

OYSTER, IMUS & PETZOLD, INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS

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2557-B-1

February 25, 2005

Ms. Rose G. Krasnow, Chief
MNCP&PC Development Review Division
8787 Georgia Avenue
Silver Spring MD 20910

Re: Preliminary Plan 1-01060
Spencer Farm Parcel B

Dear Ms. Krasnow:

On behalf of my clients, the Spencerville Seventh Day Adventist Church, we request a six month time extension for the above cited Preliminary Plan to allow time for the processing of the Record Plat that is being filed concurrently with this request.

The record plat was prepared by our firm in August 2002 (eight months after approval of the Preliminary Plan by the Planning Board and six months after the Opinion was mailed). The church was unable to sign the plat at that time since they had not yet obtained title to the property (although the deed was signed on May 15, 2001, it was not recorded until April 2004). When the deed was recorded, the necessary follow through to sign the plat was overlooked, even though the building committee was involved in evaluating the feasibility of construction on the site.

Before the property was purchased, the extension of public sewer through the Peach Orchard Heights development was anticipated. That development is in abeyance due to its designation as part of a route alternate for the Inter-County Connector. A 3,500-foot extension of the sanitary sewer in the dedicated public rights-of-way will be required if construction is begin soon (see attached WSSC letter). The Spencerville Seventh Day Adventist Church has been unable to obtain the financial commitment from the other potential users of the sanitary sewer to pay for the costly extension of the public sewer from its present terminus. In order for this project to go forward, an assured sewage disposal system must be in place. An investigation of the use of an interim septic system for phased development is being conducted at this time.

Although the Record Plat for Parcel B, Spencerville Farm is being filed a month prior to the expiration of the Preliminary Plan expiration date, it is unlikely that it can be recorded before the plan approval expires. We are asking for this extension in order to allow sufficient time for the normal processing of the record plat.

We trust the Planning Board will grant this extension and save all the parties involved in a Preliminary Plan re-approval the time and expense that would be involved in re-addressing the many issues surrounding the project. As far as I am aware, there are no new issues related to this project, and there was no opposition to the granting of the original approval.

Thank you for your attention to this matter.

Sincerely yours,

Walter J. Petzold, P.E.

Enclosure: WSSC letter
cc: Spencerville Academy



Attachment D
Date Mailed: February 19, 2002

Action: Approved Staff Recommendation
Motion of Comm. Bryant, seconded by
Comm. Robinson with a vote of 5-0;
Comms. Bryant, Holmes, Perdue,
Robinson and Wellington
voting in favor

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01060

NAME OF PLAN: SPENCER FARM, PARCEL B

On 03/15/01, SPENCERVILLE SEVENTH DAY ADVENTIST CHURCH submitted an application for the approval of a preliminary plan of subdivision of property in the RE-1/RC zone. The application proposed to create 1 lot on 31.40 acres of land. The application was designated Preliminary Plan 1-01060. On 12/06/01, Preliminary Plan 1-01060 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01060 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01060.

Approval, subject to 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 within the Upper Paint Branch Special Protection Area, as shown on the revised preliminary plan.
2. Prior to release of building permits, applicant to demonstrate conformance to impervious surface limits as shown on the revised preliminary plan. Any modifications to these plans that increase site imperviousness may require Planning Board action.
3. Compliance with the conditions of approval for the preliminary forest conservation plan dated September 28, 2001 and revised November 29, 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. Category I conservation easements to be placed over environmental buffers, forest-save areas, and afforestation areas. Easements to be shown on record plats.
 - b. As part of the final forest conservation plan, show measures to protect 62-inch silver maple. This may include relocating a proposed equipment building to lie outside the tree's critical root zone.

4. If sewer service is to be provided by a gravity line that is located within the approved, but unbuilt, Peach Orchard Heights subdivision, the sewer line is to be located within the recorded Rustad Lane right-of-way. If there are sections of the sewer line that must lie outside the road right-of-way in order to connect to the existing sewer system or to the subject property, location of the line must be field-located and reviewed and approved by M-NCPPC.
5. Conformance to the conditions as stated in DPS' water quality plan approval letter dated August 14, 2001.
6. Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
7. All roads rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Cloverly Master Plan, unless otherwise designated on the preliminary plan
8. Limit the preliminary plan to a private weekday educational institute on the new site for kindergarten through twelfth grade, a maximum of 450 students, and a weekday child daycare program for up to 60 children.
9. Coordinate with and submit a plan to the Maryland State Highway Administration (SHA) regarding the site access from Spencerville Road (MD 198) based on the current weekday peak-hour of the site with 300 children and the projected arrival and departure pattern for the proposed 450 children, to satisfy SHA's requirements for acceleration, deceleration, and bypass lanes. Review and approval to be done prior to record plat and agreement to limit impervious surfaces.
10. Provide sufficient on-site queuing area so that vehicles waiting to drop-off and pick-up students will not spill over onto Spencerville Road. Review and approval to be done prior to record plat and agreement to limit impervious surfaces.
11. Provide final parking facilities plan to be reviewed by technical staff
12. Dedicate 25 feet of additional right-of-way for 120 feet along Spencerville Road.
13. Coordinate with SHA's MD 28-MD 198 Planning Study (e.g., contact the project manager, Shawn Burnette, at 1-410-545-9531)
14. Record plat to show delineation of a Category I or II (as appropriate) conservation easement over the stream buffer(s) and all forest conservation areas
15. Compliance with conditions of MCDPS storm water management approval
16. Access and improvements as required to be approved by MDSHA prior to issuance of access Permit
17. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
18. The Adequate Public Facility (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
19. A Lighting and Landscaping plan must be submitted as part of the record plat application for review and approval by staff prior to recording of plat
20. Necessary Easements

