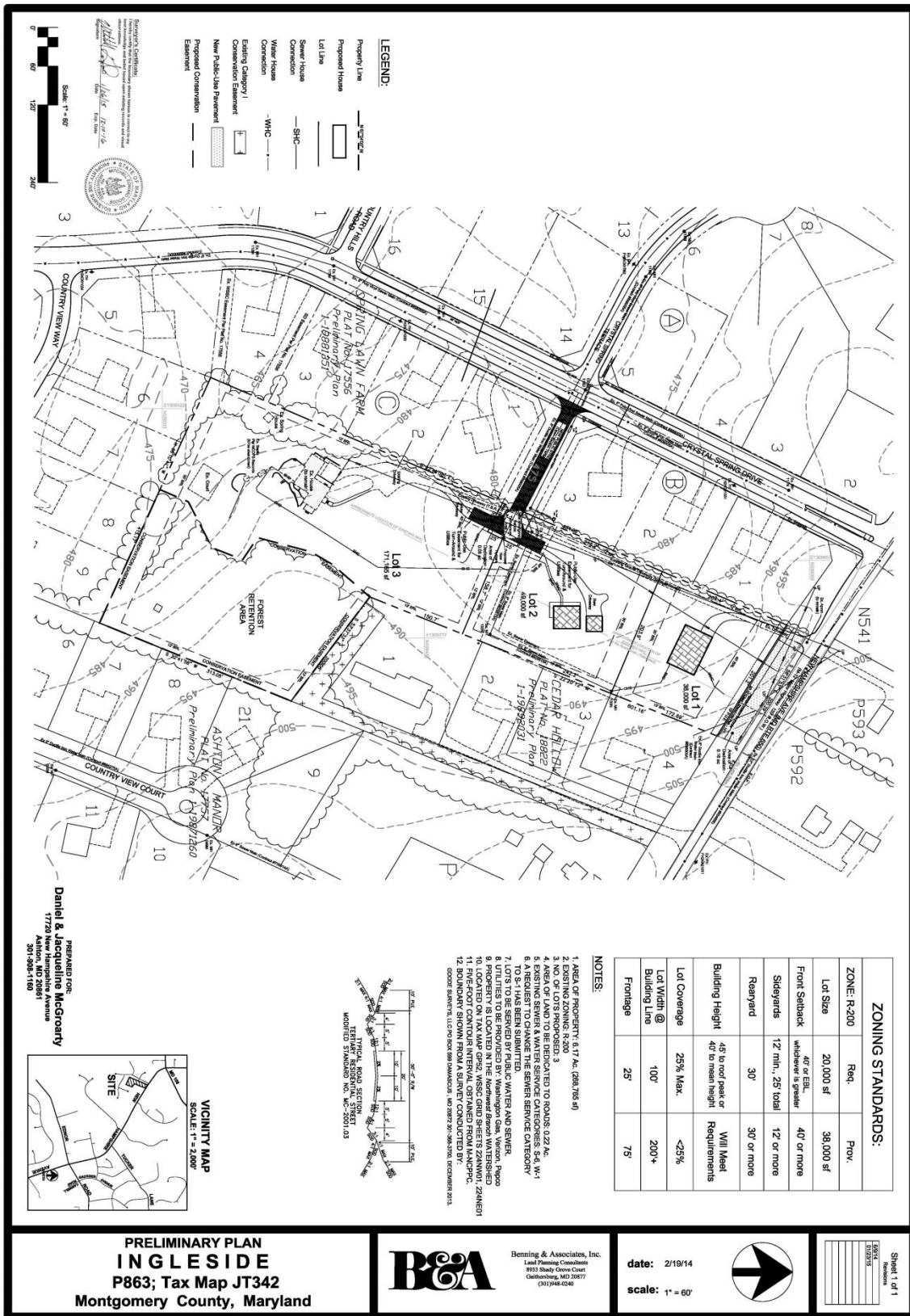


Figure 4 – Preliminary Plan

ANALYSIS AND FINDINGS – Chapter 50

Conformance to the Master Plan

The Application complies with the recommendations of the 1998 Sandy Spring/Ashton Master Plan. The Master Plan defines and discusses the “New Hampshire Avenue” area, which includes this Property. The Master Plan recommends maintaining the existing zones for land straddling New Hampshire Avenue. The Master Plan strives to preserve the existing rural character of the remaining rural road character (Page 52). The Master Plan seeks to preserve rural open space where it exists along New Hampshire Avenue, orient new homes to the street, maintain vegetated edges where appropriate, and integrate pedestrian and bicycle paths in ways that can enhance rural character (Page 43-45).

The Application places one lot along New Hampshire Avenue, to allow a new home to face New Hampshire Avenue in keeping with the vision of the Master Plan. The Application maintains existing trees along the Property frontage and utilizes the existing driveway location without any widening of the driveway pavement in an attempt to preserve existing conditions and maintain rural character. The Application also proposes to construct a shared use path (SP-15) on New Hampshire Avenue in conformance with the Master Plan and the Countywide Bikeways Functional Master Plan of 2005.

Adequate Public Facilities

Roads and Transportation Facilities

Site Access, Parking, and Public Transportation

The MDSHA recommends approval of the Application with the existing driveway entrance remaining even though their May 1, 2014 letter (Attachment 5) states that the driveway must be removed if access to all new lots is provided to Crystal Spring Drive. Since the new lot fronting New Hampshire Avenue does not have access to Crystal Spring Terrace, access must be provided to New Hampshire Avenue. Thus, MDSHA is willing to allow Lot 1, as shown on the Preliminary Plan, to maintain the driveway connection to New Hampshire Avenue. The existing house on proposed Lot 3 and the new house on proposed Lot 2 will have access via driveways to Crystal Spring Terrace. Sufficient parking will be provided on the driveways of each house and/or in garages. With the construction of the new terminus for Crystal Spring Terrace, access for the 3 new lots will be adequate.

The Washington Metropolitan Area Transit Authority route Z2 provides bus service in the area along New Hampshire Avenue. Route Z2 connects the Olney area to Silver Spring Metrorail Station with service every 30 minutes during the morning and evening peak commuting periods Monday through Friday. The closest southbound bus station is located on New Hampshire Avenue at Tree Lawn Drive approximately 600 feet to the south of the site. The closest northbound bus stop is located on New Hampshire Avenue at Crystal Spring Drive approximately 100 feet to the north of the site. Local public transportation is available to serve the proposed lots.

Local Area Transportation Review (LATR)

As conditioned, the Preliminary Plan for the three lots does not trigger LATR since the two new homes only generate two additional trips in the AM and PM peak hour. The threshold for an LATR review, according to the *LATR & TPAR Guidelines*, is 30 net new additional trips.

Transportation Policy Area Review (TPAR)

The Property is located in the Rural East Policy Area. According to the 2012-2016 *Subdivision Staging Policy*, the Rural East Area is exempt from the roadway test and transit test; therefore, no TPAR payment is required.

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-1/S-1 water and sewer service categories and, therefore will be utilizing existing water and sewer infrastructure. The Application was also reviewed by MCFRS, and was approved on February 3, 2015 (Attachments 7A and 7B). 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 FY 2015 Growth Policy Resolution currently in effect. The Application is located in the Sherwood High School cluster, which is not identified as a school moratorium area; and is not subject to a School Facilities Payment.

Environment

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for this 6.17-acre property on February 7, 2014. The northern portion of the Property is maintained in lawn scattered with numerous large trees. The far rear (south) of the Property, in the vicinity of the existing home, slopes sharply down to the adjacent neighborhood. The existing house is surrounded by large trees. A 1.5-acre forest is located in the southeast corner of the Property. No streams or sensitive areas occur on the Property.

Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary Forest Conservation plan has been submitted for review (Figure 5). The existing forest is an isolated upland stand designated as high priority. The proposed development preserves the entire 1.5 acres of existing forest. There are no forest planting/mitigation requirements.

There are 43 specimen trees on and adjacent to this Property. Nine of the specimen trees will be impacted by development and one specimen tree is proposed for removal and discussed in the variance section below.

