**MEMORANDUM**

DATE: 06/25/06
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 VIA: Laxmi Srinivas, Senior Planner *LS*
 Development Review Division
 FROM: (301) 495-4584



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060160**
 PROJECT NAME: Danshes Property
 APPLYING FOR: Approval of 40 dwelling units including 34 one-family detached dwelling units and six MPDUs (townhouses) on 92 acres of land in the RNC Zone.

REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: RNC
 LOCATION: **Located on the east side of Brooke Road, approximately 500 feet north of the intersection with Olney Sandy Spring Road (MD 108)**

MASTER PLAN: Sandy Spring-Ashton
 APPLICANT: Winchester Homes
 FILING DATE: October 18, 2005
 HEARING DATE: July 6, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060160 for 40 dwelling units including 34 one-family detached dwelling units and six MPDUs (townhouses) on 92 acres of land in the RNC Zone. All site development elements as shown on Danshes Property Residential plans stamped by the M-NCPPC on March 30, 2006 and the Forest Conservation Plan stamped by the M-NCPPC on May 2, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
 The proposed development shall comply with the conditions of approval for Preliminary Plan 120050810. [Appendix A].

2. Site Design

- a. The data table on the site plan shall be revised to match the data table in the staff report.
- b. The recreation table on the site plan shall be revised to match the recreation table in the staff report.
- c. The farm style wire fence shall be provided along the northern property line only on the north side of the residential units and the east side of the stormwater management parcel (Parcel 'B').
- d. An access point in an area in between the forest retention areas shall be provided along the northern portion of Parcel 'G' to the adjacent farm.
- e. A note shall be added on the record plat stating the following: 'No recreational use is permitted on Parcel 'G'. All easements for Parcel 'G' must clearly indicate that Parcel 'G' is limited to open space or agricultural uses only.'
- f. Provide a building height table and street level references on the site plan.
- g. Indicate the location of the play area on the landscape plan and the landscape details.
- h. Indicate the location of the nature trail on the site and landscape plans.
- i. Revise the acreage of Parcel 'G' to 35.78 acres as shown on the Preliminary Plan.
- j. Revise the rear yard setback for one-family detached dwelling units to be a minimum of 20 feet.

3. Lighting

- a. All light fixtures shall be full cut-off fixtures or be able to be equipped with refractors, reflectors or shields.
- b. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent properties.
- c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line.
- d. The height of the light poles shall not exceed 16 feet including the mounting base.
- e. Minimize outdoor lighting at night to the extent feasible to meet dark sky standards.

4. Pedestrian Circulation

- a. Provide the width and material specifications for the nature trail.
- b. Provide information regarding the maintenance of the "Rachel Carson Greenway" trail along the subject property and along the adjacent property to the north within the HOA parcel on Brooke Road.
- c. Provide signage identifying the "Rachel Carson Greenway" trail. The signage must be approved by the Parks Division staff.

5. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 16, 2006: [APPENDIX B]

1. Forest retention areas and environmental buffers shall be placed in Category I conservation easements. Easements shall be shown on record plats.
2. The final forest conservation plan shall be revised to show the following:
 - a. Forest Stands 3 and 5 added to the Invasive Plant Species Management Plan dated April 2006.
 - b. The split rail fencing for the two forest retention areas in the northeastern

portion of proposed Parcel G reconfigured to allow access between the two forest retention areas.

- c. Permanent markers (such as permanent fences or signs) along all boundaries of the Category I conservation easements.
- d. Sewer line from the rear of Lots 15 and 16 to the offsite forest boundary reforested.

6. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 7, 2005 unless amended and approved by DPS. [Appendix C]

7. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the first building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

8. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. On-site landscaping and sidewalks shall be installed along with the construction of units but no later than six months following completion of adjacent units.
- b. All retaining walls, sidewalks within public rights-of-way, community-wide pedestrian pathways, the eight-foot-wide bike path, the four-foot-wide equestrian path and recreational facilities shall be completed prior to issuance of the 34th building permit (85% of the project) for the proposed units.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

9. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

10. Moderately Priced Dwelling Units

- a. The applicant shall provide 14.25% or six MPDUs on-site, consistent with the optional method of development.
- b. The MPDU agreement shall be executed prior to the issuance of the first building permit.

11. Certified Site Plan

Prior to approval of the certified site plans, the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.

- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. MPDU calculations.
- f. Correct building restriction line (BRL) on individual lots.
- g. Maintenance information regarding the "Rachel Carson Greenway".
- h. A minimum 20-foot rear yard setback for one-family detached dwelling unit.

DEVELOPMENT ISSUES

On April 21, 2006, the Planning Board denied a reconsideration request for Danshes Property. The reconsideration application requested the Planning Board to reconsider its decision approving Preliminary Plan 120050810 without requiring the developer to retain an east-west equestrian trail connection through the property.

Community Input

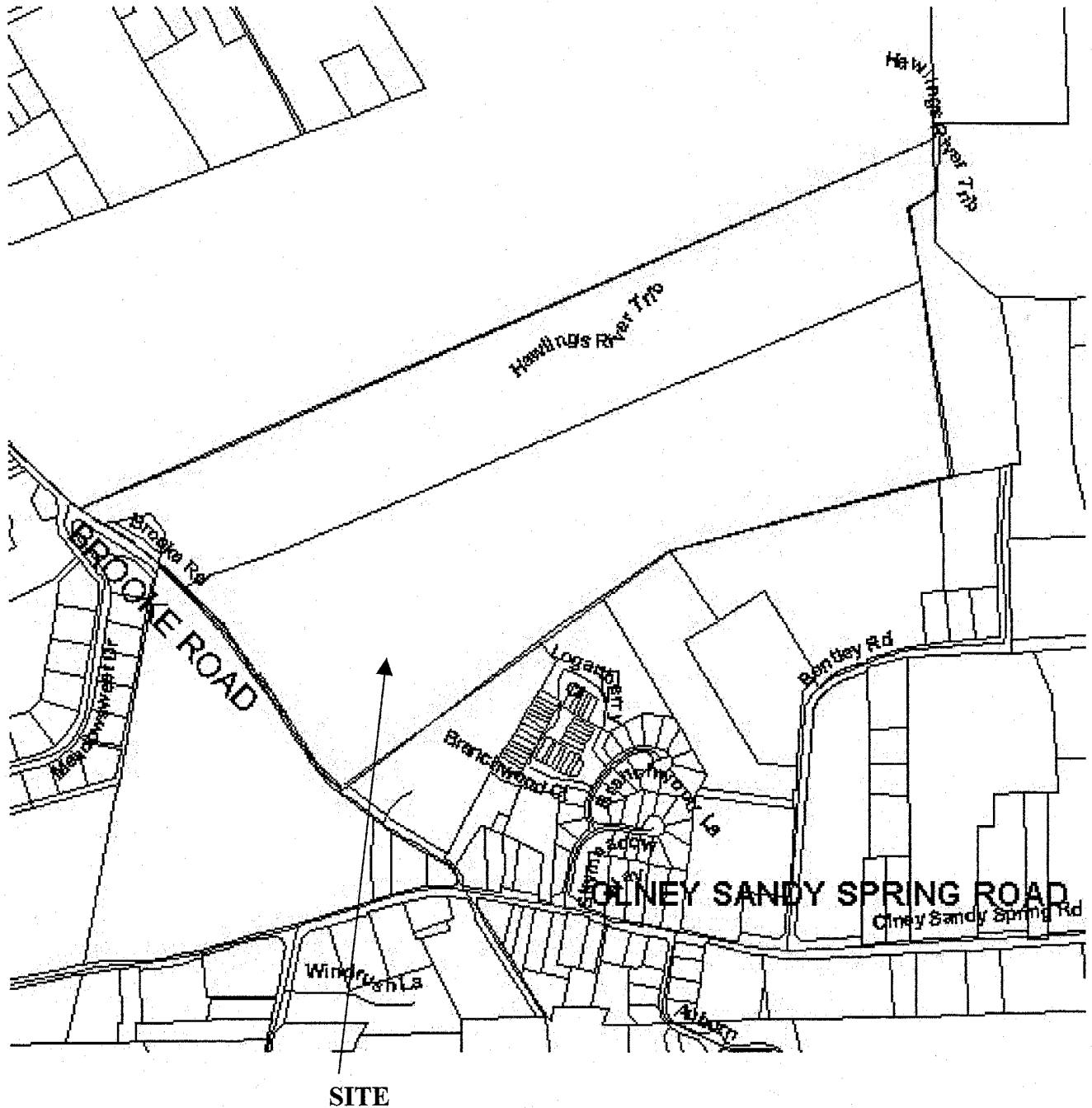
On April 6, 2006, staff received a letter from Elsie L. Reid on behalf of Francine M. Hayward expressing concerns about the boundary for Parcel 'G' and possible encroachment of other uses on Parcel 'G'. [APPENDIX E]

On June 15, 2006, staff received a letter from the Bentley Road Civic Association expressing concerns about the boundary for Parcel 'G', the proposed lighting and alternative design solutions for energy and sewer systems and community garden space. [APPENDIX E]

Staff has added conditions of approval to retain agricultural uses for Parcel 'G' and minimize lighting to the extent feasible. Since agricultural uses are encouraged on the property, there is no designated area provided for community gardening. Alternative energy and sewer systems are not discussed in the staff report.

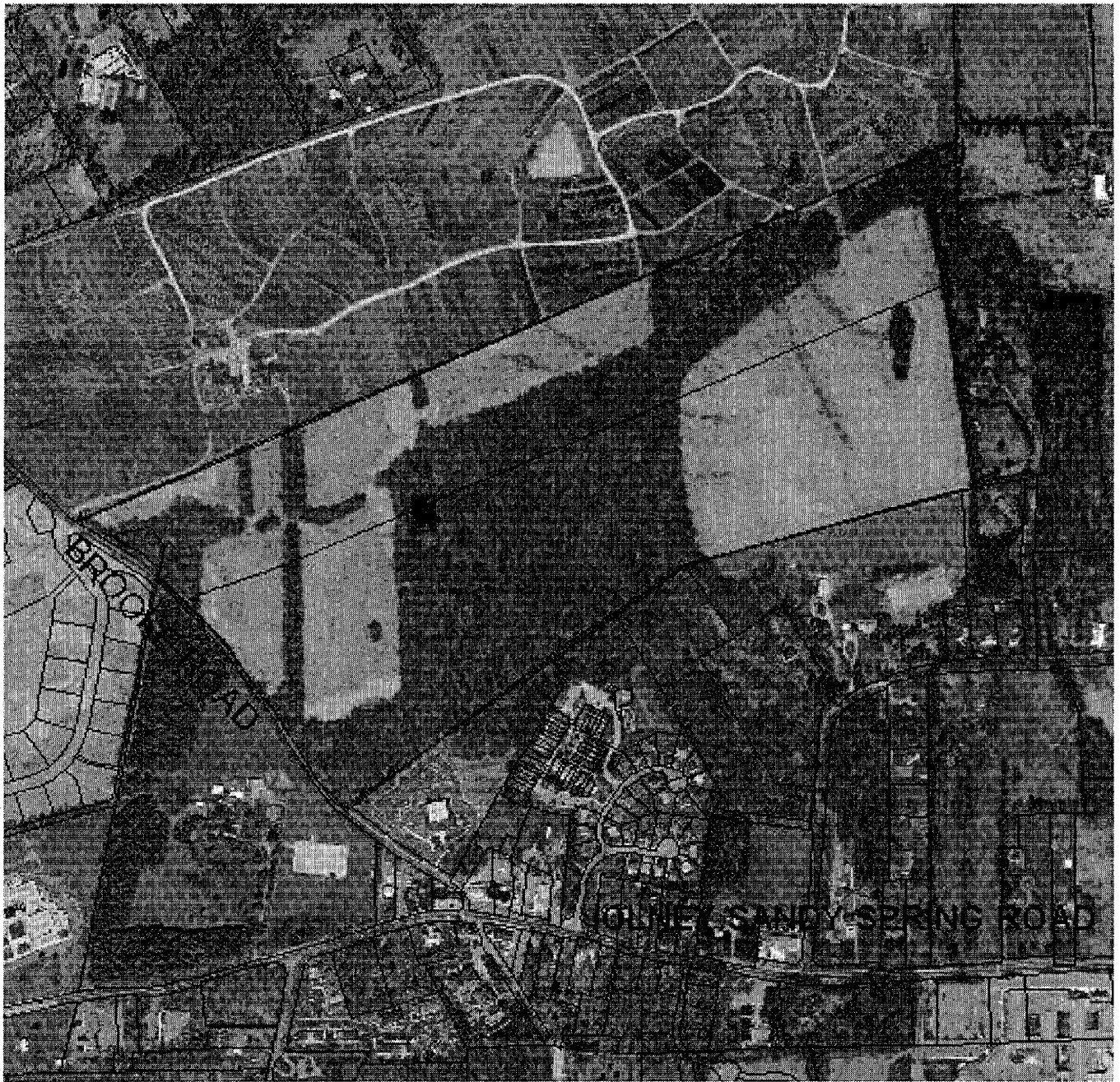
PROJECT DESCRIPTION: Site Vicinity

The proposed development is located on the east side of Brooke Road, approximately 500 feet north of the intersection with Olney Sandy Spring Road (MD 108). The property is surrounded by the Brooke Run Tree Farm zoned RG to the north, the Sandy Spring Fire Station and the Washington Suburban Sanitary Commission zoned R-200, and single-family residential properties zoned RC to the south, single-family residential properties zoned RC to the east and Brooke Road to the west. Single-family residential properties zoned R-200 are across Brooke Road to the west. Access to the subject property is from Brookes Road.



