

MEMORANDUM

DATE: December 30, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Richard A. Weaver, Coordinator (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of 40 residential units including 6 MPDU's (15%)

PROJECT NAME: Danshes Property

CASE #: 120050810 (1-050981)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RNC

LOCATION: Located on the east side of Brooke Road, approximately 500 feet north of the intersection with Sandy Spring Road (MD 108)

MASTER PLAN: Sandy Spring-Ashton

APPLICANT: Winchester Homes

ENGINEER: Gutschick, Little and Weber

HEARING DATE: January 12, 2005

FILING DATE: August 3, 2005

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Limit future development on the property to a maximum of 34 single-family and 6 townhouse dwelling units, including 6 MPDU's.
- 2) Satisfy all preliminary plan conditions included in the Montgomery County Department of Public Works and Transportation (DPWT) letter dated October 23, 2005 (see Attachment No. 1) or any other subsequent letter. All DPWT site frontage, site access, and on-site issues related to this development shall be fully addressed prior to the final record plat.
- 3) Compliance with the conditions of approval of the preliminary forest conservation plan prior to recordation of initial record plat or MCDPS issuance of a sediment and erosion control permit. Conditions include but are not limited to:
 - a. On the final forest conservation plan, show permanent markers such as split rail fencing, signage, and/or equivalent measures to delineate conservation easement boundaries.
 - b. Category I conservation easements to be placed over environmental buffers and forest retention areas. Easements to be shown on record plats.
 - c. At site plan, the following information shall be submitted for review and approval:
 - Detailed configuration of forest retention areas. Include a survey and critical root zone analysis for trees along the limits of disturbance that are adjacent to proposed forest retention areas and environmental buffers.
 - Detailed impervious surface calculations.
 - Final location and construction method for sewer line through stream valley to be determined to minimize disturbance of wetlands, steep slopes, and large trees. Survey and a critical root zone analysis of trees along the limits of disturbance to be submitted.
- 4) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 5) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 6) Dedicate and show on the final record plat 50-foot wide right-of-way along Public Roads "AA" and "BB", as Tertiary Residential Streets (Modified DPWT Standard No. MC-210.05).
- 7) All public improvements, including those required by the DPWT (such as road frontage improvements along Brooke Road, the proposed bike-path along Brooke Road, internal Public Streets "AA" and "BB", internal sidewalks, etc.), shall be constructed and open to traffic prior to the release of the 27th building permit of any type of dwelling unit.
- 8) Provide a continuous eight-foot wide Class I bike-path, an adjoining four-foot wide equestrian trail, and street trees along the entire property frontage (i.e., along the east side of Brooke Road), including that portion of the referenced bike-path

through Parcel A, Rural Open Space of Meadowsweet (approved Preliminary Plan No. 1-04011). The proposed bike-path shall be connected to the existing bike-path along the front of Sandy Spring Fire Station. The applicant shall also plant street trees along the front of the fire station.

- 9) Parcel "S" as shown on the preliminary plan, shall contain a note on the record plat as follows, "Parcel ___ is limited to open space or agricultural uses only. No building permits may be issued for any structure on this parcel."
- 10) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 11) Record Plat shall reflect all areas under Homeowners Association ownership and stormwater management areas.
- 12) At the time of site plan, applicant to investigate opportunities to move single driveway access for Lot 22, as shown on preliminary plan, from Brooke Road to an internal street.
- 13) Record plat to contain a note as follows, "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 14) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant..
- 15) Compliance with the conditions of approval of the MCDPS stormwater management approval dated November 7, 2005.
- 16) No clearing, grading or recording of plats prior to signature set approval
- 17) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan.
- 18) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 19) Final number of MPDU's as per condition #___ above to be determined at the time of site plan
- 20) 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

PROPERTY DESCRIPTION

The 92-acre property is zoned RNC and lies within the Patuxent River watershed. It is currently under agricultural production and is undeveloped. It is bound on the east by residential properties, on the north by the Brooke Run Tree Farm, on the west by Brooke Road with the Ligon Property and Meadowsweet Subdivision beyond, and on the south by the Sandy Spring Fire Station, a WSSC pump station and residential properties. The Patuxent River Primary Management Area (PMA) covers approximately 81.7 acres of the property. Tributary streams to the Hawlings River, a major stream in the Patuxent River watershed, flow through the site. Wetlands and environmental buffers, most of which are forested, also exist on the property.

PROJECT DESCRIPTION

The proposal requests subdivision of the property into 40 lots using the cluster method of development. As required by the Sandy Spring Master Plan the open space for the Danshes Property must be within the range of 70–75%, if it develops using the optional (cluster) method. Two stream valley buffers dictate the developable area; the applicant's layout responds to this limitation by clustering the 40 lots in the most developable area, all out of the stream valley buffers.

