



Constructive Comments



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November 2011 | A Publication of the Department of Permitting Services

A Message from the Director

Diane R. Schwartz Jones



I am honored to write to you as the recently appointed Director of the Department of Permitting Services. I am keenly aware of the vital role DPS plays in the County. We are essential to the comfort, safety and welfare of our residents and businesses, the economic health of Montgomery County, and the condition of the environment and our communities. We touch people where they live, work, learn, play and pray. We are part of the critical path to people's pride in their homes, workplaces and neighborhoods. People come to us with their dreams and their needs for their homes – things they have saved for and are most meaningful to their everyday lives. Whether it is an addition, a deck, a fence or a new home, the public cares very deeply about what they are seeking from us and wants our help. It is clear to me that we strive to provide a high level of assistance.

DPS, both in the services we provide and how we are perceived, is very important to the economic well-being of Montgomery County and our businesses. Our ability to attract quality jobs to Montgomery County in part rests upon how we can assure newcomers and existing businesses that they can be up and running quickly and efficiently – that Montgomery County is a reasonable and friendly place in which to do business. The ability to understand our permitting requirements and processes and to know that a new or existing business can successfully navigate through the permitting and inspection process helps businesses want to do business in our County. So our role, and how we carry it out, as we review plans, process permits and do our inspections is critically important.

People rely on the work we do to know that the structures in which they live, work,

congregate, or recreate are safe and secure. They expect these structures to be constructed code-compliant in the first instance and look to us as their safety net for peace of mind that the places they are in are safe. Residents look to us to ensure that their neighborhoods are not adversely impacted by violations of zoning requirements that may result in uncomfortable living conditions, traffic and parking issues, or incompatible uses. And, we are part of the team of regulators and enforcers that protect our streams, forests and other aspects of the environment from being degraded due to unchecked or unlawful development practices or actions.

Frequently people want us to regulate others; and frequently people do not wish to be regulated. Our job is an art and not a science. We make decisions on plans that may not be exactly what people want to hear, or may result in additional expense in order to ensure compliance with codes. We tell people they are violating laws; something people don't like to hear. The art is in doing all of this with professionalism and sensitivity.

In speaking with people outside of DPS I have heard many say that the DPS staff is great. I am very proud to be part of DPS and work with people who clearly have challenging jobs, take them very seriously and do the best that they can to serve the public. The comments that I hear repeatedly about the development process has less to do with staff and more to do with a need to streamline the overall development process.

County Executive Leggett and the County Council are keenly interested in working towards a streamlined development process. That will be a multi-agency effort involving Park and Planning, DOT, DFRS, DEP, SHA, WSSC, etc. along with stakeholders and ourselves. We will be looking at this. The County Executive and the Council are also very interested in increased use of technology for greater efficiencies and transparency in the development process. Park and Planning, Howard County and other agencies are either using or launching ProjectDox, electronic permit submission software. DPS will be looking at how we can improve our use of technology in the submission, review and retention of plans and records. We are becoming an increasingly urbanized area which presents both great opportunities and great challenges. White Flint is literally coming down the "Pike." This Planning Area is viewed as a poster child for transit-oriented development and is receiving national attention. It is also one of the upcoming centers for economic growth. We have a key role to play in its success, just as we do in the success of the Great Seneca Sciences Corridor development projects, the upcoming East County and Wheaton redevelopment. All of this development will present great opportunities, but it will also pose challenges for surrounding communities and for the environment if not done well. DPS will be vital to the success of all of this.

There are very exciting things in the future for Montgomery County and together we can help to make them happen. If you have comments, concerns, suggestions or just wish to introduce yourself, I urge you to send an email or call me. I would be happy to meet with your company, organization or association to discuss any concerns or interests you have involving a project or your community.

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Local and National Recognition for DPS

Ralph Wolfe Wins MNCBIA'S Malcolm Shaneman Quality Of Life Award



Left to Right: Mike Conley, Chair, Development Review Process Subcommittee, MNCBIA; Ralph Wolfe, DPS Right of Way Inspector; Robert Spalding, Vice President, MNCBIA

On Friday, April 8, 2011, the Maryland National Capital Building Industry (MNCBIA) presented Ralph Wolfe, Department of Permitting, Right of Way Inspector with the Malcolm Shaneman Quality of Life Award at the Annual Montgomery County Liaison Breakfast at the Crown Plaza Rockville. This award recognizes Ralph for meritorious service for going beyond his normal duties to assist the building industry. Ralph shares the same characteristics as past recipients: first, the ability to seek solutions that are balanced and that make common sense; second, he achieves this *without fanfare* or *to seek recognition* – to him it is just a normal part of doing his job. MNCBIA commended Ralph for: resolving what often appears to be intractable conflicts and unshakeable hurdles, quick responses to phone calls and emails and making necessary changes to plans using sound judgment and reason.



“We are especially delighted to by his good nature and good mood. He clearly loves his work and it shows.”

Ralph “has the respect of every builder member that has sought to get their plans right ... the attention to detail, balanced with a broad understanding of the rules, as well as the ultimate, objectives.”

Ralph “consistently provides THE quality of service that we always seek, with clear explanations fairness, good humor, and timely solutions – even if it wasn’t the solution we were expecting.” DPS also congratulates Ralph on winning the Malcolm Shaneman Quality of Life Award.

DPS Wins 2011 NACO Achievement Award

The Department of Permitting Services was one of eighteen NACO Achievement Award winners for 2011 in Montgomery County. The Department of Permitting Services received an Achievement Award in the “Civic Education and Public Information” category for the Permitting Services Case Management Program. The Division of Customer Service is commend for taking the lead on successfully implementing the Case Management Program and all DPS staff for making the program a 2011 NACO Achievement Award winner.

NACO is the only national organization representing county government. The annual Achievement Award Program is a non-competitive awards program that recognizes innovative county government programs.

Legislative News

Being Good Neighbors: Maintaining the Residential Character of County Neighborhoods

On October 26, 2010, the County Council passed the Home Occupation and Off-Street Parking Zoning Text Amendment.

Front Yard Parking

Green spaces and attractive, well laid out and maintained neighborhoods helps properties to retain their value. This bill addresses issues related to parking on private property, specifically in the front yard. Many neighborhoods have experienced someone in their neighborhood parking all over their property, or parking on the sidewalk between the street and the private property. This limited amendment to the Zoning Ordinance will allow for parking in the front yard on a surfaced area where the land is covered by gravel, stone, brick, concrete, asphalt, or other material that will allow for the parking of a motor vehicle. In the R-200, R-150 and R-90 residential zones this area may not exceed 30 percent or 320 square feet whichever is greater. In the R-60 and R-40 zones, the parking area is limited to 25 percent or 320 square feet of a front yard. The 320 square feet will allow the parking of two vehicles in the front yard. If the front yard exceeds 320 square feet but meets the percentage for the zone in which you live,

(30 or 35 percent) you can use this option. These new parking limitations took effect October 24, 2011.

Some families already have paved their front yard. Any surfaced area paved before October 25, 2010 does not have to be removed but the paved area may not be increased.

Commercial Vehicles on Private Property

Heavy commercial vehicles and recreational vehicles are prohibited from parking on residential streets unless it is for temporary parking for loading and unloading. Heavy commercial vehicles are defined as vehicles having a gross vehicle weight of more than 10,000 pounds; a manufacturer rated capacity of more than one ton; and a length of more than eight feet high. This height includes racks and tires but not antennas.

Recreational Vehicles on Private Property

Recreational vehicles include motor homes and trailers including trailers used to transport leisure equipment. One recreational vehicle per household can be parked off street on available surfaced area in residential neighborhoods.

Home Occupations

Other changes effective April 24, 2011 are related to operating businesses out of private homes (home occupations). These changes include defining "Home Occupation, Eligible Area" and "Home Occupation Visit" and "Proof of home address".

For additional information, click on the link below to go to the "Being Good Neighbors" web site.

<http://www.montgomerycountymd.sp?url=/content/pio/goodneighbors/index.asp>

Changes to Code Enforcement Impact DPS

Bill 22-09 Enforcement of County Laws – Notice of Violation – Appeals was approved by the County Council effective January 24, 2011. This bill defines "Notice of Violation (NOV)" and allows code enforcement staff to issue a citation before the NOV compliance time is reached if the violation is a danger to public safety, health, or property. The bill also removes the appeal to the Board of Appeals for issuance of a NOV and for DPS' decision not to issue a NOV.

Impact Tax to be Collected Later in the Permit Process

Bill 26-11 Taxation – Development Impact Tax – Payment was approved by the County Council effective December 1, 2011. This bill allows for impact tax to be paid from the time of permit issuance to the earlier of final inspection or 6 months after the building permit is issued for single family detached or attached

residential buildings. For multi-family residential or non-residential development, impact tax can be paid from the time of permit issuance to the earlier of final inspection or 12 months after the permit is issued. If impact taxes are not paid when they are due, DPS will require all work to stop and DPS will post a stop work notice until the tax is paid.

Residential Use and Occupancy Certificates

Beginning April 24, 2011 the Department of Permitting Services (DPS) began issuing Use and Occupancy (U&O) certificates for new construction of residential dwellings. Applicants submitting building permit applications for new construction of a single family detached and attached dwellings must also submit an application for a Use and Occupancy Certificate. When the final building permit inspection has been approved DPS will issue a U&O certificate for the home. The property owner may have this certificate mailed to them or they may pick it up from our office.

The residential U&O certificate was issued free of charge until July 1, 2011. After July 1 there is a \$90.00 (DPS review zone) or \$145.00 (Maryland National Capital Park and Planning Commission review zone) fee.

Permit/License Process Changes

Homeowner's Electrical Exam

Effective October 4, 2011 DPS began conducting the homeowners' electrical examination in our offices. The exam is offered every Tuesday and Thursday at 9:00 a.m. and 1:00 p.m. Appointments are required to take the exam and walk-ins will not be accepted. To make an appointment to take the Homeowners' Electrical Exam please call 240-777-0311.

New County Business System Brings Process Adjustments

As of April 1st, 2011 DPS no longer accepts one combined check for the payments of bonds and fees. You will need two checks, one for the bond and another for the fees. The County started a new accounting system in July and is in the process of transferring all receiving functions over to DPS. In order for the new accounting system to accurately and timely apply payments for bonds, we will need separate payments. DPS appreciates your cooperation.

Duct Blaster and Blower Door Test Demonstration

Leaks in forced air duct systems are now recognized as a major source of energy waste in both new and existing houses. Studies indicate that duct leakage can account for as much as 25% of total house energy loss, and in many cases has a greater impact on energy use than air infiltration through the building shell. On February 25, 2011 three representatives from DPS participated with other local permitting departments in an on site demonstration of a duct blaster and blower door test in Howard County MD. The demonstration was hosted by Viking Custom Homes of Howard County and the testing was performed by Regal Services of Anne Arundel County Maryland.

What is a Duct Blaster Test?

A duct blaster test involves pressurizing the duct system with a calibrated fan and simultaneously measuring the air flow through the fan and its effect on the pressure within the duct system. The tighter the duct system, the less air you need from the fan to create a change in duct system pressure. Testing procedures can be set up to measure only duct leaks which are connected to the outside, or to measure total duct leakage (i.e. leaks connected to the outside and inside of the house). Duct leakage measurements are used to diagnose and demonstrate leakage problems, estimate efficiency losses from duct leakage, and certify the quality of duct system installation.

What is a Blower Door Test?

A basic blower-door system includes three components: a calibrated fan, a door-panel system, and a device to measure fan flow and building pressure. The blower-door fan is temporarily sealed into an exterior doorway using the door-panel system. The fan is used to blow air into or out of the building, which creates a small pressure difference between inside and outside. This pressure difference forces air through all holes and penetrations in the building enclosure. The airtightness of a building is useful knowledge when trying to increase energy conservation or decrease indoor air pollution,

IECC

The requirements for these tests can be found in the 2009 International Energy Conservation Code which is now in effect and enforced by Permitting Services. The IECC covers new construction, additions, remodeling, window replacement, and repairs of specified buildings. The Residential portion of the Code applies to buildings that are detached one- and two-family dwellings and buildings that contain three or more dwelling units and is three stories or less in height above grade. Commercial buildings are covered as well. A building is considered to be commercial when it is over three stories in height above grade or when it is below three stories and is not a residential building.

The Code provisions are intended to ensure the design of energy efficient building envelopes. They also address the energy efficiency of elements that do

not affect the building envelope, such as mechanical, water heating, electrical, and lighting equipment. The envelope requirements focus on insulation requirements for ceilings, walls, and floors and on thermal conductance of windows and doors.

The 2009 IECC will produce approximately 15% in residential energy-efficiency gains compared to the 2006 edition, according to the DOE. As a result, homes and building built in accordance with the 2009 IECC will consume less energy and help the environment by reducing emissions associated with operations.

A free download of the 2009 IECC is available at:
<http://www.iccsafe.org/store/pages/doeregistration.aspx>

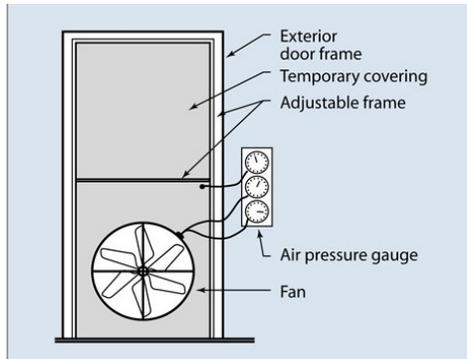


Illustration: US Department of Energy

Changes to the Residential Special Inspections Program

Inspectors certified by DPS as third party inspectors of footing, back-fill and slabs must attend one of the three sessions on “Changes to the Residential Inspections Program”. Each session will discuss recent changes in the operation of the Residential Special Inspections Program.

All inspectors must bring their State of Maryland License (Engineer/Architect), address, contact phone number and e-mail address. DPS will use only the provided email address for future communication and program updates. Failure to attend at least one of these meetings will result in the revocation of authorization to participate in the program. To register, please call Amy Edwards at 240-777-6316 or email at amy.edwards@montgomerycountymd.gov

All meetings will be held in the Executive Office Building
First Floor Auditorium
101 Monroe St.

Session One	Monday, November 28, 2011 2:00pm – 3:30pm
Session Two	Tuesday, November 29, 2011 9:00am – 10:30am
Session Three	Friday, December 2, 2011 2:30pm – 4:00pm

Fee Updates

DPS Fee Changes

Changes to permit fees for Land Development Permits were made effective July 1, 2011. [Executive Regulation 6-11](#) in general restructures the document format for ease of use. This Executive Regulation revises the minimum filing fee associated with Public Right of Way (ROW) and Sediment Control (SC) Permits; establishes the minimum fee for Engineered Public Right of Way Permits and revisions to permits; clarifies bond reduction fees; clarifies Stormwater Management Administrative Waiver Review for grandfathering fees; establishes fees for Site Development Stormwater Management Plan Review consistent with Stormwater Management Law; establishes Small Land Disturbance Permit revision fee and clarifies the Post Construction Monitoring Permit fee.

On Tuesday, July 19, 2011, the Montgomery County Council approved changes to the Fee Schedule for DPS Building permits. A number of changes are included in the new fee schedule:

- An increase in the amount of the filing fee that is due at time of permit application.
- Residential Use and Occupancy Fee. Must be paid at the time of permit application.
- Commercial projects with construction costs of more than \$8,000,000 to a maximum of \$50,000,000 are subject to an additional fee calculation.
- Alternative energy sources, such as solar/PV, generators and wind turbines, have been added to the electrical and mechanical fee sections.
- A minimum fee will be assessed all electrical and mechanical applications. Equipment and materials fee will be in addition to this minimum fee.

On July 25, 2011 the Department of Permitting submitted a correction to commercial building permit filing fees in temporary [Executive Regulation 5-11T](#). Permit applications submitted on or after July 19 are subject to the new fees and Building Permit applications submitted on or after July 25, 2011 are subject to the corrected Commercial Building Permit filing fees. The County Council made the temporary Executive Regulation permanent on October 4, 2011 which is now [Executive Regulation 5-11AMIII](#) Schedule of Fees for Permits, Licenses and Certifications.

Overtime Fees

Effective immediately, DPS will collect overtime fees at the same time as the permit filing fees. When you request an expedited review of your permit

application and plans you will be required to pay the overtime fees before the plans will be reviewed. The fee will be based on the values (square footage, construction costs) you declare on your permit application. If the plan reviewer finds a change after reviewing and evaluating your plan's construction costs, square footage or other factors, you will be charged any difference between what was originally calculated and what is now owed. The fees, along with the total permit fees, must be paid before the permit may be issued.

International Relations in a Global Economy

Vietnamese Delegation



On Tuesday, February 15, 2011 Montgomery County Department of Permitting Services (DPS) hosted a delegation of ten professionals from the **Vietnamese Government** Ministry of Natural Resources and Environment, including the Deputy Minister Hien. The request for the meeting was made by the World Trade Center Institute (WTCI) the sole administrator in Maryland for the [U.S. Department of State's International Visitor Leadership Program \(IVLP\)](#) in an effort to build stronger relationships abroad. The program aims to increase mutual understanding and helps to shape U.S. foreign relations through the concept of citizen diplomacy. The Ministry of Natural Resources and Environment (MONRE) in Vietnam is the main body in charge of administration on land resources. Currently, Vietnam is working to improve their land use planning and building development systems. The Department of Permitting Services shared their best practices.

Building Safety Reminder: An International Celebration of Safe and Sensible Structures

When you enter a house or building, most likely you assume that it was properly constructed and safe. Fortunately, your local safety experts work hard to assure

building safety and fire prevention every day. To help raise awareness of building safety, **Montgomery County and the Department of Permitting Services** proudly celebrated Building Safety Month in May. The theme, “An International Celebration of Safe and Sensible Structures” highlights four areas: Energy and Green Building; Disaster Safety and Mitigation; Fire Safety and Awareness; and Backyard Safety. Across the nation, leaders and communities are promoting the use and understanding of these topics to protect lives and property.

“The important work we do is often overlooked until a catastrophic tragedy occurs,” said Hadi Mansouri, Division Chief for Building Construction. “When building safety and fire prevention experts inspect buildings during and after construction, we help to ensure that the places where you live, learn, work, worship and play are safe.” Building safety and fire prevention codes address all aspects of construction, such as structural soundness of buildings, reliability of fire prevention and suppression systems, plumbing and mechanical systems, and energy efficiency and sustainability. To ensure buildings are safe requires the active participation of building safety and fire prevention officials, architects, builders, engineers and others in the construction industry, as well as property owners. “Public safety is our number one concern,” said Mansouri. “During Building Safety Month and all year long, building safety and fire prevention officials are here to help protect you, your family and our community.”

Improving Your Visit to DPS

DPS Lobby Monitor

There is something new in the lobby at DPS - a new monitor that shows the electronic queue for three of the busiest counters. Customers will be able to monitor their place in line for electrical/mechanical, Commercial / Residential Intake and Fast Track. The new monitor will also be used to show videos and other information of interest to our customers.

Free WiFi Now Available in DPS Lobby

Free WiFi is now available in the DPS lobby. Select the “MCGUEST” network. No password is required. Make your visit to DPS more productive and enjoyable.



The Environmental Corner

County Protects Streams and Water Resources Through Increased Sediment Control Fines

The County Council recently passed legislation increasing the maximum fines for erosion and sediment control violations from \$500 for an initial offense and \$750 for a repeat offense to \$1,000, the maximum amount allowed under State law for a civil penalty. Increasing the maximum fines to \$1,000 underscores to all sediment control permit holders, that it is the county's intent to protect our streams and water resources for the benefit of all county residents.

DPS Certification Program for Erosion and Sediment Control

DPS will be conducting classes for the Responsible Personnel Certification Program for Erosion and Sediment Control. The tentative dates for the fall and winter of 2012 for the upcoming Green Card Certification Seminars are: January 19 and February 16, 2012.

The Responsible Personnel training provides participants with valuable information regarding proper construction management and the proper implementation and maintenance of sediment control measures. The program is primarily tailored for land development and engineering firms as well as earth-moving contractors.

Responsible personnel training include attending a 4 hour course, taking an examination following the course, and receiving a certification card within 2 weeks of course completion. The classes are held at DPS from 8:00 to 12:30pm. The cost of the class is \$50.00 and includes a copy of the "Sediment Control Handbook." To register for one of the classes, call 240-777-0311 or in Montgomery County dial 311. Payment for the class must be received two weeks prior to the class date.

The Maryland Department of the Environment also coordinates the training program Statewide and can be contacted at 410-537-3543 for other classes held within the State.



DPS Partnerships

DPS PARTNERS WITH CANAAN VALLEY INSTITUTE FOR SEPTIC SYSTEM UPGRADES

Montgomery County property owners with on-site septic systems are eligible to participate in the State of Maryland Bay Restoration Fund (BRF) program. This program, which is funded by a yearly fee of \$30 collected with the property taxes of all septic system users, pays a portion of the cost to upgrade a standard septic tank system to a nitrogen-removing treatment system. Below is the program's web address.

[Bay Restoration Fund – Onsite Disposal Systems](#)

The portion of the cost that is paid by the BRF fund is determined by an income test. The application and grant awards are handled by the non-profit Canaan Valley Institute of Davis, WVA. (304-940-3443). Please contact the Well & Septic Section at DPS for additional information. A septic system permit is required for these installations.



Photograph: Maryland Department of Environment

DPS Outreach to the Community World of Montgomery Festival 10/16/11



Construction Art Gallery Photos by Laura Bradshaw



Plan NOW for New Montgomery County Carryout Bag Law Effective January 1, 2012

Under the new [carryout bag law](#), all retail establishments in the County that sell goods and provide their customers with a bag (either paper or plastic) to carry out purchases will be required to charge 5-cents per bag beginning January 1, 2012.

Both residents and retailers can help prepare and inform themselves about the law by visiting [Bring Your Bag](#).

There are fact sheets and FAQs for retailers and residents, a schedule for upcoming [free webinars](#) for retailers that will be held through late January, and a copy of the law.

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