

**MEMORANDUM**

**DATE:** March 31, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores M. Kinney, Senior Planner (301) 495-1321 *DMK*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Subdivision of Parcel 815

**PROJECT NAME:** McGowan Subdivision

**CASE #:** 120060190 (Formerly 1-06019)

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

**ZONE:** RDT

**LOCATION:** Located on the east side of Howard Chapel Road, approximately  
2,400 feet north of the intersection with Damascus Road (MD 650)

**MASTER PLAN:** Olney

**APPLICANT:** Jeffrey W. McGowan

**ENGINEER:** Maddox Engineers & Surveyors, Inc.

**ATTORNEY:** Kevin P. Fay

**FILING DATE:** August 15, 2005

**HEARING DATE:** April 27, 2006

**STAFF RECOMMENDATION** Approval, pursuant to Chapter 50, Montgomery County Subdivision Regulations subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) residential lot.
- 2) Compliance with all conditions of approval of the preliminary forest conservation plan per Environmental Planning memo dated March 31, 2006 including split-rail fencing to be placed to the west of the proposed driveway along its entire length where it adjoins the conservation easement. 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, as applicable.
- 3) Record plat of subdivision shall reflect a Category 1 Forest Conservation Easement over all protected forest and environmental buffer areas as shown on the preliminary forest conservation plan (PFCP).
- 4) Compliance with conditions of MCDPWT letter dated, October 25, 2005, unless otherwise amended.
- 5) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) Compliance with the conditions of the MCDPS stormwater management approval dated January 27, 2006.
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval dated March 3, 2006.
- 8) Include in submission of record plat an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved preliminary plan. Include a note referencing affidavit on record plat.
- 9) Revise the preliminary plan drawing to include a note stating the 10% Primary Management Area (PMA) imperviousness requirement for the site, and the proposed imperviousness of the preliminary plan.
- 10) Other necessary easements.

**SITE DESCRIPTION:**

Parcel 279 ("Subject Property") is located on the east side of Howard Chapel Road, approximately 2,400 feet north of the intersection with Damascus Road (MD 650) (Attachment A). Currently vacant, the property is zoned RDT and contains 11.35 acres.

**PROJECT DESCRIPTION:**

This is a preliminary plan of subdivision to create one (1) residential lot, for the construction of one (1) one-family detached dwelling unit (Attachment B). The proposed lot will be served by private well and standard septic. Access to the proposed lots will be via a driveway from Howard Chapel Road. The property will be subject to forest conservation requirements.

Generally, properties in the RDT Zone must meet the minimum lot size requirement of 40,000 square feet and a density of one (1) dwelling unit per 25 acres. The Subject Property is 11.35 acres. As such, the preliminary plan is submitted for review under the grandfathering provisions of Section 59-C.974 (b)(2) of the Zoning Ordinance, as discussed below.

## **DISCUSSION OF ISSUES**

### **Master Plan Compliance**

The Olney Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations to retain the existing zoning for this area and protect the agricultural and natural resources. The preliminary plan proposes low-density residential, which is appropriate for the RDT zone. The plan preserves rural open space associated with the stream buffers, and protects existing forest resources. The existing environmentally sensitive area limits the opportunities for active agriculture on the proposed lot.

### **Section 59-C-9.74 of the Zoning Ordinance**

As previously stated, the RDT Zone requires a minimum lot size requirement of 40,000 square feet and a minimum density requirement of 1 dwelling unit per 25 acres. The Subject Property is only 11.35 acres and qualifies for an exemption under Section 59-C-9.74 (b)(2) of the Zoning Ordinance which states:

*The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer zone.*

- (2) *A lot created by deed executed on or before the approval date of the sectional map amendment, which initially zoned the property to the Rural Density Transfer Zone.*

The RDT Zone was established in the 1980s. The applicant submitted a copy of the deed to show that the property existed in its current configuration in 1974. As such, Section 59-C-9.74(b)(2) is applicable and the Subject Property is exempt from the minimum current lot size requirement of the RDT zone.

### **Environmental Compliance**

The site is in the Upper Patuxent River Watershed, a Use III-P watershed. Two streams and associated stream buffers are located on the property. There are approximately 11.35 acres of existing forest. The entire site is within the Patuxent River Watershed Primary Management Area (PMA) for which a 10 percent impervious cap for all properties is required. The application proposes 0.45 acres of impervious surfaces within the PMA, which equates to 3.96 percent.

## Forest Conservation

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under Forest Conservation Section 22A-12(f) of the Montgomery County Code, properties in agricultural resource areas must plant or retain a certain percentage of the forest onsite. The applicant will exceed both the 25% retention threshold and the break-even point by preserving 8.57 acres of existing forest on the property. This forest will be permanently protected by a Category I Forest Conservation Easement.

## **ANALYSIS**

Staff's review of Preliminary Plan #120060190 (Formerly1-06019), McGowan Subdivision, indicates that the plan conforms to the recommendations of the Olney Master Plan. The proposed preliminary plan is low density residential, but supports the master plan goal of maintaining rural open space. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed lots as demonstrated in the Data Table (Attachment C). Staff further finds that the size, width, shape, and orientation of the proposed and future lots are appropriate for the location of the subdivision.

## **CONCLUSION:**

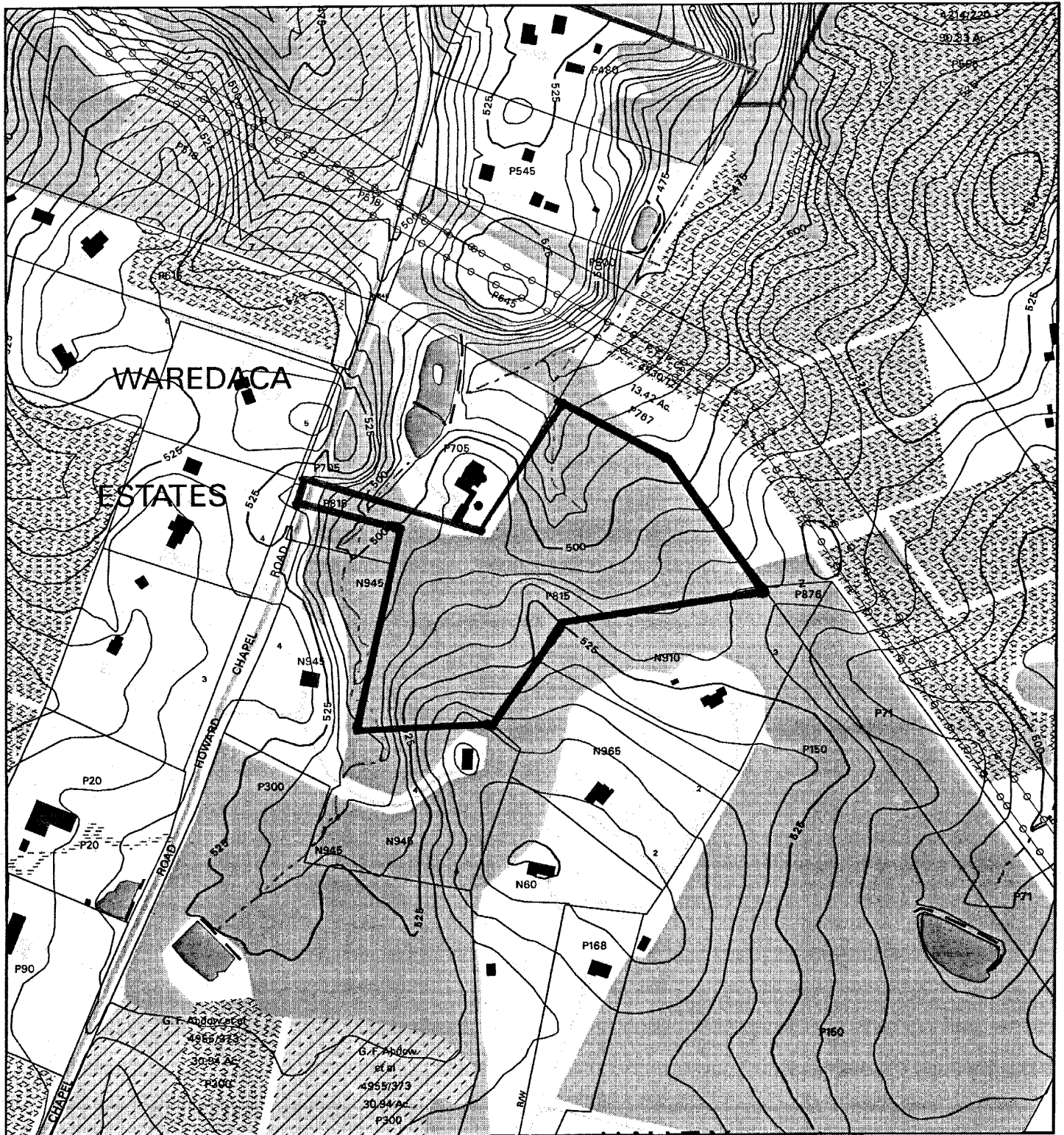
Staff concludes that Preliminary Plan #120060190 (Formerly1-06019), McGowan Subdivision, conforms to the Olney Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

## **Attachments**

Attachment A Vicinity Development Map  
Attachment B Proposed Development Plan  
Attachment C Data Table  
Attachment D Agency Correspondence

# MCGOWEN SUBDIVISION (1-06019)

ATTACHMENT A



Map compiled on September 19, 2005 at 11:25 AM | Site located on base sheet no - 232NW03

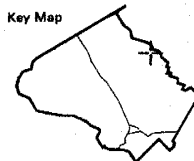
### NOTICE

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

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

Key Map



Research & Technology Center

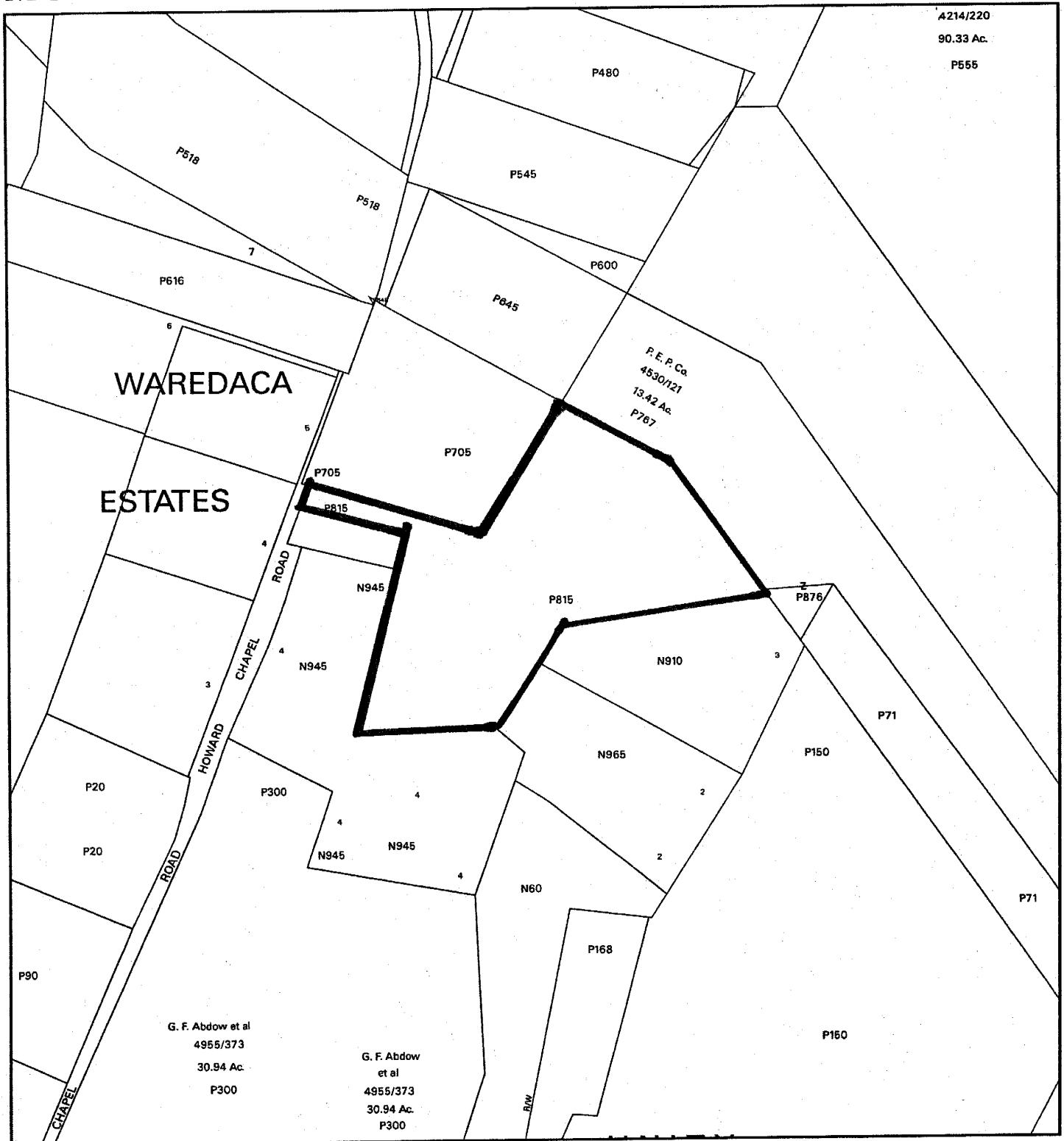


1 inch = 400 feet  
1 : 4800

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

M-NCPPC

# MCGOWEN SUBDIVISION (1-06019)



A214/220  
90.33 Ac.  
P555

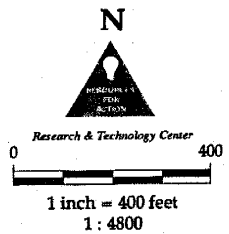
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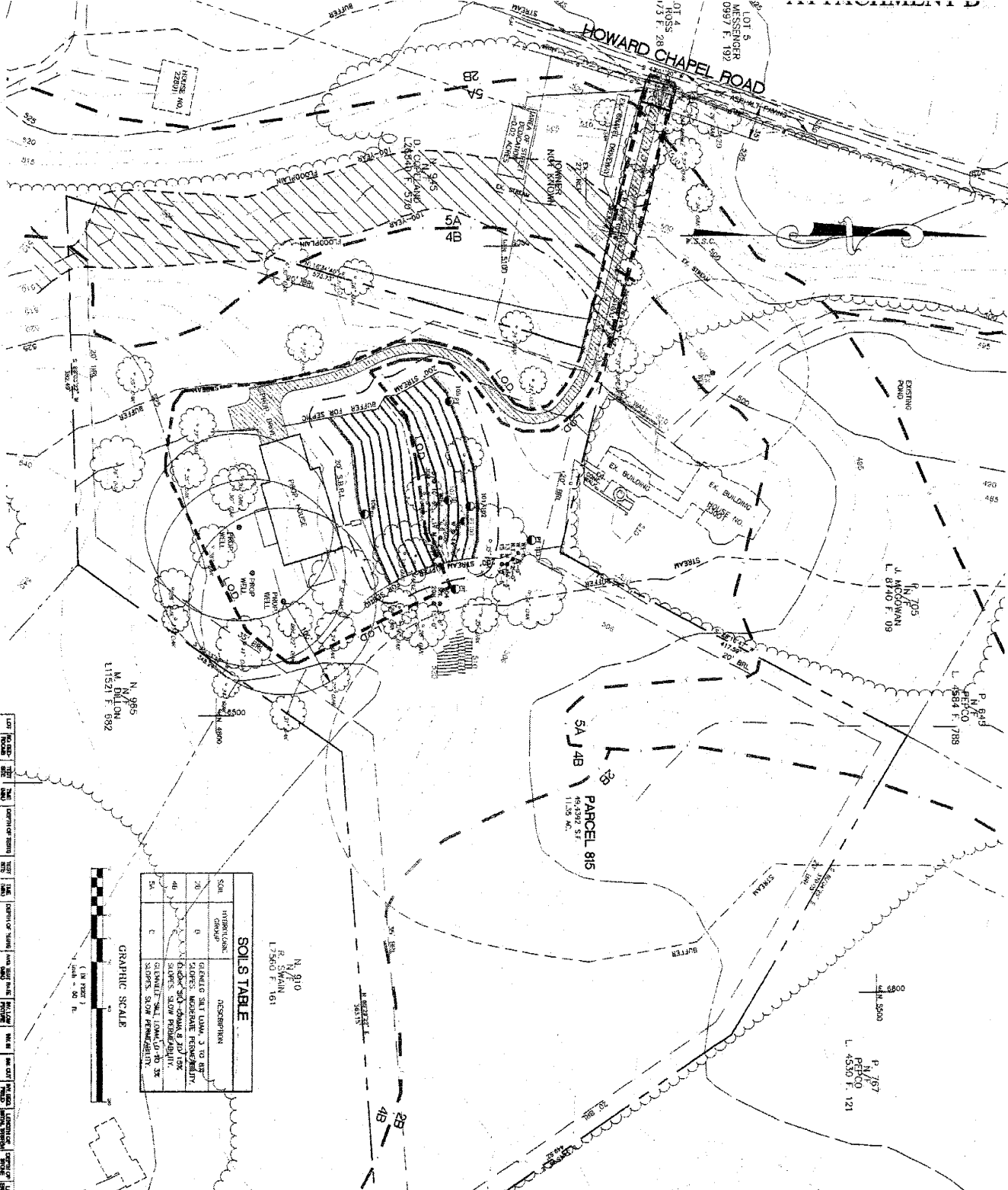
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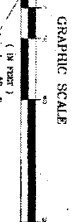
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LOT	PLANNED	DATE	AREA	LENGTH OF FRONT	WIDTH	AREA	LENGTH OF REAR	WIDTH	AREA	LENGTH OF SIDE	WIDTH	AREA	LENGTH OF OTHER	WIDTH	AREA	PERCENTAGE OF TOTAL	DATE
1	6	190	104	40	4.4	151	13	15	8	119	34	34	34	34	34	117	4

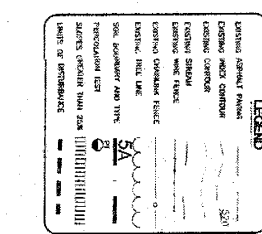
SOIL	HYDROLOGIC GROUP	DESCRIPTION
2B	G	GENUINE SILT CLAY, 3 TO 8% CLAY, SLOPE, MODERATE PERMEABILITY
4B	G	GENUINE SILT-SAND & SANDY SILT, SLOPE, MODERATE PERMEABILITY
5A	C	SLOPES, SLOW PERMEABILITY



**ENGINEER'S CERTIFICATION:**  
 I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the above described plan and specifications were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Maryland.  
 DATE: 11-11-03  
 SIGNATURE: [Signature]

**REVISION**

NO.	DATE	DESCRIPTION
1	04-20-03	ADJUST LIMIT OF DISTURBANCE
2	07-24-03	ADD EXISTING TREES
3	11-10-03	ADDRESS OPS WELL & SEPTIC COMMENTS
4	11-30-03	ADDRESS OPS WELL & SEPTIC COMMENTS
5	02-14-04	ADD SEPTIC DESIGN TABLE & DET
6	03-12-04	ADD FLOORPLAN LIMITS PER STUDY

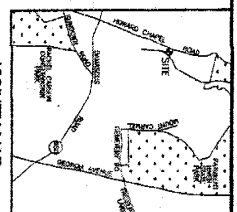


**PARCEL 815**  
**MCGOWAN SUBDIVISION**  
 ELECTION DISTRICT NO. 1  
 MONTGOMERY COUNTY, MARYLAND

**GENERAL NOTES:**

- THE SUBJECT PROPERTY IS SHOWN ON TAX ASSESSMENT MAP FROM 2002. PARCEL 815 WITH DEED RECORDED WITH 0204 AT FIELD 507.
- THE EXISTING TOPOGRAPHY SHOWN WITH TWO FOOT CONTOUR INTERVALS IS FIELD DATA FROM MADDOX ENGINEERS AND SURVEYORS. THE EXISTING FINISHED GRADE WITH FIVE FOOT CONTOUR INTERVALS IS FROM LANDSCAPE TOPOGRAPHIC MAPS 23000A, 23000B, 23000C AND 23000D.
- THE SUBJECT PROPERTY IS WITHIN THE UPPER PATENTED FINEST WATERBED.
- TOTAL AREA OF PARCEL 815 IS 102 ACRES. FRONT BOUNDARY IS 102 ACRES. REAR BOUNDARY IS 102 ACRES. SIDE BOUNDARY IS 20' AND 40' TOTAL OF BOTH SIDES.
- PROPERTY IS ZONED R1 (RESIDENTIAL).
- FRONT YARD SETBACK IS 20'.
- REAR YARD SETBACK IS 20'.
- THESE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THIS SUBJECT PROPERTY AND NO OTHER WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THIS SUBJECT PROPERTY.
- A BROWSLER MANAGEMENT CONCEPT APPLICATION FOR THIS PROPERTY HAS BEEN SUBMITTED TO THE BOARD.

**APPLICANT:**  
 DR. A. MCGOWAN  
 2021 LAMOND AVENUE, ROOM 100  
 BROOMFIELD, MD 20833-3115



**PRELIMINARY PLAN**

**MADDOX**  
 INCORPORATED  
 ENGINEERS • SURVEYORS  
 100 PARK AVENUE  
 ROCKVILLE, MARYLAND 20850-2609  
 (301) 762-9001

## Preliminary Plan Data Table and Checklist

<b>Plan Name: MCGowan Subdivision</b>				
<b>Plan Number: 120060190 (Formerly 1-06019)</b>				
<b>Zoning: RDT</b>				
<b># of Lots: 1</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: 1 one-family detached dwelling</b>				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	*494,406 sq. ft. is proposed	<i>Dml</i>	March 31, 2006
Lot Width	125 ft.	Must meet minimum	<i>Dml</i>	March 31, 2006
Lot Frontage	25 ft.	Must meet minimum	<i>Dml</i>	March 31, 2006
Setbacks				
Front	50ft. Min.	Must meet minimum	<i>Dml</i>	March 31, 2006
Side	20 ft. Min./ 40 ft. total	Must meet minimum	<i>Dml</i>	March 31, 2006
Rear	35 ft. Min.	Must meet minimum	<i>Dml</i>	March 31, 2006
Height	50ft. Max.	May not exceed maximum	<i>Dml</i>	March 31, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 d.u./ 25 acres	1 d.u./11.35 acres*	<i>Dml</i>	March 31, 2006
TDR's	N/A	N/A	<i>Dml</i>	March 31, 2006
MPDUs	N/A	N/A	<i>Dml</i>	March 31, 2006
Site Plan Req'd?	No	No	<i>Dml</i>	March 31, 2006
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes	Yes	<i>Dml</i>	March 31, 2006
Road dedication and frontage improvements	N/A	N/A	DPWT	October 25, 2005
Environmental Guidelines	Yes	Yes	Environmental memo	March 31, 2006
Forest Conservation	Yes	Yes	Environmental memo	March 31, 2006
Master Plan Compliance	Yes	Yes	<i>Dml</i>	March 31, 2006
Other				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes	Yes	DPS memo	January 27, 2006
Well and Septic	Yes	Yes	DPS memo	March 3, 2006
Local Area Traffic Review	N/A	N/A	<i>Dml</i>	
Fire and Rescue	Yes	Yes	MCFRS memo	April 14, 2006

\* Grandfathered pursuant to Section 59-C-9.74(b)(2) of the Zoning Ordinance



**AGENCY  
CORRESPONDENCE**



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## FIRE MARSHAL COMMENTS

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**DATE:** 4-14-06  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** CAPTAIN JOHN FEISSNER 240 777 2436  
**RE:** APPROVAL OF ~ *MCGOWAN PROPERTY #120060190*

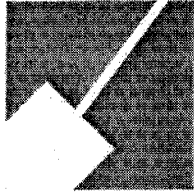
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**1. PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 4-14-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

Please note: Plan submitted shows 1 single family home served by 1 driveway. Fire department access requirements are not applicable.

**Recommendation:** Consult with local Fire Station Commander (Captain Dale Johnson 301 948.0794) for improvements to F.D. access for emergency Fire/Rescue Operations.



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

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

**MEMORANDUM**

TO: Cathy Conlon, Supervisor, Development Review

FROM: Josh Penn, Environmental Planning *JP*

DATE: March 31, 2006

SUBJECT: **Preliminary Plan # 120060190 - McGowan Subdivision**

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**RECOMMENDATION**

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

1) Compliance with all conditions of approval of the preliminary forest conservation plan per Environmental Planning memo dated March 31, 2006. 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.

- a) Required site inspections by M-NCPPC enforcement staff per Section 110 of the Forest Conservation Regulations.
- b) Split-rail fencing to be placed to the west of the proposed driveway along its entire length where it adjoins the conservation easement.

2) Record plat of subdivision shall reflect a Category One forest conservation easement over all protected forest and environmental buffer areas as shown on PFCP.

**DISCUSSION**

The McGowan Subdivision property is an 11.35-acre site north of the intersection of Damascus Road and Howard Chapel Road. The site is in the Upper Patuxent River watershed a Use III-P watershed, and in the Patuxent Primary Management Area (PMA). Two streams and associated stream buffers are on the property. There is approximately 11.35 acres of existing forest. The property is zoned RDT.

## **Environmental Guidelines**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4-05217 for this site was approved on April 19, 2005. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. The 11.35-acre site includes \_\_\_ acres of stream buffer and is fully forested.

The entire site is within the Patuxent River Watershed Primary Management Area, or PMA. The Environmental Guidelines recommend a 10 percent impervious cap for all properties in the PMA. The application proposes 0.45 acres of impervious surfaces within the PMA, which corresponds to 3.96 percent of impervious surfaces. If in the future someone chooses to expand the imperviousness within the 11.35-acre area only 0.69 acres of additional imperviousness would be allowed within the PMA.

## **Forest Conservation**

The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under Forest Conservation Section 22A-12(f) of the Montgomery County Code, properties in agricultural resource areas must plant or retain a certain percentage of the forest onsite. The applicant will exceed both the 25% retention threshold and the break even point by preserving 8.57 acres of existing forest on the property. This forest will be permanently protected by a Category I forest conservation easement.

## **STAFF RECOMMENDATION**

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan. The plan complies with Section 22A of the Montgomery County Code and the PMA imperviousness limitations established by the M-NCPPC Environmental Guidelines.

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January 27, 2006

Mr. Jon A. Shiancoe  
Maddox Incorporated  
100 Park Avenue  
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request  
for McGowan Subdivision  
Preliminary Plan #: 1-06019  
SM File #: 219987  
Tract Size/Zone: 11.35/RDT  
Total Concept Area: 11.35ac  
Lots/Block: 1 Proposed  
Parcel(s): 815  
Watershed: Upper Patuxent

Dear Mr. Shiancoe:

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 and onsite recharge via the use of non structural measures. 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. Evaluation of the twin 27" culverts will be required at the time of detailed plan stage. A Montgomery County flood plain district permit will be required for any proposed disturbance or driveway improvements within the 100 yr floodplain limits. Permits from other government agencies may also be required to replace or modify the existing culverts.

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 Thomas Weadon at 240-777-6309.

Sincerely,

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

RRB:dm CN 219987

cc: C. Conlon  
S. Federline  
SM File # 219987

QN - On Site; Acres: 11.35ac  
QL - On Site; Acres: 11.35ac  
Recharge is provided



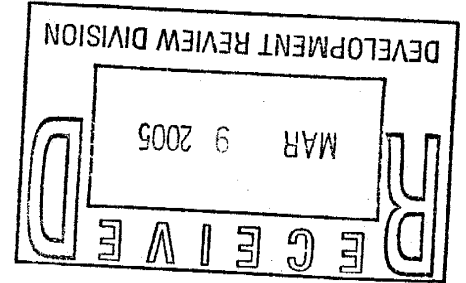
DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

MEMORANDUM

March 3, 2006



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

FROM: Robert Hubbard, Director  
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 1-06019, McGowen Subdivision

This is to notify you that the status of the plan received in this office on July 21, 2005, is as follows:

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.

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

cc: Owner  
Surveyor  
File





DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

October 25, 2005

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 No. 1-06019  
McGowan Subdivision

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated August 12, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 26, 2005. 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 future widening of Howard Chapel 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. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.



Division of Operations

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

