



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

**DATE:** December 5, 2003  
**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 December 11, 2003.

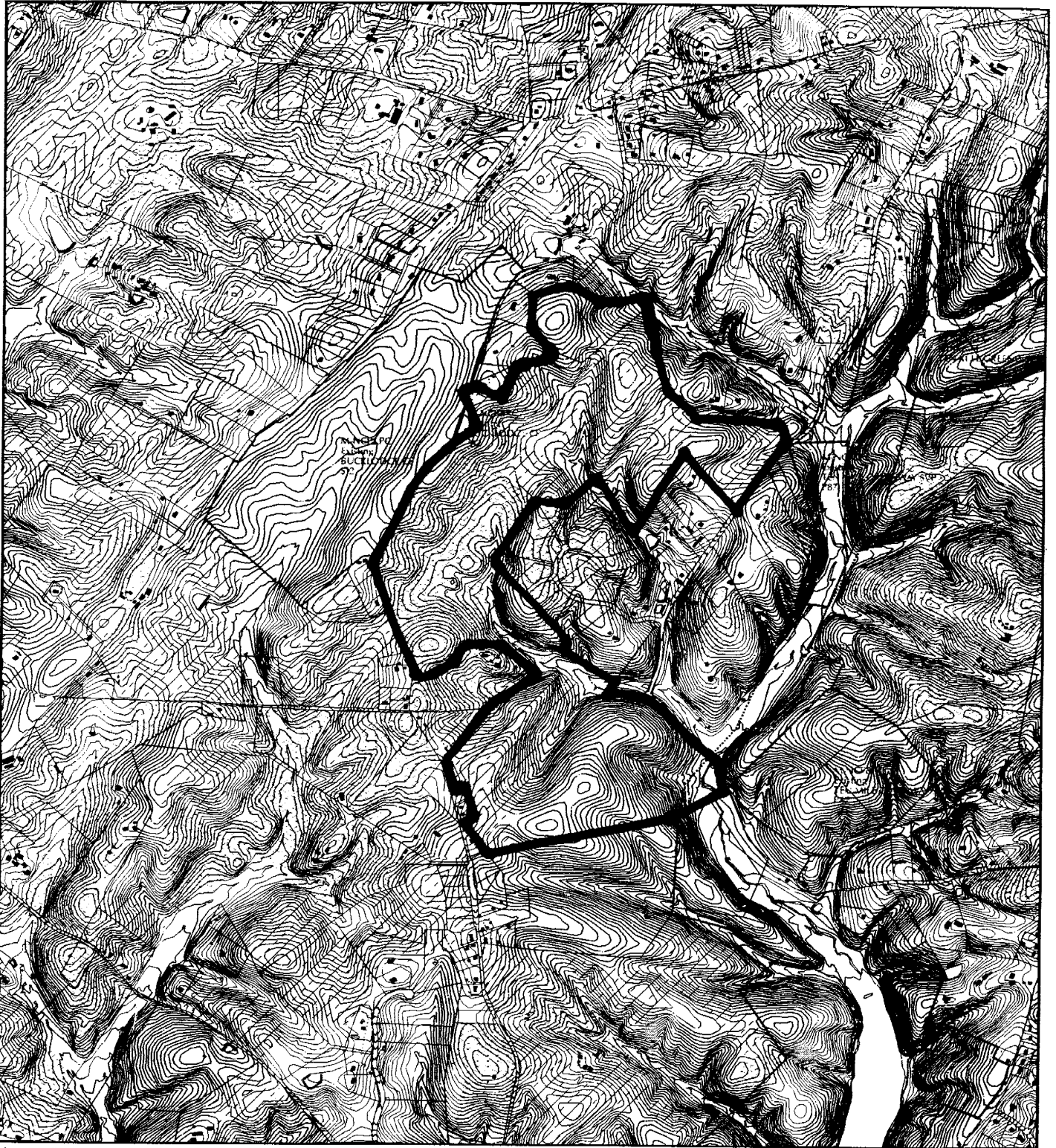
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Attached are copies of plan drawings for Item #03. This subdivision item is scheduled for Planning Board consideration on December 11, 2003. The item are further identified as follows:

