THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 2

MEMORANDUM

DATE:	May 23, 2002
TO:	Montgomery County Planning Board
VIA:	Joseph R. Davis, Chief Development Review Division
FROM:	Malcolm Shaneman, Supervisor and Robert A. Kronenberg, RLA, Senior Planner Planning Department Staff (301) 495-4587 and (301) 495-2187
REVIEW TYPE:	Preliminary Plan and Site Plan Review, Special Protection Area (SPA) Final Water Quality Plan
APPLYING FOR:	PD-2 Zone; 48.08 Acre Property 44 Single Family Dwelling Units/Lots
PROJECT NAME:	**Hunt Miles Property**
CASE #:	1-98094R and 8-02024
REVIEW BASIS:	Revision to Preliminary Plan Application required Site Plan Review Required in the PD-2 Zone, Article 59-D Site Plan Review Required for waiver of a cul-de-sac longer than 500 feet, Subd. Regs. 50-26(h) Special Protection Area Law, Montgomery County Code, Article V, Water Quality Review in Special Protection Areas Montgomery County Zoning Ordinance, Section 59-C-18.15, Environmental Overlay Zone for the Upper Paint Branch Special Protection Area
ZONE:	PD-2 Zone, Environmental Overlay Zone
LOCATION:	*Fairland* *Located on a future extension of Fairdale Road, approximately 200 feet northeast of Bradshaw Drive*
MASTER PLAN:	*Fairland*
APPLICANT:	Winchester Homes, Inc.
FILING DATE:	January 16, 2002
HEARING DATE:	May 23, 2002

STAFF RECOMMENDATION FOR FINAL WATER QUALITY PLAN: Approval of Final Water Quality Plan including the Stormwater Management Concept with conditions as stated within the May 14, 2002 memo from MCDPS in Appendix B, and subject to the following

conditions from the Environmental Planning Division memo dated May 17, 2002:

1. Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent as shown on the revised site plan. Imperviousness calculations must include required off-site improvements such as sidewalks.
2. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the site plan. Any modifications to these plans which increase site imperviousness may require Planning Board action.
3. Compliance with the conditions of approval for the final forest conservation plan dated May 17, 2002. The applicant must meet all conditions prior to recording of plat of MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
   a. Category I conservation easements to be placed over environmental buffers, forest-planting areas, and forest save areas that lie outside park dedication areas. Easements to be shown on record plats.
   b. On site plan and final forest conservation plan (FCP), remove Category I conservation easement designations from areas that are outside of environmental buffers and are not proposed for forest retention or forest planting.
4. Conformance to the conditions as stated in DPS' water quality plan approval letter dated May 14, 2002.

STAFF RECOMMENDATION FOR PRELIMINARY PLAN REVISION: Approval, Pursuant to the FY 2002 Annual Growth Policy Alternative Review Procedures for Expedited Development Approval ("Pay-and-Go"), and including waiver of a over length cul-de-sac pursuant to Section 50-26(d), and including waiver of sidewalk on one side of right of way pursuant to Section 50-26(h)(3), subject to the following conditions:

(1) Compliance with the conditions of approval for the final forest conservation plan dated May 17, 2002. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.

(2) Approval under this preliminary plan is limited to a maximum of forty-four (44) single-family dwelling units. The applicant is to pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax for the dwelling units prior to receipt of building permits, as provided by County law.

(3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland Master Plan unless otherwise designated on the preliminary plan.

(4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Fairland Master Plan, and to the design standards imposed by all applicable road codes.

(4) Compliance with the conditions of MCDPS' letter for the Final Water Quality Plan dated May 14, 2002. [Appendix B]

(6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
(7) Record plat to reflect common ingress/egress easements over all shared driveways
(8) Record plat to show delineation of a Category I conservation easement over the areas of environmental buffers and forest conservation areas that lie outside M-NCPPC park dedication areas.
(9) Prior to recording of plats applicant and the technical staff to coordinate on the final delineation of parkland dedication
(10) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
(11) Final approval of the number and location of dwelling units, site circulation, sidewalks, bike paths and other public access easements will be determined at site plat
(12) Prior to recording of plats Planning Board approval of waiver resolutions for over length cul de sac and side walk construction on one side of right of way
(13) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
(14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
(15) Record Plat to reflect the delineation of all common HOA property and SWM facilities.
(16) Necessary easements

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 44 single-family detached lots in the PD-2 Zone, Environmental Overlay Zone, including the waiver of a cul-de-sac longer than five-hundred feet, and approval of the SPA Final Water Quality Plan, with the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A
2. Conditions of approval of the final Forest Conservation Plan dated May 17, 2002. Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning Section memorandum dated May 17, 2002, prior to recording plat or DPS issuance of sediment and erosion control permit. These include but are not limited to:
   a. No grading within the environmental buffers except where shown on approved site plan for stormwater management outfalls, public road construction and necessary utilities;
3. Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10% as shown on the revised Site Plan;
4. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the revised Site Plan. Any modifications to these plans which increase site imperviousness may require planning Board action;
5. The access road to the stormwater management facility shall be unpaved and

pervious.

6. Conformance to the conditions of MCDPS final water quality plan approval letter dated May 14, 2002.
7. Site, Landscape/Lighting, Forest Conservation and Sediment and Erosion Control Plans subject to review by staff prior to approval of signature set. Prior to signature set approval, the applicant shall provide the following revisions or information to the plans:
   a. Site Plan signature set to show all easements, limits of disturbance, PUE's, PIE's, open space, high priority forests and storm drain outlets.
   b. Site Circulation:
      i. Sidewalks:
         a. Applicant to provide sidewalk on the south and east side of Fairdale Road up to the intersection of Friendlywood Road; sidewalk to extend across Fairdale Road on the west side of Freindlywood Road and connect to the northern property line;
         b. Provide a striped crosswalk at the intersection of Fairdale and Freindlywood Road;
         c. Applicant to construct an off-site, four-foot section of sidewalk from the southern boundary line on the east side of the existing Fairdale Road to the intersection of Bradshaw Drive;
         d. Applicant to construct an off-site four-foot section of sidewalk from the northern boundary line, across Miles Road to Fairland Gardens (Preliminary Plan #1-01068) within the dedicated public right-of-way if the right-of-way is recorded at the time of the DPW&T approval of the roadway improvement plans;
   c. Landscape and Lighting Plan to show the following:
      i. Provide additional landscaping in the open space at the rear of lots 4-11 and 27-29 to accentuate the natural regeneration areas and allow for some screening of the adjacent properties;
      ii. Increase the size of the street trees to 2.5-3" caliper;
      iii. Provide a 20-foot buffer for landscaping between SWM Facility 'B', south of Fairdale, and the adjacent parcel of land, 2720 Duvall Road. This may require relocation and reconfiguration of SWM facility 'B'. Revise the Landscape Plan to include the planting within the buffer area.
8. The services of a licensed arborist shall be retained to evaluate the appropriate measures necessary to ensure the survival of the large and specimen trees proposed to be preserved near the existing house whose critical root zones will be impacted by construction.
9. Prior to recording of the Plats, the applicant shall convey approximately 13.49 acres of Open Space (Parcel A) to the HOA and 16.34 acres of Open Space to M-NCPPC (Parcel B), as shown on the approved Site Plan.
   Dedication of the Open Space Parcels shall be conveyed free of trash and unnatural debris.
10. Applicant to enter into an agreement with M-NCPPC for maintenance for Stormwater Management Facility 'A', to be paid on an annual basis for a period of no more than thirty (30) years as outlined in the memo from Parks staff dated May 16, 2002. The

fee for the first year is calculated at the rate specified in the May 16, 2002 memo, and is to increase 3% annually (per annum) for thirty (30) years, for a total fee of $486,041.64, plus operating costs, which equals $502,243.03. The first installment shall be paid at 70% occupancy of the development or prior to the release of the 32nd building permit. The annual payment shall be placed into a deferred revenue account established by M-NCPPC, specifically for this project and facility.

10. Applicant to provide an off-site drainage easement from the adjacent property owner, Parcel 601 (2720 DuVall Road), if acceptable by the owner, below the outfall of SWM 'B' to include the dam breach flow path through that property, as outlined in the memo from MCDPS dated May 14, 2002. Drainage easement to be recorded in the land records prior to recordation of plat. Easement agreement to be referenced on record plat.

11. Prior to the issuance of the first building permit, applicant to secure all other necessary permits required by M-NCPPC and other government agencies for construction of the stormwater management facility.

VICINITY MAP FOR

HUNT MILES (8-02024)

Map compiled on May 17, 2002 at 9:21 AM | Site located on base sheet no - 219NE03

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map

N

Research & Technology Center

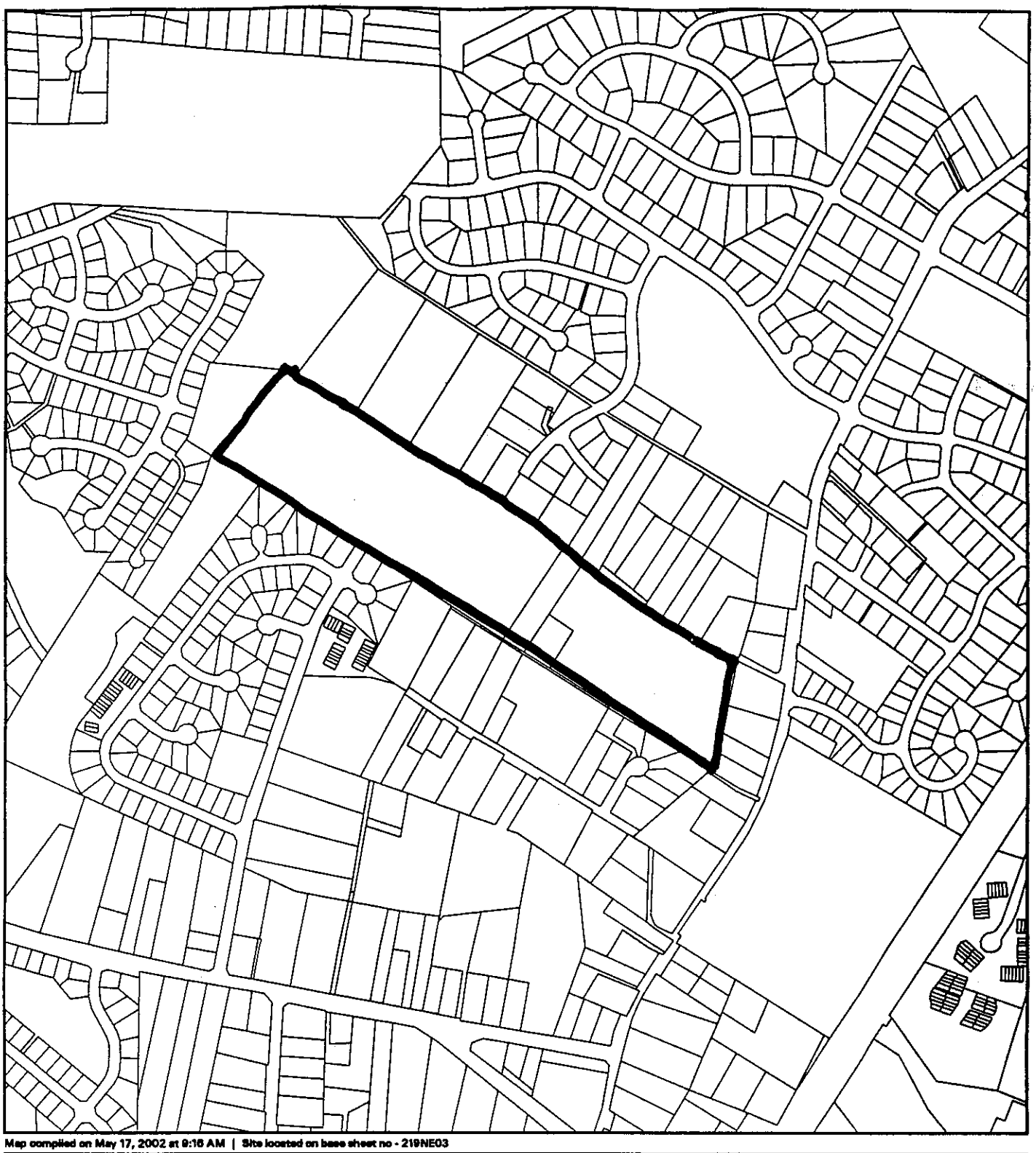
0 800

1 : 9600

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

VICINITY MAP FOR

HUNT MILES (8-02024)



Map compiled on May 17, 2002 at 9:16 AM | Site located on base sheet no - 219NE03

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland -National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map

