


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring Maryland 20910-3760

September 6, 2003

MEMORANDUM

TO: Malcolm Shaneman
Richard Weaver
Development Review Division

FROM: Michele Naru, Historic Preservation Planner 
Historic Preservation Section

SUBJECT: Review of Subdivision Plans – DRC Meeting September 8, 2003

We have reviewed the following subdivision plans and found them not to involve any identified historic resources:

| | |
|----------|------------------------------------|
| 7-04002 | Bel-Pre Estates |
| 1-04010 | Hermitage Park |
| 1-04012 | Lopatin Property |
| 1-04007 | Notley Acres |
| 7-04001 | North Bethesda Town Center |
| 1-04009 | Linthicum West Property |
| 8-02032A | Colesville Eckerd Drug Store #6328 |
| 1-04008 | Glen Echo Heights |

The following subdivision plans affect historic or potentially historic properties:

1-04005 Greenacres: A local citizens group has prepared a nomination to the Historic Preservation Commission for inclusion on the County's *Locational Atlas and Inventory of Historic Sites*. Under the County's Ordinance, Chapter 24A, the HPC is required to hold a public hearing to evaluate the property's eligibility for inclusion on the *Locational Atlas* and is charged with making a recommendation to the Planning Board. The Planning Board makes the final decision for inclusion on the *Locational Atlas*. HPC staff has placed this nomination on its September 24, 2003 public meeting agenda.

1-04006 Lot 1, John Deere Acres: This property is within the boundaries of the Locational Atlas Historic District of Claggettsville. Since the proposal is not altering the current parcel boundary, nor generating a substantial alteration to the site, this proposal needs no further review from the Historic Preservation Commission.

1-04004 Willowbrook Elderly Housing: This site contains an archaeological site. Dr. Jim Sorenson, M-NCPPC's archaeologist, is researching the site and will be preparing written comments to the applicants within 10 days.

8-04003 Cider Barrel Property: The Cider Barrel is a Master Plan individually designated historic site. Historic Preservation staff supports the proposed project with conditions. Staff recommends the following conditions:

1. The applicant install signage delineating a minimum of 5 spaces behind the Cider Barrel building to be dedicated parking for Cider Barrel patrons.
2. The parking location will be designated on 355 through the use of signage.
3. A footpath will be installed along the north side of the Barrel for apartment resident access.
4. A 6' high chain link fence will be installed around the building prior to the construction's commencement.
5. Existing driveway for the Cider Barrel is eliminated.

This project will not need any further HPC review, yet staff encourages the applicant to keep the HPC informed through correspondence throughout the project's development.



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

April 22, 2003

Robert C. Hubbard
Director

Mr. Brain Lewandowsky, P.E.
Gutshick, Little, and Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request
for Cider Barrel
Preliminary Plan #: 1-03057
SM File #: 207220
Tract Size/Zone: 17.85 acres/R-60 TDR
Total Concept Area: 15.2 acres
Tax Plate: EU63, FU13
Montg. Co. Grid: 9J13
Watershed: Great Seneca Creek

Dear Mr Lewandowsky:

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 sand filters along with structural pre-treatment and recharge structures. A waiver is requested for water quantity control requirements.

A **conditional** waiver of on-site water quantity control is hereby granted because the site drains to Mary Boland Regional Pond.

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

1. The proposed sand filter exceeds the County's allowable sizing criteria (i.e. - 10 acres total D.A., with not more than 2 acres of imperviousness). Therefore, the proposed sand filter must be divided into to two separate filters.
2. The sand filter release will be based on a 24 hour draw down rate.
3. The proposed recharge structures must be installed outside of all paved areas. They may only receive roof runoff.
4. The Stormfilter used for D.A. 1 must be sized appropriately. Only pipe or a concrete vault may be used for the additional required volume. Bottomless structures may not be used.

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

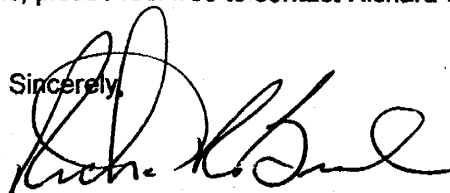
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required. Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.



This letter must appear on the sediment control/stormwater management plan at its initial submittal. 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 Richard Gee at 240-777-6333.

