**MEMORANDUM**

DATE: June 9, 2006

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Outlot C, Wooten Subdivision

PROJECT NAME: Wooten Subdivision

CASE #: 120060230

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Cluster (RC)

LOCATION: Located on the north side of Sandy Spring Road, approximately
150 feet east of Dino Drive

MASTER PLAN: Fairland

APPLICANT: Howard L. Wooten, Jr.

ENGINEER: Fowler Associates.

FILING DATE: August 18, 2005

HEARING DATE: June 22, 2006

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

- 1) Approval under this preliminary plan is limited to one (1) lot for one residential dwelling unit.
- 2) 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.
- 3) Record plat to reflect a Category I easement over all areas of forest conservation and an open space easement over all remaining area of open space.
- 4) Record plat to contain a note, "Access Denied" along property frontage on Spencerville Road.
- 5) Compliance with conditions of MCDPWT letter dated October 25, 2005, unless otherwise amended.
- 6) Compliance with the conditions of the MCDPS stormwater management approval dated April 28, 2005.
- 7) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated June 2, 2006.
- 8) Other necessary easements.

SITE DESCRIPTION:

The subject property, Outlot C, contains 8.61 acres and is zoned Rural Cluster. The property has frontage on Spencerville Road (MD 198) and is in the Fairland Master Plan area (Attachment A). Access to the property is currently allowed on a shared driveway that also serves 5 other homes.

The property is in the Lower Patuxent, a Use I-P watershed that drains to the Rocky Gorge Reservoir and is within the Patuxent River Primary Management Area (PMA). Topography is rather flat; there are no streams or forest on the property.

PROJECT DESCRIPTION:

This is a preliminary plan of subdivision to create one (1) lot for the construction of a one-family detached dwelling unit (Attachment B). The application proposes using the cluster method of development which requires that 60% of the site remain as open space. This plan anticipates a 5.3 acre lot and a new 3.3 acre outlot. A portion of the proposed lot will be placed in a Category I forest conservation easement. An open space easement will be placed on the entire outlot and a small portion of the proposed lot. The applicant has signed an Agricultural Declaration of Intent and proposes to continue agricultural activities on the front (southern) portions of the property, including all of the outlot. The property is partially within the Patuxent PMA, which carries with it a 10% imperviousness limitation. The plan is well under the 10% limitations.

Access to the new lot will be to Spencerville Road via an existing, shared driveway. There is an existing easement agreement between six property owners that allows for the use and maintenance of the driveway between the parties. The subject property is included in the easement agreement. SHA has informed staff that they do not object to the proposed lot using the driveway. Fire and Rescue has also reviewed and approved the access to the proposed lot.

DISCUSSION OF ISSUES

Master Plan Compliance

The Fairland Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations to maintain the low density, residential character of the Patuxent area, which this plan does.

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #4-05263) was approved on April 29, 2005. Aside from the Patuxent River PMA, the 11.35 acre site has no streams, stream buffers or forest.

Forest Conservation

The applicant submitted a preliminary forest conservation plan for the non-agricultural portions of the property as part of the preliminary plan of subdivision. Under Section 22A-12(f) of the Montgomery County Code, properties in agricultural resource areas must plant or retain a certain percentage of forest on-site. Since there is no forest on this property, the applicant will meet the afforestation threshold by planting 1.07 acres of forest on the property. This forest will be permanently protected by a Category I forest conservation easement.

Citizen Outreach and Correspondence

This plan submittal pre-dated new requirements for a per-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

ANALYSIS

Staff's review of Preliminary Plan #120060230, Wootten Subdivision, indicates that the plan conforms to the recommendations of the Fairland Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's low density residential character and to protect the Patuxent River Watershed. Staff also

finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that the public facilities will be adequate to support and service the proposed lot, as demonstrated in Attachment C, the data table. Staff further finds that the size, width, shape, and orientation of the lot is appropriate for the location of the subdivision.

CONCLUSION:

Staff finds that Preliminary Plan #120060230 conforms to the Fairland Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Data Table
- Attachment D Agency Comments

WOOTTEN SUBDIVISION (1-06023)

Attachment # A



Map compiled on September 19, 2005 at 10:58 AM | Site located on base sheet no - 221NE05

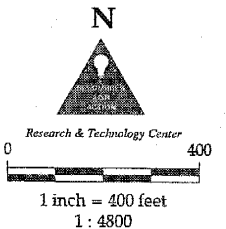
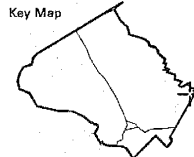
NOTICE

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

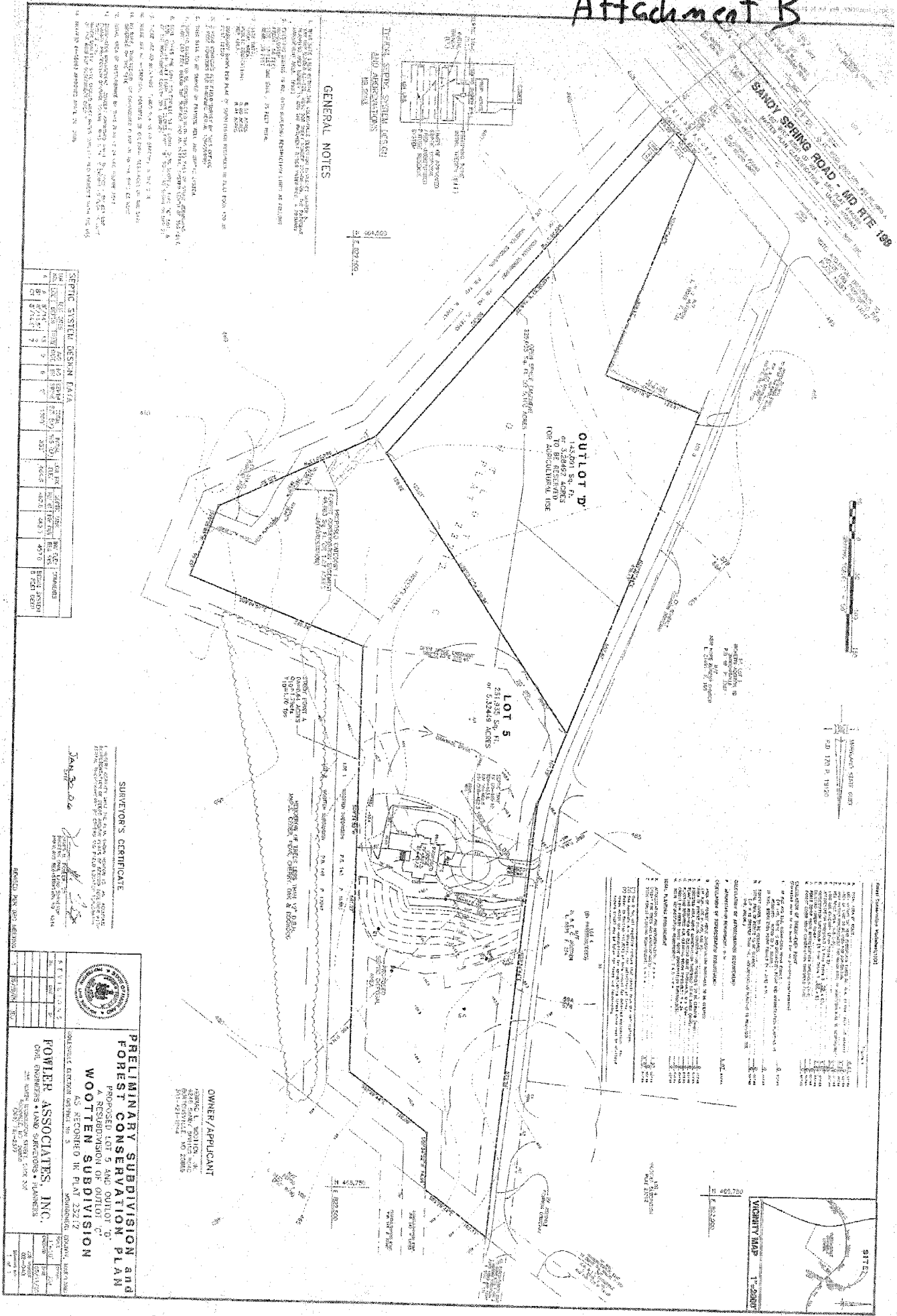
Key Map



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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Attachment B



GENERAL NOTES


1. THIS PLAN IS PREPARED BY THE ENGINEER AND SURVEYOR FOR THE PURPOSES OF THE FOREST CONSERVATION PLAN AND SUBDIVISION. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER AND SURVEYOR.
2. THE SURVEY WAS MADE BY THE ENGINEER AND SURVEYOR IN ACCORDANCE WITH THE SURVEYING ACT, 1988, AND THE REGULATIONS THEREUNDER.
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SPECIFIC DESIGN DATA	
1. DATE OF SURVEY	2012.08.20
2. DATE OF PLAN	2012.08.20
3. DATE OF RECORD	2012.08.20
4. DATE OF ASSESSMENT	2012.08.20
5. DATE OF REVIEW	2012.08.20
6. DATE OF APPROVAL	2012.08.20
7. DATE OF CLOSURE	2012.08.20
8. DATE OF COMPLETION	2012.08.20
9. DATE OF FINAL REVIEW	2012.08.20
10. DATE OF SIGNATURE	2012.08.20

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed Surveyor in the Province of Ontario, do hereby certify that the above is a true and correct copy of the original plan as filed in my office.

[Signature]
 Surveyor



PRELIMINARY SUBDIVISION and FOREST CONSERVATION PLAN
 A RESUBDIVISION OF LOT 5 AND OUTLOT 'D' WOOTEN SUBDIVISION
 AS RECORDED IN PLAN 23212

OWNER/APPLICANT
 JAMES L. WOOLLEN & ASSOCIATES
 1000 WOODBINE DRIVE, SUITE 100
 WOODBINE, ONTARIO L3R 9W4
 905-881-9211

POWER ASSOCIATES, INC.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 1000 WOODBINE DRIVE, SUITE 100
 WOODBINE, ONTARIO L3R 9W4
 905-881-9211

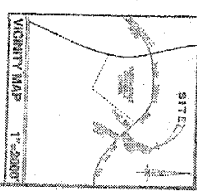


Table 1. Preliminary Plan Data Table and Checklist

Attachment # 8 C

Plan Name: Wootten Subdivision				
Plan Number: 120060230				
Zoning: RC				
# of Lots: 1				
# of Outlots: 1				
Dev. Type: One-family detached residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 s.f.	5.32 acres is minimum proposed		6/9/06
Lot Width	125 ft.	Must meet minimum		6/9/06
Lot Frontage	25 ft.	Must meet minimum		6/9/06
Setbacks				6/9/06
Front	50 ft. Min.	Must meet minimum		6/9/06
Side	17ft. Min./ 35 ft. total	Must meet minimum		6/9/06
Rear	35 ft. Min.	Must meet minimum		6/9/06
Height	50 ft. Max.	May not exceed maximum		6/9/06
Max Resid'l d.u per Zoning	1 dwelling units	1 dwelling units		6/9/06
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes	Yes		6/9/06
Road frontage improvements	Yes	Yes	Agency letter	10/18/05
Environmental Guidelines	Yes	Yes	Staff memo	3/31/06
Forest Conservation	Yes	Yes	Staff memo	3/31/06
Master Plan Compliance	Yes	Yes		6/9/06
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes	Yes	Agency Letter	4/28/05
Water and Sewer (WSSC)	N/A			
10-yr Water and Sewer Plan Compliance	Yes	Yes	Agency memo	12/16/05
Well and Septic	Yes	Yes	Agency Letter	6/2/06
Local Area Traffic Review	Not required			
Fire and Rescue	Yes	Yes	Agency Letter	6/1/06



Attachment #X D

FIRE MARSHAL COMMENTS

DATE: 6-1-2006
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ *WOOTEN SUBDIVISION #120060230*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 6-1-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

October 25, 2005

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-06023
Wootten Subdivision

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on August 16, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 26, 2005. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Access and improvements along Sandy Spring Road (MD 198) as required by the Maryland State Highway Administration.
2. Record plat to reflect the deed reference for the existing reciprocal ingress, egress, and public utilities easement for the existing private common driveway.
3. Private common driveways shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.




Division of Operations

Ms. Catherine Conlon
Preliminary Plan No. 1-06023
October 25, 2005
Page 2

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Gregory M. Leck, Manager
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subdivision/farhas01/Preliminary Plans/1-06023, Wootten Subdivision, gml revs.doc

cc: Gary Fowler, Fowler Associates, Inc.
Howard Wootten
Richard Weaver; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TP
John Borkowski; MSHA EAPD
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR