



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

MCPB
Item #
11/12/09



MEMORANDUM

DATE: October 19, 2009

TO: Montgomery County Planning Board

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

FROM: Erin Grayson, Senior Planner (301-495-4598) *EG*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision and Preliminary/Final Water Quality Plan

APPLYING FOR: 2 lots for 2 one-family detached dwelling units

PROJECT NAME: Muncaster Manor
CASE #: 120090190
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-1
LOCATION: On Granby Road 1,205 feet northwest of Muncaster Road
MASTER PLAN: Upper Rock Creek

APPLICANT: Sam Joseph
ENGINEER: Benning & Associates

FILING DATE: December 23, 2008
HEARING DATE: November 12, 2009

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 2 lots for 2 one-family detached residential dwelling units.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy the following conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits:
 - a. All areas of unforested stream valley buffer must be reforested in accordance with the Planning Board's Environmental Guidelines.
 - b. Approval of final forest conservation plan consistent with the approved preliminary forest conservation plan prior to any further clearing, grading or demolition on the site.
 - c. All financial security must be submitted to M-NCPPC prior to any demolition, clearing, or grading on the subject property.
- 3) The record plat must reflect a Category I easement over all areas of forest conservation. Prior to plat recordation, M-NCPPC staff must approve any amended language to the standard easements or agreements.
- 4) The building permit for house construction on proposed lot 2 must comply with limits of disturbance on the approved preliminary forest conservation plan.
- 5) The applicant must dedicate and show on the record plat approximately 9,563 square feet for a 60 foot-wide right-of-way for the extension of Hillside Terrace to the eastern property line of Lot 2 as shown on the approved preliminary plan.
- 6) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the design standards imposed by all applicable road codes.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management approval dated September 21, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 8) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated August 19, 2009. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 9) The applicant must comply with the conditions of the MCDOT letter dated June 23, 2009. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 10) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 12) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The site of this preliminary plan application, "Property" or "Subject Property", is located on Granby Road, 1,205 feet northwest of Muncaster Road in the Upper Rock Creek master plan area. The Property, pictured on the following page in Figure 1, is a recorded lot that consists of 5.21 acres zoned RE-1. The Subject Property is surrounded by recorded lots also zoned RE-1. A one-family detached dwelling unit currently exists on the site with private driveway access from Granby Road. The Property is configured in such a way that the southern end of the site has frontage on Hillside Terrace, which terminates at the Property boundary.

The Property is located in the Mainstem Farm Park subwatershed of the Upper Rock Creek watershed (use class III/III-P), within the Upper Rock Creek Special Protection Area where there is an impervious cap of 8%. The site contains 3.5 acres of existing high priority forest with 8 large or specimen trees 24 inches or greater in diameter at breast height (24" DBH). A wetland and its associated buffer as well as a stream buffer are located in the middle of the site.



Figure 1: Aerial Vicinity Map

PROJECT DESCRIPTION

The Applicant proposes to resubdivide the 5.21 acre lot into 2 lots: lot 1 will consist of 119,508 square feet and lot 2 of 90,115 square feet. The existing dwelling unit is proposed to remain on Lot 1 and maintain its current access point from Granby Road, and a new dwelling unit is proposed on lot 2 with access from Hillside Terrace. Right-of-way dedication for the future extension of Hillside Terrace is provided for, with 60 feet of right-of-way dedicated across the Property to the eastern boundary of proposed lot 2. The Applicant is required to extend a 20-foot wide section of pavement into the new right-of-way area and construct a T-turnaround that will provide adequate maneuverability for emergency vehicles and other vehicular traffic. This turnaround will extend onto a proposed outlot of 7,893 square feet in the southern portion of the Subject Property, and will also provide access to an easement for a cistern to assist in fire

protection, should Montgomery County Fire and Rescue decide to install a cistern in the future. The applicant will be required to maintain the portion of the road within this outlot until it is necessary to extend the road onto adjacent properties. The private driveway for proposed lot 2 is proposed to extend from the new terminus of the road within the right-of-way.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Upper Rock Creek Master Plan does not specifically identify the subject property but does make general recommendations regarding zoning and land use. The Plan recommends that RE-1 zoning be maintained. It also recommends that environmental protection measures be in place to protect the high water quality and unusually sensitive features of the Upper Rock Creek. The proposed subdivision complies with the recommendations adopted in the Master Plan in that low-density residential development is proposed in compliance with the Environmental Guidelines for a Special Protection Area.

