



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

**MCPB**  
**Item #**  
**10/16/08**



**MEMORANDUM**

**DATE:** October 3, 2008

**TO:** Montgomery County Planning Board

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

**FROM:** <sup>M13</sup> Neil Braunstein, Planner Coordinator (301-495-4532)  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision and Preliminary Water Quality Plan

**APPLYING FOR:** Two lots for two one-family detached dwelling units

**PROJECT NAME:** Charles L. Duvall Farm

**CASE #:** 120080170

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

**ZONE:** R-200

**LOCATION:** Located on the north side of Duvall Road, 1,000 feet west of Duvall Court

**MASTER PLAN:** Fairland

**APPLICANT:** Scott C. McIntyre and Maura Wade

**ENGINEER:** CAS Engineering

**FILING DATE:** November 2, 2007

**HEARING DATE:** October 16, 2008

**RECOMMENDATION:** Approval of the preliminary plan and associated preliminary water quality plan subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units.
- 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. Conditions include, but are not limited to, the following:
  - a. A certified arborist must provide recommendations for tree protection measures before, during, and after construction for individual trees that are proposed to be protected; and implement the tree protection measures at appropriate stages.
  - b. The applicant must identify a forest bank or other off-site area to be utilized to satisfy the 0.36-acre afforestation requirement for this project.
- 3) Prior to recordation of the plat, the applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 8 percent. Prior to release of building permits, the applicant must demonstrate conformance to impervious surface limits as shown on the preliminary plan. Any modifications to this plan which increase site imperviousness may require Planning Board action.
- 4) The applicant must dedicate and the record plat must show dedication of 60 feet of right-of-way, as measured from the opposite right-of-way line, for Duvall Road.
- 5) The record plat must reflect common ingress/egress and utility easements over the shared driveway.
- 6) The applicant must comply with the conditions of the MCDPS stormwater management and preliminary water quality plan approval dated August 1, 2008.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated July 15, 2008, unless otherwise amended.
- 8) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat(s).
- 9) The record plat must show necessary easements.
- 10) 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.

## **SITE DESCRIPTION**

The subject property, shown below and in Attachment A, is an unplatted parcel measuring 2.4 acres in the R-200 zone. The property is located on the north side of Duvall Road, 1,000 feet west of Duvall Court. The property is developed with one one-family dwelling, which will be retained. An existing detached garage will be removed to accommodate the proposed development. Surrounding properties to the east, west, and south of the site are developed with one-family dwellings in the R-200 zone. In addition, Fairland Elementary School is located approximately 400 feet southwest of the site and Duvall Road Neighborhood Conservation Park

is located approximately 140 feet west of the site. Properties to the north of the site are developed with one-family dwellings in the PD-2 zone.

The site is located within the left fork of the Upper Paint Branch watershed and within the Upper Paint Branch Special Protection Area. There are no streams, environmental buffers, floodplains, wetlands, or forests located on the property. The property contains several trees that are 24 inches in diameter or greater. A drainage easement exists on the property, in the location of an ephemeral channel, which provides conveyance for off-site water draining from an adjacent stormwater management pond.



## **PROJECT DESCRIPTION**

The applicant proposes to subdivide the property into two lots – one measuring 30,069 square feet and one measuring 73,077 square feet. A new one-family detached dwelling will be built on proposed Lot 20 and the existing one-family detached dwelling will be retained on proposed Lot 19. Access will be provided via a shared driveway from Duvall Road. The residences will be served by public water and sewer.

(Attachment B – proposed plan)

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Fairland Master Plan does not specifically address the subject property. The master plan recommends retention of existing zoning throughout the master plan area in the absence of a specific recommendation for change on a particular property. Thus, in the case of the subject property, the master plan calls for retention of the existing R-200 zoning. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation.

### **Public Facilities**

#### **Roads and Transportation Facilities**

The proposed subdivision 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. In addition, the proposed subdivision does not generate more than three new vehicle trips in the morning or evening peak hours. Therefore, the application is also not subject to Policy Area Mobility Review.

Access to the proposed lots will be via a shared driveway from Duvall Road. Proposed vehicle and pedestrian access for the site will be safe and adequate.

#### **Other Public Facilities and Services**

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who has 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 operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. Electrical and telecommunications services are also available to serve the property.



## **Environment**

Because the subject property is located within the Upper Paint Branch Special Protection Area, it has been determined to require approval of a preliminary water quality plan. The Montgomery County Department of Permitting Services (MCDPS) approved its portion of the preliminary water quality plan requirements on August 1, 2008. The Planning Board's responsibility is to determine if site imperviousness limits, environmental buffer protection, and SPA forest conservation and planting requirements have been satisfied.

