



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
MCPB 11-01-07

MEMORANDUM

DATE: October 18, 2007
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RAK*
Robert A. Kronenberg, *RAK*
Supervisor
Development Review Division
FROM: Sandra Pereira *SP*
Development Review Division
(301) 495-2186



REVIEW TYPE: **Site Plan Review**
CASE #: **820070240**
PROJECT NAME: **Hallman Grove**

APPLYING FOR: 28 residential dwellings (17 one-family detached and 11 one-family attached residential dwelling units) including 4 moderately priced dwelling units (MPDUs)

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: R-200 and R-200/TDR-3

LOCATION: On Fellowship Lane approximately 1,600 feet west of Quince Orchard Road

MASTER PLAN: Potomac

APPLICANT: Hallman Grove LLC

FILING DATE: May 17, 2007

HEARING DATE: November 1, 2007

STAFF RECOMMENDATION: Approval of 28 residential dwellings (17 one-family detached and 11 one-family attached residential dwelling units) including 4 Moderately Priced Dwelling Units (MPDUs), on 12.4 acres. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on October 4, 2007 shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 120073050 as listed in the Planning Board opinion dated June 21, 2007 [Attachment A].
2. Landscaping
 - a. Provide a fence on top of each retaining wall as a safety measure.
3. Lighting
 - a. Prior to approval of the certified site plan, provide a lighting distribution and photometric plan with summary report and tabulations that show conformance with IESNA standards for residential development.
 - b. All light fixtures shall be cut-off fixtures.
 - c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
 - d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads or adjacent residential properties.
 - e. The height of the light poles shall not exceed 12 feet including the mounting base.
4. Pedestrian Circulation
Provide a continuous sidewalk along Fellowship Lane connecting Hallman Grove to Quince Orchard Boulevard if adequate public right-of-way is available. The proposed sidewalk must be at least 3 feet from the edge of the roadway. If adequate public right-of-way is not available at certain locations, the Applicant will provide the longest continuous stretch of sidewalk along Fellowship Lane as long as it is greater than 300 feet and it should preferably include a connection from the proposed development to the school bus stop at the intersection of Fellowship Lane and Fellowship Way. If none of these can be provided within the existing right-of-way, DPS may collect a "fee in lieu of" payment given that the monies are used for an improvement directly related to Hallman Grove.
5. Recreation Facilities
 - a. Recreation facilities shall be in conformance with the M-NCPPC Recreation Guidelines.
 - b. Revise the dimensions of the horseshoe court, per the standards of the MNCPPC Recreation Guidelines.
 - c. Provide alternative measures, such as landscaping, to compensate for the reduced setback on the west side of the lot, per the standards of the MNCPPC Recreation Guidelines.
6. Moderately Priced Dwelling Units (MPDUs)
The proposed development shall provide 4 MPDUs on-site in accordance with the provisions of Chapter 25A of the Montgomery County Zoning Ordinance. The applicant shall comply with the following conditions of approval as specified in the letter from DHCA dated October 3, 2007 [Attachment B]:
 - a) The cost of maintaining the private road serving the townhouses will be borne by the HOA for the entire development, not just the townhouses.
 - b) The lighting for the private road shall be of the same type and follows the same standards as the lighting for the public road.

- c) The MPDU townhouses will have at least 3 bedrooms, and the applicant will provide DHCA with floor plans for the MPDU townhouses at the time of the Agreement to Build.
 - d) The applicant will comply with Chapter 25 A-5 (i) of the Montgomery County Code, which concerns construction staging of MPDUs.
- 7. Transportation

The applicant shall comply with the following condition of approval from M-NCPPC-Transportation Planning in the memorandum dated October 11, 2007 [Attachment B]:

 - a) Total development under this site plan is limited to 28 dwelling units (11 townhouses and 17 single-family detached).
- 8. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated October 11, 2007 [Attachment B]:

 - a. The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
 - b. The record plat must reflect a Category I conservation easement over all areas of stream valley buffers and forest conservation areas.
 - c. The Applicant shall begin reforestation within the first planting season after issuance of the first building permit.
 - d. The Applicant shall install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easement.
 - e. The Applicant shall install permanent split 2-rail fencing adjacent to the side of Lot T-7 along the forest conservation easement boundary.
- 9. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 22, 2007 unless amended and approved by the Montgomery County Department of Permitting Services [Attachment B].
- 10. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to M-NCPPC staff prior to issuance of the 20th building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.
- 11. Development Program

Applicant shall construct the proposed development in accordance with a Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street trees planting shall progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities, such as the tot lot and horseshoe courts, shall be completed prior to issuance of the 20th building permit.
- c. Landscaping and lighting associated with each parking lot and building shall be completed as construction of each facility is completed.
- d. Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
- e. Buffer planting along the proposed extension of Fellowship Lane and the private street shall be installed as street construction progresses, but no later than six months after completion of the units adjacent to those streets.
- f. The off-site sidewalk connection, if permitted by DPS, shall be constructed prior to the release of the 20th building permit.
- g. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- h. Provide each section of the development with necessary roads.
- i. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

12. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified site plan.

13. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, site plan index, and site plan resolution.
- b. Development standards table consistent with 'Project Data Table' in Staff Report.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. MPDU and recreation facility calculations.
- g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- h. Revise the grading of Lots 1 through 5 to minimize grading and size of retaining wall.
- i. Revise the grading of Lots 10 through 17 to minimize grading and associated steep slopes.
- j. Details of fences proposed on top of retaining walls.

SITE PLAN REVIEW ISSUES

I. Site Layout

Applicant's Proposal (or Position)

The site plan layout for Hallman Grove is largely determined by the unusual shape of the property and the location of the existing access easement. The subject property has resulted from the assemblage of ten parcels which are recorded by deed and are under multiple ownerships. Parcels 795 and 927 are not a part of the subject property, which accounts for its irregular shape. The existing ingress/egress easement on Parcel 719 was also a determinant factor in this layout since its current alignment had to be maintained.

In response to these constraints, the proposal provides access to Hallman Grove through the existing access easement via a reduced-width tertiary road built as an extension of Fellowship Lane. The internal road system connects two cul-de-sacs (with eight detached dwelling units each), a private street with eleven attached units, and a single detached unit across from the existing house in Parcel 795. It is argued that the three clusters proposed will provide a safer environment for children to play away from the main road. A solid fence with plantings on both sides is provided along the access roads to increase compatibility between the existing and proposed subdivisions.

Community Position

At the time of Preliminary Plan review, the community expressed concerns over the layout of Hallman Grove. It was mentioned that it was not desirable to have the public road extension and the private street located at the rear lot line of the adjacent community of Quince Orchard Estates. Instead, the community suggested having a plan with a double-loaded road with backyards abutting backyards from adjacent communities. As a mitigation measure to the current plan, the community requested a solid fence with plantings on both sides along the access roads.

Staff Analysis/Position

While Staff realizes that the limitations imposed by the shape of the property and the current alignment of the access easement make it infeasible to have a more desirable layout, Staff does not underestimate the social and environmental implications associated with the current proposal.

