MCPB
Item #
6/14 /07

MEMORANDUM

DATE: June 1, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Catherine Conlon, Subdivision Supervisor
Development Review Division

FROM: Richard A. Weaver (301-495-4544)
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Subdivision of property into 4 one family residential lots and one outlot

PROJECT NAME: Ford Property
CASE #: 120060920
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2
LOCATION: In the northwest quadrant of the intersection of New Hampshire Avenue and Ednor Road
MASTER PLAN: Sandy Spring/Ashton

APPLICANT: Miller and Smith
ENGINEER: Gutschick, Little and Weber

FILING DATE: March 16, 2006
HEARING DATE: June 14, 2007

RECOMMENDATION: Approval subject to the following conditions:

1) Approval under this preliminary plan is limited to 4 lots for 4 one-family detached residential dwelling units.
2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan and approval memo dated May 30, 2007. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
3) The applicant must 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.
4) The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
5) The record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation and a Category II easement over all tree save areas as specified by the preliminary forest conservation plan.
6) The record plat to reflect common ingress/egress and utility easements over all shared driveways.
7) The record plat must reflect all areas under Homeowners Association ownership and specifically identify stormwater management parcels.
8) The applicant must comply with the conditions of the MCDPS stormwater management approval dated December 1, 2006.
9) The applicant must comply with the conditions of the MCDPWT letter dated May 15, 2006, unless otherwise amended.
10) The applicant must obtain approval from the Montgomery County Department of Permitting Services (DPS), Montgomery County Department of Public Works and Transportation (DPWT) and the Maryland State Highway Administration (SHA) to construct an eight-foot wide shared-use path along the New Hampshire Avenue site frontage and extend the path off-site to the north, up to the driveway to Shri Mangal Mandir Temple (a logical termination/destination for the bike path). Given that there is a drainage outfall and sloping terrain at the northeastern edge of the property, the applicant may construct the path by paving over the culvert, or an extension thereof. Alternatively, the applicant may construct a 10-foot wide bridge over the outfall area/sloping terrain and extend the path to the Temple driveway. Lacking approvals to construct the path over the culvert, applicant shall construct bike path to a point immediately south of the culvert and provide bollards at the termination point. Bike path shall be completed prior to issuance of the third building permit.
11) Record plat to show standard truncation at the corner of Ednor Road and New Hampshire Avenue.
12) 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.
13) Other necessary easements.

SITE DESCRIPTION (Attachment A – vicinity map)

The Subject Property is located in the northwest quadrant of the intersection of New Hampshire Avenue and Ednor Road. The Property consists of one vacant, unplatted parcel containing 15.33 acres and zoned RE-2. Uses surrounding the Property are residential communities to the north, south and west and a church under construction to the east. The Property has frontage on New Hampshire Avenue, Ednor Road, the dedicated but unbuilt portion of Ford Lane and the dedicated and incomplete portion of Bittersweet Lane.

The majority of the property (14.98 acres) is in forest cover. A tributary of the Northwest Branch (Use IV stream) flows through the property. Wetlands and an environmental buffer associated with the stream and wetlands also occur on the property.

PROJECT DESCRIPTION (Attachment B – proposed plan)

The project proposes four lots, each for a one family residential dwelling unit. Because of the stream that bisects the site, one home will access Bittersweet Lane and the other three will access the newly constructed Ford Lane. The lots will range in size from 2.05 acres to 4.69 acres. Each home will be served by private on-site septic systems; one of which will be a sand mound system. Public water will be provided to the homes.

As mentioned, three homes will access newly constructed Ford Lane and share a common driveway. The Montgomery County Department of Public Works and Transportation and the State Highway Administration prohibited driveway access from Ednor Road and New Hampshire Avenue. Therefore, the Ford Lane right-of-way will be built to County standards to provide access for the three new lots (Lot 2-4) and four other existing lots (Lots 6 - 9 and Outlots A-D, Ednor Farms). One of the new lots (Lot 1) will access Bittersweet Lane with a private driveway from the stub portion of that road.

Bittersweet Lane was originally platted in the 1970's and was necessary to provide access to the eight Ednor Farms lots. The eight lots are shown on the plan, immediately to the west of the Subject Property, and are actually four buildable lots and four outlots. The outlots contain the septic systems for the four buildable lots. The belief at the time was that sewer would one day be provided to this area and the septic systems on the outlots would not be needed. The outlots would then become buildable. However, sewer is not projected to be provided to this area in the near future, so the applicant and the owner of the Ednor Farms lots have agreed to share access off Ford Lane. By doing this, construction of Bittersweet Lane is not necessary and the stream buffer can be let undisturbed. Easements and utility access will be provided by this plan off Ford Lane for the four lots and outlots.

The outlot that is being created (Outlot A) is a portion of the site removed from the remainder and is unbuildable. It may be conveyed to an adjacent property owner.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Sandy Spring/Ashton Master Plan makes no specific recommendations on the Subject Property; however, it does make the general recommendation that the RE-2 zone continue to be applied to the site. The Master Plan also makes specific recommendations on right-of-way widths for Ednor Road and New Hampshire Avenue, which abut the Subject Property. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a residential subdivision that complies with the RE-2 zone and it makes the proper right-of-way dedications as required by the Master Plan.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. The application is not, therefore, subject to Local Area Transportation Review. The right-of-ways as shown on the plan comply with the master plan recommendations and will provide adequate pedestrian and vehicular access for the new and existing lots. No sidewalks on Ford Lane are proposed due to the low-density zoning, shortness of the public road and limited number of residential units that the road serves. There is no sidewalk system on Ednor Road to connect to.

Off-Site Bike Path Improvement

Staff recommends that the applicant extend an 8-foot wide bike path along their entire frontage of New Hampshire Avenue, as recommended in the Sandy Spring/Ashton Master Plan (PB-23 pp.61-62)). The current preliminary plan only shows extension of that 8-foot bike path from its current terminus 80 feet north of the intersection of Ednor Road and New Hampshire Avenue, approximately 440 feet north, to a point along New Hampshire Avenue where it ends abruptly, releasing path users onto New Hampshire Avenue at an unmarked, and potentially unsafe location.

The bike path is the only improvement on New Hampshire Avenue required of this applicant, and it is typical to require applicants to improve the entire length of their frontages when improvements are required, therefore, staff is recommending that it be completed along the Subject Property frontage and extended off-site, for approximately 145 feet to the Shri Mangal Madir Temple driveway north of the Subject Property. This termination point will be a safer point to release path users, rather than immediately out to the pavement of a 2 lane, heavily used State Highway. The Temple driveway also terminates the bike path at a "destination" rather than at an undefined location along New Hampshire. Because of the topography, and existence of a culvert near the northeast corner of the Property, the applicant may either build the path over an extension of the culvert pipe or construct a bridge over the swale. Either design will need to be reviewed and approved by the SHA, DPS and MCDPWT. The applicant would be required to revise the final preliminary plan to show the full extent of the Planning Board required bike path extension. If approvals cannot be obtained, the applicant must construct the pathway to a point

just south of the culvert and terminate it as a stub with bollards. Staff does not find it to be safe to direct path users on to New Hampshire Avenue at an uncontrolled point as is shown on the current plan.