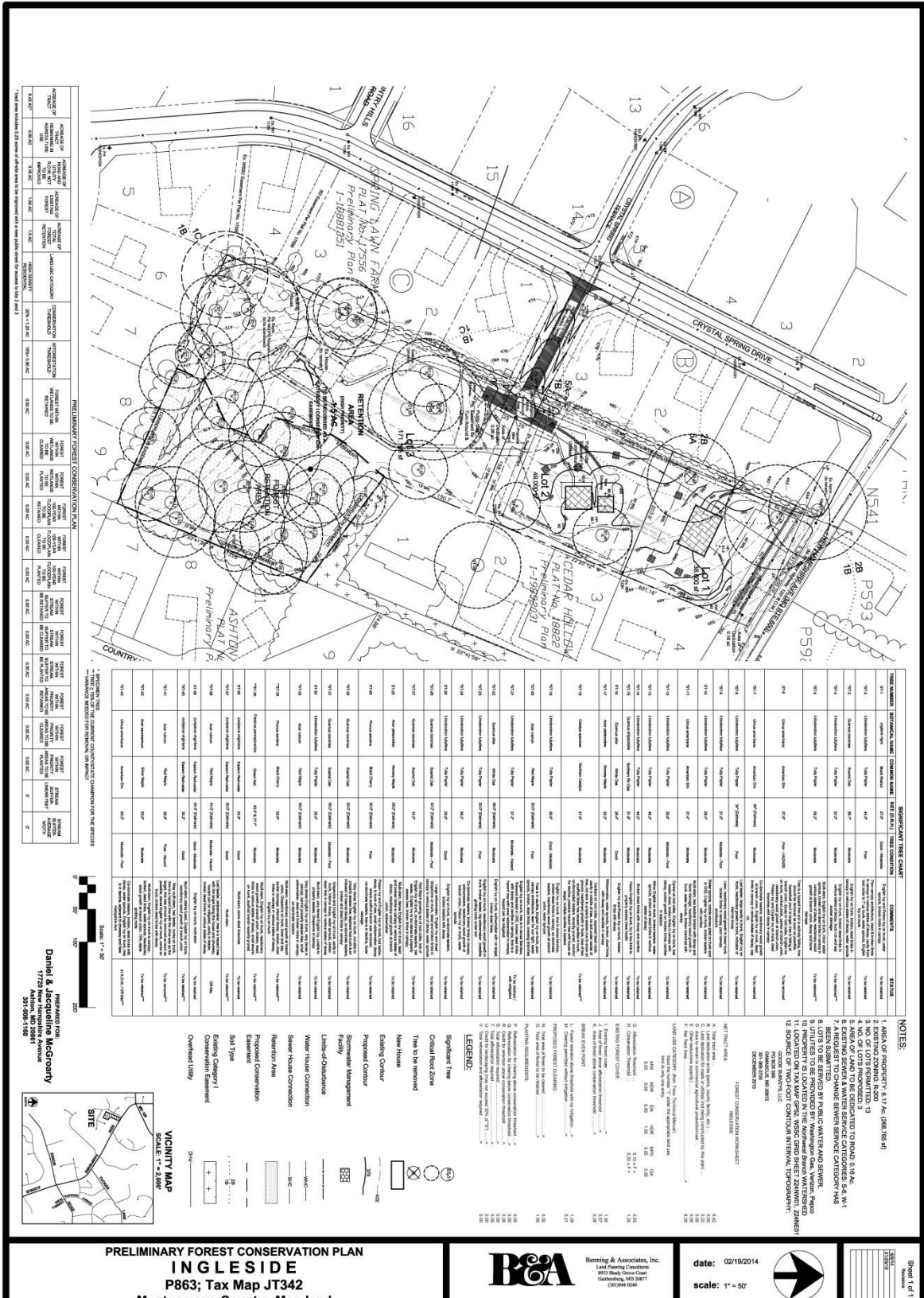


Figure 5 – Preliminary Forest Conservation Plan

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that measure 30 inches or greater, DBH Specimen Tree. Any impact to a Specimen Tree including removal or disturbance within the Specimen Tree’s critical root zone (CRZ) requires a variance, which includes certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. that no disturbance to a Specimen Tree, would result in an unwarranted hardship as part of the development of a property.

Unwarranted Hardship

The use of this Property for residential lots is an established use and permitted by the R-200 zone. Staff and the Applicant have worked to minimize impacts, however, reasonable development of the Property will result in unavoidable impacts to some of the Specimen Trees. Without a Variance to allow such impacts, the Applicant would be unable to build new homes and extend infrastructure such as, driveways and water and sewer service thus causing an unwarranted hardship.

Variance Request

On January 23, 2015, the Applicant requested a Variance for impacts to 9 Specimen Trees and the removal of 1 Specimen Tree (Attachment 8).

Table 1: Specimen Trees Impacted

Tree #	Species	D.B.H (inches)	Tree Condition	CRZ Impact	Reason for disturbance
4	Tulip Poplar	52	Moderate	1%	Removal of Existing Septic System
5	Tulip Poplar	59.2	Moderate	5%	Removal of Existing Septic System
18	Northern Catalpa	47.8	Moderate	17%	Sewer Line Connection to Existing House
34	Black Cherry	53.6	Moderate	22%	Sewer Line Connection and Driveway Access
35	Green Ash	40.3	Moderate	1%	Sewer Line Connection to Existing House
37	Eastern Red Cedar	30	Good	11%	Sewer Line Connection to Existing House
40	Eastern Red Cedar	30.2	Good	33%	Construction on Lot #2
42	Silver Maple	53.5	Moderate	32%	Construction on Lot #1
43	American Elm	50.3	Moderate	13%	Poor condition/ proximity to heavily used areas

Table 2: Protected Trees Proposed for Removal

Tree #	Species	D.B.H (inches)	Tree Condition	CRZ Impact	Reason for removal
41	Red Maple	38.8	Poor	65	Construction of new houses

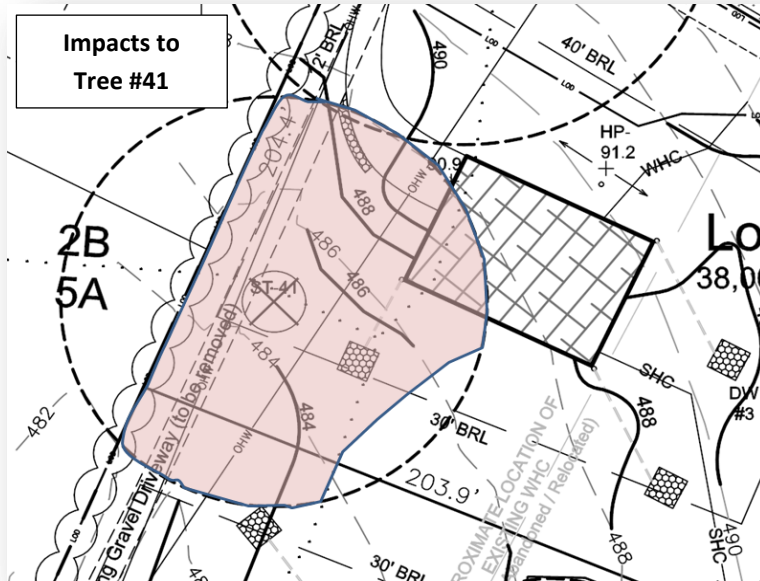


Figure 6 – Tree Impacts

Variance Findings

The Planning Board must make findings that the Application has met all requirements of Section 22A-21 of the County Code before granting the variance. Staff recommends the following determination on the required findings for granting the variance:

1. Will not confer on the applicant a special privilege that would be denied to other applicants:

The use of this Property for new homes is permitted by the R-200 zone. The current lot

design meets zoning requirements for building setbacks. Development of the Property for this use will necessarily impact the Specimen Trees and cannot be reasonably avoided. The granting of this Variance is not unique to this Applicant and does not provide special privileges or benefits that would not be available to any other applicant.

2. Is not based on conditions or circumstances which are the result of the actions by the applicant:
The configuration of the Subject Property, regulatory requirements, and the location of the Specimen Trees are not the result of actions by the Applicant. There are no feasible options to reconfigure lot design and house locations to avoid all impacts to the Specimen Trees.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property:
The requested Variance is not related to a condition on an adjacent, neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality:
The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Specimen Trees being removed or disturbed are not within a stream buffer, wetland, or a special protection area. A stormwater management concept plan approval has been approved by MCDPS.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the Variance request to the County Arborist for a recommendation prior to acting on the request. In a letter dated February 10, 2015, the County Arborist recommended the variance be approved with mitigation (Attachment 9).

Mitigation

There is one (1) tree proposed for removal which is 38.8 inches DBH in this Variance request located outside of the existing forest. Additional mitigation is recommended for this tree at a rate that approximates the form and function of the tree removed. Staff recommends that replacement occur at a ratio of approximately 1" caliper for every 4" DBH removed, using trees that are a minimum of 3" caliper size. While these trees will not be as large as the tree that is removed, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of this tree.

There is some disturbance within the critical root zones of nine Specimen Trees, but they are candidates for safe retention and will receive adequate tree protection measures. No mitigation is recommended for the Specimen Trees that are impacted but retained.

Variance Recommendation

Staff recommends that the Variance be granted with mitigation. The submitted PFCP meets all applicable requirements of the Chapter 22A of the County Code (Forest Conservation Law).

Stormwater

The MCDPS Stormwater Management Section accepted a stormwater management concept for the Application on March 24, 2015. The stormwater management concept consists of a combination of drywells, a microinfiltration trench, and landscape infiltration on the lots. The new public street will utilize bioswales located in the right-of-way. The Application complies with Chapter 19 of the County Code regarding stormwater management.

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 size, width, shape and orientation of each lot are found to be appropriate for the location of the subdivision and for the intended use (residential). The lot layout addresses specific Master Plan recommendations for the New Hampshire Avenue area regarding preserving rural character and minimizing negative impacts to this character along the roadway.

The lots were reviewed for compliance with the dimensional requirements of the R-200 zone as specified in the Zoning Ordinance. The proposed lots will meet all the dimensional requirements for area, frontage, width, and the future dwellings can meet setbacks required in that zone. 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. Two signs referencing the proposed modification were posted along the Property frontage with New Hampshire Avenue and in the right-of-way for Crystal Spring Terrace. A pre-submission meeting was

held at the Education Building of the Ashton Baptist Church located at 17826 New Hampshire Avenue on December 5, 2013.

Five people who were not part of the Applicant’s team attended the meeting and according to the minutes of that meeting, questions pertaining to access and tree conservation were raised at the meeting. Staff to date has received one comment in writing (Attachment 10) from the Spring Lawn Farm Homeowners Association in support of the project. However, this support was based on a plan which proposed all access off of New Hampshire Avenue. In early May, 2015, Staff requested that the Applicant send a copy of the plan under consideration to the Spring Lawn Farm Homeowners Association. As of this writing, the Spring Lawn Farm Homeowners Association has not submitted any additional comments in response to this Preliminary Plan.

