



SEP 28 2010

**MONTGOMERY COUNTY PLANNING BOARD**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-122  
Site Plan No. 820060390  
Project Name: Stanmore (formerly Hyde Property)  
Date of Hearing: July 29, 2010

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on May 22, 2006, Stanmore Limited Partnership c/o Mr. Thomas Hyde ("Applicant"), filed an application for approval of a Site Plan for 16 one-family detached dwelling units, including 3 existing houses to remain ("Site Plan" or "Plan") on 50.93 acres of RNC-zoned land, located on the east side of Batchellors Forest Road, approximately 400 feet south of Dr. Bird Road (MD 182) ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820060390, Stanmore (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 15, 2010, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 29, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 29, 2010, the Planning Board approved the Application subject to conditions on the motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 5-0, Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

Approved as to  
Legal Sufficiency:

*Amey M. [Signature]* 8/30/10

8787 Georgia Avenue, Suite 300, Silver Spring, MD 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820060390 for 16 one-family detached dwelling units, including 3 existing houses to remain, on the Property in the RNC zone, subject to the following conditions:

### **Conformance with Previous Approvals**

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120061100 as listed in the Planning Board Resolution dated September 17, 2009. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, the Montgomery County Department of Transportation ("DOT") (formerly DPWT) conditions, and the Montgomery County Department of Permitting Services ("DPS") stormwater conditions.

### **Environment**

2. Forest Conservation & Tree Save

The development must comply with the conditions of approval for the Final Forest Conservation Plan, as per the M-NCPPC Environmental Planning memorandum dated July 6, 2010.

3. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated May 8, 2006, unless amended and approved by DPS.

### **Parks, Open Space, & Recreation**

4. M-NCPPC Department of Parks

The Applicant must provide a safe pedestrian access from the existing and approved homes to the adjacent parkland and Farquhar Middle School to the south. This community access, which shall be adequately identified and signed, could be in the form of a natural surface trail within the right-of-way for Batchellors Forest Road subject to final approval from the Rustic Roads Committee prior to release of the access permit for the new private streets. The final alignment and surfacing must be established in coordination with staff prior to Certified Site Plan approval.

5. Common Open Space Covenant

Record plat of subdivision must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to M-NCPPC staff prior to issuance of the 10<sup>th</sup> building permit that the Applicant's recorded Homeowners Association Documents are incorporated by reference in the Covenant.

6. Rural Open Space

A Rural Open Space Easement must be recorded in the Montgomery County Land Records for the 34.62-acre area designated as private Rural Open Space (Parcels A, Parcel H, Lot 14, and Lot 15, as shown on the Certified Site Plan). Reference to the recorded easement is to be noted on the record plat(s).

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to picnic/sitting areas, nature trails, and natural areas.

**Site Plan**

8. Landscape Surety

The Applicant must provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a) The amount of the surety must include plant material, site furniture, and recreational facilities within the development. Surety to be posted prior to issuance of first building permit and shall be tied to the development program.
- b) Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c) Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d) Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.

- b) Provide each section of the development with necessary roads.
- c) Street tree planting may wait until the next growing season after street construction is completed.
- d) The development program must provide phasing for installation of on-site landscaping.
- e) Community-wide pedestrian pathways and recreation facilities, including picnic/sitting areas, a gazebo, a nature trail, and natural areas, must be completed prior to release of the 12th building permit.
- f) Landscaping associated with each dwelling unit shall be completed as construction of each building is completed.
- g) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

**10. Certified Site Plan**

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b) Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c) Modify data table on plans to reflect development standards enumerated in the staff report.
- d) Ensure consistency of all details and layout between site plan and landscape plan.
- e) Provide typical foundation planting.

BE IT FURTHER RESOLVED, that all site development elements as shown on Stanmore drawings stamped by the M-NCPPC on February 26, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report and as presented at the Hearing, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the subject site.

- 2. The Site Plan meets all of the requirements of the RNC zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

Residential one-family detached uses are allowed in the RNC Zone. The Site Plan fulfills the purposes of the zone by preserving open land, environmentally sensitive natural resources, and rural community character. This is accomplished by providing residential development in clusters and maintaining broad vistas of open space.

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed, which the Board approved. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the RNC Zone.

With respect to density, the zone allows the maximum density on a property to be set in the master plan. The Olney Master Plan sets the maximum density on this property at 0.33 units per acre under the optional method of development, resulting in a maximum of sixteen units. The Site Plan has 16 units with a density of 0.33 units per acre, which is within the maximum density allowed. With respect to building height and lot coverage, the development is under all the maximum standards allowed. With respect to setbacks, lot area, and lot width, the Site Plan is above all minimum standards allowed. The open space consists of approximately 0.33 acres of common open space and approximately 34.62 acres (68.8% of the net tract area) of rural open space that allows a greater amount of rural features and character to be protected.

As required by the zone, the development provides a variety of lot sizes. The lots containing the existing dwellings will range from 2.2 to 14.7 acres in size. The size of the new lots varies between 13,360 square feet (0.31 acres) for the smallest and 17,783 square feet (0.41 acres) for the largest. Although the zone also encourages a diversity of house sizes, it is not a requirement and is more difficult to achieve with smaller developments. These units are all single family detached, but this is in keeping with the neighboring communities. The Site Plan only has 13 units, which makes it exempt from the requirement to provide MPDUs.

The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

**Project Data Table for the RNC Zone, Optional Method of Development**

<b>Development Standards</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Min. Area of Development</b> 59-C-9.574(a)	
Gross Tract Area (acres)	50.93
Road Dedication (acres)	(-) 2.0
Net Tract Area (acres)	48.93
<b>Density</b> (du/ac) Per Olney Master Plan (p.28)	0.33
<b>Max. No. of Dwelling Units</b>	16
<b>Unit Types</b>	
- Proposed one-family detached units	13
- Existing one-family detached units to remain	3
<b>Min. Lot Area</b> (sq. ft.) 59-C-9.574(d)(i) - One-family detached units	13,360
<b>Min. Setback from Street</b> (feet) 59-C-9.574(d)(ii)	20
<b>Min. Yard Setback</b> (feet) 59-C-9.574(d)(iii)	
- Side yard	8
- Rear yard	10
<b>Min. Lot width</b> (feet) 59-C-9.574(d)(iv) - One-family detached unit	50
<b>Max. Building Height</b> (feet) 59-C-9.574(d)(v)	35
<b>Max. Lot Coverage</b> (%) 59-C-9.574(d)(vi) - One-family detached unit	35
<b>Accessory Structures Setbacks</b> (feet) 59-C-9.574(d)(vii)	
Rear	5
Side	5
Street	60
<b>Common Open Space</b> 59-C-9.574(e)	<u>0.33 acres (Total)</u> 0.25 acres (Parcel B) 0.08 acres (Parcel C)
<b>Min. Rural Open Space</b> <sup>(a)</sup> 59-C-9.574(h)	<u>34.62 acres (Total) (68.8%)</u> 7.33 acres (Lot 14)

	12.21 acres (Lot 15) 14.75 acres (Parcel A) 0.33 acres (Parcel H)
<b>Parking Spaces 59-E</b> One-family detached	32 (2-car garages)

<sup>(a)</sup> The rural open space is calculated on the net tract area calculated by deducting the rights-of-way for roads classified as major highways or freeways from the gross tract area of the property. Doctor Bird Road is classified as a major highway per the 2005 Olney Master Plan.

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

a. Buildings and Structures

The 13 one-family detached units will be clustered on two private cul-de-sac streets in the northern and central portions of the Property located at a lower elevation away from Batchellors Forest Road. The elevation and location of the units have been sited appropriately to maintain broad vistas of open space and to preserve the rustic character of the Batchellors Forest Road as envisioned by the Master Plan. The Site Plan also responds to the natural resources onsite and takes advantage of the existing forest line to screen some units from the road.

The northern cluster, with 7 units, has maintained a similar setback from the road as the existing house to the north, and has located only 3 units along the northern property boundary to minimize impacts on surrounding properties. The cluster to the south has the units fronting onto an area of common open space, which strengthens the community by providing a gathering place for the residents of the neighborhood. Three existing dwellings will continue to use their existing private driveways, one of which is shared by two of the dwellings. The locations of the buildings and structures are adequate, safe and efficient, while maintaining the rural character of the area and preserving environmentally sensitive natural resources.

b. Open Spaces

The open space provided is divided into Common Open Space, intended for common use by the residents of the neighborhood, and Rural Open Space, intended to protect rural features and other sensitive areas and to maximize common boundaries with rural open space on adjacent tracts. The most significant common open space, located at the cul-de-sac of Street B, is surrounded by houses and has amenity features (gazebo, benches, and picnic tables), making it an effective gathering point for the neighborhood residents. The

other common open space, located beyond the cul-de-sac for Street A, is mostly open lawn and signals the beginning of the path connecting the two clusters.

The 34.62 acres of Rural Open Space are located primarily along Batchellors Forest Road in order to maintain the existing broad vistas of open space and to preserve the rural character of this road. Environmentally sensitive natural resources are also protected, since the stream valley and existing forest are included in the Rural Open Space. The open space provided satisfies the provisions of the zoning and is safe, adequate and efficient in addressing the needs of the use and the recommendations of the Master Plan.

c. Landscaping and Lighting

The landscaping is intended to soften and screen the development from Batchellors Forest Road and adjacent properties. Thus, a mix of shade trees, ornamental trees, deciduous and evergreen shrubs are provided at the two access points to this development. In addition, a massing of evergreens is provided at the northern property line as a buffer between the new units (especially on Lot 1) and the existing house to the north. Landscaping on individual lots consists of a traditional foundation planting area for each house. The remaining landscaping screens the storm water management facilities and defines the areas where the public amenities are located.

The areas of rural open space adjacent to Batchellors Forest Road are integral to the character of the road and will remain open without plantings. Street trees are provided along the two private streets, however no lighting is provided in order to maintain the rural character of this area. The landscaping and lighting are adequate, safe, and efficient.

d. Recreation Facilities

The development is exempt from meeting the adequacy test for recreation because it has less than 25 single-family homes. Nonetheless, the development will provide three picnic/sitting areas, a nature trail, and natural areas. The recreation facilities provided are adequate, safe and efficient.

e. Vehicular and Pedestrian Circulation

Batchellors Forest Road, which is a rustic roadway, provides access to the development. The new one-family detached clusters will be served via two separate private roads; the northern roadway serving seven lots and the southern driveway serving six lots. Lots 14, 15, and 16, consisting of existing residences, will be served via separate existing driveways.

Pedestrian access and circulation through the site overlaps with the vehicular circulation except for a natural surface trail connecting the two residential



clusters. No sidewalks are provided along Batchellors Forest Road because, as a rustic road, any changes or improvements that could alter its character (including the construction of sidewalks) are prohibited. No sidewalks are provided along the private cul-de-sac streets because there is no existing sidewalk system along Batchellors Forest Road, limited vehicular traffic on the private streets makes them safe for pedestrians, and impervious surfaces are minimized. The vehicular and pedestrian circulation systems provide safe, adequate and efficient access to the developable portions of the property, while allowing for the preservation of forest, environmentally sensitive areas, and open space.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The residential use is compatible with the adjacent residential uses and confronting institutional uses. This development will group the units into two residential clusters, which minimizes the fragmentation of forest, the impacts on environmentally sensitive areas, and the access points onto Batchellors Forest Road. The two clusters are located away from this road so as to be only partially visible, which preserves exceptional vistas of open fields, a central element to the rustic character of Batchellors Forest Road.

The landscape buffer along the northern property boundary will enhance compatibility between the approved units and the existing house to the north. The diversity in lot sizes, ranging from 0.31 to 14.7 acres in size, is compatible with the surrounding development and rustic character of this area, and is consistent with the purpose and intent of the zone.

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.*

A Final Forest Conservation Plan was approved as part of Preliminary Plan No. 120020820 for Good Counsel High School. The previously approved forest conservation plan established areas of forest retention and planting for both phases of the development. The forest conservation plan associated with the Stanmore site plan does not change these areas with the exception of an area of right-of-way (ROW) dedication and a public utility easement (PUE).

The Applicant must revise the Final Forest Conservation Plan to provide an additional 0.12 afforestation credits, resulting from the removal of forest previously shown as saved prior to any land disturbing activities occurring on site. This Site Plan is subject to the minimum retention requirement found in Sec. 22A-12(f)(2)(B) of the County code. For this property, the conservation threshold

of 25% (or 12.73 acres) is met by retaining and planting a total of 19.59 acres. The plan, as amended by Staff's conditions of approval, will comply with the County Forest Conservation Law.

The Department of Permitting Services approved the stormwater management concept for the development on May 8, 2006. The concept consists of on-site water quality control via construction of six water quality facilities. Onsite recharge is to be provided via the use of open section roadways and by using storage below the stormwater facilities wherever practical. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is SEP 28 2010 (which is the date that this Resolution is mailed to all parties of record); and

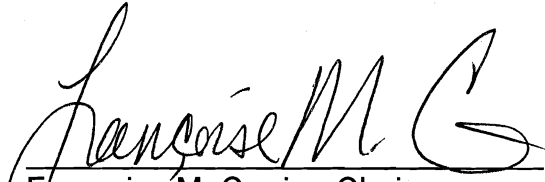
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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### CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chairman Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent at its regular meeting held on Thursday, September 16, 2010, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board