Impervious surface restrictions for new development projects in the Upper Paint Branch SPA are set forth in the Environmental Overlay Zone for the Upper Paint Branch SPA (Zoning Ordinance Section 59-C-18.15). The Environmental Overlay Zone limits impervious surface to no more than 8 percent of the project site. This project proposes a site imperviousness of 7.86 percent. The impervious surfaces on the site are comprised of the existing and proposed dwellings and their associated garages, a proposed workshop, and a shared driveway. To obtain this level of imperviousness, the project proposes the removal of 2,088 square feet of existing imperviousness and the addition of 3,846 square feet of impervious surface. The total proposed imperviousness on the 104,205.04 square-foot site is 8,190.5 square feet, resulting in 7.86 percent imperviousness. The proposed subdivision meets the imperviousness limit of the Environmental Overlay Zone.

There are no environmental buffers on the site.

There is no existing forest on the property; however, several large and specimen trees are on the site. The preliminary forest conservation plan shows one large tree, a 27-inch diameter maple, and one specimen tree, a 33-inch diameter silver maple to be removed as part of this project. These two trees are located within the right-of-way dedication area for Duvall Road. This project has an afforestation planting requirement of 0.36 acres, which will be satisfied at an off-site location. The 0.36-acres of forest planting will be protected in a Category I conservation easement. The preliminary forest conservation plan meets the requirements of the Forest Conservation Law.

The MCDPS Stormwater Management Section approved the stormwater management concept on August 1, 2008. The stormwater management concept includes water quality control via dry wells. Channel protection is not required because the one-year post-development peak discharge is less than 2 cubic feet per second.

## **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.

The lots were reviewed for compliance with the dimensional requirements for the R-200 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.

### **Citizen Correspondence and Issues**

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

### **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Fairland 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, including the preliminary water quality plan, with the conditions specified above is recommended.

### **Attachments**

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Charles L. Duvall Farm</b>				
<b>Plan Number: 120070170</b>				
<b>Zoning: R-200</b>				
<b># of Lots: 2</b>				
<b># of Outlots: N/a</b>				
<b>Dev. Type: Residential</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	20,000 sq. ft.	30,069 sq. ft. minimum	NB	10/3/08
Lot Width	100 ft.	171 ft. minimum	NB	10/3/08
Lot Frontage	25 ft.	35 ft. minimum	NB	10/3/08
Setbacks				
Front	40 ft. Min.	Must meet minimum <sup>1</sup>	NB	10/3/08
Side	12 ft. Min./25 ft. total	Must meet minimum <sup>1</sup>	NB	10/3/08
Rear	30 ft. Min.	Must meet minimum <sup>1</sup>	NB	10/3/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	NB	10/3/08
Max Resid'l d.u. per Zoning	5	2	NB	10/3/08
MPDUs	N/a		NB	10/3/08
TDRs	N/a		NB	10/3/08
Site Plan Req'd?	No		NB	10/3/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	NB	10/3/08
Road dedication and frontage improvements		Yes	Agency letter	7/15/08
Environmental Guidelines		N/a	Staff memo	8/27/08
Forest Conservation		Yes	Staff memo	8/27/08
Master Plan Compliance		Yes	Staff memo	8/21/08
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Yes	Agency letter	8/1/08
Water and Sewer (WSSC)		Yes	Agency comments	12/17/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/17/07
Well and Septic		N/a	Agency comments	12/17/07
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	NB	10/3/08
School Facilities Payment		No	NB	10/3/08
Fire and Rescue		Yes	Agency letter	6/16/08

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











Attachment C

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

August 1, 2008

Carla Reid Joyner  
Director

Mr. James Ochs  
CAS Engineering  
108 W. Ridgeville Boulevard, Suite 101  
Mount Airy, MD 21771

Re: **Preliminary/Final Water Quality Plan**  
for Charles L. Duvall Farm  
SM File #: 232578  
Tract Size/Zone: 2.4 Ac/R-200  
Total Concept Area: 1.7 acres  
Lots/Blocks: N/A  
Parcel: P601  
Watershed: Upper Paint Branch

**SPECIAL PROTECTION AREA**

Dear Mr. Ochs:

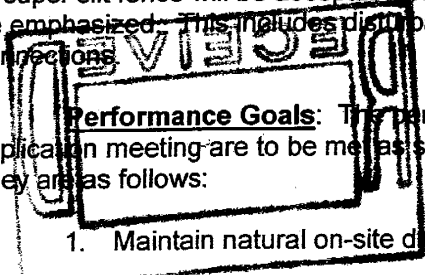
Based on a review by the Department of Permitting Services, the Preliminary/Final Water Quality Plan (PFWQP) for the above mentioned site is conditionally approved. This approval is for the elements of the Preliminary/Final Water Quality Plan of which DPS has lead agency responsibility, and does not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

**Site Description:** The site is located 2720 Duvall Road. This proposal is for the construction of one single family home. This site is tributary to the Left Fork of the Upper Paint Branch. This watershed has been designated as a Special Protection Area.

