



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

MCPB
Item #
7/26/07



MEMORANDUM

DATE: July 13, 2007

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of 37 residential units including 5 MPDU's (15%)

PROJECT NAME: Batchellors Forest

CASE #: 120060850

REVIEW BASIS: Chapter 50, Montgomery County Code, Subdivision Regulations

ZONE: RNC

LOCATION: Located on the north and south side of Old Baltimore Road, approximately 3,000 feet south of the intersection with Doctor Bird Road.

MASTER PLAN: Olney

APPLICANT: Oxbridge Development at Northwest, L.C.

ENGINEER: Macris, Hendricks and Glascock

FILING DATE: February 21, 2006

HEARING DATE: July 26, 2007

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Limit future development on the property to a maximum of 37 single-family units, including 15% moderately priced dwelling units (MPDU's).
- 2) The proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits. Conditions include, but are not limited to:
 - a. Approval of final forest conservation plan consistent with the approved preliminary forest conservation plan (PFCP)..
 - b. Split rail fencing and permanent forest conservation signage are required along the easement line that adjoins residential lots and must be shown on the final FCP.
- 3) Record plat shall reflect a Category I conservation easement over all areas of environmental buffer and forest conservation as shown on the preliminary forest conservation plan
- 4) The applicant must make payments equal to 50% of the applicable transportation impact tax for the area (consistent with the 2003-2005 Annual Growth Policy (AGP) – Policy Element, Section TLI) to the Montgomery County Department of Permitting Services (DPS), concurrent with the release of the initial building permits for the proposed dwellings, to mitigate traffic impact related to the subject development at the Georgia Avenue (MD 97)/Emory Lane and Norwood Road/Layhill Road/Ednor Road intersections.
- 5) Applicant to dedicate to M-NCPPC the approximately 17.4 acre portion of subject property that lies east of Batchellors Forest Road and identified as “Parcel A”, for use as a local park per the Olney Master Plan. Land to be conveyed by time of record plat and to be free of any trash and unnatural debris
- 6) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 7) The applicant shall construct all road 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.
- 8) At the time of site plan, applicant to show alignment of a pedestrian connection from the terminus of Old Vic Boulevard at Batchellors Forest Road to the existing sidewalk on the Farquhar Middle School site per letter dated May 8, 2006, from Montgomery County Public Schools (MCPS).
- 9) The applicant must construct and install all Montgomery County Department of Public Works and Transportation (DPWT) and MCPS required site frontage roadway improvements along Old Vic Boulevard, Batchellors Forest Road, “Street A”, and “Street B”, including street trees, prior to the release of a building permit for the 22nd single-family unit.
- 10) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 11) Record Plat shall reflect all areas under Homeowners Association ownership and

specifically identify stormwater management areas.

- 12) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 13) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 14) Compliance with the conditions of the MCDPS stormwater management approval dated July 2, 2007.
- 15) Compliance with the conditions of MCDPWT approval letter dated May 4, 2006, unless otherwise amended.
- 16) No clearing, grading or recording of plats prior to certified site plan approval
- 17) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan. Final number of MPDU's as per condition #1 above to be determined at the time of site plans in accordance of with the actual number of units approved.
- 18) 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.

I. SITE DESCRIPTION

The 94-acre property is zoned RNC and is located in the Olney Master Plan area on Batchellors Forest Road adjacent to the new Good Council High School and across the street from Farquhar Middle School. (Attachment A). The surrounding uses also include a fairly large religious institution. The property is currently occupied by a single-family residence, but is for the most part open field with forested stream valleys. The property contains two streams, one being an intermittent tributary to Northwest Branch and the other the actual mainstem of Northwest Branch.

II. PROJECT DESCRIPTION

The proposal requests subdivision of the property into 37 lots using the cluster method of development (Attachment B). Pursuant to Chapter 25 of the Montgomery County Code, the applicant is required to provide at least 12.5% of units as MPDU's. For this application the applicant seeks a density bonus by providing 15% of the units as MPDU's rather than the minimum. This allows the applicant to achieve a 22% density bonus. There are 5 MPDU units shown on this plan. As required by the Olney Master Plan the open space for the project must be within the 65% to 85% range if it develops using the optional (cluster) method. The stream valley buffers tend to dictate the developable area; the applicant's layout responds to this limitation by clustering the 37 lots in the most developable area outside the stream valley buffers. The development proposes use of two public streets; one an extension of Old Vic Boulevard and the other a new tertiary street (cul-de-sac). Old Vic Boulevard will provide access to Batchellors Forest Road and to Olney/Sandy Spring Road (MD 108). Public sewer and water will be

provided to the site by connections to existing lines that abut the property. All proposed lots front on the newly created public streets.

Stormwater management is provided in a number of dry ponds located on separate parcels throughout the site with access to the public streets. A natural surface trail system will connect the two development pods; exact trail location will be refined at the time of site plan.

As noted above, the property is encumbered by streams and their associated stream valley buffers, and also by a master planned extension of Old Vic Boulevard which is planned to traverse the site and connect to Batchellors Forest Road. Sidewalk connections will be made along all public roads.

MPDU Calculations

For this application, the applicant has calculated MPDU's pursuant to Chapter 25A and is required to provide 5 units as MPDU's. The applicant is eligible for an extra market rate unit because the total market rate units which can be achieved per the specified calculations is less than the full base density of the property, inclusive of the minimum MPDU requirement. The applicable citation in Section 25A-5(d)(2) of the Montgomery County Code states:

“If the Planning Board approves a density bonus of at least 20 percent for a development which consists of 20 or more but fewer than 50 units at one location, the number of MPDUs required must be governed by subsection (c) unless the formula in subsection (c) would not allow the development to have one bonus market rate unit. In that case, the Planning Board must reduce the required number of MPDUs by one unit and approve an additional market rate unit.”

Per the formula in subsection (c), the subject development achieves 31 market rate units by providing 6 MPDUs (15%), and the base density of the property (0.33 dwelling units per acre x 94 acres) is 31 dwelling units, therefore no bonus unit is achieved and the project is entitled to convert one of the required MPDUs to a market unit resulting in 32 market rate units and 5 MPDU's. This calculation is consistent with the findings of the Planning Board in discussions with staff on a similar case.

Previous Planning Board Position on MPDU calculations

In July 2006, the Planning Board considered a similar request for the conversion of a MDPU to a market rate unit. In that discussion, staff presented a dissenting opinion on the ability to gain an extra market rate unit based on Section 25A-5(d)(2). At the hearing the Board supported the applicant's position that they were entitled to the conversion of the MPDU to a market rate unit. The circumstances in that case are virtually identical to the circumstances in this case. Therefore, the number of MPDU's set forth as required in this staff report takes into account the conversion of one MPDU to a market rate unit. However, Development Review staff

and Community Based Planning staff still reach a different conclusion as to the MPDU requirements¹.

III. DISCUSSION AND ANALYSIS

A. TRANSPORTATION

Site Location, Access, Circulation, and Public Transportation Facilities

Batchellors Forest development is proposed within the southwest quadrant of MD 108, Dr. Bird Road (MD 182), and Batchellors Forest Road; to the south of the new Good Counsel High School campus in Olney. Access to the proposed units will be from Batchellors Forest Road and Old Vic Boulevard Extended. Old Vic Boulevard is currently built to the southern driveway to Good Counsel High School, and has a shared-use path along its west side and a sidewalk along its east side. A fully operational traffic signal was also recently installed at the intersection of MD 108 and Old Vic Boulevard. Metrobus Route Z2, running between Colesville and Ashton, service roadways to the north of the site (MD 108 and Dr. Bird Road).

Local Area Transportation Review

A traffic study was required for the subject preliminary plan in accordance with the *Local Area Transportation Review (LATR) Guidelines* since the development, with 32 new one-family

¹ In Development Review (DRD) and Community Based Planning (CBP) staff's opinion, the proposed project achieves the bonus market rate units referred to in the section without converting an MPDU to a bonus market rate unit. At the maximum base density of 0.33 units per acre, the proposed site has a maximum base density of 31 units ($94.0 \times 0.33 = 31.02$ rounded down to 31). Since the number of requested units exceed 19, the proposed development is subject to the MPDU law, which requires a minimum of 12.5% of the units to be MPDUs if no bonus density is proposed, which translates into 4 MPDUs ($31 \times 0.125 = 3.88$ rounded up to 4). The developer has the option to achieve a density bonus in exchange for additional MPDUs on a sliding scale prescribed in the MPDU law. The maximum density bonus of 22% requires the provision of 15% of the total units as MPDUs.

The proposed development requests a maximum density bonus of 22% with 15% MPDUs. Therefore $31 \times 1.22 = 37.82$, rounded down to 37 units total, is the maximum density allowed with the bonus. MPDU's are therefore required at 15%: $37 \times 0.15 = 5.6$, rounded up to 6 MPDUs. The density calculation chart for this property is as follows:

Density scenario	Total units	Market rate	MPDUs
Base density (12.5% MPDUs)	31	27	4
With 22% bonus (15%MPDUs)	37	31	6
<u>Additional units</u>	6	4 (bonus)	2

Based on this scenario, the proposed development achieves 4 bonus, market rate units by providing 2 additional MPDU units above the minimum requirement of 5 MPDUs.

DRD and CBP staff believe that because the density bonus is optional, any bonus scenario must be considered against the base density requirement calculated at the 12.5% MPDU provision. Only when the maximum base density would not require the minimum 12.5% MPDUs can this provision of the law be applied to achieve one additional market rate bonus unit by reducing the required MPDUs by one.

dwelling units and five townhouse units, was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak-periods.

The consultant for the applicant submitted a traffic study (dated May 2007) that presented traffic-related impacts of the development within the study area during weekday morning and evening peak-periods. Staff review of the traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by staff.

The traffic study estimated that the site would generate approximately 32 peak-hour trips during the weekday morning peak period and 40 peak-hour trips during the weekday evening peak period. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED BACHELLORS FOREST DEVELOPMENT**

Proposed Density	Trip Generation					
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
32 Single Family Units	8	22	30	23	13	36
5 Townhouse Units	0	2	2	3	1	4
Total Trips	8	24	32	26	14	40

Note: Based on M-NCPPC *Local Area Transportation Review (LATR) Guidelines* Trip Generation rates.

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED BATCHELLORS FOREST DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Olney-Sandy Spring Rd (MD 108)/Old Vic Blvd	994	1,120	1,418	1,437	1,422	1,441
Olney-Sandy Spring Rd/Dr. Bird Rd (MD 182)	1,025	1,188	1,155	1,245	1,156	1,246
Dr. Bird Rd/Batchellors Forest Rd	1,137	544	1,263	695	1,270	702
Norwood Rd/Layhill Rd/Ednor Rd	1,577	1,230	1,779	1,328	1,782	1,329
Georgia Ave (MD 97)/Emory Ln	1,373	1,541	1,422	1,745	1,424	1,749
Batchellors Forest Rd/Old Vic Blvd (Future)	--	--	--	--	357	101
Batchellors Forest Rd/"Street B" (Future)	--	--	--	--	362	108

Source: Traffic Impact Study – Batchellors Forest. Kimley-Horn and Associates, Inc. May 2007.
FY 2005 Congestion Standard for Olney Policy Area: 1,475 CLV.

As shown in Table 2, under Background Traffic Conditions, CLV at the Norwood Road/Layhill Road/Ednor Road and Georgia Avenue/Emory Lane intersections exceed the congestion standard for Olney Policy Area (1,475 CLV) during the morning and evening peak-hours, respectively. Under Total (Build) Traffic Conditions, site traffic increases CLV at these two intersections by three (3) and four (4), respectively, thereby impacting the intersections.

Since CLV for the Norwood Road/Layhill Road/Ednor Road and Georgia Avenue/Emory Lane intersections exceeded the congestion standard for the Olney Policy Area (1,475 CLV) under Background Traffic Conditions, the applicant is required to mitigate site traffic impact to at or below the Background Traffic Conditions CLV. However, as a development that would generate between 30 and 49 peak-hour trips during the typical weekday morning and evening peak periods, the applicant is eligible for the "Limited LATR" review, as provided for in the FY 05 AGP. Under this provision, the Planning Board must require the applicant to either, implement/construct all required LATR mitigation improvements, or make *additional* payments equal to 50% of the applicable transportation impact tax before the subdivision receives any building permit.

The applicant has expressed interest in paying the additional transportation impact tax in-lieu of physical improvements to mitigate the development's impact. Transportation Planning

staff supports this request since the proposed development will have minimal impact at the affected intersections (less than 5 CLV), one of which (Georgia Avenue and Emory Lane) already has a planned privately funded mitigation improvement. Therefore, staff recommends that the Planning Board require the applicant to pay the additional transportation impact tax and satisfy the LATR requirements of the APF test.

Overlength Cul-de-sac

Section 50-26(d) of the Subdivision Regulations limits the use of cul-de-sacs in new subdivisions unless their use results in an improved street layout because of the unusual shape, size or topography of the subdivision. The section also limits the maximum length of a cul-de-sac to 500 feet, unless the Planning Board finds that a greater length is justified because of shape, size, topography, large lot size, or improved street alignments.

For the subject application, the existence of the mainstem of Northwest Branch on the western edge of the property justifies using a cul-de-sac in that location to provide access for Lots 16 through 27. Properties immediately abutting the Subject Property in that location have already been subdivided and have no need for additional road access. Crossing the stream with a through road would be both unnecessary and environmentally damaging. Staff investigated connecting the cul-de-sac to Old Vic Boulevard, however, this would not be possible without paving within the stream valley buffer. Staff considered the language in the master plan that places a premium on preservation of forest and opens space. In staff's opinion, development located in this portion of the site is best served by the road alignments as proposed. Staff finds that the length of the cul-de-sacs is essential to reach the developable portions of the property and give all lots frontage on a public right-of-way. Fire and Rescue have approved the road configuration; a trail connection as previously discussed will provide pedestrian access between the two developable areas of the property.

B. ENVIRONMENT

Forest Conservation

There are 19.42 acres of existing forest included in the seven distinctive forest stands on the subject site. Tulip trees dominate three of the stands, maple trees dominate two stands, and the remaining two stands have mixed forests. The approved NRI/FSD indicates 74 trees, 24 inches in diameter and greater on the subject property including 40 trees, 30 inches in diameter and greater on the subject site.

Because the plan proposes an optional method of development, it must comply with Section 22A-12(f) of the Montgomery County code. This section of the code states "*Any site developed under a cluster or other optional method of development in a one-family residential zone....must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.*" The property is zoned Rural Neighborhood Cluster (RNC) which includes a single-family residential component, therefore, this section of the forest conservation law is applicable. Also, since there is more existing forest onsite than the afforestation threshold, the applicant must reforest to meet the conservation threshold onsite. This requires that 25

percent of the net tract area be in forest either as retained forest or planted forest. Based on the forest conservation plan submitted, this requires that 22.97-acres of the property must be forest.

The forest conservation plan submitted by the applicant indicates 2.08-acres of forest removed. This generates a 4.16-acre planting requirement, however, in order to meet the 22A-12(f) of the Forest Conservation law the applicant needs to plant an additional 1.47-acres of forest. The plan submitted by the applicant indicates 17.34 acres of forest will be retained and 8.7-acres of forest planted for a total of 26.04-acres of forest. The amount of forest proposed for retention and planting exceeds the 25 percent requirement under Section 22A-12(f) and therefore, the forest conservation plan submitted complies with this section of the forest conservation law.

The preliminary forest conservation plan indicates forest-planting areas adjacent to single family lots. If lots either back or side planted conservation easements, Environmental Planning requests that a split rail fence, or other demarcation acceptable to Environmental Planning be placed along the property lines. This is to clearly delineate to the future homeowners the conservation easement.

The plan submitted does not show all stream/environmental buffers protected with category I conservation easements. This is true for the environmental buffer at the northwestern portion of the site where Old Vic Boulevard is located. The submitted plans show the environmental buffer is within a stormwater management parcel but not within a conservation easement. The stormwater management facility is outside the environmental buffer. The buffer needs to be permanently protected.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on August 31, 2005 and it is the plan upon which the forest conservation plans are based. This NRI/FSD shows 19.42 acres of existing forest, 0.28-acres of wetlands, 5.05-acres of 100-year floodplains, and 23.35-acres of stream/environmental buffers. Both the eastern and western portions of the property include environmental buffers. The eastern portion has a buffer that runs parallel to the southern property line. The western portion has a small wetland buffer near Good Counsel High School. There is a larger environmental buffer in the southwestern portion of the site. This buffer includes much of the onsite forest. The environmental buffer also extends from the southwestern portion of the site to the northeast and ends near the existing hedgerow in the middle of the western portion of the property. The only encroachments into the environmental buffers for the subject property are stormwater management outfalls and for the continuation of Old Vic Boulevard through wetlands on the northern portion of the property. The alignment of Old Vic through the subject site was coordinated with the alignment on the Good Counsel High School site. The Maryland Department of the Environment was also involved in minimizing impacts to wetlands.

C. CONFORMANCE WITH THE OLNEY MASTER PLAN

The 2005 Olney Master Plan has general recommendations about properties in the Southeast Quadrant as well as specific recommendations for the subject property. On page 23, among other general recommendations for the Southeast Quadrant, it states:

Preserve open space, streams, significant forests, and the low-density character of the Southeast Quadrant through cluster development, on community sewer where appropriate.

Determine the exact amount and configuration of open space to be preserved on each property at the subdivision stage.

Protect the rustic road character of Batchellors Forest Road by using topography, clustering of houses away from the road, and landscaping to preclude, or minimize, the visibility of new developments from Batchellors Forest Road.

The Master Plan has the following design guidelines for all properties recommended for the RNC Zone in the Southeast Quadrant (including the subject property):

- 1. Cluster new houses away from sensitive areas.*
- 2. Minimize the fragmentation of forest by preserving contiguous forest areas covering more than one property.*
- 3. Minimize new driveway entrances on Batchellors Forest Road to preserve its rustic character.*
- 4. Design connections of new access roads to Batchellors Forest Road to be respectful of the rustic character of the road.*
- 5. For properties along Georgia Avenue, provide a green buffer of at least 100 feet, outside the master plan right-of-way, to screen views of houses from the road.*
- 6. Preserve exceptional vistas of open fields on larger properties from Batchellors Forest Road, especially on the Casey, Hyde and Polinger properties by clustering homes in such a way that they are not visible from the road. If that is not feasible, use landscaping techniques to screen houses from the road.*

The property is designated as #3 in the Land Use Section of the Master Plan and has the following specific recommendations on page 28:

The 17.4-acre portion of the property, located on the east side of Batchellors Forest Road is appropriate for ballfields and possibly other active recreation. Permitted density from the 17.4-acre portion should be located on the larger portion of the property on the west side of Batchellors Forest Road and the 17.4-acre portion should be designated as rural open space under RNC Zone and dedicated as parkland for active recreation purposes. Houses should be clustered away from Batchellors Forest Road to preserve the views of open fields along the existing road. Preservation of the rustic character of Batchellors Forest Road and the existing vistas from this road should be explored at the time of subdivision

through careful placement of housing clusters in appropriate locations to minimize their visibility from Batchellors Forest Road and other techniques.

The western portion of the site is recommended to contain a realigned Old Vic Boulevard Extended so that the new road will terminate at Batchellors Forest Road opposite one of the Farquhar Middle School entrances. The right-of-way of the proposed alignment should be dedicated at the time of the subdivision.

The proposal protects the environmentally sensitive portions of the property by minimizing impacts to the stream valley buffers and placing them in a Category I easement. Contiguous forest is protected within the stream buffers. The plan responds to the need to protect Batchellors Forest Road by minimizing curb cuts and striving to preserve the viewsheds that the master plan calls for. Site Plan review will attempt to further minimize the visual impact of the development. The 17.4 acre portion of the property is to be dedicated to MNCPPC for park purposes. Staff is of the opinion that the proposed project accomplishes all of the Master Plan's goals and recommendations for this property.

Issues for Site Plan

Staff does remain concerned about the location of two lots, proposed Lot 2 and Lot 3, accessible from the new extension of Old Vic Boulevard at the northern edge of the property. These two lots are located to the rear (pipestems), and on a higher elevation than, the rest of the lots along the Old Vic Boulevard extended. They will be highly visible from Batchellors Forest Road. Since the preservation of the rural character of Batchellors Forest Road, including views of new developments from Batchellors Forest Road, were a major concern of the Olney Master Plan, these two lots should be relocated elsewhere in the two clusters of houses along the new road. This may require reducing lot sizes of some of the lots on Old Vic Boulevard to fit them in; however, staff believes that this is a challenge that is appropriately discussed as part of the site plan review. It is staff's opinion that at this time the general layout is acceptable and accomplishes the main goals of the master plan but the site plan should address the visibility the aforementioned lots.

D. CONFORMANCE TO THE SUBDIVISION REGULATIONS AND THE ZONING ORDINANCE

Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision. The lots were reviewed for compliance with the dimensional requirements for the RNC zone, (Sec. 59-C-1.5) as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table 3. The application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan

IV. CITIZEN CORRESPONDENCE

The submission of this application predated any specific requirements for meetings between the applicant and interested parties, however, proper notice of the submittal of the application and the public hearing were given. As of the date of this staff report one email was received from an adjacent property owner. Staff addressed the writers concerns via a telephone conversation.

CONCLUSION

Staff review of the preliminary plan reveals that the number of units proposed can be adequately served by the existing road infrastructure. Water and sewer facilities are also adequate. Stormwater runoff and drainage will be controlled by a stormwater management system approved by MCDPS. The lots meet the minimum dimensional requirements of the RNC zone and the density of lots proposed is within the maximums established by the Zoning Ordinance. In addition, the plan conforms to the requirements of the Olney Master Plan to place a cluster development at this location, and to preserve the significant natural features that exist on the site.

Staff also finds that the proposed size, width, shape and orientation of the lots are appropriate, and that the use of over-length cul-de-sacs is justified by the shape and environmental features of the property. Therefore, staff recommends approval of the plan with the conditions cited above.

ATTACHMENTS:

Attachment A- Vicinity Map

Attachment B- Preliminary Plan

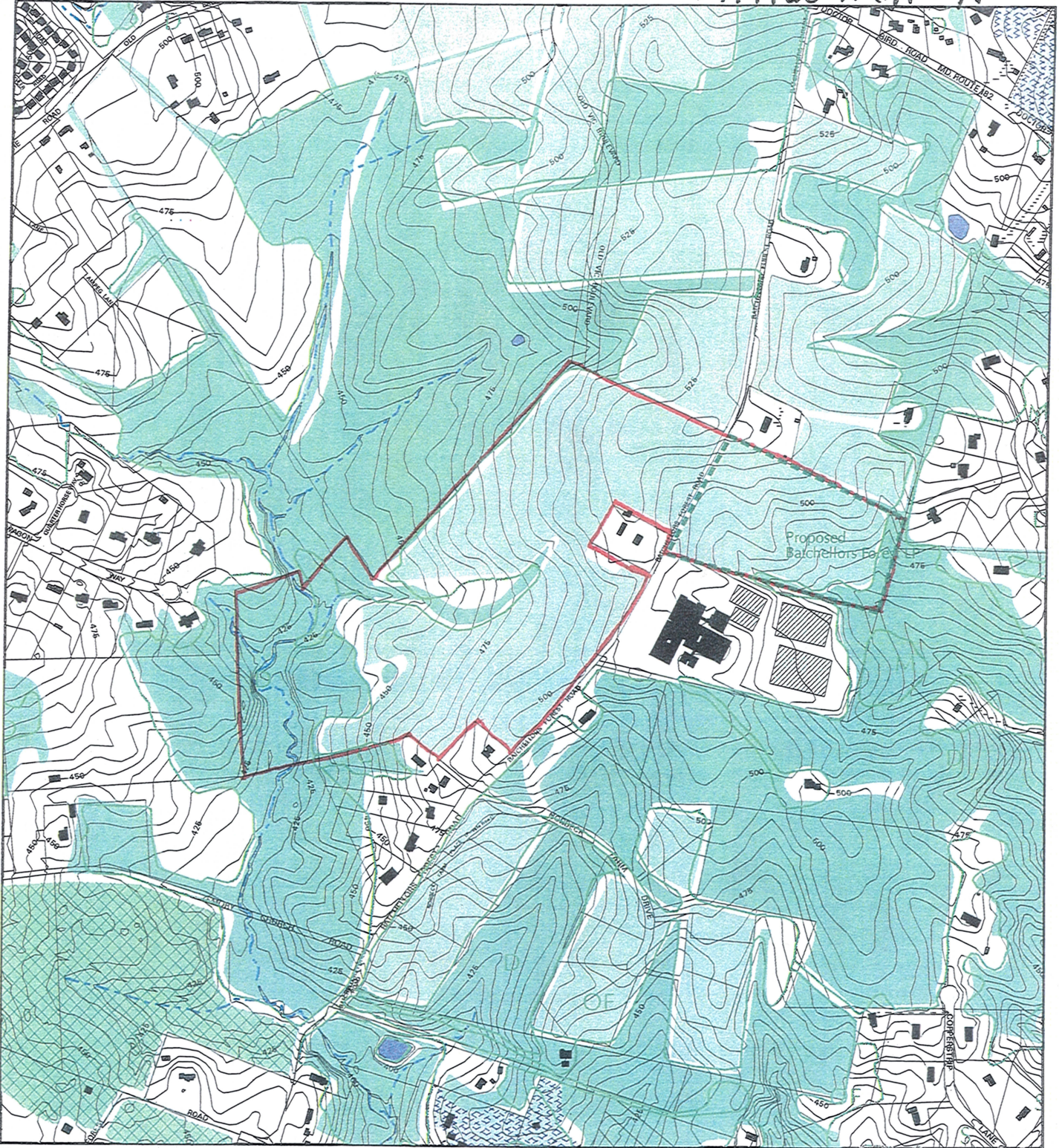
Attachment C - Referenced Agency Approvals

Table 3. Preliminary Plan Data Table and Checklist

Plan Name: Batchellors Forest				
Plan Number: 120060850				
Zoning: RNC				
# of Lots: 37				
# of Outlots: 0				
Dev. Type: Cluster Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	4,000 sf for sfd 3,500 sf for duplex Townhome – TBD at site plan	10,713 sq.ft. min. 5,635 sf min. TBD at site plan	RW	7/13/07
Lot Width	N/A	N/A	RW	7/13/07
Lot Frontage	25 ft.	25 ft. minimum	RW	7/13/07
Setbacks				
Front	15 ft. min.	Must meet minimum	RW	7/13/07
Side	8 ft. min. or meet adjacent zone	Must meet minimum	RW	7/13/07
Rear	10 ft. min. or meet adjacent zone	Must meet minimum	RW	7/13/07
Height	35 ft. Max.	May not exceed maximum	RW	7/13/07
Max Resid'l per Zoning	31	37 w/ bonus	RW	7/13/07
MPDUs	Yes	5	RW	7/13/07
TDRs	No			
Site Plan Req'd?	Yes	Pending	RW	7/13/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		RW	5/4/06
Road dedication and frontage improvements	Yes		Agency Memo	7/13/07
Environmental Guidelines	Yes		Staff memo	7/16/07
Forest Conservation	Yes		Staff memo	7/16/07
Master Plan Compliance	Yes		Staff memo	7/13/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency memo	7/2/07
Water and Sewer (WSSC)	Yes		Agency memo	6/26/06
10-yr Water and Sewer Plan Compliance	Yes		Agency memo	6/26/06

BATCHELLORS FOREST (120060850)

Attachment "A"



Map compiled on March 17, 2006 at 2:20 PM | Site located on base sheet no - 223NW02

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

Key Map



N

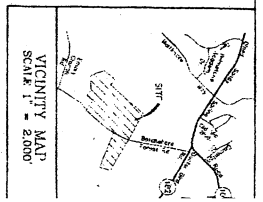
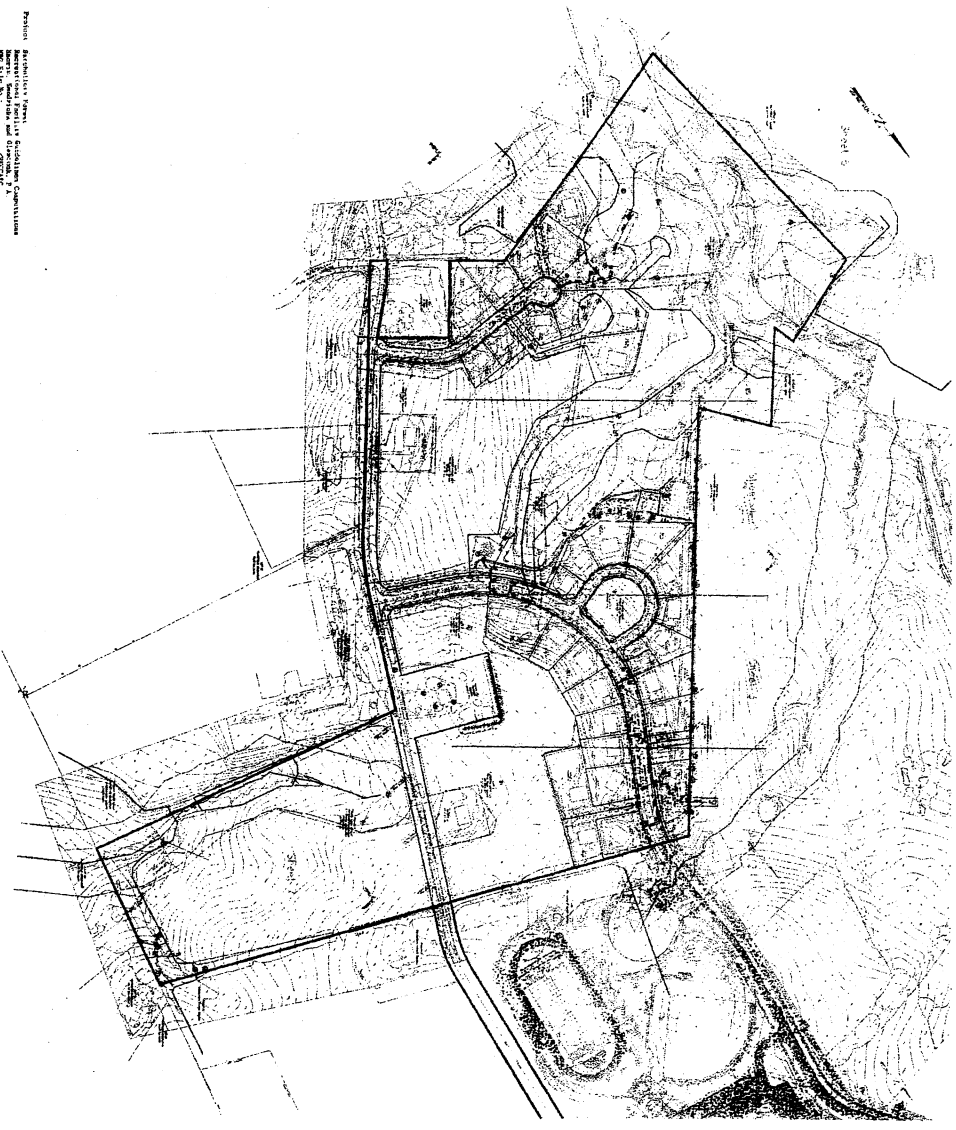
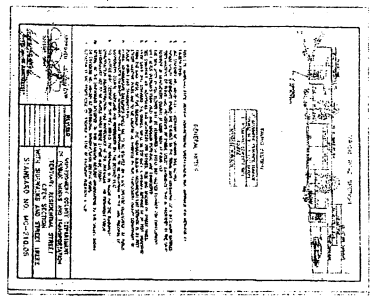
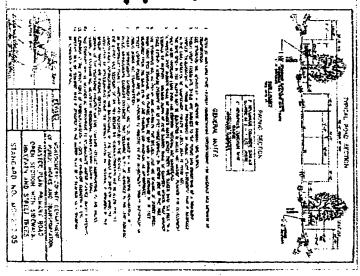


Research & Technology Center



1 inch = 800 feet
1 : 9600

BATCHELLORS FOREST



1. How do you plan to provide for fire safety?
2. How do you plan to provide for storm water runoff?
3. How do you plan to provide for parking?
4. How do you plan to provide for landscaping?
5. How do you plan to provide for site access?
6. How do you plan to provide for site security?
7. How do you plan to provide for site maintenance?
8. How do you plan to provide for site safety?
9. How do you plan to provide for site security?
10. How do you plan to provide for site safety?

