



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #17  
MCPB  
9/5/03

**MEMORANDUM**

**DATE:** September 9, 2003  
**TO:** Montgomery County Planning Board  
**VIA:** Joe R. Davis, Chief *JRD*  
Michael Ma, Supervisor *Ma*  
Development Review Division  
**FROM:** Wynn E. Witthans, AICP, RLA *WW*  
Planning Department Staff  
(301) 495-4584

**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** Approval of 32 townhouses on 6.22 acres  
**PROJECT NAME:** Fraley Property  
**CASE #:** 8-03030  
**REVIEW BASIS:** Div. 59-D-3, Montgomery County Zoning Ordinance for Site Plan

**ZONE:** RT-12.5  
**LOCATION:** North side of Muncaster Mill Road, 400 feet West of Redland Road  
**MASTER PLAN:** Upper Rock Creek Master Plan  
**APPLICANT:** The Bozutto Group, Clark Wagner manager  
**FILING DATE:** April 3, 2003  
**HEARING DATE:** September 11, 2003



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**SITE PLAN**

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**STAFF RECOMMENDATION:** Approval 32 townhouses on 6.22 acres with the following conditions:

1. Lighting and Landscaping Plan
  - a. Recreation Facility – two additional sitting areas shall be added to have supply exceed demand on the site.
  - b. Additional Planting – the open space areas shall have increased shrub plantings to better delineate public versus private spaces.

## 2. Environmental Planning

- a. Certification from an acoustical engineer that the building shell of impacted buildings has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct these units in accordance with the acoustical specifications identified in the August 29, 2003 noise analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer and reviewed by staff in advance of installation.
- b. Applicant to conduct an outdoor-to-indoor analysis for impacted units as recommended in the August 29, 2003 noise analysis after construction and will present verification of noise levels to staff prior to occupancy.
- c. Compliance with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions of the forest conservation plan prior to recording of plat(s).
- d. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.

## 3. Division of Permitting Services

- a. SWM Memo - Conditions of DPS Stormwater Management Concept approval letter dated October 24, 2002.

## 4. Signature Set Documentation

- a. Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to release of the signature set as follows:

Development Program to include a phasing schedule as follows:

- 1) Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
- 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
- 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.

- 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths or other features.
- 6) Noise attenuation to be completed and accepted by M-NCPPC technical staff prior to release of building permits.

b. Signature set of site, landscape/lighting, forest conservation and sediment and erosion Control plans to include for M-NCPPC technical staff review prior to approval by Montgomery County Department of Permitting Services (DPS):

- a. Limits of disturbance.
- b. Methods and locations of tree protection.
- c. Forest Conservation areas.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. The development program inspection schedule and Site Plan Opinion.
- f. Streets trees 50 feet on center along all public streets and as shown.

b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

5. Finding that for reduction of Setback per Section 59-C-1.731

The Planning Board finds this proposed layout a more desirable form of development than the standard setback and approves this configuration with the front yard setbacks as shown as allowed in Section 59-C-1.731.

## PLAN REVIEW ISSUES

### I. ISSUE

The Preliminary Plan was submitted prior to the current MPDU legislation where the minimum threshold of units that triggered the provision of MPDU's lowered from 50 units to 35 units. This project will be built in two phases with 32 units in the first phase and 15 units in the second phase – thus a total of 47 units would not trigger (the earlier) MPDU requirement.

#### **Applicant Position**

The applicant will not provide MPDU's for this project or the next phase. A letter describing the MPDU issue from the applicant's attorney to MCDHCA is attached. MCDHCA has verbally agreed with the letter but have not written a response.

#### **Staff Recommendation**

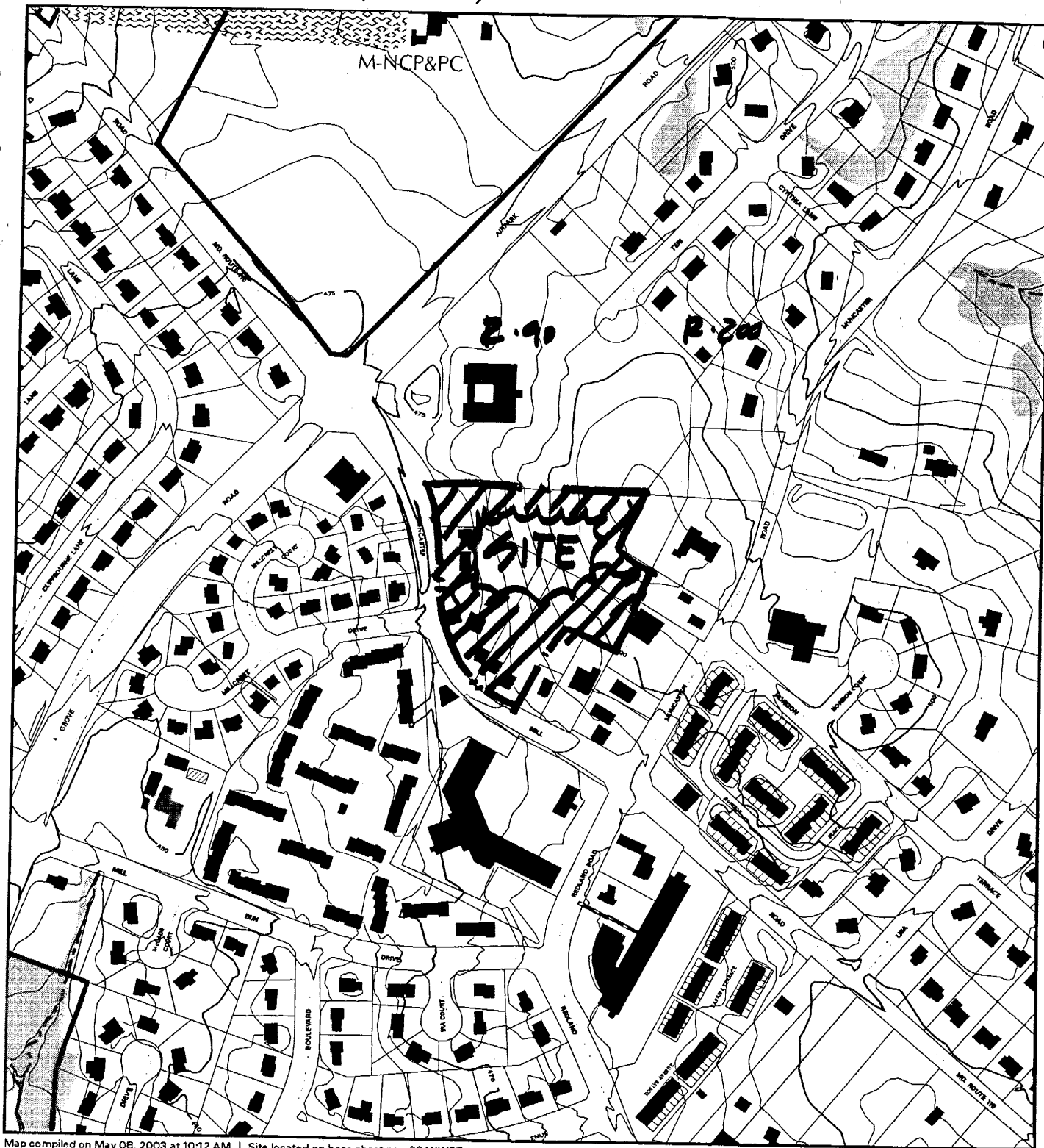
Staff concurs with the applicant's position, which follows the earlier Preliminary Plan approval.

