



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

MCPB
Item #
06/21/07

MEMORANDUM

DATE: June 6, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *CAC*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for June 21, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for the record plat. The following plats are included:

220071000 Seven Locks Hills

PLAT NO. 220071000

Seven Locks Hills

Located in the northeast quadrant of the intersection of River Road (MD 190) and Seven Locks Road.

R-200 zone; 4 Lots

Community Water, Community Sewer

Master Plan Area: Potomac

Alban Eger, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060490, as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Property of Alban + Susan Eger Plan Number: 1-20060490
 Plat Name: Seven Locks Hills Plat Number: 220071000
 Plat Submission Date: 1/19/07
 DRD Plat Reviewer: pu/TA
 DRD Prelim Plan Reviewer: C Carlson

Initial DRD Review:

Signed Preliminary Plan - Date 11/15/06 Checked: Initial DMS Date 4/6/07
 Planning Board Opinion - Date 10/18/06 Checked: Initial SJS Date 6-5-07
 Site Plan Req'd for Development? Yes No Verified By: SJS (initial)
 Site Plan Name: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set - Date _____ Checked: Initial _____ Date _____
 Site Plan Reviewer Plat Approval: Checked: Initial _____ Date _____

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths ok Easements Open Space N/A
 Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A ok
 TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Leidy</u>	<u>1/3-</u>	<u>2/16</u>		<u>ok</u>
Research	<u>Bobby Fleury</u>			<u>2/7</u>	<u>see mark-up</u>
SHA	<u>Doug Mills</u>				<u>No Comments</u>
PEPCO	<u>Steve Baxter</u>				<u>No Comments</u>
Parks	<u>Doug Powell</u>				<u>No Comments</u>
DRD	<u>Steve Smith</u>			<u>2/15</u>	<u>see mark-up</u>

* HPC 2/20/07 2/23 OK

Final DRD Review:

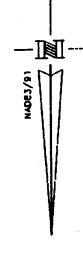
	Initial	Date
DRD Review Complete:	<u>SJS</u>	<u>6-6-07</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>TBA</u>	<u>2-22-07</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>6-5-07</u>
Board Approval of Plat:		
Plat Agenda:	<u>SJS</u>	<u>6-21-07</u>
Planning Board Approval:	_____	_____
Chairman's Signature:	_____	_____
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	_____	_____
Final Mylar for Reproduction Rec'd:	_____	_____
Plat Reproduction:		
Addressing:	_____	_____
File Card Update:	_____	_____
Final Zoning Book Check:	_____	_____
Update Address Books with Plat #:	_____	_____
Update Green Books for Resubdivision:	_____	_____
Notify Engineer to Seal Plats:	_____	_____
Engineer Seal Complete:	_____	_____
Complete Reproduction:	_____	_____
Sent to Courthouse for Recordation:	_____	_____

