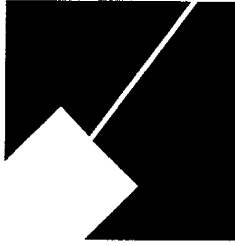


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

**MCPB
ITEM # 2
4/20/06**



MEMORANDUM

DATE: April 7, 2006

TO: Montgomery County Planning Board

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

Catherine Conlon, Supervisor *CC*
Development Review Division

FROM: Richard Weaver, Planner Coordinator (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: Preliminary Plan Approval for 5 One-family Detached Residential Dwelling Units

PROJECT NAME: Burton Woods

CASE NO. 120060270

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

ZONE: RE-2

LOCATION: On the north side of Davis Mill Road approximately 2,000 feet east of Brink Road

MASTER PLAN: Agricultural and Rural Open Space

APPLICANT: Mary S. Burton

DEVELOPER: Mitchell and Best

ENGINEER: Macris, Hendricks & Glascock, P.A.

FILING DATE: August 29, 2005

HEARING DATE: April 20, 2006

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 5 dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan dated March 29, 2006. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) Compliance with the conditions of the MCDPS stormwater management approval dated December 1, 2005.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated December 15, 2005.
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 6) Compliance with conditions of MCDPWT letter dated, January 13, 2006, unless otherwise amended.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 8) The Phase I preliminary plan will remain valid for thirty-six 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 Phase I preliminary plan, or a request for an extension must be filed.
- 9) 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.
- 10) Other necessary easements.

SITE DESCRIPTION and SURROUNDING AREA:

The subject property consists of approximately 107 acres located within the boundary of the Agricultural and Rural Open Space Master Plan. The property is located on the north side of Davis Mill Road (designated a rustic road) approximately 2,000 feet east of Brink Road (Attachment A). The property is zoned RE-2. The existing conditions on the site include one existing house, accessory structures, a cemetery, farm fields, paddocks and undeveloped forest. The property is surrounded by existing stream valley parkland to the east, rural residential lots in the RE-2 zone to the north and south, and RDT-zoned land in the agricultural reserve to the west.

The property is within the Great Seneca Creek watershed, a Use I-P watershed. A tributary stream to Great Seneca Creek bisects the property from west to east and the main stem of Great Seneca Creek flows along Davis Mill Road on the eastern property boundary. There are steep slopes, streams, wetlands, floodplain, and associated environmental buffers on the property. The property includes approximately 50 acres of existing forest.

Only a portion of the property is proposed for subdivision at this time. This Phase I portion of the site consists of 13.2 acres of land on the western portion of the property. The majority of the Phase I area is currently in forest cover. The forest is not associated with environmental buffer areas, but it is high quality forest with some large individual trees. A potential second phase of the subdivision, for which a pre-preliminary plan of subdivision has

been submitted, is currently undergoing percolation and groundwater testing to determine the potential number of future lots and lot locations. When the percolations tests are complete, it is the applicant's intent to submit a preliminary plan amendment to obtain approval of these lots.

PROJECT DESCRIPTION

This application proposes to create five lots for the construction of five one-family detached residential dwelling units on the Phase I portion of the subject property (Attachment B). The lots are served by private well and septic systems and have access to Davis Mill Road via shared private driveways. The driveways will ultimately connect to a private road that will serve the proposed lots, as well as any future lots that may be created as part of a Phase II plan. If the currently proposed houses are constructed before detailed Phase II review, a temporary access driveway would be constructed so it can be converted to the road. The majority of the environmentally sensitive areas, including the onsite stream, associated buffers, steep slopes and the majority of the forest, are located outside the Phase I area of the property.

RELATIONSHIP TO THE MASTER PLAN

The 1980 Functional Master Plan for Preservation of Agricultural and Rural Open Space (AROS) confirmed the existing RE-2 zoning on this property, but does not include any specific recommendations for the site. Adjacent properties carry RE-2 and RDT zoning.

TRANSPORTATION:

Staff concludes that the subject preliminary plan will provide safe and adequate access for vehicles and pedestrians. Local Area Transportation Review (LATR) is not required for the property at this time since the proposed houses do not generate more than 30 peak-hour trips. Additional lots which may be approved as part of a Phase II plan could trigger future LATR review and requirements.

ENVIRONMENTAL:

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the entire property and approved by Environmental Planning staff on February 24, 2006. The first phase, which is subject to this preliminary plan of subdivision, covers 13.2 acres and includes approximately 11.5 acres of existing forest. There are no environmental buffers in the Phase I area. The environmentally sensitive features including steep slopes, streams, wetlands, floodplains, and associated environmental buffers are on the remainder of the parcel that would be included in a future preliminary plan amendment. No encroachments into the environmental buffers would be supported by staff as part of Phase II development. The conceptual plan submitted for the future phase indicates these areas would be protected. There is an existing gravel driveway through the environmental buffer that the applicant indicates will be removed.

Since only the Phase I portion of the plan is being subdivided at this time, staff is

considering only this area for final approval with regard to limits of disturbance. The conceptual limits of disturbance shown for the remaining RE-2 zoned portion of the site that will be subdivided in Phase II are generally acceptable and should be used as a basis for future plans.

Forest Conservation

Per staff's request, the applicant has submitted a preliminary forest conservation plan for the entire 107-acre site which would be fully implemented as each of the phases of the preliminary plan are approved. Staff recommends that no clearing, grading, or forest removal occur on the Phase II portion of the site until the preliminary FCP is revised to include necessary detail, and has been approved by the Planning Board. The Phase I area covers 13.2 acres, has no environmental buffers, and includes 11.5 acres of upland forest. The Phase II area covers 94 acres and includes 20 acres of environmental buffers and 38 acres of stream buffer and upland forest.

Within the Phase I development, the applicant is proposing to remove 6.37 acres of existing forest and retain 5.22 acres of forest, as such, there are no forest planting requirements associated with the Phase I development. In response to initial staff concerns regarding forest loss, the proposed Phase I forest conservation plan was revised to include protection of a swath of forest at least 75 feet wide on the western-most property line. In some places, protected forest extends up to 120 feet, or greater.

The preliminary forest conservation plan for the Phase II remainder of the property reflects protection of an additional 27.55 acres of forest, and planting of 4.08 acres of unforested environmental buffer. Based on the conceptual lot layout for Phase II, up to 10.54 acres of forest would be removed to accommodate future houses and septic area. The preliminary forest conservation plan includes protection of all forest within the environmental buffers and some upland forest. The total forest retention is 1.3 acres more than the minimum retention needed to avoid reforestation requirements (the "break-even" point). As requested by staff, the forest retention area along the Davis Mill Road right-of-way is a minimum of 200 feet. This is consistent with the clearing for the existing outbuilding on the property and keeps clearing off steep and moderately steep slopes. Davis Mill Road is a rural and rustic road, and part of its character comes from the forest on the Burton property. Environmental Planning staff would not consider encroachments into the forest retention areas along Davis Mill Road unless the applicant can provide documentation that septic testing reveals the currently proposed septic fields are not feasible. The septic tests would need to be reviewed by DPS.

The preliminary forest conservation plan reflects forest retention in excess of the minimum requirements, and no planting requirements for the applicant. However, the plan proposes planting 4.08 acres of unforested environmental buffer which could be used for offsite forest credit by the applicant.

There are approximately 30 American chestnut trees in the Phase II area of the property, or within 100 feet of the property limits. According to the Maryland Department of Natural Resources Natural Heritage Program, the American chestnut is a rare, threatened, and endangered species. None of the trees on the subject property are within the environmental

buffers. Some of the trees bear fruit and most are being impacted by the chestnut blight, but the applicant does not intend to remove any of them. Confirmation that a buffer is not warranted between these trees and any future disturbance from the Maryland Department of Natural Resources Heritage Program will be required prior to final approval of the Phase II forest conservation plan. At a minimum, the preliminary forest conservation plan requires that any new forest edge created by development be no closer than the distance equal to the height of the tree from the forest edge. This is to protect the tree from wind-throw and edge effect impacts from the new tree line.

The property also includes a stand of open grown shingle oak trees. The shingle oak is not a rare, threatened, or endangered tree in Montgomery County, though it is not a typically occurring species. The proposed preliminary forest conservation plan indicates that this stand will be wiped out by the construction of the private street and turnaround. If possible, the applicant should relocate the street and the turnaround to save the stand of shingle oaks and the hedgerow that lines the existing driveway.

CITIZEN CORRESPONDENCE:

Staff did convene a meeting with the Greater Goshen Civic Alliance at Park and Planning. The neighbors discussed many concerns with the plan including preservation of views along Davis Mill Road, traffic and safety, water line extensions and adequacy, and loss of trees. It was explained to the citizens that this was a phased plan and that Phase I was moving forward more quickly than Phase II. The potential loss of trees along Davis Mill Road are a significant concern for the citizens. Most tree loss, if any, abutting Davis Mill Road would occur in Phase II and staff will make efforts to maximize tree protection because of Davis Mill's designation as a rustic road. Regarding traffic, Phase I will not require a traffic study due to the limited number of vehicles associated with the five lots. The citizens were advised of the requirements for traffic studies that would look at function of local intersections but not at the speeding problem as purported by the citizens. It was explained that the issue of speeding cars would fall under the jurisdiction of the Police Department.

The project will use private on-site wells, the Fire and Rescue Services staff reviewed the plan and had no concerns about adequacy of water to the site. Staff went on to explain that Phase II was submitted to staff in part to review forest conservation. Staff and the citizens had a detailed discussion regarding how the Montgomery County Forest Conservation law works. Staff explained that it generally is not a tool to limit development but rather works with development to preserve threshold amounts of forest. An adjacent neighbor informed staff that there were American Chestnut trees on Phase II which prompted a field visit by staff to locate them. Staff has located the trees and will take steps to protect them as discussed in the environmental section above.

CONCLUSION:

As set forth above and in the attached Data Table, Staff finds that the proposed plan meets the applicable requirements of Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance, and recommends approval with the specified conditions.

Attachments:

Attachment A – Site Features Map

Attachment B – Vicinity Map

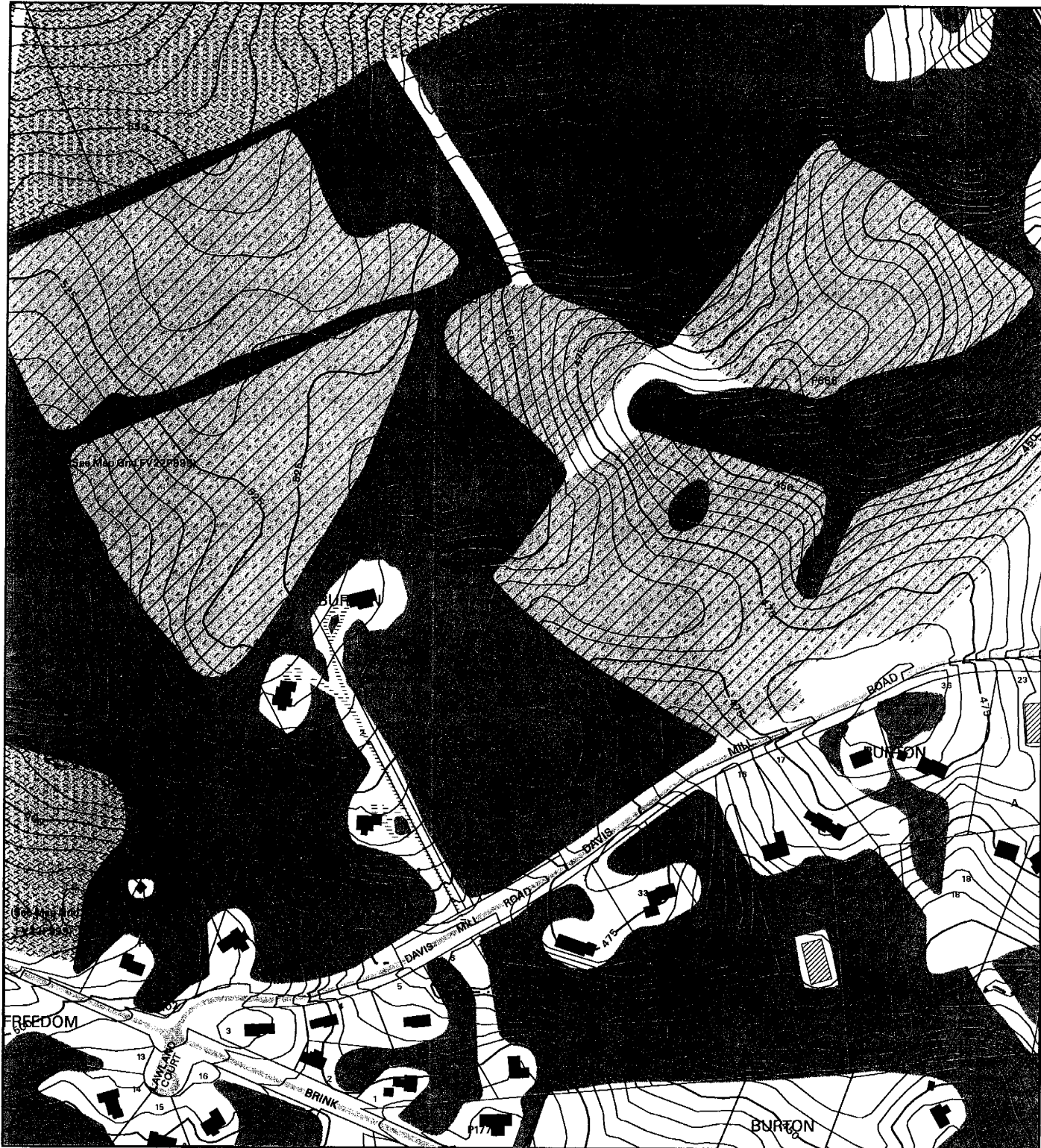
Attachment C – Preliminary Plan

Preliminary Plan Data Table and Checklist

Plan Name: Burton Woods				
Plan Number: 120060270				
Zoning: RE-2				
# of Lots: 5				
# of Outlots: 0				
Dev. Type: One-family detached residential dwellings				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	87,120 sq.ft.	Must meet minimum	RW	4/7/06
Lot Width	150 ft.	Must meet minimum	RW	4/7/06
Lot Frontage	25 ft.	Must meet minimum	RW	4/7/06
Setbacks				
Front	50 ft. Min.	Must meet minimum	RW	4/7/06
Side	17/35 ft. Min./ ft. total	Must meet minimum	RW	4/7/06
Rear	35 ft. Min.	Must meet minimum	RW	4/7/06
Height	50 ft. Max.	May not exceed maximum	RW	4/2/06
Max Resid'l d.u. per Zoning				
MPDUs	No			
TDRs	No			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	As shown on plan	4/7/06
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes	As shown on plan	4/7/06
Environmental Guidelines	Yes	Yes	Staff memo	3/30/06
Forest Conservation	Yes	Yes	Staff memo	3/30/06
Master Plan Compliance	Yes	Yes	RW	4/7/06
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	Agency memo	12/1/05
Water and Sewer (WSSC)	Yes	Yes	Agency memo	9/26/05
10-yr Water and Sewer Plan Compliance	N/A			
Well and Septic	Yes	Yes	Agency memo	12/15/05
Local Area Traffic Review	N/A			
Fire and Rescue	Yes	Yes	Agency memo	3/1/06

Attachment 1

BURTON WOODS (1-06027)



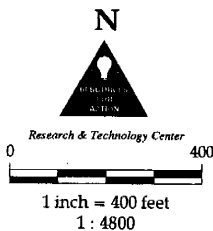
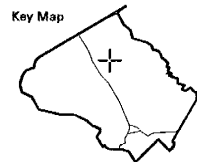
Map compiled on September 19, 2005 at 10:06 AM | Site located on base sheet no - 230NW10

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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. - Copyright 1998



Attachment 2

SEPTIC DESIGN CHART

DEPTH	AREA	DEPTH	AREA	DEPTH	AREA	DEPTH	AREA
1.0	1.0	1.5	1.5	2.0	2.0	2.5	2.5
2.0	4.0	3.0	9.0	4.0	16.0	5.0	25.0
3.0	9.0	4.0	16.0	5.0	25.0	6.0	36.0
4.0	16.0	5.0	25.0	6.0	36.0	7.0	49.0
5.0	25.0	6.0	36.0	7.0	49.0	8.0	64.0
6.0	36.0	7.0	49.0	8.0	64.0	9.0	81.0
7.0	49.0	8.0	64.0	9.0	81.0	10.0	100.0
8.0	64.0	9.0	81.0	10.0	100.0	11.0	121.0
9.0	81.0	10.0	100.0	11.0	121.0	12.0	144.0
10.0	100.0	11.0	121.0	12.0	144.0	13.0	169.0
11.0	121.0	12.0	144.0	13.0	169.0	14.0	196.0
12.0	144.0	13.0	169.0	14.0	196.0	15.0	225.0
13.0	169.0	14.0	196.0	15.0	225.0	16.0	256.0
14.0	196.0	15.0	225.0	16.0	256.0	17.0	289.0
15.0	225.0	16.0	256.0	17.0	289.0	18.0	324.0
16.0	256.0	17.0	289.0	18.0	324.0	19.0	361.0
17.0	289.0	18.0	324.0	19.0	361.0	20.0	400.0

INVERT TABLE

LOT	TOP OF TANK	INVERT	INVERT	INVERT	INVERT	INVERT	INVERT
1	212.5	211.5	210.5	209.5	208.5	207.5	206.5
2	212.5	211.5	210.5	209.5	208.5	207.5	206.5
3	212.5	211.5	210.5	209.5	208.5	207.5	206.5
4	212.5	211.5	210.5	209.5	208.5	207.5	206.5
5	212.5	211.5	210.5	209.5	208.5	207.5	206.5
6	212.5	211.5	210.5	209.5	208.5	207.5	206.5
7	212.5	211.5	210.5	209.5	208.5	207.5	206.5
8	212.5	211.5	210.5	209.5	208.5	207.5	206.5
9	212.5	211.5	210.5	209.5	208.5	207.5	206.5
10	212.5	211.5	210.5	209.5	208.5	207.5	206.5

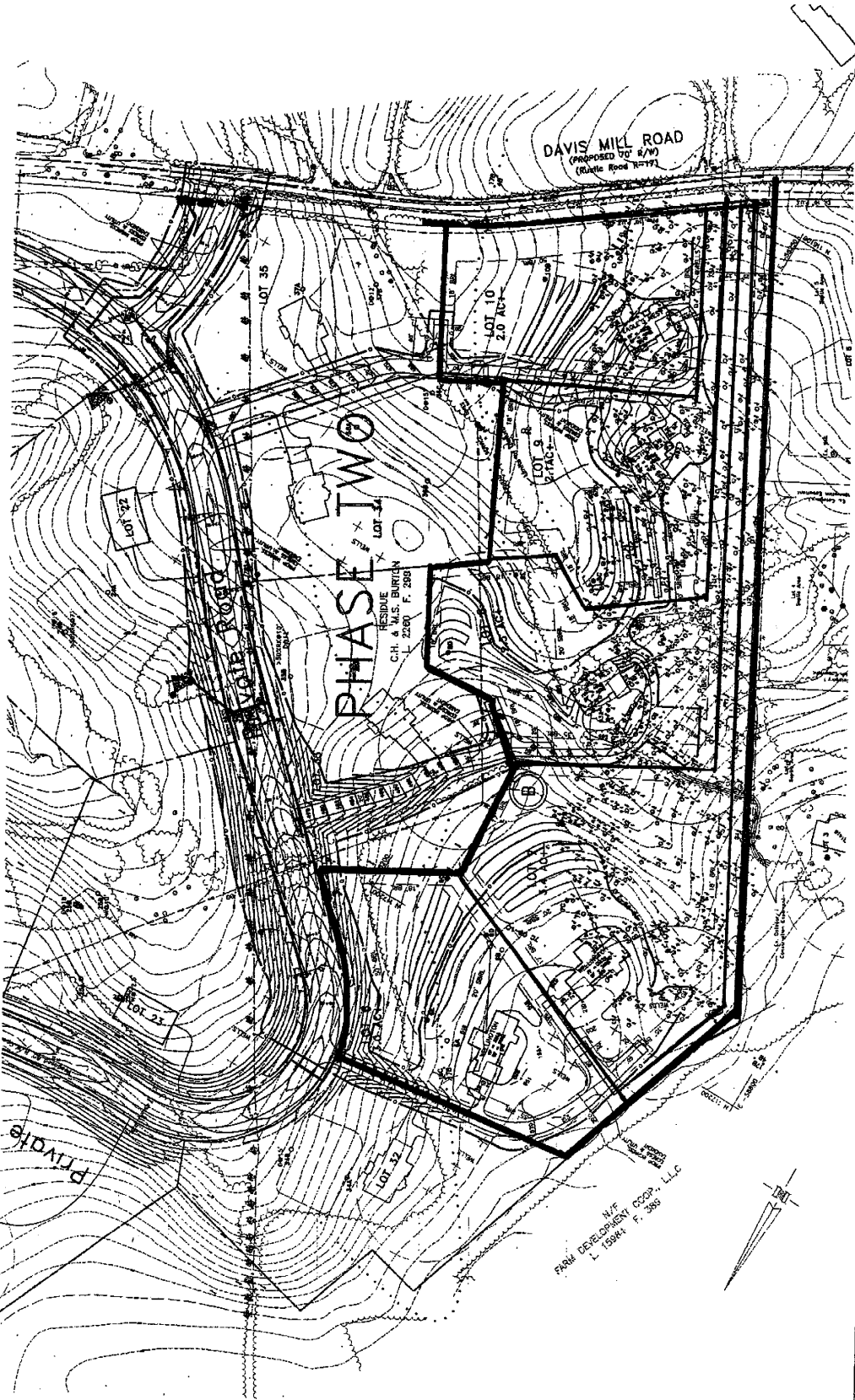
No. 1000 Standard Sheet
 1/4" = 1000'



VICINITY MAP
 SCALE 1" = 2,000'



Key Map



PERCUSSION CERTIFICATE
 I hereby certify that the septic tank sites shown on this plan have been fully investigated.

DATE: 10/15/1964
 BY: [Signature]
 PROJECT NO. 1123

SHOULDER CERTIFICATE
 I hereby certify that the shoulder sites shown on this plan have been fully investigated.

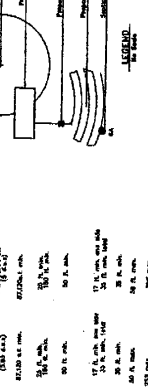
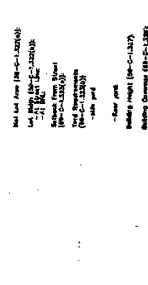
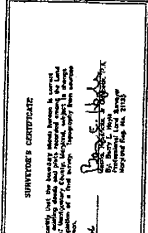
DATE: 10/15/1964
 BY: [Signature]
 PROJECT NO. 1123

AREA TABLE
 Total Area: 11.23 ac.
 Total Lot Area: 10.00 ac.

PREPARED FOR:
 Mrs. Mary S. Burton
 21800 Davis Mill Road
 Germantown, Md. 20876
 (301) 977-1242

PHASE I
 PRELIMINARY PLAN OF SUBDIVISION
 LOTS 6-10, BLOCK 8
 BURTON WOODS
 AS RECORDED IN LIBER 2260 AT FOLIO 299
 2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHC
 MONTGOMERY COUNTY
 LAND SURVEYING
 1000 W. WOODS DRIVE
 GAITHERSBURG, MD. 20878



NO.	DATE	DESCRIPTION
1	10/15/64	PRELIMINARY PLAN
2		
3		
4		
5		
6		
7		
8		
9		
10		

PHASE I
 PRELIMINARY PLAN OF SUBDIVISION
 LOTS 6-10, BLOCK 8
 BURTON WOODS
 AS RECORDED IN LIBER 2260 AT FOLIO 299
 2ND ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHC
 MONTGOMERY COUNTY
 LAND SURVEYING
 1000 W. WOODS DRIVE
 GAITHERSBURG, MD. 20878

Attachment 3



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Cathy Conlon, Supervisor, Development Review
Rich Weaver, Planning Coordinator, Development Review

FROM: Mark Pfefferle, Planning Coordinator, Environmental Planning Division **MP**

DATE: March 30, 2006

SUBJECT: Preliminary Plan 120060270
Burton Woods – Phase I

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

1. Compliance with the conditions of approval of the preliminary forest conservation plan dated March 29, 2006.

BACKGROUND

The Burton Woods Property is located at the intersection of Davis Mill Road and Huntmaster Road in Germantown. The subject property is approximately 107 acres. Davis Mill Road is to the east and south of the subject property. Single-family residential and the Bethel World Church property is to the north and single-family residential to the west. The property includes one existing house, accessory structures, cemetery, forests, farm fields, and paddocks. There are steep slopes, streams, wetlands, a floodplain, and associated environmental buffers on the property. The property includes approximately 50 acres of existing forest. The subject property drains to the Great Seneca Creek and is classified by the Maryland Department of Natural Resources as a use I-P water.

The applicant indicates the Burton Woods property will be developed in two phases. The first phase, which is the subject of this preliminary plan of subdivision, consists of 13-acres. The second phase, for which a pre-preliminary plan of subdivision has been submitted, is currently undergoing percolation and groundwater testing to determine the potential number of lots and lot locations. When the percolations tests are complete, it is the applicant's intent to submit an amendment to this preliminary plan of subdivision. The entire property is zoned RE2.

DISCUSSION

Environmental Buffers

Natural Resource Inventory/Forest Stand Delineations (NRI/FSD) were submitted for the entire property and approved by Environmental Planning staff on February 24, 2006. Previous versions of the NRI/FSD were submitted but they never included the entire property. It was only after staff insistence that an NRI/FSD be prepared for the entire property that the applicant complied. The first phase, which is subject to this preliminary plan of subdivision, covers 13-acres and includes approximately 11.5 acres of existing forest. There are no environmental buffers on the first phase. The environmentally sensitive features including steep slopes, streams, wetlands, floodplains, and associated environmental buffers are on the remainder of the parcel and are included in future preliminary plan.

There is an existing gravel driveway through the environmental buffer. The applicant indicates that the gravel driveway will be removed. There are no proposed encroachments into the environmental buffers with the proposed two-phase development.

The NRI/FSD identified one american chestnut tree on the property. There are at least 30 american chestnut trees on the property or within 100 feet of the subject property. Most if not all these trees are impacted by the chestnut blight. Some of the trees are fruiting. According to the Maryland Department of Natural Resources Natural Heritage Program the american chestnut is a Rare, Threatened, and Endangered species. None of the american chestnut trees on the subject property are within the environmental buffers. The property also includes a stand of open grown shingle oak trees. The shingle oak is not rare, threatened, and endangered tree in Montgomery County, though it is unusual for this county.

Forest Conservation

The applicant has submitted a preliminary forest conservation plan for the entire 107-acre site and the Planning Board are requested to vote on this forest conservation plan. The first phase covers 13 acres, has no environmental buffers, and includes 11.5 acres of upland forest. The second phase covers 94 acres, includes 20 acres of environmental buffers, and 38 acres of forested environmental buffers and upland forest.

The initial preliminary forest conservation plan for the 5-lot subdivision was located entirely within the upland forest. Environmental Planning questioned why the applicant was not locating the development in the open fields. It was only then that the applicant revealed their intent to develop the entire property in phases. With the knowledge that the entire property was to be developed, Environmental Planning agreed that forest removal was warranted for the phase I development provided the applicant agreed to maximize the on-site forest retention.

Section 22A-12(b) of the Montgomery County Codes states "*the primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation in accordance with this Chapter.*" Section 22A-12(b)(1)(A) indicates, "*The development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention.*" It is Environmental Planning's desire to protect as much existing forest on this site as possible. The existing forest in the stream buffers will be protected because of its highest priority location. Upland forest, which may be of lower priority, but not quality should also be protected.

Without approved percolation tests it is impossible for Environmental Planning to support a preliminary forest conservation that saves the minimum amount of forest on-site.

Phase I

Within the 13-acre phase I development, the applicant is proposing to remove 6.37 acres of existing forest and retain 5.22 acres of forest. There are no forest planting requirements associated with the phase I development. Within the phase I development area, the applicant initially proposed removing forest to the western property line. Environmental Planning objected because of existing on lot forest conservation easements on the adjoining single-family properties. The applicant modified the preliminary forest conservation to protect a swath of forest at least 75 feet wide on the western most property line. In some places, the forest along the western property line extends 120 feet, or greater within the Phase I development. The forest conservation plan was modified not only in response to Environmental Planning's comments but also in connection with comments from the Development Review Division and the Department of Public Works and Transportation for minimizing the number of access points to Davis Mill Road.

If the phase I development were currently a separate parcel the forest conservation could be approved without any planting requirements. However, since it is not, it is necessary to include the entire land mass and acreage for the two-phase development in the approval of this preliminary forest conservation plan, with the recognition that the number and locations of lots is conceptual in the second phase.

Phase II

This larger and remainder of the site will be subject to a future amendment to this preliminary plan of subdivision and forest conservation plan. The preliminary forest conservation plan for the entire 107-acre property shows the removal of 16.91 acres of existing forest, the retention of 32.77-acres of forest. The forest conservation worksheet indicates no forest planting requirements, however, the preliminary forest conservation indicates the applicant will plant of 4.08 acres of unforested environmental buffers.

The lot locations and sizes, septic areas, driveways, and public streets in the second phase are conceptual in nature. The applicant submitted a pre-preliminary plan to M-NCPPC to begin the groundwater and percolation testing process. Montgomery County Department of Permitting Services Well and Septic has not approved any well septic locations in the second phase of this development. Only after the septic percolation tests are complete will the applicant be able to determine the number and location of lots in the second phase.

In the preliminary forest conservation plan, the applicant shows the protection of all forest within the environmental buffers and some upland forest. Earlier versions of the preliminary forest conservation plan showed septic fields within 40 feet of Davis Mill Road and removal of forest below the break-even point. Environmental Planning cannot support a preliminary forest conservation plan that does not maximize the amount of forest retained on site when there is no justification. Environmental Planning requested the applicant to preserve more forest than the break-

even point. The preliminary forest conservation plan shows 1.3 acres forest saved above the break-even point. Environmental Planning requested the protected forest, in stand number 6, be enlarged to a minimum of 200 feet from the Davis Mill right-of-way. This is consistent with the clearing for the existing outbuilding on the property and keeps clearing off of steep and moderately steep slopes. Davis Mill Road is a rural and rustic road and part of the road's characteristic is the forest on the Burton property. Environmental Planning would entertain potential encroachments into this protected area for the second phase provided the applicant can provide documentation that successful septic tests are not available elsewhere on the subject property and that the only location of passed septic tests is within this 200 foot area. The septic tests would need to be reviewed by DPS.

As previously mentioned, there are approximately 30 american chestnut on the second phase of the property or within 100 feet of the property limits. Not all of the trees bear fruit and most are being impacted by the chestnut blight. The Maryland Department of Natural Resources Natural Heritage Program lists the american chestnut on the Rare, Threatened, and Endangered Species list for Montgomery County. The largest american chestnut is not on the subject property but is within 100 feet of the property line. According to the Maryland Chapter of the American Chestnut Foundation, this tree is 15 inches in diameter, approximately 70 feet tall and bearing fruit. The largest american chestnut on the subject property is 9 inches in diameter and approximately 55 feet tall. The preliminary forest conservation plan submitted indicates the removal of 3 american chestnut trees from 1 to 3 inches in diameter. All of these trees are dying from the blight.

The applicant's engineer contacted the Maryland Department of Natural Resource Natural Heritage Program to determine if a buffer was warranted around the trees. The engineer erroneously reported that none of the trees bear fruit. The Maryland Chapter of the American Chestnut Foundation has determined that some of the trees do bear fruit. The applicant should contact the American Chestnut Foundation to determine, if a buffer is warranted around the trees. Section 50-32(c) of the Montgomery County code allows the Planning Board to incorporate "*Specific measures that also may be required to protect any rare, threatened, or endangered plants or animals*". At a minimum, Environmental Planning requests a condition prohibiting the applicant from removing forest so that the american chestnut trees now become the forest edge. The chestnut trees must be a distance equal to the height of the tree from the forest edge. This is to protect the tree from windthrow and edge effect impacts from the new tree line.

There is a stand of shingle oak trees behind the existing house. The proposed preliminary forest conservation plan indicates that this stand will be wiped out by the construction of the private street and turnaround. If possible, the applicant should relocate the street and the turnaround to save the stand of shingle oaks and the hedgerow that lines the existing driveway.

RECOMMENDATION

Environmental Planning staff recommends approval of the preliminary plan of subdivision for 120060270 and the preliminary forest conservation plan for the entire 107-acre property.



**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166
Telephone No. 240-777-7700 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)
Comprehensive Water Supply and Sewerage Systems Plan Issues**

MNCPPC File Number: **7-04044**

DRC Meeting Date: **09/26/2005** **02/23/2004**

Subdivision Plan Name: **Burton Woods**

Proposed Development: **5 single-family houses**

Watershed: **Great Seneca Creek**

Zoning: **RE-2**

Planning Area: **Goshen-Woodfield-Cedar Grove**

Site Area: **14.27 acres**

Location: **Davis Mill Road**

Engineer: **Macris, Hendricks & Glascock 301-670-0840**

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Individual (private) system-WELL(S)

Individual (private) system-SEPTIC(S)

Existing Service Area Categories: Water: **W - 6**

Sewer: **S - 6**

Water/Sewer Plan Map Amendment: ---

Water Supply Comments:

Sewerage System Comments:

Yes; the water supply system is consistent with the existing water service area category

Yes; the sewerage system is consistent with the existing sewer service area category

***Additional Comments:**

1-06027 (9/26/05 DRC): no comments

7-04044 (2/23/04 DRC): No comments. -- 02/18/2004



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

September 22, 2005

Ms. Cathy Conlon
Supervisor, Development Review
Subdivision Division
Maryland National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760


Re: Montgomery County
MD 27 General
Burton Woods
File No. 1-06027-01

Dear Ms. Conlon:

The State Highway Administration (SHA) would like to thank you for the opportunity to review the preliminary plan application for the Burton Woods development. We have completed our review and have no comments at this time.

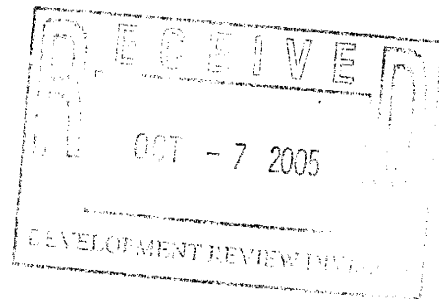
If additional information is required from SHA regarding this project, please do not hesitate to contact Mr. Gregory Cooke at 410-545-5602, Mr. John Borkowski at 410-545-5595, or by using our toll free number in Maryland only, 1-800-876-4742 (x-5602 for Greg, x-5595 for John). You may also E-mail Greg at gcooke@sha.state.md.us or John at jborkowski@sha.state.md.us. Thank you for your cooperation.

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits Division

SDF/jb

cc: Mr. Darrell Mobley (Via E-mail)
Mr. Augustine Rebish (Via E-mail)
Mr. Richard Weaver, M-NCPPC (Via E-mail)



My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

RIGHT OF WAY PERMITTING AND PLAN REVIEW SECTION
DRC COMMENTS

September 26, 2005

Burton Woods

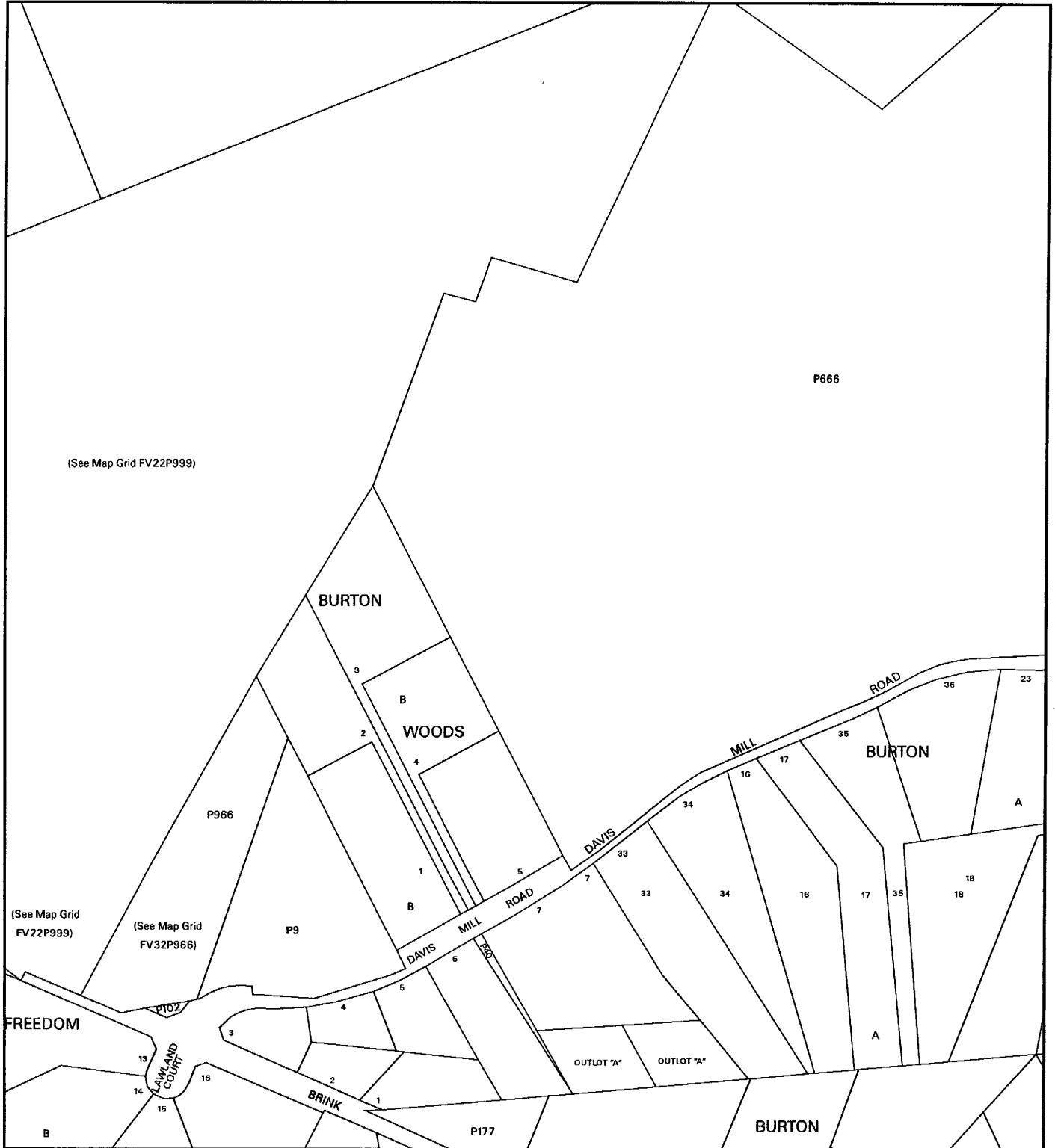
1-06027

- Sight distance for driveway
- Davis Mill Road is a rustic road. Coordinate with DPS Rustic Roads Coordinator, Sarah Navid at 240-777-6307.

If you have questions concerning these comments, please contact Christina T. Contreras at 240-777-6307



BURTON WOODS (1-06027)



Map compiled on September 19, 2005 at 10:08 AM | Site located on base sheet no - 230NW10

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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. - Copyright 1998



1 inch = 400 feet
1 : 4800



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

January 13, 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 #1-06027
Burton woods

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 8/12/05. This plan was reviewed by the Development Review Committee at its meeting on 9/26/05. 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 all existing planimetric and topographic details specifically storm drainage, driveways adjacent and opposite the site as well as existing rights of way and easements on the preliminary plan.
2. Necessary right of way dedication for Davis Mill Road in accordance with the master plan.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030

Ms. Catherine Conlon
Preliminary Plan No. 1-06027
Date December 13, 2005
Page 2

5. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development fifty (50) year run offs (unless the site drains to a one hundred (100) year flood plain in which case the run off need to be calculated for the one hundred year event) on same.
6. The sight distances study has not been accepted. 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 the exact sight distance for the existing and proposed driveway(s), which indicates tree trimming and/or removal has been completed to achieve a minimum of two hundred and fifty (250) feet of sight distance in each direction.

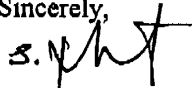
Tree removal/trimming along existing public rights of way is to be coordinated with the State Forester's Office of the Maryland Department of Natural Resources. They may be contacted at (301) 854-6060.
7. Revise the plan to provide additional driveway(s) to serve the existing and proposed lots. DPWT access policy typically allows no more than four (4) lots to be served by a common driveway.
8. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
9. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. 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.
12. Davis Mill Road is classified as a "Rustic Road" under Section 49-78 of the Montgomery County Code. As such, every effort must be made to preserve the significant features within the right of way of that roadway.
13. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:

Ms. Catherine Conlon
Preliminary Plan No. 1-06027
Date December 13, 2005
Page 3

- A. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
- B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- C. 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.

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,



Sam Farhadi, P.E., Senior Planning Specialist
Traffic Safety Investigations and Planning Team
Traffic Engineering and Operations Section

m:/subdivision/farhas01/preliminary plans/1-06027,Burton Woods.doc

cc: David Crowe, Macris, Hendricks & Glascock, P.A.
Mary Burton
Joseph Y. Cheung; DPS Right-of-Way Permitting & Plan Review
Christina Contreras; DPS Right-of-Way Permitting & Plan Review



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

December 1, 2005

Robert C. Hubbard
Director

Mr. Coffi Didavi
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Burton Woods
Preliminary Plan #: 1-06027
SM File #: 219904
Tract Size/Zone: 14.27ac./RE-2
Total Concept Area: 14.27ac.
Lots/Block:
Parcel(s):
Watershed: Great Seneca Creek

Dear Mr. Didavi:

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 meeting the Environmentally Sensitive Development Credit techniques per Section 5.6 of the Maryland Department of the Environment Stormwater Design criteria for Multiple Lots Development. 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 **conditions** 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. At least 25% of this site will be protected in either a permanent Forest Conservation Easement or a Stormwater water management easement.

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.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this





FIRE MARSHAL COMMENTS

DATE: 3-1-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ *BURTON WOODS PHASE 1 ONLY #1-06027. LOTS 6,7,8,9,10*

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 3-1-06 . 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

MEMORANDUM

December 15, 2005

TO: Ms. Cathy Conlon, Development Review,
Maryland National Capital Park and Planning Commission

FROM: *RB*
Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-06027, Burton Woods, 5 lots

This is to notify you that the status of the plan received in this office on July 21, 2005, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. Prior to the approval of the record plat, an existing mobile home is to be removed from the remainder parcel unless a septic reserve area is established for the mobile home.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Owner
Surveyor
File

Atttn: Dave Crose