The development proposes use of both public and private streets. Use of private streets is allowed in the RNC zone. Access to the site will be from two points along Brooke Road. Site distance has been approved at the two locations. Although five MPDU's are required, the applicant proposes six as they are planning to provide the MPDU's in two separate townhouse sticks. Staff believes that the MPDU's are shown in a satisfactory location, although it may change as part of the site plan review. The applicant has revised the preliminary plan to show the MPDU's to be located on a public street which staff believes will reduce the maintenance requirements for these units. The seven units located in the central portion of the site are to be served by a private street which will be maintained by the homeowners association. There are two units along the northernmost border that will share a single private driveway. All paved surfaces have been reviewed and approved by the Montgomery County Department of Fire and Rescue Services.

The plan proposes 65.77 acres (71.5%) of the site to be kept open as rural open space. It is the intent of the applicant to allow it to continue in agricultural production or remain as fallow open space. Much of the proposed rural open space area is presently in active agriculture. The plan has been revised to show a 35.78 acre rural open space parcel (Parcel "S") that is accessible to the existing farm to the north and which staff believes enhances the ability to allow it to continue in agricultural production. The parcel could also be conveyed to a private interest with the understanding that it is limited to agricultural uses. The remainder of the open space area is heavily encumbered by stream valley buffers and unsuitable for agriculture. All of the stream buffers will be protected by conservation easements.

DISCUSSION of ISSUES

Agricultural Buffer

The Agricultural Preservation Advisory Board (APAB) in their letter dated April 13, 2005, requested the applicant consider providing a buffer to the existing tree farm to the immediate north of the subject property. The tree farm is within a protective State of Maryland Agricultural Easement (MALPF) that restricts the property to agricultural use. In the interest of promoting and protecting agricultural interests, the APAB suggested that a 100 foot, forested buffer with fencing, would be appropriate to provide the type of setback needed to avoid conflicts between the farm and residential development along the northern boundary.

While the buffer is not a requirement of the Zoning Ordinance or Subdivision Regulations, staff did support maximizing, to the extent possible, the distance between the farm and proposed lots lines. In review of the plans, it was determined that a 100 foot setback from the entire northern property line to rear lot lines along the northernmost boundary was not possible in all instances given the other objectives of the RNC zones. The applicant did revise the plans to increase the setbacks where possible to provide a variable buffer width ranging from 50 feet to 200 feet. The applicant has also agreed to reforest the area with a mixture of tree types and fence the northern boundary with a "Farm Style Wire Fence". A conceptual landscape buffer plan has been submitted to show the plant material. Staff recommends that this plan be finalized and incorporated into the overall landscape/lighting and final forest conservation plan at the time of site plan review.

Rachel Carson Greenway

For this area of Sandy Spring, the Planning Board approved the conceptual alignment of the Rachel Carson Greenway trail to be contiguous to Brooke Road, with direction that it be attractive and feature a park-like setting. The plan proposes an eight foot wide asphalt trail, and adjacent four foot wide equestrian easement with landscaping on each side to provide a sense of enclosure and a natural setting. It is anticipated that the homeowners association will maintain the trail landscaping. Maintenance will need to be resolved at the time of site plan. The MCDPWT will maintain all required street trees within the public right-of-way.

A small portion of the trail will need to traverse a piece of land not owned by the applicant but rather, by the developers of the Meadowsweet Subdivision across Brooke Road. It is staff's strong desire to have the Rachel Carson Greenway trail continue through the Meadowsweet owned land located in the northwest corner of the subject property along Brooke Road. This issue must be resolved in concert with the site plan review. Inability to gain permission to place the Greenway trail on this land may result in a realignment of the trail around this land and re-location of the unit on proposed Lot 20 of the preliminary plan. The site plan will also need to investigate the long-term maintenance of the trees on each side of the trail. It is understood that the HOA will accept the responsibility for maintenance, however, the site plan will need to determine if the trail and trees should be in a separate HOA parcel, or if the PIE as shown is compatible with respect to house locations and adequate for the purposes of trail maintenance.

ENVIRONMENT

Forest Conservation

Approximately 40.6 acres of the subject property is forested. The preliminary forest conservation plan proposes to clear 7.5 acres and retain 33.1 acres of forest. This

is significantly more than the break-even point of 26.6 acres. It also exceeds the minimum 25 percent forest retention threshold (23.0 acres) for subdivisions in the RNC zone. Much of the forest retention area is within proposed HOA open space areas. Staff believes there are some small areas that may not be appropriate as forest retention areas because of their size. These include a retention area within the circular portion of the proposed private road and an area between the SWM Parcel "A" and proposed lots. Staff recommends that, at site plan, the configuration of these two areas be re-evaluated to determine if they are too small or isolated to be appropriate as forest retention areas. If these two areas are not counted as forest retention areas, the proposed subdivision would still exceed the break even point and the minimum 25 percent forest retention requirement. The preliminary forest conservation plan meets the requirements of the Forest Conservation Law.