Agenda Item #03 -Preliminary Plan 1-97098  
Thompson Farm

Attachment

# THOMPSON FARM (1-97098)



Map compiled on December 05, 2003 at 11:59 AM | Site located on base sheet no - 231NW15

## 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



Research & Technology Center

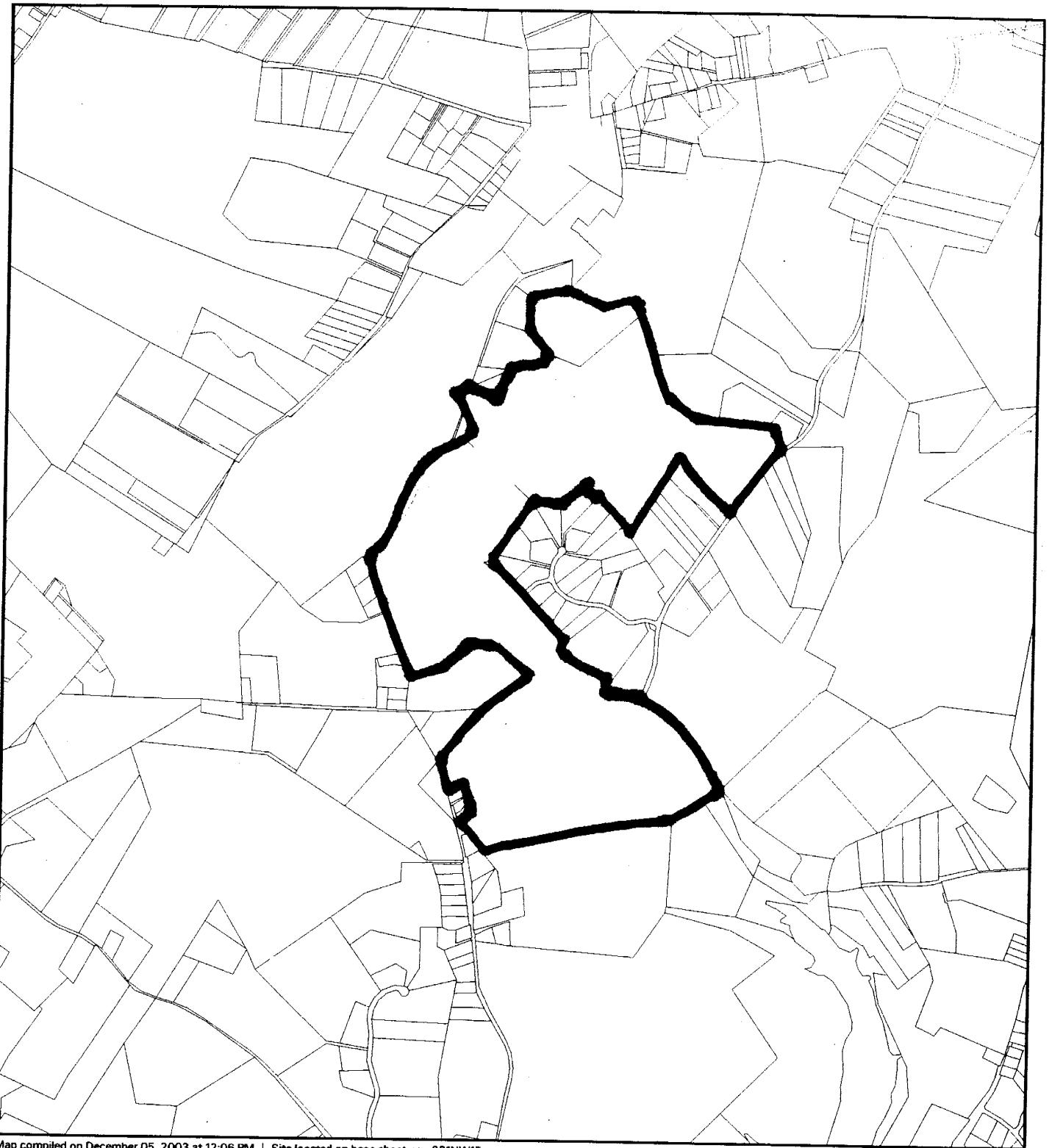


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**M-NCPPC**  
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