CONCLUSION

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

Table 3: Preliminary Plan Data Table

PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan
Minimum Lot Area	20,000 sq. ft.	38,000 sq. ft. minimum
Lot Width	100 ft.	200 + ft. minimum
Lot Frontage	25 ft.	75 ft. minimum
Setbacks		
Front	40 ft. or EBL whichever is greater	40 ft. or more ¹
Side	12 ft. Min./ 25 ft. total	12 ft. or more ¹
Rear	30 ft. Min.	30 ft or more ¹
Maximum Residential Dwelling Units	13	3
MPDUs	N/A	N/A
TDRs	N/A	N/A
Site Plan Required	N/A	N/A

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

Attachments

Attachment 1 – Preliminary Plan

Attachment 2 – Preliminary FCP

Attachment 3 – Street covenant with Montgomery County

Attachment 4 – DPS Stormwater Concept Approval

Attachment 5 – State Highway Administration Letter

Attachment 6A – MCDOT Original Approval Letter, August 8, 2014

Attachment 6B – MCDOT Amended Approval Letter, April 2, 2015

Attachment 7A – MCFRS Approval

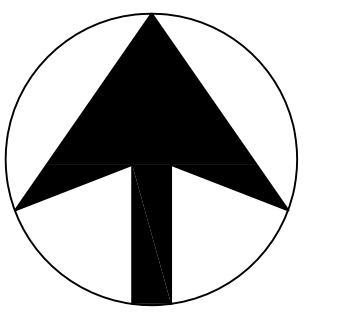
Attachment 7B – Fire Department Apparatus Access Plan

Attachment 8 – Tree Variance Request from Applicant

Attachment 9 – Tree Variance Recommendation from County Arborist

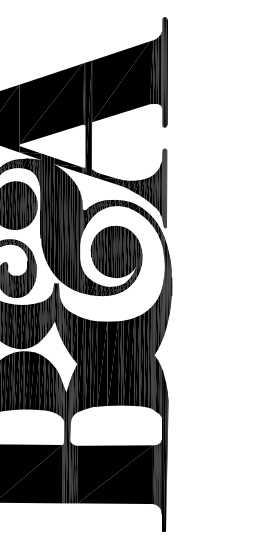
Attachment 10 – Letter from the Spring Lawn Farm Homeowners Association

Rev. 03/25/15



date: 2/19/14
scale: 1" = 60'

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

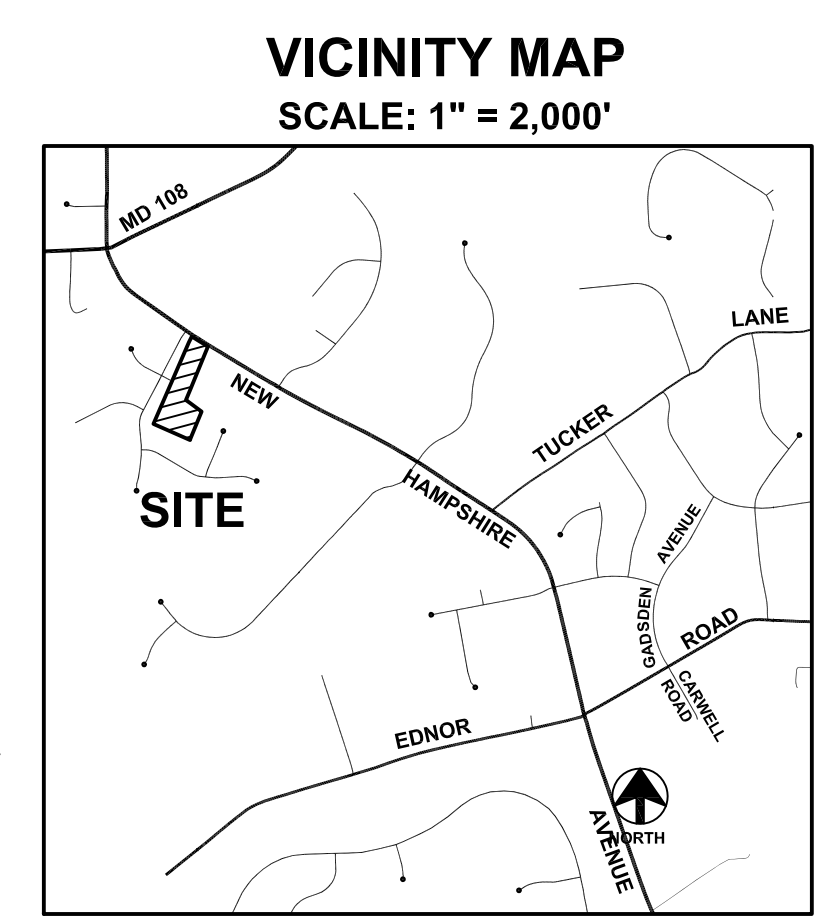
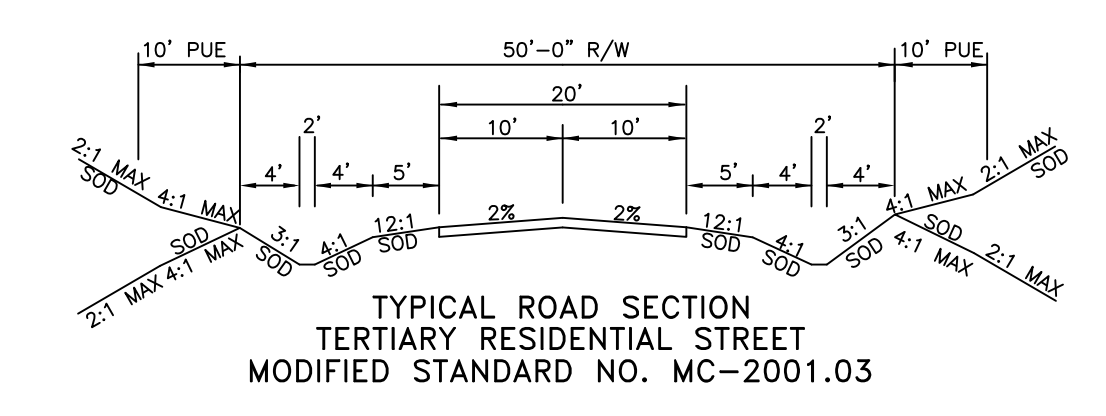


PRELIMINARY PLAN
INGLESIDE
P836; Tax Map JT342
Montgomery County, Maryland

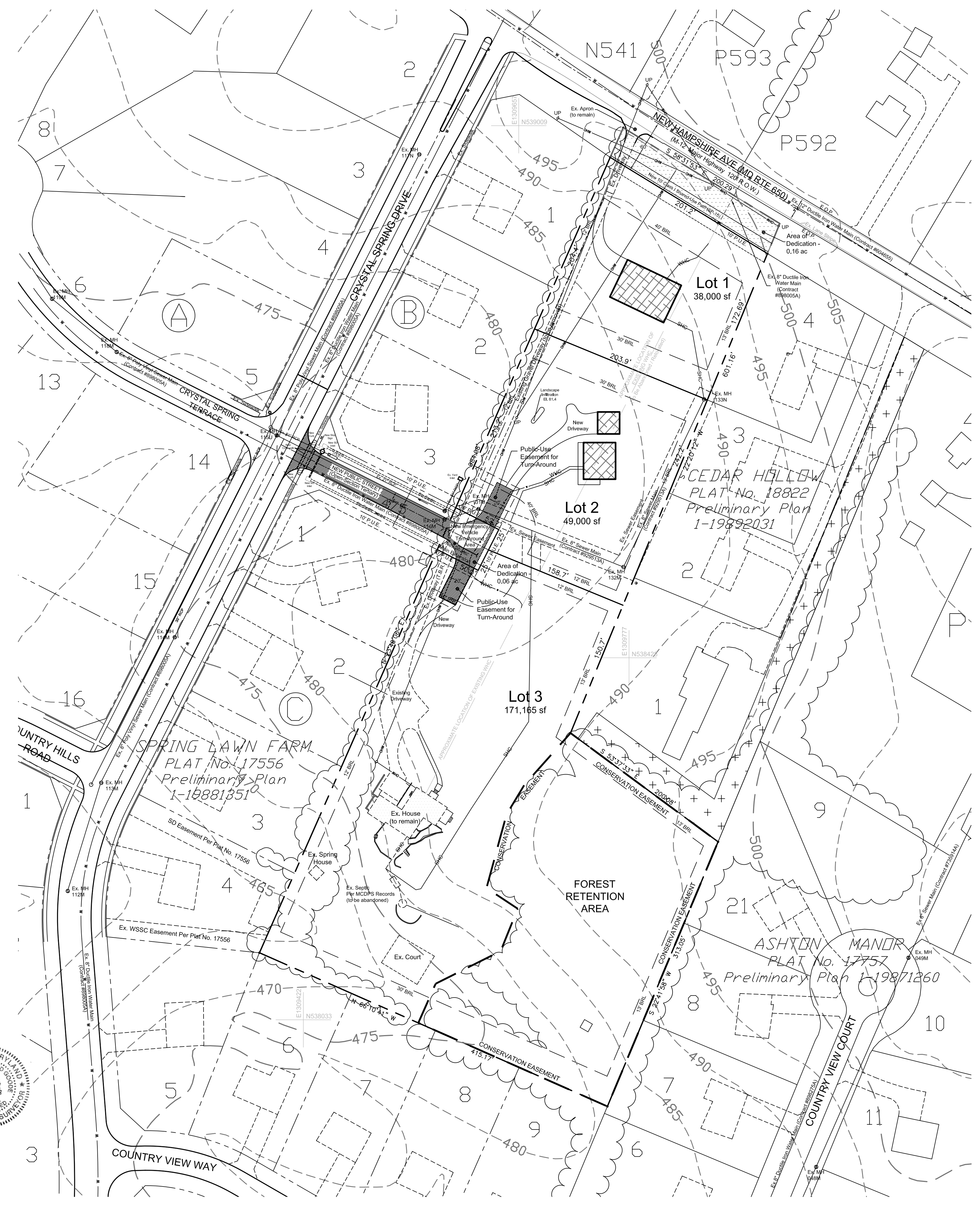
ZONING STANDARDS:		
ZONE: R-200	Req.	Prov.
Lot Size	20,000 sf	38,000 sf
Front Setback	40' or EBL, whichever is greater	40' or more
Sideyards	12' min., 25' total	12' or more
Rearyard	30'	30' or more
Building Height	45' to roof peak or 40' to mean height	Will Meet Requirements
Lot Coverage	25% Max.	<25%
Lot Width @ Building Line	100'	200'+
Frontage	25'	75'

