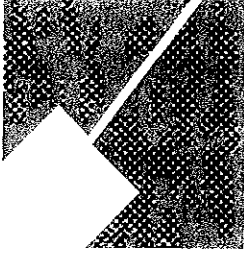


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MEMORANDUM

**DATE:** January 11, 2002

**TO:** Montgomery County Planning Board

**VIA:** Joe Davis, Chief, Development Review Division *JRD*  
Malcolm Shaneman, Supervisor, Development Review Division *MS*

**FROM:** Tanya Wilson, Subdivision Planner *TW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Two (2) Single Family Detached Dwelling Units

**PROJECT NAME:** Westchester

**CASE NUMBER:** 1- 02023

**REVIEW BASIS:** Chapter 50, Montgomery County, Subdivision Regulations

**ZONE:** R-90

**LOCATION:** Located on the south side of Blueridge Avenue, approximately 100 feet east of Nairn Road

**MASTER PLAN:** Kensington/Wheaton

**APPLICANT:** Press Real Estate Service

**FILING DATE:** September 14, 2001

**HEARING DATE:** January 17, 2002

**STAFF RECOMMENDATIONS:**

**Approval of only one (1) lot, Subject to the Following Conditions:**

- (1) Submission, for staff approval, of detailed tree save/grading plan with input from a certified arborist showing one house relocated to protect all trees within the stream buffer and provide maximized tree protection elsewhere on the lot
- (2) Compliance with the conditions of MCDPS stormwater management approval dated 9/20/01
- (3) Access and improvements as required to be approved by MCDPWT prior to recording of plat
- (4) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and Category II easement for other trees saved on the approved tree save plan.
- (5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (6) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (7) Necessary easements

**PROJECT DESCRIPTION: VICINITY**

The proposed subdivision application is located on the south side of Blueridge Avenue approximately 100 feet east of Nairn Road in the Kensington/Wheaton Policy Area. The two unrecorded parcels are identified as P82 and P108, Block C. The site consists of .48 acres or 20,908 square feet and is zoned R-90. As reflected in the attached photos, the property is fully forested with mature hardwood overstory and well-developed understory. The subject site is situated to the west of the M-NCPPC Sligo Creek Park, and exists as an extension to the adjoining forest within the park.

**PROJECT DESCRIPTION: PROPOSAL**

The applicant proposes to create two single-family lots, shown on the plan as Lot 12 and 13. As reflected in the attached drawing, Lot 12, consists of 9,160 Sq Ft, and Lot 13, consists of 11,680 Sq Ft in size. Both lots will front directly on Blueridge Avenue.

**DISCUSSION OF ISSUES TO DATE:**

In order to approve the application for subdivision, the Planning Board must find that the proposed lot(s) meet the subdivision criteria as set forth in Chapter 50 of the Montgomery County Code. Additionally, Section 50-2 of the code lists several purposes of the Subdivision Regulation that are significant to the Board’s consideration of this plan that states:

- (1) The harmonious development of the district;
- (2) The conservation of adequate drainage facilities;

- (3) The preservation of the location of and volume and flow of water in other characteristics of natural streams and other waterways; and
- (4) The control of building in floodplain areas of streams, drainage courses, and environmentally sensitive areas.

Further, Section 50-2 of the Code allows the Planning Board to restrict the subdivision of land in environmentally sensitive areas, including floodplains, drainage courses and stream buffers and in areas found to be unsafe for development because of possible flooding or erosive stream action.

The proposed Lot 12 meets the minimum required lot size of 9,000 square feet, for the R-90 zone; however, the proposed lot 13 is constrained by a 3,350 square feet stream valley buffer that represents 16.3% of the total 20,554 square feet parcel. This reduces the useable area of the proposed lot 13 from 11,680 square feet to 8,330 square feet, creating a very compact building area. The plan shows the front of the proposed house, on lot 13 as close as 10' from the buffer. Application of standard house construction techniques, will likely result in clearing or severe damage to trees within the stream buffer area. Additionally, the forested site is high priority due to its location next to Sligo Creek Park. It contains a collection of nearly a dozen healthy specimen trees. A concerted effort should be made to preserve this forested area.

