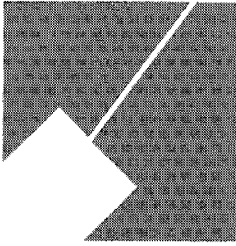


M-NCPPC



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 # 8  
5/18/06



MEMORANDUM

**DATE:** May 5, 2006

**TO:** Montgomery County Planning Board

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

Catherine Conlon, Supervisor *CC*  
Development Review Division

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Preliminary Plan Approval for 5 One-family Detached Residential Dwelling Units

**PROJECT NAME:** Burton Woods

**CASE NO.** 120060270

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

**ZONE:** RE-2

**LOCATION:** On the north side of Davis Mill Road approximately 2,000 feet east of Brink Road

**MASTER PLAN:** Agricultural and Rural Open Space

**APPLICANT:** Mary S. Burton

**DEVELOPER:** Mitchell and Best

**ENGINEER:** Macris, Hendricks & Glascock, P.A.

**FILING DATE:** August 29, 2005

**HEARING DATE:** May 18, 2006

---

**Staff Recommendation:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 5 dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan dated March 29, 2006. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) Compliance with the conditions of the MCDPS stormwater management approval dated December 1, 2005 and as revised May 2, 2006.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 15, 2005.
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 6) Compliance with conditions of MCDPWT letter dated, January 13, 2006, unless otherwise amended.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 8) The Phase I preliminary plan will remain valid for thirty-six 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 Phase I preliminary plan, or a request for an extension must be filed.
- 9) 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.
- 10) Other necessary easements.

**SITE DESCRIPTION and SURROUNDING AREA:**

The subject property consists of approximately 107 acres located within the boundary of the Agricultural and Rural Open Space Master Plan. The property is located on the north side of Davis Mill Road (designated a rustic road) approximately 2,000 feet east of Brink Road (Attachment 1). The property is zoned RE-2. The existing conditions on the site include one existing house, accessory structures, a cemetery, farm fields, paddocks and undeveloped forest. The property is surrounded by existing stream valley parkland to the east, rural residential lots in the RE-2 zone to the north and south, and RDT-zoned land in the agricultural reserve to the west.

The property is within the Great Seneca Creek watershed, a Use I-P watershed. A tributary stream to Great Seneca Creek bisects the property from west to east and the main stem of Great Seneca Creek flows along Davis Mill Road on the eastern property boundary. There are steep slopes, streams, wetlands, floodplain, and associated environmental buffers on the property. The property includes approximately 50 acres of existing forest.

Only a portion of the property is proposed for subdivision at this time. This Phase I portion of the site consists of 13.2 acres of land on the western portion of the property (Attachment 1). The majority of the Phase I area is currently in forest cover. The forest is not associated with environmental buffer areas, but it is high quality forest with some large individual trees. A potential second phase of the subdivision, for which a pre-preliminary plan

of subdivision has been submitted, is currently undergoing percolation and groundwater testing to determine the potential number of future lots and lot locations. When the percolations tests are complete, it is the applicant's intent to submit a preliminary plan amendment to obtain approval of these lots.

## **PROJECT DESCRIPTION**

This application proposes to create five lots for the construction of five one-family detached residential dwelling units on the Phase I portion of the subject property (Attachment 2). The lots are served by private well and septic systems and have access to Davis Mill Road via shared private driveways. The driveways will ultimately connect to a private road that will serve the proposed lots, as well as any future lots that may be created as part of a Phase II plan (Attachment 3 shows this plan in concept). If the currently proposed houses are constructed before detailed Phase II review, a temporary access driveway would be constructed so it can be converted to the road. The majority of the environmentally sensitive areas, including the onsite stream, associated buffers, steep slopes and the majority of the forest, are located outside the Phase I area of the property.

## **RELATIONSHIP TO THE MASTER PLAN**

The 1980 Functional Master Plan for Preservation of Agricultural and Rural Open Space (AROS) confirmed the existing RE-2 zoning on this property, but does not include any specific recommendations for the site. Adjacent properties carry RE-2 and RDT zoning.