NOTES:

1. AREA OF PROPERTY: 6.17 Ac. (268,765 sf)
2. EXISTING ZONING: R-200
3. NO. OF LOTS PROPOSED: 3
4. AREA OF LAND TO BE DEDICATED TO ROADS: 0.22 Ac.
5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
6. LOTS TO BE SERVED BY PUBLIC WATER AND SEWER.
7. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, Pepco
8. PROPERTY IS LOCATED IN THE Northwest Branch WATERSHED
9. LOCATED ON TAX MAP GP52, WSSC GRID SHEETS 224NW01, 224NE01.
10. FIVE-FOOT CONTOUR INTERVAL OBTAINED FROM M-NCPPC.
11. BOUNDARY SHOWN FROM A SURVEY CONDUCTED BY:
GOODE SURVEYS, LLC PO BOX 599 DAMASCUS, MD 20872



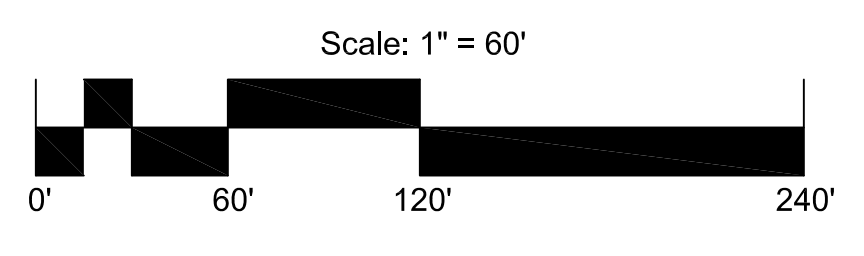
PREPARED FOR:
Daniel & Jacqueline McGroarty
17720 New Hampshire Avenue
Ashton, MD 20861
301-908-1160



LEGEND:

Property Line	N 67°04'00" W
Proposed House	[Symbol: rectangle with dashed lines]
Lot Line	[Symbol: solid line]
Sewer House Connection	-SHC-
Water House Connection	-WHC-
Existing Category I Conservation Easement	[Symbol: rectangle with horizontal lines]
New Public-Use Pavement	[Symbol: rectangle with diagonal lines]
Proposed Conservation Easement	[Symbol: rectangle with wavy lines]

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.
Signature: [Signature] Date: 1/26/15 Exp. Date: 12-10-16



LIBER 9290 FOLIO 617

DECLARATION OF COVENANTS

This DECLARATION, made this 27th day of February, 1990, by James P. O'Connor and Helen L. O'Connor (hereinafter called the "GRANTORS"), owners of the following described real property (hereinafter the "REAL PROPERTY"):

"Part of a Tract of land called Ingleside Farm, Ashton, Olney District, Montgomery County, Maryland, being more particularly described as follows:

BEGINNING for the same at an iron pipe placed at the end of 617.80 feet on the first line of a conveyance from Herbert F. McLaury to William S. Bowling for 8.925 acres of land and recorded among the Land Records of Montgomery County, Maryland in Liber 2374 at folio 386, thence with said first line South 23 degrees 59 minutes 23 seconds West 313.39 feet to an iron pipe the end of said line thence with the second, third and part of fourth lines thereof North 64 degrees 55 minutes West 415.06 feet to an iron pipe North 25 degrees 05 minutes East 984.40 feet to an iron pipe on the Southerly side of the Colesville Road thence along said Road South 57 degrees 16 minutes East 200.42 feet to an iron pipe thence leaving said Road to include a part of said land South 23 degrees 38 minutes 30 seconds West 601.60 feet to an iron pipe thence South 52 degrees 31 minutes 30 seconds East 200 Feet to the place of beginning, containing 6.179 acres."

WITNESSETH:

We, James P. O'Connor and Helen L. O'Connor, husband and wife, with full authority to execute deeds, mortgages, and other covenants, and other rights, titles, and interest in real property owned by them, do hereby covenant with Montgomery County, Maryland, said covenant to run with the land, that in the event the REAL PROPERTY is subdivided in accordance with the provisions of Chapter 50 of the Montgomery County Code 1984, as amended, for residential development with a public road connection to the proposed Street E (which is intended to become a public road known as Crystal Spring Terrace) shown on approved

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) BAS 9290 P. 0617, MSA_CE63_9248 D. 23 Available 06/22/2005. Printed 04/24/2014.

RELEASE
12.00
201.00
3.00
15.00
15.00
15.00
04/26/90
MONTGOMERY COUNTY
CIRCUIT COURT
CLERK
JL
SUBDIVISION
RECORDS
SECTION

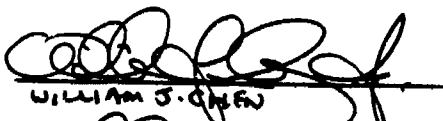
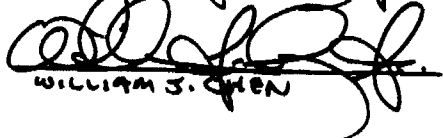
1990 APR 26 PM 3:23



6

Preliminary Plan No. 1-87218, entitled "Spring Lawn Farm", the GRANTORS agree that they, their heirs, personal representatives, successors or assigns will cause to be built, at their, or their successors, cost and expense, that portion of the proposed Street E (Crystal Spring Terrace) from the REAL PROPERTY to the curb line of proposed Street A (which is intended to become a public road known as Crystal Spring Drive) also shown on said approved Preliminary Plan No. 1-87218 which is a distance of approximately One Hundred Eighty-Five Feet. The said road shall be built in accordance with the Montgomery County construction standards for a public tertiary street. This covenant eliminates the requirement contained in PIA 89-105 for the aforesaid portion of proposed Street E.

IN TESTIMONY WHEREOF the said GRANTORS have hereunto have set their hands and seals the day, month, and year first above written.

ATTEST:


WILLIAM S. CHEN

WILLIAM S. CHEN


James P. O'Connor (SEAL)

Helen L. O'Connor (SEAL)

State of Maryland
County of Montgomery, to wit:

I hereby certify that on this 27th day of February 1990, before the subscriber, a Notary Public in and for the aforesaid State and County, personally well known to me (or satisfactorily proven) to be James P. O'Connor, the person whose name is

subscribed to the within instrument, and did each acknowledge declaration to be his act and deed.

Elizabeth D. Hanrahan
ELIZABETH D. HANRAHAN Public
Notary Public
Montgomery County, Md.

My Commission Expires: 7/1/90

State of Maryland
County of Montgomery, to wit:

I hereby certify that on this 27th day of February 1990, before the subscriber, a Notary Public in and for the aforesaid State and County, personally well known to me (or satisfactorily proven) to be Helen L. O'Connor, the person whose name is subscribed to the within instrument, and did each acknowledge declaration to be her act and deed.

Elizabeth D. Hanrahan
ELIZABETH D. HANRAHAN Public
Notary Public
Montgomery County, Md.

My Commission Expires: 7/1/90

Parcel ID 8-501-716088



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

March 24, 2015

Mr. David McKee
Benning & Associates
8933 Shady Grove Ct.
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Ingleside
Preliminary Plan #: 120140140
SM File #: 262115
Tract Size/Zone: 6.17
Total Concept Area: 1.11
Lots/Block: NA
Parcel(s): 836
Watershed: Northwest Branch

Dear Mr. McKee:

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 stormwater management goals via; Lot 1 = 3 Drywells & 1 MicroInfiltration Trench, Lot 2 = 2 Drywells & 1 Landscape Infiltration, Lot 3 = 1 BioSwale (directly connected to BioSwale in ROW, Public Right of Way area (ROW); ROW = 2 BioSwales.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. 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.

