



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 17
6/2/05



MEMORANDUM

DATE: May 27, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Parcels 820 and 766, Tax Map KR32

PROJECT NAME: Mitter Property

CASE #: 1-05051

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: Located on the north side of Fairland Road, approximately 600 feet west of Westwind Drive

MASTER PLAN: Fairland

APPLICANT: Jagdish Mitter.

FILING DATE: November 18, 2005

HEARING DATE: June 2, 2005

STAFF RECOMMENDATION: Approval of the preliminary plan and Special Protection Area (SPA) preliminary and final water quality plan with the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) residential lots for two (2) new residential units and one (1) existing residential unit.
- 2) 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 preliminary plan.
- 3) 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, which increase site imperviousness, may require Planning Board action.
- 4) Compliance with the conditions of approval for the preliminary forest conservation plan dated 5/25/05. 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. Final forest conservation plan to include a detailed planting plan for the 0.26 acre of afforestation on the site. Afforestation area to be placed in a Category I conservation easement. Easement to be shown on the record plat.
 - b. Final forest conservation plan to include tree protection measures for trees on the site that are to be retained.
 - c. Final forest conservation plan to include methods to clearly mark the Category I conservation easement boundary, such as a permanent split rail fence.
- 5) Conformance to the conditions as stated in DPS' water quality plan approval letter dated February 28, 2005 (Attachment A).
- 6) Compliance with conditions of MCDPWT letter February 25, 2005 including construction of a four-foot sidewalk, unless otherwise amended.
- 7) The applicant shall dedicate Fairland Road to provide 40 feet of right-of-way from the centerline. Right-of-way to be shown on record plat.
- 8) Record plat to reflect the liber and folio reference for the existing common ingress/egress and utility easement established on the adjacent property to provide access to the subject property
- 9) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcels 820 and 766 on Tax Map KR 32, ("Subject Property"), is located on the north side of Fairland Road approximately 600 feet west of Westwind Drive in the Fairland planning area. The property contains 75,529 square feet and is zoned R-200. The Subject Property is currently developed with a

single-family dwelling. Six trees are identified on the site that exceed 24 inches in diameter at breast height (dbh). The Subject Property is in the Upper Paint Branch Special Protection Area and is, therefore, subject to the imperviousness limitations associated with that watershed and also subject to a preliminary and final water quality plan.

PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into three lots for two new single-family detached dwellings and to accommodate the one existing single-family structure. (Attachment B). The proposed lots will be 20,000 square feet, 21,300 square feet and 35,229 square feet. The adjacent property to the east was approved for three lots under preliminary plan No. 1-00080. This plan established an ingress/egress and utility easement to serve the future lots on what is the Subject Property. The lots as proposed are very similar in size, shape and orientation to the lots on the adjacent subdivision.

The layout of the site is driven in part by the need to minimize imperviousness. The house sites are located as close to Fairland Road on their respective lots as possible to reduce the length of driveway needed to reach them. The driveways are in actuality drive strips, which have been used in other situations in Special Protection Areas to minimize imperviousness. Staff agrees with the use of drive strips as long as the garage area includes a pad on which to turn a vehicle around. This plan satisfies that requirement.

A preliminary and final water quality plan has been reviewed by MCDPS for this property. The Planning Board is required to take action on both water quality plans as part of the preliminary plan review.

ANALYSIS AND FINDINGS FOR THE PRELIMINARY PLAN

Master Plan and Subdivision Regulations

Staff's review of Preliminary Plan #1-05051, Mitter Property, indicates that it is consistent with the recommendations of the Fairland Master Plan to maintain the area's residential character. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The site does not warrant transportation Adequate Public Facilities (APF)/Local Area Transportation Review (LATR).

Environmental Regulations (Attachment A)

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan. 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 reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and approved the elements of the preliminary water quality plan under its purview** The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

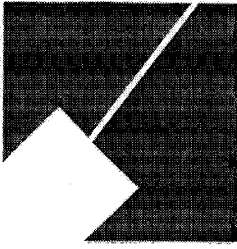
The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 10 percent. This consists of two new houses drive strips for the new houses (each with a footprint of no more than 1458 square feet), and one existing house and driveway. Portions of the existing driveway will be removed so that the subdivision does not exceed the 10 percent imperviousness limit. The site imperviousness also includes a four-foot sidewalk along Fairland Road that is to be constructed as part of the subdivision. The applicant's proposal conforms to the environmental overlay zone.

CONCLUSION

Preliminary Plan #1-05051, Mitter Property has been reviewed for compliance with the Fairland Master Plan, the Subdivision Regulations, the Forest Conservation Law and the Special Protection Area Law. Staff believes that the plan meets all applicable standards and regulations found in these policies. As such, Staff recommends approval of the preliminary plan, preliminary water quality plan and the final water quality plan.

