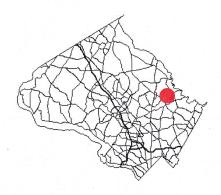


MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item # 12/18/08



MEMORANDUM

DATE:

December 8, 2008

TO:

Montgomery County Planning Board

VIA:

Rose Krasnow, Chief

Catherine Conlon, Subdivision Supervisor

Development Review Division

FROM:

Patrick Butler, Planner (301-495-4561)

Development Review Division

REVIEW TYPE:

Preliminary Plan of Subdivision

APPLYING FOR:

Two lots for one new one-family detached dwelling unit, and one existing

one-family detached dwelling unit.

PROJECT NAME: Slater Property CASE #:

120050230

REVIEW BASIS:

Chapter 50, Montgomery County Subdivision Regulations

ZONE:

RE-2

LOCATION:

Located on the east side of Chandlee Mill Road approximately 3000'

north of Brooke Road.

MASTER PLAN:

Sandy Spring/Ashton

APPLICANT:

JH & DM Slater

ENGINEER:

Witmer and Associates, LLC

FILING DATE:

August 5, 2004

HEARING DATE: December 18, 2008

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two lots for two one-family detached dwelling units.
- 2) The applicant must comply with the conditions of approval of the preliminary forest conservation plan.
- The applicant must revise the preliminary forest conservation plan to adjust the proposed conservation easement in the area north of the proposed house on Lot 2 so that it follows the 400-foot contour interval. In addition, adjust the proposed conservation easement in the area west of the proposed house on Lot 2 so that it follows the 395-foot contour interval.
- 4) The applicant must submit a revised preliminary plan and revised preliminary forest conservation plan in response to condition 3 prior to certification of the preliminary plan.
- 5) The applicant must place a Category I Forest Conservation Easement on all retained forest and the entire stream valley buffer with the exception of the areas where it will be adjusted as identified in Condition number 3.
- 6) The applicant must comply with the Patuxent River Primary Management Area (PMA) requirements including limiting onsite imperviousness to no more than ten percent.
- 7) The applicant must incorporate and implement an invasive species eradication and management plan for the forest retention areas as part of the final forest conservation plan.
- 8) The record plat must provide for dedication of right-of-way along the property frontage measured 35 feet from the centerline of Chandlee Mill Road.
- 9) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated September 30, 2004.
- The applicant must comply with the conditions of the MCDPS, Wells and Septic Section approval dated April 23, 2007.
- The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated October 20, 2008, unless otherwise amended.
- The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat.
- 13) The record plat must show necessary easements.
- 14) 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

(Attachment A)

The subject property, shown below, is an unplatted parcel measuring 7.32 acres within the RE-2 zone. The property is located on the east side of Chandlee Mill Road approximately 3000' north of Brooke Road. The site is currently developed with a one-family residence, which is proposed to be retained on Lot 1 of the proposed subdivision. The majority of the site is covered by forest. Approximately half the site is constrained by stream valley buffers, for

streams that drain into the Hawlings River, and there are steep slopes located within the stream valley buffer.



PROJECT DESCRIPTION

(Attachment B)

The applicant proposes to create two one-family residential lots. Lot 1 will be 3.5 acres, and Lot 2 will be 3.8 acres in size. The applicant will dedicate property along the frontage on Chandlee Mill Road for a total of 35 feet of right-of-way from the centerline. Access to the lots will be provided by private driveways from Chandlee Mill Road. The lots will be served by private wells and septic systems.

ANALYSIS AND FINDINGS

Master Plan Compliance

The proposed project is located in the Sandy Spring Ashton Master Plan Area. The master plan recommends retention of the existing rural character of the neighborhood by retaining the zoning throughout the master plan area, which allows a limited amount of residential development. Thus, in the case of the subject property, the master plan calls for retention of the existing RE-2 zoning, which reflects the septic suitability of the area. In the Land Use and Zoning section of the plan, the property and surrounding area is identified as suitable for

one-family detached housing. The proposed subdivision complies with the recommendations adopted in the Sandy Spring Ashton Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood and the current zoning designation. The proposed lots are generally of the same character as the surrounding area, and the house locations are ideal to meet the environmental goals identified in the Master Plan.

