



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

**MCPB**  
**Item #**  
**11/13/08**



**MEMORANDUM**

**DATE:** October 16, 2008

**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

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

**PROJECT NAME:** Oak Grove

**CASE #:** 120080320

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

**ZONE:** RE-2

**LOCATION:** On Huntmaster Road, 2000 feet northwest of Brink Road

**MASTER PLAN:** Preservation of Agriculture and Rural Open Space

**APPLICANT:** Mr. and Mrs. Benjamin R. Falls

**ENGINEER:** Macris, Hendricks & Glascock, P.A.

**FILING DATE:** May 7, 2008

**HEARING DATE:** November 13, 2008

**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 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 applicant must dedicate right-of-way for Huntmaster Road along the property frontage to provide for 70 feet of right-of-way from the opposite right-of-way line.
- 4) The applicant must comply with the conditions of the MCDPS stormwater management approval dated April 14, 2008.
- 5) The applicant must comply with the conditions of the MCDPS, Well and Septic Section approval dated July 14, 2008.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated October 17, 2008, unless otherwise amended.
- 7) The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
- 8) Record plat must reflect an easement, as shown on the preliminary plan, to accommodate a potential cistern for fire department water supply.
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 10) Other necessary easements must be shown on the record plat.

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

The Oak Grove preliminary plan site “Property” or “Subject Property” contains a gross tract area of 6.68 acres, is an unrecorded parcel and is zoned RE-2. Recorded lots surround the Property and are also zoned RE-2. The Subject Property is located in the Preservation of Agriculture and Rural Open Space Master Plan area on Huntmaster Road, 2000 feet northwest of Brink Road. An existing one-story brick home and a masonry block structure, known as Goshen School (locational atlas individual resource #14/56) are located on the western portion of the property.

The Property drains to the Goshen Branch tributary of Great Seneca Creek, a Use I-P waterway. There are no streams, wetlands, environmental buffers, forest or 100-year floodplain on the Property. There are, however, numerous large trees.



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

The applicant proposes to subdivide the Property and record 2 lots to accommodate 2 one-family detached dwelling units. Proposed lot 1 is 3.6 acres and proposed lot 2 is 2.0 acres in size. Both lots are to have access via private driveways from Huntmaster Road. The lots are to be served by private wells and private standard septic systems. The existing one-story brick home is to remain as an accessory structure and the masonry block structure is proposed to be incorporated into a newly constructed dwelling unit.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Preservation of Agriculture and Rural Open Space Master Plan does not specifically identify the subject property but does make general recommendations for rural area land use and zoning. The Plan recommends RE-2 zoning in the Goshen-Woodfield open space planning area be retained. The proposed subdivision complies with the applicable master plan in that it retains the existing residential pattern of the neighborhood, and two lots are being created in compliance with RE-2 zoning standards.

## **Public Facilities**

### **Roads and Transportation Facilities**

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Currently, there are no Policy Area Mitigation Review requirements for the area in which this Property is located. Huntmaster Road is a primary residential street, requiring 70 feet of right-of-way. The applicant is dedicating right-of-way along the entire Property frontage to accommodate 70 feet of right-of-way from the opposite right-of-way line. Sidewalks are not required for lots in the RE-2 zone because the streets are safe for pedestrians. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

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

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. 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. Electrical and telecommunications services are also available to serve the Property. The Subject Property is not within a school moratorium area and is not subject to a School Facilities payment.

## **Environment**

### **Environmental Guidelines**

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420080190 for this site was approved on February 6, 2008. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The Property does not contain any forest, wetlands, streams, 100-year floodplain, highly erodible soils, or environmental buffer areas. There are several significant and large trees on the property and a small area of steeply sloping topography. Since there are no highly sensitive environmental features on the site, the Environmental Guidelines are not applicable.

### **Forest Conservation**

There is no existing forest on the Property. There are several large trees on the site and approximately half of them are in fair to poor condition. The preliminary forest conservation plan shows the removal of four significant trees in poor to fair condition. Final determination regarding which trees will be saved and removed will occur during the review of the final forest conservation plan. Since there is no forest on the subject site, the preliminary forest conservation plan indicates this development has a 1.34 acre afforestation requirement. This planting requirement will be satisfied at an off-site location and the exact location will be determined

during Environmental Planning staff's review and approval of the final forest conservation plan. The plan meets all applicable requirements of the county Forest Conservation Law.

### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on April 14, 2008 which consists of on-site water quality control and recharge via the use of dry wells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

### Historic Preservation

The entire parcel includes the environmental setting for the Goshen School, which is an individual resource listed on the *Locational Atlas and Index of Historic Sites* (#14/56). This site is currently being evaluated under the *Damascus-Goshen Master Plan for Historic Preservation Amendment* but is not recommended for designation. Because this property is not designated as part of a Master Plan, future construction is not subject to review by the Historic Preservation Commission. Historic Preservation staff has commented on the preliminary plan and does not believe the current proposal constitutes a substantial alteration and will, therefore, sign off on any building permits for the Property.

### Compliance with the Subdivision Regulations and Zoning Ordinance (Attachment C – agency correspondence)

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 size, width, shape and orientation of the lots are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 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

As of the date of this report, no citizen concerns have been brought to Staff's attention regarding the proposed subdivision. On January 29, 2008 a pre-submission meeting was held, as required, and on May 7, 2008 the applicant properly notified adjacent and confronting property owners and civic associations of the preliminary plan submission. The application information was properly posted on the Property.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Preservation of Agriculture and Rural Open Space 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 – vicinity map

Attachment B – proposed plan

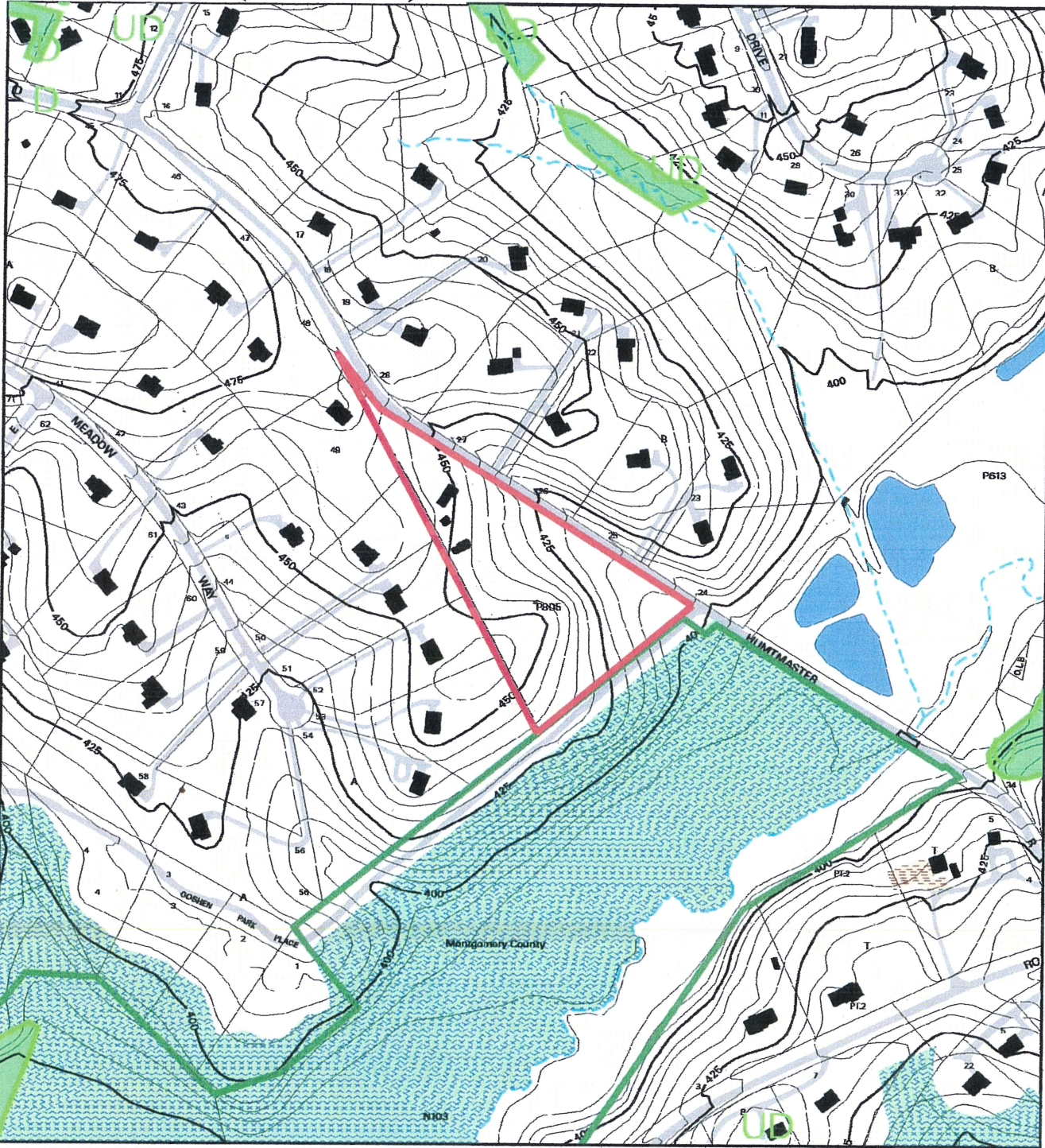
Attachment C – agency correspondence

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Oak Grove</b>				
<b>Plan Number: 120080320</b>				
<b>Zoning: RE-2</b>				
<b># of Lots: 2</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Standard, one-family 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	87,120 sq. ft.	87,120 sq. ft. is min. proposed	EG	10/16/08
Lot Width	150 ft.	199 ft. is min. proposed	EG	10/16/08
Lot Frontage	25 ft.	189 ft. is min. proposed	EG	10/16/08
Setbacks				
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	EG	10/16/08
Side	17 ft. Min./35 ft. total	Must meet minimum <sup>1</sup>	EG	10/16/08
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	EG	10/16/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	EG	10/16/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	2 dwelling units	2 dwelling units	EG	10/16/08
MPDUs	No		EG	10/16/08
TDRs	No		EG	10/16/08
Site Plan Req'd?	No		EG	10/16/08
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	EG	10/16/08
Road dedication and frontage improvements		Yes	Agency letter	10/17/08
Environmental Guidelines		Yes	Staff memo	9/16/08
Forest Conservation		Yes	Staff memo	9/16/08
Master Plan Compliance		Yes	Staff memo	9/16/08
Historic Preservation		Yes	Staff memo	6/20/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	4/14/08
Water and Sewer (WSSC)		N/a	EG	10/16/08
10-yr Water and Sewer Plan Compliance		N/a	EG	10/16/08
Well and Septic		Yes	Agency letter	7/14/08
Local Area Traffic Review		N/a	Staff memo	6/23/08
Policy Area Mobility Review		N/a	Staff memo	6/23/08
Transportation Management Agreement		No	Staff memo	6/23/08
School Cluster in Moratorium?		No	EG	10/16/08
School Facilities Payment		No	EG	10/16/08
Fire and Rescue		Yes	Agency letter	6/23/08
Other (i.e., schools)				

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

# OAK GROVE (120080320)



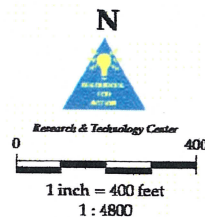
Map compiled on May 12, 2008 at 11:54 AM | Site located on base sheet no - 230NW09

### 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.

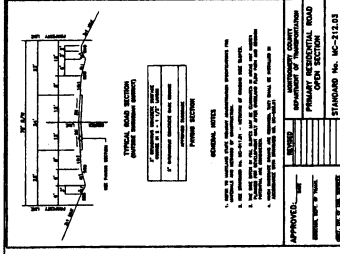
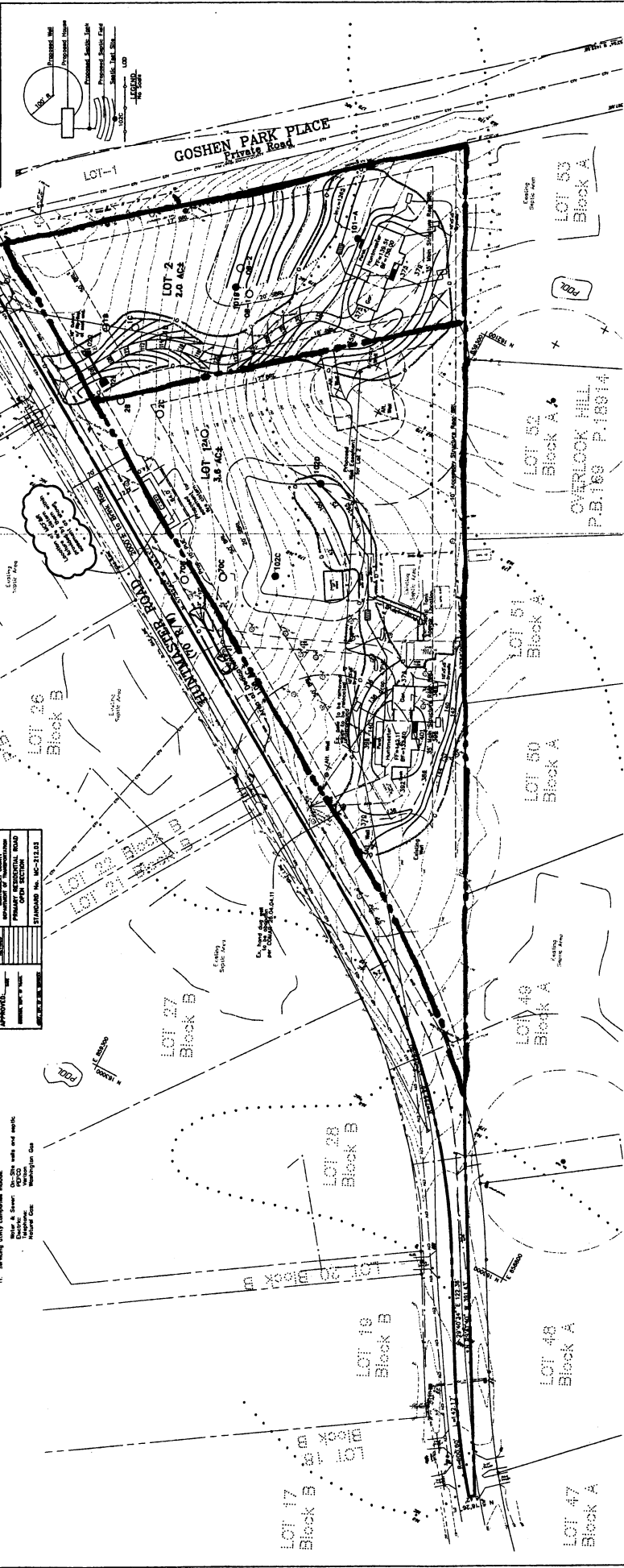
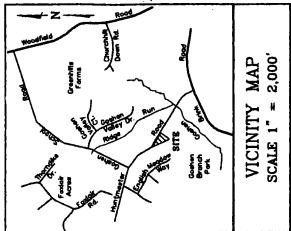
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 8787 Georgia Avenue - Silver Spring, Maryland 20910-3700





**NOTES**

1. Topography from survey by this office, 2' contour interval.
2. Boundary information from recorded deeds and plats.
3. Water and sewer category shall be as shown on the site plan.
4. The proposed septic system shall be installed as shown on the site plan.
5. The number of lots proposed by this plan is 2.
6. The site shall be developed in accordance with the zoning ordinance.
7. The site shall be developed in accordance with the zoning ordinance.
8. The plan is not for construction purposes.
9. Property lines and areas are subject to adjustment at their final completion.
10. The proposed septic system shall be installed in accordance with the zoning ordinance.
11. The proposed septic system shall be installed in accordance with the zoning ordinance.

**APPROVALS:**

Standard No. MC-2113.3

**DEVELOPMENT STANDARDS (RC-3)**

Proposed  
 1. 100' x 100' lot area  
 2. 100' x 100' lot area  
 3. 100' x 100' lot area  
 4. 100' x 100' lot area

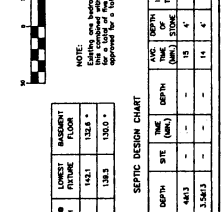
**PRELIMINARY PLAN OF SUBDIVISION**  
 PARCEL 805  
**OAK GROVE**  
 L.S.1562 F.538  
 1ST ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**MHG**  
 Meters, Hendricks & Gilscock, P.A.  
 Landscape Architects & Surveyors  
 8220 Wegman Road, Suite 100  
 Gaithersburg, Maryland 20882-1324  
 Phone: (301) 286-9000  
 Fax: (301) 286-9001  
 www.mhgpa.com

Proj. No. 08-001  
 Date 07/10/08  
 Scale 1"=50'  
 Project No. 08-001  
 Sheet 1 of 1

