



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

**MCPB**  
**Item #**  
**2/14/08**



**MEMORANDUM**

**DATE:** February 1, 2008

**TO:** Montgomery County Planning Board

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

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** 1 lot for 1 one-family detached dwelling unit

**PROJECT NAME:** Avery Lodge

**CASE #:** 120070360

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

**ZONE:** RE-2

**LOCATION:** Approximately 160 feet southeast of the intersection of Avery Road and Southlawn Lane

**MASTER PLAN:** Upper Rock Creek

**APPLICANT:** Robert P. Bucklin

**ENGINEER:** Maddox Engineers & Surveyors, Inc.

**FILING DATE:** November 7, 2006

**HEARING DATE:** February 14, 2008

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

- 1) Approval under this preliminary plan is limited to 1 lot for 1 one-family residential dwelling unit.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) The record plat must provide for dedication of approximately 5,641 square feet of right-of-way for unimproved Laurel Street as shown on the preliminary plan.
- 4) The applicant must comply with the conditions of the MCDPS stormwater management approval dated December 20, 2006.
- 5) The applicant must comply with the conditions of the MCDPS, Well and Septic Section approval dated February 2, 2007.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated October 11, 2007 unless otherwise amended.
- 7) The applicant must satisfy provisions for access and improvements as required by MCDPWT prior to recordation of plat.
- 8) The easement agreement for access from Avery Road to the new lot must be provided at the time of record plat submission.
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board resolution.
- 10) Other necessary easements.

**SITE DESCRIPTION** (Attachment A – Vicinity Map)

The subject property "Property" or "Subject Property" consists of 2.79 acres in the RE-2 zone and is currently an unrecorded parcel. The Property, pictured on the following page, is located approximately 160 feet southeast of the intersection of Avery Road and Southlawn Lane. Right-of-way for unimproved Laurel Street is located north of the site. Surrounding zoning includes RE-2 to the north, east and west and R-200 to the south.

The Subject Property borders Rock Creek Regional Park and is located within 800 feet of Lake Bernard Frank. There are 2.60-acres of forest onsite and numerous large and specimen trees. The site is in the Rock Creek watershed, a Use IV/IV-P watershed.



## **PROJECT DESCRIPTION (Attachment B – Proposed Plan)**

The applicant proposes to record the property as 1 lot to accommodate 1 residential dwelling unit. The proposed lot will be 2.66 acres after dedication for Laurel Street is made. A gravel driveway exists on the property and is to be removed. Access is proposed from Avery Road via a private driveway. The applicant owns the adjacent property (Parcel 336) directly west of the Subject Property and has recorded a 40 foot-wide ingress/egress and utilities easement on Parcel 336 to allow for adequate access to the Subject Property. This easement is shown on the preliminary plan. The dwelling unit will be served by public water and a private standard septic system.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Upper Rock Creek Master Plan does not specifically identify the Subject Property. The Master Plan does, however, emphasize the importance of water resource protection in the area. The Subject Property is situated within close proximity to Lake Bernard Frank and the North Branch of the Rock Creek watershed. Through protection of onsite forest, stormwater management and low-density development the proposed preliminary plan mitigates impact on water resources and complies with the recommendations in the Upper Rock Creek Master Plan.

### **Public Facilities**

## Roads and Transportation Facilities

The proposed lot does 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. Laurel Street is a tertiary street, requiring 50 feet of right-of-way. The applicant proposes to dedicate approximately 5,641 square feet of additional right-of-way for a future cul-de-sac bulb for unimproved Laurel Street. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public and private improvements.

## Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling unit. The Property will be served by public water and a private standard septic system. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Gas, electrical and telecommunications services are also available to serve the Property. The preliminary plan application was submitted November 7, 2006 and is, therefore, not subject to the 2007-2009 Growth Policy. Furthermore, the Subject Property is not within a school moratorium area and is not subject to a School Facilities Payment.

## Environment

### Environmental Guidelines

The plan meets all applicable requirements for protection of environmentally sensitive areas and complies with the Environmental Guidelines.