No. _____

* Need sign off by HPC staff

LOT 6
 NAD 83 - SEVEN LOCKS HILL
 P.B. 33 P. 3170

OLD SEVEN LOCKS ROAD



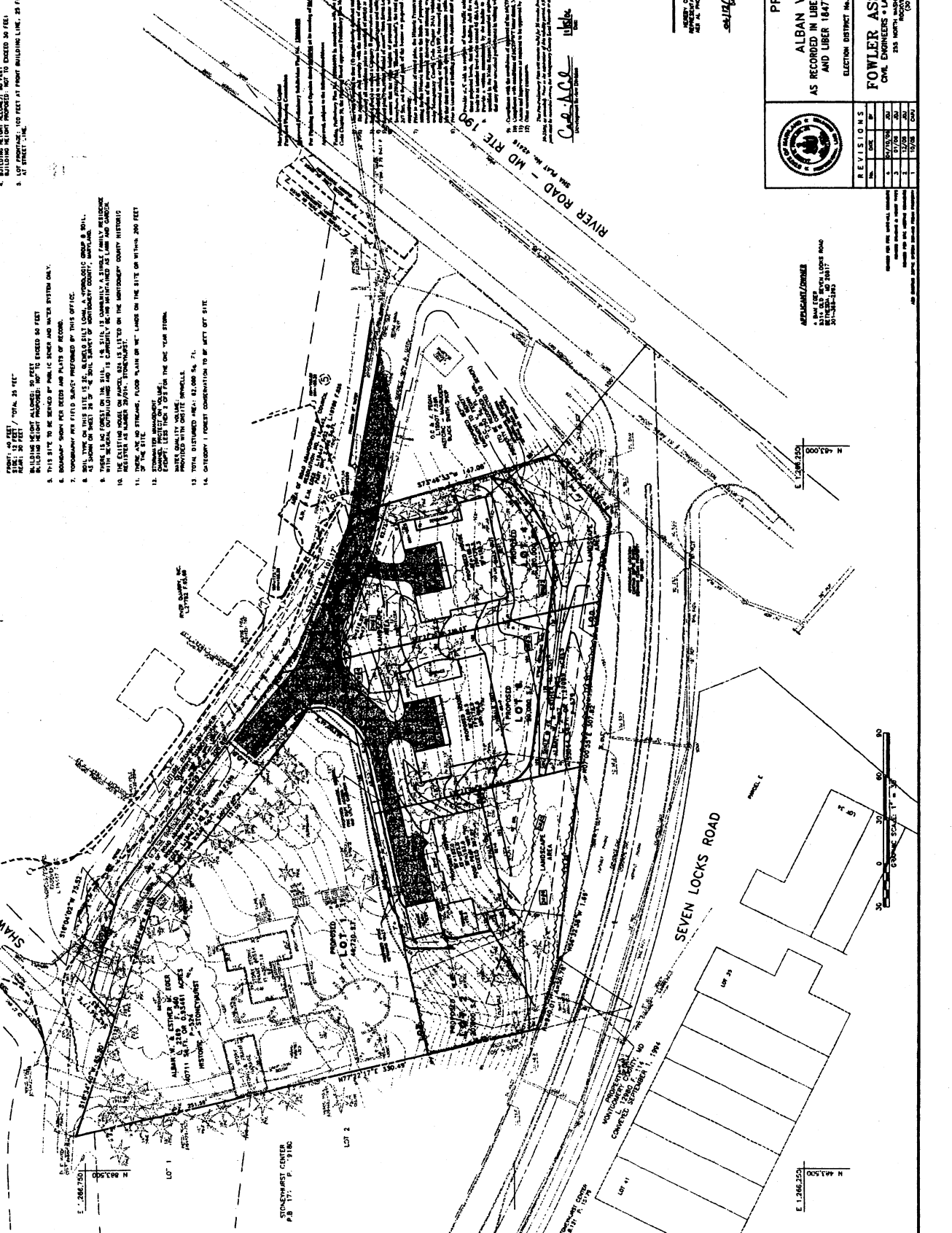
STONEWREST CENTER
 P.B. 17 P. 918C

LOT 1
 ALBERT W. EGER & ESTHER M. EGER
 48711 SEVEN LOCKS ROAD
 SEVEN LOCKS, MONTGOMERY COUNTY, MARYLAND
 HISTORIC - STONEMAST

LOT 2
 LOT 11
 LOT 12

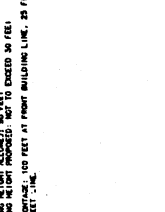
SEVEN LOCKS ROAD

PROPOSED LOT 1
 P.B. 33 P. 3170



GENERAL NOTES
 1. THIS SITE LIES IN THE MONTGOMERY COUNTY DISTRICT OF SEVEN LOCKS, MARYLAND. THE SITE IS LOCATED IN THE SEVEN LOCKS HISTORIC DISTRICT.
 2. THE SITE AREA IS 1.2662 ACRES. THE TOTAL AREA OF THE SITE IS 1.2662 ACRES.
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SITE DATA
 1. AREA: 1.2662 ACRES / 100,710 Sq. Ft.
 2. TOTAL LOT AREA: 100,710 Sq. Ft.
 3. TOTAL LOT AREA: 100,710 Sq. Ft.
 4. TOTAL LOT AREA: 100,710 Sq. Ft.
 5. TOTAL LOT AREA: 100,710 Sq. Ft.



REVISIONS
 1. DATE: 12/15/23
 2. BY: [Signature]
 3. DESCRIPTION: [Text]

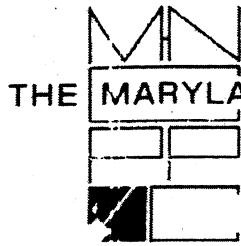
PRELIMINARY PLAN
 PROPERTY OF
 ALBAN W. & ESTHER M. EGER
 AS RECORDED IN LIBER 2737 FOLIO 274, LIBER 22289 FOLIO 580
 AND LIBER 18477 FOLIO 17, A LIBER 19786 FOLIO 528
 PARTS ONE AND TWO
 MONTGOMERY COUNTY, MARYLAND
 ELECTION DISTRICT No. 7

FOWLER ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS
 235 NORTH ROCKVILLE ROAD
 ROCKVILLE, MD 20850
 PHONE: (301) 762-2377
 FAX: (301) 762-2377

SURVEYOR'S CERTIFICATE
 I, [Signature], being duly sworn, depose and say that I am a duly licensed Professional Engineer in the State of Maryland, and I am the Surveyor of the above described property, and I have examined the above described plan and certify that it is a true and correct representation of the facts and conditions as shown by the field notes and measurements taken by me and my assistants on the above described property, and that the same conform to the requirements of the laws of the State of Maryland relating to the practice of the profession of Surveying.

APPROVED FOR THE PROPERTY OWNER
 ALBAN W. EGER & ESTHER M. EGER
 BY: [Signature]

DATE: 12/15/23
 PROJECT: SEVEN LOCKS ROAD
 SHEET: 1 OF 1



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: OCT 18 2006
Action: Approved Staff Recommendation
Motion of Commissioner Purdue,
seconded by Commissioner Robinson, with
a vote of 4-0;
Commissioners Berlage, Perdue,
Wellington, and Robinson voting in favor.
Commissioner Bryant absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan: 120060490
NAME OF PLAN: Property of Alban W. & Esther M. Eger
Public Hearing Date: June 15, 2006

The date of this written opinion is OCT 18 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

I. INTRODUCTION

On October 19, 2005, Alban W. and Esther M. Eger ("Applicant") submitted an application for the approval of a Preliminary Plan for subdivision to create eight (8) residential lots in an R-200 zone ("Preliminary Plan" or "Plan"). The Preliminary Plan was designated Preliminary Plan No. 120060490. On June 15, 2006 Preliminary Plan No. 120060490 was brought before the Montgomery County Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the application. Prior to the public hearing, Planning Board staff ("Staff") analyzed and provided recommendations regarding the Preliminary Plan in a memorandum sent to the Planning Board on May 26, 2006 ("Staff Report" or "Report").

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board Staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its Staff from the Applicant, public agencies and the community following submission of the application and prior to the Board's action at the conclusion of the public hearing; all correspondence and any other written or graphic information issued by Planning Board Staff, prior to the Board's action following the public hearing, concerning the application; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION

The property, identified as Parcel 524, Parcel 579 and an abandoned portion of Old Seven Locks Road ("Subject Property"), is located at the northeast quadrant of the intersection of River Road (MD 190) and Seven Locks Road. The site contains approximately 2.45 acres and is zoned R-200. The Subject Property contains no forests, streams, wetlands or floodplains. The Subject Property is the site of the historic Stoneyhurst house. Also, to the South of the Subject Property is the Magruder's Black Smith Shop.

III. PLAN DESCRIPTION

This is an application to subdivide the Subject Property into four (4) lots for the construction of four (4) single-family detached dwellings, one of which exists and will remain. Access to the property will be via a shared driveway from Old Seven Locks Road for the three new dwellings. The existing structure will maintain its existing driveway access on a separate driveway.

1. MASTER PLAN COMPLIANCE

The Potomac Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the low-density residential character land use consisting of one-family detached homes. Staff found that the proposed subdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

2. ENVIRONMENT

There are steep slopes on the Subject Property, indicating the possibility of rubble or fill incorporated in the soil. Because the Applicant proposes to locate structures on these slopes, the Applicant conducted a geotechnical analysis. That analysis demonstrated that there is no unconsolidated fill and the substrate is suitable for construction of the proposed development. This development will use a series of retaining walls to minimize the grading necessary for the construction. Staff determined that the proposed grading will result in slopes that are either unchanged or flatter than predevelopment conditions.

a. Noise Analysis and Mitigation

The Subject Property is located at the intersection of two busy roads. Due to the topography of the property, Staff found that there are no opportunities for exterior noise abatement or attenuation. Staff recommended that analysis of the projected noise levels from all transportation sources be done, and acoustical design and construction will be used to ensure that interior noise levels do not exceed the 45 DBA L_{DN} guideline.

b. Forest Conservation

The Subject Property is in the Cabin John Creek watershed, a Use I-P stream. Staff found that there is no forest on-site but approximately 22 large and specimen trees and numerous other landscape-sized trees are present. This Preliminary Plan is subject to the Forest Conservation Law and has an afforestation requirement of 0.37 acres, which can be met through either offsite planting or payment of fee-in-lieu. Staff found that due to the extensive grading necessary for this development, no tree protection measures are feasible for proposed lots 2, 3 and 4. Development of these lots will require the removal of 13 large and specimen trees and approximately 30 smaller trees. The large and specimen trees that will need to be removed include 6 white pines, 6 tulip poplars, and 1 cherry. Staff found that trees located on proposed Lot 1, the Stoneyhurst site, have protection equivalent to a Category II Forest Conservation easement due to the historic designation of this property.

3. HISTORIC PRESERVATION

a. Stoneyhurst House

The Subject Property is in an area of historical significance with two (2) properties designated on the County's Master Plan for Historic Preservation. It abuts the Magruder's Black Smith Shop to the southeast, and contains the historic Stoneyhurst House.

