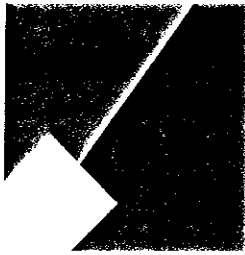


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item # 2
12/20/01

MEMORANDUM

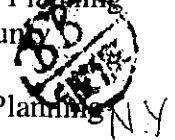
DATE: 12/14/01
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning
Bill Barron, Team Leader, Eastern County

FROM: Nkosi Yearwood, Community-Based Planning

REVIEW TYPE: Development Plan Amendment
REVIEW BASIS: Chapter 59, Zoning Ordinance
APPLICANT: Hunt Family Limited Partnership
CASE NUMBER: DPA 02-1

AREA: 48 acres
ZONE: Planned Development (PD-2)
LOCATION: Miles Road and Columbia Pike
MASTER PLAN: Fairland Master Plan (1997)

FILING DATE: July 26, 2001
PLANNING BOARD: December 6, 2001



STAFF RECOMMENDATION: APPROVAL of Development Plan Amendment (DPA) No.02-1. Staff does not find it necessary to conduct a public hearing on this application.

Staff recommends the approval of Development Plan Amendment (DPA) No. 02-1 since it achieves the goal of the Approved and Adopted 1997 Fairland Master Plan to provide more single-family dwellings for the planning area and the proposal conforms to the purpose and intent of the Planned Development (PD-2) zone and the Environmental Overlay Zone Upper Paint Branch Special Protection Area, including the preliminary Water Quality Plan. Staff also recommends the granting of a waiver from the Planned Development (PD-2) provision, Section 59-C-7.131, which requires 35 percent of all units be attached. Staff supports this recommendation because there is less impervious surface for the development and the DPA achieves the Master Plan vision of increasing the number of single-family detached units for the planning area.

SUMMARY

The applicant, Hunt Family Limited Partnership, seeks to amend Development Plan No. 10-905 under the Planned Development (PD-2) Zone for a 48-acre parcel of land located west of Old Columbia Pike and south of Miles Road and Friendlywood Road. The applicant seeks to conform the Development Plan (DP) to the environmental standards of the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area (SPA). This overlay zone establishes a 10 percent impervious limit on any development within the watershed.

The previously approved Development Plan provided for 96 dwelling units, including 50 single-family dwellings and 46 townhouses. The proposed development plan amendment is limited to 44 single-family dwellings and no townhouses. This represents a reduction in the total number of dwelling units proposed for the subject property. The Hunt family currently owns the property and Winchester Homes is the contract purchaser of the property.

Several neighboring residents have contacted staff about the Development Plan Amendment. One letter of opposition has been received.

Staff supports the Development Plan Amendment since the proposed use will be compatible with the existing community and will be in conformance with the Fairland Master Plan. The scale and density of the DPA will be less than that of the prior approved Development Plan and will adhere to the requirements of the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. Furthermore, a significant portion of the property, approximately 16 acres, will be dedicated to parkland, which contributes to the maintenance of the Right Fork tributary of the Paint Branch Park.

Description of Property

The subject site is located on the south side of Miles Road, approximately 300 feet west of Old Columbia Pike in the Fairland Planning Area. The regular shape site is approximately 48.18 acres in size. It is approximately 3,256 feet in length with a width of about 650 feet. Environmental features of the site include a stream valley buffer and a 100-year flood plain. The stream valley buffer as well as 100 year flood plain line runs parallel to the eastern portion of the site with Old Columbia Pike and to the western portion of the site. A ridgeline divides the property with the eastern portion draining into the Cedarbrook tributary of the Paint Branch Creek and the western portion draining into the Paint Branch Creek. Approximately 2.80 acres of the site is within the 100-year flood plain and 70 percent of the site is forested. Other environmental features of the site include intermittent and perennial streams in the western portion of the property. Two buildings, including a residence, are currently located on the site.

Surrounding Area

Single-family detached dwellings along with limited institutional uses characterize the surrounding neighborhood. Adjoining the subject site to the north are single-family detached dwellings in the RE-1 and R-200 zones. To the immediate south and east are residential properties in the R-200 zone. Properties to the west and northwest are zoned RE-1. Three schools are within close proximity to the subject site: Benjamin Banneker Middle School, north of the subject site; Paint Branch High School, which is west of the subject property and Old Columbia Pike; and Fairland Elementary School, south of the subject site. Two churches are also within close proximity of the subject site: Epiphany Lutheran Church, east of Old Columbia Pike and Church of the Resurrection, which is close to the intersection of Greencastle Road and Old Columbia Pike.

Original Development Plan

In August 1984, the District Council by Resolution No.10-905 approved the Development Plan (DP) associated with zoning application G-400. The Development Plan approved 50 single-family dwellings and 46 townhouses and provided for the interconnection of Fairdale Road and Friendlywood Road with an "S" curve. Further, the original development plan provided for 15 single-family homes to the west of the Fairdale Road connection, six immediately to the east, 46 townhouses in a cluster with access only to Miles Road. An additional 29 single-family homes located on a loop road near the eastern end of the property were proposed. Approximately, 3.3 acres of land at the western portion was dedicated as public parkland (*See attachment for Original Development Plan*). The total impervious level of the original development plan was greater than 10 percent.

Two years after the property was rezoned, 1986, a preliminary plan of subdivision was submitted to develop the subject site, but it was not developed because of a traffic moratorium in the Planning Area. Traffic, along Columbia Pike (US 29), New Hampshire Avenue and Sandy Spring Road (MD 198) reached unacceptable levels during the late 1980s. To address this situation, the County Council in 1990 adopted the Trip Reduction Amendment to the Eastern Montgomery County Master Plan (1981) to reduce additional growth in the planning area.

The Trip Reduction Amendment recommended removing the Planned Development (PD) option for properties within the Montgomery Industrial and West Farm Technology Parks, and reducing TDR densities for some undeveloped properties. The subject site's PD zoning was retained and the traffic moratoria has continued to impact the development of the site. A Preliminary Subdivision Plan was submitted in 1998 under the "Pay and Go" amendment to meet the Adequate Public Facilities Ordinance.

Development Plan Amendment

The proposed Development Plan Amendment (DPA) seeks to respond to development standards implemented by the Fairland Master Plan and the Environmental Overlay Zone for the Upper Paint Branch. The Overlay Zone limits any new development to 10 percent impervious surface of the total area of development, according to Section 59-C-18.152 (a) of the Zoning Ordinance.

The purpose of the Upper Paint Branch Environmental Overlay Zone, as noted in Section 59-C-18.151 of the Zoning Ordinance, is to protect the water quality and quantity of the Upper Paint Branch Watershed and its tributaries, as well as the biodiversity situated in these resources; regulate the amount and location of impervious surfaces; and control land uses that could adversely affect this very high quality and cold-water stream system resource.

The amended development plan illustrates that Fairdale Road to the south will extend into the subject site and Friendlywood Road will extend into the property from the north in the future. Currently, an approximate 170-foot break/gap exists between the subject site and Friendlywood Road. The completion of Friendlywood Road will occur when the intervening property is subdivided and roadway is dedicated to complete the connection. Access to the property will be via Fairdale Road from Briggs Chaney Road, until the off-site connection is complete. No new connections to Miles Road are proposed.

Single-family detached dwellings are proposed for both sides of the modified "S" shaped Fairdale Road, which cul-de-sacs to the east. Additionally, two stormwater management facilities are proposed for the site and more than 16 acres on the western portion of the site will be dedicated as parkland (*See attachment for Development Plan Amendment*).

Intended Use and Approval Procedures

The subject application will amend the previously approved development plan that illustrated 50 single-family detached dwelling and 46 townhouses. The amendment seeks to reduce the number of residential dwellings to 44 single-family dwellings. If the District Council approves this DPA, other approval procedures will include a preliminary plan and site plan, which will be approved by the Planning Board. Site conditions as illustrated by the amended DPA will be subject to further refinement during site plan review.

The following table illustrates the difference between the approved development plan and the subject DPA:

Land Use	Approved Development Plan	Proposed Development Plan Amendment
Area	48.18 acres	48.18 acres
Residential	96 units	44 units
-Townhouses	-46 townhouses	-0 townhouses *
-Single Family Detached	-50 single family detached	-44 single family detached
Open Space		
-Western Buffer	14 acres	16 acres
-Eastern Buffer	3 acres	5 acres
Imperviousness	22 %	10 %

Note: * The Planned Development Zone requires that at least 35 percent of development within the PD-2 be dedicated to townhouses. The District Council must waive the percentage requirements for one-family and multiply dwellings. According to the Zoning Ordinance, Section 59-C-7.13 (1), the Council may waive the requirement if the proposed development is more desirable for stated environmental reasons and achieves the goals of an approved and adopted Master Plan. Staff supports the granting of the waiver since the proposed development plan amendment would adhere to the Environmental Overlay Zone for the Upper Paint Branch, and adheres to the goals of the Fairland Master Plan.

ANALYSIS

Master Plan Recommendation

1. Land Use: Residential, single-family
2. Zoning: PD-2 (Planned Development)

Public Facilities

Water and Sewer Service

The subject property is in Water Category W-1 and Sewer Category S-3.