## CONCLUSION

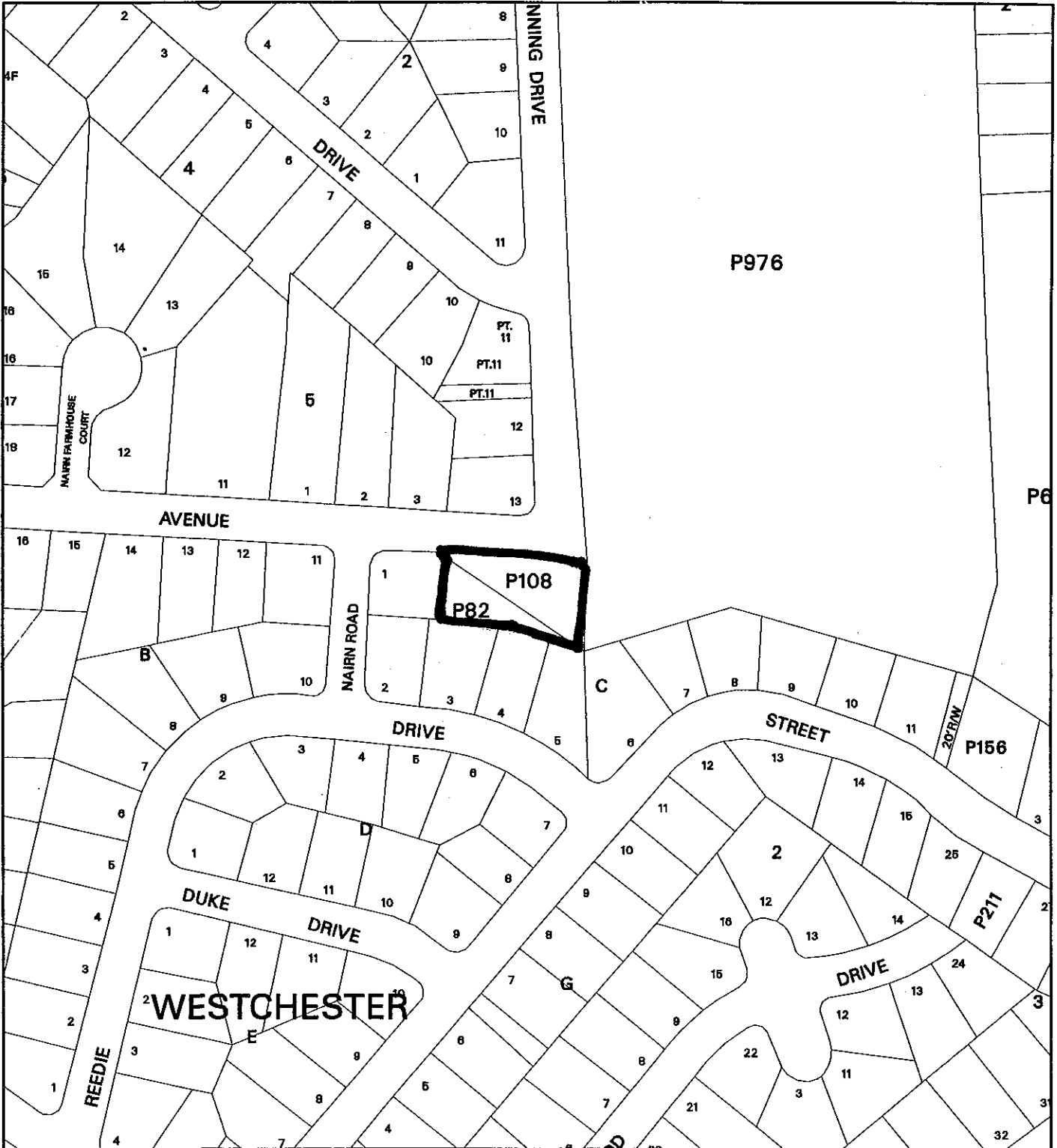
Staff has analyzed the subject application based on Chapter 50-35 of the Montgomery County Subdivision Regulations. Based on the sensitive nature of proposed Lot 13 and the potential environmental impact involved, staff recommends approval of only one lot at this time. This urban forest provides both an aesthetic and environmental benefit to the surrounding neighborhood, and should be protected as much as possible.

## ATTACHMENTS

Vicinity Map	4
Proposed Subdivision	5
Neighborhood Delineation Map	6
Photos	7
Environmental Planning Division Memo	8

VICINITY MAP FOR

# WESTCHESTER (1-02023)



Map compiled on September 26, 2001 at 12:23 PM | Site located on base sheet no - 214NW02

### NOTICE

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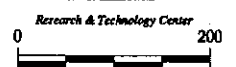
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Key Map

