



**Mateny Hill Road Property: Preliminary Plan No. 120150070 and Site Plan No. 820160020**

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**Completed: 03/18/16**

**Description**

**A. Mateny Hill Road Property: Preliminary Plan No. 120150070:**

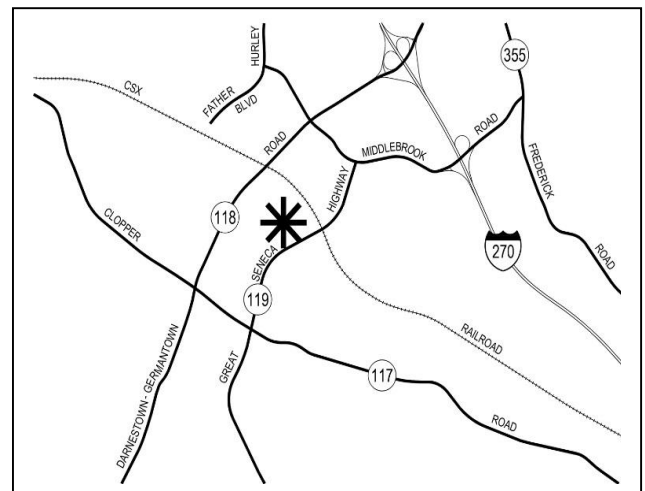
Application to create 46 lots for 44 one-family attached dwellings (townhomes) and 2 one-family detached dwellings, a parcel for private streets and parcels for open space, located on the north/east side of Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road; 5.86 acres, R-200 and RT-12.5 Zones; 1989 Germantown Master Plan.

*Recommendation – Approval with conditions*

**B. Mateny Hill Road Property: Site Plan No. 820160020:**

Application to construct 44 one-family attached dwellings (townhomes) and 2 one-family detached dwellings, located on the north/east side of Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road; 5.86 acres, R-200 and RT-12.5 Zones; 1989 Germantown Master Plan.

*Recommendation – Approval with conditions*



**Applicant:** Kate Kubit (Elm Street Development)

**Submittal Date Preliminary Plan:** October 14, 2014

**Submittal Date Site Plan:** October 22, 2015

**Review Basis:** Chapter 22A, Chapter 50, Chapter 59

**Summary**

- Reviewed under the Zoning Code in effect on October 29, 2014 because the Preliminary Plan was submitted prior to October 30, 2014, allowed by Section 59-7.7.1.B.1.
- Applicant is requesting the ability to construct more than 40 percent townhomes in the R-200 MPDU development by meeting the findings of increased environmental protection and equal or better compatibility allowed by Section 59-C-1.621 footnote 1.
- Applicant is requesting relief from 22A-12(f)(2)(B) of the Forest Conservation Law by requesting the Board find the use of 22A-12(f)(3) appropriate.
- The Forest Conservation Plan establishes 0.51 acres of Category 1 easement over an area of newly planted forest.
- The Applicant will construct off-site sidewalk improvements along Mateny Hill Road to complete missing sections of sidewalk.

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## SECTION 1 – RECOMMENDATIONS AND CONDITIONS

**Preliminary Plan No. 120150070:** Staff recommends approval of the Preliminary Plan subject to the following conditions:

- 1) Approval under this Preliminary Plan is limited to 46 lots for 44 one-family attached and 2 one-family detached dwelling units, a private road parcel, and an open space parcel.
- 2) The Applicant must comply with the following conditions of approval for the preliminary forest conservation plan No. 120150070, approved as part of this Preliminary Plan, unless modified by the final forest conservation plan or final forest conservation plan amendments:
  - a. Prior to demolition, clearing, or grading a 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 and the Liber Folio for the easement must be referenced on the record plat.
  - b. Prior to any land disturbing activities, the Applicant must:
    - i. Submit for Staff review and approval, and record in the Montgomery County Land Records, a Certificate of Compliance for an off-site forest conservation mitigation bank for 1.98 acres of planting requirement.
    - ii. Install conservation easement signs and split rail fencing, or a Staff approved equivalent.
    - iii. Provide financial surety to the M-NCPPC Planning Department for the 0.55 acres of new forest planting.
  - c. The Applicant must plant a minimum of 94 caliper inches of native canopy trees as mitigation for the tree variance impacts on the Subject Property within one calendar year or two growing seasons after issuance of the final use and occupancy certificate. The trees must be a minimum of three-inch caliper.
- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated March 2, 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 MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
- 5) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated November 17, 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 MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 6) The Applicant must dedicate and show on the record plat thirty (30) feet of dedication from the centerline of Mateny Hill Road along the Subject Property’s entire frontage.

- 7) The Applicant must reflect a separate parcel on the record plat that accommodates the private one-way street and abutting sidewalks and parking spaces as shown on the Preliminary Plan. The private street must be constructed to applicable Montgomery County tertiary structural standard MC-2001.02: Tertiary Residential Street Modified, as shown on the Preliminary Plan.
- 8) The Applicant must construct a five-foot wide sidewalk along the north/east side of Mateny Hill Road from the terminus of the existing sidewalk in front of Lot 52, Recorded on Plat No. 22547 Germantown Station, southeast to the existing sidewalk along Dawson Farm Road, including across the Site frontage. The final location and design will be determined at site plan.
- 9) The Record Plat must show necessary easements.
- 10) The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks.
- 11) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 12) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.
- 13) Prior to submission of any plat, Site Plan No. 820160020 must be certified by M-NCPPC Staff.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 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 site plan approval. 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 Subject Property is within the Northwest School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the single-family attached unit rate for 44 units. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 17) The Applicant must make a Transportation Policy Area Review payment, equal to 25 percent of the applicable impact tax, to MCDPS. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.



**Site Plan No. 820160020:** Staff recommends approval of the Site Plan with all site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC except as modified by the following conditions.<sup>1</sup>

### **Conformance with Previous Approvals & Agreements**

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120150070.

### **Environment**

2. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Final Forest Conservation Plan No. 820160020 approved as part of the Site Plan.

- a. Prior to demolition, clearing, or grading a 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 and the Liber Folio for the easement must be referenced on the record plat.
- b. Prior to any land disturbing activities, the Applicant must:
  - i. Submit for Staff review and approval, and record in the Montgomery County Land Records, a Certificate of Compliance for an off-site forest conservation mitigation bank for 1.98 acres of planting requirement.
  - ii. Install conservation easement signs and split rail fencing, or a Staff approved equivalent.
  - iii. Provide financial surety to the M-NCPPC Planning Department for the 0.55 acres of new forest planting.
- c. The Applicant must plant a minimum of 85 caliper inches of native canopy trees as mitigation for the tree variance impacts on the Subject Property within one calendar year or two growing seasons after issuance of the final use and occupancy certificate. The trees must be a minimum of three-inch caliper.
- d. 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 Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector at the pre-construction meeting.
- e. Prior to certification of the Site Plan, the Final Forest Conservation Plan must be revised and submitted to staff for approval to address the following:
  - i. Show the location of permanent Category 1 Conservation Easement signs along the perimeter of the conservation easement area to be installed at the time of the easement planting.
  - ii. Show split rail fencing along the conservation easement boundaries when adjacent to on-site residential properties.
  - iii. Show the final type and location of tree variance mitigation trees.

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<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

## **Public Use Space, Facilities and Amenities**

### **3. Public Use Space, Facilities, and Amenities**

- a) The Applicant must provide a minimum of 3.55 acres of green area (60.5 percent of net lot area) on-site.
- b) Before the final inspection for the row of townhomes containing the 23rd residential dwelling unit (50 percent of the total), the picnic area and surrounding landscaping must be completed.
- c) Before the issuance of the use and occupancy certificates for the 33rd residential dwelling unit (75 percent of the total), or prior to the final inspection for the row of townhomes on lots 36-40, whichever occurs first, the multi-age play area, associated site furniture, and surrounding site landscaping must be completed.
- d) Before the final inspection of the first row of townhomes on the Site, the Applicant must install at a minimum the base paving for the full width of the fire lane, including areas overlapped by sidewalk. The final sidewalk grade must be installed in front of each row of townhomes prior to the first use and occupancy certificate for any unit within the separate rows.

### **4. Recreation Facilities**

- a) The Applicant must provide at a minimum the following recreation facilities:
  - a. A multi-age playground
  - b. A pedestrian system
  - c. 2 picnic/sitting areas

### **5. Maintenance of Public Amenities**

- a) The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the multi-age playground equipment, benches and picnic tables, trash receptacles, street and area lighting, landscaping, fencing, sidewalks, and private Streets.

## **Transportation & Circulation**

### **6. Transportation**

- a) The Applicant must construct the private one-way street to the applicable Montgomery County structural standards as specified in Preliminary Plan No. 120150070, and must construct all sidewalks, both on and off the Subject Property, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide the Department of Permitting Services, Zoning & Site Plan Enforcement Staff with certification from a licensed civil engineer that all streets and sidewalks have been built to the above standards.
- b) Prior to the release of the surety bond for the private street, The Applicant must construct two speed humps on the private street to MCDPS Flat Top Speed Hump design in the locations identified on the Site Plan.
- c) Prior to the issuance of the first building permit for a residential structure, the Applicant must install "Do Not Enter" signs consistent with the Manual on Uniform Traffic Control Devices on both sides of the private street exit from the Subject Property, facing out toward Mateny Hill Road.

7. Pedestrian & Bicycle Circulation

- a) The Applicant must provide five-foot wide sidewalks along all private streets, along the frontage of Mateny Hill Road, and off-site along Mateny Hill Road as identified on the Site Plan drawings.

**Site Plan**

8. Site Design

- a) The units on lot numbers 29 and 46 as identified on the Site Plan must meet the following design conditions.
  - a. On the sides facing Mateny Hill Road (ends of the townhouse rows), the structure must include a minimum of 3 windows, a door with a porch or stoop, and trim and façade treatments that match those used on the side of the unit that faces the internal Private Street
  - b. On the sides facing the internal Private Street (front of the end units), the structure must include a minimum of 3 windows, trim and façade treatments that match the treatments used on the side facing Mateny Hill Road, and a minimum of one element from the following list: additional shutters designed to mimic a window with closed shutters, a masonry water table, and a box or bay window.
- b) The units on lot numbers 3, 36, 40 and 41 as identified on the Site Plan must
  - a. On the side facades (end of townhouse rows), provide a minimum of three windows, trim and headers consistent with those used on the units front facades, and a minimum of one element from the following list: a box or bay window, additional shutters designed to mimic a window with closed shutters, a masonry water table, or a fire place.

9. Landscaping

- a) The Applicant must install landscaping in the quantities, locations and specie types as shown on the Landscape Plan.

10. Lighting

- a) Before issuance of the any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential development.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- d) The light pole height must not exceed 15 feet including the mounting base.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.

- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, fences, railings, private roads, paths and associated improvements within the relevant block of development. The surety must be posted before issuance of the any building permit within each relevant block of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each block shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific CSP sheets depicting the limits of each block/phase.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

13. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Update the existing tree schedule on sheets 5 and the tree list on sheet 7 of the Site Plan to show tree Tag Number 10 as removed, and provide a footnote below the tables stating the Applicant intends to try to save tree 10 but is showing it as removed because of the high amount of critical root zone impact.

## SECTION 2 – SITE LOCATION AND ANALYSIS

### Site Location

The subject property is located on the north and east side of Mateny Hill Road, approximately 200 feet north of the intersection of Dawson Farm Road, and consists of 3.71 acre Parcel No. 547 on tax map EU341 (“Wallich Property”) and 2.15 acre Parcel No. 481 on tax map EU 341 (“Roose Property”) for a total of 5.86 acres (“Site” or “Subject Property”). The Subject Property is split zoned, with Parcel No. 547 zoned RT-12.5 and Parcel No. 481 zoned R200. The Subject Property is located just south and east of the Germantown Historic District and is approximately 1/3 of a mile south of the Germantown MARC station. The Subject Property is in the 1989 Germantown Master Plan area, and within the boundary of the MARC Rails Communities Plan that has been initiated and is currently under development.



Figure 1 – Vicinity Map

### Site Vicinity

The Subject Property is surrounded by one-family detached and one-family attached dwellings in a variety of zones ranging from R-200 zone to the west, the R-60 zone to the north and the RT-12.5 zone to the south and east. The Site is under a mile from the Upcounty Regional Services Center and the Germantown recreation center, and less than two miles from the Germantown Town Center, the Germantown Soccerplex, and I-270.

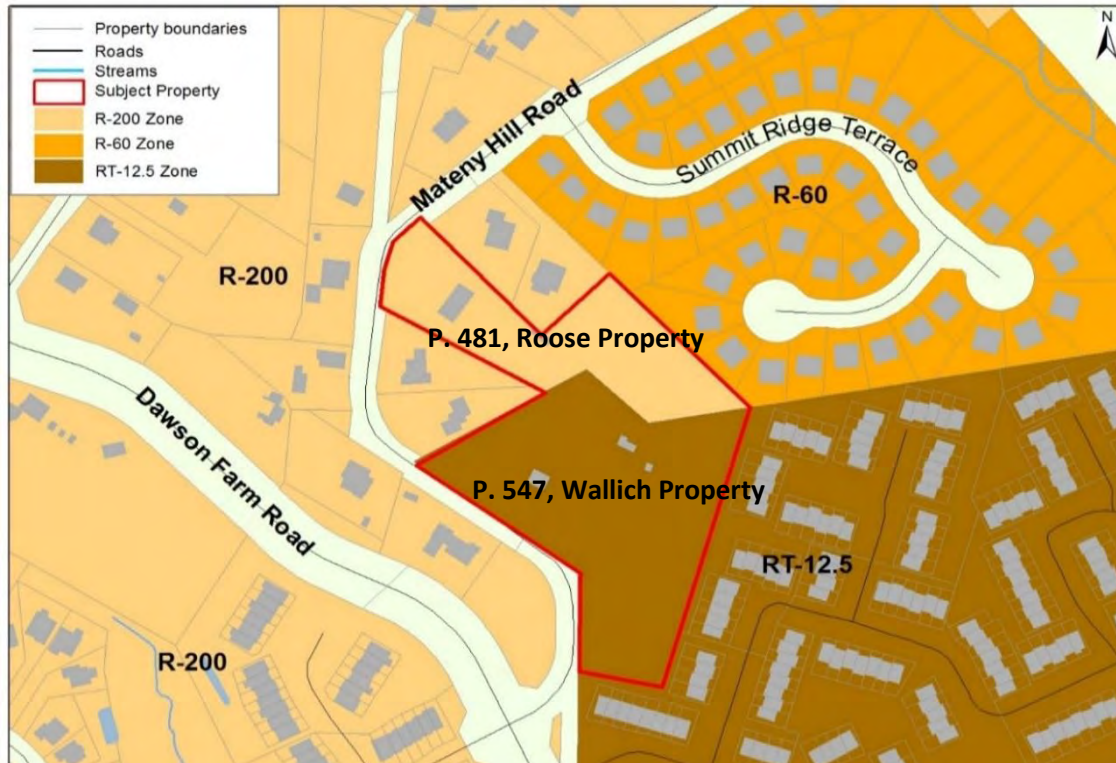


Figure 2 – Vicinity Zoning

#### Site Analysis

The Subject Property currently is developed with two one-family detached dwellings; one on each existing of the existing parcels. The Site has 1.81 acres of existing forest, located in the east central portion of the Site, which is identified as a low priority forest. The Site is also covered by an extensive tree canopy that is not considered forest, and includes 35 trees that are 24 inches or greater diameter. The topography gently slopes from north to south, with the lowest elevation in the southeastern corner of the Subject Property. The Site is located in the Great Seneca Creek watershed, a use I-P watershed. There are no documented streams, wetlands, or rare or endangered species on or adjacent to the Subject Property. The shape of the Subject Property is irregular in part because it comprises two separate parcels.



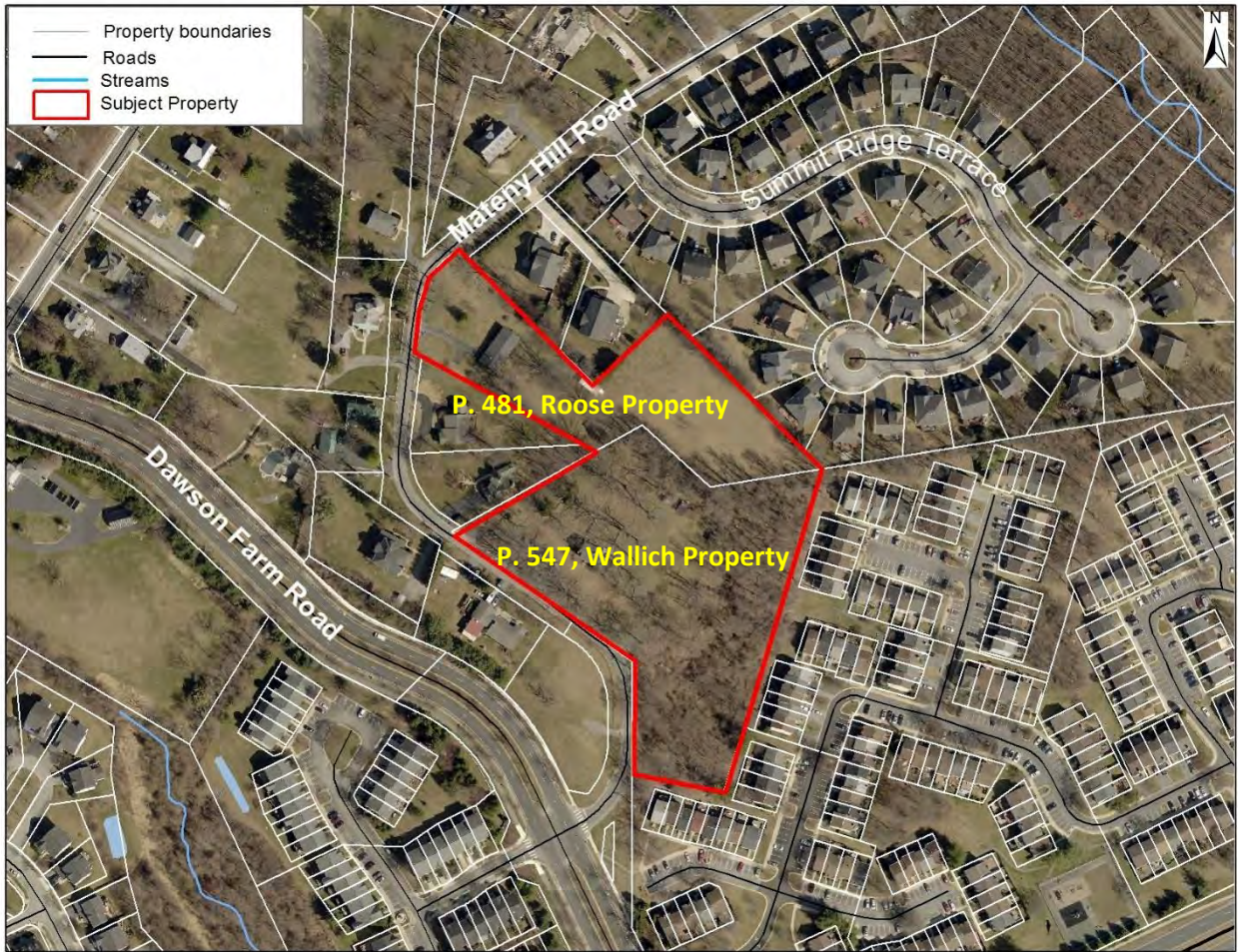


Figure 3 – Vicinity Arial

## SECTION 3 – APPLICATIONS AND PROPOSAL

### Preliminary Plan 120150070

The Application includes Preliminary Plan, No. 120150070, which proposes to subdivide the Site into 46 lots (2 for one-family detached, and 44 for one-family attached) including 6 MPDUs, a separate parcel for private streets and a parcel for open spaces. ("Preliminary Plan"). The Preliminary Plan was reviewed for conformance with Chapter 50, Subdivision Regulations and is in Substantial Conformance to the recommendations of the 1989 Germantown Master Plan ("Master Plan").

### Site Plan 820160020

The Application also includes Site Plan, No. 820160020, which proposes constructing 44 one-family attached dwellings, demolishing and reconstructing one one-family detached dwelling, and retaining one one-family detached dwelling. The Site Plan also provides the details on the on-site parking, private streets, and open space amenities on the Subject Property ("Site Plan"). The Site Plan was reviewed for conformance to Chapter 59, the Zoning Ordinance that was in effect on October 29, 2014 because the Preliminary Plan was submitted prior to the date of the current Zoning Code, and Section 59.7.7.1.B allows an Applicant to proceed through any other required application in the process under the standards in effect when the original submittal is made.





### Proposal

Collectively, the Preliminary Plan and the Site Plan applications are referred to as the Application ("Application"). The Application proposes access to all of the townhouse units through a new one-way private street, which will have a cross-section that includes only 15 feet of pavement, a standard five-foot-wide sidewalk on one side of the street, and a second five-foot-wide sidewalk on the opposite side of the street which will be constructed with a mountable curb, suitable for use as part of the required 20 foot wide Fire Department emergency access. The Site will keep an existing one-family detached house that has existing access to Mateny Hill Road, which is part of Lot 1 in the Application, and will demolish and reconstruct a second detached dwelling on Lot 2. The Application will include frontage improvements to Mateny Hill Road including establishing the curb line, providing sidewalks and planting street trees. Additionally, the Applicant has agreed to provide for an off-site sidewalk extension to the south that connects the Subject Property frontage with Dawson Farm Road, and an off-site sidewalk connection along Mateny Hill Road between the two sections of Site frontage. There will be approximately 0.33 acres of dedication to right-of-way for Mateny Hill Road. The Application provides for a total of 3.55 acres of Green Area, including areas for forest conservation, stormwater management, public recreation and private yards. Included as amenities in the green space are two distinct sitting areas, a multi-age playground, extensive landscaping, stormwater management and approximately 0.51 acres of newly planted forest which will be protected by a Category 1 easement.

As part of this Application, the Planning Board is being asked to make additional findings which are expanded upon later in this Staff Report. The first request is a review of Section 59-C-1.621 which is the development standards for the R-200 with MPDU Zone. The Applicant is requesting the Planning Board find that there is an environmental benefit and adequate compatibility to allow more than 40 percent townhome unit type in the R-200 zone. The second additional finding request is for Section 22A-12(f)(2)(B) of the Forest Conservation Law which requires a Site developed using optional method development in a one-family residential zone meet the on-site forest retention threshold on site, unless the Planning Board finds this not possible. Staff analysis of both requests can be found in subsequent sections of this Staff Report.



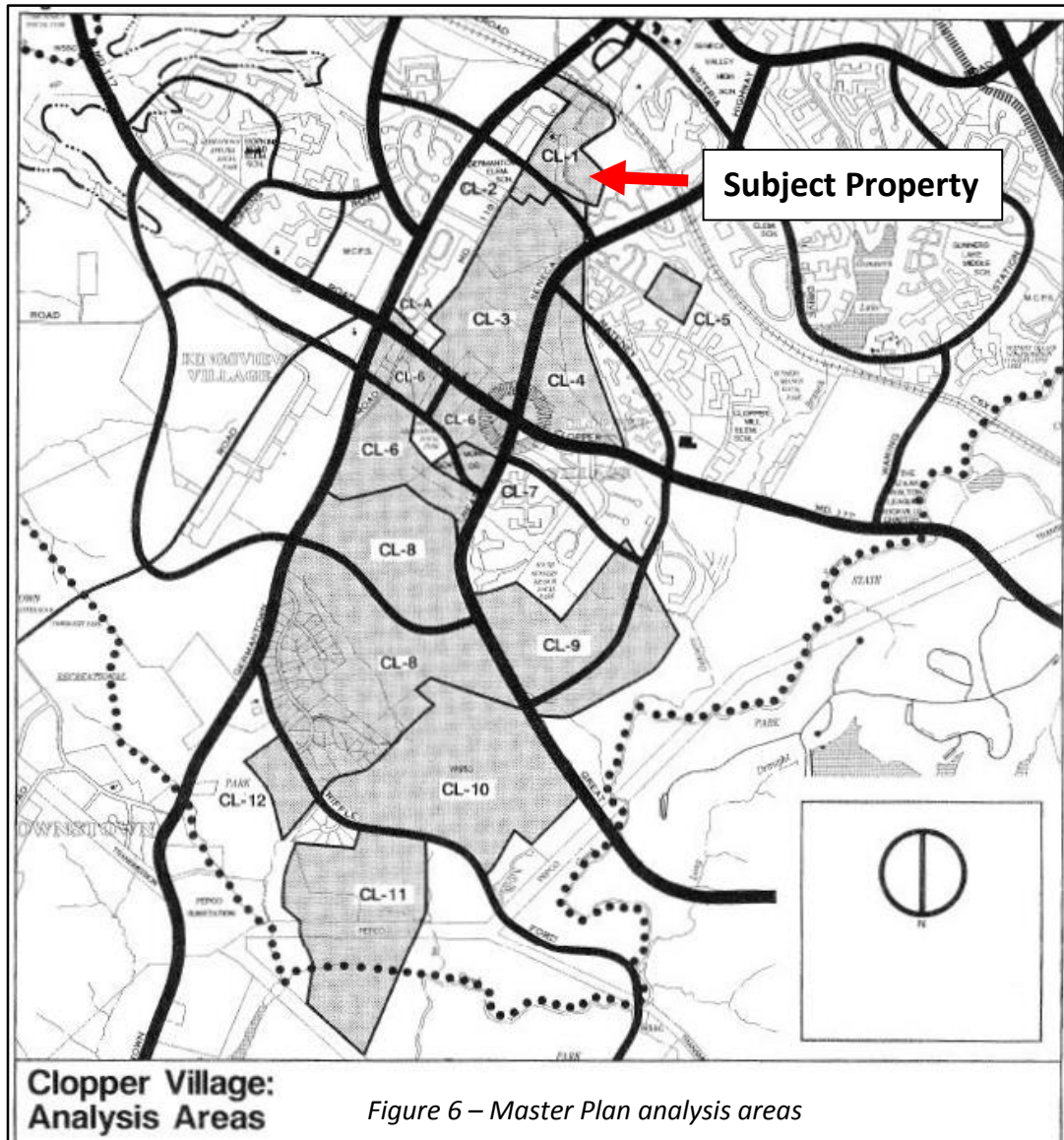
Figure 5 – Rendered Site Plan

## SECTION 4 – ANALYSIS AND FINDINGS PRELIMINARY PLAN 20150070

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

### 1989 Germantown Master Plan

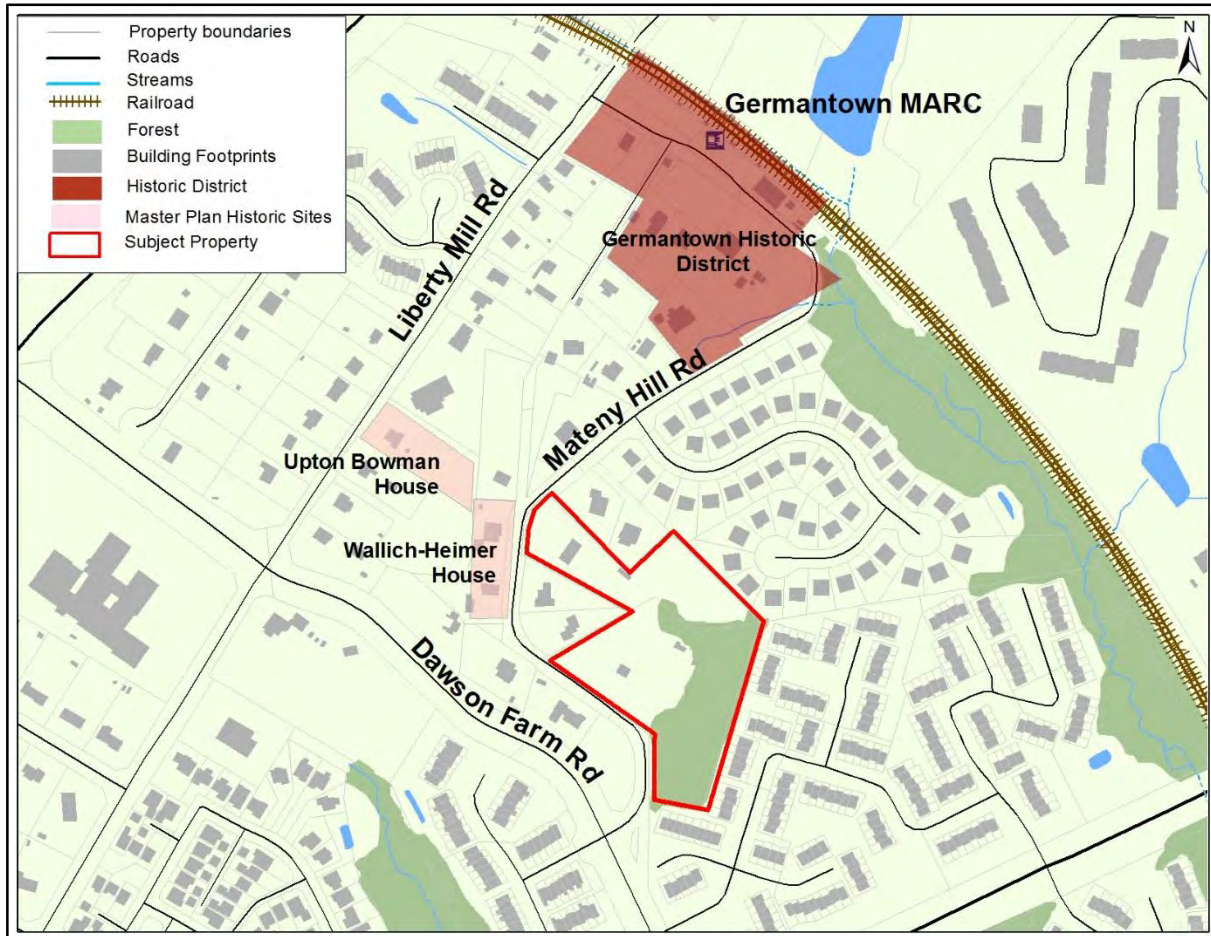
The Subject Property is located within the boundaries of the 1989 Germantown Master Plan (“Master Plan”). Specifically, the Site is within the Clopper Village Land Use Area which is planned to be a predominantly residential area with minimal commercial uses located around a village center, and recommends higher residential densities around the village center or areas with high accessibility.



The Site falls within the sub-analysis area CL-1 (Figure 6) which is predominantly made up of properties within the Germantown Historic District and other residential properties within the MARC station vicinity (Figure 7). The Master Plan makes specific recommendations to some properties within analysis area CL-1, but remains silent on any recommendations for the Subject Property. The Site had an existing zoning of R-200 and RT-12.5 going into the Master Plan and retains that zoning today.



Although the direct vehicle access to the Site is from Mateny Hill Road, it is only approximately 200 feet from the intersection of Dawson Farm Road which is a four lane divided roadway which acts as a spur between two major State Highways, and is only 1/3 of a mile from the Germantown MARC station. These transportation facilities provide high accessibility to the Site justifying the continuation of the RT-12.5 zoning and higher density development. The lot pattern proposed by the Application will have the end units closest to Mateny Hill Road front on the road minimizing the building mass presented to the road. Areas for stormwater mitigation and landscaping will further soften the Mateny Hill Road frontage keeping the development compatible with the predominantly one-family detached character of the road, leading to the Historic District.



*Figure 7 – Historic Resources*

#### MARC Rail Communities Plan

The Subject Property is within the proposed boundary of the MARC Rail Communities Master Plan, which includes land around the Germantown and Boyds MARC stations. Work has started on this limited master plan; however, it is in the early planning stages and a Planning Board draft has not been completed. The primary goal of this planning effort is to increase placemaking and multi-modal connections. The Applicant is helping fulfill this vision by completing a long segment of sidewalk along Mateny Hill Road, which will greatly improve pedestrian access to the MARC station from Mateny Hill Road.

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

#### Roads and Transportation Facilities

The Subject Property is located along Mateny Hill Road, approximately 200 feet north of the intersection with Dawson Farm Road. Mateny Hill Road is an existing, non-Master Plan classified road which is maintained to tertiary standards with a 60-foot wide right-of-way. As part of the Preliminary Plan, the Applicant is dedicating approximately 0.33 acres to achieve 30 feet from centerline of dedication across the Subject Property frontage. The Site is also approximately 1/3 of a mile from the Germantown MARC station which has regular weekday AM rush-hour service toward Washington DC and regular PM rush-hour service from Washington DC. The Applicant will construct all required frontage improvements along Mateny Hill Road including sidewalks, and to enhance local pedestrian connectivity will also construct two sections of off-site sidewalk improvement, creating a continuous sidewalk along the northeast side of Mateny Hill Road from Dawson Farm Road almost all the way to the MARC station.