The layout of Hallman Grove proposes three clusters of housing units, two of these with eight detached units and one with eleven attached units. A single detached unit is isolated from the three clusters and accessed directly off Fellowship Lane. This layout divides up the community into three main clusters with an inherent inward focus towards each cul-de-sac. It could be argued that such a layout makes it more difficult to create a unified community throughout this development.

The environmental implications are mostly associated with the grading required to provide three clusters of housing, each at approximately the same elevation, and to have the detached units built at grade rather than having walk-out basements. Grade change is thus accommodated towards the edges of the property with some slopes approaching 40 percent. Between the first cul-de-sac cluster and the single detached house, grade change is accommodated via a retaining

wall with a varying height between 2 and 5 feet. In the cluster of attached units, the site slopes down towards the western property edge and grade change is accommodated with two retaining walls, 30 feet apart, at the southwest corner of the property.

Staff worked with the Applicant to develop a more favorable layout for Hallman Grove to de-emphasize the use of cul-de-sacs and require less grading. The more desirable alternative was to have the extension of Fellowship Lane run through the center of the property and double loaded with detached houses. The private street and townhouses court would be maintained. Two main reasons made this alternative infeasible. First, the existing access easement had to be maintained at its current location. This could imply having two access roads on the property which would greatly increase the amount of impervious surface. Second, the property is too narrow to accommodate a double-loaded road with required setbacks in addition to the existing access easement and still provide adequate rear yards for each of the units.

Because of these constraints, there are limited feasible alternatives for this site. Staff finds that the proposed layout reaches an acceptable compromise between the existing limitations of this property, and the proposed unit configuration within the development.

II. Quince Orchard Storm Water Management Pond

Applicant's Proposal (or Position)

The Applicant's storm water management concept consists of 1) on-site water quality control via a surface filter, a structural sand filter and non-structural methods; and 2) onsite recharge via recharge trenches and non-structural methods. Channel protection volume is not required for parts of the site because the one-year post development peak discharge is less than or equal to 2.0 cfs. Part of the site drains to the Quince Orchard Estates Regional Pond. The impact will be negligible on off-site storm water management since the project will provide both quality and quantity control on site.

Community Position

The surrounding communities are concerned that the Hallman Grove development will aggravate the condition of the Quince Orchard storm water management pond. Currently, this pond is in very poor condition with large amounts of algae, a foul smell, and a high infestation of mosquitoes. The community is concerned with the direct implications that these conditions may have on the health of the residents and the natural ecosystem. Because Hallman Grove is located uphill from this pond and it will partly drain into the subject pond, the community is concerned about any potential worsening of the pond's condition. It has been requested that the County address the issues related to the pond by taking immediate steps to remediate its condition prior to the start of any new construction at Hallman Grove [Attachment C].

Staff Analysis/Position

Staff understands that the impacts of the Hallman Grove development to the existing regional storm water management pond must be considered since the proposed development partly drains into the subject pond. Staff has consulted with Staff at the Montgomery County Department of Permitting Services (DPS) - Storm water management, and it is the understanding of the County

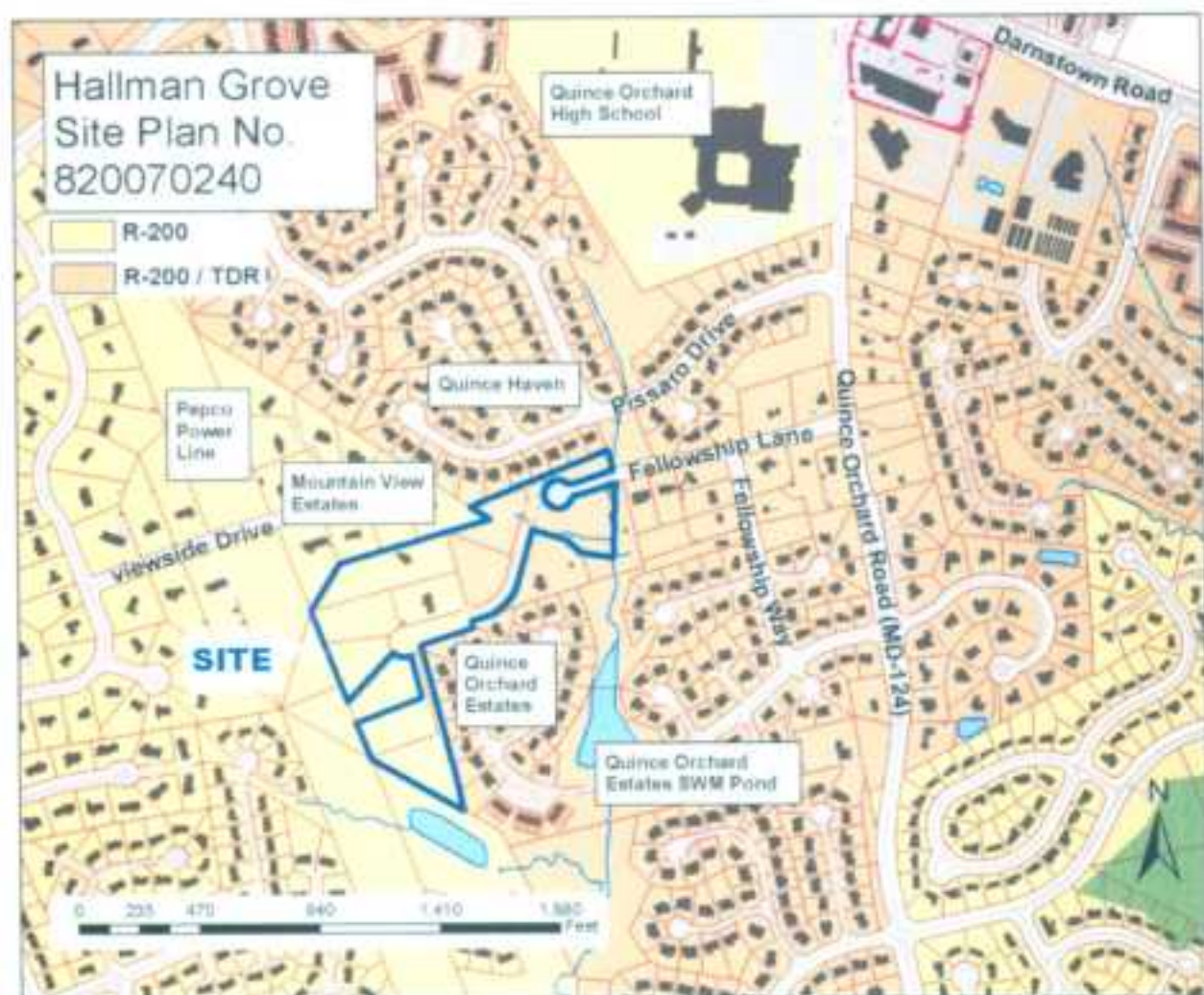
that the proposed development will not aggravate the condition of the existing pond since Hallman Grove will provide both quality and quantity control on-site.

The proposed onsite system will clean and trap any nutrients on storm water through a surface filter, a structural sand filter and non-structural methods on-site, thus preventing any downstream contamination. Quantity control will be provided through onsite recharge via recharge trenches and non-structural methods.