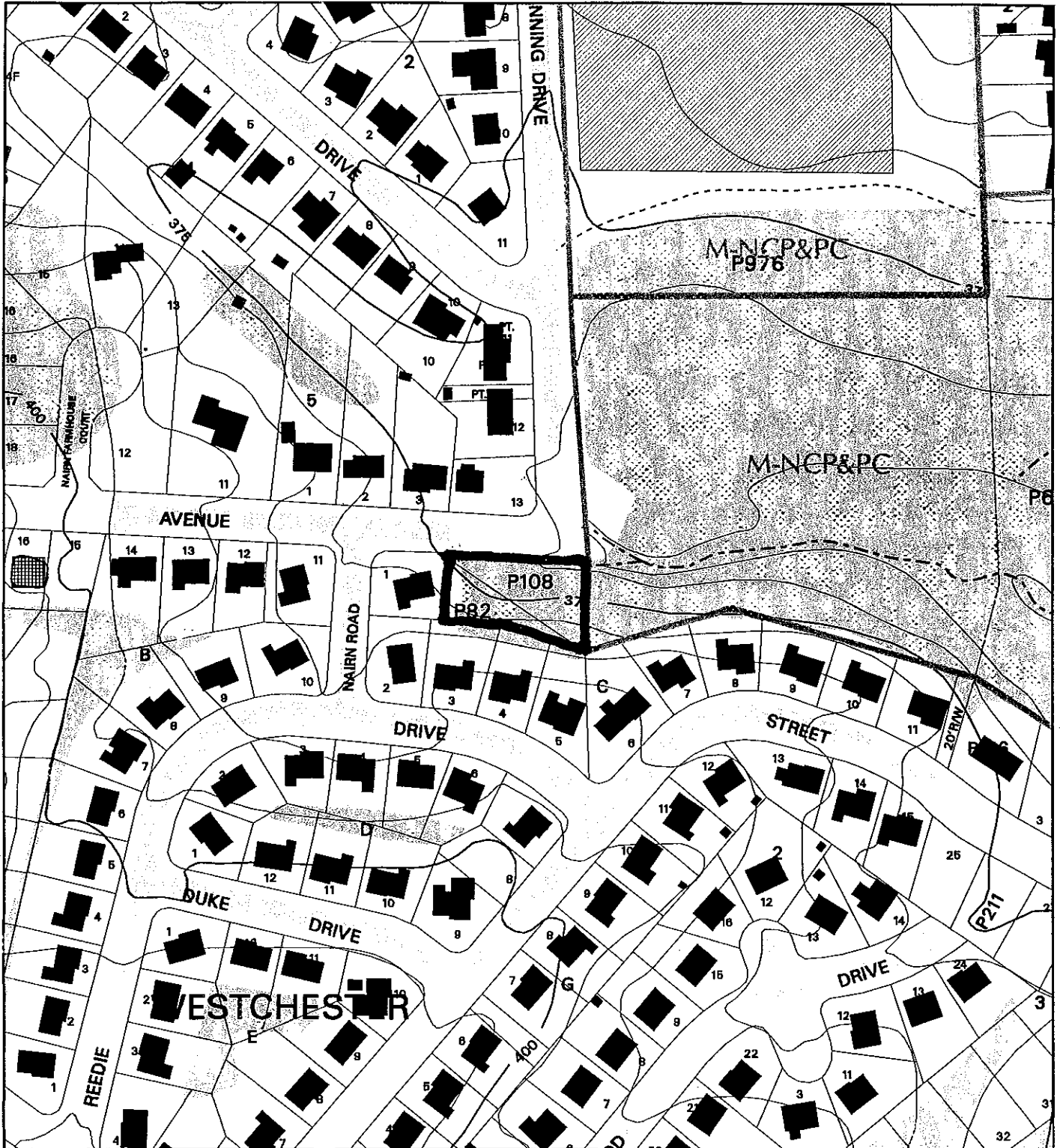


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VICINITY MAP FOR  
**WESTCHESTER (1-02023)**



Map compiled on September 26, 2001 at 11:28 AM | Site located on base sheet no - 214NW02

**NOTICE**

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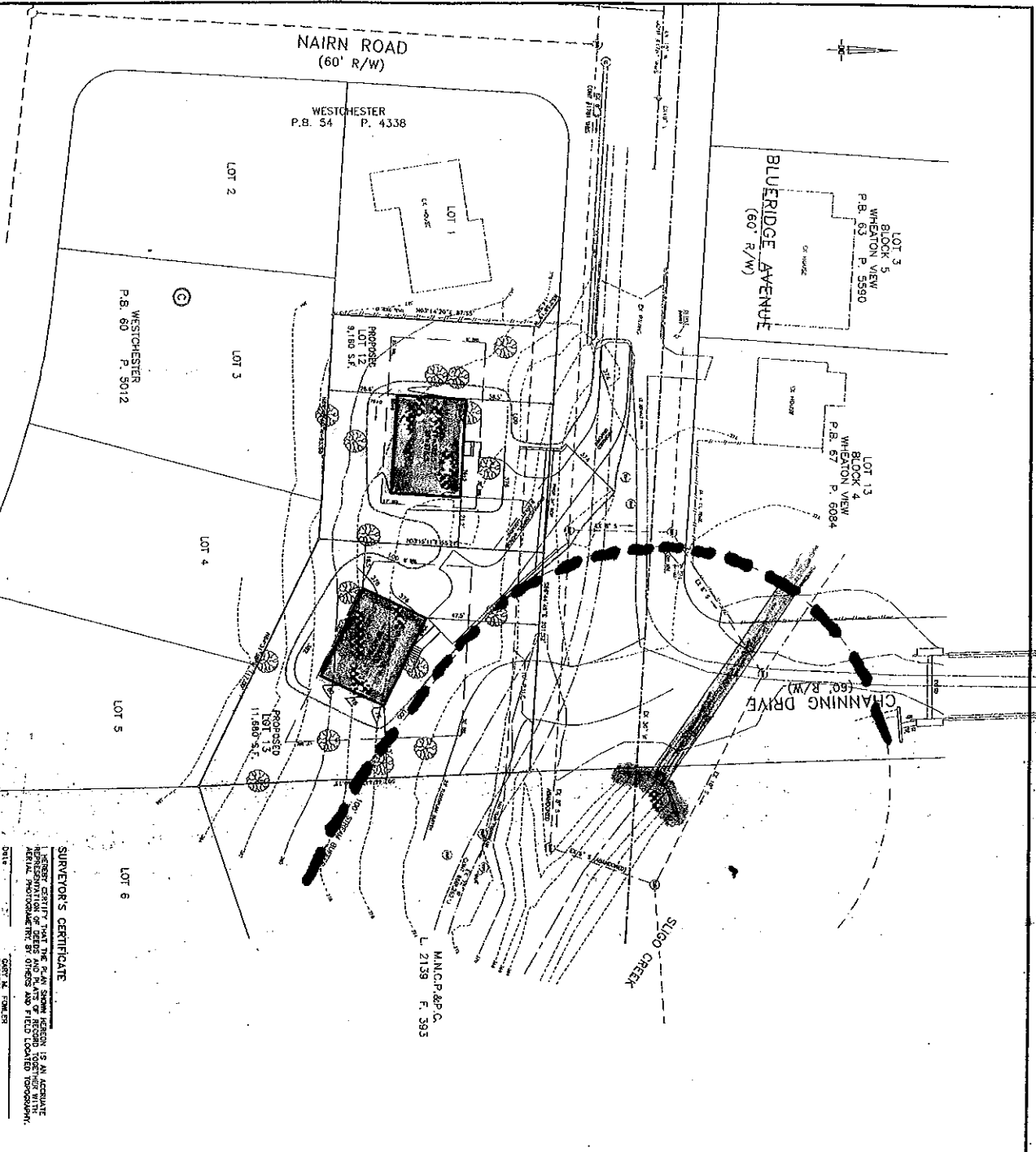
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Key Map