PROJECT DESCRIPTION: Site Description

The site is undeveloped and is currently under agricultural production. It is located within the Patuxent River watershed. 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: Proposal

The applicant is proposing a total of 40 residential units on 92 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the two stream valley buffers on the site. A homeowner's association recreational open space is proposed in the central portion of the residential area. Six MPDUs (townhouses) are proposed adjacent to the homeowner's association open space. Two stormwater management parcels are proposed along the northern property line. Homeowners association rural open space is proposed on the north, south and east sides of the residential area.

Two access points are proposed to the site from Brooke Road. A private street maintained by the homeowners association will serve seven units in the central portion of the site. Public streets will serve the rest of the units. A decorative stonewall with a concrete panel sign is proposed at each entrance to the development. A split rail fence is proposed along the residential areas of the development. The applicant has provided an eight-foot-wide asphalt bike trail and a four-foot-wide equestrian path with landscaping on each side to provide a sense of enclosure and a natural setting along Brooke Road. The bike trail will provide a continuation for the Rachel Carson Greenway along Brooke Road and connect to the existing bike path in front of the Sandy Spring Fire Station on the south side of the subject property. The bike trail, the equestrian path and the landscaping are within a common homeowners association open space along Brooke Road. The bike trail, the equestrian path and the landscaping will also continue along the north of the subject property along a property not owned by the owner of the subject property. This portion of the trail will also be within a common homeowners association open space.

The plan proposed 66.09 acres (71.8%) of the site to be kept open as rural open space. Most of the rural open space is currently used for agricultural purposes. The plan shows a 35.78-acre rural open space parcel "Parcel G" on the eastern portion of the property that is accessible to the existing farm to the north. This would provide continuity with the adjacent farm and encourage the agricultural use of the rural open space. The applicant intends to allow the continued use of the rural open space for agricultural purposes. Parcel 'G' would either be HOA or private rural open space. The proposed acreage of Parcel 'G' does not match the acreage shown on the Preliminary Plan. A condition of approval has been added to revise the acreage of Parcel 'G' to match the acreage on the Preliminary Plan.

The applicant is providing a landscape buffer with a mixture of tree types and a variable width ranging from 50 feet to 200 feet along the northern property line. A farm style wire fence will be provided along the northern property line. The landscape buffer and the fence are being proposed to meet the requirements of the Agricultural Preservation Advisory Board (APAB). The APAB had requested a landscape buffer between the existing agricultural use on the adjacent property to the north and the proposed residential use on the subject property.

About 40.46 acres of the subject property is forest. The final forest conservation plan proposes to clear 7.97 acres and retain 32.02 acres of forest. This is significantly more than the break-even point of 26.51 acres. It also exceeds the minimum 25 percent forest retention threshold (23.02 acres) for subdivisions in the RNC zone. Much of the forest retention areas are within proposed HOA open space areas or the private rural open space parcel.

Permanent split rail fencing is proposed along the boundaries of the environmental buffers and forest retention areas that are adjacent to proposed lots and in the interior of proposed Parcel 'G' (HOA or private rural open space parcel).

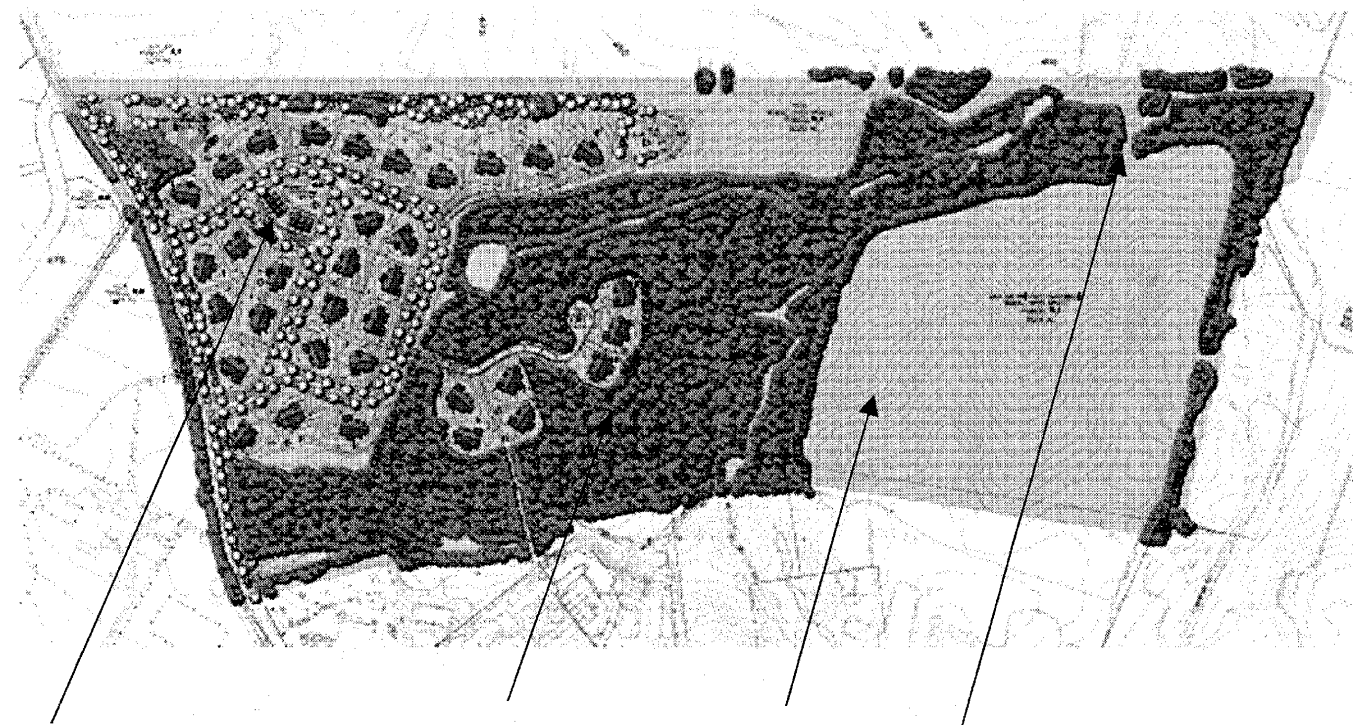
The forest conservation plan includes an invasive plant species management plan to reduce the growth of invasive plants within existing forest on the western part of the property.

Most of the 21.4 acres of environmental buffers on the property is forested. Most of the buffers will be located within Category I conservation easements on HOA or private rural open space areas.

About 0.72 acre of wetland and its buffer will be graded and cleared for improvements along Brooke Road.

Landscaping consisting of a combination of shade trees, evergreen trees, ornamental trees, shrubs and ground cover are proposed along Brooke Road, the northern property line, the internal streets and the recreational open space area. Pole mounted light fixtures are proposed along the private street and the recreational open space.

Recreational amenities like sitting areas, open play areas and pedestrian areas are provided in the recreational open space. Nature trails, natural areas and sitting areas are provided in the rural open space area.



MPDUs

Rural Open Space Area

Parcel 'G' for agricultural areas

Proposed access to northern property

PROJECT DESCRIPTION: Prior Approvals

Preliminary Plan

On January 12, 2006, the Planning Board approved Preliminary Plan 120050810 for creating 40 residential units including six MPDUs for the Danshes Property.

The following conditions of approval of the Preliminary Plan are applicable at site plan review:

- #3.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 wetland, steep slopes, and large trees. Survey and a critical root zone analysis of trees along the limits of disturbance to be submitted.*

The applicant has submitted the above information.

- #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.*

Applicant has moved the access for this lot to an internal street.

- #17 *Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan.*

The applicant will be providing a total of 40 residential units including six MPDUs.

- #18 *A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.*

The applicant has submitted a landscape and lighting plan.

- #19 *Final number of MPDUs as per condition #17 above to be determined at the time of site plan.*

The applicant will be providing six MPDUs.

The Preliminary Plan opinion section "Agricultural Buffer" states that the design of the landscape buffer and fence along the northern portion of the property must be finalized at the time of Site Plan review.

The applicant has provided the design of the fence and the landscape buffer.

The Preliminary Plan opinion section "Rachel Carson Greenway" states that the maintenance of the bike path, equestrian path and landscaping will be finalized at the time of Site Plan review. The extension of the trail along the adjacent property to the north not owned by the applicant was also to be finalized at site plan review.

The applicant has placed the bike path, equestrian path and the landscaping in a separate HOA parcel. The trail has been extended along the adjacent property to the north. A condition of approval has been added to require the applicant to provide information regarding the maintenance of the "Rachel Carson Greenway" trail along Brooke Road. The Parks Division staff has requested a condition of approval requiring signage to identify the trail. A condition of approval has been added.

ANALYSIS: Conformance to Development Standards

DATA TABLE (RNC ZONE)

<u>Development Standard</u>	<u>Required/Permitted Zoning Ordinance</u>	<u>Proposed for Approval</u>
Gross Tract Area (ac/sf.):	10 acres .	92 acres
Development Density	3.58 D.U./Ac + density bonus Maximum 33 D.U. + density bonus according to the Master Plan Text Amendment to the RNC Zone allowed more than 33 units if MPDUs are provided	4.34 D.U./Ac 40 D.U. 34 single-family detached units and 6 MPDUs for a total of 40 units
MPDUs	6 MPDUs	6 MPDUs
Minimum Lot Area		
SF attached	Not Specified	1,600 sq.ft
SF detached	4,000 sq.ft.	16,000 sq.ft.
Minimum Lot Width		
SF attached		
At street front	Not specified	16'
SF detached		
At street front	25'	25'
Minimum Building Setbacks		
SF detached		
From Public Street	15'	15'
From Adjoining Lot - Side	8'	8'
From Adjoining Lot - Rear	0'	10'

<u>Development Standard</u>	<u>Required/Permitted Zoning Ordinance</u>	<u>Proposed for Approval</u>
SF attached		
From Public Street	15'	15'
For end unit - Side	8'	8'
From Adjoining Lot - Rear	0'	10'
Maximum Building Height		
Main dwelling	35'	35' (as measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof; to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof; street grade AND as referenced in the building height table and on the site plans. A condition of approval has been added to add a building height table and street level references on the site plan)
Accessory Building	5' for rear and side yards and 60' from the street	5' for rear and side yards and 60' from the street
Maximum Building Coverage		
SF attached	Not specified	60%
SF detached	35%	35%
Rural Open Space	65% to 85% (59.8 to 78.2 acres)	71.8% (66.09 acres)
Master Plan recommended	70% to 75% (64.4 to 69 acres)	
Parking	2 per unit 80 for 40 units	2 per unit 80 for 40 units

A condition of approval has been added to required a minimum rear yard setback of 20 feet for the single-family detached units.

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
<u>Demand per 100 d.u.</u>					
SFDI (20,000+ sq.ft)	10.00	20.00	22.00	85.00	8.00
SFDII (7,000 to 19,999 sq.ft)	13.00	24.00	25.00	106.00	11.00
TH	17.00	22.00	18.00	129.00	7.00
 <u>Demand for 40 units</u>					
SFDI (26 units)	2.6	5.2	5.52	22.10	2.08
SFDII (8 units)	1.04	1.92	2.00	8.84	0.88
TH	1.02	1.32	1.08	7.74	0.42
Total Demand	4.66	8.44	8.60	38.68	3.38
 Supply Points					
Pedestrian System	0.10x4.66 0.47	0.2x8.44 1.69	0.2x8.60 1.72	0.45x38.68 17.41	0.45x3.38 1.52
Nature Trail	0.05x4.66 0.24	0.10x8.44 0.86	0.15x8.60 1.33	0.15x38.68 5.87	0.15x3.38 0.54
Picnic/Sitting Area (2)	2x1 2	2x1 2	2x1.5 3	2x5 10	2x2 4
Open Play Area II	3	4	4	10	1
Total Supply Points	5.71	8.54	10.05	43.23	7.06

Recreational Demand is met on site.

A condition of approval has been added to indicate the location of the open play area on the landscape plan and landscape details.

MPDU CALCULATIONS

Base Density allowed by the Master Plan - 33

Proposed Density - 40

Density Bonus requested - 7 or 17.5%

MPDU required for 17.5% bonus - 14.25%

No. of MPDUs required (40x14.25%) = 5.7 = 6

No. of MPDUs provided = 6

ANALYSIS:

Conformance to Master Plan

The subject property lies within the boundaries of the 1998 Approved and Adopted Sandy Spring/Ashton Master Plan. The property is zoned Rural Neighborhood Cluster (RNC). The fundamental concept of the Master Plan was to maintain a critical mass of rural open space on key properties. The rural open space is set-aside primarily by clustering new development onto a portion of the land and leaving the rest as cropland, pastureland meadow or woodlands. The Master Plan recommended a pedestrian path/trail and a bikeway along Brooke Road and capped the density on the site with the optional method of development to 33 units. The County Council approved a text amendment to the RNC Zone after the Master Plan was approved to provide for MPDUs.

The applicant is proposing a total of 40 residential units on 92 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the two stream valley buffers on the site and create a large expanse of rural open space. The applicant has retained 71.8% of the property as rural open space. Most of the rural open space is currently used for agricultural purposes. The plan shows a 35.78-acre rural open space parcel "Parcel G" that is accessible to the existing farm to the north. This would provide continuity with the adjacent farm and encourage the agricultural use of the rural open space. The applicant intends to allow the continued use of the rural open space for agricultural purposes. Parcel 'G' would either be HOA or private rural open space. The proposed farm style wire fence along the northern property line extends along a substantial portion of Parcel 'G'. The proposed fence along Parcel 'G' discourages continuity with the adjacent farm to the north. The forest conservation along the northern portion of Parcel 'G' also discourages continuity with the adjacent farm. In order to provide continuity, conditions of approval have been added to require the termination of the farm style wire fence along the eastern portion of the stormwater management parcel (Parcel 'B') and provision of an access point along the northern portion of Parcel 'G' to the adjacent farm.

Condition of approval #9 of the Preliminary Plan requires a note on the record plat stating the following:

'Parcel 'G' is limited to open space or agricultural uses only. No building permits may be issued for any residential structure or farm tenant house on this parcel, but building permits may be issued for agricultural structures and accessory buildings supporting agricultural activities.'

A condition of approval has been added to require the following addition to the above note to further clarify the continued agricultural use of Parcel 'G':

'No recreational use is permitted on Parcel 'G'. All easements for Parcel 'G' must clearly indicate that Parcel 'G' is limited to open space or agricultural uses only.'

Since the applicant has included MPDUs according to the text amendment for the RNC Zone, the development exceeds the master plan limit of 33 units. The applicant has provided a bike path and equestrian path along Brooke Road.

With the proposed conditions, the proposal will be consistent with the intent of the master plan. The Community Planning Division has recommended approval of the site plan application (attached memo dated March 20, 2006). [Appendix D]

FINDINGS: For Site Plan Review

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan. Certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

This section is not applicable because there is no development plan or project plan for this development.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable, conforms to an urban renewal plan approved under Chapter 56;*

The Site Plan meets all of the requirements of the RNC zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings

The applicant is proposing a total of 40 residential units including six MPDUs on 92 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the two stream valley buffers on the site and create a large expanse of rural open space. The MPDUs are proposed adjacent to the recreational open space. The proposed MPDUs will be integrated with the design of the market rate units. The height, scale and design of the MPDUs will match the height, scale and design of the market rate units. The maximum height of the residential units will be 35 feet.

- b. Open Spaces

The plan proposed 66.09 acres (71.8%) of the site to be kept open as rural open space. Most of the rural open space is currently used for agricultural purposes. The plan shows a 35.78-acre rural open space parcel "Parcel G" that is accessible to the existing farm to the north. This would provide continuity with the adjacent farm and encourage the agricultural use of the rural open space. The applicant intends to allow the continued use of the rural open space for agricultural purposes. Parcel 'G' would either be HOA or private rural open space.

Conditions of approval have been added to ensure the agricultural use of Parcel 'G'.

A homeowners association recreational open space is proposed in the central portion of the residential area. Six MPDUs (townhouses) are proposed adjacent to the homeowner's association open space. Two stormwater management parcels are proposed along the northern property line. Homeowners association rural open space is proposed on the north, south and east sides of the residential area.

About 40.7 acres of the subject property is forest. The final forest conservation plan proposes to clear xx acres and retain xxx acres of forest. Much of the forest retention areas are within proposed HOA open space areas or the private rural open space parcel.

Most of the 21.4 acres of environmental buffers on the property is forested. Most of the buffers will be located within Category I conservation easements on HOA or private rural open space areas.

About 0.72 acre of wetland and its buffer will be graded and cleared for improvements along Brooke Road.

c. Landscaping and Lighting

The applicant is providing a landscape buffer with a mixture of tree types and a variable width ranging from 50 feet to 200 feet along the northern property line. A farm style wire fence will be provided along the northern property line. The landscape buffer and the fence are being proposed to meet the requirements of the Agricultural Preservation Advisory Board (APAB). The APAB had requested a landscape buffer between the existing agricultural use on the adjacent property to the north and the proposed residential use on the subject property.

Landscaping consisting of a combination of shade trees, evergreen trees, ornamental trees, shrubs and ground cover are proposed along Brooke Road, the northern property line, the internal streets and the recreational open space area. Pole mounted light fixtures are proposed along the private street and the recreational open space.

d. Recreation

Recreational amenities like sitting areas, open play areas and pedestrian areas are provided in the recreational open space. Nature trails, natural areas and sitting areas are provided in the rural open space area. The recreation demand is satisfied on-site and the recreational amenities are adequate in terms of location, layout, quantity and quality.

The recreational areas are conveniently located to be easily accessible by all the residential units and are landscaped with a combination of trees, shrubs and perennials to provide an attractive setting for encouraging social contact. The play area, the sitting areas, pedestrian areas and nature trails provide opportunities for active and passive recreation. The location of the recreational areas and the proposed landscaping ensure that there are no noise and visual impacts to the proposed one-family attached units and adjacent properties.

e. Vehicular and Pedestrian Circulation

Two access points are proposed to the site from Brooke Road. A private street maintained by the homeowners association will serve seven units in the central portion of the site. The applicant has provided an eight-foot-wide asphalt bike trail and a four-foot-wide equestrian path with landscaping on each side to provide a sense of enclosure and a natural setting. The bike trail will provide a continuation for the Rachel Carson Greenway along Brooke Road and connect to the existing bike path in front of the Sandy Spring Fire Station on the south side of the subject property.

4. *Each structure and use is compatible with other uses and other Site Plans; and with existing and proposed adjacent development; and*

The applicant is proposing a total of 40 residential units on 92 acres of land. The residential units are proposed in the northwestern portion of the property to avoid impacts to the two stream valley buffers on the site and create a large expanse of rural open space. The applicant has retained 71.8% of the property as rural open space. Most of the rural open space is currently used for agricultural purposes. The plan shows a 35.78-acre rural open space parcel "Parcel G" that is accessible to the existing farm to the north. Landscaping and fences are being used to separate the agricultural and residential uses on the subject property. The maximum height of the residential units will be 35 feet. The design of the units will be compatible with the surrounding residential development consisting of one-family residences and townhouses.

Therefore, the proposal is compatible with existing and proposed adjacent development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

Forest Conservation

About 40.46 acres of the subject property is forest. The final forest conservation plan proposes to clear 7.97 acres and retain 32.02 acres of forest. This is significantly more than the break-even point of 26.51 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 areas are within proposed HOA open space areas or the private rural open space parcel.

Permanent split rail fencing is proposed along the boundaries of the environmental buffers and forest retention areas that are adjacent to proposed lots and in the interior of proposed Parcel G (HOA or private rural open space parcel).

The forest conservation plan includes an invasive plant species management plan to reduce the growth of invasive plants within existing forest on the western part of the property.

The final forest conservation plan, with the conditions recommended by staff for extending the split rail fencing, providing additional information etc., meets the requirements of the County Forest Conservation Law.

Environmental Buffers

Most of the 21.4 acres of environmental buffers on the property is forested. Most of the buffers will be located within Category I conservation easements on HOA or private rural open space areas.

About 0.72 acre of wetland and its buffer will be graded and cleared for improvements along Brooke Road. These encroachments are necessary and unavoidable.

The proposed sewer line for the subdivision goes through a forested environmental buffer. The applicant's proposed alignment minimizes the clearing of trees within the forest. A condition of approval has been added for the area that is cleared for the construction of the sewer line to be reforested.

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 8.0 percent over the site. This meets the imperviousness guideline limit.

Stormwater Management Plan

The Department of Permitting Services has approved the Stormwater Management Concept approval for this development on September 7, 2005.

The Environmental Planning staff recommends approval of the site plan with conditions.

APPENDIX

Vicinity Map

Site Plan Checklist.

Appendix A – Preliminary Plan Opinion

Appendix B - Memorandum from Environmental Planning Section

Appendix C – Memorandum from DPS

Appendix D – Memorandum from the Community Planning Division

Appendix E - Letters from the Community

Appendix F – Memorandum from Other Agencies

DANSHES PROPERTY1 (8-06016)



Map compiled on January 18, 2006 at 3:33 PM | Site located on base sheet no - 225NW01 | Date of Orthophotos - April 2004 | Orthophoto Images Licensed from VARGIS LLC.

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Key Map



Research & Technology Center



1 inch = 600 feet

1 : 7200



CHECKLIST Site Plan / Project Plan Review

Plan # 820060160 Name: DANSHES PROPERTY
 Zone: RNC Tract Area: 92 ACRES Proposed Use: RESIDENTIAL
 Number of Units: 40 Square Footage: NA
 Development Method: OPTIONAL Other: _____

Referral Comments:

M-NCPPC	Staff		Date		Other Agencies	Staff		Date	
Transportation	<u>CE</u>	<u>10/27/05</u>	<u>04/07/06</u>		SHA	<u>SF</u>	<u>02/22/05</u>		
Environmental	<u>CB</u>	<u>06/16/06</u>			DPS (SWM)	<u>RB</u>	<u>09/03/05</u>		
Community Planning	<u>PW</u>	<u>03/20/06</u>			DPS (Traffic)	<u>NA</u>			
Historic Planning	<u>MO</u>	<u>04/25/06</u>			Public School	<u>NA</u>			
Park Planning	<u>DP</u>	<u>12/01/05</u>			Utility		<u>11/21/05</u>		
Research/Housing	<u>SS</u>	<u>06/20/05</u>			Fire & Rescue	<u>MD</u>	<u>12/29/05</u>		
					DPW & T	<u>GL</u>	<u>10/23/05</u>		

Development Standards / Requirements

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Zoning Requirements | <input checked="" type="checkbox"/> MPDU Calculation | <input checked="" type="checkbox"/> Building Restriction Lines |
| <input checked="" type="checkbox"/> Development Data Table | <input type="checkbox"/> TDR Calculation | <input checked="" type="checkbox"/> Building Height |
| <input checked="" type="checkbox"/> Recreation Calculation | <input checked="" type="checkbox"/> Timing/Phasing Conditions | <input checked="" type="checkbox"/> Master Plan Conformance |

Prior Approvals

- | | | |
|---|--|--|
| <input type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Prior Site Plan Approvals |
| <input type="checkbox"/> Record Plat | | |

Community Input

- Civic Association BENTLEY ROAD CIVIC ASSOCIATION
- Individuals ELSIE L. REID ON BEHALF OF FRANCINE M. HAYWARD

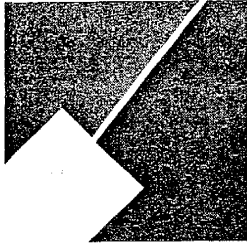
Supervisor Review

Chief Review

Ma 6/26/06
RK 6/26/06

APPENDIX A

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

Date Mailed: **MAR 28 2006**
Action: Approved Staff Recommendation
Motion of Commissioner Wellington,
seconded by Commissioner Bryant, with a
vote of 3-0;
Commissioners Bryant, Robinson, and
Wellington voting in favor. Chairman
Berlage recused himself and
Commissioner Perdue was absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan: 120050810 (formerly 1-05081)
NAME OF PLAN: Danshes Property
Public Hearing Date: January 12, 2006

The date of this written opinion is **MAR 28 2006** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

I. INTRODUCTION

On 3/23/05, Winchester Homes ("Applicant") submitted an application for the approval of a Preliminary Plan of subdivision of property in the Rural Neighborhood Cluster ("RNC") zone. The application proposed the creation of 40 lots on 92 acres of land ("Property" or "Subject Property") located on the east side of Brooke Road, approximately 500 feet north of the intersection with Olney-Sandy Spring Road, in the Sandy Spring/Ashton Master Plan area. The application was designated Preliminary Plan No. 120050810 (formerly No. 1-05081). On 1/12/06, Preliminary Plan No. 120050810 (formerly No. 1-05081) was brought before the Montgomery County

Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board Staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its Staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board Staff concerning the application, prior to the Board's action following the public hearing; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE AND PROJECT DESCRIPTION

The 92-acre Subject Property is zoned RNC (Rural Neighborhood Cluster) and lies within the Patuxent River watershed. It is currently under agricultural production and is undeveloped. The Property is bounded on the east by residential properties, on the north by the Brooke Run Tree Farm ("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 Washington Suburban Sanitary Commission ("WSSC") pump station, and residential properties. The Patuxent River Primary Management Area ("PMA") covers approximately 81.7 acres of the Subject Property. Tributary streams to the Hawlings River, a major stream in the Patuxent River watershed, flow through the Property. Wetlands and environmental buffers, most of which are forested, also exist on the Property.

The Applicant requests subdivision of the Property into 40 lots using the cluster method of development. The *Sandy Spring/Ashton Master Plan* ("Master Plan") requires under the optional (cluster) method that a minimum of 70 to 75 percent of the Property consist of open space. 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, entirely outside of the stream valley buffers.

The Preliminary Plan 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 along the road frontage has been approved at the two locations.

Although only five Moderately Priced Dwelling Units (MPDUs) are required, the Applicant is offering six units, since they will be located within two separate townhouse sticks. The Applicant has revised the Preliminary Plan by placing the MPDUs on a public street in order to reduce the maintenance requirements for these units. Although the MPDUs currently are shown at a satisfactory location, Staff advised the Board in its memorandum dated 12/30/05 ("Staff Report" or "Report") that this location could change during the Site Plan process.

The seven units located in the central portion of the site are to be served by a private street that will be maintained by the Homeowners Association ("HOA"). There are two units along the northern border of the Subject Property 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 Applicant proposes maintaining 65.77 acres (71.5 percent) of the Property as rural open space. It is the Applicant's intent to allow this section of the Property either 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 Preliminary Plan has been revised to show a 35.78-acre rural open space parcel ("Parcel 'G'")¹ that is accessible to the existing farm to the north, which likely will enhance its ability to remain 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.

III. AGRICULTURAL BUFFER

The Agricultural Preservation Advisory Board ("APAB"), in its letter dated 4/13/05, requested that the Applicant consider providing a buffer along the boundary between the Subject Property and the Tree Farm to the immediate north. The Tree Farm is within a protective State of Maryland Agricultural Easement ("MALPF") that restricts the property to agricultural use. In order to promote and protect agricultural interests, the APAB suggested that a 100-foot-wide forested buffer with fencing would be appropriate to provide the type of setback needed to avoid conflicts between the Tree Farm and the proposed residential development along the northern boundary of the Subject Property.

Although neither the Zoning Ordinance nor the Subdivision Regulations require such a buffer, Staff nonetheless supported maximizing to the fullest possible extent the distance between the Tree Farm and the proposed residential development. As described in its Report, however, Staff determined during its review that it was not possible to establish a 100-foot-wide setback along the entire northern boundary of the

¹ Parcel 'G' was incorrectly identified as Parcel 'S' in the Staff Report.

Subject Property while maintaining the other objectives of the RNC zone. The Applicant, in turn, revised the Preliminary Plan to increase the setback where possible to provide a buffer ranging from 50 to 200 feet in width. The Applicant further agreed to reforest the area with a mixture of tree types and to fence the northern boundary with a "Farm Style Wire Fence." The Applicant also submitted a conceptual landscape buffer plan depicting the plant material to be used. Staff advised the Planning Board in its Report that this latter plan should be finalized and incorporated into the overall Landscape/Lighting and Final Forest Conservation Plans at the time of Site Plan review.

IV. RACHEL CARSON GREENWAY

In this area of Sandy Spring, the Planning Board approved the conceptual alignment of the Rachel Carson Greenway trail to be contiguous to Brooke Road and directed that it be attractive and feature a park-like setting. The Preliminary Plan proposes an eight-foot-wide asphalt trail and an adjacent four-foot-wide equestrian easement with landscaping on each side to provide a sense of enclosure within a natural setting. While Staff noted in its Report that the HOA likely would be responsible for maintaining the landscaping on the trail, Staff informed the Board that the issue of trail maintenance would have to be resolved at the time of Site Plan review. Among the issues that would be addressed is whether the trail and trees should be placed in a separate HOA parcel or whether the PIE as shown in the Preliminary Plan is compatible with respect to house locations and adequate for the purposes of trail maintenance. The Montgomery County Department of Public Works and Transportation ("DPWT") will maintain all required street trees within the public right-of-way.

A small portion of the trail will traverse a piece of land located adjacent to the northwest corner of the Subject Property that is owned not by the Applicant, but rather by the developers of the Meadowsweet Subdivision across Brooke Road. Staff expressed a strong desire in its Report to have the Rachel Carson Greenway trail continue through this particular parcel. Inability to gain permission to place the Greenway trail on this land could result in a realignment of the trail and subsequent relocation of the unit on proposed Lot 20 of the Preliminary Plan. Staff informed the Board that this issue must be resolved during the Site Plan process.

V. ENVIRONMENTAL DISCUSSION

A. FOREST CONSERVATION

Approximately 40.6 acres of the Subject Property is forested. The Preliminary Forest Conservation Plan proposes clearing 7.5 acres and retaining 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 indicated in its Report that there are some small areas that may not be appropriate

to serve 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 recommended in its Report that the configuration of these two areas should be re-evaluated during the Site Plan process to determine if they are too small or isolated to serve as appropriate forest retention areas. If these two areas are not designated as forest retention areas, the proposed subdivision would still exceed the break-even point and the minimum 25 percent forest retention requirement. Staff therefore informed the Board in its Report that the Preliminary Forest Conservation Plan meets the requirements of the Forest Conservation Law.

B. ENVIRONMENTAL BUFFERS

Most of the 21.4 acres of environmental buffer land on the Property is 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 easements that will lie within the recommended agricultural lot. Staff noted in its Report that such an overlap would be acceptable if a form of permanent marker, such as split rail fencing, was installed along the conservation easement boundary to prevent agricultural uses from encroaching onto the environmental buffers.

A small area of wetland (approximately 430 square feet) and accompanying buffer (approximately 7,419 square feet) 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 concluded in its Report that these encroachments are necessary and unavoidable. In addition, the proposed sewer line for the subdivision goes through a forested environmental buffer. Staff recommended in its Report that this sewer line be placed in a way that would minimize the loss of large trees. Staff pointed out that tunneling of the sewer line could be one option for avoiding or minimizing the loss of forest within the stream valley.

C. PATUXENT RIVER PRIMARY MANAGEMENT AREA

The "Environmental Guidelines" recommend the application of a 10 percent imperviousness limit for land development projects that lie within the PMA and are reviewed by the Planning Board. Staff informed the Board that the subdivision proposes an imperviousness of 7.4 percent over the Subject Property and, as such, meets the imperviousness guideline limit.

VI. TRANSPORTATION DISCUSSION

A. 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 constructed portion of the bike path along Brooke Road in front of the fire station. MD 108 is serviced by the Metrobus system via Norwood Road (Route Z2).

B. MASTER PLAN ROADWAY AND PEDESTRIAN/BIKEWAY FACILITIES

The Master Plan describes the nearby 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. Based on the *2005 Rachael Carson Greenway Trail Corridor Plan*, which recommended that the Greenway be placed in this area along the east side of Brooke Road, Staff advised in its Report that the Applicant construct an eight-foot-wide bike-path and an adjoining four-foot-wide equestrian trail along the whole portion of the Subject Property fronting on Brooke Road as well as that

portion of the Meadowsweet Subdivision (Parcel A, Rural Open Space) mentioned above.

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.

C. NEARBY TRANSPORTATION IMPROVEMENT PROJECTS

The Maryland State Highway Administration ("SHA") and 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 target start date of the project was October 2005. The project currently has a finish date of May 2006.

D. LOCAL AREA TRANSPORTATION REVIEW

The Preliminary Plan required a traffic study per the *Local Area Transportation Review (LATR) Guidelines* since the initial development proposal featured 42 single-family dwelling units and 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. Staff noted in its Report that the above finding holds true for the current version of the Preliminary Plan (with 34 single-family and six townhouse dwelling units).

The Applicant's consultant submitted a traffic study (dated 1/5/05) that presented the traffic-related impacts of the original development proposal on nearby roadway intersections during weekday morning and evening peak periods. Staff review of the above traffic study indicated that it complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by Staff. The traffic study estimated that the initial site density featuring 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 findings is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
DANSHES 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.

VII. MASTER PLAN COMPLIANCE AND CONFORMANCE WITH THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS

The Master Plan specifically identifies the Subject Property as suitable for the RNC 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 Brooke 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 MPDUs. The Applicant has included more than the required number of MPDUs to achieve a density bonus of one market rate unit, which is why the lot yield exceeds 33 and is now 34 units. As mentioned above, the Preliminary Plan has been revised to provide a 35.78-acre open space parcel, known as Parcel 'G', which Staff determined in its Report to be conducive to continued agricultural use.

Staff further concluded that the Preliminary Plan conformed to all applicable provisions of both the Zoning Ordinance and the Subdivision Regulations.

VIII. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

At the public hearing, Staff recommended approval of the application based on the findings and subject to the conditions listed in its Report. Staff specifically informed the Board that the Applicant had complied with its request to alter the Preliminary Plan to depict the proposed MPDUs on a public road. Staff also stated that it had been unable to determine whether the section of the Rachel Carson Greenway running through the Subject Property should remain within the Public Improvement Easement ("PIE") shown on the Preliminary Plan or whether the trail and accompanying landscaping should be set aside in a separate HOA parcel. The Board supported Staff's recommendation that it would be better to resolve this issue during the Site Plan process.

The Applicant, represented by legal counsel, concurred generally in Staff's findings and conditions. The Applicant also asserted that it would be amenable to changing the currently depicted PIE to an HOA parcel if necessary.

In addition to providing an overview of its recommendations and conditions, Staff described two areas of disagreement that emerged from the Record and which Staff expected would form the basis of most of the subsequent public testimony. First, a number of equestrians and trail riding advocates sought to formally incorporate into and preserve within the Preliminary Plan a currently informal horse trail located largely within the proposed agricultural buffer along the northern boundary line of the Subject Property. Second, several citizens and groups expressed support for the continued maintenance of a viable agricultural parcel within the Subject Property.

A. HORSE TRAIL

Staff indicated to the Board that a number of citizens were interested in preserving the informal horse trail ("Trail") running in an east-west alignment along the northern boundary of the Subject Property. Staff, however, declined to support such a course of action, citing the lack of a legal agreement or formal easement establishing

the Trail. Staff also noted that the Trail, if added to the formal trail network, essentially would "dump" riders into private property at its terminus.

1. Trail Proponents

Several members of Trail Riders of Today ("TROT") and other concerned equestrians offered testimony advocating for the incorporation of the Trail into the Preliminary Plan. One speaker, a member of TROT's Board of Directors, explained to the Planning Board that riders believed for years that the Trail lay within the property currently occupied by the Tree Farm. The speaker stated that she and others had come to realize that the Trail in fact falls almost entirely within the Subject Property, with the exception of two stream crossings resulting in a maximum estimated incursion of 20 feet into the adjacent Tree Farm. The speaker noted that it would not be difficult to realign the Trail at these points to have it fit within the boundaries of the Subject Property.

To support her position, the speaker analogized the present case to the Board's review of the Meadowsweet (Farquhar) Subdivision (approved Preliminary Plan No. 1-04011 and Site Plan No. 8-04004) located across Brooke Road to the west of the Subject Property. The Board, when reviewing that project, apparently faced similar circumstances involving an informal equestrian trail with no formal links on either side of the proposed subdivision. According to the speaker, as the Board reviewed and approved the development plans for the Meadowsweet Subdivision, it recognized both the existence of an informal equestrian trail network in the area and the importance of formalizing such trails as properties continue to subdivide.

In addition, the speaker noted that the Trail serves as an important link connecting the horse trails to the east of New Hampshire Avenue/MD 650 with the trail network terminating at the Meadowsweet Subdivision. The speaker further claimed that the loss of this link would require trail riders to take a detour to the south and force them to cross Olney-Sandy Spring Road/MD 108, exposing them and their horses to the dangers attendant to a highly trafficked road. Subsequent speakers also emphasized this latter point in their testimony. Other speakers highlighted the compatibility of trail riding with agricultural preservation, the beneficial role horse trails play in preserving the historic character of the region, and the fact that such trails serve others in addition to equestrians.

2. Trail Opponents

An adjacent property owner offered a contrary viewpoint in her testimony. Represented by legal counsel but speaking primarily on her own behalf, the adjacent property owner argued that the hearing, and the subdivision review process in general, constituted an improper venue for discussing the disposition of the Trail. The property owner pointed out that the Board already had examined several trail alignments in the Sandy Spring area during its consideration of the Rachel Carson Greenway. Further,

the property owner conveyed her opinion that farmers typically view the recreational use of their land as a form of trespass that damages their crops, disrupts their operations, and exposes them to increased liability.

A representative of APAB offered testimony that echoed in large part the adjacent property owner's comments. The representative stated, for instance, that the Board's record for the Rachel Carson Greenway project included written comments from the president of the Tree Farm conveying his opposition to the public use of his land without permission.² In addition, the representative expressed to the Board his organization's reasons for supporting an agricultural buffer between the Subject Property and the Tree Farm. The representative explained that the Applicant's original designs featured lots extending all the way to the Property's northern boundary, which could have exposed residents to the potential negative impacts associated with the Tree Farm's operations, such as unintended drift from pesticide application.³ Reminding the Board that agriculture is an inherently dangerous industry, the representative asserted that a buffer along the Subject Property's northern boundary would minimize any possible detrimental impacts from the adjacent agricultural business and thus allow the Tree Farm to serve as a "good neighbor." According to the representative, establishing a formal trail within the agricultural buffer would defeat the purpose of the buffer by exposing trail users to the same potential safety hazards that the Tree Farm and APAB sought to mitigate with regard to future adjacent homeowners.

A representative of the Sandy Spring Civic Association also offered testimony supporting the previous two speakers. In addition to reiterating to the Board that it already had studied local trail alignments, the representative suggested that there might be due process concerns resulting from the failure to properly notify adjacent property owners that the Trail would be discussed at the hearing. While conceding that the Trail had a long history of use, the representative nonetheless asserted that the Master Plan includes two proposed east-west trail alignments that could serve as alternatives.

3. Applicant's Rebuttal

In its rebuttal, the Applicant expressed its support for Staff's opposition to the incorporation of the Trail into the Preliminary Plan. Among the reasons the Applicant cited were its disapproval of the notion that trespass could establish rights to private

² Commissioner Robinson later asked the APAB representative to explain why he had mentioned the Tree Farm's unwillingness to allow the public use of its property without permission, a seemingly irrelevant point given that the Trail lay almost entirely within the Subject Property. The APAB representative responded that he had addressed the issue because the Trail proponents had raised it in their testimony.

³ In response to a later inquiry by Commissioner Wellington, the APAB representative clarified that there is a potential for drift where pesticides are applied by machine.

property, that the Master Plan did not feature the particular east-west trail alignment in discussion, and that the Applicant already had exhibited good faith by delaying development until the Board determined the alignment of the Rachel Carson Greenway. The Applicant also mentioned a number of other ways that the Trail could impact adversely the development of the Subject Property, including the attendant difficulty in constructing the proposed fence along the northern boundary, the potential for increased environmental liability resulting from an alteration of the Trail's stream crossings, and the existence of unresolved ownership and maintenance issues. The Applicant explained that it felt caught in the middle between several competing parties, including at least two adjacent property owners opposed to the formalization of the Trail. The Applicant stated, however, that it would be willing to discuss the Trail issue with interested parties through Staff mediation, but only if a resolution did not result in any additional development impact, delays, or liability for the Applicant.

4. Board Deliberation

After hearing testimony from both sides, the Board asked Staff to describe the existing trail system as envisioned by the Master Plan and to remind the Board of the various alignments Staff investigated and presented to the Board during review of the Rachel Carson Greenway project. Staff stated that it looked primarily at the local park interests involved when it decided to promote connectivity along Brooke Road. Commissioner Robinson inquired whether there were alternative east-west alignments in the Master Plan, to which Staff responded that the function of the Master Plan was to emphasize north-south connectivity. Commissioner Robinson then asked Legal Staff whether it was possible to defer additional consideration of the Trail until Site Plan review pending further consultation between the interested parties and proper notification of adjacent landowners. Upon Legal Staff's affirmative answer, Commissioner Robinson opined that he would defer the issue. Commissioners Bryant and Wellington, however, expressed reservation about deferring the issue, reasoning that delaying a resolution on the Trail could affect adversely the Applicant's development plans and imply that the Applicant was obliged to engage in mediation when in fact it merely had exhibited a willingness to do so. Ultimately, the Board decided to support Staff's recommendation and approve the Preliminary Plan without incorporating the Trail.

B. AGRICULTURAL PARCEL

Many of the speakers who testified regarding the Trail also raised the issue of maintaining a viable agricultural parcel on the Subject Property. Several of the trail riders expressed their support for agricultural preservation and claimed that equestrian trails assist in furthering preservation policies. The adjacent property owner mentioned above who offered testimony in opposition to the Trail also voiced her support for maintaining agricultural production on the Subject Property. To that end, she proposed altering the second sentence of Condition No. 9 in the list of conditions proposed by

Staff in its Report to include a more specific prohibition on residential buildings and an exemption for agricultural structures on Parcel 'G', the rural open space parcel mentioned previously.⁴ The speaker also voiced her concern with a portion of the Staff Report that provided for the possibility of leaving fallow Parcel 'G' and the remaining rural open space on the Subject Property,⁵ claiming that such an approach would not amount to a "best practice" because it would encourage the growth of invasive plant species that could jeopardize the crops on her own neighboring parcel. Staff responded that it had believed that it was acceptable to leave land fallow on occasion to allow for soil regeneration. Staff also asserted, however, that it certainly did not intend for any fallow land on the Subject Property to succumb to overgrowth and infestation.

Commissioner Wellington asked both the adjacent property owner and the APAB representative to clarify their positions on the disposition of the agricultural parcel. The APAB representative, emphasizing the importance of contiguity between protected lands and lands under agricultural production, opposed leaving fallow the portion of the Subject Property in question. The adjacent property owner confirmed that one of the purposes behind her proposal to amend Condition No. 9 was to preserve for future farmers the option of agricultural production on the Subject Property.

The Applicant supported the revised condition. Upon inquiry by Commissioner Wellington, the Applicant stated that it had been approached by neighboring property owners about selling Parcel 'G' but had decided not to engage in negotiations until after Site Plan approval. Staff also supported the revision, but with the suggestion that farm tenant houses also be prohibited. The Board approved the condition as revised by the speaker's and Staff's recommendations.

C. MISCELLANEOUS CONCERNS

One speaker raised two additional concerns for the Board's consideration. First, the speaker urged the Board to require the Applicant to install lighting that meets "Dark Sky" standards. In rebuttal, the Applicant noted that the lighting provided in the Preliminary Plan was located primarily in the rights-of-way and, as such, would be regulated by DPWT. Staff added that it followed Illuminating Engineering Society ("IES") standards, which are similar in some ways to "Dark Sky" requirements, as part of the Landscape and Lighting Plan that typically forms a part of the Site Plan. The Board determined that this issue would be resolved best during the Site Plan process.

⁴ As originally drafted, Condition No. 9 provided, in pertinent part, simply that "[n]o building permits may be issued for any structure on this parcel."

⁵ The second sentence of the third paragraph on Page 4 of the Staff Report provides that "[i]t is the intent of the applicant to allow it to continue in agricultural production or remain as fallow open space."

The same speaker also expressed opposition to the placement of a sewer line through a stream valley on the southern boundary of the Subject Property, claiming that it could have a negative impact on the stream. The Applicant's engineer testified that the topography of the area made it difficult for anything to get to sewer, prompting the Applicant to plan originally for the installation of grinder pumps that would feed into a low-pressure sewer line under Brooke Road. According to the Applicant's engineer, however, WSSC strongly disfavors grinder pumps where gravity systems are available. Given WSSC's policy and the existence of a pumping station just south of the Subject Property, the Applicant revised its plans to provide a gravity flow system through the stream valley. In response to a question by Commissioner Wellington, the Applicant noted that it was working with Staff to minimize the impact of the sewer connection. Staff also informed the Commissioner that Condition No. 3(c) in its Report addressed the issue of disturbance to the stream valley and that reforestation requirements could be incorporated into the Final Forest Conservation Plan at the time of Site Plan review.

The Record contains several letters and e-mails submitted primarily by the speakers highlighting the points they made in their testimony. No other testimony was received on the application and the Record contains no other correspondence or other evidence submitted in opposition to the application.

IX. FINDINGS

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,⁶ the Applicant's position, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

1. The uncontested evidence of record demonstrates that Preliminary Plan No. 120050810 (formerly 1-05081) substantially conforms to the *Sandy Spring-Ashton Master Plan*.
2. The uncontested evidence of record demonstrates that public facilities will be adequate to support and service the area of the proposed subdivision.
3. The uncontested evidence of record demonstrates that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

⁶ The application was referred to outside agencies for comment and review, including WSSC, DPWT, the Montgomery County Department of Permitting Services (MCDPS), and the various public utilities. All of these agencies recommended approval of the application.

4. The uncontested evidence of record demonstrates that application satisfies all the applicable requirements of the Forest Conservation Law contained in Montgomery County Code Chapter 22A. This finding is subject to the applicable condition(s) of approval.
5. The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets MCDPS standards.
6. The Record of this application contains only the following contested issues:

- a. The incorporation into the Preliminary Plan of an informal equestrian trail located along the northern boundary of the Subject Property.

After considering the respective positions of Staff, the Applicant, and various citizens and organizations, the Board finds by a preponderance of the evidence that the equestrian trail shall not be incorporated into the Preliminary Plan. The Board based this finding on the fact that the location of the equestrian trail was thoroughly discussed and decided in the context of its review of the Rachel Carson Greenway Trail public hearings and decision-making.

- b. The revision of Condition No. 9, as contained in the list of conditions in the Staff Report, to specifically prohibit residential structures and exempt agricultural structures.

After considering the respective positions of Staff, the Applicant, and various citizens and organizations, the Board finds by a preponderance of the evidence that Condition No. 9, as contained in the list of conditions in the Staff Report, shall be revised (1) to exclude residential structures and farm tenant houses; and (2) to expressly allow agricultural structures and accessory buildings supporting agricultural activities. The revised condition is provided below.

- c. Requiring that the Applicant follow "Dark Sky" standards for all lighting on the Subject Property and reconsidering Applicant's proposed sewer line through the stream valley along the southern boundary of the Subject Property.

After considering the respective positions of Staff, the Applicant, and various citizens and organizations, the Board declines to make any specific findings on these issues and instead chooses to let Staff and the Applicant address them during the Site Plan process, at which time the Board will review this matter in making a determination on compatibility, as is required in the Site Plan review process.

The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

X. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120050810 (formerly 1-05081) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 120050810 (formerly 1-05081), 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 MPDUs.
2. Satisfy all preliminary plan conditions included in the DPWT letter dated October 23, 2005 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:
 - i. 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.
- ii. Detailed impervious surface calculations.
 - iii. 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 with "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 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 'G', as shown on the Preliminary Plan, shall contain a note on the record plat as follows: "Parcel 'G' is limited to open space or agricultural uses only. No building permits may be issued for any residential structure

or farm tenant house on this parcel, but building permits may be issued for agricultural structures and accessory buildings supporting agricultural activities.”

10. Record plat to reflect common ingress/egress and utility easements over all shared driveways.
11. Record plat shall reflect all areas under HOA 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). The Applicant shall provide verification to Commission staff prior to release of final building permit that the 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 MPDUs as per condition #17 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.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

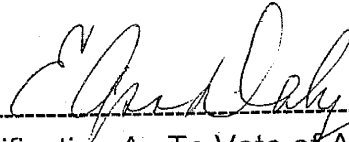
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 3-20-06
Approved for legal sufficiency
M-NCPPC Office of General Counsel

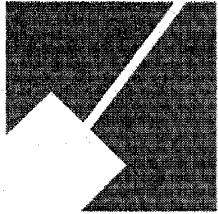
CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 23, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120050810, Danshes Property**. Chairman Berlage and Vice Chair Perdue abstained.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

APPENDIX B



**MARYLAND-NATIONAL CAPITAL
PARK & PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS**

TO: Laxmi Srinivas, Development Review Division

SUBJECT: Final Forest Conservation Plan # 820060160
Site Plan The Orchards of Sandy Spring

SENT VIA FAX TO: Kevin Foster, GLW (fax: 301-421-4186)

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

SUBMISSION ADEQUACY

Adequate as submitted

RECOMMENDATIONS

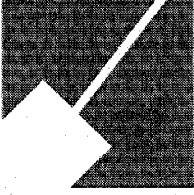
Approve subject to the following conditions:

- Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")
- Submittal of financial security for the reforestation of the sewer line construction area to M-NCPPC prior to clearing or grading.
- Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plats.
- Maintenance agreement for the reforestation of the sewer line construction area to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.
- Others:

- a. Add Forest Stands 3 and 5 to the Invasive Plant Species Management Plan dated April 2006.
- b. Reconfigure the split rail fencing for the two forest retention areas in the northeastern portion of proposed Parcel G to allow access between the two forest retention areas.
- c. Include permanent markers (such as permanent fences or signs) along all boundaries of the Category I conservation easements.
- d. Sewer line from the rear of Lots 15 and 16 to the offsite forest boundary to be reforested.

SIGNATURE: Candy Bunnag ^{cb} (301) 495-4543
Environmental Planning Division

DATE: 6/20/06



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Laxmi Srinivas, Development Review Division

FROM: Candy Bunnag^{CB}, Planner Coordinator, Environmental Planning Section,
Countywide Planning Division

DATE: June 20, 2006

SUBJECT: Site Plan 820060160, The Orchards of Sandy Spring

The Environmental Planning staff has reviewed the preliminary plan referenced above. Staff recommends approval of the site plan with the following conditions:

1. Forest retention areas and environmental buffers to be placed in Category I conservation easements. Easements to be shown on record plats.
2. Compliance with the conditions of approval of the final forest conservation plan. Conditions include, but are not limited to, the following:
 - a. Add Forest Stands 3 and 5 to the Invasive Plant Species Management Plan dated April 2006.
 - b. Reconfigure the split rail fencing for the two forest retention areas in the northeastern portion of proposed Parcel G to allow access between the two forest retention areas.
 - c. Include permanent markers (such as permanent fences or signs) along all boundaries of the Category I conservation easements.
 - d. Sewer line from the rear of Lots 15 and 16 to the offsite forest boundary to be reforested.

BACKGROUND

The 92-acre property, zoned RNC, lies within the Patuxent River watershed. About 81.7 acres of the property is covered by the Patuxent River Primary Management Area (PMA). 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 occur on the property.

Forest Conservation

About 40.46 acres of the subject property is forest. The final forest conservation plan proposes to clear 7.97 acres and retain 32.02 acres of forest. This is more than the break even point of 26.51 acres. It also exceeds the minimum 25 percent forest retention threshold (23.02 acres) for subdivisions in the RNC zone. Much of the forest retention areas are within proposed HOA open space areas or the private rural open space parcel.

Permanent split rail fencing is proposed along the boundaries of the environmental buffers and forest retention areas that are adjacent to proposed lots and in the interior of proposed Parcel G (HOA or private rural open space parcel). Staff supports the use of split rail fencing along these boundaries so that future property owners are aware of the locations of conservation easement areas. The final forest conservation plan shows no permanent fencing or other markers along the portions of the environmental buffers and forest retention areas that are near the proposed stormwater management facility and near the northeastern property line. Staff believes that these boundaries should also have some kind of permanent markers to make people aware of where open space areas are also conservation easements and to reduce the potential for encroachment activities (e.g., mowing).

The forest conservation plan includes an invasive plant species management plan to reduce the growth of invasive plants within existing forest on the western part of the property. Staff believes the proposed plan is acceptable if the two stands of forest in the eastern part of the site are added to the plan area.

The final forest conservation plan, with the conditions recommended by staff, meets the requirements of the County Forest Conservation Law.

Environmental Buffers

Most of the 21.4 acres of environmental buffers on the property is forested. Most of the buffers will be located within Category I conservation easements on HOA or private rural open space areas. As noted above, the applicant proposes to clearly mark the boundaries of the environmental buffers and forest retention areas within the interior of Parcel G, which is the HOA or private rural open space parcel, with permanent split rail fencing.

About 0.72 acre of wetland and its buffer will be graded and cleared to widen the road pavement for Brooke Road, add a bike path and equestrian trail, replace a storm drain outfall, and add a new storm drain outfall from Brooke Road. Staff believes these encroachments are necessary and unavoidable.

In addition, the proposed sewer line for the subdivision goes through a forested environmental buffer. The applicant considered an alternative to tunnel under the stream. However, because the sewer line must meet certain requirements for minimum depth beneath the ground and it must connect to the existing sewer that is offsite, the point at which the sewer line can be tunneled under the stream is over 200 feet upstream of the point where the new sewer line could tie into the existing sewer line. About 11,000 square feet more of forest would have to be cleared to construct the sewer line by tunneling under the stream than to construct the

sewer line with standard trenching measures. Staff believes the applicant's proposed alignment minimizes the clearing of trees within the forest. Staff recommends that the area that is cleared for the construction of the sewer line is reforested.

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 8.0 percent over the PMA portion of the site and 9.6 percent over the entire site. This meets the imperviousness guideline limit.

RECOMMENDATION

Environmental Planning staff recommends approval of the site plan with conditions.

APPENDIX C



1-05081
RW

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

September 7, 2005

Mr. Brian Lewandowski
Gutschick Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Stormwater Management **CONCEPT** Request
for Danshes Property
Preliminary Plan #: TBD
SM File #: 216007
Tract Size/Zone: 92/RNC
Total Concept Area: 25ac
Lots/Block: N/A
Parcel(s): P773 P903
Watershed: Hawlings River

Dear Mr. Lewandowski:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures via the use of dry ponds for drainage areas D & F and a waiver for drainage area E. Channel protection volume is not required for the remainder of the drainage areas because the one-year post development peak discharge is less than or equal to 2.0 cfs. On site water quality and on site recharge are provided via the use of a surface sand filter and non structural measures.

The following items will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. A level spreader device should be utilized at the outfall of drainage area R.
5. The breaching of the existing pond and the creation of the wetland must be completed early in the sequence of the site construction.
6. Drywells may be required on lots where the grass channel credit cannot be met. Clearly delineate all of the areas that will utilize grass channels for water quality treatment. Water quality must be provided for the common driveways in drainage areas F and J - Q.

This list may not be all-inclusive and may change based on available information at the time.



Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required for drainage area E.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

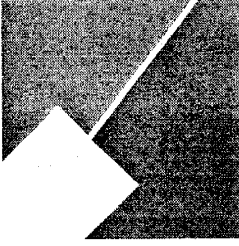
RRB:dm CN 216007

cc: C. Conlon
S. Federline
SM File # 216007

QN - On Site / Waived;
QL - On Site ;
Recharge is provided

Acres: 21.8 / 3.2ac
Acres: 25ac

APPENDIX D



March 20, 2006

MEMORANDUM

TO: Laxmi Srinivas, Development Review

FROM: Piera Weiss, Eastern County Team, Community-Based Planning

SUBJECT: Site Plan 8-06016 Danshes Property

Staff Recommendation: Approval with the understanding and, if necessary, a condition that the rural open space parcel east of the stream buffer be configured to encourage agricultural use and that the easements that protect the rural open space be clearly written to encourage agricultural use as is the intent of the master plan.

Master Plan

The subject property lies within the boundaries of the *1998 Approved and Adopted Sandy Spring/Ashton Master Plan*. The property is zoned Rural Neighborhood Cluster (RNC). The fundamental concept of the master plan was to maintain a critical mass of rural open space on key properties in the master plan area. To achieve that goal the master plan recommended the key properties be required to set aside 70-85 percent open space through the cluster provisions of the zone. "The rural open space is set aside primarily by clustering new development onto a portion of the land and leaving the rest as cropland, pastureland meadow or woodlands." (Page 9, Sandy Spring/Ashton Master Plan). The following excerpt from the master plan describes the intent for rural open space on the Danshes Property.

Several properties are affected by these recommendations: Danshes and Ligon (Avalon) at the village edge, and Farquhar, Bancroft and some smaller properties (Gibian, Olds and DiBatista) in the rural entries. All the properties are currently zoned for low-density, large lot development under the RE-2 or RC zone. The intent of this Plan is to encourage clustering and create a setting of rural open space around the village center and in the rural entries with rural open space between 70 and 75 percent. Therefore, this Plan recommends rezoning the following properties to the Rural Neighborhood Zone: Dashes, Ligon, Bancroft, Gibian, Olds, Di Batista and Farquhar."

The Ligon Property and the Danshes Property are located on either side of Brook Road just at the western edge of Sandy Spring Village. Development of these two

properties under the Rural Neighborhood Cluster Zone could achieve densities at the village edge and open space past the village and in the rural entry.

The master plan limited the density on the site to no more than 33 lots and recommended a pedestrian path/trail and a Class III bikeway along Brook Road to provide access to the Ross Boddy Community Center and Sandy Spring village center. The master plan discussed two strategies, public or private ownership, for management of the rural open space.

The County Council approved a text amendment to the RNC zone after the master plan was approved and adopted in order to provide Moderately Priced Dwelling Units (MPDUs). The applicant has included MPDUs in the development, which is why the development exceeds the master plan limit of 33 lots.

Proposed Development

The proposed development includes a little more than the 70% rural open space consistent with the master plan recommendation for 70-75% rural open space in addition to common open space for the new community. Much of the rural open space is coterminous with the adjacent Stephens Farm (a horticultural nursery) located along the entire length of the subject property's northern boundary. The horticultural nursery is subject to a State of Maryland Agricultural Easement.

The development places the density along Brook Road and as close to the Fire Station as possible given the wetland areas along the southern boundary. The lots are clustered away from the streams, stream buffers and wetlands. MPDU units are located in the interior of the development. The cross section for Brook Road includes a pedestrian path/bikeway. This combined use, paved path connects to the existing Class 1 paved bike path along the frontage of the Fire Station.

The bulk of the rural open space consists of about two thirds of the property or 64 acres. This large expanse of contiguous rural space is consistent with the master plan's intent to preserve rural land for agriculture and open space uses. The applicant is proposing that the rural open space be divided into three parcels. According to the submitted plans, all three parcels are designated as HOA open space.

There was testimony during the Public Hearing for the Preliminary Plan 1-05081 that some of the open space, especially, the area shown on the current plans as parcel D, be considered for farming uses by a third party. This would provide continuity with the adjoining Stephens farm and fulfill the master plan intent to encourage agricultural use of rural open space. On the site plan, the applicant has divided the open space into three parcels, one of which separates the larger 23.14-acre parcel from a common boundary with the Stephens Farm. Parcel C has an interesting shape that must have been designed with some intent, what that intent is, is not evident.

Staff is concerned that the configuration of the parcels may work against potential farming the rural open space; eventually the land would revert back to forest area, which is not by definition rural open space. In order to plan for future farming the boundary for the agricultural use parcel the following should be considered:

- Lots and rural space should be located to discourage conflict between the future homeowners and future farming; a problem alluded to in the Agriculture Preservation Board's letter that was part of the record of the preliminary plan.
- The configuration of the rural space parcel(s) should encourage farming.
- The easement for the rural open space parcel should specify farming as an acceptable use in accordance with the provisions of the RNC zone and should note that there is no development potential left on any of the rural open space.

Staff finds that the proposed development, if the intent and use of the rural open space parcels is **clarified to specifically encourage farming**, would be consistent with the *Approved and Adopted Sandy Spring/Ashton Master Plan*.

APPENDIX E

April 6, 2006

Derick Berlage, Chairman and Members,
Montgomery County Planning Board
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Site Plan No. 82006160
Dansches Property

Dear Chairman Berlage and Members of the Board:

On behalf of Francine M. Hayward, we write to express her views on two particular aspects of the proposed site plan for this RNC subdivision which, in respect of the open space parcel designated Parcel "G" bounds her home and farmland. We appreciate the opportunity to present these comments.

Mrs. Hayward supports the proposed residential development and is not opposing its approval. She is, however, concerned about (i) the possibility that the Board will again be asked to impose an equestrian trail across the northern edge of the Dansches property and (ii) the reduction in the size of the agricultural lot, or Parcel "G." Mrs. Hayward wishes to reaffirm and reiterate her continuing objection to creation of a formal equestrian trail over or across the Dansches acreage, a trail that is neither provided for in the area master plan nor consistent with the approved alignment of the Rachel Carson Greenway. Further, she wishes to preserve as large a parcel as possible, by using the stream as a boundary, for the agricultural use lot, Parcel G.

On two prior occasions, both following lengthy public hearings, the Planning Board voted in favor of an alignment for the Rachel Carson Greenway that, as pertinent to this development, is contiguous to Brooke Road. The first such decision was made in connection with the board's selection of an alignment through Sandy Spring for the Rachel Carson Greenway in June of 2005. The second was in January of this year when the Board approved the preliminary plan of subdivision for the Dansches site (Preliminary Plan No. 120050810 (fka 1-05081). As reflected in the Board's Opinion dated March 28, 2006 (the "Opinion"), the Board made provision for the Rachel Carson Greenway along Brooke Road.

Derick Berlage, Chairman and Members
April 6, 2006
Page 3

If HOA residents or others are free to traverse the stream as part of "their" open space, they may, unwittingly perhaps, damage the sensitive environmental area of the stream and stream valley. Moreover, they may also be exposed to the inherent dangers of an agricultural uses to be conducted on Parcel G, whether it be the application of fertilizers or pesticides for crops, the grazing of farm animals and/or horses, and the use of large and possibly dangerous farm equipment. In addition, the smaller size of the agricultural parcel causes it to fall short of MALPF criteria for an agricultural easement which Mrs. Hayward would like to see applied to this parcel.

If the boundary is to be as now shown on the developer's proposed site plan, then it is essential that a farm-style fence be erected on the western boundary of Parcel G, just as the Applicant is providing along the most northern boundary of the subdivision in order to create the necessary physical separation from the tree farm. The applicant has recognized the importance of physically separating the most northern home sites as well as the northern portion of HOA open space (Parcel C) from the tree farm and its active agricultural business activities with a fence. That same understanding of the importance of a fence between the agricultural Parcel G and its recreationally-oriented HOA open space pertains here. Applicant could have drawn the open space parcel lines differently, i.e., the boundary between Parcel C (HOA open space) and Parcel G, the agricultural lot, and thus have obviated the need for a fence. But there can be little doubt that the Applicant understands, at this juncture, the importance of preserving the agricultural viability of Parcel G. Thus, we ask that you reaffirm the agricultural use of Parcel G and require the Applicant to install an appropriate fence on the western boundary of Parcel G, given the configuration it has chosen for the subdivision.

Thank you. We look forward to appearing before you at the public hearing.

Sincerely,

Elsie L. Reid

ELR/jmt

cc: Francine M. Hayward

Bentley Road Civic Association

Cathy Berglund
Bentley Road
Sandy Spring, MD 20860

RECEIVED
JUN 15 2006

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

June 15, 2006

Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Danshes Site Plan, March 2006 version

Dear Chairman Berlage:

On behalf of the Bentley Road Civic Association I would like to add our comments regarding the plans for the Danshes subdivision that will be reviewed by the Planning Board in the near future. We would also like to thank the Planning Board for their denial of TROT's request to reconsider the Danshes preliminary plan. We are all tired of constantly having to worry about TROT. Personally, I have had many difficulties with this group tearing down fencing, leaving gates open, scattering my herd, spitting on my children, throwing their trash on my lawn, dropping horse manure on my driveway, and bringing drunken people on my property.

Comments regarding to the upcoming Danshes site plan concern: (A) the western boundary for the Parcel G open space, (B) the lighting changed to complete shut off on the street at night, (C) there are no plans for a solar electric system, (D), there are no plans for a gray water system, and (E) there is no designated area for a community gardening space for the residents.

Parcel G Boundary:

First we would like to address the western boundary for the Parcel G open space. At the January 12, 2006 public hearing on the Danshes Preliminary Plan, the Board approved a Preliminary Plan that showed the stream as the western boundary of Parcel G. However, Winchester Homes has changed the western boundary of Parcel G on the most recent set of site plans that we have seen (March 2006).

Our understanding is that while Applicant had earlier agreed to the stream as the western boundary of Parcel G, it now feels that the stream is not a feasible boundary because a stream boundary line (1) is too difficult to survey and (2) could change over time. Applicant would now like to opt, instead, for a straight line as the western boundary of Parcel G. However, this newly drawn straight line creates a confusing boundary line that bears no relationship to the features of this property. Indeed, now the stream is on both sides of the boundary, with the result that it will be extremely difficult to clearly mark the boundary between the agricultural Parcel G and the recreational HOA Parcel C located to the west of Parcel G. There are many reasons to clearly separate recreational functions from agricultural uses.

We have observed staff working very hard over many months to address the numerous challenges posed by this subdivision. We have appreciated their recognition that all reasonable steps must be taken to avoid rural and suburban conflicts. We have also appreciated the Planning Board's consistent recognition during these proceedings of the needs of agriculture and the importance of agriculture to

the goals of the RNC zone. Accordingly, we ask that you require Applicant to restore a workable boundary for the western boundary of Parcel G. This boundary could be either (1) the stream as Applicant originally proposed to the Planning Board during the January public hearing on the preliminary plan; or (2) a straight line as Applicant now seems to favor, though it really should be a straight line to the west of the line now drawn by Applicant, preferably on the west side of the stream.

Night Sky:

Sandy Spring is blessed with a night sky that can still be seen. We can observe the constellations and planets at night. This is because at present we still have a dark sky. With the increase in development in the area we need to be extra considerate of our natural resources and do our utmost to preserve them, as they are a dear possession that will quickly escape all of us. The lighting needs to be changed to a complete cut off at night instead of partial.

Energy Efficiency:

Considering the President's directive on energy efficiency use, it seems prevalent that we utilize our resources. This is a new community that is setting precedence with other homes that will be built in the near future. Each of these homes is capable of producing enough energy for themselves as well as part of the community around them. Each of these homes should be fully solar operated. With the new solar shingles that are available the homes do not look like space crafts. But, blend well with the surroundings. However, it makes them independent of the energy use of our smog producing production plants. With the increase in building solar should be a number one priority in energy choices. It is free and clean.

Water Conservation:

More than half of the water that is put out of our homes as sewer is actually gray water that could be used again for watering the lawns and surrounding open space of a community. If each new housing community would install gray water systems for their showers and laundry, it would greatly reduce the amount of treatment that would be needed in our sewer management programs. Please consider this when reviewing plans.

Designate a Community Garden:

Recently, I have had many comments from people in Olney and other nearby areas. They say that they really wish they could have a garden space like I have. They say, it would be so nice just to have a little bit of earth to work. When I lived in Santa Monica, California, we had community gardens all over the place, and they looked so very nice. It really made the neighborhood look attractive.

We support a workable boundary for Parcel G, the installation of solar efficient homes, gray water systems, complete cut off of street lighting at night to preserve our night sky, and the installation of community gardening space. Each of these things that remind each of us that we are the caretakers of our earth. We are responsible for preserving our earth for the future generations. We have no right to use up all of the resources for ourselves.

On behalf of the Bentley Road Civic Association, I thank you for your consideration of our requests.

Sincerely,


Cathy Berglund

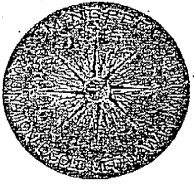
APPENDIX F

Srinivas, Laxmi

From: Eapen, Cherian
Sent: Friday, April 07, 2006 8:53 AM
To: Etemadi, Shahriar; Walton, Grace
Cc: Srinivas, Laxmi
Subject: Danshes Property Site Plan Memo (820060160)

Please note that there will be no TP staff memo for this site plan. I already gave my comments to Laxmi verbally.

Cherian



October 27, 2005

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Chérian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525

SUBJECT: Preliminary Plan No. 120050810 (1-05081)
Danshes Property
Brooke Road
Rural (Patuxent) Policy Area

This memorandum summarizes Transportation Planning staff's Adequate Public Facilities (APF) review of the subject Preliminary Plan to build 34 single-family and six single-family attached (townhouse) dwelling units on the subject property in an RNC Zone, within the Rural (Patuxent) Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this Preliminary Plan application:

1. Limit future development on the property to a maximum of 34 single-family and six townhouse dwelling units.
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. Consistent with the 1998 Approved and Adopted *Sandy Spring/Ashton Master Plan*, dedicate and show on the final record plat right-of-way along Brooke Road to provide a minimum of either 35 feet from the roadway centerline, or 70 feet from the opposite roadway right-of-way line.
4. 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).
5. The final record plat shall reflect dedication of necessary truncation at all intersection corners.
6. 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.
7. The development shall provide lead-in sidewalks from Brooke Road along both Public Road "AA" and Public Road "BB".
8. All on- and off-site sidewalk/bike-path ramps and crosswalk shall conform to Americans with Disabilities Act standards.
9. 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.
10. Access to all lots shall be from internal streets and shall be reflected on the site plan.

DISCUSSION

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. Additionally, 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 is expected to start construction in October 2005. SHA's goal is 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 is anticipated to start construction in 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
DANSHES 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 condition, 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.

CE:gw
 Attachment

cc: Michael Ma
 Mary Goodman
 Lyn Coleman
 Doug Powell
 Piera Weiss
 Chuck Kines
 Greg Leck
 Ray Burns
 John Borkowski
 Mike Lemon
 Kevin Foster
 Bob Harris
 Mike Lenhart

Mmo to Conlon re Danshes Prop

Srinivas, Laxmi

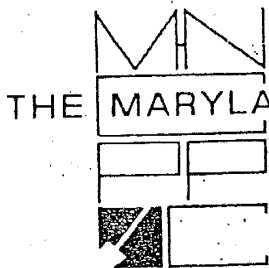
From: Oaks, Michele
Sent: Tuesday, April 25, 2006 11:47 AM
To: Srinivas, Laxmi
Subject: Danshes Property 8-06016

Laximi,

I have reviewed the subject project and found it not to impact any resources listed in the Locational Atlas and Index of Historic Sites or in the Master Plan for Historic Preservation.

Sincerely,
Michele Oaks


Michele Oaks, Senior Planner
Historic Preservation Office
Montgomery County Department of Park and Planning
1109 Spring Street, Suite 801
Silver Spring, MD 20910
(301) 563-3400 (phone)
(301) 563-3412 (fax)
michele.oaks@mncppc-mc.org
www.mncppc.org



MEMORANDUM

December 1, 2005

TO: Cathy Conlon, Subdivision Supervisor, Development Review Division
Richard Weaver, Subdivision Review, Development Review Division

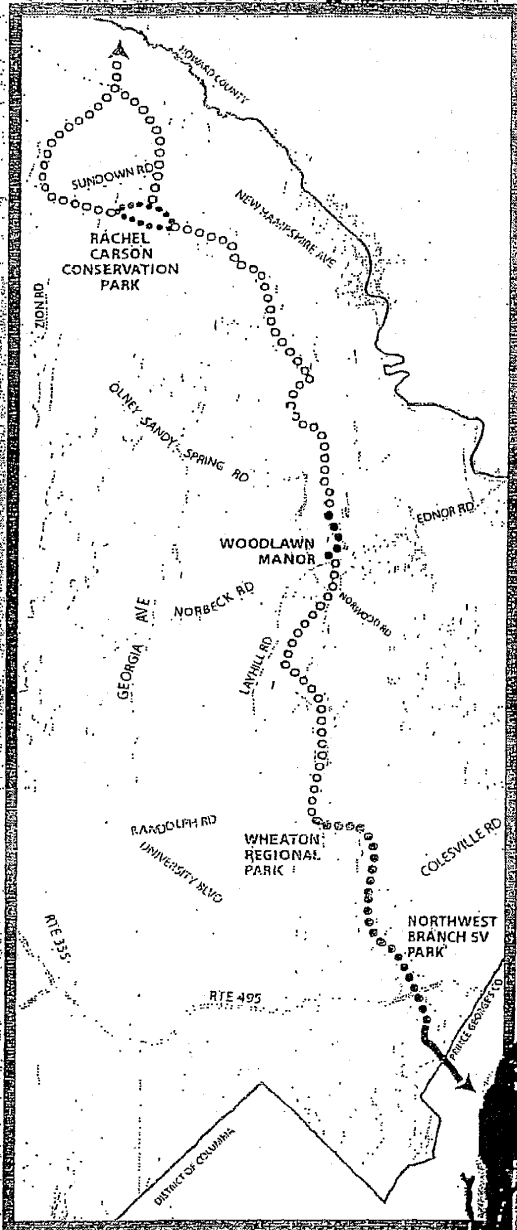
FROM: Doug Powell, Plan Review Coordinator, Park Planning and Resource
Analysis Unit, Countywide Planning Division 

RE: Park Planning and Resource Analysis Unit's Conditions for approval
of Preliminary Plan #1-05081, Danshes Property

The Planning Board approved Rachel Carson Greenway Trail Corridor Plan designates the bike path/trail along Brooke Road, shown in the Sandy Spring/Ashton Master Plan, as the Rachel Carson Greenway Trail. The Rachel Carson Greenway Trail Corridor Plan directs staff to "Assure the sidewalk/bike path proposal along Brooke Road is attractive and features a park-like setting." The Plan includes a proposed cross section for Brooke Road that "features landscaping on either side of an 8' asphalt trail to create a sense of enclosure and to provide a natural setting." This cross-section was prepared by Community Based Planning and presented to the developer at the Plan's work session and during the site field visit with the Applicant. Park Planning and Resource Analysis staff therefore requests the following Conditions of Approval:

1. The Rachel Carson Greenway Trail and surrounding landscaping to be constructed by Applicant completely within the existing or dedicated public road right-of-way or PIE. Issue of trail and landscaping maintenance to be determined by time of Site Plan approval.
2. A detailed cross section, acceptable to M-NCPPC staff, of the entire trail, including landscaping, and its relationship to the adjacent houses and entrance roads to be shown on plans to be approved at time of site plan.
3. The 8' wide, hard surface Greenway Trail to be continuous from the southern to the northern property boundaries, along the Brooke road frontage, including through the small parcel on the east side of Brooke Road that is bordered on the north and south by this subdivision but is not part of this subdivision.
4. Greenway Trail to be adequately signed with signage approved by M-NCPPC staff.

Rachel Carson Greenway Trail Corridor Plan



*It was a clear night without a moon... we lay
and looked up at the sky and the millions of
stars that blazed in darkness... You can
still drink in the beauty, and think and
wonder at the meaning of what you see...*

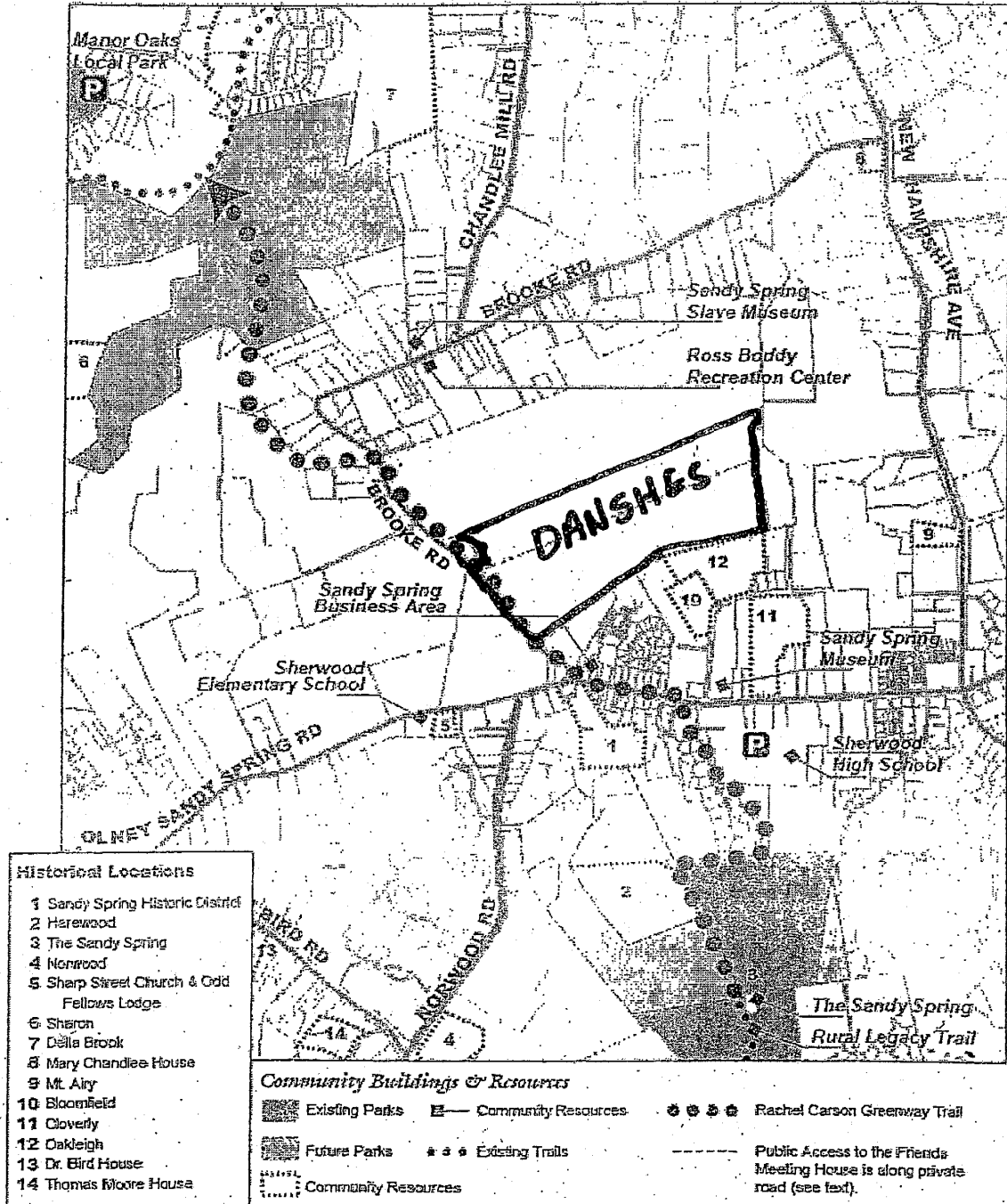


Adopted by the Montgomery County Planning Board - June 2005

Closing the Greenway Gap Near Sandy Spring

The Sandy Spring/Ashton Master Plan, adopted in 1998, endorsed the concept of continuing the greenway but recommended the location be determined as part of a subsequent trail corridor study. The Rachel Carson Greenway Plan is that study.

The study area where a greenway connection is needed near Sandy Spring is shown below.

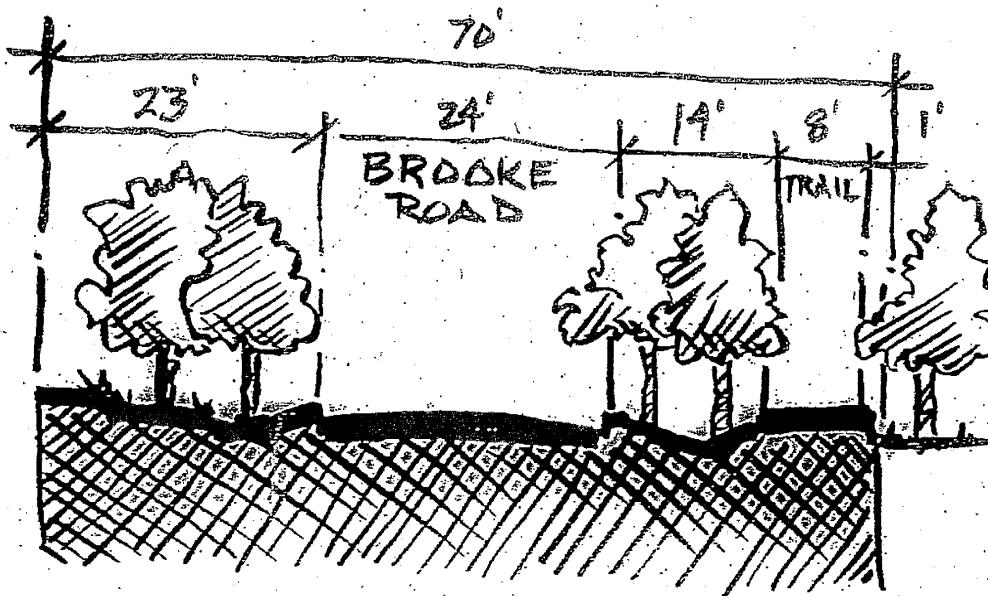


Several options for providing continuity in this area were studied and discussed by the Planning Board. As shown on the previous page, this Plan recommends the greenway trail follow sidewalks through the village of Sandy Spring and along Brooke Road. Public use trail easements across the Brooke Grove Foundation property west of Brooke Road would allow the greenway to continue north to future proposed parkland.

The proposed greenway location meets plan objectives for greenway connectivity, historic interpretation, linking community resources and supporting the Sandy Spring Target Investment Zone for Heritage Tourism.

The Plan proposal relies on sidewalks for most of the greenway corridor. The detailed cross section and design of the sidewalks will determine how attractive the greenway will be. As stated in the Sandy Spring-Ashton Master Plan, paths and sidewalks should be located and landscaped to fit with the rural character in a manner typical of a rural path. The Sandy Spring/Ashton Master plan also provides an attractive streetscape concept for the Village of Sandy Spring that includes sidewalks and plantings. Implementation of these Master Plan recommendations is essential to providing an attractive setting for the Rachel Carson Greenway.

The cross-section shown below is recommended for Brooke Road. It features landscaping on either side of an 8' asphalt trail to create a sense of enclosure and to provide a natural setting.



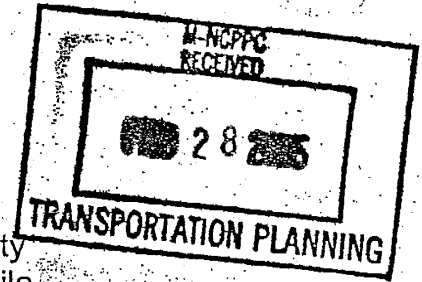
Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

February 22, 2005



Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPFC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Montgomery County
MD 108 General File
Danshes Property

1-05081

Dear Mr. Etemadi:

Thank you for the opportunity to review the Traffic Impact Study Report by The Traffic Group, Inc. dated January 5, 2005 (received by the EAPD on January 27, 2005) that was prepared for the proposed Danshes Property residential development in Montgomery County, Maryland. The comments and conclusions are as follows:

- Access to the 42 Single Family Detached Dwelling Units is proposed from two (2) full movement access driveways on Brooke Road (a County roadway).
- The traffic consultant determined that the proposed development would negatively impact the MD 108 at Brooke Road/Meeting House Road intersection. Therefore, the traffic consultant proposed to restripe the eastbound MD 108 approach from the existing 1 left/through lane and 1 right turn lane -to- 1 left turn lane and 1 through/right lane.

SHA is in general concurrence with the report findings. However, the proposed eastbound MD 108 through/right lane should be widened to 16 feet to accommodate bicyclists (if right-of-way is available or obtainable). In addition, milling and overlay may be required to implement the proposed improvement along eastbound MD 108 at the MD 108 at Brooke Road/Meeting House Road intersection. Finally, the receiving lane along eastbound MD 108 (east of the intersection) may require improvements to provide a safe and smooth transition through the intersection area.

My telephone number/toll-free number is _____

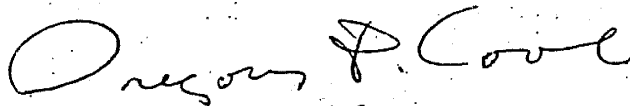
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

Therefore, in conclusion, SHA recommends that the M-NCPPC condition the applicant to modify the eastbound MD 108 approach to provide 1 left turn lane and 1 through/right lane at the MD 108 at Brooke Road/Meeting House Road intersection. The eastbound MD 108 through/right lane should be designed as a 16-foot lane to accommodate bicyclists. The modification of the eastbound MD 108 approach improvement should include any necessary improvements along eastbound MD 108 (east of the intersection) to create a safe and smooth transition through the intersection area. Roadway improvement plans should be submitted to SHA for our review and comment.

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Greg Cooke at (410) 545-5602. If you have any questions regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits Division

cc: Ms. Maureen Decker – M-NCPPC Montgomery County
Mr. Greg Cooke – Assistant Division Chief SHA EAPD
Mr. Joseph Finkle – SHA Travel Forecasting Section
Mr. Robert French – SHA Office of Traffic & Safety
Mr. Larry Green – Daniel Consultants, Inc.
Mr. Michael Lenhart – The Traffic Group, Inc.
Mr. William Richardson – SHA Traffic Development & Support Division
Mr. Lee Starkloff – SHA District 3 Traffic Engineering
Mr. Jeff Wentz – SHA Office of Traffic & Safety

WSSC Comments on Items for November 21, 2005
Development Review Committee Meeting

File Number	Project Name	Substantial Comments
820060160	Danshes Property	<p><u>EXTENSIONS REQUIRED</u></p> <p>Water and sewer main extensions are required to provide service to this project. Accordingly, a system extension permit must be obtained from the Development Services Group (DSG). Project has an assigned project number of DA3447Z02. The assigned project manager is Bruce MacLaren. He can be reached at 301-206-8817.</p> <p><u>AMENDMENT SUBMITTED</u></p> <p>WSSC recently received a project amendment application on November 4, 2005 to split the project into two parts (offsite sewer - part 1 and 40 lots - part 2). One small segment of pressure sewer is being proposed to serve 3 lots only. Bruce MacLaren has not yet processed this amendment.</p>



FIRE MARSHAL COMMENTS

DATE: DECEMBER 29, 2005
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: BATTALION CHIEF MICHAEL A. DONAHUE, FIRE CODE ENFORCEMENT SECTION
RE: DANSHE'S PROPERTY, PRELIMINARY PLAN, FILE NO. 1-05081

1. **PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 12-01-2005. 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

12/11/2005



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Arthur Holmes, Jr.
Director

Douglas M. Duncan
County Executive

October 23, 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 # 1-05081
Danshes Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated March 23, 2005 and the amended detail plans for Brooke Road dated August 22, 2005. The Development Review Committee reviewed this plan at its meeting on April 25, 2005. We recommend approval of the plan subject to the following comments:

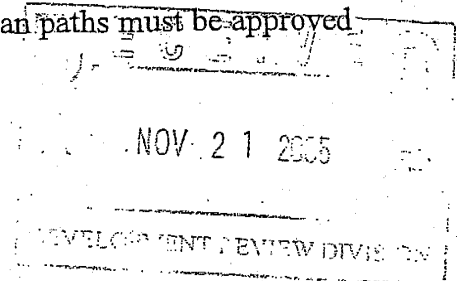
All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for widening of Brooke Road in accordance with the master plan.
3. Full width dedication and construction of all interior public streets.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030



12. This site is located in the Hawlings River (Class IV) watershed. In accordance with Section 49-35(k) of the Montgomery County Code, curb and gutter may not be installed in an environmentally sensitive watershed unless certain waiver criteria have been satisfied.

The Department of Permitting Services may lift this requirement if the applicant is able to provide documentation which satisfactorily demonstrates the use of curb and gutter will not significantly degrade water quality. This documentation is to be submitted in triplicate to Ms. Sarah Navid of DPS (Right-of-Way Permitting and Plan Review Section), for subsequent review and comment by this Department and the Maryland-National Capital Park & Planning Commission (Environmental Planning Division.)

13. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

The owner will also be required to execute and record a Declaration of Covenants (for Maintenance and Liability) for the maintenance and operation of the proposed equestrian path along Brooke Road. The deed reference for this document is to be provided on the record plat.

14. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.

15. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

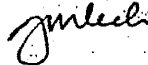
16. Trees in the County rights of way - species and spacing to be in accordance with the applicable MCDPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office, [(301) 854-6060], to plant trees within the public right of way.

17. A Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:

Ms. Catherine Conlon
Preliminary Plan No. 1-05084
October 23, 2005
Page 5

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-2190.

Sincerely,



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

m:/subd/DCA/DanshesProp1-05081, gml revs.doc

cc: Mike Lemon, Winchester Homes
Kevin Foster, Gutschick, Little & Webber, P.A.
Richard Weaver; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TP
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPW RWPPR

Facility/Subdivision Name: DANsches Property

Preliminary Plan #: 1-05081

Street Name: Brooke Road / Prop Inty's

Master Plan Classification: Primary

Posted Speed Limit: 30

Street/Drwy: 1 (Road A ENTRANCE Closest to Meadowsweet Street/Drwy.) 2 (Road A ENTRANCE Closest to Rte 103)

Sight Distance (feet) OK?
Right 856.15 ✓
Left 428.69 ✓

Sight Distance (feet) OK?
Right 380.40 ✓
Left 327.90 ✓

Comments: _____

Comments: _____

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction#
Tertiary - 25	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
Major - 50	475
(55)	550

Source AASHTO

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that the information is accurate and was collected in accordance with these guidelines.

Signature: David L. Little 3/22/05

12464

PLS/P.E. MD Registration No. _____



SEAL

Accepted By: [Signature]

Date: 10/23/05

Srinivas, Laxmi

From: Suarez, Sharon
Sent: Monday, June 19, 2006 4:13 PM
To: Srinivas, Laxmi
Subject: Site Plan #820060160 Danshes Property - Housing Comments

Importance: High

Laxmi:

I have reviewed the application and have checked the calculation of MPDUs and density bonus units. The applicant has calculated properly: 33 base density + one bonus unit + six MPDUs = 40.

Enter "33" on the MPDU calculator for verification at <http://www.mcparkandplanning.org/housing/mpducual.asp>.

sks

Sharon K. Suarez, AICP, Housing Coordinator<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />
Research & Technology Center
Montgomery County Planning Department
The Maryland-National Capital Park & Planning Commission (M-NCPPC)
8787 Georgia Avenue, Silver Spring, MD 20910-3760
Phone (301) 495-4720; FAX (301) 495-1326
sharon.suarez@mncppc-mc.org <<mailto:sharon.suarez@mncppc-mc.org>>
www.mcparkandplanning.org/housing <<http://www.mcparkandplanning.org/housing>>

-----Original Message-----

From: Srinivas, Laxmi
Sent: Friday, June 16, 2006 9:57 AM
To: Suarez, Sharon
Cc: Ma, Michael
Subject: FW: Referrals from your Division
Importance: High

I need the memo for Danshes today or Monday ASAP. Staff reports are due to my supervisor on Monday. Danshes is #2 on the list below. It is a 92 acre property in the RNC Zone. A total of 40 units are being proposed including six MPDUs. The Preliminary Plan 120050810 was approved on January 12, 2006. A quick two sentence memo will do. Thanks

-----Original Message-----

From: Suarez, Sharon
Sent: Wednesday, April 19, 2006 4:00 PM
To: Srinivas, Laxmi
Subject: RE: Referrals from your Division

Hi, again, Laxmi:

Wow, you weren't kidding! Thanks so very much for the heads up. I will try to get the Loneoak Townes comments to you tomorrow, because I will be at APA in San Antonio from the 21st to the 26th.

-----Original Message-----

From: Srinivas, Laxmi
Sent: Wednesday, April 19, 2006 11:30 AM
To: Wright, Gwen; Powell, Doug; Suarez, Sharon
Cc: Ma, Michael; Krasnow, Rose
Subject: Referrals from your Division
Importance: High

The Planning Board has been requiring memos from other sections attached to the staff reports even if there are no comments. I need a quick memo from your section for the following cases. The due dates are also listed.

1. Loneoak Townes 8-06010 due date 4/26/06
Property location: 12129 Georgia Avenue
6 townhouses in the RT-12.5 Zone
2. Danshes Property 8-06016 due date 5/1/06
on Brooke Road NW of Olney Sandy Spring Road
3. Olney Estates 8-06019 due date 5/10/06
northeast quadrant of Old Baltimore Road and Ampeg Lane
36 single family units and 6 duplex MPDUs in the RNC Zone
4. Ashton Meeting Place 8-06023 due 5/21/06
on New Hampshire Avenue in the SE quadrant of New Hampshire Avenue and Ashton Road
Six apartments over retail and 58,659 sq.ft. of retail in the C-1 and R-60 Zones
5. Bowie Mill Estates 8-06011 due 6/1/06
We already have memos from Parks and Historic Preservation on this one..
158 single-family residential units, 14 duplex MPDUs and 14 townhouse MPDUs in the RNC Zone
6. High Acres 8-06022 due 6/10/06
On Brookes Lane northwest of Locust Lane
15 townhouses in the R-90 Zone

Thanks for your help. I appreciate it.