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

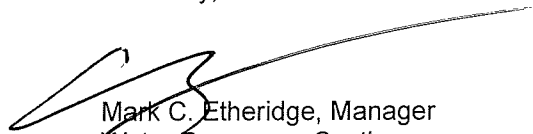
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

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

Mr. David McKee
March 24, 2015
Page 2 of 2

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 Bill Musico at 240-777-6340.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

RRB: WJM
cc: C. Conlon
SM File # 262115

ESD Acres:	2.22
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00



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

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

May 1, 2014

Ms. Cathy Conlon
Montgomery County Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Montgomery County
MD 650 (New Hampshire Avenue)
Ingleside
SHA Tracking No: 14APMO013XX
County Tracking Number: 120140140
Mile Post: 13.31

Dear Ms. Conlon:

Thank you for the opportunity to review the preliminary plan submittal, received on April 8, 2014, proposing the Ingleside subdivision in Montgomery County. The State Highway Administration (SHA) offers the following comments:

Access Management Division (AMD) Comments:

1. The existing asphalt driveway must be closed once the proposed driveway is constructed.
2. The State Highway Administration requires that any right-of-way or easement donation (dedication) be platted to SHA standards. These standards may be found at <http://www.roads.maryland.gov>; - Business Center; - Surveyors Center; then follow the link to Developer Donation Plat Standards. Please contact Ms. Jane Heming, Chief, Records & Research Section, Office of Real Estate at 410-545-2829 or jheming@sha.state.md.us for existing right-of-way information. Note that any plats produced for the SHA shall be on NAD83/91 datum. Please contact Mr. Dan Sain, Assistant Division Chief, Plats and Surveys Division at 410-545-8961 or dsain@sha.state.md.us for SHA-GPS control location and information. All plats must be submitted in hard copy format for review, checking and final issuance. All subdivision plats that will be showing donated area must be approved by PSD prior to recordation at the County level. The first plat submission shall come through the Access Management Division directly to Mr. Steven Foster, attention of Mr. Erich Florence. Subsequent plat submissions may be made directly to the Plats and Surveys Division. Please contact Mr. Bill Carroll, Assistant Division Chief, Plats and Surveys Division at 410-545-8958 or bc Carroll@sha.state.md.us for additional information about the Donation Plat review process. Additionally, contact Mr. Paul Lednak, Chief, District 3 Right-of-Way at 301-513-7466 or via email at plednak@sha.state.md.us for information about the Donation Deed requirements and procedures.
3. The proposed construction of the residential 3-lot subdivision taking place within SHA right-of-way is subject to the terms and conditions of a District Office (DO) permit. Please refer to our website www.roads.maryland.gov under Business Center, Permits, Access Permits for more information about District Office Permits.
4. If Maryland-National Capital Park and Planning Commission (M-NCPPC) and or Montgomery County Department of Transportation (MCDOT) determine that access must come from the paper street, access to MD 650 must be closed. Please continue coordination with M-NCPPC and MCDOT.

My telephone number/toll-free number is 410-545-5600
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Ms. Cathy Conlon
SHA Tracking No: 14APMO013XX
Page 2
May 1, 2014

Once the right-of-way necessary to construct the MD 650 improvements have been dedicated as shown on the plans, please have the applicant make a submittal to Mr. Victor Grafton, District 3 Utility Engineer. If you have any questions, or require additional information, please contact Mr. Victor Grafton at 301-513-7350, by using our toll free number in Maryland only at 1-800-876-4742 or via email at vgrafton@sha.state.md.us

Sincerely,



for Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/JWR/EMF

cc: Mr. Bill Carroll, SHA – Plats and Surveys Division
Mr. Victor Grafton, SHA – District 3 Utility Engineer
Ms. Jane Heming, SHA - Office of Real Estate
Mr. Paul Lednak, SHA – District 3 Right of Way
Mr. Daniel McGroarty, Owner - 17720 New Hampshire Avenue, Ashton, MD 20861
Mr. David McKee, Benning & Associates, Inc. / Office@benninglandplan.com
Mr. Mark McKenzie, SHA – AMD Assistant Regional Engineer
Ms. Anyesha Mookherjee, SHA – District 3 Assistant District Engineer - Traffic
Mr. Scott Newill, SHA – AMD Regional Engineer
Mr. Ramesh Patel, SHA - District 3 Resident Maintenance Engineer – Fairland Shop
Ms. Erica Rigby, SHA – AMD
Mr. Dan Sain, SHA – Plats and Surveys Division
Mr. Ryan Sigworth, M-NCPPC/ Ryan.Sigworth@montgomeryplanning.org
Mr. Brian Young, SHA – District Engineer (District 3)
Catherine.Conlon@montgomeryplanning.org.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 8, 2014

Mr. Ryan Sigworth, 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. 120140140
Ingleside

Ryan
Dear Mr. Sigworth:

We have completed our review of the preliminary plan dated February 19, 2014. This plan was reviewed by the Development Review Committee at its meeting on May 5, 2014. We recommend approval of the plan subject to the following comments:

Note: 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. Our interpretation of the Declaration of Covenants recorded in the Land Records of Montgomery County in Liber 9290 at Folio 617-619 is that the dedication and construction of Crystal Spring Terrace is required if this property is subdivided. Since the property east of this site (Cedar Hollow) has already been subdivided, we recommend Crystal Spring Terrace terminate within a cul-de-sac on this property. Accordingly, we recommend full width dedication and construction of the extension of Crystal Spring Terrace, beginning at Crystal Spring Drive and terminating in a cul-de-sac, in accordance with MCDOT design standard no. MC-2001.02, be required for this project.

Any modifications to MCDOT standards, policies, or procedures will necessitate submission of a Design Exception package from the applicant. General information about Design Exception packages can be found in item no. 12 of the Development Review FAQs portion on the MCDOT/Division of Traffic Engineering & Operations website at:
http://www.montgomerycountymd.gov/dot-traffic/development_review.html.

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

2. Grant necessary slope and drainage easements prior to record plat. Slope easements are to be determined by study or set at the building restriction line. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
3. Access and improvements along New Hampshire Avenue (MD 650) as required by the Maryland State Highway Administration. If Maryland State Highway Administration determines that one or more of the houses cannot have vehicular access from New Hampshire Avenue, then the applicant will be required to construct vehicular access from Crystal Spring Terrace to each of the homes denied access along New Hampshire Avenue.
4. Sight distance measurements and evaluation for New Hampshire Avenue (MD 650) to be reviewed by the Maryland State Highway Administration.
5. In consideration of the limitations in Section 49-33(e) of the Montgomery County Code regarding sidewalk construction on tertiary and secondary residential streets, MCDOT is not recommending the applicant construct a sidewalk along the site frontage of Crystal Spring Terrace. However, the Montgomery County Planning Board may require the installation in certain situations; we defer to the Planning Board for the decision for this specific project.
6. This site is located in the Northwest (Class IV) watershed. In accordance with Section 49-33(l) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.

We note that the recommended design standard for Crystal Spring Terrace (no. MC-2001.02) requires this waiver. Additional water quality improvement measures may be necessary to secure this approval. If the consultant is unsuccessful in this endeavor, they will need to propose a modified open section road typical section which confines the permanent improvements to the available right-of-way and easements.

7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. 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. Street grading, paving, curbs and gutters, and handicap ramps, storm drainage and appurtenances, and street trees along Crystal Spring Terrace, between Crystal Spring Drive and terminating in a cul-de-sac, in accordance with MCDOT Design Standard no. MC-2001.02. [Per comment no. 6, we are not recommending the applicants be required to construct sidewalk(s) along their site frontage. This typical section may also need to be amended per 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 ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- f. 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 Ms. Rebecca Torma, our Development Review Area Planning Specialist for this project at rebecca.torma@montgomerycountymd.gov or (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:/corres/FY15/Traffic/120140140, Ingleside, MCDOT plan review itr. doc

cc: Daniel McGroarty Owner
Jacqueline McGroarty Owner
David McKee Benning and Associates, Inc.
David Gardner Law Offices of David C. Gardner
Scott Newill MSHA AMD
Preliminary Plan folder
Preliminary Plan letters notebook

Mr. Ryan Sigworth
Preliminary Plan No. 120140140
August 8, 2014
Page 4

cc-e:	John Carter	M-NCPPC Area 3
	Richard Weaver	M-NCPPC Area 3
	Katherine Holt	M-NCPPC Area 3
	Catherine Conlon	M-NCPPC DARC
	Marie LaBaw	MCFRS
	Atiq Panjshiri	MCDPS RWPR
	Mark Etheridge	MCDPS WRM
	Rebecca Torma	MCDOT DTEO

David McKee
Benning & Associates, Inc.
8933 Shady Grove Ct
Gaithersburg, MD 20877
Day Phone: (301)948-0240

Daniel McGroarty
17720 New Hampshire Avenue
Ashton, MD 20861
Day Phone: (301)908-1160

David C. Gardner
Gardner Law Firm, P.C.
Jefferson Plaza Building
600 Jefferson Plaza
Suite 308
Rockville, MD 20852



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Acting Director

April 2, 2015

Mr. Ryan Sigworth, 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. 120140140
Ingleside

AMENDMENT LETTER

Ryan:
Dear Mr. Sigworth:

This message is to amend the comments contained in our August 8, 2014 preliminary plan review comments letter for this preliminary plan to address subsequent request(s) from your office and the applicant contained in the following submissions:

- the November 7, 2014 letter from Mr. Richard Weaver of the Montgomery County Planning Department requesting MCDOT consideration of alternative improvements within the Crystal Spring Terrace right-of-way adjacent to the subject property;
- the January 28, 2015 Fire Department Apparatus Access Plan (which proposes a "T" configuration terminus) approved by Ms. Marie LaBaw of Montgomery County Fire & Rescue Services on February 3, 2015;
- the February 5, 2015 Design Exception package from Benning & Associates, Inc. to permit the applicants to design and construct non-standard public improvements within the Crystal Spring Terrace right-of-way;
- the March 5, 2015 supplemental Design Exception package from Benning & Associates, Inc.; and
- the March 5, 2015 amended storm drain analysis by JAS Engineering Design LLC.

