



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

**MCPB**  
**Item #**  
**10/11/07**



**MEMORANDUM**

**DATE:** September 28, 2007

**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:** Preliminary Plan of Subdivision and Preliminary/Final Water Quality Plan

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

**PROJECT NAME:** Griffith's Addition to Muncaster Estates

**CASE #:** 120070170

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

**ZONE:** RE-1

**LOCATION:** On Muncaster Road, 200 feet north of Annamarie Court

**MASTER PLAN:** Upper Rock Creek

**APPLICANT:** Wiley Griffith

**ENGINEER:** Benning & Associates

**FILING DATE:** October 3, 2006

**HEARING DATE:** October 11, 2007

**RECOMMENDATION:** Approval of Preliminary Plan and Preliminary/Final Water Quality Plan subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 1 lot for 1 one-family residential dwelling unit.
- 2) The applicant must 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 Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The applicant must install permanent Category I Forest Conservation Easement (FCE) signage along the perimeter of the FCE.
- 5) The applicant must construct a split rail fence, or other equivalent fence approved by Environmental Planning staff, along the length of the environmental buffer if the dwelling unit is located 35-feet or closer to the FCE. Approved buffer fencing must be installed as part of the tree protection fencing.
- 6) The record plat must provide for right-of-way dedication of 40 feet from the centerline for Muncaster Road.
- 7) The applicant must comply with the conditions of the MCDPS stormwater management Water Quality Plan approval dated November 1, 2006.
- 8) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated June 4, 2007.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated October 25, 2006, unless otherwise amended.
- 10) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 11) 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 opinion.
- 12) Other necessary easements must be shown on the record plat.

**SITE DESCRIPTION**

The subject property "Subject Property" or "Property", pictured on the following page and in Attachment A (Vicinity Map), is located on Muncaster Road, 200 feet north of Annamarie Court in the Upper Rock Creek Master Plan area. The Property is currently an unrecorded, unimproved parcel 3.52 acres in size. The Property bounds parcel 671 on 3 sides. The site is zoned RE-1 and is surrounded by property also zoned RE-1.

The Subject Property is located within the Upper Rock Creek Special Protection Area (SPA). There is one stream that borders the Property's northern boundary line approximately 10 feet off-site and then flows around the northeast section of the Property. This stream is a tributary of the north branch of Rock Creek. There are 2.60-acres of stream buffer on the Subject Property, a portion of a 100-year floodplain, wetlands and 2.56 acres of forest.



## PROJECT DESCRIPTION

The applicant proposes to create a recorded lot with frontage on Muncaster Road. The proposed lot will be 3.44 acres in size, after dedication for Muncaster Road is made. Access is proposed from Muncaster Road on the portion of the property south of Parcel 671. The lot is being created to accommodate a one-family detached residential dwelling unit. The property will be served by a private standard septic system and a private well.

(Attachment B – proposed plan)

## 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.

### **Roads and 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. Muncaster Road is an arterial road, requiring 80 feet of right-of-way. The applicant proposes to dedicate additional right-of-way to provide 40 feet from the centerline as required. Sidewalks are not required in the RE-1 zone. A driveway from Muncaster Road near the southern property line is proposed to serve the lot. 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. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the Property.

### **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 the provision of the law, the 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 responsibility is to determine if the environmental guidelines for special protection areas, forest conservation requirements and site imperviousness 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 November 1, 2006. MCDPS does not review limits on

imperviousness or stream buffer encroachments. The stormwater management concept includes drywells and rooftop disconnect to treat the new rooftop area for quality control and recharge. Non-rooftop disconnect is proposed to treat the new driveway.

Due to the minimal amount of grading that is proposed, DPS is not requiring an engineered sediment control plan for this project. DPS will require the use of super silt fencing for sediment control measures.

### Environmental Guidelines

The application includes protection of all environmental buffer area in a Category I conservation easement. As part of the Environmental Guidelines for SPAs, all unforested stream buffers must be reforested. The plan submitted proposes to plant the 0.43-acre non-forested portion of the environmental/stream buffer.

The preliminary forest conservation plan does not show any house footprints within 30 feet of the stream valley buffer on the Subject Property, however, the approval of the preliminary plan establishes the building envelope, not the building location. A builder has the flexibility to locate the residence anywhere within the building envelope. If a builder constructs the house, or any house feature at or near the environmental buffer, inadequate yard space will result and a homeowner might be tempted to enter the conservation easement area to create a useable backyard. In order to delineate the forest conservation easement (FCE) Staff recommends a condition requiring the applicant to install permanent signage along the FCE line. Moreover, if the house should be located 35 feet or closer to the FCE, the applicant must construct a split rail fence, or other equivalent fence approved by Environmental Planning staff, along the length of the environmental buffer. These measures will ensure that the buffer is fully protected.

### Forest Conservation

There are 2.56-acres of existing forest on the Property. Twenty five trees on the subject property are greater than 24 inches when measuring diameter at breast height (DBH). There are also 10 trees in close proximity to the southern property line that range in size from 24 inches DBH to 40.4 inches DBH.

