

MCPB : Item # 03/08/07

MEMORANDUM

DATE:

February 21, 2007

TO:

Montgomery County Planning Board

FROM:

Catherine Conlon, Supervisor

Development Review Division

(301) 495-4542

SUBJECT:

Informational Maps and Summary of Record Plats for the Planning Board

Agenda for March 8, 2007

The following record plat is recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plat drawings for the record plat. The following plats are included:

220070100 - Burton Woods



PLAT No. 220070100

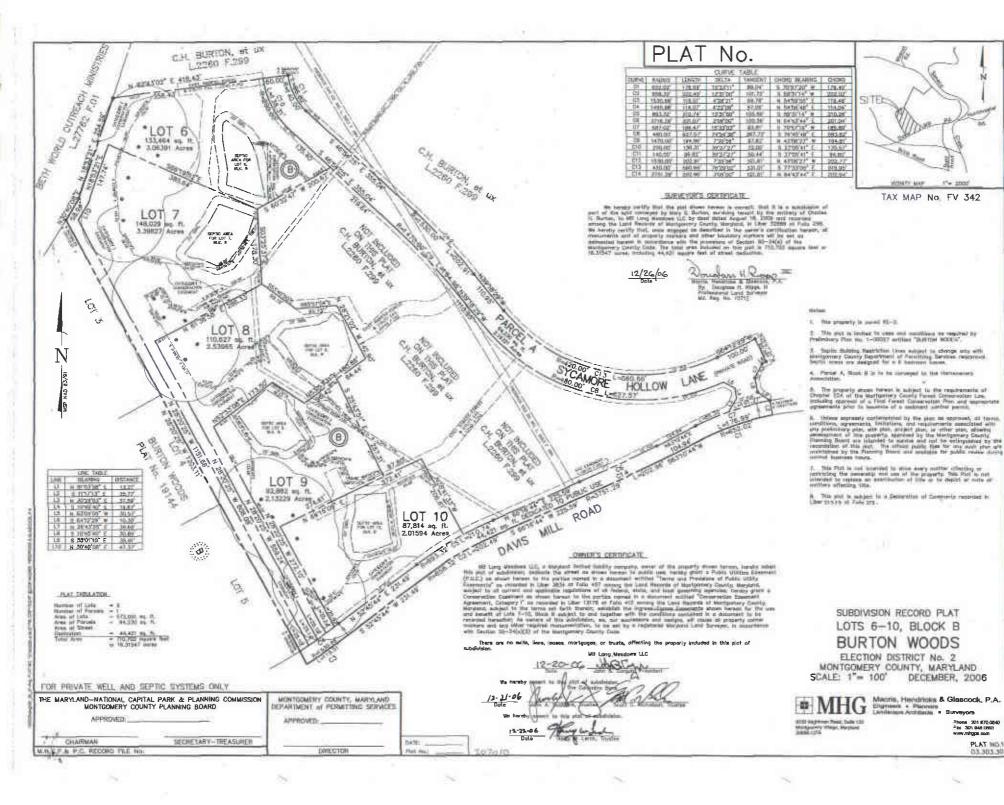
Burton Woods
Located on David Mill Road, 2000 feet east of Brink Road
RE-2 Zone; 5 Lots
Private Well, Private Septic
Master Plan Area: Agricultural & Rural Open Space
Mitchell & Best, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060270, as approved by the Board; and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

