



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

**MCPB**  
Item #       
November 1, 2007



**MEMORANDUM**

**DATE:** July 19, 2007

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan Review  
**APPLYING FOR:** Subdivision of Parcel 808

**PROJECT NAME:** Widows Purchase  
**CASE #:** 120070710  
**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RDT  
**LOCATION:** Located in the southeast quadrant of the intersection of Lewisdale Road and Prescott Road

**MASTER PLAN:** Agricultural and Rural Open Space  
**APPLICANT:** Nancy C. Nooenboom & Ruth K. Ganley  
**ENGINEER:** Thomas A. Maddox  
**FILING DATE:** April 17, 2007  
**HEARING DATE:** November 1, 2007

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

1. Approval under this preliminary plan is limited to one residential lot for 1 one-family detached dwelling unit.
2. A site inspection is required by the Maryland National Capital Park and Planning Commission (M-NCPPC) Enforcement Staff pursuant to Section 110 of the Forest Conservation Regulations.
3. The record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
4. Compliance with conditions of Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated September 29, 2003, unless otherwise amended.
5. Compliance with the conditions of approval of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated July 15, 2003.
6. The applicant must comply with the conditions of the MCDPS, Well and Septic approval dated October 18, 2007.
7. Other necessary easements must be shown on the record plat.

#### **SITE DESCRIPTION:**

Located in the Little Bennett watershed, the property, identified as Parcel 808, (Subject Property), is in the southeast quadrant of the intersection of Lewisdale Road and Prescott Road. (Attachment A). The Subject Property contains 5.6 acres and is zoned RDT.

#### **PROJECT DESCRIPTION:**

This is a preliminary plan application which creates one (1) residential lot. Pursuant to Section 59-C-9.74 of the Zoning Ordinance, the proposed lot is exempt from the area and dimensional requirements of the RDT zone, but must meet the requirements of the zone applicable prior to the classification to the RDT zone. The Subject Property was created by deed in 1973, at which time it was zoned Rural (RR). The Rural zone had a minimum lot size requirement of five acres. As such, the property met the requirements of the previous zone and Section 59-C-9.74 is applicable.

Access to the site will be directly from Prescott Road. The property contains no streams, stream valley buffers or wetlands. The site is subject to the forest conservation law. Private well and septic will serve the site.

#### **ANALYSIS AND FINDINGS**

##### **Master Plan Compliance**

The Agricultural and Rural Open Space identifies the Subject Property in the Central Sector of the Agricultural Preserve. The plan supports preservation of the

agricultural/rural character of the Rural Density Transfer (RDT) zoning. Although the preliminary plan does not propose agricultural use, it is in keeping with the low density residential character of the RDT zone.

### **Transportation**

The proposed lot does not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Existing roads are safe and adequate to serve the lot.

### **Environmental**

The Subject Property contains 5.6 acres of forest. The Applicant will preserve 3.6 acres of existing forest on the property which will be protected by a Category I forest conservation easement. The application meets the requirements of the Forest Conservation Law.

### **Stormwater Management**

On July 15, 2003, the MCDPS Stormwater Management Section approved the project's stormwater management concept which includes vegetation stabilization, the submission of stormwater management computations and an engineered sediment control plan for water quality control. The 2003 approval is still valid.

### **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.

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

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and use. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the RDT zone as specified in the Zoning Ordinance. The lot as proposed will meet the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

**CONCLUSION:**

Staff concludes that Preliminary Plan #120070710, Widows Purchase, conforms to the Agricultural and Rural Open Space Master Plan and meets all necessary requirements of the Subdivision Regulations. The plan was reviewed by all applicable agencies and they have recommended approval. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