### Forest Conservation

The applicant submitted a Preliminary Forest Conservation Plan with the Preliminary Plan of subdivision. There are 2.60-acres of existing forest on the Property. The applicant is proposing to remove 1.05 acres and retain 1.55 acres. In order to provide proper access to the Property, 0.05-acres of off-site forest will be cleared from the adjacent property to the west. All forest retained is contiguous and leaves the proposed residence a significant useable yard. The proposed forest retention satisfies the requirements of the Forest Conservation Law.

### Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the project on December 20, 2006. The concept consists of on-site water quality control by meeting all the criteria for environmentally sensitive development as detailed in the 2000 Maryland Stormwater Design Manual.

**Compliance with the Subdivision Regulations and Zoning Ordinance** (Attachment C – Agency Correspondence)

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. 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 RE-2 zone as specified in the Zoning Ordinance. The lot 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.

**Citizen Correspondence and Issues**

The applicant notified adjacent and confronting property owners and civic associations of the preliminary plan submission made to MNCPPC and provided copies of the plan, as required. This application preceded the requirement for pre-submission meetings that is currently in effect. Staff sent notice of the public hearing to these parties. No citizen concerns have been brought to the attention of MNCPPC staff as of the date of this report.

**CONCLUSION**

The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and comply with the recommendations of the Upper Rock Creek Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

**Attachments**

Attachment A – Vicinity Development Map  
Attachment B – Proposed Development Plan  
Attachment C – Agency Correspondence