Environmental Buffers

Most of the 21.4 acres of environmental buffers on the property are forested. Most of the buffers will be placed within Category I conservation easements in HOA open space areas. There is a portion of the environmental buffers and associated conservation easement that will lie within a recommended agricultural lot. Staff believes the conservation easement on the agricultural lot is acceptable if there are permanent markers, such as split rail fencing are installed along the conservation easement boundary to prevent agricultural uses from encroaching in to the environmental buffers.

A small area of wetland and its buffer (roughly 430 s.f. of wetland and 7,419 s.f. of buffer) within the existing and dedicated Brooke Road right-of-way will be graded to widen the road pavement and add a bike path and equestrian trail. Staff believes these encroachments are necessary and unavoidable. In addition, the proposed sewer line for the subdivision goes through a forested environmental buffer. Staff recommends that at the site plan stage, the sewer line be located to minimize the loss of large trees. Tunneling of the sewer line should also be considered to avoid or minimize loss of forest within the stream valley.

Patuxent River Primary Management Area (PMA)

The "Environmental Guidelines" recommends the application of a 10 percent imperviousness limit for land development projects that lie within the PMA and are reviewed by the Planning Board. This subdivision proposes an imperviousness of 7.4 percent over the subject site. This plan meets the imperviousness guideline limit.

TRANSPORTATION

Site Location, Access, Existing Pedestrian/Bikeway Facilities and Public Transit

The proposed development is located along the east side of Brooke Road to the north of Sandy Spring Fire Station and Olney-Sandy Spring Road (MD 108). Two access points are proposed to the site from Brooke Road.

Within the study area, MD 108 is a two-lane roadway, and has a posted speed limit of 30 miles per hour. Limited sidewalks currently exist along both MD 108 and Brooke Road. There are no bikeway facilities in the immediate vicinity of the site except for the built portion of the bike-path along Brooke Road to the front of the fire station. MD 108 is serviced by the Metrobus system via Norwood Road (Route Z2).

Master Plan Roadway and Pedestrian/Bikeway Facilities

The 1998 Approved and Adopted *Sandy Spring/Ashton Master Plan* describes the nearby master-planned roadways, pedestrian and bikeway facilities as follows:

1. Olney-Sandy Spring Road (MD 108), as a master-planned east-west Arterial (A-92) between the Howard County line to the east and Dr. Bird Road to the west, with a minimum 80-foot right-of-way. The roadway is "Main Street" for the Sandy Spring and Ashton village centers. The master plan also recommends regional trails along MD 108, with connections to the Rural Legacy Trail and the Northwest Branch Trail. A Class I (off-road) bike-path (PB-66; SP-37 in the *2005 Countywide Bikeways Functional Master Plan*) is recommended for MD 108 along its north side in the vicinity of the development.
2. Brooke Road, as a Primary Residential Street (P-2) that connects New Hampshire Avenue (MD 650) to the northeast with MD 108 to the south, with a recommended minimum right-of-way width of 70 feet and two travel lanes. The master plan recommends a local trail and a Class III (on-road) bikeway (PB-68) along Brooke Road between MD 108 to the south and Chandlee Mill Road to the north. With the Approved *2005 Rachael Carson Greenway Trail Corridor Plan*, which recommends the greenway to be along the east side of Brooke Road in this area, staff is recommending that the applicant construct an eight-foot wide bike-path and an adjoining four-foot wide equestrian trail along the whole Brooke Road property frontage as well as Parcel A, Rural Open Space of Meadowsweet.
3. Meeting House Road, as a Rustic Road (R-1) to the south of MD 108 across from Brooke Road, with a recommended minimum right-of-way width of 70 feet and two travel lanes, and extending approximately 0.4 mile.

Nearby Transportation Improvement Projects

The Maryland State Highway Administration (SHA) and the Montgomery County DPWT Capital Improvement Program includes the following nearby transportation improvement projects:

1. A combined firehouse-pedestrian traffic signal at MD 108 and Brooke Road/Meetinghouse Road intersection: This SHA project aimed at promoting safety at this intersection was expected to start construction in October 2005. SHA's goal was to have the traffic signal operational by early November 2005.

2. **MD 108 Sidewalk:** This joint SHA/DPWT project provides for the construction of a sidewalk along the south side of MD 108 between Hidden Garden Lane to the east and Norwood Road to the west (approximately 4,000 feet), and a sidewalk along the east side of Norwood Road to the south of MD 108 (approximately 350 feet). The project' target start date was October 2005. The project currently has a finish date of May 2006.