**PREPARED FOR:**  
 Mr. & Mrs. Benjamin R. Falls  
 9110 Huntmaster Road  
 Gaithersburg, Maryland 20882-1324  
 PHONE: (240) 388-7073

NO.	DATE	DESCRIPTION	BY
1	6.22.08	Added note for hand display	Disc
2	9.15.08	Addressed PL comments	Disc



**INVERT TABLE**

LOT	TOP OF TANK	INVERT IN	INVERT OUT	INVERT FLOOR	BACKSIGHT FUTURE
1	128.5	128.5	128.5	128.5	128.5
2	128.5	128.5	128.5	128.5	128.5

**SEPTIC DESIGN CHART**

NO.	DEPTH (IN)	INVERT (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)	DEPTH (IN)
1	100	11	3.5814	100	19	44.5	-	-	-	-
2	100	13	2.8412	100	15	3.5813	-	-	-	-

**PERCOLATION CERTIFICATE**

I hereby certify that the septic test site as shown on this plan and proposed by Benjamin R. Falls, P.E. has been approved by the Board of Assessors, etc. dated April, 2008.

10/15/08  
 [Signature]

**SURVEYOR'S CERTIFICATE**

I hereby certify that the septic test site as shown on this plan and proposed by Benjamin R. Falls, P.E. has been approved by the Board of Assessors, etc. dated April, 2008.

10/15/08  
 [Signature]

WASC 230989

TAK MAP P.W.2

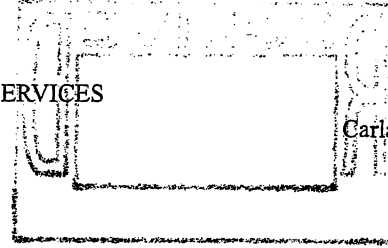
10/15/08



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

April 14, 2008



Carla Reid Joyner  
Director

Mr. Pearce Wroe  
Macris, Hendricks & Glascock  
9220 Wightman Road, Suite 120  
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request  
for Oak Grove  
Preliminary Plan #: TBA  
SM File #: 233315  
Tract Size/Zone: 6.68 ac./ RE-2  
Total Concept Area: 5.6 ac.  
Lots/Block:  
Parcel(s): 805  
Watershed: Great Seneca Creek

Dear Mr. Wroe:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and recharge via the use of dry wells. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

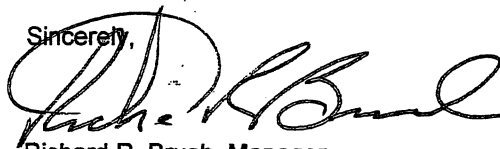
This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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 Blair Lough at 240-777-6335.

Sincerely,



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

RRB:dm bli

cc: C. Conlon  
S. Federline  
SM File # 233315

QN -on-site; Acres: 6.7  
QL - on-site; Acres: 6.7  
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES


Isiah Leggett  
County Executive

Carla Reid Joyner  
Director

MEMORANDUM

July 14, 2008

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

FROM: Carla Reid, Director  
Department of Permitting Services 

SUBJECT: Status of Preliminary Plan: 1-20080230, Oak Grove, Lots 1 & 2

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on June 23, 2008.

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. Prior to the approval of the Record Plat, the existing hand-dug well must be properly sealed by a licensed well driller.
3. The proposed well easement must appear on the record plat as it does on the preliminary plan.
4. All existing buildings are to appear on the Record Plat.

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

cc:  
Surveyor  
File



## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

October 17, 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 #1-20080320  
Oak Grove

Dear Ms. Conlon:

We have completed our review of the preliminary plan revised on 09/15/08. This plan was reviewed by the Development Review Committee at its meeting on June 23, 2008. 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 Huntmaster 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. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
5. 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.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. 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.

**Division of Traffic Engineering and Operations**

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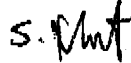
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX  
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon  
Preliminary Plan No. 1-20080320  
Date October 17, 2008  
Page 2

8. The location and specifications of the proposed cistern and its accessories have not been approved by this department and therefore should not be permitted until such approval is obtained.

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/ 1-20080320, Oak Grovc.doc

Enclosures (1)

cc: Mr. & Mrs. Benjamin R. Falls  
David Crowe, Macris, Hendricks & Glascock  
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