**Stormwater Management:** Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs. Quality control will be provided via nonstructural measures. Dry wells will be installed for the roof runoff and for the proposed workshop. A dry well trench will be installed to treat runoff from the proposed driveway. The driveway will be pitched at a 3% cross slope to promote drainage to the trench.

**Sediment Control:** Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance. Immediate stabilization is to be emphasized. This includes disturbance associated with the installation of the utility connections.

**Performance Goals:** The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary and Final Water Quality Plan. They are as follows:



1. Maintain natural on-site drainage channel

Mr. James Ochs  
August 1, 2008  
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2. Minimize increases to ambient water temperature.
3. Minimize the loss of sedimentation from the site during construction.
4. Encourage groundwater recharge.

**Monitoring:** Stormwater monitoring is not required for this project.

**Conditions of Approval:** The following conditions must be addressed in the initial submission of the detailed sediment control/stormwater management plan. This list may not be all inclusive and may change based on available information at the time of the subsequent plan reviews:

1. Due to the potentiality of groundwater at this location, the bottom of the proposed dry wells may be no deeper than 5-feet, as measured from existing grade.
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.

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 Water Quality Plan requirements.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at (240) 777-6338.

Sincerely,

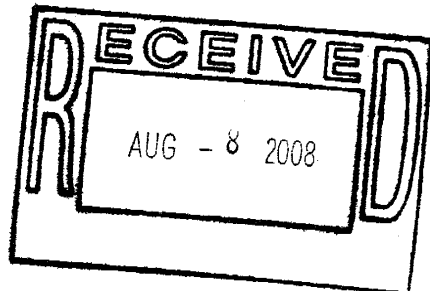


Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dpm:CN232578

cc: C. Conlon (MNCPPC-DR)  
C. Bunnag (MNCPPC-ED)  
R. Gauza (MCDEP)  
SM File # 232578

Qn: on-site 1.7 ac.  
QI: on-site 1.7 ac.  
Recharge provided on-site .







## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

July 15, 2008

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 #1-20080170  
Charles L. Duvall Farm

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on 05/16/08. This plan was reviewed by the Development Review Committee at its meeting on December 17, 2007. 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 for Duvall Road as necessary.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. A Public Improvements Easement may be necessary along Duvall Road, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
4. The sight distances study has not been accepted. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification to DPS for approval. The revised form will need to reflect the sight distance when bush/tree trimming and/or removal as well as retaining wall removal/modification have been completed to achieve a minimum of two hundred (200) feet of sight distance in each direction.

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

**Division of Traffic Engineering and Operations**

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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

Ms. Catherine Conlon  
Preliminary Plan No. 1-20080170  
Date July 15, 2008  
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Please note if after trimming/removal of the bush/tree and removal/modification of the retaining wall, enough sight distance (as it was mentioned above) is not achieved, the driveway locations should be adjusted.

If adjusting the location of driveway along the site frontage does not result in sufficient site distance, proposed point of access to the site will not be acceptable to MCDOT.

5. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
6. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
7. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalk is to be provided along the site frontage according to associated DOT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.
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 Engineering Design and Operation Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
10. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT 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.
11. 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. Street grading, paving, shoulders, sidewalks, side drainage ditches and appurtenances and street trees along Duvall Road from the existing road center line to improve it to secondary roadway standards (MC-211.03) along the site frontage.
  - B. We reviewed storm drain capacity/ impact analysis submitted by the applicant's engineer for the 15"x18" CMP culvert. At this point we are not convinced that the proposed design will not result in future problem with existing downstream system. This issue should be addressed with applicant's engineer and MCDPS during the review of construction drawings. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned storm drain study will be determined at that stage. All improvements should be done in accordance with the DOT Storm Drain Design Criteria.

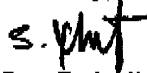
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Also please note Franklin Property project, preliminary plan 1-20040750 has an obligation to provide monetary contribution for improving aforementioned storm drain system.

- C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Division.

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.  
Development Review Group  
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20080170, Charles Duvall Farm.doc

Enclosures ()

cc: Scott C. McIntyre and Maura Wade  
James Oches, CAS Engineering  
Andrew Franklin / John W. Lanier, Franklin Property  
Joseph Y. Cheung; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Henry Emery; DPS RWPPR  
Shahriar Etemadi; M-NCPPC TP  
Gregory Leck, DOT TEO  
Preliminary Plan Folder  
Preliminary Plans Note Book