The preliminary forest conservation plan indicates the removal of 0.95-acres of forest and the preservation of 1.61-acres of forest. All retained forest will be protected in a Category I forest conservation easement. The stream buffer will be reforested according to the specifications for SPAs. The plan meets all applicable requirements of the county Forest Conservation Law.

### Site Imperviousness

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.

### **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. 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.

This lot was reviewed for compliance with the dimensional requirements for the RE-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in the RE-1 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.

### **Citizen Correspondence and Issues**

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. Staff sent notice of the public hearing to these parties. No citizen concerns have been brought to the attention of MNCPPC staff as of the date of this report.

### **CONCLUSION**

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Upper Rock Creek Master Plan. Access and public facilities will be adequate to serve the proposed lot, 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 – Vicinity Development Map
- Attachment B – Proposed Development Plan
- Attachment C – Agency Correspondence

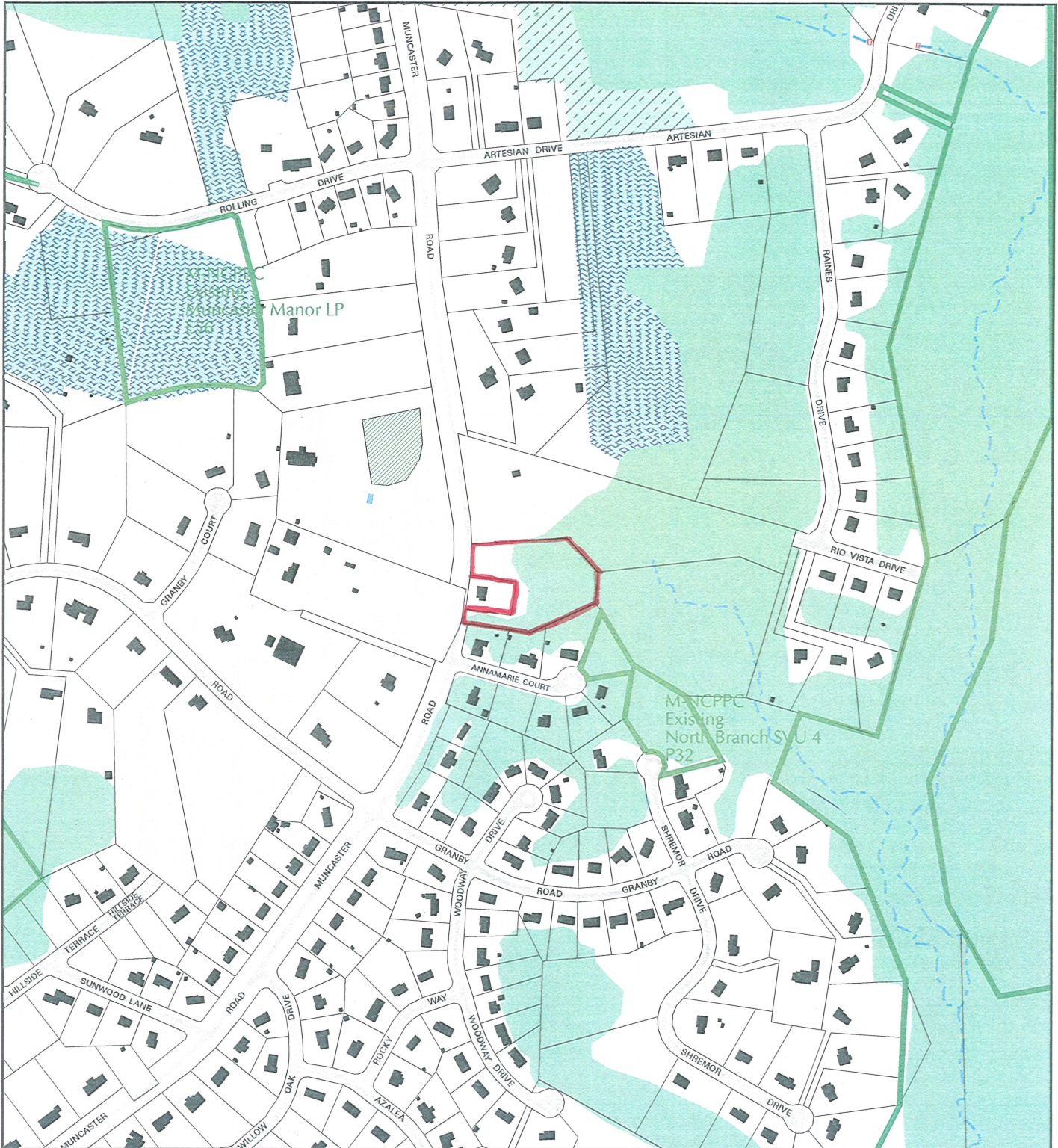
Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Griffith's Addition to Muncaster Estates</b>				
<b>Plan Number: 120070170</b>				
<b>Zoning: RE-1</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	40,000 sq. ft.	149,846.4 sq. ft. is minimum proposed	EG	9/14/07
Lot Width	125 ft.	384.9 ft. is minimum proposed	EG	9/14/07
Lot Frontage	25 ft.	197.4 ft. is minimum proposed	EG	9/14/07
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	EG	9/14/07
Side	17 ft. Min./35 ft. total	Must meet minimum <sup>1</sup>	EG	9/14/07
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	EG	9/14/07
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	EG	9/14/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	3 dwelling units	1 dwelling unit	EG	9/14/07
MPDUs	No		EG	9/14/07
TDRs	No		EG	9/14/07
Site Plan Req'd?	No		EG	9/14/07
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	EG	9/14/07
Road dedication and frontage improvements		Yes	Agency letter	10/25/06
Environmental Guidelines		Yes	Staff memo	
Forest Conservation		Yes	Staff memo	
Master Plan Compliance		Yes	EG	9/14/07
Other (i.e., parks, historic preservation)				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Yes	Agency letter	11/1/06
Water and Sewer (WSSC)		N/a	EG	9/14/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	10/23/06
Well and Septic		Yes	Agency letter	6/4/07
Local Area Traffic Review		N/a	EG	9/14/07
Fire and Rescue		Yes	Agency letter	10/23/06
Other (i.e., schools)				

