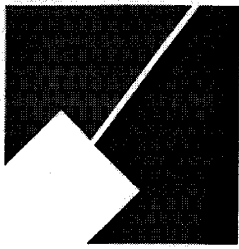


M-NCPPC



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

**MCPB
ITEM #9
3/31/05**



MEMORANDUM

DATE: March 24, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor (301-495-4542)
Development Review Division *CC*

REVIEW TYPE: Preliminary Plan of Subdivision and Preliminary Water Quality Plan

APPLYING FOR: Preliminary Plan and Preliminary Water Quality Plan Approval for 133 dwelling units, including 113 one-family detached dwelling units and 20 one-family semi-detached (duplex) units which will be Moderately Priced Dwelling Units

PROJECT NAME: Reserve at Fair Hill

CASE NO. 1-04011

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

ZONE: RNC

LOCATION: On both sides of Wickham Road southwest of Laytonsville Road (MD 108)

MASTER PLAN: Upper Rock Creek

APPLICANT: Pulte Homes, Inc.

ENGINEER: Rodgers Consulting

ATTORNEY: Linowes and Blocher

HEARING DATE: March 31, 2005

Staff Recommendation: Approval, including: a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of proposed public tertiary roads and private streets; waiver of §50-26(f) pursuant to §50-38(a) to permit reduced centerline radii on private streets “HH” and “BB”; staff recommendations for the Preliminary SPA Water Quality Plan; and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 133 dwelling units, including 20 Moderately Priced Dwelling Units (MPDUs).
- 2) No clearing, grading, or recording of plats prior to site plan approval.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 4) Dedication of 179.2 acres of open space by Applicant to M-NCPPC as indicated on proposed plan per the Upper Rock Creek Area Master Plan. Dedicated areas to include Parcels ‘Q’ and ‘H’ in Block ‘B’, Parcel ‘A’ in Block ‘A’, Parcel ‘B’ in Block ‘G’, and Parcel ‘C’ in Block ‘H’. Land to be conveyed at time of record plat and be free of trash and unnatural debris. Park boundaries to be staked and signed to distinguish between parkland and private properties.
- 5) Applicant to construct a 4’ wide, natural surface trail, including any needed bridges or stream/wetland crossings, along North Branch in the existing and/or dedicated parkland adjacent to the subject property per the Countywide Trails Master Plan. Exact location of the trail to be determined by field analysis between the applicant and MNCPPC staff at the time of site plan.
- 6) Applicant to construct a 4’ wide, natural surface trail, including any needed bridges or stream/wetland crossings, to extend east/west from the North Branch parkland trail to existing parkland along Route 108. Exact location of the trail to be determined by field analysis between the applicant and MNCPPC staff at the time of site plan.
- 7) Construction by Applicant of a small, paved, trailhead parking area for up to ten (10) cars on dedicated parkland along Wickham Road for public access to the natural surface trail system.
- 8) Location and alignment of natural surface trails and trailhead parking area to be coordinated with, and acceptable to, M-NCPPC staff and be constructed to park standards and specifications.
- 9) Applicant to provide adequate public use trail access from the community to the parkland and natural surface trail system.
- 10) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 11) Applicant to reforest all stream buffers except those identified by staff for wetland creation.
- 12) Applicant to reforest stream buffers in the first planting season after the issuance of the first grading permit by the Montgomery County Department of Permitting Services (DPS).
- 13) Applicant to develop and implement an invasive and exotic species management plan for all forest conservation easement areas to run concurrently with the maintenance and management agreement.