In consideration of the persuasive points in those requests, we recommend approval of the March 1, 2015 amended preliminary plan subject to the following comments:

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



- All previous comments in our August 8, 2014 letter remain applicable unless modified below.
- Comments 1 (first paragraph) [*dedication and construction of Crystal Spring Terrace, terminating in a cul-de-sac*], 6 [*closed section roadway waiver*], 8 (a) and 8 (f) [*permit and bond to construct the extension of Crystal Spring Terrace as a publicly maintained street*] in our August 8, 2014 letter are hereby deleted.
- All improvements within the dedicated right-of-way for the extension of Crystal Spring Terrace (south/east of Crystal Spring Drive) will require right-of-way construction plan approval, permit and bond from the Department of Permitting Services prior to approval of the record plat. **All improvements within that right-of-way are to be privately maintained by the applicants, their successors or assigns. A Maintenance and Liability Agreement will need to be executed and recorded prior to approval of record plat; the deed reference for this Agreement should be reflected on the record plat. This Maintenance and Liability Agreement will remain in effect until the road terminus has been properly dedicated and constructed under permit (in a cul-de-sac configuration with street trees and streetlights) and accepted for public maintenance.**
- We accept the applicant's proposal to construct site access per the modified Tertiary Street standard MC-2001.03 terminating in a T- turnaround as shown in the aforementioned revised Preliminary Plan. Modifications to the existing storm drain system within that right-of-way will be necessary to implement the proposed private access. We note that twenty five (25) foot wide slope easements have been granted adjacent to the Crystal Spring Terrace right-of-way under record plat no. 17556; all side slope grading should be confined to those limits.
- The dimensions of the pavement and easement for the proposed T- turnaround should be reflected on the certified preliminary plan.
- We accept the conclusions in the consultant's amended storm drain report – which indicate the existing outfall is adequately sized for the 10 year storm and the spread requirements for the existing inlets on Crystal Spring Drive (a Primary classification street) requirements have satisfied and that the existing pipes have adequate capacity for the post-development runoff. Although the efficiencies for the two inlets on Crystal Spring Drive is indicated to be below the minimum 70% interception required in the Montgomery County Storm Drainage Design Criteria, we will not require the applicant to modify those inlets - as that runoff is primarily off-site and not related to this development. No further drainage analysis is required from DOT.

Mr. Ryan Sigworth
Preliminary Plan No. 120140140
April 2, 2015
Page 3

Thank you for your cooperation, assistance, and patience with these modifications. If you have any questions regarding these amended comments, please contact Mr. Deepak Somarajan, our Development Review Area Engineer who has assumed management of this project, at 240-777-2190 or at deepak.somarajan@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

M:\corres\FY15\Traffic\120140140, Ingleside, MCDOT plan AMENDMENT ltr.doc

Attachment (1)

CC:	Daniel & Jacqueline McGroarty	property owners
	David McKee	Benning & Associates, Inc.
	David Gardner	Law Offices of David C. Gardner
	Jon Shiancoe	JAS Engineering Design LLC
	Scott Newill	MSHA AMD
	Marie LaBaw	MCFRS
	Mark Etheridge	MCDPS WRM
	Atiq Panjshiri	MCDPS RWPR
	Preliminary Plan folder	
	Preliminary Plan letters notebook	
cc-e:	Richard Weaver	M-NCPPC Area 3
	Michael Garcia	M-NCPPC Area 3
	Rebecca Torma	MCDOT DTEO
	Avinash Dewani	MCDOT DTEO
	Deepak Somarajan	MCDOT DTEO



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Ingleside Preliminary Plan Number: 1-20140140

Street Name: Crystal Spring Terrace Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

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

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>500</u>	<u>✓</u>	Right _____	_____
Left <u>650</u>	<u>✓</u>	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)

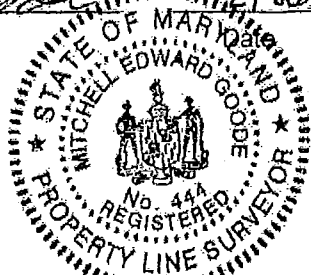
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature]
 Signature: _____
7/26/15

444
 PLS/P.E. MD Reg. No.



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved:
By:	<u>[Signature]</u>
Date:	<u>3/12/15</u>



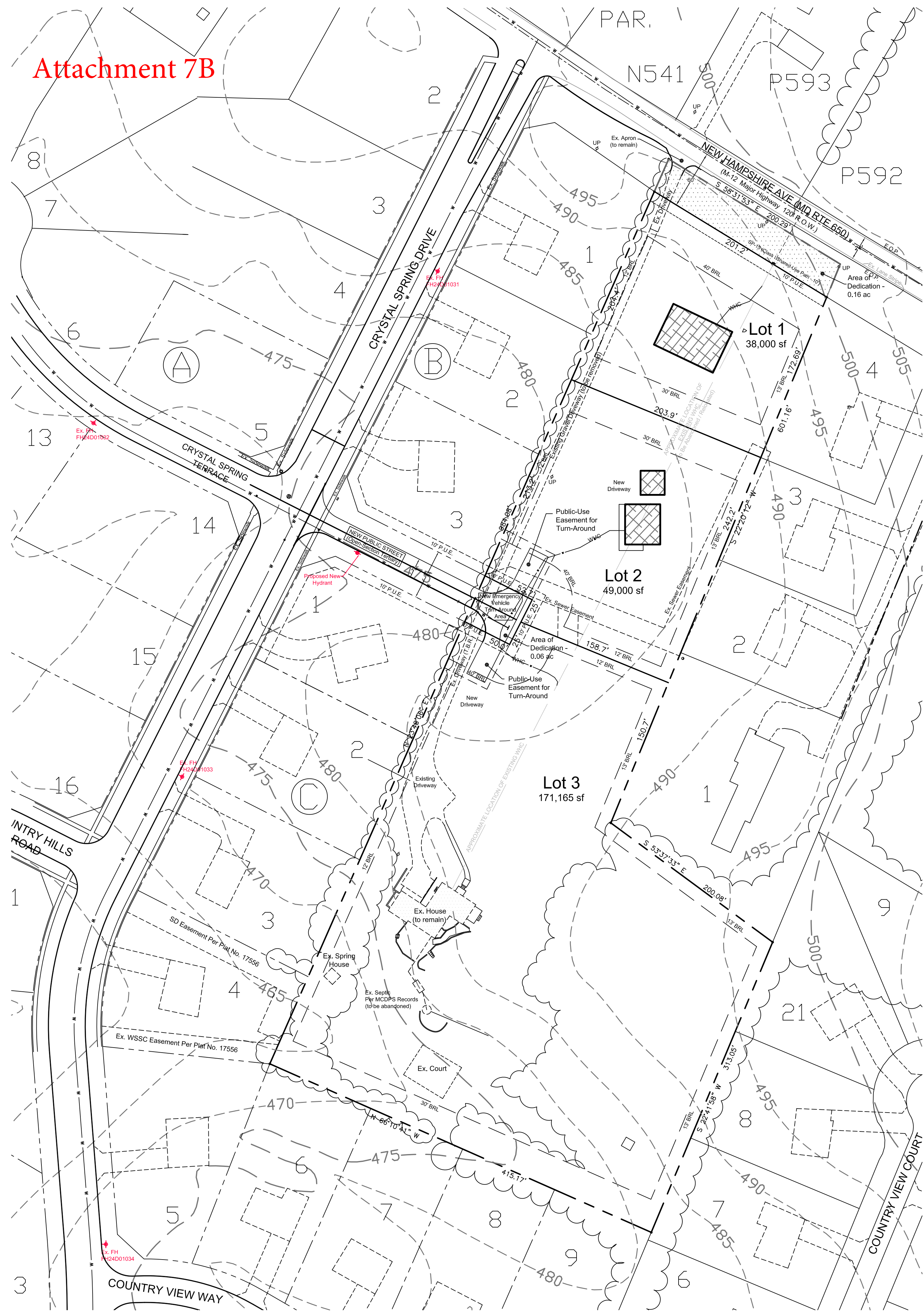
FIRE MARSHAL COMMENTS

DATE: 03-Feb-15
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Ingleside
120140140

