MEMORANDUM

DATE: May 26, 2006

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner
      Development Review

REVIEW TYPE: Preliminary Plan Review
APPLYING FOR: Subdivision

PROJECT NAME: Property of Alban W. & Esther M. Eger
CASE #: 120060490
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200
LOCATION: Located at the northeast quadrant of the intersection of River Road (MD 190) and Seven Locks Road

MASTER PLAN: Potomac
APPLICANT: Alban W. and Esther M. Eger
ENGINEER: Fowler Associates, Inc./Perrine Planning & Zoning
FILING DATE: October 19, 2005
HEARING DATE: June 15, 2006
STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

1) Limit the preliminary plan to four (4) single-family detached units.
2) The applicant shall comply 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.
3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
4) Record plat to reflect “denial of access” from Seven Locks Road.
5) To ensure that the ridge heights of proposed houses will not exceed the first floor elevation of the historic Stoneyhurst House, the roof peak for the house on proposed Lot 2 shall not exceed elevation 207 feet, and the roof peak of the houses on proposed Lots 3 and 4 shall not exceed elevations 226 feet and 223 feet respectively.
6) Prior to issuance of building permit, the Applicant shall comply with interior acoustical noise requirements, as follows:
   a) Provide staff with an analysis of future traffic noise levels and certification from an acoustical engineer based on those projected levels, that the building shell for residential dwellings units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
   b) Provide a commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with a copy to M-NCPPC staff prior to implementation.
7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 19, 2006.
9) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
10) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 524, Parcel 579 and an abandoned portion of Old Seven Locks Road (“Subject Property”), is located at the northeast quadrant of the intersection of River Road (MD 190) and Seven Locks Road (Attachment A). The property contains 2.45 acres and is zoned R-200. The property contains no forests, streams, wetlands or floodplains. The Subject Property is the site of the historic Stoneyhurst house. Also, to the south of the Subject Property is the Magruder’s Black Smith Shop.
PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into four (4) lots for the construction of four (4) single-family detached dwellings, one of which is existing and will remain. Access to the property will be via a shared driveway from Old Seven Locks Road for the three new dwellings. The existing structure will maintain its existing driveway access on a separate driveway.

DISCUSSION:

Master Plan

The Potomac Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the low-density residential character land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

Environment

There are steep slopes on the Subject Property, indicating the possibility of rubble or fill incorporated in the soil. Since the applicant is proposing to locate structures on these slopes, a geotechnical analysis was conducted by the applicant that demonstrated that there is no unconsolidated fill and the substrate is suitable for construction of the proposed development. This development will use a series of retaining walls to minimize the grading necessary for the construction. The proposed grading will result in slopes that are either unchanged or flatter than predevelopment conditions.

Noise Analysis and Mitigation

The Subject Property is located at the intersection of two busy roads. Due to the topography of the property, there are no opportunities for exterior noise abatement or attenuation. Analysis of the projected noise levels from all transportation sources shall be done, and acoustical design and construction will be used to insure that interior noise levels do not exceed the 45 DBA $L_{DN}$ guideline.

Forest Conservation

The Subject Property is in the Cabin John Creek watershed, a Use I-P stream. There is no forest on-site but approximately 22 large and specimen trees and numerous other landscape-sized trees are present. This property is subject to the Forest Conservation Law and has an afforestation requirement of 0.37 acres, which will be met through either on-site planting or payment of fee-in-lieu. Due to the extensive grading necessary for this development, no tree protection measures are feasible for lots 2, 3 and 4. Development of these lots will require the removal of 13 large and specimen trees and
approximately 30 smaller trees. The large and specimen trees that will need to be removed include 6 white pines, 6 tulip poplars, and 1 cherry. Trees located on Lot 1, Stoneyhurst, have protection equivalent to a Category II Forest Conservation easement due to the historic designation of this property.

**Historic Preservation**

**Stoneyhurst House**

The Subject Property is in an area of historical significance with two (2) properties designated on the County’s Master Plan for Historic Preservation. It abuts the Magruder’s Black Smith Shop to the southeast, and on the site, contains the historic Stoneyhurst House.

The Stoneyhurst House was built in 1767 by Samuel Brewer Magruder (1744-1818), a lieutenant in the Revolutionary War. A stone adjacent to the west door is carved with this date and the initials of Magruder and his wife Rebecca. Magruder inherited the 316-acre property from his father, Samuel Magruder III.

