



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

**MCPB**  
**Item #**  
**6/5/08**



**MEMORANDUM**

**DATE:** May 13, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** Erin Grayson, Planner (301.495.4598) *EG*  
Development Review Division

**REVIEW TYPE:** Pre-Preliminary Plan of Subdivision

**APPLYING FOR:** 1 lot for 1 one-family detached dwelling unit

**PROJECT NAME:** Russell Property

**CASE #:** 720080100

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

**ZONE:** RDT

**LOCATION:** On Whites Ferry Road, 1000 feet west of Sugarland Road

**MASTER PLAN:** Agriculture & Rural Open Space

**APPLICANT:** Edward Russell, Jr.

**ENGINEER:** CAS Engineering

**FILING DATE:** November 2, 2007

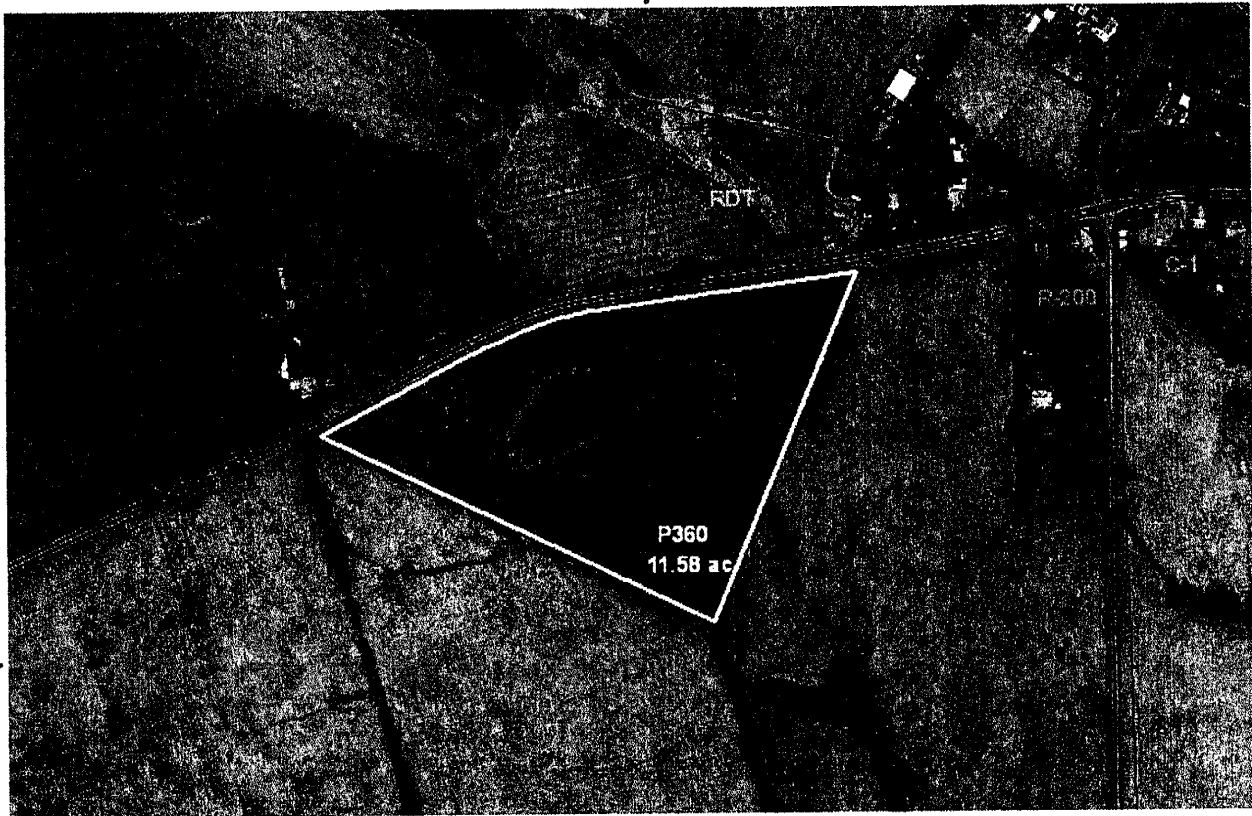
**HEARING DATE:** June 5, 2008

**RECOMMENDATION:** Binding Planning Board approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for 1 one-family detached residential dwelling unit.
- 2) The applicant must dedicate right-of-way for Whites Ferry Road along the property frontage to provide a total of 40 feet from the centerline as shown on the preliminary plan.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffer and forest conservation.
- 4) The Applicant must submit a final forest conservation plan to M-NCPPC staff for review and approval prior to recordation of the lot.
- 5) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS), Well and Septic Section approval dated February 14, 2008.
- 6) The Applicant must comply with the conditions of the State Highway Administration (MDSHA) letter dated February 8, 2008.
- 7) The applicant must satisfy provisions for access and improvements as required by MDSHA prior to issuance of access permits.
- 8) At the time of record plat application, the applicant must provide verification to MNCPPC staff of the availability of a TDR for the proposed lot.
- 9) 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 resolution.
- 10) Other necessary easements must be shown on the record plat.

**SITE DESCRIPTION** (Attachment A – vicinity map)

The Russell Property, “Property” or “Subject Property”, contains 11.58 acres zoned RDT on Whites Ferry Road, approximately 1000 feet west of Sugarland Road. The Property was recorded by deed in 1962. The site is currently undeveloped and consists entirely of forest, which is depicted on the following page. The Property is located in the Great Seneca Watershed (Use I-P). Two streams traverse the western portion of the property, and a wetland is located near the western property line.



## **PROJECT DESCRIPTION (Attachment B – proposed plan)**

The applicant proposes to record the parcel as 1 lot, 11.58 acres in size, for future construction of a one-family detached dwelling unit on the northeast portion of the Property. A 7.40-acre category I conservation easement is proposed on the western portion of the Property. The dwelling unit will be served by a private well and sand mound septic system. The Well and Septic section of MCDPS approved the sand mound sites on February 8, 2008. Access is proposed via a private driveway from Whites Ferry Road.

## **ANALYSIS AND FINDINGS**

### **Roads and Transportation Facilities**

The proposed lot and associated uses do 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. Whites Ferry Road, in this location, is classified as a country arterial road and not as a rustic road. The required right-of-way is 80 feet. The applicant must dedicate 25 feet along the Property frontage for 40 feet from the centerline, which is shown on the preliminary plan. A sidewalk is not required along the Property frontage. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements.

## **Other Public Facilities and Services**

Other public facilities and services are available and will be adequate to serve the proposed dwelling unit. The Property will be served by a private septic system and private well. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. The school cluster in which the Subject Property lies is not currently in moratorium. Other public facilities and services, such as police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property.

## **Section 50-35(8) requirements**

The proposed lot is to be platted pursuant to Section 50-35A(a)(8) of the Subdivision Regulations. This section establishes the ability to plat up to five (5) lots in the RDT zone through the minor subdivision process after Planning Staff *or* Planning Board approval of a pre-preliminary plan. Applications for minor subdivision under Section 50-35A(a)(8) must meet the following criteria:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lot(s) must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDR's have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots;
- d. Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

With respect to subparagraph (a), MCDPS approved the proposed well and septic plan on February 14, 2008. With respect to (b), dedication for Whites Ferry Road is shown on the preliminary plan in accordance with the Master Plan of Highways. For provision (c), the applicant must provide Staff with information verifying a TDR is available at the time of record plat and the applicant has submitted a forest conservation plan that is under review to satisfy provision (e). The proposed lot size, however, does exceed five (5) acres so this pre-preliminary plan must be approved by the Planning Board, not by Staff, in accordance with subparagraph (d) above.