Schools

The schools serving the subject property are in the Northeast Consortium of Montgomery County Public School (MCPS). This consortium includes Paint Branch High School, Blake High School, Springbrook High School, Banneker Middle School and Fairland Elementary. According to Montgomery County Public School staff, Blake and Springbrook High Schools are within capacity, but Paint Branch is approaching capacity. Banneker Middle and Paint Branch High are both projected to exceed their capacities within the next six years, according to MCPS staff. The proposed development amendment plan is expected to generate at build-out approximately 11 elementary school students, five middle school students, and six high school students. Montgomery County Public School staff finds that the proposed amendment will have minimal impact on schools in the Northeast Consortium. *(See attachment for Montgomery County Public School letter).*

Master Plan

The Approved and Adopted 1997 Fairland Master Plan recommends increasing the percentage of single-family detached dwellings for undeveloped or underdeveloped properties in the planning area. Only single-family detached dwellings comprise the proposed development plan amendment, which differs from the original development plan that included both single-family detached dwellings and townhouses.

The subject site is identified in the Plan as a portion of Perrywood subdivision: "A tract of land located in the center (Area 4) has an approved Planned Development for forty acres including 96 single-family houses and townhouses, pedestrian and vehicular connections to adjacent subdivisions, and open space including park dedication along the Right Fork tributary of the Paint Branch" (p.57).

The Master Plan specifically recommends the following guidelines that pertain to the subject site:

- Retain the existing zoning.
- Extend Fairdale Road to create a north-south connection between Friendlywood and Fairdale Roads. Public right-of-way should include sidewalks.
- Establish buffers areas along drainage areas to the Paint Branch as required by the Upper Paint Branch Special Protection Area (p.58).

The proposed development amendment indicates extending Fairdale Road to the north, which then turns eastward terminating into a cul-de-sac. Additionally, Friendlywood Road is proposed to extend into the subject property from the north and only single-family detached dwellings will be developed on the site. Both roads, when completed, will completely link the proposed development to the surrounding neighborhood. Hence, the proposal is consistent with the goals of the Fairland Master Plan.

Requirements of the PD-Zone

The intent and purposes of the PD (Planned Development) Zone are found in Section 59-C-7.1 of the Zoning Ordinance. Many of the specific restrictions that are regulated in other zoning categories, including the height, bulk and arrangement of buildings and the location of various land uses, are eliminated in favor of an approved development plan. The use of a development plan provides flexibility and permits a mixture of uses and densities to achieve more environmentally sensitive development, promotion of open space, and provision of community amenities.

The purpose clause for the zone states in part:

It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by

permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be utilized to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.

Another purpose of the zone is the following:

It is further the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development as to achieve the physical and aesthetic integration of the uses and activities within each development.

Other provisions of the Planned Development zone are to provide and encourage a broad range of housing types, including single-family detached and multi-family dwellings; development that is designed and constructed to maximize social and community interaction; preservation of open spaces; and provision of comprehensive pedestrian circulation networks, including roadways.

The proposed development amendment petition does not seek to change the existing PD-2 zone of the property. The District Council in 1984 established the appropriateness for the property's PD-2 zone. The 1981 Eastern Montgomery County Master Plan recommended either PD-2 or PD-3 zoning for the subject property and the Approved and Adopted 1997 Fairland Master Plan reconformed the PD-2 zone of the property.

The development plan amendment will minimize impervious levels of the site since more than a quarter of the site will be dedicated to parkland/open space. Extending Fairdale Road from the south into the subject site will enhance circulation between the existing properties and the proposed development. Future extension of Friendlywood Road to the north will further improve circulation in the surrounding area. Furthermore, the proposed type of housing is within the vision of the Master Plan.

Transportation

Transportation Planning staff has conducted an Adequate Public Facilities (APF) review of the Development Plan Amendment under the Alternative Review Procedure for Expedited Development Approval Excise Tax (EDAET) since the site is located in a policy area which is in a moratorium. The subdivision application is grand-fathered because it was filed between November 1, 1997 and March 12, 1998 when residential developments were eligible for EDAET under Bill No. 34-97, Development Impact Tax-Expedited Development Approval (Payment) Excise Tax-Rates.

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to the subject Development Plan Amendment (DPA):

1. Limit the DPA to 44 single-family detached units.
2. At preliminary plan review, satisfy the APF test by paying the EDAET under the Development Impact Tax-EDAET (or "pay and go") legislation. The APF test includes:
 - a. Policy Area Review: Additional site-generated traffic has to be mitigated within the Fairland/White Oak Policy Area, which is in a moratorium. There is no capacity available for housing units (negative 3,268 housing units as of October 31, 2001) in the Fairland/White Oak Policy Area. The applicant is satisfying Policy Area Review by paying the EDAET under the FY 02 Annual Growth Policy staging ceiling capacity.
 - b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is *not* required because the proposed land use generates fewer than 50 peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.) A residential development of 44 single-family detached units generates 42 peak-hour trips during the morning peak period and 49 peak hour trips during the evening.

The EDAET collected by the County could be used to contribute to the Maryland State Highway Administration's (SHA) Capital Transportation Program Project No. 152048, US 29, Columbia Pike to construct an interchange at Briggs Chaney Road.

The design plans were reviewed by the Planning Board as a Mandatory Referral No. 98810-DPWT-1 on March 4, 1999. The project, Contract No. MO8651700, is scheduled to start construction in July, 2003.

Levels of Congestion at Nearby Intersections

A traffic study was prepared in 1998 for the pending preliminary plan (No. 1-98094), which was filed for 26 single-family detached units and 32 townhouses. This preliminary plan was not submitted to the Planning Board for review. Based on the results of the 1998 traffic study, the calculated Critical Lane Volumes (CLVs) at nearby intersections are as shown below:

Intersection	Peak Hour	Traffic Condition			
		Existing	Background	Total	Total Improved
Columbia Pike and Greencastle Road	Morning	1,455	1,555*	1,555*	1,538**
	Evening	1,388	1,519	1,519	1,519
Columbia Pike and Briggs Chaney Road	Morning	1,738*	1,844*	1,844*	1,547
	Evening	1,518	1,660*	1,660*	1,385
Old Columbia Pike and Greencastle Road	Morning	908	963	965	-----
	Evening	766	818	821	-----
Old Columbia Pike and Old Briggs Chaney Road	Morning	1,007	1,062	1,087	-----
	Evening	786	838	867	-----
Old Columbia Pike and Briggs Chaney Road	Morning	1,446	1,494	1,519	-----
	Evening	1,256	1,323	1,352	-----

As indicated by the single asterisk, the two intersections along Columbia Pike at Greencastle Road and Briggs Chaney Road exceed the congestion standard of 1,550 CLV for the Fairland/White Oak Policy Area. However, as the double asterisk in the chart above indicates, the site-generated at the two intersections is mitigated by increased capacity provided by SHA's interchange project described in Recommendation No.2b. Mitigation in this situation means that the existing at-grade intersection will be replaced by an interchange eliminating the conflicting east-west through and north-south through movements.

Policy Area Review/Staging Ceiling Condition

Based on the *FY 02 Annual Growth Policy* staging ceiling capacity, there is no capacity available for additional housing units (negative 3,268 as of October 31, 2001) in

the Fairland/White Oak Policy Area. The 44 housing units proposed can satisfy Policy Area review at preliminary plan review by paying the EDAET.

Master Plan Roadway

In accordance with the 1997 Fairland Master Plan, Fairdale Road and Friendlywood Road are designated as primary residential roads with 70-foot-right-of-way and a proposed Class III bikeway. Other surrounding roads to the subject site are classified as the following: Old Columbia Pike between Spencerville Road and Briggs Chaney Road is designated a primary road with a 70 foot-right-of-way, sidewalks, and an existing Class II bikeway; Briggs Chaney Road is designated as an arterial roadway with an 80-foot right-of-way, sidewalks, and an existing Class II bikeway; and Greencastle Road between Old Columbia Pike and Columbia Pike is designated as a primary residential road with a 70-foot right-of-way, sidewalks, and an existing Class II bikeway. Miles Road is not listed in the Master Plan, but it can be considered a tertiary road.

On-Going Transportation Improvements

The following are on-going transportation improvements:

1. Old Columbia Pike:

The Montgomery County Department of Public Works and Transportation's (DPWT's) Capital Improvement Program Project No.509953, Old Columbia Pike, Phases 1 & 2 (*See PDF attachment*) to construct new four-foot-wide concrete and asphalt sidewalks between Spencerville Road and Randolph Road. Phase I is on both sides of Old Columbia Pike between Spencerville Road and Perrywood Drive and on the east side between Perrywood Drive and Nalls Lane. Construction has been completed for Phase I.

2. Interchange at Columbia Pike and Briggs Chaney Road:

SHA Consolidated Transportation Program Project No.152048 (and Contract No. MO865170), US 29, Columbia Pike (*See PDF attachment*) to construct an interchange at Briggs Chaney Road, which is under design now and has funds appropriated for start of construction in Fiscal Year 2003.

3. Congestion Relief Study's Intersection Improvement:

Candidate intersections with Columbia Pike, M-42 (at Briggs Chaney Road) and M-43 (at Greencastle Road).

Environment

Environmental Planning staff has reviewed the subject Development Plan Amendment as well as the preliminary water quality plan that accompanies the petition and recommends its approval. Staff finds that the DPA is environmentally better than the approved Development Plan. *(See attachment for Environmental Staff SPA memo).*

Forest Conservation

This application has an approved NRI/FSD and has received Preliminary Forest Conservation Plan approval with the conditions that the western SWM facility is reconfigured so that there is no grading within the environmental buffer except for the SWM facility outfall pipe. Further, Category I conservation easements be placed over environmental buffers and forest-save areas that lie outside park dedication areas. Easements shall be shown on record plats. *(See Environmental Planning SPA memo for more information).*

Stormwater Management

Two stormwater management (SWM) facilities are proposed for the subject site: A SWM facility on the western portion of the site and another close to the center of the site. Environmental Planning staff recommends that the proposed western stormwater management facility be dedicated to Maryland-National Capital Park and Planning Commission (M-NCPPC).

Environmental Planning staff's recommendation is consistent with the Planning Board action on previous subdivisions regarding ownership of stormwater management facilities in the Upper Paint Branch watershed where a proposed SWM facility is adjacent to either existing or dedicated parkland. The proposed western stormwater facility is adjacent to the stream valley buffer that runs parallel Upper Paint Branch Stream Valley Park. In order to allow Parks staff to maintain these SWM facilities, staff recommends that the applicant establish a fund for use by Parks staff to cover the costs of inspection and maintenance.

The recommendations by Environmental Planning staff are to ensure that the SWM facilities are properly maintained for the future. Proper maintenance of SWM facilities is critical in maintaining the high water quality conditions of the SPA. Staff believes that the best opportunity for proper maintenance is through M-NCPPC ownership supplemented by a developer-created maintenance fund. *(See Environmental Planning memo for more information)*

Parks

Parks staff has reviewed the DPA and recommends the approval of the petition.

The dedication of more than 16 acres of the subject property as parkland is significant since it will assist in the protection of the Right Fork tributary of the Upper Paint Branch.

Community Concerns

Staff has been in contact with several neighboring residents regarding the development plan amendment. A resident on Miles Road has submitted a letter opposing the proposed DPA because of environmental reasons, including loss of animal habitat, increased traffic and school over-crowding (*See attachment for citizen letter*). Another resident from Miles Road has sought additional information about the proposal, including the number and type of units and the type of sewer service proposed for the development. In addition, there have been a number of inquires regarding the proposed development plan amendment.

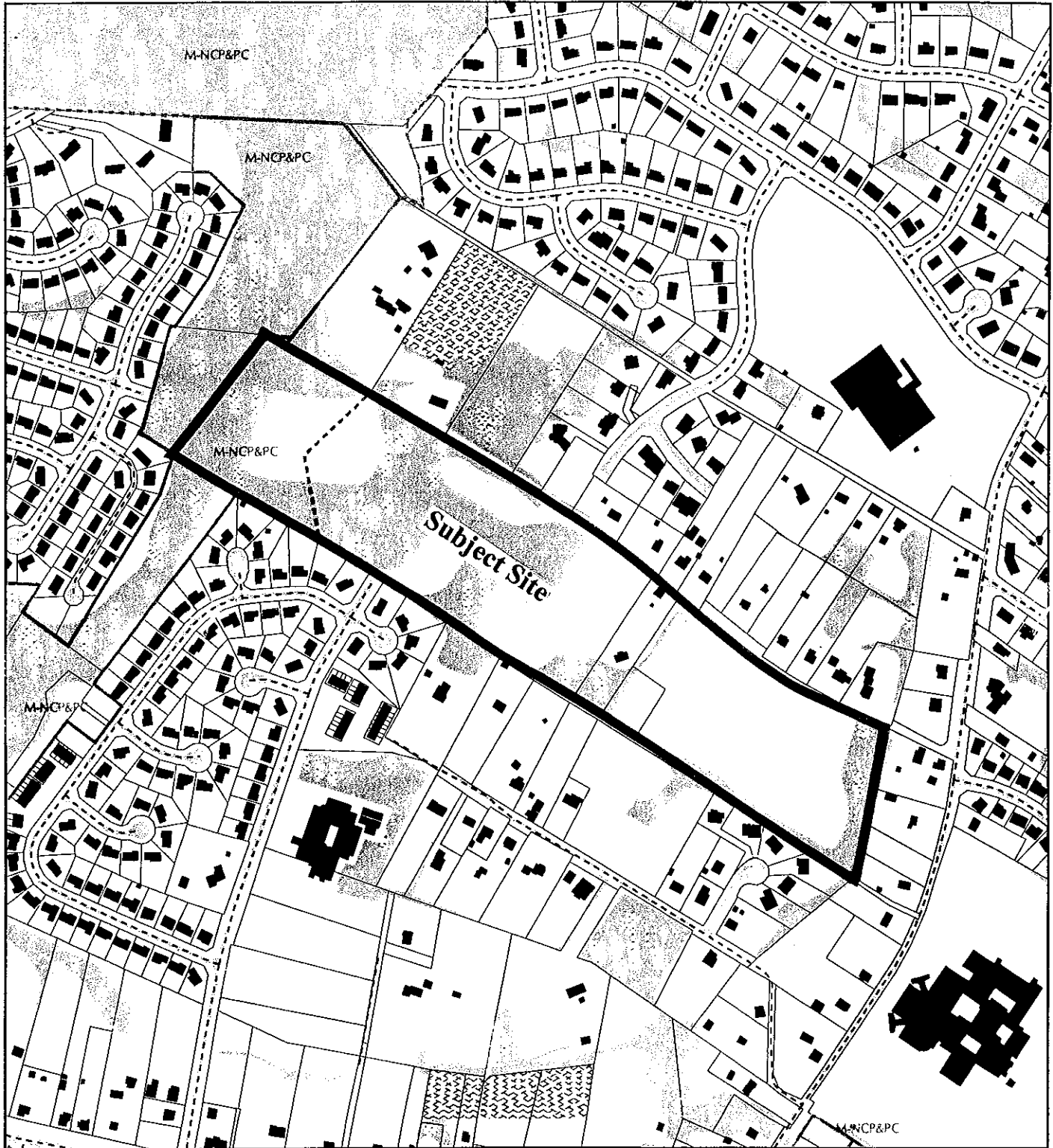
Conclusion

Based upon review of the Development Plan Amendment, staff concludes that the use will also be in conformance with the Fairland Master Plan since it will achieve the goal of increasing the number of single-family dwellings in the planning area. The amendment petition is also in compliance with the requirements for the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. The Development Plan Amendment has less impervious surface and represents less units than the approved development plan. For these reasons, staff recommends the approval of the proposed Development Plan Amendment.

Attachments

Vicinity Map
Original Development Plan
Development Plan Amendment
Montgomery County Public School Letter
Environmental Planning staff memo
Transportation PDF
Citizen Letter

VICINITY MAP FOR
HUNT-MILES



Map compiled on October 09, 2001 at 3:13 PM | Site located on base sheet no - 219NE03

