



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #10
5/19/05



MEMORANDUM

DATE: May 11, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor *CC*
Development Review Division

REVIEW TYPE: Pre-Preliminary Plan of Subdivision

APPLYING FOR: Three (3) lots for three (3) one-family detached dwelling units, under Section 50-35A(a)(8), minor subdivision process.

PROJECT NAME: White Ground Bridge

CASE #: 7-05016

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations.

ZONE: RDT

LOCATION: Located on the west side of White Ground Road at the terminus of Schaeffer Road.

MASTER PLAN: Agricultural and Rural Open Space

APPLICANT: Harold F. Baker

ENGINEER: Patton, Harris, Rust and Associates

FILING DATE: January 11, 2005

HEARING DATE: May 19, 2005

STAFF RECOMMENDATION: Approval of Three (3) Lots and One (1) Parcel to be platted under the provisions of Section 50-35A(a)(8) of the Montgomery County Subdivision Regulations, and a 234.88 acre remainder parcel, subject to the following conditions:

- 1) Approval is limited to three (3) one-family detached dwelling units.
- 2) Compliance with the conditions of approval of the Preliminary Forest Conservation Plan, including the requirement for a plan revision that demonstrates minimum onsite retention and planting requirements are met. The applicant must satisfy all conditions prior to recording of plat(s).
- 3) Applicant shall dedicate Parcel A to M-NCPPC for inclusion into the Bucklodge Branch Stream Valley Park as recommended in the Agricultural and Rural Open Space Master Plan.
- 4) Applicant shall provide a landscaping buffer or reforestation along White Ground Road to screen new houses from the roadway. Landscape or reforestation plan to be submitted for technical staff review and approval prior to the issuance of the first building permit.
- 5) In accordance with HPC letter dated May 12, 2005, record plat to reflect a building restriction setback of 400 feet from the White Ground Bridge Road right-of-way on Lot 1 only.
- 6) Record Plat to reflect dedication 40 feet from centerline on White Ground Road.
- 7) Record Plat to reflect a Category I conservation easement over all on-lot forest retention and planting areas.
- 8) Record Plat to reference a recorded easement for the parent parcel indicating that density for these lots was removed from the parent parcel, Parcel 375 at Liber 5770, Folio 379 and that three TDR's were available on the parent parcel for creation of the three lots.
- 9) Plat to reflect shared ingress/egress and utility easement for the proposed lots.
- 10) Final approval for wells and septic systems must be obtained from Montgomery County Department of Permitting Services, Well and Septic prior to recordation of lots.
- 11) Applicant to submit a complete record plat application for all lots to M-NCPPC within thirty-seven (37) months of the date of issuance of the opinion for this pre-preliminary plan.
- 12) Other necessary easements to be reflected on plat.

SITE DESCRIPTION:

The subject property is located on the west side of White Ground Road at the intersection of White Ground Road and Schaeffer Road in Boyds, Maryland (Attachment A). White Ground Road is classified as an exceptional rustic road. The property contains 273.61 acres of land and is within the RDT zone. The property is currently used for farming and a nursery. The property contains the identified Locational Atlas Resource, Susanna Farm, which is listed on the National Register of Historic Places. The

majority of the farm, including at least one residence and several accessory structures, will remain on the unplatted remainder of the site.

The property is within the Little Seneca Creek watershed (Use Classification I in this section) and contains several tributary streams and their associated floodplain and stream buffers. A total of 57.74 acres of the site is forested. The majority of the onsite soils are classified as Prime Agricultural soils.

PROJECT DESCRIPTION:

The pre-preliminary plan proposes to create three lots and one parcel through the minor subdivision process (Attachment B). The proposed lots will be grouped in the northeast corner of the site and will have access to White Ground Road via a shared driveway. The lot sizes will be 9.26, 10.72, and 11.59 acres, respectively. The lots will be served by private wells and sand mound septic systems. A 5.82 acre parcel is also proposed which will be dedicated to MNCPPC for inclusion in the Bucklodge Branch Stream Valley Park.

The remaining 235 acres of the site will not be platted and will remain in agricultural use. To ensure agricultural use, the property owner proposes to place the remainder of the development rights from this property into a land trust called the Sugarloaf Countryside Conservancy. This conservancy was formed in the year 2000 to promote conservation and preservation of land in Montgomery and Frederick County, Maryland. There are currently over ten properties in the conservancy.

The proposed lots are to be platted pursuant to Section 50-35A(a)(8) of the Subdivision Regulations. Section 50-38A(a)(8) establishes the ability to plat up to five (5) lots in the RDT zone through the minor subdivision process after Planning Staff *or* Planning Board approval of a pre-preliminary plan. Applications for minor subdivision under Section 50-35A(a)(8) must meet the following criteria:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lot(s) must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDR's have been utilized for the new lots. Reference to this easement must be reflected in the record plat for the lots;
- d. Lots created in the RDT zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

Per Section 50-35A(a)(8)d, if proposed lots exceed an average lot size of five (5) acres, the pre-preliminary plan *must* be approved by the Planning Board. The applicant has proposed three lots which exceed five acres in size based on a justification that larger lots are necessary to support equestrian uses on the lots. It is the intent of the property owner to market these lots for such uses.

The Department of Permitting Services and the Department of Public Works and Transportation will, as a matter of process, review the record plat application(s) for compliance with their requirements if approval for use of the minor subdivision process is granted. Approval of a stormwater management concept plan will occur simultaneously with sediment and erosion control plans at the time of building permit.

RELATIONSHIP TO THE MASTER PLAN:

The Agricultural and Rural Open Space (AROS) Master Plan establishes agriculture as the preferred use for land in the Rural Density Transfer (RDT) zone. The proposed development plan includes creation of three smaller, grouped lots and retention of the majority of the parent parcel as an unplatted remainder that will continue to be farmed. The smaller lots are large enough to support private horse stables, but they would not likely provide for the more significant types of agricultural uses envisioned by the AROS plan.

The remainder parcel can receive building permits for agricultural structures (barns, storage buildings, etc.) currently allowed under Section 50-20 of the Subdivision Regulations. The property owner intends to place remaining development rights from the overall property in a land trust as discussed above.

The proposed plan meets the goal of the master plan for agricultural preservation and the requirements for the RDT Zone. Grouping of smaller lots provides a large, contiguous remainder parcel (235 acres) which will continue to be used for agriculture and related uses. Although the three lots are proposed to be served by sand mound septic systems, the proposed density is significantly lower than the allowed density of one dwelling per twenty-five acres. The zone allows one-family dwellings as a permitted use on lots as small as 40,000 square feet. The majority of the property will be retained in agricultural uses.

ENVIRONMENTAL:

Forest Conservation

There are 57.74 acres of existing forest on the property. The majority of this forest is located on the portion of the property that will remain unplatted and continue to be farmed. Per the agricultural exemption provided in the forest conservation law (Section 22A-5(b)), a conservation easement is not required to be placed over this forest but clearing would not be permitted unless it is directly related to planned agricultural uses.

The proposed lots and parcel are subject to forest conservation requirements. There are 3.92 acres of existing forest located on the 38.73 acres. The lots and parcel are being created within a designated Agricultural and Resource area per the forest conservation law. Section 22A-12(f) of the law requires that forest retention and planting associated with these lots be a minimum of 25% of their total area. To meet the requirements, existing forest on the lots and parcel must be retained and additional forest planted. Alternatively, forest on the farm remainder of the property could be protected in easement to eliminate the planting requirements. All retention and planting areas which are not in park dedication area will be placed in Category I conservation easements. Approval of the forest conservation plan will occur prior to the recordation of the proposed lots.

Environmental Guidelines

The site includes stream buffers, floodplains, and wetlands. Where these areas fall within the proposed lots they will be protected by a Category I conservation easement. Some of these areas are also protected within park dedication areas. The stream buffers within the farm remainder of the property will not be placed in conservation easements.

HISTORIC PRESERVATION:

The property contains the identified Locational Atlas Resource, Susanna Farm, which is also listed on the National Register of Historic Places. The farmstead contains a main house (c1800; c1870), a kitchen/slave quarters (early 1800s), a meat/smoke house (early 1800s), a double corn crib (c 1900) and a bank barn (c 1870) set on a knoll on the west side of White Ground Road. The proposed subdivision is located well away from the historic structures on the site and should have little direct impact on them. However, there is a potential impact on the historic character of the overall rural area through the introduction of three new houses directly visible from White Ground Road. Staff's review of the plan focused on lot clustering, distance of lots from White Ground Road, and need for landscape buffering along White Ground Road to preserve the rural character of the road.

The applicant has stated that tighter clustering of the new lots has not been shown because the lots are intended to be advertised and sold as "equestrian" home sites. As this provides a compatible use within the Agricultural Reserve, Historic Preservation Staff are not recommending tighter clustering. However, Staff is concerned by the locations of the proposed lots and their proximity to White Ground Road. To address these concerns, Staff is recommending a condition for landscape screening or reforestation along White Ground Road.

CONCLUSION:

This request complies with all applicable ordinances and regulations regarding the subdivision of land in Montgomery County. Based on the discussion above, staff recommends approval of the request to allow this application to proceed through the minor subdivision process, subject to the conditions cited above. The applicant will need to satisfy all conditions prior to recordation of the plat(s) or issuance of building permits, as applicable.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan

No citizen letters concerning this proposal have been received up to this point.