# THOMPSON FARM (1-97098)



Map compiled on December 05, 2003 at 12:06 PM | Site located on base sheet no - 231NW15

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Key Map



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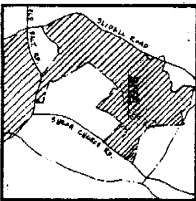
Research & Technology Center  
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NOTE: EXHIBIT AND DISCUSSION  
 Final configuration of all easements, utility easements and  
 other features shown shall be subject to final approval



- NOTES:**
1. AREA OF PAVEMENT - 48,828 AC
  2. AREA NOT INCLUDED - 28,188 AC
  3. NET TRACT AREA - 42,173 AC
  4. TOTAL LOT AREA - 1,000,000 SQ FT (28.76 AC)
  5. NUMBER OF LOTS PERMITTED - 17
  6. NUMBER OF LOTS SHOWN - 17
  7. AREA DEDICATED TO PUBLIC STREETS - 14,100 SQ FT (0.32 AC)
  8. AREA DEDICATED TO PUBLIC STREETS - 14,100 SQ FT (0.32 AC)
  9. REQUIRED SETBACKS:
  10. LOCATED ON TOWN MAPS: 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, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
  11. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-4, S-4
  12. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-4, S-4
  13. EXISTING WATER AND SEWER SERVICE CATEGORIES: W-4, S-4
  14. LOCATED ON TOWN MAPS: 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, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.



Vicinity Map

**PRELIMINARY PLAN (Composite)**  
**THOMPSON FARM**  
 MONTGOMERY COUNTY, MARYLAND

**B&A** **Bearing & Associates, Inc.**  
 Land Planning Consultants  
 8833 Shady Grove Court  
 Gaithersburg, MD 20877  
 (801) 848-0240

date: **OCTOBER 2001**  
 Rev. 1/79/00  
 Rev. 1/77  
 scale: **1"=500'**





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM #3

DATE: 12/5/03



### MEMORANDUM

**DATE:** December 5, 2003

**TO:** Montgomery County Planning Board *JRD*

**VIA:** Joseph R. Davis, Chief, Development Review Division

**FROM:** A. Malcolm Shaneman, Supervisor (301) 495-4587 *AM*  
Richard A. Weaver, Senior Planner (301) 495-4544 *RAW*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision for 17 one family detached dwelling units

**APPLYING FOR:** Preliminary Plan Review

**PROJECT NAME:** Thompson Farm

**CASE NO.** 1-97098

**REVIEW BASIS:** Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

**ZONE:** RDT

**LOCATION:** North and south side of West Old Baltimore Road, east of Slidell Road, west of Shiloh Church Road, and approximately 4,700 feet south west of Comus Road

**MASTER PLAN:** Clarksburg

**APPLICANT:** Charles H. Jamison, Inc.

**ENGINEER:** Benning and Associates

**ATTORNEY:** Debelius, Clifford, Debelius, Crawford, Bonifant and Fitzgerald

**HEARING DATE:** December 11, 2003

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## STAFF RECOMMENDATION

Approval of Seventeen (17) Lots Pursuant to the FY 2002 Annual Growth Policy Alternative Review Procedures for Limited Residential Development (DAP), Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved Preliminary Plan shall be dedicated, by the Applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the Preliminary Plan
- 3) Record plat to show delineation of a Category I Conservation Easement over the areas of stream valley buffer and forest conservation
- 4) Record plat to provide dedication of 80 feet of right-of-way for Slidell Road, 80 feet of right-of-way for West Old Baltimore Road and 70 ft. of right-of-way for Shiloh Church Road
- 5) Record plat to reflect common ingress/egress easements over all shared driveways
- 6) Compliance with the MCDPS stormwater management letter dated, September 2, 2003
- 7) Compliance with conditions of MCDPS septic approval letters
- 8) Prior to issuance of building permits, applicant to submit to MCDPS an engineered sediment control plan for review and approval
- 7) Dedication and acquisition of land for Park purposes and establishment of public use trail easements to be in accordance with the Park Planning and Resource Analysis Unit Memorandum dated, December 3, 2003 as follows:
  - Dedication of "Parcel A" to M-NCPPC, which parcel consists of approximately 19 acres of land and includes a width along Old Baltimore Road of at least 250' and extends along Old Baltimore Road to include all forestland across the road from Lot 18
  - Dedication to M-NCPPC of the small triangular parcel of land located on the west side of Slidell Road that is surrounded by Bucklodge Conservation Park
  - Applicant to establish 25' wide public use trail easements in the following locations:
    - Along the southeast boundary of Lots 12,13,14,15,16,17 and 1, then along the south and east sides of Lot 3, then continuing along the east side of Lot 5 and along the north side of Lot 4 to Shiloh Church Road
    - Along the entire northeast side of Lot 17 to extend from the easement along the east side of Lot 17 to park property located on Slidell Road

- Dedicated parkland to be conveyed at time of record plat and to be free of trash and unnatural debris and borders to be staked to distinguish parkland from private property. Easements to be identified with appropriate signage
  - Applicant and MNCPPC Staff to negotiate acceptable terms to facilitate acquisition of Lot 18, by MNCPPC for use as parkland
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plats
  - 9) Provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved Preliminary Plan. Include a note referencing affidavit on record plat.
  - 10) 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.
  - 11) The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
  - 12) All necessary easements.

**PREVIOUS PLANNING BOARD ACTION/BACKGROUND:**

On April 8, 1997, Harry Leet and "Thompson Farm Partnership" submitted an application for Preliminary Plan Review, designated as Preliminary Plan 1-97098 with the Montgomery County Planning Board. The Preliminary Plan requested approval to build seven (7) single-family houses on 176.53 acres in the RDT zone. The Preliminary Plan was scheduled to go before the Planning Board in March of 1998, but was pulled from the agenda by the controlling member of a partnership of owners. At that time, after going through the Development Review Process, the Plan was recommended for approval by all reviewing agencies.

In the Fall of 2001, Jamison Realty purchased the subject property and the Preliminary Plan was revised to propose 15 single-family detached homes and two outlots on 434.73 acres, again in the RDT zone. After review by the Planning Board's technical staff, the revised Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing on June 27, 2002. At the public hearing, the Planning Board heard testimony and received evidence submitted into the record on the Preliminary Plan. Based upon the testimony and evidence presented by Staff and on the information in the Preliminary Subdivision Plan Application Form, the Planning Board found Preliminary Plan 1-97098 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) as well as the Zoning Ordinance (Chapter 59, Montgomery County Code) and the Regional

District Act (Article 28 of the Maryland Code Annotated), and approved Preliminary Plan 1-97098, subject to conditions as shown on the December 3, 2002 opinion.

**SITE DESCRIPTION:**

The property, consisting of a total of 434.73 acres, is located within the Clarksburg Master Plan Area. The property is bordered by Slidell Road to the west, and is intersected by West Old Baltimore Road in its southern section. The property falls within the Ten Mile Creek Area of the Clarksburg Master Plan.

The immediate area is largely agricultural. Most of the properties are zoned Rural Density Transfer. An adjoining subdivision to the east, approved in the early 1990's, developed at a higher density due to the prior underlying zone (R-200) which permitted a density of two (2) dwelling units per one (1) acre. The majority of the subject property, for several years, has been placed in the conservation reserve program and left fallow. Since 1996, much of the property has been used for hay production.

**PROJECT DESCRIPTION:**

The Application proposes the creation of 17 residential lots on 434.73 acres under the RDT zone provisions within the Zoning Ordinance. The proposal includes a dedication of a 19-acre area designated as "Parcel A" in the southeast corner of the property, fronting on West Old Baltimore Road for use as an inter-park connector system to connect the Bucklodge Forest Conservation Park to the Black Hills Regional Park. Various public use easements will be established on the plat to allow pedestrian and equestrian movement through the property to these destinations. The proposal gives M-NCPPC approximately 19 acres of fee simple land, with the applicant proffering to enter into negotiations with staff to sell Lot 18, containing 23.5 acres in fee simple to M-NCPPC at the current fair market value.

The Preliminary Plan proposes a grouping of five (5) lots with access on Slidell Road, sharing a common driveway (Lots 10, 11, 12, 13, 14) of the following sizes: 4.9 acres, 3.9 acres, 4.7 acres, 4.6 acres, and 6.5 acres and another grouping of lots, each with access of off Slidell Road: Lots 15 (15.6 acres), 16 (19.5 acres), 17 (38.9 acres), 1 (28.5 acres), 2 (19 acres) and 7 (15 acres). The plan further proposes a common ingress/egress driveway off of Shiloh Church Road serving three (3) lots, Lots 3 (31.5 acres), 4 (25.5 acres), and 5 (31.5 acres). Finally, there are two large lots, Lots 8 (77.0 acres) and 9 (61.9 acres) located on the south side of West Old Baltimore Road.

Environmentally sensitive areas typically associated with the stream valley system are to be protected by a Category I conservation easement.



## **CONFORMANCE WITH THE SUBDIVISION REGULATIONS**

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary plans of subdivision. The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Subdivision Regulations. In order to be approved by the Planning Board, lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of use contemplated. Lots must also abut a dedicated street or public road. Staff has reviewed this preliminary plan with respect to all applicable sections of the Subdivision Regulations.

## **CONFORMANCE WITH THE ZONING ORDINANCE:**

The preliminary plan proposes seventeen lots pursuant to the RDT provisions of the Zoning Ordinance (Section 59-C-9.41). The RDT zone has a density requirement that allows one, one family residential dwelling unit per twenty five (25) acres. The minimum net lot area requirements in this zone allows for lots as small as 40,000 square feet; the Zoning Ordinance sets no maximum lots size for this zone. Staff has evaluated the preliminary plan for consistency with all applicable sections of the Zoning Ordinance and finds that the preliminary plan as submitted meets all zoning requirements.

## **PURPOSE OF THE ZONE**

Agriculture is the preferred use in the RDT zone, however, as discussed above, residential uses are permitted by right in this zone. The *Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area*, dated June 1994 recommended that this portion of the Planning Area be added to the County's agricultural reserve area to encourage the preservation of agriculture and open space. The subject property was zoned R-200 prior to the adoption of sectional map amendment G-710 on 10/25/94, which placed the property in the current RDT zone.

## **RELATIONSHIP TO THE MASTER PLAN**

### **Discussion**

The subject property is located within the Ten Mile Creek analysis area of the Clarksburg Master Plan. The Master Plan recommends a land use pattern west of Ten Mile Creek that is supportive of the larger Agricultural Reserve. The Ten Mile Creek Area adjoins a portion of the County-wide Agricultural Reserve described in the Functional Master Plan for the Preservation of Agricultural and Rural Open Space in Montgomery County as the "Central Sector." The Central Sector is described in the Functional Master Plan for Agricultural and Open Space as follows:

*This 36,000-acre sector is the pivotal point in Montgomery County's agricultural and rural open space preservation*

*program...Pressure to develop this area is expected too increase because of its natural beauty and as employment opportunities move northward along the I-270 corridor. An aggressive preservation program should be focused on this area.*

The Functional Master Plan for Agricultural and Open Space recommended that the Clarksburg Master Plan examine Clarksburg's potential for agricultural preservation. The Clarksburg Master Plan focused on the area west of Ten Mile Creek as the most critical in terms of helping to preserve the larger Agricultural Reserve. The existing land use pattern is dominated by very large parcels and has traditionally been a farming community. Although the suitability of soils for farming varies from poor to good, the importance of this area to County-wide agriculture is significant because it forms a critical transition from the I-270 Corridor to the very productive farmland of western Montgomery County.

For this reason, the Clarksburg Master Plan recommended approximately 1,800 acres west of Ten Mile Creek be added to the County's Agricultural Reserve area to encourage the preservation of agriculture and open space. Alternative rural land use patterns were considered in this area but rejected as being inconsistent with farmland preservation objectives. As discussed in the Clarksburg Master Plan Land Use chapter, many different public policy objectives have influenced the land use pattern in the Ten Mile Creek Area, including environmental concerns, farmland preservation, the creation of a Town Center near the Clarksburg Historic District, maintaining future employment sites along I-270, and addressing the County's housing demand for single-family detached units.

The Master Plan seeks to achieve a balance among these different policy issues. The west side of Ten Mile Creek, designated for farmland preservation, will maintain 64 percent of the drainage area as low density. Elsewhere in the drainage area, the Master Plan relies on imperviousness caps, extensive stream buffers, and staging to help mitigate the effects of development. In addition, the Master Plan states that the proposed rural and agriculture land use pattern is the key protection strategy for the area west of Ten Mile Creek, where agricultural Best Management Practices (BMP) usage is anticipated to increase.

The proposed development of the subject property will provide open space for the benefit of the public at large or a substantial buffer for the "very productive farmland of Western Montgomery County." It achieves the Master Plan objective by providing a variety of open space features that connect to Black Hill Regional Park. Easy access to Black Hill Regional Park's outdoor experiences by future residents of Clarksburg is a key goal of the Master Plan. The proposed development provides contiguous open space for agricultural, environmental protection, and other open space preservation goals. Residential development (and lots as small as 40,000 square feet) was envisioned, although not encouraged, by the Clarksburg Master Plan in the RDT Zone at the 25-acre density.

It should be noted that, the Master Plan recommends a maximum end-state development potential for the Ten Mile Creek Area of 1,240 dwelling units (this includes the area west of Ten Mile Creek on land zoned RDT).

### **Analysis**

Although staff believes that the proposed preliminary plan meets the intent of the open space preservation goals of the Master Plan through this large lot subdivision, it does not meet all of the agricultural land preservation goals. Over a year ago, the Planning Board recommended to the County Council a number of modifications to the Subdivision Regulations and Zoning Regulations affecting subdivision design in the RDT Zone. Those changes, which have not yet been considered by the Council, allow stronger design review that would enhance the ability to protect rural open space and agricultural land. The changes stress cluster and building site placement to better preserve open vistas and larger contiguous open fields and meadows for crops or grazing. These enhanced goals cannot be achieved within the current design review limits for subdivision approval. Staff believes that the proposed preliminary plan meets the existing requirements for approval, but would not meet the enhanced goals for open space and agricultural land preservation within the changes sent to the County Council by the Planning Board.

### **Conclusion**

While Community Based Planning staff recommends approval of the preliminary plan because it does achieve many of the goals of the Clarksburg Master Plan and meets the current legislative standards, it is worth noting other goals that could be achieved through the proposed zoning and subdivision changes authorized by the Planning Board and awaiting County Council consideration. However, without the recommended changes in place, there is no legislative ability to require developers to work within these design recommendations.

## **PARK PLANNING AND RESOURCE ANALYSIS**

Condition No. 7 above, addresses the need for park dedication and acquisition and also establishes the necessary public use easements on the subject property. Establishing the above-said easements together with the proposed dedications and Lot 18 acquisition will serve a number of significant park interests in the area.

First, it will facilitate a natural surface trail connection between Black Hill Regional Park, which lies to the southeast of the subject property and Bucklodge Conservation Park to the northwest of the property. An existing natural surface trail in Black Hill Regional Park currently terminates at Parcel A, being dedicated by the Applicant. This development plan will allow trail users to continue through Parcel A, cross Old Baltimore Road at a location with reasonable visibility, continue through Lot 18 (to be acquire from the Applicant) and continue along the designated easements to

proposed trails in Bucklodge Conservation Park at a location where Slidell Road can be crossed with reasonable safety.

Second, public access to the new parkland and trail easements will be available from Black Hill Regional Park, West Old Baltimore Road, Branch Hill Road which currently terminates at Lot 18, Shiloh Church Road and Slidell Road.

Third, the proposed plan allows public trail access from the existing adjacent communities to the new parkland and the trails in Black Hill Regional Park and Bucklodge Conservation Park.

## **CONCLUSION**

Staff concludes that the preliminary plan as reviewed conforms to all applicable sections of the Montgomery County Zoning Ordinance, the Montgomery County Subdivision Regulations and the Clarksburg Master Plan. Staff has considered all applicable issues and concerns highlighted in the Master Plan and those raised during the previous public hearing. In particular, the land use proposed and the lot configuration delineated comport with all applicable development standards and are compatible with the existing adjacent development of single family dwellings and agricultural uses. The development as proposed encourages open space, maintains areas suitable for agricultural uses, provides for Parks and recreational uses, and protects the environmentally sensitive stream valleys.

Contributing Staff:

Judy Daniel  
Sue Edwards  
Nellie Maskal  
Doug Powell