**PROJECT DESCRIPTION:** Site Description

The site is a combination of several parcels and currently contains three older residential structures and wooded and open areas. The site rises from the western boundary at Muncaster Mill Road 35 feet to its highpoint to the east.

The property is located within the Upper Rock Creek a Use III watershed near the intersection of Muncaster Mill and Shady Grove Roads. Muncaster Mill Road (MD Rte. 115) borders the site to the west and south, Saint Luke's Church to the east, and Central Baptist Church to the north. There are no forest, hydric soils, erodible soils, stream buffers, wetlands, flood plains, or critical habitats on the site. There are no known historical buildings or archaeological sites on this site.

VICINITY MAP FOR  
**FRALEY PROPERTY (8-03030)**



Map compiled on May 08, 2003 at 10:12 AM | Site located on base sheet no - 224NW07

**NOTICE**

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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



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Research & Technology Center



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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

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**PROJECT DESCRIPTION:** Proposal

This first section of a two-phase project includes 32 townhouses. The units are located in two clusters with the front doors of one row of units facing Muncaster Mill Road. The remainder of the townhouse units are located in a cluster internal to the site. The recreation facilities are located in the center of the site and consist of open fields, sitting and picnic areas.

The second phase of the project will be submitted in the future and will propose 14 duplex units and one additional townhouse unit.

Due to the site configuration and singular point of access, all of the internal streets are private and are lined with street trees and sidewalks on both sides.

A 6 ft. wooden fence is located on the eastern boundary that will screen the adjacent commercial, institutional and office uses from the proposed site. A decorative wooden and stone pier fence is proposed along the Muncaster Mill frontage. The site is planned with street trees, evergreen screening, foundation shrubs and ornamental trees. Small shrubs have been proposed for the alleys in-between every other driveway to improve the alley's appearance. Lights are proposed on site that will be on 12-foot poles and the maximum foot-candles are 3.7 utilizing a 100-watt metal halide light source.

Noise contours for the site indicate the front units along Muncaster Mill Road and 4 rear yards are above 65 dba and mitigation is required. Architectural controls and internal sound walls (at the end of units) are proposed.





**ANALYSIS:** Conformance to Development Standards RT-12.5

**PROJECT DATA TABLE**

Development Standard	Permitted/Required	Proposed
Lot Area (ac.):		6.22 ac. Gross Tract 270,943 sf .55 ac. ROW 24,137 sf 5.67 ac. Net Tract 246,985 sf
Ex Zoning on Site	Phase I - Site Plan #8-03030 <b>RT-12.5</b>	Total: 2.81 ac/122,404 sf ROW ded. .22 ac/9583 sf Net ac 2.59 ac/112,820 sf
	Phase II - Future site plan <b>(R-90)</b>	Total: 3.41 ac / 148,540 sf gross ROW ded. .341 ac/14,374 sf Net ac. 3.08 ac/134,615 sf)
Min Tract Area	20,000 sf	112,820 sf 2.59 ac.
Max. Density (of Net Tract)	12.5 x 2.59ac = 32.3 du	32 du
Min. Building Setback		
To One family detached dwelling or zone	30ft.*/na	0 ft.*
To public street	25 ft.	(see below)
Side yard to Adj Lot	10 ft.	25 ft.
Rear Lot	20 ft.	10 ft.
Max. Bldg Height	35 ft.	n/a 34.93 ft.
Max. Building Coverage (%):	35 %	24.2 % or 6.8 ac.
Min Green Area	50%	56% or 1.5 ac.
Parking:		
Total (@2 spaces per du)	66	66 (in garage)
Visitor	n/a	13

*\*Per Section 59-C-1.731 – the front yard setbacks are subject to the following: Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the Planning Board using the street, side and rear lot line setbacks as provided in this section.*

This site is split zoned with the RT-12.5 and R-90 zones but the layout has been designed as if the zoning line were not a constraint (note: this proposal doesn't cross the zoning line). Staff recommends that the Planning Board find this proposed layout a more desirable form of development and approve this configuration. As part of the ongoing Master Plan update, it is anticipated that the entire parcel will be rezoned in the future as total RT-10 parcel thus eliminating this consideration.

**RECREATION CALCULATIONS:**

	Tots	Children	Teens	Adults	Seniors
Demand Points					
For 33 TH and 14 SFD III units	7.57	9.92	9.16	60.35	4.79
Total Demand	91.8				
Supply Points					
<u>On-Site Facilities:</u>					
Picnic /Sitting areas (3)	3	3	4.5	15	6
Open Play Areas (1)	3	4	4	10	1
Pedestrian system (1)	.76	1.98	1.83	27.16	2.16
On-Site Total	6.8	9.0	10.3	57.2	9.2
Total Supply Points	87.4				

The supply is within 20 % of aggregate demand and each category is within 10% of demand as allowed for smaller projects within the recreation guidelines. However, since there is adequate room to increase recreation supply, staff recommends adding 1 or 2 more sitting areas on site. The calculations have been prepared to be inclusive of the entire site so there is opportunity to upgrade recreation with the second phase site plan as well.

**ANALYSIS: Conformance to Master Plan**

The Planning Board Draft Upper Rock Creek Master Plan recommends reclassifying a portion of the Fraley properties from R-90 to RT-10, and recommends reclassifying the remainder of the properties from RT-12.5 to RT-10. The Plan also identifies the area as suitable for affordable housing and encourages assembly of all land proposed for townhouse zones in the Redland center area.

