

**CM MUNCASTER MILL, LLC  
CONDITIONAL USE NO. CU202407 AND  
PRELIMINARY FOREST CONSERVATION PLAN NO.  
F20230500**



**Description**

Request for Conditional Use approval to construct a (Design for Life) Townhouse Living community in the R-200 Zone.

No. CU202407

Completed: 12-22-2023

MCPB  
Item No. [X]  
December 21, 2023

2425 Reddie Drive  
Floor 14  
Wheaton, MD 20902

[Montgomeryplanning.org](http://Montgomeryplanning.org)

CM Muncaster, LLC, Conditional Use No. CU202407

## Planning Staff

*MAB*

Mark Beall, Zoning Planner IV, [Mark.Beall@montgomeryplanning.org](mailto:Mark.Beall@montgomeryplanning.org), (301)495-1330

*PB*

Patrick Butler, Chief, [Patrick.Butler@montgomeryplanning.org](mailto:Patrick.Butler@montgomeryplanning.org), (301)495-4561

### LOCATION/ADDRESS

7100 & 7106 Muncaster Mill Road,  
Rockville, MD 20855

### MASTER PLAN

2004 *Upper Rock Creek Master Plan*

### ZONE

R-200

### PROPERTY SIZE

4.46 Acres

### APPLICANT

CM Muncaster Mill, LLC

### ACCEPTANCE DATE

September 19, 2023

### REVIEW BASIS

Chapter 22A & 59

## HEARING EXAMINER PUBLIC HEARING

January 12, 2023



### Summary:

- Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner.
- Staff recommends approval of the associated Preliminary Forest Conservation Plan with conditions.
- The Proposal would allow for a (Design for Life) Townhouse Living use.
- Staff has not received any public correspondence as of the date of this Staff Report.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### CONDITIONAL USE NO. CU202407

Staff recommends approval of CM Muncaster, LLC, Conditional Use No. CU202407, for a Townhouse Living use, subject to the following conditions:

1. The use is limited to Townhouse Living and must meet all the Use Standards as defined in Section 59.3.3.1.b, with a maximum of 43 dwelling units.
2. A Preliminary Plan will be required prior to implementation of the Conditional Use, and it will include consideration of the following:
  - a. As part of the Preliminary Plan, the Applicant will provide a public access easement to accommodate non-vehicular bike and pedestrian movement along a paved trail to the northwest corner of the Subject Property to support to option of a future connection to Redland Road.
  - b. As part of the Preliminary Plan, the Applicant will provide public access easements to accommodate future connectivity to the adjacent property to the southeast via alleys A and B as well as along sidewalks parallel to Alleys A and B.
  - c. As part of the Preliminary Plan, the Applicant will upgrade the existing sidepath along Muncaster Mill Road to 11 ft. in width with a minimum 6-foot-wide street buffer.
  - d. As part of the Preliminary Plan, all proposed intersections must provide crosswalks and ramps across all four legs of the intersection.
  - e. As part of the Preliminary Plan process, the Applicant will continue to explore options with Planning Staff to extend a paved trail connection to Redland Road
  - f. The Applicant must enter into a Public Access Easement (PAE) at the time of Preliminary Plan (or Plat approval)

### FOREST CONSERVATION PLAN F20230500

1. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3 caliper inches totaling 67 caliper inches. Planting locations to be shown on the Final Forest Conservation Plan (“FFCP”). The Applicant must submit a Final Forest Conservation Plan (“FFCP”) for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for this Subject Property.
2. The Applicant must submit a Final Forest Conservation Plan (FFCP) for review and approval before obtaining a Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property.
3. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan.
4. The Applicant must provide ISA Certified Arborist Report and Tree Protection Measures at the time of the FFCP for all off-site or co-owned trees impacted by the project.

## SECTION 2: NEIGHBORHOOD & SITE DESCRIPTION

### VICINITY/NEIGHBORHOOD

The Subject Property delineated in the thick dashed line in Figure 1 below, is located at 7100 and 7106 Muncaster Mill Road, Rockville 20855. The Property is located in the 2004 *Upper Rock Creek Master Plan*.

To determine the compatibility of the proposed use with the surrounding area, it is necessary to delineate the “surrounding neighborhood,” which is the area that will be most directly impacted by the proposed use. Once delineated, Staff must assess the character of the neighborhood and determine whether the impacts of the proposed conditional use will adversely affect that character. As delineated in a thick solid line in Figure 1 below, Staff defined a neighborhood for purposes of analyzing this Conditional Use and its possible impacts on the character of the surrounding area. Staff determined the neighborhood based on properties that would be most impacted by the Conditional Use.

The neighborhood as defined is comprised of moderate-density residential development, high-density residential development, and a religious assembly use. The properties to the north, east and south are zoned R-200 and the properties to the west are zoned RT-12.5. The properties to the north and south are single family detached houses, the property to the east is a Religious Assembly use and the properties to the west are townhouses.

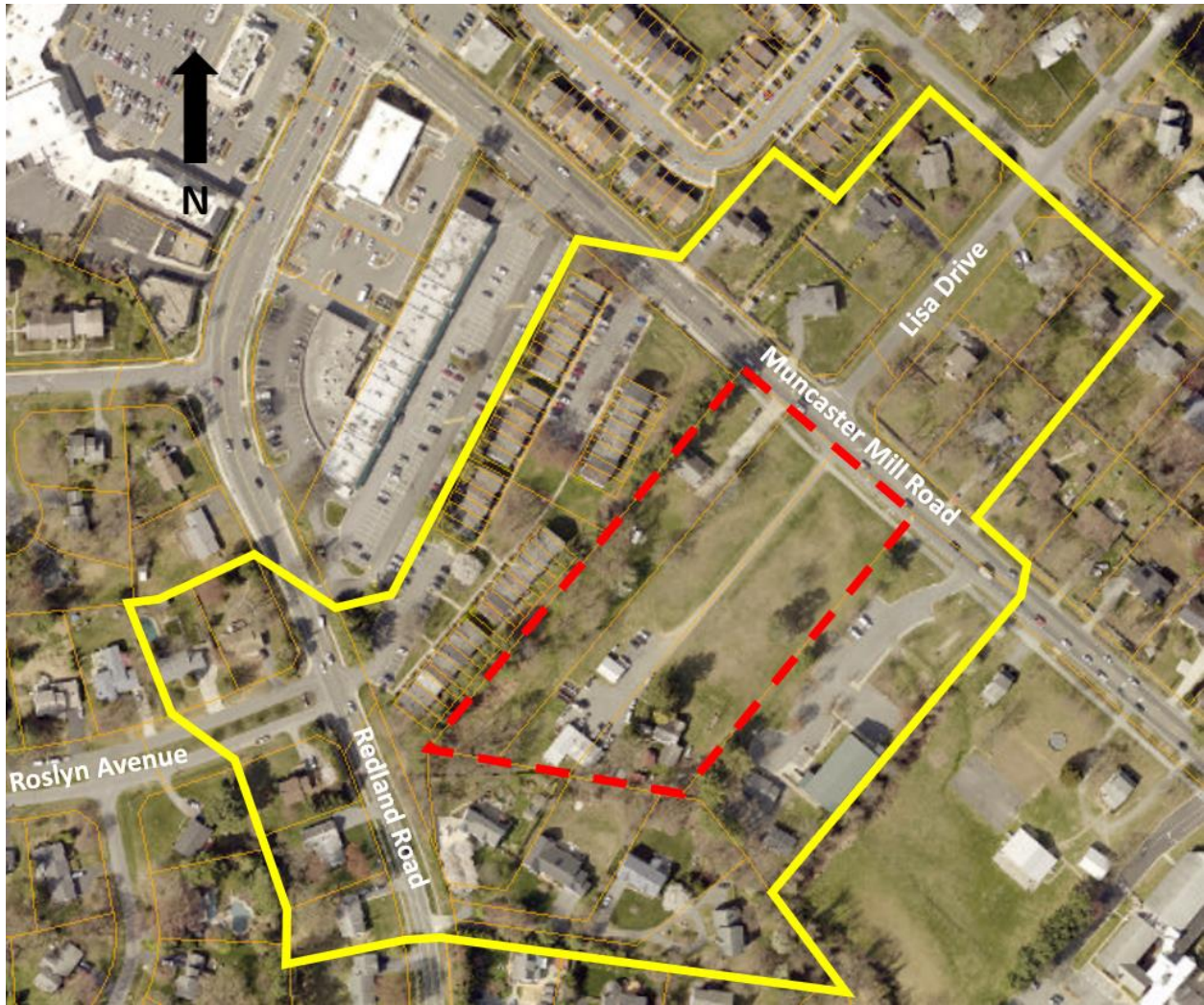


Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in yellow.

Staff did not identify any existing or approved conditional use/special exceptions within the defined neighborhood.

## PROPERTY DESCRIPTION

The Subject Property (outlined in a thick dashed line) is located at 7100 and 7106 Muncaster Mill Road, Rockville, consists of three parts of unrecorded tax lots and is zoned R-200. The parts of lots are identified as P13 (Tax ID 00117601), P13 (Tax ID 00117485), and P14 (Tax ID 00117496).

The Property consists of two existing single family detached houses, detached garages and sheds. The Property has existing access from Muncaster Mill Road to the northeast from two existing driveways. The Property has a high point in elevation at the western corner and flows downhill towards the east

corner of the Property. There are no streams, forests, or environmentally sensitive areas on the Property. The Property is mostly grass with sparse trees throughout.



Figure 2 – Subject Property

## SECTION 3: PROJECT DESCRIPTION

### PROPOSAL

The Applicant proposes a Conditional Use for Townhouse Living consisting of 43 townhouse units of which seven will be MPDU townhouses. The townhouses will meet the standards of “Design for Life” which is consistent with the Conditional Use requirements. The existing single family detached house and all the outbuildings will be demolished as part of this application. The Applicant is proposing one point of entrance and exit into the new development from Muncaster Mill Road across from Lisa Drive. All townhouse units will have a garage and driveway parking along with parallel parking spaces along the main entry street for guest parking. The Applicant is also proposing associated landscaping and lighting throughout the subdivision. The proposed development will also include an open mews area between two of the sticks of townhouses as well as a publicly accessible park to the rear of the Property which includes seating areas and a multi-age playground.

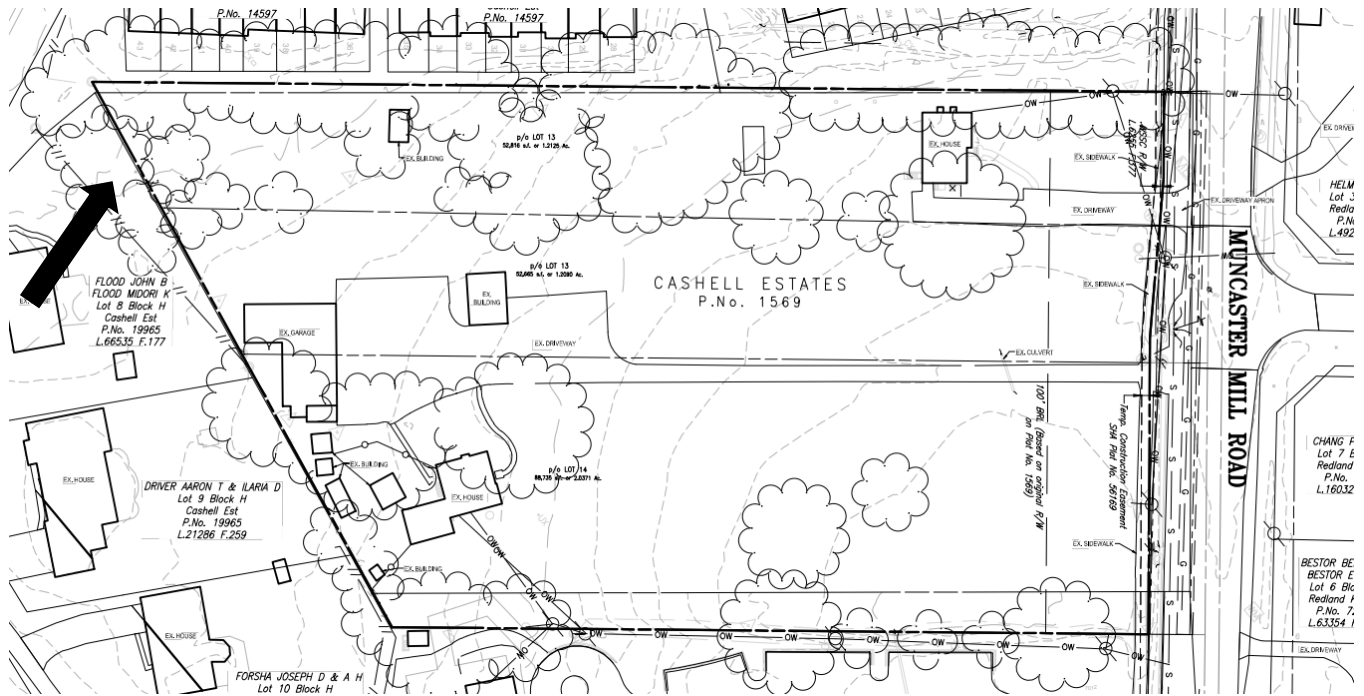


Figure 3: Existing Site Conditions

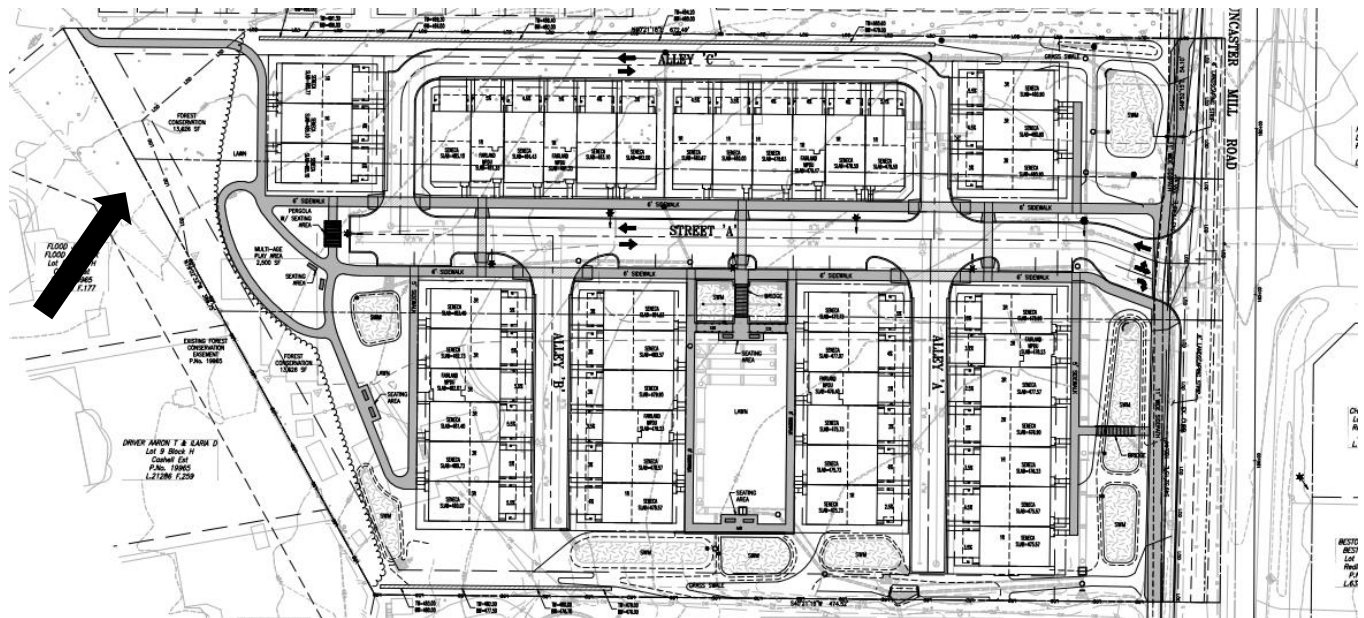


Figure 4: Proposed Site Layout



## FOREST CONSERVATION

The Application is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) under Section 22A-4(b) a person required by law to obtain approval of a special exception or a conditional use, or a sediment control permit on a tract of land 40,000 square feet or larger, and who is not otherwise required to obtain an approval under subsection (a). The Applicant submitted a Preliminary Forest Conservation Plan in compliance with Chapter 22A.

## SECTION 4: COMMUNITY CORRESPONDENCE

As of the date of this Staff Report, Staff has not received any letters of correspondence from the community.

## SECTION 5: ANALYSIS AND FINDINGS

### CONDITIONAL USE NO. CU202407

***Per Section 59.3.3.1.2.b, where Townhouse Living is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [7.3.1](#), Conditional Use, and the following standards:***

- i. All buildings and structures must meet or exceed the Level II Accessibility Standards established by Section [52-106](#) and detailed in Section [52-107](#).***

All units will meet or exceed the Level II Accessibility Standards established by Section 52-18T, detailed in Section 52-18U, before the issuance of building permits. Verification of compliance will be provided to the Montgomery County Department of Permitting Services inspectors before issuance of Use & Occupancy Permits.

- ii. Public bus service must be available on a road abutting the site***

Public bus service is provided along Muncaster Mill Road. Specifically, Montgomery County Ride-On Route 53 provides weekday rush hour service between the Shady Grove and Glenmont Metro Stations by way of Olney.

- iii. A Metro Station must be within 2 miles of the site.***

The Subject Property is located within two miles of the Shady Grove Metro Station and is accessible by both Ride-On bus and by private vehicle. The Property is 1.92 miles from the Shady Grove Metro entrance in a straight line as a “crow flies”.

**iv. Public recreation or park facilities must be within 1,000 feet of the site.**

The on-site park, which includes a playground, will be available to the residents of the community and public through a Public Access Easement (“PAE”) that will be recorded by the Petitioner. The PAE will be finalized at the time of Preliminary Plan, prior to plat recordation.

**v. A grading plan must demonstrate that the post-construction site will have a slope less than 5%.**

The submitted grading plan with the Application verifies that the maximum slope will be at or less than 5% post-construction of the Subject Property.

**vi. The minimum tract size is 2 acres.**

The tract area is 4.46 acres.

**vii. The density limitations and development standards of the TMD zone under optional method (Section [4.4.12.C](#)) apply in spite of any other limitation in this Chapter.**

The Application meets the density limitations and development standards of the TMD zone under the Optional Method as demonstrated in Table 1.

**viii. Reducing the number of required parking spaces through a parking waiver under Section [6.2.10](#) is prohibited.**

The Applicant is providing the required number of parking spaces onsite and is not requesting a parking waiver.