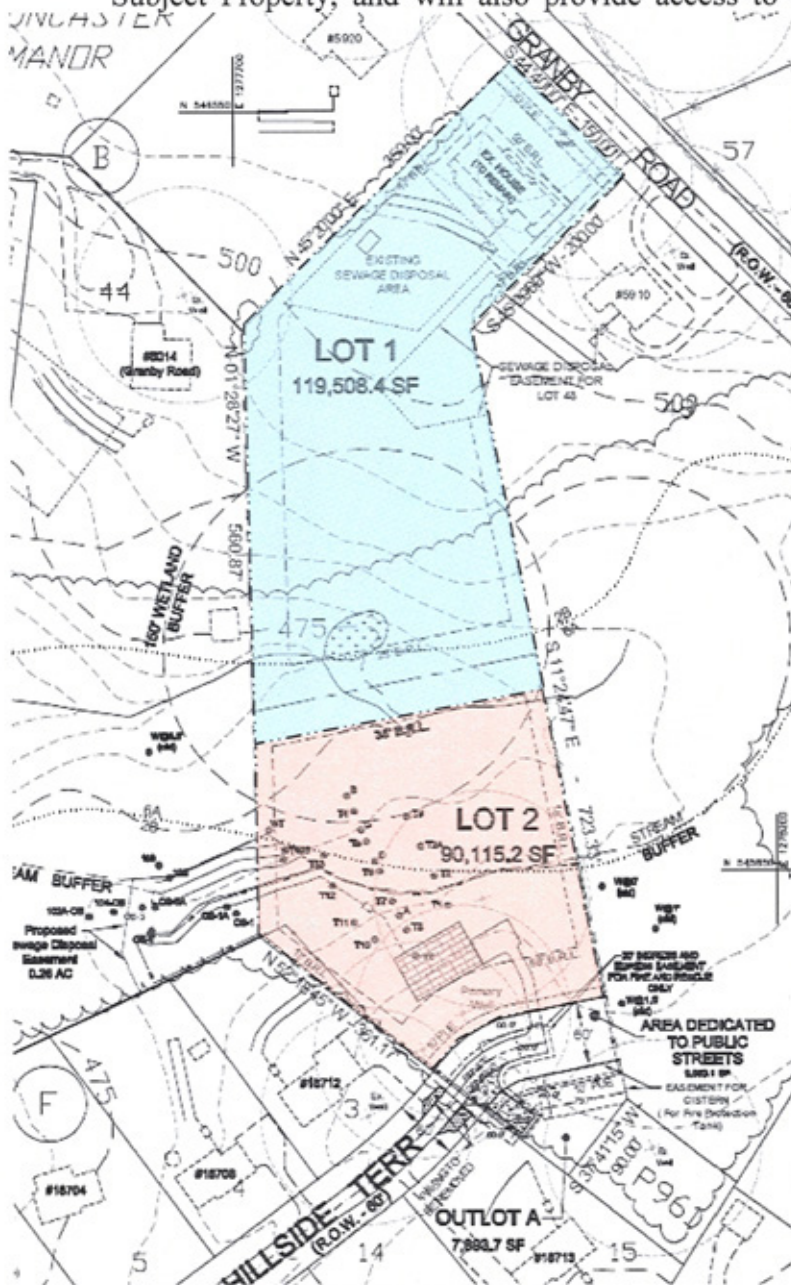


Figure 2: Preliminary Plan

Public Facilities

Roads and Transportation Facilities

Proposed lot 1 fronts Granby Road, a secondary residential street requiring 60 feet of right-of-way. As delineated on the preliminary plan, the right-of-way is adequate along the frontage of proposed lot 1 and no additional dedication is necessary. Proposed lot 2 fronts Hillside Terrace, also a secondary residential street, which terminates at the Subject Property in a substandard manner and must be extended and properly terminated according to MCDOT requirements, as discussed in the Project Description section of this report. Staff and MCDOT considered whether to terminate Hillside Terrace and construct a cul-de-sac on the Subject Property, but both agencies found that additional development on adjacent properties may be possible, and a cul-de-sac located north of the site will have fewer impacts on the nearby environmental buffers. Sidewalks are not required in the RE-1 zone because pedestrians can safely use the roadway in such a low-density situation. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements. The addition of one new lot generates less than 3 new peak-hour vehicle trips, so the application is not subject to either Local Area Transportation or Policy Area Mobility reviews.