PB date: 03/08/07

RECORD PLAT REVIEW SHEET

Plan Name: Burton Woods				Plan Number:	120060270
Plat Name: Buston Woods				Plat Number	220070100
Plat Submission Date: 7/19/06					
DIVD lat (criotic)					
DRD Pretim Plan Reviewer:					
Initial DRI	Review:	note into	Chacks	d: Initial (RW Date 11/21/06
Alther Figure 1 and Date 1917.					
Planning Board Opinion – Date /6/17/06 Checked: Initial Date ///// Date ////// Date /////// Date ///////// Date ///////////// Checked: Initial Date ////////////////////////////////////					
Site Flair Red d for Development:					
Site Plan Name: Site Plan Number: Planning Board Opinion – Date Checked: Initial Date					
Planning Board Opinion – Date Checked				d: Initial	Date
Site Plan Signature Set - Date Checked: Initial Date					
Site Plan Reviewer Plat Approval: Checked: Initial Date					
Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates Plan # Road/Alley Widths Easements Open Space Non-standard BRLs Adjoining Land Vicinity Map Septic/Wells TDR note N A Child Lot note N A Surveyor Cert Owner Cert Tax Map					
Agency Reviews Reg'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Mark P	7/27/0/	2/11/02	8/10/06	Med MINOIDA
Research	Bobby Fleury		-1,1	6/10/06	No.
SHA	Doug Mills Jose Washington		_	100	CIC
PEPCO	Doug Powell		11	No.	116 12
DRD	Steve Smith	V		8/10/0	see net
Final DRD Review: DRD Review Complete: (All comments rec'd and incorporated into mark-up) Engineer Notified (Pick up Mark-up): Final Mylar w/Mark-up & PDF Rec'd: Board Approval of Plat:					Date 1/3/07 1/2/106 12/28/06
Plat Agenda: THE 3 07					
Planning Board Approval:					
Chairman's Signature:					
DPS Approval of Plat:					
Engineer Pick-up for DPS Signature:					
Final Mylar for Reproduction Rec'd:					
Plat Reproduction:					
Addressing:					-
File Card Update:					-
Final Zoning Book Check:					NIa
Update Address Books with Plat #:					No
Update Green Books for Resubdivision:					
Notify Engineer to Seal Plats:					
Engineer Seal Complete:					
Complete Reproduction:					
Sent to Courthouse for Recordation:					



1"= 1000

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PLAT NO.1

03.303.30

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

> Date Mailed: 001 1 9 2006 Hearing Date: May 18, 2066

Action: Approved Staff Recommendation

Motion of Commissioner Bryant, seconded
by Commissioner Robinson, with a vote of 41:

Chairman Berlage and Commissioners Bryant, Perdue, and Robinson voting in favor. Commissioner Wellington voting against.

MONTGOMERY COUNTY PLANNING BOARD OPINION

Preliminary Plan 120060270 NAME OF PLAN: Burton Woods-Phase I

The date of this written opinion is ________ (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

INTRODUCTION

On 8/29/05, Mary S. Burton ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 5 lots on 106 acres of land located at the north side of Davis Mill Road approximately 2,000 feet east of Brink Road, in the Agricultural and Rural Open Space Master Plan area ("Subject Property"). The application was designated Preliminary Plan No. 120060270 ("Preliminary Plan"). On 5/18/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property consists of approximately 107 acres located within the boundary of the Agricultural and Rural Open Space Master Plan. The property is located on the north side of Davis Mill Road (designated a rustic road) approximately 2,000 feet east of Brink Road. The site is zoned RE-2. The existing conditions on the site include one existing house, accessory structures, a cemetery, farm fields, paddocks and undeveloped forest. The Subject Property is surrounded by existing stream valley parkland to the east, rural residential lots in the RE-2 zone to the north and south, and RDT-zoned land in the agricultural reserve to the west.

The Subject Property is within the Great Seneca Creek watershed, a Use I-P watershed. A tributary stream to Great Seneca Creek bisects the site from west to east and the main stem of Great Seneca Creek flows along Davis Mill Road on the eastern property boundary. There are steep slopes, streams, wetlands, floodplain, and associated environmental buffers on the property. The site includes approximately 50 acres of existing forest.

PROJECT DESCRIPTION

Only a portion of the Subject Property is proposed for subdivision at this time. This Phase I portion of the site consists of 13.2 acres of land on the western portion of the property. The majority of the Phase I area is currently in forest cover. The forest is not associated with environmental buffer areas, but it is high quality forest with some large individual trees. A potential second phase of the subdivision, for which a prepreliminary plan of subdivision has been submitted, is currently undergoing percolation and groundwater testing to determine the potential number of future lots and lot locations. When the percolations tests are complete, it is the Applicant's intent to submit a preliminary plan amendment to obtain approval of these lots.

This Preliminary Plan proposes to create five lots for the construction of five one-family detached residential dwelling units on the Phase I portion of the Subject Property. The lots are served by private well and septic systems and have access to Davis Mill Road via shared private driveways. The driveways will ultimately connect to a private road that will serve the proposed lots, as well as any future lots that may be created as part of a Phase II plan. If the currently proposed houses are constructed before detailed Phase II review, a temporary access driveway would be constructed so it can be converted to the road. The majority of the environmentally sensitive areas, including the onsite stream, associated buffers, steep slopes and the majority of the forest, are located outside the Phase I area of the property.

