



MCPB
ITEM # 11
DATE: 1/20/05

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board



MEMORANDUM

DATE: January 14, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planning Coordinator *RAW*
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision

PROJECT NAME: Hutchison Property

CASE #: 1-05091

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RDT

LOCATION: Located on the east side of Clarksburg Road, approximately 2,000 feet south of the intersection with Bethesda Church Road

MASTER PLAN: Damascus

APPLICANT: Dean T. Builders

FILING DATE: May 26, 2004

HEARING DATE: January 20, 2005

STAFF RECOMMENDATION: Approval of three lots and one outlot, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) 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.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 3) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 29, 2004.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 11, 2004.
- 5) Compliance with conditions of MCDPWT letter dated January 11, 2005.
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 7) Applicant to provide a signed affidavit for the availability of a TDR for each lot prior to recordation of the plat(s).
- 8) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 970 (Subject Property), is located on the east side of Clarksburg Road, approximately 2,000 feet south of the intersection with Bethesda Church Road (Attachment A). The Subject Property contains 103.14 acres and is zoned RDT. It is currently developed with a single-family dwelling (Historic Site 10/20 – James W. Burdette Tenant House), which will remain. Two streams traverse the property. Existing homes along Clarksburg Road generally separate the Subject Property from Clarksburg Road. The existing homes are located on parcels between one-half and two acres in size

PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into three (3) lots and one (1) outlot for the construction of three (3) single-family detached dwellings. The proposed lots will share a common driveway access from Clarksburg Road. The outlot has not received septic approval but otherwise meets all applicable requirements of Chapter 50 and Chapter 59. Pursuant to Section 50-35A (a) (2), the outlot can be converted to a buildable lot under the minor subdivision process.

The application proposes to create three lots at 20.0 acres, 38.0 acres, and 21.0 acres. Lot 2 at 21.0 acres includes the Historic Resource referenced above. The Subject Property has been before the Historic Preservation Commission which set the historic setting for the structure at 21.0 acres as shown on the current plan. The outlot (Lot 1) is shown as 24.0 acres in size. The applicant is presenting this plan as an equestrian

community with a 20-foot equestrian easement around the perimeter of the site. Generally, the size of the lots included on this plan can support agricultural practices.

ANALYSIS

Staff's review of Preliminary Plan #1-05091, Hutchison Property, indicates that the plan conforms to the recommendations of the current 1982 Damascus Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's agricultural character by creating lots that are capable of supporting agricultural practices. The Plan discourages non-farm uses, especially intensive residential development, and encourages farm related activities such as "farm markets" and "agricultural processing". The Plan acknowledges that "the farmer" does have some development options including subdivision of one lot per 25 acres, on lots as small as one acre.

Community Based Planning has provided a memorandum (attachment C) to the packet that provides consideration of how this plan would meet the proposals for RDT zoned land in the ongoing Damascus Master Plan update. The memorandum is included only to provide discussion of how staff may react to the preliminary plan if the Master Plan update was at the Staff Draft stage. Please note that Staff has reviewed the submitted preliminary plan for consistency with the current Damascus Master Plan only.

Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

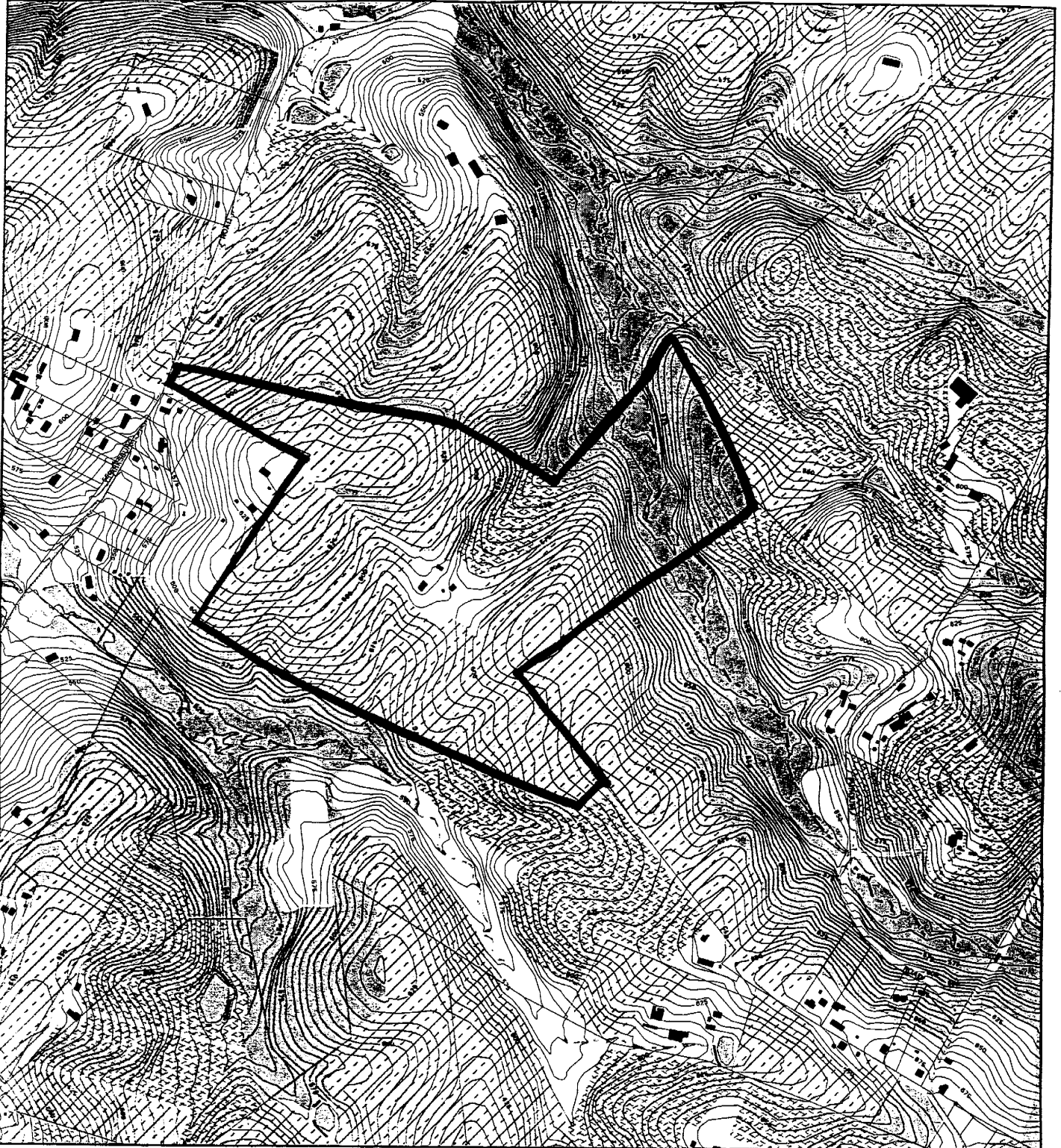
CONCLUSION:

Staff finds that Preliminary Plan #1-05091, Hutchison Property, conforms to the Damascus Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan with the conditions cited above.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Aerial Photo
Attachment C	Community Based Planning Memorandum

HUTCHISON PROPERTY (1-04091)



Map compiled on June 02, 2004 at 11:18 AM | Site located on base sheet no - 237NW12

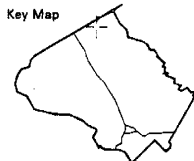
NOTICE

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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.

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Key Map



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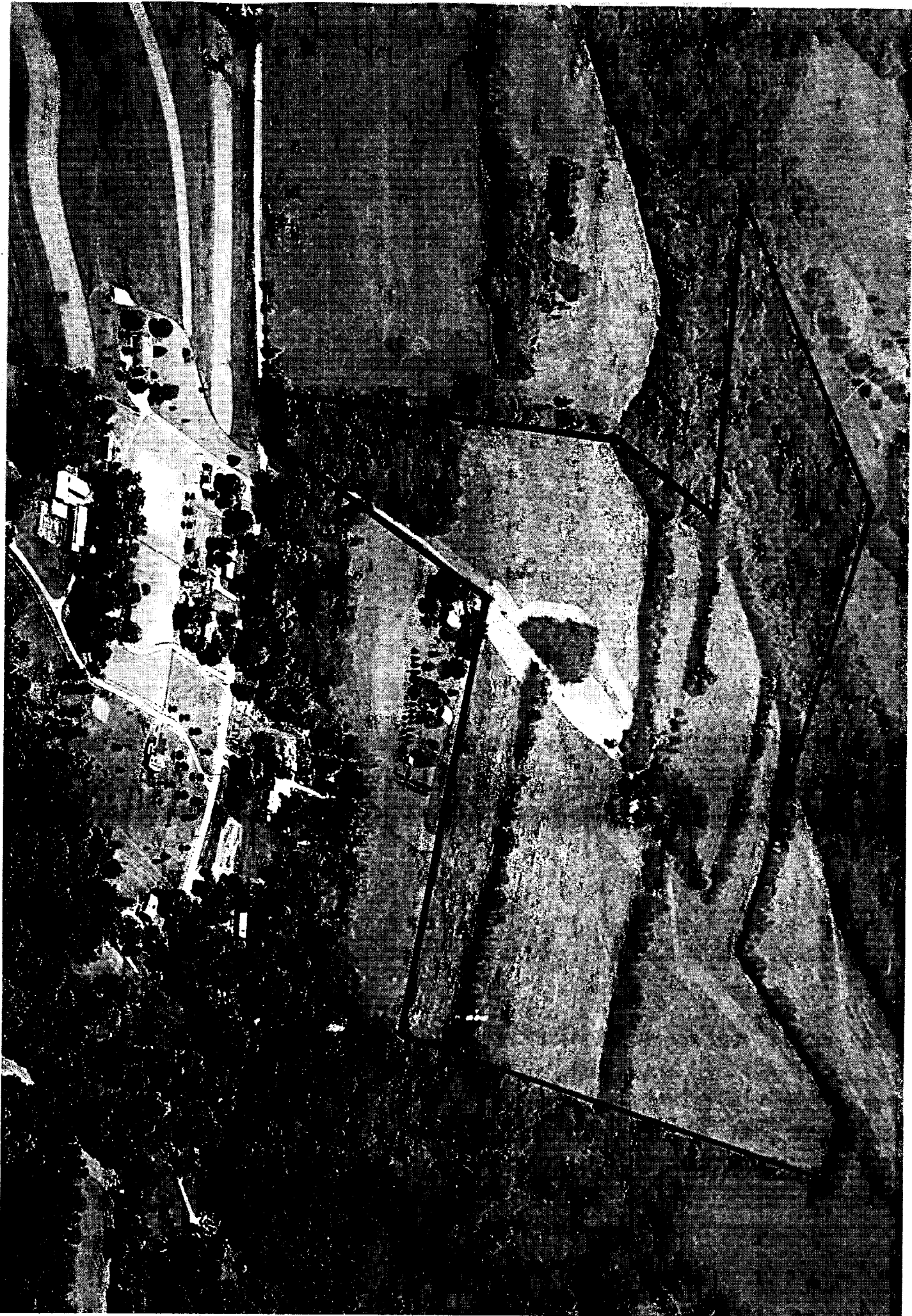


Research & Technology Center



1 inch = 800 feet
1 : 9600

Hutchison Property 1-04091



Memorandum

TO: Cathy Conlon, Richard Weaver
Development Review Division

FROM: Judy Daniel, Rural Area Team Leader
Community Based Planning

CC: John Carter, Chief
Community Based Planning

SUBJECT: Hutchinson Property Subdivision

DATE: January 13, 2005

Regarding this 103 acre subdivision using traditional septic systems in the RDT Zone in the Damascus Master Plan; given the current concerns regarding subdivision design in the RDT Zone, it may be useful to consider the elements that the staff would consider modifying and why, and how this subdivision design would fare under the proposals for RDT Zone subdivision guidelines that are proposed for the Damascus Master Plan.

This subdivision proposal could meet the proposed review standards with a few adjustments. Although house placement is not very flexible due to septic requirements, the subdivision could be improved in several ways:

1. If the primary intent is to protect the open fields from further building encroachment, easements can provide that protection. The forest conservation law protects the existing forest stands, and the water protection laws protect the streams and stream buffers; but protection of the open fields is needed:

- a. The building area of these four properties could be limited to a small (1-2 acre) portion, and the rest of the property: forest, stream, AND field; could be given protected easements, or
- b. The building lot area (1-2 acres) could be subdivided from the protected areas, giving each property owner a smaller building lot, and an unbuildable outparcel appropriate for agricultural or rural uses. Possibly the septic fields could be located on the outparcel.

2. If the primary intent is to preserve the potential for future significant agricultural production on this 103 acres, it would be better if the three new houses were located on 2-3 acre lots closer to Clarksburg Road, and the bulk of the property were assigned to the historic farm house located near the center of the property with 90-95 acres. That property could be divided into a 2-3 acre building lot, and an 85-90 acre unbuildable outparcel, appropriate for agricultural uses.

3. To achieve rural viewshed protection goals, several groupings of trees should be installed at strategic locations to screen direct views of the homes from Clarksburg Road. In this way, the homes will "disappear" behind the tree clumps; and the views from the road will remain rural and pastoral.

In addition, it would be preferable for the house sites to be relocated away from the open fields, tucked against a tree line, or at least very close to the mainstem of the driveway. But with standard septic systems this is not possible. The location of the building envelope is dictated by the septic requirements.