PLAN APPROVED

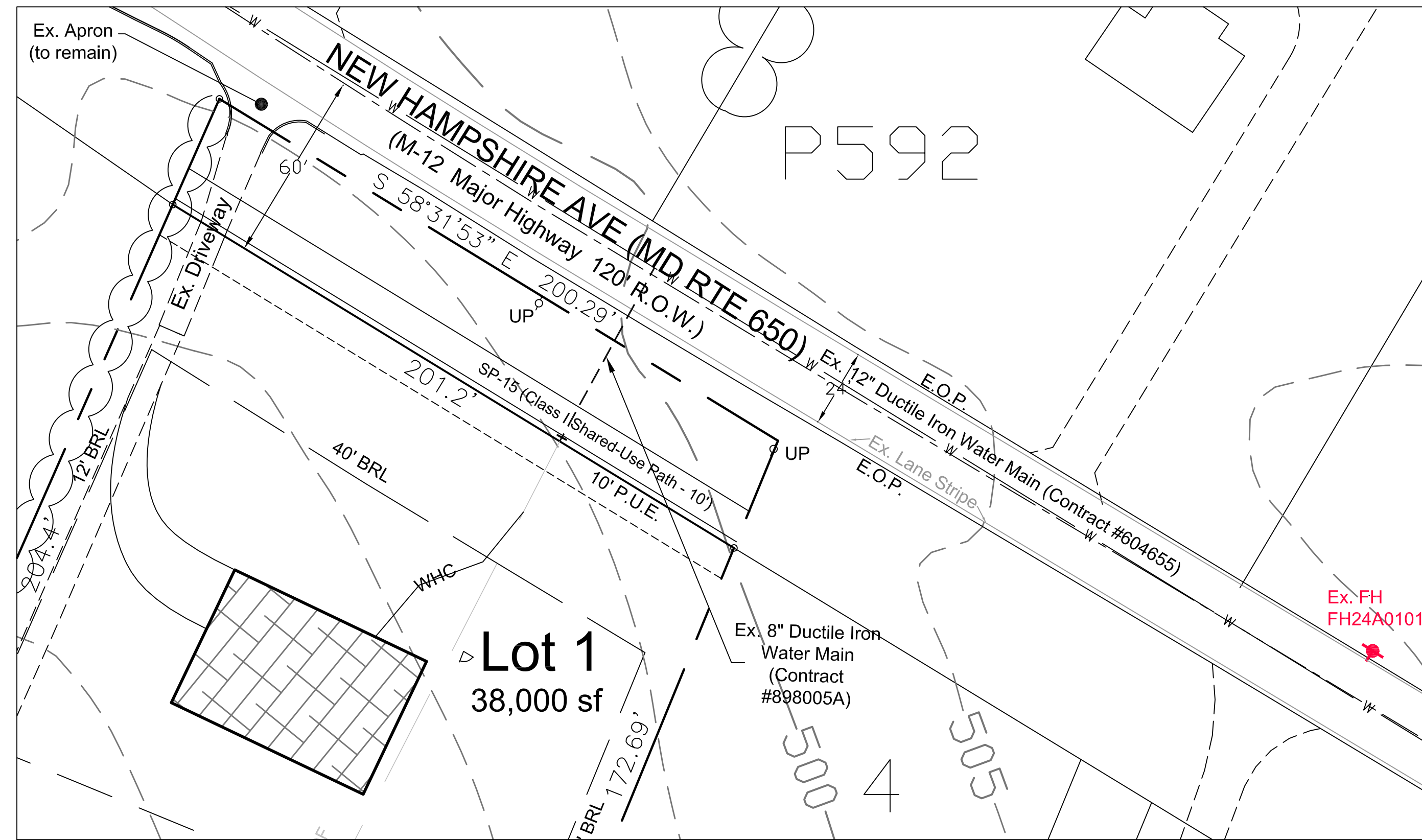
1. Review based only upon information contained on the plan submitted **03-Feb-15** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Attachment 7B

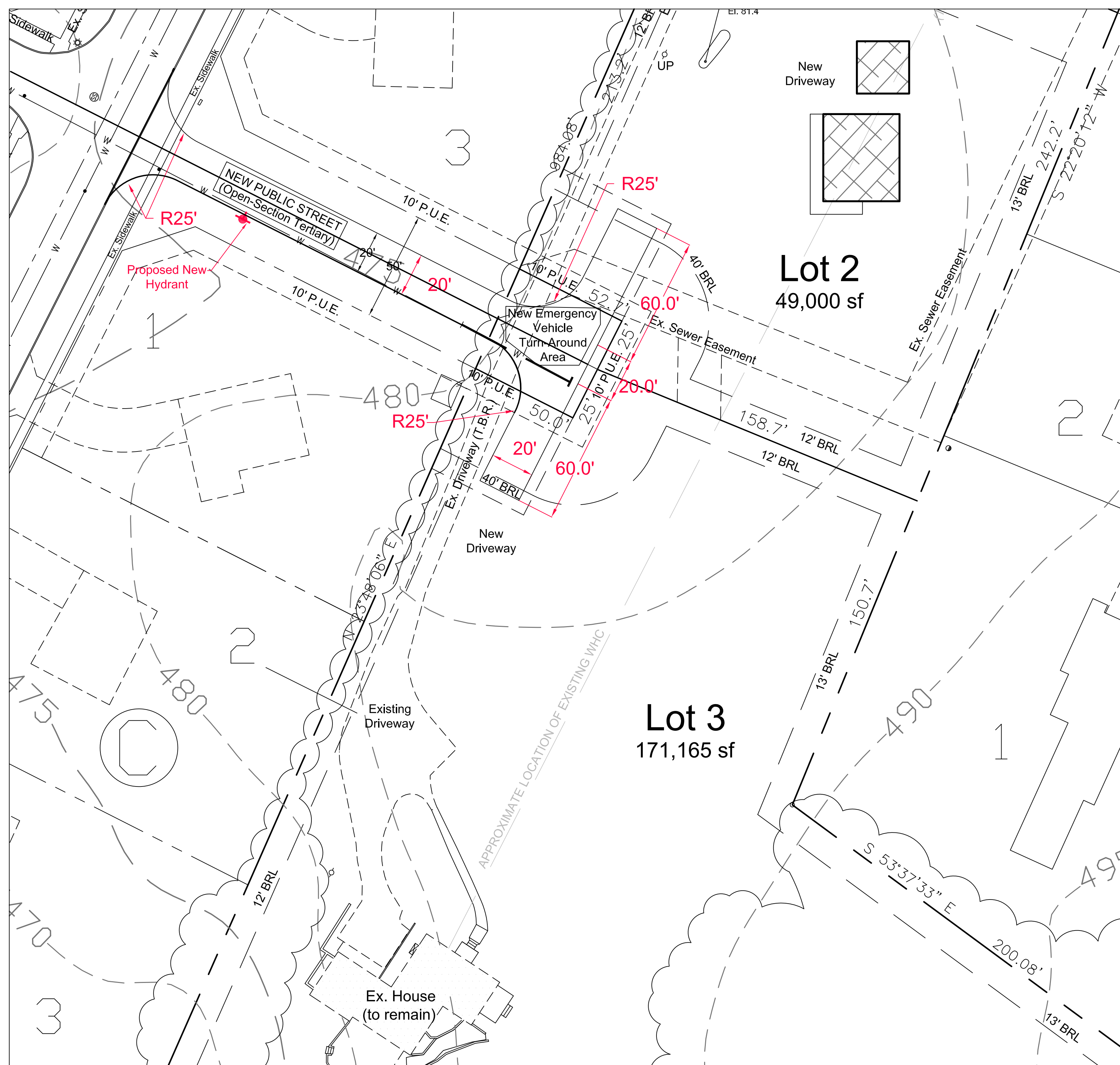


FIRE DEPARTMENT APPARATUS ACCESS & WATER SUPPLY NOTES:

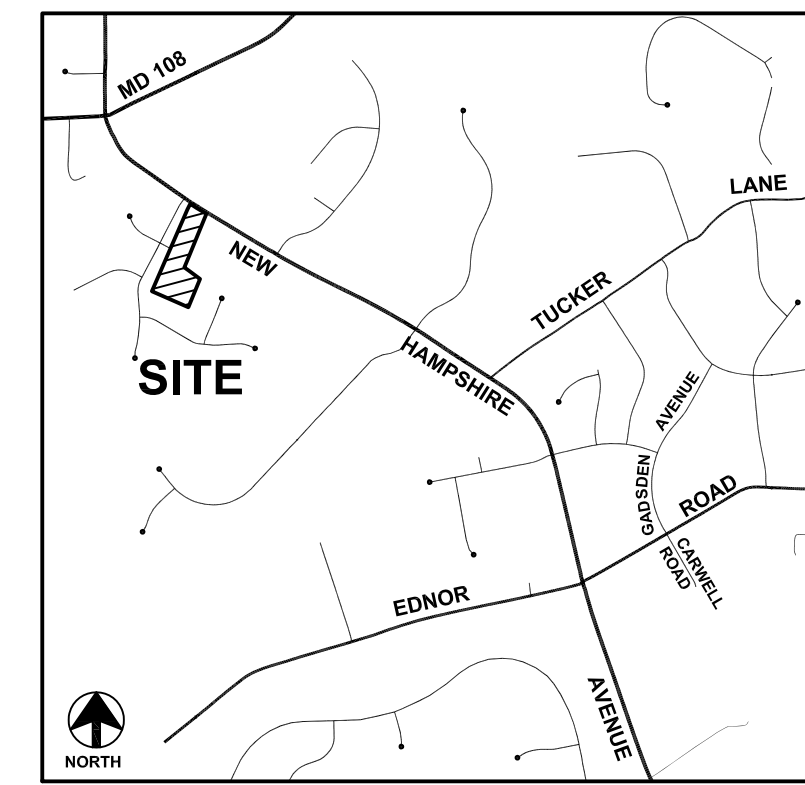
1. The purpose of this plan is to address requirements of Executive Regulation 29-08AM (Fire Department Apparatus Access and Water Supply) as appropriate for the proposed subdivision.
2. Proposed Lot 1 will be accessed by an individual driveway which will provide Fire Department access off of New Hampshire Avenue.
3. Proposed Lot 2 and Lot 3 will be served by the construction of a new tertiary public road. The home on Lot 3 is existing.
4. For water supply, an existing WSSC fire hydrant is located 360' west of the property along New Hampshire Avenue to serve proposed Lot 1. A second hydrant is located 185' to the east of the property along New Hampshire Avenue. There are 4 additional fire hydrants located to the west and south of the property within 350'. These hydrants are located on Crystal Spring Drive and Country View Way. **A new fire hydrant will be installed in the right-of-way of the new public road that will be constructed to serve proposed Lots 2 and 3.**