1 : 2400



CHANNING DRIVE  
(60' R/W)

BLUERIDGE AVENUE  
(60' R/W)

NAIRN ROAD  
(60' R/W)

WESTCHESTER  
P.B. 54 P. 4338

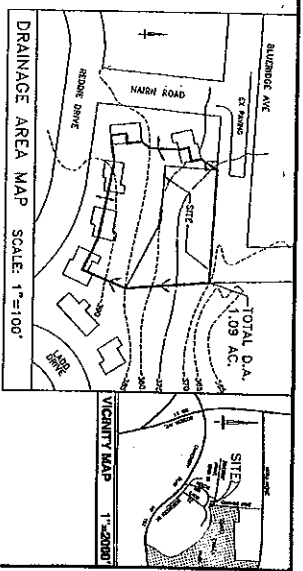
LOT 5  
SLIGO CREEK  
WESTCHESTER  
P.B. 53 P. 5590

LOT 13  
BLOCK 4  
WESTCHESTER VIEW  
P.B. 87 P. 6084

WESTCHESTER  
P.B. 60 P. 5012

M.N.C.P. & P.C.  
L. 2139 F. 393

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE PLAN SHOWING HEREON IS AN ACCURATE REPRESENTATION OF THE REALITY OF RECORD INFORMATION WITH REFERENCE TO THE MATTER HEREIN AND THAT THE SAME IS CORRECT AND COMPLETE.



**GENERAL NOTES**

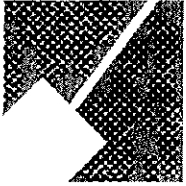
1. BOUNDARY SHOWN AND SURVEY BY THIS OFFICE.
2. PROPOSED DRIVE AND ROAD FROM THIS OFFICE.
3. EXISTING ROAD AND DRIVE FROM THIS OFFICE.
4. EXISTING ROAD AND DRIVE FROM THIS OFFICE.
5. EXISTING ROAD AND DRIVE FROM THIS OFFICE.
6. THIS SITE LIES WITHIN THE SLIGO CREEK WATERSHED.
7. THIS SITE LIES WITHIN THE WESTCHESTER WATERSHED.
8. THIS SITE LIES WITHIN THE SLIGO CREEK WATERSHED.
9. THIS SITE LIES WITHIN THE SLIGO CREEK WATERSHED.
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**SITE DEVELOPMENT DATA**

1. EXISTING ZONING: R-100
2. TOTAL AREA: 6.4718 ACRES OR 282,481 S.F.
3. MINIMUM LOT SIZE: 3,000 S.F.
4. LOT COVERING: 10%
5. MINIMUM SETBACKS: 25 FEET FRONT, 5 FEET REAR, 5 FEET SIDE
6. MINIMUM SETBACKS: 25 FEET FRONT, 5 FEET REAR, 5 FEET SIDE

1020293

**PRELIMINARY PLAN**  
**PROPOSED LOT 12 & 13 - BLOCK C**  
**WESTCHESTER**  
PROPERTY OF  
WILLIAM W. & JANICE L. NAIRN  
4545 N. NAIEN AVENUE AT ROUND 519 AND LATER ADJACENT AT ROUND 523  
WESTCHESTER, PENNSYLVANIA 19380  
REVISIONS



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
PRELIMINARY PLAN RECOMMENDATIONS

TO: Malcolm Shaneman/Tanya Wilson, Development Review  
Via: Stephen Federline, Supervisor *SD*  
From: Dominic Quattrocchi, Planner *DQ*  
Subject: Westchester/Nairn Property (0.48 acres) 1-02023  
Date: January 7, 2002

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply.

