



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

**MCPB**  
**Item #**  
**9/18/08**



**MEMORANDUM**

**DATE:** August 27, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** Patrick Butler, Planner (301-495-4561) *P.B.*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Four lots for four one-family detached dwelling units

**PROJECT NAME:** Sheppard Property

**CASE #:** 120080020

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2

**LOCATION:** Located on the northwest side of Clarksburg Road (MD Route 121), at the intersection with Little Sierra Court.

**MASTER PLAN:** Boyds

**APPLICANT:** Ernest Sheppard

**ENGINEER:** Macris, Hendricks & Glascock

**ATTORNEY:** Mark Hardcastle

**FILING DATE:** July 18, 2007

**HEARING DATE:** September 18, 2008

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four lots for four one-family detached dwelling units.
- 2) The applicant must comply with the conditions of approval of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as appropriate. Conditions include, but are not limited to, the following:
  - a. The Final forest conservation plan must include the following elements:
    - i. Design and location of permanent signs must clearly identify boundaries of the Category I conservation easements on all lots.
    - ii. Detailed forest planting plan and notes must be revised to include specific measures to control non-native invasive plants and to plant deciduous trees within the existing forest stand.
    - iii. Detailed tree save plan that includes detailed and specific tree protection measures to be utilized before, during, and after construction for individual trees that are proposed to be protected. These measures must be prepared, signed, and stamped by an ISA-certified arborist.
- 3) The applicant must place a Category I conservation easement over the forest retention area on Lots 1, 2, 3, and 4.
- 4) The Category I conservation easement must be shown on the record plat(s).
- 5) The final sediment and erosion control plans must be consistent with the final limits of disturbance as approved by MNCPPC staff in the Final Forest Conservation Plan.
- 6) The record plat must provide for dedication of approximately 140 square feet of right-of-way along the property frontage to create a right-of-way for Clarksburg Road (MD Route 121) that is 80 feet wide as measured from the opposite right-of-way line.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management approval dated August 23, 2007.
- 8) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated March 25, 2008.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 11, 2007, unless otherwise amended.
- 10) The applicant must comply with the Maryland State Highway Administration (MDSHA) letter dated March 14, 2008.
- 11) The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 12) Before any building permit can be issued, the applicable school facilities payment must be paid to MCDPS.
- 13) The record plat must show necessary easements.
- 14) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 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 resolution.

## **SITE DESCRIPTION**

(Attachment A)

The subject property, shown below is an unplatted parcel measuring 10.08 acres within the RE-2 zone. The property is located on the northwest side of Clarksburg Road (MD Route 121) at the intersection with Little Sierra Court. The site is currently developed with a one-family residence, which is proposed to be removed to accommodate the subdivision. The site drains to Little Seneca Lake, and the majority of the site is covered by forest.



## **PROJECT DESCRIPTION**

(Attachment B)

The applicant proposes to create four one-family residential lots ranging in size from 105,589 square feet to 110,860 square feet, respectively. In addition, approximately 140 square feet of property will be dedicated to the right-of-way for Clarksburg Road (MD 121) to create an 80-foot-wide right-of-way along the property frontage. Access to the lots will be provided by a shared driveway from Clarksburg Road. The lots will be served by private wells and septic systems.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**



The Boyds Master Plan does not specifically identify the subject property. The master plan recommends retention of existing zoning throughout the master plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the master plan calls for retention of the existing RE-2 zoning. In the Land Use and Zoning section of the plan, the property and surrounding development is identified as suitable for one-family detached housing. The proposed subdivision complies with the recommendations adopted in the Boyds Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood and the current zoning designation.

## **Public Facilities**

### **Roads and Transportation Facilities**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. In addition, Transportation Planning has also determined the application is not subject to Policy Area Mobility Review. Proposed access to the lots will be via a shared driveway from Clarksburg Road. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

### **Other Public Facilities and Services**

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by private well and septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The Application is within a school moratorium area, but new subdivisions creating up to three new homes are permitted within such an area. There is an existing house to be replaced on the subject property; therefore, only three of the proposed four new homes count toward the maximum allowed within a school moratorium area. However, a school facilities payment must be made prior to issuance of building permits for the lots. Electrical and telecommunications services are also available to serve the Property.

## **Environment**

The site does not include any streams, wetlands, or environmentally sensitive areas. The subject property does not contain steep slopes, but the site does contain erodible soils on a portion of the project area. This soil type is classified as severe erosion hazard by the Soil Survey of Montgomery County, and is predominately located within the retained forest area. The preliminary plan indicates that no structures will be constructed on or near the erodible soils.

