



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 12 2014

MCPB No. 14-40
Site Plan No. 82006039A
Stanmore
Date of Hearing: June 5, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on September 28, 2010, the Planning Board, by Resolution MCPB No. 10-122, approved Site Plan No. 820060390, for 16 one-family detached dwelling units, including 3 existing houses to remain 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) ("Subject Property"), in the Olney Policy Area, in the Olney Master Plan ("Master Plan") area; and

WHEREAS, on February 21, 2014, Williamsburg Homes, LLC. Applicant, filed an application for approval of an amendment to the previously approved site plan to update the site layout to meet storm water management regulations, which requires re-alignment of the private roads, open spaces, lot lines, grading and relocation of the Category I Conservation Easement on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No.82006039A, Stanmore ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 23, 2014, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 5, 2014 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:

[Handwritten signature]
6/5/14

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82006039A, subject to the following conditions:¹

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, unless amended by the Planning Board.

Environment

2. Prior to any clearing, grading, or demolition on the Subject Property, the Applicant must submit financial surety for the 0.86 acres of new forest planting in Reforestation Area #4, as identified on the revised Final Forest Conservation Plan ("FCP").
3. Prior to any clearing, grading, or demolition on the Subject Property, the Applicant must record a Maintenance and Management Agreement executed by the Applicant and the Planning Board or its designee for the 0.86 acres of new forest planting in Reforestation Area #4, as identified on the revised Final FCP.
4. At the pre-construction meeting, the Applicant must coordinate with the M-NCPPC forest conservation inspector regarding the temporary disturbance within the Category I Conservation Easement at the rear of Lot 12. After the temporary outfall pipe is removed, the Applicant must coordinate with the M-NCPPC forest conservation inspector regarding the restoration and replanting of this disturbed area. The area must be restored and replanted as soon as possible and no later than four months after the removal of the temporary outfall pipe.
5. The Final Sediment Control Plan must be consistent with the final limits of disturbance as approved by Staff.
6. The Applicant must comply with all tree protection and tree save measures shown on the approved Final FCP. Tree save measures not specified on the Final FCP may be required by the M-NCPPC forest conservation inspector.
7. Prior to any clearing, grading or demolition of the Subject Property, the Applicant must place a Category I conservation easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Final FCP. Conservation easements must be shown on the record plats.

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

8. The Applicant must install permanent Category I Conservation Easement signage along the perimeter of all forest conservation easements, and split rail fencing along lots 4, 5, and 10-13, directly adjacent to areas of forest planting.
9. Stormwater Management
The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated April 15, 2014, and hereby incorporates them as conditions of the Site Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of Site Plan approval.

Parks, Open Space, & Recreation

10. M-NCPPC Department of Parks
 - a) Prior to the approval of the Certified Site Plan, the Applicant must provide a safe pedestrian access to the adjacent parkland and Farquhar Middle School to the south.
 - b) The community access must be adequately identified, properly maintained (i.e. by mowing) and spelled out in the Homeowners Association ("HOA") documents as a natural surface trail 1-foot within the right-of-way for Batchellors Forest Road.
 - c) Prior to the issuance of the first Use and Occupancy permit, natural surface trail and park signage must be installed consistent with the Rustic Roads Advisory Committee approval letter. The natural surface trail consists of a mowed pathway with no other surface improvements.
 - d) Prior to record plat, the Applicant must execute a maintenance and liability ("M&L") document to be recorded in the Land Records. The HOA and the M&L documents must be submitted as part of the record plat review process, and the liber and folio numbers must be referenced on the Plat.
11. Common Open Space Covenant
Any record plat containing a Common Open Space easement must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant must provide verification to Staff that the Applicant's Covenant is incorporated by reference in the HOA Documents.
12. Rural Open Space
Prior to record plat, a Rural Open Space Easement in the form approved by the M-NCPPC Office of General Counsel, encumbering the 33.14-acre area designated as private Rural Open Space (Parcels A, Parcel C, Lot 14 and Lot 15, as shown on the Certified Site Plan) must be recorded in the Montgomery County

Land Records. Reference to the recorded easement is to be noted on the record plat(s).

13. Recreation Facilities

The Applicant must provide at a minimum the following recreation facilities: a picnic seating area, natural trails and natural areas as shown on the Certified Site Plan.