- 14) Total impervious surfaces for the development shall not exceed the 8 percent impervious cap.
- 15) The applicant must submit a detailed impervious tabulation as part of the site plan submission indicating the amount of impervious surface in public and private streets, public and private sidewalks, parking lots, tot lots and the amount of impervious surface on each lot. The on lot impervious information must identify the square footage for the houses, detached garages, patios, lead walks, porches/stoops, entranceways, all building protrusions and accessories less than 2 feet above the ground level, and driveways from the building front to the roadway pavement.
- 16) Conformance to the conditions as stated in the DPS letter dated February 15, 2005 approving the elements of the SPA water quality plan under its purview.
- 17) Compliance with the conditions of the MCDPS stormwater management approval dated February 15, 2005.
- 18) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan.
- 19) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Upper Rock Creek Master Plan and to the design standards imposed by all applicable road codes. Those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 20) Applicant to construct an eastbound right-turn lane from MD 108 onto southbound Muncaster Road. The design should be in accordance with the standards of the Maryland State Highway Administration (SHA) and the Montgomery County Department of Public Works and Transportation (DPWT).
- 21) Applicant to provide four-foot wide concrete sidewalks on one side of both the modified public tertiary residential streets and the private streets.
- 22) Compliance with conditions of MCDPWT letter dated February 11, 2005 unless otherwise amended.
- 23) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 24) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 25) The ruins of the Chichester historic site should be retained on land dedicated to MNCPPC and should be protected during all construction.
- 26) In commemoration of the lost historic site, the applicant will provide a one-time grant of \$25,000 to MNCPPC to be used for surveying and researching historic resources in Planning Areas 10 and 15.
- 27) In commemoration of the lost historic site, the applicant will install an educational marker at a prominent location within the new community that will describe the Chichester House.
- 28) In commemoration of the lost historic site, the applicant will name a road in the new community "Chichester House Road", as long as the road name is approved by MNCPPC.
- 29) Record plat to reflect delineation of Rural Open Space areas and make note of the Liber and Folio of an easement agreement or covenant recorded in the land records which

restricts the uses in the rural open space to those set forth in the RNC zone and establishes procedures for the management of natural or agricultural features as set forth in the approved site plan. Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."

- 30) Record plat to reflect delineation of a Category I Conservation Easement over all areas of stream buffer and forest conservation.
- 31) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 32) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 33) 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.
- 34) Other necessary easements.

SITE DESCRIPTION and SURROUNDING AREA:

The subject property is a 334-acre site located on either side of Wickham Road southwest of its intersection with Laytonsville Road (MD 108) (see Attachment A). The property is zoned RNC. This property lies within the Upper Rock Creek watershed (Use III-P in this section). The existing conditions on the site include stream valleys and associated floodplains, wetlands converted into lowland pastures, upland agricultural fields and forest. The tract includes 151.4 acres of forest. The forest is scattered throughout the property with large tracts of upland forest. Not all environmental buffers are forested. The site includes 107 acres of environmental buffer, which includes 52 acres of wetlands.

RELATIONSHIP TO THE UPPER ROCK CREEK MASTER PLAN

The Upper Rock Creek Master Plan made specific recommendations for this property, noted in the Plan as the Freeman property for its owners at the time. The recommendations are accompanied by guidelines for development that were designed to be applied at the time of subdivision of this property.

The Plan recommended a density of 0.33 units to the acre for the property. As drafts of the Plan moved through the review process, separate policy discussions on the appropriateness of expanding the Moderately Priced Dwelling Unit program to the Rural Neighborhood Cluster and other "large-lot" zones also were underway. The Plan acknowledged these discussions—and the possibility of an ultimate decision to expand the MPDU program—by setting out an allowable density of 0.4 units to the acre if MPDUs were required as part of the property's development. The Council last year decided to expand the MPDU program to the large lot zones and they are therefore required as part of this preliminary plan. The 133 proposed units represent a density of 0.4 units to the acre, as recommended in the Plan. Fifteen percent of those units—20 in total—are MPDUs.

In addition to its recommendation for a development density, the Plan listed a series of guidelines for development which are discussed below along with how well the proposed plan meets a stated guideline.

- Concentrate cluster development in unforested upland areas; existing forest adjacent to parkland is most appropriately kept intact, undeveloped and in its natural state as rural open space.

The proposed plan shows that almost 243 acres, or 72 percent of the 334-acre property, are designated for public or private rural open space. A look at contemporary aerial photographs of the site shows that the areas proposed for the majority of the residential development are currently fields; forested areas adjacent to parkland to the west and to the east of the power lines are designated as rural open space and are to be preserved as parkland. Regulations set out in the zoning ordinance limit activities in rural open space, which will allow for preservation in an undeveloped state. The development itself is proposed for two main clusters to the west of Wickham Road, with development east of Wickham Road almost entirely devoted to conservation lots.

- Enhance compatibility in the western portion of this property by maintaining areas near existing communities as rural open space or by developing those areas with lots of similar size to those in the adjoining neighborhoods.

The proposed plan designates as parkland existing forest adjacent to existing park property on the west side of this property, adding to the open space between new homes on this property and existing communities. In addition, a number of larger lots have been located immediately adjacent to this designated parkland. These lots range in size from 26,000 to 44,000 square feet. The need to integrate required MPDUs into this development necessitates some flexibility in meeting master plan guidelines. The proposed lots are, admittedly, generally smaller than those in the nearest existing community, although the largest of them are similar in size to some existing lots. There is, however, a significant amount of undeveloped open space, almost all of it forest, that separates new homes from old in this area. The closest existing lots are more than an eighth of a mile from the nearest proposed lots. The distances involved make strict compatibility less necessary.

- Provide substantial variation in lots sizes, as required by the RNC Zone development standards; cluster neighborhoods should offer the broadest possible range of lot sizes.

The applicant estimates that roughly half of the proposed lots are less than half an acre in size and half are larger. More specifically, an estimated 35 percent of the lots are between 15,000 square feet and 19,000 square feet in size. An estimated 41 percent are between half an acre and an acre in size. The applicant is proposing some significantly smaller MPDU lots at one end of the lot size spectrum and some lots—about 8 percent of the total—that would be range from one acre to 10 acres in size. Discussions of this issue during review of both the master plan and the revisions to the RNC Zone seemed to focus on avoiding “cookie-cutter” subdivisions, in which the vast majority of lots were within a narrow size range. These discussions suggested that a “bell curve,” with some relatively small and relative large lots at either end of the spectrum

was a desirable outcome for RNC communities. The lot range for the proposed project creates a bell curve, with most of the lots lying in a range from 15,000 square feet to an acre.

- Size and locate lots to ensure compatibility with existing development and preservation of rural views.

This guideline replicates the second guideline discussed above and a guideline discussed below.

- Encourage diversity of house size and style

As part of its review of the master plan, the County Council approved this guideline. The language used recognizes that provision of housing styles and sizes is largely a component of market forces difficult to control through regulation. Discussions with the applicant in this case indicate that individual buyers desire the relatively large houses being offered.

- Protect rural viewsheds

This guideline replicates one discussed below.

- Preserve existing views from MD 108 and low density residential character by locating large lots, conservation lots or open space with a significant and varied landscape along the road.

The applicant has designated as parkland a significant portion of the property that can be seen from MD 108; in addition, the applicant has agreed to preserve an intact barn located in this part of the property. The two proposed conservation lots are located in this part of the property, as are three lots ranging in size from 1.75 acres to almost three acres. Long views over open fields from MD 108 are largely preserved in this scheme. It is staff's opinion that a total of four lots plus the preserved barn would best meet the master plan guideline. Because the final number and location of lots will be determined during review of this proposal's subsequent site plan, we recommend additional discussions with the applicant about this issue.

- Incorporate open space into the clustered community to enhance the undeveloped nature of contiguous open space while providing residents with nearby recreation.

Common open space is shown in one of the two cluster neighborhoods; the other is adjacent to a future elementary school site and can be connected to the school by a path on a common open space parcel used primarily for stormwater management. Detailed discussion of the provision of common space for residents' recreation will occur during site plan review.

PROJECT DESCRIPTION

This application proposes to create a residential community with 133 dwelling units (see Attachment B). The units will be a combination of 113 one-family detached dwelling units and

20 one-family duplex units. The detached dwellings will be located on lots ranging in size from 15,000 square feet to more than three acres, with the majority of lots in the 15,000-19,000 square foot range. The duplex units will be located on lots as small as 6,000 square feet. The plan proposes a total of 242.86 acres, or 72.7 percent of the site, be preserved as open space. Approximately 183.39 acres of the open space, or 54.9 percent of the site, will be dedicated to MNCPPC for parkland. The remaining open space areas will be preserved by conservation and rural open space easements. A combination of public and private modified tertiary open section residential streets, with sidewalks on one side, are proposed with up to eight lots having direct access to existing Wickham Road. Safe and adequate access for vehicles and pedestrians will be provided by the existing and proposed vehicular and sidewalk system. Site plan review pursuant to §59-D-3 is required for this project.

TRANSPORTATION:

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians.

Pedestrian and Bicycle Facilities

A shared-use path is recommended by the Master Plan along MD 108 to the Boys and Girls Club. Sidewalks are required along the proposed residential street network. These recommended improvements would enhance the existing facilities for pedestrian and bicycle use in vicinity of the subject site. The existing facilities include a shared-use path on the south and west side of Wickham Drive and a sidewalk on the south side of MD 108 along the property frontage.