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

Key Map



N

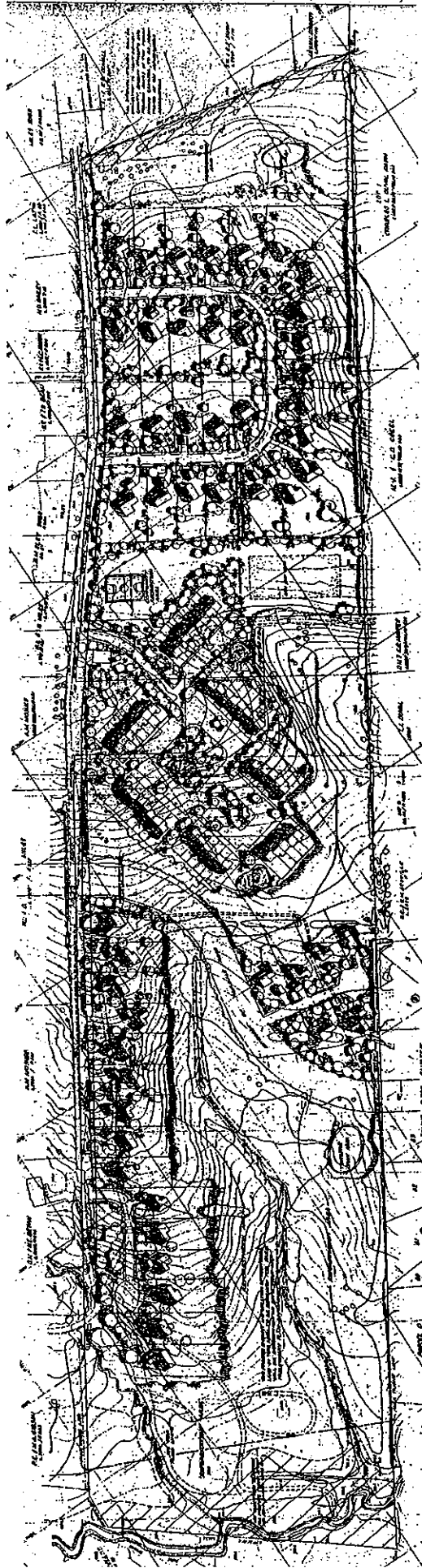


Research & Technology Center



1 : 7200

Original Development Plan

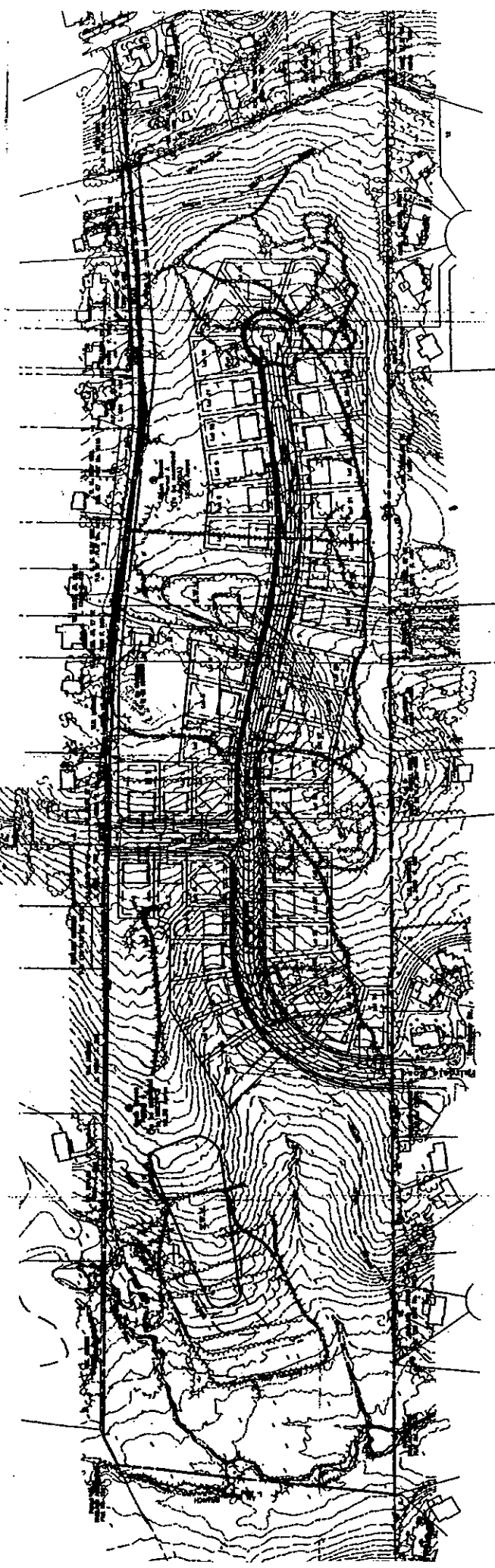


THE ROY & SONS TRUST
WHITE PAINS



Lot No.	Area	Front Footage	Rear Footage
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			

Development Plan Amendment



Description	Quantity
Proposed Building Area	10,000 sq. ft.
Proposed Parking Area	500 sq. ft.
Proposed Road Area	10,000 sq. ft.
Proposed Open Space	5,000 sq. ft.
Proposed Utility Area	500 sq. ft.
Proposed Other	10,000 sq. ft.

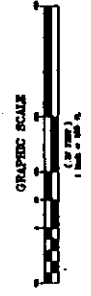
Proposed Building Area: 10,000 sq. ft.
 Proposed Parking Area: 500 sq. ft.
 Proposed Road Area: 10,000 sq. ft.
 Proposed Open Space: 5,000 sq. ft.
 Proposed Utility Area: 500 sq. ft.
 Proposed Other: 10,000 sq. ft.

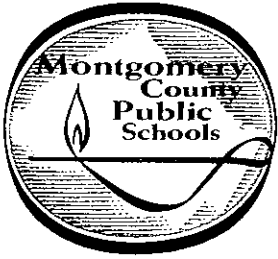
TOTAL PROPOSED DEVELOPMENT AREA: 36,000 sq. ft.

TOTAL AVAILABLE DEVELOPMENT AREA: 50,000 sq. ft.

BALANCE AVAILABLE: 14,000 sq. ft.

DEVELOPMENT PLAN AMEND
 LAND USE PLAN
HUNT PROPERTY - MILE
 MILES TRACT - L.2836 F.344 & L.
 5TH ELECTION DISTRICT - MONTGOMERY COIN
Macoris, Rendrick & Glascock, F
 Engineers & Planners & Surveyor
 1017 E. ...
 ...



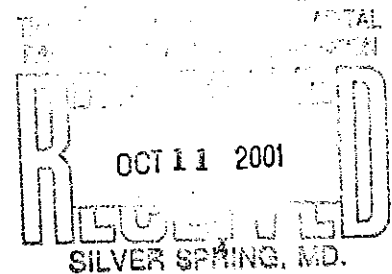


850 Hungerford Drive * Rockville, Maryland * 20850-1747

Telephone (301) 279-3333

October 8, 2001

Mr. Bill Barron
Community Based Planning Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



Dear Mr. Barron:

This letter is sent in response to zoning application DPA-02-1. Due to Montgomery County making the Paint Branch Watershed an environmental Special Protection Zone, the applicant requests a reduction in units from the originally approved 96 units to 44 single family detached units. The property is on the south side of Miles Road, 300 feet west of Old Columbia Pike. In terms of public school student generation, we estimate the impact of this project to be approximately 11 elementary, 5 middle, and 6 high school students.

This property is located within the Fairland Elementary School and Banneker Middle School service area. The property is also within the base area for Paint Branch High School. This high school is part of the Northeast Consortium, where students may choose among James H. Blake, Paint Branch, and Springbrook high schools on a space available basis. Fairland Elementary School is projected to stay within its capacity for the next six years. Banneker Middle School and Paint Branch High School are both projected to exceed their capacities for the next six years. See the enclosed table from the FY2002 Educational Facilities Master Plan and the Amended FY 2001-2006 Capital Improvements Program for the enrollment trends and facility use at these schools.

As we have indicated in previous rezoning and development plan amendment requests, the Annual Growth Policy (AGP) is the vehicle that regulates subdivision development approval with regard to facility adequacy. The current AGP indicates that, given the methodology applied, adequate space exists in the school clusters within the Northeast Consortium.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lavorgna".

Joseph J. Lavorgna, Director
Department of Planning and Capital Programming

JJL:bc

Enclosure

Copy to:

Mr. Bowers
Mr. Crispell
Ms. Turpin

RECEIVED
011413
SEP 04 2001

August 30, 2001

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Chairman of Montgomery County Planning Board

After having lived on Miles Road for the last 20 years with a feeling of peace, privacy and serenity we the residents are now faced with the strong possibility that this will all end very soon, with the pending housing development of 44 new homes in the near future: while this is better than 98 townhomes, it is still a very depressing thought.

My family enjoys the wildlife immensely and the closest realm of country life will soon be something of the past. When I moved to Burtonsville in 1980 it was much more rural and undeveloped. Now it is a very crowded town with traffic at a standstill on all roads equally. Norwood road is to be closed for a year, in order for changes to take place, which closes off one alternative route to the community. Old Columbia Pike, especially when school is in session, Briggs Chaney Road and Route 29 are all filled to capacity. What do you think will happen with yet another development on the horizon? The existing roads are already overcrowded and there is already enough road rage.

There is a very large population of deer in this area; Where will they all go? Into the community to endanger peoples lives? Will they be hit by cars that have teenagers behind the wheel? There are lots of school buses in this corridor, as well. I am aware that there will be 16 acres saved for park land. Deer do not have roadmaps to lead them to their destination, especially while bulldozers churn the earth scaring them to death. Do you recall the Greencastle Rd event involving deer? I have not mentioned the fox and other wildlife including a wide assortment of birds. This will all disappear, just like the pheasants disappeared in the mid 80's.

Although it may not be the county councils opinion that the schools are filled to overcrowding proportions, it is indeed so. Our children cannot learn in classrooms that are 30 and above. They are using portable buildings already and this is only going to get worse. Who is going to say enough is enough. When will all this overdevelopment cease? Please consider the people of this wonderful, but overcrowded town.

If it isn't yet obvious, I strongly object to this proposed development.

However, if the plan goes through without so much as a thought to anything I have mentioned I hope that the sewer plans will at least accommodate the folks on Miles Rd. Everyone on this street is on septic and there are many concerns regarding the sanitary conditions. I have asked the county council to help us with this problem, but they don't seem to think that the tax payers on Miles Road matter in the least. Does anyone think that people will want to move into a neighborhood that smells bad, especially when paying so much for a single family home? Wouldn't one think that the people presently living on Miles Road be accommodated for, before building new homes? Probably not. Sewer is a very costly endeavor for the residents on Miles Road and we would appreciate a little help.

cc. county council

Sincerely,

Kerry K Sullivan

384-1026

Old Columbia Pike, Phase 1 & 2 - No. 509953

Category **Transportation**
 Agency **Public Works & Transportation**
 Planning Area **Fairland-Beltsville**
 Relocation Impact **None**

Date Last Modified
 Previous PDF Page Number
 Required Adequate Public Facility

January 7, 2000
 11-53 (99 App)
 NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY99	Estimate FY00	Total 6 Years	FY01	FY02	FY03	FY04	FY05	FY06	Beyond 6 Years
Planning, Design and Supervision	565	6	349	210	100	110	0	0	0	0	0
Land	315	2	63	250	250	0	0	0	0	0	0
Site Improvements and Utilities	586	0	166	420	160	260	0	0	0	0	0
Construction	1,365	0	335	1,030	410	620	0	0	0	0	0
Other	49	0	9	40	40	0	0	0	0	0	0
Total	2,880	8	922	1,950	960	990	0	0	0	0	0

FUNDING SCHEDULE (\$000)

G.O. Bonds	2,854	8	922	1,924	954	970	0	0	0	0	0
Intergovernmental	26	0	0	26	6	20	0	0	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

DESCRIPTION

This project provides for design and construction of the following improvements to Old Columbia Pike between Spencerville Road (MD 198) and East Randolph Road. Construction of new four-foot wide concrete and asphalt sidewalks are planned at these locations: East side - East Randolph Road to Fairland Road and Nalls Lane to Spencerville Road (MD 198); West side - East Randolph Road to Briggs Chaney Road, and Perrywood Drive to Spencerville Road (MD 198). Improvements will be made to existing bike lanes, approximately 4,800 feet of northbound and 5,300 linear feet of southbound bike lanes on Old Columbia Pike. The project also includes construction of a left turn bypass on Old Columbia Pike at Perrywood Drive; removal of the existing traffic island at the intersection with Musgrove Road; and repair and re-striping the intersection. The construction of this project will be completed in two phases. Phase I from Nalls Lane to Spencerville Road (MD 198), and Phase II from Nalls Lane to East Randolph Road.

