



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

OCT 30 2013

MCPB No. 13-151
Preliminary Plan No. 120130090
Goshen Heritage
Date of Hearing: October 24, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on January 10, 2013, Joyce R. Hawkins ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create four lots on 11.76 acres of land in the RE-2 zone, located on the west side of Goshen School Road, approximately 1,800 feet north of Huntmaster Road ("Subject Property"), in the Rural East Policy Area, Preservation of Agriculture & Rural Open Space master plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120130090, Goshen Heritage ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 11, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 24, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing the Planning Board voted to approve the Application, subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120130090 to create four lots on the Subject Property, subject to the following conditions:¹

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

Approved as to
Legal Sufficiency:

Christina Sone 10/16/13

1. Approval under this Preliminary Plan is limited to four lots for four dwelling units.
 2. The Applicant must comply with the following conditions of approval for Preliminary Forest Conservation Plan No. 120130090, approved as part of this Preliminary Plan:
 - a. A Final Forest Conservation Plan must be approved prior to plat recordation that addresses the following conditions:
 - 1) The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
 - 2) Permanent Category I conservation easement signs must be placed along the perimeter of the conservation easement area at the time of forest planting.
 - 3) Split rail fencing will be required at the easement boundaries in the vicinity of residential properties.
 - b. Record plat(s) must delineate a Category I conservation easement over all areas of forest planting as shown on the approved Final Forest Conservation Plan.
 - c. A two-year maintenance and management agreement must be approved prior to acceptance of on-site planting.
 - d. The Applicant must submit financial security for on-site planting prior to the start of clearing and grading.
 3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated July 31, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
 4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
 5. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section letter dated March 14, 2013, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS –
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Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

6. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Well & Septic Section in its letter dated May 24, 2013 and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Well & Septic Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

7. The certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscape will be determined at the time of issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

8. Record plat must show necessary easements.

9. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

10. The Subject Property is within the Gaithersburg School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary school level at the single-family detached unit rate for each unit for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the Master Plan.

The Application substantially conforms to the recommendations of the Master Plan. The Property is located in the Central Sector of the Master Plan, and specifically in the PA 14 - Goshen Woodfield, Cedar Grove and Vicinity area. The Master Plan does not make site specific recommendations for the Subject Property but confirms an existing 7,689 acres of RE-2 Zoning in this area and acknowledges an abundance of subdivisions that have already occurred in the RE-2 zoned areas between Gaithersburg and Damascus. The four lots on the Subject Property are consistent with RE-2 zoning and are consistent with the residential densities found throughout the Goshen Woodfield, Cedar Grove and Vicinity area.

2. Public facilities will be adequate to support and service the area of the approved subdivision.

The vehicle and pedestrian access for the lots will be adequate. Goshen School Road is not a designated roadway in any master plan, but it functions as a primary roadway by design and has been treated as a primary road by other nearby subdivisions. Primary roads require 70 feet of right-of-way, and by including a dedication of 35 feet from centerline along Goshen School Road, this Application contributes to the establishment of a 70 foot right-of-way for that road. Because the approved lots do not generate 30 or more vehicle trips during the morning or evening peak-hours, the Application is not subject to Local Area Transportation Review. The Property is located in the Rural East Policy area Transportation Policy Area Review, which is exempt from review in the 2012-2016 Subdivision Staging Policy.

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The Property is located in the S-6 and W-6 water and sewer service zones for no public service, requiring on-site well and septic. MCDPS – Water Resources Section approved well and septic locations for all four lots. Other utilities, including electric and telecommunications services, are adequate to serve the Property. The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service, which has determined that the Property has adequate access for fire and rescue vehicles. Other public facilities and services, such as police stations and health services, are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect. The Application is subject to a School Facilities Payment at the elementary school level (Gaithersburg cluster).

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lots' size, width, shape and orientation are appropriate for the location of the subdivision. The dimensional characteristics and location of the lots support the Master Plan's goal to maintain low density residential development in this area. The approved lots will meet all dimensional requirements for area, frontage, and width, as specified in the Zoning Ordinance, and the proposed dwellings can meet setback requirements.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

As conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law. The Applicant submitted a Preliminary Forest Conservation Plan ("PFCP") for the project with the Preliminary Plan. The PFCP shows no impact to the on-site specimen trees, and, therefore, no tree variance is required. The PFCP worksheet generates a 1.88 acre afforestation requirement, which the Applicant will meet on-site by reforesting an area in the northwestern portion of the Property, connecting with other areas of newly planted forest and existing mature hedgerows. A split rail fence is required to demarcate the forest conservation easement areas on the lots.

5. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management" Section 19-20 through 19-35.*

MCDPS approved a stormwater management concept for the Property on March 14, 2013. The concept proposes to meet stormwater management goals through a use of dry wells and disconnection credits.

6. *The approved lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood ("Neighborhood") (as delineated in the Staff Report).*

Frontage:

The approved lots are of the same character as existing lots in the neighborhood with respect to lot frontage. Three of the approved lots have frontages just over 25 feet; the fourth approved lot has a frontage of 357 feet.

In the Neighborhood, four lots have frontages of 25 feet, and the largest lot frontage is 383 feet. Therefore, the approved lots are of similar character to other lots in the Neighborhood regarding frontage.

Alignment:

The approved lots are of the same character as existing lots in the Neighborhood with respect to alignment. The alignments of the approved lots are generally perpendicular to the street, as are all of the lots in the Neighborhood

Size:

The sizes of the approved lots are in character with the size of existing lots in the Neighborhood. The range of sizes in the Neighborhood is between 70,953 square feet and 253,188 square feet. The approved lots range in size from 117,612 square feet for the smallest lot (lot 7) to 148,104 square feet for the largest lot (lot 6)..

Shape:

The shapes of the approved lots are in character with shapes of the existing lots in the Neighborhood. Three of the four approved lots are pipe-stem shaped, and one is rectangular. The Neighborhood contains a mix of lot shapes, including pipe-stem, rectangular, and trapezoidal.

Width (at the BRL):

Lot width is measured at the front building line (BRL). The widths of the approved lots are in character with those of existing lots in the Neighborhood. The range of widths at the building line within the Neighborhood is between 151 and 392 feet. The approved lots have widths at building lines between 213 and 348 feet, which fall within the range of lot widths in the Neighborhood.

Area:

The approved lots are of the same character as existing lots in the Neighborhood with respect to buildable area. The approved lots have buildable areas that are between 60,300 square feet and 86,700 square feet. These figures are within the range of buildable areas in the Neighborhood, which run from 2,600 square feet to 170,700 square feet.

Suitability for Residential Use:

The existing and approved lots within the identified Neighborhood are all zoned RE-2 and are suitable for residential use.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

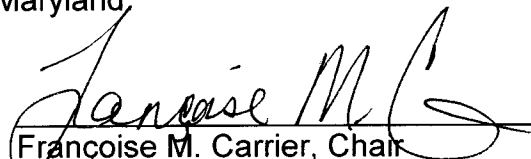
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 30 2013 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, October 24, 2013, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board