With the proposed road construction as shown on the preliminary plan, and the improvements to the bike path as recommended by staff, vehicular and pedestrian access will be safe and adequate.

Environment

Forest conservation

The plan meets all applicable requirements of the county Forest Conservation Law. The preliminary forest conservation plan proposes retention of 6.54 acres of the 14.98 acres of forest. This is slightly larger than the "break-even point" of 6.14 acres for the site. Therefore, no forest planting is required for the proposed subdivision. The major forest retention area is located within and adjacent to the environmental buffer. A second forest retention area is located along the eastern portion of proposed Lot 4, adjacent to a public utility easement (PUE) and the right-of-way (ROW) for New Hampshire Avenue. The two forest conservation areas will be protected with Category I conservation easements. Most of the forest retention areas are within private lots.

Approximately one acre of forest will be retained in three separate areas of the Property as part of the construction of the site, but are not counted towards forest retention because each area is too small in size and/or is located within a PUE or the right-of-way for New Hampshire Avenue. These areas are identified as tree save areas on the preliminary forest conservation plan. Staff recommends that one of these trees save areas be protected through a Category II conservation easement. This area is located on the northeastern corner of proposed Lot 1. It is adjacent to an area of trees on the adjoining property that has a religious institutional use. Preserving a stand of trees on proposed Lot 1 would maintain a vegetated buffer between the residential lot and the religious institutional property.

In addition to the one acre of forest to be protected as part of the construction of the site (but not counted as forest retention), there are areas of tree save shown over the backup fields of proposed septic systems. Staff recommends that forest located in septic reserve areas only not be cleared as part of the original home construction with the understanding that individual homeowners may clear these trees at any time.

For trees adjacent to and within the New Hampshire Avenue ROW, staff recommends the applicant submit a detailed tree save plan to determine which trees may be protected, given the proposed grading for Lots 3 and 4, and the requirement for a bike path along the road. The creation of a Category I conservation easement along the eastern edge of proposed Lot 4, and requirement for a detailed tree save plan along and adjacent to the New Hampshire Avenue

ROW, are consistent with the Sandy Spring/Ashton Master Plan recommendation for "maintaining heavily vegetated edges as close to the road pavement as possible" and for preserving woodland and hedgerows (page 45 of the Sandy Spring/Ashton Master Plan).

Consistent with the Master Plan's recommendations, areas of tree cover located within a PUE or the New Hampshire Avenue ROW are shown to be retained, but may be removed at any time if imminently required for installation of utilities or by SHA, as applicable. Any proposed tree clearing must either be shown on the approved tree save plan required as part of the final forest conservation plan, or the clearing must be approved by M-NCPPC inspection staff.

Environmental Guidelines

The plan meets all applicable requirements for protection of environmentally sensitive areas. The applicant proposes to protect the environmental buffer by placing it within a forest conservation area. Most of the conservation area will be within private lots. The conservation area will be protected by a Category I conservation easement. To help ensure that future lot owners are aware that their lots include environmentally sensitive area, fencing along the easement boundaries will be required.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 1, 2006. The concept consists of both structural and non-structural water quality control measures. Water quantity controls are not required because post development discharge is less than 2.0 cubic feet per second. Stormwater management on the site has been adequately addressed as per the review and approval by MCDPS.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. As discussed in this report, access and public facilities will be adequate to support the proposed lots and uses. Water and Septic have been approved for the property and access to the homes is adequate for fire and rescue purposes. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Citizen Correspondence and Issues (Attachment C)

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC on March 13, 2006 and provided copies of the plan, as required.

An undated letter (attached), received on June 18, 2006 by staff, from Philip Keller expresses concerns about access to New Hampshire Avenue and Ednor Road. The writer suggests that access should be provided for three lots off Ford Lane to avoid construction of Bittersweet Lane over the stream. As discussed above, this has been shown on the plans as submitted to the Board

An email and letter from a Mr. Derek Jackson has prompted shifts to the house on Lot one to move it further from adjacent homes. Staff has also met in the field with Mr. Jackson to discuss limits of wetlands and sand mound systems. The plan complies with the Planning Board's Environmental Guidelines.

CONCLUSION

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Sandy Spring/Ashton Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan
Attachment C – Correspondence
Attachment D – Agency Approvals

Table 1: Preliminary Plan Data Table and Checklist *use the most up-to-date checklist*

Plan Name: Ford Property				
Plan Number: 120060920				
Zoning: RE-2				
# of Lots: 4				
# of Outlots: 1				
Dev. Type: One Family Residential				
PLAN DATA	**Zoning Ordinance Development Standard**	**Proposed for Approval the Preliminary Plan**	**Verified** RW	**Date**
Minimum Lot Area	2.0 acres	2.05 acres is minimum proposed	RW	6/4/07
Lot Width	150 ft.	250 ft. is minimum proposed	RW	6/4/07
Lot Frontage	25 ft.	250 ft. is minimum proposed	RW	6/4/07
Setbacks				
Front	50 ft. Min.	Must meet minimum[1]	RW	6/4/07
Side	17ft. Min./ 35 ft. total	Must meet minimum[1]	RW	6/4/07
Rear	35 ft. Min.	Must meet minimum[1]	RW	6/4/07
Height	50 ft. Max.	May not exceed maximum[1]	RW	6/4/07
Max Resid'l d.u. or Comm'l s.f. per Zoning	7	4	RW	6/4/07
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	RW	6/4/07
Road dedication and frontage improvements		Yes	Agency letter	~~6/4/07~~ 5/20/07
Environmental Guidelines		Yes	Staff memo	5/30/07
Forest Conservation		Yes	Staff memo	5/30/07
Master Plan Compliance		Yes	Staff memo	6/4/07
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Yes	Agency letter	12/1/06
Water and Sewer (WSSC)		Yes	Agency comments	3/23/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/23/07
Well and Septic		Yes	Agency letter	2/24/07
Local Area Traffic Review		N/A	Staff memo	6/4/07
Fire and Rescue		Yes	Agency letter	1-26/07
Other (i.e., schools)				

[1] As determined by MCDPS at the time of building permit.

FORD PROPERTY (120060920)

Attachment "A"

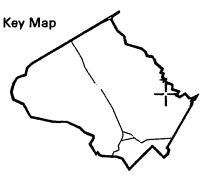
Map compiled on March 29, 2006 at 12:34 PM | Site located on base sheet no - 223NE01