Public Facilites

Roads and Transportation Facilities

The proposed lots do 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. In addition, the application was submitted prior to July 1, 2007, and is not subject to Policy Area Mobility Review. Proposed access to the lots will be via private driveways from Chandlee Mill Road. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

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 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. The Application is not within a school moratorium area. Electrical and telecommunications services are also available to serve the Property.

Environment

Patuxent River Primary Management Area

The subject site lies entirely within the Patuxent River Primary Management Area (PMA). The PMA is subject to specific guidelines that serve to protect water quality in the watershed. The land area within the PMA that does not fall within the stream buffer is managed as a transition area. New development in the transition areas are subject to guidelines that serve to minimize impacts on water quality and maximize protection of environmental features. The transition area has a ten percent (10%) site imperviousness limit on new development projects. However, the imperviousness may be averaged over an entire development (10% over the entire site) if this would result in greater compatibility and/or accomplish master plan goals and maintain community character. The imperviousness within the transition area only on the subject site exceeds the 10% limit; however, this project conforms to the Master Plan recommendations by maintaining the existing rural character of the neighborhood. In addition, the proposed subdivision is compatible with the area and maintains the character of the community. Thus, staff believes it is appropriate in this case to calculate the imperviousness over the entire site rather than in the transition area only. This results in an imperviousness of approximately eight percent

(8%) and is in conformance with the PMA recommendations.

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the subject site. Staff approved the NRI/FSD on June 18, 2008. The project site is located within the Hawlings River watershed, which is a Use IV waterway. There is one stream that begins in the center of the property and flows in a northeastern direction. This stream flows off-site in the northeastern corner of the property. A second stream, located along the eastern property boundary, flows in a northerly direction. The confluence of these two streams is located offsite, north of the property. The streams on the property are protected by an expanded environmental buffer due to hydraulically adjacent steep slopes on the site. In total, the subject property contains approximately 3.7-acres of stream valley buffer area. The preliminary plan of subdivision does not indicate any encroachment into the environmental buffers.

Forest Conservation

There are 6.28-acres of existing forest on this property. The majority of the forest is now dominated by tulip trees after the commercially viable trees were harvested in 2001. Since that time the property owner has maintained the skid trails created by the tree harvesting through mowing. The timber harvesting operation opened areas for the establishment of a variety of non-native invasive species in the forest. Staff recommends a condition be included that requires the applicant to incorporate and implement an invasive species eradication and management plan for the on-site forest into the final forest conservation plan. Mowing of the skid trails will stop once the conservation easement is recorded on the property, since the conservation easement prohibits mowing.

There is 6.28 acres of existing forest on the property. The preliminary forest conservation plan indicates the removal of 0.78-acres of forest. There is no forest planting requirement associated with this project since 5.5 acres, or more than 85% of the existing forest will be preserved. The applicant does propose to remove 5 trees that are 24 inches dbh and greater. There are 44 trees 24 inches and greater dbh outside the stream valley buffer. All retained forest and the majority of the stream valley buffer will be protected in a Category I forest conservation easement. There are two areas where staff recommends the conservation easement not follow the stream valley buffer demarcation. The conservation easement will be expanded to include additional areas of steep slopes and highly erodible soils and reduced in the area immediately adjacent to the proposed house on Lot 2 to allow for a more adequate side yard.

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on September 30, 2004. The stormwater management concept includes on-site water quality control and recharge via disconnection of the proposed impervious surfaces. Channel protection is not required because the one-year post-development peak discharge is less than or equal to 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. 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 RE-2 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 (Attachment C).

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 Sandy Spring Ashton 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 (Attachment C). Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map

Attachment B – Proposed Preliminary Plan

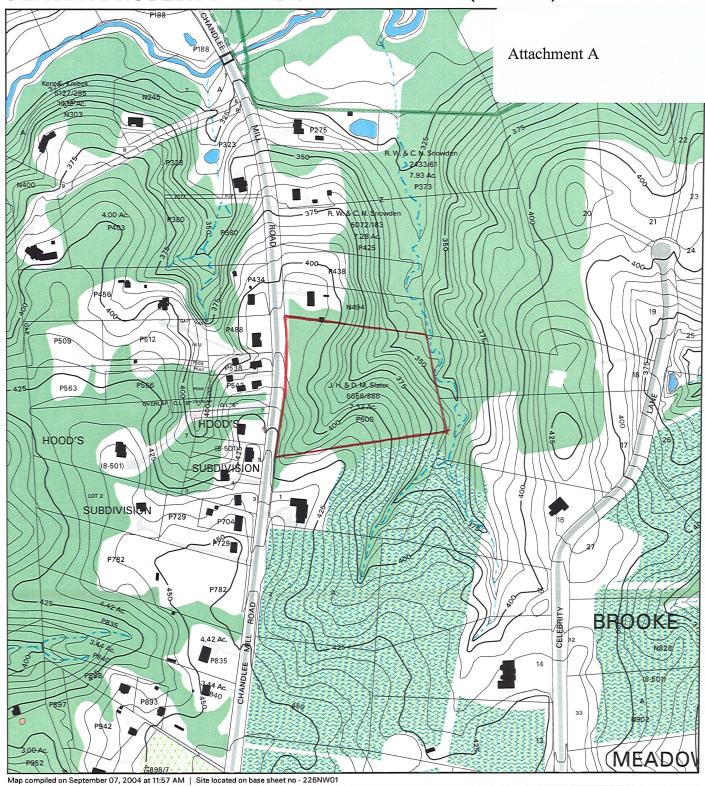
Attachment C – Agency Correspondence Referenced in Conditions

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Slater Property Plan Number: 120050230 Zoning: RE-2 # of Lots: 2 # of Outlots: 0 Dev. Type: Residential Verified **PLAN DATA Zoning Ordinance** Proposed for **Date** Development Approval by the **Preliminary Plan** Standard 12/1/08 152,460 sq. ft. PB Minimum Lot Area 87,120 sq. ft. minimum PB Lot Width 150 ft. 230 ft. minimum 12/1/08 250 ft. minimum PB 12/1/08 Lot Frontage 25 ft. Setbacks Must meet minimum¹ PB 12/1/08 Front 50 ft. Min. 17 ft. Min./ 35 ft. Must meet minimum¹ PB 12/1/08 Side total Must meet minimum¹ Rear 35 ft. Min. PB 12/1/08 May not exceed 12/1/08 PB Height 50 ft. Max. maximum¹ PB 12/1/08 Max Resid'l d.u. per 3 Zoning **MPDUs** N/a N/a PB 12/1/08 12/1/08 N/a PB **TDRs** N/a Site Plan Reg'd? No No PB 12/1/08 **FINDINGS** SUBDIVISION Lot frontage on Public Street Yes PB 12/1/08 Road dedication and frontage improvements Agency letter 10/20/08 Yes 12/5/08 **Environmental Guidelines** Yes Staff memo Staff memo 12/5/08 **Forest Conservation** Yes Yes PB 12/1/08 Master Plan Compliance ADEQUATE PUBLIC FACILITIES Stormwater Management Yes Agency letter 9/30/04 Agency 4/23/07 Well and Septic Yes comments 10-yr Water and Sewer Plan Compliance Yes PB 12/1/08 Staff memo 9/20/04 Local Area Traffic Review N/a Staff memo 9/20/04 Policy Area Mobility Review N/a **Transportation Management Agreement** N/a Staff memo 9/20/04 School Cluster in Moratorium? PB 12/1/08 No School Facilities Payment No РΒ 12/1/08 Yes Agency letter 8/28/06 Fire and Rescue

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

SLATER PROPERTY - BROOKE MEADOW (1-05023)



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.

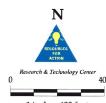
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area 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

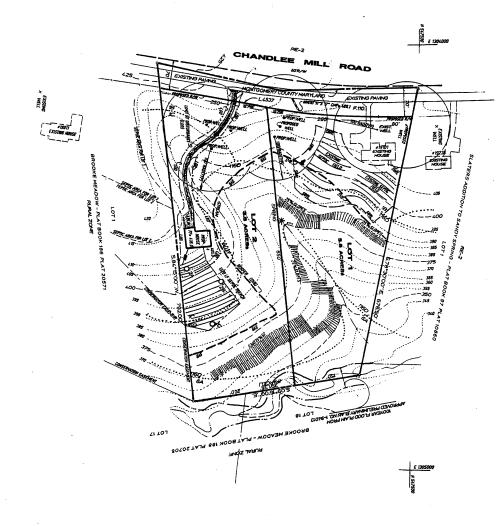
8787 Georgia Avenue - Silver Spring, Maryland 2091 0-3760











Topography, as shown, from MNCP&PC aerial photography, MCMAPS Sheel No. 226NW1, 200' scale; 5' contour interval. Planning Area 23, Olney Master Plan, Sandy Spring-Asthon Special Studies Area. led in Plan is 7.32 Acres +/-.

Category S-6; Water Category W-6 Monigomery County Soils Survey Sheet 14
Gaila silt loam 3% to 8% slopes
Gaila silt loam 8% to 15% slopes
Baile silt loam 9% to 3% slopes
Blocktown channery silt loam 15% to 25% slopes

12.

(very rocky)

There are no historic or cultural features on the site.

NRUFSD MNCT&&PC File No. 4. 02034.

Some features shown hereon are scaled and subject to change at time of survey and/or

Boundary, as shown, from available deeds and plats recorded among the Land Records of

19235 CHANDLEE MILL ROAD SANDY SPRING, MD 20860 J.H. & DJA. SLATER PRELIMINARY PLAN OF SUBDIVISION SLATER PROPERTY
BROOKE MEADOW
OLMEY (STM) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

I hereby certify that the boundary and topographic information as shown and

UTILITY COMPANIES SERVICING THIS SITE

Verizon Distribution Services - Engineering 3901 Calverton Blvd. 3rd Floor Beltsville, MD 20705

MISS UTILITY
FOR LOCATIONS OF UTILITIES - CALL
1.800.257.7777
48 HOURS IN ADVANCE OF ANY
WORK IN THIS VICINITY

1"= 100"

AUC 2004

97283 F

WITMER ASSOCIATES, LLC
Lind Surveyor, Lind Planning & Design
154. A (imperfood Drive, Rockville, AD) 20850
Tele (201) 109-8600 Fax (201) 109-8601



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan County Executive

Robert C. Hubbard *Director*

September 30, 2004

Mr. Dick Witmer Witmer Associates, LLC 354-A Hungerford Drive Rockville, Maryland 20850

Re:

Stormwater Management CONCEPT Request

for Slater Property

Preliminary Plan #: 1-05023

SM File #: 213905

Tract Size/Zone: 7.32 Ac./ RE-2 Total Concept Area: 7.32 Ac. Lots/Block: 2 proposed

Parcel(s): p 600

Watershed: Hawlings River

Dear Mr. Witmer:

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 recharge via disconnection of the proposed impervious surfaces. 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. 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.

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 Mike Geier at 240-777-6342.