N

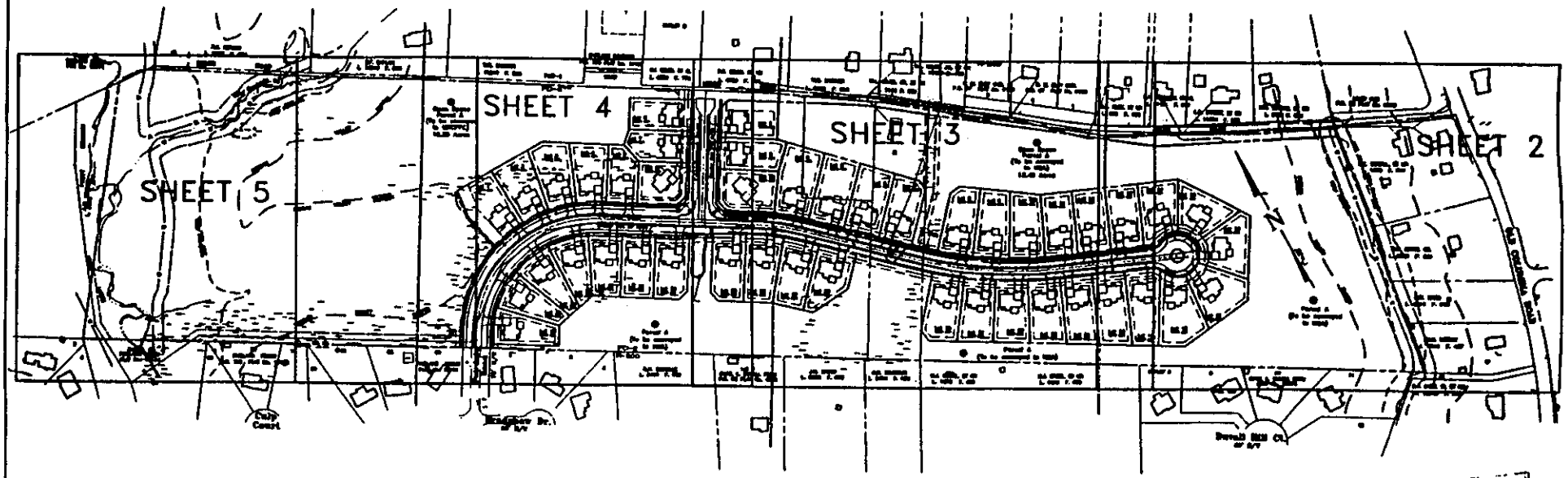
Research & Technology Center

0 800

1 : 9600

M-NCPPC
MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

802024



SITE DEVELOPMENT PLAN
MILES TRACT

HUNT PROPERTY

L. 2856 F. 344 AND L. 3815 F. 138

5TH ELECTION DISTRICT – MONTGOMERY COUNTY – MARYLAND

Macris, Hendricks & Glascock, P.A.
Engineers • Planners • Surveyors

13

E

SUMMARY OF ISSUES RESOLVED IN THE COURSE OF SITE PLAN REVIEW:

A. Off-site construction of sidewalks by the applicant

In accordance with the provisions of Sect. 50-35(n) of the Subdivision Regulations, the applicant has agreed to construct two off-site segments of sidewalk to provide a portion of the pedestrian connection to Fairland Elementary School to the south and Banneker Middle School to the north. The applicant will construct a segment of the sidewalk from the southern property line to Bancroft Drive, approximately 320 feet, on the east side of Fairdale Road. Montgomery County DPW&T will continue the remainder of the sidewalk on the east side of Fairdale through their sidewalk construction program.

The applicant will also construct a segment of the pedestrian sidewalk, approximately 400 feet, from the northern property line along the frontage of Outlot B, on the west side of Friendlywood Road.

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:

A. Management of Stormwater Management Facilities (SWM) in the Paint Branch Special Protection Areas (SPA's).

During the review process for the Development Plan Amendment (DPA No. 02-1), approved in December of 2001, the Planning Board directed staff to address issues regarding maintenance, management and funding of stormwater management facilities to be dedicated to M-NCPPC in the Upper Paintbranch SPA. The following questions from the Planning Board have been answered during meetings with Development Review, Parks Department and our Environmental Division, although we still don't have a standard procedure for calculating costs to maintain the facilities due to the complexity and size of each facility:

1. *How much money have we accepted for SWM facilities in the Upper Paint Branch SPA?*
   a. *Peach Orchard-Alnutt subdivisions*
      The land for these two subdivisions is now owned by the State of Maryland but may revert back. Based on the approved subdivisions, the initial figure agreed upon was $289,710, annualized for $9,657 over a 30-year period.
   b. *Briarcliff Manor West (Baldi)*
      The amount for this facility is $90,000, annualized for $3,000 over a 30-year period. To date we have received $9,000 and have yet to take over the facility.
   c. *Briarcliff Manor North (Hunts Lion Den)*

The costs presented to Winchester Homes was $486,000 for 30-years. Parks is still working out details for the agreement and payment of funds. A spreadsheet prepared by our Parks Department outlining the costs and maintenance procedures was presented for the three facilities and is attached for your review. It is anticipated that an annualized payment similar to the other facilities will be enacted by and between the applicant and our Parks Department.

2. *How much do we need, or should we require for new SWM facilities such as Hunt Miles in the SPA?*
   Parks Department is using the same methods to calculate total fees with an annualized payment as agreed upon, similar to the costs for Hunts Lion Den. The fee for the first year is calculated at a rate specified in the May 16, 2002 memo, and is to increase 3% annually (per annum) for thirty (30) years, for a total fee of $486,041.64 plus operational costs, equaling $502,243.03. The first installment shall be paid at 70% occupancy of the development or prior to the release of the 32nd building permit.
3. *What factors are included in the costs of taking over a facility?*
   a. *Operational costs and General maintenance*
      Operational costs are items such as mowing, stabilization, collection and removal of debris and general maintenance, which in many cases is contracted out to private consultants.
   b. *Facility retrofitting*
      Long-term factors are the hardest to predict due to problems associated with facilities, such as retrofitting or major blowouts from storms, but this is why funds are established early in the process so that money can accrue in our accounts to deal with these issues.
4. *How are we receiving the money for facilities already acquired, and do we want to change this procedure?*
   Presently, funds are accepted annually and being set aside in a deferred revenue account separately for each pond, and then moved over to a CIP or operating budget as appropriate, for Parks to charge against. We are proposing that the method of collection and disbursement of funds remain the same.
5. *How is the money being managed?*
   It will be set up in an overall budget for Park operations and itemized for work performed on each facility.
6. *What liabilities do we incur with these facilities and associated funds?*
   Once the facilities are turned over to M-NCPPC, we accept full responsibility.

B. Stormwater Management Facility 'B'

During the course of Site Plan review and approval, the applicant and staff met with the adjacent property owner, Mr. McIntyre, to the south, located at 2720 DuVall Road (Parcel 601). He had concerns regarding the location of the facility to his property, the outfall, and an adequate buffer of the facility from his property. [See letters dated May 3 and May 13, Appendix D] He was also concerned about conveyance of stormwater runoff from the proposed facility through his property, specifically through areas labeled

as a dam breach which is the natural drainage area identified if the facility fails.

In order to address his concerns, the applicant has agreed to a 20-foot landscape buffer from the property line to the toe of embankment. The revised plans will show the buffer as well as adequate planting. The revisions to the plan may require SWM facility 'B' to be reconfigured or relocated to accommodate the buffer plantings.

The outfall will also be located further back from the property line and discharge into the natural drainage swale which runs along the northwestern boundary of Mr. McIntyre's property. DPS requires that the SWM facility control the one-year, ten-year and 100-year storms with water release rates at pre-development conditions. Mr. McIntyre is also concerned that the management of the water flow from the SWM facility may adversely discharge higher rates onto his property over a period of time during a major storm. Also, a condition of the final water quality plan is the establishment, with Mr. McIntyre's approval, of a drainage easement through his property that includes a dam breach flow path. The dam breach area is the area inundated by water if the SWM facility's dam failed and discharged all the water within the dam breach area located on his property. An agreement between the applicant and the property owner has not been reached.

Condition number 11 for Site Plan review is requiring that the applicant provide an off-site drainage easement, if acceptable to the owner of parcel 601, for the entire dam breach area on the adjacent property. Staff feels strongly that an easement is necessary to address concerns for any failure of the SWM facility. We recommend that the property owner and the applicant work out an agreement to provide an easement on his property.

PROJECT DESCRIPTION: Surrounding Vicinity

The 48.08 acre property consists of two tributaries and the main stem to the Right Fork of the Paint Branch, and the Fairland Farms Tributary in the Fairland Master Plan Area. The site is located on a future extension of Fairdale Road approximately 200 feet northeast of Bradshaw Road. The property can also be accessed by Miles Road from the north, which connects directly to Old Columbia Road.

Access to the property will be through an adjacent subdivision (Fairland Farms, Preliminary Plan #1-78070) to the southwest. Future access will be provided from the north via a proposed connection to Friendlywood Road, a master planned connection. The Duvall property (Preliminary Plan #1-88238) to the southeast and Fairland Gardens (Preliminary Plan #1-86154), as well as the individual parcels to the north of the site is all zoned R-200. The parcels to the northwest and west of the property are zoned RE-1 with and environmental overlay. The parcels which buffer the subject site and Old Columbia Road are zoned R-200, including Paint Branch High School, directly across the Old Columbia Road.

PROJECT DESCRIPTION: Site Description

The site is one of the higher elevations in the area and contains four streams of the Paint Branch, a Use Class III stream, a natural trout waterway. The Fairland Farms tributary defines the approximate limits of the eastern boundary. The topography is characterized by rolling terrain falling over 100 feet in height from the high point or knoll to the stream valley area. The stream valleys encompass environmentally sensitive areas such as wetlands, 100-year floodplain and seeps.

The property has numerous unpaved roads leading from Miles Road to an existing structure and openings on the site. Much of the development will occur in the open areas and higher elevations. The clustering of the lots in the open areas and the location of the proposed road near the existing road will result in minimal clearing and increased forest protection.

Slopes near the stream banks exceed 15-25%.

PROJECT DESCRIPTION: Proposal

The current proposal for Site Plan consists of 44 single-family detached lots, utilizing the cluster method in the PD-2 zone with the Environmental Overlay Zone. The subject property is within the Paint Branch Special Protection Area. A minimum of 10% impervious coverage is permitted on the site. The lots range in size from 87,000 square feet +/- to 92, 000 square feet +/-

There is one proposed access into the site from Fairland Road, with a future access to Friendlywood Road to the north of the property. The master plan recommends that Fairdale Road be extended to link to Friendlywood Road thought the property. There will be a segment of Friendlywood north of the subject site that is not being constructed by the applicant. The proposed structures and roads will not impact the stream buffer and floodplain, causing the least impact to the environmental areas.

All of the lots front on the two main roads, creating a very close community atmosphere. All of the lots on the north side of the Fairdale near the entrance will have forested buffers in the rear of their yards, as well as the lots at the end of the cu-de-sac. The majority of the lots will be located on the higher elevations overlooking the areas toward the stream valley buffer. The entire buffer behind the lots on the cul-de-sac will include a forest conservation easement protecting the sensitive areas and dedicated to the HOA as open space. The property behind lots 1-8 will back up to dedicated park property.

A waiver to a cul-de-sac greater than 500 feet in length was reviewed as part of the subdivision. Staff and DPW&T support the waiver due to the connection provided by Friendlywood Road.

A Final Water Quality Plan for stormwater management for the proposed development has been approved, with conditions by the Montgomery County Department of Permitting Services (DPS) letter dated May 14, 2002. [Appendix B]

PROJECT DESCRIPTION: Prior Approvals

The PD-2 zone with the environmental overlay was written especially for this particular area of the county and the uniqueness of the environmental resources in Fairland. The intent of the zone is to provide a mix of housing types in a cluster setting while limiting the overall impact to the Upper Paint Branch. The Development Plan Amendment waived the provision of attached units because the plan *"achieves the vision for the Approved and Adopted Fairland Master Plan, conforms with the Special Protection Law, and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area"*.

On December 29, 2001, the Montgomery County Planning Board approved the Development Plan Amendment No.02-1 for 44 single-family detached units with the conditions outlined in the attached opinion [Appendix B].

Prior to the recent Development Plan Amendment the Planning Board approved Preliminary Plan, 1-98094 in December 1998. The application was subject to several conditions many of those conditions are also applicable to the revised application and have been incorporated into its recommendations for approval. Attached to this memorandum is the adopted Planning Board opinion from that prior preliminary plan public hearing.

DISCUSSION OF ISSUES

ANALYSIS: Conformance to Master Plan

The 1997 Approved and Adopted Fairland Master Plan describes the Hunt Miles property as part of Area 4 within the Perrywood Neighborhood. The property lies within the Upper Paint Branch Special Protection Area, is zoned PD-2 with an environmental overlay zone.

The master plan recommends that the existing PD zone be retained and that Fairdale Road be extended to link up with Friendlywood Road, which is proposed to be extended through the property. The master plan also recommends that the public right-of-way include sidewalks and that a Class III bikeway (PB 49) be constructed along the proposed Fairdale Road.

The proposed site plan shows 44 single-family detached lots, provides for road connection and includes sidewalks through the site and an extension of sidewalks off the subject property. The plan also proposes to dedicate approximately 16 acres of parkland.