**Recommendation:**

Environmental Planning recommends **Approval of One Lot Only (denial of proposed Lot #13)** based on inadequate protection of the environmental buffer with the two lot proposal. Given zoning setbacks, and the typical size of new homes on this street, staff believes that the forested stream buffer will likely be compromised both during construction and occupancy. One properly located house on the site would provide a more natural orientation to the street, better protect and provide a gentle transition to the stream buffer/conservation easement, and significantly reduce the loss of specimen and near specimen trees on the site. Applicant shall submit a detailed tree save plan locating the home in a location to maximize protection of the stream buffer and significant trees on the site.

**Site Description**

The Westchester or Nairn Property is a 0.48 acre undeveloped "in-fill" site located in the Westchester area of Wheaton. The subject property is constrained by a stream buffer associated with the perennial headwaters tributary of Sligo Creek. The property is fully forested with a mature hardwood overstory and a well-developed understory. The property adjoins the M-NCPPC Sligo Creek Park. The Westchester property forest is an extension of the adjoining forest within the park. The property contains a WSSC right of way (for a 72" water line), an ephemeral drainage swale along Blueridge Avenue, and 3350 square feet of stream buffer (or 16.3%) of the 20,554 square foot site. All of this stream buffer is within proposed Lot # 13, making up ~28.7% of the proposed lot.

**Analysis**

The proposed plan is for two single family detached units. Each lot is configured at the zoning minimum, 25-foot rear yard setback and minimum sideyard setbacks, based on a proposed 1260 square feet footprint for each unit, as shown on the site development plan. Staff believes these proposed building footprints are uncharacteristically small for this neighborhood. Recently constructed homes (circa 1997-1999) along Blue Ridge Avenue and Farmhouse Court are multistoried and have a footprint averaging between 2800 and 3200 square feet. In addition, existing established homes tend to be larger than the proposed two units. The adjacent home at the intersection of Nairn and Blueridge Avenue has a 1678 square foot footprint, more than 400 square feet larger than the proposed units.



VIEW of Property from NW corner and current Blue Ridge Drive terminus  
 Note drainage swale, and wooded nature of subject parcel.



Westchester/Nairn Property (0.48 acres)  
 Aerial Photo 1998

0 100 200 300 Feet

Hydro\_Lake  
 Topo.shp  
 Wetland.shp  
 Wetland\_Subs.shp  
 Wetland\_F.shp



The plan has received a small property exemption from requirements of the Forest Conservation Act. However, the exemption specifies and allows for a tree save plan under both the new and old forest conservation legislation.

Forest on the Westchester/Nairn property is high priority due to adjacency to Sligo Creek stream valley, maturity and size of trees, incorporation of environmental buffer and contiguous nature to larger offsite forest. This small mature bottomland forest contains nearly a dozen healthy specimen-sized or near specimen sized trees. Species include tulip tree, red maple, black gum, and red oak. The dominant size class of trees is 24-36 inches DBH, characteristic of a mature bottomland habitat. This urban forest represents a unique, perceived and realized, benefit to water quality, habitat and residents. The urbanized



condition of Sligo Creek further warrants protection of urban forest resources when available.



Entire Property forest (Mature Bottomland Forest 24-36" DBH Dominant Size Class)

The construction of two single family detached houses would eliminate the existing urban forest resource on the Westchester property. Due to the "shoehorning" nature of the two proposed lots and houses on this 0.48 property, retention and survival of existing trees, outside the proposed limits of disturbance is very questionable. Multistoried single family units would further compounding potential periphery canopy and understory tree loss due to shading. Even one lot will require careful site design and layout to prevent a significant loss of specimen and significant trees on the site.

Per Montgomery County Environmental Guidelines, all forest within the stream valley buffer must be preserved and plat recorded as Category I Conservation Easement. A Category I easement in the front yard of Proposed Lot 13 would reduce the useable lot area to approximately 8330 square feet. 3350 square feet of proposed Lot 13 is part of an Environmental Buffer, effectively reducing Lot 13 usable acreage from 11,680 square feet to 8330 square feet.

The proposed plan shows a 10' setback from the front of the proposed house to the environmental buffer for proposed Lot 13. The environmental buffer area effectively consumes almost all of proposed Lot 13's front yard. Such close proximity to a Category I Forest Conservation easement reduces the probability of compliance on such a small lot. Direct and indirect construction impacts to forest vegetation and trees are inevitable. As a minimum, staff routinely looks to provide at least the distance of the zoning setbacks for the unfettered use and enjoyment of the occupants, and more likely compliance with the forest conservation easement stipulations.

### **Summary**

In summary environmental planning staff believes the Westchester/Nairn property is too small to accommodate two single-family lots with home sizes appropriate to the neighborhood and protect the stream buffer and priority forest and trees on the site. This justification is supported by the constraints of environmental buffer area on proposed Lot 13 and specimen trees and good quality, high priority retention forest throughout the subject property.



Culvert at Northwest corner of property (Blueridge Drive in background)

A 4' macadam trail runs directly adjacent and parallel to this forested property. This "greenway" receives considerable use by neighbor residents making use of Sligo Creek and Wheaton Regional Park.