Other Public Facilities and Services

The two lots will be served by private, standard septic systems and wells. A 10-foot public utility easement has been provided along the frontage of both lots to accommodate any necessary installation of electrical and telecommunication services. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access and this application includes providing an easement for the possible construction of a cistern to enhance water supply to the area. Area schools are operating at adequate levels; therefore, the Subject Property is not within a school moratorium area and no facilities payment is required. 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. Gas, electrical and telecommunications services are also available to serve the lots.

Environment

The plan meets all applicable requirements of the Special Protection Area law and meets all applicable requirements for protection of environmentally sensitive areas as specified in the Environmental Guidelines.

Preliminary/Final Water Quality Plan

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan must be reviewed in conjunction with a preliminary subdivision plan. Under this provision of the law, MCDPS and the Planning Board have different responsibilities in the review of a water quality plan. MCDPS reviews and acts on those elements of the water quality plan that relate to water protection performance goals, stormwater management, sediment and erosion control and monitoring of best management practices. MCDPS has approved their portion of the water quality plan, as discussed in the Stormwater Management & Sediment Control section below. The Planning Board's responsibility is to determine if the environmental

guidelines for special protection areas, site imperviousness requirements and forest conservation requirements are satisfied.

Stormwater Management & Sediment Control

A Preliminary/Final Water Quality Plan for the site was approved by the MCDPS Stormwater Management Section on September 21, 2009. The stormwater management concept includes drywells, pervious pavement and rooftop and non-rooftop disconnections for quality control. Control of the channel protection storm is not required because the one-year post development peak discharge is less than 2.0 cubic feet per second. MCDPS does not review limits on imperviousness or stream buffer encroachments.

MCDPS will require the final engineered sediment control plan for this project to limit disturbance as much as possible. Use of a super silt fence will be acceptable for sediment control and the disturbed area is to be permanently stabilized as soon as possible after the initial disturbance.

Site Imperviousness and forest conservation

The Upper Rock Creek SPA has an eight percent (8%) site imperviousness limit on land development projects. The imperviousness limit is set forth in the Environmental Overlay Zone for the Upper Rock Creek SPA. The site imperviousness limit is only applicable to projects that are connected to a public sewer system. This project is being served by an on-site septic system and, as a result, the impervious cap of 8% does not apply to this development. The SPA forest conservation requirements, as specified in the Planning Board's Environmental Guidelines, are being met through the afforestation of all unforested environmental buffer.

Environmental Guidelines

The applicant submitted a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the Subject Property prior to submission of the preliminary plan. Environmental Planning staff approved NRI/FSD #420082250 on November 12, 2008. All environmental buffer areas are protected by a Category I conservation easement and the wetland buffer has been expanded to 150 feet. The plan satisfies applicable requirements for environmentally sensitive areas as specified in the Environmental Guidelines.

Forest Conservation

The forest conservation plan under consideration shows the removal of 1.34 acres of forest on-site and 0.26 acres off-site for the septic field associated with lot 2. All forest conservation planting requirements will be met on-site. Proposed development on lot 2 affects 8 large trees located on the Property, all of which will be removed, including four trees that are greater than 30" DBH or greater: a 48" fair/poor condition tulip poplar, a 36" tulip poplar in hazard condition, a 42" tulip poplar in poor condition, and a 33" fair condition green ash.

Newly enacted provisions of Natural Resources, Title 5, Section 5-1607 of the Maryland Code require the Applicant to file an application for a variance to remove trees that are 30" DBH and greater or trees that are 75 percent the diameter of the county champion for that species, if a project did not receive approval of a Preliminary Forest Conservation Plan prior to October 1, 2009. Since this project did not obtain approval of a Preliminary Forest Conservation Plan prior

to October 1, 2009 and the applicant is proposing to remove 4 trees greater than 30" DBH a variance is required. The applicant has requested a variance to remove the trees.

Section 22A-21(c) of the Forest Conservation Law requires the Planning Board to refer a copy of each variance request to the County Arborist in the Montgomery County Department of Environmental Protection (MCDEP) for a written recommendation prior to acting on the request. The County Arborist has 30 days to comment. If the County Arborist does not provide a recommendation within 30 days, the recommendation is presumed to be favorable. In this case, the variance request was referred to the Montgomery County Arborist within MCDEP on September 29, 2009. The County Arborist has elected not to review the variance request (see Attachment A). The County Arborist's recommendations for the variance request are, therefore, presumed to be favorable.