RECREATION CALCULATIONS

	Tots	children	teens	adults	seniors	Totals
Demand Points						
For 44 SFD units						
• SFDI	0	0	0	0	0	0
• SFDII (44)	5.72	10.56	11.0	46.64	4.84	78.76
• SFDII 1.82	0	0	0	0	0	0
Total Demand	5.72	10.56	11.0	46.64	4.84	78.76
Supply Points						
On-Site Facilities:						
Tot lot (1)	9.00	2.00	0.00	4.00	1.00	16.00
Picnic/Sitting Area	1.00	1.00	1.50	5.00	2.00	10.50
Pedestrian System	0.57	2.11	2.20	20.99	2.18	28.05
Natural Areas(2)	0.0	1.06	2.20	9.33	0.48	13.07
On-Site Total	10.57	6.17	5.90	39.32	5.66	67.62
Off-Site Facilities*:						
Play lot	0.0	9.0	3.0	4.0	1.0	17.0
Multi-purpose court	3.0	10.00	15.0	10.00	2.50	40.50
Tennis Court	0.0	1.50	10.50	24.00	1.00	37.00
Softball Regultn	2.00	15.00	20.00	40.00	2.00	79.00
Vita Course	0.0	0.0	0.0	2.33	0.24	2.57
Off-Site Totals	5.00	35.50	48.50	80.33	6.74	176.07
	(1.75)	(12.43)	(16.98)	28.18)	(2.36)	61.62)
Total Supply Points	12.32	18.60	22.88	67.44	8.02	129.24

*The credit for each off-site facility must not exceed 35% of its supply value for each population category. These numbers reflect that limitation.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning	PD-2 (Environmental Overlay Zone)
Proposed Use	44 Single Family Lots
Gross/Net Tract Area	48.08 Acres
Area within the 100 Year Floodplain	2.80 Acres

Development Standard	Permitted/ Required	Proposed
Maximum Number of Lots (44 per DPA No02-1)	44	44
Density of Residential Development	2 d.u./ac (96 d.u.'s)	0.9 d.u./ac.
Minimum Lot Area (Sq. Ft.):	n/a	11,000+/-
Setbacks (ft.)		
• Front yard	n/a	25+/-
• Side yard	n/a	10+/-
• Rear yard	n/a	10+/-
Minimum Lot Width at the Street Line (ft.):	n/a	
Minimum Building Height (ft.):	n/a	
Maximum Building Coverage (%):	n/a	
Green Area (%):	30%	91%
Impervious Surfaces	10%	10%

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*

   The Development Plan Amendment No.02-1 achieves the purpose and vision of the Fairland Master Plan and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.

2. *The site plan meets all of the requirements of the zone in which it is located.* See Project Data Table above.

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

   a. Location of Buildings

      The layout of the houses is adequate and efficient; the arrangement of the proposed houses in the center of the site provide neighborhood identity while protecting the sensitive environmental features. The houses have been sited as close to the road as possible to limit the amount of impervious coverage on the site.

      The location of the houses as shown on the site plan is conceptual. The precise location and site grading will not be determined until the owner has chosen a specific house type and a house location plan with grading, to be developed by the project engineer.

   b. Open Spaces

      The open spaces are generously laid out and provide attractive, efficient and accessible green space for the entire community.

      Approximately 30 acres of the 48 acre site will be retained as open space, and all but two of the proposed 44 units will back up to the open space in the community. Of the 30 acres of open space, 16.30 acres will be conveyed to M-NCPPC to increase the buffer to the Paint Branch as recommended by the Fairland Master Plan. The remaining 13.49 acres of Open Space, which surrounds the community, will be conveyed and maintained by the HOA. The majority of the open space to be preserved is within environmentally sensitive areas such as stream valley buffers, wetlands and floodplain and includes a portion of the Right Fork of the Paint Branch.

      The PD-2 zone, with the environmental overlay zone requires that a minimum of 30% of the site be retained as open space, and the plan indicates that

approximately 91% will be preserved on site.

The stormwater management concept is conditionally approved as part of the Special Protection Area Final Water Quality Plan for the proposed development as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated May 14, 2002. Specific concerns outlined by the Planning Board with regard to cost, maintenance and ownership of the facility have been addressed in this report under pertinent issues relevant to site plan review.

c. Landscaping and Lighting

The landscaping and lighting provides safety and efficiency for residents and visitors in the neighborhood setting.

Landscaping and screening consists of the formal streetscape treatment of a tree-lined street for both public roads serving the property. Additional landscaping has been provide on the lots as a buffer and accent to adjacent properties. The stormwater management facility has been screened from view of the adjacent lots and the recreational amenities on site contains shade trees and ornamental trees for visual enhancement of the users. A 20-foot buffer to SWM 'B' is proposed for increased screening to the adjacent property to the south

Proposed street lighting conforms to the Montgomery County guidelines for public roads for type of fixture, spacing, size and height.

d. Recreation.

Recreational amenities are accessible to the public and users of the subdivision. Off-site credit has been taken for existing facilities in the nearby schools and park properties, permitted by the recreational guidelines.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation in general is adequate, safe and efficient.

The Fairland Master Plan recommends that Fairdale Road, a classified major roadway, provides access to the property from the north as a 70-foot wide public right-of-way. Fairdale Road reverts back to a standard 50-foot wide right-of-way at the intersection of Friendlywood Road, also a master planned major roadway. Friendlywood Road will terminate at the northern property line with a t-turnaround.

The Master Plan calls for pedestrian circulation on Friendlywood Road and the 70-foot right-of-way segment of Fairdale Road to provide access to Banneker Middle School to the north and Fairland Elementary School to the south of the

property. The proposed sidewalk will be located on the south and east side of the 70-foot wide segment of Fairdale Road connecting with a proposed sidewalk on the west side of Friendlywood Road. The applicant has agreed to construct additional sidewalk on east side of Fairdale Road from the southern boundary line to Bradshaw Drive. The remaining off-site segments of sidewalk will be constructed through Montgomery County's sidewalk program to link the existing and proposed subdivisions with the neighboring schools.

A request to waive segments of the sidewalks within the subdivision has been reviewed by staff and DPW&T. DPW&T supports the waiver for sidewalk on only one side of the road for the 70-foot wide sections of Fairdale Road and Freindlywood Road and staff and DPW&T support the waiver for sidewalk on one side of the 50-foot wide section of Fairdale Road. Support for the waiver is designed to direct pedestrian traffic to the local schools and to minimize the impervious area within the Paint Branch Special Protection Area.

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

The new houses are clustered toward the center of the property preserving approximately 90% of the site as open space. All but two of the proposed lots will back up to the proposed open space. Each structure and use is compatible with other uses and with existing and proposed adjacent development to the north and south of the property.

The activity associated with the proposed residential community will not cause any negative effect on adjacent residential uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

Forest Conservation requirements have been met by the preservation of approximately 18.2 acres of existing forest. This is more than the projects break-even point of 13.62 acres.

A Category I Conservation easement will be placed over the forest conservation and environmental buffer areas that lie outside the dedicated park property, as shown on the Forest Conservation Plan.

APPENDIX

A. Standard conditions dated October 10, 1995
B. Memorandums from other Divisions/Agencies
C. Waiver Request from applicant dated October 30, 2001
D. Letter from Scott McIntyre dated May 13, 2002
E. Development Plan Amendment Opinion (DPA No. 02-1) dated December 29, 2001

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement, Development Program and Homeowners Associations Documents for review and approval prior to approval of the signature set as follows:

   a. Development Program to include a phasing schedule as follows:
      1. Street tree planting must progress as street construction is completed, but no later than 6 months after completion of the units adjacent to those streets;
      2. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
      3. Coordination of each section of the development and roads;
      4. Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features;

2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

   a. Undisturbed stream buffers, except for stormwater management outfalls and utilities as shown on the site plan;
   b. Limits of disturbance;
   c. Methods and location of tree protection;
   d. Forest Conservation areas;
   e. Conditions of DPS Final Water Quality Plan approval for the Special Protection Area, letter dated May 14, 2002;
   f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
   g. The development program inspection schedule.
   h. Conservation easement boundary

3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

G:\SP_STAFFRPT\8-02024.doc

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

May 14, 2002

Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Final Water Quality Plan** for Hunt Property-Miles Tract
Preliminary Plan #: 1-98094
SM File #: 204466
Tract Size/Zone: 48.2 Ac/PD-2
Tax Plate: KR 343
Liber/Folio: 2836/344 & 3815/138
Montg. Co. Grid: 32B5
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the Final Water Quality Plan for the above mentioned site is conditionally approved.

Site Description: The site consists of 48.2 acres located on the south side of Miles Road, west of Old Columbia Pike. The property is zoned PD-2, the proposed development will consist of 44 single-family lots, and the associated infrastructure. The property is located within the Upper Paint Branch Watershed, which is a designated Special Protection Area (SPA).

Stormwater Management: Water quantity control for the site will be provided via two dry ponds (Ponds A and B). Pond A will provide control of the one-year storm (with a pre-developed release rate) and twelve hour extended detention. Due to downstream drainage concerns, Pond B will provide control of the one-year, 10-year and 100-year storms (with a pre-developed release rate) and 12-hour extended detention. Quality control will be provided via a treatment train that consists of vegetated roadway swales which convey the site runoff to a dual cell surface sand filter (if infiltration is not feasible) with plunge pools before outfalling to the dry pond. If infiltration proves to be feasible, the second cell of each system is to be an infiltration structure. The quality structures will be sized to treat a total of one-inch over the proposed impervious area.

Sediment Control: Redundant sediment controls are required. Sediment traps with forebays or upland sediment traps coupled with secondary sediment traps are to be used for redundant sediment control treatment. All sediment-trapping structures are to be equipped with dewatering devices. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.

2. The site grading shall be phased to limit disturbance with immediate stabilization emphasized. A phasing sequence is to be submitted with the initial submittal of the sediment control plan.

3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary Water Quality Plan and as further refined in the Final Water Quality Plan. They are as follows:

1. Protect the streams and aquatic habitat.

2. Minimize storm flow run off increases.

3. Minimize increases to ambient water temperatures.

4. Minimize sediment loading.

5. Maintain stream base flows.

6. Protect springs, seeps, and wetlands.

7. Minimize pollutant loading (nutrient and toxic substances).

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS, and those responsible for conducting the monitoring to establish the monitoring parameters. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.** See the attachment to this approval letter titled "Description of Monitoring Requirements" for the detailed monitoring requirements.

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

1. As per our April 25, 2002 meeting, the quantity control structures are to be resized at the detailed plan submittal so as not to include the quality control volume in the quantity routing. It was acknowledged that this will increase the quantity cell size by approximately 15% to 20% and your site planning will allow for this increase without encroachment into buffer areas.

2. Submit a formal dam breach analysis of proposed Pond "B" for review and approval.

3. Pursue a drainage easement from the adjacent property owner (below the outfall of proposed Pond "B") which includes the dam breach flow path through the property.

4. Provide clear maintenance access to the SWM structures from a public right-of-way. As shown, the access for Pond "A" is from a street that is to be built in the future.

5. The proposed plunge pools are to be underdrained.

6. Prior to plan submittal, the stream channels on-site are to be walked to determine if channel restoration is necessary.

7. Percolation tests must be performed to determine the feasibility of providing infiltration structures for water quality and ground water recharge.

8. At a minimum one foot of stone (dead storage) is to be provided below the outlet pipe of the surface sand filters to allow for groundwater recharge if infiltration is not feasible.

9. Provide safe conveyance of the runoff from the backs of the lots draining to Pond "A". It appears additional storm drain inlets will be needed.

10. Provide necessary grading so lot 30 will not be impacted by drainage from the adjacent lots. Additionally, show safe conveyance for lots 30 through 36 so multiple lots will not drain through any one lot.

11. All impervious areas not draining to the SWM structures will be compensated for in the quantity control pond.

12. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management (IPM) Plan as part of the Homeowners Association (HOA) documents. It is to be noted that the IPM Plan is to be mailed out to residents at least once every year (this may be done as part of a community newsletter). A draft of this plan/document is to be submitted at the detailed sediment control plan stage, and the final document is to be submitted prior to bond release.

13. Water quality structures that are to be used for sediment control must have a minimum undisturbed buffer of two feet from the bottom of the sediment trap to the bottom of the stormwater structure.

14. Provide a tree-planting plan that allows for shading of the water quality structures, and the dry pond outfalls.

15. Provide additional dry wells or rain gardens for the backs of lots 12 and 13, Block B since this area is no longer shown to be draining to SWM system "B".

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

Sincerely,

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

RRB:enm:CN204466
cc: M. Shaneman
S. Federline
C. Bunnag
L. Galanko
SM File # 204466 Qn on-site 48.2 acres Ql on-site 48.2 acres

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan
County Executive

James A. Caldwell
Director

Attachment to the Final Water Quality Plan for Hunt Miles Tract
Description of Monitoring Requirements

Date: May 9, 2002
Preliminary Plan #: 1-98094
SM File #: 204466

The purpose of this attachment is to add specificity to the standard monitoring requirements and procedures contained in the BMP monitoring protocols. Some supplemental monitoring, QA/QC, data analysis, reporting and record keeping tasks will be explained in this attachment.

