

## MEMORANDUM

TO: Elsabett Tesfaye, Development Review

VIA: Mary Dolan, Environmental Planning *MD*

FROM: Michael Zamore, Environmental Planning *MZ*

DATE: September 6, 2005

SUBJECT: 1. Forest Conservation Plan: S-2648, Alpha House

2. Board of Appeals Special Exception Petition No. S-2648  
Alpha House, 14124 Seneca Road, Germantown.

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## STAFF RECOMMENDATIONS:

1. **Preliminary Forest Conservation Plan, S-2648, Alpha House**  
Environmental Planning staff recommends **approval** with the following conditions:
  - Afforestation requirements must be accommodated within parcel P655 unless this area is committed for use as a septic field for the adjacent property.
  - The Applicant must submit a Final Forest Conservation Plan (FCP) prior to Montgomery County Department of Permitting Services' (DPS) release of the sediment and erosion control permit. This plan must demonstrate full compliance with the requirements of Forest Conservation Law, Section 22A. A detailed Tree Save Plan prepared by an ISA certified arborist for the large trees on the northwestern portion of the site, and details of an offsite reforestation and planting plan shall be part of the FCP.
2. **Board of Appeals Petition No. S-2648, Alpha House**  
Environmental Planning staff recommends **approval**.

## Forest Conservation

The project has an approved Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)(No. 4-05225 issued February 23, 2005) and a Preliminary Forest Conservation Plan. There are no forests on the 8.17-acre tract. Individual trees onsite include 5 significant trees and 9 specimen trees, which will be retained. The conservation threshold is 2.04 acres and the reforestation threshold is 1.63 acres. The total afforestation/reforestation requirement is 1.63 acres. Section 22A-12(e) of the Forest Conservation law places a high preference on onsite planting to meet afforestation and reforestation requirements. There is a potential need for the likely onsite forest planting area (within the dashed line on parcel P655) to serve as a septic field for the adjacent property. This is in keeping with the 2002 Potomac Subregion Master Plan, which recommends that residential properties with excess capacity, adjacent to

commercial properties (e.g. Parcel 641) should be used for septic fields to serve these commercial properties. The potential for septic capacity on parcel P655 will be jeopardized if afforestation requirements are met there. The applicant should be allowed to meet afforestation requirements with offsite planting only if parcel P655 is committed for use as a reserve septic field for the adjacent property.

### **Environmental Guidelines**

This site is not located within a Special Protection Area. There are no forests, wetlands, streams or other sensitive environmental features onsite. All large trees onsite are being preserved.

### **Watershed Protection**

The property is in the Upper Muddy Branch subwatershed of the Muddy Branch watershed. The *Montgomery County Countywide Stream Protection Strategy* (CSPS, 1998) lists subwatershed, stream and habitat conditions as 'fair', based on data available at the time. Stream channels in the area are incised and bank stability is poor. There are visible signs of sediment deposition and embeddedness problems in the mainstem. These problems have resulted from high imperviousness and inadequate riparian buffers in the headwaters. Areas outside the City of Gaithersburg have been designated as Watershed Restoration Areas because of the need for restoration to address serious problems that have led to poor stream conditions.

### **Water and Sewer Availability**

Public water is available but there is no sewer service west of Jones Lane (and none is proposed). Any development in Darnestown has to be served by individual septic systems.

### **Air Quality and Other Issues**

The proposed use will generate no objectionable noise, vibrations, fumes or odor that will adversely affect surrounding users.

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**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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September 7, 2005

**MEMORANDUM**

**FROM:** <sup>CM</sup> Callum Murray, Potomac Team Leader  
Community-Based Planning Division

**TO:** Elsabett Tesfaye, Zoning Analyst  
Development Review Division

**SUBJECT:** Special Exception Application No. S-2648, Metropolitan Washington Orthodox Seniors Housing, Inc. (MWOSH) 14124 Seneca Road, Darnestown, Potomac Subregion Master Plan

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Community-Based Planning's comments on the above referenced special exception application and accompanying site development plan are as follows:

The applicant, Metropolitan Washington Orthodox Seniors Housing, Inc., (MWOSH), has petitioned for housing units and related facilities for senior adults in the RE-2 Zone on Parcels 708 and 655, at 14124 Seneca Road, Darnestown, in the Potomac Subregion. The application is accompanied by a site development plan for 35 units on 8.17 acres. The property is currently vacant with access from MD112 (Seneca Road), which is classified as an arterial highway.