Regarding the provision of MPDU's, the entire site could provide about 56 units thus requiring compliance with the earlier County's Moderately Priced Dwelling Unit regulations. But the total development will be 47 units because the result of the future site plan will be to provide duplexes rather than townhouses.

**FINDINGS:** For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*
2. *The Site Plan meets all of the requirements of the zone in which it is located. See project Data Table above.*
3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Buildings

The buildings are arranged in courts and clusters that relate to surrounding and internal streets. They will have a desirable relationship with future homes in Phase II. The buildings allow for the creation of useable open spaces for outdoor recreation. The layout allows for optimal orientation to each unit for visitors on site.

The front yard setback to the R-90 zone, although close, is acceptable because of the proposed layout and the anticipated re-zoning of the remainder of the site given the pending Master Plan. The remainder of the project satisfies the side and rear yard setbacks appropriately.

b. Open Spaces

The stormwater management consists of on-site water quantity control via a dry pond and on-site water quality control via a surface sand filter and two bio-filtration facilities. The SWM concept as been approved by MCDPS in a memo dated October 24, 2002.

c. Landscaping and Lighting

The proposed landscaping will provide shade, buffering and create attractive open spaces. Additional landscaping is needed around the open space play area and within the common open spaces in general to more clearly define the public and private spaces.

The proposed lighting plan will include an average foot-candle level of .9 to .7 for the paved surfaces on site and max to min. ratio of 6 and 9.5 to 1 for the site. The pole heights are 12 feet tall and they are located on the site with 120-foot separation. The plans indicate no light spillage onto adjacent property.

d. Recreation

The recreation will provide for a variety of outdoor exercise and play opportunities with the open space play areas and sitting and picnic areas.

Recreation demand is satisfied as shown in the recreation calculations table above; however supply falls just short of demand in each category.

Since there is adequate room to increase recreation supply, staff recommends adding 1 or 2 more sitting areas to increase the recreation demands on site. The calculations have been prepared looking at the entire site so there is opportunity to upgrade recreation with the second phase site plan as well.

e. Vehicular and Pedestrian Circulation

The street connections to the site are in accordance with the pending amended Preliminary Plan, and the layout provides private street access to each unit and adequate circulation within the site.

Pedestrian paths/bike paths are provided along each street and along the frontage road of Muncaster Mill Road. The bike path will connect to an offsite bike path in the adjacent parcel to the north along Mucaster Mill Road.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The buildings will create minimal impact on the adjacent commercial and institutional buildings and land uses. The side yards will be oriented to adjacent land uses so the greatest mass of the building will be minimized.

Buffers proposed between this residential project and the adjacent uses to the east will be provided with a 6-foot wooden fence and some evergreen buffer plantings.

Noise Issues

A noise analysis was conducted for the subject property and revealed that the proposed residential units nearest Muncaster Mill Road will be impacted by the current and future noise generated from vehicle traffic along Muncaster Mill Road. The noise analysis indicates that unmitigated noise levels will range from 65 and 70 dBA Ldn for the units facing Muncaster Mill Road, which is greater than the levels recommended in the Noise Guidelines. Fronting the units to Muncaster Mill Road will reduce the noise levels to in the rear of the units to an acceptable exterior noise level of less than 60 dBA Ldn. For those units in which the townhouses do not act as a barrier, side screens are proposed to reduce the impacted deck areas. The noise consultant indicates that interior noise levels can be reduced by good quality construction. By complying with the recommendations provided by the applicant's noise consultant Environmental Planning believes the interior and exterior noise levels can be reduced to acceptable levels.

The activity associated with the proposed residential use will not cause any negative effect on the adjacent restaurants and churches and offices.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The property does not contain any existing forest. The existing vegetation includes hedgerows, shrubs, unmowed fields, and invasive trees, shrubs, and vines. There are specimen trees on the property; however, the trees are in poor condition, undesirable species, or invasive trees. The applicant will remove the poor, undesirable and invasive plants during the clearing of the site.

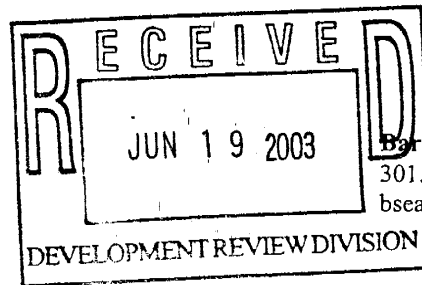
Since no forest exists on the site, the applicant has an afforestation requirement of 0.94 acres. The applicant will meet the planting requirements through a combination of on-site landscaping planting and off-site planting. The applicant has requested to utilize a forest conservation bank because the development of site does not permit the creation of forest and no suitable off-site planting areas are available in the watershed.

## **APPENDIX**

Documents as listed above.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

June 10, 2003



Barbara A. Sears  
301.961.5157  
bsears@linowes-law.com

Eric B. Larsen  
Program Administrator - MPDUs  
Division of Housing & Code Enforcement  
100 Maryland Avenue  
4th Floor  
Rockville, MD 20850

Re: Fraley Property; Site Plan No. 8-03030

Dear Mr. Larsen:

I am in receipt of your letter dated May 12, 2003 regarding the above-referenced property. A copy of this letter was provided to Clark Wagner, representing the Bozzuto Group, at the Development Review Committee meeting on this site plan. Your letter indicates that, when the R-90 portion of the property is developed at a later date, the subdivision will be subject to Chapter 25A for the entire development. The purpose of this letter is to clarify that the preliminary plan is grandfathered from the application of the new law, which applies MPDU standards to developments with 35 or more units, since the preliminary plan for the subdivision was filed prior to the effective date of the amendment to Chapter 25A (January 9, 2003).

Attached please find an excerpt from Chapter 25A. The editor's note indicates that the requirements of Chapter 25A, as amended by Section 1 of the Act, do not apply to any subdivisions with more than 34 or fewer than 50 units at one location if the applicant applies for preliminary plan of subdivision before the Act took effect (January 9, 2003), unless the applicant agrees that the requirements of Chapter 25A as amended should apply to that subdivision. The preliminary plan for this project was filed on December 11, 2001 and proposed to create 42 lots. The preliminary plan covered both the R-90 and RT-12.5 zoned areas. In view of the pending Upper Rock Creek Master Plan and Sectional Map Amendment to follow adoption, the Planning Board approved only 34 townhouse lots in the RT-12.5 area and left the remaining units, located on the R-90 portion, pending for approval once the SMA was adopted. Therefore, the preliminary plan for the R-90 portion, which is proposed by the Upper Rock Creek Master Plan Amendment to be rezoned RT-10 along with the RT-12.5



Eric B. Larsen

June 10, 2003

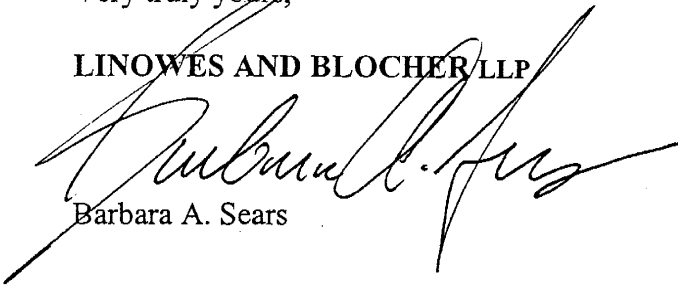
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portion, was filed prior to January 9, 2003 and will not create greater than 50 units at one location when acted on. It is my further understanding that Park and Planning Staff has requested an amendment to the preliminary plan to be filed as a housekeeping item because of a change in access, but this does not affect the original filing date of the preliminary plan, which was December 11, 2001. Under the circumstances, the development is grandfathered from any MPDU requirements.

I appreciate the opportunity to explain the facts to you as they pertain to this property. So that there is no confusion as Bozzuto moves forward to the Planning Board, I would appreciate your acknowledging the exemption of this development under the facts as stated above from the new MPDU law where indicated below. Should you have any questions or require further information, please feel free to call me.

Very truly yours,

**LINOWES AND BLOCHER LLP**

  
Barbara A. Sears

Agreed:

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Eric B. Larsen  
Program Administrator

cc: Wynn E. Witthans  
Malcolm A. Shaneman  
Richard Weaver  
Clark Wagner  
Karen Carpenter

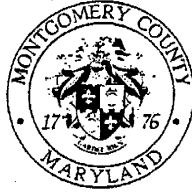
MONTGOMERY COUNTY CODE  
Chapter 25A

- (q) *Moderately priced dwelling unit* or *MPDU* means a dwelling unit which is:
- (1) offered for sale or rent to eligible persons through the Department, and sold or rented under this Chapter; or
  - (2) sold or rented under a government program designed to assist the construction or occupancy of housing for families of low or moderate income, and designated by the Director as an MPDU.
- (r) *Optional density bonus provision* means any increase in density under Chapter 59, in a zoning classification that allows residential development, above the amount permitted in the base or standard method of development density, whether by exercise of the optional provisions of Chapter 59 or by any special exception.
- (s) *Planning Board* means the Montgomery County Planning Board.
- (t) *Priority marketing period* is the period an MPDU must be offered exclusively for sale or rent to eligible persons, as provided in Section 25A-8. (1974 L.M.C., ch. 17, § 1; 1976 L.M.C., ch. 12, § 1; 1976 L.M.C., ch. 35, § 2; 1978 L.M.C., ch. 31, § 1; 1979 L.M.C., ch. 21, § 2; 1980 L.M.C., ch. 63, § 1; 1982 L.M.C., ch. 6, § 11; 1984 L.M.C., ch. 24, § 28; 1984 L.M.C., ch. 27, § 19; 1989 L.M.C., ch. 27, § 1; 1994 L.M.C., ch. 29; 1996 L.M.C., ch. 13, § 1; 1996 L.M.C., ch. 20, § 1; 1998 L.M.C., ch. 12, § 1; 2001 L.M.C., ch. 14, § 1; 2001 L.M.C., ch. 25, § 1; 2002 L.M.C., ch. 16, § 2; 2002 L.M.C., ch. 27, § 1.)

Editor's note—2002 L.M.C., ch. 27, § 2, states: Applicability. The requirements of Chapter 25A, as amended by Section 1 of this Act, do not apply to any subdivision with more than 34 but fewer than 50 units at one location if the applicant applied for a preliminary plan of subdivision before this Act took effect [January 9, 2003], unless the applicant agrees that the requirements of Chapter 25A as amended should apply to that subdivision.

**Sec. 25A-4. Income and eligibility standards.**

- (a) The County Executive must establish standards of eligibility for the MPDU program in regulations adopted under method (1), and must revise the standards when changes in market conditions affect the ability of moderate-income households to buy or rent housing. These standards must establish moderate-income levels for varying sizes of households which will qualify a person or household to buy or rent an MPDU. The Executive may establish different income eligibility standards for buyers and renters.
- (b) In establishing standards of eligibility and moderate-income levels, the Executive must consider:
- (1) the price established for the sale or rental of MPDUs under this Chapter,
  - (2) the term and interest rate that applies to the financing of MPDUs,



KVC  
10755

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

October 24, 2002

Ms. Michele Coleman  
Apex Engineering  
15850 Crabbs Branch Way, Suite 200  
Rockville, Maryland 20855

Re: Stormwater Management **CONCEPT** Request  
for Fraley Property  
Preliminary Plan #: 1-02063  
SM File #: 204556  
Tract Size/Zone: 5.9 Ac/R-90, RT-12.5  
Total Concept Area: 5.9 Ac  
Tax Plate: GT-342  
Parcel(s): P535, 543, 590, 591  
Liber/Folio: 8150/223  
Montg. Co. Grid: 20 C-8  
Watershed: Upper Rock Creek

Dear Ms. Coleman:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The storm water management concept consists of on-site water quantity control via a dry pond and on-site water quality control via a surface sand filter and two biofiltration facilities.

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

1. A dam breach analysis must be done.
2. At a minimum a 4 foot by 4 foot riser and barrel must be installed to safely convey the flows from the sand filter to the dry pond.

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. 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.



Michele Coleman  
October 24, 2002  
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If you have any questions regarding these actions, please feel free to contact William Campbell at 240-777-6345.

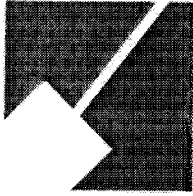
Sincerely,  


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

RRB:enmCN204556

cc: M. Shaneman  
S. Federline  
SM File # 204556

QN - onsite; Acres: 5.9  
QL - onsite; Acres: 5.9



**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

TO: Wynn Witthans, Development Review

FROM: Mark Pfefferle, Environmental Planning Division *MP*

DATE: September 3, 2003

SUBJECT: Preliminary Plan 1-02063 and Site Plan 8-03030  
Fraley Property

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The Environmental Planning staff has reviewed the preliminary and site plans referenced above. Staff recommends acceptance of the preliminary and site plan with the following conditions.

- **Certification from an acoustical engineer that the building shell of impacted buildings has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder commits to construct these units in accordance with the acoustical specifications identified in the August 29, 2003 noise analysis. Any changes that may affect acoustical performance must be approved by the acoustical engineer in advance of installation.**
- **Applicant to conduct an outdoor-to-indoor analysis for impacted units as recommended in the August 29, 2003 noise analysis.**

**Background**

The 6.22-acre property is located within the Upper Rock Creek a Use III watershed near the intersection of Muncaster Mill and Shady Grove Roads. Muncaster Mill Road (MD Rte. 115) borders the site to the west and south, Saint Lukes Church to the east, and Central Baptist Church to the north. There are three single-family houses on the lot. There are no forest, hydric soils, erodible soils, stream buffers, wetlands, flood plains, or critical habitats on the site. There are no known historical buildings or archaeological sites on this site.

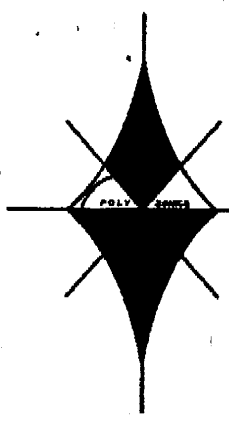
The applicant is proposing to two-phase development for this property. The first phase includes the construction of 33 townhouses, stormwater management facilities, and other necessary infrastructure. The second phase, which has not been submitted to the Maryland-National Capital Park and Planning Commission, will also include residential units.

### Forest Conservation

The property does not contain any existing forest. The existing vegetation includes hedgerows, shrubs, unmowed fields, and invasive trees, shrubs, and vines. There are specimen trees on the property; however, the trees are in poor condition, undesirable species, or invasive trees. The applicant will remove the poor, undesirable and invasive plants during the clearing of the site. Since no forest exists on the site, the applicant has an afforestation requirement of 0.94 acres. The applicant will meet the planting requirements through a combination of on-site landscaping planting and off-site planting. The applicant has requested to utilize a forest conservation bank because the development of site does not permit the creation of forest and no suitable off-site planting areas are available in the watershed.

### Noise

A noise analysis was conducted for the subject property and revealed that the proposed residential units nearest Muncaster Mill Road will be impacted by the current and future noise generated from vehicle traffic along Muncaster Mill Road. The noise analysis indicates that unmitigated noise levels will range from 65 and 70 dBA Ldn for the units facing Muncaster Mill Road, which is greater than the levels recommended in the Noise Guidelines. Fronting the units to Muncaster Mill Road will reduce the noise levels to in the rear of the units to an acceptable exterior noise level of less than 60 dBA Ldn. For those units in which the townhouses do not act as a barrier, side screens are proposed to reduce the impacted deck areas. The noise consultant indicates that interior noise levels can be reduced by good quality construction. By complying with the recommendations provided by the applicant's noise consultant Environmental Planning believes the interior and exterior noise levels can be reduced to acceptable levels.



# POLYSONICS CORP.

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F: (301) 874-3277

1-800-388-7172  
[www.polysonics-corp.com](http://www.polysonics-corp.com)

29 August 2003

Mr. Chad Dubeau  
Bozzuto  
6401 Golden Triangle Drive  
Suite 200  
Greenbelt, Maryland 20770

FRALEY PROPERTY  
Noise Barrier Analysis  
Results

Dear Mr. Dubeau:

Per your request, Polysonics has performed a Noise Barrier Analysis for the Fraley Property project in order to determine the compliance of outdoor noise levels of rear deck areas with the Montgomery County noise code. In addition, noise impact on interior noise levels was also reviewed, as updated site plans were available. The results of this study are provided below.

### Barrier Analysis

From our traffic noise analysis, proposed rear deck areas of Lots 1-14 will lie within the future unmitigated 60 and 70 dBA  $L_{dn}$  contours from Muncaster Mill Road. Montgomery County noise code requires noise levels in residential outdoor activity areas, such as decks, to not exceed 60 dBA  $L_{dn}$ . Utilizing elevation information from the architectural drawings, a barrier analysis was performed to determine the mitigation impact from the front row of townhomes (Lots 1-7) on 2<sup>nd</sup> floor rear deck areas. The mitigation for these townhomes, modeled as a 30-foot high barrier relative to ground height, was calculated using the HUD Noise Guidebook Methodology. Results indicate that a minimum of 4 to 4.5 dBA of noise mitigation for the rear decks of Lots 2-7 and 9-13 can be gained from the townhomes, reducing noise levels below the 60 dBA  $L_{dn}$  criterion. The HUD Worksheets for these calculations are enclosed.

Due to the locations of Lots 1, 8, and 14, the rear decks of these lots do not receive the full benefits of the shielding offered by the townhomes. However, the rear deck of Lot 8 will receive mitigation from surrounding buildings, aiding in the reduction of noise levels in this area. With this mitigation and because Lot 8 has an unmitigated noise level of 63.5 dBA  $L_{dn}$ , with minimal exposure to the roadway, no steps to further mitigate noise is recommended. The implementation of noise mitigating side screens is suggested for Lots 1 and 14 because of their exposure to roadway noise. These screens are wood barriers constructed of nominal 1-inch thick boards with no gaps or openings.





**POLYSONICS CORP., MARYLAND**

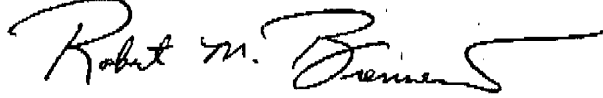
29 August 2003  
Page 3 of 3

**FRALEY PROPERTY  
Noise Barrier Analysis  
Results**

to indoor noise analysis should be carried out for the specific townhome models planned for this project.

Should you have any questions, please contact me directly.

Sincerely,



Robert M. Brenneman  
Staff Consultant

RMB/rc  
Fraley Property Barrier LTR.doc

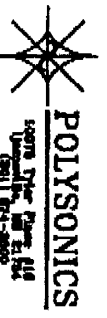
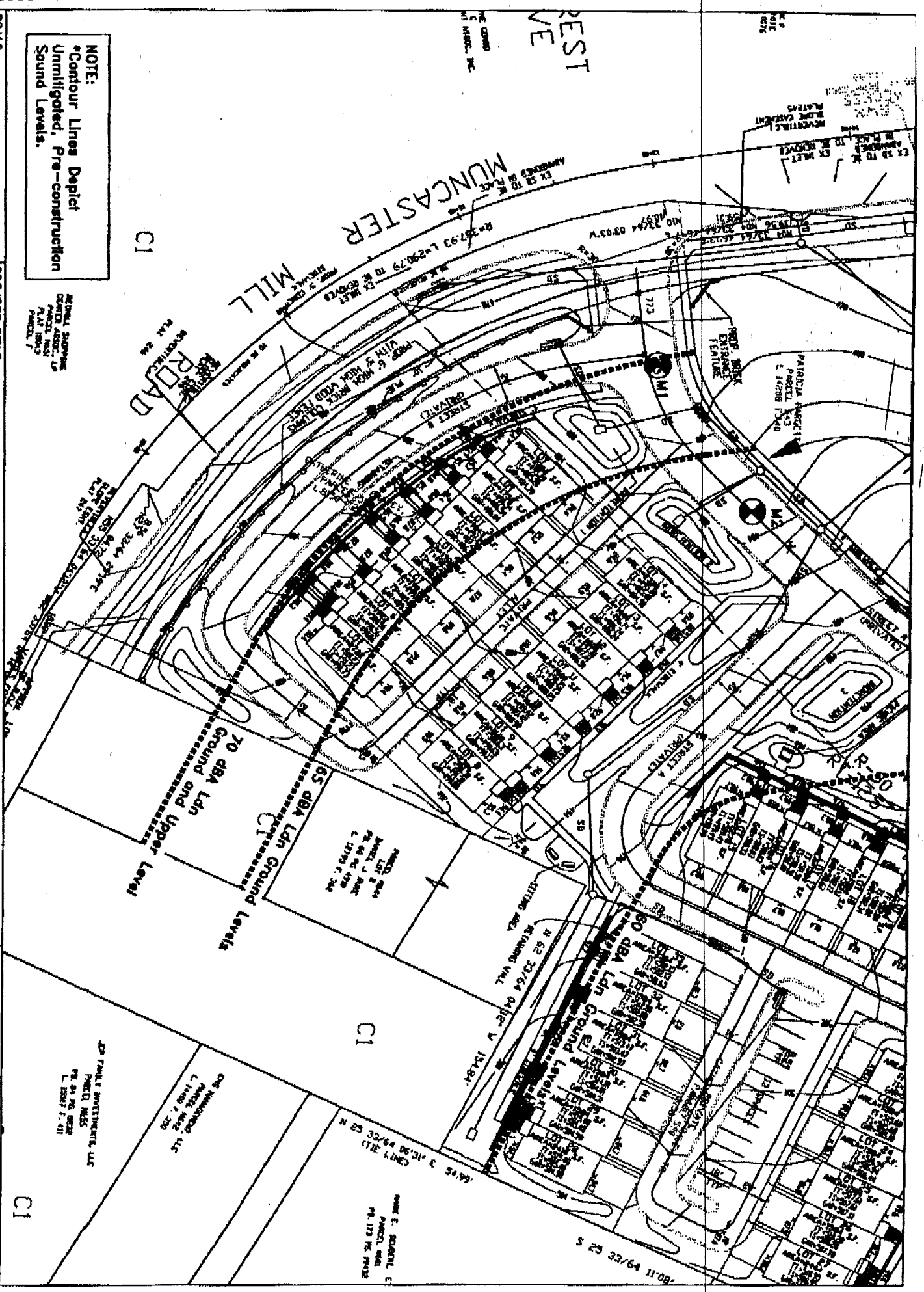
**NOTE:**  
 \*Contour Lines Depict  
 Unmitigated, Pre-construction  
 Sound Levels.

APPROXIMATE  
 CENTER POINT  
 OF THE  
 PROPERTY

SCALE: NTS  
 DRAWN BY: KSF  
 DATE: 06/26/2003

PROJECT TITLE:

**Fralley Property  
 2025 Noise Contours**



325 FRALLEY INVESTMENTS, LLC  
 PROJECT NO. 0028  
 L. 12/07 P. 411

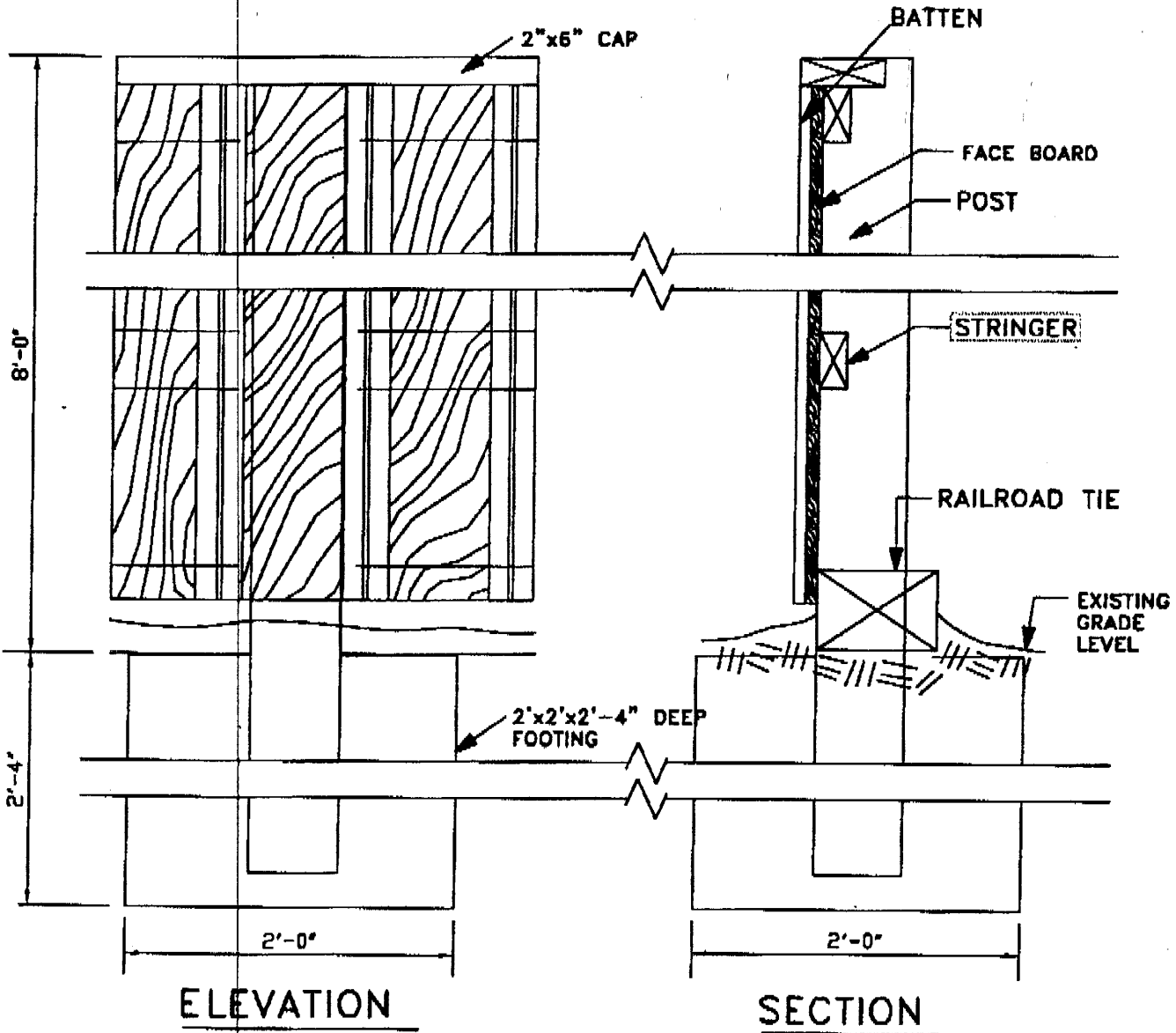
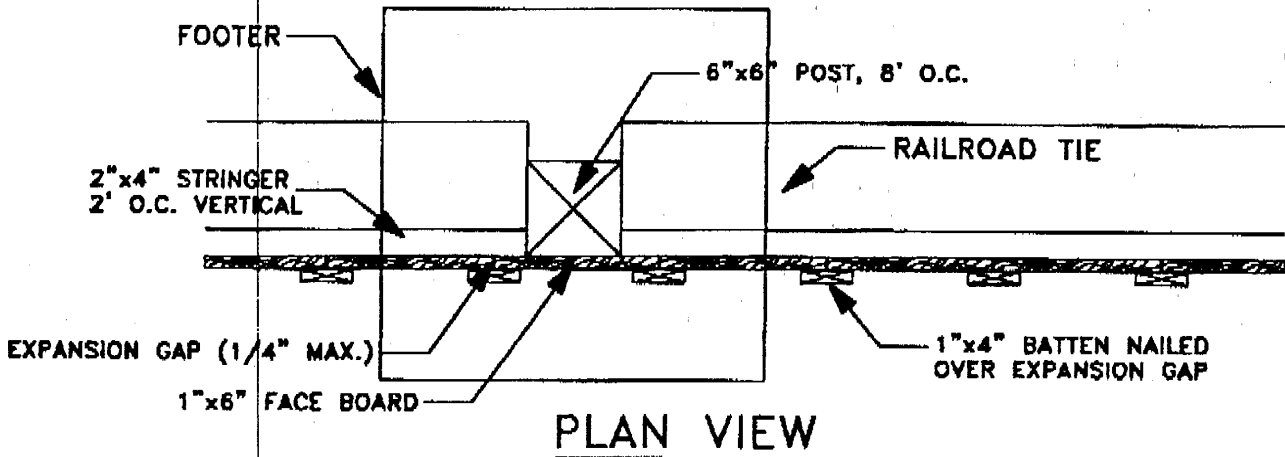
ONE INVESTMENTS, LLC  
 PROJECT NO. 0028  
 L. 12/07 P. 411