This BMP monitoring is being done to address whether the site performance goals were met or not. The purpose of the data analysis and reporting is to describe quantitatively how the performance goals were met. Monitoring efforts and reports must employ scientific methods in an attempt to determine effectiveness of BMPs. Monitoring is to be done according to DEP BMP Monitoring Protocols. However, these monitoring protocols are intended to provide a framework only. Some supplemental requirements are provided in this attachment. Prior to initiation of monitoring, consultants must contact DEP to review procedures and requirements. Thorough and careful analysis of data is required. Data analysis methods employed may vary depending on the results obtained. Methods and assumptions should be detailed. DEP BMP Monitoring Protocols are available at
http://www.co.mo.md.us/services/dep/Publications/pdf%20files/bmpprotocols.pdf

Specific Monitoring Requirements

1. BMP monitoring reports must include a table with dates of all major construction activities which take place on the site. (Groundbreaking, clearing, grading, BMP construction, BMP conversion, pond maintenance, sediment spill and cleanup, etc.)

2. Stream water temperatures will be monitored in the right fork of Paint Branch above and below the confluence with the tributary draining facility A. This is diagrammed in the Final Water Quality Plan dated 1/4/02. In addition three temperature loggers will be required in the tributary itself. One will be located close to the confluence with Paint Branch. The other two will be located above and below the outfall of facility A. This monitoring will occur from June 1 through September 30 each year. Equipment accuracy is to be checked prior to use in spring. An accuracy check after retrieval in fall may be necessary depending on results obtained. Consult with equipment manufacturer or DEP

for appropriate procedures. All accuracy checks are to be submitted with data analysis and reports. Temperature loggers should be set to take readings as frequently as possible. Consult with DEP if readings will be taken less frequently than every 30 minutes. Data from the loggers is to be closely compared to identify any patterns indicating temperature impacts of the pond outfall. Rainfall, air temperature and flow data should be considered in the analysis. Results from adjacent loggers should be compared to determine spatial differences in temperatures. Temperature data collected during the pre-construction period will be compared to temperatures collected in succeeding years to establish the effect of the project on stream temperatures. Analysis should be presented with illustrative graphs and conclusions regarding BMP effectiveness.

3. Logging rain and air temperature gages will be installed on the property. Data will plotted and compared with stream temperatures. Data and graphs are to be provided to DEP. Analysis should explain when these parameters are causing stream temperatures to be elevated and how the site and BMPs relate to that phenomenon.

4. A minimum of three TSS grab sample locations will be established at facility A. Exact sampling locations will be determined by DEP when the BMP is in place. Sampling is to be done quarterly during storm events throughout the construction phase. Storms should have at least one half inch of rainfall in a 24 hour period to be counted towards this requirement. Samples should be collected within 24 hours after the storm. The storms during which the data was collected should also be characterized for duration and total rainfall. Storm frequency (return interval) should be reported as described in Technical Paper #40 of USDOC Weather Bureau. Results should be examined to determine the efficiency of the structure and percent removal of pollutants. Data should be compared to past periods and graphs should be provided to support conclusions.

5. Quarterly photographic monitoring of the outfall and swale below facility A will be required to determine the stability of the area. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether flows from the structure are causing erosion or instability.

6. A stream channel embeddedness station is to be established in the tributary draining facility A below the outfall of that facility. Photos of the stream bottom should be taken concurrently with quarterly embeddedness readings. Reports should compare pre-construction data with data collected during subsequent periods to evaluate the effect of the project on the tributary and Paint Branch. Graphs should be presented along with conclusions.

7. Four groundwater monitoring wells are to be installed on the property. The wells are to be located above and below the two largest stormwater management facilities on the property. Well installation logs should be provided. Levels should be read quarterly beginning one year prior to the initiation of construction. Actual elevation of the

groundwater should be reported as well as the depth to water from the ground surface. Data should be analyzed to determine the effectiveness of site design and stormwater management in providing infiltration and maintaining groundwater levels. Data from the pre-construction period should be compared to results obtained in subsequent periods. Graphs should be provided to support conclusions.

8. Three permanently monumented cross sections will be established on the tributary draining facility A. These cross sections will be surveyed annually at the same time of year. The data will be plotted and compared over time to evaluate channel stability in the tributary. Photos of the cross section looking upstream and downsteam should be collected annually also. Photos should be taken from the same location, height, etc. to facilitate comparison. An object of known size should be included with each shot to provide a frame of reference. Reports should evaluate whether the BMPs are effectively preventing degradation of the channel.

One year of baseline data on water temperatures, embeddedness, and groundwater levels must be collected as specified above before construction begins. Cross sections must be surveyed at the beginning and end of that period. Photos will also be required. DEP must be notified prior to commencement of pre-construction monitoring. A report on these pre-construction conditions must be deemed acceptable by DEP prior to the issuance of a sediment control permit. For subsequent periods an annual report on BMP monitoring is due to DEP by October 31 of each year. County regulations require that reports be submitted quarterly. These quarterly reports may be incorporated in the annual report. This should be reflected in the title of the document. BMP monitoring reports are to be delivered with data in an electronic format to Mark Sommerfield at Montgomery County DEP and also to Leo Galanko at Montgomery County DPS. All of the above monitoring requirements will be in effect throughout the construction phase of the project. After the development is completed the cross sections must be monitored for an additional five years. TSS readings from facility A (requirement #3) will not be required post construction. The other monitoring requirements will be in effect for three years after the development is completed. Questions on the monitoring requirements and procedures may be directed to the following personnel.

Mark Sommerfield
(240) 777-7737
mark.sommerfield@co.mo.md.us

Doug Marshall
(240) 777-7740
douglas.marshall@co.mo.md.us

Leo Galanko
(240) 777-6242
leo.galanko@co.mo.md.us

May 17, 2002

MEMORANDUM

TO: Robert Kronenberg, Development Review Division

FROM: Candy Bunnag, CB
Environmental Planning
County-wide Planning Division

SUBJECT: Preliminary Plan (No. 1-98094), Site Plan (No. 8-02024), and Special Protection Area (SPA) Final Water Quality Plan for Hunt-Miles Property

---

STAFF RECOMMENDATION

Staff recommends approval of the preliminary plan, site plan, and Special Protection Area (SPA) final water quality plan with the following conditions:

1. Prior to record plat, applicant to enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent as shown on the revised site plan. Imperviousness calculations must include required offsite improvements such as sidewalks.

2. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the revised site plan. Any modifications to these plans which increase site imperviousness may require Planning Board action.

3. Compliance with the conditions of approval for the final forest conservation plan dated The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:

    a. Category I conservation easements to be placed over environmental buffers, forest-planting areas, and forest-save areas that lie outside park dedication areas. Easements to be shown on record plats.

b. On site plan and final forest conservation plan (FCP), remove Category I conservation easement designations from areas that are outside of environmental buffers and are not proposed for forest retention or forest planting.

5. Conformance to the conditions as stated in DPS' water quality plan approval letter dated May 14, 2002 (Attachment A).

DISCUSSION

Site Description

The 48.2-acre site lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)[1]. The Right Fork Tributary and two smaller tributaries traverse the western end of the site. The Fairland Farms tributary approximately defines the eastern boundary of the site.

Most of the site is in uplands with rolling topography, with some areas of 15 percent and greater slopes. A house, driveway, and some other building structures are currently located on the north central portion of the site.

Soils on the upland areas consist of Gaila silt loam, Glenelg silt loam, and some Chillum silt loam. These soils are common in the county and are generally well-drained. The eastern stream valley has steeper slopes and wetlands are generally very small along the stream channel. The western stream valley is broader with a 100-year floodplain and wetlands which extend roughly 150 to 250 feet from the Right Fork Tributary. There is also a small seep area near the northwestern portion of the site. Soils within the stream valley bottom are Hatboro silt loam and Baile silt loam, which are common floodplain soils in the county and are poorly drained.

About 30.2 acres of the site are covered in forest. The remainder of the site is in old fields. The entire eastern stream buffer is forested and most of the western stream buffer is forested. There are numerous dirt bike/recreation vehicle trails through the various forest stands.

The four forest stands that occur on the site are young, mixed deciduous stands with black cherry, tulip poplar, and red maple comprising the dominant trees. These dominant trees generally range in size from 6 to 12-inches diameter at breast height (dbh). Forest within the environmental buffer areas are generally older. Forest stand no. 4, which is located on the northern portion of the site, is dominated by Virginia pine and black cherry.

---

[1] Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

Review for Conformance to the Special Protection Area Requirements, Including the Environmental Overlay Zone

The Planning Board conditionally approved the SPA preliminary water quality plan and recommended approval of the development plan amendment (DPA No. 02-1) for the proposed project on December 20, 2001. The Planning Board approved the preliminary water quality plan with the following conditions:

1. At site plan, submit a final water quality plan that demonstrates that the site imperviousness will be no more than 10 percent.

2. Western stormwater management facility and surrounding environmental buffer and open space to be dedicated as M-NCPPC parkland.

3. Provide funding to be used by M-NCPPC Department of Park and Planning to cover the costs of inspection and maintenance of the western stormwater management facility. Amount of funding and timing of payments to be reviewed and approved by M-NCPPC staff prior to approval of record plats.

4. Compliance with the conditions of approval for the preliminary forest conservation plan dated December 14, 2001. The final forest conservation plan must be approved prior to the recording of plat. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:

    a. Reconfigure the western SWM facility so that there is no grading within the environmental buffer except for the SWM facility outfall pipe.
    b. Category I conservation easements to be placed over environmental buffers and forest-save areas that lie outside park dedication areas. Easements to be shown on record plats.

4. Conformance to the conditions as stated in DPS' water quality plan approval letter dated December 14, 2001 (and corrected December 17, 2001).

As part of the requirements of the Special Protection Area law, a final water quality plan must be reviewed in conjunction with a preliminary or site plan application[2]. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and approved the elements of the preliminary water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and the environmental overlay zone requirements, including site imperviousness limits, have been satisfied.

DPS has reviewed and conditionally approved the elements of the final water quality plan under its purview (see Attachment A).

Site Performance Goals

As part of both the preliminary and final water quality plans, several performance goals were established for the site: protect streams and aquatic habitat, minmize storm flow runoff increases, minimize increases to ambient stream water temperatures, minimize sediment loading, maintain stream baseflow, protect springs, seeps, and wetlands, minimize pollutant loadings.

Site Imperviousness

The Upper Paint Branch SPA is the only SPA that has a ten percent (10%) site imperviousness limit on new development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 10 percent. This consists of 44 single-family detached houses and driveways, roads, and sidewalks. The house footprints range from 1876 to 2152 square feet. Sidewalks are proposed on one side of the street network within the subdivision. The site imperviousness calculations also include two sections of off-site sidewalk that will be constructed as part of the subdivision. The applicant's proposal conforms to the environmental overlay zone.

Environmental Buffers

Environmental buffers are located on the western and eastern ends of the

[2] Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan..."

site. The eastern environmental buffer and some adjacent upland area are proposed to be in HOA common open space as a forest preservation area (i.e., Category I conservation easement area). This is acceptable to staff.

The western environmental buffer area and some adjacent upland forest are proposed to be dedicated as M-NCPPC parkland. This is acceptable to staff.

In conformance with one of the conditions of approval of the SPA preliminary water quality plan, the proposed site plan, final forest conservation plan, and final water quality plan have been revised to show the western stormwater management (SWM) facility outside the environmental buffer area except for the necessary outfall pipe.

Forest Conservation

The final FCP shows about 12.1 acres of forest to be cleared. About 18.2 acres of forest are proposed for retention. This is above the project's break-even point of 13.67 acres. Therefore, no forest planting is required to comply with the forest conservation law.

However, an area of currently unforested environmental buffer area is proposed to be planted in forest. This is consistent with the Planning Board's "Environmental Guidelines". The guidelines recommend that unforested environmental buffers on a development site in a SPA be planted in forest, even if the planting exceeds the requirements of the forest conservation law. If the applicant chooses, this forest planting area may be made available as offsite reforestation credits for other development projects.

The final FCP shows several areas within the proposed HOA common open space that are proposed to be placed in a Category I conservation easement but are not currently forested, are not within an environmental buffer, and are not proposed to be planted in forest. The applicant originally considered using these areas to create a forest bank. The applicant currently does not want to pursue forest banking on this site. Therefore, staff believes conservation easements are not needed on these areas.

It should be noted that in the preliminary FCP and preliminary water quality plan, a sewer line for the subdivision was proposed to be connected to an existing line by traversing through forest and an environmental buffer area along the southwestern property line. After further evaluation, the applicant has revised this proposal so that the new sewer line does not result in forest clearing or disturbance within the environmental buffer; the sewer line can connect to an existing line under Fairdale Rd.

The final forest conservation plan, with staff's recommended conditions, conforms to the requirements of the Forest Conservation Law.

Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

- There are two SWM quantity facilities that are proposed as dry, extended-detention ponds. The central facility is proposed to manage up to the 100-year storm event to correct existing drainage problems to downstream property owners.
- Stormwater management quality controls will be provided by roadside, vegetated swales and two sand filters (or infiltration trenches) in series that drain to each SWM quantity facility.

