



# MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**

**Item #**

**1/11/07 and 6/14/07**



## MEMORANDUM

**DATE:** Revised May 21, 2007

**TO:** Montgomery County Planning Board

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

**FROM:** Erin Grayson (301-495-4598) *EG*  
Development Review Division

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Five one-family residential lots on 26.55 acres

**PROJECT NAME:** Ashton Estates

**CASE #:** 120060390

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

**ZONE:** RC

**LOCATION:** On the west side of New Hampshire Avenue (MD 650), 1000 feet North of Ashton Road (MD 108)

**MASTER PLAN:** Sandy Spring/Ashton

**APPLICANT:** JM Development, LLC

**ENGINEER:** Fowler Associates, Inc.

**FILING DATE:** October 24, 2005

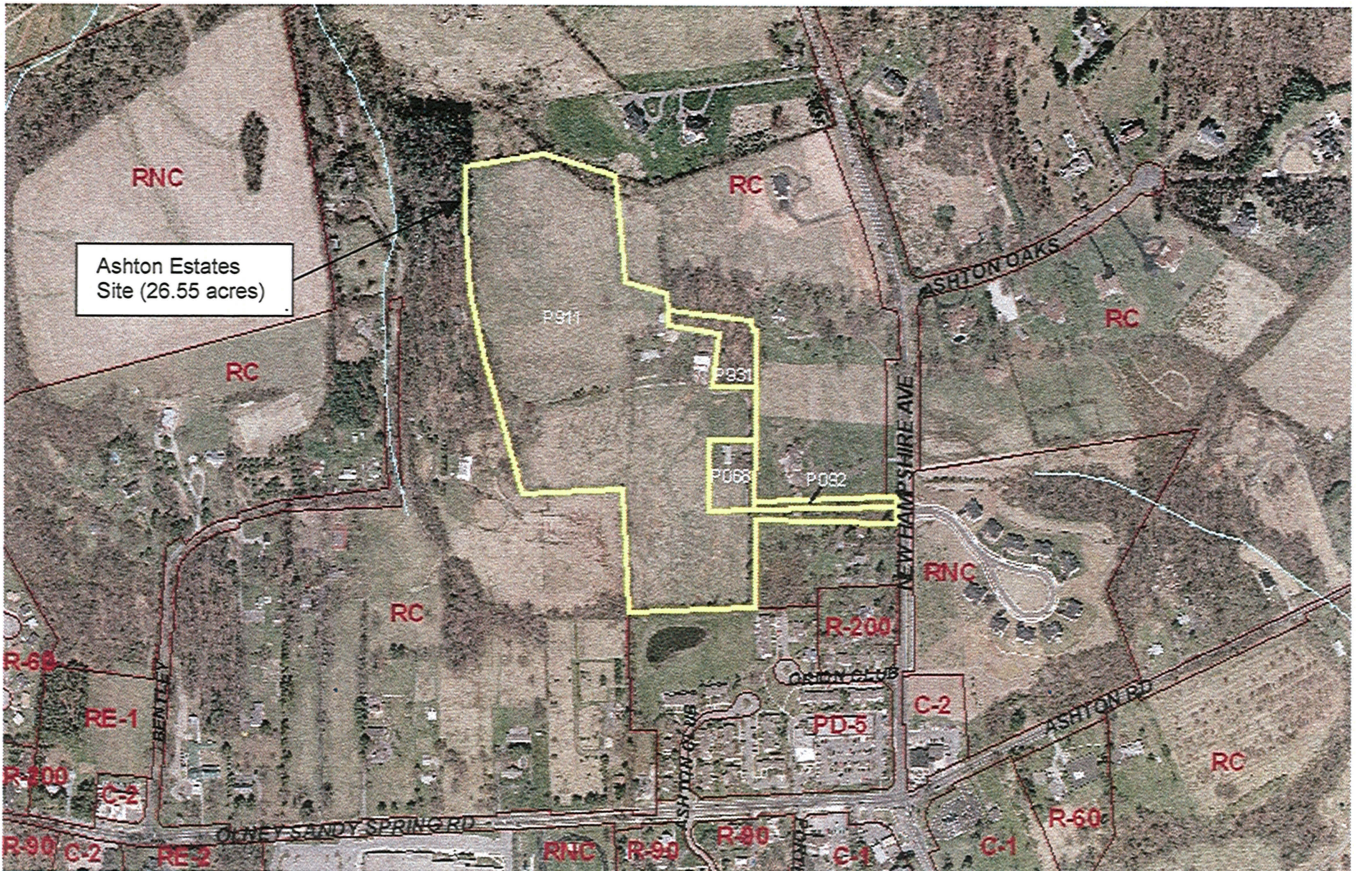
**HEARING DATE:** January 11, 2007 and June 14, 2007

**RECOMMENDATION:** Approval subject to the following conditions:

- 1) Approval under this plan is limited to 5 lots for 5 one-family detached dwelling units.
- 2) The applicant shall comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 4) The applicant shall dedicate 20 feet of right-of-way along New Hampshire Avenue for a total of 40 feet from the centerline, as shown on the approved preliminary plan.
- 5) The applicant shall dedicate 60 feet of right-of-way to accommodate an overlength cul-de-sac, as shown on the approved preliminary plan.
- 6) Record plat shall reflect all areas under Homeowners Association ownership and specifically designate stormwater management parcels.
- 7) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is strictly controlled".
- 8) The record plat shall reflect the Rural Open Space Easement as shown on the preliminary plan.
- 9) The applicant shall comply with the conditions of the MCDPS stormwater management approval dated June 27, 2005.
- 10) The applicant shall comply with conditions of MCDPS (Health Dept.) septic approval dated May 31, 2006.
- 11) The applicant shall comply with conditions of MCDPWT letter dated March 6, 2006, unless otherwise amended by MCDPWT.
- 12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and MDSHA prior to issuance of access permits.
- 13) 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.
- 14) Other necessary easements shall be shown on the record plat.

## SITE DESCRIPTION

The Ashton Estates Property, pictured below and in Attachment A (Vicinity Map), is a 26.55 acre site located on the west side of New Hampshire Avenue (MD 650), 1000 feet north of Olney-Sandy Spring Road. The subject property is zoned RC and abuts RC zoned property on the north, south and west, and RNC zoning on the east. The property includes unrecorded parcels 68, 92, 911, and 931. Two single-family homes currently exist on the property. The site is in the Hawlings River watershed (Use Class IV-P), within the Patuxent River Primary Management Area (PMA). A small section of a stream is located onsite, at the northern boundary of the property. There is no forest onsite.



## PROJECT DESCRIPTION

The applicant proposes to create 5 lots on the site to accommodate 5 one-family dwelling units. Proposed lot 7 is 19.30 acres, lot 8 is 1.64 acres, lot 9 is 1.56 acres, lot 10 is 1.47 acres and lot 11 is 1.53 acres in size. Lot 7 contains an existing house and associated outbuildings, which are to remain. The subdivision will include 16.17 acres placed in a rural open space easement, which results in 61% for the subdivision. Lot 8 contains an existing house, which is to be removed. The proposed homes will be served by public water and private standard septic systems. Access to the site is provided from New Hampshire Avenue via a secondary road ending in a cul-de-sac 525.80 feet in length.

(Attachment B – proposed plan)

## **PREVIOUS PLANNING BOARD HEARING**

This preliminary plan application was presented to the Planning Board on January 11, 2007. After questions were raised by an adjacent property owner regarding tree save measures, the Board unanimously voted to defer the case to a later date, to permit these questions to be answered. Staff has now thoroughly evaluated tree save issues associated with the preliminary plan, as discussed on pages 5 and 6 of this report.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Sandy Spring/Ashton Master Plan identifies the property as part of the Rural/Open Space Area. The plan “envisions the continuation of small farms along with some residential development” in this area (p. 39). An agricultural declaration of intent was submitted by the applicant on August 28, 2006 in regards to the 16.17 acres of open space on Lot 7. The clustering of homes, as allowed under the cluster option in the RC zone, will allow agricultural uses on Lot 7 to continue.

The Master Plan “does not recommend extension of sewer into this area nor does it recommend lowering the density below its current 1 dwelling unit per 5 acres designation” (p. 40). The proposed development will contain standard private septic systems. In terms of density, the proposed development will contain 1 dwelling unit per 5.31 acres. This subdivision complies with the guidelines outlined in the Sandy Spring/Ashton Master Plan in that it preserves open space for agricultural use, while creating low-density residential development.

(Attachment C – Agricultural Declaration of Intent)

### **Transportation**

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. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

### **Overlength cul-de-sac**

Section 50-26 (d) of the Subdivision Regulations places limitations on the use of cul-de-sacs in new subdivisions. Specifically, the regulations state that the Planning Board should only approve cul-de-sacs of 500 feet or more in length, if their use can be justified based on property shape, size, topography, large lot size or improved street alignment. An overlength cul-de-sac of 525.80 feet in length is proposed from New Hampshire Avenue for access to the site. All

properties that abut the Subject Property have frontage on public rights-of-way and will not be land-locked by the overlength cul-de-sac. Therefore, the proposed cul-de-sac will not inhibit future subdivision of surrounding property.

The shape of the property is such that there is no ability to loop the public street back out to New Hampshire Avenue because the property has very limited frontage on that state highway. Once on the site, there are no other roads in the immediate area that warrant making a connection to without traversing private property or crossing a stream. The master plan makes no recommendations for a through connection across this site. Furthermore, ending the street in the proposed cul-de-sac best protects topographical and environmental conditions off the site, which include a stream and associated stream valley buffer. Connection of a road through the adjacent property would require crossing the stream.

### **Environment**

The Environmental Guidelines recommend a 10% impervious surfaces cap within the “transition area” of all properties in the Patuxent River Watershed PMA, in which this site is located. The proposed percentage of impervious surfaces for this site is 6.13%.

The Ashton Estates preliminary plan is subject to the county Forest Conservation Law. Under section 22A-12(f) of the Montgomery County code, properties in agricultural resource areas must plant or retain a certain percentage of forest onsite. The applicant will meet the afforestation threshold by planting 1.56 acres of forest on the property. This forest will be permanently protected by a Category I forest conservation easement. The plan meets all applicable requirements of the county Forest Conservation Law.

Proposed stormwater management for the site includes on-site water quality control and recharge via nonstructural practices which include, rooftop disconnect, drywells and vegetated swales. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on June 27, 2005.

### **Tree Save**

At the Planning Board hearing on January 11, 2007 tree save issues were raised in public testimony from an adjoining neighbor. Questions were raised about damage to the 8 trees along the proposed public road to the Ashton Estates property and, in particular, potential damage to the listed State Champion Japanese Maple (species Acer palmatum). The tree in question is technically listed as the current state champion for that species. The state champion list is, however, out of date and does not coordinate with county champion tree lists. There are several counties with larger specimens of Japanese Maple (Acer palmatum). Per the 2005 and 2007 Montgomery County Register of champion Trees, Montgomery County’s Champion Japanese Maple (Acer palmatum) is located on the Chevy Chase Audobon Naturalist Society’s property and is slightly over 28” in diameter (DBH, or Diameter at Breast Height) with a total score of 131. The Japanese maple adjacent to the Ashton Estates project has been measured by an arborist and verified by MNCPPC staff as 16.1” DBH, is in very poor health, and does not have an official total score because it has not been evaluated for the County Champion Tree List.

Technically, the Japanese Maple in question falls outside the purview of the County champion tree legislation. The definition of Champion Tree in the forest Conservation Law under section 22A-3 is as follows:

“Champion tree means the largest tree of its species in the County, as designated by the County Forest Conservancy District Board or its designee.”  
(emphasis added)

The official listing of champion trees by the County Forest Conservancy District Board is the recently-released 2007 Register of Champion Trees, and includes the 28.3” DBH japanese maple previously referenced. The 16.1” DBH japanese maple on this site is less than 60 % of the diameter of the listed county champion. All the trees in question are accurately described in the arborist’s report dated 4/20/07 and plan dated 4/25/07.

Environmental Planning staff continues to support removal of 6 trees impacted by construction of the public street and retention of 2 trees. Staff accepts the arborist’s evaluation as a complete and accurate assessment of the 8 trees in question. Tree removal must occur where grading impacts are too great to be addressed by mitigation measures. This plan does not affect any County Champion trees as defined by the Montgomery County Forest Conservation Law.

Staff continues to recommend approval of the preliminary plan of subdivision and the preliminary forest conservation plan. The plan complies with Section 22A of the Montgomery County Code and the PMA imperviousness limitations established by the M-NCPPC Environmental Guidelines.

### **Compliance with the Subdivision Regulations and Zoning Ordinance**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. 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 RC zone 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 attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan (see Attachment C for agency correspondence).

### **Citizen Correspondence and Issues**

On October 11, 2005, adjacent and confronting owners were notified of the submittal of the Ashton Estates preliminary plan to MNCPPC for review. There have not been any letters of

concern sent by citizens or citizen groups in regards to this application as of the date of this report. Issues raised in the previous hearing are discussed above.

## **CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Sandy Spring/Ashton 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 Map

Attachment B – Proposed Development Plan

Attachment C – Agricultural Declaration of Intent

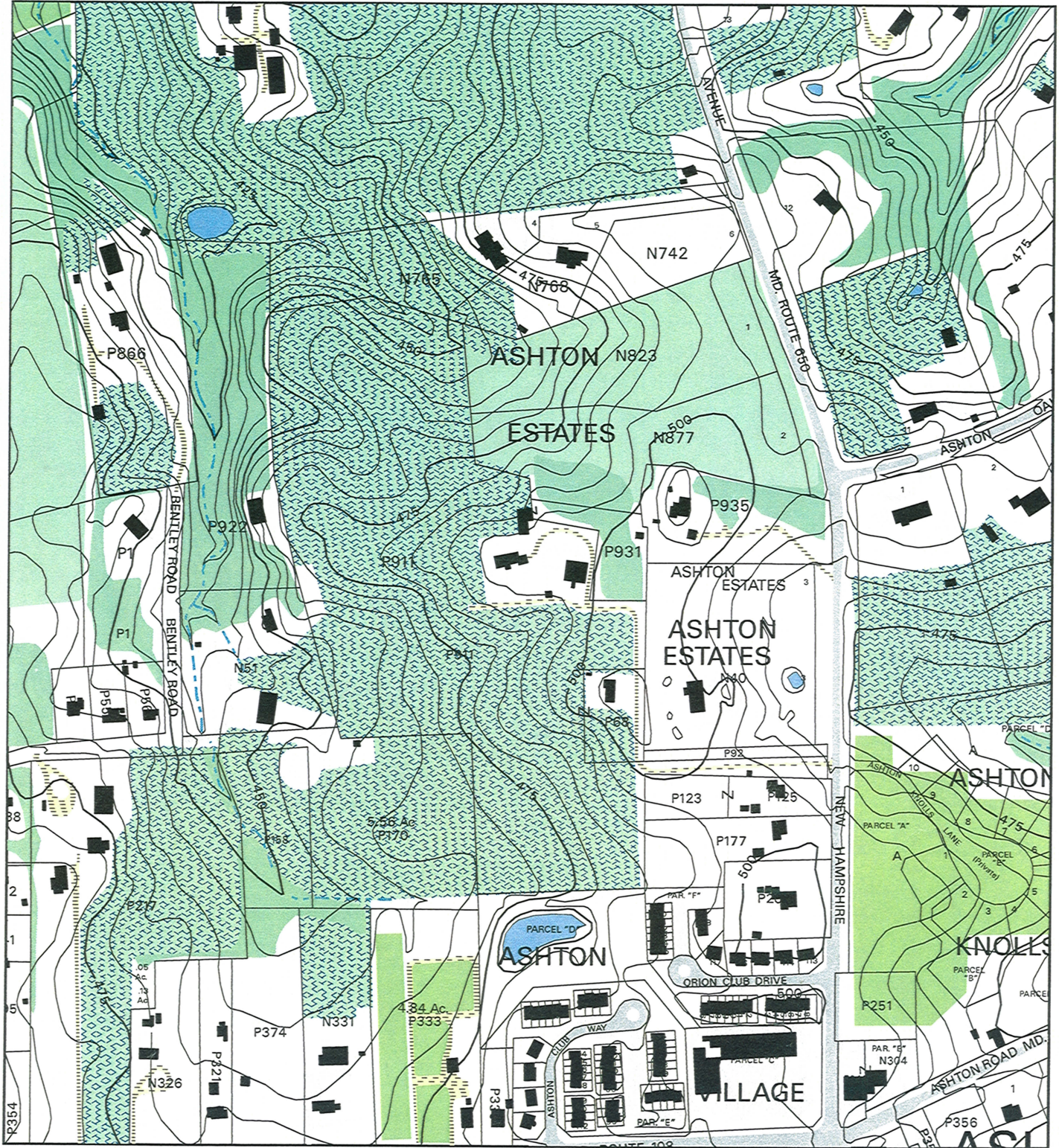
Attachment D – Agency Correspondence

TABLE 1: Plan Checklist and Data Table

<b>Plan Name: Ashton Estates</b>				
<b>Plan Number: 120060390</b>				
<b>Zoning: RC</b>				
<b># of Lots: 5</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Cluster</b>				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Lot Width	N/A	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Lot Frontage	25 ft.	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Setbacks				
Front	50 ft. Min.	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Side	20 ft. Min./40 ft. total	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Rear	35 ft. Min.	Must meet minimum	<i>EB</i>	<u>5/31/07</u>
Height	50 ft. Max.	May not exceed maximum	<i>EB</i>	<u>5/31/07</u>
Max Resid'l d.u. or Comm'l s.f. per Zoning	5 dwelling units	5 dwelling units	<i>EB</i>	<u>5/31/07</u>
Open Space	60% Min.	61.0%	<i>EB</i>	<u>5/31/07</u>
Impervious Surfaces for PMA	10% Max.	6.1%	<i>EB</i>	<u>5/31/07</u>
Site Plan Req'd?	No			
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street	Yes		<i>EB</i>	<u>5/31/07</u>
Road dedication and frontage improvements	Yes		Agency letter	3/6/06
Environmental Guidelines	Yes		Staff memo	<u>5/15/07</u>
Forest Conservation	Yes		Staff memo	<u>5/15/07</u>
Master Plan Compliance	Yes		<i>EB</i>	<u>5/31/07</u>
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management	Yes		Agency letter	6/27/05
Water and Sewer (WSSC)	Yes		Agency Comments	10/24/05
Well and Septic	Yes		Agency letter	5/31/06
Local Area Traffic Review	N/A		Staff memo	10/24/05
Fire and Rescue	Yes		Agency letter	12/14/06
Other (parks, schools, etc.)				



# ASHTON ESTATES (1-20060390)



Map compiled on October 12, 2005 at 1:28 PM | Site located on base sheet no - 225NW01

### 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



Research & Technology Center



1 inch = 400 feet  
1 : 4800

**NEW HAMPSHIRE AVENUE  
MD. RTE. #650**  
(80' R/W)

VICINITY MAP 1"=200'

**SITE DATA**

- TOTAL AREA: 1.308,500 SQ. FT. (30.06 ACRES)
- EXISTING BUILDING: 10,000 SQ. FT. (2.28 ACRES)
- TOTAL LOTS PROPOSED: 1 LOT PER 3.5 ACRES
- MINIMUM LOT SIZE ALLOWED: 42,000 SQ. FT.
- SETBACKS: 20 FEET FRONT EACH SIDE
- REAR: 25 FEET
- OPEN SPACE ELEMENT: 16,100 SQ. FT. OF 50% OPEN SPACE
- 125 FEET AT FRONT BUILDING LINE.
- 125 FEET AT STREET LINE.

**GENERAL NOTES**

- THIS SITE LIES WITHIN THE QUINCY ELECTION DISTRICT NUMBER 8, 725 AND WARD 7-10, DISTRICT 200 (METRO AREA TRACTS), THE CLAYTON PLANNING AREA NUMBER 2.
- PRELIMINARY PLAN PL-2003.
- THIS SITE TO BE SERVED BY PUBLIC WATER AND PRIVATE SEPTIC SYSTEMS.
- WATER AND SEWER CATEGORIES: W-1, S-4.
- BOUNDARY SHOWN PER SURVEY BY THIS OFFICE.
- TOPOGRAPHY PER AIRBORNE AERIAL PHOTOGRAMMETRY SURVEY, (1" CONTOURS) AND FIELD SURVEY BY THIS OFFICE, (2" CONTOURS).
- SOIL TYPES ARE NOT SHOWN ON THIS PLAN. SEE SOILS, (NO. 104) FILED UNDER THIS PROJECT.
- STORM WATER MANAGEMENT: 1.55 INCHES PER YEAR FOR THE 1 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 2 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 5 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 10 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 25 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 50 YEAR 24 HOUR WETTED CONDITION. 1.55 INCHES PER YEAR FOR THE 100 YEAR 24 HOUR WETTED CONDITION.
- THERE ARE NO VISIBLE NATURAL FEATURES ON THIS SITE.
- LOT LAYOUT AND DIMENSIONS ARE SCALED AND ARE SUBJECT TO CHANGE ON FINAL P.L.T.

**SURVEYOR'S CERTIFICATE**

BEFORE ME, the undersigned authority, on this day personally appeared **GARY M. FOWLER**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GARY M. FOWLER  
Notary Public for the State of Maryland

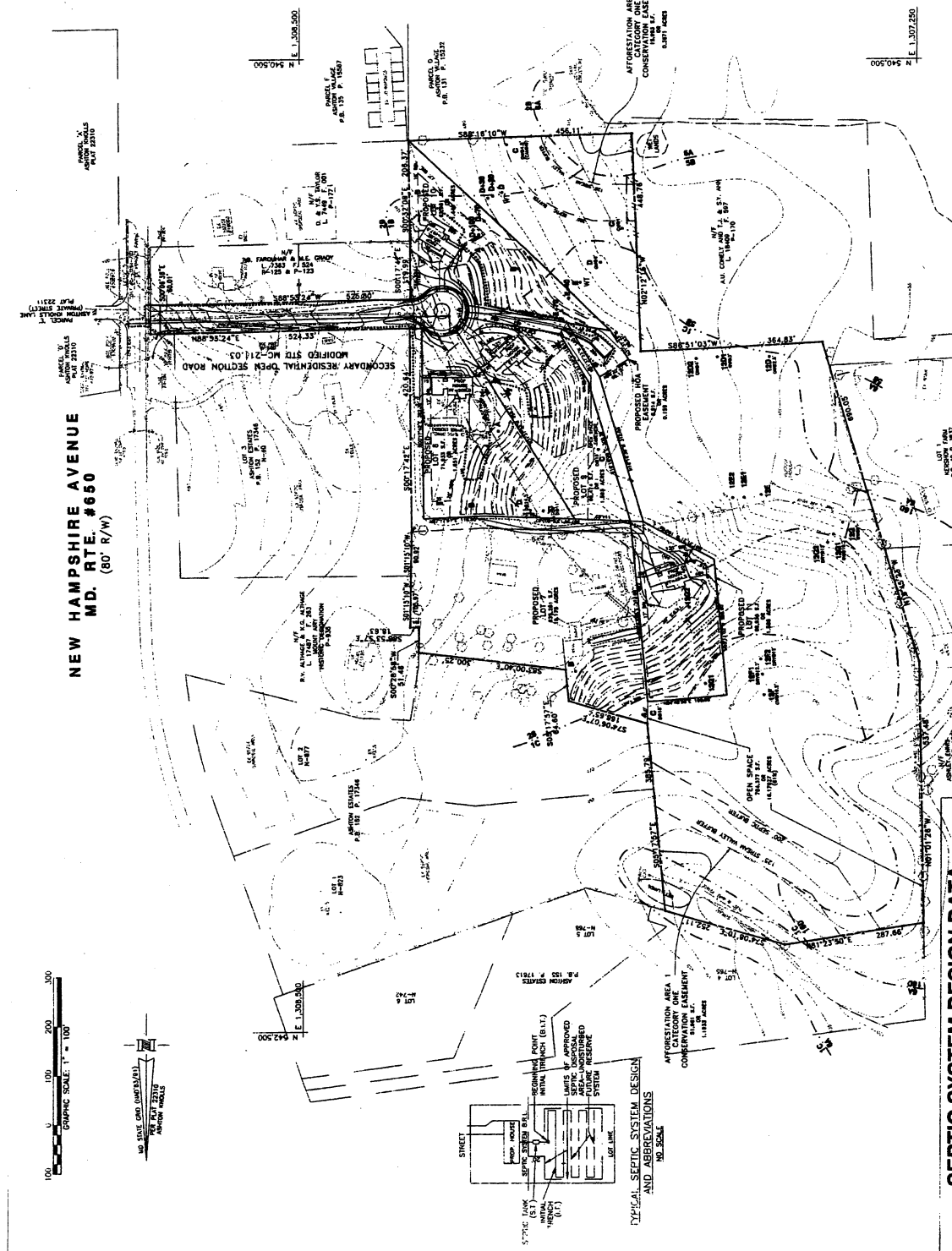
**PRELIMINARY PLAN  
PROPOSED LOTS 7 THRU 11**

PROPERTY OF CHAMBERLAIN TRUST, A TRUST AGREEMENT OF THE LOUISIANA TRUST COMPANY, INC., RECORDED IN LIBER 24001, FOLIO 789 AND CHAMBERLAIN TRUST, A TRUST AGREEMENT OF THE LOUISIANA TRUST COMPANY, INC., RECORDED IN LIBER 24001, FOLIO 790

QUINCY ELECTION DISTRICT No. 8 MONTGOMERY COUNTY, MARYLAND  
PROPERTY LINE SURVEY FOR  
WATRLAND REGISTRATION NO. 552

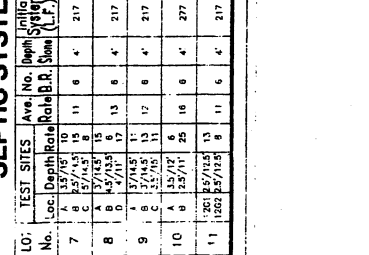
**FOWLER ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS & PLANNERS  
255 NORTH WASHINGTON STREET, SUITE 300  
ROCKVILLE, MARYLAND 20850  
(301) 762-3377

DATE: 10/27/2003  
SCALE: AS SHOWN  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]



**SEPTIC SYSTEM DESIGN DATA**

LO:	No.	Loc.	Depth (ft.)	Ave. Rate (G.P.D.)	No. of Tanks	Total Volume (G.P.D.)	Initial Inflow (G.P.D.)	Low Inflow (G.P.D.)	High Inflow (G.P.D.)	Septic Tank Inflow (G.P.D.)	Septic Tank Outflow (G.P.D.)	Inv. Comment	
													Rate (G.P.D.)
7	B	257/15	15	11	6	217	1700'	486.0	488.5	485.5	482.2	486.5	3.0' DEEP
8	B	257/15	15	13	6	217	1700'	486.0	488.5	485.5	482.2	486.5	3.0' DEEP
9	C	257/15	15	12	6	217	1700'	487.0	484.0	485.0	483.7	483.0	3.0' DEEP
10	A	257/17	25	16	0	277	1700'	491.0	488.0	489.0	487.7	488.0	3.0' DEEP
11	1202	257/15	15	8	11	6	217	1700'	484.2	483.5	483.2	482.0	3.0' DEEP

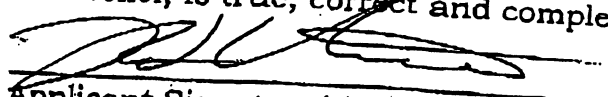


### Agricultural Declaration of Intent

I (we), Ashton Estates, LLC the Owner of real property located at 18018 NEW HAMPSHIRE AVE, ASHTON, MD and as described as PROPOSED LOTS 7-11 ASHTON ESTATES hereby declare my (our) intention to continue and/or place into commercial agricultural use the above property, in accordance with the provisions of Section 22A-5(b) of the Montgomery County Forest Conservation Law and COMAR 08.19.01.04, for a period of at least five (5) consecutive full taxable years following this date.

This declaration affirms that this property meets the exemption provisions of the Forest Conservation Law. If the land does not remain in agricultural use, the Owner must notify the Maryland-National Capital Park and Planning Commission. If the Owner makes application for an activity regulated under the Forest Conservation Law, on all or part of the parcel within the five (5) year period, the County may require the Owner to meet the forest conservation threshold established in the county law, and may also assess a noncompliance fee for forested areas cut as part of the agricultural exemption.

I (we) declare, under the penalties of law, that this declaration, including any accompanying forms or statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

  
Applicant Signature(s)

### NOTARY STATEMENT

State of Maryland, Montgomery County to wit:

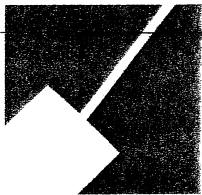
I hereby certify, that on this 28<sup>TH</sup> day of August, 2006 before the subscriber, a Notary Public of the State of Maryland, in and for Montgomery County, personally appeared Kevin Leslie Lethbridge, and acknowledged the foregoing Declaration of Intent to be his/her/their act.

[Notary Seal]



Charles A. Pollard, Jr.  
Signature of notary public  
**CHARLES A. POLLARD, JR.**  
**NOTARY PUBLIC**  
**MONTGOMERY COUNTY, MD**  
Commission Expires  
November 1, 2007

Charles A. Pollard, Jr.  
Signature of notary public  
November 1, 2007  
My commission expires




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

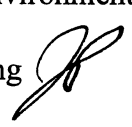
**Department of Park & Planning, Montgomery County, Maryland**  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

May 15, 2007

**TO:** Cathy Conlon, Supervisor, Development Review

**VIA:** Stephen Federline, Supervisor, Environmental Planning 

**FROM:** Josh Penn, Environmental Planning 

**SUBJECT:** Preliminary Plan: #120060390 (retake) – Ashton Estates

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This staff memo is an addition to the original Staff Memo dated October 11, 2006.

The Environmental Planning staff has reviewed additional information supplied by the applicant in regards to several issues that arose during the initial Planning Board hearing.

**DISCUSSION**

At the Planning Board hearing on January 11, 2007 several issues arose through public testimony from an adjoining neighbor in regards to 8 trees along the pipe stem access to the Ashton Estates property. In particular focus was proposed damage to the listed State Champion Japanese Maple (*Acer palmatum*).

The tree in question is technically listed as the current state champion for that species. However, the state champion list is out of date and does not coordinate with county champion tree lists. There are several counties with larger specimens of Japanese Maple (*Acer palmatum*). Montgomery County's Champion Japanese Maple (*Acer palmatum*), as per the 2005 and 2007 Montgomery County Register of champion Trees, is located on the Chevy Chase Audobon Naturalist Society's property and is slightly over 28" in diameter (DBH, or Diameter at Breast Height) with a total score of 131. The Japanese maple adjacent to the Ashton Estates project has been measured by an arborist and verified by MNCPPC staff as 16.1" DBH, in significantly poor health, and does not have a official total score because it has not been evaluated for the County Champion Tree List.

Technically, the Japanese Maple at Ashton Estates falls outside the purview of the County champion tree legislation. The definition of Champion Tree in the forest Conservation Law under section 22A-3 is as follows;

*“Champion tree means the largest tree of its species in the County, as designated by the County Forest Conservancy District Board or its designee.”*  
(emphasis added)

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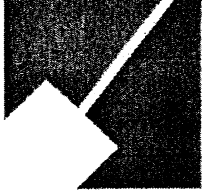
The official listing of champion trees by the County Forest Conservancy District Board is the recently-released 2007 Register of Champion Trees, and includes the 28.3” DBH japanese maple previously referenced. The 16.1” DBH japanese maple on this site is less than 60 % of the diameter of the listed county champion.

All the trees in question are accurately described in the arborist’s report dated 4/20/07 and the arborist’s report plan dated 4/25/07.

#### **STAFF RECOMMENDATION**

Environmental Planning staff supports our original recommendations, and recommends that the Planning Board accept the arborist’s evaluation as a complete and accurate assessment of the 8 trees in question. This plan does not affect any County Champion trees as defined by the Montgomery County Forest Conservation Law.

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan. The plan complies with Section 22A of the Montgomery County Code and the PMA imperviousness limitations established by the M-NCPPC Environmental Guidelines.



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

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

**MEMORANDUM**

TO: Cathy Conlon, Supervisor, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

FROM: Josh Penn, Environmental Planning

DATE: October 11, 2006

SUBJECT: Preliminary Plan: #120060390 – Ashton Estates

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

1) Compliance with all conditions of approval of the preliminary forest conservation plan per Environmental Planning memo and plan signed March 31, 2006. 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.

- 1- Submittal of financial security to M-NCPPC prior to clearing or grading.
- 2- Required site inspections by M-NCPPC enforcement staff per Section 110 of the Forest Conservation Regulations.
- 3- Maintenance and management agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.

2) Record plat of subdivision shall reflect a Category I forest conservation easement over all protected forest and environmental buffer areas as shown on the PFCP.

**DISCUSSION**

The Ashton Estates property is a 26.55-acre site northwest of the intersection of Sandy Spring Road and New Hampshire Avenue. The site is in the Use IV-P Hawlings River watershed and is within the Patuxent River Watershed Primary Management Area (PMA). There is a small part of a stream onsite along the northern property boundary. There is no forest onsite. The property is zoned RC.

### **Environmental Guidelines**

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #4-03179 was approved on December 1, 2005. The NRI/FSD identifies the environmental constraints on the subject property and areas of forest. The 26.55-acre site approximately 280 feet of stream along the northern boundary and no forest.

The Environmental Guidelines recommend a 10 percent impervious cap for all properties in the Patuxent River Watershed Primary Management Area (PMA) for which this site is located. The proposed impervious surface in this area for this site as proposed is 6.13%.

### **Forest Conservation**

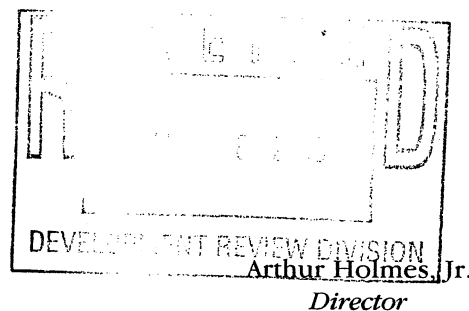
The applicant submitted a preliminary forest conservation plan as part of the preliminary plan of subdivision. Under section 22A-12(f) of the Montgomery County code properties in agricultural resource areas must plant or retain a certain percentage of the forest onsite. The applicant will meet the afforestation threshold by planting 1.56 acres of forest on the property. This forest will be permanently protected by a Category I forest conservation easement.

### **STAFF RECOMMENDATION**

Environmental Planning staff recommends approval of the preliminary plan of subdivision and the preliminary forest conservation plan. The plan complies with Section 22A of the Montgomery County Code and the PMA imperviousness limitations established by the M-NCPPC Environmental Guidelines.



DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION



Douglas M. Duncan  
*County Executive*

March 6, 2006

*Director*

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

RE: Preliminary Plan #1-20060390  
Ashton Estates

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 9/26/05. This plan was reviewed by the Development Review Committee at its meeting on 10/24/05. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.
2. Necessary dedication for New Hampshire Ave in accordance with the master plan.
3. Full width dedication and construction of the interior public street.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. Grade establishments for all new public streets and/or pedestrian paths must be approved prior to submission of the record plat.
6. Wells and septic systems cannot be located within the right of way nor slope or drainage easements.



Division of Operations

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



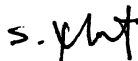
7. We did not receive complete analyses of the capacity of the downstream public storm system(s) and the impact of the post-development runoff on the system(s). As a result, we are unable to offer comments on the need for possible improvements to the system(s) by this applicant. Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to submit this study, with computations, for review and approval by DPS. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development One Hundred (100) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread and inlet efficiency computations in the impact analysis.
8. Provide waiver justification as per DPWT criteria as for why the interior public street should have a modified road section rather than standard approved DPWT section.
9. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
10. Waiver from the Montgomery County Planning Board for overlength cul-de-sac(s).
11. Private common driveways shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
12. Access and improvements along New Hampshire Ave (MD 650) as required by the Maryland State Highway Administration.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
15. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
16. Public Improvements Agreement (PIA) will be an acceptable method of ensuring construction of the required public improvements within the County right of way. The PIA details will be determined at the record plat stage. The PIA will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, shoulders, sidewalks and handicap ramps, side drainage ditches and appurtenances, and street trees along proposed public street.
  - B. Construct a cul-de-sac at the end of proposed public street.

Ms. Catherine Conlon  
Preliminary Plan No. 1-20060390  
Date March 6, 2006  
Page 3

- C. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned outstanding storm drain study. If the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DPWT Storm Drain Design Criteria.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- G. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [sam.farhadi@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



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

Enclosures ()

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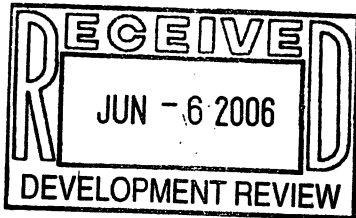
cc: Gary Fowler, Fowler Associates Inc.  
Kevin Lethbridge, JM Development, LLC  
Shahriar Etemadi; M-NCPPC Transportation Planning  
Joseph Y. Cheung; DPS Right-of-Way Permitting & Plan Review  
Christina Contreras; DPS Right-of-Way Permitting & Plan Review  
Sarah Navid; DPS Right-of-Way Permitting & Plan Review  
Gregory M. Leck, Manager, DPWT Traffic Safety Investigations and Planning Team  
Raymond Burns, MSHA



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director



MEMORANDUM

May 31, 2006

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

FROM: Robert Hubbard, Director  
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-06039, Ashton Estates, lots 7 to 11  
(incl.)

This is to notify you that the status of the plan received in this office on May 29, 2006, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
2. Public water must be provided.
3. The existing water wells on lots 7 and 8 must be abandoned and sealed- and new connections provided to the WSSC water service.
4. The existing septic system on lot 8 to be pumped, crushed, and backfilled (septic tank and seepage pit).
5. The existing overhead electrical wires and poles are to be removed from lot 8- and new connections made underground and outside the septic reserve area.

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

cc: Owner  
Surveyor  
File



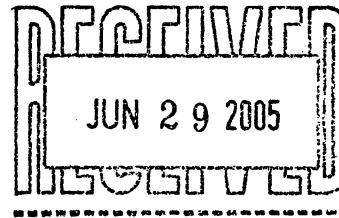


DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

June 27, 2005

Robert C. Hubbard  
Director



Mr. Gary Fowler  
Fowler Associates, Inc.  
255 North Washington Street, Suite 300  
Rockville, Maryland 20850

Re: Stormwater Management **CONCEPT** Request  
for Ashton Estates  
SM File #: 217940  
Tract Size/Zone: 26.5 Ac./ Rural  
Total Concept Area: 26.5 Ac.  
Lots/Block: 5 Lots proposed  
Parcels: 92, 68, 911, 931  
Watershed: Hawlings River

Dear Mr. Fowler:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control and recharge via nonstructural practices which include rooftop disconnect, drywells and vegetated swales. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.

This list may not be all-inclusive and may change based on available information at the time.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