The Planning Board must make four findings before granting a variance. Section 22A-21(d) of the Forest Conservation Law states that a variance must *not* be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Staff recommends that the Planning Board find as follows:

1. The requested variance will not confer on the applicant any special privileges that would be denied to other applicants. Proposed lot 2 is constrained by a wetland buffer, stream valley buffer and required roadway dedication which greatly impacts the building envelope for a new dwelling unit. Three of the four trees 30" DBH or greater that are requested to be removed are located interior to the project site and the remaining tree is located just beyond the right-of-way for Hillside Terrace and near the primary well location for the proposed dwelling unit. The trees range in size from 33" DBH up to 48" DBH but are not champion trees or 75% of the DBH of the state champion tree for that species. Even though this is among the first variance requests submitted for review, staff does not envision that this circumstance will be unique. Other applicants will require variances for similarly constrained lots. Therefore, staff believes that grant of the variance is not a special privilege that would be denied to other applicants.
2. The requested variance is not based on conditions or circumstances which are the result of actions by the applicant. The variance is based on a site layout for 2 lots where the existing home will maintain its current access from Granby Road and the new home must be accessed from Hillside Terrace at the southern end of the Property to avoid impacts to environmental buffers. Right-of-way dedication through proposed lot 2 is required for Hillside Terrace which places additional limitations on the building envelope for a new dwelling unit on the lot. Achieving goals of public access and protection of

environmentally sensitive areas results in limited house locations on the lot which makes removal of these 4 trees unavoidable.

3. The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.
4. The requested variance will not violate State water quality standards or cause measurable degradation in water quality. Under section 22A-16(d) of the Forest Conservation Law *“The Board or Director may treat any forest clearing in a stream buffer, wetland or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality.”* In this case, the trees proposed to be removed are not within environmental buffer areas and a water quality plan has been submitted and approved by MCDPS and Environmental Planning staff; therefore, it is presumed that the removal of these individual trees would not cause any additional degradation to water quality.

In consideration of the above findings, staff recommends that the Planning Board approve the forest conservation plan and the applicant’s request for a variance from the Forest Conservation Law to remove the four trees subject to the newly enacted provisions of Natural Resources, Title 5, Section 5-1607 of the Maryland Code.

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, including the requirements for resubdivision as discussed below. The proposed size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The 2 proposed lots were reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lots 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. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size,

shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "Neighborhood" for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 24 lots. The Neighborhood, depicted below, includes lots along Granby Road and Granby Court, within the same block as the Subject Property. All the lots share the same RE-1 zoning classification. Lots south of the Subject Property along Hillside Terrace were not included because they were developed under a density control standard and do not conform to all RE-1 requirements. The designated neighborhood provides an adequate sample of the lot and development pattern of the area and is appropriate for comparison to proposed lots 1 and 2. A tabular summary of the area based on the resubdivision criteria is included in Figure 4 on page 11 of this report.