14. 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 until such time as the ownership of the public spaces are conveyed to the HOA.

Site Plan

15. All private streets must be built to Montgomery County tertiary road structural standards.

16. Surety & Maintenance Agreement

Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, entrance signage, recreational facilities (e.g. gazebo and natural surface trails), site furniture, fences, private roads, pathways and associated improvements within the relevant phase of development. The surety must be posted prior to issuance of first building permit within each relevant phase of development and must be tied to the development program.
- c) The bond or surety shall be tied to the development program, and completion of all improvements covered by the surety for each phase of development must be followed by inspection and potential reduction of the surety.

17. Development Program

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

- a) Prior to the issuance of the Use and Occupancy Certificate for Lots 4 and 12, on-site amenities including, but not limited to entrance signage, natural surface trails, street tree planting, the gazebo, trash receptacles and benches. The installation of the natural surface trail and park signage must be consistent with the Rustic Roads Advisory Committee approval letter.
- b) 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.
- c) The development program must provide phasing for installation of on-site landscaping.
- d) Provide each section of the development with necessary private roadways.
- e) The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation and other features.

18. Certified Site Plan

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

- a) Include the final forest conservation approval, stormwater management concept approval letter, 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.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED, that all site development elements as shown on Stanmore drawings accepted on ePlans by the M-NCPPC on February 21, 2014, 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 presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the 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 Property.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The use is allowed in the RNC Zone and the Site Plan amendment 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, maintaining broad vistas of open space and adequately addressing minimum open space requirements.

As the project data table indicates below, this Site Plan amendment meets all of the development standards of the RNC Zone. With respect to the density, building height, setbacks and lot coverage the development remains consistent with the previous approval. The Subject Property meets the minimum zoning requirements and the locations are generally unchanged.

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

Development Standard	Permitted/ Required	Site Plan No. 820060390	Site Plan No. 82006039A
Min. Area of Development 59-C-9.574(a)			
Gross Tract Area (acres)	10	50.93	50.93
Road Dedication (acres)	n/a	2.0	2.0
Net Tract Area (acres)	n/a	48.93	48.93
Density (du/ac) Per Olney Master Plan (p.28)	0.33	0.33	0.33
Max. No. of Dwelling Units	16	16	16
Unit Types			
- Proposed one-family detached units	n/a	13	13
- Existing one-family	n/a	3	3

detached units to remain			
Min. Lot Area (sq. ft.) 59-C-9.574(d)(i)			
One-family detached units	4,000	13,360	13,957
Min. Setback from Street (feet) 59-C-9.574(d)(ii)			
	15	20	15
Min. Yard Setback (feet) 59-C-9.574(d)(iii)			
- Side yard	8	8	8
- Rear yard	n/a	10	10
Min. Lot width (feet) 59-C-9.574(d)(iv)			
One-family detached unit	25	50	50
Max. Building Height (feet) 59-C-9.574(d)(v)			
	35	35	35
Max. Lot Coverage (%) 59-C-9.574(d)(vi)			
One-family detached unit	35	35	35
Accessory Structures Setbacks (feet) 59-C-9.574(d)(vii)			
Rear	5	5	5
Side	5	5	5
Street	60	60	60
Common Open Space 59-C-9.574(e)			
	n/a	<u>0.33 acres (Total)</u> 0.25 acres (Parcel B) 0.08 acres (Parcel C)	<u>0.075 acres (Total)</u> 0.075 acres (Parcel F)
Min. Rural Open Space 59-C-9.574(h)			
	65% (32.7 acres)	<u>34.62 acres Total</u> (68.8%) 7.33 acres (Lot 14) 12.21 acres (Lot 15) 14.75 acres (Parcel A) 0.33 acres (Parcel H)	<u>33.14 acres Total</u> (65.1%) 6.97 acres (Lot 14) 11.31 acres (Lot 15) 14.63 acres (Parcel A) 0.23 acres (Parcel C)
Parking Spaces 59-E			
One-family detached	32 spaces (2 spaces/d.u.)	32 spaces (2-car garages)	32 spaces (2-car garages)

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

a) Locations of Buildings and Structures

Per the previous approval, 13 one-family detached units will be clustered on two private cul-de-sac streets in the northern and central portions of the Subject Property, located at a lower elevation and 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 northernmost 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 southernmost cluster (6 units) 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.