Actively used Recreational Path along northern property boundary (Note Labradors for scale)



Item # 11



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

M E M O R A N D U M

**DATE:** January 11, 2002

**TO:** Montgomery County Planning Board

**FROM:** A. Malcolm Shaneman  
Development Review Division  
(301) 495-4587

**SUBJECT:** Informational Maps for Subdivision Items on the  
Planning Board's Agenda for January 17, 2002.

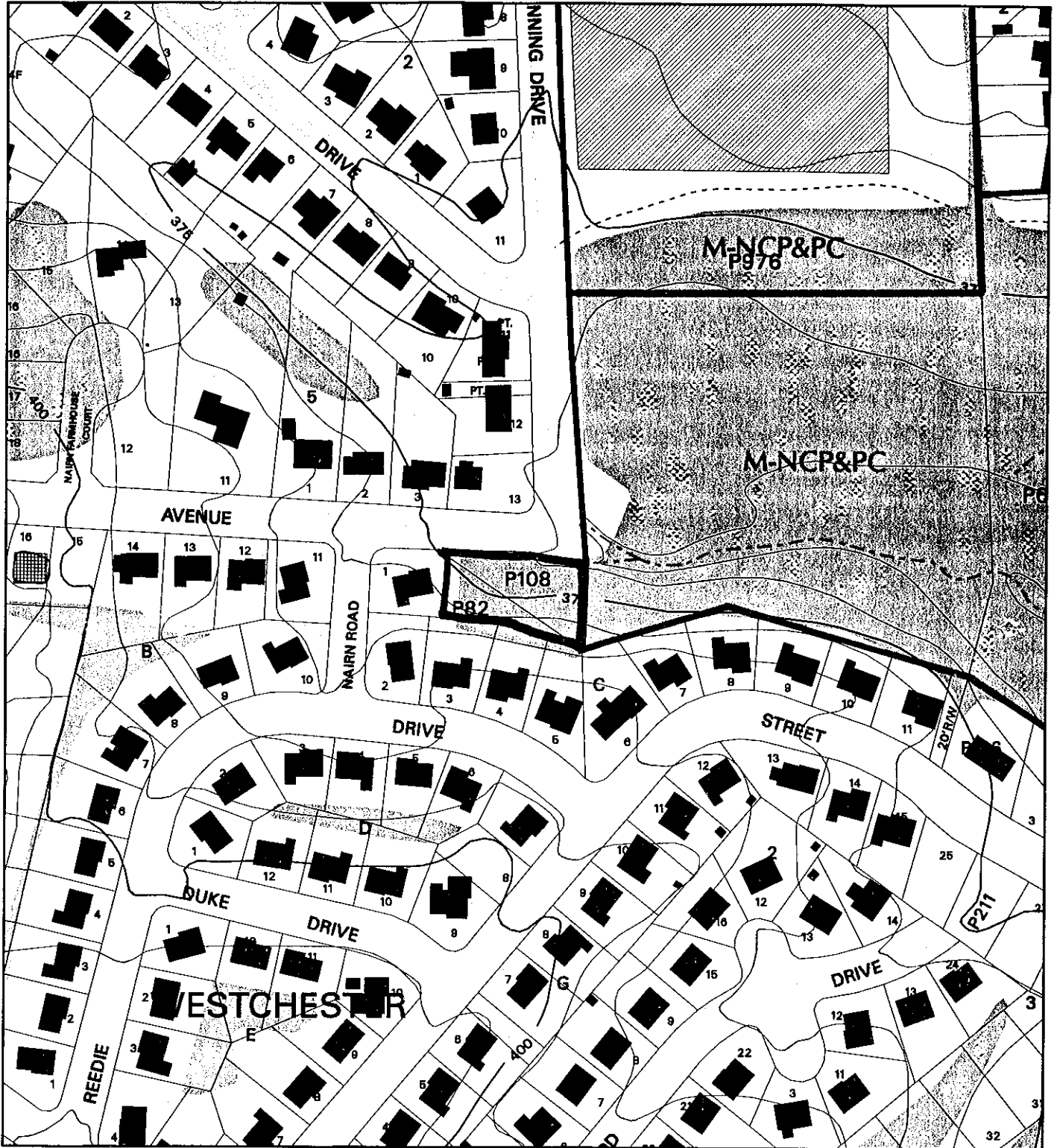
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Attached are copies of plan drawings for Items #06, #09, #10, #11. These subdivision items are scheduled for Planning Board consideration on January 17, 2002. The items are further identified as follows:

- Agenda Item #06 - Preliminary Plan 1-02060  
Pleasants Rural Property
- Agenda Item #09 - Preliminary Plan 1-00075  
Stamoulis Property
- Agenda Item #10 - Preliminary Plan 1-02010  
Capitol View Park
- Agenda Item #11 - Preliminary Plan 1-02023  
Westchester

Attachment

VICINITY MAP FOR  
**WESTCHESTER (1-02023)**



Map compiled on September 25, 2001 at 11:28 AM | Site located on base sheet no - 214NW02