The property remained in the Magruder family until 1853. The property has additional historic significance for its association with Lilly Moore Stone who owned the house for the first half of the 1900s. Lilly and her husband, Frank, remodeled Stoneyhurst in 1909. As a widow in the 1920s, Stone was a pioneering business owner, managing the Stoney Quarries on River Road, west of the house, and personally operating them for 30 years. Lilly Moore Stone was an influential figure and community leader whose family home, Glenmore, is also a designated historic site. Stoneyhurst has been owned by the Eger family since 1956.

The vista from Stoneyhurst to River Road is very important. As requested by the M-NCPPC Historic Preservation Staff, the preliminary plan has been modified and conditioned to reflect a ridge height limit to the new houses, which does not exceed the height of the first floor of Stoneyhurst House. Additionally, a Category II Conservation Easement will be placed on Lot 1 for protection of trees.

**Community Outreach**

This plan submittal pre-dated new 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. As of the date of this report, no citizen correspondence has been received.

**ANALYSIS**

Staff's review of Preliminary Plan #120060490, Alban W. and Esther M. Eger, indicates that the plan conforms to the recommendations of the Potomac Master Plan.
The proposed preliminary plan is consistent with the master plan goal to maintain the area’s residential character. 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 area of the proposed subdivision, as demonstrated in the data table, Table 1. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

CONCLUSION:

Staff finds that Preliminary Plan #120060490, Alban W. and Esther M. Eger, conforms to the Potomac Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan with conditions.

ATTACHMENTS:

Attachment A Vicinity Map
Attachment B Preliminary Plan
Attachment C Data Table
Attachment D Agency Correspondence
Table 1 - Preliminary Plan Data Table and Checklist

<table>
<thead>
<tr>
<th>PLAN DATA</th>
<th>Zoning Ordinance Development Standard</th>
<th>Proposed for Approval on the Preliminary Plan</th>
<th>Verified</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 sq.ft.</td>
<td>20,000 sq.ft. is minimum proposed</td>
<td>Dunn</td>
<td>May 26, 2006</td>
</tr>
<tr>
<td>Lot Width</td>
<td>100 ft.</td>
<td>Must meet minimum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Lot Frontage</td>
<td>25 ft.</td>
<td>Must meet minimum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Front</td>
<td>40 ft. Min.</td>
<td>Must meet minimum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<td>Side</td>
<td>12 ft. Min./ 25 ft. total</td>
<td>Must meet minimum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Rear</td>
<td>30 ft. Min.</td>
<td>Must meet minimum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Height</td>
<td>50 ft. Max.</td>
<td>May not exceed maximum</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Max Resd't d.u. or per Zoning</td>
<td>5 dwelling units</td>
<td>4 dwelling units</td>
<td>Dunn</td>
<td>May 26, 2006</td>
</tr>
</tbody>
</table>

FINDINGS

SUBDIVISION

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<tbody>
<tr>
<td>Lot frontage on Public Street</td>
<td>Yes</td>
<td>Yes</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<td>Road dedication and frontage improvements</td>
<td>Dedication</td>
<td>Yes</td>
<td>DPWT memo</td>
<td>March 23, 2006</td>
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<td>Environmental Guidelines</td>
<td>Yes</td>
<td>Yes</td>
<td>Environmental Planning memo</td>
<td>May 24, 2006</td>
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<td>Forest Conservation</td>
<td>Yes</td>
<td>Yes</td>
<td>Environmental Planning memo</td>
<td>May 24, 2006</td>
</tr>
<tr>
<td>Master Plan Compliance</td>
<td>Yes</td>
<td>Yes</td>
<td>Dunn</td>
<td>May 26, 2006</td>
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<tr>
<td>Other</td>
<td></td>
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Adequate Public Facilities

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<tr>
<td>Stormwater Management</td>
<td>Yes</td>
<td>Yes</td>
<td>DPS memo</td>
<td>May 19, 2006</td>
</tr>
<tr>
<td>Water and Sewer (WSSC)</td>
<td>Yes</td>
<td>Yes</td>
<td>WSSC</td>
<td>Nov. 21, 2005</td>
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<td>Local Area Traffic Review</td>
<td>N/A</td>
<td>N/A</td>
<td>Dunn</td>
<td></td>
</tr>
<tr>
<td>Fire and Rescue</td>
<td>Yes</td>
<td>Yes</td>
<td>MDFRS</td>
<td>May 29, 2006</td>
</tr>
</tbody>
</table>
AGENCY
CORRESPONDENCE
Mr. James D. Jones
Fowler Associates, Inc.
255 North Washington Street, Suite 300
Rockville, MD 20850

Re: Stormwater Management CONCEPT Request
for Eger Property
Preliminary Plan #: 1-060490
SM File #: 220293
Tract Size/Zone: 2.45 acres/R-200
Total Concept Area: 2.45 acres
Lots/Block:
Parcel(s): P524
Watershed: Cabin John

Dear Mr. Jones:

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 nonstructural methods. 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. The grading for the houses on the final plans must be as shown on this concept. Any additional cut or fill may require this stormwater concept to be revised.