ATTACHMENTS:

Attachment A	Environmental Planning Memo
Attachment B	Vicinity map
Attachment C	Preliminary Plan



May 25, 2005

MEMORANDUM

TO: Richard Weaver, Development Review Division

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

SUBJECT: Preliminary Plan No. 1-05051, and Special Protection Area (SPA)
Preliminary and Final Water Quality Plan for Mitter Property

STAFF RECOMMENDATION

Staff recommends approval of the preliminary plan and Special Protection Area (SPA) preliminary and 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 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 which increase site imperviousness may require Planning Board action.
3. Compliance with the conditions of approval for the preliminary forest conservation plan dated 5/25/05. 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. Final forest conservation plan to include a detailed planting plan for the 0.26 acre of afforestation on the site. Afforestation area to be placed in a Category I conservation easement. Easement to be shown on the record plat.
 - b. Final forest conservation plan to include tree protection measures for trees on the site that are to be retained.

- c. Final forest conservation plan to include methods to clearly mark the Category I conservation easement boundary, such as a permanent split rail fence.
5. Conformance to the conditions as stated in DPS' water quality plan approval letter dated February 28, 2005 (Attachment A).

DISCUSSION

Site Description

The 1.76-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 site drains to the mainstem of Paint Branch. The site is in an upland area and there are no on-site forests, streams, wetlands, or environmental buffers. There are some large trees and one specimen tree on the site.

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

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan². 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 reviews and acts on those elements of the water quality plan that relate to water quality protection performance goals, stormwater management, sediment and erosion control, and monitoring of best management practices. **DPS has reviewed and approved the elements of the preliminary water quality plan under its purview (see Attachment A).** The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Site Imperviousness

The Upper Paint Branch SPA has a ten percent (10%) site imperviousness limit on 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 two new houses drivestrips for the new houses (each with

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.

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 seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

a footprint of no more than 1458 square feet), and one existing house and driveway. Portions of the existing driveway will be removed so that the subdivision does not exceed the 10 percent imperviousness limit. The site imperviousness also includes a four-foot sidewalk along Fairland Road that is to be constructed as part of the subdivision. Staff recommends that the preliminary plan The applicant's proposal conforms to the environmental overlay zone.

Environmental Buffers

There are no streams, floodplains, wetlands, or environmental buffers on or adjacent to the site.

Forest Conservation

There is no existing forest on the site. To meet the forest conservation requirements, 0.26 acre of afforestation is proposed at the rear of proposed Lot 3. Staff believes this is acceptable. In addition, staff recommends that the final forest conservation plan include a detailed tree protection plan to provide appropriate protection measures during construction for the large trees that will be retained on the site.