**ix. A minimum of one parking space for each dwelling unit must satisfy the dimensional standards for handicapped-accessible vehicle parking and a minimum 8-foot-wide access aisle required by the State.**

Each dwelling is providing one handicapped-accessible parking space, including an 8-foot-wide access aisle in each unit’s integrated garage.

**General Standards**

**1. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:**

**a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended.**

The Property does not have any previous approvals therefore this Section does not apply.

**b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6;**

**i. Use Standards for Townhouse Living- Section 59.3.3.1.D.2.b.**

The proposed Townhouse Living satisfies the use standards in Section 59.3.3.1.D.2.b., as describe above.

**ii. Development Standards**

The Property is in the R-200 zone, which allows a Townhouse Living as a Conditional Use. Per the Conditional Use requirements, the project complies with all the standards for townhouses in the TMD zone, Optional Method Section 59.4.4.12.C, as shown in the Development Standards Table below.

*Table 1: Development and Parking Standards using TMD Standards as required for this Conditional Use*

<b>Development Standard Section 59.4.4.12.C</b>	<b>Permitted/ Required</b>	<b>Existing/Proposed</b>
Minimum Lot Area	800 sq. ft.	1,300 sq. ft.
Minimum Lot Width at Front Building Line	n/a	n/a
Minimum Lot Width at Front Lot Line	14 ft.	20 ft.
Maximum Density	12.10 units/acre	10.4 units/acres
Maximum Lot Coverage	n/a	n/a
Minimum Front Setback	4 ft.	5 ft.
Minimum Side Setback	n/a	5 ft.
Minimum Sum of Side Setbacks	n/a	n/a
Minimum Rear Setback	4 ft.	4 ft.
Maximum Height	40 ft.	40 ft.
<b>Vehicle Parking Requirement (Section 59.6.2.4.B)</b>	2 spaces/dwelling unit (43X2+86 spaces)	86 spaces

iii. **General Requirements**

**(1) Access**

The Application will provide one new access point on Muncaster Mill Road, MD 115, for vehicular and pedestrian access opposite the existing Lisa Drive intersection. Access will be adequate to support the proposed use. Access to the proposed public park will be finalized at the time of Preliminary Plan prior to plat recordation.

**(2) Parking, Queuing and Loading**

The townhouse use requires two parking spaces per dwelling and the Townhouse Living Use Standards (59.3.3.1.b.ix) require a minimum of one parking space for each dwelling unit that satisfies the dimensional requirements for handicapped-accessible vehicle parking and a minimum 8 foot wide access aisle required by the State. A minimum of two spaces is provided for each dwelling, with two parking spaces provided for each unit within the garage and driveway, for a total of 86 parking spaces. An additional 10 guest spaces will be provided on-street along Street A. Queuing and loading for all dwellings will be adequate along the proposed 20 foot wide alleys, adequate to carry all personal vehicle traffic as well as expected service vehicles such as trash trucks. As this is a residential use, no commercial loading is anticipated.

**(3) Open Space and Recreation**

This Conditional Use application proposes outdoor amenity spaces for the residents as well as the public. There will be a large lawn area at the center of the site with seating areas. Also, there will be public park towards the south end of the project with a multi-age play area and seating area.

**(4) Lighting**

The Subject Property does abut properties with residential detached houses however the photometric plans indicate that illumination will not exceed 0.1 footcandles at any lot line that abuts a lot with a detached house. In addition, there will be a Forest Conservation Easement between the onsite lighting and the residential detached houses.

**(5) Screening**

The property to the east is zoned R-200 but is improved with a religious assembly use, however the Applicant is providing additional screening along the property boundary per the landscape plans. The properties to the south are improved with residential detached houses. The Applicant is proposing a Forest Conservation Easement (FCE) adjacent to the existing FCE on the abutting properties as well as providing additional screening per the landscape plans.

**(6) Signage**

The Applicant is not proposing any signage with this application but understands that signage must meet the requirements of Chapter 59.

c) ***substantially conforms with the recommendations of the applicable master plan;***

The Site is located within the 2004 *Upper Rock Creek Master Plan* area. There are no specific recommendations in the Master Plan for this site. The Master Plan does express the need for additional housing as well as affordable housing or assistance with diverse housing needs such as elderly as well as the physically disabled. The proposed use substantially complies with the Master Plan by providing 43 new townhomes, seven of which will be MPDU's.

d) ***is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan; The proposal is harmonious with, and will not alter the character of, the surrounding neighborhood.***

The proposed townhouses are compatible with the residential character of the surrounding neighborhood, and the open space at the western end of the site provides an appropriate buffer to the adjacent single-family residential uses. The architectural styles will be like single-family residential uses. Also, the Applicant is proposing townhouses and the properties to the west are townhouses. Landscaping along Muncaster Mill will provide screening for the roadway, and building materials will be in keeping with the nearby residential properties.

e) ***will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

There are no other Conditional Uses or Special Exceptions in the neighborhood. The intent of the Conditional Use for the property will not alter the residential nature of the area and will adhere to the recommendations of the Master Plan.

- f) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:**
- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or**
  - ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and**

The Project will require submittal of a subsequent Preliminary Plan application and the Planning Board will determine the adequacy of the public facilities at that time.

### **(1) Transportation**

#### *Master-Planned Roadways*

The Subject Property fronts Muncaster Mill Road, identified in the 2022 Complete Streets Design Guide and 2018 Master Plan of Highways and Transitways as a Town Center Street north of Lisa Drive and an Area Connector south of Lisa Drive. In both sections, the recommended right of way is 80 feet.

#### *Master-Planned Bikeways*

The 2018 Bicycle Master Plan recommends a sidepath along the frontage of Muncaster Mill Road. The existing 8 to 10 ft. wide sidepath will be upgraded to 11 ft. in width as part of this Application.

#### *Pedestrian Facilities*

All internal roads will have 6 ft. wide sidewalks on both sides of the street. Sidewalks will be extended from Street A to provide pedestrian access to the fronts of all proposed dwellings. A small recreational paved trail network is proposed along the western edge of the Property.

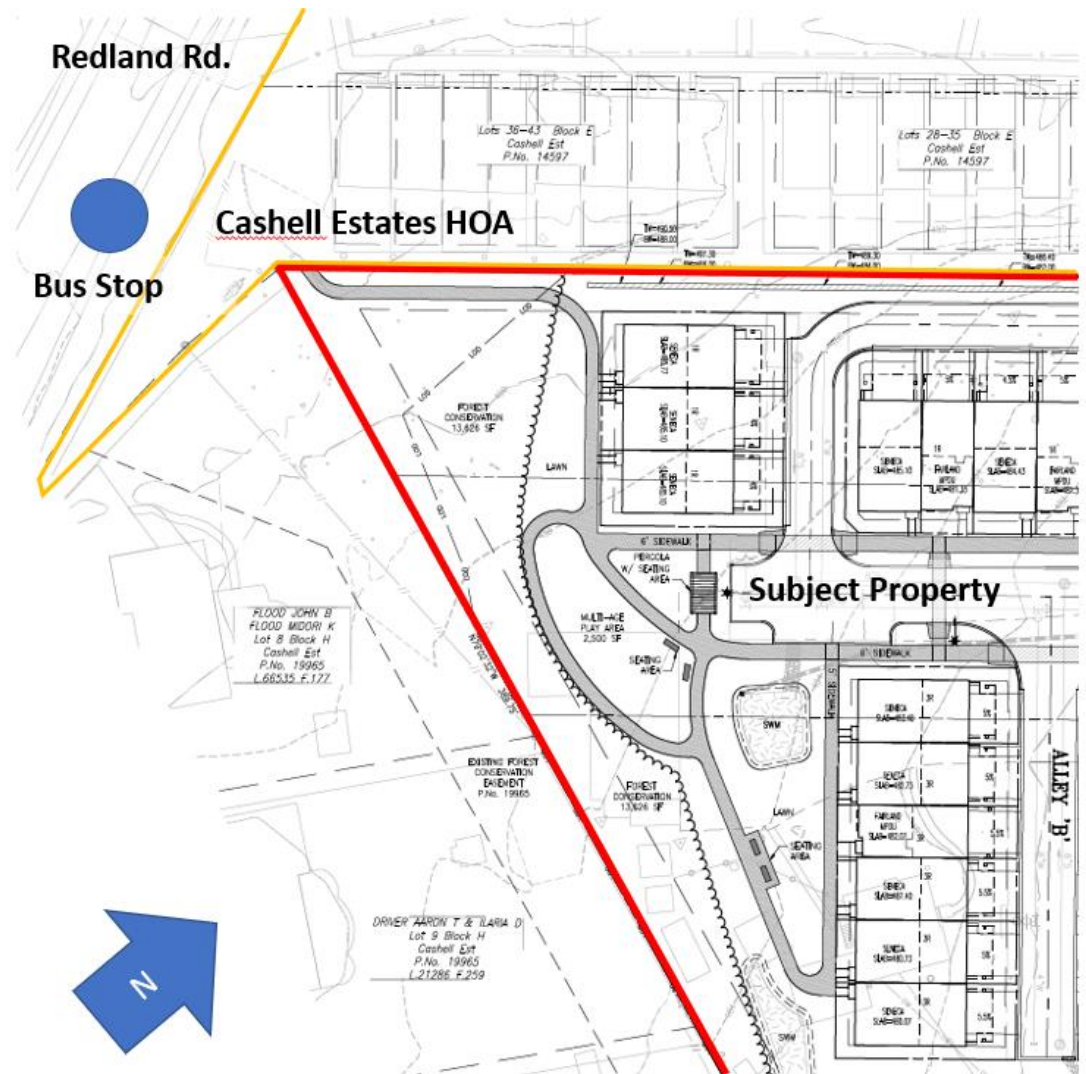


Figure 5: Southwest Corner of Site

An extension of this trail is proposed into the western corner of the site closest to Redland Road (Figure 5), with details to be determined as part of the Preliminary Plan Process. This is to accommodate potential future connectivity to Redland Road, with a public access easement to be provided as part of the Preliminary Plan. A small corner of communally owned property by the neighboring Cashell Estates HOA (outlined in lighter shaded line) separates the Subject Property (outlined in darker shaded line) from Redland Road. Conversations are ongoing with the HOA to explore options for connectivity across this portion of property, to be determined as part of the Preliminary Plan process. If found to be agreeable by the HOA, the Applicant will provide the paved connection. This connection is important to pursue for the community to

access Redland Road, in particular the nearby bus stop which serves the Ride On 53 and 57 bus lines, both providing access to Shady Grove Metro and points beyond. Without this link, riders from the Application must walk an additional 1/3 mile, or 6 minutes, to access the stop, a significant hurdle for all users, particularly those with mobility impairments. Bus riders from the community may instead be forced to rely on the 53 line only, which provides a stop along Muncaster Mill Road fronting the Subject Property, which only operates peak weekday hours, with a limited frequency of every 50 minutes, or for individuals with mobility challenges, rely on more expensive and inconvenient dial-a-ride services. Staff will continue to work with the Applicant and Cashell Estates HOA to explore options to provide this connection.

*Transit Service*

As discussed previously, the Ride On 53 bus has a stop approximately 80 ft to the northwest on Muncaster Mill Road. This line connects Shady Grove Metro station to Glenmont Metro station via Redland and Olney and extensive extensions in between. However, the service only operates during peak weekday hours at a limited frequency of every 50 minutes, and does not operate on weekends. The nearby 57 bus offers more frequent (every 25 minutes during weekday peak hours) all-week service, early morning and late evening service. However, as noted, this route is difficult to access without a direct connection to Redland Road.

*Local Area Transportation Review*

The Application was reviewed under the 2020-2024 Growth and Infrastructure Policy and associated 2023 Local Area Transportation Review (LATR) Guidelines. Projects that generate fewer than 50 weekday peak-hour person trips are exempt from the requirement to perform a Transportation Exemption Study. The proposed use will consist of 43 townhomes which as demonstrated on the Applicant’s Transportation Exemption Statement, dated May 8, 2023, will generate 23 AM net-new person trips during the morning weekday peak hour, and 30 net new person trips during the evening weekday peak hour, below the 50 peak hour person trip threshold. Therefore, the Application is exempt from additional LATR review.

LATR Trip Generation						
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total



Existing ITE– 215 (2 Single Family Detached Housing) – Trip Credit	0	2	2	2	1	3
Proposed ITE– 210 (43 Townhomes)	5	12	17	13	9	22
Total Vehicle Trips Per ITE 11 <sup>th</sup> Edition	5	10	15	11	8	19
Policy Area Adjustment Factor (Derwood – 94%)						
Total LATR Adjusted Vehicle Trips Per ITE 11 <sup>th</sup> Edition (Auto Driver at 61%)	5	9	14	10	8	18
Adjusted Vehicle Driver Rates			11			14
Auto Passenger			6			8
Transit			1			2
Non-Motorized (Bike)			2			2
Pedestrian (Transit + Bike)			3			4
<b>Total Person Trips</b>			<b>23</b>			<b>30</b>

Table 2: Trip Generation for the Proposed Use

\*Trip generation rates are based on the ITE Trip Generation Manual, 11th Edition and adjusted as detailed in the 2023 LATR guidelines. Figures are rounded to nearest whole number. Source: The Traffic Group Local Area Transportation Review – May 8<sup>h</sup>, 2023

**(2) Schools**

The Application appears to be in accordance with the Subdivision Staging Policy, however this will be confirmed at the time of Preliminary Plan.

**(3) Other Public Facilities**

The Property is located within water and sewer categories W-1 and S-1 and is serviced by existing water and sewer. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission (“WSSC”) through connection to the existing water and sewer lines. Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy in effect at the time that the Application was submitted.

**g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:**

- i. ***the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
- ii. ***traffic, noise, odors, dust, illumination, or a lack of parking; or***
- iii. ***the health, safety, or welfare of neighboring residents, residents, visitors, or employees.***

This finding requires consideration of the inherent and non-inherent adverse effects of the proposed use on nearby properties and the general neighborhood. Section 59.1.4.2 of the Zoning Ordinance defines inherent adverse effects as “adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.” Inherent adverse effects, alone, are not a sufficient basis for denial of a conditional use.

Non-inherent adverse effects are defined as “adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.” Non-inherent adverse effects are a sufficient basis to deny a conditional use, alone or in combination with inherent effects, if the adverse effect causes “undue” harm to the surrounding neighborhood. When analyzing whether impacts are inherent or non-inherent, the following must be examined: the size, scale, scope, light, noise, traffic and environmental effects of the proposed use.

The following are physical and operational characteristics necessarily associated with a Townhouse Living use:

- Outdoor amenity space for use by residents and visitors: As noted, the proposed townhouse community includes an onsite park which includes a playground and will be available to the public. Significant traffic to the proposed park is not anticipated due to the proximity to larger park facilities including Redland Local Park, Mill Creek Towne Local Park and Laytonia Recreational Park. Furthermore, the proposed park will be screened from adjacent residential detached houses by the proposed Forest Conservation Easement.
- Street lighting: As shown on the photometric plan, in conformance with the requirements of Sections 59.6.4.4, the lighting for the project will fall to 0.0 footcandles before the property lines abutting the residential uses.
- Traffic to and from the site: The Applicant’s traffic statement confirms the project is anticipated to result in a minimal amount of traffic.
- Trash and delivery trucks: the Property will only be served by regular trash and recycling pick-up and delivery trucks such as FedEx and UPS trucks.

Staff did not identify any non-inherent characteristics of the proposed use

The proposed use will not cause undue harm to the neighborhood as a result of non-inherent adverse effects alone or the combination of inherent and non-inherent adverse effects.

- 2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.**

The Applicant is proposing residential townhouses with this project. The proposed townhouses will be similar in nature to the existing townhouse to the west of the project that are zoned RT-12.5 which have a maximum height of 35 feet. The proposed townhouses are slightly taller than the existing neighboring townhouses at 40 feet maximum, but the grade elevation is lower to accommodate for the additional height. The surrounding R-200 zone would allow for the surrounding houses to have a maximum height 40 to 45 feet based on the lot sizes. Also, the Applicant has the proposed townhouses closer to the existing townhouses and further away from the existing single-family detached houses on the abutting lots.

- 3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.**

The use is compatible with the nearby properties and the staff recommends approval with conditions.

- 4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.**

This Section is not applicable to this application.

- 5. The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:**

- a) Filling Station;**
- b) Light Vehicle Sales and Rental (Outdoor);**
- c) Swimming Pool (Community); and**

- d) ***the following Recreation and Entertainment Facility use: swimming pool, commercial.***

This Section is not applicable to this application.

6. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) ***Funeral Home; Undertaker;***
- b) ***Hotel, Motel;***
- c) ***Shooting Range (Outdoor);***
- d) ***Drive-Thru***
- e) ***Landfill, Incinerator, or Transfer Station; and***
- f) ***a Public Use Helipad, Heliport or a Public Use Helistop.***

This Section is not applicable to this application.

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## **PRELIMINARY FOREST CONSERVATION PLAN NO. F20230500**

***All Forest Conservation Law, Chapter 22A requirements are satisfied.***

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of variance trees. The Forest Conservation Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

### **Natural Resource Inventory/Forest Stand Delineation Plan**

The Property has two Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420221860 was approved on January 26, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The Subject Property is located within the Rock Creek watershed, classified as a Use Class IV-P by the State of Maryland.

The Subject Property contains 0.29 acres of forest. In addition, there are numerous specimen trees both on-site and adjacent to the Subject property that have a diameter breast height (“DHB”) of 30 inches or more. The Subject Property does not contain any streams, wetlands, floodplain, or stream valley buffer.

## **Forest Conservation Plan**

The Applicant has submitted a Preliminary Forest Conservation Plan No. F20230500 (“PFCP”) (Attachment A) for concurrent review with the development plan application for Conditional Use Plan No. CU202311. The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned R-200 and is assigned a Land Use Category of High Density Residential (“HDR”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The Net Tract Area for forest conservation purposes is the 4.46 acres. There is a total of 0.29 acres of existing forest on the Subject Property with the Applicant proposing to remove all 0.29 acres of forest. This results in a total afforestation/reforestation requirement of 0.96 acres within the same watershed/Priority Area or 1.10 acres outside of the same watershed/Priority Area. The Applicant proposes to meet the planting requirement offsite.

## **Forest Conservation Variance**

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

## **Variance Request**

The Applicant submitted a variance request in a letter dated December 21, 2023 (Attachment B). The Applicant proposes to remove five (5) and impact five (5) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 3).

In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship because the project is being developed with Design for Life standards to create a community with accessibility standards. With the Design for Life accessibility standards, the entire site has been designed to meet ADA standards, such as zero front door threshold and sidewalks with less than 5% running slope and 2% cross slope. These additional ADA accessibility requirements limit the flexibility of layout design and grading. In order for the site to accommodate traditional zoning standards and

requirements such as stormwater management and pedestrian circulation, along with Design for Life practices, specimen tree impacts are necessary.

To treat stormwater from the site, micro-bioretenion and landscape infiltration facilities are proposed for the lower elevations along the eastern portion of the site. The topography limits suitable locations for SWM facilities and necessitates impacts to offsite trees adjacent to this area.

In the south-western portion of the site, Tree 10 is impacted by a proposed sidewalk connection to Redland Road. This area is bordered by existing town homes to the west and a proposed area of reforestation to the east. To maintain these areas, and create a pedestrian connection to Redland Road, Tree 10 must be impacted.

Along the western edge of the site, a number a of trees are impacted by Alley 'C'. This alley is needed to facilitate rear loading units and to allow the proposed townhomes to front on Street 'A'. These streets and alleys must be at least 20 feet wide to avoid fire access related height restriction for the proposed townhouses and to allow fire truck access to all portions of the site. This requirement further limits flexibility for the design. Along with the alley and road restrictions, each dwelling unit must have two parking spaces for residents. This requirement means the driveways must be at least 20 feet long to accommodate a parked vehicle in addition to the garage space.

Staff has reviewed this Application and based on the existing conditions on the Subject Property and has determined that there is an unwarranted hardship.

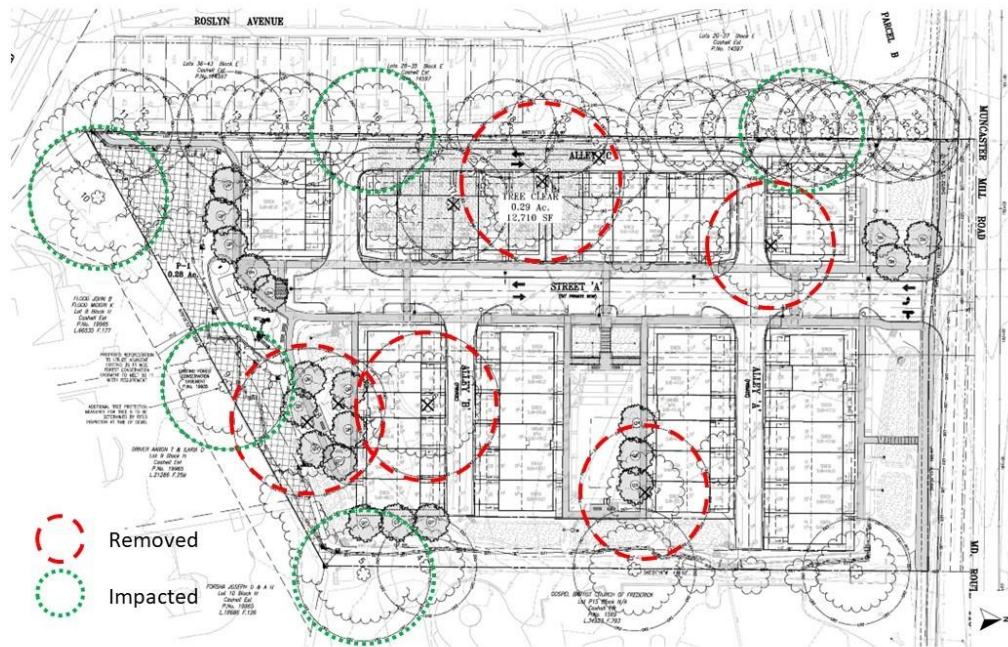


Figure 8: Proposed Variance Tree Impacts

## **Variance Findings**

The following determinations are based on the required findings for granting of the requested variance:

**1. Will not confer on the applicant a special privilege that would be denied to other applicants.**

Granting the Variance will not confer a special privilege on the Applicant as the impacts are due to necessary development requirements of the site. These impacts cannot be avoided. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.

**2. Is not based on conditions or circumstances which are the result of the actions by the applicant.**

The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested Variance is based on existing site conditions and the requirements to meet development standards.

**3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.**

The requested Variance is a result of the existing conditions and proposed improvements, not as a result of land or building use on a neighboring property.

**4. Will not violate State water quality standards or cause measurable degradation in water quality.**

The Variance will not violate State water quality standards or cause measurable degradation in water quality.

### **Mitigation for Trees Subject to the Variance Provisions**

Staff recommends that mitigation for the loss of the specimen trees be provided onsite. Mitigation should be at a rate that approximates the form and function of the tree removed. Staff recommends that replacement occur at a ratio of approximately 1-inch caliper for every 4-inch DBH removed ( $268 \times .25 = 67$ ). Mitigation for the removal of the five (5) trees must be provided in the form of native canopy trees with a minimum size of three (3) inches in diameter at breast height. While these trees will not be as large as the tree lost, they will provide some immediate canopy and will help augment the functions lost.

### **Recommendation on the Variance Request**

Staff recommends approval of the Variance Request

## SECTION 6: CONCLUSION

The proposed conditional use complies with the findings require for approval of a Townhouse Living Use, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 2004 *Upper Rock Creek Master Plan*, will not alter the residential character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner. Staff also recommends approval of the Preliminary Forest Conservation Plan.

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### ATTACHMENTS

Attachment A: Preliminary Forest Conservation Plan

Attachment B: Conditional Use Plan

Attachment C: Agency Approvals

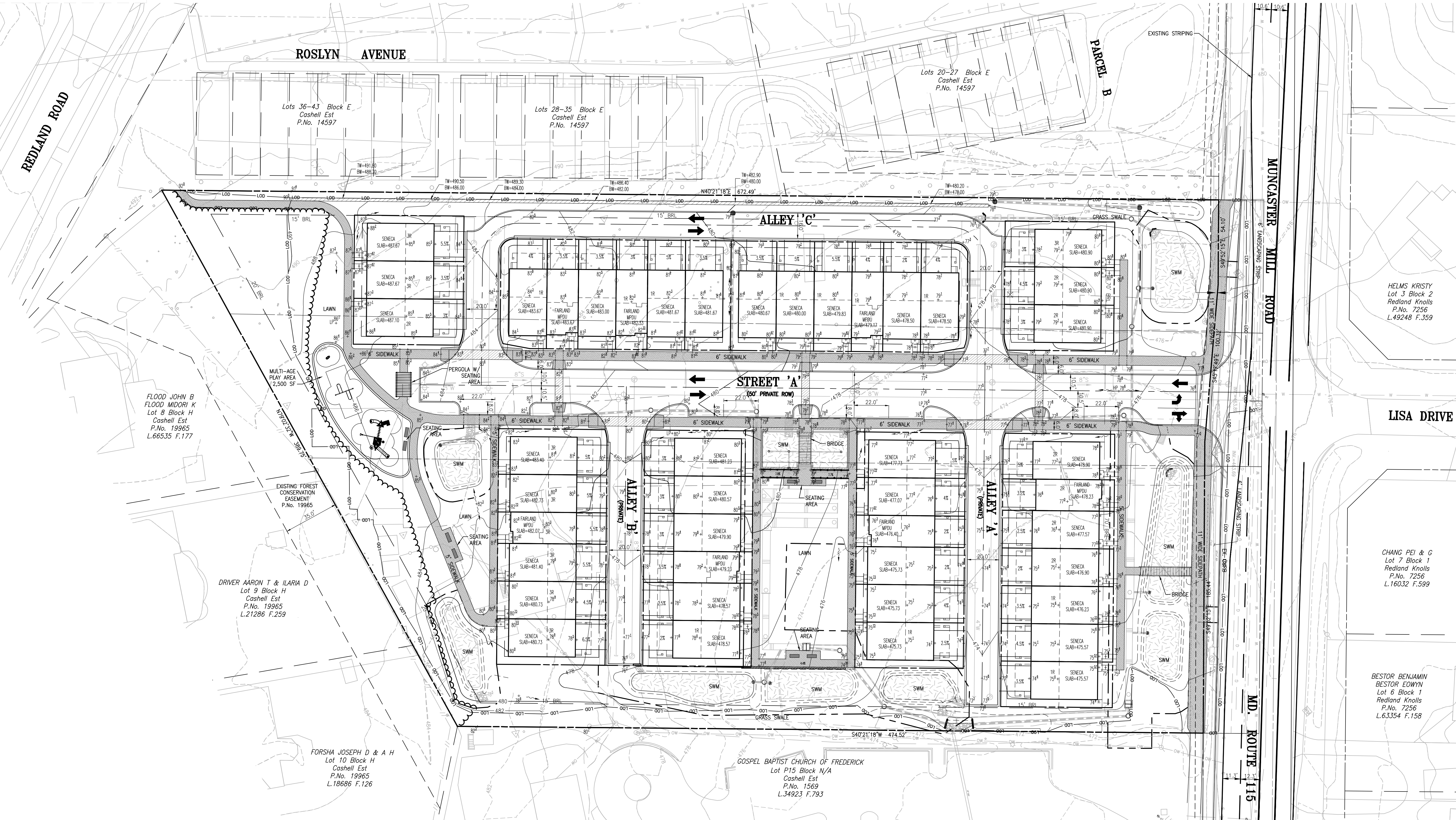
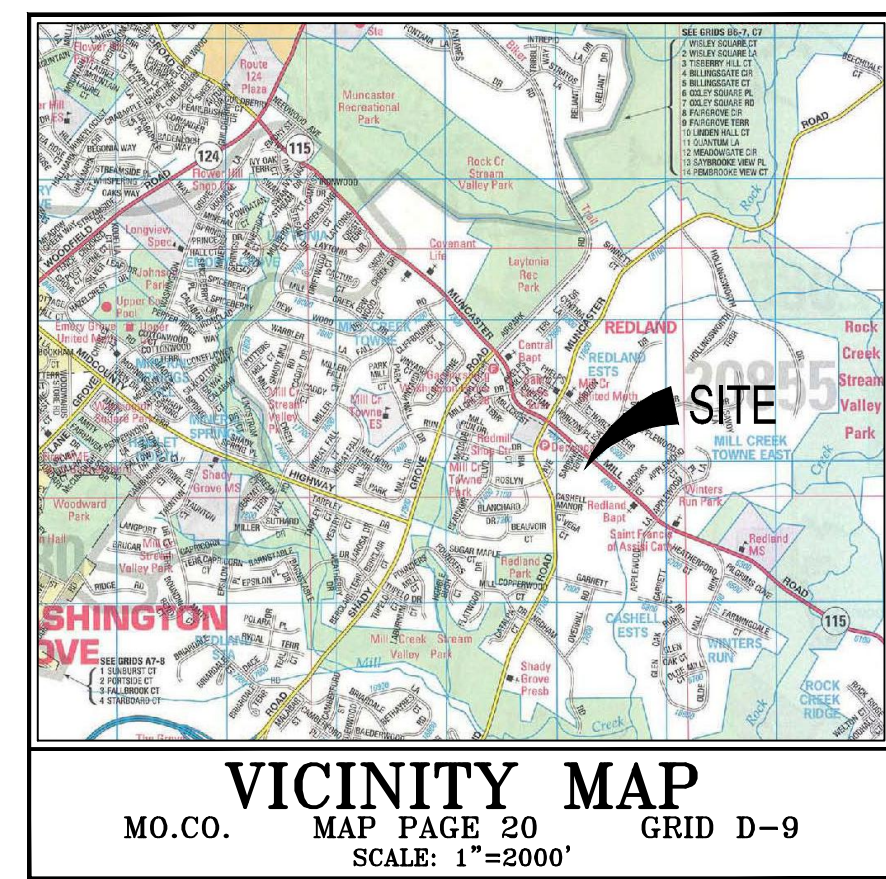








SCALE: 1"=30'  
MARYLAND STATE PLANE COORDINATES NAD 83/91



**LEGEND**

- EX SIGNAL POLE
- EX MANHOLE
- ⊕ EX STORM DRAIN MANHOLE
- EX UTILITY POLE
- EX GUY WIRE
- ☆ EX LIGHT
- ☆ EX SIGN
- ⊕ EX FIRE HYDRANT
- EX PROPERTY LINE
- EX EASEMENT LINE
- EX METAL FENCE
- EX WOOD FENCE
- EX OVER HEAD WIRE
- LIMIT OF DISTURBANCE
- ▨ PROPOSED RETAINING WALL
- ▨ PROPOSED BIO-RETENTION AREA
- ▨ SIDEWALK
- PROPOSED TREE LINE
- ☆ PROPOSED STREET LIGHT

CROSS SLOPES FOR ALL ADA ROUTES CANNOT EXCEED 2.08%. ALL ADA ROUTES EXCEEDING 5.0% SLOPE MUST HAVE RAILINGS, MEETING ADA STANDARDS, ON BOTH SIDES OF THE RAMP. A 5 FOOT LANDING AREA (2.0% MAXIMUM SLOPE) MUST BE PROVIDED FOR EVERY 30 INCHES OF RISE. NO ADA ROUTE CAN EXCEED 8.33% SLOPE.

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 3822  
EXPIRATION DATE: 03/16/2025

Not valid without signature

**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL FEATURES OF THE CONDITIONAL USE PLAN APPROVAL NO. INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED CONDITIONAL USE PLAN.

DEVELOPER'S NAME: CM MUNCASTER LLC  
ADDRESS: 1355 BEVERLY ROAD, SUITE 330, McLEAN, VA 22101  
PHONE: (703) 734-9855

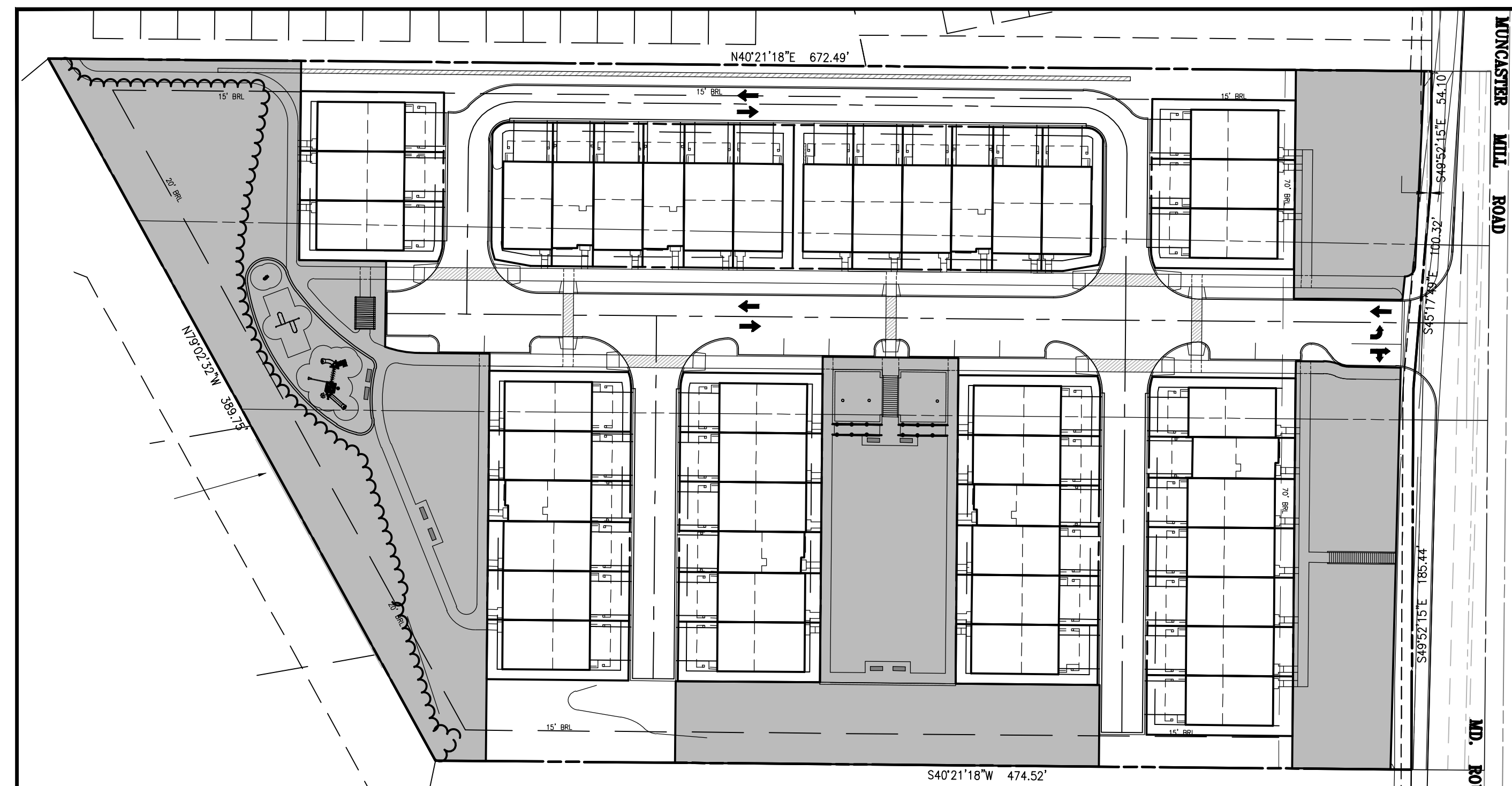
**DEVELOPMENT STANDARDS**

**TMD Zone, Optional Method of Development**

	Existing	Proposed
Zoning	R-200	R-200, Optional Dev Method
Gross Tract Area	194,216 SF (4.46 Acres)	194,216 SF (4.46 Acres)
Prior Dedications	0	0
Proposed Dedications	0	0
	<b>Required / Allowed</b>	<b>Proposed/Provided</b>
Tract Area	194,216 SF (4.46 Acres)	194,216 SF (4.46 Acres)
Density (Max Units/Usable Area)	12.1 DU/Acre	10.4 DU/Acre
Common Open Space	20% Min.	33% (64,593 SF)
Minimum Lot Area	800 SF	3300 SF
Lot Width at Front BRL	12 ft	12 ft
Lot Width at Front Lot Line	14 ft	14 ft
Frontage on Street or Open Space	Required	Provided
Coverage (Max.)	40%	39%
<b>Building Height (Max.)</b>		
Principal Building Height	40'	40'
Accessory Building Height	25'	25'
<b>Building Setbacks (Min.)</b>		
Principal Building Setback	F-10'/4' / S-5' / R-4'	F-5' / S-5' / R-4'
Accessory Building Setback	F-10' / S-4' / R-4'	F-10' / S-4' / R-4'
Moderately Priced Dwelling Units	12.5%	16.3%
Vehicle Parking	Min. 2 SP/DU; Max. No Limit	Min. 2 SP/DU 86 Spaces (43 Proposed DU *2 SP/DU)

**DATA TABLE**

Ex. Zoning	R-200
Proposed Development Zone	R-200, TMD Zone Option w/ MPDU
Ex. Water/Sewer Categories	W-1/S-1
Method of SWM	Environmental Site Design
Watershed	Rock Creek
Topographical Information from	CPI Survey
Contour Interval	2'
Boundary Information from	Charles P. Johnson & Associates
Maryland State Grid Datum Used	NAD 83/91
Tax Map Reference	GT42
WSSC Base Map	223NW07 & 224NW07
<b>Areas</b>	
Gross Tract Area	194,216 s.f. or 4.4586 Ac.
Previous Dedication to Public	None
Net Tract Area	194,216 s.f. or 4.4586 Ac.
100 Year Floodplain	None
Stream Valley Buffer	None
Wetlands	None



UPDATES/REVISIONS:  
10/27/23 UPDATE TO ADDRESS DRC COMMENTS. SSS

**CONDITIONAL USE PLAN DESIGN FOR LIFE**

**MUNCASTER MILL PROPERTY**  
4th ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

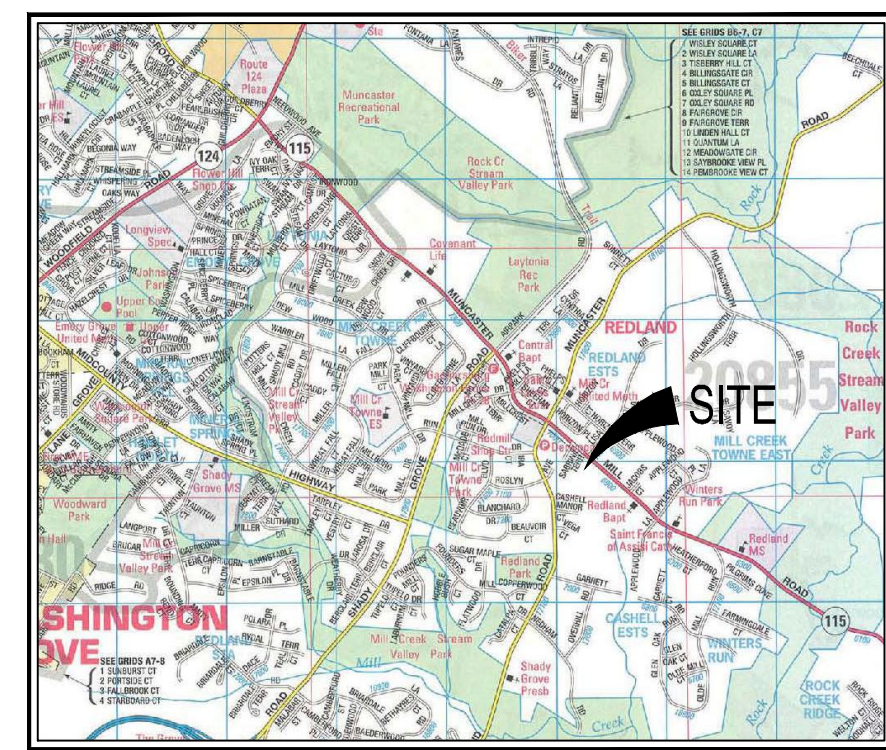
**CPJ Charles P. Johnson & Associates, Inc.**  
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1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
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CLIENT: CM Muncaster LLC 1355 Beverly Road, Suite 330 McLean, VA 22101	WSSC GRID: 223NW07 & 224NW07 DESIGN: LW/PJML DATE: MARCH 2023 SCALE: 1"=30'	TAX MAP: GT42 SHEET: 1 OF 1 FILE NO: 2021-1588
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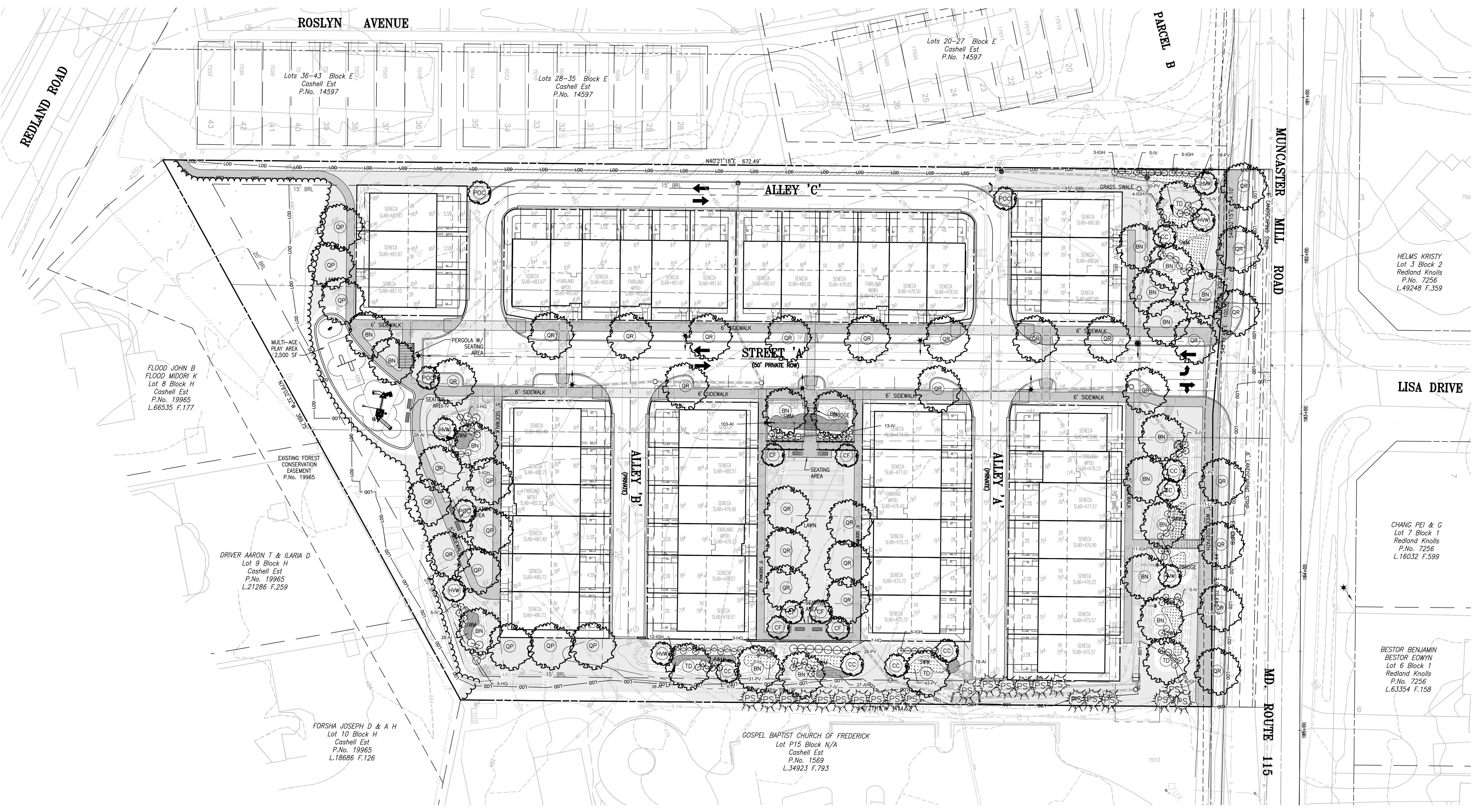
OPEN SPACE INSET  
COMMON OPEN SPACE: 65,000 SQ. FT. OR 33%

SCALE: 1" = 50'



**VICINITY MAP**  
MO.CO. MAP PAGE 20 GRID D-9  
SCALE: 1"=2000'

SCALE: 1"=30'  
MARYLAND STATE PLANE COORDINATES NAD 83/91



**LEGEND**

- EX SIGNAL POLE
- ⊙ EX MANHOLE
- ⊕ EX STORM DRAIN MANHOLE
- EX UTILITY POLE
- EX GUY WIRE
- ☆ EX LIGHT
- ⊕ EX SIGN
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- EX WOOD FENCE
- EX OVER HEAD WIRE
- LIMIT OF DISTURBANCE
- PROPOSED RETAINING WALL
- PROPOSED BIO-RETENTION AREA
- LAWN SPACE
- PROPOSED TREE LINE
- PROPOSED STREET LIGHT

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ADDRESS: 1355 BEVERLY ROAD, SUITE 330, MCLEAN, VA 22101  
PHONE: (703) 734-9855  
SIGNATURE: \_\_\_\_\_

**UPDATES/REVISIONS:**

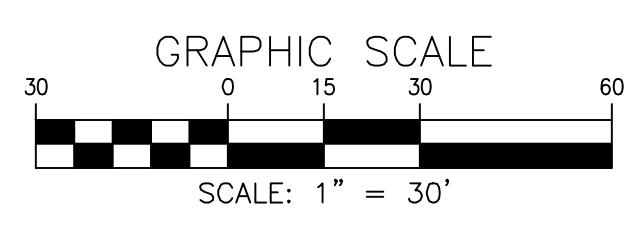
10/21/23	UPDATE TO ADDRESS DRC COMMENTS. SSS
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**PLANT SCHEDULE LANDSCAPE**

CODE	QTY	BOTANICAL / COMMON NAME	CONT.	SIZE	SPACING
<b>SHADE TREES</b>					
BN	9	BETULA NIGRA 'HERITAGE' / HERITAGE RIVER BIRCH	B & B	2 1/2" - 3" CAL.	
QP	10	QUERCUS PHELLOS / WILLOW OAK	B & B	3" CAL.	
QR	28	QUERCUS RUBRA / NORTHERN RED OAK	B & B	3" CAL.	
<b>ORNAMENTAL TREES</b>					
CF	6	CORNUS FLORIDA / FLOWERING DOGWOOD	B & B	6-8' HT.	
POC	4	PRUNUS X 'OKAME' / OKAME FLOWERING CHERRY	B & B	6-8' HT.	
<b>EVERGREEN TREES</b>					
PS	23	PINUS STROBUS / EASTERN WHITE PINE	B & B / CONT.	6'-8' HT.	

**PLANT SCHEDULE SWM**

SHADE TREES	QTY	BOTANICAL / COMMON NAME	CONT.	SIZE
BN	9	BETULA NIGRA 'HERITAGE' / HERITAGE RIVER BIRCH	B & B	2 1/2" - 3" CAL.
TD	4	TAXODIUM DISTICHUM / BALD CYPRESS	B & B / CONT.	6-8' HT.
<b>ORNAMENTAL TREES</b>				
CC	7	CERCIS CANADENSIS / EASTERN REDBUD	B & B	6-8' HT.
HW	6	HAMMELIS VIRGINIANA / COMMON WITCH HAZEL	B & B	6-8' HT.
<b>SHRUBS</b>				
HQ	18	HYDRANGEA QUERCIFOLIA / OAKLEAF HYDRANGEA	5 GAL	
IGH	62	ILEX GLABRA / INKBERRY HOLLY	B & B	24-36" HT.
IV	57	ILEX VERTICILLATA / WINTERBERRY	B & B	24-36" HT.
<b>GROUND COVERS</b>				
AI	239	ASCLEPIAS INCARNATA / SWAMP MILKWEED		24" o.c.
LC	111	LOBELIA CARDINALIS / CARDINAL FLOWER		15" o.c.
PV	277	PANICUM VIRGATUM / SWITCH GRASS		24" o.c.
RF	428	RUDBECKIA FULGIDA / GOLDSTURM / GOLDSTURM BLACK-EYED SUSAN		12" o.c.



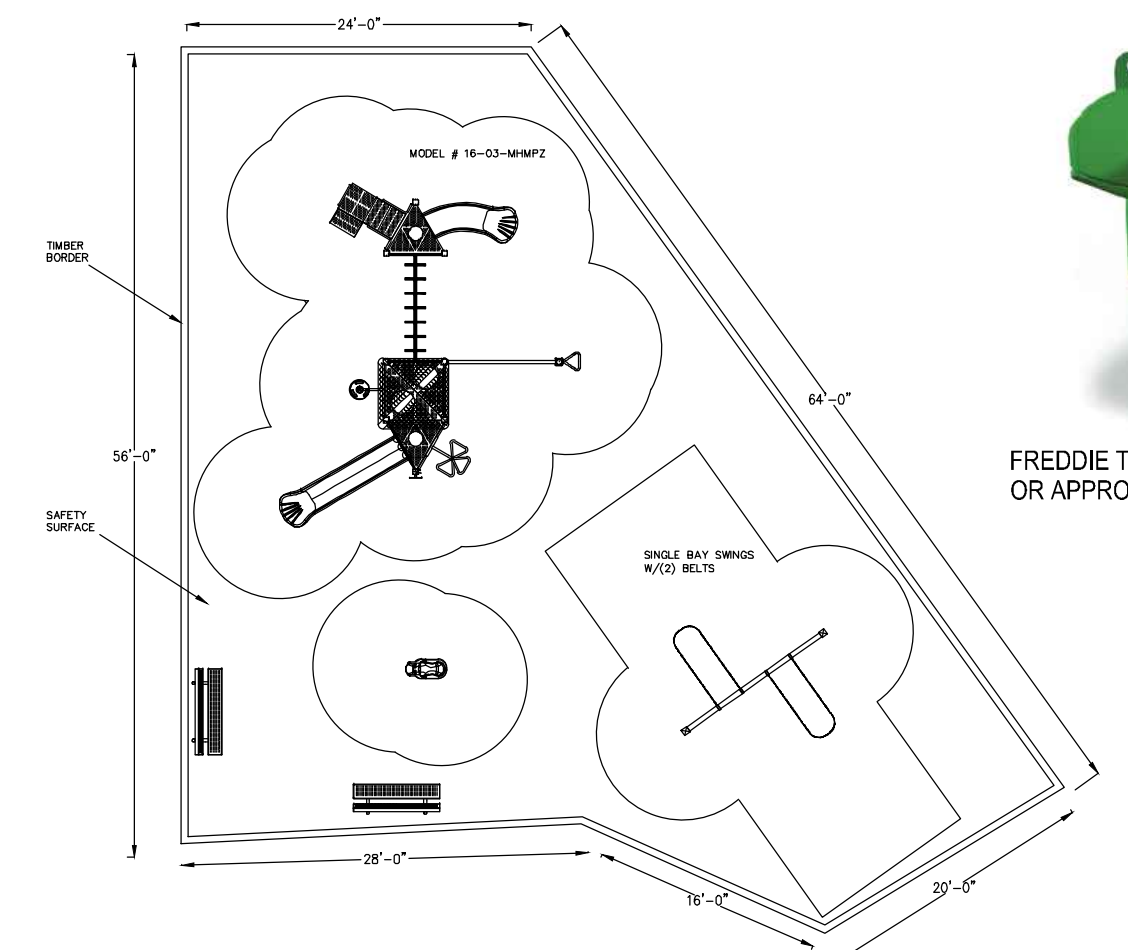
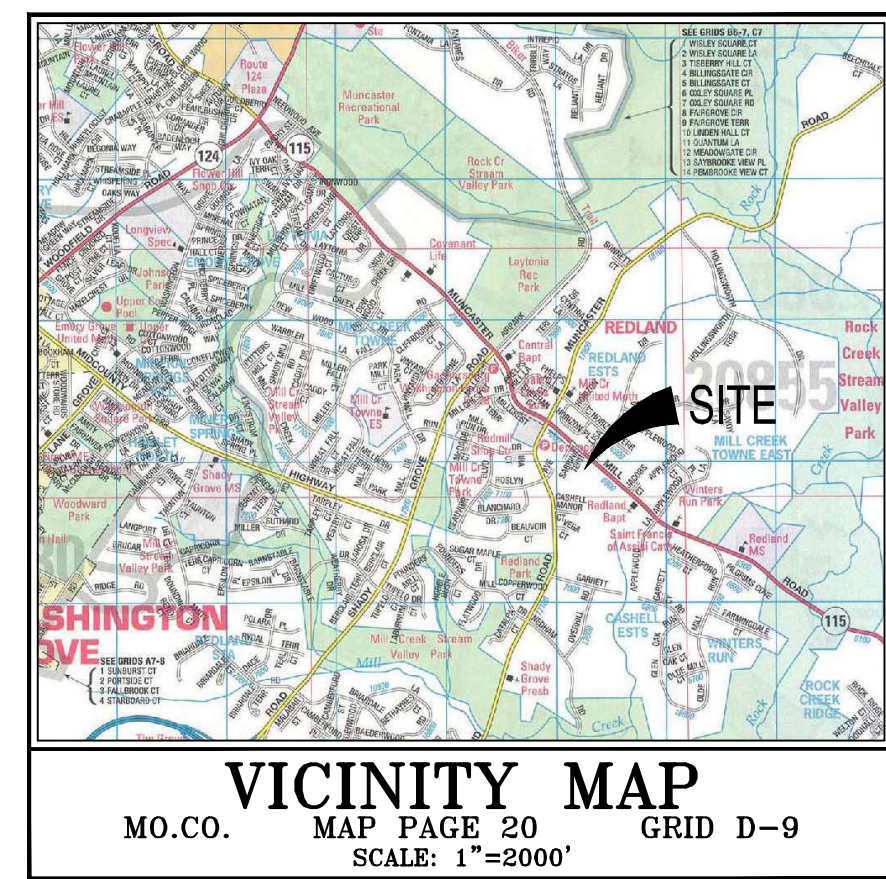
**LANDSCAPE PLAN**  
DESIGN FOR LIFE