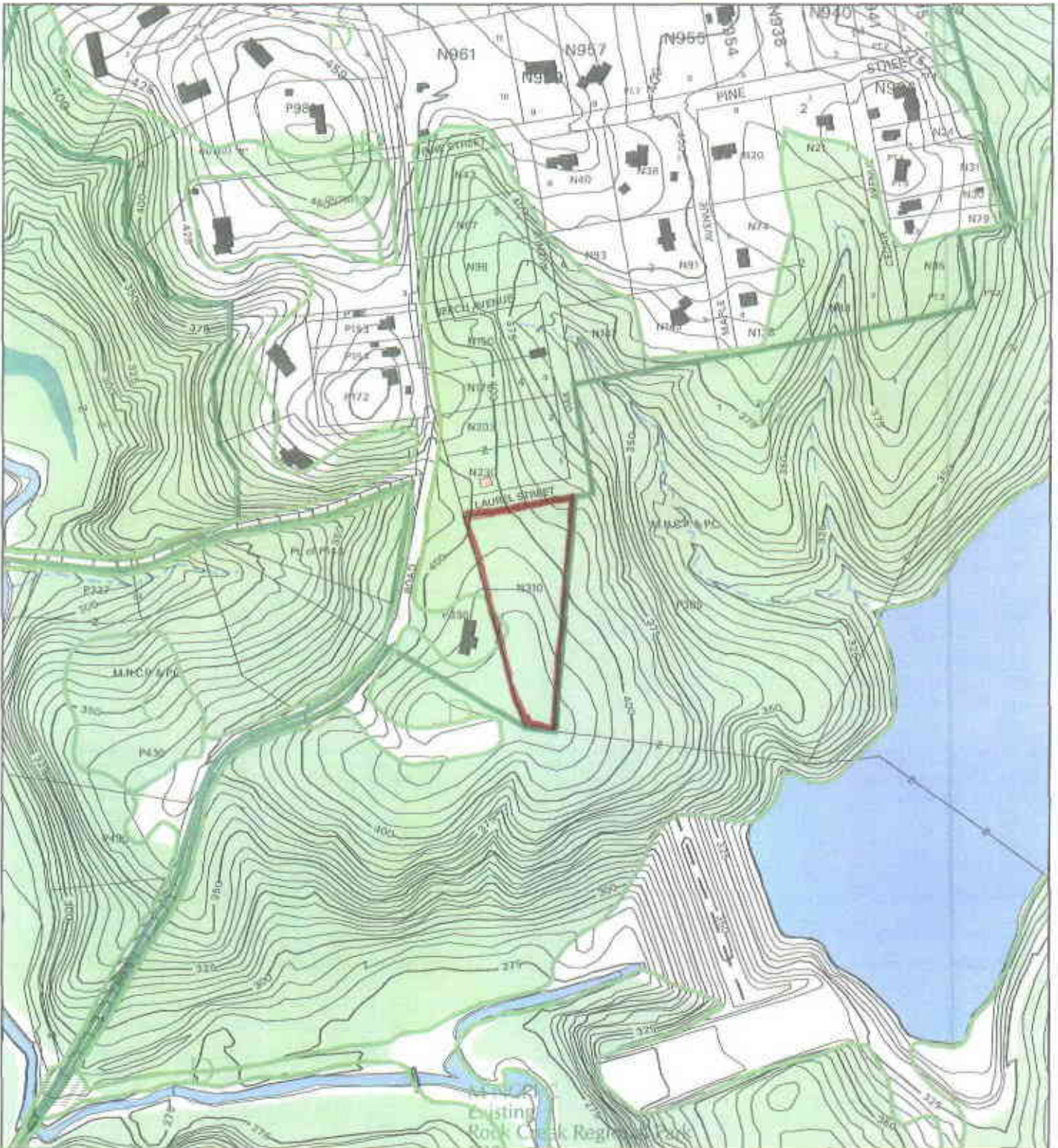


Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Avery Lodge</b>				
<b>Plan Number: 120070360</b>				
<b>Zoning: RE-2</b>				
<b># of Lots: 1</b>				
<b># of Outlots: 0</b>				
<b>Dev. Type: Standard</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	2 acres	2.66 acres is minimum proposed	EG	1/18/08
Lot Width	150 ft.	313 ft. is minimum proposed	EG	1/18/08
Lot Frontage	25 ft.	374 ft. is minimum proposed	EG	1/18/08
Setbacks				
Front	50 ft. Min.	Must meet minimum	EG	1/18/08
Side	17 ft. Min./35 ft. total	Must meet minimum	EG	1/18/08
Rear	50 ft. Min.	Must meet minimum	EG	1/18/08
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	EG	1/18/08
Max Resid'l d.u. or Comm'l s.f. per Zoning	1 dwelling unit	1 dwelling unit	EG	1/18/08
MPDUs	No		EG	1/18/08
TDRs	No		EG	1/18/08
Site Plan Req'd?	No		EG	1/18/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	EG	1/18/08
Road dedication and frontage improvements		Yes	Agency letter	10/11/07
Environmental Guidelines		Yes	Staff memo	1/22/08
Forest Conservation		Yes	Staff memo	1/22/08
Master Plan Compliance		Yes	EG	1/18/08
Other (i.e., parks, historic preservation)				
<b>ADEQUATE PUBLIC FACILITIES</b>				
Stormwater Management		Yes	Agency letter	12/20/06
Water and Sewer (WSSC)		Yes	Agency comments	12/11/06
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	12/11/06
Well and Septic		Yes	Agency letter	2/2/07
Local Area Traffic Review		N/a	Staff memo	12/11/06
Policy Area Mobility Review		N/a	Staff memo	12/11/06
Transportation Management Agreement		No	Staff memo	12/11/06
School Cluster in Moratorium?		No	EG	1/18/08
School Facilities Payment		No	EG	1/18/08
Fire and Rescue		Yes	EG	1/29/08
Other (i.e., schools)				

<sup>1</sup> As determined by MCDPS at the time of building permit.