Also according to DPS, the existing septic systems at Hallman Grove might be contributing to the high nutrient condition of the existing pond. These will be removed and replaced by the new storm water management concept, which will provide both quality and quantity control per current standards. Therefore, the new system is likely to improve the storm water quality and not contribute to the worsening of the Quince Orchard storm water management pond.

PROJECT DESCRIPTION: Site Vicinity

The subject property consists of 12.4 acres of land located west of the cul-de-sac terminus of existing Fellowship Lane. Fellowship Lane begins at Quince Orchard Road (MD-124) approximately 1,700 feet south of the intersection of Quince Orchard Road and Darnestown Road (MD-28) in the Potomac Subregion. The property is an assemblage of ten parcels which are recorded by deed and are under multiple ownerships. The property is split-zoned R-200 and R-200/TDR-3 and lies within the Muddy Branch watershed which is designated as Use Class 1. Surrounding land uses consist of one-family residential dwellings in the R-200/TDR-3 zone on the south, east and northeast property boundaries; one-family residential dwellings in the R-200 zone on the northwest property boundary; and a major Pepco power line right-of-way along the western property boundary. The property is eligible for public water and sewer.



PROJECT DESCRIPTION: Site Description

The site currently contains two occupied one-family residences (on existing Parcels 801 and 821) accessed by paved driveways originating at the Fellowship Lane cul-de-sac. A third existing residence, on a deeded parcel which is not part of the proposed subdivision (Parcel 795), also has driveway access from existing Fellowship Lane through the subject site. Another unoccupied, deeded parcel which is not part of the proposed development, Parcel 927, has unimproved access through the subject site via an existing ingress/ egress easement.

The site gently slopes to the east and southwest from a high point located in the rear of the two existing homes. A perennial stream crosses existing Fellowship Lane on the eastern property boundary and a second intermittent stream flows into this tributary from the eastern portion of the site. Environmental buffers associated with these streams encompass 1.27 acres on the eastern portion of the site. Total forest cover on the site consists of approximately 6.46 acres in four stands; the largest (in the southwestern portion of the site) is approximately 4.5 acres. Overall forest stand quality is fair to poor, but some large, high quality individual trees are present within existing forest stands and scattered throughout the property.



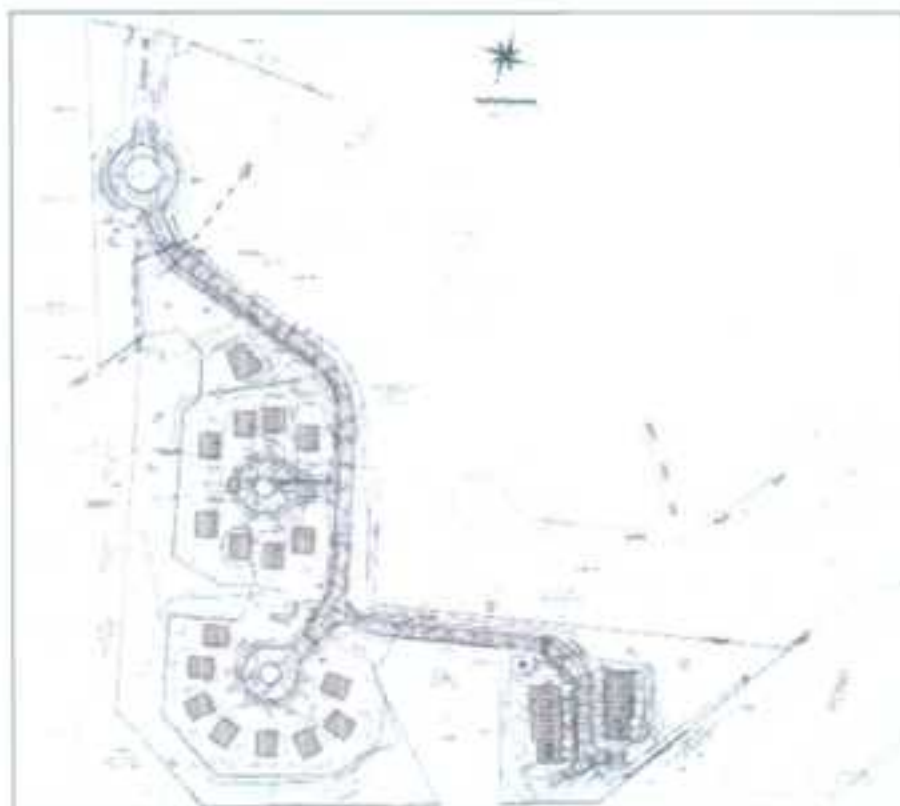
PROJECT DESCRIPTION: Proposal

The site plan consists of 28 lots comprised of 17 one-family detached and 11 one-family attached dwellings. The one-family detached lots are accessed via an extension of existing Fellowship Lane as a public road, built to reduced-width, tertiary street standards; and the townhouses are accessed by a private road from the Fellowship Lane extension. At the time of Preliminary Plan, the Planning Board found that, subject to site plan approval, the use of a reduced-width, tertiary road was justified.

The development proposal applies the standards for an R-200 development using the MPDU option for the entire property, rather than using the TDR option available on the environmentally-constrained eastern portion of the site. The proposal includes extension of public water and public sewer to serve the proposed houses.

At the entrance to Hallman Grove, this site plan has an elongated round-about that serves as a traffic calming island and as an entry feature to the development. The plantings chosen for this area complement those at the community identification sign, and collectively they function as a highlight of the gateway to the development.

Another key feature in this development is the proposed privacy fence with associated plantings along the proposed access roads. These are intended to buffer the proposed development from adjacent neighboring communities.



PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

The Planning Board approved Preliminary Plan No. 120070350 on March 22, 2007 to create 28 lots on 12.4 acres of land.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (R-200 with MPDU)

Development Standard	Permitted/Required	Proposed for Approval
Min. Tract Area (ac.):	0.4	12.4
Max. Density of Development (D.U./ac.):	2.44	2.25
Max. Number of Dwelling Units		
Detached units	19	17
Attached units (townhouse)	11 (40%)	11
Total	30	28
MPDUs	4 (12.5%)	4
Min. Lot Area (sq. ft.)		
Detached Units	6,000	6,200
Attached Units	1,500	1,500
Min. Building Setbacks (ft.)		
Detached Units		
from public street	25	25
rear yard	Not applicable *	15
side yard	Not applicable *	5
Attached Units		
from private street	Not specified	16
rear yard	Not applicable *	12
side yard (end-units)	Not applicable *	5
Accessory Buildings or Structures		
from street	60	60
rear yard	5	5
side yard	5	5
Min. Green Area per attached unit (sq. ft. per unit)	2,000	6,300
Max. Building Height (ft.)	40	40
Max. Building Height for Accessory Structures (ft.)	25	25
Min. lot width for detached unit at street line (ft.)	25	25

* 59-C-1.624. For a side or rear yard that abuts a lot that is not developed under the provisions of this section 59-C-1.6, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than 20 feet. This standard is not applicable because there are no abutting lots.