NOTICE

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. -

Key Map



N

RESOURCES FOR ACTION

Research & Technology Center

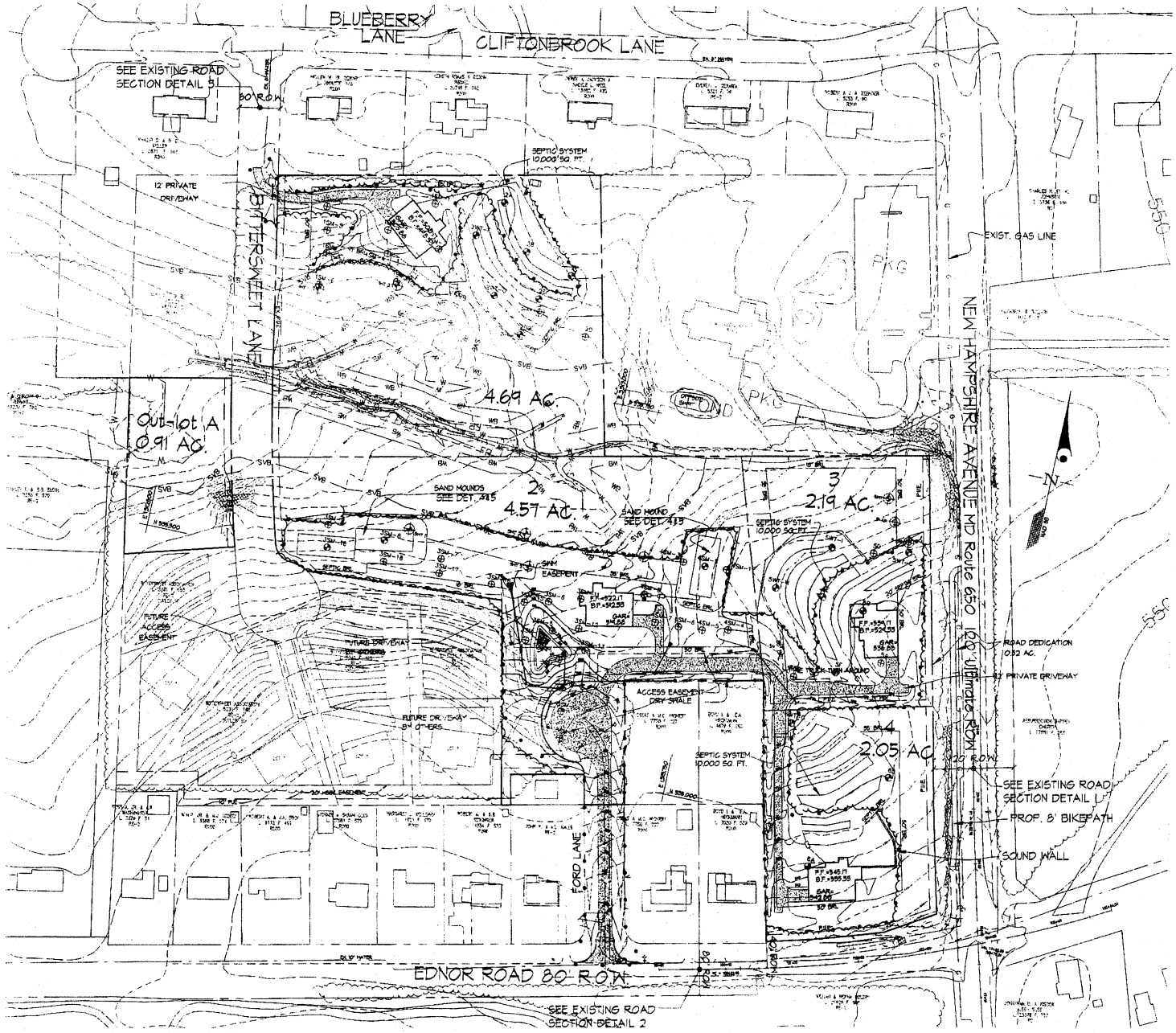
0 600

1 inch = 600 feet
1 : 7200

M-NCPPC

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Attachment "B"



GENERAL NOTES

1. OWNER:
   WILLIAM R. FORD JR. ET AL
   P.O. BOX 825
   KINGS BEACH, CALIFORNIA 96145
2. DEVELOPER:
   MILLER AND SMITH
   8401 GREENSBORO DRIVE SUITE 500
   MCLEAN, VIRGINIA 22102
   TEL. (703) 821-2500
3. BOUNDARY INFORMATION: GUTSCHICK, LITTLE AND WEBER, P.A.
4. FIELD RUN TOPOGRAPHY BY: GUTSCHICK, LITTLE AND WEBER, P.A.
5. FLOODPLAIN DELINEATED BY: GUTSCHICK, LITTLE & WEBER, P.A. APPROVED FPP 225684
6. THE SITE IS LOCATED IN THE NORTHWEST BRANCH WATERSHED
7. WATER AND SEWER CATEGORY: W-4 AND S-6
   LOTS TO BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEMS
8. WRA PSD BY: ENVIRONMENTAL SYSTEMS ANALYSIS, INC. 4-04027
   SUBMITTED: 12-31-08
9. THIS PROPERTY WILL BE SUBJECT TO A FOREST CONSERVATION PLAN.
10. DEVELOPMENT PROGRAM:
    THIS PLAN WILL BE DEVELOPED IN A SINGLE PHASE.
11. THIS PROPERTY WILL PRODUCE LESS THAN 50 PEAK HOUR TRIPS
    NO TRAFFIC STUDY IS REQUIRED.
12. HOUSE LOCATIONS, FOOTPRINTS, ORIENTATION AND FINE GRADING ARE ILLUSTRATIVE AND WILL BE FINALIZED AT THE TIME OF BUILDING PERMIT BASED ON THE BUILDING STANDARDS ESTABLISHED IN THE APPROVED SITE PLAN.

SITE DATA

Existing Zoning	RE-2
Proposed Use	Residential Standard Method Dev.
Site Area (Tract Area)	11.55 Ac
Area in Lots	11.41 Ac
Total Road Dedication	.1032 Ac

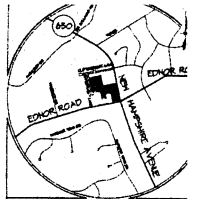
	ALLOWED/REQUIRED	PROPOSED
Tract Area	No minimum	11.55 Ac.
Density	1 DU	4 DU
MPDU	0	0
Unit Types	SINGLE FAMILY DETACHED	SINGLE FAMILY DETACHED
Open Space	0 Ac. req.	0 Ac.
Building Coverage	Max. 25% per lot	Less than 25% per lot

ZONING STANDARDS

	ALLOWED/REQUIRED	PROPOSED
Building Setbacks -		
Lot width:		
At front building line	150'	150'
At existing street line	25'	25'
Boundary Restrictions:		
From BRL (From Public Street)	50'	50'
Side BRL	17/35	17/35'
Rear BRL	35'	35'
Building Height	50' Ht. Max	50' Ht. Max

VICINITY MAP

SCALE: 1" = 2,000'



LEGEND

- EXISTING TOPOGRAPHY
- EXISTING TREE LINE
- EXISTING STRUCTURE
- PROPOSED STRUCTURE
- SVB — STREAM VALLEY BUFFER
- WB — WETLAND BUFFER
- W — WETLANDS
- LIMIT OF DISTURBANCE
- 15-24% SLOPES ON PROPOSED SD
- 25%+ SLOPES
- PROPOSED CONTOURS
- FUTURE CONTOURS

ENGINEERS CERTIFICATE

I hereby certify that to the best of my knowledge, information and the belief that the plan shown hereon, is true and correct, has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland and the boundary has been accurately reproduced from available land records.

6/23/09
Date

David L. Little
Professional Engineer
Maryland Reg. No. 12464

SCALE: 1" = 60'

0' 30' 60' 120' 240'

GLW GUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE – SUITE 250 – BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866

5.17.07	REVISED PER M-NCPPC COMMENTS	RS	KW

PREPARED FOR:
MILLER AND SMITH
8401 Greensboro Drive
Suite 300
McLean 22102
Mr. BILL ROBERTS

PRELIMINARY PLAN

FORD PROPERTY

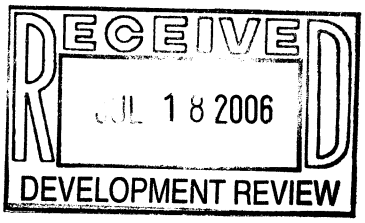
PARCEL 491

L.13480 F.553

SCALE	ZONING	G. L. W. FILE No.
1"=60'	RE-2	03-063
DATE	TAX MAP – GRID	SHEET
FEB. 2006	JT – 61	1 OF 2

Attachment "C"

PHILIP. D. KELLER
809 CLIFTONBROOK LANE
SILVER SPRING, MARYLAND 20905



Mr. Richard. A. Weaver
Subdivision coordinator
Development Review Division
Montgomery County Department of Park & Planning
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: 1. Ford Property, Parcel 491, L13480, F553 *120060920*
Vic. New Hampshire Avenue @ Ednor Road
2. Ednor Farms (Bittersweet Lane)

Dear Mr. Weaver:

Referencing a recent meeting in your office concerning the preliminary plan for the Ford Property, I am taking this opportunity to correspond with you so as to formally express my concern and the community concern over the proposed subdivision, and to offer some suggestions as to how to enhance the viability of this property's development. Should these suggestions be considered and incorporated in the development of this property, as well as into the Ednor Farms tract, it is felt that a vast improvement in land use would be accomplished, thereby substantially reducing the impacts to both the transportation network in the area and ultimately to the environment in our community. Positive citizen's support would thereby be readily attained for these new in-fill communities. Further in his letter I would like to suggest a way to solve these issues thereby eliminating the serious environmental and transportation issues which would result should either or both of the referenced projects move forward as planned.

First, I would like to address the roadway access issues associated with these proposed subdivisions. New Hampshire Avenue (Route 650), currently a 120' right-of-way, carries extremely large volumes of daily traffic. Any direct access through driveways for lots abuting this roadway should be discouraged and disallowed for no less than safety issues related to the traveling public. We have been advised that the Md. SHA has taken this position and we whole heartedly support their position. Referring to Lot #4 on the proposed Ford Property plan, access to Ednor Road, while not optimal, lacks the severe problem found with Lot #3. Notwithstanding, an improved access point will be discussed later. Proposed Lot #2 plans to have access to and through Ford Lane, a recorded street intersecting Ednor Road some 550' west of Route 650. While utilizing this dedicated public county right-of-way is highly appropriate, the roadway should be constructed to an appropriate higher level (26') and not the 12' driveway as shown on the preliminary plan. Lot #1 proposes constructing a long private drive at the rear of several lots

which front on Cliftonbrook Lane, connecting to the end of the short section of Bittersweet Lane currently paved. While in concept this driveway is outside of the environmentally sensitive areas previously outlined, I query whether it causes a negative impact on the existing adjoining properties. Additionally, the proposed siting of the residence on Lot #1 raises an issue as to whether it fully meets and complies with both the letter and intent of the Montgomery County Zoning Ordinance as it relates to setbacks and rear yard areas. Perhaps moving the driveway location southwards somewhat so as to create and retain a forested buffer between the rear of the abutting lots and the cleared/paved driveway area would be more favorable. The connection could still occur at the Bittersweet Lane location.

A clear and strong nexus exists between the development of the Ford Property and the undeveloped Ednor Farms property. As originally envisioned, the Ednor Farms project would necessitate the extension of Bittersweet Lane from its existing terminus at Cliftonbrook Lane. This effort would potentially denude and impact nearly 72,000 square feet of pristine forested areas, wetlands, and stream valley buffers through the construction of the roadway, a highway bridge stream crossing , extensive grading, and the installation of numerous utilities to serve the site. These activities will not only result in serious negative impacts to the site and adjacent properties, but will denigrate downstream reaches of the watershed as well.
Adjunctively, the potential of adding the traffic generated by this subdivision which will exit onto the narrow Cliftonbrook Lane, ultimately reaching the intersection with Route #650, does nothing but exacerbate a very dangerous traffic situation at the Route #650 intersection. Vehicles attempting to exit Cliftonbrook Lane have very little awareness of traffic approaching from either direction on Route #650. Likewise the traveling public on Route # 650 has a very limited siting of vehicles queuing on Cliftonbrook Lane awaiting an opportunity to enter this State highway. The Maryland SHA has been repeatedly advised of this situation and has acknowledged in conversations that the existing sight distances are less then one-half required by regulations.

As is known by many, the development of these two tracts, as well as the development of the Shri Mangel Mandir Temple immediately adjacent to and east of the Ford Property, has taken years of effort, particularly in the environmental and sewage disposal areas. When one reviews the septic and water table tests and analyzes the wetland, forestation, and stream valley buffer considerations, it becomes obvious as to why the development yields are so constrained.

Notwithstanding the myriad of issues, both small and large, that effect these two tracts of land, we feel that there are clear and supportable cost-effective solutions available to these development's which will ameliorate the plans and afford community support. The environmental and transportation issues can be readily addressed through the development of access to both planned communities through the Ford Lane dedicated right-of-way connection to Ednor Lane. Lots # 2,3,and 4 of the Ford Property could be easily connected to this roadway. Lot # 1 could be developed in a revised fashion connecting to Bittersweet Lane at it's terminus. The lots planned for the Ednor Farms development, could readily be connected by westward extension (either public or private) from the Ford Lane entrance. This simple revision eliminates impacts to Route 650, removes the necessity for constructing Bittersweet Lane over through and across pristene forested areas and wetlands, affords the opportunity to the numerous utilities to construct and maintain their systems from a more viable location on Ednor Lane, eliminates negative impacts to

adjacent property owners, preserves a valuable natural habitat for the citizens of the County, and clearly meets the goals established by the many regulatory agencies. This will also clearly enhance the value of these new communities while measurably decreasing their development costs. It is a win, win!

I thank you for your consideration of this request. I and other citizens of our community look forward to hearing from you and your positive response. Please advise as to how we can lend support to the parties involved in these projects. I can be reached daily at 301-421-9044 or 301-343-3928.

Sincerely,

Phillip D. Keller

PDK/wk

cc: Ms. Janet Vine, Chief, Regulatory Branch w/att
U. S. Army Corps of Engineers
10 South Howard Street
Baltimore, Maryland 21201

Mr. Robert Cooper w/att
Non-tidal Wetlands Division
1800 Washington Boulevard
Maryland Department of the Environment
Baltimore, Maryland 21230

Mr. Darrell Mobley, District Engineer w/att
Maryland State Highway Administration
9300 Kenilworth Avenue
Greenbelt, Maryland 20770

Mr. Cameron Wiegand w/att
Montgomery County Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, Maryland 20850

Crampton, Pamela

From: Derek Jackson [derekj@us.ibm.com]
Sent: Wednesday, April 05, 2006 8:59 AM
To: Crampton, Pamela
Subject: RE: Ford Property (1-20060920)
Importance: High

M-MCPPC
Development Review Division
8787 Georgia Ave.
Silver Spring, MD. 20910

Reference – Plan Number 1-20060920 Ford Property

My name is Derek Jackson. As an adjacent property owner and President of the Ednor Farms Civic Association, I/we have reviewed the subject Preliminary Plan for Development and feel that the changes made to the Pre-Preliminary Plan for Development – 7-04024 – are insufficient in protecting the wetlands. The number of lots is reduced from 6 to 4; however, many of the points made in my previous letter from April 2004 (attached) are still valid. In addition, I would like to point out the following:

- Parcel #1 is of primary concern to our civic association because of its adjacency. Previously, this was 2 lots, now it is one large 4.69 acre lot with a house crammed into the northeast corner of the lot. This fact is solely related to the fact that the house can't be built on any other part of the parcel. The close proximity to the wetlands and the water table and perc tests prove that fact.

o Parcel #1 is a study in minimums and maximums. Minimum setbacks from the side and rear property lines are currently proposed. Minimum setbacks from the stream valley buffer and wetland buffer are also evident. Unfortunately, the size of the house is a study of maximums. A 3500+ sq.ft. house with a 50' height located within a civic association comprised of homes built in the 1960's and not much larger than 2500 sq.ft.. It like trying to squeeze a square peg in a round hole! It just doesn't fit.

o The wetlands/headwaters to the Northwest Branch located in Parcel #1 deserve special attention. See the attached pictures taken last weekend after the driest March on record. Water flows freely from the perennial spring and forms a stream channel (Class IV) within 6-8 feet. Unfortunately, the Natural Resources Inventory (NRI) doesn't reflect an adequate 125' Stream Valley Buffer (SVB) north and east of the wetlands. It only measures 50' north of this stream. This needs to be corrected. In addition, we feel that these wetlands should be considered a Special Wetlands (per Maryland Department of the Environment), one deserving of a much larger buffer (100'). The septic system planned in Parcel #1 is only 30' from a WB/SVB we feel is entirely too inadequate. We are requesting that the NRI be revised to reflect a larger WB/SVB and that M-NCPPC come and inspect the wetlands in person.

o How can a parcel originally proposed to use a sand mound septic system (30,000 sq.ft.) now use a shallow trench system (10,000 sq.ft.)? We know that septic systems don't work well on Cliftonbrook Lane (we're on our second system after 37 years) and wonder how the parcel managed to pass a perc test . Seems kind of odd to all of us who live on Cliftonbrook Lane. We plan on challenging the perc results. The trench system planned for parcel #1 will also require de-forestation close to the wetlands.

- Parcel #2 is still proposing sand mound septic systems. I thought sand mound systems were only allowed to be built on parcels where already built traditional trench systems failed? If the County allows this kind of alternative septic system to be built on a new parcel then a precedent will be set whereby development will occur on every available parcel that was once deemed unsuitable for development. In this case, Parcel #2 contains another perennial spring/headwaters to the Northwest Branch. The planned sand mound septic system is less that 100' from the wetlands.

- Parcel #3 is using a shallow trench septic system, like parcel #1. In this case it is sufficiently far enough away from the wetlands and should not be too much of a threat. We have no issue with this parcel.

- Ditto with Parcel #4. It is probably the only parcel on the Ford property that is suitable for development. We have no issue with this parcel.

In closing, we feel that the proposed development of the Ford Property is not in keeping with the stated directives of the 1998 Sandy Spring/Ashton Master Plan and the County-Wide Stream Protection Strategy concerning the protection of the Northwest Branch watershed and its associated headwaters (see attached letter). The developer has made concessions; however, the concessions still fall way too short when it comes to protecting a very sensitive environmental treasure.

Derek Jackson
905 CLiftonbrook Lane
Silver Spring, MD. 20905
301-421-1370

Derek A. Jackson
IBM - ATS Storage Benchmark Center
Gaithersburg, Maryland
301.240.2492 (T/L 372) NUMBER##
derekj@us.ibm.com
Derek Jackson/Gaithersburg/IBM

DEREK A. JACKSON
905 CLIFTONBROOK LANE
SILVER SPRING, MD. 20905
301-421-1370

April 5, 2006

M-NCPPC
Development Review Division
8787 Georgia Ave.
Silver Spring, Md. 20910

Reference – Plan Number 7-04024 Ford Property

My name is Derek Jackson and I am President of the Ednor Farms Civic Association. Our civic association borders the north side of the subject property slated for development. We have received and reviewed the subject pre-preliminary plan for development of the Ford Property and have concerns based on the following reasons:

- It places an undue environmental impact on the headwaters of the Northwest Branch of the Anacostia, which is already overly stressed by new developments in the area, and
- It is not in keeping with the stated directives of the 1998 Sandy Spring/Ashton Master Plan and the County-Wide Stream Protection Strategy (CSPS) concerning the protection of the Northwest Branch Watershed and its associated headwaters.

Even though the proposed development is of low density (RE-2), three of the proposed six building sites place their on-site sand-mound sewage disposal systems (OSDS) within 50'-75' of two perennial springs, which are the headwaters of the Northwest Branch of the Anacostia (See Attached Plan and Appendix A - Figures 1(Wetlands A), 2(Wetlands A), and 3(Wetlands B). The same standard of stream valley buffer protection (125') that applies to Class IV/IV-P streams also needs to apply to these wetlands. I reiterate that both of these wetlands contain perennial, not ephemeral, springs that form 1st order streams that connect to the main stream channel and deserve the same protective buffer.

As an Audubon Naturalist Society (ANS) volunteer watershed monitor for the past four years, I am a member of the team responsible for monitoring ANS Site 18 (Sandy Spring Watershed) – Ednor Road at Woodlawn Manor (less than 1 mile downstream from the proposed development). We have witnessed both morphological and biological changes to the Sandy Spring Watershed over the last few years. We believe these changes are attributed to the development that has occurred within the watershed – Ashton Preserves (Winchester Homes), Bancroft (Mitchell-Best), and The Reserves at Ashton (Rosemark DesignBuild). In 2000, when Winchester Homes was building the Alexander Manor Drive bridge over the Sandy Spring Watershed, best practices weren't followed by the developer to keep sediment out of the watershed. As a result, Montgomery County Department of Permitting Services (DPS) issued a stop work order to Winchester Homes until the problems were resolved. In March of 2003, Rosemark DesignBuild, Maryland National Capital Building Industry

Association's Environmental Developer of the Year, allowed diesel oil to spill from a contractor's tanker truck parked in their development, threatening the same watershed (Olney Gazette story by Terri Hogan/ March 7, 2003). When will we learn that even the biggest and most respected developers can potentially threaten the watersheds in which we live with improper, though not intentional practices? Given past experience, can we take a chance and pollute the headwaters, or source of a major Montgomery County watershed?

In order for the developers of the Ford Property to build the proposed 10,000 square foot area per lot sand mound on-site sewage disposal systems (OSDS), they will have to remove quite a bit of forest cover close to the wetlands. This is in addition to all the forest cover that will have to be removed to build the six houses and roads. Why is this important? It is important because the entire 16+ acre Ford Property is a recovering forest. The Thomas family of Sandy Spring farmed this land for close to two centuries until our development (Ednor Farms) was built in the late 1960's, along with the Belmont Estates sub-division along Ednor Road. Once the parcel was no longer farmed, it returned to its natural state. This forest cover acts as a riparian buffer, serving to reduce storm-water runoff into the watershed from New Hampshire Avenue and Ednor Road, in addition to providing protective cover for the watershed. The riparian buffer needs to remain in place to continue protecting the headwaters of the Northwest Branch. Physical changes apparent in the Sandy Spring Watershed include severe stream channel down-cutting (Appendix A - Figure 4), which can take the stream bed down almost 10' from the stream bank and the resulting excess sedimentation which chokes biological life from the stream. In addition to the aforementioned developments, we feel that many of the physical changes to the Sandy Spring Watershed can also be attributed to other development that has occurred within the watershed during the last 10 years, such as the Shri Mangal Mandir Hindu Temple and Hampshire View Baptist Church.

From a biological standpoint, our ANS monitoring team has recorded a definite reduction in pollution-sensitive macroinvertebrates over the last few years. For example, the pollution-sensitive Plecoptera (Stonefly) counts have dropped from a high of 45 (January 2001) to 13 (January 2002), then to 1 (January 2003) while the pollution-insensitive Diptera (Black Fly larvae, Midge Fly larvae) counts have remained stable. Coincidentally, during the same timeframe, homeowners seeking to improve their new landscapes were populating both of the new developments in the watershed - Ashton Preserves and Bancroft. Pollution in the watershed can be caused by a number of factors, but in this case is most likely caused by an increase in fertilizers, insecticides, and herbicides being applied to these new residential landscapes. The proposed Ford property development poses another very real threat to the biologic health of the Sandy Spring Watershed because of the possibility of malfunctioning on-site sewage disposal systems (OSDS). Nutrient and bacterial overload from the OSDS' can pollute the ground waters that feed the headwaters of the Northwest Branch and spread downstream. With the planned OSDS' placed so close to the headwaters the outlook is ominous.

The second reason for objecting to the proposed development relates to previously stated Montgomery County directives concerning watershed and headwaters protection that are in danger of not being followed by the developer. Chapter 5 of the 1998 Sandy Spring/Ashton Master Plan states the following objective with regard to protection of our natural resources:

To protect and enhance water quality within the Patuxent River and Northwest Branch Watersheds and provide protection for the Chesapeake Bay.

It further states that :

> *"Vacant parcels in this portion of the watershed are very important because they are located at the headwaters of the stream valley. The headwaters of any stream system provide the foundation for a stable flow of water and the watershed-wide food chain. The effect of a decline in water quality and the ecosystem in the HEADWATERS has a significant impact on the entire watershed, especially further downstream. Chemicals from cars and lawns, temperature increases from water flowing from hot paved areas and rooftops, as well as unstable stream flow resulting from stormwater runoff and loss of groundwater recharge will all accumulate to produce problems further downstream."*

The Northwest Branch watershed, specifically the Sandy Spring tributary, was documented in the County-Wide Stream Protection Strategy (CSPS) as having a "good" health, but was deemed a Watershed Protection Area, requiring a remedial level of protection. The following describes the strategy according to the Montgomery County Department of Environmental Protection (DEP):

> *"Remedial protection tools are recommended for much of the headwaters of Northwest Branch, including Batchellors Forest tributary, the Lower Left Fork, Sandy Spring tributary, Old Orchard tributary, Bryants Nursery tributary, and Upper Main B, NWBr GC/Norwood tributary, and Rolling Stone tributary. The stream channels in these areas of the upper reaches of Northwest Branch, despite excellent and good biological community conditions, have been destabilized by past erosion and accelerated down cutting associated with land clearing activities without adequate best management practices, particularly the use of forested buffers. Many areas in these headwaters also have erodible soils that tend to make channels more susceptible to accelerated down cutting. These areas that have a combination of erodible soils and poor or marginal bank stability will benefit greatly from remedial efforts to re-stabilize channel morphology and facilitate the system's return to a stable condition.*

After reading the above quotations, it becomes apparent that some departments within the Montgomery County government already recognize the need to protect the headwaters of its watersheds. If so, I would also expect the M-NCPPC Planning Board to be aware of these issues and to make the proper determination regarding the development of the Ford Property. Any development on the Ford property needs to be as far away from the headwaters as the current regulations allow for development close to a stream valley, especially one containing headwaters.

In summary, two perennial springs that are the headwaters/source to the Northwest Branch exist on the Ford Property and need to be protected from the proposed development. The

current pre-preliminary plan places the OSDS' for three lots much too close to the wetlands and needs to be revised so that the OSDS' are at least 125' from the wetlands. In addition, all 6 proposed lots require stream valley forest cover removal, which will allow greater volumes of stormwater runoff to enter the watershed. All this goes against stated directives by Montgomery County with regard to headwaters protection. We encourage the M-CPPC Planning Board to think long and hard about allowing development to encroach on such sensitive environmental resources.

Sincerely,

Derek A. Jackson

. cc
Craig Carson - Montgomery County Department of Environmental Protection
Neal Fitzpatrick - Audubon Naturalist Society

APPENDIX A.

Figure 1 - Wetlands 'A'- Ford Property – Headwaters to the Northwest Branch

Figure 2 - Wetlands 'A' - Ford Property – Stream Channel from Headwaters

Figure 3 - Wetlands 'B' - Ford Property – Headwaters to the Northwest Branch

Figure 4 - Sandy Spring Tributary/Ford Property stream channel down-cutting

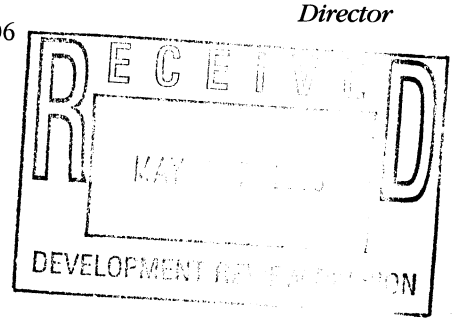
Attachment "D"

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

May 15, 2006



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 #1-20060920
Ford Property

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 3/10/06. This plan was reviewed by the Development Review Committee at its meeting on 04/10/06. 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/label all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.

2. Right of way dedication for New Hampshire Ave and Ednor Road in accordance with the master plan also truncation at the intersection of aforementioned streets.

3. Two options are available for the applicant for this subdivision. Please note option "B" will be acceptable only if option "A" is not feasible due to environmental reasons:

   A. Build Bittersweet Lane to secondary residential roadway standards ending in a T-turnaround before the cul-de-sac bulb and have all 4 houses driveways from that. Abandon Ford Lane.

   B. Build Bittersweet Lane to secondary residential roadway standards ending in a T-turnaround before the stream and have access for lot#1 from that. Also build Ford Lane to secondary residential roadway standards ending in a standard cul-de-sac and have the access for the rest of the lots from that.

4. Full width dedication and construction of all interior public streets as detailed in item#3 above.

5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.

6. We did not receive conceptual road profiles for the new public streets. As a result, we are unable to offer any comments at this point.

7. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of grade establishments for new public streets from DPS.

8. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.

9. The sight distances study has not been accepted for the access on Ednor Road. Prior to approval of the record plat by DPS, the applicant's engineer will need to submit a revised sight distances certification. The revised form will need to reflect tree trimming and/or removal of obstructions to achieve a minimum of four hundred (400) feet of sight distance in each direction.

   Tree removal/trimming along existing public rights of way is to be coordinated with the State Forester's Office of the Maryland Department of Natural Resources. They may be contacted at (301) 854-6060.

10. Record plat to reflect denial of access along Ednor Road for individual lots.

11. Revise the plan as necessary to meet the requirements of the Montgomery County Department of Permitting Services with regard to wells and/or septic systems.

12. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Ednor Road, whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

13. Access and improvements along New Hampshire Ave (MD 650) as required by the Maryland State Highway Administration.

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) 777-6000 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 DPWT 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. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.

18. 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:

   A. Street grading, paving, shoulders and handicap ramps, side drainage ditches and appurtenances, and street trees as detailed in item#3 above.

   B. Recommend constructing a bike path on New Hampshire Ave and five (5) feet sidewalk on Ednor Road frontage.

C. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.

E. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.

F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

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

Sincerely,

S. Plant

Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20060920, Ford Property.doc

Enclosures ()

cc: William R. Ford Jr.
Bill Roberts, Miller and Smith
Kevin Foster, Gutschick, Little & Weber
Joseph Y. Cheung; DPS RWPPR
Christina Contreras; DPS RWPPR
Sarah Navid; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Gregory Leck, DPWT TEOS
Raymond Burns, MSHA
Preliminary Plan Folder
Preliminary Plans Note Book

FIRE MARSHAL COMMENTS

DATE: 4-10-06

TO: PLANNING BOARD, MONTGOMERY COUNTY

VIA:

FROM: **CAPTAIN JOHN FEISSNER 240 777 2436**

RE: APPROVAL OF ~ ***FORD PROPERTY #1-20060920***

---

1. **PLAN APPROVED.**

   a. Review based only upon information contained on the plan submitted 4-10-06 . Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.

   b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

December 1, 2006

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

Re: Stormwater Management ***CONCEPT*** Request
for Ford Property
Preliminary Plan #: 1-06092
SM File #: 223252
Tract Size/Zone: 15.6 acres / RE-2
Total Concept Area: 15.6 acres
Lots/Block: Proposed Lots 1-4/A
Parcel(s): 491
Watershed: Northwest Branch

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 water quality control and onsite recharge via construction of a Montgomery County Sand Filter (MCSF) and by nonstructural measures. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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. Clear driveway access must be provided from the cul-de-sac to the MCSF. Shared residential driveway access will not be acceptable.

5. Stormwater quality control for the proposed cul-de-sac will be provided via the open section and via construction of a MCSF. All other water quality control for the development will be provided via nonstructural measures, including crowned driveways to water quality swales and flowpath disconnections.

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 not required**.

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

MEMORANDUM

TO: Richard Weaver, Planner Coordinator, Development Review Division

FROM: Candy Bunnag, Planner Coordinator, Environmental Planning Section, Countywide Planning Division

DATE: May 30, 2007

SUBJECT: Preliminary Plan 120060920, Ford Property

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

1. The applicant shall establish a minimum 35-foot building restriction line from the boundary of the Category I conservation easement on Lots 1 and 2. The building restriction line must be shown on the record plat.
2. A minimum 6-foot high noise barrier, as recommended in the "Ford Noise Study" by Christopher Karner of Wyle Laboratories (February 15, 2006), or an acoustically equivalent noise barrier, must be constructed on Lot 4. The detailed design and location of the noise barrier must be submitted to M-NCPPC Environmental Planning staff for review and approval prior to release of building permit for Lot 4.
3. For houses on lots 3 and 4 adjoining New Hampshire Avenue:
   A) At time of building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 dBA, Ldn.
   B) The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with a copy to MNCPPC staff.
   C) The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.
4. The applicant must place a Category I conservation easement over those areas that are environmental buffers or forest retention areas as shown on the preliminary forest conservation plan.
5. The applicant must place a Category II conservation easement over the tree save area outside the public utility easement on Lot 1 shown on the preliminary forest conservation plan.
6. Category I and II conservation easements must be shown on the record plat(s).

Any amended language to the standard easement document must be approved prior to plat recordation.

7. Compliance with the conditions of approval of the preliminary forest conservation plan. Conditions include, but are not limited to, the following:
   a. Final forest conservation plan shall include the following elements:
      i. Design and location of permanent fences and signs to clearly identify boundaries of the Category I conservation easements on the lots.
      ii. Design and location of signs to clearly identify boundaries of the Category II conservation easements on the lots.
      iii. A note stating that only the area for the initial septic trenches can be cleared of forest until the Department of Permitting Services has declared in writing that the initial trench is no longer functional, and the secondary (backup) system must be used.
      iv. Detailed tree save plan for the area inside and within 60 feet of the New Hampshire Avenue right-of-way, including the area within the public utility easement (PUE) adjacent to the road right-of-way. The tree save plan must include a detailed tree survey with a critical root zone analysis for trees greater than or equal to 6 inches in diameter at breast height within 25 feet on either side of the limits of disturbance shown on the preliminary forest conservation plan for this part of the site.

   b. Clearing of trees by the applicant within the New Hampshire Avenue ROW or the PUE adjacent to New Hampshire Avenue and Bittersweet Lane cannot occur unless State Highway Administration or the utility company, as applicable, requires the clearing of trees for a specific purpose within their purview. The proposed clearing must be shown on the detailed tree save plan that is approved as part of the final forest conservation plan, or it must be approved by the M-NCPPC inspector.

BACKGROUND

The 15.33-acre property is located on the northwestern quadrant of the intersection of New Hampshire Avenue and Ednor Road. The majority of the property (14.98 acres) is in forest cover. A tributary of the Northwest Branch (Use IV stream) flows through the property. Wetlands and an environmental buffer associated with the stream and wetlands also occur on the property.

Forest Conservation

The preliminary forest conservation plan proposes the retention of 6.54 acres of the 14.98 acres of forest. This is slightly larger than the break-even point of 6.14 acres for the site. Therefore, no forest planting is required for the proposed subdivision. The major forest retention area is located within and adjacent to the environmental buffer. A second forest

retention area is located along the eastern portion of proposed Lot 4, adjacent to a PUE and the ROW for New Hampshire Avenue. The two forest conservation areas will be protected with Category I conservation easements. Most of the forest retention areas are within private lots.

About an acre of forest will be retained in three areas as part of the construction of the site, but are not counted towards forest retention because each of these areas is small in size and/or are located within PUEs or the right-of-way (ROW) for New Hampshire Avenue. These areas are identified as tree save areas on the preliminary forest conservation plan. Staff recommends that one of these trees save areas should be protected through a Category II conservation easement. This area is located on the northeastern corner of proposed Lot 1. It is adjacent to an area of trees on the adjoining property that has a religious institutional use. Preserving a stand of trees on proposed Lot 1 would maintain a vegetated buffer between the residential lot and the religious institutional property.

In addition to the 1.00 acre of forest to be protected as part of the construction of the site (but not counted as forest retention), there are areas of tree save shown over the backup fields of proposed septic systems. Staff recommends that forest that are located on backup fields of septic systems may be cleared only when DPS has determined that the initial septic fields are no longer functional, and the backup fields must be used.

For trees adjacent to and within the New Hampshire Avenue ROW, staff recommends that the applicant submit a detailed tree save plan to determine which trees may be protected, given the proposed grading for Lots 3 and 4 and the requirement for a bike path within the road ROW. Staff believes that the creation of a Category I conservation easement along the eastern edge of proposed Lot 4 and the requirement for a detailed tree save plan along and adjacent to the New Hampshire Avenue ROW are consistent with the Sandy Spring/Ashton Master Plan for "maintaining heavily vegetated edges as close to the road pavement as possible" and for preserving woodland and hedgerows (page 45 of the Sandy Spring/Ashton Master Plan).

Consistent with the master plan's recommendations, areas of tree cover located within a PUE or the New Hampshire Avenue ROW are shown to be retained, but may be removed at any time if imminently required for installations by a utility company or by SHA, as applicable. In addition, the proposed tree clearing must be shown on the approved tree save plan that is required as part of the final forest conservation plan or the clearing must be approved by M-NCPPC inspection staff.

Environmental Buffers

The applicant proposes to protect the environmental buffer by placing it within a forest conservation area. Most of the conservation area will be within private lots. The conservation area will be protected by a Category I conservation easement. To help ensure that future lot owners are aware that their lots include environmentally-sensitive

areas that are to remain in a natural state, staff recommends that the boundaries of the conservation easement areas are marked by permanent signs and fencing.

Traffic Noise Impacts

The applicant's noise study ("Ford Noise Study" by Christopher Karner, February 15, 2006) shows that for the year 2030, traffic noise impacts from New Hampshire Avenue will adversely affect proposed houses on Lots 3 and 4. The traffic noise levels are projected to create indoor noise levels of over 45 dBA, Ldn, the recommended maximum interior noise level, with standard house construction materials. Staff recommends that at the time of building permit, the applicant must provide an acoustical engineer's certification through a building shell analysis and builder's acceptance that the two houses will be constructed to meet the acoustical standard of 45dBA, Ldn.

In addition, the noise study indicates that the rear yard area of proposed Lot 4 will be subject to projected traffic noise levels that exceed the criteria of 60 dBA, Ldn for outdoor use areas in residential, suburban parts of the county. The applicant proposes a noise fence to mitigate the traffic noise impacts on Lot 4. Staff believes a noise fence is appropriate for the usable yard area of Lot 4 and recommends that the detailed design of the noise fence is reviewed and approved by staff prior to release of the building permit for Lot 4.

RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan with conditions.

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

June 4, 2007

MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

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

SUBJECT: Preliminary Plan No. 120060920
Ford Property (Parcel 491)
Rural (Patuxent) Policy Area

This memorandum summarizes Transportation Planning staff's Adequate Public Facilities (APF) review of the subject preliminary plan to subdivide Parcel 491 located within the northwest quadrant of New Hampshire Avenue (MD 650) and Ednor Road into four lots to build four single-family detached dwelling units on the RE-2 zoned property within the Rural Policy Area.

RECOMMENDATIONS

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

1. The applicant must limit future development on the property to a maximum of four single-family detached dwelling units.

2. The applicant must dedicate and show on the record plat the following rights-of-way that is consistent with the respective approved and adopted master plans (*1997 Cloverly Master Plan and 1998 Sandy Spring/Ashton Master Plan)*:

   a. New Hampshire Avenue – 120 feet from the opposite roadway right-of-way line.
   b. Ednor Road – 40 feet from the roadway right-of-way centerline or 80 feet from the opposite roadway right-of-way line, as appropriate.

c. Ford Lane (proposed secondary residential street, terminating as a cul-de-sac) – full width of 60 feet.

3. The applicant must construct an eight-foot wide shared-use path along the New Hampshire Avenue site frontage and extend the path off-site to the north up to the driveway to Shri Mangal Mandir Temple (immediately to the north of the site – a logical termination/destination for the bike path), with approval from Maryland State Highway Administration (SHA), Montgomery County Department of Permitting Services (DPS) and Department of Public Works and Transportation (DPWT). Given that there is a drainage outfall and a sloping terrain at the northeastern edge of the property, the applicant may construct the path in this area by extending the existing culvert or otherwise adding a section of culvert, and locating the path over the culvert. Alternatively, the applicant may construct a 10-foot wide bridge over the outfall area/sloping terrain and extend the path to the temple driveway.

4. The applicant must construct the shared use path required under Condition No. 3 prior to the release of the 3rd building permit associated with this development.

5. The final record plat must reflect dedication of necessary truncation at the New Hampshire Avenue/Ednor Road intersection corner.

DISCUSSION

Site Location, Access, and Transportation Facilities

The property is located within the northwest quadrant of New Hampshire Avenue and Ednor Road, and is immediately south of the Shri Mangal Mandir Temple. Ednor Road is classified as a two lane arterial to the west of New Hampshire Avenue, with an existing master-planned shared use path along its south side for the entire Hampshire Greens frontage (approximately 1.2 miles). East of New Hampshire Avenue, Ednor Road is classified as a country arterial. New Hampshire Avenue is classified as a major highway along site frontage, with an existing master-planned shared use path along its west side between Ednor Road to the north and Norbeck Road Extended to the south (approximately 1.1 miles).

Access to three of the proposed lots/dwelling units is provided from an internal public residential secondary cul-de-sac road ("Ford Lane") that extends north into the property from Ednor Road. Access to the fourth lot/dwelling unit is from an existing stub for Bittersweet Lane, which extends south from Cliftonbrook Lane (which connects to New Hampshire Avenue).

New Hampshire Avenue is served by Metrobus Route Z2, which has stops near Ednor Road.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 1998 *Sandy Spring/Ashton Master Plan* includes the following nearby master-planned roadway, bikeway and pedestrian facilities:

1. New Hampshire Avenue, as a two-lane major highway (M-12) with a minimum right-of-way width of 120 feet between Ednor Road to the south and MD 108 to the north. A shared use path (PB-23) is recommended in the master plan for New Hampshire Avenue (also, SP-15 in the 2005 Countywide Bikeways Functional Master Plan).

2. Ednor Road, as a two-lane arterial (A-50), with a minimum right-of-way width of 80 feet between Norwood Road to the west and New Hampshire Avenue to the east. A shared use path (PB-40) is recommended in the master plan for the above section of Ednor Road (also, SP-31 in the 2005 Countywide Bikeways Functional Master Plan).

Local Area Transportation Review

Ford Property, consisting of four single-family detached dwelling units will generate less than **30** total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods (4 total peak hour trips). The development therefore will not require a traffic study (to analyze traffic impact at nearby intersections) for Local Area Transportation Review purposes. The application therefore passes the APF test.

SE:CE:tc

cc: Candy Bunnag
Barbara Kearney
Greg Leck
Ray Burns
Bill Roberts
Kevin Foster

mmo to Conlon re Ford Property.doc