Local Area Transportation Review

A traffic study was required for the subject Preliminary Plan per the *Local Area Transportation Review (LATR) Guidelines* since the initial development proposal with 42 single-family dwelling units was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 – 9:30 a.m.) and evening (4:00 – 7:00 p.m.) peak periods. It is noted that the above finding is also true for the current version of the plan (with 34 single-family and six townhouse dwelling units).

The consultant for the applicant submitted a traffic study (dated January 5, 2005) that presented the traffic-related impacts of the original development on nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by the staff. The traffic study estimated that the initial site density with 42 single-family dwelling units would generate approximately 40 peak-hour trips during the weekday morning peak-period and 47 peak-hour trips during the weekday evening peak-period. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
DANSHE'S PROPERTY – 42 SINGLE-FAMILY DWELLING UNITS**

Time Period	Trip Generation		
	In	Out	Total
Weekday Morning Peak-Hour	10	30	40
Weekday Evening Peak-Hour	30	17	47

Notes:

1. Based on M-NCPPC trip generation rates for the proposed initial density.
2. The current Preliminary Plan, with 34 single-family and six townhouses, was estimated to generate approximately 35 peak-hour trips during the weekday morning peak-period and 43 peak-hour trips during the weekday evening peak-period. Therefore, the submitted traffic study presented a conservative analysis.

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak hours within the respective peak periods from the traffic study (for 42 single-family dwelling units) is presented in Table 2. As shown in Table 2, the weekday morning and evening peak-hour

capacity analysis presented in the traffic study indicated that under Total Future Traffic conditions, CLV at the study intersections were below the applicable congestion standard. Therefore the application satisfies the LATR requirements of the APF test.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
DANSHES PROPERTY – 42 SINGLE-FAMILY DWELLING UNITS**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
MD 108 and MD 650 ¹	1,356	1,277	1,370	1,297	1,375	1,303
MD 108 and Brooke Road/Meetinghouse Road ²	1,334	1,275	1,381	1,345	1,418	1,383
MD 108 and Norwood Road ²	1,328	1,295	1,364	1,357	1,384	1,379
Brooke Road and Southern Site Access Road ²	--	--	--	--	138	136
Brooke Road and Northern Site Access Road ²	--	--	--	--	118	111

Source: Danshes Property Traffic Study. The Traffic Group, Inc. January 5, 2005.

Note: Congestion standard for those intersections that straddle two or more policy areas will be the higher of the respective policy area congestion standard.

¹ FY 2005 Congestion Standard for Rural (Patuxent) Policy Area: 1,400.

² FY 2005 Congestion Standard for Olney Policy Area: 1,475.

COMPLIANCE WITH THE SANDY SPRING MASTER PLAN

The Sandy Spring-Ashton Master Plan specifically identifies the Danshes Property as suitable for the Rural Neighborhood Cluster Zone. It is a key property located at the “village edge: along Brooke Road where cluster development would preserve the rural feeling by maximizing open space. The master plan sets the maximum lot yield at 33 lots and recommends a pedestrian path/trail and a Class III bikeway along Brook Road. The master plan also encourages either public or private ownership of the open space areas to continue agricultural practices. Subsequent to the adoption of the master plan, the County Council approved and adopted a text amendment to the RNC Zone in order to provide MPDU’s. The applicant has included more than the required number of MPDU’s to achieve a density bonus of one market rate unit, which is why the lot yield exceeds 33 and is now 34 units.. The plan has been revised to provide a 35.78 acre open space parcel (Parcel S) that staff believes is conducive to continued agricultural use.

CONFORMANCE WITH THE ZONING ORDINANCE

The plan, as proposed, conforms with all sections of the Zoning Ordinance. Please refer to the attached Data Table for details.

CONFORMANCE TO THE SUBDIVISION REGULATIONS

The plan, as proposed, conforms with all sections of the Subdivision Regulations. Please refer to the attached Data Table for details.

CONCLUSION

Staff review of the preliminary plan reveals that the number of units proposed can be adequately served by the existing road infrastructure. Water and sewer facilities are also adequate. Stormwater management and drainage will be controlled by a stormwater system approved by MCDPS. The lots meet the minimum dimensional requirements of the RNC zone and the density of lots proposed is within the maximums established by the Zoning Ordinance. The plan conforms to the requirements of the Sandy Spring Ashton Master Plan to place a cluster development at this location in the planning area and to establish the Rachel Carson Greenway Trail. Therefore, staff recommends approval of the plan with the conditions cited above.

ATTACHMENTS:

- Attachment A Vicinity Map
- Attachment B Preliminary Plan
- Attachment C Agency Approvals
- Attachment D Citizen Correspondence