

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

January 10, 2006

Robert C. Hubbard
Director

Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Bryants Nursery Road
Preliminary Plan #: Pending
SM File #: 222923
Tract Size/Zone: 10.14 acres / RE-2
Total Concept Area: 10.14 acres
Lots/Block: N/A
Parcel(s): 125
Watershed: Northwest Branch

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and onsite recharge via nonstructural practices. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Water quality requirements shall be met through the use of disconnection credits, as outlined in the stormwater management concept submission. Dry wells will not be allowed due to the proximity of well and septic areas. All areas, including the proposed driveway, must clearly show that they are designed to meet the criteria for disconnection. The driveway, as submitted on the proposed stormwater concept plan, does not currently meet the requirements for disconnection of non-rooftop areas.
5. The design narrative in the stormwater management concept submission indicates that "The joint driveway has been kept as narrow as possible to minimize impervious surface on the site". The driveway width on the conceptual plan scales to 10-feet. Therefore, the detailed plans must show that the proposed driveway shall be kept to a maximum width of 10-feet. In addition, the driveway will need to be constructed with cross slope in order to meet the disconnection requirements.



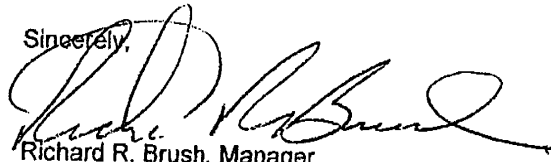
This list may not be all-inclusive and may change based on available information at the time.

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

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

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

Sincerely,



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

RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 222923

QN -ON; Acres: 10.14
QL - ON; Acres: 10.14
Recharge is provided

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Sincerely,



Richard R. Brush, Manager
Water Resources Section
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RRB:dm mce

cc: C. Conlon
S. Federline
SM File # 222923

QN -ON; Acres: 10.14
QL - ON; Acres: 10.14
Recharge is provided



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

April 13, 2006

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

RE: Preliminary Plan #1-20060720
Bryant's Nursery Road

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 2/23/06. An older version this plan was reviewed by the Development Review Committee at its meeting on 2/6/06. We recommend approval of the plan subject to the following comments:

- All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.
1. Show all existing planimetric and topographic details specifically paving (to be labeled), storm drainage, driveways adjacent and opposite the site on the preliminary plan.
 2. Necessary dedication for Bryant's Nursery Road and Norbeck Road in accordance with the master plan and Cohasset Drive cul-de-sac as necessary.
 3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
 5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
 6. Record plat to reflect denial of access along Bryants Nursery Road except for the common driveway.
 7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.



Division of Operations

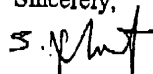
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
 Preliminary Plan No. 1-20060720
 Date April 13, 2006
 Page 2

8. Due to the fact that access will be from a roadway included on the Rustic Roads Program (Bryant's Nursery Road), stake and pavement mark the proposed driveway location(s) for our evaluation of the impact on the Rustic Road features.
9. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Norbeck Road and Cohasset Drive cul-de-sac, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
10. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
11. This site is located in the vicinity of one of the alignments under consideration for the Inter County Connector project. The applicant is advised to contact the ICC Project Office in Baltimore (1-800-548-5026) to assess the potential impact of that roadway on this site.
12. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
13. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

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

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
 Development Review Group
 Traffic Engineering and Operations Section
 Division Of Operations

m:/subdivision/farhas01/preliminary plans/1-20060720, Bryant's Nursery Road .doc

Enclosures ()

cc: Ed Lisse, Atlantic Heritage Construction
 David Crowe, Macris, Hendricks & Glascock
 Joseph Y. Cheung; DPS RWPPR
 Christina Contreras; DPS RWPPR
 Sarah Navid; DPS RWPPR
 Shahriar Etemadi; M-NCPPC TP
 Gregory Leck, DPWT TEOS
 Raymond Burns, MSHA
 Preliminary Plan Folder
 Preliminary Plans Note Book

3.13 acres are in forest cover. The forest is a bottomland, mixed hardwood stand dominated by red maple and sycamore. White ash, tulip poplar, and black walnut are also common trees in the forest.

The eastern portion of the property includes individual trees, some of which are of specimen size. There are also large and specimen size trees adjacent to the property on Parcel 251. One offsite tree is a 62" black gum.

Forest Conservation

The preliminary forest conservation plan proposes to retain all of the existing forest (4.03 acres), which would be placed in Category I conservation easement. The conservation easement would lie within proposed Lot 1.

