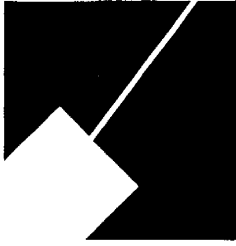


M-NCPPC


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

 THE MARYLAND-NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

 8787 Georgia Avenue
 Silver Spring, Maryland 20910-3760
 301-495-4500, www.mncppc.org

January 27, 2005

TO: Richard Weaver, Development Review Division

FROM: Candy Bunnag^B, Environmental Planning, Planner Coordinator,
County-wide Planning Division

SUBJECT: Cromwell Property, Preliminary Plan No. 1-05045

STAFF RECOMMENDATIONS

Environmental Planning staff recommends approval of the preliminary plan with the following conditions:

1. Category I conservation easements to be placed over environmental buffer areas (excluding 8,022 square feet of buffer on proposed lot 7), forest retention areas, and forest-planting areas. Easements to be shown on record plats.
2. Approval of the preliminary forest conservation plan with the following conditions:
 - a. Detailed forest planting plan to be shown as part of the final forest conservation plan.
 - b. Permanent split-rail, or similar type, fence to be located along the environmental buffer line on lots 6 and 7, along the environmental buffer line near the eastern property line of lot 5, and along the rear property lines of lots 3, 4, and 5. Details of fence to be shown on final forest conservation plan.

DISCUSSION

The 37.08-acre site has pasture, hedgerows, and forest. Four small streams flow into the site and converge to form a tributary to the Hawlings River, a Use IV stream of the Patuxent River watershed. Much of the 10.04-acres of forest lie within the stream valleys of the site. The entire site lies within the Patuxent River Primary Management Area (PMA).

Environmental Buffers

The applicant proposes to create seven lots on well and septic under the RC zone. Most of the environmental buffer areas (18.7 acres) will be within the proposed HOA open space. Some areas of environmental buffers (about 0.66 acre) will be within private lots.

Originally, the proposed plan showed houses and parts of yard areas on two proposed houses within environmental buffer areas. In addition, to access one of these lots, a very long driveway (about 350 to over 600 feet long, depending on the configuration) would also be located either on steep, forested slopes or adjacent to a stream within the environmental buffer. To lessen the environmental buffer encroachments, lots 6 and 7 were reconfigured such that the house and yard on lot 6 were outside the buffer and lot 7 was located on a knoll near Brooke Road. But that alternative would have required sand mound septic systems instead of the traditional septic fields for lot 7; this alternative was not acceptable to the Department of Permitting Services Well and Septic Section, and in addition, there would still be buffer encroachment for part of the yard area for lot 7.

The current proposal is to configure lot 7 such that the house would be close to lot 6. The house and yard area for lot 6 would be outside the environmental buffer. There would no longer be a need for a long driveway through the buffer. A traditional septic field for lot 7 could be located in the northwestern corner of the site. A pipe to connect the house to the septic field would have to be constructed within the environmental buffer. And 8,022 square feet of environmental buffer encroachment would occur to site part of lot 7's house and yard area. To compensate for the environmental buffer encroachment, the applicant proposes to plant in forest 16,044 square feet of land next to the buffer (twice as much land as the proposed permanent encroachment).

Staff believes this encroachment, in combination with the reforestation of twice as much land next to the buffer, is acceptable. The proposed lot would encroach into the buffer in a relatively small area (8,022 square feet) that is not wooded and not on steep slopes. The overall permanent encroachment has been reduced from the original application (from parts of two houses, two yard areas, and a long driveway down to part of one house and yard area). Compensation is proposed at a ratio of 2:1. Although there will still be disturbance within the buffer to install the septic pipe that connects the house to the septic field, staff believes this is an unavoidable disturbance for a utility similar to sewer line construction. In addition, once the pipe is installed, the disturbed area will revegetate.

Forest Conservation

The existing forest on the site covers 10.07 acres. The proposed subdivision would clear 2.01 acres and retain 8.03 acres of forest. The applicant proposes to provide 9.20 acres of onsite forest planting: 4.02 acres to meet the forest conservation requirements for the cluster subdivision, 0.37 acre to compensate for the environmental buffer encroachment on lot 7, and 4.81 acres to be used as a forest bank for other development projects. These amounts of forest retention and plantings meet the forest conservation law requirements.

Staff recommends approval of the preliminary forest conservation plan with conditions as stated above.

Patuxent River Primary Management Area (PMA)

The “Environmental Guidelines” recommends a 10% imperviousness limit on new development within the PMA. The proposed subdivision lies within the PMA. The proposed imperviousness for the subdivision is 5%. Therefore, the subdivision meets the PMA imperviousness guideline limit.