NO.	DESCRIPTION	AMOUNT
1
2
3
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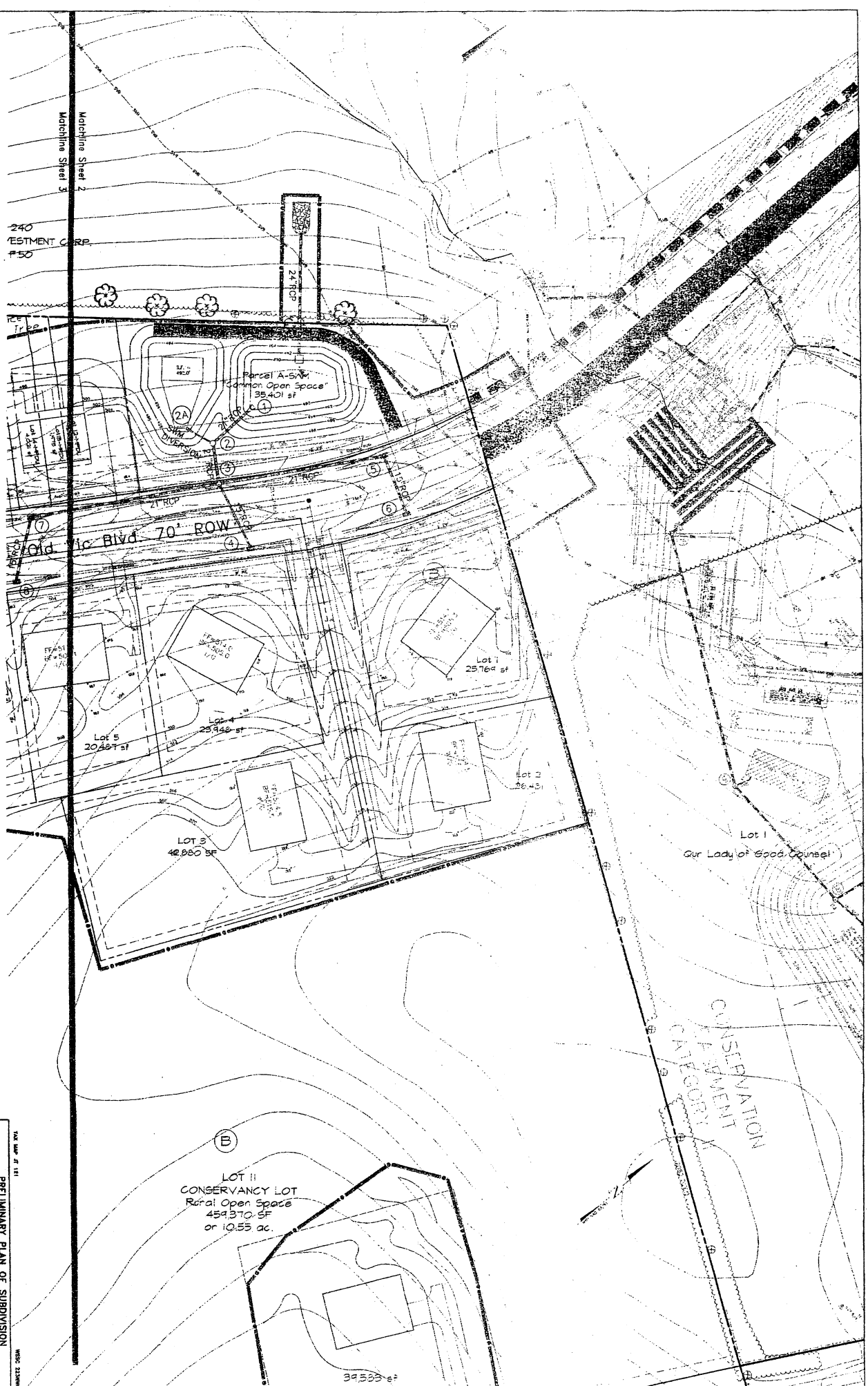
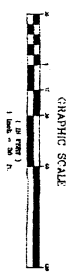
NO.	DESCRIPTION	AMOUNT
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10

PREPARED FOR:
 Oxbidge Development
 of Batchellors Forest, LC
 600 Jefferson Pike
 Raleigh, NC 27602
 Attn: Mr. Elliot Toth
 (919) 294-4150
 (919) 294-4151

MHG **Oxbridge Group**

8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 PRELIMINARY PLAN OF SUBDIVISION
 BATCHELLORS FOREST
 PARCEL 711

DATE: 11/11/06
 DRAWN BY: [Name]
 CHECKED BY: [Name]



240
ESTMENT CORP.
#50

Machine Street 2
Machine Street 3

Old No. Blvd 70' ROW

CONSERVATION
ELEMENT
CATEGORY

Lot 1
Our Lady of Good Counsel

LOT II
CONSERVANCY LOT
Rural Open Space
459,370 SF
or 10.55 ac.

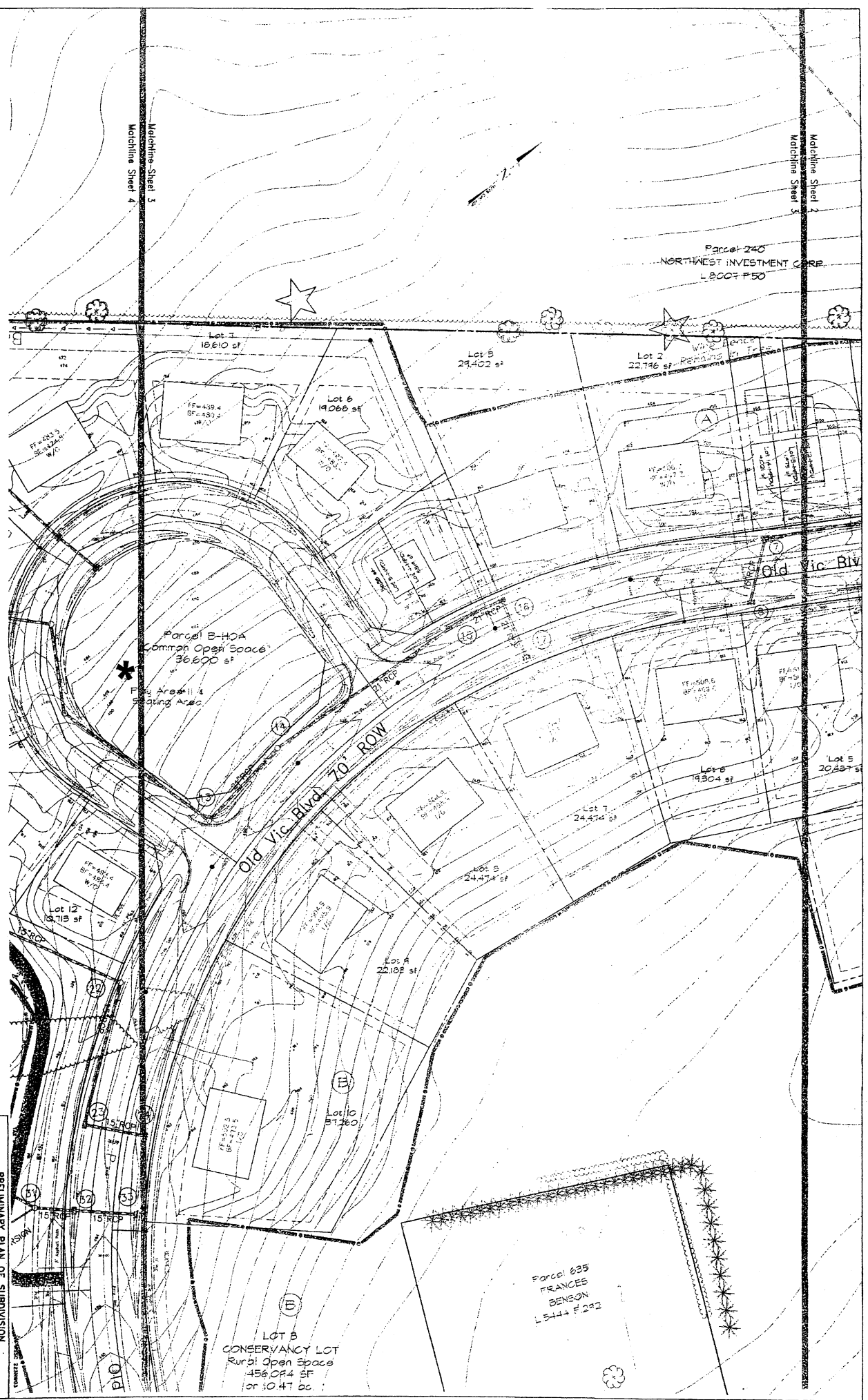
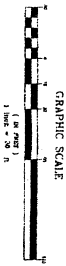
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BATCHELLORS FOREST
PARCEL 711
PRELIMINARY PLAN OF SUBDIVISION

8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG M. H. G. & Associates, Inc.
10000 Rockledge Drive, Suite 200
Rockville, MD 20850
Tel: 301-581-1000
Fax: 301-581-1001

DATE: 12/11/00
SCALE: 1" = 20'

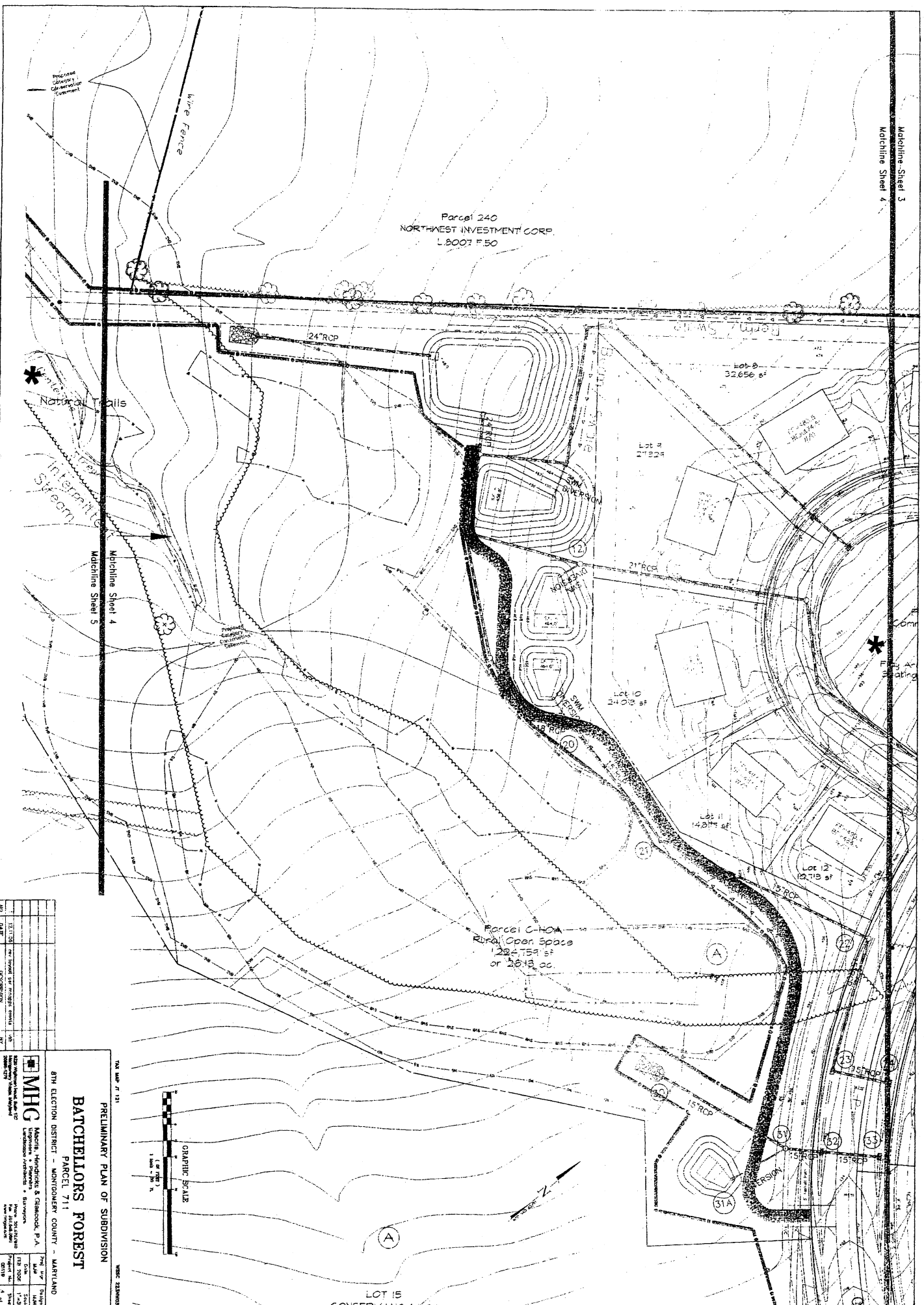


NO.	DATE	DESCRIPTION
1	11/11/04	PRELIMINARY PLAN OF SUBDIVISION

BATCHELLORS FOREST
PRELIMINARY PLAN OF SUBDIVISION
PARCEL 711
8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG
Metcalf, Henderson & Gilchrist, P.A.
Engineers & Surveyors
1000 Montgomery Avenue, Suite 100
Baltimore, Maryland 21201
Phone: 410.528.8800
Fax: 410.528.8801
www.mhgpa.com

Project No. 2004-001
Date: 11/11/04
Scale: 1" = 20'
Sheet: 1 of 1



Parcel 240
NORTHWEST INVESTMENT CORP.
L.0007 F.50

Parcel C-HOA
Rural Open Space
1,224,759 sq ft
or 28.18 ac.

Lot 8
32,656 sq ft

Lot 9
21,824 sq ft

Lot 10
14,038 sq ft

Lot 11
14,811 sq ft

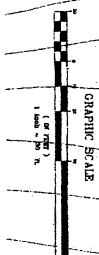
Lot 12
10,718 sq ft

LOT 15
CONSERVANCY LOT

Matchline Sheet 4
Matchline Sheet 5

Matchline Sheet 3
Matchline Sheet 4

Natural Trails
Intermittent Stream



NO.	DATE	DESCRIPTION	BY
1	12/17/20	PRELIMINARY PLAN OF SUBDIVISION	...
2	01/27/21
3	02/02/21

PRELIMINARY PLAN OF SUBDIVISION
BACHELORS FOREST
PARCEL 711
8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

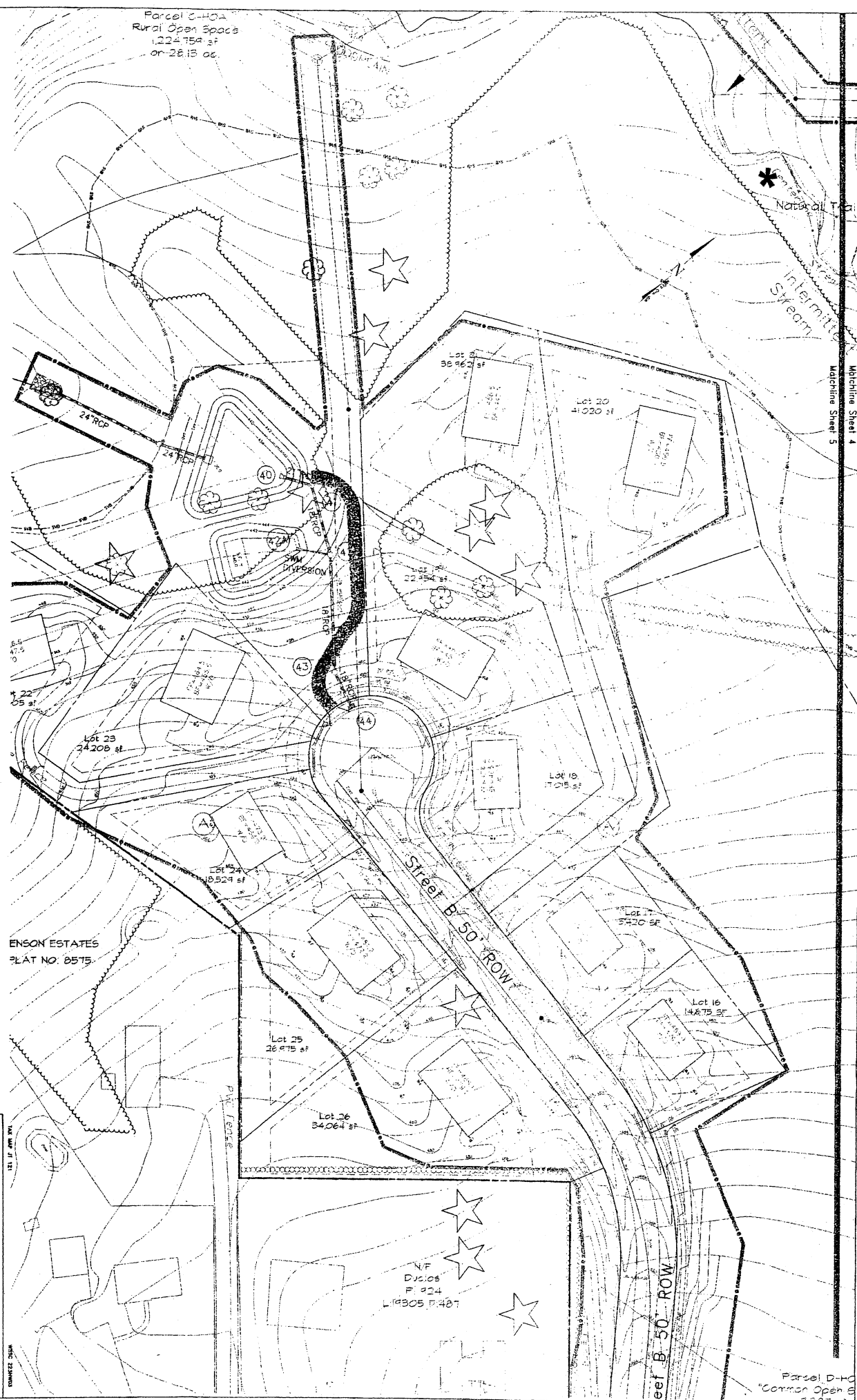
MHC
Morgan, Hendricks & Glendon, P.A.
Landmark Architects & Surveyors
1000 N. GREENWOOD AVENUE
SUITE 200
BETHESDA, MD 20814
PH: 301.279.1100
WWW.MHC-PA.COM

NO.	DATE	DESCRIPTION	BY
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3	02/02/21

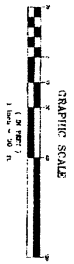
Parcel C-40A
Rural Open Space
1,224,759 sf
or 28.18 ac.

Natural Trail
Intermittent Stream

Matching Sheet 4
Matching Sheet 5



ENSON ESTATES
PLAT NO. 0575



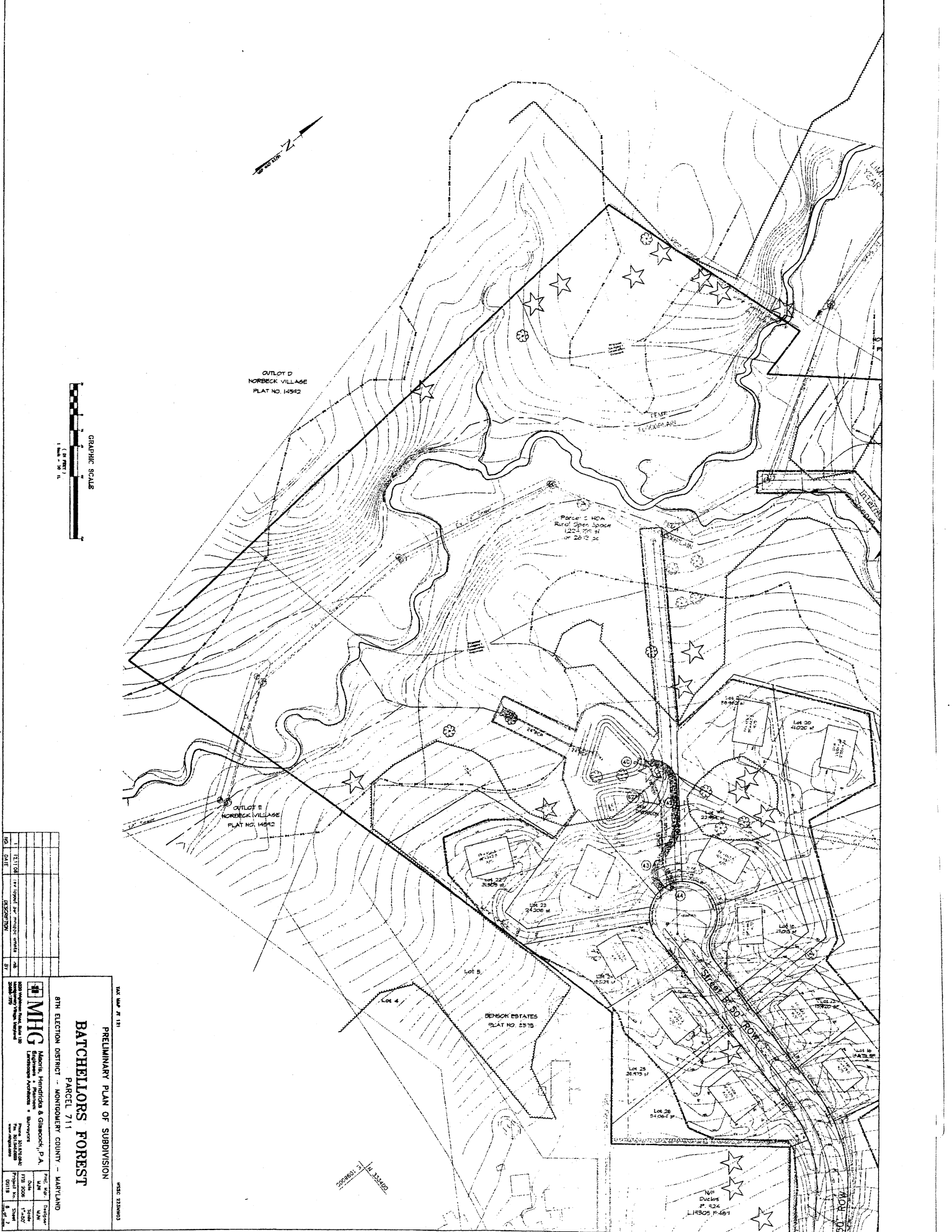
NO.	DATE	DESCRIPTION	BY

MHG MORGAN, HINDRICKS & GILSON, P.A.
Engineers, Architects & Surveyors
1000 North 10th Street, Suite 200
Wilmington, Delaware 19801
Phone: 302.439.8000
Fax: 302.439.8001
www.mhg.com

BATCHELORS FOREST
PRELIMINARY PLAN OF SUBDIVISION
PARCEL 711
8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

DATE: 08/11/11
SCALE: AS SHOWN
PROJECT NO.: 11-011
SHEET NO.: 3 OF 3

Parcel D-10
Common Open B
1,224,759 sf



GRAPHIC SCALE
1" = 200' FT.

OUTLOT D
NORDECK VILLAGE
PLAT NO. 14542

OUTLOT E
NORDECK VILLAGE
PLAT NO. 14542

DUNSON ESTATES
PLAT NO. 2578

Parcel 2 HOA
Rural Open Space
123,396 sq ft
or 28.12 ac

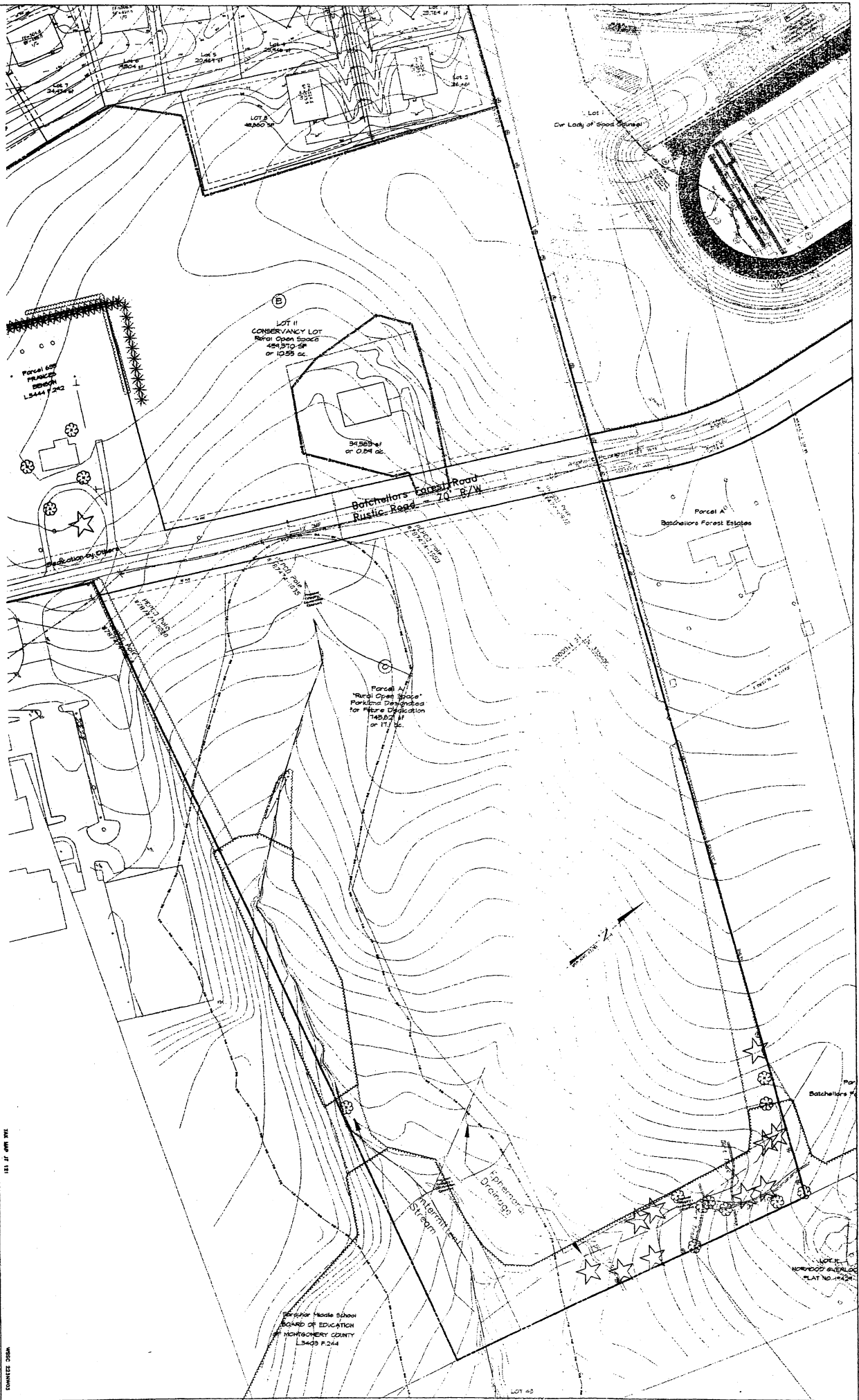
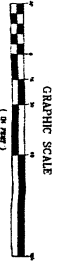
Parcel 1 HOA
Rural Open Space
123,396 sq ft
or 28.12 ac

NO.	DATE	DESCRIPTION
1	12/11/20	17' WIDE 27' DEEP DRIVEWAY
2		
3		

14542-001-001
PRELIMINARY PLAN OF SUBDIVISION
BATCHELLORS FOREST
 PARCEL 711
 8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND
 MHG
 MARIETTA, HENDERSON & GIBSON, P.A.
 6000 WOODBURN ROAD, SUITE 100
 GAITHERSBURG, MARYLAND 20878
 (301) 948-1000
 www.mhgpa.com
 PREPARED BY: MARIETTA, HENDERSON & GIBSON, P.A.
 DATE: 12/11/2020
 SHEET NO. 1 OF 11
 SCALE: AS SHOWN
 1" = 200'

14542-001-001

14542-001-001



DATE: 12/11/08
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

BATCHELLOPS FOREST
 PARCEL 711

8TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG MARYLAND HOME GROUP
 12345 WOODBURN ROAD
 WASHINGTON, DC 20005

PREPARED BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

DATE: 12/11/08

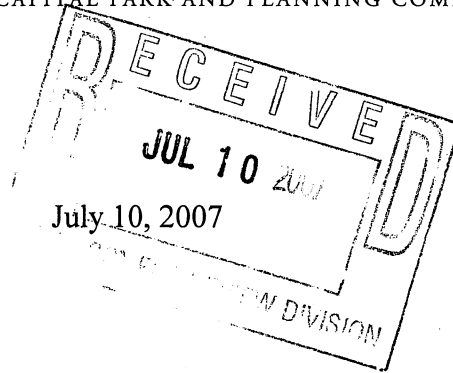
DATE: JAN 21 11
 PRELIMINARY PLAN OF SUBDIVISION

FOR THE BOARD OF EDUCATION
 OF MONTGOMERY COUNTY
 13400 P.244

LOT 43



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



MEMORANDUM

TO: Catherine Conlon, Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator
Transportation Planning
301-495-4525

SUBJECT: Preliminary Plan No. 120060850
Batchellors Forest Development
Southwest quadrant of Olney-Sandy Spring Road (MD 108)/Dr. Bird Road and
Batchellors Forest Road (South of Good Counsel High School Campus;
Off Batchellors Forest Road and Old Vic Boulevard)
Olney Policy Area

This memorandum summarizes Transportation Planning staff's Adequate Public Facilities (APF) review of the preliminary plan for Batchellors Forest development to build 32 single-family units and five single-family attached (townhouse) units on approximately 94 acres along Batchellors Forest Road and Old Vic Boulevard in Olney. The property is zoned RNC and is located within the Olney Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions as part of the transportation-related requirements to approve this preliminary plan:

1. The applicant must limit future development on the property as part of this preliminary plan to 32 single-family units and 5 townhouse units.
2. The final record plat must show dedication as well as centerline for the following rights-of-way, consistent with the 2005 Approved and Adopted *Olney Master Plan*:
 - a. Batchellors Forest Road – 35 feet from the roadway right-of-way centerline or full-width dedication of 70 feet along property frontage, as appropriate.

- b. Old Vic Boulevard – full width of 70 feet along property frontage (from existing southern roadway terminus to Batchellors Forest Road).
 - c. Proposed interior public tertiary residential streets “Street A” and “Street B” – full width of 50 feet.
3. The final record plat must show required corner truncation at all public street intersections.
 4. The applicant must provide a safe pedestrian connection from the terminus of Old Vic Boulevard at Batchellors Forest Road to the existing sidewalk on the Farquhar Middle School site (per attached letter dated May 8, 2006, from Montgomery County Public Schools (MCPS); see Attachment No. 1).
 5. The applicant must construct and install all Montgomery County Department of Public Works and Transportation (DPWT) and MCPS required site frontage roadway improvements along Old Vic Boulevard, Batchellors Forest Road, “Street A”, and “Street B”, including street trees, prior to the release of building permit for the 22nd single-family unit.
 6. The applicant must make payments equivalent to 50% of the applicable transportation impact tax for the area (consistent with the 2003-2005 Annual Growth Policy (AGP) – Policy Element, Section TL1 – see Attachment No. 2) to the Montgomery County Department of Permitting Services (DPS), concurrent with the release of building permits for the proposed dwelling units, to mitigate traffic impact related to the subject development at the Georgia Avenue (MD 97)/Emory Lane and Norwood Road/Layhill Road/Ednor Road intersections.

DISCUSSION

Site Location, Access, Circulation, and Public Transportation Facilities

Batchellors Forest development is proposed within the southwest quadrant of MD 108, Dr. Bird Road (MD 182), and Batchellors Forest Road; to the south of new Good Counsel High School campus in Olney. Access to the proposed units will be from Batchellors Forest Road and from Old Vic Boulevard Extended. Old Vic Boulevard is currently built to the southern driveway to Good Counsel High School, and has a shared-use path along its west side and a sidewalk along its east side. A fully operational traffic signal was also recently installed at the intersection of MD 108 and Old Vic Boulevard. Metrobus Route Z2, running between Colesville and Ashton, service roadways to the north of the site (MD 108 and Dr. Bird Road).

Master Plan Roadways and Pedestrian/Bikeway Facilities

The Approved and Adopted 2005 *Olney Master Plan* includes the following nearby master-planned transportation facilities:

1. Olney-Sandy Spring Road (MD 108): recommended as a four-lane divided major highway (M-60) with a minimum right-of-way width of 150 feet between Laytonsville and Dr. Bird Road. A Class I bikeway (shared use path; SP-35) is recommended for MD

108, which currently exists along both sides of MD 108 between Olney and Dr. Bird Road.

2. Batchellors Forest Road: recommended as a two-lane rustic road (R-60) with a minimum right-of-way width of 70 feet between 1,200 feet east of Georgia Avenue and Dr. Bird Road. A Class III bikeway (shared road) is recommended for Batchellors Forest Road between Emory Church Road and Dr. Bird Road.
3. Old Vic Boulevard Extended: recommended as a two-lane primary street (P-16) with a minimum right-of-way width of 70 feet between MD 108 and Batchellors Forest Road. A Class I bikeway (shared use path, B-24) is recommended in the master plan for Old Vic Boulevard between MD 108 and Batchellors Forest Road, which currently exist along the west side of the built portion of the roadway.
4. Dr. Bird Road/Norwood Road (MD 182): recommended as a two-lane major highway (M-60) with a minimum right-of-way width of 120 feet between Layhill Road (MD 182)/Ednor Road and MD 108. A Class I bikeway (shared use path; SP-38) is recommended in the master plan for this section of MD 182, sections of which currently exist to the north side of the roadway.

Local Area Transportation Review

A traffic study was required for the subject preliminary plan in accordance with the *Local Area Transportation Review (LATR) Guidelines* since the development, with 32 new single-family dwelling units and five townhouse units, was estimated to generate **30** or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak-periods.

The consultant for the applicant submitted a traffic study (dated May 2007) that presented traffic-related impacts of the development within the study area during weekday morning and evening peak-periods. Staff review of the traffic study indicated that the study complied with the requirements of the *LATR Guidelines* and the traffic study scope provided by staff.

The traffic study estimated that the site would generate approximately 32 peak-hour trips during the weekday morning peak period and 40 peak-hour trips during the weekday evening peak period. A summary of the above is provided in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED BACHELLORS FOREST DEVELOPMENT**

Proposed Density	Trip Generation					
	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
32 Single Family Units	8	22	30	23	13	36
5 Townhouse Units	0	2	2	3	1	4
Total Trips	8	24	32	26	14	40

Note: Based on M-NCPPC *Local Area Transportation Review (LATR) Guidelines* Trip Generation rates.

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and evening peak-hours within the respective peak periods is presented in Table 2.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED BACHELLORS FOREST DEVELOPMENT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Olney-Sandy Spring Rd (MD 108)/Old Vic Blvd	994	1,120	1,418	1,437	1,422	1,441
Olney-Sandy Spring Rd/Dr. Bird Rd (MD 182)	1,025	1,188	1,155	1,245	1,156	1,246
Dr. Bird Rd/Batchellors Forest Rd	1,137	544	1,263	695	1,270	702
Norwood Rd/Layhill Rd/Ednor Rd	1,577	1,230	1,779	1,328	1,782	1,329
Georgia Ave (MD 97)/Emory Ln	1,373	1,541	1,422	1,745	1,424	1,749
Batchellors Forest Rd/Old Vic Blvd (Future)	--	--	--	--	357	101
Batchellors Forest Rd/"Street B" (Future)	--	--	--	--	362	108

Source: Traffic Impact Study – Batchellors Forest. Kimley-Horn and Associates, Inc. May 2007.
FY 2005 Congestion Standard for Olney Policy Area: 1,475 CLV.

As shown in Table 2, under Background Traffic Conditions, CLV at the Norwood Road/Layhill Road/Ednor Road and Georgia Avenue/Emory Lane intersections exceed the congestion standard for Olney Policy Area (1,475 CLV) during the morning and evening peak-hours, respectively. Under Total (Build) Traffic Conditions, site traffic increases CLV at these two intersections by three (3) and four (4), respectively, thereby impacting the intersections.

Since CLV for the Norwood Road/Layhill Road/Ednor Road and Georgia Avenue/Emory Lane intersections exceeded the congestion standard for Olney Policy Area (1,475 CLV) under Background Traffic Conditions, the applicant is required to mitigate site traffic impact to at or below the Background Traffic Conditions CLV. However, as a development that would generate between 30 and 49 peak-hour trips during the typical weekday morning and evening peak periods, the applicant is eligible for the "Limited LATR" review, as provided for in the FY 05 AGP. Under this provision, the Planning Board must require the applicant to either implement/construct all required LATR mitigation improvements or make *additional* payments equal to 50% of the applicable transportation impact tax before the subdivision receives any building permit.

The applicant has expressed interest in paying the additional transportation impact tax in lieu of physical improvements to mitigate the development's impact. Transportation Planning staff supports this request since the proposed development will have minimal impact at the affected intersections (less than 5 CLV), one of which (Georgia Avenue and Emory Lane) already has a planned privately funded mitigation improvement. Staff therefore recommends that the Planning Board require the applicant pay the additional transportation impact tax and satisfy the LATR requirements of the APF test. Maryland State Highway Administration (SHA) concurrence on the staff recommendation is attached (see Attachment No. 3).

CE:tc
Attachments

cc: Greg Leck
Ray Burns
Khalid Afzal
Barbara Kearney
Ed Papazian

mno to Conlon re Batchellors Forest.doc



850 Hungerford Drive * Rockville, Maryland * 20850-r

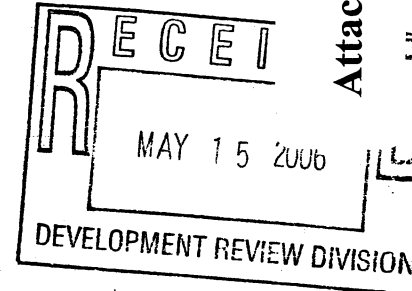
Telephone (301) 279-3131

Department of Facilities Management, 7361 Calhoun Place, Suite 400, Rockville, MD 20855

FAX -301-279-3737

Attachment No. 1

May 8, 2006



Ms. Cathy Conlon
Development Review
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Conlon:

Re: William H. Farquhar Middle School –
Batchellor’s Forest (No. 120060850)

This is to comment on the referenced preliminary plan as it affects William Farquhar Middle School.

As a condition of preliminary plan review, Montgomery County Public Schools (MCPS) requests that the Applicant provide a safe pedestrian connection from the terminus of Old Vic Road to the existing sidewalk on the school site. Construction would include installation of a connecting sidewalk, a crosswalk across Batchellor’s Forest Road and removal of a portion of the existing guardrail for access. A drawing showing the proposed alignment of the pedestrian connection is enclosed. MCPS will work with the Applicant to provide a Right of Entry for the on-site construction.

Thank you for the opportunity to comment. Should there be additional questions, please contact Mary Pat Wilson, site administration specialist, at 301-279-3009.

Sincerely,

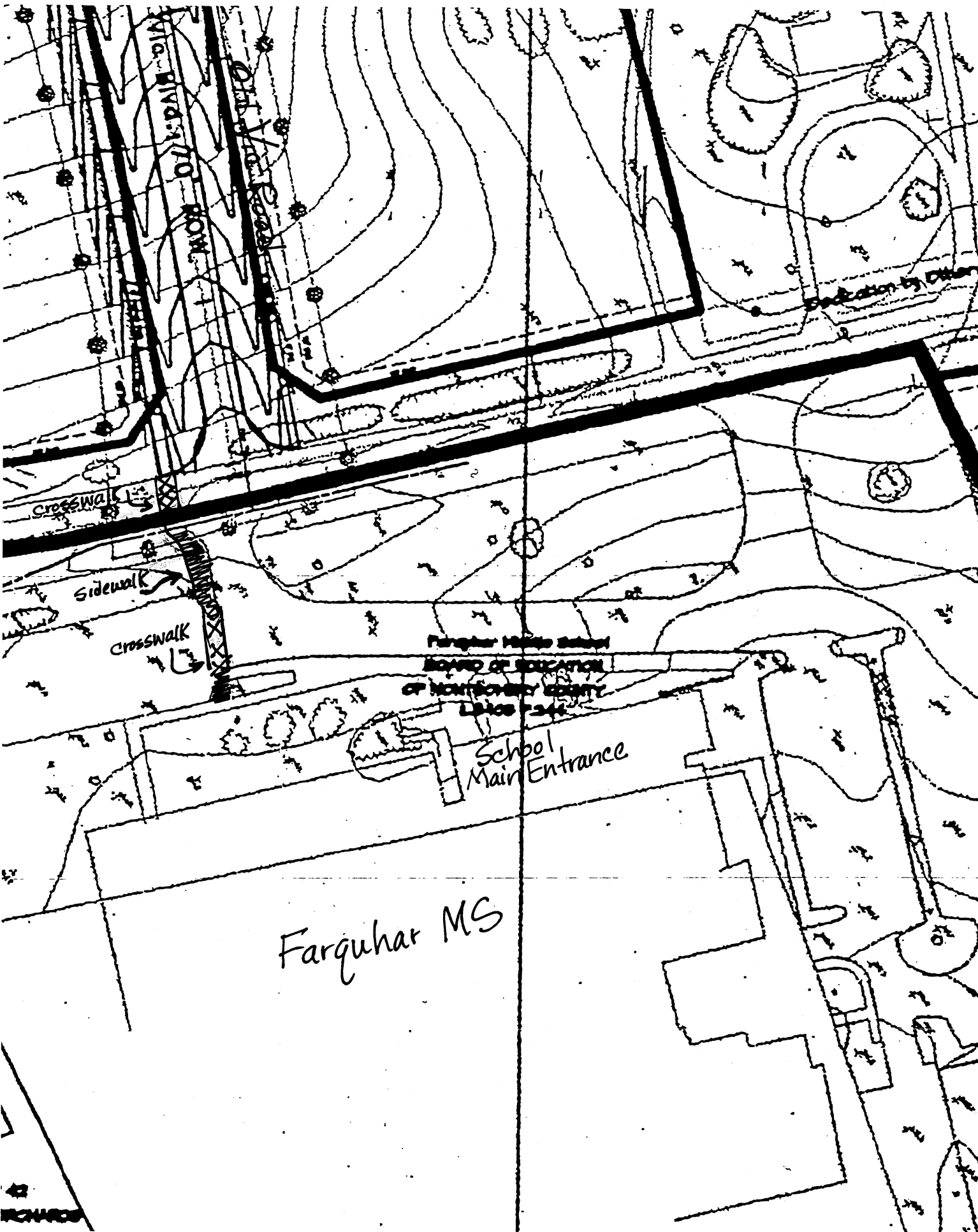
Janice M. Turpin
Team Leader for Real Estate Management

JMT:mpw

Enclosure

Copy to:

- Mr. Hawes
- Mr. Murphy w/enclosure
- Mr. Matthews w/enclosure
- Mr. Fain w/enclosure



Farquhar Middle School
BOARD OF EDUCATION
OF MONTGOMERY COUNTY
L2108-244

School
Main Entrance

Farquhar MS

The Board may conditionally approve the PAPF application if it will meet all of the requirements of the APFO and AGP. The Board may condition its approval on, among other things, the creation and funding of the district and the building of no more than the maximum number of housing units and the maximum nonresidential space listed in the petition.

For an application to be approved, the applicants must commit to produce the infrastructure improvements needed to meet APF requirements in the proposed district as well as any added requirements specified by the Planning Board. The Planning Board must list these required infrastructure improvements in its approval. The infrastructure improvements may be funded through the development district or otherwise. The development district's PAPF must be prepared in the following manner:

The Planning Board must not approve a PAPF application unless public facilities adequacy is maintained throughout the life of the plan. The timing of infrastructure delivery may be accomplished by withholding the release of building permits until needed public facilities are available to be "counted," or by another similar mechanism.

Infrastructure may be counted for public facilities adequacy, for infrastructure provided by the district, when construction has begun on the facility and funds have been identified and committed to its completion, and, for infrastructure provided by the public sector, when:

- for Local Area Transportation Review, the project is fully-funded within the first 4 years of the approved County, state, or municipal capital improvements program;
- for water and sewer facilities, the project is fully-funded within the first 5 years of the approved WSSC capital improvements program;
- for public school facilities, the project is fully-funded within the first 5 years of the approved Montgomery County Public Schools capital improvements program; and
- for police, fire, and health facilities, the project is fully-funded within the first 6 years of the relevant approved capital improvements program.

TP4.4 Additional Facilities Recommended for Funding

The County Executive and Planning Board may also recommend to the County Council additional facilities to be provided by the development district or by the public sector to support development within the district. These facilities may include, but are not limited to libraries, health centers, local parks, social services, greenways, and major recreation facilities.

TP4.5 Satisfaction of APF Requirements

As provided in Chapter 14 of the County Code, once the development district is created and the financing of all required infrastructure is arranged, the development in the district is considered to have satisfied all APF requirements, any additional requirements that apply to development districts in the AGP, and any other requirement to provide infrastructure which the County adopts within 12 years after the district is created.

TL Local Area Transportation Review (LATR)

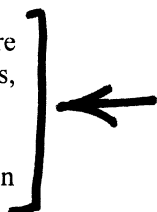
TL1 Standards and Procedures

To achieve an approximately equivalent transportation level of service in all areas of the County, greater congestion is permitted in policy areas with greater transit accessibility and usage. Table 1 shows the

intersection level of service standards by policy area. Local Area Transportation Review must at all times be consistent with the standards and staging mechanisms of adopted master plans and sector plans.

Local area transportation review must be completed for any subdivision that would generate 30 or more peak-hour automobile trips. For any subdivision that would generate 30-49 peak-hour automobile trips, the Planning Board after receiving a traffic study must require that either:

- all LATR requirements are met; or
- the applicant must make an additional payment equal to 50% of the applicable transportation impact tax before it receives any building permit in the subdivision.



In administering the Local Area Transportation Review (LATR), the Planning Board must not approve a subdivision if it finds that an unacceptable peak hour level of service will result after taking into account existing roads, programmed roads, available or programmed mass transportation, and improvements to be provided by the applicant. If the subdivision will affect an intersection or roadway link for which congestion is already unacceptable, then the subdivision may only be approved if it does not make the situation worse.

The nature of the LATR test is such that a traffic study is necessary if local congestion is likely to occur. The Planning Board and staff must examine the applicant's traffic study to determine whether adjustments are necessary to assure that the traffic study is a reasonable and appropriate reflection of the traffic impact of the proposed subdivision after taking into account all approved development and programmed transportation projects.

For Local Area Transportation Review purposes, the programmed transportation projects to be considered are those fully funded for construction in the first 4 years of the current approved Capital Improvements Program, the state's Consolidated Transportation Program, or any municipal capital improvements program. For these purposes, any road required under Section 302 of the County Charter to be authorized by law is not programmed until the time for petition to referendum has expired without a valid petition, or the authorizing law has been approved by referendum.

If an applicant is participating in a traffic mitigation program or one or more intersection improvements to meet Local Area Transportation Review requirements, that applicant must be considered to have met Local Area Transportation Review for any other intersection where the volume of trips generated is less than 5 Critical Lane Movements.

Each traffic study must examine, at a minimum, the number of signalized intersections in the following table unless the Planning Board affirmatively finds that special circumstances warrant a more limited study.

Maximum Peak-Hour Trips Generated	Minimum Signalized Intersections in Each Direction
< 250	1
250 – 749	2
750 – 1,249	3
1,250 – 1,750	4
> 1,750	5

At the Planning Board's discretion, each traffic mitigation program must be required to operate for at least 12 years but no longer than 15 years. The Planning Board may select either trip reduction measures or road improvements (or a combination of both) as the required means of traffic mitigation.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

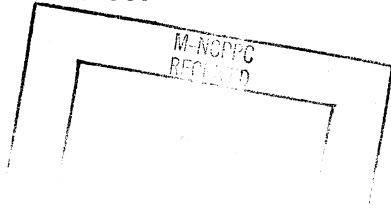
Maryland Department of Transportation

June 25, 2007

Attachment No. 3

Re: Montgomery County
MD 108
Batchellors Forest

Mr. Shahriar Etemadi
Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910



Dear Mr. Etemadi:

Thank you for the opportunity to review the Revised Traffic Impact Study Report by Kimley-Horn and Associates, Inc. dated May 2007 (received by the EAPD on June 4, 2007) that was prepared for the proposed Batchellors Forest residential development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- Access to the 32 Single Family Detached Dwelling Units and 5 Townhouse Units is proposed from the extension of Old Vic Boulevard from MD 108 to Batchellors Forest Road, and one (1) additional full movement site access driveway on Batchellors Forest Road.
- The traffic report determined that the proposed development would negatively impact the MD 182 at Layhill Road/Ednor Road and MD 97 at Emory Lane intersections. Since the proposed development generates between 30 and 49 peak hour trips, the applicant has proposed to pay a 50% surcharge on the transportation impact tax in accordance with M-NCPPC regulations rather than construct mitigating intersection improvements.

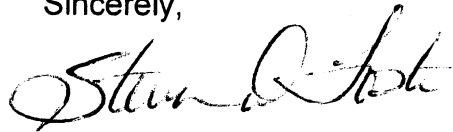
Although SHA would prefer the construction the mitigating improvements at the negatively impacted intersections, SHA will defer to the rules and regulations of the M-NCPPC for small development applications.



Mr. Shahriar Etemadi
Page 2 of 2

Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If there are any questions on any issue requiring a permit from SHA on this application, please contact Raymond Burns at (410) 545-5592 or rburns1@sha.state.md.us. If you have any questions or comments regarding the enclosed traffic report comments, please contact Larry Green at (410) 995-0090 x20.

Sincerely,



Steven D. Foster, Chief
Engineering Access Permits Division

cc: Mr. Raymond Burns, SHA EAPD
Mr. Cherian Eapen, M-NCPPC Montgomery County
Mr. Robert French, SHA Office of Traffic & Safety
Mr. Larry Green, Daniel Consultants, Inc.
Mr. Edward Papazian, Kimley-Horn and Associates, Inc.
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Jeff Wentz, SHA District 3 Office



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

MEMORANDUM

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

FROM: Mark Pfefferle, Master Planner, Environmental Planning Division *MP*

DATE: July 16, 2007

SUBJECT: Preliminary Plan 12006085
Batchellors Forest

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

1. Compliance with the conditions of approval of the preliminary forest conservation plan.
2. Applicant to construct a split rail fence, or better, at the back and or sides of lots to delineate the off lot forest planting areas.
3. Applicant place a category I conservation easement on all existing forests, all planted forests, and stream/environmental buffers not dedicated to the Parks Department.

BACKGROUND

The approximately 92-acre property is located along Batchellors Forest Road south of Doctor Bird Road in Olney. Part of the property is west of Batchellors Forest Road and immediately south of the new Good Counsel High School in Olney. The other portion is east of Batchellors Forest Road and immediately north of the Farquhar Middle School. The property includes approximately 20 acres of existing forest and 23 acres of environmental buffers. There are no existing structures on the property and the majority of the property is used for agricultural purposes. Future Old Vic Boulevard will bisect the western portion of the property. The Parks Department is requesting dedication of the eastern portion of the property, which is north of Farquhar Middle School. The entire property is within the Northwest Branch, a Use IV water.

Environmental Buffers

A Natural Resource Inventory/Forest Stand Delineation was submitted for the subject site. Environmental Planning staff approved the NRI/FSD on August 31, 2005. The applicant submitted a revised NRI/FSD on December 20, 2006. This revised NRI/FSD was never approved because Environmental Planning staff did not agree with all the revisions proposed. For example, the amount of forest on the revised NRI/FSD was inconsistent with field analysis and aerial photographs and

therefore, staff could not support the revision. Environmental Planning staff provided comments to the plan preparer in January 2007. The plan preparer never responded to the comments, therefore, the effective NRI/FSD is the one approved on August 31, 2005. This NRI/FSD shows 19.42 acres of existing forest, 0.28-acres of wetlands, 5.05-acres of 100-year floodplains, and 23.35-acres of stream/environmental buffers. Both the eastern and western portions of the property include environmental buffers. The eastern portion has a buffer that runs parallel to the southern property line. The western portion has a small wetland buffer near Good Counsel High School. There is a larger environmental buffer in the southwestern portion of the site. This buffer includes much of the onsite forest. The environmental buffer also extends from the southwestern portion of the site to the northeast and ends near the existing hedgerow in the middle of the western portion of the property. The only encroachments into the environmental buffers for the subject property are stormwater management outfalls and for the continuation of Old Vic Boulevard through wetlands on the northern portion of the property. The alignment of Old Vic through the subject site was coordinated with the alignment on the Good Counsel High School site. The Maryland Department of the Environment was also involved in minimizing impacts to wetlands.

Forest Conservation

There is 19.42 acres of existing forest in seven distinctive forest stands on the subject site. Tulip trees dominate three of the stands, maple trees dominate two stands, and the remaining two stands have mixed forests. The approved NRI/FSD indicates 74 trees 24 inches in diameter and greater on the subject property including 40 trees 30 inches in diameter and greater on the subject site.

The development is proposing to utilize an optional method of development and therefore must comply with Section 22A-12(f) of the Montgomery County code. This section of the code states “*Any site developed under a cluster or other optional method of development in a one-family residential zone....must include a minimum amount of forest on-site as part of meeting its total forest conservation requirement.*” Since this property is zoned Rural Neighborhood Cluster (RNC) this section of the forest conservation law is applicable. Also, since there is more existing forest onsite than the afforestation threshold the applicant must reforest to meet the conservation threshold onsite.

This requires the applicant have 25 percent of the net tract area as forest, either as retained forest or planted forest. Based on the forest conservation plan submitted, this means that 22.97-acres of the property must be forest.

The forest conservation plan submitted by the applicant indicates 2.08-acres of forest removed. This generates a 4.16-acre planting requirement, however, in order to meet the 22A-12(f) of the Forest Conservation law the applicant needs to plant an additional 1.47-acres of forest. The plan submitted by the applicant indicates 17.34 acres of forest will be retained and 8.7-acres of forest planted for a total of 26.04-acres of forest. The amount of forest proposed for retention and planting exceeds the 25 percent requirement under Section 22A-12(f) and therefore, the forest conservation plan submitted complies with this section of the forest conservation law.

The plan submitted indicates forest-planting areas adjacent to single family lots. If lots either back or side planted conservation easements, Environmental Planning requests that a split rail fence, or other demarcation acceptable to Environmental Planning be placed along the property lines. This is to clearly delineate to the future homeowners the conservation easement.

The plan submitted does not show all stream/environmental buffers protected with category I conservation easements. This is true for the environmental buffer at the northwestern portion of the site where Old Vic Boulevard is located. The submitted plans show the environmental buffer is within a stormwater management parcel but not within a conservation easement. The stormwater management facility is outside the environmental buffer. The buffer needs to be permanently protected.

RECOMMENDATION

Environmental Planning recommends approval of the preliminary plan of subdivision with the conditions stated above.