Service Area

Eastern Montgomery County

JUSTIFICATION

Old Columbia Pike connects the Perrywood Drive, Fairland West, and Stonecrest/Snowden Mill neighborhoods (approximately 1,620 single family homes and 640 townhouses) to shared amenities. Old Columbia Pike is shared by automobiles, buses, pedestrians, and bicycles. Its existing configuration is a two-lane non-standard roadway with discontinuous four-foot wide bike lanes, interspersed with sections of curbs and sidewalks. The current configuration cannot effectively accommodate the existing modes of travel.

Plans and Studies

The study corridor, included in the Fairland Master Plan, is in transition, having changed in less than two decades from a semi-rural area to a series of suburban communities. The communities share common amenities such as schools, library facilities, shopping areas, businesses, churches, day care centers, and fire stations. Growth and physical change have occurred without the timely provision of infrastructure to assure that these communities are accessible to one another and to the shared amenities.

Cost Change

Increase (Phase I) due to higher than anticipated utility relocation costs. Cost increase (Phase II) due to higher estimated costs for design fees, land acquisition, and landscaping.

STATUS

Phase I: detailed design complete. Phase II: detailed design stage.

OTHER

The project scope has remained the same. The intergovernmental revenue in the funding schedule is for WSSC's share of the utility relocation. Preliminary design costs were funded from the Facility Planning: Transportation project. The current project costs include preliminary figures for construction of Phase II. The cost could change upon finalization of Phase II. The implementation schedule assumes the County's ability to acquire right-of-way without condemnation procedures. Construction completion date has been accelerated from FY03 to FY02.

APPROPRIATION AND EXPENDITURE DATA

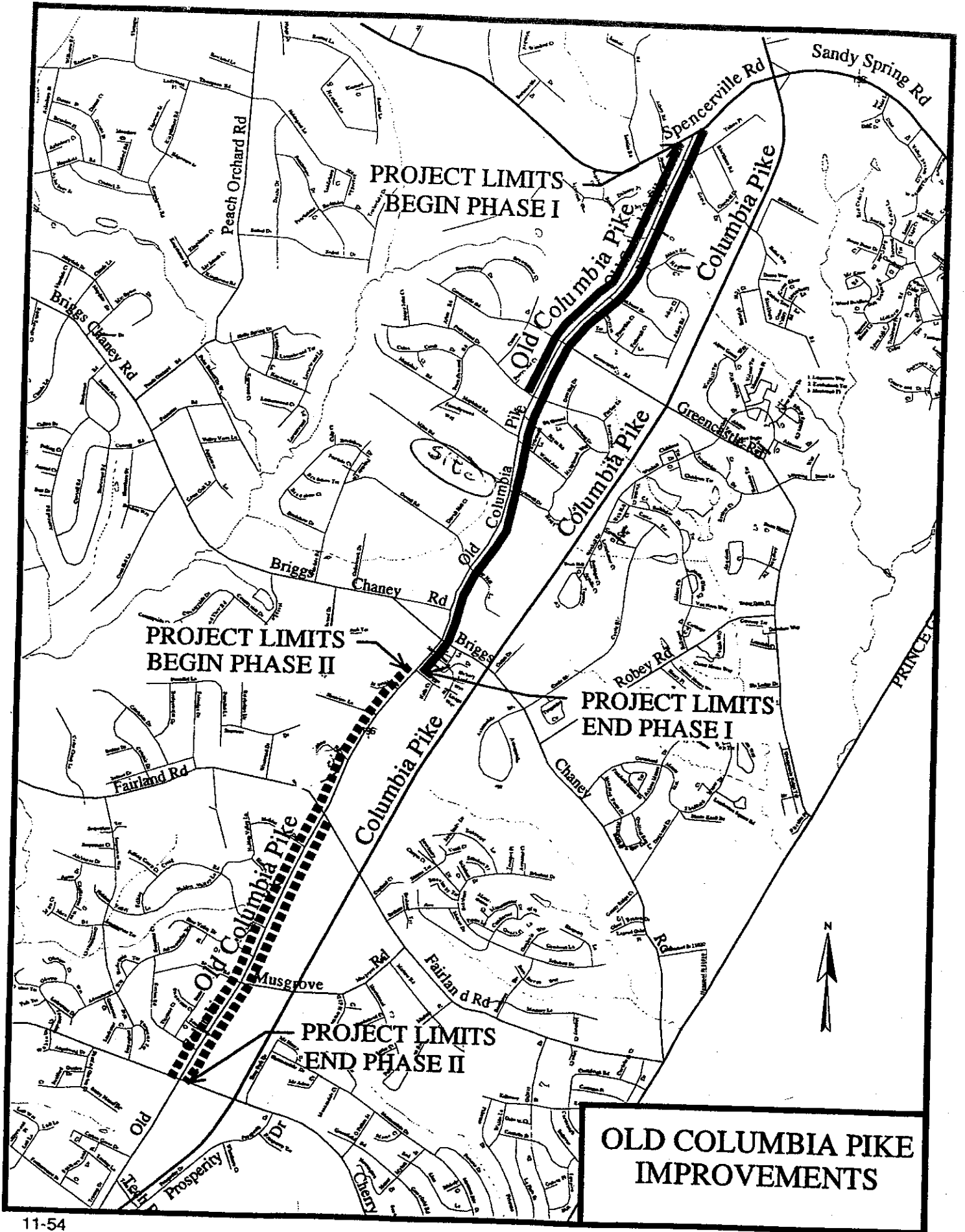
Date First Appropriation	FY99	(\$000)
Initial Cost Estimate		2,253
First Cost Estimate		
Current Scope	FY99	2,253
Last FY's Cost Estimate		2,253
Present Cost Estimate		2,880
Appropriation Request	FY01	627
Appropriation Request Est.	FY02	0
Supplemental		
Appropriation Request	FY00	0
Transfer		0
Cumulative Appropriation		2,253
Expenditures/		
Encumbrances		216
Unencumbered Balance		2,037
Partial Closeout Thru	FY98	0
New Partial Closeout	FY99	0
Total Partial Closeout		0

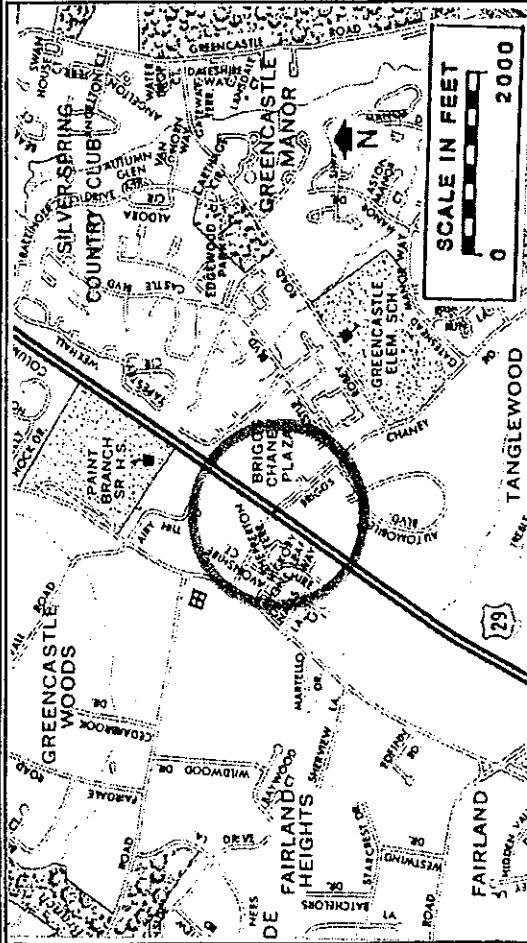
COORDINATION

Bell Atlantic Company
 Facility Planning: Transportation
 M-NCPPC
 MSHA
 PEPCO
 Department of Permitting Services
 U.S. Army Corps of Engineers
 Washington Gas and Light
 WSSC

MAP

See Map on Next Page





PROJECT: US 29, Columbia Pike

DESCRIPTION: Construct a new interchange at Briggs Chaney Road. Sidewalks will be included as appropriate.

JUSTIFICATION: Rapid development along the US 29 corridor has resulted in traffic growth and congestion. An interchange at this location will address failing levels of service and support planned economic development.

SMART GROWTH STATUS:

- Project Not Location Specific or Location Not Determined
- Project Within PFA Project Outside PFA; Subject to Exception
- Grandfathered Exception Approved by BPW/MDOT

ASSOCIATED IMPROVEMENTS:

- East/West Intersection Improvement Program (Construction Program)
- East/West Link Improvements (D&E Program)
- US 29, Interchanges (Construction and D&E Programs)
- MD 28/ MD 198, MD 97 to I-95 (D&E Program)

STATUS: Final Engineering underway. Right-of-way to begin during budget fiscal year.

SIGNIFICANT CHANGE FROM FY 2000 - 05 CTP: None.

Federal Funding By Year of Obligation						
PHASE	FFY 2001	FFY 2002	FFY 2003	FFY 2004	FFY 2005 - 2006	FEDERAL CATEGORY
PP	0	0	0	0	0	
PE	490	700	622	70	0	NHS
RW	0	78	2496	2886	981	NHS
CO	0	0	0	4098	14281	NHS

PHASE	TOTAL ESTIMATED COST (\$000)		POTENTIAL FUNDING SOURCE:						CURRENT (1999) - 57,300	PROJECTED (2020) - 92,900	OPERATING COST IMPACT: N/A
	THRU 2000	2001	PROJECT CASH FLOW								
	2000	2001	2002	2003	2004	2005	2006	OTHER			
Planning	0	0	0	0	0	0	0	0	0	0	
Engineering	2,709	20	700	1,000	889	100	0	0	2,689	0	
Right-of-way	8,258	0	0	100	3,200	3,700	1,258	0	8,258	0	
Construction	27,881	0	0	0	0	5,254	9,015	9,294	23,563	4,318	
Total	38,848	20	700	1,100	4,089	9,054	10,273	9,294	34,510	4,318	
Federal-Aid	30,084	14	490	778	3,118	7,054	8,013	7,249	26,702	3,368	



December 14, 2001

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
County-wide Planning Division

Jorge A. Valladares, P.E. Chief
Environmental Planning/County-wide Planning Division

FROM: Candy Bunnag for Department of Park and Planning
(301) 495-4543

SUBJECT: Special Protection Area (SPA) Preliminary Water
Quality Plan for Hunt-Miles Property (associated with Development
Plan Amendment DPA 02-1)

STAFF RECOMMENDATION

Staff recommends approval of the Special Protection Area (SPA) preliminary water quality plan with the following conditions:

1. At site plan, submit a final water quality plan that demonstrates that the site imperviousness will be no more than 10 percent.
2. Western stormwater management facility and surrounding environmental buffer and open space to be dedicated as M-NCPPC parkland.
3. Provide funding to be used by M-NCPPC Department of Park and Planning to cover the costs of inspection and maintenance of the western stormwater management facility. Amount of funding and timing of payments to be reviewed and approved by M-NCPPC staff prior to approval of record plats.

4. Compliance with the conditions of approval for the preliminary forest conservation plan dated December 14, 2001. The final forest conservation plan must be approved prior to the recording of plat. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit(s), as appropriate. Conditions include, but are not limited to, the following:
 - a. Reconfigure the western SWM facility so that there is no grading within the environmental buffer except for the SWM facility outfall pipe.
 - b. Category I conservation easements to be placed over environmental buffers and forest-save areas that lie outside park dedication areas. Easements to be shown on record plats.
5. Conformance to the conditions as stated in DPS' water quality plan approval letter dated December 14, 2001 (Attachment A).

DISCUSSION

There are two items for Planning Board review for the Hunt-Miles Property: the Upper Paint Branch Special Protection Area (SPA) Preliminary Water Quality Plan and the development plan amendment application, which is the subject of the agenda item immediately following this item.

This memorandum contains staff's review and recommendations on the SPA preliminary water quality plan for the proposed project. A separate memorandum, prepared by Community-based Planning staff, covers the development plan amendment application.

The Planning Board must act on the SPA preliminary water quality plan before it can act on the development plan amendment application.

Site Description

The 48.2-acre site (see Attachment B) lies within the Upper Paint Branch Special Protection Area (SPA). Paint Branch and its tributaries upstream of I-495 are Use III streams (natural trout waters)¹. The Right Fork Tributary and two smaller tributaries traverse the western end of the site. The Fairland Farms tributary approximately defines the eastern boundary of the site.

¹ Paint Branch supports a naturally –reproducing brown trout population. This stream system is a unique resource for Montgomery County because it is the only stream system in the county with a proven, consistent long-term self-sustaining trout population.

ATTACHMENT A.

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 14, 2001

Robert C. Hubbard
Director

Mr. Steven L. Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886

Re: **Preliminary Water Quality Plan for Hunt**
Property-Miles Tract
Preliminary Plan #: 1-98094
SM File #: 204466
Tract Size/Zone: 48.2 Ac/PD-2
Tax Plate: KR 343
Liber/Folio: 2836/344 & 3815/138
Montg. Co. Grid: 32B5
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary Water Quality Plan for the above mentioned site is conditionally approved.

Site Description: The site consists of 48.2 acres located on the south side of Miles Road, west of Old Columbia Pike. The property is zoned PD-2, and the proposed development will consist of 44 single-family lots and the associated infrastructure. The property is located within the Upper Paint Branch Watershed, which is a designated Special Protection Area (SPA).

Stormwater Management: Water quantity control for the will be provided via two dry ponds (Ponds A and B). Pond A will provide control of the one-year storm (with a pre-developed release rate) and twelve hour extended detention. Due to downstream drainage concerns, Pond B will provide control of the one-year, ten-year and 100-year storms (with a pre-developed release rates) and twelve hour extended detention. Quality control will be provided via a treatment train that consists of vegetated roadway swales that convey the site runoff to a dual cell surface sand filter (if infiltration is not feasible) with plunge pools before outfalling to the dry pond. If infiltration proves to be feasible, the second cell of each system is to be an infiltration structure. The quality structures will be sized to treat a total of one-inch over the proposed impervious area.

Sediment Control: Redundant sediment controls are required. Sediment traps with forebays or upland sediment traps coupled with secondary sediment traps are to be used for redundant sediment control treatment. All sediment trapping structures are to be equipped with dewatering devices. The following features are to be incorporated into the detailed sediment control plan:

1. The earth dikes that feed the sediment traps are to be constructed using trapezoidal channels to reduce flow rates.
2. The site grading shall be phased to limit disturbance with immediate stabilization emphasized. A phasing sequence is to be submitted with the initial submittal of the sediment control plan.

ATTACHMENT A

(continued)

Steven L. Wilde
December 13, 2001
Page 2

3. Silt fence alone will not be allowed as a perimeter control. The use of super silt fence will be acceptable for small areas of disturbance.

Performance Goals: The performance goals that were established at the pre-application meeting are to be met as specified in the Preliminary Water Quality Plan and further refined in the Final Water Quality Plan. They are as follows:

1. Protect the streams and aquatic habitat.
2. Minimize storm flow run off increases.
3. Minimize increases to ambient water temperatures.
4. Minimize sediment loading.
5. Maintain stream base flows.
6. Protect springs, seeps and wetlands.
7. Minimize pollutant loading (nutrient and toxic substances).

Monitoring: The monitoring must be in accordance with the BMP monitoring protocols which have been established by the Department of Permitting Services (DPS) and Department of Environmental Protection (DEP). Prior to the start of any monitoring activity, a meeting is to be held on site with DEP, DPS and those responsible for conducting the monitoring to establish the monitoring parameters. The following is a list of pre-construction monitoring requirements. These monitoring requirements are based on the information currently available and may change based on information received during the preliminary/site plan approval process:

1. Water temperature will be monitored above and below the proposed pond outfall of Pond A. This monitoring is to occur from May through September of each year. Monitoring reports are to be submitted monthly.
2. A stream channel embeddedness station is to be established in the portion of the on-site stream below pond A.
3. A minimum of two groundwater monitoring wells are to be installed on the property.

Pre-construction monitoring is to begin one year prior to the start of construction and last for three years after construction is complete. **One year of pre-construction monitoring must be completed prior to the issuance of a sediment control permit.** The during construction and post construction monitoring requirements will be defined during the Final Water Quality Plan review process. The exact location of each of aforementioned requirements is to be determined during a joint field meeting that's to include DPS, DEP and the developers representative

Conditions of Approval: The following conditions must be addressed in the submission of the Final Water Quality Plan. This list may not be all inclusive and may change based on available information at the time of the review:

1. The stream channels on-site are to be walked to determine if channel restoration is necessary.

ATTACHMENT A
(continued)

Steven L. Wilde
December 13, 2001
Page 3

2. Percolation tests must be performed to determine the feasibility of providing infiltration structures for water quality and ground water recharge.
3. At a minimum one foot of stone (dead storage) is to be provided below the outlet pipe of the surface sand filters to allow for groundwater recharge if infiltration is not feasible.
4. Provide safe conveyance of the runoff from the backs of the lots draining to Pond A. It appears that additional storm drain inlets will be needed.
5. All impervious areas not draining to the SWM structures will be compensated for in the quantity control pond.
6. Minimize the use of insecticides and fertilizers via a residential Integrated Pest Management Plan as part of the Homeowners Association (HOA) documents. A draft of this plan/document is to be submitted at the detailed sediment control plan stage, and the final document is to be submitted prior to bond release.
7. Provide a tree planting plan that allows for shading of the water quality structures, and the dry pond outfalls.
8. Dry wells or rain gardens are required for the backs of lots 18 through 22
9. Increase the flow length of the quantity cell in Pond B by adjusting the outfall and providing a diversion berm in the structure.

