



Preliminary Plan, 120080430, Eco Estates including Preliminary/Final Water Quality Plan

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Completed: 12/30/16

Description

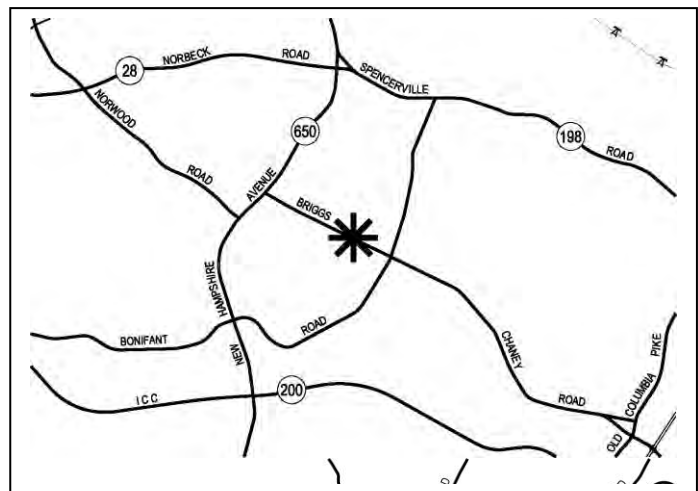
Eco Estates, Preliminary Plan No. 120080430: Request to create eight (8) lots from two (2) unplatted parcels; located 0.25 miles west of the Good Hope Road and Briggs Chaney Road intersection: 12.5 acres; RE-1 zone; Upper Paint Branch Overlay; Upper Paint Branch Special Protection Area; 1997 Cloverly Master Plan.

Recommendation – Approval with conditions

Applicant: Nea Maloo

Submittal Date: July 3, 2008

Review Basis: Chapter 50



Summary

- Staff recommends **Approval with conditions**.
- Application has been reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014 as allowed by Section 7.7.1.B.1 of the Zoning Ordinance.
- The Subject Property is located in the RE-1 zone
- Application creates eight lots for eight single family detached homes using the cluster option.
- Requested waiver under Section 59-C-1.532 from Montgomery County Zoning Ordinance requiring a minimum tract area of 50 acres to utilize the cluster method. The ordinance allows the Planning Board to waive this requirement when it finds that cluster development is more desirable for environmental reasons.
- Meets requirements of Forest Conservation Law.
- Substantially conforms to the 1997 Cloverly Master Plan

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120080430: Staff recommends approval, subject to the following conditions:

1. This Preliminary Plan is limited to eight (8) lots for eight single-family detached dwelling units.
2. The Applicant must comply with the conditions of approval for the Preliminary Forest Conservation Plan No. 120080430, approved as part of this Preliminary Plan:
 - a. A Final Forest Conservation Plan must be approved by M-NCPPC Staff prior to recordation of the plat and address the following conditions:
 - i. The Final Forest Conservation plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - ii. The Final Forest Conservation Plan must include a worksheet that includes all areas of offsite limits of disturbance in the net tract area.
 - iii. The Final Forest Conservation Plan must include a revised limits of disturbance that protect the critical root zone of Tree ST-14 in its entirety.
 - iv. The Final Forest Conservation Plan must include details pertaining to the removal of existing structures from the environmental buffer and restoration of these areas to a pervious, natural condition prior to planting.
 - v. The Final Forest Conservation Plan must identify the location of the trees planted as mitigation for the tree variance.
 - b. Mitigation for the removal of six (6) trees subject to the variance provision must be provided in the form of planting native canopy trees totaling 63 caliper inches, with a minimum size of three (3) caliper inches. The trees must be planted in locations to be shown on the Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.
 - c. Prior to the recordation of plats for the Property, the Applicant must remove all of the existing structures, pavement, and debris located within the proposed Category I Conservation Easement. Details for restoring easement areas to a pervious condition, including deconsolidation of the soils prior to planting must be included on the approved Final Forest Conservation Plan.
 - d. The Applicant must record a Category I Conservation Easement over all areas of forest planting and environmental buffers, as specified on the approved Final Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records by deed prior to the start of any clearing, or grading on the Property, and the Liber Folio for the easement must be referenced on the record plat.
 - e. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the forest planting areas.
 - f. Prior to the start of any demolition, clearing, or grading on the Property, the Applicant must submit for review and approval a five-year Maintenance and Management Agreement for the forest planting areas. The Agreement approved by the M-NCPPC Office of the General Counsel must be recorded in the Montgomery County Land Records.
 - g. The Applicant must provide invasive species management control measures within the proposed Category I Conservation Easement at the direction of the M-NCPPC forest

conservation inspector. All proposed measures should be chosen with consideration of the proximity to the onsite stream and wetlands and the sensitive nature of this watershed. The use of herbicides should be avoided where possible.

- h. Forest planting must begin within the first planting season after issuance of the first grading permit.
 - i. The Applicant may establish a forest bank totaling 2.26 acres as referenced on the approved Final Forest Conservation Plan.
 - j. Prior to initiating any transactions for the forest bank, the Applicant must meet with Staff to determine the administrative procedures for implementing the bank.
 - k. The Applicant may only sell credits from the forest bank while they maintain ownership of the land where the bank exists.
 - l. At the direction of the M-NCPPC forest conservation inspector, the Applicant must install permanent split rail fencing or equivalent acceptable to M-NCPPC Staff, along the conservation easement boundary where it abuts proposed onsite residential lots (Lots 5, 6, and 7) as shown on the approved Final Forest Conservation Plan.
 - m. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement except where it abuts existing Category I conservation easement, or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
 - n. The Final Sediment Control Plan must depict the limits of disturbance (LOD) consistent with the LOD on the approved Final Forest Conservation Plan.
 - o. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the approved Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
3. The Applicant must comply with the conditions of approval for the Preliminary/Final Water Quality Plan including:
- a. Prior to the release of any building permits, the Applicant must remove all existing impervious surfaces on the Property as shown on the Impervious Surface Exhibit dated October 5, 2016. The disturbed areas within the environmental buffer must be restored to a pervious, natural condition.
 - b. Prior to recordation of the plat, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8.0 percent.
 - c. Prior to release of building permits, the Applicant must demonstrate conformance to the impervious surface limit. Any modifications for the initial construction of the eight homes which increase imperviousness beyond 8.0 percent will require Planning Board approval.
 - d. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Service ("MCDPS") Preliminary/Final Water Quality Plan approval dated November 22, 2011 and revised July 1, 2016, unless otherwise amended by MCDPS provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letters dated August 26, 2008 and April 21, 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 letter, which may be amended by MCDOT provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) in its stormwater management concept letters dated November 22, 2011 and July 1, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. Prior to the recording of a record plat, the existing house and accessory buildings on the Subject Project must be razed.
8. The Certified Preliminary Plan must change the name of “Arihanth Lane” to “Public Street A”.
9. The Certified Preliminary Plan must show Outlot “A” to be dedicated as public right-of-way and labeled as “Public Street B”. All necessary slope and drainage easements must be included on Lot 8 and Outlot “B” as shown on the Certified Preliminary Plan.
10. The Certified Preliminary Plan must show a Public Improvement Easement (PUE) on Lot 8 and Outlot “B” adjacent to the right-for-way for Public Street B.
11. The Applicant must construct a 5-foot-wide sidewalk along one side of Public Street A as shown on the Certified Preliminary Plan.
12. The Applicant must construct a 5-foot-wide sidewalk along Briggs Chaney Road across the Subject Property’s frontage as shown on the Certified Preliminary Plan.
13. The Applicant must dedicate and show on the record plat the rights-of-way for the following roads as well as construct the roads to the design standards specified in a. and b. below, and dedicate but not construct the road specified in c.

For dedication and construction of public streets:

- a. Briggs Chaney Road: Dedicate a minimum of 40 feet of right-of-way from its centerline and construct to MCDOT Road Code Standard MC-2004.33: Rural Minor Arterial Road Open Section: 2 Lanes w/ bike lanes as shown on the Certified Preliminary Plan.
- b. Public Street A: Dedicate a minimum of 67 feet of right-of-way and must construct to MCDOT Road Code Standard MC-2001.03: Tertiary Residential Street Modified with sidewalk on one side, as shown on the Certified Preliminary Plan.

For dedication only of public streets:

- c. Public Street B Dedicate a minimum of 67 feet of right-of-way as shown on the Certified Preliminary Plan.

14. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of all required sidewalks shown on the Certified Preliminary Plan.

15. 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 permit(s). 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.”

16. The record plat must show necessary easements.

17. The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.

18. The record plat must have the following note: “The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed.”

19. 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.

20. The Applicant must make a Transportation Policy Area Review (“TPAR”) Mitigation Payment for Transit equal to 25% of the applicable transportation impact tax to the Montgomery County Department of Permitting Services (“MCPDS”). The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

21. The Subject Property is within the Paint Branch School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the single-family detached unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code, and any amendments to this chapter.

SECTION 2 – SITE LOCATION & DESCRIPTION

Site Location

The property is a 12.5-acre parcel, located on the north side of Briggs Chaney Road approximately 0.25 miles west of the intersection of Good Hope Road and Briggs Chaney Road. (“Property” or “Subject Property”) (Figure 1).



Figure 1 - Vicinity Map

The Subject Property is zoned RE-1 in the *1997 Cloverly Master Plan* (“Master Plan”) and identified as Parcels P322 and P427 on Tax Map JS561/KS121.

The Subject Property is in water category W-1. The sewer category of the Property was changed on April 21, 2009 from S-5 to S-3. The sewer category change is conditioned on the Applicant demonstrating the environmental superiority of the cluster development on public sewer instead of standard method development on septic systems.

Site Vicinity

Surrounding the Property on all sides is detached single family housing. To the south across Briggs Chaney Road is higher density housing in the R-200 zone. In addition, there are pockets of RE-2C zoning to the south. One of these areas at the southwest corner of Briggs Chaney Road and Good Hope Road is undeveloped. To the east and west of the Subject Property are additional detached single family homes, mostly on large unplatted parcels. To the north, is additional detached single-family housing in the RE-1 in a subdivision which used the cluster method to preserve environmentally sensitive areas.

Site Analysis

The Subject Property is currently improved with a detached single family home built in 1959 with a barn and several small accessory buildings, and access driveway from Briggs Chaney Road which will all be removed (Figure 2). The remainder of the Site is undeveloped with existing tree cover.



Figure 2 – Aerial Map

The Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. The Property is located within the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Environmental Overlay Zone, where impervious surface for new development is limited to 8 percent. An intermittent stream flows in an easterly direction through the northern portion of the Property. This headwater stream originates offsite on the adjacent property to the north and generally follows the northern property line before exiting the site to the east. The stream system includes an offline farm pond adjacent to the south side of the stream, onsite wetlands, 100-year floodplain, and an associated environmental buffer. There is no existing forest on the Property; however, there are numerous large trees located throughout the site.

SECTION 3 – APPLICATIONS AND PROPOSAL

Previous Approvals

Resolution 16-922

A sewer category change from S-5 to S-3 for the Subject Property was approved in April, 2009 conditioned upon Planning Board approval of a preliminary plan with the Montgomery County Department of Environmental Protection (MCDEP) and Staff concurring that the Application demonstrates an environmental benefit from the use of public sewer service over the use of individual septic systems. With sewer service, the development can be tightly clustered to provide considerably more areas outside of the stream buffer for forest planting and Category I easements. These areas would have been ineligible for forest planting to accommodate the septic systems necessary to serve residential development of the Property had sewer not been provided.

Current Applications

Preliminary Plan 120080430

The Preliminary Plan, No. 120080430 (“Application”), proposes to subdivide Parcel P322 and Parcel P427 on Tax Map JS561/KS121 into eight (8) lots for eight one-family detached houses (“Preliminary Plan”) along with an open space parcel and one outlot.

Proposal

The Application contains lot sizes ranging from approximately 15,100 square feet to 22,000 square feet. Seven of the lots will be served by a public street to be constructed as part of this Application and one lot will be served with a direct driveway access to existing Briggs Chaney Road. The existing house and accessory buildings which will be razed prior to filing a record plat because one of the proposed lot lines will create a zoning violation with the existing house once a record plat is recorded.

The proposed Public Street A, referred to on the Application as Arihanth Lane, will be a public open section tertiary residential street with a 20-foot wide paving width. The existing Briggs Chaney Road will be improved using the MCDOT Road Code Standard 2004.33 which includes bike lanes. The Application includes Outlot “A” as a reservation area for a future road connection. The Applicant has agreed to dedicate the right-of-way based on the boundaries of Outlot “A” rather than placing the area in reservation to facilitate future road connection to the adjacent property.

The Subject Property has no existing forest. The Application proposes 3.13 acres of forest planting within the onsite environmental buffer. An additional 2.26 acres of afforestation within the open space outside the environmental buffer is also proposed. The Application proposes 1.98 acres of additional forest planting as an environmental benefit that sewer service and cluster development provides. The total forest acreage, a combined 7.37 acres, will be covered by a Category I Conservation Easement. All lots will utilize public water and sewer to serve each lot. Finally, stormwater management goals will be met using dry wells, micro biofiltration and 10-year storm control by dry pond attenuation.

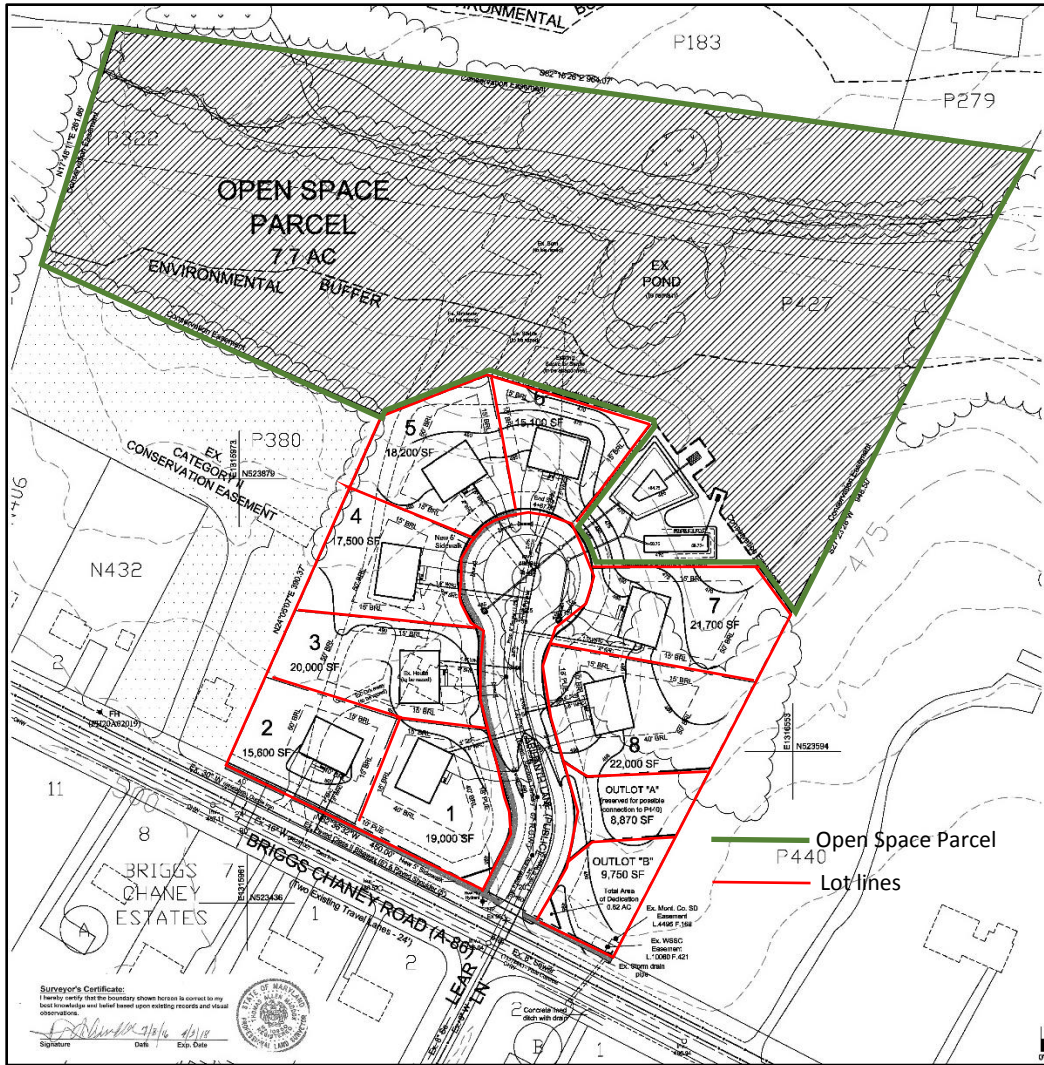


Figure 3 - Preliminary Plan

SECTION 4 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120080430

1. *The Preliminary Plan substantially conforms to the Master Plan*

The Preliminary Plan substantially conforms with the recommendations of the 1997 Cloverly Master Plan.

The Property is located in an area described in the *1997 Cloverly Master Plan* as the Residential Wedge. The future land use is identified as single family residential (Figure 4). This area, in the Northwest Branch and Paint Branch watersheds, is made up of relatively low density residential neighborhoods, at one unit for every one or two acres. The Master Plan endorses cluster development when sufficient open space can be provided and limits access to public sewer service in other areas to maintain recommended densities.

In the Paint Branch watershed, the Master Plan endorses limits on impervious surfaces created as part of new development. An overlay zone, with an impervious ceiling of eight percent, applies to new development such as is requested under this Application.

The Master Plan reconfirms the RE-1 zoning for much of the headwaters of Paint Branch. Furthermore, the Master Plan recommends approval of community sewer service for properties in the RE-1 zone in the Upper Paint Branch SPA when subdivision plans address the environmental concerns associated with development in these headwaters areas as well as demonstrate an environmental benefit resulting from the use of community sewer, rather than individual septic systems.

This Property is in the Upper Paint Branch watershed. A sewer category change approval includes a condition requiring the Applicant to demonstrate the environmental benefit of using public sewer instead of individual septic systems. The property is proposed for cluster development, and the proposed open space parcel, which will be placed in a conservation easement, will protect a tributary valley while enabling removal of existing structures that contribute to imperviousness. The open space parcel constitutes about 60 percent of the tract area.

The Application is consistent with the Cloverly Master Plan. It uses the cluster development option to protect natural resources and provide substantial amounts of contiguous open space. It will also be subject to the requirements of the Upper Paint Branch Environmental Overlay Zone, limiting imperviousness in new projects to eight percent.

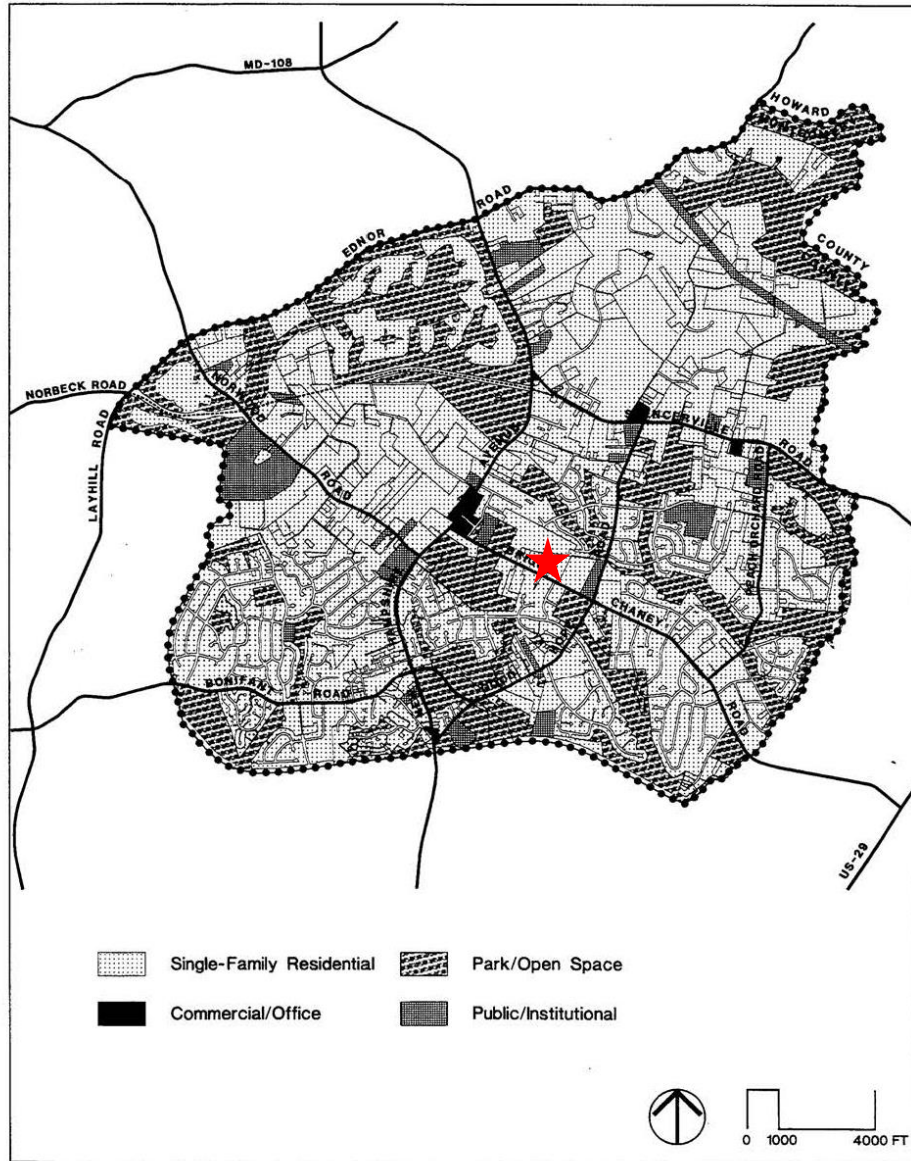


Figure 4 – Future Land Use Map

- 2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Transportation Facilities

Public Street A, a public street to be construction as part of this Application, will utilize an open section tertiary residential street standard which is adequate to serve seven single family lots (the eighth lot will be served by Briggs Chaney Road). Public Street B, currently shown as Outlot "A" is provided as a

future street connection to the adjacent property when/if it develops in the future. This connection eliminates the need for another street intersection on Briggs Chaney Road. Public Street B will not be constructed in conjunction with this Application.