Mr. Scott McIntyre, the property owner directly downstream of the proposed central SWM facility (pond "B") has raised concerns to staff, DPS, and Winchester Homes regarding the proposed facility. He would like to have adequate screening of the SWM facility. He is also concerned about conveyance of stormwater runoff from the proposed facility through his property.

To address screening of the SWM facility, Development Review Division staff has recommended a condition for the site plan to require a 20-foot wide planting strip along the property line near the facility. This may require the facility to be shifted and reconfigured to create the recommended planting strip.

The following items address concerns related to conveyance of stormwater runoff through downstream properties:

- DPS requires that this SWM facility control the one-year, ten-year, and 100-year storms with water release rates at pre-development conditions. (The standard requirement for quantity control is the control of the one-year storm a water release rate at pre-development conditions.) With control of these storms at pre-development release rates, the water flows from the SWM facility through the downstream properties will be at the same rates as those which occur from the site today (i.e., at pre-development conditions). However, water from the SWM facility will be flowing through the downstream properties over a longer time after many storm events than what occurs today.
- One of DPS' conditions of approval of the final water quality plan is the establishment, with Mr. McIntyre's approval, of a drainage easement through his property that includes the dam breach flow path. A dam breach flow path is the area that would be inundated by water if the SWM facility's dam failed and discharged all the water within the facility instantly.

Sediment Control

DPS is requiring the use of redundant sediment control measures, such as sediment traps with forebays or sediment traps in series. Site grading will be phased to minimize the amount of disturbed area at any one time.

Monitoring of Best Management Practices

The details of the monitoring program are set forth in the attachment to DPS' letter of May 14th on the final water quality plan. The program will include one year of pre-construction monitoring. Monitoring parameters include stream water temperature, embeddedness, groundwater levels, and stream channel cross-sections.

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

9500 Brunett Avenue
Silver Spring, Maryland 20901

MEMORANDUM

DATE: May 16, 2002

TO: Joseph R. Davis, Chief, Development Review Division

FROM: Michael F. Riley, Acting Chief, Park Development Division
Peter Noursi, Acting Engineering Supervisor

SUBJECT: Maintenance Fees for Stormwater Management Facilities Dedicated to M-NCPPC

The Planning Board asked several questions during review of the Hunt Miles project about fees charged by the Commission for assuming stormwater (SWM) facility maintenance in the Paint Branch SPA. This memo explains the rationale and methodology behind the calculation of SWM maintenance fees.

The premise behind the calculation of SWM fees is that both operational maintenance and long-term major repairs are covered. Annual maintenance includes mowing, trash collection, and inspection. Long term lifecycle renovation / repairs include replacement of risers, culverts, and structures, dredging, repairs to embankments, and other forms of reconstruction. These fees are determined in present day dollars for year one of the maintenance cycle and adjusted by an inflation figure for the future. In the case of the Hunt Miles project, the year one cost for operational maintenance is $4,000.00 and the year one reserve for lifecycle renovation in 30 years is $6,875.00 resulting in a total fee of $10,875.00 for the first year. This fee is increases by 3% annually into perpetuity.

See attached table and spreadsheet reflecting detailed fee calculations.

Hunt Miles Property SWM Costs for 3 - Cell Facility

Annual Maintenance:	**Frequency per yr**	**Unit Cost**	**Annual Cost (Operating)**	**Capital Cost**
Mowing	2	$1,000.00	$2,000.00	
Trash Removal	6	$250.00	$1,500.00	
Annual Inspection & Rept	1	$500.00	$500.00	
First year operating cost			**$4,000.00**	
Present Value of Renovation Costs (life cycle = 30 years)				**$200,000.00**

Hunt Miles Property 3 - Cell SM Facility

				Int. Rate	1.03	0.03		
			PV Renovation Cost		$200,000.00			
		FV Renov. Cost (n=30 yrs, I=3%, PV)			$485,452.49			
			Value of fund at 30 yrs		$486,041.64			
YR	Operating			Capital				Yearly Cost to HOA
	Yearly Revenue	Yearly Expense		Yearly Revenue	Compounded	Yearly Expense		
1	$4,000.00	$4,000.00		$6,875.00	$6,875.00	$0.00		$10,875.00
2	$4,120.00	$4,120.00		$7,081.25	$14,162.50	$0.00		$11,201.25
3	$4,243.60	$4,243.60		$7,293.69	$21,881.06	$0.00		$11,537.29
4	$4,370.91	$4,370.91		$7,512.50	$30,049.99	$0.00		$11,883.41
5	$4,502.04	$4,502.04		$7,737.87	$38,689.37	$0.00		$12,239.91
6	$4,637.10	$4,637.10		$7,970.01	$47,820.06	$0.00		$12,607.11
7	$4,776.21	$4,776.21		$8,209.11	$57,463.77	$0.00		$12,985.32
8	$4,919.50	$4,919.50		$8,455.38	$67,643.06	$0.00		$13,374.88
9	$5,067.08	$5,067.08		$8,709.04	$78,381.40	$0.00		$13,776.12
10	$5,219.09	$5,219.09		$8,970.32	$89,703.16	$0.00		$14,189.41
11	$5,375.67	$5,375.67		$9,239.43	$101,633.68	$0.00		$14,615.09
12	$5,536.94	$5,536.94		$9,516.61	$114,199.29	$0.00		$15,053.54
13	$5,703.04	$5,703.04		$9,802.11	$127,427.38	$0.00		$15,505.15
14	$5,874.13	$5,874.13		$10,096.17	$141,346.37	$0.00		$15,970.30
15	$6,050.36	$6,050.36		$10,399.05	$155,985.82	$0.00		$16,449.41
16	$6,231.87	$6,231.87		$10,711.03	$171,376.42	$0.00		$16,942.90
17	$6,418.83	$6,418.83		$11,032.36	$187,550.07	$0.00		$17,451.18
18	$6,611.39	$6,611.39		$11,363.33	$204,539.89	$0.00		$17,974.72
19	$6,809.73	$6,809.73		$11,704.23	$222,380.32	$0.00		$18,513.96
20	$7,014.02	$7,014.02		$12,055.35	$241,107.08	$0.00		$19,069.38
21	$7,224.44	$7,224.44		$12,417.01	$260,757.31	$0.00		$19,641.46
22	$7,441.18	$7,441.18		$12,789.53	$281,369.55	$0.00		$20,230.70
23	$7,664.41	$7,664.41		$13,173.21	$302,983.85	$0.00		$20,837.62
24	$7,894.35	$7,894.35		$13,568.41	$325,641.77	$0.00		$21,462.75
25	$8,131.18	$8,131.18		$13,975.46	$349,386.49	$0.00		$22,106.64
26	$8,375.11	$8,375.11		$14,394.72	$374,262.80	$0.00		$22,769.83
27	$8,626.37	$8,626.37		$14,826.56	$400,317.25	$0.00		$23,452.93
28	$8,885.16	$8,885.16		$15,271.36	$427,598.13	$0.00		$24,156.52
29	$9,151.71	$9,151.71		$15,729.50	$456,155.58	$0.00		$24,881.21
30	$9,426.26	$9,426.26		$16,201.39	**$486,041.64**	**$485,452.49**		$25,627.65
31	$9,709.05	$9,709.05		$16,687.43	**$17,276.57**	**$0.00**		$26,396.48

Briarcliff North Subdivision (Hunt Lions Den Property)

Sand Filter "D" & Vegetated Strip

Annual Maintenance:	Frequency per yr	Unit Cost	Annual Cost (Operating)	Capital Cost
Mowing	2	$300.00	$600.00	
Trash Removal	6	$100.00	$600.00	
Annual Inspection & Rept	1	$300.00	$300.00	
First year operating cost			**$1,500.00**	
Present Value of Renovation Costs (life cycle = 30 years)				**$45,000.00**

Bioreforestation Facility No. 1 & Drainage Swale

Annual Maintenance:	Frequency per yr	Unit Cost	Annual Cost (Operating)	Capital Cost
Mowing	2	$600.00	$1,200.00	
Trash Removal	6	$200.00	$1,200.00	
Annual Inspection & Rept	1	$300.00	$300.00	
First year operating cost			**$2,700.00**	
Present Value of Renovation Costs (life cycle = 30 years)				**$45,000.00**

SWM Basin #5, Sand Filters A,B,C & Filter Strips

Annual Maintenance:	Frequency per yr	Unit Cost	Annual Cost (Operating)	Capital Cost
Mowing	2	$1,000.00	$2,000.00	
Trash Removal	6	$200.00	$1,200.00	
Annual Inspection & Rept	1	$300.00	$300.00	
First year operating cost			**$3,500.00**	
Present Value of Renovation Costs (life cycle = 30 years)				**$75,000.00**

Briarcliff North (A.K.A. Hunt Lions Den Property) SM Costs - Capital and Operational

				Int Rate	1.03	0.03		
				PV Renovation Cost	$165,000.00			
				FV Renov. Cost (n=30 yrs, I=3%, PV)	$400,498.31			
				Value of fund at 30 yrs	$401,205.28			
YR	Operating			Capital				Yearly Cost to HOA
	Yearly Revenue	Yearly Expense		Yearly Revenue	Compounded	Yearly Expense		
1	$6,900.00	$6,900.00		$5,675.00	$5,675.00	$0.00		$12,575.00
2	$7,107.00	$7,107.00		$5,845.25	$11,690.50	$0.00		$12,952.25
3	$7,320.21	$7,320.21		$6,020.61	$18,061.82	$0.00		$13,340.82
4	$7,539.82	$7,539.82		$6,201.23	$24,804.90	$0.00		$13,741.04
5	$7,766.01	$7,766.01		$6,387.26	$31,936.31	$0.00		$14,153.27
6	$7,998.99	$7,998.99		$6,578.88	$39,473.28	$0.00		$14,577.87
7	$8,238.96	$8,238.96		$6,776.25	$47,433.73	$0.00		$15,015.21
8	$8,486.13	$8,486.13		$6,979.53	$55,836.27	$0.00		$15,465.66
9	$8,740.71	$8,740.71		$7,188.92	$64,700.28	$0.00		$15,929.63
10	$9,002.93	$9,002.93		$7,404.59	$74,045.88	$0.00		$16,407.52
11	$9,273.02	$9,273.02		$7,626.73	$83,893.98	$0.00		$16,899.75
12	$9,551.21	$9,551.21		$7,855.53	$94,266.33	$0.00		$17,406.74
13	$9,837.75	$9,837.75		$8,091.19	$105,185.51	$0.00		$17,928.94
14	$10,132.88	$10,132.88		$8,333.93	$116,675.00	$0.00		$18,466.81
15	$10,436.87	$10,436.87		$8,583.95	$128,759.20	$0.00		$19,020.82
16	$10,749.98	$10,749.98		$8,841.47	$141,463.44	$0.00		$19,591.44
17	$11,072.47	$11,072.47		$9,106.71	$154,814.05	$0.00		$20,179.18
18	$11,404.65	$11,404.65		$9,379.91	$168,838.39	$0.00		$20,784.56
19	$11,746.79	$11,746.79		$9,661.31	$183,564.84	$0.00		$21,408.10
20	$12,099.19	$12,099.19		$9,951.15	$199,022.94	$0.00		$22,050.34
21	$12,462.17	$12,462.17		$10,249.68	$215,243.31	$0.00		$22,711.85
22	$12,836.03	$12,836.03		$10,557.17	$232,257.78	$0.00		$23,393.20
23	$13,221.11	$13,221.11		$10,873.89	$250,099.40	$0.00		$24,095.00
24	$13,617.75	$13,617.75		$11,200.10	$268,802.48	$0.00		$24,817.85
25	$14,026.28	$14,026.28		$11,536.11	$288,402.66	$0.00		$25,562.39
26	$14,447.07	$14,447.07		$11,882.19	$308,936.93	$0.00		$26,329.26
27	$14,880.48	$14,880.48		$12,238.66	$330,443.70	$0.00		$27,119.14
28	$15,326.89	$15,326.89		$12,605.82	$352,962.82	$0.00		$27,932.71
29	$15,786.70	$15,786.70		$12,983.99	$376,535.70	$0.00		$28,770.69
30	$16,260.30	$16,260.30		$13,373.51	**$401,205.28**	**$400,498.31**		$29,633.81
31	$16,748.11	$16,748.11		$13,774.71	**$14,481.68**	**$0.00**		$30,522.83

Briarcliff North Sand Filter "D" and Vegetated Strip

				Int. Rate	1.03	0.03		
				PV Renovation Cost	$45,000.00			
				FV Renov. Cost (30 yrs)	$109,226.81			
				Value of fund at 30 yrs	$109,580.30			
YR	Operating			Capital		Yearly Cost to HOA		
	Yearly Revenue	Yearly Expense		Yearly Revenue	Compounded	Yearly Expense		
1	$1,500.00	$1,500.00		$1,550.00	$1,550.00	$0.00		$3,050.00
2	$1,545.00	$1,545.00		$1,596.50	$3,193.00	$0.00		$3,141.50
3	$1,591.35	$1,591.35		$1,644.40	$4,933.19	$0.00		$3,235.75
4	$1,639.09	$1,639.09		$1,693.73	$6,774.91	$0.00		$3,332.82
5	$1,688.26	$1,688.26		$1,744.54	$8,722.69	$0.00		$3,432.80
6	$1,738.91	$1,738.91		$1,796.87	$10,781.25	$0.00		$3,535.79
7	$1,791.08	$1,791.08		$1,850.78	$12,955.47	$0.00		$3,641.86
8	$1,844.81	$1,844.81		$1,906.30	$15,250.44	$0.00		$3,751.12
9	$1,900.16	$1,900.16		$1,963.49	$17,671.44	$0.00		$3,863.65
10	$1,957.16	$1,957.16		$2,022.40	$20,223.98	$0.00		$3,979.56
11	$2,015.87	$2,015.87		$2,083.07	$22,913.77	$0.00		$4,098.94
12	$2,076.35	$2,076.35		$2,145.56	$25,746.75	$0.00		$4,221.91
13	$2,138.64	$2,138.64		$2,209.93	$28,729.08	$0.00		$4,348.57
14	$2,202.80	$2,202.80		$2,276.23	$31,867.18	$0.00		$4,479.03
15	$2,268.88	$2,268.88		$2,344.51	$35,167.71	$0.00		$4,613.40
16	$2,336.95	$2,336.95		$2,414.85	$38,637.59	$0.00		$4,751.80
17	$2,407.06	$2,407.06		$2,487.29	$42,284.01	$0.00		$4,894.35
18	$2,479.27	$2,479.27		$2,561.91	$46,114.45	$0.00		$5,041.19
19	$2,553.65	$2,553.65		$2,638.77	$50,136.65	$0.00		$5,192.42
20	$2,630.26	$2,630.26		$2,717.93	$54,358.69	$0.00		$5,348.19
21	$2,709.17	$2,709.17		$2,799.47	$58,788.92	$0.00		$5,508.64
22	$2,790.44	$2,790.44		$2,883.46	$63,436.04	$0.00		$5,673.90
23	$2,874.16	$2,874.16		$2,969.96	$68,309.09	$0.00		$5,844.12
24	$2,960.38	$2,960.38		$3,059.06	$73,417.42	$0.00		$6,019.44
25	$3,049.19	$3,049.19		$3,150.83	$78,770.77	$0.00		$6,200.02
26	$3,140.67	$3,140.67		$3,245.36	$84,379.25	$0.00		$6,386.02
27	$3,234.89	$3,234.89		$3,342.72	$90,253.34	$0.00		$6,577.60
28	$3,331.93	$3,331.93		$3,443.00	$96,403.94	$0.00		$6,774.93
29	$3,431.89	$3,431.89		$3,546.29	$102,842.35	$0.00		$6,978.18
30	$3,534.85	$3,534.85		$3,652.68	**$109,580.30**	**$109,226.81**		$7,187.52
31	$3,640.89	$3,640.89		$3,762.26	**$4,115.74**	**$0.00**		$7,403.15

Briarcliff North Bio-forestation Facility No. 1 and Drainage Swale

				Kint. Rate	1.03	0.03		
				PV Renovation Cost	$45,000.00			
				FV Renov. Cost (30 yrs)	$109,226.81			
				Value of fund at 30 yrs	$109,580.30			
YR	Operating			Capital				Yearly Cost to HOA
	Yearly Revenue	early Expense		Yearly Revenue	Compounded	Yearly Expense		
1	$2,700.00	$2,700.00		$1,550.00	$1,550.00	$0.00		$4,250.00
2	$2,781.00	$2,781.00		$1,596.50	$3,193.00	$0.00		$4,377.50
3	$2,864.43	$2,864.43		$1,644.40	$4,933.19	$0.00		$4,508.83
4	$2,950.36	$2,950.36		$1,693.73	$6,774.91	$0.00		$4,644.09
5	$3,038.87	$3,038.87		$1,744.54	$8,722.69	$0.00		$4,783.41
6	$3,130.04	$3,130.04		$1,796.87	$10,781.25	$0.00		$4,926.91
7	$3,223.94	$3,223.94		$1,850.78	$12,955.47	$0.00		$5,074.72
8	$3,320.66	$3,320.66		$1,906.30	$15,250.44	$0.00		$5,226.96
9	$3,420.28	$3,420.28		$1,963.49	$17,671.44	$0.00		$5,383.77
10	$3,522.89	$3,522.89		$2,022.40	$20,223.98	$0.00		$5,545.29
11	$3,628.57	$3,628.57		$2,083.07	$22,913.77	$0.00		$5,711.64
12	$3,737.43	$3,737.43		$2,145.56	$25,746.75	$0.00		$5,882.99
13	$3,849.55	$3,849.55		$2,209.93	$28,729.08	$0.00		$6,059.48
14	$3,965.04	$3,965.04		$2,276.23	$31,867.18	$0.00		$6,241.27
15	$4,083.99	$4,083.99		$2,344.51	$35,167.71	$0.00		$6,428.51
16	$4,206.51	$4,206.51		$2,414.85	$38,637.59	$0.00		$6,621.36
17	$4,332.71	$4,332.71		$2,487.29	$42,284.01	$0.00		$6,820.00
18	$4,462.69	$4,462.69		$2,561.91	$46,114.45	$0.00		$7,024.60
19	$4,596.57	$4,596.57		$2,638.77	$50,136.65	$0.00		$7,235.34
20	$4,734.47	$4,734.47		$2,717.93	$54,358.69	$0.00		$7,452.40
21	$4,876.50	$4,876.50		$2,799.47	$58,788.92	$0.00		$7,675.97
22	$5,022.80	$5,022.80		$2,883.46	$63,436.04	$0.00		$7,906.25
23	$5,173.48	$5,173.48		$2,969.96	$68,309.09	$0.00		$8,143.44
24	$5,328.68	$5,328.68		$3,059.06	$73,417.42	$0.00		$8,387.74
25	$5,488.54	$5,488.54		$3,150.83	$78,770.77	$0.00		$8,639.37
26	$5,653.20	$5,653.20		$3,245.36	$84,379.25	$0.00		$8,898.56
27	$5,822.80	$5,822.80		$3,342.72	$90,253.34	$0.00		$9,165.51
28	$5,997.48	$5,997.48		$3,443.00	$96,403.94	$0.00		$9,440.48
29	$6,177.40	$6,177.40		$3,546.29	$102,842.35	$0.00		$9,723.69
30	$6,362.73	$6,362.73		$3,652.68	**$109,580.30**	**$109,226.81**		$10,015.40
31	$6,553.61	$6,553.61		$3,762.26	**$4,115.74**	**$0.00**		$10,315.87

Briarcliff North SM Basin No. 5, Sand filters A, B, and C, and Filter Strip

				Int. Rate	1.03	0.03		
			PV Renovation Cost		$75,000.00			
			FV Renov. Cost (30 yrs)		$182,044.69			
			Value of fund at 30 yrs		$182,044.69			
YR	Operating			Capital				Yearly Cost to HOA
	Yearly Revenue	Yearly Expense		Yearly Revenue	Compounded	Yearly Expense		
1	$2,700.00	$2,700.00		$2,575.00	$2,575.00	$0.00		$5,275.00
2	$2,781.00	$2,781.00		$2,652.25	$5,304.50	$0.00		$5,433.25
3	$2,864.43	$2,864.43		$2,731.82	$8,195.45	$0.00		$5,596.25
4	$2,950.36	$2,950.36		$2,813.77	$11,255.09	$0.00		$5,764.13
5	$3,038.87	$3,038.87		$2,898.19	$14,490.93	$0.00		$5,937.06
6	$3,130.04	$3,130.04		$2,985.13	$17,910.78	$0.00		$6,115.17
7	$3,223.94	$3,223.94		$3,074.68	$21,522.79	$0.00		$6,298.63
8	$3,320.66	$3,320.66		$3,166.93	$25,335.40	$0.00		$6,487.58
9	$3,420.28	$3,420.28		$3,261.93	$29,357.40	$0.00		$6,682.21
10	$3,522.89	$3,522.89		$3,359.79	$33,597.91	$0.00		$6,882.68
11	$3,628.57	$3,628.57		$3,460.58	$38,066.43	$0.00		$7,089.16
12	$3,737.43	$3,737.43		$3,564.40	$42,772.83	$0.00		$7,301.83
13	$3,849.55	$3,849.55		$3,671.33	$47,727.35	$0.00		$7,520.89
14	$3,965.04	$3,965.04		$3,781.47	$52,940.64	$0.00		$7,746.52
15	$4,083.99	$4,083.99		$3,894.92	$58,423.78	$0.00		$7,978.91
16	$4,206.51	$4,206.51		$4,011.77	$64,188.26	$0.00		$8,218.28
17	$4,332.71	$4,332.71		$4,132.12	$70,246.02	$0.00		$8,464.83
18	$4,462.69	$4,462.69		$4,256.08	$76,609.49	$0.00		$8,718.77
19	$4,596.57	$4,596.57		$4,383.77	$83,291.54	$0.00		$8,980.33
20	$4,734.47	$4,734.47		$4,515.28	$90,305.56	$0.00		$9,249.74
21	$4,876.50	$4,876.50		$4,650.74	$97,665.47	$0.00		$9,527.24
22	$5,022.80	$5,022.80		$4,790.26	$105,385.69	$0.00		$9,813.05
23	$5,173.48	$5,173.48		$4,933.97	$113,481.22	$0.00		$10,107.45
24	$5,328.68	$5,328.68		$5,081.99	$121,967.65	$0.00		$10,410.67
25	$5,488.54	$5,488.54		$5,234.44	$130,861.12	$0.00		$10,722.99
26	$5,653.20	$5,653.20		$5,391.48	$140,178.43	$0.00		$11,044.68
27	$5,822.80	$5,822.80		$5,553.22	$149,937.01	$0.00		$11,376.02
28	$5,997.48	$5,997.48		$5,719.82	$160,154.94	$0.00		$11,717.30
29	$6,177.40	$6,177.40		$5,891.41	$170,851.00	$0.00		$12,068.82
30	$6,362.73	$6,362.73		$6,068.16	**$182,044.69**	**$182,044.69**		$12,430.88
31	$6,553.61	$6,553.61		$6,250.20	**$6,250.20**	**$0.00**		$12,803.81

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

May 16, 2002

MEMORANDUM

TO: Robert Kronenberg, Senior Planner
Development Review Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Ed Axler, Coordinator/Planner EA
Transportation Planning

SUBJECT: Site plan No. 8-02024
Hunt Property
Fairland/White Oak Policy Area

This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject Site Plan under the Alternative Review Procedure for Expedited Development Approval Excise Tax (EDAET) since the site is located in a policy area, which is in a moratorium. The subdivision application is grand-fathered because it was filed between November 1, 1997 and March 12, 1998, when residential developments were eligible for EDAET under Bill No. 34-97, Development Impact Tax - Expedited Development Approval (Payment) Excise Tax - Rates.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to approval of this site plan:

1. Limit the site plan to up to 44 single-family detached units.

2. Satisfy the APF test by paying the EDAET under the Development Impact Tax - EDAET (or "pay and go") legislation. The APF test includes:

a. Policy Area Review: Additional site-generated traffic has to be mitigated within the Fairland/White Oak Policy Area which is in a moratorium. There is no capacity available for housing units (negative 3,322 housing units as of April 30, 2002) in the Fairland/White Oak Policy Area. The applicant is satisfying Policy Area Review by paying the EDAET under the *FY 02 Annual Growth Policy* staging ceiling capacity.

b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is not required because the proposed land use generates fewer than 50 peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.). A residential development of 44 single-family detached units generates 42 peak-hour trips during the morning peak period and 49 peak-hour trips during the evening peak period.

The EDAET collected by the County could be used to contribute to the Maryland State Highway Administration's (SHA) Consolidated Transportation Program Project No. 152048, US 29, Columbia Pike to construct an interchange at Briggs Chaney Road.

The design plans were reviewed by the Planning Board as a Mandatory Referral No. 98810-DPWT-1 on March 4, 1999. The project, Contract No. MO8651700, is scheduled to start construction in July, 2003.

3. Dedicate 70 feet of right-of-way and construct Friendlywood Road and Fairdale Road both of which are designated as a primary road, P16.

4. Dedicate 50 feet of right-of-way for Miles Road, as a tertiary residential street.

5. Provide four-foot concrete sidewalks at the following locations:

   a. On-site, on the south side of Fairdale Road.
   b. On-site, on the west side of Friendlywood Road.
   c. Off-site, on the east side of Fairdale Road from the southern property line to Bradshaw Drive (for approximately 325 feet).
   d. Off-site, on the west side of Friendlywood Road right-of-way from the northern property line to approximately 400 feet to the north.

DISCUSSION

Site Location and Accesses

The site is located on the west side of Old Columbia Pike between Greencastle Road and Briggs Chaney Road. The site accesses are from two primary residential roads -- Friendlywood Road and Fairdale Road. Pedestrian access is provided by the sidewalk

connections along the on-site streets and extending off-site as described in Recommendation No. 5.

Prior Subdivision Actions

Zoning Application Case No. G-400 was approved on August 1984 for 50 single-family detached units and 46 townhouses. A preliminary plan of subdivision was filed in 1986. The 1986 plan was pending in the queue of filed preliminary plans and never brought before the Planning Board because of the moratorium for residential development in the Fairland/White Oak Policy Area. With the County Council's enactment of the AGP's EDAET (or "Pay and Go") provision, a new preliminary plan was filed in May 1998, No. 1-98084 as Hunt's Mile Tract, for 26 single-family detached units and 32 townhouses. The Planning Board recommended approval of the Development Plan Amendment (DPA) No. DPA-02-1, Hunt-Miles Property, at the December 12, 2001, public hearing for 44 single-family detached units. At a public hearing on December 20, 2001, the Planning Board reviewed the DPA's special protection area preliminary water quality plan.

Master Plan Roadways and Bikeways

In accordance with the approved and adopted *Fairland Master Plan*, the master plan designations are as follows:

1. Fairdale Road and Friendlywood Road are designated as a primary residential road, P-16, with a 70-foot right-of-way, sidewalks, and a proposed Class III bikeway, PB-49.

2. Old Columbia Pike between Spencerville Road and Briggs Chaney Road is designated as a primary road, P-25c, with a 70-foot right-of-way, sidewalks, and an existing Class II bikeway, EB-13.

5. Miles Road, not listed in the master plan, is designated as a tertiary roadway with a 50-foot right-of-way.

4. Greencastle Road west of Old Columbia Pike is designated as a secondary residential road with a 60-foot right-of-way.

5. Greencastle Road between Old Columbia Pike and Columbia Pike is designated as a primary residential road, P-14, with a 70-foot right-of-way, sidewalks, and a planned Class I bikeway, PB-52.

6. Briggs Chaney Road is designated as an arterial roadway, A-86, with an 80-foot right-of-way, sidewalks, and an existing Class II bikeway, EB-10.

On-Going Transportation Improvements

The following are on-going transportation improvements:

1. Old Columbia Pike:

The Montgomery County Department of Public Works and Transportation's (DPWT) Capital Improvements Program Project No. 509953, Old Columbia Pike, Phases 1 & 2, to construct new four-foot-wide concrete and asphalt sidewalks between Spencerville Road and Randolph Road. Phase I is on both sides of Old Columbia Pike between Spencerville Road and Perrywood Drive and on the east side between Perrywood Drive and Nalls Lane. Construction has been completed for Phase I. Construction for Phase 2 is estimated to start in June 2003.

2. Interchange at Columbia Pike and Briggs Chaney Road:

SHA Consolidated Transportation Program Project No. 152048 (and Contract No. MO865170), US 29, Columbia Pike to construct an interchange at Briggs Chaney Road which is under design now and has funds appropriated for the projected start of construction in July 2003.

Level of Congestion at Nearby Intersections

For informational purposes, the congestion levels at the nearby intersections are available. A traffic study dated December 16, 1998, was prepared for the pending Preliminary Plan No. 1-98084 which was filed for 26 single-family detached units and 32 townhouses. Based on the results of the 1998 traffic study, the calculated critical lane volume (CLV) at nearby intersections are as shown below:

Intersection	Peak Hour	Traffic Condition			
		Existing	Background	Total	Total Improved
Columbia Pike and Greencastle Road	Morning	1,455	1,555*	1,555*	1,538**
	Evening	1,388	1,519	1,519	1,519
Columbia Pike and Briggs Chaney Road	Morning	1,738*	1,844*	1,844*	1,547
	Evening	1,518	1,660*	1,660*	1,385
Old Columbia Pike and Greencastle Road	Morning	908	963	965	----
	Evening	766	818	821	----
Old Columbia Pike and Old Briggs Chaney Road	Morning	1,007	1,062	1,087	----
	Evening	786	838	867	----
Old Columbia Pike and Briggs Chaney Road	Morning	1,446	1,494	1,519	----
	Evening	1,256	1,323	1,352	----

As indicated with a single asterisk, the two intersections along Columbia Pike at Greencastle Road and Briggs Chaney Road exceed the congestion standard of 1,550 CLV for the Fairland/White Oak Policy Area. However, as indicated with a double asterisk, the site-generated traffic at the two intersections is mitigated by the increased capacity provided by SHA's interchange project described in Recommendation No. 2b). Mitigation in this situation means that the existing at-grade intersection will be replaced by an interchange eliminating the conflicting east-west through and north-south through movements.

Policy Area Review/Staging Ceiling Condition

Based on the *FY 02 Annual Growth Policy* staging ceiling capacity, there is no capacity available for additional housing units (negative 3,322 as of April 30, 2002) in the Fairland/White Oak Policy Area. The 44 housing units created would satisfy Policy Area Review paying the EDAET.

EA:cmd

cc: Roger Bain
Derek Joost
Nkosi Yearwood

SP #8-02024 Hunt Property-Fairland-White Oak.DOC

May 14, 2002

MEMORANDUM

To: Robert Kronenberg
Development Review

From: Piera Weiss
Community Based Planning

Subject: Hunt-Miles Property Site Plan Review 8-02024

The *1997 Approved and Adopted Fairland Master Plan* describes the Hunt-Miles Property as part of Area 4 within the Perrywood Neighborhood. The property lies within the Upper Paint Branch Watershed Special Protection Area. The property is zoned PD-2 and is also within the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.

The master plan recommended that the existing PD zoning be retained; that Fairdale Road was to be extended to link to Friendlywood Road through the subject property and that the public right-of-way was to include sidewalks. A class III bikeway is recommended along Fairdale Road extended (PB 49).

The property was zoned PD-2 in 1984 (G-400). The 1997 Sectional Map Amendment implementing the approved and adopted master plan (G-747) confirmed the PD-2 zoning and placed the Environmental Overlay Zone on the subject property, thereby reducing the amount of imperviousness to 10%. . In February 2002, the District Council approved DPA 02-1, limiting development to 10% percent imperviousness. The DPA also reduced the density to 44 single-family detached homes and required approximately 22 acres to be retained in open space, of which 16 acres in the Right Fork Tributary of the Upper Paint Branch was be dedicated as parkland. Exhibit 3, which was referenced in the resolution granting the DPA 02-1, provides for the western stormwater management facility and surrounding environmental buffer and open space is to be dedicated as MNCPPC parkland.

The proposed site plan shows 44 detached lots, provides for the road connection and includes sidewalks through the site and for a short distance off-site, and dedicates the 16 acres for parkland.

Staff finds that the site plan conforms to the recommendations of the Approved and Adopted Master Plan and DPA 02-1 and recommends approval.

Resolution No: 14-1131
Introduced: February 5, 2002
Adopted: February 5, 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Approval of Development Plan Amendment (DPA) 02-1

BACKGROUND

1. DPA 02-1 was filed on July 26, 2001 and relates to a 48-acre tract of land known as the Hunt - Miles Property, located south of Miles Road, approximately 300 feet west of Old Columbia Pike, in the Fairland Planning Area. A Development Plan for the subject property was approved in 1984 in conjunction with the approval of zoning application G-400, which resulted in classifying the property under the PD (planned development) zone. The existing Development Plan provides for the construction of 96 dwelling units: 50 single-family detached homes and 46 townhouses. No development has taken place on the property due to a transportation moratorium in the Fairland Planning Area.

2. The subject property is located within the Paint Branch Watershed and, accordingly, is subject to the requirements of the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. The proposed DPA seeks to satisfy these requirements, as well as development standards established in the Fairland Master Plan, by reducing the number of residential units to 44 single-family dwellings. The reduction in units would allow the proposed development to comply with the Overlay Zone limitation of ten percent impervious surface in the total development area. However, elimination of the townhouses contravenes the PD Zone requirement that at least 35 percent of development within the PD-2 Zone be dedicated to townhouses. Accordingly, approval of the DPA requires the District Council to waive the percentage requirements for single-family and multiple-family dwellings.

Resolution No. 14-1131

3. Technical Staff of the Maryland-National Capital Park and Planning Commission, by memorandum dated December 14, 2001, recommended approval of DPA 02-1, and also recommended the granting of a waiver from the PD-2 provision, Code § 59-C-7.131, which requires 35 percent of all units to be attached. Staff supports the waiver recommendation based on findings that the waiver would result in reducing the amount of impervious surface area, and would achieve the Master Plan vision of increasing the number of single-family detached homes in the planning area.
4. The Montgomery County Planning Board reviewed DPA 02-1 at its regular meeting on December 20, 2001 and, by unanimous vote, recommended approval.
5. There is no opposition to DPA 02-1, the Planning Board does not recommend a public hearing in this case, and no party filed a request for a hearing within ten days of the Planning Board's recommendation as provided for under Code § 59-D-1.74(d)(1).
6. On February 5, 2002 the District Council reviewed DPA 02-1 and concluded that the DPA meets the requirements of the Zoning Ordinance and its approval would be in the public interest.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, approves the following resolution.

DPA 02-1, which requests an amendment to the approved land use plan for a 48.18-acre tract of land known as the Hunt - Miles Property, located south of Miles Road, approximately 300 feet west of Old Columbia Pike, in the Fairland Planning Area, to reduce the number of permitted residential dwelling units from 96 (50 single-family detached and 46 townhouses) to 44 (all single-family detached), is approved subject to the specifications and requirements of the DPA, Ex. 3, provided that the applicant submits the DPA for certification by the hearing examiner under the provisions of §59-D-1.64 within 10 days of the District Council action.

This is a correct copy of Council action.

Mary A. Edgar

Mary A. Edgar, CMC
Clerk of the Council

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760
(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

MONTGOMERY COUNTY PLANNING BOARD

December 29, 2001

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland.

FROM: Montgomery County Planning Board

SUBJECT: Planning Board Opinion on Development Plan Amendment No.02-1

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission reviewed Development Plan Amendment (DPA) No. 02-1 at its regular meeting on December 20, 2001. By a vote of 5-0, the Board recommended that this application be APPROVED for the reasons set forth in the technical staff report, which is hereby approved and incorporated by reference in this recommendation.

Prior to approving the DPA, the Planning Board approved the accompanying Special Protection Area Preliminary Water Quality Plan with the following conditions: see attachment to staff memorandum. The Board concurs with staff that it is not necessary that the Hearing Examiner hold a public hearing prior to consideration of the amendment by the District Council.

The Development Plan Amendment has been requested for 48.18 acres of land located south of Miles Road, approximately 300 feet west of Old Columbia Pike, and is zoned Planned Development (PD-2). The property is in Perrywood subdivision in the Fairland Planning Area and has two detached dwellings and more than 70 percent of the property is forested. Approximately, 2.80 acres of the site is within a 100-year floodplain. The property is within the Upper Paint Branch Special Protection Area.

The original Development Plan approved in 1984 with the zoning application, G-400, had 50 single-family dwellings and 46 townhouses. The current Development Plan Amendment proposes 44 single-family detached dwellings. Hunt Family Limited Partnership is the current owner of the property and Winchester Homes is the contract purchaser. As shown on the Development Plan Amendment, approximately 16 acres of land adjacent to Upper Paint Branch will be dedicated as parkland, including the western stormwater management facility.

During the course of reviewing the Development Plan Amendment and the SPA Preliminary Water Quality Plan for the Upper Paint Branch, the Planning Board voiced concerns over how the costs for maintenance of a stormwater management (SWM) facility under M-NCPPC ownership are calculated. The Board also had questions regarding how a SWM facility maintenance fund establish through developer payments is managed prior to its use.

The Board requested that condition (3) of the SPA Preliminary Water Quality Plan for the Special Protection Area memorandum should be revised to state that technical staff from County-wide Planning Division be included in determining the amount and timing of developer payments for inspection and maintenance costs of the stormwater management facilities. The Board requested staff to respond to its questions and concerns on stormwater management facility maintenance costs and funds at a separate time.

The Board supports the granting of a waiver from the Planned Development (PD-2) provision that requires 35 percent of any development within the zone must have attached units since the proposed development plan amendment achieves the vision for the Approved and Adopted Fairland Master Plan, conforms with the Special Protection Law, and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on a motion by Commissioner Bryant, seconded by Commissioner Robinson, with Commissioners Bryant, Robinson, Wellington, Perdue and Chairman Holmes voting in favor of the motion at its regular meeting held in Silver Spring, Maryland on Thursday, December 20, 2001.

Arthur Holmes, Jr.
Chairman

RECEIVED
MAY 16 2002
DEVELOPMENT REVIEW DIVISION

2720 Duvall Road
Burtonsville, MD 20866

May 13, 2002

Marilyn J. Praisner
Council Member
Council Office Building
100 Maryland Ave.
Rockville, MD 20850

Dear Ms. Praisner:

We are in a difficult situation and hope that you may be able to help. Several of our friends and associates suggested contacting you. If this problem is not within your domain, please excuse me for taking up your time: Winchester Homes is planning to build a storm water management (SWM) facility adjacent to us, which will have a negative impact on the value, use, and appearance of our property. The final site plan review is scheduled for May 23rd.

I apologize for the length of this letter. I just want to provide a background for our situation, present our problem, and see if there is any way that you can help us. Any assistance you could provide would be greatly appreciated.

My wife and I are Montgomery County residents who have lived and worked here most of our lives. I am an artist/sculptor and teacher, have worked and taught at Montgomery College for more than 10 years, and have exhibited professionally in the Washington Metro area. My wife, Maura Wade, is an amateur photographer and woodworker, and is a member of the Woodworkers Club of Rockville, MD. She works part-time for an accounting firm in Bethesda as a CPA. We bought our first home about 3 1/2 years ago in Burtonsville, having searched for it for over a year. We wanted to buy property that would allow us to build a sculpture / woodworking studio. We found a beautiful 2.4 acre lot in Burtonsville, MD. The lot is sub-dividable, and we considered it a financial investment as well as our home. We are considering a plan to subdivide our property- to build a new home and studio here, and sell our existing home and lot to finance it. Our plan accommodates the Special Protection Area limitations of the area in which we live. Every indication we have received from the Montgomery County Government and private builders has indicated this is entirely feasible.

I wish to point out that we are not in a financial position to confront a huge developer, even to protect rights that seem obvious to us, to the Montgomery County representatives we spoke to, and to the professionals from whom we've sought advice regarding this situation.

In late January we received plans from Winchester Homes for a housing development to be built adjacent to our property. They plan to build a SWM facility that will end on our back property line. Currently this area is all woods and trees. This "system", as they described, will occupy approximately 2 acres containing three "dry ponds" with raised embankments. Two of these ponds will have square concrete evaporation towers rising from them. All of the trees in the area of this dry pond system will be removed. This system will manage the runoff for one-third of their new development, and the outflow or runoff from it will run through our property. Building it requires a Dam Breach Inundation Analysis (DBIA) which is an extreme contingency if their system fails. Should the walls of the pond break, the water, mud, and debris would wash through our property in a path currently estimated at about 50 feet wide and 240 feet long. Even though the County doesn't require a setback from this analysis, which would prohibit the construction of habitable spaces within a certain distance from either side of the path, we would be obligated to incorporate it into any considerations for using our property. In the current DBIA, the size of the path is based on a "two-" or "ten-year plan." It is even larger in a one-hundred-year plan; an example given was Hurricane Agnes in the '70's. In this analysis the path is calculated more accurately and, somehow they say it might be smaller (did you see the Agnes storm?), but County codes would prohibit building anything 25 feet to either side of this path. The result: a path estimated at least 75 feet wide. The ten-year plan could be upgraded to this 100-year plan in the near or distant future if there are water problems above or below the dam. We therefore would have to incorporate their 100-year plan, which defines our property as a flow path and determines how we can use it.

Please note that currently there is not even a creek on this lot. Instead, we have a lowland area that is described as a "dry creek bed," "dry gully," or "swale". During a storm, water does run over this area in a shallow stream, but quickly dissipates and is dry almost as quickly as the rest of our yard. The Maryland-National Capital Park and Planning Commission (M-NCPPC) said that they would not require any special setback at all from the existing water path, which is probably 6 to 10 feet wide.

We have major issues with the developer's plan. The first issue, which would have the most substantial negative impact for us, is the DBIA, and the use of our property for the development's storm water flow path. We cannot build within the area designated for legal and safety reasons, and cannot plan any construction without taking it into account. It immediately makes a significant portion of our property unusable, and, in its configuration, affects our entire lot. Winchester Homes is using our property as an integral part of their storm water management system.

The developer contends that the threat of a break evaluated by the DBIA is on paper only, and the actual water flow, in terms of volume and velocity, will not change from what it is now. They say that since there is no actual change in the water flow (which remains to be seen), there isn't any reason to request an easement or acknowledge that there is any impact to our property or its value. And yet, even on paper the plan has a profound negative effect on our property. We cannot place any habitable buildings in the path designated by the DBIA. The path traverses diagonally across our property, dividing it into two jagged, uneven sections, and affecting how it

may be subdivided. For these reasons, it can only lower the value of our property, in which we have invested our savings and our plans for the future.

The second issue is the negative visual, aesthetic impact of this system. In the original plan, no provision was made to restore the natural beauty of the area being used. No buffer or planting screen was incorporated between our property and the dry ponds. The resale value of our property may be dramatically reduced, and, if we subdivide, the value of the property adjoining this dry pond would certainly be affected. We have, with pressure from M-NCPPC, gotten some response in this area from the developer, which I will address later in this letter.

In February and March, I started to do some research. The Montgomery County Department of Permitting Services (MCDPS) handles issues regarding water management. They indicated that an easement for the use of our property in the developer's SWM system is in order, and that they had already contacted Winchester Homes and discussed this issue. Further, MCDPS said they will make it a condition of their site plan approval. On at least three occasions during these months, I made phone calls to Winchester Homes inquiring specifically about an easement for their SWM facility. The M-NCPPC, which handles issues regarding the aesthetics and environmental impact of the SWM, also felt that an easement is in order. Furthermore, they informed me (and in a separate conversation, Winchester Homes), that the developer has a clear obligation to address our aesthetic concerns, and that including a screen of trees and plantings was appropriate. In fact, M-NCPPC said they would recommend it in this case.

On April 16th I met with a Winchester Homes representative and their engineers from Macris, Hendricks and Glascock, P.A. (MHG) at my home to discuss our concerns. Again the representative contended that there would be no impact on our property from this system. When I mentioned the critical issue of an easement for the water flow, their representative said he didn't think that was necessary, but he would find out the Company's position and let me know right away. The planning engineer said (in the meeting with all present) that an easement for their use of our property might be necessary. They did agree to consider moving the system back enough to allow some planting to hide their pit. They also requested moving the pipe onto our property to make it more efficient. I said that I would consider that proposal and that we could probably work that out. Their engineers said this could be done as a simple agreement, without any easements. We tabled these issues with the understanding that the Winchester Homes representative would discuss our concerns with his managers, and get back to us as soon as possible.

I have enclosed a copy of their response, dated May 3, and our reply on May 13th. Please note that they have made the inclusion of the proposed pipe onto our property a condition for creating a buffer zone. However, as discussed earlier, M-NCPPC had previously informed all concerned they would recommend to the Montgomery County Planning Board that this buffer be required before the site plan is approved. Also, they are requesting an easement solely for the placement of the pipe and riprap of stone, about 8 feet over our property line. There is no request or discussion regarding an easement for their storm management path through our property.

At this point in time we do not want the SWM facility to outfall on our property at all. I asked the developer's engineers why the water couldn't be channeled somewhere else; their reply was that it was "cost prohibitive." We feel entitled to have our costs addressed as well. We are requesting your help because we fear the real impact of this plan on our property may not be recognized or fully addressed. We are afraid that our issues may be deferred in order to allow the development to proceed, and that we may be forced to defend our property rights in court. Can you help us?

Sincerely,

Scott C. McIntyre

Enclosures

cc: Milton F. Clogg, Attorney at Law, w/enclosures
Leo M. Galanko, MC Department of Permitting Services, w/o enclosures
Michael P. Lemon, Winchester Homes, Inc., w/o enclosures
Steve L. Wilde, Macris, Hendricks and Glascock, P.A., w/o enclosures
✓Robert Kronenberg, Maryland-National Capital Park and Planning Commission, w/Winchester Homes' letter dated May 3, 2002
Candy Brunnag, Maryland-National Capital Park and Planning Commission, w/Winchester Homes' letter dated May 3, 2002
Malcolm Shaneman, Maryland-National Capital Park and Planning Commission, w/Winchester Homes' letter dated May 3, 2002

6305 Ivy Lane, Suite 800
Greenbelt, Maryland 20770
Tel (301) 474-4411
Toll Free (800) 527 8558
Fax (301) 474-1609

5/3/02

Mr. Scott Mcintyre
2720 Duvall Road
Burtonsville, MD 20866

RE: Hunt Miles Property SWM "B"

Dear Mr. Mcintyre,

Thank you for your hospitality when we met on 4/16/02 at your home to discuss your concerns with the proposed location of Storm Water Management (SWM) facility "B" within the Hunt Miles property. As always we want to be a good neighbor with any abutting property owner of our communities and we welcomed your comments.

As we discussed in detail, there are certain rights for upstream as well as downstream property owners. As you may know, the current plan has SWM facility "B" including the rip rap outfall located entirely within the Hunt-Miles Property. Due to topographic conditions in the proposed location of this outfall the possibility of erosion may be an issue. To help eliminate this potential problem, the end of the rip-rap outfall could be extended onto your property to the bottom of the short slope located at the property line, so that water is discharged on the flat area (your property) as opposed to the sloped area on the Hunt-Miles Property. Therefore we are kindly requesting your consideration to enter into an easement agreement to allow the rip-rap outfall to be extended onto your property. Winchester Homes will pay all costs involved with the drafting of the agreement as well as plan revisions.

In consideration of your granting Winchester Homes this easement we propose to:

1. Shift the entire SWM facility "B" approximately 20'-30' due north from your rear property line.
2. Plant a buffer of coniferous trees (6'-8' in height) between the Storm Water Management Facility and your rear property line. These trees can be planted on our property, on your property or a combination of both. Provide and install shrubbery screening around the rip-rap to screen and enhance the outfall area. Plans to be approved by you.
3. Covenant and agree that Montgomery County or the Community Association will do all required maintenance of any portion of the improvement on your property as the case may be.
4. Reimburse you personally in the amount of five thousand dollars ($5,000.00) for your time and effort in working with Winchester Homes on this matter.

Please consider this proposal and let me know if you have any questions or concerns.

Very Truly yours,

WINCHESTER HOMES, INC
Michael P. Lemon
Development Manager

Cc: Leo Galanko, MCDPS, Steve Wilde, MHG

2720 Duvall Rd.
Burtonsville, MD 20866

May 13, 2002

Mr. Michael P. Lemon
Winchester Homes
6305 Ivy Lane, Suite 800
Greenbelt, MD 20770

Re: Your letter regarding the Hunt Miles Property SWM "B"

Dear Mr. Lemon:

We received your letter dated 5/3/02. I was very surprised at the terms of your proposal. I was also very disappointed that no mention was made regarding an easement for the Storm Water Management (SWM) facility's use of a large portion of our land, which includes the flow path through our property and the property affected by the Dam Breach Inundation Analysis (DBIA). I have mentioned this matter in each of the three phone conversations I had with you in March and early April. I brought this easement issue up again when we met at my home on April 16,Th and you promised to look into it and give me a quick response. In each of our conversations I made very clear to you the anxiety my wife and I have concerning the impact of this facility on our plans and the value of our property, and the need to address this issue immediately due to your impending Site Plan approval meeting with the County Planning Review Board. After receiving your letter I can only think that Winchester Homes is trying to wait out the interim so our issues cannot be properly addressed. Your own engineer, Mr. Steve Wilde of MHG, indicated that an easement which addresses the use and impact of the entire SWM flow path and the setback of the SWM facility itself, is appropriate, and will probably be required by our County agencies.

The easement you are requesting for the riprap outfall does not address the water flow path or the DBIA area. We have a lowland area that is described as a "dry creek bed," "dry gully," or "swale." During a storm, water does run over our grass in a shallow stream, but quickly dissipates and is dry almost as quickly as the rest of our yard. Your company is appropriating this path- our property- for the use of your SWM facility. In our conversations you have assured me that the nature of this runoff will not change. The need for a riprap outfall indicates that this may not be the case (just as a DBIA indicates that the facility could fail). We currently do not have enough water to create an erosion problem. When we met at my home I volunteered to consider a riprap outfall placed on my property, and Mr. Wilde indicated that we could accomplish this with a simple letter of agreement. What is of great concern to us now is the contingency you have placed on the setback of the SWM from our property line: unless we agree to allow you to build the riprap outfall on our property, you will not relocate the SWM facility and create a buffer screen of tree plantings between our property and yours. The Maryland-National Capital Park and Planning Commission

(M-NCPPC) has included this buffer in their recommendation to the Montgomery County Planning Board; they believe it should be a contingency for your Site Plan approval. They informed me that your engineers are aware of this fact, and that a screen is appropriate and usually required in this type of situation.

The truth is that we believe that your SWM facility has a substantial, if not severe, negative impact on our future plans, on our property value, and on the quality and aesthetic appearance of our land. We don't want your SWM facility in our back yard, with the facility flow path re-defining what our property is and how we can use it. We are not confident that it will perform as expected and described to us, and even that description doesn't resolve our aesthetic, health and financial concerns. We would much rather you put it somewhere else, and allow the woods behind our home to remain intact. At the very least, we do expect to be recompensed for the negative impact the location of your SWM facility brings to our home. We don't want to be unreasonable or unfair, but all of your company's actions so far have been through pressure from us, or more likely, the MC Department of Permitting Services and the M-NCPPC. Both agencies, and the lawyer we have conferred with and the engineer we've hired to advise us, concur that an easement for the *entire* impact of your facility is justified and reasonable. We would very much like your company to address this issue and contact us regarding it before the Montgomery County Planning Board meets to consider your Site Plan approval.

Sincerely,

Scott C. McIntyre

cc: Leo Galanko, MC Department of Permitting Services
Steve Wilde, Macris, Hendricks and Glascock, P.A.
✓Robert Kronenberg, Maryland-National Capital Park and Planning Commission
Candy Brunnag, Maryland-National Capital Park and Planning Commission
Malcolm Shaneman, Maryland-National Capital Park and Planning Commission