

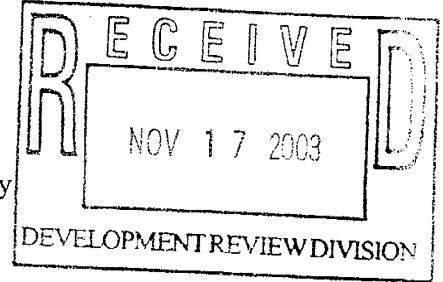


Robert L. Ehrlich, Jr., Governor  
Michael S. Steele, Lt. Governor

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

MARYLAND DEPARTMENT OF TRANSPORTATION

November 6, 2003



Re: Montgomery County  
MD 355  
Eton Square  
File No. 1-04029

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

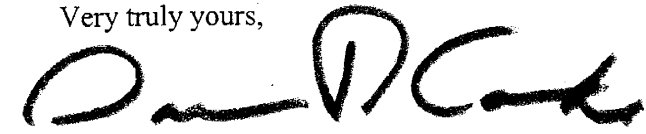
Dear Mr. Shaneman:

This office reviewed the submitted plan and offer the following:

- Truncation and right-of-way dedication needs to be in accordance with the Master Plan of Highways.
- Access to this property is subject to the "Rules and Regulations" of this Administration with a permit issued by this office for full depth pavement widening and an 8' bike path along MD 355 property frontage. **Note; All work shall be coordinated with preliminary plan No. 1-03057.**
- The term "denied access" is to be placed on the final record plat along the property that abuts MD 355.
- All access to this property is to be via Oxbridge Drive with no direct access onto MD 355.
- Four (4) copies of the traffic study need to be submitted so the appropriate divisions within the State Highway Administration (SHA) can make the necessary review. **Please provide trip generation rates for the MD 355/Oxbridge Drive intersection to determine the left turn lane storage length.**

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,

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

My telephone number/toll-free number is \_\_\_\_\_  
 Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

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

**MEMORANDUM**

**TO:** Robert Kronenberg, Development Review

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

**DATE:** July 12, 2004

**SUBJECT:** Site Plan 1-04033, Eton Square

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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 the final forest conservation plan.
- Certification from an acoustical engineer that the building shell of impacted buildings is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct these units in accordance with the acoustical specifications identified in the March 8, 2004 noise analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation.
- Applicant to conduct an outdoor-to-indoor analysis for impacted units prior to occupancy of the units.

**Background**

The 10.89-acre property is located in the Seneca Creek watershed. The site is located 0.2 miles south of Germantown Road (MD 118) west of Frederick Road (MD 355). To the north of the subject property is the Cider Barrel historic property and site plan of the same name, to the east is MD 355, to the south is a commercial business, to the west is the Montgomery County Community College Germantown campus. The site is currently a trailer park. The site includes 1.68 acres of forest, erodible soils associated with steep slopes, and a stream buffer but the stream is not physically located on the property. There are no known historical buildings or archaeological sites on this site.

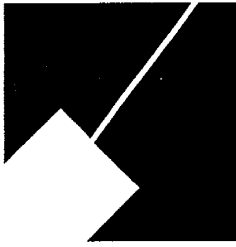
**Forest Conservation**

The 10.89-acre property includes 1.68 acres of existing forest. The existing forest is located on

the western edge of the property and in the stream buffer. Since this property is being developed utilizing an optional method of development the applicant is required to provide 20 percent of the site in forest. The applicant will meet the forest conservation requirements by preserving all existing forest, planting additional forest contiguous to the existing forest, and by tree cover credit throughout the site. All forest conservation requirements will be met onsite.