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 Nadine Vurdela Piontk at 240-777-6334.

Sincerely,

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

CC: C. Conlon
    S. Federline
    SM File # 220293

QN - onsite; Acres: 2.45
QL - onsite; Acres: 2.45
Recharge is provided
Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 9/05/05. This plan was reviewed by the Development Review Committee at its meeting on 11/21/05. 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. Show all existing planimetric and topographic details specifically driveways adjacent and opposite the site, sidewalks as well as existing rights of way and easements on the preliminary plan.

2. Necessary dedication for Seven Locks Road and River Road in accordance with the master plan as well as Old Seven Locks Road where it is not abandoned and cul-de-sac.

3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

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.

5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.

6. Record plat to reflect denial of access along Seven Locks Road.
7. A Public Improvements Easement may be necessary along eastern side of the property on Old Seven Locks Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of ten (10) feet with the overlapping Public Utilities Easement being no less than twenty (20) feet wide.

8. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.

9. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Old Seven Locks Road, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

10. 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.

11. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision.

12. Access and improvements along River Road (MD 190) as required by the Maryland State Highway Administration.

13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

14. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

15. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural
Ms. Catherine Conlon  
Preliminary Plan No. 1-20060490  
Date March 23, 2006  
Page 3

Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.

16. Please coordinate with Department of Fire and Rescue about their requirements for access.

17. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

A. Construct four (4) foot wide concrete sidewalk along the site frontage on Old Seven Locks Road and Seven Locks Road.

B. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.

C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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@montgomerycourtymd.gov or (240) 777-6000.

Sincerely,

Sam Farhadi, P.E., Senior Planning Specialist  
Traffic Engineering and Operations Section

Enclosures (2)

cc: James Fowler, Fowler Associates  
Alban Eger  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Raymond Burns, MSHA
MONTGOMERY COUNTY
SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Property of Alton W. Eger

Preliminary Plan #: __________

Master Plan Classification: __________

Street Name: Old Sevenlocks Road

Without Speed Limit: Home

At terminus of Ex.

Street/Dwv. 1 (Old 7 Locks Rd.)

<table>
<thead>
<tr>
<th>Sight Distance (feet)</th>
<th>OK?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right</td>
<td>___</td>
</tr>
<tr>
<td>Left</td>
<td>___</td>
</tr>
</tbody>
</table>

Comments: __________

*Old 7 Locks was abandoned
in part) by county council leaving
approximately 70' of public
road from the north side of
River Road in a northerly direction
to the south property line of
this site. The proposed driveway
connects to the end of Ex.
Paving in line with it.

GUIDELINES

Classification or Posted Speed (use higher value)

<table>
<thead>
<tr>
<th>Required Sight Distance</th>
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<tbody>
<tr>
<td>In Each Direction #</td>
</tr>
<tr>
<td>Tertiary - 50 *</td>
</tr>
<tr>
<td>Secondary - 30</td>
</tr>
<tr>
<td>Business - 30</td>
</tr>
<tr>
<td>Primary - 35</td>
</tr>
<tr>
<td>Arterial - 40</td>
</tr>
<tr>
<td>(45) post determination</td>
</tr>
<tr>
<td>Major - 50</td>
</tr>
<tr>
<td>(55) most stip</td>
</tr>
<tr>
<td>of remaining RV</td>
</tr>
</tbody>
</table>

Sight distance is measured from an
eye height of 3.3 feet at a point on
the centerline of the driveway (or
side street), 6 feet back from the
face of curb or edge of traveled way
of the intersecting roadway, to the
furthest point along the centerline
of the intersecting roadway where a
point 2.75' above the road surface
is visible. (See attached drawing).

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate
and was collected in accordance with these guide-
lines.