DETAIL VIEW: LOT 1
1" = 30'



DETAIL VIEW: LOTS 2 & 3
1" = 30'



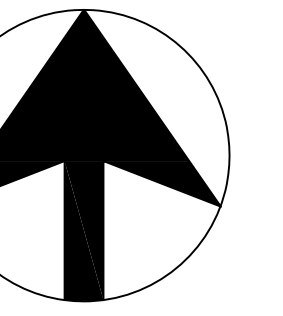
VICINITY MAP
SCALE: 1" = 2,000'

PREPARED FOR:
Daniel & Jacqueline McGroarty
17720 New Hampshire Avenue
Ashton, MD 20861
301-908-1160

LEGEND:

- Existing House
- Proposed House
- Lot Line
- Ex. Fire Hydrant

01/28/2015	



date: 01/23/2015
scale: 1" = 100'

Benning & Associates, Inc.
Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301) 946-0246



FIRE DEPARTMENT APPARATUS ACCESS PLAN
INGLESIDE
P836; Tax Map JT342
Montgomery County, Maryland

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
8933 Shady Grove Court
Gaithersburg, MD 20877
Phone: 301-948-0240
Fax: 301-948-0241

To: Mr. John Carter, Area 3 Chief, M-NCPPC
From: David W. McKee
Date: 01-23-15
Re: Ingleside (120140140) - Request for Specimen Tree Variance

Dear Mr. Carter,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant, I am writing to request a variance from provisions of Chapter 22 as it applies to this project. Specifically, a variance is required in order to impact or remove several large trees.

The trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project and identified below. Of the 43 specimen-size trees shown on the plan, 10 require variances for impacts from development of the site. However, only 1 of the 10 trees is proposed to be removed.

The subject property which contains an existing residence is proposed to be subdivided into 3 lots. In order to accomplish the subdivision and the eventual construction of two new homes, some impact to certain trees on or near the property is necessary. However, special care has been taken to minimize impacts and to avoid unnecessary tree removal. Most of the specimen trees are located in the area surrounding the existing house where no development is planned.

The following 10 trees are the subject of this variance request:

ST-4, a 52" Tulip Poplar, and ST-5, a 59.2" Tulip Poplar, are close together and will be slightly impacted by abandonment of the existing septic system which serves the existing house and installation of a new connection to public sewer for the house. Although impact to ST-4 and ST-5 is unavoidable due to the location of the existing septic tank and the sewer line coming from the house, the impact is minimal. Both trees are proposed to be retained.

ST-18 is a large Northern Catalpa (47.8") in moderate condition. The tree will be impacted by installation of a new sewer house connection to the existing house which will affect 17% of its root zone. Due to the condition of the tree and the limited impact, the tree is proposed to be retained.

ST-34 is a large Black Cherry (53.6") in moderate condition. The tree will also be impacted by installation of a new sewer house connection to the existing house and also by minor grading, construction activity associated with the installation of a new fire department apparatus turn-around, and realignment of the existing driveway. Although 22% of the tree's root zone will be impacted, the impact is slight and can be mitigated with tree protection measures. Therefore, the tree is proposed to be retained.

ST-35 is a large multi-stem Green Ash (40.3") in moderate condition. The tree will be only slightly impacted by installation of the new sewer house connection to the existing house which will affect 1% of its root zone. Due to the condition of the tree and the very limited impact, the tree is proposed to be retained.

ST-37 is an Eastern Red Cedar (30.0") in good condition. The tree will be impacted by installation of the new sewer house connection to the existing house which will affect 11% of its root zone. Due to the condition of the tree and the limited impact, the tree is proposed to be retained.

ST-40, a 30.2" Red Cedar in good condition, will be impacted by the development of proposed Lot 2. Approximately 33% of the critical-root-zone will be disturbed by grading for the homesite and expected stormwater management features. However, because the tree is in good condition and very little change to the existing ground in the area of activity is expected, the tree is proposed to remain.

ST-41 is a 38.8" Red Maple in poor condition. The tree will be impacted by removal of the existing driveway within its root zone, grading for the houses on proposed lots 1 and 2, and installation of stormwater management devices for Lot 1. Approximately 65% of the critical-root-zone will be impacted. Efforts to retain this tree are not worthwhile due to its very poor condition. Because the tree is currently designated as a hazard tree, it is proposed to be removed.

ST-42 is a 53.5" Silver Maple in moderate condition. The tree is located along the initial portion of the existing driveway which is proposed to remain. The tree will be slightly impacted by realignment of a portion of the existing driveway to the future house on Lot 1 and minor grading for Lot 1. The tree may also be impacted by the installation of a future planned off-site bikepath along New Hampshire Avenue. Approximately 32% of the critical-root-zone will be impacted. Although the tree is proposed to be retained, special care will be needed to preserve the tree due to the area of potential impact.

ST-43 is a 50.3" American Elm located within the existing right-of-way of New Hampshire Avenue. The tree is very close to the existing driveway apron which is proposed to remain for access to Lot 1. The tree may be impacted by the installation of a future planned off-site bikepath along New Hampshire Avenue with an area of impact of about 13%. Because the tree is off-site and not directly impacted by the planned development on the property, it is proposed to be retained. Special care will be needed to preserve and protect the tree when the bikepath is installed.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states the applicant must:

1. Describe the special conditions peculiar to the property which would cause unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of granting of the variance; and
4. Provide any other information appropriate to support the request.

There are special conditions peculiar to the property which would cause unwarranted hardship should the variance not be approved. The property is the last undeveloped property in an area of R-200 lots. Developments have occurred on all 3 sides. Similar to the adjacent properties, the subject property is zoned R-200 and as many as 8 or 9 lots are possible. However, because of the unique characteristics of the existing home and property, the owners are proposing a very limited development of the site. The site has an abundance of large trees and certain impacts are unavoidable. Furthermore, many of the impacts

are a result of bringing sewer service to the existing home. These impacts would likely occur whether or not subdivision was planned. The proposed new lots are located in the area of the property with no forest and fewer trees than other areas of the site.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. As noted above, this site cannot be developed without the requested variance. If the variance for tree impacts was not approved, the property owner would be denied the ability to bring utilities to the existing house or to develop the site for new single-family dwellings contemplated by its R-200 zoning.

The granting of a variance to remove or impact specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. There are no environmentally sensitive features on or near the property such as streams, floodplains, wetlands, or steep slopes which would be impacted. The planned development which includes two new homes will provide on-site Environmental Site Design features for management of stormwater runoff. Furthermore, all of the existing forest on the property will be retained in a category one conservation easement.

In addition to the above, Section 22A-21(d) indicates that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

This request for a variance will not confer a special privilege that would be denied to other applicants. Approval of the requested variance will allow the property owner to develop the property in a manner appropriate for the R-200 zone.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. The applicant is proposing to develop the site in accordance all rules and regulations governing development of property in the location of the site.

The request for a variance does not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Granting this variance request will not violate State water quality standards or cause measureable degradation in water quality. As stated earlier, there are no environmentally sensitive features on or near the property such as streams, floodplains, wetlands, or steep slopes which would be impacted. Furthermore, all of the existing forest on the property will be retained in a category one conservation easement.

For the above reasons, we respectfully request approval of this request for a variance from provisions of Section 22A-21 of the Montgomery County Code. If you have any questions regarding this request, please do not hesitate to contact me.

Sincerely,



David W. McKee



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

February 10, 2015

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Ingleside, ePlan 120140140, NRI/FSD application accepted on 1/16/2014

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the



variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

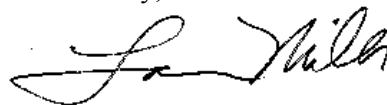
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Katherine Nelson, Planner Coordinator

Ryan

Spring Lawn Farm
HOMEOWNERS' ASSOCIATION, INC.
PO BOX 263
ASHTON, MD 20861

April 7, 2014

MNCPPC
Regulatory Coordination Division
8787 Georgia Ave
Silver Spring, MD 20910-3760

Re: Plan No. 120140140 "Ingleside"

To: Lead Reviewer

I submit this comment on behalf of the Spring Lawn Farm Homeowners Association. The property subject to the development plan is surrounded on three sides by the Spring Lawn Farm community, and the property of 17 of our residents directly abuts the proposed development.

The proposed plan was discussed at the regular annual meeting of our Association on February 10. It was particularly noted that the plan would set aside forest retention areas preserving the rural character of the community, that traffic in the community would not be significantly impacted, and that the historic setting of the 1856 "Ingleside" house would be preserved. The members present voted *unanimously* to endorse the proposed plan, and look forward to its approval.

Please advise when the public hearing on this proposed plan is scheduled so that a representative of Spring Lawn Farm and our individual members may have the opportunity to testify. Thank you.



Gary Letcher, president
Spring Lawn Farm HOA

