

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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**MCPB
ITEM #23
9/9/04**




MEMORANDUM

DATE: September 3, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief, Development Review Division 

FROM: Catherine Conlon, Acting Supervisor (301-495-4542) Development Review Division 

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Preliminary Plan Approval for 86 dwelling units

PROJECT NAME: Woodcrest

CASE NO. 1-04019

REVIEW BASIS: Pursuant to Chapter 59, the Zoning Ordinance and Chapter 50, the Subdivision Regulations

ZONE: R-200 and RDT

LOCATION: On the east side of MD 355, approximately 2,200 feet north of MD 121

MASTER PLAN: Clarksburg

APPLICANT: Miller and Smith at Woodcrest, L.L.C.

ATTORNEY: Shulman, Rodgers, Gandal, Pordy & Ecker – Larry A. Gordon, Esq.

ENGINEER: Gutschick, Little & Weber, P.A.

HEARING DATE: September 9, 2004

Staff Recommendation: Approval, including a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of Public Road “B” where there are no residential lots fronting the roadway; waiver pursuant to §50-26(f) to permit a centerline radii of 50’ on the proposed turnaround at the northern end of Public Road “B”; staff recommendations for the Preliminary SPA Water Quality Plan; and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 86 dwelling units.
- 2) No clearing, grading or recording of plats prior to Site Plan approval.
- 3) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
- 4) Relocate proposed tot lot at Site Plan; record plat to reflect tot lot on a separate parcel.
- 5) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 6) Conformance to the conditions as stated in the MCDPS letter of July 8, 2004 approving the elements of the SPA water quality plan under its purview.
- 7) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg 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.
- 8) The applicant shall construct the section of A-305 from Frederick Road (MD 355) to Clarksburg Road.
- 9) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation which are not dedicated to M-NCPPC as parkland.
- 10) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 11) Applicant to dedicate to M-NCPPC, the portion of open space Parcel "E" located north of the PEPCO Utility Easement and adjacent to Little Bennett Regional Park. Dedicated parkland to be transferred by time of record plat, free of trash and unnatural debris, and the boundaries and corners marked and identified to delineate between parkland and private property.
- 12) Applicant to construct an 8' wide paved hiker/biker trail along the north side of MD 355 from future A-305 to the Little Bennett Regional Park maintenance facility entrance road located just north of the subject property, for connection with the trail network within Little Bennett Regional Park.
- 13) At Site Plan, applicant to work with M-NCPPC staff to establish appropriate public use trail easement(s), and public use trails therein, from the development to Little Bennett Regional Park.
- 14) Applicant to demonstrate at Site Plan, use of best efforts to fence, buffer or screen its lots from the noise and light associated with the existing Little Bennett Regional Park Maintenance Facility that is located adjacent to the northern boundary of this subdivision. Additionally, applicant to notify potential homebuyers of the existence of the maintenance facility prior to purchase.
- 15) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 16) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.

- 17) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval.
- 18) Compliance with conditions of MCDPWT letter dated, June 30, 2004 unless otherwise amended.
- 19) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 20) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 21) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 22) Other necessary easements.

SITE DESCRIPTION and SURROUNDING AREA:

The subject property is a 47-acre undeveloped property located within the Clarksburg Master Plan boundaries. The property is located on the east side MD 355 north of the Clarksburg historic district and south of Little Bennett Regional Park (see Attachment A). The property is primarily zoned R-200, with a small area of RDT. The site is bisected by a future, Master planned arterial road (A-305) which continues to the east to intersect with Clarksburg Road. South of this roadway and south of the subject property, the zoning changes to RMX-2 where several residential projects are being developed or are under review.

Approximately 18 acres of the site is within the Clarksburg Special Protection Area (SPA) and drains to Little Seneca Creek. The remainder of the property is outside the SPA and within the Little Bennett watershed, a Use III watershed. The current land uses include fallow agricultural land, mature forest, and a landscape contracting operation. High voltage overhead electric lines bisect the property. The site contains 16 acres of forest, 1.4 acres of wetlands, and 15 acres of environmental buffer.

RELATIONSHIP TO THE 1994 CLARKSBURG MASTER PLAN

The subject property is located at the northern edge of the Town Center District of the Clarksburg Master Plan Area. It is zoned R-200 and RDT and located on MD 355 adjacent to the 3,600-acre Little Bennett Regional Park, one the County's largest regional parks. Little Bennett Regional Park includes approximately 90 camp sites, hiking trails, a golf course, and an amphitheater.

The Master Plan recommends a transit-oriented land use pattern within the Town Center that links all portions of the Town Center with transitways, bus loops, bikeways, and pedestrian-oriented streets. A Master Plan objective in this area is to provide a variety of open space features. A portion of the Little Seneca Greenway is located in the Town Center. This greenway will be a major open space feature in the Town Center, making it important that the greenway be visible and accessible to the public.

The proposed preliminary plan for 86 units achieves this Master Plan objective by providing a variety of open space features that connect to Little Bennett Regional Park. Easy access to Little Bennett Park's outdoor experiences by future residents of Clarksburg is a key goal of the Master Plan.

PROJECT DESCRIPTION

This application proposes to create a residential community with 86 dwelling units, including 11 Moderately Priced Dwelling Units (MPDU's) (see Attachment B). The units will be a combination of single family detached and attached houses. Lot sizes for the detached houses range from 6,000-10,000+ square feet, and from 1,800-2,200 square feet for the townhouses. The plan preserves the stream valley and environmentally sensitive areas. Safe and adequate access for vehicles and pedestrians will be provided by the proposed A-305 and the internal vehicular and sidewalk system. Site plan review pursuant to §59-D-3 is required for this project.

TRANSPORTATION: (See attachment C)

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians, and satisfies the APF requirements. A waiver of sidewalks on one side of Public Road "B" is being recommended for sections of the roadway that will not have lots fronting on the road. This will help reduce the overall level of impervious surfaces on the property. A waiver of the requirement for 100' radii on the turnaround at the northern end of Public Road "B" is also being recommended due to the practical difficulties it would impose on use of desirable neo-traditional design concepts for green space areas.

ENVIRONMENTAL: (See attachment D)

The subject site contains 16 acres of forest, 1.4 acres of wetlands, and 15 acres of environmental buffers. There are steep slopes (> 25%) on the property and highly erodible soils. The steep slopes and highly erodible slopes are hydraulically connected to Waters of the United States and are included in the environmental buffers.

Water quality plans are required as part of the Special Protection Area regulations. Under the SPA law, Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the preliminary water quality plan under their purview. The Planning Board responsibility is to determine if the forest conservation requirements, environmental guidelines for special protection areas, and imperviousness requirements have been satisfied.

Forest Conservation

The forest conservation plan indicates that the applicant will meet the conservation threshold onsite and meet all forest conservation requirements through the retention of existing forest.

Environmental Guidelines

The environmental guidelines for SPAs require examination of many tools to maximize achievement of site performance goals. For instance, the goal of protecting seeps, springs, and wetlands is better achieved with naturalized buffers surrounding these areas. The NRI/FSDs for the subject property identified the environmental buffers. Environmental buffers include wetlands and wetland buffers, floodplains, and streams and stream buffers. As part of the *Environmental Guidelines*, the stream buffers within the SPA must be reforested. Where forest does not currently exist in the stream buffers, the applicant will plant new forests. The applicant is required to forest a small portion of unforested environmental buffer in the SPA, as part of the requirements of the Environmental Guidelines. The applicant will place forest conservation easements on the environmental buffers and all forest retention areas.

Encroachments into the environmental buffers associated with this plan are necessitated by the construction of A-305. The future intersection of A-305 and MD 355 occurs in a wetland area. The applicant has considered the wetland function and size in order to minimize the encroachment. Based on roadway site distances and proximity to other intersections along MD 355 the encroachment into the wetland and wetland buffer is necessary. The wetland permitting agencies concur with the proposed location of the A-305 and MD 355 intersection.

Site Imperviousness

There are no impervious limitations within the Clarksburg SPA; however, the Special Protection Area regulations allow M-NCPPC to review imperviousness and to work with the applicant to reduce imperviousness. The impervious amount proposed for the 47-acre site is 19.5 percent for the entire development, which is in the acceptable range for similarly zoned properties in the County.

Stormwater Management

As part of the final water quality plan, several site performance goals were established for the project:

- Protect the streams and aquatic habitat.
- Maintain the nature of onsite stream channels.
- Maintain stream base flows.
- Identify and protect stream banks prone to erosion and slumping.
- Minimize storm flow runoff increases.
- Minimize increases in ambient water temperatures.
- Protect springs, seeps, and wetlands.
- Minimize sediment loading.
- Minimize nutrient loadings.
- Control insecticides, pesticides, and toxic substances.

To help meet the performance goals, the stormwater management plan requires water quality control and quantity control to be provided through an extensive system of linked best management practices (BMPs). Stormwater quantity control will be provided by an extended detention dry pond and underground storage pipes. Stormwater quality control is provided via a treatment train consisting of recharge structures, surface sand filters, dry swales, structural water quality inlets and vegetated buffer filtering.

Attachments:

Attachment A – Site Vicinity Map

Attachment B – Preliminary Plan

Attachment C – Transportation Planning Memo

Attachment D – Environmental Planning Memo