Signature: __________

Date: 3/23/06

Accepted By: __________

4214
PLST P.E. MD Registration No.
Facility/Subdivision Name: **eger property**

Street Name: **old seven locks road**

Posted Speed Limit: **none (assume 15)**

Street/Drvy. 1 (Lot 1)

<table>
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<th>Classification or Posted Speed</th>
<th>Sight Distance (feet)</th>
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<tr>
<td>Secondary - 30</td>
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<tr>
<td>Business - 30</td>
<td>200</td>
</tr>
<tr>
<td>Primary - 35</td>
<td>250</td>
</tr>
<tr>
<td>Arterial - 40</td>
<td>325</td>
</tr>
<tr>
<td>(45)</td>
<td>400</td>
</tr>
<tr>
<td>Major - 50</td>
<td>475</td>
</tr>
<tr>
<td>(55)</td>
<td>550</td>
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</tbody>
</table>

*Source: AASHTO*

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing).

**ENGINEER/SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

Signature: [Signature]
Date: 2/8/06

Acceptance:

Accepted By: [Signature]
Date: 3/23/06
### WSSC Comments on Items for November 21, 2005

#### Development Review Committee Meeting

<table>
<thead>
<tr>
<th>File Number</th>
<th>Project Name</th>
<th>Substantial Comments</th>
</tr>
</thead>
</table>
| 120060490    | Alban W. & Esther M. Eger     | **WATER AVAILABLE**  
An 8-inch water main extension is proposed for Giancola Quarry (DA4026Z05) that will abut lots 1, 3 and 4. Connections can be made directly to this main to obtain water service. However, water service will be dependent on the construction of this main. WSSC has no control over when or if this main will be constructed.  
**EXTENSION REQUIRED**  
A short public sewer extension is required to provide sewer service to the subject property. Accordingly, a system extension permit must be obtained from the Development Services Group.  
**HYDRAULIC PLANNING ANALYSIS REQUIRED**  
A detailed hydraulic planning analysis must be performed prior to submittal of system integrity package. Submit hydraulic planning analysis request form, hydraulic modeling fee and 3 copies of 200' scale sketch for WSSC to perform modeling.  
**RECORD SERVICE CONNECTION EASEMENTS**  
You will be required to record service connection easements through lot 1 to provide water service to lot 2. The minimum easement width for a water connection is 10 feet. You will also be required to record connection easements through lots 2 and 3 to provide sewer service to lot 4, through lot2 to serve lot 3 and through lot 2 to serve lot 1. The minimum easement width for a sewer connection is 15 feet.  
**PROVIDE FREE RIGHT-OF-WAY TO WSSC**  
Rights-of-way across your property for water and sewer line placement must be provided at no cost to the WSSC. The Applicant shall execute and deliver on-property rights-of-way prior to the Certificate of Substantial Completion, which shall constitute an irrevocable offer by the Applicant to convey all on-property rights-of-way to WSSC. Delineate 20 foot right-of-way on preliminary plan for outfall sewer.  
**ADHERE TO MINIMUM RIGHT-OF-WAY WIDTHS**  
Please note that a minimum right-of-way width of 30 feet is required for both water and sewer lines installed in the same right-of-way at normal depth. The minimum right-of-way width for one extension, either water or sewer installed at normal depth, is 20 feet. Installation of deep water and/or sewer mains will require additional right-of-
WSSC Comments on Items for November 21, 2005
Development Review Committee Meeting

<table>
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<th>Substantial Comments</th>
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way width. The minimum clearance between a building and a WSSC pipeline is 15 feet. Based on WSSC requirements, the absolute minimum spacing between adjacent buildings with both water and sewer lines between them is 40 feet with a preference of 45 to 50 feet. Balconies and other building appurtenances are not to be within the right-of-way.

**COMPLETE ENVIRONMENTAL QUESTIONNAIRE AND CONDUCT CONTAMINATION DATABASE SEARCH**

You must complete and submit an Environmental Questionnaire. A contamination database search, conducted pursuant to ASTM Standard E-1527, is also required under one of the following options:

1. You may submit the database search conducted by a professional in good standing, and complete the enclosed Database Search Summary; or

2. You may request WSSC to conduct the database search at least 30 days prior to the submission of the Review for System Integrity Package and submit a Database Search Fee, currently $100.00. A Database Search Request Form is enclosed for your convenience; or

3. You may submit a Phase I Environmental Site Assessment (ESA) report conducted in accordance with ASTM Standard E-1527 by a professional in good standing.

You are encouraged to provide this information as early as possible, but it must be submitted no later than with the design package for review purposes. WSSC reserves the right to require additional investigations. At your request, WSSC may provide conditional approval of your design prior to complete resolution of contamination concerns if you accept any and all risks associated with such conditional approval. In all cases, release for service will not be issued until all contamination impacts are completely resolved.
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Rich Weaver, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Amy Lindsey, Planner, Environmental Planning

DATE: May 24, 2006

SUBJECT: Preliminary Plan 120060490 - Eger Property

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) The proposed development shall comply with the conditions of the forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s), or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

2) Meet Interior Acoustical Noise Requirement
   
   a) Analysis of future traffic noise levels and certification from an acoustical engineer based on those projected levels, that the building shell for residential dwelling units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

   b) Commitment by the builder to construct in accordance with the acoustical design criteria as specified in the noise report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with copy to MNCPPC staff prior to implementation.

BACKGROUND

The 2.45-acre property is located in the Potomac subregion of Montgomery County, on Seven Locks Road, near the intersection with River Road. To the south is the historic property known as Magruder's Blacksmith Shop. To the east is the former Giancola Quarry (Site Plan 820040260). To the north are residential uses and to the west is Seven
Locks Road. There are no streams, wetlands or floodplains, or any associated buffers on the property. There is no existing forest on the subject property but numerous specimen trees. This property is in the Cabin John Creek watershed, a Use I-P stream.

**Environmental Guidelines**

A Natural Resource Inventory/Forest Stand Analysis was submitted to MNCPPC and approved by Environmental Planning staff on 9/12/2005 (4-05375). There are no streams, wetlands or floodplains, or any associated buffers on the property. There are steep slopes on the subject property, indicating the possibility of rubble or fill incorporated in the soil. The applicant is proposing to locate structures on these slopes. The applicant has demonstrated, through a geotechnical analysis, that there is no unconsolidated fill and the substrate is suitable for construction of the proposed development. This development will use a series of retaining walls to minimize the grading necessary for the construction. The proposed grading will result in slopes that are either unchanged or flatter than predevelopment conditions.

**Noise Analysis and Mitigation**

The subject property is located at the intersection of two busy roads. Due to the topography of the property, there are no opportunities for exterior noise abatement or attenuation. After analysis of the projected noise levels from all transportation sources, acoustical design and construction should be used to insure that interior noise levels do not exceed the 45 DBA L_{DN} guideline.

**Forest Conservation**

There is no forest on-site but approximately 22 large and specimen trees and numerous other landscape-sized trees present. This property is subject to the Forest Conservation Law and has an afforestation requirement of 0.37 acres, which will be met through either offsite planting or fee-in-lieu. Due to the extensive grading necessary for this development, no tree protection measures are feasible for lots 2, 3, and 4. Development of these lots will require the removal of 13 large and specimen trees and approximately 30 smaller trees. The large and specimen trees that will need to be removed include 6 white pines, 6 tulip poplars, and 1 cherry. Trees located on lot 1, Stonyhurst, have protection equivalent to a Category II Forest Conservation easement due to the historic designation of this property.
MEMORANDUM

TO: Cathy Conlon, Supervisor
   Development Review Division

FROM: Michele Oaks, Senior Planner
      Historic Preservation Section

VIA: Gwen Wright, Supervisor
     Historic Preservation Section

SUBJECT: Preliminary Plan # 120060490, Alban W & Esther M. Eger

The subject property is flanked by two, historic resources that have been designated on the County's Master Plan for Historic Preservation, Stoneyhurst (#29/41) to the north on Parcel 524 and Magruder's Black Smith Shop (#29/40) to the east on Parcel 610.

The Historic Preservation staff addressed two main concerns at the Development Review Commission hearing on this Preliminary Plan. These were:

- The vista from Stoneyhurst to River Road is very important. The plan should reflect a ridge height limit of the new houses to not exceed the height of the first floor of Stoneyhurst.

- Retainment of the mature trees on the properties to maintain the forest between the historic house and River Road. Additionally, we would like to see a tree protection plan developed for the affected trees on the adjacent properties to ensure that these trees will not be adversely damaged by the new construction.

Staff supports the current development plan, which satisfies the requested modifications. The current plan submitted, revised 01/06, addresses the above height concerns by placing a roof peak height restriction on Lot 2. Additionally, the applicants have been working with the Environmental Planning staff on cross sections for the retaining walls to be installed between Lot 1 and Lots 2 and 3 to ensure the most minimal impact to the existing trees root systems.

If you have any additional questions, please do not hesitate to contact me at 301-563-3400.
DATE: 5-29-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA: 
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ EGER PROPERTY # 120060490

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1. PLAN APPROVED.

a. Review based only upon information contained on the plan submitted 5-29-06. 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.

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cc: Department of Permitting Services

12/11/2005