# AVERY LODGE (120070360)



Map compiled on November 22, 2006 at 12:30 PM ; Site located on base sheet no. 220NW06

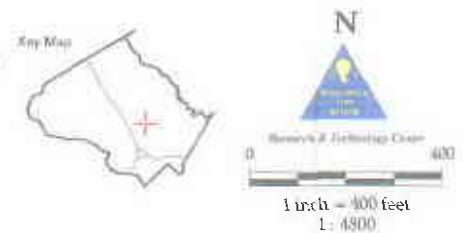
## NOTICE

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

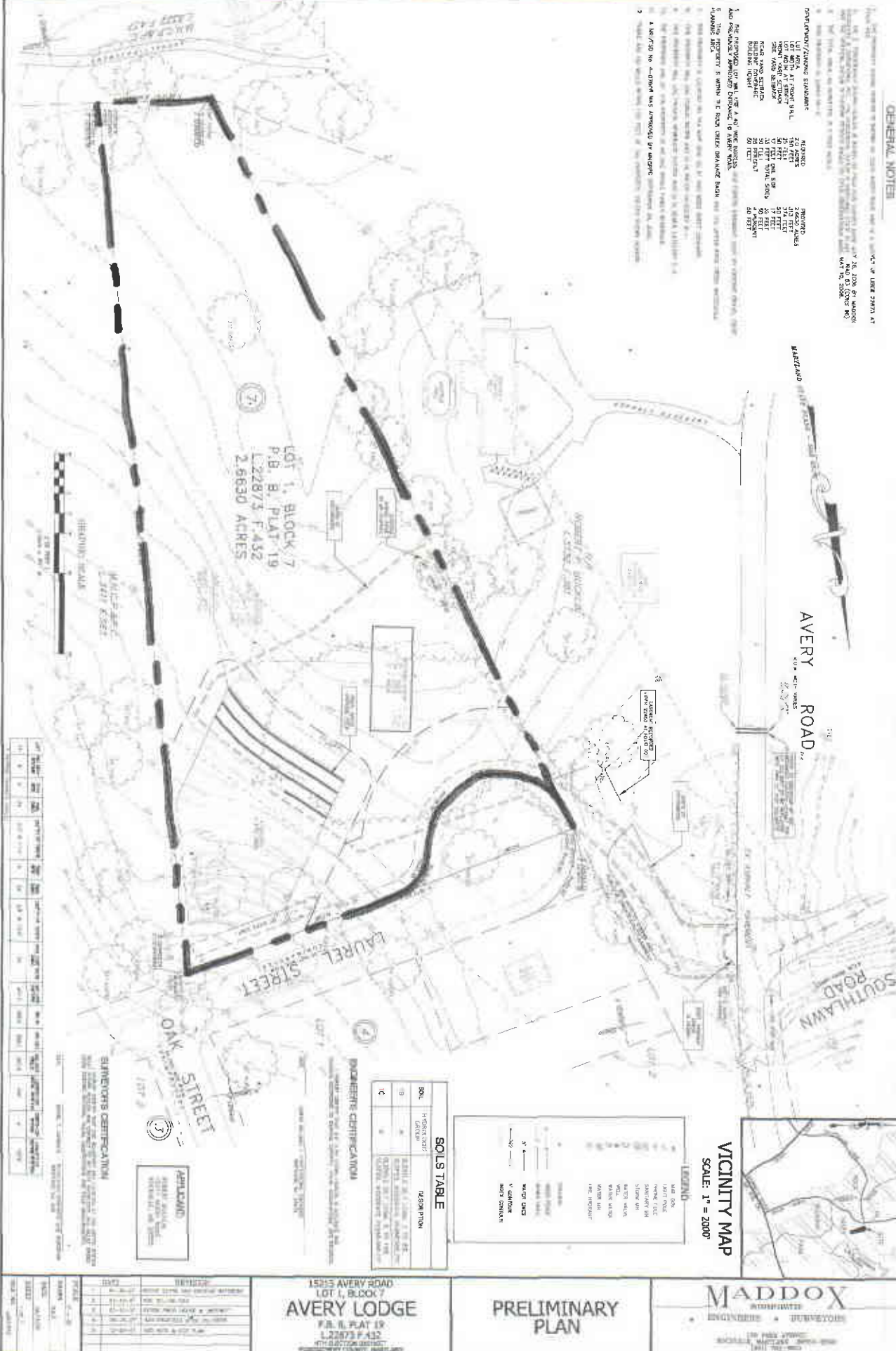
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8767 Georgia Avenue - Silver Spring, Maryland 20910-4761





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Journal of Internal Medicine 260: 233–241