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 you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

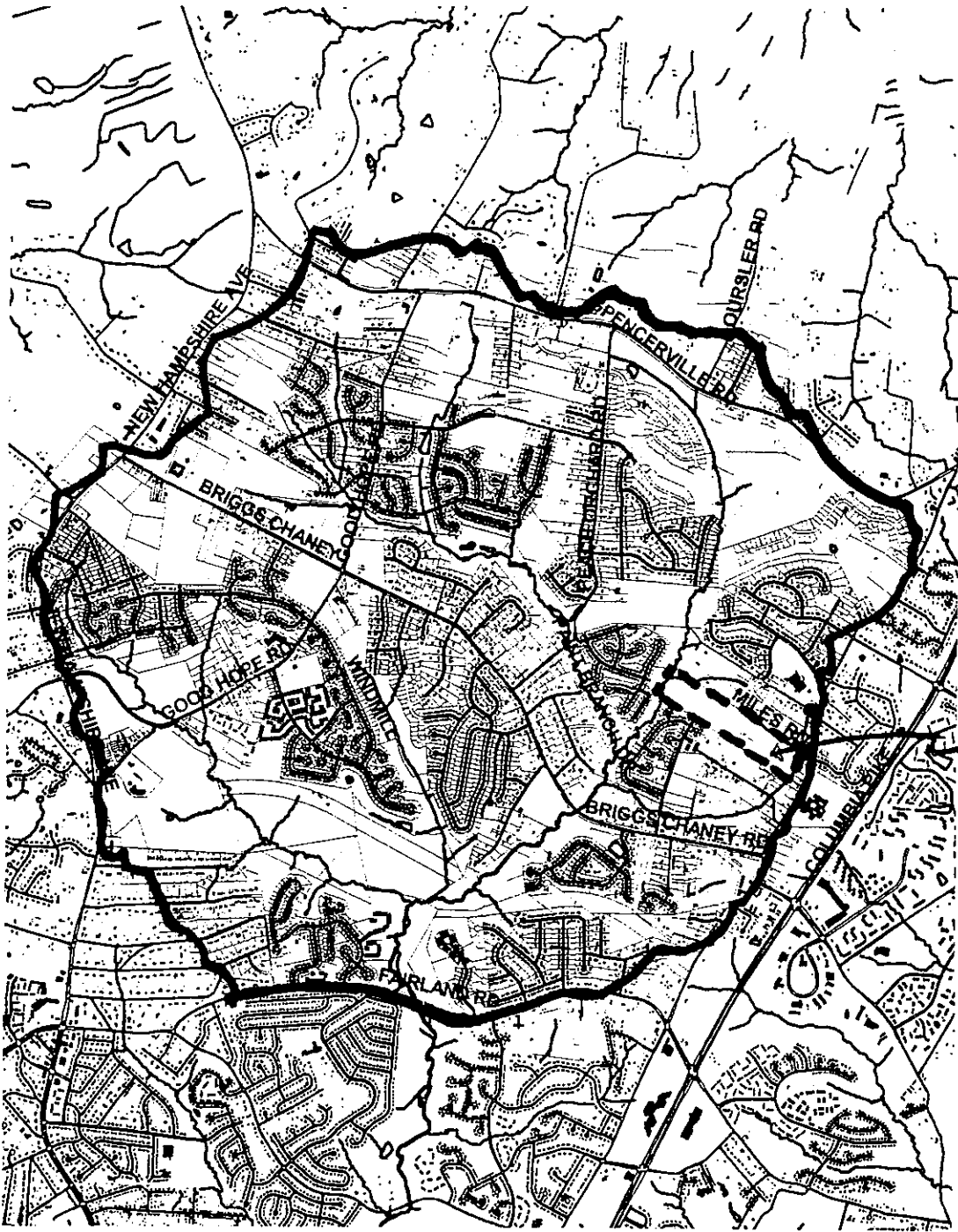
Sincerely,

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

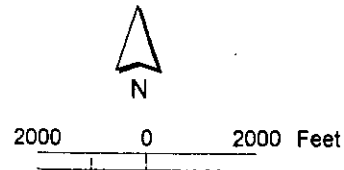
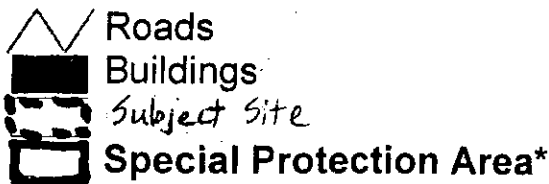
RRB:enm:CN204466

cc: M. Shaneman
S. Federline
C. Bunnag
L. Galanko
SM File # 204466
Qn on-site 48.2 acres
Ql on-site 48.2 acres

PAINT BRANCH SPECIAL PROTECTION AREA



Subject Site



March 2001

* For property on or near a SPA boundary, field-based topography may be needed to determine the boundary's precise location on the property.

Most of the site is in uplands with rolling topography, with some areas of 15 percent and greater slopes. A house, driveway, and some other building structures are currently located on the north central portion of the site.

Soils on the upland areas consist of Gaila silt loam, Glenelg silt loam, and some Chillum silt loam. These soils are common in the county and are generally well-drained. The eastern stream valley has steeper slopes and wetlands are generally very small along the stream channel. The western stream valley is broader with a 100-year floodplain and wetlands which extend roughly 150 to 250 feet from the Right Fork Tributary. There is also a small seep area near the northwestern portion of the site. Soils within the stream valley bottom are Hatboro silt loam and Baile silt loam, which are common floodplain soils in the county and are poorly drained.

About 30.2 acres of the site are covered in forest. The remainder of the site is in old fields. The entire eastern stream buffer is forested and most of the western stream buffer is forested. There are numerous dirt bike/recreation vehicle trails through the various forest stands.

The four forest stands that occur on the site are young, mixed deciduous stands with black cherry, tulip poplar, and red maple comprising the dominant trees. These dominant trees generally range in size from 6 to 12-inches diameter at breast height (dbh). Forest within the environmental buffer areas are generally older. Forest stand no. 4, which is located on the northern portion of the site, is dominated by Virginia pine and black cherry.

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a preliminary water quality plan must be reviewed in conjunction with a development plan amendment application². Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and approved the elements of the preliminary water quality plan under its purview. The Planning Board responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

DPS has reviewed and conditionally approved the elements of the preliminary water quality plan under its purview (see Attachment A).

² Section 19-62 (b) of the Montgomery County Code states that "except as otherwise expressly provided in this Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:...who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

Site Performance Goals

As part of the water quality plan, several site performance goals were established for the site: protect streams and aquatic habitat, minimize storm flow runoff increases, minimize increases to ambient stream water temperatures, minimize sediment loading, maintain stream baseflow, protect springs, seeps, and wetlands, minimize pollutant loadings.

Site Imperviousness

The Upper Paint Branch SPA is the only SPA that has a ten percent (10%) site imperviousness limit on new development. The imperviousness limit is set forth in the environmental overlay zone for the Upper Paint Branch SPA. The water quality plan proposes a site imperviousness of 10 percent. This consists of 44 single-family detached houses (each with an average footprint of 2222 square feet) and driveways, roads, and sidewalks (see Attachment C). The applicant's proposal conforms to the environmental overlay zone.

Environmental Buffers

Environmental buffers are located on the western and eastern ends of the site. The eastern environmental buffer and some adjacent upland area are proposed to be in HOA common open space as a forest preservation area (i.e., Category I conservation easement area). This is acceptable to staff.

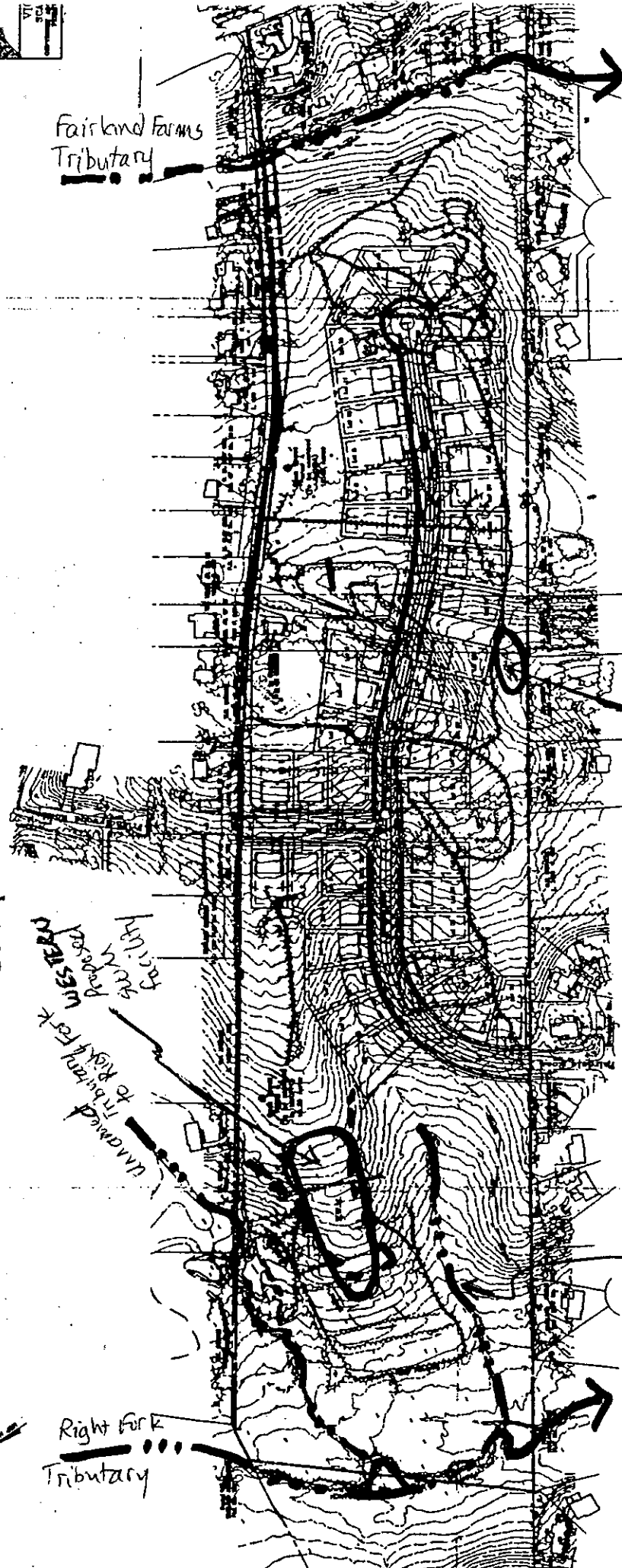
The western environmental buffer area and some adjacent upland forest are proposed to be dedicated as M-NCPPC parkland. This is acceptable to staff.