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
detached units	2.2	4.1	4.3	18.0	1.9
attached units	1.9	2.4	2.0	14.2	0.8
Total Required Points	4.1	6.5	6.3	32.2	2.7
Supply Points					
Tot lot (1)	9.0	2.0	0	4.0	1.0
Horseshoe (1)	0	2.0	2.0	4.0	3.0
Picnic/sitting (2)	2.0	2.0	3.0	10.0	4.0
Pedestrian System	0.4	1.3	1.3	14.5	1.2
Total Supply Points	11.4	7.3	6.3	32.5	9.2
% of demand met on-site	278	112	100	101	341

ANALYSIS:

Conformance to the Potomac Subregion Master Plans (Past and Present)

The Potomac Subregion is comprised of three Planning Areas, Potomac, Travilah, and Darnestown. Hallman Grove is located near the eastern edge of the Darnestown Planning Area. Although the Hallman Grove property was not specifically identified by the 2002 Approved and Adopted Potomac Subregion Master Plan, the Plan supported the retention and reconfirmation of the existing zoning and supported the use of Transferable Development Rights (TDRs) wherever increases in density were proposed (page 40).

The previous Potomac Subregion Master Plan, adopted in 1980, recommended part of the Hallman Grove property as suitable for PD-3 development. An Amendment to that Plan, adopted in 1982, allowed the area to achieve the same density, but only by using TDRs. The objective of the Plan and the Amendment was to provide, for the Darnestown Planning Area, a suitable transition between the Rural Cluster Zone to the west (without sewer) and the more suburban areas to the east (with sewer). The Amendment did acknowledge (page 11) that TDRs were an option, and that not all property owners would wish to use TDRs in their development programs. The Amendment further stated that the Planning Board could reduce the number of units permitted on a given site due to environmental and other constraints and that much of the remaining area in conventional zones would not develop to full capacity. The 2002 Master Plan recommended that the specified density remain as designated in the 1982 Amendment.

A TDR development must provide moderately priced dwelling units (MPDUs) in accord with the Montgomery County Code, but TDRs do not have to be purchased to exercise the MPDU bonus. The proposed Hallman Grove development does not utilize the TDR option, but rather applies the option for development with moderately priced dwelling units (MPDUs).

One of the main Design Principles recommended by the Potomac Subregion Master Plan was to create a pedestrian and bicycle-friendly environment, by providing facilities to promote walking and biking as alternatives to car trips. (Pages 33-34). The Plan recommended that new

developments provide pedestrian and bike links to surrounding streets and neighborhoods. The proposed site plan conforms to the master plan recommendations for residential development. Community-Based planning staff recommends approval, as the site plan conforms to the recommendations of the 2002 Potomac Subregion Master Plan.

Local Area Transportation Review

The subject preliminary plan is not subject to Local Area Transportation Review since the proposed 28 dwelling units generate less than 30 total weekday trips during the morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods.

FINDINGS: For Site Plan Review:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

An approved development plan or a project plan is not required for the subject development.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the R-200/MPDU zone as demonstrated in the Project Data Table on page 11.

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

- a. **Locations of buildings and structures**

The buildings are located in three cul-de-sac clusters. Two of these, with 8 detached dwelling units each, are accessed via the public street. The third cluster has 11 attached (townhouse) dwelling units and is accessed via a private street that connects to the public street. A single detached unit is isolated from the three clusters and accessed directly off Fellowship Lane. This layout seems to make the most efficient use of the land given the odd shape of the subject property and the constraints of maintaining the current access easement for the adjacent properties.

The buildings have an inward focus toward each cul-de-sac. The front façade and main entrance of the detached units face the cul-de-sac, where private driveways radiate to provide access to the two car garages of each unit. Similarly, attached units have a private driveway branching out of the private street to access the one car garage for each unit. The front of the buildings face onto the private street. The MPDUs are integrated with the market rate units as requested by DHCA in their letter dated July 26, 2007 [Attachment B]. The architectural character of the proposed units resembles the neo-traditional style with emphasis on the front façade of the units. There are different elevations proposed for the detached and attached units, which will add character and interest to this development.

There are three retaining walls proposed. The first modular concrete block wall, between the single detached house and the first cul-de-sac cluster, is 155-foot long and varies in height between 2 and 5 feet. The other two modular concrete block walls located 30 feet apart at the southwest corner of the site, take up the grade change without disturbing the adjacent land or the proposed forest conservation easement to the south of the townhouse cluster. Their exposed height

varies between 1 foot and 3 feet. Staff finds these retaining walls to be adequate and efficient, except for the first one described which appears that it can be reduced in length. In order to be safe, all retaining walls must provide a fence or alternative protection measure to protect against the drop in elevation.

A fence with dense vegetation is provided along the existing access drive to maintain the privacy of the lots at Quince Orchard Estates that face Hallman Grove. This 3-foot fence is made of solid white vinyl panels and is heavily planted on both sides. Staff finds this fence to be adequate and efficient at providing solid screening and maintaining the privacy of the adjacent lots in the neighboring community.

b. Open Spaces

While this zone does not set an open space requirement for the total development, it sets a green area requirement for the attached units. This development exceeds the requirement for green area and proposes ample area between units and along the perimeter of the property.

c. Landscaping and Lighting

The main elements of the proposed landscape plan include street trees, buffer plantings and focal area plantings. Shade trees are proposed along the public street and in each cul-de-sac per MC-DPWT standards. Buffer plantings are mainly provided along the proposed access roads and together with the privacy fence described above. These plantings include a mix of deciduous and evergreen shrubs with flowering trees that will add variety and interest to the solid fence. More intensive plantings are used as a highlight at the entrance to Hallman Grove and at the recreation amenities. None of the plantings proposed are considered non-native invasive (NNI) per the latest listings of M-NCPPC Parks Department.

The lighting plan proposes street lights along the public right-of-way that conform with MC-DPWT standards and street lights along the private street that are consistent in style and placement with those on the public street. The lights will be cut-off fixtures and illumination levels will not exceed 0.5 footcandles at any property line abutting adjacent residential properties.

d. Recreation Facilities

The recreation demand for Hallman Grove is met on-site as shown in the recreation calculations table on page 12. The proposed recreation facilities, including a tot lot, horseshoe court, sitting areas, and the pedestrian system, provide a variety of onsite recreation opportunities for the different age groups. Their location is well-distributed throughout the site and they are conveniently accessed from the proposed sidewalk system.

The proposed recreation facilities conform with the requirements of the MNCPPC Recreation Guidelines, except for the horseshoe court which does not meet the standard dimension requirements, and the tot lot which does not meet the minimum recommended setback from the adjacent townhouse building. As indicated in the MNCPPC Recreation Guidelines, in the tot lot case, it is necessary to provide alternative measures, such as landscaping, to compensate for the reduced setback.

e. **Pedestrian and Vehicular Circulation Systems**

The access to the site is provided via a public road extension from the terminus of existing Fellowship Lane. The alignment of this proposed extension follows an existing access easement, which provides ingress and egress for two parcels that are not subject to the current Application (P795 and P927). According to the existing ingress/egress agreement, this access cannot be modified or terminated unless all parties agree. Since agreement to change the alignment has not been reached, the Application uses the existing access easement to create the Fellowship Lane extension as a public, reduced-width, tertiary standard road.