The Application proposes to construct Public Street A, to be built to an open section tertiary residential street standard, with a sidewalk on only one side. Under Bill 33-13 which amended Section 49-29 of County Code, the Planning Board may waive bikeways or sidewalks when:

1. In front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;
2. On any roadway that is classified as exceptional rustic, rustic, county arterial, or county road;
3. On a tertiary residential street if the Planning Board finds that a sidewalk is unnecessary for pedestrian movement, or;
4. If the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed.

In the case of this Application, the new public street will be classified as a tertiary street. In addition, the Subject Property is in the Upper Paint Branch SPA which limits imperviousness to 8 percent. Therefore, the Application meets these requirements in Criteria #3 and #4 under Section 49-29 allowing the Planning Board to waive the requirement for sidewalks to be constructed on both sides. Staff is supportive of this waiver not only because of the environmental issues, but also because a sidewalk on only one side of the Public Street A, connecting to the sidewalk to be constructed along Briggs Chaney Road, will be adequate to serve seven lots on a cul-de-sac.

Local Area Transportation Review

A traffic study is not required to satisfy the APF's Local Area Transportation Review (LATR) test because the proposed eight total single-family detached units do not generate 30 or more peak-hour trips within the weekday morning (6:30 to 9:30 a.m.) and evening (4:00 to 7:00 p.m.) peak periods. The proposed total of 8 single-family detached units generates only 14.42 peak-hour trips. Therefore, the Application satisfies the LATR test.

Policy Area Review

The original Preliminary Plan application was filed on February 3, 2008 before the County Council adopted the 2012-2016 Subdivision Staging Policy adopted on November 13, 2012. The 2012-2016 Subdivision Staging Policy replaced the earlier "Policy Area Review"- Policy Area Mobility Review (PAMR) test with the TPAR test. Thus, the Applicant had the option of satisfying the "Policy Area Review" test under either the PAMR test or TPAR test in the first few months of 2013. The Applicant selected to be reviewed under the TPAR test as confirmed in the submitted traffic statement dated September 1, 2015. For the current TPAR test for the Cloverly Policy Area, the roadway test is adequate, but the transit test is inadequate. As a new residential development located in the Cloverly Policy Area under the 2012-2016 Subdivision Staging Policy, the Applicant must make the TPAR payment equal to 25% of the transportation/development impact tax to MCDPS at the time of building permit. The TPAR payment should be based on seven additional single-family detached units (i.e., eight total units minus removal of the one existing unit) where MCDPS's development impact tax for a single-family detached unit is currently \$13,966 per unit through July 30, 2017. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code. With the required payment, the Application satisfies the Policy Area Review.

Other Public Facilities and Services

Other public facilities and services are available and adequate to serve the proposed lots. The Subject Property has W-1 and S-3 (conditional) water and sewer service categories and public water and sewer. The Application was reviewed by the Montgomery County Fire Marshal's ("MCFRS") office. The Fire Access Plan was approved on April 14, 2016 (Attachment 6 and Attachment 7). 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 in the Paint Branch School cluster, which is identified as inadequate at the high school level; and is subject to a School Facilities Payment.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The proposed lot sizes, widths, shapes and orientations are appropriate for single family detached units, and the location of this subdivision taking into account the relationship the cluster lot configuration of the existing neighborhood to the north of the Subject Property as well as the design recommendations and environmental features included in the Master Plan.

The Applicant has requested a waiver from Section 59-C-1.532 of the Montgomery County Zoning Ordinance which requires a minimum tract area of 50-acres in order to do cluster development. Per footnote #6 in the table for Section 59-C-1.532, the Planning Board may waive the minimum tract area requirement when it finds cluster development more desirable for environmental reasons. As a demonstration of the desirability of using cluster development, the Application proposes a 7.7-acre open space parcel which not only protects the environmental features of the Subject Property but also provides a large, usable common open space for residents which is accessible from the public right-of-way between Lots 6 and 7. Under normal circumstances, the lot lines could protrude into this all or part of these open space keeping this area under individual private ownership. This 7.7 acres also provides an area for a significant amount of new forest planting. Furthermore, 2.00 acres of additional planting outside the environmental buffer will be placed in a Category I Conservation Easement. This additional two acres is over and above the planting to be provided with the environmental buffer. Staff is supportive of waiving the minimum tract area requirements in Section 59-C-1-532 and believes the Planning Board has proper justification to approve the waiver request.

The lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, the lots can accommodate a dwelling that meets the width at the building line, and setbacks in that zone. A summary of this review is included in attached Table 1. The Preliminary Plan has been reviewed by other applicable county agencies, all of whom have recommended approval.

Table 1 – Development Review Table

RE-1 (Cluster Option)	Required by the Zone	Proposed for Approval
Minimum Lot Area	15,000 square feet	Greater than 15,000 square feet
Minimum Lot Frontage	25 feet	50 feet or more
Maximum Lot Coverage	15%	15% or less
Setbacks		
Front	40 feet	40 feet or more
Side, abutting Residential	17 feet min./ 35 feet total	17 feet min./ 35 feet total or greater
Rear, abutting Residential	50 feet	50 feet or less
Building Height	50 feet max.	50 feet or lower
Site Plan Required	No	No

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

Forest Conservation

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420080290) for this Property was approved January 3, 2008 and recertified on August 16, 2010. The NRI/FSD identifies the environmental features and forest resources on the Property. A stream, wetlands, old farm pond, 100-year floodplain and associated environmental buffer lie in the northern portion of the Property. The 5.4-acre environmental buffer includes some field and tree cover, and an existing barn, stable and driveway that will be removed as part of this Application. The demolition and removal of the existing structures will require temporary disturbance within the buffer; however, the ultimate result, which includes restoration of the area to a previous, natural, forested condition, will be substantially improved and better protected as compared to current conditions. There is no forest on site; however, there are 25 trees greater than or equal to 24” Diameter at Breast Height (DBH), 11 of which are 30” DBH and greater.

Preliminary Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan (FCP) (Attachment 3) for the Application was submitted with the Preliminary Plan (Attachment 2). There is no existing forest on the Property. The proposed optional method of development and request for a waiver from Section 59-C-1.532 of the Montgomery County Zoning Ordinance requires that the Application meet minimum onsite forest requirements. The Application is subject to Section 22A-12(f)(2)(B), which includes an afforestation requirement equal to the conservation threshold of 3.13 acres. The minimum 3.13 acres of forest planting will be provided within the onsite environmental buffer. The Application proposes an additional 2.26 acres of afforestation within the remainder of the environmental buffer, which is consistent with the Planning Board’s *Environmental Guidelines for Environmental Management of Development in Montgomery County* (Environmental Guidelines). The Environmental Guidelines

recommend that a development site in a SPA should reforest the entire environmental buffer that occurs onsite, even if the reforestation exceeds the development's forest planting requirements under the Forest Conservation Law. Credits associated with the excess planting area may be created and sold to others to meet their offsite requirements. In accordance with this, the Applicant has requested that this 2.26 acres of newly planted forest in the stream buffer be approved for use as a forest bank.

The Application proposes an additional 1.98 acres of forest planting adjacent to the environmental buffer as an environmental benefit that sewer service and cluster development in this RE-1 zone provides. The Applicant obtained a sewer category change approval conditioned on Planning Board approval of a cluster plan of development. The sewer service negates the need for septic fields, resulting in a more compact layout and larger area available for forest planting. In total, the Application proposes to plant 7.37 acres of forest onsite, including 5.39 acres within the environmental buffer, of which, 2.26 acres will be available for use as a forest bank. All of the planted forest will be protected in a Category I Conservation Easement.

Forest Conservation Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted and mitigation be required.

Variance Request

The Applicant submitted a variance request in a letter dated December 1, 2015, for the impacts/removal of trees (Attachment 10). The Applicant proposes to remove six (6) Protected Trees that are 30 inches or greater, DBH, and are considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be removed are provided in Table 2 and shown graphically in Figure 5.

Table 2 - Protected Trees to be removed

Tree No.	Common Name	Botanical Name	Size (DBH)	CRZ Impact	Tree Condition	Location
ST-19	Red Maple	<i>Acer rubrum</i>	33 inch	100%	Moderate	Lot 2
ST-21	Red Maple	<i>Acer rubrum</i>	49 inch	100%	Poor	Lot 1 and 2
ST-22	American Linden	<i>Tilia americana</i>	43 inch	63%	Poor	Lots 1 and 2/Sidewalk
ST-23	Eastern White Pine	<i>Pinus strobus</i>	38 inch	72%	Moderate – Poor	Lots 1 and 3/Utilities
ST-24	Ginkgo	<i>Ginkgo biloba</i>	36 inch	52%	Moderate	Lot 1/Street
ST-25	American Linden	<i>Tilia americana</i>	50 inch	68%	Poor	Lot 1/Street/Sidewalk

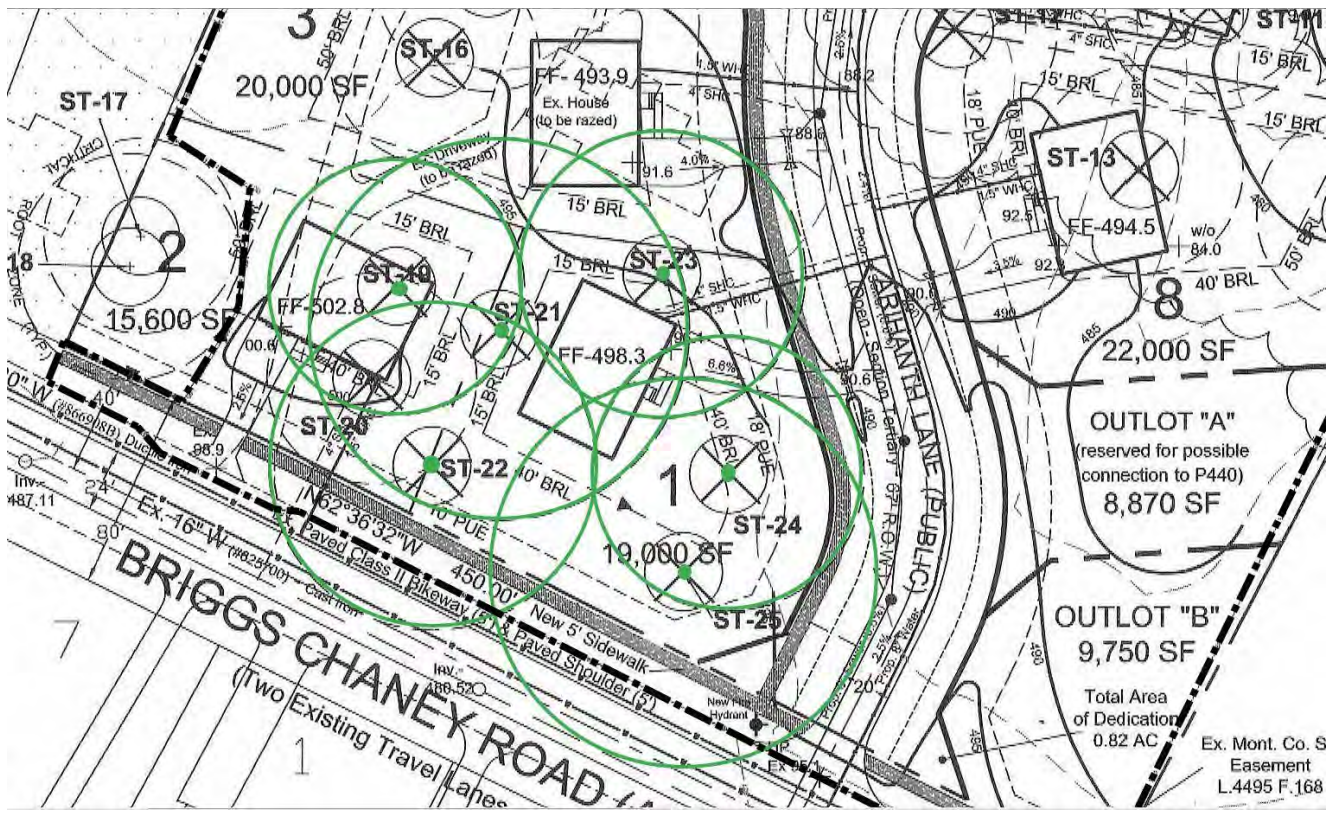


Figure 5 - Tree Variance Exhibit

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the

development requirements for accessing the Property. The Property contains ten trees subject to the variance provision, six of which will be removed by this Application. Four of the trees to be removed are noted to be in poor condition. All of the trees to be removed are clustered in an area located adjacent to the southern property line, along Briggs Chaney Road, and to the west of the proposed cul-de-sac that provides access to the majority of the proposed lots. The location of the cul-de-sac entrance off of Briggs Chaney Road was determined by the need to align the location of the access point with existing Lear Lane, on the south side of Briggs Chaney Road. Alternatively, the only other option for providing access to the Property permissible under the Montgomery County Department of Transportation's criteria is 150 feet or more west of its proposed location; however, the result would be the cul-de-sac itself requiring the removal of the same trees. There is not enough property frontage east of the existing Lear Lane to allow the cul-de-sac to be relocated in that direction.

The location of the Protected Trees coupled with the strict requirements for access locations to the Property create a conflict that necessitates impacts to the Protected Trees and thus, an unwarranted hardship. In addition, the northern portion of the Property contains a stream and other sensitive features within the expanded environmental buffer as required in the Upper Paint Branch Special Protection Area, limiting the area available for development to the southern portion of the Property. The Property is being developed under the cluster option which will allow the Applicant to achieve the expected development potential of the Subject Property and comply with the impervious surface limitations of the Upper Paint Branch Environmental Overlay Zone. The environmental constraints in the rear of the Property restrict the developable area to the southern portion, which is also along the Briggs Chaney Road frontage, where development is expected to occur. Strict adherence to Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law which prohibits disturbance to Protected Trees would create an unwarranted hardship in that the reasonable development of the Property in accordance with the anticipated zoning density would be severely impeded. Consideration of a tree variance by the Planning Board is therefore justified for this Application.

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the Preliminary Forest Conservation Plan:

Granting of the requested variance:

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

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. The Protected Trees are located in the developable area of the Property, outside of the environmental buffer, near the front along Briggs Chaney Road. Any residential development considered for this Property, would be faced with the same considerations of access location along Briggs Chaney Road and environmental considerations based on the existing conditions and development standards of the SPA and Environmental Overlay Zone. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing conditions, including the location of the Protected Trees within the developable area of the Property and the requirements for accessing the Property along Briggs Chaney Road. The Applicant refined the limits of disturbance for the Application, eliminating impacts to the critical root zone of an additional Protected Tree, ST-9.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a 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. No trees located within a stream buffer or wetland will be impacted or removed as part of this Application. The Property does not currently contain any forest; however, the Application proposes to provide approximately 7.4 acres of forest onsite, including approximately 5.4 acres within the stream buffer. This planted forest will replace many of the functions provided by the Protected Trees to be removed. These trees will help reduce the amount of runoff generated by this subdivision and provide a substantial buffer between the subdivision and the onsite stream. In addition, the MCDPS has found the stormwater management concept for the proposed Application to be acceptable as stated in a letter dated November 22, 2011, and revised in a letter dated July 1, 2016 (Attachment 8 and Attachment 9). The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees – All of the Protected Trees subject to the variance provision and proposed to be removed are located outside of existing forest. Mitigation for the removal of these six (6) trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove 249 inches in DBH, resulting in a mitigation requirement of 63 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. While these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees.

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 in the MCDEP for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. On January 25, 2010, the County Arborist provided a letter stating that she would not provide a recommendation on this request for a variance because the original

Application for this Property was submitted before October 1, 2009 (Attachment 11) prior to the date that the tree variance legislation modified the Forest Conservation Law.

Variance Recommendation – Staff recommends that the variance be granted with mitigation.

Special Protection Area Preliminary/Final Water Quality Plan

As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this Preliminary Plan. Under the provision of the law, the MCDPS, the Planning Board, and MCDEP have different responsibilities in the review of a Water Quality Plan. MCDEP has reviewed the Water Quality Plan and will require one year of pre-construction monitoring. MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in a letter dated November 22, 2011 and revised in a letter dated July 1, 2016 (Attachment 8 and Attachment 9). As part of this Application, the Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Planning Board Special Protection Area Review Elements

Environmental Buffer Protection

Approximately 5.4 acres of the northern portion of the Property is located within the environmental buffer. There is an existing onsite stream, wetlands, 100-year floodplain, farm pond and scattered trees located within the buffer. There is an existing barn, stable, and driveway located within the buffer, which this Application proposes to remove. There is no existing forest and the Application proposes to reforest the environmental buffer in its entirety. The demolition and removal of the existing structures will require temporary disturbance within the buffer; however, the ultimate result, which includes restoration of the area to a pervious, natural, forested condition, will be substantially improved and better protected as compared to current conditions.

Forest Conservation and Planting Requirements

This Property meets all applicable requirements of Chapter 22A of the County Code. There is no existing forest on the Property. As part of the Preliminary FCP, the Application proposes to plant approximately 7.4 acres of forest within and immediately adjacent to the environmental buffer.

Imperviousness

Impervious surface restrictions for development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. The Application includes the creation of Outlot "A" to be reserved for a possible connection to an adjacent parcel to the east, Parcel P440. This Application does not propose any improvements within this 8,870 square foot Outlot. It will be created to provide an access point for the neighboring property should it develop in the future. As such, the acreage of this Outlot has been deducted from the tract area for purposes of calculating the amount of impervious area for the Application. The future development of Parcel P440 may result in the construction of a roadway within this Outlot and the associated impervious area and tract area of the Outlot will be included in the impervious surface calculations for that application. The Application requires improvements within the right-of-way for Briggs Chaney Road, including the construction of a 5-foot wide sidewalk along the frontage of the Property. The 543,630 square foot tract area for impervious surface calculations is the result of deducting 8,870 square feet for proposed Outlot "A" and adding 8,000 square foot of right-of-way for sidewalk construction along Briggs Chaney

Road. The Application includes the construction of a 5-foot wide sidewalk along one side of the proposed cul-de-sac. The paving width of 20 feet for the proposed cul-de-sac is the minimum allowed by the Code. The design on the Application results in 43,485 square feet of impervious surfaces for the 543,630 square feet net tract area. The result is 8 percent imperviousness for the Application, as depicted on the Impervious Surface Exhibit dated October 5, 2016 (Attachment 12).

Montgomery County Department of Permitting Service Special Protection Area Review Elements

MCDPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview (Attachment 8 and Attachment 9). These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- **Site Performance Goals**
As part of the Water Quality Plan, the following performance goals were established for the site: protection of stream/aquatic life habitat; maintain stream base flow by maximizing groundwater recharge; protect seeps, springs and wetlands; maintain natural on-site stream channels; minimize storm flow runoff increases by maximizing the use of Environmental Site Design (ESD) practices and groundwater recharge; minimize increases to ambient water temperature by maximizing groundwater recharge and limiting storm drain piping, minimize sediment loading, minimize nutrient loading, control insecticides, pesticides and toxic substances.
- **Stormwater Management Concept**
The approved stormwater management concept plan utilizes various ESD practices including dry wells and micro-bio retention, and 10-year storm control by dry pond attenuation.
- **Sediment and Erosion Control**
Redundant sediment control measures will be used throughout the site. Super silt fence is required at a minimum. Early stabilization may be considered as part of the redundant sediment control measures.

Staff finds that the Preliminary/Final Water Quality Plan submitted with this Preliminary Plan satisfactorily protects the environmental buffers on the Property, satisfies the SPA forest conservation and planting requirements, and meets the imperviousness limits established in the Upper Paint Branch SPA.

5. *All stormwater management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

The Preliminary Plan received an approved Preliminary/Final Water Quality Plan from the MCDPS, Water Resources Section on November 22, 2011 and July 1, 2016 (Attachment 8 and Attachment 9). The Application will meet stormwater management goals via the use of dry wells, micro biofiltration and 10-year storm control by dry pond attenuation.

SECTION 5: CITIZEN CORESPONDENCE AND ISSUES

This Application was submitted and noticed in accordance with all Planning Board adopted procedures. One sign referencing the proposed modification was posted along the Subject Property frontage. A pre-submission meeting was held at the Subject Property on March 19, 2008 at 6:00 at the Fairland Community Library. Sixteen people who were not part of the Applicant's team attended the meeting and according to the minutes of that meeting, questions were raised regarding compatibility, stream protection, and "green" house construction. According to the minutes of the meeting, the Applicant and their representatives addressed all questions. Staff, to date, has received no correspondence letters regarding this Application.

Because the original application was nearly 8 years old and had not been recirculated to the local community in some time, the Applicant, at the request of Staff, re-sent the current version of the Preliminary Plan to adjacent property owners and local civic associations in November 2016 as a courtesy. As of this writing, Staff has not received any additional input of the public.

SECTION 6: CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations, Forest Conservation Law in Chapter 22A, and the proposed use substantially conform to the recommendations of *1997 Cloverly Master Plan*. Access and public facilities will be adequate to serve the proposed lot, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the Preliminary Plan. Therefore, approval of the Application with the conditions specified herein is recommended.

ATTACHMENTS

Attachment 1 – Statement of Justification

Attachment 2 – Preliminary Plan

Attachment 3 – Preliminary Forest Conservation Plan

Attachment 4 – MCDOT Original Letter, August 26, 2008

Attachment 5 – MCDOT Amended Approval Letter, April 21, 2015

Attachment 6 – MC Fire and Rescue Approval

Attachment 7 – Approved Fire Access Plan

Attachment 8 – MCDPS Preliminary/Final WQP Approval Memo, November 22, 2011

Attachment 9 – MCDPS Preliminary/Final WQP Amended Approval Memo, Revised July 1, 2016

Attachment 10 – Variance Request from Applicant

Attachment 11 – Tree Variance County Arborist Letter

Attachment 12 – Impervious Surface Exhibit – Preliminary/Final WQP

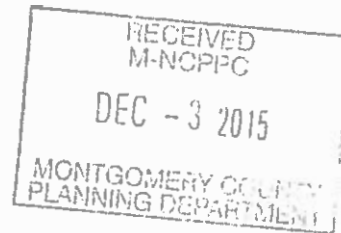
Attachment 13 – County Council Sewer Category Change Resolution No. 16-922

Benning & Associates, Inc.

Land Planning Consultants
8933 Shady Grove Court
Gaithersburg, MD 20877
(301)948-0240
(301) 948-0241 fax

December 1, 2015

Mr. Richard Weaver, Area 3 Supervisor
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Weaver,

The subject property consists of land which is zoned RE-1 and is proposed for subdivision into 8 single-family lots. In accordance with the Manual of Development Review Procedures for Montgomery County, Maryland (M-NCPPC – December 2007), I am providing this letter as a “statement of justification” for approval of the project.

Please note the following:

1. The Preliminary Plan is in conformance with the Cloverly Master Plan. The subject property is zoned RE-1 in the Master Plan and the proposed development is in conformance with requirements of the RE-1 zone. The plan proposes the use of the cluster method of development. A request for a waiver from the Minimum Area Requirement for cluster development in the RE-1 zone is included herewith.
2. The Master Plan provides direction on development of properties in the RE-1 zone which includes the subject property. The Master Plan mentions that “environmentally sensitive features not part of park acquisition” should be protected. The Master Plan suggests that the use of cluster on smaller properties is appropriate “provided that environmental concerns are addressed”. Finally, the Master Plan encourages the use of clustering to provide open space that protects natural resources. The use of cluster on the subject property is consistent with the direction given in the Master Plan.
3. Section 50-39(c)(1)(b) requests that certain information be provided for projects utilizing the cluster option. Accordingly, the plan provides the “minimum setbacks to be used for all lots”. Setbacks are in accordance with the Zoning Ordinance for

cluster developments in the RE-1 zone. With respect to other requirements of 50-39(c)(1)(b), please note the following:

- (1) The open space areas shown on this Preliminary Plan will be owned and maintained by an association of homeowner's set-up by the developer of the property prior to the sale of any lots.
 - (2) As the primary purpose of the open space is protection of environmentally sensitive areas and afforestation and forest bank planting, the open space will be utilized for passive recreational purposes only. No activities which conflict with the purposes and conditions of a Type I Conservation Easement area will be allowed.
 - (3) The Eco Estates subdivision is a small project which involves the installation of one new street of limited length which will include required features such as street lights, street trees, sidewalks, and stormwater control features. The only other public improvement will be the sidewalk along Briggs Chaney Road. Accordingly, this project is a single stage project and so the requirement to provide a plan for "sequential staging" is not appropriate.
4. Section 50-39(c)(1)(c) provides certain criteria for the Planning Board to use in determining if the cluster method is an appropriate method of development. With respect to this criteria, please note the following:
- (1) The proposed development has limited influence on any adjacent or nearby existing or future developments in the area. The project abuts another property to the north which is currently planned for development using the cluster method (Anselmo Property 120100160). The two properties are separated by the environmental buffer area located at the northern end of Eco Estates which results in the separation of development areas for each. The two developments are being planned separately and the planned layouts have no influence on each other. Properties to the south (across Briggs Chaney Road) and to the west of the subject site are already developed and are not affected by the planned development. The adjacent property to the east of the subject site (P440) is undeveloped and is zoned RE-1. This property has wide frontage along Briggs Chaney Road which can be utilized for access if and when the property is developed. The Preliminary Plan for the subject property provides for an internal connection to P440 if and when that property is developed.
 - (2) The common open space and proposed lots are appropriately configured to provide protection of environmentally sensitive areas and to provide for a large area of forest planting. The cluster method allows for the lots and homesites to be placed nearer to Briggs Chaney Road to provide an increase in the separation between the stream buffer area and the planned development.
 - (3) The open space as planned consists of a contiguous area which is approximately 60% of the area of the Eco Estates project. By using the cluster method, this large open space area provides for protection of

environmentally sensitive areas on the property and allows for extra forest planting above and beyond normal requirements to occur.

- (4) As noted previously, the size of this small project provides for the public improvements associated with the project to be accomplished in one stage.
 - (5) The subject property is unique and appropriate for cluster due to the presence of an on-site stream which is part of the Upper Paint Branch Watershed. The use of the cluster method allows for a compact development which aids in meeting impervious limits while protecting environmentally sensitive areas.
 - (6) All areas near the subject property to the north side of Briggs Chaney Road are zoned RE-1. As mentioned above, the property which abuts to the north is currently being planned for development using the cluster method. Properties to the south of the subject property on either side of Lear Lane are zoned R-200 and consist of existing lots sized appropriately for the R-200 zone. These lots are separated from the subject property by Briggs Chaney Road.
5. The property will be adequately served by public facilities including existing and new roads, public water service, public sewer, and available utilities. Requirements for emergency vehicle ingress and egress have been accounted for in the design of the subdivision.
 6. The lots as configured (size, shape, orientation) are appropriate for the location of the property. The lots conform to the requirements of the RE-1 zone using the cluster method. The lots are similar in size, shape, and orientation to other existing lots within close proximity to the property.
 7. The project has been planned to meet the requirements of the Forest Conservation Law. All applicable conditions of the Law will be addressed on-site with afforestation planting in high-priority areas.
 8. The project has been planned to address requirements for stormwater management as shown on the Water Quality Plan included with the project submittal. The use of non-structural management techniques including grass swales, drywells, and porous pavement will be utilized as necessary to meet the latest State and County requirements for control of stormwater runoff.
 9. A waiver from the Minimum Area Requirement is requested for this project. The following information is provided in support of the waiver request:

Section 59-C-1.532 of the Montgomery County Zoning Ordinance requires a minimum land area of 50 acres to utilize the cluster method for development in the RE-1 zone. The subject property consists of 12.5 acres of land zoned RE-1 and is proposed to be developed into 8 single-family lots using the cluster method. A waiver of the 50 acre requirement is requested.

According to the Zoning Ordinance, the 50-acre minimum area requirement "may be waived by the Planning Board upon a finding that the cluster development is more

desirable for environmental reasons". The Ordinance also states that "the purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation of trees". The use of clustering on the subject property allows for the creation of a large open space parcel which will encompass an existing on-site stream and stream buffer area. The open space parcel is proposed to be 7.4 acres in size or around 60% of the property area. Without the use of the cluster method on this site, the stream and stream buffer area which includes wetlands, a 100-year floodplain, and a small pond would be segmented on larger private lots under the control of individual lot owners. The stream buffer area which includes a large equestrian barn and currently contains no forest is to be enhanced by removal of the barn and the planting of new forest. For the project, 2.57 acres of afforestation will occur within the stream buffer area and another 4.8 acres of forest planting will occur within the open space area as forest bank planting. The 4.8 acres of forest bank planting includes an extra 2 acres of forest planting outside of the stream buffer. The extra 2 acres of planting is an environmental benefit that would not occur on this property with standard development.

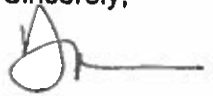
OK
Legal in SPA area
OK

Section 59-C-1.522 of the Zoning Ordinance requires the use of public water and public sewer for developments using the cluster method in the RE-1 zone. The subject property is currently within water service category W-1 and sewer service category S-5. A request to change the sewer category to S-3 is approved pending approval of a cluster plan of development. If the standard method of development was utilized for this project, septic systems would be required. Soil on the property primarily consists of Glenelg Silt Loam (1C, 2B) which is among the very best of soil types in Montgomery County for on-site sewage disposal. Septic testing for properties with Glenelg soils generally results in very high lot yields compared to properties with average to poor soils. Using standard method development with septic systems and public water on the subject site would result in the placement of septic fields close to the stream buffer in an area currently planned as open space. The use of the cluster method with public sewer allows for smaller lot on less land with a greater setback from the stream area. Furthermore, public sewer for the new lots will come from Briggs Chaney Road and will not encroach into the environmental buffer area or open space. The use of public sewer creates less disruption to the site overall than standard development. In addition, cluster development places new impervious surfaces further away from environmentally sensitive areas of the site.

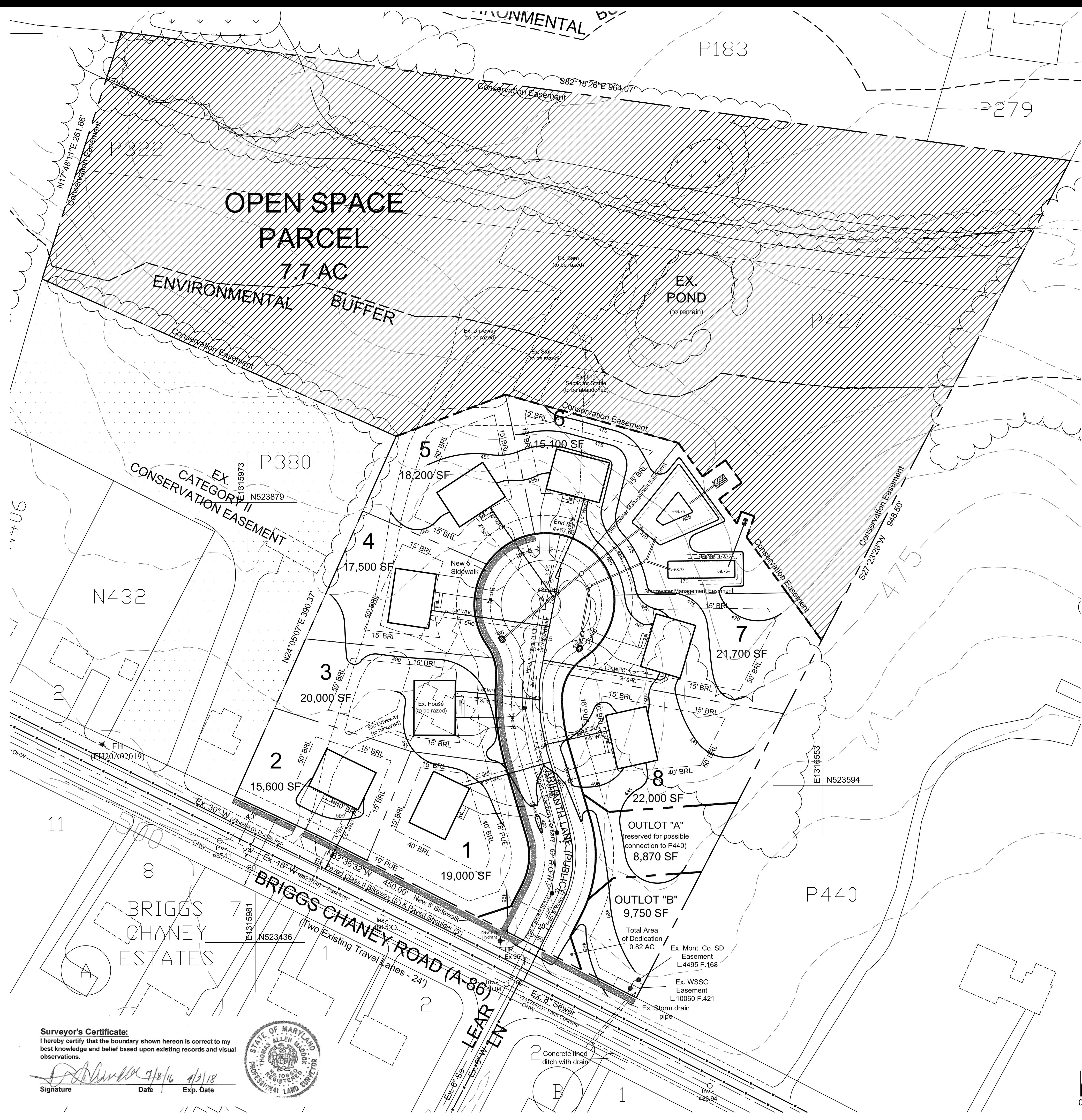
For the reasons stated above, we hereby request a waiver from the Minimum Area Requirement of the RE-1 zone for cluster development.

Based upon the information provided herewith along with plans and other supporting information, we respectfully request approval of the Preliminary Plan for Eco Estates.

Sincerely,



David W. McKee

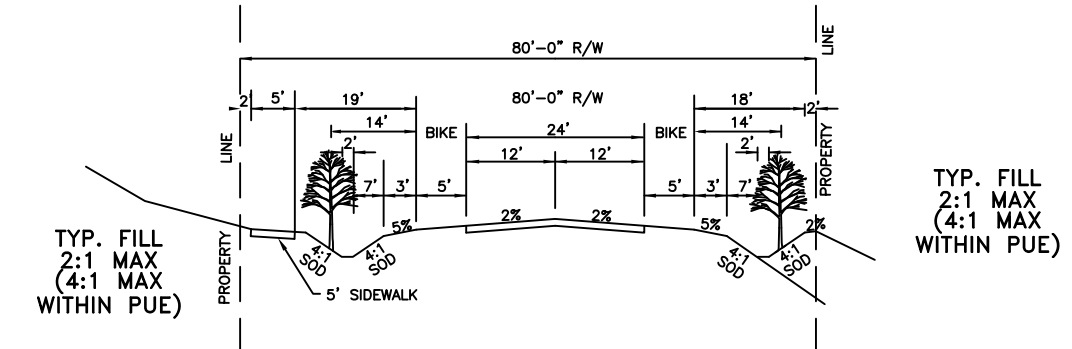


ZONING STANDARDS:

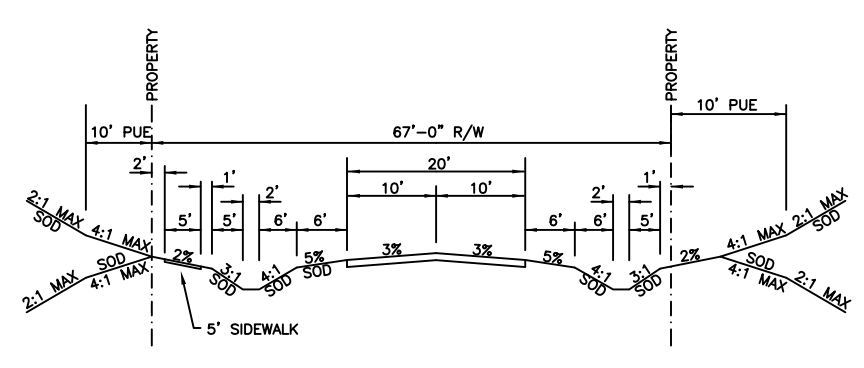
ZONE:	Req.	Prov.
RE-1(Cluster Option)		
Lot Size	15,000 SF	15,000 SF +
Frontyard Setback	40'	40'
Other Setbacks	15'	15' or more
Rearyard (subdivision boundary)	50'	50' or more
Building Height	50' Max.	50' or less
Lot Coverage	15% Max.	15% or less
Lot Width @ Building Line	N/A	N/A
Density	1 du/ac	0.64 du/ac
Frontage	25'	50'+ or more

- NOTES:**
- AREA OF PROPERTY - 12.5 AC
 - AREA SHOWN TO BE DEDICATED TO PUBLIC USE - 0.82 AC
 - EXISTING ZONING: RE-1
 - METHOD OF DEVELOPMENT PROPOSED - CLUSTER
 - MINIMUM LOT SIZE PERMITTED - 15,000 SF
 - NUMBER OF LOTS SHOWN - 8
 - AREA IN OPEN SPACE - 7.7 AC
 - EXISTING SEWER & WATER SERVICE CATEGORIES: S-5, W-1
 - SEWER SERVICE CATEGORY CHANGE TO S-3 CONDITIONALLY APPROVED
 - LOCATED IN UPPER PAINT BRANCH WATERSHED (Special Protection Area)
 - PROPERTY LOCATED ON TAX MAP JS561 / KS121; WSSC 220NE01 / 220NE02
 - SITE TO BE SERVED BY: VERIZON, PEPCO & WASHINGTON GAS (AS AVAILABLE)

Attachment 2



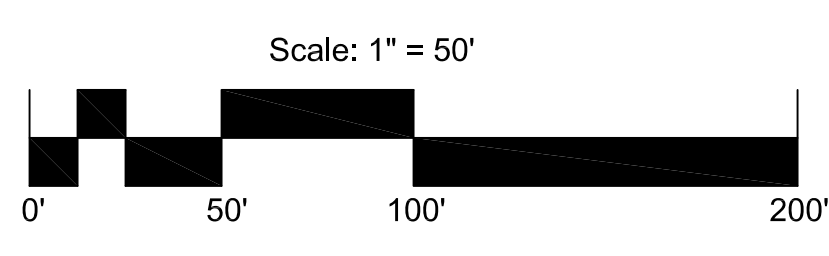
BRIGGS CHANEY ROAD
RURAL MINOR ARTERIAL ROAD
OPEN SECTION: 2 LANES W/ BIKE LANES
STANDARD NO. MC-2004.33



ARIHANT LANE
TERTIARY RESIDENTIAL STREET
MODIFIED STANDARD NO. MC-2001.03

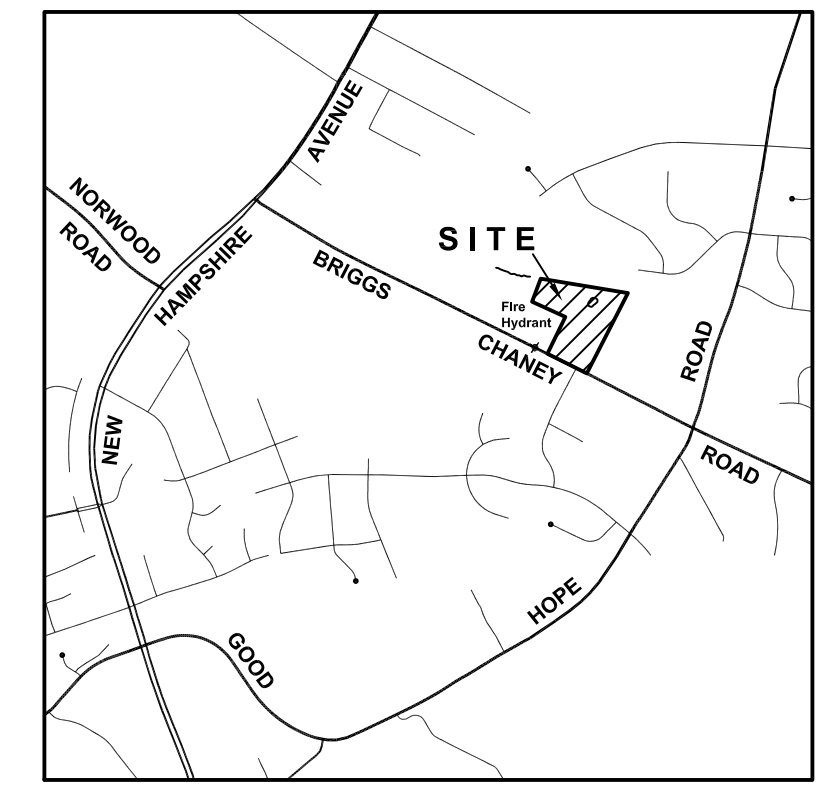
LEGEND:

- Proposed House
- Proposed grading
- Existing Contour
- PUE
- BRL
- Lot Line
- Forest Conservation Area



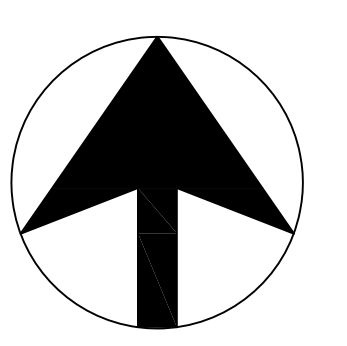
PREPARED FOR:
MS. NEA MALOO
12610 FARNELL DRIVE
SILVER SPRING, MD 20906
301-370-8744

VICINITY MAP
1" = 2000'



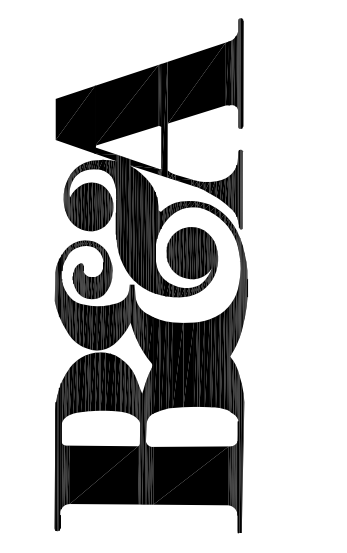
Surveyor's Certificate:
I hereby certify that the boundary shown hereon is correct to my best knowledge and belief based upon existing records and visual observations.
Signature: [Signature] Date: 7/8/16 Exp. Date: 4/3/18





date: Rev. 07-05-16
scale: 1" = 50'

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



**PRELIMINARY PLAN
ECO ESTATES**
Montgomery County, Maryland

Attachment 3

NOTES:

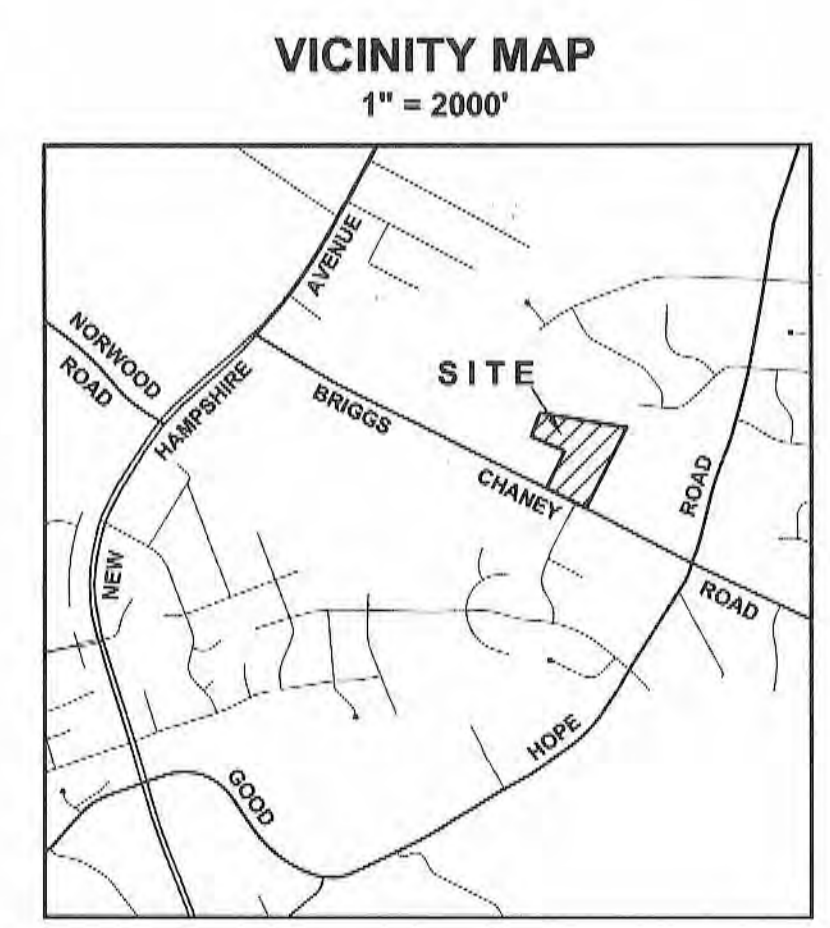
1. AREA OF PROPERTY - 12.5 AC
2. AREA SHOWN TO BE DEDICATED TO PUBLIC USE - 0.82 AC
3. EXISTING ZONING: RE-1
4. METHOD OF DEVELOPMENT PROPOSED - CLUSTER
5. MINIMUM LOT SIZE PERMITTED - 15,000 SF
6. NUMBER OF LOTS SHOWN - 8
7. AREA IN OPEN SPACE - 7.7 AC
8. EXISTING SEWER & WATER SERVICE CATEGORIES: S-5, W-1
9. SEWER SERVICE CATEGORY CHANGE TO S-3 CONDITIONALLY APPROVED
10. LOCATED IN UPPER PAINT BRANCH WATERSHED (Special Protection Area)
11. PROPERTY LOCATED ON TAX MAP JS561 / KS121; WSSC 220NE01 / 220NE02
12. SITE TO BE SERVED BY: VERIZON, PEPCO & WASHINGTON GAS (AS AVAILABLE)
13. THE FLOODPLAIN SHOWN HEREON WAS DETERMINED BY AN ENGINEERED STUDY BY JAS ENGINEERING & DESIGN, LLC.

FOREST CONSERVATION NOTES:

1. In accordance with Chapter 22A(f)(2)(B), the minimum area of on-site forest retention for this project is 3.13 acres (conservation threshold). Since no forest exists on this property, an area of planting equal to 3.13 acres will occur on-site to meet this requirement (Planting Area 'A').
2. Planting Area 'B' shown on this plan within the stream buffer will be made available to others as off-site forest bank credits.
3. Planting Area 'C' shown on this plan is additional planting for this project outside of the stream buffer as an environmental benefit which would not occur if the property was developed under the standard method.
4. Invasive species control will be required on this property prior to forest planting.

LEGEND:

- Significant Tree
- Critical Root Zone
- Significant Tree To Be Removed/ Previously Removed
- Afforestation Area
- Afforestation Area (Forest Bank)
- Afforestation (Extra)
- Proposed House Footprint
- Proposed New Sidewalk
- Tree Protection Fence
- Tree Protection Sign
- Root Pruning
- Permanent FCE Sign
- Split Rail Fence



PREPARED FOR:
NEA MALOO
 12610 FARNELL DRIVE
 SILVER SPRING, MD 20906
 301-370-8744

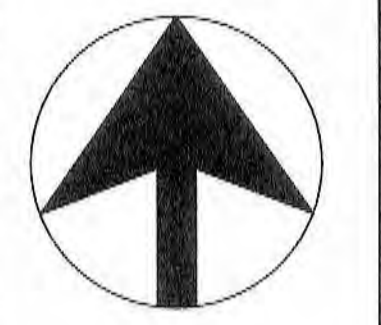
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 Forest Conservation Plan
 Submitted for Planning Board Approval

Plan No. 2019-0430
 Signature Mary D. Kishka Date 10/5/2019



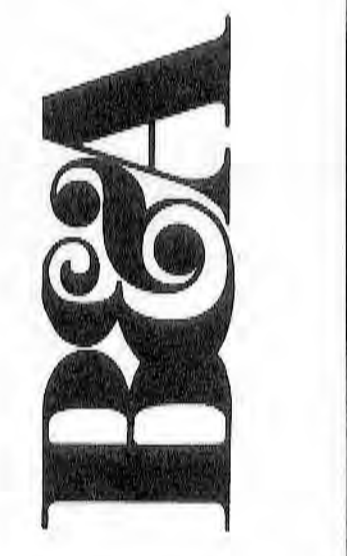
PRELIMINARY FOREST CONSERVATION PLAN

ACREAGE OF TRACT	ACREAGE OF TRACT REMAINING IN AGRICULTURE USE	ACREAGE OF ROAD AND UTILITY R.O.W. NOT TO BE IMPROVED	ACREAGE OF EXISTING FOREST	ACREAGE OF TOTAL FOREST RETENTION	LAND USE CATEGORY	CONSERVATION THRESHOLD	AFFORESTATION THRESHOLD	FOREST WITHIN WETLANDS TO BE RETAINED	FOREST WITHIN WETLANDS TO BE CLEARED	FOREST WITHIN WETLANDS TO BE PLANTED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE RETAINED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE CLEARED	FOREST WITHIN 100-YEAR FLOODPLAIN TO BE PLANTED	FOREST WITHIN STREAM BUFFER TO BE RETAINED	FOREST WITHIN STREAM BUFFER TO BE CLEARED	FOREST WITHIN STREAM BUFFER TO BE PLANTED	FOREST WITHIN PRIORITY AREAS TO BE RETAINED	FOREST WITHIN PRIORITY AREAS TO BE CLEARED	FOREST WITHIN PRIORITY AREAS TO BE PLANTED	STREAM BUFFER- LINEAR FEET	STREAM BUFFER- AVERAGE WIDTH
12.50 AC	0.00 AC	0.00 AC	0.00 AC	0.00 AC	MEDIUM DENSITY RESIDENTIAL	25% = 3.13 AC	20% = 2.50 AC	0.00 AC	0.00 AC	0.20 AC	0.00 AC	0.00 AC	1.04 AC	0.00 AC	0.00 AC	5.39 AC	0.00 AC	0.00 AC	5.39 AC	1,020'	150'



date: Rev. 07-05-16
 scale: 1" = 50'

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



PRELIMINARY FOREST CONSERVATION PLAN
ECO ESTATES
 Montgomery County, Maryland

SIGNIFICANT TREE CHART

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE(D.B.H.)	TREE CONDITION	COMMENTS	STATUS
ST-1*	Liriodendron tulipifera	Tulip Poplar	37"	Moderate	Loose bark, 10% girdling roots	To be retained
ST-2*	Liriodendron tulipifera	Tulip Poplar	33"	Moderate	Dieback, broken scaffold limbs	To be retained
ST-3	Liriodendron tulipifera	Tulip Poplar	25"	Moderate	Dieback, broken scaffold limbs	To be retained
ST-4*	Liriodendron tulipifera	Tulip Poplar	34" (Approximate)	Poor	Oriental Bittersweet growing on trunk, large column of internal decay, dieback, dead limbs with decay, borer damage, thin canopy.	To be retained
ST-5*	Liriodendron tulipifera	Tulip Poplar	34"	Moderate	Poison ivy growing on trunk, dieback, borer damage	To be retained
ST-6	Acer rubrum	Red Maple	26"/28"	Moderate-Poor	Multi-stemmed, lichen by and Oriental Bittersweet growing on trunk, reactionary growth, dieback, small internal cavity, broken limbs	To be retained
ST-7	Liriodendron tulipifera	Tulip Poplar	29"	Good	Dieback	To be retained
ST-8	Quercus palustris	Pin Oak	29"	Good	Dieback	To be retained
ST-9*	Acer rubrum	Red Maple	34"	Poor	Vertical crack, 20% girdling roots, reactionary wood growth, large amounts of decay, conks on tree	To be retained
ST-10	Juglans nigra	Black Walnut	28"	Moderate	Broken limbs	To be removed
ST-11	Juglans nigra	Black Walnut	26"	Moderate	Broken limbs	To be removed
ST-12	Picea abies	Norway Spruce	29"	Moderate	Broken scaffold limbs, poor scaffold attachments, w codpecker damage	To be removed
ST-13	Juglans nigra	Black Walnut	27"	Moderate	Dieback, broken limbs	To be removed
ST-14	Juglans nigra	Black Walnut	29"	Moderate	Dieback, broken limbs	To be retained
ST-15	Acer rubrum	Red Maple	29"	Poor(Hazard)	Large column of internal decay, wounds at root collar, thin canopy, reactionary growth, dead central leader, large internal cavity. This tree is a hazard and should be removed as soon as possible	To be removed
ST-16	Acer rubrum	Red Maple	28"	Moderate-Poor	Several cankers on trunk, hammock bracket screwed into trunk, root wounds, co-dominant leaders, pruning wounds, dieback, water sprouts	To be removed
ST-17	Acer saccharinum	Silver Maple	29"	Good-Moderate	10% girdling roots, Virginia Creeper on trunk, compartmentalized pruning wounds, root wounds	To be retained
ST-18	Acer saccharinum	Silver Maple	29"	Good-Moderate	Root wounds, dieback, compartmentalized pruning wounds	To be retained
ST-19*	Acer rubrum	Red Maple	33"	Moderate	Root wounds, reactionary trunk growth, lichens on trunk, compartmentalized pruning wounds, included bark at branch union, borer damage, dieback, dead limbs	To be removed
ST-20	Acer rubrum	Red Maple	27"	Moderate-Poor	Root wounds, water sprouts, pruning wounds, reactionary growth, lichens on trunk, poor trunk taper, dead limbs with decay	To be removed
ST-21*	Acer rubrum	Red Maple	49"	Poor(Hazard)	Co-dominant leaders, multiple broken leaders, large cavity, massive amounts of decay, borer damage, termite damage, w slow maker in canopy, water sprouts, root damage. This tree is a hazard and should be removed as soon as possible	To be removed
ST-22*	Tilia americana	American Linden	43"	Poor(Hazard)	Large amounts of shallow damaged roots, large internal cavity, borer damage, English ivy on trunk, dead limbs, dieback, cavity in upper canopy. This tree is a hazard and it should be removed as soon as possible	To be removed
ST-23*	Pinus strobus	Eastern White Pine	38"	Moderate-Poor	15% girdling roots, borer damage, improper limb pruning which will result in decay points, cavity in trunk, crack in pruning wounds with decay and insect infestation, poor canopy distribution	To be removed
ST-24*	Ginkgo biloba	Ginkgo	36"	Moderate	Borer damage, poor trunk taper, pruning wounds, broken limbs, lichens on trunk	To be removed
ST-25*	Tilia americana	American Linden	50"	Poor	Co-dominant leaders, 10% girdling roots, cavity and decay at branch union, water sprouts, borer damage, sap sucker damage, termite damage, galls on root collar, root wounds, vertical crack, pruning wounds, broken limbs with decay, bits of water sprouts	To be removed

* Indicates Specimen Tree

**FOREST CONSERVATION WORKSHEET
ECO ESTATES**

NET TRACT AREA:
A. Total tract area ... 12.50
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 (specify) 0.00
F. Net Tract Area 12.50

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	1.00	0.00	0.00	0.00	0.00

G. Afforestation Threshold ... 0.20 x F = 2.50
H. Conservation Threshold ... 0.25 x F = 3.13

EXISTING FOREST COVER:
I. Existing forest cover 0.00
J. Area of forest above afforestation threshold 0.00
K. Area of forest above conservation threshold 0.00

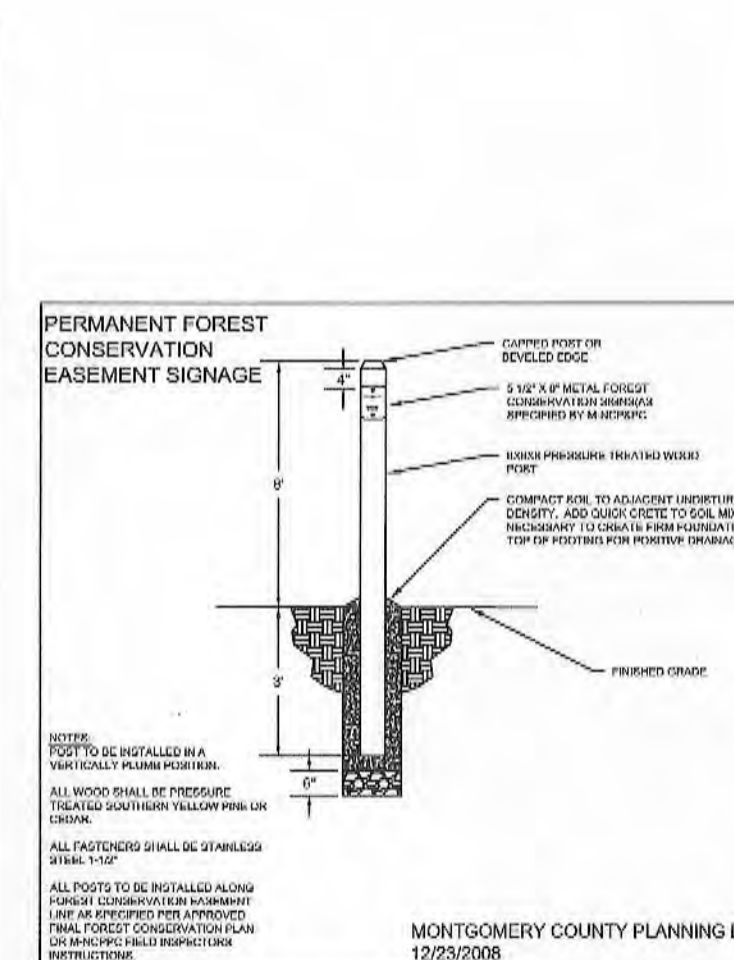
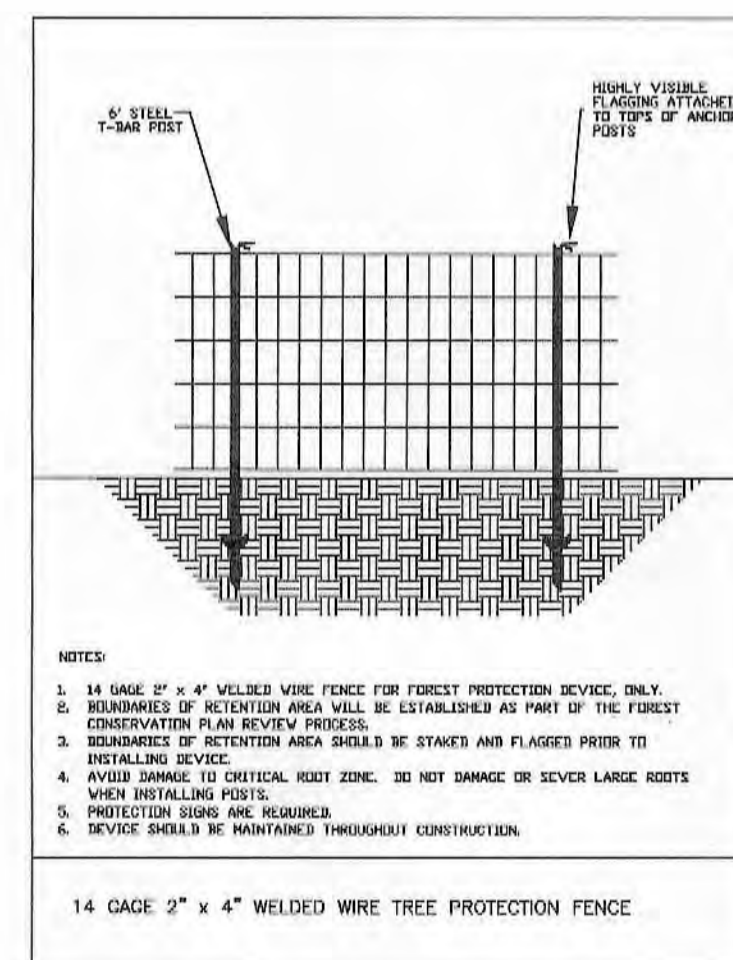
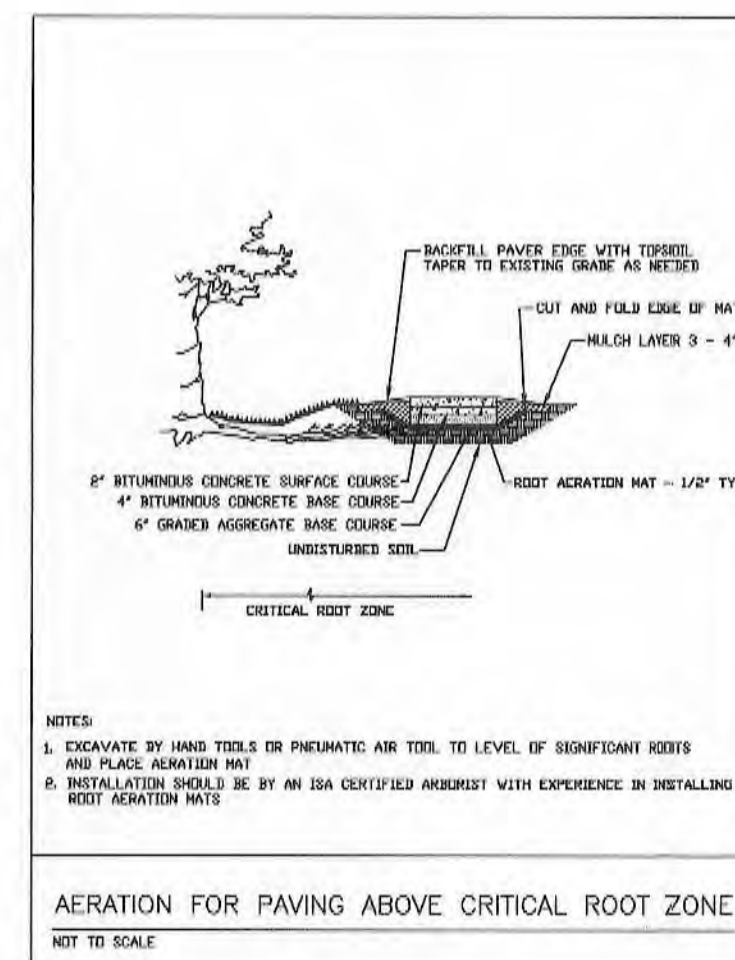
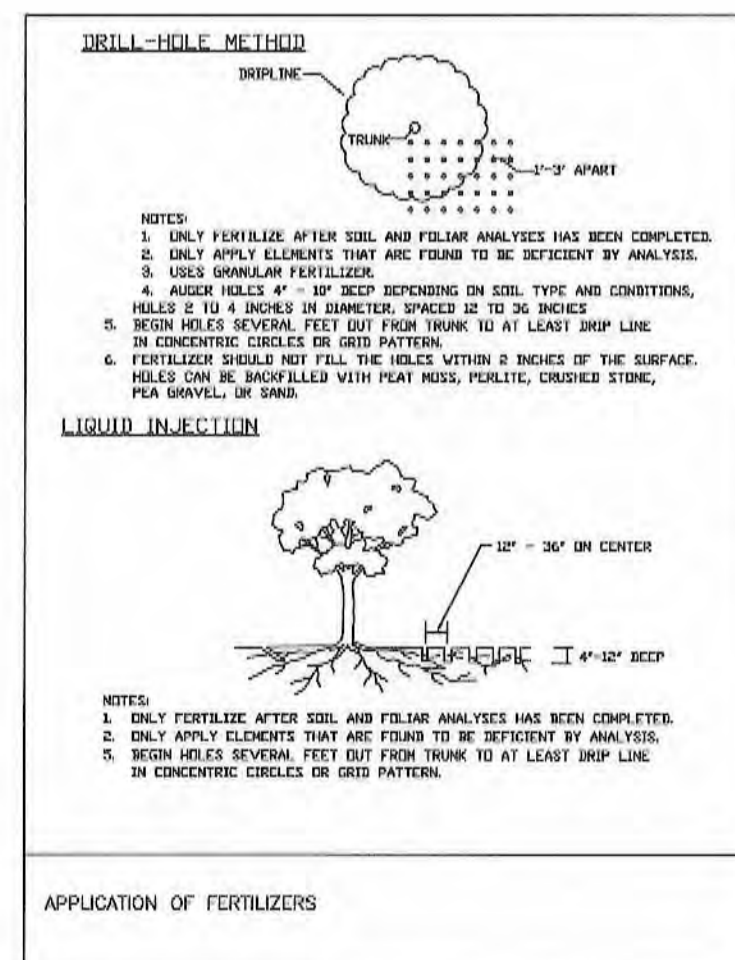
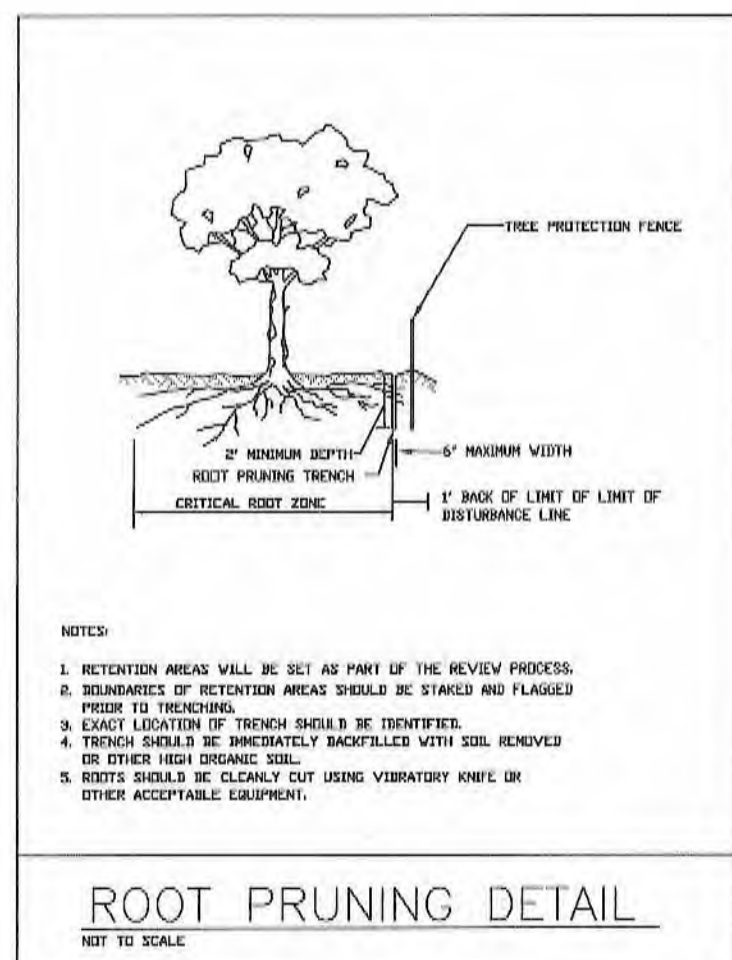
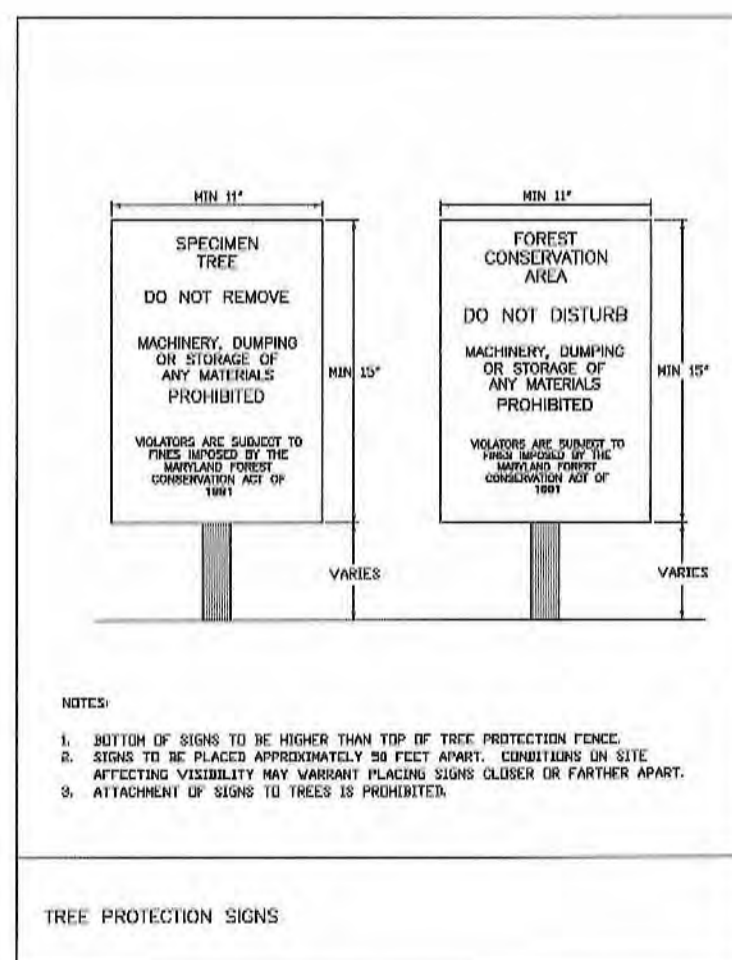
BREAK EVEN POINT:
L. Forest retention above threshold with no mitigation 0.00
M. Clearing permitted without mitigation 0.00

PROPOSED FOREST CLEARING:
N. Total area of forest to be cleared 0.00
O. Total area of forest to be retained 0.00

PLANTING REQUIREMENTS:
P. Reforestation for clearing above conservation threshold 0.00
Q. Reforestation for clearing below conservation threshold 0.00
R. Credit for retention above conservation threshold 0.00
S. Total reforestation required 0.00
T. Total afforestation required 2.50
U. Credit for landscaping (may not exceed 20% of "S") 0.00
V. Total reforestation and afforestation required 2.50

*per22A(f)(2)(B), required planting is 3.13 acres (see notes sheet 1)

NOTE:
ST-25 IS WITHIN 75% OF COUNTY CHAMPION TREE FOR THE SPECIES.

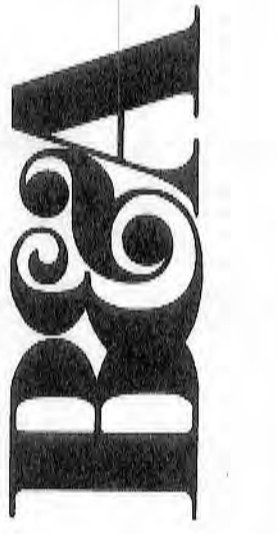


THE MARYLAND - NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Forest Conservation Plan Submitted for Planning Board Approval
Plan No. 17A080430
Signature: *Mary Skilton* 10/5/2010 Date

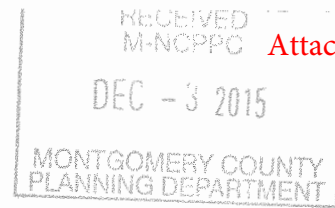
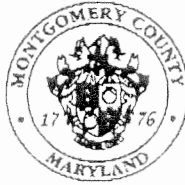


PRELIMINARY FOREST CONSERVATION PLAN
ECO ESTATES
Montgomery County, Maryland

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



date: Rev. 07-05-16
scale:



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 26, 2008

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20080430
Eco Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 07/02/08. This plan was reviewed by the Development Review Committee at its meeting on August 25, 2008. We recommend approval of the plan subject to the following comments:

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

1. Show/label all existing planimetric and topographic details specifically driveways adjacent and opposite the site on the preliminary plan.
2. Right of way dedication for Briggs Chaney Road in accordance with the Master Plan.
3. Full width dedication (including truncation) and construction of the interior public street per open section tertiary roadway standards (MC 210.05). The location of this street should be aligned with Lear Lane.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.
6. The plan should provide horizontal alignment for the interior public street which satisfies the design speed and/or per associated roadway classification.
7. Perform the necessary adjustments so driveway aprons do not cross the property frontages.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20080430
Date August 26, 2008
Page 2

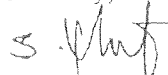
8. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
9. Record plat to reflect denial of access along Briggs Chaney Road except for the proposed public street.
10. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
12. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Engineering Design and Operation Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
12. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter with Division of Highway Services, Tree Maintenance Unit at 240 777 6000.
13. Geometrics for the intersection of the internal public street and Briggs Chaney Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Permitting and Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
14. Public Improvements Easements may be necessary along Briggs Chaney Road and the internal public street, in order to accommodate the required sidewalk construction per associated roadway standards. The applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
15. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided on both sides of the proposed public street and site frontage on Briggs Chaney Road according to associated DOT standard street sections unless the applicant is able to obtain a waiver from the appropriate government agency.
16. 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, shoulders, side drainage ditches and appurtenances, and street trees along proposed public street per item 3 above.

Ms. Catherine Conlon
Preliminary Plan No. 1-20080430
Date August 26, 2008
Page 3

- B. Construct five (five) feet wide sidewalk along the site frontage on Briggs Chaney Road per item 15 above.
- 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 Traffic Engineering and Operations Division.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.
Development Review Group
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20080430, Eco Estates.doc

Enclosures (1)

cc: Nea Maloo, Arihant Briggs Chaney LLC
David McKee, Benning & Associates Inc
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DOT TEO
Preliminary Plan Folder
Preliminary Plans Note Book



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

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Eco Estates Preliminary Plan Number: 1-20080430

Street Name: Briggs Chaney Road Master Plan Road Classification: Arterial

Posted Speed Limit: 40 mph

Street/Driveway #1 (Proposed Cul-de-sac) Street/Driveway #2 (_____)

Sight Distance (feet) OK?
 Right 1250'
 Left 650'

Sight Distance (feet) OK?
 Right _____
 Left _____

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

*Source: AASHTO

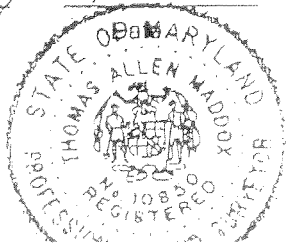
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature] 7-1-08
 Signature

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



Montgomery County Review:	
<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Disapproved
By:	<u>SF</u>
Date:	<u>8/26/08</u>



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

April 21, 2015

Al R. Roshdiah
Acting Director

Mr. Richard Weaver, Supervisor
Area 3 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120080430
Eco Estates

AMENDMENT LETTER

Dear Mr. Weaver:

This letter is to amend the comments in our August 26, 2008 preliminary plan review comments letter to address plan changes reflected on the updated plan dated March 31, 2014. An earlier version of that plan was reviewed by the Development Review Committee at its meeting on April 29, 2013. At that time, we found the preliminary plan package to be incomplete due to issues with the downstream storm drain capacity and post-development impact analyses. The applicant's consultant submitted supplemental information to address those concerns. In preparing the following review comments, we have also considered the proposed level of development. As a result, we now recommend Planning Board approval of the plan subject to:

NOTE: All previous comments in our August 26, 2008 letter remain applicable unless modified below.

Design Exception Requests

- o Design Exception 1: Request for a single residential driveway access onto Briggs Chaney Road

This Design Exception request is to install a residential driveway apron to serve one single family detached residence.

RESPONSE: We conditionally approve the request to allow proposed Lot 2 to have direct driveway access to Briggs Chaney Road. In the Design Exception request, the consultant notes this situation will be similar to that of other existing single family detached residences on that road. A review of the plan concluded providing a driveway apron from Lot 2 to the proposed internal public street (Arihanth Lane) will result in more impervious area (in conflict with the environmental goals of this area) and require reconfiguration of other nearby proposed lots. The consultant has demonstrated there is adequate visibility at the proposed entrance. We now approve the applicant's request.

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



Mr. Richard Weaver
 Preliminary Plan No. 120080430
 April 21, 2015
 Page 2

General Plan Review Comments

1. Necessary dedication for future widening of Briggs Chaney Road in accordance with the master plan and MCDOT design standard no. MC-2004.33 (Rural Minor Arterial, Open Section: 2 lanes with bike lanes).
2. Full width dedication and construction of proposed interior public street (Arihanth Lane) in accordance with MCDOT design standard no. MC-2001.03 (Tertiary Residential Street, Open Section) modified (see comment no. 9).

The record plat should also provide an easement for future dedication across Outlot A – should that property be needed in the future for a public road connection to adjacent property.

3. Grant necessary slope and drainage easements along Briggs Chaney Road, proposed Amaranth Lane, **and Outlot A**. Slope easements are to be determined by study or set at the building restriction line.
4. The supplemental storm drain capacity and impact analysis has been accepted. No improvements to the downstream public storm drain system are required for this project.

However, since the study shows the downstream box culvert under Good Hope Road is inadequate to pass the ten (10) year storm event and there will be additional post-development runoff from this site, **we recommend the applicant be required to construct an on-site Quantity Facility to ensure there will be no net increase in post-development runoff from this property.**

5. Size storm drain easement prior to record plat. No fences will be allowed within the storm drain easement without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
6. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
7. Record plat to reflect denial of access along Briggs Chaney Road [except at the intersection of proposed Arihanth Lane (opposite Lear Lane) and the driveway apron for proposed Lot 2 (per the Design Exception discussion)].
8. In consideration of the language in adopted Bill 33-13 (“Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements”) and the limitations on imperviousness in this watershed, we do not recommend construction of sidewalk(s) on proposed Arihanth Lane.
9. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with the Department of Permitting Services Right-of-Way Plan Review Section.
10. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Mr. Richard Weaver
Preliminary Plan No. 120080430
April 21, 2015
Page 3

- A. Across the Briggs Chaney Road site frontage, twelve (12) foot travel lane, five (5) foot bikelane, sod shoulder and side ditch, five (5) foot wide concrete sidewalk and handicap ramps, and plant street trees in accordance with MCDOT design standard no. MC-2004.33 (Rural Minor Arterial, Open Section: 2 lanes with bike lanes).
 - B. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along proposed interior public street (Arihanth Lane) in accordance with MCDOT design standard no. MC-2001.03 (Tertiary Residential Street, Open Section) modified (see comment no. 8).
 - C. Construct a cul-de-sac at the end of interior public street (Arihanth Lane).
- * **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**
- D. 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.
 - E. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - F. 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.
 - G. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
 - H. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

We appreciate the cooperation and patience of the applicant, their consultant, and M-NCPPC staff during this lengthy review of this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2190.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

Mr. Richard Weaver
Preliminary Plan No. 120080430
April 21, 2015
Page 4

cc: Nea Maloo Arihant Briggs Chaney, LLC
David McKee Benning & Associates, LLC
Michael Garcia M-NCPPC Area 3
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Mark Etheridge MCDPS WRM
Bill Campbell MCDPS WRM
Leo Galanko MCDPS WRM
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Patricia Shepherd MCDOT DTE
Fred Lees 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

Eco Estates

Facility/Subdivision Name: MALOO PROPERTY Preliminary Plan Number: 1-20080430

Street Name: BRIGGS CHANEY ROAD Master Plan Road Classification: PRIMARY

Posted Speed Limit: 35 mph *ARTERIAL*

Street/Driveway #1 (EXST. D/W Prop. Lot 2) Street/Driveway #2 (_____)

Sight Distance (feet)	OK?	Sight Distance (feet)	OK?
Right <u>900</u>	<u>YES</u> ✓	Right _____	_____
Left <u>1250</u>	<u>YES</u> ✓	Left _____	_____

Comments: ACCEPTED UNDER DESIGN
EXCEPTION - SEE 4/21/15 MCDOT
AMENDMENT LETTER CONDITIONALLY
APPROVING THIS DRIVEWAY. *gml 4/21*

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)

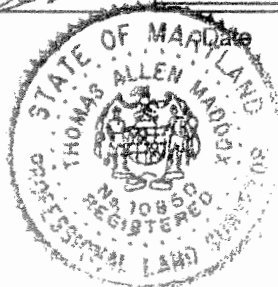
*Source: AASHTO

ENGINEER/ SURVEYOR CERTIFICATE

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

[Signature] 3/04/2015

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



Montgomery County Review:

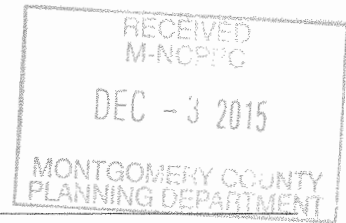
Approved
 Disapproved:

By: *gml*
 Date: 4/21/15



FIRE MARSHAL COMMENTS

DATE: 11-Oct-13
TO: Joshua Maisel - benninglandplan@aol.com
Benning and Associates
FROM: Marie LaBaw
RE: Eco Estates
120080430



PLAN APPROVED

1. Review based only upon information contained on the plan submitted **11-Oct-13** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

1) Cul-de-sac island must have a mountable curb and cannot have any significant plantings

DRG Responses - 6/25/10
08/17/2013
09/25/2013



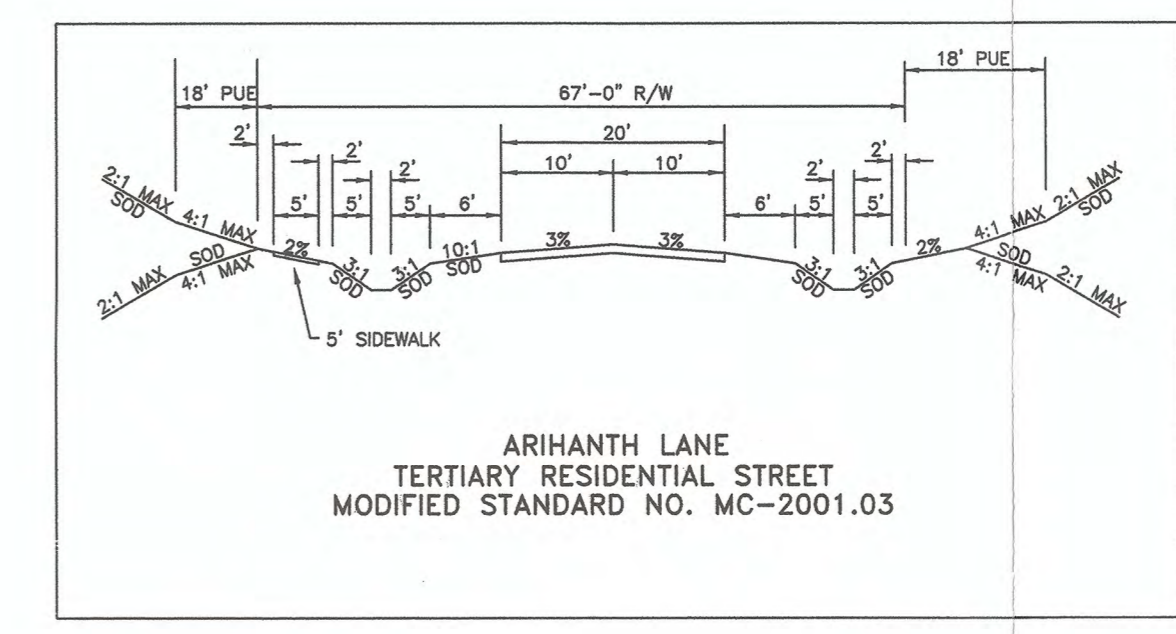
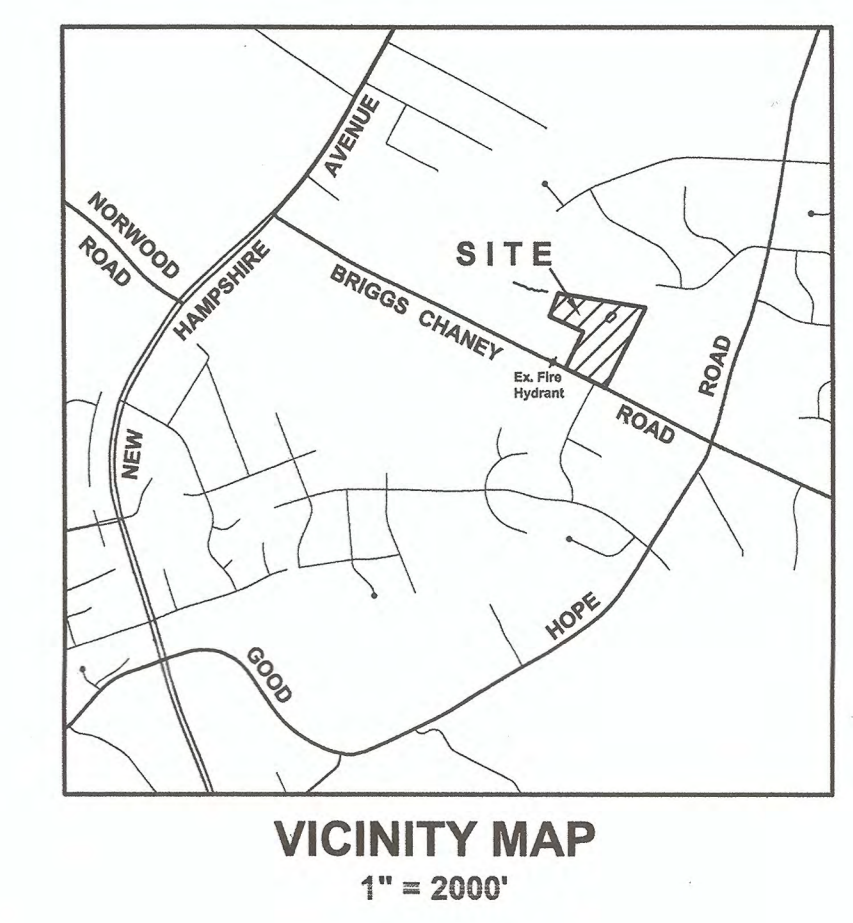
date: July 3, 2008
scale: 1" = 50'

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



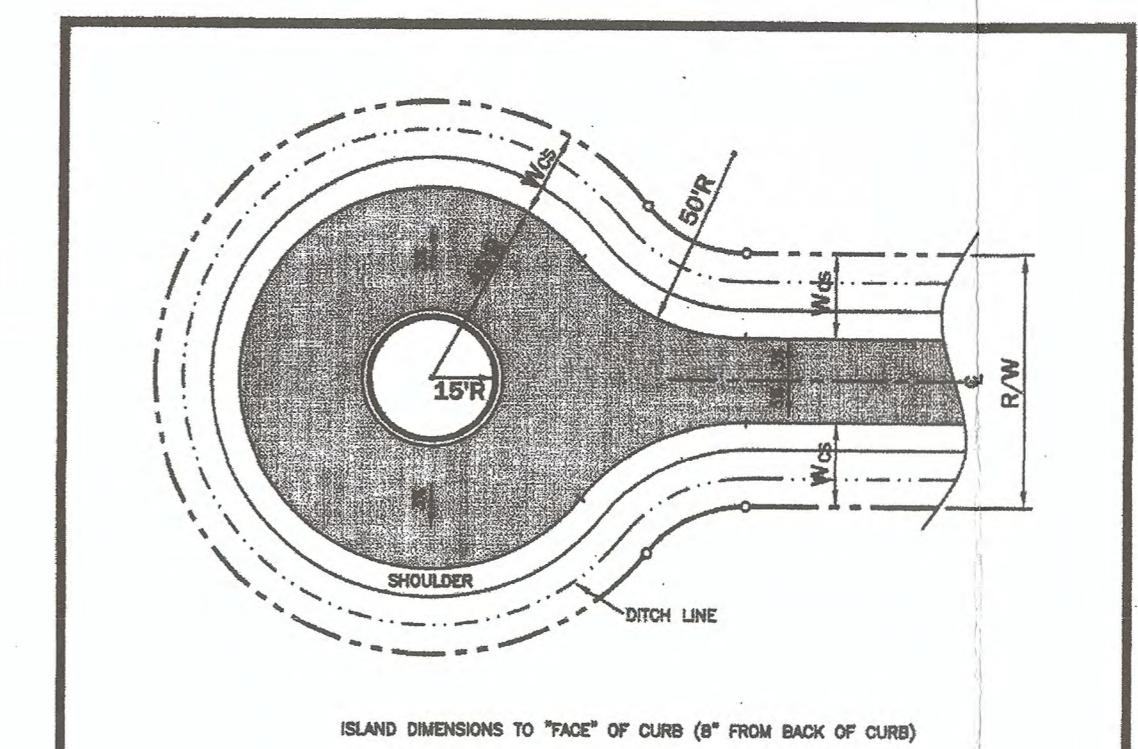
FIRE DEPARTMENT APPARATUS ACCESS PLAN
ECO ESTATES
Montgomery County, Maryland

PREPARED FOR:
MS. NEA MALOO
12610 FARNELL DRIVE
SILVER SPRING, MD 20906
301-370-8744



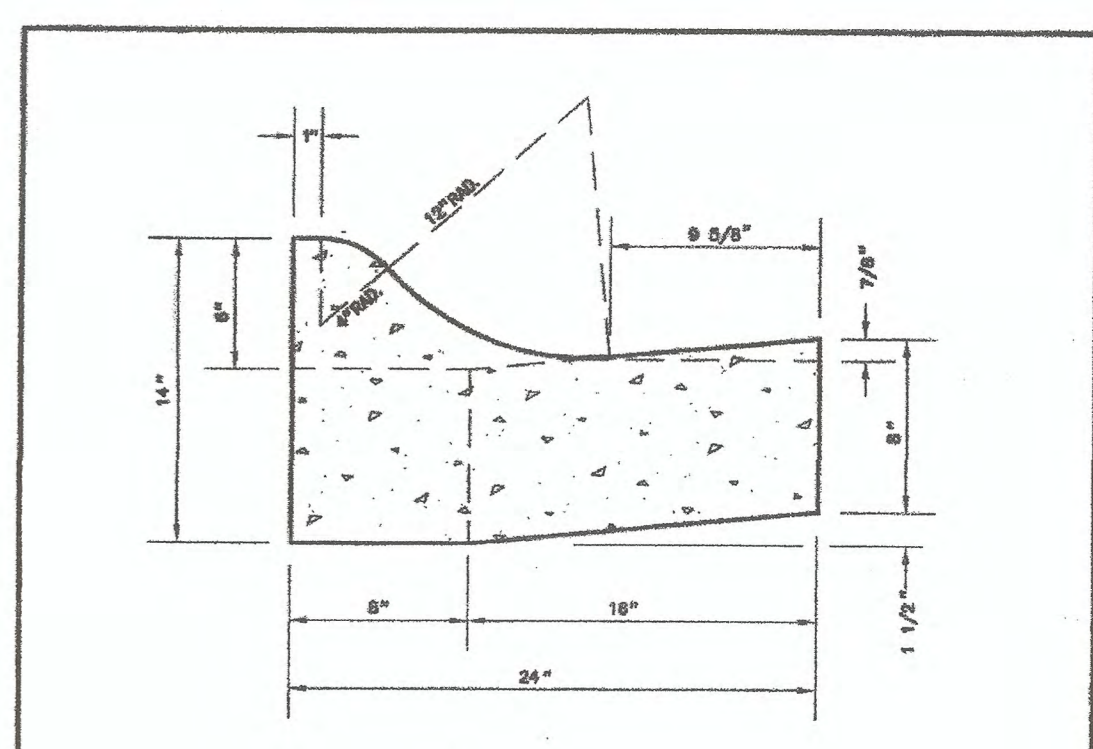
- NOTES:
1. AREA OF PROPERTY - 12.83 AC
 2. AREA SHOWN TO BE DEDICATED TO PUBLIC USE - 1.20 AC
 3. EXISTING ZONING: RE-1
 4. METHOD OF DEVELOPMENT PROPOSED - CLUSTER
 5. MINIMUM LOT SIZE PERMITTED - 15,000 SF
 6. NUMBER OF LOTS SHOWN - 8
 7. AREA IN OPEN SPACE - 7.9 AC
 8. EXISTING SEWER & WATER SERVICE CATEGORIES: S-5, W-1
 9. SEWER SERVICE CATEGORY CHANGE TO S-3 PENDING
 10. LOCATED IN UPPER PAINT BRANCH WATERSHED (Special Protection Area)
 11. PROPERTY LOCATED ON TAX MAP JS561 / KS121; WSSC 220E01 / 220E02
 12. SITE TO BE SERVED BY: VERIZON, FIEPCO & WASHINGTON GAS (AS AVAILABLE)

Attachment 7



- GENERAL NOTES:
1. THE WIDTH FROM EDGE OF PAVEMENT TO ROADSIDE-OR-WAY LINE (RW) SPECIFIED ON THE APPROACH ROAD SHOULD BE MAINTAINED AROUND ENTIRE CUL-DE-SAC AND LATERAL LOCATIONS OF CURBSIDE ELEMENTS SUCH AS SIGNALLERS, STOP LINES, SIGNALS, AND PUBLIC IMPROVEMENTS SHALL BE MAINTAINED.
 2. A 30' QUARTER PAVED CUL-DE-SAC IS MINIMUM AS REQUIRED BY THE CURRENT FIRE SAFETY CODE - APPROXIMATE REGULATIONS.
 3. CURB AND GUTTER ON CENTER ISLAND TO BE MC-101.01 WITH SPILLED GUTTER.
 4. PAVED SECTION AND THICKNESS WHEN CUL-DE-SAC SHALL CONFORM TO THE SAME PAVING SECTION AS THE APPROACH ROAD.
 5. CURBS SHALL BE 4" HIGH AND TO BE DRAIN AT 2% MIN. GRADE AND STABILIZED WITH SO2 OR LOW-DRAWING LANDFILL WIPER. NO TREES.
 6. PROVIDE 2% MINIMUM DRAIN GRADE. EDGE OF PAVEMENT AND DITCH ELEVATIONS ARE REQUIRED ON PLANS AT INTERVALS NOT TO EXCEED 50 FEET.
 7. THIS STANDARD MAY BE USED ON PRIMARY, SECONDARY, AND TERTIARY RESIDENTIAL STREETS ONLY.

APPROVED 25 August 07	DATE	MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION
<i>[Signature]</i>		CUL-DE-SAC OPEN SECTION ROADS
DIRECTOR, DEPARTMENT OF TRANSPORTATION		STANDARD NO. MC-222.02



- GENERAL NOTES:
1. REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION AND EXPANSION JOINT LOCATIONS.
 2. THIS STANDARD SHALL BE USED ON PRIMARY, SECONDARY AND TERTIARY RESIDENTIAL ROADS EXCEPT AT CURB RETURN AND RAMP THROUGHS.
 3. WHICHEVER STANDARD MC-101.01 CURB IS USED IN CONFORMANCE WITH THIS STANDARD, A TEN FOOT TRANSITION SHALL BE PROVIDED FROM STANDARD MC-101.01 TO STANDARD MC-101.01 FOR CURB RETURN AND CURB SECTIONS WHICH INCLUDE RAMP.
 4. THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MINIMUM) AND MINIMUM DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY.
 5. EXPANSION JOINT MATERIAL SHALL BE 1/2" RICH PORTLAND CEMENT, TRIMMED AND SEALED WITH HIGH-STRENGTH TWO-COMPONENT POLYURETHANE POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING WITH ASTM-C880.

APPROVED 14 APR 06	DATE	MONTGOMERY COUNTY DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION
<i>[Signature]</i>		COMBINATION CONCRETE CURB AND GUTTER TYPE C
DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION		STANDARD NO. MC-101.01

NOTE:
NO SIGNIFICANT PLANTINGS ARE PERMITTED IN THE ISLAND.

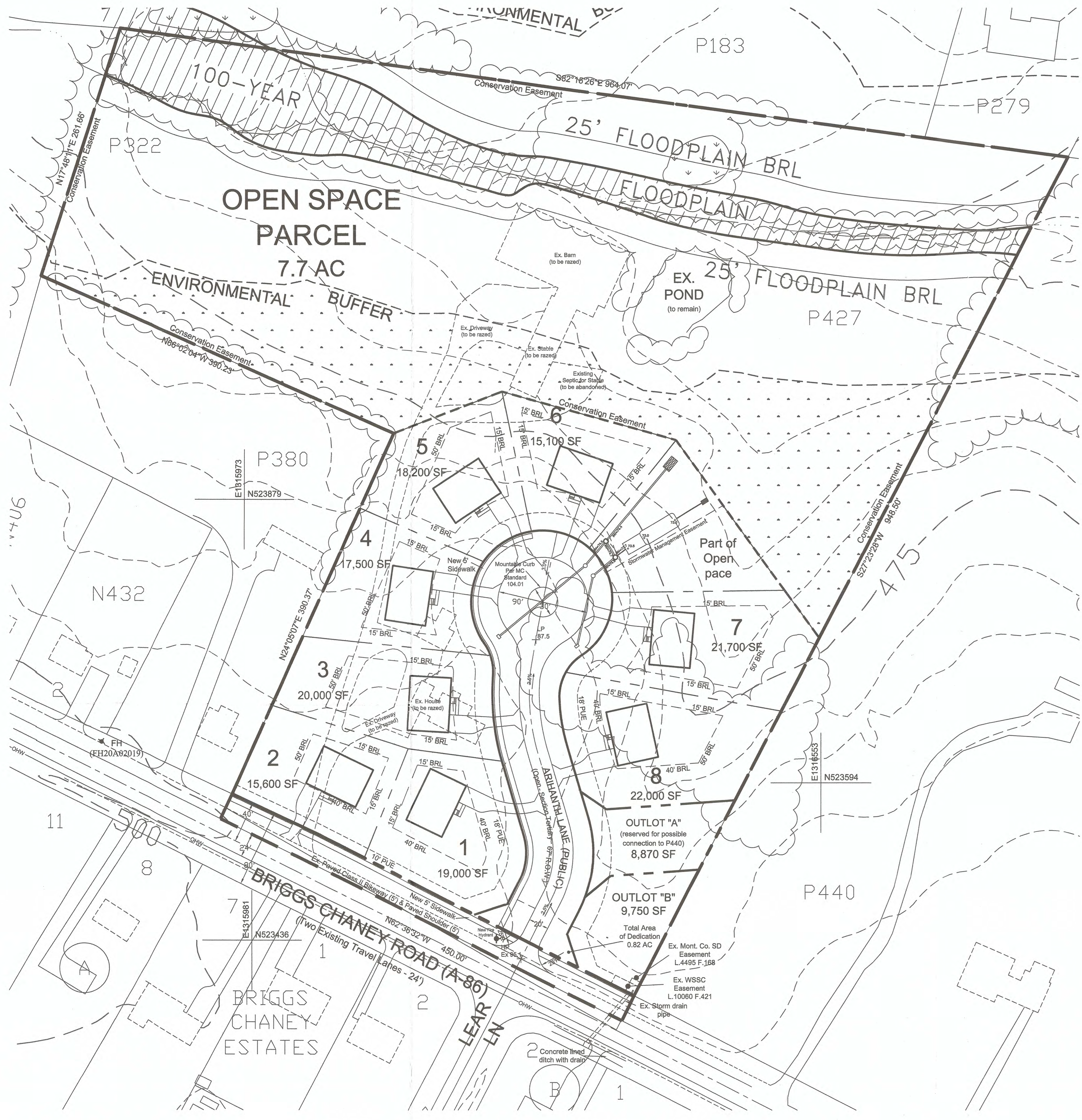
FIRE CODE INFORMATION
Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.

5/26 43 10/1/13

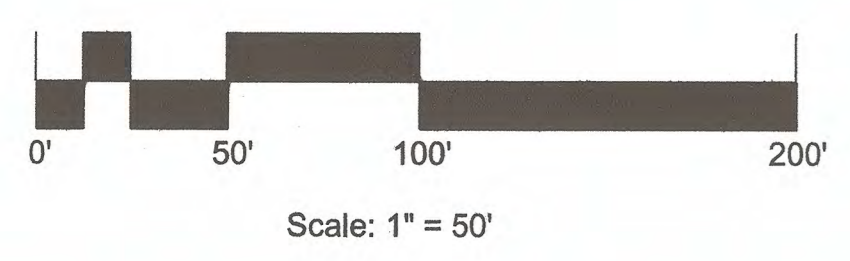
FIRE CODE INFORMATION
Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors, or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.



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. A new public street is to be constructed to serve the proposed subdivision. The street is to be built to meet MCDOT tertiary road standards (MC 210.01) or equivalent. There are no shared driveways proposed for this project.
3. For water supply, a new WSSC fire hydrant is proposed along Briggs Chaney Road and adjacent to the new public street as shown on the plan. The new hydrant as shown is 440' from the nearest existing hydrant and 400' from the end of proposed truck travel (end of Arihant Lane).
4. No significant plantings are permitted in island.



PROFESSIONAL CERTIFICATION:
I hereby certify that this plan has been prepared under my supervision and that the plan has been designed to meet the requirements of Executive Regulation 29-08 AM (Fire Department Apparatus Access and Water Supply) to my best knowledge and belief.

[Signature]
Signature Date 10-07-13





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

November 22, 2011

Mr. Jon Shiancoe
JAS Engineering & Design
5105 Mount Oaks Sanctuary Drive
Bowie, MD 20720

Re: **Preliminary/Final** Water Quality Plan
for the Eco Estates
SM File #: 233949
Tract Size/Zone: 12.83 Ac/RE-1
Total WQP Area: 12.83 acres
Tax Plate: JS561 / KS121
Parcel: N322, P427
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Shiancoe:

Based on a review by the Department of Permitting Services, the Preliminary/Final Water Quality Plan (PFWQP) for the above mentioned site is **conditionally approved**. This approval is for the elements of the Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream valley buffer encroachments.

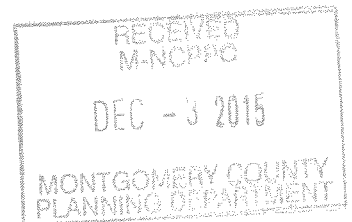
Site Description: The site is located at 1234 Briggs Chaney Road. This proposal is for subdivision of the property and construction of eight single family homes. This site is tributary to the Left Fork Tributary of the Upper Paint Branch. This watershed and has been designated as a Special Protection Area.

Stormwater Management: Stormwater management for the project will be provided via ESD practices. Emphasis will be placed on groundwater recharge. The practices proposed under this P/FWQP include dry wells for roof areas, grassed swales and a micro bioretention facility for the roadway. Direct control for the proposed driveway on Lot 2 must be provided.

Sediment Control: Redundant sediment control measures are to be used throughout the site. Super Silt Fence is required at a minimum. Early stabilization may be considered as part of the redundant sediment control measures.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary and Final Water Quality Plan. Refer to meeting minutes approved on February 26, 2008. They are as follows:

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



1. Protection of stream / aquatic life habitat. Analysis of the existing pond indicates it does not pose a thermal hazard to the receiving stream system. This pond may NOT be utilized for sediment control, and no concentrated developed flows will be allowed to be directed into it. Minor erosion at the pond overflow will have to be repaired as part of the development.
2. Maintain Stream Base Flow by maximizing groundwater recharge. On-site soils are hydrologic "B" soils and a geotechnical investigation shows they are conducive to recharge.
3. Protect seeps, springs and wetlands.
4. Maintain natural on-site stream channels.
5. Minimize Storm Flow Runoff Increases by maximizing the use of ESD practices and groundwater recharge.
6. Minimize increases to ambient water temperature by maximizing groundwater recharge and limiting storm drain piping.
7. Minimize sediment loading.
8. Minimize nutrient loading.
9. Control insecticides, pesticides, and toxic substances. Is any mitigation needed due to previous land use?

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP), and as described in DEP's BMP Monitoring Requirements Attachment dated November 16, 2011.

Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.**

Conditions of Approval: The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Unless precluded by the presence of groundwater, two feet of stone (dead storage) is to be provided below the underdrain pipe of the proposed microbioretention facility to provide additional groundwater recharge.
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

4. A floodplain study is required to determine the location of the floodplain on the subject property.
5. The existing pond may require State and Federal permits for any work associated with breaching it or repairing the outfall.

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 Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at (240) 777-6338.

Sincerely,



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

RRB:tlc:CN233949

cc: Mary Jo Kishter (MNCPPC)
B. Green (MCDEP)
SM File # 233949

Attachment to the Preliminary Water Quality Plan for Eco Estates

SM#: 233949
16 November 2011

The purpose of this attachment is to outline the monitoring requirements and procedures associated with the Eco Estates development. Some supplemental QA/QC, data analysis, reporting and record keeping tasks will be explained in this attachment.

This monitoring is being done to address whether the site performance goals are met. Data analysis and reporting will describe quantitatively how performance goals are met. Monitoring efforts and reports must employ scientific methods in an attempt to determine effectiveness of the site design. Monitoring is to be done in accordance with approved DEP methods. Prior to each monitoring season, consultants must contact DEP to review procedures and requirements. Thorough and careful analysis of data is required. Methods and assumptions should be detailed. DEP BMP Monitoring Protocols are available at www.montgomerycountymd.gov/content/dep/downloads/bmpprotocols.pdf

Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site. (Groundbreaking, clearing, grading, BMP construction, BMP conversion, pond maintenance, etc.)
2. Stream channel cross section surveys are to be done at two locations which will be identified by DEP. Surveys are to be completed by the end of the first quarter. Rebar monuments are to be installed at each cross section marking the end points. Rebar should be set back from edge of bank far enough to account for any potential erosion. Survey points will be spaced at a maximum (no wider) of one foot intervals on the floodplain, and also taken at the following channel features: 1) top and ground surface at rebar monuments 2) slope breaks 3) bankfull stage 4) water surface at the edge of water. Survey points will be taken from the top of bank through the stream channel to the other top of bank at a maximum (no wider) of 6 inches. Cross sectional area should be calculated and reported for both locations. Cross sections should be plotted to display changes over time and used to evaluate the effectiveness of site design in maintaining channel integrity. Photodocumentation is required of all cross section. Photographs are to taken in such a way to insure comparison to

future efforts. All photos are to be taken from the same point, height, and camera setting. Date and time of photo is to be part of the photo.

3. A total of two (2) water temperature loggers are required, one at each cross-section location. This monitoring is to occur from June 1 through September 30. Equipment accuracy is to be checked prior to use in spring. Results of these checks are to be forwarded to DEP before deployment. An accuracy check after retrieval in fall will be necessary as well. Consult with equipment manufacturer or DEP for appropriate procedures. All accuracy checks are to be incorporated into the annual reports. Temperature loggers are to record in five minute intervals. Data from the loggers during the pre-construction period is to be closely compared to identify patterns in the temperature regime of the stream. Difference in water temperature between logger location 1 and 2 needs to be established during the pre-construction period. These trends in the water temperature regime established during the pre-construction period will be the benchmark against which data collected during the construction and post-construction periods will be compared. In addition, effects of air temperature and precipitation are required in data analyses. Methods are contained in DEP's BMP Monitoring protocols and must be adhered to.

One year of baseline data on stream temperature and stream channel cross sections must be collected as specified above before construction begins. DEP must be notified prior to commencement any monitoring. A report on pre-construction conditions must be deemed acceptable by DEP prior to the issuance of a sediment control permit. For subsequent periods an annual report on BMP monitoring is due to DEP by **October 31** of each year. Summary reports are to be submitted quarterly. Quarterly reports are to utilize the form located at www.montgomerycountymd.gov/content/dep/downloads/ProgressReportTemplate.doc requires that reports be submitted quarterly. BMP monitoring reports are to be delivered with data in an electronic format to William Green at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. All information submitted to DEP will be public information that DEP may freely copy and distribute. Questions on the monitoring requirements and procedures may be directed to the following personnel.

William Green
(240) 777-7745
william.green@montgomerycountymd.gov

Mark Etheridge
(240) 777-6338
mark.etheridge@montgomerycountymd.gov



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 1, 2016

Mr. Jon Shiancoe
JAS Engineering & Design, LLC
5105 Mount Oaks Sanctuary Drive
Bowie, Maryland 20720

Re: **REVISED COMBINED PRELIMINARY/FINAL
WATER QUALITY PLAN Request for Eco
Estates**
SM File #: 233949
Tract Size/Zone: 12.83 acres/RE-1
Total Concept Area: 12.83 acres
Lots: 1-8
Parcel(s): N322, P427
Watershed: Upper Paint Branch

Dear Mr. Shiancoe:

Based on a review by the Department of Permitting Services Review Staff, the revised Combined Preliminary/Final Water Quality Plan for the above mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of dry wells, micro biofiltration and 10 year storm control by dry pond attenuation. The post construction 10 year release rate is not to exceed the existing 10 year runoff rate. All of the ESD features are to be constructed to current MCDPS standards including drainage area limitations.

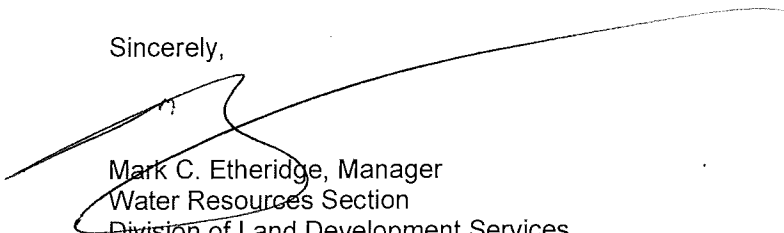
All of the previous Conditions and Performance Goals in the original approval letter still apply. Payment of a stream monitoring fee and a BMP monitoring fee per Executive Regulation 16-15 is required. The BMP monitoring fee is in lieu of providing the BMP monitoring that was specified in the Attachment to the November 22, 2011 approval letter.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

Mr. Jon Shiancoe
July 1, 2016
Page 2 of 2

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,



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

MCE: lmg

cc: C. Conlon
SM File # 233949

ESD Acres:	12.83
STRUCTURAL Acres:	0.0
WAIVED Acres:	N/A

Benning & Associates, Inc.

LAND PLANNING CONSULTANTS
 8933 Shady Grove Court
 Gaithersburg, MD 20877
 Phone: 301-948-0240
 Fax: 301-948-0241
 E-mail: dmckee@benninglandplan.com

To: Mr. Richard Weaver, Area 3 Supervisor, MCPD
From: David W. McKee
Date: 12/1/15
Re: Request for Variance - Eco Estates (120080430)

Dear Mr. Weaver,

In accordance with the requirements of Section 22A-21 of the County Code and on behalf of the applicant for this project, 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 trees which are 30 inches or greater in diameter.

The trees proposed to be impacted or removed are shown on the pending Preliminary Forest Conservation Plan (PFCP) for the subject project. A total of 6 trees which measure 30 inches or greater are to be removed.

The specimen trees that we are requesting a variance for are identified in the following table:

SPECIMEN TREE CHART

TREE NUMBER	BOTANICAL NAME	COMMON NAME	SIZE (D.B.H.)	TREE CONDITION	IMPACTS TO CRZ	STATUS
ST-19	Acer rubrum	Red Maple	33"	Moderate	100%	To be removed
ST-21	Acer rubrum	Red Maple	49"	Poor(Hazard)	100%	To be removed
ST-22	Tilia americana	American Linden	43"	Poor(Hazard)	63%	To be removed
ST-23	Pinus strobus	Eastern White Pine	38"	Moderate-Poor	72%	To be removed
ST-24	Ginkgo biloba	Ginkgo	36"	Moderate	52%	To be removed
ST-25	Tilia americana	American Linden	50"	Poor	68%	To be removed

ST-19, a 33" Red Maple in moderate condition, falls within the footprint of the house on proposed Lot 2. The tree cannot be saved without drastically impacting the layout of the planned subdivision.

ST-21, a 49" Red Maple in poor condition, is located between the houses planned for proposed lots 1 and 2. The tree is already considered a hazard and recommended for removal irrespective of the planned development. Due to the additional impact from construction of the new homes and the fact that the tree is already a hazard tree, it is proposed to be removed.

ST-22, a 43" American Linden in poor condition, is located in the area between lots 1 and 2. The tree is already considered a hazard and recommended for removal irrespective of the planned development. Due to the additional impact from construction of the new homes and the fact that the tree is already a hazard tree, it is proposed to be removed.

ST-23, a 38" White Pine in moderate condition, is located in close proximity to the planned house on proposed Lot 1. Due to the amount of impact from new home and road construction, the tree is proposed to be removed.

ST-24, a 36" Ginkgo in moderate condition, is located between the new road and the house planned to be built in Lot 1. Impacts to the tree include construction of the house on Lot 1, construction of the adjacent roadway, public utility installation, and sidewalk construction. The tree is proposed to be removed due to the severity of the impacts.

ST-25, a 50" American Linden in poor condition, is located near the intersection of the new road and Briggs Chaney Road. The tree is impacted by construction of the new road, construction of the home on Lot 1, construction of new sidewalks, and utility installation. The tree is proposed to be removed due to the severity of the impacts.

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 hardships should the variance not be approved. The subject property is located within the *Upper Paint Branch Watershed Special Protection Area*. In addition, there are environmentally sensitive areas on the property at the north end of the site including a stream and floodplain area. Because of these special conditions, development of the property is planned to be clustered on small lots at the south end of the site near Briggs Chaney Road. The proposed arrangement of lots minimizes impervious areas, maintains a large setback from the environmentally sensitive areas of the site, and allows for a large open space area to be set aside for reforestation planting. In order for this arrangement to be possible, the impact

to specimen trees located in the southwest corner of the site is unavoidable. The trees are located in the upland corner of the property in the area of an existing residence.

Should this variance not be approved, the property owner would be deprived of rights commonly enjoyed by others in similar circumstances. Trees which will be impacted by the proposed development are located in the upland-most portion of the property near Briggs Chaney Road. This is the most suitable area of the property for development given all of the environmental considerations for this site. If the variance was not approved, the property owner would be forced to develop other areas of the site with a greater environmental impact.

The granting of a variance to remove specimen trees will not result in a violation of State water quality standards or any measurable degradation in water quality. On the contrary, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area to be used for reforestation planting and watershed protection.

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 an appropriate manner using the cluster option of the underlying RE-1 zone.

This variance request is not based on conditions and circumstances which are the result of actions by the applicant. This variance request is a result of circumstances beyond the control of the applicant including the presence of environmentally sensitive areas on the property and limitations on impervious areas for the *Upper Paint Branch Special Protection Area*.

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 measurable degradation in water quality. As stated earlier, approval of the variance will permit development to occur away from environmentally sensitive areas. Development as planned will result in a large open space area to be used for reforestation planting and watershed protection.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. McKee', with a long horizontal stroke extending to the right.

David W. McKee



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

January 25, 2010

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

RE: Eco Estates, DAIC 120080430, NRI/FSD applied for on 8/15/2007

Dear Ms. Carrier:

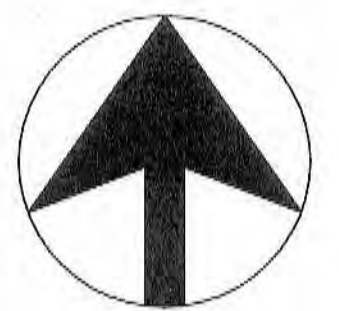
Based on a review by the Maryland National Capital Park & Planning Commission (MNCPPC), the application for the above referenced request is required to comply with Chapter 22A of the Montgomery County Code. As stated in a letter to Royce Hanson from Bob Hoyt, dated October 27, 2009, the County Attorney's Office has advised me that the specific provisions pertaining to significant trees in the State's Forest Conservation Act do not apply to any application that was submitted before October 1, 2009. Since this application was submitted before this date, I will not provide a recommendation pertaining to the approval of this request for a variance.

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

Sincerely,

Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief



Rev. 09-06-16

date:

scale: 1" = 50'

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



IMPERVIOUS SURFACE EXHIBIT
ECO ESTATES
Montgomery County, Maryland
Planning Dept

PROPOSED IMPERVIOUS AREAS			
On-Lot	House *	Driveway	Total
LOT 1	2,348 sf	1,124 sf	3,472 sf
LOT 2	2,358 sf	868 sf	3,226 sf
LOT 3	2,378 sf	964 sf	3,342 sf
LOT 4	2,371 sf	970 sf	3,341 sf
LOT 5	2,358 sf	970 sf	3,328 sf
LOT 6	2,351 sf	962 sf	3,313 sf
LOT 7	2,358 sf	999 sf	3,357 sf
LOT 8	2,358 sf	888 sf	3,246 sf
Total On-Lot	18,880 sf	7,745 sf	26,625 sf
Public			
Sidewalks (5' x 818.2')			4,091 sf
Arihant Lane			12,769 sf
TOTAL			43,485 sf

* house includes enclosed footprint (2,290 sf) + porches / stoop and leadwalk (54 sf)

IMPERVIOUS AREA NOTES:

1. TOTAL PROPERTY AREA - 544,500 sf (12.5 AC)
2. AREA ADDED FOR R.O.W. SUBJECT TO IMPROVEMENT - 8,000 SF
3. AREA DEDUCTED FOR OUTLOT A (FUTURE R.O.W.) - 8,870 sf
4. NET AREA FOR IMPERVIOUS CALCULATIONS - 543,630 sf
5. IMPERVIOUS AREA PERMITTED (8%) = 543,630 x .08 = 43,490.4 SF
6. IMPERVIOUS AREA PROPOSED = 43,485 sf (7.99%)
7. DIMENSIONS OF EACH HOUSE ON THIS PLAN = 41.5' X 55' (2,290 sf)
8. DIMENSIONS OF NEW PUBLIC SIDEWALKS SHOWN = 818.2' X 5' (4,091 sf)

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
SPA WATER QUALITY PLAN
Submitted for Planning Board
Approval

Plan No. 120080430
Signature Mano K. Kishor Date 10/5/2016

LEGEND:

- Property Area For ImperVIOUS Calculations: ---
- Impervious Surface: [shaded box]

PREPARED FOR:
MS. NEA MALOO
12610 FARNELL DRIVE
SILVER SPRING, MD 20906
301-370-8744

VICINITY MAP
1" = 2000'

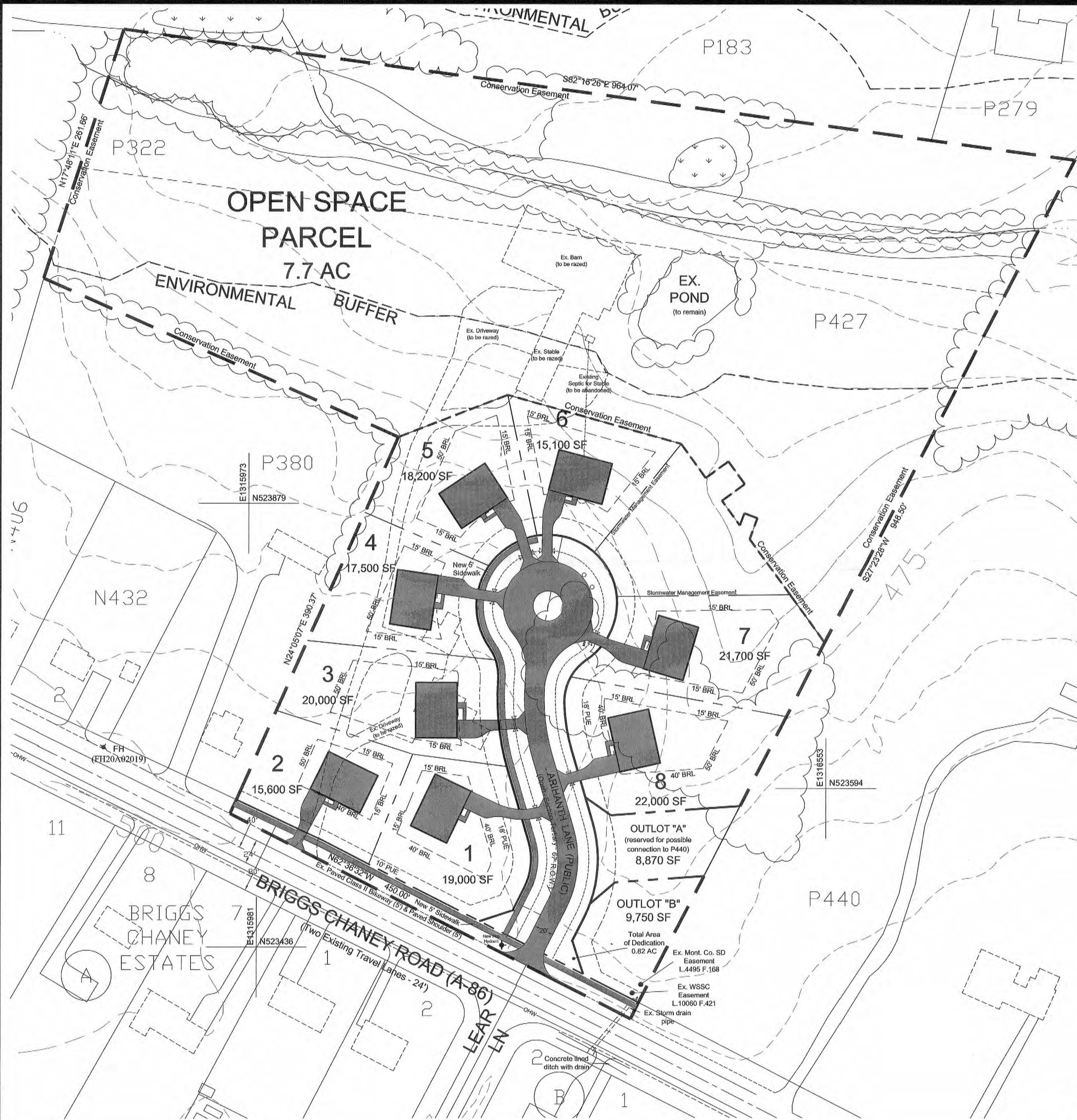
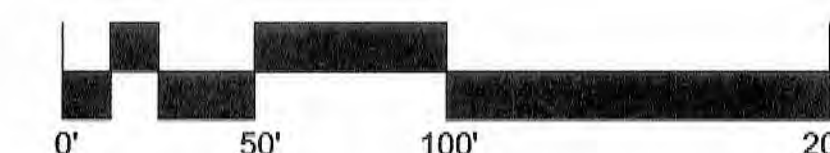


Professional Certification:
I hereby certify that the information shown hereon is correct and accurate to my best knowledge and belief.

David W. McKee
MD RLA #2001
Date 9/20/16



Scale: 1" = 50'



Resolution No.: 16-922
Introduced: February 10, 2009
Adopted: April 21, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

Background

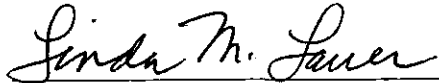
1. Section 9-501 et seq. of the Environmental Article of the Maryland Code, requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On, February 3, 2009, the County Council received recommendations from the County Executive regarding four Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on March 10, 2009.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on March 30, 2009 and made recommendations to the Council.
9. The County Council held a worksession on April 14, 2009.

Action

The County Council for Montgomery County, Maryland approves the following amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN
January 2009 Amendment Transmittal: Water/Sewer Category Map Amendments

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Categories 1 and 3 identify properties approved for public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years.

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted via the County Executive to the Council for consideration in January 2009.

Cloverly - Norwood Planning Area

WSSCR 06A-CLO-04: Bryanshire Corp.