The Stoneyhurst House was built in 1767 by Samuel Brewer Magruder (1744-1818), a lieutenant in the Revolutionary War. The property remained in the Magruder

family until 1853. The property has additional historic significance for its association with Lilly Moore Stone who owned the house for the first half of the 1900s. As a widow in the 1920s, Stone was a pioneering business owner, managing the Stoney Quarries on River Road, west of the house, and personally operating them for 30 years. Lilly Moore Stone was an influential figure and community leader whose family home, Glenmore, is also a designated historic site. Stoneyhurst has been owned by the Eger family since 1956.

Staff considers the vista from Stoneyhurst to River Road to be very important. As requested by the M-NCPPC Historic Preservation Staff, the Preliminary Plan has been modified and conditioned to reflect a ridge height limit to the new houses, which does not exceed the height of the first floor of Stoneyhurst House. Additionally, a Category II Conservation Easement will be placed on proposed Lot 1 for protection of trees.

4. PROPOSED LOT DIMENSIONS

In its Report, Staff presented a map of the current lots in the surrounding subdivision as well as the proposed dimension limits of the four (4) proposed lots under the Preliminary Plan. Staff found that the size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision and will conform to the minimum requirements of the R-200 zone.

5. STAFF RECOMMENDATIONS

Staff found that the proposed Preliminary Plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations and Chapter 59, the Zoning Ordinance, that public facilities will be adequate to support and service the area of the proposed and that the Preliminary Plan is compatible with the Potomac Master Plan. Staff recommended the approval of the Preliminary Plan subject to conditions. Staff further found that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

IV. Findings

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,¹ the Applicant's position, and other

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission ("WSSC"), the Montgomery County Department of Public Works and Transportation ("MCDPWT"), the Montgomery County Department of Permitting Services ("MCDPS" or "DPS"), and the various public utilities. None of these agencies objected to approval of the application.

evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on the evidence of record, and with the conditions of approval, that:

- 1) The Preliminary Plan No. 120060490 substantially conforms to the Potomac Master Plan.
- 2) Public facilities will be adequate to support and service the area of the proposed subdivision.

While acknowledging citizen concerns that River Road is becoming increasingly congested with new residential access, the Board finds that that the minimal number of lots added by this Plan make a negligible impact when taking into consideration the neighboring developments with access on that road. The Board does agree that the MDSA should be requested to conduct a study of the safety and public planning associated with River Road.

- 3) The size, width, shape, and orientation of the proposed lot[s] are appropriate for the location of the subdivision.
- 4) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- 5) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- 6) The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

V. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060490 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120060490, subject to the following conditions:

- 1) This Plan is limited to four (4) single-family detached units.

- 2) The Applicant shall 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 MCDPS issuance of sediment and erosion control permits.
- 3) Record plat(s) to reflect a Category II conservation easement over trees to be saved on proposed Lot 1. ✓
- 4) Record plat(s) to reflect common ingress/egress and utility easements over all shared driveways. ✓
- 5) Record plat(s) to reflect "denial of access" from Seven Locks Road. ✓
- 6) To ensure that the ridge heights of proposed houses will not exceed the first floor elevation of the historic resource, Stoneyhurst (#29/41) (the "Historic Resource"), the roof peak for the house on proposed Lot 2 shall not exceed elevation 207 feet, and the roof peak of the houses on proposed Lots 3 and 4 shall not exceed elevations 216 feet and 213 feet respectively.
- 7) Prior to submission of record plats, the Historic Preservation Commission ("HPC") must either reduce the environmental setting for the Historic Resource to the limits of proposed Lot 1, or issue an historic area work permit ("HAWP") for the construction of the proposed driveway and retaining wall (and any other disturbance that would require such a permit under Montgomery County Code Chapter 24A) within the environmental setting. If the HPC does not reduce the environmental setting or issue a HAWP, the record plat must reflect an alternate ingress/egress easement for the proposed lots that does not encroach upon the environmental setting. ✓
- 8) Prior to issuance of building permit, the Applicant shall comply with interior acoustical noise requirements, as follows:
 - a. Provide staff with an analysis of future traffic noise levels and certification from an acoustical engineer based on those projected levels, that the building shell for residential dwellings units will attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn ("Noise Report").
 - b. Provide a written commitment by the builder to construct in accordance with the acoustical design criteria as specified in the Noise Report. An acoustical engineer must approve any changes to the building shell construction that may affect acoustical performance in writing with a copy to M-NCPPC staff prior to implementation.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 19, 2006.

- 10) Compliance with conditions of MCDPWT letter dated, March 23, 2006, unless otherwise amended.
- 11) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 12) Other necessary easements.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

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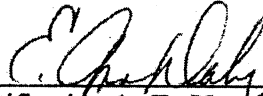
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MML *1/1/06*

Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, September 7, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, **ADOPTED** the above opinion, on motion of Commissioner Perdue, seconded by Commissioner Wellington, with Commissioners Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson and Commissioner Bryant abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060490, Alban W. & Esther M. Eger Property.**



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer