



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

MCPB
Item #
12/20/07



MEMORANDUM

DATE: December 7, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division
JB

FROM: Neil Braunstein, Planner Coordinator (301-495-4532)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Three lots for three one-family detached dwelling units

PROJECT NAME: Bradley's Choice

CASE #: 120070440

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Cluster (RC)

LOCATION: Located on the northeast side of New Hampshire Avenue, 500 feet southeast of the intersection of Gaithers Meadow Lane.

MASTER PLAN: Olney

APPLICANT: W.C. & A.N. Miller Co.

ENGINEER: Macris, Hendricks & Glascock

FILING DATE: December 4, 2006

HEARING DATE: December 20, 2007

RECOMMENDATION: Approval subject to the following conditions:

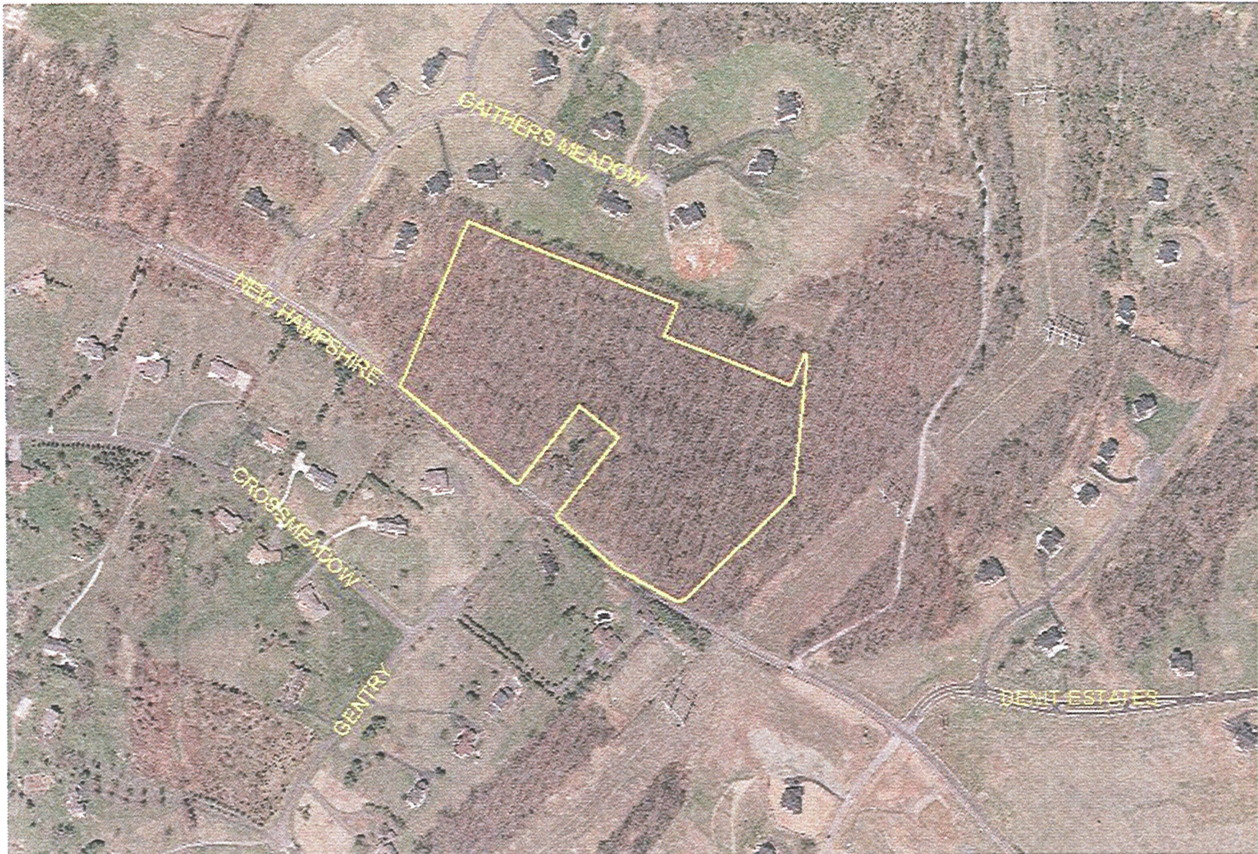
- 1) Approval under this preliminary plan is limited to three lots for three one-family dwelling units.
- 2) The applicant must comply with the conditions of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- 3) The Final Forest Conservation Plan must be approved, consistent with the approved Preliminary Forest Conservation Plan, prior to any clearing, grading or demolition on the site.
- 4) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 2, 2007.
- 5) The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated January 26, 2007.
- 6) The applicant must comply with the conditions of the Montgomery County Fire and Rescue Service (MCFRS) approval dated September 5, 2007.
- 7) The applicant must comply with the conditions of the Maryland State Highway Administration (MDSHA) letter dated May 1, 2007, unless otherwise amended.
- 8) The applicant must satisfy provisions for access and improvements as required by or MDSHA prior to issuance of access permits.
- 9) The record plat must provide for dedication of right-of-way for New Hampshire Avenue to attain an 80-foot-wide right-of-way as measured from the opposite right-of-way line.
- 10) The record plat must reflect common ingress/egress and utility easements over all shared driveways.
- 11) The record plat must show necessary easements.
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.