Sincerely,

Richard R. Brush, Manager Water Resources Section

Division of Land Development Services

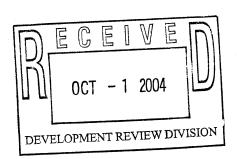
RRB:dm CN 213905.SlaterProperty.mjg.doc

CC:

R. Weaver S. Federline SM File # 213905

QN -n/a; Acres:

QL - onsite; Acres: 7 Recharge is provided





DEPARTMENT OF PERMITTING SERVICES

Isiah Loggett County Executive Carla Reid Joyner Director

MEMORANDUM

April 23, 2007

TO:

Cathy Conlon, Development Review,

Maryland National Capital Park and Planning Commission

FROM:

Carla Reid Joyner, Director

Department of Permitting Services

SUBJECT:

Status of Preliminary Plan: #1-05023, Slater Property, 2 lots

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on April 16, 2007.

Approved with the following reservations:

- The record plat must be at the same scale as the preliminary plan, or 1. submit an enlargement of the plat to match the preliminary plan.
- All existing buildings to appear on the record plat. 2.
- Well easement to appear on the record plat as it appears on the 3. preliminary plan.
- Written approval for the well arc "encroachment" must be obtained from 4. the adjoining owner.
- A minor reduction in the 200-foot stream/septic area setback has been 5. granted for Lot 2.

(240) 777-6319.

Athr:
Delones
Kimier.

7-6300 • 240-777-6256 TTY





DEPARTMENT OF TRANSPORTATION

Isiah Leggett

County Executive

Arthur Holmes, Jr. Director

October 20, 2008

Ms. Catherine Conlon, Subdivision Supervisor Development Review Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

RE:

Preliminary Plan #1-20050230

Slater Property, Brooke Meadow

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on 08/02/04. This plan was reviewed by the Development Review Committee at its meeting on September 20, 2004. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

- Show/label all existing planimetric and topographic details specifically driveways adjacent and opposite the site on the preliminary plan.
- 2. Necessary dedication for Chandlee Mill Road in accordance with the Master Plan.
- Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
- 4. Size storm drain easement(s) prior to record plat. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
- Wells and septic systems cannot be located within the right of way nor slope or drainage easements.
- The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.
- 7. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.

Division of Traffic Engineering and Operations



Ms. Catherine Conlon Preliminary Plan No. 1-20050230 Date October 20, 2008 Page 2

- Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
- 9. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Engineering Design and Operation Section at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
- 10. Trees in the County rights of way species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Brett Linkletter with Division of Highway Services, Tree Maintenance Unit at 240 777 6000.
- 11. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
- 12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, shoulders, side drainage ditches and appurtenances, and street trees along Chandlee Mill Road from the existing road centerline to improve it to primary residential roadway standards (MC-212.03).
 - B. Permanent monuments and property line markers, as required by Section 50-24(c) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Division.
 - E. Depending on the post-development quantity of water draining (from the road and existing culvert) down to the property, the applicant may be required to grant a storm drain easement and construct an enclosed storm drain to convey the runoff to a stabilized outfall located downstream of the structure(s). This issue should be addressed with applicant's engineer and MCDPS during the review of construction drawings.
 - Improvements if necessitated by this storm drain study will be determined at that stage and should be done in accordance with the DOT <u>Storm Drain Design</u> Criteria.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Ms. Catherine Conlon Preliminary Plan No. 1-20050230 Date October 20, 2008 Page 3

Sincerely,

Sam Farhadi, P.E.

Development Review Group

Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-050230, Slater Property-Brooke Meadow,doc

Enclosures (1)

cc: J.H. & D. M. Slater

Dick Witmer, Witmer Associates Joseph Y. Cheung; DPS RWPPR Sarah Navid; DPS RWPPR Henry Emery; DPS RWPPR Shahriar Etemadi; M-NCPPC TP Gregory Leck, DOT TEO Preliminary Plan Folder Preliminary Plans Note Book