

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
301-495-4500, www.mncppc.org

MCPB
ITEM # 3
6/1/06

MEMORANDUM

DATE: May 19, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision of Lot 79, Block G, Avenel

APPLYING FOR: 2 Single-Family Residential Lots

PROJECT NAME: Avenel

CASE #: 1-06088

REVIEW BASIS: Chapter 50, Sec. 50-29 (b) (2), Montgomery County Subdivision Regulations

ZONE: RE-2C

LOCATION: Located in the northwest quadrant of the intersection of Natelli Woods Lane and New London Drive

MASTER PLAN: Potomac

APPLICANT: Buchanan Ingersol, PC

ENGINEER: Dewberry

ATTORNEY: Linowes and Blocher

DATE FILED: March 3, 2006

HEARING DATE: June 1, 2006



Staff Recommendation: Approval pursuant to Section 50-29 (b) (2) of the Montgomery County Zoning Ordinance, and subject to the following conditions:

- 1) Approval under this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan, including preparation of a detailed tree save plan to be incorporated into the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits. Conditions include:
- 3) Compliance with conditions of MCDPWT letter dated May 15, 2006, unless otherwise amended.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated April 4, 2006.
- 5) Other necessary easements.

SITE DESCRIPTION (Attachment1)

The 4.03-acre property is zoned RE-2C and is located at the corner of New London Drive and Natelli Woods Lane in the Potomac Master Plan area. The property was platted in 1986 under the original Planning Board approval for the Avenel subdivision as two lots (Lots 65 and 66, Block G, Avenel). In 1990 the two lots were combined into one as it exists today (Lot 79). Currently the property has one existing single-family house on the southern half of the lot. There are twenty-four trees on the property which are 24 inches in diameter (specimen) and greater. Fourteen of these trees are in poor condition. The property is within the Rock Run watershed, a Use Class I stream.

PROJECT DESCRIPTION (Attachment 2)

This application proposes to resubdivide the existing lot back to its original configuration. The plan proposes locating a new residence on the northern portion of the site and keeping the existing residential structure on the southern half. The original plat recorded in 1986 was for two lots on the property. This plan proposed returning the property back to the exact lot configuration of the 1986 plat for two lots that will be 87,781 square feet and 87,793 square feet.

The lot new lot and will have frontage on Natelli Woods Lane; the proposed house is to be served by a single driveway connection. Public water and sewer is available in the street. Placement of the house will require relocation of the present storm drain system. The new storm drain system has been reviewed and approved as part of the stormwater management concept plan.

The new lot will has forest on it and specimen trees will need to be removed to accommodate the grading for the prototypical house shown on the plan. Staff has reviewed and approved a Preliminary Tree Save Plan to show protection measures for those trees that can be saved through the construction period. The intent is to have the requirements of the forest conservation law met off-site. See the Environmental Section for a complete discussion of forest conservation.

CONFORMANCE TO THE MASTER PLAN

The 2004 Potomac Master Plan reconfirmed the RE-2C zoning for the Avenel subdivision, otherwise the plan does not make specific recommendations on this property. The development shown on the plan is consistent with the RE-2C (RE-2) zone as recommended in the master plan.

CONFORMANCE WITH THE SUBDIVISION REGULATIONS (50-29(b) (2))

Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. For this application, the applicant has proposed a neighborhood delineation of thirteen lots for analysis purposes (Attachment 3). The neighborhood generally includes all lots that are contiguous to the subject property and those that front on the same cul-de-sac as the subject property. All lots in the neighborhood are zoned RE-2C.

ANALYSIS

Resubdivision

Staff has reviewed the submitted application for compliance with the Resubdivision Criteria pursuant to Section 50-29 (b) (2) and has the following analysis:

Size

Lots in the neighborhood range in size from 21,670 square feet to 130,680 square feet. This application proposes lots at 87,781 and 87,793 square feet (Lot 80 and 81 respectively).

The proposed lots are well within the range of lot sizes as shown on the attached data table. **The proposed lots are of the same character with respect to size as all lots in the neighborhood.**

Area

The buildable areas of lots in the defined neighborhood range from 8,600 square feet to 74,095 square feet. The proposed lots are at 43,471 and 53,461 square feet. Although the useable areas for the proposed lots fall higher in the overall range, there are five lots larger in area than proposed Lot 80 and 3 lots larger in area than Lot 81. Staff believes that the larger useable areas of the proposed lots are very much related to their regular shapes. Generally rectangular or triangular lots have larger buildable areas when compared to narrow or irregularly shaped lots. **The proposed lots are of the same character with respect to area as the lots in the neighborhood.**

Shape

The neighborhood has a wide variety of lot shapes as reflected on the Comparable Lot Data Table (Attachment 3). The proposed lots are best described as rectangular and triangular. **The proposed lots are of the same character with respect to the shape of lots in the neighborhood.**

Width

The range of lot widths at the front building line in the neighborhood are from 73 feet to 419 feet. The lot widths in the neighborhood are evenly distributed throughout this range. The proposed lots are at 301 and 253 feet in width. **The proposed lots are of the same character with respect to width as the other lots in the neighborhood.**

Alignment

The nature of the neighborhood is that there are many different lot alignments at the street line. There are existing angled lot lines, perpendicular lot lines, and radial lot lines along the cul-de-sacs. The proposed lots are generally perpendicular to the street with one lot line on Lot 81 described as angled. **The proposed lots are of the same character with respect to alignment as all lots in the neighborhood.**

Frontage

The ranges of lot frontages in the neighborhood are from 25 feet to 457 feet. The proposed lot frontages are 332 feet and 246 feet respectively for Lots 80 and 81. The proposed lots tend to be wider with respect to frontage than the majority of lots in the neighborhood. This is due to the fact that many of the lots in the neighborhood are either pipestems or have frontages on the cul-de-sac bulb. The proposed lots compare favorably with the non-pipestem and non-radial lots in the neighborhood. **The proposed lots are of the same character with respect to frontage as the lots in the neighborhood.**

Suitability:

There do not appear to be any impediments either natural or man-made to the construction of a one family residence on the subject property. All other lots within the neighborhood have secured building permits. **The proposed lots are suitable for residential development as are all other lots in the neighborhood.**

COMMUNITY OUTREACH

The submission of this plan pre-dates the requirements to hold pre-submission meetings with interested property owners. However, all letters received by staff are included in this staff report (Attachment 5). Below staff discusses the outreach that has occurred in response to the written inquiry.

A letter dated March 8, 2006 was received from the adjacent property owner, Mr. Simonetti. The letter requests clarification on what type of development is allowed in the RE-2C zone and if a rezoning is in order to allow the proposed development. Staff discussed the plan with the adjacent property owner on two separate occasions to answer the questions he had.

It appears that the property owner is not in opposition to the plan but rather wanted to be assured that staff was following all applicable rules and regulations. Mr. Simonetti did point out one error to staff on the plan's site summary table regarding setbacks. These lots are to meet the setbacks of the RE-2 zone since they are not necessarily cluster lots. The proposed lots meet the RE-2 zoning standard since they exceed 2 acres in size. Therefore, staff asked the applicant to adhere to the more stringent RE-2 zoning setbacks rather, then the less stringent RE-2C setbacks. The plans were revised and Mr. Simonetti was forwarded a copy of the revised plans. The applicant followed up with a courtesy phone call to Mr. Simonetti.

ENVIRONMENTAL

Forest Conservation

There are 1.93 acres of existing forest on the property. The applicant is proposing to classify all forest on the subject property as cleared, for forest conservation purposes, but is not proposing to remove all the forest. Therefore, the applicant has an off-site planting requirement of 2.25 acres of forest.

Environmental Planning does not object to the applicant meeting all their forest conservation requirements off-site. The 1.93-acre forest is an immature upland hardwood forest of yellow poplar, red oaks, and hickory trees and has a moderate priority for retention. The longest forest edge is less than 300 feet and does not qualify as habitat for interior dwelling birds. The majority of the existing forest is found on the proposed new lot. The forest is not contiguous to any other protected forest and is surrounded by homes and accessory structures. The applicant is proposing to retain trees on the northern property line, at the rear of the proposed lot, and near the existing house.

There is an existing drainage swale that runs through the middle of the forest stand and connects to an existing storm drain easement near Natelli Woods Lane. The drainage swale channels stormwater flows from the adjacent properties to the public storm drain system along Natelli Woods Lane. The applicant is proposing to abandon a portion of the existing storm drain easement and construct a private storm drain to convey the water around the proposed house location. In order for this to be effective, a back portion of the lot must be regraded to create a swale to channel the stormwater run-on from the adjoining properties into the private storm drain inlet. The grade difference between the top and bottom of the swale is four feet making it unsuitable for accessory structures.

As part of the forest conservation plan, the applicant has drawn a limit of disturbance that shows the forest/trees to remain. The tree save plan is for construction purposes only. There are twenty-four trees 24 inches in diameter and greater on the property. 14 of these trees are in poor condition. The applicant is proposing to retain 6 of the 10 trees in good condition. The 4 trees in good condition to be removed are all located within 25 feet of the proposed building foundation and the species, yellow poplar, is highly susceptible to construction impacts. Environmental Planning recommends that the applicant also remove trees #13 and 16. The trees are yellow poplar, in poor condition, and, based on the preliminary limits of disturbance, are losing more than 1/3 of their critical root zone. Retaining these trees has the potential to create a hazardous condition.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation to Environmental Planning for review and approval. Environmental Planning staff approved NRI/FSD 4-06207 on March 1, 2006. There are no streams, wetlands, floodplains, or associated buffers on the subject property. There are limited areas of slopes in excess of 25 percent but these areas are associated with past land development practices. There are no highly erodible soils on the property.

Stormwater Management Concept and Sediment Control

The applicant has secured a stormwater management concept approval from the Montgomery County Department of Permitting Services (MCDPS). The concept requires water quality control through the use of dry wells. As part of this plan the developer proposes to modify the storm drain inlet presently located adjacent to Natelli Woods Lane on what would be Lot 80. A new inlet will be located to the rear of the proposed house and the stormwater will be piped around the house. All off-site runoff will continue to be received by the new inlet system. This modification was included on the stormwater management concept that has been reviewed and approved by MCDPS.

CONCLUSION

Staff believes that Preliminary Plan #1-06088, Avenel, meets all applicable requirements of the Subdivision Regulations, Potomac Master Plan, and the Zoning Ordinance. Specifically, staff believes that the two lots proposed under this preliminary plan meet all seven of the resubdivision criteria defined in Section 50-29(b) (2) of the Subdivision Regulations. The lots have a high correlation with the characteristics of the comparable neighborhood, namely: size, area, shape, width, alignment, frontage and suitability. The lots are consistent with the recommendations of the Potomac Master Plan and meet the minimum dimensional requirements of the Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to compliance with the conditions cited above.

Attachments:

Attachment 1 – Vicinity Map

Attachment 2 – Preliminary Plan

Attachment 3 – Neighborhood Delineation and Summary Table

Attachment 4 – Agency Approvals

Attachment 5 - Correspondence

Table 1. Preliminary Plan Data Table and Checklist

Plan Name: Avenel				
Plan Number: 120060880				
Zoning: RE-2C				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: One-family detached residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq.ft.	87,781 sq.ft. is minimum proposed	RW	5/19/06
Lot Width	150 ft.	Must meet minimum	RW	5/19/06
Lot Frontage	25 ft.	Must meet minimum	RW	5/19/06
Setbacks				5/19/06
Front	50 ft. Min.	Must meet minimum	RW	5/19/06
Side	17ft. Min./ 35 ft. total	Must meet minimum	RW	5/19/06
Rear	35 ft. Min.	Must meet minimum		5/19/06
Height	50 ft. Max.	May not exceed maximum	RW	5/19/06
Max Resid'l d.u. or Comm'l s.f. per Zoning	2 dwelling units	2 dwelling units	RW	5/19/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	RW	5/19/06
Road dedication and frontage improvements	No			
Environmental Guidelines	N/A			
Forest Conservation	Yes	Yes	Staff memo	5/19/06
Master Plan Compliance	Yes	Yes	RW	5/19/06
Other	N/A			
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	Agency Letter	4/4/06
Water and Sewer (WSSC)	Yes	Yes	RW	5/19/06
10-yr Water and Sewer Plan Compliance	Yes	Yes	RW	5/19/06
Well and Septic	N/A			
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Yes	RW/FRS	4/10/06

Attachment 1

AVENEL (120060880)



Map compiled on March 29, 2006 at 2:08 PM | Site located on base sheet no - 208NW10

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



1 inch = 600 feet
1 : 7200

Attachment 2

Attachment 3

Comparable Lot Data Table			Resubdivision: Avenel Proposed Lots 80 & 81, Block G Ranked By Lot Number				
Lot #	Block	Frontage (linear ft)	Alignment	Size sq. ft.	Shape	Width (linear ft)	Area (sq. ft)
1	B	457.16	ANGULAR	94,449	TRIANGULAR	419.38	60,595
53	G	144.05	PERPENDICULAR	31,911	IRREGULAR	144.87	13,690
54	G	180.97	ANGULAR	27,664	GENERALLY TRIANGULAR	188.75	14,357
55	G	25.00	ANGULAR	37,088	PIPESTEM	181.44	8,788
56	G	25.04	RADIAL	21,670	PIPESTEM	73.02	8,600
57	G	25.11	ANGULAR	25,625	PIPESTEM	93.96	10,972
58	G	198.16	ANGULAR	25,701	GENERALLY TRIANGULAR	207.77	8,744
59	G	181.55	PERPENDICULAR	39,107	GENERALLY RECTANGULAR	168.74	16,405
64	G	182.67	RADIAL	90,620	GENERALLY TRIANGULAR	300.66	46,741
67	G	57.81	PERPENDICULAR	50,847	RECTANGULAR	209.42	22,858
68	G	25.00	ANGULAR	83,987	PIPESTEM	250.14	50,693
69	G	52.00	ANGULAR	130,680	PIPESTEM	241.91	71,942
80	G	332.93	CORNER RADIAL	87,781	GENERALLY TRIANGULAR	301.38	43,471
81	G	245.65	PERPENDICULAR	87,793	GENERALLY RECTANGULAR	252.99	53,461
1	H	231.78	COR PERPENDICULAR	111,654	TRAPEZOID	245.60	74,095

Comparable Lot Data Table			Resubdivision: Avenel Proposed lots 80 & 81, Block G Ranked By Size				
Lot #	Block	Frontage (linear ft)	Alignment	Size sq. ft.	Shape	Width	Area (sq.ft)
56	G	25.04	RADIAL	21,670	PIPESTEM	73.02	8,600
57	G	25.11	ANGULAR	25,625	PIPESTEM	93.96	10,972
58	G	198.16	ANGULAR	25,701	GENERALLY TRIANGULAR	207.77	8,744
54	G	180.97	ANGULAR	27,664	GENERALLY TRIANGULAR	188.75	14,357
53	G	144.05	PERPENDICULAR	31,911	IRREGULAR	144.87	13,690
55	G	25.00	ANGULAR	37,088	PIPESTEM	181.44	8,788
59	G	181.55	PERPENDICULAR	39,107	GENERALLY RECTANGULAR	168.74	16,405
67	G	57.81	PERPENDICULAR	50,847	RECTANGULAR	209.42	22,858
68	G	25.00	ANGULAR	83,987	PIPESTEM	250.14	50,693
80	G	332.93	CORNER RADIAL	87,781	GENERALLY TRIANGULAR	301.38	43,471
81	G	245.65	PERPENDICULAR	87,793	GENERALLY RECTANGULAR	252.99	53,461
64	G	182.67	RADIAL	90,620	GENERALLY TRIANGULAR	300.66	46,741
1	B	457.16	ANGULAR	94,449	TRIANGULAR	419.38	60,595
1	H	231.78	COR PERPENDICULAR	111,654	TRAPEZOID	245.60	74,095
69	G	52.00	ANGULAR	130,680	PIPESTEM	241.91	71,942
Summary							
Mean		158		63,105		219	33,694
Median		180.97		50,847		209.42	22,858

Attachment 4



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 15, 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 #1-20060880
Avenel, Lots 80 & 81

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 03/02/06. This plan was reviewed by the Development Review Committee at its meeting on 04/10/06. 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. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
 2. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant.
Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.
 3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
 4. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
 5. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.



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. 1-20060880
 Date May 15, 2006
 Page 2

6. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
7. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

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/ 1-20060880, Avenel, Lots 80 & 81.doc

Enclosures (1)

cc: Ronald D. Abramson, Buchanan Ingersoll
 James Crawford, Dewberry & Davis
 Scott Wallace, Linowes & Blocher
 Joseph Y. Cheung; DPS RWPPR
 Christina Contreras; DPS RWPPR
 Sarah Navid; DPS RWPPR
 Shahriar Etemadi; M-NCPPC TP
 Gregory Leck, DPWT TEOS
 Preliminary Plan Folder
 Preliminary Plans Note Book

MONTGOMERY COUNTY
SIGHT DISTANCE EVALUATION

Page ___ of ___

Facility/Subdivision Name: AVENEL PROPOSAL LOT 80 Preliminary Plan #: _____

Street Name: NATTELLI WOODS LANE Master Plan Classification: TERTIARY

Posted Speed Limit: 25

Street/Drwy. 1 (PROPOSED LOT 80)

Street/Drwy. 2 (_____)

Sight Distance (feet)	OK?
Right <u>200</u>	<u>YES</u>
Left <u>250</u>	<u>YES</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments: _____

Comments: _____

LEFT SIDE NEEDS TO BE CLEARED OF
OVERHANGING VEGETATION

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction#
Tertiary <u>25</u>	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
Major - 50	475
(55)	550

Source AASHTO

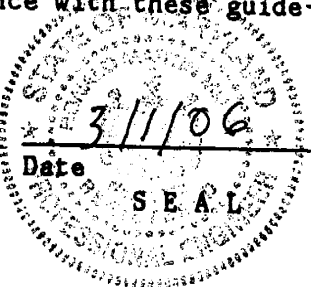
Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above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

ENGINEER/SURVEYOR CERTIFICATE

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

Khaleel M. Nojani
Signature

19872
PLS/P.E. MD Registration No.



Accepted By: _____

Date: _____



FIRE MARSHAL COMMENTS

DATE: 4-10-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *AVENEL LOTS 80 & 81 BLOCK G #1-20060880*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 4-10-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

April 4, 2006

Ms. Cheryl B. Hannan
Dewberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request
for Avenel lots 80 & 81
SM File #: 223481
Tract Size/Zone: 4.03 acres/RE-2C
Total Concept Area: 4.03 acres
Lots/Block: 80 & 81 Blk G
Watershed: Rock Run

Dear Ms. Hannan:

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 non structural methods. 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. The driveway must be graded to drain toward the yard for water quality treatment.

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 Nadine Vurdejka Piontka at 240-777-6334.

Sincerely,



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

RRB:dm CN223481

cc: C. Conlon
S. Federline
SM File # 223481

QN -onsite; Acres: 2
QL - onsite; Acres: 2
Recharge is provided



**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION**
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Planner Coordinator, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning Division *MP*

DATE: May 18, 2006

SUBJECT: Preliminary Plan 120060880
Avenel, Lots 80 and 81

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

1. No clearing or grading permitted without staff approval of a final forest conservation plan.
2. Final forest conservation plan must be submitted consistent with Section 109.B. of the Forest Conservation Regulation.
3. Applicant must prepare a detailed tree save plan to be incorporated into the final forest conservation plan.

DISCUSSION

The subject site, a 4.03-acre property is located on the northwest corner of Natelli Woods Land and New London Drive of the Avenel subdivision. The property includes one existing house of over 11,000 square feet of enclosed area, a driveway with a roundabout at the front entrance to the house, retaining walls, large landscape areas, and open yard. The property is zoned RE-2. The applicant is proposing to re-subdivide the property into two lots. One time the property consisted of two lots but was combined into one. Now the property owner wishes to create two lots again.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation to Environmental Planning for review and approval. Environmental Planning staff approved NRI/FSD 4-06207 on March 1, 2006. There are no streams, wetlands, floodplains, or associated buffers on the subject property. There are limited areas of slopes in excess of 25 percent but these areas are associated with past land development practices. There are no highly erodible soils on the property.

Forest Conservation

There is 1.93 acres of existing forest on the property. The applicant is proposing to classify all forest on the subject property as cleared, for forest conservation purposes, but is not proposing to remove all the forest. Therefore, the applicant has an off-site planting requirement of 2.25 acres of forest.

Environmental Planning does not object to the applicant meeting all their forest conservation requirements off-site. The 1.93-acre forest is an immature upland hardwood forest of yellow poplar, red oaks, and hickory trees and has a moderate priority for retention. The longest forest edge is less than 300 feet and does not qualify as habitat for interior dwelling birds. The majority of the existing forest is found on the proposed new lot. The forest is not contiguous to any other protected forest and is surrounded by homes and accessory structures. The applicant is proposing to retain trees on the northern property line, at the rear of the proposed lot, and near the existing house.

There is an existing drainage swale that runs through the middle of the forest stand and connects to an existing storm drain easement near Natelli Woods Lane. The drainage swale channels stormwater flows from the adjacent properties to the public storm drain system along Natelli Woods Lane. The applicant is proposing to abandon a portion of the existing storm drain easement and construct a private storm drain to convey the water around the proposed house location. In order for this to be effective, a back portion of the lot must be regraded to create a swale to channel the stormwater run-on from the adjoining properties into the private storm drain inlet. The grade difference between the top and bottom of the swale is four feet making it unsuitable for accessory structures.

As part of the forest conservation plan, the applicant has drawn a limit of disturbance that shows the forest/trees to remain. The tree save plan is for construction purposes only. There are twenty-four trees 24 inches in diameter and greater on the property. Fourteen of these trees are in poor condition. The applicant is proposing to retain 6 of the 10 trees in good condition. The 4 trees in good condition to be removed are all located within 25 feet of the proposed building foundation and the species, yellow polar, is highly susceptible to construction impacts. Environmental Planning recommends that the applicant also remove trees #13 and 16. The trees are yellow popular, in poor condition, and based on the preliminary limits of disturbance are losing more than 1/3 of their critical root zone. Retaining these trees has the potential to create a hazardous condition.

RECOMMENDATION

Environmental Planning recommends approval of the preliminary plan of subdivision and Planning Board approval of the preliminary forest conservation plan.

ATTACHMENT 5

120060880

✓ Added to
Mailing List
Bcc
3/8/06

March 8, 2006

To: Pam Crumpton
301 495-1306

From: Debra Simonetti (Gilbert Simonetti)

Following is my letter and
the letter from Dewberry. Please let
me know when the application was
filed. I would also appreciate the
answers to my questions.

Please call me at 301 469-0488
or fax at 301 469-0489

You were most helpful in our
telephone conversation earlier this
morning.

Simonetti
D. Simonetti

Very truly yours, G. Simonetti

Added to
Mailing
List
3/8/06 psc

✓
GILBERT SIMONETTI, JR.
7120 NATELLI WOODS LANE
BETHESDA, MARYLAND 20817

March 8, 2006

M-NCPPC
Development Review Div.
Ms. A. Crampton

Dear Ms. Crampton,

As you suggested in our telephone conversation today, attached is a copy of the updated letter I received on March 7 from Dewberry regarding Plan # 120060880.

I have a couple of initial questions:

1. What does the current zoning - RE 2C/TDR - permit?

For example does it specifically permit the construction of another house on lot # 79.

2. Is a rezoning required in order to legally construct another house on lot # 79 which in an earlier rezoning combined lots 65 & 66.

The attached letter implies that a hearing may not be held. If that is correct, as the owner of lot # 64, I formally request that a hearing be held.

Very truly yours,
G. Simonetti, Jr.

Dave
Steve Smith
3/8/06
PSC



Dewberry

203 Perry Parkway
Suite 1
Gaithersburg, Maryland 20877-2169

301 948 8300
301 258 7607 fax
www.dewberry.com

NOTICE OF APPLICATION
ADJACENT AND CONFRONTING PROPERTY OWNERS
APPLICATION TO BE CONSIDERED BY
THE MONTGOMERY COUNTY PLANNING BOARD

SITE PLAN

PRE-PRELIMINARY PLAN

PRELIMINARY PLAN

Name of Plan Avenel, Lot 80 & 81
Plan Number 120060880
Current Zoning RE2C/TDR
No. Proposed lots/area included 2 (1 existing)
Geographical Location Natelli Woods Ln. and New London Drive

The above-referenced Preliminary plan application has been filed with the Montgomery County Planning Board and is being reviewed under the provisions of the Montgomery County Code.

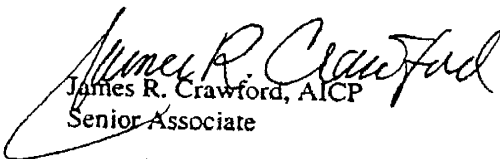
A copy of the proposed Preliminary plan is enclosed. This plan may change due to specific reviews and changes suggested by M-NCPPC and other county and state agencies. If you have comments on the plan, please send them to The Maryland-National Capital Park and Planning Commission, Development Review Division, 8787 Georgia Avenue, Silver Spring, Maryland, 20910.

The Montgomery County Planning Board may hold a public hearing on the above-referenced preliminary plan application to obtain public comment. Written notification of the date of the public hearing will be sent to you no later than 10 days before the hearing, if a hearing is held.

If you have any questions on the plan, please contact the Park and Planning Commission's Development Review Division at (301) 495-4585.

Very truly yours,

DEWBERRY


James R. Crawford, AICP
Senior Associate