



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

MCPB.
Item #
2 /7/08



MEMORANDUM

DATE:

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: 2 lots for 2 one-family detached dwelling units

PROJECT NAME: Houlton's Subdivision
CASE #: 120060370
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
(Sec. 50-29(b)(2) Resubdivision)

ZONE: R-60
LOCATION: On the south side of Brainard Street, approximately 50 feet west of the
intersection with Warfield Street
MASTER PLAN: Kensington-Wheaton

APPLICANT: Carl Becker
ENGINEER: Macris, Hendricks and Glascock

FILING DATE: November 9, 2006
HEARING DATE: February 8, 2008

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two one family residential lots.
- 2) A detailed Final Tree Save Plan must be submitted at time of sediment control plan with detailed and specific tree preservation measures.
- 3) The Final Tree Save Plan must include an arborist's evaluation of tree #1 (33" white oak) and specific tree preservation measures based on this evaluation.
- 4) The proposed development must comply with the conditions of the Final Tree Save Plan prior to any demolition, clearing, or grading on the subject property.
- 5) 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.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated December 14, 2006.
- 7) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated December 17, 2007, unless otherwise amended.
- 8) The applicant must construct an 8 foot long section of offsite sidewalk to connect to the Kensington Library parking lot as shown on the preliminary plan.
- 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 resolution.
- 10) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION

The subject property "Subject Property" or "Property" is identified as Lot 11; Houlton's Subdivision, and is 14,400 square feet in size in the R-60 zone. It is located on the south side of Brainard Street, approximately 50 feet west of its intersection with Warfield Street and adjacent to the Kensington Park public library. A vacant house is located in the center of the existing lot. Uses surrounding the site are: R-60 residential to the north, east and south with the Kensington Park library to the west.

The property is within the Rock Creek watershed; a Use 1/1P watershed. The site has no forest but there are two large or specimen trees present. There are no streams, wetlands or any environmental buffers on site. The site has received an exemption from the forest conservation law (42007070E) but will be subject to a tree save plan.

(Attachment A – vicinity map)

PROJECT DESCRIPTION

The application is a request to resubdivide existing Lot 11 into two lots for two single family residences. The lots will front to Brainard Street and each house will have a single driveway out to Brainard Street. All public utility service, including water, sewer, gas, electric, telephone and cable will be brought in from the street. A four foot sidewalk will be required to be constructed along the property frontage and will be extended off site for approximately 8 feet, on the northwest corner of the Property, to connect to the Kensington Park Library parking lot.

(Attachment B – proposed plan)

ANALYSIS AND FINDINGS

Master Plan Compliance

The Kensington Wheaton Master Plan does not make a specific recommendation on the Property but does recommend a continuation of the R-60 zoning for residential uses in this area of the Master Plan. The lots shown on this plan comply with the R-60 zone, and residential use is supported by the Master Plan. Therefore the proposed subdivision complies with the recommendations adopted in the Master Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Pedestrian access will be served by the construction of a 4 foot wide public sidewalk that will be extended off-site to connect to the library parking lot. All road dedications have been previously made for this Property; no additional dedications are required at this time. MCDPWT requires certain frontage improvements to Brainard Street in conjunction with the sidewalk. Vehicular and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Other Public Facilities and Services

The plan has been reviewed for compliance by all public utility companies that serve the Property including, the WSSC, Verizon, Pepco and Washington Gas. All agencies find that their respective utility can adequately serve the proposed homes. Staff finds that the proposed subdivision will be adequately served by public utilities.

The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect.

The submittal date of this preliminary plan pre-dates Jan. 1, 2007 and is, therefore, not subject to the schools moratorium or a School Facilities Payment

Environment

Forest Conservation

The application is not subject to the forest conservation law, but the applicant has submitted a Preliminary Tree Save Plan that shows large and specimen trees, as well as smaller trees on the subject and adjacent properties. There are two large or specimen trees onsite and this plan proposes to remove both. Numerous smaller trees will be removed as well, due to disturbance for development and grading to ensure positive drainage. Many of the smaller trees and one specimen tree are shared trees with adjacent neighbors, including the Kensington Park Library. The applicant has contacted these property owners and received permission to remove the trees. Also, the applicant has reached an agreement with the Kensington Park Library to replace the trees to be removed with native, drought-resistant trees.

Tree #1 on the tree save plan is a 33" white oak in good condition located between the existing road and house. It may be necessary to remove this tree if future road improvements are deemed necessary. However, staff believes the tree can be adequately protected from the development currently proposed in this subdivision. As detailed tree protection measures are dependent on final grading and building placement, submittal of a Final Tree Save Plan is deferred until time of sediment control.

Stormwater Management

The requirement to provide on-site stormwater quantity controls is waived by MCDPS because the post development, one year flow rates will not exceed 2.0 cubic feet per second. Quality control is also not required because of the lot size and topography. The stormwater management concept has been found to be acceptable to MCDPS and staff finds that the plan complies with the Subdivision Regulations.

Compliance with the Subdivision Regulations and Zoning Ordinance

Compliance with Requirements of the Zone

The Property is zoned R-60 and subject to the development standards found in Section 59-C-1.32 of the Montgomery County Zoning Ordinance. The lots, as proposed, will meet all applicable dimensional standards for the R-60 zone as detailed in Table I of this report.

Lot Design

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations, including Sec. 50-29(a) which requires that the lot size shape, width and orientation be appropriate for the location of the subdivision and for the type of development anticipated; and the requirements for resubdivision as specified in Section 50-

29(b)(2), as discussed below. The Application meets all applicable sections and the lot sizes, width, shape and orientation are appropriate for the location of the subdivision.

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that each of the proposed lots complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage; alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate "Neighborhood" for evaluating the application. In this instance, the Neighborhood selected by the applicant, and agreed to by staff, consists of 10 lots (Attachment C). The Neighborhood includes all the lots within the same block and within the R-60 zone. The designated Neighborhood, while small, provides an adequate sample of the lot and development pattern of the area. A tabular summary of the area based on the resubdivision criteria is included in Attachment D.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, the above-noted resubdivision criteria were applied to the delineated Neighborhood. The proposed lots are of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood. Therefore, the proposed resubdivision complies with the criteria of Section 50-2(b)(2). As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: Each lot in the Neighborhood has frontage of 60 feet, as will the proposed lots. **The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.**

Alignment: All lots, existing and proposed will align in a perpendicular fashion to the street. **The proposed lots are of the same character as existing lots with respect to the alignment criterion.**

Size: There are 6 lots at 7,800 square feet in size and 4 lots at 7,200 square feet in size in the Neighborhood. The proposed lots will be 7,200 square feet in size. **The proposed lot size is in character with the size of existing lots in the neighborhood.**

Shape: All lots, existing and proposed are rectangular. **The shapes of the proposed lots will be in character with shapes of the existing lots.**

Width: All lots, existing and proposed, will be 60 feet wide at the front building line (42 ft. within the side brl's). **The proposed lots will be in character with existing lots in the neighborhood with respect to width.**

Area: There are 6 lots that have buildable areas of 3,570 square feet and 4 lots that have buildable areas of 3,150 square feet in the neighborhood. The proposed lots will have buildable areas of 3,150 square feet each. **The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.**

Suitability for Residential Use: The existing and proposed lots are zoned residential and the land is suitable for residential use.

Citizen Correspondence and Issues

This application was submitted prior to the requirement for applicants to hold pre-submission meeting with interested citizens. At the time of submission, the plan was mailed out to all adjacent and confronting property owners and local Civic Associations in compliance with the applicable Rules of Procedure. The plan was also correctly noticed for public hearing as per those Rules.

Staff has been in contact with one citizen, Ms. Joan Mitric, who has expressed a desire to preserve the existing home on the site and/or find someone who can use the house at another location. Historic Preservation staff has received a nomination for Historic resource from this citizen and has evaluated it. Historic Preservation found that the application for nomination to be incomplete and was unable to make a determination of the resource. Ms. Mitric was notified of this finding in November of 2007. (Attachment E) Staff has not received any further correspondence from Ms. Mitric, but expressed a willingness to continue to work with her and/or the greater Kensington community to identify historic resources. Staff finds that citizen concerns have been adequately addressed by the proposed plan, or with the responses herein.

CONCLUSION

Section 50-29(b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements

established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Kensington-Wheaton 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 – Neighborhood Delineation
- Attachment D – Resubdivision Table
- Attachment E – Correspondence

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Houlton's Subdivision				
Plan Number: 120070370				
Zoning: R-60				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 sq. ft.	7,200 sq. ft. minimum	RW	1/25/08
Lot Width	60 ft.	60 ft. minimum	RW	1/25/08
Lot Frontage	25 ft.	60 ft. minimum	RW	1/25/08
Setbacks				1/25/08
Front	25 ft. Min.	Must meet minimum ¹	RW	1/25/08
Side	8ft. Min./ 18 ft. total	Must meet minimum ¹	RW	1/25/08
Rear	20 ft. Min.	Must meet minimum ¹	RW	1/25/08
Height	35 ft. Max.	May not exceed maximum ¹	RW	1/25/08
Max Resid'l d.u. per Zoning	2	2	RW	1/25/08
MPDUs	N/A			1/25/08
TDRs	N/A			1/25/08
Site Plan Req'd?	No		RW	1/25/08
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	RW	1/25/08
Road dedication and frontage improvements		Yes	Agency letter	12/17/07
Environmental Guidelines		N/A		
Forest Conservation		Yes	Staff memo	1/14/08
Master Plan Compliance		Yes	RW	1/25/08
Other (i.e., parks, historic preservation)		N/A		1/25/08
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Exempt	Agency letter	12/14/06
Water and Sewer (WSSC)		Yes	Agency comments	12/11/06
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/11/06
Well and Septic		N/A		
Local Area Traffic Review		No	RW	1/25/08
Policy Area Mobility Review		N/A		
Transportation Management Agreement		N/A		
School Cluster in Moratorium?		N/A		
School Facilities Payment		N/A		
Fire and Rescue		Yes	Agency letter	12/11/06
Other (i.e., schools)		No	RW	1/25/08

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

HOULTON'S SUBDIVISION (120070370)

Attachment A



Map compiled on November 23, 2006 at 12:55 PM | Site located on base sheet no. 21216V04

NOTICE

The perimeter, 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 considered 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 data 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 1999

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
2007 Wright Avenue • Silver Spring, Maryland 20910-2100

See Map



Attachment C (c)

RE-SUBDIVISION CHART

Houlton's Subdivision

JOB NAME:

MHG JOB NUMBER:

2006.185.01

DATE: 11/7/06

SUBDIVISION	LOT/BLOCK	FRONTAGE	SIZE	BUILDABL E AREA	WIDTH @ BRL	SHAPE	ALIGNMENT	ZONE
Houlton's Subdivision	1	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	2	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	3	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	4	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	5	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	6	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	7	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	8	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	9	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	10	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
PROP LOT 12	12	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
PROP LOT 13	13	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60

Attachment C (2)

RANK BY FRONTAGE

SUBDIVISION	LOT/BLOCK	FRONTAGE	SIZE	BUILDABL EAREA	WIDTH @ BRL	SHAPE	ALIGNMENT	ZONE
Houlton's Subdivision	1	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	2	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	3	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	4	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	5	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	6	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	7	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	8	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	9	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	10	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
PROP LOT 12	12	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
PROP LOT 13	13	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60

Attachment C (3)

RANK BY SIZE

SUBDIVISION	LOT/BLOCK	FRONTAGE	SIZE	BUILDABL EAREA	WIDTH @ BRL	SHAPE	ALIGNMENT	ZONE
Houlton's Subdivision	1	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	2	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	3	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	4	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	5	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	6	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	7	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
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Houlton's Subdivision	10	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	12	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	13	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60

RANK BY BUILDABLE AREA

Attachment C (3)

SUBDIVISION	LOT/BLOCK	FRONTAGE	SIZE	BUILDABL EAREA	WIDTH @ BRL	SHAPE	ALIGNMENT	ZONE
Houlton's Subdivision	1	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	2	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	3	60.00	7,800	3570	42	Rectangular	Perpendicular	R-60
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Houlton's Subdivision	8	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	9	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	10	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	12	60.00	7,200	3150	42	Rectangular	Perpendicular	R-60
Houlton's Subdivision	13	60.00	7,200	8776.7	42	Rectangular	Perpendicular	R-60

66 THRU 81
540/239

Attachment D

C S X

PAR. "B" N167
PAR. "A" N169

N190
N199
N162
PAR. "4"
PAR. "B"

HOWARD

ADS ADD
1191

WILKS ADD
TO A KENSINGTON
(13-000)

PT. 7

46750 F

WARNERS ADD

ACE A

PROPOSED

ROUTE 6 TO
547

HOLLTONS
SUB
(13-501)

BRAINARD AVE

KENSINGTON

STREET

ESTATES

(T/C 38)

SUMMIT

(T/C 27)

MITCHELL

Sub.

KN

PT. 27 PT. 2
MITCHELL CO

Sub.

40

Weaver, Richard

Attachment E

From: Kelly, Clare
Sent: Wednesday, January 23, 2008 4:25 PM
To: Weaver, Richard
Subject: FW: Joan Mitric back in US. Asks status of Brainard house and Lot

Rich,

This was my response to Joan Mitric. Let me know if you need further information.

Clare

From: Kelly, Clare
Sent: Friday, November 09, 2007 8:29 AM
To: 'jmitric1@aol.com'
Cc: Weaver, Richard; Dolan, Mary; Boyd, Fred
Subject: RE: Joan Mitric back in US. Asks status of Brainard house and Lot

Joan,

We have received your letter and enclosure concerning the property at 4014 Brainard in Kensington. Our historic preservation staff has determined that there is insufficient information to evaluate this structure for historic designation. The Maryland Historical Trust inventory form that you have submitted is incomplete. In order to consider the resource for designation on the Master Plan for Historic Preservation, we would need a completed inventory form that provides a detailed description, the historic context, and a statement of significance. The material you have provided us is insufficient for determining if the resource meets any of the criteria in the Preservation Ordinance.

I am copying Rich Weaver on this email who would be the person to speak to regarding the status of the development plan and the preservation of the oak tree that you have mentioned.

You and I have discussed the value of a comprehensive survey of potential historic resources outside the Kensington Historic District. I have also discussed this in the past with Kensington's mayor and, more recently, with Julia O'Malley. It would be a good time for the community to do this work, in advance of development plans and before the Master Plan update gets fully underway.

Regards,
Clare Kelly

Clare Lise Kelly
Historic Preservation Planner
Montgomery County Planning Department
8787 Georgia Avenue, Silver Spring MD
301-563-3400

From: jmitric1@aol.com [mailto:jmitric1@aol.com]
Sent: Friday, November 02, 2007 3:07 PM
To: Kelly, Clare
Subject: Joan Mitric back in US. Asks status of Brainard house and Lot

Hello:

I am back in the country and interested to know the outcome/or status of the house on Brainard. It is the house up for sub development review and it has an existing structure on it. This house is adjacent to the Kensington Park Library.

I filed an application on it in Sept 2007 before I left for Serbia and elder care.

Best,

Joan Mitric

Look forward to hearing from you or Rich Weaving.

Unfortunately, my landline service is NOT working, so communicate by email or please call cell: 240-413-4932

thank you

Joan

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)