**MUNCASTER MILL PROPERTY**  
4th ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

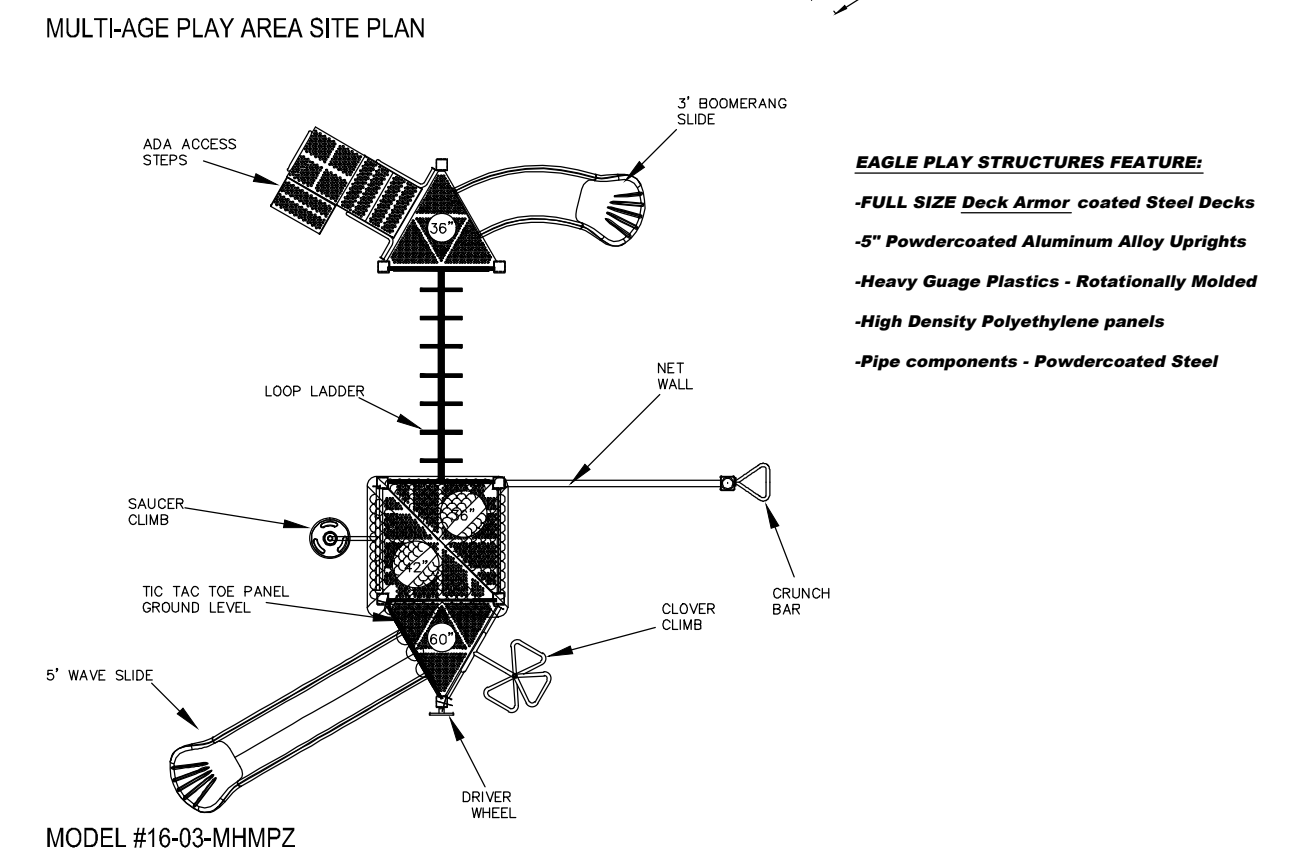
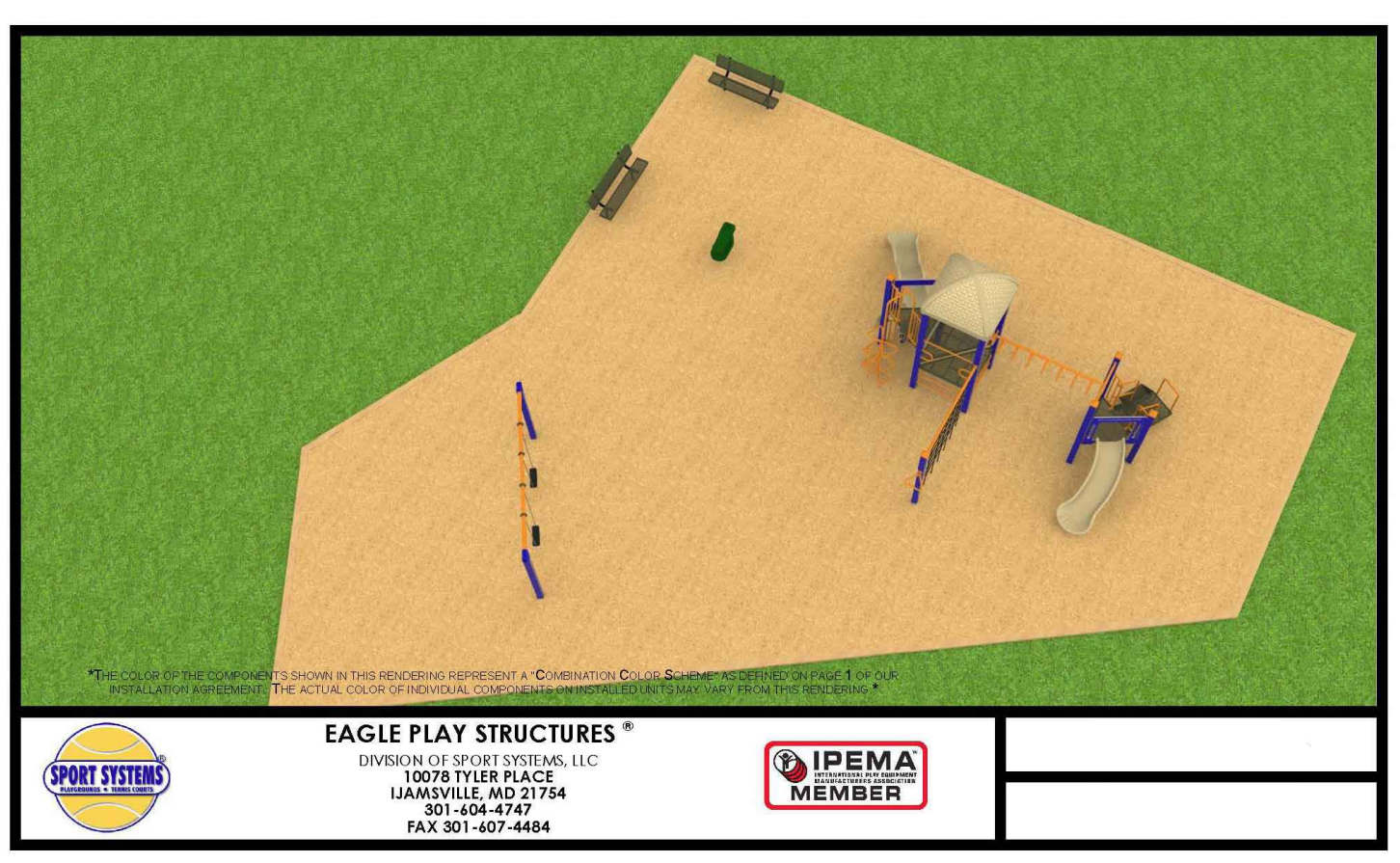
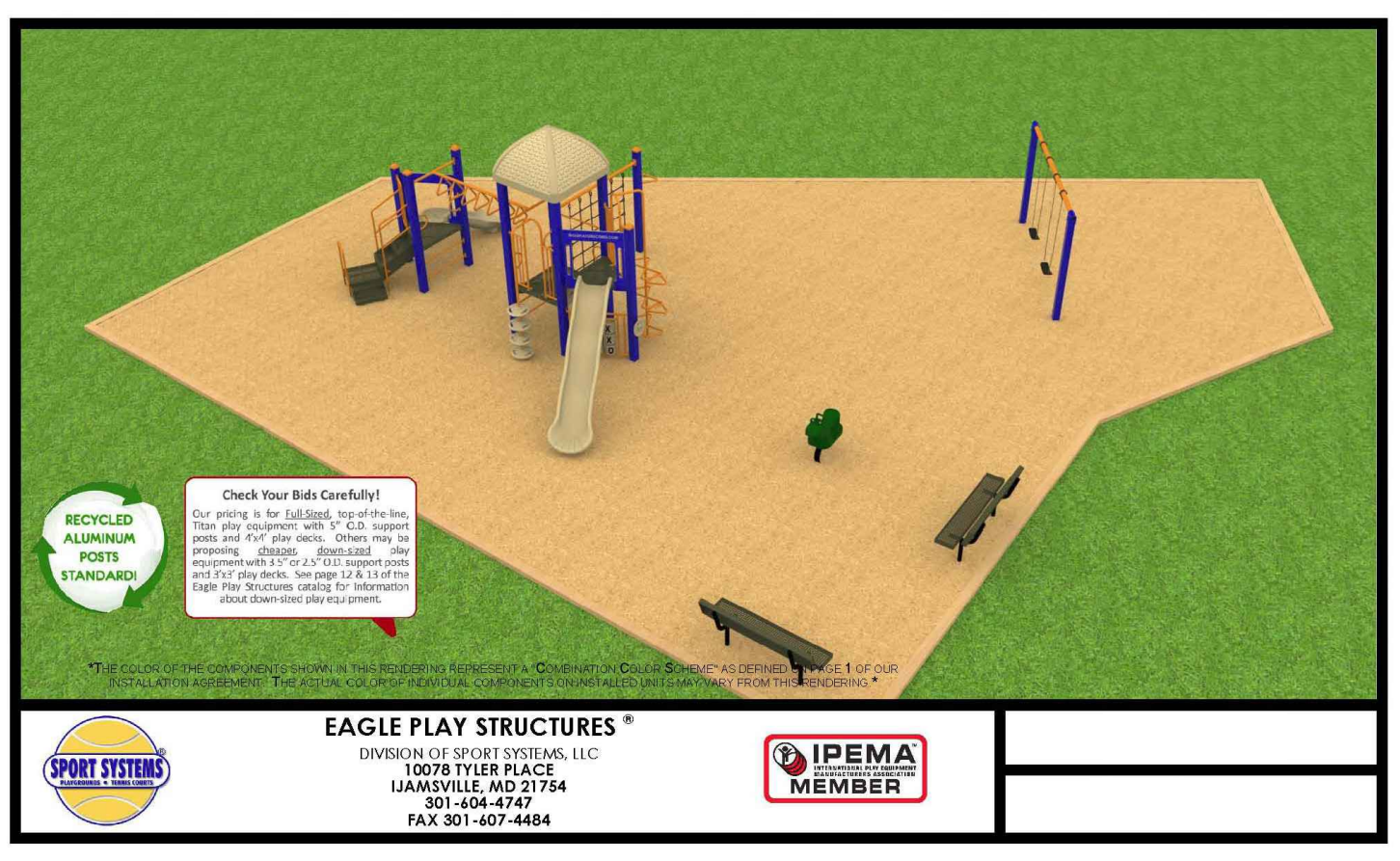
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CLIENT: CM Muncaster LLC 1355 Beverly Road, Suite 330 McLean, VA 22101	ISSUE GRID: 22INW07 & 22INW07	TAX MAP: GT42
DESIGN: LW/PDHL	SHEET: 1	OF: 2
DRAFT: DHL	DATE: JAN, 2022	FILE NO:
SCALE: 1" = 30'	DATE: 2021-1588-20 D	

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FREDDIE THE FROG SPRING BUDDY OR APPROVED EQUAL



MULTI-AGE PLAY AREA DETAILS - SPORT SYSTEMS OR EQUAL  
NOT TO SCALE



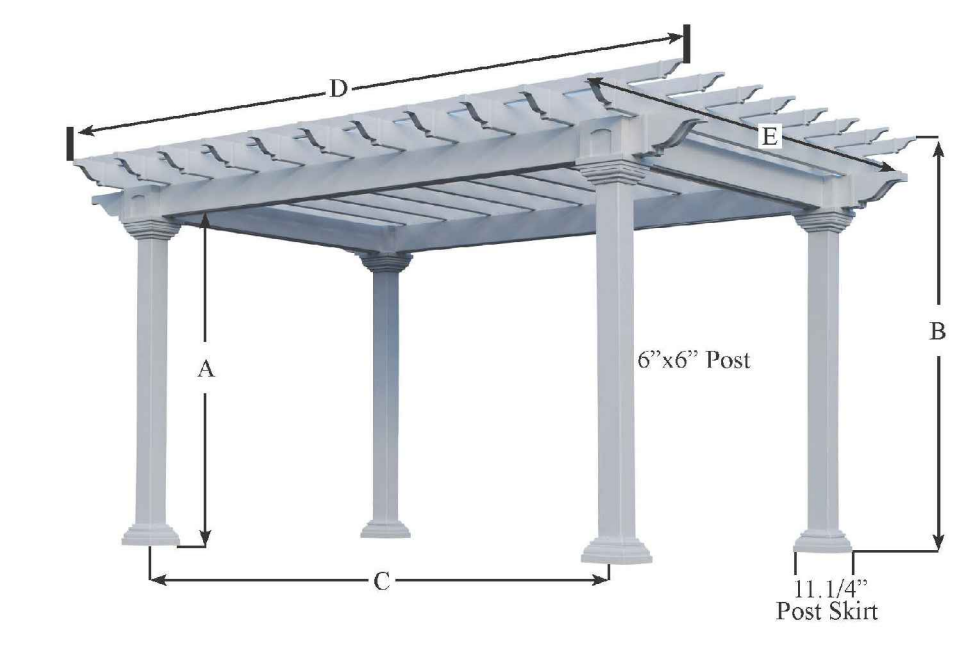
COUNTRY CASUAL WINDERMERE 6 FT. BACKLESS BENCH



COUNTRY CASUAL PYRAMID 22 IN. SQ. RECEPTACLE

SITE FURNISHING DETAILS OR EQUAL  
NOT TO SCALE

Artisan Vinyl Pergola Elevation



ILLUSTRATIVE ONLY. SHOP DRAWINGS TO BE APPROVED PRIOR TO CONSTRUCTION.

	10'	12'	14'	16'	18'	20'
A	7'-3.1/2"	7'-3.1/2"	7'-3.3/2"	7'-3.3/2"	7'-3.1/2"	7'-3.1/2"
B	8'-9.1/4"	8'-9.1/4"	8'-9.3/4"	8'-9.3/4"	8'-9.1/4"	8'-9.1/4"
C	8'-4"	10'-4"	12'-4"	14'-4"	16'-4"	18'-4"
D	12'	14'	16'	18'	20'	22'
E	12'	14'	16'	18'	20'	22'

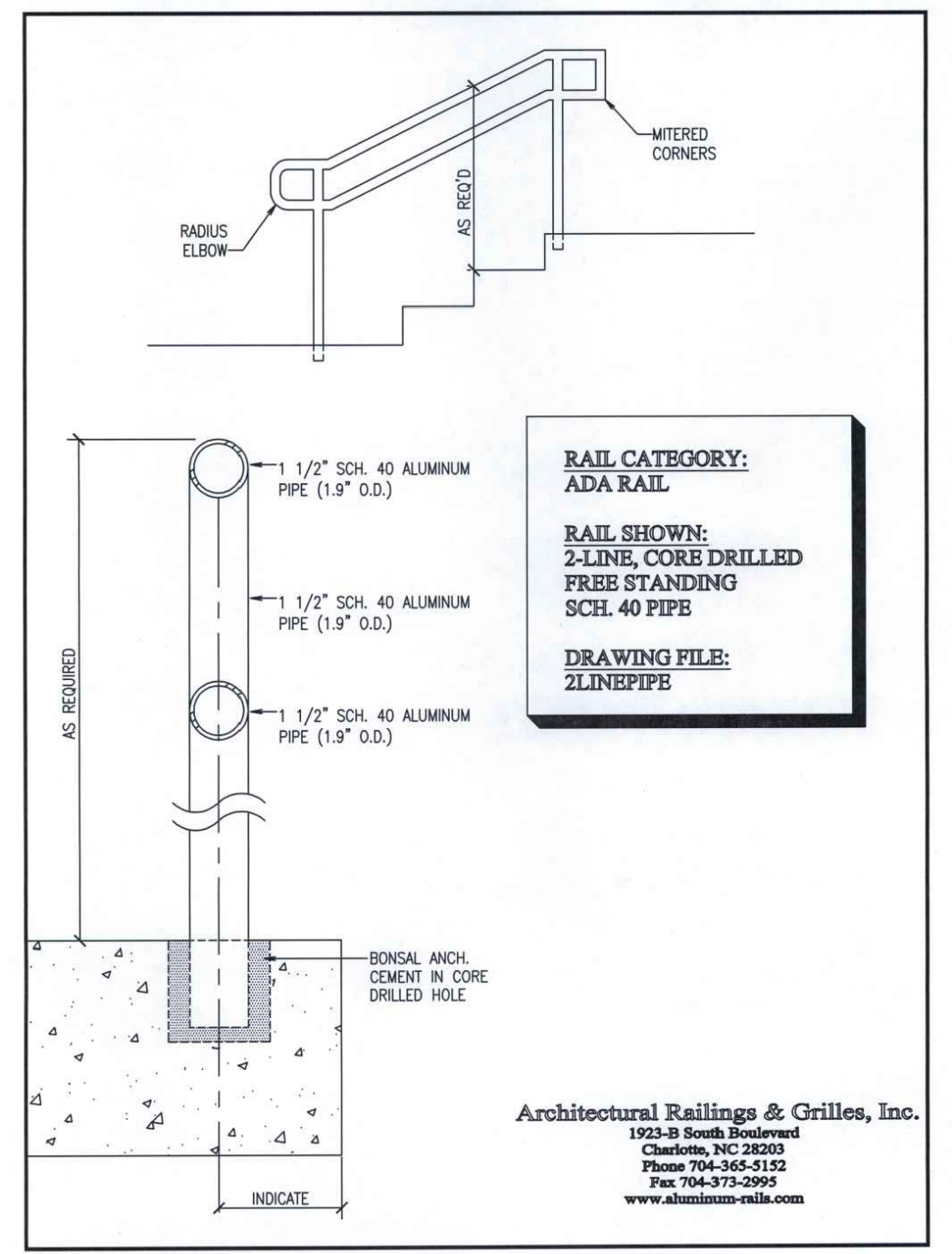
A = Under side of Header Measurement  
 B = Over all Height Measurement  
 C = Center to Center of Post Measurement  
 D = Over all 2x4 Rafter Measurement  
 E = Over all 2x6 Rafter Measurement

COUNTRY LANE GAZEBOS  
 131 MAIN DRIVE  
 NEW HOLLAND, PA 17557  
 (877) 429-3262  
 WWW.GAZEBOS.COM

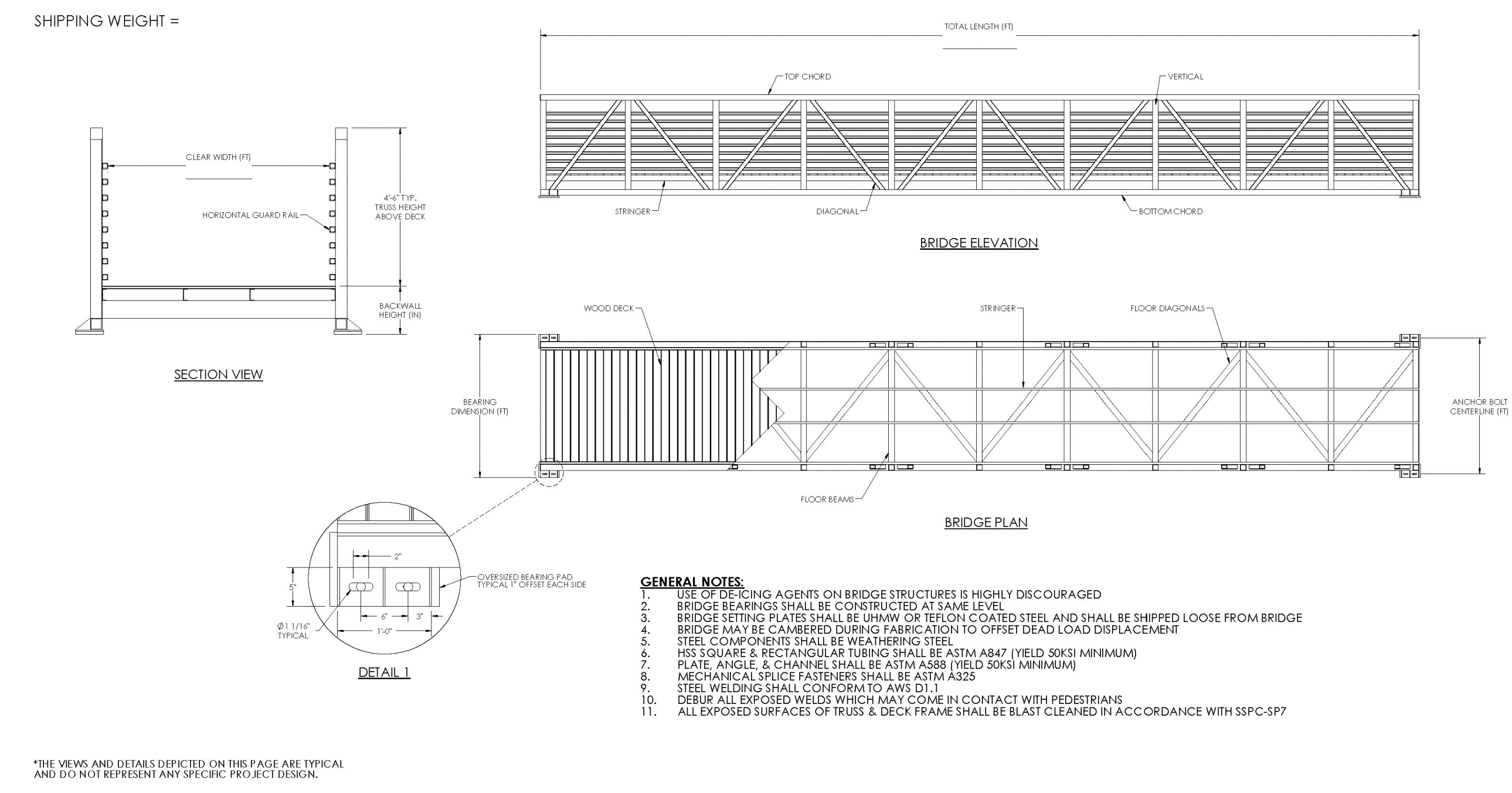
STYLE	COLOR	LENGTH	MATERIAL	MOUNTING	OPTIONS
ARTISAN PERGOLA	WHITE	10'-4" X 26'-4"	VINYL	SURFACE MOUNT	SUPERIOR POST & DECORATIVE POST BASE

MAINTENANCE FREE WHITE VINYL TOP. SOLID PRESSURE TREATED WOOD 6X6 POSTS SLEEVED IN VINYL AND DECORATIVE BASE AND CAPITOL. DOUBLE 2X8 HEADERS WITH PRESSURE TREATED WOOD SLEEVED IN WHITE VINYL. FULL WIDTH 2X6 RAFTERS JOISTS WITH WOOD INSIDE SPAN ACROSS THE SHORTER SIDE AND FULL WIDTH 2X4 RUNNERS SPAN THE LONGER SIDE. ENGINEERED CONNECTION BRACKETS TO ANCHOR TO CONCRETE PAD.

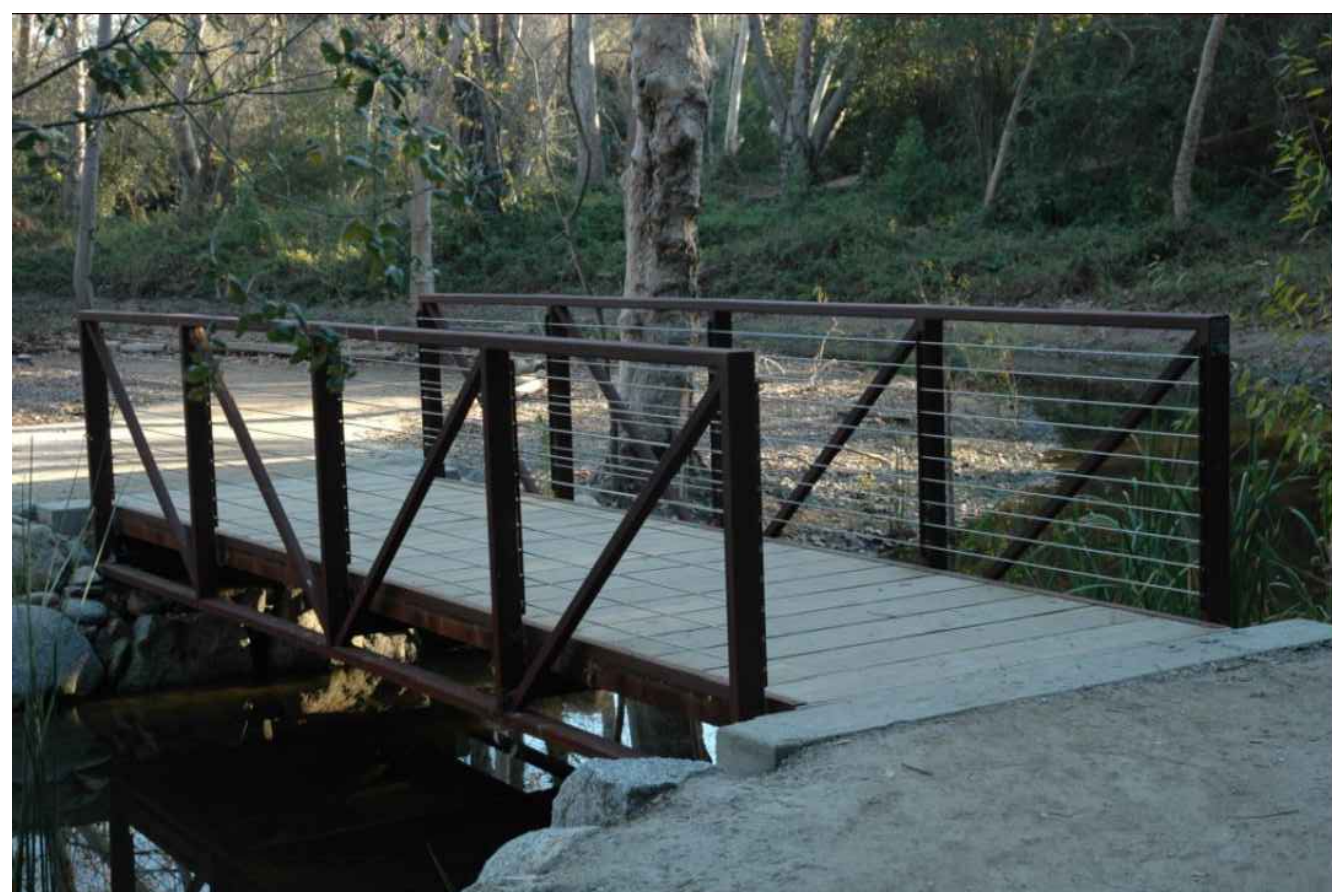
PERGOLA DETAILS OR EQUAL  
NOT TO SCALE



HAND RAIL DETAIL  
NOT TO SCALE



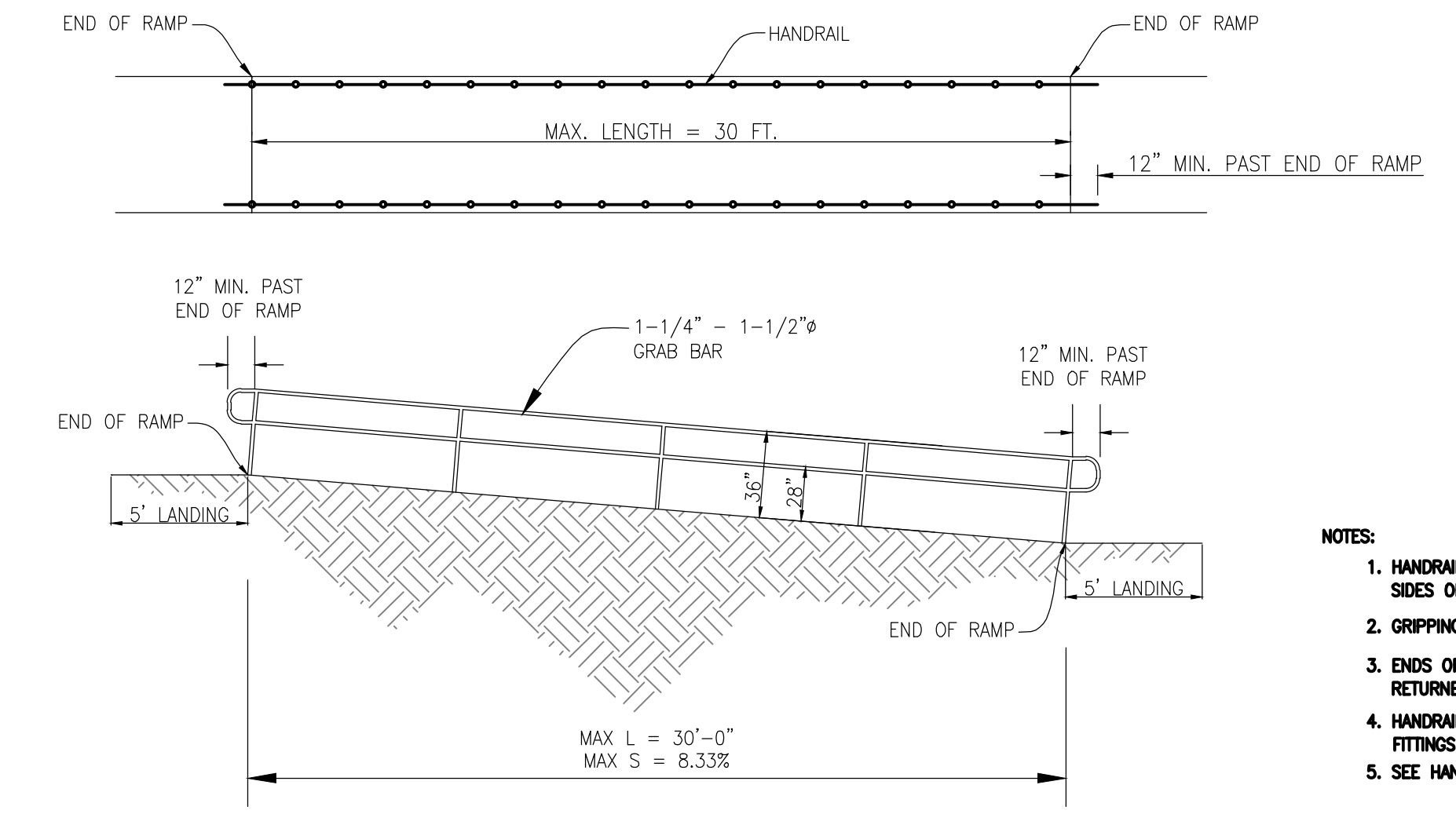
PEDESTRIAN BRIDGE DESIGN DETAILS OR EQUAL  
NOT TO SCALE



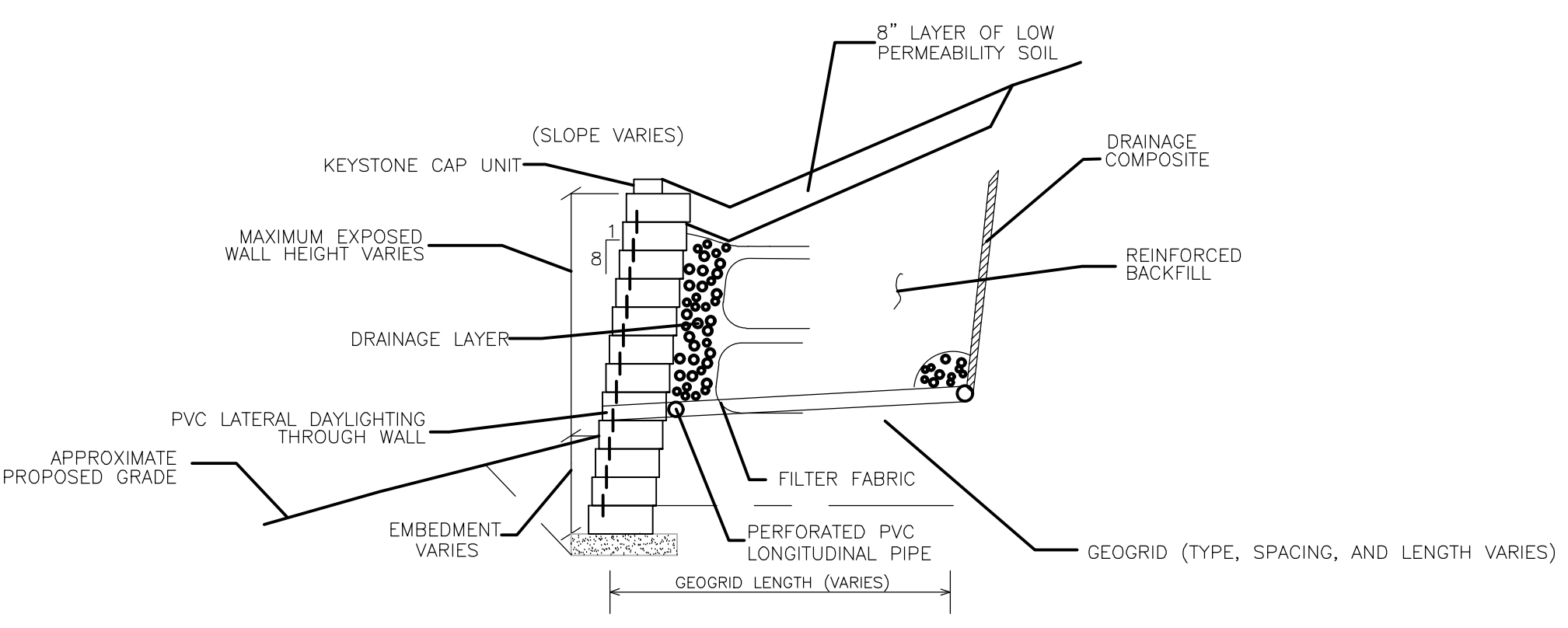
**SPECIFICATIONS:**  
 MANUFACTURER: BRIDGE BROTHERS  
 MODEL: PREFABRICATED BRIDGE  
 MATERIAL: STEEL, WOOD  
 RAILING: CABLE RAIL

SUBMIT SHOP DRAWINGS FOR REVIEW.

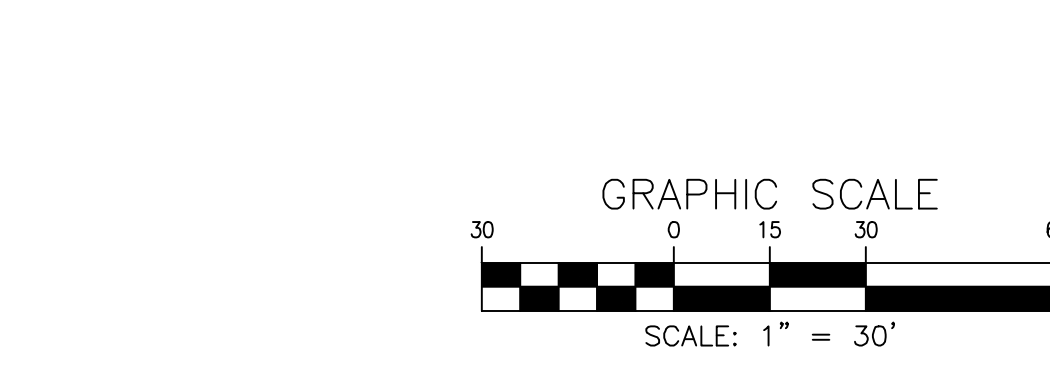
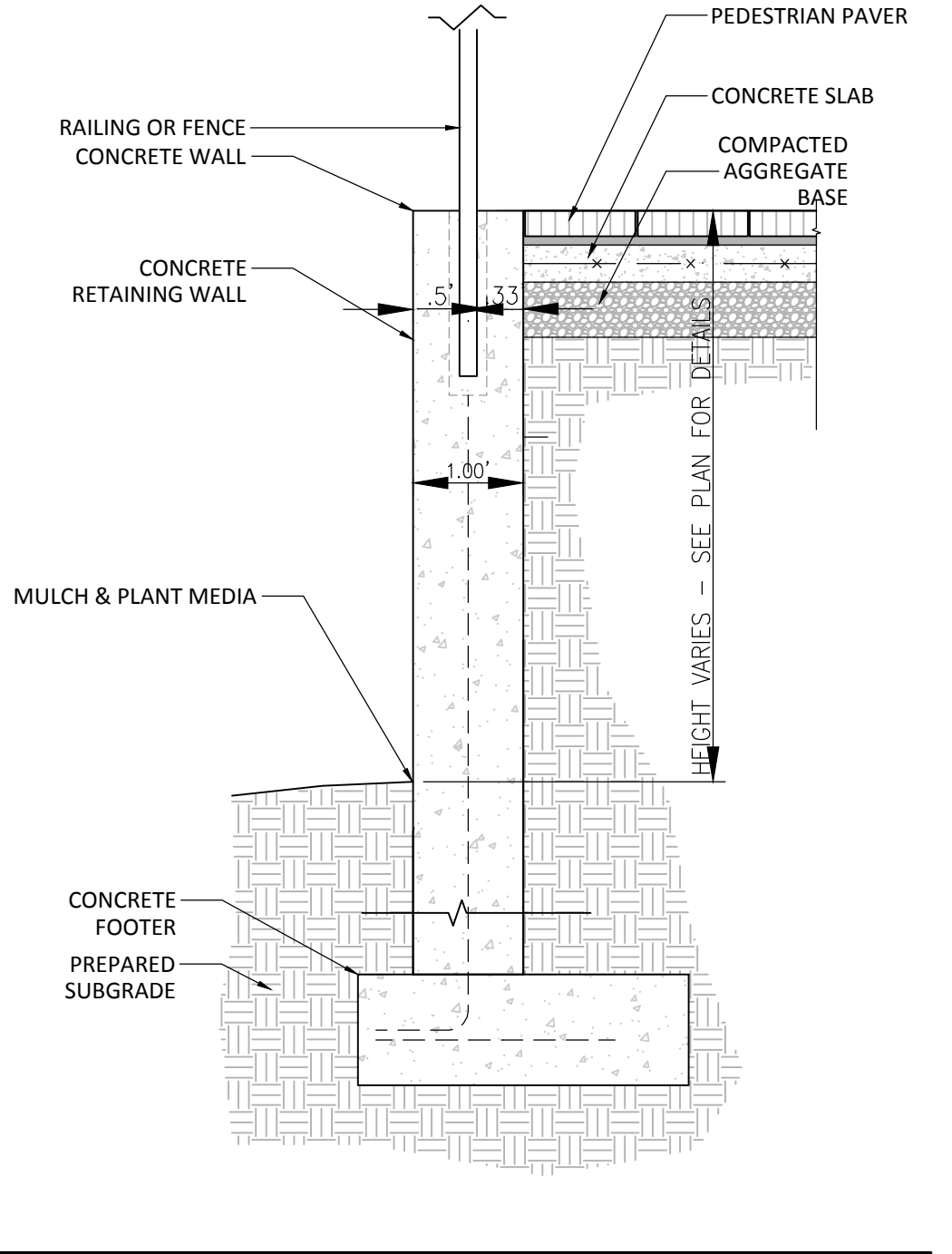
FINAL SPECIFICATIONS TO BE DETERMINED AT CONSTRUCTION DOCUMENTATION.