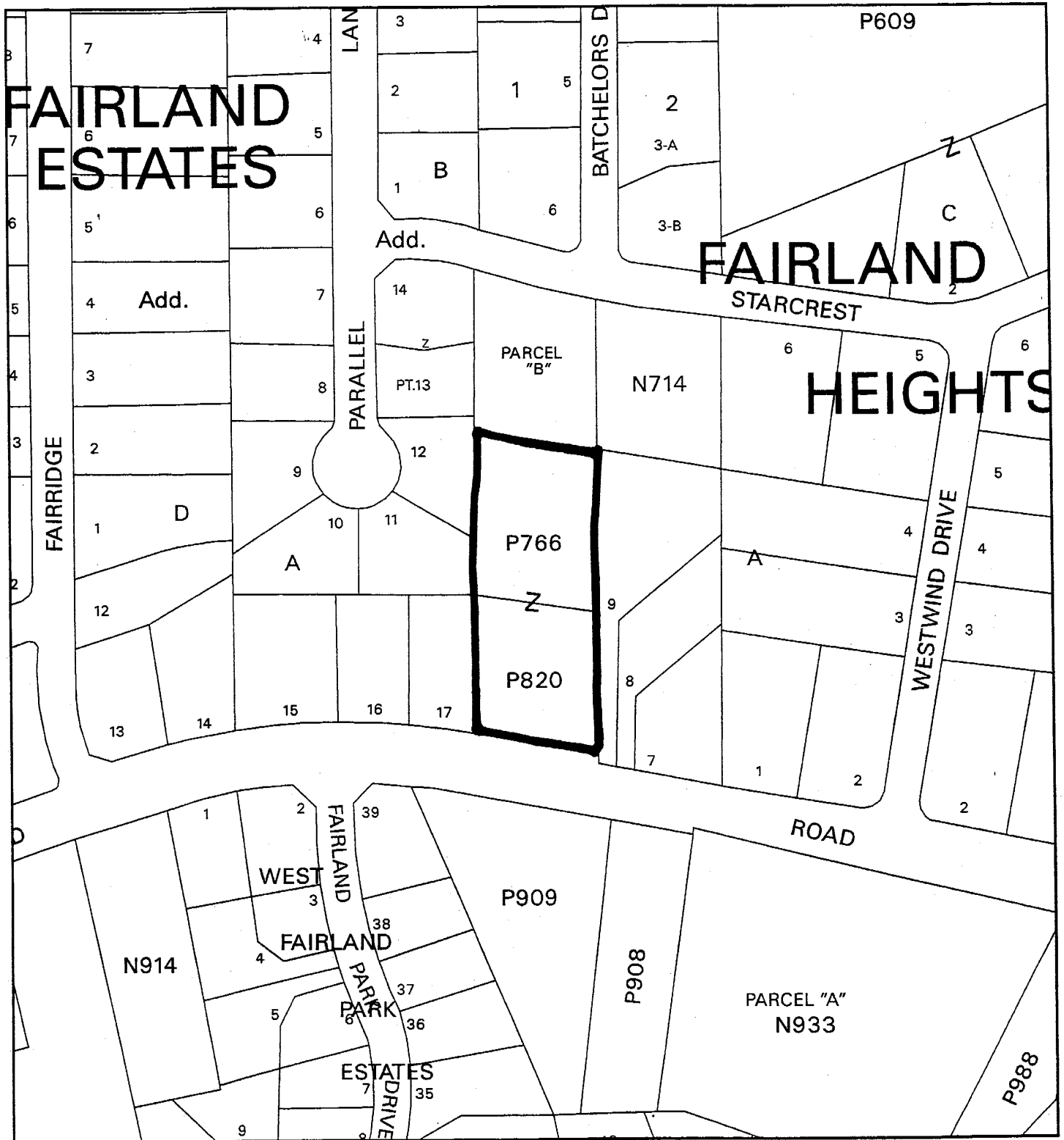
Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes dry wells to provide water quality controls. No structural water quantity controls are required because of the small size of the site.

Sediment Control

DPS is requiring the use of super silt fence and an engineered sediment control plan. Only a minimal amount of grading is proposed.

MITTER PROPERTY (1-05051)



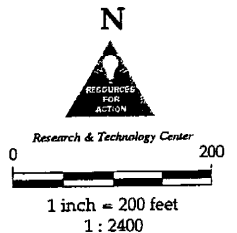
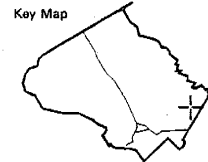
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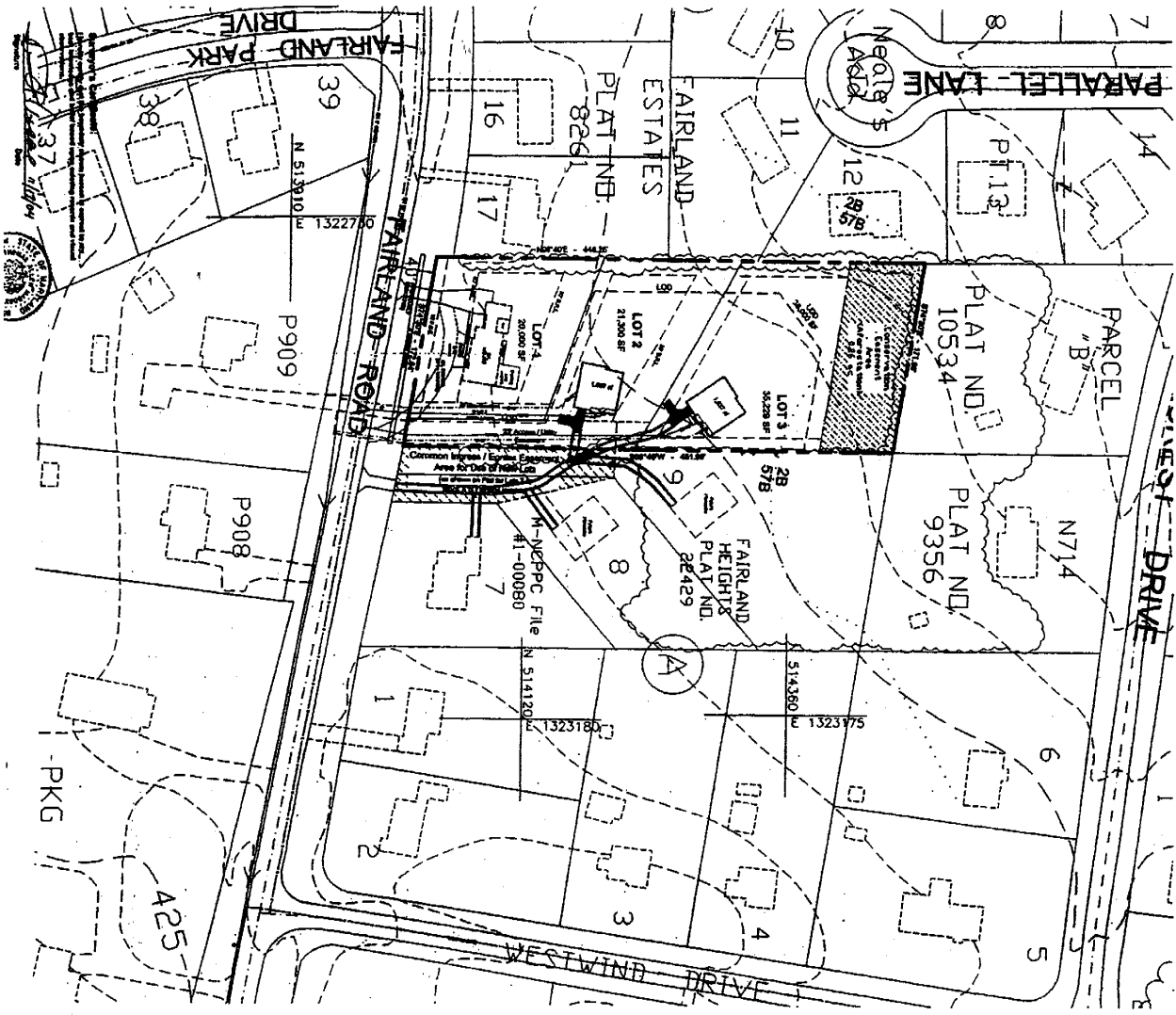
NOTICE

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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





NOTES:

1. AREA OF PROPERTY - 7.828 ac
2. EXISTING ZONING - R-30
3. NUMBER OF LOTS SHOWN - 17
4. SITE TO BE SERVED BY PUBLIC WATER AND SEWER
5. EXISTING SEWER & WATER SERVICE CATEGORIES - S-1, W-1
6. PROPERTY IS LOCATED WITHIN THE PLANT BRANCH WATERSHED (PBW)
7. DEVELOPMENT STANDARDS:
 - Frontage - 40' (per 17' MIN)
 - Setback - 10'
 - Minimum Lot Area - 8,000 sq ft
8. PROPERTY LOCATED ON TAX MAP NEAR WEST AND WEST STAGES
9. UTILITY SERVICE PROVIDED BY WASHINGTON, PENNS & WASHINGTON GAS

Impervious Area Calculations:

Area of Property - 7.828 ac
 Area in right-of-way (between property line and street parking) - 0.110 ac
 Total project area - 6.720 ac

Impervious Surface Projections:

COLLECTION AREAS:
 Public Streets - 444 ac
 Common driveway roads area - 185 ac
 Total for common areas - 629 ac

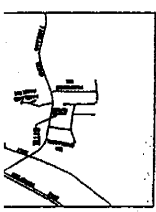
LOT 1:
 Existing houses (includes porch area) - 2,000 ac
 Existing Driveway - 1,100 ac
 New Driveway Replacement - 120 ac
 Total for Lot 1 - 3,200 ac

LOT 2:
 New Driveway (Paved strips @ 4" x 4") - 21' x 2' = 84 ac
 Paved Sun-screen @ garage - 312 ac
 New Landscapes & Storage - 42 ac
 Total for Lot 2 - 1,598 ac

LOT 3:
 New Driveway (Paved strips @ 4" x 4") - 72' x 2' = 216 ac
 Paved Sun-screen @ garage - 312 ac
 New Landscapes & Storage - 42 ac
 Total for Lot 3 - 2,100 ac

Total Impervious Area Proposed - 6,820 ac
 Impervious % Proposed - 6,820/6.720 = 10.19% - 10%
 Impervious % not including public streets - 7,650/6.720 = 9.97% - 10%

Prepared by:
JAODISH MITTER

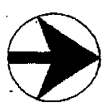


PRELIMINARY PLAN
MITTER PROPERTY
 Montgomery County, Maryland



Beckling & Associates, Inc.
 Land Planning Consultants
 8733 Shady Grove Court
 Gaithersburg, MD 20877
 (301) 943-9400

date: November 2004
 Rev. 12/27/04;
 Rev. 4/28/05
 scale: 1" = 50'



SHEET 1 OF 1