The applicant proposes to locate a stormwater management (SWM) facility in such a way that there would be about 11,500 square feet (0.26 acre) of grading within the western environmental buffer. Most (about 9270 s.f.) of this proposed buffer encroachment is currently not forested and the forest loss (about 2230 s.f.) within the buffer is for a necessary outfall pipe for the SWM facility.

Although the forest loss within the environmental buffer resulting from the applicant's proposed location of the SWM facility and its outfall pipe is small, staff believes that the SWM facility should be reconfigured to avoid any grading within the buffer area except for the necessary outfall pipe. If the SWM facility is not relocated, there would be a portion of the buffer (over 9000 s.f.) that could not be planted in forest since part of the facility's dam embankment would be in the buffer and Montgomery County Department of Permitting Services does not allow trees on such embankments. By relocating the facility outside the buffer, forest

DEVELOPMENT PLAN AMEN
 LAND USE PLAN
HUNT PROPERTY--MIL
 MILES TRACT - L.2838 F.344 &
 5TH ELECTOR DISTRICT - MONTGOMERY CO
 Macorir, Rendricks & Glascock,
 Engineers & Planners & Survey
 141 (Part) 141-1414

Development Plan Amendment



Fairland Farms
 Tributary

Central Proposed SWIM facility

Unamed
 Tributary
 to Right Fork

Unamed
 Tributary
 to Right Fork

Right Fork
 Tributary



Item	Description	Quantity	Unit	Value
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

could be planted or be allowed to naturally regenerate within the entirety of the buffer. The relocation would not affect the proposed layout of the subdivision nor the facility's effectiveness as a SWM control structure.

It should be noted that staff's recommendation to relocate the SWM facility completely outside the environmental buffer will result in forest clearing outside the environmental buffer of 13,780 s.f. (0.32 acre). The part of the forest that would be cleared is only along one edge of a young forest stand which is dominated by Virginia pine and black cherry. Staff believes the additional forest clearing outside the buffer is an acceptable loss, given that there is a long-term gain of creating forest cover for the entirety of the environmental buffer.

Forest Conservation

About 10.98 acres of forest are proposed to be cleared. Forest conservation requirements are being met by the preservation of 19.26 acres. This is above the project's break-even point of 15.57 acres. Staff's recommendation to relocate the western SWM facility out of the environmental buffer (see discussion, above, under "Environmental Buffers") will result in about 0.32 acre of additional forest lost outside the buffer. This will result in 11.3 acres of total forest clearing and 18.94 acres of total forest preservation. The amount of forest preservation is still significantly above the break-even point. Therefore, no reforestation is required.

However, an area of currently unforested environmental buffer area is proposed to be planted in forest. This is consistent with the Planning Board's "Environmental Guidelines". The guidelines recommend that unforested environmental buffers on a development site in a SPA be planted in forest. The forest planting area that exceeds a project's forest conservation law requirements may be made available as offsite reforestation credits for other development projects.

The forest conservation plan, with staff's recommended change to the SWM facility location, conforms to the requirements of the Forest Conservation Law.

Stormwater Management Concept

To help meet the project's performance goals, the stormwater management (SWM) concept includes the following features:

- There are two SWM quantity facilities that are proposed as dry, extended-detention ponds. The central facility is proposed to manage up to the 100-year storm event to correct existing drainage problems to downstream property owners.

- Stormwater management quality controls will be provided by roadside, vegetated swales and two sand filters (or infiltration trenches) in series that drain to each SWM quantity facility.

Sediment Control

DPS is requiring the use of redundant sediment control measures, such as sediment traps with forebays or sediment traps in series. Site grading will be phased to minimize the amount of disturbed area at any one time.

Monitoring of Best Management Practices

The details of the monitoring program will be determined by DPS and DEP. The program will include pre-construction monitoring of stream water temperatures upstream and downstream of the western SWM facility outfall, measuring stream channel embeddedness, and groundwater level monitoring. Monitoring during and after construction will be determined during the final water quality plan review process.

Ownership of Stormwater Management Facilities (SWM)

As cited in condition # 2, staff recommends that the proposed western SWM facility be dedicated to M-NCPPC. Staff's recommendation is consistent with the Planning Board action on previous subdivisions regarding ownership of SWM facilities in the Upper Paint Branch SPA where a proposed SWM facility is adjacent to either existing or dedicated parkland³

To ensure adequate funds to maintain these SWM facilities, staff recommends, as condition #3, that the applicant establish a fund for use by Parks staff to cover the costs of inspection and maintenance.

The intent of staff's two recommendations are to ensure that these facilities have a relatively high chance of being adequately maintained in the long-term. Proper maintenance of SWM facilities is critical if the high water quality conditions of this SPA stream system are to be preserved. For this proposal, staff believes the best opportunity for proper maintenance is through M-NCPPC ownership supplemented by a developer-created maintenance fund.

In 1995, an interagency work group was formed under the direction of the Planning Board as part of the master plan process for the Eastern Montgomery County planning areas. This workgroup was directed to formulate a strategy and specific recommendations to protect the high quality conditions of the Upper Paint Branch stream system. One recommendation from the work group was that new SWM facilities be publicly owned and maintained. The work group

³ These subdivisions include: Allnutt Property, preliminary plan 1-94096; Peach Orchard Property, 1-95050; Baldi Property, 1-98065; Hunt Lion's Den Property, 1-98095.

noted that historically, privately-owned SWM facilities in the county generally have been less intensively maintained than publicly-owned structures. In addition, the work group indicated that a publicly-owned facility affords a greater chance of being properly monitored and maintained than a privately-owned facility. Staff's recommendations (conditions # 2 and 3) are consistent with the work group's recommendations.

With respect to the proposed central SWM facility, staff believes that ideally, the facility should be owned and maintained by M-NCPPC because of the reasons stated above. However, the proposed facility will be surrounded by residential lots and parcels and will not be adjacent to parkland. Parks staff believe the location of this proposed SWM facility will make it difficult for Parks to maintain the facility. Therefore, Parks staff believes the facility should be owned by the Homeowners' Association.

It should be noted that recently adopted changes to the county's stormwater management law provides for some degree of county maintenance of residentially-owned SWM facilities. A SWM facility on residential property (including HOA property) that is constructed to approved county standards after March 2, 2002 will have its structural maintenance⁴ done by the Montgomery County Department of Environmental Protection. However, maintenance activities such as landscaping, grass cutting, and trash removal must still be done by the property owner. Staff believes these changes to the SWM law will improve the chances of a HOA-owned SWM facility being properly maintained in the long-term. But staff believes the chances for proper inspection and maintenance of a privately-owned SWM facility is still not as high as a publicly-owned facility, where *all* aspects of a facility's inspection and maintenance needs (i.e., structural and non-structural needs) are administered by a public agency that has a major commitment to protecting a valuable natural resource.

⁴ Structural maintenance is the inspection, construction, reconstruction, modification, or repair of any part of stormwater management facility undertaken to assure that the facility remains in the proper working condition to serve its intended purpose and prevent structural failure. Structural maintenance does not include landscaping, grass cutting, or trash removal.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue • Silver Spring, Maryland 20910

December 12, 2001

TO: Nikosi Yearwood, Community-based Planning Division
FROM: Candy Bunnag, ^{CB} Environmental Planning, County-wide Planning Division
SUBJECT: Comments on Hunt-Miles Property, DPA 02-1

Staff recommends approval of the SPA preliminary water quality plan with conditions. The conditions are stated in a separate memorandum to the Planning Board which provides details on staff's review and recommendations on the SPA water quality plan. Staff also recommends approval of the development plan amendment if the Planning Board approves the SPA water quality plan.

Comparison of Approved Development Plan for G-400 and Development Plan Amendment Application

Under Section 59-C-7.131 of the zoning ordinance, a PD-2 development with a total of less than 200 units is required to have a minimum of 35 percent detached single-family units and minimum of 35 percent single-family attached units. The development plan amendment proposes all single-family detached lots. The zoning ordinance states: "The District Council may waive the percentage requirements for one-family and multiple-family dwelling units, if it finds that a proposed development (a) is more desirable for stated environmental reasons than development in accordance with these limits, or (b) achieves goals, policies or recommendations stated in an approved and adopted master or sector plan."

The proposed development plan amendment has less impervious surfaces and somewhat more areas in open space in and around the environmental buffers than the development plan, as approved under G-400. These differences are summarized in the following table:

	DEVELOPMENT PLAN APPROVED UNDER G-400	PROPOSED DEVELOPMENT PLAN AMENDMENT
SITE IMPERVIOUSNESS	15% ¹ (22% ²)	10% ³
APPROXIMATE OPEN SPACE PROPOSED IN AND AROUND WESTERN ENVIRONMENTAL BUFFER	14 acres	16 acres
APPROXIMATE OPEN SPACE PROPOSED IN AND AROUND EASTERN ENVIRONMENTAL BUFFER	3 acres	5 acres

¹ This imperviousness is based on an analysis of the development plan reported in the Environmental Planning Division staff report, dated October 12, 1983. The analysis showed 7.1 acres of impervious surfaces.

² This is based on a preliminary estimate of the development plan by Macris, Hendricks, and Glascock, conducted December 2001.

³ The proposed development plan conforms to the impervious limit stated in the Environmental Overlay Zone.

In addition, if the Planning Board approves the SPA preliminary water quality plan, the proposed development plan amendment has a conditionally approved SPA preliminary water quality plan. The development plan for G-400 does not have an approved SPA water quality plan. Staff, therefore, concludes that the development plan amendment is environmentally better than the development plan for G-400.

cc: Marion Clark