#### *Local Area Transportation Review (LATR)*

The Preliminary Plan was analyzed based on the creation of 44 new townhouse dwellings on the Site. There is one existing dwelling that will remain, and a second existing dwelling that will be demolished and effectively replaced with the dwelling on lot 2. Because these two dwellings already exist and function as one-family detached homes, they were excluded from further analysis.

The peak-hour generation estimation for the Preliminary Plan was based on trip generation rates included in the M-NCPPC LATR/TPAR Guidelines. A Site trip generation summary is provided in Table 1 below, which shows that the Site would generate a total of 21 new peak-hour trips during the weekday morning peak period and 37 new peak-hour trips during the weekday evening peak period.

**Table 1: Site Trip Generation**

Development	Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Townhome (M-NCPPC)	44 units	4	17	21	25	12	37
<b>Total</b>		<b>4</b>	<b>17</b>	<b>21</b>	<b>25</b>	<b>12</b>	<b>37</b>

A traffic study dated October 2, 2014 (revised June 4, 2015) was submitted to determine the impact of the proposed residential development on the area transportation system. Three local intersections were identified as critical intersections for analysis to determine whether they meet the applicable congestion standard. All three intersections are located in the Germantown West Policy Area with a Critical Lane Volume ("CLV") standard of 1,425. The only non-signalized intersection included in the traffic study is Mateny Hill Road at Dawson Farm Road.

The proposed development trips were added to the existing and the background traffic (trips generated from approved but unbuilt developments) to determine the total future traffic. The total future traffic was assigned to the critical intersections to evaluate the total future CLVs. The result of CLV calculation is shown in the Table 2 below. As shown in the table, all intersections analyzed are currently operating at acceptable CLV congestion standards and will continue to do

so under the background development condition, and total future traffic condition with the proposed use on the Subject Property. Therefore, no LATR improvements are required.

**Table 2: CLV Calculations**

Intersection	Critical Lane Volume (CLV) Standard	Existing Traffic		Background Traffic		Total Future Traffic	
		AM	PM	AM	PM	AM	PM
Dawson Farm Rd & Liberty Mill Rd	CLV Standard 1,425	244	278	244	281	244	282
	Exceed CLV	no	no	no	no	no	no
Dawson Farm Rd & Great Seneca Hwy	CLV Standard 1,425	595	727	601	728	614	742
	Exceed CLV	no	no	no	no	no	no
Dawson Farm Rd & Mateny Hill Rd	CLV Standard 1,425	137	176	137	177	153	202
	Exceed CLV	no	no	no	no	no	no

*Transportation Policy Area Review (TPAR)*

The Property is located in the Germantown West Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Germantown West Policy Area is adequate for the roadway test but inadequate under the transit test; therefore, a TPAR payment of 25 percent of the General District Transportation Impact Tax is required. The timing and amount of the payment will be in accordance with that set in Chapter 52 of the Montgomery County Code.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The Subject Property is located in the W1 and S1 categories for water and sewer, and the Application proposes all dwellings be serviced by public water and sewer. Other telecommunications and utility companies reviewed the Preliminary Plan and found that the Application can be adequately served. The Application has also been reviewed by the Montgomery County Fire and Rescue Services who have determined that the Application provides adequate access for fire and emergency vehicles. Other public services such as police and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application is within the Northwest High school cluster which is subject to a school facilities payment at the high school level. The Applicant will be required to make these payments for all dwellings that require a building permit in accordance with Chapter 52 of the Montgomery County Code

3. *The size, width, shape, and orientation of the approved 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.*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections of the Subdivision Regulations. Although the two properties that make up the Site both have existing dwellings, they are not platted parcels and therefore not subject to the resubdivision analysis. The proposed lot sizes, widths, shapes and orientations are appropriate for the location of the subdivision taking into account the design recommendations included in the Master Plan, the location of the Historic District near but not adjacent to the Site, and the following request for more than 40 percent townhome units contemplated for the Site.

The lots were reviewed for compliance with the dimensional requirements for the RT-12.5, R-200 and R-60 zones as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the appropriate zones. A detailed summary of this review is included in Tables 3, 4 and 5 as part of the concurrent Site Plan review in this Staff Report. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

#### Section 59-C-1.621 Findings, Appropriate Unit Mix

The Applicant has submitted a request, (see Applicant's 59-C-1.621 Findings Document), asking the Planning Board to permit them to exceed the maximum 40 percent allotment of one-family attached units in an R-200 subdivision reviewed under the R-200 with MPDU standards. The Applicant is requesting that 87.5 percent of the dwelling units in the R-200 portion of the Roose Property portion of the Subject Property be allowed as townhouse units. The Board has the authority to grant up to 100 percent townhomes on a site developed under the R-200 MPDU standards as identified by footnote 1 in Section 59-C-1.621 of the applicable Zoning Ordinance; however, there are two findings the Planning Board must make:

- (1) the proposed development is more desirable from an environmental perspective than development that would result from adherence to the percentage limits, and
- (2) that any increase in the one-family attached dwelling unit type would achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit (40 percent attached).

The 59-C-1.621 Findings Document from the Applicant provides in detail evidence that supports the two findings, including the environmental benefit that can be gained by allowing predominantly townhouse development on the Roose Property, and how the relief would allow for increased compatibility with the surrounding one-family detached developments.

#### *Environmental Justification*

The Applicant provides three environmental benefits that would be obtained if more than 40 percent townhomes are allowed on the Roose Property, which are highlighted in Table 2 below;

- (1) a reduction in impervious surfaces by approximately 30 percent,
- (2) the ability to tighten the lot layout resulting in 0.55 acres of land available for a Category 1 conservation easement and,
- (3) resource protection including providing additional landscaped areas, and the ability to impact but not remove four variance trees.

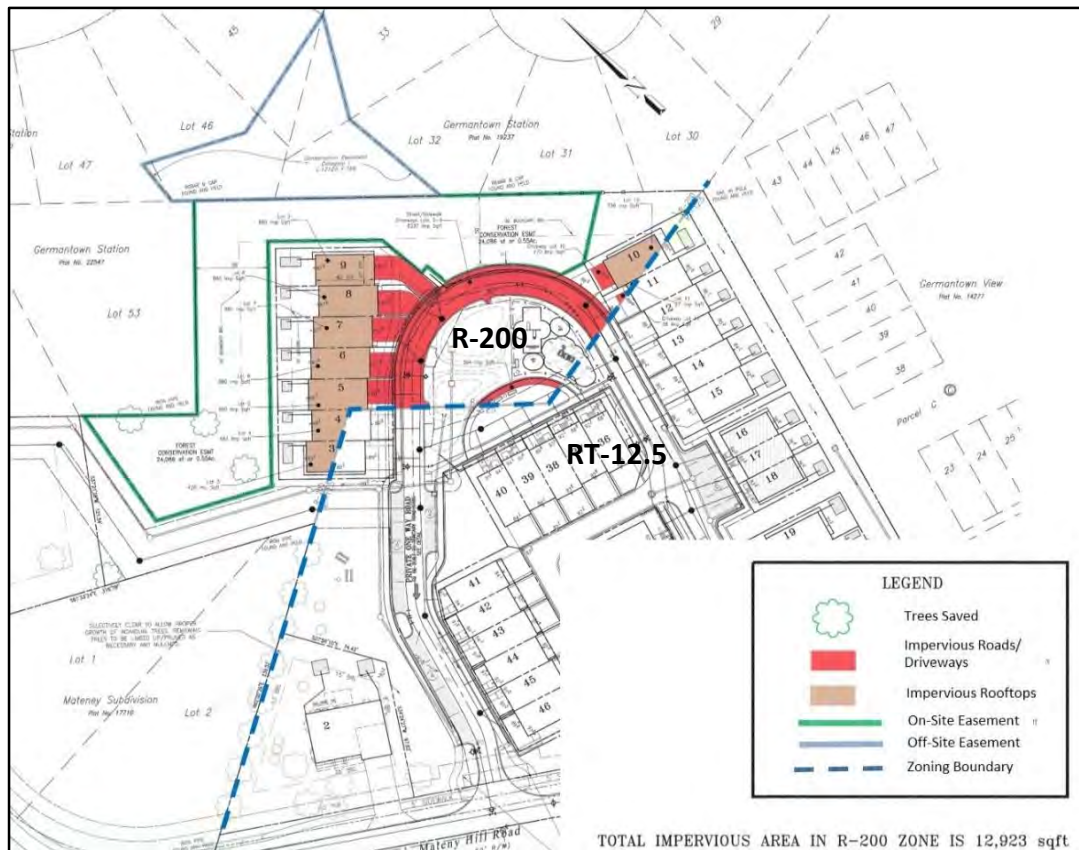
#### *Reduction In Impervious Surfaces*

The impervious surface calculations are based on comparing the physical impacts of building the current plan proposal of seven townhomes, verses building an alternative layout that includes four one-family detached houses on the Roose Property (Attachment 9). Staff reviewed the Applicant's evidence and agrees that the Application as proposed would be more desirable from an environmental perspective than development that would result from adherence to the 40 percent townhouse limit.

**Table 3 – Environmental Benefits**

	Single Family Layout (Four SFD)	Townhome Layout (Seven TH)	Environmental Benefit
Imperviousness (approx)	18,554 s.f.	12,900 s.f	Townhome Layout
Forest Conservation Created	0.00 Acres	0.55 Acres Plus supplemental plantings	Townhome Layout
Trees Saved (attempted)	0	4	Townhome Layout

The Application increases the number of total dwellings on the Roose Property by three additional units to a total of seven townhomes, however the total imperviousness is reduced under the 87 percent townhouse option to approximately 12,900 square feet compared to the alternative of four one-family detached dwellings which may create as much as 18,554 square feet (Figures 8, 9). The impervious surface numbers for the Single Family Layout is based on the average square footage of a one-family detached dwelling with garage and driveway that the Applicant has proposed on other projects. The impervious amount in the townhome layout is based on the submitted plan drawings. The impervious surfaces are reduced because the townhouse units are situated closer to the street, the footprint of each unit is smaller, and the massing of the units is more efficiently laid out with the garage being included under the living space rather than alongside the living space.



**Figure 8 – Townhouse Development exhibit**



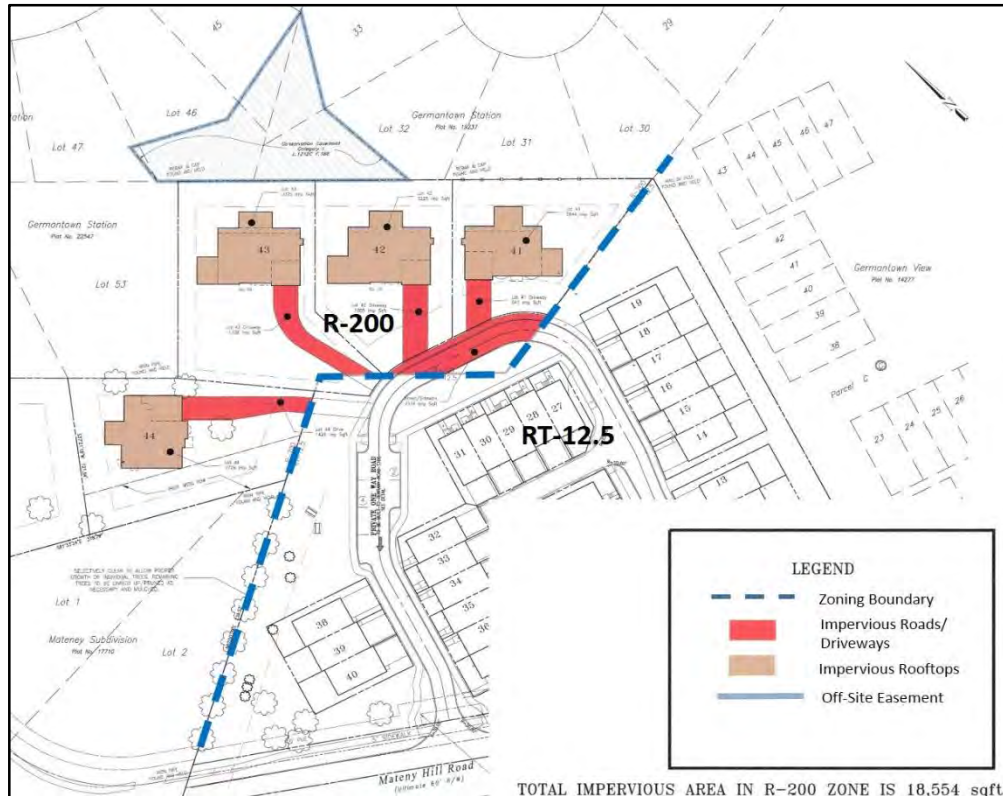


Figure 9 – One-Family detached exhibit

#### *Tighter Lot Layout*

The tightening of the developed area and reduction in impervious spaces by using the smaller lot sizes allowed for attached units (1,500 sq. ft. minimum) versus the minimum lot size for detached units (6,000 sq. ft.), allows the Applicant is able to create a critical mass of open space that meets the size and dimensional requirements for a Category 1 conservation easement. This proposed Category 1 easement will be 0.55 acres in size and will be located adjacent to an existing off-site Category 1 easement. Creating a location on-site to meet some of the forest conservation requirements is an important factor in another request for additional Board findings in Section 22A-12(f) of the Forest Conservation Law, which is discussed in greater length in the Minimum On-Site Forest Retention 22A-12(f) Section starting on page 23 of this Staff Report.

#### *Resource Protection/Variance Tree Impacts*

In addition to creating room for on-site conservation easements, tightening the development and creating more green area allows the Applicant to save some of the existing tree canopy and reduce the critical root zone (CRZ) impacts to four trees identified by the environmental section of this report as variance trees. Protecting as much of the existing tree canopy as possible was important to the community and is a key in protecting water quality.

#### *Compatibility*

The 59-C-1.62 Findings document also provides three ways how the layout as proposed will increases compatibility with the surrounding community;

(1) the opportunity for an improved Site layout and massing as it relates to neighboring developments,

- (2) increased setbacks and buffers through open space, landscaping and forest conservation, and
- (3) creating off-site sidewalk connections.

#### *Improved Layout and Massing*

The Subject Property is irregularly shaped, and to achieve an efficient on-site circulation that also minimizes the impact to the neighboring one-family detached dwellings, one of the rows of townhomes crosses the zoning line from the RT-12.5 Zone onto the R-200 Zone. The townhouse units that overlap into the R-200 Zone are clustered in one row, and are located adjacent to the private street in an orientation that locates the narrow side end of the row of homes toward the one-family detached dwellings to the north. By building four detached units in this area, the structure placement for the detached dwellings would likely be closer to the Subject Property boundary, and the views from the north would be the rear of each of these dwellings.

#### *Increased Setbacks and Buffers*

The tighter lot and structure layout also increases the available open space for landscaping, forest conservation plantings and increased setbacks from the Subject Property Boundary than would otherwise be possible with detached dwellings. The attached unit layout allows for the creation of an on-site Category 1 conservation easement that would otherwise not be possible without further reducing the number of dwelling units on Site. This landscaping and Category 1 Easement provide substantial buffering between the Subject Property and adjacent one-family detached developments. The tighter townhouse layout also presents a better opportunity for creating a centralized green and multi-age play area in addition to a separate picnic area and small open field. The development option that requires detached dwellings would still likely be able to meet the recreation guidelines but with less variety in amenities.

#### *Off-Site Connections*

Although not directly a result of allowing a higher ratio of attached dwelling units, the Applicant has also worked with the neighboring one-family detached property owners and with a neighboring homeowners association to secure easements to allow off-site sidewalks to be constructed along portions of Mateny Hill Road that are not in control by this Applicant and that did not have adequate existing right-of-way. This off-site sidewalk extension was a compromise Staff worked out with the Applicant to help increase the compatibility of this development with the surrounding developments, and may not have been justifiable had the Applicant been required to reduce the number of dwelling units located on the Site.

#### *Conclusion*

Considering the analysis above, Staff finds that granting relief of the 40 percent maximum number of attached units allowed by Section 59-C-1.62 to allow up to 87.5 percent attached units on the Roose Property is more desirable environmentally and improves upon the compatibility of this Application with the neighboring properties.

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

#### Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420150210 for this Site was originally approved on September 4, 2014. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Site contains 1.81 acres of forest, and 35 trees greater

than 24" diameter at breast (DBH). The Site's topography is generally sloping downhill from a central high point. There are no streams, wetlands, or environmental buffers on the Subject Property. The Subject Property is currently developed with two single family homes on two separate parcels. The Site is within the Middle Great Seneca Creek watershed; a Use I-P watershed. The Countywide Stream Protection Strategy rates streams in this section of the watershed as good overall condition.

#### Forest Conservation Law

The Application meets all applicable requirements of the county Forest Conservation Law. The Forest Conservation Plan ("FCP") contains 5.93 acres of net tract area. Based on the Forest Conservation worksheet, the Site has a 1.19 acre conservation threshold under the High Density Residential land use category, and the FCP proposes clearing all 1.81 acres of forest on Site. The Application generates a 2.53 acres planting requirement which the applicant intends to meet with 0.55 acre onsite planting and the remaining 1.98 acres of planning requirement will be met with an offsite forest conservation mitigation bank.



Figure 11 – FCP Features

### *Minimum On-Site forest retention 22A-12(f)*

22A-12(f) contains special provisions for minimum retention, reforestation and afforestation for certain Sites. Included is any site developed under a cluster or other optional method of development in a one-family residential zone, or any Site seeking a waiver or variance from the base zoning standards, including the maximum ratio of townhouses allowed in the R-200 with MPDU Zone in Section 59-C-1.621. In this situation, the law states that on-site forest retention must equal the applicable conservation threshold. Section 22A-12(f)(2) is applicable to the Subject Property because a portion of the Site is being developed in the R-200 with MPDU development option, and it is seeking to develop the R-200 portion of the Site with more than 40 percent townhomes.

The law in section 22A-12(f)(3) further states that if the Planning Board finds that forest retention required in this subsection 12(f) is not possible, the applicant must provide the maximum possible on-site retention, in combination with on-site reforestation and afforestation, not to include landscaping. The forest retention, reforestation, and afforestation that will be provided must adhere to the priorities and sequence established in Chapter 22A. The Applicant has submitted a request to the Planning Board to allow them to not meet the on-site forest retention requirements (“Forest Retention Relief”)(Attachment 10), which provides justification to why it’s not possible to retain the existing on-site forest and why providing alternative forest priorities as allowed in the Forest Conservation Law would be better from an environmental protection standpoint.

The Applicant, in the Forest Retention Relief document, lays out reasons why it is not possible to retain the existing forest on Subject Property, and why it’s better for the environment, which Staff explains below:

*(1) All of the existing on-site forest is on the RT-12.5 zoned Wallich Property*

The existing 1.81 acres of forest on the Site is all located within the Wallich Property, which is the portion of the Site that is zoned RT-12.5. The RT-12.5 zone is not a one-family residential zone and also does not include development regulations for the use of cluster or any other optional method of development. Therefore, the Wallich Property, if developed on its own, would not trigger an analysis under Section 22A-12(f) and would not require any on-site forest retention. This Wallich Property is also the most regularly shaped portion of the Site, making it the most appropriate portion of the Subject Property to develop with a high intensity use like townhomes. Having to retain the existing forest would severely limit total density on the Subject Property and create an inefficient circulation and layout.

*(2) Compatibility with the neighboring development*

The land that is adjacent to the Wallich Property portion of the Subject Property is adjacent to other properties zoned RT-12.5 and developed with existing townhouse development. The R-200 zoned Roose property has other one-family detached zones (R-60 and R-200) adjacent to it. Placing the bulk of the density in the form of townhouse dwellings on the Wallich Property allows for better compatibility with new townhomes placed adjacent to existing townhomes, and allows for more open space and forest conservation areas to be placed adjacent to existing one-family detached dwellings.

(3) *Density near the MARC station*

If the Wallich Property portion of the Subject Property is required to retain the existing forest, it would severely limit the development potential of the entire Site because the existing forest covers a large portion of the Wallich Property. To maintain compatibility with the adjacent one-family detached dwellings to the north and west, to meet the requirements of other government agencies, and to meet setback requirements, density can't be relocated to the Roose Property. The Subject Property is located only 1/3 of a mile from the Germantown MARC station, and as part of the Application, plans to construct missing sections of off-site sidewalk along Mateny Hill Road. Not allowing higher intensity development on the Wallich Property greatly reduces the potential to add new residential units near transit, and may make it less practical to complete off-site sidewalk sections.

(4) *Low Priority Forest/New Easement*

The existing forest on the Wallich Property was identified as priority 3 and priority 4 forest on the NRI/FSD and in the FCP, which is typically considered appropriate for development by existing M-NCPPC standards. The trees are young, and there is a high presence of invasive species within the forested area. If granted the ability to develop on the existing forest, in conjunction with doing 87 percent townhomes in the R-200 portion of the Site, the Applicant will establish a new on-site Category 1 Conservation Easement, located adjacent to an off-site conservation easement. This new on-site easement will be planted with 2"-3" caliper canopy trees which is larger than the standard tree size. The Applicant has also reached out to the lot owners to the north with the existing conservation easements, and they have agreed to let the Applicant coordinate with M-NCPPC to clean up their easement areas and do supplemental plantings separate of this Application. This new easement in conjunction with the enhancement of the off-site easement will help create a better forest resource than protecting the existing forest would.

*Mitigation by Section 22A-12(f)(3)*

Section 22A-12(f)(3) sets the standards for mitigation for applications granted relief from total on-site forest retention, using the standards for reforestation and afforestation outlined in 22A-12(e). This section establishes a preference sequence: enhance the existing forest through on-site selective clearing and supplemental plantings; on-site afforestation including techniques for natural regeneration; landscaping; and off-site reforestation/afforestation. The Applicant, as described in section (4) above, is not able to enhance the existing forest on-site if granted relief from the requirements, however they are providing 0.55 acres of new on-site forest as part of this Application. The use of landscaping credit is explicitly prohibited under Section 22A-12(f), leaving the remainder of the reforestation to occur off-site. The offer by the Applicant to enhance the existing off-site adjacent conservation easement is something the Applicant is not able directly count toward the requirements. Additionally, although unable to be counted toward the reforestation, the Applicant is proposing to plant 32 additional caliper inches of native canopy trees as landscaping above that required for tree variance mitigation, and is saving an additional 129 inches of tree caliper on portions of the Site that will be protected as open space. Staff believes this creative afforestation solution complies with the intent forest conservation Law and the result will provide more high quality forest than if no waiver was granted. The remainder of

the required reforestation (1.98 acres) will be taken off-site. Staff recommends the Planning Board grant the request for relief of Section 22A-12(f)(2) allowed by Section 22A-12(f)(3).

With the 0.55 acres of on-site Category 1 Conservation Easement, the 1.98 acres of off-site forest creation, and the review and mitigation proposed in conjunction with relief of Section 22A-12(f), Staff finds the Application meets the requirements of the Forest Conservation Law.

#### Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, Diameter at Breast Height (DBH) ("Protected Tree"); are part of a historic site or designated with an historic structure; are designated as a 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 a Protected Tree, including removal or disturbance within the Protected Tree's 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. In the written request for a variance, an applicant must demonstrate that strict adherence to Section 22A-12(b)(3), i.e. no disturbance to a Protected Tree, would result in an unwarranted hardship as part of the development of a property.

#### *Unwarranted Hardship*

The Subject Property is zoned R-200 and RT-12.5 which allows for residential development potentially more intense than being requested by this Application. The Subject Property is covered by numerous large trees protected by the Variance law which can't be avoided by development. Furthermore, Mateny Hill Road is a secondary residential road with a minimum of 60 feet of right-of-way. Property development will require additional dedication and road widening, which will cause impacts and removals of Variance Trees. Not considering a Variance would preclude development of this property and create an unwarranted hardship.

#### *Variance Request*

On January 14, 2016, the Applicant requested a variance for removal of twelve (12) and impacts to four (4) Protected Trees (Attachment D). One of these removed trees, tree number 10, the Applicant intends to save, but because the impacts are high, has requested removal of this tree should protection measures fail. These trees are listed in a chart included in the Applicant's Variance Request and also on page two of the submitted FCP. Based on the following justifications, the Applicant has met all criteria required to grant the variance for the removal of twelve (12) Protected trees with impacts to four (4) Protected Trees, subject to the variance provision.

#### *Variance Findings*

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

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

Granting of the variance is not unique to this Applicant. This type of development is typical for properties zoned for medium intensity townhouse development. The location of the Protected Trees is also on the more readily developable portion of the Site. The variance will not confer on the Applicant 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 variance is not based on conditions or circumstances which are the result of the action by the Applicant, but rather on the site conditions and the zone for this area. There are no feasible options to eliminate impacts to the Protected Trees based upon agency requirements.

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

The requested variance is not related in any way to a condition on an adjacent, neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality;*

The variance will not violate State water quality standards or cause measurable degradation in water quality. No trees located within a stream buffer, wetland, or special protection area (SPA) will be removed as part of this Application. In addition, the Montgomery County Department of Permitting Services has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated November 17, 2015. The stormwater management concept incorporates Environmental Site Design standards described in finding five below.

#### *County Arborist's Recommendation on the Variance*

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist for a recommendation prior to acting on the request. In a letter dated March 17, 2016 the County Arborist recommended the variance be approved with mitigation (Attachment 11).

#### *Mitigation for Trees Subject to the Variance Provision*

There are eleven Protected Trees proposed for removal in this variance request. Two trees are located within areas of forest; the forest conservation worksheet already provides mitigation for forest clearing so no additional mitigation is recommended for these trees.

There are nine trees located outside of forested areas and not covered by the mitigation provided from the forest conservation worksheet. Mitigation for the removal of these trees is recommended and Mitigation should be 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" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 376 caliper inches of Protected Trees proposed for removal (outside of forested areas), they will be mitigated by the Applicant by planting a minimum of 94 caliper inches of trees, with a minimum size of 3" DBH on the site.

While the trees recommended for mitigation will not be as large as the trees lost, they will provide some immediate canopy and ultimately replace the canopy lost by the removal of these trees.

#### *Variance Recommendation*

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

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 stormwater concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on November 17, 2015 (Attachment 6). The Application will meet stormwater management goals through the use of pervious pavement, dry wells, microbioretention, stone storage areas, and underground storage areas.



## SECTION 5 – ANALYSIS AND FINDINGS CHAPTER 59 D 3.4(C) - SITE PLAN NO. 820160020

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Site Plan is not subject to a development plan, diagrammatic plan, a schematic development plan certified by the Hearing Examiner or a project plan.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan is not subject to an urban renewal plan approved under Chapter 56.

The Subject Property is approximately 5.86 acres and is split zoned with approximately 3.71 acres of RT-12.5 zoning, and approximately 2.15 acres of R-200 zoning. The Zoning ordinance in both the R-200 development standards (59-C-1.628(e)) and the RT-12.5 development standards (59-C-1.723) allow sites that are comprised of different properties in different zones to be combined as one tract so long as there is a common boundary between the properties, the uses proposed are allowed by the zone, the total density does not exceed that allowed by the multiple properties individually and the total amount of green space meets the minimums required by each property individually. The following three tables, Tables 4, 5 and 6, show the Project's conformance to the development standards of the two zones, including a section on the R-60 zoning standard which applies to one-family detached dwellings in the RT-12.5 zone.

**Table 4**

<b>Zoning Data Table: RT-12.5 (3.71 acres), 59-C-1.7</b>		
<b>For the townhouse unit type</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
<b>59-C-1.731. Tract Area and Density</b>		
Minimum Tract Area	20,000 sq. ft.	161,067 sq. ft.
Maximum Density	12.5 units/acre	10.2 units/acre
Common Open Space, Site >10,000 sq. ft.	10%, 8,416 sq. ft.	36%, 30,578 sq. ft.
<b>59-C-1.732. Building Setback Minimums</b>		
Setback from any lot in a one family detached zone	30 ft.	30 ft. minimum
From any public street	25 ft.	25 ft. minimum
From any adjoining Lot:		
Side/End Unit	10 ft.	10 ft. minimum
Rear	20 ft.	20 ft. minimum
<b>59-C-1.733. Maximum Building Height</b>		
Main Building	35 ft.	35 ft. maximum
Accessory building	25 ft.	25 ft. maximum
<b>59-C-1.734. Coverage and Green Area</b>		

**Table 4 continued**

<b>Zoning Data Table: RT-12.5 (3.71 acres), 59-C-1.7</b> <b>For the townhouse unit type</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
Maximum percent of tract covered with buildings (MPDU standards 59-C-1.74)	40% max	19%
Minimum percent of tract devoted to green area (MPDU standards 59-C-1.74)	45% min (1.67 acres)	48% <sup>2</sup> (1.78 acres)
<b>Parking</b>		
Vehicle Spaces (2 per DU)	38	45

**Table 5**

<b>Zoning Data Table: RT-12.5 (3.71 acres), 59-C-1.7</b> <b>For the single-family detached dwelling (follows R-60 zoning standards 59-C-1.62)</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
<b>59-C-1.622. Density</b>		
Maximum Density	6.10 units/acre	N/A <sup>3</sup>
<b>59-C-1.623. Setback from street</b>		
No detached dwelling may be closer to any public street than:	20 ft.	25 ft. minimum
<b>59-C-1.624. Yard Requirements<sup>4</sup></b>		
Side (R-200 zone)	12 ft. minimum	13 ft. minimum
Rear (RT-12.5 zone)	20 ft. minimum	20 ft. minimum
<b>59-C-1.625. Lot area and width</b>		
Area for a one-family detached dwelling	4,000 sq ft. minimum	5,000 sq. ft. minimum
Minimum lot width at street line	25 ft. minimum	25 ft. minimum
<b>59-C-1.626. Maximum building height</b>		
Main Building	40 ft. maximum <sup>5</sup>	35 ft. maximum
Accessory building	25 ft. maximum	25 ft. maximum
<b>59-C-1.627. Green Area</b>		
Provided for each unit	2,000 sq ft. minimum	Part of 154,202 sq. ft. site total

<sup>2</sup> Stat only reflects the amount of green area on the RT-12.5 portion of the Site. In a combined tract development, 59-C-1.273(c) states the green area across the combined tract must not be less than the total required for the separate tracts. Total green area across tracts is 3.54 acres, in excess of the 2.04 acres required.

<sup>3</sup> Density based on the RT-12.5 zone, building setbacks and yard requirements reviewed only.

<sup>4</sup> Side and rear yard setbacks based on those required by the abutting lot, provided the rear yard setback is a minimum of 15 feet.

<sup>5</sup> Maximum is 40 feet, however side yard setback must increase 1 foot for every 2 feet in building height over 35 feet.

**Table 6**

<b>Zoning Data Table: R-200 MPDU (2.45 acres), 59-C-1.62 For the townhouse dwelling type</b>		
<u>Standard</u>	<u>Required</u>	<u>Provided</u>
<b>59-C-1.622. Density</b>		
Maximum Density	2.44 units/acre	3.72 units/acre <sup>6</sup>
<b>59-C-1.623. Setback from street</b>		
No detached dwelling may be nearer to any public street than:	25 ft. minimum	Over 200 ft (existing)
<b>59-C-1.624. Yard Requirements<sup>7</sup></b>		
Side	N/A	12 ft. minimum
Rear	20 ft. minimum	20 ft. minimum
<b>59-C-1.625. Lot area</b>		
Area for a one-family detached dwelling	1,500 sq ft. minimum	1,500 sq. ft. minimum
<b>59-C-1.626. Maximum building height</b>		
Main Building	40 ft. maximum <sup>8</sup>	40 ft. maximum
Accessory building	25 ft. maximum	25 ft. maximum
<b>59-C-1.627. Green Area</b>		
Provided for each unit	2,000 sq ft. minimum/18,000 sq. ft. total	Part of 154,202 sq. ft. Site total

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

#### **Location of Buildings and Structures**

The location of buildings and structures is adequate, safe and efficient. The locations of the 44 new townhome units are located primarily around the curving one-way private street, helping to define the street edge. The unit locations in conjunction with the circulation system have units on the outside of the private street as front loaded townhouse units with both garages and front doors opening to the street. This is necessary because the amount of space required to have garage access to the rear of these units would dramatically increase impervious surfaces and reduce open spaces for landscaping and compatibility. There are still adequate opportunities for pedestrian circulation that is not fragmented with driveway curb cuts, as the three rows of townhomes on the inside of the street have rear accessed garages on a private alley, and present a front door and front lead walk to the private street. The units identified as 36-40 on the Site Plan are oriented in a way that provides

<sup>6</sup> In a combined track, the total number of dwelling units allowed combined must not exceed the total permitted if approved separately. Total of 50 units allowed on combined tract without MPDU bonus, total of 46 proposed.

<sup>7</sup> Side and rear yard setbacks based on those required by the abutting lot, provided the rear yard setback is a minimum of 20 feet. Abutting land is HOA/Forest Conservation for the Site.