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



# GRIFFITH'S ADD'N TO MUNCASTER ESTATES (120070170)



Map compiled on October 10, 2006 at 2:30 PM | Site located on base sheet no - 226NW06

**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







DEPARTMENT OF PERMITTING SERVICES

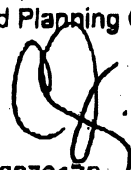
Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

MEMORANDUM

June 4, 2007

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

FROM: Carla Reid Joyner, Director  
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan: # 1-20070170.

Griffith's Addition to Muncaster Est.

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on May 31, 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.
2. The septic easement, to serve 19905 Muncaster Road, must appear on the record plat as it is depicted on the preliminary plan.

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

cc:

 Surveyor  
File



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## FIRE MARSHAL COMMENTS

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**DATE:** 10-23-06  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** JOHN FEISSNER 240 777 2436  
**RE:** GRIFFITH'S ADDITION TO MUNCASTER ESTATES #120070170

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**1. PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 10-23-06. 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.

cc: Department of Permitting Services





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

November 1, 2006

Robert C. Hubbard  
Director

Mr. David W. McKee  
Benning & Associates, Inc.  
8933 Shady Grove Court  
Gaithersburg, MD 20877

Re: **Preliminary/Final Water Quality Plan**  
for Griffith's Addition to Muncaster  
Estates  
SM File #: 228662  
Tract Size/Zone: 3.52 acres/RE-1  
Tax Plate: GU561  
Montg. Co. Grid: 20H4  
Watershed: Upper Rock Creek

**SPECIAL PROTECTION AREA**

Dear Mr. McKee:

Based on a review by the Department of Permitting Services (DPS) Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is **acceptable**. This review 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 located on Muncaster Road which is within the Upper Rock Creek Special Protection Area. The proposed improvements consist of the construction of one single family house.

**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. Dry wells and roof top disconnect will be used to treat the new rooftop area for quality control and recharge. Non rooftop disconnect will be used to treat the new driveway.

**Sediment Control:** Due to the minimal amount of grading that is proposed, the use of super silt fence will be acceptable for sediment control. 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 dry wells are to be placed in accordance with the stormwater concept plan.
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.



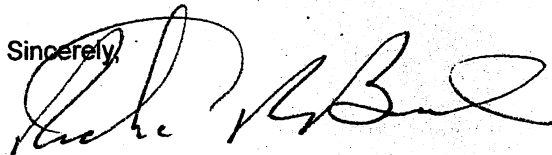
David W. McKee  
November 1, 2006  
Page 2

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.

If you have any questions regarding these actions, please feel free to contact Nadine Vurdelja Piontka, 240-777-6334

Sincerely,



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

RRB:CN224293

cc: L. Galanko  
SM File # 228662

Qn not required;  
QI on-site; Acres: 1.0  
Recharge provided

10/25/06 WED 15:25 FAX 2407772080

TRAFFIC ENGR

002



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
County Executive

Arthur Holmes, Jr.  
Director

October 25, 2006

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 #1-20070170  
Griffith's Addition to Muncaster Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated "September 2006". This plan was reviewed by the Development Review Committee at its meeting on 10/23/06. 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/label all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site as well as existing rights of way on both sides and easements on the preliminary plan.
2. Necessary dedication Muncaster 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.
5. 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.
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.



Division of Operations

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

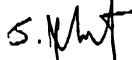


Ms. Catherine Conlon  
Preliminary Plan No. 1-20070170  
Date October 25, 2006  
Page 2

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

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@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist  
Development Review Group  
Traffic Engineering and Operations Section  
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20070170, Griffiths Addition to Muncaster.doc

Enclosures (1)

cc: Wiley Griffith  
Thomas Maddox, Benning & Associates  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DPWT TEOS  
Preliminary Plan Folder  
Preliminary Plans Note Book