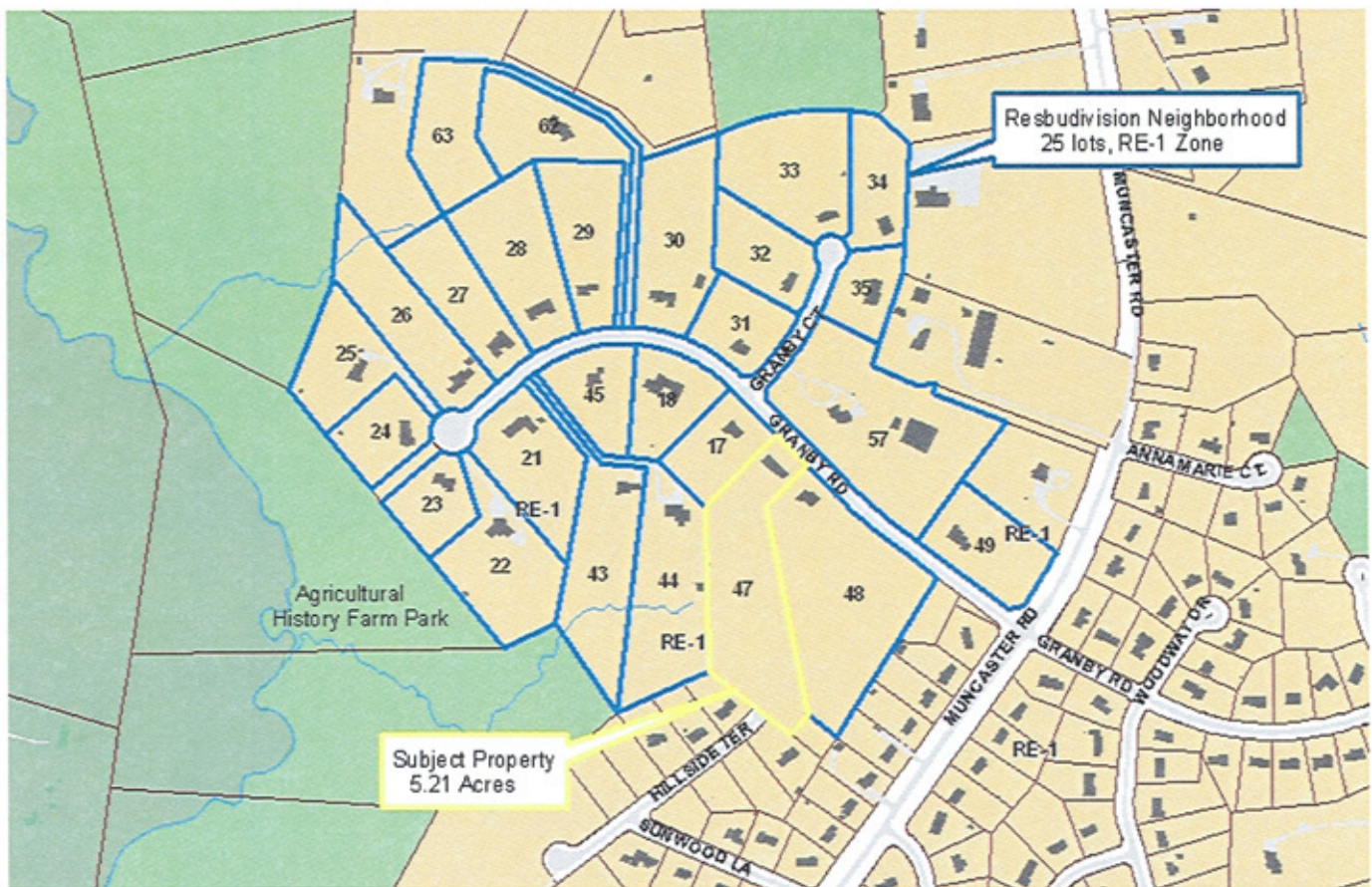


Figure 3: Resubdivision Neighborhood Map

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-29(b)(2). As set forth below, the tabular summary and graphical documentation support this conclusion:

Frontage:

In the 24 lot Neighborhood, lot frontages range from 25 feet to 1,063 feet. Nine lots in the Neighborhood have less than 100 feet of lot frontage and 15 lots have more than 100 feet of linear frontage at the street. Proposed lot 1 will have 150 feet of lot frontage and proposed lot 2 will have 181 feet of lot frontage. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment: Fourteen lots in the designated Neighborhood are radial in alignment to the street, 7 lots are perpendicular and 3 lots are corner lots. The alignment of both proposed lots to the street will be perpendicular. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size:

Lot sizes in the selected Neighborhood range from 61,898 square feet to 300,929.5 square feet, with 7 existing lots being less than 90,000 square feet in size. The proposed lot sizes fall within this range, with lot 1 consisting of 90,115 square feet and lot 2 containing 119,508.4 square feet. **The proposed lot sizes are in character with the size of existing lots in the Neighborhood.**

Shape:

There are 2 triangular-shaped lots, 3 rectangular lots, 5 trapezoid-shaped lots, 9 irregularly-shaped lots and 5 pipestems in the 24 lot Neighborhood. **The shapes of the two proposed lots are both irregular and will, therefore, be in character with shapes of the existing lots.**

Width:

Lot widths at the building line within the Neighborhood range from 126 feet to 361 feet. Proposed lot 1 will be 150 feet wide and proposed lot 2 will be 266 feet wide at the building line. **The proposed lots will be in character with existing lots in the Neighborhood with respect to width.**

Area:

Buildable areas for lots within the 24 lot Neighborhood range from 32,730 square feet to 220,124 square feet. Proposed lot 1 will have 60,547 square feet of buildable area and lot 2 will have 61,068 square feet of buildable area. **Nine lots in the Neighborhood have a buildable area less than proposed lot 2 and 13 lots have a buildable area greater**

than proposed lot 1. As a result, the two lots fall well within the range and will be of the same character as other lots in the Neighborhood with respect to buildable area.

Suitability for Residential Use: The existing and the proposed lots are zoned residential and the land is suitable for residential use.

LOT #	BLOCK	FRONTAGE	ALIGNMENT	SIZE	SHAPE	WIDTH	AREA	SUITABILITY
PROPOSED LOT 1	B	150 ft	PERPENDICULAR	119508 sf	IRREGULAR	150 ft	60547 sf	RE-1
PROPOSED LOT 2	B	181	PERPENDICULAR	90155	IRREGULAR	266	61068	RE-1
17	B	225	PERPENDICULAR	78752	RECTANGULAR	225	50350	RE-1
18	B	370	RADIAL	88239	TRIANGULAR	332	56436	RE-1
21	B	307	RADIAL	128493	IRREGULAR	297	88283	RE-1
22	B	30	RADIAL	151824	IRREGULAR	125	105977	RE-1
23	B	62	RADIAL	69892	IRREGULAR	126	44025	RE-1
24	B	75	RADIAL	78333	RECTANGULAR	163	53323	RE-1
25	B	40	RADIAL	114567	PIPESTEM	363	73728	RE-1
26	B	218	RADIAL	122739	TRAPEZOID	204	87044	RE-1
27	B	155	PERPENDICULAR	109461	TRAPEZOID	161	76481	RE-1
28	B	160	RADIAL	149376	TRAPEZOID	177	110962	RE-1
29	B	138	RADIAL	130388	TRAPEZOID	153	94733	RE-1
30	B	187	RADIAL	159146	IRREGULAR	204	120169	RE-1
31	B	535	CORNER	79466	TRAPEZOID	277	41792	RE-1
32	B	261	PERPENDICULAR	96258	IRREGULAR	245	62924	RE-1
33	B	189	RADIAL	161115	IRREGULAR	189	124258	RE-1
34	B	40	RADIAL	83334	IRREGULAR	180	54372	RE-1
43	B	25	PERPENDICULAR	178639	PIPESTEM	224	123542	RE-1
44	B	25	PERPENDICULAR	192056	PIPESTEM	125	122389	RE-1
45	B	360	RADIAL	81936	TRIANGULAR	320	51436	RE-1
48	B	589	RADIAL	283695	IRREGULAR	600	245408	RE-1
49	B	674	CORNER	110169	RECTANGULAR	429	62685	RE-1
57	B	1063	CORNER	300929	IRREGULAR	361	220124	RE-1
61	B	30	PERPENDICULAR	149268	PIPESTEM	230	85378	RE-1
62	B	31	PERPENDICULAR	130757	PIPESTEM	498	81204	RE-1

Figure 4: Resubdivision Data Table

Citizen Correspondence and Issues

The Applicant notified adjacent and confronting property owners and applicable citizen organizations of the preliminary plan submission and posted the required signage along the site frontage on Granby Road and Hillside Terrace. A pre-submission meeting was held on August

19, 2008, as required, to further discuss the application with interested parties. Attendees at the meeting raised concerns regarding forest clearing, road improvements for Hillside Terrace and the configuration of the two proposed lots. A forest conservation plan is required and the plan submitted meets the applicable requirements of the Montgomery County Forest Conservation Law. Road improvements for Hillside Terrace that are required at this time will improve maneuverability for both automobiles and emergency vehicles. Meeting attendees suggested the Applicant configure proposed lot 2 as a pipestem lot behind proposed lot 1 with access from Granby Road. Such a lot layout would require an unnecessary disruption to the environmentally sensitive wetland and stream buffers located on the site since proper access to proposed lot 2 can be accommodated from Hillside Terrace. As of the date of this report, no additional citizen concerns have been brought to the attention of MNCPPC Staff.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Upper Rock Creek Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other 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 – Letter from DEP

Attachment B – Agency Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Muncaster Manor				
Plan Number: 120090190				
Zoning: RE-1				
# of Lots: 2				
# of Outlots: 1				
Dev. Type: Standard, Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	90,115 sq. ft. minimum	EG	10/19/09
Lot Width	125 ft.	181 ft. minimum	EG	10/19/09
Lot Frontage	25 ft.	150 ft. minimum	EG	10/19/09
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	EG	10/19/09
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	EG	10/19/09
Rear	35 ft. Min.	Must meet minimum ¹	EG	10/19/09
Height	50 ft. Max.	May not exceed maximum ¹	EG	10/19/09
Max Resid'l d.u. or Comm'l s.f. per Zoning	5 d.u.	2 d.u.	EG	10/19/09
Building Coverage	15% or less	Must meet minimum ¹	EG	10/19/09
TDRs	No		EG	10/19/09
Site Plan Req'd?	No		EG	10/19/09
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	10/19/09
Road dedication and frontage improvements		Yes	Agency letter	6/23/09
Environmental Guidelines		Yes	Staff memo	10/30/09
Forest Conservation		Yes	Staff memo	10/30/09
Master Plan Compliance		Yes	EG	10/19/09
Other (i.e., parks, historic preservation)				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	9/21/09
Water and Sewer (WSSC)		N/a	EG	10/19/09
10-yr Water and Sewer Plan Compliance		N/a	EG	10/19/09
Well and Septic		Yes	Agency letter	8/19/09
Local Area Traffic Review		N/a	Staff memo	2/17/09
Policy Area Mobility Review		N/a	Staff memo	2/17/09
Transportation Management Agreement		No	Staff memo	2/17/09
School Cluster in Moratorium?		No	EG	10/19/09
School Facilities Payment		No	EG	10/19/09
Fire and Rescue		Yes	Agency letter	8/14/09
Other (i.e., schools)				

¹ As determined by MCDPS at the time of building permit.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

October 27, 2009

Royce Hanson, Chairman
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Mainhart Property #120070730 and #820070250 (2/10/06)
Hermitage Property #120080270 (3/11/08)
Muncaster Manor #120070730 (8/12/08)
Hanson Property, Case G-884 (7/23/09)

Dear Dr. Hanson:

On September 29, 2009, I received a letter from Mark Pfefferle requesting the review of the above referenced variance requests as a result of changes to the State's Forest Conservation Act (FCA) that became effective on October 1, 2009. The FCA now requires anyone subject to the law who is disturbing certain vegetation to prove that they qualify for a variance. As you know, under Chapter 22A-21 of the Montgomery County Code, the variance process requires a review by the County Arborist in the Department of Environmental Protection (DEP).

The County Attorney's Office has advised DEP that the new provisions of the FCA do not apply to applications submitted before October 1, 2009. Since the applications for the above referenced requests were submitted before this date, the County Arborist will not be providing a recommendation pertaining to these requests. It should be noted that for one of the properties for which a variance has been requested, the Mainhart property, the initial application for development of this property was made way back in 2006. It would certainly seem unfair to apply the requirements of a law that did not become effective until more than three years later to this application.

We will be in contact with the Planning Department as we develop DEP's future actions related to these new requirements of the FCA. If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,

Robert G. Hoyt
Director

cc: Walter Wilson, Associate County Attorney
Mark Pfefferle, Acting Chief, Green Division, MNCPPC



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Carla Reid
Director

September 21, 2009

Mr. David W. McKee
Benning and Associates, Inc.
8933 Shady Grove Court
Gaithersburg, Maryland 20877

Re: **Preliminary/Final Water Quality Plan**
for Muncaster Manor-Lot 47/Block B
SM File #: 234831
Tract Size/Zone: 5.21 Ac/RE-1
Watershed: Upper Rock Creek

SPECIAL PROTECTION AREA

Dear Mr. McKee:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not include limits on imperviousness or stream buffer encroachments.

Site Description: The site is 5.21 acres in size and is located on the Granby Road and Hillside Terrace. This area is within the Upper Rock Creek Special Protection Area. The development will consist of one existing and one proposed single family detached dwelling units.

Stormwater Management: Control of the channel protection storm is not required because the one-year post development peak discharge is less than 2.0 cubic feet per second. Quality control and recharge will be provided via non-structural measures that include dry wells, pervious pavement and rooftop and non-rooftop disconnections.

Sediment Control: Disturbance of the site is to be limited as much as possible. The use of super silt fence will be acceptable for sediment control. The use of silt fence is acceptable for very limited areas of disturbance. The disturbed area is to be permanently stabilized as soon as possible after the initial disturbance. An engineered sediment control plan is required for this development.

Conditions of Approval: The following condition must be addressed during the detailed sediment control/stormwater management plan stage. This list may not be all inclusive and may change based on available information at the detailed plan review stage.

1. The proposed driveway for lot 2 must be cross sloped to provide non-rooftop disconnection and vegetative filtering. The driveway drywell is to be removed due to it's proximity to the primary well location.

2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. Maryland Department of the Environment regulations require all final sediment control and stormwater management plans approved on or after May 4, 2010 must comply with the most recent changes to the Maryland Stormwater Design Manual. After that date, previously approved stormwater management concept plans are no longer valid unless they have been designed to the new standards or have been reconfirmed by the Department of Permitting Services.

Payment of the stream monitoring fee is required prior to the approval of the sediment control plan. The stream monitoring fee computation is to be submitted for verification during the stormwater management/sediment control review process.

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. Note that monitoring is not required for this site.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240)777-6242.