There are nine trees 24" diameter at breast height (DBH) or greater in size identified on the NRI/FSD. Seven of these nine trees are scattered throughout the southern portion of the site and two trees are just outside the southern property line. Of these nine trees, five are in good

condition with the rest in poor to fair condition. Six of the nine trees lie within the proposed limits of disturbance (LOD) of the project and are marked for removal. Of the remaining three trees, two are in good condition, and one is in fair-good condition.

The preliminary forest conservation plan indicates the removal of 5.93-acres of forest and the preservation of 2.87-acres of forest. All retained forest will be protected in a Category I forest conservation easement. Additionally, this project has a reforestation requirement of 1.13-acres to be met with off-site plantings. The acreage of forest removed is primarily dictated by the septic fields on the property. All forests within the primary and reserve septic fields must be excluded from conservation easements. Therefore even though the applicant is not proposing clearing of all forest within the septic reserve fields, it must be counted as cleared for forest conservation purposes. The LOD shown on the preliminary forest conservation plan reflects a clearing line that retains existing forest outside of the proposed conservation easement.

The preliminary forest conservation plan does not show any house footprints within 30 feet of any forest conservation easement, however, the plan does show two potential pools located within 5 feet of the easement. In order to delineate the forest conservation easement (FCE) and discourage any future encroachment, a condition requiring the applicant to install permanent signage along the FCE line contained within the property boundaries is recommended.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 23, 2007. The stormwater management concept includes on-site water quality control and recharge via drywells and grass swales. Channel protection is not required because the one-year post-development peak discharge is less than or equal to two cubic feet per second.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment C).

### **Citizen Correspondence and Issues**

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Boyds Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (Attachment C). Therefore, approval of the application with the conditions specified above is recommended.

## **Attachments**

Attachment A – Vicinity Development Map

Attachment B – Proposed Preliminary Plan

Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Sheppard Property				
Plan Number: 120080020				
Zoning: RE-2				
# of Lots: 4				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq. ft.	105,589 sq. ft. minimum	PB	8/27/08
Lot Width	150 ft.	214 ft. minimum	PB	8/27/08
Lot Frontage	25 ft.	220 ft. minimum	PB	8/27/08
Setbacks			PB	8/27/08
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	PB	8/27/08
Side	17 ft. Min./ 35 ft. total	Must meet minimum <sup>1</sup>	PB	8/27/08
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	PB	8/27/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	PB	8/27/08
Max Resid'l d.u. per Zoning	5	4	PB	8/27/08
MPDUs	N/a	N/a	PB	8/27/08
TDRs	N/a	N/a	PB	8/27/08
Site Plan Req'd?	No	No	PB	8/27/08
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	PB	8/27/08
Road dedication and frontage improvements		Yes	Agency letter	3/14/08
Environmental Guidelines		N/a	Staff memo	8/13/08
Forest Conservation		Yes	Staff memo	8/13/08
Master Plan Compliance		Yes	PB	8/27/08
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	8/23/07
Well and Septic		Yes	Agency comments	3/25/08
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	8/27/08
Local Area Traffic Review		N/a	Staff memo	9/10/07
Policy Area Mobility Review		N/a	Staff memo	9/10/07
Transportation Management Agreement		No	Staff memo	9/10/07
School Cluster in Moratorium?		N/a <sup>2</sup>	PB	8/27/08
School Facilities Payment		Yes	PB	8/27/08
Fire and Rescue		Yes	Agency letter	12/14/07

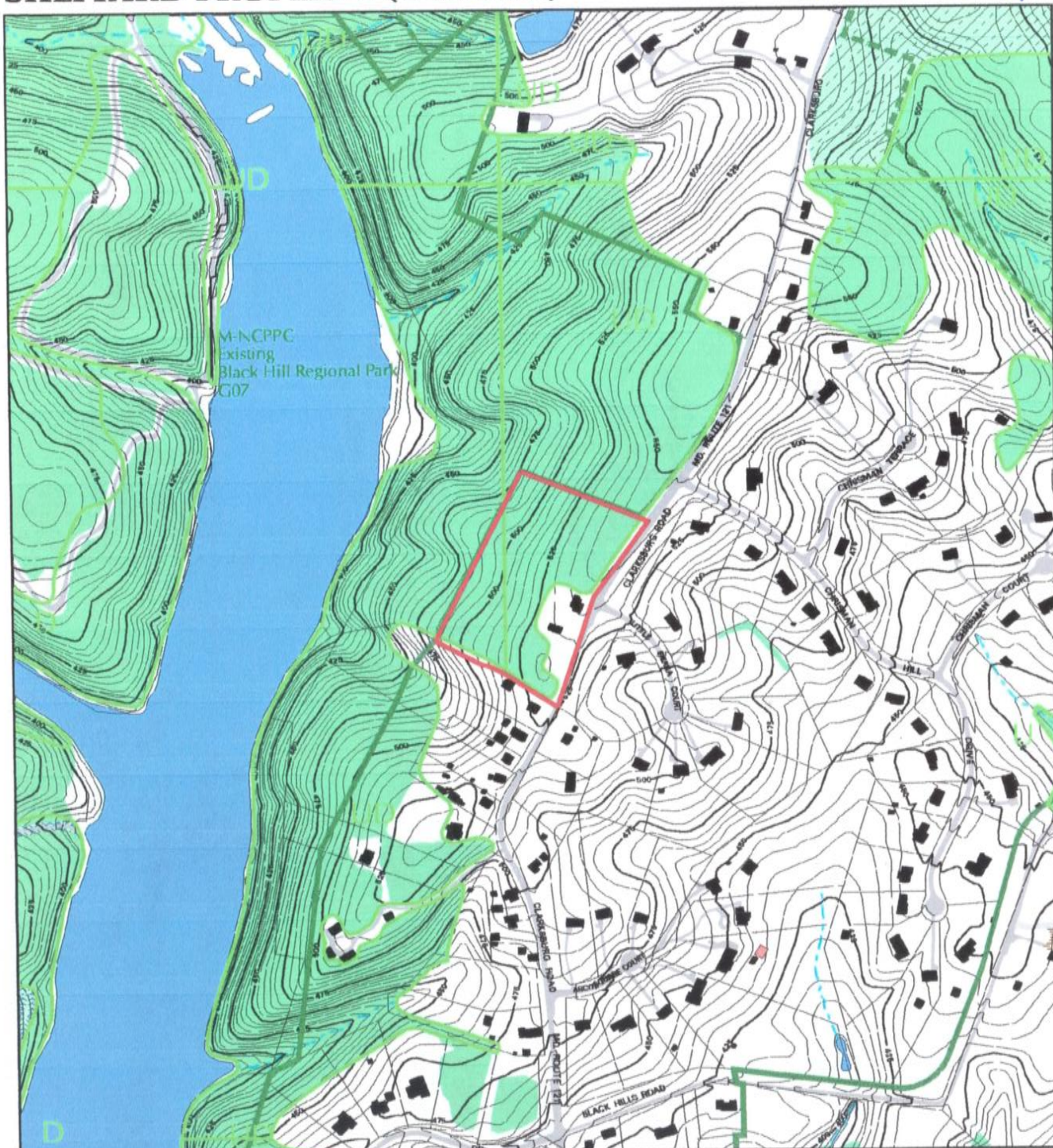
1 As determined by MCDPS at the time of building permit.

2 A maximum of three additional homes are proposed, and allowed in areas with school moratoriums.



# SHEPPARD PROPERTY (120080020)

"Attachment A"



Map compiled on August 16, 2007 at 9:30 AM | Site located on base sheet no - 228NW14

## NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue Silver Spring, Maryland 20910-2760

Key Map



Research & Technology Center  
0 600

1 inch = 600 feet  
1 : 7200





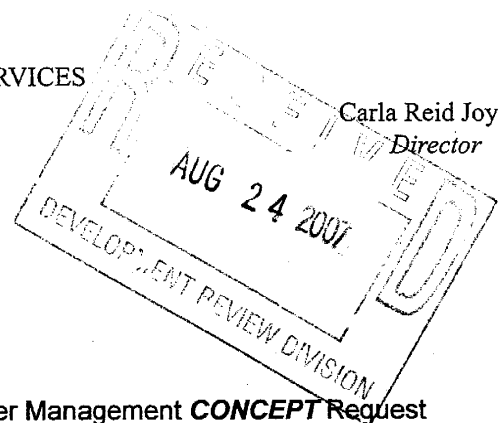


DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

August 23, 2007



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

Re: Stormwater Management **CONCEPT** Request  
for Sheppard Property  
Preliminary Plan #: 120080020  
SM File #: 231834  
Tract Size/Zone: 10.84 acres/RE-2  
Total Concept Area: 3.9 acres  
Lots/Block: NA  
Parcel(s): P431  
Watershed: Little Seneca Creek

Dear Mr. LaVay:

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

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

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

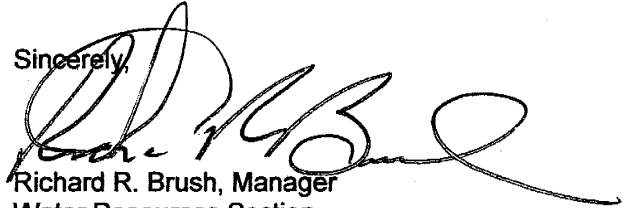
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this

office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush", is written over the word "Sincerely,".

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

RRB:dm

cc: C. Conlon  
S. Federline  
SM File # 231834

QN -less than 2cfs; Acres: 3.9  
QL - onsite; Acres: 3.9  
Recharge is provided





DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

MEMORANDUM

March 25, 2008

TO: Cathy Conlon, Development Review,  
Maryland National Capital Park and Planning Commission

FROM: Carla Reid, Director  
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan: # 1-20080020,

Sheppard Property, Lots 1-4

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on September 14, 2007.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. Show all existing buildings on the record plat, unless the buildings are removed prior to the plat submittal.
3. On lot 3, two existing wells and the existing septic system must be properly abandoned and sealed prior to the approval of the plat.
4. The existing house and garage on lot 3 must be removed.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Surveyor  
File

MAR 27 2008

09/13/2007 15:19 2407776030

MC DIV OPERATIONS

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"Attachment C"



## DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

September 11, 2007

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

RE: Preliminary Plan #1-20080020  
Sheppard Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 07/17/07. This plan was reviewed by the Development Review Committee at its meeting on 09/10/07. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Necessary dedication for Clarksburg Road in accordance with the Master Plan.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
4. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
5. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
6. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
7. Access and improvements along Clarksburg Road (MD 121) as required by the Maryland State Highway Administration.

## Division of Operations

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

09/13/2007 15:19 2407776030

MC DIV OPERATIONS

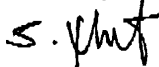
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Ms. Catherine Conlon  
Preliminary Plan No. 1-20080020  
Date September 11, 2007  
Page 2

8. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.

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

Sincerely,



Sam Farhadi, P.E.  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20080020, Sheppard Property.doc

Enclosures ()

cc: Ernest Sheppard  
David Crowe, Macris, Hendricks & Glascock  
Mark Hardcastle  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Raymond Burns, MSHA  
Preliminary Plan Folder  
Preliminary Plans Note Book





Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

John D. Porcari, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

March 14, 2008

MAR 20 2008

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

Re: Montgomery County  
Sheppard Property  
File No: 1-20080020  
MD 121 (Clarksburg Road)  
Mile Point: 1.44

Dear Ms. Conlon:

The State Highway Administration (SHA) appreciates the opportunity to review the preliminary plan application for the proposed Sheppard Property development. We offer the following comments:

- An access permit for one (1) residential driveway will be required from our District 3 office. Please contact the District 3 Utilities –Assistant District Engineer, Mr. Augustine Rebish, at 301-513-7350 for permitting requirements.
- Truncations (right of way flares) and right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. For questions regarding the plat review process, please E-mail Mr. Andrews at [dandrews@sha.state.md.us](mailto:dandrews@sha.state.md.us). Additionally, please contact Mr. Paul Lednak, District 3 Right of Way Chief at 310-513-7470 for information regarding the deed process.
- SHA has no issues with setting a date for Planning Board Review of this project.

My telephone number/toll-free number is \_\_\_\_\_

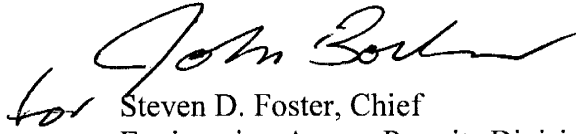
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

Ms. Catherine Conlon  
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If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,

  
for Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/jab/mss

Cc: Mr. Mark Hardcastle / One Church Street, Suite 802, Rockville, MD 20850  
Mr. David Crowe / Macris, Hendricks, & Glascock / 9220 Wightman Road, Montgomery Village, MD 20886  
Mr. Sam Farhadi / Montgomery County DPW&T  
Mr. Jeff Wentz *sent via email*  
Ms. Kate Mazzara *sent via email*  
Mr. Augustine Rebish *sent via email*  
Mr. Dan Andrews *sent via email*  
Mr. Paul Lednak *sent via email*