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 Space

The Rural Open Space has been reduced from the original approval, but is still 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 proposed use and the recommendations of the Master Plan.

c) Landscaping and Lighting

Per the previous approval, the landscaping is intended to soften and screen the development from Batchellors Forest Road and adjacent properties. The landscaping screens the storm water management facilities, enhances the entrance features 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 is adequate, safe, and efficient.

d) Recreation facilities

Per the previous approval, the development is exempt from meeting the adequacy test for recreation because it proposes 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) Pedestrian and Vehicular circulation systems

Per the previous approval, access to the development is from Batchellors Forest Road, which is a rustic roadway. The clusters of new homes will be served via two separate private roads located on separate parcels (Parcels B and E). Lots 14, 15, and 16 are existing residences that will be served via separate existing driveways.

Pedestrian access and circulation through the Subject Property 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.*

Per the previous approval, the residential use is compatible with the adjacent residential uses and confronting institutional uses. This development groups 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 the 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 new units and the existing house to the north. Of the total units approximately 19 percent will range in lot size from 13,957 sf. to 14,533 sf., 38 percent of the units will range from 15,406 sf. to 16,953 sf., and 44 percent of the units will range from 20,801 sf. to 15 acres in size. The diversity of lot sizes is consistent with the surrounding development and rustic character of this area and 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.*

The Application amends the Final FCP to relocate an existing Category I Conservation Easement onsite, and to allow for a temporary disturbance within an existing Category I Conservation Easement and stream valley buffer for a sediment control outfall pipe. The temporary disturbance is within a newly planted area of the Conservation Easement which will ultimately be restored and replanted under the direction of the M-NCPPC forest conservation inspector. The Application also separates the Final FCP for the Subject Property from the Final FCP for the Good Counsel High School site, which has submitted an application to complete the requirements of such separation. All of the forest conservation requirements for both properties have been met. The required planting has been completed and the forest conservation bonds have been released; the conservation easements have been recorded and are the responsibility of the property owner on which they are located.

Forest Conservation and Environmental Guidelines

The Application abandons and relocates 0.71 acres of Category I Conservation Easement that was inadvertently recorded over existing forest in an area established in the past as a septic reserve field for the house on Lot 15. The 0.71 acre Conservation Easement to be abandoned is not located in a stream valley buffer and will be mitigated for onsite by planting 0.71 acres of forest adjacent to an existing Category I Conservation Easement and stream valley buffer area. The new area of Conservation Easement is located within Reforestation Area #4 as shown on the revised Final FCP. In addition the Application requires an additional 0.13 acres of forest to be planted as part of Reforestation Area #4 to mitigate for 0.1 acre of forested public utility easement ("PUE") along Dr. Bird Road and 0.03 acres of forested PUE along Batchellors Forest Road that cannot be protected in a Conservation Easement for a total of 0.86 acres of new forest planting. This 0.86 acre area is located adjacent to stream valley buffer in Reforestation Area #4, and will be protected in a Category I Conservation Easement.

The Application requires a small area of temporary disturbance within the stream valley buffer and Category I Conservation Easement located at the rear of Lot 12. This disturbance is necessary for the construction of a sediment control outfall pipe, which will be approved by MCDPS as part of the Sediment and Erosion Control Plan. The Easement area was not forested originally and has been planted as part of the FCP. After construction of the Subject Property is complete, the outfall pipe will no longer be necessary, and the Applicant will remove it, restore and replant the disturbed area under the direction of the M-NCPPC forest conservation inspector.

BE IT FURTHER RESOLVED, that this Resolution 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

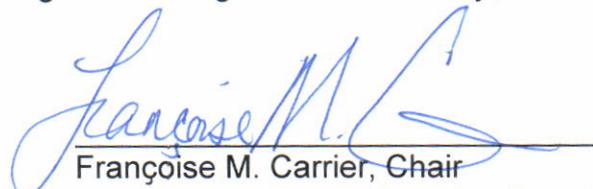
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 12 2014 (which is the date that this resolution is mailed to all parties of record); and

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 Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 5, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board