Regarding the recommended shared-use path, one possible route follows the alignment for SP-36 along the north side of MD 108 within the available right-of-way between the intersection with Wickham Drive and the Boys and Girls Club. An alternative route follows the desired line for the Norbeck Grove Bike Path (B-21) through the North Branch Stream Valley Park between Wickham Drive near the southeastern property line and MD 108 approximately opposite Boys and Girls Club. Further study of the current need for, and alignment of, this bike path will occur as part of site plan review.

Available Bus Service

The nearest available bus route is Ride-On Route 53 that operates along the segment of MD 108 east of Olney Mill Road.

Master-Planned Roadways and Bikeways

The master-planned roadways and bikeways are as follows:

1. Olney-Laytonsville Road (MD 108) is designated as a Major Highway (M-60) with a 150-foot right-of-way in the *Olney Master Plan*. The Olney Master Plan recommends a

- five-foot sidewalk on the south side along the property frontage and a Class I, or SP-36, shared-use path along this road.
2. Wickham Drive is designated as a Primary Residential Street (P-5) with a 70-foot right-of-way in the *Upper Rock Creek Master Plan* and *Olney Master Plan*. Wickham Drive has an existing Class I bike path on the south or west side.
 3. Olney Mill Road is designated as a Primary Residential Street (P-9) with a 70-foot right-of-way in the *Olney Master Plan*.
 4. Bowie Mill Road is designated as an Arterial (A-42) with an 80-foot right-of-way in the *Upper Rock Creek Master Plan* and *Olney Master Plan*. On this arterial, the *Olney Master Plan* recommends bike lanes (BL-20) between North Branch Rock Creek and MD 108.
 5. The *Olney Master Plan* recommends the Norbeck Grove Bike Path (B-21) shared-use path between North Branch Rock Creek and MD 108 that could be aligned through the existing HOA property.

Local Area Transportation Review

The proposed 133-unit residential development would generate 107 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 130 peak-hour trips during the weekday evening peak period (4:00 to 7:00 p.m.). A traffic study was required to satisfy Local Area Transportation Review because the proposed land use would generate 30 or more peak-hour trips during the weekday morning and evening peak periods.

Based on the results of the traffic study, Table 1 below shows the critical lane volumes (CLV) and the applicable congestion standard for the first five analyzed intersections in the study area. The CLV/congestion standards below reflect those under the *FY 2004 AGP* that are 50 CLVs higher than the CLV standards under the current *FY 2005 AGP*. The traffic conditions analyzed include the existing, background (existing traffic plus traffic from approved, but unbuilt developments), total, and total improved traffic conditions. The last intersection shown in the table below has a roundabout and was analyzed using the appropriate *Highway Capacity Manual's* methodology to determine the average delay in seconds and the corresponding level of service.

The CLVs at the intersection of MD 108 and Muncaster Road exceed the congestion/CLV standard during the weekday morning peak hour as indicated with the superscript No. 2 in the table above. The proposed eastbound right-turn lane from MD 108 onto Muncaster Road would increase this intersection's capacity so that the CLV in the total improved traffic condition is less than the CLV in the background traffic condition. Thus, the site-generated traffic is mitigated as indicated with the superscript No. 2.

Policy Area Transportation Review

Under the *FY 2004 AGP*, the Policy Area Transportation Review component of the APF test is still applicable. The site is located in a rural policy area that has no established transportation staging ceilings for residential and non-residential developments.

TABLE 1: Intersection Congestion Levels, Resulting CLVs, and Average Delay

Intersection / Roundabout	Capacity Criteria: CLV Standard ¹ /Delay	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total Improved
MD 108 and Muncaster Road	Intersection CLV Standard=1,450	Morning	1,638 ²	1,773 ²	1,816 ²	1,552 ^{2,3}
		Evening	1,277	1,345	1,294	1,250
MD 108 and Wickham Drive ⁴	Intersection CLV Standard=1,450	Morning	n/a	1,253	1,303	-----
		Evening	n/a	1,405	1,427	-----
MD 108 and Olney Mill Road	Intersection CLV Standard=1,525	Morning	1,017	1,084	1,085	-----
		Evening	972	1,028	1,028	-----
MD 108 and Bowie Mill Road	Intersection CLV Standard=1,525	Morning	1,409	1,476	1,478	-----
		Evening	1,321	1,341	1,332	-----
Wickham Drive-Cashell Road and Bowie Mill Road	Intersection CLV Standard=1,525	Morning	991	996	1,035	-----
		Evening	1,050	1,058	1,083	-----
Wickham Drive and Olney Mill Road-Dumford Drive	Roundabout, Average Delay (in Seconds)	Morning	5.1 / A	5.1/A	4.8 / A	-----
		Evening	4.4 / A	4.4 / A	3.9 / A	-----

¹ (a) The congestion/CLV standard is 1,450 for the first and second intersections that located entirely in a rural policy areas such as the Rock Creek Policy Area. (b) The congestion/CLV standard is 1,525 for the third, forth, and fifth intersections that located on the border or within the Olney Policy Area.

² The CLV at this intersection exceeds its congestion/CLV standard of 1,450.

³ The site-generated traffic is mitigated where the CLV in the total improved traffic condition is less than the CLV in the background traffic condition.

⁴ This intersection includes a proposed eastbound deceleration lane and acceleration lane along MD 108.

Over-length Cul-de-Sac Roadways

The roadway design for the property includes the creation of cul-de-sac roads which will be greater than 500 feet in length. Per Section 50-26(d) of the Montgomery County Code, a cul-de-sac road should be no longer than 500 feet unless a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment.

Staff believes that design of the over-length roadways result in a street alignment that maximizes the preservation of open space and forest. Additional roadway loops or connections would require crossing environmental buffer areas and possibly loss of open space.

Waiver Requests

A waiver of sidewalks on one side of the proposed public and private tertiary roads is being recommended because it will help reduce the overall level of impervious surfaces on the property. The proposed roadways will be able to be safely crossed to reach the sidewalk. A waiver of the requirement for 150' turning radii on proposed private streets "HH" and "BB" is also being recommended. The waiver will permit street geometry that will reduce overall traffic speed and permit the design of green space areas. The proposed reduction in the radii is the minimum necessary to accommodate the roadway design.

ENVIRONMENTAL:

The property is within the Upper Rock Creek Special Protection Area (SPA). Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS has reviewed and conditionally approved the elements of the preliminary water quality plan under their purview. The Planning Board responsibility is to determine if the site imperviousness, environmental guidelines for special protection areas, and forest conservation requirements have been satisfied.

Site Performance Goals

As part of the final water quality plan, several site performance goals were established for the project:

1. Maintain the natural on-site stream channels.
2. Minimize storm flow run off increases.
3. Minimize increases to ambient water temperatures.
4. Protection of streams and aquatic life habitat.
5. Minimize sediment loading.
6. Maintain stream base flows.
7. Protect springs, seeps, and wetlands.
8. Identify and protect stream banks prone to erosion and slumping.
9. Minimize nutrient loading and control insecticides, pesticides and toxic substances.

Site Imperviousness

The Upper Rock Creek has an 8 percent impervious limitation. The applicant is proposing a development that will result in an impervious rate of 7.2 percent. It is important to note that the imperviousness associated with Wickham Road is not included in the calculation. Wickham Road was required as part of an adjoining subdivision. The road is complete and the right-of-way dedicated to the County.

Environmental Planning believes that there are still ways to reduce the amount of impervious surfaces and will work with the applicant during the site plan stage to reduce the amount of imperviousness in the development.

Environmental Guidelines

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The natural resource inventory for the Chichester/Berlage/Freeman/Reserve at Fair Hill property identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream valley buffers. The application is not proposing any permanent encroachments into the environmental buffers.

As part of the *Environmental Guidelines*, the stream buffer must be reforested, unless otherwise directed by staff. In this particular plan, M-NCPPC Environmental Planning, Natural Resource, and Park staffs have agreed not to replant the unforested wetlands. The main portion of the stream buffer is along a tributary that connects MD 108 with the main stem of the stream. This portion of the site includes a naturally occurring wetland that was converted to pasture land and impacted by farm animals. Staff desires to have the wetland and wetland vegetation naturally regenerate with some assistance from the applicant including the preparation and implementation of an invasive management plan. The unforested portions of the stream buffers that are not in wetlands must be planted in new forests. The applicant will place forest conservation easements on all environmental buffers and all forest retention areas.

Forest Conservation

Since this application is utilizing an RNC MPDU optional method of development the plan must comply with Section 22A-12(f) of the Montgomery County code. This section requires developments utilizing an optional method to meet the appropriate forest conservation threshold on site. The applicant will meet the requirements of Section 22A-12(f) by preserving forest on site. The applicant is also required to plant approximately 25 acres of unforested stream buffers per the SPA guidelines.

The *Environmental Guidelines* require accelerated reforestation of stream valley buffers and staff is requesting a condition requiring planting to occur during the first planting season after issuance of the first sediment control permit. A five-year maintenance period is required for all forest plantings in Special Protection Areas per the guidelines.