<sup>8</sup> Maximum is 40 feet, however side yard setback must increase 1 foot for every 2 feet in building height over 35 feet.

adequate rear access for vehicles, and allows the front doors to overlook and define the primary active recreation area of the Site plan. These five units, in conjunction with units 3-9, 10-15, and the street help frame the larger green area created between the recreation space and stormwater management. This relationship provides activation to the open space helping keep visitors safe.



*Figure 11 – Rendered Site*

The orientation of the townhome units along the eastern Site boundary provides a back to back relationship with the existing townhomes located to the east of the Site, and provided a side unit view against the rear of the one-family detached dwellings to the north. The units on the northern and western portion of the Site are also set back adequately to allow for a new Category 1 conservation easement to be established, which will greatly enhance the screening between the townhomes and the one-family detached units. Similarly, the side of the end units in townhouse rows are what is most visible from Mateny Hill Road. These units, identified as lots 24 and 46 on the Site Plan, are required to have their front doors opening to the south so that the development blends in better with the one-family detached dwellings further north on Mateny Hill Road. The Applicant is also providing one new one-family detached dwelling, and retaining one, one-family detached dwelling along Mateny Hill Road to be more compatible with the historic district to the west.

### **Location of Open Spaces, Landscaping and Recreation Facilities**

#### Open Spaces

The location of the open spaces is safe, adequate and efficient. The Site Plan is predominantly proposing townhouse units, which have much smaller lots and footprints than one-family detached units, increasing the amount of land available for green area, open space and amenities. There are open space parcels shown behind the rear lots of all the units located near the perimeter of the Subject Property which provide space for landscaping and buffering. There are



[illegible]

33



Figure 13 – Picnic Area

#### Recreation Facilities

The Location and quantity of provided recreation facilities is safe, adequate and efficient. The Site Plan is providing for total of 46 one-family dwelling units, and is therefore subject to the requirements of the 1992 Montgomery County Recreation Guidelines. These guidelines require the provision of recreational amenities for developments of more than 25 one-family dwellings. The Applicant has calculated the demand for residential facilities based on the criteria in the Recreation Guidelines. To meet the required supply of recreation, the Applicant is providing for one multi-age play area, two picnic/sitting areas and one pedestrian system as part of the on-site supply. Additionally, the Applicant has requested the Planning Board consider off-site supply of a swimming pool, indoor community space and an indoor exercise room, all offered at the Germantown Community Center located approximately  $\frac{3}{4}$  of a mile from the Subject Property. Off-site recreation facilities may be considered if they are located within one mile of the site boundary that are reasonably accessible by foot or bicycle, and may consider sites accessible by car such as swimming pools. Off-site facilities may be considered for up to 35 percent supply credit generated by each facility, and may comprise up to 35 percent of the total recreation supply for a project. The Germantown Community Center is under a mile from the Subject Property, is accessible by bicycle and by foot through continuous sidewalks that lead from the Subject Property to the community center, and the community center provides amenities that may be acceptable by vehicular access. Staff recommends the Planning Board approve the use of the off-site recreation supply as requested by the Applicant. The recreation demand and supply is shown in Table 07.

Additionally, the Site Plan provides for additional passive recreation opportunities, particularly in the approximately 7,000 square foot lawn area created by a necessary WSSC easement that is not



considered in the recreation calculations because the lawn area does not meet the dimensional requirements for an open play area. This cleared space however still provides an opportunity for community members to gather and play games.

**Table 7**

<b>RECREATION FACILITIES CHART</b>					
<b>44 Townhouses &amp; 2 Single Family Houses</b>					
	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
*Demand per 100 du/TH	17	22	18	129	7
*Demand per 100 du/SFDI	10	20	22	85	8
*Demand per 100 du/SFDII	13	24	25	106	11
Demand for 44 TH (0.44)	7.48	9.68	7.92	56.76	3.08
Demand for 1 SFDI (0.01)	0.1	0.2	0.22	0.85	0.08
Demand for 1 SFDII (0.01)	0.13	0.24	0.25	1.06	0.11
<b>Total</b>	<b>7.71</b>	<b>10.12</b>	<b>8.39</b>	<b>58.67</b>	<b>3.27</b>
<b>Supply for TH, SFDI &amp; SFDII</b>					
Multi-Age Playground	9	11	3	7	1
Pedestrian System	0.77	2.02	1.68	26.40	1.47
2 Picnic/Sitting	2	2	3	10	4
<b>Total</b>	<b>11.77</b>	<b>15.02</b>	<b>7.68</b>	<b>43.40</b>	<b>6.47</b>
<b>Off-site Supply for TH, SFDI &amp; SFDII</b>					
Swimming Pool	0.15	0.71	0.59	5.13	0.17
Indoor Community Space	0.27	0.53	0.88	6.16	0.46
Indoor Exercise Room	0.27	0.35	0.88	6.16	0.46
<b>Total</b>	<b>0.69</b>	<b>1.59</b>	<b>2.34</b>	<b>17.45</b>	<b>1.08</b>
<b>Overall Supply Total</b>	<b>12.46</b>	<b>16.62</b>	<b>10.02</b>	<b>60.85</b>	<b>7.55</b>
<b>Percentage</b>	<b>162%</b>	<b>164%</b>	<b>119%</b>	<b>104%</b>	<b>231%</b>

\*Demand points per Table 1 in the Montgomery County Recreation Guidelines.

### Landscaping and Lighting

The location of the proposed landscaping and lighting is safe, adequate and efficient on the Subject Property. The landscaping serves multiple purposes including screening the new development from neighboring properties, and providing shade along the internal streets, sidewalks and recreation areas. There is an approximately 10-foot wide open space area that runs the entire eastern length of the Site boundary which will be planted with a mix of evergreens and canopy trees, adequately buffering the rear of the proposed dwelling units from the rear of the existing neighboring townhomes. Along the northern Site boundary, a new Category 1 conservation easement will be established that provides adequate plantings for establishing a new forest, which also provides screening of the townhomes from the one-family detached units. The details of this easement are found on the Forest Conservation Plan as this area is not technically landscaping but still provides a similar type of amenity. All of the larger open space areas on the Site incorporate a mix of canopy trees, understory trees and shrubs that create shade, provide visual interest and allow for openings for sunlight for turf grass. The Plantings around the multi-age Play Area provide the shade without restricting views of the Play Area from the road and neighboring residential units which increases the safety of the amenity. Shrubs and trees are also proposed in the open areas along the Mateny Hill Road frontage which will hinder views of the private alley serving the three sticks of rear loaded townhomes, and which will

minimize the visual mass of buildings visible from Mateny Hill Road or any of the nearby historic properties.

The lighting shown on the lighting plan and accompanying photometrics plan meet all of the requirements for protecting the surrounding properties from excessive light spillage or glare. The Application proposes lighting along the entirety of the private street, and also proposes lighting the primary Play Area.

## **Pedestrian and Vehicular Circulation**

### Pedestrian Circulation

The location and design of the pedestrian circulation on the Subject Property is safe, adequate, and efficient. The Site Plan proposes an extensive network of sidewalks on the Site, with 5-foot wide sidewalks on both sides of the private street. In addition, a sidewalk will run in front of units 36-40 that directly front the multi-age play area and landscaped stormwater area providing access to the recreational amenities and to the fronts of units 36-40. To meet the Fire Marshals requirement of 20 feet of clear emergency vehicle access while still providing for a street width more appropriate for a one-way street, the sidewalks on one side of the street will be built with a mountable curb and will account for five of the 20 total feet of required space while the opposite side will feature a traditional curb and sidewalk. The side of the street where this treatment is located varies but is generally on the side of the street that the front-loaded units with driveways are located, as indicated on the Site Plan (Attachment 02). The access and orientation of the dwelling units located on the inside of the one-way private street loop allows for a continuous sidewalk loop throughout the Site unimpeded by vehicle crossings, except for one point at the alley access.

As part of the Site Plan, the Applicant has also worked with Staff, the neighboring property owners of lots 1 and 2 of the Mateny Subdivision and with the Homeowners Association of the Germantown View townhomes to extend off-site sidewalks along Mateny Hill Road. The right-of-way does not exist along Mateny Hill Road; however, the Applicant has secured Public Improvement Easements from the property owners allowing for construction and maintenance (Attachment 12). This will allow the Applicant to create a continuous length of sidewalk on the east side of Mateny Hill Road from Dawson Farm Road, to just shy of the Germantown MARC station (Figure 14).





Figure 14 – Existing and Planned sidewalks

#### Vehicle Circulation

The location and design of vehicle circulation on the Subject Property is safe, adequate and efficient. The Site Plan has access to the public road network through two locations on Mateny Hill Road. The eastern access point is an entrance only, and the western access point is an exit only. The internal circulation is a private street which is shown as a one-way counterclockwise loop, and one alley. The circulation of the private street has to be one-way because the site distance and intersection spacing along Mateny Hill Road is not adequate to allow both accesses to function as full-movement intersections. Rather than just providing one access point, the Applicant has kept the two locations because it can function as two points of access in the event of an emergency. The private street is being constructed with a unique cross-section that has only 15 feet of vehicle pavement, and five feet of sidewalk, separated by a mountable curb. This is to allow for a full 20 feet of fire department vehicle access while only providing the appearance of only a 15-foot wide single vehicle lane. The mountable curb is only located on one side of the private street, and the other side of the street has a second sidewalk that is not part of the emergency access area. The details of the modified cross-section are included in the Site Plan (Attachment 13). There is a private alley internal to the Site that provides garage access to 18 of the proposed dwellings. This alley is 16 feet wide, which is adequate because the alley is a dead end, and is not the primary means of providing emergency vehicle access.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The proposed use and structures are compatible with other uses, site plans, existing, and proposed development on adjacent properties. The orientation of the structures on the Site was first designed with the neighboring uses in mind. Along the eastern property boundary, there is a correlation between the rear of townhouse units on Site with the rear of townhouse units on the neighboring

property. To the north the existing development is one-family detached units, however, the townhouse units are oriented in a way that presents the sides of units to the backs of the one-family detached units, which greatly reduces the massing visible from the rear yards of the off-site dwellings. To the west are additional one-family detached units, however there is an area of proposed forest conservation between the western Site boundary and the proposed dwellings, providing ample vegetative buffering. The Site Plan layout is also sensitive to Mateny Hill Road, which is currently fronted by one-family detached homes and leads to the Germantown Historic District. The site generally presents the end units of townhome rows to Mateny Hill Road, which will have the 'front' entrances located on the sides of the end units. The applicant is also proposing a new one-family detached dwelling along Mateny Hill Road, and preserves a second detached dwelling.

Internal to the Site, all of the uses are residential, and the orientation of the units helps to frame the primary private street and the most activated recreational open space area. The dwelling units on the 'inside' of the private street loop are all vehicle accessed by a rear alley and present a front door and lawn area to the street and open space. This allows a continuous sidewalk loop to be created that is free of vehicle conflict points except for one at the alley entrance. The outside loop of dwellings are front loaded townhomes with garages facing the street. This orientation is more efficient from a lot layout perspective and creates a back to back relationship with the existing neighboring development.



*Figure 15 – Perspective from Mateny Hill Road at the Exit*





*Figure 16 – Birds Eye overlooking the recreation amenities*

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

The Site Plan meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The Site Plan was reviewed concurrently with the Preliminary Plan, and the analysis for the environmental resources, forest conservation law, and stormwater management is presented under the environmental finding for Preliminary Plans located on pages 22-27 of this report. The Site Plan makes no changes to the findings made with the Preliminary Plan and Staff recommends approval of the Final Forest Conservation Plan.

## **SECTION 6 – CITIZEN CORRESPONDENCE AND ISSUES**

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan was held on August 26, 2014 at Germantown Elementary School. According to records submitted by the Applicant, there were 27 in attendance. Concerns raised at this meeting included unwanted pedestrian cut-through, the loss of existing views, vehicle and pedestrian access and safety, and lot sizes. The Applicant addressed these concerns at the meeting and through adjustments made to the Preliminary Plan prior to submission. A second pre-submission meeting was held specifically for the Site Plan on June 18, 2015 at the Upcounty Regional Services Center, which was attended by 19 people. The Applicant opened the meeting with an update of changes that have been proposed to the Preliminary Plan, and efforts made on the Site Plan to address early comments. Questions the community asked at this meeting were more about the construction process including when will construction begin, what will the hours of operation be, what will the price-point of the units be, and how will water run-off be resolved. The minutes show the Applicant addressed all questions as they were raised at the meeting.

Staff has as of the writing of this staff report received one formal correspondence from a neighbor, and has phone and e-mail exchanges with two other citizens in near-by properties. All of this correspondence occurred after the Preliminary Plan was submitted but prior to the Site Plan being submitted. The concerns shared with Staff were similar and included adequate transportation access, the size and scale of the development, unintended trespassers and the loss of trees. Since the Preliminary Plan was resubmitted, changes to layout, circulation, off-site transportation improvements, and forest retention and landscaping have occurred which Staff believe addressed many of these concerns. The Applicant has agreed to pursue two off-site sidewalk connections in addition to the required frontage improvements which will create a continuous sidewalk along the northeast side of Mateny Hill Road. The Applicant has also worked with staff on creative solutions to reducing the total width of the private street. The Fire Marshal's office requires 20 feet of width free and clear for emergency vehicle access, yet the private street is only a one-way street. This Application reduces the total roadway width by five feet while still providing 20 feet of free and clear access for emergency vehicles. This roadway width reduction, in conjunction with providing 87percent townhomes, has allowed the protection of more existing trees, the creation of new on-site Category 1 conservation easements, and provided many opportunities for landscaping and buffering. The improved layout also reduces the impact of the new townhomes on the neighboring one-family detached residential buildings and reduced the visual impact to Mateny Hill Road.

## **SECTION 7 – CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the 2009 Germantown Master Plan. Access and public facilities will be adequate to serve the proposed Application, and the Application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plans. Therefore, approval of the Application with the conditions specified above is recommended.

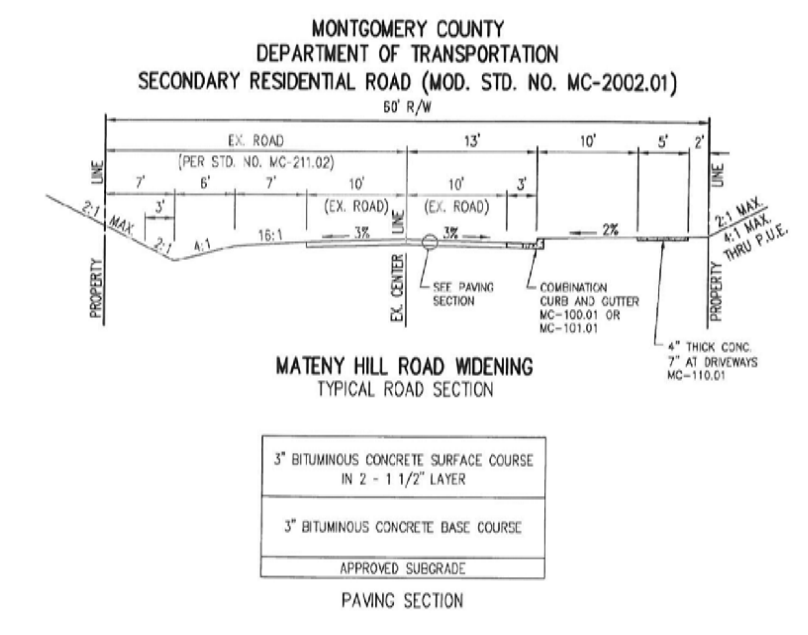
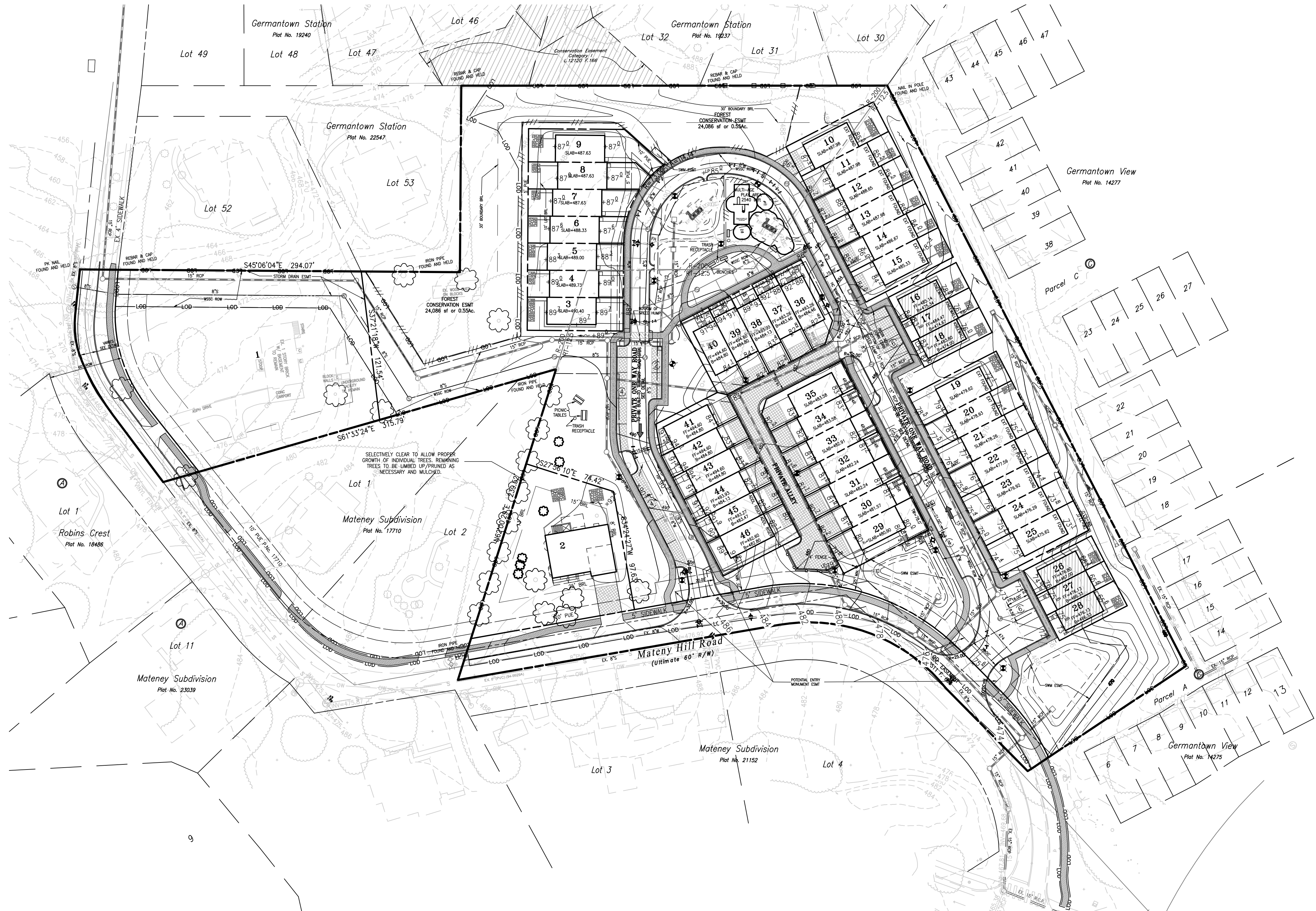
### **Attachments**

- 1 – Preliminary Plan
- 2 – Site Plan
- 3 – Final FCP
- 4 – MCDOT letter
- 5 – DPS ROW approval
- 6 – MCDPS Stormwater letter
- 7 – Fire Marshal letter
- 8 – DHCA letter
- 9 and 10 – Justification for 59 C 1.621 and 22A 12(f)
- 11 – Arborist recommendation
- 12 – PIE recordation
- 13 – Roadway cross-sections
- 14 – Correspondence



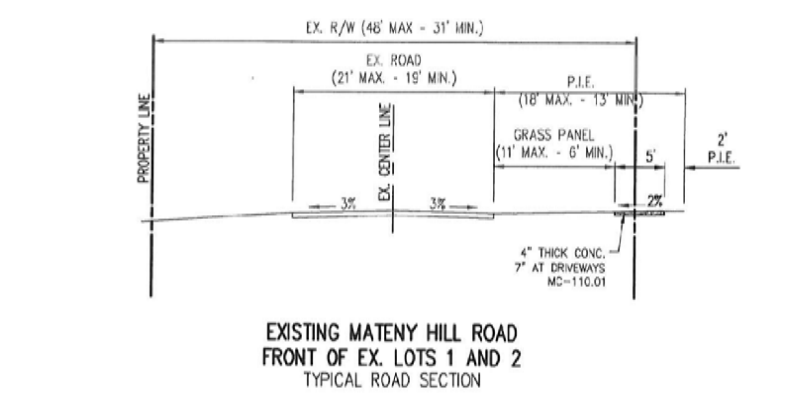
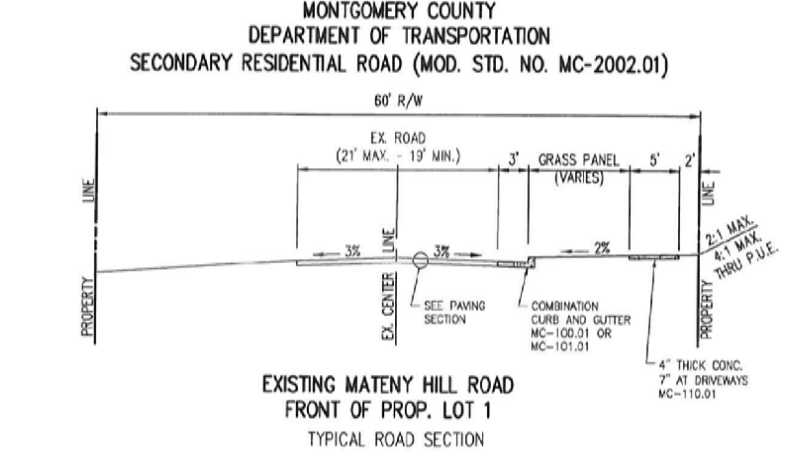
# PRELIMINARY PLAN No. 120150070

## MATENY HILL PROPERTY



GENERAL NOTES

- REFER TO MONTGOMERY COUNTY HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
- SEE STANDARD NO. MC-01.01 - METHOD OF GRADING SIDE SLOPE.
- TOP OF GROUND ELEVATION - CENTERLINE ELEVATION +0.00 (SEE LIST OF CURB HEIGHTS).
- WHEN A TRAFFIC SIGNAL IS WARRANTED ADD A MINIMUM OF 7'-0" GREEN SPACE BETWEEN THE CURB AND THE SIGNAL.



DATA TABLE

Zoning	R-200 and RT-12.5
Ex. Water/Sewer Categories	W-1/S-1
Method of SWM	Environmental Site Design
Watershed	Middle Great Seneca Creek
Topographical Information from	GIS Data on 6/5/2014
Contour Interval	2'
Boundary Information from	Charles P. Johnson & Associates
Maryland State Grid Datum Used	NAD 83/91
Tax Map Reference	EU 341
WSSC Base Map	226NW13
Areas	
Area of R-200 Zone (Parcel 481)	2.15 Acres
Area of RT-12.5 Zone (Parcel 547)	3.71 Acres
Gross Tract Area	5.86 Acres
Street Dedication (Mateny Hill Road)	0.33 Acres
Net Tract Area	5.53 Acres
100 Year Floodplain	None
Stream Valley Buffer	None
Wetlands	None

	DEVELOPMENT STANDARDS					
	RT - 12.5 w/MPDU		R-200 w/MPDU		R-60 <sup>1</sup>	
	Required/Allowed <sup>2</sup>	Provided	Required/Allowed <sup>4</sup>	Provided	Required/Allowed <sup>4</sup>	Provided
Density	15.25 du/Ac x 3.71 Ac=56.161 total units for both tracts <sup>1,2</sup>	46 Total Yield for Combined Tracts Required MPDUs 46 @ 12.5% = 5.75/6 Provided 6 MPDUs No Bonus Density taken	2.44 du/Ac (Max. 2.15 Ac=5 du (61 total units both tracts) <sup>2,3</sup>	46 Total Yield for Combined Tracts Required MPDUs 46 @ 12.5% = 5.75/6 Provided 6 MPDUs No Bonus Density taken	NA	NA
Min Tract Area	20,000 sf	NA	NA	6,000 sf (min.)	NA	NA
Lot Area - SFD	NA	NA	6,000 sf	Family Detached that remains	4,000 sf <sup>2</sup>	5,000 sf (min.)
Lot Area - TH	NA	NA	1,500 sf	1,500 sf (min.)	NA	NA
Single Family Detached (SFD)						
Lot Width at Street Line	See R-60	See R-60	25'	25' (min.)	25'	25' (min.)
Front Setback	See R-60	See R-60	25'	25' (min.)	25'	25' (min.)
Side Setback	See R-60	See R-60	20'	20' (min.)	8' <sup>1/8"</sup> <sup>3</sup>	13' side BRL abutting existing lot 8' side BRL-2nd side (min.)
Rear Setback	See R-60	See R-60	20'	20' (min.)	15' <sup>3</sup>	20' (min.)
Height	See R-60	See R-60	40' <sup>10</sup>	40' (max.) <sup>10</sup>	P	35' (max.) <sup>10</sup>
Accessory Structure						
Street Setback	NA	NA	65'	65' (min.)	60'	60' (min.)
Side Setback	NA	NA	12'	12' (min.)	5'	5' (min.)
Rear Setback	NA	NA	7'	7' (min.)	5'	5' (min.)
Height	25' <sup>10</sup>	25' (max.) <sup>10</sup>	25' <sup>10</sup>	25' (max.) <sup>10</sup>	25' <sup>10</sup>	25' (max.) <sup>10</sup>
Townhouse (TH)						
From any Detached dwelling (lot or land) in 1-family						
Detached Residential Zone Setback	30' from Boundary <sup>5</sup>	30' (min.)	NA	NA	NA	NA
From any Public Street Setback	25'	25' (min.)	NA	NA	NA	NA
Adjoining lot Side (end unit) Setback	10'	10' (min.)	NA	NA	NA	NA
Adjoin lot Rear Setback	20'	20' (min.) <sup>9</sup>	NA	NA	NA	NA
Height	35' <sup>10</sup>	35' (max.) <sup>10</sup>	40' <sup>10</sup>	40' (max.) <sup>10</sup>	NA	NA
Setback from Public ROW	NA	NA	25'	25' (min.)	NA	NA
Side Setback	NA	NA	NA	NA	NA	NA
Rear Setback	NA	NA	20' <sup>3</sup>	20' (min.)	NA	NA
Green Area	45% (min.)	48%	2,000 sf/du (min.)	82%	NA	NA
Lot Coverage	40% (max.)	19%	35% (max.)	9%	NA	NA

1. Applies to Lot 2 only as shown within the limits of this subdivision. Permitted in R-T Zones and subject to the requirements of the R-60 Zone.

2. MPDU standards.

3. For a side or rear yard that abuts a lot not developed under the provisions of 59-C-1.6, the setback must be at least equal to that abutting lot. Abutting zone is R-200 requiring a 12' min. side setback.

4. 3 stories or 40' if abutting lot not developed under provisions of 59-C-1.6, the yard abutting that lot must be increased by one foot for each 2 feet of height above 35'.

5. For a side or rear yard that abuts a lot that is not developed under the provisions of 59-C-1.6, the setback must be at least equal to that abutting lot; provided that no rear yard is less than 15'.

6. There is a 30' building restriction line from the boundary for all buildings adjacent to R-200 (non MPDU) zoned land.

7. See 2004 Zoning Ordinance Section 59-C-1.7 for additional details.

8. See 2004 Zoning Ordinance Section 59-C-1.6 for additional details.

9. Note: Proposed units do not adjoin other lots in the rear yard, they adjoin and HOA parcel.

10. **Height of building:** The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof. However, if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.

See 2004 Zoning Ordinance 59-A-2.1

### GENERAL NOTES

- Existing structures on Proposed Lot 1 to remain, all other existing structures are to be removed.
- All sitings are conceptual unless building ties are shown.
- There are no known Threatened or Endangered plants or animals, nor critical habitats observed in the field, documented by Maryland Dept. of Natural Resources.
- NRI FSD #420150210 approved by MNCPR&PC dtd 9/4/2014.
- Historic site 19013-000A "Liberty Mill" is located on Mateny Hill Road near the site.
- Numbers, configurations, and size of units to be determined at Planning Board.
- All SWM facilities are reviewed, approved and inspected by MCDPS Water Resources Section.
- All grading within the Public ROW is reviewed, approved and inspected by MCDPS Right-of-Way Section.
- Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints and building heights and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscapes will be determined at the time of issuance of building permits. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for the site development may also be included in the conditions of the Planning Board's approval.

**ENGINEER CERTIFICATE**

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTENT WITH THE DATA TABLE PROVIDED. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

DAVID O'BRYAN  
PROFESSIONAL ENGINEER  
MD # 14752

1/14/2018  
EXPIRATION DATE

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE DEEDS AND RECORDS.

RONALD L. COLLIER  
PROFESSIONAL LAND SURVEYOR  
MD # 20014

10/2/2016  
EXP. DATE

**DEVELOPER'S CERTIFICATE**

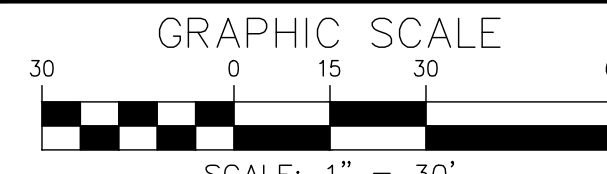
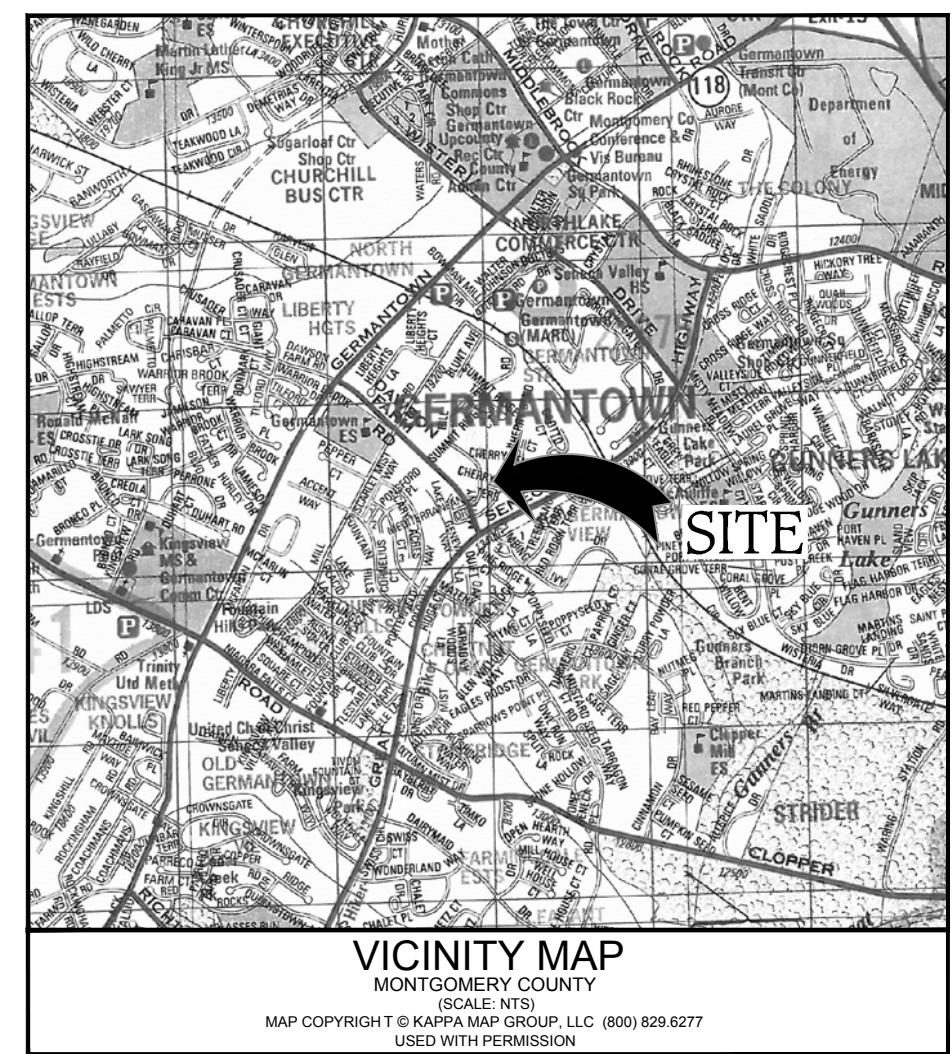
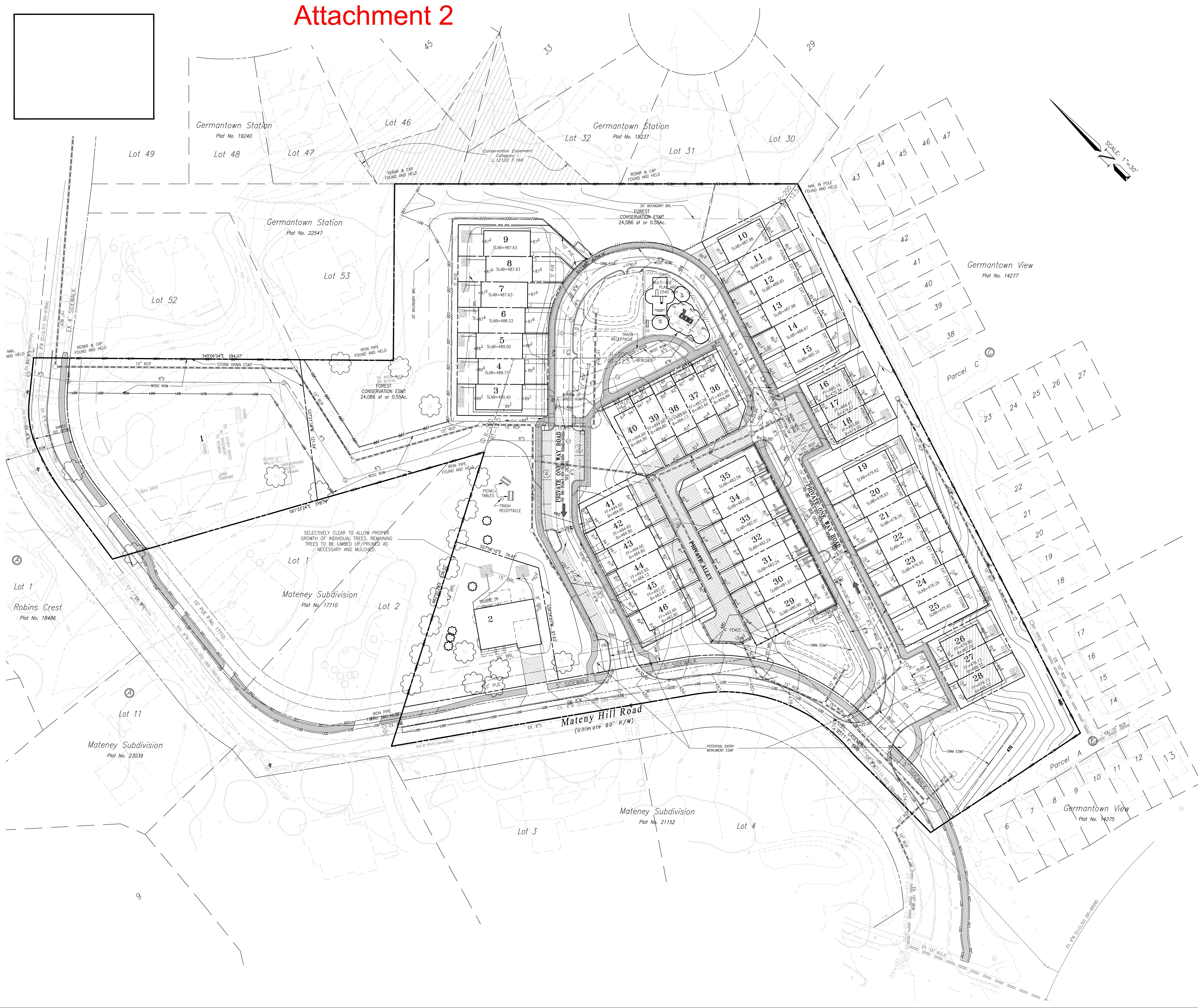
THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE PRELIMINARY PLAN APPROVAL NO. 120150070 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED PRELIMINARY PLAN.