REAR YARD STRAP	REQUIRED	PROVIDED
BUILDING CONCEPT	2,660 SQ. FT.	2,660 SQ. FT.
BUILDING HEIGHT	160 FEET	160 FEET
	150 FEET	150 FEET
	140 FEET	140 FEET
	130 FEET	130 FEET
	120 FEET	120 FEET
	110 FEET	110 FEET
	100 FEET	100 FEET
	90 FEET	90 FEET
	80 FEET	80 FEET
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POCAHONTAS COMMUNICATION

15215 AVERY ROAD  
LOT 1, BLOCK 7  
**AVERY LODGE**  
F.B.I. PLAT 18  
L22573 F432  
4TH BLOCK TOWN OF HUNTER

# PRELIMINARY PLAN

**MADDOX**  
ARCHITECTS  
ENGINEERS & SURVEYORS  
130 PARK STREET  
BOSTON, MASSACHUSETTS 02114  
(617) 762-8800



12/19/06 TUE 14:51 FAX 2407772080

TRAFFIC ENGR

ATTACHMENT C



## DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

Arthur Holmes, Jr.  
Director

December 19, 2006

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

RE: Preliminary Plan No. 1-20070360  
Avery Lodge

Dear Ms. Conlon:

This letter is to confirm our comments at the December 11, 2006 meeting of the Development Review Committee. While the preliminary plan application indicates that all necessary materials were submitted by the applicant, the following items were not found provided to DPWT. Therefore, we are unable to conduct our review. Consequently, we would appreciate that the plan not be scheduled for the Planning Board until these materials are provided to us and our concerns have been addressed. In our opinion, this preliminary plan submission is incomplete for the following reasons:

1. The storm drain study does not provide sufficient information on the downstream public storm drain system: where is it located, what is its capacity, pre- and post-development ten (10) year runoff, and what is the impact of the post-development runoff on that system.
2. The sight distances study has **not** been accepted. Prior to approval of the preliminary plan, the applicant's engineer will need to submit a revised sight distance certification. The revised form will need to reflect a minimum of four hundred (400) feet of sight distance in each direction or a waiver request per DPWT criteria and the rationale for it.
3. In order to establish the possible need for slope easement, the applicant's engineer is required to establish the Laurel Street profile along the property and extend it to the closest approved street grade. Once the extent of this slope easement is determined it has to be recorded with the record plat.

## Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878  
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX  
[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)



# 06031

## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

December 20, 2006

Shabriar Amiri  
Acting Director

Mr. Raymond Norris, P.E.  
Maddox Engineers and Surveyors, Inc.  
100 Park Avenue  
Rockville, Maryland 20850

Re: Stormwater Management **CONCEPT** Request  
for Avery Lodge  
Preliminary Plan #: 120070360  
SM File #: 229282  
Tract Size/Zone: 2.79 Ac./ RE-2  
Total Concept Area: 2.79 Ac.  
Lots/Block: 1 lot proposed  
Watershed: Upper Rock Creek

Dear Mr. Norris:

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 by meeting all the criteria for environmentally sensitive development as detailed in the 2000 Maryland Stormwater Design Manual. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

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

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Drywells will be **required** to meet the rooftop disconnect criteria since the slopes are greater than 5%.

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.



If you have any questions regarding these actions, please feel free to contact Mike Geier at 240-777-6342.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard R. Brush", written over a faint circular stamp.

Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:dm CN 229282.Avery Lodge.mjg.doc

cc: C. Conlon  
S. Federline  
SM File # 229282

QN -n/a; Acres: 3  
QL - onsite; Acres: 3  
Recharge is provided





DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Reginald Jetter  
Acting Director

MEMORANDUM

February 2, 2007

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

FROM: Reginald Jetter, Acting Director *RJ*  
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-20070360, Avery Lodge (Bucklin)- 1 lot

This is to notify you that the status of the plan received in this office on November 16, 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 service is required.

If you have any questions, contact Gene von Guntr

cc: Surveyor  
File

*Adrian*  
*Karen*  
*Williams*