## **TRANSPORTATION:**

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians. Local Area Transportation Review (LATR) is not required for the property at this time since the proposed houses do not generate more than 30 peak-hour trips. Additional lots which may be approved as part of a Phase II plan could trigger future LATR review and requirements.

## **ENVIRONMENTAL:**

### Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire property and approved by Environmental Planning staff on February 24, 2006. The first phase, which is subject to this preliminary plan of subdivision, covers 13.2 acres and includes approximately 11.5 acres of existing forest. There are no environmental buffers in the Phase I area. The environmentally sensitive features including steep slopes, streams, wetlands, floodplains, and associated environmental buffers are on the remainder of the parcel that would be included in a future preliminary plan amendment. No encroachments into the environmental buffers would be supported by staff as part of Phase II development. The conceptual plan submitted for the future phase indicates these areas would be protected. There is an existing gravel driveway through the environmental buffer that the applicant indicates will be removed.

Since only the Phase I portion of the plan is being subdivided at this time, staff is considering only this area for final approval with regard to limits of disturbance. The conceptual limits of disturbance shown for the remaining RE-2 zoned portion of the site that will be subdivided in Phase II are generally acceptable and should be used as a basis for future plans. (Attachment 4)

### Forest Conservation

Per staff's request, the applicant has submitted a preliminary forest conservation plan for the entire 107-acre site which would be fully implemented as each of the phases of the preliminary plan are approved. Staff recommends that no clearing, grading, or forest removal occur on the Phase II portion of the site until the preliminary FCP is revised to include necessary detail, and has been approved by the Planning Board. The Phase I area covers 13.2 acres, has no environmental buffers, and includes 11.5 acres of upland forest. The Phase II area covers 94 acres and includes 20 acres of environmental buffers and 38 acres of stream buffer and upland forest.

Within the Phase I development, the applicant is proposing to remove 6.37 acres of existing forest and retain 5.22 acres of forest, as such, there are no forest planting requirements associated with the Phase I development. In response to initial staff concerns regarding forest loss, the proposed Phase I forest conservation plan was revised to include protection of a swath of forest at least 75 feet wide on the western-most property line. In some places, protected forest extends up to 120 feet, or greater.

The preliminary forest conservation plan for the Phase II remainder of the property reflects protection of an additional 27.55 acres of forest, and planting of 4.08 acres of unforested environmental buffer. Based on the conceptual lot layout for Phase II, up to 10.54 acres of forest would be removed to accommodate future houses and septic area. The preliminary forest conservation plan includes protection of all forest within the environmental buffers and some upland forest. The total forest retention is 1.3 acres more than the minimum retention needed to avoid reforestation requirements (the "break-even" point). As requested by staff, the forest retention area along the Davis Mill Road right-of-way is a minimum of 200 feet. This is consistent with the clearing for the existing outbuilding on the property and keeps clearing off steep and moderately steep slopes. Davis Mill Road is a rural and rustic road, and part of its character comes from the forest on the Burton property. Environmental Planning staff would not consider encroachments into the forest retention areas along Davis Mill Road unless the applicant can provide documentation that septic testing reveals the currently proposed septic fields are not feasible. The septic tests would need to be reviewed by DPS.

The preliminary forest conservation plan reflects forest retention in excess of the minimum requirements, and no planting requirements for the applicant. However, the plan proposes planting 4.08 acres of unforested environmental buffer which could be used for offsite forest credit by the applicant.

There are approximately 30 American chestnut trees in the Phase II area of the property,

or within 100 feet of the property limits. According to the Maryland Department of Natural Resources Natural Heritage Program, the American chestnut is a rare, threatened, and endangered species. None of the trees on the subject property are within the environmental buffers. Some of the trees bear fruit and most are being impacted by the chestnut blight, but the applicant does not intend to remove any of them. Confirmation that a buffer is not warranted between these trees and any future disturbance from the Maryland Department of Natural Resources Heritage Program will be required prior to final approval of the Phase II forest conservation plan. At a minimum, the preliminary forest conservation plan requires that any new forest edge created by development be no closer than the distance equal to the height of the tree from the forest edge. This is to protect the tree from wind-throw and edge effect impacts from the new tree line.

The property also includes a stand of open grown shingle oak trees. The shingle oak is not a rare, threatened, or endangered tree in Montgomery County, though it is not a typically occurring species. The proposed preliminary forest conservation plan indicates that this stand will be wiped out by the construction of the private street and turnaround. If possible, the applicant should relocate the street and the turnaround to save the stand of shingle oaks and the hedgerow that lines the existing driveway.

#### **CITIZEN CORRESPONDENCE:**

Staff did convene a meeting with the Greater Goshen Civic Alliance at Park and Planning. The neighbors discussed many concerns with the plan including preservation of views along Davis Mill Road, traffic and safety, water line extensions and adequacy, and loss of trees. It was explained to the citizens that this was a phased plan and that Phase I was moving forward more quickly than Phase II. The potential loss of trees along Davis Mill Road are a significant concern for the citizens. Most tree loss, if any, abutting Davis Mill Road would occur in Phase II and staff will make efforts to maximize tree protection because of Davis Mill's designation as a rustic road. Regarding traffic, Phase I will not require a traffic study due to the limited number of vehicles associated with the five lots. The citizens were advised of the requirements for traffic studies that would look at function of local intersections but not at the speeding problem as purported by the citizens. It was explained that the issue of speeding cars would fall under the jurisdiction of the Police Department.

The project will use private on-site wells, the Fire and Rescue Services staff reviewed the plan and had no concerns about adequacy of water to the site. Staff went on to explain that Phase II was submitted to staff in part to review forest conservation. Staff and the citizens had a detailed discussion regarding how the Montgomery County Forest Conservation law works. Staff explained that it generally is not a tool to limit development but rather works with development to preserve threshold amounts of forest. An adjacent neighbor informed staff that there were American Chestnut trees on Phase II which prompted a field visit by staff to locate them. Staff has located the trees and will take steps to protect them as discussed in the environmental section above.

**CONCLUSION:**

As set forth above and in the attached Data Table, Staff finds that the proposed plan meets the applicable requirements of Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance, and recommends approval with the specified conditions.

**Attachments:**

- Attachment 1 – Site Features Map
- Attachment 2 – Phase I Preliminary Plan
- Attachment 3 – Phase II Pre-Preliminary (Concept) Plan
- Attachment 4 – Preliminary Forest Conservation Plan
- Attachment 5 – Agency Correspondence

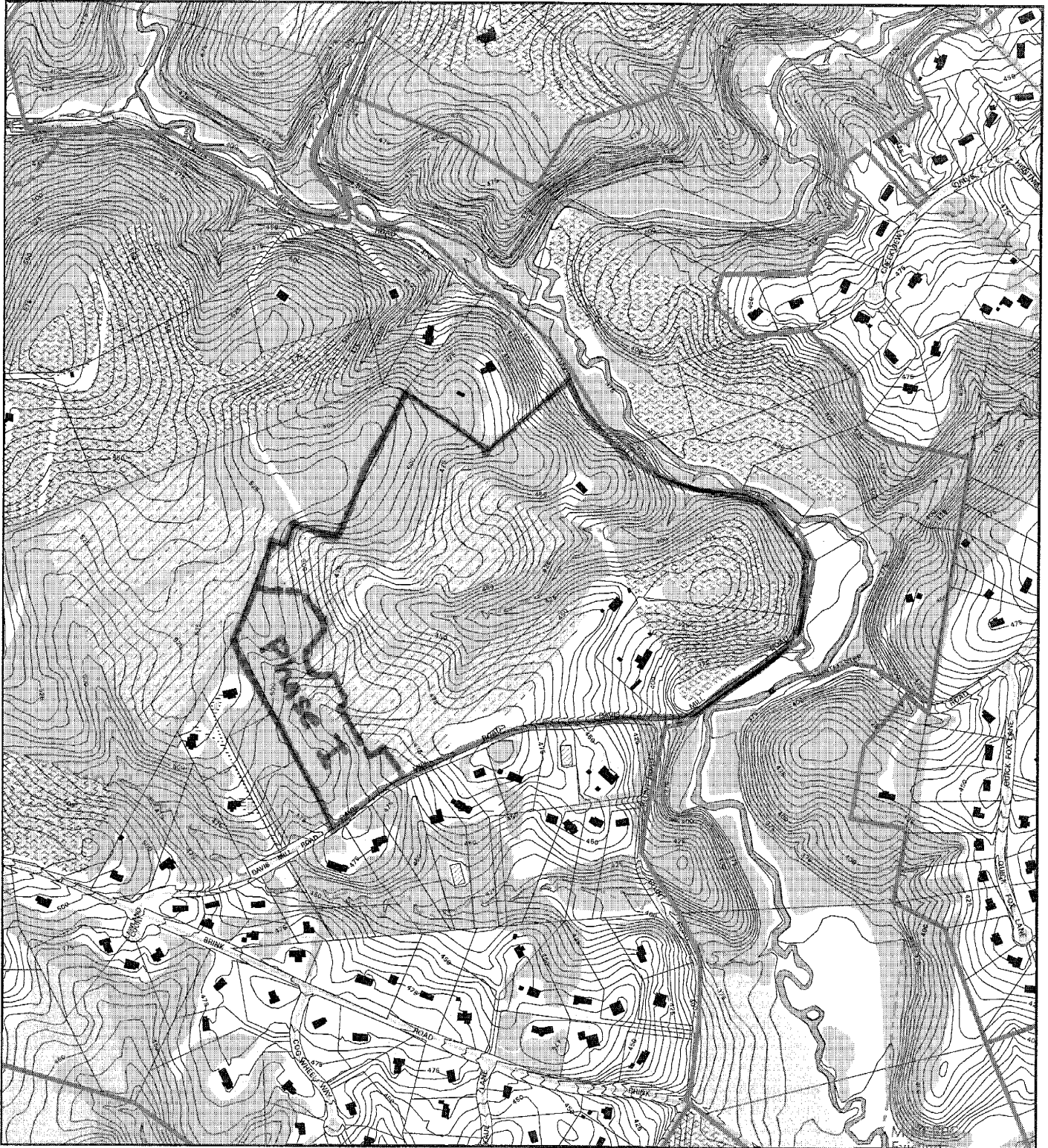
Preliminary Plan Data Table and Checklist

<b>Plan Name: Burton Woods</b>				
<b>Plan Number: 120060270</b>				
<b>Zoning: RE-2</b>				
<b># of Lots: 5</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: One-family detached residential dwellings</b>				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq.ft.	Must meet minimum	RW	5/5/06
Lot Width	150 ft.	Must meet minimum	RW	5/5/06
Lot Frontage	25 ft.	Must meet minimum	RW	5/5/06
Setbacks				
Front	50 ft. Min.	Must meet minimum	RW	5/5/06
Side	17/35 ft. Min./ ft. total	Must meet minimum	RW	5/5/06
Rear	35 ft. Min.	Must meet minimum	RW	5/5/06
Height	50 ft. Max.	May not exceed maximum	RW	5/5/06
Max Resid'l d.u. per Zoning				
MPDUs	No			
TDRs	No			
Site Plan Req'd?	No			
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	Yes	As shown on plan	5/5/06
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	As shown on plan	5/5/06
Environmental Guidelines	Yes	Yes	Staff memo	3/30/06
Forest Conservation	Yes	Yes	Staff memo	3/30/06
Master Plan Compliance	Yes	Yes	RW	5/5/06
Other				
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	Agency memo	12/1/06 5/2/06
Water and Sewer (WSSC)	Yes	Yes	Agency memo	9/26/05
10-yr Water and Sewer Plan Compliance	N/A			
Well and Septic	Yes	Yes	Agency memo	12/15/05
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Yes	Agency memo	3/1/06

# Attachment 1



# BURTON WOODS (120060270)



Map compiled on May 05, 2006 at 4:13 PM | Site located on base sheet no - 230NW10

## 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 1:144,000 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



N



Research & Technology Center



1 inch = 800 feet  
1 : 9600

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

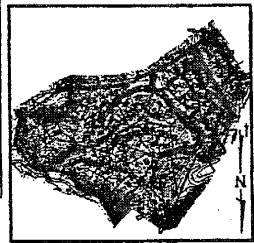
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

①

## Attachment 2



VICINITY MAP  
SCALE 1" = 2,000'



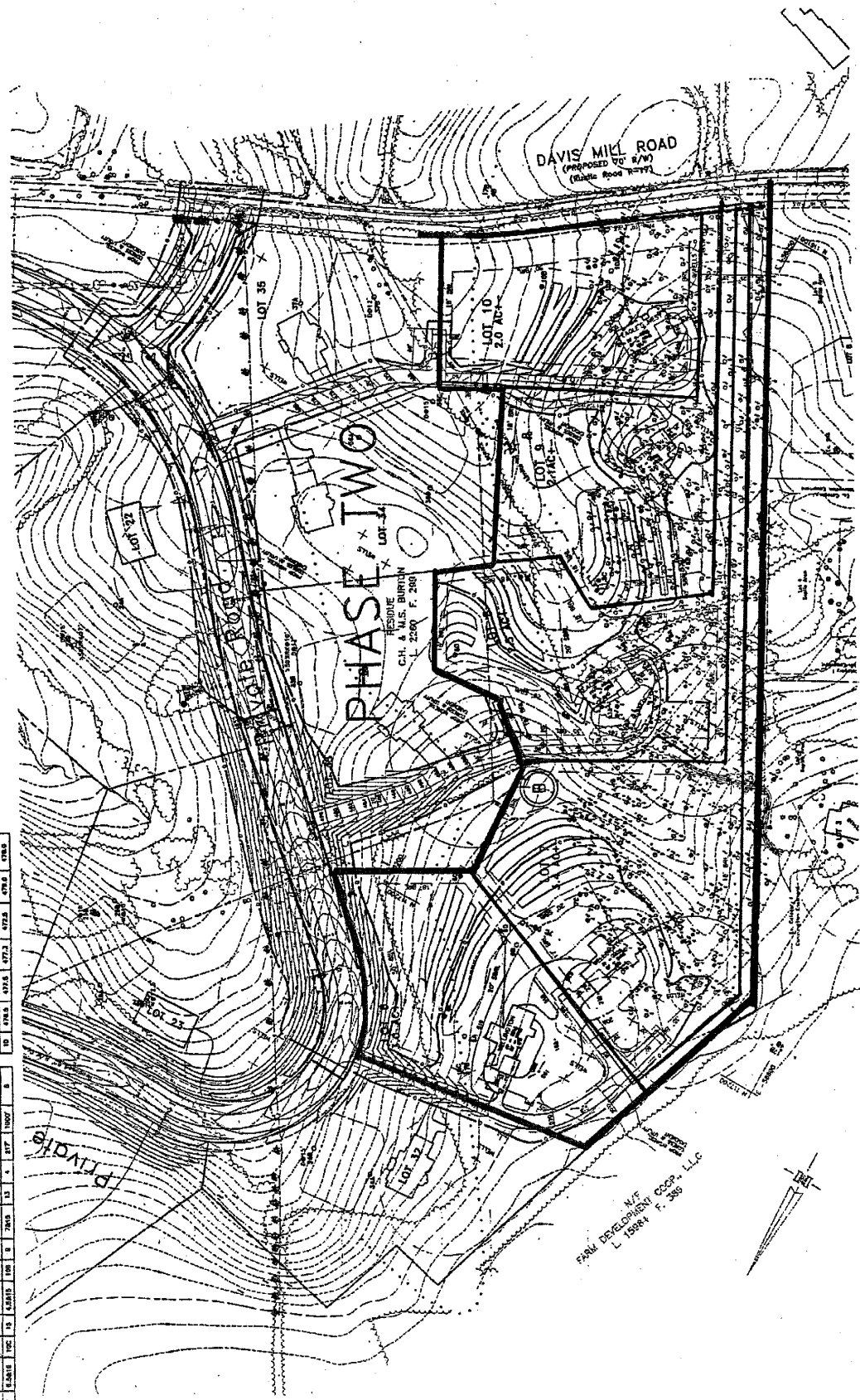
Key Map

**SEPTIC DESIGN CHART**

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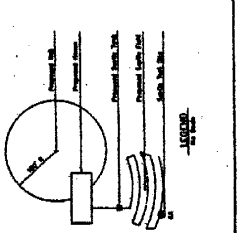
INVERT TABLE

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29	2.00	2.00	2.00	2.00	2.00	2.00
30	2.00	2.00	2.00	2.00	2.00	2.00



**PHASE I**  
PRELIMINARY PLAN OF SUBDIVISION  
LOTS 6-10, BLOCK B  
**BURTON WOODS**  
AS RECORDED IN LIBER 2280 AT FOLIO 289  
2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

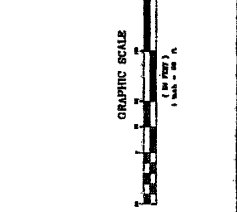
PREPARED FOR:  
Mr. Mary S. Burton  
21800 Davis Mill Road  
Germantown, MD 20876  
(301) 977-1242



**AREA TABULATION**

Category	Area (Acres)	Area (Sq. Ft.)
Proposed Lots	1.10	47,916
Proposed Roads	0.10	43,560
Proposed Driveways	0.05	21,780
Proposed Utilities	0.02	8,712
Proposed Other	0.03	13,068
<b>Total</b>	<b>1.30</b>	<b>58,796</b>

DATE: 08/11/2011  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1" = 200'

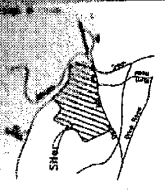


**PERCUSSION CERTIFICATE**  
I hereby certify that the wells, test wells, and other information on this plan have been fully investigated.

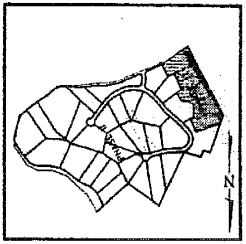
**ENGINEER'S CERTIFICATE**  
I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

2

## Attachment 3



VICINITY MAP  
SCALE 1" = 2,000'



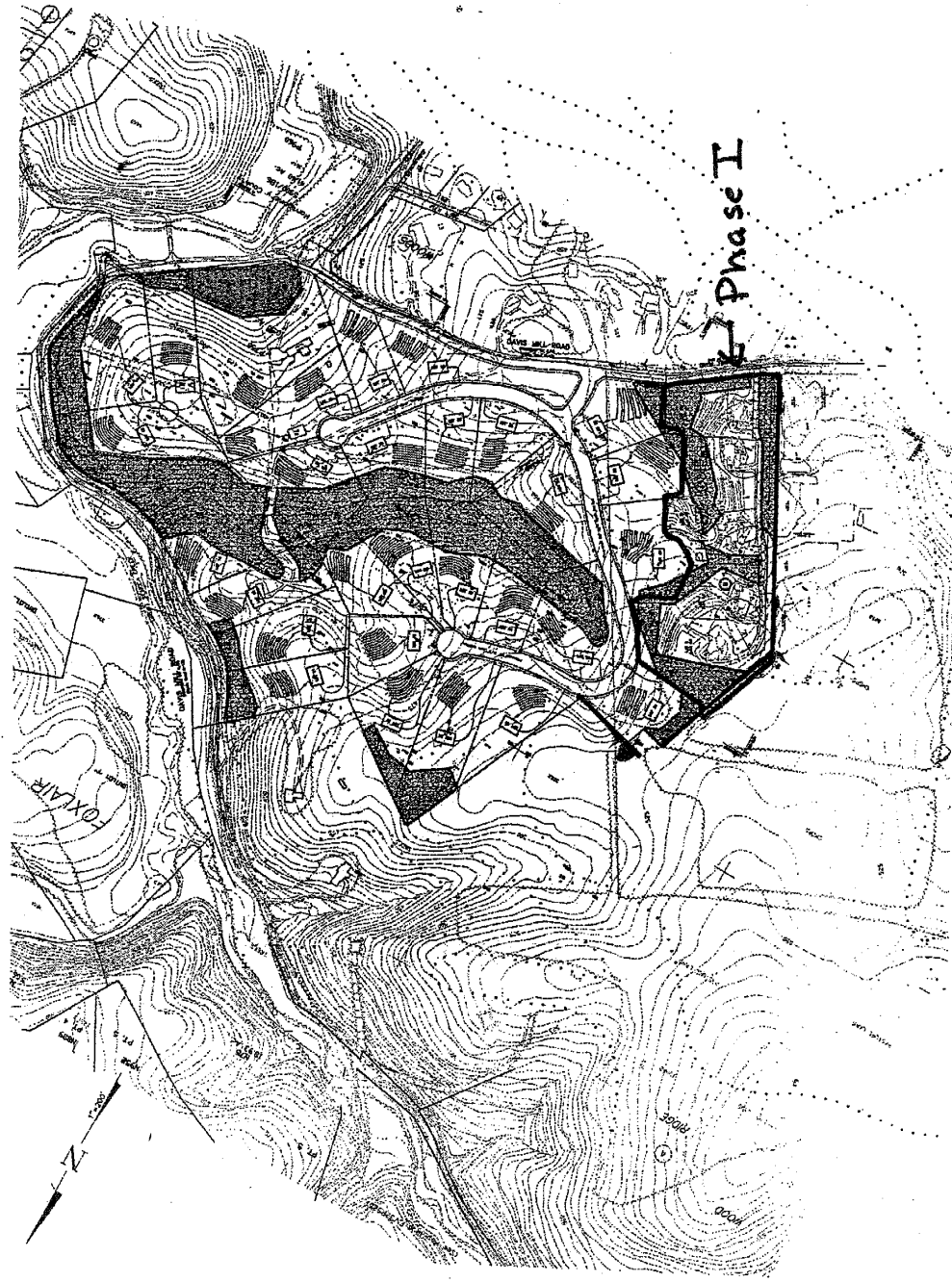
Key Map

- INDEX**
1. Proposed lots are shown with lot numbers.
  2. Existing lot numbers are shown with lot numbers.
  3. Existing lot numbers are shown with lot numbers.
  4. The property is shown with lot numbers.
  5. The property is shown with lot numbers.
  6. The property is shown with lot numbers.
  7. The property is shown with lot numbers.
  8. The property is shown with lot numbers.
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  11. The property is shown with lot numbers.
  12. The property is shown with lot numbers.



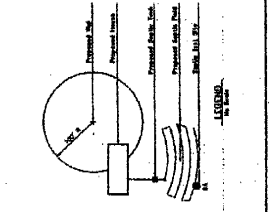
TAX MAP PV 242  
PRE-PRELIMINARY PLAN OF SUBDIVISION  
LOTS 11 - 39 - BLOCK B  
**BURTON WOODS**  
AS RECORDED IN LIBER 2260 AT FOLIO 289 & PARCEL 750  
2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**FEMHG**  
Martha, Hendricks & Glasscock, P.A.  
Landscape Architects & Surveyors  
1000 Pennsylvania Avenue, Suite 200  
Washington, D.C. 20004  
Phone: (202) 462-1100  
Fax: (202) 462-1101



PREPARED FOR:  
Michael & Best Homebuilders, LLC  
1686 E. Guide Drive  
Rockville, Md. 20850  
Phone: (301) 782-3333  
Fax: (301) 782-3334

NO.	DATE	DESCRIPTION
1	05/20/2004	PREPARED FOR THE CLIENT



**AREA TABULATION**

Subdivision: 11 LOTS (BLOCK B) - 1.15 AC.  
Total Area: 1.15 AC. (100% = 100%)

Category	Area (Ac.)	Percentage (%)
Proposed	1.15	100%
Existing	0.00	0%
Water	0.00	0%
Other	0.00	0%

**REGULATORY CERTIFICATE**

I hereby certify that the work has been done in accordance with the provisions of the Subdivision Control Act, Chapter 23, of the Code of Maryland Annotated, and that the same is correct and true.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Professional Land Surveyor  
No. \_\_\_\_\_

**OWNER'S CERTIFICATE**

I hereby certify that the work has been done in accordance with the provisions of the Subdivision Control Act, Chapter 23, of the Code of Maryland Annotated, and that the same is correct and true.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Professional Land Surveyor  
No. \_\_\_\_\_



## Attachment 4



## Attachment 5