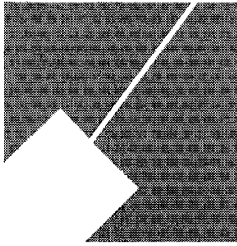


M-NCPPC



**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](http://www.mncppc.org)

**MCPB**  
Item # 5  
**Jun 15, 2006**



**MEMORANDUM**

**DATE:** May 26, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores Kinney, Senior Planner, (301) 495-1321  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Subdivision of Parcel 777, 935, Outlot A and B

**PROJECT NAME:** Haines Addition to Damascus

**CASE #:** 120060110 (Formerly 1-06011)

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2C

**LOCATION:** Located on the north side of Howard Chapel Road, approximately 5,000 feet northeast of the intersection with Main Street (MD 108)

**MASTER PLAN:** 1992 Damascus Master Plan

**APPLICANT:** Charles W. Small, Jr.

**ENGINEER:** Tri-County Surveys, Inc.

**FILING DATE:** August 2, 2005

**HEARING DATE:** May 25, 2006, June 15, 2006

## **Previous Hearing**

The preliminary plan was presented to the Planning Board on May 25, 2006. At the hearing, the Board raised the concern that the proposed lots will be served by sand mound septic systems. The property falls within the boundary of the Agricultural Preserve Study Area as defined by the Functional Master Plan for the Preservation of Agriculture and Rural Open Space (AROS). The AROS plan includes language, which has raised the issue of whether sand mounds are acceptable on properties within the study area. As a result of the concern, and because all members of the Board were not present at the hearing, the applicant requested a deferral of the decision on the preliminary plan to further investigate the issue.

## **Master Plan Status**

The Preservation of Agriculture & Rural Open Space Functional Master Plan was adopted in 1980 for the purpose of developing a program which would preserve farm activity in the area without a "large expenditure of public funds" (p. ii). The boundaries of the Agricultural Study Area included the northern section of the county, which includes the Subject Property. One of the objectives of the functional plan that would have been relevant to this preliminary plan is to develop public policy regarding the private use of alternative sewerage systems, particularly in relationship to the Rural Density Transfer Zone. However, the subject property is governed by the 1982 Damascus Master Plan rather than the 1980 Functional Master Plan for the Preservation of Agriculture and Rural Open Space; and the subject property is located in a residential zone, not in an agricultural reserve area, and the use of sand mounds has not been at issue in these zones.

Prior to and concurrently during the review of the preliminary plan for Haines Addition to Damascus, the Damascus Master Plan was being revised. On the morning of May 25, 2006 (at the same time as the prior review of this subdivision), the updated Damascus Master Plan was adopted by the County Council and is subject to the forthcoming adoption by the Commission. The Master Plan recommends rezoning the Subject Property to Rural Cluster (RC), which will become effective only after the adoption of the Sectional Map Amendment (SMA), a process just underway.

## **Staff's Position**

At the May 25 hearing, the Board noted that the Subject Property was located in the 1980 AROS Plan Agricultural Study Area, and Staff concurred. After subsequent review and evaluation with Community Based Planning, the Staff now confirms that the property is actually subject to the requirements of the subsequent Damascus Master Plan, which was adopted in 1982, and is, therefore, not subject to the restrictions of the Agriculture Preserve.

Since the Subject Property is within the boundaries of the Damascus Planning Area, that plan governs the policies and objectives relative to the Subject Property. In the

instance of this submitted subdivision, it meets the requirements of the proposed Rural Cluster Zone, as well as the requirements of the current RE-2C zone. In addition, the recently adopted Damascus Master Plan places this property in a "Rural Transition" area, not a "Rural" area, and thus it is not subject to the same level of protection afforded properties in the Rural Density Transfer Zone.

Further, the change in zoning for this area from RE-2C to Rural Cluster was based on its location in a headwater area for the Patuxent River rather than agricultural concerns. Finally, the use of sand mounds has not been at issue in the Rural Cluster Zone, as this zone was established to provide a mix of low-density residential uses and agriculture and is considered "Rural Open Space", not a primary agricultural area.

In conclusion, the Staff believes that the plan is in compliance with the pertinent Master Plan and zoning and all other applicable County regulations. Therefore, for these reasons, and those included in the previous staff memorandum (Attachment A), staff continues to recommend approval of the preliminary plan.

## **ATTACHMENT**

Attachment A – May 25, 2006 Staff Memorandum

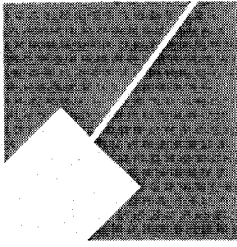
**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five (5) one-family residential lots and two (2) outlots.
- 2) 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.
- 3) The applicant shall comply 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.
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 5) The applicant shall revise the preliminary plan as follows to address Fire and Rescue access requirements:
  - a) Driveways, for the length they are shared by more than one structure shall be 20 feet unobstructed width. These shared driveways must be constructed to support 85,000 pounds.
  - b) Shared driveways that are in excess of 150 feet in length, which serve, as fire accesses must be designed with acceptable cul-de-sac or hammerhead turn-arounds.
  - c) The radius for turns onto driveways which provide as fire access from county roads shall be a minimum of 25 feet at the inside curb line, and a minimum of 50 feet at the outside curb line.
- 6) Compliance with conditions of MCDPWT letter dated, December 15, 2005 unless otherwise amended.
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval dated April 5, 2006.
- 8) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 15, 2005.
- 10) Other necessary easements.
- 11) The Applicant shall place permanent markers, such as split rail fencing, along the boundaries of the Category I Conservation Easement. The types and locations of these permanent markers to be shown on the final forest conservation plan.

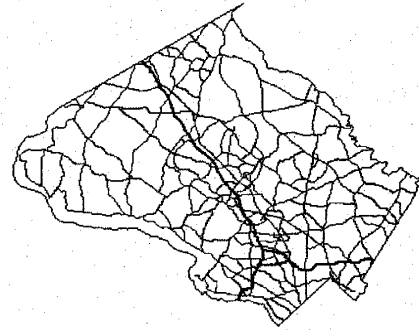
### **Project Description**

This is a preliminary plan to create 5 residential lots and 2 outlots within a land area of 50.88 acres. The property is located on the north side of Howard Chapel Road, approximately 5,000 feet northeast of the intersection with Main Street (MD 108). The Subject Property is located in the Damascus Planning area, and is currently zoned RE-2C.

M-NCPPC



## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, www.mncppc.orgMCPB  
Item # /  
May 25, 2006MEMORANDUM

**DATE:** May 12, 2006

**TO:** Montgomery County Planning Board

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

**FROM:** Dolores Kinney, Senior Planner, (301) 495-1321 *DK*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan Review

**APPLYING FOR:** Subdivision of Parcel 777, 935 and Outlot A

**PROJECT NAME:** Haines Addition to Damascus

**CASE #:** 120060110 (Formerly 1-06011)

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2

**LOCATION:** Located on the north side of Howard Chapel Road, approximately 5,000 feet northeast of the intersection with Main Street (MD 108)

**MASTER PLAN:** Damascus

**APPLICANT:** Charles W. Small, Jr.

**ENGINEER:** Tri-County Surveys, Inc.

**FILING DATE:** August 2, 2005

**HEARING DATE:** May 25, 2006

**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to five (5) one-family residential lots and two (2) outlots.
- 2) 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.
- 3) The applicant shall comply 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.
- 4) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 5) The applicant shall revise the preliminary plan as follows to address Fire and Rescue access requirements:
  - a) All common driveways for the length they are shared by more than one structure shall be 20 feet unobstructed width. These shared driveways must be constructed to support 85,000 pounds.
  - b) Shared driveways which serve as fire access that are in excess of 150 feet in length must be designed with acceptable cul-de-sac or hammerhead turn-arounds.
  - c) The radius for turns onto driveways which serve as fire access from county roads shall be a minimum of 25 feet at the inside curb line, and a minimum of 50 feet at the outside curb line.
- 6) Compliance with conditions of MCDPWT letter dated, December 15, 2005 unless otherwise amended.
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval dated April 5, 2006.
- 8) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated March 15, 2005.
- 10) Other necessary easements.

**SITE DESCRIPTION:**

The property, identified as Parcel 777 and Parcel 935 (Subject Property), is located on the north side of Howard Chapel Road, approximately 5,000 feet northeast of the intersection with Main Street (MD 108) (Attachment A). The Subject Property contains 50.88 acres and is zoned RE-2.

## **PROJECT DESCRIPTION:**

This is a subdivision application to create five (5) residential lots and two (2) outlots for the construction of five (5) one-family detached dwelling units. Access to the site will be via shared driveways from Howard Chapel Road and Gue Road. The proposed lots will be served by private wells and private sand mound septic systems. The Subject Property contains forests and a stream with associated stream valley buffer, which will be placed in a conservation easement and is identified on the preliminary plan as Outlot B. Outlot C is to be retained and may be consolidated into the adjacent unrecorded property which is not subject to this preliminary plan.

## **DISCUSSION:**

### **Master Plan Compliance**

The Damascus Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations to encourage densities low enough to protect fragile environmental features. The Subject Property contains extensive environmentally sensitive features. Approximately 61% of the Subject Property will be protected by a conservation easement.

The area in which the Subject Property is located is primarily high ground or ridges. The master plan encourages the traditional development pattern of individual lots of one to two acres along the ridge lines and allows "rural infill" among existing residences. This plan is consistent with the master plan recommendations in that it proposes low-density residential development.

### **Environmental Compliance**

The Subject Property is within the Upper Patuxent River Watershed and contains 27.94 acres of forest, 1.0 acre of wetlands, and 16.5 acres of stream valley buffer. The preliminary forest conservation plan proposes to save 22.84 acres of forest on-site. A Category I Forest Conservation Easement will be placed in a parcel on 30.9 acres containing the on-site forest and 7.16 acres of stream valley buffer.

### **Lots Without Frontage**

Section 50-29 (a)(2) of the Subdivision Regulations requires that every lot shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. The Board may, however, approve not more than two (2) lots on a private driveway or private right-of-way; provided, that proper showing is made that such access is adequate to serve the lots for emergency vehicles, for installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands.

The preliminary plan proposes two lots without frontage on a public road. Access to the lots is via a shared driveway from Howard Chapel Road which also serves a house on an existing unrecorded parcel which is not a part of the subject application. Staff supports the creation of the two lots without frontage (proposed Lots 12 and 13). It is Staff's opinion that the proposed access will be adequate to serve the lots for emergency vehicles (per condition #5), for installation of public utilities, and for public service access. Creation of the lots will not be detrimental to future development of this or other adjacent land parcels.

**ANALYSIS:**

Staff's review of Preliminary Plan #120060110 (Formerly 1-06011), Haines Addition to Damascus, indicates that the plan conforms to the Damascus Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the low-density residential character. Staff also finds that 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, as demonstrated in the data table, Attachment C. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

**CONCLUSION:**

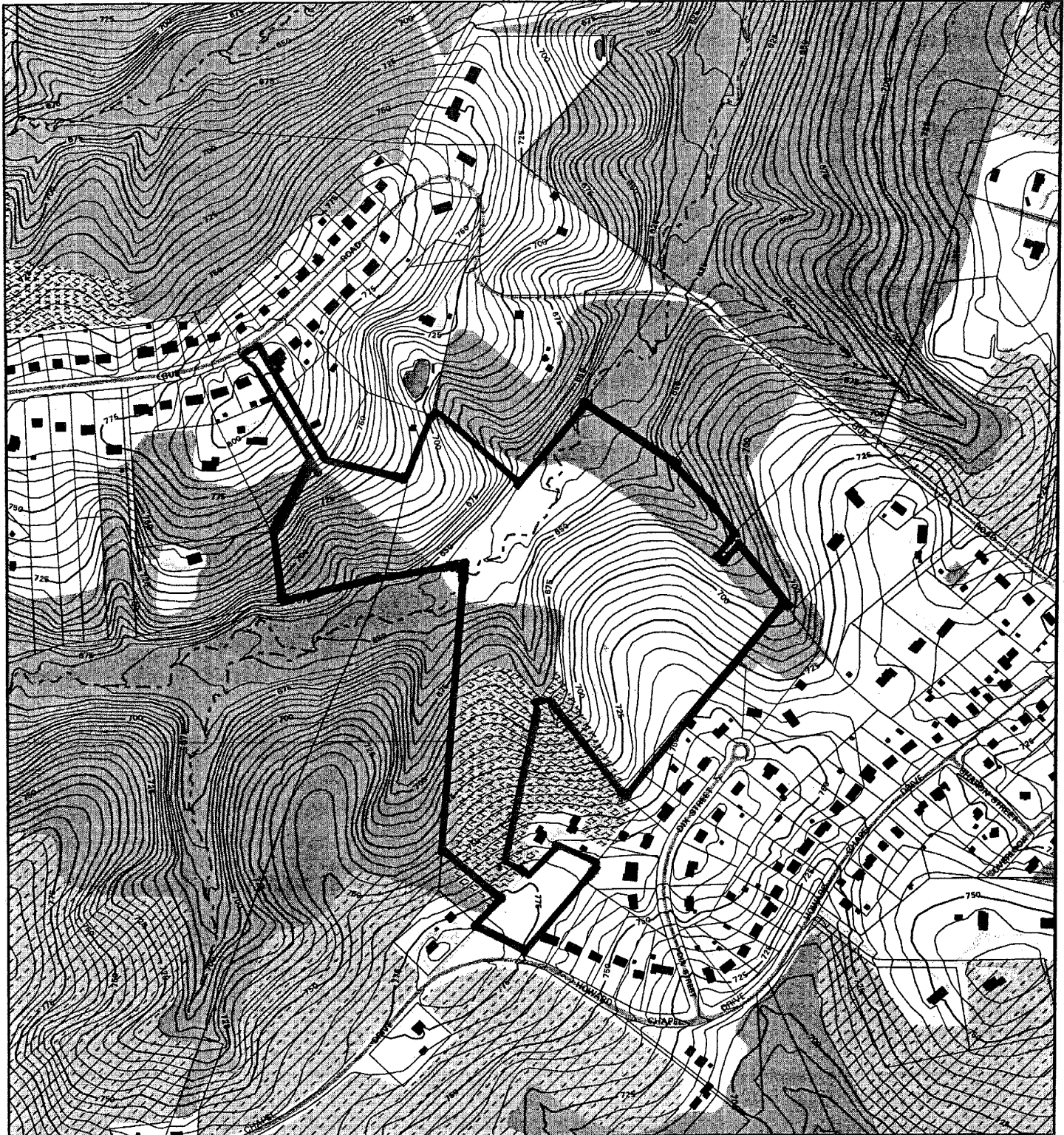
Staff finds that Preliminary Plan #1-06011, Haines Addition to Damascus, conforms to the residential land use objectives of the Damascus Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

**ATTACHMENTS:**

Attachment A	Vicinity Map
Attachment B	Preliminary Plan
Attachment C	Data Table
Attachment D	Agency Correspondence



# HAINES ADDITION TO DAMASCUS (1-06011)



Map compiled on September 01, 2005 at 11:05 AM | Site located on base sheet no - 238NW09

### 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



N



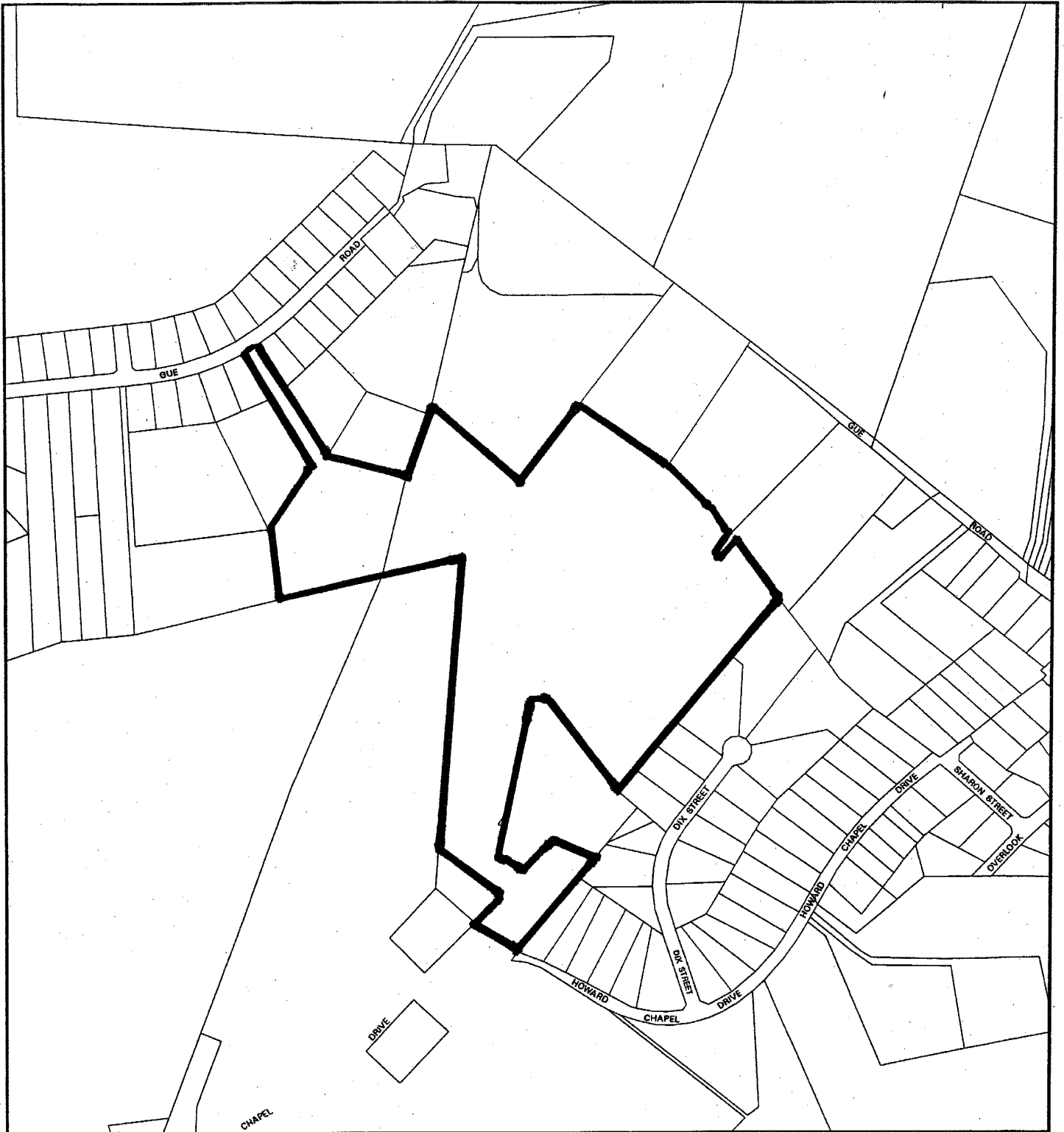
Research & Technology Center



1 inch = 600 feet  
1 : 7200

**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

# HAINES ADDITION TO DAMASCUS (1-06011)



Map compiled on September 01, 2005 at 11:07 AM | Site located on base sheet no - 238NW09

## 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