Sincerely,



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

RRB:dm CN207220

cc: M. Shaneman
S. Federline
SM File # 207220

QN -waived; Acres: 17.85
QL - on site; Acres: 17.85

EPD Recommendation to Dev Rev Div: Incomplete

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Robert Kronenberg
Development Review Division

SUBJECT: Plan # 8-04003, Name Cider Barrel Property
DRC date: September 8, 2003

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY


Plan is incomplete. The following items must be submitted:

1. Noise analysis indicating baseline and future noise conditions and methods to mitigation vehicle traffic noise must be submitted.

EPD RECOMMENDATIONS:

Hold for the following Revisions/Additional Information before scheduling for Planning Board:

1. Revise forest conservation plan (see FCP recommendation sheet).
2. An optional method of development is proposed for this site plan. Preliminary review of the final forest conservation plan indicates that the development will meet the afforestation threshold onsite.
3. The SWM in Parcel C near the intersection of MD 118 and Cider Barrel is too close to the stream valley buffer. The toe of the dam slope must be at least 15 feet from the stormwater management facility. History has shown that ponds become larger during the stormwater management review phase and therefore the pond should be moved away from the stream valley buffer to ensure that the toe of the dam slope will be a minimum of 15 feet from the stream valley buffer. If planting area is lost because of encroachment into the stream valley buffer, the application will not comply with Section 22A-12 of the Montgomery County Code.
4. Buildings 18, 19, and 20 are too close to the proposed forest conservation easement area. The small distance, as small as 8 feet, prohibits the planting of canopy trees near the buildings. Please provide more space between the structures and the forest conservation easement to allow for the planting of canopy trees near the edge of the easement area.

SIGNATURE: 
Mark Pfeiffer
Environmental Planning Division

DATE: September 4, 2003

cc: Kevin Foster, GLW

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

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

TO: Robert Kronenberg
Development Review Division

SUBJECT: Final Forest Conservation Plan # 8-04003
Site Plan Cider Barrel Property
NRI/FSD # 4-03110

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


SUBMISSION ADEQUACY

Adequate as submitted

RECOMMENDATIONS

Revise according to the comments specified below.

1. An optional method of development is proposed for this site plan. Preliminary review of the final forest conservation plan indicates that the development will meet the afforestation threshold onsite.
2. Please submit the forest conservation plan where 1 inch equals 30 feet and not 1 inch equals 50 feet.
3. The storm water concept plans show stormwater management infrastructure in the forest conservation easement particular near building 18. Please remove from the easement.
4. The plan must be prepared and signed by qualified professional. Please have a qualified professional sign the plan.
5. Survey of trees 8 inches and greater DBH for 25 feet on either side of the limit of disturbance, and delineation of their critical root zones.
6. If off-site location is required, all the items in number 12, plus a map of the proposed planting site showing location, soils, and environmental features which are priority planting areas as stated in Section 108E(2).
7. Permanent protection area boundaries and long-term protection agreement, where appropriate, and building restriction lines.
8. A protection plan which shows:
 - Location of temporary and permanent protection devices which must be installed if clearing, grading, or construction occurs within 50 feet of a retention boundary area
 - Stockpile areas and borrow pits
 - A narrative of stress reduction or other measures which are needed for specific trees such as those in which critical root zone protection is requested.
 - A field inspection schedule pursuant to Section 110
9. Please provide an estimate of the bond needed for financial security.
10. Please submit a copy of the sediment and erosion control plan for this will be needed to compare LODs.
11. In the narrative section 1.5 please note that "All substitutions must be approved by MNCPPC prior to installation".
12. Root pruning may be necessary along all forested edges, however, the goal shall be to protect as much of the critical root zone in the tree retention areas since the area adjacent to it will be reforested.
13. Please show the location of temporary and permanent tree protection fencing.
14. Please remove all landscaping from the forest conservation plan that is shown within SWM parcels. DPS approves landscaping in those areas.

SIGNATURE: 
Mark Pfeffle
Environmental Planning Division

DATE: September 4, 2003

cc: Kevin Foster, GLW

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: September 7, 2003

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: Blair Lough
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100 yr.Floodplain Review
Site Plan # 8-04003 , Cider Barrel Property
Project Plan # _____ ,
Preliminary Plan # _____ , DPS File # 207220
Subdivision Review Meeting of September 8, 2003

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 On-site/Joint Use Central (Regional): waived under 2.a.2.b.
 Existing Concept Approved April 22, 2003
- Waiver: CPv WQv Both
 Approved on April 22, 2003

Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Non Structural Practices Other Structural pretreatment. Recharge is provided.

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

Provide source of the 100Year Floodplain Delineation for DPS approval: GLW approved study of February 13, 2003.

Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.

Dam Breach Analysis/100 yr.floodplain study: Approved Under Review :

100 yr.floodplain study: Approved Under Review :

SUBMISSION ADEQUACY COMMENTS:

- Adequate as submitted.
 Provide verification of Downstream notification .

RECOMMENDATIONS:

- Approve as submitted with conditions (see comments below).
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations:

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

September 16, 2003

Mr. Malcolm Shaneman
Supervisor Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Montgomery County
MD 355
Cider Barrel Property
File No. 8-04003

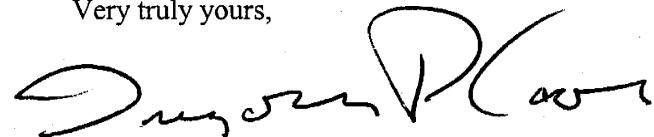
Dear Mr. Shaneman:

This office reviewed the submitted site plan and offer the following:

- Please provide the traffic analysis supporting the proposed length of the MD 118 East Bound right turn lane.
- Please confirm that 12' through lanes and 15' curb lanes will be provided along MD 118 and MD 355.
- Modify the existing median along MD 118 to preclude left turning vehicles into Cider Barrel Drive.

If you have any questions, please contact Greg Cooke at 410-545-5595 or out toll free number in Maryland only 1-800-876-4742 (x5595). You may also email him at (gcooke@sha.state.md.us).

Very truly yours,


Kenneth A. McDonald Jr., Chief
Engineering Access Permits
Division

cc: Mr. Darrell Mobley (Via E-Mail)
Mr. Robert Kronenberg
Mr. Ronald Welke-MNCPPC
Gutschick Little & Weber

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

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



MEMORANDUM

DATE: November 13, 2003
TO: Robert Kronenberg, Planning Coordinator
Development Review
FROM: Mark Pfefferle, Planning Coordinator *MP*
Environmental Planning Staff
PROJECT NAME: Cider Barrel
CASE #: 8-04003

STAFF RECOMMENDATION:

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

- Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s) and DPS issuance of sediment and erosion control permit.
- No stormwater structures to be located within the stream valley buffers.
- Certification from an acoustical engineer that the building shell of buildings fronting MD 355 and siding MD 118 have been designed to attenuate exterior noise levels to an interior noise level not to exceed 45 dBA Ldn. The builder commits to construct these units in the acoustical specifications identified by the acoustical engineer in a memo dated October 17, 2003. Any changes that may affect acoustical performance must be approved by the acoustical engineer and reviewed by staff in advance of installation.
- Applicant to conduct an outdoor-to-indoor analysis for impacted units after construction and will present verification of noise levels to staff prior to occupancy.

BACKGROUND:

The 17.69-acre property is located within the Gunners Branch tributary to Great Seneca Creek, a Use I watershed. The site is located at the southwest corner or the intersection of Maryland Routes 355 and 118 in Germantown. Maryland Route 355 borders the site to the east, Route 118 to the site north, Montgomery Community College to the west, and a trailer court to the south. The site previously consisted of a trailer park community. The entire site is heavily

wooded but there is only 0.66 acres of forest onsite. The forest is located along the southwestern property line. The remainder of the site includes numerous specimen trees, which are 24 inches and greater in diameter, and other non-specimen sized trees. The site includes hydric soils, soils with highly erodible soils and steep slopes, wetlands, and a 100-year floodplain. The site slopes east to west, or from Route 355 to the stream valley on the western property edge. The site includes the historic Cider Barrel.

The applicant is proposing to construct 316 garden style apartments, stormwater management facilities, and other necessary infrastructure. The property is zoned R-60 TDR 15.

DISCUSSION

Forest Conservation

The property contains 0.66 of existing forest. In addition, the site is heavily treed with 64 trees 24 inches and greater diameter outside of the existing forest. There are numerous other trees outside of the smaller size outside of the stream valley buffer. The applicant is proposing an optional method of development therefore the forest conservation threshold must be met on site. Since the site has less forest than what is required for afforestation, the applicant is required to preserve all existing forest on-site and replant forest, or tree cover, to meet the afforestation threshold onsite. The applicant will reforest the entire stream valley buffer and an area adjacent to the stream valley buffer. The applicant will also apply tree canopy cover to meet the afforestation requirement onsite. There will be no off-site planting for this site plan.

Environmental Planning staff is requesting the placement of split rail fence, or equivalent, to demark and protect the afforestation area. This will provide clear indication to maintenance staff where mowers are allowed and not allowed.

Environmental Guidelines

The entire stream valley buffer will be included in a Category I forest conservation easement. The applicant is not proposing any encroachment into the stream valley buffer except for necessary utility connections.

Noise

The applicant has prepared a baseline noise analysis for vehicle traffic along Maryland Routes 355 and 118. The baseline analysis, dated August 5, 2003, indicates that the 65 dBA Ldn noise contour line is near the front façade of units fronting MD 355 and through the middle of the proposed parking lot for the sides of units adjacent to MD 118. The 60 dBA Ldn noise contour runs parallel to the 65 dBA Ldn noise contour but interior to the site. The applicant is proposing to locate individual parking garages to help mitigate the noise. Where garages are not located, the applicant will construct a masonry fence to provide exterior noise mitigation. The apartment units will also provide noise mitigation to buildings and common open space interior to the site. The noise analysis indicates that good design and quality materials will reduce the interior noise level to 45 dBA Ldn.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 12, 2003

TO: Robert Kronenberg, Development Review Division

FROM: Sue Edwards, Community Based Planning Division *Sue*

SUBJECT: Cider Barrel Property (Site Plan #8-04003)

I am supplying language related to the setting of this project along MD 355 and conformance with the 1989 Germantown Master Plan. The Planning Board is scheduled to review the site plan on November 20, 2003.

MD 355 Setting

The section of MD 118 adjoining the subject property is classified as a major highway with an ultimate right of way of 150' as measured from the confronting property boundary with an ultimate configuration of 6 travel lanes. Roadway characteristics depicted in the Master Plan include a 24' planted median, 3 12' travel lanes, a planted panel with 5' sidewalks on both sides. Implementing the site plan will improve the pedestrian and streetscape conditions existing today. This site plan conforms to the intent of the Master Plan for frontage on MD 355.

Conformance with the 1989 Germantown Master Plan

This property falls within Middlebrook Village analysis area (MI-6). The analysis area is bordered by Montgomery College to the west, realigned MD 118 to the north, MD 355 to the east and an adjoining property to the south. The property also contains the historic Cider Barrel (Atlas Site #19/33).

The Plan recommends single-family attached and multi-family residential uses for the entirety of analysis area MI-6. The Cider Barrel property (approximately 17 acres) is recommended for the R-60/TDR Zone at a density of 15 units per acre.

The Plan strongly opposes strip retail development along MD 355, with two exceptions. One of these exceptions is the Cider Barrel fruit stand and parking area that is recommended for the C-4 (Limited Commercial) Zone.

The Master Plan states that "the current pattern of development has created several access points on the western side of MD 355. The Master Plan recommends that a service drive be developed generally parallel to MD 355 in order to consolidate the traffic into two access points with MD 355" (page 75). The service drive depicted in the site plan extends to MD 118 where it aligns with the access point established for the Burger King restaurant and a nearby car wash. The sole access point to MD 355 is set opposite Oxbridge Drive.

The property operated as the Cider Barrel Mobile Home Park until very recently. Maryland Annotated Code, Real Property §8A-1201 requires "When a mobile home park owner submits an application for a change in the land use of a park, the owner shall submit, as part of the application, a plan for alternative arrangements for each resident to be dislocated as a result of the change. (1994, ch 582.)"

The applicant implemented such a plan with the Montgomery County Department of Housing and Community Affairs, hired an on-site director to assist with the relocations, and successfully relocated the former residents. This process was covered by Gazette newspaper articles without sustained opposition of residents being relocated. A similar relocation process is now underway in a second operating mobile home park using the model elements developed by Elm Street.

Conclusion

The Cider Barrel is the first of several projects to implement the relocation requirements of the Maryland Annotated Code. The relocation plan was conducted smoothly with a number of residents occupying a newly-constructed elderly housing development in Germantown. The project used the optional method of development to achieve a density bonus and maximum number of MPDUs. The project achieves the TDR receiving area overlay density.

The proposed development implements the service drive concept contained in the Master Plan. Staff recommends approval with conditions