In line with the Planning Board findings at the time of Preliminary Plan, Site Plan review finds that the use of a reduced-width, tertiary road is still justified, since it improves compatibility between existing and proposed subdivisions by: a) increasing the amount of tree save and planting that can be provided where the roadway must abut the rear lot lines of existing homes to the south (Quince Orchard Estates); and b) creating an opportunity for significant forest stand buffer between the smaller proposed and larger existing lots to the north of the property (Mountain View Estates). From an environmental perspective, the road is also better because it provides more contiguous on-site forest planting area and greater opportunity for tree save.

The private street connects to the public, reduced-width, tertiary road and it provides access to the townhouse cluster in the southwest corner of the site. Staff finds the use of a private street appropriate because it allows for an increased buffer and planting area that will help maintain the privacy and compatibility with adjacent neighboring lots. The proposed vehicular circulation system is adequate to serve the proposed lots, and it makes efficient use of the land already designated as an access easement.

Internal sidewalks will also be provided to facilitate pedestrian circulation throughout the development. Because both public and private streets are single-loaded, it seems appropriate that the sidewalk is only provided on one side of the roads. The pedestrian system of Hallman Grove formed by a continuous 5-foot wide sidewalk is adequate and efficient in providing safe pedestrian linkages within the development.

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

The proposed site plan meets the requirements and adheres to the standards for development in the R-200 zone using the MPDU option. These standards include the option to use smaller lot sizes and provide up to 40% of the units as townhouses. The standards for minimum lot area for both detached and attached units are met at 6,200 square feet and 1,500 square feet, respectively. The adjacent community of Quince Orchard Estates to the south has lot sizes similar to the proposed detached units, whereas the community of Mountain View Estates to the north has larger lot sizes. The maximum height of the proposed units is 40 feet and they must not exceed 3 stories. In contrast, existing units to the south in the R-200/TDR Zone and existing units to the north in the R-200 Zone can have a maximum height of 50 feet.

In order to better address compatibility with adjacent development, the plan proposes a 75' wide planted forest buffer between proposed units and existing houses along the northern property boundary. Along the rear of existing houses on Quince Valley Drive adjacent to the proposed townhouse area, the plan preserves a minimum 50' wide forest buffer, except along the access road. Along the existing access drive where forest cannot be preserved, the applicant proposes dense landscaping and fencing. The proposed townhouses are also configured so that sides of units, rather than townhouse rows, face the rear of the existing houses. Finally, the extension of Fellowship Lane is designed so that tree preservation and supplemental planting can be provided between the road and the rear of existing homes.

The proposed unit layout reflects the limitations associated with the parcels being assembled. Given these limitations, the site plan layout, with the proposed buffering, is generally compatible with adjoining development.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved on February 15, 2007. The NRI/FSD delineates and identifies the existing conditions on the site including onsite environmental buffers, forests, topographical contours and soils. The site includes a stream and a small wetland, 1.27 acres of environmental buffers, and 6.46 acres of existing forest located in four distinct stands.

The proposed stormwater management concept consists of 1) on-site water quality control via a surface sand filter, a structural sand filter and non-structural methods; 2) onsite recharge via recharge trenches and nonstructural methods. Channel protection volume is not required for parts of the site because the one-year post development peak discharge is less than or equal to 2.0 cfs.

APPENDIX

- A. Planning Board opinion for Preliminary Plan 120073050
- B. Referenced Agency correspondence
- C. Letters from the community



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 21 2007

MCPB No. 07-74
Preliminary Plan No. 120070350
Hallman Grove
Date of Hearing: March 22, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on 11/06/06, Hallman Grove LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property to create 28 lots on 12.4 acres of land located on Fellowship Lane approximately 1,600 feet west of Quince Orchard Road ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070350, Hallman Grove ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated 03/06/07 setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on 03/22/07, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, on 03/22/07, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Perdue; seconded by Commissioner Robinson; with a vote of 3-1-1, Chairman Hanson and Commissioners Perdue and Robinson voting in favor, Commissioner Wellington voting against², and Commissioner Bryant recused himself from the case.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070350 to create 28 lots on 12.4 acres of land located on Fellowship Lane approximately 1,600 feet west of Quince Orchard Road ("Property" or "Subject Property"), in the Potomac master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 28 lots for 17 one-family detached, and 11 one-family attached residential dwelling units, including a minimum 12.5% moderately priced dwelling units (MPDUs).
- 2) Final approval of the number and location of dwelling units and MPDUs shall be determined at site plan.
- 3) Final approval of on-site parking, site circulation, sidewalks, and bikepaths will occur at site plan.
- 4) No clearing, grading or recording of plats prior to approval of the certified site plan.
- 5) The Applicant must comply with all conditions of the preliminary forest conservation plan. All conditions must be satisfied prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. Conditions include:
 - a) Applicant to construct a split rail, or better, fence at the back and/or sides of lots 1, 5, 6, 7, and 10 through 16 to delineate the off-lot forest planting areas and conservation easements.
- 6) The Applicant must comply with the conditions of the MCDPS stormwater management approval dated January 22, 2007.
- 7) The Applicant must dedicate the extension of Fellowship Lane as a reduced-width tertiary road and construct the road to reduced-width tertiary standards with at least a 4' wide sidewalk on one side.
- 8) The Applicant must construct the proposed private street to the structural standards of a public tertiary road with at least a 4' wide sidewalk on one side.
- 9) The Applicant must comply with conditions of the MCDPWT letter dated February 23, 2007, unless otherwise amended.

² Commissioner Wellington found that the proposed development is too dense and noted in support of her position the proposed private road, the proximity of the proposed houses to the forest conservation area, and the fact that the development will have only one access point on an over-length cul-de-sac.

- 10) Record plat to reflect a Category I conservation easement over all environmental buffers and forest conservation areas.
- 11) Record plat to reflect public use, common ingress/egress and utility easements over the proposed private street.
- 12) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant must provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 13) Record Plat to reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
- 14) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 16) Other necessary easements must be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The 1980 Potomac Subregion Master Plan recommended part of the area covered by the Preliminary Plan as suitable for PD-3 development. An Amendment to that Master Plan, adopted in 1982, allowed this area to achieve the same density, but only by utilizing TDRs. The objective of the Master Plan and the Amendment was to provide, for the Darnestown Planning Area, a suitable transition between the Rural Cluster Zone to the west (without sewer) and the more suburban areas to the east (with sewer). The Amendment did acknowledge (page 11) that TDRs were an option, and that not all property owners would wish to utilize TDRs in their development programs. The Amendment further stated that the Planning Board could reduce the number of units permitted on a given site due to environmental and other constraints and that much of the remaining area in conventional zones would not develop to full capacity.

The 2002 Approved and Adopted Potomac Subregion Master Plan supported the retention and reconfirmation of the existing zoning for the Subject Property and supported the use of TDRs wherever increases in density were proposed (page 40). The Master Plan did not specifically identify the Subject Property.

The Preliminary Plan conforms to the master plan recommendations for residential development. The development does not utilize the TDR option, but rather applies the option for development with moderately priced dwelling units (MPDUs). The Planning Board finds that the proposal conforms to the recommendations of the 2002 Potomac Subregion Master Plan in that it provides a residential development that results in a suitable transition between areas with, and without, sewer, and protects onsite environmentally sensitive areas.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements. The proposed vehicular access point is from Quince Orchard Road via the extension of Fellowship Lane. Sidewalks are proposed on one side of all the internal streets being constructed by the application. The Planning Board concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians. The development will not generate more than 30 peak-hour trips and is, therefore, not subject to Local Area Transportation review.