DEVELOPER'S NAME: MATENY HILL LC KATE KUBIT  
COMPANY: CONTACT PERSON  
ADDRESS: 1355 BEVERLY ROAD, MCLEAN, VIRGINIA, 22101  
PHONE: (703) 735-9730

SIGNATURE:



# Attachment 2



LEGEND	
	EX SIGNAL POLE
	EX MANHOLE
	EX STORM DRAIN MANHOLE
	EX UTILITY POLE
	EX GUY WIRE
	EX LIGHT
	EX SIGN
	EX FIRE HYDRANT
	EX BARBED WIRE
	EX OVER HEAD WIRE
	EX WOODS LINE
	EX BUSH HEDGE
	PROP. DRYWELL
	PROP. POROUS PAVEMENT/CONCRETE
	EXISTING TREE TO REMAIN SURVIVABILITY NOT GUARANTEED
	PROP. 3-RAIL FENCE
	PROP. 6' PRIVACY FENCE
	PROP. LIMITS OF DISTURBANCE
	PROP. STREETLIGHT
	PROP. SIDEWALK
	PROP. MPDU

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARY INFORMATION SHOWN HEREON IS CORRECT AND TAKEN FROM AVAILABLE DEEDS AND RECORDS.

DATE: 1/14/18  
RONALD LANE COLLIER  
PROFESSIONAL LAND SURVEYOR  
MD LIC. # 20014 EXP. 10/02/2016

## ENGINEER'S CERTIFICATE

THE UNDERSIGNED LICENSED PROFESSIONAL ENGINEER CERTIFIES THAT THE DRAWINGS HEREON CONFORM TO THE STANDARDS OF THE ZONE. THE DRAWINGS ARE CONSISTENT WITH THE DATA TABLE PROVIDED. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

DAVID O'BRYAN  
PROFESSIONAL ENGINEER  
MD # 14752  
1/14/18  
EXPIRATION DATE

## DEVELOPER'S CERTIFICATE

THE UNDERSIGNED AGREES TO EXECUTE ALL THE FEATURES OF THE PRELIMINARY PLAN APPROVAL NO. 820160020 INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED PRELIMINARY PLAN.

DEVELOPER'S NAME: MATENY HILL LC  
KATE KUBIT  
CONTACT PERSON  
ADDRESS: 1355 BEVERLY ROAD, MCLEAN, VIRGINIA 22101  
PHONE: (703) 735-9730  
SIGNATURE:

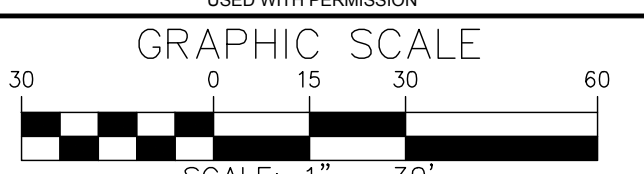
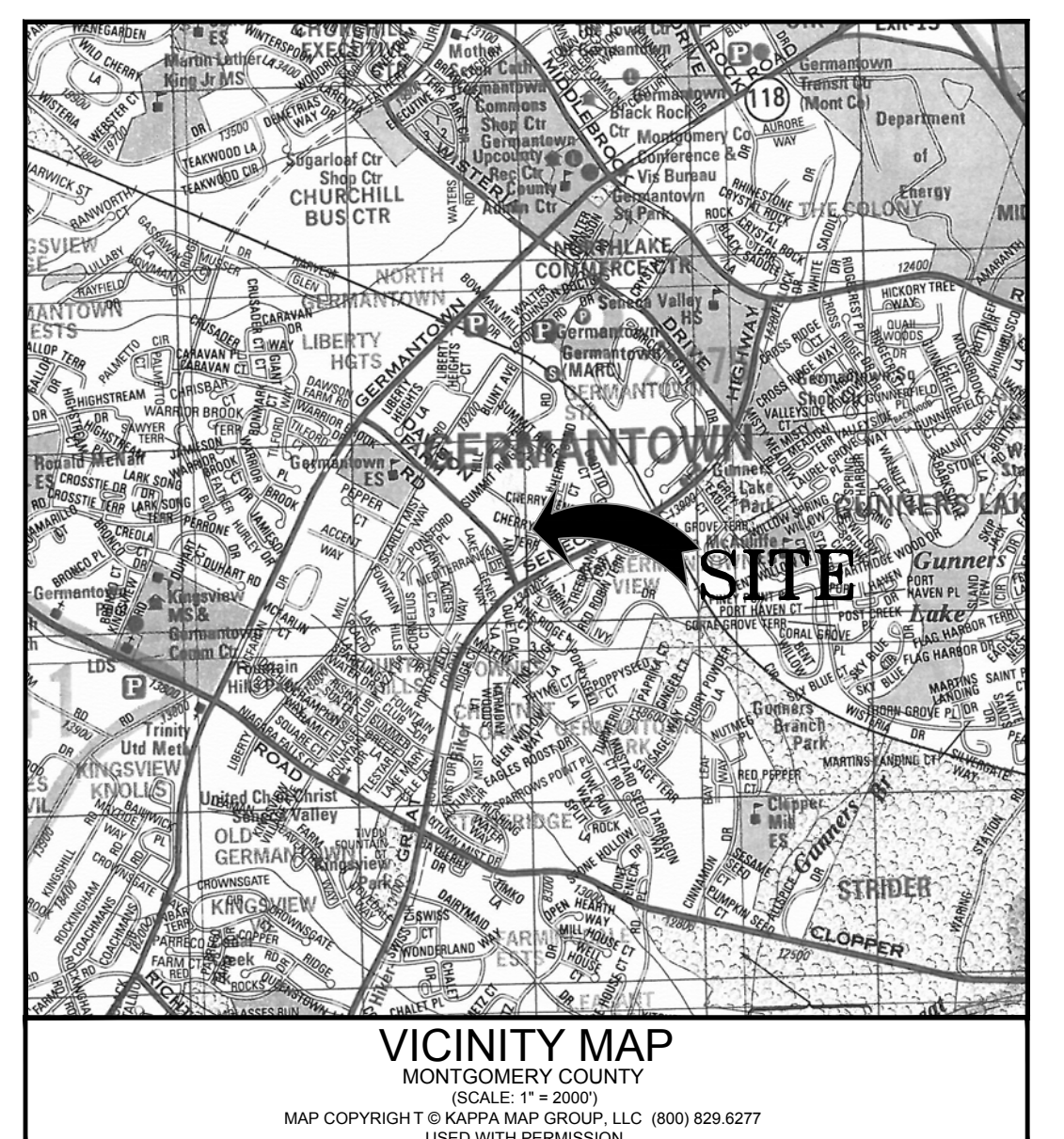
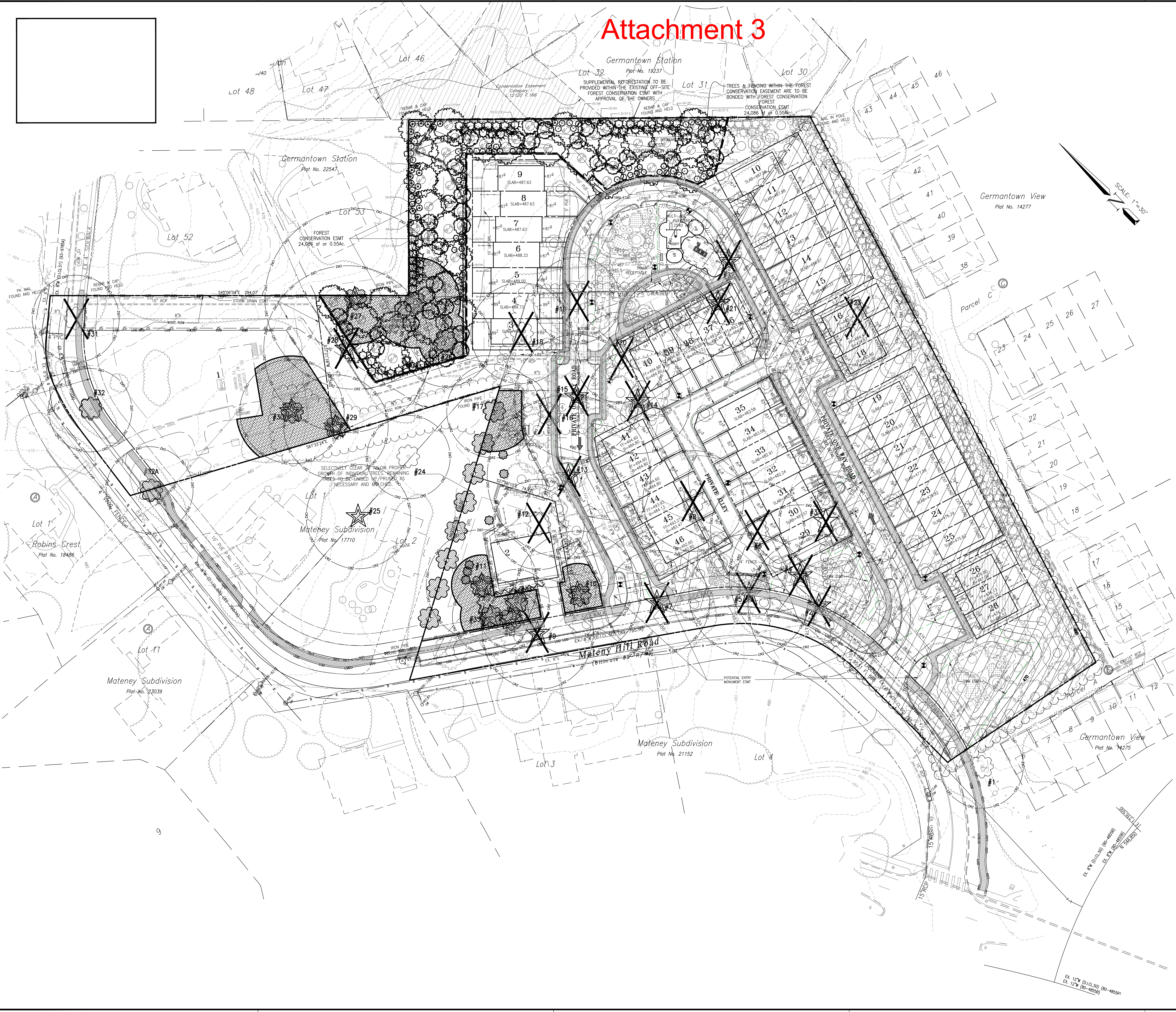
## SITE DEVELOPMENT PLAN MATENY HILL ROAD PROPERTY GAITHERSBURG (9th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
Associates  
1751 Elton Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9094  
www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

CLIENT: MATENY HILL LC 1355 BEVERLY ROAD, SUITE 240 MCLEAN, VIRGINIA 22101 (703) 734-9730	WSSS GRID: 2200W33 DESIGN: LWP DRAFT: MES DATE: AUG. 2015 SCALE: 1" = 30'	TAX MAP: EUS41 SHEET: 2 OF 7 FILE NO.: 44-182-21 D
--	---	--



Attachment 3



**F.C.P. LEGEND**

[Symbol]	FOREST TO BE CLEARED
[Symbol]	FOREST CONSERVATION ESMT
[Symbol]	PROPOSED TREELINE
[Symbol]	AREAS TO RECEIVE ROOT PRUNING
[Symbol]	PERMANENT TREE PROTECTION 3' RAIL FENCE
[Symbol]	TREES 24" DBH
[Symbol]	SPECIMEN TREES <30" DBH
[Symbol]	SPECIMEN TREES 30" DBH
[Symbol]	TREES TO BE REMOVED
[Symbol]	EXISTING TREES TO REMAIN WITH 20 YR CANOPY
[Symbol]	EARTH DIKE
[Symbol]	SSF - SUPER SILT FENCE
[Symbol]	SF - SILT FENCE
[Symbol]	RP - ROOT PRUNE
[Symbol]	LDD - LIMITS OF DISTURBANCE
[Symbol]	EXISTING TREES TO REMAIN SURVIVABILITY NOT GUARANTEED SEE LANDSCAPE PLAN

**DEVELOPER'S CERTIFICATE**

The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 02016020 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: MATENY HILL LLC  
Contact Person or Owner: Katie Kubit  
Address: 1355 Beverly Road, Suite 240, McLean, VA 22101  
Phone and Email: (703) 735-0730 k.kubit@matenyhilldev.com  
Signature: \_\_\_\_\_

**CERTIFICATE OF COMPLIANCE**

I DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND REASONABLE BELIEF, THAT ALL OF THE INFORMATION AND DATA PROVIDED WITH THIS APPLICATION IS ACCURATE, AND ALL OF THE FEATURES AND ELEMENTS PROVIDED ON THE PLANS IS CONSISTENT WITH THE STANDARDS OF THE APPLICABLE ZONE. THE CERTIFICATION INCLUDES, BUT IS NOT LIMITED TO BOUNDARY INFORMATION, PROPERTY INFORMATION AND OWNERSHIP, TOPOGRAPHY, HISTORIC RESOURCES, ETC. I AGREE THAT THE SUBMITTED PLANS MAY BE REJECTED BY MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IF THE PLANS ARE FOUND TO INACCURATE, FALSE OR MISLEADING.

**LANDSCAPE ARCHITECT CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAN IS PREPARED IN ACCORDANCE WITH MONTGOMERY COUNTY FOREST CONSERVATION REGULATIONS.

SALLIE P. STEWART  
REGISTERED LANDSCAPE ARCHITECT  
MD. #612  
EXPIRES: 9/8/2017  
DATE: \_\_\_\_\_  
Seal not valid without signature

FINAL  
FOREST CONSERVATION PLAN  
**MATENY HILL ROAD PROPERTY**  
GAITHERSBURG (9th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
1751 Elton Rd., Ste 200 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

CLIENT: MATENY HILL LLC 1355 Beverly Road, Suite 240 McLean, Virginia 22101 (703) 734-9730	WSSS GRID: 226N/W3 TAX MAP: EL541
DESIGN: MES	SHEET: 6 OF 7
DRAFT: MES	
DATE: Aug 2015	FILE NO: 44-182-22 D
SCALE: 1" = 30'	

COPYRIGHT © LATEST DATE HERON CHARLES P. JOHNSON & ASSOCIATES, INC. ALL RIGHTS RESERVED. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.

Attached Xrefs: 1B3042 - PLANNING/46-099/44-099/23-099/TOPO/11-PEVIOUS/63-01/63-099/W-21-099-160128





DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Director

March 2, 2016

Mr. Benjamin Berbert, Planner Coordinator  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120150070  
Mateny Hill Road Property

*Bew:*  
Dear Mr. Berbert:

We have completed our review of the amended preliminary plan plotted on February 1, 2016. An earlier version of this preliminary plan was reviewed by the Development Review Committee at its meeting on November 24, 2014. 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 the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Full width dedication of Mateny Hill Road in accordance with the Planning Board.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Grade establishments for all new public pedestrian paths must be approved prior to submission of the record plat.
4. The certified preliminary plan needs to show the street paving, curb, gutter pan, tree lawn and sidewalk per Montgomery County standard MC.2002-01 ("Secondary Residential Street") from the existing centerline of the street to their property line across the frontage of proposed lot #1 and connecting to the existing closed section improvements. The sidewalk and tree lawn may be modified in order to accommodate an existing tree. If the improvements extend beyond the right-of-way, a Public Improvement Easement (PIE) will be required for the sidewalk, and shall extend at least one (1) foot behind the sidewalk for maintenance. The Public Utility Easement will need to be increased by the width of the PIE.

Office of the Director

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

Located one block west of the Rockville Metro Station

5. The applicant must pay the TPAR mitigation payment that is equivalent to 25% of the Transportation Impact Tax prior to issuance of the building permit.
6. The storm drain information has been reviewed and found acceptable. No improvements to the drain system will be required for this project.
7. The sight distance studies have been accepted. Copies of the accepted Sight Distance Evaluation certification forms are enclosed for your information and reference.
8. Waiver from the Montgomery County Planning Board for lot(s) on a private right of way.
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
10. In accordance with Section 50-35(n) of the Montgomery County Code, we recommend the Montgomery County Planning Board require the applicant to construct an off-site sidewalk along Mateny Hill Road to connect with the existing sidewalk on Dawson Farm Road. We also recommend Montgomery County Planning Board require the applicant to construct an off-site sidewalk along Mateny Hill Road in front of Lots 1 and 2 (as shown on plat no. 17710) to link the sidewalks being built by the applicant along their site frontage.
11. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.
12. Private streets are to be designed to allow an SU-30 truck to circulate without crossing the centerline nor the curbline.
14. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans with Disabilities Act.
15. 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.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations

Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

18. 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 Department of Permitting Services (DPS) Right-of-Way Plan Review Section.
  19. 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. On the Mateny Hill Road site frontage for the property, widen the existing pavement to twenty-six (26) feet and construct curbs, gutters, sidewalks and handicap ramps, enclosed storm drainage and appurtenances, and plant street trees per MCDOT standard no. MC-2002.01 (“Secondary Residential Street”). This condition incorporates condition no. 4 of this letter.
    - b. On Mateny Hill Road, between the eastern edge of the property and Dawson Farm Road, construct five (5) foot wide concrete sidewalk within the existing road shoulder, if required as an off-site amenity by the Montgomery County Planning Board.
    - c. On Mateny Hill Road in front of Lots 1 and 2 (as shown on plat no. 17710), construct a five (5) foot wide concrete sidewalk, if required as an off-site amenity by the Montgomery County Planning Board.
- \* **NOTE: the Public Utilities Easement is to be graded on a slide slope not to exceed 4:1.**
- d. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
  - e. Storm drain easement(s) are required prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the DPS and a recorded Maintenance and Liability Agreement.
  - f. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - g. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.



Mr. Benjamin Berbert  
Preliminary Plan No. 120150070  
March 2, 2016  
Page 4

- h. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Rebecca Torma, our Development Review Area Senior Planning Specialist for this project at [rebecca.torma-kim@montgomerycountymd.gov](mailto:rebecca.torma-kim@montgomerycountymd.gov) or at (240) 777-2118.

Sincerely,



Gregory M. Leck, Manager  
Development Review Team  
Office of Transportation Policy

m:/subdivision/tormar01/120150070 Mateny Hill Road Preliminary Plan Letter

Enclosures (3)

cc: Kate Kubit, Clarksburg Village Investments  
David O'Bryan, Charles P. Johnson & Associate  
Les Powell, Charles P. Johnson & Associate  
Richard Weaver, MNCPPC Area 3  
Michael Garcia, MNCPPC Area 3  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Sam Farhadi, MCDPS RWPR  
Dan Sanayi, MCDOT DTEO  
Rebecca Torma, MCDOT OTP



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Mateny Hill Road Property Preliminary Plan Number: 1-

Street Name: Mateny Hill Road Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 ( Ex. Lot #1 Driveway ) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
Right 200' Y  
Left 230' Y

Sight Distance (feet) OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: \_\_\_\_\_

Comments: \_\_\_\_\_

**GUIDELINES**

Classification or Posted Speed  
(use higher value)

Tertiary - 25 mph  
Secondary - 30  
Business - 30  
Primary - 35  
Arterial - 40  
(45)  
Major - 50  
(55)

Required  
Sight Distance  
in Each Direction\*

150'  
200'  
200'  
250'  
325'  
400'  
475'  
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.

A. Stamps 2/17/16  
Signature Date

26328

PLS/P.E. MD Reg. No.



**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: Rebecca [Signature]

Date: 2/20/16



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Mateny Hill Road Property Preliminary Plan Number: 1-

Street Name: Mateny Hill Road Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 ( North Entrance ) Street/Driveway #2 ( South Entrance )

Sight Distance (feet) OK?  
Right 250' Y  
Left 260' Y

Sight Distance (feet) OK?  
Right 230' Y  
Left 200'\* Y

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_  
\* Sight distance from South Entrance to  
intersection of Mateny Hill Road and  
Dawson Farm Road

**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.

Stamper 8/28/15  
Signature Date

26328  
PLS/P.E. MD Reg. No.



**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: [Signature]

Date: 8/26/16



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

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: Mateny Hill Road Property Preliminary Plan Number: 1-

Street Name: Mateny Hill Road Master Plan Road Classification: Secondary

Posted Speed Limit: 25 mph

Street/Driveway #1 (Proposed Lot #2 Driveway) Street/Driveway #2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
Right 220' Y  
Left 280' Y

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

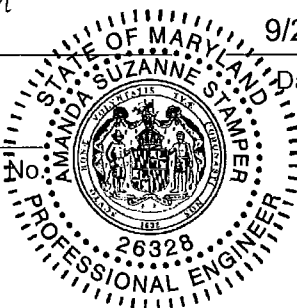
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

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

Stamper 9/23/15  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
26328

PLS/P.E. MD Reg. No.



**Montgomery County Review:**

☒ Approved

☐ Disapproved:

By: Rebecca Cornett

Date: 2/26/16

## Attachment 5

### DPS-ROW CONDITIONS OF APPROVAL

January 5, 2016

#### **820160020 Mateny Hill Road Property**

Contact: Sam Farhadi at 240 777-6333

The site and landscaping plan files

“**07-SITE-820160020-002.pdf V6**” uploaded on/ dated “**12/08/2015**” and

“**08-LL-820160020-003.pdf V5**” uploaded on/ dated “**12/08/2015**”

meet our DRC comments. We recommend the followings to be conditions of the certified site plan:

1. The proposed sidewalk shown along the site frontage on Mateny Hill Road to be ADA compliant.
2. All private roadways to meet tertiary roadway structural standards.



## Attachment 6



### DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

November 17, 2015

Ms. Amanda Stamper  
Charles P Johnson & Associates  
1751 Elton Road  
Silver Spring, MD 20903

Re: Site Development Stormwater Management  
**CONCEPT** Request for Mateny Hill Road  
Property  
Preliminary Plan #: 120150070  
SM File #: 268255  
Tract Size/Zone: 5.72 acres/R200/RT12.5  
Total Concept Area: 5.72 acres  
Lots/Block: Proposed 1-46  
Parcel(s): NA  
Watershed: Great Seneca Creek

Dear Ms. Stamper:

Based on a review by the Department of Permitting Services Review Staff, the site development stormwater management concept for the above mentioned site is **acceptable**. The site development stormwater management concept proposes to meet required stormwater management goals via pervious paving, drywells, microbio retention with additional stone storage and additional stone storage under parking area #1.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

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

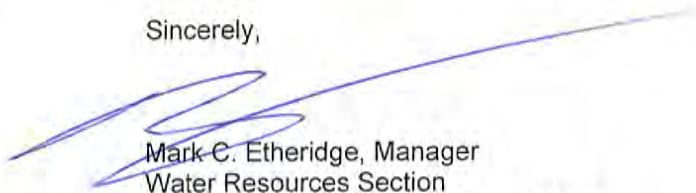
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

Ms. Amanda Stamper  
November 17, 2015  
Page 2 of 2

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

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

Sincerely,



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

MCE: wrc

cc: C. Conlon  
SM File # 268255

ESD Acres:	5.72 acres
STRUCTURAL Acres:	0
WAIVED Acres:	0

## Attachment 7



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### FIRE MARSHAL COMMENTS

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---

**DATE:** 18-Feb-16  
**TO:** David O'Bryan  
Charles P Johnson & Associates  
**FROM:** Marie LaBaw  
**RE:** Mateny Hill  
120150070

---

#### PLAN APPROVED

1. Review based only upon information contained on the plan submitted **18-Feb-16** .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.

**\*\*\* See Statement of Performance Based Design \*\*\***

**\*\*\* See Statement of Operations \*\*\***



# CPJ Charles P. Johnson & Associates, Inc.

Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors  
Silver Spring, MD • Gaithersburg, MD • Frederick, MD • Fairfax, VA

February 10, 2016

Marie LaBaw, PhD, PE  
Office of the Fire Marshall  
Montgomery County Fire and Rescue Services  
100 Edison Park Drive, 2<sup>nd</sup> Floor  
Gaithersburg, MD 20878

Re: Statement of Performance Based Design  
Mateny Hill Road Property

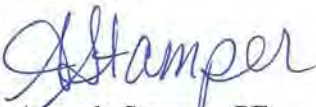
Dear Ms. LaBaw:

The Mateny Hill Road Property is a proposed 46-unit residential development project located in Germantown, MD near the intersection of Mateny Hill Road and Dawson Farm Road. At this property, it is not possible to meet Montgomery County Executive Regulation 29-08AM, Section 5 – Width of Fire Department Apparatus Access, specifically a 20' wide roadway that is "free and clear".

Due to stormwater management requirements, it is necessary to make the roadway-adjacent sidewalk pervious concrete to meet the required treatment volumes on-site as per Montgomery County stormwater regulations (see attached Exhibit A for the stormwater volume summary). In addition, the Maryland-National Capital Park and Planning Commission (M-NCPPC) has required a 0.55 acre Forest Conservation Easement on-site to serve as reforestation. In order to accommodate this, the roadway pavement can only be 15' wide.

In order to provide 20' of clear access for the MCFRS, mountable curb (per MCDOT Standard MC-104.01 – see attached Exhibit B) will be used between the 15' roadway and the adjacent 5' pervious sidewalk. This combined 20' of access will be kept clear of obstructions, including any mailboxes and signs. In addition, the pervious sidewalk paving section will be designed to meet the MCFRS apparatus loading requirements and be able to support no less than 85 kip.

Sincerely,



Amanda Stamper, PE  
Charles P. Johnson & Associates

## FIRE CODE ENFORCEMENT

### 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

BY: SML\* FM: 43 DATE: 2/18/2016

## Professional Certification

I hereby certify that this document was prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License Number: 26328  
Expiration Date: 1/15/18



## **EXHIBIT A**

### **Design Assessment & Summary**

Evaluation of this site determined the amount of rainfall needed to be treated to achieve the ESD goal of "woods in good condition". The practices employed are designed to capture this runoff while working within the constraints of the site as well. The summary table below demonstrates that the combination of drywells, pervious pavements, stone infiltrations, and microbio retention facilities address the ESD to the MEP standard.

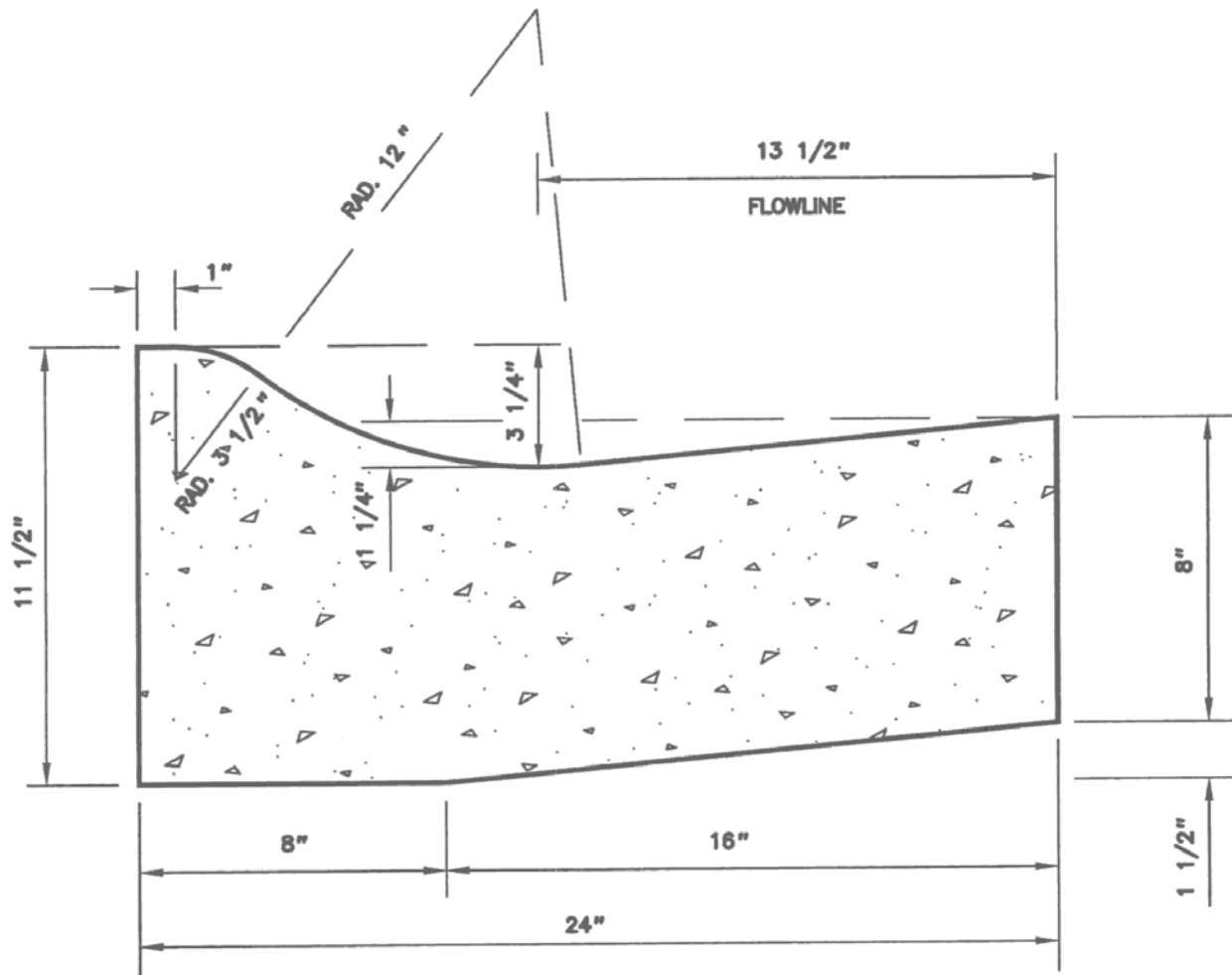
Practice	Location	Area Treated (ft <sup>2</sup> )	Volume (ESDv)	
Micro Bio Retention Facility #1		18,640	2,557 cf	
Micro Bio Retention Facility #2		18,000	1,952 cf	
Micro Bio Retention Facility #3		19,380	1,505 cf	
Micro Bio Retention Facility #4		7,600	1,564 cf	
Drywells	Perimeter of Houses	13,950	2,870 cf	
Pervious Concrete Pavements	Parking Area, Private Alley, & Driveways	12,492	2,448 cf	
Pervious Concrete Sidewalk	Sidewalks	6,250	1,225 cf	
Stone Infiltration Under Pervious Parking Areas		1,000	206 cf	
		Total Provided ESDv	14,328 cf	**
		ESDv Req	14,194 cf	

\*\*Total ESDv provided is greater than ESDv required.