The property is located within the Darnestown Village Center and within the area of the approved and adopted Potomac Subregion Master Plan of 2002. The Master Plan found that the previous combination of zoning and septic requirements precluded some desirable uses, such as a restaurant, and recommended an Overlay Zone for Darnestown Village designed to allow compatible uses in a rural village pattern. Its purpose was to retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses to serve the needs of the local community, including a restaurant, to provide opportunities for new and existing business expansion, and to keep the commercial area compact and low density.

Prior to the filing of the current application, planning staff realized that the boundary of the Rural Center Overlay Zone on the existing zoning map did not correspond with Map 25 on Page 100 of the Potomac Subregion Master Plan, and that Parcels 708 and 655 had been omitted, due to a mapping error. Planning staff made the property owner and their legal representative aware of their intent to file a Corrective Map Amendment to rectify this. On June 2, 2005, the Planning Board agreed to initiate a Corrective Map

Amendment to make a technical adjustment to have the zoning boundary correspond with the Potomac Subregion Master Plan. No objections were offered and the County Council will consider the Amendment in the Fall.

Specific Master Plan recommendations intended to create a cohesive, pedestrian friendly, rural center for the Darnestown community included the following:

- Allow residential properties adjacent to commercial properties to be used for septic fields (to serve the commercial properties) where recommended by the Master Plan.
- Apply the RE-2 / Country inn Zone to 11 acres on the east side of Seneca Road including parcels 708, 655 (the subject parcels) and parcel 641.

The Master Plan also recommends that a Class II bikeway (bike lane) be constructed along Seneca Road from Darnestown Road to River Road. Seneca Road already provides scenic and rural recreational rides for many on-road cyclists and is mentioned in several different cycling guides for the area.

The subject property has an existing special exception (S-2484) approved on April 8, 2002 for an assisted living group home for sixteen residents. The site development plan that accompanied that application left room at the northern end of the MWOSH site for parking or excess septic capacity for a future restaurant/tavern or country inn on the adjacent property (Parcel 641) to the north. To fulfill the objectives of the Potomac Subregion Master Plan, it is essential that the current petition do likewise.

The current site development plan (revised September 2, 2005) indicates "Possible future area for septic, +/- 1.0 acre available" on Parcel 655 and the northern portion of Parcel 708. The latest Forest Conservation Plan accompanying the application indicates "Possible / future septic field to serve adjoining parcel" in the same vicinity. It is important to note that, absent the necessity to provide reserve septic capacity for the adjoining parcel, the northern portion of the property would fall subject to reforestation requirements, thus the applicant is not being denied additional capacity.

The applicants (MWOSH) have taken part in extensive and amicable discussions with the Darnestown Civic Association (DCA) regarding the septic capacity issue and have agreed to assist in achieving the DCA goal of a successful Country Inn. (See Attachments). It appears to community planning staff that DCA has no objection in principle to the current application, as long as the goal of providing a restaurant or country inn in the adjacent property is not jeopardized. The parties have reached informal agreement on material points and it is anticipated that a future formal agreement will be forthcoming as a Declaration of Covenants.

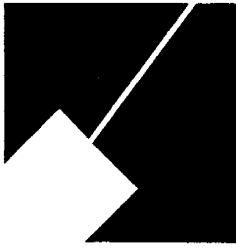
Community-Based Planning staff finds the site development plan to be in conformance with the Potomac Subregion Master Plan and recommends APPROVAL. Staff recommends that the applicant provide a sidewalk to accord with the Master Plan goal of a pedestrian friendly rural village. Although the Master Plan recommends a Class II bikeway on Seneca Road, facility planning by the State Highway Administration has not

yet been programmed and provision of a sidewalk linking the proposed senior housing with the village center is considered preferable to a fragment of a bike lane.

Community planning staff is encouraged by the progress towards an agreement between MWOSH and DCA and is aware that the Planning Board cannot force or enforce an agreement between private parties. Since the applicant has already complied with the staff request to reference the reserve septic capacity for the adjacent property on the amended site development and forest conservation plans, and since these plans are binding, there appears to be no need for an associated specific condition. If the special exception application is ultimately approved, the preliminary plan regulatory process will further address the septic capacity issue.

Attachments: DCA and MWOSH documents

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**MEMORANDUM**

Date: September 2, 2005

To: Elisabeth Tesfaye  
Community Based Planning Division

From: Taslima Alam *TBA*

Subject: Board of Appeals Petition No. S-2648

The subject property is an unrecorded parcel and requires a building permit for the construction of the new buildings. In the event of any new building or an increase in building square footage, conformance under Chapter 50 will be required prior to the issuance of any building permit.