**ATTACHMENTS:**

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Correspondence

**TABLE I**

**Preliminary Plan Data Table and Checklist**

Plan Name: Widows Purchase				
Plan Number: 120070710				
Zoning: RDT				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: One detached dwelling unit				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	25 acres	5.65 ac (243,936 sq.ft.) minimum proposed <sup>2</sup>	<i>Done</i>	June 25, 2007
Lot Width	125 ft.	580 ft.	<i>Done</i>	June 25, 2007
Lot Frontage	25 ft.	423 ft.	<i>Done</i>	
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	<i>Done</i>	June 25, 2007
Side	20 ft. Min. / 40 ft. total	Must meet minimum <sup>1</sup>	<i>Done</i>	June 25, 2007
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	<i>Done</i>	June 25, 2007
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	<i>Done</i>	June 25, 2007
Max Resid'l d.u. per Zoning	1 dwelling unit	1 dwelling unit	<i>Done</i>	June 25, 2007
Site Plan Req'd?	No	No	<i>Done</i>	
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street	Yes		<i>Done</i>	June 25, 2007
Road dedication and frontage improvements	Yes		DPWT	July 15, 2003
Environmental Guidelines	Yes		Environmental Planning	August 20, 2007
Forest Conservation	Yes		Environmental Planning	August 20, 2007
Master Plan Compliance	Yes		<i>Done</i>	June 25, 2007
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management	Yes		DPS	July 15, 2003
Well and Septic	Yes		(Forthcoming)	(Forthcoming)
Local Area Traffic Review	N/A		N/A	
Fire and Rescue	Yes		MCDFRS	Sept. 25, 2007

<sup>1</sup> As determined by MCDPS at the time of building permit.

<sup>2</sup> Pursuant to Section 59-C-9.74



**TABLE I**

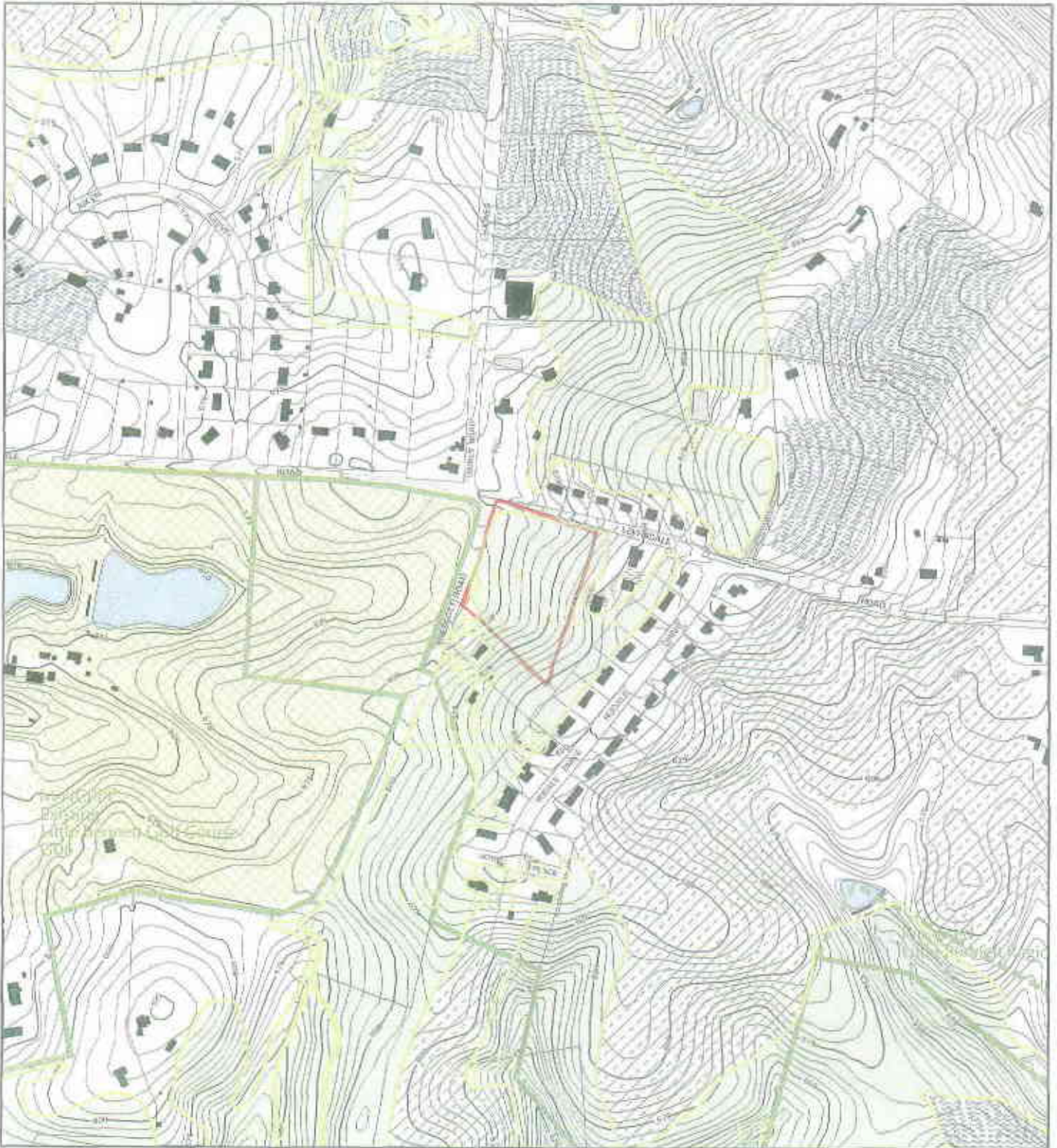
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Stormwater Management	Yes		DPS	July 15, 2003
Well and Septic	Yes		Yes	Oct. 18, 2007
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<sup>1</sup> As determined by MCDPS at the time of building permit.