SITE DESCRIPTION

The subject property, pictured below and in Attachment A (Vicinity Map), is a 17 acre unplatted parcel located on the northeast side of New Hampshire Avenue, 500 feet southeast of the intersection with Gaithers Meadow Lane. The site is located within the Rural Cluster (RC) zone. The property is undeveloped, and no structures exist on it. A separately owned parcel that is not a part of this subdivision is surrounded by the subject property on three sides, with the fourth side fronting on New Hampshire Avenue. That separate parcel is developed with a one-family dwelling. The shape of the subject property, with the intervening parcel, creates two separate frontages on New Hampshire Avenue. The site is surrounded by one-family residential lots in the RC zone to the north, south, east and west. A PEPCO right-of-way containing an electrical transmission line is located off-site to the east.

The subject property is located within the Patuxent River watershed and is partially within the Patuxent River Primary Management Area. Nearly the entire site (16.3 acres) is

forested. A Tributary to the Patuxent River occurs on the site near the eastern property line, and an associated stream valley buffer covers a small portion of the site near the eastern boundary. Ten specimen trees exist on the property, mostly near the northern and eastern property lines. There are no floodplains or wetlands on the subject property.



PROJECT DESCRIPTION

The applicant proposes to subdivide the existing parcel into three lots for three one-family dwellings. The lots will range in size from 5.3 to 5.6 acres. The subdivision is not using the optional cluster method of development, so no rural open space is required and none is proposed. Access to the proposed dwellings is from three driveways from New Hampshire Avenue – one driveway for proposed Lot 1 and two driveways with a single shared entrance for proposed Lots 2 and 3. The dwellings will be served by private wells and septic systems.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney Master Plan does not specifically address the subject property. In the absence of a specific recommendation for change on a particular property, the master plan recommends

retention of existing zoning. In the case of the subject property, the master plan calls for retention of the existing RC zoning. The proposed subdivision complies with the recommendations adopted in the master plan in that it proposes one-family residential development consistent with surrounding development patterns and the current zoning designation.

Public Facilities

Roads and Transportation Facilities

The proposed lots will not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Vehicle and pedestrian access to the proposed dwellings is via three driveways from New Hampshire Avenue – one driveway for proposed Lot 1 and two driveways with a single shared entrance for proposed Lots 2 and 3. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by private wells and private septic systems. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. Electrical and telecommunications services are also available to serve the Property.

Environment

There are 1.29-acres of stream valley buffer and 16.29-acres of forest on-site. All environmental buffers are protected by a Category I Forest Conservation Easement, with no encroachment proposed. The plan meets all applicable requirements for protection of environmentally sensitive areas.

The subject property is partially within the Patuxent Primary Management Area (PMA) and is subject to the PMA requirements. Among the requirements is that overall imperviousness must not exceed 10 percent for the entire site and that a 200-foot septic setback be observed. The applicant has provided both impervious surface calculations and a septic setback delineation, which meet the requirements.

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan of subdivision. There are 16.29 acres of existing forest on the property. The applicant is proposing to remove 6.32 acres and retain 9.97 acres of forest. All areas of the stream valley buffer will remain forested. All forest retained is contiguous and leaves each proposed residence with a significant, useable yard.

Section 22-A12(f) of Forest Conservation Law requires that properties in an agricultural and resource area must include a minimum of 25% forest on-site to meet its total forest conservation requirements. This plan proposes retention of 9.97 acres, or 58.6%, clearly meeting this requirement.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on January 2, 2007. The stormwater management concept includes nonstructural measures for water quality control and recharge. Channel protection is not required because the one-year post-development peak discharge is less than two cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RC zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. As of the date of this report, no citizen letters have been received.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Development Plan