Private Institutional Facility (PIF) User: God Glorified Church of God in Christ

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> Bryants Nursery Rd. Parcel P760, Snowdens Manor, Art Amendment (dist.-acct. no.: 05-00252293.) Map tile - WSSC: 221NE01; MD: JS62 <i>The property is split into two non-contiguous parts. <u>Southern portion:</u> southwest side of Bryants Nursery Rd., west of New Hampshire Ave. (MD 650); <u>Northern portion:</u> west side of New Hampshire Ave. opposite McNeil La.</i> Cloverly Master Plan (1997) Northwest Branch Watershed (MDE Use IV) RE-2 Zone; 8.60 ac. <u>Existing use:</u> unimproved, partially wooded <u>Proposed use:</u> house of worship for God Glorified Church of God in Christ. (All development to be on the southern portion of the site. Northern portion will be preserved as open space.) 	<p>Existing - Requested Service Area Categories</p> <table> <tr> <td>W-5</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p>County Council Action</p> <p>Deny the request for W-1 and S-3; maintain W-5 and S-6.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <i>The applicant <u>may</u> file a new request for this property before April 21, 2010, provided that a new, documented PIF user signs as a co-applicant on the category change request.</i> <i>Any new PIF user is expected to provide documentation of the proposed uses for the project site, including a development plan with sufficient detail to allow County staff to evaluate potential effects from impervious surfaces.</i> <i>Previously deferred under CR 16-237 (7/10/07).</i> 	W-5	W-1	S-6	S-3
W-5	W-1				
S-6	S-3				

Cloverly - Norwood Planning Area

WSSCR 08A-CLO-04: Manoj Maloo & Arihant Briggs Chaney LLC

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> 1234 Briggs Chaney Rd Parcels P427 & P322, Bealls Manor (dist.-acct. no. 05-272600 & -00272611) Map tile – MD: KS11; WSSC: 220NE02 North side of Briggs Chaney Rd. opposite Lear Lane Cloverly Master Plan (1997) Paint Branch Watershed (MDE Use III, Mont. Co. SPA) RE-1 Zone; 12.5 acres <u>Existing use:</u> vacant, was an equestrian center and residence <u>Proposed use:</u> subdivide in to 8 lots for single-family homes (plan no. 120080430, Eco Estates) 	<p>Existing - Requested Service Area Categories</p> <table> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-5</td> <td>S-3</td> </tr> </table> <p>County Council Action</p> <p>Maintain S-5, with advancement to S-3 conditioned on Planning Board approval of a preliminary plan which DEP and M-NCPPC staff concur demonstrates an environmental benefit from the use of public sewer service over the use of individual septic systems. The applicant or project developer will need to provide this justification as part of the preliminary plan proposal.</p>	W-1	W-1 (no change)	S-5	S-3
W-1	W-1 (no change)				
S-5	S-3				

See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN
January 2009 Amendment Transmittal: Water/Sewer Category Map Amendments

Olney Planning Area

WSSCR 08A-OLN-03: Joseph & Shirley Wang

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> • 21000 Golf Estates Dr • Lot 1, Block A, Golf Estates; dist.-tax acct. no. 01-01981091 • Map tile – MD: GV51; WSSC: 229NW07 • Northwest side of Golf Estates Dr. at Olney Laytonsville Rd. (MD 108) • Olney Master Plan (2005); Preservation of Agriculture and Rural Open Space (1980) • Hawlings River Watershed (MDE Use IV) • RDT Zone; 2.24 acres • <u>Existing use:</u> Residence <u>Proposed use:</u> Residence (no change) 	<p>Existing - Requested Service Area Categories</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">W-6</td> <td style="width: 50%;">W-1</td> </tr> <tr> <td>S-6</td> <td>S-6 (no change)</td> </tr> </table> <p>County Council Action</p> <p>Approve W-3, for one water service connection only.</p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> • <i>This action creates a limited exception to the Laytonsville RDT Zone restricted water service policy that applies to two properties only: 21000 and 21001 Golf Estates Drive. At this time only the owners of 21000 Golf Estates Drive (08A-OLN-03) have requested a water service category change.</i> • <i>With this action, the Council encourages WSSC to allow a water service connection to be constructed for this property as part of the construction of the Laytonsville water system. Because of the water service prohibition previously affecting this property, the County could not include it along with other abutting properties allowed to apply to WSSC and prepay for a water connection. Allowing the applicants to apply and pay for a connection now, rather than having to wait until after the new mains are constructed, will allow them to pay a substantially lower connection charge; typically \$2,000 now as opposed to \$6,750 later.</i> 	W-6	W-1	S-6	S-6 (no change)
W-6	W-1				
S-6	S-6 (no change)				

Travilah Planning Area

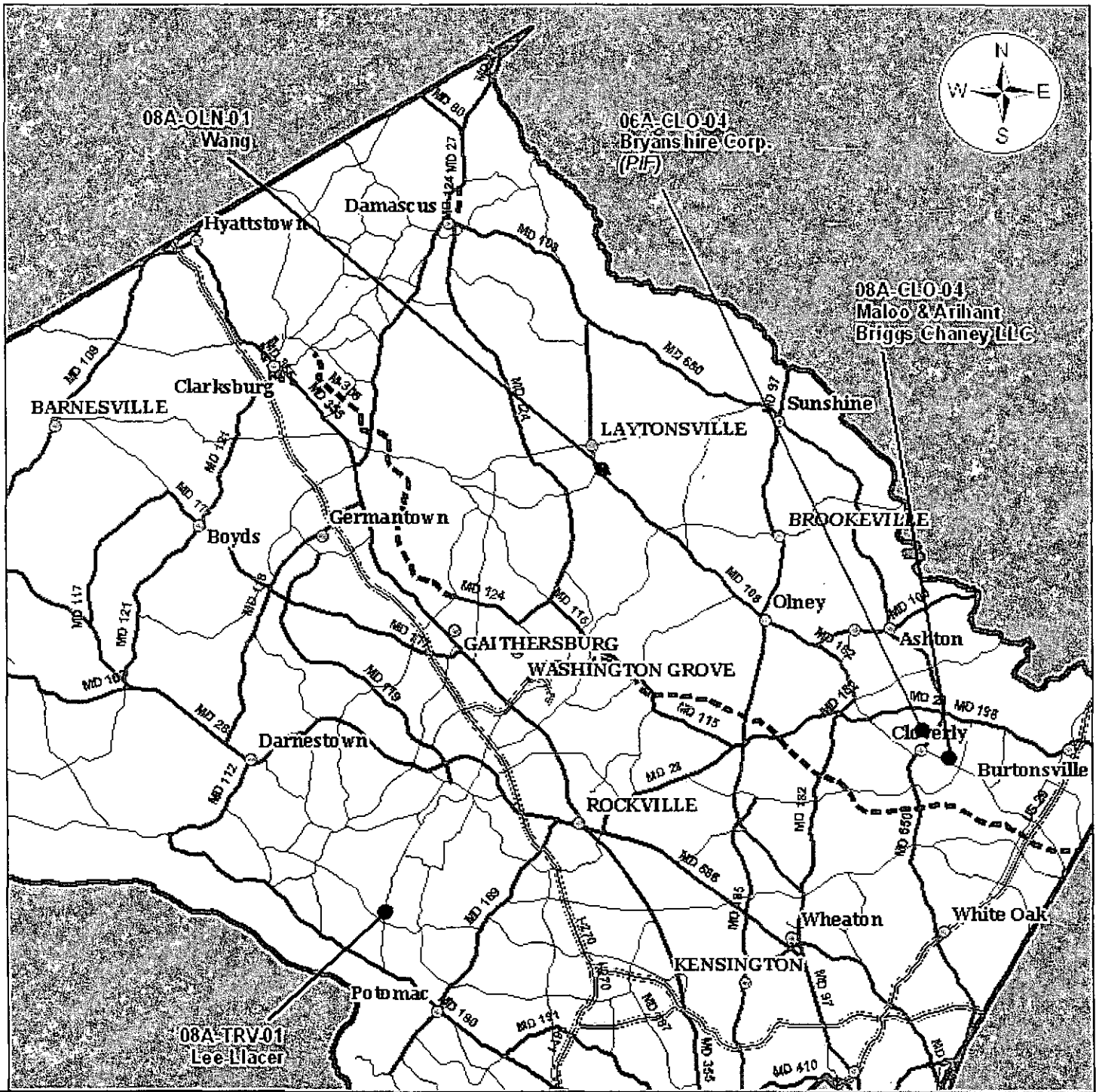
WSSCR 08A-TRV-01: Reynaldo & Zorayda Lee-Llacer

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> • 12009 Piney Meetinghouse Rd., Potomac • Lot 36, Piney Glen Farm (dist.-acct. no. 10-01814620) • Map tile - WSSC: 215NW11; MD: FQ122 • East side of Piney Meetinghouse Rd., south of Greenbriar Preserve Dr. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch subwatershed (Mont. Co. SPA) • RE-2 Zone; 2.54 ac. • <u>Existing use:</u> single-family house (c. 1980) and guest/caregiver's cottage. <u>Proposed use:</u> service for the existing residences; special exception (S-2674) pending for continuance of the guest house. 	<p>Existing - Requested Service Area Categories</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">W-6</td> <td style="width: 50%;">W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p>County Council Action</p> <p>Approve S-1, for one sewer hookup only. This single service hookup may serve both structures on the site. This approval must not support resubdivision of this property into more than one lot.</p> <p><i>Note: Previously deferred under CR 16-500 (4/8/08).</i></p>	W-6	W-3	S-6	S-3
W-6	W-3				
S-6	S-3				

R:\Programs\Water_and_Sewer\Projects\actions-COUNCIL\packets\2009\jan\action\attachment-A=draft-for-res.doc

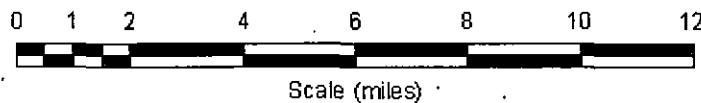
See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

Water and Sewer Plan Map January 2009 Transmittal: Amendment Locator



Legend

- Localities
- Major Roads & Highways
- County Roads
- State Rds & Hyws
- US Highways & Interstates
- - - Proposed Roads

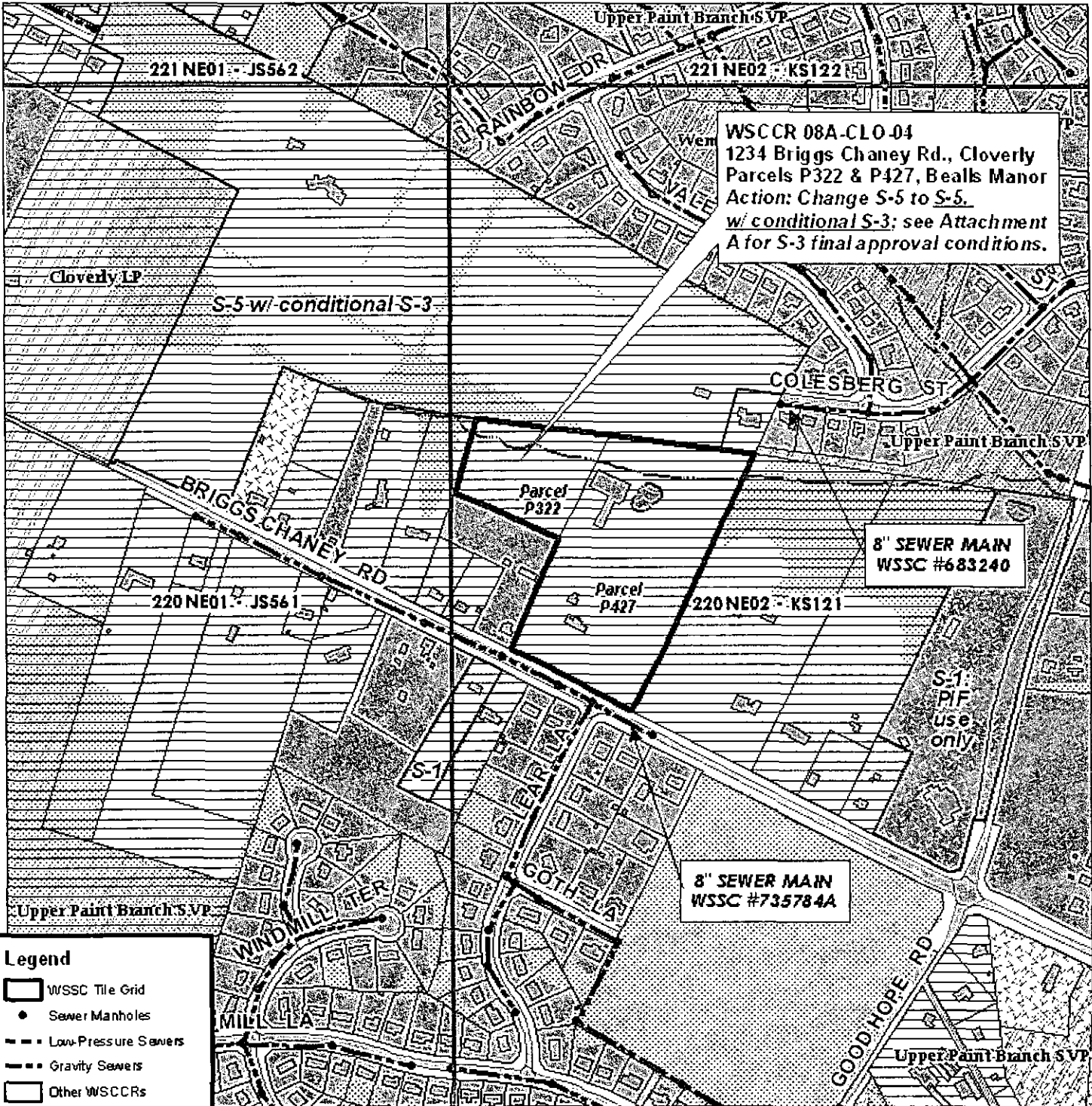


Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan



DEP
Water and Wastewater
Policy Group

Sewer Service Area Catagories Map WSSCR 08A-CLO-04 (Manoj Maloo & Arihant Briggs Chaney LLC)



WSSCR 08A-CLO-04
 1234 Briggs Chaney Rd., Cloverly
 Parcels P322 & P427, Bealls Manor
 Action: Change S-5 to S-5
 w/ conditional S-3; see Attachment
 A for S-3 final approval conditions.

8" SEWER MAIN
 WSSC #683240

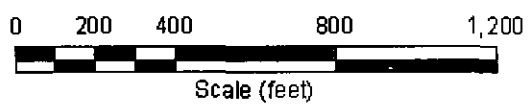
8" SEWER MAIN
 WSSC #735784A

Legend

- WSSC Tile Grid
- Sewer Manholes
- Low-Pressure Sewers
- Gravity Sewers
- Other WSSCRs
- woodlands
- Parks
- Sewer Categories**
- S-1
- S-3
- S-4
- S-5
- S-6

Cloverly - Norwood Planning Area

Paint Br. Watershed

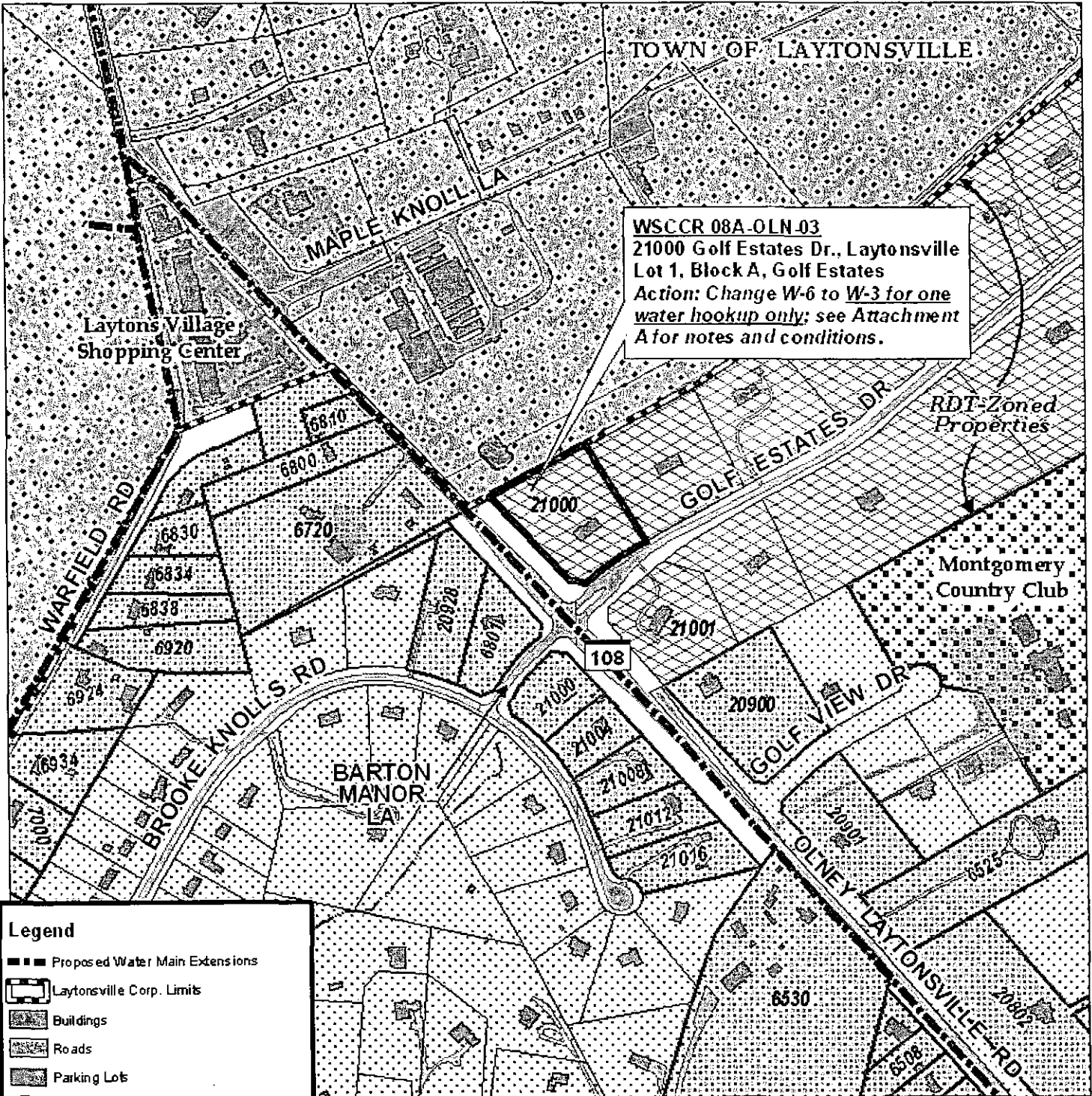


Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group

Water Service Area Categories Map WSSCR 08A-OLN-03 (Joseph & Shirley Wang)



Legend

- Proposed Water Main Extensions
- ▭ Laytonsville Corp. Limits
- ▭ Buildings
- ▭ Roads
- ▭ Parking Lots
- ▭ Abutting Properties Outside Town (W-3)

Water Categories

- ▭ W-1
- ▭ W-3
- ▭ W-5
- ▭ W-6
- ▭ W-6: No Future Service (RDT Zone)
- ▭ W-6: Multi-use syst. Approved

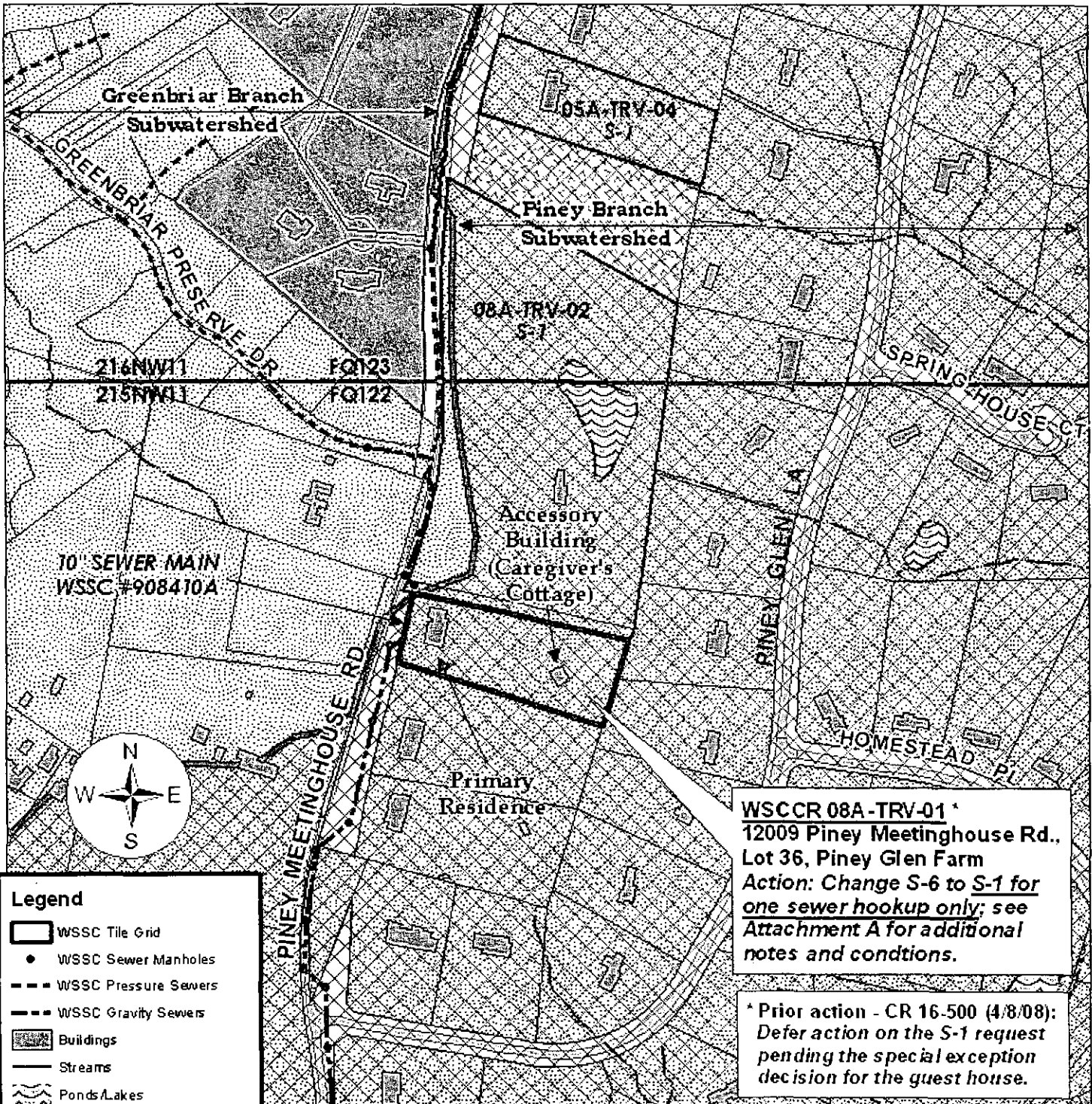
0 200 400 800 1,200
Scale (feet)

N
W E
S

Montgomery County, Maryland
2003 Comprehensive Water Supply
and Sewerage Systems Plan

DEP
Water and Wastewater
Policy Group

Service Area Category Change Request Map WSSCR 08A-TRV-01 (Reynaldo & Zorayda Lee-Llacer)



WSSCR 08A-TRV-01 *
 12009 Piney Meetinghouse Rd.,
 Lot 36, Piney Glen Farm
 Action: Change S-6 to S-1 for one sewer hookup only; see Attachment A for additional notes and conditions.

* Prior action - CR 16-500 (4/8/08):
 Defer action on the S-1 request pending the special exception decision for the guest house.

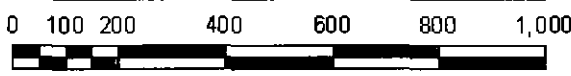
Legend

- WSSC Tile Grid
- WSSC Sewer Manholes
- WSSC Pressure Sewers
- WSSC Gravity Sewers
- Buildings
- Streams
- Ponds/Lakes
- Piney Branch Subwatershed

Sewer Categories

- S-1
- S-3
- S-4
- S-5
- S-6

Travilah Planning Area Watts Branch Watershed



Scale (Feet)

Montgomery County, Maryland
 2003 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group