<sup>2</sup> Pursuant to Section 59-C-9.74

# WIDOWS PURCHASE (120070710)



Map compiled on May 02, 2007 at 9:07 AM | Site located on base sheet no - 237NW13

## NOTICE

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

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:144,000 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









# AGENCY CORRESPONDENCE



## DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

July 15, 2003

Robert C. Hubbard  
Director

Mr. Thomas A. Maddox  
8933 Shady Grove Court  
Gaithersburg, MD 20877

Re: Stormwater Management **CONCEPT** Request  
for Windows Purchase  
SM File #: 208654  
Tract Size/Zone: 5.8/Rural  
Total Concept Area: 5.8ac  
Lots/Block: 1  
Parcel(s): N/A  
Watershed: Little Bennett

Dear Mr. Maddox:

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 the environmentally sensitive development credit. 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. Driveway should be graded to promote sheetflow.

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. 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 CN208554

cc: M. Shaneman  
S. Federline  
SM File # 208654

QN - ON SITE; Acres: 5.8  
QL - ON SITE; Acres: 5.8  
Recharge is provided



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Albert J. Genetti, Jr., P.E.  
Director

September 29, 2003

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

RE: Preliminary Plan #1-03109  
Widows Purchase

Dear Mr. Shaneman:

We have completed our review of the preliminary plan dated June 27, 2003. This plan was reviewed by the Development Review Committee at its meeting on July 28, 2003. 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 MCDPS 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 (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for future widening of Prescott Road and Lewisdale Road in accordance with the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.



Division of Operations

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

5. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
6. Submit additional storm drain data prior to submission of the record plat. Specifically show the condition and adequacy of the 36" pipe under Prescott Road and that the outfall is safely conveyed to the pond without adversely affecting the property or any structure on the opposite side of the road.
7. Prescott Road is classified as a "Rustic Road" under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of that roadway.
8. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

Tree removal/trimming along existing public rights of way is to be coordinated with the State Forester's Office of the Maryland Department of Natural Resources. They may be contacted at (301) 854-6060.

9. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
10. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Patrick Bradley of our Traffic Control and Lighting Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
11. Permit and bond will be required as a prerequisite to MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Any drainage improvements found necessary after review of the additional information requested above.

\* **NOTE: the Public Utilities Easement is to be graded on a side slope not to exceed 4:1.**

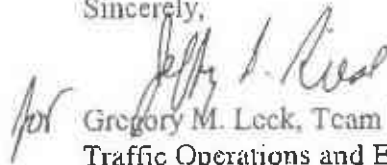
- B. Enclosed storm drainage and/or engineered channel (in accordance with the MCDPWT Storm Drain Design Criteria) within all drainage easements.
- C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Mr. A. Malcolm Shaneman  
Preliminary Plan No. 1-03109  
September 29, 2003  
page three

- 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 Montgomery County Department of Permitting Services (MCDPS) 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 MCDPS.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please call Mr. Jeffrey Riese on (240) 777-2190.

Sincerely,

*for*   
Gregory M. Leck, Team Leader  
Traffic Operations and Engineering  
Traffic Planning, Safety and  
Investigation Team

M:/subd/jir/prel/103109

Enclosures (2)

cc:

Thomas A. Maddox PLA

Nancy C. Nootenbom and Ruth K. Ganley

Joseph Y. Cheung; MCDPS Subdivision Development

Christina Contreras; MCDPS Subdivision Development





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

MEMORANDUM

October 18, 2007

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

FROM: Carla Reid, Director  
Department of Permitting Services 

SUBJECT: Status of Pre-Application Plan: # 1-03109,  
Widows Purchase, Lot 1

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on October 18, 2007.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.

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

cc:  
Surveyor  
File