## **Relationship to the Agricultural and Open Space Master Plan**

The Agriculture and Rural Open Space (AROS) Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding preservation of farmland and rural open space. The master plan recommends that this area

maintain lower densities for the protection of agriculture, environmental features, and residential use of a rural character. The pre-preliminary plan complies with the master plan goals in that it contributes to the area's low density character, protects environmental features via a 7.40-acre category I easement, and the lot does not create further fragmentation within the zone.

### **Sand Mound Septic Systems**

The Planning Board has found in previous cases that the use of sand mound septic systems to create residential lots in the RDT zone is not in conformance with the recommendations of the Functional Master Plan for Preservation of Agriculture and Rural Open Space. The subject application, however, is exempt from the RDT standards for lot area and dimensions because the parcel existed prior to being zoned RDT. Instead, this parcel is subject to the standards of the 5-acre rural zoning that existed prior to RDT. Use of sand mounds on the proposed lot is acceptable because the lot is exempt from the RDT requirements.

### **Environment**

This plan is in compliance with the Montgomery County Environmental Guidelines for protection of environmentally sensitive areas. The applicant submitted a forest conservation plan that is currently under review by Environmental Planning staff and must be approved prior to record plat submission.

### **Compliance with the 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. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. Pursuant to Section 59-C-9.74(b)(2), the Subject Property is exempt from the area and dimensional requirements of the RDT zone because it is 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 Property was created by deed in 1962 and the sectional map amendment took place on January 6, 1981. As a result, the Property must comply with the area and dimensional requirements of the earlier Rural zone. The lots were reviewed for compliance with the Rural zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1.

### **Citizen Correspondence and Issues**

The applicant notified adjacent and confronting property owners as well as community groups and civic associations of the application submission to MNCPPC, as required. As of the date of this report, no concerns from these parties have been brought to Staff's attention.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Functional Master Plan for Preservation of Agriculture and Rural Open Space. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by the applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