MASTER PLAN COMPLIANCE

The 1980 Functional Master Plan for Preservation of Agricultural and Rural Open Space ("AROS Master Plan") confirmed the existing RE-2 zoning on this site, but does not include any specific recommendations for the site. Adjacent properties carry RE-2 and RDT zoning.

TRANSPORTATION

Staff found that the Preliminary Plan will provide safe and adequate access for vehicles and pedestrians. Local Area Transportation Review (LATR) is not required for the proposed development at this time since the proposed houses do not generate more than 30 peak-hour trips. Additional lots, which may be approved as part of a Phase II plan, may trigger future LATR review and requirements.

ENVIRONMENTAL COMPLIANCE

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") was submitted for the entire Subject Property and approved by Environmental Planning staff on February 24, 2006. Phase I, which is subject to this Preliminary Plan, covers 13.2 acres and includes approximately 11.5 acres of existing forest. There are no environmental buffers in the Phase I area. The environmentally sensitive features including steep slopes, streams, wetlands, floodplains, and associated environmental buffers are on the remainder of the Subject Property that would be included in a future preliminary plan amendment. No encroachments into the environmental buffers would be supported by staff as part of a Phase II development. The conceptual plan submitted for the future phase indicates these areas would be protected. There is an existing gravel driveway through the environmental buffer that the applicant indicates will be removed.

Since only the Phase I portion of the plan is being subdivided at this time, staff is considering only this area for final approval with regard to limits of disturbance. The conceptual limits of disturbance shown for the remaining RE-2 zoned portion of the site that will be subdivided in Phase II are generally acceptable and should be used as a basis for future plans.

Forest Conservation

Per staff's request, the Applicant submitted a preliminary forest conservation plan for the entire 107-acre site, which would be fully implemented as each of the phases of the development, are approved. Staff recommended that no clearing, grading, or forest removal occur on the Phase II portion of the site until the preliminary FCP is revised to include necessary detail, and has been approved by the Planning Board. The Phase I area covers 13.2 acres, has no environmental buffers, and includes 11.5 acres of upland forest. The Phase II area covers 94 acres and includes 20 acres of environmental buffers and 38 acres of stream buffer and upland forest.

Within the Phase I development, the Applicant is proposing to remove 6.37 acres of existing forest and retain 5.22 acres of forest, as such, there are no forest planting requirements associated with the Phase I development. The preliminary forest conservation plan reflects forest retention in excess of the minimum requirements, and no planting requirements for the Applicant.

STAFF RECOMMENDATION

Staff found that the Preliminary Plan complies with the applicable provisions of the Subdivision Regulations and the Zoning Ordinance as well as the recommendations in the AROS Master Plan. Therefore, staff recommended approval of the Preliminary Plan, subject to conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board, based on the uncontested evidence of record and subject to the conditions of approval, finds that:

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- a) The Preliminary Plan No. 120060270 substantially conforms to the Agricultural and Rural Open Space Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) Access to the Phase I lots shall be subject to an ingress/egress easement through the remaining portion of the Subject Property.
- d) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- e) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- g) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.
- h) Commissioner Wellington expressed her objections to the phasing of the development on this site. In particular, she expressed concerns related to the access of the proposed lots in the Preliminary Plan through the remainder of the Subject Property that will be subject to further review at Phase 2.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060270 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060270, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 5 dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan dated March 29, 2006. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.

- Compliance with the conditions of the MCDPS stormwater management approval dated December 1, 2005 and as revised May 2, 2006.
- Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 15, 2005.
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- Compliance with conditions of MCDPWT letter dated, January 13, 2006, unless otherwise amended.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 8) The Phase I preliminary plan will remain valid for thirty-six months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved Phase I preliminary plan, or a request for an extension must be filed.
- 9) 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 opinion.
- Other necessary easements.
- 11) Prior to approval of the record plat for the lots in Phase I, the applicant shall record a common ingress/egress easement through the remainder of the property to provide driveway access to the Phase I lots. The easement shall be referenced by a note on the record plat(s) for the Phase I lots.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL TO LOG M-NCPPC

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, September 7, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, ADOPTED the above opinion, on motion of Commissioner Perdue, seconded by Commissioner Wellington, with Commissioners Bryant, Perdue, Robinson, and Wellington voting in favor, and with Chairman Hanson abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060270**, **Burton Woods-Phase 1**.

Certification As To Vote of Adoption

E. Ann Daly, Technical Writer