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Key Map

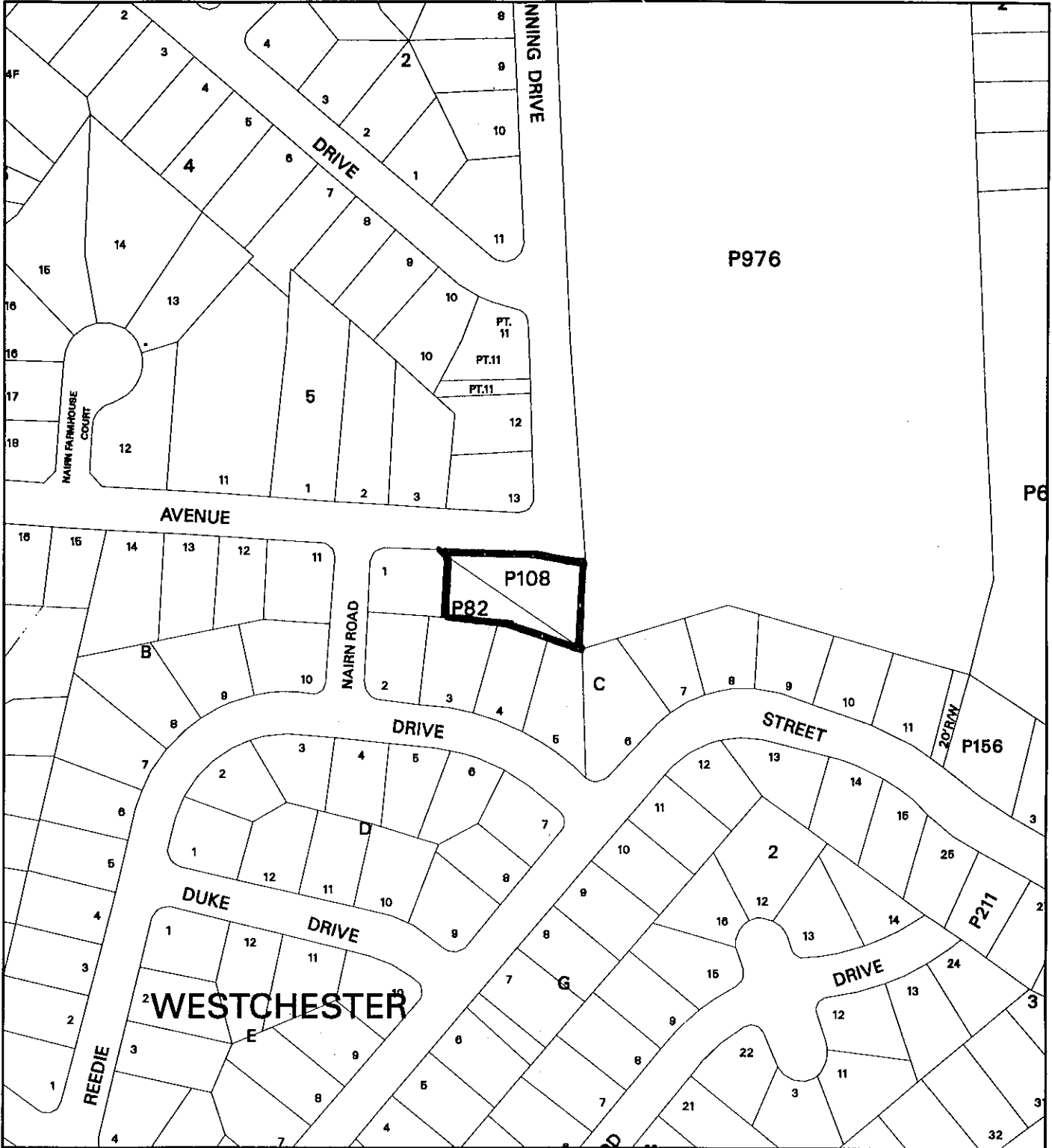


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1 : 2400

VICINITY MAP FOR  
**WESTCHESTER (1-02023)**



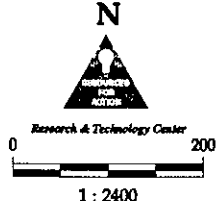
Map compiled on September 26, 2001 at 12:23 PM | Site located on base sheet no - 214NW02

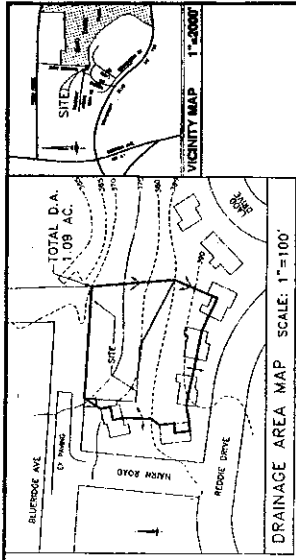
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**GENERAL NOTES**

1. EXISTING SHOWS SITE BY THIS OFFICE.
2. PROPOSED SHOWS SITE BY THIS OFFICE.
3. EXISTING WATER AND SEWER SERVICE LOCATIONS: 1"=1" & 1"=1".
4. DIMENSIONS TO QUALITY.
5. THIS SITE LIES WITHIN THE B.L.O.S. OF THE METROPOLITAN WATER SUPPLY DISTRICT NO. 13.
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**SITE DEVELOPMENT DATA**

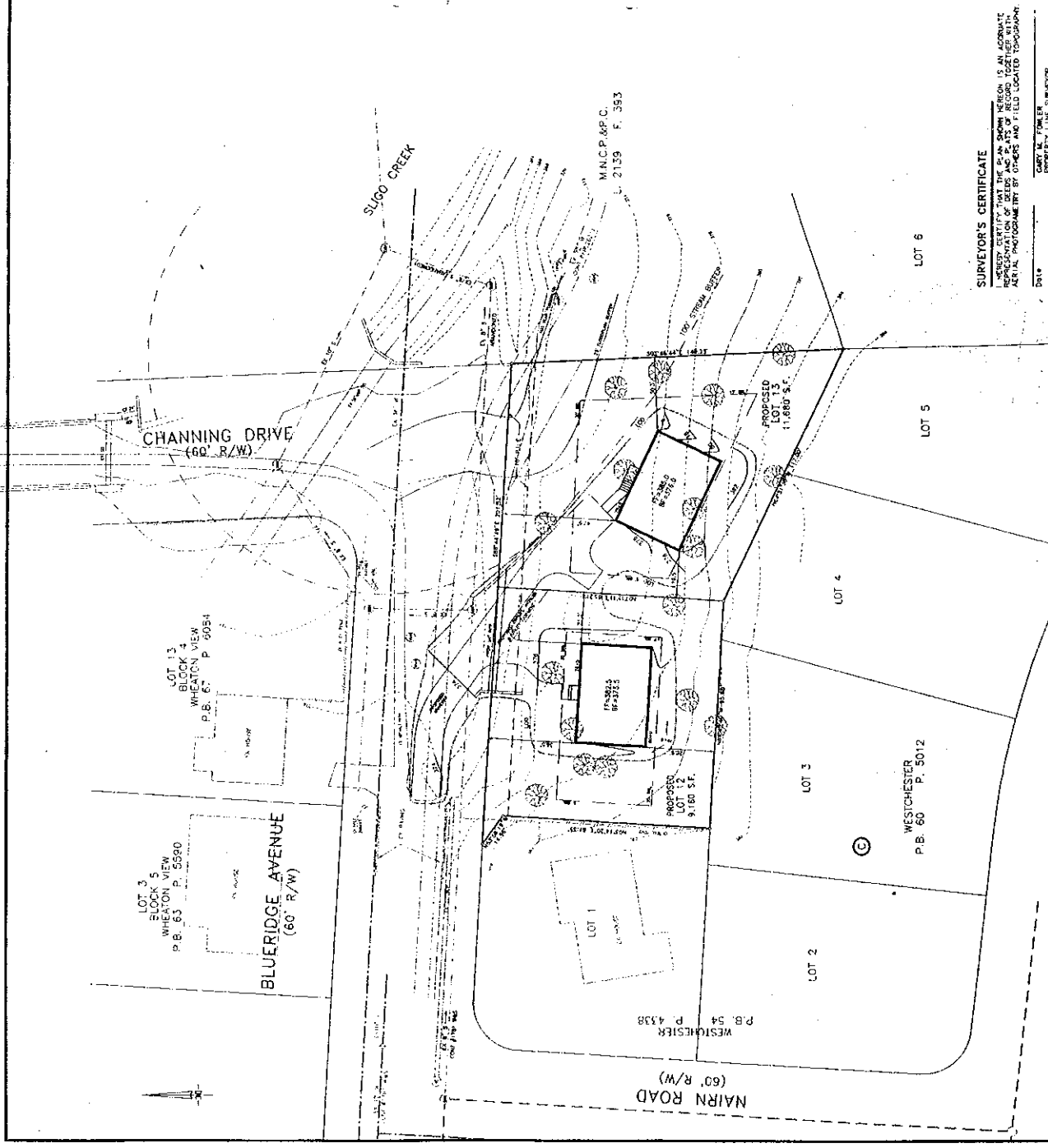
1. EXISTING ZONING: R-40
2. PROPOSED ZONING: R-40
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4. PROPOSED LOT AREA: 9,160 S.F.
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102023

APPROXIMATE CONTRACT VALUE  
 \$100,000.00  
 DATE: 10/15/2023  
 PROJECT: WESTCHESTER

**PRELIMINARY PLAN**  
**PROPOSED LOT 12 & 13 - BLOCK C**  
**WESTCHESTER**  
 PROPERTY OF  
 WILLIAM W. & MARGO L. NAIRN  
 AS RECORDED IN LIVER BOOK AT FOLIO 319 AND LIVER BOOK AT FOLIO 333  
 METROPOLITAN ELECTION DISTRICT NO. 13  
 MONTGOMERY COUNTY, MARYLAND

NO.	DATE	REVISIONS
1		
2		
3		



**SURVEYOR'S CERTIFICATE**  
 I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE FOREGOING REPRESENTS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AND FIELD LOCATED THEREON.  
 DATE: \_\_\_\_\_  
 SURVEYOR: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_