Sincerely,



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

RRB:CN234831

cc: D. Johnsen (MNCPPC-EP)
C. Conlon (MNCPPC-DR)
L. Galanko
R. Gauza (MCDEP)
SM File # 234831

Qn not required; Acres: 5.21
QI on-site; Acres: 5.21
Recharge provided



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

February 18, 2009

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

FEB 18 2009

RE: Preliminary Plan No. 1-20090190
Muncaster Manor

Dear Ms. Conlon:

This letter is to confirm our comments at the February 17, 2009 meeting of the Development Review Committee. While the preliminary plan application indicates that all necessary materials were submitted by the applicant, the following items were not provided to DOT and we are unable to finalize our review. Consequently, we request that the plan not be scheduled for the Planning Board until these materials are provided to us and our concerns have been addressed.

1. Please submit a separate sight distance study for the existing driveway on Granby Road.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Dewa Salihi or Sam Farhadi at (240) 777-2197.

Sincerely,

Gregory M. Leck, Manager
Development Review Team
Division of Traffic Engineering and Operations

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

June 23, 2009

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 #1-20090190
Muncaster Manor

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on June 5, 2009. This preliminary plan was reviewed by the Development Review Committee at its meeting on February 17, 2009. 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. Right of way dedication on Hillside Terrace to the eastern property line. The proposed "30' ingress and egress easement for fire and rescue only" is only necessary for the portion of the turnaround located on Outlot A. In addition to emergency vehicles, this turnaround will also be used by the general public.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishment for Hillside Terrace extension from DPS.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
5. At the permit stage, adjust the western wing of the proposed relocated turnaround on Hillside Terrace so that it does not cross the common property line (extended into the right-of-way).
6. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
7. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.
8. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operation Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20090190
June 23, 2009
Page 2

10. The proposed turnaround on Hillside Terrace (within Outlot A) shall be maintained by the applicant subject to a recorded Maintenance and Liability Agreement.
11. 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 the extension of Hillside Terrace (between the eastern limit of the relocated turnaround to the eastern property line), 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.
12. 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. On Hillside Terrace, remove the wings of the existing temporary turnaround. Extend the existing pavement twenty (20) feet wide, centered in the dedicated right-of-way, using full depth pavement per secondary residential roadway standards. The perpendicular sixty (60) foot long turnaround leg on Outlot A should be constructed per DFRS requirements as shown on the preliminary plan.
 - 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 ensure final and proper completion and installation of all utility lines underground, for all new road construction.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi or Dewa Salihi at (240) 777-2197.

Sincerely,



Gregory M. Leck, P.E. Manager
Development Review Team

m:/subdivision/farhas01/preliminary plans/ 1-20090190, Muncaster Manor, gml revs.doc

Enclosures (2)

cc: Sam Joseph
David McKee, Benning & Associates
Shahriar Etemadi; M-NCPPC TPD
Marie LaBaw; MCFRS
Joseph Y. Cheung; DPS RWPPR
Henry Emery; DPS RWPPR
Sarah Navid; DPS RWPPR
Sam Farhadi, DOT TEO
Dewa Salihi, DOT TEO
Preliminary Plan Folder
Preliminary Plans Note Book



MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Muncaster Manor Preliminary Plan Number: 1-20090190

Street Name: Hillside Terrace Master Plan Road Classification: Tertiary SECONDARY

Posted Speed Limit: 25 mph

Street/Driveway #1 (Proposed Driveway) Existing Driveway on Street/Driveway #2 (Granby Road)

Sight Distance (feet) OK?
Right 700'
Left N/A

Sight Distance (feet) OK?
Right 270'
Left 800'

Comments: Driveway is at end of existing proposed hammerhead turnaround

Comments:

GUIDELINES

Table with 2 columns: Classification or Posted Speed (use higher value) and Required Sight Distance in Each Direction*.

*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way 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: [Handwritten Signature] 11-19-08

Signature: MOPLS #16850 PLS/P.E. MD Reg. No.



Montgomery County Review: [X] Approved [] Disapproved; By: [Handwritten Name] Date: 6/23/09



DEPARTMENT OF PERMITTING SERVICES

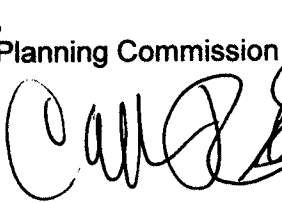
Isiah Leggett
County Executive

Carla Reid
Director

MEMORANDUM

August 19, 2009

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

FROM: Carla Reid, Director
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan # 120090190

Muncaster Manor, Lots 1 & 2

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on July 30, 2009:

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 record plat must show the septic system easement as shown on this plan.

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

cc:
Surveyor
File

