



Item # 8
MCPB 2/13/03

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: February 7, 2003
TO: Montgomery County Planning Board
VIA: Joseph R. Davis, Chief
Development Review Division
FROM: Robert A. Kronenberg, RLA
Planning Department Staff
(301) 495-2187



REVIEW TYPE: Site Plan Review
APPLYING FOR: LDRC Zone; 26.966 Acres Property
5 One Family Dwelling Units/Lots
PROJECT NAME: Lockwood Property
CASE #: 8-03008
REVIEW BASIS: Site Plan Review Required in the LDRC Zone, Article 59-D-3

ZONE: LDRC
LOCATION: Olney
Located south of the terminus of Westminster Drive and adjacent to
Anscroft Preserve subdivision
MASTER PLAN: Olney
APPLICANT: Robert LoPinto
FILING DATE: October 24, 2002
HEARING DATE: February 13, 2003

STAFF RECOMMENDATION FOR SITE PLAN: Approval of 5 one-family detached lots in the LDRC Zone with the following conditions:

1. Stormwater Management
Conditions of MCDPS stormwater management concept approval date December 17, 2002 [Appendix B].
2. Forest Conservation
Conditions of approval of the Final Forest Conservation Plan (including grading and tree protection information) shall satisfy all conditions referenced in the M-NCPPC Environmental Planning Section memorandum dated February 7, 2002 [Appendix B], prior to recording of plat or DPS issuance of sediment and erosion control permit:
 - a. No grading within the stream buffers, with the exception of utility connections;

- b. The full stream valley buffer must be protected with a Category I Conservation Easement, with the exception of utility connections.
 - c. The services of a licensed arborist shall be retained for the pre-construction meeting to evaluate the appropriate measures necessary to ensure the survival of the large and specimen trees proposed to be preserved whose critical root zones will be impacted by construction.
3. Site Plan Enforcement Agreement
Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
 - i. Clearing and Grading to correspond to the construction phasing, to minimize soil erosion;
 - ii. Coordination of each section of the development and roads;
 - iii. Phasing of dedications, stormwater management, sediment and erosion control, forest conservation or other features.
 - b. Forest conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
 - c. No clearing or grading prior to M-NCPPC approval of signature set of plans.
4. Signature Set
Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
- a. In conjunction with the recording of the Plats, the applicant shall convey approximately 13.00 acres of Open Space as shown on the approved Site Plan, to the HOA. Dedication of the Open Space Parcels shall be conveyed free of trash and unnatural debris.
 - b. Show all easements, LODS, ROW's, Forest Conservation Areas and Stormwater Management Parcels, HOA parcels, development program inspection schedule, numbers and dates of approval on the drawing;

RELATED ISSUES PERTINENT TO SITE PLAN REVIEW:

Legacy Open Space

The Lockwood property received approval from the Planning Board on January 16, 2003 to remove the site from the list of Class III sites in the Appendix of the *Legacy Open Space Functional Master Plan*. The approval from the board effectively removes the site from the Legacy program, although the site still remains an important and high priority forest to be retained in the Batchellor's Forest Tributary. Staff reviewed many aspects of the forest and overall watershed as it relates to this site to make the conclusion of removal from Legacy. As stated in the staff report, dated January 10, 2003 [Appendix A], the implications of removal from Legacy should not preclude preservation of wildlife and forest stands from future development. The report states that "*the maximum protection of the forest and wetlands on the property should be implemented through application of the Environmental Guidelines and other policies through the development review process*".

Given the recommendation from staff and approval from the Planning Board, the site plan follows the guidelines outlined in Legacy Open Space and the Environmental Guidelines that "*the natural resources on the property be given the maximum protection available through the development review process*".

Staff has worked extensively with the applicant to preserve as much forest as possible and protect the large and specimen trees on site. Houses and driveways have been relocated to avoid impacts to specimen trees, critical root zones and other environmental features. Long-term protection of the remaining forest will be enforced through a forest conservation easement.

PROJECT DESCRIPTION: Surrounding Vicinity

The 26.966 acre property includes two major tributaries to the Northwest Branch in the Olney Master Plan Area. The site is located south of the terminus of Westminster Drive and east of Cross Timber Terrace. The lots will gain access via private drives through Anscroft Preserve (Site Plan #8-02009) from Westminster Drive.

The adjacent subdivisions (Anscroft Preserve, Site Plan #8-02009 and Norbeck Knolls, Preliminary Plan #1-82151) to the north and east of the site are zoned LDRC and RE-2, respectively. The remaining parcels to the east and west of the property are zoned RE-2 as well as the parcels to the south abutting Norbeck Road.



PROJECT DESCRIPTION: Site Description

The site contains steep topography at the higher building elevations dropping to the major tributary of the Northwest Branch, a Use Class IV stream. The stream separates the property into two buildable areas, both of which provide access via private drives through Anscroft Preserve. The topography is characterized by steep slopes, approximately 30 to 40 feet in height, from the proposed development areas to the two stream valley areas. The property is completely forested with large specimen trees at the higher elevations. The forest is noted as "high priority" in the NRI/FSD with respect to forest cover and other natural features. There is an existing utility easement for sewer, which runs parallel with the major branch of the tributary. The lots have been clustered as tightly as possible in the higher elevations, allowing for minimal clearing and protection of many of the specimen trees, as well as retention of priority forest in the stream valley.

Slopes on the property exceed 25%. The topography is not as steep within the limits of the 100-year floodplain and stream valley buffer.



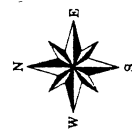
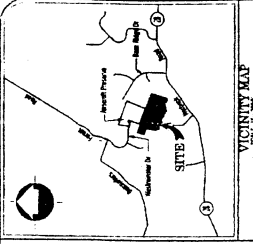
PROJECT DESCRIPTION: Proposal

The current proposal for Site Plan consists of 5 one-family detached lots, utilizing the cluster method in the LDRC zone. The clustered lots range in size from two acres to five acres.

There is a single access into the site directly from Westminster Drive via Batchellor's Forest Road, through the Anscroft Preserve subdivision (Site Plan #8-02009). The property is divided into two developable tracts, separated by a forested stream valley buffer. Two private drives stem off of the public cul-de-sac, providing access to the three lots on the western tract and the remaining two lots on the eastern tract. The private drives and associated improvements on the lots will not impact the stream buffer or floodplain at any point, with the exception of utility connections. Clearing for the lots and roads has been minimized, causing the least impact to the environmental areas.

All of the proposed lots contain forested buffers in the front, side and rear yards creating somewhat of an estate setting within a community atmosphere. The lots will be located on the higher elevations overlooking the stream valley buffer. The entire buffer behind the proposed houses on lots 1 and 2 and the south of lot 5 will include a forest conservation easement protecting the sensitive areas.