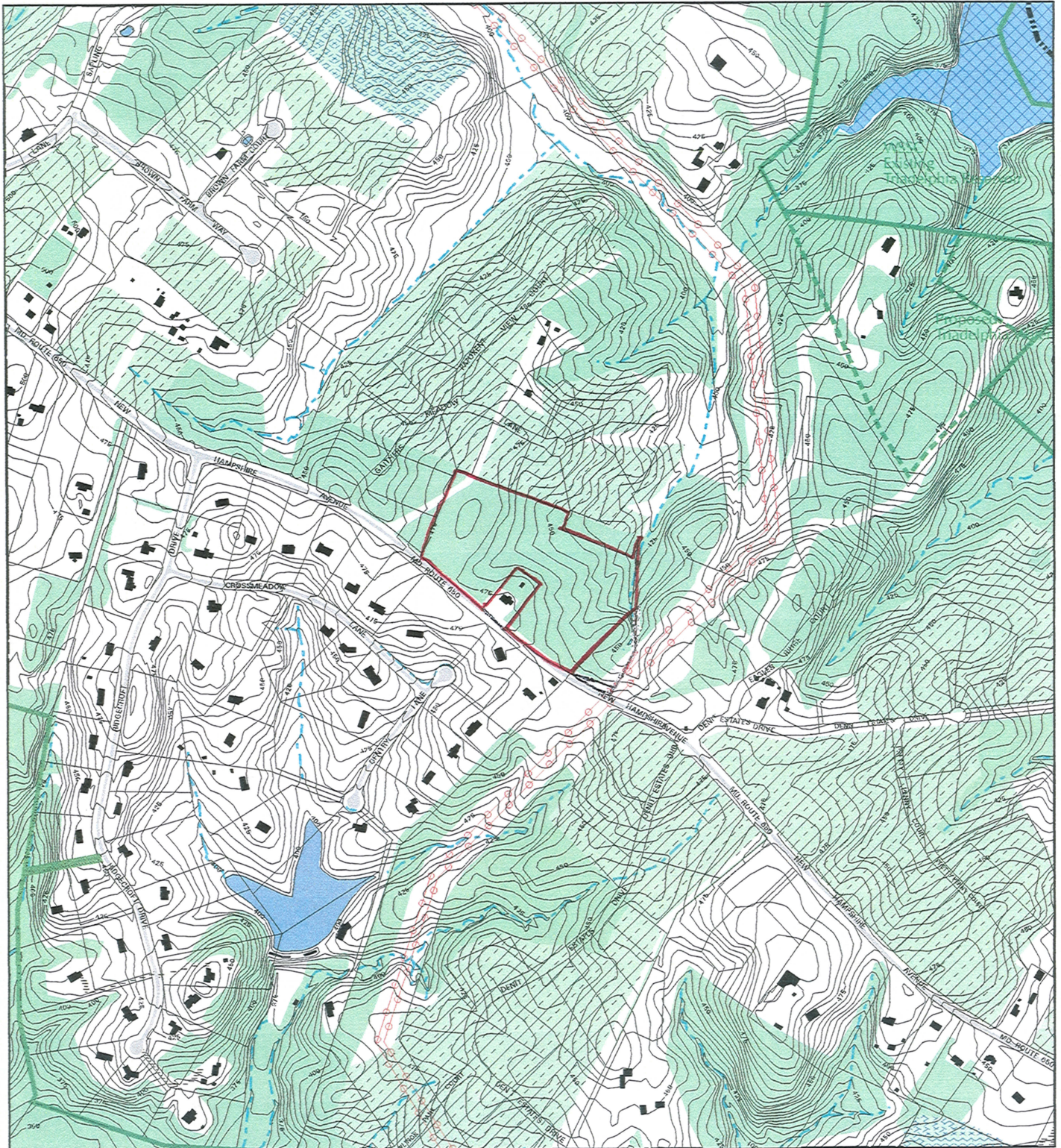
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Bradley's Choice				
Plan Number: 120070440				
Zoning: RC				
# of Lots: 3				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	5 acres	5.3 acres minimum	NB	12/7/07
Lot Width	300 ft.	300 ft. minimum	NB	12/7/07
Lot Frontage	300 ft.	300 ft. minimum	NB	12/7/07
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	NB	12/7/07
Side	20 ft. Min.	Must meet minimum ¹	NB	12/7/07
Rear	35 ft. Min.	Must meet minimum ¹	NB	12/7/07
Height	50 ft. Max.	May not exceed maximum ¹	NB	12/7/07
Max Resid'l d.u. per Zoning	3	3	NB	12/7/07
MPDUs	N/a		NB	12/7/07
TDRs	N/a		NB	12/7/07
Site Plan Req'd?	No		NB	12/7/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		NB	12/7/07
Road dedication and frontage improvements	Yes		Agency letter	5/1/07
Environmental Guidelines	Yes		Staff memo	12/7/07
Forest Conservation	Yes		Staff memo	12/7/07
Master Plan Compliance	Yes		NB	12/7/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	1/2/07
Water and Sewer (WSSC)	N/a		Agency comments	1/22/07
10-yr Water and Sewer Plan Compliance	N/a		Agency comments	1/22/07
Well and Septic	Yes		Agency letter	1/26/07
Local Area Traffic Review	N/a		Staff memo	1/22/07
Fire and Rescue	Yes		Agency letter	9/5/07

¹ As determined by MCDPS at the time of building permit.

BRADLEY'S CHOICE (120070440)



Map compiled on December 27, 2006 at 10:46 AM | Site located on base sheet no - 230NW02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

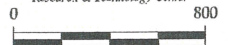
Key Map



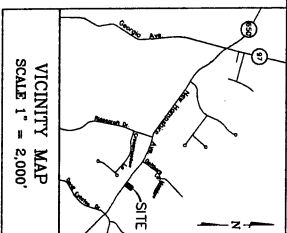
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Research & Technology Center



1 inch = 800 feet
1 : 9600





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

January 2, 2007

Reginald Jetter
Acting Director

Mr. Scott Roser, P.E.
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Bradley's Choice
Preliminary Plan #: Pending
SM File #: 229748
Tract Size/Zone: 17/RC
Total Concept Area: 17ac.
Lots/Block: Proposed 1-3
Parcel(s): 623
Watershed: Upper Patuxent

Dear Mr. Roser:

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

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

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

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

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard R. Brush". The signature is fluid and cursive, with a large initial "R" and "B".

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

RRB:dm CN 229748

cc: C. Conlon
S. Federline
SM File # 229748

QN - On Site; Acres: 17ac
QL - On site; Acres: 17ac
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Reginald Jetter
Acting Director

MEMORANDUM

January 26, 2007

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

FROM: Reginald Jetter, Acting Director
Department of Permitting Services *RJ*

SUBJECT: Status of Preliminary Plan: #1-20070440, Bradley's Choice, 3 lots

This is to notify you that the status of the plan received in this office on November 16, 2006, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.

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

cc:
Surveyor
File

Attw:
Dave Crowe
1/26
624





FIRE MARSHAL COMMENTS

DATE: SEPT 5, 2007
TO: DAVID CROWE, MHG
FROM: MARIE LABAW
RE: BRADLEY'S CHOICE 1-20070440

PLAN APPROVED provided the following conditions are met:

1. Maryland State Highway must approve construction of the cistern to be maintained by Montgomery County and paved pulloff within their right of way.
-
1. Review based only upon information contained on the plan submitted with revision on **08-28-07**. 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.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

Maryland Department of Transportation

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

RECEIVED

MAY 14 2007

May 1, 2007

Mr. David A. Crowe
Marcis, Hendricks & Glascock, P.A.
9220 Wightman Road
Suite 120
Montgomery Village, Maryland 20886

Re: Montgomery County
Bradley's Choice
File # 1-20070440
MD 650

Dear Mr. Crowe:

The State Highway Administration (SHA) received your submission of a sight distance profile and worksheet for this proposed 3-lot residential development. We offer the following comments:

- Regarding the proposed use-in-common driveway for lots 2/3, the available sight distance meets the posted speed limit standard, but falls short of the design speed guidelines. The submitted sight distance profile demonstrates that the proposed entrance location maximizes sight distance in both directions along MD 650 and is therefore acceptable. Please sign, seal and resubmit both the sight distance profile and worksheet.
- The proposed MD 650 entrance location for lot #1 is acceptable.
- The required minimum entrance geometry is 20' widths with 20' turning radii.
- Right-of-way dedications need to be in accordance with the Master Plan of Highways. SHA will require that the right-of-way dedications be platted using SHA standards. These plats must be submitted in hard copy format for SHA's review and final issuance. Please contact Dan Andrews of the Plats and Surveys Division @ 410-545-8975 or dandrews@sha.state.md.us for additional information.
- The proposed entrances and work within MD 650 rights-of-way are subject to the terms and conditions of a residential access permit, which must be received from SHA District #3 Utilities Office 301-513-7350.

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

Mr. David Crowe
Page Two

If you have any questions, please contact Ray Burns at 410-545-5592 or our toll free number in Maryland only 1-800-876-4742.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S.D. Foster', with a long horizontal flourish extending to the right.

for Steven D. Foster, Chief
Engineering Access Permits Division

SDF/rbb

cc: Ms. Catherine Conlon / M-NCPPC
Mr. Shahriar Etemadi / M-NCPPC
Mr. Sam Farhadi / MCDPWT
Mr. Jeff Wentz *sent via e-mail*
Ms. Kate Mazzara *sent via e-mail*
Mr. Augustine Rebish *sent via e-mail*