



**Sugarland Farm: Preliminary Plan No. 120130140**

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**Completed: 3/20/15**

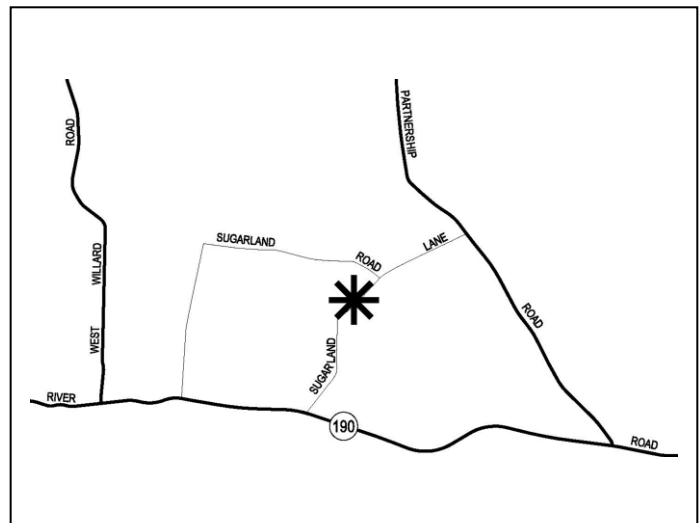
**Description**

**Sugarland Farm: Preliminary Plan No. 120130140**

Request to create two lots from four unplatted parcels, located at the end of Sugarland Lane, 0.55 miles southwest of the intersection of Sugarland Road and Sugarland Lane, 43.97 acres, R-200 Zone, Agricultural and Rural Open Space Master Plan, and Rustic Roads Functional Master Plan

**Staff Recommendation:** Approval with conditions

**Applicant:** Jacob Kinzie  
**Submittal Date:** March 4, 2013  
**Review Basis:** Chapter 50



**Summary**

- The application meets all of the requirements of Chapter 50: Subdivision Regulations
- The staff report discusses issues with respect to limited road improvements for safety along this portion of Sugarland Lane, a rustic road
- Improvements to a limited portion of Sugarland Lane are minimized to 20 feet of pavement without side ditch and shoulder in conformance with Montgomery County Department of Transportation ("MCDOT") Road Code Standard MC-2002.34: Country Road Modified
- The application must install an underground 30,000 gallon water tank within a Public Safety Water Supply Easement in conformance with Montgomery County Fire and Rescue Services ("MCFRS") requirements.

## **RECOMMENDATION:**

Staff recommends Approval, including the ability to bank a portion of the forest retention area, subject to the following conditions:

1. This Preliminary Plan is limited to two (2) residential lots.
2. Prior to the issuance of a building permit on Lot 2, as shown on the Preliminary Plan, the Applicant must provide documentation from the Montgomery County Department of Permitting Service (“MCDPS”) that the existing structure on Lot 2 has been altered to a non-habitable state and the Applicant has been granted any necessary variances for the structure.
3. The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan (PFCP) No. 120130140:
  - 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.
  - b. The Applicant must place a Category I conservation easement over approximately 29.62 acres of forest retention and environmental buffers that lie outside a public road right-of-way, 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 Final Forest Conservation Plan.
  - 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 FFCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC forest conservation inspector.
  - f. Prior to initiating any transactions for the forest bank, the Applicant must meet with Staff to determine administrative procedures for implementing the bank.
4. The Planning Board has accepted the recommendations of the Montgomery County Fire and Rescue Services (“MCFRS”) approval dated March 19, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, 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.
5. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated May 16, 2014, and hereby incorporates them as

conditions of the Preliminary Plan approval. In order to meet MCFRS emergency access requirements, off-site improvements, within the public right-of-way for Sugarland Lane must be constructed to MCDOT Road Code Standard MC-2002.34: Country Road Modified. The modification allows for the pavement to be 20 feet wide with no paved shoulder and no additional improvements beyond the 20-foot wide paved section. The Applicant must comply with each of the recommendations as set forth in the MCDOT letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

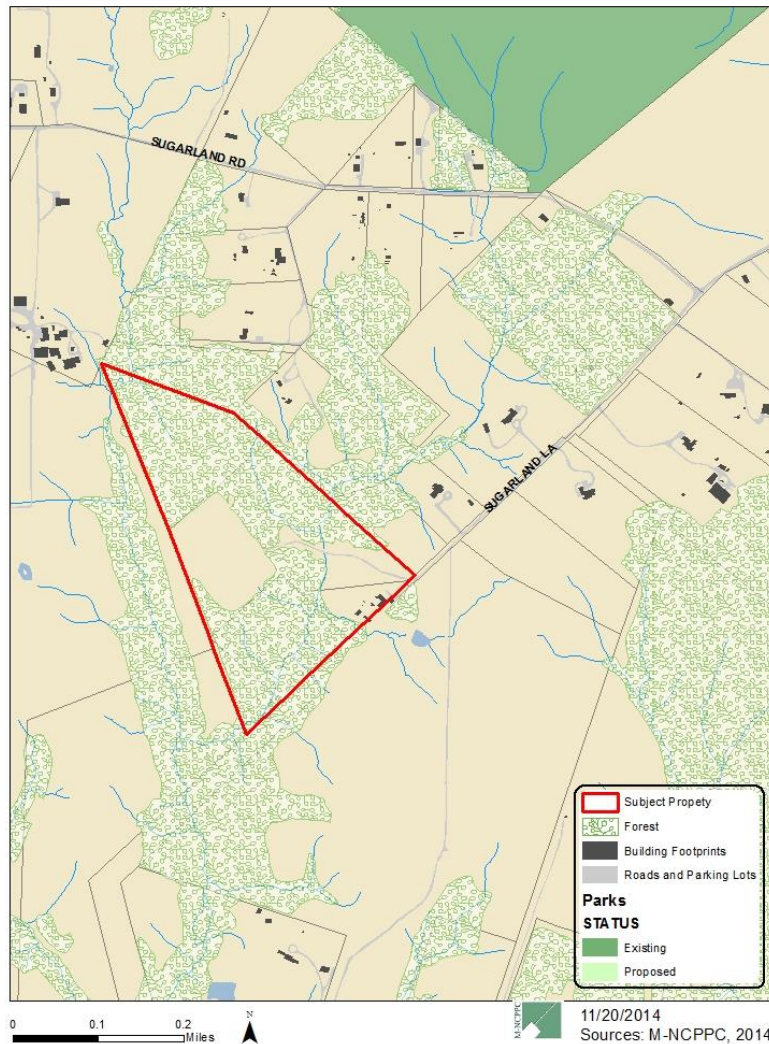
6. Prior to recordation of the plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
7. The Planning Board has accepted the recommendations of the MCPDS – Water Resources Section in its stormwater management concept letter dated April 10, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCPDS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Planning Board has accepted the recommendations of the MCPDS – Well & Septic Section in its approval letter dated November 17, 2014, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, including the requirement to abandon existing septic systems. These recommendations may be amended by MCPDS – Well & Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. 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, and building heights 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.
10. The Applicant must dedicate and show on the record plat(s) dedication 35 feet from pavement centerline on Sugarland Lane as shown on the Preliminary Plan
11. Record plat must show all necessary easements.
12. The record plat must reflect common ingress/egress and utility easements over all shared driveways.
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 comprised of four unplatted parcels identified as Parcels 255, 398, 562, and 512 on Tax Map CR343, totaling 43.97 acres, located at the end of Sugarland Lane 0.55 miles southwest of the Sugarland Road and Sugarland Lane intersection (“Property” or “Subject Property”). The Subject Property is zoned R-200 and is in the Agricultural and Rural Open Space Master Plan (“Master Plan”). The Property currently has one residential structure, which was substantially reconstructed without a building permit. The Property is located in the Potomac Direct Watershed (Class I-P). The Subject Property is in water and sewer categories W-6 and S-6, respectively and has no access to public water or sewer infrastructure.

Vicinity Map



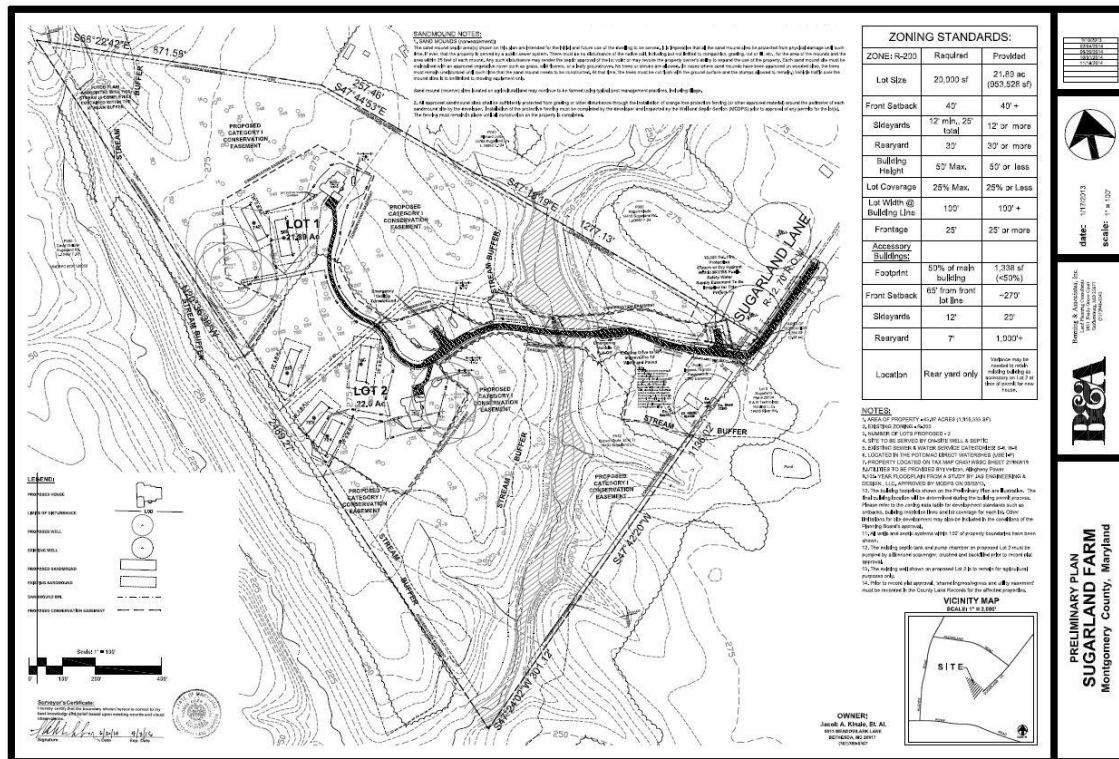
Surrounding the Property on all sides are agricultural or forested land uses as well as low density residential. To the northeast is the continuation of this concentration of the R-200 Zone, which is developed with low density residential. All other surrounding property is zoned RDT (converted by default to the AR district under the District Map Amendment and recently adopted zoning ordinance).

# PROJECT DESCRIPTION

The proposed plan, designated Preliminary Plan No. 120130140, Sugarland Farm ("Preliminary Plan" or "Application"), will create two lots, at 21.89 and 22.0 acres, served by on-site wells and above ground sand mound based septic systems. This Application proposes 35 feet of right-of-way dedication along the Property frontage from the existing right-of-way dedicated by an adjoining property. In order to meet life safety requirement from the MCFRS, the Application proposes to widen Sugarland Lane to 20 feet both within the 90 feet of Property frontage and offsite for approximately 260 feet within existing right-of-way to allow for adequate emergency vehicular access (Attachment D). This new off-site paving will fit into the existing 35 feet of right-of-way and tie into Sugarland Lane where the existing paving currently ends. Furthermore, the Applicant must install a 30,000-gallon fire protection cistern with a dry hydrant within a proposed MCFRS Public Safety Water Supply Easement on the Subject Property. To provide suitable fire access to the Subject Property, the Application proposes installing a MCFRS compliant 12-foot wide private driveway with 20-foot wide passing areas and MCFRS compliant turnarounds.

The existing residential structure on proposed Lot 2 is to be retained, but prior to any building permit approval on Lot 2, it must be converted to an accessory, non-habitable structure pending approval of any necessary variance from the Montgomery County Board of Appeals that would allow for such an accessory structure in the front yard of the primary structure. The conversion of this structure will be in accordance with MCDPS procedures for removal of plumbing fixtures and other required modifications. In addition, the existing septic system tank and pump chamber will be pumped by a licensed scavenger, crushed, and back filled also in accordance with MCDPS procedures.

## Preliminary Plan



### **Preservation of Agriculture & Rural Open Space Master Plan**

This application substantially conforms to the Master Plan for the Preservation of Agriculture & Rural Open Space. The Subject Property is part of the Agricultural Wedge which is generally the area of lowest planned density. The Master Plan also includes the Property within the Sugarland community, one of a number of “rural communities” identified in the 1980 Master Plan. These historic rural settlements remain zoned R-200 with a minimum lot size of one-half acre.

The Master Plan provided different land use policies that are to be applied to rural communities acknowledging the distinction between the Agricultural Reserve and these communities which are discussed on page 71 of the Master Plan. Briefly, the Master Plan recommends the following:

- Prepare individual master plans for selected rural communities in the Study Area.
- Maintain existing scale of development. New development should be consistent with the historical character and community lifestyles in rural settlements.
- Rehabilitate or replace dilapidated structures; these should be the major tool for upgrading housing deficiencies.
- Investigate use of publicly provided innovative individual or community sewage disposal systems, since poor soils and related health problems prevent the “filling-out” of these communities.
- Investigate the use of a “Rural Village Zone” to provide for a mix of residential lot sizes and limited commercial uses.

Without specifically describing any one of the individual rural communities, the Master Plan recommendations were to be applied in a comprehensive manner to improve the quality of life in these communities. The ability of any single property to implement these recommendations is not readily feasible except that “maintaining” the scale of development seems to be applicable to an individual development. The nature of the homes along Sugarland Lane was that of homes on large farms, and often homes on small lots of one-half acre, hence, the half-acre zoning on this area. These separation of home sites was likely diverse given the poor septic suitability which would tend to separate home sites. In other cases, some home sites might have been created in close proximity to one another where the intergenerational transfer of land and creating lots for children on the family farm evolved inot clusters of development. The Application for two lots on approximately 43 acres lends itself to a continuation of a more sparse scale of development that tends to spread homes out on larger farmable lots.

### **Rustic Roads Master Plan and Executive Regulations for Rustic Roads**

This Application substantially conforms to the Master Plan for Rustic Roads and the Executive Regulations governing the maintenance and improvements to rustic roads. This application has raised issues regarding developments along this specific rustic road, and this Staff Report goes into detail on how staff arrived at their recommendations for the Planning Board.

In the evaluation of a development plan containing or confronting a rustic road (or exceptional rustic road), Section 50-35(q) of the Subdivision Regulations states:

“In approving a preliminary plan the Planning Board must not require improvements that are contrary to the law or Executive Regulations governing rustic roads. If the Planning Board is otherwise directed by this Section to require improvements that are contrary to the rustic roads law or Executive Regulations, the Planning Board must evaluate the feasibility of trip reduction and alternative road improvements to the local roadway network. If the Planning Board determines that no feasible alternatives exist, it must

require only those improvements that do not change the significant feature of the road identified by the Council for preservation.”

#### Executive Regulations

Staff has examined how the MCFRS requirements for widening of this limited portion of Sugarland Lane conform to the Executive’s Regulations for Rustic Roads (“Regulations”) and they are in conformance. The Regulations do not prohibit improvements to a rustic road and provide latitude to make improvements necessary for accommodating farm equipment or for other reasons that the Director of MCDOT or MCDPS consider of overriding importance. In the review of a preliminary plan application, the Regulations require the Department of “Public Works and Transportation” (now MCDOT) to evaluate any proposed improvements and set requirements that are consistent with the Executive Regulations. The Planning Board’s approval of a preliminary plan along a rustic road constitutes approval of the MCDOT required rustic road improvements.

The Regulations provide the “Maintenance and Improvement Guidelines” that must be followed when such measures are undertaken on a rustic road. The Regulations also outline the procedures for conducting “Modification of Road Pavement and Related Structures” which states the following:

“Should the width, alignment or road surface of a rustic road be altered, all work shall be done in a manner as to protect the significant features which made the rustic road eligible for its rustic designation, and design techniques and materials used shall be compatible with adjacent unaltered portions of the road.”

Further, the Regulations provide recommendations for road shoulder improvements that state:

“When improving rustic roads, shoulders will be provided only if required for safety or environmental consideration, such as paving shoulders to avoid erosion.”

The improvements recommended by MCDOT and MCFRS for this Application minimizes the amount of impact to the pavement and adjacent shoulders of this portion of the current roadway. Sugarland Lane is classified by the MCDOT and the Rustic Road Functional Master Plan (“RRFMP”) as a rustic road with a right-of-way width of 70 feet. Currently, the existing road varies in width from approximately 16 to 18 feet and turns into a gravel drive as it approaches the Subject Property. As part of the development review process, MCFRS is required to review all preliminary plans to determine what measures are needed to provide adequate fire protection and access. For this Application, MCFRS requires off-site safety improvements by widening approximately 350 feet of Sugarland Lane (90 feet inside the new dedicated right-of-way, 260 feet within the existing 35 feet of right-of-way off-site) to 20 feet because it is non-compliant with Fire and Rescue requirements (Attachment D). MCDOT has approved a road section that is modified and requires no sidewalks, drainage or other improvements as part of this safety improvement. The permanent terminus of Sugarland Lane will be on the Subject Property, and in consideration of the rustic road, no dedication or construction of a permanent cul-de-sac will be required by the Application. This will allow the road to maintain as much of its existing character as possible.

#### Rustic Road Functional Master Plan

The Application is in conformance with the RRFMP. Staff has had lengthy debate as to whether the required MCFRS improvements are contrary to the RRFMP and the Executive Regulations for Rustic Roads. As discussed above, the Executive Regulations do not prohibit necessary improvements and

specifically provide for such improvements to accommodate the preliminary plan approval process. The RRFMP generally seeks to preserve rustic roads for their intrinsic value and identifies specific features that should be considered when development occurs along these roadways. The RRFMP does not prohibit roadway improvements to rustic roads. On Page 6, the RRFMP states the following:

“The rustic roads designation is not intended to affect the use of adjoining land except in the design of access to subdivision. It is also not intended to prevent needed improvements to adjoining land uses or to the roads and bridges themselves.”

The RRFMP is presented as a snapshot of the character of the road in 1994/1995. It also recognizes that rustic roads will change over time. The RRFMP states:

“The intent of the Master Plan is not to keep the roads precisely as they are today. The intent is to keep the roads compatible and in character with an agricultural community. Some changes to the roadways will be needed. Probably, changes will occur along the roadway edges. The views from the rustic and exceptional rustic roads are of particular interest.”

The specific significant features which the County Council identified for protection in the RRFMP for Sugarland Lane are:

- St. Paul’s Church located well to the north of the Subject Property at the intersection of Sugarland Lane and Sugarland Road
- The road’s high historic value
- Scenic vistas
- Cedar Hedgerow

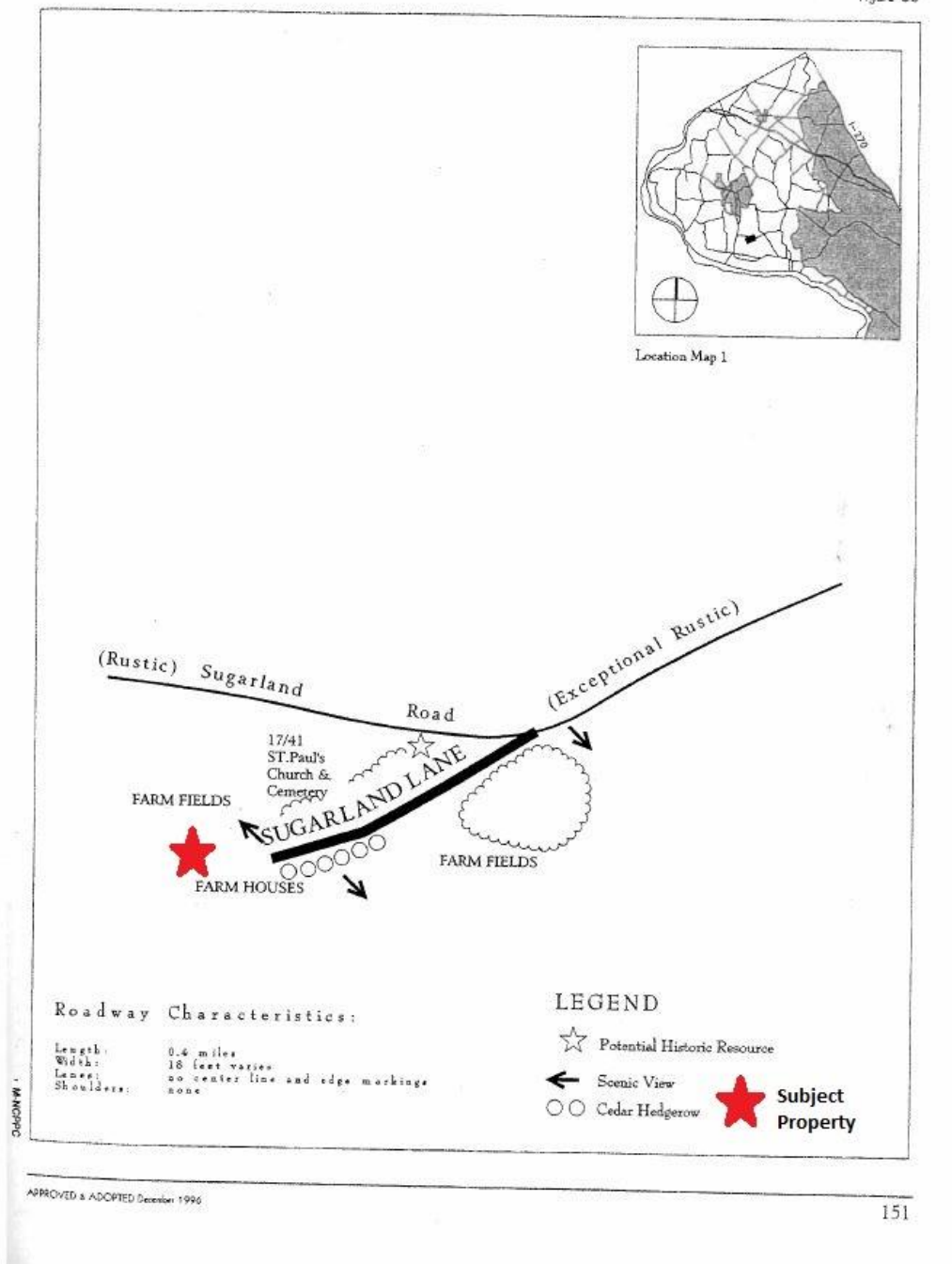
The scenic vistas, sugar maple trees, the view to the church and the hedgerow of cedar trees identified in the figure below will not be affected by these limited improvements to the existing gravel road portion of Sugarland Lane.

The historic value associated with this road is the church, and that the road traverses an area once known for its plentiful sugar maple trees. The road serves a community, called “Sugarland” or “Sugarland Forest” which was established by “free blacks” in the 1870s. The road is thought to have at one time been a portion of a private access drive serving a local historic farm, the Tilman Hersberger Farm.

The pavement improvements to this limited portion of Sugarland Road will not impact St. Paul’s Church or impact the historic value of the local community. The improvements to this limited portion of Sugarland Road allows the new pavement to match the existing paving that remains as closely as possible and does not require any shoulder or drainage improvements to further minimize impact to “Roadway Character”. The two proposed home sites will be located away from the rustic road. The homes will also be screened from the rustic road given the distance and tree cover being protected on the Property.



Figure 65



APPROVED & ADOPTED December 1996

### Rustic Roads Advisory Committee

The Rustic Roads Advisory Committee (RRAC) does not support the proposed widening of this limited portion of Sugarland Lane (Attachment I), and they have asked for an alternative which the MCDOT and FRS has rejected. Because the Applicant owns the adjacent parcel to the northeast of the Property, the RRAC proposed a looped driveway to be constructed on the Applicant's private property outside of the Subject Property area. The private loop drive would connect to the terminus of the existing road and continue passed the cistern location running back to the northeast to reconnect to Sugarland Lane approximately 350 feet northeast from the end of the existing public right-of-way. In the opinion of the RACC, this design provides for the necessary passing area required by MCFRS while further minimizing impacts to Sugarland Lane. The Applicant does not support adding pavement to this off-site property. This suggestion to provide fire access through another private property is not recommended.

### **Roads and Transportation Facilities**

The roads and transportation facilities are adequate in terms of safety and vehicular demand while minimizing disturbance to the Sugarland Lane as much as possible. Access to the Property will be from the stub end of Sugarland Lane via a shared twelve-foot driveway. The shared driveway will have three sections that will be 20-feet wide to allow for vehicles passing and emergency vehicle pull-off. A public use turn-around ("T" type) will be constructed on the Subject Property towards the terminus of Sugarland Lane. An additional emergency vehicle turn-around ("T" style) will be constructed closer to the two proposed homes just before the split of the shared driveway.

The MCFRS compliant shared driveway with passing zones in conjunction with the widening of approximately 350 feet of Sugarland Lane will provide the necessary fire protection MCFRS requires given the infrastructure constraints of the Subject Property. Since this is a dead-end road, MCDOT would typically require dedication and construction of a cul-de-sac on the Applicant's Property to provide adequate vehicular turnaround. Instead, to minimize impervious surfaces and impact to the rustic road, MCDOT has approved a T-turnaround within a public ingress/egress easement beyond the public right-of-way dedication that is located away from the rustic road. MCFRS would prefer to see the entire length of Sugarland Lane from the intersection with Sugarland Road widened to a compliant 20 foot width. Because this is a rustic road, MCFRS reduced its requirements to 350 feet of Sugarland Lane to provide a compliant paving width on the public road conforming to MCDOT Road Code Standard MC-2002.34: Country Road Modified. MCDOT also does not require dedication of right-of-way for the standard cul-de-sac to terminate Sugarland Lane. Instead, MCDOT accepted a T-turn around in a public ingress/egress easement on the Subject Property with minimal additional right-of-way dedication. According to Sec. 49-79.(a) of the County Code, "rustic roads must be maintained in a manner that preserves the road's significant features, but this requirement does not preclude improvements to promote safety..." No sidewalks, drainage or other improvements will be constructed as part of this safety improvement.

MCDOT and MCFRS require the widening of Sugarland Lane (See Comment #7 of MCDOT letter in Attachment G). This position is supported by the Montgomery County Code in Section 49-79 (a) which states:

*"County roads. Each rustic road and exceptional rustic road must be maintained and improved in a manner that preserves the road's significant features which the Council identified under subsection 49-78(d), but this requirement does not preclude improvements to promote safety or movement of farm equipment."*

This further supported under the COMCOR 49.79.01.04 II, B, 1

“The width, alignment and road surface of rustic roads may only be altered to provide adequate safety, to reduce maintenance problems, to provide reasonable improvements to allow for adequate vertical or horizontal clearance or roadway pull off areas for farm equipment. Should the width, alignment or road surface of a rustic road be altered, all work shall be done in a manner as to protect the significant features which made the road eligible for its rustic designation, and design techniques and materials used shall be compatible with adjacent unaltered portions of the road. In case of relocation, the new section shall be designed to maintain compatibility with the connecting road segments.”

#### Montgomery County Fire and Rescue Requirements Pertaining to Sugarland Lane

Montgomery County and MCFRS has adopted codes from the National Fire Protection Association (NFPA) to determine life safety and access requirements for all property and proposed development projects. As the lead review agency determining safe access and infrastructure on property for fire protection purposes, MCFRS implements these codes to determine the minimum fire safety and access requirements.

The NFPA 1-18.2.3.4.1.1 requires that all fire department access roads shall have an unobstructed width of not less than 20ft. Furthermore, the NFPA 1-18.2.3.4.2 requires that all fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

Performance-based options are allowed per NFPA 1 Chapter 5. The Maryland State Fire Marshal’s Office has empowered Montgomery County to conduct performance-based design reviews and accept performance-based designs that reviewers deem as meeting the overall goals and objectives of applicable life safety codes (NFPA 1, Montgomery County Code Chapter 22, Montgomery County Executive Regulation 29-08AM).

Based on this authority, MCFRS has implemented a performance-based design alternative for this Application. Under the prescriptive code requirements of the NFPA, the entire 0.55 mile length of Sugarland Lane would be required to be improved to provide 20 feet of unobstructed paving width built to a standard designed to support a fire apparatus. Instead, MCFRS has implemented and accepted a performance-based design alternative, as allowed by The Maryland State Fire Marshal’s Office, on Sugarland Lane to only require the currently unimproved gravel portion (approximately 350 feet) of Sugarland Lane to be improved with a minimum paving width of 20 feet built to a standard to support the imposed load of a fire apparatus. This is the minimum standard available in this particular case in order to achieve the overall goals and objectives of the applicable fire codes referenced above.

#### Public Transportation

There is no public transportation within three miles of the Property. The closest Ride-On bus route is Route 76 with service from Poolesville to the Shady Grove Metro Station. The full route operates Monday through Friday with service every 30 minutes during the AM and PM peak period. The closest bus stop to the Subject Property is at Sugarland Road and Whites Ferry Road in Darnestown.

### Local Area Transportation Review (LATR)

The Preliminary Plan for the two proposed single-family detached homes does not trigger LATR as the two proposed houses will 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 new (net) additional trips.

### Transportation Policy Area Review (TPAR)

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

### **Public Facilities and Services**

Other public facilities and services are available and adequate to serve the proposed lots. The Property is in the W-6/S-6 water and sewer service categories, respectively. There is no planned access to public sewer or water service in this area; therefore, wells and sand mounds for septic service will be utilized on-site. The MCDPS – Well and Septic Section reviewed the Application and issued a letter of approval on November 17, 2014 (Attachment E). As discussed, the Application was reviewed by MCFRS, and approved on March 19, 2014 (Attachment F). 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 Subdivision Staging Policy Resolution currently in effect. The Application is located in the Poolesville 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 43.97-acre Property on December 27, 2012. The NRI/FSD identified all of the required environmental features on, and adjacent to the property, as further described in the *Environmental Guidelines for Environmental Management of Development in Montgomery County*. The Property is currently developed with an existing driveway from Sugarland Lane that splits in two directions on the Property. One driveway leads to an existing house reconstructed without a permit and the other leads across a stream to the proposed building site on Lot 1. The Property consists of 33 acres of forest and approximately 11 acres of open field with some successional growth. The Property is located in the Potomac Direct watershed, which is classified by the State of Maryland as Use Class I-P waters. The Property contains several stream channels. The primary tributary flows in a southerly direction through the Property and has a 100-year floodplain associated with it. There are several areas of steep slopes and some areas of steep slopes located on highly erodible soils. This Property is not located within a Special Protection Area (SPA) or the Patuxent River Primary Management Area (PMA). The Application proposes to widen the existing driveway, which includes impacts to the stream and environmental buffer. Utilizing the existing driveway and stream crossing location to the maximum extent possible has minimized the impacts.

### Forest Conservation

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan (Attachment B & C) has been submitted for review. The 44.22 acre net tract area includes the 43.97 acre Property and 0.25 acres of offsite disturbance along Sugarland Lane. There is approximately 33.00 acres of existing forest on the property that has been characterized into five separate stands. The forest is dominated by a variety of oak species (*Quercus spp.*), American sycamore (*Platanus occidentalis*), and black cherry (*Prunus serotina*). Approximately thirty-two acres of the forest is characterized as high priority and one acre is moderate priority. There

are forty-three (43) large or specimen trees located on or adjacent to the property. None of the large trees will be removed or impacted by the proposed limits of disturbance so no tree variance is required.

The Application proposes to clear 3.38 and retain 29.62 acres of forest. There is no forest clearing proposed within the stream buffer. There is no forest planting requirement for this project and all of the retained forest and areas within the environmental buffer will be protected in a Category I Conservation Easement.

#### Forest Conservation Bank

The Application includes a request to establish a forest conservation bank for 13.23 acres of high priority upland forest on the Property. The proposed forest conservation bank meets the Planning Board's criteria for a bank created within the development process. The proposal meets the criteria as follows:

- The forest conservation bank will include existing forest that is located outside of the environmental buffer.
- The forest bank will include existing forest categorized as high priority for protection on the approved NRI/FSD.
- The forest bank will include existing forest in excess of the forest conservation worksheet break-even point.

#### Stormwater

The MCDPS Water Resource Section approved a stormwater management concept for the Application on April 10, 2014. The stormwater management concept consists of non-structural practices and micro biofilters.

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

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and is found to meet all applicable sections. The proposed lot size, width, shape and orientation are found to be appropriate for the location of the subdivision, as a standard method development plan, within the Master Plan. The lots are very much in keeping with the rural settlement discussion within the Master Plan that anticipated lots, much larger than what the R-200 zoning allowed.

The lots were reviewed for compliance with the dimensional requirements for the R-200 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and future dwellings can meet setbacks required in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

#### **CORRESPONDENCE**

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed Application was posted along the Property frontage along Sugarland Lane. A pre-submission meeting was held at the Poolesville Community Library on November 20, 2012 at 6:30 pm. Two people who were not part of the Applicant's team attended the meeting. According to the minutes of that meeting, no major questions were raised. Staff to date has received no citizen comments or correspondence regarding the Application.

## **CONCLUSION**

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

## **Attachments**

Attachment A – Preliminary Plan

Attachment B – Preliminary FCP Sheet 1

Attachment C – Preliminary FCP Sheet 2

Attachment D – Preliminary Plan Off-site Improvement Detail

Attachment E – DPS Well & Septic Approval

Attachment F – Fire Marshal Approval

Attachment G – MCDOT Approval

Attachment H – DPS Stormwater

Attachment I – Rustic Road Advisory Commission Recommendation



# Attachment A

### SANDMOUND NOTES:

#### 1. SAND MOUNDS (non-easement):

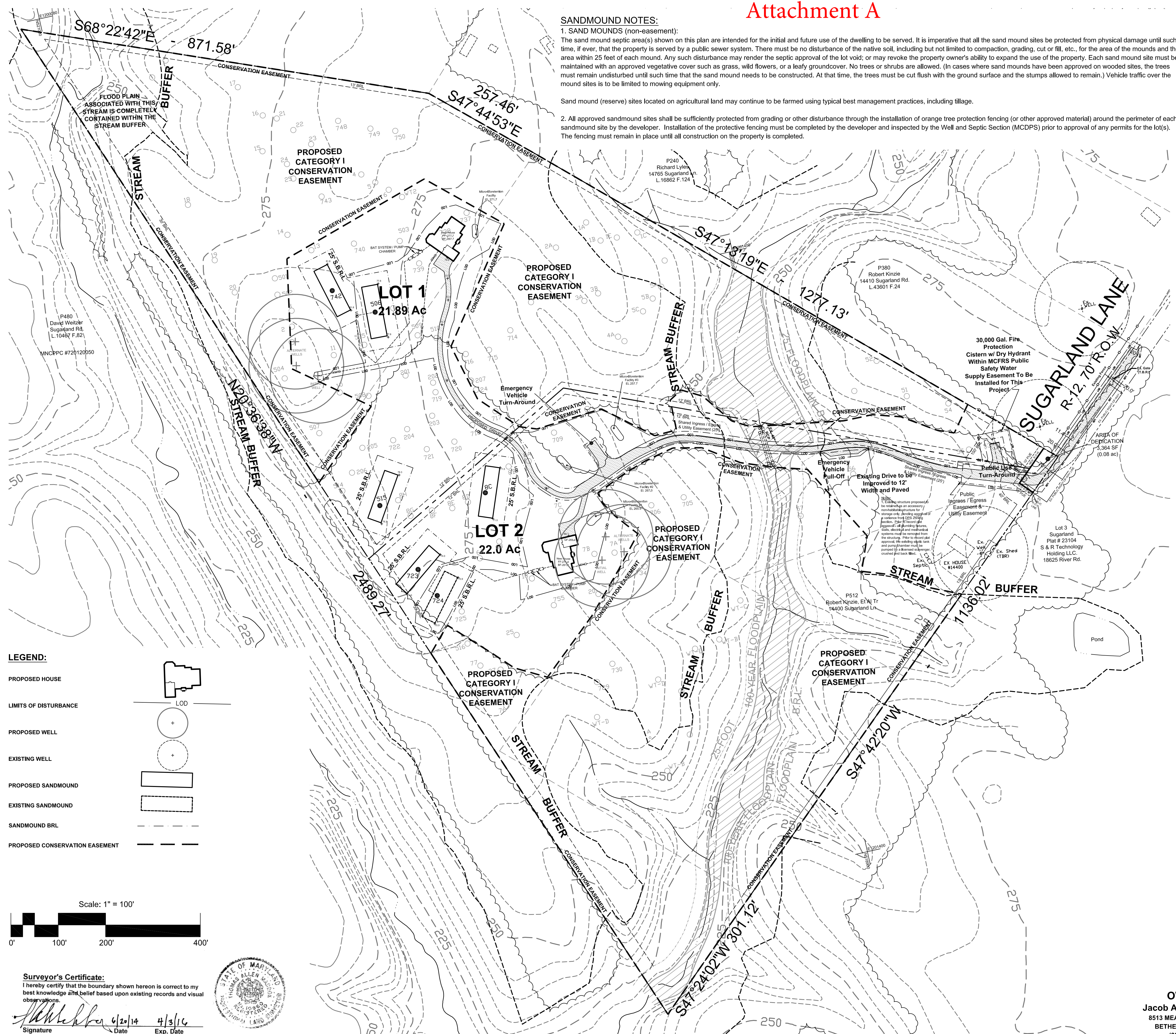
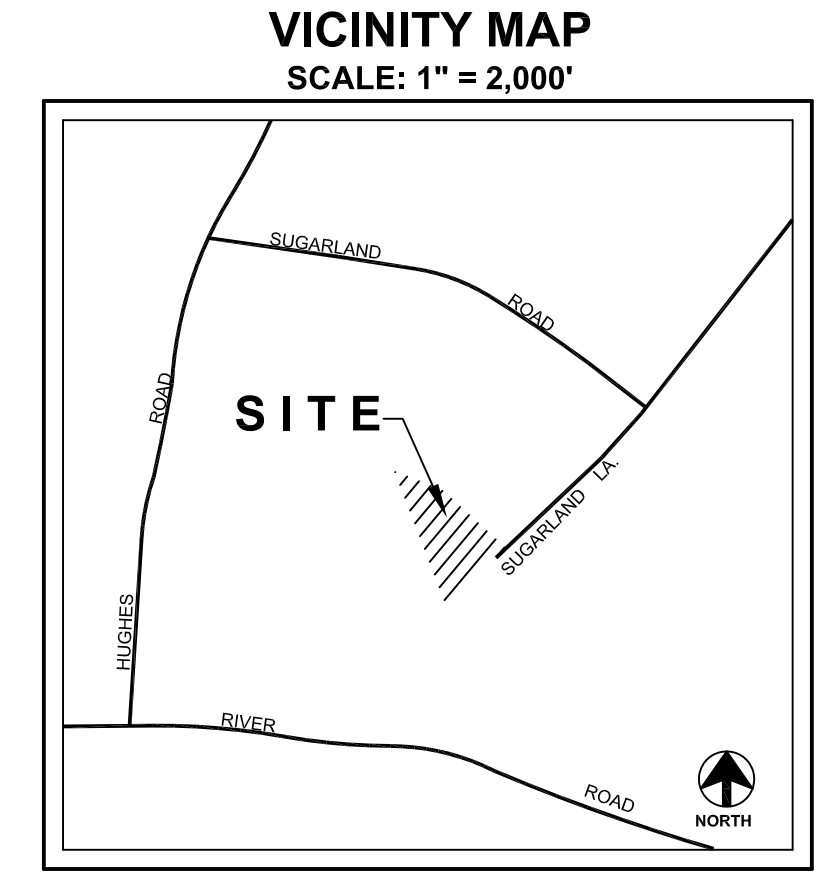
The sand mound septic area(s) shown on this plan are intended for the initial and future use of the dwelling to be served. It is imperative that all the sand mound sites be protected from physical damage until such time, if ever, that the property is served by a public sewer system. There must be no disturbance of the native soil, including but not limited to compaction, grading, cut or fill, etc., for the area of the mounds and the area within 25 feet of each mound. Any such disturbance may render the septic approval of the lot void; or may revoke the property owner's ability to expand the use of the property. Each sand mound site must be maintained with an approved vegetative cover such as grass, wild flowers, or a leafy groundcover. No trees or shrubs are allowed. (In cases where sand mounds have been approved on wooded sites, the trees must remain undisturbed until such time that the sand mound needs to be constructed. At that time, the trees must be cut flush with the ground surface and the stumps allowed to remain.) Vehicle traffic over the mound sites is to be limited to mowing equipment only.

Sand mound (reserve) sites located on agricultural land may continue to be farmed using typical best management practices, including tillage.

2. All approved sandmound sites shall be sufficiently protected from grading or other disturbance through the installation of orange tree protection fencing (or other approved material) around the perimeter of each sandmound site by the developer. Installation of the protective fencing must be completed by the developer and inspected by the Well and Septic Section (MCDPS) prior to approval of any permits for the lot(s). The fencing must remain in place until all construction on the property is completed.

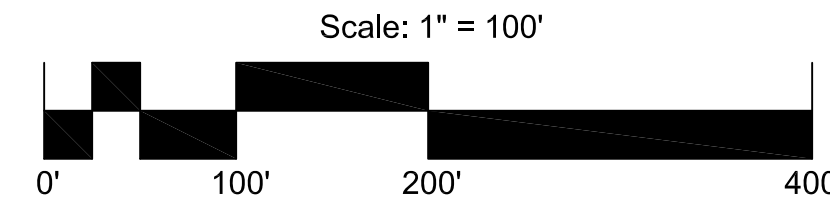
ZONING STANDARDS:		
ZONE: R-200	Required	Provided
Lot Size	20,000 sf	21.89 ac (953,528 sf)
Front Setback	40'	40' +
Sideyards	12' min., 25' total	12' or more
Rearyard	30'	30' or more
Building Height	50' Max.	50' or less
Lot Coverage	25% Max.	25% or Less
Lot Width @ Building Line	100'	100' +
Frontage	25'	25' or more
Accessory Buildings:		
Footprint	50% of main building	1,338 sf (<50%)
Front Setback	65' from front lot line	~270'
Sideyards	12'	20'
Rearyard	7'	1,000'+
Location	Rear yard only	Variance may be needed to retain existing building as accessory on Lot 2 at time of permit for new house.

- NOTES:**
- AREA OF PROPERTY - 43.97 ACRES (1,915,333 SF)
  - EXISTING ZONING - R-200
  - NUMBER OF LOTS PROPOSED - 2
  - SITE TO BE SERVED BY ON-SITE WELL & SEPTIC
  - EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
  - LOCATED IN THE POTOMAC DIRECT WATERSHED (USE I-P)
  - PROPERTY LOCATED ON TAX MAP CR43; WSSC SHEET 219NW19
  - UTILITIES TO BE PROVIDED BY: Verizon, Allegheny Power
  - 100- YEAR FLOODPLAIN FROM A STUDY BY JAS ENGINEERING & DESIGN, LLC. APPROVED BY MCDPS ON 05/02/13.
  - The building footprints shown on the Preliminary Plan are illustrative. The final building location will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
  - All wells and septic systems within 100' of property boundaries have been shown.
  - The existing septic tank and pump chamber on proposed Lot 2 must be pumped by a licensed scavenger, crushed and backfilled prior to record plat approval.
  - The existing well shown on proposed Lot 2 is to remain for agricultural purposes only.
  - Prior to record plat approval, 'shared ingress/egress and utility easement' must be recorded in the County Land Records for the affected properties.



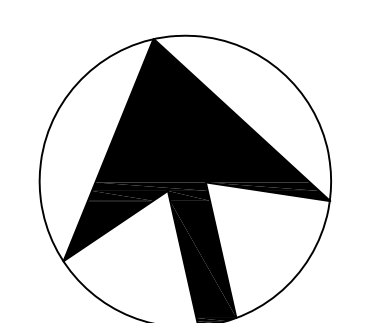
**LEGEND:**

- PROPOSED HOUSE
- LIMITS OF DISTURBANCE
- PROPOSED WELL
- EXISTING WELL
- PROPOSED SANDMOUND
- EXISTING SANDMOUND
- SANDMOUND BRL
- PROPOSED CONSERVATION EASEMENT



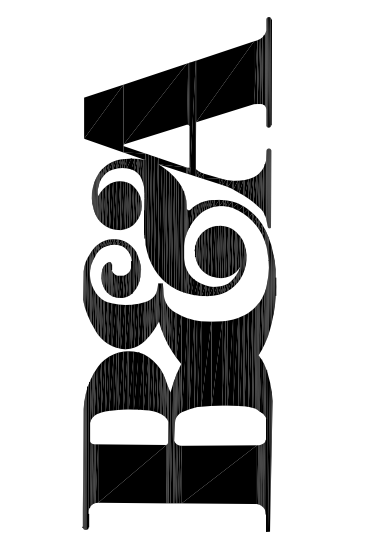
**Surveyor's Certificate:**  
 I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.  
 Signature: [Signature] Date: 4/20/14 Exp. Date: 4/3/16  
 STATE OF MARYLAND  
 PROFESSIONAL SURVEYOR  
 No. 11800

9/10/2013
02/04/2014
06/20/2014
10/31/2014
11/18/2014



date: 1/17/2013  
 scale: 1" = 100'

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

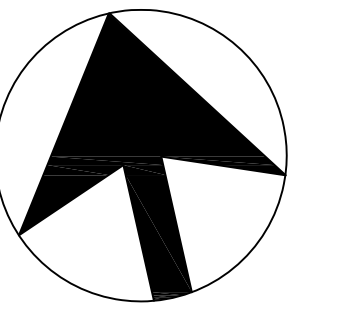


**PRELIMINARY PLAN**  
**SUGARLAND FARM**  
 Montgomery County, Maryland

**OWNER:**  
 Jacob A. Kinzie, Et. Al.  
 8513 MEADOWLARK LANE  
 BETHESDA, MD 20817  
 (301)365-0307



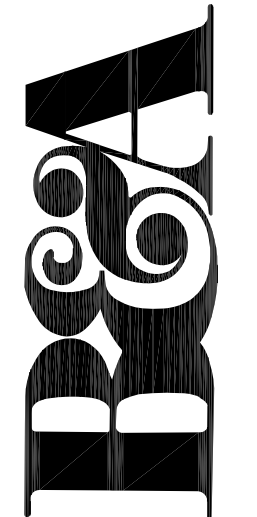
Revisions
10/3/2013
06/20/2014
10/31/2014



date: 1/10/2013

scale: 1" = 100'

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

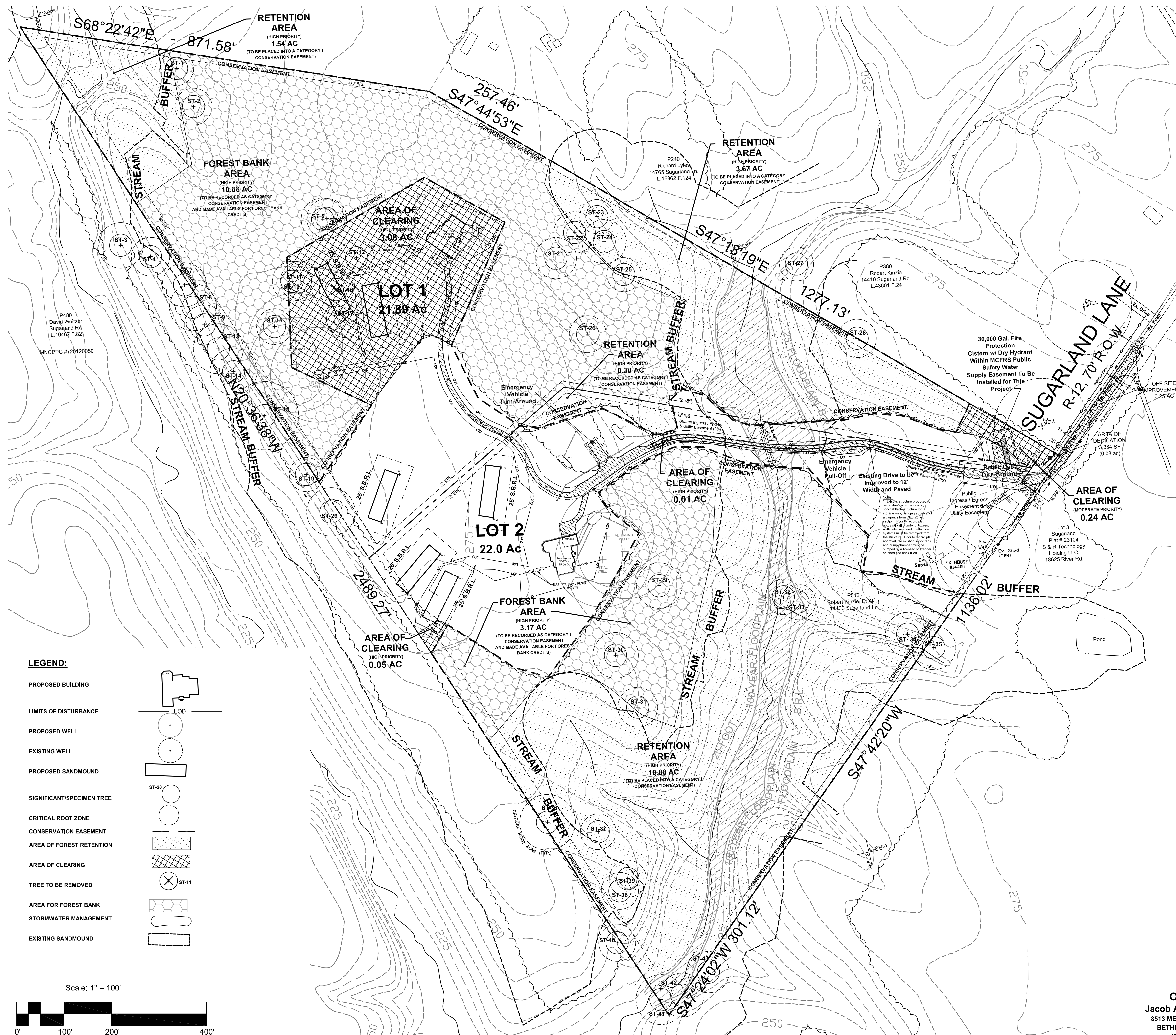


**PRELIMINARY FOREST CONSERVATION PLAN**  
**SUGARLAND FARM**  
 Montgomery County, Maryland

**NOTES:**

1. AREA OF PROPERTY - 43.97 ACRES (1,915,333 SF)
2. EXISTING ZONING - R-200
3. NUMBER OF LOTS PROPOSED - 2
4. SITE TO BE SERVED BY ON-SITE WELL & SEPTIC
5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
6. LOCATED IN THE POTOMAC DIRECT WATERSHED (USE I-P)
7. PROPERTY LOCATED ON TAX MAP CR43; WSSC SHEET 219NW19
8. UTILITIES TO BE PROVIDED BY: Verizon, Allegheny Power
9. 100-YEAR FLOODPLAIN FROM A STUDY BY JAS ENGINEERING & DESIGN, LLC. APPROVED BY MCDPS ON 05/02/13.

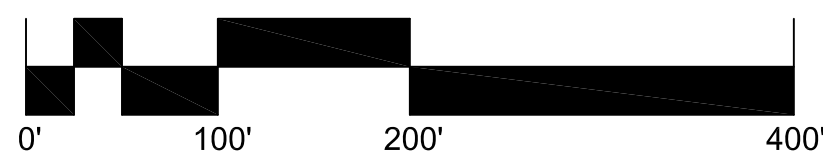
**Attachment B**



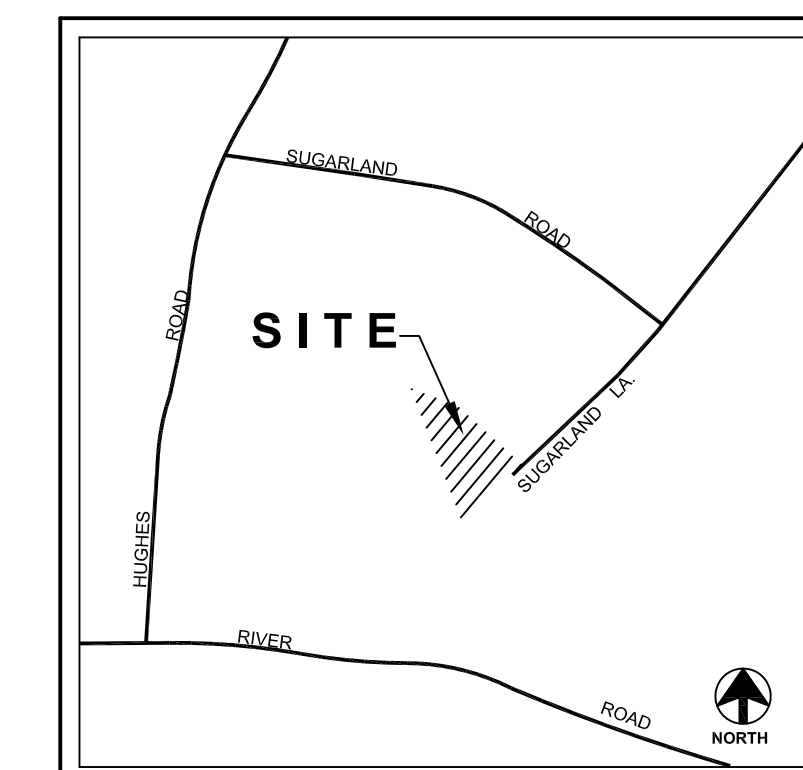
**LEGEND:**

- PROPOSED BUILDING
- LIMITS OF DISTURBANCE
- PROPOSED WELL
- EXISTING WELL
- PROPOSED SANDMOUND
- SIGNIFICANT/SPECIMEN TREE
- CRITICAL ROOT ZONE
- CONSERVATION EASEMENT
- AREA OF FOREST RETENTION
- AREA OF CLEARING
- TREE TO BE REMOVED
- AREA FOR FOREST BANK
- STORMWATER MANAGEMENT
- EXISTING SANDMOUND

Scale: 1" = 100'



**VICINITY MAP**  
 SCALE: 1" = 2,000'



**OWNER:**  
 Jacob A. Kinzie, Et. Al.  
 8513 MEADOWLARK LANE  
 BETHESDA, MD 20817  
 (301)365-0307



**SIGNIFICANT TREE CHART**

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1	Carya glabra	Pignut Hickory	24"	Moderate	Co-dominant leaders, dieback	To Remain
ST-2	Quercus rubra	Northern Red Oak	26"	Moderate	Dieback, vertical crack on trunk	To Remain
ST-3*	Nyssa sylvatica	Blackgum	(Approximate)	Good	Off-site	To Remain
ST-4	Quercus alba	White Oak	27"	Moderate	Off-site, dieback, dead limbs w/ th decay	To Remain
ST-5*	Quercus palustris	Pin Oak	30"	Moderate	Co-dominant leaders, dieback	To Remain
ST-6	Prunus serotina	Black Cherry	38"	Moderate-Poor	Slight lean, broken scaffold limb w/ th possible decay, co-dominant leaders	To Remain
ST-7*	Quercus alba	White Oak	31"	Moderate	Dieback, dead limbs w/ th decay	To Remain
ST-8*	Quercus alba	White Oak	33"	Moderate	Off-site, dieback, dead limbs w/ th decay	To Remain
ST-9	Quercus alba	White Oak	28"	Moderate	Off-site, reactionary growth at trunk, dieback, dead limbs w/ th decay	To Remain
ST-10	Fraxinus americana	White Ash	28"	Moderate	Co-dominant leaders, included bark	To Remain
ST-11	Quercus palustris	Pin Oak	28"	Moderate-Poor	Thin canopy, Poison Ivy growth on trunk, dieback, dead limbs w/ th decay	To Remain
ST-12	Fraxinus americana	White Ash	25"	Moderate	Off-site, dieback, dead limbs w/ th decay	To Remain
ST-13*	Quercus alba	White Oak	35"	Moderate	Off-site, dieback, dead limbs w/ th decay	To Remain
ST-14*	Quercus alba	White Oak	33"	Moderate	Off-site, dieback, dead limbs w/ th decay	To Remain
ST-15	Fraxinus americana	White Ash	25"	Moderate	Large tree snagged in branch union, co-dominant leaders, dieback	To Remain
ST-16	Quercus palustris	Pin Oak	24"	Moderate	Excavation near tree, Poison Ivy growth on trunk, water sprouts	To be Removed
ST-17	Fraxinus americana	White Ash	26"	Moderate-Poor	Vertical crack w/ th decay, dead limbs w/ th decay	To be Removed
ST-18*	Quercus alba	White Oak	48"	Moderate	Off-site, co-dominant leaders, included bark, dieback, dead limbs w/ th decay	To Remain
ST-19	Quercus alba	White Oak	24"	Good	Off-site	To Remain
ST-20*	Quercus rubra	Northern Red Oak	34"	Moderate	Off-site, small cavity at base, dieback, dead limbs w/ th decay	To Remain
ST-21	Quercus rubra	Northern Red Oak	29"	Moderate-Poor	Dieback, dead limbs w/ th decay, thin canopy	To Remain
ST-22	Quercus falcata	Southern Red Oak	29"	Moderate	Cavity at base, dieback, dead limbs w/ th decay	To Remain
ST-23	Quercus sp.	Oak species	24"	Dead		To Remain
ST-24*	Quercus sp.	Oak species	31"	Dead		To Remain
ST-25	Quercus palustris	Pin Oak	24"	Moderate	Dieback, dead limbs w/ th decay	To Remain
ST-26	Quercus rubra	Northern Red Oak	26"/26"	Moderate	Multi-stem, included bark, dieback, reactionary growth	To Remain
ST-27	Quercus cocinea	Scarlet Oak	24"/22"	Moderate	Off-site, multi-stem, dieback, dead limbs w/ th decay	To Remain
ST-28	Quercus alba	White Oak	27"	Moderate	Off-site, fence through trunk, dieback, dead limbs w/ th decay	To Remain
ST-29*	Quercus alba	White Oak	32"/23"	Moderate	Multi-stem, included bark, dieback, Poison Ivy growth on trunk	To Remain
ST-30*	Quercus alba	White Oak	32"	Moderate	Dieback, excavation near tree	To Remain
ST-31	Quercus rubra	Northern Red Oak	28"	Good	Deer stand on tree	To Remain
ST-32	Juglans nigra	Black Walnut	25"	Moderate	Water sprouts, broken limbs, dieback	To Remain
ST-33	Paulownia tomentosa	Paulownia	25"	Poor	Lost leader, decay, broken limbs	To Remain
ST-34*	Juglans nigra	Black Walnut	31"	Good	Multi-stem, included bark, dieback, reactionary growth	To Remain
ST-35*	Fraxinus americana	White Ash	31"	Moderate-Poor	Large cavity w/ th decay, slight lean, dieback	To Remain
ST-36*	Fraxinus americana	White Ash	39"	Moderate	Co-dominant leaders, included bark, reactionary growth, dieback	To Remain
ST-37	Celtis occidentalis	Hickberry	25"	Moderate	Dieback, Poison Ivy growth on trunk	To Remain
ST-38	Quercus alba	White Oak	26"	Moderate	Dieback, dead limbs w/ th decay	To Remain
ST-39	Quercus alba	White Oak	26"	Moderate	Dieback, dead limbs w/ th decay	To Remain
ST-40	Quercus alba	White Oak	26"	Moderate	Dieback, dead limbs w/ th decay	To Remain
ST-41*	Quercus velutina	Black Oak	35"	Moderate	On property line, water sprouts, dieback	To Remain
ST-42*	Ratanus occidentalis	Sycamore	31"	Moderate	Cavity at base, dieback	To Remain
ST-43	Quercus alba	White Oak	29"	Moderate-Poor	Large cavity in upper scaffolding, decay	To Remain

\* Indicates Specimen Trees

**FOREST CONSERVATION WORKSHEET**  
Sugarland Forest

NET TRACT AREA:

A. Total tract area ...	44.22
B. Land dedication acres (parks, county facility, etc.) ...	0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ...	0.00
D. Area to remain in commercial agricultural production/use ...	0.00
E. Other deductions (Bridal Easement) ...	0.00
F. Net Tract Area .....	44.22

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

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

G. Afforestation Threshold ... 0.15 x F = 6.63  
H. Conservation Threshold ... 0.20 x F = 8.84

EXISTING FOREST COVER:

I. Existing forest cover .....	33.00
J. Area of forest above afforestation threshold .....	26.37
K. Area of forest above conservation threshold .....	24.16

BREAK EVEN POINT:

L. Forest retention above threshold with no mitigation .....	13.68
M. Clearing permitted without mitigation .....	19.32

PROPOSED FOREST CLEARING:

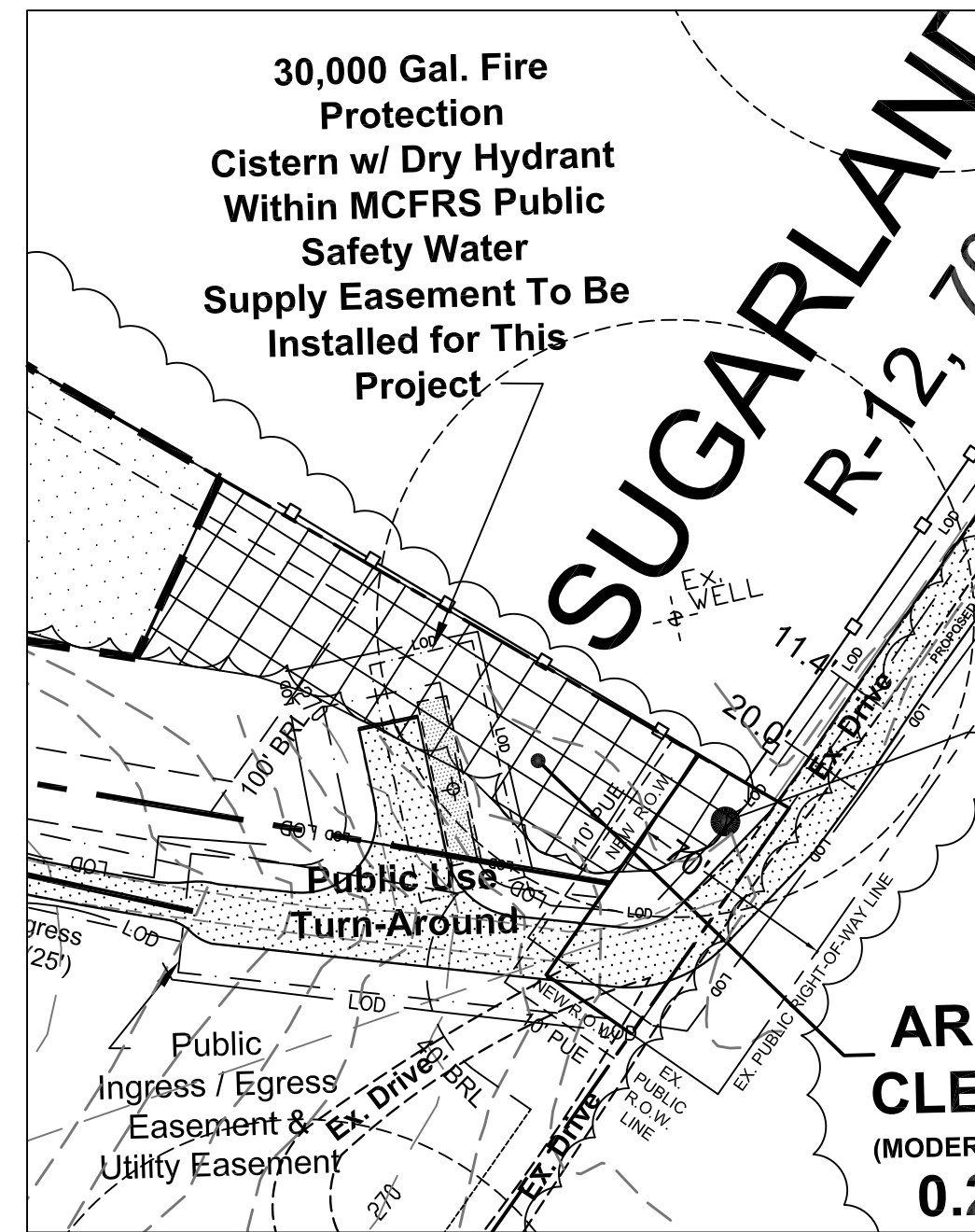
N. Total area of forest to be cleared .....	3.38
O. Total area of forest to be retained .....	29.62

PLANTING REQUIREMENTS:

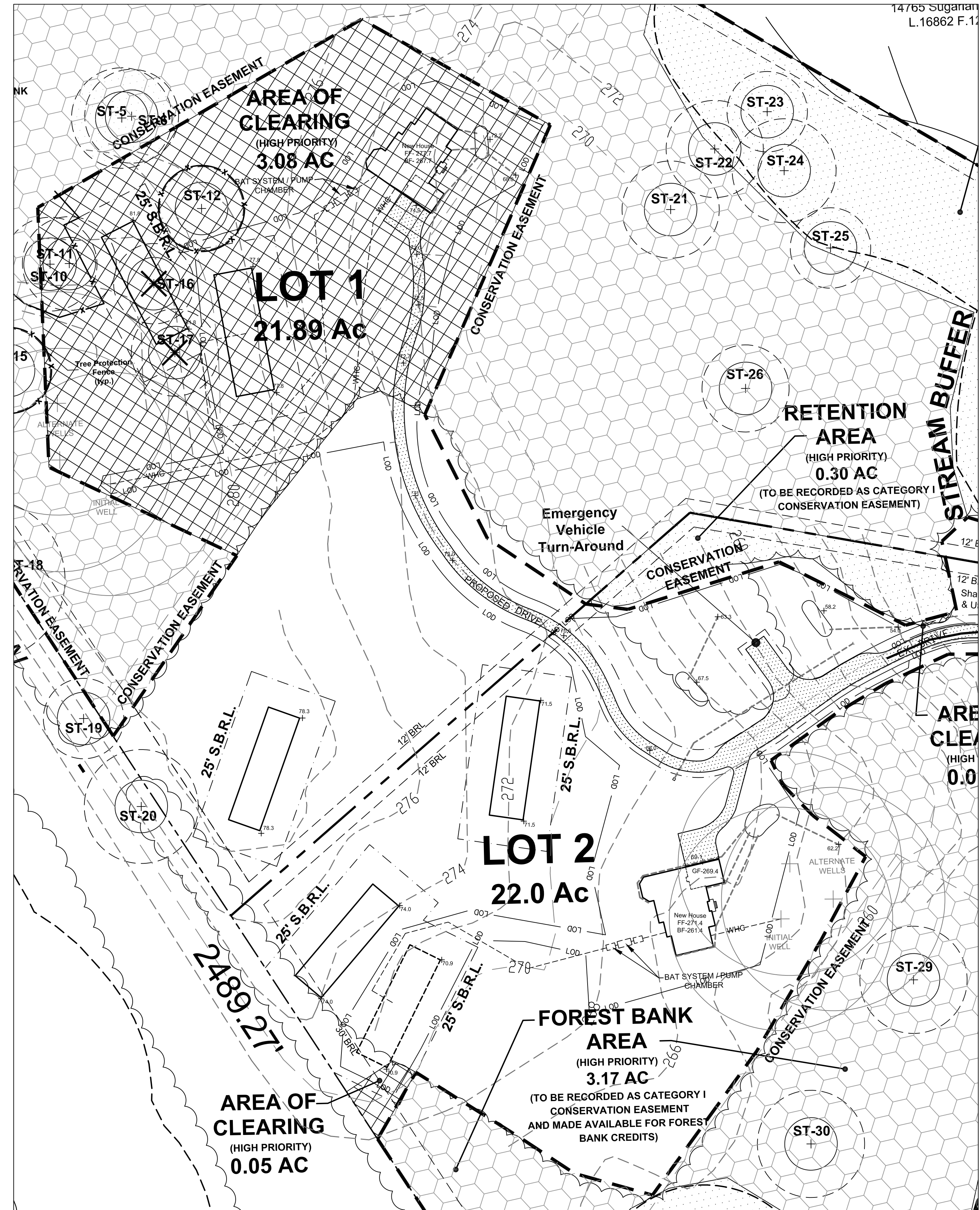
P. Reforestation for clearing above conservation threshold .....	0.85
Q. Reforestation for clearing below conservation threshold .....	0.00
R. Credit for retention above conservation threshold .....	20.78
S. Total reforestation required .....	0.00
T. Total afforestation required .....	0.00
U. Credit for landscaping (may not exceed 20% of 'S') .....	0.00
V. Total reforestation and afforestation required .....	0.00

**NOTE:**  
1. 44.22 acre net tract area includes 0.25 acre of offsite improvements.  
2. 13.23 acres of existing forest that is included in the overall total of forest to be retained is to be recorded as a Category I Conservation Easement and placed into the Forest Conservation Bank Program for purchase by others.

**Attachment C**



**DETAIL VIEW: FIRE DEPARTMENT CISTERN AREA**  
1" = 60'



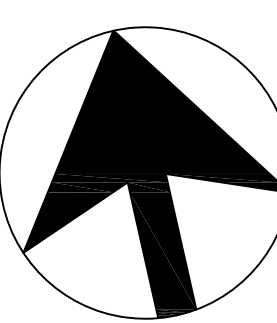
**DETAIL VIEW: LOTS 1 & 2**  
1" = 60'

**PRELIMINARY FOREST CONSERVATION DATA TABLE**

ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST CLEARED	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER- LINEAR FEET	STREAM BUFFER AVERAGE WIDTH
44.22 ac	0.0 ac	0.0 ac	33.0 ac	3.38 ac	29.62 ac	HIGH-DENSITY RESIDENTIAL	20% = 8.79 AC	15% = 6.60 AC	0.00 AC	0.00 AC	0.00 AC	2.18 AC	0.00 AC	0.00 AC	13.2 AC	0.00 AC	0.00 AC	26.81 AC	0.00 AC	0.00 AC	1,000'	150'

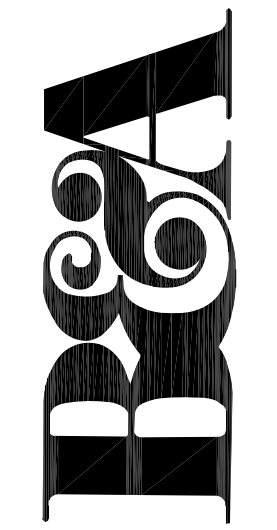
Revisions

10/31/2013
06/20/2014
10/31/2014



date: 1/10/2013  
scale:

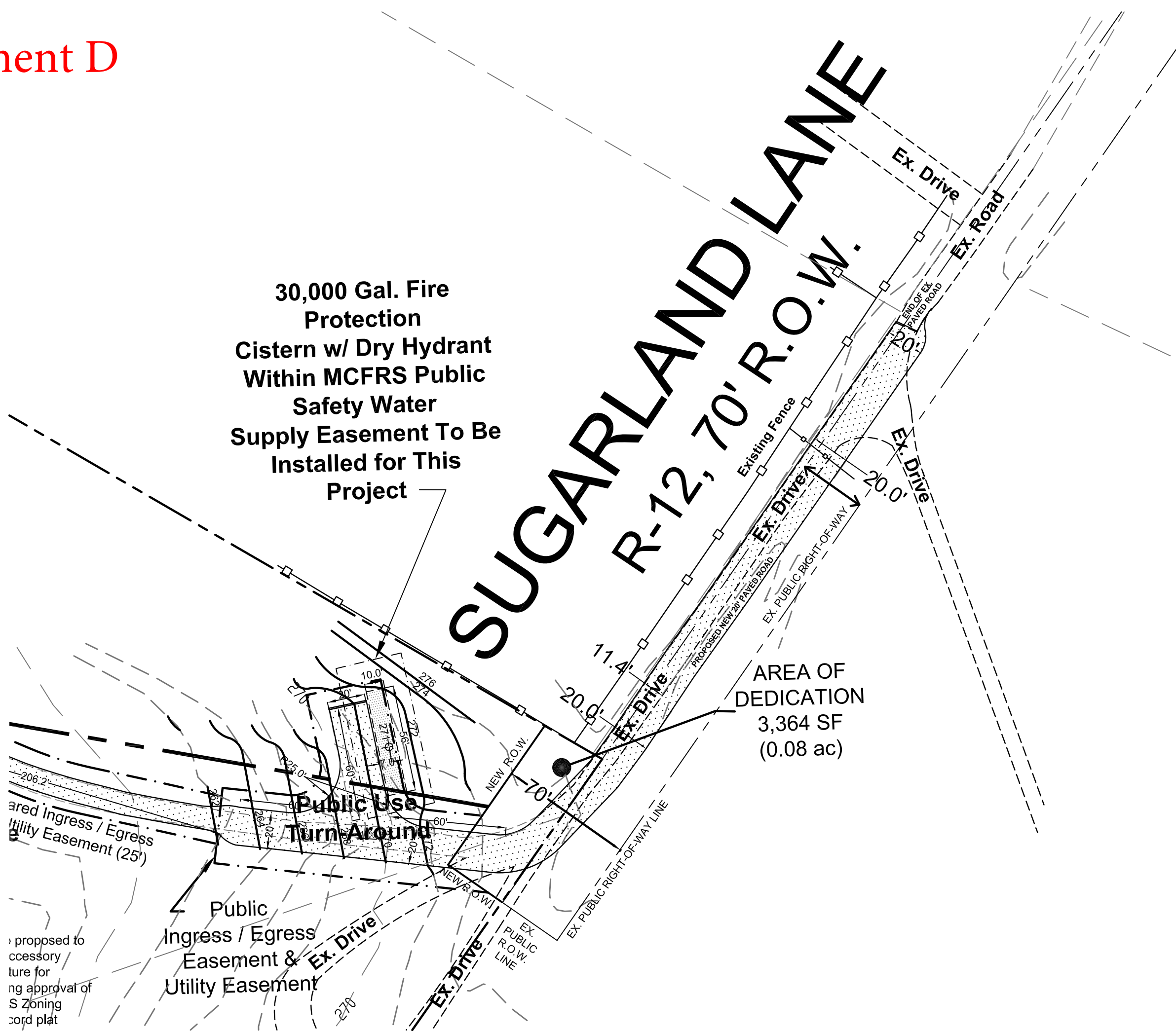
Benning & Associates, Inc.  
Land Planning Consultants  
8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 948-0240



**PRELIMINARY FOREST CONSERVATION PLAN**  
**SUGARLAND FARM**  
Montgomery County, Maryland



# Attachment D



**30,000 Gal. Fire Protection Cistern w/ Dry Hydrant Within MCFRS Public Safety Water Supply Easement To Be Installed for This Project**

**AREA OF DEDICATION  
3,364 SF  
(0.08 ac)**

proposed to necessary future for ng approval of S Zoning cord plat

**Public Ingress / Egress Easement & Utility Easement**

**Public Use Turn Around**



DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

MEMORANDUM

November 19, 2014

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

FROM: Diane R. Schwartz Jones, Director  
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan: Sugarland Farm

1-20130140

This is to notify you that the Well & Septic Section of MCDPS approved the subject plan received on November 18, 2014.

Approved with the following reservations:

1. The record plat must be at the same scale as the Preliminary plan, or submit an enlargement of the plat to match the Preliminary plan. All sandmound septic reserve areas must be shown as approved on the Preliminary plan.
2. All lots to use sandmound septic systems. Prior to the approval of any permits for either of the lots, all sandmound areas must be fenced with 4-foot high "orange construction fencing" which must remain in place until all construction has been completed.
3. Any physical disturbance or compaction of any sandmound sites shall render that site non-functional and therefore negate this approval.
4. Prior to any permit approvals for proposed Lot 2, either the existing structure must be properly demolished under valid DPS permit or a variance to maintain the structure must be obtained from the Board of Appeals.

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

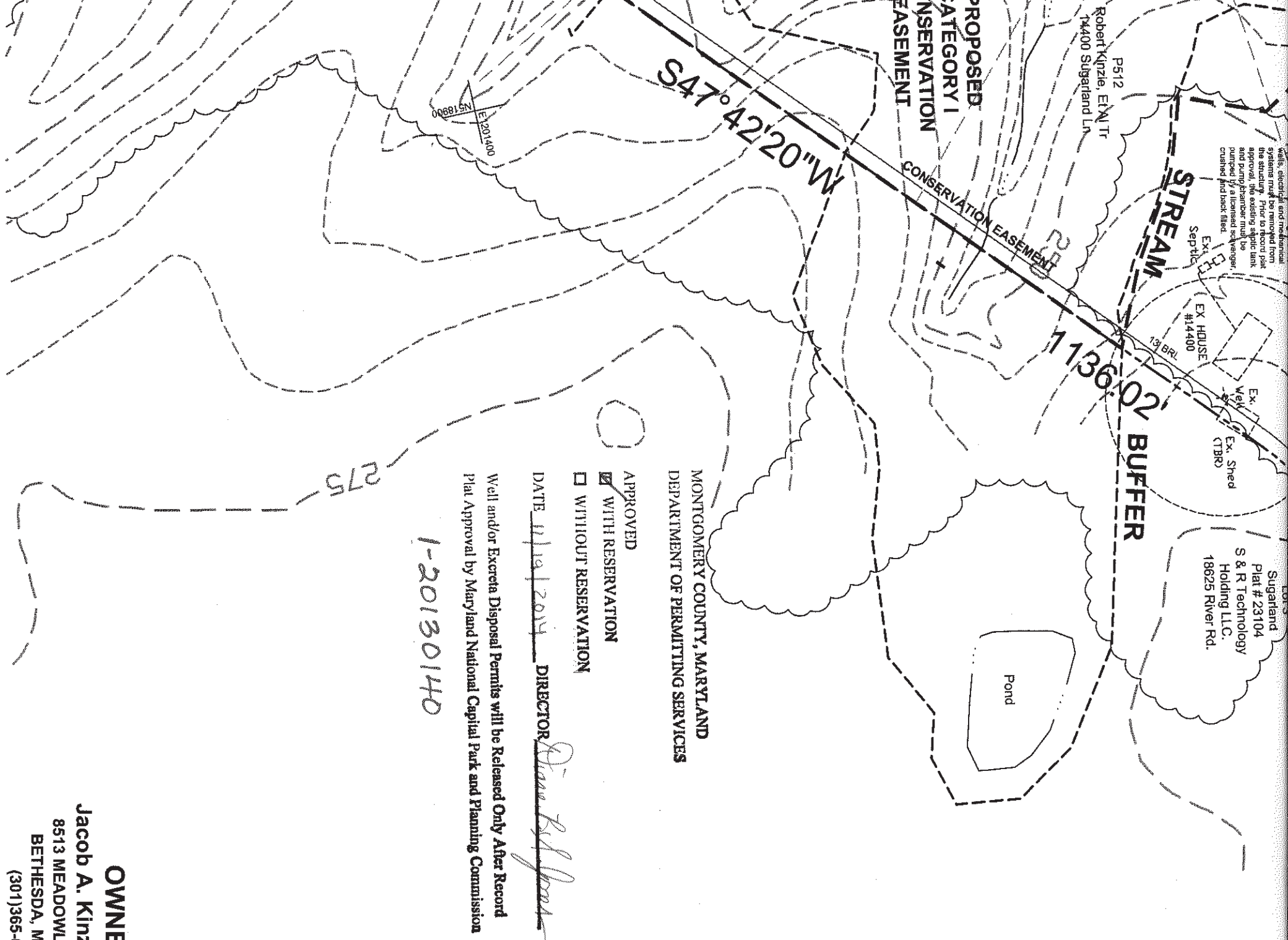
cc: Benning & Associates  
File



**PRELIMINARY PLAN**  
**SUGARLAND FARM**  
 Montgomery County, Maryland

**NOTES:**

1. AREA OF PROPERTY - 43.97 ACRES (1,915,333 SF)
2. EXISTING ZONING - R-200
3. NUMBER OF LOTS PROPOSED - 2
4. SITE TO BE SERVED BY ON-SITE WELL & SEPTIC
5. EXISTING SEWER & WATER SERVICE CATEGORIES: S-6, W-6
6. LOCATED IN THE POTOMAC DIRECT WATERSHED (USE I-P)
7. PROPERTY LOCATED ON TAX MAP CR43; WSSC SHEET 219NW19
8. UTILITIES TO BE PROVIDED BY: Verizon, Allegheny Power
9. 100- YEAR FLOODPLAIN FROM A STUDY BY JAS ENGINEERING & DESIGN, LLC. APPROVED BY MCDPS ON 05/02/13.
10. The building footprints shown on the Preliminary Plan are illustrative. The final building location will be determined during the building permit process. Please refer to the zoning data table for development standards such as setbacks, building restriction lines 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. All wells and septic systems within 100' of property boundaries have been shown.
12. The existing septic tank and pump chamber on proposed Lot 2 must be pumped by a licensed scavenger, crushed and backfilled prior to record plat approval.
13. The existing well shown on proposed Lot 2 is to remain for agricultural purposes only.
14. Prior to record plat approval, 'shared ingress/egress and utility easement' must be recorded in the County Land Records for the affected properties.



MONTGOMERY COUNTY, MARYLAND  
 DEPARTMENT OF PERMITTING SERVICES

- APPROVED  WITH RESERVATION  
 WITHOUT RESERVATION

DATE 11/19/2014 DIRECTOR *[Signature]*

Well and/or Excreta Disposal Permits will be Released Only After Record Plat Approval by Maryland National Capital Park and Planning Commission

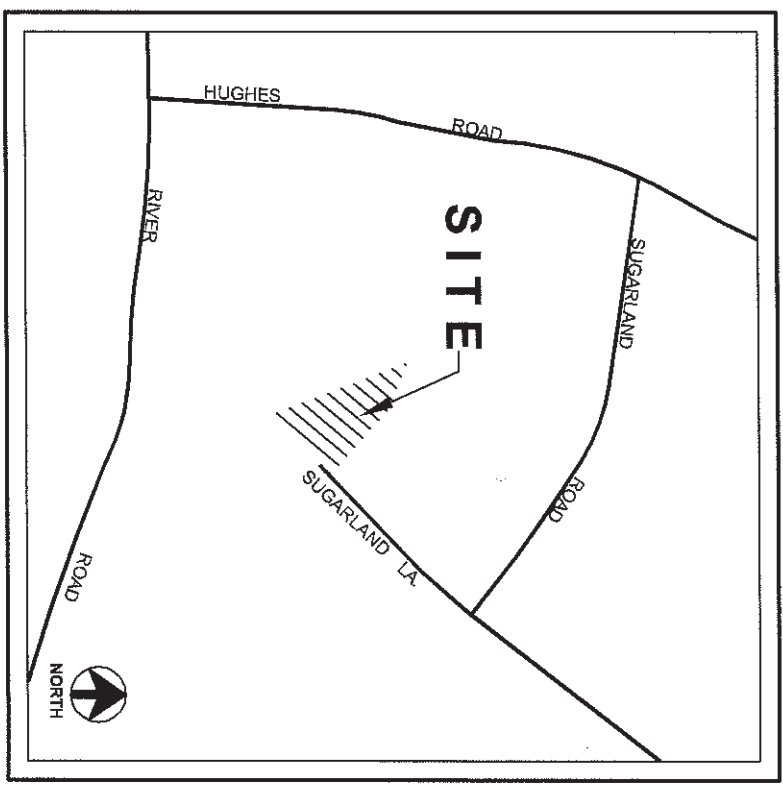
1-2013014D

**OWNER:**

Jacob A. Kinzie, Et. Al.  
 8513 MEADOWLARK LANE  
 BETHESDA, MD 20817  
 (301)365-0307

**VICINITY MAP**

SCALE: 1" = 2,000'





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**FIRE MARSHAL COMMENTS**

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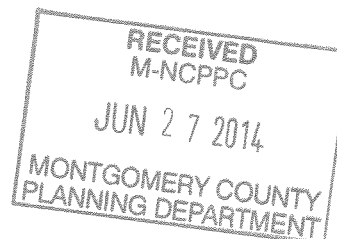
**DATE:** 19-Mar-14  
**TO:** Joshua Maisel - benninglandplan@aol.com  
Benning and Associates  
**FROM:** Marie LaBaw  
**RE:** Sugarland Farm  
120130140

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted 19-Mar-14 .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.

**\*\*\* Performance-based design review: installed static water supply is required prior to U&O \*\*\***





DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

May 16, 2014

Ms. Leslie Seville, 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. 120130140  
Sugarland Farm

Dear Ms. Seville:

We have completed our review of the amended preliminary plan dated February 4, 2014. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on April 8, 2013. We recommend approval of the plan and subsequently submitted documentation subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary Right-of-Way dedication for the terminus of Sugarland Lane.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. The details and cross slopes for the proposed turnarounds provided in the private driveway shall be approved by Montgomery County Fire and Rescue Services. Applicant will need to grant a perpetual Public Access Easement for the public use of the turnarounds.

**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

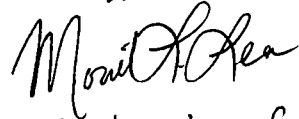


5. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
6. Submitted drainage area map shows the site draining to a culvert on River Road (MD 190); we defer review of the storm drain study to MSHA. Therefore, the proposed development will not have an impact on the existing County maintained public storm drain system.
7. Sugarland Lane is classified as a "Rustic Road" under Section 49-78 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. Show the locations of the proposed driveways on the preliminary plan. Widening of Sugarland Lane shall be constructed as an open section roadway similar to the existing conditions and provide a minimum grade of 2%.
8. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
9. Private common driveways shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Street grading and twenty (20) feet wide paving along Sugarland Lane, including construction of the turnaround and emergency pull-off areas.
  - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - C. 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.

Ms. Leslie Saville  
Preliminary Plan No. 120130140  
May 16, 2014  
Page 3

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our new Development Review Area Engineer for this project at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,



*Monet L. Lea for*  
Gregory M. Leck, Manager  
Development Review Team

M:\Subdivision\Deepak\Sugarland Farm\REVAMP - 120130140 Preliminary Plan Letter .doc

cc: Jacob & Robert W. Kinzie  
David McKee; Benning & Associates, Inc.  
Scott Newill; MSHA AMD  
Marie LaBaw; MCFRS  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR  
Catherine Conlon; M-NCPPC DARC  
Katherine Holt; M-NCPPC  
Monet Lea; MCDOT DTEO  
Deepak Somarajan; MCDOT DTEO





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

April 10, 2014

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

Re: Stormwater Management **CONCEPT** Request  
for Sugarland Farm  
Preliminary Plan #: 120130140  
SM File #: 249971  
Tract Size/Zone: 33.51 acres/ R-200  
Total Concept Area: 3.36 acres  
Lots/Block: na  
Parcel(s): P398 & P129  
Watershed: Potomac River Direct

Dear Mr. Staley:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via nonstructural practices and micro biofilters.

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.
5. The detailed plan must provide grading that will ensure that the drainage areas shown will be conveyed to the appropriate treatment facilities and practices.

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

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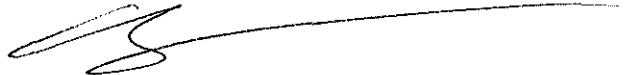


Mr. Peter Staley  
April 10, 2014  
Page 2

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,



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

MCE: wrc

cc: C. Conlon  
SM File # 249971

ESD Acres:	3.36
STRUCTURAL Acres:	0
WAIVED Acres:	0



**RUSTIC ROADS ADVISORY COMMITTEE**

September 8, 2014

Mr. Ryan Sigworth, Lead Reviewer  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue Silver Spring, Maryland 20902

Re: RRAC's Review of the proposed Sugarland Farm Subdivision  
Preliminary Plan 120130140

Dear Mr. Sigworth:

We are writing to thank you for requesting our review of the plans for the proposed Sugarland Farm subdivision on Sugarland Lane, a Rustic Road. The members reviewed the proposed plans and are concerned about the off-site widening of a Rustic Road. An alternative option is recommended, described below.

The Committee understands that the Fire Marshal is requesting the widening of the Sugarland Lane. We feel that as the adjoining property (where widening of the road is proposed) is owned by the same people it would be possible to have an easement granted for the use and benefit of the subject property. This would allow a single lane road to be constructed that connects from the existing road to the proposed hammer head turn around on the driveway that is already proposed creating a loop at the end of the road.

The Members feel that this would eliminate widening the Rustic Road while still providing the Fire Marshal the safety needed to have equipment going in different directions be able to pass by each other with no danger of collision. If a different alternative is preferred, the Committee would be pleased to review it. Generally, we recommend widening a Rustic Road should only be considered when all other options are exhausted.

Thank you for providing us with the opportunity to review this preliminary plan and provide comments.

Sincerely,

Greg Deaver, Chair  
Rustic Roads Advisory Committee

Committee Members: Christopher Marston, Jane Thompson, Marc Miller  
Greg Glenn, Eric Spates, Angela Butler

Cc: Benning and Associates  
Leslie Saville, M-NCPPC (non-voting member)  
Greg Leck MCDOT  
Marie Labaw MCFRS