MARK E. SEARANT, C  
 PROJECT NO. 0028  
 P. 12/07 P. 411

NUMBER:  
**1**



NOTE: ALL LUMBER PRESSURE TREATED



SCALE: NTS  
 DRAWN BY: KSF  
 DATE: 08/29/2003

Frale Property  
 NOISE WALL  
 UP TO 8' HIGH

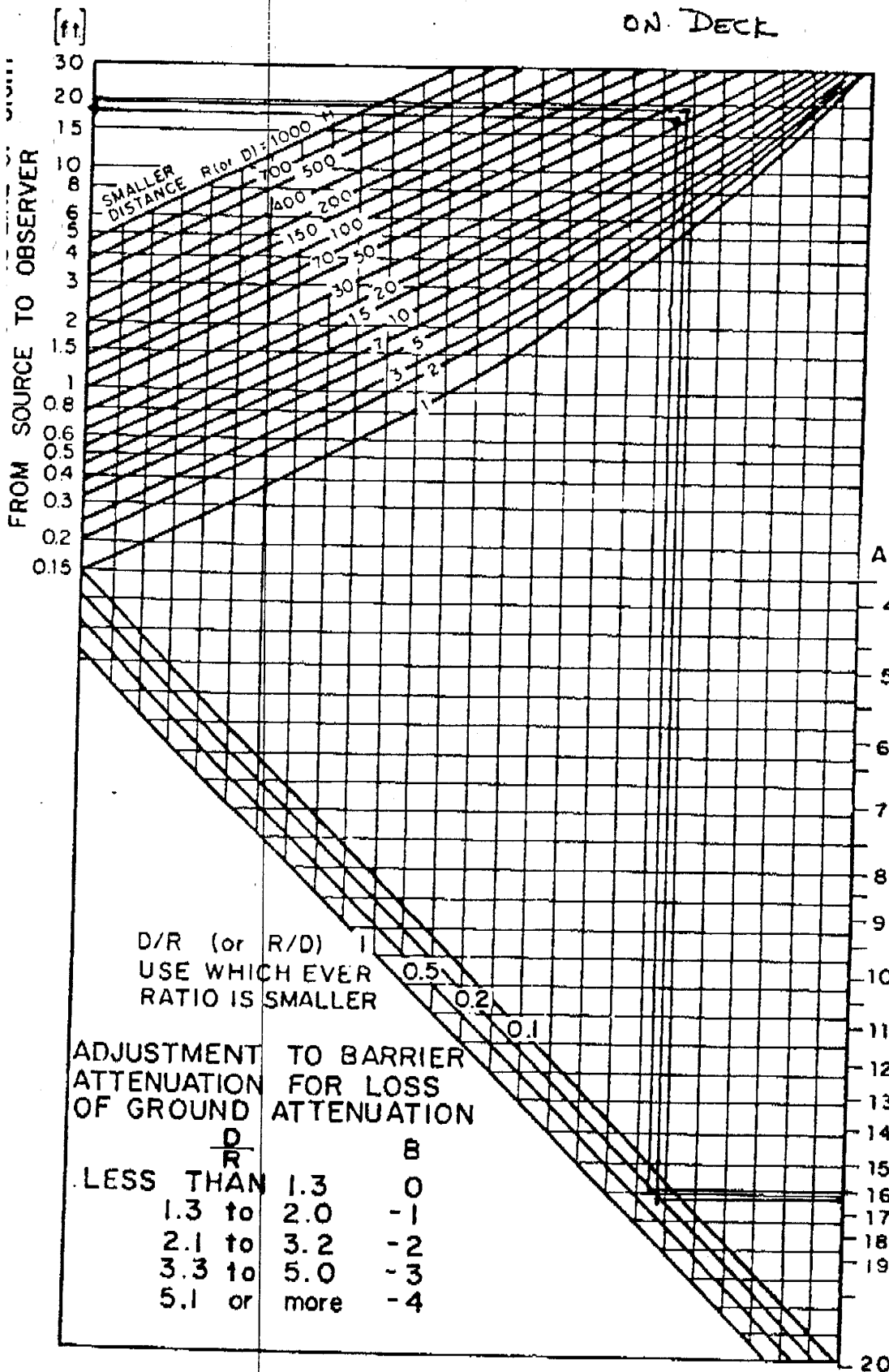


**POLYSONICS**  
 10076 Tyler Place, Suite #18  
 (Jameville, MD 21784)  
 (301) 874-2800

NOISEW\_2  
 3

**Vorkchart 6  
Noise Barrier**

**Townhouse Mitigation  
on Deck**



	Auto	HVY Tra
h=	18.4	17.4
R=	168.6	167.4
D=	36.2	37.0

BARRIER POTENTIAL PERFORMANCE (IF INFINITELY LONG)

	AUTO	HVY TRUCKS
	16.3	16.0
	- 0	- 0
	<u>16.3</u>	<u>16.0</u>

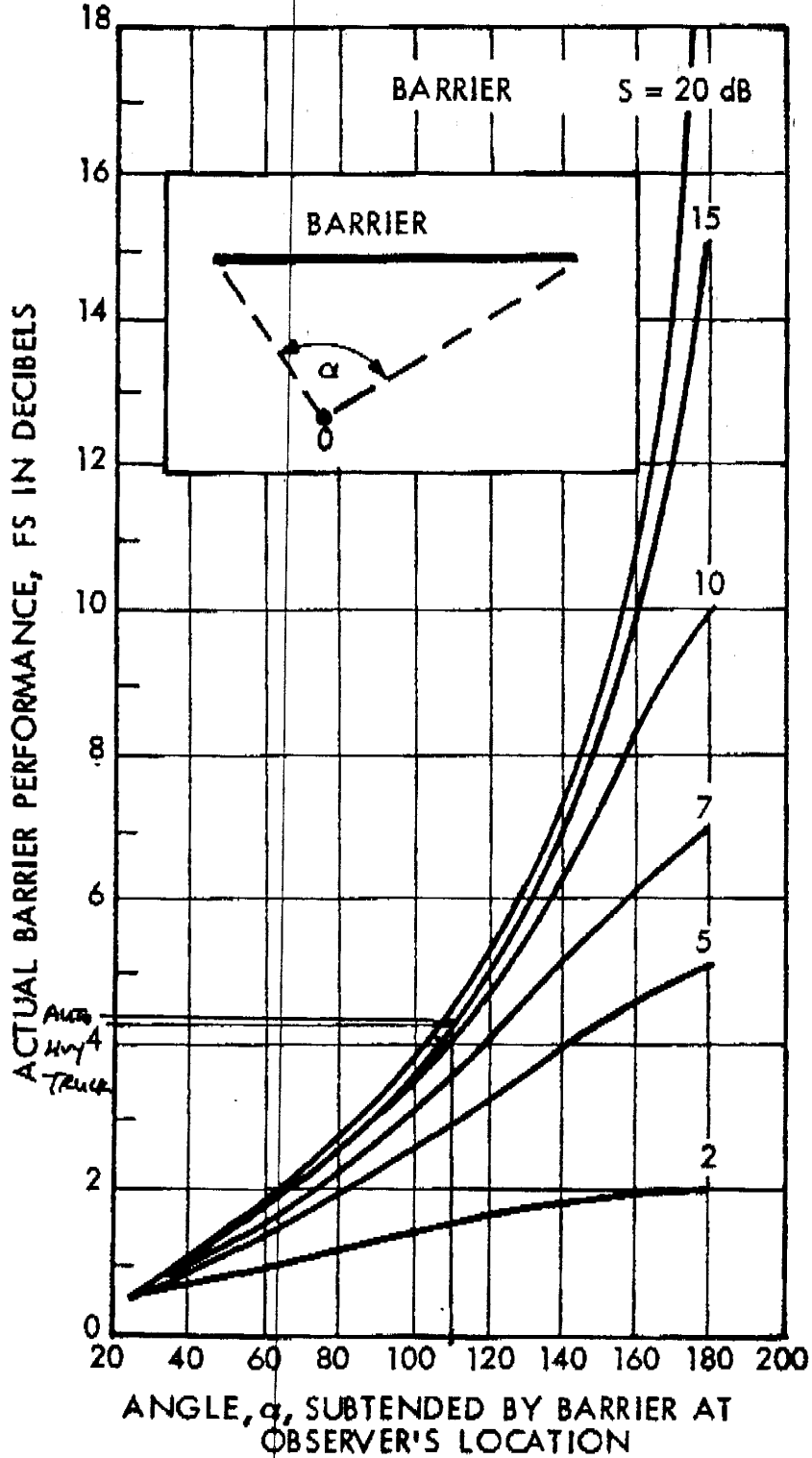
HVY TRUCKS  
Autos

Workchart 7

Townhouse Effect on Rear Yard/Deck Area

FS

(dB)



Correction to be applied to barrier potential in order to find the actual performance of the barrier of the same construction but of finite length.