3. *The use of a reduced-width tertiary road, subject to site plan review, is justified for this subdivision.*

The Preliminary Plan proposes access to lots via a public road extension from the terminus of existing Fellowship Lane. The alignment of this proposed extension follows an existing parcel, which provides ingress and egress for two parcels that are not subject to the current Application (P795 and P927). Under the terms of the existing ingress/egress agreement, this access can't be terminated unless all parties agree. Since agreement to change the alignment has not been reached, the Application uses the existing parcel to create the Fellowship Lane extension as a public, reduced-width, tertiary standard road.

In accordance with sections 49-34(f) and 50-26(h) of the Montgomery County Code, the Planning Board finds that, subject to site plan approval, the use of a reduced-width, tertiary street improves compatibility between the existing and proposed subdivisions because it: a) increases the amount of tree save and planting that can be provided where the roadway must abut the rear lot lines of existing homes to the south; and, b) creates an opportunity for a significant forest stand buffer between the smaller proposed and larger existing lots to the north of the property. The Planning Board further finds that the road is also better from an environmental perspective because it provides more contiguous on-site forest planting area and greater opportunity for tree save. Finally, the Board finds that the use of sidewalks on only one side of the proposed roadway is acceptable, because

all proposed houses on this single-side loaded road will have a sidewalk along their front that pedestrians will be able to safely use.

4. Extension of a private road to serve the southwest corner of the site is appropriate.

While a public road could conceivably be constructed within the fifty-foot strip of land accessing the southwest corner of the site, such a public road would be directly behind existing homes with no buffering. The proposed plan instead utilizes a private roadway to access this area. The private road configuration provides space for landscaping along the property line, and setback of the road pavement. The Planning Board finds that use of a private road in this location is acceptable because it permits the road surface to be separated from yards in the adjacent subdivision by a landscape buffer that would not be permitted within a public road right-of-way.

5. The proposed over length cul-de-sac is appropriate for this subdivision.

Fellowship Lane currently exists as an over-length cul-de-sac³ from Quince Orchard Road. The Planning Board finds that continuing it in the same fashion can't be avoided since the surrounding properties are fully developed as either residential lots, or a major electric transmission right-of-way. The Board further finds that the unusual shape of the property makes it infeasible to create any internally connected streets. Based on the approval of Montgomery County Fire and Rescue, the Board further finds that the proposed roadways, cul-de-sacs and "T-turnaround" provide adequate ingress and egress for fire and rescue vehicles.

6. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

This Application was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Planning Board finds that the application meets all applicable sections. The lots also meet the requirements for the R-200 zone utilizing the MPDU option, as specified in the Zoning Ordinance. As proposed, the lots meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Some non-specified standards will be established as part of the future site plan review. The Application was reviewed by other applicable county agencies, all of whom recommended approval of the plan.

³ Per Section 50-26(d), a cul-de-sac should not be longer than 500 feet unless the Planning Board finds that a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment.

The location of units is influenced by the proposed configuration of the roadway access to this site. Frontage on a public road is required for one-family detached dwellings in the R-200 zone, but townhouses may front on public or private streets⁴. Since the Application includes the use of townhouses as permitted by the R-200/MPDU development standards, they have been located in the southwest corner of the site and utilize the private street access. The Planning Board finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision and that the proposed unit distribution within the site is justified given the limitations associated with the parcels being assembled.

7. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

There are 6.46 acres of existing forest in four distinct forest stands on the Subject Property. There are also numerous trees 24 inches in diameter and greater, including 16 trees 30 inches in diameter and greater. The development utilizes the option for development with MPDUs, and therefore, must comply with Section 22A-12(f) which requires that a certain percentage of the net tract area be forested, either by retaining existing forest or planting. For this particular plan, this amounts to 20 percent of the net tract, or 2.48 acres. The preliminary forest conservation plan includes preservation of 1.52 acres of forest, and 2.92 acres of onsite forest planting. All retained and planted forest will be protected in a Category I conservation easement. In order to delineate the forest conservation easement and protect the trees from future homeowner encroachment, the Planning Board is requiring the applicant to construct a split rail fence at the back of lots 1, 5, 6, 7, and 10 through 16. The Board finds, with this requirement, that the proposed preliminary forest conservation plan satisfies the requirements of Section 22A-12(f), and all other applicable requirements of the Forest Conservation Law.

8. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 22, 2007, which includes onsite water quality control via a surface sand filter, a structural sand filter and non structural methods, and onsite recharge via recharge trenches and nonstructural methods. Part of the site drains to the Quince Orchard Estates Regional Pond.

⁴ Section 59-C-1.628(b) of the Zoning Ordinance permits townhouse frontage on a public street, a private street or a common open space.

9. Issues raised by citizens have been sufficiently addressed.

By letters and in testimony at the public hearing, adjacent and nearby residents stated their opposition to the proposed plan based upon their belief that it does not satisfy Section 59-D-3.4(b) requirements for compatibility and safety. With regard to compatibility, they cited to the proposed size of lots in relation to existing lots, the location of roads in the rear of existing lots, the location of the proposed townhouses, and the number of proposed lots around cul-de-sacs. From a safety perspective, they are concerned that additional traffic from the proposed development will endanger children because existing Fellowship Lane has no sidewalks and isn't designed to slow traffic down. A concern was also raised that existing drainage problems in the adjacent Quince Orchard Estates might be worsened by the proposed development.

Section 59-D-3 requirements relate to site plan approval and will be reviewed in detail as part of the future site plan review process. The Planning Board notes, however, that the Preliminary Plan layout addresses compatibility in several ways. The Preliminary Plan proposes a 75' wide planted forest buffer between proposed units and existing houses along the northern property boundary. Along the rear of existing houses on Quince Valley Drive adjacent to the proposed townhouse area, the plan preserves a minimum 50' wide forest buffer, where possible. Along the access roads where forest cannot be preserved, the plan includes dense landscaping and fencing between the road pavement and adjacent yard areas. The proposed townhouses are also configured so that sides of units, rather than townhouse rows, face the rear of the existing houses. Finally, the extension of Fellowship Lane is designed so that tree preservation and supplemental planting can be provided between the road and the rear of existing homes.

As to road safety and stormwater management concerns, the Planning Board's findings are set forth fully above.

10. Density from the R-200/TDR-3 and R-200 zoned portions of the site may be combined and distributed anywhere within the Subject Property.

The Planning Board finds that the proposed development meets the Section 59-C-1.628(e) requirements for development in different zones and does not exceed the total number of units that would be permitted if the component areas of the combined tracts were developed separately. Per Section 59-C-1.628(a), usable area on which density is calculated is determined by deducting 100-year floodplain that encompasses an excessive part of the tract and highway rights-of-way greater than 100 feet wide from the gross tract area. The R-200/TDR-3 zoned portion of the subject tract does not include either of these

areas and, therefore, can be used in its entirety for density calculations. The Board also finds that density achieved from either of the separately zoned portions of the Subject Property can appropriately be developed anywhere within the gross tract area since the TDR option is not being utilized, the same R-200 development standards apply in both zones.


BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed, and

BE IT FURTHER RESOLVED, that the date of this Resolution is June 21, 2007 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting, held on Thursday June 14, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Chairman Hanson, Vice Chair Perdue, and Commissioners Wellington, and Robinson present and voting in favor. Commissioner Bryant was absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No120070350, Hallman Grove.


Royce Hanson, Chairman
Montgomery County Planning Board



ATTACHMENT B

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

October 3, 2007

Richard Y. Nelson, Jr.
Director

Ms. Sandra Pereira
Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



RE: Hallman Grove – Site Plan #820070240

Dear Ms. Pereira:

I understand that the above-referenced site plan is tentatively scheduled to go before the Planning Board on November 1. We have received a copy of the memorandum of September 12 from the applicant's engineer, and concur with his responses to DHCA's DRC comments, with the following understandings:

- The cost of maintaining the private road serving the townhouses will be borne by the HOA for the entire development, not just the townhouses.
- The lighting for the private road is of the same type and follows the same standard as the lighting for the public road.
- The MPDU townhouses will have at least 3 bedrooms, and the applicant will provide DHCA with floor plans for the MPDU townhouses at the time of the Agreement to Build.
- The applicant is aware of and will comply with Chapter 25A-5(i) of the Montgomery County Code, which concerns construction staging of MPDUs.

Please contact Lisa Schwartz in this office at 240-777-3786 if you need any further information.

Sincerely,


Christopher J. Anderson, Manager
Single Family Programs

cc: Alfred Blumberg, Site Solutions, Inc.
Joseph T. Giloley, Division Chief
Lisa Schwartz, Senior Planning Specialist

S:\Files\FY2008 Housing\MPDU\Lisa Schwartz\HallmanGrove\letter 10-3-07.doc

Division of Housing and Code Enforcement

Code Enforcement
FAX 240-777-3701

Moderately Priced
Dwelling Unit
FAX 240-777-3709

Housing Development
and Loan Programs
FAX 240-777-3691

Landlord-Tenant Affairs
FAX 240-777-3691



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 15, 2007

MEMORANDUM

TO: Sandra Pereira
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Ki H. Kim, Planner/Coordinator
Transportation Planning

SUBJECT: Site Plan No. 820070240
Hallman Grove
North Potomac



This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject site plan for the proposed development of the Hallman Grove site located west of Quince Orchard Road in North Potomac. The proposed development under this site plan includes 28 dwelling units.

RECOMMENDATION

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

1. Total development under this site plan is limited to 28 dwelling units (11 townhouses and 17 single-family detached).
2. The applicant shall extend 5-foot-wide concrete sidewalk from the site entrance to Quince Orchard Road to accommodate safe pedestrian movement.

DISCUSSION

Local Area Transportation Review

The subject site plan is not subject to Local Area Transportation Review since the proposed 28 dwelling units generates less than 30 total weekday trips during the peak hour of the morning (6:30 a.m. to 9:30 a.m.) and evening (4:00 p.m. to 7:00 p.m.) peak periods of adjacent roadway traffic.

Site Access and Circulation

Access point to the site is to be provided from extension of existing Fellowship Lane. Fellowship Lane is connected to Quince Orchard Road which is an arterial road providing area accessibility to the Quince Orchard High School and commercial center located in the Darnestown Road (MD 28)/Quince Orchard Road intersection area. The access point to the site and the pedestrian and vehicle circulation system shown on the site plan are adequate. Staff recommends that the applicant construct sidewalk from the site entrance to Quince Orchard Road to provide safe/efficient pedestrian movement from the site.

KK:tc



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

MEMORANDUM

TO: Sandra Pereira, Planner Coordinator, Development Review

VIA: Steve Federline, Supervisor, Environmental Planning *df*

FROM: Doug Johnsen, RLA; Planner Coordinator, Environmental Planning Division *dj*

DATE: October 11, 2007

SUBJECT: Site Plan 820070240
Hallman Grove

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

1. Compliance with the conditions of approval of the final forest conservation plan.
2. The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation areas.
3. Applicant to begin reforestation within the first planting season after issuance of the first building permit.
4. Applicant to install permanent Category I Forest Conservation Easement signage along the perimeter of the conservation easement.
5. Applicant to install permanent split rail fence adjacent to the side of Lot T-7 along the forest conservation easement boundary.

BACKGROUND

The 12.40-acre property is located at the end of Fellowship Lane, off of Quince Orchard Road in the North Potomac area. This site includes 6.46-acres of existing forest. There is a stream on the property that crosses under existing Fellowship Lane approximately 250-feet from its current cul-de-sac terminus. There are 1.27-acres of stream buffer on the subject property. Currently, there are two existing single-family residences on the subject property and the plan is to remove these structures. The property addresses for the existing houses are 12430 and 12440 Fellowship Lane. The entire property is tributary to the Quince Orchard Branch in the Muddy Branch watershed, a Use I water.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on February 15, 2007. A revised NRI/FSD was submitted because the originally approved NRI/FSD and the preliminary forest conservation plan submitted were not consistent in terms of tract acreage and amount of existing forest. The site includes a stream and small wetland on the property. In total there are 1.27-acres of environmental buffers on the subject property. Existing Fellowship Lane encroaches into the environmental buffer. There are no new encroachments into the environmental buffers proposed except for a stormwater management outfall.

Forest Conservation

There are 6.46-acres of existing forest in four distinct stands on this site. The Final Forest Conservation plan indicates the removal of 4.73-acres. Northern Red Oaks dominate one stand, two stands are dominated by tulip trees and the fourth stand has no dominant species. There are 57 trees 24-inches in diameter and greater on the subject property including 16 trees 30-inches in diameter or greater. Of these 57 only 16 trees are being saved, the remainder are either within the limits of disturbance (LOD) or are in poor condition and could not withstand the impacts of construction.

The development is proposing to utilize an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County Code. This section of the code requires developments utilizing an optional method of development to either retain or plant a certain percentage of the net tract area in forest on site. For this particular plan, 20 percent of the net tract must be in retained or planted forest, or a combination of the two. The final forest conservation plan indicates the removal of 4.73-acres of forest and the preservation of 1.73-acres of forest. This generates a 2.50-acre forest planting requirement which the applicant will be meeting by planting on site. All retained and planted forest must be protected with a Category I Forest Conservation Easement (FCE). The final forest conservation plan submitted satisfies the requirements of 22A-12(f) of the Montgomery County code through a combination of retained and planted forest.

The final forest conservation plan does not show any house footprints within 30 feet of any forest conservation easement; however, the plan shows a 30 x 40 foot rectangular box for house footprints. The Planning Board, through the approval of the preliminary plan of subdivision, establishes the building envelope and not the building location. If the builder constructs the house, or any house feature, such as a deck, at or near the side or rear setback this would provide an inadequate yard space and encourage the homeowner to enter the conservation easement area to create a useable yard area. In order to delineate the forest conservation easement (FCE) Environmental Planning requests a condition requiring the applicant to install permanent split rail fence with signage along the FCE line contained within the property boundaries at those locations that are closest to proposed homes.

The submitted plan shows a side yard setback of 5-feet with 10 additional feet of homeowner parcel between townhome Lot T-7 and the forest retention area. This limited area may encourage the homeowners to enter the conservation easement area to create a usable side yard. In order to delineate the FCE Environmental Planning requests a site plan condition requiring the applicant to install permanent split rail fencing along the FCE adjacent to Lot T-7.

RECOMMENDATION

Environmental Planning recommends approval of the Site Plan and the Final Forest Conservation Plan with the conditions stated above.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 22, 2007

Reginald Jetter
Acting Director

Mr. Jeffrey S. Lewis
Site Solutions, Inc.
20410 Observation Drive, Suite 205
Germantown, MD 20876

Re: Stormwater Management **CONCEPT** Request
for Hallman Grove
Preliminary Plan #: 120070350
SM File #: 229265
Tract Size/Zone: 12.4 acres/R-200
Total Concept Area: 12.4 acres
Lots/Block: 1-28
Parcel(s): 798,801,982,963,873,857,821,741
Watershed: Muddy Branch

Dear Mr. Lewis:

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 via a surface sand filter, a structural sand filter and non structural methods and onsite recharge via recharge trenches and nonstructural methods. Channel protection volume is not required for parts of the site because the one-year post development peak discharge is less than or equal to 2.0 cfs. Part of the site drains to the Quince Orchard Estates Regional Pond. Water quantity for that area will be provided for within the pond.

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. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Safe conveyance must be provided to the Quince Orchard Estates Regional Pond.

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 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 Vurdelja Piontka at 240-777-6334.

Sincerely,



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

RRB:dm CN229265

cc: C. Conlon
S. Federline
SM File # 229265

QN - onsite: Acres: 12.4
QL - onsite: Acres: 12.4
Recharge is provided

MCP-Chairman

From: SuzyMalouf@aol.com
Sent: July 21, 2007 6:42 PM
To: MCP-Chairman
Cc: SuzyMalouf@aol.com
Subject: Hallman Communities/water management

Quince Orchard Estates Homeowner's Association
12351 Quince Valley Drive
Gaithersburg, MD 20878

July 21, 2007

Dr. Royce Hanson
Planning Board Chairman
Vice Chairman of the Maryland
National Capital Park and Planning Commission
8787 Georgia Ave
Silver Spring, MD 20910

Dear Dr. Hanson:

It is my understanding that you recently approved the Hallman Communities development for construction next to our neighborhood, the Quince Orchard Estates in North Potomac. As you are aware, the North Potomac Citizens Association and most of the surrounding neighborhood associations are concerned about the impact this new development will have on our neighborhood safety and ecosystem.

Montgomery County owns a pond located midway on Quince Valley Drive in our neighborhood which is part of the water ways that will be impacted by the new development. This pond is presently in **crisis** as multiple organisms and foreign objects have covered the pond affecting the surrounding wild life, increasing the mosquito population, emanating a pungent smell, and creating a health hazard that has driven our surrounding residents to demand the County immediately resolve the pond problems.

We are asking that Montgomery County take immediate steps to resolve the current problems with the pond. See letter to Isaiah Leggett below. The homeowners in the Quince Orchard Estates are requesting your immediate and very needed assistance in resolving this problem. The new construction will only worsen the condition of this pond and without the County addressing these issues, the pond in our neighborhood will continue to deteriorate.

Please contact me at your earliest opportunity to discuss solutions to these problems. I look forward to working with you.

Sincerely,

Suzanne Malouf
President

Quince Orchard Estates
suzymalouf@aol.com
301.947.0033

QUINCE ORCHARD ESTATES HOMEOWNERS' ASSOCIATION

12351 Quince Valley

Gaithersburg, Maryland 20878

June 14, 2007

The Honorable Isaiah Leggett

County Executive

Executive Office Building

101 Monroe Street

Rockville, Maryland 20850

Dear Mr. Leggett:

The Quince Orchard Estates Home Owners' Association ["QOEHOA"] wants to take this opportunity to congratulate you on your successful campaign. Your commitment to taking active steps to protect our environment weighed heavy in our support for you. As you have told us, on the Council you helped "preserve our environment by protecting the our Agricultural Reserve, maintaining green space, and working out solutions to many of our critical wastewater management requirements."

As President of the QOEHOA, I am writing to request the County's assistance in making our stormwater management pond more environmentally safe for our residents. We understand that you, as our elected official, are committed in protecting our environment, to slow growth and to make our community more environmentally safe. In the transition plan of the County Executive under Healthy

and Sustainable Communities a strategic policy recommendation is to preserve and sustain the environment and states to:

- Design government buildings and schools for energy/ water conservation, nontoxic material, natural light and infiltration of stormwater, and
- Develop an aggressive watershed protection strategy infiltrating stormwater on-site rather than holding it in ponds or disgorging it directly into streams.

It is too late for us in the development phase, as our community was developed by Grimm Builders beginning in 1988, and part of the development was the County's oversight of the design and approval of the stormwater management pond. Over the years, we have seen increasingly large amounts of algae, a foul smell, and an increased infestation of mosquitoes that we have not been able to control. We are concerned about the West Nile Virus as well as E-coli contamination from our dense population of deer, geese and duck droppings along the pond area. Several of our community members have developed cellulitis from the mosquito bites this year. Additionally, our residents have found dead birds in their yards with no obvious injury. Animal control has informed us to throw them away instead of investigating the cause of death.

We have contacted the County for technical assistance. They indicate to us that there are several treatments such as aeration and barley straw bales, but that the County would not assume any responsibility for these treatments. The pond appears to be stagnant but staff from DEP states that it is not stagnant. However, a member of our board has seen at the mouth of the pond inlets that are indeed stagnant. The way the pond was designed and approved by the County is that the water drains out of the pond into the dam at the bottom of the pond. The top of the pond water does not move so we have a dense growth of algae, and accompanying smell. The pond was inspected last year and there is a crack in the dam that the County will need to fix. The pond shows symptoms of poor drainage and accumulation of silt.

There are at least 200 homes and Quince Orchard High School that are upstream from us and we are the recipient of their lawn fertilizer run off. We have been given many recommendations by DEP and private companies, but the only recommendation that people are most certain of working is to install a fountain or aeration system and we have been given an estimate of \$15,000 to purchase and install including the electrical work. There will also be monthly costs for electricity and maintenance. We are requesting that the County purchase the aeration system or portion of, as we cannot control the runoff upstream from overbuilding, and we cannot control the run. We live in a moderate income small community of 105 homes with 15 units being MPDU's. We seek your help before burdening our citizens with additional cost.

I am enclosing two photos of our pond and as you can see it is covered with green algae. Its a worrisome sight to walk by, or have our children play near. I am also including one photo of a pond in

which the hazardous, stagnant-water problem was resolved with a fountain system. Clearly there is a huge difference. As a community, we are committed to working with the County and State to help protect our environment and the health and well being of our residents. We seek your assistance because we truly fear for the well being of our neighborhood.

Please feel free to contact me at your earliest convenience to arrange for a meeting to further discuss this matter.

Sincerely,

Suzanne

Suzanne Malouf, MS, CRNP

President

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