Without the pervious sidewalks as shown on-site, the provided SWM volume would be 13,103 cf, which is less than the required volume of 14,194 cf.



# EXHIBIT B



## GENERAL NOTES

1. REFER TO MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR MATERIALS, METHODS OF CONSTRUCTION, AND EXPANSION JOINT LOCATIONS.
2. MOUNTABLE CURB SHALL ONLY BE USED ON TERTIARY STREETS OR ON SECONDARY RESIDENTIAL CUL-DE-SACS 500 FEET OR LESS IN LENGTH, MEASURED FROM THE LAST INTERSECTING STREET.
3. WHENEVER STANDARD MC-100.01 IS USED IN CONJUNCTION WITH THIS STANDARD, A TEN FOOT TRANSITION SHALL BE PROVIDED FROM STANDARD MC-104.01 TO STANDARD MC-100.01 FOR CURB RETURNS AND CURB SECTIONS WHICH INCLUDE INLETS.
4. TRANSITION BETWEEN STANDARD MC-104.01 AND MC-100.01 OR MC-101.01 SHALL BE ACCOMPLISHED HOLDING THE FLOW LINE SLOPE CONSTANT.
5. THE STANDARD DISTANCE BETWEEN JOINTS SHALL BE TEN FEET (MAXIMUM AND MINIMUM DISTANCES SHALL BE THIRTEEN FEET AND FIVE FEET RESPECTIVELY).
6. EXPANSION JOINT MATERIAL SHALL BE 1/2 INCH PREFORMED CORK, TRIMMED AND SEALED WITH NON-STAINING TWO-COMPONENT POLYSULFIDE OR POLYURETHANE ELASTOMERIC TYPE SEALANT COMPLYING COMPLYING WITH ASTM-C920.



APPROVED 14 APR '06  
DATE

*Ante G. G. G.*

DIRECTOR, DEPT. OF PUBLIC  
WORKS & TRANSPORTATION

*Holger S. S.*

for CHIEF, DIV. OF CAP. DEV.

REVISED

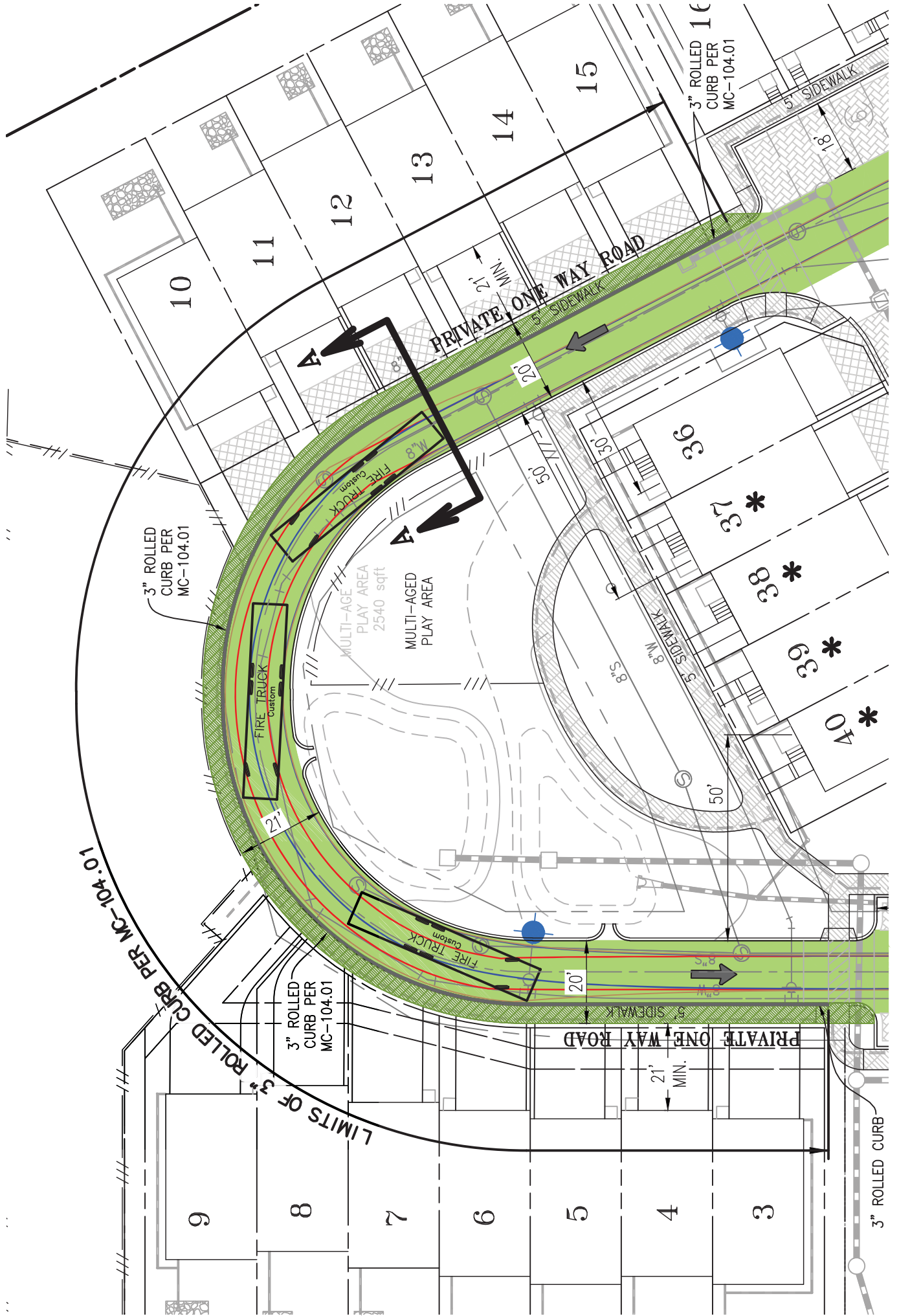
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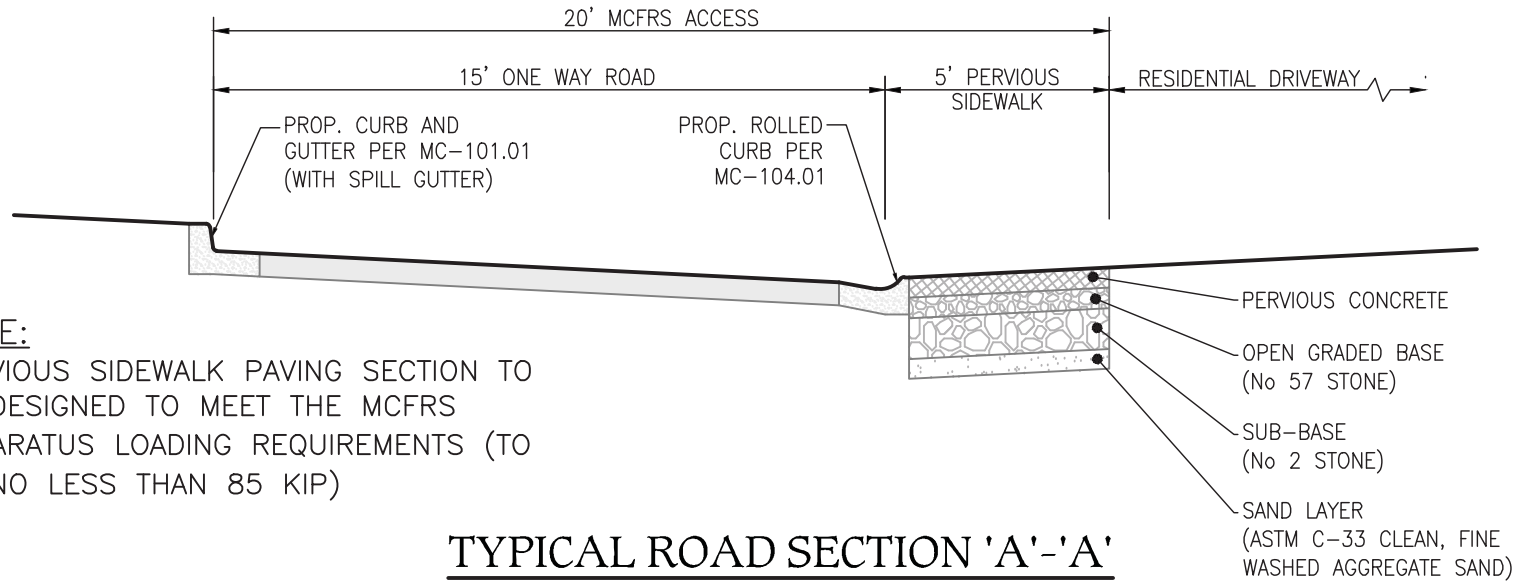
MONTGOMERY COUNTY  
DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION

MOUNTABLE CONCRETE  
CURB AND GUTTER  
TYPE F

STANDARD NO. MC-104.01

EXHIBIT C



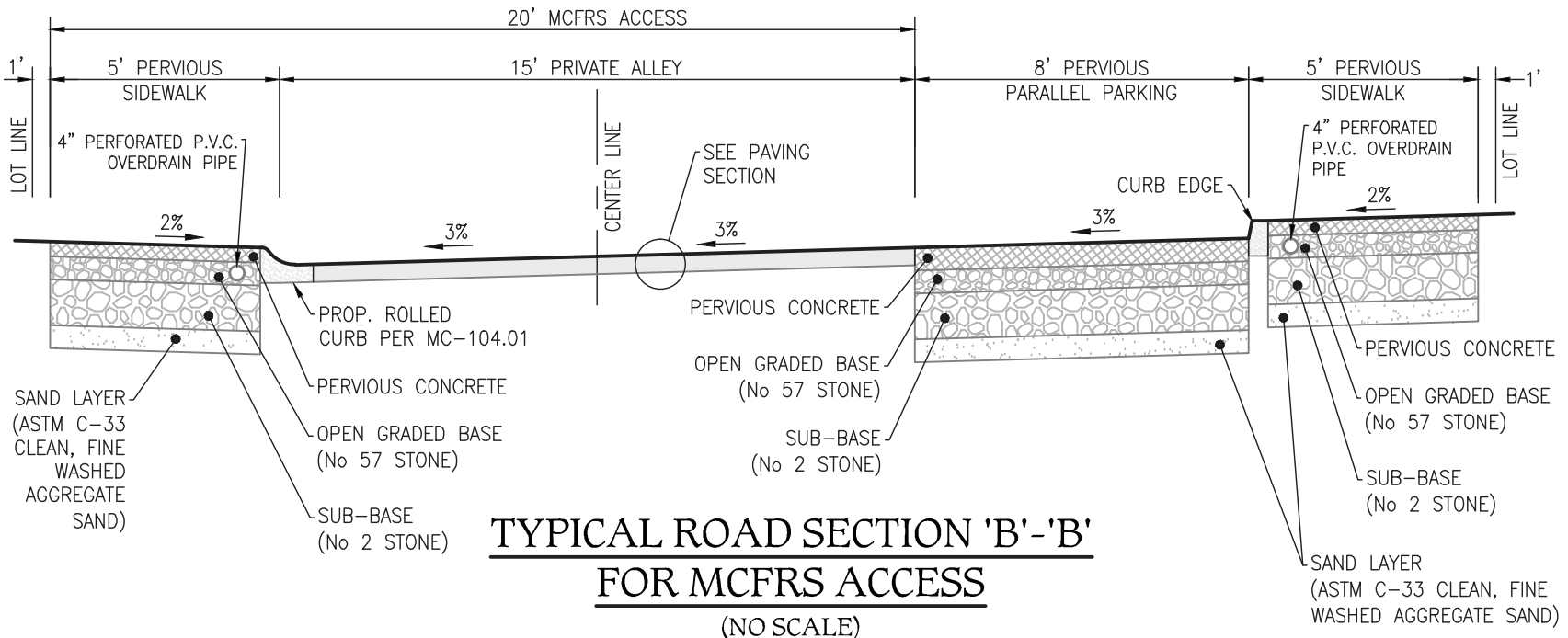


**NOTE:**

PERVIOUS SIDEWALK PAVING SECTION TO BE DESIGNED TO MEET THE MCFRS APPARATUS LOADING REQUIREMENTS (TO BE NO LESS THAN 85 KIP)

## TYPICAL ROAD SECTION 'A'-A' FOR MCFRS ACCESS

(NO SCALE)



## TYPICAL ROAD SECTION 'B'-B' FOR MCFRS ACCESS

(NO SCALE)



February 9, 2016

Ms. Marie LaBaw, PhD, PE  
Montgomery County Fire and Rescue Service  
100 Edison Park Drive, 2<sup>nd</sup> Floor  
Gaithersburg, Maryland 20878

## FIRE CODE ENFORCEMENT

### 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

BY: SML\* FM: 43 DATE: 2/18/2016

Re: Fire Access at Mateny Hill Road Project (19101 and 19125 Mateny Hill Road)

Dear Ms. LaBaw,

Per your recent correspondence with Mr. David O'Bryan at Charles P. Johnson and Associates, the Homeowner's Association for Mateny Hill, LC will plow the 15' wide streets and 5' wide sidewalks after snowstorms to ensure adequate fire access in the community.

Please let me know if you have questions about this.

Thank You,

Kathryn L. Kubit  
Mateny Hill, LC

cc: David O'Bryan

#### ☐ Annapolis

175 Admiral Cochrane Drive, Suite 112  
Annapolis, Maryland 21401  
Phone: (410) 266-9700  
Fax: (410) 266-9165

#### ☐ Main Office

1355 Beverly Road, Suite 240  
McLean, Virginia 22101  
Phone: (703) 734-9730  
Fax: (703) 734-0322

#### ☐ Ellicott City

5074 Dorsey Hall Drive, Suite 205  
Ellicott City, Maryland 21042  
Phone: (410) 720-3021  
Fax: (410) 720-3035



## MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Date: January 6, 2016

### Fire Lane Establishment Order

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

LOCATION: Gaithersburg, MD

Delineate all areas where indicated by signs and/or paint.

- ☐ **SIGNS** -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

- ☐ **PAINT** -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of Sufficient width to be readily identifiable/readable by motor vehicle operators.

\_\_\_\_\_  
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section  
Attachment: Fire Lane Diagram

## FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: Mateny Hill Road PropertyFIRE LANE LOCATION/ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes on property not owned by state or local government.

NAME AND TITLE OF PROPERTY REPRESENTATIVENAME: Kate Kubit TITLE: \_\_\_\_\_SIGNATURE: PHONE: 703-734-5220 DATE: 1.6.16

ADDRESS (where processed order will be mailed):

1355 Beverly Road, Suite 240, McLean, VA 22101  
-----

The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

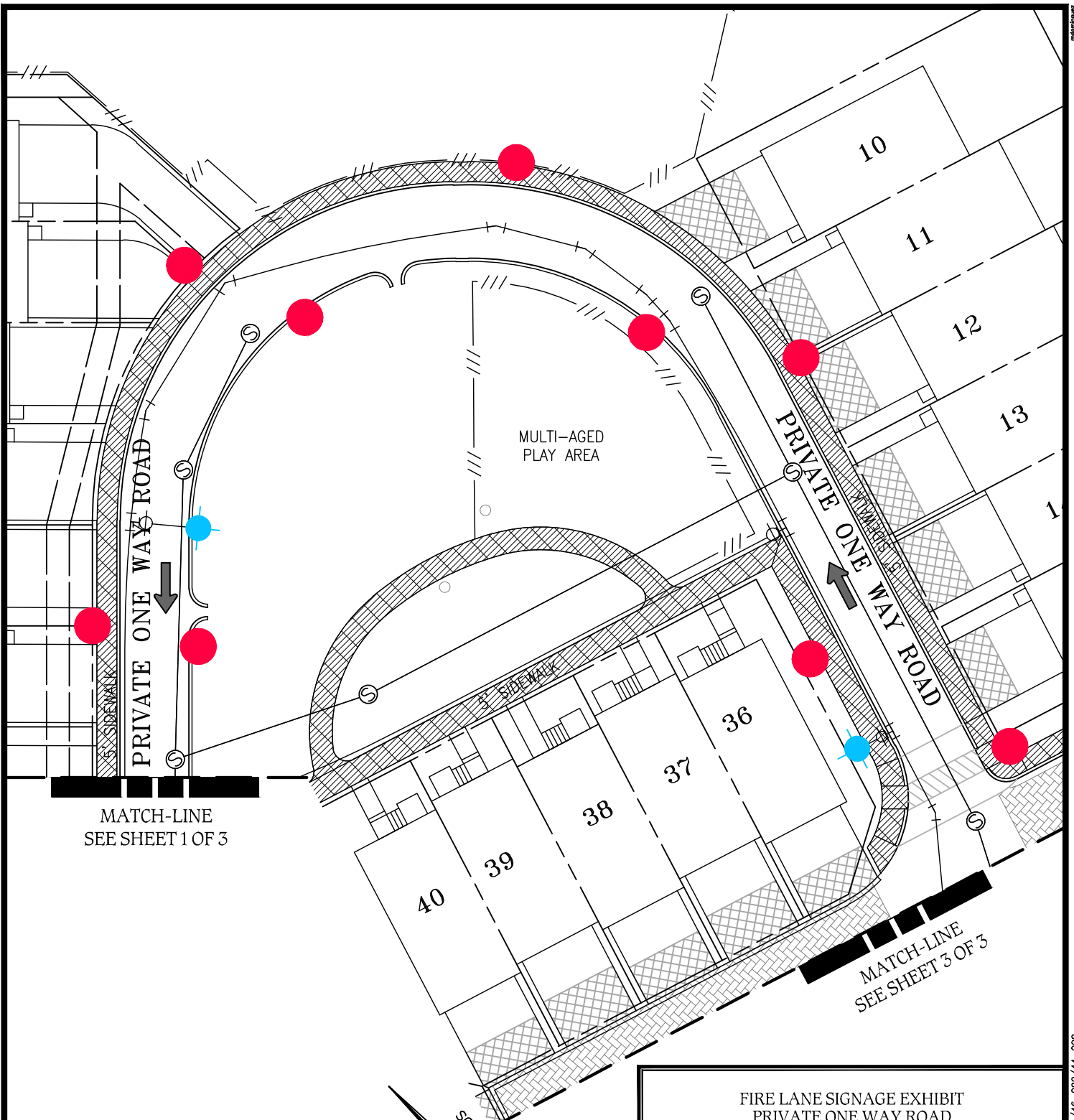
STA.#: \_\_\_\_\_ I.D.#: \_\_\_\_\_ DATE: \_\_\_\_\_

Comments: \_\_\_\_\_  
-----Fire Lane Installed Per Order



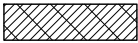


NAME: \_\_\_\_\_ DATE: \_\_\_\_\_







# LEGEND

-  - FIRE HYDRANT
-  - LOCATION OF FIRE LANE SIGNAGE
-  - PERVIOUS SIDEWALKS
-  - CONCRETE PAVEMENTS
-  - PERVIOUS CONCRETE WITH STONE INFILTRATION

GRAPHIC SCALE



SCALE: 1" = 30'

FIRE LANE SIGNAGE EXHIBIT  
PRIVATE ONE WAY ROAD

## MATENY HILL ROAD PROPERTY GAITHERSBURG (9th) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND

**CPI** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
1751 Elion Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
www.cpi.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

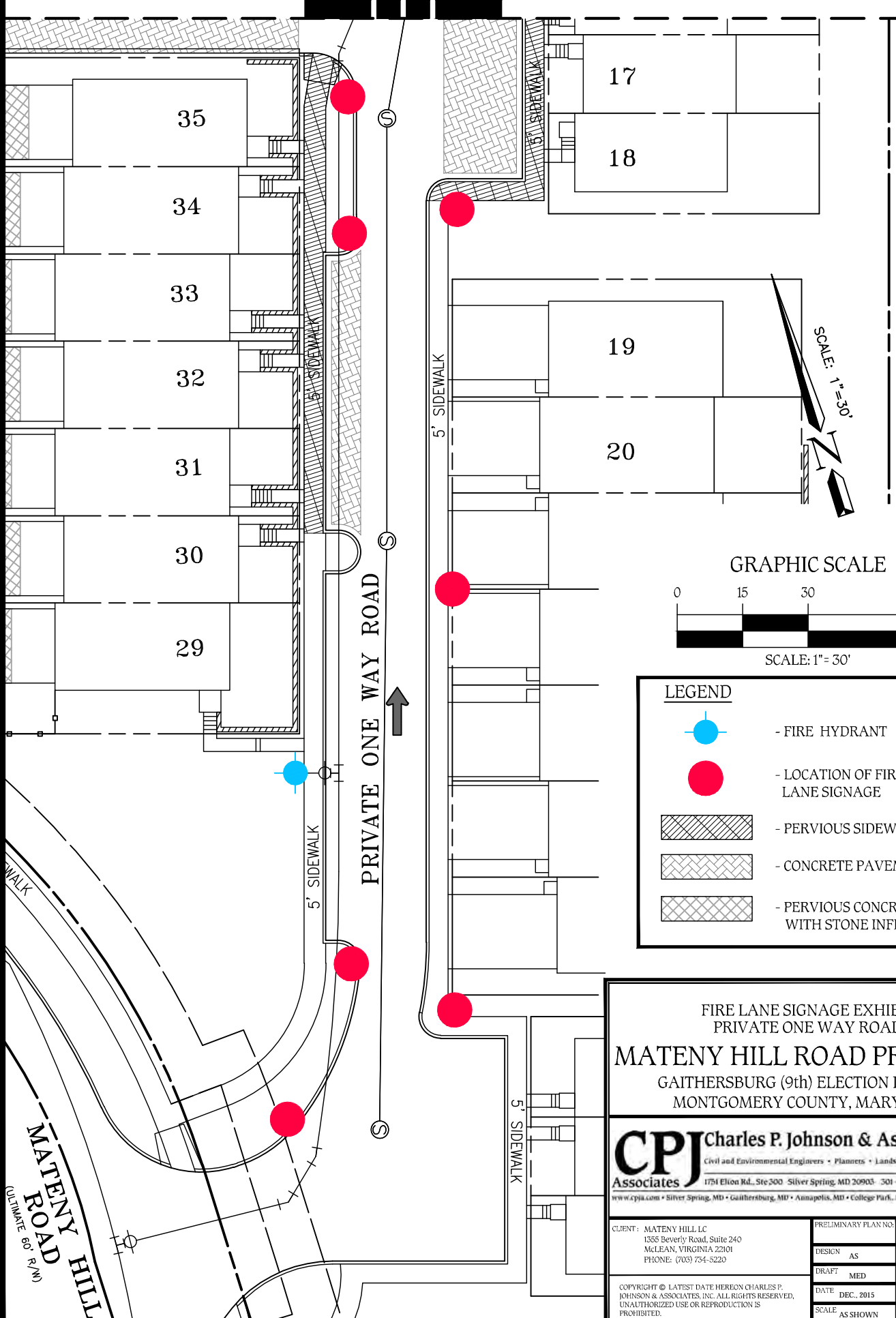
CLIENT: MATENY HILL LC  
1555 Beverly Road, Suite 240  
McLean, Virginia 22101  
PHONE: (703) 734-5220

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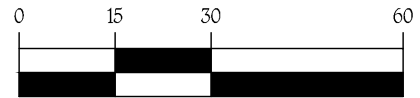
PRELIMINARY PLAN NO. SITE PLAN NO.

DESIGN	AS	SHEET	OF
DRAFT	MED	2	3
DATE	DEC. 2015	FILE NO.	44-182-45.02
SCALE	AS SHOWN		

MATCH LINE - SEE SHEET 2 OF 3



GRAPHIC SCALE



SCALE: 1" = 30'

**LEGEND**



- FIRE HYDRANT



- LOCATION OF FIRE LANE SIGNAGE



- PERVIOUS SIDEWALKS



- CONCRETE PAVEMENTS



- PERVIOUS CONCRETE WITH STONE INFILTRATION

FIRE LANE SIGNAGE EXHIBIT  
PRIVATE ONE WAY ROAD

**MATENY HILL ROAD PROPERTY**  
GAITHERSBURG (9th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPI** Charles P. Johnson & Associates, Inc.  
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CLIENT: MATENY HILL LC  
1555 Beverly Road, Suite 240  
McLEAN, VIRGINIA 22101  
PHONE: (703) 734-5220

PRELIMINARY PLAN NO. SITE PLAN NO.

DESIGN AS SHEET OF

DRAFT MED 3 3

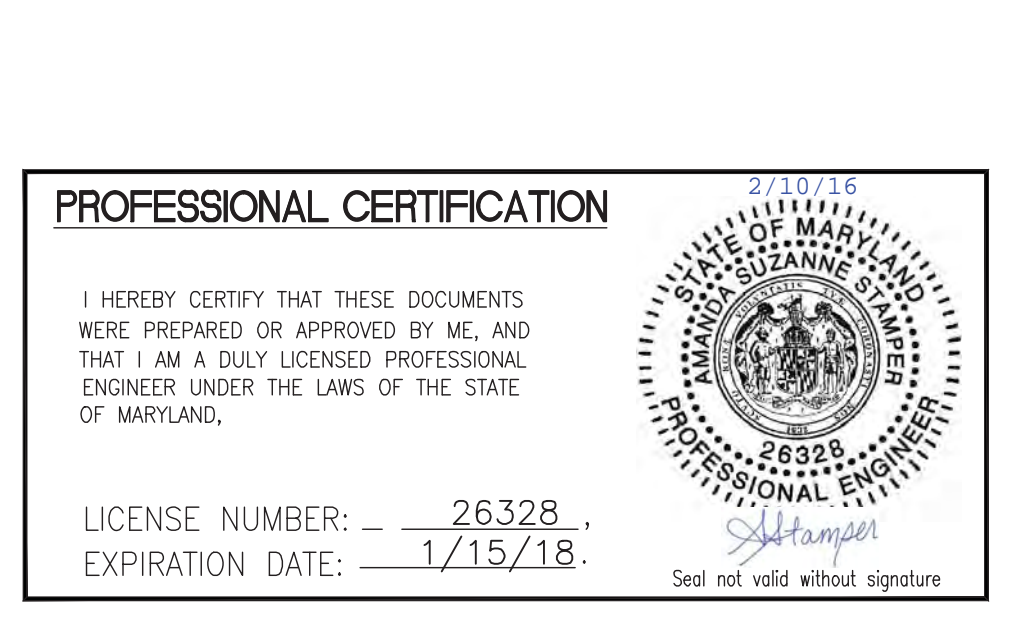
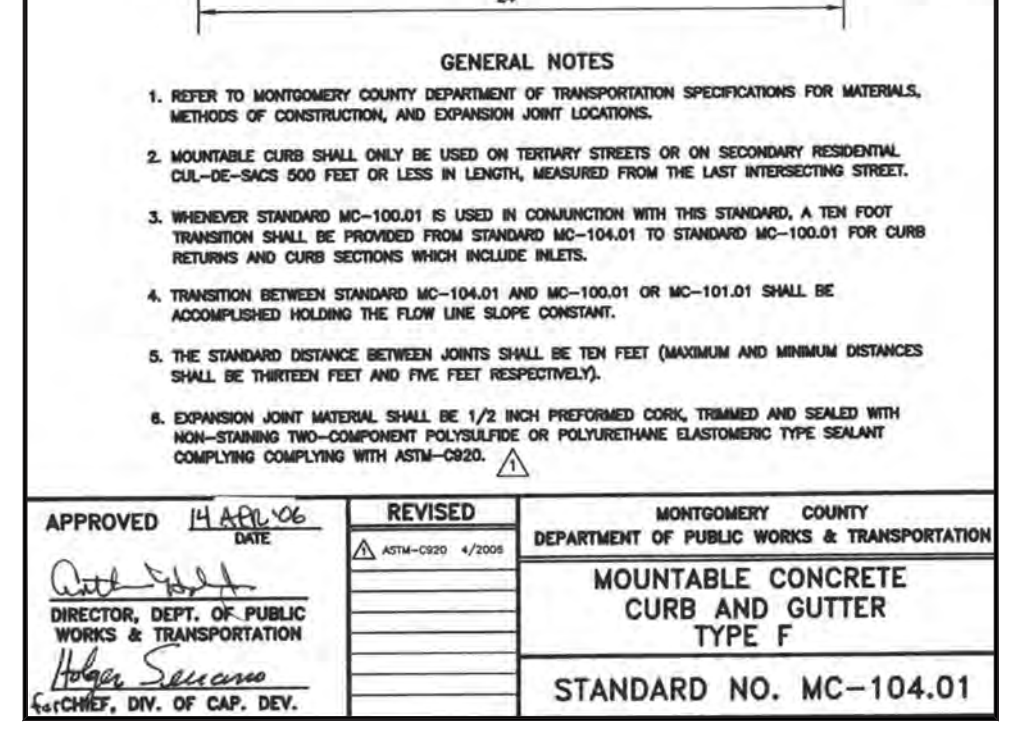
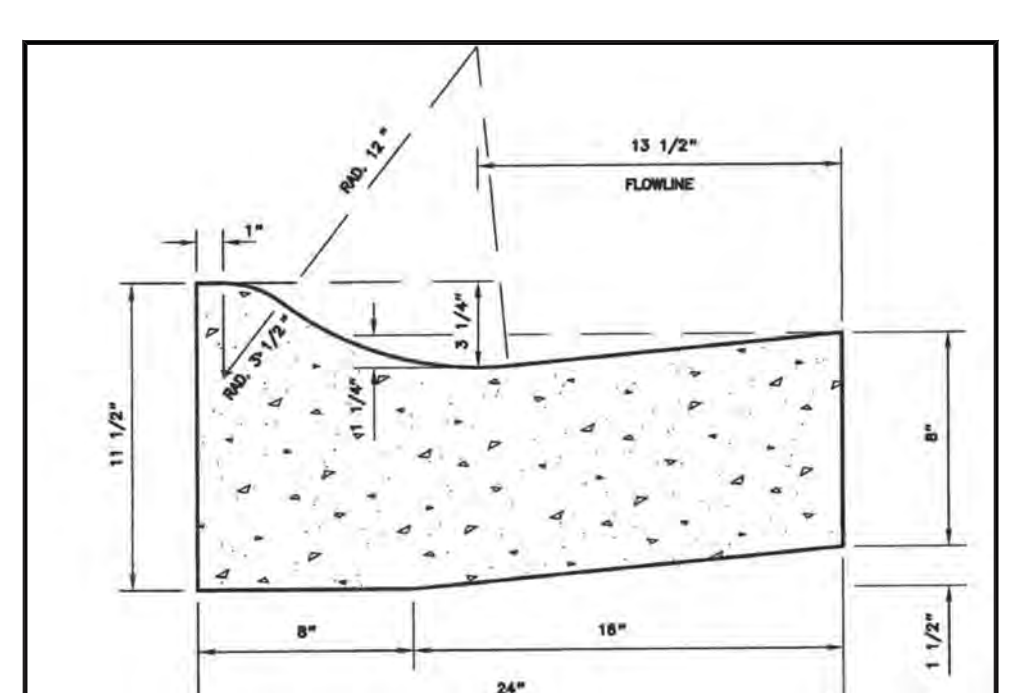
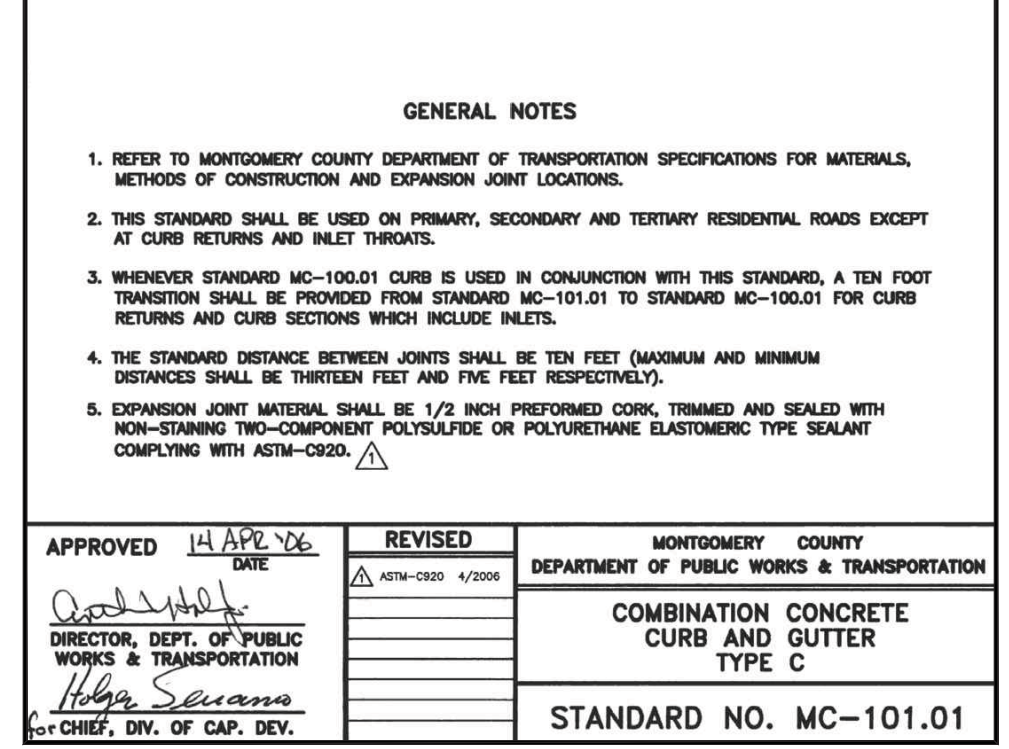
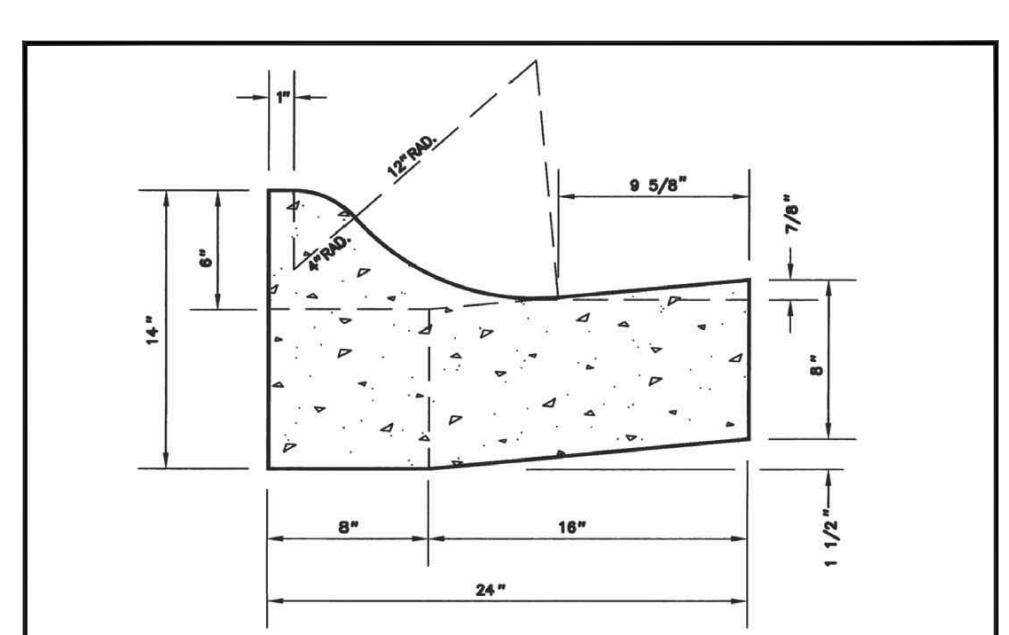
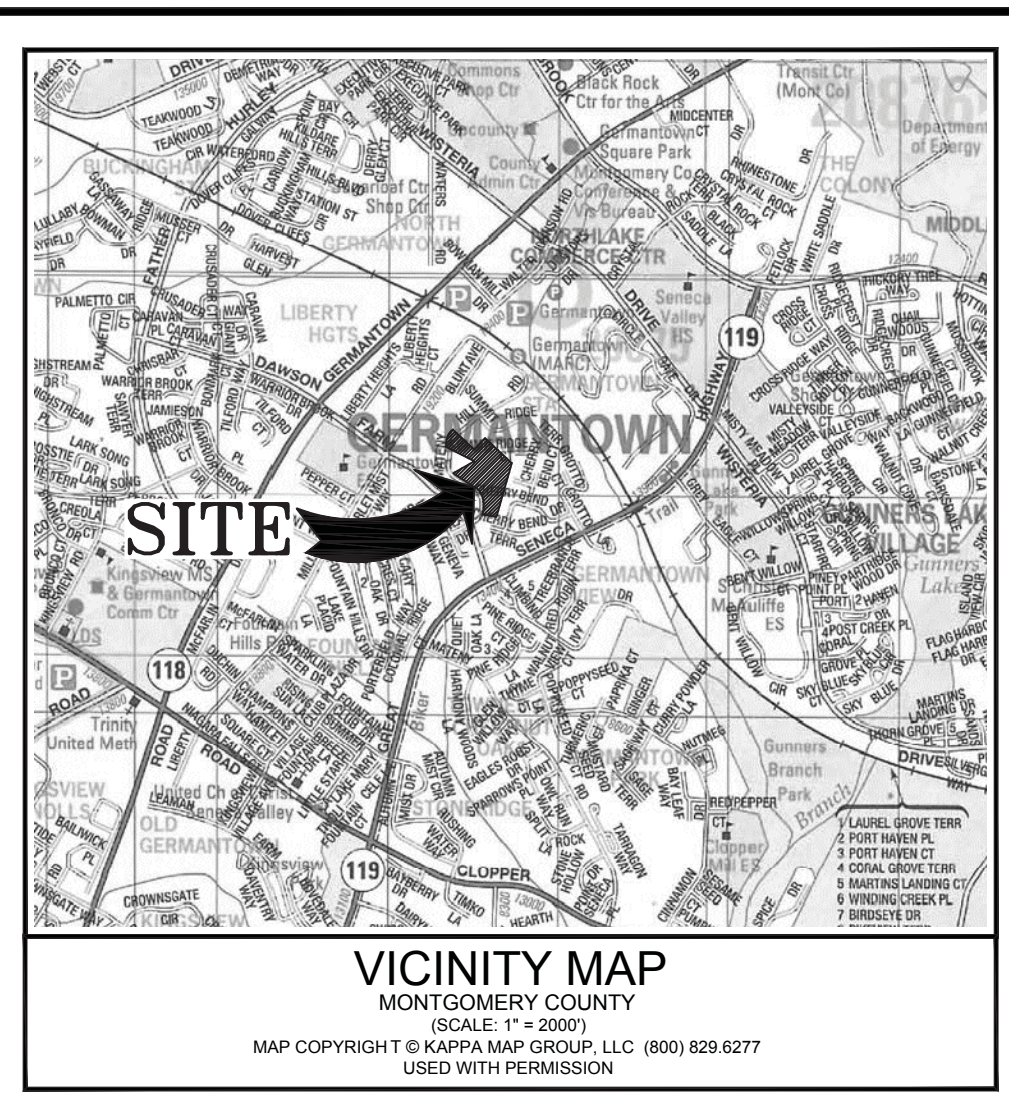
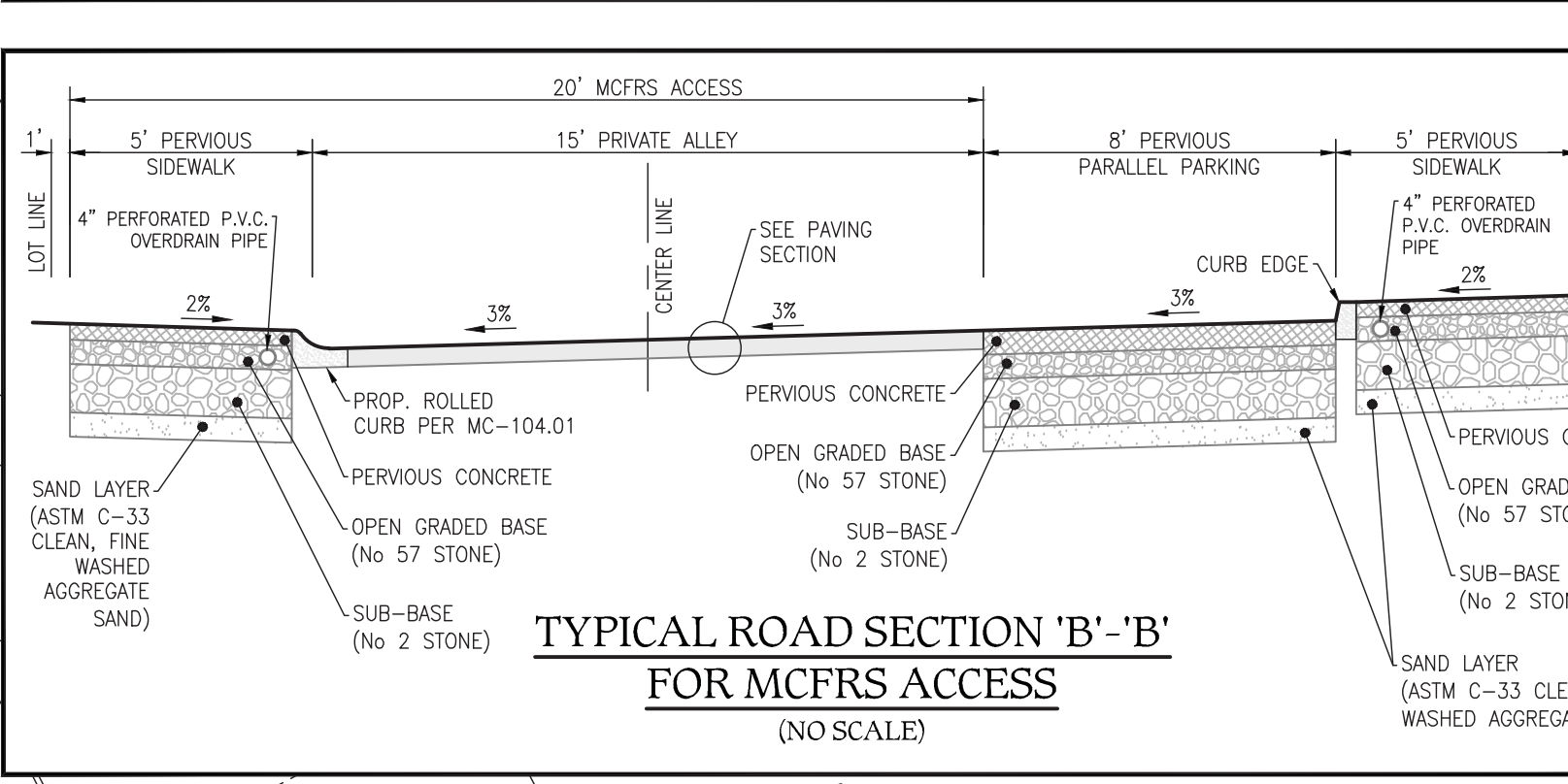
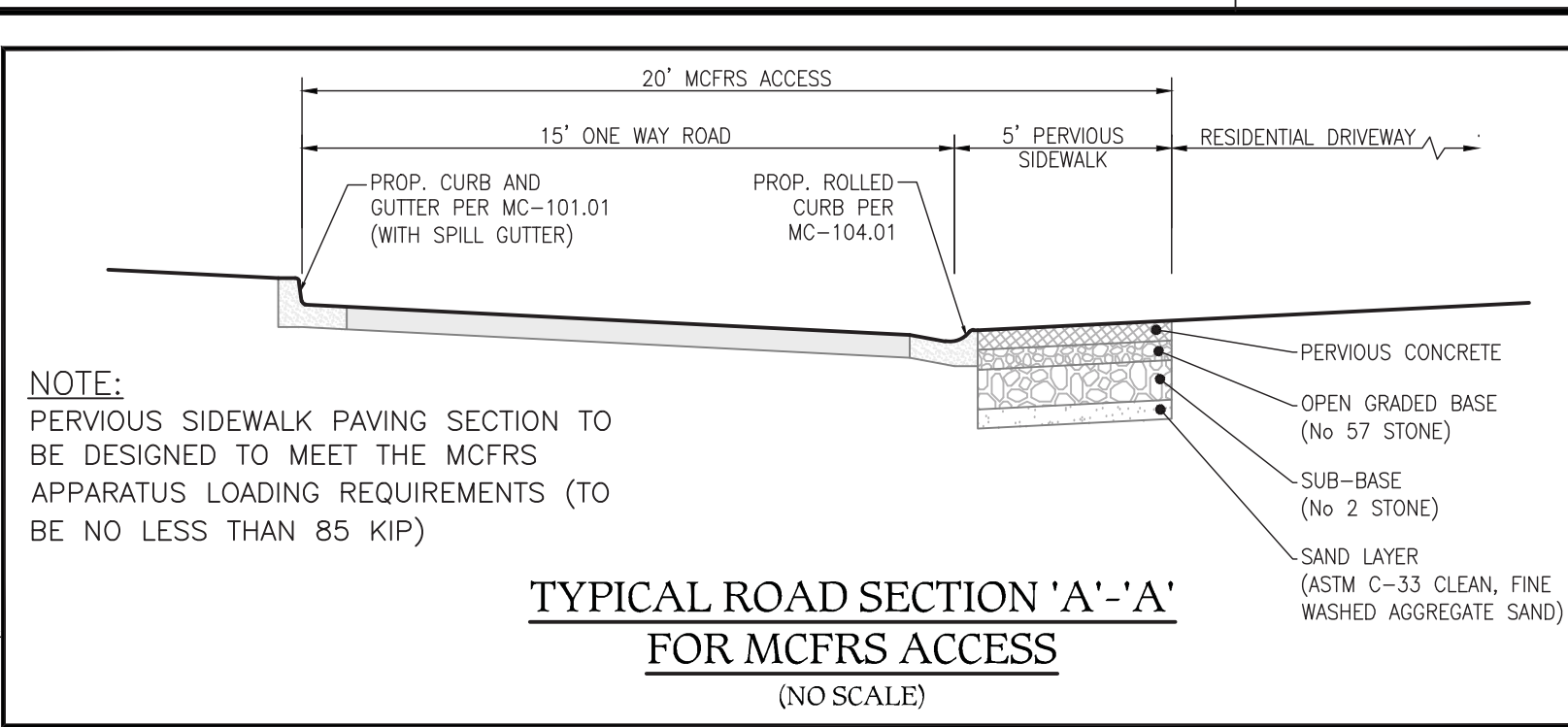
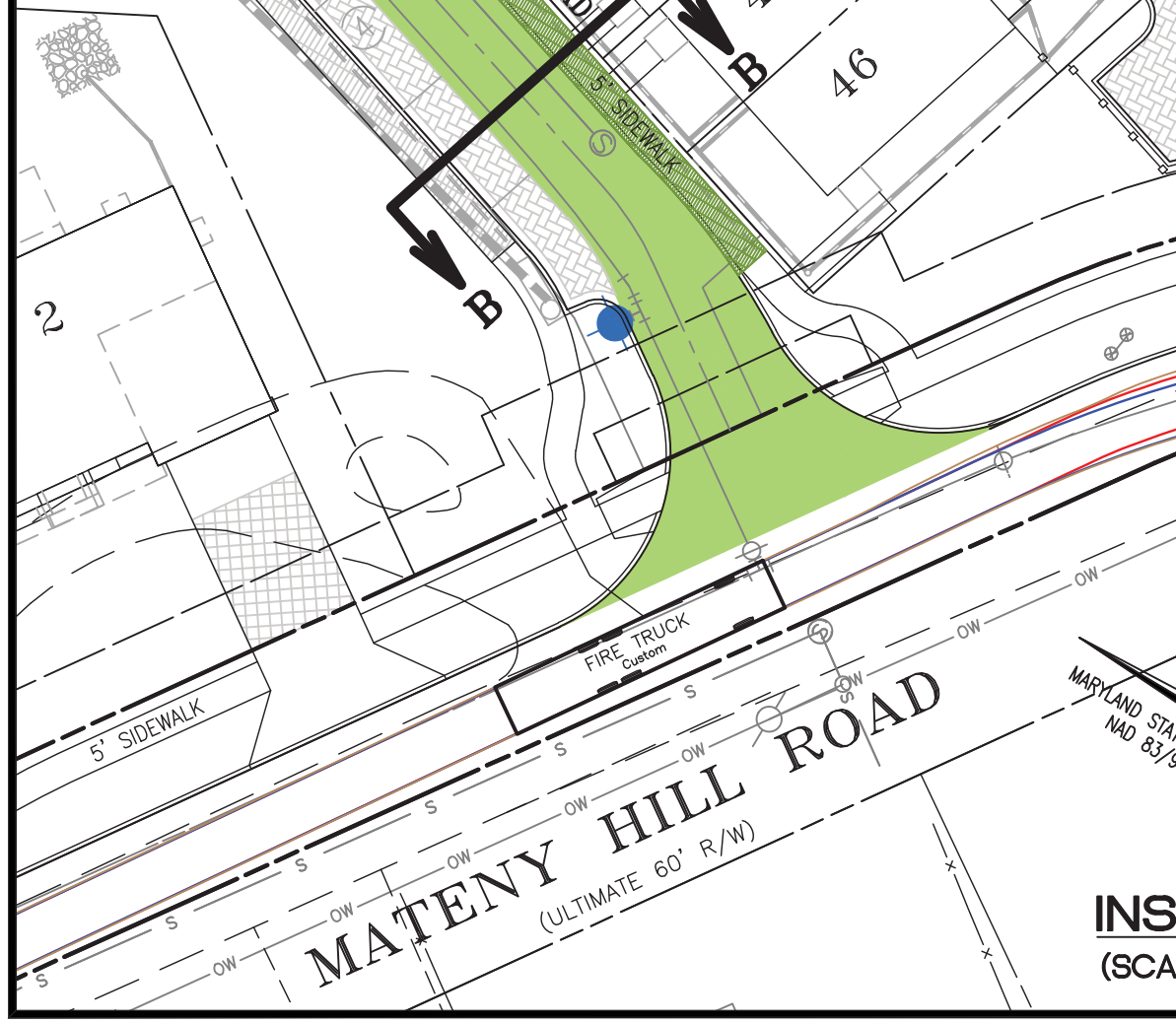
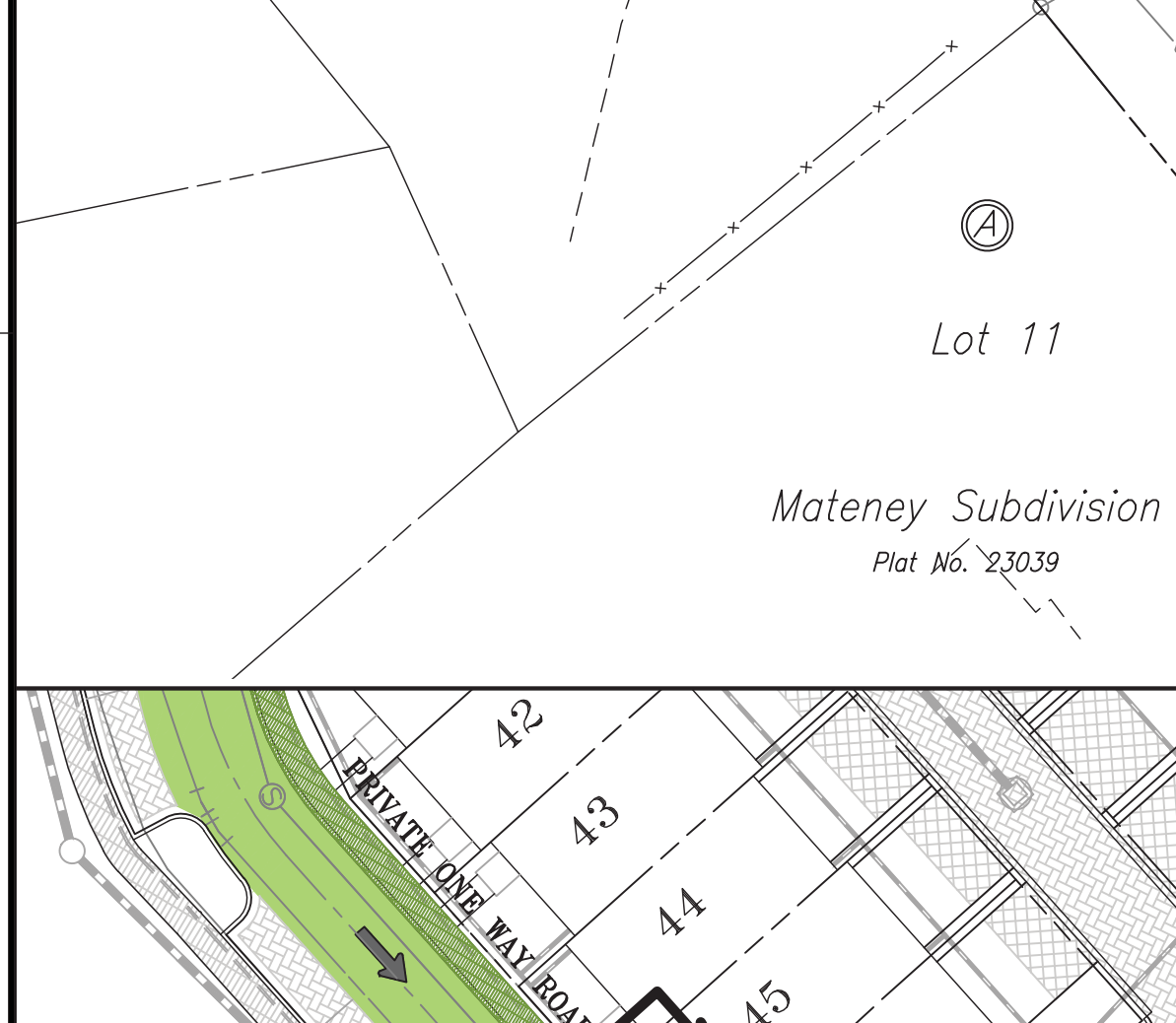
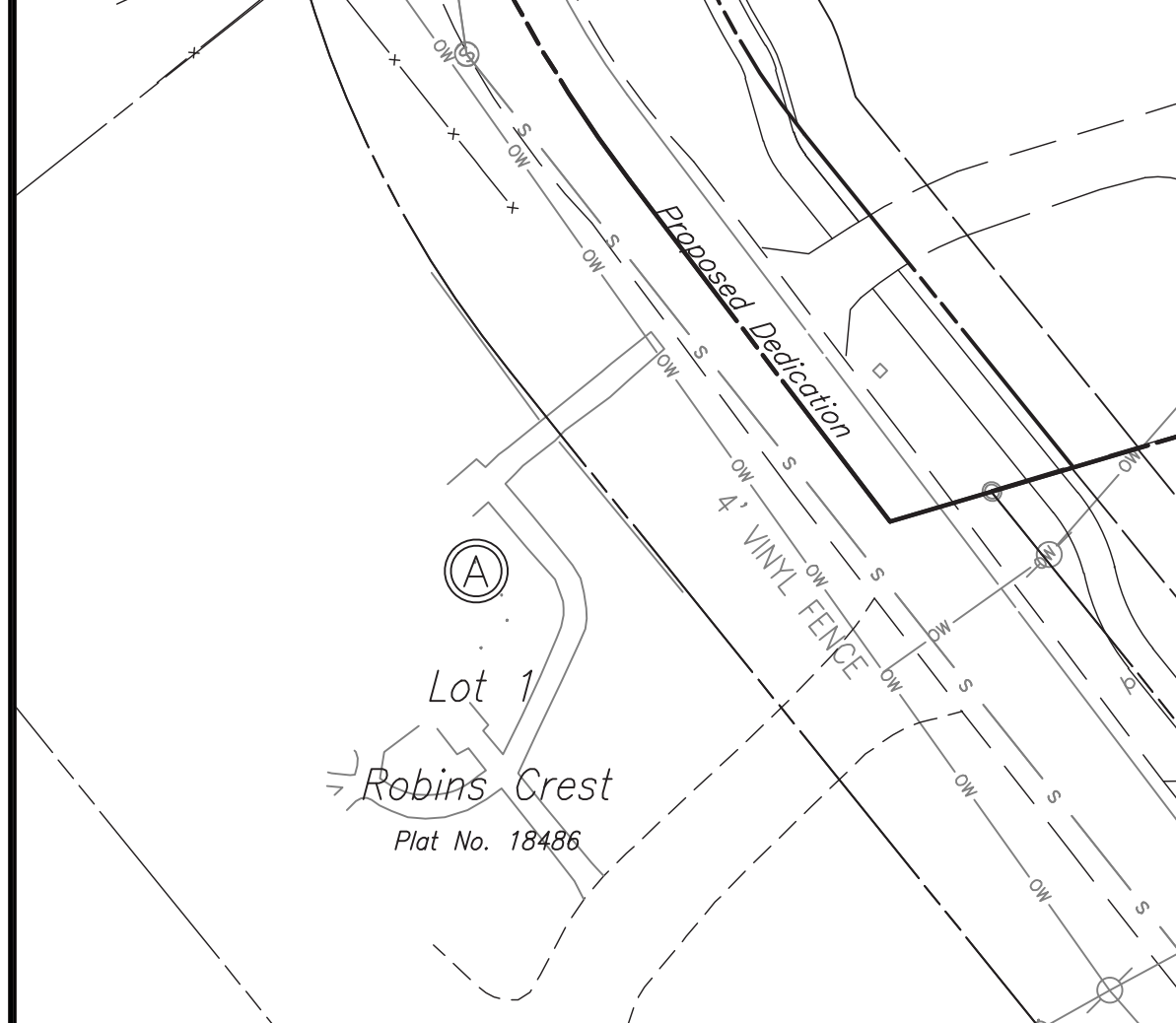
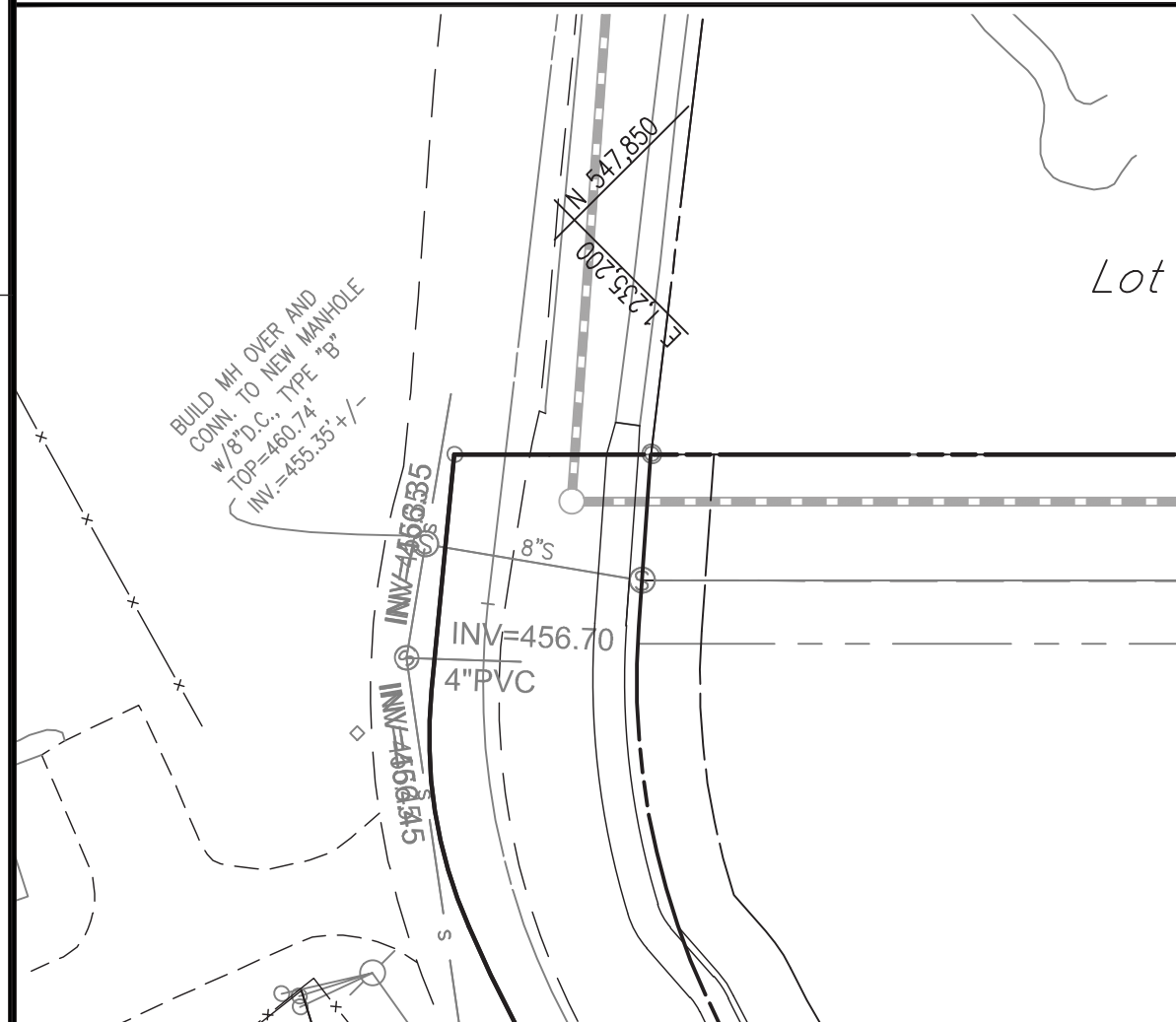
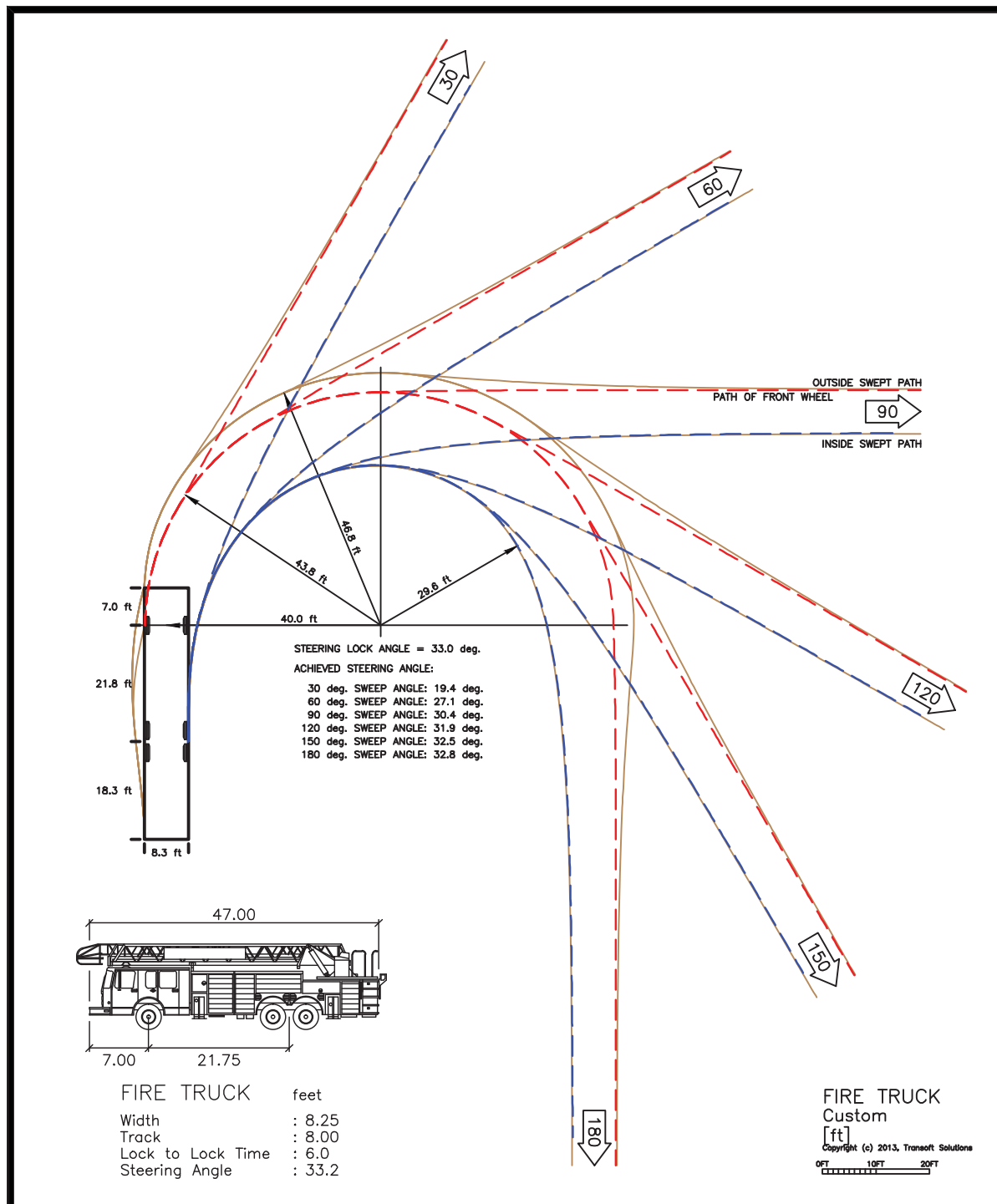
DATE DEC. 2015

SCALE AS SHOWN

FILE NO.: 44-182-45.02

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**FIRE DEPARTMENT ACCESS PLAN**  
**MATENY HILL ROAD PROPERTY**  
GAITHERSBURG (9th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ Charles P. Johnson & Associates, Inc.**  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
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www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

CLIENT: MATENY HILL LLC  
1555 Beverly Road Suite 240  
McLean, Virginia 22101  
Phone: (703) 254-5220  
ATTN: Kate Nault

DESIGN: AB SHEET: 1 OF 1  
DRAFT: MED  
DATE: SEPT. 2014  
SCALE: 1" = 30'

FILE NO.: 44-182-45.0.D





DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

December 29, 2015

Mr. Benjamin Berbert  
Area 3 Division  
Montgomery County Planning Department  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Mateny Hill Property  
Preliminary Plan No. 120150070  
Site Plan No. 820160020

Dear Mr. Berbert:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revisions to the above referenced plans and recommends Approval of the plans.