The stormwater management concept has been approved for the proposed development as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated December 17, 2002 [Appendix B].

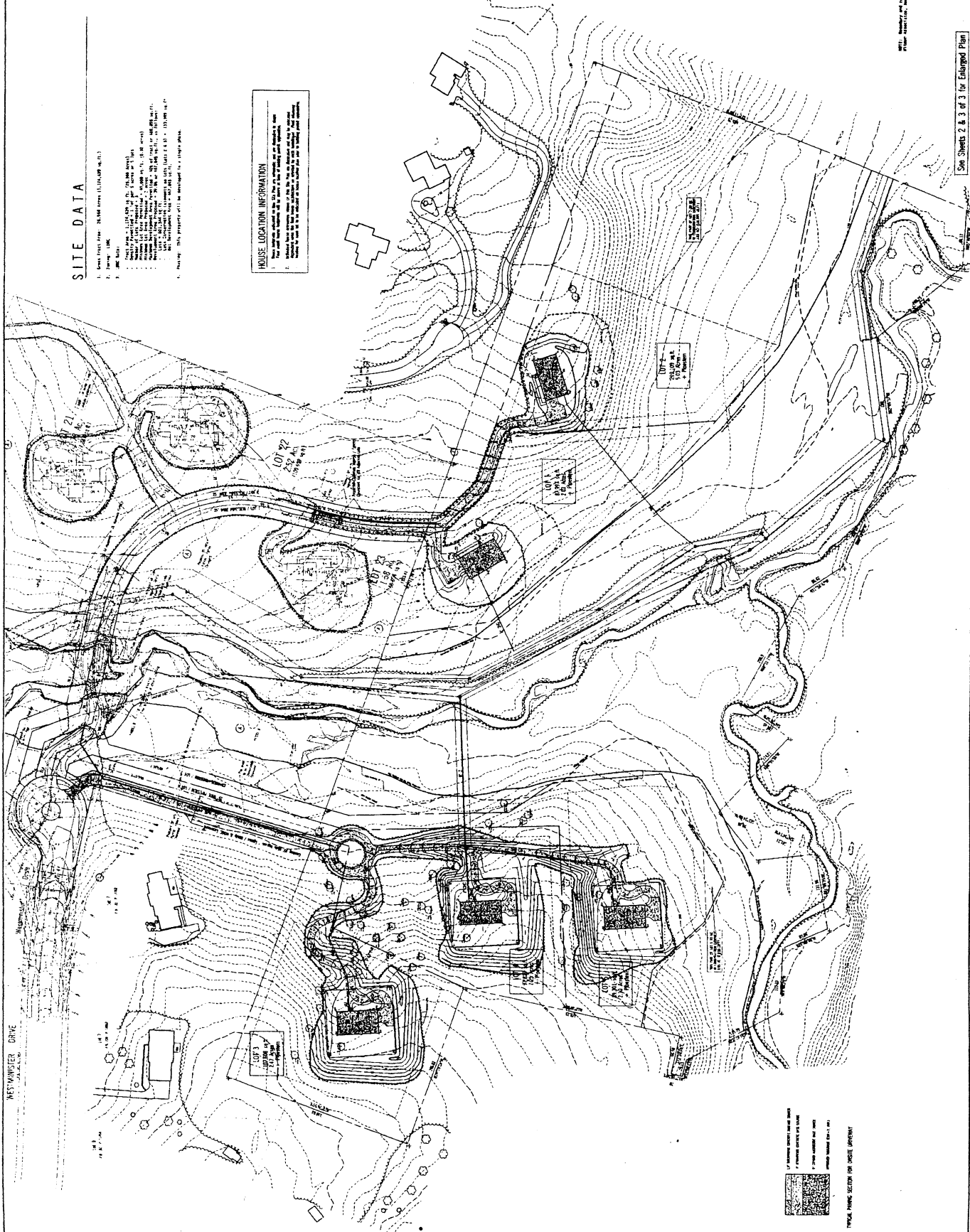


SITE DATA

1. Gross Acreage: 28.566 Acres (11,247,437 sq. ft.)
2. Net Acreage: 28.566 Acres
3. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
4. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
5. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
6. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
7. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
8. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
9. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)
10. Total Area: 1,124,437 sq. ft. (25,866,000 sq. ft.)

HOUSE LOCATION INFORMATION

1. House location shown on this plan is approximate and subject to change. The location of the house is shown on this plan as a shaded area. The location of the house is shown on this plan as a shaded area. The location of the house is shown on this plan as a shaded area.



DATE	1/1/2007
SCALE	1" = 50'
SHEET	1 of 3
TITLE	LOCKWOOD PROPERTY
PROJECT	LOCKWOOD PROPERTY
CLIENT	LOCKWOOD PROPERTY
DESIGNER	LOCKWOOD PROPERTY
APPROVED	LOCKWOOD PROPERTY
DATE	1/1/2007

See Sheets 2 & 3 of 3 for Enlarged Plan

SITE PLAN - ENTIRE PROPERTY
LOCKWOOD PROPERTY
 LOCKWOOD PROPERTY
 WASHINGTON COUNTY, MARYLAND

Robert Lockwood
 1000 Quaker Lane
 Silver Spring, MD 20906

APPLICANT:

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PROJECT DESCRIPTION: Prior Approvals

The LDRC zone was written especially for this particular area of the county and the uniqueness of the rural community in Olney. The intent of the zone is to provide rural clustering of lots to retain open space and protect environmentally sensitive areas.

This site was recently rezoned from RE-2 to LDRC on April 2, 2002 [G-794, Resolution #14-1204], as well as the adjacent Anscroft Preserve (8-02009), formerly the Guzik property, which was rezoned to the LDRC zone prior to the subject site. Although the sites were not rezoned concurrently, the resolution was specific with regard to rural clustering and protection of the high priority forest and environmentally sensitive areas [Appendix C]. The approval for the Lockwood property was recommended on the *“basis that the application satisfies the requirements of the purpose clause of the zone; that the proposed reclassification would provide for a form of development compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval”*.

The Preliminary Plan of subdivision (#1-03026) is being reviewed and presented concurrently with the Site Plan.

DISCUSSION OF ISSUES

ANALYSIS: Conformance to Master Plan

The proposal meets the requirements of the Olney Master Plan. The Master Plan recommends that, *“rural clustering retain open space by allowing residences to be grouped on a portion of the site and fosters a more cost effective development pattern than linear or scattered residential”*. The property was rezoned [G-794, Resolution #14-1204] from RE-2 to LDRC specifically to conform to recommendations of the Master Plan for clustering and to allow protection of the environmental features on the site through the regulatory process. The plan provides 5 clustered lots with the remainder of the property primarily within the stream valley buffer, to be conveyed to the HOA as open space. The required 60% of open space provided within the community is also in conformance with the requirements of the LDRC zone. Over 80% of forest is being preserved on site, with 66% of the total forest being placed in a Category I conservation easement.

The Master Plan also directs that *“cluster development should occur on a common roadway with individual lot access to public arterial or primary roads denied”*. The property has a single access point directly off of Westminster Road in order to minimize impacts to stream buffer and forested areas. Each of the lots gains access from the public road through one of two private drives. The private drives are separated by a forested stream valley buffer.

The protection of environmentally sensitive areas is specifically discussed in the Master Plan with regard to stream valleys. The property recently received approval from the Planning Board to remove the site from the Legacy Open Space program, although, maximum environmental protection of natural resources must still be implemented through the development process. The proposed layout and road design reflects the intent of the Master Plan to preserve as much of the site as possible in open space and limit the impact on environmentally sensitive areas. A category I forest conservation easement will be placed on the entire stream valley buffer, as well as areas outside the stream valley buffer. In total, 17.7 acres of the 26.966 acres will be subject to a Category I conservation easement, which comprises 66% of the site. In addition, the site plan proposes tree save areas on the lots in the amount of 3.91 acres added to the easement areas. This will result in over 80% of the forest being preserved on site.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE

Zoning	LDRC	
Proposed Use	5 Single Family Lots Utilizing the Cluster Development Option	
Gross/Net Tract Area	26.966 Acres	
Area within the 100 Year Floodplain	7.9 Acres	
<u>Development Standard</u>	<u>Permitted/Required</u>	<u>Proposed</u>
Maximum Number of Lots (1 unit/5 acre)	5	5
Minimum Lot Area (Sq. Ft.):	40,000	87,997
Setbacks (ft.)		
• Front yard	50	50
• Side yard	17/35 combined	17
• Rear yard	35	35
Minimum Lot Width at the Street Line (ft.):	25	25
Minimum Lot Width at Building Line (ft):	125	125
Minimum Building Height (ft.):	50	50
Maximum Building Coverage (%):	10	10
Open Space (%):	60%	66%

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. None is required.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

a. Location of Buildings

The layout of the houses is adequate and efficient; the arrangement of the two tract areas will provide neighborhood identity in an environmentally sensitive rural setting.

The location of the houses as shown on the site plan is conceptual. The precise location and site grading will not be determined until the owner has chosen a specific house type and a house location plan with grading, to be developed by the project engineer. The maximum limits of disturbance have been shown for each lot, indicating ultimate clearing and the areas to be protected by a forest conservation easement.

b. Open Spaces

The open space is generously laid out and provides attractive, efficient and accessible green space for all five lots within this community.

Over 17 acres of the 26.966 acre site will be retained as open space, as required by the LDRC zone. The entire stream valley buffer will be protected, owned and maintained by the HOA. The majority of the open space to be preserved is within environmentally sensitive areas such as stream valley buffers, steep slopes, wetlands and floodplain and will be protected by a Category I forest conservation easement.

The LDRC zone requires that a minimum of 60% of the site be retained as open space, and the plan indicates that exactly 66% will be preserved on site, in forest conservation easement. Approximately 80% of the forest will be retained on site with 66% being preserved in a Category I forest conservation easement.

The property has concept approval for stormwater management for the proposed development, as indicated by the Montgomery County Department of Permitting Services (DPS) letter dated December 17, 2002.

c. Landscaping and Lighting

Landscaping is not being provided for this site due to the rural setting, private roads and wooded edge. Individual lighting standards will be incorporated into each proposed house.

d. Recreation. Not applicable.

e. Vehicular and Pedestrian Circulation

The minimal vehicular and pedestrian circulation serving the proposed lots, in general is adequate, safe and efficient.

Vehicular circulation consists of two, sixteen foot-wide private drives to serve the five lots proposed in the subdivision. Each drive stems off Westminster Drive to provide access to three lots on the western tract and two lots on the eastern tract. The single access into the site minimizes the overall impact to the stream buffer and forested areas.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The new houses are clustered preserving over 60% of the site as open space. The first cluster of lots accesses the private road on the west side of the stream buffer. The other two lots are clustered for minimal impact and clearing on the eastern portion of the site and stream buffer. Each structure and use is compatible with other uses and with existing and proposed adjacent development.

The activity associated with the proposed residential community will not cause any negative effect on adjacent residential uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

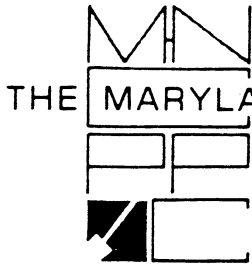
Forest Conservation requirements have been met by the preservation of 17.69 acres of existing forest, with no additional planting obligations required.

A Category I Forest Conservation easement will be placed over the stream valley buffer and environmentally sensitive areas as shown on the Forest Conservation Plan. Long-term protection of the large and specimen trees has been incorporated into the Forest Conservation Plan.

APPENDIX

- A. Staff Report-Legacy Open Space dated January 10, 2003
- B. Memorandums from other Divisions/Agencies
- C. Rezoning Opinion-G-794, Resolution #14-1204

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MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Division Chief, Countywide Planning Division
John Hench, Supervisor, Park Planning and Resource Analysis *JHench*

FROM: Brenda Sandberg, Legacy Open Space Program Manager *BS*

DATE: January 10, 2003

RE: Lockwood and Guzick Properties, part of the Batchellor's Forest subwatershed, Olney, MD

Recommended Action

Staff recommends that the Planning Board approve the removal of the Lockwood and Guzick properties from the list of Class III sites in the appendix of the *Legacy Open Space Functional Master Plan*. The Lockwood and Guzick properties are part of the Batchellor's Forest Tributary of the Northwest Branch watershed that is identified in the appendix as an area deserving further study to identify potential Legacy natural resource sites. Staff further recommends that the natural resources on the properties be given the maximum protection available through the development review process.

Introduction

Staff has completed an evaluation of the Lockwood and Guzick Properties in Olney as a potential natural resource site in the Legacy Open Space program. The Lockwood and Guzick properties are part of the Batchellor's Forest Tributary of the Northwest Branch that is listed as a Class III natural resource in Technical Appendix D of the *Legacy Open Space Functional Master Plan*. Class III Legacy sites were nominated for inclusion in the *Master Plan* but have not been completely evaluated for full incorporation into the Legacy Open Space program.

Staff's evaluation of the Lockwood and Guzick properties follows the process set forth in the *Master Plan* for conducting additional studies of Class III sites to designate them Class I or II Legacy sites or remove them from the Legacy program. According to the *Legacy Open Space Functional Master Plan*, staff may conduct such a study of a Class

Ill site if development is proposed on the site. An applicant has submitted a preliminary plan and site plan application (#1-03026 and #8-008) for the Lockwood property. The Guzick property has already been taken through the development review process by the same applicant and has an approved subdivision and site plan. In addition, the entire Batchellor's Forest Tributary has been evaluated as part of the Olney Master Plan process. This memorandum discusses how this particular site within the tributary was judged against the criteria for selecting Legacy Open Space sites and makes a recommendation to the Planning Board for protecting the important resources on the properties.

Background

The Lockwood and Guzick properties are located in Southeast Olney between Barn Ridge Drive and Cross Timber Terrace. Both properties recently have been rezoned to LDRC. The current development proposal would result in a total of eight new single-family homes on the site. The 42-acre site is almost entirely forested (Attachment A) and contains two streams of the Batchellor's Forest Tributary to the Northwest Branch. These two properties are part of a larger block of forest that consists of 163 acres and was analyzed as part of the environmental analysis conducted for the Olney Master Plan process, the source of most of the information below.

Forest Resources

The forest stand in question is a mature deciduous, riparian forest consisting of tree species typical of Montgomery County forests (see Attachment B). Of the stand's 163 acres, approximately 17 acres are considered to be interior forest with benefits for interior-dwelling forest birds and other species and most of the interior forest occurs on the Guzick and Lockwood properties. Approximately one quarter of the entire forest stand is contained on the Guzick and Lockwood properties.

A study conducted for the Olney Master Plan analyzed this forest area and ranked its importance compared to other forested areas within the study area (see Attachment C for details). The Olney study area includes large areas of the Patuxent River and Upper Rock Creek watersheds in addition to the headwaters of the Northwest Branch. Within the Olney study area, this stand falls within the Priority 2 grouping of forest stands and is considered to be of middle quality among the 35 forest stands that make up the Priority 2 group. The study also indicated that the 17 acres of interior forest on this site are not a significant part of the overall interior habitat in the Olney study area.

This forest stand was also analyzed as part of the forest within the Batchellors Forest Tributary and as part of the Northwest Branch watershed (see Attachments C and D). The entire forest stand of 163 acres makes up 12.4% of the forest within the Batchellors Forest subwatershed and the forest on Guzick and Lockwood together make up 5.6% of the forest in the subwatershed. The stand condition is considered good to very good which is comparable to the other Priority 2 stand within Batchellors Forest and to the other high priority stands within the Northwest Branch watershed.

A significant amount of forest is already protected by public ownership and easements in the Northwest Branch watershed outside the Batchellors Forest tributary. The forest interior habitat on these two properties is a very small part of the overall forest interior habitat within the Northwest Branch.

Development as allowed under the current LDRC zone would result in some fragmentation of the upland forest on the properties and the loss of a large amount of the 17 acres of interior forest due to the encroachment of the lots. However, a significant amount of stream valley forest and some interior forest habitat will be preserved depending on the development layout.

Wetland Resources

A functional wetlands assessment was conducted in the southern part of the Olney master plan area including the Batchellor's Forest Tributary. The functional wetlands assessment values groups of wetlands according to various attributes and beneficial functions that they can perform. The assessment indicated that the wetlands in the southwestern branch of the Batchellor's Forest tributary were of medium overall functional value.

However, some vernal pools have been noted in that assessment group that provide habitat for amphibians and thus result in a higher functional value for some of the wetlands than for the overall wetland group. Some of these valuable vernal pools may occur on the Lockwood and Guzick properties. Any development on the property needs to be sensitively placed to protect any vernal pool and associated forest habitat in addition to streamside wetlands.

Aquatic Resources

The Northwest Branch is classified by the state as recreational trout waters, Class IV, indicating high quality water that can support a stocked trout fishery. Steady cold water flows through the spring and early summer are required to continue to support this use class. Preservation of forested stream buffers and keeping impervious surface levels low are the most important tools to protect the current cold water flows.

The Countywide Stream Protection Strategy (CSPS) finds that the biological stream condition of the Batchellor's Forest Tributary is good and habitat conditions are good. The CSPS places the subwatershed in the Watershed Protection Area--Remedial Level management category. The subwatershed is considered a priority for funding for instream and water quality improvement projects. Currently several stream restoration projects have been identified and funded in this subwatershed as part of the Army Corps of Engineers' restoration program for the Anacostia River. One of the stream bank restoration projects is located on the Lockwood and Guzick properties. An RFP for this project is about to be released and construction is expected to begin in fall of 2003.

The limited development allowed under the current zoning (eight single-family units) will not increase impervious surface measurably across the subwatershed and thus should not have a significant impact on the water quality of the Northwest Branch.

Issues

Natural Resources

The Batchellor's Forest Tributary was included in the Legacy Master Plan Appendix for further evaluation of the natural resources in the area. As described above, the forest and wetlands on this property are of good quality and provide important resources for wildlife in this area of the County. However, the size and significance of the forest stand does not compare favorably to other forests that have been added to the Legacy Open Space plan. The entire forest stand, not just the Lockwood and Guzick properties, is smaller than the average Legacy natural resources site. The amount of forest interior is fairly small given the total size of the stand (only 17 out of 163 acres) due to the considerable fragmentation along the edges of the forest. Likewise, the forest is not considered to be an example of a unique natural community. This forest stand is of good quality but does not meet the level of significance necessary to be considered a Legacy Open Space site, either through any unique qualities or significant size.

The functioning of the area as an ecological corridor is also of good but not exceptional quality. The Batchellor's Forest tributary does provide for a potential wildlife corridor between upper Rock Creek and the Northwest Branch. These properties and other areas within the Batchellor's Forest Tributary fall along the Green Infrastructure identified by the State of Maryland, specifically along a link between the Northwest Branch and the North Branch of Rock Creek. However, several factors limit this forest stands functionality as a wildlife corridor (see below).

Greenway Connections

In the Legacy Open Space master plan, the Greenway Connections resource category identifies the north-south connection between the Northwest Branch and the Patuxent River as a priority for a wildlife and human use corridor. However, no human trail corridor is currently envisioned for the Batchellor's Forest Tributary since other connections are planned between Rock Creek and the Northwest Branch.

Several factors limit the functionality of the Batchellors Forest subwatershed as an east-west wildlife corridor. Much of the forest is already divided among many small, developed properties that can impact the ability of wildlife to move freely through the forest and limits the amount of forest interior. In addition, areas of dense development and highway corridors provide barriers to the wildlife movement between the Northwest Branch and Rock Creek along this corridor.

Other Legacy Resource Categories

The Lockwood and Guzick properties do not significantly contribute to any other Legacy resource categories. It has been noted that the site is generally located within the heritage cluster focusing on the Underground Railroad and Quaker theme. However, this site does not contribute to the conservation or interpretation of that heritage theme.

Analysis of Overall Legacy Criteria and Specific Natural Resource Factors

Despite the good quality of the forest resources and the general policy emphasis on preserving as much interior forest and wildlife corridor as possible, these resources do not rise to the level of the exceptional resources that are typically included in the Legacy Open Space program. Staff's analysis of the Lockwood and Guzick properties' significance in relation to the overall Legacy Criteria has determined that:

- The site has no particular countywide significance in terms of its ecological community or the size and diversity of its habitats.
- The site does provide for ecological connectivity between natural areas and corridors, but the ecological benefit of the connectivity is limited by surrounding land uses.
- The site is not part of a "critical mass" of similar open space.
- The site provides little opportunity for interpretation and public education due to the difficulty of providing public access to the site.

After further analysis of specific natural resource factors as discussed in the Legacy Open Space Master Plan, staff concludes that:

- The site does not contain any unique or exemplary natural communities or extensive habitats for rare, threatened, endangered or watchlist species.
- The site does contain good quality forest, but does not contain a significantly large area of contiguous forest or a diversity of habitats.
- The land is not well located to provide a buffer to other sensitive resources and has only limited value as a wildlife or human use corridor between significant natural areas.

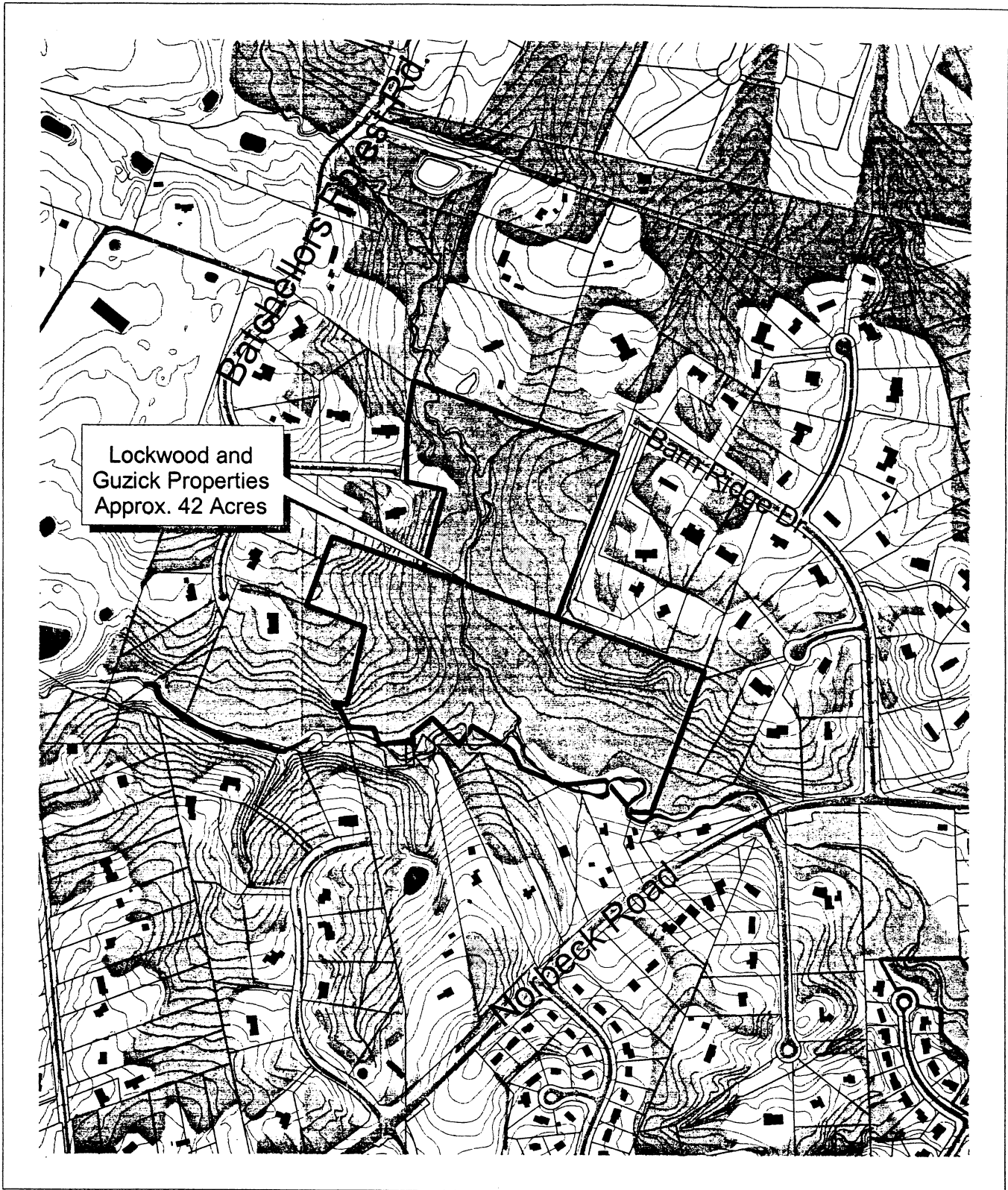
Finally, the Legacy Open Space program must prioritize its personnel and financial resources to protect the most important natural resources in the county. Based on the above analysis, staff recommends the Planning Board not designate either the Lockwood or Guzick properties as Legacy Open Space sites under the Natural Resources category of the *Legacy Open Space Functional Master Plan*.

Implications of Removal from Legacy/Implementation Issues

Given the good quality of the forest stand on these properties and the many benefits of preserving wildlife connections and the water quality in the Northwest Branch, staff believe that the forest on the Lockwood property and others in this area should be protected as much as possible. Staff recommends that the maximum protection of the forest and wetlands on the property should be implemented through application of the Environmental Guidelines and other policies through the development review process.

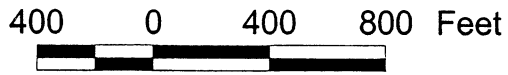
The Olney Master Plan process, now underway, should determine if there are any other sites in the Batchellors Forest tributary that warrant designation for protection under Legacy Open Space. The removal of the Guzick and Lockwood sites does not constrain consideration of other sites in the tributary.

Lockwood and Guzick Properties



Lockwood and Guzick Properties
Approx. 42 Acres

-  Roads
-  Building
-  Streams
-  Lockwood & Guzick
-  Parkland
-  Property Lines
- Land Cover**
-  Woodlands
-  Nurseries
-  Pasture
-  Open Land



ATTACHMENT B

Batchellors Forest Stand 1 (BF1)

Forest stand evaluation of Lockwood and Guzick properties

Species List: Trees

*Tulip Poplar (15-28" dbh dominant, a few 30-35" dbh)
American Beech (mostly understory, one 28" dbh on stream bank)
Musclewood (Carpinus)
Red Oak
American Holly
Red Maple
Slippery Elm
Sycamore
Virginia Pine
Southern Red Oak

Understory species

*Spicebush
Poison Ivy
Viburnum Dentatum
Japanese Barberry +
Japanese Honeysuckle +
Privet +
Bush Honeysuckle +

* = dominant species

+ = non-native invasives

Basically, a Tulip Poplar forest with dominant trees between 15-28" dbh with some scattered specimen trees at 30-35" dbh. A good quality forest, fairly consistent, with Tulip Poplar dominant, scattered oak, some Virginia Pine. Larger Beech and Sycamore along the streams in a scattered pattern. Spicebush and American Beech dominate understory. Non-native invasives present but not bad.

Carole Bergmann, Forest Ecologist
January 7, 2003

ATTACHMENT C

FOREST ASSESSMENT

LOCKWOOD & GUZICK PROPERTIES – NORTHWEST BRANCH

Lockwood Property Acreage: 26.7 acres

Guzick Property Acreage: 14.96 acres

100% Forested

- Lockwood & Guzick forest is part of a 163 acre forest stand (BF-1) in the Batchellors Forest Tributary subwatershed of Northwest Branch.
- In the Olney forest prioritization, the BF-1 forest stand received a Priority 2 ranking (large, riparian area forest stand that contains potential forest interior dwelling species habitat). Among the total stands in this category, it fell into the middle of the ranking because the stand makes up less than a third of the overall forest within the subwatershed, and most of the stand is located on developed and committed properties.
- One-third of the BF-1 forest stand is comprised by three properties: Lockwood (26.7 acres), Guzick (14.96 acres), and Brownley (9.9 acres); the remainder of the stand is split into many properties (most developed).
- The overall forest stand contains 17.4 acres of potential forest interior dwelling species habitat. All forest interior habitat is contained on the above-mentioned three properties; approximately equal split between the properties. The forest interior is not a significant part of the overall interior habitat in the Olney study area.

Assessment of Forest Stand BF-1 as part of the Batchellors Forest Tributary and the overall Northwest Branch Forest

Forest Stand BF-1 Acreage: 163 acres

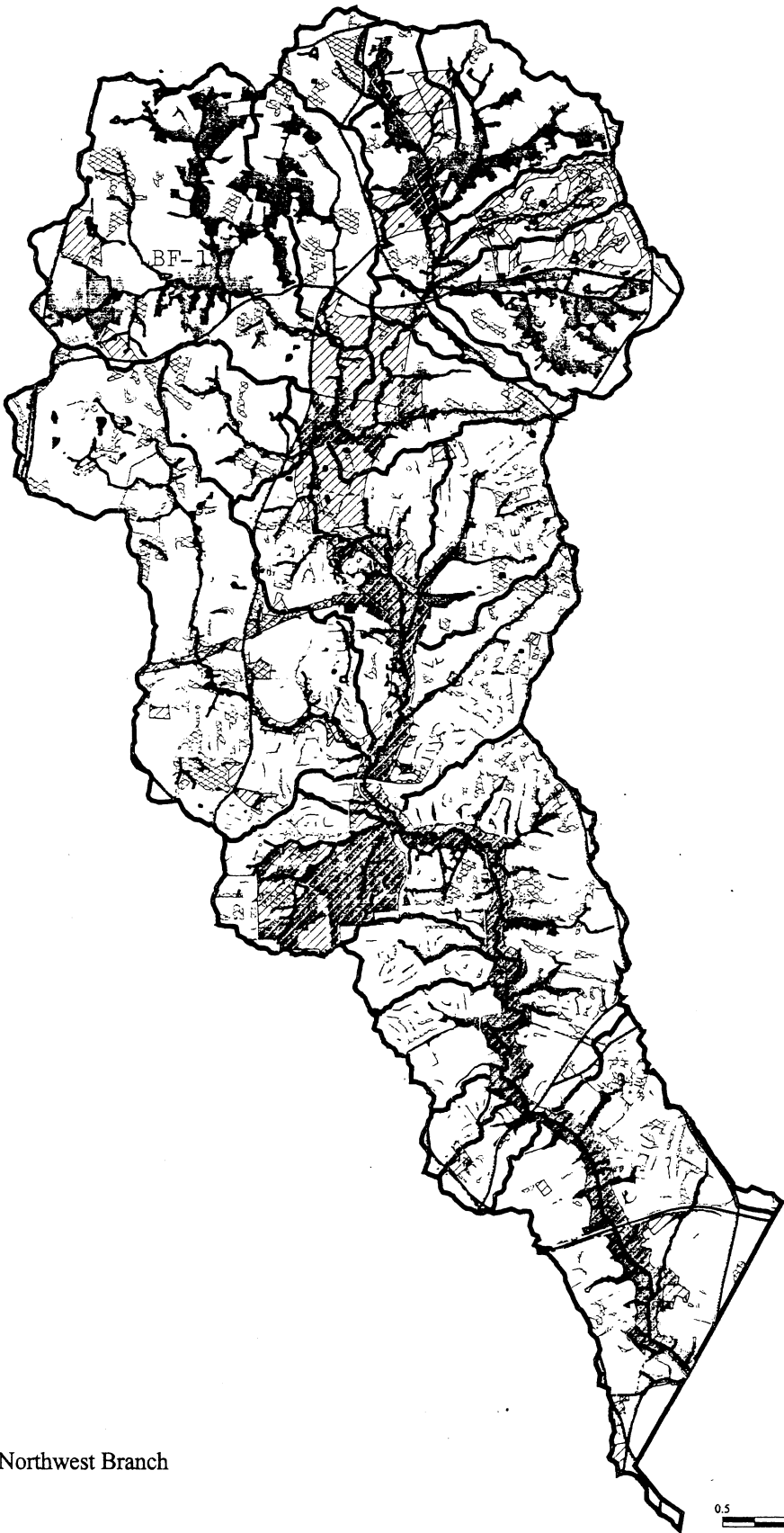
Batchellors Forest Tributary subwatershed total forest: 751 acres







Northwest Branch watershed total forest: 5082 acres

- Approximately 32% of the Batchellors Forest subwatershed is forested. The subwatershed includes 14.7% of the total forest in the Northwest Branch watershed.
- The BF-1 stand is 12.4% of the subwatershed forest.
- The Lockwood & Guzick Properties contain 26% of the BF-1 stand and 5.6% of the forest within the Batchellors Forest subwatershed.
- The Lockwood & Guzick Properties contain 0.8% of the total Northwest Branch watershed forest.
- 11 out of 19 subwatersheds in Northwest Branch are greater than 25% forested. Batchellors Forest subwatershed is 1 of 5 subwatersheds that are greater than 30% forested.

- Of the 11 subwatersheds with greater than 25% forest, only 5 are rated good (3) or excellent (2) by the CSPA. Batchellors Forest is rated good. For comparison, the subwatershed with the largest percent forest (Wheaton Park @ 48%) is rated fair. Thus, imperviousness is a more important factor to CSPA water quality rating than percent forest cover.
- Northwest Branch contains nine forest stands that can be categorized as Priority 2, including BF-1 and one other in Batchellors Forest tributary. Three stands within the Northwest Branch watershed can be categorized as Priority 1.
- Almost all the stands are protected in MNCPPC park land, except for two Priority 2 and one Priority 1 stand in Batchellors Forest subwatershed and a Priority 2 stand in the Sandy Spring subwatershed – both in the Olney study area.
- The potential forest interior dwelling species habitat provided by the BF-1 stand that includes Lockwood is a very small part of the overall habitat in the Northwest Branch watershed.
- Stand condition of BF-1 is good to very good (based on species composition, tree size, overall health, and aesthetics). The same can be said for the other Priority 2 stand within Batchellors Forest subwatershed, and for the majority of the other high priority stands within the Northwest Branch watershed.

Northwest Branch



-  Major Roads
-  Streams
-  Parks
-  Priority Forest
-  Forest
-  Subwatersheds in Northwest Branch



0.5 0 0.5 1 Miles

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
SITE PLAN / FOREST CONSERVATION PLAN RECOMMENDATIONS**

TO: Robert Kronenberg and Richard Weaver, Development Review Division

FROM: Stephen Federline, Environmental Planning

SUBJECT: Final Forest Conservation Plan # 1-03026 & #8-03008
Site Plan **LOCKWOOD PROPERTY**
Date Recd _____ NRI/FSD # 4-02035

Staff supports the waiver request to DPWT to allow five lots on a private driveway for the reasons stated in the January 9, 2003 letter from Site Solutions Incorporated. A driveway also disturbs less area in the sensitive near stream area.

The subject Final Forest Conservation Plan has been reviewed by the Environmental Planning Division to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

RECOMMENDATIONS

XXX Approve **subject to the following conditions:**

XX Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")*

XX Approval of the following items by M-NCPPC staff prior to DPS issuance of the sediment and erosion control permit:

XX Tree Protection Plan

XX Record plat to show appropriate notes and forest conservation easements. M-NCPPC staff prior to recording plats shall approve the conservation easement.

XX A revised final FCP shall be approved prior to submission of record plat and shall show additional forest conservation easement area to include all areas on individual lots outside the field-determined location for the house and associated clearing. The revised FCP shall note specific language guiding areas of disturbance on individual lots as specified in the bold print language below. The forest conservation easement shall be expanded beyond those shown on the Final FCP dated 1/09/2003 to include areas along the perimeter of the property along Lots #3, 4, and 5, and or the downslope edges of the maximum LOD on Lots # 1 and 2.

XX Comments: The application meets forest conservation requirements onsite, and protects priority forest with the exception of a necessary sewer outfall. Individual lot sewer line connections shall be consolidated in a single cleared area, if technically feasible.

* Clearing for Individual Lots: The applicant proposes extensive potential clearing for each housing pad site, beyond the levels of clearing considered customary and reasonable on a forested lot (e.g., beyond minimum clearing needed to tie in grading into existing grades, and provide reasonable back yard areas). The applicant proposes larger areas of grading to implement site design, building orientation, tree clearing, and site grading objectives in accordance with the Vastu-Vidya of the Maharishi Sthapatya Veda design principles.

Directly pertinent to forest conservation objectives are elements of the design principles which require flat areas some distance from the home, and a properly calculated amount of exposure to eastern sunlight. The applicant has also noted his intention to preserve forest that does not conflict with these objectives within the prescribed maximum limit of disturbance (LOD).

Staff has considered this request for this particular site only because the plan protects all specimen trees and priority forest areas (aside from unavoidable intrusions), and exceeds the "break even" forest conservation requirements. However, staff believes that such design principles would be better applied on unforested lots.

The following guidance to clearing within the housing pads maximum limit of disturbance is acceptable to staff:

"Prior to any lot clearing or grading, the final limit of disturbance within each housing pad site shall be determined in the field with cooperation with MNCPPC inspection personnel. Clearing and grading may extend up to the maximum LOD on the final FCP when determined necessary to implement Vastu-Vidya of the Maharishi Sthapatya Veda design principles (~ 15,000 to 20,000 square feet per lot), or to accommodate construction of other site uses"

SIGNATURE:  _____
Stephen Federline, Countywide Environmental Planning

DATE: ___February 7, 2003

cc: (applicant)
FCPRinWord 4/13/00 rev

Resolution No. 14-1204

Introduced: April 2, 2002

Adopted: April 2, 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY

By: District Council

Subject: APPLICATION NO. G-794 FOR AMENDMENT TO THE ZONING ORDINANCE
MAP, William Kominers, Attorney for Wayne Lockwood, Applicant, OPINION AND
RESOLUTION ON APPLICATION

Tax Account No. 08-501-00712593

OPINION

Application No. G-794 requests reclassification from the RE-2 Zone to the Low Density Rural Cluster Development Zone of 28.484 acres known as part of Snowden's Manor, located north of Norbeck Road, between Georgia Avenue and Layhill Road, Olney, in the 8th Election District.

The Hearing Examiner recommended approval on the basis that the application satisfies the requirements of the purpose clause of the zone; that the proposed reclassification would provide for a form of development compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Planning Board and Technical Staff provided similar recommendations. The District Council agrees with these findings and conclusions.

The subject property (referred to as the Lockwood property) lies in the southeastern portion of Olney. It is located generally north of Norbeck Road, between Georgia Avenue on the west and Layhill Road on the east. Two public roads, Westminster Drive and Barn Ridge Drive, terminate near the edges of the Lockwood property. These roads do not touch the property and do not connect to each other, nor are they proposed to do so. Thus, the Lockwood property is presently landlocked.