TYPICAL HANDICAP RAMP DETAIL OR EQUAL  
NOT TO SCALE



TYPICAL RETAINING WALL DETAILS OR EQUAL  
NOT TO SCALE



**PROFESSIONAL CERTIFICATION**

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 CHRIS MALM CONTRACT PERSON

ADDRESS: 1355 BEVERLY ROAD, SUITE 330, McLEAN, VA 22101  
 PHONE: (703) 734-9855

SIGNATURE: \_\_\_\_\_

UPDATES/REVISIONS:

NO.	DATE	DESCRIPTION

LANDSCAPE DETAIL SHEET  
 DESIGN FOR LIFE

**MUNCASTER MILL PROPERTY**  
 4th ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

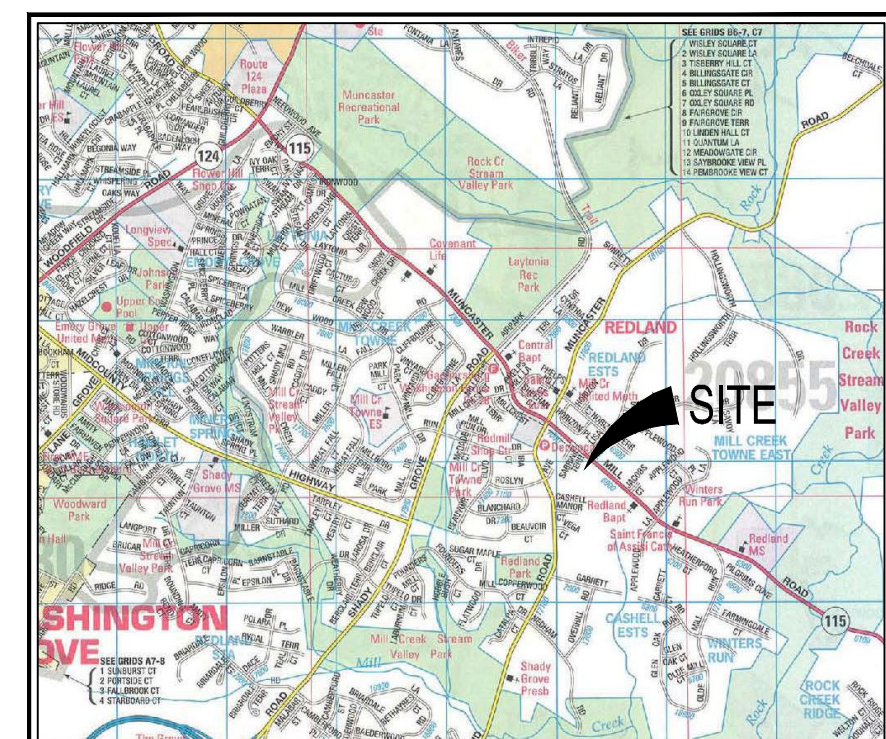
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 McLean, VA 22101

VASS GRID: 225N307 & 225N307  
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 DRAFT: DJH  
 DATE: JAN, 2022  
 SCALE: 1" = 30'

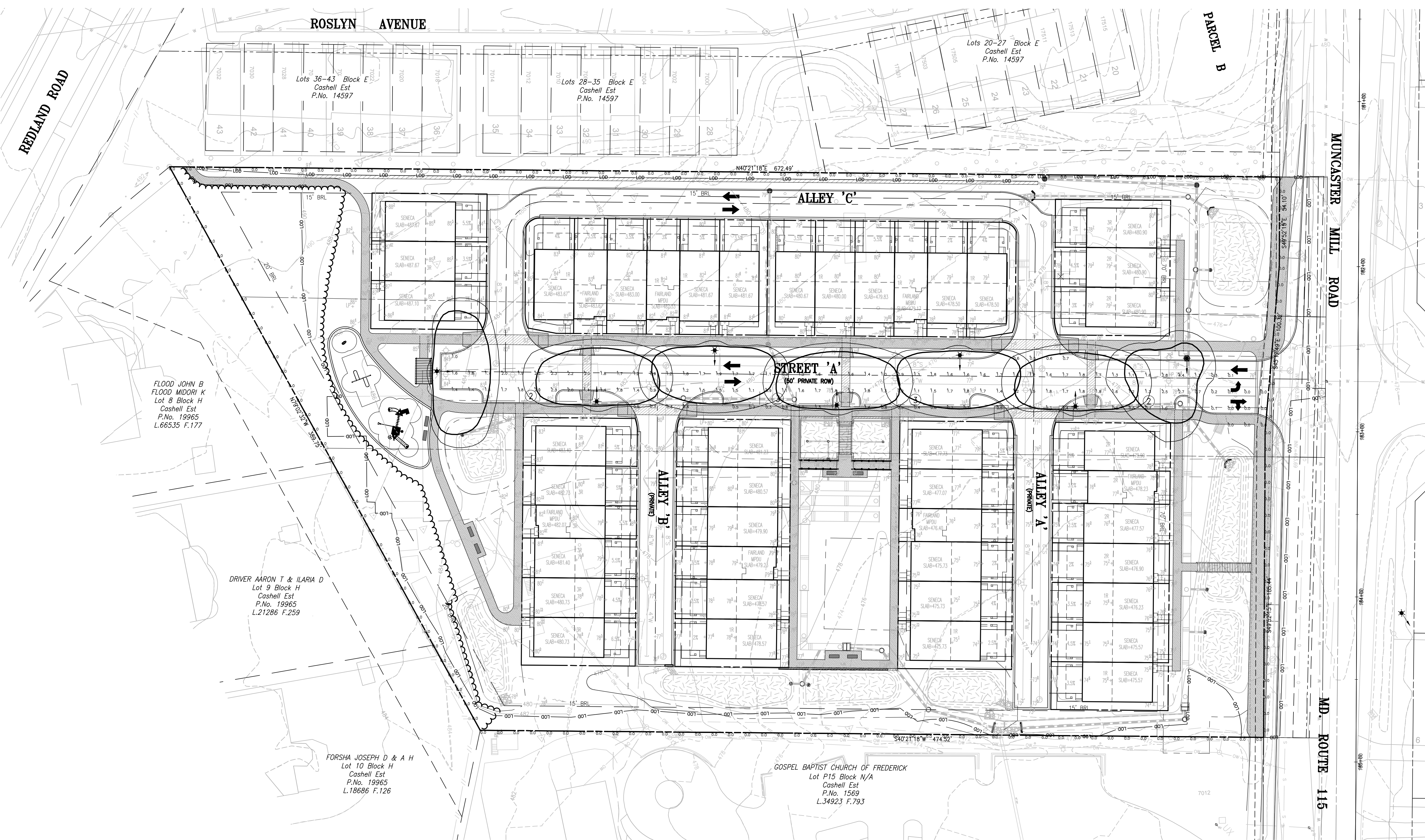
TAX MAP: GT42  
 SHEET: 2 OF 2  
 FILE NO: 2021-1588-20-D

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VICINITY MAP  
MO. CO. MAP PAGE 20 GRID D-9  
SCALE: 1" = 200'

SCALE: 1" = 30'  
MARYLAND STATE PLANE COORDINATES NAD 83(91)



**DESCRIPTION**  
The Lexington AP24 LED outdoor luminaire displays the established design of traditional lamp styles with modern lighting technology. It is designed with a decorative luminaire, the Lexington LED luminaire, which complements the architectural and environmental design of the site and roadway. It is a general AP24 LED luminaire technology designed to provide uniform and efficient illumination to pedestrian and roadway applications.

**OPERATION FEATURES**  
**Construction**  
The luminaire is constructed from high quality materials. It features a die-cast aluminum base housing. The luminaire is designed for long life expectancy. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**Optics**  
The luminaire is designed with a high efficiency AP24 LED luminaire. It is designed to provide uniform and efficient illumination to pedestrian and roadway applications. The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**Electrical**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**Flash**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**Warranty**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**Dimensions**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**CERTIFICATION DATA**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**ENERGY DATA**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

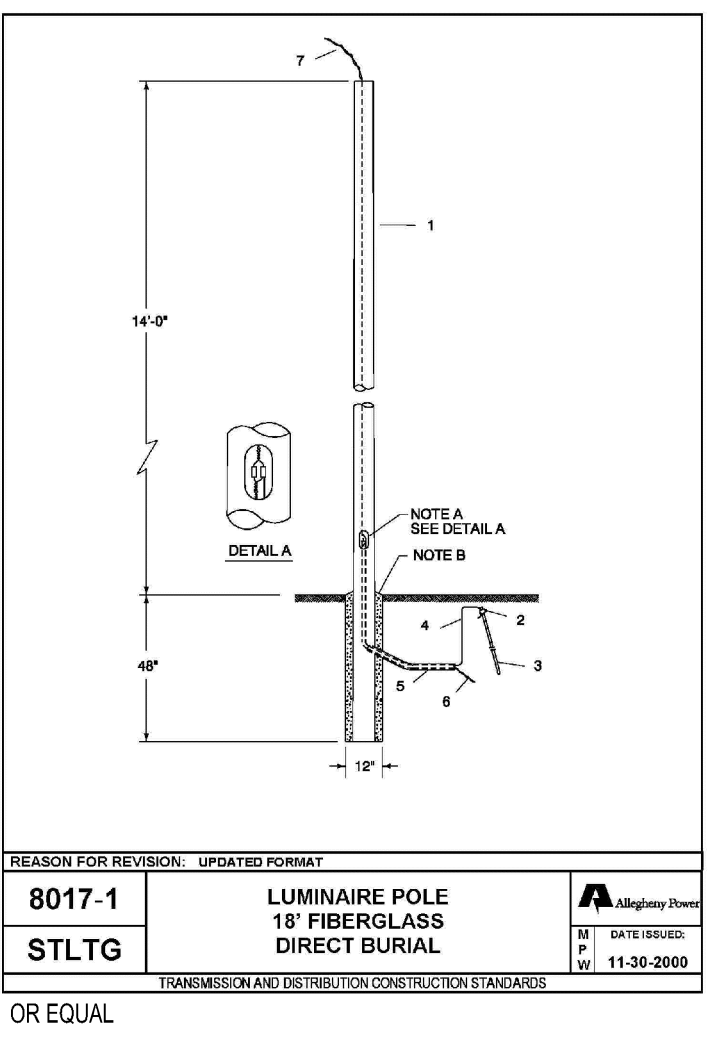
**EPA**  
The luminaire is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction. It is designed to meet or exceed the requirements of the International Dark Sky Association (IDA) for light pollution reduction.

**PHOTOMETRICS PREPARED BY CHESAPEAKE LIGHTING.**

**LEGEND**

- EX SIGNAL POLE
- EX MANHOLE
- EX STORM DRAIN MANHOLE
- EX UTILITY POLE
- EX GUY WIRE
- EX LIGHT
- EX SIGN
- EX FIRE HYDRANT
- EX PROPERTY LINE
- EX EASEMENT LINE
- EX METAL FENCE
- EX WOOD FENCE
- EX OVER HEAD WIRE
- LIMIT OF DISTURBANCE
- PROPOSED RETAINING WALL
- PROPOSED BIO-RETENTION AREA
- SIDEWALK
- PROPOSED TREE LINE
- PROPOSED STREET LIGHT

**GRAPHIC SCALE**  
0 15 30 60  
SCALE: 1" = 30'



8017-1  
STLTG  
OR EQUAL

**Luminaire Schedule**

Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
☛	1	1C-SLR	Single	GLAN-SA1C-827-U-SLR	0.864	4508	57	57
☛	6	1C-T3-H	Single	GLAN-SA1C-827-U-T3-HSS	0.864	3839	57	456

**Luminaire Location Summary**

LumNo	Label	Insertion Point			Orient
		X	Y	Z	
1	1C-T3-H	-71.153	272.517	16	0
2	1C-T3-H	141.347	230.517	16	270
3	1C-T3-H	13.847	229.517	16	270
4	1C-T3-H	289.847	228.017	16	270
5	1C-SLR	427.347	226.517	16	270
6	1C-T3-H	-52.153	219.017	16	37
7	1C-T3-H	66.347	198.517	16	90

**Calculation Summary**

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Property	Illuminance	Fc	0.0	0.0	0.0	N.A.	N.A.
Line	Illuminance	Fc	1.3	4.4	0.0	N.A.	N.A.
Street	Illuminance	Fc	1.3	4.4	0.0	N.A.	N.A.

**Lighting Design Criteria for Highways and Streets  
Luminance Method**

Road and Pedestrian Conflict Area	Average Luminance	Avg. Uniformity Ratio	Max. Uniformity Ratio	Max. Veiling Luminance Ratio	
					Pedestrian Conflict Area
*Roadways					
*Freeway Class A	0.6	3.5	6.0	0.3	
*Freeway Class B	0.4	3.5	6.0	0.3	
*Expressway	1.0	3.0	5.0	0.3	
Streets					
Major	High	1.2	3.0	5.0	0.3
	Medium	0.9	3.0	5.0	0.3
	Low	0.6	3.5	6.0	0.3
Collector	High	0.8	3.0	5.0	0.4
	Medium	0.6	3.5	6.0	0.4
	Low	0.4	4.0	8.0	0.4
Local	High	0.6	6.0	10.0	0.4
	Medium	0.5	6.0	10.0	0.4
	Low	0.3	6.0	10.0	0.4

**PROFESSIONAL CERTIFICATION**

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NUMBER: 3822  
EXPIRATION DATE: 03/16/2025

Not valid without signature

**DEVELOPER'S CERTIFICATE**

THE UNDERSIGNED AGREES TO EXECUTE ALL FEATURES OF THE CONDITIONAL USE PLAN APPROVAL NO. \_\_\_\_\_ INCLUDING APPROVAL CONDITIONS, DEVELOPMENT PROGRAM AND CERTIFIED CONDITIONAL USE PLAN.

DEVELOPER'S NAME: CM MUNCASTER LLC  
ADDRESS: 1355 BEVERLY ROAD, SUITE 330, McLEAN, VA 22101  
PHONE: (703) 734-9855

SIGNATURE: \_\_\_\_\_

**UPDATES/REVISIONS:**

NO.	DATE	DESCRIPTION
10/27/23	UPDATE TO ADDRESS DRC COMMENTS.	SSS

**LIGHTING PLAN  
DESIGN FOR LIFE**

**MUNCASTER MILL PROPERTY**  
4th ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ Charles P. Johnson & Associates, Inc.**  
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors  
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: CM Muncaster LLC 1355 Beverly Road, Suite 330 McLean, VA 22101	ISSUE GRID: 22INW07 & 22INW07 DESIGN: LWP/DHL DATE: JAN, 2022	TAX MAP: GT42 SHEET: 1 OF 1 FILE NO: 2021-1588-62 D
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**Department of Permitting Services  
Fire Department Access and Water Supply Comments**

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**DATE:** 29-Nov-23  
**TO:** Tim Stemann - tstemann@cpja.com  
Charles P Johnson & Associates  
**FROM:** Marie LaBaw  
**RE:** CM Muncaster, LLC  
CU202407

---

## **PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **01-Dec-23** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See statement of performance based design \*\*\***

**\*\*\* Fire lane orders to be processed for execution and installed prior to first occupancy \*\*\***



S Marie LaBaw PhD, PE  
Fire Department Access and Water Supply  
Department of Permitting Services  
2425 Reedie Drive, 7th Floor  
Wheaton, Maryland 20902

Re: Muncaster Mill  
Conditional Use Plan  
Performance Based Design

Dr. LaBaw:

**FIRE CODE ENFORCEMENT**

**Fire Department Access Review**

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: SML FM: 43 DATE: 12/1/2023

We are requesting the allowance for a performance based designed alternative to the requirements in Section 18.2.3.2.3.2 which state that units “having window sills greater than 27 feet from grade on the same side of the structure as fire department apparatus access, must provide access to the occupied interior through a main, side-hinged door, via a clear and unobstructed walkable grade, within 50 feet of fire department apparatus access, unless otherwise approved by the AHJ.” For this site, many of the units are perpendicular to the main private road at the site, extending the distance beyond 50 feet. A modification is needed to eliminate the height restriction. The proposed alternative based on meeting the performance-based design requirements will be as outlined below:

- Truck access is provided to all the units within 150 ft of the front doors
- Truck access is no closer than 10 feet and no further than 50 feet of the rear building face

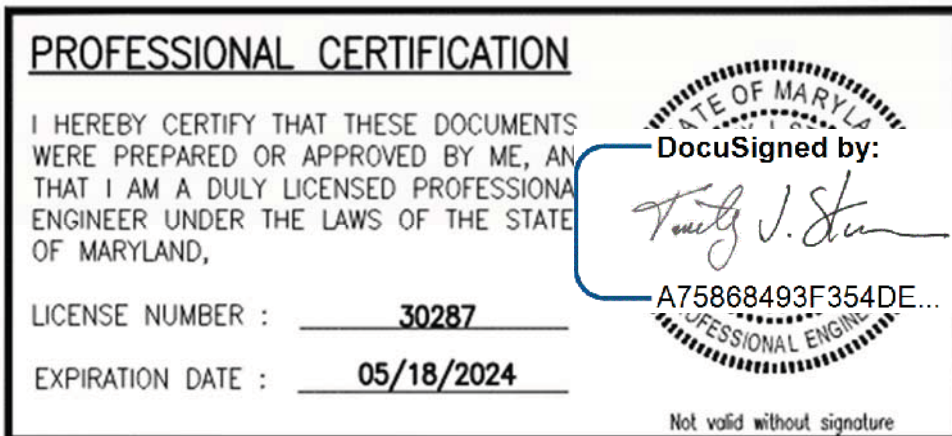
We ask for your consideration of this request which is reflected on the attached plan.

If you should have any questions or comments, please feel free to contact me at (301) 434-7000 or [tstemann@cpja.com](mailto:tstemann@cpja.com). Thank you for your assistance.

Sincerely,



Timothy J. Stemann, P.E.  
Charles P. Johnson & Associates





**MONTGOMERY COUNTY FIRE AND RESCUE SERVICE**

Date: \_\_\_\_\_

**Fire Lane Establishment Order**

Pursuant to Section 22-33, Montgomery County Code, 1971, as amended, you are hereby notified that a Fire Lane has been established as described in this order. You are hereby ordered to post fire lane signs and paint curbs/pavement as identified below. When signs or paint work has been completed, this order will authorize the enforcement of this Fire Lane by appropriate police or fire officials. Compliance with this order must be achieved within 30 days of receipt when any of the following conditions are met:

- One or more structures addressed from the subject road are occupied;
- The road or accessway is available for use and at least one building permit for an address on the subject road has been issued; or
- The road or accessway is necessary fire department access.

**LOCATION:** Muncaster Mill Development - Derwood, MD

---

Delineate all areas where indicated by signs and/or paint.

- SIGNS** -- (See attached diagram for location of sign placement)



(Red letters on white background)

Signs must be posted so that it is not possible to park a vehicle without being in sight of a sign. Signs may be no further apart than 100 feet.

- PAINT** -- (See attached diagram when painting is required)

Paint must be traffic yellow with lines of Sufficient width to be readily identifiable/readable by motor vehicle operators.

\_\_\_\_\_  
Signature of Order Writer/I.D. #

Cc: Fire Code Enforcement Section  
Attachment: Fire Lane Diagram

FIRE LANE ESTABLISHMENT FORM

BUILDING OR SUBDIVISION NAME: Muncaster Mill

FIRE LANE LOCATION/ADDRESS: Private Roadway aligned with Lisa Drive at Muncaster Mill Road and alleyways

See attached drawing for designated fire lanes:

I have received the drawing and instructions for installing the designated fire lanes.

NAME AND TITLE OF PROPERTY REPRESENTATIVE

NAME: Christopher Malm TITLE: Vice President

SIGNATURE: *CMalm*

PHONE: 703-917-6320 DATE: 11/15/23

EMAIL ADDRESS (where processed order will be sent):

cmalm@craftmarkhomes.com (cc: tstemann@cpja.com)

-----  
The designated fire lanes are the minimum necessary for fire/rescue access and are in accordance with Section 22-33 of the Fire Safety Code.

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

STA.#: \_\_\_\_\_ I.D.#: \_\_\_\_\_ DATE: \_\_\_\_\_

Comments: \_\_\_\_\_

-----  
Fire Lane Installed Per Order

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE: 1"=100'

MARYLAND STATE PLANE COORDINATES NAD 83/91

MUNCASTER MILL ROAD  
MD RTE. 115

Lot 3 Block 2  
KRISTY HELMS  
P.No. 7256  
L.49248 F.359

LISA DRIVE

Lot 7 Block 1  
PEI & G CHANG  
P.No. 7256  
L.16032 F.599

Lot 6 Block 1  
BENJAMIN and  
EOWYN BESTOR  
P.No. 7256  
L.63354 F.158

SABRINA TERRACE

ROSLYN AVENUE

PARCEL A

PART OF LOT 13  
50,816 sq. ft. OR 1.2125 Ac.  
SWA, LLC  
L.54414 F.376

PART OF LOT 13  
50,865 sq. ft. OR  
1.2090 Ac.  
PATRICIA EILEEN WRIGHT et al.  
L.23852 F.760

PART OF LOT 14  
80,725 sq. ft. OR  
2,0371 Ac.  
MARY ELIZABETH BENSON et al.  
L.75889 F.630

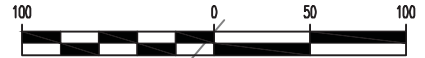
Lot P15  
GOSPEL BAPTIST CHURCH OF FREDERICK  
Cashell Est  
P.No. 1569  
L.34923 F.793

Lot 8 Block H  
JOHN B and  
MIDORI K FLOOD  
P.No. 19965  
L.66535 F.177

Lot 9 Block H  
AARON T & ILARIA D DRIVER  
P.No. 19965  
L.21286 F.259

Lot 10 Block H  
JOSEPH D & A H FORSHA  
P.No. 19965  
L.18686 F.126

GRAPHIC SCALE



SCALE: 1" = 100'

FIRE LANE SIGNAGE  
EXHIBIT  
MUNCASTER MILL  
ASSEMBLAGE  
(4th) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND

**CPJ** Charles P. Johnson & Associates, Inc.  
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors  
Associates  
1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: Mr. Chris Mallin, Vice President  
craftmark Homes  
1355 Beverly Road, Suite 330  
McLean, VA 22101

DESIGN	SHEET	OF
DRAFT	1	1
DATE	FILE NO:	
OCT., 2023	2021-1588-45.02	
SCALE	1"=100'	

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**KEY**



FIRE LANE (SIGNED NOT PAINTED)  
NO PARKING ZONE



LOCATION OF FIRE LANE  
SIGNAGE

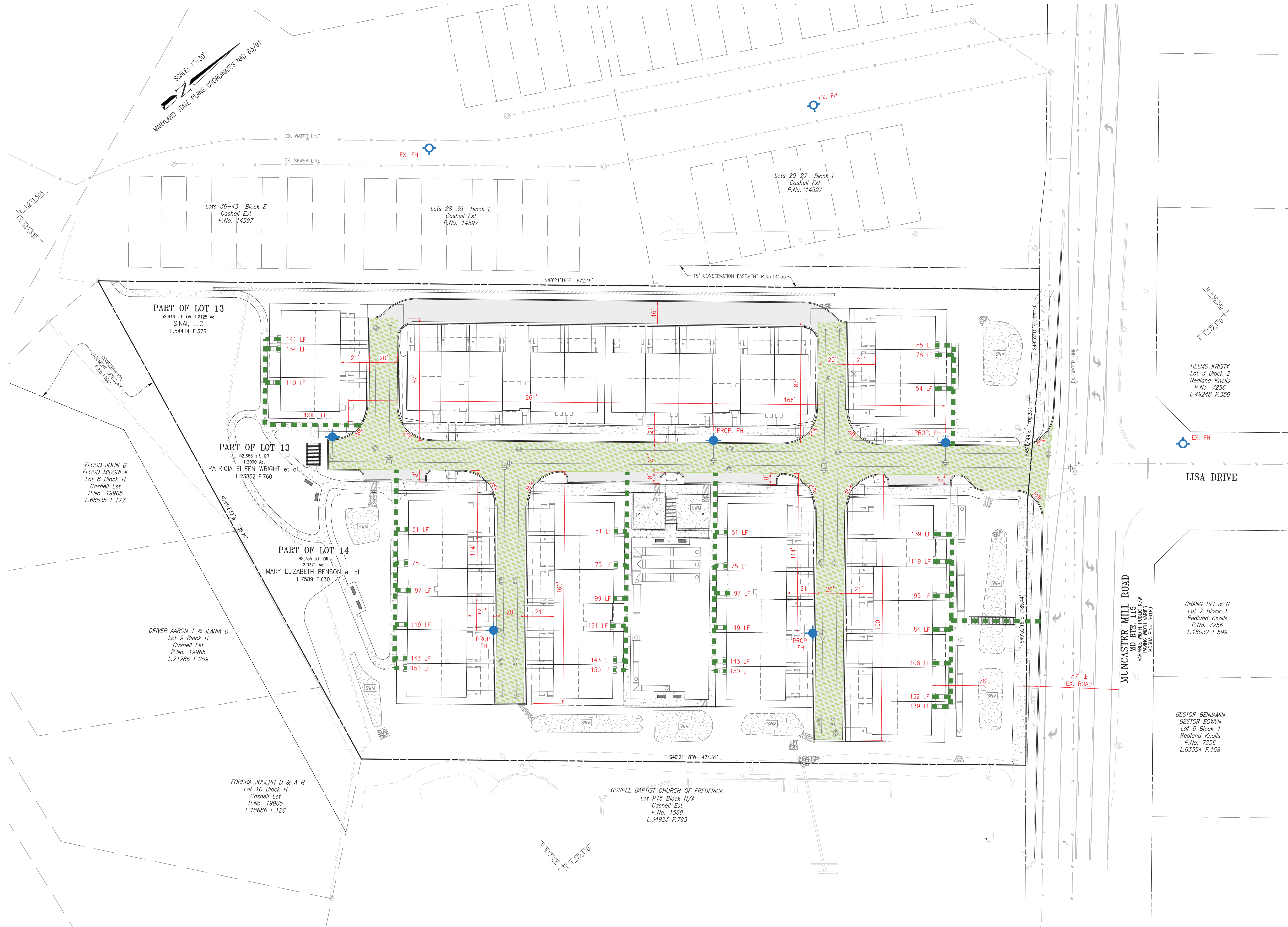
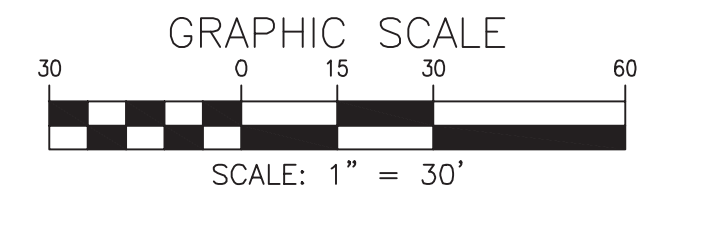
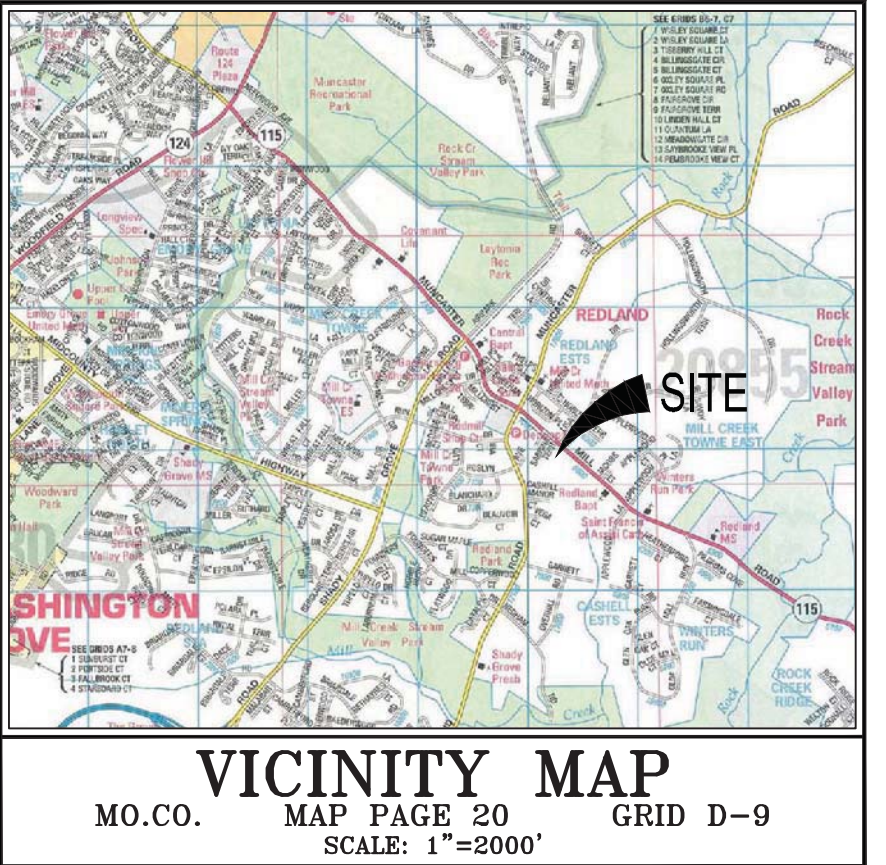


EX. FIRE HYDRANT



PROP. FIRE HYDRANT

SCALE: 1"=30'  
 MARYLAND STATE PLANE COORDINATES NAD 83/91



**FIRE CODE ENFORCEMENT**  
 Fire Department Access Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
 BY: SAC PM: 43 DATE: 12/1/2023

**PROFESSIONAL CERTIFICATION**  
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
 LICENSE NUMBER : 30287  
 EXPIRATION DATE : 05/18/2024  
 Not valid without signature

**FIRE CODE ENFORCEMENT**  
 Fire Department Access Review  
 Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.  
 BY: \_\_\_\_\_ PM: \_\_\_\_\_ DATE: \_\_\_\_\_

**LEGEND**

- BOUNDARY LINE
- ▨ PROP. PAVEMENT
- ▨ PROP. SIDEWALK
- ▨ FIRE DEPARTMENT ACCESS ROAD
- FIRE FIGHTER ROUTE
- ⊕ EX. FIRE HYDRANT
- ⊕ PROP. FIRE HYDRANT
- EX. WATER LINE
- EX. SEWER LINE
- PROP. WATER LINE
- PROP. SEWER LINE
- PROP. STORM DRAIN

UPDATES/REVISIONS:


**MISS UTILITY**  
 Call "Miss Utility" at 1-800-257-7777, 48 hours prior to the start of work. The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 26A of the Montgomery County Code. CERTIFICATIONS ON THIS SHEET ARE REQUIRED ON ANY PLAN INVOLVING STORMWATER MANAGEMENT. THE STRUCTURAL CERTIFICATION IS REQUIRED FOR UNDERGROUND STORMWATER MANAGEMENT STRUCTURES WHERE POURED CONCRETE WALLS ARE TO BE UTILIZED, OR ON ANY OTHER STRUCTURE MODS DEEMS APPROPRIATE.

**FIRE DEPARTMENT ACCESS PLAN**  
**MUNCASTER MILL PROPERTY**  
 4th ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND

**CPJ Charles P. Johnson & Associates, Inc.**  
 Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors  
 Associates  
 1751 Elton Rd., Ste. 300 Silver Spring, MD 20903 301-434-7000 Fax: 301-434-9394  
 www.cpj.com • Silver Spring, MD • Gaithersburg, MD • Annapolis, MD • Greenbelt, MD • Frederick, MD • Fairfax, VA

CLIENT: CM Muncaster LLC 155 Beverly Road, Suite 330 McLean, VA 22101	ISSUE GRID: 22IN07 & 22IN07 DESIGN: PH DATE: OCT. 2023	TAX MAP: 0732 SHEET: 1 OF 1 FILE NO: 2021-1588-45.0 D
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DEPARTMENT OF PERMITTING SERVICES

Marc Elrich  
County Executive

Rabbiah Sabbakhan  
Director

November 27, 2023

Mr. Timothy Stemann  
1751 Elton Road, Suite 300  
Silver Spring, MD 10903

Re: **COMBINED STORMWATER MANAGEMENT  
CONCEPT/SITE DEVELOPMENT  
STORMWATER MANAGEMENT PLAN** for  
Muncaster Mill Property  
Preliminary Plan #: TBD (Conditional Use)  
SM File #: 289505  
Tract Size/Zone: 4.46 ac.  
Total Concept Area: 4.48 ac.  
Lots/Block: P13 04-00117601, 04-0011789, and  
P14 04-00117496  
Watershed: Rock Creek  
Redevelopment: NO

Dear Mr. Stemann:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The plan proposes to meet required stormwater management goals via the use of micro-bioretenion and landscape infiltration. Underground detention is proposed to limit discharge to preexisting conditions.

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

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this project.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. The applicant has agreed to attempt to coordinate with the adjacent church property prior to submission of final engineering plans and potentially connect the proposed private storm drain system directly into the downstream culvert with a new structure.

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**.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311  
[www.montgomerycountymd.gov/permittingervices](http://www.montgomerycountymd.gov/permittingervices)

*Mr. Timothy Stemann*  
*November 27, 2023*  
*Page 2 of 2*

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 Patrick Fitzgerald at 240-777-6362; [Patrick.fitzgerald@montgomerycountymd.gov](mailto:Patrick.fitzgerald@montgomerycountymd.gov).

Sincerely,

  
Mark Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

cc: Neil Braunstein  
SM File # 289505

ESD: Required/Provided 16,376 cf / 16,579 cf  
PE: Target/Achieved: 1.8"/1.8"  
STRUCTURAL: N/A  
WAIVED: N/A

**From:** [Kwesi Woodroffe](#)  
**To:** [Joe Caloggero](#)  
**Subject:** Re: Muncaster Mill Property  
**Date:** Thursday, December 7, 2023 5:15:57 PM

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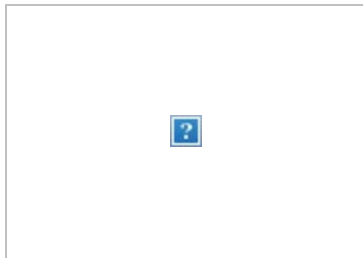
Good afternoon, Mr. Caloggero.

Thank you for the opportunity to review the Conditional Use Plan for the subject development.

After a cursory review, I have no objection to the location and geometry of the proposed access; however, I would recommend providing a right turn lane, starting it at the northern property line and tying into the existing right turn lane south of the property.

I support what is being proposed with the understanding that SHA District 3 Access Management and other support offices will need to comprehensively review the detailed plans, once available, and provide additional comments on the improvements in the State right of way, at that time.

Thanks, Kwesi



[roads.maryland.gov](https://roads.maryland.gov)

**Kwesi Woodroffe**  
*Regional Engineer*  
District 3 Access Management

301.513.7347 office  
[kwoodroffe@mdot.maryland.gov](mailto:kwoodroffe@mdot.maryland.gov)

**Maryland State Highway Administration**  
9700 Kenilworth Ave, Greenbelt, MD 20770