In order to comply with Section 25A-5(i) of the County Code, the last building built must not contain only MPDUs. In the MPDU Agreement to Build for this development, DHCA may require that final inspections on some market units be held back until final inspections on all MPDUs have been completed.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa S. Schwartz".

Lisa S. Schwartz  
Senior Planning Specialist

cc: Les Powell, Charles P. Johnson & Associates, Inc.  
Kathryn L. Kubit, Elm Street Development

S:\Files\FY2014\Housing\MPDU\Lisa Schwartz\Mateny Hill Property DHCA Letter 12-29-2015.doc

Division of Housing			
Affordable Housing Program FAX 240-777-3709	Multifamily Housing Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • [www.montgomerycountymd.gov/dhca](http://www.montgomerycountymd.gov/dhca)



## Attachment 9

### Statement in Support of Waiver Under Section 59-C-1.62 and Section 22A-12 (f) (3)

This application seeks development approval for a mixed townhouse/single-family home project on two adjoining parcels (the Roose parcel zoned R-200 and the Wallich parcel zoned RT 12.5). This Statement provides support for the request to satisfy forest conservation requirements related to the Wallich property by providing afforestation on the Roose property. The application includes a portion of the townhomes for the overall project on the Roose property. This requires a waiver under Section 59-C-1.62 of the Montgomery County Zoning Ordinance.<sup>1</sup> In turn, the approval of townhomes on the single-family portion of the property is under the Optional Method of Development allowed by Section 59-C-1.62 which then triggers the requirement for approval of forest conservation measures on the Roose tract rather than on the Wallich tract under Section 22A-12 (f) (3).

As discussed below, the combination of approval to locate forest conservation measures on the Roose property along with a portion of the planned townhomes, results in a superior project, with better environmental advantages and a higher degree of compatibility with neighboring properties.

#### Mateny Hill Project Overview

Mateny Hill is located off of Dawson Farm Road in Germantown. The project is bordered on one side by existing townhomes (Germantown View/Seneca Forest), on two sides by single family detached homes (some of these homes front on Mateny Hill Road and remainder are part of the Germantown Station subdivision), and on one side by Mateny Hill Road. The broader area contains a broad mix of townhomes and single family homes.

Mateny Hill is a proposed infill development project within walking distance (1/3 of a mile) of the Germantown MARC Station. The close proximity of Mateny Hill to the Germantown MARC Station is an important distinction and unique asset of this project.

Two properties comprise this project:

Tract Name	Acreage	Zoning	Maximum Density (No MPDU Bonus)	MPDU Density (with MPDU Bonus)	Forest Cover
Wallich	3.71 acres	RT 12.5	46	56	1.81 acres of low quality priority 3 and 4 forest, "suitable for development"
Roose	2.15 acres	R-200	4	5	No Forest

---

<sup>1</sup> This project was filed under the 1994 Zoning Ordinance and is being processed under those criteria.

#### **SECTION 59-C-1.62 WAIVER**

Roose and Wallich, the two tracts that comprise Mateny Hill, are the only remaining pieces of developable land in the immediate vicinity of this project. The shape of each of these individual parcels, as well as the combined Mateny Hill development tract, is awkward and creates layout challenges. The current layout of Mateny Hill, as submitted to MNCPPC using the optional method of the 1994 Montgomery County Zoning Ordinance, proposes 46 units:

- One existing single family detached home (located on the R-200 Roose tract, to remain).
- One proposed single family detached home (located on the R-200 Roose tract).
- 44 proposed townhomes (most of which are on the RT-12.5 Wallich tract).

This Mateny Hill plan achieves density where it should: within easy walking distance to the MARC Station. The 46 proposed unit yield is lower than the maximum density allowed for these combined properties. The project is thoughtfully integrated into the community, meets county regulations, and incorporates feedback from the neighbors and government agencies that have reviewed the plans.

The plans for Mateny Hill were drafted under the 1994 zoning ordinance and the preliminary plan was filed with MNCPPC prior to the transition to the new zoning ordinance. In addition, the provision of MPDUs by this project necessitates the use of the optional method of development for Mateny Hill. Per Section 59-C-1.62 of the Zoning Ordinance, the optional method of development allows only 40% of units of an R-200 piece to be townhomes unless a waiver is granted by MNCPPC. Footnote #1 of 59-C-1.62, however, does allow up to 100% of the units on an R-200 tract to be townhomes with such a waiver.

The Wallich tract, zoned RT 12.5, could alone be developed to a maximum yield of 56 units under the optional method of development without waiver to 59-C-1.62. However, the inclusion of Roose to the Mateny Hill plan provides additional area not only for additional density close to public transit, but also for infrastructure and forest conservation easements.

This analysis focuses on the Roose property, the R-200 zoned tract, where we propose the construction of approximately seven townhomes. It is the construction of these townhomes on the Roose property that necessitates a waiver to 59-C-1.62 (the existing single family detached home on the Roose property will remain). Alternatively, up to four additional single family detached units could be constructed on the Roose tract without a waiver, which is what will be used as a basis of comparison for our analysis.

#### **Footnote #1 of 59-C-16.2 Allows 100% Townhomes on the R-200 Zoned Roose Property**

Section 59-C-1.62 contains Footnote #1 allows development of 100% townhomes on land zoned R-200 provided two criteria are met, as follows:

1. The proposed project must create a more desirable *environmental benefit*. Footnote #1 of 59-C-1.62 states that "...the Planning Board may approve a development in which up to 100

percent of the total number of units are one-family attached dwelling units, one-family semidetached dwelling units, or townhouses upon a finding that a (1) proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or..."

2. The proposed project must achieve the same level of compatibility. A second clause of Footnote #1 further states that "...any increase in any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit..."

We believe that the Mateny Hill project does meet those two criteria, and therefore should be approved as submitted.

#### **Criterion #1: Environmental Benefit of Mateny Hill**

Table 2 below compares the proposed all townhome layout on Roose (seven townhomes) to a layout where Roose contains only single family detached homes (four single family homes) and shows clear environmental advantages in three key areas: impervious surface, forest conservation, and trees saved.

Table 2: Environmental Analysis: Roose Single Family v. Townhome Environmental

	Single Family Layout (Four SFD)	Townhome Layout (Seven TH)	Environmental Benefit
Imperviousness (approx)	18,554 s.f.	12,900 s.f	Townhome Layout
Forest Conservation Created	0.00 Acres	0.55 Acres Plus supplemental plantings	Townhome Layout
Trees Saved (attempted)	0	4	Townhome Layout

#### **Benefit #1: Building Townhomes on Roose Significantly Reduces Imperviousness**

To analyze the amount of impervious surface on Roose, rooftop, driveway and street impervious square footages were calculated using two layout scenarios:

- a) a layout consisting of seven new townhomes on Roose (the existing single family detached will remain)
- b) a layout consisting of four new single family detached homes on Roose

The data in the attached exhibits and on Table 2 shows that impervious area on Roose is significantly less with the seven unit townhome layout. The four unit single family detached layout on Roose creates over 17,800 square feet of imperviousness. The townhome layout on Roose creates approximately



12,900 square feet of imperviousness, 40% less impervious area than the single family detached layout. This reduction in impervious surface is due to less rooftop area, smaller garages, and less pavement in the driveways to serve townhomes.

Finally, less imperviousness on Roose also requires fewer stormwater management facilities to treat the impervious areas, helping to ensure appropriate density on this infill site.

#### Benefit #2: Forest Conservation Created

Building townhomes on Roose enables the creation of over ½ acre of a category I forest conservation easement, an environmental benefit of this layout that doesn't exist with the single family alternative. In fact this waiver is integral to carve out the required space for the forest conservation easement proposed in the waiver request to 22A-12(f)(2)(B); it is the clustering of townhomes on Roose that creates the space for the Category I easement. Since single family homes require a larger lot size, construction of four single family homes on Roose does not leave additional room to dedicate an off-lot area to create new forest conservation easements. In contrast, the seven townhome proposal for Roose requires a smaller lot size and facilitates clustering of units. With smaller lots clustered together, land remains for a new category I forest conservation easement area that is more than ½ acre in size. Moreover, the proposed forest conservation easement area is immediately adjacent to an existing and recorded category I forest conservation area in Germantown Station that is approximately 1/3 acre in size. For the existing forest conservation easement, we propose native, supplemental plantings within the existing Germantown Station forest conservation easements, as encouraged by the forest conservation law and as allowed by the adjacent property owners. This forest conservation area (both new and existing) will be planted with larger stock trees than what is required by law and using the appropriate mix of canopy trees and understory plantings to create an instantaneous forest.

#### Benefit #3: Trees Saved

Building townhomes on Roose creates the opportunity to save four existing trees on the Roose tract, an additional environmental benefit of the townhome layout. In contrast, the single family detached layout requires more land for homes, lots and infrastructure (including a public street) to serve the Mateny Hill subdivision, resulting in the removal of all of these trees. Clustering townhomes on Roose creates larger envelopes of space for utilities and other infrastructure serving the community. As a result, we are working to save four existing trees on Roose that would be destroyed to accommodate the single family layout. Also, the construction of townhomes on Roose also better facilitates flexibility on Wallich, thereby saving six additional large trees on Wallich, plus several smaller trees along the property line between Wallich, and Lot #2, west of the project on Mateny Hill Road.

Please note an important caveat about saving trees: we cannot expressly guarantee the survival of any of these trees. However, Elm Street Development possesses a proven track record saving trees on other projects. From saving hundreds of trees on an infill job in Virginia to saving a tree used as a prominent community feature (in the middle of a traffic circle) of another project in Montgomery County, and other projects, we have experienced success in the past. We will work for continued success as we try to save trees on the Mateny Hill project. In fact we've already started through the grading plan. The proposed grading of the Mateny Hill complements potential tree viability by limiting the grading around

critical areas adjacent to trees. Moreover, we are collaborating with an experienced arborist, one who helped us on previous successful jobs, to provide detailed plans that recommend how to save each of the trees we show as saved on our plan. The arborist has recommended root pruning around these trees, which was completed in spring 2015.

#### **Criterion #2: Compatibility of Mateny Hill**

Footnote #1 of 59-C-1.62 also requires that resulting layout must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit...”

We argue that the layout of Roose with only townhomes actually creates a more compatible layout than would exist if the development were constructed with solely single family detached units on Roose. This conclusion was reached after we explored multiple layouts that incorporated single family detached units instead of townhomes on the Roose Property (zoned R-200). After detailed analysis of the various layouts, however, we concluded that placing single family detached units on the Roose property would result in a less desirable project from a compatibility perspective. This conclusion is based on the following:

1. The townhomes sitings are more compatible

† The proposed Mateny Hill plan thoughtfully integrates townhomes into the existing community. In fact, the proposed layout reduces the visual impact on the homes in the adjacent R-200 Germantown Station community and from Mateny Hill Road. This is accomplished by arranging 40' wide townhome ends (versus 65-70' wide single family home unit backs), where possible, immediately adjacent to the proposed HOA controlled, open, landscaped buffer along the perimeter of the property. This arrangement greatly diminishes the impact of the new home sitings. Additionally, a 120' x 90' HOA controlled parcel between the two sticks of townhomes provides additional open space (most of it passive green space) on the R-200 property immediately adjacent to the existing single family detached homes. The open space, coupled with the strategy of siting townhome ends at this location, creates significantly less massing at key project locations (specifically, next to Germantown Station) and preserves a passive buffer around the project.

In contrast, the visual impact of locating single family homes on the R-200 property is more invasive to the existing single family homes adjacent to the property. These homes would be 75' wide and could be located about 20' from the property line between Mateny Hill and its neighbors. In addition, control over the rear yards and any buffering at the boundary of these new homes would be in the hands of the private property owners, not the HOA. These property owners could remove vegetation, install sheds, store large items along the property line, or install inappropriate fencing, which would further impact compatibility.



Siting new townhomes on the Roose Property also increases compatibility internally within the Mateny Hill project. With the exception of one single family detached unit, the Wallich Property will consist of townhomes adjacent to Mateny Hill Road (the front of the property). One single family unit is proposed on Wallich to create a better transition to the existing single family detached home immediately adjacent to the property on Mateny Hill. This proposed single family detached home is not required by the RT-12.5 zone, however, this detached unit will further improve compatibility within the site. In the back of the project, the Roose property will also contain thoughtfully laid out townhomes that better integrate with the existing townhomes and green space planned for this area.

It is important to note that compatibility is also planned along Mateny Hill Road by locating townhome ends and a single family home along this street. While this area of the project is zoned RT 12.5 and therefore allows sticks of 6-8 townhomes to be fronted along the street, we feel that the proposed plan is more compatible with the existing community. Siting 40'-45' wide townhome ends along Mateny Hill Road significantly reduces building massing, with the proposed townhomes acting more as single family detached homes (in terms of massing) along the Mateny Hill Road. These ends will be designated as fronts, complete with front doors and other details to create additional integration and compatibility with the existing neighborhood. Finally, one single family detached is proposed immediately adjacent to the existing single family detached homes along Mateny Hill road, a thoughtful detail to act as a transition from the townhomes to the existing single family homes in the neighborhood.

2. The project proposes long stretches of new sidewalks to help create compatibility between the new and existing communities in the neighborhood.

The proposed plan significantly enhances walkability in this neighborhood so close to the Germantown MARC station. The lack of sidewalks on this property and some of the adjacent properties is a concern to residents in this area. Pending cooperation by adjacent property owners (PIEs to be signed in December or January), this project would add important sidewalk connections that will tie newer and older parts of the neighborhood together, enhancing compatibility and creating a community wide amenity for residents to walk to the Germantown MARC station or to Dawson Farm Road.

3. The proposed Mateny Hill layout creates passive open space, an environmental benefit, around the perimeter of the project.

Mateny Hill's border provides a contiguous planted green space, approximately, at least 20' wide, that buffers the property on all sides (note that distance from Mateny Hill building facades to the property line is greater in certain instances). Per the proposed plan, this green space will be either a forest conservation area, controlled by the HOA with MNCPPC oversight, or a well-landscaped open parcel and controlled by the HOA. The passive green space will exist for the enjoyment of Mateny Hill and its residential neighbors that border the property. Unlike single family detached lots, whose owners can remove or alter any buffering on their private property, the forest conservation area and HOA controlled landscaped parcel, as identified in any

approved MNCPPC plans, exists indefinitely to provide natural integration and transition to the existing communities that surround Mateny Hill.

**Conclusion Re Waiver to Section 59-C-1.62**

Mateny Hill is a thoughtfully designed project that will be well-integrated into the community because of proposed townhomes located on a small portion of the R-200 portion of the site. After thoroughly analyzing many layouts, we feel that the proposed layout of seven townhomes on 2.15 acres of R-200 zoned Roose property is the preferable alternative to four-five single family homes, which could be constructed on Roose with no waiver. Seven townhomes creates the environmental benefits and exceeds the compatibility requirements that are required by footnote #1 of section 59-C-1.62 of the 2004 Zoning Ordinance. Given this, we respectfully request that the maximum townhome requirement for this property should be waived.

## Attachment 10

**SECTION 22A-12 (f) (3) WAIVER**

As noted above, the use of the cited provision allowing for townhomes on the single-family portioned zoned area of this property is considered an "Optional Method of Development". Under the forest conservation regulations, projects using the Optional Method of Development are required either (a) to provide a minimum amount of forest conservation on-site or (b) obtain approval of the Planning Board for an alternative forest conservation plan. [Chapter 22A-12 (f)(2)(B)]. In this case, an alternative forest conservation plan is appropriate.

The proposed Mateny Hill yield is less than the maximum density allowed by the RT-12.5 zoning on the Wallich property alone. Furthermore, Wallich is the location of existing forest, making it extremely difficult to locate such units in this location while complying with the forest conservation requirements under 22A-12 (f) (2). The inclusion of Roose in the Mateny Hill plan, however, provides additional land area to locate two of the allowable units where they should be: within walking distance to the Germantown MARC station. More importantly, the inclusion of the Roose tract in the Mateny Hill project helps to create an important forest conservation easement area and to allow room for utilities, storm water management, and recreation areas for this infill location.

The exiting forest on Mateny Hill is located entirely on the RT-12.5 zoned Wallich tract. Due to the location as described in the previous paragraph and the poor condition of this existing forest, it is not possible to meet the minimum requirements of forest retention on the Wallich tract. The forest is low quality, and by MNCPPC's standards, appropriate for development. Accordingly, the current plan shows that this low-quality forest would be removed, and better forest conservation measures would be located on the adjoining Roose tract.

Section 22A-12 (f) (3) enables the Planning Board to approve this request. "If the Planning Board or Planning Director finds that if forest retention (required in Section 22A-12 (f) (2) (B )) is not possible, the maximum possible on-site retention, in combination with on-site reforestation and afforestation, must be provided, not including landscaping." This allows for alternative forest conservation measures.

The Forest Conservation regulations establish priorities for afforestation, if a waiver is approved. Specifically, Section 22A-12 (f) (4) indicates that retention, reforestation and afforestation must adhere to the priorities and sequence established in subsections (b) and (e). 22A-12 (e)(3), refers to areas of the ordinance for afforestation planting priorities, stating that priority areas include "...connections between and additions to forested areas....the use of native plant materials is preferred."

Mateny Hill's request is integral to creating a thoughtful plan that aligns with the goals of the Master Plan and zoning for the Wallich and Roose properties, and that addresses comments provided by government agencies and residents who reviewed the plan. In order to achieve density at this oddly shaped in-fill location within walking distance to the MARC station, all of the existing "forest" on Wallich, which is classified as priority 3 and priority 4 forest and is considered low-quality, full of invasive plants and scrubby material and with limited canopy, needs to be removed. This removal creates the best layout for the site. (It is important to note that the forested area on Wallich that would be removed will be replaced with a 15' - 20' landscaped buffer in this location.) The Tree Manual for Montgomery County indicates that priority 3 and priority 4 forest is "suitable" for development rather than protection.

Instead of retaining the poor quality forest on Wallich, we ask the Board to approve our request to create a new forested area within a newly created category I easement shown on the Mateny Hill plan. This proposed Category I easement area is located immediately adjacent to an existing forest conservation easement, which is identified as a priority afforestation area per 22A -12 (e)(3) of the regulations . Specifically, 0.55 acres for forest is proposed to be planted within in this newly created easement. Combining this new forest conservation easement with the existing forest conservation area will result in a total forest conservation area of 0.85 acres, more than double what exists today. In addition, trees to be planted in this forest conservation easement will be native (also a priority per 22A-12(e) (3) and upsized to 2 ½"-3" caliper canopy trees (with similar upsizing for the understory plants). 2½" caliper trees are significantly larger than the 1" trees required within forest conservation easements. Upsizing the trees with native species in this location not only results in an instantaneous high-quality forest that is significantly better than the forest that currently exists on Wallich but it also meets the intent of forest conservation laws.

As important, this proposed category I forest conservation easement is located immediately adjacent to existing on-lot Category I forest conservation easements located in Germantown Station. In an effort to maximize the amount of on-site forest conservation benefit while accomplishing other development objectives, we propose (and have reached out to the adjacent property owners) to provide supplemental plantings of the same large stock plants in these existing Germantown Station forest conservation easements to supplement what exists to-date. To-date, one owner has agreed to collaborate with us on this and supplement upsized landscaping in the category I easement on their lot. We currently are working to obtain approval from the other owner adjacent to this easement to plant upsized landscaping within the Category I easement on their lot, as well.



The proposed combination of installing a new forest conservation easement adjacent to existing forest conservation easements, complete with the appropriate mix of native large stock plantings creates a continuous, forest on Mateny Hill. This high quality forest does not exist today. This creative afforestation solution complies with the forest conservation regulations so that density can be clustered on Mateny Hill. The result is an infill site that is within walking distance to the Germantown MARC station that meets the spirit of the Montgomery County Forest Conservation Laws, the Master Plan and the zoning. It is because of this, we ask for a waiver of the minimum retention policy (Section 22A-12 (f) (2) (B) for Mateny Hill.





DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett  
County Executive

Lisa Feldt  
Director

March 17, 2016

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

RE: Mateny Hill Road Property, ePlan 820160020, NRI/FSD application accepted on 7/28/2014

Dear Mr. Anderson:

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

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

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

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

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



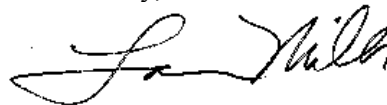
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation,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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Miller', written in a cursive style.

Laura Miller  
County Arborist

cc: Josh Penn, Planner Coordinator

## Attachment 12

TAX ID No: 09-02865602

### DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT

**THIS DECLARATION** made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by **Leslie C. Hubbell**, her successors, heirs, and assigns (the "Declarant"), owner of certain tracts of land lying and being in Montgomery County, Maryland and being more particularly described as follows:

Being that certain parcel of land acquired by Leslie C. Hubbell from Leslie C. Hubbell, trustee of the Leslie C. Hubbell Trust, dated May 3, 2011 and recorded among the Land Records of Montgomery County, Maryland in Liber 41627 at Folio 349 being Lot 1, Block A as shown on a subdivision record plat entitled "Lots 1 & 2, Block 'A', Mateney Subdivision" and recorded among the aforesaid Land Records in Plat Book 156 as Plat No. 17710 (the "Property").

**WHEREAS**, the Declarant, by the execution of this Declaration grants certain easements and makes certain agreements set forth in this Declaration with Montgomery County, Maryland which agreements shall be binding on the Declarant and Declarant's successors, heirs, and assigns, and on the Property in perpetuity.

**NOW, THEREFORE**, in consideration of one (1) dollar and the recitals which are incorporated in this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarant, the Declarant does hereby grant, covenant and agree as follows:

1. The Declarant does hereby grant and convey to Montgomery County, Maryland, its duly designated agents (the "County"), that certain easement described in Schedule "A" and shown on Schedule "B" for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including but not limited to:
  - a. Street paving, curb and gutter, sidewalks, and bikepaths
  - b. Street signs
  - c. Traffic control signs and devices
  - d. Storm drainage
  - e. Street lights and appurtenances
  - f. Street trees and planters
2. The Declarant does hereby covenant and agree that the granting of the easements herein shall not obligate the County to provide maintenance in parking areas adjacent to affected arterial, primary, secondary & tertiary streets unless such

*Upon Recordation, please return to:  
Charles P. Johnson & Associates, Inc.  
1751 Elton Road  
Silver Spring, Maryland 20903*

areas are disturbed during the installation and/or maintenance of the public improvements.

3. The Declarant covenants and agrees that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or their successors. Should the County determine to remove any of the public improvements at any time, the County shall not be required to replace any improvements which are removed.
4. Declarant may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Transportation of Montgomery County, Maryland or their successors. Should the County in order to maintain its facilities within the Public Improvements Easement, be required to remove any of the trees or shrubs, the County will not be required to replace them and the Declarant will save the County harmless from any claim for damages to the trees and shrubs.
5. The Declarant does grant the Easements described in this Declaration in perpetuity unto Montgomery County, Maryland.



IN WITNESS WHEREOF the Declarant has executed this Declaration under seal on the Date first written above.

ATTEST:

Kathy Hubbell  
Witness

By: Leslie C Hubbell  
Leslie C. Hubbell, Owner

STATE OF Virginia \*  
COUNTY OF Stafford , to wit: \*

I HEREBY CERTIFY that on this 23rd day of February, 2016, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Leslie C. Hubbell**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within instrument and who acknowledges that she executed the same for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

Sharon L. Rice

My commission expires on 2-28-17.  
[NOTARIAL SEAL]



**MONTGOMERY COUNTY, MARYLAND**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

Diane Schwartz Jones,  
Director, Department of Permitting Services

STATE OF  
COUNTY OF

: ss

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before the subscriber, a Notary Public of the State of \_\_\_\_\_, and for the County of \_\_\_\_\_, personally appeared Diane Schwartz Jones, Director, Department of Permitting Services, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that she, having been properly authorized, executed the same on behalf of Montgomery County, Maryland in the capacity therein stated and for the purposes therein contained.

**IN TESTIMONY WHEREOF**, I have affixed my hand and official seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires \_\_\_\_\_

Grantor:

Leslie C, Hubbell  
19117 Mateny Hill Drive  
Germantown MD, 20874-1803

Grantee:

Montgomery County, Maryland  
101 Monroe Street  
Rockville, Maryland 20850

Parcel ID #:

09-02865602

**SCHEDULE "A"**

Description of a

**Public Improvements Easement**

Across

**Lot 1, Block A  
Mateney Subdivision**

the property of the

**Leslie C. Hubbell**

**Gaithersburg (9<sup>th</sup>) District  
Montgomery County, Maryland**

**Being** a strip or parcel of land running in, through, over and across the property acquired by Leslie C. Hubbell from Leslie C. Hubbell, trustee of the Leslie C. Hubbell Trust, dated May 3, 2011 and recorded among the Land Records of Montgomery County, Maryland in Liber 41627 at Folio 349, said property being Lot 1, Block A as shown on a subdivision record plat entitled "Lots 1 & 2, Block 'A', Mateney Subdivision" and recorded among the aforesaid Land Records in Plat Book 156 as Plat No. 17710 and being more particularly described in the Maryland State Plane Datum (NAD 83/91) as follows

**Beginning** for the same at a point on the southerly or North 89°41'31" West, 263.16 feet line of Lot 1, Block A as shown on said record plat, distant, 3.76 feet easterly from the westerly end thereof, and running thence with and binding on the outline of said Lot 1, Block A, as now surveyed, the following four (4) courses and distances

1. South 86°24'05" West, 3.76 feet to a point, thence



**SCHEDULE "A"**

Description of a  
Public Improvements Easement  
Across  
Lot 1, Block A  
Mateney Subdivision  
the property of the  
Leslie C. Hubbell  
Gaithersburg (9th) District  
Montgomery County, Maryland

Page 2 of 3

2. 27.34 feet along the arc of a non-tangent curve, deflecting to the right, having a radius of 132.39 feet and a chord bearing and distance of North 00°04'59" East, 27.29 feet to a point, thence with a tangent line
3. North 05°59'55" East, 125.08 feet to a point, thence
4. South 61°33'24" East, 13.60 feet to a point, thence running in, through, over and across said Lot 1, Block A, the following five (5) courses and distances
5. South 06°00'02" West, 3.55 feet to a point, thence
6. 14.75 feet along the arc of a tangent curve, deflecting to the right, having a radius of 32.00 feet and a chord bearing and distance of South 19°12'07" West, 14.62 feet to a point, thence
7. 12.90 feet along the arc of a tangent curve, deflecting to the left, having a radius of 28.00 feet and a chord bearing and distance of South 19°12'04" West, 12.79 feet to a point, thence with a tangent line
8. South 05°59'55" West, 109.45 feet to a point, thence
9. 6.73 feet along the arc of a tangent curve, deflecting to the left, having a radius of 104.67 feet and a chord bearing and distance of South 04°09'23" West, 6.73 feet to the point of beginning, containing 1,042 square feet or 0.0239 of an acre of land.

**SCHEDULE "A"**

**Description of a  
Public Improvements Easement  
Across  
Lot 1, Block A  
Mateney Subdivision  
the property of the  
Leslie C. Hubbell  
Gaithersburg (9th) District  
Montgomery County, Maryland**

**Page 3 of 3**

**Surveyor's Certificate**

I hereby certify that this description was prepared by me in compliance with requirements set forth in  
09.13.06.12 of the COMAR Regulations.

Date: 11/24/15



Daniel F. DeBolt  
Property Line Surveyor  
Maryland Reg. No. 526  
Exp.: 2/17/2017



N:\44182\DEPARTMENTS\SURVEY\Metes & Bounds\PIE's\PIE - Hubbell 48-01.docx

**Schedule "B"**

**Sketch of a  
Public Improvements Easement**

across

**Lot 1, Block A  
Mateney Subdivision**

the property of

**Leslie C. Hubbell**

Gaithersburg (9th) District  
Montgomery County, Maryland  
November, 2015 Scale: 1" = 30'

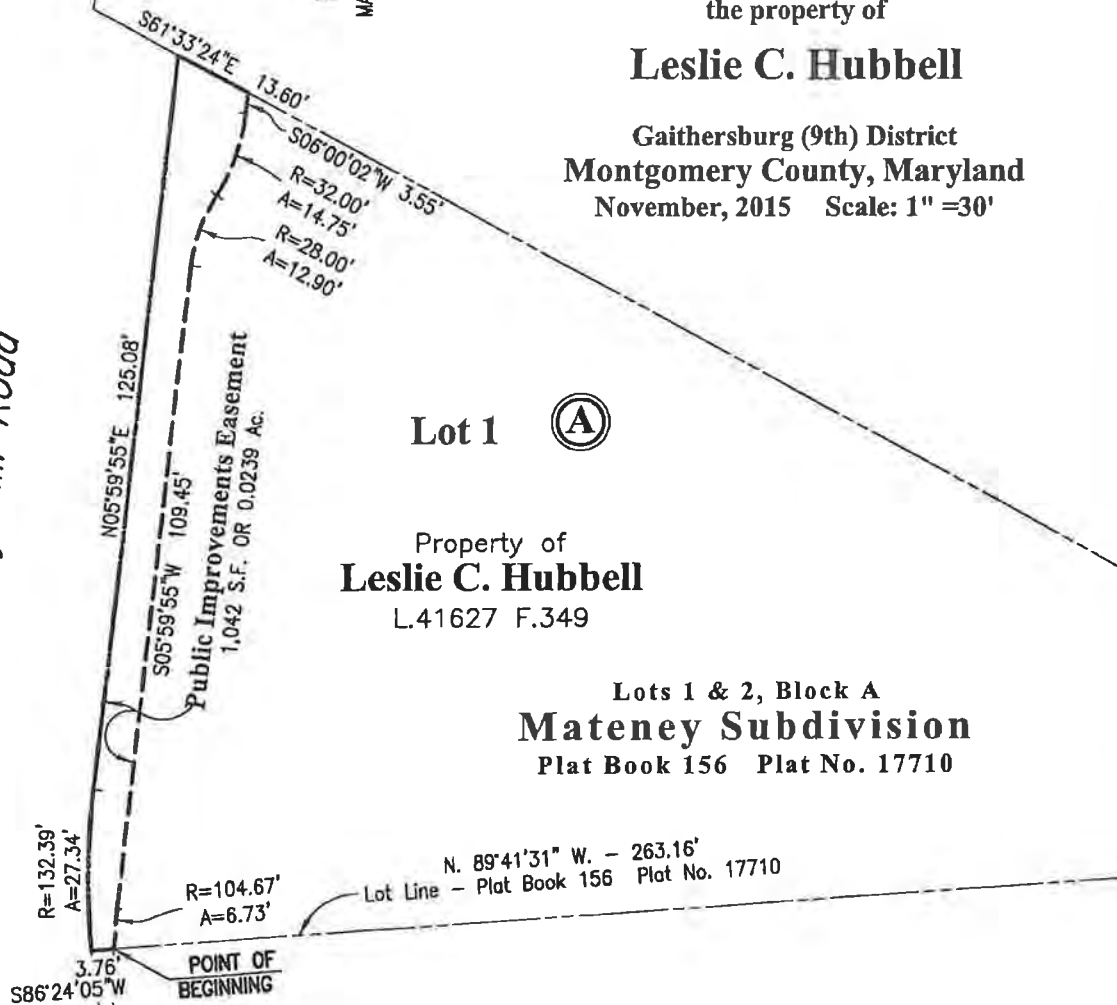


*Mateney Hill Road*

**Lot 1** (A)

Property of  
**Leslie C. Hubbell**  
L.41627 F.349

**Lots 1 & 2, Block A  
Mateney Subdivision**  
Plat Book 156 Plat No. 17710



*Lot 2*

*[Signature]*

Daniel F. DeBolt  
Property Line Surveyor  
Maryland No. 526  
Exp.: 02/17/2017



**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
1751 Elton Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-0394  
www.cpja.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA



**DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT**

**THIS DECLARATION** made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by **Cyrous Khalilian and Shahnaz Khalilian**, their successors, heirs, and assigns (the "Declarants"), owners of certain tracts of land lying and being in Montgomery County, Maryland and being more particularly described as follows:

Being that certain parcel of land acquired by Cyrus Khalilian and Shahnaz Khalilian from M. Howard Griffith and Glen Boyd Gochenour, by deed dated April 15, 1988 and recorded among the Land Records of Montgomery County, Maryland in Liber 8260 at Folio 504, and being Lot 2, Block A as shown on a subdivision record plat entitled "Lots 1 & 2, Block 'A', Mateney Subdivision" and recorded among the aforesaid Land Records in Plat Book 156 as Plat No. 17710, (the "Property").

**WHEREAS**, the Declarants, by the execution of this Declaration grant certain easements and makes certain agreements set forth in this Declaration with Montgomery County, Maryland which agreements shall be binding on the Declarants and Declarant's successors, heirs, and assigns, and on the Property in perpetuity.

**NOW, THEREFORE**, in consideration of one (1) dollar and the recitals which are incorporated in this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarants, the Declarants do hereby grant, covenant and agree as follows:

1. The Declarants do hereby grant and convey to Montgomery County, Maryland, its duly designated agents (the "County"), that certain easement described in Schedule "A" and shown on Schedule "B" for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including but not limited to:
  - a. Street paving, curb and gutter, sidewalks, and bikepaths
  - b. Street signs
  - c. Traffic control signs and devices
  - d. Storm drainage
  - e. Street lights and appurtenances
  - f. Street trees and planters

2. The Declarants do hereby covenant and agree that the granting of the easements herein shall not obligate the County to provide maintenance in parking areas adjacent to affected arterial, primary, secondary & tertiary streets unless such areas are disturbed during the installation and/or maintenance of the public improvements.
3. The Declarants covenant and agree that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or their successors. Should the County determine to remove any of the public improvements at any time, the County shall not be required to replace any improvements which are removed.
4. Declarants may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Transportation of Montgomery County, Maryland or their successors. Should the County in order to maintain its facilities within the Public Improvements Easement, be required to remove any of the trees or shrubs, the County will not be required to replace them and the Declarants will save the County harmless from any claim for damages to the trees and shrubs.
5. The Declarants do grant the Easements described in this Declaration in perpetuity unto Montgomery County, Maryland.

IN WITNESS WHEREOF the Declarants have executed this Declaration under seal on the Date first written above.

ATTEST:

Kelli Weert  
Witness

By: [Signature]  
Cyrus Khalilian, Owner

Kelli Weert  
Witness

By: Khaleh  
Shahnaz Khalilian, Owner

STATE OF Virginia  
COUNTY OF Fairfax, to wit:

\*  
\*

I HEREBY CERTIFY that on this 17<sup>th</sup> day of February 2016, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Cyrus Khalilian**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within instrument and who acknowledges that he executed the same for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

Sharon L. Rice  
SHARON L. RICE  
COMMONWEALTH OF VIRGINIA  
REGISTRATION NO. 119730  
MY COMM. EXPIRES 2-28-17  
NOTARY PUBLIC

My commission expires on 2-28-17  
[NOTARIAL SEAL]

STATE OF Virginia  
COUNTY OF Fairfax, to wit:

\*  
\*

I HEREBY CERTIFY that on this 17<sup>th</sup> day of February 2016, before the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Shahnaz Khalilian**, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within instrument and who acknowledges that she executed the same for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

Sharon L. Rice  
SHARON L. RICE  
COMMONWEALTH OF VIRGINIA  
REGISTRATION NO. 119730  
MY COMM. EXPIRES 2-28-17  
NOTARY PUBLIC

My commission expires on 2-28-17  
[NOTARIAL SEAL]



**MONTGOMERY COUNTY, MARYLAND**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

Diane Schwartz Jones,  
Director, Department of Permitting Services

STATE OF  
COUNTY OF

: ss

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before the subscriber, a Notary Public of the State of \_\_\_\_\_, and for the County of \_\_\_\_\_, personally appeared Diane Schwartz Jones, Director, Department of Permitting Services, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that she, having been properly authorized, executed the same on behalf of Montgomery County, Maryland in the capacity therein stated and for the purposes therein contained.

**IN TESTIMONY WHEREOF**, I have affixed my hand and official seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires \_\_\_\_\_

Grantor:

Cyrous & Shahnaz Khalilian  
19111 Mateny Hill Drive  
Germantown MD, 20874-1803

Grantee:

Montgomery County, Maryland  
101 Monroe Street  
Rockville, Maryland 20850

Parcel ID #:

09-02865613

**SCHEDULE "A"**

Description of a

**Public Improvements Easements**

Across

**Lot 2, Block A  
Mateney Subdivision**

the property of the

**Cyrous Khalilian & Shahnaz Khalilian**

**Gaithersburg (9<sup>th</sup>) District  
Montgomery County, Maryland**

**Being** two (2) strips or parcels of land, hereinafter described as **PART ONE** and **PART TWO**, both running in, through, over and across the property acquired by Cyrous Khalilian and Shahnaz Khalilian from M. Howard Griffith and Glen Boyd Gochenour, by deed dated April 15, 1988 and recorded among the Land Records of Montgomery County, Maryland in Liber 8260 at Folio 504, part of said property being Lot 2, Block A as shown on a subdivision record plat entitled "Lots 1 & 2, Block 'A', Mateney Subdivision" and recorded among the aforesaid Land Records in Plat Book 156 as Plat No. 17710, and both being more particularly described in the Maryland State Plane Datum (NAD 83/91) as follows

**PART ONE**

**Beginning** for the same at a point on the westerly or 114.86 feet arc line of said Lot 2, Block A, as shown on said plat, said line being the easterly right of way line of Mateny Hill Road, an arc distance of 34.52 feet southerly from the northerly end thereof, and running thence with and binding on the outline of said Lot 2, Block A, as now surveyed, the following two (2) courses and distances

#### **SCHEDULE "A"**

**Description of a  
Public Improvements Easement  
Across  
Lot 2, Block A  
Mateney Subdivision  
the property of the  
Cyrous Khalilian & Shahnaz Khalilian  
Gaithersburg (9th) District  
Montgomery County, Maryland**

Page 2 of 3

1. 34.52 feet along the arc of a curve, deflecting to the right, having a radius of 132.39 feet and a chord bearing and distance of North 13°18'05" West, 34.42 feet to a point, thence with a non-tangent line
2. North 86°24'05" East, 3.76 feet to a point, thence running in, through, over and across said Lot 2, Block A, the following course and distance
3. 34.13 feet along the arc of a non-tangent curve, deflecting to the left, having a radius of 104.67 feet and a chord bearing and distance of South 07°01'45" East, 33.99 feet to the point of beginning, containing 58 square feet or 0.0013 of an acre of land.

#### **PART TWO**

**Beginning** for the same at a point on the southerly or South 65°54'53" West, 239.52 feet line of said Lot 2, Block A, as shown on said plat, distant, 5.64 feet easterly from the westerly end thereof, and running thence with and binding on the outline of said Lot 2, Block A, as now surveyed, the following three (3) courses and distances

1. South 62°00'29" West, 5.64 feet to a point, thence
2. North 55°31'57" West, 27.29 feet to a point, thence
3. 36.50 feet along the arc of a tangent curve, deflecting to the right, having a radius of 132.39 feet and a chord bearing and distance of North 47°38'02" West, 36.39 feet to a



**SCHEDULE "A"**

Description of a  
Public Improvements Easement  
Across  
Lot 2, Block A  
Mateney Subdivision  
the property of the  
Cyrus Khalilian & Shahnaz Khalilian  
Galthersburg (9th) District  
Montgomery County, Maryland

Page 3 of 3

point, thence with a non-tangent line and running in, through over and across said Lot 2, Block A, the following course and distance

4. South 53°31'57" East, 65.94 feet to the point of beginning, containing 264 square feet or 0.0061 of an acre of land.

**Surveyor's Certificate**

I hereby certify that this description was prepared by me in compliance with requirements set forth in 09.13.06.12 of the COMAR Regulations.

Date: 11/24/15



Daniel F. DeBolt  
Property Line Surveyor  
Maryland Reg. No. 526  
Exp.: 2/17/2017



N:\44182\DEPARTMENTS\SURVEY\Metes & Bounds\PIE's\PIE -Khalilian 48-02.docx

**Schedule "B"**

**Sketch of a  
Public Improvements Easement**

across

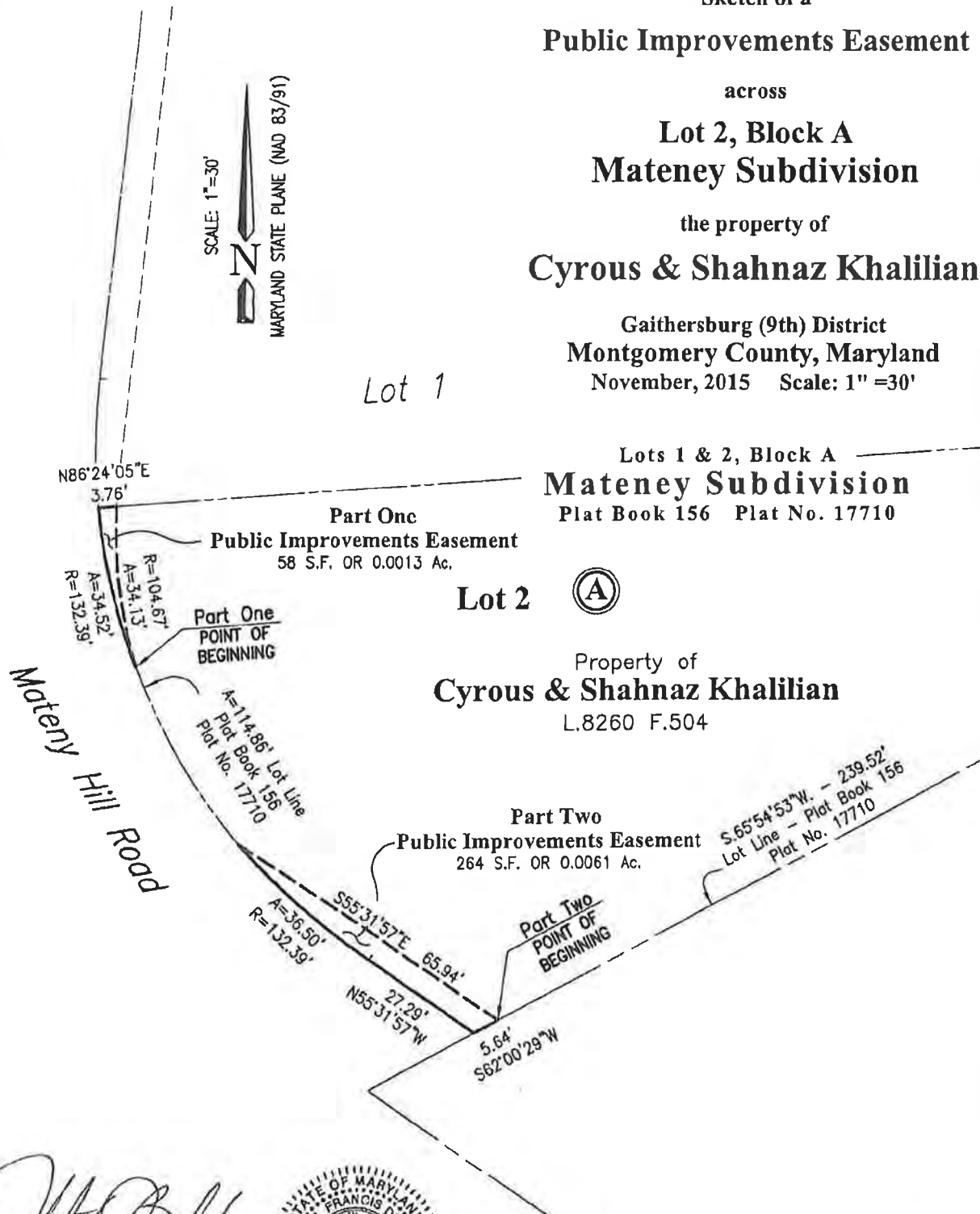
**Lot 2, Block A  
Mateney Subdivision**

the property of

**Cyrous & Shahnaz Khalilian**

Gaithersburg (9th) District  
Montgomery County, Maryland

November, 2015 Scale: 1" = 30'



*[Signature]*

Daniel F. DeBolt  
Property Line Surveyor  
Maryland No. 526  
Exp.: 02/17/2017



**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape • Architects • Surveyors  
1781 Elton Rd., Ste 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-0394  
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • College Park, MD • Frederick, MD • Fairfax, VA

## DECLARATION OF PUBLIC IMPROVEMENTS EASEMENT

**THIS DECLARATION** made this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by **Seneca Forest Homeowners Association, Inc., a Maryland non-stock corporation**, their successors, heirs, and assigns (the "Declarants"), owners of certain tracts of land lying and being in Montgomery County, Maryland and being more particularly described as follows:

Being that certain parcel of land acquired by Seneca Forest Homeowners Association, Inc., a Maryland non-stock corporation, from Porten Sullivan Corporation, a Maryland corporation, by deed dated January 7, 1987 and recorded among the Land Records of Montgomery County, Maryland in Liber 7492 at Folio 475, said property being Parcel A, Block C as shown on a subdivision record plat entitled "Parcel 'A', Block 'B' and Lots 1 thru 17 & 187 thru 190 & 208 thru 220, Parcel 'A', Block 'C', Germantown View" and recorded among the aforesaid Land Records in Plat Book 121 as Plat No. 14275, (the "Property").

**WHEREAS**, the Declarants, by the execution of this Declaration grant certain easements and makes certain agreements set forth in this Declaration with Montgomery County, Maryland which agreements shall be binding on the Declarants and Declarant's successors, heirs, and assigns, and on the Property in perpetuity.

**NOW, THEREFORE**, in consideration of one (1) dollar and the recitals which are incorporated in this Declaration, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged by the Declarants, the Declarants do hereby grant, covenant and agree as follows:

1. The Declarants do hereby grant and convey to Montgomery County, Maryland, its duly designated agents (the "County"), that certain easement described in Schedule "A" and shown on Schedule "B" for the purposes of installing, maintaining, operating, rehabilitating, repairing or removing public improvements including but not limited to:
  - a. Street paving, curb and gutter, sidewalks, and bikepaths
  - b. Street signs
  - c. Traffic control signs and devices
  - d. Storm drainage
  - e. Street lights and appurtenances
  - f. Street trees and planters



2. The Declarants do hereby covenant and agree that the granting of the easements herein shall not obligate the County to provide maintenance in parking areas adjacent to affected arterial, primary, secondary & tertiary streets unless such areas are disturbed during the installation and/or maintenance of the public improvements.
3. The Declarants covenant and agree that no fence, wall, or permanent structures shall be erected within the Public Improvements Easement other than those structures which shall be approved by the Department of Permitting Services of Montgomery County, Maryland or their successors. Should the County determine to remove any of the public improvements at any time, the County shall not be required to replace any improvements which are removed.
4. Declarants may plant trees and shrubs within the Public Improvements Easement in accordance with the applicable Design Standards of the Department of Transportation of Montgomery County, Maryland or their successors. Should the County in order to maintain its facilities within the Public Improvements Easement, be required to remove any of the trees or shrubs, the County will not be required to replace them and the Declarants will save the County harmless from any claim for damages to the trees and shrubs.
5. The Declarants do grant the Easements described in this Declaration in perpetuity unto Montgomery County, Maryland.

IN WITNESS WHEREOF the Declarants have executed this Declaration under seal on the Date first written above.

ATTEST: **Seneca Forest Homeowners Association, Inc.,  
a Maryland non-stock corporation**

\_\_\_\_\_  
Witness By: \_\_\_\_\_

\_\_\_\_\_  
(Printed name & title)

STATE OF \_\_\_\_\_ \*  
COUNTY OF \_\_\_\_\_, to wit: \_\_\_\_\_ \*

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before the subscriber, a Notary Public of the State of \_\_\_\_\_, and for the County of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that he/she, having been properly authorized, executed the same on behalf of **Seneca Forest Homeowners Association, Inc.** in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my official seal the date written above.

\_\_\_\_\_  
My commission expires on \_\_\_\_\_.  
[NOTARIAL SEAL]

**MONTGOMERY COUNTY, MARYLAND**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

Diane Schwartz Jones,  
Director, Department of Permitting Services

STATE OF  
COUNTY OF

: ss

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before the subscriber, a Notary Public of the State of \_\_\_\_\_, and for the County of \_\_\_\_\_, personally appeared Diane Schwartz Jones, Director, Department of Permitting Services, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that she, having been properly authorized, executed the same on behalf of Montgomery County, Maryland in the capacity therein stated and for the purposes therein contained.

**IN TESTIMONY WHEREOF**, I have affixed my hand and official seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires \_\_\_\_\_

Grantor:

Seneca Forest Homeowners Association, Inc.  
c/o TMGA  
20440 Century Blvd  
Suite 100  
Germantown, MD 20874

Grantee:

Montgomery County, Maryland  
101 Monroe Street  
Rockville, Maryland 20850

Parcel ID #:

09-02296685



**Schedule "A"**

Description of a

**Public Improvements Easement**

Across

**Parcel A, Block C  
Germantown View**

the property of

**Seneca Forest Homeowners Association, Inc.,  
A Maryland non-stock corporation**

**Gaithersburg (9<sup>th</sup>) District  
Montgomery County, Maryland**

**Being** a strip or parcel of land, hereinafter described as running in, through, over and across the property acquired by Seneca Forest Homeowners Association, Inc., a Maryland non-stock corporation, from Porten Sullivan Corporation, a Maryland corporation, by deed dated January 7, 1987 and recorded among the Land Records of Montgomery County, Maryland in Liber 7492 at Folio 475, said property being Parcel A, Block C as shown on a subdivision record plat entitled "Parcel 'A', Block 'B' and Lots 1 thru 17 & 187 thru 190 & 208 thru 220, Parcel 'A', Block 'C', Germantown View" and recorded among the aforesaid Land Records in Plat Book 121 as Plat No. 14275 and being more particularly described in the Maryland State Plane Datum (NAD 83/91) as follows

**Beginning** for the same at a point on the westerly or North 02°17'25" West, 599.09 feet line as shown on the aforesaid plat, distant, 36.59 feet southerly from the northerly end thereof, and running thence with and binding on the outline of said plat, the following two (2) courses and distances

Schedule "A"

Description of a  
Public Improvements Easement  
Across  
Parcel A, Block C  
Germantown View  
the property of  
Seneca Forest Homeowners Association, Inc.,  
A Maryland non-stock corporation  
Gaithersburg (9th) District  
Montgomery County, Maryland

Page 2 of 2

1. North  $02^{\circ}13'12''$  West, 36.59 feet to a point, thence
2. South  $79^{\circ}07'36''$  East, 17.18 feet to a point, thence running in, through, over and across said Parcel A, Block C, the property of the owners hereto, the following course and distance
3. 36.79 feet along the arc of a non-tangent curve, deflecting to the right, having a radius of 180.00 feet and a chord bearing and distance of South  $24^{\circ}52'37''$  West, 36.73 feet to the point of beginning, containing 329 square feet or 0.0078 of an acre of land.

Surveyor's Certificate

I hereby certify that this description was prepared by me in compliance with requirements set forth in 09.13.06.12 of the COMAR Regulations.

Date: 11/24/15

Daniel F. DeBolt  
Property Line Surveyor  
Maryland Reg. No. 526  
Exp.: 2/17/2017



N:\44182\DEPARTMENTS\SURVEY\Metes & Bounds\PIE's\PIE -Seneca Forest HOA 48-03.docx

**Schedule "B"**

Sketch of a

**Public Improvements Easement**

across

**Parcel A, Block C  
Germantown View**

the property of

**Seneca Forest Homeowners  
Association, Inc.**

Gaithersburg (9th) District

Montgomery County, Maryland

November, 2015 Scale: 1"=10'

SCALE: 1" = 10'



MARYLAND STATE PLANE  
DATUM (NAD 83/91)

Mateny Hill Road

N02°17'25"W-599.09'  
Plat Line Plat Book 121  
Plat No. 14275

N02°13'12"W 36.59'

Public  
Improvements  
Easement  
329 s.f.  
or 0.0078 Ac.

17.18'  
S79°07'36"E

A=36.79'  
R=180.00'

Parcel A



Parcel "A", Block "B"  
and Lots 1 thru 17 & 187 thru 190  
& 208 thru 220, Parcel "A", Block "C"  
**Germantown View**  
Plat Book 121 Plat No. 14275

Point of  
Beginning

N/F  
L.D. Wallich  
L.36843 F.413

Property of  
**Seneca Forest Homeowners  
Association, Inc.**  
L.7492 F.475

Lot 6

*[Signature]*

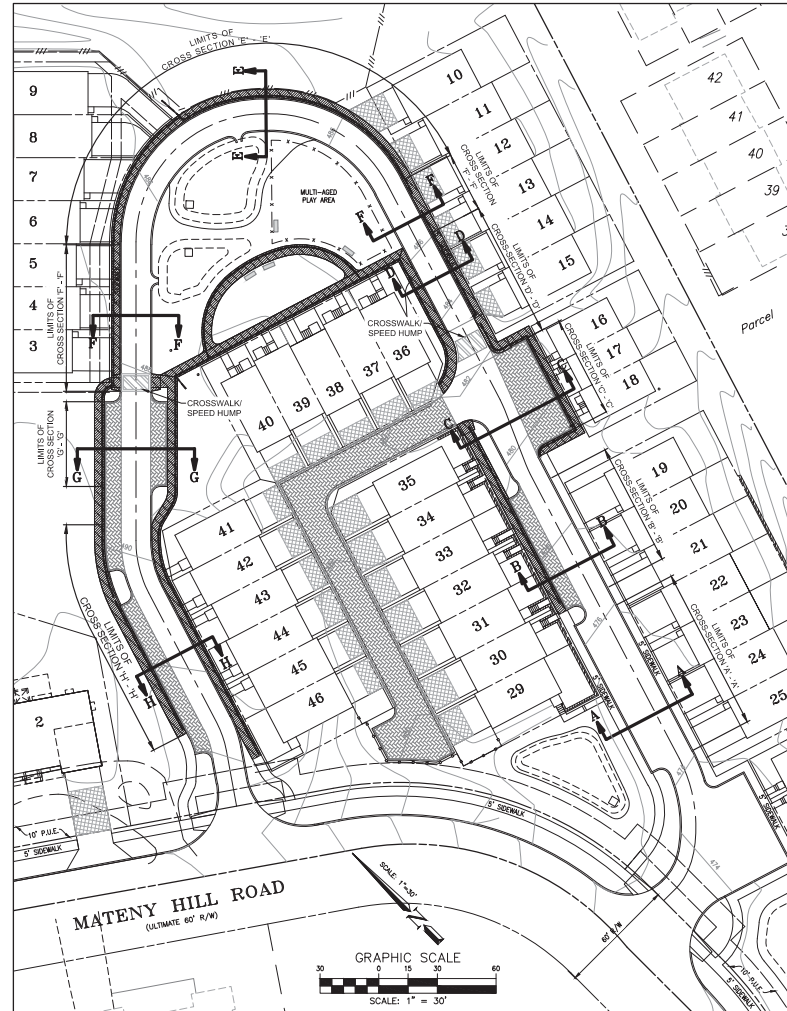
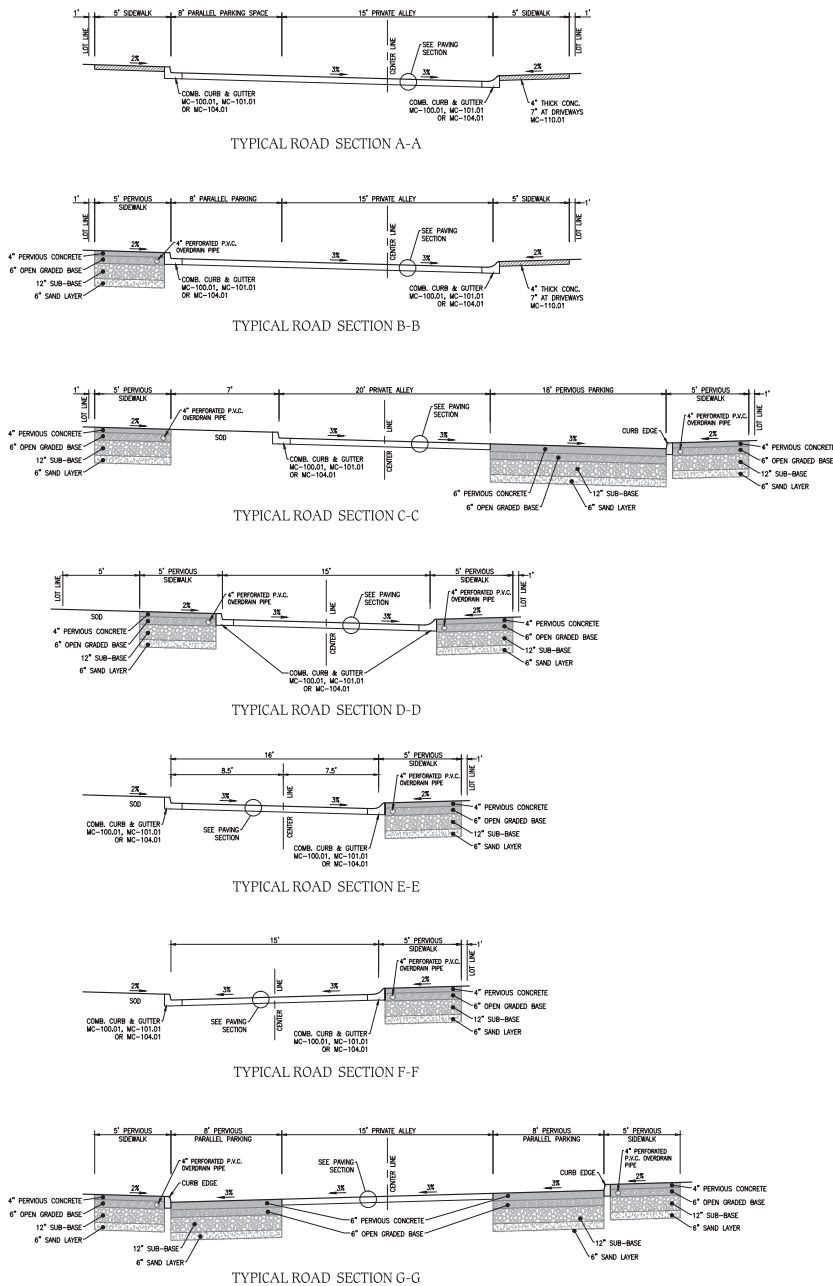
Daniel F. DeBolt  
Property Line Surveyor  
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# Attachment 13



3" BITUMINOUS CONCRETE BASE COURSE IN 2 - 1 1/2" LAYERS
3" BITUMINOUS CONCRETE BASE COURSE
APPROVED SUBGRADE

PAVING SECTIONS

- NOTES:**
- ALL PAVEMENT SECTIONS REQUIRE GEOTECHNICAL ENGINEER'S APPROVAL OF SUBGRADE.
  - 4" OVERDRAIN PIPE MUST OUTFALL OR DAYLIGHT TO A LOCATION THAT WILL NOT CAUSE ANY ISSUES.

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 26328

EXPIRATION DATE: 1-15-18

Seal not valid without signature

**UPDATES/REVISIONS:**

NO.	DATE	DESCRIPTION

**MISS UTILITY**

Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

**TYPICAL ROAD SECTIONS**

**MATENY HILL ROAD PROPERTY**  
GAITHERSBURG (9th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ Charles P. Johnson & Associates, Inc.**  
Associates  
1701 A Street, N.E., Suite 200, Atlanta, Georgia 30329-4344  
Phone: 404.525.1234  
Fax: 404.525.1235  
www.cpj.com  
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CLIENT: MATENY HILL LLC  
1515 BETHY ROAD, SUITE 200  
ALEXANDRIA, VIRGINIA 22304  
PHONE: 703.744.2520  
ATTN: KATE KUBIT

TAX MAP: 1  
SHEET: 1  
DATE: DEC. 2015  
FILE NO.: 44-182-94.01 B

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April 1, 2015

Dear Mr. Berbert and staff:

In your review of Plan # 120150070 for 44 dwelling units on Mateny Hill Road, I hope you will consider the issues raised here.

**Location.** Mateny Hill Road is a street of detached houses, except for the O'Connor Plumbing office/yard at the west end next to the Marc Rail Station. A wooded area to the east screens the Seneca Forest townhouse development from the houses that front on Mateny Hill Road. The house across the street from mine is over 100 years old. Across from the Marc station the Germantown Historical Society has a presence in an old bank building. There are also other historic homes or sites adjacent or nearby.

Several new townhome developments are already being built within a mile or so from my neighborhood. They face arterial roads such as Clopper Road, Germantown Road, Wisteria Drive. In contrast, this proposed development faces the entrance to a quiet residential street.

**Safety.** For drivers exiting Mateny Hill Road at the stop sign at Dawson Farm, visibility is unreliable in both directions due to a curve on Dawson Farm to the right and a dip to the left. Sometimes, unmowed grass in the median (summer) and piles of plowed snow (winter) also block the view of oncoming cars. Drivers from Seneca Forest must go right half a block and make a U-turn around the median to access Great Seneca Highway.

Families and children walk on Dawson Farm to and from Germantown Elementary School. School buses stop on Mateny Hill in front of the Germantown Station development, where there is a sidewalk, but students who don't live in the development must walk in the street to get to the bus stop.

**Public Transportation.** Some Ride On buses run on Dawson Farm to Shady Grove Metro during rush hours only. The 74 bus runs on Great Seneca Highway (a block away) every half hour to Metro or the Germantown Transportation Center. To get to Dawson Farm Road/Great Seneca or to the Marc Station, pedestrians must walk in the street on Mateny Hill, except at Germantown Station development. After that, towards the rail station, the road is narrow with poor sight lines.

**Density.** The Germantown Master Plan (July 1989) speaks of striving for a better balance between attached and detached housing. In this case, where one person with one automobile lives now, this development would add a minimum of 42 new residents and at least the same number of cars.

**Personal Concerns.** My lot and my next door neighbor's (Lots 1 and 2) are pie-shaped, with a narrow tip at the rear and broader frontage on the road. The preliminary plan shows a playground next to my yard which may create a nuisance for us if people cut across our yards instead of approaching the park from the rear. We may need a fence.

No matter how the area is developed, green space and many mature trees will be lost. I have enjoyed the woods behind my house and the small animals that inhabit them during the years I've lived here. Instead, to the east and south, there will be buildings higher than my house, little green space and few trees.

**Suggestions.** This plan needs rethinking. The height, scale, and density of the proposed townhouse development, even with its one token detached house, are not consistent with the streetscape or residential density on Mateny Hill Road. My next door neighbor and I will experience a negative impact on our quality of life if the development as shown in the drawing I received is built.

- (1) I would prefer to see a group of detached homes of medium size, each with a surrounding yard, on this property, accessed by one dead end road.
- (2) Before any development is ready for occupancy, the county needs to provide sidewalks, curbs, and gutters the entire length of Mateny Hill Road to make walking safer for children, families, and commuters. Better traffic management will be needed at the intersection of Dawson Farm and Mateny Hill Roads.
- (3) A park is a good thing, but it should be placed so that it will not encourage people to access it using neighbors' yards.
- (4) This area contains some of Germantown's history. The spirit of the original settlement should be preserved on Mateny Hill Road.

Leslie Hubbell  
19117 Mateny Hill Road  
Germantown, MD 20874  
301-515-9075  
vzeu9y23@verizon.net

A copy of this document is also being sent via USPS.