## **Noise**

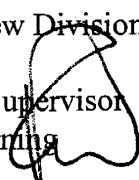
A noise analysis was conducted for the subject property and revealed that the proposed residential units nearest MD 355 will be impacted by current and future noise generated from vehicle traffic along MD 355. The noise analysis indicates that unmitigated noise levels will range from 65 and 70 dBA Ldn for the units facing MD 355, which is greater than the levels recommended in the Noise Guidelines. Fronting the units to MD 355 will reduce the noise levels at the rear of the impacted units to an acceptable exterior noise level of less than 60 dBA Ldn. The first row of units will also act as a noise barrier for units further from MD 355. The applicant will construct a berm/sound wall along the property line parallel to MD 355. The berm/sound wall will provide noise mitigation for the lower levels of the dwelling units immediately adjacent to MD 355. The upper stories of the residential units will rely entirely upon acoustical treatment to meet the indoor noise guideline of 45 dBA Ldn. The noise consultant indicates that interior noise levels can be reduced by good quality construction, windows and doors. The applicant's noise consultant has indicated through noise modeling, that the interior and exterior noise levels can be reduced to acceptable levels.




July 8, 2004

**MEMORANDUM**

TO: Robert Kronenberg  
Development Review Division

VIA: Ronald C. Welke, Supervisor  
Transportation Planning 

FROM: Ki H. Kim, Planner  
Transportation Planning 

SUBJECT: Site Plan No. 8-04033  
Eton Square  
Germantown

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This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the site plan for Eton Square, which is located on the west side of Frederick Road (MD 355) and south of Germantown Road (MD 118) in the Germantown East Policy Area. The proposed development under this site plan includes 122 townhouses.

**RECOMMENDATIONS**

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 122 townhouses.
2. The applicant shall provide trip mitigation measures which include providing two bus shelters with real-time transit information signs and constructing 260 feet of sidewalk (including on-site credit). The location of the bus shelters and real-time transit information signs is to be determined by the Montgomery County Department of Public Works and Transportation (DPWT). The sidewalk location(s) shall be determined by DPWT, the Maryland State Highway Administration (SHA), and the applicant.

3. The applicant shall dedicate right-of-way on MD 355 along the property frontage for 150 feet from the opposite right-of-way line.
4. The applicant shall provide roadway improvements along MD 355 as required by the Maryland State Highway Administration (SHA), including the widening of MD 355 per the master plan and constructing an eight-foot asphalt bike path along the property frontage.

## **DISCUSSION**

### Local Area Transportation Review

The applicant has satisfied the Local Area Transportation Review requirements at the time of preliminary plan review. The Local Area Transportation Review analysis indicated that all nearby intersections area are anticipated to operate within the acceptable congestion standard or the site trips are mitigated by the applicant's trip mitigation measures.

### Site Access and Circulation

Access to the site will be provided from MD 118 via the construction of Cider Barrel Drive and from MD 355 via construction of Oxbridge Drive. Staff finds the access and internal vehicular circulation are safe and adequate.

### Pedestrian Access

Staff finds that construction by the applicant and the Cider Barrel developer of an eight-foot bike path along the MD 355 frontage and a five-foot sidewalk along the MD 118 frontage by the Cider Barrel developer provides an adequate and safe sidewalk system on the surrounding roadways. Sidewalks also are provided along Cider Barrel Drive and Oxbridge Drive internal to the site.

KHK:gw

mimo to kronenberg re 8-04033 Eton Square

## APPENDIX B



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Date Mailed: May 20, 2004**

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Bryant, seconded by  
Comm. Robinson with a vote of 4-0;  
Comms. Berlage, Bryant, Perdue and  
Robinson voting in favor; Comm.  
Wellington absent

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-04029  
NAME OF PLAN: ETON SQUARE

On 10/13/03, PORTEN HOMES submitted an application for the approval of a preliminary plan of subdivision of property in the R-60/TDR-12 zone. The application proposed to create 122 lots on 10.88 acres of land. The application was designated Preliminary Plan 1-04029. On 05/06/04, Preliminary Plan 1-04029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-04029 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-04029.

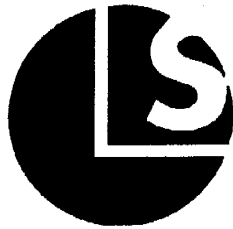
Approval, including a waiver of the of the maximum number of single family attached units pursuant to 59-C-1.621 and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 122 dwelling units
- 2) The applicant will provide for trip mitigation measures as outlined in the April 27, 2004 Transportation Planning memorandum and to include the provision of two bus shelters and 260 feet of sidewalk
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 5) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan
- 6) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 20, 2004

- 8) Compliance with conditions of MCDPWT letter dated, February 23, 2004, prior to recordation of plat(s)
- 9) Compliance with conditions of State Highway Administration letter dated, November 6, 2003 prior to issuance of access permits
- 10) Record plat to provide for dedication of 150 feet of right-of-way from opposite right-of-way line of Frederick Road (MD 355)
- 11) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 12) No clearing, grading or recording of plats prior to site plan enforcement agreement approval unless approved as part of the site plan
- 13) Final approval of the number and location of dwelling units, minimum green space, size of lots, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 14) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 15) Final number of MPDU's and number of TDR's as per condition # 13 above to be determined at the time of site plan
- 16) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 17) 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
- 18) Other necessary easements



## APPENDIX C



Loiederman  
Soltesz Associates, Inc.

Eton Square  
Waiver of Development Standards  
Justification Statement  
For Minimum Size Requirements

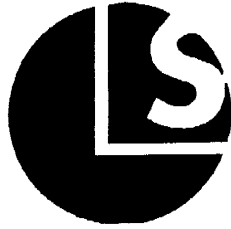
To reduce the impacts on the environmental features of the site and to encourage the use of transferable Development Rights, the applicant, Porten Homes, Inc., has proposed a townhouse development that embraces traditional neighborhood design and makes use of the Transferable Development Rights provisions of the Zoning Ordinance. To that end, at the time of Preliminary Plan review, the applicant sought and obtained a waiver of Divisions 59-C-1.621 of the Zoning Ordinance regarding Development Standards, Uses permitted (footnote 1) to permit use of 100 percent townhouse units. In addition, the applicant requested a waiver of Division 59-C-1.625(3) regarding minimum lot area and width to permit 1,080 square foot lots for market rate units and 840 square foot lots for MPDU's. The Planning Board at its hearing of May 6, 2004, postponed that item to be considered in conjunction with the Site Plan review.

As indicated in the justification statement provided for the Preliminary Plan, this land includes 1.68 acres of forest, containing many of the specimen trees located within the subject property. Placing this land into a Conservation Easement, not only protects the woodland within the proposed development, but also expands and extends the protected forested area by adding it to the swath of woodland immediately to the West.

As with the recently approved development to the North, the use of Transferable Development Rights for the subject property facilitates the implementation of Montgomery County's Agricultural Preservation Program, guaranteeing that Montgomery County will be able to maintain a greater number of farmland acres.

Development of this property with smaller lot sizes provides several areas of community open space that will be owned and maintained by the development's Homeowners' Association as common open space to serve all the residents of the Eton Square Community in perpetuity. If the minimum size lot is maintained, much of the open space would be placed in private hands; this would detract from the amenities that can be afforded to future residents and the benefits that are derived from that common open space.

Furthermore, the proposed development is providing the much needed affordable housing that the Montgomery County Planning Board and County Council have been striving to provide for the citizens of the County.



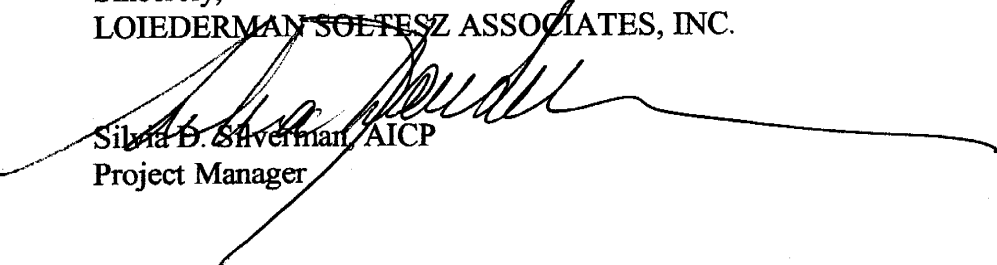
Loiederman  
Soltesz Associates, Inc.

The request for a waiver from Division 59-C-1.625(3), minimum lot area and width, the location of houses with minimal front setbacks creates a more "urban setting", and a more pedestrian-friendly environment, and helps to redirect the length of lead walks to the sidewalks. The length of proposed garage driveways is also reduced. In this regard, providing the minimum 1,500 square-foot lot size would create a condition where the garage driveways would be extensive and increase the impervious area within the subject property.

In short, in keeping with the recommendations of the Master Plan, the proposed development provides for the preservation of additional agricultural acres, achieves more community open space, and safeguards environmentally sensitive land and at the same time aids in the provision of affordable housing for the County.

We hereby request a waiver from Chapter 59 Division 59-C-1.625(3) of the Montgomery County Code for the Eton Square Development including moderately priced dwelling units as outlined above.

Sincerely,  
LOIEDERMAN SOLTESZ ASSOCIATES, INC.

  
Silvia D. Silverman, AICP  
Project Manager

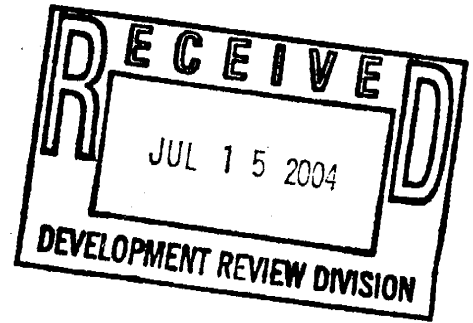


**HOUSING  
OPPORTUNITIES  
COMMISSION**  
OF MONTGOMERY COUNTY, MD

Real Estate Development Division  
3930 Knowles Avenue, 1st Floor  
Kensington, Maryland 20895-2484  
301/929-6726  
301/962-8523 FAX

July 14, 2004

Mr. Robert Kronenberg  
Development Review Division  
Montgomery County Departments of Parks & Planning  
8787 Georgia Avenue  
Silver Spring MD 20910



Re: Eton Square  
Germantown MD

Dear Robert:

We appreciate the opportunity we were given to meet with you and Sharon Suarez and with Ray Sobrino of the Porten Companies to review the plans for the MPDU townhouses that Porten proposes to build at the referenced development. There is much to be said for the plans, in the end, however, we cannot support the proposed MPDUs, and request that the application be rejected. We want to make it clear that we do not reject the concept of a 14-foot wide townhouse. There may be developments where, because of their close-in location and proximity to public transportation, or because of the large amount of usable open space, townhouses of that width are acceptable. That is not the case here. While all families need a place to live, we do not believe that these units will provide a good home for MPDU families.

Congested Site

Much of the land in this site is taken up by roadways, parking pads and open space which, while it meets the various Park & Planning requirements, is not available for passive or active recreation. Eton Square cannot be said to be a child-friendly subdivision. The lack of outdoor space makes the tight indoor environment that much more difficult for MPDU families.

Space Calculation

The MPDU regulations require a minimum of 1,050 square feet of usable floor space. The area of the 2d floor (the main living floor), in-to-in, is 33 x 13, or 429 square feet. The third or bedroom floor has the same 13-foot width, and a length of 35 feet, an area of 455 square feet, for a total on the two floors of 884 square feet. The 1,050 sqft minimum standard is apparently reached by counting the additional space on the ground floor. We do not count the ground floor in net rentable space measurements, because it is used almost entirely for circulation, i.e. the stairs to the second floor and corridor space needed to get to the stairs and



to the garage. At most, we would count the downstairs bath and the corridor space used to get to that bath, a space, in-to-in, of 45 square feet. Even counting that area, the gross rentable floor space does not reach the 1,050 sqft minimum. The 1,050 sqft minimum would be attained by a 16 x 33 building footprint (again, exclusive of the ground floor space), the dimensions that we typically see in an MPDU townhouse.

### Design Limitations

The unit as designed has several limitations dictated by the nominal 14' x 34' dimensions. Storage space is extremely limited. There is no coat closet on the main living floor and no adequate space in the kitchen for dry food storage. Because of the limited storage space on the ground floor, it is likely that large items such as bicycles, baby carriages, lawnmowers will be stored in the garage, and that the two-car household may end up parking at least one of them on the street.

As shown on the plans, the unit contains, in addition to the half-bathroom on the ground floor, one full bath on the second (bedroom) floor for the two bedrooms shown on the plans. Moreover, if the option is exercised to install a third bedroom above the other two, the three bedrooms would be served by only one bathroom. We have shown Mr. Sobrino how a bath might be added on the second floor by deleting the walk-in closet in the front bedroom, installing the bathroom in that space, and adding a traditional linear closet along the windowless wall of that bedroom. Even then, the optional third-floor bedroom would be an uncomfortable sleeping space, absorbing the extremes of temperature in summer and in winter.

### Livability

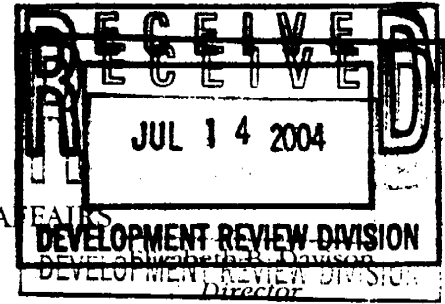
In evaluating the adequacy of plans for MPDUs, HOC necessarily considers their livability for those who will be living there. Unlike the private market, HOC does not rent two bedroom units to a single person or a couple without children, or to adult housemates. We serve our public purpose by renting to families with children. Given their limited choices in the County, these families tend to stay for extended periods. In our experience, MPDUs are not way stations to larger units, or to single-family homes, but are rented by the same family for many years. Our leasing and occupancy staff does not consider this unit, as presented, to be the type of unit that will serve a family with children well over the years, as the children grow and their space needs increase.

For these reasons, we ask that you and your staff recommend denial of the lot size waiver requested by The Porten Companies for Eton Square. As developers ourselves, we certainly understand the need to maximize the density on a site. Here however, it appears that the owner is proposing to increase the number of market rate units *at the expense of* the MPDUs. Moderate income families will be worse off than they would be in more typical MPDUs. Thank you for your consideration.

Sincerely,



Peter Engel  
Director, Real Estate Division



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
County Executive

July 13, 2004

Robert Kronenberg  
Development Review Division  
MNCPPC  
8787 Georgia Avenue  
Silver Spring, MD 20910

Dear Mr. Kronenberg:

I have reviewed the proposed construction plans for the moderately priced dwelling units (MPDUs) in the Eton Place development with Elizabeth Davison, Director, Department of Housing and Community Affairs and we have determined the fourteen (14') foot wide units to be acceptable if the top floor is partially completed as a bedroom.

Although narrower than most other mpdu townhouses, the developer will not be able to achieve the permitted density without reducing the width of the MPDUs. The total finished square footage for the unit is approximately 1,200 sq. ft. and is of acceptable size. However, we would not want this to be a precedent for future mpdus unless it is necessary to prevent losing dwelling units and achieve a density bonus.

Sincerely,  
  
Eric B. Larsen  
Program Administrator

EBL/tl

cc: Ray Sobrino

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Division of Housing and Code Enforcement

Code Enforcement  
FAX 240/777-3701

Moderately Priced  
Dwelling Unit  
240/777-3709

Housing Development  
and Loan Programs  
240/777-3691

Landlord-Tenant Affairs  
240/777-3691

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