The property is roughly rectangular, about 700 feet deep and 1,600 feet wide, and measures 28.484 acres. It is currently undeveloped and entirely wooded. A tributary of the Northwest Branch bisects the property, flowing from north to south, and converges with Batchellor's Branch just inside the southern property line. Thus, an environmentally sensitive area of floodplain, wetlands, and stream valley buffer cuts a wide swath through the site. Slopes abutting the stream valley buffer on either side lead to high ground where the proposed development would be located.

The property was originally classified under the R-A (Rural-Agricultural) Zone by the 1954 regional district zoning. The R-A Zone permitted one dwelling unit per two acres. This zoning classification was reaffirmed by county-wide comprehensive zoning in 1958. In 1967, the R-A Zone was confirmed by Sectional Map Amendment (SMA) E-998. The R-A Zone has since been redesignated as the RE-2 Zone and this zoning classification was confirmed by comprehensive zoning under SMA G-256 in 1980.

The surrounding area defined for this application is triangular in shape, bounded on the south by Norbeck Road, on the north/northeast by Barn Ridge Drive and an imaginary line from its terminus to the northern terminus of Westminster Road, and on the west/northwest by Mt. Everest Road and an imaginary line from the northern terminus of Mt. Everest Road to the junction between Batchellors Forest Road and Westminster Drive.

The surrounding area is classified and developed with a combination of low-density residential uses and open space. Nearly all the land in the surrounding area is zoned RE-2, with the exception of the Guzick property, which is classified in the zone requested in this application, the Low Density Rural Cluster Development (LDRCD) Zone. A plan of subdivision has been approved for the Guzick property, providing for the construction of three single-family detached homes on large lots in a rural cluster arrangement. Most of the other immediately surrounding properties are similarly developed with large-lot, detached single-family residences. A small number are undeveloped.

In general, the 1980 *Olney Master Plan* designates Rural Residential land use and RE-2 zoning for the surrounding area identified for this application. It recommends rural clustering for the southeastern portion of the Olney Policy Area, which includes the Lockwood property. Rural clustering is designed to preserve open space by allowing residences to be grouped on a portion of a site, and fosters a more cost-effective development pattern. Only the individual lot size, not the overall density, changes with rural clustering.

Rural clustering generally is available under the Rural Cluster Zone, a Euclidian zone that is difficult to apply at the request of individual property owners. In 1995, the District Council established the LDRCD Zone as a new floating zone containing the same development standards as the Rural Cluster Zone. [The LDRCD Zone is intended to implement the Master Plan by providing a rural cluster alternative for property owners on land lacking the Rural Cluster Zone designation.]

If the Lockwood application is approved, under LDRCD zoning the subject site could be developed with a maximum of five single-family homes, on lots measuring a minimum of 40,000 square feet. Environmental requirements would prevent any development within the stream buffers. A non-binding Concept Plan shows the connection of the proposed lots to Westminster Drive via a private drive that would cross over the adjacent Guzick property. This connection represents the only real possibility for the landlocked Lockwood property to gain roadway access. Efforts to access Barn Ridge Drive were unsuccessful due to opposition by neighboring landowners. Roadway and utility access for the Guzick and Lockwood properties are being designed jointly, making the planned access possible.

The purpose of the LDRCD Zone is "to provide suitable sites for low-density residential development which may be served by community sewer and water service" See Code § 59-C-9.25. The purpose clause states that lots developed under the cluster method "must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision a limited number of lots on a private well and septic facility within the cluster will provide a more

beneficial subdivision design because of environmental or compatibility reasons.” The Lockwood property is bisected by two sewer lines, providing for ready access to public sewer service. The Applicant intends to provide sewer connections on the adjoining Guzick property, and/or cluster sewer connections from individual homes to the sewer lines, to reduce disturbance to wetlands, stream channels and stream buffers.

Water lines are located along three public roads near the subject site. Negotiations are currently proceeding to gain access to the closest of these lines by acquiring an easement over private property. Wells may be necessary to provide interim water service. Moreover, further analysis of environmental impact may result in the conclusion that using private wells on the Lockwood property, or at least on lots west of the Northwest Branch, would be more advantageous from an environmental perspective. This possibility is anticipated in the Zoning Code. Accordingly, the Applicant has requested approval for private wells on the Lockwood property, at least as an interim measure and potentially on a permanent basis.

The District Council determines that the application satisfies the requirements of the purpose clause for the Low Density Rural Cluster Development Zone. Application of the LDRCD Zone to the Lockwood property would implement the local master plan, permitting a well-designed development consistent with densities authorized by the plan. The subject property has ready access to public sewer service, and a strong likelihood of access to public water service. Alternatively, the layout and environmental features of the site suggest that well water may be more appropriate, particularly west of the stream. The subject site is in a location designated in the *Approved and Adopted June 1980 Olney Master Plan* for development at a density no greater than one unit per five acres. The southeast portion of the Olney Planning Area, including the subject site, is specified by the master plan as a buffer and transition for agricultural, open space and low density residential uses. No agricultural areas exist in the immediate vicinity of the site. Development of the subject site under LDRCD zoning rather than its

subdivision plan and site plan. The overall density on the subject site would be lower than most adjacent properties and would provide greater open space. The site has the capacity to use its significant tree cover and other environmental features for perimeter buffering, which would be reviewed in detail during subdivision and site plan review. In terms of land use, density and scale of development, development of the subject site under the LDRCD Zone would be compatible and would not alter the rural character of the neighborhood. In fact, it is more likely to preserve the rural character of the Lockwood property – by leaving large portions of the property in their current state – than the type of development permitted under the RE-2 Zone.

The District Council concludes that the requested reclassification to the Low Density Rural Cluster Development Zone bears sufficient relationship to the public interest to justify its approval. The proposed zoning conforms to the specific recommendations of the 1980 *Olney Master Plan* because the subject site is recommended for classification under the Rural Cluster Zone, which permits the same type of development allowed under the LDRCD Zone. Both Technical Staff and the Planning Board recommended approval, which serves as a strong indication that the proposed zoning is consistent with current planning policies for this area of the County. The record indicates that the proposed development would not have an adverse impact on the area road network or other public facilities.


For these reasons and because to grant the instant application would aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, the application will be granted in the manner set forth below.

ACTION

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County, Maryland, approves the following resolution:

Local Map Amendment Application No. G-794, for the reclassification from the RE-2 Zone to the Low Density Rural Cluster Development Zone of 28.484 acres known as part of Snowden's Manor, located north of Norbeck Road between Georgia Avenue and Layhill Road, Olney, in the 8th Election District, is granted for the Low Density Rural Cluster Development Zone in the amount requested.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Clerk of the Council