Staff believes the forest retention area is configured so that there is enough separation between the proposed house for Lot 1 and the conservation easement to allow for usable yard areas on the lot. Staff recommends that permanent markers, such as permanent fences or signs, are installed along the conservation easement boundary so that the lot owner is aware of the location of the conservation easement.

The proposed forest retention of 4.03 acres exceeds the break-even point of 2.81 acres. Therefore, no forest planting is required. The 1.22 acres of forest retention that exceeds the break-even point may be used for forest mitigation banking, if the applicant wishes to do so. In addition, there are 2.98 acres of environmental buffer area that is currently not forested which may be used for forest mitigation banking if the area is planted in forest or is allowed to naturally regenerate into forest. To qualify for use a forest mitigation bank area, the applicant would need to prepare and implement a forest planting plan and/or plan to encourage natural regeneration of forest. Such plans would have to be reviewed and approved by M-NCPPC staff. A bond to cover the planting or natural regeneration measures would have to be posted.

The preliminary forest conservation plan includes a tree protection component for large trees that are proposed to be retained onsite and adjacent to the site. Two specimen trees on the site are proposed for removal because the house and septic field for proposed Lot 1 would be located near or over these trees. The proposed driveway and ingress/egress/utility easement to serve Lot 1 has been configured to protect several large and specimen trees on and off the site. Staff finds that the proposed limits of disturbance will adequately protect these specific trees and recommends that a final tree save plan be part of the final forest conservation plan. The final tree save plan would identify additional tree care measures, if needed, for those specimen trees that are proposed for retention. In addition, staff is recommending that potential impacts to trees on adjacent Lot 19 be identified by the applicant's arborist and that the affected property owner be notified of these possible impacts.

Staff believes the preliminary forest conservation plan, with staff's recommended conditions, meets the requirements of the County Forest Conservation Law.

Environmental Buffers



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review Division

FROM: Candy Bunnag, ^{CB} Planner Coordinator, Environmental Planning Section,
Countywide Planning Division

DATE: May 18, 2006

SUBJECT: Preliminary Plan 120060720, Bryants Nursery Road Property

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the preliminary plan of subdivision with the following conditions:

1. Forest retention areas and environmental buffers to be placed in Category I conservation easement. Easement to be shown on record plat.
2. Do not extend Cohasset Drive right-of-way into the environmental buffer on the site.
3. Compliance with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to, the following:
 - a. Revise the preliminary forest conservation plan to indicate that 1.22 acres of existing forest and up to 2.98 acres of planted forest within the conservation easement may be used as a forest mitigation bank subject to M-NCPPC staff approval of a plan for planting and/or managing for natural regeneration.
 - b. Final forest conservation plan to include permanent markers (such as permanent fences or signs) to clearly identify boundaries of the Category I conservation easement.
 - c. Final forest conservation plan to include a final tree save plan that covers additional tree care measures for individual specimen trees proposed for retention and that identifies trees on Lot 19 that may be impacted. The applicant shall notify the affected property owner on Lot 19 of such impacts.

BACKGROUND

The 10.14-acre site lies within the Northwest Branch watershed (Use IV waters). The Bryants Nursery Tributary of Northwest Branch traverses through the western portion of the site. The stream's floodplain, a small wetland, and the environmental buffer for the stream and wetland also lie within the site. The environmental buffer encompasses 6.11 acres of the site, of which

The environmental buffer is located on proposed Lot 1. The buffer and the forest within the buffer area are to be protected with a Category I conservation easement. In addition, staff recommends against the dedication of right-of-way for a potential cul-de-sac for Cohasset Drive. The cul-de-sac would not serve any existing or proposed development and would involve filling in sections of streams and loss of priority forest.

As noted above, that part of the buffer area that is not currently forested may be approved for use as a forest mitigation bank if it is planted in forest or allowed to naturally regenerate into forest. A planting or natural regeneration plan would have to be reviewed and approved by M-NCPPC staff.

RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan of subdivision with conditions.



MARYLAND-NATIONAL CAPITAL
PARK & PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Cathy Conlon, Development Review Division

SUBJECT: Preliminary Forest Conservation Plan # 120060720
Preliminary Plan Bryants Nursery Road Property

SENT VIA FAX TO: Doug Sievers, MHG (301-948-0693)

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

SUBMISSION ADEQUACY

Adequate as submitted

STAFF RECOMMENDATIONS for Planning Board

Approve subject to the following conditions:

Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")

Approval of the following items by M-NCPPC staff prior to DPS issuance of the sediment and erosion control permit:


Tree Protection Plan as part of the final forest conservation plan (see conditions below).

Afforestation/Reforestation Planting Plan

Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plats.

Other conditions:

- a. Revise the preliminary forest conservation plan to indicate that 1.22 acres of existing forest and up to 2.98 acres of planted forest within the conservation easement may be used as a forest mitigation bank subject to M-NCPPC staff approval of a plan for planting and/or managing for natural regeneration.
- b. Final forest conservation plan to include permanent markers (such as permanent fences or signs) to clearly identify boundaries of the Category I conservation easement.
- c. Final forest conservation plan to include a final tree save plan that covers additional tree care measures for individual specimen trees proposed for retention and that identifies trees on Lot 19 that may be impacted. The applicant shall notify the affected property owner on Lot 19 of such impacts.

SIGNATURE:  Candy Bunnag (301) 495-4543
Environmental Planning Division

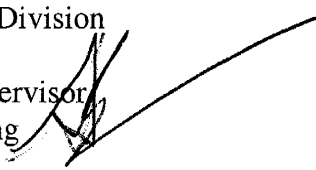
DATE: 5/18/06 (supercedes 5/9/06 recommendations)




May 19, 2006

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning 

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525 

SUBJECT: Preliminary Plan No. 120060720
Bryants Nursery Road Property (Pt. Parcel 125)
Cloverly Policy Area

This memorandum summarizes Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan to build two single-family detached dwelling units on the property in an RE-2 Zone within the Cloverly Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this preliminary plan application:

1. As requested by Maryland State Highway Administration (SHA) in the attached letter dated May 18, 2006 (see Attachment No. 1):
 - a. For the Intercounty Connector (ICC) Corridor 2 alignment: the applicant shall place in reservation the area shown on Attachment No. 2 ("Reservation Area A") until the earlier of (a) July 1, 2006; or (b) a final Record of Decision that is issued by the Federal Highway Administration (FHWA) for the ICC and that Record of Decision does not include Reservation Area A, or any portions thereof within the final ICC alignment.

- b. For Norbeck Road Extended: the applicant shall place in reservation the area shown on Attachment No. 2 (“Reservation Area B”) until a final Record of Decision for the MD 28/MD 198 Corridor Improvement Study is issued by the FHWA, and that Record of Decision does not include Reservation Area B, or any portions thereof within the final Norbeck Road Extended/MD 28/MD 198 alignment.
2. At least 90 days prior to submission of any building or construction permit for the subject development, the applicant shall provide a certified written notice to the SHA, Engineering Access Permits, Division Office of Highway Development regarding applicant’s intent to proceed forward with the proposed development on the site. The applicant shall concurrently send a copy of this letter to Maryland-National Capital Park and Planning Commission, c/o Chief, Transportation Planning.
3. The applicant shall locate all site improvements outside of Reservation Areas A and B until the respective reservation requirements (according to Condition 1 above) for ICC and Norbeck Road Extended/MD 28/MD 198 are met.
4. If applicable, the final record plat shall delineate both Reservation Area A and Reservation Area B. The extent of respective reservations shown on the final record plat shall conform to those limits requested/identified by SHA per Attachment No. 1 and Attachment No. 2.
5. Consistent with the 1997 Approved and Adopted *Cloverly Master Plan*, dedicate and show on the final record plat right-of-way along Bryants Nursery Road that provides for a minimum of either 35 feet from the roadway centerline, or 70 feet from the opposite roadway right-of-way line.
6. Limit future development on the property as part of this preliminary plan to a maximum of two single-family detached dwelling units, which shall be served by a single shared access driveway off Bryants Nursery Road.
7. The applicant shall resolve all issues and satisfy all conditions/comments pertaining to SHA and Montgomery County Department of Public Works and Transportation (DPWT) review of this preliminary plan prior to the final record plat, and shall provide written notification to both the Development Review Division and the Transportation Planning staff that all outstanding issues are resolved.

DISCUSSION

Site Location, Access, Circulation, and Transportation Facilities

The property is located along Bryants Nursery Road, to the south of Norbeck Road Extended. Access to the proposed dwelling units is proposed from Bryants Nursery Road, which between Norwood Road and New Hampshire Avenue (MD 650) is designated as a rustic road. The non-master planned Corridor 2 alignment of the proposed ICC follows Norbeck Road Extended to the north of the property, which is designated as a major highway.

Proposed Intercounty Connector

The Intercounty Connector is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east, through central/eastern Montgomery and western Prince George's Counties. At present, the ICC planning process has concurrence on two final alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans for the ICC, while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans. Information available in the *Final Environmental Impact Statement (FEIS)* for the ICC shows the physical impact of the Corridor 2 alignment on the subject development (see Attachment No. 3). However, as seen in Attachment No. 2 and Attachment No. 3, all site related development activity is located well away from the reservation areas identified for the proposed ICC Corridor 2 alignment and the alignment for Norbeck Road Extended/MD 28/MD 198.

Currently, the ICC planning process is moving forward with the State's selection of Corridor 1 as its preferred alternative for construction, and submission of an *FEIS*. After reviewing the *FEIS*, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to occur in mid 2006.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 1997 *Cloverly Master Plan* includes the following nearby master-planned roadway, bikeway, and pedestrian facilities:

1. Norbeck Road Extended, as an east-west two to four-lane major highway (M-18) with a minimum right-of-way width of 150 feet between Layhill Road to the west and MD 650 to the east, with a proposed rural streetscape and a Class I bikeway (PB-33); also a dual bikeway (DB-21; i.e., a shared-use path and bike lane) in the Countywide Bikeways Functional Master Plan. This roadway connects Norbeck Road (MD 28) with Spencerville Road (MD 198).
2. Bryants Nursery Road, between Norwood Road to the southwest and MD 650 to the northeast as a rustic road.

Nearby Transportation Improvement Projects

The SHA Consolidated Transportation Program include the following nearby projects:

1. The Intercounty Connector: Planning studies for this project are currently ongoing.
2. The MD 28/MD 198 Corridor Improvement Planning Study: SHA anticipates a Record of Decision on the project in late 2007. The study is currently funded for project planning only.

Local Area Transportation Review

The subject preliminary plan consisting of two single-family detached dwelling units will generate less than **30** total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods (two total peak hour trips, respectively). Therefore, the subject development is not required to satisfy Local Area Transportation Review.

CE:gw

Attachments

cc: Piera Weiss
Dan Hardy
Ivy Leung
Greg Leck
Ray Burns
Wes Mitchell
Shawn Burnett
Dave Crowe

mmo to Conlon re Bryants Nursery Road



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Attachment No. 1

May 18, 2006

Re: Montgomery County
Intercounty Connector
MD 28/MD 198 Corridor Improvement
Bryants Nursery Road Property

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

Dear Ms. Conlon:

This office has reviewed the Preliminary Plan for the Bryants Nursery Road Property dated November 05, 2005. The 10.14 acres Bryants Nursery Road Property is located north of Bryants Nursery Road and east of Norwood Road. The Preliminary Plan shows the proposed construction of two single family houses.

The Intercounty Connector (ICC) Corridor Two, as shown to date, would require 0.80 acres of right-of-way from the property, as shown on the attached map. This impact would result in the impacting of one of the proposed lots.

The Master Plan Features Alternate of the MD 28/MD 198 Corridor Improvement Project Planning Study, as shown to date, would require 0.24 acres of right-of-way from the property, as shown on the attached map. This impact would result in the impacting of one of the proposed lots.

To protect property that will support the alignments under study for the ICC and county master-planned improvements along the MD 28/MD 198 Corridor, which are being studied as part of the current National Environmental Policy Act process for both projects, we request that your agency require reservation of this property through July 1, 2006, for requirements of the ICC project, and through the MD 28/MD 198 Corridor Improvement Record of Decision anticipated for late 2007 for master-planned improvements associated with that project.

My telephone number/toll-free number is 1-866-462-0020
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Ms. Cathy Conlon
Page Two

Thank you for the opportunity to comment on these projects. We appreciate your agency's consideration of the above action.

Sincerely,



Wesley Mitchell
Project Manager
Project Planning Division

Enclosures

cc: Mr. Greg Cooke, Engineering Access Permits Division, SHA
Mr. Tom Hinchliffe, Office of Real Estate, SHA
Mr. Chris Larson, Director, Office of Real Estate, SHA
Mr. Doug Mills, Chief, District Three Right-of-Way Office, SHA
Mr. Wesley Mitchell, Project Planning Division, SHA
Atlantic Heritage Construction, LLC
Mr. Raja Veeramachaneni, Director of Planning and Preliminary Engineering, SHA