Throughout the NRI/FSD review process and subsequent site visits by Environmental Planning and Natural Resource staff numerous invasive and exotic species were found in the unforested stream buffers and the existing forests. Environmental Planning is requesting an additional condition of approval requiring the applicant to develop and implement an invasive and exotic management control program to run concurrently with the maintenance and management agreement. By developing and implementing an invasive management plan, newly planted trees will have a better chance of survival and should begin to shade out the competing vegetation. An invasive management program is necessary to prevent the entire area designated for wetland creation from becoming overwhelmed with invasive material. The most recent practice of pasturing animals in the wetlands has limited the amount of invasive plants in the wetland but once the cattle are removed the invasive material will expand.

Stormwater Management

To help meet the performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Channel protection measures for this site will be provided via extended detention dry ponds. These structures will provide channel protection volume for the one-year storm with a maximum detention time of 12 hours per state standards. Quality control will be provided via a combination of structural and non-structural measures that include dry wells, surface sand filters, dry swales and grassed channels. All of the streets will be open section and have a two-foot wide flat bottom (private streets will have a two foot flat bottom on one side).

HISTORIC PRESERVATION:

The ruins of the Chichester House (all that is left is some portions of the stone foundation) are proposed to be retained on land that will be dedicated to MNCPPC as perpetual open space. The ruins will be adjacent to the backyards of new houses in an environmentally-sensitive area.

Staff discussed with the applicants – Pulte Homes – several options for how the Chichester House ruins should be treated as part of this project. One idea was to stabilize the foundations, add benches and interpretative plaques, and leave the site as an interpretative area. The drawbacks to this approach include the fact that the ruins are not located in a prominent location that will be viewed by many members of the public and the fact that MNCPPC has a difficult time providing long-term maintenance for small interpretative areas as described above.

Staff began discussions on other forms of mitigation that would serve a broader and greater public benefit. A major goal of the county preservation program is to finish the review of all properties identified on the *Locational Atlas and Index of Historic Sites*. This inventory, published in 1976, has still not been fully evaluated and resources identified on the *Atlas* are being lost through incremental change and demolition without permits. We discussed the possibility of a one-time grant to MNCPPC to assist with the survey and evaluation of a group of properties in the general vicinity of Chichester House – Planning Areas 10 and 15.

After negotiation, the applicants have offered a one-time grant of \$25,000 to assist with surveying and researching historic resources in Planning Areas 10 and 15. The Chichester House ruins would not be destroyed or moved and would be protected during construction.

Staff feels that this is good solution and is in the public interest. Creation of an interpretative area will benefit very few members of the public because of the location of the site. Staff is also concerned that it will fall into rapid disrepair and there is no funding for long-term maintenance. However, work on evaluating *Locational Atlas* resources in Planning Areas 10 and 15 has the potential to protect many historic resources that are still extant and that are currently threatened.

Based on staff recommendations, the Historic Preservation Commission approved the subdivision proposal with the conditions included above.

CITIZEN CONCERNS:

Two letters were received by staff regarding the proposed development. The first was from an adjacent property owner directly across the North Branch Stream Valley Park from the proposed development. Concerns raised included opposition to the inclusion of moderately priced dwelling units in this subdivision and proposed location of houses on certain lots. As discussed above, the County Council decided to expand the MPDU program to include lower density and large lot subdivisions on sewer. Therefore, MPDUs are required for this subdivision. Although the preliminary plan shows possible house locations and sizes, the exact layout of houses will not be determined until site plan review. At that time, further consideration will be given to providing adequate yard areas and edge tree protection.

The main concern raised in the second letter from Mr. David Troutner on behalf of the Muncaster Area Civic Association was the need for documentation that the rural open space area proposed as part of the subdivision will be preserved in perpetuity. To that end, he believes the Planning Board should review and approve easement or covenant language (including specific covenants on proposed parkland dedication) prior to the approval of the preliminary plan. Staff is recommending Condition #27 which requires the recordation of appropriate preservation agreements at the time of record plat review. Site plan approval is required for this property, and detailed easement language will be reviewed at that time.

CONCLUSION:

Staff's review of Preliminary Plan #1-04110, Reserve at Fair Hill, indicates that the plan conforms to the recommendations of the Upper Rock Creek Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's residential character. The proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further believes that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. As such, Staff recommends approval of the preliminary plan with the specified conditions.

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Preliminary Plan