## **Attachments**

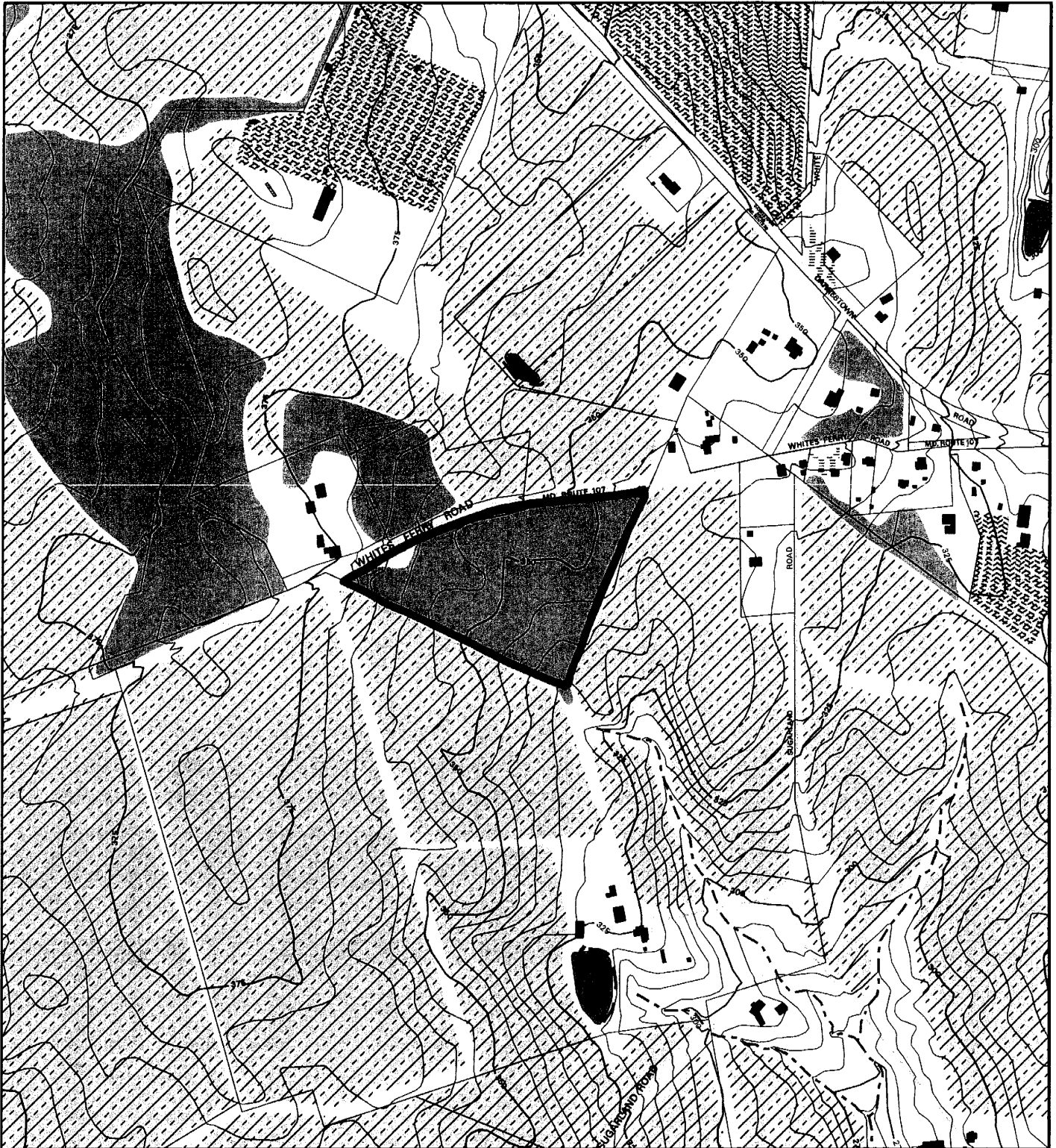
Attachment A – Vicinity Development Map  
Attachment B – Proposed Development Plan  
Attachment C – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Russell Property</b>				
<b>Plan Number: 120080100</b>				
<b>Zoning: RDT- Rural Standards apply per 59-C-9.74(b)(2)</b>				
<b># of Lots: 1</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Standard</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	Must not be less than 5 acres	11.58 acres	EG	5/13/08
Lot Width	300 ft.	1,150 ft. is minimum proposed	EG	5/13/08
Lot Frontage	25 ft.	1,040 ft. is minimum proposed	EG	5/13/08
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	EG	5/13/08
Side	20 ft. Min./40 ft. total	Must meet minimum <sup>1</sup>	EG	5/13/08
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	EG	5/13/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	EG	5/13/08
Max Lot Coverage	10%	-0.8%	EG	5/13/08
TDRs	1 must be available		EG	5/13/08
Site Plan Req'd?	No		EG	5/13/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	EG	5/13/08
Road dedication and frontage improvements		Yes	Agency letter	2/8/08
Environmental Guidelines		Yes	Staff memo	3/11/08
Forest Conservation		Required prior to record plat	EG	5/13/08
Master Plan Compliance		Yes	Staff memo	
Other (i.e., parks, historic preservation)				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Required at sediment control	Agency comments	12/17/07
Water and Sewer (WSSC)		N/a	EG	5/13/08
10-yr Water and Sewer Plan Compliance		N/a	EG	5/13/08
Well and Septic		Yes	Agency letter	2/14/08
Local Area Traffic Review		N/a	Staff memo	12/17/07
Policy Area Mobility Review		N/a	Staff memo	12/17/07
Transportation Management Agreement		No	Staff memo	12/17/07
School Cluster in Moratorium?		No	EG	5/13/08
School Facilities Payment		No	EG	5/13/08
Fire and Rescue		Yes	Agency letter	1/7/08
Other (i.e., schools)				

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

# RUSSELL PROPERTY (720080100)



Map compiled on November 06, 2007 at 11:54 AM | Site located on base sheet no - 222NW17

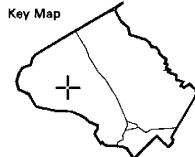
### NOTICE

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 of 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 1:14400 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



N



Research & Technology Center



1 inch = 600 feet  
1 : 7200



### GENERAL NOTES

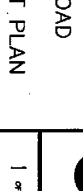
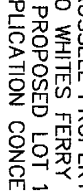
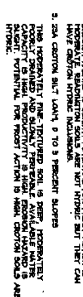
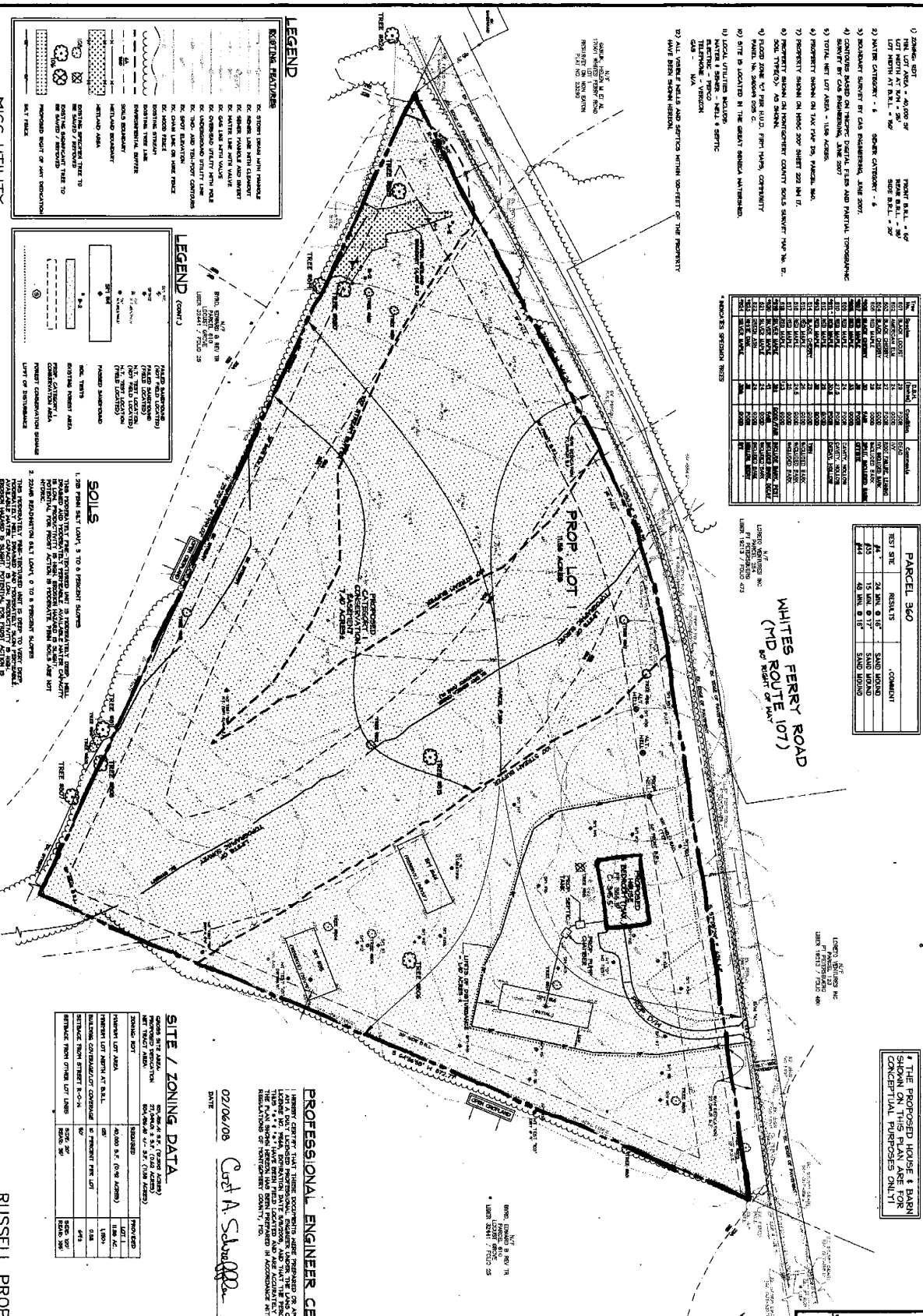
- 1) ZONING - 17000 WHITE FERRY ROAD
- 2) LOT AREA - 40,000 S.F. (0.92 ACRES)
- 3) WATER CAPACITY - 1,000 G.P.M. (SEE PLAN)
- 4) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP NO. 2, 1986 (SEE PLAN)
- 5) TOTAL LOT AREA - 11.68 ACRES
- 6) PROPERTY SHOWN ON THE 1986 20' VERTICAL CURVE, MONTGOMERY COUNTY, MARYLAND
- 7) FLOOD ZONE - V.F. (SEE PLAN)
- 8) SOIL TYPE(S) - AS SHOWN
- 9) LOCAL UTILITIES INCLUDE: WATER & SEWER - WELLS & SERVICE TRENCHES - VERTICAL CURVE - V.A.
- 10) ALL UNDEVELOPED AREAS SHALL BE MAINTAINED AS OPEN SPACE.

### TREE DATA

Tree Number	Species	DBH	Height	Health	Remarks
1	Red Oak	10"	30'	Good	
2	White Oak	8"	25'	Good	
3	Black Oak	6"	20'	Good	
4	Pin Oak	4"	15'	Good	
5	Live Oak	12"	35'	Good	
6	Short Leaf Pine	8"	25'	Good	
7	Long Leaf Pine	10"	30'	Good	
8	White Pine	6"	20'	Good	
9	Red Pine	4"	15'	Good	
10	White Birch	6"	20'	Good	
11	Yellow Birch	8"	25'	Good	
12	Black Birch	4"	15'	Good	
13	Red Maple	6"	20'	Good	
14	White Maple	8"	25'	Good	
15	Black Maple	4"	15'	Good	
16	Red Elm	6"	20'	Good	
17	White Elm	8"	25'	Good	
18	Black Elm	4"	15'	Good	
19	Red Cedar	6"	20'	Good	
20	White Cedar	8"	25'	Good	
21	Black Cedar	4"	15'	Good	
22	Red Spruce	6"	20'	Good	
23	White Spruce	8"	25'	Good	
24	Black Spruce	4"	15'	Good	
25	Red Fir	6"	20'	Good	
26	White Fir	8"	25'	Good	
27	Black Fir	4"	15'	Good	
28	Red Pine	6"	20'	Good	
29	White Pine	8"	25'	Good	
30	Black Pine	4"	15'	Good	

### SEPTIC DESIGN CHART

TEST SITE	RESULTS	COMMENT
A1	24 MIN. @ 1 FT	SAND SURFING
A2	45 MIN. @ 1 FT	SAND SURFING

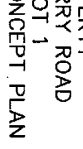


THE PROPOSED HOUSE & BARN SHOWN ON THIS PLAN ARE FOR CONCEPTUAL PURPOSES ONLY.

**PROFESSIONAL ENGINEER CERTIFICATION**

I, the undersigned, a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the information furnished in this plan is true and correct, and that the same conform to the requirements of the State of Maryland. I am not aware of any facts or circumstances which would render this information false or misleading.

DATE: 02/06/08  
 Carl A. Schmitt



17000 WHITE FERRY ROAD  
 PROPOSED LOT 1  
 PRE-APPLICATION CONCEPT PLAN

**CAS ENGINEERING**  
 CIVIL - SURVEYING - LAND PLANNING  
 A DIVISION OF CAS ENTERPRISES, INC.  
 108 West Riceville Blvd. Mount Airy, MD. 21774  
 02 Metro (301) 807-8631 FAX (301) 807-8646

OWNER/APPLICANT: RUSSELL PROPERTY 17000 WHITES FERRY ROAD PROPOSED LOT 1

DATE	BY	REVISION
02/06/08	CAS	PRE-APP PLAN & PRELIM. FOR OWNER'S REVIEW
02/06/08	CAS	PRE-APP CONCEPT PLAN & PRELIM. FOR SUBMITTAL
02/06/08	CAS	REVISE PER COMMENTS - WELL/SEPTIC CONNECTIONS
02/06/08	CAS	REVISE PER COMMENTS - WELL/SEPTIC CONNECTIONS
02/06/08	CAS	REVISE PER COMMENTS - WELL/SEPTIC CONNECTIONS

PROJECT	DATE
02-011	07/2007

ENGINEERING	APPROVAL
BDA	BDA
CAS	CAS



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

## MEMORANDUM

February 14, 2008

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: # 7-20080100,  
Russell Property, Lot 1

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on February 5, 2008.

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.
2. The Sand Mound sites approved must be protected from physical disturbance and/ compaction of the soil. Prior to the issuance of any permits, the sand mound sites must be fenced using 4-foot high "orange construction fencing".

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

cc:  
Surveyor  
File



Martin O'Malley, *Governor*  
Anthony G. Brown, *Lt. Governor*

State Highway  
Administration

John D. Porcari, *Secretary*  
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation  
February 8, 2008

Mr. Curt Schreffler, P.E.  
President  
CAS Engineering  
108 West Ridgeville Boulevard  
Suite 101  
Mount Airy, MD 21771

Re: Montgomery County  
Russell Property  
File #: 7-20080100  
MD 107 (Whites Ferry Road)  
Mile Post: 4.50

Dear Mr. Schreffler:

The State Highway Administration (SHA) appreciates the opportunity to review the revised sight distance measurements and evaluation forms addressing the revised pre-preliminary plan for the Russell Property development. We offer the following comments:


- We have reviewed the revised sight distance evaluation and associated plan for the one access points and find it acceptable.
- Access is proposed along MD 107 (Whites Ferry Road) from one access point (for the proposed house), which must meet the necessary requirements for a residential driveway permit to be obtained from the District 3 office. Please contact Mr. Augustine Rebish, Assistant District Engineer – Utilities, at (301) 513-7350 for permitting requirements.
- This section of MD 107 (Whites Ferry Road) may be part of existing scenic byway system and is subject to an initial review by SHA's Scenic Byways program for compliance. We will forward a copy of the revised plan to their office. If any comments are generated from their review, we will provide them to M-NCPPC.
- Right-of-way dedications/donations need to be in accordance with the Master Plan of Highways. SHA will require that right-of-way dedications/donations be platted to SHA standards. These plats must be submitted in hard copy format for review, checking and final issuance. Please contact Mr. Daniel Andrews of the Plats and Surveys Division @ 410-545-8860 for additional information. For questions regarding the plat review process, please E-mail Mr. Andrews at [dandrews@sha.state.md.us](mailto:dandrews@sha.state.md.us). Additionally, please contact Mr. Paul Lednak, District 3 Right of Way Chief at 310-513-7470 for information regarding the deed process.
- The term "denied access" is to be placed on the final record plat along the property that abuts MD 107, with the exception of the approved entrance.

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

Mr. Curt Schreffler  
Page 2

If you have any questions or require additional information, please contact John Borkowski at 410-545-5595 or by using our toll free number in Maryland only at 1-800-876-4742.

Sincerely,

  
for Steven D. Foster, Chief  
Engineering Access Permits Division

SDF/jab

cc: Ms. Catherine Conlon / M-NCPPC  
Mr. Shahriar Etemadi / M-NCPPC  
Mr. Jeff Wentz *sent via e-mail*  
Ms. Kate Mazzara *sent via e-mail*  
Mr. Augustine Rebish *sent via e-mail (w/copy of plan)*  
Mr. Daniel Andrews *sent via e-mail*  
Mr. Paul Lednak *sent via e-mail*  
Mr. Terry Maxwell *sent via-email (w/copy of plan)*